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SENATE—*Monday, July 12, 1971*

The Senate met at 12 o'clock noon and was called to order by the President pro tempore (Mr. ELLENDER).

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

O God, our Father, we thank Thee for bringing us to this new day with its fresh opportunities and new privileges of service. Grant us wisdom to use this day for Thy glory and the enhancement of the life of others. Spare us from wasting time on the wrong things. Cover our sins with Thy forgiveness and our mistakes with divine correction. Grant us grace, O Lord, this day to waste none of its hours; to soil none of its moments; to neglect none of its opportunities; to fail in none of its duties. Bring us to the evening time undefeated, at peace with ourselves, with our fellow men, and with Thee. This we pray for Thy name's sake. Amen.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Thursday, July 8, 1971, be dispensed with.

The PRESIDENT pro tempore. Without objection, it is so ordered.

MESSAGES FROM THE PRESIDENT—APPROVAL OF A BILL

Messages in writing from the President of the United States were communicated to the Senate by Mr. Leonard, one of his secretaries, and he announced that on July 9, 1971, the President had approved and signed the act (S. 2133) to extend the Federal Water Pollution Control Act, as amended, for 3 months.

EXECUTIVE MESSAGES REFERRED

As in executive session, the President pro tempore laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(The nominations received today, are printed at the end of Senate proceedings.)

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Berry, one of its reading clerks, announced that the House had passed the following bills of the Senate, each with amendments, in which it requested the concurrence of the Senate:

S. 581. An act to amend the Export-Import Bank Act of 1945, as amended, to allow for greater expansion of the export trade of the United States, to exclude Bank receipts and disbursements from the budget of the U.S. Government, to extend for 3 years the period within which the Bank is authorized to exercise its functions, to increase the Bank's lending authority and its authority to issue, against fractional reserves and against full reserves, insurance and guarantees, to authorize the bank to issue for purchase by any purchaser its obligations maturing subsequent to June 30, 1976, and for other purposes; and

S. 991. An act to authorize the Secretary of the Interior to continue a program of research, development, and demonstration of processes for the conversion of saline and other chemically contaminated water for beneficial use and for the treatment of saline and other chemically contaminated waste water to maintain or improve the quality of natural waters, and for other purposes.

The message also announced that the House had passed a bill (H.R. 19) to provide for a coordinated national boating safety program, in which it requested the concurrence of the Senate.

WAIVER OF THE CALL OF THE CALENDAR

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the call of the Legislative Calendar, under rule VIII, be dispensed with.

The PRESIDENT pro tempore. Without objection, it is so ordered.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that all committees be authorized to meet during the session of the Senate today.

The PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF SENATOR MOSS ON WEDNESDAY NEXT

Mr. MANSFIELD. Mr. President, I ask unanimous consent that on Wednesday next, July 14, 1971, after the conclusion of the prayer and the time allotted to the joint leadership, the distinguished Senator from Utah (Mr. Moss) be recognized for not to exceed 15 minutes to speak on the Nation's economy.

The PRESIDENT pro tempore. Without objection, it is so ordered.

WHAT IS MONTANA?

Mr. MANSFIELD. Mr. President, on June 27, 1971, the Montana Standard of Butte, Mont., issued a Standard commemorative edition which contained an editorial written by George McVey, who had retired from the Montana Standard in 1962, at which time he was the editorial director of the newspaper. That column is known as "What is Montana?"

It was first printed as an editorial by Mr. McVey in the Standard on January 26, 1956, but it is of such enduring interest and portrays Montana as it really is, that I believe the Senate should have the benefit of reading this editorial.

I, therefore, ask unanimous consent to have excerpts of this editorial printed in the RECORD, because it really is the story of Montana. I also ask unanimous consent to have the accompanying news story entitled "Editorial Goes a Long Way" printed in the RECORD.

There being no objection, the editorial and article were ordered to be printed in the RECORD, as follows:

WHAT IS MONTANA?

(EDITOR'S NOTE.—This editorial by George McVey first appeared in The Montana Standard Jan. 26, 1956).

We have been asked to define Montana. What is it? We are asked. What does it mean? Where did it come from? Who owns it? Where is it going? Who runs it?

Those are tough questions, when you attempt to answer them.

You might say: Montana is one of the biggest wheat piles in the world. It's one of the biggest copper piles. It's one of the biggest lumber piles. It's a million sacks of sugar.

It's potentially the biggest hydro-electric power house in the world. It's a silver dollar. It's one state west of the divide and one state east of the divide. There's enough waste material left over to make a third state.

Montana is Robbers' Roost. It's the Vigilantes hanging Henry Plummer. It's a million Christmas trees. It's Custer's last stand.

Montana is Lewis and Clark and Sacajewea. It's the world's largest giant spring from which flows the mighty Missouri and the turbulent Columbia.

Montana is Fort Peck dam, the largest earth-fill dam in the world. It's a cattle ranch with the front gate 30 miles from the front porch. It's a rodeo. It's a dude ranch. It's old Faithful. It's Gunsight Park. It's Going-to-the-Sun Highway.

Montana is Charlie Russell. It's the Richest Hill on Earth. It's Last Chance Gulch. It's a 50,000 mile trout stream.

Montana is Marcus Daly looking into the earth and seeing billions of dollars worth of copper.

Montana is Big Hole Basin with 10,000 haystacks.

Montana is a jewel-like mountain lake.

Montana is a miner, a cowboy, a lumberjack, a farmer, a dude rancher, an Indian, a cattle baron, a vigilante, a road agent, a fur trapper, a banker, an oil driller, an engineer, an artist, a writer, a soldier, a millionaire.

Montana is a pine tree.

Montana is a fat steer.

Montana is a gold mine, a silver mine, a copper mine, a zinc mine, a manganese mine, a lead mine. Montana is a ghost town. It's a Grasshopper Glacer. It's Yellowstone Park. It's Glacier Park.

Montana is a church spire. It's a volcano. It's a geyser. It's Hell cooled off.

It's a school. It's a boy with a dog and a fishing rod.

It's a cherry tree, an apple tree, a potato, a mustard seed, an alfalfa patch, a lovely flower.

Montana is all these things and millions more.

It's a home of some 600,000 people.

Some two millions of visitors come annually to drink in its beauty, enjoy its built-in air conditioning system, mingle with its friendly people.

When you try to add up the total of what Montana is, the column is simply too long. It can't be added.

When you attempt to define Montana you have to say it's everything and then some. Who owns it? It belongs to the ages. Who runs it? It has 600,000 operators, and there's room for 600,000 more. And it's the greatest state in the Union, if anyone asks. Any more questions?

EDITORIAL GOES A LONG WAY

One little old editorial in the Montana Standard has gone a long, long way. And it's still going.

Entitled "What is Montana?" it appeared in the Jan. 26, 1956, issue of the newspaper.

It was reprinted in such papers as the Kansas City Star, Dallas Morning News, Great Falls Tribune and over a hundred other newspapers and publications. The editorial has enjoyed a circulation of over a million. It won the then governor of Montana, J. Hugo Arnoson, the title of "Honorary Texan." It gained tremendous notoriety for the State of Montana.

The editorial is still being reprinted.

So don't write off the editorial page.

The editorial piece was the work of George McVey who, during more than 30 years as a member of the Standard's editorial staff, served the paper in a number of capacities. He retired in 1962 as editorial director of the paper.

Since retiring McVey and Mrs. McVey, the former Marie Lynch, have toured Europe and spent some time in the southern part of the country for health reasons. They still call Butte their home..

A framed copy of the editorial graces the offices of Lee Enterprises, Inc., in Davenport, Iowa. The Montana Standard is owned by Lee Enterprises. Philip D. Adler, retired president of Lee, commented on the editorial as follows:

"When I first read this tribute to Montana in a state travel folder, I thought I was reading something out of Sandburg. It deserves all the distribution we can give it."

When James J. Flaherty of Great Falls, wrote to Ted Dealey, president of the Dallas News, suggesting that his reprinting of the editorial was a very gracious act, Dealey replied that "we didn't think we were doing you any particular favor when we ran this editorial. We published it because it was a swell piece of writing and extremely interesting."

Reuben Maury, chief editorial writer of the New York Daily News, a Pulitzer prize winner and a Butte native, wrote, "I think Mr. McVey's editorial is a masterpiece."

Julian L. Hayes, public relations manager of the Anaconda Co., wrote of the Montana Centennial banquet in New York City, saying, "when Chet Huntley read it to 800 persons who attended the party, you could feel a warm glow come over the crowd. It was a glow like the first two drinks of bourbon, but without the after effect . . ."

DINNER MUST WAIT WHEN THERE IS NEWS

In the years of Butte newspapering, there has never been any trouble recruiting help when the news gets hot.

George McVey, retired editorial writer, recently recalled his first Christmas dinner as a married man.

Marie, the bride, invited all the single newsmen and those away from home to have dinner with the McVeys.

About half way through dinner, the phone rang and the reporters took off. There was a double murder.

Among those present, McVey recalls, were Bill Gammon of United Press; George Adams, now in Anaconda; Vern Haugland, now in Washington, D.C., with Associated Press, and a couple of others.

"We all came back at 3 the next morning and resumed our Christmas dinner where we left off. Marie hasn't gotten over it to this day, even after being married to a newspaperman for 36 years," McVey wrote from Phoenix, where the couple now winters.

In bestowing the rank of Honorary Texan on Gov. Aronson, Jay B. Flangman of Forth Worth, chairman of the nominating committee, said the editorial was "the best article on a state that I have ever read and tops in its way of expression."

School children of Montana read the editorial in one of their history books, the product of Ralph C. Henry of Helena. It was also reprinted in Montana magazine, the publication of the Historical Society of Montana. It was reprinted in a long list of official publications of the State of Montana.

Jack Hallowell, then state advertising director, wrote, "the editorial should open the eyes of dozens of Montanans who still are unconvinced we have anything to show visitors."

And so on and so on—one little old editorial went a long, long way.

THE LATEST NORTH VIETNAM PEACE PROPOSALS

Mr. SCOTT. Mr. President, the recent offer from Hanoi was a seven-point proposal. Two of the points frequently commented upon in the public press and on television are mentioned as though they were the only points in the program. Those two points relate to the phased withdrawal of forces and the phased release of prisoners of war. They have some positive features about them and have, of course, attracted a great deal of attention.

Some people, however, have rushed to say, "Let us embrace the entire seven-point proposal. Let us grab at it."

Mr. President, those people will be held to full accountability by public opinion because among the seven points is one in which Hanoi demands that the United States pay reparations for all the damage done in Vietnam, North and South, and pay it to Hanoi.

There is a further point, that the United States demolish, dismantle, disband all of its installations and remove all of its equipment. Therefore, if only one carbine were left in South Vietnam, Hanoi could claim that we have violated our undertakings.

Then there is, further, the demand for a coalition government, the terms of which appear to imply the setting aside of the elections of August and October.

Those who want to see the United States pay reparations to the north are saying so when they say that we should accept Hanoi's seven-point proposal.

How much wiser it would be to say, "Let us examine every aspect of this proposal. Let us see whether it is separable. Let us see how much is arrogance and how much is worth trading or negotiating.

"Let us look at all the aspects of this proposal. Let us see what might be done; but I think it is the sheerest idiocy—and no better world will suffice—the sheerest idiocy for some people to rush to the public with a statement that we should, without criticism, without modification, not merely propose a total surrender but make a statement officially by the United States that we are a guilty nation, and are prepared to pay endless amounts of money in reparations to the extent, perhaps, of billions of dollars, to an enemy simply because that enemy demands it."

There must be a limit somewhere, where commonsense replies to that kind of idiocy.

Seven points, yes—two points of which are certainly worthy of considered and careful examination, and others may be subject to negotiation. But to say that whatever the enemy offers we will take, is idiocy.

Mr. MANSFIELD. Mr. President, will the Republican leader yield?

Mr. SCOTT. I am happy to yield.

Mr. MANSFIELD. May I say to the distinguished minority leader that, like him, I believe there is a certain amount of flexibility, a certain amount of give and take, a certain amount of substance in these proposals. Certainly we all want to do what we can to bring about the withdrawal of U.S. troops by a reasonable and an expeditious date, and to bring about the release of our prisoners of war and also the identification, insofar as it is possible, of the MIA's—the Americans missing in action.

I intend to have something further to say on this matter and I am delighted that the distinguished minority leader brought the subject up at this time. When the distinguished Senator from Virginia (Mr. BYRD) completes his remarks, I shall seek recognition to continue this discussion.

Mr. SCOTT. I thank the distinguished majority leader. I know of his tremendous concern and compassion in this whole matter, and commend him for it.

Mr. President, I call to the attention of my colleagues an article by Kenneth Crawford which appeared in yesterday's Washington Post. As I have already pointed out, most of the articles which have been written on Madam Binh's seven-point proposal have dealt only with the first, that is, the offer by the

North Vietnamese to return U.S. prisoners of war on a phased basis with the withdrawal of U.S. military personnel.

Mr. Crawford discusses the other six points of North Vietnam's seven-point proposal, and I ask unanimous consent that his article, entitled "The Steep Asking Price at Paris for U.S. 'Surrender'" be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

The Steep Asking Price at Paris for U.S. "Surrender"

What Madam Nguyen Binh handed the United States delegation in Paris was not a demand for unconditional surrender. It was a demand for surrender on condition that the U.S. pay for the privilege of surrendering. The Vietcong asking price was on its face unconscionable. Unless marked down, President Nixon could not possibly pay it. No American President could.

Ambassador David Bruce made this quite clear at last week's formal session but failed to lure the Communists into more private talks to find how much, if any, markdown could be negotiated. The Communists like the propaganda odds.

They proposed: (1) That all American military personnel and equipment be removed from Vietnam by next Jan. 1, and meanwhile that hostilities be suspended and Vietnamization discontinued; (2) that the Thieu regime in Saigon be dumped in favor of an interim coalition, including, of course, the Vietcong, to conduct elections; (3) that the U.S. bear "full responsibility" for war damage in North and South Vietnam, thus accepting as an obligation the payment of reparations. The only concession the V.C. made was an undertaking to free U.S. prisoners of war.

To accept these conditions would be to turn South Vietnam over to the Communists lock, stock and barrel, with Camranh Bay and other such installations thrown in for good measure. It would be to proclaim that thousands of Americans have fought and died for nothing and that millions of dollars have been flushed into the Mekong. Many Americans contend that this is what has happened but even they may not want it proclaimed. Given a chance to think it over, most Americans would find this hard, if not impossible, to swallow.

Sen. George McGovern and others who have rushed to the microphones to urge that the administration grab at the Communist offer may have occasion to regret their impetuousness.

So far public opinion has not had much chance to take form. The proposal was thrown on the table in Paris just as the long Fourth of July weekend was starting, when news of any kind commands minimum attention. Moreover the news media, especially radio and television, have taken slight notice of six of Madam Binh's seven points—those which dangle the price tag. And the Nixon administration has, perhaps wisely, withheld analytical guidance pending "clarification" of the terms.

Madam Binh's point one—the offer to release U.S. prisoners of war gradually as U.S. military personnel and arms are withdrawn—has diverted attention from the conditions in points two through seven. And even these six points are couched in cleverly misleading language. Elections are to be fair. Democracy is to prevail. The Vietnamese will settle their own differences amicably. There will be no reprisals. Vietnam, happily reunified in due course, will be a neutral nation, on good terms with all the world, including the U.S.

This is the kind of language the Communists have used to make this kind of promise to every nation they have overrun and subjugated since the Second World War. Go back to the Soviet plan for "freeing" Poland, one of the earliest victims, in 1945, and the same combinations of plausible words will be found. What they meant then is what they mean now—that the country promised autonomy is to have satellite status, that what is called democracy will be dictatorship and that what is called freedom will be tyranny.

It has been apparent for a long time that the North Vietnamese and their Vietcong brethren meant to use the American prisoners of war as hostages, exacting as high a price as possible for their release. Mr. Nixon has played into their hands, up to a point by emphasizing the prisoner issue for his own purposes. Even so, the price, now that it has been stated, is staggering. Concern for the prisoners, who have never received the treatment normal under the Geneva conventions, whose camps have never been subject to inspection by the International Red Cross, is highly emotional. The Communists have exploited it for all it is worth.

Not only did Madam Binh wrap her conditions in it but Le Duc Tho, the highest ranking North Vietnamese in Paris, tied a bow on it by stating in an interview that point one in her proposal was separable from the other points. The U.S. could, he said, accept the prisoner-for-withdrawal deal and leave the political settlement for later. This changed nothing, though it was represented as an important concession. The North Vietnamese would naturally be happy to settle their score with the South once the South had been reduced to impotence by the withdrawal not only of U.S. personnel but of the guns U.S. forces would not be permitted to leave behind.

In spite of all this, the Nixon administration is handling Madam Binh's offer as a break in the Paris stalemate meriting exploration. Le Duc Tho has been at pains to say that the Communist position is "flexible." There are even some indications that Mr. Nixon, working through secret channels, encouraged the Communists to make their offer. At a meeting with Republican congressional leaders on June 15, he said a development that would make the Hatfield-McGovern end-the-war legislation moot was imminent in Paris.

At the same meeting Henry Kissinger, the President's foreign-affairs adviser, urged the legislators not to throw away any bargaining advantage that might be wrung from the administration's refusal to set a time certain for withdrawal on its own initiative. After all, he argued, the Communists have lost 700,000 to 800,000 men in the war, the equivalent of a loss of 10 million by the U.S., given the population differential, and were themselves war-weary.

Perhaps Leslie H. Gelb, coordinator of the team that produced the Pentagon Papers, is right when he says that the war in Vietnam is a civil conflict that can't be compromised and must be won by one side or the other. The Communists are obviously assuming that they have won and are demanding the victor's spoils even though South Vietnam remains unconquered.

Mr. Nixon's alternative, if he fails to persuade the Communists to grant terms reasonably acceptable to the U.S. and to South Vietnam, is to proceed with Vietnamization, gradually withdraw American forces and then continue to supply the South Vietnamese with enough arms to give them a chance of holding their own while trying to negotiate a settlement with the North. Unless the Communists modify their terms more drastically than they seem disposed to do, this is what he most likely will do.

ORDER OF BUSINESS

The PRESIDENT pro tempore. Under the previous order, the distinguished Senator from Virginia (Mr. Byrd) is now recognized for 15 minutes.

THE FINANCIAL SITUATION OF THE UNITED STATES

Mr. BYRD of Virginia. Mr. President, I regard the Government's financial situation as very serious. The administration has now admitted that the Federal funds deficit for the new fiscal year which began on July 1 will be the largest for any year since World War II.

The earlier estimate for the fiscal 1972 deficit in Federal funds was $23 billion. It is now admitted that the deficit will be at least $7 billion greater than that.

So it follows that the Federal funds deficit this year is going to be—at the very least—$30 billion. In my opinion it will be higher than that, but even the administration concedes that the $30 billion figure will be reached.

The admission of the higher deficit for 1972 came in testimony by Mr. Paul McCracken, chairman of the President's Council of Economic Advisers, before the Joint Economic Committee of the Congress last Thursday, July 8.

Mr. McCracken's statement followed by only a few days an admission by the Secretary of the Treasury that the deficit for the year just ended—fiscal 1971—will be "substantially higher" than had been projected only a few months earlier. He did not specify how much higher "substantially higher" will turn out to be.

But the earlier projection for the Federal funds deficit for fiscal year 1971 was $25 billion.

Thus, adding the figures for 1971 and 1972, we find that for these 2 years the total Federal funds deficit will be substantially higher than $55 billion.

Yes, Mr. President; a deficit in 2 years of $55 billion. This is a matter for grave concern, and to the Senator from Virginia it is a matter of great discouragement.

In the mail this morning I received an editorial from the Omaha, Nebr., Morning World-Herald, a strong supporter of the administration of President Nixon.

This editorial refers to statements made 3 years ago when Mr. Nixon was a candidate for the Republican nomination for President. At that time Mr. Nixon submitted to the resolutions committee of his party's national convention a statement entitled "The Threat to the American Economy."

This statement asked why prices were rising faster than they had in a generation, why the American dollar was viewed with growing suspicion abroad, why the American taxpayer was bearing the heaviest load ever, and why the purchasing power of the American worker had not risen in 2 years.

Then Mr. Nixon answered the questions he has posed:

> Because for five years this administration has refused to keep federal spending within federal means. . . . The total deficit run up in the budgets of the Johnson years will amount to more than $55 billion. This massive deficit has wracked and dislocated the economy; this massive deficit has plunged the Free World monetary system into a profound crisis of credibility.

Mr. President, those were the words of Mr. Nixon in 1968.

It is significant, I think, that the figure of $55 billion occurred in the remarks of Mr. Nixon 3 years ago and that the figure of $55 billion was used by the Senator from Virginia a few moments ago. The $55 billion figure that Mr. Nixon referred to 3 years ago was the accumulated 5-year deficit of the administration of President Johnson, which Mr. Nixon thought—and I think justly so—was the primary cause for the inflation which we experienced.

We come now to today's figure of $55 billion that I mentioned in my earlier remarks. That $55 billion total is for 2 years—fiscal 1971 and fiscal 1972—not for an accumulated 5-year deficit, but for a 2-year deficit in the administration of President Nixon. I think this is alarming and discouraging.

This 2-year figure of $55 billion sets a record for any 2-year period since World War II.

The deficit for each of these 2 years will exceed the huge deficit of $25 billion incurred by the Johnson administration in fiscal 1968. And the fact is that at the time the Nixon administration abandoned financial restraint and embarked on the so-called "expansionary" policy now being pursued, the inflationary effects of that 1968 Johnson deficit were still being felt in the economy of the United States.

Of course the figures in the headlines are not as large as the figures I am citing here today.

That is because in fiscal year 1969, the Johnson administration adopted the "unified budget" concept, which lumps together trust fund surpluses with Federal fund deficits. The effect, of course—and I submit, the intent as well—is to hide the magnitude of the real Federal fund deficits.

But trust money is earmarked money. It is not available to defray the regular operating expenses of the Government. It has no business being combined with general revenues and expenditures.

Furthermore, if we are to make valid historical comparisons—if we are to compare the current year's budgetary figures, for example, with those for the years before 1969—we must stick to the Federal funds concept. Otherwise, we are comparing apples and oranges.

And the undeniable fact is that using consistent accounting methods, we are now running the largest deficits since World War II.

Mr. President, the financial policy now being pursued by the Government is disastrous.

Not long ago, there was severe pressure on the dollar in the European money markets.

Right now, we are hearing less about this situation. But we may be sure that the pressures on the dollar have not come to an end.

I do not say that there will be an immediate run on the dollar, or that there are grounds for a panic.

But I do say this: One does not need to be an expert in internal finance to know that the dollar has been growing weaker.

There is no chance that the Government will devalue the dollar. There is no need to devalue the dollar. The dollar is devaluating itself, because of these huge accumulated deficits that the Federal Government is running.

As a result, every housewife finds that her grocery check buys less groceries. Every American housewife knows that it takes more and more dollars to buy the same amount of goods at the grocery store.

And the chief reason why the dollar is being weakened, and why the wage-earners and their families—and the housewives—in this country are confronted with steadily declining purchasing power, is the deficit financing policies of the Federal Government.

We are not going to lick inflation in this country—and we are not going to strengthen the dollar—until we set our fiscal house in order.

Until that time comes, the citizens of this country—and particularly those in the lower- and middle-economic brackets and those on fixed incomes—are going to continue to feel the cruel squeeze of inflation.

The Government owes it to the people of this country to return to a policy of financial sanity and stability.

In conclusion, Mr. President, I point out that as this huge national debt increases, and it is now at $400 billion, the annual interest on that debt in the current budget under consideration is $21.2 billion.

That is $21.2 billion just to pay the interest. That figure has doubled from $10.7 billion in 1964 to $21.2 billion for fiscal year 1972.

I am deeply concerned in regard to the Nation's financial situation and if the heavy spending and the deficit program continue, the purchasing power of the dollar of every housewife is going down and the purchasing power of the check of every wage earner is going down. The housewives and wageearners, those in the middle-economic group, those on fixed incomes, are being hurt the most. The very wealthy will take care of themselves; they have the means to take care of themselves. The people on fixed incomes, those in the middle-economic bracket and those in the lower-economic bracket, are feeling the brunt of this inflation and getting less and less for the dollars they spend.

I say that only by Congress and the President acting together, and only by Congress and the President working together with the determination to reduce these swollen expenditures of Government will inflation be brought under control.

Mr. PERCY. Mr. President, does the distinguished Senator from Virginia have any remaining time, so that I may ask a question?

Mr. BYRD of Virginia. I wish to ask the Presiding Officer if I have any time remaining.

The PRESIDENT pro tempore. The Senator has 1 minute remaining.

Mr. BYRD of Virginia. I yield to the distinguished Senator from Illinois.

Mr. PERCY. Does the distinguished Senator from Virginia feel that, with the West German Government paying less than 4 percent for its own defense and Japan paying less than 1 percent, the nuclear umbrella we hold over these countries would be cause for them to put into their defense budgets more of the cost of the common defense?

Mr. BYRD of Virginia. I agree with the Senator. I was somewhat concerned when I read this morning and yesterday that our Secretary of Defense is in Japan and stated he is going to see that this country gives Japan more armaments, and so forth. I think it is time for Germany and Japan, as the Senator from Illinois indicated, to do more in their own behalf.

I ask unanimous consent to have the full text of the editorial, from which I have quoted, printed in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

UNCHECK PROFLIGACY

Less than three years ago Richard Nixon, then an aspirant for the Republican nomination for President, submitted to the resolutions committee of his party's national convention a statement entitled "The Threat to the American Economy."

It asked why prices were rising faster than they had in a generation, why the American dollar was viewed with growing suspicion abroad, why the American taxpayer was bearing the heaviest load ever and why the purchasing power of the American worker hadn't risen in two years.

"Because," Nixon answered, "for five years this administration has refused to keep federal spending within federal means. . . . The total deficit run up in the budgets of the Johnson years will amount to more than $55 billion. This massive defict has wracked and dislocated th eeconomy; this massive deficit has plunged the Free World monetary system into a profound crisis of credibility."

These words, and others like them, may haunt Richard Nixon.

* * * * *

For the truth is that his administration is doing worse than Johnson did in keeping federal spending within federal means.

The deficits have exceeded estimates and are soaring. The Wall Street Journal reckons that the cumulative red ink of the first three Nixon years may reach $60 billion, and all signs indicate that the figure will go higher in the future.

Since early this year the administration has advocated an easy money policy and the Federal Reserve Board has gone far in that direction.

The administration's earlier efforts to fight inflation have given way to avoiding recession at almost any cost. Conservatives such as Virginia's Sen. Harry Byrd are discouraged, as might be expected.

But so is Sen. William Proxmire, D-Wis., whose liberal views on most subjects do not cloud his view of fiscal dangers. While flailing at defense and space spending, Proxmire observes that "liberals have their pork barrels, too."

TRANSACTION OF ROUTINE MORNING BUSINESS

The PRESIDENT pro tempore. Under the order previously entered, the Senate will now proceed to the transaction of routine morning business for not to exceed 30 minutes, with Senators to be recognized for not more than 3 minutes each.

THE SEVEN-POINT PROPOSAL OF THE NLF

Mr. MANSFIELD. Mr. President, over the past 10 days I have had a chance to study in detail the proposals made by Madame Binh, the chairman of the delegation of the National Liberation Front, which evidently have the full support of Xuan Thuy, the chairman of the North Vietnamese delegation. These proposals have been made with the obvious approval and, perhaps, at the instigation of Le Duc Tho, a member of the ruling committee in Hanoi who has returned to Paris after a 14-month absence.

Mr. President, I ask unanimous consent that the seven-point proposal as outlined in brief in the UPI dispatch dated July 1, 1971, be printed in the RECORD.

The **PRESIDING OFFICER** (Mr. ALLEN). Without objection, it is so ordered.

The proposal, ordered to be printed in the RECORD, is as follows:

1. A cease-fire between Communist and American forces as soon as the two sides reach agreement on the withdrawal of non-South Vietnamese troops.
2. A cease-fire between the Communist and South Vietnamese forces as soon as the Vietnamese belligerents in the South agree on the creation of a provisional tripartite government in Saigon whose main task would be organizing general elections.
3. The problem of Vietnamese armed forces, clearly meaning the presence in the South of large North Vietnamese forces, will be settled by the Vietnamese themselves.
4. The Viet Cong said that following reestablishment of peace, the country's reunification would be negotiated by the two zones without outside interference, with both South and North refusing to join any military alliances with outsiders, or allowing them to set up foreign bases.
5. A pacified South Vietnam, before its reunification with North Vietnam, would set up relations with all countries including the United States.
6. The U.S. would be held liable to pay an indemnification "for the losses and the destructions it has caused to the Vietnamese people in the two zones."
7. According to the document "the parties will find agreement on the forms of respect and international guarantee of the accords that will be concluded."

Mr. MANSFIELD. Mr. President, it appears to me that the seven-point statement, for the first time, contains elements of a breakthrough in the impasse which had marked, previously, the 118 meetings in Paris. The statement calls for a cease-fire and a mutual agreement based on the phased withdrawal of American troops—which, in any event, has been the aim of this Government for the last two and a half years—and, concurrently, the release of U.S. POW's which is also the basic aim of the administration.

As for the problem of the Vietnamese armed forces, it is proposed that settlement be by the Vietnamese themselves. It is also proposed that Vietnamese alone work out the problem of reunification. The statement notes that after a U.S. withdrawal, South Vietnam would be prepared to establish relations with all countries including the United States, an indication that some form of independence is envisioned at least into the indeterminate future. That point seems to be reinforced in point No. 7 which states—

> Parties will find agreement on the forms of respect and international guarantee of the accords that will be concluded.

Proposal No. 2 in the seven-point statement is indeterminate as to meaning. It refers to the question of an interim tripartite government, and the organizing of general elections. Presumably, negotiations could serve to clarify the implications of this point.

Proposal No. 6 relative to U.S. liability to pay an indemnity for the losses and the destruction it has caused to the Vietnamese people in the two zones clearly, is open to question.

This is the matter which the distinguished minority leader earlier this morning addressed himself to primarily. If the Binh statement were transposed—this particular language—into a postwar effort at joint rehabilitation and reconstruction, however, it might well be subject to negotiation.

In any event, my overall reaction to Madam Binh's statement is that it constitutes, for the first time, a substantial proposal. The talks at Paris—there have been no negotiations as yet—have been moved off dead center. Indeed, we may be seeing, at last, a real possibility in the outworn phrase "light at the end of the tunnel."

I can appreciate the reserved reaction on the part of the White House, but I am glad that the door is being held open. In the same way Ambassador Bruce's request that he be given time to consider the seven-point proposal is also understandable, along with his initial "yes, but" response.

Nevertheless, I hope that this "straw in the wind" will not slip away as, I am confident the administration has no intention of permitting. It seems to me that the President's probes for peace over the past several months have created this stirring, this movement, in the first place and, hopefully, out of this latest proposal will come the ways and means to bring the war to a conclusion. The final decisions remain with the President, but all of us—the Congress and the people—are, I am sure, ready and willing to sustain the efforts which he makes to achieve a negotiated peace.

Insofar as South Vietnam is concerned, any commitments which we may have had to the government in Saigon have long since been discharged. We have given to the present government and to every predecessor government after the unfortunate and tragic death of President Ngo Dinh Diem whatever support could be given for the past 17 years. As for the election which is scheduled to take place in October for the presidency, that will be the business of the Vietnamese, not ours. If the outcome is based upon a free and open contest, the results can only be respected. Whatever the outcome, our principal concern, at this point, it seems to me, must center on the American POW's and the MIA's—the missing in action. It has been proposed that we consider the situation of these Americans in juxtaposition to a phased withdrawal of U.S. forces and that these two matters be treated apart from the other considerations in the seven-point proposal. Why not? The U.S. withdrawal has already been in process for the past 2½ years. Why not speed up the withdrawal to full completion if it means, reciprocally, as indicated in the seven-point proposal that Hanoi will be willing to match it with a rapid release of all POW's.

Our primary obligation in this situation is to our own country and to our own people. That has been, is, and will continue to be the basic consideration which has underlain my own position as a Senator from Montana. In this case, the obligation has to do with the fate of the American POW's and the MIA's, as the administration has made clear many times.

There may well be in these proposals of the National Liberation Front some "light at the end of the tunnel" for these men. The proposals may also contain light for a final peace settlement. As I see it, the time to find out is now.

And, in conclusion, may I call to the attention of the Senate the latest casualty list under date of June 26, 1971:

Wounded, 300,510 Americans.

Combat dead, 45,321 Americans.

Noncombat dead, 9,622 Americans.

The total casualties in this second most costly of all the wars in which we have been engaged amount to 355,453 Americans as of June 26, 1971. Casualties, costs, drugs sum up the price we have paid. It is too much.

VIETNAM NEGOTIATIONS

Mr. PERCY. Mr. President, I should like to commend the majority leader on his very excellent statement and also for the customary moderation and tone that he has taken and for the confidence that he has expressed that the administration is not going to miss this opportunity, if it is an opportunity—and I trust that it is—for us to move ahead now to some negotiated settlement.

I do feel that the offer that has been made certainly will be given the most serious consideration and that we will want to make a counter offer. They do not expect their offer to be accepted as given, but certainly it opens the door to a counter offer. The President has always said that the proposals the administration has made were negotiable, that they were a basis for discussion. I hope that the peace proposals he set forth on October 7, 1970, which the Senate unanimously supported, will now be followed up by the very careful attention that these negotiations demand.

NATO TROOP COSTS

Mr. President, I should like to call the attention of the Senate to an article that appeared this morning in the Wall Street Journal entitled, "Germany Is Seen Ready To Pay $1.9 Billion to United States to Offset Cost of Troops There." I say to the Wall Street Journal that I read the headline with great hope, but as I read the article I believe the headline writer has overstated the contents of the article itself. I did not read anywhere in the article that West Germany stood ready to pay $1.9 billion to the United States to offset the cost of the troops stationed in Germany.

The article did indicate that West Germany would make direct cash payments to the American Government out of its regular budget totaling $218 million over the next 2 years and that an additional $98 million would be earmarked as German payment for renovation of American barracks and American airfields in West Germany. That is sensible. We obviously have no intention of bringing the airfields or the barracks back to the United States.

But that adds up to only $316 million. The total figures of the Department of Defense for our balance-of-payments deficit are $2.4 billion over the next 2 years. That would mean a net deficit of $2.084 billion. The article points out that West Germany is willing to discuss more loans. But even if they are interest-free loans, this is unsatisfactory. Even if the interest charge is 2.5 or 3 percent, these are still obligations that must be paid back. They are not budgetary items. They are obligations of the U.S. Government to pay Germany back for the privilege of sharing the common defense effort.

I trust that the administration will reject this offer and make a more realistic counterproposal that will take more fully into account factors well known to both sides.

Mr. AIKEN. Mr. President, I am sure the country as a whole will be pleased by the remarks just made by the Senator from Montana, the majority leader of the Senate, and I hope very earnestly that all members of the legislative branch and the executive branch of the Government will give equal heed.

I can well understand the reluctance of the President to take any unusual or precipitate action at this time which might be interpreted as an effort to influence the South Vietnamese election which is slated for October. However, I feel that the steady withdrawal of our troops even at the present rate will not interfere in any way with the election of that country, and by the time that election takes place there will be a little under 200,000 of our troops left, indicating a withdrawal of almost 350,000 in the last 2 or 3 years, which should be to the credit of the President.

I have noted, however, that in his last public press conferences, the President has placed emphasis upon a statement which he contemplates making on November 15. I hope that when he makes that statement he will indicate very cleary to the people of this country and the rest of the world that we intend to bring our affairs of war in Southeast Asia to a conclusion by the 1st of next July.

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. AIKEN. I yield.

Mr. MANSFIELD. I think one of the interesting points in the seven-point proposal of Madam Binh is No. 1, and I read it:

> A cease-fire between Communist and American forces as soon as the two sides reach agreement on the withdrawal of—

And note this—

> non-South Vietnamese troops.

As I interpret point one, it means withdrawal of all troops, including the North Vietnamese, if and when a cease-fire is arrived at and an agreement reached.

Mr. AIKEN. I understand that is true. I also believe I read in one of the press reports this morning that North Vietnam has indicated that it does not intend, after the war is over, to undertake to influence the South Vietnamese. Now, I do not know whether that is correct or not. I hope it is. But it seems to me that if both North Vietnam and the United States complete withdrawal and adhere to any resolution not to interfere with the right of that country to govern itself, then we will have lived up to the agreement ourselves, and if the South Vietnamese see fit to have trouble among themselves, that is their business and not ours, or that of any other country, either.

The PRESIDING OFFICER. Is there further morning business?

QUORUM CALL

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF SENATORS GAMBRELL, ALLOTT, BROCK, BUCKLEY, DOLE, AND ROTH ON WEDNESDAY

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that on Wednesday, immediately following the remarks of the distinguished Senator from Utah (Mr. Moss), the distinguished junior Senator from Georgia (Mr. GAMBRELL) be recognized for not to exceed 15 minutes, and that he be followed by the following Senators in the order stated, each to be recognized for not to exceed 15 minutes: Messrs. ALLOTT, BROCK, BUCKLEY, DOLE and ROTH.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE VANISHING PACIFICATION FUNDS

Mr. BYRD of Virginia. Mr. President, the Senator from Illinois (Mr. PERCY) has called for an investigation pursuant to the General Accounting Office report that it is unable to account for $1.7 billion in Vietnam pacification funds. The Senator from Illinois points out that the GAO, which is congressional watchdog, has said it can account for only $339.2 million of a $2.1 billion appropriation for the pacification program in Vietnam for the fiscal years 1968 through 1970.

Mr. President, I join with the Senator from Illinois in seeking an investigation of what happened to all of that money. It is rather fantastic, I think, that the taxpayers of this country would send to Vietnam for a program of that type $2.1 billion, and yet the proper auditing agency finds itself unable to account for $1.7 billion of that sum. I think that is highly significant. I think it is important, before more tax money is doled out all over the world, that we make sure that the money can be appropriately accounted for.

Mr. President, there is only one place the Government can get funds to send around the world or to use for its own domestic purposes, for that matter, and that is from the pockets of the wage earners of our Nation. If the wage earners of our Nation are going to be called upon to send $2.1 billion to Southeast Asia for a pacification program, then the Government has an obligation to see that that $2.1 billion is spent properly and for the purpose for which it was appropriated and sent to that area.

Yet we are told by the General Accounting Office, a reliable agency of the Government, that it is unable to locate or to find out what happened to $1.7 billion of that $2.1 billion—in other words, virtually the entire sum. Virtually the entire sum is unaccounted for. I agree with the Senator from Illinois that there should be a full investigation of this matter, to track down what happened to that $1.7 billion.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

FEDERAL BOAT SAFETY ACT OF 1971

Mr. MANSFIELD. Mr. President, I ask that the Chair lay before the Senate a message from the House of Representatives on H.R. 19.

The PRESIDING OFFICER laid before the Senate the message from the House of Representatives on H.R. 19, an act to provide for a coordinated national boating safety program, which was read twice by its title.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 19.

The PRESIDING OFFICER. Is there objection?

There being no objection, the Senate proceeded to consider the bill.

Mr. MANSFIELD. I move that all after the enacting clause of H.R. 19 be stricken, and that the language of S. 696 as reported by the Committee on Commerce with amendments be substituted in lieu thereof.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Montana.

The motion was agreed to.

The PRESIDING OFFICER. The question is on the engrossment of the amendment and the third reading of the bill.

The amendment was ordered to be engrossed and the bill to be read the third time.

The bill (H.R. 19) was passed.

Mr. MANSFIELD. I ask unanimous consent that Calendar No. 240, S. 696, be indefinitely postponed.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE MEETING DURING SENATE SESSION

Mr. SPARKMAN. Mr. President, I ask unanimous consent that the Committee on Banking, Housing and Urban Affairs be permitted to meet during the session of the Senate today.

The PRESIDING OFFICER. That permission has already been granted as to all committees.

QUORUM CALL

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR ADJOURNMENT UNTIL 10 A.M. WEDNESDAY, JULY 14, 1971

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stands in adjournment until 10 o'clock on Wednesday morning next.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD. I make this request with the proviso that we finish action on the International Wheat Agreement and the McGee resolution today. If that is done, it is to be hoped that the appropriate committees will meet tomorrow, so that later this week the Senate will be in a position to consider three, possibly four, appropriation bills. The calendar is pretty clean.

The appropriations subcommittees are working diligently. Mark-ups will begin today or tomorrow, and we anticipate that there will be votes on Wednesday, Thursday, and Friday of this week, as the distinguished deputy majority leader announced in the whip notice he sent out over the weekend.

We hope to get some unanimous consent agreements on the AEC authorization bill and the two health bills which should be ready for consideration by Wednesday, and hopefully those agreements will be arrived at later today.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

The PRESIDENT pro tempore laid before the Senate the following letters, which were referred as indicated:

PROPOSED AMENDMENT TO BUDGET REQUEST FOR DEPARTMENT OF TRANSPORTATION, 1972 (S. Doc. No. 92–30)

A communication from the President of the United States submitting proposed amended appropriations for the Department of Transportation for the fiscal year 1972 to decrease budget authority $176,500,000 (with accompanying papers); to the Committee on Appropriations, and ordered to be printed.

REPORT OF DEPARTMENT OF DEFENSE PROCUREMENT FROM SMALL AND OTHER BUSINESS FIRMS

A letter from the Assistant Secretary of Defense (Installations and Logistics), transmitting, pursuant to law, a report of Department of Defense Procurement from Small and Other Business Firms, for the period July 1970–April 1971 (with an accompanying report); to the Committee on Banking, Housing and Urban Affairs.

LIST OF REPORTS OF GENERAL ACCOUNTING OFFICE

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a list of reports of the General Accounting Office, for the month of June, 1971 (with accompanying papers); to the Committee on Government Operations.

REPORT OF COMPTROLLER GENERAL

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on Assessment of the Teacher Corps Program at the University of Southern California and Participating Schools in Los Angeles and Riverside Counties, Office of Education, Department of Health, Education, and Welfare, dated July 9, 1971 (with an accompanying report); to the Committee on Government Operations.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. COOK, from the Committee on Commerce, with amendments:

S. 664. A bill to amend the Uniform Time Act of 1966 to provide that daylight saving time be used from Memorial Day to Labor Day, together with minority views (Rept. No. 92–250).

By Mr. KENNEDY, from the Committee on Labor and Public Welfare, with an amendment:

S. 934. A bill to amend title VII of the Public Health Service Act to expand and improve our Nation's resources for the training of physicians, dentists, optometrists, pharmacists, podiatrists, veterinarians, and professional public health personnel, and for other purposes (Rept. No. 92–251).

By Mr. KENNEDY, from the Committee on Labor and Public Welfare, with an amendment:

S. 1747. A bill to amend title VIII of the Public Health Service Act to extend, expand, and improve the various programs thereunder relating to nurse training, and for other purposes (Rept. No. 92–252).

EXECUTIVE REPORTS OF COMMITTEES

As in executive session,

The following favorable reports of nominations were submitted:

By Mr. ALLOTT, from the Committee on Interior and Insular Affairs:

Richard Stockwell Bodman, of California, to be an Assistant Secretary of the Interior.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first time and, by unanimous consent, the second time, and referred as indicated:

By Mr. JACKSON (for himself and Mr. ALLOTT) (by request):

S. 2236. A bill to provide for the reconveyance to the original Indian grantors, their heirs or devisees, lands donated or conveyed for a nominal consideration to Indian tribes when surplus to tribal needs;

S. 2237. A bill to establish within the Department of the Interior the Indian Business Development Program to stimulate Indian entrepreneurship and employment and for other purposes;

S. 2238. A bill to amend acts entitled "An Act authorizing the Secretary of the Interior to arrange with States or Territories for the education, medical attention, relief of distress, and social welfare of Indians, and for other purposes," and "To transfer the maintenance and operation of hospital and health facilities for Indians to the Public Health Service, and for other purposes," and for other purposes; and

S. 2239. A bill to declare that the United States holds certain lands in trust for the Minnesota Chippewa Tribe, Minnesota. Referred to the Committee on Interior and Insular Affairs.

By Mr. CRANSTON:

S. 2240. A bill to amend the Voting Rights Act of 1965 to provide for the registration of students at the institutions of higher education where they are in attendance. Referred to the Committee on the Judiciary.

By Mr. CRANSTON (for himself and Mr. TUNNEY):

S. 2241. A bill to provide for the establishment of the San Francisco Bay National Wildlife Refuge. Referred to the Committee on Commerce.

By Mr. SPARKMAN:

S. 2242. A bill to shorten the period of creditable service required in order for a Federal employee to be entitled to life insurance coverage after retirement. Referred to the Committee on Post Office and Civil Service.

By Mr. SPARKMAN (for himself and Mr. ALLEN):

S. 2243. A bill to authorize the Secretary of Commerce to transfer surplus Liberty ships to States for use in marine life conservation programs. Referred to the Committee on Commerce.

By Mr. ALLEN:

S. 2244. A bill to amend title II of the Social Security Act to provide that a beneficiary who dies shall (if otherwise qualified) be entitled to a prorated benefit for the month of his death. Referred to the Committee on Finance.

By Mr. PEARSON:

S. 2245. A bill to authorize the issuance of a special series of savings bonds, the interest on which would be protected against increases in the cost of living, for purchase by individuals who have attained age 65. Referred to the Committee on Finance.

By Mr. STEVENSON (for himself and Mr. JAVITS):

S. 2246. A bill to permit the Federal Reserve Board to guarantee loans to necessitous firms which are affected with the public interest. Referred to the Committee on Banking, Housing and Urban Affairs.

By Mr. ERVIN:

S. 2247. A bill to further insure due process in the administrative discharge procedure followed by the Armed Forces. Referred to the Committee on Armed Services.

By Mr. ANDERSON (by request):

S. 2248. A bill to authorize the Secretary of the Interior to engage in feasibility investigations of certain water resource developments; and

S. 2249. A bill to amend the Act of August 9, 1955, to authorize longer term leases of Indian lands located outside the boundaries of Indian reservations in New Mexico. Referred to the Committee on Interior and Insular Affairs.

By Mr. ANDERSON (for himself, Mr. Fannin, Mr. Goldwater, and Mr. Montoya):

S. 2250. A bill to authorize grants for the Navajo Community College, and for other purposes. Referred to the Committee on Interior and Insular Affairs.

By Mr. CASE:

S. 2251. A bill to provide that the President notify Congress of his intention to exercise certain special authorities under the Foreign Assistance Act of 1961;

S. 2252. A bill limiting the total amount of excess defense articles that all Government agencies may make available to foreign countries;

S. 2253. A bill to require specific congressional authorization before funds may be made available to finance military operations outside the borders of the country of the government or persons receiving such funds; and

S. 2254. A bill to limit all Government agencies with respect to the use of funds for certain activities conducted outside the United States. Referred to the Committee on Foreign Relations.

By Mr. BROCK:

S. 2255. A bill to amend the Internal Revenue Code of 1954 to provide for reasonable additions to bad debt reserves for qualifying real property loans by banks comparable to such additions by cetrain other financial institutions. Referred to the Committee on Finance.

By Mr. METCALF (for himself and Mr. Mansfield):

S. 2256. A bill to amend section 4263 of the Internal Revenue Code of 1954 (relating to taxes on transportation by air) to exempt from such taxes the transportation of smoke jumpers. Referred to the Committee on Finance.

By Mr. TAFT:

S. 2257. A bill for the relief of Doctor Alexander Adamovitch. Referred to the Committee on the Judiciary.

By Mr. GRIFFIN:

S. 2258. A bill to permit coordination and cooperation in accelerated research and development of devices and equipment to meet government standards for motor vehicle exhaust emissions and abatement of air pollution. Referred to the Committee on the Judiciary.

By Mr. PROUTY:

S. 2259. A bill to amend the Fair Labor Standards Act of 1938, as amended, to raise the minimum wage to $2 an hour, and for other purposes. Referred to the Committee on Labor and Public Welfare.

By Mr. FULBRIGHT (by request):

S. 2260. A bill to amend further the Peace Corps Act (75 Stat. 612), as amended. Referred to the Committee on Foreign Relations.

By Mr. WILLIAMS:

S. 2261. A bill to establish a program of assistance to State and metropolitan development agencies in order to promote the provision of low- and moderate-income housing and related facilities, sound neighborhood growth and development, and the development of new job opportunities. Referred to the Committee on Banking, Housing and Urban Affairs.

By Mr. McCLELLAN (by request):

S. 2262. A bill to permit a home mortgage loan by a federally insured bank to a bank examiner. Referred to the Committee on the Judiciary.

By Mr. MOSS:

S. 2263. A bill for the relief of Charles Phillip Anthony Mills. Referred to the Committee on the Judiciary.

S. 2264. A bill to amend section 601 of the Federal Aviation Act of 1958 to require the installation of collision avoidance and pilot warning indicator systems on certain aircraft, and for other purposes. Referred to the Committee on Commerce.

By Mr. FULBRIGHT:

S.J. Res. 127. A joint resolution to amend the joint resolution providing for U.S. participation in the International Bureau for the Protection of Industrial Property. Referred to the Committee on Foreign Relations.

By Mr. TOWER:

S.J. Res. 128. A joint resolution to amend title 38, United States Code, authorizing the Administrator of Veterans' Affairs to provide certain assistance in the establishment of new State medical schools; the improvement of existing medical schools affiliated with the Veterans' Administration, and to develop cooperative arrangements between institutions of higher education, hospitals, and other public or nonprofit health service institutions, and the Veterans' Administration to develop and conduct educational and training programs for health care personnel. Referred to the Committee on Veterans' Affairs.

By Mr. FANNIN (for himself, Mr. Bellmon, Mr. Cook, Mr. Curtis, Mr. Ervin, Mr. Goldwater, Mr. Jordan of Idaho, and Mr. Tower):

S.J. Res. 129. A joint resolution proposing an amendment to the Constitution of the United States requiring the submission of balanced Federal funds budgets by the President and action by the Congress to provide revenues to offset Federal funds deficits. Referred to the Committee on the Judiciary.

By Mr. BYRD of Virginia (for himself and Mr. Spong):

S.J. Res. 130. A joint resolution granting the consent of Congress to certain boundary agreements between the States of Maryland and Virginia. Referred to the Committee on the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. JACKSON (for himself and Mr. Allott) (by request):

S. 2236. A bill to provide for the reconveyance to the original Indian grantors, their heirs or devisees, lands donated or conveyed for a nominal consideration to Indian tribes when surplus to tribal needs. Referred to the Committee on Interior and Insular Affairs.

Mr. JACKSON. Mr. President, on behalf of the ranking minority member of the Committee on Interior and Insular Affairs, and myself, I send to the desk for appropriate reference a bill to provide for the reconveyance to the original Indian grantors, their heirs or devisees, lands donated or conveyed for a nominal consideration to Indian tribes when surplus to tribal needs.

This measure was submitted and recommended by the Department of the Interior, and I ask unanimous consent that the executive communication from the Assistant Secretary of the Interior accompanying this draft proposal be printed in the Record at this point in my remarks.

There being no objection, the communication was ordered to be printed in the Record, as follows:

U.S. Department of the Interior,
Washington, D.C., June 25, 1971.

Hon. Spiro T. Agnew,
President, U.S. Senate,
Washington, D.C.

Dear Mr. President: Enclosed is a draft bill, "To provide for the reconveyance to the original Indian grantors, their heirs or devisees, lands donated or conveyed for a nominal consideration to Indian tribes when surplus to tribal needs."

We recommend that the proposed bill be referred to the appropriate committee for consideration, and we recommend that the bill be enacted.

This bill authorizes the tribal governing body, with the approval of the Secretary to reconvey by appropriate deed to the original Indian grantors or to their heirs or devisees any land that was donated to a tribe when it subsequently becomes surplus to tribal needs. The Secretary would determine whether the reconveyance of land should be in trust, restricted fee, or in fee simple, which would depend upon the circumstances of each proposed reconveyance.

At the present time there are four small parcels of land that are no longer needed or used by the tribes to whom the tracts were conveyed by the Indian owners in 1936. The consideration in each instance was $1. The Sac and Fox Tribes received two tracts, and the Citizen Band of Potawatomi Indians and the Absentee-Shawnee Tribes each received one tract.

All mineral rights were reserved to the respective grantors. The purpose of these conveyances was to provide land on which community houses could be built. The need for these particular lands was brought about by the allotment of $12,000 to the Shawnee Indian Agency for the purpose of establishing an Indian rehabilitation project. The project provided for the construction of several community houses to be used for social and recreational gatherings, canning and sewing groups, health clinics, educational meetings, demonstrations, crafts workshop, etc. This project was approved subject to the condition, however, that the community houses be constructed only on tribal or Government-owned land. Since there was no tribal or Government-owned land available in the localities where it was desired to erect community houses, the owners donated these small tracts of land to their respective tribes in order that the project could be carried out.

The Sac and Fox community houses have been moved from their old sites to a new location where they can be more conveniently used by the tribal members. The Southern Potawatomi community house has been sold. The Citizen Band of Potawatomi Indians no longer uses the site on which its community house was located. The site donated to the Absentee-Shawnee Tribe was also used for a community building. It is no longer needed for this purpose. In each instance the tribal governing body by resolution has requested the Secretary of the Interior to cause the necessary legislation to be enacted by Congress to reconvey these parcels.

There are other tracts within the Shawnee Agency jurisdiction which were donated by members to local tribes for community buildings sites. It is possible that these sites may be considered for return to the grantors or their successors at a future date. Although we have not made a study of the number of instances where Indian land has been conveyed by the Indian owners to tribes for a nominal consideration, this bill would permit the Secretary to return such lands when requested to do so by the tribe.

As there is presently no authority for reconveyances of tribal lands, we believe that legislation should be enacted to permit the reconveyance of lands to the original owners or thier successors when the tribes request such action. This legislative proposal would not, however, precluded other disposition of such property by a tribe.

We suggest that the Secretary be given authority to determine whether title would be held in trust, restricted fee, or fee simple status. Factors to be considered would be the status of other land owned by the allottee or his heirs or devisees, how the mineral interests are held, and the status of lands surrounding the property to be conveyed.

The Office of Management and Budget has advised there is no objection to the presentation of this proposed legislation from the standpoint of the Administration's program.

Sincerely yours,

HARRISON LOESCH,
Assistant Secretary of the Interior.

S. 2236

A bill to provide for the reconveyance to the original Indian grantors, their heirs or devisees, lands donated or conveyed for a nominal consideration to Indian tribes when surplus to tribal needs

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That where land has been donated or conveyed for a nominal consideration by individual Indians to an Indian tribe and the land becomes excess to tribal needs, the tribal governing body may, by appropriate deed approved by the Secretary of the Interior, either convey fee simple title to the original Indian grantors, their heirs or devisees, with or without restriction against alienation, or convey title to the United States in trust for the original Indian grantors, their heirs or devisees.

By Mr. JACKSON (for himself and Mr. ALLOTT) (by request):

S. 2237. A bill to establish within the Department of the Interior the Indian Business Development Program to stimulate Indian entrepreneurship and employment and for other purposes. Refered to the Committee on Interior and Insular Affairs.

Mr. JACKSON. Mr. President, on behalf of the ranking minority member of the Committee on Interior and Insular Affairs (Mr. ALLOTT) and myself, I am introducing legislation today proposed by the administration "to establish within the Department of the Interior the Indian Business Development Program to stimulate Indian entrepreneurship and employment, and for other purposes."

The proposed measure provides for legislative approval of the Indian Business Development Program that was established by the Bureau of Indian Affairs during the 1971 fiscal year. Through an initial appropriation of $3.4 million, the Bureau has provided a variety of financial grants for Indian small businesses.

Perhaps the most significant feature of the proposal is its potential for stimulating and encouraging the development of Indian-owned small business enterprises on or near economically depressed reservation communities. Through the program provided for in the bill it will be possible to provide grants to Indian tribal members and Indian tribes in need of cash that they can obtain nowhere else to open or expand business enterprises. In addition, it will permit the Government to respond in an expeditious manner to an Indian's initiative to improve his business standing either through expansion of current business or by the financing of a new business.

Mr. President, the adverse economic conditions on Indian reservations and communities call for new and innovative approaches if Indian people are to achieve a degree of economic independence. The proposed bill, in my view, is a step in the right direction for the achievement of this objective.

I ask unanimous consent that the executive communication accompanying the draft proposal be printed at this point in my remarks.

There being no objection, the communication was ordered to be printed in the RECORD, as follows:

U.S. DEPARTMENT OF THE INTERIOR,
Washington, D.C., April 28, 1971.

Hon. SPIRO T. AGNEW,
President of the Senate,
Washington, D.C.

DEAR MR. PRESIDENT: Enclosed is a proposed bill "To establish within the Department of the Interior the Indian Business Development Program to stimulate Indian entrepreneurship and employment, and for other purposes."

We recommend that the proposed bill be referred to the appropriate committee for consideration and that it be enacted.

This proposed bill provides for legislative sanctioning of the Indian Business Development Program that was created by the Bureau of Indian Affairs to give significant encouragement to Indian-owned small business enterprises on or near reservation communities. The purpose of the Program is to provide financial grants for Indian small businesses.

The proposed bill has six sections, the first section is the Citation Section which cites the proposed bill as the "Indian Business Development Program Act".

Section 2 establishes, within the Department of the Interior, the Indian Business Development Program and sets out its purpose.

Section 3 contains definitions pertinent to the Act.

Section 4 limits any grant to a maximum of $50,000 and sets out conditions upon which the grant may be made.

Section 5 authorizes appropriations for the Program over a period of six years and sets a total amount of $75 million.

Section 6 authorizes appropriations for the purposes of this Act.

This legislation would give legislative authority to a program that has been carried on within the Bureau of Indian Affairs since August of this past year. The Indian Business Development Program was created by the Bureau of Indian Affairs and is administered by the Bureau. It was created with a $3.4 million appropriation for fiscal year 1971. The funds were appropriated for fiscal 1971 as tribal development funds and have been used for such development through the Indian Business Development Program.

The Program was designed to, and will provide grants to Indian tribal members and Indian tribes in need of cash that they can obtain nowhere else to open or expand business enterprises. Its most important feature will be its expeditious response to an Indian's initiative to improve his business standing either through expansion of a current business or by the financing of a new business.

The grants have and will continue to provide cash for Indians having insufficient equity to qualify them for small business loans from either public or private sources. The grants have been and will continue to be used to supplement business grants-in-aid from Government agencies or foundations, and to supplement business loans to arrive at the 100 percent financing need for a business venture. Most Indians have found it difficult to take advantage of the 90 percent loan guarantee programs of the Small Business Administration because most private lenders have required a 100 percent guarantee for Indian loans. The Indian Business Development Program grants have been and will be used to make up the difference for this and similar types of financing.

Grants have not been made from this Program jointly or in connection with loans from the Indian revolving funds but require a grant recipient to provide proof to the Bureau of Indian Affairs that he has obtained at least 60 percent of the cost of his business venture from outside sources. We have been able to use the resources of these outside financial institutions to make investigations of the soundness of the business ventures thereby reducing our administrative costs and allowing us to devote the entire Program to the making of grants.

In establishing the Indian Business Development Program, the Bureau of Indian Affairs outlined the basic criteria for grants under the Program and it is our intention to follow this criteria. The criteria are:

1. Ownership of the business by an Indian individual or group of Indians;
2. Location of the business on or near a reservation or Alaska Native village; and
3. Profit-making or self-sustaining business or having the potential of being profit-making or self-sustaining within the total cost of expanding or establishing such business.

In addition to the criteria set out above, the employment of Indians, one of the most underemployed groups in our country, was one of the principal purposes of the Program. We are also interested in developing profitable businesses, the profits from which would be used by Indians in funding expansion of Indian business and the development of still more Indian jobs.

In operating the grant program under the existing Program, 82% of the money has been allocated on an agency-by-agency basis with population being the principal criteria. The remaining 18% has been retained by the Commissioner of Indian Affairs for discretionary use in making grants.

In the five months that this Program has been in operation, indications of the potential of this type of Program in creating jobs and business opportunities for the Indian people has been clearly shown. Thus far, these grants offer the possibility of assisting in the formation of over 250 new Indian-owned businesses, as well as probable expansion of 150 existing businesses. It is estimated that over $16.2 million will have been generated in funds from other financial sources as a result of the grants made under this Program. The attached table which provides a tentative run-down of our experience after the second quarter of operation, indicates the potential success of this Program. Examples of the potential displayed in the attached chart, which also shows the Indian enthusiasm for the Program, is the approximately 777 applications filed requesting grants in the amount of $10,850,000, which is more than triple the amount of money allocated for this Program.

The Office of Management and Budget has advised that there is no objection to the presentation of this proposed legislation from the standpoint of the Administration's program.

Sincerely yours,

ROGERS C. B. MORTON,
Secretary of the Interior.

INDIAN BUSINESS DEVELOPMENT PROGRAM STATUS, DEC. 31, 1970

Item	Aberdeen	Albuquerque	Anadarko	Billings	Juneau	Minneapolis	Muskogee	Navajo	Phoenix	Portland	Sacramento	Central office (Choctaw, Cherokee, Miccrosukee and Seminole)	Total central and field offices	Commissioner's reserve allocation	Grand total
Initial allocation (thousands)	$426.2	$236.8	$202.8	$283.1	$250.0	$137.9	$131.9	$250.0	$442.3	$225.3	$86.1	$127.6	$2,800.0	$600.0	$3,400.0
Number of all applications received	140	43	35	67	89	31	37	40	77	76	69	18	722	55	77
Amount of IBDP requested (thousands)	$1,476.7	$874.4	$193.8	$724.0	$1,606.2	$475.9	$344.4	$913.7	$724.4	$915.6	$1,050.4	$137.6	$9,427.1	$1,423.1	$10,850.0
Number of applications approved	70	23	15	35	31	20	27	15	49	38	8	13	344	25	369
Amount IBDP obligated (thousands)	$415.1	$239.0	$190.2	$276.3	$247.3	$137.9	$97.4	$325.0	$428.1	$218.4	$61.0	$122.6	$2,718.3	$681.7	$3,400.0
Amount of IBDP expended	236.0	172.0	19.0	74.0	213.0	130.0	31.0	149.0	232.0	132.0	23.0	93.0	1,504.0	27.0	1,531.0
Other funding obtained	1,515.7	633.4	225.3	1,013.7	922.8	736.4	244.3	1,289.0	1,480.0	439.1	67.6	734.7	9,402.0	6,832.6	16,234.6
Impacts:															
Number of new businesses to be established	52	15	11	32	11	11	22	9	41	27	5	9	245	19	264
Number of businesses expanded	18	8	4	3	20	9	5	6	8	11	3	4	99	6	105
Estimated Indian employment created (MY)	600	190	93	208	170	130	220	210	305	173	34	96	2,429	951	3,380
Estimated Indian payroll generated (thousands)	$2,583.0	$477.0	$276.1	$849.1	$622.0	$395.0	$715.3	$886.4	$1,324.0	$797.3	$81.5	$718.3	$9,725.0	$1,570.0	$11,295.0
Backlog of approvable applications	29	18	1	19	20	4	4	11	11	12	6	....	135	30	165
Amount of IBDP required (thousands)	$532.8	$494.5	$13.1	$292.7	$314.6	$198.0	$197.3	$139.9	$101.3	$249.5	$93.2	....	$2,626.9	$8,090	$3,435.9
Estimated potential Indian jobs	366	173	25	117	147	42	46	66	69	66	13	....	1,130	460	1,590
Estimated potential Indian payroll (thousands)	$1,723.7	$694.2	$83.2	$516.3	$475.3	$133.8	$153.1	$293.0	$329.5	$223.0	$62.3	....	$4,787.4	$1,530.9	$6,218.0

Note: Total amount of IBDP moneys obligated, $3,400,000; estimated amount of additional capital generated, $16,200,000; estimated IBDP moneys obligated per man year, $1,000; estimated additional capital generated per man year, $4,800; IBDP moneys obligated per approved application, $9,200; IBDP moneys generated per approved application, $43,900; total request for IBDP (based on all applications received), $10,800,000.

By Mr. JACKSON (for himself and Mr. ALLOTT) (by request):

S. 2238. A bill to amend acts entitled "An Act authorizing the Secretary of the Interior to arrange with States or Territories for the education, medical attention, relief of distress, and social welfare of Indians, and for other purposes," and "To transfer the maintenance and operation of hospital and health facilities for Indians to the Public Health Service, and for other purposes," and for other purposes. Referred to the Committee on Interior and Insular Affairs.

Mr. JACKSON. Mr. President, on behalf of the ranking minority member of the Committee on Interior and Insular Affairs and myself, I send to the desk for appropriate reference a bill to amend acts entitled "An Act authorizing the Secretary of the Interior to arrange with States or Territories for the education, medical attention, relief of distress, and social welfare of Indians, and for other purposes," and "To transfer the maintenance and operation of hospital and health facilities for Indians to the Public Health Service, and for other purposes" and for other purposes.

The legislation was submitted and recommended by the Department of the Interior and I ask unanimous consent that the executive communication accompanying the draft proposal be printed in the RECORD at this point in my remarks.

There being no objection, the communication was ordered to be printed in the RECORD, as follows:

DEPARTMENT OF THE INTERIOR,
Washington, D.C., May 26, 1971.

Hon. SPIRO T. AGNEW,
President of the Senate,
Washington, D.C.

DEAR MR. PRESIDENT: Enclosed is a proposal "To amend Acts entitled 'An Act authorizing the Secretary of the Interior to arrange with States or Territories for the education, medical attention, relief of distress, and social welfare of Indians, and for other purposes', and 'To transfer the maintenance and operation of hospital and health facilities for Indians to the Public Health Service, and for other purposes' and for other purposes."

We recommend that the proposal be referred to the appropriate committee and that it be enacted.

Section 1 of the proposal amends the Act of April 16, 1934 (48 Stat. 596), as amended by the Act of June 4, 1936 (49 Stat. 1458), known as the Johnson-O'Malley Act by inserting in the Act the phrase "or with any Indian tribe, band, group, or community recognized by the Secretary,". It also strikes the word "Territory" wherever it appears in the first section of the Act because of the fact that it is no longer applicable to the Act.

Section 2 of the proposal amends the Act of August 5, 1954 (Public Law 568, 68 Stat. 674), by adding two new sections to the Act and renumbering the other sections so that they conform to the Act with the new sections. The first new section added is a new section 4 that authorizes the Secretary of Health, Education, and Welfare to contract with "any Indian tribe, band, group, or community" to carry out his health responsibility to the Indians. The second new section added by the proposal is a new section 9 that gives the Secretary of Health, Education, and Welfare the authority to detail Public Health Service personnel for the purpose of assisting an Indian tribe, band, group, or community in carrying out Indian health functions.

Section 3 of the proposal amends Paragraph (2) of section 6(a) of the Military Selective Service Act of 1967 by adding words that will allow the commissioned officers of the Public Health Service who are serving under a service agreement with the Public Health Service that credits their Public Health Service service against their military obligation under the provisions of the Selective Service Act to continue to have such credit apply against their military obligation under the provisions of the Selective Service Act while on detail to work with Indian tribes, bands, groups, or communities.

In the President's Indian message of July 8, 1970, he discusses the need to make certain that Johnson-O'Malley funds, which were designed to help Indian students, should come under the influence of the Indians as to the way that the money is spent. He therefore proposed that the Congress amend the Johnson-O'Malley Act to authorize this Department to channel funds appropriated under the Johnson-O'Malley Act directly to Indian tribes and communities. The amendment proposed in section 1 of our proposal will carry out this Presidential request. This amendment will give the Secretary of the Interior authority to contract directly with not only State and local institutions but with Indian tribes, bands, groups, or communities who run their own educational institutions. The Secretary will then be able to contract directly with these Indian tribes, bands, groups, or communities to carry out his responsibility in Indian education, agricultural assistance, and social welfare to the Indians. This will be in connection with the direction the Department has been given by the President to make every effort to ensure that Johnson-O'Malley funds which are presently directed to public school districts are actually spent to improve education of Indian children in those districts.

The amendments made by section 2 of the proposal will give the Secretary of Health, Education, and Welfare the same authority to deal with Indian tribes, bands, groups, or communities in carrying out the health functions that were transferred to the Secretary of Health, Education, and Welfare by Public Law 568 of the 83d Congress that the amendment made by section 1 of the proposal gives to the Secretary of the Interior in the areas of education, agricultural assistance, and social welfare.

Basically the amendments give the Secretary of Health, Education, and Welfare the authority to make contracts with Indian tribes, bands, groups, or communities to carry out the Indian health function that has been placed in the Secretary of Health, Education, and Welfare. In connection with this contracting authority, the Secretary is given the authority to detail personnel of the Public Health Service to work with Indian tribes, bands, groups, or communities in relation with the contracts made by them to carry out the health function.

Section 3 of the proposal is a provision that is needed as a companion to the new section 9 added to Public Law 568, 83d Congress by section 2 of this proposal. The language in section 3 continues the draft-deferred status of those commissioned officers of the Public Health Service who are detailed by the Secretary of Health, Education, and Welfare to work with Indian tribes, bands, groups, or communities in connection with transfers made by the Secretary to carry out the Indian health function. Without this amendment to the Selective Service Act, the commissioned officers of the service who are detailed to work with Indian tribes, bands, groups, or communities would lose their draft-deferred status, making the detailing of the junior officers to this work virtually impossible.

The Office of Management and Budget has advised that this legislative proposal is in accord with the program of the President.

Sincerely yours,

W. T. PECORA,
Acting Secretary of the Interior.

S. 2238

A bill to amend Acts entitled "An Act authorizing the Secretary of the Interior to arrange with States or Territories for the education, medical attention, relief of distress, and social welfare of Indians, and for other purposes", and "To transfer the maintenance and operation of hospital and health facilities for Indians to the Public Health Service, and for other purposes" and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 1 of the Act of April 16, 1934 (48 Stat. 596), as amended by the Act of June 4, 1936 (49 Stat. 1458), be amended to read as follows:

"That the Secretary of the Interior be, and hereby is, authorized, in his discretion, to enter into a contract or contracts with any State or political subdivision thereof, or with any State university, college, or school, or with any appropriate State of private corporation, agency, or institution, or with any Indian tribe, band, group, or community, recognized by the Secretary, for education, medical attention, agricultural assistance, and social welfare, including relief of distress, of Indians, through the agencies of the State, tribe, band, group, or community, or of the corporations and organizations hereinbefore named, and to expend under such contract or contracts, moneys appropriated by Congress for the education, medical attention, agricultural assistance, and social welfare, including relief of distress, of Indians in such State."

SEC. 2. The Act of August 5, 1954 (68 Stat. 674), as amended by the Act of July 31, 1959 (73 Stat. 267) is amended:

(a) by redesignating sections 4, 5, 6, and 7 as sections 5, 6, 7, and 8, respectively.

(b) by adding after section 3 of the following:

"SEC. 4. That the Secretary of Health, Education, and Welfare is authorized to contract with any Indian tribe, band, group, or community to carry out all functions, authorities, and responsibilities conferred upon him by this Act, in accordance with the Act of June 4, 1936 (49 Stat. 1458)."

(c) by adding a new section 9 at the end of the Act of August 5, 1954 (68 Stat. 674), as amended, as follows:

"SEC. 9. In accordance with section 214(d) of the Public Health Service Act, 42 U.S.C. 215(d), upon the request of any Indian tribe, band, group, or community, personnel of the service may be detailed by the Secretary for the purpose of assisting such Indian tribe, band, group, or community, in work related to the functions of the service."

SEC. 3. Paragraph (2) of section 6(a) of the Military Selective Service Act of 1967 (50 U.S.C. App. 456(a) (2)) is amended by inserting the words "or who are assigned to functions of the service in assisting Indian communities pursuant to the Act of August 5, 1954 (68 Stat. 674), as amended by the Act of July 31, 1959 (73 Stat. 267)," after the words "Environmental Science Services Administration."

By Mr. JACKSON (for himself and Mr. ALLOTT) (by request):

S. 2239. A bill to declare that the United States holds certain lands in trust for the Minnesota Chippewa Tribe, Minnesota. Referred to the Committee on Interior and Insular Affairs.

Mr. JACKSON. Mr. President, on behalf of the ranking minority member of the Committee on Interior and Insular Affairs (Mr. ALLOTT) and myself, I send to the desk for appropriate reference a bill to declare that the United States holds certain lands in trust for the Minnesota Chippewa Tribe, Minnesota.

This legislation was submitted and recommended by the Department of the Interior, and I ask unanimous consent that the executive communication accompanying the draft proposal be printed in the RECORD at this point in my remarks.

There being no objection, the communication was ordered to be printed in the RECORD, as follows:

U.S. DEPARTMENT OF THE INTERIOR,
Washington, D.C., May 10, 1971.

Hon. SPIRO T. AGNEW,
President, U.S. Senate,
Washington, D.C.

DEAR MR. PRESIDENT: There is enclosed a draft of a proposed bill "To declare that the United States holds certain lands in trust for the Minnesota Chippewa Tribe, Minnesota."

We recommend that the bill be referred to the appropriate committee for consideration, and we recommend that it be enacted.

This bill provides that two tracts of government-owner land and certain town lots will be held in trust by the United States for the Minnesota Chippewa Tribe. It also provides that the government-owned tracts are subject to the right of the United States to use the tracts and improvements as fire tower sites for so long as there is need. Section 2 of the bill provides that the Indian Claims Commission will determine the extent to which the value of the beneficial interest conveyed should or should not be set off against any claim against the United States Government determined by the Commission.

The lands to be held in trust for the Minnesota Chippewa Tribe are comprised of one 79.15-acre tract located on the Grand Portage Reservation, a 5-acre parcel located on the Nett Lake Reservation, and 11 lots reserved for government purposes and one block reserved for school purposes in the White Earth Townsite, Minnesota.

Title to the 79.15-acre tract was acquired by the United States for use as a fire tower site under a declaration of taking filed in 1938, at a cost of $395.75 which was paid from appropriated funds. This tract is still used as a fire tower site. However, we have determind that 2.5 acres are adequate for this purpose and the remaining land is surplus to our needs. The bill provides that the United States shall have the right to use the 2.5-acre parcel and improvements thereon as a fire tower site for so long as the need remains.

Improvements on this property at the present time consist of a cabin valued at $900 and a fire tower valued at $1,600. The present fair market value of the land is approximately $1,200. The land is in a completely forested area and is one of the few remaining alienated tracts within the exterior boundaries of the reservation. The tract blocks in with solid Indian ownership and its acquisition by others would adversely affect the economy of the Indians. The area is included in the overall development program plan of the reservation and would be an asset to the tribe in the development of tourism and the recreation potential of the area.

The tract of 5 acres, more or less, located on the Nett Lake Reservation was purchased by the government for a fire tower site and is still used for this purpose and as a site for a radio repeater tower for the United States Border Patrol under a revocable permit. It has been included in this legislative proposal to eliminate piecemeal legislation, such as would otherwise result when the parcel is no longer needed by the Federal Government. The bill provides that this 5-acre site and improvements shall be subject to the right of the United States to use the same for so long as the need shall remain.

The original purchase price was $25 which was paid from Indian Agency Buildings funds. Improvements consist of a cabin valued at $990 and a fire tower valued at $1,600. The land has a nominal value of $50. This 5 acres, which is in a completely forested area bounded on the west and south by Minnesota Chippewa tribal land, blocks in nicely with tribal land. It is the only remaining government-owned land on the Nett Lake Reservation. At the termination of its present use it would have only a nuisance value to adjacent landowners and could adversely affect tribal land management if declared excess and disposed of to other than the Chippewa Tribe.

Certain scattered, unimproved lots within the White Earth townsite are also included in this bill. The White Earth townsite was established on the White Earth Reservation pursuant to the Act of March 1, 1907 (34 Stat. 1032). Reserves were made for government and school purposes, and the reserved lots were dedicated to public uses by the Department on August 3, 1908. After the reserves were made most of the town lots were sold. The few remaining unsold lots in the townsite were temporarily withdrawn from disposal of any kind pursuant to Department Order of November 2, 1934. In 1966 the Department determined that the unsold town lots could be restored to tribal ownership under authority of the Indian Reorganization Act of June 18, 1934 (48 Stat. 984; 25 U.S.C. 463), but the reserved lots that had been dedicated to public use before the townsite was put up for sale could not be restored except by express congressional authorization. The unsold town lots have since been restored to the tribe.

The present value of the reserved unimproved town lots is estimated at less than $100. As they are all excess to our needs and are located in the vicinity of Indian land and Indian housing, they can be effectively utilized by the tribe.

So far as is known the lands included in this proposed bill are without value for minerals, either metalliferous or nonmetalliferous.

The proposal contains the usual langauge requiring the Indian Claims Commission to consider whether the value of the land should be set off against any claims judgment against the United States awarded by the Commission.

The Minnesota Chippewa Tribe by formal resolution requested the enactment of legislation giving the tribe the beneficial interest in these lands.

The Office of Management and Budget has advised there is no objection to the presentation of this proposed legislation from the standpoint of the administration's program.

Sincerely yours,

HARRISON LOESCH,
Assistant Secretary of the Interior.

S. 2239

A bill to declare that the United States holds certain lands in trust for the Minnesota Chippewa Tribe, Minnesota

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That all right, title, and interest of the United States in and to the following described lands are hereby declared to be held by the United States in trust for the Minnesota Chippewa Tribe, subject to all valid existing rights:

(1) Southeast quarter southwest quarter and lot 2, Section 8, Township 63 north, Range 5 east, fourth principal meridian, Minnesota, comprising 79.15 acres, subject to the right of the United States to use as a fire tower site for so long as the need shall remain a 2.5-acre parcel and improvements thereon, described as the northeast quarter southeast quarter of lot 2, Section 8, Township 63 north, Range 5 east, fourth principal meridian, Minnesota.

(2) All that portion of lot 5, Section 1, Township 64 north, Range 22 west, fourth principal meridian, Minnesota, described as commencing at a point on the line between Sections 1 and 2 located 1,402 feet south of the north section corner common to said sections, thence south along said line a distance of 660 feet, thence east a distance of 330 feet, thence north a distance of 660 feet (compass variation 6 degrees east of north), thence west a distance of 330 feet to the point of beginning, comprising 5 acres, more or less, subject to the right of the United States to use said tract and improvements for so long as the need shall remain.

(3) Lots 1 through 9 of Block 1, lot 1 of Block 15, lot 3 of Block 16, and all of Block 17 of the White Earth Townsite as shown on the townsite plat of survey approved by the Assistant Secretary of the Interior on August 3, 1908, such townsite being located in Section 23, Township 142 north, Range 41 west, fifth principal meridian, Minnesota.

SEC. 2. The Indian Claims Commission is directed to determine in accordance with the provisions of Section 2 of the Act of August 13, 1946 (60 Stat. 1050), the extent to which the value of the beneficial interest conveyed by this act should or should not be set off against any claim against the United States determined by the Commission.

By Mr. CRANSTON:

S. 2240. A bill to amend the Voting Rights Act of 1965 to provide for the registration of students at the institutions of higher education where they are in attendance. Referred to the Committee on the Judiciary.

Mr. CRANSTON. Mr. President, this week, the 26th amendment to the Constitution, granting 18- to 20-year-olds the right to vote was formally ratified into law. I see this as a great event for young Americans all over the Nation. In place of the frustrations of the past, young Americans now have a powerful opportunity to make a positive contribution toward improving our society.

The 26th amendment is an important first step in providing 18- to 20-year-olds the right to vote. Registration and residency requirements, however, create an additional barrier which could keep a large percentage of the newly enfranchised voters from casting their votes.

At present, according to the 1970 census, 3,626,000 18-, 19-, and 20-year-olds—36.2 percent of that total age group—attend colleges and universities. Of that number, the Office of Education estimates that 1,352,000 are attending schools within their own States but on campuses at least 50 miles away from their homes. Another 417,000 are attending schools 11 to 50 miles away from home. And 319,000 are going to campuses outside their home States.

Students who do not live within commuting distance of their homes, and students who attend out-of-State schools, must in most cases vote by absentee ballot. According to the Council on Voting Rights, no State will permit an out-of-State student who merely lives on campus during the academic year to vote as a resident. The bulk of 18-, 19-, and 20-year-old out-of-State students would therefore be disqualified from casting a vote where they attend school. According to the Council, most States also require in-State students who live on campus to register and vote at their parents' address—not at their campus address. On February 17, 1971, the attorney general of California ruled in an opinion that students must register at their family's address. Because of the inconvenience this would cause students, a suit has been filed in California Supreme Court to permit students to register at their campus address.

Some States will allow students to register where they establish residency by a combination of factors such as living in the State throughout the year, paying taxes, or leasing property. Even in these cases, the courts, might, however, hold that an individual under 21 cannot determine his official residence without the consent of his parents. The attorneys general of Texas and California have in fact so ruled. Unless legislation is enacted permitting these students to register on campus, they will be at a disadvantage to their 21-year and older fellows.

To vote by absentee ballot, a student generally must send a letter requesting a ballot from 2 to 3 weeks in advance of an election, take the ballot to a notary from 1 to 2 weeks before the election, and then send the ballot to the election officials at that time. This is a much more onerous procedure than merely walking or driving to the polls on election day and casting a vote. The absentee procedures therefore effectively discriminate against many student voters.

We should design our voting procedures to encourage, not discourage, the initial exercise of the franchise. Voting should be made as easy as possible for these young citizens.

Registration procedures also discriminate against newly enfranchised student voters; 249,000 college students will turn 18 this year and become eligible to vote for the first time. An additional 3.3 million 18, 19, and 20 year olds will be eligible to vote for the first time during the next 2 years. Most elections will occur during the 9-month academic year while students are away at school. These elections will provide the first major incentive for most of these students to register.

Most States allow registration only by qualified registrars residing within the State. For the 8.8 percent of students attending college out of State, there are therefore no registrars in the area where they attend school. Most States also require in-State residents to register in the county where they intend to vote, which could, in a State like California, be many hundreds of miles away. While most States have absentee registration procedures, these procedures, like absentee voting, are more onerous than ordinary registration methods.

I believe that the present registration and absentee voting requirements for out-of-State and out-of-county students either deny or abridge the voting rights recently granted by the 26th amendment. I am therefore introducing a bill which will direct States to register students qualified to vote under the 26th amendment who are attending a college or university in their State to vote for President, Vice President, Senator, or Representative to Congress. Students shall be permitted to register and vote at the campus where they are in attendance. The bill provides that any student may register to vote within 30 days of an election. This will allow a new class of students or students who have recently transferred to a college to vote in a November election.

The 1970 voting rights amendments established a clear precedent for such Federal voter standards where individuals were duly qualified residents but had not, according to State law, resided long enough to establish voting residency. This bill makes students duly qualified residents at their college campuses regardless of where their parents live.

While the bulk of students that will be benefited by this bill are in-State students attending school away from their homes, the bill will also help out-of-State students who reside in the State during election campaigns for Federal officers.

There are currently suits in 11 States which have been brought by students to permit them to vote at their college address instead of their parents' address. This bill will more directly accomplish the goals already being sought by students who have filed these suits.

Present election laws put an unfair burden on young people who are seeking an education, and who also want to participate in the political system—not wanting to sacrifice that right while securing their education.

This morning an editorial appeared in the Los Angeles Times endorsing a bill introduced in the California legislature which will do on the State level what my bill will do on the national level.

I ask unanimous consent that this editorial be printed in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

Voting Difficulty

The 18-year-old vote is the law of the land, but unfortunately California law discriminates against the younger voters. It has been held that, while a person 21 or over may register to vote wherever he pleases, unmarried persons between the ages of 18 and 21 are minors and may register to vote only at their legal residence or domicile—normally their parents' home.

That entails, for a minor living away from home to work or attend college, a complicated process of absentee registration and absentee voting. And that is bound to keep some of the more than 1 million 18-to-21-year-olds in California away from the polls.

Assemblyman Ken Meade (D-Oakland) has introduced legislation to permit minors living apart from their parents to vote where they live. The Meade bill should be passed by the Legislature and signed into law by Gov. Reagan.

By Mr. CRANSTON (for himself and Mr. Tunney):

S. 2241. A bill to provide for the establishment of the San Francisco Bay National Wildlife Refuge. Referred to the Committee on Commerce.

SAN FRANCISCO BAY NATIONAL WILDLIFE REFUGE

Mr. CRANSTON. Mr. President, I introduce for appropriate reference a bill to establish a San Francisco Bay National Wildlife Refuge. During the 91st Congress, I authored a similar bill, S. 2291. I am pleased that my colleague the distinguished junior Senator from California (Mr. Tunney) has given his support and cosponsorship to this legislation. This is the first time that a South Bay wildlife refuge bill has been sponsored by both California Senators.

A similar bill—House Resolution 111—has been introduced in the House by Congressman Don Edwards, whose district generally surrounds the proposed refuge. A bipartisan group of House Members from the bay area joined as consponsors of House Resolution 111, including Mr. Burton, Mr. Dellums, Mr. Gubser, Mr. Leggett, Mr. McCloskey, Mr. Moss and Mr. Waldie. I am particularly pleased that by introducing this bill I can support the hard work and leadership Congressman Edwards has given to the broadly based effort to make a refuge of the South Bay.

The proposal has wide support. On July 8, 1970, the California State Legislature adopted assembly joint resolution No. 4, which memorialized the Congress "to establish a national wildlife refuge for the south portion of San Francisco Bay." Other governmental agencies which have endorsed the proposed refuge include:

Bay Conservation and Development Commission.

County of Alameda Board of Supervisors.
County of Santa Clara Board of Supervisors.

County of San Mateo Board of Supervisors.
East Bay Regional Park District (Alameda and Contra Costa Counties).
Alameda Creek, Coyote Hills Aquatic Park Joint Agency.
Santa Clara County Planning Policy Committee.
County of Alameda Planning Commission.
County of Santa Clara Planning Commission.
County of San Mateo Park and Recreation Commission.
City of Albany City Council.
City of Hayward Planning Commission and City Council.
Alameda County Parks Advisory Committee.
City of Fremont Recreation Commission and City Council.
City of Milpitas City Council.
City of San Jose Goals Committee.
City of San Jose Parks and Recreation Commission and City Council.
City of Palo Alto City Council.
City of Monlo Park City Council.
City of San Mateo City Council.
City of Union City Council.
City of Santa Clara City Council.
City of Redwood City City Council.

The Department of the Interior also has strongly endorsed the concept of establishing a South Bay refuge. Last year, the Department published an artistically designed multicolor, 30-page brochure, replete with first-rate photographs of scenery and wildlife, entitled "San Francisco Bay National Wildlife Refuge." The brochure is an excellent exposition of the arguments for establishing the refuge.

Finally, there is strong community support in the bay area and throughout California. The legislation was originally developed by a citizen group, the San Francisco Baylands Planning Conservation and National Wildlife Refuge Committee, centered in Santa Clara County.

Mr. President, I know this area well, having been born and raised within sight of South San Francisco Bay. As an environmental resource San Francisco Bay is invaluable, affecting all aspects of northern California's population center, from the weather to people's disposition. Yet, the open area of the bay is steadily shrinking. The Interior Department reports that,

> Since the first explorers and settlers came, haphazard filling of its shores has shrunk the Bay from 680 to 400 square miles. If this continues, it could become an ugly sewage ditch.

The proposed area consists of shallow open water, salt marshes, tidal mudflats, and a limited amount of shoreland above the high tide mark. The tidelands are interspersed with sloughs from fresh water creeks. Much of the area consists of salt ponds, which are diked areas built to permit solar evaporation in the process of salt extraction.

A number of birds and animals threatened with extinction reside in the sloughs and marshes. The red-bellied harvest mouse, which is considered endangered, is a unique little animal who has developed the survival ability to drink salt water. The endangered California least tern and the rare California clapper rail are found here. The harbor seal, once driven out of San Francisco Bay, has established a colony of about 400 in Mowry Slough within the proposed refuge.

Moreover, the South Bay is a major stop on the Pacific Flyway, providing food and shelter for an estimated 70 percent of the water and shore birds which migrate down the Pacific Coast. A Santa Clara County Planning Department report estimates that 1 million waterfowl, mostly ducks, winter in San Francisco Bay.

The recreation and environmental education potential of the refuge is tremendous. The Department of Interior estimates that the refuge would be within 1 hour's driving time of 4 million bay area residents. In addition, the refuge would be a major addition to the Golden State's catalog of environmental wonders for the millions of Americans from throughout our Nation who annually visit California.

But equally important with the potential the refuge has as a unique and outstanding urban wildlife area is the potential for environmental disaster if we fail to take necessary steps to preserve the South Bay in its present state. The alternative to a refuge is to continue bay fill, to continue commercial and industrial development on the bay shore, to continue building residential subdivisions on filled lands in what is basically a flood plain, to continue to cram more and more people into a bay area which will grow less and less habitable because of their demands, to continue to erode by the surfet of our wants and indulgences that environment upon which our very survival depends.

This legislation will create not just a wildlife refuge, it will preserve the South Bay as a human refuge, where the values of open space and open water, of the beauty and mysteries of nature, will give sustenance and strength to those who seek relief from the antagonisms, the crowding, the pollution, the crime, and the ugliness of our urban life.

Mr. President, I ask unanimous consent that the San Francisco Bay Wildlife Refuge bill be reprinted at this place in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 2241

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior is authorized and directed to establish a national wildlife refuge to be known as the San Francisco Bay National Wildlife Refuge within the area of approximately twenty-one thousand six hundred and sixty-two acres of land located in Redwood City and Menlo Park Areas of San Mateo County; Fremont, Alameda County; and the Alviso area of San Jose, Santa Clara County, California (plus an additional one-thousand-acre buffer area on the easterly side of Steamboat and Artesian Slough) which area is more particularly described in the Department of the Interior report, dated 1970, entitled "San Francisco Bay National Wildlife Refuge".

Sec. 2. (a) For the purposes of acquiring lands, waters, or interests therein which are required for the establishment of the national wildlife refuge provided for under the first section of this Act, there are authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, such sums as may be necessary.

(b) For the purposes of carrying out the planning required for such national wildlife refuge, there are authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, $20,000 for the fiscal year ending June 30, 1972; $30,000 for the fiscal year ending June 30, 1973; and $50,000 for the fiscal year ending June 30, 1974.

(c) For the purposes of providing development funding for such national wildlife refuge, there are authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal years ending June 30, 1975, and June 30, 1976, such sums as may be necessary, but in no event to exceed $2,500,000 in any one fiscal year.

By Mr. ALLEN:

S. 2244. A bill to amend title II of the Social Security Act to provide that a beneficiary who dies shall (if otherwise qualified) be entitled to a prorated benefit for the month of his death. Referred to the Committee on Finance.

Mr. ALLEN. Mr. President, I introduce for appropriate reference, a bill to amend the Social Security Act in a minor but very important particular.

In brief, the bill amends section 202 of the act. Under provisions of this section as written, an individual's entitlement to benefits terminate with the month preceding the month in which the death of the beneficiary occurs.

The proposed amendment provides that a qualified beneficiary who dies shall be entitled to a prorated benefit for the month in which death occurs. The amount of the prorated benefit shall be determined by an equitable formula provided in section B of the proposed amendment.

Mr. President, it strikes me as somewhat ironic that at the moment when dependents of a decedent are most in need of income derived from a social security beneficiary, entitlement is terminated by law as of the end of the month preceding the month in which death of the beneficiary occurs.

It seems to me that the present arrangement is one which originally may have been shaped by considerations of administrative convenience. As such, it may be symptomatic of an all too prevalent flaw in the administration of governmental programs. It seems to me that considerations of administrative convenience serve to blind social technicians to the human condition and to human needs. In cases where administrative and human considerations conflict-administrative considerations seem to prevail. The proposed amendment will correct that flaw in this instance.

Mr. President, the amendment is neither drastic nor costly. It is recommended by a compassionate concern for the welfare of an untold number of individuals who are dependent on the income of persons receiving social security benefits.

Mr. President, I feel sure that this amendment will receive early consideration and I am confident that it will be favorably reported and passed by the Senate.

By Mr. PEARSON:

S. 2245. A bill to authorize the issuance of a special series of savings bonds, the interest on which would be protected against increases in the cost of living, for purchase by individuals who have attained age 65. Referred to the Committee on Finance.

SENIOR CITIZENS SAVINGS BOND PROGRAM

Mr. PEARSON. Mr. President, I introduce today legislation to create a senior citizens savings bond program, intended to provide aging Americans an inflation-resistent income.

Too many of our aging citizens are isolated from an involved and healthy life because of inadequate income. But all measurements, income is the No. 1 concern of the people over the age of 65. In Kansas, for example, figures obtained from a 1970 survey of 5,000 aging persons in southeast Kansas indicated the following:

Average income per month, $72.12; 46.9 percent of these people live on less than $75 per month; 41.6 percent are on welfare; 58.4 percent not on welfare; 61.1 percent live alone; 43.5 percent live on an income between $75 and $100 per month; and 9.6 percent live on more than $100.

These figures, though they may not reflect the average statewide or nationwide, do clearly indicate that we must find ways to increase the monthly income of our older citizens. And among the many needed measures is the idea that I propose today. Senior savings bonds would guarantee our senior citizens that the rising tide of prices, taxes, and medical expenses will not erode what income they do receive and what savings they have been able to accumulate.

This program would allow persons over 65 to purchase up to $15,000 (if married) or $20,000 (if not married) in senior savings bonds. The interest rate on these bonds would be adjusted yearly for the change in the Consumer Price Index for the previous year. In the case of a declining index, the interest rate would never go below the stated interest of the bond.

Mr. President, a great many Americans 65 and over have tried to prepare for their needs through savings. But without some means of resisting the inflationary increases in costs, taxes, and medical expenses, those hard-earned savings are quickly eroded. The Senate should know that 36 percent of our total aging population are below recognized poverty levels. Thirty percent of all people over 65, moreover, have less than $1,000 in assets. With such small savings, investment in the stock market or other income producing investments are just not practical. We must establish, therefore, a system to guarantee that savings of aging Americans will be protected and will provide a steady and increasing source of income.

Mr. President, only those persons over 65 would be allowed to purchase and hold these bonds. They would mature 3 years after the date on which they are issued, and be redeemable before maturity upon such terms and conditions as the Secretary of Treasury may prescribe. These bonds shall bear interest at the highest rate afforded Treasury bonds, plus the increment dictated by the rise in the Consumer Price Index.

Mr. President, I am convinced of the merits of this program. It would allow aging Americans to live without the many fears and problems caused by eroding income. It would provide a steady source of increasing and needed income. It would enable senior citizens to better obtain the dignity and security they deserve.

I ask unanimous consent that this bill be printed in the RECORD at the conclusion of my remarks.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2245

A bill to authorize the issuance of a special series of savings bonds, the interest on which would be protected against increases in the cost of living, for purchase by individuals who have attained age 65

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Second Liberty Bond Act is amended by inserting after section 22A the following new section:

"SEC. 22B (a) In addition to the United States savings bonds authorized to be issued under section 22 of this Act, and the United States retirement and savings bonds authorized to be issued under section 22A of this Act, the Secretary of the Treasury, with the approval of the President, is authorized to issue from time to time, through the Postal Service or otherwise, United States senior savings bonds, the proceeds of which shall be available to meet any public expenditures authorized by law and to retire any outstanding obligations of the United States bearing interest or issued on a discount basis. The various issues and series of United States senior savings bonds shall be in such forms, shall be offered in such amounts, subject to the limitations imposed by section 21 of this Act, and shall be issued in such manner and subject to such terms and conditions consistent with subsections (b) and (c) of this section, including any restrictions on their transfer, as the Secretary of the Treasury may from time to time prescribe.

"(b) (1) Senior savings bonds may be held by only individuals who have attained the age of 65 years. Such bonds shall be issued only on an interest-bearing basis, shall mature in three years from the date as of which issued, shall be redeemable before maturity upon such terms and conditions as the Secretary of the Treasury may prescribe, and shall be issued in such denominations as the Secretary of the Treasury may from time to time prescribe.

"(2) Senior savings bonds shall bear interest at the highest rate of interest or investment yield afforded on bonds issued under sections 22 and 22A of this Act on the date as of which issued. If, at the close of any twelve-month period after the date as of which any such bond is issued, the consumer price index (as published by the Bureau of Labor Statistics) is above the consumer price index on such date, the interest rate for the following twelve-month period shall be the stated interest rate plus the same percentage of such rate as the percentage by which the consumer price index at the close of the period exceeds the consumer price index on the date as of which issued. Interest shall be paid on such bonds at such times, but not less often than semiannually, as the Secretary of the Treasury shall prescribe.

"(3) The aggregate amount of senior savings bonds which may be held by an individual at any time shall not exceed $20,000, in the case of an unmarried individual, or $15,000, in the case of a married individual. For purposes of the preceding sentence, bonds held jointly by a husband and wife shall be treated as held one-half by each.

"(4) The Secretary of the Treasury, with the approval of the President, is authorized to provide by regulations that owners of senior savings bonds may, at their option, retain the bonds after maturity and continue to earn interest upon them at rates which are consistent with the provisions of paragraph (2).

"(5) Senior savings bonds shall not bear the circulation privilege.

"(c) The provisions of subsection (c), (e), (g), (h), and (i) of section 22 shall, to the extent not inconsistent with the provisions of this section, apply with respect to senior savings bonds issued under this section."

By Mr. ERVIN:

S. 2247. A bill to further insure due process in the administrative discharge procedure followed by the Armed Forces. Referred to the Committee on Armed Services.

MILITARY ADMINISTRATIVE DISCHARGE PROCEDURES ACT OF 1971

Mr. ERVIN. Mr. President, over the past several years there has been much public criticism of military justice. A good deal of this criticism has been unjustified and uninformed. Congress, in passing the Military Justice Act of 1968, corrected many of the defects which have been attributed to the court-martial system. For example, legal counsel is now provided, with minor exceptions, for all persons tried by court-martial. The military judge has been given additional independence from command influence. As a further protection from command influence, the accused may waive trial by the full court and be tried by the military judge alone. Under no circumstance can an accused be tried by summary court-martial over his objection. There is now a provision for release from confinement pending appeal. These new provisions, plus others, have rendered moot many of the harshest criticisms of the court-martial system

The one area in the administration of justice in the armed services where this criticism is justified is the administrative discharge system. Discharges for unfitness or misconduct have remained untouched by legislation and there is a pressing need for reform. To fill that need, today I am introducing a proposed code of procedure for the consideration and issuance of administrative discharges based upon fault or culpable misconduct.

This proposal represents the culmination of over a decade of study and investigation by the Subcommittee on Constitutional Rights. In the 90th Congress, I introduced an omnibus bill, S. 2009, containing proposals for a comprehensive reform in the administration of justice in the Armed Forces. Many of the reforms contained in that bill were subsequently enacted into law in the Military Justice Act of 1968. However, the proposals contained in title I of S. 2009 concerning administrative discharges have not been enacted, and the bill I introduce today is similar to that title.

Over the years the Subcommittee on Constitutional Rights has received literally thousands of complaints concerning the procedures by which persons are eliminated from the services with undesirable or general discharges. These discharges are deleterious to the individuals who receive them. The undesirable discharge is just as harmful as a bad conduct discharge which can only be awarded by a court-martial after a trial characterized by the procedural and due process safeguards provided for those tribunals by Congress.

The fact that any discharge other than fully honorable is harmful to the individual throughout his lifetime is illustrated by the results of a survey conducted by the Constitutional Rights Subcommittee several years ago. Upon questioning several large employers in the Washington metropolitan area, it was discovered that when an applicant for employment revealed he had any type of discharge other than "honorable" he was automatically removed from consideration. This was because there were always other applicants with honorable discharges and it was not worth the time and effort needed to "go behind the discharge" to discover the circumstances of its issuance. The evidence provided by this survey has been confirmed in countless individual examples which have been brought to our attention over the years. It is clear that before the services issue discharges which have such a devastating and permanent impact on a citizen they should be required to comply with fundamental due process and fair play concepts in determining the justification for such action.

Under present practice, the armed services are governed by service regulations only and not by any laws passed by Congress. As a result of the numerous complaints we have received over the 10-year study and investigation by the Subcommittee on Constitutional Rights, it is clear legislative reform is vitally needed.

For example, under the procedures now followed for the issuance of administrative discharges for fault or misconduct:

The respondent has no right to confront the witnesses against him.

He has no right to compel the attendance of witnesses or to compel the production of evidence.

There is no requirement that any competent evidence be in the record to support the findings.

In short, the proceedings are almost completely lacking in what we in Anglo-American jurisprudence think of as fundamental due process.

As far back as 1960 in its annual report to Congress, the U.S. Court of Military Appeals stated that the "unusual increase in the use of the administrative discharge since the code became a fixture has led to the suspicion that the services were resorting to that means of circumventing the requirements of the code."

From the evidence the Constitutional Rights Subcommittee has gathered over the years, it is apparent that this suspicion was true then and that it is still true today. For this reason, the bill I am introducing today contains a provision prohibiting, with minor exceptions, a member of the armed services from being administratively discharged for misconduct, unfitness, or security by reason of conduct which constitutes an offense punishable under the Uniform Code of Military Justice. However, a member may be administratively discharged if he has been convicted by civil authorities for a crime involving sexual perversion or narcotics, the penalty for which, under the Uniform Code, includes 1 year imprisonment or more, or if he has been convicted of a crime for which a punitive discharge may be awarded by a court-martial. He also may be administratively discharged for any unauthorized absence for 1 year or more or for fraudulent enlistment.

From the complaints we receive and the investigations we have made, it is apparent that it is common practice for administrative discharge boards to admit as evidence material obtained by an illegal search and seizure, or to admit illegally obtained confessions or admissions. Also, it frequently happens that even those witnesses against the respondent who are members of the military are not allowed to attend the hearings. Their ex parte statements are admitted into evidence against the respondent, thus denying him perhaps the most fundamental protection of due process, that of confrontation. As can be seen from these facts, it is important that the armed services be prevented from using administrative discharge proceedings, at which there are almost no safeguards, to avoid those protections which Congress has provided for courts-martial.

The bill I am introducing today is a code of procedure to regulate the issuance of administrative discharges due to misconduct or unfitness. It requires no great sacrifices for the military. It merely provides that elementary due process and fairplay be practiced by the armed services.

The bill provides that no member of the armed services may be discharged under conditions other than honorable except for reasons of misconduct, unfitness or security, and that discharges for these reasons must be pursuant to the procedures set forth in the bill. An administrative discharge board is defined as a factfinding body consisting of three or more officers whose duty it is to conduct a fair and impartial hearing, receive evidence, find facts based upon a preponderance of the evidence, and recommend on the basis of the evidence and the facts found, whether a member should be retained or discharged and the type of discharge.

The bill permits the appointment of a legally qualified adviser to the board when the case presents legal or other questions of such complexity as to make the presence of a legal adviser advisable or when the board or the respondent so requests. The bill directs the appointing authority to comply with the request unless there are compelling reasons for refusing. A statement of the reasons must be included in the record if the request is not granted. Although this requirement is not contained in current regulations, it parallels the provision in article 19 of the Uniform Code of Military Justice when no military judge is detailed to a special court-martial. I believe that this is a necessary requirement because in order to assure that the rights of the respondent are protected it is required that the administrative board have competent legal guidance.

Another important provision of the bill prohibits improper command interference with the independence and impartiality of administrative discharge boards, courts of inquiry, and military commissions. Among other protections, it prohibits any reprimand of a board because of the findings or recommendations arrived at in a case. Coercion or improper influencing of boards with a view to affecting the impartiality of the proceedings is also prohibited.

This provision parallels article 37 of the Uniform Code of Military Justice in attempting to eliminate unlawful command influence. During the long study by the Subcommittee on Constitutional Rights of the administration of justice in the armed services, it became apparent that the problem of command influence was even greater in the administrative discharge area than in court-martial proceedings. Thus it is clear that if we are to have a fair and impartial resolution of respondent's case it is necessary to provide the same legal safeguards for administrative discharge cases as we have for courts-martial.

A very important provision requires that the parents of respondents less than 21 years old must be notified of the initiation of discharge action. Such notice is also required when the respondent is over 21 but is considered unable to appreciate the nature of the action being taken. The subcommittee has discovered that large numbers of young people against whom administrative discharge proceedings are begun fail, because of immaturity, to appreciate the serious adverse lifetime effect a less than honorable discharge will have. For this reason, I believe that this notice requirement is necessary and wise.

Perhaps one of the most important provisions requires the appointment of legally qualified counsel for the respondent. He may have military counsel of his own choice if reasonably available and may also retain civilian counsel at his own expense. This parallels the absolute requirement in the Uniform Code of Military Justice for appointment of defense counsel in special court-martial cases where a bad conduct discharge may be awarded.

An undesirable discharge is at least as damaging to a person's future life as a bad conduct discharge. It is, therefore, clear that in order to provide for fair play and due process the respondent must be granted the right to counsel. Furthermore, this requirement will not place an undue hardship on the manpower resources of the services because in practice they now do provide counsel for respondents in virtually all cases. They are not, however, required to do so by law. It is important that Congress make itself clear on this point.

The bill prohibits the consideration by the board of acts which occurred more than 3 years prior to the order appointing the board or prior to the current enlistment or tour of duty of the respondent, whichever is longer. This in effect establishes a minimum 3-year statute of limitation. Of course, the limitation would be longer if the current enlistment were longer. The Uniform Code of Military Justice establishes a 2-year limitation for minor offenses and a 3-year limitation for more serious noncapital crimes. I believe that if it is reasonable and wise to preclude the services from using an act constituting larceny which occurred more than 3 years ago for the purpose of court-martial, then it is reasonable and wise to set the same time limit on the use of such acts for administrative discharge purposes. Furthermore, acts which occurred in the distant past have little relevance to a man's present fitness for service.

A further provision prohibits introduction of evidence of acts or omissions which were the subject of a previous court-martial or civil trial which resulted in acquittal or for which the rule against double jeopardy prevents a second trial. This is almost the practice followed by the services at present. I say "almost" because if the defendant is released because of a "legal technicality not going to the merits," the services maintain their right to use those same acts as a basis for administrative discharge proceedings. For many years, the subcommittee has been unable to obtain a clear definition of "legal technicality."

From the cases we have seen "legal technicalities" include lack of speedy trial, trial terminated due to lack of availability of witnesses, insufficient evidence of the corpus delecti to corroborate a confession, trial barred by the statute of limitations, and illegally obtained evidence. This is the same as saying the fourth, fifth and sixth amendments are "legal technicalities." It is necessary, therefore, at least to preclude the services from using acts for which the rule against double jeopardy prevents a second trial.

Another provision prohibits ex parte evidence and introduction of investigative reports unless a copy has been furnished to the respondent in advance and the investigating officer is available for examination as a witness. Matter deleted from the report for security may not be shown to the board. The respondent is granted rights to obtain witnesses, and evidence and subpena power equal to those in court-martial cases is authorized. The taking of depositions is permitted. The respondent has the right to submit any sworn or unsworn statement in his own defense and to testify under oath if he chooses. Cross-examination of all witnesses and examination of all documents and other evidence submitted is permitted respondent and counsel.

All these provisions go to the heart of due process. In any proceeding designed to determine truth when a question of fact is in issue, it is essential that cross-examination and confrontation of witnesses be guaranteed. The fact is that in a large percentage of administrative discharge cases where alleged misconduct is the basis for the action, the only evidence of the misconduct to come before the board consists of ex parte statements of witnesses who do not appear before the board. Even though the respondent denies the allegation, he never has the opportunity to confront his accuser, and the board never has the opportunity to see and hear the witness. The probability of arriving at the truth in these circumstances is, indeed, small. Nevertheless, the respondent may be given an undesirable discharge with its lifetime effects after a proceeding which lacks even the rudiments of due process. These provisions governing the conduct of the board hearing represent the minimum guarantee which we must provide if the American people are going to retain their respect for the quality of justice dispensed by our armed services.

Another section of the bill provides that when a board recommends the retention of the respondent, the case is closed and no subsequent board may again consider the charges if the evidence presented is substantially the same as that presented earlier. This is the practice now in the Army and Air Force and I can think of no good reason why it should not apply to all the services.

Review of discharge action is provided to determine that all proceedings were fair and were conducted consistent with the provisions of the chapter. No decision upon review may be less favorable than the action ordered by the discharge authority. This provision conforms with present practice. However, my bill also allows review by the Court of Military Appeals on issues of law specified in the grant of review or raised by the Armed Forces. This is a new concept, but I believe an important one. At present, no judicial body exists which can decide questions of law arising in administrative discharge proceedings before the discharge is carried out. It does little good for a court to rule that the law was improperly applied in discharging a serviceman if he already has been forced out of the service and cannot be reinstated. It is important for the fair and just functioning of the system that there be such a body and rather than create a new court the logical place to put that function is in the Court of Military Appeals.

I believe that it has been demonstrated by the decade-long study and investigation, including two sets of hearings in 1962 and 1966, plus service answers to a detailed questionnaire this year, and in the past, that reform in this area of the administration of justice in the armed services is vital. The House Armed Services Committee is holding hearings on a bill introduced by Congressman BENNETT designed to accomplish some reforms in this area. The American Bar Association in 1968 recognized the problem and recommended legislative reform. If we are to preserve the rights and liberties of our servicemen who are fighting to preserve our own, Congress must act now.

For the guidance of the Senate, I ask unanimous consent that the bill and a sectional analysis be printed at this point in the RECORD.

There being no objection, the bill and analysis were ordered to be printed in the RECORD, as follows:

S. 2247

A bill to further insure due process in the administrative discharge procedure followed by the Armed Forces

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. That this Act may be cited as the "Military Administrative Discharge Procedure Act of 1971".

SEC. 2. Title 10, United States Code, is amended by adding after chapter 47 thereof a new chapter as follows:

"Chapter 48.—ADMINISTRATIVE DISCHARGE BOARDS

"Sec.
"941. Definitions.
"942. Persons subject to this chapter.
"943. Restrictions on discharges under other than honorable conditions; restrictions on administrative discharges for misconduct, unfitness, or security.
"944. Jurisdiction of administrative discharge boards; functions; composition.
"945. Who may appoint administrative discharge boards; who may serve on such boards.
"946. Detail of legal adviser to board.
"947. Detail of counsel to represent respondent.
"948. Detail or employment of recorders; duties.
"949. Detail or employment of reporters.
"950. Secretary of Defense to prescribe rules.
"951. Unauthorized attempt to influence board actions.
"952. Notice to respondent.
"953. Notice to parents of respondent.
"954. Notice to counsel of respondent.
"955. Waiver of rights by respondent; resignation for the good of the service.
"956. Sessions of the board.
"957. Challenges.
"958. Oaths.
"959. Prohibition on use of certain evidence.
"960. Opportunity to obtain witnesses and other evidence.
"961. Voting and rulings.
"962. Record of the board proceedings.
"963. Action of the discharge authority.
"964. Type and character of administrative discharges; grounds for awarding.
"965. Discharge for the convenience of the Government.
"966. Review of administrative discharge actions.

"§ 941. Definitions

"In this chapter:

"(1) 'Member' means an enlisted member, a warrant officer, or a commissioned officer of the armed forces.

"(2) 'Administrative discharge board' is an administrative board appointed under regulations of the Secretary concerned for the purpose of making findings and recommendations with respect to whether or not a respondent should be retained in the armed forces or administratively discharged therefrom and to recommend the type of discharge to be furnished when discharge is recommended.

"(3) 'Board' means an administrative discharge board unless otherwise indicated.

"(4) 'Respondent' means a member of the armed forces against whom action has been initiated with a view to administratively discharging him from the armed forces pursuant to the provisions of this chapter.

"(5) 'Discharge authority' is the official authorized to order the administrative discharge of any respondent.

"(6) 'Appointing authority' is any official designated by regulations of the armed force concerned to appoint an administrative discharge board.

"(7) 'Administrative discharge' or 'administratively discharged' means discharge by administrative action as provided in this chapter or by other provisions of law, but does not include discharge or dismissal from military service pursuant to the sentence of a general or special court-martial.

"(8) 'Discharge' means complete severance of a member from the armed forces or his separation from active duty.

"(9) 'Legal adviser' means a commissioned officer qualified under section 827(b)(1) of this title (article 27(b)(1)) and certified by the Judge Advocate General of the armed force of which such officer is a member to be qualified for duty as a legal adviser to administrative discharge boards.

"(10) 'Honorable discharge' means discharge from an armed force with honor.

"(11) 'General discharge' means discharge from an armed force under honorable conditions.

"(12) 'Undesirable discharge' means discharge from an armed force under conditions other than honorable.

"§ 942. Persons subject to this chapter

"The provisions of this chapter are applicable to all members of the armed forces who are serving on active duty and to all members of the armed forces not serving on active duty who are serving in a reserve component.

"§ 943. Restrictions on discharge under other than honorable conditions; restrictions on administrative discharge for misconduct, unfitness, or security.

"(a) Unless otherwise authorized by law, no member may be discharged under other than honorable conditions except for misconduct, unfitness, or security except in accordance with the provisions of this chapter.

"(b) Except as provided in section 964(c) and (d) of this title or as otherwise authorized by law, no member may be administratively discharged for misconduct, unfitness, or security by reason of conduct which constitutes an offense punishable under chapter 47 of this title.

"§ 944. Jurisdiction of administrative discharge boards; functions; composition

"(a) An administrative discharge board is a factfinding body whose function it is to—

"(1) conduct a fair and impartial hearing of the alleged grounds for the proposed administrative discharge of a respondent;

"(2) receive and consider evidence on the question of whether a respondent should be administratively discharged;

"(3) make findings on the basis of the evidence presented to it;

"(4) determine, on the basis of the evidence, whether the respondent should be retained in the armed forces or administratively discharged therefrom;

"(5) recommend to the discharge authority that the respondent be retained in the armed forces or administratively discharged therefrom;

"(6) recommend the type of discharge to be issued if the board recommends that the respondent be discharged; and

"(7) specify the reasons for its recommendations. The findings of the board shall be supported by a preponderance of the evidence and its recommendations shall be consistent with the findings.

"(b) An administrative discharge board shall be composed of not less than three commissioned officers at least one of whom shall be serving in the grade of major, or the equivalent thereof, or higher. If the respondent is a commissioned officer, no voting member of the board shall be junior to him in rank or grade when it can be avoided. If the respondent is an enlisted member who holds an appointment as a Reserve commissioned or warrant officer, the membership of the board shall be composed of a majority of Reserve officers if reasonably available; and if a majority is not available, the voting membership of the board shall include at least one reserve component officer. Voting members of the board shall be senior to the respondent's Reserve grade. If the respondent is an enlisted woman, the board shall include a female officer as a voting member.

"§ 945. Who may appoint administrative discharge boards; who may serve on such boards

"(a) Administrative discharge boards may be appointed by the President of the United States, the Secretary of any armed force or by any commanding officer designated as an appointing authority by the Secretary concerned.

"(b) Any commissioned officer on active duty is eligible to serve on an administrative discharge board convened under authority of this chapter.

"(c) When appointing an administrative discharge board, the appointing authority shall detail as members thereof such members of the armed forces as, in his opinion, are best qualified for the duty by reason of age, education, training, experience, length of service, and judicial temperament. No member of an armed force is eligible to serve as a member of an administrative discharge board if he is a complainant against the respondent, is to give testimony before the board concerning the respondent, has information or knowledge concerning the respondent which may affect his judgment in the proceedings before the board, or served as a member or recorder of a board before which the respondent previously appeared as a respondent.

"§ 946. Detail of legal adviser to board

"The appointing authority may detail a legal adviser to any administrative discharge board appointed by him when he considers such action desirable because of the complexity of the legal issues involved or because of other factors. He shall detail a legal adviser to any such board upon the written request of the board or the respondent unless there are compelling reasons for refusing such request. Any person detailed as a legal adviser to an administrative discharge board shall be a commissioned officer qualified under section 827(b)(1) of this title (article 27(b)(1)) and certified to be qualified for such duty by the Judge Advocate General of the armed force of which he is a member. A person qualified as a military judge under chapter 47 of this title shall be qualified as a legal adviser under this chapter. In any case in which the appointing authority refuses to detail a legal adviser to a board hearing after having been requested by the board or the respondent to detail a legal adviser to such hearing, the appointing authority shall submit a statement in writing explaining the reasons for such refusal and such statement shall be included as a part of the record.

"§ 947. Detail of counsel to represent respondent

"The appointing authority shall detail counsel to represent any respondent ordered to appear before an administrative discharge board. Counsel detailed to represent a respondent shall be qualified under section 827(b)(1) of this title (article 27(b)(1)). A respondent may be represented by military counsel of his choice if reasonably available or by civilian counsel at the expense of the respondent.

"§ 948. Detail or employment of recorders; duties

"Under such regulations as the Secretary concerned may prescribe, the appointing authority shall detail or employ a person to serve as recorder to every administrative discharge board. The recorder shall not be a member of the board and shall have no vote. It shall be the duty of the recorder to present evidence to the board and to keep a record of all proceedings before the board, and to perform such other duties not inconsistent with the provisions of this chapter as the Secretary of Defense may prescribe by regulation.

"§ 949. Detail or employment of reporter

"Under such regulations as the Secretary of Defense may prescribe, the appointing authority shall detail or employ qualified reporters to record the proceedings of and testimony taken before administrative boards appointed by such appointing authority.

"§ 950. Secretary of Defense to prescribe rules

"(a) The Secretary of Defense shall prescribe by regulation the rules of procedure, including the kinds of evidence which may be presented, to be followed in cases before administrative discharge boards. All rules and regulations made under this section shall be uniform insofar as practicable, shall not be contrary to or inconsistent with the provisions of this chapter, and shall be reported to the Congress. The procedural safeguards prescribed in this chapter shall be considered minimum requirements in the case of all board proceedings conducted under this chapter, and nothing herein shall be construed as prohibiting the Secretary of Defense from providing any procedural safeguard for the benefit of the respondents not required by this chapter.

"(b) Regulations promulgated by the Secretary of Defense regarding evidence shall require that no evidence shall be admitted before any administrative discharge board unless such evidence is relevant and material to the case under consideration. Such regulations shall require that the finding and recommendations of the board and the action of the discharge authority be based on the evidence presented to the board; that the burden of establishing the facts alleged as the basis for administratively discharging the respondent from the armed forces is on the armed force concerned; and that the provisions of section 831 of this title (article 31), relating to self-incrimination, shall be applicable with respect to the respondent in any such board proceeding.

"(c) The Secretary of Transportation shall prescribe the rules and regulations required under the first two subsections of this section for the Coast Guard when not operating as a service in the Navy.

"§ 951. Unauthorized attempt to influence board actions

"(a) No appointing authority, nor any other commanding officer, may censure, reprimand, or admonish any administrative discharge board, other board, court of inquiry, or commission, or any member, legal adviser, recorder, or counsel thereof, with respect to the findings and recommendations made by such board, court, or commission, or with respect to the exercise of its functions and duties in the conduct of any past, pending, or future proceedings before such board, court, or commission. The foregoing provisions of this subsection shall not apply with respect to general instructional or informational courses relating to board, court, or commission proceedings if such courses are designed solely for the purpose of instructing members of a command in the substantive or procedural aspects of proceedings before any such board, court, or commission.

"(b) No person subject to this chapter may attempt to coerce or, by any unauthorized means, influence the action of any administrative discharge board, other board, court of inquiry, or commission, or of any member of such board, court, or commission in reaching the findings or recommendations in any proceeding before such board, or the action of any appointing, approving, or reviewing authority with respect to his acts of approval or disapproval of the findings or recommendations made by any such board, court, or commission.

"(c) Any person subject to this chapter who is guilty of violating subsection (a) or (b) of this section shall be punished as a court-martial may direct.

"(d) In the preparation of an effectiveness, fitness, or efficiency report, or any other report or document used in whole or in part for the purpose of determining whether a member of the armed forces is qualified to be advanced in grade, or in determining the assignment or transfer of a member of the armed forces, or in determining whether a member of the armed forces should be retained on active duty, no person subject to this chapter may, in preparing any such report (1) consider or evaluate the performance of duty of any such member as a member of a board, court, or commission, or (2) give a less favorable rating or evaluation of any member of the armed forces because of the zeal with which such member, as counsel, represented any respondent before any such board, court, or commission.

"§ 952. Notice to respondent

"(a) An administrative discharge board may not begin consideration of the case of any respondent unless such respondent has been notified, as provided in this section, that action has been initiated to administratively discharge him from the armed forces. Such notice shall be given in writing not less than fifteen days prior to the date on which the board is to begin consideration of the case and shall inform the respondent of (1) the nature of the board hearing, (2) the allegations and evidence against him, including the names and addresses of all persons expected to present evidence before the board for the Government, (3) the applicable statutes and regulations, (4) his right to be represented by counsel, (5) his right to present evidence in his own behalf, to call witnesses, to cross-examine all witnesses called by the board, (6) his right to remain silent, and (7) actions which may be taken by the board.

"(b) If a respondent is in civil confinement, and such fact is known by the appointing authority, notice of proposed board hearing must be sent to the respondent by registered mail not less than thirty days prior to such proposed board hearing.

"(c) If a respondent is absent without official leave, notice of the proposed board hearing shall be mailed to him at his last known address and to his next of kin, if known.

"§ 953. Notice to parents of respondent

"In any case in which a member is ordered to appear as respondent before an administrative discharge board and such respondent is under twenty-one years of age, or is twenty-one years of age or older and is unable for any reason to understand and appreciate the nature, purpose, and possible consequences of the proposed board hearing, written notice of the proposed board hearing shall be sent by registered mail to the last known address of the parents of the respondent or to his next of kin if both parents are deceased.

"§ 954. Notice to counsel of respondent

"Whenever the appointing authority has been notified that the respondent is to be represented by counsel before an administrative discharge board, a copy of all notices and information relating to the proceeding before such board which are given to the respondent shall also be given to counsel.

"§ 955. Waiver of rights by respondent; resignation for the good of the service

"(a) A respondent may waive his right to a hearing before an administrative discharge board if he certifies in writing that he understands the consequences of such action and has consulted with counsel qualified under section 827(b)(1) of this title (article 27(b)(1)) and detailed to represent him. A waiver shall not be accepted if executed by a respondent within a period of twenty-four hours after receipt of notification of the proposed board hearing, or if the appointing authority determines that the waiver was improvidently made or that the respondent does not fully comprehend the consequences of his decision.

"(b) A respondent who is in civil confinement or who is absent without official leave and who fails to respond within a period of thirty days after the date on which notice has been mailed to him may be deemed to have executed a written waiver of his right to a board hearing under this chapter.

"(c) A respondent may be permitted to resign or accept a discharge for the good of the service in lieu of adminstrative discharge board action if he certifies in writing that he understands the consequences of his actions and has consulted with counsel qualified under section 827(b)(1) of this title (article 27(b)(1)) and detailed to represent him. The discharge authority may order a discharge under honorable conditions in the case of any respondent permitted to resign for the good of the service if he determines on the basis of the service record of the respondent and other evidence that such action is in the interest of justice. The discharge authority may not order an undesirable discharge in the case of any such respondent if the grounds alleged for administrative board action would not have supported an undesirable discharge.

"§ 956. Sessions of the board

"(a) When an administrative discharge board deliberates or votes, only the voting members of the board may be present. All other proceedings of the board shall be made a part of the record and, except as otherwise provided in subsection (b) of this section, shall be in the presence of the respondent, his counsel and the legal adviser, if one has been detailed.

"(b) In any case in which the respondent is unable to appear before the board because of civil confinement, the board may convene and hear the case of such respondent in absentia if the appointing authority so directs and the respondent is represented before the board by counsel qualified under section 827(b)(1) of this title (article 27(b)(1)) or by counsel of his choice.

"§ 957. Challenges

"Members of an administrative discharge board, the recorder, and the legal adviser, if one has been detailed, may be challenged by the respondent for cause. The board shall determine the relevancy and validity of challenges for cause when no legal adviser has been detailed to the board.

"§ 958. Oaths

"(a) Members of an administrative discharge board, the recorder, the legal adviser, if one has been detailed, military counsel, and the reporter shall take an oath prescribed by the Secretary of Defense to perform their duties faithfully. The Secretary of Defense may provide by regulation that once an oath to perform faithfully duties as legal adviser, military counsel, and recorder has been taken by an officer certified to be qualified or competent to perform any such duties, such an oath need not be taken each time such officer is detailed to perform such duties.

"(b) Each witness before any such board shall be examined under oath.

"§ 959. Prohibition on use of certain evidence

"(a) No act or omission on the part of any respondent shall be admitted in evidence against him before any administrative discharge board if such act or omission occurred more than three years prior to the date of the order directing such board to hear the case of the respondent, or prior to the current enlistment or current tour of active duty of the respondent plus any voluntary or involuntary extensions thereof, whichever period is longer; and no such act or omission shall be alleged or mentioned in any evidence presented to the board.

"(b) Notwithstanding the provisions of subsection (a) of this section, evidence relating to an act or omission of the respondent which occurred in the enlistment preceding the respondent's current enlistment or tour of active duty may be alleged and admitted in evidence against the respondent in showing that his current enlistment or tour of active duty was based upon a material misrepresentation or fraud which would have prevented or delayed his enlistment or tour of active duty and could not have been discovered by the exercise of due diligence on the part of the armed force concerned.

"(c) No act or omission on the part of any respondent shall be admitted in evidence against him before any administrative discharge board if such act or omission was wholly or in part the basis of any charge for which he was tried by a civil court or a court-martial and acquitted; or for which he was not acquitted or convicted but for which he cannot again be tried by reason of former jeopardy.

"(a) No evidence shall be admitted at any hearing conducted by an administrative discharge board unless such evidence is relevant, material, and probative. No information adverse to the respondent shall be presented to the board over objection unless the respondent has had an opportunity, through counsel, to cross-examine by deposition or in person before the board the person giving such information. No investigative report shall be admitted into evidence at any such hearing unless a copy of the report has been made available to the respondent and his counsel a reasonable period of time in advance of the hearing, and an opportunity has been given to cross-examine the person who conducted the investigation on which such report is based and to rebut the material contained therein. Whenever any matter has been deleted on the grounds of security from an investigative report offered in evidence before a hearing conducted by an administrative discharge board, such matter shall not be shown to the board; and whenever matter deleted from any such report substantially lessens the evidential value of such report, the report shall not be admitted in evidence.

"§ 960. Opportunity to obtain witnesses and other evidence; depositions; right to present and examine evidence

"(a) An administrative discharge board and respondent shall have equal opportunity to obtain witnesses and other evidence in accordance with such regulations as the Secretary of Defense may presribe. Process issued in board cases to compel witnesses to appear and testify and to compel the production of other evidence shall be similar to that which courts of the United States having criminal jurisdiction may lawfully issue and run to any part of the United States, territories, commonwealths, and possessions.

"(b) (1) At any time after a respondent has been notified that he is to appear before an administrative discharge board, any party may take oral or written depositions unless the appointing authority forbids it for good cause.

"(2) The party at whose instance a deposition is to be taken shall give to every other party reasonable written notice of the time and place for taking the deposition.

"(3) The Secretary of Defense shall issue regulations governing the taking and use of depositions under this chapter. The regulations shall provide for the appointment where necessary of assistant counsel to represent a party in the taking of depositions.

"(c) The respondent shall have the right to submit to the board any sworn or unsworn statement, affidavit, certificate, or stipulation in his own behalf. He may, if he chooses, submit to examination by the board under oath. He and his counsel shall be given the opportunity to examine all witnesses called before the board and shall be permitted to examine all documents, papers, exhibits, and other evidence presented to the board.

"§ 961. Voting and rulings

"(a) The findings and recommendations of administrative discharge boards shall be by majority vote. Except as provided in subsection (b) rulings made by the board shall be by majority vote.

"(b) Whenever a legal adviser has been detailed to an administrative discharge board he shall rule on the admissibility of evidence and on all motions. He shall decide whether a member of the board shall be dismissed because of a challenge for cause. When no legal adviser has been detailed the members shall rule on challenges for cause, the challenged member not voting, and a tie vote disqualifies the member challenged.

"§ 962. Record of the board proceedings

"(a) A record of the proceedings before an administrative discharge board shall be kept. The record shall be authenticated in such manner as may be prescribed by the Secretary of Defense. A copy of the authenticated record shall be given the respondent.

"(b) An undesirable discharge may not be recommended unless a verbatim record is kept of all proceedings before the administrative discharge board by the reporter detailed to such board. A verbatim record shall be kept in any other case in which (1) the board determines that a verbatim record is necessary for a fair and impartial review of the board proceedings, (2) the discharge authority so orders, or (3) regulations of the Secretary of Defense require such action.

"§ 963. Action of discharge authority

"(a) In any case in which the administrative discharge board recommends that the respondent be discharged from the service, the appointing authority may—

"(1) approve the recommendations of the board if he determines that the findings and recommendations of the board are supported by a preponderance of the evidence in the record;

"(2) disapprove the recommendations of the board with respect to the type of discharge to be given the respondent and order a higher type discharge if he determines that such action is warranted by the evidence in the record or in the interests of justice;

"(3) approve the board's recommendation for discharge but change the basis therefor if the record indicates such action would be appropriate, but he may not designate unfitness or misconduct as the basis of the discharge if the board has recommended discharge for unsuitability;

"(4) disapprove the recommendations of the board and appoint a new board to consider the case of the respondent if he determines that a legal error was committed prejudicial to the rights of the respondent or that the interests of justice would be served by such action, but he may not approve any finding of recommendation made by the new board which is less favorable to the respondent than the findings and recommendations made by the previous board if the evidence before the second, or subsequent, board is substantially the same as the evidence that was before the previous board;

"(5) disapprove the recommendations of the board and order that the respondent be retained in the service; or

"(6) approve the board's recommendation for discharge but suspend the execution of the discharge for such period of probation as he deems appropriate.

"(b) In any case in which an administrative discharge board recommends that the respondent be retained in the service, the case is closed, and no new board may be appointed to consider the case of the respondent if the evidence, before the second, or subsequent, board is substantially the same as the evidence before the previous board.

"(c) In any case in which the findings and recommendations of an administrative board were based in whole or part on fraudulent information or evidence submitted by the respondent, the appointing authority may appoint a new board to consider the case of the respondent and the findings and recommendations of the subsequent board shall not be limited by the findings and recommendations of the previous board.

"(d) The Secretary of Defense shall provide by regulation the procedures for vacating the suspension of a discharge authorized under paragraph (6) of subsection (a) of this section.

"§ 964. Type and character of administrative discharges; grounds for awarding

"(a) The type and character of administrative discharges shall be based solely on a member's military record during the current enlistment or term of service plus extensions and shall be determined according to the following standards:

"(1) The issuance of an honorable discharge will be conditioned upon proper military behavior and proficient performance of duty with due consideration for the member's age, length of service, grade, and general aptitude.

"(2) The issuance of a general discharge is appropriate when a member's military record is not sufficiently meritorious to warrant an honorable discharge as prescribed by the regulations of the military department concerned.

"(3) An undesirable discharge may be issued for misconduct, unfitness, or security reasons based on the approval of the recommendations of an administrative discharge board, or waiver of the right to board action, or resignation or request for discharge for the good of the service as provided in subsection 955 of this chapter.

"(b) A member discharged from the service on the grounds of unsuitability shall receive an honorable or general discharge. The type of discharge issued such member shall be based on his military record taking into consideration his mental and physical capabilities. A discharge for unsuitability may be given for mental, physical, or psychological disabilities described in regulations issued by the Secretary of Defense, or drug addiction, habituation, or the unauthorized use or possession of narcotics, hypnotics, sedatives, tranquilizers, stimulants, hallucinogens, or other harmful or habit-forming drugs or chemicals.

"(c) A member discharged from the service on the grounds of misconduct shall receive an undesirable discharge unless the circumstances in his case warrant a more favorable type of discharge. A discharge for misconduct may be given a member convicted by civil authorities for a crime involving sexual perversion or narcotics, the penalty for which under chapter 47 of this title is one year imprisonment or more; or a crime for which a punitive discharge may be awarded by a court-martial under chapter 47 of this title. A discharge for misconduct may also be given if the member was adjudged a juvenile offender, wayward minor, or juvenile delinquent by civil authorities for a crime involving sexual perversion or narcotics, the penalty for which under chapter 47 of this title is one year imprisonment or more. A discharge for misconduct may also be given a member convicted by civil authorities for an offense not listed in chapter 47 of this title. The maximum penalties for which authorized by title 18, United States Code, or the District of Columbia Code, whichever is lesser, is one year imprisonment or more.

"(d) A discharge for misconduct may also be given for any unauthorized absence from jurisdiction of the armed forces of one year or more, or for the procurement of a fraudulent enlistment, induction, or extension of a period of active duty through any deliberate material misrepresentation, omission, or concealment which if known by the appropriate authorities at the time of the procurement would have resulted in rejection of the member for service.

"(e) A member discharged from the service on the grounds of unfitness shall receive an undesirable discharge unless the circumstances warrant a more favorable type of discharge. A discharge for unfitness may be given a member for one or more of the following:

"(1) Frequent involvement of a discreditable nature with civil or armed force authorities.

"(2) Sexual perversion.

"(3) An established pattern for shirking official duties and responsibilities.

"(4) An established pattern showing dishonorable failure to pay debts or to contribute adequate support to dependents, or failure to comply with orders, decrees, or judgment of a civil court concerning support of dependents.

"(f) A member discharged from the service on the grounds of security shall receive an undesirable discharge unless the circumstances warrant a more favorable type of discharge. A discharge for security reasons may be given a member when the retention of such member is not consistent with the interests of national security.

"(g) In any case in which an undesirable discharge is authorized under this chapter, a member may be awarded an honorable or general discharge, as appropriate, if during his current enlistment, period of obligated service, or any voluntary or involuntary extensions thereof, or period of prior service he has been awarded a personal decoration as defined by the armed force of which he is a member, or if otherwise warranted by the circumstances of his case.

"(h) No member may be discharged from the service for misconduct under subsection (c) of this section if an appeal of the conviction has been filed and such appeal is still pending. Notwithstanding the foregoing, in any case in which the discharge authority receives a written opinion from the Judge Advocate General of the armed force concerned stating that an appeal by any member is frivolous or without legal merit, the discharge authority may order the discharge of such member without waiting for final disposition of such appeal. If a member is discharged pursuant to the authority of the foregoing sentence and his conviction is reversed on appeal, or his case is returned for retrial and is not retired, or if any other action is taken on appeal which results in the member not having been legally convicted of a felony, he shall receive all pay, allowances, and other benefits, insofar as practicable. he would have received had he not been discharged. The Secretary concerned shall, in any case in which an undesirable discharge was issued, change such discharge to an honorable or general discharge, as warranted by the service record of the respondent; if a general discharge was issued the Secretary may change it to an honorable discharge if the service record of the respondent warrants such action.

"§ 965. Discharge for the convenience of the Government

"A member may be discharged from the armed forces for the convenience of the Government with an honorable or general discharge as warranted by his service record, for reasons other than those prescribed in this chapter, pursuant to regulations promulgated by the Secretary of Defense or as otherwise authorized by law.

"§ 966. Review of administrative discharge action

"(a) The Secretary of Defense shall provide by regulation for such review of administrative discharge board proceedings and of discharge authority actions as he determines necessary to determine that (1) the board proceedings were conducted in a fair and impartial manner, (2) the preponderance of the evidence in the record supports the findings of the board, (3) the recommendations of the board are supported by the findings, (4) the action of the discharge authority was legal and appropriate, and (5) all procedures and actions were consistent with the provisions of this chapter. In no case may the decision on review be less favorable than the action ordered by the discharge authority. The regulations shall provide that no discharge except an honorable discharge shall be issued until affirmed upon such review and, where so ordered in cases reviewed by it, the Court of Military Appeals.

"(b) The Court of Military Appeals shall prescribe by rule for the review under section 867(b)(4) of this title (article 67(b)), by the court of cases arising under this chapter, specifying the grounds upon which such a review may be obtained by the respondent or the armed force concerned and the time within which any such review must be requested. In no case may the decision by the Court of Military Appeals be less favorable than the action ordered by the discharge authority."

Sec. 3. (a) The table of chapters at the beginning of subtitle A (relating to general military law) of title 10, United States Code, is amended by inserting immediately below "47. Uniform Code of Military Justice__ 801" the following:

"48. Administrative Discharge Boards__ 941".

(b) The table of chapters at the beginning of part II of subtitle A of title 10, United States Code, is amended by inserting immediately below

"47. Uniform Code of Military Justice__ 801"

the following:

"48. Administrative Discharge Boards__ 941".

Sec. 4. (a) Subsection (b) of section 867 (article 67) of title 10, United States Code. is amended by—

(1) striking out "all cases" at the beginning of clauses (1), (2), and (3), and inserting in lieu thereof "all court-martial cases";

(2) striking out "and" at the end of clause (2);

(3) striking out the period at the end of clause (3) and inserting in lieu thereof a semicolon and the word "and"; and

(4) adding after clause (3) a new clause as follows:

"(4) such cases arising under chapter 48 of this title as are authorized for review pursuant to section 966(b) of such chapter and with respect to which (A) respondents have petitioned the Court of Military Appeals for review and on good cause shown such court has granted a review, or (B) the armed force concerned has ordered sent to such court for review."

(b) Subsection (d) of such section is amended by (1) striking out the word "case" in the first, second, and third sentences and inserting in lieu thereof "court-martial case" and (2) inserting after the third sentence thereof the following new sentence: "In any case referred to in subsection (b)(4) of this section which is reviewed upon petition of a respondent, the court shall take action only with respect to issues of law, and in any such case ordered sent to the court for review by the armed force concerned, the court shall take action only with respect to the issues of law raised by the armed force."

(c) The first sentence of subsection (e) of such section is amended by striking out "sentence" and inserting in lieu thereof "sentence of a court-martial case".

(d) The first sentence of subsection (f) of such section is amended by striking out "case" and inserting in lieu thereof "court-martial case".

(e) Such section is further amended by redesignating subsection (g) as subsection "(h)" and adding after subsection (f) the following new subsection:

"(g) After it has acted on any case referred to in subsection (b)(4) of this section, the Court of Military Appeals may return the record to any reviewing officer or body designated under section 966(a) of this title to review cases arising under chapter 48 of this title for further consideration or action in accordance with the decision of the court, or may, in any case appealed by a respondent, return the record to such officer or body designated under such section 966(a) or directly to the appropriate discharge authority for further consideration or action in accordance with the decision of the court."

Sec. 5. (a) Subsection 870 (article 70) of title 10, United States Code, is amended by inserting "in a court-martial case" immediately after "shall represent the accused".

(b) Subsection (d) of such section is amended by inserting "in a court-martial case" immediately after "The accused has the right to be represented."

(c) Such section is further amended by adding at the end thereof the following new subsections:

"(f) Appellate counsel shall represent before the Court of Military Appeals a respondent whose case is before the court pursuant to the provisions of section 867(b)(4) of this title (article 67(b)(4))—

"(1) when he is requested to do so by the respondent;

"(2) when the armed force concerned is represented by counsel;

"(3) when the armed force concerned has sent the case to the Court of Military Appeals.

A respondent has the right to be represented before the Court of Military Appeals by civilian counsel if provided by him.

"(g) The armed force concerned may be represented by counsel before the Court of Military Appeals in any case reviewed by such court pursuant to section 867(b)(4) of this title (article 67(b)(4))."

Sec. 6. Section 801 (article 1) of title 10, United States Code, is amended by adding at the end thereof a new paragraph as follows:

"(13) 'Respondent' means a member of the armed forces against whom administrative discharge proceedings have been initiated under chapter 48 of this title."

"Sec. 7. (a) Subsection (a) of section 266 of title 10, United States Code, is amended by striking out "Each" and inserting in lieu thereof "Subject to the provisions of chapter 48 of this title, each".

(b) Subsection (b) of such section is amended by striking out "Each" and inserting in lieu thereof "Subject to the provisions of chapter 48 of this title, each".

Sec. 8. (a) Section 1161 of title 10, United States Code, is amended by adding at the end thereof a new subsection as follows:

"(c) No commissioned officer may be discharged under the authority of sections 3814, 3818, 6392, 6393, 8814, 8817, or 8818 of this title or under section 321 of title 14, United States Code, for misconduct, unfitness, or security (as described in chapter 48 of this title) or discharged under conditions other than honorable except pursuant to the provisions of chapter 48 of this title."

(b) The catchline of section 1161 of such title is amended to read as follows:

"§ 1161. Commissioned officers: limitations on dismissal and discharge".

(c) The table of sections at the beginning of chapter 59 of such title is amended by striking out

"1161. Commissioned officers: limitations on dismissal."

and inserting in lieu thereof

"1161. Commissioned officers: limitations on dismissal and discharge."

Sec. 9. Section 1162(a) of title 10, United States Code, is amended to read as follows:

"(a) Subject to the provisions of chapter 48 and other provisions of this title, Reserve commissioned officers may be discharged at the pleasure of the President. Subject to the provisions of chapter 48 of this title, other Reserves may be discharged under regulations prescribed by the Secretary concerned."

Sec. 10. (a) The first sentence of subsection (a) of section 1163 of title 10, United States Code, is amended by striking out "An" and inserting in lieu thereof "Subject to the provisions of chapter 48 of this title, an".

(b) Paragraphs (1) and (2) of subsection

(c) of such section are amended to read as follows:

"(1) he is discharged under conditions other than honorable pursuant to an approved sentence of a court-martial or pursuant to the approved findings and recommendations of an administrative discharge board appointed under chapter 48 of this title; or

"(2) he consents to a discharge under conditions other than honorable with a waiver of proceedings of a court-martial or an administrative discharge board (as provided in chapter 48 of this title), as the case may be."

SEC. 11. Section 1165 of title 10, United States Code, is amended by adding at the end thereof a new sentence as follows: "No warrant officer may be discharged under the authority of this section or section 1166 of this title for misconduct, unfitness, or security (as described in chapter 48 of this title) or discharged under conditions other than honorable except pursuant to the provisions of chapter 48 of this title."

SEC. 12. Section 1166 of title 10, United States Code, is amended by adding at the end thereof a new sentence as follows: "The burden of justifying the separation for cause of any permanent Regular warrant officer shall be on the armed force of which he is a member."

SEC. 13. (a) Sections 3781, 3782, and 3783 of title 10, United States Code, are amended to read as follows:

"§ 3781. Selection boards: composition; duties

"The Secretary of the Army may at any time convene a board of officers to review the record of any commissioned officer on the active list of the Regular Army to determine whether he should, because the performance of his duty has fallen below standards prescribed by the Secretary, be removed from the active list.

"§ 3782. Boards of inquiry: composition; duties

"(a) Boards of inquiry, each composed of three or more officers, shall be convened at such places as the Secretary of the Army may prescribe, to receive evidence and make findings and recommendations with respect to whether an officer shall be removed from the active list of the Regular Army whenever such action has been recommended by a board of officers pursuant to section 3781 of this title.

"(b) If the board of inquiry determines that there was sufficient evidence before the board of officers convened under section 3781 of this title to support a recommendation that the officer be removed from the active list, the board of inquiry shall conduct a fair and impartial hearing to determine whether the officer should be removed from the active list.

"(c) If a board of inquiry determines that the officer should not be retained on the active list, it shall send the record of its proceedings to a board of review.

"(d) If a board of inquiry determines that the officer should be retained on the active list, his case is closed. However, at any time after one year from the date of that determination, his case may again be considered under section 3781 of this title.

"§ 3783. Boards of review: composition; duties

"(a) Boards of review, each composed of three or more officers, shall be convened by the Secretary of the Army, at such times as he may prescribe, to review the records of cases of officers recommended by boards of inquiry for removal from the active list of the Regular Army under section 3782 of this title.

"(b) If, after reviewing the record of the case, a board of review determines that the evidence before the board of inquiry was sufficient to justify a recommendation of the officer's removal from the active list, it shall send its recommendations to the Secretary for his action.

"(c) If, after reviewing the record of the case, a board of review determines that the evidence before the board of inquiry was insufficient to justify a recommendation of the removal of such officer from the active list, his case is closed. However, at any time after one year from the date of that determination, his case may again be considered under section 3781 of this title."

(b) Section 3785 of title 10, United States Code, is amended—

(1) by striking out "Each" and inserting in lieu thereof "(a) Each";

(2) by striking out clause (1) and inserting in lieu thereof the following:

"(1) notified in writing, at least thirty days before the hearing of his case by a board of inquiry, that a hearing will be held to determine whether he should be removed from the active list;"; and

(3) by adding at the end thereof the following new subsections:

"(b) In addition to the rights and procedures prescribed in subsection (a) of this section, all rights and procedures prescribed in chapter 48 of this title (relating to administrative discharge boards) shall be applicable to boards of inquiry convened under section 3782 of this section.

"(c) The burden of justifying the removal for cause of any officer from the active list of the Regular Army shall be on the Department of the Army."

SEC. 14. (a) Sections 3791, 3792, and 3793 of title 10, United States Code, are amended to read as follows:

"§ 3791. Selection boards: composition; duties

"The Secretary of the Army may at any time convene a board of general officers to review the record of any commissioned officer on the active list of the Regular Army to determine whether he should, because of moral dereliction, professional dereliction, or because his retention is not clearly consistent with the interests of national security, be removed from the active list.

"§ 3792. Boards of inquiry: composition; duties

"(a) Boards of inquiry, each composed of three or more general officers, shall be convened at such places as the Secretary of the Army may prescribe, to receive evidence and make findings and recommendations with respect to whether an officer shall be removed from the active list of the Regular Army whenever such action has been recommended by a board of officers pursuant to section 3791 of this title.

"(b) If the board of inquiry determines that there was sufficient evidence before the board of officers convened under section 3791 of this title to support a recommendation that the officer be removed from the active list, the board of inquiry shall conduct a fair and impartial hearing to determine whether the officer should be removed from the active list.

"(c) If a board of inquiry determines that the officer should not be retained on the active list, it should send the record of its proceedings to a board of review.

"(d) If a board of inquiry determines that the officer should be retained on the active list, his case is closed. However, at any time after one year from the date of that determination, his case may again be considered under section 3791 of this title.

"§ 3793. Boards of review: composition; duties.

"(a) Boards of review, each composed of three or more general officers, shall be convened by the Secretary of the Army, at such times as he may prescribe, to review the records of cases of officers recommended by boards of inquiry for removal from the active list of the Regular Army under section 3792 of this title.

"(b) If, after reviewing the record of the case, a board of review determines that the evidence before the board of inquiry was sufficient to justify a recommendation of the officer's removal from the active list, it shall send its recommendations to the Secretary for his action.

"(c) If, after reviewing the record of the case, a board of review determines that the evidence before the board of inquiry was insufficient to justify a recommendation of the removal of such officer from the active list, his case is closed. However, at any time after one year from the date of that determination, his case may again be considered under section 3791 of this title."

(b) Section 3795 of title 10, United States Code, is amended—

(1) by striking out "Each" and inserting in lieu thereof "(a) Each";

(2) by striking out clause (1) and inserting in lieu thereof the following:

"(1) notified in writing, at least thirty days before the hearing of his case by a board of inquiry, that a hearing will be held to determine whether he should be removed from the active list;"; and

(3) by adding at the end thereof the following new subsections:

"(b) In addition to the rights and procedures prescribed in subsection (a) of this section, all rights and procedures prescribed in chapter 48 of this title (relating to administrative discharge boards) shall be applicable to boards of inquiry convened under section 3792 of this section.

"(c) The burden of justifying the removal for cause of any officer from the active list of the Regular Army shall be on the Department of the Army."

SEC. 15. Clause (1) of section 3811(b) of title 10, United States Code, is amended to read as follows:

"(1) as provided in chapter 48 of this title;".

SEC. 16. Section 5864 of title 10, United States Code, is amended by adding at the end thereof the following: "However, no officer may be discharged under authority of this section unless the board proceedings conducted under section 5862 of this title were conducted in accordance with the procedural requirements prescribed in chapter 48 of this title."

SEC. 17. (a) The first sentence of section 6407 of title 10, United States Code, is amended by striking out "Each" and inserting in lieu thereof "(a) Each".

(b) Such section 6407 is further amended by adding at the end thereof a new subsection as follows:

"(b) No officer shall be removed from the active list of the Navy or Marine Corps for reasons of misconduct, unfitness, or security pursuant to the action of a selection board convened under chapter 543 of this title unless the proceedings were conducted in accordance with the procedural requirements prescribed in chapter 48 of this title."

(c) The catchline of such section 6407 is amended to read as follows:

"§ 6407. Communication with selection board; justifying removal from active list"

(d) The table of sections at the beginning of chapter 573 of title 10, United States Code, is amended by striking out—

"6407. Communication with selection board."

and inserting in lieu thereof

"6407. Communication with selection board; justifying removal from active list."

SEC. 18. (a) Sections 8781, 8782, and 8783 of title 10, United States Code, are amended to read as follows:

"§ 8781. Selection boards; composition; duties

"The Secretary of the Air Force may at any time convene a board of officers to review the record of any commissioned officer on the active list of the Regular Air Force Force to determine whether he should, because the performance of his duty has fallen below standards prescribed by the Secretary, be removed from the active list.

"§ 8782. Boards of inquiry: composition; duties

"(a) Boards of inquiry, each composed of three or more officers, shall be convened at such places as the Secretary of the Air Force may prescribe, to receive evidence and make findings and recommendations with respect to whether an officer shall be removed from the active list of the Regular Air Force whenever such action has been recommended by a board of officers pursuant to section 8781 of this title.

"(b) If the board of inquiry determines that there was sufficient evidence before the board of officers convened under section 8781 of this title to support a recommendation that the officer be removed from the active list, the board of inquiry shall conduct a fair and impartial hearing to determine whether the officer should be removed from the active list.

"(c) If a board of inquiry determines that the officer should not be retained on the active list, it shall send the record of its proceedings to a board of review.

"(d) If a board of inquiry determines that the officer should be retained on the active list, his case is closed. However, at any time after one year from the date of that determination his case may again be considered under section 8781 of this title.

"§ 8783. Boards of review: composition; duties

"(a) Boards of review, each composed of three or more officers, shall be convened by the Secretary of the Air Force, at such times as he may prescribe, to review the records of cases of officers recommended by boards of inquiry for removal from the active list of the Regular Air Force under section 8782 of this title.

"(b) If, after reviewing the record of the case, a board of review determines that the evidence before the board of inquiry was sufficient to justify a recommendation of the officer's removal from the active list, it shall send its recommendations to the Secretary for his action.

"(c) If, after reviewing the record of the case, a board of review determines that the evidence before the board of inquiry was insufficient to justify a recommendation of the removal of such officer from the active list, his case is closed. However, at any time after one year from the date of that determination, his case may again be considered under section 8781 of this title."

(b) Section 8785 of title 10, United States Code, is amended—

(1) by striking out "Each" and inserting in lieu thereof "(a) Each";

(2) by striking out clause (1) and inserting in lieu thereof the following:

"(1) notified in writing, at least thirty days before the hearing of his case by a board of inquiry, that a hearing will be held to determine whether he should be removed from the active list;"; and

(3) by adding at the end thereof the following new subsections:

"(b) In addition to the rights and procedures prescribed in subsection (a) of this section, all rights and procedures prescribed in chapter 48 of this title (relating to administrative discharge boards) shall be applicable to boards of inquiry convened under section 8792 of this section.

"(c) The burden of justifying the removal for cause of any officer from the active list of the Regular Air Force shall be on the Department of the Air Force."

SEC. 19. (a) Sections 8791, 8792, and 8793 of title 10, United States Code are amended to read as follows:

"§ 8791. Selection boards; composition; duties

"The Secretary of the Air Force may at any time convene a board of general officers to review the record of any commissioned officer on the active list of the Regular Air Force to determine whether he should, because of moral dereliction, professional dereliction, or because his retention is not clearly consistent with the interests of national security, be removed from the active list.

"§ 8792. Boards of inquiry: composition; duties

"(a) Boards of inquiry, each composed of three or more general officers, shall be convened at such places as the Secretary of the Air Force may prescribe, to receive evidence and make findings and recommendations with respect to whether an officer shall be removed from the active list of the Regular Air Force whenever such action has been recommended by a board of officers pursuant to section 8791 of this title.

"(b) If the board of inquiry determines that there was sufficient evidence before the board of officers convened under section 8791 of this title to support a recommendation that the officer be removed from the active list, the board of inquiry shall conduct a fair and impartial hearing to determine whether the officer should be removed from the active list.

"(c) If a board of inquiry determines that the officer should not be retained on the active list, it shall send the record of its proceedings to a board of review.

"(d) If a board of inquiry determines that the officer should be retained on the active list, his case is closed. However, at any time after one year from the date of that determination, his case may again be considered under section 8791 of this title.

"§ 8793. Board of review: composition; duties

"(a) Boards of review, each composed of three or more general officers, shall be convened by the Secretary of the Air Force at such times as he may prescribe, to review the records of cases of officers recommended by boards of inquiry for removal from the active list of the Regular Air Force under section 8792 of this title.

"(b) If, after reviewing the record of the case, a board of review determines that the evidence before the board of inquiry was sufficient to justify a recommendation of the officer's removal from the active list, it shall send its recommendations to the Secretary for his action.

"(c) If, after reviewing the record of the case, a board of review determines that the evidence before the board of inquiry was insufficient to justify a recommendation of the removal of such officer from the active list, his case is closed. However, at any time after one year from the date of the determination, his case may again be considered under section 8791 of this title."

(b) Section 8795 of title 10, United States Code, is amended—

(1) by striking out "Each" and inserting in lieu thereof "(a) Each";

(2) by striking out clause (1) and inserting in lieu thereof the following:

"(1) notified in writing, at least thirty days before the hearing of his case by a board of inquiry, that a hearing will be held to determine whether he should be removed from the active list;"; and

(3) by adding at the end thereof the following new subsections:

"(b) In addition to the rights and procedures prescribed in subsection (a) of this section, all rights and procedures prescribed in chapter 48 of this title (relating to administrative discharge boards) shall be applicable to boards of inquiry convened under section 8792 of this section.

"(c) The burden of justifying the removal for cause of any officer from the active list of the Regular Air Force shall be on the Department of the Air Force."

SEC. 20. Clause (1) of section 8811(b) of title 10, United States Code, is amended to read as follows:

"(1) as provided in chapter 48 of this title;".

SEC. 21. (a) Sections 321, 322, and 323 of title 14, United States Code, are amended to read as follows:

"§ 321. Review of records of officers

"The Secretary may at any time convene a board of officers to review the record of any officer of the Regular Coast Guard to determine whether such officer should be removed from active duty—

"(1) because his performance of duty has fallen below the standards prescribed by the Secretary, or

"(2) because of moral dereliction, professional dereliction, or because his retention on active duty is not clearly consistent with the interests of national security.

"§ 322. Boards of inquiry

"(a) Boards of inquiry shall be convened at such places as the Secretary may prescribe to receive evidence and make findings and recommendations with respect to whether an officer shall be removed from active duty whenever such action has been recommended by a board of officers pursuant to section 321 of this title.

"(b) If the board of inquiry determines that there was sufficient evidence before the board of officers convened under section 321 of this title to support a recommendation that the officer be removed from active duty, the board of inquiry shall conduct a fair and impartial hearing to determine whether the officer should be removed from active duty.

"(c) If a board of inquiry determines that the officer should be removed from active duty, it shall send the record of its proceedings to a board of review.

"(d) If a board of inquiry determines that the officer should be retained on active duty, his case is closed. However, at any time after one year from the date of the determination in a case arising under section 321, an officer may again be considered for removal from active duty.

"§ 323. Boards of review

"(a) Boards of review shall be convened at such times as the Secretary may prescribe to review the records of cases of officers recommended by boards of inquiry for removal from active duty.

"(b) If, after reviewing the record of the case, a board of review determines that the evidence before the board of inquiry was sufficient to justify a recommendation of the officer's removal, it shall send its recommendations to the Secretary for his action.

"(c) If, after reviewing the record of the case, a board of review determines that the evidence before the board of inquiry was insufficient to justify a recommendation of the removal of such officer, his case is closed. However, at any time after one year from the date of the determination in a case arising under section 321, an officer may again be considered for removal from active duty."

(b) Section 325 of title 14, United States Code, is amended—

(1) by striking out "Each" and inserting in lieu thereof "(a) Each";

(2) by striking out clause (1) and inserting in lieu thereof the following:

"(1) notified in writing, at least thirty days before the hearing of his case by a board of inquiry, that a hearing will be held to determine whether he should be removed from active duty."; and

(3) by adding at the end thereof the following new subsections:

"(b) In addition to the rights and procedures prescribed in subsection (a) of this section, all rights and procedures prescribed in chapter 48 of title 10, United States Code (relating to administrative discharge boards), shall be applicable to boards of inquiry convened under section 322 of this title.

"(c) The burden of justifying the removal for cause of any officer from active duty in the Regular Coast Guard shall be on the Coast Guard."

SEC. 22. The amendments made by this Act shall become effective on the first day of the sixth calendar month following the month in which it is enacted.

SECTIONAL ANALYSIS

Section 1 provides that the Act may be cited as "The Military Administrative Discharge Procedure Act of 1971."

Section 2 adds a new chapter 48, title 10, United States Code, prescribing the minimum procedural due process applicable in administrative discharge boards considering discharges under conditions other than honorable. Chapter 48 consists of 25 sections as follows:

Section 941 contains the definitions applicable for chapter 48.

Section 942 makes chapter 48 applicable to all members of the armed forces whether in active status or serving in the reserve forces.

Section 943 provides that no member may be discharged under conditions other than honorable except for reasons of misconduct, unfitness, or security and that discharges for these reasons must be pursuant to the procedures set forth in the chapter.

Section 944 defines the administrative discharge board as a factfinding body consisting of three or more officers whose duty it is to conduct a fair and impartial hearing, receive evidence, find facts based upon a preponderance of the evidence, and recommend on the basis of the evidence and the facts found, whether a member should be retained or discharged from the armed forces. The board is also to recommend the type of discharge and to specify reasons for its recommendations.

Section 945 authorizes the President, the Secretary of each service and officers designated by them as appointing authorities to appoint boards. Members of the board are required to be officers of mature judgment and temperament. Officers who have participated in previous hearings at which the member was a respondent may not be members.

Section 946 permits the appointment of a legally qualified adviser to the board when the case presents legal or other questions of such complexity as to make the presence of a legal advisor advisable or when the board or the respondent so requests. The appointing authority is directed to comply with the request unless there are compelling reasons for refusing. A statement of the reasons must be included in the record if the request is not granted.

Section 947 requires the appointment of legally qualified counsel for the respondent. The member may have military counsel of his own choice if reasonably available and may also retain civilian counsel at his own expense.

Section 948 authorizes the appointment of a non-voting recorder to present evidence to the board and to keep a record of the proceedings.

Section 949 provides for the appointment of reporters to record the proceedings and testimony presented at the hearing.

Section 950 authorizes the Secretary of Defense to prescribe rules and regulations for implementing chapter 48. The Secretary of Transportation is similarly authorized to prescribe rules for the Coast Guard when it is not operating as a service in the Navy. The section states that the procedural safeguards established by chapter 48 are to be considered minimums and that the Secretary may grant additional procedural safeguards to respondents. The rules are to be as uniform as possible and are to be reported to the Congress.

Section 951 parallels section 837 of title 10 (article 37 of the Uniform Code of Military Justice) in prohibiting improper interference with the independence and impartiality of discharge boards, courts of inquiry and military commissions.

Subsection (a) prohibits any reprimand of a board because of the findings or recommendations arrived at in a case. General instructions relating to the duties and responsibilities of board members are permitted.

Subsection (b) prohibits coercion or improper influencing of boards with a view to affecting the impartiality of the proceedings.

Subsection (c) makes violation of this section punishable as a court-martial offense.

Subsection (d) prohibits the evaluation of a member's performance as a board member for purposes of promotion or assignment. Also, the zeal with which counsel represents a respondent may not be regarded as an adverse factor for promotion or assignment.

Section 952 requires that 15 days notice be given to a member against whom administrative discharge proceedings have been initiated. The notice must inform him of his rights to have legal counsel to present evidence and cross-examine adverse witnesses, and to remain silent if he chooses. The notice must also inform him of the nature of the action contemplated, the charges and evidence against him, the names of prospective government witnesses, the applicable regulations, and the possible consequences of the proceedings.

Section 953 requires that the parents of respondents less than 21 years old must be notified of the initiation of discharge action. Such notice is also to be sent when the respondent is over 21 but is considered unable to appreciate the nature of the action being taken.

Section 954 requires that counsel be sent copies of all notices and other information sent to the respondent.

Section 955(a) provides that a written waiver of the right to a board may be made only after consultation with counsel. The waiver is not valid if made within 24 hours of notice under section 952. The appointing authority may also reject a waiver if he determines that it was improvidently made.

Subsection (b) permits the appointing authority to deem a waiver of a board hearing to have been made if a respondent in civil confinement or absent without official leave fails to respond within 30 days of notice.

Subsection (c) permits a respondent to resign or be discharged for the good of the service if he so requests in writing after consultation with counsel. The discharge awarded may be honorable or under honorable conditions if such is warranted in the interests of justice. An undesirable discharge may not be awarded if the grounds alleged for board action would not have supported such a discharge.

Section 956 requires that all proceedings of the board be recorded and that, except when the board deliberates or votes, they occur in the presence of counsel, the respondent, and the legal advisor if one has been detailed. Only the voting members of the board may be present when the board deliberates or votes. The board may hear the case in absentia only when the respondent is represented by qualified counsel.

Section 957 provides for challenges to board members only for cause. Challenges are determined by the other members of the board when no legal advisor has been detailed.

Section 958 requires members of the board, counsel and reporter to take an oath to perform their duties faithfully. Witnesses are examined under oath.

Section 959 prohibits the admission into evidence of acts occurring more than three years prior to the order appointing the board or prior to the current enlistment or tour of duty of the respondent, whichever is longer. However, evidence of fraud or misrepresentation affecting the current enlistment is admissible if the service could not have discovered the misrepresentation or fraud.

Subsection (c) prohibits introduction of evidence of acts or omissions which were the subject of a previous court-martial or civil trial which resulted in acquittal or for which the rule against double jeopardy prevents a second trial.

Subsection (d) requires that any evidence admitted must be relevant, material, and probative. It prohibits any ex-parte evidence and introduction of investigative reports unless a copy has been furnished to the respondent in advance and the investigating officer is available for examination as a witness. Matter deleted from the report for security may not be shown to the board. The report may not be introduced if deletions have substantially reduced its evidential value.

Section 960(a) grants equal rights to the respondent to obtain witnesses and evidence under regulations prescribed by the Secretary of Defense. Subpoena power is authorized.

Subsection (b) permits the taking of depositions upon reasonable notice unless forbidden upon good cause. The Secretary of Defense is to issue regulations governing the taking of depositions.

Subsection (c) grants the respondent the right to submit any sworn or unsworn statement in his own defense and to submit to examination under oath if he chooses. Cross-examination of all witnesses and examination of all documents and other evidence submitted is permitted respondent and counsel.

Section 961 provides that all rulings, findings, and recommendations shall be by majority vote of the members of the board. When a legal advisor is detailed, he rules on the admissibility of evidence, on motions and on challenges for cause.

Section 962 requires that a record be kept of all proceedings and that a copy be presented to the respondent. The record must be verbatim in cases of undesirable discharges and in all other cases where ordered by the appointing authority, required by regulations, or where required for a fair and impartial review of the board proceedings.

Section 963(a) authorizes the appointing authority to approve the findings of the board if he determines that they are supported by a preponderance of the evidence in the record. He may disapprove the discharge recommended and issue a higher type of discharge or order a new hearing if he determines the existence of error prejudicial to the respondent, or in the interests of justice. He may not approve findings or recommendations of the new board less favorable to the respondent if the evidence presented is substantially the same as that presented in the earlier hearing. The authority may also retain the member or suspend the execution of a discharge. The basis for the discharge may be changed, but no discharge recommended on the grounds of unsuitability may be changed to the grounds of unfitness or misconduct.

Subsection (b) provides that when a board recommends the retention of the respondent, the case is closed, and no subsequent board may again consider the charges if the evidence presented is substantially the same as that presented earlier.

Subsection (c) permits a subsequent board unlimited by previous findings or recommendations only if fraudulent evidence submitted by the respondent formed the basis in whole or in part for the findings of the first board.

Section 964(a) prescribes the standards for the types of discharges permitted.

Subsection (b) provides that a member discharged for unsuitability may receive an honorable or general discharge based upon his military record considered in the light of his mental and physical capabilities.

Subsection (c) authorizes an undesirable discharge on the grounds of misconduct after a civil conviction for a crime involving narcotics or sexual perversion, where State law authorizes imprisonment for one year or more; after conviction of a crime classified as a felony under title 18, United States Code, or the District of Columbia Code, or for which the Uniform Code of Military Justice authorizes the award of a punitive discharge; or after conviction of a crime of sexual perversion for which the respondent was adjudicated a juvenile offender.

Subsection (d) authorizes a discharge for misconduct for unauthorized absence of more than one year or for fraud or misrepresentation at the time of enlistment which if known at the time would have resulted in the rejection of the member by the service.

Subsection (e) authorizes an undesirable discharge on the grounds of unfitness based upon frequent involvement with authorities, sexual perversion, a pattern of shirking duties, or a pattern of dishonorable failure to pay debts.

Subsection (f) authorizes an undesirable discharge on the grounds of security.

Subsection (g) permits the issuance of a discharge other than undesirable in cases where the respondent has received a personal decoration by his service, or where otherwise warranted by the facts of the case.

Subsection (h) prohibits the execution of a discharge for misconduct for civil conviction if an appeal is still pending unless the Judge Advocate General of the service certifies that the appeal is frivolous or without merit. If a discharge is executed prior to the final disposition of the appeal and the appeal later results in the member not having been legally convicted of a felony, he must receive all pay and benefits he would have received if he was not so discharged. An undesirable discharge so issued shall be changed to a general or honorable discharge, and a general discharge may be changed to an honorable discharge if warranted by the individual's record.

Section 965 authorizes honorable or general discharges based upon grounds other than those prescribed in this chapter, as prescribed by law or provided in regulations issued by the Secretary of Defense.

Section 966 authorizes the Secretary of Defense to issue regulations providing for the review of discharge actions to determine that all proceedings were fair and impartial and that they were conducted consistent with the provisions of the chapter. No decision on review may be less favorable than the action ordered by the discharge authority. Review by the Court of Military Appeals may be obtained. No decision upon review by the Court may be less favorable than the action ordered by the discharge authority.

Section 3 conforms the table of chapters of subtitle A, title 10, United States Code to the changes made by the addition of chapter 48.

Section 4(a) amends section 867 of title 10 to provide for review by the Court of Military Appeals of cases in which petition for review is made under section 966(b).

Subsection (b) limits review of such cases to issues of law specified in the grant of review or raised by the armed force.

Subsection (c) specifies that cases reviewed by the Court of Military Appeals are to be returned to the reviewing authority specified by section 966(a) for further consideration or action in accordance with the decision of the court.

The other subsections of section 4 make technical changes in accordance with these provisions.

Section 5 provides for the amendment of section 867(b)(4) to authorize the representation by appellate military counsel of respondents whose cases are before the Court of Military Appeals.

Section 6 adds the definition of "respondent" to section 801.

Section 7 makes section 266 of title 10, relating to the composition of boards for appointment, promotion, demotion and involuntary release of Reserves, subject to the provisions of chapter 48.

Section 8 amends section 1161 of title 10, relating to dismissals of commissioned officers, to provide that no commissioned officer may be discharged for reasons of misconduct, unfitness, or security under conditions other than honorable, except pursuant to chapter 48.

Sections 9–11 amend sections 1161–1165 of title 10 to make discharges under those provisions subject to provisions of chapter 48.

Section 12 amends section 1166 of title 10 to require that in actions considering the separation of regular warrant officers the burden of justifying the separation is on the government.

Section 13 amends sections 3781, 3782, 3783 and 3785 of title 10 to require that in the proceedings of selection boards, boards of inquiry, and boards of review considering the removal of regular commissioned officers because of substandard performance of duty, the burden of justifying the removal is on the government. All rights and procedures set forth in chapter 48 govern these proceedings.

Sections 14–15 make similar changes with respect to such boards considering the removal of general officers.

Section 16–20 make similar changes in the sections of title 10 concerning analogous proceedings in the Navy, Marine Corps, and the Air Force.

Section 21 amends sections 321–323, and 325 of title 14, United States Code, to make similar changes in analogous proceedings in the Coast Guard.

Section 22 provides that the amendments made by the Act are to be effective on the first day of the sixth calendar month following the month in which it is enacted.

By Mr. CASE:

S. 2251. A bill to provide that the President notify Congress of his intention to exercise certain special authorities under the Foreign Assistance Act of 1961. Referred to the Committee on Foreign Relations.

NOTICE TO CONGRESS OF FOREIGN MILITARY OR ECONOMIC ASSISTANCE TRANSFERS

Mr. CASE. Mr. President, I am today introducing legislation which would require the President to give Congress advance notice of money transfers within the foreign military and economic assistance programs.

I have long been concerned by the so-called "flexibility" written into the Foreign Assistance Act. The President now has authority to shift large amounts of money programed for one country to another country, with the proviso that he notify Congress within 30 days.

Thus, the law as presently written allows the administration to make a significant commitment to a foreign country without including either the Congress or the public in the debate.

Under this authority, the administration shifted nearly $100 million to the Cambodia Government during 1970. The largest portion of this transfer was made before the 1970 elections, but Congress was not notified until the end of November.

I firmly believe that such a large commitment of U.S. Government funds to Cambodia should have been widely discussed in advance, for it involved a significant step toward our becoming entangled in that country.

Then in December 1970, the administration came to Congress for a large supplemental foreign aid appropriation, and we were asked to vote money for those other aid programs from which money had been borrowed in order to send the nearly $100 million to Cambodia.

Frankly, I was disturbed by the whole process, and that is why in December I introduced with Senator SYMINGTON an amendment requiring the President to give the Congress advance notice of aid increases in Cambodia. Happily, the Case-Symington amendment was accepted by the Congress and then signed into law by the President.

But in the case of Cambodia, almost all the horses had escaped by the time we got around to closing the barn door.

So in the future, I am proposing that the President give the Congress 30 days advance notice—or 10 days in case of an emergency—before he shifts scheduled levels of foreign military or economic assistance funds to any country.

If decisions are to be made that affect our country's foreign policy, let them be made with full congressional and public knowledge prior to the event—not 30 days after the fact.

Mr. President, I ask unanimous consent that the text of my bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2251

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 652 of the Foreign Assistance Act of 1961, as added by section 8 of the Special Foreign Assistance Act of 1971, is amended to read as follows:

"SEC. 652. Limitation Upon Exercise of Special Authorities.—The President shall not exercise any special authority granted to him under section 506(a), 610(a), or 614(a) of this Act unless the President, at least thirty days (or 10 days if he certifies, in addition, that the national interest requires it) prior to the date he intends to exercise any such authority, notifies the Speaker of the House of Representatives and the Committee on Foreign Relations of the Senate in writing of each such intended exercise, the section of this Act under which such authority is to be exercised, and the justification for, and the extent of, the exercise of such authority.".

SEC. 2. The last sentence of section 506(a) of the Foreign Assistance Act of 1961 is repealed.

By Mr. CASE:

S. 2252. A bill limiting the total amount of excess defense articles that all Government agencies may make available to foreign countries;

S. 2253. A bill to require specific congressional authorization before funds may be made available to finance military operations outside the borders of the country of the government or person receiving such funds; and

S. 2254. A bill to limit all Government agencies with respect to the use of funds for certain activities conducted outside the United States. Referred to the Committee on Foreign Relations.

INCREASED CONGRESSIONAL CONTROL OVER CERTAIN CIA AND DEFENSE DEPARTMENT PROGRAMS

Mr. CASE. Mr. President, much has been said lately about the effort of Congress to reassert and redefine its authority in the field of foreign policy. For myself, I am scarcely at all interested in this as an exercise in congressional self-aggrandizement. I am very much interested in it as a means of forcing our Government to conduct foreign policy in the open so that the public may know what is going on and have the controlling voice in important decisions.

In a moment I shall mention briefly several measures I am introducing to allow Congress to exercise increased control over certain Central Intelligence Agency—CIA—and Defense Department programs.

My purpose is to place some outside control on what has been the free wheeling operation of the executive branch in carrying on foreign policy and even waging foreign wars.

To be perfectly honest, our system has gotten out of whack, and it is time to restore a better balance.

The Constitution does not give the President authority to declare a secret war, and I do not accept that there are any precedents in our history which would permit him now to do so.

Moreover, our recent history in Southeast Asia shows that wars approved by simply a handful of presidential advisers may well be not only unconstitutional but relatively unsuccessful, too.

Like most Americans, I was shocked by the cynical manipulation of our political processes revealed in the New York Times account of the McNamara study on the origins of the Vietnam war. I believe that our country should not go to war as part of a carefully plotted scenario which involves secret attacks on the other side—some apparently with the aim of provoking retaliation against us and our allies. This approach has no place in our open society.

I do not want to get into an extended post mortem on Vietnam, however. Our primary task should not be to engage in recriminations or assign blame, but to bring the war to an end. That is why, last year and earlier this week, I voted for the Hatfield-McGovern proposal to set a definite date for U.S. withdrawal from Vietnam.

The Vietnam war, as least during the last several years, has been waged essentially in the open. The same cannot be said for the war in neighboring Laos. A top American diplomat was quoted recently by the Washington Star as saying:

> What we are doing here in Laos is totally inconsistent with our kind of society. We are fighting a war by covert means and an open society cannot tolerate that.

I agree with this diplomat's appraisal, and consequently I have done everything I can to bring the facts on the war in Laos before the American public.

For example, I stated several weeks ago that there apparently was an agreement between the United States and Thai Governments for the financing and support through CIA of thousands of Thai troops in Laos. Only when the administration became aware of my speech did the Senate receive any kind of explanation of what was going on. And the explanation was incomplete and partially inaccurate despite its secret classification which prevented it from being made known to the public.

Even today, the Government tries to maintain a thick veil of secrecy over some of its programs in Laos. Every so often news trickles out in driblets as an energetic newspaperman digs out a story or a Government official leaks out a revelation.

But essentially, we are only told things after they have somehow gotten into the public realm, despite the $350 odd million in taxpayers' funds which are being spent annually in Laos, to say nothing of the estimated $2 billion annual cost of U.S. air activity over Laos.

Successive administrations have been able to carry on the secret war in Laos, as they did earlier in Vietnam, by use of that vast billion dollar treasure chest which Congress has appropriated, but never controlled, for discretionary intelligence and military programs. And the U.S. Government agency assigned to carrying out the administration's policies such as the running of the 30,000-man Secret Army—Armée Clandestine—and the funding of Thai troops has usually been the CIA.

I do not direct criticism against the CIA, for it has only been following orders issued by several Presidents. I simply question whether a secret intelligence organization should be assigned a war-making role abroad. Certainly this was not the intent of Congress when it originally voted to establish CIA.

So I come to my three proposals to limit the Executive's authority to wage a secret war. These are not all-inclusive, but they are an attempt to get at the questions of the circumvention of congressional intent and the hiring of mercenaries. The specific proposals are:

First. A bill to extend the limitations which now apply to the use by the Defense Department of its funds overseas to all U.S. Government agencies, including CIA. This would prevent the circumvention of congressional intent in the funding of activities such as the Thai troops in Laos through CIA rather than through more open Government agencies. It would also eliminate the possibility that the Cooper-Church prohibitions against the use of American troops or advisers in Cambodia could be skirted by using CIA personnel.

Second. A bill to prohibit the funding by any U.S. Government agency of military operations by any country outside its borders without specific congressional authorization. This would eliminate the confusing trail of Thais in Laos, Cambodians in Laos, and even Thais in Cambodia. It would not affect the present programs for U.S. payments to Koreans, Thais, and Filipinos in Vietnam, since Congress has specifically voted money for these troops. My bill would, however, require the administration to inform the Congress, on a confidential basis, if necessary, of the details of any agreements with foreign governments to finance their military operations abroad. I would hope this would prevent our Government from offering lavish inducements to foreign governments in return for the use of their troops. As you may remember, it was revealed last year that the U.S. Government in some cases had been secretly paying Koreans and Thais in Vietnam higher levels of combat pay than were being paid to American troops fighting in the same country.

Third. A bill to extend existing limitations on the use by the Defense Department of surplus military materiel to all Government agencies. I make this proposal because of reports I have received of the relatively unrestricted use of surplus materiel by CIA, I have no means of verifying these reports, but if they are untrue, my bill would not interfere with any existing Government programs.

The three proposals I have outlined would serve to plug some loopholes in the law. Of course, they would by no means close them all. The Executive can find ways to skirt almost any prohibition if it is so inclined. The solution to the problem lies, in the long run, not in a tighter drafting of the law but in the acceptance by the Executive of Congress and the public as partners in the conduct of the peoples' vital business.

Our country was founded on the principles of democracy, and the essence of a democracy is the participation of the people and their representatives in the decisions which affect their very national existence.

Mr. President, I ask unanimous consent that the text of my bills be printed in the Record.

There being no objection, the bills were ordered to be printed in the Record, as follows:

S. 2252

A bill limiting the total amount of excess defense articles that all Government agencies may make available to foreign countries

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the first and second sentences of section 8 (a) of the Act entitled "An Act to amend the Foreign Military Sales Act, and for other purposes", approved January 12, 1971 (Pub. L. 91-672; 84 Stat. 2054), are amended to read as follows: "Subject to the provisions of subsection (b), the value of any excess defense article granted to a foreign country or international organization by any department, agency, or independent establishment of the United States Government shall be considered to be an expenditure made from funds appropriated under the Foreign Assistance Act of 1961 for military assistance. Unless such department, agency, or establishment certifies to the Comptroller General of the United States that the excess defense article it is ordering is not to be transferred by any means to a foreign country or international organization, when an order is placed for a defense article whose stock status is excess at the time ordered, a sum equal to the value thereof shall (1) be reserved and transferred to a suspense account, (2) remain in the suspense account until the excess defense article is either delivered to a foreign country or international organization or the order therefor is cancelled, and (3) be transferred from the suspense account to (A) the general fund of the Treasury upon delivery of such article or (B) to the military assistance appropriation for the current fiscal year upon cancellation of the order."

S. 2253

A bill to require specific congressional authorization before funds may be made available to finance military operations outside the borders of the country of the government or person receiving such funds

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That chapter 2 of part II of the Foreign Assistance Act of 1961 is amended by adding at the end thereof the following new section:

"SEC. 511. Limitations on Availability of Funds for Military Operations.—(a) No funds authorized or appropriated under any provisions of law shall be made available by any means by any officer, employee, or agency of the United States Government for the purpose of financing any military operations outside the borders of the country of the government or person receiving such funds unless Congress specifically authorizes the making of funds available for such purpose and designates the area where military operations financed by such funds may be undertaken outside such borders.

"(b) Upon requesting Congress to make any such authorization, the President shall provide to Congress a copy of any agreement proposed to be entered into with any such government or person and the complete details of the proposed military operation. Upon such authorization by Congress the President shall provide a copy of any such agreement and thereafter of all plans and details of such operation."

S. 2254

A bill to limit all Government agencies with respect to the use of funds for certain activities conducted outside the United States

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 7(a) of the Special Foreign Assistance Act of 1971 (84 Stat. 1943) is amended by adding at the end thereof the following new sentence: "None of the funds authorized or appropriated pursuant to this or any other Act may be used to provide military or paramilitary instruction or training assistance to or for Cambodian military or paramilitary forces in Cambodia through advisers paid directly or indirectly by any department, agency, or independent establishment of the United States Government or with funds of any such department, agency, or independent establishment."

SEC. 2. Section 401(a) of Public Law 89-367, approved March 15, 1966 (80 Stat. 37), as amended, is amended—

(1) by inserting in the second sentence of paragraph (1), after "to or for the use of the Armed Forces of the United States", the following: "or of any department, agency, or independent establishment of the United States"; and

(2) by inserting in the introductory matter preceding clause (A) of paragraph (2) of such section, after "Armed Forces of the United States", the following: "or of any department, agency, or independent establishment of the United States".

By Mr. GRIFFIN:

S. 2258. A bill to permit coordination and cooperation in accelerated research and development of devices and equipment to meet government standards for motor vehicle exhaust emissions and abatement of air pollution. Referred to the Committee on the Judiciary.

MOTOR VEHICLE AIR POLLUTION CONTROL ACCELERATION ACT

Mr. GRIFFIN. Mr. President, a few weeks ago the leading domestic and foreign automobile manufacturers reported to the Environmental Protection Agency on the progress they are making in the control of automotive emissions. What they had to say added up to a discouraging outlook for the prospects of complying with the Federal emissions standards set by Congress in the Clean Air Act Amendments of 1970.

There was a good deal of progress to report in reducing emissions below today's levels. Some companies were hopeful that they may be able to meet the 1975 standards on hydrocarbons and carbon monoxide. None of them, however, could say so with any certainty, and none of them could see more than the barest possibility of meeting the 1976 standard for oxides of nitrogen.

From this progress report we can draw only one realistic conclusion: The automobile manufacturers are gaining on the needed technology but losing their race against the clock. I remind my colleagues that the clock by which the automobile industry must work, owing to lead times, is set months and years ahead of ours. For efficient production—which means lower costs to consumers—1975 model designs must be locked up by approximately one short year from now.

Accordingly, it is increasingly evident that we are rushing headlong toward an unpalatable choice between, first, an extension of the deadline for meeting the Clean Air Act standards, or second, a crippling of automobile production with the attendant consequences to our economy and to our automobile-oriented transportation system.

Mr. President, today I am introducing a bill which would minimize the necessity for making that difficult choice by maximizing the automobile industry's chances of meeting the Clean Air Act standards on schedule.

As my colleagues know, the major American automobile manufacturers are now working in willful ignorance of each other's emissions research under a consent decree which prohibits them from exchanging technical information relating to emissions hardware. The consent decree stems from a 1969 Justice Department antitrust charge, stoutly denied by the companies, that their cooperative efforts constituted a conspiracy in restraint of trade.

The bill I am introducing would permit accelerated development of effective air pollution control devices through a limited exemption to the antitrust laws which would allow the auto manufacturers to disclose to one another the results of their efforts and thereby find quicker solutions to automotive pollution.

Mr. President, exemptions to the antitrust laws are and shoull be strictly construed and severely limited. The exemption I propose has been narrowly drawn with that principle in mind. Its sole and single purpose would be to enable the affected industries to expedite the development of more effective emission control methods. The exemption would not cover vehicle safety developments or any other competitive phase of the industry.

Moreover, the bill provides ample safeguards to assure that the exemption would be fully in keeping with the purpose of the antitrust laws:

> Any cooperative arrangement would require prior approval by the Attorney General, and he would have complete oversight of actions taken pursuant to such an arrangement.
>
> Information developed under such arrangements would have to be shared with any nonparticipating manufacturer who wanted it.
>
> Predatory pricing or predatory practices would continue to be subject to antitrust prosecution.
>
> And, finally, the exemption would terminate December 31, 1975.

I wish to point out that there is nothing new or even uncommon about exemptions to the antitrust laws. A former assistant Attorney General in charge of antitrust has estimated that nearly 20 percent of the national income originates in sectors exempt from antitrust laws.

Among the many examples which can be cited are section 9 of the Small Business Act, which permits joint research programs among small business concerns; section 708 of the Defense Production Act, as amended, which provides for voluntary agreements and programs designed to further the objectives of that act; section 2 of the act to assist in safeguarding the U.S. balance-of-payments position, which also provides for voluntary agreements and programs to further the aim of the bill; and the Newspaper Preservation Act, which provides antitrust exemption for joint newspaper operating arrangements where needed to sustain a financially sound publication.

Mr. President, a temporary and carefully qualified antitrust exemption such as that which I propose is necessary to promote two vital goals essential to the public interest:

First. Improving the quality of our air, and

Second. Preserving a healthy automobile industry.

One of the most forceful arguments for permitting the auto companies to cooperate on emissions work has come from Mr. Leonard Woodcock, president of the United Auto Workers. The UAW's commitment to environmental improvement cannot be questioned but, as Mr. Woodcock pointed out in a letter dated May 24, 1971, to the Attorney General, the UAW must also be deeply concerned about the jobs and economic well-being of nearly 1 million members of the union and their families.

In his letter, Mr. Woodcock strongly urged that the Justice Department permit all auto manufacturers to share their technology under direct and strict governmental supervision in a crash program to solve the problems of both vehicle emissions and vehicle safety.

Mr. Woodcock said:

> The purpose underlying the antitrust laws is, of course, to promote competition. There should not be competition in such vital areas as human safety and pollution control. There should not be added profit for those who can best cut corners and save in these areas. Every car should be as safe and clean

> as possible at the lowest possible cost. The labor of a human being is not an element of competition, neither should the health and safety of the public be one.

However, the Justice Department in a letter dated June 11, 1971, from Mr. Richard W. McLaren, Assistant Attorney General for the Antitrust Division rejected the UAW proposal and made it clear that American manufacturers will not be permitted to engage in joint antipollution action unless an antitrust exemption is provided by Congress.

The Department position was spelled out last spring by Mr. McLaren in an address to the antitrust section of the American Bar Association.

Mr. McLaren makes a fluent and persuasive argument for the forces of competition as an incentive to innovation. In matters of ordinary importance I do not take issue with his position.

We are not, however, confronted with a matter of ordinary importance, and the other side of the coin was presented later in the same American Bar Association program by a spokesman for the Environmental Protection Agency. Mr. Allen G. Kirk II, deputy counsel for the EPA, said in part:

> I am not anxious to energize the antennae of Mr. McLaren's Division, but I do wonder whether all technological problems are best hammered out on the forge of unrestrained competition. No one would seriously have suggested that the contract for the Apollo Program should have gone to the first company to put a man on the moon.
>
> Fortunately, very few of our environmental problems approach the scope of complexity of the space program. But the question I raise obviously, is whether there are environmental problems confronting some industry groups, such as the automotive people, that can be solved more quickly more efficiently and more in the public interest by a joint undertaking.

The fact is that without an exemption such as that which I propose, American Motors and smaller companies like Checker Motors of Kalamazoo, Mich., will find themselves at a distinct competitive disadvantage. Since the bill which I introduce today requires information to be shared with all manufacturers upon request, it is precisely those smaller companies which will benefit most from the pooling of information.

Mr. President, it is not merely a surmise that proper cooperative action can speed up the development of emission controls. There is at least one highly convincing example.

I refer to an inter-industry emission control program, started in 1967 by Ford Motor Co. and Mobil Oil Corp. as a joint research effort. Ford and Mobil were soon thereafter joined by five other U.S. oil companies and four foreign automobile producers.

The IIEC's initial goals were to achieve 90 to 97 percent reductions among the various types of vehicle emissions—more than enough to meet any Government standards then existing or then thought likely to come into existence.

By developing a systems-oriented program consisting of 18 research projects, these 11 companies have in less than 4 years been able to meet their original objectives on a laboratory basis and experimental vehicles are now being road-tested for durability, operating economy, and vehicle performance. IIEC's contributions to the state of the art have been so impressive that two nonmember automobile companies—Volkswagen and Toyota—reportedly have paid more than $1 million apiece just to receive the technical reports coming out of the project.

Although the requirements of the Clean Air Act Amendments of 1970 came along very late, IIEC—now in its final year of existence—has adjusted its sights even higher than originally planned.

There can be no doubt that this international cooperative program advanced the art of emission controls much farther much faster than any of those companies could have accomplished alone. Meanwhile, each of the other automobile companies has been pushing its own emissions development to within sight of the 1975 standards. It is not too much to hope that the answers they are looking for lie within the total body of knowledge they have separately and competitively accumulated, and that if they can now be permitted to compare notes and work cooperatively, they can trim months or even years off the remainder of the job.

Mr. President, I remind the Senate that time is growing short for accomplishing the air quality improvements from reduced auto emission which were envisioned in last fall's Clean Air Act amendments.

Congress set an exacting deadline on the automobile industry. Congress now has a responsibility to give the manufacturers every reasonable assistance in meeting that deadline.

Mr. President, I send the bill to the desk and I ask that it be appropriately referred, and that the bill be printed in the RECORD as well as a letter dated July 8, 1971, which I addressed to Mr. Leonard Woodcock; a letter from Mr. Woodcock to the Attorney General dated May 24, 1971; and the reply from Assistant Attorney General Richard W. McLaren dated June 11, 1971.

In addition, Mr. President, I ask that an article concerning the plight of American Motors, which appeared in the July 12, 1971, issue of the Wall Street Journal, also be printed in the RECORD.

There being no objection, the bill and material were ordered to be printed in the RECORD, as follows:

S. 2258

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Motor Vehicle Air Pollution Control Acceleration Act".

DECLARATION OF PURPOSE

SEC. 2. It is the purpose of this Act to provide a limited exemption from liability under the antitrust laws to facilitate compliance by the motor vehicle industry with Federal and State standards relating to the control of motor vehicle exhaust emissions and the abatement of air pollution produced by motor vehicles by permitting manufacturers in that industry to cooperate in the development of motor vehicles which will meet such standards before 1976.

DEFINITIONS

SEC. 3. As used in this Act, the term—

(1) "antitrust law" means the Federal Trade Commission Act and each statute referred to in section 4 of such Act (15 U.S.C. 44) as "Antitrust Acts" and all amendments to such Act and such statutes and any other Act of Congress in pari materia, including but not limited to section 3 of the Act of June 19, 1936 (15 U.S.C. 13a);

(2) "motor vehicle manufacturer" means any person engaged in the manufacturing or assembling of new motor vehicles or new motor vehicle engines, or improving such vehicles or engines for resale, or who acts for and is under the control of any such person in connection with the distribution of new motor vehicles or new motor vehicle engines, but shall not include any dealer with respect to new motor vehicles or new motor vehicle engines received by him in commerce;

(3) "motor vehicle" means any self-propelled vehicle designed for transporting persons or property on a street or highway;

(4) "motor vehicle engine" means any engine used to power a motor vehicle;

(5) "devices" means air pollution emission control designs, instruments, equipment, methods, or parts thereof for motor vehicles or motor vehicle engines, including but not limited to engine modifications, air injection, catalysts, reactors, fuels, fuel dispensing pumps, and related equipment;

(6) "dealer" means any person who is engaged in the sale or the distribution of new motor vehicles or new motor vehicle engines primarily to persons who in good faith purchase such new motor vehicles or new engines for purposes other than resale; and

(7) "person" means any individual, and any partnership, corporation, association, or other legal entity existing under or authorized by the law of the United States, any State or possession of the United States, the District of Columbia, the Commonwealth of Puerto Rico, or any foreign country.

ANTITRUST EXEMPTION

SEC. 4. (a) It shall not be unlawful under any antitrust law for any motor vehicle manufacturer to enter into any contract, combination, or other arrangement with any other person or persons including one or more motor vehicle manufacturers, after the date of enactment of this Act for the purpose of engaging in basic or applied research with respect to the development of, or developing means of manufacturing, motor vehicles, motor vehicle engines and devices which will meet or exceed standards promulgated under Federal or State law which relate to the control of motor vehicle exhaust emissions and the abatement of air pollution produced by motor vehicles, if such contract, combination, or other arrangement is approved by the Attorney General. Subject to the provisions of section 5, the Attorney General shall approve such contract, combination, or arrangement and actions taken pursuant thereto if he determines that it is designed to achieve the purposes for which this antitrust exemption is provided, and that such contract, combination, or arrangement and actions taken pursuant thereto do not constitute a violation of any provision of an antitrust law for which no exemption is provided by this Act. The Attorney General shall not approve any contract, combination, or other arrangement under this section if the terms of such contract, combination, or other arrangement extend beyond December 31, 1975.

(b) Nothing contained in this Act shall exempt from any antitrust law any predatory pricing, any predatory practice, or any other conduct in the otherwise exempt operations or two or more motor vehicle manufacturers under a contract, combination, or other arrangement approved under this section which would be unlawful under any such law if engaged in by a single motor vehicle manufacturer.

PROCEDURE

SEC. 5. (a) A motor vehicle manufacturer seeking to obtain the exemption provided by section 4 shall—

(1) before entering into a contract, combination, or other arrangement under such section, file a copy of such contract, or a

memorandum setting forth the particulars of the combination or other arrangement, with the Attorney General, together with such other related information as he may require; and

(2) obtain the approval of the Attorney General for such contract, combination, or other arrangement.

(b) The Attorney General shall promulgate regulations establishing procedures to be followed by motor vehicle manufacturers in entering into such contracts, combinations, or other arrangements. The procedures shall be designed to further the purposes of this Act and to assist motor vehicle manufacturers in entering into such contracts, combinations, or other arrangements without violating any provision of an antitrust law for which no exemption is provided by this Act.

(c) The Attorney General is authorized to review, from time to time, action taken under any contract, combination, or other arrangement approved by him under section 4 in order to insure that such action does not involve any activity which is in violation of any provision of an antitrust law for which no exemption is provided by this Act. In order to facilitate such review, any motor vehicle manufacturer which is a party to such contract, combination, or other arrangement shall furnish a copy of any document related thereto to the Attorney General upon his request, and provide such other information and assistance as he shall require in carrying out his authority under this subsection.

(d) The Attorney General may, after reasonable notice and an opportunity for a hearing, terminate his approval of any contract, combination, or other arrangement if he determines that the parties thereto are engaged in activities under such contract, combination, or other arrangement which are in violation of any provision of an antitrust law for which no exemption is provided by this Act, or have failed to comply with procedures established under subsection (b) of this section.

(e) In making determinations under this section, the Attorney General shall proceed in accordance with the provisions of subchapter II of chapter V of title 5, United States Code. Any party to a proceeding under this section aggrieved by a final determination of the Attorney General may, at any time within sixty days after the date thereof, file a petition with the United States Court of Appeals for the District of Columbia Circuit for judicial review of such order.

SHARING OF INFORMATION

SEC. 6. Any information developed under a contract, combination, or other arrangement approved by the Attorney General under section 4 shall be made available to any motor vehicle manufacturer not a party to such contract, combination, or arrangement upon request.

TERMINATION OF EXEMPTION

SEC. 7. The exemption from liability under the antitrust laws provided by section 4 of this Act shall not apply after December 31, 1975, to any activity after that date under any contract, combination, or other arrangement approved under such section.

U.S. SENATE,
Washington, D.C., July 8, 1971.

Mr. LEONARD WOODCOCK,
President, International Union, UAW,
Detroit, Mich.

DEAR LEONARD: Enclosed is a draft bill and the text of a speech I plan to deliver Monday, July 12, on the Senate floor. As you will note, the bill would provide a limited antitrust exemption so that auto manufacturing companies could cooperate in research efforts to meet the demanding emission standards set by Congress in the Clean Air Amendments of 1970.

Frankly, this bill was developed because of the logic of arguments set forth in your May 24 letter to the Attorney General, a copy of which you kindly sent me. Needless to say, I was disappointed by the response dated July 11 which you received from Mr. Richard W. McLaren, the Assistant Attorney General for the Antitrust Division.

Since Mr. McLaren's reply makes crystal clear that legislative action is necessary, I sincerely hope that you and the UAW will join me in active support of this legislation.

After you have had an opportunity to study the bill and my statement, I would welcome any comments or suggestions.

With best wishes and my kind personal regards, I am

Sincerely,

ROBERT P. GRIFFIN,
U.S. Senator.

INTERNATIONAL UNION, UAW,
Detroit, Mich., May 24, 1971.

Hon. JOHN N. MITCHELL,
The Attorney General,
Department of Justice,
Washington, D.C.

MY DEAR MR. ATTORNEY GENERAL: We write you now with respect to a matter of mutual concern and of concern to the entire nation. As President of the International Union which represents most of the automobile workers of America, I have particular interest in the future of that industry. Moreover, this Union which represents almost a million and a half workers and their families has a great and abiding interest in the society as a whole and the quality of life in it.

We are committed to achieving a clean and healthy environment in which our machines are as safe as possible, as fast as we can. The UAW believes that the American people are entitled to automotive and other products as healthful, safe and free from hazard as human ingenuity can make them. The safety of life and limb and the health of the environment are matters of the highest priority. We believe that not a moment nor an effort should be wasted in achieving these priorities.

The UAW has an additional concern—the jobs and economic well-being of its members. The destiny of those workers and their families in the automobile industry is inextricably tied to the future of the industry. Federal legislation has already imposed rigid and immediate deadlines for the dramatic curtailment or elimination of pollution caused by the internal combustion engine. Similar immediacy faces the industry with respect to other federal laws regulating the safety of automobiles. States and cities, on their own, might well impose restrictions, deadlines, and standards in advance of federal legislation. This legislation, born of a genuine concern for the health and safety of all people threatens the jobs upon which our members and their families depend and the economic health of some of the smaller manufacturers.

The time and cost pressures of this well-intentioned legislation fall hardest on those sectors of the industry least able to afford them, the smaller automotive manufacturers. This, in turn, directly threatens the elimination of UAW jobs. This, for us, is also a matter of highest priority.

We take it you would agree that because of the size and importance of the automobile industry, the well-being of the nation's economy is, in large measure, tied to this industry.

In light of these considerations, we believe that we should solve these serious and vexing problems by embarking, as soon as possible, on a crash program combining the vast resources of all manufacturers in the automobile industry so as to meet these problems with the finest available expertise, as well as technological and financial resources. This cooperative effort can be maintained within both the spirit and the letter of our anti-trust laws. There should be a concerted, cooperative, industry-wide attack with such collaboration narrowly confined to the sharing only of technology directly related to safety and pollution. Moreover, this cooperation should be conducted only under direct and strict governmental supervision. The Justice Department, the Department of Transportation, the Department of Commerce and others would be well suited for careful scrutiny of this cooperation. The government monitors could also serve the additional function of keeping the Congress and the public informed as to the progress being made in safety and pollution control.

We hope you will agree that government instigated and supervised cooperation among competitors or between industries does not violate the anti-trust laws. In addition to the great benefit of combining available technology, finances and plant facilities to force a swift solution to these common problems, we believe this approach could have other important advantages. The government supervision and the narrowly restricted parameters of collaboration would allay any fears of mutual effort spilling into unrelated areas. It would subject any proposed standards to the scrutiny of a wide cross section of interested parties. We believe that all producers, not just the major ones, should be invited to participate in the effort. Moreover, the views of interested consumers and public agencies should be solicited. This method might well avoid duplication of efforts and time waste in an area where time is of great importance. It would standardize safety and anti-pollution features throughout the industry and would facilitate the availability of the findings to all.

One of the stumbling blocks in the way of automobile manufacturers meeting deadlines on products not yet identified is how to get sufficient lead time to develop the unknown. A larger company can, of course, provide lead time better than a small one. We now need the benefit of pooling in this limited area of research and development. This would be of great benefit especially to the smaller manufacturers for, if all corporations involved were required to duplicate and compete in research and development in safety and pollution control, the smaller ones with less financial resources and consequently less technological ability would be less able to use their resources in areas of real business competition. Supervised cooperation, on the other hand, in the limited areas of safety and anti-pollution, would make new developments available to the smaller companies much sooner and with less damaging effect on their smaller budgets. The net effect would, in my opinion, be increased competition in areas such as price, style, and service—areas of real concern to consumers.

We seek, on our own behalf and for society, assurances from you that monitored cooperation can be managed in these limited areas without violating the present anti-trust statutes or the terms of any court decree. If there is any doubt about such legality under the 1969 pollution decree, we urge you to seek clarification of the consent decree entered on October 29, 1969 in the case of *United States v. Automobile Mfrs. Assn., Inc., General Motors Corp., Ford Motor, Chrysler Corp., and American Motors Corp.*, so as to permit supervised collaboration. As we view the thrust of that decree it is to prevent *conspiring to delay and obstruct* the development of pollution control devices. It is our hope that temporary supervised cooperation *seeking a solution to pollution problems* would not be within the prohibition of that decree.

We are all well aware and vitally concerned about the complex and serious problems surrounding safety and ecological preservation. We are also mindful of and fully in support of the basic philosophy of fostering maximum competition in America. We can, I believe, work toward a solution of the safety and ecological problems without compromising our anti-trust principles.

It is our belief that the goal of quickly and efficiently reaching needs of safety and a healthy environment need not be tantamount to the presentation of a carte blanche to the industry to violate the anti-trust laws. Governmental supervision can insure responsible and prompt action. Through the use of cooperation and government monitoring, we believe the problems can be efficiently attacked with results available for *all* manufacturers, not just the wealthy ones. This approach will eliminate fears of collaboration in unrelated areas and will result in a healthy industry, safer products and a clean environment.

The purpose underlying the anti-trust laws is, of course, to promote competition. There should *not* be competition in such vital areas as human safety and pollution control. There should not be an added profit for those who can best cut corners and save in these areas. Every car should be as safe and clean as possible at the lowest possible cost. The labor of a human being is not an element of competition, neither should the health and safety of the public be one.

There is no "healthy competition" in meeting 1975 anti-pollution standards—only the largest and most powerful are favored by such an attitude. The lesser manufacturers are disadvantaged and so is the public. This is not research and development in which traditional concepts can call the tune. We cannot analyze today's problems in yesterday's terms.

Please be kind enough to react to this letter at your earliest opportunity.

Yours very truly,
LEONARD WOODCOCK,
President.

DEPARTMENT OF JUSTICE,
Washington, D.C., June 11, 1971.

Mr. LEONARD WOODCOCK,
President, International Union, UAW,
Detroit, Mich.

DEAR MR. WOODCOCK: The Attorney General has forwarded your letter of May 24, 1971, to me for acknowledgment and reply.

We share your concern over the need of this nation to achieve a healthy environment as rapidly as possible. We also share the conviction that competition in the automotive industry should not be reduced or eliminated in our attempts to provide safer, cleaner products. And we share the belief that environmental and other problems can be eliminated without sacrificing basic national policies to encourage competition.

We cannot agree, however, with your statement that there should not be competition in such vital areas as human safety and pollution control. Competition has served us well as a spur to the enormous technological gains achieved in this and previous decades. It should not be abandoned as we strive to meet the critical challenges to the safety and health of American citizens.

These principles are particularly germane to past events in the automotive industry. The antitrust case against the Automobile Manufacturers Association and its members teaches that cooperation can lead to suppression rather than development of essential antipollution devices.

The existing provisions of the antitrust decree entered in that case should assure you and others that the survival of specific automobile firms is not at issue. The judgment is carefully tailored to permit cooperation among industry members sufficient to give society, as well as firms in the industry the benefit of technological breakthroughs while insuring that all firms move ahead rapidly and independently with the widest search for viable solutions.

For example, as you know, American Motors Corporation, with the approval of the Department of Justice, has since the decree availed itself of consultation with selected General Motors' engineering personnel concerning exhaust gas reaction and recirculation devices for American Motors engines. In addition, the decree permits purchase of specific products and license of specific patents among manufacturers, so that all competitors may ultimately enjoy the fruits of competitive research. We also call your attention to the fact that, pursuant to recent statutory amendments to the Clean Air Act, essential patents for antipollution devices can be required to be licensed to competitors on reasonable terms.

Needless to say, we all have a stake in the quality of the environment and the safety of the products we buy. I would hope upon reflection you will agree that competition—not collaboration—offers the greatest likelihood that these critical goals will be rapidly achieved.

Sincerely,
RICHARD W. MCLAREN,
Assistant Attorney General,
Antitrust Division.

TINY AMERICAN MOTORS STRUGGLES TO SURVIVE AS A SEPARATE CONCERN

(By Laurence G. O'Donnell)

DETROIT.—When small cars last caught the fancy of U.S. car buyers in the late 1950s, American Motors Corp. got to the market early and successfully pioneered the compacts. Now the small-car market is red-hot again. But American Motors, instead of being a victor in the latest small-car war, is a victim.

Far from prospering in the small-car boom, AMC is being buffeted between the giants of the U.S. auto industry and the foreign car makers who are flooding the U.S. with imports. The fact that American Motors is in trouble at such a time—when the small-car market has doubled within two years—is raising questions about whether there is room for the company to exist at all in its present form.

Indeed, some analysts are coming to the conclusion that American Motors' long-term future as an auto maker probably hinges on a big merger—perhaps with one of the Big Three's major foreign rivals. And the analysts may be right. Although American Motors executives emphasize that nothing is currently in the works, they view such speculation as reasonable. "There is no sense saying we'd never consider associating with somebody else," says Roy D. Chapin Jr., chairman.

A HANDSOME PAYOFF

American Motors, of course, has lived under clouds of speculation about its viability and future ever since Nash Motors merged with Hudson Motor Car in 1954. The merged enterprise stumbled along with 2% or less of the U.S. auto market for the first four years of its existence, posting deficits each year. In fact, the only time the rumors ever really went away was during the last small-car boom after American Motors gambled everything on its ability to make and sell cheap, economical small cars. The gamble paid off handsomely.

Tiny AMC plugged into the small car market a year before its Big Three rivals, set low but reasonably profitable prices on its Ramblers and roared off to its most profitable years, tripling its share of all cars sold to over 6%.

But the rumors started to swirl again in the early 1960s when the small car boom started to fade. A number of importers were driven out of the market through the enormous economic and marketing clout of GM, Ford and Chrysler, who then turned around and made their compacts bigger. American Motors was left with the tough choice of sticking with its successful compact cars and battling for sales in a shrinking market, or augmenting its line with new, bigger cars to compete against the Big Three.

AMC chose the multicar approach, bringing out sporty cars to compete against Ford's successful Mustang and intermediate-sized cars to battle Chevelles, Fairlanes and Belvederes. But the proliferation of models didn't succeed. AMC's original sporty car, the Marlin, flopped and was killed after only three years. Its intermediates—the Rebel, now called Matador and Ambassador—never caught fire. So AMC's share of all car sales shrank to under 3% again, plunging the auto maker into the red.

The current comeback in small cars, which first showed up with a resurgence of imported-car sales in the mid-1960s, spurred speculation that American Motors might finally be on the threshold of good times again. A young new management, headed by Mr. Chapin, took over AMC in early 1967, scrambled adroitly to get its financial house in order and busily designed new products and marketing strategies so AMC could again cash in on the growing demand for smaller cars.

Demand for small cars now is growing even faster than AMC expected. But its marketing strategies aren't panning out. Its immediate goal of selling 300,000 cars a year, which is more than one-third less than its best volumes during the last small-car boom, has "been damn elusive," Mr. Chapin concedes. Last year, its dealers sold 254,000 cars. AMC's market share so far this year is 2.5%, down from 2.9% last year. "We should be getting a bigger piece of the market, there is no doubt about that," Mr. Chapin adds. AMC ended up with a $56 million deficit last year, and it's barely in the black this year.

Many marketing men in Detroit believe that AMC is floundering in the midst of the current small car boom because it has elected to continue selling many sizes of cars rather than reverting to its successful one-car formula of the late 1950's. Even its own vice president of marketing, William McNealy Jr., says he thinks AMC is copying too closely the marketing strategies and product ideas of the Big Three, which he considers out of touch with today's functionally minded car buyers.

"AMC's big mistake was to toss aside the idea of one car, of selling to its strength," says an official at a rival company. "The cost of proliferation has killed them. The costs of manufacturing and developing cars are very high and spread over too few car sales at American Motors."

A STOUT DEFENSE

Mr. Chapin agrees that competing in several markets, rather than just one, "is difficult." He says proliferation of models and stress on styling have been overdone, so AMC will cut its 23-model lineup during the coming model year. Executives also hint there will be a major new pitch to "utilitarian" car buyers.

But Mr. Chapin stoutly defends AMC's basic multicar strategy as the only way a company its size can survive in today's fiercely competitive, high-cost auto industry. "We have an inherent structure as an automobile company where you have certain levels of fixed costs, and you have to get units to support it," he says.

After careful study, AMC's management concluded it couldn't get the minimum volume it needs to turn a profit unless it stayed in three basic markets—small cars, sporty cars and intermediates. The company decided competition wouldn't allow it to get enough volume in just one market.

So AMC decided on a big-and-little car strategy that it hoped would give it a piece of the small-car action while offsetting the profit crunch a swing to less-profitable small cars might cause. Step one was to bring out a brand-new compact, called the Hornet, to replace the Rambler American. The Hornet, was designed with "derivative capability" so that other small cars such as the Gremlin could be built without major capital expenditure. (The Gremlin minicar, in fact, required only $6 million in tooling, a drop in the bucket by Detroit's standards.)

Step two was to promote AMC's bigger intermediate and sporty cars, utilizing the Matador, Javelin and Ambassador. These cars were already tooled, are more profitable than smaller cars to AMC and have existing owners who might be wooed back for replacements. "The basic game plan was to hit the bottom end of the market strong but to stay with the next-biggest segment of it (the intermediates) without any major capital expenditures," explains Mr. Chapin.

For the big-and-little plan to work, two things had to happen: AMC's total sales would have to grow, and production would have to be carefully balanced between the bigger, more profitable cars and the faster-selling, less profitable jobs so AMC could turn a profit even on minimum volumes.

But one problem after another has snagged this plan. Volumes so far this year are 5% behind a year ago and slightly under two years ago, even though sales of the industry as a whole are running 10.5% ahead of a year ago and 2.9% ahead of two years ago.

Maintaining a profitable mix has been a struggle, too. One reason AMC ended up in the red last year was that it sold proportionately more Hornets and Gremlins and fewer Javelins than projected. This year Matador and Ambassador volumes are running lower than expected, thus accounting for a smaller portion of AMC's total mix than projected.

Paradoxically, while the small cars are accounting for a bigger portion of AMC's mix than projected, they aren't selling as fast as small cars generally. AMC's share of all small-car sales, including imports, has fallen this year to less than 4% from 5% a year ago—while the industry share for small cars has increased to one out of three new-car sales from one in four a year ago.

LOST IN THE SHUFFLE

Some analysts think American Motors is simply getting lost in the shuffle as the marketing war at the bottom end of the market intensifies. The small-car counterattack by Detroit so far hasn't hurt imports, which keep growing, but instead is turning into a Detroit-vs.-Detroit battle, with American Motors the loser, this theory goes.

AMC expected its small cars to attract attention and showroom traffic that would help build up its bigger car volumes. But that isn't happening. "We soon found out that Gremlin shoppers are interested only in Gremlins," says an AMC official. "They might look at a Javelin. But then they'd go back to the Gremlin and either buy it or leave."

Dealers aren't much help in pushing the bigger cars. Some have found they can make as much profit selling $1,999 Gremlins as $3,616 Ambassadors because there is less price discounting on the minicars. "The Gremlin has been a lifesaver," says Jim Kitts, sales manager of Coon Bros., a Redford, Mich., AMC dealer. "Last month we sold 121 cars, and 62 were Gremlins."

Some financial analysts believe AMC's current difficulties started with a strike in the fall of 1969 that lasted for five weeks and thus hurt the launching of the Hornet. The strike plunged AMC into the red and strained its working capital at a time when it was rushing to bring out the Gremlin. "The strike put them right out of the box," says Michael Ward, an auto analyst for Alliance One Institutional Services. "They didn't have the money after the strike to get the momentum."

Others think dropping the Rambler name was an error. Some dealers were left with Rambler signs even though the Rambler name was gone from the cars. The name "had a value," says one former AMC official. "It was recognizable. When GM was considering dropping the Chevrolet name, they decided instead to upgrade the product."

A BAD REPUTATION

Mr. McNealy, the marketing vice president, defends the decision, noting that the Rambler had a bad reputation with many car buyers. He believes that some of AMC's problems stem from its dealer force, which he describes as "weak." He says American Motors had a six-month lead over Ford and GM in getting to the minicar market with the Gremlin. But AMC "blew" its opportunity because it didn't get its own dealers to improve their facilities and increase their marketing efforts in exchange for their share of the new "hot" merchandise. He blames that, in part, on AMC's own unaggressive field organization, which he has been shaking up since taking over as marketing chief a year ago. Half of the 23 zone managers have been changed, and about 150 weak dealers have been encouraged to close their doors. However, critics of Mr. McNealy's shake-up claim it is hurting AMC's rapport with its dealers, which has been one of its strengths.

Dropping small station wagons when the Hornet was introduced also hurt. Some AMC officials privately felt the decision at the time was unwise. They were right. Leftover Rambler wagons sold out quickly. Some AMC officials wished they could have retrieved a big shipment of wagons that AMC had sent to Mexico. Strapped for cash, AMC wasn't able to fill its small-wagon gap for two years—until last fall when it brought out a version of the Hornet called the Sportabout. Now Sportabouts account for one-third of AMC's Hornet volume.

WORST IN THE GROUP

While the Gremlin design provided quick and inexpensive entry into the minicar market, the shortened version of the Hornet hasn't helped the AMC image among some car buyers. Consumer Reports, in its initial evaluation of the Gremlins was sharply critical. It called the Gremlin's ride "fair-to-poor" and its fuel economy "well below that of most foreign subcompacts." This spring, when Consumer Reports rated seven of the most popular small cars, it said Gremlin was "the worst car in this group in most respects."

Mr. Chapin insists that AMC's market position now is better than it appears. He counts as "underlying strengths" AMC's recent revamping of its marketing strategies, including stress on dolled-up and more-profitable versions of its small cars. Sweeping cost-cutting has lowered the break-even point from over 300,000 to an estimated 250,000 car sales a year. He says AMC could be "an extremely viable company" with a relatively small increase in its market share. "We don't have to get 10% of the industry, a million automobiles, to be extremely successful," he asserts.

Nevertheless, it is clear that AMC has lowered its sights from two years ago, when a sharp upturn in its fortunes seemed imminent.

Financial analysts are worried that AMC's failure to widen its market share now will hurt it in the future. Since volumes aren't growing, AMC is scrambling merely to turn a profit rather than scoring big earnings that would help to rebuild its financial structure. "They are in no immediate financial danger," says David Healy, an auto analyst at Burnham & Co., a securities firm. "It is just the long-term proposition that is a question."

DEPENDING ON GM

One sign of weakness is AMC's growing dependence on General Motors. To get emergency financing for some of its dealers, AMC has had to work out a special arrangement with General Motors Acceptance Corp. To augment its limited research budgets, AMC has quietly turned to GM for technical help to meet the government's new, more stringent standards on auto exhaust emissions. And to bolster its shrunken dealer network, AMC is even working on a plan to sign up Pontiac and Oldsmobile dealers to also handle AMC cars in key markets. (See accompanying story.)

Another concern among analysts is that AMC apparently is running out of emergency fund-raising options to bolster its working capital. In the past four years, AMC has sold off its two major nonautomotive subsidiaries, raised $35 million on Wall Street by selling debentures, successfully begged Congress for a special $10 million tax rebate and secured $45 million in extra working capital by taking over Kaiser Industries' Jeep operations. Mr. Chapin warns reporters against assuming there aren't "more rabbits" in the hat. The "same guys" are running AMC, he says. "Don't discount the ingenuity that is inherent in this very unstereotyped organization."

Such assurances, however, fail to persuade financial analysts that AMC can prosper without more outside financial help. "It will probably take a miracle to keep American Motors going," says Arvid Jouppi, an auto analyst for Wm. C. Roney & Co. in Detroit.

Mr. Chapin, candidly discussing the prospects, holds out two possibilities. One is more large acquisitions, like the Jeep take-over, which would deemphasize AMC's dependence on passenger car sales. He says "there might" be more such acquisitions in fields related to car making—companies in the $50 million range—although currently AMC is working on only "a couple of small acquisitions." Such acquisitions would presumably help AMC's profits, although so far Jeep's contribution has been marginal.

NO TANGIBLE OFFERS

Another possibility is a big merger. Mr. Chapin says there have been "evidences of interest" from other companies but "nothing tangible." He scoffs at recurring speculation that International Harvester might be a merger partner, saying the talk stems from the fact that the president of International Harvester "is my brother-in-law." He rates as "interesting" rumors that White Motors might be interested in American Motors now that Semon (Bunkie) Knudsen, former president of Ford, is chairman. But Mr. Chapin says he assumes that Mr. Knudsen has "got a few things to do" at financially troubled White before he could put White into the merger market. (Mr. Knudsen says White isn't talking to AMC or anybody else at present.)

Mr. Chapin explains the various rumors linking AMC to a foreign auto maker this way: "If you are going to be a world auto company, you're not going to be that unless you are something big in the U.S. car market, the biggest single auto market in the world. Obviously, the way to get established in this market in a big way is right here," meaning a deal with American Motors. He adds, however, that he doesn't know that any foreign company has such a plan. "And I am not going to spend a lot of time worrying about it."

Such a take-over could provide a foreign auto maker with a major distribution network in the U.S.; AMC has 2,200 dealers, 1,000 more than any importer. By investing in AMC, a foreign manufacturer would keep its profits in the U.S. and curb some of the mounting criticism of auto importers as aggravators of the balance-of-payments problem.

Mr. Chapin makes it clear that his main criterion in evaluating any merger or take-over by another company is the survival of AMC as a car maker. "I'm not interested in AMC becoming part of somebody else for the purposes of liquidating American Motors, because I believe there is a very real place for us," he says. He views Edgar Kaiser, chairman of Kaiser Industries, as an ally.

Kaiser Industries got a 22% interest in AMC in exchange for its Jeep operations, making it AMC's biggest shareholder by far. Its block could be the key to any merger plan. Mr. Chapin says Mr. Kaiser "has a basic interest and concern in the automobile business, and he wants to see American Motors become a really successful company."

A BENIGN STOCKHOLDER

Kaiser so far has been a benign stockholder. It has only two seats on AMC's 15-man board and no representatives in the top management. It waived interest and principal payments on a $9.5 million note from AMC earlier this year to help AMC get a temporary bank loan. Officials of Kaiser Industries stress that the company has no interest in taking over AMC. And while Kaiser is friendly and sympathetic, they say the company's primary objective is protecting its investment in AMC.

Some analysts think AMC also has important allies in its Big Three competitors and the federal government.

The Big Three's stake in AMC survival is said to stem from fears that failure of American Motors would trigger a long-contemplated antitrust attack on the auto industry.

Before American Motors made any moves toward closing down, analysts believe it would first ask for, and probably receive, extensive additional technical and financial help from one or more of its domestic competitors. There might even be a move by Ford or Chrysler to take it over.

Such a merger isn't as preposterous as it might seem. When American Motors was in deep trouble four years ago, Donald Turner, then head of the Justice Department's antitrust division, disclosed that under the government's failing-company antitrust doctrines, a merger between American Motors and another auto company would have to be "entertained" if all other rescue efforts failed. While such a merger would contribute to further concentration in the auto industry, it could save jobs and AMC's 2,200 dealers.

The government's stake in the survival of American Motors is broad, indeed. With sales of over $1 billion last year, American Motors was the 110th biggest manufacturer. Its 22,000 workers are concentrated in three states—Wisconsin, Indiana and Ohio. It has operations around the globe. And there are three million American Motors cars on the road.

BUICKS, HORNETS IN THE SAME SHOWROOM? GM SHARES DEALERS TO HELP AMC OUT

DETROIT.—American Motors Corp. has quietly signed up some major Buick, Pontiac and Oldsmobile dealers to sell AMC cars in addition to their General Motors cars, Roy D. Chapin Jr., chairman, disclosed in an interview.

The signings took place last year but weren't announced at the time. They are part of a new American Motors effort to strengthen its dealer network. The moves are also part of GM's continuing efforts to help the beleaguered small fry of the auto industry. Not only do the additional dealers give AMC outlets in important locations, but they also solve the problem of inventory financing since the GM dealer can get funds from General Motors Acceptance Corp. AMC doesn't have a captive finance company.

AMC signed up about a dozen of the GM dealers under "a specific understanding that at a certain point in volume, they become separate," Mr. Chapin said. AMC has held up the program since then because it discovered certain dealer-supply problems that it now is trying to work out, according to William McNealy Jr., vice president—marketing.

These big GM dealers are in addition to some 450 smaller GM dealers that also handle AMC cars. The new GM dealers are in strategic locations and have large service facilities. They were signed up as part of a plan to add about 50 big dealers, who have the flexibility to handle AMC's special models such as its Javelin AMX sports car and its dressed-up Hornet Sportabout.

American Motors has about 2,200 dealers of which about 700 are "duals."

Other help AMC is getting from GM includes technical aid on developing new engines that can meet the government's stiff 1975 standards and financing for some AMC dealers from General Motors Acceptance Corp. When AMC was seeking to get its revolving credit renewed earlier this year, a top GM official called at least one bank urging it to go along.

Unaggressive competition in some markets is also giving American Motors indirect help from GM, as well as from Ford and Chrysler. When the Big Three cut back on their special discounted prices to states and cities on fleet purchases last year, American Motors kept its special prices and has ended up winning most of the contracts it bid for this year. As a result, AMC's state and city sales are up 30% this year, which has helped sales of AMC's bigger cars.

AMC gets indirect help from each of the Big Three another way—by buying parts and components from them. The prices AMC pays are secret, but the assumption in Detroit is that they are no higher and maybe lower than prices AMC would have to pay independent suppliers. Such parts are crucial to AMC, since it makes fewer of its own components than its Big Three rivals. AMC is currently in the process of switching its source of transmissions from Borg-Warner to Chrysler.

By Mr. PROUTY:

S. 2259. A bill to amend the Fair Labor Standards Act of 1938, as amended, to raise the minimum wage to $2 an hour, and for other purposes. Referred to the Committee on Labor and Public Welfare.

Mr. PROUTY. Mr. President, I send a bill to the desk and ask that it be appropriately referred. I also request unanimous consent that it be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER (Mr. BUCKLEY). Without objection, it is so ordered.

(See exhibit 1.)

Mr. PROUTY. Mr. President, this bill contains the administration's proposed amendments to the Fair Labor Standards Act.

Specifically, this bill raises the general minimum wage to $1.80 per hour on January 1, 1972, and to $2 per hour on January 1, 1974. It also increases the minimum wage for agricultural employees to $1.45 per hour on January 1, 1972, and to $1.60 per hour on January 1, 1974.

In addition, it provides a minimum wage of $1.60 per hour for all employees under age 18, all students under age 20, and all 18- and 19-year-olds during the first 6 months of their first permanent job.

These proposals, Mr. President, follow the recommendations made by Secretary of Labor Hodgson when he recently testified before our Senate Labor Subcommittee.

An identical bill, H.R. 9584, was recently introduced in the House of Representatives by Congressmen QUIE, ERLENBORN, and STEIGER.

EXHIBIT 1

S. 2259

A bill to amend the Fair Labor Standards Act of 1938, as amended, to raise the minimum wage to $2 an hour, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Fair Labor Standards Amendments of 1971".

INCREASE IN MINIMUM WAGE

SEC. 2. (a) Section 6(a) of the Fair Labor Standards Act of 1938, as amended, is amended—

(1) by striking out paragraph (1) and inserting in lieu thereof the following:

"(1) effective February 1, 1972, not less than $1.80 an hour and effective February 1, 1974, not less than $2 an hour, except as otherwise provided in this section;"

(2) by striking out paragraph (5) and inserting in lieu thereof the following:

"(5) if such employee is employed in agriculture, not less than $1.45 an hour effective February 1, 1972, and not less than $1.60 an hour effective February 1, 1974."

(b) Section 6(b) of such Act is repealed and sections 6(c)(d)(e) renumbered as 6(b)(c)(d) respectively.

(c) Section 6(b) of such Act (as renumbered by this amendment) is amended by substituting the following new paragraphs 2(A) and 2(B):

"(A) The rate or rates applicable under the most recent wage order issued by the Secretary prior to the effective date of the Fair Labor Standards Amendments of 1971 increased by 12.5 per centum unless such rate or rates are superseded by the rate or rates prescribed in a wage order issued by the Secretary pursuant to the recommendations of a review committee appointed under paragraph (C). Such rate or rates shall become effective sixty days after the effective date of the Fair Labor Standards Amendments of 1971, or one year from the effective date of the most recent wage order applicable to such employee theretofore issued by the Secretary pursuant to the recommendations of a special industry committee appointed under section 5, whichever is later.

"(B) Effective two years after the applicable effective date under paragraph (A), the rate or rates prescribed by paragraph (A), increased by an amount equal to 12.5 per centum of the rate or rates applicable under the most recent wage order issued by the Secretary prior to the effective date of the Fair Labor Standards Amendments of 1971, unless such rate or rates are superseded by the rate or rates prescribed in a wage order issued by the Secretary pursuant to the recommendation of a review committee appointed under paragraph (C)."

SPECIAL MINIMUM WAGES FOR EMPLOYEES UNDER 18, STUDENTS AND JOB STARTERS

"SEC. 3. Section 14(b) of such Act is amended to read as follows:

"(b) Notwithstanding the minimum wage rates of section 6(a)(1), any employee otherwise covered thereunder who is (1) under the age of 18; or (2) 18 or 19 years of age, and (A) in his first six months of full-time employment or (B) a full-time student, shall be paid not less than $1.60 an hour. The special minimum wage for such employees in Puerto Rico, the Virgin Islands, and American Samoa shall be the same proportion of the industry wage order rate otherwise applicable to them as $1.60 is of the minimum wage rate in effect under section 6(a)(1): *Provided,* That in no case shall such special minimum wage be less than that provided under a wage order issued prior to the effective date of the Fair Labor Standards Amendments of 1971. The Secretary may prescribe regulations to insure that the provisions of this subsection will not create a substantial probability of reducing the full-time employment opportunities of persons other than those to whom the rate prescribed in this subsection is applicable."

INJUNCTIVE AND OTHER EQUITABLE RELIEF

SEC. 4. Section 17 of such Act is amended to read as follows:

"INJUNCTIVE AND OTHER EQUITABLE RELIEF

"SEC. 17. The district courts, together with the United States District Court for the District of the Canal Zone, the District Court of the Virgin Islands, and the District Court of Guam shall have jurisdiction, for cause shown, to restrain violations of section 15, including in the case of violations of section 15(a)(2) the restraint of any withholding of payment of minimum wages or overtime compensation found by the court to be due to employees under this Act (except sums which employees are barred from recovering, at the time of the commencement of the action to restrain the violations, by virtue of the provisions of section 6 of the Portal-to-Portal Act of 1947). In any claim under this section arising out of willful violation of the Act, the district courts may, in addition to restraining the withholding of payments as authorized above, award as further equitable relief an amount not to exceed the minimum wages or overtime compensation found to be due."

SEC. 5. (a) Section 6(a)(3) of such Act is amended by striking out "or subsection (b)."

(b) Section 6(b)(1) of such Act (as renumbered by this amendment) is amended by striking out "and (b)."

(c) Section 6(b)2(C) of such Act (as renumbered by this amendment) is amended by substituting "1971" for "1966".

(d) Section 6(b)(3) of such Act (as renumbered by this amendment) is repealed and section 6(b)(4) is renumbered 6(b)(3).

(c) Subsection 6(b)(3) of such Act (as renumbered by this amendment) is amended by striking out the words "or subsection (b)."

(f) Section 6(d) of such Act (as renumbered by this amendment) is amended to read as follows:

"(d) Notwithstanding the provisions of section 13 of this Act (except subsections (a)(1) and (f) thereof), every employer providing any contract services under a contract with the United States or any subcontract thereunder shall pay to each of his employees whose rate of pay is not governed by the Service Contract Act of 1965 (41 U.S.C. 351–357) or to whom subsection (a)(1) of this section is not applicable, wages at rates not less than the rates provided for in subsection (a)(1) of this section."

(g) Section 7(f) of such Act is amended by striking out "or (b)" and "(whichever may be applicable)."

(h) Section 7(a)(2) of such Act is repealed and section 7(a)(1) is renumbered 7(a).

(i) Section 18(b) is amended by striking out the words "(except that the wage rate provided for in section 6(b) shall apply to any employee who performed services during the workweek in a workplace within the Canal Zone)" and by striking out "section 7(a)(1)" and inserting in lieu thereof "section 7(a)."

EFFECTIVE DATE

SEC. 6. Except as otherwise provided in this Act, the amendments made by this Act shall take effect on February 1, 1972. On and after the date of enactment of this Act, the Secretary is authorized to promulgate necessary rules, regulations, or orders with regard to the amendments made by this Act.

By Mr. FULBRIGHT (by request):

S. 2260. A bill to amend further the Peace Corps Act (75 Stat. 612), as amended. Referred to the Committee on Foreign Relations.

Mr. FULBRIGHT. Mr. President, by request, I introduce for appropriate reference a bill to amend further the Peace Corps Act (75 Stat. 612), as amended. This is a revised request submitted by the Director of the Peace Corps on June 9, 1971, and supersedes S. 1771, which I introduced on May 5 at his request. I ask unanimous consent that the bill together with the letter to the Vice President, dated June 9, be printed in the RECORD at this point.

There being no objection, the bill and letter were ordered to be printed in the RECORD, as follows:

S. 2260

A bill to amend further the Peace Corps Act (75 Stat. 612), as amended

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 3(b) of the Peace Corps Act (22 U.S.C. 2502 (b)), which authorizes appropriations to carry out the purposes of that Act, is amended by striking out "1971" and "$98,800,000" and inserting in lieu thereof "1972" and "$82,200,000," respectively.

PEACE CORPS,
Washington, D.C., June 9, 1971.

Hon. SPRIO T. AGNEW,
President of the Senate.

DEAR MR. PRESIDENT: In my letter of April 13, 1971, I transmitted to you proposed legislation "To amend further the Peace Corps Act (75 Stat. 612), as amended," which would have authorized appropriations of $72,300,000 for the Peace Corps in fiscal year 1972. It was recognized at that time that it would be necessary to increase our authorization request if the Peace Corps attained the recruiting goals we had set for ourselves this year.

I am pleased to report that our recruiting has been most successful, thanks to a renewed interest throughout the nation in joining the Peace Corps. As a result, we are now planning for about 4,800 new trainees this year and our requirements for 1972 now call for 5,800 new trainees. To train and support this increased number of Volunteers will require an authorization and appropriation amount of $82,200,000 and the draft bill enclosed in my April 13, 1971, letter should be amended accordingly. I apologize for the inconvenience caused by the need to amend the earlier bill.

The Office of Management and Budget has advised that enactment of this draft bill would be in accord with the program of the President.

Sincerely,

JOSEPH H. BLATCHFORD.

By Mr. WILLIAMS:

S. 2261. A bill to establish a program of assistance to State and metropolitan development agencies in order to promote the provision of low- and moderate-income housing and related facilities, sound neighborhood growth and development, and the development of new job opportunities. Referred to the Committee on Banking, Housing and Urban Affairs.

STATE AND METROPOLITAN DEVELOPMENT AGENCY ACT OF 1971

Mr. WILLIAMS. Mr. President, I send to the desk a bill to provide Federal assistance to State and metropolitan housing agencies. I ask that the bill be appropriately referred. I also ask unanimous consent to have printed in the RECORD, at the conclusion of my remarks, the text of the bill.

The PRESIDING OFFICER (Mr. BUCKLEY). Without objection, it is so ordered.

(See exhibit 1.)

Mr. WILLIAMS. Mr. President, I am pleased to introduce today "The State and Metropolitan Development Agency Act of 1971." I strongly believe that this bill will show the deep commitment which exists in the Senate to assist the emerging efforts of the States in the development and operation of meaningful community development programs. A similar bill has been introduced in the House.

Mr. President, I wish to point out to my colleagues that the States are currently using their fiscal resources to construct decent, safe and sanitary housing for low- and moderate-income persons. There are approximately 90,000 units completed or currently under construction in 11 States. They are Alaska, Connecticut, Delaware, Hawaii, Illinois, Massachusetts, Michigan, New Jersey, New York, Vermont, and West Virginia.

Enabling legislation has passed to create State agencies in Maine, Maryland, Minnesota, Missouri, North Carolina, Pennsylvania, and Texas and these agencies will soon be entering into agreements for their first projects. In addition, legislation is pending in Oregon, Washington, Utah, Florida, Virginia, New Hampshire, and Wisconsin. These State housing agencies sell obligations on the tax-exempt bond market, and relend their money to banks, developers or directly to construction firms at or below the going market rate. The difference between the rate on their obligations and the rate at which they lend money pays for their administrative costs. The State agencies are usually appropriated money for an initial revolving fund for land acquisition purposes.

State housing finance agencies are important to the development of our urban areas for a number of reasons. First, they can borrow money cheaper than private developers and thus are able to subsidize their projects to a greater extent. Second, as an existing State agency, they have a stronger base from which to negotiate with other public agencies for the timely introduction of essential public services than do private and nonprofit developers working strictly with the Federal Department of Housing and Urban Development. And third, they have the opportunity to use their site development and land acquisition powers to control growth so as not to create an adverse ecological impact on the region surrounding their projects.

As a member of the Senate Committee on Banking, Housing and Urban Affairs, I am particularly concerned about the impact which these new housing finance agencies will have on the municipal bond market once they begin to sell tax-exempt securities on a large scale. At this time, I do not believe that anyone can predict with certainty just what the tax-exempt market reaction would be to these new issues. However, because of the laudable social objectives which these State agencies are seeking to achieve it seems to me very important that the Federal Government commit itself to assisting State housing finance agencies in the development of a viable market for their obligations.

The bill assists State housing finance agencies by providing for three types of financial assistance. First, it authorizes the Department of Housing and Urban Development's Secretary to guarantee State housing and development bonds if sold on the taxable market. The maximum total obligation which may be guaranteed and outstanding at any one time is limited to $2 billion. Second, the bill authorizes the Secretary to make grants, called interest differential payments, to eligible State agencies to make up the difference between the yield on the taxable securities and the yield the State agency would have received if the bonds were tax exempt. Third, the bill authorizes the Secretary to make grants to assist in defraying the administrative and operating expenses of State agencies during the first 3 years of their operations. Such grants would not exceed 100 percent of operating costs during the first year, two-thirds of such expenses in the second year, and 50 percent in the third year.

The bill specifically provides for criteria to which a State agency must adhere before becoming eligible for assistance. First, the agency must be legally able to provide decent, safe, and sanitary housing and related facilities for low- and moderate-income persons through construction, rehabilitation or management of housing. Second, the agency must be able to legally revitalize slums and blighted urban neighborhoods through clearance, reconstruction, and rehabilitation and include the provision of necessary public and community facilities and services. Third, the agency must be able to legally develop job opportunities for unemployed and underemployed persons through the development of new, and the redevelopment of existing, industrial manufacturing and commercial facilities.

Legislation similar to this bill was enacted into law during the last session of Congress. Title VII of the Housing and Urban Development Act of 1970 provides substantially the same guarantees and grants to State land development agencies for the construction of new communities. This bill expands this concept to include the guarantee of obligations offered by State housing finance agencies when undertaking housing projects not in association with new community development.

The bill also encourages the creation of metropolitanwide housing agencies.

Mr. President, I urge my colleagues to support this bill.

EXHIBIT 1

S. 2261

A bill to establish a program of assistance to State and metropolitan development agencies in order to promote the provision of low- and moderate-income housing and related facilities, sound neighborhood growth and development, and the development of new job opportunities

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. This Act may be cited as the "State and Metropolitan Development Agency Act of 1971".

DECLARATION OF PURPOSE

SEC. 2. It is the purpose of this Act, by encouraging the formation of and providing Federal assistance to State and metropolitan development agencies having broad and flexible authority to carry out development activities in furtherance thereof, to provide housing and related facilities for persons and families of low and moderate income, promote the sound growth and development of neighborhoods through the revitalization of slum and blighted areas and the provision of necessary public and community facilities and services, and promote vigorous and growing economies through the development and redevelopment of industrial, manufacturing, and commercial facilities.

GUARANTEES OF OBLIGATIONS

SEC. 3. (a) The Secretary of Housing and Urban Development (hereinafter referred to as the "Secretary") is authorized to guarantee, and enter into commitments to guarantee, the bonds, debentures, notes, and other obligations issued by State and metropolitan development agencies (as defined in section 5(b)) for the purpose of financing their development activities as determined by him to be in furtherance of the purpose of this Act. The Secretary may make such guarantees and enter into such commitments upon such terms and conditions as he may prescribe; except that no obligation shall be guaranteed under this Act if the income from such obligation is exempt from Federal taxation. The Secretary is authorized to make grants to any State or metropolitan development agency the obligations of which are guaranteed under this Act in amounts estimated by him not to exceed the difference between the interest paid on such obligations and the interest (as estimated by him) which would be paid on similar obligations the income from which is exempt from Federal taxation.

(b) The full faith and credit of the United States is pledged to the payment of all guarantees made under this Act with respect to principal, interest, and any redemption premiums. Any such guarantee made by the Secretary shall be conclusive evidence of the eligibility of the obligations involved for such guarantee, and the validity of any guarantee so made shall be incontestable in the hands of a holder of the guaranteed obligation.

(c) The Secretary is authorized to establish and collect such fees and charges for and in connection with guarantees made under this Act as he considers reasonable.

(d) The aggregate principal amount of the obligations which may be guaranteed under this Act and outstanding at any one time shall not exceed $2,000,000,000.

GRANTS

SEC. 4. (a) The Secretary is authorized to make grants to State and metropolitan development agencies, in such amounts and under such terms and conditions as he prescribes, to assist in defraying the administrative and operating expenses of such agencies during the first three years of their operations. Grants made to any such agency under this section shall not exceed the (1) full amount of its administrative and operating expenses during the first year of its operations, (2) two-thirds of such expenses during the second year of its operations, and (3) one-half of such expenses during the third year of its operations.

(b) There are authorized to be appropriated for grants under this section not to exceed $20,000,000 for each of the fiscal years ending June 30, 1972, June 30, 1973, and June 30, 1974. Any amount so appropriated shall remain available until expended, and any amounts authorized for any fiscal year but not appropriated may be appropriated for any succeeding fiscal year.

ELIGIBLE DEVELOPMENT AGENCIES

SEC. 5. (a) A State or metropolitan development agency is eligible for assistance under this Act only if the Secretary determines that it is fully empowered and has adequate authority to carry out the purposes specified in clauses (A), (B), and (C) of subsection (b), including the authority to sell, lease, or otherwise dispose of its interest in projects undertaken by it in carrying out the purposes of this Act, to participate in programs or projects carried on by Federal, State, or local governments, to provide for the relocation of persons, families, business concerns, and nonprofit organizations displaced in carrying out its development activities, to exercise its powers and functions through subsidiaries established by it, and to establish community advisory committees to advise it concerning its proposed activities in any area.

(b) For the purposes of this Act—

(1) a "State development agency" is any public body or agency, publicly sponsored corporation, or instrumentality of one or more States, and

(2) a "metropolitan development agency" is any public body or agency, publicly sponsored corporation, or other instrumentality of two or more units of general local government which are located in a Standard Metropolitan Statistical Area (as defined by the Office of Management and Budget) and one of which is the central city of such Standard Metropolitan Statistical Area,

but only if such public body or agency, publicly sponsored corporation, or other instrumentality has as its general purposes in whole or in part (A) the provision of decent, safe, and sanitary housing and related facilities to low- and moderate-income persons and families through construction, rehabilitation, or management of housing, (B) the revitalization of slum and blighted urban neighborhoods through clearance, reconstruction, and rehabilitation of such neighborhoods and the provision of necessary public and community facilities and services, and (C) the development of job opportunities for unemployed and underemployed persons through the development of new, and the redevelopment of existing, industrial, manufacturing, and commercial facilities.

(c) As used in this Act, the term "State" means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, any territory or possession of the United States, or any agency or instrumentality of the foregoing.

LIMITATION OF GUARANTEE

SEC. 6. The Secretary shall take such steps as he considers reasonable to assure that bonds, debentures, notes, and other obligations which are guaranteed, or with respect to which interest loans are made, under this Act, will—

(1) be issued only to investors approved by, or meeting requirements prescribed by, the Secretary, or, if an offering to the public is contemplated, be underwritten upon terms and conditions approved by the Secretary;

(2) bear interest at a rate satisfactory to the Secretary;

(3) contain or be subject to repayment, maturity, and other provisions satisfactory to the Secretary; and

(4) contain or be subject to provisions with respect to the protection of the security interests of the United States, including any provisions deemed appropriate by the Secretary relating to subrogation, liens, and releases of liens, payment of taxes, cost certification procedures, escrow or trusteeship requirements, or other matters.

REVOLVING FUND

SEC. 7. (a) The Secretary is authorized to establish a revolving fund to provide for the timely payment of any liabilities incurred as a result of guarantees or grants under section 3 and payment of obligations issued to the Secretary of the Treasury under subsection (b) of this section. Such revolving fund shall be comprised of (1) receipts from fees and charges; (2) recoveries under security, subrogation, and other rights; (3) repayments, interest income, and any other receipts obtained in connection with guarantees made under section 3; (4) proceeds of the obligations issued to the Secretary of the Treasury pursuant to subsection (b) of this section; and (5) such sums, which are hereby authorized to be appropriated, as may be required for the payment of the obligations issued to the Secretary of the Treasury for the purpose of making grants to agencies under section 3. Money in the revolving fund not currently needed for the purpose of this Act shall be kept in cash on hand or on deposit, or invested in obligations of the United States or guaranteed thereby, or in obligations, participations, or other instruments which are lawful investments for fiduciary, trust, or public funds.

(b) The Secretary may issue obligations to the Secretary of the Treasury in an amount sufficient to enable the Secretary to carry out his functions with respect to the guarantees authorized by section 3. The obligations issued under this subsection shall have such maturities and bear such rate or rates of interest as shall be determined by the Secretary of the Treasury. The Secretary of the Treasury is authorized and directed to purchase any obligations so issued, and for that purpose he is authorized to use as a public debt transaction the proceeds from the sale of any securities issued under the Second Liberty Bond Act, and the purposes for which securities may be issued under that Act are extended to include purchases of the obligations hereunder.

(c) Notwithstanding any other provision of law relating to the acquisition, handling, improvement, or disposal of real and other property by the United States, the Secretary shall have power, for the protection of the interests of the fund authorized under this section, to pay out of such fund all expenses or charges in connection with the acquisition, handling, improvement, or disposal of any property, real or personal, acquired by him as a result of recoveries under security, subrogation, or other rights.

LABOR STANDARDS

Sec. 8. All laborers and mechanics employed by contractors or subcontractors in development activities assisted under this Act shall be paid wages at rates not less than those prevailing on similar work in the locality as determined by the Secretary of Labor in accordance with the Davis-Bacon Act, as amended (40 U.S.C. 276a–276a–5). No assistance shall be extended under this Act with respect to any development activities without first obtaining adequate assurance that these labor standards will be maintained upon the work involved in such activities. The Secretary of Labor shall have, with respect to the labor standards specified in this section, the authority and functions set forth in Reorganization Plan Numbered 14 of 1950 (64 Stat. 1267), and section 2 of the Act of June 13, 1934 (40 U.S.C. 276c).

NONDISCRIMINATION PROVISION

Sec. 9 (a) No person in the United States shall on the grounds of race, color, or national origin be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any development activity assisted under this Act.

(b) (1) Whenever the Secretary determines that any State development agency has failed to comply with subsection (a) or an applicable regulation prescribed under this Act, he shall attempt to secure compliance by voluntary means. If the Secretary determines that compliance cannot be secured by voluntary means, he shall have the authority to (A) refer the matter to the Attorney General with a recommendation that an appropriate civil action be instituted; (B) exercise the powers and functions provided by title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d); or (C) take such other action as may be provided by law.

(2) Whenever the Secretary determines that a metropolitan development agency has failed to comply with subsection (a) or an applicable regulation prescribed under this Act, he shall notify the Governor of the State in which the metropolitan area is located of the noncompliance and shall request the Governor to secure compliance. If within a reasonable period of time the State fails or refuses to secure compliance, the Secretary shall have the authority to (A) refer the matter to the Attorney General with a recommendation that an appropriate civil action be instituted; (B) exercise the powers and functions provided by title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d); or (C) take such other action as may be provided by law.

(c) When a matter is referred to the Attorney General pursuant to subsection (b), or whenever he has reason to believe that a State or metropolitan development agency is engaged in a pattern or practice in violation of the provisions of this section, the Attorney General may bring a civil action in any appropriate United States district court for such relief as may be appropriate, including injunctive relief.

TECHNICAL ASSISTANCE

Sec. 10. The Secretary is authorized to provide, either directly or by contract or other arrangements, technical assistance to State and metropolitan development agencies to assist them in connection with planning and carrying out development activities in furtherance of the purpose of this Act.

GENERAL PROVISIONS

Sec. 11. (a) In the performance of, and with respect to, the functions, powers, and duties vested in him by this Act, the Secretary, in addition to any authority otherwise vested in him, shall—

(1) have the functions, powers, and duties (including the authority to issue rules and regulations) set forth in section 402, except subsections (c) (2), (c) (4), (d), and (f) of the Housing Act of 1950: *Provided*, That subsection (a) (1) of section 402 shall not apply with respect to functions, powers, and duties under section 10 of this Act;

(2) have the power, notwithstanding any other provision of law, in connection with any assistance under this Act, whether before or after any default, to provide by contract for the extinguishment upon default of any redemption, equitable, legal, or other right, title, or interest of a State or metropolitan development agency in any mortgage, deed, trust, or other instrument held by or on behalf of the Secretary for the protection of the security interests of the United States; and

(3) have the power to foreclose on any property or commence any action to protect or enforce any right conferred upon him by law, contract, or other agreement, and bid for and purchase at any foreclosure or other sale any property in connection with which he has provided assistance pursuant to this Act. In the event of any such acquisition, the Secretary may, notwithstanding any other provision of law relating to the acquisition, handling, or disposal of real property by the United States, complete, administer, remodel and convert, dispose of, lease, and otherwise deal with, such property. Notwithstanding any other provision of law, the Secretary shall also have power to pursue to final collection by way of compromise or otherwise all claims acquired by him in connection with any security, subrogation, or other rights obtained by him in administering this Act.

(b) There are authorized to be appropriated such sums as may be necessary for the administrative expenses of carrying out this Act, including the expenses of providing assistance under section 10.

By Mr. McCLELLAN (by request):

S. 2262. A bill to permit a home mortgage loan by a federally insured bank to a bank examiner. Referred to the Committee on the Judiciary.

HOME MORTGAGE LOANS AND BANK EXAMINERS

Mr. McCLELLAN. Mr. President, I have been requested, as chairman of the Subcommittee on Criminal Laws and Procedures, to introduce a bill which would permit a federally insured bank to make a home mortgage loan to Federal bank examiners. Under current law, a federally insured bank is prohibited from making a loan to any person who examines or has authority to examine such bank, and such examiners are similarly prohibited from obtaining a loan from any federally insured bank examined by him.

These salutory conflicts of interest provisions have had the unfortunate result of imposing a handicap on Federal bank examiners, putting them at a serious disadvantage in securing financing for the purchase or construction of homes. Accordingly, I have been requested by the Chairman of the Board of Governors of the Federal Reserve System to introduce legislation, for appropriate referral, which would ameliorate this problem.

Mr. President, I ask unanimous consent to have printed in the Record following my remarks a letter of April 29, 1971, from Mr. Arthur Burns, Chairman of the Board of Governors of the Federal Reserve System, to Senator Eastland, requesting the introduction of this legislation.

There being no objection, the letter was ordered to be printed in the Record, as follows:

Chairman of the
Board of Governors,
Federal Reserve System,
Washington, D.C., April 29, 1971.

Hon. James O. Eastland,
Chairman, Committee on the Judiciary,
U.S. Senate,
Washington, D.C.

Dear Mr. Chairman: Section 212 of Title 18 of the United States Code, "Crimes and Criminal Procedure", prohibits a federally insured bank from making any loan to any person who examines or has authority to examine such bank. Conversely, section 213 of Title 18 prohibits any examiner from obtaining any loan from any federally insured bank examined by him.

While these provisions of law, designed to prevent conflicts of interest, are based upon sound principles, the Board believes that they unduly and unfairly place bank examiners at a serious disadvantage in the obtaining of financing for the purchase or construction of homes. Modification of the law to permit insured banks to make home mortgage loans to examiners up to some maximum amount prescribed by statute would not, in the Board's opinion, defeat or impair the accomplishment of the purposes of these provisions, particularly if the examiner is precluded from examining the lending bank during the life of the loan.

Accordingly, the Board recommends the introduction and enactment of appropriate amendments to Title 18 that would authorize an insured bank to make a home mortgage loan to an examiner under appropriate statutory safeguards.

A draft of a bill for this purpose is enclosed.

Sincerely yours,

ARTHUR F. BURNS.

By Mr. MOSS:

S. 2264. A bill to amend section 601 of the Federal Aviation Act of 1958 to require the installation of collision avoidance and pilot warning indicator systems on certain aircraft, and for other purposes. Referred to the Committee on Commerce.

AIR COLLISION AVOIDANCE SYSTEMS

Mr. MOSS. Mr. President, I am today introducing a bill to amend section 601 of the Federal Aviation Act of 1968 to require the installation of collision avoidance systems and pilot warning indicator systems on air carrier and general aviation aircraft. The purpose of the bill is to minimize the danger of midair collisions.

Congressional action is long overdue. In the past 4 years almost two-thirds of all jet liner deaths have been caused by midair collisions. A National Transportation Safety Board study released in March of this year for the 10-year period 1959–68 shows 223 midair collisions involving U.S. registered aircraft resulting in 528 fatalities. Assuming air-collision accidents and fatality rates at the same level, the study projects 335 collisions and 792 fatalities in the forthcoming decade. To date, over 50 people have died in aircraft collisions in 1971.

We must move to require the aviation industry to take firmer steps to protect the lives of air travelers. The tragic collision June 6 near Los Angeles between an Air West jetliner and a Marine F–4 phantom jet should outrage the consciences of all Americans because 50 lives were needlessly lost. Thirteen of these were residents of the State of Utah—among them some of our most promising young business and professional men. My State of Utah is now deprived of the services and association of these outstanding and productive citizens. The sorrow and loss felt by families and friends throughout the State cannot be calculated.

The issue of air safety has not suffered from a lack of study. There is a plethora of plans, ideas, and proposals. Several collision avoidance systems have been fabricated and flight tested. One such system, the time-frequency technique, allows an extremely rapid exchange of information at high frequency intervals between aircraft. It permits each aircraft in the system to transmit to all others information regarding distance to the aircraft, the rate of closure, and the altitude of the aircraft. From this information, an automatic assessment is made regarding the collision threat, and where evasive action is required, arrows would light up on the instrument panel telling each pilot exactly what evasion maneuver to make. If one is ordered to climb, the other is instructed to descend. Human eye physiology, human reaction time, and high closing speeds of aircraft simply do not give pilots enough time to assess hazards and take evasive action. This necessitates an automatic collision avoidance system.

Because this system is cooperative, requiring each aircraft to be protected to have the equipment aboard and operative, the bill I am introducing proposes that any aircraft having a maximum certified takeoff weight of 12,500 pounds or more be equipped with a collision avoidance system. This would mean that commercial aircraft and all private and military craft capable of carrying passengers would be so protected. Manufacturers are endeavoring to develop a version of the collision avoidance system which will cost about $10,000 per installation. With high producton, the costs could come down significantly.

Because the cost of a collision avoidance system would be excessive for small craft, the bill provides that smaller aircraft must be equipped with pilot warning indicators which may operate on a strobe light infrared system. Such an indicator costing less than $1,500 would provide a pilot with intelligence that another aircraft is within a defined airspace around his plane and provide bearing information to allow him to see and avoid the other aircraft.

A compliance date of January 1, 1973, is set in the bill.

This bill, and the type of collision avoidance systems and pilot warning indicators on aircraft it proposes, are not offered as a complete and final answer to the pressing problem of air collisions. This bill is simply a vehicle for hearings to provide information through expert testimony as to how technology can keep airplanes apart in our increasingly crowded skies.

There is a growing concern on the part of the Federal Government and the aviation industry to inquire into the cause and prevention of midair collisions. The National Transportation Safety Board will convene a public hearing in Los Angeles this month to investigate the Air West-Marine tragedy and to conduct a thorough inquiry into the collision problem. Recommendations beneficial to this bill will undoubtedly come out of this hearing.

I shall urge the chairman of the subcommittee to schedule hearings so that the bill can be thoroughly discussed and expert testimony heard.

Mr. President, we have the ability to act and the means to enforce our laws. Let us move immediately to protect the lives of America's air passengers.

By Mr. FULBRIGHT:

S.J. Res. 127. A joint resolution to amend the joint resolution providing for United States participation in the International Bureau for the Protection of Industrial Property. Referred to the Committee on Foreign Relations.

Mr. FULBRIGHT. Mr. President, I introduce for appropriate reference a joint resolution providing for an amendment of the authorization for the payment by the United States of its annual contribution to the International Bureau of Intellectual Property as a party to the Convention of Paris for the Protection of Industrial Property.

The joint resolution has been requested by the Assistant Secretary of State for Congressional Relations and I am introducing it in order that there may be a specific resolution to which Members of the Senate and the public may direct their attention and comments.

I reserve my right to support or oppose this resolution, as well as any suggested amendments to it, when the matter is considered by the Committee on Foreign Relations.

I ask unanimous consent that the joint resolution be printed in the RECORD at this point, together with the letter from the Assistant Secretary of State to the Vice President dated June 17, 1971, and the memorandum accompanying it.

There being no objection, the joint resolution and material were ordered to be printed in the RECORD, as follows:

S.J. RES. 127

Joint resolution to amend the Joint Resolution providing for United States participation in the International Bureau for the Protection of Industrial Property

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act of July 12, 1960 (74 Stat. 381), as amended by the Act of July 19, 1963 (77 Stat. 82) is hereby further amended by (1) striking out the words "International Bureau for the Protection of Industrial Property" and inserting in lieu thereof the words "International Bureau of Intellectual Property", and (2) in section (b) thereof deleting the phrase "not to exceed $15,000 annually," and the word "thereafter," and inserting after the word "bureau" the phrase "as determined under Article 16(4) of the Paris Convention for the Protection of Industrial Property, as revised."

DEPARTMENT OF STATE,
Washington, D.C., June 17, 1971.

Hon. SPIRO T. AGNEW,
President of the Senate,
U.S. Senate, Washington, D.C.

DEAR MR. VICE PRESIDENT: I submit herewith a proposed draft Joint Resolution, providing for an amendment of the authorization for the payment by the United States of its annual contribution to the International Bureau of Intellectual Property as a party to the Convention of Paris for the Protection of Industrial Property (Paris Convention).

The Paris Convention entered into force in 1884 and the United States has been a party to the Convention since 1887. It is the principal multilateral convention in the industrial property field and has 78 member States. The United States presently contributes its proportionate share of the expenses of the International Bureau pursuant to Public Law 88–69, approved July 19, 1963 which establishes a ceiling of $15,000 on the annual contribution. The appropriation request for fiscal year 1971 is $14,450, or 3.89 percent of the total budget. The estimated budget for the International Bureau for the calendar year 1971 and subsequent years will require a contribution by the United States in excess of $15,000 annually. However, it will remain at about four percent of the total budget. The proposed legislation would remove the ceiling on our annual contribution and would also change the title of the organization from International Bureau for the Protection of Industrial Property to International Bureau of Intellectual Property pursuant to provisions of the W.I.P.O. Convention which came into effect for the United States on August 25, 1970.

A memorandum describing the International Bureau and its work is enclosed.

The Department has been advised by the Office of Management and Budget that from the standpoint of the Administration's program, there is no objection to the submission of this proposal to the Congress for its consideration.

Sincerely yours,

DAVID M. ABSHIRE,
Assistant Secretary for Congressional Relations.

MEMORANDUM TO ACCOMPANY PROPOSED JOINT RESOLUTION PROVIDING FOR PAYMENT BY THE UNITED STATES OF AN ANNUAL CONTRIBUTION TO THE INTERNATIONAL BUREAU OF INTELLECTUAL PROPERTY

The International Bureau for the Protection of Industrial Property was established by the Convention of Paris for the Protection of Industrial Property (Paris Convention), which entered into force in 1884. Pursuant to the provisions of the Convention Establishing the World Intellectual Property Organization (W.I.P.O.) which came into effect on April 26, 1970 and became effective for the United States on August 25, 1970, the International Bureau for the Protection of Industrial Property is now known as the International Bureau of Intellectual Property since the first Director General assumed office on September 25, 1970. The Paris Convention is the basis for U.S. industrial property relations with the other 77 member States. This Convention applies to industrial property in its broadest sense, including patents, trademarks, and industrial designs. The substantive provisions of the Paris Convention, among other things, provide two very important rights. (1) Under the provisions on "national treatment", the Convention provides that, as regards the protection of industrial property, each member State must grant the same protection to nationals of the other member States as it grants to its own nationals. (2) The Convention also provides for the "right of priority", which means that no acts done between the first and subsequent filings by the applicant during the priority term (i.e. 12 months for patents and 6 months for trademarks) can invalidate the subsequent filings or give rise to any rights of third parties. Further, the Convention also lays down some common rules which member States must follow (e.g. the independence of patents on the same invention so that adverse action taken against a patent in one country will not affect a patent in another country). The Convention has been revised periodically since 1883, the last revision being in 1967 at Stockholm.

The major changes in the Paris Convention at the Stockholm Conference in 1967 were of an administrative nature. The revision of the Paris Convention is directed toward modernizing the administration of the Paris Union, including its finances and structure, no organizational reform of real significance having taken place since the creation of the Union in 1883. This modernization is accomplished mainly by giving officially to the member countries the powers of policy-making, decision, and control which they customarily have in most intergovernmental organizations.

The main revisions of the Paris Convention, which were proposed in the draft presented to the Stockholm Conference and which were adopted unanimously, are the following: (1) creation of new organs—an Assembly composed of all member States, and an Executive Committee, composed of one-fourth of the member States; (2) transfer from the Government of Switzerland to the Governments of the member States of supervision of the Secretariat (the International Bureau of Intellectual Property), supervision of the accounts of the Secretariat, and approval of the program and budget; (3) institution of a more flexible financial system; and (4) transfer of the responsibility of preparing for revision conferences from the host country to the organs of the Union.

The United States became a party to the Stockholm Act of the Paris Convention effective August 25, 1970.

Under the Stockholm Act the International Bureau performs the following administrative functions: (1) provides the Secretariat for the Paris Convention, especially with respect to the functions and responsibilities of the Assembly and Executive Committee of that Convention; (2) handles the preparatory and administrative work of the conferences of revision; (3) conducts studies and provides services to member States to facilities the protection of industrial property; (4) serves as a clearinghouse for information on and interpretation of patent and trademark laws; (5) serves as a medium to promote ratification by member States of revisions of the Paris Convention and the adherence of new members; (6) publishes a monthly periodical and other publications designed to further industrial property protection. In addition, it performs essentially the same administrative functions for a number of "special agreements for the protection of industrial property" (e.g. Nice Agreement concerning the International Classification of Goods and Services for the Purposes of the Registration of Marks).

Although the United States is not a party to any of these special arrangements at present, we are actively considering adherence to two of them.

Because United States nationals have more industrial property to be protected abroad than any other nation in the world, the Paris Convention and the effective administration of this Convention by the International Bureau is extremely important to the United States. The International Bureau is doing excellent work with respect to the overall administration of the Paris Convention. In addition, the International Bureau has played a key role in the development and successful negotiation at the recent "Washington Diplomatic Conference on the Patent Cooperation Treaty" of a treaty which will be of great benefit to American applicants filing abroad. This project was undertaken at the request of the United States. The International Bureau is also engaged in another project at the request of the United States and certain other interested governments in the trademark field. This project involves the development of a new agreement for the international registration of trademarks.

The statutory limitation contained in the leigslation authorizing United States contributions to the International Bureau limits the amount to $15,000 annually. It is expected that the assessments for calendar year 1971 for members of the Paris Union will amount to 2,000,000 Swiss francs ($465,100), or 400,000 ($93,000) higher than the previous year—an increase of 25 percent. The United States assessment, currently 3.88 percent of the total assessment, amounts to 77,600 Swiss francs ($18,050) or an increase of $3,600 over the previous year. Further increases in assessments are anticipated in view of the enlarged activities of the International Bureau in the industrial property field (e.g. installation of an information retrieval system and international classification of industrial designs), contributions by the Paris Union to the legal-technical assistance program for developing countries to be carried out through the Conference of the W.I.P.O., and because of substantial increases in operating costs due to inflation, etc. While the dollar amount of the United States assessment—and that of other member States—will undoubtedly continue to rise, it is expected that our percentage share will remain at about 4 percent.

United States participation in the work of the International Bureau is coordinated with the Department of Commerce. Further, the views of private industry with respect to the activities of the International Bureau are obtained through the Department of State's international Industrial Property Panel.

By Mr. TOWER:

S.J. Res. 128. A joint resolution to amend title 38, United States Code, authorizing the Administrator of Veterans' Affairs to provide certain assistance in the establishment of new State medical schools; the improvement of existing medical schools affiliated with the Veterans' Administration, and to develop cooperative arrangements between institutions of higher education, hospitals, and other public or nonprofit health service institutions, and the Veterans' Administration to develop and conduct educational and training programs for health care personnel. Referred to the Committee on Veterans' Affairs.

Mr. TOWER. Mr. President, I introduce today a joint resolution which would amend title 38 of the United States Code to authorize the Administrator of Veterans' Affairs to provide certain assistance in the establishment of new State medical schools; the improvement of existing medical schools affiliated with the Veterans' Administration, and to develop cooperative arrangements between institutions of higher education, hospitals, and other public or nonprofit health service institutions, and the Veterans' Administration to develop and conduct educational and training programs for health care personnel. This resolution is identical of House Joint Resolution 748 as it was reported from the House of Representatives Committee on Veterans' Affairs.

I have every reason to believe that one of these new State medical schools will be located in Texas. Texas would be a logical sight for servicing the needs of the Southwest. Furthermore, a total of 15 affiliated medical institutions in Texas would benefit from the grants for the expansion and improvement of present training programs, which would be authorized this legislation.

In recent years we have become acutely aware of certain distressing problems concerning our national health care system. The legislation which I am introducing today is addressed to the alleviation of a particularly critical aspect of the general problem, the distressing shortage of trained medical personnel. Although Congress is now considering several proposals designed to make medical treatment financially feasible for any person requiring medical attention, we have not done enough to insure that such care will be available when it is sought. It is conservatively estimated that there is a shortage of approximately 48,000 doctors of medicine and over 250,000 allied health and medical personnel. We would be negligent if we did not make an effort to fully utilize all of our resources in an effort to remedy this pressing situation. The Veterans' Administration is one of our greatest national resources. This resolution would provide an effective, efficient, and logical means of coupling the vast resources of the Veterans' Administration with our Nation's efforts to train an adequate number of qualified medical personnel in order to provide the best possible medical care for our Nation.

The Veterans' Administration operates the largest medical care system in the

United States, and perhaps in the world. It presently has 165 hospitals with a potential capacity of over 97,000 beds. The fine efforts of the Veterans' Administration in supplying medical treatment to our veterans are well known. Less well known, perhaps, is the fact that the Veterans' Administration Department of Medicine and Surgery has made a substantial contribution in the field of health education. For over 25 years, hospitals of the Veterans' Administration have been offering hospital-based educational experience in collaboration with most of the Nation's medical schools.

VA hospitals are currently affiliated with 81 medical schools, 51 dental schools, 287 nursing schools, 274 universities and colleges, and 84 community and junior colleges. During the current fiscal year, more than 50,000 students will participate in more than 60 categories of training in VA institutions. Because of the size, diversity, experience, and quality of its medical facilities and training programs, the Veterans' Administration Department of Medicine and Surgery is uniquely qualified to undertake the program provided by this resolution. If we are to obtain a sufficient number of trained manpower, it is essential that the educational capacities of the Veterans' Administration and the institutions with which it is affiliated be expanded. Furthermore, the experience and expertise of the VA makes it the ideal agency to assist in the establishment of new schools of medicine.

I would like to briefly provide a section by section analysis of this resolution. It would provide a new chapter 82 to title 38, United States Code, entitled "Assistance in Establishing New State Medical Schools: Grants to Affiliated Medical Schools: Assistance to Health Manpower Training Institutions." The chapter is divided into three subchapters, each of which is designed to accomplish certain designated programs.

Subchapter I would provide a pilot program of assistance in the establishment of not more than five new State medical schools to be located in proximity to, and operated in conjunction with, VA medical facilities in geographically dispersed States. The assistance would include: First leasing to the State of VA land and buildings, second, remodeling and repair of VA structures to render the buildings suitable for necessary school facilities, and third, grants—on a reducing basis—to reimburse the State for faculty salaries.

Subchapter II would authorize the Administrator to carry out a program of grants, on a matching basis, for medical schools which have maintained an affiliation with the Veterans' Administration. These grants would assist such schools in carrying out projects and programs for the improvement and enlargement of their facilities. The purpose of these grants would be to make a significant contribution to strengthening the medical education program of the schools with the result of a substantial increase in the number of students able to attend medical school.

Subchapter III would authorize the Administrator to carry out a program of grants on a matching basis to establish cooperative programs of coordination and expansion in the training of professional and technical allied health services personnel, the development and evaluation of new health careers, and the improvement of allied health manpower utilization.

The total authorization level for this resolution would be $33 million for the first fiscal year and $34 million per year for the following 6 years. The resolution also makes the necessary provisions for the responsible distribution and utilization of the funds.

In view of the health crisis we are facing, I hope that the Senate will give this resolution its immediate and careful consideration.

Mr. President, at this time I ask unanimous consent that the full text of the joint resolution be printed at this point in the RECORD.

There being no objection, the joint resolution was ordered to be printed in the RECORD, as follows:

S.J. RES. 128

Joint resolution amending title 38 of the United States Code to authorize the Administrator of Veterans' Affairs to provide certain assistance in the establishment of new State medical schools; the improvement of existing medical schools affiliated with the Veterans' Administration; and to develop cooperative arrangements between institutions of higher education, hospitals, and other public or nonprofit health services institutions, and the Veterans' Administration to develop and conduct educational and training programs for health care personnel

Whereas there is a great national shortage of physicians and allied health personnel;

Whereas it is now estimated that there is a shortage of approximately 48,000 doctors of medicine and over 250,000 allied health and other medical personnel;

Whereas the Veterans' Administration operates the largest medical care system in the United States, if not the world;

Whereas the Department of Medicine and Surgery of the Veterans' Administration has an active and close affiliation with over eighty medical schools;

Whereas if the training of sufficient numbers of physicians, other health professionals, allied health personnel, and other health personnel is to be accomplished, it is essential that the educational capacities of medical and health professions schools affiliated with the Veterans' Administration be expanded, that new medical and health professions schools affiliated with Veterans' Administration hospitals be established, and that education and training opportunities for the training of existing and future allied health and other health personnel be expanded and improved;

Whereas because of the size, diversity, and quality of its medical program, the Veterans' Administration's Department of Medicine and Surgery is uniquely qualified to assist in the expansion and improvement of existing affiliated medical schools and other health professions schools, in the establishment of new medical and health professions schools, and in the expansion and improvement of education and training opportunities for allied health and other health personnel; and

Whereas it is essential that an adequate number of physicians, health professionals, allied health personnel, and other health personnel be trained if the Congress is to discharge its responsibility to provide the best possible medical care for the Nation's veterans: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Veterans' Administration Medical School Assistance and Health Service Personnel Education and Training Act of 1971."

SEC. 2. (a) Part VI of title 38, United States Code, is amended by inserting immediately after chapter 81 the following new chapter—

"Chapter 82.—ASSISTANCE IN ESTABLISHING NEW STATE MEDICAL SCHOOLS; GRANTS TO AFFILIATED MEDICAL SCHOOLS; ASSISTANCE TO HEALTH MANPOWER TRAINING INSTITUTIONS.

"Sec.
"5070. Coordination with public health programs; administration.

"SUBCHAPTER I—PILOT PROGRAM FOR ASSISTANCE IN THE ESTABLISHMENT OF NEW STATE MEDICAL SCHOOLS

"5071. Declaration of purpose.
"5072. Authorization of appropriations.
"5073. Pilot program assistance.
"5074. Limitations.

"SUBCHAPTER II—MATCHING GRANTS TO AFFILIATED MEDICAL SCHOOLS

"5081. Declaration of purpose.
"5082. Authorization of appropriations.
"5083. Grants.
"5084. Payments.
"5085. Limitations.

"SUBCHAPTER III—ASSISTANCE TO PUBLIC AND NONPROFIT INSTITUTIONS OF HIGHER LEARNING, HOSPITALS AND OTHER HEALTH SERVICE INSTITUTIONS AFFILIATED WITH THE VETERANS' ADMINISTRATION TO INCREASE THE PRODUCTION OF PROFESSIONAL AND TECHNICAL ALLIED HEALTH SERVICE PERSONNEL

"5091. Declaration of purpose.
"5092. Definitions.
"5093. Authorization of appropriations.
"5094. Grants.
"5095. Payments.
"5096. Limitations.

"§ 5070. Coordination with public health programs; administration

"(a) The Administrator and the Secretary of Health, Education, and Welfare shall, to the maximum extent practicable, coordinate the programs carried out under this chapter and the programs carried out under section 309 and titles VII, VIII, and IX of the Public Health Service Act.

"(b) The Administrator may not enter into any agreement under subchapter I of this chapter or make any grant or other assistance under subchapter II or III of this chapter after December 31, 1978.

"(c) The Administrator shall prescribe regulations covering the terms and conditions for entering into agreements and making grants under this chapter.

"SUBCHAPTER I—PILOT PROGRAM FOR ASSISTANCE IN THE ESTABLISHMENT OF NEW STATE MEDICAL SCHOOLS

"§ 5071. Declaration of purpose

"The purpose of this subchapter is to authorize the Administrator to implement a pilot program under which he may provide assistance in the establishment of new State medical schools if such schools are located in proximity to, and operated in conjunction with, Veterans' Administration medical facilities.

"§ 5072. Authorization of appropriations

"(a) There is hereby authorized to be appropriated $15,000,000 for the fiscal year ending June 30, 1972, and a like sum for each of the six succeeding fiscal years. Sums appropriated pursuant to this section shall be used for making grants to States pursuant to section 5073(a)(3) of this title.

"(b) Sums appropriated pursuant to subsection (a) of this section shall remain available until the end of the second fiscal year following the fiscal year for which they are appropriated.

"§ 5073. Pilot program assistance

"(a) Subject to subsection (b) of this section the Administrator may enter into an agreement to provide to any State the following assistance to enable such State to establish a new medical school:

"(1) The leasing to the State under such terms and conditions as the Administrator deems appropriate, of such land, buildings, and structures under the control and jurisdiction of the Veterans' Administration as may be necessary for such school. The three-year limitation on the term of a lease in section 5012(a) of this title shall not apply with respect to any lease entered into pursuant to this paragraph.

"(2) The extension, alteration, remodeling or repair of buildings and structure provided under paragraph (1) to the extent necessary to make them suitable for use as medical school facilities.

"(3) The payment of grants to reimburse the State for the cost of the salaries of the faculty of such school during the initial twelve-month period of operation of the school and the next six such twelve-month periods, but payment under this paragraph may not exceed an amount equal to—

"(A) 90 per centum of the cost of faculty salaries during the first twelve-month period of operation,

"(B) 90 per centum of such cost during the second such period,

"(C) 90 per centum of such cost during the third such period,

"(D) 80 per centum of such cost during the fourth such period,

"(E) 70 per centum of such cost during the fifth such period,

"(F) 60 per centum of such cost during the sixth such period, and

"(G) 50 per centum of such cost during the seventh such period.

"(b) (1) The Administrator may not enter into any agreement under subsection (a) of this section unless he finds that—

"(A) there will be adequate State financial support for the proposed medical school;

"(B) the overall plans for the school meet such professional and other standards as the Administrator deems appropriate; and

"(C) the school will maintain such arrangements with the Veterans' Administration medical facility with which it is associated (including but not limited to such arrangements as may be made under subchapter IV of chapter 81 of this title) as will be mutually beneficial in the carrying out of the mission of the medical facility and the school.

"(2) Any agreement entered into by the Administrator under this subchapter shall contain such terms and conditions (in addition to those imposed pursuant to subsection (a) (1) of this section) as he deems necessary and appropriate to protect the interest of the United States.

"§ 5074. Limitations

"The Administrator may not use the authority under this subchapter to assist in the establishment of more than five new medical schools. Such schools shall be in geographically dispersed States.

"SUBCHAPTER II— MATCHING GRANTS TO AFFILIATED MEDICAL SCHOOLS

"§ 5081. Declaration of purpose

"The purpose of this subchapter is to authorize the Administrator to carry out a program of grants, on a matching basis, for medical schools which have maintained affiliation with the Veterans' Administration in order to assist such schools to improve and enlarge their facilities.

"§ 5082. Authorization of appropriations

"(a) There is hereby authorized to be appropriated $15,000,000 for the fiscal year ending June 30, 1972, and a like sum for each of the six succeeding fiscal years. Sums appropriated pursuant to this section shall be used for making grants to medical schools pursuant to this subchapter.

"(b) Sums appropriated pursuant to subsection (a) of this section shall remain available until the end of the second fiscal year following the fiscal year for which they are appropriated.

"§ 5083. Grants

"(a) Any medical school which is affiliated with the Veterans' Administration under an agreement entered into pursuant to subchapter IV of chapter 81 of this title may apply to the Administrator for a grant under this subchapter to assist such school, in part, to carry out projects and programs for the improvement and enlargement of its facilities, *except that no grant shall be made for the construction of any building which will not be located on land under the jurisdiction of the Administrator*. Any such application shall contain such information in such detail as the Administrator deems necessary and appropriate.

"(b) An application for a grant under this section may be approved by the Administrator only upon his determination that—

"(1) the proposed projects and programs for which the grant will be made will make a significant contribution to strengthening the medical education program of the school and will result in a substantial increase in the number of medical students attending such school;

"(2) the application contains or is supported by adequate assurance that any Federal funds made available under this subchapter will be matched by funds or other resources available from other sources, whether public or private;

"(3) the application sets forth such fiscal control and accounting procedures as may be necessary to assure proper disbursement of, and accounting for, Federal funds paid under this subchapter; and

"(4) the application provides for making such reports, in such form and containing such information, as the Administrator may require to carry out his functions under this subchapter, and for keeping such records and for affording such access thereto as the Administrator may find necessary or assure the correctness and verification of such reports.

"§ 5084. Payments

"Payments pursuant to grants under this subchapter may be made in installments, and either in advance or by way of reimbursement, with necessary adjustments on account of overpayments or underpayments, as the Administrator may determine.

"§ 5085. Limitations

"A grant to any medical school under this subchapter with respect to any projects or programs approved by the Administrator may not exceed 50 per centum of the total costs, as determined by the Administrator of such projects and programs.

"SUBCHAPTER III—ASSISTANCE TO PUBLIC AND NONPROFIT INSTITUTIONS OF HIGHER LEARNING, HOSPITALS AND OTHER HEALTH SERVICE INSTITUTIONS AFFILIATED WITH THE VETERANS' ADMINISTRATION TO INCREASE THE PRODUCTION OF PROFESSIONAL AND TECHNICAL ALLIED HEALTH SERVICE PERSONNEL

"§ 5091. Declaration of purpose

"The purpose of this subchapter is to authorize the Administrator to carry out a program of grants, on a matching basis, to provide assistance in the establishment of cooperative arrangements among universities, colleges, junior colleges, community colleges, schools of allied health professions, State and local systems of education, hospitals, and other nonprofit health service institutions, affiliated with the Veterans' Administration, to coordinate and expand the training of professional and technical allied health services personnel; to develop and evaluate new health careers; and to improve allied health manpower utilization.

"§ 5092. Definitions

"For the purpose of this chapter, the term 'eligible institution' means any educational facility or other public or nonprofit institution, including universities, colleges, junior colleges, community colleges, schools of allied health professions, State and local systems of education, hospitals, and other nonprofit health service institutions for the training or education of allied health or other health personnel affiliated with the Veterans' Administration for the conduct of or the providing of guidance for education and training programs for health manpower.

"§ 5093. Authorization of appropriations

"(a) There is hereby authorized to be appropriated $3,000,000 for the fiscal year ending June 30, 1972, and $4,000,000 for each of the six succeeding fiscal years. Sums appropriated pursuant to this section shall be used for making grants to educational institutions, hospitals, or training establishments pursuant to this subchapter.

"(b) Sums appropriated pursuant to subsection (a) of this section shall remain available until the end of the second fiscal year following the fiscal year for which they are appropriated.

"§ 5094. Grants

(a) Any eligible institution may apply to the Administrator for a grant under this subchapter to assist such institution to carry out, through the Veterans' Administration hospital with which it is, or will become affiliated educational and clinical projects and programs, matching the clinical requirements of the hospital to the allied health training potential of the eligible institution, for the expansion and improvement of such institution's capacity to train health manpower, including physician's assistants and other new types of health service personnel. Any such application shall contain a plan to carry out such projects and programs and such other information in such detail as the Administrator deems necessary and appropriate.

"(b) An application for a grant under this section may be approved by the Administrator only upon the Administrator's determination that—

"(1) the proposed projects and programs for which the grant will be made will make a significant contribution to improving the education (including continuing education) or training program of the eligible institution and will result in a substantial increase in the number of students trained at such institution;

"(2) the application sets forth such fiscal control and accounting procedures as may be necessary to assure proper disbursement of, and accounting for, Federal funds paid under this subchapter; and

"(3) the application provides for making such reports, in such form and containing such information, as the Administrator may require to carry out his functions under this subchapter, and for keeping such records and for affording such access thereto as the Administrator may find necessary to assure the correctness and verification of such reports.

§ 5095. Payments

"Payments made pursuant to grants under this subchapter may be made in installments, and either in advance or by way of reimbursement, with necessary adjustments on account of overpayments or underpayments, as the Administrator may determine.

"§ 5096. Limitations

"A grant to any eligible institution under this subchapter with respect to any projects or programs approved by the Administrator may not exceed 50 per centum of the total costs, as determined by the Administrator, of such projects and programs."

(b) The table of chapters at the beginning of part VI of title 38, United States Code, is amended by adding

"82. Assistance in Establishing New State Medical Schools; Grants to Affiliated Medical Schools; Assistance to Health Manpower Training Institutions.. 5070".

immediately below

"81. Acquisition and Operation of Hospital and Domiciliary Facilities; Procurement and Supply .... 5001".

By Mr. FANNIN (for himself, Mr. BELLMON, Mr. COOK, Mr. CURTIS, Mr. ERVIN, Mr. GOLDWATER, Mr. JORDAN of Idaho, and Mr. TOWER):

S.J. Res. 129. A joint resolution proposing an amendment to the Constitution of the United States requiring the submission of balanced Federal funds budgets by the President and action by the Congress to provide revenues to offset Federal funds deficits. Referred to the Committee on the Judiciary.

Mr. FANNIN. Mr. President, many people in our Nation think that drug addiction is the biggest threat to our society. I agree that it is a major threat, but there is another addiction that is equally as dangerous to our Nation's well-being. The addiction is most apparent right here in this city, and more specifically in this historic building.

Congress is "hooked" on deficit financing, and the symptoms make it apparent that the addiction to irresponsible spending has reached the critical stage.

Congress and free spending bureaucrats look upon deficit spending the same way that a drug addict looks upon heroin.

Deficit financing at the outset provides an alluring escape from the problems of the moment.

The chronic user of deficit financing knows that he is doing something wrong, but slowly sinks deeper and deeper into the habit.

The more that deficit financing is used, the easier it is to use.

As addiction to deficit financing grows, so grows the need for ever bigger and bigger doses to satisfy the habit. And as the habit grows, it becomes ever easier for the bigger spenders to alibi their irresponsibility.

Eventually, there must be a terrible day of reckoning.

Mr. President, the only way that any addiction is cured is for the victim to first admit that he is an addict. Then there must be a firm pledge and determination to shake the habit. This usually involves some withdrawal pains, and the victim must submit to strong discipline until once again he is able to stand on his own two feet.

I would submit that our Government—especially this Congress—has reached the point that we can no longer ignore the symptoms of advanced addiction.

We have a 1971 fiscal year deficit of $23.3 billion.

In one decade Congress and three administrations have managed to spend more than $116 billion in excess of revenues.

The national debt now stands at around $400 billion and there are forecasts that we will have another huge deficit in the fiscal year which has just started.

Interest on the national debt is running at more than $21 billion per year.

Mr. President, economic experts in foreign nations realize our precarious position even if free spenders in the United States do not.

We have had warnings from abroad that our Government must exercise some economic discipline and halt the spending binge if we want to protect the international integrity and value of the dollar. The recent dollar crisis in Europe should serve as a warning of the great concern abroad and the threat to our currency.

In America, deficit spending has encouraged runaway inflation that is robbing our citizens who are least able to afford it. Government borrowing drives up interest rates. The burden of debt we are dumping on future generations grows heavier by the day. Deficit financing is damaging the foundation of our American economic system.

Today I am introducing a cure for the Government's addiction to chronic, excessive deficit financing, a joint resolution for a constitutional amendment to prohibit chronic deficit financing by the Federal Government.

During the 91st Congress, this constitutional amendment was cosponsored by 28 of my fellow Senators who share my concern about the disregard in Government for basic economic principles.

This amendment would require Congress to balance the Federal budget in the aggregate over a 2-year period.

Congress would still have some latitude to attempt stimulation of a sluggish economy. This could be done by approving a deficit budget for 1 year, provided that the deficit is paid off in the following year. Prudent use of short-term financing would continue to be available to Congress and the Government.

If the Federal Government were to operate at a deficit for 1 year, Congress would either have to cut back on spending or raise taxes in the second year to pay off the previous year's debt. Or it might be desirable under some circumstance for Congress to program a budget surplus for 1 year and a matching deficit in the next.

The amendment is self-enforcing in that it has a provision to remedy the situation if Congress were to misjudge or purposely fail to come out with a balanced budget or surplus at the end of a 2-year period. Under the amendment, Congress could not legally pass any appropriations bills until it took action on revenue measures to pay off any deficit. Any appropriation bills Congress might try to pass would not be constitutional.

This proposal requires that Congress be honest with itself and with the people. Sufficient taxes would have to be levied to pay for Federal programs.

We have "truth-in-lending" and "truth-in-packaging" legislation for private enterprise. Why not have some "truth in appropriating" legislation for Congress so the people will know exactly what the bill is for the many Government programs that we have today?

Senator CURTIS, the very able Senator from Nebraska, has pointed out that in less than 60 days earlier this year some 85 bills were introduced in the House and Senate calling for new expenditures of more than $130 billion. These were all new domestic spending bills.

It seems to me that when such legislation is introduced, sponsors of the bills have an obligation to explain what the cost will be and where the funding will come from. Federal programs are paid for—sooner or later—by the people of our Nation through their tax moneys. The Government does not give anyone anything that it does not first take from someone else through taxation.

Excessive Federal spending is not the answer to our current problems. Rather than spur employment, heavy deficit budgets will simply rekindle inflation. Heavy Federal spending can hinder rather than help private industry employment. Government spending diverts money from private enterprise. Federal money encourages inflationary wage increases.

It is time to silence the siren song of the free spenders who try to sell the American people on the idea that they can get something for nothing. There is no rich uncle, certainly not the mythical Uncle Sam, who will pour out an endless amount for unrealistic programs.

Here in Washington, it has become popular to make lists of things that we as a Nation should accomplish. Then draw up legislation setting the ideal goal.

Then Congress passes legislation appropriating that wonderful cure-all—dollars—for untested programs. Many of these programs established with such fanfare in the 1960's were dismal failures.

It is time that we take a look at what we as a Nation can afford—then decide our priorities and make allocations within this framework.

Mr. President, as a former businessman and as a private citizen I fully appreciate the value of wisely used credit. Without the intelligent use of borrowed funds, we would not have nearly the thriving economy that we have today.

But as a businessman and a private citizen, I am aware of just how easy it is to slip into the habit of using credit carelessly.

Congress has been spending carelessly; Congress has been spending without consideration of the consequences that will befall our people. Ending the habit will involve some self-discipline, but it can be done.

Mr. President, my esteemed colleague from Virginia, Mr. BYRD, gave an excellent speech on this floor recently pointing out that the Republican Party has been regarded in the public mind as the party of fiscal responsibility.

I believe that the majority of our people believe in this principle.

I especially appreciated this speech because it was Senator BYRD's father who, along with other Senators, made similar efforts in the 1950's to win passage of measures to control deficit financing.

So this is not a new idea, although I have refined my amendment so that it would be more flexible than earlier proposals. It certainly is not a partisan issue.

If the efforts of Senator Harry F. Byrd, Sr., had been successful in the 1950's, we would not be in the economic mess we are in today. Our situation now cries out for an end to reckless spending.

Our economy suffered great distortion under the guns and butter policies of the 1965–68 period.

The legacy of guns and butter policy is inflation, unemployment, severe hardship for those who live on fixed incomes, loss of jobs as manufacturers seek sources of cheap labor overseas and the growing lack of confidence in the American dollar.

President Nixon went into office under the banner of fiscal responsibility. There was a dramatic cut in the Federal deficit in 1969. Then the expenditures began their climb back up.

The Nixon administration has been under heavy pressure to spend Federal money to "stimulate" the economy, an economy which is trying to readjust itself to normal and peaceful times. In Congress there has been a determination to add even more costly programs. As a result, we are now back to the disastrous deficit level of the Johnson administration.

As a Republican, I urge that the President renew his efforts to clamp down on Federal spending. As a Member of this Senate, I urge that we start trying to make economic decisions as they must be made—not based on emotions or political gain, but on sound logic and economic principles.

In closing, I would like to point out that the amendment I am proposing would not shackle the Congress. Deficit budgets would be permissible in times of legitimate national crisis, such as during a war or widespread disaster.

Mr. President, on behalf of myself and Senators BELLMON, COOK, CURTIS, ERVIN, GOLDWATER, JORDAN of Idaho, and TOWER, I send to the desk for appropriate reference a joint resolution for a constitutional amendment to prohibit chronic deficit financing by the Federal Government.

Mr. BYRD of Virginia. Mr. President, I want to say "hurrah" to the distinguished Senator from Arizona (Mr. FANNIN) for focusing attention on what I believe is a vitally important problem which faces this Nation; as a matter of fact, I think it is the most important domestic problem facing the Nation today, and that is the need for the Government to put its financial house in order.

I was much impressed with the words of the Senator from Arizona when he said:

> It is time we took a look at what this Nation can afford.

I submit, Mr. President, that this Nation cannot afford the smashing deficits which the Government has run up during the past few years.

The budget, as the distinguished senior Senator from Arizona pointed out a moment ago, for the current fiscal year which ended this past June 30 was $23.3 billion.

May I ask the senior Senator from Arizona at this point if that is on a unified basis or a Federal funds basis?

Mr. FANNIN. Mr. President, may I say to the distinguished senior Senator from Virginia that this amount is on a unified basis.

Mr. BYRD of Virginia. Mr. President, in any case it is a very high deficit. The unfortunate part, as I see it, is not that there will be this deficit for this one fiscal year which ended June 30, but that we are now in a new fiscal year which started 12 days ago, and the prediction is that the deficit for the new fiscal year which will end June 30, next year is that there will be a $30 billion deficit.

I submit that this country cannot continue in this way. The worst thing that can happen to the American people is to have the value of their money eroded by high inflation which means that the grocery money of every housewife and the wage check of every wage earner is eaten into by inflation.

We hear a lot in Congress about how we want to help the people. I submit that the best way to help the people, to help those on fixed incomes, to help the retired people, to help those in the lower and middle economic brackets, is to get off of this spending spree and to proceed to some sound policies such as those advocated by the distinguished senior Senator from Arizona.

Mr. President, I believe very strongly that if we are going to continue on the financial course this country has pursued in recent years, the American people are going to face some very severe difficulties.

As the Senator from Arizona pointed out a while ago, there is only one place from which the Government can get money, and that is out of the pockets of the wage earner.

Mr. President, the people who are being hurt the most by the severe taxation—and we have severe taxation—and by the high inflation—and we have high inflation—are the lower and middle economic groups. The wealthy people are able to take care of themselves. It is those in the middle and lower economic groups who are suffering so very much and who will continue to suffer so very much under the policies which are being pursued now, the huge deficit spending and the reckless spending programs that both the administration and the Congress together seem determined to embark upon.

Mr. President, I am so pleased to have been on the floor today when the distinguished and able senior Senator from Arizona called attention to what seems to me to be a vital problem that is facing the Nation. I want to say that I wish many more Members of the U.S. Congress possessed the sound views of the distinguished senior Senator from Arizona.

Mr. FANNIN. Mr. President, I express my thanks to the distinguished senior Senator from Virginia for his remarks. I agree that we are facing a very serious problem. I hope that the prediction of the budget deficit for next year will not be as severe as some have forecast. However, I realize that it will be very serious.

I also know that the inflation results from mass unemployment because of our inability to compete with foreign countries who do not have inflation and are shipping their merchandise abroad.

I note that the Senator from Virginia has been calling this matter to the attention of Members of the Congress and of the general public. I commend him for doing so.

I apppreciate very much the fact that he has made this statement today pointing out what can happen if we do not change our ways and stop this inflationary trend which is brought about by the tremendous spending and by the increased wages which are not justified by increased productivity.

I express my deep appreciation to the distinguished senior Senator from Virginia.

By Mr. BYRD of Virginia (for himself and Mr. SPONG):

S.J. Res. 130. A joint resolution granting the consent of Congress to certain boundary agreements between the States of Maryland and Virginia. Referred to the Committee on the Judiciary.

Mr. BYRD of Virginia. Mr. President, for myself and Mr. SPONG I am introducing today a joint resolution wherein the consent of the Congress would be given to legislation enacted by the General Assembly of Virginia in 1968, and the Legislature of the State of Maryland in 1969.

This legislation establishes the boundary line between the two States in the Chesapeake Bay region.

As provided in the legislation, the consent of Congress is needed, and I hope that this matter will receive rapid approval.

ADDITIONAL COSPONSORS OF BILLS AND JOINT RESOLUTIONS

S. 717

At the request of Mr. PACKWOOD, the Senator from Indiana (Mr. BAYH), the Senator from Tennessee (Mr. BROCK), the Senator from Massachusetts (Mr. BROOKE), the Senator from New Jersey, (Mr. CASE), the Senator from Kentucky (Mr. COOK), the Senator from Arizona (Mr. GOLDWATER), the Senator from Florida (Mr. GURNEY), the Senator from Oklahoma (Mr. HARRIS), the Senator from Michigan (Mr. HART), the Senator from Indiana (Mr. HARTKE), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Iowa (Mr. HUGHES), the Senator from Minnesota (Mr. HUMPHREY), the Senator from New York (Mr. JAVITS), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Maryland (Mr. MATHIAS), the Senator from Wyoming (Mr. McGEE), the Senator from South Dakota (Mr. McGOVERN). the Senator from Minnesota (Mr. MONDALE), the Senator from Wisconsin (Mr. NELSON), the Senator from Illinois (Mr. PERCY), the Senator from Wisconsin (Mr. PROXMIRE), the Senator from Delaware (Mr. ROTH), and the Senator from Ohio (Mr. TAFT) were added as cosponsors of S. 717, a bill to establish the Hells Canyon-Snake National River in the States of Idaho, Oregon, and Washington.

S. 934

At the request of Mr. KENNEDY, the Senator from Missouri (Mr. EAGLETON), the Senator from California (Mr. CRANSTON), the Senator from New York (Mr. JAVITS), the Senator from Vermont (Mr. PROUTY), the Senator from Ohio (Mr. TAFT), and the Senator from Maryland (Mr. BEALL) were added as cosponsors of S. 934, the Health Professions Educational Assistance Amendments of 1971.

S. 1560

At the request of Mr. PACKWOOD, the Senator from Florida (Mr. CHILES) was added as a cosponsor of S. 1560, a bill to amend the Soil Conservation and Domestic Allotment Act, as amended, to permit sharing the cost of agriculture-related pollution prevention and abatement measures.

S. 1595

At the request of Mr. JACKSON, the Senator from West Virginia (Mr. RANDOLPH) was added as a cosponsor of S. 1595, a bill to authorize the Secretary of the Interior to establish and administer a program of direct Federal employment to improve the quality of the environment, the public lands, Indian reservations, and commonly owned and shared resources through a program of recreational development, reforestation, and conservation management.

S. 1742

At the request of Mr. BROCK, the Senator from Arizona (Mr. GOLDWATER) was added as a cosponsor of S. 1742, a bill to prohibit the use of the name of any of certain deceased servicemen unless consent to so use the name is given by the next of kin.

S. 1814

At the request of Mr. HARTKE, the Senator from Montana (Mr. METCALF) was added as a cosponsor of S. 1814, a bill to authorize the Administrator of Veterans' Affairs to sell at prices which he determines to be reasonable under prevailing mortgage market conditions direct loans made to veterans under chapter 37, title 38, United States Code.

S. 1835

Mr. BYRD of West Virginia. Mr. President, on behalf of the Senator from Iowa (Mr. HUGHES), I ask unanimous consent that, at its next printing, the names of the Senator from South Dakota (Mr. MCGOVERN), the Senator from Montana (Mr. MANSFIELD), the Senator from Michigan (Mr. HART), the Senator from Montana (Mr. METCALF), the Senator from Missouri (Mr. EAGLETON), the Senator from Indiana (Mr. HARTKE), the Senator from Illinois (Mr. STEVENSON), the Senator from Connecticut (Mr. RIBICOFF), the Senator from California (Mr. TUNNEY), the Senator from Minnesota (Mr. MONDALE), the Senator from California (Mr. CRANSTON), the Senator from West Virginia (Mr. RANDOLPH), the Senator from Oklahoma (Mr. HARRIS), the Senator from Minnesota (Mr. HUMPHREY), the Senator from Rhode Island (Mr. PELL), and the Senator from West Virginia (Mr. BYRD) be added as cosponsors of S. 1835, a bill to provide a comprehensive Federal program for the prevention and treatment of drug abuse and drug dependence.

The PRESIDING OFFICER (Mr. STEVENSON). Without objection, it is so ordered.

S. 1846

At the request of Mr. JACKSON, the Senator from Wyoming (Mr. MCGEE) was added as a cosponsor of S. 1846, a bill to establish a Coal Gasification Development Corporation, and for other purposes.

S. 2093

At the request of Mr. MCGOVERN, the Senator from North Dakota (Mr. BURDICK), the Senator from Wyoming (Mr. MCGEE), and the Senator from Iowa (Mr. HUGHES) were added as cosponsors of S. 2093, a bill to protect producers' incomes when rebuilding reserve stocks of wheat or feed grains.

S. 2126

At the request of Mr. HARTKE, the Senator from Tennessee (Mr. BAKER) was added as a cosponsor of S. 2126, a bill to amend title 38, United States Code, to authorize the issue of national service life insurance to prisoners of war, and for other purposes.

S. 2134

At the request of Mr. HARTKE, the Senator from West Virginia (Mr. BYRD) was added as a cosponsor of S. 2134, the Office of Constituent Assistance Act.

S. 2163

At the request of Mr. SCOTT for Mr. MATHIAS, the Senator from Connecticut (Mr. RIBICOFF), the Senator from Utah (Mr. MOSS), the Senator from South Carolina (Mr. HOLLINGS), and the Senator from Rhode Island (Mr. PELL) were added as cosponsors of S. 2163, a bill to provide for the payment of tuition, subsistence, and educational assistance allowances to certain eligible veterans.

S. 2213

At the request of Mr. HUMPHREY, the Senator from Minnesota (Mr. MONDALE) was added as a cosponsor of S. 2213, a bill to give severance pay to disabled mailhandlers.

SENATE JOINT RESOLUTION 62

At the request of Mr. GRIFFIN, the Senator from Nevada (Mr. BIBLE) was added as a cosponsor of Senate Joint Resolution 62; and

At the request of Mr. SCOTT, for Mr. GRIFFIN, the Senator from West Virginia (Mr. RANDOLPH) was added as a cosponsor of Senate Joint Resolution 62, authorizing the display of each of the flags of the 50 States at the base of the Washington Monument.

SENATE JOINT RESOLUTION 79

At the request of Mr. HARTKE, the Senator from Pennsylvania (Mr. SCHWEIKER), the Senator from Maryland (Mr. MATHIAS), and the Senator from Pennsylvania (Mr. SCOTT) were added as cosponsors of Senate Joint Resolution 79, the Equal Rights Amendment.

SENATE RESOLUTION 146—SUBMISSION OF A RESOLUTION AUTHORIZING SUPPLEMENTARY EXPENDITURES BY THE COMMITTEE ON RULES AND ADMINISTRATION

(Referred to the Committee on Rules and Administration.)

Mrs. SMITH submitted the following resolution:

SENATE RESOLUTION 146

Resolved, That, in holding hearings, reporting such hearings, and making investigations as authorized by sections 134 (a) and 136 of the Legislative Reorganization Act of 1946, as amended, in accordance with its jurisdiction under rule XXV of the Standing Rules of the Senate, the Committee on Rules and Administration, or any subcommittee thereof, is authorized from the date this resolution is agreed to, through February 29, 1972, for the purpose stated and within the limitations imposed by the following sections, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable basis the services of personnel of any such department or agency.

SEC. 2. The Committee on Rules and Administration, or any subcommittee thereof, is authorized from the date this resolution is agreed to through February 29, 1972, to expend not to exceed the sum of $10,000 to examine, investigate, and make a complete study to (1) determine the extent to which particular standing committees of the Senate and subcommittees thereof may have engaged in the performance of functions, or assumed the exercise of jurisdiction, exceeding the scope of the functions and jurisdiction conferred upon them by the Standing Rules of the Senate, and (2) propose means and measures necessary or desirable to prevent in the future jurisdictional conflict among standing committees of the Senate arising from such failures to comply with the Standing Rules of the Senate. Such sum is in addition to the amount specified in section 2 of Senate Resolution 28 Ninety-second Congress, agreed to March 1, 1971, and was not included in that resolution because at the time at which that resolution was considered the committee did not contemplate making any such study relating to the jurisdiction of standing committees of the Senate.

SEC. 3. The committee shall report its finding, together with such recommendations for legislation as it deems advisable with respect to the study or investigation for which expenditure is authorized by this resolution, to the Senate at the earliest practicable date, but not later than February 29, 1972.

SEC. 4. Expenses of the committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee.

SENATE RESOLUTION 147—SUBMISSION OF A RESOLUTION TO ESTABLISH A TEMPORARY SPECIAL COMMITTEE ON JURISDICTIONAL RULES

(Referred to the Committee on Rules and Administration.)

Mrs. SMITH submitted the following resolution:

SENATE RESOLUTION 147

Resolved, That (a) there is established a temporary special committee of the Senate to be known as the Special Committee on Jurisdictional Rules (hereinafter referred to as the "committee"). The committee shall consist of 5 Members of the Senate appointed by the President of the Senate as follows:

(1) three majority party members appointed from recommendations made by the majority leader; and

(2) two minority party members appointed from recommendations made by the minority leader.

The President of the Senate shall designate one of the members as chairman. Vacancies in the membership of the committee shall not affect the authority of the remaining members to execute the functions of the committee, and shall be filled in the same manner as original appointments thereto are made. Any appointment of a Senator to be a member of the committee shall be in addition to the number of appointments to committees to which that Senator may be entitled under paragraph 6 of Rule XXV of the Standing Rules of the Senate.

(b) A majority of the members of the committee shall constitute a quorum thereof for the transaction of business, except that the committee may fix a lesser number as a quorum for the purpose of taking sworn testimony. The committee shall adopt rules of procedure not inconsistent with laws applicable to, and the rules of the Senate governing standing committees of the Senate.

(c) Except as expressly provided by this resolution, no legislative measure shall be referred to the committee, and it shall have no authority to report any such measure to the Senate.

SEC. 2. (a) It shall be the duty of the committee—

(1) to conduct a comprehensive study and investigation with respect to the extent to which particular standing committees of the Senate and subcommittees thereof may have engaged in the performance of functions, or assumed the exercise of jurisdiction, exceeding the scope of the functions and jurisdiction conferred upon them by the Standing Rules of the Senate; and

(2) to propose means and measures necessary or desirable to prevent in the future jurisdictional conflict among standing committees of the Senate arising from such failures to comply with the Standing Rules of the Senate.

(b) The committee shall report to the Senate at the earliest practicable date, but not later than February 29, 1972, the results of its study, and its recommendations for any changes in the Standing Rules of the Senate or other measures which it may determine to be necessary or desirable. Upon the submission of its report to the Senate, the committee shall cease to exist.

SEC. 3. (a) For the purposes of this resolution, the committee is authorized in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to hold hearings, (3) to sit and act at any time or place during the sessions, recesses and adjournment periods of the Senate, (4) to employ personnel, (5) to subpena witnesses and documents, (6) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable basis the services of personnel, information, and facilities of any such department or agency, (7) to procure the temporary services (not in excess of one year) or intermittent services of individual consultants, or organizations thereof, in the same manner and under the same conditions as a standing committee of the Senate may procure such services under section 202(i) of the Legislative Reorganization Act of 1946, (8) to interview employees of the Federal, State, and local governments and other individuals, and (9) to take depositions and other testimony.

(b) The minority shall receive fair consideration in the appointment of staff personnel under this resolution. Such personnel assigned to the minority shall be accorded equitable treatment with respect to the fixing of salary rates, the assignment of facilities, and the accessibility of committee records.

(c) With the consent of the chairman of any other committee of the Senate, this special committee may utilize the facilities and the services of the staff of such other committee of the Senate, or any subcommittee thereof, whenever the chairman of this special committee determines that such action is necessary and appropriate.

(d) Subpenas may be issued by the committee over the signature of the chairman or any other member designated by him, and may be served by any person designated by such chairman or member. The chairman of the committee or any member thereof may administer oaths to witnesses.

SEC. 4. The expenses of the committee under this resolution, which shall not exceed $10,000 through February 29, 1972, shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee.

SENATE RESOLUTION 148—SUBMISSION OF A RESOLUTION RELATING TO PEACE TALKS CONTINGENT UPON ELECTIONS IN SOUTH VIETNAM

(Referred to the Committee on Foreign Relations.)

Mr. EAGLETON. Mr. President, I wish to introduce a resolution for Mr. MONDALE and myself which calls on the administration to give the most urgent and serious consideration to the recent Communist proposals on withdrawal of U.S. forces and repatriation of U.S. prisoners. The Mondale-Eagleton resolution also specifies that the upcoming South Vietnamese election or other political events in South Vietnam should in no way delay or serve as a barrier to reaching an immediate agreement on these proposals.

Mr. President, the Mondale-Eagleton resolution comports with the expressed will of the U.S. Senate as indicated by the 61 votes cast for the Mansfield amendment. It expresses the deeply held belief of a majority of Senators of both parties and all political persuasions that the Government of the United States has honorably fulfilled whatever its commitment to the people of South Vietnam might have been and that the only remaining objective of the Government of the United States is to achieve the release of its prisoners of war.

This resolution will not buy time for the Thieu government in Saigon but if accepted and followed by the President could buy life for many young Americans in Vietnam or on their way there and cut the time that U.S. prisoners of war remain in prison.

On behalf of my colleague from Minnesota (Mr. MONDALE) who initiated this important resolution, I ask unanimous consent that the resolution and his remarks on it be printed in full at this point in the RECORD.

There being no objection, the resolution and statement were ordered to be printed in the RECORD, as follows:

SENATE RESOLUTION 148

Whereas the overwhelming majority of the American people desire the earliest possible return of our prisoners and withdrawal of all our forces from Indochina, conditioned only upon the safety of our men;

Whereas the President has stated as a purpose of his policy in Indochina the prompt return of prisoners of war and the safe and orderly return of U.S. forces;

And whereas the President has stated his commitment that repatriation of U.S. prisoners and withdrawal of U.S. forces will not be contingent upon the imposition of a political settlement in South Vietnam;

And whereas the Senate of the United States has by a clear majority expressed its desire that all U.S. forces be withdrawn from Indochina and that all U.S. prisoners be repatriated promptly;

And whereas the current negotiating proposals of the North Vietnamese and Viet Cong delegations in Paris may permit a negotiated agreement for repatriation of prisoners and prompt and secure withdrawal of U.S. forces independent of a political settlement in South Vietnam:

Now, therefore, be it resolved, that it is the sense of the Senate that:

(1) the highest urgency of this Administration shall be to pursue promptly, with good faith, and with the full resources at its disposal the current proposals made by the North Vietnamese and Viet Cong Delegations in Paris,

(2) the sole consideration in negotiating these proposals be that an agreement be reached which provides for repatriation of all U.S. prisoners simultaneously with the safe withdrawal of all U.S. forces, and

(3) under no circumstances should such agreement be contingent upon, or delayed until, the completion of South Vietnamese elections in October 1971, or any other South Vietnamese elections or political events.

STATEMENT BY SENATOR MONDALE

This Administration is coming to its moment of truth in Vietnam.

The other side has now offered to return our prisoners of war in exchange for a definite withdrawal of all U.S. forces. And most important, they have apparently dropped a central part of their earlier position—the insistence that withdrawal of forces and repatriation of prisoners be accompanied by political agreement in which the United States, in effect, overthrew the present regime in Saigon.

No one can be certain what lies behind this major change in the position of the Viet Cong and North Vietnamese. Some argue that it is only a ploy to embarrass the Administration and provoke its critics. Perhaps there has been a judgment in Hanoi that the Saigon regime will collapse in any case with an ultimate departure of American forces. And there is at least the theoretical possibility that this reflects a decision on the part of the Communists to deal with the political future of South Vietnam through independent negotiations between themselves and the non-communists in the South—assuming of course that non-communist political forces will survive our departure. I don't know the answers to these questions about Hanoi's motivation in making this extraordinary move, any more than I know how seriously this Administration intends to respond.

But one thing is clear: this negotiating offer will lay bare—at long last—President Nixon's ultimate intentions in Southeast Asia.

If, as the President has said so often, our purpose is a secure withdrawal of U.S. forces and the prompt return of our long-suffering prisoners of war, and if the South Vietnamese are nearly as self-sufficient politically and militarily as the Administration has claimed them to be, our response in Paris should be affirmative. If it is, there is certainly a chance that both prisoners and troops can be home by Christmas.

But this offer will also expose some other "ifs" in the President's policy. If the real purpose of our policy is not to end the war but to prop up a regime in Saigon, if we are unwilling to face the truth about the strength of the Saigon regime and its million-man army, if we are still pursuing some idea of victory or humbling of the other side whatever the cost—then the Administration will let this opportunity for settlement be lost.

I do not underestimate for a moment the difficult questions to be solved in this kind of negotiated withdrawal of U.S. forces. But I think it's time to cut through the diplomatic rhetoric about "complexities" and get to the heart of the problem: The American people want our men and prisoners home from Vietnam, and they want them home now.

They do not want our men to go on being killed and maimed, to go on suffering in communist prison camps, for the sake of some generals in Saigon who cannot stand on their own feet even after the sacrifice of 50,000 American lives and over $100 billions from the American taxpayer.

It has been suggested that the Administration will delay any settlement until the South Vietnamese Presidential elections in October. If that turns out to be true, the Americans who die and are wounded between now and then will truly have been sacrificed in vain. The record is all too clear that the present regime in Saigon is trying to prevent an authentic democratic election. The thought that we would keep our men in battle to preserve that corruption and travesty is literally sickening.

We must not mistake the momentous waive of public opinion on this subject.

This is certainly not a partisan matter. All of us who supported the last Administration's war policies bear responsibility for the terrible price of the war.

I and many other Democrats and Republicans must share the blame that our society—and this is expressed most poignantly in the bitter frustration of so many young men returning from Vietnam—is very nearly at the breaking point over the war.

But President Nixon now has a rare, perhaps fleeting opportunity to avert that break here at home and end the continuing death and destruction in Indochina.

If he does *not* seize the opportunity—and I pray that he does—the American people can only conclude that this Administration's policy may be more concerned with the fate of a dictator in Saigon, more concerned with some strange concept of pride, than with the future of this country.

In the final analysis, this is the President's responsibility. But the Senate also has responsibility in this vital matter—the responsibility to make its position unequivocally clear to the Administration.

Toward this end, I will introduce and seek an early vote on a sense of the Senate Resolution calling on the President to give the highest priority to the proposals submitted by the other side at Paris. This Resolution would make clear that the Senate believes that an agreement must not be prevented by any deferral or condition related to the upcoming elections in South Vietnam.

Hopefully, the Senate will take this opportunity to inform the President of its sense of urgency and seriousness in this matter.

SENATE CONCURRENT RESOLUTION 33—SUBMISSION OF A CONCURRENT RESOLUTION REGARDING PERSECUTION OF JEWS AND OTHER MINORITIES IN RUSSIA

(Referred to the Committee on Foreign Relations.)

Mr. BROCK. Mr. President, I introduce today a bipartisan Senate concurrent resolution to express the sense of Congress that the President of the United States of America shall take immediate and determined steps to call upon the Soviet Government to permit the free expression of ideas and the exercise of religion by all its citizens in accordance with the Soviet Constitution and to call upon the State Department to raise in the General Assembly of the United Nations the issue of the Soviet Union's transgressions of the Declaration of Human Rights.

In this concurrent resolution, my principal joint sponsor and coauthor, Senator Jackson, and I are joined by Mr. Allen, Mr. Beall, Mr. Bennett, Mr. Fannin, Mr. Gambrell, Mr. Goldwater, Mr. Gurney Mr. Humphrey, Mr. Hughes, Mr. Javits, Mr. McGovern, Mr. Packwood, and Mr. Pell.

I would like to take this opportunity to examine the harsh plight of the Soviet Jews. The Soviet Union is a dictatorship that denies all its citizens many basic human rights which we take for granted. But the Jews are treated worse than most. The Jew is forbidden his own schools. Although the state policy gives lipservice to freedom of religion, the Jew's freedom is virtually nonexistent. The largest synagog in Moscow has a seating capacity of around 600 people. There are only three synagogs in Moscow and a new addition of a Hebrew prayer book has not been printed in years.

Cultural repression is not the only evidence of anti-Semitism in Russia. The official Soviet press deliberately holds Jews up to ridicule and scorn, picturing them as economic scavengers. In the economic trials during the 1960's a high proportion of those purged and sentenced to prison or death were Jews. According to press reports, this was the first time in the history of the Soviet Union that capital punishment was invoked for economic crimes.

We now read press accounts of the Moldavian Supreme Court finding nine Jews on trial in Kishinew guilty of anti-Soviet actions and sentencing them to prison-camp terms ranging from 1 to 5 years. The trial in Moldavia was the last in a series involving 34 persons—all but two of them Jews—who were arrested in the wake of an alleged plot to highjack a small AN–2 plane in Leningrad last year and flee abroad.

An Odessa court recently sentenced Reiza Palatnik, a Soviet Jew who had sought to go to Israel, to 2 years in a prison camp for planning to disseminate anti-Soviet material. Mrs. Palatnik was arrested on December 1 by agents of the State Security Committee after they had reached her apartment and seized what was described as "illegal literature." This literature included petitions by Soviet Jews seeking to emigrate and articles and poems by writers known for their liberal views.

These and other oppressive steps have undoubtedly led at least 50 percent of the Jews now living in the Soviet Union to desire to emigrate to Israel if the opportunity should arise.

Undoubtedly the adverse world reaction to these trials has led the Soviet authorities to ease some of the barriers to emigration that normally apply to Soviet citizens. It is now reported that about a thousand Jews a month have been leaving the country, some five times more than in previous years.

Perhaps more than anything else, resurgent Soviet anti-Semitism gives cause for concern in our pursuit of world peace. Time and again peace overtures in the Middle East have been met with more strident anti-Israel statements and more repressive anti-Semitic actions within the U.S.S.R. The condition of peace requires an acceptance of equity for religious and ethnic minorities on the part of all peoples.

The persecution of minorities is not confined to the Jews. My colleagues are all too familiar with the repression of the freedom loving people of the Ukraine who have not accepted the Soviet domination and have been fighting to gain their independence by all means accessible to them.

The indisputable evidence produced by exiles of the many violations of human rights by the Soviet Union is so conclusive that I and Senator Jackson today coauthor a Senate concurrent resolution expressing the sense of Congress that the President acting through the Department of State take such steps that are necessary to place the question of human rights violations in the Soviet Union on the agenda of the United Nations organization. I urge all my colleagues who believe in these human rights to join us in this bipartisan humanitarian effort.

Mr. President, I request unanimous consent that the concurrent resolution appear in the Record at this point.

There being no objection, the concurrent resolution was ordered to be printed in the Record, as follows:

Senate Concurrent Resolution 33

Whereas in the Soviet Union men and women are denied a freedom recognized as basic by all civilized countries of the world, indeed by the Soviet Constitution; and

Whereas the Jews and other religious minorities of Russia are being denied the means to sustain their identity inside Russia and the opportunity to maintain that identity by moving elsewhere; and

Whereas the right to emigrate, which is denied Russian Jews, is a right affirmed by the United Nations Declaration of Human Rights, adopted unanimously by the General Assembly of the United Nations: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of Congress that the President of the United States of America shall take immediate and determined steps to—

(1) call upon the Soviet Government to permit the free expression of ideas and the exercise of religion by all its citizens in accordance with the Soviet Constitution; and

(2) utilize formal and informal contacts with Soviet officials in an effort to secure an end to discrimination against religious minorities; and

(3) demand of the Soviet Government that it permit its citizens the right to emigrate from the Soviet Union to the countries of their choice as affirmed by the United Nations Declaration of Human Rights; and

(4) call upon the State Department to raise in the General Assembly of the United Nations the issue of the Soviet Union's transgression of the Declaration of Human Rights.

Mr. JACKSON. Mr. President, I am pleased to join in a bipartisan effort with the Senator from Tennessee (Mr. Brock) in submitting a concurrent resolution intended to bring to bear the influence of the United States on behalf of the persecuted Jewish minority of the Soviet Union.

The resolution expresses the sense of the Congress that as the leading representative of a country that prides itself on a tradition of religious and cultural freedom, the President shall exert America's diplomatic and moral resources in support of the courageous Soviet Jews who daily incur great risks and suffer inhuman privation rather than submit to the destruction of their Jewish identity. Specifically, the President is asked to call upon the Soviet Government to honor the words of its own constitution by permitting the free expression of ideas and exercise of religion by all its citizens—and he is asked to utilize all available channels, formal and informal, to convey this position.

Moreover, the President is requested to demand of the Soviet Government that it permit its citizens the right to emigrate to the countries of their choice as affirmed by the United Nations Declaration of Human Rights. The right to free emigration is basic and fundamental to human liberty. It is a tragic crime for the Soviet—or any other—government to imprison its own citizens in a society where they can neither practice their religion nor make their way to countries where they might give full expression to their religious and cultural identity.

Finally, this resolution calls upon the State Department to raise in the General Assembly of the United Nations the issue of the Soviet Union's transgression of the Declaration of Human Rights—a declaration that was unanimously adopted by the United Nations.

I do not need to speak at length, Mr. President, of the cruel mistreatment of the Soviet Union's Jewish minority. It is all too well known. Some months ago I invited my colleagues to a luncheon at which Dr. Esther Aisenstadt described the labor camps, the deadly uranium mines and the mental institutions to which innocent Soviet citizens—whose only crime is a desire to emigrate to Israel—are systematically sent. We heard, at that time, from a young girl who, along with her fiance, had applied for an exit visa to go to Israel where they could live in dignity as Jews and raise a family openly based on their Jewish cultural identity. This young girl—a mere 18 years old—was granted her visa a week after her marriage while her husband of 1 week was denied the freedom to emigrate to Israel. In this cruel manner a brave youngster, mature beyond her years, was forced to choose between her husband and her freedom.

There will be those in this country who will accept the repeated assurances of representatives of the Soviet Government that no anti-Semitism is officially sanctioned in the Soviet Union today. There will be those who will accept the self-righteous claims of Russian spokesmen writing letters of denial to the New York Times or statements extracted from those whose obvious dependence on the regime is reason enough to dismiss their unconvincing apologies. It is certainly true that our knowledge of the extent of persecution in the Soviet Union is imperfect. No statistics are announced indicating the number of Jews who have lost their jobs, been driven from their occupations, or had their homes ransacked by security men searching for illegal Hebrew grammars. No data is available that suggests the intimidation by the watchful officials who circulate among the congregants at the Soviet Union's few remaining synagogues noting who is present and who converses with whom. Nowhere among the public records of the Soviet statisticians is a report on the number of men, women, and children who would first risk their personal security and then give up all their worldly possessions for an exit visa and a chance to earn a passage to Israel.

But while it is true that we do not have an abundance of reliable data, we do have enough. We have heard enough. We know at least as much about the persecution of the Jews in Russia as was known in the early days of Hitler's persecution of the German Jews. We have seen the trials. We have reports of the arrests. And, perhaps most convincing of all, we have the testimony of those courageous men and women who have spoken out in letters to the West and signed petitions and even participated in open demonstrations.

We cannot stand by without using such weight as we in America possess on behalf of those innocent Soviet Jews—victims of persecution—whose chief desire is for spiritual and cultural expression. We who freely possess these rights have an obligation to speak for those who do not.

This is a simple resolution, Mr. President. It merely expresses the sense of Congress that we use normal channels and procedures, and invoke a United Nations declaration, to express our outrage at the twin tragedy of Soviet anti-Semitism coupled with the denial of the right of Soviet citizens to emigrate. With all of its own burdensome problems I have no doubt that the people of Israel would open their arms and joyfully gather in the tens of thousands of men and women who—were the universal declaration implemented in the Soviet Union—would leave at once for the freedom they cannot find at home.

Mr. President, all we are proposing is that the United States support the principle of the open society. We are calling upon the President to use America's influence to help eliminate those restraints which hinder individuals from freely developing their abilities, personalities, and cultural identities. The hallmark of the open society is its recognition of such basic freedoms as speech, religion, and the right to emigrate.

These principles have been embodied in the Universal Declaration of Human Rights. We support these principles not only because they are morally right, but we support them also because we know that our own freedom is intimately tied to the freedom of others. If powerful states do not tolerate diversity at home—and if we stand silent and thus morally acquiesce—they will not be inclined to tolerate diversity abroad. And our bitter experience in this century demonstrates that closed societies which deny freedom to their own citizens are made uneasy by the persistence of freedom in open societies—and this uneasiness and the fear and ambition it breeds threatens us all.

ADDITIONAL COSPONSORS OF A CONCURRENT RESOLUTION

SENATE CONCURRENT RESOLUTION 27

At the request of Mr. Mathias, the Senator from New Jersey (Mr. Case), the Senator from Idaho (Mr. Church), the Senator from California (Mr. Cranston), the Senator from Missouri (Mr. Eagleton), the Senator from New York (Mr. Javits), and the Senator from Rhode Island (Mr. Pell) were added as cosponsors of Senate Concurrent Resolution 27, to establish a joint congressional committee to carry out a study and investigation regarding the termination of the state of national emergency.

THE PEACE CORPS ACT—AMENDMENT

AMENDMENT NO. 239

(Ordered to be printed and referred to the Committee on Foreign Relations.)

Mr. FULBRIGHT. Mr. President, I submit for appropriate reference an amendment that I intend to propose to S. 2260 and ask that it be printed in the Record at this point. The purpose of the amendment is to keep the Peace Corps independent of Action, the new agency combining domestic volunteer programs.

There being no objection, the amendment was ordered to be printed in the Record, as follows:

Amendment No. 239

At the end of the bill, add the following new section:

Sec. 2. Section 4(b) of the Peace Corps Act (22 U.S.C. 2503(b)), relating to delegation of functions, is amended to read as follows:

"(b) Notwithstanding any other provision of law, if the President determines that any of his functions under this Act should be exercised through an agency or officer of the United States Government, the President may provide that any such functions may be exercised only through the Secretary of State or the Director of the Peace Corps. If so provided by the President, the Secretary or the Director may promulgate such rules and regulations as he may deem necessary or appropriate to carry out such functions, and may delegate to any of his subordinates authority to perform any of his functions under this Act."

DEPARTMENT OF AGRICULTURE—ENVIRONMENTAL AND CONSUMER PROTECTION PROGRAMS APPROPRIATIONS, 1972—AMENDMENTS

AMENDMENTS NO. 240 AND 241

(Ordered to be printed and referred to the Committee on Appropriations.)

Mr. MOSS. Mr. President, together with Senators Brooke, Cranston, Hatfield, Kennedy, and Tunney, I introduce two amendments which I intend to offer to H.R. 9270, the Agriculture-Environmental Appropriations bill. Hidden within the billions of dollars appropriated under this act are some 60 to 70 million dollars to support the growth, export, advertising, overseas financing, and grading of a product which just 18 months ago the Congress determined was so hazardous to health it should not be advertised over the broadcast media and every package of which should be labeled with a health warning.

When young people look to their Government, what do they see these days. Beyond the disillusionment which may have been created by the Pentagon papers, and the administration's efforts to stop the press from revealing the Pentagon papers, the young people of our country see a Government confused and distorted on many issues. We pass legislation to prevent pollution and then for years we permit pollution to continue. We pass legislation calling for packaging of hazardous materials so that thousands of youngsters will not be poisoned each year, and we see the products which caused these poisonings still on the market, still in the same unsafe packages. And we tell our children not to smoke, that it is unsafe to their health, yet we spend millions of dollars encouraging farmers to grow the very product which has been condemned by every medical organization which has looked into smoking and its effects on health.

Mr. President, the question is not, "How can we terminate assistance to hard-working farmers struggling to make a decent income?" The true question which this Congress must face is, "How can we afford to encourage the growing of a crop which will lead to the death of thousands of Americans?"

The second amendment which we are proposing today, would create a Commission on Tobacco Adjustment Assistance to conduct a study and recommend to the Congress action necessary to provide assistance to those individuals adversely affected by the elimination of subsidies caused by the decrease in tobacco consumption currently underway in the United States. The need for this second amendment is perhaps even greater if we are truly concerned about the welfare of our people.

I would think that those Senators whose constituency makes up that part of the Nation we call tobacco country, would support this amendment and its passage. The need is great. The poundage of tobacco which can be sold on the free market is dropping as more and more people become aware of the health hazards of cigarettes. With the elimination of the crop support subsidies, and the elimination of the export subsidies, the income to the 600,000 farm families who make their livelihood on tobacco will surely drop. It is for these reasons that we offer this amendment to help those economically displaced by the current trend toward reduced use of tobacco.

ADDITIONAL COSPONSORS OF AN AMENDMENT

AMENDMENT NO. 159

At the request of Mr. SAXBE, the Senator from Pennsyvania (Mr. SCOTT), the Senator from California (Mr. TUNNEY), the Senator from New Jersey (Mr. CASE), the Senator from Rhode Island (Mr. PASTORE), the Senator from Utah (Mr. BENNETT), the Senator from Rhode Island (Mr. PELL), the Senator from Oklahoma (Mr. BELLMON), the Senator from Michigan (Mr. HART), the Senator from Delaware (Mr. ROTH), the Senator from Indiana (Mr. BAYH), the Senator from Delaware (Mr. BOGGS), the Senator from California (Mr. CRANSTON), the Senator from Massachusetts (Mr. BROOKE), the Senator from Montana (Mr. METCALF), the Senator from Florida (Mr. GURNEY), the Senator from South Dakota (Mr. MCGOVERN), the Senator from Missouri (Mr. EAGLETON), the Senator from Illinois (Mr. STEVENSON), the Senator from Utah (Mr. MOSS), the Senator from Minnesota (Mr. MONDALE), the Senator from Iowa (Mr. HUGHES), the Senator from Indiana (Mr. HARTKE), the Senator from Maine (Mr. MUSKIE), the Senator from Wisconsin (Mr. PROXMIRE), the Senator from Minnesota (Mr. HUMPHREY), the Senator from Washington (Mr. MAGNUSON), the Senator from New Jersey (Mr. WILLIAMS), the Senator from West Virginia (Mr. RANDOLPH), and the Senator from Connecticut (Mr. RIBICOFF) were added as cosponsors of amendment No. 159, intended to be proposed to S. 1657, the International Security Assistance Act of 1971.

NOTICE OF HEARINGS ON BILLS RELATIVE TO ESTABLISHMENT OF AN ADDITIONAL ASSISTANT SECRETARY OF THE INTERIOR

Mr. JACKSON. Mr. President, I wish to announce for the information of the Senate and the public that on July 15, 1971, the Committee on Interior and Insular Affairs will hold an open hearing on S. 291 and S. 2034. Both measures would establish within the Department of the Interior the position of an additional Assistant Secretary of the Interior.

S. 2034 was submitted and recommended by the Department of the Interior and would assign to the new Assistant Secretary supervision over the Bureau of Indian Affairs and the Office of Territories. S. 291, sponsored by the Senator from Oklahoma (Mr. BELLMON), would assign to the new Assistant Secretary supervision over Indian Affairs.

The hearings will begin at 10 a.m. in room 3110, New Senate Office Building.

ANNOUNCEMENT OF MIRV–ABM HEARINGS JULY 13–14

Mr. MUSKIE. Mr. President, tomorrow, the Arms Control Subcommittee of the Senate Foreign Relations Committee will begin 2 days of hearings to explore the question of whether the continued deployment of MIRV and ABM systems is necessary at this time.

How can this question be answered? The administration speaks of a "sufficiency" criterion for calculating our strategic requirements. We want to know: sufficient for what? All of us are agreed that our defense must be sufficient to deter an adversary from attacking us. But some critics are concerned that our defense may be excessive—and excessive programs can be costly, and they may have the effect of provoking the Soviet Union into accelerating their own defense program in order to prevent us from maintaining a decisive strategic superiority. The result can be an endless, spiraling arms race that is not costly but dangerous. How, then, do we plan a defense program that is sufficient but not excessive?

Our decision to deploy MIRV and ABM systems is frequently criticized as an example of excessive defense. MIRV was originally justified as a means of penetrating Soviet ABM defenses. It now appears that the Moscow ABM system is clearly unworkable. Was our reaction appropriate to the threat? What is the present and potential effectiveness of Soviet ABM defenses? Are the fears of a possible upgrading of Soviet air defenses—SAM's—into ballistic missile defenses realistic? Is this possible threat of a workable Soviet ABM the only reason for our MIRV program, or are there other reasons as well?

We will want to explore these questions in order to clarify the rationale for our MIRV programs.

Likewise, our Safeguard ABM program was justified by the administration as a counter to the Soviet SS–9 missile and potential Soviet MIRV capabilities. These Soviet weapons have been portrayed as a lethal threat to our land-based Minuteman missiles—thus provoking fears of a rapidly developing Soviet first-strike capability. Yet the press has reported recently that a new CIA study draws conclusions about SS–9 accuracy and current Soviet MIRV capabilities which suggest that the threat to Minuteman may not be immediate. Perhaps, as many critics argue, our reaction—building ABM defenses for Minuteman bases—was premature. The subcommittee will want to know, therefore, the real answers on the SS–9 and Soviet MIRV potential.

All of these questions are very difficult. The answers depend as much on the judgment of statesmen as on the facts of existing weapons programs and the best estimates of future capabilities. But we must strive to make the soundest judgments possible. We must provide for our national security, but we must also control the arms race.

The executive branch has impressive resources of information with which to make these judgments. But it is not immune to the possibility of error. Congress has the constitutional authority to provide funds for our national defense. It also has the responsibility to subject proposed defense programs to the closest possible scrutiny. We hope to give MIRV and ABM the closest possible scrutiny in these hearings. We want to have clearer answers to this question: Why is the continued deployment of MIRV and ABM necessary at this time?

NOTICE OF HEARINGS ON PEACE CORPS AUTHORIZATION BILL

Mr. FULBRIGHT. Mr. President, I wish to announce that the Committee on Foreign Relations has scheduled a hearing on July 16, 1971, on the Peace Corps authorization bill at which I expect to explore the implications of the Peace

Corps merger with Action and discuss my amendment.

In addition to hearing Mr. Blatchford, Director of the Peace Corps, the committee will take testimony from others who ask to be heard. They are requested to get in touch with Mr. Arthur M. Kuhl, chief clerk of the committee.

The hearing will take place in public at 10 a.m. in room 4221 in the New Senate Office Building.

NOTICE OF HEARINGS BY SUBCOMMITTEE ON CRIMINAL LAWS AND PROCEDURES

Mr. McCLELLAN. Mr. President, I should like to announce that the Subcommittee on Criminal Laws and Procedures will continue its series of hearings on the recommendations of the National Commission on Reform of the Federal Criminal Laws on July 19 and 20, 1971. The hearings will begin each day at 10:00 a.m. in Room 2228, New Senate Office Building. Further information on the hearings can be obtained from the subcommittee staff in room 2204, extension 53281.

ADDITIONAL STATEMENTS

LAOS—FURTHER U.S. MILITARY OPERATIONS IN THIS SECRET WAR

Mr. SYMINGTON. Mr. President, several recent news articles report a new, hitherto secret, military operation being conducted in Laos by irregular units under the command of Gen. Vang Pao, commander of Military Region No. 2. The first of these was a story by Tammy Arbuckle, published in the Washington Star of July 7, and reprinted in the New York Times of July 8; also an article by D. E. Ronk, published in the Washington Post of July 8. As these reporters make clear, considerable American support has been involved.

An article, by Marilyn Berger, published in the Washington Post of July 9, reports the statements of U.S. and Lao officials on the operation, statements indicating a certain amount of confusion as to the respective responsibilities of the Lao and U.S. Governments for the new offensive.

Apparently this operation by Lao and Thai irregulars, whose costs are paid by U.S. funds appropriated by Congress, has been under way since late June; but we in the Congress, who have appropriated the funds, have had to learn about it in the press. In fact, had there been no press reports, we might never have learned about it. Indeed, as Mr. Arbuckle reported in another article, published in the Washington Star, American officials in Laos did not acknowledge the true scope of the operation until July 9. Mr. Arbuckle notes in his article of July 7:

> It is almost unbelievable that after Senate censure and publication of the Pentagon documents, a U.S. mission in Laos should once again resort to secrecy, particularly concerning a United States-run operation close to North Vietnam and China.

Surely we will all agree with that statement.

The press stories report that these irregular units are being led by American military men in the employ of the Central Intelligence Agency and that top Lao military officers insist that the operation is being coordinated by the CIA. A State Department spokesman has said that Americans are not actually leading any of the forces in this operation. But he has admitted that we are providing logistic and air support and I am sure he would not deny that these irregular units are directed by U.S. Government officials.

Both Mr. Arbuckle and Mr. Ronk report that American Embassy officials in Vientianne put the responsibility for the operation on Gen. Vang Pao, saying that he "is very much his own man." Mr. Ronk adds that American sources say:

> No matter what anyone says, he does pretty much what he wants.

Knowing what I do know now about our activities in Laos, this statement is ridiculous on its face. We recruit and train these irregular forces. We provide them with all their equipment and ammunition. We transport them to battle in American planes, as the press stories make clear. It is further reported that American engineers were involved in clearing mines from landing strips on the plain and that U.S. Air Force crane helicopters were used to move heavy equipment into forward areas.

Furthermore, it is inconceivable that offensive actions of the magnitude described could have been undertaken without direct air support by U.S. fighter bombers based in Thailand. It is, therefore disingenuous if not actually deceitful to shift the blame on Gen. Vang Pao so as to absolve ourselves of any responsibility for this military engagement.

Actually, if we were able to accept as accurate the statement that Gen. Vang Pao "does pretty much what he wants," we should be even more disturbed; because if this statement were true, it would mean that, despite the enormous U.S. involvement and participation in this Laotian war, we cannot control actions on the part of local Lao military commanders which risk causing a new escalation of the fighting, the costs of which fighting is borne by the United States.

One might well ask also about what additional risk arises from the involvement of Thai troops in an operation of this type and character. Given the fact that the United States is committed by treaty to the defense of Thailand, should not the Congress seek assurance that the use of U.S.-financed Thai troops in Laos will not provoke a North Vietnamese response that would result in that Thailand commitment being invoked?

The risks inherent in this new offensive, particularly the possibility that it may undercut the tentative progress which has been made toward talks between Prime Minister Souvanna and the Pathet Lao looking toward a reestablishment of the 1962 Accords, raise once more the question: Just what are the objectives of U.S. policy in Laos?

Do we intend to continue to prosecute the war in northern Laos as an adjunct to the war in Vietnam, or do we support with sincerity efforts toward a Laotian political settlement?

One explanation could be that there is disagreement within the executive branch on our objectives in Laos. Would it not be interesting to know, for example, whether the principal force behind this new offensive was the Department of State, or the influence of military planners who view Indochina as one vast American theater of operations.

We of Congress have a right to question the wisdom of this latest Laotian operation, and to deplore the secrecy which surrounds it. We also have the right to resent the high-handedness of the executive branch in not consulting Congress before undertaking a major military operation with funds Congress appropriated; an operation which may seriously affect not only our interests in Laos, but also in all of Indochina as well as in Thailand.

I would earnestly hope that the Senate would bear this case in mind when considering the amendment I have proposed to the Defense authorization bill that would limit the funds which can be obligated or expended in Laos, exclusive of air operations over the Ho Chi Minh Trail area in southern Laos, to $200 million.

It is only through some control of the funds it appropriates that the Congress can have any real knowledge of, or exercise any restraint on, this dangerous situation.

Also, I invite the attention of Senators to a brief news item, following the summary of the Washington Star report from Laos, in the July 8 issue of the New York Times entitled "Cambodian Plan Said To End." This report quotes "United States sources" as saying that the United States has abandoned its secret program of training regular Cambodian troops in Laos, but is continuing to train Cambodian guerrillas.

This is a program which has heretofore been kept classified by the executive branch. Let us hope that its confirmation by U.S. sources will end that ban, and that knowledge of that portion of the report on Laos by two members of the staff of the Foreign Relations Committee which related to this subject will no longer be withheld from the American people.

While on the subject of declassification, the subcommittee staff was told by the State Department this morning, specifically by Mr. Joseph Wolf, that the memorandum to the Secretary of State on the declassification of certain portions of the June 7 closed session of the Senate on Laos has not yet been acted on but is still being considered. I remind Senators that, as I have reported to them on both June 30 and July 7, by Friday, June 25, the specific points had been defined on which there was disagreement between representatives of the Foreign Relations Committee and representatives of the executive branch on the need for continued security classification. Over 2 weeks have now passed, but still there has been no decision.

Meanwhile, as noted above, a new military offensive has been launched in Laos, spearheaded by precisely those American supported forces, Laos and Thai, which the executive branch seems most determined to screen with official secrecy.

I ask unanimous consent that the press articles I have cited be printed in the Record.

There being no objection, the articles were ordered to be printed in the Record, as follows:

[From the Washington Star, July 7, 1971]

Plain of Jars Operation With U.S. Aid Reported

(By Tammy Arbuckle)

Vientiane.—The United States has launched a new secret operation against the Plain of Jars, a Communist-held area in northern Laos, well-informed sources say. "Commando raiders," some led by American military men in CIA employ have penetrated as far as Lima 22, an air strip in the east central plain.

U.S. aircraft are landing on the plain. An Air America C123 transport was stranded with its American crew on the plain for a night, according to well-informed sources. U.S. officials, however, refuse to discuss the operation making it difficult to assess the operation's exact magnitude or objectives.

One American source claimed Meo Gen. Vang Pao was "strengthening and improving his defensive position." Sources said Vang Pao took Ban Na, a key hill overlooking the plain last Tuesday. Unfortunately this claim of strengthening defenses does not jell with the U.S. presence on the plain or the excessive secrecy cloaking the operation on the part of U.S. and Lao officials.

FRAUGHT WITH DANGER

To clear North Vietnamese from the hills south of the plain and establish positions on hilltops overlooking the plain would be excellent, as it would give Vang Pao's forces a breather until the next dry season.

However, to go onto the plain is fraught with both military and political danger.

In 1969, a joint U.S. and Lao operation, About Face took the plain from the Communists briefly, but resulted in massive Hanoi retaliation which drove CIA-led Meos back farther than ever before and almost resulted in the secret base of Long Chen falling. A new offensive could mean the final end to feelers for talks between the government and Communists and lead to fresh Hanoi offensives. Hanoi has frequently made clear it will not tolerate a U.S. or government presence on the Plain of Jars and has sufficient force to push the corrupt, ill-managed Lao forces off the plain again whenever it wants.

Some military sources have suggested that the Plain of Jars push is to relieve the pressure on the Meo base of Bouam Long, north of the plain.

When correspondents tried to find what the operation was about Gen. Thong Punh Knoksy, the government spokesman, dodged into the corridors of Lao-headquarters. U.S. officials adamantly refuse to speak unless Thong Punh speaks first.

It is almost unbelievable that after Senate censure and publication of the Pentagon documents, a U.S. mission in Laos should once again resort to secrecy particularly concerning a U.S. run operation close to North Vietnam and China.

The operation previously resulted in tough Communist retaliation and caused considerable government and civilian loss in 1969. There can be no doubt the operation is considerable in size. The Pathet Lao radio which, although it is Communist, has been most truthful to date on Lao operations, says three regiments of Vang Pao's forces are involved. Vientiane military sources say two Thai battalions and six Lao Meo battalions are involved. U.S. air power is again extremely active over the plain, where some 5,000 civilians are still living. American embassy officials are trying to blame Vang Pao for the operation. "Vang Pao is very much his own man," three American officials said separately.

As all three used the same words, one can only assume somebody told them to say this. Vang Pao's informers are advised, paid, armed, clothed and sometimes led by CIA employees and it is impossible for the general to do anything big without American approval. Some middle-level Americans are already having second thoughts.

They fear that if Vang Pao finds no early Hanoi opposition he may continue to advance, bringing the U.S. into a new northern Laos debacle.

[From the New York Times, July 8, 1971]

CIA Aides Reported Leading Commando Raids in North Laos

Vientiane, Laos.—A secret operation involving commando raiders, some led by employes of the Central Intelligence Agency, is reported under way against the Communist-held Plaine des Jarres in northern Laos.

According to well-informed sources, United States aircraft have been landing on the plain, and one C–123 transport was stranded with its American crew there for a night.

The informants said the commandos had penetrated as far as an airstrip in the east central part of the plain called Lima 22.

United States and Laotian officials here have refused to comment on the reported operation.

[In Washington, State Department officials said they were checking the situation and had no immediate comment.]

One American source said privately that the Meo leader, Gen. Vang Pao, whose C.I.A.-backed forces are based at Long Tieng, southwest of the plain, was "strengthening and improving his defensive position."

Some military sources suggested that the reported operation was being conducted by the Meo base of Bouam Long, north of the plain.

Informants said two Thai battalions and six Meo battalions were involved. The Pathet Lao radio said the operation was being conducted by three regiments of General Vang Pao's forces.

In 1969, a joint United States-Loatian operation took the plain from Communist troops briefly but this lead to a large North Vietnamese counterstroke, which drove the Meos back and almost resulted in the fall of Long Tieng.

Cambodian Plan Said To End

Pnompenh, Cambodia.—The United States has abandoned its secret program of training regular Cambodian troops on Laos, United States sources said today, but is continuing to train Camodian guerrillas.

The sources said that the program financed by the Central Intelligence Agency ended last month when a 500-man Cambodian army battalion wound up a three-month training course in the Laotian panhandle.

[From the Washington Post, July 8, 1971]

Laos Begins Drive for Plain of Jars

(By D. E. Ronk)

Vientiane.—Little opposition is being met by CIA-supported Meo units under the command of Maj. Gen. Vang Pao as they build their rainy season offensive in northern Laos on to the Plain of Jars from Long Cheng.

Pathet Lao and North Vietnamese forces appear to be withdrawing north and west off the 30-mile-square upland plain they have held since its recapture from Meo forces in early 1970, according to informed sources in Vietnam.

Striking northeast and northwest of their mountain base just north of the plain the irregulars reoccupied Ban Na, overlooking key passes into Long Cheng, early last week. Then they struck at Xieng Khoang airfield 30 miles east, occupying it late in the week.

Since occupying the airfield 100 miles northeast of Vientiane and beginning their commando raids, Meo soldiers have uncovered significant amounts of enemy armaments, including 122-mm rockets and small arms, strewn in the open.

Vang Pao is not at the scene of the fighting, according to informed sources, but is recovering from a serious illness. Command of the Meo troops is believed to be held by a committee of four junior officers working with American advisers.

Informed sources in Vientiane say that the offensive thrusts onto the plain are being made in order to improve Vang Pao's defensive positions around Long Cheng.

Other sources say, however, that the commando units are launching offensive forays northward along the east and west rims of the plain. They say a major offensive buildup is well under way.

Traffic by heavy duty transport planes of Air America into the Xieng Khoang field is reported as "constant," even under extremely hazardous weather conditions.

Pilots ferrying troops and materiel report only sporadic groundfire.

A general news blackout on the offensive is believed to have been ordered by Laotian Prime Minister Souvanna Phouma. Neither Laotian nor American spokesmen will comment on the offensive moves, nor on whether there is an official blackout in effect.

Radio Pathet Lao from Sam Neua City, the Pathet Lao headquarters 175 miles northeast of here, is carrying news of offensive moves in the Xieng Khoang area, however, claiming that three regiments of Vang Pao's "mercenaries" supported by "mercenary Thai artillerymen" and heavy American bombing are invading "liberated zones."

There is considerable speculation in Vientiane over the parallels between the current offensive moves and those during 1969 when Vang Pao captured the plain following heavy bombing. The Pathet Lao recaptured the plain in early 1970.

American sources deny that a general offensive of that scope is planned, and even express fear of such a move because of the Meo army's weakened condition, but as one informant said: "Vang Pao is very much his own man, and no matter what anyone says, he does pretty much what he wants."

[From the Washington Post, July 9, 1971]

Both United States, Laos Claim Other Is Running New Offensive

(By Marilyn Berger)

The Laotian government said yesterday that a new offensive on the Plain of Jars is the responsibility of the U.S. embassy, while American officials in Washington sought to describe the action as a Laotian operation.

The unusual statement by a Defense Ministry spokesman in Vientiane appeared to grow out of a feud within the Laotian government over the conduct of military operations.

This statement came as Sen. Stuart Symington (D-Mo.) was informing the Senate that the Pentagon was opposing his amendment to limit U.S. military assistance to Laos to $200 million during fiscal 1972.

The Associated Press reported that Gen. Thongphanh Knoksy, the Defense Ministry spokesman, said in Vientiane that there was a new drive on the Plain of Jars by special forces, but he declined to discuss details. "You should ask the American embassy," Thongphanh said "This is their affair."

Andrew P. Guzowski, a U.S. embassy spokesman, declined comment. But, the AP reported, it is no secret that the Central Intelligence Agency pays, equips and advises the special forces and the Meo tribal army under Gen. Vang Pao, who is in command on the Plain of Jars region with a base at Long Chen.

Asked whether Vang Pao had informed the Laotian government about his operations, Thongphanh replied, "No, the government is not responsible for this operation."

Analysts here indicated that Vang Pao, who reports directly to Laotian Premier Souvanna Phouma and not to the Ministry of Defense, had apparently hit a sensitive nerve. The statemen attributing the military operation to the United States was seen here as the ministry's way of hitting back.

State Department spokesman Charles W. Bray, asked about U.S. involvement in the Plain of Jars drive, glossed over the split between regular Laotian forces and the CIA-supported Meos.

"We know that the Royal Lao government is attempting to improve its defensive positions by pushing the North Vietnamese forces out of high ground to the west and to the south of the Plain of Jars," Bray said. "These are the kind of actions the Royal Lao government has traditionally undertaken in the rainy season when the North Vietnamese have difficulty in supplying their forces, so that the Royal Lao government will be in a better position when the North Vietnamese return to the offensive during the dry season which begins in November."

Bray said the United States was providing logistic and air support for this operation "as we have in other operations in Laos."

Bray added that, contrary to some news reports, "No Americans of any description are leading any of the forces in this operation or any other operation in Laos." When questioned, however, he left open the possibility that U.S. advisers were involved. Other American officials said that U.S. advisers stayed at headquarters and did not go into the field.

U.S. officials here said that Vang Pao's forces have won control of the high points all around the Plain of Jars except for the northeastern section, making the plain untenable for the North Vietnamese and Pathet Lao.

Symington, whose Foreign Relations subcommittee has put the spotlight on U.S. operations in Laos—both acknowledged and covert—yesterday read into the record a Pentagon statement in opposition to his amendment to limit spending in Laos. That statement said such a limit "would substantially impair our on-going operation in Laos, operations which have been undertaken at the request of the government of Laos to assist it in resisting military takeover by North Vietnam."

While Symington sought in his amendment to put a ceiling of $200 million on obligations or expenditures for military and economic aid, Secretary of State William P. Rogers has said that the United States is spending "in the neighborhood of $350 million," exclusive of the cost of U.S. bombing operations, in Laos.

The Pentagon statement said the Symington amendment "would intrude into matters properly within the constitutional authority of the President, as commander-in-chief, to direct military operations in Southeast Asia."

Symington called this an "intriguing comment" in which the Department of Defense "would appear to be saying that the responsibilities the Congress has under the Constitution to raise and support armies does not mean what it says."

The Pentagon also said the amendment could not be administered by the Executive Branch which, according to the statement, maintains records for military assistance service for Southeast Asia" only on an estimate basis." Symington called this a "disturbing" practice. "How can the Executive Branch be certain that expenditures do not exceed obligations in each country?" Symington asked.

Instead of being an argument against his amendment, Symington suggested that the admission of this practice served as an argument for its adoption. "It could well force the Executive Branch to institute procedures which will provide accurate accounting . . ." he said.

In Vientiane, meanwhile, Souvanna sent a reply to Prince Souphanouvong, head of the Pathet Lao, about the latter's cease-fire proposal of June 25, Souvanna proposed a general cease-fire within a radius of 30 kilometers (about 20 miles) around the Plain of Jars and discussions at the plain to reach agreement on a full cease-fire.

Souphanouvong had proposed a full cease-fire that would include an end to the American bombing. He suggested meetings alternately at the Plain of Jars and in Vientiane.

Informed sources here said they did not expect Souphanouvang to accept Souvanna's proposal but said that the reply would serve to keep the exchanges going.

[From the Washington Star, July 9, 1971]

Lao Troops Advance on Plain

(By Tammy Arbuckle)

Vientiane.—Special secret army units under the U.S. Central Intelligence Agency, but nominally controlled by Meo General Vang Pao, are reported in virtually control of northeastern, eastern, and southern portions of the Plain of Jars in north Laos.

Lao government military spokesman Gen. Thongphanh Knoksy admitted yesterday that friendly forces had reached the area just south of Woodpecker Ridge. The ridge overlooks the northeast entrance to the plain.

The general said teams were roving over the Plain of Jars searching for Vietnamese and Pathet Lao caches with some success. He said three quarters of the caches found are of food and only one quarter are arms caches. These proportions are directly opposite to the amounts of food and arms caches found when the government took the plain in August 1969.

Gen. Thongphanh said he did not believe the secret army forces are strong enough to cut Route 7 entering the Plain of Jars as they did in 1969. Thongphanh claimed the operation was to prevent Communists attacking Bouam Long, just north of the plain, and concentrating against the joint U.S.-Meo base at Long Chen.

U.S. airpower, according to other sources, is active in the plain area and U.S. engineers are working on strips south of old Meo strongpoint Lima 22. The U.S. Air Force uses flying crane helicopters to bring and remove heavy equipment.

Gen. Thongphanh declined to give further information on the Plain of Jars operation. He directed correspondents to ask the U.S. Embassy. U.S. officials, however, refused to give information. One official's reply to persistent press queries was "go to hell."

In the picture of the operation which appears, however, five or six battalions of clandestine army forces are placed south and southeast of the rim of the Plain of Jars centered on Banna which Vang Pao's forces took Tuesday. There and at other places near the rim, two special battalions were fanning out across the plain in teams searching for caches.

Well informed sources say there is no intention of taking territory, only knocking out enemy supply lines for a more effective defense of Long Chen. To hold the plain would be militarily and politically unwise. Undoubtedly team sweeps is the best plan. North Vietnamese forces remain east of Long Chen and if their supplies are cut off Long Chen would be in a better military position.

However, informed military sources fear Vang Pao will be tempted to take the plain. This may cause another severe defeat, such as in February when Hanoi troops swept him from the plain.

BACCALAUREATE ADDRESS AT CONCORD ACADEMY

Mr. PERCY. Mr. President, on June 3, during commencement week activities at Concord Academy in Concord, Mass., the school's headmaster, David Aloian, delivered an unusually perceptive baccalaureate address to the graduating class, of which my daughter was a member.

Mr. Aloian, who is leaving Concord after 8 years of service as headmaster to take a similar position at the Belmont Hill School in Belmont, Mass., has spent most of his life working with young people. He understands their thoughts and concerns, and as his baccalaureate address suggests, he knows how to communicate with them.

Realizing that the 17- and 18-year-olds in his audience were well informed and highly educated, with a deep interest in public policy problems, Mr. Aloian spoke to them as mature young adults, avoiding the patronizing approach that young people understandably resent.

The senior class at Concord Academy was representative in many respects of interested, involved young Americans throughout the Nation—the generation that will be called upon to guide us through a period of revolutionary change. I am sure that the Concord graduates will respond to Mr. Aloian's plea for them to "take a full and active part in the great effort to make a better community, to make a better world," and I am equally confident that their contemporaries across the country will respond with comparable enthusiasm. Ratification of the 26th amendment, making more than 11 million Americans between 18 and 21 eligible to vote for the first time, provides an outlet for these concerned young people to responsibly express their views. I am convinced that a vast majority of them are ready to do so.

Mr. President, I believe Mr. Aloian's address would be of interest to Senators; consequently, I ask unanimous consent that it be printed in the Record. I particularly commend it to the distinguished Senator from Missouri (Mr. Symington), who has close ties to Concord Academy through his granddaughter.

There being no objection, the address was ordered to be printed in the Record, as follows:

Our Resolution

I want to begin by promising you that you face difficult years ahead. On the personal level you move from a small school community, organized for your success and development, to large university communities which must be impersonal and even indifferent. You will face important life decisions: a career, personal commitments, marriage, a life's work. On a national level, you will gain full citizenship in and awareness of your country, which, despite its greatness and its shining promise, copes with serious problems of race, cities, poverty, economic stability, education, and internal divisions. On a world level, you will have to face problems of population, trade, race, rapidly diminishing resources, environmental deterioration, national fears.

You live in a time of tumultuous change and unrest, a time of world wide revolution. I believe we are in the midst of one of those great, creative, stormy, revolutionary periods of ferment, re-evaluation, and progress. In a few moments I want to say what I think this revolution is about, but right now I want to ask you what your response to it and to all of the challenges that await you, will be. It seems to me you can respond in one of a number of ways.

You can respond to the complexity of our times with *hysteria*—with confusion, panic, anxiety, tenseness, nail-biting fear, with disorientation and with high blood pressure. You can lose effectiveness and a sense of discrimination; you can follow every placard; you can make small problems insuperable and large problems impossible. To every critical situation that lies ahead, you can respond with paralyzing fear. You can, in short, live your life trembling.

Or, you can respond with *apathy*. You can decide that life's problems are too complex, too overwhelming, too much to work on. You can seek relief in privatism, as in some pastoral commune, some drug (including alcohol), or some endeavor on life's periphery, away from the tumult and shouting of the main arenas. While humanity struggles, you can concentrate on little old you. You can do *your thing* and leave others to do *our thing*.

Or, you can respond with *stoicism*. You can determine that no matter what, you will survive; no matter what, you will last out the storm. Here or elsewhere you will find some shelter, some spiritual foxhole, crawl into it, and wait for the storm to blow over. Stoicism has its appeal no doubt. But is it not a partial withdrawal? Is it not the first step to an unctuous self-pity?

Or, you can respond with *cynicism*—with gloom, pessimism, contempt, scorn, sarcasm, rage, anger, hostility, hate. To life's problems you can shake your clenched and savage fist. If life is too big, too complex, you can at least despise it. Instead of solving problems, you can fight them.

Or, you can *participate*. You can work. You can take a full and active part in the great effort to make a better community, to make a better world. You can feel the excitement and satisfaction—and the frustration and heartache too—in being alive at one of the most important crossroads in human history.

For I believe our time is a critical one, that the stakes are the highest possible: the very survival and well being of the species. I believe we are in the midst of a significant, world changing revolution, a revolution as important as the agricultural revolution which taught us to grow food instead of hunting it; as important as the Judeo-Christian revolution which gave us the ethic of love; as significant as the Copernican revolution which took us from the center of the universe and put us where we are on a small planet on the edge of one galaxy; as important as the democratic revolution which gave us parliamentary government; as profound as the industrial revolution which moved us from country to city and replaced handicrafts with machines; as important as the Darwinian revolution which revealed to us the long, slow process of development, growth, and enlightenment through which we had passed.

Perhaps the most important revolution is the one we are living in—what I would call *a perceptual revolution—a sudden, dramatic change in the way we as human beings perceive ourselves on this earth*. Quite suddenly, in recent years, we have come to realize that there are not endless frontiers, but that earth is a limited, fragile place, with tenuous, delicate natural balances; that ours is not a giant planet, but a global village, even a global spaceship; that there is only futility in persisting as rival, feuding, nation states; that we must learn how to become good neighbors. We have come to see ourselves not as exploiters and conquerors, holding dominion over nature, but as parts of nature's whole; that we are not a conglomerate of races and creeds strangely foreign and different from one another, but one humanity, engaged in the human enterprise, each ready and capable of contributing to the world community, each a full-fledged member of the family of man.

It takes no special foresight, no profound knowledge, to see that the great problems of the decades ahead—racial fear and prejudice, environmental deterioration, atomic war, population, disease, education, resources—these great problems are global problems and can be solved by a kind of global cooperation and understanding we have so far merely dreamed about.

I believe there are lots of hopeful signs, that there is evidence that millions here and elsewhere are beginning to realize how much is at stake, how vital it is to improve understanding, narrow the divisions, reconcile the differences. I see these signs in small ways and in large—in the buttons people wear and on their car stickers. *Black is beautiful*. Of course it is. And so is yellow, red and white. We are one species, one humanity. *Have you thanked a green plant today?* We need them. They are as rightful inhabitors of the earth as we are. Without them we would suffocate. *Cops are people too*. Why do we need posters to tell us things like that.

There are major signs in world events. China is beginning to move to join the world community; Britain is on the threshold of binding itself to western Europe; whatever else you may want to say, the United States is coming home from Vietnam; the President has reported encouraging developments at the SALT talks; the Israelis and Egyptians continue to talk rather than fight; the SST was defeated by our elected Representatives in Washington; the governors of South Carolina and Georgia have called for an end to racial discrimination; Joe Frazier, after the big fight, was invited to speak to the legislature of South Carolina, the first black man to do so in a century. I was touched by the fervor and direct eloquence of his words:

"Let's all pull together. Let's make South Carolina a nice place to live, and Philadelphia and New York, so that we can live together, play together, and pray together."

So I want to say it is a great and crucial time to be alive, and I hope you will welcome the challenges and opportunities ahead of you.

And please don't be misled by those who will tell you that the way to solve the problems is to oust evil deans from their offices, blow up the Fourth National Bank, hold more and more Woodstocks, as if love-ins and rock festivals—fun though they are—will make problems go away, march in demonstrations and shout slogans, or set out to destroy "the system" in the wild, unbelievably optimistic hope that something glorious will somehow arise quickly from the rubble and ashes. And for heaven's sake, don't lose your sense of humor. It will protect you from your pompous self.

Work, commitment, more work, day-to-day patient effort to understand problems, to improve communities, to listen to the views of others, to train your minds and refine your emotions—to become reconcilers. We desperately need reconcilers in our world, in every walk of life. We need better schools, hospitals, cities, a cleaner environment, a better understanding between peoples.

And, finally, I promise that you will enjoy life more when you participate. You will derive greater personal satisfaction and happiness if in some small, contributory way—no matter what your profession, no matter where you live—you join the great effort to build a more humane, a more civilized, a more living world.

DECLASSIFIED FIGURES FOR MILITARY AID AMOUNTS

Mr. PROXMIRE. Mr. President, as chairman of the Foreign Operations Subcommittee of the Senate Appropriations Committee, I have made available to the press and public the country-by-country amounts of foreign military, assistance, military sales, and estimated excess defense articles for 43 countries for fiscal year 1972 which previously had been classified "secret." While this is being done at my initiative, the State Department has agreed to declassify the amounts.

In former years these country-by-country amounts for foreign military aid remained classified for at least a year. This made no sense, especially when the details of our domestic military budget are spread across the pages of the President's budget document.

But the State and Defense Departments argued until a very few days ago that if country A knew what country B was getting that might be embarrassing, or if the amount proposed for country A was reduced by Congress, international relationships might suffer.

But the practice of stamping the country by country amounts secret is no more justified than it would be to classify the amounts of health, education, housing or public works funds going to cities or States within the United States. They too are jealous if a nearby city gets more money than they do. They too are offended if Congress cuts their funds.

After serving notice on the State Department that I would honor the classification of these amounts only if they made a clear case for doing so, all but the amounts for a few countries are being made public.

Although the State Department made no argument that the military security of the United States was at stake, the amounts for six Middle Eastern countries will not be released until a later date because of delicate negotiations now underway. It is the goal of the State Department and my intention to make public all country by country amounts for the foreign aid items under the committee's jurisdiction in fiscal year 1973.

The country by country amounts made public today make up the bulk of the $2.1 billion total of foreign military assistance—$731.5 million—foreign military credit sales—$582 million—and economic supporting assistance—$825 million. The latter category was previously unclassified. The total of the country-by-country amounts for excess defense articles, which I am also making public today is estimated at $220 million. Not included are the country-by-country amounts for service funded military assistance, military aid under Public Law 480, and ship loans, all of which are under the jurisdiction of other committees.

This step is long overdue. With rare exceptions there is no justification for wielding the secret stamp. The information has been overclassified for years. This is just the beginning of my attempt to make public as much information as can be done without adversely affecting the direct vital security interests of the United States.

The question of how much and what type of foreign aid should be sent to a myriad of countries on every continent of the world is a proper subject for discussion and debate by the American people. They can only do that if they have the facts. In my opinion, this is a long overdue first step in helping Congress and the public to make an intelligent judgment on the amounts and uses of this year's foreign aid.

The attached table, which I ask unanimous consent to have printed in the RECORD at the end of my remarks, gives the detailed information which is being made public today. The information is also available from the Senate Appropriations Committee and will be included in the Senate hearings on the Foreign Aid Appropriations bill.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

MILITARY AND ECONOMIC SUPPORTING ASSISTANCE DATA, FISCAL YEAR 1972

[Thousands of dollars]

Country	Military assistance program	Foreign credit sales [1]	Economic supporting assistance [2]	Subtotal	Excess defense articles [1]
Worldwide [2]	731,500	582,000	825,000	2,138,500	220,000
Cambodia	200,000		110,000	310,000	11,000
Republic of China	19,500	45,000		64,500	48,000
Indonesia	24,990			24,990	3,000
Korea	239,400	15,000		254,400	40,000
Laos			50,550	50,550	
Malaysia	134	7,500		7,634	
Philippines	17,000		800	17,080	3,000
Singapore		7,500		7,500	
Thailand			40,000	40,000	
Vietnam			565,000	565,000	
Greece	19,875	60,000		79,875	38,000
India		5,000		5,000	
Iran	942			942	
Pakistan		5,000	250	5,250	
Turkey	99,770			99,770	48,400
Portugal	1,000			1,000	
Spain	13,000			13,000	3,000
Congo	477	2,000	1,016	3,493	
Ethiopia	12,790			12,790	500
Ghana			106	106	
Liberia	500		203	703	100
Nigeria			4,400	4,400	
Argentina	897	15,000		15,897	
Bolivia	666		115	781	
Brazil	892	20,000	174	21,066	
Chile	856	5,000		5,856	
Colombia	844		340	1,184	
Costa Rica			198	198	
Dominican Republic	539		370	909	
Ecuador	645		135	780	
El Salvador	374		56	430	
Guatemala	336	5,000	377	5,713	
Guyana			99	99	
Haiti			3,000	3,000	
Honduras	467		171	638	
Mexico	107			107	
Jamaica			96	96	
Nicaragua	568		91	659	
Panama	173		203	376	
Paraguay	387			387	
Peru	792			792	
Uruguay	400	2,000	225	2,625	
Venezuela	734	15,000	200	15,934	

[1] Estimates.

[2] Previously unclassified.

Source: U.S. State Department.

U.S. COMMITMENT IN ASIA IN THE EARLY 1960'S

Mr. ALLOTT. Mr. President, there continues to be considerable interest in the matter of who was thinking what during the early 1960's about the U.S. commitment in Asia.

In this regard, an interesting article has come to my attention. The article appeared in the Wall Street Journal of March 26, 1962. The author was Henry Gemmill, who today is editor of the National Observer.

The interesting headline on the article was: "U.S. Leaders Are Determined on Victory, Even if It Means Invading Red Territory." This news, which the New York Times discovered nearly a decade later, is worth pondering. In fact, I call special attention to the last paragraph of this article.

I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

U.S. LEADERS ARE DETERMINED ON VICTORY, EVEN IF IT MEANS INVADING RED TERRITORY—VIETNAM STRATEGY

(By Henry Gemmill)

WASHINGTON.—Khrushchev has complained the U.S. is fighting an "undeclared war" in South Vietnam. The Republican National Committee has been demanding the extent of American involvement be made clear to the public. Khrushchev is for once quite correct, and the Republican inquiry is pertinent.

Little by little enough facts have come from the Kennedy Administration to confirm the former and give at least superficial satisfaction to the latter. We know now that nearly 5,000 U.S. military personnel are in Vietnam, that a training function extends into combat missions for many, that young Americans do get shot and do shoot back. The snapshot is only a little fuzzy; security restrictions on more sharply detailed information are the customary corollary of war.

Yet, even if we were told precisely how many Communist bulletholes have punctured how many American helicopters we would not have a really meaningful picture of American involvement in this war. For what is crucially important is not the present or immediate past but basic intentions for the future. These can not be counted in Vietnam but must be appraised in Washington, resting as they do in the minds (and the guts, one must add) of military and political planners.

HOW LONG A WAR?

Are the makers of U.S. policy committed to pursue this conflict to victory? Or, in the long run, if things do not go well, might they accept Moscow's invitation of a week ago to pull out our men and stop arms shipments—striving perhaps for some face-saving "neutralization" a la Laos? How long and how large a war is envisioned?

These are the very questions which the policy-makers themselves have been thrashing out; their answers, while not absolute, are firmer, clearer and more detailed than one might expect.

Though military chieftains and political leaders eye each other a little warily after Cuba and Laos, both groups appear currently confident that the U.S. can, must and will win in Vietnam—and each seems reasonably confident the other will not shift its estimate. They rank South Vietnam side by side with Berlin in their global strategy—as territory which is not going to be given up to the Reds.

The most impressive evidence of this resolution, perhaps, is the cold consideration given now to the prospective dimensions of this war.

The public, noting that small bands of Red guerrillas—numbering around 12,000 all told—have long thwarted 170,000 South Vietnamese troops by striking and vanishing into jungle, might suppose this will be an almost endless war, even with Americans in it. Interestingly, high policy-makers don't figure on that.

"ESCALATION" POSSIBLE

The public might suppose it will close as it has begun, as a small war, with limited casualties. Interestingly, the official appraisal is that at a rather clearly defined moment it could well "escalate," and its dimensions could surpass the Korean War though stopping short of full-scale nuclear conflict.

Most interesting of all, "escalation" is viewed by some leading strategists as an option available to American forces—not as an initiative left exclusively to the Communists.

Examine some of the calculations made as high officials attempt to chart possible courses of the Vietnamese war.

To begin with, many of them doubt the fighting can be ended simply by killing off or capturing the Communist guerrillas operating in South Vietnam, leaving no enemy. Nor is it likely to be done by sealing the borders and cutting off Red Supplies.

More manpower and material can too easily be fed out of Communist North Vietnam, down through Laos and across the long and wild South Vietnamese boundary. Such re-manning and re-stocking is expected to go on for many months, as guerrilla strength can remain undiminished despite defeat in many a local skirmish.

It is this necessity for constant Red replenishment—draining men from North Vietnam, supplies from China and the Soviet bloc—which is spotlighted in American calculations. "They'll be bleeding," says one highly placed U.S. official, "just as surely as I would be if I sat here with a vein punctured and blood dripping slowly down my arm. They can stand it for quite a while, but they won't tolerate it when they've decided their guerrilla war is just not going to win them South Vietnam."

One expert estimate on how long it will take the Communists to decide the "bleeding" must cease: Not more than 36 months, but probably not much less.

It's figured the Communists' desire to "stop the slow bleeding" can be enhanced in the final months, by helping the South Vietnamese anti-Communists organize guerrilla attacks within North Vietnam, threatening the stability of Ho Chi Minh's regime there. So by the most optimistic schedule of possible future events, the Reds would decide to call it quits, South Vietnam would be left in non-Communist peace, and America would have won this war—about three years from today.

Or maybe not.

American policy-shapers' calculations actually do not forecast peace at this point of history; their logic merely predicts a Communist decision to stop the "slow bleeding"—which could indeed be accomplished by stopping the fight, but also by greatly enlarging it in unabated thirst for conquest.

Thus that moment some 36 months from now is viewed above all as a time of crisis, with serious consideration given to the possibility that Red China may launch simultaneous large-scale assaults on Formosa, South Korea and all Southeast Asia—expanding the war to a scale on which Vietnam would appear incidental.

This is not the sort of war the Russians are thought likely to encourage. But U.S. officials are not at all sure the Soviet has control over Vietnam battling even now, and its power to restrain China may diminish. "China is hungry—really hungry," says one military leader; he by no means discounts the possibility that Chinese Reds will use big war to grab at Southeast Asia's rice paddies if frustrated in the proxy warfare of Vietnam.

U.S. MUST TAKE INITIATIVE

But this is not the only way in which some degree of "escalation" could come about. It is emphasized that the U.S., however reluctantly, might itself choose to take the initiative.

Logic demands this. Determined on victory in South Vietnam, the makers of U.S. policy must be winning to elevate the plane of warfare if low-level fighting isn't producing results. And this is not excluded as a possibility.

Suppose, for instance, that Ngo Dinh Diem's government, already lacking solid support through the countryside, suffers further grave erosion, while the Red guerrillas gain. Support, too, that the American public becomes disturbed by slowly mounting casualty lists in what appears to be an exclusive, futile contest. Then the "slow bleeding" formula would be working against us—and doctrine now circulating would call for turning to more vigorous war.

Military leaders are determined this would be prosecuted in a very different way than the Korean War. There is no thought of pouring masses of troops into South Vietnam and trying to shove the Reds back mile by mile into North Vietnam.

AN ULTIMATUM TO REDS

Instead, the first move would likely be an ultimatum to Ho Chi Minh that unless hostilities ceased in South Vietnam the war would be carried directly to its source, North Vietnam. If this went unheeded, U.S. bombers would in fact go to work on the airfields, ports and rail lines of North Vietnam. If Army divisions were poured in, they'd be thrown into North Vietnam, not South Vietnam.

It would be made clear the U.S. objective is not to "roll back" the Communist sphere. But whatever scale military operations assumes, according to current doctrine, our forces would not be subject to the self-imposed restrictions of the Korean War—when pursuit of the enemy beyond the Yalu River was taboo.

This war we are in is essentially "limited" only in the sense that it does not aim at liberating North Vietnam or any other territory or populations now grasped by the Communists. But it is unlimited in its objective of yielding no further ground to Red rule. And in Pentagon files are war plans designed to fit all potential phases of this conflict, small or large.

YOU ARE BEING HAD—MONEY TALKS WHEN IT COMES TO HIGH OFFICE IN GOVERNMENT

Mr. SYMINGTON. Mr. President, earlier this month, perhaps significantly on July 4, one of the great statesmen of our time wrote an article for the New York Times entitled "You Are Being Had."

Former Secretary John Gardner starts his article:

> It isn't a pleasant thing to admit that in this great nation elective offices can be purchased; that votes of Federal, state and local officials are bought and sold every day; that access of the people to their government is blocked by a Chinese Wall of money.
>
> It isn't pleasant but it's a fact—and, today, a dangerous fact.

As one who ran for reelection last fall against more money than had ever before been spent in a Missouri statewide election.

I am in total agreement with the basic thrust of this article, which continues:

> Americans in every walk of life are increasingly skeptical about their political and government institutions. They doubt that these institutions, which are supposed to serve them, are in fact doing so. And that withdrawal of confidence bodes ill for the Republic.
>
> People need to feel they have access to their government. They need to believe their government is responsive. They need to feel it can be called to account. But wherever they look they find that "the access of money to power" is blocking the access of people to power.
>
> There are honest politicians and we owe them respect. But the pervasive and degrading influence of money in politics is making it harder for them to be effective.

President Nixon has said formally and informally that the people of the Nation are becoming "fed up" with Government; and I believe one of the chief reasons is well expressed in this article. I ask unanimous consent that it be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

YOU ARE BEING HAD

WASHINGTON.—It isn't a pleasant thing to admit that in this great nation elective offices can be purchased; that votes of Federal, state and local officials are bought and sold every day; that access of the people to their government is blocked by a Chinese Wall of money.

It isn't pleasant but it's a fact—and, today, a dangerous fact.

Americans in every walk of life are increasingly skeptical about their political and governmental institutions. They doubt that these institutions, which are supposed to serve them, are in fact doing so. And that withdrawal of confidence bodes ill for the Republic.

People need to feel they have access to their government. They need to believe their government is responsive. They need to feel it can be called to account. But wherever they look they find that "the access of money to power" is blocking the access of people to power.

There are honest politicians and we owe them respect. But the pervasive and degrading influence of money in politics is making it harder for them to be effective.

The people are not helpless. They could act decisively in their own behalf. The difficulty is that the American people can't be bothered with the grimy details of how the political system works. So they end up being had.

Three basic measures are needed at once: (1) control of campaign financing (2) lobbying controls and (3) full disclosure of conflict of interest on the part of legislators. Those three measures, put into effect in the fifty state legislatures and the Congress of the United States would change the political and economic landscape of this country.

The urgent item at this moment is control of campaign financing, currently under consideration by Congress.

The election campaign of 1970 was a rude awakening to millions of Americans. It finally hit them that we are no longer a nation in which any man can run for office and hope to win. In most states and districts he has to be wealthy or put himself under obligation to sources of wealth.

For perhaps sixty days after the election the newspapers were filled with shocking stories of excessive spending. Then, as often happens, the wave of indignation passed. Now serious control measures are under debate, but the attention of the people has been diverted to other issues. And when the people are looking the other way the public interest is all too often butchered.

An example is to be found in the enforcement provision of the bill now moving through the Senate. All responsible experts on campaign financing control have recommended that enforcement be in the hands of an independent elections commission. Yet many members of Congress still urge that enforcement be lodged with the clerk of the House and the secretary of the Senate. And these are the gentlemen who have made the enforcement of present campaign financing laws a national joke.

They have no appetite for enforcement. They never will have. They are political appointees of the majority party. It is no coincidence that the split on this issue tends to be along party lines.

Another defect of the Senate bill as well as the bill before the House Commerce Committee is failure to provide subsidy of broadcast time as recommended by the Twentieth Century Fund in its "Voters' Time" proposal and by others. Skyrocketing campaign costs are due chiefly to television. A return to sanity requires that the cost to the candidate be somehow reduced. The stations might be required to provide time free, or at reduced rates. Or they might provide free time that would be tax deductible. Or the Federal Government might subsidize the time.

Another way to reduce the influence of money in campaigns is to legislate a ceiling on expenditures—particularly media expenditures, which can be monitored most easily. Proposals have been made to the Congress to establish limits on both expenditures and contributions. Some experts believe that contribution ceilings are not enforceable, but that is no more than a guess. The combination of contribution ceilings, expenditure ceilings, full discosure and an independent enforcement mechanism has never been tested. The concept of limiting individual financial influence is so basic that we should give it a try. There is some debate on the constitutional issue, but the appropriate place to test that is in the courts.

It is reasonably certain that the Senate will pass this summer a campaign financing control bill that is close to adequate. But the House of Representatives poses a real obstacle. As of this writing it would appear that the House intends to let the issue die. If it does, the sordid interplay of money and politics will go on and on.

DETERIORATION OF EVENTS IN EAST PAKISTAN

Mr. SAXBE. Mr. President, I invite the attention of Senators to recent developments in regard to the further deterioration of events in East Pakistan.

On Saturday the Washington Post reported that the World Bank barred distribution of the Cargill report, because the report was a scathing indictment of Pakistani President Yahya Khan's regime. The report was said to have made the following points:

> A continuing reign of terror exists in East Pakistan enforced by Yahya's West Pakistani troops; urban life in the east wing of the country has been shattered and the economy paralyzed; active guerrilla resistance to Yahya's regime continues; widespread famine is likely this fall, and Yahya's administration is in ignorance of world opinion and the state of affairs in East Pakistan.

Both Reuters News Service, in the Washington Post, and the Washington Star reported on Sunday that the World Bank finally distributed the Cargill report after vainly trying to suppress the document. I commend it for distribution of this document to the 11-nation Pakistan Aid Consortium and call upon the World Bank to make copies of its report available to the Congress.

This report is necessary in light of our Government's continued aid to Pakistan since the terrible events following the Army's actions on the night of March 25. Further, the Foreign Operations Subcommittee of the Senate Appropriations Committee reports that the administration has requested that the military and economic supporting assistance will increase tenfold, from $500,000 to $5,500,000. This breaks down to $5 million for credit sales under the foreign military sales and $250,000 for police training.

Last week the Senator from Idaho (Mr. CHURCH), in an eloquent speech, reported that $35 million worth of military equipment was still in the "pipeline" for delivery to Pakistan. This speech has received considerable attention in the news media. In light of the military aid in the pipeline, plus the request for fiscal year 1972, I think the Cargill report from the World Bank would be of great assistance to the Congress in our further deliberations.

Mr. President, I would stress one particular item of the World Bank report—the prospect of famine. It has been reported to me by high Government sources that there will be a short fall of 13½ million tons of feed grain. Further, if the food were delivered, there is no effective organization to distribute it—even if President Yahya were willing to do so.

Mr. President, I hope that Henry Kissinger can dissuade President Yahya from his present course or, as an alternative, help change the course of American policy of continued commitment to the Yahya regime's reign of terror. Mr. President, let us recognize Yahya's policy for what it is—the most brutal and deliberate genocide since Adolph Hitler.

Anthony Lewis in today's New York Times raises this ugly comparison and says:

> This time there can be no excuse for any informed person failing to understand what is happening, contemporary accounts leave little to the imagination. And yet, some responsible men do not see. But the American interest goes beyond realism. We can no longer have any illusions about our ability to make unpleasant governments around the world behave well, but there does come a point at which self-respect requires us to stop helping them.

Our policy of continued shipments of arms is wrong. It is a terrible mistake. We seem to be trying to placate both India and Pakistan since the Soviet Union is siding with India and China with Pakistan. As Flora Lewis said in the Washington Post:

> It courts disaster, not only for India and Pakistan. And it is more likely to wind up with a spread of Communist control into truly strategic areas than would the collapse of South Vietnam. For once grand strategy, national interest, and urgent humane needs are on the same side. Why isn't the United States on that side with its main allies?

I believe that the Pakistan strife may provide an opportunity for the United States, Soviet Union, and Peoples' Republic of China to attempt to reconcile a most difficult problem and thereby strengthen their common efforts at international cooperation. The President may wish to call for an international conference to discuss this problem.

Last Thursday, July 1, Canada blocked a shipment of weapons to Pakistan. Customs officials there said the order blocked the loading of 46 crates of parts for F-86 Sabre jets. Even if we have provided by license or other means arms for Pakistan which have not left the United States, why cannot we prohibit their shipment? There is no principle in law which says that we must continue. For example, we could follow Canada's lead by asserting that our public policy overrides all contract law. A license is always subject to being withdrawn when it is contrary to public policy, for example, the license to practice law and the license to practice medicine.

We are being told today by some that the rule of law has returned to Pakistan. If that is the case, why was Sydney H. Schanberg, the New York Times correspondent, expelled from East Pakistan Wednesday, June 30? If the rule of law has returned, why did a Pakistani army platoon smash into the Hindu section of Boliadi shooting men, ransacking homes, and burning the village market.

Mr. President, the time has come for legislative action. I invite the attention of Senators to the Saxbe-Church amendment No. 159 to S. 1657, the Foreign Assistance Act. It was submitted on June 10, 1971, and at present being considered by the Foreign Relations Committee. We have 29 cosponsors for our amendment. I ask unanimous consent that the following Senators be added as cosponsors of amendment No. 159 to S. 1657: SCOTT, TUNNEY, CASE, PASTORE, BENNETT, PELL, BELLMON, HART, ROTH, BAYH, BOGGS, CRANSTON, BROOKE, METCALF, GURNEY, MCGOVERN, EAGLETON, STEVENSON, MOSS, MONDALE, HUGHES, HARTKE, MUSKIE, PROXMIRE, HUMPHREY, MAGNUSON, WILLIAMS, RANDOLPH, and RIBICOFF.

Today, Al Horton of Scripps-Howard gave me a letter to the Cleveland Press which is particularly articulate in its explanation of the blunders our bureaucracy is making in the continued aid as usual policy toward Pakistan. I ask unanimous consent that the letter be printed at this point in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

CLEVELAND HEIGHTS, OHIO,
June 30, 1971.

LETTERS TO THE EDITOR,
The Cleveland Press,
Cleveland, Ohio.

DEAR SIR: Does it not seem conceivable that about 1980 a series of secret Pentagon papers will reveal that the U.S. Government made a serious blunder in Pakistan in 1971? It appears to me that the first step toward that has already been taken. The executive branch of our government has decided to continue shipment of ammunitions and military equipment to Pakistan while that military government is carrying out systematic genocide on its own people in East Pakistan, whose major crime has been that they won a majority in the first national election held in Pakistan in 24 years.

I can conceive more than the future Pentagon paper. I fearfully foresee a war in East Pakistan ten years from now, where our national economy will be depleted and our young men will be killed for the sake of what will be termed "the freedom of the East Pakistani people".

Let me explain my reasons. Start with the fact that our "ally" Pakistan, united with us in SEATO, has not had a general election since its independence in 1947 (recall that France, our ally in NATO, did not rule "French Indo China" democratically in the 40's). During this period, the Bengali part of Pakistan, known as East Pakistan, provided 60% of Pakistan's economic resource and received 20% in national investment. As a result, when the first election was held last year, 167 out of 169 seats of East Pakistan went to the party (the Awami League, headed by Sheikh Majibur Rahman) which advocated local autonomy for East Pakistan. Since East Pakistan has 51% of Pakistan's population, this made the Awami League the majority in the entire Pakistan assembly.

The reaction of General Yahya Khan, president of Pakistan's military government was indefinite postponement of the assembly. The Awami League, thwarted in its democratic attempt at redress of grievances, turned to a demand for an independent Bengali Nation ("Bangla Desh"). [Note the similarity with 1776: the initial demand of the Americans was equal and autonomous status as British Citizens.]

I hope the rest of the story is well-known. The program of mass murder of Bengalis that was unleashed on March 25 continues till today.

In light of the above, I am drawing a parallel with our support for France in Vietnam in 1945. Then we had at least the justification that the Vietnam movement for national liberation was led by communists. This time, let us see what the U.S. is doing.

Recall first that since the 1965 embargo on arms shipment to India and Pakistan, the U.S. has been supplying "non-lethal" equipment to Pakistan, including ammunition, transport aircraft, trucks and jeeps, to the amount of 10 million dollars a year. On April 15 the State Department stated, ". . . none of these items have been provided to the Pakistan Government or its agents since the outbreak of fighting in East Pakistan, March 25-26, and nothing is scheduled for such delivery". Then on June 24 it became clear that two boat loads of supplies to Pakistan have left New York since March 25. Then it became known that six more boat loads will be shipped by August. (Before we lull ourselves into false security by the fact that these are non-lethal items, let me remind your readership that at least one UNESCO bus was seen in East Pakistan with a machine gun mounted on top.)

So, the fooling of the American people has started already. The program to which the U.S. is committing itself is one of support of the Military Junta in the suppression of a popular movement for the redress of just grievances. In the process we are helping eliminate democratically committed leadership and producing a vacuum for communists to step into with ease.

The only way the American people can prevent the state department and the pentagon from perpetuating this sell-out to the communists is to support the passage of the Saxbe-Church amendment to the Foreign Assistance Act which states, "All military and economic assistance and all sales of military equipment and weapons, for cash, credit or any other means, to Pakistan, authorized or appropriated pursuant to this or any other Act, and all licenses for military sales, shall be immediately suspended and no commitments or expenditures, including the provision of debt relief shall be undertaken or made, until distribution of food and other relief measures, supervised by international agencies, takes place on a regular basis throughout East Pakistan and the majority of refugees in Indian are repatriated to East Pakistan; provided, however, that these provisions shall not prohibit expenditures of previously appropriated funds pursuant to binding written agreements between the Government of Pakistan and the Agency for International Development in force on or prior to June 8, 1971."

If this amendment does not pass (with 22 sponsors of the amendment including Senator Hugh Scott of Pennsylvania, we need 29 more commitments) and the present U.S. policy continues, I see two alternatives facing the U.S. in a few years.

1) Accepting an anti-U.S. and probably communist East Pakistani nation right next to democratic India and denying its resources to our allies in West Pakistan; or

2) Involving the United States in another war, supporting a Military Junta and selling it to the public as a war of "preserving the freedom" of East Pakistan.

Both the alternatives bode irreparable harm to these United States.

There will be scant pleasure for people like me in saying "I told you so" then. Instead, let us suggest that we disengage ourselves from the conflict by stopping the giving of aid to Yahya Khan's government and by putting strong international pressure on it to release the political prisoners and come to an understanding with them. The World Bank has already refused to consider aid to Pakistan. England, Germany, and Canada are all advocating this latter alternative. What benefit do we see in isolating ourselves even from our Western Allies?

Yours sincerely,

RANAN B. BANERJI.

Mr. SAXBE. I invite the attention of Senators to a compendium of press accounts covering 69 pages placed in the CONGRESSIONAL RECORD by Senator CHURCH on July 8, 1971, at page E7125.

Finally, I ask unanimous consent that a number of articles on Pakistan be printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Washington Post, July 8, 1971]

AROUND THE WORLD: PAKISTANIS SAY UNITED STATES WILL NOT STOP ARMS

RAWALPINDI, WEST PAKISTAN.—The U.S. government has assured Pakistan it will not interfere with four or five more shiploads of ammunition and military spare parts still due here from the United States, Pakistani foreign office sources reported yesterday.

In New Delhi, the Indian government asked the United States to halt all military and economic aid to Pakistan and warned U.S. presidential adviser Henry A. Kissinger that continued American arms shipments to Pakistan would remove all hope of a political settlement in East Pakistan, Indian official sources said.

The sources said this was made clear to Kissinger in talks with Prime Minister Indira Gandhi and Foreign Minister Swaran Singh.

These developments came on the eve of a visit to Pakistan by Kissinger, foreign affairs adviser to President Nixon.

Kissinger's arrival in New Delhi Tuesday was marked by anti-American demonstrations against shipments of ammunition and spare parts already sent from the United States.

[From the Wall Street Journal, July 8, 1971]

UNITED STATES ASSURES PAKISTAN

The U.S. has assured Pakistan it won't interfere with four or five more shiploads of ammunition and military parts expected from the U.S., Pakistani Foreign Office sources said. In New Delhi, meanwhile, the Indian government asked the U.S. to halt all military and economic aid to Pakistan. Unless the aid is halted, Indian officials say, there isn't any hope of ending civil strife in East Pakistan.

[From the New York Times, July 8, 1971]

NIXON CRITICIZED ON PAKISTAN AID; HE "REFUSES TO STOP FLOW," SENATOR CHURCH CHARGES

(By Tad Szulc)

WASHINGTON, July 7.—Senator Frank Church charged in a Senate speech today that $35-million worth of military equipment was still in the "pipeline" for delivery to Pakistan.

The Idaho Democrat, a member of the Senate Foreign Relations Committee, said that President Nixon "refuses to stop the flow" despite recommendations from the "bureaucracy" for the canceling of outstanding licenses for equipment destined for the Pakistani armed forces.

Senator Church did not elaborate on how he had made the estimate of $35-million in additional military equipment awaiting shipment to Pakistan. Qualified sources said however, that this was the total value of outstanding licenses issued by the State Department's office of Munition Controls before the program of military sales was suspended on April 6.

These sources said that the State and Defense Departments had prepared a memorandum listing the outstanding licenses and recommended to the White House that they be cancelled.

But, they said, Mr. Nixon ruled that the shipments be maintained.

The ban on the licensing was ordered after the Pakistani Army began to quell the rebellion in East Pakistan by advocates of autonomy. This operation has reportedly resulted in the death of 200,000 East Pakistanis and the exodus of 6,500,000 East Pakistanis to India.

PAKISTAN IS CRITICIZED

In his speech, Senator Church said that the United States supported the Pakistani Government, "the very creators of the widespread suffering in their own country."

"We keep shipping arms, ammunition and spare parts," he said. "And although the United States bureaucracy has advised against the filling of the arms' export licenses still outstanding, the President has said to go ahead anyway."

He said that "if the Nixon Administration were really concerned about the principles of self-determination in Asia, the United States would do all it possibly could to end the gruesome tragedy in East Pakistan. At the very least, our policy would be one of total abstention.

United States shipments of military equipment to Pakistan were disclosed by the New York Times last month and subsequently confirmed by the administration with the explanation that the cargo represented items turned over to Pakistani agents in the United States before the eruption of the fighting in East Pakistan.

[From the Washington Post, July 11, 1971]

SECRET FIGURES ON ARMS AID ARE RELEASED

(By Marilyn Berger)

Sen. William Proxmire yesterday released hitherto secret figures on foreign military assistance which the Nixon administration is requesting for 43 countries.

Although foreign aid is appropriated in a lump sum, the Wisconsin Democrat said that disclosure of what the administration is planning to spend could open the way for money ceilings to be imposed on aid to specific countries.

Proxmire, who is chairman of the Foreign Operations Subcommittee of the Senate Appropriations Committee, said:

"I feel we are now in a position to have an effective, logical and sensible debate on foreign aid that we haven't been able to have in the past."

He added that while the legislators knew the figures, which were considered classified, they could not previously have debate in open committee or on the Senate floor.

Proxmire released the figures with the sanction of the State Department, which had justified classifying them on two grounds: that the figures represented only planning or illustrative spending and that early disclosure could lead to "additional pressures on the executive and legislative branches to alter the figures."

In previous years, the figures have been declassified nine to 12 months after appropriations were made.

The figures showed that the Nixon administration was requesting $117 million in arms aid this fiscal year for the Greek military regime. Following a military coup in April, 1967, an embargo was placed on major military aid but supplies were never fully shut off. Mr. Nixon resumed the military aid program last September, citing Greece's strategic location along the southern flank of NATO.

Sen. Vance Hartke (D.-Ind.), a leading congressional critic of the Greek military junta, announced yesterday that he would make a new effort to end U.S. military aid to Greece. "It is this sort of high-priced dictatorship that I intend to stop," he said.

In 1971, Greece received $53.3 million or less than half of what is slated for the 1972 fiscal year. In 1970 deliveries totaled $57.2 million, while in 1969 deliveries totaled $77.1 million.

Turkey, also a NATO ally but one which is having difficulties with Greece over Cyprus, is slated to receive a total of $148.2 million according to the figures released yesterday.

Proxmire withheld aid figures for six Middle Eastern countries including Israel, Jordan and Lebanon because of what he called "delicate negotiations now underway."

"The country-by-country amounts made public today," Proxmire said, "make up the bulk of the $2.1 billion total foreign military assistance ($731.5 million), foreign military credit sales ($582 million), and economic supporting assistance ($825 million) . . . The total of the country-by-country amounts for excess defense articles (U.S. military surplus), also made public today, is estimated at $220 million."

Proxmire said the declassification was "long overdue."

"With rare exceptions there is no justification for wielding the secret stamp. The information has been overclassified for years. This is just the begining of my attempt to make public as much information as can be done without adversely affecting the direct vital security interest of the United States."

Proxmire's remarks reflected a growing effort within Congress to reform government classification procedures, a drive spurred by the recent publication of the Pentagon papers.

The breakdown of figures showed that the administration was seeking a total of $565 million in economic supporting assistance for South Vietnam. What these figures do not include, however, is the military assistance to South Vietnam that comes directly from the Defense Department budget. That total for fiscal 1972 is almost $1.8 billion. The total for Vietnam, Korea, the Philippines, Thailand and Laos for war-related funds is just over $2.23 billion.

The figures released by Proxmire and simultaneously provided by the State Department show a request for $5,856,000 for Chile, which recently elected a Marxist president. Of this $5 million is for foreign military credits. The State Department last week acknowledged that it was seeking low-interest credits to enable the Chilean government to purchase one C–130 transport plane and paratroop equipment.

BREAKDOWN OF ARMS AID IN 1971, 1972—MILITARY AND ECONOMIC SUPPORTING ASSISTANCE DATA

[In thousands of dollars]

Country	Fiscal year 1971	Fiscal year 1972
Cambodia	261, 167	321, 000
Rep. of China	81, 684	112, 500
Indonesia	19, 329	27, 990
Korea	320, 802	294, 400
Laos	45, 900	50, 550
Malaysia	2, 424	7, 634
Philippines	18, 329	20, 800
Singapore		7, 500
Thailand	23, 100	40, 000
Vietnam	396, 000	565, 000
Greece	53, 333	117, 875
India	220	5, 000
Iran	2, 433	942
Pakistan	500	5, 250
Turkey	135, 667	148, 170
Portugal	1, 035	1, 000
Spain	25, 016	16, 000
Congo	14, 178	3, 493
Ethiopia	12, 267	13, 290
Ghana	53, 100	106
Liberia	784	803
Nigeria	17, 400	4, 400
Argentina	16, 801	15, 897
Bolivia	868	781
Brazil	10, 676	21, 066
Chile	5, 803	5, 856
Colombia	6, 052	1, 184
Costa Rica	195	198
Dominican Republic	1, 017	909
Ecuador	805	780
El Savador	459	430
Guatemala	4, 860	5, 713
Guyana	146	99
Haiti	2, 800	3, 000
Honduras	480	638
Mexico	87	107
Jamaica	70	96
Nicaragua	675	659
Panama	415	376
Paraguay	369	387
Peru	697	792
Uruguay	5, 055	2, 625
Venezuela	8, 333	15, 934
Total	1, 551, 688	1, 841, 230
Worldwide total with countries not listed	2, 342, 337	2, 358, 500

(From the Washington Post, July 11, 1971)

World Bank Bars Report on Pakistan

(By Bernard D. Nossiter)

World Bank President Robert S. McNamara has barred the distribution of a report from his own organization describing Pakistan as a political and economic shambles.

High officials of the World Bank confirmed yesterday that the directive was issued to prevent the scathing report from reaching members of the 11-nation Pakistan aid consortium in written form. These sources said the document was unnecessarily provocative on a delicate subject.

High-placed officials said that they feared dissemination of the report would amount to a public declaration of no confidence in Pakistani President Yahya Khan's regime. This they argued, could lead to many unforeseen consequences, even an India-Pakistan war.

These sources vigorously denied reports that the document had been suppressed at the request of the United States. Other international civil servants who oppose any aid to Pakistan observed, however, that the document's interment fits the ambiguous American policy line on Pakistan.

(Meanwhile, Reuter news agency reported, Senate Republican leader Hugh Scott said he did not think the Nixon administration would cut economic aid to Pakistan, despite congressional pressures. Scott is one of two dozen co-sponsors of a measure pending in the Foreign Relations Committee that would cut off economic as well as military aid until international relief is organized and the 6 million East Pakistani refugees repatriated from India.)

Washington opposes any isolation of Yahya's regime and resists any outright cutoff of military and economic aid.

As late as Thursday, World Bank aides were working on appendices to the report based on the organization's field notes. These officials were ordered to stop and told that the document will be expunged from the bank's records.

Only one copy of the report is now in existence and it is held by the bank's Vice President, J. Burke Knapp.

The report was drawn up by Peter Cargill, director of the bank's South Asia department and leader of a joint World Bank-International Monetary Fund mission to Pakistan early last month.

Its substance was described orally by Cargill to an informal meeting of the consortium in Paris on June 21. There, all the members, including the United States, agreed to postpone indefinitely any call for a meeting at which new aid pledges would be made.

World Bank sources say that the American delegate operated under dual instructions: to go along with an indefinite postponement if the other 10 expressed a strong desire for one; or, if there was any wavering, to suggest that a meeting would be useful. The American delegate, Donald G. MacDonald, assistant AID administrator for the Near East and South Asia, was deliberately called on last and therefore went along with the overwhelming support for indefinite postponement.

MacDonald has denied that he received two instructions but has acknowledged expressing his gratification at being called on last.

The report that stirred the other 10 countries and has now been suppressed is known to have made the following points: a continuing reign of terrors exists in East Pakistan enforced by Yahya's West Pakistani troops; urban life in the east wing of the country has been shattered and the economy paralyzed; active guerrilla resistance to Yahya's regime continues; widespread famine is likely in the fall, and Yahya's administration is in ignorance of world opinion and the state of affairs in East Pakistan.

McNamara's ban on the Cargill report coincides with a visit by Henry Kissinger, President Nixon's assistant for national security affairs, to Islamabad, the West Pakistani capital. Kissinger met with Yahya on Thursday and is due to meet him again today.

The dominant American policy makers, as opposed to many officials down the line, hold that continued aid to Pakistan will give the United States influence or "leverage" over Yahya's conduct and prevent further Pakistani dependence on China.

Apart from McNamara's reservations about the tone of Cargill's report, two other considerations could have influenced his decision.

He is eager for strong Nixon administration support in obtaining a large American contribution to the World Bank's soft loan affiliate, the International Development Association.

In addition, he is thought to be fearful of the consequences of a Pakistani default on its $540 million debt to the World Bank and its affiliates. A refusal to pay back a sum of this magnitude, it is said, could make international lenders demand much higher interest rates for the money that the World Bank borrows.

[From the Washington Sunday Star, July 11, 1971]

Pakistan Called Choatic in World Bank Report

The World Bank yesterday sent its top executives a secret report labeling conditions in Pakistan chaotic after trying vainly to suppress the document.

A bank official said bank directors and their alternates were sent copies of the report after the attempt to bar its distribution was leaked to the press.

The document was prepared by a mission under Peter Cargill, director of the bank's South Asia department. This group, on behalf of an 11-nation aid-Pakistan consortium to which the United States belongs, investigated economic, political and social conditions in Pakistan during the first half of June.

FIVE MAIN FINDINGS

Qualified diplomats said the report of the Cargill mission included these main findings:

The civil war in East Pakistan still grinds on.

The local population remains in a state of extreme terror under the regime introduced by President Agha's West Pakistani troops.

Economic life and essential communications in East Pakistan have been disrupted by strife between Yahya's troops and the autonomy-seeking Easterners.

An active guerrilla movement is battling the army.

Disease and famine could engulf the territory by the fall.

The diplomatic informants said that when Cargill presented this picture to Yahya during a meeting in Islamabad, the Pakistani leader simply refused to believe him.

STORMY ENCOUNTER

This led Cargill to conclude Yahya is being either misinformed or kept in ignorance by his officers and administrators in the East.

The encounter between the president and Cargill was, the sources, said, stormy.

Cargill gave an account of his investigation to an informal meeting of the aid-Pakistan consortium in Paris June 21. This led to a decision to postpone action on new economic help for Pakistan until around September.

By then a new program of national economy recovery for all Pakistan would have been prepared. And by then Yahya's government would have had the chance to work for a political settlement.

Dr. Henry A. Kissinger, President Nixon's adviser on national security affairs, was said to have pressed for this during his talks with Yahya in Islamabad in the past two days.

Refugee Airlift Expected to End

New Delhi.—A U.S. Air Force refugee airlift is expected to end in six days because of the Indian government's anger over U.S. military shipments to Pakistan, reliable sources said yesterday.

The sources confirmed that the Indian government has not requested an extension of the airlift of refugees and vital supplies of rice along the isolated eastern border of East Pakistan beyond Saturday.

Four Air Force C130 Hercules transports and 124 U.S. service personnel have been involved in the airlift, which started June 17.

[From the Washington Post, July 11, 1971]

World Bank's Directors Get Report on Famine, Chaos in East Pakistan

A World Bank report alleging terror, economic chaos, and likely famine in East Pakistan has been distributed to the bank's directors, informed sources said yesterday.

A bank spokesman confirmed that the report, whose contents he declined to discuss, was distributed Friday night following word that a news story would be published alleging the report was being suppressed for political reasons.

But the spokesman stressed that the findings of a bank mission to Pakistan last month had already been communicated orally to the 11-nation Pakistan Aid Consortium in Paris June 21 and to the bank's executive directors Tuesday.

The mission findings had been discussed first with the Pakistani government in Islamabad, the spokesman said.

The Washington Post reported yesterday that Bank President Robert S. McNamara had previously barred distribution of the written report because high officials of the institution feared it would amount to a public declaration of no confidence in Pakistani President Yahya Khan's government.

The bank spokesman denied that the federal government had intervened in any way to stop distribution of the report. It had been tentatively decided not to release it in written form because "it would serve no additional purpose," the spokesman added.

[From the Washington Sunday Star,
July 11, 1971]

Kissinger Visit Fails To Calm Either Indians or Pakistanis

(By Henry S. Bradsher)

ISLAMABAD, Pakistan.—Neither Pakistan nor India saw any prospect yesterday of a change in U.S. policy toward the Bengal situation as a result of the visit of Henry Kissinger and that left India displeased with Washington and Pakistan warily uncertain.

India has been unhappy that the United States has not shut off all aid to Pakistan as a result of the civil war in East Bengal which has driven millions of refugees into India.

Pakistan has been concerned whether it can continue to expect American aid.

Kissinger, President Nixon's national security adviser, had been scheduled to end a four-day visit to the two south Asian countries yesterday and fly to Paris for the main business of his around the world trip which began with a call in Saigon. The business is reviewing U.S. policy on Vietnam in view of the latest Communist peace offer.

DELAYED BY ILLNESS

But Kissinger postponed departure one day because he was suffering from an intestinal affliction. The illness drove him from 100-degree heat here in the Pakistan capital to Nathiagali, a nearby hill station, and curtailed his talks with Pakistan officials.

Kissinger's talks in New Delhi with Prime Minister Indira Gandhi and other Indian officials before he came here focused on continuation of U.S. arms shipments to Pakistan beyond the beginning of the Pakistani army's crackdown in the Eastern region March 25.

Indian officials said Kissinger explained it was a bureaucratic blunder that more military equipment was licensed for export from the United States after that. The Indians were not satisfied with the explanation.

The State Department's acknowledgement Thursday that many millions of dollars worth of equipment still was in the pipeline heightened the Indian displeasure.

DESCRIBED AS "NONLETHAL"

This equipment has been officially described as "nonlethal" replacements for some $2 billion worth of armaments which the United States supplied Pakistan in the 1950's and early 60's. But reliable sources here say "nonlethal" sometimes includes replacement of live ammunition on the theory it alone, without guns is harmless the Pakistanis already have guns.

India also objected to the U.S. position that new commitments of economic aid to Pakistan are being held up now only because of the inability of the country to use it in the present circumstance rather than because of any U.S. effort to make more aid dependent on a political settlement in the East. Britain and West Germany have announced any more aid from them requires settlement, and Pakistan has reacted angrily against this pressure.

There is no indication here that Kissinger sought to apply pressure. But neither was there any indication of new aid commitments likely except wheat, whose shipment might be resumed once East Pakistan is able to restore communications to distribute it.

The United States has $38 million of project aid in the pipeline to Pakistan in the fiscal year that just began and $53 million worth of nonproject commodity aid.

If no more aid is committed soon it will run out within a year.

[From the Washington Post, July 11, 1971]

The Isolationism Toward Pakistan

(By Flora Lewis)

The warning signals are overwhelming. Massacre and destruction continue in East Pakistan, where nobody knows how many have died but the estimates now run over 200,000. Over 6 million people, equal to the total population of Chicago, Detroit and Houston combined, have deluged India.

Guerrilla fighting is developing in context of international tensions which threaten the eruption of war between India and Pakistan, the possible breakup of India and perhaps the establishment of an enormous pro-Peking state on the Indian Ocean, combining the Pakistani and Indian parts of Bengal.

This is undeniably a threat to world peace, more serious even than the nervous Middle East, as well as a human tragedy so vast it is incomprehensible.

The United States, however, has refused to join other members of the World Bank consortium in saying no new economic aid will be granted Pakistan until it makes the political moves necessary to ease the situation. Further, the United States is the only non-Communist country continuing to deliver military goods to West Pakistan, whose army has occupied and devastated East Pakistan, 1,000 miles away, to suppress the demands for some autonomy and selfgovernment.

Although there were assurances to Congress that deliveries would be stopped, Deputy Assistant Secretary of State Christopher Van Houten told a Senate subcommittee that all military sales already licensed would not turn to "other sources of supply." That means to Peking, and it is startlingly disingenuous because China is already Pakistan's major source of arms.

The United States also isn't withholding aid, on which Pakistan depends to avoid bankruptcy, because that "would be seen as sanctions and intrusion in internal problems," Van Houten said.

The sanctimonious decision for "nonintervention" by continuing support to the Pakistan military regime comes especially strangely from the Nixon administration which has warned so often against "neo-isolationism." And, of course, prim repugnance against affecting a foreign country's "internal affairs" is not the real reason for America's standby policy to Pakistan.

It is because Pakistan is at the hub of a tug-of-war involving Russia, China and the United States.

Twenty years of intricate big power games have produced a situation now so explosive that all are virtually paralyzed. In the 50s, the United States drew Pakistan into the anti-Soviet alliances with which the late John Foster Dulles sought to contain Russia and China.

Dulles considered neutralism immoral in the crusade against communism, and India under Nehru was determinedly nonaligned. Pakistan was expected to be reliably anti-Communist.

But from the start Pakistan has been more anti-Indian than anything else. So when the United States cut off military supplies to both sides in the India-Pakistani war, the Pakistanis turned to Peking for backing.

The Russians, as their relations with China sharpened, increased support for India. The United States tried to play it down the middle, fearful that offending either Pakistan or India too much would drive either one into the arms of its major Communist friend.

That remains the basic policy, but the situation has raced far beyond that effort to keep a balance. Now America's major allies, who are suspending further aid to Pakistan, say privately that they expect the regime of President Yahya Khan to collapse in economic breakdown within two to three months.

But the United States secretly fears that if Yahya is pushed to the brink, he will turn to full dependence on Peking rather than let go.

The point has come where that kind of cold strategic thinking, oblivious to the human catastrophe, is also the most dangerous strategy for the United States. Nor is there any evidence that China would seek to dominate Pakistan, despite its expression of support for Yahya.

The agony of Vietnam has turned American attention away from the real threats to world peace and national security. Pretending there is nothing the United States can or should do about Pakistan is an extraordinary combination of both neo-isolationism and cold war maneuvering, especially when America's major allies and the World Bank seek joint action. U.S. refusal to join the international effort to stop Yahya from terrorizing East Pakistan's 45 million comes near to condoning a policy which has created grave international menace. It courts disaster, not only for India and Pakistan. And it is more likely to wind up with a spread of Communist control into truly strategic areas than would the collapse of South Vietnam. For once grand strategy, national interest and urgent humane needs are on the same side. Why isn't the United States on that side with its main allies?

[From the New York Times, July 11, 1971]

United States and Pakistan: Deep Dents in the Nixon Doctrine

WASHINGTON.—Dacca, the capital of East Pakistan, was reported to be blacked out last week. Its power station apparently had been knocked out by the insurgents of the Bengali "Liberation Army." Another major town Comilla, was reported to have been without power for a week—for the same reason. Despite the severe repressions of the Pakistan Army, the Bengali insurgency lives, and the issue is likely to remain in doubt for a long time to come.

How is United States policy adjusting to this new crisis in South Asia? Does the Nixon Doctrine—those meager phrases spoken by the President at Guam in 1969 that have now become a prescription for United States policy for the entire world—provide any clues?

There are four possible outcomes of the East Pakistan situation:

(1) West Pakistan could prevail, establishing a puppet government in East Bengal and containing the insurgency with continuing repression and terror.

(2) The Bengali insurrection might eventually succeed, but its present moderate leadership could be wiped out in the process.

In either of these outcomes, China would be the beneficiary. In the first, because it would reap the reward of its calculated support of the West Pakistan military elite; in the second, because Maoist cadres in East Bengal would accede to leadership.

(3) The situation could even lead, through Indian intervention, to a regional or hemispheric war.

The present course of American policy risks implication in any of these three developments.

(4) There could be a political accommodation leading to an autonomous East Bengal (eventually, perhaps, as part of a structure such as Nehru envisioned: a loose confederation of South Asian states.) This might be the only constructive outcome.

As the crisis in East Bengal deepens, the mystery of Washington's attitude deepens in equal measure. There is the continuing leakage of American arms shipments to the Pakistan Government through the sailing of half a dozen vessels after the supposed ban of March 25. There is also the reluctance of the United States to join the World Bank consortium in suspending economic assistance to Islamabad in order to induce a political accommodation with the East Bengalis.

One theory in Washington is that the arms shipments were mindless bureaucratic acts. Another postulates low-level policy sabotage by unregenerate Pakistan partisans in the Pentagon. More likely, it begin to appear, is a third hypothesis—reflected in the State Department's reply of May 6 to Senator Fulbright—suggesting an effort to continue a finely regulated trickle of arms that would preserve American influence on future Pakistani actions.

But this action so far exhibits only a minimal concern to keep communications open. The question of the underlying policy still remains.

The President, in his foreign policy message of February, 1971, elaborated for four pages on his major concern in South Asia: to bring "our activity into a stable balance with that of the other major powers with interests in the area." That indicates a deliberate shift in the philosophical basis of American foreign policy. The principal elements of this new approach are:

An orientation to the great powers and a relative disregard for the vicissitudes of the lesser countries, except insofar as they concern the largers powers that exercise interest in them. This would be a notable change from the emphasis of the 1960's on the netherworld of nonpowers as an arena for extravagant and detailed United States effort.

A dedication—almost a hang-up—to "stability." Containment of Communism becomes geopolitical rather than ideological.

A preference that stability be achieved through a balancing of the great powers.

A preservation of our alliance structure, for its cheap and convenient deterrent effect.

A calculation that such a state of affairs will continue to allow the ample play of United States influence, without undue commitment or expenditure of means.

Yet, all this theorizing provides little guidance for the Administration's conduct in the present crisis in East Pakistan. Events with the most momentous eventual geopolitical consequences—the break-up of the fifth most populous state in the world, the movement of six million refugees across an international border, the probable slaughter of a quarter of a million people, the threat of a war involving a billion people—are occurring under our gaze, and we seem to be either paralyzed or impotent. How can this be?

The answer, some observers contend, lies in a contradiction implicit in the Nixon Doctrine that the crisis in East Pakistan is beginning to reveal.

The basic feature of the Nixon Doctrine is its effort to maintain political-military involvement in the affairs of Asia by means short of intervention on the Vietnam model. The instruments for this policy are military proxies, arms assistance, active power balancing and military alliances as an inexpensive form of deterrence. The intent is to retain a critical degree of control over Asian developments.

So Washington continues to send arms and economic aid to Pakistan. That may preserve leverage and keep communications open—keep the United States in the power game. But those moves are not likely to be decisive in determining the course of the crisis.

The only way for the United States to have any constructive influence on the situation, according to this view, is by exerting the kind of "moral" force represented by an arms embargo or collaboration with the World Bank consortium. Such a policy would condition military and economic assistance on Islamabad's willingness to seek a political accommodation in East Bengal.

But the Nixon Doctrine's prescription for involvement may be inversely proportional to the amount of moral influence the United States is free to exert. This is the dilemma that may make application of the doctrine not only obscure but disfunctional in South Asia.

[From the New York Times, July 12, 1971]

Doing Business With Yahya

(By Anthony Lewis)

London, July 11.—After Hitler, there were many—and not only Germans by any means—who said they had had no idea of the extent of the horror. They knew terrible things were happening, but six million Jews in the gas chambers. . . .

Similarly with Stalin's terror in the Soviet Union, it took years for people even in the West to appreciate the level of brutality and murder that obtained. And in Vietnam: most of us failed for too long to understand the inevitable consequences of American tactics in terms of human misery, death and destruction.

Right now another immense human disaster is taking place for political reasons. This time there can be no excuse for any informed person failing to understand what is happening; contemporary accounts leave little of the horror to the imagination. And yet, somehow, some responsible men do not see.

The disaster is in East Pakistan. Since West Pakistani troops moved in last spring to suppress the Eastern political movement, six million people have fled to India. Tens, probably hundreds of thousands have been killed. And the feeble Pakistani propaganda claim to be dealing only with "miscreants" does not conceal the fact that the army is killing and terrorizing on grounds of race and politics.

A first-hand account of the savagery appeared on June 13 in The Sunday Times of London. It was by Anthony Mascarenhas, a West Pakistani journalist who went to the East with a group at the army's invitation but was so sickened by what he saw that he came to Britain to tell the truth.

Mascarenhas saw the troops kill men because they were not circumcised—and were therefore presumptively Hindus. He saw Bengali Moslem villages burnt. West Pakistan officers told him they were ready to prevent the East's secession, if necessary, by killing two million people and running the country as a colony for thirty years. He concluded that they meant it, that they were determined to push through their "final solution" of the East Bengal problem.

Within the last few days that picture of life under the army in East Pakistan has had authoritative and independent confirmation from two weighty sources. Both make clear, moreover, that the terror did not stop soon after the army takeover but has continued.

One of these sources is the report by a joint team of the World Bank and the International Monetary Fund, just distributed to the Bank's directors. It found a continuing reign of military terror in East Pakistan. Much of the urban population has been killed or has fled, the report said; guerrilla activity is growing.

The other persuasive confirmation comes from four members of the British Parliament who have just toured the area. Two were Conservative and two Labor M.P.'s; they went at the invitation of the Pakistan Government and were hardly prejudiced against it. But they came back saying they were sickened by what one called the army's "continuing repression, using the most brutal methods."

Now General Yahya Khan is not Hitler, and it doubtless true that his Government did not set out deliberately to commit mass murder and destruction in its Eastern territory. But those are the results.

That is why the silence in some quarters is so puzzling. President Nixon has said nothing. That great moralist, U Thant, who regularly criticizes American action in Vietnam, has not had much to say about racial killing by Pakistani soldiers. And there are many others.

The answer must be that they are all practical men. Yahya is in charge, and so it is necessary to do business with him. That is the import of recent testimony by a State Department official who said that a cut-off of American aid would "undermine the productive political relations with the Government of Pakistan."

Even in practical terms that is a doubtful argument. The World Bank mission reported that chaos in East Pakistan precluded effective use of aid now. The British Government among others has said there must first be a political settlement—necessarily meaning some form of autonomy for the East.

Reginald Prentice, who was Minister for Overseas Development in the Labor Government, wrote after visiting Pakistan that outside economic pressure on the Pakistani generals was the "only hope." His experience in the aid field, he said, made him think it was "wrong in 99 cases out of 100 to attach political conditions—but this is the 100th."

There are now reports in London that the Communist Chinese Government is reassessing its commitment to Yahya Khan; it may have come to feel that a split between East and West Pakistan is inevitable. Hopefully, Henry Kissinger will bring back from his visit to Pakistan a realistic appraisal of the political future.

But the American interest goes beyond realism. We can no longer have any illusions about our ability to make unpleasant governments around the world behave well, but there does come a point at which self-respect requires us to stop helping them. That is why an American official, one who is certainly a realist, said the other day:

"There is not much we can do about East Pakistan, but I dislike—pardon the phrase—our moral posture."

FAILURE OF DOD AND STATE TO WORK WITH GAO

Mr. PROXMIRE. Mr. President, in 1971, 50 years after the establishment of the General Accounting Office, there should be no question in any quarter of this congressional agency's entitlement to quick access to every nook and cranny of the Government's myriad and far-flung activities.

From personal experience, I know that there are those individuals and agencies who will go to almost any length to shield their operations from public or congressional scrutiny. It is not surprising that this is particularly true of those who are engaged in questionable and irresponsible practices.

I was not aware, however, of how far such large and responsible agencies—such as the Department of Defense and the Department of State—would go to deny, delay, and otherwise frustrate the legitimate efforts of the General Accounting Office to carry out its responsibilities. The situation with which it is at present being confronted was clearly set into focus last week when representatives of the Comptroller General appeared before the Senate Appropriations Subcommittee on Foreign Operations. At this time there was outlined to the subcommittee an almost unbelievable series of incidents in which these two giant departments engaged in a game of cat and mouse with General Accounting Office investigators.

To deny the General Accounting Office is clearly to deny Congress and the American taxpayer—this should not and cannot be tolerated.

I have written the Secretary of State and the Secretary of Defense requesting a full and complete explanation of the matters brought to the subcommittee's attention. I hope other Senators will join me in a continuing effort to insure that the General Accounting Office's access is immediate and unquestioned and that it receives the complete cooperation of agency officials to which it is entitled.

Mr. President, I ask unanimous consent to have printed in the Record the text of my letters to the Secretary of Defense and the Secretary of State, and the complete statement of Mr. Oye V. Stovall, Director of the General Accounting Office's International Division.

There being no objection, the items were ordered to be printed in the Record, as follows:

June 24, 1971.

Hon. William P. Rogers,
Secretary of State,
Department of State,
Washington, D.C.

Dear Mr. Secretary: I enclose for your information a copy of a statement made earlier this afternoon before the Subcommittee on Appropriations for Foreign Operations by Mr. Oye V. Stovall, Director of the International Division of the United States General Accounting Office.

This statement reveals the problems the General Accounting Office has encountered in obtaining on a timely basis information necessary to perform the responsibility with which this important agency has been charged by the Congress. I am most concerned about this situation and would appreciate your review of the matters discussed.

I will further appreciate a statement of your over-all policy and implementation directives controlling the availability of information requested by the General Accounting Office and cooperation with its representatives.

In addition, I will appreciate your response to the enclosed memorandum with reference to an instance in which your Department refused the General Accounting Office an opportunity to perform an audit in Berlin.

Best wishes,
Sincerely,

William Proxmire,
Chairman, Subcommittee on Foreign Operations.

June 24, 1971.

Hon. Melvin R. Laird,
Secretary of Defense,
Department of Defense,
Washington, D.C.

Dear Mr. Secretary: I enclose for your information a copy of a statement made earlier this afternoon before the Subcommittee on Appropriations for Foreign Operations by Mr. Oye V. Stovall, Director of the International Division of the United States General Accounting Office.

This statement reveals the shocking situation the General Accounting Office has encountered in obtaining on a timely basis information necessary to perform the responsibility with which this important agency has been charged by the Congress. I am most concerned about this situation and would appreciate your review of the matters discussed.

I will further appreciate a statement of your over-all policy and implementation directives controlling the avaliability of information requested by the General Accounting Office and cooperation with its representatives.

In addition, I will appreciate your response to the enclosed copies of telegrams with reference to an instance in which your Department refused the General Accounting Office an opportunity to visit a base camp in Vietnam supported by the United States.

Best wishes,
Sincerely,

William Proxmire,
Chairman, Subcommittee on Foreign Operations.

Statement of Oye V. Stovall, Director, International Division, U.S. General Accounting Office Before the Senate Appropriations Committee Subcommittee on Foreign Operations

Mr. Chairman and Members of the Committee: We are appearing in response to your request for our views on the problems of access to records and information needed for performance of our audit responsibilities relating to the military assistance programs.

One of the most important duties of the General Accounting Office is to make independent reviews of agency programs and to report to the Congress the manner in which Federal departments and agencies carry out the laws enacted by the Congress. The Congress in establishing the General Accounting Office, recognized that the Office would need to have complete access to the records of the Federal agencies, and provided the basic authority in section 313 of the Budget and Accounting Act, 1921 (31 U.S.C. 53, 54) as follows:

"All departments and establishments shall furnish to the Comptroller General such information regarding the powers, duties, activities, organization, financial transactions, and methods of business of their respective officers as he may from time to time require of them; and the Comptroller, or any of his assistants or employees, when duly authorized by him, shall. for the purpose of securing such information, have access to and the right to examine any books, documents, papers, or records by any such department or establishment."

GAO auditors, like all auditors, have to some degree always encountered problems in obtaining access to records and information. These are "occupational hazards" but we usually have been able to resolve most of our problems without undue difficulty. However, in our reviews of military assistance programs, we have encountered increasing difficulties in obtaining information needed to effectively evaluate and report on the administration of these programs. During the past year or so a number of our audit assignments involving the foreign assistance programs have been hampered and delayed with the result that we have had to some extent curtail the scope of the audit, in effect being precluded from fully carrying out our responsibilities in these cases.

It is not practical to raise the day-to-day access problems to the level of formal top requests and denials, and we have no evidence that any of the situations we have encountered involve the exercise of executive privilege. Absolute denial of access to a document is quite rare. Our reviews are hampered and delayed more by the time-consuming delaying tactics employed by the various organizational elements within and between the Departments of Defense and State in screening records and in deciding whether such records are releasable to the General Accounting Office. It is not unusual for our auditors to request access to a document at an overseas location and be required to wait several weeks while such documents are screened up the channels from the overseas posts and through the hierarchy of the Departments of Defense and State.

Our experience in making a study of the Military Assistance Training Program at the request of the Chairman, Senate Committee on Foreign Relations, is an example of the problems we have encountered in obtaining access to information. In our report to the Chairman on this study in February 1971 we summarized our problems with access to records and set forth the following conclusion, which we believe points up the problems of access to records and the effect of these problems on our ability to carry out effective reviews.

"During our review of the training program on behalf of the Senate Foreign Relations Committee, representatives of the Departments of Defense and State have withheld or delayed the release of MAP reports and records essential to a full and complete review and evaluation of this program which is financed by considerable appropriated funds. The access-to-records problems experienced by our staffs during this review are a continuation of similar problems the GAO has encountered over the years in reviewing DOD programs, particularly evaluations of military assistance programs.

"While the DOD has taken the position in the past that future planning information is not releasable to GAO because it is subject to change, we do not believe that the DOD components should use this position to deny our access to such information as the operational status and capabilities of MAP recipient countries' forces merely because it is included as a part of future planning information.

"We believe further that the denial of access to routine reports prepared by MAAG personnel in the performance of advisory functions, on the basis that they are evaluative in nature, is unreasonable. The type of data and reports withheld from us during this review are necessary in our examination of the program as well as our review and evaluation of the administration of the program by the MAAGs and by other DOD elements. In our opinion, it is essential for us to have access to all papers, records, and data which are available to those DOD personnel who make the program decisions in order that we can ascertain how their decisions were made and whether all available pertinent data was considered in reaching the decisions.

"The denial of our access to the CINCPAC program evaluation group reports also impaired our review of this program. In carrying out its statutory audit responsibilities, GAO gives due regard to the effectiveness of the internal audit of an agency, such as the MAP audits performed by the CINCPAC activity and other DOD groups. In conducting our audits on behalf of the Congress, we make use of internal audit reports and other internal evaluations and perform such independent tests of the records as we feel justified under the circumstances.

"If we are permitted extensive use of internal audits and other evaluative reports, we are able to concentrate a greater part of our efforts in determining whether action has been properly taken by responsible officials, on the basis of the facts presented in these reports and evaluations, to correct identified program weaknesses. This also helps to eliminate duplication and overlapping in audit effort, and promotes full utilization of existing audit and investigative data.

"We believe that this access-to-records problem involves a matter that critically affects our future ability to conduct on behalf of the Congress thorough and complete reviews of the MAP. In order for GAO to carry out its legal authority to make independent reviews of MAP, it must have access to and make appropriate review and analysis of all DOD reports and records which evidence the expenditure of appropriated funds.

"We believe further that these objectives can be achieved if the Secretary of Defense will refrain from issuing guidelines which have the effect of limiting our reviews and will instead, instruct DOD subordinate commands to take a more cooperative, flexible, and realistic approach in the release of data and information requested by GAO in future MAP reviews."

In early 1970, we undertook a review of the U.S. Assistance to the Philippine Government in support of the Philippine Civic Action Group at the reqeust of the Chairman, Subcommittee on U.S. Security Agreements and Commitments Abroad, Committee on Foreign Relations, U.S. Senate. The Departments of State and Defense delayed our work on this assignment to the extent that we had to curtail the scope of our review and qualify our report to the Chairman. Appendix II to our report to the Chairman (B-168501, dated June 1, 1970) set forth our problems as follows:

"ACCESS-TO-RECORDS DIFFICULTIES

"We were unable to complete our work and report on this assignment within a reasonable time because of the time-consuming screening process exercised by the Departments of State and Defense before making records available for our examination. Our work was seriously hampered and delayed by the reluctance of the Departments to give us access to the documents, papers, and records which we considered pertinent to our review. In general, we were given access to only those documents, papers, and records which we were able to specifically identify and request, and then we were given access only after time-consuming screening at various levels within the Departments.

"Members of our staff were required to wait for periods of 2 weeks to 2 months to look at some documents they had requested and frequently the documents proved to be of little value for our purposes. We were also restricted by ground rules established unilaterally by the Departments that effectively limited our review in the field to the Departments very narrow interpretation of what it judged to be the scope of our review. This was perhaps the most restrictive limitation placed on our work, and it completely frustrated our attemtps to review assistance to the Philippines that was not funded in the military functions appropriations.

"Our audit staff members in the field were advised that documents which they requested that were releaseable to us under the restrictions of the so-called ground rules had to be dispatched to Washington for departmental clearance. By early May 1970, only four of 12 documents which were requested by your staff members on January 28, 1970, had been released to them in Manila.

"Our letter to the Secretary of Defense * * * which is similar to a letter that we addressed to the Secretary of State, illustrates one of our many attempts to resolve our access-to-records problems. The reply from DOD * * * characterizes, in our opinion, the attitude of DOD during our review.

"Although we have been able to obtain sufficient information upon which to base this report, we are not certain that we have the full story. In view of the restricted access to records, there is the possibility that the agency may have withheld information which is pertinent to our study."

Following our review in the Philippines we initiated a study of United States assistance to the Government of Thailand. In an attempt to avoid the conditions previously experienced, the Comptroller General on June 26, 1970, wrote to the Secretaries of Defense and State citing the problems experienced in the Philippines review, requesting that they eliminate the necessity for the lengthy screening process, and citing the scope and authority for our review as follows:

"* * * the scope of our review will be broad enough to permit our representatives to investigate all matters concerning the receipt, disbursement, and application of public funds related in any way to our relations with the Government of Thailand. Pursuant to the authority of Section 313 of the Budget and Accounting Act of 1921, 31 U.S.C. 54, representatives of the General Accounting Office will be requesting officials in your Department for access to, and when we consider necessary, copies of any books, documents, papers, or records in the custody or control of your Department which we believe may contain information regarding the powers, duties, activities, organization, financial transactions, and methods of business related to the scope of the review."

Unfortunately, we have experienced similar problems in obtaining access to documents required for our review of assistance to Thailand.

In connection with processing our report on the Review of the Military Assistance Training Program mentioned earlier, the Special Assistant to the Assistant Secretary of Defense, International Security Affairs, in a letter dated September 25, 1970, stated:

"Similarly, the Department of Defense cannot permit to go unchallenged that section of the report concerning complaints that the GAO auditors were hindered and delayed in their efforts because the Department of Defense had denied them access to 5 year MAP planning data and to inspection and evaluation reports known as PEG reports. Apart from the fact that custom, tradition and precedent have decreed that information of such internal nature will not be disclosed outside the Executive Branch in order to preserve the confidentiality of the relationship of superior and subordinate, an understanding was also reached a number of years ago between the General Accounting Office and the Department of Defense whereby planning data and inspector type reports would not be provided. The Department is, therefore, both surprised and chagrined over the fact that the GAO would endeavor to make such an issue over these specific categories, an issue which had been resolved years ago."

A copy of this Department of Defense letter was sent to the Chairman of the Committee by the Department.

In transmitting our report to the Chairman the Comptroller General took note of this Department of Defense letter and advised as follows:

"In regard to the Department's position concerning the access-to-records matters discussed in the report, the General Accounting Office has never reached such an understanding with the Department of Defense. To the contrary, we have always maintained that we are entitled by law to have access to, and the right to examine, all records of the Department of Defense and its component commands that we consider pertinent to the matter or subject under review.

"The inspection and evaluation reports referred to in the Depratment of Defense letter are management reports prepared by a program evaluation group of the Unified Command Headquarters. We have always regarded complete access to reports of this type as necessary in order for us to carry out the responsibilities we have to the Congress."

The policy of the executive branch, with respect to release of information to the Congress, was set forth by the President in a Memorandum to the Heads of Executive Departments and Agencies, on March 24, 1969, as follows:

"The policy of this Administration is to comply to the fullest extent possible with Congressional requests for information. While the Executive Branch has the responsibility of withholding certain information the disclosure of which would be incompatible with the public interest. This Administration will invoke this authority only in the most compelling circumstances and after a rigorous inquiry into the actual need for its exercise. For those reasons Executive privilege will not be used without specific Presidential approval."

Although the Departments of State and Defense indicate in their directives that it is their policy to provide maximum cooperation and assistance to the General Accounting Office, we have found it quite difficult to obtain the information which we need to conduct our reviews relating to foreign assistance activities.

In our discussions with departmental officials, they have frequently stated that the documents or information being withheld are not releasable to the GAO because of one or more of the following reasons:

(1) review, examination, or disclosure would seriously impair relations between the United States and other countries, or otherwise prejudice the best interest of the United States,

(2) access to documents including information and debates used in formulating policy decisions would seriously hamper a candid exchange of views within the agency, and

(3) access to information on future planning would not be appropriate because it has not received the approval of the President or been presented to the Congress.

Notwithstanding our difficulties in the past we will continue to press for information we think is necessary for us to have in order to carry out our responsibilities.

Mr. Chairman, this concludes our prepared statement. Mr. Duff and I will be glad to answer questions.

NORTH VIETNAM'S PEACE PROPOSALS

Mr. McGEE. Mr. President, much attention has been given to the latest North Vietnamese-Vietcong peace proposals at the Paris talks. The focus of that attention has been the prisoner-of-war issue.

It should be apparent to all that the North Vietnamese and Vietcong have seized upon the POW-MIA issue as a propaganda tool. The POW issue was only one of seven terms offered by the Communists.

In Sunday's Washington Post, columnist Kenneth Crawford offered an analysis of the total pricetag of the Communist proposals. Mr. Crawford's analysis is indeed worthy of close scrutiny and should serve as a warning for us not to rush into throwing away our bargaining position.

The POW issue has become one of the greatest tragedies of Indochina. It has become even more tragic in light of the North Vietnamese and Vietcong attempts to use it as a vehicle for laying down impossible terms for a peace settlement.

I ask unanimous consent that Mr. Crawford's column be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE STEEP ASKING PRICE AT PARIS FOR U.S. "SURRENDER"

What Madam Nguyen Binh handed the United States delegation in Paris was not a demand for unconditional surrender. It was a demand for surrender on condition that the U.S. pay for the privilege of surrendering. The Vietcong asking price was on its face was unconscionable. Unless marked down, President Nixon could not possibly pay it. No American President could.

Ambassador David Bruce made this quite clear at last week's formal session but failed to lure the Communists into more private talks to find how much, if any, markdown could be negotiated. The Communists like the propaganda odds.

They proposed: (1) That all American military personnel and equipment be removed from Vietnam by next Jan. 1, and meanwhile that hostilities be suspended and Vietnamization discontinued; (2) that the Thieu regime in Saigon be dumped in favor of an interim coalition, including, of course, the Vietcong, to conduct elections; (3) that the U.S. bear "full responsibility" for war damage in North and South Vietnam, thus accepting as an obligation the payment of reparations. The only concession the V.C. made was an undertaking to free U.S. prisoners of war.

To accept these conditions would be to turn South Vietnam over to the Communists lock, stock and barrel, with Camranh Bay and other such installations thrown in for good measure. It would be to proclaim that thousands of Americans have fought and died for nothing and that millions of dollars have been flushed into the Mekong. Many Americans contend that this is what has happened but even they may not want it proclaimed. Given a chance to think it over, most Americans would find this hard, if not impossible, to swallow.

Sen. George McGovern and others who have rushed to the microphones to urge that the administration grab at the Communist offer may have occasion to regret their impetuousness.

So far public opinion has not had much chance to take form. The proposal was thrown on the table in Paris just as the long Fourth of July weekend was starting, when news of any kind commands minimum attention. Moreover the news media, especially radio and television, have taken slight notice of six of Madam Binh's seven points—those which dangle the price tag. And the Nixon administration has, perhaps wisely, withheld analytical guidance pending "clarification" of the terms.

Madam Binh's point one—the offer to release U.S. prisoners of war gradually as U.S. military personnel and arms are withdrawn —has diverted attention from the conditions in points two through seven. And even these six points are couched in cleverly misleading language. Elections are to be fair. Democracy is to prevail. The Vietnamese will settle their own differences amicably. There will be no reprisals. Vietnam, happily reunified in due course, will be a neutral nation, on good terms with all the world, including the U.S.

This is the kind of language the Communists have used to make this kind of promise to every nation they have overrun and subjugated since the Second World War. Go back to the Soviet plan for "freeing" Poland, one of the earliest victims, in 1945, and the same combinations of plausible words will be found. What they meant then is what they mean now—that the country promised autonomy is to have satellite status, that what is called democracy will be dictatorship and that what is called freedom will be tyranny.

It has been apparent for a long time that the North Vietnamese and their Vietcong brethren meant to use the American prisoners of war as hostages, exacting as high a price as possible for their release. Mr. Nixon has played into their hands, up to a point, by emphasizing the prisoner issue for his own purposes. Even so, the price, now that it has been stated, is staggering. Concern for the prisoners, who have never received the treatment normal under the Geneva conventions, whose camps have never been subject to inspection by the International Red Cross, is highly emotional. The Communists have exploited it for all it is worth.

Not only did Madam Binh wrap her conditions in it but Le Duc Tho, the highest ranking North Vietnamese in Paris, tied a bow on it by stating in an interview that point one in her proposal was separable from the other points. The U.S. could, he said, accept the prisoner-for-withdrawal deal and leave the political settlement for later. This changed nothing, though it was represented as an important concession. The North Vietnamese would naturally be happy to settle their score with the South once the South had been reduced to impotence by the withdrawal not only of U.S. personnel but of the guns U.S. forces would not be permitted to leave behind.

In spite of all this, the Nixon administration is handling Madam Binh's offer as a break in the Paris stalemate meriting exploration. Le Duc Tho has been at pains to say that the Communist position is "flexible." There are even some indications that Mr. Nixon, working through secret channels, encouraged the Communists to make their offer. At a meeting with Republican congressional leaders on June 15, he said a development that would make the Hatfield-McGovern end-the-war legislation moot was imminent in Paris.

At the same meeting Henry Kissinger, the President's foreign-affairs adviser, urged the legislators not to throw away any bargaining advantage that might be wrung from the administration's refusal to set a time certain for withdrawal on its own initiative. After all, he argued, the Communists have lost 700,000 to 800,000 men in the war, the equivalent of a loss of 10 million by the U.S., given the population differential, and were themselves war-weary.

Perhaps Leslie H. Gelb, coordinator of the team that produced the Pentagon Papers, is right when he says that the war in Vietnam is a civil conflict that can't be compromised and must be won by one side or the other. The Communists are obviously assuming that they have won and are demanding the victor's spoils even though South Vietnam remains unconquered.

Mr. Nixon's alternative, if he fails to persuade the Communists to grant terms reasonably acceptable to the U.S. and to South Vietnam, is to proceed with Vietnamization, gradually withdraw American forces and then continue to supply the South Vietnamese with enough arms to give them a chance of holding their own while trying to negotiate a settlement with the North. Unless the Communists modify their terms more drastically than they seem disposed to do, this is what he most likely will do.

POWERPLANTS IN THE FOUR CORNERS AREA

Mr. ALLOTT. Mr. President, late in May of this year the Senate Committee on Interior and Insular Affairs held field hearings to investigate the coal-fired powerplants in the "4 corners" area. During these hearings the committee heard nearly 200 witnesses. To complement the oral testimony, I have also received a tremendous amount of mail from people concerned about the problem in the "4 corners" area.

One of the letters which I received is a very interesting and thoughtful letter from Dr. Charles G. Wilber. Dr. Wilber is chairman of the department of zoology at Colorado State University and has devoted much of his academic career to scientific research dealing with the impact of electric power development in the West.

I believe that it is interesting to note that a scientist of Dr. Wilber's caliber states that—

> There is no reason that the operation of these power generating plants cannot be made compatible with appropriate concern for environmental quality.

It is encouraging to me to have such an opinion.

So that all Senators may have the benefit of Dr. Wilber's thinking. I ask unanimous consent that his letter of June 2, 1971, be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

COLORADO STATE UNIVERSITY,
Fort Collins, Colo.

HON. GORDON ALLOTT,
Senate Office Building,
Washington, D.C.

DEAR SENATOR ALLOTT: May I ask you and your committee who have been conducting hearings on the environmental impact of electric generating plants in the West give some consideration to the items I wish to present in this letter.

I submit that it is unfortunate that the public press has seen fit to give overwhelming attention to the views and statements of the negative environmentalists. I have failed to see a proper reporting of thoughtful and documented statements and opinions presented by environmentalists who are also realists.

May I present what I think are satisfactory qualifications to permit me to speak on this matter. First of all I am *actively* engaged in scientific research dealing with the impact of electric power development in the West. I am not presenting you with any promissory or any suggestions of need for further research. I am presenting you with the fact that I am actively engaged in this kind of research here and now in the State of Colorado. My involvement includes detailed studies of the environmental impact of coal-fired electric generating plants on the western slope of Colorado. My research also includes the detailed evaluation of the environmental impact of any potential oil shale development on the western slope of Colorado. I have been engaged in environmental biological research for some 30 some years, both as a civilian scientist and as a federal civil servant.

One large contribution to this entire problem is my book on "The Biological Aspects of Water Pollution" published by the Charles

C Thomas Company. It has been interesting to me to note the large number of non-biologists and "instant ecologists" who have been given more than their share of the public press in reference to power developments in the West.

I submit that it is incontrovertible that a power crisis is facing the United States. I have studied this matter quite thoroughly. I have become convinced that the American people want the kinds of things that require additional power. I see no indication that the great masses of the American public wish to forego sufficient amenities to permit us to decrease our power requirements. Moreover, it is evident that from the technological and economical point of view nuclear power development just is not feasible at this time. It seems clear to me that we must have additional electrical power. Consequently we must work out a program to insure that we have this power. This working out will require certain kinds of "trade-offs". Some aspects of the environment will necessarily be modified. Other aspects of the environment can probably be improved in a positive way.

The statement that there should be a moratorium on the construction of electrical power plants in Colorado is irresponsible and simply has little scientific data to support it.

I was particularly concerned, in reading the news releases on the hearings, about the reported testimony of Lane E. Kirkpatrick who is listed as the technical secretary of the Colorado Air Pollution Control Commission. He is reported to have suggested that we in the United States should depend on fusion energy for our shorter run needs for electrical power. This type of technology (harnessing the hydrogen bomb type) just is not in the books at the moment. This type of technology is a generation away from us. In the meantime we need power.

Again it is reported that Kirkpatrick, speaking for the Commission, suggested that the effluents from Four-Corners power plants will emit more sulfur dioxide than one finds in Chicago or New York. It is furthermore reported that he suggests that the emissions will be seven times as much as emitted in Los Angeles. Unfortunately Kirkpatrick seems to be unfamiliar with the meteorology of the West. The environmental situation of the West can hardly be compared with the unique situation in Los Angeles or the strange situation in New York City or in Chicago.

Kirkpatrick is also reported to have addressed himself to the matter of state and federal legislation to prevent so-called environmental scars caused by strip mining operations. If one is interested in humane values, the strip mining of coal is the safest and least harmful to workmen's health of any of the mining methods we know. Certainly underground mining is disastrous for the poor men who have to go down and dig the holes. Strip mining has a record of low accident rate and low adverse effects on health. In the West there is no reason to have permanent scars as a result of strip mining operations. Some of the suggestions made by Kirkpatrick are uninformed. It is reported that he wants laws which would require the saving and restoring of top soil. In the West this idea could be questioned on many grounds.

First of all one wonders how far down the top soil *by law* could be defined. Secondly, one is not impressed with the high quality of the top soil in the western part of Colorado anyway. In some instances, the turning over of a mountain exposes a kind of substrate which may be more useful for rehabilitation of the land and what was originally there. In addition, Kirkpatrick is reported to have asked for the replanting of a strip area with "natural vegetation"; whatever natural vegetation means in the West which has been intensively grazed and cultivated for a wide variety of agricultural needs is not clear. If he means we should try to grow the prickly-pear cactus or some of these things I am afraid I would have to disagree with him.

May I submit at this point that my own studies are intimately involved with the matter of rehabilitation of strip areas in the West. It is rather interesting to note that as far as I have any record Kirkpatrick has never discussed with me any of the unique rehabilitation problems of strip land in Colorado.

It seems to me that with reasonable regulations of a more *general sort* we can develop the power resources so bady needed by our Nation and at the same time save parts of the environment that urgently require saving. At the same time we must face up to the fact that *natural resources must be used for human welfare*. It is ridiculous to say that we will not develop additional power and then be faced with the fact that babies will be denied incubators; sick individuals will be denied kidney machines; persons in ill-health will be denied proper air conditioning, and the like. I cannot see that this type of thinking leads to anything but disaster.

My dear Senator may I point out that the Department of Zoology at Colorado State University in addition to having an active, vigorous research program going on directly related to the environmental impact of power developments has submitted to the National Science Foundation a major research proposal, on an interdisciplinary plan, which would permit us to get detailed documented answers to many of the concerns that I am sure you have and all of us from the State of Colorado have concerning power developments. At the moment we have heard nothing from the National Science Foundation on this proposal. However, we are confident that its intrinsic merits should insure its being funded. We have involved in our proposal persons from all the various disciplines which could possibly be brought into an evaluation of power developments. Economists, sociologists, city planners, political scientists, lawyers, biologists, chemists, physicists, engineers, and businessmen all have a part to play in this program that we have submitted to the National Science Foundation. It is our hope that this proposal will be supported in such a way that we can give answers of a *positive nature* to decision-makers to help them arrive at the best possible decisions. Our goal in this is not to end up with a recommendation for more research. Our goal is to end up with specific items which can be used in the decision-making process.

May I submit to you, respectfully, the plea that your committee (and other committees like yours) not give undue weight to testimony, opinions, and statements made by the instant environmentalists. Many of these individuals certainly have good intentions, but are not informed. On the other hand, many of these individuals are using the environmental fad to implement some of their pet sociological schemes. In other words I do question the motives of some of these individuals.

We must also realize that we have in our midst a significant number of "eco-freaks". These individuals are similar to the "needle-freaks" one encounters in the drug abuse world. The "needle-freak", when he cannot get a hard drug, will inject almost anything; he has a compulsion about getting a needle into his vein and squirting something into his body. By the same token the "eco-freak" will grab on to any idea no matter how ridiculous and far out if, in his mind, it bears some relation to environmental ecology as he defines his words. He then will push these matters to their ultimate absurdity. Among some of these absurdities are the recommendation that all homes make their own soap out of bacon drippings and lye; in the process these same people recommend that we mix this mess in an *electric* blender.

May I also refer to comments made on the possibility of severe mercury pollution resulting from coal-fired power plants in the West. This type of scare tactic is proper for scientists to use. Apparently a chemist, Roy Craig of Durango, has questioned the reliability of mercury analytical methods for coal. It is true, in our personal experience, that coal is difficult to analyze. The organic material causes some complications. However, we have been able to analyze Colorado coal quite successfully for mercury content. We find that it contains generally, a relatively low amount of mercury. Across the United States the mercury content of coal varies in wild fashion from somewhere around .01 parts per million mercury up to as high as 30 parts per million mercury. In Colorado, in our experience, coal runs less than .1 part per million mercury. I think it unfair to discuss the horrible details of frank mercury poisoning in the same breath one is discussing the possible mercury hazard from power plant smoke stacks. This type of mixed thinking is hardly appropriate for an objective scientist.

May I point out to you that we here in this department are actively engaged in monitoring the mercury in our western environment and in evaluating the mercury movement into the environment from already existing power plants. To date we have no evidence which would support the grave prediction of doom which some of your witnesses implied. Over a period of some years we may find items of concern which then should be handled in a proper scientific manner.

If the Secretary of the Interior does have a task force which will conduct a comprehensive examination of all the factors involved in a power plant development program, may I ask that he have at least one scientist on that task force who is actively and personally involved in research along these lines. It seems ridiculous that all kinds of dogmatic statements are accepted from individuals who have at best a hearsay relationship to what is actually going on in the power industry and in biology as related to power plant developments.

If there is an interest in your office to know specific individuals who would be in a position to speak authoritatively about the interrelationship of biology and power plant development in Colorado, I certainly can give you a list. I will include for your consideration three persons in Colorado State University who are actively week-in and week-out working out scientific details on power plant development as related to the ecology of the West: Dr. Charles G. Wilber, Professor of Zoology; Dr. Edward B. Reed, Professor of Zoology; Dr. Stephen G. Martin, Assistant Professor of Zoology, and Dr. William A. Berg, Assistant Professor of Agronomy; all these individuals are at Colorado State University; all these individuals are daily involved in specific studies related to power development.

Among these studies are the rehabilitation and revegetation of strip lands in the West; the effect of coal-fired power plants on vegetation of the West; the effect of coal-fired power plants on the aquatic biology of western lakes and streams; toxicological implications of power plant operation on the ecology of Colorado; and similar specific data.

I hope that you will forgive this rather long letter. I would like to submit the following conclusions and opinions which I hope you and other committees will consider:

1. National power needs are clearly documented and must be met in a reasonable fashion.

2. Because of the unique quality and quantity of coal resources of the West and especially in the State of Colorado it seems inevitable that a significant number of coal-fired electric generating plants will be put

into operation in the western regions of Colorado.

3. There is no reason that the operation of these power generating plants cannot be made compatible with appropriate concern for environmental quality.

4. Negative and cavalier attitudes toward human needs for power cannot be made a serious part of the decision-making process.

5. Legislators and administrators who will form the eventual decisions should insure that they have the first hand opinions of scientists who are actively engaged on a day-to-day basis in research on the ecological impact of power developments.

6. Most forward looking industrial leaders have already shown a willingness to recognize environmental quality as an important element in the decision-making process. These industrial leaders merit the strong support of all the people of the United States.

The undersigned and other responsible research scientists at Colorado State University are ready and willing to serve as advisers and consultants to persons in the decision-making process on matters dealing with the ecological impact of power plant development.

Cordially yours,
Charles G. Wilber, Ph. D.,
Chairman and Professor.

SENATOR MANSFIELD AND TROOP WITHDRAWAL

Mr. SYMINGTON. Mr. President, seldom has one noted a more thoughtful and constructive series of observations than those made by the majority leader as written up by Arthur L. Gavshon last Thursday in connection with the question of reducing U.S. military forces in Europe.

I ask unanimous consent that the article be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

[From the Washington Post, July, 1971]

Capacity To Resist Foe Questioned—Mansfield Weighs GI Cuts

(By Arthur L. Gavshon)

Senate Majority Leader Mike Mansfield served notice that he will probably renew this year his drive to slash the U.S. forces in Europe.

Mansfield said he was aiming at gradually reducing the 300,000-man force to about one division, or about 50,000 men, by the mid-1970s.

The Montana Democrat said the combat effectiveness of the U.S. 7th Army in Europe has become questionable, with its soldiers beset by problems of "drugs, race and field comforts."

"The 7th Army is caught in the middle," he said in an interview. Ahead of it are the Russians. Behind it are their dependents. They're worried about both.

"In the days of Caesar, the Roman Legions were easily able to hold a line along the River Rhine—until they brought their families along. Then they became less alert and more domesticated. This is what the 7th Army has become. Their capacity to resist must be questionable the moment their families are on the scene."

Mansfield acknowledged that his proposals would lower the threshold of nuclear war, but he stressed the deterrent effect of the 7,000 U.S. tactical nuclear weapons which U.S. forces have deployed throughout Europe.

"The United States is shouldering a lopsided burden it cannot afford," he said.

Last May the Senate defeated a Mansfield proposal for halving American forces in Europe by the end of 1971, but only after the Nixon administration had launched an extraordinary bipartisan campaign against Mansfield.

Other points made by Mansfield in a question and answer interview on Tuesday:

Q.: Precisely when and how do you expect to revive your move in the Senate for cutting the number of U.S. troops in Europe?

A.: Probably this year. In May we used a sledgehammer to make a dent in the thinking not only of the administration but also of the Europeans who should realize things cannot go on much longer like this.

Q.: What do you intend asking for next time?

A.: The aim will be to press for a graduated reduction, over a period of time, in the size of U.S. forces in Europe. Perhaps down to two divisions within a given period, then working down to President Eisenhower's old idea of keeping a single division in Europe.

Q.: In what timescale?

A.: By around the middle of the decade—1976 or thereabout. Times are changing. It's up to Americans, and Europeans, to face up to the realities of this decade.

Q.: What in your view are these realities?

A.: The U.S. is maintaining too many troops there and is shouldering a lopsided burden it cannot afford. The Europeans have restored their economies. The Deutschmark is strong. The guilder is strong. The pound sterling seems to be strengthening. But the dollar is less strong. We simply cannot afford the commitment any longer.

Q.: But isn't it true Europeans are doing for themselves—for instance pitching in with an extra billion dollars worth of defense effort over the next five years.

A.: An extra $200 million a year is far too little. The Europeans know it. We know it. The direct dollar cost to the U.S. of supporting our forces in Europe in 1970 was $1.731 billion.

Q.: What do you say to the argument that cutting back now would weaken the position of the North Atlantic alliance, NATO, just when the Soviets are showing an interest in negotiating balanced force reductions?

A.: Russia already is in a position of advantage with troops in East European countries like Poland, Hungary, Czechoslovakia.

Q.: But how can you reconcile cutting U.S. forces when NATO member-states promised to make no unilateral withdrawals?

A.: Unilateral withdrawals already have taken place by the French, Portuguese, Canadians. The late President de Gaulle did so after warning us of his intentions for three years. Yet we went on building NATO pipelines and other installations in France and were caught short.

Q.: Who among the Europeans do you think could do more?

A.: For a start, the Germans should do more. It is true some Europeans, on both sides, would not like a strong Germany to rise again. The Germany of today is not the same as the old Germany. There are many safeguards in the East as well as West—against that sort of revival.

Q.: Unless Europe raises more conventional forces a cutback of the U.S. garrison would lower the threshold of nuclear war. You are prepared for that?

A.: Yep. There are 7,000 American tactical nuclear weapons already deployed in Europe. They have a deterrence for the other side. In addition, modern transportation could swiftly bring reinforcements to Europe from the United States in a grave emergency.

Q.: You remain, then, absolutely convinced of the need for big U.S. cutbacks and soon.

A.: Of course. But I don't think I am against NATO. I am for it and always have been. But NATO's changed since 1949 just like everything has changed in nearly a quarter of a century. NATO used to be a shield. Today, it's a symbol. And a symbol does not need so many troops and dependents.

SALE OF OUTER CONTINENTAL SHELF ROYALTY OIL

Mr. PROXMIRE. Mr. President, the Federal Register of June 25, 1971, carries a brief story which demonstrates how ridiculous our oil policy has become.

The Department of the Interior has proposed regulations requiring royalty oil produced in the Federal Outer Continental Shelf to be sold to refiners with less than 30,000 barrels per day of capacity at the prevailing price in the area, plus a 1-percent payment to the Department for handling charges. This is supposed to ease the difficulty some small refiners have had in obtaining domestic crude oil.

One estimate is that these provisions might make as much as 100,000 barrels per day of oil available to small refiners. I should emphasize that this would not mean an increase in the production of crude oil, since the Federal Outer Continental Shelf is supposed to operate at the maximum efficient rate.

Even though there appears to be a shortage of crude oil for small refiners, the State of Texas just recently announced that the July production of crude oil would be reduced by 70,000 barrels per day from the June level. At the same time, the production of crude oil is running well below capacity in Louisiana. Under these circumstances, it is only reasonable to ask why these two States continue to curtail production when small refiners are unable to purchase sufficient crude oil.

The proposed rule would permit the small refiner who purchases the Outer Continental Shelf oil to exchange it for other oil actually used in his refinery. But why cannot the small refiner purchase oil directly instead of going through the intricacies of exchanges? This appears to be a clear illustration of noncompetitive marketing—a situation in which an alert antitrust division should take immediate, though overdue, action.

The 1-percent brokerage required from the small refiner adds insult to injury. With gulf coast oil at about $3.60 a barrel, the disposition of 100,000 barrels per day would mean that small companies would be paying over $1.3 million a year to Secretary Morton, the oil broker. This is in stark contrast to the allocation system, which is conducted without fees, and the special tax advantages of the integrated companies.

Finally, I think the proposed regulations are a testimonial to the need to end market demand prorationing by suspending the Connally Hot Oil Act.

ADDICTION OF U.S. FORCES IN VIETNAM TO HEROIN

Mr. ALLOTT. Mr. President, for weeks now the press has been full of reports about how 10 percent of the American forces in Vietnam are addicted to heroin.

I am pleased to note that the July 6 Washington Post carries a United Press International report which should help to halt such irresponsible talk.

Tests now being administered in Vietnam indicate that the 10-percent figure may be about five times too high. It appears that perhaps 2 percent of the soldiers are suffering from heroin addiction.

Former Senator Eugene McCarthy once noted that anything repeated three times in the media becomes a fact. The 10-percent addiction was such a fact. Let us hope that this report will slay the fact with a fact.

I ask unanimous consent that this encouraging report be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Two Percent Departing Vietnam—Tests Indicate GI Heroin Addiction Low

Saigon.—Initial results of new tests devised to weed out and rehabilitate the heroin addicts among homeward-bound GIs indicate an addiction rate of only 2 per cent, military sources said today.

Previous estimates of the number of heroin addicts in the U.S. force in Vietnam ranged to 10 per cent or even higher.

But some experts question the effectiveness of the tests. Outside observers have reported that some GI addicts have slipped through the net despite the tests and others have passed them by "drying out"—breaking their drug habit—temporarily.

Nevertheless, military sources said that, based on the findings of urinalysis testing of about 5,000 servicemen since the new tests were put into effect June 18, drug usage is is well below feared levels.

Military officials said that nationwide crackdowns on narcotics distribution here and an increasing number of soldiers volunteering for military-run amnesty programs could be major factors in reducing the number of heroin users before they were tested at the end of their year's tour of duty in Vietnam.

The U.S. Command has declined to issue official figures on the new drug-detecting program in order to provide a more balanced picture over a longer term.

Three specially developed machines were flown to Vietnam last month for the start of a program to test every serviceman or woman leaving the war theater. A second more precise test is given any person with a positive reading.

Confirmed users of opiates—heroin, opium or morphine—are placed in quarantine in Vietnam for between five and seven days and then flown to the United States in medical evacuation aircraft for up to another six week's rehabilitation at military installations.

Drug users are not punished and findings are not placed on a GI's service record, though they are listed on medical records.

President Nixon announced the medical tests for homeward-bound GIs as part of a worldwide anti-drug campaign. Congressional reports indicated that more than 10 percent of U.S. troops might be using heroin in Vietnam where the white powder is close to 100 percent pure and is cheap enough to be within reach of any soldier.

Military sources said the number of troops arrested by U.S. authorities in Vietnam on heroin charges was a record 675 out of a total of 1,065 servicemen apprehended for drug violations in May.

More than 1,500 soldiers voluntarily entered the command's drug amnesty and rehabilitation plan in June, sources said, the highest since the drive was launched in January.

COMMERCE DEPARTMENT FORECASTS SMALLEST FOREIGN TRADE SURPLUS IN 34 YEARS

Mr. SYMINGTON. Mr. President, it is indeed disturbing to note that, according to an article in the Wall Street Journal of July 9, the Commerce Department is projecting a U.S. trade surplus of about $500 million—the lowest surplus since 1937.

If imports increase more than expected and/or exports advance less rapidly, the Commerce Department warns that even the slim surplus "could disappear and the balance turn into a deficit."

For years, substantial surpluses in our balance of trade were helpful in offsetting a portion of the deficit in our overall balance of payments. Now it appears we will have deficits added to deficits, with no relief in sight.

In this connection, I ask unanimous consent that the article be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Smallest Foreign Trade Surplus Since 1937 Forecast for 1971 by Commerce Department

Washington.—The U.S. this year is likely to register its slimmest foreign trade surplus since 1937, the Commerce Department said.

An article in the department's publication Commerce Today forecast that the merchandise trade surplus in 1971 will drop to about $500 million from $2.7 billion a year earlier. This would be the smallest surplus since the $265 million in 1937, officials said.

The department estimated that exports will rise about 7% to 8% this year from the $42.66 billion in 1970, when they registered a 14% increase. Imports are seen rising 13% to 14% from $39.96 billion a year earlier, when an 11% rise was registered.

For the past two months, the U.S. has run a trade deficit totaling almost $420 million. In the first five months of the year, the trade surplus totaled only $11.1 million, down from the $1.08 billion surplus in the corresponding period a year earlier.

Nixon administration officials had indicated the 1971 surplus was likely to drop below $2 billion. In its largest projection, the Commerce Department warned that even the estimated $500 million surplus "could disappear—and the balance turn into a deficit—if imports increase more than expected and/or exports advance less rapidly."

The department said lower foreign demand for U.S. products "stems from the slackening pace of economic activity in Japan and the European Economic Community," or Common Market. Conversely, the "resumption of economic expansion in the U.S. is contributing to buoyancy in imports," the article added.

CONVERSION OF 2-YEAR BASIC MEDICAL SCIENCE PROGRAMS TO M.D. PROGRAMS

Mr. PELL. Mr. President, there has been a significant amount of discussion over the past year about our health care crisis and, in particular, the health manpower shortage.

One of the more economic ways of increasing the supply of M.D.'s in our country would be to convert 2-year basic medical science programs to full-fledged M.D. degree-granting programs.

S. 934, the bill to extend the Health Professions Act, includes an amendment which I sponsored authorizing funds for the conversion of those 2-year schools, making it possible to graduate more than 400 additional M.D.'s each year.

One of the 2-year programs which would be affected by my amendment is a basic medical science program at Brown University. Recently, in the Brown University Alumni Bulletin, Mr. Selig Greenberg, medical writer for the Providence Journal-Bulletin, discussed at length the questions facing Brown University in deciding whether to convert to a full-fledged medical school. The article, I believe, would be of enormous interest to those concerned with the problems of medical education. I ask unanimous consent that it be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Where Does Brown's Medical Program Go From Here?—To A Full-Fledged Medical School?—Or Phased Out Entirely?

(By Selig Greenberg)

Brown University's pioneering medical science program, now in its eighth year and at the crossroads of decision, is confronting both the University and the Rhode Island community at large with a challenging issue.

The issue, in two sentences, is this:

Should Brown and, to an even greater extent, the Rhode Island community make the required commitment of resources for conversion of the six-year medical science program into a full-fledged medical school in order to meet the University's educational responsibilities, help alleviate the shortage of physicians, and raise the quality and availability of medical care in this state?

Or should the existing program, which now includes more than 180 students and already has contributed materially not only to the level of medical care in Rhode Island but also to the University's academic stature, be reduced in scope or phased out entirely?

On the face of it, the second alternative seems unthinkable, and the University is now engaged in a far-flung exploration of the feasibility of the first option.

The feasibility study has been ordered by the Advisory and Executive Committee of the Brown Corporation which voted last December that it "recognized, and in principle accepted, the need and opportunity to continue the development of the Brown University program in medical education to include the granting of the M.D. degree."

Brown planners have in mind a medical school with a seven-year program from freshman year in college to awarding of the M.D. degree, thereby saving a year from the traditional length of medical education. The practicability of developing such a school is currently being explored on two levels—on campus, to determine the impact on the educational balance and financial condition of the University; and off campus, to clarify the potential commitment of the affiliated hospitals, the federal and state governments, foundations, and other private sources of support.

Arriving at a decision will clearly not be easy, but for a variety of reasons, it will probably have to be made within the next year or so. It is all the more essential, therefore, that Brown alumni, on whose understanding and financial support the University so heavily depends, gain some insight into the multi-faceted questions involved.

What makes the challenge for Brown particularly formidable is that it must exert leadership in an enterprise of great complexity in which it cannot exercise complete control.

On the one hand, a full medical program can be undertaken only within a framework that will preserve the University's academic and fiscal commitment to excellence of undergraduate and graduate education. But on the other hand, the nature of medical education is such that, while Brown must assume the overall responsibility for a medical school, its financial participation will have to be outweighed by that of the affiliated hospitals and the federal and state governments. This will of necessity involve a considerable splintering of judgment and control.

All that can be said with any degree of precision at the moment is that expansion of an M.D.-granting program will probably require the addition of about 25 new faculty positions—an increase of nearly one-fourth in the present faculty complement, and that a considerable part of the costs would have to be borne by the hospitals and, ultimately, by the community. According to some tentative estimates, the additional cost to the University could range anywhere from one to two million dollars a year. But the options involved in the kind of program which may eventually emerge are so broad that no definite cost conclusions are possible at this point.

From the onset of the medical science program, it was Brown's decision to operate it on restricted funds, raised for that specific purpose, in such a manner that the development of the program would not consume resources otherwise available to the University as a whole. But in actual practice it has apparently been difficult to adhere fully to this principle. President Donald F. Hornig said recently that the medical program was rapidly approaching a point of becoming a severe financial drain on the rest of the University. In discussing the matter at a faculty meeting, Dr. Pierre M. Galletti, chairman of the Division of Biological and Medical Sciences, said that the principle of operating on restricted funds has worked "moderately well, up to this point," but with significant question marks and major uncertainties for the future.

But whatever the costs may turn out to be, competent opinion both within and outside the University leans heavily toward the view that both for its own sake as a top-notch educational institution and for the sake of the community which provides it with tax advantages Brown must meet this challenge head-on.

Brown's medical educational program, which was launched in 1963 and leads to the award after six years of the degree of master of medical science, has from the start had a number of unique features. But while the passage of years has underscored the soundness of most of these features, it also has undermined the validity of some of them.

The essential ingredients of the program, which is more ambitious in scope than a regular premedical course and combines academic rigor with curricular flexibility, are:

Emphasis on a solid foundation in the physical sciences, with integration of biology and medicine, along with electives in the humanities and social sciences at an advanced level; exposure of students from the freshman year on to the clinical problems of patient care in the affiliated hospitals; and individual experience in the acquisition of new knowledge through thesis research.

Its inclusion in the fabric of the college and of the graduate school, in contradistinction to the traditional separate administrative entity of a medical school.

The operation of the clinical component through a consortium of community hospitals, as distinguished from a single university-controlled medical center, in which the university retains primary responsibility for education, the hospitals have primary responsibility for patient care, and both share in the responsibility for research programs.

The five Brown-affiliated hospitals are Rhode Island, Roger Williams, Miriam, Pawtucket Memorial, and Providence Lying-In. Butler Hospital also has applied for affiliation and is expected to play an important role in the development of the psychiatric phase of the medical education program.

The experience to date has amply demonstrated the value of the fundamental approaches decided upon almost a decade ago.

All of those awarded master's degrees in the first two graduating classes of the six-year course have scored well above the national average in the medical college admission tests and have transferred at the third-year level to medical schools of the highest standing for completion of the work toward an M.D. degree. And the concept of integrating medical education within the structure of the University was heartily endorsed last October in the Carnegie Commission's report on "Higher Education and the Nation's Health."

The medical science program has been since its inception an integral part of the University. There is no separation of faculty insofar as the operation of the Division of Biological and Medical Sciences is concerned. Programs in undergraduate biology, in medical science, and in graduate biology are pointedly planned and executed, thereby avoiding the redundancy that might otherwise occur. This arrangement permits a stronger foundation in the basic sciences and the development of interrelated courses in the social sciences and the humanities. It broadens the vistas of medical scientists and at the same time offers them greatly expanded areas for effective service in helping their non-medical colleagues to deal with the issues of population control, environmental pollution, the stress of urban living, and other important social problems. It has made possible a number of ambitious research projects and several new interdisciplinary programs with the departments of chemistry, engineering, and sociology.

The operation of the Brown program's clinical component through a consortium of community hospitals already has played a significant role in improving the quality of health services and their organization in the Greater Providence area. So novel was this concept when it was first implemented that it led to a delay of nearly two years in the program's accreditation by the Association of American Medical Colleges and the American Medical Association. But by now the Carnegie Commission on Higher Education, the Association of American Medical Colleges, and federal health agencies have all come around to the view that now medical schools should whenever possible operate through community hospitals.

At the same time, however, some changes in the program have become imperative.

In the first place, the Brown faculty's eagerness to experiment with innovative approaches has had to be curbed somewhat because of the need of matching the more conventional curricular requirements of the medical schools where the graduates may want to transfer to complete their training. Secondly, the position taken lately by national study commissions and federal health agencies is that two-year medical science schools should be converted as soon as possible into full medical schools.

Concurrently, there have been some fundamental alterations in the concept of medicine's tasks and goals.

The Brown program was conceived at a time when the general public's perspective of medicine was that of unlimited progress through the infusion of scientific method and technology. In its extreme form, the mood of the early 1960's was expressed by the simplistic characterization of medical research and medical practice as mutually excluding careers. The mood of the 1970's is much more sober and focuses on the grave shortcomings of the nation's health care system and on medicine as a community service.

There is mounting awareness of health manpower shortages and concern over spiraling costs. It is increasingly recognized that the personnel shortages and the gross maldistribution of physicians, which has virtually denuded urban ghetto and rural areas of primary health care, call for far-reaching reforms in both the educational process and the delivery of services. The heavy reliance of the United States on foreign-trained physicians underscores the failure of the richest country in the world to provide for meeting its own health needs. It also is becoming obvious that the lengthy process now required for transforming a high school graduate into a practicing physician must be abbreviated.

The Brown planners of the early 1960's were quite perceptive. They realized from the onset the need for providing the physicians of the future with a solid scientific background and broader social perspective and at the same time bridging the gap between scientific discovery and its clinical application. But the pressures of the deepening medical crisis are forcing further tailoring of the educational process to meet the pressing needs of today and tomorrow.

There is, moreover, no assurance that graduates of the six-year course can continue to transfer to regular medical schools. The size of the medical science classes has gradually grown, and some of them now range between 40 and 50 students. The feasibility of transferring that many students to medical schools is seriously in doubt. About half of the medical schools in the United States are state-supported, and they tend to favor their own residents. So do many of the private schools which are becoming dependent on state subsidies and more and more selective in their admissions. This and the increasing reluctance to accept tranfers from two-year schools make it highly questionable whether the medical science program can be continued in its present form.

Knowledgeable opinion is that the advantages accruing to Brown's future from development of a full medical school would far outweigh the disadvantages of additional financial burden. And when the problem is viewed within the context of the University's responsibility toward the state which has nurtured it, the case for proceeding with such development becomes all the more overwhelming.

As one of only seven states in the nation without a medical school, Rhode Island is encountering mounting difficulties in replenishing its pool of medical manpower, to say nothing of expanding that pool in order to raise both the availability and quality of health care services.

Most states educate about 50 per cent of their own physicians while the remainder are obtained through exchange with other states. It is therefore disadvantageous for any state to accept in its medical schools a significant number of students from a state that has no capacity to reciprocate. Rhode Island's position as a debtor state thus limits the opportunities for its residents to attend medical school, as is shown by the fact that the number of students from this state accepted in American medical schools is nearly 50 per cent below the national average.

The cumulative effects of this state of affairs already are ominous and are likely to become even more aggravated as time goes on—unless Rhode Island acquires its own medical school.

The fact that fully 41 per cent of the physicians newly licensed in Rhode Island in the last five years have been graduates of foreign medical schools, most of which have much lower standards than those prevailing in this country, is regarded by competent observers as highly disturbing. So is the fact that 130 of the 253 interns and residents currently on the house staffs of Rhode Island hospitals have been educated abroad. Foreign-trained doctors now account for 30 per cent of the state's pool of physicians. And the increasing difficulties encountered by Rhode Island residents seeking to enter American medical schools are resulting in an ever greater dependence on foreign medical schools by college graduates from this state.

One of the key criteria of the adequacy of a state's health care services is the availability of primary care furnished by general practitioners, pediatricians, and internists—the family physicians to whom patients turn for initial diagnosis and for guidance and referral to other segments of medical services. From this standpoint the picture in Rhode Island is equally dismal.

Not only are the state's family physicians who bear the brunt of patient contacts outnumbered by specialists but their average age is significantly higher than that of those engaged in speciality practice. Only 37 per cent of the family physicians are under the age of 50, and most of the doctors educated in this country are concentrated in the older-age category. If present trends continue, the availability of primary care physicians in Rhode Island—and particularly of those educated in the United States—is certain to become ever more restricted as time goes on.

Medical schools serve to remedy local physician shortages in two ways—by directly producing M.D.'s for service in the place where they are educated, and by acting as a magnet in attracting to the area competent physicians who would not come otherwise. These doctors bolster the number and quality of hospital clinical staffs, thereby enhancing the desirability of internships and residencies. This, in turn, helps expand the local pool of medical manpower, since close to 50 per cent of physicians locate permanently in the area of their residency training. Physician shortages also are counteracted by creating a local model for medical education and thus stimulating young people in the community to enter careers in medicine.

Even in its present limited form, Brown's biomedical program has had considerable impact on the quality of medical care in Rhode Island by attracting to the state a number of distinguished medical specialists and researchers who are filling full-time positions in the affiliated hospitals and also hold University faculty appointments. Cosponsored by the University and some of the hospitals and now well on the way toward implementation are joint projects for kidney dialysis and transplantation and for a high-energy radiation therapy service for the treatment of cancer. In both of these areas Rhode Islanders now have to go for treatment elsewhere.

Conversion of the Brown program into a full-scale medical school would lend further impetus to the upgrading of the caliber of medical talent in Rhode Island. Discontinuance of the program, on the other hand, would unquestionably lead to loss of some of the talent attracted here by the opportunity for teaching and research, further aggravating the state's critical medical manpower situation.

The plans for a Brown medical school envisage a graduating class of at least 50 students, corresponding to the number of Rhode Island physicians lost every year by the natural process of attrition through retirement or death and lay emphasis on enrolling a larger proportion of local residents than are represented in the University as a whole. In line with this, consideration is being given to a cooperative program with the University of Rhode Island and Providence College whereby students in these institutions could be qualified for admission into the fourth year of the Brown program.

The cost of medical education is figured at a minimum of $15,000 a year per student. Much of the cost is in investment in faculty. Since most of the additional faculty members will be based in the affiliated hospitals, the bulk of the salary support will have to come from them, to be derived partly from endowment funds and other gifts but coming to a considerable extent from charges for patient care. The University will be responsible for the fraction of faculty compensation directly associated with its own teaching activities.

Legislation for increased federal aid to medical schools now pending in Congress offers promise of considerable financial help from this source. Efforts also are planned to enlist state aid. While Rhode Island's severe fiscal crisis makes the prospects of such aid highly problematic at the moment, the state's stake in a medical school is so great that it can hopefully be prevailed upon to make a substantial contribution. Indeed, a substantial contribution by the state is absolutely essential.

All in all, it is hard to see how Brown can fail to face up to an enterprise so crucial for meeting urgent community needs and so consistent with its own tradition of academic leadership.

Medical manpower is admittedly only one element in a complex compound which includes organization of services, financing, and a variety of other factors influencing the quality and cost of health care services. But the provision of the proper number and caliber of physicians can serve as a catalyst for evolving a more balanced and effective health care system. While the cost per day of hospitalization is likely to increase under a more integrated system, the net result could be a lower cost per illness through reduction of hospital use and shorter duration of hospital stays.

America's universities can play a vital role in the long overdue reform of our medical care system. "The essential elements for medicine's continued growth," the Carnegie Commission on Higher Education has said, "can only be found in the university, provided the university sees in medicine unique opportunities to observe and study certain crucial aspects of the nature and behavior of man over and beyond the mere teaching of skills to a practicing profession."

RATIFICATION OF GENOCIDE TREATY POSES NO DANGER TO JURISDICTION OF AMERICAN COURTS

Mr. PROXMIRE. Mr. President, in considering whether or not we should ratify the human rights conventions, we must take into account the effect that such action would have on the American system of jurisprudence.

Opponents of passage of the International Convention on the Prevention and Punishment of the Crime of Genocide have suggested that by making genocide a crime under international law, we may be allowing a court with international jurisdiction to usurp the right of American courts to try American citizens for any crime that falls under the definition of genocide. But this is simply not the case.

Article V of the convention states that contracting nations should enact legislation "in accordance with their respective constitutions." As James E. Webb, former Acting Secretary of State wrote to President Truman on this subject on June 16, 1949:

> The convention does not purport to require any party to enact such legislation otherwise than in accordance with the country's constitutional provisions.

Article VI contains provisions for an international tribunal to try citizens "with respect to those States accepting such jurisdiction." There is presently no such tribunal, as Mr. Webb writes:

> No international tribunal is authorized to try anyone for the crime of genocide.

Even if there were such a court, it would take a special and separate act of Congress to place the United States under such jurisdiction. Thence, this provision poses no present threat to the American jurisprudential system.

In short, the United States could, by ratification of this convention, plus the enactment of specific supplemental legislation, make genocide a crime under domestic law. However, until such supplemental legislation is passed, genocidal acts can only be tried under existing local laws against murder. Ratification of the Genocide Convention would not interfere in any way with American courts' jurisdiction, nor indeed would the ratification of any of the human rights conventions.

All of these points are detailed in former Acting Secretary Webb's letter to President Truman. I ask unanimous consent that his statements be printed in the RECORD.

There being no objection, the statements were ordered to be printed in the RECORD, as follows:

DEPARTMENT OF STATE,
Washington, D.C.

The PRESIDENT,
The White House:

I have the honor to transmit to you a certified copy of the convention on the prevention and punishment of the crime of genocide, adopted unanimously by the General Assembly of the United Nations in Paris on December 9, 1948, with the recommendation that it be submitted to the Senate for its advice and consent to ratification.

The convention defines genocide to mean certain acts, enumerated in article II, committed with the intent to destroy, in whole or in part, a national, ethnical, racial, or religious group, as such. These acts are discussed below.

The basic purpose of the convention is the prevention of the destruction of a human group as such. The first resolution of the General Assembly on this subject, 96(I), adopted unanimously by the members of the United Nations on December 11, 1946, succinctly pointed out that—

"Genocide is a denial of the right of existence of entire human groups, as homicide is the denial of the right to live of individual human beings."

The resolution also pointed out that genocide shocks the conscience of mankind, results in great losses of humanity and is contrary to moral law. Of course, homicide also is shocking, results in losses to humanity and is contrary to moral law. The distinction between those two crimes, therefore, is not a difference in underlying moral principles, because in the case of both crimes, moral principles are equally outraged. The distinction is that in homicide, the individual is the victim; in genocide, it is the group.

The General Assembly declared in this resolution that the physical extermination of human groups, as such, is of such grave and legitimate international concern that civilized society is justified in branding genocide as a crime under international law. The extermination of entire human groups impairs the self-preservation of civilization itself. The recent genocidal acts committed by the Nazi Government have placed heavy burdens and responsibilities on other countries, including our own. The millions of dollars spent by the United States alone on refugees, many of them victims of genocide, and the special immigration laws designed to take care of such unfortunates illustrate how genocide can deeply affect other states. On September 23, 1948, Secretary of State Marshall stated that—

"Governments which systematically disregard the rights of their own people are not likely to respect the rights of other nations and other people and are likely to seek their objectives by coercion and force in the international field."

It is not surprising, therefore, to find the General Assembly of the United Nations unanimously declaring that genocide is a matter of international concern.

Thus, the heart of the convention is its recognition of the principle that the prevention and punishment of genocide requires international cooperation. However, the convention does not substitute international responsibility for state responsibility. It leaves to states themselves the basic obligation to protect entire human groups in their right to live. On the other hand it is designed to insure international liability where state responsibility has not been properly discharged.

The convention was carefully drafted and, indeed, represents the culmination of more than 2 years of thoughtful consideration and treatment in the United Nations, as the following important steps in its formulation demonstrate:

The initial impetus came on November 2, 1946, when the delegations of Cuba, India, and Panama requested the Secretary-General of the United Nations to include in the agenda of the General Assembly an additional item: the prevention and punishment of the crime of genocide. The Assembly referred the item to its Sixth (Legal) Committee for study.

At its fifty-fifth plenary meeting on December 1, 1946, the Assembly adopted, without debate and unanimously, a draft resolution submitted by its Legal Committee. The resolution, referred to above, affirmed that "genocide is a crime under international law." It recommended international cooperation with a view to facilitating the prevention and punishment of genocide, and, to this end, it requested the Economic and Social Council of the United Nations to undertake the necessary studies to draw up a draft convention on the crime.

Pursuant to this resolution a draft convention on genocide was prepared by the ad hoc Committee on Genocide in the spring of 1948, under the chairmanship of the United States representative on this committee. This draft was again discussed by the Economic and Social Council in July and August 1948 in Geneva, and then in the Legal Committee of the General Assembly at its third regular session in Paris, where again the United States delegation played an important role in the formulation of the draft convention.

On December 9, 1948, the General Assembly unanimously adopted the convention of outlaw genocide, which was signed by the United States 2 days later. When signing, the United States representative said in part:

"I am privileged to sign this convention on behalf of my Government, which has been proud to take an active part in the effort of the United Nations to bring this convention into being."

"The Government of the United States considers this an event of great importance in the development of international law and of cooperation among states for the purpose of eliminating practices offensive to all civilized mankind."

Genocide is a crime which has been perpetrated by man against man throughout history. Although man has always expressed his horror of this heinous crime, little or no action had been taken to prevent and punish it. The years immediately preceding World War II witnessed the most diabolically planned and executed series of genocidal acts ever before committed. This time there was to be more than mere condemnation. A feeling of general revulsion swept over the world, and following the war manifested itself in the General Assembly's resolution of December 1946. It is this resolution to which the Legal Committee gave full content by providing the General Assembly with a legal instrument designed not only to prevent genocidal acts but also to punish the guilty.

The genocide convention contains 19 articles. Of these, the first 9 are of a substantive character, and the remaining 10 are procedural in nature.

The preamble is of a general and historical nature.

Article I carries into the convention the concept, unanimously affirmed by the General Assembly in its 1946 resolution, that genocide is a crime under international law. In this article the parties undertake to prevent and to punish the crime.

Article II specifies that any of the following five acts, if accompanied by the intent to destroy, in whole or in part, a national, ethnical, racial, or religious group, constitutes the crime of genocide:

(*a*) Killing members of the group;

(*b*) Causing serious bodily or mental harm to members of the group;

(*c*) Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part;

(*d*) Imposing measures intended to prevent births within the group; and

(*e*) Forcibly transferring children of the group to another group.

This article, then, requires that there should be a specific intent to destroy a racial, religious, national, or ethnical group as such in whole or in part. With respect to this article the United States representative on the Legal Committee said:

"I am not aware that anyone contends the crime of genocide and the crime of homicide are one and the same thing. If an individual is murdered by another individual, or indeed by a government official of a state, a crime of homicide has been committed and a civilized community will punish it as such. Such an act of homicide would not in itself be an international crime. To repeat the opening language of the resolution of the General Assembly of December 1946, "genocide is a denial of the right of existence of entire human groups." This remains the principle on which we are proceeding.

"However, if an individual is murdered by another individual, or by a group, whether composed of private citizens or government officials, as part of a plan or with the intent to destroy one of the groups enumerated in article 2, the international legal crime of genocide is committed as well as the municipal-law crime of homicide."

The destruction of a group may be caused not only by killing. Bodily mutilation or disintegration of the mind caused by the imposition of stupefying drugs may destroy a group. So may sterlization of a group, as may the dispersal of its children.

Article III of the convention specifies that five acts involving genocide shall be punishable. These five genocidal acts are—

(a) The crime of genocide itself.

(b) Conspiracy to commit genocide;

(c) Direct and public incitement to commit genocide;

(d) Attempt to commit genocide; and

(e) Complicity in genocide.

The parties agree, in article IV, to punish guilty persons, irrespective of their status.

In article V the parties undertake to enact, "in accordance with their respective constitutions," the legislation necessary to implement the provisions of the convention. The convention does not purport to require any party to enact such legislation otherwise than in accordance with the country's constitutional provisions.

Article VI makes it clear that any person charged with the commission of any of the five genocidal acts enumerated in article III shall be tried by a court of the state in whose territory the act was committed, or by such international penal tribunal as may have jurisdiction with respect to those states accepting such jurisdiction. Thus, the commission in American territory of genocidal acts would be tried only in American courts. No international tribunal is authorized to try anyone for the crime of genocide. Should such a tribunal be established, Senate advice and consent to United States ratification of any agreement establishing it would be necessary before such as agreement would be binding on the United States.

By article VII the parties agree to extradite, in accordance with their laws and treaties, persons accused of committing genocidal acts; none of such acts is to be considered a political crime for the purpose of extradition. The United States representative on the Legal Committee, in voting in favor of the convention on December 2, 1948, said:

"With respect to article VII regarding extradition, I desire to state that until the Congress of the United States shall have enacted the necessary legislation to implement the convention, it will not be possible for the Government of the United States to surrender a person accused of a crime not already extraditable under existing laws."

Existing United States law provides for extradition only when there is a treaty therefor in force between the United States and the demanding government. Only after Congress has defined, and provided for the punishment of, the crime of genocide, and authorized surrender therefor, will it be possible to give effect to the provisions of article VII.

Article VIII recognizes the right of any party to call upon the organs of the United Nations for such action as may be appropriate under the Charter for the prevention and suppression of any of the acts enumerated in article III. This article merely affirms the right of the United Nations to call upon an organ of the United Nations in matters within its jurisdiction.

Article IX provides that disputes between the parties relating to the interpretation, application, or fulfillment of the convention, including disputes relating to the responsibility of a state for any of the acts enumerated in article III, shall be submitted to the International Court of Justice, when any party to a dispute so requests.

On December 2, 1948, in voting in favor of the genocide convention, the representative of the United States made the following statement before the Legal Committee of the General Assembly:

"I wish that the following remarks be included in the record verbatim:

"Article IX provides that disputes between the contracting parties relating to the interpretation, application, or fulfillment of the present convention, 'including those relating to the responsibility of a state for genocide or any of the other acts enumerated in article III,' shall be submitted to the International Court of Justice. If 'responsibility of a state' is used in the traditional sense of responsibility to another state for injuries sustained by nationals of the complaining state in violation of principles of international law and similarly, if 'fulfillment' refers to disputes where interests of nationals of the complaining state are involved, these words would not appear to be objectionable. If, however, 'responsibilities of a state' is not used in the traditional sense and if these words are intended to mean that a state can be held liable in damages for injury inflicted by it on its own nationals, this provision is objectionable and my Government makes a reservation with respect to such an interpretation."

In view of this statement, I recommend that the Senate give its advice and consent to ratification of the convention—

"with the understanding that article IX shall be understood in the traditional sense of responsibility to another state for injuries sustained by nationals of the complaining state in violation of principles of international law, and shall not be understood as meaning that a state can be held liable in damages for injuries inflicted by it on its own nationals."

The remaining articles are procedural in nature. By article XIV the convention is to be effective for an initial period of 10 years from the date it enters into force, and thereafter for successive periods of 5 years with respect to those Parties which have not denounced the convention by written notification to the Secretary-General of the United Nations at least 6 months before the expiration of the current period.

Article XV provides that if there are less than 16 parties to the convention, as a result of denunciations, the convention shall cease to be in force from the effective date of the denunciation which reduces the number of parties to less than 16.

Article XVI authorizes any party to request revision of the convention, by notification in writing to the Secretary-General of the United Nations. The General Assembly shall decide upon the steps, if any, to be taken in respect of such request.

It is my firm belief that the American people together with the other peoples of the world will hail United States ratification of this convention as another concrete example of our repeatedly affirmed determination to make the United Nations the cornerstone of our foreign policy and a workable institution for international peace and security.

Respectfully submitted.

JAMES E. WEBB,
Acting Secretary.

DEHUMANIZING TREATMENT BY SOCIAL ENGINEERS

Mr. ALLEN. Mr. President, I am persuaded that a source of many of the problems we face today can be traced to social engineers. This body of self-ordained elite seem to have a common characteristic—a compulsion to solve complex social problems by resort to abstractions, theories, and ideologies. This cloud-nine approach to social problems is one in which words and concepts are treated as realities—as things that can be comprehended by the physical senses. Facts are lost sight of—commonsense judgments are disregarded—human beings are transposed into numbers and ratios—and the will, wishes, choices, and decisions of the people are contemptuously and callously cast aside as unworthy of consideration.

A choice example of this malady and its effects in our society is provided by the brutalitarian approach adopted in solutions imposed to problems involved in educating our children in public schools.

We in the South have borne the brunt of dehumanizing treatment at the hands of insensitive social engineers over the past few years. The destructive force of the Department of Health, Education, and Welfare wrecking crews continues to leave havoc in their wake and it is difficult to foresee the time when this destructive force, will have spent its fury in the South. When it does, we in the South will clean up the wreckage, bind up the wounds, and restore meaningful education for all of our children in an atmosphere of peace and harmony. Of this I am confident.

Mr. President, I am less confident of what may happen in other sections of the Nation. Even now the social engineers and their wrecking crews are at work in other regions of the Nation.

Joseph Alsop, an astute observer with a healthful respect for facts and realities, comments on certain aspects of this problem in his column published in the Washington Post of Monday, July 12, 1971. In the process he has a few choice words for American intellectual liberalism, which he finds: "finally devoid of any intellectual content whatever; for intellectual content after all means ability to face and deal with facts." He concludes that:

> There are only two remaining American liberal slogans: Lose the war, and then disarm the United States.

Mr. President, Mr. Alsop's column is entitled "Urban Schools Troubled." That is the tragic story in a nutshell. I ask unanimous consent that the column be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

URBAN SCHOOLS TROUBLE

(By Joseph Alsop)

If you want to know where we now stand, particularly in our management of our dire internal social problems, you can do worse than consider the following set of facts:

Item: Last June 17, the Pennsylvania Commission on Human Relations peremptorily ordered prompt, total desegregation of the Philadelphia and Pittsburgh school systems, by massive intra-city busing if need be. As of today, Philadelphia's schools are already above 60 per cent black.

Truly desegregated schooling is therefore impossible in Philadelphia. In addition, on the basis of all past experience over nearly twenty years, Philadelphia's white families with children to educate will gradually flee to the suburbs. So Philadelphia is almost certainly condemned to end as a near-ghetto city with a solid black school system.

Item: This is the present condition of Washington, D.C. Ironically enough, precisely because of the desegregation order of 1954, the Washington school system has been just about solid black for years. It is deeply doubtful, furthermore, whether Washington's black children today get any better education than they did when there were still white children in white public schools. And it is certain that the clever black children—who should be the future door-openers for their people—are getting a much worse education than used to be offered in the wicked, segregated days at Dunbar High School.

Item: The "New York Times," which at least cannot be suspected of prejudice, very belatedly conducted two recent surveys of the results of desegregation, one in New York City and one in the nation. The New York survey told of schools torn "by racial fears and resentment." The nationwide survey spoke grimly of "racial polarization, disruptions and growing racial tensions that sometimes erupt into violence."

Item: The few remains of this country's unique experiment in serious school improvement in the ghettos are in New York; but they are now likely to be cleaned away. The more effective schools programs has long been dying for two reasons. It had no support whatever from liberal intellectuals.

In addition, liberal educationists viciously attacked the program, when it still had some juice in it, as a "self-fulfilling rationale for segregated education." This bias in turn biased certain key reports on the program. The program had its faults, but was full of the richest promise. Yet the fashionably liberal reports spoke only of the failures, which could have been swiftly remedied by tackling the faults.

Item: In those days, the fashionable American liberal prescription was not schools improved by simple, practical methods calculated to teach children to read and write. The fashionable prescription was, instead, "community control." The Adams School, in this city, is a good specimen of an experiment in community control.

That impeccably fashionable liberal, former Commissioner of Education Harold Howe, refused to lift a finger to aid the more effective schools in New York. Meanwhile, he found federal money for Adams School. And a recent report in The Washington Post shows that Adams School, today, is an educational disaster area, while its community control system has become something mighty close to a financial racket.

Add up these items, which predict the future of most of the major cities in America. What, then, do they mean?

First of all, and very obviously, they mean that the virtuous American liberal sloganeers have had hold of the wrong end of the stick for years on end. Instead of worrying about "self fulfilling rationales," they should have been beating the drum for massive school improvement, right where the children are in school.

When improvement comes—and it will have to come—it will be very expensive. It will require enriching education from a very early age, such as the able William Raspberry has just written about. It will demand root and branch effort on the lines of the more effective schools program. But if equal justice is to be offered to America's black minority, the job will have to be done in the end.

If the foregoing record, bulging with facts which have been around for years, also has another meaning, it means that American intellectual liberalism is now finally devoid of any intellectual content whatever; for intellectual content after all means ability to face and deal with facts like the foregoing. Instead, there are only two remaining American liberal slogans: "Lose the war, and then disarm the United States."

WILLFUL PERPETUATION OF SEGREGATION CHARGED TO FHA

Mr. ALLOTT. Mr. President, recently the U.S. Civil Rights Commission charged that the Federal Housing Administration is willfully perpetuating segregation.

As news story reporting on the Commission accusation has drawn a rejoinder in the form of a letter to the Commission from Mr. Clement F. Hausman, president of Hallmark Realty, of Pueblo, Colo.

I ask unanimous consent that Mr. Hausman's letter and the news story from the June 10 Denver Post on which it is based, be printed in the RECORD.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

HALLMARK REALTY,
Pueblo, Colo., June 17, 1971.

U.S. CIVIL RIGHTS COMMISSION,
Washington, D.C.

GENTLEMEN: As a home builder, it disgusts me when I see wire service news releases, such as the enclosed, regarding FHA. The news release is loaded with innuendo and tainted truths. There is no spokesman or responsible person named or quoted, just "The U.S. Civil Rights Commission said . . ." I am therefore addressing this letter to said Commission. Releases of this sort, which generalize an isolated case as being "the pattern" for *all* cases, no doubt, have contributed much to the dissatisfaction and unrest in America today. As a builder and private citizen, I would like to register a vigorous protest.

After reading numerous articles similar to the enclosed, I have checked a few of our records and would like to give you some facts that refute virtually every statement made in the June 10, 1971 U.P.I. story.

During 1969, 1970 and 1971, our firm has closed sales on 212 FHA 235 cases. Of these, 83 were Spanish surnames, and four black families. (Names and addresses can be verified.) We have many of Slovanian and Italian ancestory, in addition to Polish, Dutch and English. In addition, there are intermarriages that are not included—and a sizeable number of WASPS.

I also sample checked 66 consecutive deals in mid 1959. There were 19 out of the 66, (twelve years ago) that were Spanish. During the past twelve years I have taken various investors and buyers on tour of this area (up to and including the present time.) The purpose has been, and is, to point out one thing—if people are given an opportunity *to help themselves*, the majority will enhance their own future, as well as the neighborhood. The "minority" houses, can in most cases, be singled out because they are well maintained.

Briefly, in the way of background, Pueblo's ethnic population is approximately 25 to 28% Spanish, with less than 2% Negro and a sizeable segment of Italians, Slovenians, and some Polish. These are estimates from the Regional Planning Commission. The economy is, and has been, very poor in Pueblo for many years. Construction level is a fraction of the national average, i.e. total single family construction for 1967 was 197; 1968—202; 1969—187. In 1969, as near as we can determine, 102 of the 187 homes built in Pueblo were FHA 235's.

There are two major development areas in the city, northeast and southwest. During the past twenty years, our firm has built 20% to 25% of all single family homes built in the City; something over 2000 dwelling units.

No one has even been refused the opportunity to buy on the most favorable FHA–VA terms. In the early 1950's, some lenders rejected cases for ethnic or racial reasons. This has not been the case for over fifteen years, however. We have some 235 $15,000 houses that are adjacent to $20,000 and $30,000 homes. (The City Manager's $30,000 home is one home away from a 235 house.) These homes are being built in the prime area of the City.

95% plus of our building has been FHA or VA for the past twenty years. Without FHA and VA, most of the modest income families *would not* have been able to purchase a home. I feel this is true, not only in this community, but in the majority of cities in the United States. If factual data is used, FHA and VA financing has been the *only* effective instrument to bring about economic, social, ethnic and racial integration. If need be, I can speak authoritatively and factually for this community.

Unfortunately, I feel that government officials, elected politicians, lenders, and yes, even builders, as well as others, have castigated and used the FHA (and VA Housing Program) as a whipping boy whenever it was expedient. For example, the FHA 608 and 207 Programs produced *more housing at less cost* for modest income families at a time it was needed, than any other program—and the tax payers didn't pay for it. Our firm has never built under either of these programs, however.

I am very much upset at the irresponsible accusations that are continually reflected and exploited through the entire news media, with no attempt to "fix" the responsibility where it rests. The FHA 608 Program was "buried" because it was politically expedient. The FHA 235 Program is being pummeled from many sources because some 70 to 100 year old homes needed some repair and/or rehabilitation.

If the U.S. Civil Rights Commission is interested in housing people at lowest cost, it appears to me that FHA is not the problem, but the *solution*. Little is being done to the obvious well identified sources of excess cost—codes and union work practices. This has been given considerable publicity, but in reality, there has been more lip service than action. In the Melodrama of Housing, perhaps the hero is mistaken for the villain.

Even though the tone of my letter is one of critical concern. I am presumptuous to make several recommendations:

1. I believe the repeal of the Davis Bacon Act could create more openings to job opportunities and reduce building costs, more, enough to make several recommendations:

2. Cities needs dictate their seeking Federal Grants. In addition, they have gotten greedy and are putting on "extra" charges for new homes, such as tap fees, drainage fees and water development fees, to get supplemental money to use as matching funds for Federal Grants. The philosophy is simple; "If the 235 and public housing programs are going to be subsidized, the low cost home buyer is not really going to be paying for it." Unfortunately, zoning alone, is not the only way the modest income families are being exploited by cities, water districts, sewer dstricts, etc. I would recommend that Federal Grants not be considered in those communities where municipal bodies levy fees and assessments other than through a rate structure, or general property tax base.

3. The 235 Program would be more effective if income limits were not fixed. For example, a man making $6,000 per year may qualify whereas a man making $6,100 would not qualify. Yet his income is approximately $3,900 below the qualification level under the regular FHA 203 B Program. I feel the FHA in their credit processing could determine the amount of subsidy based upon income and the number of people in the family, i.e. an applicant under FHA 203 B cannot qualify because of overtime pay. Under the 235 Program, an applicant is disqualified because of overtime pay. We have had more minority families disqualified because of this one factor than all other factors combined. We have had cases rejected (not because of minority status) but because a man's income was as little as *one cent* per hour too high. That's the law, not FHA.

4. The ever present ogre in the housing market, particularly low to moderate price housing, is the financial fraternity. FHA and VA have been the "only" effective instruments to bring housing within the reach of the working man. Historically, HOLC, FHA and VA have been responsible for leading lenders to make America a nation of home owners. I'm sorry to say, life insurance companies and pension funds particularly, have almost eliminated the possibility for future generations to be able to buy a home. Perhaps the Civil Rights Commission should look into this aspect and the changes that have taken place during the past six years.

In summary, like most FHA–VA builders, we have had our clashes with these agencies throughout the years. In most cases it has been a clash on issues, not objectives. Most of the over 2,000 homes that our firm has built are in the $10,000 to $18,000 price range and have been purchased on minimum FHA–VA terms. *Pueblo is a high cost* area but our average price on 166 FHA 235 homes has been $16,100. Our company takes considerable pride in having built over 20% of the homes in the City over the past twenty years. A great deal of pride of ownership is manifested through out the area. For sale signs are a rarity because the value and desirability of location cannot be equaled or exceeded in any other area of the City. There is a high degree of homogenization in the entire subdivision—economic, social, ethnic and racial; whether it was built one or twenty years ago.

No, it hasn't been a bed of roses and I have personally received anonymous phone calls and letters criticizing us for selling to "those kind of people." Ironically, in public hearings we have had some opposition from some of "those kind of peple" who we sold previously.

Unfortunately, like many builders, we have considered giving up altogether, the construction of FHA homes. This is due to the uncertainties of money costs, policy changes, whims, paperwork, etc. Every political current seems to burden FHA with more requirements and compliance with new regulations and laws. It will be a sad day for home ownership in America if FHA is to continue being pillaged and sacked for the sake of political expediency. The low and modest income, especially the young, old and minority groups, will be the losers.

At the risk of being presumptuous, I would invite the Commission to a personally conducted tour of an FHA-VA subdivision and let it be judged by the Commission on its merits: economic, social, ethnic and racial; also value, desirability and family needs in any respect. It is not paradise, nor is it a model subdivision, however, it is basic, modest priced housing. It has been nineteen years in process and it is in existence in spite of the myriad inconsistent and conflicting subdivision ordinances, building and zoning codes; plus lender and FHA and VA requirements. Using the same yardstick, compare this section of a 100,000 population city to any *non* FHA–VA subdivision in the U.S.

One final recommendation I would suggest. Compare *any* random geographic group of conventionally financed (non FHA-VA) subdivisions with random FHA-VA subdivisions. I don't believe using a single, former segregated southern community would be a fair approach, however.

Very truly yours,

CLEMENT F. HAUSMAN,
President.

FHA HIT ON AIDING SEGREGATION

WASHINGTON.—The U.S. Civil Rights Commission said Thursday the Federal Housing Administration (FHA) knows its new program to help the poor buy homes is perpetuating racial segregation, but has done nothing to correct it.

The commission, after a study of the Housing and Urban Development (HUD) program of mortgage assistance for low-income families, concluded the FHA was simply letting the real estate men and bankers take over the "Section 235" program's operation instead of using it to "broaden the range of housing opportunities" for the poor, and especially for, blacks and other minority families.

STUDY MADE

"FHA officials are aware of the segregated housing pattern that has developed under the 235 program," the commission said in a report after studying the program in Denver, Little Rock, Philadelphia and St. Louis. "But despite the agency's legal obligation to prevent it, FHA has failed to adopt even minimal steps to fulfill this obligation."

"Traditionally attuned to serving the housing needs of white, middle-class families, FHA has been poorly prepared to serve a different racial and ethnic group of home buyers," the commission said.

"The commission found that the very same pattern that exists in the housing market generally—new housing provided mainly in the suburbs and occupied largely by white families, with existing housing in the central cities occupied by minority families—is being repeated in the 235 program," it said.

The commission said white buyers generally got better mortgage terms, higher subsidies and better housing than minority buyers; real estate brokers were showing minority families houses only in "segregated or 'changing' neighborhoods," and builders of new homes within the reach of poor families declined to advertise publicly or used ads showing only whites some "signal that minority families were unwelcome."

The commission's criticism of the 235 program was a followup salvo to a barrage aimed at the program last year and earlier this year by the House Banking and Currency Committee. The committee charged that the poor were being swindled by unscrupulous speculators who unloaded rundown and frequently unsafe houses on them at inflated prices.

PLEDGE MADE

HUD Secretary George Romney pledged to clean up the 235 program, and at one time early in 1970 suspended purchases of existing homes with FHA mortgage subsidies until appraisal and inspection practices could be perfected to protect the low income buyers. Later, Romney announced a series of new rules were being put into effect to safeguard the poor against real estate speculators trying to get rid of deteriorated houses at prices higher than they were worth.

Under the 235 program, the FHA not only insures long-term mortgages for poor families seeking their own homes, but pays part of the interest charges to keep the payments low.

LAOS: SECRET SHAME

Mr. SYMINGTON. Mr. President, anyone who believes in the Christian Ethic can only read with sadness and shame an article entitled "Laos" written by H. D. S. Greenway, and published in the July Atlantic Monthly.

I would hope that every Senator would read the article. I ask unanimous consent that it be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

LAOS

(By H. D. S. Greenway)

The spingtime in Laos is very dry. Save for the brief Mango rains, the heat is unrelieved, and shriveled green leaves lie like dead frogs in the dusty roads. The sun is dull red in the smoke and haze, for in the springtime the hill people slash and burn the brush off the hillsides. The pilots say that the haze stretches all across the northern marches of Southeast Asia from North Vietnam across to Burma. The Air America helicopters must pick their way carefully among the fantastic limestone outcroppings that rise like castles from the wooded hills tumbling out of China. One realizes that the misty mountains of the classical Chinese landscape paintings were not the product of artistic imaginations, but faithful reproductions of nature.

Here in these hills, fifty miles northeast of Vientiane, there is an airstrip known to the pilots as site 272. It is the center for American refugee relief in Northern Laos and the fall-back point for Long Cheng, the secret CIA base twenty-five miles to the north. Long Cheng is the headquarters for the Meo General Vang Pao's "Armee Clandestine," supported by the CIA. All this past winter and spring the base has been under siege by the North Vietnamese. The hill peoples, the highland Lao and the Meo dependents of Vang Pao's army, have been fleeing south by the thousands, pouring into the hills and valleys near site 272. They make temporary bamboo shelters, and Air America drops rice to them, for they have no food. There is the despair of uncertainty. No one can tell them what their future will be. Like Laos itself, they have long since lost control of their own destiny.

In one such makeshift settlement the village chief greets visitors with a gold-toothed smile. There are over nine hundred people in his immediate area—four hundred of them are children. One night, the Pathet Lao and the North Vietnamese had come to his village. The soldiers in a nearby government outpost had detected no enemies in the area: "So we went to be happy," the village chief said.

"But at four o'clock in the morning we were attacked. Before we knew it, they were in the village shooting and the houses were burning." Squatting down on his haunches, the village chief described with his hands in the dirt how the enemy had come and the attack on the outpost—the short, sharp explosions, the flames, the rifle fire, the measured hammering of the fifty-calibers, and then silence. Death had come in the classic Indochina way: a small, isolated outpost overrun in the night. It was a scene that has been played a thousand times in the last twenty-five years of war.

The villagers escaped into the surrounding woods, and for two days they marched over some of the most impenetrable and inhospitable country on earth. "We were so sorry to leave everything behind," the chief said, "and the march was very difficult. We walked two days, and the people cried and cried over the mountains. Two people died; one was an old person and the other was a child." There was talk that the men might be conscripted into Vang Pao's army, but the chief did not know for sure, and he did not know what would happen to his people. "I am afraid," he said.

"FOR WHAT?"

At site 272 the Air America planes continue taking off and landing in a roar of red dust, bringing rice, pigs, and ducks to the refugees. But one senses the end of a decade of American policy in Laos. Ten years ago, when the Americans first began to train and equip the Meo tribesmen, Vang Pao's guerrillas operated all over Northeastern Laos—far behind enemy lines to the borders of North Vietnam itself. Fewer than two dozen American servicemen have been killed in these mountains. Asians fight Asians. But ten years of costly, vainglorious offensives and unremitting pressure from North Vietnamese counteroffensives have pushed the Meo beyond their endurance. Vang Pao's losses in the last three years have been so heavy that the Armée Clandestine is no longer an exclusively Meo force. Almost half their numbers are now made up of other highland peoples. And in the last three or four years, the Meo have been organized to fight in battalion-sized units of over five hundred men instead of small guerrilla units. As a result, the slaughter has been magnified. Vang Pao's army can no longer hold Long Cheng alone, and by early April it was reliably reported by Lao and American sources that no fewer than five thousand Thai troops had been flown in to bolster the Long Cheng front. (The Thai government still denies the presence of Thai troops in Laos, but their presence is common knowledge in Vietiane.)

For ten years the Meo people have been running and dying, and today there are few mountain ranges left into which to escape. American officials estimate that fully 15 percent of the 250,000 to 300,000 people in the military region that makes up Northeast Laos have died within the last three years.

The official Laotian and American Embassy position is that the Long Cheng airstrip must be held at all costs, but there is a general realization that the game is almost played out as far as the Meo are concerned. Officials speak of an eventual accommodation with the Communists, and say that the Armée Clandestine is all but finished as an effective fighting force.

Many of the Americans who have worked with the Meo have become profoundly disillusioned. The senior USAID official in the Northeast, Edgar Buell, the former Indiana farmer known as "Pop," who in ten years has become a Lawrence of Arabia figure to the Meo, is himself a casualty. Recovering now from a serious heart attack, burdened by overwork and worry during the last few years of disasters, Buell said: "All of this is difficult for us who have worked with these people since the beginning. Some of my boys are beginning to wonder, what was it all for?"

Some Americans are beginning to wonder why, if there is to be an accommodation now, we didn't encourage one ten years ago. Perhaps the arming and supplying of guerrillas so close to the North Vietnamese border provoked greater North Vietnamese retaliation in an area that has nothing to do with the Ho Chi Minh Trail and the war in Vietnam. Although it is true that the Meo had asked for arms in the first place, some Americans argue that they were urged to fight on for U.S. interests beyond their capacity and beyond anything that could be considered in their own interest.

"You know, over two thirds of the 170,000 people we are supporting in the Northeast are refugees," said one American with many years' experience. "Few have been permanently located, and they are milling about in limbo. Anthropologists call the Meo a seminomadic people, but before the war they would move only when they ran out of land. Normally, they might move only ten kilometers or so, and they might take a year to make the move. But to be uprooted as they are now is a great trauma for them.

"In these large refugee moves over the last four or five years we have found that about 10 or 15 percent die during the move or just afterwards," the American said. One always knew that the long marches were killers. When whole populations were on the move, walking for days on end through the mountains, one knew that the old, the weak, and the very young died. But, said the American, experience showed that about the same number of people died anyway even if they had been carried out by plane or helicopter. "We have American doctors waiting for them with mosquito nets, malaria pills, penicillin, the works. But they die anyway. It is the move itself—the adjusting to a new area, different food and water. Of course, part of the problem is that, like all Southeast Asians, a lot of these people are sick and weak to begin with. But a lot of it is psychosomatic—bad *phi* [spirits]. Just the trauma of moving kills them. They think they are going to die, and they do."

Edgar Buell expressed the phenomenon a little differently. "Just moving causes a kind of sickness," he said. "I wouldn't go so far as to say they die of a broken heart or anythink like that, but, yes—you can just about say that for a lot of people, moving means dying."

"UP IN THE SKY"

In the summer of 1969, in what may prove to have been Vang Pao's last successful offensive, the Armée Clandestine, with American logistical and air support, captured the Plain of Jars from the overextended North Vietnamese. But some people thought that the brilliantly executed offensive was a foolish escalation of the conflict. By February of 1970, Vang Pao had been pushed back off the plain, with heavy losses.

The raid produced one of the biggest refugee movements of the Laotian war. Fifteen thousand inhabitants from the Plain of Jars were resettled in camps near Vientiane. The last airplaneload left on the tenth of February, 1970. A silver C–130 with the American markings painted over landed in a rooster tail of dust on a makeshift strip on the western edge of the Plain of Jars. The last terrified refugees—it was their first plane ride—were herded aboard against the hurrican blast of the prop wash; nothing was left behind except their dogs, forming in packs and snarling among the refuse of their encampment.

"Some of them have slipped back to the Pathet Lao," said an American official at the time, "but we have rounded up most of the population, and the name of the game is control of the population."

The refugees were set up in temporary bamboo barracks. Now, a year later, these refugees have not yet been permanently resettled. Their conditions are good by refugee standards in Indochina, but the mental fatigue of their impermanent and unsettled status has begun to engulf them. They long for the cool uplands where they were born. To Americans who question them, they speak of their lives behind the Communist lines before they came away from the Plain of Jars. And they describe the role of American and American-supplied air power.

And old grandfather sits lethargically in the shade with his son-in-law and talks about his former life. "Our old house was big and made of wood, not bamboo," he said. "But there is just dust there now. All was burned. We had big, wide rice fields and many buffaloes. There were few trees and the rice grew really high—before the planes came."

In 1967 the grandfather saw only a few planes in the sky, but in 1968 and 1969: "*Hwai!* Maybe we would see two hundred planes in a day," he said, and he drew childish but recognizable pictures of the Laotian T-28's and the American jets he had seen. In August, 1968, his fourteen-year-old nephew was killed.

"The child was out tending the buffaloes when the planes came. He ran for a hole to hide, but he did not run fast enough, for the bombs killed him. They killed three buffaloes at the same time. The bombs cut his head off and his arm, and his insides came out on the ground. Many pieces of him went up in the sky," the grandfather said.

His niece, a woman of thirty, was also killed. "She was afraid to go out of the house because the planes shot at anything that moved," he said. "But the bombs fell on the house, and she was killed."

Later, in 1969, when many of the houses in the village had been destroyed, the people left their houses and lived in holes in the ground. "Every family had a hole, and we would live in the holes—even cook in the holes. We tried to plant our rice at night, but even at night the planes would come. They would drop flares and make it really bright—like day. They were trying to shoot the Pathet Lao soldiers, I suppose, but there weren't any soldiers on the plain. They all lived in the woods in the mountains," the grandfather said.

Periodically the Pathet Lao and the North Vietnamese cadres would come. "They would teach us things and talk about politics. The children studied and studied, and they would learn to read. The adults who could not read were taught, too, and whoever had the knowledge could go teach someone else. Sometimes women even taught men," the grandfather said. When they were hungry and could not grow their own rice, the Communists would give them rice "and fish from Vietnam," the grandfather said. "But they didn't just take things like the government soldiers, who just took our animals. Sometimes they [the North Vietnamese] would trade us salt and ducks for dogs because they ate dogs. Ten or twelve kilos of salt was the price of a dog."

From time to time, the villagers would be asked to serve as porters for the Pathet Lao, which they didn't like. "Sometimes," said the son-in-law, "we had to carry ammunitions and guns. If there were twenty of us, ten might carry the guns and rockets and ten would carry rice. Sometimes we would have to go for several days, but if you were old you did not have to go. In the daytime we would sleep in the forest and move only at night."

The villagers said that the North Vietnamese never asked them to serve as porters because they brought their own porters, mostly women, from Vietnam.

In the summer of 1969, Vang Pao's Armée Clandestine came. "We were hiding when they came," the grandfather said. "There were about two hundred of them. They said: 'Whoever is there, come out. Come out! You cannot stay here. If you stay here, it means you want to go with the Pathet Lao, and we will shoot you.'" And so the villagers were taken away, and the soldiers burned the houses that were left standing. Were they taken by force? "Oh, we were glad enough to go from there because of the bombing," the grandfather said, "but you were not able not to go."

An old woman, also a refugee from the Plain of Jars, sat with her small granddaughter. Her son, the child's father, had died from disease, and another son had been killed by the "bombi"—the word Laotians use for the antipersonnel bombs that spray flesh-destroying pellets when they explode. "He was out transplanting rice at night," she said, "when the planes came. They took him to a hospital in a cave, but he died."

"THE ENEMIES"

"All the houses in our village were destroyed by bombs," the old lady said, "and all we had left was our own bodies. There were ten houses in our village and the *wat* [temple], and the *wat* was destroyed, too. We were always afraid of the planes, and we lived in deep holes as high as a man's head. Maybe fifteen planes would come each day, and we made a place for ourselves in the holes, and we cooked and slept in the holes. The children were very afraid when the planes came, and they cried and cried. The mosquitoes were very bad, and when the rain came, the water would come up to our knees and it was difficult to sleep."

Sometimes the Pathet Lao would ask for porters from her village, too. "My sons and daughters had to go, and I didn't like it. I did not go myself because I am too old. I am sixty-three. Sometimes when the enemies would come near we were really afraid, and there was lots of firing when they came near. Old people do not understand the war," said the old woman.

Many villagers spoke of "the enemies," as indeed they do in Cambodia as well. They do not mean their own enemies. Just the enemies—people who are fighting each other.

The American Embassy, when asked why the Plain of Jars Villages were bombed, says that the rules of engagement in the air war are very strict. The rules are that population centers cannot be bombed, and that villages are hit only by accident—the accidents of war. But in dozens of interviews I had in 1970 and 1971 with people from different towns around the Plain of Jars, the evidence led to the conclusion that the population centers behind the Pathet Lao lines had frequently been bombed by U.S. and Laotian aircraft.

"ALL WE REALLY HAVE"

There are still backwater villages in Laos where it is possible to believe that there is no war, and such a village is Ban Xa Phong Meuk. It is only twelve kilometers from Vientiane, and the wooden thatched-roof houses are built on stilts in the traditional Laotian way. In the heat of the day, chickens, ducks, and sway-backed sows sleep underneath the houses in the shade.

Po Tou Douang was born in the village around the turn of the century, and he has never been further than a few kilometers away. The wooden floor of his open-sided house has a high polish, the result of decades of bare feet upon it. His body is old but tough and sinewy. His eyesight is going, but his hands are still quick and sure at the old skills of weaving rice baskets out of straw or making fish traps or copying Buddhist scriptures onto strips of bamboo leaf. The invasions that have swept across Laos in his lifetime have scarcely touched him. He remembers hearing the guns firing along the Mekong after the fall of France in 1940, when the Thais attacked the isolated French garrisons. Later he heard firing again, and his little son ran to tell him that the Japanese had come to Vientiane. "The French ran away to the North," he said, but he never saw a Japanese in his village.

To Po Tou Douang the Americans are much the same as the French and other foreigners otherworldly and unapproachable beings. Like the *phi*, the magic spirits that haunt all Laotian life, the unpredictable beings must be placated and charmed less they prove dangerous.

In 1969, the Pathet Lao managed to blow up a government ammunition dump about five miles away, and in the false dawn the explosions lit up the sky and the ground shook beneath the village. The people crowded into the trenches they had dug and waited in fear while the ammunition burned and boomed on into the night. The old man remembers the courage of his neighbor who left his trench during the explosions to bring cakes to the village spirit house, in case the village should need supernatural protection.

Save for those few brushes with war, Ban Xa Phong Meuk continues as it has for centuries. The demarcations of the past, present, and future are blurred and softened in the traditional village, and the incidents of war have been like acts of nature which interrupt and punctuate the rhythm of the rice-growing.

Po Tou Douang can read only the Buddhist scriptures, which he has learned by rote from the monks. He has no education and no money. But does the townsman have a better life? "Oh, for sure not," he said. "Take me. During the dry season I fetch water and cut firewood. At the end of the dry season I used to look up in the sky. Ho! Time to plant my upland rice and vegetables, so I got out there in my paddies to plow, and I would stand behind my buffalo, push him along saying, 'Tsk, tsk, hey you! Go straight.' I worked as I liked. If I felt tired or the sun was too hot, I'd stop that day, come back to the house, and rest. The next day I would go back, and soon the plowing and planting and transplanting were finished. Nothing to do for a few months—fetch water, cut wood, fish. Then go harvest the rice, and I was all set for the next season."

The old man's eldest son, Khamphouang, is a townsman. Now in his forties, he has none of the old skills. He cannot weave baskets or make fish traps, nor can he write Buddhist scriptures on bamboo leaves. But he can speak French and English, and he has been to Europe and America.

Khamphouang is an orthopedic technician—a maker of artificial legs. Business is good, for legless men have become something of a cash crop in Laos. He works in the yellow stucco orthopedic hospital in Vientiane—a sad, dusty place on the edge of town.

Sitting in the cool of Khamphouang's office, watching the amputees shuffling about on crutches in the remorseless heat in the courtyard, we spoke of the war in Laos. We spoke of the Air America planes flying into dangerous dirt airstrips bringing rice for refugees. We spoke of the Americans who worked twelve or fifteen hours a day trying to help the homeless and dispossessed and of the bombers, which, with equal vigor and dedication, were bombing people out of their homes. We spoke of the North Vietnamese and Pathet Lao, who were against corruption and seldom stole from the people, and yet who, year after year, continued to kill and maim the men whom Khamphouang tried to put back together.

"We have nothing in Laos," he said. "We have neither money nor factories to make arms. But we have other people from other countries to help us, so all we really have is unending war. If peace does not come soon, I am afraid we are all going to die."

DEAN RUSK'S VIEWS ON VIETNAM

Mr. McGEE. Mr. President, with the recent publication of the Pentagon papers many individuals and public officials have rushed to join in condemnation of four administrations—particularly the Johnson administration—over our involvement in Vietnam. As a result, a number of myths have evolved and these individuals have taken it upon themselves to perpetuate these myths before all the facts have come to light.

However, the whole picture of our involvement in Vietnam is coming into focus. In Sunday's Washington Star, former Secretary of State Dean Rusk provides very lucid answers to the distortions which have arisen as the result of the publication of this 47-volume study.

I, therefore, ask unanimous consent that the article be printed in the RECORD.

There being no objection, the interview was ordered to be printed in the RECORD, as follows:

DEAN RUSK LOOKS BACK ON VIETNAM

Here is a partial text of an interview with former Secretary of State Dean Rusk by Star Staff reporters Crosby S. Noyes and George Sherman:

Q. In discussing the Pentagon papers, you have said recently that you thought the presentation was basically fair in some respects. The criticism has been made that there are major distortions in these papers of the performance and the motivations of the administration in making decisions about the war in Vietnam. Would you comment on how you feel about it?

A. Well, I think the papers that I have seen do bring out the fact that there was very lively discussion within the government during this period about Vietnamese problems. But I do not believe that the net impressions of the papers are accurate as to what was in the minds of the President and his Cabinet colleagues at crucial moments of decision.

Q. Do you think that the effect of these papers is helpful so far as the government as a whole is concerned, or do you think it tends to discredit government in the public mind?

A. Since I have no knowledge as to what is in the 40-volume report, I have no way of making an independent judgment that the report itself was fair and representative, with respect to the tons and tons of materials that are in the State Department, the White House files, and even in the Pentagon on this subject. Since I have not seen the 40-volume report, I have no way of judging whether the press reports that have been published are fair and impartial reflections of the report itself.

I am concerned about the use of anonymous analysts who put thoughts in our minds and sometimes words in our mouths which we had no opportunity to consider and comment about. At no time did those who wrote these reports ask us directly what we had in mind at particular periods. And at no time have any of the press who have been reporting on the contents of the report call me up on the telephone and ask me whether the impressions of a particular analyst were a fair reflection of what I had in mind at that time. So I think that what has happened thus far has been a fragment of an enormous amount of material, the quality and validity of which is not now subject to public inspection and examination and judgment.

Q. Mr. Rusk, you said that what's been published so far didn't represent what was going on in the mind of the President or his Cabinet officers. Could you give us several examples?

A. Well, for example, there was some discussion about the possibility of our taking certain steps to provoke the North Vietnamese to take certain actions which in turn would be used by us as a basis for further action on our part.

Now the President and his Cabinet officers never approved or gave any serious attention to such acts of provocation, because we were not interested in building up the war further, we wanted to scale it down. And it would not have been in our interest nor was it our judgment to provoke the other side into doing things as a basis for further actions on our part.

Q. Do you mean you wanted to scale it down at every stage?

A. At every stage, I think one must bear in mind there would not have been a single American soldier in Southeast Asia shooting a weapon at anybody if Ho Chi Minh had kept his guerrillas and his regiments and his divisions in his own country. That's the most elementary point involved.

I do not get from what I've seen thus far about these reports that much attention has been paid to what the North Vietnamese were doing all of this time. And this is crucial to understand the events of '64 to '65 because it was not until the end of '64 and the beginning of '65 that the North Vietnamese began to move the regiments and divisions of their regular army in what appeared to be an all-out invasion of South Vietnam.

Q. You think there isn't enough historical content in the presentation?

A. That's right, I regret that they even applied the name history to it because I do not have the impression that the disciplines of history were used in the preparation of this report. Had this been taken up as an administration matter in which the Defense Department, the State Department and the White House would try to build up the story of this affair, I'm sure that we would have turned it over to the professional historians in our respective departments who are not subject to day by day and week by week guidance as to what materials they use.

For example, the series called The Foreign Relations of the United States, meets high standards of historical accuracy and I find that aspect missing. I have no way of judging the individual analysts because they're still anonymous. And we don't know what their historical training is, we don't know what their motivations might have been, and what purposes they might have had in mind. So it seems to me there is still much too much secrecy about something which is being acclaimed as a great revelation. What I'd like to see—if this much of the story comes out—I'd like to see more of it come out.

Q. The critics of the war are saying that these papers show that the United States and its government in this period was aggressive, militaristic, deceitful and insensitive to moral and human values involved in the problem of the war in Vietnam. Is that an accurate picture, do you think?

A. I think a good deal of this is nonsense. In the first place, by no stretch of the imagination can one absolve North Vietnam from the perpetration of acts of aggression against Laos, South Vietnam, Cambodia.

International law is not corrupt, it is not frivolous. Look at the important declaration of friendly relations proclaimed by the United Nations General Assembly in its last session which interpreted the illegal use of force referred to in article 24 of the U.N. Charter. It was very specific that every state has an obligation to refrain from the threats or use of force in violating demarcation lines and armistice lines. It was also very specific that they have an obligation to refrain from organizing irregular forces and guerrillas and mercenaries and groups of that sort to penetrate across national boundaries into other countries.

Now as far as deceit is concerned, I want to emphasize that there is a big difference between the wide range of contingency planning and thinking that might go on at staff levels and what might be in the mind of the President and his cabinet advisers as far as policy is concerned. The simple fact is that President Johnson did not bomb North Vietnam until February 1965, when he did approve a small retaliatory raid for the attack on Pleiku, and did not enter into any systematic bombing of North Vietnam until March and April.

Q. You were saying that there was no decision on the bombing until it was clear that there was a large scale North Vietnamese invasion of the South. Would you be more specific on that question because the suggestion in the papers is that there had been a consensus on the bombing before the 1964 election which wasn't carried out until February 1965?

A. There was no consensus on bombing North Vietnam at any time in 1964 that included me, and more particularly, a consensus that included President Johnson.

I think if anyone were to look at the totality of what President Johnson said during the campaign of 1964 rather than just pick up a phrase or two, they would find out that President Johnson made it very clear that we would meet our commitments in South Vietnam, that we believed that an aggression was in prospect, that the course of world peace depended upon our helping to resist that aggression.

He also said that we did not want a wider war, and that was true. We did not want a war as wide as the one we already had. But it was not until very late spring and very early summer of 1965 that President Johnson began to increase the American forces in South Vietnam significantly beyond the totals that had been approved by President Kennedy. Now the reason for that was that President Johnson was faced with a new situation which President Kennedy never had to face; namely, the formal invasion of South Vietnam by the organized units of the North Vietnamese forces.

Q. That didn't come until after the election?

A. It did not come until well after the election. The very beginnings of it came at the end of 1964 and then it began to build up in early 1965.

Q. Do you mean the bombing which began in February '65 was in fact a response?

A. No, I think the bombing in February was a specific low scale retaliatory action. The bombing began in March and built up in April and later. It was inaugurated in the light of the obvious indications that a major invasion of South Vietnam was underway.

Q. This was not clear in any way before the election?

A. We always knew that such a thing was possible. And so if the staff was going to be worthy of their salt, it was up to them to think about all these contingencies and to talk about the various contingencies that we might be faced with. But that's a far different thing from saying that President Johnson had decided in 1964 to bomb the North or to make a major addition to U.S. forces in South Vietnam.

Q. Do you think a larger effort would have been justified?

A. I think the historian would want to study very carefully the gradualism of our responses to North Vietnamese escalation. It is possible that had we looked at it very soberly in 1961 and realized that there was no agreement between ourselves and the Russians on Vietnam—although there appeared to be one on Laos—that the thing to do in

1961 might have been to put in a very substantial number of forces and make it clear from the very beginning that we would take this matter seriously. Even as early as 1961, when it was clear that men and arms were coming down the Ho Chi Minh trail.

But at that time we were trying very hard to take a major step towards peace in Southeast Asia by the agreement on Laos. Had we been able to create an internationally neutralized Laos from which all foreign elements would have been withdrawn, Laos could have served as a kind of buffer between North Vietnam and Thailand—that this would have been a major step toward resolving the problem in Southeast Asia. We were trying to keep the situation relatively calm and low scale in order to give the Laos agreements a chance to come into being and operate.

Q. What would be the effect of a Communist takeover in Saigon today?

A. The peace of Asia is being disturbed by North Vietnamese troops in Laos, South Vietnam and Cambodia, by North Vietnamese trained guerrillas in Thailand, by men in arms that trickle across the Northeast frontier of Burma out of China and by men in arms coming across the 30th parallel from North Korea to South Korea. I gather this Korean activity has cooled down somewhat since I left office.

This doesn't involve a domino theory—just look at what is happening on the ground and you see what is disturbing the peace of Asia. I don't quite see how Asia is going to have peace unless that kind of activity stops, or unless it succeeds and imposes that kind of peace upon Asia.

Q. Going back to 1961—could you expand on how Vietnamese policy tied into Laos?

A. I think the story with President Kennedy starts with the conference he had with President Eisenhower on the day before inauguration in 1961. The subject of discussion was almost solely Southeast Asia. President Eisenhower made the only recommendation he made to President Kennedy—namely that we put troops in Laos. He said do it with others if possible; do it alone if necessary. President Kennedy replied to him at that point that he obviously was going to think about it.

Now when President Kennedy took over responsibility, we looked at the situation in Southeast Asia and we were very much concerned about the rapid movement of the North Vietnamese forces in Laos. The more we looked at it, the more we came to the conclusion that when the Laotians were simply left alone they do very little fighting among themselves and they would find their own way to make internal adjustments.

So we concluded that if these gentle, civilized people in Laos could be left alone that somehow they would manage or mismanage their own affairs. So President Kennedy talked to Chairman Khrushchev about this in 1961 and Chairman Khruschev apparently agreed with this concept.

In the Geneva negotiations on Laos, therefore, we tried very hard to get an agreement. We made some significant concessions compared to the conventional wisdom of the Eisenhower administration. We accepted the Soviet nominee to be prime minister—Prince Souvana Phouma. We accepted a coalition government among the right-wing, the neutralists and the Communists and Ambassador Harriman used great skill in putting together that coalition government. We accepted the international neutralization of Laos.

The difficulty was we never got one day's worth of performance on those agreements out of North Vietnam. They did not take their troops out of Laos, as the agreement required. They did not stop using Laos as an infiltration route into South Vietnam, as the agreement required. They did not permit the coalition government to operate in the Communist-held areas of Laos and did not even permit the International Control Commission to move freely in the Communist-held areas of Laos. That was a bitter disappointment to President Kennedy and his principal advisors, and had a considerable influence on later thinking on these subjects. We knew from June 1961 onward that there was no agreement between us and the Russians on Vietnam. And so President Kennedy began to look towards ways and means of strengthening South Vietnam and giving it support. Even so, we did not want to move so dramatically or so strongly in South Vietnam as to endanger the possibilities of success with the Laos agreement. So we tended to take it easy during that period. We were in the Laos conference from the middle of '61 to the middle of '62. I was among those, like President Kennedy, who wanted to be relatively cautious about what we did, and matters of that sort, in the interest of getting a desired result with respect to Laos.

Q. What about the argument people make that Hanoi's response was to steady escalation, no matter how covertly the Kennedy administration acted in Vietnam?

A. That's just nonsense. If anyone wants to put together a detailed chronology of what was happening on both sides—most of these chronologies overlook what North Vietnam was doing—one would find that American action has been in response to what North Vietnam was doing. Again, I come back to the points that there would not have been an American soldier firing a weapon in Vietnam had Ho Chi Minh not gone after Laos and South Vietnam.

Q. According to the Pentagon papers, Defense Secretary McNamara in 1966 began having second thoughts about a military solution and began turning toward the idea of a political compromise. Did you have second thoughts at that point?

A. No, I did not.

President Johnson used to say that Secretary McNamara was his right hand in terms of denying to the North Vietnamese the ability to conquer South Vietnam, and that I was his left hand, trying to bring this matter to a conclusion by political processes.

The difficulty was that up through 1966, North Vietnam seemed to rely pretty heavily upon its eventual ability to carry out its purposes by military means, and so many of the intermediaries that were involved at this time seemed somehow to think that their problem was to find some means by which the U.S. could save face.

We weren't interested in saving face; we were trying to save South Vietnam. Then after we achieved a military position in South Vietnam through the buildup of South Vietnam forces and the increase in American forces, we made it pretty clear to North Vietnam that they would not be able to succeed militarily. But by that time there was a good deal of division in the United States and I think that they made the decision to simply stick it out and see what would happen on the home front in the United States.

So during one period they had little incentive to negotiate because they thought they were going to succeed militarily. During the remainder of the period they had little incentive to negotiate because they thought that divisions within the United States would make it unnecessary for them to do so.

Q. I take it from what you say that you have a sense of failure about what we did in Vietnam.

A. I don't believe I have a feeling of failure. I'm disappointed that President Johnson and his colleagues, including myself, were not able to wind up this struggle before we turned over the situation to the next administration. In one sense each administration has inherited this from the earlier administration, going all the way back to Franklin Roosevelt. But the point I want to make is that this is not Eisenhower's war or Kennedy's war or Johnson's war or Nixon's war. It's Ho Chi Minh's war. There would not have been a war out there had Ho Chi Minh not gone after Laos and South Vietnam.

Q. Then I take it you do not think we have accomplished our essential objectives in Vietnam at this time?

A. I would not say that we have yet, because in the first place it's very hard to know how the story is going to come out. I don't believe Hanoi has had any incentive to negotiate seriously for some time because I think they are waiting to see how far public opinion in this country will go.

Q. What do you think of the most recent peace proposals in Paris?

A. I think they should be used as a basis for serious, private, probing discussion between the two sides in order to find out what might be possible. On the whole, I'm not too optimistic because I still feel North Vietnam wants South Vietnam and in that case I don't see any particular reason why we should negotiate them into that position—rather simply confess that we're not prepared to do what's necessary to prevent it.

Q. In the Johnson administration, when did you first feel that time was running out for you?

A. We realized that the impact of the Tet offensive in the United States brought about a significant change in the situation in early '68. That was ironic because in Vietnam, the Tet offensive was a failure from the point of view of the North Vietnamese and the Viet Cong. They did not achieve any of their purposes and the net result was to leave them in a greatly weakened position—and the South Vietnamese in a much stronger position. But the political and psychological impact in the U.S. was very different. It could only lead to the conclusion that the Tet offensive was a brilliant success from the North Vietnamese point of view .

Q. They why, after Tet, were such large military reinforcements requested by Gen. Westmoreland?

A. These were figures being discussed on a contingency basis. One could not know whether North Vietnam might commit even larger forces from its remaining forces in North Vietnam. Immediately after the Tet Offensive it was not as clear as it became two or three months later that the situation in the country had bounced back and that the South Vietnamese were in a much stronger position than we expected.

However, even the possibility that under certain contingencies we might consider the necessity of sending in large numbers of additional Americans helped to stimulate the need to urge that we try the bombing halt that was instituted in March 1968 to see, once again, if we could move this problem from the battlefield to the conference table.

Q. When did you make the recommendation for the bombing halt?

A. I think about March 4 and 5 I suggested to the President and he said "Well, get on your horses and prepare a plan for that." Then he thought about it more during the period of March and he did some refining of details and finally announced it on March 31.

Q. The suggestion has been made that you had thoughts of the bombing halt earlier. You talked about it in the autumn of '67.

A. Well, it was not a new idea in '68. We had tried several bombing halts of various durations from a few days to 37 days. And we also had gone through certain periods when we were not bombing within a certain radius of Hanoi or Haiphong in order to give a signal to the other side that various intermediaries were in fact in touch with us.

So there's nothing novel or new about the idea of a bombing halt. We did decide in March '68 to institute one which had no time limit on its face—could not be interpreted as some sort of ultimatum, and with every door open for North Vietnam to respond. Some of us were not confident that North Vietnam in fact would respond because they had not responded on a number of other occasions.

That does not mean that the offer was not made in good faith. We hoped that they would respond and we were prepared to follow up on it if they did respond, but we had had no private indication beforehand for example, that if we instituted that kind of bombing halt, they would reply.

Q. What was your over-all concept of the bombing halt? Was it something to allay public opposition to continuing the war?

A. The chief point was to find a way, if possible, to bring the hostilities to a conclusion, to resolve the problem. Again we tried many channels, devices and bombing halts to try to stimulate something in that direction and we never got any indication from Hanoi that they wanted anything less than South Vietnam. But the major interest was on the international scene and not on the domestic scene. We weren't going through this bombing halt in March 1968 for local domestic purposes. After all, in the same speech, President Johnson said he was not going to run again.

Q. But you did have the feeling at the time that you were losing public opinion in the United States?

A. Yes, we did. But the main purpose was the international purpose of bringing this conflict to an end.

Q. But when you were backing this proposal did you know that President Johnson was not going to run again?

A. Well, this is primarily for President Johnson to say. We had talked the year before about that possibility and his thoughts on the matter and although he had not given the final indication or his final decision, from the middle of '67 onward I worked on the assumption that he would not run again. I said nothing to anybody about it. But that was my own private view.

Q. Did you give any thought to a gradual withdrawal of American troops from Vietnam such as Nixon is doing now?

A. I think that with the buildup of the South Vietnamese forces, particularly in 1967 and '68, and the increase in our capability in supplying them with essential weapons like the M16 rifle, that any President might have reduced the forces somewhat, but that's speculative.

Q. What do you think the strategic importance was of stopping the bombing of the North in March 1968?

A. From a purely military point of view, I personally did not feel it was of great consequence because only about five percent of our bombing sorties were actually made into the far north of North Vietnam. Most of our bombing was along the Ho Chi Minh trail and in the southern part of North Vietnam directly connected with the DMZ in the battlefields.

This is one of the reasons why our military people agreed with the bombing halt in March 1968. And the weather had some bearing on it. The chances of bombing Hanoi in that period were going to diminish and so we thought this opened the way for a bombing halt of a sort which would not endanger our forces in South Vietnam.

Q. Where will Vietnam leave us as a nation? Will it encourage isolationism or a curbing of the power of the Chief Executive?

A. I'm not very expert in the political field, but I'm concerned about some of the trends towards isolationism these days. It's not just get out of Vietnam regardless of the consequences; it's also withdrawal of troops from NATO, deep slashes in foreign aid, quotas on imports contrary to the Kennedy round of negotiations and the general feeling that we should forget the rest of the world and take care of our own problems at home.

Now we have some problems here at home, but we also have a trillion dollar GNP and we can find the resources we need to find for those problems that we have a will to resolve. So I just hope we will not repeat some of the egregious mistakes we have made in the past by moving into a period of isolationism which would encounter very great dangers, indeed.

Q. What would you say to people who call Johnson "the great dissimulator?" In your dealing with him, did you always know where you stood?

A. This is a complete misapprehension of the man. President Johnson thought about the important decisions he had to make for a very long time—very carefully—and he balanced the alternatives and he tried to put himself in the shoes of his opponents to see what the problems looked like from their point of view and he thought about them a great deal.

He did not make his decision until the time came for a decision—when he thought it was necessary to make the decision one way or the other. When he made his decisions he executed them and announced them. All the staff work that was going on down below based on those contingencies cannot be attributed to President Johnson and to what was going on in his mind. So I did not find any deviousness about him in terms of the decisions that he made and his readiness to announce them when they were made.

Q. Do you think he was genuinely reluctant to get involved in a big war in Indochina?

A. Any president of the United States is going to be reluctant about a struggle which is not of his making, which he doesn't want, which we could do without.

It was the tragedy of President Kennedy and President Johnson that what they really wanted to accomplish were far-reaching programs on the domestic side and such things as the partial test-ban treaty and the nonproliferation treaties and the space treaties the Kennedy round of negotiations and the Alliance for Progress and the Peace Corps and the consular agreement with the Soviet Union. All these things. But they had to face the Berlin crisis of '61 and '62 and the Cuban missile crisis and the aggression in Southeast Asia, which was not of their making. This was not what they wanted to have happen while they were president.

Q. This is being presented by some people as an exercise of American military power—as a demonstrative thing. Does that make sense to you?

A. Those who charge that we somehow went into Southeast Asia for colonial purposes or from the point of view of economic interests are just talking nonsense. I've even heard some people now talking about oil in South Vietnam. I never heard about oil in South Vietnam while I was Secretary of State. And you can buy an awful lot of oil for $100 billion. So these charges with respect to motives are just nonsense. Just look at the entire story of the United States since World War II. All we've tried to do is to build some peace in the world and to help the world recover from the war and to get on with some economic and social development and to build some peace.

Q. What about the charge that as a great power we couldn't take the humiliation, once we were involved in Southeast Asia, of a compromise settlement which might foresee a Communist takeover in Saigon?

A. The word humiliation is not the way to put it. The problem is the credibility of the United States under its security treaties at moments of crisis. If people in other capitals—I mean particularly places like Moscow and Peking—should decide that the United States will not meet its commitments under its security treaties, then they can make major miscalculations which would plague us all into war.

Q. Do you think that's a problem today?

A. I think it is and I think it will continue to be a problem.

Q. You say President Johnson reached decisions very slowly. One of the impacts of the Pentagon papers as printed is that the momentum of advice surrounding him was all in one direction. Wasn't he in a sense surrounding himself with people who felt the same way—the way he felt—about the American role in the world?

A. I don't know of any alternative that anyone has suggested that was not considered by those carrying high responsibility in government during that period. I don't think I've even heard of a new idea that has come out of all the public debate on Vietnam that has not been looked at and thought about and weighed and judged in places like the Department of State and the White House.

It's inevitable that something called the Pentagon papers are going to reflect the activities in the Pentagon, more strongly than they do the activities in the Department of State and in the White House. And in any event some of these anonymous analysts simply have no way of knowing what was in the mind of the President and the Secretary of State and the Secretary of Defense on some of these highest questions of policy. Among other things, they didn't even ask us while they were preparing the report.

Q. The other point is that the Pentagon papers themselves have very little of Dean Rusk in them.

A. That's true. This is partly because they apparently have only those State Department papers that were regularly distributed to the Pentagon. Secondly, I didn't write a lot of memos for general circulation in the government.

I wrote a lot of memos to the President and 2,100,000 cables went out of the Department of State with my name signed to them, while I was secretary. But I did not circulate around the government a lot of hypothetical memoranda because I did not want to shape and in any way limit the freedom of discussion that ought to go on in government before decisions are made. President Johnson also was insistent that all possibilities be considered and, as you know, he greatly valued the role George Ball played in bringing to his attention eloquently and forcefully some other points of view.

Q. One last question. In retrospect, do you think eight years as secretary of state was too long?

A. I'm inclined to think so. In the modern world, each year now is worth about three or four years in the pre-World War II era. The demands—physical and nervous energy and all the rest of it—are very great and I'm inclined to think that we ought to work it like a football platoon system. You wear out one team and put in another. But eight years turned out to be a very long time indeed.

Q. In retrospect, do you see any point during your term in office when there was a point of departure to take a different course toward deescalation—before the March 31 bombing halt?

A. Not particularly, given the nature of the aggression, the nature of American commitments and the enormous consequences that might follow from a failure on our part to meet what seemed to the entire world to be a very specific American commitment.

AUGUST DERLETH—IN MEMORIAM

Mr. PROXMIRE. Mr. President, a literary son of Wisconsin is dead. August W. Derleth, of Sauk City, viewed himself as "primarily an entertainer" and a storyteller. He fulfilled those goals well. He told stories that entertained and delighted children and adults. But he was a biographer as well. In addition, he was a literary critic for the Capital Times, of Madison.

In Wisconsin he was best loved for his "Sac Prairie" series. He considered the series of novels his serious work. In the novels he portrayed life in the river towns of Sauk City and Prairie du Sac as no one else, for this was his turf. He loved it as few men love their native soil.

August Derleth was one of those men who made the world just a little bit better for having been part of it.

I ask unanimous consent that an article published in the Washington Post be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

WRITER AUGUST DERLETH, 62, FOCUSED ON WISCONSIN LIFE

(By Ellen Hoffman)

August W. Derleth, 62, a Wisconsin author who wrote 150 books, died after an apparent heart attack Sunday in Sauk City, Wisc.

He died at his home, "Place of Hawks," which bears the same name as a 1935 novel in his "Sac Prairie Saga." The "Sac Prairie" series and his "Wisconsin Saga," which chronicle the life of the river towns of Sauk City and Prairie Du Sac, were considered by Mr. Derleth to be his "serious" work.

"In the overwhelming majority of my books I am primarily an entertainer, little more than the primitive storyteller who had a place at his tribal fire. I believe in communicating as simply and directly as possible, and am not interested in various literary 'isms . . .' Mr. Derleth wrote in a discussion of his work in "Contemporary Authors."

One of the books in the "Sac Prairie Saga," "Walden West," won a nonfiction award from the Council of Wisconsin Writers.

In addition to the two series of novels, Mr. Derleth wrote a series of "Judge Peck" mysteries including "Murder Stalks the Wakely Family," published in 1934, and "Death by Design," published in 1953.

Among his other works are biographies of Ralph Waldo Emerson and Henry David Thoreau; "Solar Pons" stories (pastiches from Sherlock Holmes), supernatural fiction and historical fiction for young people.

Mr. Derleth was born in Sauk City and graduated from the University of Wisconsin. He held a Guggenheim Fellowship in 1938 and was a lecturer in American regional literature at the University of Wisconsin during the early 1940s.

In the course of his career, he had also served as literary editor of the "Capital Times" newspaper in Madison, Wis., and contributing editor to "Outdoors" magazine In 1958, Mr. Derleth created Arkham House, a publishing concern.

He is survived by his mother, Mrs. William J. Derleth, of Sauk City, and two children.

"NORTH CAROLINA: FOR THE DEFENSE"

Mr. ERVIN. Mr. President, in 1964, 1966, and again in 1970, Congress took important steps toward reform of the federal system of criminal justice.

In 1964, Congress passed the Criminal Justice Act. This legislation was in direct response to Supreme Court rulings which greatly expanded the individual's right to legal representation in criminal proceedings against him. The Criminal Justice Act has been a tremendous success in insuring that the legal rights of all our citizens are protected, no matter what their financial position.

In 1966, the Bail Reform Act was enacted. With this act, Congress intended to remove all financial conditions restricting individual freedom. In this long-overdue and praiseworthy act, Congress acted in the finest American tradition by making it clear that in this Nation personal freedom is a precious right shared by all citizens, whether rich or poor.

In 1970, Congress took another important step in improving the quality of justice in the Federal courts. Last year, the Criminal Justice Act of 1964 was amended to broaden its coverage and to authorize public defender organizations to aid persons financially unable to secure adequate representation. These amendments reaffirmed one of the most noble principles of American jurisprudence—that any person, regardless of wealth, age, race, or religion, or creed, who is threatened with the loss of his personal freedom is entitled to the services of skilled legal counsel in any legal proceeding which imperils his liberty.

Both the Bail Reform Act and the recently perfected and expanded Criminal Justice Act reflect the cherished belief of all Americans that in a free society such as ours, a person's freedom and liberty can never be bought or sold, that justice in our courts must never depend upon the size of one's bank account.

On May 5, 1971, it was my pleasure to announce to the Senate that Mr. Tom Karas, of Phoenix, Ariz., had been appointed the Nation's first Federal Public Defender under the 1970 amendments to the Criminal Justice Act. It is with equal pleasure that I announce that, on June 4, Mr. Jim Hewitt, of San Francisco, became the second person in this country to bear that title. During hearings held by my Subcommittee on Constitutional Rights, Mr. Hewitt made an impressive case for the concept of Federal Public Defenders, and to him must go much of the credit for this progressive step in criminal justice. I am delighted that this opportunity has come to him, and I am pleased that the country has enlisted the services of so able and talented a young man for this important position.

But, Mr. President, the Federal judiciary constitutes only one of the 51 separate and unique judicial forums in the United States. If we are truly to reform our system of justice nationwide, each of our 50 States must have a viable method of providing legal assistance for those within its borders who are unable to pay the high cost of legal representation in State courts. I am encouraged by the fact that many of our States have already established such programs. States without these programs can now look both to Federal law and to many of their sister States as well as they seek to meet this urgent need.

I am especially proud to report that my home State of North Carolina is deeply concerned with the quality of justice for its people and is doing everything possible to insure true equality before the law, regardless of a person's wealth or income. An example of this concern is the successful operation since January 1970, of pilot project public defender offices in two of our cities, Greensboro and Fayetteville.

On June 20, 1971, the Raleigh News and Observer published an article by John Coit entitled "For the Defense . . ." That article describes the operation of the 12th Judicial District Public Defender Office located in Fayetteville, N.C. The chief public defender, Sol Cherry, and his two assistants, Jim Taylor and Bill Geimer, deserve special recognition for their diligent efforts on behalf of financially disadvantaged defendants in North Carolina. In his article, Mr. Coit accurately describes the dedication and commitment of these three attorneys when he remarks that—

> The Public Defenders here are dedicated to the most important rule of common law: that a man can be defended in a court of law by a skilled legal craftsman—no matter what the defendant's income.

Mr. President, I invite the attention of Senators to this enlightening article, and ask unanimous consent that it be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

[From the Raleigh (N.C.) News and Observer, June 20, 1971]

FOR THE DEFENSE

(By John Coit)

FAYETTEVILLE.—The third floor of the Cumberland County Courthouse is where they keep prisoners and the cellblocks are hellishly hot. A young inmate, barefooted and open-shirted, is led from the cell area to a sterile white room with an air conditioner where his attorney is waiting.

"Hello," the lawyer says, "I'm *Jim Taylor* of the Public Defenders Office and I'm here to represent you."

"Yeah," the inmate says. He is young, but his eyes are hard. He was on the street at 10, strung out on heroin at 12 and in jail at 18. He is now 23, serving an active sentence of 38 years for armed robbery and breaking and entering in another county. He is awaiting trial here for additional charges of larceny and armed robbery. He will also have to stand trial for escape. He is wanted in Florida for assault and battery.

"On the armed robbery charge," Taylor says," Did you do it?"

The prisoner just looks at him. After some discussion it is decided a guilty plea will be entered in exchange for a concurrent sentence.

Taylor sees an assistant solicitor in the hallway on the bottom floor of the courthouse a few minutes after talking with his client. There won't be any problem getting a concurrent sentence to go along with the young man's 38 years. The state will save the expense of a trial, the inmate will have a chance to gain parole sooner.

That was only a routine exchange in a public defender's day—there wasn't much Taylor could do for the client. Earlier he saw a 19-year-old boy who was in jail for possession of heroin. Taylor had arranged for the lad to be admitted into the South Wing of Chapel Hill's Memorial Hospital to get psychiatric care and evaluation.

"That," said Taylor, "was a victory of sorts."

Taylor is the newest member to the Public Defender's Office here. There are two other lawyers in the "firm" and their work here is cut out for them.

The office was founded in January of 1970 as one of two pilot projects in the state. The other Public Defender's Office is in Greensboro and serves Guilford County.

Sol Cherry is the chief defender and, with the help of assistant *Bill Geimer*, he walked into what would become an avalanche of cases over the next 18 months.

With the rise of drugs in the Fayetteville area the caseload increased and Taylor was hired to help take the pressure off the two exhausted public attorneys.

In 1970 the "firm" handled 872 cases—and represented in court 700 clients. Some of the people who first contacted the office later obtained the services of private counsel.

While the office was to have been a source of competent legal representation for the indigent, you don't necessarily have to be poor to obtain the services to the defenders.

The qualifications a client must meet to get a public defender are to be unable to afford private counsel, be charged with a crime in which the penalty is over $500 fine or six month in jail.

While most of the office's clients are low income people, persons with a moderate income can also qualify.

Explained Cherry, "If you've done something really bad, say a multiple charge of murder is placed against you, the defense bill of a private attorney could be in the thousands of dollars. If a man makes as much as $10,000 a year that won't be enough to pay his legal fees."

A judge must, following the investigation and evaluation of one of the defenders, find whether or not a defendant is unable to afford the counsel he needs to properly try his case.

The office itself is set up nearly parallel to the solicitor's office. Cherry receives the same $20,000 a year salary the district solicitor and the assistant defenders get anywhere from $11,000 to a maximum of $14,000 annually.

All the salaries of the attorneys, the investigator and the legal secretary are paid by the state treasury as is the operating expenses of the office.

The office here serves the 12th Judicial District of Cumberland and Hoke Counties. Sneed High, a local attorney and a Cumberland representative in the General Assembly, sparked the idea of the Public Defender's Office and fought for it over 10 years in the House.

"I felt counsel for the indigent should be a specialized field and the indigent should have competent counsel," he said. "When we first started looking for public defender system most Superior Court judges and members of the Courts Commission were opposed to it."

However, after several years of studying programs in various other states the pilot program for the system was passed.

Said Cherry, "Most court-appointed attorneys get their cases when they reach the Superior Court level. We usually see a client after he's been in jail a maximum of three days and can't make bond."

Under the court-appointed system, a private attorney had to give up other fees to take a case—thus hurting him financially, even though he is given a compensation by the state.

"We are becoming known as the only criminal law office in the county," said Cherry. Other lawyers, he said, have other legal commitments other than criminal cases.

Until Taylor's arrival Geimer and Cherry were swamped in work—which kept them up late into the night and stole their weekends.

"Last November," he said, "Bill and I didn't know if we could keep on going we had such a case load."

Even now, the day of the three lawyers is jammed with appointments. A date in District Court Two, a conference with a client, a lengthy afternoon session on a murder trial, a brief to present to the Court of Appeals, are a part of every day.

And then there are the jobs the defenders don't get paid to do; jobs usually left to priests, shrinks, bartenders or other professional listeners. There are calls in the night, kids on bad trips who need somebody they can trust and call in the middle of the night and the lady who says, "Can you help my son?"

A long-haired kid with a money order sent from his mother to come back home on says he can't get it cashed. He doesn't have any identification. He's been in a bit of trouble, and the defenders are the only people he knows.

One of the lawyers goes to a bank and vouches for the kid. He gets his money and the ticket home.

What kind of men—with the potential of making a great deal of money in private practice—would have this job?

There is Sol Cherry, who began his life in Eastern North Carolina. Raised in Bertie County, he was educated at the University of North Carolina, graduating from law school there in 1953. After several years as an Air Force lawyer, he came back to private practice.

Cherry has seen the law from both sides of the fence. He served as an assistant solicitor several times between his private practice.

He calls himself the "Establishment Lawyer" in the office. From his years as an assistant solicitor he has learned the intricate ways to make legal deals in judges' chambers; that is, to argue for his clients' fate outside the open courtroom.

Jim Taylor is the scholar of the law, an artistic man sensitive to the protection the law provides those it serves. Educated at Wake Forest and Duke, where he received his law degree, he also served in the Air Force.

A native of Snow Hill, he worked in private practice there and later worked as a researcher at Chapel Hill on the President's Special Committee for Consumer Interests.

And Bill Geimer, his hair just falling over his collar, his liberal views freely expressed, is the "activist lawyer."

Geimer, says Cherry, has the best rapport with the drug users. He also is an unofficial advocate of anti-war coffeehouses here. More than once Geimer has been there when officials looked as if they might move in on the place.

Geimer is the son of a military family—and he relates to Fayetteville. Nearly a career man himself, he rose to major in the Military Police Corps of the Army before getting his law degree at the University of North Carolina.

Now he pursues the advocates' role with a passion, and calls this work, "as the most personally rewarding experience I've ever had."

The public defenders here are dedicated to the most important rule of common law; that a man can be defended in a court of law by a skilled, legal craftsman—no matter what the defendant's income.

And perhaps more important than that, in a time where money becomes a dulling balm for dedication, they are advocates who care.

DOROTHY ELSTON KABIS

Mr. ALLOTT. Mr. President, I join with all Senators, and with all her legions of friends, in mourning the passing of Mrs. Dorothy Elston Kabis, Treasurer of the United States.

In public office, and in the service of the Republican Party, she combined vision and practical wisdom in the perfect proportions.

Her career is a model of exemplary achievement in public life. As such she has left a valuable legacy: her record demonstrates that there is no conflict between a full public and private life for a woman in this Nation.

A gracious lady, a devoted and skillful public servant, a long-time and very dear friend—Dorothy Kabis will be missed.

SENATOR THOMAS J. DODD

Mr. PELL. Mr. President, the death of a neighbor and former colleague brings sadness to any of us, and in this regard I join with those who express their regret at the death of Senator Dodd. He was a courageous Member of our body who had behind him a long and distinguished career in the law.

I particularly admired Senator Dodd's long and tireless efforts to place effective and reasonable controls on the sale and distribution of firearms and his efforts to find solutions to the problems of juvenile delinquency.

I know, too, what a wonderful family man was Senator Dodd and how full of grief must be the hearts of his wife and children. To them and to all his friends I extend my utmost sympathy.

EMOTIONAL IMPACT OF PUBLICATION OF PENTAGON PAPERS

Mr. McGEE. Mr. President, as the emotional impact of the publishing of the Pentagon papers subsides, more rational minds are assessing not only the 47-volume study itself, but also the news media handling of this study.

In this morning's Washington Post, Dr. Walt W. Rostow is quoted as warning that the publication of the papers "will foster a spirit of neoisolationism that could endanger arms-limitation talks and stimulate new Soviet threats against Israel and elsewhere in the world."

Dr. Rostow also questions the handling of the subject by the New York Times, particularly in the impression it conveyed that President Johnson was deceitful in his handling of our involvement in Vietnam.

Both points scored by Dr. Rostow are worth careful consideration. The dangers inherent in the resurgence of isolationism in this country, coupled with an undermining of faith in the Presidency, are all too real. It would, therefore, ill behoove this country to give credence to what has become a distortion of our involvement in Vietnam. The stakes of world peace are all too great at this moment to be shattered by the recent ill-conceived events associated with the publishing of these documents.

Mr. President, I ask unanimous consent that the article, written by William Greider, be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Disclosure Hurt United States, Rostow Says

(By William Greider)

Walt W. Rostow, one of President Johnson's key advisers on Vietnam, complained yesterday that publication of the Pentagon papers will foster a spirit of neo-isolationism that could endanger arms-limitation talks and stimulate new Soviet threats against Israel and elsewhere in the world.

"If the people in Cairo and Moscow believe America is on a slide toward isolation and withdrawal," Rostow warned, "then it behooves them not to make a settlement with Israel. It behooves them to wait until the American capacity to cope, the will to cope, is further disminished and then take another cut at Israel."

Rostow said the "first initial effect" of the recent publication of the Pentagon's Vietnam war policy papers has been to undermine faith in the presidency and to strengthen an emerging mood of isolationism. In a breakfast meeting with reporters, the former foreign policy adviser who is now a professor at the University of Texas, employed strong language to denounce the publication of the documents which he contends distort the truth about how the United States went to war in Vietnam seven years ago.

The publication of the Pentagon papers, Rostow asserted, "did not just hurt President Johnson. It encouraged the widespread notion that, well you can't believe a president. I think that hurts the country, especially because it is based on a distortion of the evidence."

In particular, Rostow complained that The New York Times' treatment of the classified documents was "the shoddiest piece of journalism I've seen since I entered public life in 1941." He reserved comment on how other newspapers handled the issue because, he said he hadn't read them.

"The Times headline writers, lead writers, editorial writers and columnists all went beyond the Pentagon papers in conveying around the world the charges of deceit by the President, charges which are not substantiated by the papers themselves," Rostow said.

Specifically, he cited "three levels of distortion:" the recounting of 1964 contingency plans as if they were "concealed prior decisions to put American military forces into the war;" the account of an administration consensus in September, 1964, to bomb North Vietnam while none existed, and the report that Mr. Johnson decided in April, 1965, to shift to offensive use of U.S. ground troops and then concealed the decision for two months.

Rostow contended that the administration's true intentions were misconstrued at each point. He challenged the widespread judgment that President Johnson's Vietnam strategies in that period were influenced by the simultaneous need to win the 1964 election. "There is not one scintilla of evidence," the former Johnson adviser insisted, "that the election determined in any way the decisions taken in the war by the President."

The revelations, he conceded, might have some limited benefit if the controversy leads Americans to reconsider their national interests in foreign affairs—"to look back, not just at Vietnam and Asia, and see just what our interests are."

Otherwise, Rostow expressed an almost total reaffirmation of the policy assumptions of the early 1960s which led to the war, conceding very little in error from the decision-making which is now being subjected to hindsight judgments and attack.

Appearing on "Issues and Answers," (ABC-WMAL), Rostow said that even knowing now that the war would cost 50,000 lives and more than $100 billion, he still thought it was worth the effort to maintain the balance of power in Southeast Asia.

"If we had walked away from Asia or if we walk away from Asia now, the consequence will not be peace," Rostow said. "The consequence will be a larger war and quite possibly a nuclear war . . . If you believe that, then the pain is worth taking."

In his judgment, "the greatest error" of the 1960s was that the United States did not react sooner and more forcefully to the North Vietnamese threat against its neighboring countries. In the Laos accords of 1962, Rostow related, the Soviet Union agreed to make sure that their Communist ally did not use the Ho Chi Minh trail in Laos to supply guerrilla forces in South Vietnam, but it was immediately clear that this agreement was not being honored.

Rostow believes the U.S. should have "reacted immediately and with whatever force was necessary short of nuclear force." It was the lack of a strong response which led to the longer war later, he said.

Aside from that point, Rostow yielded on none of the foreign-policy judgments to which he contributed in the State Department and the White House. A week ago former Secretary of State Dean Rusk conceded on television that he had underestimated the determination of the North Vietnamese to wage war, but Rostow said he did not make that miscalculation himself. He believes the North Vietnamese made an "egregious error" in underestimating the South's determination.

THE ALL-VOLUNTEER ARMY

Mr. TAFT. Mr. President, on June 8 I stated that—

> The rejection of the pay increases recommended by the Gates Commission would constitute a serious blow to our attempts to proceed toward an all-volunteer army.

We have now received word that the House-Senate conferees have tentatively agreed on a $2.38 billion pay and allowance increase as opposed to the $2.71 billion provided in the House bill and the $2.78 billion provided by the Senate bill. The figures in the Senate bill, after the adoption of the Allott amendment, reflected the recommendations of the Gates commission. I strongly supported that amendment, and so did a considerable majority of the Senate.

Since 1964, I have consistently supported our national objective of proceeding toward an all-volunteer Army. I believe that with the adoption of the pay increases recommended by the Gates commission, we would have put ourselves in a position to phase out the draft during the next 2-year period and end peacetime conscription. I recognize the need to make any phaseout an orderly one and therefore was prepared to support a 2-year extension if there was some assurance of a phaseout during that period.

With the rejection of my amendment to limit inductions to 100,000 in fiscal 1972 and 60,000 in fiscal 1973, I supported the selective service bill only very reluctantly, and only because the Allott amendment, implementing the Gates pay recommendations, could be viewed as a first step toward the all-volunteer Army.

The rejection by the conferees of this pay schedule, in my judgment, makes an extension of the Selective Service Act in its present form very unwise. Without the strong incentives for an all-volunteer Army as provided by the Allott amendment, and without the compulsory winding down of the draft as provided by my amendment, I can see that we may well be right in our present situation 2 years from now.

America has properly had a historic opposition to peacetime conscription. Since the conference report for House Resolution 6531 does not contain these provisions which would force a gradual elimination of the draft system, I believe that adoption of this conference report would be a grave mistake.

We should not permit the Selective Service System to hang like a sword of Damocles over the heads of another generation of young Americans.

Mr. President, if the pay provisions in the conference report are as reported by the press, I expect that I shall vote to reject the conference report on House Resolution 6531.

FUNDS FOR EDUCATION

Mr. PELL. Mr. President, as chairman of the subcommittee on education, I was pleased to learn that the President yesterday signed into law the education appropriation bill. I am particularly pleased that in signing the bill the President acquiesced to the wisdom of Congress in increasing the education expenditures for this fiscal year by some $375 million beyond what his administration requested.

This marks one of the first real signs that the administration is willing to make a strong fiscal commitment to education, and I applaud it.

I also note from an account in the Washington Post that the President chided Congress for its failure to act on some of his proposals in the education area.

As chairman of the Senate's education subcommittee, I must respond that the Senate has moved with speed and, I believe, with wisdom on education legislation. In fact, I believe the Senate has established an admirable record.

On April 26, the Senate sent to the House, S. 1557, the Emergency School Aid and Quality Integration Act. I believe this was one piece of legislation the President mentioned in his message of yesterday.

This Wednesday the Committee on Labor and Public Welfare will take up S. 659, the Education Amendments of 1971. This landmark bill, which contains a provision for grants to college students, as a matter of right, is, of course, not the legislation that the President asked of Congress for higher education. He would have had the Federal concept of higher education assistance changed from one of grants and loan to one of loans on the open money market.

What my subcommittee has proposed instead is an increased grant program, having rejected total reliance on loans. Perhaps it is this decision by the subcommittee that has nettled the administration.

Finally, the President asked about his suggestion for revenue sharing in the area of education. The subcommittee is studying his proposals, but has received little indication of support for those proposals from the public or the education community.

I believe that the Senate has moved ahead diligently in the field of education, and I would hope that the President would see fit to sign into law the other major education bills that Congress will send to him during this session.

FOREST MANAGEMENT STUDY IN WYOMING

Mr. McGEE. Mr. President, the United States Forest Service, through its regional foresters in Denver and Ogden, has completed an in-house study of the agency's management on four of the high mountain national forests in the State of Wyoming—the Teton, Bridger, Shoshone, and Big Horn. As one who has been critical of the forest service and its parent, the Department of Agriculture, for unwillingness to agree to thorough investigation of forest management policies by competent outsiders, I must say that the special study team which compiled the Wyoming report has done what I consider to be a good job. Nevertheless, their 81-page report on timber harvest and the environment of these four national forests—so important not only to my State of Wyoming but to the Nation—reinforces me in my belief that an even more thorough interdisciplinary investigation of forest management practices, particularly the practice of clearcutting timber, is a necessity.

The bill which I have introduced—S. 1592—would provide for such a study and I am hopeful that the Senate will move ahead to recognize that such an investigation, as the New York Times put it on April 13, "is much needed." The forest service survey contains many admissions to past sins against the environment in these four irreplaceable forests. For example:

> All four forests were observed to have examples of excessively large clearcutting. In some places, stands lying between or adjacent to large cuts were removed, producing openings of over one thousand acres.
>
> We believe that there have been inadequacies in planning, in execution, and in evaluation of management actions on all four of the Wyoming forests, and that the evidence justifies concern for the future.
>
> On several cuts we observed, recreation was obviously not even considered when the timber harvest was planned.
>
> Before the mid-1960's, wildlife was apparently not even a consideration in the attempts to control beetles by cutting.
>
> Our observations confirm that roads are the greatest man cause of stream sedimentation in the forests.

All of these statements, and there are others akin to them throughout the agency's report, illustrate the reasons why a confrontation has developed between the United States Forest Service and a large segment of the public—in Wyoming and in the Nation—over the agency's stewardship.

It is not my intention to stand here today in order to point the finger of blame at the Forest Service, the Department of Agriculture, or anyone else. What is important is that we learn from the past and relieve the public of its uncertainty over what is going to happen to its forest lands in the future.

Regarding clearcutting, the committee concluded, not unsurprisingly, that the forest managers should continue to use this method of harvest where it can be used in harmony with management objectives for the unit of land. My impression from reading the report was that clearcutting to date has certainly not always been used in harmony with the multiple-use concept which is the law of the land. So-called temporary roads, opened to permit the harvesting of clearcutting patches, have in a majority of cases been left opened, according to the committee, even though it observed that none of man's activities in the forest contribute more to poor water quality than do roads.

The report I am discussing today constitutes a review based on field examinations, the gathering of statements from Forest Service personnel, and communication with individual citizens and representatives of a number of organizations. It does not, in my opinion, present sufficient objective and quantitative data on the many-faceted problem which we must encounter if we are to insure that the national forest lands of America will, insofar as is humanly possible, be managed in the best long term interests of the people of this country. Let me give an example:

In Wyoming, clearcutting really got underway as a means, well intentioned, of controlling bark beetle infestation. To this day, anyone who publicly criticizes the widespread use of clearcutting as a means of combatting beetles is subjected to heavy criticism himself from those who would contend there is no other means of protecting the woods against disastrous epidemics. This I know from experience.

The Wyoming Forest Service team states flatly on page 8 of its 81 page report that:

> The use of timber cutting as a means of control of bark beetle infestation led to logging where no logging should have been done. The experience of the past ten years has demonstrated that this logging was largely a vain effort but at one time it appeared to be a logical extension of Forest Service policies aimed at Forest Service protection.

Mr. President, there is obviously a disagreement between the competent professionals who conducted this study and other professional foresters, and the public is entitled to a thorough, scientific answer so that it can make up its own mind regarding the management of the land it owns.

In another area, the Wyoming Forest Service team observed that the economics of timber harvesting is such a complicated field that we could envision no way to discuss it adequately.

It cries for adequate discussion, Mr. President. We need an extensive investigation, not only of this question of economics, but of many other questions involved in the day-to-day and year-to-year management of these lands and other national forests from coast to coast.

The committee states that it does tend to agree that timber harvest could create a potential harassment of elk during rutting and calving, but says there is not enough information available to really know. We in Wyoming, and indeed people from every State, need to know.

In summary, Mr. President, the committee's report carries throughout its 81 pages a recurring theme that is expressed in words such as: "too little is known about desires and needs of recreationists," or "there is just enough information available to tantalize us," or "much more research is needed to determine the true costs and benefits of management alternatives, including clearcutting."

In my opinion, Mr. President, the Forest Service's report on forest management in Wyoming is a valuable contribution. It needs to be followed up, and not only for the forests of Wyoming but for all the national forests of America. In Wyoming, as elsewhere, the overwhelming concern about national forest management deals with the subject of clearcutting, that method of harvesting timber which requires that all the trees in a given tract of land be removed. If indeed it is a reasonable means of silviculture for our national forest, there can be no doubt in the mind of anyone who would read the Wyoming Forest Service study report, or some of the previous literature on the subject, that clearcutting has been used to abuse the land as well. My bill asks that this practice be stopped for a period of 2 years, during which alternative harvest methods which are open to the forest managers can be used, in order that an independent commission with members cutting across a number of disciplines, and not just including professional foresters, could make the type of thorough investigation which is called for.

MAN CANNOT CONTROL THE NATURAL WORLD

Mr. McGEE. Mr. President, in recent years we have learned that man cannot control the natural world, as much as his ego would like to believe he can. The more man meddles with nature without attempting to understand the delicate interrelationships, the sooner man will cease to be part of that world. We must come to understand and accept our role of coexistence with our cohabitants.

Few creatures have stirred the human spirit as greatly as the mighty eagles, both the golden eagle that was the symbol of the Roman Empire and the bald eagle that is our own. Few creatures have stirred the human heart—with both fear and respect—as the wolf, the grizzly bear, and the cougar. The recent killing of eagles in Wyoming has once again given these disappearing birds our well-deserved attention.

An excellent series of articles which deals in depth with our relationship to these animals was written by Verne Huser for the fine environmental newspaper the "High Country News."

I ask unanimous consent that the series be printed in the Record.

There being no objection, the articles were ordered to be printed in the Record, as follows:

Predator Control in Wyoming—Part One:

Of Predators and Poisons

(By Verne Huser)

Wyoming is a big state, and it has a big predator control program. The livestock industry and the hunting and fishing industry seem to find predators incompatible with live stock and wildlife, ignoring ecological evidence to the contrary and persecuting numerous species. The biggest predator-control agency in the state is the U.S. Bureau of Sports Fisheries and Wildlife's Division of

Wildlife Services headed by Fred Christensen and headquartered in Casper. Christensen has a staff of three area supervisors and thirty-two field men plus a pilot. In addition to this Federal program, three counties—Campbell, Converse, and Johnson—have their own predator control programs and ranchers often organize campaigns against a wide variety of so-called predators.

With agriculture—largely sheep and cattle raising—running neck-and-neck with tourism as Wyoming's second leading industry, predator control programs enjoy heavy financial support at the county level, and even the Wyoming Game and Fish Commission—charged with the jurisdiction of "all the wild animals, birds and fishes within the state,"—contributes $40,000 a year to the Federal program. In Teton County, where there are virtually no sheep and where only a dozen ranchers are making a living raising cattle, the county kill levy for predator control is four times as high as the county library fund levy (is it more important to kill predators than to provide good books for people to read?). One group of ranchers in the southwestern part of the state provide a $500-a-month incentive to kill coyotes. Predator control is big business.

The Federal predator control program makes use of four major methods of destroying predatory animals and birds: trapping, poisoning, denning, and shooting. The first two methods are highly non-selective. The latter two methods, while somewhat more selective, are extremely unpopular with the public that is becoming more and more aware and concerned. Trapping is widespread on both public and private lands. Poisoning involves both 1080 stations (baits treated with sodium fluoroacetate) and cyanide guns (called "getters"), neither very popular with the public.

Denning, digging the young out of dens and killing them any convenient way, is usually done in the spring when the creatures have their young. Dens are located, often with the help of dogs, and the young are destroyed. Shooting includes both calling from blinds (often using the simulated cry of an injured rabbit) and searching from aircraft as well as ground hunting on foot and horseback. Leaving trapping, denning and shooting for a later discussion, let's take a closer look at the poison practices of predator control programs at all levels in Wyoming.

Cyanide guns, small explosive charges that fire a cyanide pellet into the mouth of any animal that triggers the mechanism by nibbling a scented rag, are used extensively throughout the state. They have killed numerous pets and, in other states, have come close to killing people on more than one occasion. In Teton County alone, 23 coyotes were taken by cyanide guns in the Cliff Creek area of Teton National Forest the summer of 1968 on a handful of sheep allotments, and as many as 40 coyote getters were set in the Gros Ventre county last winter by Game and Fish personnel.

According to Christensen, 30% of all coyotes taken in Wyoming are killed by the cyanide guns, which he says are selective depending upon where they are located. In fact they are not nearly as selective as predator control authorities would like to have the public believe. Christensen himself admits that they also kill foxes, skunks, and domestic dogs, but that seems to be okay—these non-target species are pests and predators too and can be sacrificed. But what about the rare and possibly-extinct (in Wyoming) wolf, the wolverine, even the grizzly bear?

The big poison problem in Wyoming is 1080, which is used legally by the Federal agents and misused by the agents of the three county predator control programs and even worse, by illegal users throughout the state who possibly get their 1080 through the three county programs (1080 is controlled by the Federal Government, but an awful lot of it shows up throughout the state in out-of-control situations). This potent poison, for which there is no known antidote, is dangerous under any circumstances. It is an ecological crime to introduce 1080 into the ecosystem, but to date only two states—Kansas and New York—have outlawed it use. Legally 1080 is used throughout Wyoming with the exception of Teton National Forest (even there illegal baits have been found). It is also used in Targhee National Forest west of and adjacent to Yellowstone and Grand Teton National Parks and in Shoshone National Forest just east of Yellowstone (there are a total of thirty-four 1080 stations within a 50-mile radius of Yellowstone's eastern boundary.) There are seven 1080 stations on the Targhee in Teton County. All these stations threaten the endangered wolf that roams widely in Yellowstone and probably doesn't know the boundary lines. They possibly threaten the grizzly bear and the wolverine and for that matter, any man-eating animal in the area.

For coyotes 1080 is used at the rate of 0.8 grams for 50 pounds of meat or 1.6 grams for 100 pounds of meat. That means a single pound of 1080 is enough to treat 28,350 pounds of meat, enough to kill thousands of coyotes. The three-county predator control agencies in 1968 purchased 75 pounds of 1080 (Converse County, alone bought 28 pounds). Either an awful lot of meat was set out as poisoned baits—say something over two million pounds) or the dose was extremely high (high enough to kill all kinds of non-target species) or a lot of the poison leaked out of the three counties to be used illegally by untrained private ranchers.

Christensen claims that 1080 is selective in its killing potential but admits that non-target species such as bears, badgers, skunks, wolves, wolverine may be killed by the poison. Cats, he suggests, avoid poison baits, and eagles, he says, regurgitate the poison and are not killed by 1080. In California where the last remnants of the California Condor are slipping over the edge of extinction, a number of the great birds have been found in recent years, dead from the 1080 they picked up through eating rodents killed by the poison. This secondary poisoning is a distinct possibility, and scholarly authorities disagree with Christensen's suggestion that eagles will resist 1080 poisoning. Yellowstone National Park research biologist Douglas Houston is concerned about the proximity of 1080 stations to the habitat of free-ranging carnivores in Yellowstone and Grand Teton National Parks, and dog-owners everywhere need to be cautious.

The selectivity of 1080 is highly questionable. Baits are poisoned for coyotes, but a skunk, which won't eat as much of the treated meat as a coyote, doesn't need as much poison to kill it, and a grizzly bear, which will eat much more than a coyote, needs more 1080 to kill it. There is also evidence that as the stricken coyotes run from the source of poison and regurgitate the toxic substance that is killing them, the poison is spread to grasses and herbs.

Two baits set out by illegal poisoners were found on the Teton National Forest last winter by Wyoming Game and Fish wardens, but when they returned a few days later to pick up the baits, they were gone. No signs warning of the baits had been placed, and one of the baits was actually in the stream, no doubt poisoning the water for a considerable ways down-stream—and 1080 is just as fatal to man as it is the other carnivores. It is in this same area that one trapper reports that there are no longer any mink or martin—all have been poisoned by illegally-placed carcasses; it is in this area that one rancher reports there aren't enough coyotes left to clean up the natural carrion on his place. Federal trained baiters are required to leave baits in the open, never near water and never in the timber—and always marked.

In 1967 one of the same wardens who found the illegal carcasses last winter obtained a conviction on a charge of wanton waste of game animals related to illegal 1080 baits found along the Big Sandy River on BLM lands in the Green River Basin. A Rock Springs sheep rancher pled guilty to killing animals out of season (six quarters of deer and antelope had been injected with 1080), wanton waste of animals injected with 1080, and abandonment of parts of game animals. He refused to reveal his source of 1080, but Game and Fish authorities suspect that it came from the Johnson County Predator Control Board, probably indirectly. When a Buffalo (Johnson County) trapper was convicted on a similar violation, the Predator Control Board paid his fine. Obviously, 1080 is readily available throughout the state from unknown sources quite likely in the three counties that have their own programs since the sale of 1080 is controlled by the Federal Government.

According to one game warden, the Division of Wildlife Services trappers are legal and use dead lamb and horse baits. They are willing to testify at any time against those who practice illegal poisoning because they fear that with too much illegal poisoning going on in Wyoming, it will blow sky high and ALL poison baits will be outlawed. (The Jackson Hole Environmental Action Society has recently recommended that all poison campaigns in Wyoming be phased out since they are ecologically unsound and environmentally dangerous). Many DWS agents believe that poison is necessary to control coyotes, and that coyote control is an important tool in maintaining wildlife populations. Yet the creatures that are targets of the poison campaign are also wildlife under Wyoming law and as such deserve protection too.

Two basic things happen when the coyote is persecuted: first, coyotes that survive begin to reproduce at a higher rate because their food supply is more plentiful (rodents and rabbits over-populate providing more food for more coyotes). Second, if the control program is pushed too hard and the coyote population actually does decline, other species—the red fox, the bobcat, the skunk, and the badger—move into the area to replace the coyote in controlling the exploding rodent and rabbit populations. If such nonselective methods of predator control as trapping and poisoning are used, eventually all the predators are decimated, and the rodents and rabbits take over, eating more grasses and herbs and forbes than the livestock. Basically, predators turn to domestic livestock for the most part in areas that have been overgrazed, in areas where their natural prey has been driven out by man's management programs.

Christensen stresses the point that in areas where coyotes have been reduced, other predators fill in the gaps. It therefore seems obvious that there is a place for the predator in the pattern of things. He believes that coyotes actually keep fox populations in check, not only through food competition but by actually killing foxes. Christensen, by the way, does not consider a carnivore a predator unless he causes economic damage.

"The coyotes in Teton County and the mountain lions west of Cody (in the wilderness areas) are not predators in my book," he says, but he does believe that "coyotes and lions are killers that kill for fun, especially the lion because he moves so much." (How ecologically unsound! How viciously man-centered! No predator has ever caused the extinction of any species. Man has!) Christensen estimates the mountain lion population of Wyoming at between 50 and 75 animals.

It might be appropriate at this point to relate a story that Dr. DeWitt Dominick told at the Dude Ranchers Convention in Cody last November. Dr. Dominick, a retired physician and a former member of the Wyoming Senate, runs a cattle and dude ranch in Sunlight Basin. Last spring Dr. Dominick lost three calves to what he at first thought was a bear but turned out to be a mountain lion. The calf-killer got away, however, and wasn't seen or heard of again until early last fall when Dr. Dominick was driving a dude out to the ranch at dusk. The lion—or a lion—ran across the road ahead of the car, and the dude, seeing his first cougar in the wilds, was ecstatic. Dr. Dominick felt that it was worth losing those three calves just to experience the guests's excitement over seeing a rare wild animal in the wilds.

The wolf has returned to Yellowstone, and not a few of the tourists who come to Wyoming every summer are looking for him. More and more people seek out the grizzly bear, the mountain lion, even the bobcat and coyote, the lynx and the rare wolverine just to look at, just as a wilderness experience. And when we kill predators here in Wyoming, we are actually killing the potential tourist industry. We have something unique here in Wyoming—something that brings millions of tourists here every summer—but we're doing our dead level best to destroy it, be it a free-flowing Green River or a rare species of wildlife.

When a game warden sees a pair of coyotes kill an adult bighorn sheep, does he examine the animal for signs of sickness or an injury? Seldom, and the coyote becomes a villain in the eyes of the warden and his associates who hear the story. Every sound ecological study ever made concerning predator-prey relationship indicates the value of the predator in keeping the species healthy.

Turning to the livestock industry, circumstantial rather than ecological evidence is the basis for most of the knowledge cattlemen and wool growers have concerning predators. A brochure published by the Campbell County Wool Growers Association relates the story of a huge eagle (with a wing spread far in excess of ten feet—which is about two feet too much for me to accept) killing a fully-grown antelope. The fact that the antelope was "the last in the band" suggested nothing (sounds to me as if the animal was unfit, perhaps diseased). Nor did he examine the carcass of the kill to determine the health or condition of the animal.

Statistics published by the U.S. Department of Agriculture and the Wyoming Department of Agriculture concerning ranchers' losses to predators seem highly exaggerated, especially if you consider that they are based upon a questionnaire sent out to ranchers asking them to estimate their losses. Only 38 percent of the ranchers return the questionnaires, but the losses, I believe, are prorated on 100 percent. The estimates are often highly inaccurate, again due to circumstantial evidence. Weather and disease kill a lot of the animals listed as predator kills, and who gets blamed for the kills is usually left up to the prejudices of the rancher. Two examples should help to illustrate this point.

Before the red fox was officially listed as a predator in Wyoming, no one bothered to list the red fox as a source of lamb loss, but the first year the red fox was added to the questionnaire as a predator, suddenly 800 lambs were lost to red fox predation.

More than eight thousand lambs were reportedly lost to eagles in 1969. Eagles feed heavily upon carrion, and most of the lambs they feed upon were dead before the eagles found them if we can believe any of the ecological evidence from dozens of studies. Fred Christensen himself has said that as long as he has been in Wyoming as head of the DWS he has seen a total of three lambs that might have been killed by eagles—this out of the thousands of carcasses he has examined.

Is the eagle really a major killer of lambs or do the ranchers label him "killer" just because he cleans up the carcasses of weather kills and disease? Ecological evidence suggests the latter as Sec. of the Interior Walter Hickel pointed out to Governor Hathaway last spring and summer when the governor tried to get Hickel to open the season on eagles in Wyoming to appease the sheep ranchers.

PREDATOR CONTROL IN WYOMING—PART TWO: "OF EAGLES AND OLD WIVES TALES"

(By Verne Huser)

In my discussion of predator control and poisons two weeks ago, I gave the eagle only passing mention, but I'd like to take a closer look at the eagle situation this week. Even though the bald eagle and the golden eagle are both protected by Federal law, many ranchers insist upon killing these majestic birds. And well they might in Wyoming where State Game and Fish laws list the golden eagle as a predacious bird to be killed at will. Wyoming laws also list a so-called "brown eagle" on the predacious bird list. What that might be is anyone's guess: perhaps the immature bald eagle, which doesn't get its white head and tail plumage until its fourth or fifth year.

A pair of bald eagles that nests near the Snake River in Grand Teton National Park has used the same nest for at least fifteen consecutive years, raising a total of 28 eaglets during that time. Yet the bald eagle population of Jackson Hole has actually declined in that period. Why? The eaglets are driven away from the nest site when the parent birds begin nesting activities for the new years. The eaglets—now ten or eleven months old and able to take care of themselves—migrate to lower elevations, often in areas where sheep graze such as the northwest corner of Colorado along the Green River between Flaming Gorge and the Gates of Lodore. Many of these young eaglets, lacking the conspicuous white head and tail of the adult, fall prey to careless hunters and careful sheep ranchers, who still insist upon killing many protected birds.

Kenard Baer, assistant regional supervisor for management and enforcement with the U.S. Bureau of Sport Fisheries and Wildlife stationed in Albuquerque, New Mexico, told me a few years ago that up to 70% of the eagles killed in the so-called predator control programs are actually immature bald eagles. Bald eagle populations in the 48 contiguous states declined by a thousand birds (3700 to 2700) between 1963 and 1968, a five-year period. The primary cause was DDT, but other attrition factors come into play when reproduction of young is slowed down. Wyoming's breeding bald eagles seem to have little DDT in their systems; out here indiscriminate shooting—and I'm afraid some very discriminate shooting—replaces DDT as the major killer (the new high-neutral system of power lines also kills many eagles in southwestern Wyoming). Our bald eagle population, especially in the West, will continue to decrease as long as golden eagles are persecuted since few eagle killers differentiate between goldens and immature balds.

Bald eagles, by the way, were not always protected. In 1940 the Bald Eagle Protection Act was passed by Congress, but until 1953 there was a bounty on bald eagles in Alaska Territory. Residents of that northern-most state blamed the bald eagle for killing salmon—they didn't like the competition. It took a major food study of the bald eagle to prove that while eagles do feed upon salmon extensively, they feed almost exclusively upon the spawned-out salmon that are dying. Yet during the bounty days, 120,000 bald eagles are reported to have been killed. And during all that time, the bald eagle was our national bird.

When the Golden Eagle Protection Act was passed in 1962, the bill had to go through the office of Wayne Aspinall, Chairman of the House Committee on Interior and Insular Affairs. Mr. Aspinall represents northwestern Colorado, sheep country and mining interests. To please his wool-growing constituents, he insisted upon a loophole clause in the bill that said the Secretary of the Interior may open the season for the taking of golden eagles if the Governor of the state requests such action. Governors are subject to constituent pressure so whenever lambing season came around, the wool growers called the Governor, who contacted the Secretary of the Interior, who automatically opened the season on golden eagles. Hundreds of the great birds died at the whim of the sheep ranchers—and along with the golden eagles died dozens of immature bald eagles.

Things changed in 1969, however, when Walter Hickel became Secretary of the Interior. He brought in Leslie Glasgow as Under Secretary in charge of wildlife, and Glasgow, who had been head of the Louisiana Fish and Game Department, insisted upon ecological evidence instead of old wives tales. Golden eagles feed heavily upon carrion, and most of the lambs that they are found feeding on have usually died of other causes earlier (I will produce evidence to support this statement later in this discussion). On this circumstantial evidence the Wyoming wool growers base their statistics that suggest they lost more than eight thousand sheep, and lambs to eagle predation in 1969.

Glasgow sent trained biologists into the field to verify the lamb losses to eagles, and he found that the lamb losses were seldom caused by eagles. The dead lambs had unmarked hoofs indicating that they had never walked—they were, in fact, stillborn. I've talked with veterinarians about the problem of lamb losses, and I've been told that as much as 40% of the lamb loss attributed to eagles are actually disease kills. Whatever the case, in 1969 Secretary Hickel, on Leslie Glasgow's advice, did not open the season on golden eagles nor did he in 1970, despite Gov. Stan Hathaway's repeated attempt to pressure him into doing so. Any golden eagle killed in Wyoming during the past two years was killed in violation of Federal law.

The question must have arisen in your mind by now: how harmful are eagles to sheep and lambs? I don't deny that an eagle can kill a lamb or even a full-grown sheep or a deer or an antelope, but I've found little real evidence that they do so as a regular pattern except in unusual cases. Fred Christensen, who—you will remember—heads the Division of Wildlife Services (the Federal Government's multi-million dollar predator control program) in Wyoming, told me that during the years that he's been back in Wyoming as head of the DWS, he's seen only three lambs that might have been killed by eagles—out of the thousands of carcasses he's examined. He says that in his book the eagle is no predator, and he hates to see them killed. He says further that he knows for certain that eagles are being killed in Wyoming and in other states. Before his return to Wyoming, he spent some years in Texas; he reports that killing eagles from airplanes is still practiced in the Trans-Pecos country of West Texas despite Federal laws against such practices.

Yet, the sheep ranchers insist that they lose thousands of lambs and sheep to eagles every year. According to the Wyoming Cooperative Livestock Report, Wyoming wool growers lost 7700 sheep and lambs (mostly lambs) to eagles in 1965, 8800 in 1966, 6700 in 1968, and 8200 in 1969. In Montana a similar report suggests the loss of 16,400 sheep and lambs in 1967 and 17,100 in 1968.

How are these statistics arrived at? A questionaire is sent to the ranchers asking them to estimate their losses. In Wyoming only about 38% of the ranchers return their questionaires, but the statistics are prorated for 100%. A recent publication of the wool growers suggested that if 20% of the area of the State of Utah produced so many eagle-killed lambs, that five times that number must have been killed. Also, the statistics are based upon an estimate. Few sheep ranchers have ever seen an eagle kill a lamb, but when the rancher sees the eagle feeding on a lamb, he knows for certain sure that the eagle is guilty of the kill.

Leo G. Heugly of the Colorado Cooperative Wildlife Research Unit and Department of Zoology at Brigham Young University studied livestock-golden eagle interaction in West Texas a few years ago and found that only 5% of the lambs lost were eagle kills. A questionaire study of the rancher estimates suggested a 13% loss of eagles. But when the same ranchers filled out the Cooperative Livestock Report questionnaire, they estimated a 43% loss to eagles. Heugly found that only between 1 and 2% of the lamb crop was lost to eagle predation.

Heugly's study was conducted in the area where the biggest eagle shoots were conducted, where one rancher is supposed to have killed 1200 eagles in a single year from an airplane and another brags of having killed over twelve thousand in a 20-year period. Heugly points out that the sheep population in Texas has increased 125-fold since just before World War II. Tremendous pressure from the sheep ranchers has decimated the eagle population.

Several golden eagle food studies have been conducted in recent years that provide sound ecological evidence concerning eagles' prey. John Beecham's study in southwestern Idaho involved 483 prey items found in 61 golden eagle nests over a two-year period. This was in an area of 1700 square miles. He found no evidence of lambs or sheep (he did find 70% of the eagles' diet consisted of mammals, mostly rabbits).

An old-time rancher in the area—an area that supports no less than a pair of nesting golden eagles per thousand acres—says that in fifty years of ranching in the area, he's never lost a lamb to an eagle.

Another study in the same area by Michael Kochert of the Idaho Cooperative Wildlife Research Unit, University of Idaho, suggests similar findings: 84% mammals, mostly rabbits and rodents.

Erwin L. Boeker, wildlife biologist with the Bureau of Sport Fisheries and Wildlife, studied golden eagle populations in the Trans-Pecos country of West Texas and New Mexico and later in the Rocky Mountain West. He found that most of the wintering eagles in the Trans-Pecos left the area before lambing time; he also found that eagles depended upon rabbits for 75% of their diet. Concerning banding records, he found that 70% of the bands were recovered during the first year of the eagle's life and that 72.9% of the bands were recovered in the state where they had been placed on an eagle (ten of ten in Wyoming, ten of twelve in Colorado). Few bands were returned from Texas or New Mexico, where ranchers seem less cooperative than in other states.

W. Bruce Arnell, Department of Biology at Brigham Young University, conducted a food study in three areas of central Utah and found that rabbits comprised 97.7%, 92.8% and 81.2% of the eagles' diet in the respective areas. He found no evidence of either lamb or deer in the nest sites. Several nests were located immediately above lambing grounds.

Arnell's study included 521 prey items, 377 of which were rabbits. He calculated that the rabbits killed by the eagles would have eaten as much grass as 70 sheep. The eagles were thus providing more forage for the sheep without molesting any of the lambs or the sheep.

All of these food studies suggest that golden eagles are hell on rabbits and rodents. It makes me wonder if the recent rabbit drives in Idaho in which tens of thousands of rabbits are killed a la My Lai would have been necessary had the coyotes and eagles not been persecuted with poisoning and traps and aerial shooting.

Statistics provided by Montana livestock loss reports suggest that the larger the flock of sheep, the greater the predation. For example, in Montana in 1967 lamb losses to eagles were estimated at 4.2% in flocks of less than a hundred, but in flocks of between 100 and 1000, the losses were up to 15.5%. In flocks of between 1000 and 2500, the losses were 16.7% and in flocks of more than 2500 the lamb losses were 23.9%. In a similar report concerning sheep loss to all predators only 1.1% of the sheep were lost in flocks of less than 100, but predator loss of sheep was 7.4% in flocks of 100 to 1000, 8.2% in flocks of 1000 to 2500, and 16.4% in flocks of more than 2500. If the statistics are accurate—based on wool growers' estimates—then all the ranchers have to do is to run smaller flocks.

Another practice that makes me doubt the wool growers' statistics concerns the shepherds. Frequently the sheep herders feed their families on lambs and sheep from the rancher's flock and credit the loss to predators. Shepherds have been known to trade a nice fat lamb for a bottle of cheap booze and chalk up another lamb loss to the eagles or the coyotes. I'm merely suggesting that livestock loss statistics are nebulous at best and downright dishonest at worst, and I can't see the eagle taking the blame for poor statistical methods.

Dr. John Craighead reported in National Geographic Magazine on an eagle study in Montana on an area that supported 30,000 sheep. He found that only one lamb could be verified as an eagle kill during a lambing season. He also cited a study in Scotland involving a flock of ewes that produced 4,000 lambs over a five year period in an area where golden eagles were numerous. A total of seven lambs were verified as losses to eagles.

In the Trans-Pecos area of West Texas—great eagle country—a sheep rancher found a golden eagle nest with two young birds in it on his sheep range. Instead of killing the eaglets, he decided to show those dern conservationists the truth about eagles and lambs. He observed them and the parent birds and doubled the surveillance of his flocks. And he staked out a lamb near the nest site, feeding and watering it every day. For 57 days the lamb remained unmolested. It was never attacked by either of the adult eagles, and the rancher lost not a single lamb to eagle predation. The rancher became a believer when he saw his range support four eagles on nothing but rabbits and rodents.

How on earth did Wyoming sheep ranchers lose 8,200 sheep and lambs to eagles in a single year? Incredible! I have rarely talked to a sheep rancher who can verify a lamb's being killed by an eagle. I've heard some wild stories about eagles swooping down to pick up a lamb—even one about an eagle that carried a full-grown ewe across Hell's Canyon—but I know eagles well enough to realize that the rancher was not being honest with me. I've seen bald eagles fish, and I've seen golden eagles take ducks out of the air and rabbits on the run. The descriptions I've heard from sheep ranchers don't convince me. I say again, I don't deny that an eagle can kill a lamb, and I'm sure that at times they do, but they don't kill lambs as a general rule. They don't kill eight thousand in a single year in Wyoming!

I recall talking with a sheep rancher from California a few years ago while I was camping and hiking in Yosemite National Park. He began telling me about his problem with a golden eagle—a golden eagle, not golden eagles in general. He told me that he had one old eagle on his ranch, a big bird that liked lamb; that the eagle had killed eight lambs that spring (he knew it was the same eagle because it had a couple of wing primaries missing). He asked the California Fish and Game Department to live-trap the offender—just that one "bad" eagle because he had no case against eagles in general. But they refused. He took matters into his own hands, shot the eagle the next time it came around, and dropped it down an abandoned mine shaft so that no one would find it and persecute.

I'm with him. If a particular eagle is guilty of killing lambs in the spring, he should be controlled. But just as certainly, the eagle species should not be persecuted as a whole.

But eagles continue to be persecuted in Wyoming and in other Rocky Mountain states where sheep are raised, mostly on public land. Just last month, some 25 eagle carcasses were found buried in a ditch in central Wyoming. Poisoned, trapped, shot, the eagle deserves better treatment for all the rabbits and rodents he kills. It seems time for ecological evidence to replace the old wives' tales that govern Federal predator control programs and sheep-rancher initiated persecution of this great bird and his bald cousin.

People need to know more about eagles and what they're really like. May I suggest a trio of books that might help: The Eagle In Fact and Fiction by Johanna Johnston, Pinion. The Golden Eagle by Leslie Whitten, and The Golden Eagle by Robert Murphy. But better still, go out and watch the eagle in the skies of Wyoming or Colorado, of Idaho or Oregon, of West Texas or New Mexico. Watch his flight and his stoop; watch what he kills and what he eats. Only real knowledge can save the eagle from the old wives' tales that currently threaten his very existence.

Predator Control in Wyoming—Part Three: "Of Monsters and Methods"

(By Verne Huser)

Predator control has become a national issue since this series began just a month ago as major articles on the subject have appeared in Sports Illustrated and in National Parks and Conservation magazine (the New Yorker carried a simmilar article nearly a year ago, but apparently the time was not yet ripe for predator control and its accompanying poisoning programs to achieve national concern). An educational TV station in Denver is currently working on a feature dealing with predator control, and two major national conservation organizations have just filed suit against the Federal predator control agency to put an end to the abuse of the environment inherent in its far-reaching programs.

Defenders of Wildlife has for years tried to reveal to the public the practices of the Division of Wildlife Services (what a name for the agency that has as its primary goal the destruction of wildlife that serves as the natural control mechanism in an ecosystem!). Now the Sierra Club has joined DOW in a suit against the Secretary of the Interior, Acting Director Spencer Smith, and DWS chief Jack Berryman in an attempt to stop the predator control program on the grounds that it has not complied with the National Environmental Policy Act which requires that any Federal project conduct an environmental impact study before any of its programs begin.

Informational hearings on land management practices on public lands will be held early next week in Washington, D.C., by Senator Frank Church's Public Lands Subcommittee of the Senate Committee on Interior and Insular Affairs, and predator control on public lands will surely come up for serious consideration. Perhaps it would be fitting then to consider just what monsters fall into the predator category and just what other methods (besides poisoning) are used to control these monsters on public lands (one definition of the word MONSTER is "a threatening force," and certainly predators are monsters to those powers that litter our landscape with potent predator poisons).

In Wyoming the list of predatory animals includes the "bobcat, lynx, wolf, lion, coyote, skunk, badger, civet cat, weasel, porcupine, jackrabbit, racoon, red fox and stray cat." (In Utah a predatory animal is any carnivorous animal not classified as a game animal.) Predacious birds in Wyoming include "English sparrow, magpie, sharp-shinned hawk, cooper hawk, gos-hawk, duck hawk, golden eagle, brown eagle, kingfisher, blue heron, great horned owl and crow." A reclassification bill introduced into the Wyoming State Legislature during the 1971 session would have given protection to all hawks, owls, eagles, the blue heron and the kingfisher as well as the mountain lion, but while it passed the House, it was held up in Senator Don Jewett's committee so long that the Senate never got around to voting on it.

The duck hawk (peregrine falcon) is one of the endangered species as far as Federal designation is concerned, but endangered species status does not necessarily provide protection. Thus in Wyoming an endangered specie is still persecuted (as is the golden eagle and whatever a brown eagle might be—immature bald eagle?) Another endangered specie, the rare black-footed ferret, has no legal protection in Wyoming, and while it is not persecuted as a predator, it is indirectly persecuted whenever prairie dogs are persecuted as pest rodents, for the black-footed ferret feeds almost exclusively upon prairie dogs. Wipe out the prairie dog, and you almost automatically wipe out the ferret, too.

Let's take a look at these monsters, the predators. Are they really as harmful as the predator controllers would have us believe? The mountain lion, rare in Wyoming (Fred Christenson has estimated a state-wide population of between 50 and 75) after decades of persecution, is still on the predator list despite the fact that several sister states in the Rocky Mountain West have given this great cat protection of sorts by classifying it a game species and in some cases, closing the season as Wyoming did temporarily on the grizzly bear a few years ago. The mountain lion is not even listed on the Wyoming Cooperative Crop and Livestock Report among the top half-dozen predators causing cattle and sheep losses. But he is none-the-less persecuted. (By contrast, more livestock is lost to domestic dogs, but they cannot be killed by Game and Fish personnel to protect wildlife or livestock.)

The Canadian lynx is so rare in most of Wyoming as to be considered endangered as far as the state is concerned (if the state were concerned about endangered species). And certainly it can in no way be considered a major predator on livestock or on game.

An outdoorsman may consider himself fortunate to see one. The bobcat, however, is often considered a serious predator on sheep and lambs as well as on several small game species, both bird and animal. But the fact remains that bobcats are scarce in areas where coyotes dominate. How serious is bobcat predation? According to the Crop and Livestock Report mentioned above, 3.2% of Wyoming's sheep and lamb losses in 1969 were attributed to bobcats, an estimated value of $122,000. (This estimate, however, is based upon the same faulty statistical method suggested in my last article.)

Campbell County Wool Growers' Association reports in a brochure entitled "Wyoming Ranchers: Custodians of Wyoming Wildlife," that "Coyotes and bobcats have no respect for deer and antelope any more than they have for sheep and calves when hungry or because of their desire to kill for the sake of killing." Such nonsense simply denies all ecological evidence, belies every major study of predator food habits, and brings to mind the fact that no predator but man has ever caused the extinction of a species. This fact suggests that man has no respect for certain species of wildlife but that predators other than man take what is easiest to get and consequently help maintain the balance of nature. Can the bobcat seriously be considered a major predator on domestic livestock when weighed against his predation upon rabbits and rodents? Many experts consider the bobcat at least partially beneficial to agricultural interests, especially in a state like Wyoming.

The inclusion of the stray cat on the Wyoming predator list puzzles me most of all. This is not because I don't consider such feral animals dangerous to wildlife (hardly to domestic livestock), but rather because stray dogs are, by the sheep ranchers' own statistics, the second leading killers of sheep and lambs. If the stray cat is on the predator list, why isn't the stray dog? The Wyoming Game and Fish Commission has had major problems in some areas with game-killing dogs that often run in large packs, yet the wardens are powerless to control them. Certainly, domestic dogs running wild cause much more havoc among both domestic livestock and wildlife than all the stray cats in the state. The cats are no doubt bad on birds, and probably they should be on the predator list as introduced species, but so should stray dogs. Is it man's sentimental attachment to dogs that keeps "man's best friend" off the predator list? Sentiment and prejudice should not dictate our game laws; they should be based on sound scientific evidence and ecological principles.

Cats, especially the bigger ones, seem to be less susceptible to 1080 poisoning than the canines because most of them prefer to feed upon their own kills. But hunger may drive them to 1080 stations during the winter months. Members of the weasel clan, however, are particularly endangered by 1080 poisoning, and by a curious paradox of Wyoming Game and Fish laws, an equal number of weasels are listed as predators and as fur bearers, four.

Protected fur bearers can be—and often are—killed by poison baits as readily as are the target predators. The skunk, badger, weasel (both long-tailed and short-tailed) and the civet cat (if that is the spotted skunk) are all recognized as predators under Wyoming law. The marten, the mink, the fisher, and the otter are all classified as fur bearers and as such are at least partially protected. The wolverine, another weasel (as in the blackfooted ferret) remains unclassified but may not be taken by trap—but what happens if a wolverine blunders into a trap set for something else?

The otter cannot legally be trapped either, and if one dies in a trap, the animal is supposed to be turned over to the Game and Fish wardens for disposal. Fishers are so rare in Wyoming that they are all but non-existent, yet they can be trapped during the fur season. The fisher's main food source, the porcupine, is so abundant in Wyoming that he too is on the predator list because of the damage he does to conifers, and land owners frequently poison the porcupine. Were the fisher protected and encouraged to propagate, perhaps he might control the porcupine naturally. Mink and marten are relatively plentiful in areas where illegal 1080 stations have not wiped out whole populations of carnivorous animals—but that has happened on some national forest sheep allotments in Wyoming.

Skunks may carry rabies, and rabies seems to be spreading in Wyoming, a state where the dread disease has not been common in the past. Skunks may eat bird eggs. They also eat rodents and reptiles and insects. Where do we draw the line between harmful and beneficial attributes? Is the skunk persecuted because of his affinity for rabies? or because of his odor and nuisance quality? or because he really is doing serious harm to man's wildlife and domestic poultry? These questions need to be answered by field research. Will the skunk get a fair deal in a state so devoted to game species?

The badger is almost totally beneficial to man. Perhaps he too eats bird eggs, but when you consider all the bird- and bird-egg-eating rodents the badger kills, on which side of the ledger does he belong? The weasels? Why are they on the predator list? Bird eggs again? Or domestic poultry? In Wyoming there are hardly enough chickens and turkeys, except in a few localized areas, to matter in the whole scheme of things, and again, the rodent-killing capacity of the weasels makes them more helpful than harmful. In some states they are protected as fur bearers, a strange protection to be sure, but better than persecution as predators.

The jackrabbit is a predator in Wyoming, presumably because he eats too much forage that rightfully belongs to the cattle and sheep. Doesn't anyone recognize the fact that rabbits overpopulate when coyotes and bobcats and eagles are reduced? Does no one see the relationship between the fisher and the porcupine? Protect a predator and you may reap unexpected results. The racoon is a predator in Wyoming: why? I once had a pet 'coon that ate almost everything he could get his hands on (and racoons do have hands) including eggs, but he loved frogs and crayfish best of all. He could catch and kill small fish, and he was fond of insects. Is he so dangerous to Wyoming wildlife that he too must be controlled? I wonder how all the wild creatures got along before man came along to control the predators.

Have you ever examined the casts of hawks, owls and eagles? The raptors regurgitate the indigestible parts of the prey they eat—bone and feather and fur—and you can tell positively what a bird of prey has fed upon. Great horned owls eat skunks and stray cats and rabbits and rodents; they even occasionally eat porcupines. Why persecute a bird that feeds so heavily upon what man considers pests? Wyoming Game and Fish laws relating to predators and predacious birds seem out of touch with ecological evidence. But this fault lies with the Legislature more than with the Commission, it seems to me. Many of the faults would have been corrected by the reclassification bill (HR253) that Jewett sat on too long to enable the Senate to take action. Wyoming's attitude toward the controls of nature must be changed. Predators are important to the balance of nature, and man's use of natural range for livestock is subject to natual controls. Overgrazing destroys the range, but predators protect the range by killing rabbits and rodents and larger ungulates (even domestic livestock) when they overpopulate. The presence of predators should be a gauge to our understanding of the balance of nature and our wise use of the natural range, whether it be private land or public.

These then are the predators in Wyoming, the creatures that are poisoned and shot and trapped in the name of predator control, which often leads to further control as the balance is upset: kill coyotes, and rabbits increase; kill rabbits and eagles turn to lambs. I've discussed poisoning programs to some extent in an earlier article in this series, but three other methods of predator control continue to decimate predator numbers: denning, shooting and trapping.

Denning, the practice of finding predator dens and destroying the young of the species by gassing or by shooting or by spading (hitting them over the head with the shovel used to dig them out of their den), is one of the basic control methods used by the DWS. It may be a bit more selective than most methods employed, but it is a brutal method by most standards. (As is the common Idaho practice of rounding up great masses of rabbits and clubbing them to death on rabbit drives, barbaric family picnics sponsored by church groups and Boy Scouts and civic organizations.) Any predatory species that falls under the eye or the spade of the denner dies, even such useful species as badgers and skunks, which are generally considered more beneficial to farmers and ranchers than they are harmful. (Badgers seem to be listed as predators more for the fact that they dig huge holes in the ground than they are for destroying useful or game species.)

Shooting, another basic method of predator control practiced by the Division of Wildlife Services, includes the practice of calling predators with the sound of a dying rabbit and shooting the unsuspecting carnivore from a blind or hide-away, a highly sporting activity practiced by many "sportsmen" in the state. It is perhaps more sporting than shooting coyotes from a snowmobile in mid-winter snows: the animals, run for miles in the fresh powder, drop from exhaustion only to be run over and clubbed and shot by the daring young man on his snow machine. Most hunters in Wyoming will aid DWS agents by shooting predators on sight, but perhaps the most effective method of shooting is from the air. This practice was used effectively against eagles until it was outlawed—and it continues to be used by lawless predator controllers, though it no longer enjoys official sanction.

The DWS does use airplanes and helicopters to control coyotes and bobcats and almost anything that will run from the noise of a plane. One Rock Springs rancher is reported to have hired a helicopter for three hours and killed 40 coyotes. At least one flying gunner in Wyoming has made a practice of killing game animals from a plane, then landing and poisoning the carcasses with 1080 to kill predators in out-of-the-way areas. Recently, Utah's Senator Frank Moss and Wyoming Senator Cliff Hansen amended an antiaerial-shooting law to allow ranchers to kill predators from the air on their own land, but since most ranchers consider as their own land those Federal lands on which they graze their livestock, chances are extremely high that we will have a new rash of aerial killing of predators, even on public lands.

Trapping is perhaps the most indiscriminate method used by the DWS though it is difficult to see how anything could be less discriminating than 1080. Christensen himself admits that this is the least selective control method used, but it is also the most widespread. Trapping by Federal agents is used extensively throughout the state, even in areas adjacent to national parks. Only the No. 3 Victor Special trap with offset jaws is used officially. Many fur trappers use the conibear traps, which kills instantly, but trapping—even for fur bearers—is so indiscriminate that frequently other species are taken including the partially-protected wolverine and the fully-protected otter. At least three bear cubs were trapped and left to rot in the traps on sheep range in the southern portion of Teton National Forest a few years ago, and a standard practice on Wyoming game bird farms until recently—when a Wyoming Legislator questioned the practice and a member of the Game and Fish Commission put an end to it—was pole-trapping birds of prey and leaving them to rot in the trap.

Trapping seems to be too indiscriminate a tool for effective use in controlling predators. Too often predator control programs are aimed at a whole specie instead of individual animals or birds that may be guilty of predation, and too often the method used is so shotgun in character as to be ineffective against the target species (though it may do a great deal of damage to non-target species). Little proof of real predation is necessary for the DWS or a local predator control agency to initiate a major campaign. In fact, predator control campaigns seem to be automatic whether there is any real problem or not. Consequently, numerous species of Wyoming wildlife are persecuted without just cause, and the ecological patterns have been altered in many parts of the state, often to the detriment of the overall wildlife picture and even to the disadvantage of the livestock.

When rodent-eating birds and animals are reduced by predator-control programs, the range suffers, and a new poison campaign is initiated. All the wild creatures have their place in the total picture. Remove any one, and you have an unnatural situation that man may not have learned to control. Man can learn from nature if he will, and man cannot afford to destroy anything.

The English sparrow, a predacious bird in Wyoming, is unaffected by bacterial infections. Why? We don't know, but we'd like to destroy this pesky critter before we find out. Buffalo are immune to malaria. Is there anything in that fact for man? Yet, we almost wiped the whole specie off the face of the earth. There is much man knows, even about the natural world, but there is infinitely more that he does not know. Will man destroy his own chance for survival because he doesn't know enough about predators? It is possible.

Every specie has its worth—though man may not yet have discovered it—and to allow any specie to disappear forever is an ecological crime that man cannot afford.

PREDATOR CONTROL IN WYOMING—PART FOUR "OF COYOTES AND WOLVES"

(By Verne Huser)

Coyotes and wolves—and their domestic cousins, dogs—probably do more damage to domestic livestock and in a sense to wildlife than do all other predators together. But just how much real damage do even these larger and sometimes numerous predators actually do?

Coyotes no doubt kill man's sheep, but how often do they do so in areas that have been overgrazed? The sheep themselves may be predators upon the land. Wolves may feed heavily upon deer or caribou or Dall sheep, but are they really endangering a species? Man himself is wiping out a specie of wildlife every year somewhere on earth. Let's have a longer and deeper look at the canine predators than most ranchers are willing to take and try to evaluate the predation caused by wolves and coyotes and even dogs.

Ten years ago Justice William O. Douglas wrote a book called My Wilderness: East To Katahdin about several of his wilderness experiences across the country. The second chapter, which is entitled "Wind River Mountains," deals basically with a pack trip into the Bridger Wilderness with three Wyoming outdoorsmen and conservationists: John Borzea of Rock Springs, Carroll Noble of Cora, and Olaus J. Murie (now deceased) of Moose. The quartet discussed predator control programs as they rode through the wild country in which much of the native wildlife had been destroyed by poison.

Olaus Murie explains that coyotes do kill deer and antelope, but he suggests that his "studies show that the ones taken are usually the sick or the weak. The great regulator of wild populations is food deficiency. "It is not predators. Predators don't eliminate them. Hunters take a few, not many. Real disaster hits those fine herds (of deer and antelope) when sheepmen turn grass meadows into dust bowls." That happened in the Wind Rivers.

Justice Douglas relates his further discussion with Murie, who was at that time the executive director of The Wilderness Society: "The poison baits dropped from planes killed everything that ate meat—coyotes, bears, fox, martin. They were mostly cleaned out." Then Carroll Noble extends the condemnation: "Birds that eat carrion died when they ate animals who had eaten the poisoned bait. That blasted poison almost wiped out our camp robbers (Canada or grey jays)." And to Douglas' question "Any Coyotes left?"

Murie answered "None in these mountains. They were all poisoned out."

Olaus Murie's brother Adolph authored two important books that shed much light on canine predators: The Wolves of Mount McKinley and Ecology of the Coyote in the Yellowstone. Both of these reveal that the wolf and the coyote prey primarily upon the unfit and actually insure the vigor of the ungulate herds without decimating their populations and at the same time control rodent populations to some extent.

In his study of the coyote in Yellowstone, Adolph Murie reports poison campaigns against wolves and coyotes in Yellowstone National Park as early as the winter of 1874–75 when strychnine was used. Early Park superintendents, both civilian and military, recommended a continuing predator control program in the park, aimed primarily at wolves and coyotes. Between 1904 and 1935, when predator control in the Park finally came to an end, a total of 121 mountain lions, 132 wolves, and 4352 coyotes were killed in Yellowstone.

An interesting note in Murie's second chapter ("Population and Mortality") was based on Forest Ranger Obsen's observations in the adjacent Absaroka National Forest. The coyote population actually decreased during the second and third winters after predator control stopped in the park, though there was a slight increase in coyotes the first winter following the termination of the control program in the park. This trend is evident in a number of studies that have followed Murie's pioneer research. Both wolves and coyotes apparently reproduce at a greater rate when they are persecuted, primarily because their food supply increases with the reduced population of wolves and coyotes, and healthier animals produce more offspring more often. Murie's findings would suggest that predator control programs actually keep the predators healthier just as natural predation keeps the prey species healthier: both insure survival of the fittest.

Douglas Houston, who has studied the Shiras moose in Jackson Hole, bears out many of Murie's findings. A National Park Service research biologist, Houston, who was stationed in Grand Teton National Park but is now located in Yellowstone, suggests that predators and prey species live together naturally in harmony and balance. But when man enters the picture, control becomes a new factor. Man determines a level at which the predator may exist (it may even be extermination). Under natural conditions, the predator rarely controls its prey. Rather, the availability of prey controls the number and the vigor of the predators.

It follows that major predation problems occur in areas that are overgrazed, either by wildlife or by domestic livestock, because prey species are initially overpopulated, a factor that produces healthy and numerous predators. Ultimately the prey species become scarce, and the predators must rely upon domestic stock, which is artificially maintained at a higher level than the range will carry. A predator, after all, takes what is easiest to get, and predators are only predators in relation to man as a consumptive user.

A deer herd may be perfectly healthy and in balance, but hunters may demand more deer on the range than it can carry as predators are wiped out. Park Service Naturalist Bryan Harry used to shock visitors to Grand Teton National Park with his true story of what happened on the North Rim of the Grand Canyon in the early '20s: predator control practices on the Kaibab National

Forest allowed the deer to overpopulate so tremendously that they starved to death at the rate of 70 per acre.

Fred Christensen, director of the Division of Wildlife Services in Wyoming, has said that he does not feel that the coyotes in Jackson Hole should really be classified as predators since the damage they do to domestic livestock is minimal. Virtually no sheep are raised in Jackson Hole, and while coyotes may be plentiful, so are carrion and rodents; consequently predation upon domestic calves is relatively rare.

Houston believes that large predators "may be overrated as a major control in harsh environments" such as Wyoming and Montana where as many as half of the lamb losses in a late spring may be due to weather.

The coyote on the National Elk Refuge serves an important function as a sanitary engineer. Dozens of elk come to the refuge in the late fall or early winter injured or crippled as a result of a poor shot during the just-ended hunting season. Many die during their winter on the refuge, and the coyotes clean up the carrion with a little help from the ravens and magpies. (Yet in areas where poisoning is allowed, there aren't enough predators to clean up the natural carrion). Basically coyotes serve more to scavenge than to kill the large ungulates, and they are a most effective rodent killer. Wolves may kill more of the larger ungulates than coyotes do and therefore act more directly as a control factor on their populations, but wolves also help control rodents.

Turning back to Murie's coyote study in Yellowstone, I find the food study most interesting. Murie found that coyotes in the relatively natural situation of Yellowstone National Park fed upon elk carrion four times as heavily as they fed upon elk calves. Elk carrion constituted roughly 13% of their diet to 3.3% for elk calves and only 1% for deer and a mere .02% for deer fawns. Field mice constituted more than a third (33.9%). Grasshoppers added nearly a twelfth (almost 8%) and snowshoe hare comprised more than elk calves (3.4%). Mice and gophers alone were responsible for more than half of the coyote's total food supply (55.54%).

This study was conducted between May 1, 1937 and March 7, 1939—just after the Yellowstone predator control program had ended. But Murie found that "In Yellowstone, after 4 years of absence of artificial control, it is apparent that coyotes have not multiplied according to mathematical expectations," and that "coyote numbers seem to be remaining rather stable and not pyramiding." In a current study in Grand Teton National Park, graduate student Franz Camenzind, working on the ecology of the coyote, has found that uncontrolled populations of coyotes have smaller litters than controlled populations. He says, "After twenty years of no artificial control in the Park, we don't have wall-to-wall coyotes." (Predator control ended in Jackson Hole when much of the valley floor was added to Grand Teton National Park in 1951).

Concerning deer-coyote relationships, Murie found that "there is a direct correlation between condition of the range and coyote predation." Predation increases as winter advances, the biggest kills coming in February and March when natural mortality due to disease and malnutrition is highest (that is, when the animals are easiest to kill). Deer populations actually increased in Yellowstone after coyote control ended, as did populations of antelope and bighorn sheep. Keeping in mind that predator control ended in Yellowstone after the winter of 1934–35, note the trend in deer population: 1934—363, 1935—610, 1936—673, 1937—843, 1938—850 (Murie suggests that the 1938 count may have been low because of poor counting conditions and estimated the population at more than a thousand). Almost invariably, when the coyote numbers were kept down by predator control programs, ungulate populations were down; when coyotes were no longer controlled, they did not explode their populations, but their prey species did apparently increase their populations appreciably.

In his conclusions, Adolph Murie says that, "Apparently the Yellowstone coyote population does not increase indefinitely," that rodents comprise the vast majority of the coyotes' diet in spring, summer and fall (with insects constituting more than twice as much food supply than birds do—and most of that in the form of carrion), and that coyotes in winter subsist largely upon carrion of the major ungulates. Rather than being subject to coyote predation, most "big game species are seriously handicapped by a poor, crowded range." Perhaps the wolf should be brought back from the edge of extinction to help control the situation.

PREDATOR CONTROL IN WYOMING—PART FOUR "OF COYOTES AND WOLVES"

(By Verne Huser)

Wolves, like coyotes, feed upon carrion and upon rabbits and rodents, but they are a larger, heavier animal better equipped to kill the larger ungulates. They are more likely to play an important predator role than the scavenger coyote, and many ranchers greatly fear the return of the wolf, for the wolf has returned to Yellowstone. Recent reports indicate no fewer than six of the great canines roaming free in Yellowstone National Park.

The Park Service officially reports that the wolves were there all the time, just rather scarce in a vast area and not often seen, but there were reports of wolf sightings during every decade in this century. Adolph Murie says of wolves in the Park, "It is probable that none now remain" (1939), and "The last wolves were eliminated in the twenties although a few have been reported in recent years." He reports having seen no wolves during his coyote study in the Park. The Craighead brothers, Frank and John, who studied the grizzly bear in Yellowstone for more than a dozen years report that neither they nor any of their students or associates saw a wolf or any wolf sign.

There are also wolves in northern Minnesota where the supervisor of Superior National Forest, Craig Rupp, recently closed the forest to the taking of wolves. Deer hunters in Minnesota, many of whom killed a Wyoming mule deer as non-resident hunters last year, were up in arms, but the fact remains that the Minnesota deer hunters—consumptive users—have a higher success level in the five counties that have wolves.

Perhaps the classic popular study of wolves in relation to a prey specie has been David Mech's "The Wolves of Isle Royal." This was carried in National Geographic Magazine a few years ago and available for $1 from the Superintendent of Documents, Washington, D.C. Mech has recently published a book on the subject as well. Mech's study of wolves and moose on the 210-square-mile Isle Royal, a national park in Lake Superior, has revealed once again that even so large and powerful a predator as the timber wolf normally takes the misfits and actually controls the ungulate herd naturally, allowing the survival of the fittest to operate.

The old and the weak and the young of unhealthy mothers are taken by the predators. A healthy adult moose can withstand the attack of a whole pack of wolves, and even in severe winter conditions the moose maintain their numbers. The wolves, in turn, maintain their population at a relatively stable number dependent upon the availability of moose. No hunting of either moose or wolves is allowed on the island, and predator control is outlawed, yet the natural balance is maintained by the animals themselves. There are roughly 25 wolves and perhaps a thousand moose on the island.

The television documentary film, "The Wolf Men," which was shown November 18, 1969, and again June 9, 1970, further popularized many of the facts about wolves. However, this film was not shown in Alaska because of an injunction. Alaska's Governor received nearly three thousand letters from viewers in the lower 48 states concerning the plight of the wolf in Alaska. There, a thousand of the noble canines were killed in 1969 which constitutes roughly a fifth of the total estimated wolf population of Alaska. And the slaughter still goes on—frequently from airplanes.

Adolph Murie's comprehensive study of wolves in Mount McKinley National Park may give a fair picture of the wolf's relative effect upon wildlife. A food study suggests that the large ungulates of the park furnish the major part of the wolf's diet: caribou (43%), Dall sheep (26%) and moose (less than 1%). Ground squirrels (13%), marmots (8.5%), and mice (5.5%) are relatively minor items compared to the caribou and the Dall sheep, but even this heavy predation upon two species seems not to decimate them.

In his conclusions Murie says that "the caribou is the main food of the wolf, and a heavy toll of the calves is taken. Yet the park herd of between 20,000 and 30,000 is apparently maintaining its numbers." Of the Dall sheep he says, "It seems apparent that the wolf is the chief check upon the increase of the Dall sheep in Mount McKinley National Park . . . that the predation on lambs is the most important limiting factor in stabilizing (my emphasis) sheep numbers . . . that the sheep preyed upon, other than lambs, were generally old or diseased," and that "the size of the sheep population was satisfactory from the standpoint of their survival as a species in the park."

Canadian naturalist Farley Mowat, whose popularized study of Canadian tundra wolves entitled Never Cry Wolf has probably been read by more Americans than any other wolf study, found that wolves do indeed depend heavily upon caribou for food but primarily during the periods of migration of the caribou through the wolves' territory. Wolves, he found, maintain home territories, and while they hunt widely, they cannot hunt widely enough to follow the caribou herds and still maintain their home territories.

Mowat found a nursing female wolf that killed 23 mice and ate them, quite a meal even for so large a carnivore. He also found the typical pattern: the wolves, even when feeding upon caribou, took the misfits that were easily overtaken and killed. A pack of wolves might chase bunches of caribou, which tolerated the wolves to within a hundred yards, they gave up the chase, and turned their attention to another bunch. Once they found a straggler, however, they pursued it until they killed. Mowat relates an old Eskimo legend that ends with the axiom "So the caribou feeds the wolf, but the wolf keeps the caribou strong." These native peoples perhaps understand ecology better than we do.

Last spring when winter lasted well into April in Yellowstone National Park and the grizzly bear's grazing grounds were still snow covered as they emerged from their winter dens, the grizzlies turned to the Norris elk herd—the only elk herd in the Park that has never been controlled by man—and killed dozens of elk. Once again, it was the age-old pattern: the elk being killed by the grizzlies were the sick, lame and lazy. Every ecological study indicates the same thing: the predators preserve the species by controlling the misfits. When will man learn?

In Montana in 1967, domestic dogs were listed as the second leading killers of domestic sheep, the third leading killers of lambs (behind coyotes and eagles). The same pattern held for Wyoming in 1969 through 1968. Yet dogs are not listed as predators under Wyoming Game and Fish laws nor can local wardens control domestic dogs (several attempts to do so have resulted in the wardens being persecuted and prosecuted). Dogs no doubt kill much wildlife. My own dog—until I got rid of her—used to come home with an occasional ruffed grouse, and I know that neighborhood dogs killed a moose calf two years ago. Domestic dogs turned free in nature constitute an artificial control that upsets the balance of nature as surely as does overgrazing by domestic livestock.

I don't suggest that we should turn the whole world back to nature or that we shouldn't raise sheep or cattle. I'm saying that we can't live outside of nature, that we can't raise cattle and sheep outside of nature. There are lessons to learn from nature, and as consumptive users, we must listen to nature because we live in a finite world. There is room for both man and wildlife, for domestic livestock and natural predator. It seems that the sheepranchers are the emotional ones who refuse to listen to the facts.

A recent (Feb. 9, 1971) article in the Casper Star-Tribune headlined "Coyote Numbers Treble In Red Desert Habitat" suggests that despite concentrated predator control programs over long periods of time in the area, "We've got more coyotes than we ever had," as one Wyoming Game and Fish warden put it. A letter to the editor of the Star-Tribune on Feb. 22, 1971 by H. E. Dearinger of Wheatland says, in part, "My wife herded sheep (2,000) and lived in a sheepwagon back in the days, 1914, when there were coyotes everywhere and never had any loss to predators." A March 4, 1971 letter-to-the editor from Leonard Zierlein of Casper says in part, "I have heard far more herders give the coyote false credit for sheep losses than I ever have the ranchers." Zierlein has been a Natrona County trapper for 14 years and closes his letter with this comment: "The wolf may be smarter but the coyote is more clever in my opinion, and I see a continued future for the coyote even with predator control."

Obviously, wolves and coyotes are both intelligent. They have outwitted man's attempts to wipe them off the face of the earth for decades, but it is true that the wolf is an endangered specie in the 48 contiguous states. It is also true that with subtle and powerful poisons and with aerial shooting of these canine predators, their future may be bleak, especially if ranchers are given Federal immunity to kill predators from the air. Man—who has not yet learned his own place in nature—still attempts to control nature, and by doing so he may himself become an endangered specie.

The Wild World

(By Verne Huser)

If you haven't seen the trio of articles by John McPhee about David Brower that has just appeared the the New Yorker, you owe it to yourself to dig them out of your back files or out of the public library, for it is a conservation classic. Entitled "Encounters with the Archdruid," the series of articles pits Brower against Charles Park, a geologist and mineral engineer; Charles Fraser, a developer; Floyd Dominy, a dam builder (head of the Bureau of Reclamation and a Wyomingite).

Brower, if you don't know, was for more than 17 years executive director of the Sierra Club; he is also founder of Friends of the Earth and the John Muir Institute. Just a year ago he spoke in Casper at the First Wyoming Environmental Congress. If any single man epitomizes the environmental movement, it is David Brower.

The first article (A Mountain), which appeared in the March 20 issue, dealt with a backpacking trip into the North Cascades in the state of Washington. Kennecott Copper Company, the same corporate structure that is polluting Salt Lake City, plans to build an open pit copper mine in the Glacier Wilderness northeast of Seattle. Brower and Park hiked into the area for a first-hand look and a running battle about basic values.

Park says at one point "If there were a copper deposit in Yellowstone Park, I'd recommend mining it." Parks sees every mountain as a potential mine. He knows his outdoors and appreciates it, but he believes that "population pressure is irresistible" and that being so, no place on earth should be inviolate from human use—and by use, he obviously means consumptive use.

Brower, on the other hand, suggests that we must stop right where we are and rethink our values. "The theory of economic growth is doomed on a finite planet," he says, and therefore we must learn to re-use our resources instead of throwing them away. "We have got to get into our heads a concept of limits," says Brower at one point: "We're not so poor that we have to spend our wilderness or so rich that we can afford to."

I came out of my reading of this first article with respect for both men. I'd gotten inside them both, it seemed, through McPhee's objective and subjective observations. Park says in effect (and in fact) "The future can take care of itself," while Brower says, in the words of Nancy Newhall, "Conservation is humanity caring for the future."

Part two (An Island), which appeared in the March 27 issue, features Brower and Charles Fraser, who developed Hilton Head Island off the coast of South Carolina. If it has to be developed, says Brower, let Fraser do it. But basically Brower opposes any further development in the nation's few remaining wild areas such as Cumberland Island, where Fraser wanted to turn a natural wilderness into another tasteful bedroom.

Actually, the title of the whole three-part series comes from Fraser's evaluation of conservationists, whom he calls archdruids,—preservationists who want to save things they like for themselves. This second article presents many of Brower's ideas—some of the ones he developed in Casper last May. But when Fraser and Brower get together, Fraser does most of the talking. The continual byplay of the first article is missing; there is less dialogue and more monologue. Fraser frequently asks Brower's advice or view on a subject, but he seems to be playing with Brower much of the time. Yet a real respect seems to grow up between the two apparent opposites.

"The highest and best use of this island is for children," says Fraser of Cumberland, which ultimately—against Fraser's wishes—becomes a National Seashore. Brower, in contrast, says "We're committing grandlarceny against our children," by the ways in which we rape the planet earth: "When rampant growth happens in an individual, we call it cancer," yet we continue our rampant growth on the face of the earth.

The third and final article, entitled "River" and appearing in the April 3 issue, contrasts Floyd Dominy, former Campbell County Wyoming Agricultural agent, with Brower as they float down the harnessed Colorado River below the just completed Glen Canyon Dam. This article offers the greatest contrast of them all: Brower and Dominy rarely find any common ground. Dam building is Dominy's greatest good, and Brower says at one point "If you are against a dam, you are for a river," for rivers—says McPhee—are the ultimate metaphors of existence, and dams destroy rivers.

I do not mean to steal any of McPhee's thunder. He has written a fine series of articles in which the reader gets to know a great man and a great conservationist, who says "We should touch nothing more in the lower 48 . . . Whether it's an island, a river, a mountain wilderness—nothing more. What has been left alone until now should be left alone permanently."

McPhee doesn't take sides, it seems to me, and he presents an objective account of Brower and of his three antagonists (Brower is the obvious protagonist of the series). Anyone with the least interest in conservation should read this series. There are implications here for the Green River, for the White Clouds, for Wagonwheels, for every issue that conservationists-environmentalists embrace, for Brower's viewpoint is all-encompassing, and McPhee has captured him well.

Predator Control in Wyoming—Part Five—Philosophical Dissertation

(By Verne Huser)

Predators—those creatures that live by killing and consuming other creatures—kill livestock and wildlife. There is little doubt about that fact, and certainly livestock owners have the right to protect their investment, at least on their own land, when they suffer losses. But more and more people are questioning their right to kill predators on public land they may be grazing, and the indiscriminate killing of all meat-eaters through poisoning campaigns or of all curious animals—including man—with cyanide guns is highly questionable.

One Colorado trapper once studied the tracks of a cattle-killing mountain lion, a big tom, in midsummer when he knew he'd have a most difficult time trapping or hunting down the critter. As soon as the first snow fell in the fall, he went after that one cat—not cats in general. He treed five different cougar, including one female with two kittens, before he found the guilty tom and killed it. That is sane and reasonable predator control. When a rancher begins losing calves to coyotes, he should have the right to kill the offending animals—but not all coyotes everywhere by whatever means possible.

More and more Wyoming ranchers are turning to illegal poisoning programs, and the practice of aerial shooting of predators is growing in the state. Reports of a Rock Springs woolgrower's shooting 40 coyotes in a 3-hour flight by helicopter and of 25 eagles shot and buried near Saratoga may not be true, but again they may. The coyote carcasses poisoned with 1080 and left on the lower end of the Teton National Forest recently suggest once again the widespread use of that dangerous poison by Wyoming ranchers who can apparently buy it as readily as snuff. The 22 eagles—11 bald and 11 golden—that were found near Casper in early May certainly suggests foul play, perhaps illegal poisoning. Both species are protected by Federal law and with good reason (I recommend to the readers of the series Leona Train Reinow's book THE YEAR OF THE LAST EAGLE, written in conjunction with her husband Robert Reinow; the Reinows are also the authors of MOMENT IN THE SUN).

I have always wondered how wildlife got along before man came onto the scene to control the predators. When the wolf still roamed the state, the buffalo was common, and elk roamed the plains as well as the mountains. When the deer and the antelope played, the wolf and the mountain lion were more plentiful then they are today. Over in the California Coast, the abalone, a large edible—and delicious—snail, was everywhere in the shallow waters when the sea otter count ran into the millions. Today, the commercial abalone fishermen blame the few hundred remaining sea otter for the paucity of abalone while they harvest millions of tons of the succulent flesh every year). When the Snake River and the Columbia flowed freely to the sea, there were millions of salmon and steelhead; natural predation did not decimate the salmon and sea-run rainbow trout, but man, the dambuilder did.

Predators don't have much chance in a state so geared to the gun, so steeped in the so-called frontier spirit, so tied to the pioneer tradition and mired in the myth of superabundance. Killing predators is as natural as fencing range or carrying a rifle in a gun rack in a pick-up truck. Yet all predators are not guilty of killing livestock, and often predators benefit wildlife. Predators, by their very nature, take what is easiest to kill—and many of them find enough carrion not to need to kill at all. Yet, there are bills in both houses of Congress right now that would give ranchers the right to kill any bird or animal they want to kill any time they want to kill it as long as it's on their land (S78 and HR 5060), if the bills were amended as the Wyoming woolgrowers would have them amended.

But sheepmen and cattlemen, in some cases, in several western states would use the bill to further decimate predators that may actually be doing them more good than harm. How do you get a sheepman to listen to the facts instead of the old wives' tales he's been brought up on?

Robert V. Broadbent, a member of the Nevada State Fish and Game Commission, in June of last year published a little pamphlet entitled "Predator Control in Nevada—a pork barrel threat to the environment," in which he pointed out that "the total value of livestock and poultry lost to predators was $32,315 (in Nevada in 1969). Yet the 'control' amounted to expenditures of ten times that amount." In Utah in 1970, the total value of livestock and poultry lost to predators was $74,830, but during the same period the predator control program in the state received $187,937 from the State Department of Agriculture, the State Fish and Game Division ($15,000), county commissioners, wool growers, cattlemen and grazing associations.

Broadbent's pamphlet quotes a number of experts on predator control:

Walter Shannon, past-director of the California Department of Fish and Game—"Our department could not demonstrate the need for predatory animal control for the benefit of wildlife."

Robert L. Salter, assistant director of the Idaho Fish and Game Department—"General widespread predator control for game management purposes has been demonstrated to be of little, if any, value and we do not support this philosophy."

Wendell G. Swank, director of the Arizona Game and Fish Department—"I believe it behooves the state wildlife management agencies to have ample and adequate justification for control of any animal."

Harry R. Woodward, director of the Colorado Department of Game, Fish and Parks—"There is considerable evidence that predator effect on game is neglible when habitat conditions are good." I might add that the same is true for livestock.

Ted Trueblood, associate editor of Field and Stream—"The perpetual war against the coyote would dwindle to an occasional skirmish if there were no domestic sheep."

Mike Frome, conservation editor of Field and Stream—"The War on predators has been waged with little scientific knowledge of their beneficial roles in the biotic community, with little moral or ethical consideration for man's responsibility in conserving natural life as an integral part of the environment."

Several statements quoted in the Broadbent pamphlet relate to predation on antelope: 1) basically, the key to the antelope situation in Utah lies with the land." (Jay R. Udy, "Effects of Predator Control on Antelope Populations," a Utah Fish and Game publication); 2) stomach samples from 91 coyotes in northeastern California were studied and "When these samples were analyzed, no antelope remains were found," in an area thick with antelope. (James Gilman, past game manager for the California Department of Fish and Game); 3) "Predators are not the factor that is limiting antelope numbers. Most wildlife technicians consider range conditions as the most significant force controlling antelope." (Gen Griffith, Nevada Fish and Game Department at the 1962 Interstate Antelope Conference); 4) "The most important limiting factor to antelope increase and distribution at the present time is the intense food competition from domestic sheep." (Helmut Buechner's "Life History, Ecology, and Range Use of the Pronghorn Antelope in Trans-Pecos Texas). Can the antelope situation in Wyoming be so vastly different from that in Utah, California, Nevada, and Texas?

When Wyoming woolgrowers claim—as they have in a Campbell County publication—that they are providing more wildlife for the hunters by killing predators, what real justification do they have? Perhaps the facts are that by overgrazing their own lands and their Federally owned grazing lands, they are in fact reducing the antelope and deer populations that they claim to be enhancing. And now Wyoming woolgrowers have objected to the wild horses grazing in the state because the horses eat what the sheep should have. Do those sheep ranchers ever consider the amount of sheep graze eaten by the rabbits that overpopulate because coyotes are killed off? What will it take to make believers out of the woolgrowers? Why can't they accept fact?

Quoting from the 1964 Leopold Report, Broadbent develops the case against predator control programs even further: "It is the unanimous opinion of this board (Secretary of the Interior Stewart Udall's Advisory Board on Wildlife Management) that control is considerably in excess of the amount that can be justified in terms of *public interest* . . . (my italics). The primary target of predator control in the western United States is the coyote and the main purpose of coyote control is to protect domestic sheep," and "It is traditional for sheepmen to charge nearly all losses to predators." Something close to half of all lamb losses for 1970 were attributed by Wyoming woolgrowers to the predators, primarily the coyote. And finally, "The assertion that native birds and animals are in general need of protection from native predators is supported weakly, if at all, by the enormous amount of wildlife research on the subject conducted in the past two or three decades."

When are we going to start listening to the truth? The Division of Wildlife Services, currently being sued by Defenders of Wildlife and the Sierra Club in one case and by the Humane Society in another, conducts and coordinates predator control programs in every western state. Its avowed three-fold purpose is 1) animal damage control, 2) wildlife enhancement, and 3) monitoring and surveillance. But the animal damage control means preventive control, in most cases before the fact, and indiscriminate control, not merely control of the individual guilty predator(s). The enhancement of wildlife means killing non-game species to protect game species, a practice that frequently upsets the natural balance and leads to further control efforts and mis-management by man—such as the mass rabbit drives in Idaho this past winter and the widespread poison campaigns aimed at rodents.

The monitoring and surveillance program leaves much to be desired. In Wyoming, for example, the DWS cannot tell you how many black-footed ferrets—if any—still live (Utah's DWS can't either, but at least they are conducting a search for the rare mammal: in a ten-square-mile prairie dog town near Monticello in southeastern Utah, DWS observers have found trenches similar to those made by ferrets in South Dakota, their last real stronghold). The ferret, by the way, has been brought to the edge of extinction by poison campaigns aimed at prairie dogs, the basic food of the ferret.

Jack Olson points out in his second Sports Illustrated article in the "Poisoning-Of-The-West" Series the kind of wildlife enhancement program the DWS conducts. In a single year DWS personnel killed 90,000 coyotes, 300 mountain lions, 21,000 bobcats and lynx, 2,800 red wolves, 800 bears, 24,000 foxes, 7,000 badgers, 19,000 skunks, 10,000 raccoons, 1,200 beaver, 7,600 opossums, 6,700 porcupines and others. And the next year livestock losses to predators were higher than ever—according to the estimates.

The Wyoming predator count kill for 1968 was 5,637 coyotes, 3,770 bobcats and lynx, 940 foxes (foxes killed 800 lambs), 151 bears, and a single mountain lion (out of an estimated population of between 50 and 75 in whole state).

In Utah during the fiscal year 1970 the predator kill count included 2707 coyotes, 406 bobcats and lynx, 408 foxes, 110 badgers, 29 cougars (out of an estimated population of over a thousand), and 13 bears. It is interesting to note that while 13 bears were killed by DWS personnel, only two cattle were killed by bears (though bears did take 64 sheep and 66 lambs). The cougars lost 29 of their number to DWS trappers and hunters. They killed only three cattle (plus 160 sheep and 195 lambs). How many sheep are worth one free-ranging mountain lion?

How were these thousands of predators killed? In Utah more than a quarter (27.5%) of all coyotes were killed by denning (dug out of their dens as pups and clubbed or shot or poisoned). Coyote getters accounted for 18.5% of the total number of coyotes killed (no records are available concerning other animals killed by these cyanide guns, which—according to a DWS document—are theoretically capable of killing a person who weighs less than 275 pounds. Jack Olsen reports the death of a 49-year-old Texan as a result of his being shot with a coyote getter in his Poisoning-of-the-West Series in Sports Illustrated.) Traps (17%), aerial shooting (15%) and ground shooting (11%) were all more effective as coyote killing methods than "predacides" (mostly 1080), which killed only 10% of the total coyotes (but who knows how many other creatures?)

Wyoming's kill of coyotes in 1970 breaks down as follows: total kill, 5,475; traps and snares, 417 (7.4%); coyote getters, 1,477 (12.5%); shot from airplane, 1,554 (28.4%); denning, 1,220 (2.3%); taken by dogs, 7. Again, the two percent of coyotes killed by predacides cannot justify the widespread use of poisons.

The fact that poisoning is such a relatively ineffective killer of coyotes and such a totally indiscriminate killer of everything that eats the baits (or ever touches them—you can absorb a lethal dose of 1080 through the skin) raises the question of whether or not poisoning ought to be allowed at all. That's what the Defenders of Wildlife-Sierra Club suit is all about. Land administered by the Forest Service and the BLM belongs to you and me; yet we and our pets and our wildlife are all endangered by the practice of spreading poison baits and coyote getters all over our land to "control" predators who may be guilty of nothing more than killing mice.

Again I ask, who has the right to kill my coyotes on my land so he can raise sheep that destroy my land with overgrazing, and at the same time create an imbalance in the ecosystem that leads to further environmental degradation? When the rodent and rabbit population explodes in the absence of coyotes, we are told that a poison campaign is necessary (or a community rabbit drive), so we pump more poison into the ecosystem, a practice that causes even further environmental degradation. Why do we continue to base our predator control programs on old wives' tales instead of ecological evidence? On personal prejudice instead of scientific fact?

Wildlife includes all species, predators and prey alike, and as Park Service research biologist Glen Cole points out, "Harmful relationships cannot exist in nature." At the Thirty-sixth North American Wildlife and Natural Resource Conference in Portland in March, Cole said "Previous assumptions which were the basis for artificially regulating ungulates overestimate the regulatory effects of predators." Left to itself in a natural situation, wildlife doesn't need our help; it needs our wisdom and tolerence. But inroads on wildlife habitat such as the Kendall Dam project or the Clark's Fork Canyon Road, both in Wyoming, will destroy our wildlife as surely as 1080 and coyote getters, as surely as the aerial shooting and denning practices we allow in the name of wildlife enhancement.

Domestic livestock is another matter, but it involves the same general principles. We cannot continue to upset the natural ecological relationships by overgrazing or by indiscriminately destroying whole species. Livestock owners should have the right to kill predators that are decimating their herds and flocks, it seems to me, but they should not have blanket authority to kill on mere circumstantial evidence. If they graze their livestock on public lands, they should take their chances with whatever other wildlife may use that public land. (Have you ever counted the coyotes on the National Elk Refuge? Yet we still have elk).

But a better idea than killing predators might be a livestock insurance program that pays livestock owners for their actual losses. Throughout the west predator control programs cost more—even in dollars and cents, but especially in environmental damage—than the actual loss of livestock. Ranchers traditionally overestimate their losses to predators, exaggerate their financial losses to coyotes and eagles and other predators. Would it not make more sense to turn the DWS funds into an insurance program for livestock losses and stop killing the predators unless they become epidemic? And we have learned—though livestock owners rarely listen to the truth about predators—that uncontrolled coyotes don't overpopulate, that predatory species are in fact controlled by the species.

Poisoning, indiscriminate killing of predatory targets as well as many innocent nontarget species, should be ended in Wyoming, and throughout the West. Responsible control of proven livestock killers may make some sense in certain areas at certain times, but the blanket killing of important—to ecological relationships—wildlife species cannot be allowed to continue.

Yellowstone wolves and grizzly bears and eagles—all of them endangered species—are still threatened by 1080 stations outside the park. Those in Montana have been removed from areas adjacent to the park under the direction of Montana DWS Director Norton Miner. But 1080 stations remain on both the Targhee and the Shoshone National Forests, according to Park Service authorities, including one in the Clay Butte area of the Beartooths, in areas where wolves have been reported during the past ten years. Of four wolves known to have existed in the Lamar Valley of Yellowstone a year ago, only one appears to remain at present.

Do we continue to destroy our wildlife through ecological ignorance (we know the facts but we ignore them) or do we put an end to personal-prejudice politics and preserve the integrity of a natural world that has room for man only if man finds his place in that world. Man cannot control the natural world, as much as his ego would like to believe he can. And the more man meddles with nature without attempting to understand the delicate interrelationships, the sooner man will cease to be part of that world. As Aldo Leopold tried to teach us, we must develop an ecological conscience. We must come to understand our role and accept it instead of trying to play God. And we must co-exist with the predators because they play a vital part in our lives.

Few creatures have stirred the human spirit as greatly as the mighty eagles, both the golden eagle that was the symbol of the Roman Empire and the bald eagle that is our own. Fed creatures have stirred the human heart—with both fear and respect—as the wolf, the grizzly bear, the cougar though old wives' tales about these great predators have painted garish pictures of them all. In ancient Europe and in primitive America the fox and the coyote became the epitome of cleverness. We deny our very culture when we insist in destroying these creatures that live by killing, and perhaps we show our own true colors.

The Wide World

(By Verne Huser)

What is Yellowstone National Park like when it is first opened to the traveling public in the spring? Snowmobilers have owned the park all winter, roaring around in their noisy machines (more than 16,000 over-snow vehicle visitors in 1970 compared to 267 over-snow foot travelers; snowmobile visitors outnumbered automobile visitors 3,381 to 1,440 during December).

One of the sounds I associate with spring in Yellowstone is the absence of snowmobiles. For a while there is the roar of the snow-removal equipment, then the ever increasing sound of automobiles and even trucks hauling supplies to the in-park tourist facilities.

But there is also the howl of the coyote in the cold quiet night and the winnowing of the Wilson's snipe as it declares its territory in skylark-like flight at dusk. There is the honking of the Canadian geese, the resonant melody of the trumpeter swan, the wild weird rattling of the sandhill crane. If you're lucky, you might even hear the howl of a wolf in the Hayden or Lamar valley or on Cougar Creek.

There is still lots of snow. Snowdrifts may be twelve to twenty feet high even in mid-May, but almost everywhere the snow banks are above the top of a conventional car when the park opens May 1 (from a Land Rover you can just barely see over the roadside snowbanks in most places, but occupants of conventional cars see little except in the thermal areas, especially in the higher country).

And yet, the game is somewhat concentrated by the snow. Buffalo still hover about their winter range near the hot springs as do the elk, and consequently the grizzly bear emerging from their winter dens congregate there too. Since these areas are usually served by roads, the traveling public has a good chance of seeing all three of these species as well as moose and mule deer, coyotes and Canadian geese.

Porcupines waddle about from evergreen to evergreen on the snow or along the waterlogged openings where the snow has just melted. Marmots emerge to sun themselves on the rock piles, and robins stake out their territories in the piney woods, singing until darkness takes over.

It's fun and kind of exciting to wallow about in the winter elements. I saw one father digging a snow cave into the seven-foot bank for his sons to play in, and others bring their sleds and saucers. The snow, for the most part, has long since disappeared at home—usually much lower areas—and the kids haven't had a chance to play in the snow for weeks. Oversnow foot travel has greatly increased in Yellowstone during the past few years (an increase of 2,670% in 1970 over the previous year: 10 to 267), and spring touring has become quite popular in the park. Even as late as July warm-climate visitors to the park thrill at finding snow in shaded pockets near the passes as my brother and I did many years ago coming up from central Texas where we'd rarely seen snow.

But spring storms can block passes and make roads dangerous even in May or June—for that matter, almost any months as in August of '60 and again in August of '68. Rock slides are common, and snow slides are not unusual even in May. Winter weather can be unpleasant and downright dangerous to a family out for a Sunday drive in anticipated spring weather. Changing a flat tire in a short-sleeved shirt with a hungry grizzly bear looking over your shoulder may not be the most pleasant way to go.

Most of the lakes are still frozen over when the roads open, even in such relatively low areas as Mammoth, but as May merges into June they begin to open. A full moon on the ice-covered lakes, on the steaming hot springs, on the flowing streams and snowbound woods is a sight to behold. Yellow monkeyflowers blooming in the thermal-fed streams as early as the first week of May surprise even the veteran visitor, and glacier lilies follow the receeding snowline with their bright yellow.

Hundreds of elk in small bands—sometimes up to thirty or more—graze the newly-opened meadows. Snowshoe hare hop about the woods in their changing coat. A pine marten watches slyly from behind a log. A black bear yearling perches high in a lodgepole pine while a young grizzly feeds noisily upon an elk carcass by the river nearby. An osprey family rebuilds its nest on a pinnacle in the Grand Canyon of the Yellowstone, and a dipper (water ouzel) sings by the rushing waters.

A grizzly sow with two large cubs—probably two-year-olds—digs for roots and rodents in the Hayden Valley. A huge bull buffalo detours traffic near the mud volcano. A trio of white pelicans feeds in the Yellowstone River while geese and several species of ducks search for nest sites. This is Yellowstone in the spring before the thousands of tourists arrive—relatively few of the tourist accommodations are open yet. And you bring your own picnic lunch instead of waiting in line for poor food at high prices. You worry about running out of gas (some roads aren't open yet—I may have to back track—where was there a service station open?) but you see auto license plates from only a dozen states.

Spring and fall are the times to see Yellowstone for those who live near enough not to be forced to visit only at the height of the summer season. How many people can Yellowstone National Park experience before the people no longer have a Yellowstone experience? Or is the Yellowstone experience the over-crowded scene that many of us know from a visit in July or August? I hope not, and I like to visit the park before everyone else gets there.

WOMEN'S POLITICAL CAUCUS

Mr. HARRIS. Mr. President, it is time that the U.S. Senate, which has been traditionally dominated by men, recognize that the women of this Nation are organizing to obtain a rightful share of the decisionmaking authority of our Government. The National Women's Political Caucus met in Washington, D.C., this past weekend. They were women representing all races, nationalities, economic classes, age groups and political, philosophical, and issue positions. They met to form an organization which will elect women and push women's priorities—day care, welfare reform, health care, an end to all types of sex and racial discrimination, and an end to the Vietnam war. They rightly intend to bring this priority agenda to the forefront of the Nation's mind.

Mr. President, I ask unanimous consent that the press release issued today by the National Women's Political Caucus concerning its purposes and officers, as well as a list of the conveners of the caucus, a proposed statement of purpose, and statements by Betty Friedan and Congresswoman Bella Abzug and Congresswoman Shirley Chisholm—all prime movers in this important new effort—be printed in the Record at the conclusion of my remarks.

But, Mr. President, mere words and recognition of this historic event are not enough. We in the Senate must do more. We must move with urgency on the priority agenda which this needed new organization has set before us. And we must move at once to pass without further delay, unamended, and unabridged, the equal rights amendment—24 simple words to correct one of the most tragic mistakes of American history, the subordination of the potentialities of women.

We have had a delay of 48 years in the passage of the Equal Rights Amendment. We have had hearings after hearings on this amendment that out of simple justice should be passed without question. I am today contacting each member, Republican and Democrat, of the Senate Judiciary Committee, urging that this measure be reported to the Senate immediately. If for some reason this cannot be done, I intend to offer on the floor of the Senate the Equal Rights Amendment, embodied in Senate Joint Resolution 8 and Senate Joint Resolution 9, which are the same, as an amendment to the first appropriate legislative measure considered by the Senate. I seek the help of all Senators in this vital undertaking.

There beng no objection, the material was ordered to be printed in the Record, as follows:

Women's National Political Caucus

More than 300 women from 26 states meeting at the first organizing conference of the National Women's Political Caucus, adjourned late Sunday after a two-day session in which they:

elected a steering committee of 21 women to coordinate a nationwide effort to elect more women to public office and to assure greater participation of "the silenced majority" in the affairs of the nation.

called for similar caucuses to be held in all states to begin planning a full-scale National Women's Political Caucus which will be held "in the Southern or central part of the United States early in 1972."

establish a national registry of women candidates which will list women running for office at all levels of government. This registry will be disseminated to all members of the Caucus to rally support, raise campaign funds and provide a roster of speakers for the candidates.

approved a 20-point program of guidelines for issues of deep concern to women, with emphasis on sexism, racism, violence and poverty. These guidelines were summarized as follows: "We recognize the economic burden of such sweeping social change but we believe that this country's enormous resources could be more than enough. They need only be reordered to pay for life instead of death."

called for the enlistment of women of all political persuasions, economic levels, age groups and racial and ethnic background to recruit and rally behind women candidates who are committed to women's priorities and humanist goals.

urged reform of existing policies of political parties which have excluded women—with the specific demand that women comprise 50% of the delegates to both parties' 1972 national conventions and that women be represented on every convention committee and party committee.

"Great effort was made to explore every viewpoint," Ronnie Feit, of New York, temporary coordinator said. "This meant all-night sessions, impromptu caucuses, and a dedicated and exhaustive effort to consider the wide variety of issues which women face today. I doubt that any similar group of people, holding such disparate views and coming from such varied backgrounds, could have established a going organization in such a short period of time. The miracle is that we got together at all. While we still have many problems to resolve, much was accomplished in mobilizing womanpower for coming elections. There was a spirit of give and take which was gratifying to all of us."

Six workshops presented for consideration of the conference recommendations in such areas as grass roots organizing, candidate criteria and political procedures and strategy.

As an example, the grass roots caucus explored ways to attract the uncommitted woman to political action through common interests such as equal rights, child care centers, welfare rights, equal pay and promotion, as well as demands to local party chairmen to adhere to population percentages of women in determining the criteria of party jobs. Women who had run for public office exchanged their experiences with new voters with fresh ideas.

The NWPC accepted a motion that additional workshops reports will be circulated by mail in the next few weeks.

There were a variety of *ad hoc* caucuses which met separately and reported back their consensus to the plenary session. The NWPC adopted by acclamation the report of the Black Caucus which supplemented the already strong positions of all six workshops against racism and racist candidates.

The attitude of the NWPC was summarized by Rep. Bella Abzug (D.-N.Y.) who stated: "It is certainly not our purpose to replace or supplement a white male middle elite with a white *female* middle class elite."

Conclusions of other *ad hoc* caucuses were also presented including those of a radical caucus, and one concerned with the lack of power of young professional women. The first emphasized the need for women's organizations to resist imitating male hierarchical structures. The second noted that the young, talented women who often do the bulk of the work are too rarely given the recognition and decision-making positions. Both reports were accepted by acclamation.

All viewpoints, serious and otherwise, were explored, including one briefly considered that would require the political parties to pay reparations for their systematic exclusion of women. The money would be used to finance women's campaigns.

Elected Members of the Policy Council of the Women's National Political Caucus

Bella Abzug, Member of Congress (D., N.Y.).

Shana Alexander, Editor-in-Chief, McCall's Magazine.

Virginia Allen, Chairwoman, President Nixon's Task Force on Women's Rights and Responsibilities.

Nikki Beare, Member, Dade County (Fla.) Commission on the Status of Women; President, Dade County NOW.

Joan Cashin, National Democratic Party of Alabama.

Shirley Chisholm, Member of Congress (D., N.Y.).

Mary Clarke, California Women's Strike for Peace.

Myrlie Evers (Mrs. Medgar), Civil Rights Leader (California).

Betty Friedan, Author of *The Feminine Mystique* and Founder of The National Organization for Women (NOW).

JoAnne Evans Gardner, Republican Nominee for City Council, Pittsburgh, Pa., National Organization for Women Board Member.

Elinor Guggenheimer, Former Member, N.Y. City Planning Commission; Chairwoman, N.Y. City Democratic Advisory Council; Pioneer of Child Development Programs.

Fannie Lou Hamer, Civil Rights Leader; candidate for State Senate (Mississippi).

LaDonna Harris, Indian Rights Leader.

Wilma Scott Heide, Chairwoman of the Board of Directors of the National Organization for Women.

Dorothy Height, President, National Council of Negro Women.

Olga Madar, Vice President, United Auto Workers; Precinct Delegate, 13th Congressional District (Detroit, Michigan).

Vivian Carter Mason, Second National President, National Council of Negro Women; Representative of Women for Political Action (Norfolk, Va.).

Midge Miller, Representative, Wisconsin State Legislature.

Paula Page, Director, Women's Center, U.S. National Student Association.

Beulah Sanders, National Welfare Rights Organization, Vice President.

Gloria Steinem, Member, Democratic National Policy Council; Writer.

Four vacancies will be filled later to expand the categories of representation.

Conveners of the National Women's Political Caucus

(Women supporting the initial organizing effort)

Organizational affiliations listed for identification only:

Bella Abzug, Member of Congress (D. N.Y.).

Shana Alexander, Editor, *McCall's Magazine.*

Virginia Allen, Chairwoman, President Nixon's Task Force on Women's Rights and Responsibilities.

Eleanor Bailey, Manhattan-Bronx Postal Workers Union.

Roberta Benjamin, President, Massachusetts N.O.W.

Barbara Bode, Director, *The Children's Foundation.*

Ruth Clement Bond, Board of Managers and Executive Committee, *Church Women United.*

Betty Boyer, Former President WEAL (Women's Equity Action League).

Priscilla Buckley, Editor, *National Review.*

Carol Burris, Chairwoman, Emergency Committee for the Equal Rights Amendment.

Virginia A. Cairns, Past President, Women's Press Club of N.Y. State.

Kay Camp, President, Women's International League for Peace and Freedom.

Liz Carpenter, Former Press Secretary to Mrs. Lyndon B. Johnson.

Shirley Chisholm, Member of Congress (D. N.Y.).

Kathryn Clarenbach, President, Interstate Association of Commission on the Status of women; Chairwoman, Wisconsin Commission on the Status of Women.

Mary Clarke (California) Women's Strike for Peace.

Susan Cohen, Co-coordinator, Youth Voters Participation of Mass.

Constance Cook, New Yerk State Assemblywoman (R. Ithaca).

Flora Crater, Editor, *The Woman Activist;* Member, Virginia Democratic State Central Committee.

Evelyn Cunningham, Special Ass't. to Gov. Rockefeller and Director, N.Y. State Women's Unit.

Karen DeCrow, Nat'l. Political Action Chairwoman of N.O.W.

Myrlie B. Evers, Civil Rights Leader.

Marian Wright Edelman, Civil Rights Lawyer.

Barbara J. Fife, Democratic New York State Committeewoman.

Barbara Jo Fleischauer, President, Oakmont (Pa.) High School Student Council; Women's Caucus Rep.—White House Conference on Youth.

Ann Foss, American Jewish Congress.

Arvonne S. Fraser, Former State Vice-Chairwoman—Democratic Farmer—Labor Party of Minnesota.

Eleanor Clark French, Member, N.Y. City Commission on Human Rights.

Betty Friedan, Author of *The Feminine Mystique* and Founder of N.O.W.

Francine Du Plessix Gray, Author of *Divine Disobedience*.

Elinor Gugenheimer, Former Member N.Y. City Planning Commission; Founder, Day Care Council.

Dorothy Haener, International Representative—Women's Dept. UAW.

Joyce Hamlin, Secretary Legislative Division, United Methodist Church.

Dorothy Height, President, National Council of Negro Women.

Aileen Hernandez, National President of N.O.W.

LaDonna Harris, Indian Rights Leader.

Elizabeth Janeway, Author, Trustee of Barnard College.

Jean King, Acting Head, Women's Caucus Michigan Democratic Party.

Sarah Kovner, Co-Chairwoman, New Democratic Coalition.

Elizabeth Kuch, Former Commissioner, Equal Employment Opportunities Commission.

Margaret Lawrence, President, Women United.

Ann Lewis, Special Assistant to the Mayor of Boston, Mass.

Jane Galvin Lewis, Program Coordinator—National Council of Negro Women.

Jennifer S. Macleod, Director, *Center for the American Woman and Politics,* Eagleton Institute, Rutgers University.

Ruth Meyers (New York), Women's Strike for Peace.

Midge Miller, Representative, Wisconsin State Legislature.

Ruby Martin, Former Chief of Civil Rights Compliance Office of HEW.

Eleanor Holmes Norton, New York City Commissioner of Human Rights.

Retha Odom, Public Relations Executive, Shell Oil Company.

Paula Page, Director, Women's Center, U.S. National Student Association.

Mary Jane Patterson, Ass't. Director, National Affairs, United Presbyterian Church, U.S.A.

Letty Pogrebin, Author, Public Relations Woman and Columnist for the *Ladies Home Journal.*

Yvonne Price, Executive Ass't., Leadership Conference on Civil Rights.

Sister Mary Joel Reed, President, Alverno College, Milwaukee.

Ramona Ripston, Director of Community Organizing, New York Urban Coalition.

Betty Rollin, Senior Editor, *Look Magazine.*

Beulah Sanders, National Welfare Rights Organization.

Bernice Sandler, Women's Action Program, H.E.W.

Marjorie Schiller, Special Ass't. to the President of the Massachusetts Senate.

Phyllis N. Segal, Georgetown University Law Center; Member, Democratic Women's Task Force.

Gloria Steinem, Member, Democratic Nat'l. Policy Council and Journalist.

Catherine Stratton, Chairwoman Nat'l. YWCA Resource Center on Women; Member, Nat'l. Board YWCA.

Edith Tiger, Director, National Emergency Civil Liberties Committee.

Johnnie Tillmon, President, Nat'l. Welfare Rights Organization.

Edith Van Horn, Community Affairs Division, U.A.W.

Barbara Wells, Dean, Thomas More College of Fordham University.

Anne Wexler, Director, Voting Rights Project, *Common Cause.*

Margaret Xifaras, Massachusetts Democratic State Committeewoman.

PROPOSED STATEMENT OF PURPOSE FOR THE WOMEN'S POLITICAL CAUCUS

We are Republicans, Democrats, and women who have felt no commitment to either party. We are housewives and welfare mothers, professionals and part-time employees, farm and factory workers, students, educators, domestics, scientists and secretaries of every race and every economic level.

And we are all women. We have all experienced second-class and unacceptable treatment in this society. As women, we have all been systematically denied influence or participation in the political process that could right these wrongs.

We are gathering together, therefore, in a Women's Political Caucus. We share these beliefs:

That the self-determination of women, more than half of the country, is much too large a goal to be a partisan issue;

That sexism, racism, and all forms of discrimination must be fought together;

That women—because we have not been conditioned into believing the Masculine Mystique that says identity depends upon victory, violence or the manipulation of other people—can be of special value to the whole country in positions of power;

That the needs and contributions of women can never be felt until we take our rightful place in the running of the country.

The Women's Political Caucus will take action based on these beliefs. We will:

Rally national support for the campaigns of women candidates—federal, state, and local—who declare themselves ready to fight for the needs of women and of all under-represented groups;

Confront our own party structures, and, when necessary, cross party lines in support of such women candidates;

Disseminate information on filing deadlines and election procedures—city, county, state and federal—for the use of women candidates;

Register new women voters;

Raise women's issues in every election whether or not a woman candidate is available, and publicize the record of male politicians on such issues, so that political aspirants and incumbents of both sexes shall be made to rise or fall on their record as humanists;

Withdraw support of every kind from campaigns and incumbents who do not take concrete steps forward for women—not only by support of the issues, but by putting women in decision-making positions within their staffs and campaigns;

Monitor the selection of delegates to the Presidential Nominating Conventions of both the Republican and Democratic Parties, with the intention of making legal challenge to those delegations with an unrealistic and unacceptable representation of women;

Eliminate or make meaningful the powerless positions to which women have been traditionally consigned by both parties—positions recognized by such prefixes as Co- and Vice-;

Draft and support legislation to meet the needs of women;

Raise women's consciousness of their own political power and concerns, and encourage women in all activities directed at raising the public consciousness of those facts;

Form coalitions with groups sharing similar humanist goals.

The Women's Caucus recognizes that candidates must shape their platforms to meet the needs of their constituencies. We also recognize, however, that women have a clear community of interest, and we therefore put forth the following issues as guidelines to the kinds of concerns we believe women must have *as women,* not as imitators of the traditional male style and male politic;

Equality for women under the law;

Withdrawal from Vietnam—and an end to the arms race and physical violence as the masculine way of resolving conflict—so that our country's resources can be used for human needs;

Repeal of all laws that take away a woman's right to decide her own reproductive and sexual life;

Comprehensive, parent-controlled child development and child care programs, as a matter of right;

Elimination of discrimination against females of all ages in education, and in every institution, public or private;

Enforcement of all existing anti-discriminatory laws, especially Title 7 of the Civil Rights Act;

Fair treatment of working women, including tax deductions for child care, maternity leave, change of the Social Security system to end discrimination against families with working wives, and elimination of the economic and social degradation of women, whether by employers or by unions;

Support of federal and state funds for development of Commissions on the Status of Women to insure equal treatment of women at the state level;

An adequate income for all Americans, based on the Bureau of Labor Statistics' determination of adequacy;

Increase of the minimum wage and expansion of its coverage to include domestics, housewives, farm laborers, and employees of non-profit institutions;

Assurance of adequate shelter to every American, and an end to discriminatory practices against women, or families with women heads, in housing;

And end to hunger and malnutrition for all Americans;

Adequate health care for all Americans;

Comprehensive, community-controlled programs for senior citizens, as a matter of right;

Adaptation of institutions, public and private, to the changing work patterns brought about by the humanizing of both sex roles;

Enactment of all of the recommendations of the Presidential Task Force Report on Women's Rights and Responsibilities, many of which are noted above, and including amendment of the Civil Rights Act of 1964 to prohibit discrimination against women in public education, public accommodations, public facilities and all federally-assisted programs.

We believe that, by taking such actions and pursuing such goals, we will achieve a more just society for all Americans; a humanist world in which no one shall be born into an inferior role because of visible difference, whether of sex or of race.

THE NEXT STEP: WOMEN'S PARTICIPATION—HUMAN LIBERATION

(By Betty Friedan)

The time has come for the women's liberation movement to be transcended by a massive new movement; women's participation in political power. Even more than the 18 year old vote, the women's participation movement could upset all the old political rules and traditions in 1972 with a new human politics that bosses won't be able to contain nor polls predict.

It was just five years ago in Washington, at the last conference of the President's Commission on the Status of Women before it was disbanded without the power to implements its goals, that some of us met late at night in my hotel room to decide we had to organize what we then called an NAACP for women—the first, and largest women's liberation organization—N.O.W.

Today we meet to take the next decisive step for women, plans for which many of us here have been working on in informal meetings and in long distance phone calls across this nation for some month now—the formation of a new National Women's Political Caucus.

Last August 26, fifty years after winning the vote which we as women have never yet used for ourselves, we discovered how many millions of us there were, marching on the unfinished business of our equality. We do more than march this year. We prepare to take our share of political power: the power which is our right as 53 percent of the voting population of this democracy, and a necessity if our new consciousness of ourselves as people is ever going to be more than talk for most of us.

At an analogous moment in the early 60's, the civil rights movement had to demand blackpower if the rights were to become real for most blacks. Women's participation in political power will change the politics of this nation in 1972 and thereafter, more basically than the black movement or any minority movement or ethnic bloc of the past. Up until now, the politics of our two-party system, the politics of bossism and machines, has been based on manipulation of minorities, often against each other, by the male, white minority with power. What unites women as a majority is the refusal to be manipulated any longer. What unites women across the lines of race, class, generation and man-made party politics is the demand for participation ourselves: our own voice in the big decisions affecting our lives. This will be quite a change from the token role that women have played in American politics until now—the *few* who got beyond the menial chores.

I used to be invited to the White House during the Johnson administration to be on a "women's committee" with other "prominent" women just before elections. But the women were never asked to *speak*, just to have our pictures taken with the President, or, more usually, having tea with the President's wife. Last August, frightened, I guess, by the spectre of all those women marching, the House passed the Equal Rights Amendment which had been bottled up in committee for 47 years; but when the march was over, the Senate quickly took it back even though a majority of Senators had "promised" to sponsor it. President Nixon didn't even want to release the report of his own appointed Task Force on women's rights and responsibilities. He still hasn't done anything about it.

Women, who have done the political housework in both parties, ignored by the very men they elected, know what we in the women's movement have learned trying to get priority or money appropriated or even legislation enforced on issues like child care or abortion or sex discrimination: what we need is political power, ourselves. With men 98 or 99 percent of the House, Senate, the State Assembly, City Hall, women are *outside* the body politic.

The concept of the National Women's Political Caucus has been fleshed out over five months of discussion with women from the different groups and constituencies in this nation who have, over these past few years, begun to work together on social issues. It will be worked out in final form by all of you at this conference. I believe the National Women's Political Caucus will include women who are Democrats, women who are Republicans, women disgusted with both parties and young women turned on to neither. If it succeeds in uniting women to elect women, it will have the power to confront the bosses and the machines in either party, and to change the power structure. If it uses the woman-power that has been used for all the detail work, mimeographing, envelope-addressing, canvassing, door-bell ringing, coffee-klatches, lunches and teas which have helped to elect men—as well as the speeches we have written for men, and the brains we haven't been asked by men to use in the smoke-filled room of party decision-making—to elect women, women will finally have their rightful share of political power. Any woman against any man? Of course not. But certainly a qualified woman should be run against less qualified men. There's been too much nonsense about there being "no qualified women" available to run. Thousands of women have had educations equal or superior to men's in every way. Working women, now 43 percent of the population, have acquired technical and business experience matching or exceeding that of men. All the women who have run men's campaigns and legislative offices have political expertise, and a whole new group of women have qualified themselves for the new politics by leading, outside the party structures, the great movements on social issues.

One rainy night this winter, I went to the suburban five towns area of Hempstead, Long Island to help launch the first women's political caucus at the grass-roots level where the real work, the real decisions and the real organization will have to take place. Yolande Quitman, mother of two teenagers, and a few of her neighbors who had virtually no experience in politics had contacted every women's group: Catholic, Protestant, Jewish, PTA, League of Women Voters, AAUW, students at local colleges, even the women's auxiliary of the Veterans of Foreign Wars. These women were so turned on at the prospect of getting some real political power that the meeting had to be limited to two women from every organization, and still cars were parked for blocks around. They didn't waste time arguing about women's liberation. They made plans to run women for town council, supervisory and regulatory boards to which women had never been nominated before, even in suburbs where women and children formed virtually the entire population. Within three months, they got the first women nominated for the 1971 elections by the regular Democratic Party that now considers them one of the most powerful political groups in the district. Already beginning to search for many more political nominees for '72—judges, convention delegates, etc., etc.,—they have begun a voter registration campaign aiming at women and the 18 years olds of both sexes. If, as the latest census shows, the suburban population is becoming the decisive one in the United States, then the women's participation movement is surely the key to the new politics of suburbia.

The women's liberation movement has crested now. If it doesn't become political it will peter out, turn against itself and become nothing. Can we really make it political? Women old timers with a lifetime on the party fringes worry ". . . Women will never get together to elect other women." . . . "You can't get women to run for anything." Idealistic young radicals turn up their noses at "establishment politics," "women with political ambitions of their own," or electing anybody for anything: "elitism," "ego trip," etc. But the new women in Congress, Shirley Chisholm, Bella Abzug, know it was women who elected them, over the opposition of the professional politicians. Even the most powerful women in Congress today, Martha Griffiths, and Edith Green, were elected without much help from the regular machines and with a lot of help from women across regular party lines.

Such women have increasingly outnumbered the few women who might still say, "I wouldn't vote for a woman senator." Politicians, even the Aunt Toms, will have to realize that the old male machine bosses have become obsolete. Women politicians in office who think that their power rests on being the only woman there are making a serious mistake. Such women will have no more than token power. They will only have real power to change society and to create the conditions all women need when there are many women there.

As we put the caucus together, even women who have made it with "tried and true" political methods realize that the tried may no longer be true or may never work for women. I remember when Edith Green decided not to run for the Senate because she couldn't raise the money to do it. Could the National Women's Political Caucus raise the money women need to run for the Senate or for the State House, or even the Congress or could it provide the equivalent of money? Women and students can be mobilized to go into districts as needed, to augment local political woman power. Women celebrities can speak, write, cut records for women of little fame running for offices in small towns. Perhaps the fairness doctrine can be used to get women candidates equal time on TV and radio with male candidates.

I know that in our meetings here trying to put all these ideas together it may look at first like an impossible job. How can Conservatives, Republicans, Democrats, Radicals, women so disgusted that they want to start a women's party and run a woman for President, agree on what to do and how to do it. But in meetings already held we have come to realize that we don't have to agree with each other on everything. I suggest that the caucus and the candidates in each community will decide on the issues and methods. I submit that it only takes an hour or two or a meeting or two for women who may otherwise be of different political views to realize that the important thing now is unite to get women elected—women who will be committed to the rights and interests of women, and to human priorities. Women do not seek power over men or to use power as men have used it. I believe that women's voice in political decisions will help change our whole politics away from war and toward the critical human problems of our society—not because women are purer or better than men, but because our lives have not permitted us to evade human reality as men have, or to encase ourselves in the dehumanizing prison of machismo, the masculine mystique. Shana Alexander suggests that our slogan should be "Women's Participation—Human Liberation."

I remember once hearing John Kennedy talk about "the political passion." Beginning to understand what he meant organizing the women's movement and doing battle with politicians in Washington, I felt what a shame it is that women are only expected to experience sexual passion, and even that passively. The great philosophers from the Greeks to our own time have said that it is when men exercise that political passion and participate in the decisions that write the ongoing human story that they are most human. It was this condition that defined the free man as opposed to the slave whose work was needed for biological survival but never left a mark behind. That work, sweeping the floor that gets dirty again, cooking the meal that's consumed, has defined women until now as it once defined the slave. It is time to move up from the menial housework of home, office, school, factory and political party. It is time to have a voice in human destiny, to find and use our fullest human power.

It is a remnant of our own self-denigration, the put-down we finally do to ourselves, to think that a woman is "pushy" or "unfeminine" or "elitist" or on an "ego trip" to want to run for political office. It is to be hoped that there are thousands of us sufficiently liberated now to take on the responsibility and demand the rewards of running for political office. It takes courage to emerge from our private hiding place and risk ourselves, expose ourselves, as we must when we enter the political world in our own right. I suspect the great desire we have to do this now goes beyond the issues we care about—the child care centers, abortion rights, equal opportunities in jobs and education, new approaches to marriage and divorce—goes beyond the urgent need women feel with the young for human priorities in our government and is not at all explained by a simple desire for power over others. I think we are finally experiencing, millions of us, the true political passion that means we have liberated ourselves to be human.

The men who made the American revolution and the Constitution that embodied it intended to establish and preserve beyond possible threat the right to political participation. The women's participation movement seeks that right for women, seeks that full humaneness, and would keep it even if all the issues on the current social agenda were won. Whether or not we succeed in electing a hundred women to Congress and to the State Houses in fifty states, or tens of hundreds to city and county offices and party committees, hundreds of thousands, even millions of us will experience the political passion in trying to elect them and in discovering our own unsuspected human political power. It will not be a joke by 1976, the two-hundredth anniversary of our Republic, that a woman might run for President of the United States, for the women's participation movement, the second American revolution, will have peacefully achieved government of, by and for the people who are women as well as men.

Of Course Women Dare

(By Congresswoman Shirley Chisholm)

Do women dare take an active part in society and in particular do they dare take a part in the present social revolution? I find the question as much of an insult as I would the question, "Are you, as a black person, willing to fight for your rights?"

America has been sufficiently sensitized to the answer whether or not black people are willing to both fight and die for their rights to make the question itself asinine and superfluous. America is not yet sufficiently aware that such a question applied to women is equally asinine and superfluous.

I am, as is obvious, both black and a woman. That is a good vantage point from which to view at least two elements of what is becoming a social revolution; the American black revolution and the women's liberation movement. But it is also a horrible disadvantage. It is a disadvantage because America, as a nation, is both racist and anti-feminist. Racism and anti-feminism are two of the prime traditions of this country.

For any individual, challenging social traditions is a giant step; a giant step because there are no social traditions which do not have corresponding social sanctions, the sole purpose of which are to protect the sanctity of the traditions.

Thus when we ask the question "Do women dare?" We are not asking are women capable of a break with tradition so much as we are asking: "Are they capable of bearing with the sanction that will be placed upon them?"

Coupling this with the hypothesis presented by social thinkers and philosophers that in any given society, the most active groups are those that are nearest to the particular freedom that they desire, it does not surprise me that those women most active and vocal on the issue of freedom for women are those who are young, white, and middle-class, nor is it too surprising that there are not more from that group involved in the women's liberation movement.

There certainly are reasons why more women are not involved. This country, as I said, is both racist and anti-feminist. Few, if any, Americans are free of the psychological wounds imposed by racism and anti-feminism.

A few months ago while testifying before the office of federal contract compliance, I noted that anti-feminism, like every form of discrimination, is destructive both to those who perpetrate it and to their victims: that males with their anti-feminism, maim both themselves and their women.

In *soul on ice*, Eldridge Cleaver pointed out how America's racial and sexual stereotypes were supposed to work. Whether his insight is correct or not it bears close examination.

Cleaver, in the passage "the primeval mitosis", describes in detail the four major roles; there is the white female who is considered to be "ultra-feminine" because ". . . She is required to possess and project an image that is in sharp contrast to . . ." The white male's image as the "omnipotent administrator . . . all brain and no body."

He goes on to identify the black female as "subfeminine" or "Amazon" by virtue of her assignment to the lowly household chores and those corresponding jobs of tedious nature. He sums up the role of the black male as the "supermasculine menial . . . all body and no brain" because he was expected to supply society with its source of brute power.

What the roles and the strange interplay between them have meant to America, Cleaver goes on to point out quite well.

What he does not say and what I think must be said is that because of the bizarre aspects of the roles and the influence that non-traditional contact between them has on the general society—blacks and whites—males and females—must operate almost independently of each other in order to escape from the quicksands of psychological slavery. Each—black male and black female—white female and white male—must escape their own historical trap before they can be truly effective in helping to free others.

Therein lies one of the major reasons that there are not more women involved in the women's liberation movement. Women cannot, for the most part, operate independently of males because they often do not have sufficient economic freedom.

In 1966 the median earnings of women who worked full-time for the whole year was less than the median income of males who worked full-time for the whole year. In fact, white women workers made less than black male workers and, of course, black women workers made the least of all.

Whether it is intentional or not women are paid less than men for the same work, no matter what their chosen field of work. Whether it is intentional or not, employment for women is regulated still more in terms of the jobs that are available to them. This is almost as true for white women as it is for black women.

Whether it is intentional or not, when it becomes time for a young high school girl to think about preparing for her career, her counselors, whether they be male or female, will think first of her so-called "natural" career—housewife and mother—and begin to program her for a field with which marriage and children will not unduly interfere.

That is exactly the same as the situation of the young black or Puerto-Rican who the racist counselor advises to prepare for service-oriented occupations because he does not even think of them entering the professions.

The response of the average young lady is precisely the same as the response of the average young black or Puerto Rican—tacit agreement—because the odds do seem to be stacked against them.

This is not happening as much as it once did—to young minority-group people. It is not happening because they have been radicalized and the country is becoming sensitized to its racist attitudes and the damage that it does.

Women must rebel—they must react to the traditional stereotyped education mapped out for them by the society. Their education and training is programmed and planned for them from the moment the doctor says, 'Mr. Jones, it's a beautiful baby girl!", and Mr. Jones begins deleting mentally the things that she might have been and adds the things that society says that she must be.

That young women (for society begins to see her as a stereotype the moment that her sex is determined) will be wrapped in a pink blanket (pink because that is the color of her caste) and the unequal segregation of the sexes will have begun.

Small wonder that the young girl sitting across the desk from her counselor will not be able to say "no" to educational, economic, and social slavery. Small wonder because she has been a psychological slave and programmed as such since the moment of her birth!

On May 20th of last year I introduced legislation concerning the equal employment opportunities of women. At that time I pointed out that there were three and one-half million more women than men in America but women held only two percent of the managerial positions; that no women sit on the AFL–CIO Council or the Supreme Court; that only two women had ever held cabinet rank and that there were at that time only two women of ambassadorial rank in the diplomatic corps. I stated then as I do now that this situation is outrageous.

In my speech on the floor that day I said:

"It is true that part of the problem has been that women have not been aggressive in demanding their rights. This was also true of the black population for many years. They submitted to oppression and even co-operated with it. Women have done the same thing. But now there is an awareness of this situation, particularly among the younger segment of the population.

"As in the field of equal rights for blacks, Spanish-Americans, the Indians and other groups, laws will not change such deep-seated problems overnight. But they can be used to provide protection for those who are most abused, and begin the process of evolutionary change by compelling the insensitive majority to reexamine its unconscious attitudes."

The law cannot do it for us, we must do it ourselves. Women in this country must become revolutionaries. We must refuse to accept the old—traditional—roles and stereotypes.

We must reject the Greek philosopher's thought, "it is thy place woman, to hold thy peace and keep within doors." We must reject the thought of St. Paul who said "let the woman learn in silence." And we must reject the Nietschzian thought "when a woman inclines to learning, there is something wrong with her sex apparatus."

But more than merely rejecting we must replace those thoughts and the concepts that they symbolize with positive values based on female experience.

A few short years ago if you called most Negroes black it was tantamount to calling them niggers. But now black is beautiful and black is proud. There are relatively few people, white or black, who do not recognize what has happened.

Black people have freed themselves from the dead weight of the albatross of blackness that once hung around their neck. They have done it by picking it up in their arms and holding it out with pride for all the world to see. They have done it by embracing it—not in the dark of the moon but in the searing light of the white sun . . . They have said '"yes" to it and found that the skin that was once seen as symbolizing their shame is in reality their badge of honor.

Women must come to realize that the superficial symbolisms that surround us are negative. We must begin to replace the old negative thoughts about our femininity with positive thoughts and positive actions affirming it and more.

But we must also remember that that will be breaking with tradition and we must prepare ourselves—educationally, economically and psychologically—in order that we will be able to accept and bear with the sanctions that society will immediately impose upon us.

I am a politician. I detest the word because of the connotations that cling like slime to it but for want of a better term I must use it.

I have been in politics for twenty years and in that time I have learned a few things about the role of women in politics.

The major thing that I have learned is that women are the backbone of America's political organizations. They are the letter writers and the envelope-stuffers; the telephone-answers; they are the campaign-workers and organizers. They are the speech writers and the largest numbers of potential voters.

Yet they are but rarely the standard-bearers or elected officials. Perhaps it is in America, more than any other country, that the inherent truth of the old bromide "the power behind the throne is a women" is most readily apparent.

Let me remind you once again of the relatively few women standard-bearers on the American political scene. There are only ten United States Representatives. There is only one Senator and there are no cabinet members who are women. There are no women on the Supreme Court and only a small percentage of lady judges at the Federal Court level who might be candidates.

It is true that at the State level the picture is somewhat brighter just as it is true that the north presents a surface that is somewhat more appealing to the black American when compared with the south. But even though in 1967 there were 318 women in various State legislatures, the percentage is not good when compared with the fact that in almost all fifty States there are more women of voting age than there are men; and that in each State the number of women of voting age is increasing at a greater rate than the number of men. Nor is it an encouraging figure when compared with the fact that in 1966 there were not 318 but 328 women in the State legislatures.

Secondly, I have learned that the attitude held by the high school counselors that I mentioned earlier is a general attitude held by political bosses. A few years ago, a politician remarked to me about a potential young female candidate: "why invest all the time and effort to build up to the gal into a household name when she's pretty sure to drop out of the game to have a couple of kids at just about the time we're ready to run her for mayor?"

I have pointed out time and time again that the harshest discrimination that I have encountered in the political arena is anti-feminism—both from males and brainwashed "Uncle Tom" females.

When I first announced that I was running for the United States Congress last year, both males and females advised me, as they had when I ran for the New York State Assembly, to go back to teaching, a woman's vocation, and leave the politics to the men.

One of the major reasons that I will not leave the American political scene—voluntarily that is—is because the number of women in politics is declining.

There are at least two million more women than men of voting age but the fact is that while we get out the vote we often do not get out to vote. In 1964, for example, 72 percent of registered males voted while only 67 percent of registered females voted. We seem to be a political minority by choice.

I believe that women have a special contribution to make to help bring order out of chaos because they have special qualities of leadership which are greatly needed today. These qualities are the patience, tolerance and perseverance which have developed in many women because of suppression. If we can add to these qualities a reservoir of information about techniques of community action we can indeed become effective harbingers of change. Women must participate more in the legislative process because even with the contributions that I have just mentioned the single greatest contribution that women could bring to American politics would be a spirit of moral purpose.

But unfortunately women's participation in politics is declining as I have noted. Politics is not the only place that we are losing past gains though. Columnist Clayton Fritchey in a column *Woman in Office* noted that "Although more women are working, their salaries keep falling behind men's. Some occupations are (still) closed by law to women. Key property laws favor men. In 1940 women held 45 percent of all professional and technical positions as against 37 percent today."

The decline is a general one. But it is because it is a decline that I believe that the true question is not whether or not women dare. Women have always dared! The question which now faces us is: "Will women dare in numbers sufficient to have an effect on their own attitudes toward themselves and thus change the basic attitudes of males and the general society?"

Women will have to brave the social sanctions in great numbers in order to free themselves from the sexual, psychological and emotional stereotyping that plagues us. Like black people we will have to raise our albatross with pride.

It is not feminine egoism to say that the future of mankind may very well be ours to determine. It is simply a plain fact. The softness, warmth, and gentleness that are often used to stereotype us are positive human values; values that are becoming more and more important as the general values of the whole of mankind slip more and more out of kilter.

The strength that marked Christ, Gandhi, and Martin Luther King was a strength born not of violence but of gentleness, understanding and genuine human compassion.

We must move outside the walls of our stereotypes but we must retain the values on which they were built.

No, I am not saying that we are inherently those things that the stereotypes impute that we are; but I am saying that because of the long-enforced roles we have had to play we should know by now that the values are good ones to hold and I am saying that by now we should have developed the capacity to not only hold them but to also dispense them to those around us.

This is the reason that we must free ourselves. This is the reason that we must become revolutionaries in the fashion of Christ, Gandhi, King and the hundreds of other men and women who held those as the highest of human values.

There is another reason. In working toward our own freedom we can only allow our men to work toward their freedom from the traps of their stereotypes.

We are challenged now as we never were before. The past twenty years; with its decline for women, in employment and government; with the status quo in preparation of young women for certain professions it is clear that evolution is not necessarily always a process of positive forward motion. Susan B. Anthony, Carrie Nation and Sojourner Truth were not evolutionaries. They were revolutionaries, as are many of the young women of today. More women and more men must join their ranks.

New goals and new priorities, not only for this country, but for all mankind, must be set. Formal education will not help us do that, we must therefore depend on informal learning.

We can do that by confronting people with their own humanity and their own inhumanity. Confronting them wherever we meet them—in the church, in the classroom, on the floor of Congress and the State Legislatures, in bars and on the streets. We must reject not only the stereotypes that others hold of us but also the stereotypes that we hold of ourselves and others.

In a speech made a few weeks ago to an audience that was predominantly white and all female I suggested the following if they wanted to create change; "You must start in your own homes, your own schools and your own churches . . . I don't want you to go home and talk about integrated schools, churches or marriages when the kind of integration you are talking about is black with white.

"I want you to go home and work for—fight for—the integration of male and female—human and human. Franz Fanon pointed out in *black skins—white masks* that the anti-Semitic was eventually the anti-feminist. And even further, I want to indicate that all discrimination is eventually the same thing—anti-humanism."

That is my charge to those of you in the audience today whether you are male or female. Thank you.

Economic Justice for Women

(By Congresswoman Shirley Chisholm)

At one time or another we have all used the phrase "economic justice." This afternoon I would like to turn your attention to economic justice for women. Of course this is only an illusory phrase, as it is an undeniable fact that economic justice for American women does not exist.

As I look back over the years of my own lifetime, the transformation in the economic, social and political role we women play in American life has been almost incredible. But we are still quite a long way from anything like equality of opportunity. We are still in a highly disadvantaged position relative to men. This is revealed by our earnings. On the average, women who are full-time, year-round workers receive only about 60% of what men who are similarly employed earn. The median income for full-time, year-round women workers was $3973, compared to $6848 for men. This is somewhat below the official poverty level decreed for a family of four. This reflects the fact that we are all too often paid less for doing the same work; even more it reflects our concentration in the lower-paid, lesser-skilled occupations, and we are steadily losing ground.

Columnist Clayton Fritchy, in *Women in Office*, noted that, "although more women are working, their salaries keep falling behind men's. Some occupations are still closed, by law, to women. In 1940 women held 45% of all professional and technical positions as against 37% today." Among all employed women—not college women alone—82% are clerical, sales, factory and farm workers or in service occupations. 6% of us are teachers in the grammar and high schools and only 7% of us are medical and health workers, college teachers or other professional and technical workers. Just 5% of us are managers, officials or proprietors.

The factors which have narrowed our opportunities are multiple and complex. There are restrictive hiring practices. There is discrimination in promotions. Many myths, which run entirely counter to the facts, maintain that women make poor supervisors, or that they have substantially higher rates of absenteeism and labor tunover. A recent Department of Labor survey revealed that women are more reliable and are absent less frequently than the male population of our labor force. The myth about the unreliability of women is somewhat like the one about women being bad drivers. That one has been disproven lately also by the insurance companies—women pay lower rates.

The claim is often made, and without the slightest justification, that even women with more than adequate training and knowledge lack the ability to assume higher level positions in industry. As the late President Kennedy declared in December 1961, in the opening words of his executive order establishing a commission on the status of women, "These continuing prejudices and outmoded customs act as barriers to the full realization of women's basic rights, which should be respected and fostered as part of our nation's commitment to human dignity, freedom and democracy." When President Nixon's first nomination for the Supreme Court was rejected, it appalled and disturbed me greatly that he did not even consider nominating a woman. Our women have too long been overlooked for positions of importance in policy-making and decision areas.

The under utilization of American women is one of the most senseless wastes of this century. It is a waste our country can no longer afford. David Deith, a financial reporter, wrote that the Swedish national income could be 25% higher if women's labor potential were fully utilized. The standard of living in France would rise 35% if women were as professionally active as men. To my knowledge no comparable studies have been made in the U.S. on women, but Federal reserve board member Andrew Brimmer once estimated that racial bias costs our Nation 20 billion dollars a year and there are five times more women in America than there are blacks.

Meeting the challenge presented by a dynamic, expanding economy in the 70's and beyond, will require that American businesses employ all the financial, material and human resources at its command. We are expected to maintain and improve a high standard of living for a rapidly growing population. We are called upon to meet greater demands for American goods abroad.

The greatest domestic problems of today—poverty in our urban ghettos, inadequate housing, substandard housing, the lack of meaningful rewarding jobs for many thousands of our citizens—are all challenges that the business sector is being asked to take up. At the same time, we must maintain a growing economy in which all can participate.

In mobilizing our resources for the task, we must make sure that none are overlooked, particularly we must train, develop, and use effectively the knowledge and skills of all our people. It is not enough that we talk of the nation's manpower needs; we are going to need "womanpower" as well.

Statistically, the simple, inevitable fact is that America will have to draw upon the whole of her human resources and offer vastly wider opportunities, without discrimination in race or sex, if we are to accomplish these objectives.

The male prejudice against female achievement is usually in a subtle, often unconscious form. Men who would recoil in horror at the thought of being called anti-feminist, who view themselves as impartial, feel no inconsistency in saying the "little woman's" place is in the kitchen, with the kids, etc., etc. When these men are accused of prejudice, they reply that they are being sensitive to the "female character."

When I decided to run for Congress, I knew I would encounter both anti-black and anti-feminist sentiments. What surprised me was the much greater virulence of the sex discrimination. It seems that while many, many Americans still harbor racist emotions, they are no longer based on so-called racial characteristics. Paternalism has to a great extent disappeared from racial bias. But I was constantly bombarded by both men and women exclaiming that I should return to teaching, a woman's vocation, and leave politics to the men.

Like every other form of discrimination, anti-feminism is destructive both to those who perpetrate it and to its victims. Male school teachers, for example, are well aware of this. They have had to fight against both men and women who cast aspersions on their maleness because of their vocation. No one knows how many men have declined careers in teaching jobs they would have enjoyed because of the "female" character of that profession. When one group of society is as oppressed as American women are, no one can be free. Males, with their anti-feminism, maim both themselves and their women.

Like black people, women have had it with this bias. We are no longer content to trade off our minds and abilities in exchange for having doors opened for us by gallant men. While most men laugh jeeringly at the fledgling "women's liberation groups" springing up across the nation, they should know that countless women—including their cohorts, their wives, and their daughters—silently applaud such group's existence. We—American women—are beginning to respond to our oppression. While most of us are not yet revolutionaries, we are getting in tune with the cry of the liberation groups. Women are not inherently passive or peaceful. We're not inherently anything, but human. And like every other oppressed people rising today, we're out for freedom—by any means necessary.

Such is the predicament of all American women; the problem is multiplied for those of us who operate also under racial prejudice. So far most of the feminine revolution has been directed at the problems of professional women whose skills are not recognized or rewarded. However, this very fact that professional ladies have spokesmen who will protest their condition gives them hope of alleviating their suffering. I turn now to the specific dilemma of the black woman.

The feminine revolution has been headed mostly by middle class white professional women aimed toward the higher level jobs. More of our attention should be directed toward those women who comprise the menial working force of our country. Particularly, the black woman, who usually has to find employment as a maid, housekeeper, day worker, cafeteria helper, etc. These women are in dead-end jobs, jobs inherently degrading and humiliating, jobs which barely provide a subsistence existence. Today young women are revolting against this kind of subservient employment. They refuse to take a job which robs them of their self-respect and dignity in exchange for a few dollars. They want the opportunity to prove their worth, to show, both whites and black men that they are women, black women and they are proud.

Most of these black women lack the academic training to compete for professional and white collar jobs. Our society must begin to give them training. But in the meantime. there are definite steps which can be taken now to utilize the talents of black women and to provide them with an income above the poverty line, steps which will eliminate the discrimination on the basis of race and sex.

Some of you may be thinking, "How can she say that this discrimination is so virulent? Isn't she the first black female member of Congress? That proves that the bias isn't really so great." On the contrary, my battle was long, incredibly hard and continual. Because I pushed, I encountered the strongest prejudice of less competent males, both black and white. That I won is a tribute to the women in my neighborhood who are finally saying "no" to the system. They are fed up. And as each day goes by and the awareness of women to our plight grows, there will be more and more women who will say "no."

We live in revolutionary times. The shackles that various groups have worn for centuries are being cast off. This is evidenced by the "developing" nations of the world, which we consider, for the most part, underdeveloped. Countries, such as India, Ceylon and Israel, have women for presidents, prime ministers and in other decision-making positions. American women must stand and fight—be militant even—for rights which are ours. Not necessarily on soapboxes should we voice our sentiments, but in the community and at the polls. We must demand and get day care centers, better job training, more opportunities to enter fields and professions of our choosing and stop accepting what is handed to us.

STATEMENT OF CONGRESSWOMAN BELLA S. ABZUG

Yesterday in Washington, a new political force was born. I was proud to be part of this historic occasion, but I wish to emphasize from the outset that I was only one of the many participants. This is, as you will see, an event which will affect *all* women in this country. It is, as it must be, a grassroot organization.

It is called the National Women's Political Caucus. It was born out of two days and three nights of meetings; out of the diversity represented by women from 26 states, the major political parties, many issue groupings, different ages, races, and economic backgrounds. The purpose of the National Women's Political Caucus is to put women where they belong: in positions of power and responsibility in this country that accurately reflect their 53% of the population.

To do this, the Caucus will encourage support for the campaigns of women candidates—federal, state and local—who declare themselves ready to fight for the needs and rights of women, and of all under-represented groups.

The Caucus recognized that candidates must shape their platforms to meet the needs of their constituencies. At the same time, its strong consensus on the nature of women's issues renewed my conviction that women have a real and definite community of interest.

Therefore, the Caucus decided to adopt guidelines that would reflect this strong sense of direction. Some of these were:

Passage of the Equal Rights Amendment, so that the Constitution of the United States will at last work for women.

An immediate withdrawal from the war in Indochina, but, more than that, an end to the use of physical violence as an acceptable way of resolving conflict.

Enforcement of all existing and proposed anti-discrimination laws, such as Title VII of the Civil Rights Act, and the Equal Pay Act—plus the important addition of a "cease and desist" clause to the EEOC.

Adequate shelter for all Americans, and an end to discrimination against women, especially families with women heads and welfare mothers.

Elimination of the many tax inequities that affect women and children.

Repeal of all laws that affect a woman's right to decide her own reproduction and sexual life.

Fair treatment of working women, including full tax-deductions for child care and household expenses; maternity leave and voluntary parental leave for childbirth; change of the Social Security System to end discrimination against families with working women; and an end to the social and economic degradation of women, whether by employers or by unions.

All of those and more are women's issues. Some of them—like universally available child care—have already been publically identified. Others are only now being discovered as more and more women enter the work force, and meet a complex system of prejudice and injustice there.

But we are going to work for justice and an end to our second class status, the way all second class groups in this country have done—by becoming a true political power.

Of course the caucus recognized the economic burden, as well as the long and hard struggle that is necessary to produce such sweeping social change. But I believe, as one of our resolutions stated "that this country's enormous resources could be more than enough. They need only to be reordered to pay for life instead of for death."

Women are going to see that this happens. Women are going to take control of their own lives by taking political power.

THE SNAKE RIVER AND THE FUTURE

Mr. PACKWOOD. Mr. President, nearly a century and a half ago, the famed explorer Capt. Benjamin Bonneville first sighted Hells Canyon. Recording what he saw, he wrote:

> The grandeur and originality of the views presented on every side beggar both the pencil and the pen. Nothing we have ever gazed upon in any other region could for a moment compare with the series of scenes which here at every turn astonished our senses and filled us with awe and delight.

I know how Captain Bonneville felt, because I felt the same way when I rode down the Snake River through Hells Canyon during the Memorial Day recess.

I went to Hells Canyon because I wanted to see, firsthand, that which I had earlier been persuaded must be preserved for future generations of Americans. It was the most inspiring, the most vividly moving experience of my entire life. It convinced me—as nothing before—that we must save the Middle Snake from those who would ravage it. It convinced me that national priorities mean more than trimming the Defense budget. It convinced me that the No. 1 national priority of our age is to insure that the few remaining majestic wilderness areas of the Nation must be preserved.

This is a matter which involves not only all the people of the Northwest but, in a very real sense, all the people of the Nation. And that is why I am gratified so many other Senators have joined me in cosponsoring S. 717, a bill which would establish the Hells Canyon-Snake National River in the States of Idaho, Oregon, and Washington.

The Senator from Nevada (Mr. Bible) has informed me that he has scheduled hearings on S. 717 before his Subcommittee on Parks and Recreation of the Committee on Interior and Insular Affairs for September 16 and 17, 1971.

Mr. President, this is welcome news to the millions of conservationists and fishermen around the Nation who support S. 717, and I join them in applauding Senator Bible for his willingness to let us make our case. This is a vital conservation measure.

Before the 4th of July recess, representatives of several conservation organizations contacted me asking if I would be willing to offer S. 717 as a substitute amendment to S. 488 on the floor, and I subsequently sent each Senator a letter indicating my intention to do so. But, I decided not to call it up when I learned that Senator Bible had scheduled hearings on S. 717 for the middle of September.

During the time the submitting of the amendment was being considered, I received a number of letters from conservation and fishing groups in support of S. 717. I ask unanimous consent that the letters be printed at this point in the Record.

There being no objection, the letters were ordered to be printed in the Record, as follows:

League of Conservation Voters,
Washington, D.C., June 21, 1971.

Dear Senator: The Senate will soon be asked to vote on S. 488, a bill concerning Hells Canyon on the Snake River.

We urge you to support an amendment by Senator Robert W. Packwood that would establish the Hells Canyon-Snake National River. We regard this as a key environmental vote, and it will be included in the next edition of our chart, "How Your Senators Voted on Critical Environmental Issues".

As reported by the Interior Committee, S. 488 would not guarantee protection of this great free-flowing section of the Snake as it runs through Hells Canyon. It would merely give the semblance of protection while plans for damming the river's last free-flowing waters are drawn up.

The Packwood amendment would move directly to establish the Hells Canyon-Snake National River, administered by the U.S. Forest Service. The area, embracing 700,000 acres, is almost entirely in National Forests and is already earmarked for protection. It would include:

1. The Seven Devils Unit of 314,000 acres bordering Hells Canyon in Idaho.
2. The Imnaha Unit of 350,000 acres bordering Hells Canyon in Oregon.
3. The Snake River Unit of 50,000 acres, including the Snake River, 100 miles of the Salmon River (Idaho), and 40 miles of the Grande Ronde River (Oregon).

The Packwood amendment would protect the rivers and the land within a quarter-mile of the riverbank. It would prohibit dams, which have stilled the river in the upper reaches of Hells Canyon, and which are killing off the famed fisheries of the Snake. It would also prohibit logging and mining, while grazing will be allowed to continue. Acquisition of necessary private lands and easements is authorized up to $10 million.

Conservationists all over the nation care deeply about Hells Canyon, the world's deepest river gorge. Please show them that you also care enough about Hells Canyon to vote for the Packwood amendment to insure its protection. Thank you.

Sincerely,

Marion Edey, *Chairman.*

Oregon Environmental Council,
Portland, Oreg., June 21, 1971.

Hon. Robert Packwood,
United States Senate,
Washington, D.C.

Dear Bob: Attached is a copy of the letter which was sent to all Senators, this date, supporting your amendment to S. 488.

Best regards,

Larry Williams,
Executive Director.

Oregon Evironmental Council,
Portland, Oreg., June 21, 1971.

Dear Senator: We are writing to urge your support of a very important amendment which will reach the Senate floor in the next few days, concerning the preservation of the free-flowing Snake River between Oregon and Idaho.

Senator Packwood is sponsoring an amendment to S. 488 which would substitute S. 717 calling for the creation of a Hells Canyon-Snake National River.

Senator Packwood's amendment has gained wide support in Oregon and Idaho. In fact, Oregon's Governor, Tom McCall, had spoken out in favor of the perpetual protection of this River for its recreation and fish and wildlife values. While we do not oppose the establishment of a seven year moratorium on dam construction on the Snake River, we feel that permanent preservation of America's deepest gorge from dam construction is an absolute must; therefore, a seven year delay does not answer the ultimate need.

We urge you to join Senator Packwood and his co-sponsors in supporting the amendment to S. 488 when it reaches the Senate floor.

Sincerely,

Lawrence F. Williams,
Executive Director.

Hells Canyon
Preservation Council, Inc.,
Idaho Falls, Idaho, June 24, 1971.

Hon. Bob Packwood,
United States Senate,
Washington, D.C.

Dear Bob: We wish to again state our complete and total support of your efforts to create a Hells Canyon—Snake National River.

We have worked long and hard on this proposal and we think it is the best type of legislation aimed at protecting this unique National treasure. We feel it offers something for all who are concerned about Hells Canyon except those who would alter its natural magnificence for monetary gain.

We regret that our own Senators Church and Jordan have not joined us. We cannot support their Moratorium Bill. This bill will not stop the present commercialization of the waterfront, will not stop the present logging and roading in the adjacent land areas, and it will not stop the present decline of water quality due to mercury contamination, nitrogen supersaturation, and inadequate minimum-allowable flow. It would delay dam construction for a period somewhat longer than the FPC appears to be imposing upon itself.

Although we fully appreciate Senator Church's reasons for not supporting the National River Bill, reasons which he indicates are based wholly on the practicalities of getting things through Congress, we feel the time to preserve Hells Canyon is now.

We are grateful to Frank for first introducing the Moratorium three years ago. At that time, it was a positive move in the direction of saving Hells Canyon. It is not now.

If there is any way at all by which we may assist your efforts, please let us know immediately. We are completely at your service.

Best regards,

Pete Henault, *President.*

National Parks and Conservation Association,
Washington, D.C., June 24, 1971.

Hon. Robert W. Packwood,
New Senate Office Building,
Washington, D.C.

Dear Senator Packwood: Thank you for inviting the comments of the National Parks and Conservation Association on your proposed bill to establish the Hells Canyon-Snake National River, S. 717.

The Association has continuously opposed construction of high dams. We particularly oppose dams that destroy uniquely valuable natural features, which the Middle Snake truly is. We also feel that there are alternative sources of power that are less damaging to the environment and more efficient than hydro-electric power.

Again, we appreciate the opportunity to comment.

Very truly yours,
Miss LEDLIE L. DINSMORE,
Administrative Assistant for Legislative Information.

NATIONAL WILDLIFE FEDERATION,
Washington, D.C. June 17, 1971.
Senator ROBERT W. PACKWOOD,
United States Senate,
Washington, D.C.

DEAR SENATOR PACKWOOD: This is in response to your invitation to comment about the introduction of your bill, S. 717, establishing the Hells Canyon-Snake National River in Idaho and Oregon.

Attached is a copy of a resolution which our organization adopted in an annual meeting at Chicago, Illinois, in 1970. As you can see, our organization hereby endorses the designation of this national river in the area from Homestead, Oregon and the town of Asotin, Washington. We would hope that appropriate segments of the Salmon, Imnaha, and Grande Ronde Rivers would be included in such a national river.

It is our opinion that this segment of the Middle Snake River must be kept free and unencumbered by a dam which would ruin outstanding natural values and create added difficulties to fisheries resources which are already in trouble. This is particularly true of the new nitrogen problems which have arisen in the Columbia River Basin as a result of continued dam building efforts.

The resolution also pointed out that the National Wildlife Federation supports the concepts that a moratorium on dam construction should be declared until a suitable national river plan is authorized and established.

With this view in mind, we compliment you upon the introduction of S. 717 and we hope that it can be considered by the Congress at an early date.

Sincerely,
THOMAS L. KIMBALL,
Executive Director.

PRESERVATION OF SNAKE RIVER

RESOLUTION NO. 25

Whereas, the last remaining unspoiled streach of the Middle Snake River is threatened by several proposals for the construction of hydro-electric dams; and

Whereas, this unspoiled reach of river is featured by spectacular Hells Canyon and other outstanding natural wonders; and

Whereas, the Snake River, together with its tributaries, the Salmon, Imnaha, and Grande Ronde Rivers, constitute the last major remaining habitat for dwindling stocks of salmon, steelhead, and sturgeon in the entire Columbia River drainage; and

Whereas, this area also contains significant and uniquely valuable wildlife habitat; and

Whereas, the unspoiled Snake River offers many important outdoor recreational and educational opportunities;

Now, therefore, be it resolved that the National Wildlife Federation in annual convention assembled in Chicago, Ill., March 20–22, 1970, hereby endorses the designation of a Hell's Canyon-Snake National River in the area from Homestead, Oreg., and the town of Asotin, Wash., and including appropriate segments of the Salmon, Imnaha, and Grande Ronde Rivers, to be administered by the U.S. Forest Service under rules and regulations which permit public hunting and fishing on public lands but prohibit the construction of any dam; and

Be it further resolved that this organization also supports the concept that a moratorium on dam construction should be declared until a suitable national river plan is authorized and established.

FRIENDS OF THE EARTH,
Washington, D.C., June 20, 1971.
Hon. ROBERT W. PACKWOOD,
U.S. Senate,
Washington, D.C.

DEAR SENATOR PACKWOOD: Friends of the Earth will stand strongly behind your effort to substitute the provisions of S. 717, to establish a Hells Canyon–Snake National River, in place of the moratorium bill, when the question is considered on the Senate floor.

The living river and its wilderness setting need and deserve protection now, instead of further delay and indecision.

We endorse the Packwood Amendment, and will urge the Senate to adopt it.

Sincerely,
GEORGE ALDERSON,
Legislative Director.

THE IZAAK WALTON LEAGUE OF AMERICA,
June 17, 1971.
Hon. ROBERT PACKWOOD,
U.S. Senate,
Washington, D.C.

DEAR BOB: We understand that the Senate Interior Committee has reported out S. 488, the Church Moratorium Bill, and S. 432 the Salmon Falls Division, Upper Snake River Project. Further, that the Senate will take these up on the floor next Tuesday, June 22. We appreciate your request for our comments.

Enactment would seriously reduce chances of favorable action on your bill to establish the Middle Snake River as a National River. The conservation-minded public wants the Middle Snake protected and preserved for its great and unique scenic, recreation, fish and wildlife values.

Your intention to offer your national river bill as a substitute for S. 432 makes plenty good sense.

Sincerely,
J. W. PENFOLD,
Conservation Director.

WILDLIFE MANAGEMENT INSTITUTE,
Washington, D.C., June 18, 1971.
Senator BOB PACKWOOD,
Senate Office Building,
Washington, D.C.

DEAR SENATOR PACKWOOD: This national conservation organization regards your proposal re. the Snake River National Recreation Area as a most constructive plan to assure proper management of the outstanding resource, recreational and scenic values involved.

The current problem of nitrogen supersaturation is evidence of too much single-purpose development of the Columbia River System. Approval of your plan would give recognition to other important public values along a significant, and presently undisturbed, stretch of the river system.

Sincerely,
DANIEL A. POOLE,
President.

WASHINGTON ENVIRONMENTAL COUNCIL,
Seattle, Wash.
SENATOR HENRY M. JACKSON,
Senate Office Building,
Washington, D.C.

DEAR SENATOR JACKSON: The Directors of the Washington Environmental Council at a meeting held May 8, 1971 voted to support the passage of Senate Bill 717, "The Hells Canyon-Snake National River Bill" and its House companion bill HR 2429. We support the concepts of the Bill which would preserve the area in its present form. The economic arguments for developments in the area are not adequate justification to destroy the heritage of the canyon, the wildlife habitat and the natural recreational benefits that now exist there.

We strongly urge that hearings be held and that positive action be taken to pass the bill.

Sincerely,
JACK B. ROBERTSON, *President.*

SIERRA CLUB,
Washington, D.C., June 22, 1971.
Hon. ROBERT W. PACKWOOD,
New Senate Office Building,
Washington, D.C.

DEAR SENATOR: The Sierra Club has long favored protection of the Hells Canyon stretch of the Snake River as a *national* river, as embodied in the legislation you introduced, S. 717.

As you know, the Sierra Club was among the intervenors in a Federal Power Commission license proceeding in opposition to granting a license for dam construction in this unique and scenic gorge. Our basic point in that case was that the Hells Canyon area is of greatest value to the nation in its present state, as a natural and scenic treasure possessing unusual recretaional facilities that cannot be duplicated elsewhere. Drowning this canyon country, whose lofty pinnacles form the deepest chasm in the North American continent, would be a national tragedy.

The scenic, recreation, fish, wildlife and wilderness assets involved at Hells Canyon, part of the timeless heritage of all Americans, deserves better than a brief moratorium on dam construction in the area. Therefore, the Sierra Club commends you and the co-sponsors of the amendment proposed to give immediate national river protection to Hells Canyon. The time to save Hells Canyon's terraced cliffs, timbered slopes and untamed waters is now—through adoption of the Hells Canyon-Snake National River amendment you are proposing. With best wishes, I am,

Sincerely,
W. LLOYD TUPLING,
Washington Representative.

THE WILDERNESS SOCIETY,
Washington, D.C., June 23, 1971.
Sen. ROBERT W. PACKWOOD,
6327 New Senate Office Building,
Washington, D.C.

DEAR SENATOR PACKWOOD: We are pleased to respond to your request concerning our views regarding the Hells Canyon-Snake National River proposal.

For many years now The Wilderness Society in concert with numerous other national and local conservation organizations, has been working diligently to gain a protective federal status for Hells Canyon and adjacent national forest lands. Given the extraordinary quality of the scenic, recreational and wildlife characteristics of this region, it most definitely is in the national interest to assure the permanence of these high qualities by establishment of the Hells Canyon-Snake National River as provided in your Bill S. 717.

Given the strong, widespread national concern to protect Hells Canyon and adjacent lands—built up progressively since 1954—the time has gone by when legislation such as S. 488 to impose a temporary moratorium (even though of seven years duration) on the construction of any dam or other engineering works affecting Hells Canyon is appropriate. The need now is for the Congress to recognize the powerful citizen demand for this national river and to pass the proper legislation as embodied in your S. 717.

We appreciate deeply the vigorous efforts which you and your associates in the Congress have been and are making to establish the Hells Canyon-Snake National River for the benefit of all Americans.

Sincerely,
STEWART M. BRANDBORG,
Executive Director.

ENVIRONMENTAL ACTION,
Washington, D.C., June 18, 1971.
Sen. ROBERT PACKWOOD,
6327 New Senate Office Building,
Washington, D.C.

DEAR SENATOR PACKWOOD: Environmental Action endorses your amendment to S. 488, to establish the Hells Canyon-Snake National River.

A moratorium at this time, as proposed in S. 488, would merely give renewed hope to those who hope to dam the Snake River long after the justification for such projects has been dismissed.

We particularly object to the act that no hearings were held on S. 488 this session and no public consideration has been given to the establishment of a National River.

We fervently hope that the Senate will move to adopt your amendment to S. 488.

Thank you for your efforts in this vital area.

Sincerely yours,

BARBARA REID,
Legislative Director.

ZERO POPULATION GROWTH,
Washington, D.C.,
Hon. ROBERT W. PACKWOOD,
Senate Office Building,
Washington, D.C.

DEAR SENATOR PACKWOOD: We understand you plan to offer an amendment to establish the Hells Canyon-Snake National River when S. 488, the Hells Canyon moratorium bill, is considered on the floor next week.

Zero Population Growth strongly endorses this amendment.

The moratorium alone would merely postpone the decision until a time when increased population growth has generated increased pressure to destroy the wilderness qualities of the Snake. We believe that it is time to move directly to preserve this environment. Your amendment would give the area the protection and national recognition it deserves.

Sincerely yours,

CARL POPE.

NATIONAL AUDUBON SOCIETY,
New York, N.Y., June 18, 1971.
Hon. ROBERT W. PACKWOOD,
Senate Office Building,
Washington, D.C.

DEAR SENATOR PACKWOOD: The National Audubon Society is pleased to respond to your request for our comments on your bill S. 717 to establish the Hell's Canyon-Snake National River.

National Audubon has long supported National River status for the Middle Snake. In the January issue of the Society's magazine, AUDUBON, Boyd Norton commented favorably on S. 717 in an article entitled "The Last Great Dam". It is our view as it is his that we should act now to protect the Middle Snake and Hell's Canyon. The proposal for a moratorium on dam construction to permit further studies, as provided in S. 488, only delays facing up to a decision which has been considered at all levels of government since 1954. We congratulate you on introducing the necessary legislation.

We appreciate your providing us with an opportunity to express our opinion on this matter.

Sincerely,

CHARLES H. CALLISON,
Executive Vice President.

Mr. PACKWOOD. Mr. President, in addition, I received statements from former Secretary of the Interior, the Honorable Stewart Udall, and from the Governor of Oregon, the Honorable Tom McCall. I ask unanimous consent that they be printed at this point in the RECORD.

There being no objection, the statements were ordered to be printed in the RECORD, as follows:

STATEMENT OF STEWART L. UDALL ON HELLS CANYON—SNAKE NATIONAL RIVER

I am one of the many who has altered his value system as a result of the environmental crisis.

We have come a long way in this Nation since engineers first began studying damsites on the Middle Snake, in Hells Canyon. No longer do we build dams simply because they are technically feasible or fit snugly into the outdated cost-benefit economic concepts of yesteryear.

My own position has shifted drastically since I once advocated, as Secretary of the Interior, the construction of a Federal dam on the Middle Snake.

My successors, Secretaries Hickel and Morton, have come out for a preservation solution for the Middle Snake. I applaud their efforts and the position taken by the Governors of Idaho and Oregon who have renounced dams on this stretch of the river and are seeking permanent protection for Hells Canyon.

Congress will soon have an opportunity to decisively settle the fate of Hells Canyon and its wilderness setting by establishing the Hells Canyon-Snake National River.

The alternative—the seven-year moratorium on FPC licensing of dams on the Middle Snake, as proposed in S. 488—would only postpone a decision that should be made right now without further delay.

The National River proposal has bipartisan support. I believe it confirms the national consensus of conservation that has evolved in the last two or three years on this issue. I understand that Senator Packwood intends to offer the National River bill as a substitute for the moratorium bill, which was recently reported out by the Senate Interior Committee.

I hope environment-minded senators of both parties will vote for the Packwood substitute. The issues are clear: we need to move beyond the half-step moratorium approach to decisive action that will give National River status and protection to this magnificent gorge now.

STATEMENT BY TOM MCCALL, GOVERNOR OF OREGON

It is my personal feeling that this stretch of the Snake River that remains free-flowing through Hells Canyon, should be preserved, and I am apposed to further dam construction along the Snake River. The nitrogen problem in this river has given us great concern, and it appears that any correction will cost a tremendous amount of money. Another dam would merely multiply our problems. We should now consider placing this river in the wild river category, and I support Senator Packwood's bill, S. 717, which would establish the Hells Canyon-Snake National River.

Mr. PACKWOOD. Mr. President, only a few days later, I received a copy of a letter dated June 25, 1971, signed by the Governor of Idaho, the Honorable Cecil D. Andrus, the Governor of Washington, the Honorable Dan Evans, and the Governor of Oregon, the Honorable Tom McCall, and addressed to the Honorable John N. Nassikas, Chairman of the Federal Power Commission. Mr. President, this letter manifests their opposition to the construction of another dam on the Snake River. I ask unanimous consent that it be printed at this point in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

JUNE 25, 1971.
Hon. JOHN N. NASSIKAS,
Chairman, Federal Power Commission,
Washington, D.C.

DEAR MR. NASSIKAS: Since the recent decision by Mr. William Levy again to recommend construction of additional hydroelectric dams on the Hells Canyon reach of the Middle Snake River, we have seriously re-examined our position regarding the future management of the Middle Snake.

We have reached the conclusion that construction of additional dams in Hells Canyon is not in the best interest of the people of the Northwest, nor in the best interest of the nation. It is time that we recognize that Hells Canyon is truly a unique and magnificent national treasure.

The role of hydroelectric power in the Northwest has been vital in bringing a high-quality life to the people of this area. However, by looking at the predicted energy needs of the Northwest for the next decade, we note that the proposed Hells Canyon dams would provide for less than a year of growth. It is interesting to note, in fact, that if all of the dams proposed on the Snake River were built, they would not make a significant dent in the impending power shortage. They would merely postpone the inevitable day of reckoning when we must meet our power needs by other than hydroelectric methods.

We do not feel that the claims of additional recreational benefits provided by the reservoir deserve merit. Certainly, the more than 100 miles of reservoirs already in the upper reaches of Hells Canyon and just as many miles of navigable river downstream offer more than enough recreation of the type that additional reservoirs would provide. Considering the losses that would occur in terms of stream fishing, hunting, jet-boating, rafting, backpacking and others, we can only conclude that the recreational benefits of additional dams would be highly negative.

We must also consider the loss of fish due to supersaturation of nitrogen caused by the existing dams. Each year, for centuries, the steelhead and salmon have migrated up the Snake and its tributaries to reproduce, and it now appears they face virtual extinction because of the nitrogen problem. Additional dams in Hells Canyon could eliminate any hope of saving this fishery resource.

We are at that time in the long history of this issue where we can have a part in preserving this national shrine for future generations, or we can have a part in destroying it for all time. Hells Canyon contains great prehistoric and historic value. The area is an archaeological treasure. Unique combinations of plants and wildlife are found there. Most of the vegetation zones in North America are compressed into this small area between the river and the mountain tops. And yet, with all of these irreplaceable values, it has been in constant danger of destruction year after year.

In summary, we feel it is time to seek protection for Hells Canyon and the Middle Snake rather than development.

In this regard, we urge the Federal Power Commission to refuse to grant the license to build additional dams in the middle reach of the Snake River.

Sincerely,

TOM MCCALL,
Governor of Oregon.
DAN EVANS,
Governor of Washington.
CECIL D. ANDRUS,
Governor of Idaho.

Mr. PACKWOOD. Mr. President, I have also received numerous letters of support for S. 717 from fishermen. I ask unanimous consent to have printed at this point in the RECORD letters from

R. P. Van Gytenbeek, executive director of Trout Unlimited; Lewis A. Bell, president of the Federation of Fly Fishermen; Arthur Solomon of Northwest Steelheaders Council of Trout Unlimited; and Steve Raymond of the Federation of Fly Fishermen.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

TROUT UNLIMITED,
Denver, Colo., April 26, 1971.

Senator BOB PACKWOOD,
U.S. Senate,
Washington, D.C.

DEAR SENATOR: Thank you very much for the continuing flow of information on your efforts to save Hells Canyon. Needless to say, we greatly applaude your efforts.

Our Northwest Steelheaders Council, which numbers some 4500 people in Oregon, Washington and Idaho, is working on generating public support for your position and stands ready to assist in any other way which you deem necessary.

Keep up the good work and I look forward to meeting you personally in the near future. Until then, I am,

Sincerely,
R. P. VAN GYTENBEEK,
Executive Director.

FEDERATION OF FLY FISHERMEN,
Everett, Wash., March 31, 1971.

Re S. 717 and H.R. 4249—Hells Canyon—Snake National River Bill

Senator ROBERT W. PACKWOOD,
Senate Office Building,
Washington, D.C.

DEAR SENATOR PACKWOOD: The writer represents a federation of fishermen of some 62 organizations spread in the United States and Canada, representing approximately 14,000 people, of which number approximately 25% live in the States of Idaho, Oregon and Washington.

Each and all of said ones are vitally concerned in the passage of the Hells Canyon—Snake National River Bill to give legal status to the Snake River and its tributaries in order to preserve the same for its recreational potential and its fishery resource.

May I, on behalf of the Federation's members, urgently request that the appropriate committees of the Congress schedule public field hearings on the bill to the end that the same may be voted on by those committees and sent to the houses of Congress for final action in this present session.

The Federation stands ready to do all it can, both within the states mentioned and at the Washington, D.C. level, to aid and assist the members of Congress in the acquisition of information and to assure the expression of public desire that these bills be passed.

May I unequivocally express the opinion that the people of Idaho, Oregon and Washington do not want to lose a viable Snake-Columbia River system and the great assets its fisheries and recreational potential represent to the quality of life in its watershed.

Although vested interests make great clamor for the consumptive utilization of the rivers for their particular purpose, the average citizen desires those rivers' preservation in their present condition for the aesthetic qualities such give to their individual lives.

Yours truly,
LEWIS A. BELL.

NORTHWEST STEELHEADERS COUNCIL
OF TROUT UNLIMITED,
July 2, 1971.

Hon. BOB PACKWOOD,
Senate Office Building,
Washington, D.C.

DEAR BOB: I was very pleased to hear that you had solicited from Senator Bible his personal promise to hold hearings September 16 and 17 on your Bill S. 717.

You will be pleased to know that this past weekend I spent four days at a National Board meeting of Trout Unlimited in Wagonwheel Gap, Colorado. It was the unanimous feeling of the National Board that they will support your Bill.

Kindest regards,
ARTHUR SOLOMON,
President.

FEDERATION OF FLY FISHERMEN,
March 12, 1971.

Senator ROBERT PACKWOOD,
Senate Office Building,
Washington, D.C.

MY DEAR SENATOR PACKWOOD: I am pleased to be able to inform you that the Executive Committee of the Federation of Fly Fishermen has voted unanimously to endorse Senate Bill 717 to establish the Hells Canyon-Snake National River.

The Executive Committee represents 4,000 individual members and 60 member clubs in 20 states. We have asked our members to notify their own Congressional delegations of their support for S. 717 and its companion measure in the House of Representatives.

We wish you success in your dedicated efforts to win passage of this law. I trust you will let us know if there is anything more we can do to ensure its passage.

We sincerely appreciate your concern for the preservation of Hells Canyon and the Snake River.

Sincerely,
STEVE RAYMOND.

Mr. PACKWOOD. Mr. President, on July 6, I received a letter from the Oregon Wildlife Federation, signed by George Reed, executive director, with which he enclosed copies of resolutions in support of S. 717 and indicating concern over the lethal nitrogen problem caused by dams already in place along the Columbia and Snake Rivers. I ask unanimous consent that Mr. Reed's letter and the attached resolutions be printed at this point in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

OREGON WILDLIFE FEDERATION,
Portland, Oreg., June 1, 1971.

Senator BOB PACKWOOD,
Senate Office Building,
Washington, D.C.

DEAR SENATOR: This is just to keep you up to date on the actions of one of Oregon's organizations regarding some of our natural resources. These Resolutions were acted upon at our recent annual convention in Medford. Those conservationists assembled here from all areas of Oregon for this 3 day meeting were unanimous in their support of these programs and would like to see them implemented and funded to the end these resources can be properly managed in the public interest.

Resolution #5. This Nitrogen Supersaturation problem needs the immediate attention of the many agencies involved at both the State and Federal level and funds to find the answers and correct same.

Resolution #6. We do unanimously support your legislation to preserve this Snake River.

Senator, we were at Lewiston, Idaho when the "Coalition to Save the Snake" was formed under leadership of Jack Hemingway and truly it was a real feeling of satisfaction to see so many people, representing so many organizations, rally behind a single idea, a single piece of legislation, to get the job done. After 14 years of successful pressure from several small groups like the Wildlife Federation of Oregon, Washington and Idaho and the Steelheaders and Izaak Waltonians, it has now blossomed into a concentrated effort of some 35 or 40 organizations. I came away with a feeling, no one will take *no* for an answer, now. Everyone says *yes* we will preserve the Middle Snake as a Wild River. Right on, Senator Packwood, now you do have a lot of support here in the Northwest.

Conservationally,
GEORGE REED,
Executive Director.

RESOLUTION NO. 5—NITROGEN SUPERSATURATION IN COLUMBIA RIVER

Whereas the continuing loss of both downstream and upstream fish migrants in the Columbia River is an outrage against a unique and precious public value of the Columbia River; and

Whereas the high nitrogen supersaturation levels result directly from Snake and Columbia River dam construction;

Now therefore be it resolved the Oregon Wildlife Federation does hereby request that the full capability of the U.S. Corps of Engineers and the U.S. Bureau of Reclamation address themselves to the immediate and satisfactory solution to this urgent and compelling problem.

RESOLUTION NO. 6—SNAKE RIVER—HELLS CANYON NATIONAL WILD RIVER

Whereas the Oregon Wildlife Federation is dedicated to the conservation of our natural resources; and

Whereas the Middle Snake River is our last major Northwest river left in a wild and free flowing state, and as such, is an irreplaceable resource of great scenic and recreational value; and

Whereas Senator Packwood's legislation, Senate Bill 717 asks for National Wild River status for 120 miles of Snake River from Homestead, Oregon downstream to Asotin, Washington and will preclude the building of any hydro projects on this stretch of the Snake,

Now therefore be it resolved by the Oregon Wildlife Federation in Convention assembled in Medford, Oregon, June 20, 1971, Resolution #9 supporting construction of High Mountain Sheep Dam on the Snake River, passed by Oregon Wildlife Federation in Convention assembled in Bend, Oregon, June 12, 1960, is hereby rescinded; and

Be it further resolved we hereby support National Wild River designation for the Middle Snake and will continually support legislation to permanently conserve this portion of the Middle Snake.

Mr. PACKWOOD. Mr. President, the meeting in Lewiston, Idaho, to which Mr. Reed refers in his letter, was a meeting to form the "Coalition to Save the Snake." I ask unanimous consent that a memorandum covering actions taken at that meeting sent to me by Dale Jones, Northwest Coordinator of the Friends of the Earth, and an article from the Sunday, June 27, 1971, Lewiston Morning Tribune, which Mr. Jones refers to in his memorandum, be printed in the RECORD.

Also, I ask unanimous consent to have printed in the RECORD an article entitled "Snake Preservation Drive Slated," written by Jerry McGinn.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

FRIENDS OF THE EARTH,
San Francisco, Calif., July 2, 1971.

To Senator PACKWOOD.

From Dale Jones, Northwest Coordinator, FOE.

Subject Snake River—Coalition to Save the Snake.

Attached is an article from The Lewiston Tribune which covers the organizational meeting of the Coalition to Save the Snake which was held on June 26th in Lewiston, Idaho. The article is accurate and complete as to what happened at the meeting. The following are the resolutions passed at the meeting.

1. Resolved that we here present form a coalition for the purpose of preventing any further dams on the Snake River and its tributaries from the existing Hells Canyon Dam for the purpose of maximum protection and preservation of anadromous and resident fisheries, game, scenic and wilderness resources in and adjacent to these rivers.

2. Resolved to support and foster pending and future litigation and legislation reasonably calculated to preserve the Snake River and its tributaries downstream from the existing Hells Canyon Dam from further degradation of water quality and exploitation by dams.

3. Resolved to aggressively seek the speedy enactment of Packwood Bill S. 717 and Saylor Bill H.R. 4249 and to have field hearings held thereon in the Pacific Northwest as well as hearings in the Committees of Interior and Insular Affairs of both houses by the Fall of 1971.

Diverse Groups Form Coalition To Save Snake

(By Bill Hall)

Three dozen organizations from throughout the Northwest formed a coalition at Lewiston yesterday to prevent "any further dams on the Snake River and its tributaries from the existing Hells Canyon Dam down . . ."

The 75 persons present at the Hotel Lewis-Clark, representing organizations ranging from the Sierra Club to commercial salmon fishermen, named the new organization the Coalition to Save the Snake.

They raised $3,470 in cash and pledges in about 10 minutes and said that was merely the beginning on a nationwide effort to finance a drive to protect the Middle Snake and environs from further development.

The delegates elected Jack Hemingway of Sun Valley chairman of the coalition, and the punning new leader declared their cause to be that of coping with "the arrogance of power." Hemingway is an ardent fly fisherman, a conservationist and a member of the Idaho Fish & Game Commission. He is the son of the late writer Ernest Hemingway.

The coalition approved unanimously by voice vote three resolutions on its purposes, including one pledging members "to aggressively seek the speedy enactment" of the bill sponsored by Sen. Robert Packwood, R-Ore., and Rep. John Saylor, R-Pa. The Packwood-Saylor bill would create the Hells Canyon-Snake National River, an approach that would ban dam construction on the Middle Snake and freeze further development of much of the country on either side of the river.

The resolutions avoided any mention of the bill co-sponsored by Idaho Sens. Len B. Jordan and Frank Church to declare a seven-year moratorium on Middle Snake River dam construction. The Jordan-Church bill would afford no protection to the land on either side of the stream. Several of the delegates indicated privately that they oppose the Jordan-Church approach and do not consider it adequate. And Pete Henault, Idaho Falls, president of the Hells Canyon Preservation Council, read a statement to the gathering in which he said his organization "cannot support" the moratorium bill.

The resolution on the Packwood-Saylor bill called for hearings in the Northwest and at Washington, D.C., "by the fall of 1971."

The coalition formed Saturday also made it plain that a second aim, in addition to preventing further dams on the Middle Snake is to stop construction of Lower Granite Dam west of Lewiston.

The resolutions approved Saturday were accepted by the delegates as individuals, and they were asked to seek formal endorsement by the organizations to which they belong.

The new organization elected four steering committee members in addition to Hemingway and left two steering committee seats vacant with an invitation for one to be filled by a representative of Indian tribes and another by a representative of commercial interests—commercial fishermen, excursion boat operators or similar ventures.

The other four steering committee members elected yesterday are Larry Smith, Spokane, Northwest Steelheaders; Pete Henault of Idaho Falls, president of the Hells Canyon Preservation Council; Brock Evans of Seattle, a representative of the Sierra Club and the Federation of Western Outdoor Clubs, and John A. K. Barker of Lewiston, president of the newly formed Selway-Bitterroot chapter of the Sierra Club. Barker, however, said he views himself primarily as a representative to the new organization of those who live in the back yard of the natural feature the coalition hopes to save.

Hemingway began what amounted to the keynote of the session by reading a letter from Idaho Gov. Cecil D. Andrus and Oregon Gov. Tom McCall to the Federal Power Commission opposing additional dams in Hells Canyon. The two governors said that additional dams on that stretch of the river would not be "in the best interest of the people of the Northwest nor in the best interests of the people of the nation." They said that "recreationally, the benefits of additional dams would be highly negative," and the dams could eliminate "any hope" of saving fish runs.

Hemingway said Washington Gov. Dan Evans is also expected to sign the statement on his return to the state this weekend. He termed the letter "our birthday present."

Hemingway said that the individual organizations opposing Middle Snake dams have gone their own way "and put our own particular needs in the forefront" until now. He called for "one united front."

Lewis A. Bell, Everett, Wash., president of the Federation of Fly Fishermen and presiding officer at the formation meeting of the coalition, declared this "a moment in time when we may have a common interest. In the past we have contended against each other for the furtherance of our own special interests. But there must come a time when we have a common interest—a unity. I think that time has come." Bell termed the new organization "a coalition of diverse groups who have one common interest in saving the Snake. . . . The commercial fishermen and the sport fishermen can continue to fight over who gets the fish—after they're saved," Bell said.

He said there is "reason to believe that men like Bing Crosby, Burl Ives and Arthur Godfrey feel strongly enough about this river to lend themselves to a fund raising drive."

At one point Hemingway appeared to be referring to the choice between the Packwood-Saylor legislation on the one hand and the Jordan-Church bill on the other when he told the delegates that "we must support all legislation which will help our cause, but concentrate on the best and strongest legislation. . . . We must not allow ourselves to be lulled into complacency by legislation which, though it would be a step in the right direction, would be only temporary."

Henault sketched the history of the Packwood-Saylor bill with intermittent criticism of the Jordan-Church bill.

"The way we've been going," Henault said, "we've been losing all the battles to save the Snake. . . . The way we've been doing things just hasn't worked, so we've got to get together."

He said the Packwood-Saylor national river bill would "freeze the status quo. . . . No other piece of legislation would do this." He said a national park would prevent hunting "and probably take out the jet boats," but the national river bill would permit both uses of the area. "The only people we would hurt are those who would exploit the river for monetary gain." He listed dam builders, lumbering operations and mining in that category.

He said a wild river designation would protect the Middle Snake for only a short distance on either side, whereas the national river bill would protect thousands of acres on either side.

He said Packwood has been "working feverishly" to win approval of his bill. Earlier this month the Senate Interior Committee reported the Jordan-Church bill to the floor. He said at that point Packwood indicated he would try to substitute his bill for the Jordan-Church measure.

Henault said that move was necessary because "the Senate gave us no indication that it even knew the Packwood-Saylor bill existed." He suggested that Church and Jordan had stymied the bill's progress. Henault described Jordan's position as wanting a reclamation dam on the stream and Church's as wanting conservation.

Henault said a "fight broke out" and Packwood obtained 22 co-sponsors of his measure, including Sen. Hubert H. Humphrey of Minnesota and Sen. Barry Goldwater of Arizona.

Toward the middle of this past week, Henault said, Church and Jordan began marshaling their forces, "and by Thursday it became evident Senator Packwood's amendment (to substitute his bill for the moratorium) couldn't succeed . . . So on Friday, Senator Packwood agreed to withdraw his amendment . . ." because, Henault said, he had won a promise of hearings on the measure.

Henault added "we have a promise from Senator Church that, if the moratorium hasn't gone any place by the end of the year, he will reconsider his position."

Henault said Packwood "has won a very major victory on our behalf . . . And he needs our support more than ever, because he's in a very controversial spot back there."

The Idaho Falls man said, "I don't think there is any reason to oppose the moratorium. If it passes, it might not hurt the national river bill. . . . But it isn't going to help us either. . . . Certainly if it delays the national river bill it will hurt us."

Thirty-eight groups registered for the Saturday session. Voting was by voice vote so there was no record as to which were participants and which were attending as observers.

However, those who registered for the meeting were the confederated tribes of the Umatilla Reservation, the Yakima Indian Nation, the Lewiston-Clarkston chapter of the Sierra Club, the Spokane chapter of the Sierra Club, Spokane Mountaineers, Montana Sierra Club, Federation of Western Outdoor Clubs, Friends of the Earth, Audubon Society, Oregon Wildlife Federation, National Wildlife Federation, Montana Wildlife Federation, Powder River Sportsmen, Hells Canyon Preservation Council, Washington State Sportsmens Council, Oregon Fish & Game Commission, Idaho Environmental Council, Orofino Chamber of Commerce, Bumble Bee Seafoods, Idaho Outfitters & Guides Board, Clarkston Chamber of Commerce, Oregon Environmental Council, Clatsop Environmental Council, Washington Department of Ecology, U.S. Forest Service, Washington Department of Fisheries, Federation of Fly Fishermen, Trout Unlimited, Washington Flyfishing Club, McKenzie Flyfishers, Lewis-Clark Normal School student body, Clearwater Fly Casters, Salmon & Tuna Packers Assn., Oregon Department of Game, Idaho Wildlife Federation and the Greater Lewiston Chamber of Commerce.

Snake Preservation Drive Slated

(By Jerry McGinn)

Lewiston, Idaho.—Conservationist groups boasting more broad support than those who put the United States out of the supersonic transport business will launch a campaign

June 26 to save the remaining free-flowing stretch of the Snake River from dams.

Nearly 30 dams impound the flow of the Snake and its tributaries in a thousand-mile staircase of slackwater reservoirs that for some reason not really explained, cannot support fish life in numbers equal to before dam construction and discourages wildlife around them.

To be known as the "Coalition to Save the Snake," its champion in Congress will be Sen. Robert Packwood, R-Ore., who has entered a bill in Congress to make the undammed portion of the Snake, the Hells Canyon area about 85 miles in length, a national wild river.

Supporting Packwood will be the Coalition, comprising an estimated 200 organizations nationwide headed by Trout Unlimited, the Sierra Club and reaching to local sportsmen's groups, historical societies and chambers of commerce.

The group also has the vocal support of former Interior Secretary Walter Hickel and hopes to enlist former Health, Education, and Welfare Secretary John Gardner's Common Cause group and link up with Northern California's Committee of Two Million.

Hickel told an audience in Pocatello, Idaho, on April 24: "All dam construction should be halted on the Snake River. There are areas where the value is greater than just the commercial value, and I think the Snake River is one of those areas."

Heading up the lobby group will be Jack Hemingway, a recent appointee to the Idaho Fish and Game Commission, and perhaps better known as the eldest son of the late novelist, Ernest Hemingway. Coalition headquarters will be in Sun Valley, Idaho, where Hemingway lives.

The rallying point for the group is the words expressed in 1967 by the U.S. Supreme Court when it rescinded a license to construct the High Mountain Sheep Dam in the untamed stretch along the Idaho-Oregon border.

The supreme court asked, "aren't there other criteria than economics (the need for more power, in this case) for determining the fate of wild land not specifically protected?"

A coalition of private and public power concerns has applied for a license to put a dam across the canyon at any of five sites along the river.

A Federal Power Commission examiner recently recommended that a dam be constructed at the Low Mountain Sheep site near the confluence of the Snake and Salmon rivers. The recommendation also contained a provision which said that construction should not begin until September 1974.

The FPC is expected to make a binding ruling on the recommendation sometime in October.

To those who wish to preserve it, Hells Canyon is more than a mere statistic or freak of geology. Compressed within it, from the alpine tundra of the Seven Devils Mountains to the desert environment at river level, are all the life zones of North America.

In wildlife alone, the canyon possesses an amazing variety and quantity—elk, deer, black bear, otter, mink, raccoon, bobcat, cougar and coyote—to name just the major ones.

Some 150 species of birds are found in the canyon, though the precise number doesn't seem to be known. Canada geese and other waterfowl nest along the river in many places and even wild turkeys are seen.

Twenty five species of fish inhabit this section of the Snake, including steelhead and Chinook salmon. And this is one of the last strongholds of the ancient white sturgeon, which thrives only in swift flowing water.

Hells Canyon is nearly 8,000 feet in total depth—6,600 feet at one point from rim to river. It has been said you can take the entire Teton range, its length, breadth and height, and drop into this gorge—and still have room to spare.

Besides the campaign for popular appeal, the Coalition is going after congressmen for commitments. First and foremost on the lists are Sens. Frank Church and Len Jordan of Idaho, both members of the powerful Senate Interior and Insular Affairs Committee, chaired by another Coalition target, Henry M. Jackson, D-Wash.

Church and Jordan have proposed a moratorium on dam building to provide time for additional studies.

"We don't need a moratorium," Packwood said. "We need to start with the premise that no more dams should be constructed and then work from there."

Mr. PACKWOOD. Mr. President, these letters clearly demonstrate that the consensus of opinion among conservationists, sports and commercial fishermen, and Indians, as well as other nonalined Americans across the Nation is that the question of whether or not a dam should be built on the Snake is no longer the prime point of contention. The primary issue is, When do we move to preserve Hells Canyon and the Middle Snake River with its tributaries for all time?

A number of plans have been advanced to use the water of the Snake River and its tributaries. But, in my opinion, in each case, the liabilities far outweigh the benefits.

Many of these liabilities may not even be evident at this time, as was the case of the lethal nitrogen problem resulting from the dams constructed years ago. But it will not be difficult for the Americans of the 21st century to assess the value of this majestic wilderness area set aside for their recreation and enjoyment.

The crucial point is that we can provide power from a hydro dam for only a limited number of people on an extremely limited basis. And we can irrigate only a limited number of acres of land, while at the same time putting more land into soil bank programs because they are over-producing. But the price for this is the complete destruction of one of the greatest natural wonders of the North American continent. I don't believe that the cost equals the residual benefits to be derived. And, as the population grows, and less and less peace and tranquility are available and to fewer people, as our Nation becomes covered with technological and industrial monstrosities, all our children and grandchildren will be left with is the cherished memory of what might have been.

This Congress has the power to make a decision that will preserve this majestic area for generations yet unborn—or a decision that will affect only a few thousand people in a limited area for a limited period of time. May we have the courage to honor our commitment to the future and to make the right decision.

Back many years ago, a distinguished French marshal, Marshal Lyautey, asked his gardener to plant a tree, and the gardener said:

> Well, this won't flower for a hundred years.

And the Marshal said:

> In that case, plant it now.

That is the way I feel about conservation: It will not come about today, but we ought to get started today, if it is ever going to come.

REMARKS OF NAJEEB E. HALABY, CONCERNING TODAY'S YOUNG PEOPLE

Mr. MOSS. Mr. President, all too often the young people of today are categorized as "radical," "activist," or just "inexperienced." It was refreshing to hear the leader of a major U.S. corporation express concern for today's youth and outline his hopes for utilizing and channeling their talents. I have taken the liberty of summarizing the remarks of Najeeb E. Halaby, president Pan American World Airways, made before the American Club of Paris, June 3, 1971.

Mr. Halaby referred to the young people the world over as the articulate spokesmen of social goals for our society, who fight against the impersonal character of our universities, our corporations and our Government. They are leaders in the ecological movement and in the consumerism campaign. However, Halaby said the new generation unfortunately contains its own set of contradictions. On the one hand they tell us they do not want to get caught up in the daily rat race of a job which helps to expand the GNP. Yet, they ask us to do more to build housing for the poor, upgrade our schools, provide health care for all and a host of other worthy goals. Halaby said:

> I think all of their generous and decent instincts need to be channeled into serving society and not just their own whims—because the community of man does have a claim on every member.

He pointed out that Pan Am, like a great many companies in America and elsewhere, has expended a good deal of time and effort trying to reach and understand the needs of the young. Pan Am conducted a series of seminars to explore their attitudes, ambitions and motivations. These studies and surveys have already changed Pan Am's marketing approach. Their approach to international travel is far different from their parents. They are anxious to meet new people, to listen, to learn and to understand cultures other than their own. A recent Stanford Institute research study revealed that the young place high value on such intangibles as self-expression and individualism. They determine their status among their peers not by what they have, but by what they are.

Young people seem to prefer spending a sizable portion of the funds available to them on travel, recreational equipment and the arts—the things that help them develop as individuals instead of impressing the neighbors. There is, moreover, strong evidence that the young will not abandon these preferences as they mature.

Halaby feels airlines ought to be doing a better job of helping young people get out and see the world. He stated:

> Our government has not served the airlines or their passengers well, as they foster excessive and wasteful competition of the Atlantic. Pan Am has proposed that we turn this excess capacity to the benefit of young people, by again proposing a Youth Fare of $99 from the East Coast of the United States to any city in Western Europe.
>
> Beyond what business can do, there are a number of ways in which the younger gen-

eration and society at large can be brought into a more meaningful and productive alliance. The idea of a National Youth Service Corps has been suggested in the U.S. and elsewhere.

Halaby would like to see the creation of a broad public service program, voluntary but sponsored by the Government, which would offer young men and women an opportunity to serve in many areas of compelling needs, educational tutoring, environmental preservations, prison work, family planning, health care, rehabilitation of delinquents, and so forth. Such a program would give young people a sense of being needed, which would alleviate some of their feeling of alienation.

Halaby concluded his address with the following thoughts:

> We are becoming more and more a global community—in the problems we share, with the youth problem figuring prominently among them; in the overlap of our cultures; in the dissemination of technology and certainly in the increasingly multinational nature of business in this supersonic world. We will need people who can work in more than one country and find a good reception wherever they go. Only youth has the time to prepare for this sort of challenge. Let them start to see the world now and consider how they might serve it.

Because of its length, I have not offered Mr. Halaby's speech in full, but I do recommend it for those who are interested.

DISCIPLES OF NEGATIVISM

Mr. FANNIN. Mr. President, there is a small but vocal element in America determined to heap scorn on their own Nation and its accomplishments. One of the great tragedies is the fact that so many young people seem to be listening to these disciples of negativism.

It would be wonderful if every young person had the chance to hear or read a commencement address given 2 years ago at Pennsylvania State University.

One of Arizona's outstanding publishers, Tom E. Anderson, reprinted the address in the June 24, 1971, issue of his Arizona Record newspaper, which serves Globe, Ariz.

Mr. President, I ask unanimous consent that Mr. Anderson's column be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

BUILD ON WHAT TWO PREVIOUS GENERATIONS HAVE WROUGHT

(By Tom E. Anderson)

With most graduation (or commencement) ceremonies just completed for the year and with many graduates reflecting on their futures, I think the following address by Dr. Eric A. Walker, president of The Pennsylvania State University will be thought provoking. It was delivered Sept. 11, 1969 to the members of the Penn State graduating class. It is, perhaps, timelier today than it was then.

Ladies and gentlemen of the graduating class and those who got advanced degrees. Let me extend to each of you my personal congratulations and those of the entire University on the degree you have earned today.

This ceremony marks the completion of an important phase of your life. It is an occasion in which all who know you can share in your sense of pride and accomplishment. But no one has more pride in your accomplishment than the older generation. But I am not going to tell that older generation how bright you are. Nor am I going to say we have made a mess of things and you—the younger ones—are the hope of mankind.

I would like to reverse that process. For if you of the graduating class will look over into the bleachers to your left or right, I will reintroduce you to representatives of some of the most remarkable people ever to walk the earth. People you might want to thank on this graduation day. These are people you already know—your parents and grandparents. And, if you will bear with me for five minutes, I think you will agree that a remarkable people they are indeed. Let me tell you about them.

Not long ago an educator from Northwestern University by the name of Bergen Evans, a radio performer known to your parents, got together some facts about these two generations—your parents and grandparents. I'd like to share some of the facts with you.

These—your parents and grandparents—are the people who within just five decades—1919–1969—have by their work increased your life expectancy by approximately 50 per cent—who while cutting the working day by a third, have more than doubled the per capita output.

These are the people who have given you a healthier world than they found. And because of this you no longer have to fear epidemics of typhus, diphtheria, smallpox, scarlet fever, measles or mumps that they knew in their youth. And the dreaded polio is no longer a medical factor, while TB is almost unheard of.

Let me remind you that these remarkable people lived through history's greatest depression. Many of these people know what it is to be poor, what it is to be hungry and cold. And because of this, they determined that it would not happen to you, that you would have a better life, you would have food to eat, milk to drink, vitamins to nourish you, a warm home, better schools and greater opportunities to succeed than they had.

Because they gave you the best, you are the tallest, healthiest, brightest, and probably the best looking generation to inhabit the land.

And because they were materialistic, you will work fewer hours, learn more, have more leisure time, travel to more distant places, and have more of a chance to follow your life's ambition.

These are also the people who fought man's grisliest war. They are the people who defeated the tyranny of Hitler, and who when it was all over, had the compassion to spend billions of dollars to help their former enemies rebuild their homelands. And these are the people who had the sense to begin the United Nations.

It was representatives of these two generations, who through the highest court of the land, fought racial discrimination at every turn to begin a new era in civil rights.

They built thousands of high schools, trained and hired tens of thousands of better teachers, and at the same time made higher education a very real possibility for millions of youngsters—where once it was only the dream of a wealthy few.

And they made a start—although a late one—in healing the scars of the earth and in fighting pollution and the destruction of our natural environment. They set into motion new laws giving conservation new meaning, and setting aside land for you and your children to enjoy for generations to come.

They also hold the dubious record for paying taxes—although you will probably exceed them in this.

While they have done all these things, they have had some failures. They have not yet found an alternative for war, nor for racial hatred. Perhaps you, the members of this graduating class, will perfect the social mechanisms by which all men may follow their ambitions without the threat of force—so that the earth will no longer need police to enforce the laws, nor armies to prevent some men from trespassing against others. But they—those generations—made more progress by the sweat of their brows than in any previous era, and don't you forget it. And, if your generation can make as much progress in as many areas as these two generations have, you should be able to solve a good many of the world's remaining ills.

It is my hope, and I know the hope of these two generations, that you find the answers to many of these problems that plague mankind.

But it won't be easy. And you won't do it by negative thoughts, nor by tearing down or belittling. You may and can do it by hard work, humility, hope and faith in mankind. Try it.

Goodby and good luck to all of you.

That was the message and I cannot think of a single thing I would like to add to it.

REMARKS OF MAYOR RICHARD J. DALEY TO THE U.S. CONFERENCE OF MAYORS ANNUAL CONFERENCE

Mr. HUMPHREY. Mr. President, Mayor Richard J. Daley of Chicago spoke with knowledge and commitment about the problems of the cities and possible actions that our national and local governments can take to help solve these problems. The mayor noted that:

> All of us had better become involved in the solutions to the ills of the city because in this urbanized society, we all are part of total economic and social system regardless of political, geographic, and census classifications.

Mayor Daley said that:

> Problems of welfare, health, crime, education, housing, employment, environmental control, and transportation are not confined just to the cities, but are increasingly affecting suburban and rural areas as well.

The mayor called for a "bipartisan national urban policy" that would provide the cities with "massive infusion of resources in large blocks, with assurance that these resources will continue; for at least the rest of this century."

It was my privilege to give the keynote speech at this conference, and I want to make it very clear that I also join the mayor of Chicago and his fellow mayors in their call for a national urban policy.

I ask unanimous consent that Mayor Daley's remarks be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

ADDRESS BY MAYOR RICHARD J. DALEY

Acknowledge: Bishop Howard; Reverend Bright; Mayor Tate; Mayor Lindsay; Distinguished Delegates to this Conference; Fellow Mayors; Ladies and Gentlemen:

Since its first annual meeting 38 years ago, this conference has been an important event because it focuses national attention on the city's viewpoint as expressed by the mayors and other local officials. But more than ever before, the importance of this meeting is not limited to the cities. The issues we are discussing involve directly every citizen no matter where he lives.

Those who think city limits are walls or real barriers are deluding themselves, for they only live in the outer city. In this urbanized society we all are part of total economic and social system regardless of political, geographic and census classifications.

Problems of welfare, health, crime, education, housing, employment, environmental control, and transportation are not confined just to the cities, but are increasingly affecting suburban and rural areas as well.

Historically the city was the place where the newcomer was welcomed and where he found opportunity for himself, his family and his children. The cities were the place where the immigrants had the opportunity to move up economically and socially.

It was only natural that this process—this upward movement—took place in the city because the essential truth is that cities were—and in my opinion they remain—the primary economic bulwark of the nation—the focal point of its social and cultural activities.

The role of the central city today is the same. The central city must be the innovator and it must still serve as a catalyst for the poor of today—who for the most part do not come from other countries but from within our own national borders.

However, the central city has been steadily losing its capability to effectively carry out its historic role because of rapid changes in our society. Two great wars and a major depression, and an unwanted tragic war, urbanization, accelerated advancements in technology and science and the movement of population have created vastly different conditions.

Much of the deterioration that has taken place in the city occurred during the twenty year period when the depression and wars took a heavy toll of the housing supply and curtailed basic city services and capital improvement programs.

The war years had brought millions of workers into the cities where jobs were available. But when the war ended and building materials were again available, the Federal Housing Administration adopted a mortgage insurance program which in conjunction with a huge, badly planned highway program, aided and abetted uncontrolled suburbanization.

At the same time the F.H.A. ignored the cities where the housing needs were the most critical.

I don't believe the policy was intentional, but its effect was to hasten the flight to the suburbs and to handicap the central cities in providing housing and undertaking long delayed rebuilding and renewal programs.

Meanwhile, the technological revolution increased production while it decreased the need for manpower, particularly of the unskilled worker.

There were neither adequate local resources, nor recognition of the complexity of the problem needed to meet the special requirements of the unskilled workers and their families who had come to the city. There were not sufficient funds for intensified education, for expanded health services, and for the other programs to help newcomers to move up the economic and social ladder.

State legislatures—dominated by rural interests—refused to help the cities.

Mayors turned to the Federal Government. Congress tried to respond to the plight of the cities and perhaps there was no better statement of the national commitment than the 1949 Federal Housing Act. It established as national policy "the goal of a decent home and a suitable living environment for every American family."

There was every reason to anticipate that this goal could be realized because of the tremendous material advances taking place in our society.

The progress and break-throughs which had occurred in the fields of science, technology and communications in the past twenty-five years had been more rapid and far-reaching than the advances which had taken place in the last hundred years. It had always been assumed that as science and technology improved our material and physical world, they would make an equal contribution to the betterment of our environment and our social world.

But instead a critical imbalance between physical and social progress has developed.

And there are many—and particularly the younger generation—who cannot understand how a nation which can send space ships to Mars cannot clear a slum—cannot give every child quality education—cannot erase discrimination and provide full employment.

This is the new dimension to improve the quality of life for every citizen—and to do it right now.

And this new dimension is directly influenced by the change in the economic and social relationships between the central city and its surrounding area. Before the tremendous growth of urbanization, the responsibilities of cities and suburbs could be easily defined. Now the central city is the vital core of a metropolitan social and economic unit. The central city remains the innovator—the catalyst. But, the enormous burden of the responsibility for providing a better life for every citizen must be shared with all the communities which take up the metropolitan area.

Unfortunately the Federal and State governments do not agree with this view. We are witnessing a dual policy by the national administration in regards to low and moderate income housing. The Department Secretary embraces the comprehensive urban concept while the White House disowns it.

What is at issue is whether there is one national policy or two: one for the cities and one for the rest of the country. We cannot respond with integrity to two contradictory Federal policies except to ask one national policy which is equitable to all citizens of our Nation.

I believe that a dual national policy will be rejected. Experience has shown us that attempts to impose one set of standards in the cities and another in the surrounding areas will become as self defeating as the multistandard welfare system.

A double standard will be rejected because it seeks to ignore the reality of urbanization. It will be rejected because it is a negative policy. It jeopardizes those urban programs which cities now have underway to meet the causes of poverty and urban decay.

It will be rejected because the mayors of cities who represent most of the people want to carry on positive programs. It will be rejected because the surge of rising aspirations for a better society is shared by most Americans.

We must also be aware of possible dangers in structuring an equitable revenue sharing program. We all support the principle, but there are honest differences of opinion as to how the program should actually be implemented.

Many of us believe that revenue should be shared primarily on the basis of need. We are deeply concerned that we do not harm those programs which Congress passed specifically to help the cities—such as the model cities program.

There is no reason why revenue sharing should interfere with categorical aid programs and the use of special incentive grants to achieve national objectives in particular program areas. In its report on revenue sharing the President's advisory commission on intergovernmental relations pointed out—

"For years, State governments have made unconditional and categorical grants to local governments without one or the other being impeded. Only the national government—specifically the Congress—has failed to utilize both approaches." It is time that Congress becomes more flexible and adopts those grant in aid approaches which serve best.

In this regard I agree with the intent of the administration's efforts to consolidate certain groups of related programs and to simplify their administration.

I—for one—believe that Federal programs should be audited by Congress but the administrative decisions should remain with the cities. Most of us have the know-how to properly administer programs. Certainly nothing is to be gained by channelling funds through State capitals.

Though the problems of the cities are making progress. We are helping to improve the lot of people.

We are carrying out projects to remove the slums, to provide better education, to expand health care. We in the cities are working to meet our responsibilities. We are mindful that there is much to be done—but we need not be ashamed of what has been accomplished in so short a period of time and with little change in the revenue system available to cities.

Despite the lack of unified direction from Washington and the State Houses, the mayors of cities have not evaded their responsibilities because they are closest to people and have long understood their needs.

In the past, local government was primarily responsible for basic housekeeping services and public works. Now all of us are also concerned with poverty and jobs, with the kind and quality of education, with the welfare of youth and senior citizens, with manpower training and merit employment, with comprehensive health care, with mass transportation, with civil rights and human relations, with housing, conservation, rehabilitation and the renewal of neighborhoods, with the protection of our air and water, and with economic and cultural development.

If you look at the agendas of the annual meetings of this organization during the past two decades, you will find they are increasingly addressed precisely to these programs.

Cities are willing to meet their responsibilities in dealing with these national issues. We are willing to commit a fair share of our scarce local resources to do the job, but the cities cannot be expected to assume the entire burden alone—the mayors have pleaded with the White House, the Congress and State governments to provide the resources necessary for the cities to carry on the vital functions of serving all the people.

Needed is a new and straight-forward *bipartisan* national urban policy that will provide the cities, not with piece-meal programs, confused by administrative edicts—but massive infusion of resources in large blocks, with assurance that these resources will continue for *at least the rest of this century.*

In the past twenty years there has been enough discussion, enough talk and enough debate about the ills of the city.

It is time now to declare a new bill of urban rights for our citizens—a large majority of whom live in cities.

Every family—everywhere in the country has the right to live a good life. To avail themselves of this right, every man and woman has the right to expect employment opportunities commensurate with their talents and skills. And those who cannot work because of infirmities, age or other special conditions have the right to an income sufficient to live in dignity. Every family must have the right to health care for all its members, regardless of ability to pay. Every family must expect as a right a decent home. Every child must have the right to receive a quality education.

These urban rights have been echoed again and again. Franklin Delano Roosevelt spoke of "four essential human freedoms." He listed these as the freedom of speech and expression, of the freedom of every person to worship God in his own way. And he said, "the third is freedom from want—and the fourth is freedom from fear."

He was speaking in world terms and I am speaking in national domestic terms. We must guarantee these rights of the freedom from want—for every American family—and freedom from fear—from every source which threatens a citizen's tranquility.

We cannot improve life in the cities—or anywhere—unless we have an orderly society which protects the individual. We must have communities that have sufficient order and safety to allow freedom of movement. We must have communities in which people can work, shop, attend school and church, and enjoy leisure, and in which we can associate with our fellow men to achieve common objectives.

In order to have freedom from want there must be opportunity for employment. There is no better way to redress the ills that beset an individual or family than through the independence gained through regular employment. The debasement and loss of dignity that attends unemployment leads to frustration and lack of confidence and destroys the individual. We cannot afford to waste our most precious asset, our human resources, in this way.

As a nation we just cannot tolerate a situation where people cannot get work. We cannot condone any policy—no matter how worthy the objective—that produces a six percent rate of unemployment. If private industry cannot provide jobs then government must fill the gap.

I cannot emphasize enough how strongly I feel that the public service employment bill which has passed both Houses of Congress be signed by the President.

It is a national shame that veterans are returning home from Vietnam to join the jobless. We must provide these men who have served their country with jobs.

In Chicago, in 1968 we initiated a job service for Vietnam veterans and we located this service in city hall so it could get highest priority. In 1969 we were successful in placing 1400 men in jobs. But the recession has seriously hampered our ability to place veterans and last year jobs were only secured for 482 out of 3500 applicants, and during the first five months of this year we have found jobs for only 166 men, although applications are on the rise.

It's a sad commentary on the state of our society when our government can draft men and send them to war but can't mobilize it's resources to give these same men jobs when they return home.

There are avenues for cities to take in order to create new jobs and I am sure many cities, like Chicago, have tapped every resource to attract commerce and industry and to encourage business to remain in the city. Through the Federal Economic Development Act, we in Chicago have created 3,000 jobs in the former stockyards area and a second industrial site will provide 6,000 more jobs.

The government should vastly expand its appropriations for the shared projects where working together with private developers we can make it possible for new industries and commerce to rise in our cities and provide jobs for our residents.

In my opinion there is nothing as important to the solution of the great social issues of our times than jobs! Congress in passing the Emergency Employment Act of 1971 has shown its appreciation of this fact by recognizing that where the private sector cannot assure full employment—Government must become the employer of last resort.

We will discuss many ideas in the few days ahead and we will not always agree on our approaches. But we are as one in the belief that the vitality of cities is essential to the vitality of the Nation.

We are here as spokesman for the people of the cities—the rich—the poor—the middle class—the old—the young—the black—and white. In a sense we are also here to speak for the suburbs for their well-being depends on the strength of the city.

As elected officials, we are the voice of the people and in the next few days let us speak bluntly. We need the understanding and the help of our national leadership. We need bi-partisan support. Let us be sure that when we leave this conference, we have not only expressed deep concern for the people of our country, but that we have presented concrete plans and programs clearly with the intention that they be implemented.

Americans have a strong belief in the effectiveness of local government. They look to us for leadership. I am sure that goals we seek are shared by most of the people of our country. We know that the problems of the cities are not going to be solved tomorrow. We know there will be delays and trying times ahead.

I think it is appropriate to reflect on the words of Sir Thomas More when he was discussing the inadequacies and injustices of the day and how they might be remedied.

"Suppose wrong opinions cannot be plucked up by the roots, and you cannot cure as you wish, vices of long standing yet you must not on that account abandon ship of state and desert it in a storm, because you cannot control the winds. But neither must you impress upon them new and strange language, which you know will carry no weight with those of opposite conviction, but rather you must endeavor and strive to the best of your power to handle all well, and what you cannot turn to good you must make as little bad as you can. For it is impossible that all should be well, unless all men are good, which I do not expect for a great many years to come."

In the words of Sir Thomas More I know that we mayors strive to the best of our power to handle all well.

THE SWAINSBORO FOREST BLADE

Mr. GAMBRELL. Mr. President, we, in Georgia, have always been proud of the tradition of independent, local, weekly journalism, which we have maintained continuously since 1819. These newspapers, through the dedication of their editors and staffs, keep the people of their communities informed on local issues and present a view of life in these smaller towns, that is unavailable in the larger, often impersonal, urban dailies.

One of our Georgia weekly newspapers, the Swainsboro Forest Blade, has been recognized nationally as the Nation's "most excellent weekly newspaper," circulation 3,000 to 6,000. The National Newspaper Association, in making the award to the Forest Blade, cited three outstanding features of the paper:

> Its attention-compelling front page, effective use of spot color throughout the paper, its easy-to-read style, with good type faces, text type measure, and use of white space and leading.

They pointed to the "effective use of pictures throughout the paper in a variety of sizes, well-cropped and including pictures of individuals with newsstories. The publication is well departmentalized and reproduction generally makes the paper sparkle."

I am particularly proud of the Swainsboro Forest Blade since it is the hometown paper for my family and we have been among its subscribers for years. My wife, Luck, is a native of Swainsboro, and we have kept up with our friends there through reading the Forest Blade. Emanuel County can well be proud of this local voice.

I congratulate our good friend, the Honorable Bill Rogers, the editor of the Forest Blade, and his fine staff for their achievements, and I wish them many more years of continued success. It is noteworthy that this national recognition came to the Forest Blade for the year 1970–71 in which Bill Rogers served ably as president of the Georgia Press Association.

Mr. President, I ask unanimous consent that the names of the members of the staff of the Forest Blade be printed in the Record so that they may receive some measure of the recognition due them.

There being no objection, the names were ordered to be printed in the Record, as follows:

THE FOREST BLADE STAFF

William C. Rogers, editor-publisher; James H. Morgan, publisher; Mrs. Ruby Fagler, executive news editor; Miss Lennis Johnson, social and feature editor; Mrs. Loretta Stone, advertising director; Mrs. Glenda Godbee, advertising layout; Mrs. Jane Stuckey, office manager; Mrs. Joyce Crenshaw, Computer operator; Mrs. Vicki Rogers, editorial assistant; Claude Johnson, maintenance; Howard Henson, photographer; Bill Rogers, Jr., editorial assistant.

THE URBAN PARK SINGERS

Mr. TOWER. Mr. President, recently, the Senate of the State of Texas passed a resolution commending the Urban Park Singers and proclaiming them Texas Ambassadors of Good Will. The Urban Park Singers are a teenage choir from Urban Park Baptist Church in Dallas, Tex. This summer they will be touring the Southern United States giving a number of concerts for the delight of many thousands of people. I bring this outstanding group of young people to the attention of the Senate and ask unanimous consent that the resolution of the Texas Senate be printed in the Record.

There being no objection, the resolution was ordered to be printed in the Record, as follows:

SENATE RESOLUTION NO. 1335

Whereas, The future of this nation lies in the potential of our youth; the Texas Senate therefore takes pleasure in bringing recognition to outstanding young people of this State; and

Whereas, A group of more than one hundred teen-agers from the Urban Park Baptist Church are to be commended for their Christian concern for others and for their willingness to become personally involved in the problems of their community, their State and their Nation; and

Whereas, In 1970, this group of teen-age members of the Urban Park Baptist Church in Dallas organized a choir called the Urban Park Singers; they have been called upon to present musical programs at other churches, schools, hospitals, shopping centers and at Love Field; they have presented concerts in Colorado and plan an extensive tour of the Southern States in July of this year; and

Whereas, Although they are known primarily as a choir, their main purpose is to share their knowledge and love of God with the world; they have conducted a Bible school for underprivileged children; they undertook a Christmas toy drive which culminated in a party for some 250 of these children; now, therefore, be it

Resolved, That the Senate of the 62nd Legislature pay highest tribute to the group of outstanding young people who compose the

Urban Park Baptist Church Choir for their sincere and dedicated efforts to live up to the requirements of their Christian ideals; and for their unselfish contributions toward making life happier and more worthwhile for their fellow man; and, be it further

Resolved, That copies of this Resolution be prepared for this choir as an expression of our appreciation to them; and that they be proclaimed Texas Ambassadors of Good Will as they tour the Southern States of America this summer.

MUSEUM OF AFRICAN ART

Mr. HUMPHREY. Mr. President, during the last week in May a series of diplomatic, cultural, and social events in Washington marked the formal reopening of an institution which has had a remarkable development in the last 7 years and which has fulfilled a most important need in our Nation.

The Museum of African Art and its jointly sponsored Frederick Douglass Institute of Negro Arts and History opened in 1964 in the first Washington residence of Frederick Douglass, here on Capitol Hill. The first exhibit was borrowed from art patrons in the area. During these ensuing years the museum has amassed a collection of 3,000 pieces and is one of the major collections of African art in America. The Frederick Douglass Institute has acquired, since 1964, four additional townhouses. Today with a new wing and a completely restored building memoralizing America's most important black historical figure, the museum gives proper recognition, for the first time, among the broad spectrum of public and private museums in the Nation's Capital, to the African aspects of the American heritage.

Mr. President, I have been associated with the museum from its inception and have served as chairman of its board of trustees. The story of its progress and achievements, its program for the future and its educational and social purpose is one that should be told.

The story of the museum is a perfect example of cooperation between the public and private sectors in the national interest. It serves as an inspiration for all who are determined to build a society characterized by mutual respect, social harmony, and opportunity.

The contributions of the British, the French, the Italians, and the Spanish—indeed of most national or cultural groups—to the development of modern society and particularly to the growth of our own Nation have long been recognized and appreciated by most Americans. Not so the cultural antecedents of our black citizens whose origins in the continent of Africa have been obscured in misconception and prejudice.

Until now the specialized knowledge of the social scientist and the art historian have formed little part of public thinking, either among white or black Americans. Due recognition of the legitimacy of African values, social systems, languages, and philosophies has been withheld. The creativity which has produced one of mankind's most expressive and powerful art traditions has been ignored. Such lack of knowledge has, of course, been one of the principal stumbling blocks to the achievement of interracial respect and understanding in America. Most people—black as well as white Americans, ironically—have generally believed that there has been no significant black past; that the African heritage was simply one of savagery and slavery.

Today we are in a position to know better. The Museum of African Art together with the Frederick Douglass Institute has, perhaps more than any other institution in the United States, served to bring this knowledge to public attention.

The events of the week commemorated the completion of a $400,000 building expansion program which provides the museum with additional exhibit halls and an auditorium and lecture hall. To mark the reopening of the museum, Mr. and Mrs. Gaston deHavenon brought their masterpiece collection of African art to Washington. It is considered to be one of the finest collections in the world featuring West and Central African tribal art.

Among the hundreds of guests—black and white—who mingled at the subsequent events, my own impressions were echoed over and over again. One need not be an "art lover" to appreciate the dynamism, the drama, and the beauty of the tribal sculpture of Africa.

The museum came about through the vision and energy of persons who were committed to the idea of fostering interracial respect as a foundation for interracial equality. Our director, Warren Robbins, former Foreign Service officer in the Department of State and the U.S. Information Agency, had learned of the importance of African art and culture during 10 years of assignment in Europe, where he also became aware of the influence of African sculpture on the development of the revolutionary modern art movement of this century, particularly on Picasso. It was Robbins' conviction that if the true sophistication of African art became recognized by the American public, one of the principal roots of prejudice could be demolished. Together we set about to build an institution with this as its goal.

Combining art and civil rights in an educational museum was not an idea that found immediate acceptance in 1964. But with hard work, persistence and a great deal of talking and writing at a time when attitudes were receptive to change in America, an increasing number of persons in public life and in philanthropy gave the fledgling institution both moral and financial support. The museum has an active educational program built around its exhibits and publications, for school children, university students, and the general public alike, not only at the museum but, through extension activities, in other parts of the country. Over the years one of the principal functions of the institute has been to conduct lectures explaining the meaning of African art to school children from Washington and surrounding areas. Over 4,500 groups have toured the museum, most of them public school children and many of them college students. The institute also conducts a lecture program in colleges throughout the United States.

The two principal benefactors of the museum program have been the National Endowment for the Humanities and the Ford Foundation. Each of these agencies, one public, one private, has sought to encourage programs which foster public understanding of the role and contributions of ethnic minorities in American life. Their officials have worked closely with the museum/institute.

Other major support has come from the U.S. Office of Education—under title III of the U.S. Education Act of 1965—from the Samuel H. Kress, Old Dominion, Rockefeller Brothers, Vera G. and Albert A. List, J. M. Kaplan, Eugene and Agnes Meyer and the United States Steel Foundations; and from such private philanthropists as Mr. and Mrs. David Lloyd Kreeger of Washington; Mr. and Mrs. Joseph James Akston, Emil J. Arnold, Mr. and Mrs. Warren Weber, Mr. and Mrs. Gaston deHavenon of New York; the late Mr. and Mrs. Stephen Currier of Virginia; Mr. and Mrs. Carl Freeman of Maryland; the Honorable Frances Bolton of Ohio; Kenneth Noland of Vermont; Mr. and Mrs. Norman Robbins and Mr. and Mrs. Harry Siff of Massachusetts; Michael Rea of Pennsylvania; Mr. and Mrs. G. William Miller of Rhode Island, as well as from a host of other benefactors and patrons from throughout the United States who have recognized the national implications of such an institution and whose farsighted support merits the public expression of appreciation.

Among those associated with myself and Mr. Robbins on the national council and advisory boards of the museum and institute have been such figures as Professors S. I. Hayakawa, Margaret Mead, Benjamin Quarles, Saunders Redding, and Edgar Toppin; former American Ambassadors Hugh Smythe and Franklin Williams; the Novelists Saul Bellow and Ralph Ellison; former Secretary of Health, Education, and Welfare Wilbur Cohen; the Artists Jacob Lawrence, Romare Bearden, Jacques Lipchitz, Chaim Gross, and the late Ben Shahn; Mayor Walter Washington and former District Commissioner John Duncan; Congressmen JOHN BRADEMAS of Indiana, JOHN CONYERS of Michigan, and FRANK HORTON of New York; Mrs. Anne Teabeau, Frederick Weaver, and Joseph Douglass, descendants of Frederick Douglass; the distinguished actor and president of Actors Equity, Frederick Douglass O'Neal, and numerous others. Mrs. Frances Howard and Neal Peterson have been of great assistance to me personally in my own activities in behalf of the museum.

Paralleling the museum's concern with African culture, art, and history, the companion Frederick Douglass Institute has been principally concerned with the contributions made by Afro-Americans to the development and growth of the United States. An historical exhibition, "Afro-American Panorama," highlights the lives of over 50 prominent black Americans, and the institute has already assembled the largest collection in the

United States of paintings and sculpture by 19th century Afro-American artists. Among them, the paintings of Henry O. Tanner and Edward Mitchell Bannister have been reintroduced to the American public, after years of obscurity, through exhibitions sponsored by the institute.

I hope that many of my colleagues will take the opportunity of visiting the Museum of African Art in the Frederick Douglas townhouses at 316–318 A Street, Northeast. I am sure that they will be impressed by the significant contributions being made by this institution to the cause of human understanding.

Mr. President, I ask that excerpts from the prospectus of the museum and the institute be printed in the Record along with two newspaper articles from the New York Times and the Christian Science Monitor which marked the occasion of the reopening of the museum.

There being no objection, the items were ordered to be printed in the Record, as follows:

Excerpts From the Prospectus of the Museum of African Art and the Frederick Douglas Institute

BACKGROUND

Purposes and functions

As the only public museum facility in the nation's capital which focuses exclusively on the African and Afro-American facets of the American heritage, the Museum together with the jointly operated Institute functions concurrently on several different levels—local, national and international—for its immediate audiences in metropolitan Washington and as a prototype for other institutions throughout the country.

Locally, it provides a basic educational and cultural resource for Washington's 71% black population, for both the District of Columbia school system (94% black) and the predominantly white public and private suburban schools, and for fourteen area universities and colleges. Academically it constitutes a demonstration project for the proper integration of social science and art materials in an interdisciplinary approach to cross-cultural communication.

On the national level it serves Congressional and federal government staffs directly concerned with African and Afro-American affairs, government training programs, an elite national and international press crops and the large yearly influx of tourists to the nation's capital. For the many small new institutions specializing in black culture as well as for large and established art and history museums attempting to integrate Afro-American heritage materials into their own programs, it provides a model, extending its consultative services also to representatives of city governments, school systems, churches and civic organizations, the press, radio and film and television projects.

On the international level, the museum serves as a "cultural showcase" for the African nations and, as a private adjunct to American diplomatic efforts, it fosters that reciprocity in international cultural exchanges which is required for effective long range political relations.

The museum and social education

Now beyond question is the need for resource materials adequately reflecting the remote but culturally rich African past (with its relevance to modern Western creativity) and the significant contribution of black Americans to the growth of the United States. Until recently, however, there have been no specialized institutions or museums to serve this need. The established art museums of the nation, traditionally preoccupied with the art and artists of the Western world, have largely ignored both the creative traditions of Africa and the achievements of black American artists. In their occasional ventures into these fields, they have placed their emphasis almost wholly on aesthetic content, showing little interest in exploring the social and political implications of such art.

At the same time, historical museums have also failed to demonstrate the significance of African culture in the story of man, or to give proper weight to the contributions made by Afro-Americans in all areas of human accomplishment in this country. These museums have either followed a matter-of-fact anthropological approach to African material which, to laymen unfamiliar with the assumptions of cultural relativism, usually confirms misconceptions about tribal society, or they have provided a general historical survey, emphasizing slavery and its economic aftermath, in which the role of the Afro-American in the development of the United States is dismissed as unimportant.

The Museum and Institute have helped to meet the demand for resources, not merely by disseminating available material, but also by developing a basic educational approach for their presentation. Their combined program has been praised as one of the most effective educational tools developed in the United States to bring to public attention the African and American components of the Afro-American past.

Interdisciplinary approach

With the goal of helping to re-orient public thinking in both the black and white communities, the Museum's educational approach has been one of *responsible popularization* of scientific, aesthetic and historical insights to supplant traditional misconceptions. Transcending the parochial concepts of narrow academic disciplines, the institution, is committed to the belief that, as the insights of cultural anthropology, linguistics, archaeology, aesthetics and history are absorbed into public thinking, a deeper understanding of African cultural traditions and a corresponding respect for the achievements of the African and Afro-American peoples will be achieved.

In tandem with the Museum, the Frederick Douglass Institute, with an integrated American society as its assumption, serves not only to illuminate the history and art of the Afro-American but also to provide a more flexible instrument with which to deal with broader educational questions.

An interdisciplinary methodology also makes new audience inroads possible. Persons who come to the Museum solely out of interest in art, for example, are exposed to black history as they otherwise might not be. Those interested generally in Afro-American history or particularly in Frederick Douglass are introduced to the creative achievement embodied in African art. This mechanism has also justified the display under one room (though in separate departments) of African sculpture and the works of Afro-American artists which, with few exceptions, bear no particular aesthetic or historical relationship to one another.

In order to serve as an effective instrument of social education, the Museum has striven to achieve the highest standards in exhibition materials and presentation. A unique attempt to illustrate both the universal aesthetic significance and the original tribal meanings of African cultural traditions, the Museum's program avoids both the purely ethnographic approach and an exclusive appeal to a highly sophisticated art audience.

In its education program, the Museum presents African art as a language in plastic form explaining how art works serve functions which are similar in many respects to those of a written language—vehicles for conveying history; instruments for interpreting and enforcing law; teaching aids in the education of young people for adult responsibility; symbols of social cohesion; and sources of spiritual sustenance. A conceptual rather than a representational art form, it conveys meanings for the African as subtle and significant as the written philosophical constructs of Western civilization. Together with the oral tradition of Africa, sculpture constitutes a principal means of communication not only among contemporaneous peoples but also from one generation to the next.

The museum and its constituency

When the Museum was established in 1964, the cultural community and press corps enthusiastically applauded the long overdue representation for Africa among the museums of the nation's capital, which covered all the other principal cultures of man. But the relevance of such a museum to the cause of equal rights and to the black man's quest for human dignity and self-respect was frequently questioned.

Black Americans, products of the same educational system as their white compatriots, accepted the prevailing white myths which for centuries had held the culture of Africa to be inferior, its history barren, and its people "primitive", and the vast majority, finding nothing to be proud of in an African heritage, sought only to dissociate themselves from it. Many white liberals, themselves influenced by the myths they sought to discredit, attempted to shelter blacks from further confrontations with the "shameful" past of savagery and slavery by arguing against what they regarded as a misguided effort to foster pride in Africa among American blacks. They could see no potential role for a museum in providing a foundation for fostering ethnic pride and mutual acceptance between racial groups.

In attempting to fulfill an educational and cultural need in a way consistent with scientific and historical knowledge, the Museum has sought to respond to the volatile social circumstances of the times without compromising professional aesthetic and academic standards. Its illustrative materials are intended to provide a rational perspective for the widely differing audiences which the Museum serves, so that the interest of any single group—black or white, art-oriented or socially motivated, specialized or general, young or old—are not sacrificed to those of another. The Museum's primary responsibility has been to develop its resources and to make them accessible to all to whom they are of interest and value.

PROGRAM ACTIVITIES

The joint program of the Museum and Institute encompasses activities both in the Museum proper and at a variety of other locations. With the new wing recently added to the original Frederick Douglass House, institutional facilities now include twelve exhibition galleries, a 110-seat auditorium, a seminar room and a library housing over 2000 books and periodicals, records, tapes, film strips and photos on African culture and Afro-American art and history. Curatorial space for the accommodation of the Museum's permanent collection of 3000 works has been increased and administrative offices occupy rooms in three townhouses adjacent to the Museum.

Exhibitions

Museum exhibitions, focusing on the traditional art of the tribal peoples and ancient kingdoms of black Africa, include works from the Museum's permanent collection as well as additional art works loaned by private collectors and other museums. In one gallery, examples of 20th century European and American art are juxtaposed with African sculpture to demonstrate African influence on such modern artists as Picasso, Braque, Klee, Modigliani and others.

Exhibitions of the Frederick Douglass Institute include "Afro-American Panorama", a panel exhibition with paintings, photos, sculpture and text highlighting the contributions to the nation's history of 53 black Americans—such figures as Crispus Attucks, the first man to die in the Boston Massacre which began the American Revolution; Matthew Henson who is credited as co-discoverer, with Admiral Peary, of the North Pole; Charles Drew who developed blood plasma, and others.

One gallery is devoted to a re-creation of Frederick Douglass' study with original documents, photographs and personal memorabilia reflecting the life and times of the "father of the civil rights movement."

The Institute's collection of paintings and sculpture by 19th and 20th century Afro-American artists is now the most extensive such collection in the country and includes major works by Henry O. Tanner, Edward Mitchell Bannister, Edmonia Lewis, Joshua Johnston, and Robert Duncanson. An exhibition of its Tanner paintings has completed a nationwide tour of seven major American museums, including those in Cleveland, Philadelphia, Pittsburgh and Detroit.

Education program

Orientation programs have been conducted by the Museum's education department for over 4000 groups, including school classes and summer enrichment programs, civic, church and social organizations, welfare and Labor Department job trainees, university and government training classes, and visiting tourist groups.

In addition, the Museum has carried out teacher training sessions, a pilot curriculum development program in five D.C. high schools, school assembly programs, special activities for handicapped children, African institutes for teachers' colleges, and a lecture series for teachers in which such speakers as S. I. Hayakawa, Alex Haley and Margaret Mead have discussed "Aspects of Inter-Cultural Understanding."

Semester credit courses in African art have been conducted by the Museum staff for Georgetown University, Trinity College and the University of Maryland. In addition, arts and humanities, sociology and history classes from all of the area colleges and universities have met with staff lecturers or held class sessions at the Museum.

Extension programs

More than 300 exhibits, displays, lectures, music programs and workshop sessions have been provided for schools, universities, national conferences, museums, churches and community organizations not only in the Washington-Virginia-Maryland area but also in Connecticut, New York, Illinois, Texas, Michigan, Ohio, Indiana, Wisconsin, North Carolina, Alabama, etc. Collections of African and Afro-American art have been sent by the Museum to Wilberforce and Central State University (Ohio), Bucknell University (Pennsylvania), University of California at San Diego, the University of Massachusetts, Goucher College (Maryland), Elizabeth City College (South Carolina) and Princeton University. An African exhibit has been installed in an artmobile of the Virginia Museum of Fine Arts to tour college campuses and cultural centers in Virginia during 1970–71.

Publications

Curriculum aids produced by the Museum include "Values in Traditional African Art," a 53-slide kit with extensive explanatory material, now being produced by the Encyclopaedia Britannica Educational Corporation; a 24-page catalogue of the "Afro-American Panorama" exhibit; catalogues of Museum exhibitions of African art and the works of Afro-American artists; and miscellaneous brochures and curriculum materials.

Staff training

To help meet the demand for qualified professionals in the fields of African culture and Afro-American art and history, the Museum instructs young staff members, initially for participation in its own programs and ultimately for work elsewhere. The considerable feedback from teachers, school children and other visitors makes possible a laboratory situation in which the young lecturers practice, evaluate and refine their techniques. Eight former staff lecturers now participate in other education programs while other Museum "alumni" have chosen to pursue graduate studies in the African and Afro-American fields.

Consultative services

A major portion of staff time is devoted to consultative services for cultural and educational representatives from throughout the country. Other museums frequently call upon the staff of the Museum of African Art for help in planning, researching or installing exhibits of African art. In addition hundreds of written requests for advice and materials are received from all over the country.

The Museum also regularly provides information and materials for officials of the White House, Peace Corps, AID, OEO, USIA, VOA, Commerce and State Departments. American ambassadors and other foreign service officers regularly visit the Museum prior to assignments and monthly lectures are given to Foreign Service Institute classes.

Congressional staffs often call upon the Museum for assistance in replying to constituents' requests. The Museum also assisted the Hon. James Scheuer (NY) in drafting legislation for a Negro History Commission.

Television and media

Educational television programs originating at the Museum have been used in both syndicated ETV programming and in closed-circuit broadcasts to schools. Consultative services and materials are also used both in numerous local commercial television programs and by national networks, e.g. CBS' five-part series "Of Black America," "Camera Three", NBC's "Today Show," etc. Museum resources are also utilized by documentary film companies.

The Museum has received thousands of column inches in coverage by national press and magazines, and is frequently the subject of feature articles in art, history, education, museum and international relations journals.

FUTURE PLANS AND PROGRAMS

Having completed the first, organizational phase of its development, the Museum/Institute will focus its attention during the next period upon strengthening its institutional base and increasing its program effectiveness, both as a resource for the Washington area and as a national prototype.

A. $1,000,000 five year grant awarded in 1970 by the National Endowment for the Humanities from combined public and private sources provides funding for a portion of the Museum/Institute's operational and program needs, but ongoing sources of regular income must be generated to match this grant in keeping with the development program outlined.

Discussions are underway to bring to the Museum one of the country's major private collections of African sculpture. The acquisition of such a collection, which would make the Museum the outstanding center for the display and study of African art in the country, will depend upon the institution's ability to raise an endowment adequate to guarantee its proper conservation and protection in perpetuity.

The possibility of affiliation with a university or consortium of universities is under consideration.

Future program emphasis will be upon refining and projecting the basic educational approach that has been developed. Comprehensive permanent and specialized temporary exhibitions at the Museum proper will serve as the basis for a series of traveling displays of African sculpture. Three representative collections are being prepared for circulation to art museums, universities, community organizations and educational institutions. In addition, small portable exhibits, photo-panel displays, slide packets and publications are projected as part of the Museum's program to extend its services beyond its immediate audience. Afro-American materials will also be made available to other institutions. Greater use of educational and commercial television outlets will be made as a means of reaching a greater audience.

The staff training program will be expanded to encompass two or more full-scale training fellowships for Museum interns and efforts will also be made to create such opportunities for African nationals who plan museum career work in their own countries.

[From the New York Times, June 13, 1971]

Somebody Is Doing Something Right

(By John Canaday)

The opening of the new wing of the Museum of African Art in Washington is the latest chapter in a seven-year success story that could warm the cockles of the chilliest heart. Not that it is a spectacular story. Its appeal, rather, is in its quietness. Instead of fireworks and high jinks it offers proof that a group of déclassé virtues such as faith, tact, and a willingness to work hard can still set you on the course from rags to riches, or at least from modest beginnings to temporary solvency.

Late last April the museum received a million-dollar grant from the National Endowment for the Humanities, the largest grant ever made by that organization, on a matching funds basis that includes $300,000 from the Ford Foundation (which had contributed $250,000 in 1967); $60,000 from the Samuel H. Kress Foundation, also an earlier supporter of the museum; $40,000 from Mr. and Mrs. David Lloyd Kreeger, after whom the museum's new wing is named; $25,000 each from the Rockefeller Brothers, Albert List and J. M. Kaplan Foundations, and $10,000 from the Eugene and Agnes Meyer Foundation.

"The only trouble is, everybody thinks we're rich now," said Warren M. Robbins, the director and the creator of the museum. But with the achievements of its shoestring years as evidence, the safe assumption is that the museum will continue to do a job that will attract the rest of the funds necessary for its operation over the next five, the period for which the NEH grant was made.

Mr. Robbins' museum grew from his plans, early in the 1960's, for a personally sponsored exhibition of African art that would stress its power as a form of cross-cultural communication rather than its purely anthropological or purely esthetic character. These plans were interrupted—or, more accurately, given more ambitious dimensions—when he had an opportunity to purchase one of a row of houses on Capitol Hill that had been occupied by Frederick Douglass, whose career as abolitionist, journalist and statesman makes him a hero among American Negro leaders, and whose life was at least as romantic as the fictional career of the Douglass in Scott's "Lady of the Lake" whose name was adopted by this nameless son of a Negro slave and an unidentified white man.

Mr. Robbins formed the Museum of African Art and the tandem Frederick Douglass Institute of Negro Arts and History as a non-profit educational venture to be supported entirely by grants and contributions, and set about to placate those blacks who held racist objections to a white man's heading such a project, and those members of the residential neighborhood who objected to the intrusion of a public museum.

The success of the museum's interracial services (and the skill of its interracial staff) have soothed black and white antagonisms, and architectural tact has allayed the fears of Capitol Hill residents. The original townhouse and three adjacent ones also acquired by the museum and institute have been treated with respect, and the new wing is invisible from the street.

Even the wing, which includes exhibition galleries and a small auditorium, maintains the essentially residential character that is one of the museum's most appealing qualities. For its opening, Mr. Robbins managed to get the collection of Mr. and Mrs. Gaston de Havenon of New York, which has never before been shown to the public, and has installed it as both a didactic and an art exhibition that will remain on loan through the summer.

Isolated one after another in spotlighted areas, the spectacular pieces are played up visually as pure works of art, while inconspicuous explanatory labels give the gist of their reason for being as manifestations of the various African cultures that produced them. There are 250 pieces altogether, and yet the installation is so judicious that the rooms, relatively small and quite low-ceilinged, never look crowded. The collection itself is dazzling, and the exhibition has been given a sumptuous catalogue.

Like most ventures that grow so quickly into solid success, Mr. Robbins' is the result of the triple coincidence of the right person with the right idea at the right time—to which could be added the right place. Public interest in African art and public concern over racial problems, coincidental but unrelated circumstances of the early 1960's, were given common purpose. And of all large American cities, Washington was the one where the purpose was most appropriate and its fulfillment is still most needed.

As for what this purpose is, I would like to emphasize the point that it is the only program I know of that, dedicated to black art, holds no hint of condescension to black people. The degrading business of patronizing black artists simply because they are black, whether or not they are good; the ridiculous contention that the art of tribal Africa, dead in Africa itself, is viable in imitation as an expression of black America; the other pacifiers offered by conscience-smitten white men and sometimes demanded by misled black men, mutually trying to alleviate a dreadful situation—none of this has anything to do with the program of the Douglass Institute and its Museum of African Art. Under Mr. Robbins direction they have been set on course to achieve their stated aim—"to replace racial myths with accurate information concerning the African and Afro-American facets of the American heritage." That way a contribution to understanding lies.

[From the Christian Science Monitor, June 4, 1971]

AFRICAN ARTS: MUSEUM ON THE MOVE

(By Roderick Nordell)

WASHINGTON.—It was the first time I'd had an interview interrupted by a kiss. The latter was bestowed on the bearded cheek of Gaston de Havenon by a woman who had fairly bounded past the Afro-haired receptionist saying she just had to do it because the de Havenon collection of African art was so wonderful.

To think that Mr. de Havenon "never wanted to show" his collection. Now he had decided to put some 250 works on display for the first time since he began amassing them 15 years ago, because he had found the right place in the enlarged and renovated Museum of African Art, which reopened to the public here this week.

His reason was that this museum, which seeks to become a prototype for others throughout the United States, is "not only showing African art just for people to look at African art" but is "educational and cultural" as well.

Mr. de Havenon, recalling his own initiation into the field, feels it is important to dispel myths about African art through understanding its sophistication and its primary "functional" rather than "artistic" purpose. He applauds the growing recognition of African art as "not any more a primitive art—it is just art."

The museum addresses itself to both black and white Americans by clarifying African art in the double context of the "significance of African culture in the history of man" and the "contribution of Afro-Americans to the growth of the United States."

The expansion of the museum, including the addition of a small auditorium, will facilitate programs that have already involved more than 4,000 visiting groups (mostly school classes) among 350,000 visitors or participants in extension programs in Washington and other parts of the country.

This is all since 1964, when director Warren M. Robbins founded the museum in the first Washington home of abolitionist Frederick Douglass, unobstrusively located among the residences of "A" Street on Capitol Hill. Mr. Robbins, a former cultural attaché in the United States diplomatic service, is credited with an initial single-handed effort that has kept growing and now reached a peak with a $1 million grant from the National Endowment for the Humanities and several private sources—all to be matched as part of a five-year development program.

Civil-rights pioneer Douglass continues to be honored with an upstairs room in 19th-century style and with the museum's companion organization, the Frederick Douglass Institute, which administers a collection of works by Afro-American artists. Three town houses have been added to his original one, plus the new wing designed by Robert Nash.

As compared with a couple of years ago, there is a new feeling as one looks past exquisite items on display toward the beginnings of a sculpture courtyard, with greenery and a thatched roof hinting at the art's original setting.

Though some of the display cases do not seem sufficiently lighted, the solid colored walls, in various earth and harvest tones, provide handsome backgrounds for the mostly wooden masks and other figures. On the brink of the reopening, Mr. Robbins talks of preview events—a reception by Secretary of State William Rogers for African ambassadors on the eighth anniversary of the Organization of African Unity, May 24; another the next night held by Sen. Hubert Humphrey, chairman, and other members of the museums board of trustees; another last Saturday afternoon for members, friends, community representatives, and others.

In one gallery, taking photographs for a national publication, a man explains he got so interested in the museum during a previous visit that he became a volunteer worker for it. His son, he says, is somewhere around, too.

It is easy to share their enthusiasm in the midst of the de Havenon exhibition:

The brass BaKota reliquary figures, gleaming abstract faces on open-diamond bases, against dark walls. The great beaked Senufo "porpianong" (hornbill) figures from the Ivory Coast. The marvelously subtle pattern on a granary door. The delicate ironwork displayed in a bed of white pebbles. Small brass castings set jewellike in a black illuminated case. A fierce-faced little ivory sculpture. The fine graduations of color in a mask from Upper Volta. Many hints of those possible "derivations and parallels" to 20th-century Western art which the museum makes explicit in a room using some of the 3,000 works from its permanent collection to dramatize comparisons with Picasso, Klee, and other modern masters.

To return to that kiss-punctuated interview with Mr. de Havenon, he told how his friendships with artists "opened for me my vision to appreciate art." Born in Tunis, traveling between the United States and France during a business career in perfumes and cosmetics, he came to know avant-garde art. Artists introduced him to African art. Through photographer Eliot Elisofon he bought his first African art, a mask from the Fang tribe, with simplifications "like a Brancusi head."

Though the art is "functional"—serving as masks, headdresses, fetishes, or other designated uses—an artist carried out his assignment in his own way. But he became known only to the secret societies, for example, who needed his work for their ceremonies. He didn't sign his work, but some works can be identified as being from the same hand—"each one of the tribes has great artists."

To illustrate the freedom of approach, Mr. de Havenon took me to a wall of Bambara headdresses, all representing antelopes but all different. They ranged from the reasonably realistic to an abstraction looking roughly like a sickle moon with antennae on a zig-zag pedestal. Each artist "created the way he feels an antelope must look."

Visitors have until Oct. 3 to count the ways.

SCALPING THE FIRST AMENDMENT, PART II

Mr. MOSS. Mr. President, the mental processes of the Nixon administration must surely be ranked as one of the wonders of Western civilization. To illustrate, I invite Senators to join me in a tour of the administration's logic in approaching the profound questions of the public's right to know the truth and the role of the media as the conduit of truth in a democracy.

I am not at all sure that I understand each convolution, but one principle appears firmly affixed in the White House firmament: The public is entitled to know the truth—but not all the truth. The public is entitled to know those truths which the administration decides are good for the public—such as secrets leaked by high administration officials to friendly columnists. But other secrets, including those which are secrets only because public knowledge of the facts would cause embarrassment, evidently are sealed off from public scrutiny, unless of course the embarrassment would occur to someone the administration would like to embarrass. In any event, the principle is clear; or is it?

Let me illustrate: Broadcasters may tell truths about Vietnam, the Pentagon, migrant worker camps, ghettos, the White House, unless the truths are embarrassing to respectively, the President, the Secretary of Defense, corporate farmers, administration economists charged with responsibility for producing rosy predictions, and the Republican National Committee.

The administration is very concerned that newspapers and broadcasters "tell it like it is." The vice president, Herb Klein, Mrs. Mitchell, and other learned interpreters of the first amendment insist that columnists and news commentators are allergic to the truth. As between Mrs. Mitchell and Walter Cronkite, I think I know where I would place my money if I had to select that version which most closely approximates objective reporting. But be that as it may, no one can fault the administration for insisting that the media tell it like it is, at least that portion that the administration would permit it to tell.

Now, the Federal Trade Commission has dutifully heeded the White House call for more truth in media. Several weeks ago the Commission announced that henceforth advertisers will be required to substantiate advertising claims. The Commission said in effect to national advertisers:

> If you're going to make claims about your product, then the public is entitled to know that your claims are based upon fact.

And here is the puzzling part. Instead of welcoming what appeared to be a furtherance of the administration's zeal for truth, the President's director of communications inexplicably turned around and beat the Trade Commission over the head:

> I decry this type of operation.

Mr. Klein said:

> It is a move against the free press and should be opposed by both the print and broadcast media as a step which can lead in a changing world to changing regulations which would be to the detriment of the free press.

Well, what can one say about an administration which will defend to the death the freedom of soapmakers to stretch the truth a little bit, while professing so deep a concern for truth in broadcasting and reporting.

I do not want to be unfair. It may be that the administration is perfectly consistent. Its spokesmen, after all, do appear to stand foursquare for secrecy, whether bureaucratic or corporate, foursquare against the public's right to know whether it be the whole truth about Vietnam or the saccharine siren-song of sweetened breakfast cereals.

I suppose in his secret dreams, Herb Klein contemplates the happy prospect of a quiet evening of television, without any bothersome news or public affairs programs on Vietnam and the problems of the cities, just an endless, succession of detective stories and family comedies interspersed, of course, with lots and lots of unfounded commercials.

ADDRESS BY SECRETARY OF THE INTERIOR MORTON

Mr. PROUTY. Mr. President, on July 1, 1971, Secretary Rogers C. B. Morton of the Department of Interior spoke briefly at the opening of the Departmental Survey on Coal Mine Health and Safety.

I believe that Secretary Morton's remarks help to put into perspective the criticism which has been leveled at the administration of the 1969 Coal Mine Health and Safety Act.

Mr. President, I ask unanimous consent that the text of Secretary Morton's speech be printed in the Record.

There being no objection, the speech was ordered to be printed in the Record, as follows:

Remarks of Rogers C. B. Morton

This morning we are opening a series of meetings pursuant to our announcement in the Federal Register of June 25 regarding coal mine health and safety. We hope the input and testimony we will receive will be of real assistance to the Department. This information will be carefully evaluated in the compilation of our report to the Congress concerning Departmental responsibilities and activities as defined in the Coal Mine Health and Safety Act of 1969.

At the outset, may I express my personal thanks for the time and effort contributed by all the participants in this and subsequent meetings. Our common goal is to improve the health and safety for more than 140,000 men working in the coal mines of the United States.

First, let us review the current situation in the industry. Over the years, the coal mining industry has been the most accident prone and the source of more fatalities than any other major industry in America. Between 1954 and 1969, there were 5,553 fatalities and 207,988 injuries resulting from accidents in coal mines. This does not include any measure of the deterioration of individual miner's health due to working conditions on the job.

One of the early legislative proposals of this Administration was the Coal Mine Health and Safety Act, which was signed into law by President Nixon in December of 1969.

A good measure of our current effort to improve health and safety in mines is drawn from the funding level of the current program compared to that of former years. For example, in fiscal year 1968, the Bureau of Mines Budget for health and safety was $10,777,485. The request for fiscal year 1972 by the Bureau is for $71,075,000.

Since the Act became law, the Bureau of Mines has increased its inspector force from 300 to 1,090. These men are now either working actively in mines inspection or are undergoing an extensive training program which will give us a fully trained inspector force by the end of this year.

Since January of this calendar year, the Bureau has conducted 11,011 inspections, has cited 32,201 violations, and has levied 38,000 fines totaling $4,800,000. This compares with 2,408 notices of violations made by the Bureau for the full year of 1968.

The Coal Mine Health and Safety Act of 1969, then, marks a threshold as we enter a new era of action to reduce the hazards which confront the men who work in our mines.

During the six-month period from January through June of 1971, the Bureau recorded 98 fatalities which was the lowest number of fatalities recorded in any comparable period since the Bureau started accumulating these records.

Though this is an improvement, there is still a long way to go, and we do not accept the current accident rate as satisfactory.

Most accidents which occur in coal mines can be placed into two categories: One—accidents which are caused by conditions in the mines which the operator of the mine can control, and two—accidents which are caused by carelessness or failures on the part of the miner himself.

We will strive to attain the highest possible level of health and safety by continuing to improve the standards and practices in both categories. By working with management and supervisory personnel within the mining industry and through constant and vigilant inspection, we can and we must eliminate those conditions which cause accidents of the first category.

Through education and training programs carried out in cooperation with the unions, management, other employee groups, and the individual miner himself, we must to the limit of our resources do all that is feasible to reduce the accidents and fatalities of the second category. In other words, we must help the miner help himself.

These two approaches cannot be separated—nor can one be sacrificed for the other.

Significantly, education for the individual miner has parallel thoughout American industry, in many agencies of government, and by such public spirited organizations as the National Safety Council. For example, the Federal Aviation Administration has carried on for years a pilot safety program that has been implemented by associations, by fixed base airport operators, and training schools and by pilots themselves. Major industry throughout the country constantly conducts training seminars and safety education programs for their workers.

The coal mining industry, with its hundreds of operating entities must depend on help from the Bureau of Mines in this effort. There are many small operators who do not have the expertise or the resources to carry out comprehensive education and training programs for the people who must work in the hazardous environment of underground mines. I can report to you that the Bureau of Mines is currently reviewing several methods by which it can best render this service.

If a single miner's life is saved as a result of better safety education and a better understanding of the hazards and risks, the program definitely is a worthwhile investment.

We are equally determined to join with management in a comprehensive effort not only to help them comply with the law, but to enforce compliance as well.

Specifically—despite dramatic improvement in the control of respirable dust—we are still vitally concerned with this area and methane gas levels in the mines as well.

We will also seek to improve existing engineering standards for roof support and for coal extraction. We are encouraging the development of safer and better mining technology. As innovative methodology becomes available, we will do all possible to insure its use in the mining industry.

Dr. Osborn, Director of the Bureau of Mines, will present before this meeting a detailed account of the Bureau's plans for carrying out its mission and its responsibilities to the miners of America.

We appeal to those interested parties to address themselves via this meeting, to ways and means with which this great government agency can better serve its constituency. We invite your comments; we solicit your criticisms; we appreciate your ideas.

We want your complete objectivity—partisan politics has nothing to contribute to the life and health of the miner.

I can say without equivocation that the Administration, the Department of the Interior and the Bureau of Mines are fully committed to the health and safety of the men who work in the coal mines of America. We fully understand the importance of this industry to the Nation's welfare. We are confident that the mining industry in America will make a meaningful contribution to the standard of living of future generations.

Again, I wish to express my sincere and personal appreciation to all of you and to all of those who will participate in these important meetings as they take place.

A PROPOSAL FOR THE PRESIDENT

Mr. McGOVERN. Mr. President, it is a shame that Mr. Nixon is so totally protected from the world at large. Surrounded as he is by all those advisers in the White House, the President apparently has lost touch with what most Americans face every day.

Just once, Mr. Nixon should do his family's shopping. Just once and he would have a totally new view of what is happening in this country today.

He should plan a simple meal for four, push his cart through the lanes of any supermarket, and he would understand how devastating inflation has become and how his own inaction is crippling every wage earner in the Nation today.

Four tomatoes—59 cents.

A head of lettuce—59 cents.

Five ears of corn—59 cents.

A small chicken—$1.50.

One quart of milk—35 cents.

One pound of coffee—79 cents.

One loaf of bread—27 cents.

One pound of substitute butter—39 cents.

For just those eight items, Mr. Nixon would pay out, as every wage earner must, $5.03, and that would cover just 1 day's dinner for a family of four. Add to that some minimal shopping to cover the balance of the day's eating, and a few items of basic necessity—toilet paper, soap, a light bulb, perhaps—and the bill reaches the $10 mark.

Now for a man earning, as Mr. Nixon does $200,000 a year plus expenses, that perhaps does not seem like very much money. But what I am asking Mr. Nixon to do is to put himself in the place of the wage-earner who earns, as so many do, between $60 and $100 a week.

For that person, the trip to the supermarket has been a devastating experience. Those 10 or 15 minutes in the supermarket, picking out carefully the 10 items or so to supply a minimally good meal have taken more than a day's pay after taxes and other deductions.

That is what we have reached in the Nation today. It takes for tens of thousands of Americans an entire day's pay to feed a family of four, for just one night. And what, I wonder, does the family of six or eight or 10 do? What happens to them?

That is why it is so critically important for the President to escape the cloister of the White House for an hour and spend it in a supermarket.

Then, perhaps, when faced with a decision about the extension of a food stamp program, or the restoration of funds for a summer feeding program for hungry children, or for the immediate wage and price freeze we all know we need, Mr. Nixon would finally have some basic information on which to base a decision.

For 2½ years now he has sat in the White House and for 2 years the cost of those four tomatoes and that one small chicken have mounted steadily as has the number of poor and hungry people all across the Nation. Yet, farm prices remain stagnant and farmers, too, are caught in the cost-price squeeze.

If just once Mr. Nixon could come down to the level of the people he governs, he might finally realize what is happening and then finally take the action that is so desperately needed.

I realize it is an investment of an hour in the life of a very busy man, but it is perhaps the best investment he can make if he sincerely has the interest of all of the people at heart.

THE DRUG CRISIS IN THE UNITED STATES

Mr. HARTKE. Mr. President, the fight against drug abuse is a costly and complex effort. It requires a total national commitment of crisis proportion.

While there are thousands of separate efforts underway throughout the Nation—many of them pioneering and successful—I am afraid that these efforts are not adequate to meet the challenge.

In a recent study conducted by the measurement and research center of Purdue University, 71 percent of the high school students surveyed reported that they would know where to get illegal drugs, as compared with 48 percent in 1969; and 32 percent of the students think that half or more of their student body has tried marihuana or a narcotic drug at least once.

Heroin addiction has been increasing at an alarming rate. Responsible estimates indicate that there are 250,000 heroin addicts and perhaps an equal number of users who are not yet addicted. What is needed is a well-financed and highly coordinated national attack on the drug problem. Despite all of our talk, and all of the sincere efforts now underway, this massive commitment has not yet been made.

Mr. President, recently an editorial appeared in the New York Law Journal calling for another Manhattan project to solve the Nation's drug problem. The editorial was written by Jerry Finkelstein, publisher of the New York Law Journal and chairman of the New York City-County Democratic Committee. I ask unanimous consent that the editorial be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

NEEDED: ANOTHER "MANHATTAN" PROJECT TO SOLVE NATION'S DRUG PROBLEM

(By Jerry Finkelstein)

Attention: President Nixon, All Leaders of Government and the Bar.

During World War II a secret project whose code name was "Manhattan" tackled every conceivable angle so that the United States could produce the atom bomb. After the war, Congress established the Atomic Energy Commission whose sole function is to study and develop new uses for the atom—and these studies have been conducted on an all-encompassing basis by all academic disciplines.

Similarly, when the United States embarked upon its space program, the National Aeronautics and Space Administration was set up to oversee the program. It was charged with every aspect of the nation's program, using not only engineers, but astronomers and historians, manufacturers and others who could contribute to every minute area of study.

Drug abuse has long since become a scourge that threatens the national character and fabric. No segment of our society is immune from the impact of this deadly plague. Our children at all levels of school have been infected. It is the major cause of soaring crime rates that undermine security in our homes and streets and parks. It has corroded the morale and discipline of our armed forces in Vietnam. It takes a huge toll out of the business activity in terms of absenteeism and poor employee performance. It clogs our court calendars.

It is tragic that a crisis of such magnitude has not stimulated a national response on the level of the "Manhattan Project" or NASA. If we had recognized the need for this approach three years ago, or five years ago, or ten years ago, perhaps there might not be a drug problem today. If the best brains of the nation were used to study the drug abuse problem—not only chemists, but educators, physicians, psychologists and psychiatrists, sociologists, clergy, attorneys and judges, legal enforcement agents and any other conceivable group that could shed light on the subject, perhaps today we might know whether marijuana is safe to use or not, or if it leads to the "hard stuff." If the nation had undertaken the massive response to the drug problem as it did to the atom and space, perhaps today there would not be a debate as to whether or not marijuana should be legalized. Nothing less, in our judgment, but this massive undertaking will put an end to drug addiction.

This same observation can be applied to methadone and other aspects of the drug abuse problem. Programs for treatment and rehabilitation of addicts and education programs to prevent addiction are inadequately financed and uncoordinated. But more important, we are full of half-truths and ignorance in our nimble approaches to solving the problem.

What is urgently needed is a strongly financed, well-coordinated mobilization of the nation's resources to develop a comprehensive program to put an end to this national disaster and disgrace. Such a program should accelerate our research, to telescope the work which has not been done in the past five or ten years, so we may save our people and our nation.

The United States has attacked so many difficult problems—from polio to the atom—and found solutions through massive injections of money and talent. Drug abuse is more of a problem and should be approached in the same manner—not through some piecemeal program with miniscule funding. It requires a broad scope—from legislation to treaties with other nations—so no stone is left unturned.

The drug problem is a challenge which must be faced by the members of the American Bar Association. Drug and drug-related cases jam the courts and impede the legal profession's work. As civic and community leaders, members of the Bar can play a decisive role in prodding into action the White House, Congress, Governors and Legislatures to provide the initiative and financing needed to put an end to this major threat to our nation.

It is true that the White House has recognized the problem, and called the nation's attention to the dimensions of the national tragedy, but it has not attacked drug abuse in depth.

It is equally surprising that no "Mr. Anti-Narcotics" has emerged like a Nader in the consumer protection field.

The time is long since past for us to talk about drugs, and hope it will blow away. It won't! It could eventually lead to the destruction of the civilization we have built and come to know.

Leadership taken by the Bar in mobilizing our national resources in this effort would be in the noblest traditions of the profession.

HUGH O'BRIAN YOUTH FOUNDATION

Mr. HUMPHREY. Mr. President, I have recently returned from a visit to Cape Kennedy where I was privileged to participate in a very unique and rewarding learning experience. I want to share some of my impressions with you while they are still fresh in the hopes that more of you will take part in similar adventures.

Unfortunately we hear a lot more these days about gaps than we do about bridges. The "generation," "understanding," and "communication" gaps seem to generate more attention than the vitally important efforts that are made to bridge those gaps in our society. For a few hours at the Cape I hope I was able to bridge all three of those gaps—in communication, in understanding, and in generation when Hugh O'Brian asked me to provide a keynote for a very select group of young men at his annual youth seminar. This year, as in 1970, the subject was "Space" and the cosponsor was NASA. The challenging audience was made of a group of high school sophomores, one from each State in the Union, selected by the National Association of Student Councils through the cooperation of the National Association of Secondary School Principals. In addition, youthful representatives from Belgium, Canada, Germany, Iran, Italy, Mexico, Netherlands, Taiwan, the United Kingdom, and Yugoslavia were present to provide the seminar with a theme of "International Cooperation in Space."

This was a challenging audience of future leaders. After the formal part of my presentation we held a stimulating question-and-answer session for nearly an hour. These were fine young men with healthy and alert young minds that produced relevant and stimulating questions. I enjoyed them immensely. I encourage you to accept similar opportunities. It keeps you young—at least in spirit.

I must give special recognition to my good friend Hugh O'Brian, actor, producer, and public servant who is using his marvelous opportunity as a well-known personality to help us encourage, develop, and guide our youth, our greatest natural resource, into responsible and constructive social activity. Hugh is well aware that 98.7 percent of America's young people are law respecting, constructive citizens though they seldom, if ever, make the headlines. Hugh wants to pat these young men on the back and let them know that there is also a reward for being a responsible citizen. I applaud this attitude and this activity. I wish there were a lot more Hugh O'Brians with similar motivations and constructive youth seminars all over the Nation—all over the world for that matter.

During the summer of 1970, Hugh O'Brian filmed the entire week-long seminar, the stimulating "rap sessions" and the once-in-a-lifetime tour of the Kennedy Space Center. In addition to Hugh and the young participants there were personal appearances by Alan Shephard and the Apollo 14 crew, Astronauts "Rusty" Schweickart and Walter Cunningham, Senator CHARLES PERCY, of Illinois, Brig. Gen. "Chappie" James, of the Defense Department, Dr. George Mueller and Dr. Thomas Paine, former high ranking NASA officials responsible for the Apollo program and many others.

The best of this historic motion picture coverage has been assembled into an exciting 60-minute TV special called "Tomorrow Is Now" which I urge you to see. You will be able to participate in the youth space seminar with Hugh O'Brian and share the kind of firsthand experience with the space age generation that I have just recently been privileged to experience.

The Hughes TV network has arranged for a nationwide showing of this timely documentary in most major cities on the 23d of July at 7:30 p.m. The time and date may vary in some areas during those countdown days prior to the Apollo 15 launch. I urge you to be on the lookout for "Tomorrow Is Now." Here in Washington the program will be aired for viewing by the area public audience on July 25 on WMAL–TV for 1 hour starting at 5 p.m. EDT.

LEAD POISONING

Mr. KENNEDY. Mr. President, although lead poisoning has been with us before the Greeks and Romans first described the symptoms, the problem has often been ignored by physicians and public health officials. An article by Dr. J. Julian Chisolm, Jr., in the February issue of Scientific American brings into clear focus the serious nature of lead poisoning and suggests rational approaches toward a solution.

In the course of our field hearings with the Health Subcommittee of the Senate, I have had the opportunity to hear firsthand from a number of extremely effective witnesses on the need for a greater effort against lead paint poisoning—the mothers of children who have been poisoned by chips of leaded paint. Modern technology is capable of preventing lead poisoning. Last year, Congress passed the Lead Based Paint Poisoning Prevention Act. We know the difficulties we have had in obtaining adequate funding for the act, and articles like that of Dr. Chisolm are an important part of the record we are making to persuade the administration that a greater effort is needed.

Dr. Chisolm cites cases of lead poisoning from improperly lead-glazed earthenware. He recommends a thorough testing of earthenware and a reevaluation of its use for food and drink. Whiskey drinkers who drink lead contaminated moonshine are also exposed to lead poisoning, as are industrial workers in small-scale industries where exposure to lead is not controlled. Attention is now being called to the increasing concern over lead pollution in the air, particularly due to gasoline.

However, by far the most serious impact from lead poisoning occurs in young children who live in dilapidated housing in urban slums and swallow chips of leaded paint, plaster and putty. The risk of permanent damage is very great and can take a number of different forms such as mental retardation, convulsive disorders, cerebral palsy, or blindness. In addition to such brain damage, acute lead poisoning can lead to anemia and possible kidney disfunction.

Dr. Chisolm discusses one city's approach to the problem. Baltimore has an absolute rule that any child who has suffered from lead poisoning is not returned to his family until all hazardous sources of lead have been eliminated. In this way the risk of permanent brain damage has been reduced to 25 percent, compared with the virtual 100 percent rate for children allowed to return to the dangerous environment.

Dr. Chisolm's main recommendation is for a vigorous screening program in populations of children living in cities which are areas of high risk. Discovery of an abnormal amount of lead in a child's blood stream would lead to an examination of the child's home, followed by corrective action.

The tragic fact is that lead poisoning could be stopped and severe damage to young children could be prevented. What is needed is a large scale program of detection and remedial action. A program that would mobilize the already existing technology and apply it on a national level.

I ask unanimous consent that Dr. Chisolm's article entitled "Lead Poisoning" be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

LEAD POISONING

(By J. Julian Chisolm, Jr.)

(NOTE.—Figures referred to are not printed in the RECORD.)

Lead has been mined and worked by men for millenniums. Its ductility, high resistance to erosion and other properties make it one of the most useful of metals. The inappropriate use of lead has, however, resulted in outbreaks of lead poisoning in humans from time to time since antiquity. The disease, which is sometimes called "plumbism" (from the Latin word for lead) or "saturnism" (from the alchemical term), was first described by the Greek poet-physician Nicander more than 2,000 years ago. Today our concerns about human health and the dissemination of lead into the environment are twofold: (1) there is a need to know whether or not the current level of lead absorption in the general population presents some subtle risk to health; (2) there is an even more urgent need to control this hazard in the several subgroups within the general population that run the risk of clinical plumbism and its known consequences. In the young children of urban slums lead poisoning is a major source of brain damage, mental deficiency and serious behavior problems. Yet it remains an insidious disease: it is difficult to diagnose, it is often unrecognized and until recently it was largely ignored by physicians and public health officials. Now public attention is finally being focused on childhood lead poisoning, although the difficult task of eradicating it has just begun.

Symptomatic lead poisoning is the result of very high levels of lead in the tissues. Is it possible that a content of lead in the body that is insufficient to cause obvious symptoms can nevertheless give rise to slowly evolving and long-lasting adverse effects? The question is at present unanswered but is most pertinent. There is much evidence that lead wastes have been accumulating during the past century, particularly in congested urban areas. Increased exposure to lead has been shown in populations exposed to lead as an air pollutant. Postmortem examinations show a higher lead content in the organs of individuals in highly industrialized societies than in the organs of most individuals in primitive populations. Although no population group is apparently yet being subjected to levels of exposure associated with the symptoms of lead poisoning, it is clear that a continued rise in the pollution of the human environment with lead could eventually produce levels of exposure that could have adverse effects on human health. Efforts to control the dissemination of lead into the environment are therefore indicated.

The more immediate and urgent problem is to control the exposure to lead of well-defined groups that are known to be directly at risk: young children who live in dilapidated housing where they can nibble chips of leaded paint, whiskey drinkers who consume quantities of lead-contaminated moonshine, people who eat or drink from improperly lead-glazed earthenware, workers in certain small-scale industries where exposure to lead is not controlled. Of these the most distressing group is the large group of children between about one and three to five years of age who live in deteriorating buildings and have the habit of eating nonfood substances including peeling paint, plaster and putty containing lead. (This behavior is termed pica, after the Latin word for magpie.) The epidemiological data are still scanty: large-scale screening programs now in progress in Chicago and New York City indicate that between 5 and 10 percent of the children tested show evidence of asymptomatic increased lead absorption and that between 1 and 2 percent have unsuspected plumbism. Small-scale surveys in the worst housing areas of a few other cities reveal even higher percentages.

There is little doubt that childhood lead poisoning is a real problem in many of the older urban areas of the U.S. and perhaps in rural communities as well. Current knowledge about lead poisoning and its long-term effects in children is adequate to form the basis of a rational attack on this particular problem. The ubiquity of lead-pigment paints in older substandard housing and the prevalence of pica in young children indicate, however, that any effective program will require the concerted and sustained effort of each community. Furthermore, the continued use of lead-pigment paints on housing surfaces that are accessible to young children and will at some future date fall into disrepair can only perpetuate the problem.

Traces of lead are almost ubiquitous in nature and minute amounts are found in normal diets. According to the extensive studies of Robert A. Kehoe and his associates during the past 35 years at the Kettering Laboratories of the University of Cincinnati the usual daily dietary intake of lead in adults averages about .3 milligram. Of this, about 90 percent passes through the intestinal tract and is not absorbed. Kehoe's data indicate that the small amount absorbed is also excreted, so that under "normal" conditions there is no net retention of lead in the body. In addition the usual respiratory intake is estimated at between five and 50 micrograms of lead per day. These findings must be reconciled with postmortem analyses, which indicate that the concentration of lead in bone increases with age, although its concentration in the soft tissues is relatively stable throughout life. The physiological significance of increasing storage in bone is not entirely clear, but it has caused considerable concern. It is quite clear that as the level of intake of lead increases, the rate of absorption may exceed the rate at which lead can be excreted or stored in bone. And when the rates of excreation and storage are exceeded, the levels of lead in the soft tissues rise. Studies in adults indicate that as the sustained daily intake of lead rises above one milligram of lead per day, higher levels of lead in the blood result and metabolic, functional and clinical responses follow. The reversible effects abate when the rate and amount of lead absorbed are reduced again to the usual dietary range.

As far as is known, lead is not a trace element essential to nutrition, but this particular question has not been adequately examined. Some of the adverse effects of lead on metabolism have nonetheless been studied in considerable detail. These effects are related to the concentration of lead in the soft tissues. At the level of cellular metabolism, the best-known adverse effect of lead is its inhibition of the activity of enzymes that are dependent on the presence of free sulfhydryl (SH) groups for their activity. Lead interacts with sulfhydryl groups in such a way that they are not available to certain enzymes that require them. In the living organisms, under most conditions, this inhibition is apparently partial. Inhibitory effects of lead on other aspects of cellular metabolism have been demonstrated in the test tube. Such studies are preliminary. Most of the effects reported are produced with concentrations of lead considerably higher than are likely to be encountered in the tissues of man, so that speculation about such effects is unwarranted at this point.

The clearest manifestation of the inhibitory effect of lead on the activity of sulfhydryl-dependent enzymes is the disturbance it causes in the biosynthesis of heme. Heme is the iron-containing constituent that combines with protein to form hemoglobin, the oxygen-carrying pigment of the red blood cells. Heme is also an essential constituent of the other respiratory pigments, the cytochromes, which play key roles in energy metabolism. The normal pathway of heme synthesis begins with activated succinate (produced by the Krebs cycle, a major stage in the conversion of food energy to ways observed before the onset of symptoms of lead poisoning, and the presence of either is therefore important in diagnosis.

The enzyme that catalyzes ALA metabolism is ALA dehydrase. A number of investigators, including Sven Hernberg and his colleagues at the University of Helsinki and Abraham Goldberg's group at the University of Glasgow, have studied the extent to which varying levels of lead in the blood inhibit ALA-dehydrase activity in red blood cell preparations in the laboratory. They have shown a direct relation between the concentration of lead in blood and the activity of the enzyme. Moreover, they find that there seems to be no amount of lead so small that it does not to some extent decrease ALA-dehydrase activity; in other words, there appears to be no threshold for this effect. If that is so, however, one would expect to see a progressive increase in the urinary excretion of the enzyme's substrate, ALA, beginning at very low blood-lead levels. This does not seem to be the case. Stig Selander and Kim Cramer in Sweden, correlating blood-lead and urine-ALA values, found that the first measurable increase in urine ALA is observed only after blood lead rises above approximately 30 micrograms of lead per 100 milliliters of whole blood. The apparent inconsistency between the effect of lead on the activity of an enzyme in the test tube and the accumulation of the enzyme's substrate in the body might be explained by the presence of an enzyme reserve. This hypothesis is consistent with the functional reserve exhibited in many biological systems.

Almost all the information we have on the effect of lead on the synthesis of heme comes from observations of red blood cells. Yet all cells synthesize their own heme-containing enzymes, notably the cytochromes, and ALA dehydrase is also widely distributed in tissues. The observations in red blood cells may therefore serve as a model of lead's probable effects on heme synthesis in other organ systems. Even so, the degree of inhibition in a given tissue may vary and will depend on the concentration of lead within the cell, on its access to the heme synthetic pathway and on other factors. For example, J. A. Millar and his colleagues in Goldberg's group found that ALA-dehydrase activity is inhibited in the brain tissue of heavily lead-poisoned laboratory rats at about the same rate as it is in the blood. When these workers used amounts of lead that produced an average blood-lead level of 30 micrograms per 100 milliliters of blood, the level of ALA-dehydrase activity in the brain did not differ significantly from the levels found in control rats that had not been given any added lead at all. It is now established experimentally that lead does interfere with heme synthesis in tissue preparations from the kidney, the brain and the liver as well as in red cells but the concentrations of lead that may begin to cause significant inhibition in these organs are not yet known.

Only in the blood is it as yet possible to see a direct cause-and-effect relation between the metabolic disturbance and the functional disturbance in animals or people. In the blood the functional effect is anemia. The decrease in heme synthesis leads at first to a decrease in the life-span of red cells and later to a decrease in the number of red cells and in the amount of hemoglobin per cell. In compensation for the shortage, the blood-forming tissue steps up its production of red cells; immature red cells, reticulocytes and basophilic stippled cells (named for their stippled appearance after absorbing a basic dye) appear in the circulation. The presence of stippled cells is the most characteristic finding in the blood of a patient with lead poisoning. The stippling represents remnants of the cytoplasmic constituents of red cell precursors, including mitochondria. Normal mature red cells do not contain mitochondria. The anemia of lead poisoning is a reversible condition: the metabolism of heme returns to normal, and the anemia improves with removal of the patient from exposure to excessive amounts of lead.

The toxic effect of lead on the kidneys is under intensive investigation but here the story is less clear. In acute lead poisoning there are visible changes in the kidney and kidney function is impaired. Again the mitochondria are implicated: their structure is visibly changed. Much of the excess lead is concentrated in the form of dense inclusions in the nuclei of certain cells, including those lining the proximal renal tubules. Robert A. Goyer of the University of North Carolina School of Medicine isolated and analyzed these inclusions and found that they consist of a complex of protein and lead. He has suggested that the inclusions are a protective device: they tend to keep the lead in the nucleus, away from the vulnerable mitochondria. Involvement of the mitochondria is also suggested by the fact that lead-poisoned kidney cells consume more oxygen than normal cells in laboratory cultures, which indicates that their energy metabolism is affected.

Kidney dysfunction, apparently due to this impairment in energy metabolism, is expressed in what is called the Fanconi syndrome: there is an increased loss of amino acids, glucose and phosphate in the urine because the damaged tubular cells fail to reabsorb these substances as completely as normal tubular cells do. The excessive excretion of phosphates is the important factor because it leads to hypophosphatemia, a low level of phosphate in the blood. There is some evidence that, when phosphate is mobilized from bone for the purpose of maintaining an adequate level in body fluids, lead that is stored with relative safety in the bones may be mobilized along with the phosphate and enter the soft tissues where it can do harm. The effect of acute lead poisoning on the kidney can be serious but, like the effect on blood cells, it is reversible with the end of abnormal exposure. Furthermore, the Fanconi syndrome is seen only at very high levels of lead in blood (greater than 150 micrograms of lead per 100 milliliters of blood) and only in patients with severe acute plumbism.

In the central nervous system the toxic effect of lead is least understood. Little is known at the metabolic level; most of the information comes from clinical observation of patients and from postmortem studies. Two different mechanisms appear to be involved in lead encephalopathy, or brain damage: edema and direct injury to nerve cells. The walls of the blood vessels are somehow affected so that the capillaries become too permeable; they leak, causing edema (swelling of the brain tissue). Since the brain is enclosed in a rigid container, the skull, severe swelling destroys brain tissue. Moreover, it appears that certain brain cells may be directly injured, or their function inhibited, by lead.

The effects I have been discussing are all those of acute lead poisoning, the result of a large accumulation of lead in a relatively short time. There are chronic effects too, either the aftereffects of acute plumbism or the result of a slow buildup of a burden of lead over a period of years. The best-known effect is chronic nephritis, a disease characterized by a scarring and shrinking of kidney tissue. This complication of lead poisoning came to light in Australia in 1929, when L. J. J. Nye became aware of a pattern of chronic nephritis and early death in the state of Queensland. Investigation revealed that Queensland children drank quantities of rainwater that was collected by runoff from house roofs sheathed with shingles covered with lead-pigmented paint. In 1954 D. A. Henderson found that of 352 adults in Queensland who had had childhood lead poisoning 15 to 40 years earlier, 165 had died, 94 of chronic nephritis. Chronic lead nephropathy, which is sometimes accompanied by gout, is also seen in persistent, heavy moonshine drinkers and in some people who have had severe industrial exposure. In all these cases, however, the abnormal intake of lead persists for more than a decade or so before the onset of nephropathy. Most of the patients have a history of reported episodes of acute plumbism, which suggests that they have levels of lead in the tissues far above those found in the general population. Furthermore, there is the suspicion that factors in addition to lead may be involved.

The other known result of chronic overexposure to lead is peripheral nerve disease, affecting primarily the motor nerves of the extremities. Here the tissue damage appears to be to the myelin sheath of the nerve fiber. Specifically, according to animal studies, the mitochondria of the Schwann cells, which synthesize the sheath, seem to be affected. Various investigators, including Pamela Fullerton of Middlesex Hospital in London, have found that conduction of the nerve impulse may be impaired in the peripheral nerves of industrial workers who have had a long exposure to lead but who have no symptoms of acute lead poisoning.

These findings and others raise serious questions. It is clear that a single attack of acute encephalopathy can cause profound mental retardation and other forms of neurological injury that is permanent. Similarly, in young children repeated bouts of symptomatic plumbism can result in permanent brain damage ranging from subtle learning deficits to profound mental incompetence and epilepsy. Can a level of absorption that is insufficient to cause obvious acute symptons nevertheless cause "silent" brain damage? This question remains unanswered, in part because of the difficulty in recognizing mild symptons of lead poisoning in children and in part because the experimental studies that might provide some answers have not yet been undertaken.

Classical plumbism—the acute disease—is seen today primarily in children with the pica habit. Before discussing these cases in some detail I shall briefly take up two other current environmental sources of lead: earthenware improperly glazed with lead and lead-contaminated alcoholic beverages.

Michael Klein and his colleagues at McGill University recently reported two cases of childhood lead poisoning, one of which was fatal, that they traced to an earthenware jug in which the children's mother kept a continuously replenished supple of apple juice. The slightly acidic juice was leaching lead out of the glaze, the thin layer of glassy material fused to the ceramic surfaces of the jug. The investigators thereupon tested 117 commercial earthenware food and beverage containers and 147 samples made with 49 different commonly used glazes in the McGill ceramics laboratory. Excessive amounts of lead—more than the U.S. maximum permissible amount for glazes of seven parts per million—were leached out of half the vessels. (The maximum permissible amount should probably be reevaluated, since past methods of testing have not taken account of such variables as the quantity of the food or beverage consumed, its acidity, the length of time it is stored and whether or not it is cooked in the pottery.) As the McGill report points out, the danger of poisoning from lead-glazed pottery has been rediscovered periodically since antiquity. The Greeks knew about the danger but the Romans did not; they made the mistake of storing wine in earthenware. James Lind, who in 1753 recommended lemon or lime juice as a preventive for scurvy, also warned that the juices should not be stored in earthenware jugs. Now the index of suspicion has fallen too low: one physician poisoned himself recently by drinking a cola beverage (and 3.2 milligrams of lead) every evening for two years from a mug his son had made for him. Do these cases represent isolated occurrences? How many other people are similarly exposed? Clearly the first step is the testing of earthenware and a reevaluation of its fabrication and use for food and drink.

In the manufacture of moonshine whiskey, lead solder is used in the tubing of distillation units. Moreover, discarded automobile radiators that contain lead often serve as condensers. Lead is therefore found in most samples of confiscated moonshine. Lead encephalopathy, nephritis with gout and other lead-related conditions have been reported in moonshine consumers, largely in the southeastern part of the U.S. The problem of diagnosis is complicated by the fact that the symptoms of acute alcoholism and acute lead poisoning are similar in many ways. (Again there is a historical record. The McGill report noted that the Massachusetts Bay Colony forbade rum distillation in leaded stills in 1723 in an effort to prevent "dry gripes," an intestinal condition. In 1767 Sir George Baker blamed "the endemic colic of Devonshire" on the use of lead-lined troughs in the making of apple cider.)

Childhood lead poisoning in the U.S. is seen almost exclusively in children of preschool age who live in deteriorated housing built before 1940 (when titanium dioxide began to replace lead in the pigment of most interior paints). The causative factors are commonly a triad: a dilapidated old house, a toddler with pica and parents with inadequate resources (emotional, intellectual, informational and/or economic) to cope with the family's needs. The three factors interact to increase the likelihood that the child will eat chips of leaded paint. A chip of paint about the size of an adult's thumbnail can contain between 50 and 100 milligrams of lead, and so a child eating a few small chips a day easily ingests 100 or more times the tolerable adult intake of the metal! In one study conducted some years ago at the Baltimore City Hospitals and the Johns Hopkins Hospital, Harold E. Harrison and I found that the average daily fecal excretion of lead by children with severe plumbism was 44 milligrams. In a group of normal unexposed children we found a daily fecal lead excretion of less than .2 milligram of lead. In other words, pica for leaded paint results in genuinely massive exposures. And when the abnormal intake ceases, it may be several months or years before blood-lead levels return to normal.

The repeated ingestion of leaded-paint chips for about three months or longer can lead to clinical symptoms and eventually to the absorption of a potentially lethal body burden of lead. During the first four to six weeks of abnormal ingestion there are no symptoms. After a few weeks minor symptoms such as decreased appetite, irritability, clumsiness, unwillingness to play, fatigue, headache, abdominal pain and vomiting begin to appear. These, of course, are all quite nonspecific symptoms, easily ignored as behavior problems or blamed on various childhood diseases. In a few weeks the lassitude may progress to intermittent drowsiness and stupor; the vomiting may become persistent and forceful; brief convulsions may occur. If the exposure to lead continues, the course of the disease can culminate abruptly in coma, intractable convulsions and sometimes death.

This picture of fulminating encephalopathy is commonest in children between 15 and 30 months of age; older children tend to suffer recurrent but less severe acute episodes and are usually brought to the hospital with a history of sporadic convulsions, behavior problems, hyperactivity or mental retardation. The symptoms tend to wax and wane, usually becoming more severe in summer. (Some 85 percent of all lead-poisoning cases are reported from May through October. This remarkably clear seasonal pattern is still not understood. It may be due at least in part to the fact that the ultraviolet component of sunlight increases the absorption of lead from the intestine.)

The symptoms of even acute encephalopathy are nonspecific, resembling those of brain abscesses and tumors and of viral and bacterial infections of the brain. Diagnosis depends, first of all, on a high level of suspicion. To make a positive diagnosis it is necessary to show high lead absorption as well as the adverse effects of lead. This requires the measurement of lead in blood and other specialized tests. Mild symptoms may be found in the presence of values of between 60 and 80 micrograms of lead per 100 milliliters of blood. As the blood-lead level rises above 80 micrograms the risk of severe symptoms increases sharply. Even in the absence of symptoms, in children blood-lead levels exceeding 80 micrograms call for immediate treatment and separation of the child from the source of lead.

Treatment is with potent compounds known as chelating agents (from the Greek *chēlē*, meaning claw): molecules that tend to bind a metal atom firmly, sequestering it and thus rendering it highly soluble [see "Chelation," by Harold F. Walton; SCIENTIFIC AMERICAN, June, 1953]. Chelating agents remove lead atoms from tissues for excretion through the kidney and through the liver. With chelating agents very high tissue levels of lead can be rapidly reduced to levels approaching normal, and the adverse metabolic effects can be promptly suppressed. Initially two agents are administered by injection: EDTA and BAL. (EDTA, or edathamil, is ethylenediaminetetraacetic acid; BAL is "British Anti-Lewisite," developed during World War II as an antidote for lewisite, an arsenic-containing poison gas.) After the lead level has been reduced another agent, d-penicillamine, may be administered orally as a followup therapy.

Before chelating agents were available about two-thirds of all children with lead encephalopathy died. Now the mortality rate is less than 5 percent. Unfortunately the improvement in therapy has not substantially reduced the incidence of brain damage in the survivors. Meyer A. Perlstein and R. Attala of the Northwestern University Medical School found that of 59 children who developen encephalopathy, 82 percent were left with permanent injury: mental retardation, convulsive disorders, cerebral palsy or blindness. This high incidence of permanent damage suggests that some of these children must have had recurrent episodes of plumbism; we have found that if a child who has been treated for acute encephalopathy is returned to the same hazardous environment, the risk of permanent brain damage rises to virtually 100 percent. In Baltimore, with the help of the Health Department and through the efforts of dedicated medical social workers, we are able to make it an absolute rule that no victim of lead poisoning is ever returned to a dangerous environment. The child goes from the hospital to a convalescent home and does not rejoin his family until all hazardous lead sources have been removed or the family has been helped to find lead-free housing. Cases of permanent brain damage nevertheless persist. It appears that even among children who suffer only one episode, are properly treated and are thereafter kept away from lead, at least 25 percent of the survivors of lead encephalopathy sustain lasting damage.

Clearly, then, treatment is not enough; the disease must be prevented. Children with increased lead absorption must be identified before they become poisoned. Going a step further, the sources of excessive lead exposure must be eliminated.

Baltimore has taken a "case-finding" approach to these tasks. Free diagnostic services were established by the city Health Department in the 1930's. Physicians took advantage of the services, and increasing numbers of cases were discovered. Since 1951 the removal of leaded paint has been required in any dwelling where a child is found with a blood-lead value of more than 60 micrograms. The number of cases reported each year rose for some time as diagnostic methods and awareness improved, but recently it has leveled off. In order to reach children before they are poisoned, however, more is required than case-finding; what is needed is a screening program that examines entire populations of children in high-risk areas of cities. Chicago undertook that task in the 1960's. Last year New York City inaugurated a new and intensive screening program in which children are being tested for blood lead in hospitals and at a large number of neighborhood health centers; an educational campaign has been launched to bring lead poisoning and the testing facilities to public notice. As in Baltimore, a blood-lead finding of more than 60 micrograms results in an examination of the child's home. If any samples of paint and plaster contain more than 1 percent of lead, the landlord is ordered to correct the condition by covering the walls with wallboard to a height of at least four feet and by removing all leaded paint from wood surfaces; if the landlord does not comply, the city undertakes the work and bills him. Before the new program was begun New York was screening about 175 blood tests a week; by the end of the year it was doing about 2,000 tests a week. Whereas 727 cases of lead poisoning were reported in the city in 1969, last year more than 2,600 were reported. As Evan Charnev of the University of Rochester School of Medicine and Dentistry has put it, "the number of cases depends on how hard you look."

Screening is complicated by technical difficulties in testing both children and dwellings. The standard dithizone method of determining blood lead requires between five and 10 cubic centimeters of blood taken from a vein—a difficult procedure in very small children—and the analysis is time-consuming. What is needed is a dependable test that can be carried out on a drop or two of blood from a finger prick. A variety of approaches are now being tried in several laboratories in order to reach this goal; as yet no microtest utilizing a drop or two of blood has been proved practical on the basis of large-scale use in the field. Several appear to be promising in the laboratory, so that field testing in the near future can be anticipated. As for the checking of dwellings, the standard method is laborious primarily because it requires the collection of a large number of samples. Several different portable instruments are under development, including an X-ray fluorescence apparatus that gives a lead-content reading when it is pointed at a surface, but these devices have not yet been proved reliable in the field.

Since World War II the incidence of lead poisoning (usually in the form of lead palsy) among industrial workers, which was once a serious problem, has been reduced by various control measures. The danger is now limited primarily to small plants that are not well regulated and to home industries.

There is increasing concern over environmental lead pollution. Claire C. Patterson of the California Institute of Technology has shown that the levels of lead in polar ice have risen sharply since the beginning of the Industrial Revolution. Henry A. Schroeder of the Dartmouth Medical School has shown that the burden of lead in the human body rises with age, and that this rise is due almost entirely to the concentration of lead in bone. Although man's exposure to lead in highly industrialized nations may come from a variety of sources, the evidence points to leaded gasoline as the principal source of airborne lead today. These observations have occasioned much speculation. It is nonetheless clear that a further rise in the dissemination of lead wastes into the environment can cause adverse effects on human health; indeed, concerted efforts to lower the current levels of exposure must be made, particularly in congested urban areas.

At the moment there is no evidence that any groups have mean blood levels that approach the dangerous range. Some, however, do have levels at which a minimal increase in urinary ALA, but nothing more, is to be expected. This includes people whose occupation brings them into close and almost daily contact with automotive exhaust. These observations emphasize the need to halt any further rise in the total level of exposure. A margin of safety needs to be defined and maintained. This will require research aimed at elucidating the effects of long-term exposure to levels of lead insufficient to cause symptoms or clear-cut functional injury. With regard to respiratory exposure, it is still not clear what fraction of the inhaled particles reaches the lungs and how much of that fraction is actually absorbed from the lung. Still another important question is the storage of lead in bone. Can any significant fraction of lead in bone be easily and quickly mobilized? If so, under what circumstances is it mobilized? There are more questions than answers to the problems posed by levels of lead only slightly higher than those currently found in urban man. Much research is required.

With regard to childhood lead poisoning, however, we know enough to act. It is impermissible for a humane society to fail to do what is necessary to eliminate a wholly preventable disease.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. The time allotted for the transaction of routine morning business has expired. Morning business is closed.

NEGOTIATING CONFERENCE CONCERNING THE PRICES OF WHEAT

The PRESIDING OFFICER. Under the previous order, the Chair lays before the Senate the unfinished business, which the clerk will state.

The assistant legislative clerk read as follows:

> A resolution (S. Res. 136) requesting a negotiating conference in reference to the prices of wheat.

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. SPARKMAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. ALLEN). Without objection, it is so ordered.

Mr. SPARKMAN. Mr. President, the matter before the Senate is Senate Resolution 136, introduced by the distinguished Senator from Wyoming (Mr. MCGEE). It is very short and I think needs very little explanation. It merely expresses the sense of the Senate that the President should take appropriate steps at the earliest possible date to convene a negotiating conference, "with a view toward the negotiation of provisions relating to the prices of wheat and the rights and obligations of members in respect to international trade in wheat."

It is contemplated that this will be accomplished pursuant to the terms of article 21 of the Wheat Trade Convention of the International Wheat Agreement which provides as follows:

> ARTICLE 21
>
> *Prices and Related Rights and Obligations*
>
> In order to assure supplies of wheat and wheat flour to importing members and markets for wheat and wheat flour to exporting members at equitable and stable prices, the Council shall at an appropriate time examine the questions of prices and related rights and obligations. When it is judged that these matters are capable of successful negotiation with the objective of bringing them into effect within the life of this Convention, the Council shall request the Secretary-General of UNCTAD to convene a negotiating conference.

Mr. President, Senate Resolution 136 was ordered reported favorably by both the ad hoc subcommittee on the International Wheat Agreement, of which I am chairman, and then by the Committee on Foreign Relations.

I may say, Mr. President, that in the course of the hearings, it was brought out that the grading of wheat and the minimum and maximum prices thereon had been omitted from the action of the conference because they were not able at that time to arrive at a proper grading and at the price standards which should be set. During the course of the subcommittee's hearings, administration witnesses testified that if they had been able to arrive at suitable pricing arrangements they would have done so. In order to meet the recommendations and overcome the objections of a great majority of the wheat producers of this country, it was decided that we should recommend that this resolution be adopted by the Senate concurrent with the recommendation for ratification of the International Wheat Agreement itself.

Consequently, the distinguished Senator from Wyoming (Mr. McGEE) submitted Senate Resolution 136. I believe that I am safe in saying that a great majority of the wheat growers are in favor of it and if it is adopted they will be in favor of the wheat agreement. Thus, I feel strongly that we should agree to the resolution prior to taking action on the wheat agreement itself.

I may say, in a letter from the State Department we were told that, and I am quoting from it, unlike earlier wheat agreements, the 1971 convention does not include provisions on prices or purchase and supply commitments. This came about principally because of the inability of the trading countries to agree on reference wheats for the setting of minimum and maximum prices. Major changes in the Canadian grading system introduced uncertainties in the trading relationship among the several top quality wheats which were candidates for reference wheats, and the conference decided that progress on establishing new minimum and maximum prices and related supply and purchase obligations must await the establishment and the testing in trade of the new Canadian system.

The new agreement, however, envisages the possibility of convening an international conference to negotiate reference wheats, price obligations, and other substantive provisions at a future date during the life of the agreement.

The provisions for administering the Wheat Trade Convention are much the same as for the current convention with one exception. Even though there are no price provisions, conference participants felt strongly that the function of keeping the international wheat market under continuous review should be maintained. Therefore, a new Advisory Subcommittee on Market Conditions was established. The new subcommittee is charged with continuous review of the international wheat markets, particularly the prices at which various wheats are being offered. If the subcommittee detects signs of market instability, which would include abnormal price fluctuations of one or more wheats, it will report immediately to the executive committee.

Now, Mr. President, what we are doing through this resolution is to request the President that he provide for such a meeting at the earliest practicable time in order that these matters might be reviewed and, if found workable at that time, that they be made a part of the wheat agreement.

Mr. McGEE. Mr. President, the background on the resolution has just been developed by my colleague from Alabama. He makes one point that concerns many of us, that whenever we go into negotiation, we never can get all that we want, we never can get all the equity we feel is required. But we negotiated in good faith. We negotiated in good faith on this in the month of February, for a great many days, but because of the many complexities involved, it was impossible to arrive at some rather substantive agreements, such as the basing points and the like that help to protect the American wheatgrower in the international wheat market. These are matters which have been basic considerations of the American wheatgrower for a great many years. During the years in which we have failed in those aspects, it has been a considerable problem for the American wheatgrower, because he has to survive on a very high cost domestic market economy, and yet he has to compete in a very low cost world market.

We felt it was imperative, therefore, that there be the maximum of effort made, through agreement, to protect the American wheat grower from the uncertainties and often the certain lower prices that otherwise tend to dominate the world market. For those reasons we felt it would be helpful if, as we could enter into this new International Wheat Agreement armed with an expression of interest from the Senate that this was important to the American wheat grower—and we are actually one of the largest of all those who participate in the Wheat Agreement—that it would strengthen the hands of our negotiators when this whole question is reopened.

My resolution provides that we will try again, at the earliest possible moment after ratifying the new International Wheat Agreement, to negotiate minimum and maximum prices. I believe it will be helpful if the Senate endorses the concept of protecting the American wheat grower through negotiations with other members of the International Wheat Community. And because this fell short of the hopes of a great many of our wheat people in February, we are simply urging that they reinstitute this effort and continue to work at it.

Article 21 of the treaty makes it an item for the agenda almost constantly. So this changes nothing in the treaty itself. It does not alter the treaty in any way.

However, we do think it would be worthwhile to adopt a simple resolution indicating our moral support to the efforts of the American members of the International Wheat Council to try to arrive at some firmer understanding, particularly with the Canadians, in regard to a fixed base point for the designation of a preference wheat and other understandings with regard to the export and import of wheat commodities.

It is with that in mind that we have stressed the relevance of this resolution which should be passed in advance of the International Wheat Agreement. It would simply represent the endorsement of this approach by the Senate.

One of the advantages that this simple resolution would have would be that it would achieve a rare moment in the terms of negotiating history, for all farm members in this country are on the same side at the same time. That is pretty rare. One of the farmer's weaknesses has been that continually throughout history we have the farmer who has to deal with the money market for his loans and with the manufacturing markets for his machinery, all of whom are united on how they want to negotiate the prices. However, when it comes to the farm problems, we find farmers with differing viewpoints.

Nevertheless, all known agricultural groups in this country have united with enthusiasm behind the new International Wheat Agreement. For that purpose alone, I would certainly recommend that the Senate vote in the affirmative on Senate Resolution 136.

Mr. BURDICK. Mr. President, approval of the resolution before us, Senate Resolution 136, is of tremendous importance to the wheatgrowers of this country and especially to the farmers of North Dakota, the second largest wheat exporting State.

Last year, almost 153 million bushels of wheat were produced in North Dakota, 11 percent of the total U.S. wheat crop. Twenty-six cents of every dollar of the State's cash receipts from farm marketings in fiscal 1969–70 were derived from foreign sales. Wheat and flour are by far the most important items in North Dakota's exports. Between 1965–66 and 1969–70, North Dakota boosted its exports of wheat and flour by 19 percent, valued at an estimated $155.4 million.

Therefore, it is imperative that every effort be made to assure our wheat producers a fair price for export wheat. U.S. growers simply cannot afford to grow wheat that has to be sold at a world dumping price as a weapon in a price-cutting war.

I therefore hope that the Senate will approve Senate Resolution 136 and that this will result in a negotiating conference arranged by the International Wheat Council at the earliest possible date in order to reach agreement on provisions relating to the prices of wheat and the rights and obligations of the importing and exporting countries.

The United States has been a partner in international agreements regarding trade in wheat since the first International Wheat Agreement was ratified by the U.S. Senate in 1949. These treaties represented an attempt to establish international amity and equity at the neogiating table rather than the alternative of unrestrained price-cutting competition. This country should take the leadership in continuing this kind of international understanding. Approval of Senate Resolution 136 today will clearly show the intent of the Senate that this be done.

Mr. AIKEN. Mr. President, I was a member of the subcommittee of the Senator from Alabama (Mr. SPARKMAN), which considered the matter of U.S. membership in the International Wheat Agreement and also the International Food Convention.

I felt that it was very important that the United States make provisional application for membership in this organization before the deadline of midnight June 17. That was done. And I appreciate the fact that the chairman of the subcommittee, the Senator from Alabama, took pains to have a meeting to make sure it would be done at that time to keep us from losing our membership in the International Wheat Agreement.

The United States and Canada together have over half of the total membership votes in this organization. However, if we did not continue as a member of the organization, Canada could have conceivably been outvoted by the other members.

The pending resolution is supported, as I understand it, by two farm organizations—the Farmers Union and the National Farmers Organization. It is opposed by the American Farm Bureau Federation.

The Wheat Agreement and the Food Convention together are supported, I understand, by the three major wheat grower associations of this country. Their witnesses appeared before the committee.

Mr. President, if I may go back a moment to 1967, that was when the last International Wheat Agreement was approved by the Senate and the United States became a member. It developed that this agreement, which had a provision for minimum pricing in it and criteria to be used for that purpose, was a failure because most of the countries paid very little attention to the minimum pricing arrangement.

The agreement which our Secretary of Agriculture signed, I think on April 14, does not have any provision in it for minimum prices. The principal reason for that is a change in the Canadian pricing and grading plan which makes it impossible to have any effective minimum pricing in the agreement.

If it develops that the Canadian plan works out, criteria will then be provided. Article 21 of the agreement would make it possible for minimum pricing then to be considered.

The McGee resolution states in effect that even if we approve the wheat agreement, we still do not approve it because we feel that there should be a provision for minimum pricing in the agreement if we adopt such a resolution.

This resolution requires the President to request a pricing conference "at the earliest possible date." No date is possible for a long time, probably not during the life of the 92d Congress. And no one knows for how much longer because the Canadian system will not have been fully developed and operable by that time.

Mr. President, I was not in attendance at the meeting of the subcommittee which reported this resolution to the full committee favorably because I was attending a meeting of the Joint Committee on Atomic Energy which seemed more important at the time.

I must admit I was not present when the full committee voted to report the resolution because I was entertaining in my office, on official business, an Ambassador from a country whose relations with the United States are very important. Had I been present I would have suggested that the word "feasible" or "practicable" would have been preferable to the word "possible" in the resolution.

As a matter of fact, the resolution cannot be effective anyway, and if by any stretch of the imagination the time came when it could be effective, the language already in the agreement would take care of that situation.

I hope that any action the Senate takes on the resolution will not be misunderstood by other countries because I feel we are all in agreement that a workable international wheat agreement is desirable, if possible. We have much to gain and nothing to lose.

I might point out that the International Food Convention was incorporated with the wheat agreement in this treaty agreement which we will vote on after the resolution is disposed of.

Mr. President, I have simply tried to make a statement of fact. I am a little surprised that more Members from the wheat States are not here this morning but I believe they fully understand that this resolution will not put them out of business if it passes, and it will not do much for them, either.

Mr. YOUNG. Mr. President, wheat represents our biggest dollar export of any farm commodity. Total agricultural exports are now $7.2 billion, or approximately $2 billion more than they were 2 years ago.

The United States is facing a serious problem now. We have a trade deficit with the rest of the world which is having a critical impact on our economy. If it were not for the huge export of farm commodities, we would indeed be in deep trouble.

There are two major reasons why wheat leads our exports of all farm commodities in dollar value. The first is that we produce a better quality of wheat than any country in the world with the exception of Canada. Second, our farmers receive less than half of what farmers in Common Market countries receive for their wheat. Unfortunately, there is no way under the present system whereby our farmers can take advantage of the high wheat prices, not only in common market countries, but in many other wheat deficit countries.

Mr. President, there is no world price for wheat established in the marketplace as was the case many years ago when free trade in the Liverpool market established world prices. The price of wheat trading in world markets today is, in a large measure, established by the two principal wheat exporting nations, the United States and Canada. The price at which Canada offers its wheat for sale to foreign countries is established every morning by the Canadian Government. Our export price of wheat is established by the Department of Agriculture every afternoon at 3:30. Other wheat exporting nations follow a similar practice.

Mr. President, it is very important that wheat exporting nations, particularly the United States and Canada, have a close working relationship in establishing export prices to prevent price wars that would be disastrous for this country, particularly our farmers.

For many years the International Wheat Agreement and later the International Grains Arrangement aided substantially in making possible a fairly close working relationship between the United States and Canada, as well as some other wheat exporting nations.

Mr. President, the International Wheat Agreement which we are considering today can be helpful in making possible very much needed increased exports of wheat and preventing price cutting among the exporting nations. There is really nothing very compulsory about this agreement, but the important thing is that it provides a forum through which wheat exporting nations can discuss their problems and establish a competitive export price. I view this forum where exporters get together by far the most important aspect of this Wheat Agreement.

Mr. President, the McGee resolution would be an improvement in the International Wheat Agreement now pending before the Senate. I can see no way that it could adversely affect grain prices, and it would at least offer some encouragement for wheat exporting nations to get together and establish a more positive and, hopefully, a better export wheat pricing structure.

Mr. President, I hope the McGee proposal is agreed to.

Mr. MILLER. Mr. President, while the resolution pending before the Senate on its face may seem to be a rather simple one, there are some deep implications involved. It harks back to the 1968 action of the Senate in ratifying the International Grains Arrangement which contained therein provisions which fixed prices on wheat, which I take it would be the subject matter of the negotiating conference provided for by the current resolution.

Maybe some of my colleagues have forgotten what happened back in those days. I would like to read what I said in the CONGRESSIONAL RECORD, volume 114, part 13, page 16936. I said on that date:

> Mr. President, now pending before the Senate is the proposed International Grains Arrangement. It is a treaty consisting of two parts; the Wheat Trade Convention and the Food Aid Convention.
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> The Wheat Trade Convention, as the committee report points out, essentially replaces the previous International Wheat Agreement of 1962 as extended by agreement in 1965, 1966, and 1967, with expiration scheduled on July 31, 1968. It differs from the previous International Wheat Agreement in that it establishes a minimum-maximum price range for major export wheat types. The minimum price for U.S. No. 2 Hard Red Winter wheat would be $1.73 per bushel f.o.b. gulf ports; the maximum price would be $2.13. The minimum would be about 20 cents per bushel above the level provided under the old International Wheat Agreement.
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> An article by Norman H. Fischer, staff reporter of the Wall Street Journal, published in the paper on May 27, notes that domestic wheat prices have dropped to near 26-year lows; that a leading grade of ordinary protein hard winter wheat was priced around $1.51 per bushel in Kansas City—down 20 cents from a year ago and down 10 cents in just the last 4 months. Mr. Fischer observes that even after adding shipping costs from Kansas City to gulf ports, an exporter could buy this wheat for 15 cents per bushel under the minimum price of $1.73 under the proposed new Wheat Convention. Under the new Wheat Convention, a foreign buyer would have to pay the $1.73 minimum, and the U.S. Federal Government would pocket the 15 cents per bushel differential.
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> According to an article appearing in the January 30 issue of the Journal of Commerce a high USDA official acknowledged that U.S. exporters would be subject to a tax—in the amount of this differential—to be paid to the Commodity Credit Corporation.
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> The present world price being what it is—some 15 cents per bushel at U.S. gulf ports under the proposed Wheat Trade Convention minimum—it is understandable why some of the proponents might feel that this convention would tend to bolster the low price of wheat. However, as I have pointed out, the differential would not go to the wheat farmer but to the Commodity Credit Corporation.

> Worse yet—and this is of the greatest importance—a guaranteed increase over the low world market price would assuredly prove an incentive to other countries producing wheat less efficiently than the United States to produce more wheat, with serious implications to our own exports of wheat. Either they will produce more wheat to make up for their own domestic deficit, to avoid paying the higher minimum price, thus reducing the amount we will export to them, or, if their domestic supplies are adequate and they are exporting countries, they will produce more wheat for export to compete with our own exports. The proponents of the treaty have not produced any evidence to rebut this statement. U.S. exports of wheat for the current fiscal year will total approximately 750 million bushels—half our expected domestic crop of 1.5 billion bushels. Accordingly, it can readily be seen how vital it is to maintain and, if anything, increase our wheat exports
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> According to Mr. Fischer's article, many grain analysts believe 1968–69 exports could decline to 650 million bushels or less—quite apart from the ratification or rejection of the pending proposed treaty. With U.S. wheat carryover stocks on June 30 of this year forecast at around 545 million bushels—up 120 million bushels from a year ago—analysts expect that the carryover on June 30, 1969, could rise another 100 million bushels just from increased domestic production. This is expected notwithstanding the 13-percent reduction in wheat allotments for the 1968 crop because of favorable weather. As Mr. Fischer points out, a Government advisory group has recommended a 15-percent further reduction for 1969 allotments which would result in harvested acreage of 49 million—down 9 million acres from 1967.
>
> Weighing these prospects, I cannot see any basis for optimism that, in the face of increasing carryover stocks, there will be improvement in domestic prices just because of an increase in the minimum world price under the proposed treaty. And these carryover stocks would be further aggravated by reductions in our exports. With all due respect, the proponents of the treaty have not been able to satisfy me on this point. They say that higher minimum prices will add to farm income and will serve the national interest by improving our balance-of-payments position. But they neglect to point out what I have already pointed out—that the differential will go to the Commodity Credit Corporation and not to the wheat farmer in the form of higher prices; and they overlook the fact that a drop in our exports would have an unfavorable impact on our balance-of-payments position.
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> If anyone has any doubts over what I have said about the danger to our exports of wheat, they should understand that the Common Market, which levies very high duties on imports of grains from the United States, has announced a policy of self-sufficiency in grain production. They cannot produce nearly as efficiently as we can, but they subsidize their grain farmers heavily and use the import duties on our grains as a source of funds to pay the subsidies. Of course, we argue that this is bad economics and means higher prices for the Common Market consumers, but our arguments have fallen on deaf ears. As pointed out by the Foreign Relations Committee's report on page 3, the United States, during the negotiations on the International Grains Arrangement, had three essential objectives. One of these was assured access to the markets of importing countries—especially the Common Market. But because of its inward-looking, protectionist, uneconomic decision strive for self-sufficiency, the Common Market rejected our request for assured access. With this rejection went one of the pillars on which the proposed Wheat Trade Convention was to be based. The objective of assured access was to protect our wheat farmers' exports, and the failure of our negotiators to achieve it during the Kennedy round means that the proposed Wheat Trade Convention places our wheat farmers' exports in jeopardy.
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> Let it be made clear that ratification or rejection of this proposed treaty has nothing to do with the tariff reductions arrived at during the Kennedy round of negotiations. At page 20 of the hearings on the proposed treaty, Ambassador William Roth testified that the proposed treaty is "in effect a self-balancing entity and stands on its own feet. If it were not ratified by the United States, if it did not, in effect, come into being, the Kennedy round itself would be untouched."
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> The other part of the proposed treaty is the Food Aid Convention. Proponents of the treaty say that this establishes a valuable principle in international cooperation in food aid responsibility to needy nations; that it will substantially benefit hungry nations. However, the principle has long been established by the Food and Agricultural Organization of the United Nations, which for over 20 years has been doing increasingly effective work in helping improve the diets of people in hungry nations through international cooperation. The statement that this Convention will substantially benefit hungry nations completely overlooks the fact that there is nothing in the proposed convention to indicate that contributions under it would be in addition to that already being furnished. Our negotiators did, indeed, seek to increase the overall assistance being given needy nations, but their efforts were unsuccessful. Of the major contributors other than the United States now—Canada, Australia, EEC, United Kingdom, and Japan, only Japan would have to make any substantial changes and these would be in the form of shifts from cash loans to cash grants.
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> As I have said many times over the past year, the Kennedy round of negotiations represented a sellout of American agriculture. The proposed International Grains Arrangement was proffered as a "plus" for agriculture growing out of the negotiations, but on the basis of the analysis I have presented to the Senate, its appears to be a "minus" and in no way whatsoever an offset against the failures of the Kennedy round insofar as American grain farmers are concerned. Accordingly, I shall vote against ratification.

That is what I said on June 12, 1968.

On June 13, the next day, during continued debate on the treaty, I said this, as appears in the CONGRESSIONAL RECORD, volume 114, part 13, page 17183:

> Mr. President, yesterday, during my colloquy with the Senator from Alabama (Mr. SPARKMAN), who is managing the bill, we had some discussion about the point that I had made in my statement that present world prices were substantially under the minimum price that would be established by the pending treaty. My colleague from Alabama read into the record a number of sales transactions with Japan, all of which were substantially above the minimum price. I asked my colleague from Alabama at the time whether or not they were prices delivered in Japan or f.o.b. prices here in the United States, and I believe that the response was that they were f.o.b. prices in the United States.
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> Since that time I have had an opportunity to look into this question, and I must advise my colleague from Alabama, with all due respect, that the figures he gave yesterday are prices delivered in Japan—c.i.f. prices, cost-insurance-freight—and that those prices would therefore be about 23 to 24 cents above the f.o.b. price here in the United States. That is the price we are talking about.
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> I have here the Grain Market News for May 31, 1968, published by the Grain Division of the United States Department of Agriculture, which sets forth, on page 2, the transaction prices on May 29 of this year. It shows that the gulf price for No. 1 Hard Winter wheat, which would be approximately 1 cent above the gulf price for No. 2 Hard Winter wheat, was $1.62. This is 11 cents below the minimum price under the treaty that is pending.
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> I may say further I am advised that from May 29, the rate of this transaction, through June 5 the price had dropped to $1.54, which is 19 cents below the minimum under this treaty, which is exactly the point I was making in my statement yesterday.
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> I have in my hand a message from Kansas City, dated June 12, under the Reuters News dateline, which reads as follows:
>
> "The Agriculture Department's Commodity Office here today bought a further 835,000 bushels of No. 2 or better grade hard winter wheat from U.S. traders for export donation to Tunisia. The purchase—
>
> Which was made on June 12—
>
> was made from 1.54⅜ dollars to 1.54⅝ dollars per bushel f.o.b. Gulf ports for June 20 to July 20 shipment."—
>
> Nineteen cents under the minimum that would be established under this treaty.

It was very important, Mr. President, for me to bring up that information because, as I pointed out, with all deference to the Senator from Alabama (Mr. SPARKMAN), who is managing the bill, the information he had proffered the day before was erroneous. The point I was making was that under the treaty, the treaty minimum price would be 15 to 20 cents above the world price, and if that was guaranteed, that would mean that those countries producing wheat not as efficiently as the United States would be given an incentive to increase their production, not only to provide for their own self-sufficiency, but also to export in competition with us. Either way, the U.S. wheat farmer would find his exports cut down.

Then, Mr. President, on July 11, after the treaty had been ratified, I said this to the Senate, in the CONGRESSIONAL RECORD, volume 114, part 16, page 20933:

> Mr. President, on June 13, this U.S. Senate considered, and voted to ratify, the International Wheat Trade Convention. I opposed the ratification because I believed that this international commodity agreement for wheat would require a U.S. export tax on wheat, restrict U.S. wheat exports, depress U.S. wheat prices, reduce net income of U.S. wheat farmers.
>
> In my opinion, a deceptive myth was created concerning the IWTC—the illusion that, by an international agreement to increase export prices to a level substantially above the market price, the American farmer would somehow receive a higher price for his production.
>
> At that time, I tried to make clear that my analysis indicated that the increased price would not go to the farmer but would, in fact, be an artificial price arrived at by the application of an export tax—sometimes euphemistically described as an "inverse subsidy."
>
> I believe it is important for the Senate to note the events which have occurred subsequent to our action to ratify this ill-conceived treaty. The Secretary of Agriculture on the day after ratification proceeded to calculate the export taxes which would be required to implement the IWTC. For example, on June 17, the announcement was made that U.S. exporters would be required to pay the following export taxes for the "privilege" of exporting U.S. wheat:

[Cents per bushel]

	Gulf	East coast	West coast
Hard Red Spring	7	8	[1] 14
Hard Red Winter	18	18	1
Soft and other	24	24	0

[1] Export subsidy.

What has been the effect on U.S. wheat prices? On June 13, July wheat futures at Chicago were $1.30 per bushel; on July 8, July wheat futures closed at $1.24½—a 5½-cent drop. The situation at the Kansas City market was similar. On June 13, July futures in Kansas City closed at $1.38 per bushel; on July 8, July wheat futures closed at $1.31—a 7-cent drop.

In the first full week after the establishment of export taxes, sales of U.S. wheat dropped to 182,792 tons—less than one-third of the tonnage sold in the previous week. As a matter of fact, in just 2 weeks time U.S. wheat sales had dropped from 602.495 tons to 182,792 tons. Unfortunately, the bad news does not stop here.

The announcement of wheat export taxes has caused the drastic reduction in bookings of future wheat exports. In the first full week after the export taxes were announced, only 1.9 million bushels of wheat were booked for export. This compares to over 13.7 million bushels just 2 weeks previously. The conclusion is inescapable—U.S. wheat exports have gone down, and the facts indicate that they will continue to go down unless the current policy is changed.

While we were assured that U.S. wheat would be kept competitive on the world market, what has been the response of the Secretary of Agriculture with respect to this dismal export situation that has been created over the past 2 to 3 weeks? Wheat export taxes will be increased. For example, the export tax on Hard Red Winter wheat at the gulf and east coast ports has been increased by 3 cents to 21 cents per bushel; and for our soft wheats, the export tax is now 28 cents—4 cents above the June 17 level.

The U.S. Department of Agriculture forecasts a U.S. wheat harvest in excess of 1.5 billion bushels. Yet we are restricting U.S. wheat exports. This will cost the wheat farmer dearly. Ratification of the International Wheat Trade Convention was a tragic mistake.

Then, Mr. President, we waited for a year, and came in here on July 18, 1969, and here is what I pointed out to the Senate then, in the Congressional Record, volume 114, part 15, page 20113:

Mr. President, the International Grains Arrangement should be subjected to an immediate review and evaluation.

If such a review results in recommendations to withdraw from the agreement or that it should be amended, then there should be no hesitation in doing so.

In simple terms, the International Grains Arrangement, as ratified by the Senate on June 13 a year ago, is bust. My warnings to the Senate at the time have been borne out.

We were assured at the time that U.S. wheat would be kept competitive in the world market. The reverse has been true. The International Grains Agreement has influenced the loss of price competitiveness in our world wheat market. The organizations which supported the IGA—Great Plains Wheat, Inc., Western Wheat Associates, U.S.A., Inc., and National Association of Wheat Growers—all now admit that their support was misplaced. To quote from a speech by Carl Dumler, president of the Great Plains Wheat, Inc.:

"In fact, we have had to price below the IGA minimum in order to make sales. And we have lost sales because of this noncompetitiveness."

We were assured at the time that our wheat exports would not suffer. But they have. U.S. wheat exports are more than one-third lower than at the same time last year.

I warned at the time of ratification—and I said so—that the agreement would require a U.S. export tax on wheat. Within a few days after ratification, export taxes were applied. And they have ranged from 21 cents to 17 cents a bushel since. In fact, if a Wall Street Journal article of July 15 is accurate—and I have no reason to doubt it—we will soon be engaged in what would amount to an export subsidy war with other nations. The quote from the article:

"The U.S. will pay substantial wheat export subsidies, ranging up to $50 million a year or more, if other wheat-exporting nations don't act soon to adjust their prices upward."

The article takes note of this fact:

"The Common Market countries already are subsidizing export wheat sales and this [the U.S. threat] would mean they would have to increase their subsidy payments to maintain their sales volume."

These sets of circumstances, fueled by growing wheat surpluses, have resulted in depressing U.S. wheat prices and reduced net income of our wheat farmers.

Several meetings of officials of the leading wheat exporting countries have occurred in recent months, the last as late as last Friday. All were called to probe the problem. All have resulted in vague communiques, expressing concern and the need for corrective action.

Our interests have clearly been prejudiced under provisions of article 21 of the International Grains Arrangement.—

I might say, Mr. President, that it is under article 21 that the resolution proposes action—

This article clearly sets out that in such a case the matter should be brought to the attention of the International Wheat Council. If the Council doesn't provide the relief—and two-thirds of the votes cast by the exporting countries and two-thirds of the votes cast by the importing countries are required for a decision granting relief—then the United States may withdraw from the arrangement at the end of the crop year by giving written notice.

Mr. President, such action is clearly indicated.

I ask unanimous consent that the Wall Street Journal article, entitled "United States Threatens To Pay Wheat Export Subsidy Near $50 Million a Year," be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

UNITED STATES THREATENS TO PAY WHEAT EXPORT SUBSIDY NEAR $50 MILLION A YEAR—HARD-LINE POSITION SEEKS TO GET OTHER NATIONS TO MOVE SOON TO ADJUST THEIR PRICES UPWARD

Washington.—The U.S. will pay substantial wheat export subsidies, ranging up to $50 million a year or more, if other wheat-exporting nations don't act soon to adjust their prices upward, a Government source disclosed.

It's possible that the subsidies would be paid to exporters, dealers or others to permit them to quote lower export prices.

The U.S. position wasn't spelled out in the communique issued here last Friday at the close of two days of world wheat-price discussions by representatives of the European Common Market, the U.S., Canada, Australia and Argentina. But a U.S. official said the Common Market delegation, in particular, got the message, and it's expected there will be some follow-up development in Brussels this week on the "corrective action" mentioned in the communique.

The threat by the U.S. to put on wheat export subsidies would be felt most strongly by the Common Market countries (Belgium, France, Italy, Luxembourg, the Netherlands and West Germany). They already are subsidizing export wheat sales and this would mean they would have to increase their subsidy payments to maintain their sales volume, particularly since Canada also probably could be counted on to lower its export wheat sales prices.

The official International Grains Agreement minimum price for key grades of U.S. wheat is $1.60 a bushel, at Gulf ports.

The word on the hard line taken by U.S. officials in these talks apparently didn't surface sooner because the negotiators had agreed to say nothing beyond the text of the communique at the time it was made public.

U.S. officials concede that nearly all major wheat-exporting nations that were parties to the International Grains Agreement that came into force on July 1, 1968, have been undercutting the treaty's minimum export prices for wheat. In recent months, a Washington official said, price cutting by France and Australia especially had been hurting U.S. and Canadian sales.

The communique issued by the major wheat-exporting nations said only that they had reviewed current world prices and recognized "distortions," and that "corrective action" would be taken by some exporting countries to bring prices into a proper competitive relationship.

For France, the major wheat-exporting country within the Common Market, to adjust its export pricing practices would require some policy decisions within the Common Market as a whole, U.S. officials said. A higher export price for French wheat presumably would involve additional costs to the Common Market for its agricultural price supports.

It's understood that Australia, represented in the wheat talks by John McEwen, deputy prime minister, who also is his country's minister of trade and agriculture, also may adjust its wheat export selling practices to avoid undercutting U.S. and Canada or competitive varieties.

The price-cutting competition among major wheat exporters is traceable, U.S. sources say, to the prospect that the current world surplus isn't likely to disappear for "a year or two."

In the wheat negotiations here last week, there apparently wasn't any effort to reach agreement on lowering of the price floors in the International Grains Agreement for all the big exporting countries. That's something "we may have to take up later," a U.S. official said.

U.S. VISIBLE GRAIN SUPPLY

Chicago—U.S. visible grain supply, according to the Chicago Board of Trade (in bushels, thousands omitted)

	Week ended July 11, 1969	Change from week ago	Year ago
Wheat	195,188	+22,908	161,264
Corn	90,732	−16	79,475
Oats	35,319	+1,687	19,060
Rye	6,922	+201	5,353
Barley	25,022	+2,782	14,276
Soybeans	33,449	−793	12,764
Grain sorghums	31,638	−261	32,312

Mr. BUCKLEY took the chair as Presiding officer.

Mr. MILLER. Mr. President, about that time, a noteworthy comment was made by the Honorable J. D. Anthony, Australian Minister for Primary Industry at the time I received this (now Deputy Prime Minister) concerning what happened under the International

Grains Arrangement. This is what he said:

> What has happened is that France has increased her sales at the expense of Canada and the United States. At the same time, the Australian Wheat Board has taken full advantage of its favorable position under the I.G.A. and has been very vigorous and successful in its marketing. As a result—and there is no doubt about this—Australia has gained more than her traditional share of the world market. While this has been happening, countries who are not parties to the I.G.A.—particularly the Soviet Union and East European countries—have been expanding their sales at prices out of line with I.G.A. prices.

I have here a letter dated July 9, 1971, signed by Clarence D. Palmby, Assistant Secretary for International Affairs and Commodity Programs, of the U.S. Department of Agriculture, addressed to the distinguished Senator from Pennsylvania (Mr. SCOTT), the minority leader of the Senate, in which he states:

> DEAR SENATOR SCOTT: Senate Resolution 136 proposing it is the sense of the Senate that the President should request the International Wheat Council at the earliest possible date to request the Secretary General of UNCTAD to convene a price negotiating conference under Article 21 of the 1971 International Wheat Agreement could be embarrassing to the United States Government and weaken the United States position in any future negotiations with other countries. Article 21 of the Agreement provides for the Council to request a negotiating conference whenever it is judged that matters related to prices and rights and obligations can be successfully negotiated. The meaning of Article 21 is quite clear and requires no reinforcement.
>
> As shown by the enclosed figures, the market price received by farmers for wheat is clearly related to the quantity of wheat exported. The rigid pricing provisions of the 1967 International Grains Arrangement hampered the ability of the United States to export wheat. Wheat exports during the first year of the IGA plummeted to 544 million bushels compared with an annual average of 791 million bushels during the previous three years. Wheat exports have risen since the IGA pricing provisions were set aside in mid-1969. The IGA listed prices for 13 separate classes of wheat from 8 origins with basing points all in the U.S. Gulf. It was impossible to translate the offer prices at the other countries to meaningful prices at the U.S. Gulf. Only the United States was hampered by the basing point provisions. An international agreement with such rigid and inflexible provisions as those in the IGA are not in the interests of the United States as an exporter of wheat.

In closing, he shows that for fiscal year 1969, we exported 544 million bushels, and the average price received by our farmers was $1.24. That, I might say, is in comparison with an average of 791 million bushels for each of the previous 3 years.

For fiscal 1970, we exported 606 million bushels. The average price received by farmers was $1.24.

For fiscal year 1971, we got up to 735 million bushels. The average price received by farmers was $1.36.

So, even with the IGA pricing provisions having been suspended in 1971, with 735 million bushels, we were not back to where we started, a 791-million-bushel average for the 3 years previous to the ratification—the tragic ratification—of the IGA.

Mr. President, on August 4, 1969, I pointed out to the Senate some further developments. In the CONGRESSIONAL RECORD, volume 115, part 16, page 21966, I said this:

> Mr. President, the world wheat situation has now turned into a crisis of chaotic proportions, a condition of which I have been repeatedly warning ever since the Senate, over my opposition, ratified the International Grains Arrangement. The facts are these: World wheat trade has shrunk 30 percent during the past 12 months due largely to the International Grains Arrangements, which forced the United States to tax its wheat exports by specifying increased world wheat trading prices. Not only has this encouraged foreign wheat production to abnormal levels, particularly in other exporting nations, but because of technicalities contained in the fine print of the agreement, the United States does not compete effectively in any market of the world against French and Australian wheat. This results in a drastic loss of business, a reduction in foreign exchange earnings, piling up surpluses, and most importantly, a depression in the farm wheat economy. Domestic farm wheat prices recently went to a 27-year record low.
>
> The reason is this:
>
> The United States now taxes exports of Hard Winter ordinary wheat by 20 cents per bushel at Gulf ports. The ECC currently pays a subsidy of about $1.67 per bushel to export wheat. The U.S. export price last Thursday, July 31, f.o.b. gulf ports was $1.55 per bushel, while on the same day the equivalent computed price for EEC wheat was $1.15 per bushel. In other words, U.S. wheat was made 33 percent more expensive than EEC wheat because of the loopholes in the International Grains Arrangement. If we are going to export wheat in the face of such a situation, prices must be lowered.
>
> Now, I ask, when, in the annals of world commerce, has the leading trading country in such an important commodity as wheat thrown away its markets by export taxation, and refused to grant an export subsidy of just 10 percent of its primary competitors export subsidy in order to be competitive, preserve its traditional markets, and strengthen a faltering economy?
>
> This is the heritage the Nixon administration received from the previous administration and its ill-conceived negotiation and support of the International Grains Arrangement. Those who are complaining the loudest about the lowering of prices to keep our export trade from being catastrophically reduced seem to be the ones who supported ratification of the International Grains Arrangement, but I have not heard them admit their mistake and call for withdrawal from the arrangement.
>
> I have just been advised today that our good neighbor to the south, Ecuador, has bought 50,000 tons of wheat—its total annual wheat import requirement—from Russia. U.S. pricing policy has sent a Latin American neighbor to a different supplier.
>
> The crisis is here, and the time is now to demand that U.S. wheat be kept fully competitive in world markets. Immediate action is required to prevent a complete debacle in U.S. wheat export trade which will drastically impair the wheat market for U.S. farmers. I repeat my statement of July 18 that the United States should give notice of its intention to withdraw from the International Grains Arrangement.

Now, Mr. President, I am not one to say, "I told you so," but I fought against the ratification of that treaty very, very hard. My good friend from Alabama was occupying the same chair that he occupies today, and he and a great many other colleagues did not believe. That is all right. But what I had to say came true. I would ask that they believe me today.

The administration's position is this: I am quite confident that regardless of whether we have a Democratic or a Republican administration, the Department of Agriculture wants to improve prices for wheat farmers and wants to improve the export of wheat. I do not think there is any partisanship in that. When we have the assurance from the administration that they will engage in negotiations with other countries in an effort to improve the prices of our exports of wheat, I think that we should take them at their word.

Mr. YOUNG. Mr. President, will the Senator from Iowa yield?

Mr. MILLER. I yield.

Mr. YOUNG. I have been following the Senator's speech closely, and I am wondering whether the Senator is advocating lowering export prices on wheat as a means of helping the farmer. As the Senator well knows, our export prices are less than half what consumers have to pay in Common Market countries. If I understood the Senator correctly, he is advocating a lower price as a means of increasing exports; is that correct?

Mr. MILLER. I am not doing that. I would regret that there would be any implication of that kind. I pointed out at the time we ratified the International Grains Arrangement that the fixed prices for those countries that would be involved in the treaty were about 20 cents above the world price. This was paraded before members of the Senate as being an opportunity to increase the price of wheat to the American wheat farmer. But I warned then that what this would do would be to encourage those countries not producing so efficiently as United States wheat farmers can produce to engage in further production, which is exactly what they did. Then, in addition to that, there were the imperfections and the fine print items in the treaty which enabled some countries, especially those in the transportation area, to underbid us and to undercut us. And then this was all compounded further by the fact that the Soviet Union and other countries not involved in the treaty came in and underbid and undercut us.

Mr. YOUNG. During the period the Senator speaks of, when exports were higher 2 or 3 years ago, that was when Russia had its severe drought for 2 years and purchased wheat from us. We no longer are selling them wheat. So I cannot see how increasing the price of a bushel of wheat or lowering it would make much difference when our wheat prices are much less than they were. Canada sets its price on exports for wheat every morning, and we set our export price every afternoon at 3:30. All the other exporting nations have a government export price. So it is beyond me to see how giving our farmers lower prices will help exports.

Mr. MILLER. Does the Senator recall what the amount of the exports we made to the Soviet Union was during those years?

Mr. YOUNG. I do not recall exactly, but I believe around 200 million bushels.

Mr. MILLER. Around 200 million bushels?

Mr. YOUNG. Right.

Mr. MILLER. Let me say to my good friend the Senator from North Dakota that, given even the 200 million bushels, it would not make up for the differential we lost in the first year of ratification of the treaty from the average of the first 3 years.

Mr. YOUNG. In the meantime, we sharply increased the export of wheat to Japan. They have gone pretty much to a wheat diet. They are a big wheat consumer now.

Mr. MILLER. May I say to my friend from North Dakota, if he is interested in good wheat prices, as is every Member of the Senate, if he will look at the record, for fiscal year 1969 we only exported 554 million bushels and the average price received by the American wheat farmer was $1.24. For the fiscal year 1970, we only exported 606 million bushels and the average price received by the American wheat farmer was $1.24.

For fiscal year 1971, during which time, of course, the treaty provisions were suspended, we go up to 735 million bushels of exported wheat, at an average price received by the American wheat farmer of $1.36.

Therefore, I believe that the proof is in the eating. The American wheat farmer could care less how they get it but what is important is that they get the improved price which occurred in 1971, but it went down in 1969 and 1970 under the treaty.

Mr. YOUNG. That was largely because of the increased world demand, was it not? Was it not largely because of the world demand? There was a surplus in the United States and we got the surplus down only about 2 years ago.

Mr. MILLER. The Senator is familiar with the fact that the Senate and the House have not been standing still with respect to our own domestic situation, so far as the wheat farmer is concerned. I think it is due in no small measure to the personal efforts of the Senator from North Dakota on the Agriculture Committee that our domestic program is more responsible than anything else for improvement in the total take-home pay of our wheat farmers, more than is attributable to improvement in export prices. So I must say that we can look at the decline in exports that occurred under this, and I predicted it. We have figures that show that. Another thing is the fact that France came along and is now a self-sufficient wheat producer. That was their common agricultural policy and it still is, whereas before then they had been deficient. What made them interested was the fact that the additional wheat prices, under the amendment in the treaty, would give them enough extra money so that they could try, in effect, to be self-sufficient, instead of preserving their market for efficiently produced U.S. wheat.

The sum of this is that the resolution is unnecessary. For one thing, it flies in the face of what happened under the International Grains Arrangement which became, to use the word of one of the articles I referred to, "chaotic." The administration has evidenced its interest in negotiating the agreements, where they are indicated, without the necessity of having to convene a negotiating conference which could go through the same trials and tribulations we went through before.

We got burned once. Let us not get burned again. The export situation for wheat and the price the farmer is receiving for his wheat is better than it was, much better than it was, when this agreement was in effect. With an administration that indicates its intention to improve the grain prices for all farmers, I think the resolution should be rejected.

I know that there is good faith behind it. There was the utmost good faith behind the arguments for the ratification of the treaty by some of the treaty organizations whom I have mentioned. We had members from the Great Plains Wheat Association and other associations recommending that we vote to ratify the treaty, and the Senate ratified it.

Within a year, those organizations were indicating that their trust in that treaty had been misplaced. Of course, it has been misplaced. Let us not misplace our trust again in a resolution which, I do not believe, will be at all helpful. If anything, they have indicated that it would hurt their bargaining power and might have a tendency to cause us to live through the same sad days the wheat farmers and exporters lived through during the time of our previous international trade agreement when the fixed price was in effect.

Mr. President, I yield the floor.

Mr. SPARKMAN. Mr. President, I will take just a few moments. I have listened with a great deal of interest to the very forceful argument of the Senator from Iowa.

There are two things I want to mention. One is that the chairman of the committee, the Senator from Arkansas (Mr. FULBRIGHT), referred this matter to the Committee on Agriculture and Forestry for comments. The distinguished Senator from Iowa is the ranking minority member of that committee. I read from a letter we received. It is addressed to the chairman. It reads:

> Thank you very much for your kindness and courtesy in asking for the views of the Committee on Agriculture and Forestry concerning the proposed International Wheat Agreement, 1971.
>
> This matter was brought to the attention of members at our regular meeting on June 16, 1971, and representatives of the Department of Agriculture briefed the Committee on the proposal at that time.
>
> After full discussion and consideration of both the Wheat Trade and Food Aid Conventions of the International Wheat Agreement, 1971, I was authorized, as Chairman, to indicate to you that this Committee has no objection to its ratification.
>
> With every good wish, I am
>
> Sincerely,
>
> HERMAN E. TALMADGE, *Chairman*.

The Senator from Iowa read a letter from the Assistant Secretary of the Department of Agriculture regarding this matter. The Assistant Secretary of Agriculture and his associates testified before our committee and called our attention to the fact that article 21 was put into the agreement in order to make it possible to negotiate on the prices of grains.

Mr. President, I ask unanimous consent that a letter from the Department of State be printed at this point in the RECORD:

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

DEPARTMENT OF STATE,
Washington, D.C., July 9, 1971.

Hon. J. W. FULBRIGHT,
Chairman, Committee on Foreign Relations, U.S. Senate,
Washington, D.C.

DEAR MR. CHAIRMAN: The Secretary has asked me to reply to your letter of June 18, 1971 asking for coordinated Executive Branch comments on Senate Resolution 136, requesting the Secretary General of UNCTAD to convene a negotiating conference as provided in Article 21 of the International Wheat Agreement.

The United States has consistently supported the inclusion of price provisions, and the attendant rights and obligations, in all wheat and grains agreements since 1949 and attempted to include a provision not harmful to the United States in the current IWA 1971 when it was negotiated earlier this year. Unfortunately it was not possible in the course of these negotiations to reach agreement on the reference wheat or wheats, which forms the basis for price provisions in these agreements. No participating country was willing to offer one of its wheats as the sole reference wheat, and major changes in the Canadian grading system introduced uncertainties in the trading relationships among the several wheats which could have been used jointly as references. Without a reference wheat, it was not possible to enter into negotiations on prices, although informal discussions revealed important differences in the initial positions of the various members. Given the impasse over the reference wheat, but at the same time recognizing that virtually all participants wanted price provisions in the new agreement, the Conference added Article 21 to the 1971 Wheat Trade Convention to assure that the International Wheat Council would at the appropriate time request the Secretary General of UNCTAD to convene another negotiating conference. In so doing, the Conference recognized that the solution of the question of the reference wheats must await the establishment and testing in trade of the new Canadian system.

We as well as other members are in agreement with the purport of S. Res. 136, that price provisions and the related rights and obligations be incorporated in the new Agreement. We do not believe, however, that the resolution is needed to accomplish this objective, since Article 21 already enjoins the IWC to keep under review the possibility of a new conference throughout the life of the agreement. Based on experience, we expect the question of a new conference to be on the agenda of each meeting of the Council, beginning with the forthcoming November meeting.

Furthermore, the Senate resolution could be interpreted as minimizing the problem of the reference wheat, which proved insoluble in the months of preparatory work before the Geneva Conference and in the Conference itself. The resolution is therefore likely to create a misunderstanding of the US position as it implies that we now see a way of overcoming this problem before

> the new Canadian wheats have been thoroughly tested in trade. This is not the case, and any conference based on such a misunderstanding would have little chance of success. Failure of a new conference to settle on a reference wheat, which is crucial to the price issue, would seriously damage prospects for further negotiations as well as the whole framework of international wheat cooperation which has been built up since 1949. In these circumstances we believe the next negotiating conference must be approached very carefully by all concerned. The proposed Resolution does not appear to be consistent with such an approach.
>
> The Office of Management and Budget advises that from the standpoint of the Administration's program there is no objection to the submission of this report.
>
> Sincerely,
>
> DAVID M. ABSHIRE,
> *Assistant Secretary for Congressional Relations.*

Mr. SPARKMAN. Mr. President, this letter is in reference to Senate Resolution 136.

It states in part:

> The United States has consistently supported the inclusion of price provisions, and the attendant rights and obligations, in all wheat and grains agreements since 1949 and attempted to include a provision not harmful to the United States in the current IWA 1971 when it was negotiated earlier this year. Unfortunately it was not possible in the course of these negotiations to reach agreement on the reference wheat or wheats, which forms the basis for price provisions in these agreements. No participating country was willing to offer one of its wheats as the sole reference wheat, and major changes in the Canadian grading system introduced uncertainties in the trading relationships among the several wheats which could have been used jointly as references. Without a reference wheat, it was not possible to enter into negotiations on prices, although informal discussions revealed important differences in the initial positions of the various members. Given the impasse over the reference wheat, but at the same time recognizing that virtually all participants wanted price provisions in the new agreement, the Conference added Article 21 to the 1971 Wheat Trade Convention to assure that the International Wheat Council would at the appropriate time request the Secretary General of UNCTAD to convene another negotiating conference. In so doing, the Conference recognized that the solution of the question of the reference wheats must await the establishment and testing in trade of the new Canadian system.
>
> We as well as other members are in agreement with the purport of S. Res. 136, that price provisions and the related rights and obligations be incorporated in the new Agreement.

Again he calls attention to the fact that article 21 provides for negotiating these matters at the proper time and states that it virtually recognizes that it will be on the agenda of the council at any and all times.

All Senate Resolution 136 does is to recognize the practice that was recognized by the negotiators in the conference. It simply expresses our hope that the President will initiate action as soon as practicable to convene a conference in order that these provisions can be discussed. That is what is anticipated in the conference.

Mr. MILLER. Mr. President, will the Senator yield?

Mr. SPARKMAN. I yield.

Mr. MILLER. Mr. President, might I ask the date of that letter.

Mr. SPARKMAN. The date of the letter is July 9, 1971. It is signed by Mr. David Abshire, assistant secretary for congressional relations.

Mr. MILLER. Mr. President, I guess what the Senator is pointing out is that we have divergent views between two agencies of the Government.

Mr. SPARKMAN. The Senator is correct. I simply offer this letter in reply to the letter read by the Senator from Iowa.

Mr. MILLER. Mr. President, probably this would not be the first time this has happened. However, I point out that the date of July 9 to which the Senator refers is the same date appearing on the letter I have referred to from the Assistant Secretary of Agriculture for International Affairs and Commodity Programs.

Mr. SPARKMAN. Mr. President, I recognize that. However, I want to point out that I did not read the opening paragraph. I believe that I should. It reads:

> The Secretary has asked me to reply to your letter of June 18, 1971 asking for coordinated Executive Branch comments on Senate Resolution 136, requesting the Secretary General of UNCTAD to convene a negotiating conference as provided in Article 21 of the International Wheat Agreement.

That says that it represents the coordinated comments of the executive branch on this particular resolution. I do not see how we can have a stronger statement of views than that.

Mr. MILLER. Mr. President, will the Senator yield further?

Mr. SPARKMAN. I yield.

Mr. MILLER. Mr. President, it is quite obvious that while the Secretary had asked for coordinated views, he had not received them because on the same date that the letter is dated, we have a letter from the Assistant Secretary of Agriculture for International Affairs and Commodity Programs stating different views.

Mr. SPARKMAN. I can assure the Senator that he did receive the coordinated views.

Mr. MILLER. I wish to ask my colleague from Alabama which department has more interest, more direct interest in the exports of wheat and the welfare——

Mr. SPARKMAN. I am not taking any sides as far as executive departments are concerned but I do say that this letter, written on behalf of the Secretary of State, states that it represents the "coordinated comments of the executive branch on Senate Resolution 136."

Mr. McGEE. Mr. President, to reinforce the point under discussion, and remembering that the Senator from Iowa has very eloquently developed the administration's position—namely, that they want this body to adopt the new International Wheat Agreement—I wish to point out that article 1(d) of the Wheat Trade Convention of 1971 states that one of the objectives of the convention is:

> To provide a framework, in conformity with Article 21 of the present Convention, for the negotiation of provisions relating to the prices of wheat and to the rights and obligations of members in respect of international trade in wheat.

Now, listen to the wording in my resolution which states that we urge them to convene this negotiating conference—

> With a view toward the negotiation of provisions relating to the prices of wheat and to the rights and obligations of members in respect to international trade in wheat.

We put that language in deliberately because our whole thrust was not to separate it from the negotiation of the Internaitonal Wheat Agreement but rather to endorse the efforts under the International Wheat Agreement. That is the thrust of the resolution.

I say to my friend from Iowa that we are really stating the same thing in both of these instances. There is not that much difference even in the separation of the resolution from the treaty.

It is for this body to lend its moral support to the efforts that did not quite succeed before but are ready to be undertaken again at the earliest opportunity, and we want them to know we are with them in this regard.

Mr. SPARKMAN. Mr. President, the Senator is correct. I believe we had just about as strong a representation as we could have had from the people who grow the wheat in the United States. All of them were in favor of a Wheat Agreement, but they wanted to have the backing of the Senate behind them in their desire to see that the objectives set out there and embodied further in article 21 were carried out. That is the purpose of the resolution.

Mr. MILLER. Mr. President, will the Senator yield

Mr. SPARKMAN. Yes, but before I yield may I just make a further point. I failed to read the concluding paragraph of the State Department's letter. It states:

> The Office of Management and Budget advises that from the standpoint of the Administration's program there is no objection to the submission of this report.

That is the office we used to call the Budget Bureau and they have let it be known that it is consistent with the administration's policy.

Mr. MILLER. I wish to say to my friend from Alabama that I do not recall he read this part of the letter from the State Department to which he previously referred. I am referring to the statement on page two of the letter which reads:

> We as well as other members are in agreement with the purport of S. Res. 136, that price provisions and the related rights and obligations be incorporated in the new Agreement. We do not believe, however, that the resolution is needed to accomplish this objective, since Article 21 already enjoins the IWC to keep under review the possibility of a new conference throughout the life of the agreement. Based on experience, we expect the question of a new conference to be on the agenda of each meeting of the Council, beginning with the forthcoming November meeting.

That would not leave the impression that the State Department is asking the Senate to approve this resolution. In fact, they say "We do not believe it is needed."

Mr. SPARKMAN. That is right.

Mr. MILLER. That is the essence of

the remarks from the Assistant Secretary of Agriculture. Let me read again what he said:

> It could be embarrassing to the United States Government and weaken the U.S. position in any future negotiations with other countries.

In other words, what he is asking is that we not go on record in support of this resolution, but leave it up to the administration to work this out; and as the Secretary of State indicated the item will probably be on the agenda of the council at the next meeting. So what is the purpose behind the resolution?

I was trying to point out how deadly and unfortunate action by the council could be to the wheat farmers of the country. I do not think any administration wants to be trapped into that again. We ratified the treaty in the Senate. It was unfortunate. They will try to work out some agreement in the council in future meetings. They know what section 21 calls for.

I suggest to my friend from Alabama that the letters from the two agencies are not incompatible at all.

Mr. SPARKMAN. I do not regard it as a necessity, but these people who grow wheat and who are interested in it want to feel they have the endorsement of the Senate in backing up the provisions that are set forth in the agreement itself in two places, first, in the objectives, and, second, in article 21, which was written in for the purpose stated. We are not requiring the President to do this; we are passing a sense of the Senate resolution to the effect that we believe he ought to get the conference back together as soon as it is feasible to do so.

Mr. MILLER. I wish it were just that simple. Possibly if the Senator from Wyoming and a few of us could sit down for a few moments we might modify the language a little more. The language is not quite the way the Senator from Alabama has put it. It would put the Senate on record that the President should request the International Wheat Council——

Mr. SPARKMAN. Yes.

Mr. MILLER. At the earliest possible date——

Mr. SPARKMAN. Yes.

Mr. MILLER. When is that? Is it tomorrow?

I think the time is very important. Why should I, as a Member of the Senate, say, "Mr. President, I request you tomorrow to get on the telephone and make a request of the International Wheat Council for a conference"?

Mr. SPARKMAN. We heard the testimony of Mr. Palmby. As a matter of fact, this agreement was not submitted to the Senate until June 2. Mr. Palmby and an associate came by my office on June 14 and talked to me about it. That was the first time I ever knew there was a deadline, just a few days ahead, on this agreement where we either had to join or we had to declare our intent to join.

I wish to tell the Senator there was opposition in our ad hoc subcommittee to giving them permission without going through all the hearings that we ought to have in order to let them meet the deadline; but they wanted it so desperately that we did it at a time when the wheat producers were begging us to extend the hearings so they might get their people in from far away places to testify.

When we gave permission, reluctantly, to let them go ahead and meet that deadline by depositing a declaration of provisional application, it was done, I believe, with full understanding that we were going to have additional hearings in order to let the people who produce the wheat come in and have their say. Those people, if I recall correctly, were unanimous in asking that this resolution go through in conjunction with the agreement.

I want to say, in all conscience, that I do not appreciate the letter from Mr. Palmby, after he, in our subcommittee, told us that they had hoped to get these pricing provisions in but they did not have the time and here they were at the deadline when they felt they had to do something.

Against opposition in the subcommittee, we voted to let them deposit a declaration of provisional application, but at the same time we said we are going to give the people who go out into the field and produce the wheat an opportunity to be heard. We heard them. I think it was clearly understood that this resolution would be a part of it.

Mr. MILLER. Mr. President, will the Senator yield?

Mr. McGEE. Mr. President, I wonder if the Senator will yield so I may respond to the Senator from Iowa?

Mr. SPARKMAN. Yes; I am glad to yield to the Senator from Wyoming, who was active in the subcommittee, and I ask him to state whether or not I have correctly stated the case.

Mr. McGEE. The chairman is eminently correct in his statement of the case and of the situation in which we found ourselves. We tried to work out a compromise that would be satisfactory to everyone involved, and a part of that compromise was the resolution because of that special circumstance. But we put in the resolution—and I call this to the attention of the Senator from Iowa—the special phrase that urges the President to request the International Wheat Council, at the earliest possible date—not next Tuesday, as the Senator said he or someone else might have sugggested, or next week, or next month, but at the earliest possible date. We did this with the full knowledge that we could not impose something, and should not try, in a case like this. But we thought we should take cognizance of the contingencies of the international climate at the time and of the commitment that the American negotiators had already taken under article 21, which is in the agreement.

For that reason, rather than specify a time, and in order not to aggravate the bind in which the Department of Agriculture found itself, we included the words, deliberately, to respect the President's options and the impact of the Executive judgment in this particular instance. Then we finished the resolution with the exact words from article 1 of the Wheat Trade Convention itself.

That is how this matter was drawn. I really fail to see the reason for all the fuss about this. It is precisely what the International Wheat Council set out to do. It is precisely what the International Wheat Agreement proposes to do. It leaves to the President the option to determine. Nothing is mandatory in it at all. It simply expresses the hope that the battle which was not sucessfully resolved during the negotiations last February might be resumed in a gentlemanly way and bring about negotiations in order to better protect the American wheat grower. The total basis for the resolution was to unite support behind the International Wheat Agreement.

Is the Senator from Iowa opposed to the pending International Wheat Agreement now?

Mr. MILLER. No, not at all.

Mr. McGEE. The Senator is going to support the International Wheat Agreement?

Mr. MILLER. I do not know of anyone who is going to oppose it.

I would like to make it very clear that each Senator has on his desk two items. One item is the International Wheat Agreement of 1971, which is in the nature of a treaty and requires ratification, and we have an agreement to vote on it sometime this afternoon by record vote. I do not know of any Senator who is opposed to it. I do not know of any Senator on the Committee on Agriculture and Forestry who is opposed to it. We discussed this matter at a meeting of the Committee on Agriculture and Forestry and authorized the chairman of the committee, the Senator from Georgia (Mr. TALMADGE), to send to the Foreign Relations Committee our comments supporting the treaty. I do not know of anybody in the administration who is opposed to it.

That is not what I have been talking about. I have been talking about the resolution, Senate Resolution 136, sponsored by my friend from Wyoming, which is the other item on our desks.

I appreciate what the Senator has just said about this resolution and his thinking behind it. It may be that we can confer here together, possibly in a few moments, and work out a little better language. The Senator from Wyoming, like the Senator from Iowa, has no particular pride in technical language in any document, I know.

If I may have the attention of the manager of the treaty, do I understand a point he was making was that this short period of time for the consideration of the International Wheat Agreement somehow or other had anything to do with getting prices in the agreement? I do not think so, because the treaty was negotiated without the prices in it, and I understand all the committee had to do was consider the treaty. By implication I thought he may have suggested that some of the farmers or industry people wanted to be heard in opposition to the treaty.

Mr. SPARKMAN. Not at all. May I say to the Senator from Iowa that perhaps a week before we had the first hearing I had a letter from the chairman of our committee saying that he wanted to appoint a subcommittee to handle this matter, and he wanted me to be chairman. In the letter he gave the names of the Members he would appoint to serve with me. The ink was hardly dry on my reply to the chairman stating I would be glad to do it when Mr. Palmby, and I believe Mr. Worthington, came to my office and told me at that time about the jam they were in. We did not get them into that jam. On the 15th, which was the earliest date we could get the subcommittee together, we held a hearing. I want to read the statement I made at that time, when they were telling us how urgent it was that we report this matter out immediately, or at least that we give them the privilege of depositing a declaration of provisional application, as they were able to do under article 24. Here is the statement that I made:

> Let me say one thing that may not be relevant as far as this ratification is concerned. This wheat agreement was opened for signature in Washington as early as March 29. It was signed by the Secretary of Agriculture on April 14, but it was not submitted to the President until May 21. The President transmitted it to the Senate on June 2. Not until yesterday—

That was the day before they came by—

> did I know there was any hurry about this agreement.

When they explained to me that there was, I said, "I will call the subcommittee together tomorrow," and we did it.

> This is not the first time we have been confronted with a situation like this. I don't quite understand the reasons for the delay. This puts us in the position of being virtually forced to act quickly. I am not opposed to it, but we ought to give interested people a chance to be heard.

Witnesses were notified immediately, and we had people from Missouri, Kansas, Washington State, and from a dozen different wheat-producing States who said they wanted to testify. But they said they could not possibly get there in order to testify, and here we were, being urged to report this agreement out of the committee.

I said to them, "We ought to give interested people a chance to be heard."

Finally, I suggested that we authorize them to go ahead and make a provisional application under article 24 of the agreement, and, as I say, there was opposition in the subcommittee to that. We felt that we ought not to take any action until we had heard from these people who produced the wheat.

Mr. MILLER. Mr. President, will the Senator yield?

Mr. SPARKMAN. However, the majority of the subcommittee decided to go ahead and give them the privilege of giving their notice of adherence—a conditional adherence, of course, subject to the final ratification—but that would give them the right to participate in the meeting of the International Wheat Council which was held in London during the week of June 21. As has been pointed out by the able Senator from Vermont, the United States and Canada have a majority of the votes under the terms of the agreement, but Canada standing alone could be outvoted by the other members. If we had a right to participate, then we could protect our interests.

The way I regard it, we more or less traded on that idea. The resolution was before us at that time, and everyone knew that it was, and that it was going to be considered. Later we had 2 days of hearings on the 17th and the 29th. We had additional witnesses, and these were the people from out in the Senators' State, from Wyoming, from Missouri, from Kansas, from Washington, and from several other States which produce wheat, and they were most insistent that we pass the resolution along with the wheat agreement. Now, I am carrying out what I consider more or less a promise that was made at that time, with the full knowledge and understanding of the Department of Agriculture.

Mr. MILLER. Mr. President, may I say to my friend from Alabama that I would not for one moment suggest or imply any criticism of the way his committee has operated in this matter. I can understand how he would be concerned over the short period of time allowed for the hearings. But he has already clarified that, and from what he had to say I doubt that there would have been any witnesses appearing before the committee in opposition to this pending treaty.

That being so, I do not understand why there would have been a great amount of concern over the opportunity to appear for hearings. It is too late to negotiate a change in the treaty; the treaty has already long since been negotiated. There is not anything the Senator's committee can do about it except possibly put on a reservation to the resolution of ratification, and I do not know that there are any reservations that can be connected with this treaty. I do not think there was ever any consideration of a reservation to the treaty.

Mr. SPARKMAN. This is not a reservation. We discussed the idea of putting this on as an understanding with the treaty. But we decided that the treaty ought to go through clean, and my honest thinking was the best we could do was express the sense of the Senate that the President act as soon as he practically could in order to do what they would have done had the conditions been right for it.

I want to make it clear that our committee has not been responsible for any of the delay. We acted promptly, and we acted according to their wishes, except as to the resolution, and certainly with their knowledge and understanding that we were going to push the resolution. I think, in all fairness, there ought not to be objection at this hour to that resolution.

Mr. MILLER. Mr. President, as I have said, there is no implication, and never has been, of any criticism regarding the operations of the committee which the distinguished Senator from Alabama has directed. If I could have the attention of the Senator——

Mr. SPARKMAN. Yes.

Mr. MILLER. The point is this: His committee had a short period of time to consider the treaty.

Mr. SPARKMAN. We had no time, virtually.

Mr. MILLER. Well, it apparently had enough time to get the hearings printed.

Mr. SPARKMAN. Let me state——

Mr. MILLER. The committee could have——

Mr. SPARKMAN. That we had the hearings on the earliest possible date we could get the subcommittee together and get any witnesses there at all. That was on June 15, and we had to act before midnight on June 17. We went on and gave them that permission, even though there were some who objected to it.

Mr. MILLER. I do not want to belabor this point, though I have said this three times: There is no criticism whatsoever of the way the committee operated. The point that I think has been missed here is that what the committee had before it was pretty much what we had before, except without the pricing provisions which led to the previous one becoming a chaotic, tragic mistake.

I am not saying that the previous treaty, if it had had some different pricing mechanisms in it, might not have worked out well. I am only saying that the way it was worked out, with the pricing provisions it had in it, it turned out to be a tragic mistake.

Mr. SPARKMAN. That would be a matter for the conscience of Senators.

Mr. MILLER. We do not want to have it happen again, and apparently some of the other countries do not want it to happen again.

Mr. SPARKMAN. There is nothing——

Mr. MILLER. Without the pricing provisions in it, apparently they have let the council work out the provisions in it by separate negotiations; is that not so?

Mr. SPARKMAN. There is nothing in this agreement contrary to that resolution.

Mr. MILLER. Nothing in it except that we wonder what it is doing there. The administration is very much aware of this; in fact, we had our negotiators participating in drawing up this treaty in the first place.

Mr. SPARKMAN. They wrote section 21 in right along the line that this resolution has been drawn. This is the mildest thing we could have done: Just a simple resolution expressing the sense of the Senate, in keeping with what the representatives of the Department of Agriculture and the negotiators told us that we had in mind anyway.

Mr. McGEE. Mr. President, will the Senator yield?

Mr. SPARKMAN. Just one other thing, if I may, while I am on my feet.

On June 17—remember, this is the last day they had—I wrote this letter:

> JUNE 17, 1971.
>
> Hon. WILLIAM P. ROGERS,
> *Secretary of State,*
> *Washington, D.C.*
>
> DEAR MR. SECRETARY: As Chairman of the Ad Hoc Subcommittee on the International Wheat Agreement of the Foreign Relations Committee, which consists of Senators Church, Symington, McGee, Aiken, Cooper and Pearson, I wish to inform you that the Subcommittee met in executive session this afternoon and decided to approve the deposit of a declaration of provisional application of the International Wheat Agree-

ment pursuant to the provisions of Article 24 of the Wheat Trade Convention and Article IX of the Food Aid Convention.

Sincerely yours,

JOHN SPARKMAN,
Chairman, Ad Hoc Subcommittee on the International Wheat Agreement.

They got their application filed before midnight, and they are currently in good standing, able to carry on and do everything necessary just as if we had already recommended ratification of the treaty. They did it knowing that we had Senate Resolution 136 before us and that most likely we would report it.

Mr. McGEE. Mr. President, will the Senator yield?

Mr. SPARKMAN. I yield.

Mr. McGEE. I think that perhaps this is the point we are missing here, and I say to the Senator from Iowa, who just asked: "Why Senate Resolution 136, in view of the language in it?"

The answer to that is this: Because of the short time the subcommittee had and the urgency of putting them in business on the new wheat agreement. On 2 days' notice, to meet the deadline, we worked out the compromise that involved Senate Resolution 136 to avoid the delays that otherwise would have been entailed on the part of members of the subcommittee and on the part of other witnesses who wanted to be heard in the short time that suddenly was available to us.

This was honestly a part of a package that was worked out to expedite getting the treaty in action provisionally, without delay, and leading to its approval on the floor this afternoon. It was in that context that Senate Resolution 136 was introduced and reported. It was changed to conform to the intent of the treaty so that it did not do violence to the time factor, to executive authority, or to the ultimate intention of the ratification of the International Wheat Agreement. But it was a part of the understanding, rather than having more hearings, rather than having a longer set of committee sessions to move it, in order to meet the deadline. The deadline was met at the request of the executive branch and we tried to accommodate. But a part of that accommodation was Senate Resolution 136. That is why it was made a part of the pending business today.

Mr. MILLER. I appreciate the Senator from Wyoming giving us that explanation, although I must say that I see no reason why the Senate cannot ratify this treaty, and 30 days from now or 60 days from now, if we are unhappy about the lack of momentum on the part of the administration, the Senator's resolution, No. 136, would be just as valid as it is now.

What apparently has happened here is that the committee had short notice on which to get the clearance of the treaty. Apparently, some people wanted to be heard on it. It was too late for them to do anything about pricing provisions. That was all out of the treaty; it was the way the treaty was negotiated. The most the committee might have done would have been to have the committee report contain an understanding of some kind.

But here is a resolution which, in effect, says to the President, "Now that we have this treaty, we want you to go over there and request the council to set up a conference as soon as possible."

I do not know why we need to have something like that in conjunction with the treaty.

I do not recall ever voting to ratify a treaty in the Senate when we accompanied it with some kind of resolution saying, "We want the President to do this right away," or something like that. I do not remember ever doing that. We usually give the executive branch a reasonable opportunity to take some action under the treaty; and if they do not take action that we think is proper, every once in a while we may come out with a resolution. I see that as being standard operating procedure.

But the Senator from Wyoming suggests that this is a package deal, that we go on record to say to the President, "we want you to get moving on this right away," and then we soften it a little.

I hope we can work on the language problem a little. If no one wants the floor at this time, I should like to put in a quorum call.

Mr. McGEE. In connection with the Senator's hesitation or objection on this resolution, I hope he will bear in mind why it was decided to allow the executive branch to keep the wheat agreement in operation provisionally, and thus avoid any interruptions. A part of that agreement was this resolution. It is not separable in that sense. We cannot consider the resolution 30 days from now, because it was one of the conditions that enabled us to get the votes to report the International Wheat Agreement out of the committee. Otherwise, it would not have come out of the committee.

Mr. MILLER. If the Senator is saying that certain members of that committee said, "we will be pleased to vote to send the treaty to the Senate for ratification, but we are not going to do it unless you put out a resolution which says that it is the sense of the Senate that the President get moving on it—"

Mr. McGEE. I wish we had time to read all the record of both the committee hearing and the committee markup. But what it said was that many felt that before we even ratify the treaty a great many details about the treaty should be spelled out. We did not have time for all that. In the interest of trying to cooperate—perhaps we should not have cooperated—it might have been a mistake. Perhaps we should have blocked the treaty at that point and let it come out later. Perhaps we should not have tried to work out an understanding on this. We tried it, and this was part of what was worked out as the package arrangement. It was expected that this resolution would cover the feelings of a great many who would go along and close ranks and unite, hopefully, a hundred percent behind the ratification of the treaty by this body.

But it was designed to remove a roadblock that could have delayed the agreement for an indefinite period of time. It was in that interest that this came out.

So again I appeal to the Senator from Iowa to look at it in the context that produced it. It was not envisaged as something with the farmer per se. It was something that came out of the sudden development in terms of the approval of the committee that was asked on short notice because of other inadvertent circumstances.

Mr. MILLER. I appreciate the Senator's explanation, and I am sure it is an honest one.

I cannot understand any members of the committee saying, in effect, "We are not going to get this treaty out for the Senate to ratify on a timely basis unless you are going to put out a resolution which makes it the sense of the Senate that the President is going to take some action as soon as possible under the treaty."

Mr. McGEE. That resolution was the product of negotiation of a good many hours in order to remove the elements that did not belong in it. With all apologies, this was the best we could do to move toward the time to meet the deadline imposed on the preceding treaty arrangements in an attempt to cooperate. That is why it is here today. All have testified that it is seemingly harmless. It was simply a part of the technique for expediting it. It has no other mandatory provisions. It has no commands to the Executive. It respects the Executive's good judgment in moving on this. But it was the only way we could have broken the deadlock in the committee and moved it out, and this is a part of that agreement.

Mr. MILLER. I must say to the Senator from Wyoming that in my 11 years in the Senate, I have never heard of a treaty coming before the Senate with such a stipulation in effect being placed on it.

The Senator from Alabama is a long time member of the Committee on Foreign Relations. Has he ever heard of a treaty reported by the Foreign Relations Committee with such a package deal, to be accompanied by a sense of the Senate resolution that the President start taking action under the treaty right away?

Mr. McGEE. Let me say to my good friend from Iowa that I have only been on the committee a few years and I do not remember getting a treaty submitted to us that we had to dispose of in 2 days. It came late.

Mr. SPARKMAN. That is exactly what I was going to say. I have never known a treaty to be submitted to us when we had only a couple of days to meet a deadline.

Mr. MILLER. If that is the case, perhaps this should be taken up with the Chief Executive; that we will ratify the treaty but we want to warn the Chief Executive that it is the sense of the Senate that he had better get the treaties up here sooner. That would make sense. But coming out with a resolution accompanying a treaty before the Senate even votes on it is something which, in effect, says that the President is to take action under the treaty right away. I never heard of such a thing. I do not know of anyone else in the Senate who has been around here a lot longer than I have who has ever seen a treaty come out with that kind of deal attached to it. I fail to see why it happens on this one. In any event, I appreciate the explanation made by my friend from Wyoming.

Mr. President, if the distinguished Senator from Alabama (Mr. SPARKMAN) will permit me, I should like to put in a quorum call at this time. Is that all right with my friend from Alabama?

Mr. SPARKMAN. May I say that I am supposed to be presiding over an executive session of a committee which I have recessed until 3:30 p.m. today. I certainly hope to be able to get to that meeting to work on a bill which is another hurry-up job.

Mr. MILLER. I will do the best I can. I have an obligation to another Member of the Senate to put in a quorum call because he wishes to speak.

Mr. SPARKMAN. The administration has a bill which they have urgently requested we get out during this executive session at 3:30, and I would like to get over there to that meeting to work on it. But, certainly, the Senator may suggest the absence of a quorum.

Mr. MILLER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. BUCKLEY). The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. SPARKMAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McGEE. Mr. President, we have before this body Senate Resolution 136 which I submitted after President Nixon referred the new International Wheat Agreement of 1971 to the Senate Foreign Relations Committee for consideration. My resolution asks the President to hold further negotiations on this treaty.

I introduced this resolution after becoming very concerned that this agreement, which has been recommended to the Senate for approval, does not include any provisions relating to the prices at which the signatory nations agree to import and export wheat. Moreover, the agreement also fails to include the designation of reference wheat, basing points, or definition of importers' and exporter's obligations. As nearly as I can understand it, the agreement as it now stands is a mere statement of the good intentions among the major wheat traders of the world. The disturbing aspect of such a toothless agreement is that it does not come to grips with the problems of the wheat trade—problems which inspired the original wheat agreement more than 20 years ago and which have kept it alive all these years.

I have become concerned about the operation of the International Grains Arrangement of 1967, which expired on June 30 of this year. The Committee on Foreign Relations has, over the past year, received numerous inquiries from farmers and farm organizations relating to their concern for the operation of that treaty. These individuals and organizations, as well as the committee, have been disappointed that the last treaty had not lived up to the expectations we had for it when the Senate approved its ratification 3 years ago.

I was concerned over the reported unilateral price cutting that was going on in violation of the terms of that agreement. I was also concerned over the seeming reluctance of the United States to adhere to the provisions of the agreement, by failing to insist that the violations of the agreement be presented before the Prices Review Committee.

In light of the violations which occurred under the expired agreement, I was stunned that the International Wheat Agreement of 1971 was completely devoid of any safeguards whatsoever for the American farmers.

We were told, Mr. President, that several factors combined to prevent the inclusion of provisions for price, basing points, and other vital elements in the agreement. We were told that most of the 3-week period during the February negotiations was spent on trying to reach agreement on a reference wheat and a basing point. Neither the United States nor Canada wanted their wheat or shipping points so designated. Compromises such as an average of the collective reference wheats or combinations of wheats also failed to find approval among negotiators in large part perhaps because U.S. representatives were not given proper instructions. There were reports that our negotiators offered such a low-price minimum that it dampened the prospects for success at a very early stage in the proceedings.

Reports from a recent conference of the International Federation of Agricultural Producers, where representatives of more than 40 nations attended, indicate that broad agreement exists for renewing efforts to negotiate meaningful pricing provisions. They recognize that international commodity agreements without minimum price features are little more than statements of good faith. An agreed range of price movement with an established minimum price would help to stabilize the world market and protect all concerned.

In light of this evidence, I feel this agreement, as it now stands, is a hollow and meaningless document. Trade negotiations and agreements are the only proper route to expanding trade, not a trade war. And that is exactly what we will have—a trade war—unless adequate provision is made for very vital sections of this agreement. This would result in unstable wheat prices and uncertainty for the American farmer.

It is difficult to conceive that our Government has abandoned the sensible approaches to international trade in wheat that past agreements made possible for over 20 years. But that is the assumption one must make in light of the sense of urgency on the part of the administration to gain quick ratification of this document.

I am hopeful the Senate as a whole shares my concern for American agricultural interests. I am hopeful this concern will be expressed through the passage of my resolution asking the President to request, through the International Wheat Council, further negotiations aimed at reaching agreement on pricing provisions which the new wheat agreement now totally lacks.

Adoption of Senate Resolution 136 by the Senate would demonstrate the sense of urgency with which the Senate views negotiations with signatory nations aimed at reaching agreement on international wheat prices and related matters. Passage of this resolution would strengthen the hands of our negotiators. I urge its adoption.

Mr. TOWER. Mr. President, although I strongly support the International Wheat Agreement of 1971, it appears that Senate Resolution 136 would do nothing to strengthen the position of the U.S. Government in future negotiations establishing wheat markets and/or wheat supplies. The 1967 International Grains Arrangement hampered the ability of the United States to export wheat and therefore affected the price our farmers received. Figures released by the U.S. Department of Agriculture indicate that during the period the IGA was in force, wheat exports dropped to 544 million bushels, while during the 3 previous years the annual average wheat export was 791 million bushels. Since setting aside the IGA requirements in mid-1969, wheat exports have risen.

My foremost concern is that of the wheat farmer and the price he will receive for his wheat production. I realize the futility of raising wheat to sell for a $1.25 per bushel on the market while at the same time paying in excess of the market price to produce it. However, I feel that article 21 of the International Wheat Agreement of 1971 provides the necessary provisions for the establishment of improved wheat markets, and I am confident that the administration will exercise every possible measure to assure the Nation's farmers an equitable price for their commodity. I therefore must oppose any provision that will impose rigid and inflexible regulations on trade agreements, thereby hampering our Nation's ability to maintain a foreign market for farm products.

Mr. McGEE. Mr. President, the Senator from Iowa and I have worked out the language in Senate Resolution 136 that we find mutually acceptable. It involves the substitution of one word and the addition of another word, as follows: On line 3 of the resolution, the word "possible" would be changed to the word "practicable", which coincides with the legislative background explained by the chairman of the committee and by me in terms of the intent of the committee in reporting the resolution. Then, on line 7 of the resolution we would add the word "suitable" in front of the word "provisions" so the phrase would read: "with a view toward the negotiation of suitable provisions."

Mr. President, I ask unanimous consent that those two changes may be incorporated in the resolution.

The PRESIDING OFFICER. Is there objection to the amendments? The Chair hears none, and the amendments are agreed to.

Mr. MILLER. Mr. President, will the Senator yield?

Mr. McGEE. I am glad to yield.

Mr. MILLER. May I add a few words to the Senator's explanation?

One of the problems we have had, as was pointed out earlier in the debate this afternoon, was that the rights and obligations of members under the previous treaty were not really carried out in the best sense of the term. We found undercutting in the way of transportation to the detriment of the United States. We found undercutting by way of transportation differentials. There were other means which all contributed to a most unsatisfactory condition as far as the American wheat farmers are concerned.

I think the resolution underscores that we expect suitable provisions for the American farmer to be worked out. I think it better accords with the intention of the Senate.

Mr. SPARKMAN. Mr. President, I have an amendment at the desk which I ask be considered at this time.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read the amendment, as follows:

On page five, after the numeral "21" insert the words "of the Wheat Trade Convention."

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Alabama.

Mr. SPARKMAN. Mr. President, has the amendment proposed by the Senator from Wyoming been acted on?

The PRESIDING OFFICER. That amendment was agreed to by unanimous consent.

The question is on agreeing to the amendment of the Senator from Alabama.

The amendment was agreed to.

Mr. JACKSON. Mr. President, the Senate today will act on two matters of major importance not only to the wheat farmers of my State, but to those in every wheat-producing State in the Nation.

Earlier this year a new international wheat agreement was finalized in Geneva where over 50 nations were represented. There are some basic weaknesses, however, in the new wheat agreement which presently lacks provisions related to pricing matters such as reference wheat, basing points, and minimum and maximum prices. The lack of these important provisions is distressing to many farmers who feel that without pricing provisions the agreement is meaningless. Mr. Eugene Moos, the highly competent president of the National Association of Wheat Growers, and a resident of the State of Washington, was in attendance at the negotiations and worked hard in an advisory capacity to seek such provisions. Following the conference, Mr. Moos said:

> That the new International Wheat Agreement does not meet all expectations . . . but can, nevertheless, act as a highly useful harmonizing influence until such time as a more purposeful agreement can be worked out.

Because I feel that the IWA does provide a useful forum to discuss international wheat trade, I will vote later today for Senate ratification of the treaty.

I wish to emphasize, however, that although I regret that minimum and maximum prices, reference wheat, and basing point provisions were not made a part of the agreement, this does not mean our Government should merely accept this agreement as the best which can be obtained under the circumstances. I feel it is incumbent upon our Government to reconvene a negotiating conference at the earliest appropriate time to discuss these important provisions. I want it made clear that I do not see any reason why such a negotiating conference should jeopardize the IWA. In fact, it should strengthen the agreement by making it more meaningful and by providing a means to stabilize the international wheat market.

With over 50 percent of the wheat produced in the Nation entering into international trade, I view it as essential to seek agreement on minimum and maximum prices. At a time when the U.S. farmer is facing a widening "credit gap" in rural America he must be provided protection when wheat is produced for international trade, lest he end up facing bankruptcy. In my own State of Washington, last year the wheat crop was valued at $149 million, of which approximately 80 percent was shipped abroad. With such reliance on the international trade, the importance of pricing provisions is evident.

Two other points which I hope can be resolved at a new negotiating conference are: First, the reference wheat question which if resolved would serve to give added meaning to the minimum and maximum wheat prices; and, second, the basing point matter.

The International Wheat Agreement is one of the most important agricultural matters which will confront the U.S. Senate in the 92d Congress. I sincerely hope that the agreement which we will presumably ratify later today will be strengthened in the near future through agreement on the aforementioned points in an effort to protect our farmers and to stabilize world wheat markets.

Mr. KENNEDY. Mr. President, I would like to express my support for the pending resolution, Senate Resolution 136, as modified, as a companion to Senate approval of the International Wheat Agreement.

I am pleased that this legislation has moved so rapidly and so effectively through the Senate. Senator McGee introduced Senate Resolution 136 on June 15. The Foreign Relations Committee held 2 days of hearings on the resolution and on the International Wheat Agreement. On July 8, the Foreign Relations Committee favorably reported both the resolution and the agreement for Senate approval.

The resolution was introduced to correct a serious omission of our negotiators—and the negotiators from other nations—when the International Wheat Agreement was formulated in Geneva earlier this year. The present agreement, unlike the International Grains Arrangement of 1967 that preceded it, has no provisions on minimum and maximum prices for application to wheat sold in export markets.

Without such pricing provisions, as well as related provisions on "reference wheats" and "basing points" that can make the price guarantees fully effective, the International Wheat Agreement raises numerous problems for agricultural producers, and especially for exporters. It does the farmer little good if he must sell his export wheat at prices below his costs of production. And, over one-half of the wheat produced by American farmers is sold in export markets.

Senate Resolution 136 is designed to remedy this weakness in the International Wheat Agreement. It would express the sense of the Senate that the U.S. representatives in the negotiations should use their influence to bring about a new negotiating session as soon as possible in order to include pricing provisions in the International Wheat Agreement. The resolution is in full accord with the agreement itself, since article 21 of the agreement specifically contemplates the convening of a new negotiating conference to deal with such questions.

I am confident, Mr. President, that adoption of Senate Resolution 136 will in no way jeopardize the operation of the International Wheat Agreement itself. Indeed, the resolution can lead to a strengthening of the agreement through appropriate amendment. In the meantime, the agreement can be fully operative among the signatory nations.

I am pleased to support Senate Resolution 136, and I urge the Senate to approve it.

The PRESIDING OFFICER. The question is on agreeing to the resolution, as amended.

The resolution (S. Res. 136), as amended, was agreed to, as follows:

> *Resolved*, That it is the sense of the Senate that the President should request the International Wheat Council, at the earliest practicable date, to request the Secretary General of UNCTAD to convene a negotiating conference as provided in article 21 of the Wheat Trade Convention of the International Wheat Agreement, concluded at Geneva on February 20, 1971, with a view toward the negotiation of suitable provisions relating to the prices of wheat and to the rights and obligations of members in respect to international trade in wheat.

Mr. SPARKMAN. Mr. President, I move to reconsider the vote by which the resolution was agreed to.

Mr. BYRD of West Virginia. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

EXECUTIVE SESSION

Mr. BYRD of West Virginia. Mr. President, I move that the Senate go into executive session to consider Calendar No. 6 on the Executive Calendar.

The motion was agreed to.

INTERNATIONAL WHEAT AGREEMENT, 1971

Without objection, the Senate, as in Committee of the Whole, proceeded to consider Executive F (92d Congress, 1st session) International Wheat Agreement, 1971 which was read the second time, as follows:

INTERNATIONAL WHEAT AGREEMENT, 1971

PREAMBLE

The United Nations Wheat Conference, 1971,

Considering that the International Wheat Agreement of 1949 was revised, renewed or extended in 1953, 1956, 1959, 1962, 1965, 1966 and 1967,

Considering that the provisions of the International Grains Arrangement 1967, consisting of the Wheat Trade Convention, on the one hand, and the Food Aid Convention, on the other, will expire on 30 June 1971 and that it is desirable to conclude an Agreement for a new period,

Has agreed that this International Wheat Agreement 1971 shall consist of two separate legal instruments:

(*a*) the Wheat Trade Convention 1971, and

(*b*) the Food Aid Convention 1971,

and that either the Wheat Trade Convention, 1971 or both the Wheat Trade Convention, 1971 and the Food Aid Convention, 1971, as appropriate, shall be submitted for signature, ratification, acceptance or approval, in conformity with their respective constitutional procedures, by the Governments represented at the United Nations Wheat Conference, 1971 and by the Governments of States party to the Wheat Trade Convention of the International Grains Arrangement 1967.

WHEAT TRADE CONVENTION, 1971

Part I—General

ARTICLE 1

Objectives

The objectives of this Convention are:

(*a*) To further international co-operation in connection with world wheat problems, recognizing the relationship of the trade in wheat to the economic stability of markets for other agricultural products;

(*b*) To promote the expansion of the international trade in wheat and wheat flour and to secure the freest possible flow of this trade in the interests of both exporting and importing members, and thus contribute to the development of countries, the economies of which depend on commercial sales of wheat;

(*c*) To contribute to the fullest extent possible to the stability of the international wheat market in the interests of both importing and exporting members; and

(*d*) To provide a framework, in conformity with Article 21 of the present Convention, for the negotiation of provisions relating to the prices of wheat and to the rights and obligations of members in respect of international trade in wheat.

ARTICLE 2

Definitions

For the purposes of this Convention:

(1) (*a*) "Council" means the International Wheat Council established by the International Wheat Agreement 1949 and continued in being by Article 10;

(*b*) "Member" means a party to this Convention or a territory or a group of territories in respect of which a notification has been made pursuant to paragraph (3) of Article 28;

(*c*) "Exporting member" means a member listed in Annex A;

(*d*) "Importing member" means a member listed in Annex B;

(*e*) "Territory" in relation to an exporting or importing member includes any territory in respect of which the rights and obligations of that member under this Convention apply under Article 28;

(*f*) "Executive Committee" means the Committee established under Article 15;

(*g*) "Advisory Sub-Committee on Market Conditions" means the Sub-Committee established under Article 16;

(*h*) "Grains" means wheat, rye, barley, oats, maize and sorghum;

(*i*) "Wheat" includes wheat grain of any description, class, type, grade or quality and, except where the context otherwise requires, wheat flour;

(*j*) "Crop year" means the period from 1 July to 30 June;

(*k*) "Bushel" means in the case of wheat sixty pounds avoirdupois or 27.2155 kilogrammes;

(*l*) "Metric ton", or 1,000 kilogrammes, means in the case of wheat 36.7431 bushels;

(*m*):

(*i*) "Purchase" means a purchase for import of wheat exported or to be exported from an exporting member or from other than an exporting member, as the case may be, or the quantity of such wheat so purchased, as the context requires;

(*ii*) "Sale" means a sale for export of wheat imported or to be imported by an importing member or by other than an importing member, as the case may be, or the quantity of such wheat so sold, as the context requires;

(*iii*) Where reference is made in this Convention to a purchase or sale, it shall be understood to refer not only to purchases or sales concluded between the Governments concerned but also to purchases or sales concluded between private traders and to purchases or sales concluded between a private trader and the Government concerned. In this definition "Government" shall be deemed to include the Government of any territory in respect of which the rights and obligations of any Government ratifying, accepting, approving or acceding to this Convention apply under Article 28;

(*n*) Any reference in this Convention to a "Government represented at the United Nations Wheat Conference, 1971" shall be construed as including a reference to the European Economic Community (hereinafter referred to as the EEC). Accordingly, any reference in this Convention to "signature" or to the "deposit of instruments of ratification, acceptance or approval" or "an instrument of accession" or a "declaration of provisional application" by a Government shall, in the case of the EEC be construed as including signature or declaration of provisional application on behalf of the EEC by its competent authority and the deposit of the instrument required by the institutional procedures of the EEC to be deposited for the conclusion of an international agreement.

(2) All calculations of the wheat equivalent of purchases of wheat flour shall be made on the basis of the rate of extraction indicated by the contract between the buyer and the seller. If no such rate is indicated, seventy-two units by weight of wheat flour shall, for the purpose of such calculations, be deemed to be equivalent to one hundred units by weight of wheat grain unless the Council decides otherwise.

ARTICLE 3

Commercial Purchases and Special Transactions

(1) A commercial purchase for the purposes of this Convention is a purchase as defined in Article 2 which conforms to the usual commercial practices in international trade and which does not include those transactions referred to in paragraph (2) of this Article.

(2) A special transaction for the purposes of this Convention is one which includes features introduced by the Government of a member concerned which do not conform to usual commercial practices. Special transactions include the following:

(*a*) Sales on credit in which, as a result of government intervention, the interest rate, period of payment, or other related terms do not conform to the commercial rates, periods or terms prevailing in the world market;

(*b*) Sales in which the funds for the purchase of wheat are obtained under a loan from the Government of the exporting member tied to the purchase of wheat;

(*c*) Sales for currency of the importing member which is not transferable or convertible into currency or goods for use in the exporting member;

(*d*) Sales under trade agreements with special payments arrangements which include clearing accounts for settling credit balances bilaterally through the exchange of goods, except where the exporting member and the importing member concerned agree that the sale shall be regarded as commercial;

(*e*) Barter transactions:

(*i*) which result from the intervention of governments where wheat is exchanged at other than prevailing world prices, or

(*ii*) which involve sponsorship under a government purchase programme, except where the purchase of which results from a barter transaction in which the country of final destination was not named in the original barter contract;

(*f*) A gift of wheat or a purchase of wheat out of a monetary grant by the exporting member made for that specific purpose;

(*g*) Any other categories of transactions, as the Council may prescribe, that include features introduced by the Government of a member concerned which do not conform to usual commercial practices.

(3) Any question raised by the Executive Secretary or by any exporting or importing member as to whether a transaction is a commercial purchase as defined in paragraph (1) of this Article or a special transaction as defined in paragraph (2) of this Article shall be decided by the Council.

ARTICLE 4

Recording and Reporting

(1) The Council shall keep separate records for each crop year:

(*a*) for the purposes of the operation of this Convention, of all commercial purchases by members from other members and non-members and of all imports by members from other members and non-members on terms which render them special transactions; and

(*b*) of all commercial sales by members to non-members and of all exports by members to non-members on terms which render them special transactions.

(2) The records referred to in the preceding paragraph shall be kept so that records of special transactions are separate from records of commercial transactions.

(3) In order to facilitate the operation of the Advisory Sub-Committee on Market Conditions under Article 16, the Council shall keep records of international market prices for wheat and wheat flour and of transportation costs.

(4) In the case of any wheat which reaches the country of final destination after resale in, passage through, or trans-shipment from, the ports of a country other than that in which the wheat originated, members shall be the maximum extent possible make available such information as will enable the purchase or transaction to be entered in the records referred to in paragraphs (1) and (2) of this Article as a purchase or transaction between the country of origin and the country of final destination. In the case of a resale, the provisions of this paragraph shall apply if the wheat originated in the country of origin during the same crop year.

(5) The Council may authorize purchases to be recorded for a crop year if:

(*a*) the loading period involved is within a reasonable time up to one month, to be decided by the Council, before the beginning or after the end of that crop year; and

(*b*) the two members concerned so agree.

(6) For the purpose of this Article:

(*a*) members shall send to the Executive Secretary such information concerning the quantities of wheat involved in commercial sales and purchases and special transactions as the Council within its competence may require, including:

(*i*) in relation to special transactions, such detail of the transactions as will enable them to be classified in accordance with Article 3;

(*ii*) in respect of wheat, such information as may be available as to the type, class, grade and quality, and the quantities relating thereto;

(*iii*) in respect of flour, such information as may be available to identify the quality of the flour and the quantities relating to each separate quality;

(*b*) members when exporting on a regular basis, and such other members as the Council shall decide, shall send to the Executive Secretary such information relating to prices of commercial and, where available, special transactions in such descriptions, classes, types, grades and qualities of wheat flour as the Council may require;

(*c*) the Council shall obtain regular information on currently prevailing transportation costs, and members shall to the extent practicable report such supplementary information as the Council may require.

(7) The Council shall make rules of procedure for the reports and records referred to in this Article. Those rules shall prescribe the frequency and the manner in which those reports shall be made and shall prescribe the duties of members with regard thereto. The Council shall also make provision for the amendment of any records or statements kept by it, including provision for the settlement of any dispute arising in connection therewith. If any member repeatedly and unreasonably fails to make reports as required by this Article, the Executive Committee shall arrange consultations with that member to remedy the situation.

ARTICLE 5

Estimates of Requirements and Availability of Wheat

(1) By 1 October in the case of Northern Hemisphere countries and 1 February in the case of Southern Hemisphere countries, each importing member shall notify the Council of its estimate of its commercial import requirements of wheat in that crop year. Any importing member may thereafter notify the Council of any changes it may desire to make in its estimate.

(2) By 1 October in the case of Northern Hemisphere countries and 1 February in the case of Southern Hemisphere countries, each exporting member shall notify the Council of its estimate of the wheat it will have available for export in that crop year. Any exporting member may thereafter notify the Council of any changes it may desire to make in its estimate.

(3) All estimates notified to the Council shall be used for the purpose of the administration of this Convention and may only be made available to exporting and importing members on such conditions as the Council may prescribe. Estimates submitted in accordance with this Article shall in no way be binding.

ARTICLE 6

Consultations on Market Conditions

(1) If the Advisory Sub-Committee on Market Conditions, in the course of its continuous review of the market under paragraph (2) of Article 16, is of the opinion that a situation of market instability has arisen or threatens imminently to arise, or if such a situation is called to the Advisory Sub-Committee's attention by the Executive Secretary on his own initiative or at the request of any exporting or importing member it shall immediately report the facts concerned to the Executive Committee. The Advisory Sub-Committee shall in so informing the Executive Committee give particular regard to those circumstances which have brought about, or threaten to bring about, the situation of market instability, including price fluctuations. The Executive Committee shall meet within five market days to review the situation and to consider whether it would be possible to arrive at mutually acceptable solutions.

(2) The Executive Committee shall, if it considers it appropriate, inform the Chairman of the Council who may convene a session of the Council to review the situation.

ARTICLE 7

Disputes and Complaints

(1) Any dispute concerning the interpretation or application of this Convention which is not settled by negotiation shall, at the request of any member which is a party to the dispute, be referred to the Council for decision.

(2) Any member which considers that its interests as a party to this Convention have been seriously prejudiced by actions of any one or more members affecting the operation of this Convention may bring the matter before the Council. In such a case, the Council shall immediately consult with the members concerned in order to resolve the matter. If the matter is not resolved through such consultations, the Council shall consider the matter further and may make recommendations to the members concerned.

ARTICLE 8

Annual Review of the World Wheat Situation

(1) (*a*) In the furtherance of the objectives of this Convention as set forth in Article 1, the Council shall annually review the world wheat situation and shall inform members of the effects upon the international trade in wheat of the facts which emerge from the review, in order that these effects be kept in mind by these members in determining and administering their internal agricultural and price policies.

(*b*) The review shall be carried out in the light of information obtainable in relation to national production, stocks, consumption, prices and trade, including both commercial and special transactions of wheat.

(*c*) Each member may submit to the Council information which is relevant to the annual review of the world wheat situation and is not already available to the Council either directly or through the appropriate organization in the United Nations system including the United Nations Conference on Trade and Development (UNCTAD) and the Food and Agriculture Organization of the United Nations (FAO).

(2) In carrying out the annual review, the Council shall consider the means through which the consumption of wheat may be increased, and may undertake, in co-operation with members, studies of such matters as:

(*a*) factors affecting the consumption of wheat in various countries, and

(*b*) means of achieving increased consumption, particularly in countries where the possibility of increased consumption is found to exist.

(3) For the purposes of this Article, the Council shall take into account work done on grains by UNCTAD and the FAO and by other intergovernmental organizations, in order to avoid duplication of work, and may, without prejudice to the generality of paragraph (1) of Article 20, make such arrangements regarding co-operation in any of its activities as it considers desirable with such intergovernmental organizations and also with any Governments of Members of the United Nations or of the specialized agencies not party to this Convention which have a substantial interest in the international trade in grains.

(4) Nothing in this Article shall prejudice the complete liberty of action of any members in the determination and administration of its internal agricultural and price policies.

ARTICLE 9

Guidelines Relating to Concessional Transactions

(1) Members undertake to conduct any concessional transactions in wheat in such a way as to avoid harmful interference with normal patterns of production and international commercial trade.

(2) To this end members shall undertake appropriate measures to ensure that concessional transactions are additional to commercial sales which could reasonably be anticipated in the absence of such transactions. Such measures shall be consistent with the Principles of Surplus Disposal and Guiding Lines recommended by the FAO and may provide that a specified level of commercial imports of wheat, agreed with the recipient country, be maintained on a global basis by that country. In establishing or adjusting this level full regard shall be had to the commercial import levels in a representative period and to the economic circumstances of the recipient country, including, in particular, its balance-of-payments situation.

(3) Members, when engaging in concessional export transactions, shall consult with exporting members whose commercial sales might be affected by such transactions, to the maximum possible extent before such arrangements are concluded with recipient countries

(4) The Executive Committee shall furnish an annual report to the Council on developments in concessional transaction in wheat.

Part II—Administration

ARTICLE 10

Constitution of the Council

(1) The International Wheat Council, established by the International Wheat Agreement 1949, shall continue in being for the purpose of administering this Convention with the membership, powers and functions provided in this Convention.

(2) Each exporting and importing member shall be a voting member of the Council and may be represented at its meetings by one delegate, alternates, and advisers.

(3) Such intergovernmental organizations as the Council may decide to invite to any of its meetings may each have one non-voting representative in attendance at those meetings.

(4) The Council shall elect a Chairman and Vice-Chairman who shall hold office for one crop year. The Chairman shall have no vote and the Vice-Chairman shall have no vote while acting as Chairman.

ARTICLE 11

Power and Functions of the Council

(1) The Council shall establish its Rules of Procedure.

(2) The Council shall keep such records as are required by the terms of this Convention and may keep such other records as it considers desirable.

(3) The Council shall publish an annual report and may also publish any other information (including, in particular, its annual review or any part or summary thereof) concerning matters within the scope of this Convention.

(4) In addition to the powers and functions specified in this Convention the Council shall have such other powers and perform such other functions as are necessary to carry out the terms of this Convention.

(5) The Council may, by two-thirds of the votes cast by the exporting members and two-thirds of the votes cast by the importing members delegate to any of its committees or to the Executive Secretary the exercise of powers or functions other than those relating to the budget and assessment of contributions contained in paragraphs (2) and (3) of Article 19. The Council may at any time revoke such delegation by a majority of the votes cast. Any decision made under any powers or functions delegated by the Council in accordance with this paragraph shall be subject to review by the Council at the request of any exporting or importing members made within a period which the Council shall prescribe. Any decision in respect of which no request for review has been

made within the prescribed period shall be binding on all members.

(6) In order to enable the Council to discharge its functions under this Convention, the Council may request, and members undertake to supply, such statistics and information as are necessary for this purpose.

ARTICLE 12

Votes

(1) The exporting members shall together hold 1,000 votes and the importing members shall together hold 1,000 votes.

(2) The votes to be exercised by the respective delegations of exporting members on the Council shall be those specified in Annex A.

(3) The votes to be exercised by the respective delegations of importing members on the Council shall be those specified in Annex B.

(4) Any exporting member may authorize any other exporting member, and any importing member may authorize any other importing member, to represent its interests and to exercise its votes at any meeting or meetings of the Council. Satisfactory evidence of such authorization shall be submitted to the Council.

(5) If at any meeting of the Council an exporting member or an importing member is not repersented by an accredited delegate and has not authorized another member to exercise its votes in accordance with paragraph (4) of this Article, and if at the date of any meeting any member has forfeited, has been deprived of, or has recovered its votes under any provisions of this Convention, the total votes to be exercised by the exporting members shall be adjusted to a figure equal to the total votes to be exercised at that meeting by the importing members and redistributed among exporting members in proportion to their votes.

(6) Whenever any country becomes or any member ceases to be a party to this Convention, the Council shall redistribute the votes within either Annex A or Annex B, as the case may be, proportionally to the number of votes held by each member listed in that Annex.

(7) No exporting or importing member shall have less than one vote and there shall be no fractional votes.

ARTICLE 13

Seat, Sessions and Quorum

(1) The seat of the Council shall be London unless the Council decides otherwise.

(2) The Council shall meet at least once during each half of each crop year and at such other times as the Chairman may decide, or as otherwise required by this Convention.

(3) The Chairman shall convene a session of the Council if so requested by (a) five members or (b) one or more members holding a total of not less than 10 per cent of the total votes or (c) the Executive Committee.

(4) The presence of delegates with a majority of the votes held by the exporting members and a majority of the votes held by the importing members prior to any adjustment of votes under Article 12 shall be necessary to constitute a quorum at any meeting of the Council.

ARTICLE 14

Decisions

(1) Except where otherwise specified in this Convention, decisions of the Council shall be by a majority of the votes cast by the exporting members and a majority of the votes cast by the importing members, counted separately.

(2) Each member undertakes to accept as binding all decisions of the Council under the provisions of the Convention.

ARTICLE 15

Executive Committee

(1) The Council shall establish an Executive Committee. The members of the Executive Committee shall be not more than four exporting members elected annually by the exporting members and not more than eight importing members elected annually by the importing members. The Council shall appoint the Chairman of the Executive Committee and may appoint a Vice-Chairman.

(2) The Executive Committee shall be responsible to and work under the general direction of the Council. It shall have such powers and functions as are expressly assigned to it under this Convention and such other powers and functions as the Council may delegate to it under paragraph (5) of Article 11.

((3) The exporting members or the Executive Committee shall have the same total number of votes as the importing members. The votes of the exporting members on the Executive Committee shall be divided among them as they shall decide, provided that no such exporting member shall have more than 40 percent of the total votes of those exporting members. The votes of the importing members on the Executive Committee shall be divided among them as they shall decide, provided that no such importing member shall have more than 40 percent of the total votes of those importing members.

(4) The Council shall prescribe rules of procedure regarding voting in the Executive Committee and may make such other provision regarding rules of procedure in the Executive Committee shall require the same majority of votes as this Convention prescribes for the Council when making a decision on a similar matter.

(5) Any exporting or importing member which is not a member of the Executive Committee may participate, without voting, in the discussion of any question before the Executive Committee whenever the latter considers that the interests of that member are affected.

ARTICLE 16

Advisory Subcommittee on Market Conditions

(1) The Executive Committee shall establish an Advisory Sub-Committee on Market Conditions consisting of technical representatives of not more than five exporting members and of not more than five importing members. The Chairman of the Advisory Sub-Committee shall be appointed by the Executive Committee.

(2) The Advisory Sub-Committee shall keep under continuous review current market conditions and shall report to the Executive Committee as provided in Article 6. The Advisory Sub-Committee shall, in the exercise of its functions, take into account any representations made by an exporting or importing member.

(3) Any member which is not a member of the Advisory Sub-Committee may participate in the discussion of any question before the Advisory Sub-Committee whenever the latter considers that the interests of that member are affected.

(4) The Advisory Sub-Committee shall advise in accordance with the relevant Articles of this Convention and on such other matters as the Council or the Executive Committee may refer to it, including such matters as the Council may refer to it under Article 21 of this Convention.

ARTICLE 17

Secretariat

(1) The Council shall have a Secretariat consisting of an Executive Secretary, who shall be its chief administrative officer, and such staff as may be required for the work of the Council and its Committees.

(2) The Council shall appoint the Executive Secretary who shall be responsible for the performance of the duties devolving upon the Secretariat in the administration of this Convention and for the performance of such other duties as are assigned to him by the Council and its Committees.

(3) The staff shall be appointed by the Executive Secretary in accordance with regulations established by the Council.

(4) It shall be a condition of employment of the Executive Secretary and of the staff that they do not hold or shall cease to hold financial interest in the trade in wheat and that they shall not seek or receive instructions regarding their duties under this Convention from any Government or from any other authority external to the Council.

ARTICLE 18

Privileges and Immunities

(1) The Council shall have legal personality. It shall in particular have the capacity to contract, acquire and dispose of movable and immovable property and to institute legal proceedings.

(2) The status, privileges and immunities of the Council in the territory of the United Kingdom shall continue to be governed by the headquarters Agreement between the Government of the United Kingdom of Great Britain and Northern Ireland and the International Wheat Council signed at London on 28 November 1968.

(3) The Agreement referred to in paragraph (2) of this Article shall be independent of the present Convention. It shall however terminate:

(*a*) by agreement between the Government of the United Kingdom of Great Britain and Northern Ireland and the Council, or

(*b*) in the event of the seat of the Council being moved from the United Kingdom, or

(*c*) in the event of the Council ceasing to exist.

(4) In the event of the seat of the Council being moved from the United Kingdom, the Government of the member in which the seat of the Council is situated shall conclude with the Council an international agreement relating to the status, privileges and immunities of the Council, its Executive Secretary, its staff and representatives of members at meetings convened by the Council.

ARTICLE 19

Finance

(1) The expenses of delegations to the Council and of representatives on its Committees and Sub-Committees shall be met by their respective Governments. The other expenses necessary for the administration of this Convention shall be met by annual contributions from the exporting and importing members. The contribution of each such member for each crop year shall be in the proportion which the number of its votes bears to the total of the votes of the exporting and importing members at the beginning of that crop year.

(2) At its first session after this Convention comes into force, the Council shall approve its budget for the period ending 30 June 1972 and assess the contribution to be paid by each exporting and importing member.

(3) The Council shall, at a session during the second half of each crop year, approve its budget for the following crop year and assess the contribution to be paid by each exporting and importing member for that crop year.

(4) The initial contribution of any exporting or importing member acceding to this Convention under paragraph (2) of Article 25 shall be assessed by the Council on the basis of the votes to be distributed to it and the period remaining in the current crop year, but the assessment made upon other exporting and importing members for the current crop year shall not be altered.

(5) Contributions shall be payable immediately upon assessment. Any exporting or importing member failing to pay its contribution within one year of its assessment shall forfeit its voting rights until its contribution is paid, but shall not be relieved

of its obligations under this Convention, nor shall it be deprived of any of its rights under this Convention unless the Council so decides.

(6) The Council shall, each crop year, publish an audited statement of its receipts and expenditures in the previous crop year.

(7) The Council shall, prior to its dissolution, provide for the settlement of its liabilities and the disposal of its records and assets.

ARTICLE 20

Co-operation With Other Intergovernmental Organizations

(1) The Council may make whatever arrangements are appropriate for consultation or co-operation with the United Nations and its organs, in particular UNCTAD, and with the FAO and such other specialized agencies of the United Nations and intergovernmental organizations as may be appropriate.

(2) The Council, bearing in mind the particular role of UNCTAD in international commodity trade, will, as it considers appropriate, keep UNCTAD informed of its activities and programmes of work.

(3) If the Council finds that any terms of this Convention are materially inconsistent with such requirements as may be laid down by the United Nations or through its appropriate organs and specialized agencies regarding intergovernmental commodity agreements, the inconsistency shall be deemed to be a circumstance affecting adversely the operation of this Convention and the procedure prescribed in paragraphs (2), (3) and (4) of Article 27 shall be applied.

ARTICLE 21

Prices and Related Rights and Obligations

In order to assure supplies of wheat and wheat flour to importing members and markets for wheat and wheat flour to exporting members at equitable and stable prices, the Council shall at an appropriate time examine the questions of prices and related rights and obligations. When it is judged that these matters are capable of successful negotiation with the objective of bringing them into effect within the life of this Convention, the Council shall request the Secretary-General of UNCTAD to convene a negotiating conference.

ARTICLE 22

Signature

This Convention shall be open for signature in Washington from 29 March 1971 until and including 3 May 1971 by Governments of countries party to the Wheat Trade Convention 1967 and by Governments represented at the United Nations Wheat Conference, 1971.

ARTICLE 23

Ratification, Acceptance, Approval

This Convention shall be subject to ratification, acceptance or approval by each signatory Government in accordance with its respective constitutional procedures. Instruments of ratification, acceptance or approval shall be deposited with the Government of the United States of America not later than 17 June 1971, except that the Council may grant one or more extensions of time to any signatory Government that has not deposited its instrument of ratification, acceptance or approval by that date.

ARTICLE 24

Provisional Application

Any signatory Government may deposit with the Government of the United States of America a declaration of provisional application of this Convention. Any other Government eligible to sign this Convention or whose application for accession is approved by the Council may also deposit with the Government of the United States of America a declaration of provisional application. Any Government depositing such a declaration shall provisionally apply this Convention and be provisionally regarded as a party thereto.

ARTICLE 25

Accession

(1) Any Government represented at the United Nations Wheat Conference, 1971, or the Government of any country party to the Wheat Trade Convention 1967 may accede to the present Convention until and including 17 June 1971, except that the Council may grant one or more extensions of time to any Government which has not deposited its instrument by that date.

(2) After 17 June 1971, any Government invited to the United Nations Wheat Conference, 1971, may accede to the present Convention upon such conditions as the Council considers appropriate by two-thirds of the votes cast by exporting members and by two-thirds of the votes cast by importing members.

(3) Accession shall be effected by deposit of an instrument of accession with the Government of the United States of America.

(4) Where, for the purposes of the operation of this Convention, reference is made to members listed in Annex A or B, any member the Government of which has acceded to this Convention on conditions prescribed by the Council in accordance with this Article shall be deemed to be listed in the appropriate Annex.

ARTICLE 26

Entry Into Force

(1) This Convention shall enter into force among those Governments that have deposited instruments of ratification, acceptance, approval or accession as follows:

(*a*) On 18 June 1971 with respect to all provisions other than Articles 3 to 9 inclusive and Article 21, and

(*b*) On 1 July 1971 with respect to Articles 3 to 9 inclusive and Article 21,

if such instruments of ratification, acceptance, approval or accession, or declarations of provisional application have been deposited not later than 17 June 1971 on behalf of Government representing exporting members holding at least 60 per cent of the votes set out in Annex A and representing importing members holding at least 50 per cent of the votes set out in Annex B.

(2) This Convention shall enter into force for any Government that deposits an instrument of ratification, acceptance, approval or accession after 18 June 1971 in accordance with the relevant provisions of this Convention on the date of such deposit, except that no part of it shall enter into force for such a Government until that part enters into force for other Governments under paragraph (1) or (3) of this Article.

(3) If this Convention does not enter into force in accordance with paragraph (1) of this Article, the Governments which have deposited instruments of ratification, acceptance, approval or accession, or declarations of provisional application may decide by mutual consent that it shall enter into force among those Governments that have deposited instruments of ratification, acceptance, approval or accession.

ARTICLE 27

Duration, Amendment and Withdrawal

(1) This Convention shall remain in force until and including 30 June 1974. However, if a new agreement covering wheat is negotiated as envisaged by Article 21 and enters into force before 30 June 1974, this Convention shall remain in force only until the date of entry into force of the new agreement.

(2) The Council may recommend an amendment of this Convention to the members.

(3) The Council may fix a time within which each member shall notify the Government of the United States of America whether or not it accepts the amendment. The amendment shall become effective upon its acceptance by exporting members which hold two-thirds of the votes of the exporting members and by importing members which hold two-thirds of the votes of the importing members.

(4) Any member which has not notified the Government of the United States of America of its acceptance of an amendment by the date on which such amendment becomes effective, may, after giving such written notice of withdrawal to the Government of the United States of America as the Council may require in each case, withdraw from this Convention at the end of the current crop year, but shall not thereby be released from any obligations under this Convention which have not been discharged by the end of that crop year. Any such withdrawing member shall not be bound by the provisions of the amendment occasioning its withdrawal. If any member satisfies the Council at its first meeting following the effective date of the amendment that its acceptance could not be secured in time by reason of constitutional or institutional difficulties and declares its intention to apply the amendment provisionally pending acceptance of that amendment, the Council may extend for such member the period fixed for acceptance until these difficulties have been overcome.

(5) If any member considers that its interests are prejudiced by operation of this Convention, it may state its case to the Council and the Council shall, within thirty days, examine the matter. If the member concerned considers that notwithstanding the Council's intervention its interests continue to be prejudiced, it may withdraw from this Convention at the end of any crop year by giving written notice of withdrawal to the Government of the United States of America at least ninety days prior to the end of that crop year, but shall not, thereby, be released from any obligations under this Convention which have not been discharged by the end of that crop year.

(6) Any member which becomes a member State of the EEC during the currency of this Convention shall notify the Council, and the Council shall within thirty days consider the matter with a view to negotiating with that member and the EEC an appropriate adjustment of their respective rights and obligations under this Convention. The Council shall have power, in such circumstances, to recommend an amendment in accordance with paragraph (2) of this Article.

ARITCLE 28

Territorial Application

(1) Any Government may, at the time of signature or ratification, acceptance, approval, provisional application of or accession to this Convention declare that its rights and obligations under this Convention shall not apply in respect of one or more of the territories for the international relations of which it is responsible.

(2) With the exception of territories in respect of which a declaration has been made in accordance with paragraph (1) of this Article, the rights and obligations of any Government under this Convention shall apply in respect of all territories for the international relations of which that Government is responsible.

(3) Any member may, at any time after its ratification, acceptance, approval, provisional application of or accession to this Convention, by notification to the Government of the United States of America, declare that its rights and obligations under this Convention shall apply in respect of one or more of the territories regarding which it has made a declaration in accordance with paragraph (1) of this Article.

(4) Any member may, by giving notification of withdrawal to the Government of the United States of America, withdraw from this Convention separately in respect of one or more of the territories for whose internatitonal relations it is responsible.

(5) When a territory to which this Con-

vention extends under paragraphs (2) and (3) of this Article subsequently attains independence, the Government of that territory may, within ninety days after the attainment of independence, declare by notification to the Government of the United States of America that it has assumed the rights and obligations of a party to this Convention.

(6) For the purposes of the redistribution of votes under Article 12, any change in the application of this Convention in accordance with this Article shall be regarded as a change in participation in this Convention in such a manner as may be appropriate to the circumstances.

Article 29

Notification by Depository Government

The Government of the United States of America as the depositary Government shall notify all signatory and acceding Governments of each signature, ratification, acceptance, approval, provisional application of, and accession to, this Convention, as well as each notification and notice received under Article 27 and each declaration and notification received under Article 28.

Article 30

Certified Copy of the Convention

As soon as possible after the definitive entry into force of this Convention, the depositary Government shall send a certified copy of this Convention in the English, French, Russian and Spanish languages to the Secretary-General of the United Nations for registration in accordance with Article 102 of the Charter of the United Nations. Any amendments to this Convention shall likewise be communicated.

Article 31

Relationship of Preamble to Convention

This Convention includes the Preamble to the International Wheat Agreement, 1971.

In witness whereof the undersigned, having been duly authorized to this effect by their respective Governments have signed this Convention on the dates appearing opposite their signatures.

The texts of this Convention in the English, French, Russian and Spanish languages shall all be equally authentic, the originals being deposited with the Government of the United States of America, which shall transmit a certified copy thereof to each signatory and acceding Government and to the Executive Secretary of the Council.

Annex A.—*Votes of exporting members*

Australia	100
Argentina	100
Bulgaria	5
Canada	280
European Economic Community	100
Greece	5
Kenya	5
Mexico	5
Spain	5
Sweden	10
United States of America	280
Union of Soviet Socialist Republics	100
Uruguray	5
Total	1,000

Annex B.—*Votes of importing members*

Algeria	14
Austria	1
Barbados	1
Bolivia	5
Brazil	71
Ceylon	17
China	19
Colombia	8
Costa Rica	3
Cuba	2
Denmark	1
Dominican Republic	1
Ecuador	3
El Salvador	2
European Economic Community	152
Finland	2
Guatemala	3
India	34
Indonesia	7
Iran	2
Ireland	7
Israel	5
Japan	178
Kingdom of the Netherlands [1]	1
Korea, Republic of	16
Kuwait	3
Lebanon	9
Libya	5
Malta	2
Mauritius	2
Morocco	10
Nigeria	7
Norway	14
Pakistan	16
Panama	2
Peru	25
Portugal	18
Saudi Arabia	10
South Africa	10
Switzerland	16
Syria	5
Trinidad and Tobago	4
Tunisia	5
Turkey	4
United Arab Republic	65
United Kingdom	183
Vatican City	1
Venezuela	29
Total	1,000

[1] With respect to the interests of Netherlands Antilles and Surinam.

For Algeria:
——— ———

For Argentina:
Pedro E. Real May 3*rd*, 1971
For Australia:
J. Plimsoll 29 April 1971
For Austria:
Gruber April 28, 1971
For Barbados:
——— ———

For Belgium:
Walter Loridan May 3, 1971
For Bolivia:
A. S. de Lozada 3 de mayo de 1971
For Brazil:
——— ———

For Bulgaria:
——— ———

For Canada:
M. Cadieux. May 3, 1971
For Ceylon:
——— ———

For the Republic of China:
Martin Wong. April 27, 1971
For Colombia:
——— ———

For Costa Rica:
——— ———

For Cuba:
D Rohal-Ilkiv 27. VI. 1971
For Denmark:
Hans J. Christensen Mai—1971
For the Dominican Republic:
——— ———

For Ecuador:
C. Mantilla—0 5/3/71
For El Salvador:
——— ———

For the European Economic Community:
L G Rabot May 3, 1971
For Finland:
——— ———

For France:
Charles Lucet May 3*rd*, 1971
For the Federal Republic of Germany:
Rolf Pauls May 3, 1971
For Greece:
——— ———

For Guatemala:
——— ———

For India:
L. K. Jha 3rd May 1971

For Indonesia:
——— ———

For Iran:
——— ———

For Ireland:
——— ———

For Israel:
Moshe Meirav April 28, 1971
For Italy:
Egidio Ortona May 3, '71
For Japan:
N. Ushira April 30, 1971
For Kenya:
——— ———

For the Republic of Korea:
Dongjo Kim May 3rd, 1971
For Kuwait:
——— ———

For Lebanon:
——— ———

For Libya:
——— ———

For Luxembourg:
Jean Wagner May 3, 1971
For Malta:
——— ———

For Mauritius:
——— ———

For Mexico:
——— ———

For Morocco:
——— ———

For the Kingdom of the Netherlands:
R. B. van Lynden May 3*d* 1971
For Nigeria:
——— ———

For Norway:
Arne Gunneng May 3, 1971
For Pakistan:
A Hilaly 30 April 1971
For Panama:
J A de la Ossa 3 May 1971
For Peru:
F Berckemayer 3 May 1971
For Portugal:
Vasco Vieira Garin 30*th* April 1971
For Saudi Arabia:
Ibrahim Al-Sowayel April 27, 1971
[Romanization]
For South Africa:
——— ———

For Spain:
Arguelles 3–V–1971
For Sweden:
Hubert de Besche May 3, 1971
For Switzerland:
F. Schnyder 3 May 1971
For the Syrian Arab Republic:
Rafic Jouétaji 1st May 1971
For Trinidad and Tobago:
——— ———

For Tunisia:
S El Goulli 4–30–71
For Turkey:
——— ———

For the Union of Soviet Socialist Republics:
——— ———

For the United Arab Republic:
——— ———

For the United Kingdom of Great Britain and Northern Ireland:
Cromer April 26th, 1971
For the United States of America:
Clifford M. Hardin April 14, 1971
For Uruguay:
——— ———

For the Vatican City State:
Luigi Raimondi April 30, 1971
For Venezuela:
——— ———

FOOD AID CONVENTION, 1971

Article I

Objective

The objective of this Convention is to carry out a food aid programme with the help of contributions for the benefit of developing countries.

ARTICLE II

International Food Aid

(1) The countries parties to this Convention agree to contribute as food aid to the developing countries wheat, coarse grains or products derived therefrom, suitable for human consumption and of an acceptable type and quality, or the cash equivalent thereof, in the minimum annual amounts specified in paragraph (2) below.

(2) The minimum annual contribution of each country party to this Convention is fixed as follows:

	Metric tons
Argentina	23,000
Australia	225,000
Canada	495,000
European Economic Community	1,035,000
Finland	14,000
Japan	225,000
Sweden	35,000
Switzerland	32,000
United States of America	1,890,000

(3) For the purpose of the operation of this Convention, any country which has signed this Convention pursuant to paragraph (2) of Article VI or which has acceded to this Convention pursuant to paragraph (2) or (3) of Article VIII shall be deemed to be listed in paragraph (2) of Article II together with the minimum contribution of such country as determined in accordance with the relevant provisions of Article VI or Article VIII.

(4) The contribution of a country making the whole or part of its contribution to the programme in the form of cash shall be calculated by evaluating the quantity determind for that country (or that portion of the quantity not contributed in grain) at US $1.73 per bushel.

(5) Food aid in the form of grain shall be supplied on the following terms:

(*a*) sales for the currency of the importing country which is not transferable and is not convertible into currency or goods and services for use by the member country; [1]

(*b*) a gift of grain or a monetary grant to be used to purchase grain for the importing country; or

(*c*) sales on credit with payment to be made in reasonable annual amounts over periods of twenty years or more and with interest at rates which are below commercial rates prevailing in world markets,[2] on the understanding that food aid in the form of grains shall be supplied to the maximum extent possible on the terms indicated in sub-paragraphs (*a*) and (*b*) above.

(6) Grain purchases shall be made from participating countries.

(7) In the use of grant funds, special regard shall be had to facilitating grain exports of developing member countries. To this end priority shall be given so that not less than 35 per cent of the cash contribution to purchase grain for food aid or that part of such contribution required to purchase 200,000 metric tons of grain shall be used to purchase grains produced in developing member countries.

(8) Contributions in the form of grains shall be placed in f.o.b. forward position by donor countries.

(9) Countries parties to this Convention may, in respect of their contribution to the food aid programme, specify a recipient country or countries.

(10) Countries parties to this Convention may make their contribution through an international organization or bilaterally. However, in accordance with the recommendation made in paragraph (3) of resolution 2682 (XXV) of the United Nations General Assembly, they shall give full consideration to the advantages of directing a greater proportion of food aid through multilateral channels and shall place special emphasis on using the World Food Programme.

ARTICLE III

Food Aid Committee

(1) There shall be esablished a Food Aid Committee whose membership shall consist of the countries listed in paragraph (2) of Article II of this Convention and of the other countries that become party to this Convention. The Committee shall appoint a Chairman and a Vice-Chairman.

(2) The Committee may, when appropriate, invite representatives of the secretaries of other international organizations whose membership is limited to Governments that are also Members of the United Nations or its specialized agencies to attend as observers.

(3) The Committee shall:

(*a*) Receive regular reports from member countries on the amount, content, channelling and terms of their food aid contributions under this Convention;

(*b*) Keep under review the purchase of grains financed by cash contributions with particular reference to the obligation in paragraph (7) of Article II concerning purchase of grain from developing participating countries.

(4) The Committee shall:

(*a*) Exchange the way in which the obligations undertaken under the food aid programme have been fulfilled;

(*b*) Exchange information on a regular basis on the functioning of the food aid arrangements under this Convention, in particular where information is available, on its effects on food production in recipient countries. The Committee shall report as necessary.

(5) For the purposes of paragraph (4) of this Article the Committee may receive information from recipient countries and may consult with them.

ARTICLE IV

Administrative Provisions

The Food Aid Committee as set up according to the provisions of Article III shall use the services of the Secretariat of the International Wheat Council for the performance of such administrative duties as the Committee may request, including the processing and distribution of documentation and reports.

ARTICLE V

Defaults and Disputes

In the case of a dispute concerning the interpretation or application of this Convention or of a default in obligations under this Convention, the Food Aid Committee shall meet and take appropriate action.

ARTICLE VI

Signature

(1) This Convention shall be open for signature in Washington from 29 March 1971 until and including 3 May 1971 by the Governments of Argentina, Australia, Canada, Finland, Japan, Sweden, Switzerland and the United States of America and by the European Economic Community and its member States, provided that they sign both this Convention and the Wheat Trade Convention, 1971.

(2) This Convention shall also be open for signature, on the same conditions, to countries signatories of the Food Aid Convention 1967 which are not enumerated in paragraph (1) of this Article, provided that their contribution is at least equal to that which they agreed to make in the Food Aid Convention 1967.

ARTICLE VII

Ratification, Acceptance or Approval

This Convention shall be subject to ratification, acceptance or approval by each signatory in accordance with its constitutional or institutional procedures, provided that it also ratifies, accepts or approves the Wheat Trade Convention, 1971. Instruments of ratification, acceptance, approval or conclusion shall be deposited with the Government of the United States of America not later than 17 June 1971, except that the Food Aid Committee may grant one or more extensions of time to any signatory that has not deposited its instrument of ratification, acceptance, approval or conclusion by that date.

ARTICLE VIII

Accession

(1) This Convention shall be open for accession by the European Economic Community and its member States or by any other Government referred to in Article VI, provided the Government also accedes to the Wheat Trade Convention, 1971 and provided further that in the case of Governments referred to in paragraph (2) of Article VI their contribution is at least equal to that which they agreed to make in the Food Aid Convention 1967. Instruments of accession under this paragraph shall be deposited not later than 17 June 1971, except that the Food Aid Committee may grant one or more extensions of time to any Government that has not deposited its instrument of accession by that date.

(2) The Food Aid Committee may approve accession to this Convention, as a donor, by the Government of any Member of the United Nations or its specialized agencies on such conditions as the Food Aid Committee considers appropriate.

(3) If any such Government, which is not referred to in Article VI, wishes to apply for accession to this Convention between the close of the period fixed for signature and the entry into force of this Convention, the signatories of this Convention may approve accession on such conditions as they consider appropriate. Any such approval and conditions shall be as valid under this Convention as if this action had been taken by the Food Aid Committee after the entry into force of this Convention.

(4) Accession shall be effected by deposit of an instrument of accession with the Government of the United States of America.

ARTICLE IX

Provisional Application

The European Economic Community and its member States and the Government of any other country referred to in Article VI may deposit with the Government of the United States of America a declaration of provisional application of this Convention, provided they also deposit a declaration of provisional application of the Wheat Trade Convention, 1971. Any other Government whose application for accession is approved may also deposit with the Government of the United States of America a declaration of provisional application. The European Economic Community and its member States as well as any Government depositing such a declaration shall provisionally apply this Convention and be provisionally regarded as parties thereto.

ARTICLE X

Entry Into Force

(1) This Convention shall enter into force for the European Economic Community and its member States and for those Governments that have deposited instruments of ratification, acceptance, approval, conclusion or accession as follows:

(*a*) on 18 June 1971 with respect to all provisions other than Article II; and

(*b*) on 1 July 1971 with respect to Article II, provided that the European Economic Community and its member States and all Governments listed in paragraph (1) of Article VI have deposited such instruments or a declaration of provisional application by 17 June 1971 and that the Wheat Trade Convention 1971 is in force. For any other Government that deposits an instrument of ratification, acceptance, approval, conclusion or accession after the entry into force of the Convention, this Convention shall enter into force on the date of such deposit.

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[1] Under exceptional circumstances an exemption of not more than 10 per cent may be granted.

[2] The credit sales agreement may provide for payment of up to 15 percent of principal upon delivery of the grain.

(2) If this Convention does not enter into force in accordance with the provisions of paragraph (1) of this Article, the Governments which by 18 June 1971 have deposited instruments of ratification, acceptance, approval, conclusion or accession or declarations of provisional application may decide by mutual consent that it shall enter into force among those Governments that have deposited instruments of ratification, acceptance, approval, conclusion or accession, provided that the Wheat Trade Convention, 1971 is in force, or they take whatever other action they consider the situation requires.

ARTICLE XI

Duration

This Convention shall be effective for a three-year period from the date of the entry into force of Article II of this Convention.

ARTICLE XII

Notification by Depositary Government

The Government of the United States of America as the depositary Government shall notify all signatory and acceding parties of each signature, ratification, acceptance, approval, conclusion, provisional application of, and accession to, this Convention.

ARTICLE XIII

Certified Copy of the Convention

As soon as possible after the definitive entry into force of this Convention, the depositary Government shall send a certified copy of this Convention in the English, French, Russian and Spanish languages to the Secretary-General of the United Nations for registration in accordance with Article 102 of the Charter of the United Nations. Any amendments to this Convention shall likewise be communicated.

ARTICLE XIV

Relationship of Preamble to Convention

This Convention includes the Preamble to the International Wheat Agreement, 1971.

IN WITNESS WHEREOF the undersigned, having been duly authorized to this effect by their respective Governments or authorities, have signed this Convention on the dates appearing opposite their signature.

The texts of this Convention in the English, French, Russian and Spanish languages shall all be equally authentic. The originals shall be deposited in the archives of the Government of the United States of America, which shall transmit certified copies thereof to each signatory and acceding party.

For Argentina:
PEDRO E. REAL May 3rd, 1971
For Australia:
J. PLIMSOLL 29 April 1971
For Belgium:
WALTER LORIDAN May 3, 1971
For Canada:
M. CADIEUX May 3, 1971
For Denmark:
——— ———

For the European Economic Community:
L. G. RABOT 3 Mai 1971
For Finland:
——— ———

For France:
CHARLES LUCET May 3rd, 1971
For the Federal Republic of Germany:
ROLF PAULS 3 May 1971
For Italy:
EGIDIO ORTONA May 3, 1971
For Japan:
With a reservation to Article II
N. USHIBA April 30, 1971
For Luxembourg:
JEAN WAGNER May 3, 1971
For the Kingdom of the Netherlands:
R. B. VAN LYNDEN May 3rd, 1971
For Norway:
——— ———

For Sweden:
HUBERT DE BESCHE May 3, 1971
For Switzerland:
F. SCHNYDER 3 mai 1971
For the United Kingdom of Great Britain and Northern Ireland:
——— ———

For the United States of America:
CLIFFORD M. HARDIN April 14, 1971

Mr. SPARKMAN. Mr. President, I ask unanimous consent that the treaty be considered as having passed through its various parliamentary stages, up to and including the presentation of the resolution of ratification.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will read the resolution of ratification.

The legislative clerk read as follows:

Resolved, (Two-thirds of the Senators present concurring therein), That the Senate advise and consent to ratification of the International Wheat Agreement, 1971, which was open for signature in Washington from March 29 through May 3, 1971.

Mr. SPARKMAN. Mr. President, the United States has been a party to a number of international wheat agreements concluded periodically since 1949. The 1971 agreement, which is currently pending before the Senate, consists of two parts: First, the Wheat Trade Convention and second, the Food Aid Convention. A summary of the major provisions of both of these conventions is contained in the report of the Committee on Foreign Relations and the President's message submitted to the Senate on June 2. Both of these documents are on the desk of each Senator.

As has been pointed out the 1971 agreement differs from previous international wheat agreements in that the Wheat Trade Convention does not contain provisions on maximum and minimum prices or purchase and supply obligations. According to the administration, these provisions could not be negotiated "principally because the trading countries were unable to agree on a reference wheat or wheats owing mainly to an impending reform of the Canadian grading system."

As I stated earlier, however, Senate Resolution 136, which was just approved, expresses the sense of the Senate that the President should seek to convene a conference for the purpose of negotiating provisions relating to wheat prices and the rights and obligations of members in respect to international trade in wheat. This is in keeping with article 1 of the Wheat Trade Convention which specifies that one of the objectives of the Convention is to provide a framework, in conformity with article 21, for conducting such negotiations.

Mr. President, in view of the fact that the Senate has just passed Senate Resolution 136, I hope it will now vote to give its advice and consent to ratification of the International Wheat Agreement without further delay.

Mr. President, of course every Senator knows there will be a rollcall vote on the treaty. I believe every Senator understands it and I have no desire to debate it further. I hope we can proceed to a vote.

Mr. McGOVERN. Mr. President, for many years there were no objections to wheat agreements as they were considered by the Senate. However, in the spring of 1968 several grain handler organizations began to make their opposition clear. They appeared before the Senate Foreign Relations Committee to protest the International Grains Arrangement which had just been negotiated in 1968.

The International Grains Arrangement provided for a minimum price for U.S. No. 2 Hard Red Winter Wheat at $1.73 per bushel, f.o.b. Gulf ports with the maximum price for this wheat at $2.13 per bushel. These prices averaged about 20 cents per bushel higher than the International Wheat Arrangement which expired on June 30, 1968. The increase was enticing to wheat producers.

A Prices Review Committee was to set prices for wheat not specifically mentioned in the International Grains Arrangement. This committee was also authorized to adjust minimum prices in the event of changes in the competitive conditions. This was a step forward because previous agreements did not provide for a life committee or a price review procedure.

Because the International Grains Arrangement of 1968 was considered to represent a careful balance between the interests of our farmers and our processors and traders, it was reported favorably out of the Senate Foreign Relations Committee and passed the Senate by a 62 to 21 vote. But the higher price range and the greater improved procedures for arriving at agreement triggered an attack from the grain trade, led by the Grain and Feed Dealers Association. And as the IGA became effective, the grain trade increased the tempo of its attack and became more effective. Even though President Nixon and Prime Minister Trudeau both promised in April of 1969 to strengthen prices under the IGA, international traders soon began to break the IGA minimum prices. Our Government took no action to stop the violations. There was no move to convene the Prices Review Committee to try to correct this price cutting. Indeed, USDA officials were actually explaining the need for price cutting. This was not unusual, it appears in retrospect, since Assistant Secretary of Agriculture Clarence Palmby was one of the key critics of the IGA while he was in the employ of the Feed Grains Council.

It should be pointed out that the interests of the grain trade differ from those of the producers. This has been historically the case. But producers are upset, and rightly so, by what appears to be the dominance of the grain trade in our international agriculture trade policies.

Sound international rules for the wheat trade are an integral part of the domestic wheat price support program. Those who would do away with meaningful price provisions in the International Wheat Agreement would also deny producers the protection of price support programs. These advocates of no meaningful price provisions make their aims clear when they urge the Common Market nations to do away with their farm programs. These antics occur in the face of the apparent decision of the Common Market's Common Agricultural Policy to pursue a program geared to keep 12 to 14 percent of the population engaged in farming. Similarly, the United States, also out of political and economic considerations has programs to protect the primary producer.

The proper route to expanding trade is not trade war, but trade negotiations and agreements. For the foreseeable future, vast differences in agricultural policy will continue to exist. All a trade agreement does is to attempt to resolve these differences in an effort to permit nations to trade where otherwise it would not be possible.

In defiance of world agricultural opinions, price provisions have been all but eliminated. The negotiations are most significant.

The International Grains Agreement, which ended June 30, had 14 reference wheats. These wheat varieties were to determine the price of all wheats. Three of the wheats were from Canada, three from the United States, and the rest from other countries. The United States gulf coast was the basing point for shipping.

At the Geneva talks, the United States made it clear it wanted no part of an IGA-type agreement. It was suggested the number of U.S. wheat and U.S. basing point allowed too little flexibility. The United States agreed to two "reference wheats"—Manitoba No. 1 Northern at Thunder Bay and No. 1 Heavy D.N.S. 15.5 percent at Duluth. However, Canada pointed out D.N.S. 15.5 percent was not listed internationally and consequently was not significant in trade. Nor was Manitoba No. 1 because under the new Canadian grading system it would not be traded after August 1, 1971. But the choice of reference wheat was not the real problem. It was generally known that the United States was not interested in a minimum above $1.55 for Manitoba No. 1 Northern. This was 40 cents a bushel under the 1962 agreement.

This was, of course, too low for the Canadians.

The failure to get a meaningful International Wheat Agreement is a matter of grave economic concern for wheat growers. I do not subscribe to the administrations view that the agreement before the committee was "the best we can get."

Such a position would be justified only if the objective is to bring an end to a meaningful and effective wheat agreement. That position could be justified only if there is a callous disregard to the economic welfare of wheat growers who have benefited in the past from higher, firmer and more stable prices, domestically and internationally.

I favor Senate Resolution No. 136. It would put the Senate on record for the kind of wheat agreement that has traditionally served to protect domestic producers from low and fluctuating prices in the international market for wheat.

Mr. President, unless we make it clear to the President that he seek additional negotiations, the International Wheat Agreement will be meaningless. We will have nothing more than an agreement to discuss, not a directive from this body to negotiate a meaningful agreement.

Unless this body goes on record in favor of Senate Resolution 136, I cannot support the International Wheat Agreement because, without the resolution, it would be a step backward in our efforts to bring order out of a chaotic situation and a meaningful floor for our farm producers.

Mr. MOSS. Mr. President, I want to express my support for Senate Resolution 136, which was introduced by Senator McGee June 15.

Senator Resolution 136, and the International Wheat Agreement were favorably reported by the Foreign Relations Committee July 8.

This sense of the Senate resolution would call upon our representatives to the IWA to work for additional of minimum and maximum price provisions to the agreement at the earliest possible time.

Pricing provisions must be added to the IWA, along with provisions on reference wheats, basing points and related matters that can make the price floors fully effective.

This is a pocketbook issue for wheat farmers of Utah and other States of this Nation. Wheat producers know that, unless the IWA contains price guarantees, it is virtually meaningless. Farmers know that it does them little good to sell more wheat abroad unless they get an adequate price for it. In fact, unless the price is high enough to give them a return above costs, wheat exports do them no good at all.

With the farm parity ratio now at 70, the lowest it has been since the Great Depression, we must do whatever we can to strengthen farm income.

During 1970, wheat farmers in the States of Utah, Idaho, Oregon, and Washington produced a total of approximately 181 million bushels of soft white wheat. Of this, 125 million bushels, or about 65 percent, went into export markets. Because of the large percentage of wheat that is exported, the minimum price provision in the IWA is particularly crucial to this area. Without the guarantee of a reasonable and fair price, it means little to the producer to maintain export markets.

The wheat farmer cannot be sustained unless he gets a fair price for his produce. And that is why the price guarantees in the IWA must be restated. The minimum price provision in the agreement is in effect an extension of the U.S. domestic price support program to wheat sold in international trade.

Mr. President, Senate Resolution 136 is a step toward better prices and income for our wheat producers. We should adopt the resolution without delay.

Mr. DOLE. Mr. President, the price a Kansas farmer receives for his wheat is greatly affected by the amount of wheat exported by the United States. There are other factors, but exports are vitally important to the incomes of America's wheat producers for, even if a farmer has a good crop when the export market is not active, he will receive a lower price for his grain than he would in a good export year.

The past 3 years serve as a good illustration of this relationship between exports and prices. In this period we have seen exports increase from 544 million bushels to 735 million bushels, and the average price received by farmers in my State increased from $1.19 in 1969 to $1.39 this year.

FARMERS RECEIVE 78 PERCENT

Mr. President I would point out that $1.39 per bushel is certainly not a fair return to the farmer. It costs that much just to produce a bushel of wheat, and if it were not for the Government certificate payment farmers receive for the domestic portion of their production, they would not be able to survive. However, the price increase which results from expanded wheat exports is certainly an important consideration, and our farmers deserve the benefit policy or program that may improve their net incomes.

If we are to reach our goal of $10 billion in agricultural exports in the decade of the 1970's, we need all the export incentives we can create.

RECORD EXPORTS

This past year we reached a record $7.2 billion in agricultural exports. And if we are to continue to expand our exports, we must be prepared to compete in the expanding overseas market. To assure a maximum competitive position, we need the flexibility provided in the new International Wheat Agreement. It will allow us to pursue every feasible course in our discussions with foreign governments regarding means to stimulate and expand wheat markets for our U.S. farm families.

IGA UNSATISFACTORY

In the past we were not satisfied with the International Grains Agreement. It was far too restrictive, and only provided limits on our export positions which competitive nations turned to their advantages. In contrast with the IGA the new International Wheat Agreement provides the flexibility we need to compete actively with all wheat-producing nations. It still provides that when such matters as classes of wheat, points of origin, and other disputed terms might be successfully negotiated, the Wheat Council may reconvene to attempt to establish firmer guidelines.

After several weeks of discussions at last winter's wheat council meetings, it became obvious that these matters could not be resolved, thus, the agreement was drafted to include article 21 providing for future negotiations.

RESOLUTION COULD HAMPER

Our past experience of trying to deal within the unsatisfactory terms of the IGA, has shown that further negotiations would not be successful at this time. It certainly would be embarrassing and would weaken the U.S. position in future negotiations if the resolution offered by the Senator from Wyoming were adopted and the Wheat Council were requested to reconvene as soon as possible.

Passage of the proposed resolution would place U.S. negotiators at future Wheat Council meetings at a severe disadvantage. By having requested further negotiations, the United States could then be committed to arbitrate at a later time and, therefore, be dealing from weakness at that later date. But if we were to wait until the Canadians have an opportunity to determine some other wheat than Manitoba No. 1 as the basis for classes of wheat and also allow pending trade arrangements in Europe to be concluded, several nations would be in a position to agree to negotiate again.

Mr. President, I know that the proponents of this resolution are sincere in their desire to improve the price of wheat. Since Kansas is the largest wheat-producing State in the Nation, I am just as concerned that the wheat farmers receive better prices.

Mr. President, the wheat farmers of Kansas and the Nation need the ratification of the International Wheat Agreement, but I urge my colleagues to give our wheat producers the consideration they deserve by rejecting the pending resolution which calls for further price negotiations at this time.

While wheat prices are far from the prices our farmers deserve, they have increased as exports have expanded. To assume that the agencies and the departments which brought about this increased export activity would not utilize the provisions of article 21 to institute further negotiations on prices in the near future would be erroneous and hazardous to our future export position.

While I share the desire of the Senator from Wyoming for higher wheat prices, it is apparent that passage of this resolution could restrict future negotiations and thereby have a result which would be the opposite of what is intended.

Mr. PEARSON. Mr. President, with a view to receiving the advice and consent of the Senate to ratification, President Nixon has transmitted to this House a copy of the 1971 International Wheat Agreement. The agreement is in two parts, the Wheat Trade Convention and the Food Aid Convention, covered by a common preamble.

The Special Subcommittee on the International Wheat Agreement, of which I have the honor to be a member, has considered carefully the provisions of this agreement in 2 days of public hearings, and in executive session. Pursuant to the recommendation of the Special Subcommittee, the Committee on Foreign Relations now proposes that the Senate consent to ratification of this agreement.

The United States has been a party to the International Wheat Agreement of 1949 and all succeeding agreements. For the first time, however, wheat producers participated in all phases of the negotiations which led to formulation of the 1971 agreement. Representatives of the National Association of Wheat Growers, the Great Plains Wheat, Inc., and the Western Wheat Associates USA, Inc. sat in on the negotiations.

Mr. President, there can be no question that U.S. wheat producers have a vital interest in orderly world wheat trade. Approximately 57 percent of all U.S. wheat is produced for export.

While wheat farmers receive 100 percent of parity on domestic production, as guaranteed by Congress, they must depend upon successful supply management programs and orderly international trade in wheat for a reasonable price for more than half their production.

THE INTERNATIONAL GRAINS AGREEMENT OF 1967

The 1967 International Grains Arrangement, predecessor to the agreement which we consider today, established 14 reference wheats, and established minimum prices for these wheats in international trade. Contemplating a possible period of world grain scarcity, the 1967 agreement also established maximum prices above which the reference wheats ought not to be sold in international commerce.

About 2 months after the 1967 agreement entered into force, at least one exporting nation began to sell under the minimums. Soon major exporters were selling premium wheats as lower grades. The 1967 price "floors" were a shambles within 18 months. Emergency meetings were held in London in June 1969, to determine what action—if any—ought to be taken to restore wheat prices to a level more nearly consistent with negotiated minimums. A ministerial meeting was held in Washington on July 10–11, 1969, to discuss further the drop in world wheat prices during the period of oversupply. By August 1969 a price war was underway. All exporting countries including the United States were selling under the negotiated minimums of the 1967 agreement.

Through a series of understandings reached by exporting countries, as members of the Wheat Council, relative stability in world wheat trade has been enjoyed in recent months. During the 1969 price war, the United States met competition from other exporters by lowering its selling price. And other exporting nations, when faced with U.S. pricing at competitive levels, withdrew from mutually destructive systems of exorbitant export subsidies. Thus the current market is relatively strong.

MINIMUMS NOT NEGOTIATED

Mr. President, the 1971 International Wheat Agreement does not contain provisions on maximum and minimum prices or purchase and supply obligations. These provisions could not be negotiated because the exporting nations could not agree on a reference wheat or wheats. And agreement was not reached primarily because Canada was then implementing a major reform in its grain grading system. The new Canadian system will alter traditional trading relationships among the top quality wheats which are natural candidates for reference wheats.

Because U.S. negotiators were committed to eventual reference wheats and reasonable minimum prices, article 21 was drafted to include the following language:

> In order to assure supplies of wheat and wheat flour to importing members and markets for wheat and wheat flour to exporting members at equitable and stable prices, the Council shall at an appropriate time examine the questions of prices and related rights and obligations. When it is judged that these matters are capable of successful negotiation with the objective of bringing them into effect within the life of this Convention, the Council shall request the Secretary-General of UNCTAD to convene a negotiating conference.

Article 21, in my view, contemplates negotiated minimum prices and reference wheats "when these matters are capable of successful negotiation." The earliest possible time that meaningful minimums may be negotiated, of course, is after the new Canadian grading system is fully operational. Wheat producers recognize that they are at a disadvantage if their wheats alone are reference wheats—and Canadian participation in world wheat trade is such that no minimum schedule would be adequate or effective without Canadian wheats.

SENATE RESOLUTION 136

Mr. President, after careful consideration the Committee on Foreign Relations has reported favorably Senate Resolution 136, which calls upon the President to request, at the earliest possible time, a negotiating conference with a view toward the negotiation of provisions relating to the prices of wheat. This resolution expresses the commitment which Senators of our committee view ought to be made in behalf of our wheat producers.

But this resolution does not reflect a lack of faith in the U.S. team which negotiated the agreement before the Senate today. Nor does this resolution tie the hands of U.S. negotiators in the future. Clearly this resolution expresses an urgent hope that minimum prices may be negotiated "at the earliest possible time," but this resolution does not command the United States to commit itself to a system of reference wheats, shipping points, or minimum prices which will work to the disadvantage of U.S. wheat farmers.

Senate Resolution 136 has as its unspoken premise the notion that negotiated minimums and reference wheats will be of benefit to our producers. Thus the U.S. team must maintain flexibility, and insure that any negotiated rigidity in world wheat trade—such as minimum pricing provisions—will in fact work effectively for stronger prices.

Mr. President, I support both the agreement and Senate Resolution 136. Article 21 expresses the view that minimums should be established when they are "capable of successful negotiation." And the resolution expresses the view that they should be established at the "earliest possible time." Both these views should be respected by the administration as it continues to work for orderly world trade in wheat.

The price wars suffered under the IGA of 1967 should be avoided at all costs.

Mr. MONTOYA. Mr. President, today the Senate faces an issue that will have a direct bearing on the well-being of the American farm community. Farmers in this country are not doing well now; the index of farm prices has slipped to 70, the lowest level since the depression. At a time like this, we should expect every action taken to be in the direction of alleviating the plight of farmers, yet we are asked today to make a decision regarding a very inadequate agreement on international wheat marketing.

The International Wheat Agreement before the Senate today does not contain any minimum price level. This means that a fundamental barricade against the extreme harm done to farmers by wildly fluctuating prices has been removed. Past agreements have contained minimum price levels to avoid such disastrous consequences. We can thank the distinguished Senator from Wyoming (Mr. MCGEE), for coming to the aid of the wheat farmers in this country by introducing Senate Resolution 136, which instructs the administration to go back to the conference table as soon as possible to negotiate specific price levels. The adoption of Senate Resolution 136 would make the adoption of the International Wheat Agreement much more palatable than the agreement would be by itself.

Though I would prefer to have price levels set in the present agreement. I am willing to support the compromise now forged by the introduction of the McGee resolution to accompany the agreement. This arrangement is better than leaving international wheat trading completely adrift while a new agreement is negotiated.

The International Wheat Agreement consists of two parts: the Wheat Trade Convention. and the Food Aid Convention. As article 1 of the Wheat Trade Convention indicates. a major objective of this treaty is to further international cooperation in connection with world wheat problems. The basic factor in relation to cooperation and expansion of international trade is stability. And the means of guaranteeing stability in trade of wheat are price stabilization provisions.

Mr. President. it is very important to the people of my State of New Mexico that the new IWA be as strong as possible in its protection of wheat farmers.

During the 1970 crop year, New Mexico farmers planted 184,000 acres of winter wheat, from which was harvested 5.5 million bushels of wheat. The total value to farmers of the 1970 wheat crop in New Mexico was almost $14 million.

With the addition of Senate resolution 136, this treaty takes on real meaning for wheat farmers in New Mexico and the other wheat-producing States. For in the interest of economic stability, it is essential that minimum and maximum price provisions, along with acceptable basing points of shipment and reference wheats, be implemented. We can thus avoid the threat of price wars which do damage to not only the wheat producers, but also the spirit of international cooperation.

To those who claim that we should rely upon free trade and the supply and demand nature of a world price, the only reply necessary is a call to reality. There is no world price for wheat because factors other than unfettered enterprise enter into the international sphere of trade. Political maneuvering, to some extent, guides the tactics of world trade. Markets exist under frameworks of law, property rights, wealth distribution, and economic conditions. Justice and order are best served in world trade by well-defined guidelines and accessible mechanisms for negotiation.

Without these price stabilization measures, both the farmer and taxpayer in America will suffer. When the price of wheat sold abroad is below the price in the United States, the Government must pay the difference in the form of an export subsidy. The wider the difference, the greater the subsidy. In a free-trade situation, there would be no safeguards against prices dipping so low as to cause exorbitant subsidy costs—at the taxpayers expense. These mounting costs could endanger the farm subsidy program which is so important to the welfare of producers and consumers in our country.

So, Mr. President, it is with the knowledge that a clear majority of the other nations involved also desire these price stabilization provisions and the firm conviction that the Senate Resolution 136 makes this International Wheat Agreement a benefit to our domestic wheat producers that I recommend approval of this treaty.

I also believe, Mr. President, that it is the obligation of this administration to insure compliance by the United States with the provisions of the International Wheat Agreement. Any violations of treaty conditions, as have happened in the past, must be rectified with enthusiastic cooperation and support for the worthy goals of this international commitment.

I urge consent to this treaty.

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the resolution of ratification?

The yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. BYRD of West Virginia. I announce that the Senator from Indiana (Mr. BAYH), the Senator from North Carolina (Mr. JORDAN), the Senator from Louisiana (Mr. LONG), the Senator from Minnesota (Mr. MONDALE), the Senator from Maine (Mr. MUSKIE), the Senator from Rhode Island (Mr PASTORE), the Senator from Connecticut (Mr. RIBICOFF), the Senator from Virginia (Mr. SPONG) and the Senator from California (Mr. TUNNEY) are necessarily absent.

I further announce that the Senator from Idaho (Mr. CHURCH), the Senator from Hawaii (Mr. INOUYE), and the Senator from Georgia (Mr. TALMADGE) are absent on official business.

I further announce that, if present and voting, the Senator from Connecticut (Mr. RIBICOFF), the Senator from Indiana (Mr. BAYH), and the Senator from Rhode Island (Mr. PASTORE) would each vote "yea".

Mr. GRIFFIN. I announce that the Senator from Kentucky (Mr. COOPER), the Senator from Colorado (Mr. DOMINICK), the Senator from Florida (Mr. GURNEY), the Senator from Wyoming (Mr. HANSEN), the Senator from New York (Mr JAVITS) and the Senator from Alaska (Mr. STEVENS) are necessarily absent.

The Senator from Oregon (Mr. HATFIELD) is absent on official business.

The Senator from Massachusetts (Mr. BROOKE) and the Senator from South Dakota (Mr. MUNDT) are absent because of illness.

The Senator from Tennessee (Mr. BAKER) is detained on official business.

If present and voting, the Senator from Kentucky (Mr. COOPER), the Senator from Colorado (Mr. DOMINICK) and the Senator from South Dakota (Mr. MUNDT) would each vote "yea".

[No. 137 Ex.]

YEAS—78

Aiken
Allen
Allott
Anderson
Beall
Bellmon
Bennett
Bentsen
Bible
Boggs
Brock
Buckley
Burdick
Byrd, Va.
Byrd, W. Va.
Cannon
Case
Chiles
Cook
Cotton
Cranston
Curtis
Dole
Eagleton
Eastland
Ellender
Ervin
Fannin
Fong
Fulbright
Gambrell
Goldwater
Gravel
Griffin
Harris
Hart
Hartke
Hollings
Hruska
Hughes
Humphrey
Jackson
Jordan, Idaho
Kennedy
Magnuson
Mansfield
Mathias
McClellan
McGee
McGovern
McIntyre
Metcalf
Miller
Montoya
Moss
Nelson
Packwood
Pearson
Pell
Percy
Prouty
Proxmire
Randolph
Roth
Saxbe
Schweiker
Scott
Smith
Sparkman
Stennis
Stevenson
Symington
Taft
Thurmond
Tower
Weicker
Williams
Young

NAYS—0

NOT VOTING—22

Baker
Bayh
Brooke
Church
Cooper
Dominick
Gurney
Hansen
Hatfield
Inouye
Javits
Jordan, N.C.
Long
Mondale
Mundt
Muskie
Pastore
Ribicoff
Spong
Stevens
Talmadge
Tunney

The PRESIDING OFFICER (Mr. BUCKLEY). On this vote, the yeas are 78 and the nays are 0. Two-thirds of the Senators present and voting having voted in the affirmative, the resolution of ratification is agreed to.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the President be immediately notified of the Senate's consent to the resolution of ratification.

The PRESIDING OFFICER. Without objection, it is so ordered.

LEGISLATIVE SESSION

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Senate resume the consideration of legislative business.

There being no objection, the Senate resumed the consideration of legislative business.

AUTHORIZATION FOR THE COMMITTEE ON LABOR AND PUBLIC WELFARE TO HAVE UNTIL 6 P.M. TODAY TO FILE A REPORT

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the

Committee on Labor and Public Welfare may have until 6 p.m. today to file its report on S. 1747, one of the so-called health and manpower bills.

The PRESIDING OFFICER. Without objection, it is so ordered.

QUORUM CALL

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. FANNIN. Mr. President, I ask unanimous consent that the order for the quorum be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The remarks of Mr. FANNIN when he introduced Senate Joint Resolution 129 are printed in the RECORD under Statements on Introduced Bills and Joint Resolutions.)

ROSTOW WOULD ADVISE SAME VIET POLICY

Mr. BYRD of Virginia. Mr. President, I note the headline in the Washington Daily News of today which reads "Rostow Would Advise Same Viet Policy." The news article deals with the Vietnam views of Walt W. Rostow, the chief architect of the Johnson administration Vietnam policy.

My attention was attracted to that headline because over the weekend while looking through my desk I found a speech which I had made about another Rostow on March 15, 1968, more than 3 years ago.

The other Rostow was Hon. Eugene V. Rostow, who was Under Secretary of State for Political Affairs and as such was one of the principal advisers on President Johnson's Vietnam policy.

Mr. Eugene V. Rostow as Under Secretary of State appeared at a committee meeting on March 15, 1968. I put this question to Mr. Rostow:

> In your judgment, is U.S. involvement in a long war in Vietnam advantageous to the Soviet Union?

Mr. Rostow answered categorically with one word—"No." Mr. President, to me that was rather fantastic. The reason I put that question to Mr. Rostow was because I thought it was important that Congress and the American people know the determined policy and strategy regarding the Vietnam war.

I put that question to most every important civilian who came before the Armed Services Committee of the Senate, those civilian leaders of the Government who had a major role to play in determining the Vietnam policy. I must say that most were not as frank as Mr. Rostow. But under persistent questioning in committee, I usually obtained from them, whether they were high civilians in the Defense Department or in the State Department, in essence the same response, that they did not consider U.S. involvement in a long war in Vietnam to be advantageous to the Soviet Union.

I notice in my speech of March 15, 1968, I commended Mr. Rostow for his candor, I stated I admired his frankness, and that he is an honorable, able, and hard-working official, but I expressed at that time complete disagreement with his judgment and nothing has happened since then that caused me to change my view.

To me U.S. involvement in a long war is purely advantageous to the Soviet Union. I stated in the Senate on March 15, 1968, that if our policymakers do not recognize that then how in the world are we ever going to bring this war to an early conclusion.

Mr. President, that was during the administration of President Johnson. In January 1969, Richard Nixon came to the White House and President Nixon almost immediately reversed that policy. Since then the thinking in the White House from the President on down has been that it is important to bring this war to a conclusion. I certainly agree with that view.

I think it is vitally important that the Vietnam war be brought to a conclusion and I think the facts show that President Nixon during the relatively short time he has been President and Commander in Chief of our Armed Forces has made progress toward disengaging the United States from Vietnam.

The President has been condemned from time to time for not doing more faster. I think it is important that we recognize the facts. The fact is that when he became President 540,000 Americans were in Vietnam. During the intervening period President Nixon has brought back to this country 60 percent of the American forces. In other words, he has reduced the number of American personnel involved in Southeast Asia by 60 percent. All of us would like to have the number reduced by a greater percentage than that but I feel it is important that President Nixon, who came to office faced with a very difficult situation, has, in my judgment, made progress in disengaging American personnel from Southeast Asia. So I am pleased today to commend him for what he has done and I hope he will continue to expedite the withdrawal of American troops.

The PRESIDING OFFICER. The Senator from Virginia is recognized.

(The remarks of Mr. BYRD of Virginia when he introduced Senate Joint Resolution 130 are printed in the RECORD under Statements on Introduced Bills and Joint Resolutions.)

The PRESIDING OFFICER. The Senator from Michigan is recognized.

(The remarks of Mr. GRIFFIN when he introduced S. 2258 are printed in the RECORD under Statements on Introduced Bills and Joint Resolutions.)

ROUTINE MORNING BUSINESS

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that there now be a resumption of the period for the transaction of the routine morning business with statements therein limited to 3 minutes.

The PRESIDING OFFICER. Without objection it is so ordered.

MODIFICATION OF ORDER FOR RECOGNITION OF SENATORS ON WEDNESDAY NEXT

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for recognition of Senators on Wednesday be altered from the previous order entered today, so as to provide that on Wednesday, immediately following the recognition of the two leaders under the standing order, the distinguished junior Senator from Georgia (Mr. GAMBRELL) be recognized for not to exceed 15 minutes, and that he be followed by the following Senators in the order stated, each to be recognized for not to exceed 15 minutes: Messrs. ALLOTT, BROCK, BUCKLEY, DOLE, ROTH, and MOSS.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR PERIOD FOR THE TRANSACTION OF ROUTINE MORNING BUSINESS ON WEDNESDAY NEXT

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that, upon the completion of the orders recognizing Senators on Wednesday next, there be a period for the transaction of routine morning business, with statements therein limited to 3 minutes, the period not to extend beyond 1 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR ADJOURNMENT UNTIL 11 A.M., WEDNESDAY, JULY 14, 1971

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that when the Senate completes its business today it stand in adjournment until 11 a.m. on Wednesday next.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR CONSIDERATION OF OVERRIDING PRESIDENTIAL VETO ON S. 575 ON WEDNESDAY NEXT

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that, at 1 p.m. on Wednesday next, the Senate proceed to the consideration of the question of overriding the President's veto of the accelerated public works bill, S. 575.

The PRESIDING OFFICER. Without objection, it is so ordered.

LIMITATION OF DEBATE ON WEDNESDAY NEXT ON OVERRIDE OF PRESIDENTIAL VETO ON S. 575

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that debate on the question of overriding the Presidential veto of S. 575 be limited to 2 hours, the time to be equally divided between and controlled by the senior Senator from West Virginia (Mr. RANDOLPH) and the senior Senator from Kentucky (Mr. COOPER).

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR VOTE ON OVERRIDE OF PRESIDENTIAL VETO ON S. 575 AT 3 P.M. ON WEDNESDAY NEXT

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the vote on overriding the President's veto of S. 575 occur at 3 p.m. on Wednesday.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR CONSIDERATION OF H.R. 9270, MAKING APPROPRIATIONS FOR THE DEPARTMENT OF AGRICULTURE, ON THURSDAY NEXT

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that on Thursday, July 15, 1971, at the conclusion of the period for the transaction of routine morning business the Senate proceed to the consideration of H.R. 9270, the bill making appropriations for the Department of Agriculture, that the time on that bill be limited to 2 hours, the time to be equally divided between and controlled by the Senator from Wyoming (Mr. McGEE) and the Senator from Nebraska (Mr. HRUSKA), and that time on any amendment thereto—with the exception of a possible amendment dealing with subsidy limitations—be limited to one-half hour, the time to be equally divided between the mover of the amendment and the manager of the bill (Mr. McGEE); and that in the case of the exception, any amendment dealing with subsidy limitations, the time be limited to 1 hour, the time to be equally divided between the mover of the amendment and the manager of the bill (Mr. McGEE).

Mr. GRIFFIN. Mr. President, reserving the right to object, could it be understood that this agreement would not automatically waive any possible points of order and that amendments which would be offered would have to be germane?

Mr. BYRD of West Virginia. Under the standing rule, a point of order can be raised against any amendment that is not germane to an appropriation bill. If the Senator would like to have the Gordian knot tighter, we could specify that no amendment not germane be received, but under the standing rule a point of order can be made against an amendment to an appropriation bill that is not germane.

Mr. GRIFFIN. Because it is an appropriation bill. I thank the Senator.

Mr. BYRD of West Virginia. I thank the distinguished assistant Republican leader.

I ask unanimous consent that Senators in control of time on H.R. 9270, the bill making appropriations for the Department of Agriculture, may allot time therefrom to any Senator on any amendment, motion, or appeal, with the exception of a motion to lay on the table.

The PRESIDING OFFICER. Is there objection to the unanimous consent request? Without objections, it is so ordered.

Mr. BYRD of West Virginia. Mr. President, is that satisfactory to the Senator from Michigan?

Mr. GRIFFIN. I understand that under the rule, points of order would be received and available against amendments that are not germane.

Mr. BYRD of West Virginia. The able Senator is correct.

Mr. President, I further ask unanimous consent that, with respect to amendments to H.R. 9270, the bill making appropriations for the Department of Agriculture, time on the amendment to be offered by the Senator from Indiana (Mr. BAYH) dealing with subsidy limitations be limited to 2 hours, the time to be equally divided between and controlled by the mover of the amendment and the manager of the bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRIFFIN. Mr. President, that would be with the understanding that if there were other amendments dealing with subsidy ceilings, there would be 1 hour on each.

Mr. BYRD of West Virginia. One hour; yes. I thank the distinguished assistant Republican leader.

ORDER FOR CONSIDERATION OF H.R. 9417, DEPARTMENT OF THE INTERIOR APPROPRIATIONS, 1972, ON FRIDAY, JULY 16, 1971—UNANIMOUS-CONSENT AGREEMENT

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that on Friday, July 16, at the close of the period for the transaction of routine morning business, the Senate proceed to the consideration of H.R. 9417, a bill making appropriations for the Department of the Interior and related agencies; that time on that bill be limited to 2 hours, to be equally divided between and controlled by the distinguished senior Senator from Nevada (Mr. BIBLE) and the distinguished senior Senator from Illinois (Mr. PERCY); that time on any amendment be limited to 30 minutes, to be equally divided between the mover of such amendment and the manager of the bill (Mr. BIBLE).

The PRESIDING OFFICER. Without objection, it is so ordered.

The unanimous-consent agreement reads as follows:

Ordered, That on Wednesday, July 14, 1971, at 1:00 p.m. the Senate proceed to reconsider the Public Works Acceleration Bill—the veto message (S. 575) with debate thereon limited to 2 hours to be equally divided and controlled by the Senator from West Virginia (Mr. Randolph) and the Senator from Kentucky (Mr. Cooper), with the vote to occur at 3 p.m.

Ordered further, That on Thursday, July 15, 1971, following the morning business the Senate proceed to the Agriculture-Environmental Appropriation Bill (H.R. 9270) with debate thereon limited to 2 hours to be equally divided and controlled by the Senator from Wyoming (Mr. McGee) and the Senator from Nebraska (Mr. Hruska). *Provided*, that time on any amendment thereto shall be limited to 30 minutes to be equally divided and controlled by the mover of the amendment and the manager of the bill with the exception of an amendment which may be offered by the Senator from Indiana (Mr. Bayh) concerning subsidy limitations on which time will be 2 hours. Any other amendment on the subsidy limitations will be limited to 1 hour under the same conditions. *Provided further*, that time may be allotted from the bill to any amendment.

Ordered further, That on Friday, July 16, 1971, following the morning business the Senate proceed to the consideration of the Interior Appropriation Bill (H.R. 9417) with debate limited thereon to 2 hours to be equally divided and controlled by the Senator from Nevada (Mr. Bible) and the Senator from Illinois (Mr. Percy). Provided that time on amendments be limited to 30 minutes to be equally divided and controlled by the mover of the amendment and the manager of the bill. (July 12, 1971).

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM FOR WEDNESDAY, THURSDAY, AND FRIDAY

Mr. BYRD of West Virginia. Mr. President, the program for Wednesday, Thursday, and Friday, insofar as it can be determined, is as follows:

The Senate will convene on Wednesday at 11 o'clock a.m. Immediately following the recognition of the two leaders under the standing order, the following Senators will be recognized, each for not to exceed 15 minutes and in the order stated: Senators GAMBRELL, ALLOTT, BROCK, BUCKLEY, DOLE, ROTH, and MOSS.

Following the recognition of Senators under the orders aforementioned, there will be a period for the transaction of routine morning business, with statements limited therein to 3 minutes, the period not to extend beyond 1 o'clock p.m.

At 1 o'clock p.m. the Senate will proceed to the consideration of the question whether to override the President's veto on S. 575, the Public Works Acceleration Act. Debate will be controlled, with time limited to 2 hours, equally divided, a vote to occur at 3 o'clock. Under the Constitution, a rollcall vote is mandatory.

It is likely that the Senate will then proceed to the consideration of one or both of the two health manpower bills, S. 934 and S. 1747, with rollcall votes probable.

On Thursday the Senate will proceed to the consideration—following completion of the transaction of routine morning business—of H.R. 9270, a bill making appropriations for the Department of Agriculture, with time limited thereon to 2 hours and the time on amendments limited to one-half hour, to be equally divided, with the exception of any amendment dealing with a ceiling on subsidies, in which case there will be a time limitation of 1 hour on such amendment, to be equally divided. Two hours will be allotted on an amendment to be offered by Mr. BAYH dealing with a limitation on subsidies. Rollcall votes are expected.

Also on Thursday, the Atomic Energy Commission authorization may be considered.

Senators should be on notice that the Senate may proceed also on Thursday to a reconsideration of the vote on Senate Resolution 100, to provide additional employees for the Veterans' Committee, and a rollcall vote can, I think, be anticipated thereon.

To repeat, with respect to Thursday, I think it can safely be said that there will be at least one rollcall vote, certainly on the passage of the bill making appropriations for the Department of Agriculture, and there likely will be votes on amendments thereto. There may be a vote on the AEC authorization. A rollcall vote can be anticipated on any motion to reconsider the vote on Senate Resolution 100.

As for Friday, upon the completion of the transaction of routine morning business, the Senate will proceed to the consideration of H.R. 9471, a bill making appropriations for the Department of the Interior. Time will be limited thereon to 2 hours, and an agreement has been entered limiting the time on any amendment to 30 minutes.

A rollcall vote can be expected on the passage of that appropriation bill.

Also on Friday it is anticipated that the Senate may proceed to the consideration of the bill making appropriations for HUD and space sciences, and also the bill making appropriations for the Departments of State, Justice, and Commerce, in the event of which there will certainly be a rollcall vote on passage of either or both of those appropriations bills, in accordance with past practice. Moreover, if the AEC authorization is not taken up on Thursday, it may be taken up on Friday, with a possible rollcall vote thereon.

Additionally, if the Senate has not disposed on Thursday of the motion to reconsider Senate Resolution 100, which has to do with additional employees for the Veterans' Committee, the Senate may proceed to consider that matter on Friday, with an expected rollcall vote thereon.

So there will be at least one rollcall vote, in all likelihood, on Friday, and an extremely good possibility of more than one rollcall vote that day.

In recapitulation, there will be one or more rollcall votes on Wednesday, one or more rollcall votes on Thursday, and one or more rollcall votes in sight for Friday.

Does the distinguished assistant Republican leader have any question or any statement to make at this time?

Mr. GRIFFIN. No.

ADJOURNMENT UNTIL 11 A.M. WEDNESDAY, JULY 14, 1971

Mr. BYRD of West Virginia. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in adjournment until 11 a.m. on Wednesday next.

The motion was agreed to; and (at 4 o'clock and 43 minutes p.m.) the Senate adjourned until Wednesday, July 14, 1971, at 11 a.m.

NOMINATIONS

Executive nominations received by the Senate July 12, 1971:

U.S. DISTRICT COURTS

Paul Benson, of North Dakota, to be a U.S. district judge for the district of North Dakota, vice Ronald N. Davies, retiring.

Spencer M. Williams, of California, to be a U.S. district judge for the northern district of California, a new position created by Public Law 91-272, approved June 2, 1970.

DEPARTMENT OF THE INTERIOR

John W. Larson, of California, to be an Assistant Secretary of the Interior, vice Carl L. Klein, resigned.

DEPARTMENT OF TRANSPORTATION

Benjamin Oliver Davis, Jr., of Virginia, to be an Assistant Secretary of Transportation, vice Willard J. Smith, resigned.

MISSISSIPPI RIVER COMMISSION

Maj. Gen. Charles Carmin Noble, [redacted] Army of the United States (brigadier general, U.S. Army), for appointment as a member and President of the Mississippi River Commission, under the provisions of section 2 of an act of Congress approved June 28, 1879 (21 Stat. 37) (33 U.S.C. 642).

HOUSE OF REPRESENTATIVES—*Monday, July 12, 1971*

The House met at 12 o'clock noon.

The Chaplain, Rev. Edward G. Latch, D.D., offered the following prayer:

Let the beauty of the Lord our God be upon us: And establish Thou the work of our hands; yea, the work of our hands establish Thou it.—Psalms 90: 17.

O God and Father of us all, who hast set us in families, and families in communities, and communities in cities, we lift our hearts to Thee praying that Thou wouldst bless our families, our communities, and our cities, strengthening every noble endeavor, stimulating every honest enterprise, and supporting every true way that leads to a greater life together in our beloved country.

Grant that we in this Chamber may be men and women of faith and courage who see above the strife of the present age and beyond the strain of these difficult days a better way of life for all our people, and may we work for it with a zeal that never ceases building on earth a brotherhood of men, based on a brotherhood of work and permeated by a brotherhood of faith.

In Thy holy name we pray. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Without objection, the Journal stands approved.

There was no objection.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed a bill of the following title, in which the concurrence of the House is requested:

S. 1828. An Act to amend the Public Health Service Act so as to establish a Conquest of Cancer Agency in order to conquer cancer at the earliest possible date.

DISTRICT OF COLUMBIA BUSINESS

The SPEAKER. This is a District of Columbia Day. The Chair recognizes the gentleman from Missouri (Mr. HUNGATE).

AMENDING UNIFORM COMMERCIAL CODE WITH RESPECT TO WAREHOUSEMEN'S LIEN

Mr. HUNGATE. Mr. Speaker, by direction of the Committee on the District of Columbia, I call up the bill (H.R. 6968) to amend the Uniform Commercial Code of the District of Columbia to make a warehouseman's lien for charges and expenses in relation to household goods stored with him effective against all persons if the depositor of the goods was the legal possessor, and ask unanimous consent that the bill be considered in the House as in the Committee of the Whole.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

The Clerk read the bill, as follows:

H.R. 6968

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 28: 7-209(3) of the Uniform Commercial Code (D.C. Code, sec. 28: 7-209(3)) is amended by inerting "(a)" immediately after "(3)" and by adding at the end thereof the following:

"(b) A warehouseman's lien under subsection (1) on household goods for charges and expenses in relation to the goods is also effective against all persons if the depositor was the legal possessor of the goods at the time of deposit. The term 'household goods' means furniture, furnishings, or personal effects used by the depositor in a dwelling."

Mr. HUNGATE. Mr. Speaker, I move to strike the last word.

Mr. Speaker, the purpose of H.R. 6968 is to amend the Uniform Commercial

Code provisions of the District of Columbia Code to make, with respect to household goods, a warehouseman's lien for charges and expenses in relation to the same stored with him superior to chattel mortgages and conditional sales contracts.

This proposed amendment affords the warehouseman appropriate security for his storage and care of the goods, which accrue to the benefit of both the merchant and the owner of the goods, without fear of jeopardizing the merchant.

PRESENT LAW

Under the current provisions of the District of Columbia Code title 28, section 7–209), in the event that a warehouseman or mover receives household goods for storage or moving, and the person depositing the goods defaults on storage charges, the warehouseman's right or lien to proceeds in any sale or auction of the goods is subordinate to prior recorded liens on the goods.

On the other hand, merchants rely primarily on credit checks and payment histories to protect themselves, rather than on their lien; however, the warehouseman has only a lien as recourse on default. The prior recorded liens are those imposed on the goods by the merchant who has sold the goods and then allowed the depositor to possess them for use.

The warehouseman or mover, who has a common carrier's duty to accept all shipments tended for movement within his authorized territory, takes all the risks of payment without the prior opportunity of credit check afforded to a merchant.

The purpose of the amendment is to make the warehouseman's lien for charges and expenses effective against all persons if the depositor was the legal possessor. This would permit the warehouseman to accept household goods for storage in sole reliance on the value of the goods themselves, especially in the situation of family emergencies.

PRECEDENTS

Legislation of this character was first adopted in California at the request and with the support of the warehousemen and movers in that State. Representations were made to the California Legislature at that time, as they have been made to your committee, that the impact of this amendment is minimal; that merchants themselves sell on time only to those whose credit they approve after having the opportunity to review a credit application and check on the income of the purchaser; and that the merchants rely primarily on the credit rating rather than on the lien to which they are entitled.

On the other hand, as a practical matter, movers take all the risks of payment without the prior opportunity to check for recorded liens or to check the credit of the customer. The mover has a common carrier's duty and obligation to accept all shipments tended for movement within his authorized territory, so the mover must rely on his warehouseman's lien for security rather than the usual credit criteria. The public at the same time is benefited by having this service available in the time of need, especially in distress situations which arise, as in the case of a death in the family or a change of or loss of employment.

Items purchased on time by a household usually represent a large portion of the warehouse security for charges. The warehouseman's recovery is thus reduced by reason of the loss of items of greatest sale value to merchant's prior lien, since as stated, the warehouseman's right or lien to proceeds in any sale, auction of the goods is subordinate prior recorded liens as well as to conditional sales contracts.

HEARING

A hearing on H.R. 6968 was held by the Judiciary Subcommittee of your Committee on May 11, 1971, at which time representatives of the government of the District of Columbia and of the Bar Association of the District of Columbia testified in support thereof. No opposition to the bill was expressed at this hearing, and none has been received by the Committee.

The legislation has been reviewed by the Bar Association Committee on Commercial and Business Law and was approved by its board of directors. It reflects changes recommended by the Permanent Editorial Board for the Uniform Commercial Code which has been adopted by all the States, and approved by the Congress for the District of Columbia by the act of December 30, 1963 (77 Stat. 718, District of Columbia Code, title 28, sec. 7–101 et seq.)

This bill represents the first change to the District of Columbia version of the Uniform Commercial Code, and the recommendation of the Permanent Editorial Board for the Uniform Commercial Code is as follows:

The 1966 official recommendations for amendment of the Uniform Commercial Code, promulgated by the Permanent Editorial Board for the Uniform Commercial Code, state, as official comments to subsections 3 of section 7–209, as amended, state:

> Subsections (1) and (2) validate the lien and security interest "against the bailor." As against third parties, subsection (3) (a) continues the rule under the prior uniform statutory provision that to validate the lien the owner must have entrusted the goods to the depositors, and that the circumstances must be such that a pledge by the depositor to a good faith purchaser for value would have been valid. Thus the owner's interest will not be subjected to a lien or security interest arising out of a deposit of his goods by a thief. The warehouseman may be projected because of the actual, implied or apparent authority of the depcsitor, because of a Factor's Act, or because of other circumstances, which would protect a bona fide pledgee, unless those circumstances are denied effect under Section 7–503. When the third party is the holder of a security interest, the rights of the warehouseman depend on the priority given to a hypothetical bona fide pledge by Article 9, particularly Section 9–312. Thus the special priority granted to statutory liens by Section 9–310 does not apply to liens under subsection (1) of this section, since subsection (3) "expressly provides otherwise" within the meaning of Section 9–310. *As to household goods, however, subsection* (c) (b) *makes the warehouseman's lien "for charges and expenses in relation to the goods" effective against all persons if the depositor was the legal possessor. The purpose of the exception is to permit the warehouseman to accept household goods for storage in sole reliance on the value of the goods themselves, especially in situations of family emergency.* (Emphasis added).

CONCLUSION

It is the judgment of our committee that the proposed legislation is valid and equitable, and our committee recommends that same be approved.

COSTS

No costs will result to the District of Columbia by the enactment of H.R. 6968.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. HUNGATE. I am happy to yield to the distinguished gentleman.

Mr. GROSS. I note the absence of any kind of report from the District government. I do not know whether that is important—but I find nothing by way of a letter from the District government.

Mr. HUNGATE. The District government did testify in favor of this legislation and they have no objection in connection with H.R. 6968. They indicated this in a letter signed by Mr. Graham Watt, the Assistant Commissioner dated May 11, 1971, that was not included in the report and it should have been.

Mr. GROSS. Mr. Speaker, I thank the gentleman.

Mr. HUNGATE. Mr. Speaker, I move the previous question on the bill.

The previous question was ordered.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

TAX EXEMPTION OF SUPREME COUNCIL OF THE SCOTTISH RITE OF FREEMASONRY

Mr. HUNGATE. Mr. Speaker, by direction of the Committee on the District of Columbia, I call up the bill (H.R. 7718) to exempt from taxation by the District of Columbia certain property in the District of Columbia which is owned by the Supreme Council—Mother Council of the World—of the Inspectors General Knights Commanders of the House of the Temple of Solomon of the Thirty-third Degree of the Ancient and Accepted Scottish Rite of Freemasonry of the Southern Jurisdiction of the United States of America, and ask unanimous consent that the bill be considered in the House as in the Committee of the Whole.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

GENERAL LEAVE TO EXTEND

Mr. HUNGATE. Mr. Speaker, I ask unanimous consent that all Members may be permitted to extend their remarks in explanation of this bill.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

The Clerk read the bill, as follows:

H.R. 7718

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) subject to the provisions of subsection (b), the property in the District of Columbia described in subsection (c) and owned by the Supreme Council (Mother Council of the World) of the Inspectors Generals Knights Commanders of the House of the Temple of Solomon of the Thirty-third Degree of the Ancient and Accepted Scottish Rite of Free Masonry of the Southern Jurisdiction of the United States of America (hereafter in this section referred to as the "Supreme Council") shall be exempt from taxation by the District of Columbia.

(b) The property described in subsection (c) shall be exempt from taxation by the District of Columbia so long as that property is owned by the Supreme Council and is used in carrying on its purposes and activities and is not used for any commercial purposes. The provisions of section 2 of the Act entitled "An Act to define the real property exempt from taxation in the District of Columbia", approved December 24, 1942 (D.C. Code, sec. 47–801b), shall apply with respect to the property made exempt from taxation by this section, and the Supreme Council shall make the reports required by section 3 of that Act (D.C. Code, sec. 47–801c) and shall have the appeal rights provided by section 5 of that Act (D.C. Code, sec. 47–801e).

(c) The property referred to in subsection (a) is as follows:

(1) Lots 86 to 97, lot 100, and parts of lots 98 and 99 in M.D. and H. J. Biddle's subdivision of lots in square 192, as per plat recorded in the Office of the Surveyor for the District of Columbia in liber 18 at folio 65; also part of the alley closed as shown on a plat recorded in said surveyor's office in liber 40 at folio 130, all described in one parcel as follows: Beginning at the northwest corner of said square and running thence south along 16th Street 217.50 feet to the north line of a 15 feet wide public alley and the southwest corner of said lot 86; thence east along said alley 196.50 feet; thence 86.50 feet north to a point in the south line of said lot 96, distant 15.50 feet west of the southeast corner of said lot; thence east to the southeast corner of said lot 96; thence north 131 feet to north "S" Street; thence west 212 feet to the place beginning; being now known for purposes of assessment and taxation as lot 800 in square 192.

(2) Lots 40, 41, and 42 in Thomas Tyrell's subdivision of original lot 14 in square 192, as per plat recorded in the said surveyor's office in liber J. H. K. at folio 383.

(3) Lot 28 in William S. Roose's subdivision of lots in square 192, as per plat recorded in the said surveyor's office in liber J. H. K. at folio 135.

(4) Lots 105 and 106 in Jesse W. Rawlings subdivision of lots in square 192, as per plat recorded in the said surveyor's office in liber 47 at folio 173.

(5) Lots 22 to 26 inclusive in William S. Roose's subdivision of lots in square 192, as per plat recorded in said surveyor's office in liber J. H. K. at folio 135; said land being now taxed as lot 808 in square 192.

(6) The alley closed as shown on plat recorded in the said surveyor's office in liber 157 at folio 24, and now known for the purposes of assessment and taxation as lot 819 in square 192.

SEC. 2. The first section of this Act shall apply with respect to taxable years beginning after June 30, 1971.

Mr. HUNGATE. Mr. Speaker, I move to strike the last word.

The Committee on the District of Columbia, to whom was referred the bill (H.R. 7718), to exempt from taxation by the District of Columbia certain property in the District of Columbia which is owned by the Supreme Council (Mother Council of the World) of the Inspectors General Knights Commanders of the House of the Temple of Solomon of the Thirty-third Degree of the Ancient and Accepted Scottish Rite of Freemasonry of the Southern Jurisdiction of the United States of America, having considered the same, report favorably thereon without amendment and recommend that the bill do pass.

PURPOSE OF THE BILL

The purpose of H.R. 7718, one of four identical bills introduced in the present Congress, is to exempt from taxation certain real property in the District of Columbia belonging to the Supreme Council—Mother Council of the World—of the Inspectors General Knights Commanders of the House of the Temple of Solomon of the Thirty-third Degree of the Ancient and Accepted Scottish Rite of Freemasonry of the Southern Jurisdiction of the United States of America.

This property is located at 16th and R Streets NW. Its current assessed value is $1,074,945, and the annual tax is $33,323.29. A portion of the property is used as a public library, and for this reason is currently exempt from District of Columbia real property taxation under existing law.

The exemption which this bill would provide would be effective with respect to taxable years beginning after June 30, 1971.

BACKGROUND

NATURE OF THE SUPREME COUNCIL OF THE SCOTTISH RITE

The Supreme Council was incorporated by act of Congress in 1896. Section 5 of that act provides in part that the corporation "shall not engage in any business for gain, the purposes of said corporation being fraternal and benevolent." Thus, the Supreme Council is prohibited, by the language of its charter, from engaging in any profitmaking activities.

The broad purposes of the Supreme Council, as set forth in a publication of general information concerning the Ancient and Accepted Scottish Rite of Freemasonry is as follows:

> The purpose of the Scottish Rite, simply stated, is to seek that which is the most worth in the world; to exalt the dignity of every person, the human side of our daily activities, and the maximum service to humanity; to aid mankind's search in God's universe for identity, for development and for destiny, and thereby achieve better men in a better world, happier men in a happier world, and wiser men in a wiser world.

The Scottish Rite is universal in its philosophy, and nonsectarian in membership.

SCOPE OF THE SUPREME COUNCIL

Contrary to the geographical restriction which its title might seem to imply, the Supreme Council, Southern Jurisdiction, actually covers the masonic organizations of 37 States and a number of Asian countries. This organization comprises 177 consistories, with a total of 565,796 members.

The property owned by the Supreme Council of the Scottish Rite, located at 1733 16th Street NW. in the District of Columbia, is known as "The House of the Temple." This magnificent structure houses the headquarters and administrative center for the entire Scottish Rite organization, as well as a fine public library and an educational museum.

CHARITABLE AND EDUCATIONAL CONTRIBUTIONS

All the revenues accruing to the Supreme Council are spent for educational and charitable purposes.

In the field of education, the supreme council has been one of the most active organizations in the United States devoted to fostering the appreciation of the great blessing and privileges of the American form of government, and to explaining the ideals and principles upon which is it founded. The Supreme Council's Department of Education has for many years contributed substantially to the betterment of the District of Columbia through its charitable activities. Its patriotic literature and films have been made available to countless millions, not only in the District but throughout the Nation. Its scholarship program has contributed materially to institutions of higher learning, both here and elsewhere.

During the 11-year period prior to 1970, seven booklets were published on the nature of the American constitutional system and many of the problems which have arisen to affect it. More than 7 million copies of the articles in these booklets have been distributed to public schools and to interested in all walks of life.

The Scottish Rite Foundation, a constituent part of the supreme council, is a strong instrumentality for distinguished service to religious, charitable, scientific, literary, and educational purposes.

In 1958, the foundation established a program in California to combat difficulties of children in learning to speak, in learning to read, and in coordination of movements. Also, the foundation in Denver assists financially in developing new medical and therapeutic techniques to bring the gift of speech to brain-injured children. Formerly, most such unfortunate children were doomed to a life of silence, and perhaps classed as imbeciles. in addition the foundation maintains hospitals for crippled children in Decatur, Ga., and in Dallas, Tex. It should be emphasized that there is no restriction whatever as to religious or fraternal affiliation of the parents of the children treated in these institutions.

This foundation has been qualified by the Federal Government as being a charitable institution, and as such it is exempt from Federal income tax and also from any State income taxes. All administrative expenses of the foundation are paid by the supreme council, so that every dollar of donations and gifts goes to the use of the foundation's objectives.

A partial list of charitable contributions made in recent years by the Supreme Council is the following:

Partial list of charitable contributions

American University	$70,000
Baptist Theological Seminary	10,000
Baylor University	70,000
Doane College	25,000
Freedoms Foundation of Valley Forge	10,000
Hiram Scott College	10,000
MacArthur Memorial Foundation	8,500
Omaha, Nebraska Home for Boys	2,000
Pusan Charity Hospital	7,000
Scholarships—Public School Administration	50,000
School of the Ozarks	10,000
Silliman University (The Philippines)	2,500
Stanford University	40,000
The George Washington University—Total of Grant 1	1,025,000
The George Washington University—Total of Grant 2	1,000,000
United Givers Fund	22,000
Uta Halee Protestant Home	3,000
University of the Pacific	35,000
University of Tampa	5,000
Vanderbilt University—Law School Scholarship Fund	93,500
West Central 4-H Educational Center (Virginia)	22,500
Total	2,501,100

THE LIBRARY AND MUSEUM

The Library of the Supreme Council was first formed by Gen. Albert Pike, and included his own private library. In 1888, he reported to the Supreme Council, as grand commander, that the library then consisted of some 8,000 volumes valued at $40,000. At that time, the now world-famous Library of Congress occupied limited space in the Capitol Building, and its collections were not then organized for any extended public use. Except for the existence of reading clubs and restricted collections in educational institutions, there was not at that time any free public library in the Nation's Capital.

In this 1888 allocution Albert Pike directed that the Library of the Supreme Council should be open to the general public as a free library. Thus, it became the first public library in the District of Columbia.

Today, the library contains more than 175,000 volumes. The collection on Freemasonry in all its branches is one of the most complete in existence, and forms about one-third of the entire library.

The library's stack gallery is equipped with fireproof exhibition cases. In these are displayed many jewels, aprons, art objects, handicraft, and other museum pieces associated with Freemasonry.

One of its unique exhibits is the Masonic flag carried by Col. Edwin E. Aldrin during his walk on the moon, on July 20, 1969.

The House of the Temple is open to the public each weekday from 9 a.m. to 4 p.m., Monday through Friday, and from 9 a.m. to 12 noon on Saturday. In front of the entrance, set in bronze letters in the granite floor, are the words, "Erected to God and Dedicated to the Service of Humanity."

PRECEDENTS FOR LEGISLATION

In 1964, the Congress enacted Private Law 88-296 (78 Stat. 1173), exempting from District of Columbia taxation real property of the United Supreme Council, Thirty-third Degree, Ancient and Accepted Scottish Rite of Freemasonry, Southern Jurisdiction—Prince Hall Affiliation.

It should be explained that there are two Supreme Councils in the District of Columbia. One is known as the Prince Hall Supreme Council, which was the subject of the legislation referred to above, in the 88th Congress; the other is the Scottish Rite Supreme Council, which would receive the same degree of tax exemption under the provisions of the pending bill, H.R. 7718. In fact, the omission of the Scottish Rite Supreme Council from Private Law 88-296 was an oversight, which H.R. 7718 is intended to correct.

Over a period of years, 31 other charitable, religious, and similar organizations have been exempted from the District of Columbia real estate tax by special acts of Congress; and in addition, 10 other such organizations were exempted by being named in Public Law 77-846, approved December 24, 1942.

ESTIMATE OF COST

The property which would be exempted from District of Columbia taxation by the provisions of this bill is presently assessed at a value of $1,074,945, and the current annual tax on the property is $33,323.29. Hence, if neither the assessed evaluation nor the present real estate tax rate is changed during the next 5 fiscal years, the total cost to the District of Columbia through the tax loss over this period will amount to $166,616.45.

HEARING

A public hearing on this bill was conducted on June 22, 1971, by the Judiciary Subcommittee, at which time several Members of the Congress expressed strong support for its enactment.

CONCLUSION

Our committee feels that it is altogether fitting and appropriate that the property owned by the Scottish Rite Supreme Council, as described in H.R. 7718, should be exempted from District of Columbia real estate taxation. We cannot conceive of an organization more deserving of such recognition by reason of its dedicated, unselfish, and unrestricted service to all mankind. It is our strong opinion that this action on the part of the Congress, which in effect will provide this fine organization with an additional $33,000 each year to expend in its worthy and charitable causes, is very much in the public interest.

Mr. HALL. Mr. Speaker, will the gentleman yield?

Mr. HUNGATE. I yield to the gentleman from Missouri.

Mr. HALL. Mr. Speaker, I appreciate my colleague from Missouri yielding to me. I furthermore appreciate his clear and concise statement about this legislation.

I might say to the gentleman, Mr. Speaker, that in accordance with custom I have read the committee report in detail and certainly am wont to be in accord with the intent of this legislation. I well realize the charitable purposes and demonstrated acts as listed in the report and, indeed, one of my closest friends is one of the Supreme counselors of perhaps another district in the Midwest, from Missouri. But from time to time, in spite of the requirement for this to be an organization of national scope and U.S. congressional charter with its headquarters in the District of Columbia, we have had legislation before us, either on District Day or sometimes even on the Consent Calendar, which involved tax exemption for equally charitable purposes but of only the local chapter or order; and therefore I want to be reassured by my colleague of the committee that this does represent a national effort. Indeed, if it was chartered by the Congress, we still have some responsibility to the Federal City before we forego tax collection, sitting as Council for the District of Columbia, of some $34,000 a year income.

Mr. HUNGATE. May I say to the gentleman that I appreciate his analysis of the legislation. I think it is accurate. I share his concern in respect to the number of organizations that are indeed exempted from taxation in the District. As the gentleman's question implies, this is an organization national or even international in scope, and this is the headquarters for 37 States plus Asian countries, so it is not merely a local organization.

I would say further to the gentleman that your Committee on the District of Columbia, in view of the financial plight that the District constantly seems to be in, has been concerned in, we have considered legislation that might take all of these organizations over a period of maybe 5 years and phase them out of tax exemption. But short of doing that, we were unable to distinguish the worthy purposes of this——

The SPEAKER. The time of the gentleman from Missouri has expired.

Mr. HALL. Mr. Speaker, I move to strike the requisite number of words.

The SPEAKER. The gentleman from Missouri is recognized for 5 minutes.

Mr. HALL. Mr. Speaker, I would like to yield to my colleague from Missouri to continue his explanation.

Mr. EVINS of Tennessee. Mr. Speaker, I wondered if the gentleman would yield so that I might commend him.

Mr. HUNGATE. I would be glad to yield to the gentleman for that purpose.

Mr. HALL. Mr. Speaker, I now have the floor, and I will be glad to yield for that purpose as soon as the gentleman from Missouri has completed his sentence.

Mr. HUNGATE. I thank my colleague from Missouri. We considered the problem of the 31 or 41 organizations that enjoy similar exemptions. We considered phasing them out at maybe 20 percent a year so they would not get a sudden shock. But short of accomplishing that purpose, we were unable to distinguish the worthy motives and charities carried on by this organization from many others that might seem to some to be even less worthy.

I thank the gentleman for yielding.

Mr. HALL. Mr. Speaker, I appreciate the gentleman's explanation. Merely to "nail it down" as I understand it, this is not a case of legislation similar to that which we had before us once upon a time since I have been in the Congress, to exempt the local chapter of the DAR instead of the national organization of the DAR, whose blessed and revered sisters have Constitution Hall and use it and others for national purposes.

Mr. HUNGATE. If the gentleman will yield further, he has stated the problem correctly. The only thing that would prevent this from being totally national is the fact that it represents 37 States and other countries, but there is apparently some other arrangement for the other 13 States.

Mr. HALL. I understand that, but its jurisdiction was chartered by the Congress, as I understand, and therefore it is of national import.

Mr. HUNGATE. That is correct.

Mr. HALL. Mr. Speaker, I am glad to yield to my colleague from Tennessee.

Mr. EVINS of Tennessee. I thank the gentleman for yielding. I merely wish to take a moment to commend the subcommittee for its action on this bill, the distinguished chairman of the committee, its ranking member (Mr. NELSEN) and others. This is a humanitarian, charitable bill.

Mr. Speaker, believing as we all do in the motto, "Equal Justice Under Law," I want to strongly recommend favorable action on the pending bill H.R. 7718.

This measure was reported favorably by the District of Columbia Committee which recommended that the bill be passed. It is an identical measure with H.R. 7717 on this project which I was pleased to introduce. This proposed legislation would exempt from taxation by the District of Columbia, the property owned by the Supreme Council of the Scottish Rite of Freemasonry. Specifically, it is that magnificent structure and the land upon which it is built located at 1733 16th Street NW., in the city of Washington, known as "The House of the Temple." This imposing building in our Nation's Capital, was designed by John Russell Pope, one of America's great architects, constructed with handpicked materials from the United States and other parts of the world, decorated, and furnished with priceless articles of the finest craftsmanship. This edifice houses a great public library, an educational museum, as well as the headquarters and active administrative center of the Scottish Rite.

Today, the library contains more than 175,000 volumes and many cases of historical exhibits. In 1888, Gen. Albert Pike directed that the Library of the Supreme Council should be open to the general public as a free library and, thus, it became the first public library in the District of Columbia. The House of the Temple is open to everyone, each weekday from 9 a.m. to 4 p.m., Monday through Friday, and from 9 a.m. to 12 noon on Saturday. In front of the entrance, set in bronze letters in the granite floor are the words, "Erected to God and dedicated to the Service of Humanity."

As we all believe in equal rights, I wish to emphasize the fact that this legislation is not a request for any special favor—not the asking for something different or extraordinary—not the solicitation of a privilege, but merely the enactment, or one might properly say, the implementation of the broad provisions contained in the District of Columbia Code Annotated (1967 edition and 1971 Cumulative Supplement).

Over a period of years, approximately 43 charitable, religious, and similar organizations have been exempted from the District of Columbia real estate tax by special acts of the Congress. These include the following: American Pharmaceutical Association, National Geographic Society, Medical Society of the District of Columbia, National Lutheran Home, National Academy of Science, Brookings Institution, American Forestry Association, American Tree Association, Carnegie Institutions of Washington, American Chemical Society, American Association to Promote Teaching of Speech to the Deaf, Disabled American Veterans, National Society of the Colonial Dames of America, American Red Cross, Louise Home, Corcoran Gallery of Art, Luther Statue Association, St. Mark's Protestant Episcopal Church, Young Woman's Christian Home, Young Women's Christian Association, Young Men's Christian Association, Frederick Douglass Memorial and Historical Association, Edes. Home, Daughters of the American Revolution, National Society United States Daughters of 1812, National Society of the Sons of the American Revolution, the American Legion, National Education Association, Society of the Cincinnati, American Veterans of World War II, Veterans of Foreign Wars, National Woman's Party, American Association of University Women, National Guard Association, Woodrow Wilson Home, American Institute of Architects Foundation. In this connection I have prepared a table which shows the names of these organizations whose property has been exempted from taxation by the District of Columbia, and the location of such property, together with statutory reference granting such tax exemption. This table follows my remarks. All this proposed legislation would do, is to remove an invidious discrimination now present against a truly great, a genuinely benevolent and dedicated charitable, educational and fraternal body.

In 1964, the Congress enacted Private Law 88–296 (78 Stat. 1173), exempting from District of Columbia taxation real property of the United Supreme Council, 33d degree, Ancient and Accepted Scottish Rite of Freemasory, southern jurisdiction—Prince Hall affiliation.

It should be explained that there are two supreme councils in the District of Columbia. One is known as the Prince Hall Supreme Council, which was the subject of the legislation referred to above, in the 88th Congress; the other is the Scottish Rite Supreme Council, which would receive the same degree of tax exemption under the provisions of my bill, H.R. 7717, and the pending bill, H.R. 7718. In fact, the omission of the Scottish Rite Supreme Council from Private Law 88–296 was an oversight, which this measure is intended to correct.

The District of Columbia Code, title 47, concerns "taxation and fiscal affairs," and its chapter 8 deals with "exemption from taxation." Among the provisions of section 47–801a, specifying real property exempt from taxation, may be found the following:

> (g) Library buildings belonging to and operated by organizations which are not organized or operated for private gain and are open to the public generally.
>
> (h) Buildings belonging to and operated by institutions which are not organized or operated for private gain, which are used for purposes of public charity principally in the District of Columbia.
>
> * * * * *
>
> (q) Buildings belonging to organizations which are charged with the administration, coordination, or unification of activities, locally or otherwise, of institutions or organizations entitled to exemptions under the provisions of Sections 47–801a, 47–801b, and 48–801c to 47–801f, and used as administrative headquarters thereof.
>
> (r) (1) Grounds belonging to and reasonable required and actually used for the carrying on of the activities and purposes of any institution or organization entitled to exemptions under the provisions of Sections 47–801a, 47–801b and 47–801c to 47–801f.

Applying the criteria for exemption from taxation of the District of Columbia Code, section 47–801a, to the objectives of the bill now before this House, we must conclude:

As to subparagraph (g) that library buildings are exempt. The House of the Temple has over 175,000 volumes. The statute also requires that it be operated by nonprofit organizations. The supreme council is not only such a nonprofit body, but is organized for charitable, educational, humanitarian, and fraternal purposes. The District of Columbia Code also requires the library to be open to the public generally. The library in the House of the Temple is open every day of the week, except on Sunday, to the public generally, and it is free and has been free for the past 83 years.

In regard to subparagraph (h) that the building be used for purposes of public charity, I should like to cite a partial list of charitable contributions made the by supreme council in recent years:

American University, $70,000.
Baptist Theologican Seminary, 1964, $10,000.
Baylor University, $70,000.
Doane College, $25,000.
Freedoms Foundation of Valley Forge, 1963 and 1965, $10,000.
Hiram Scott College, $10,000.
MacArthur Memorial Foundation, $8,500.
Omaha, Nebraska Home for Boys, $2,000.
Pusan Charity Hospital, 1963, $7,000.

Scholarships: Public School Administration. Two $5,000 Scholarships each year for five years for doctorates in Public School Administration, $50,000.

School of the Ozarks, $10,000.

Silliman University (The Philippines), 1961 and 1963, $2,500.

Stanford University, $40,000.

The George Washington University—1927 and 1947—Establishment of School of Government, Business and International Affairs, $1,025,000.

The George Washington University—Since 1956, 260 Fellowship Grants, totaling, $1,000,000.

United Givers Fund, 1956 and 1957, $22,100.

Uta Halee Protestant Home, 1961–70, $3,000.

University of the Pacific, 1961–69, $35,000.

University of Tampa, 1966, $5,000.

Vanderbilt University—Law School Scholarship Fund, $93,500.

West Central 4-H Educational Center (Virgina), 1967–70, $22,500.

I should also like to invite the attention of my colleagues to the fact that over $2 million was given to the George Washington University and a substantial sum of money to the American University, both in the District of Columbia.

As the report on this bill indicates, the Scottish Rite Foundation, a constituent part of the supreme council, has been ruled as being a charitable organization and qualified by the U.S. Government to be exempt from Federal income tax.

In 1958, the California Scottish Rite Foundation established a program for childhood aphasia to combat difficulties of children in learning to speak—childhood aphasia; in learning to read—dyslexia; and in coordination of movements—dyspraxia.

The Scottish Rite Foundation of Denver, founded in 1952, assists financially in developing new medical and therapeutic techniques which can bring the gift of speech to brain-injured—aphasic children. Formerly, most of these unfortunate afflicted children were doomed to a life of silence, and perhaps classed as imbeciles.

In addition, the Scottish Rite maintains hosptials for crippled children at Decatur, Ga., and at Dallas, Tex. I should like to strongly emphasize that there is no restriction as to religious or fraternal affiliation of the parents; patients are admitted whether Protestant, Catholic, or Jewish, and whether the father is or is not a Mason. This is so stated on pages 20 and 21 of a pamphlet entitled, "General Information Concerning the Ancient and Accepted Scottish Rite."

In the field of education, I should point out further, Mr. Speaker, the Supreme Council has been one of the most active organizations in the United States devoted to fostering the appreciation of the great blessings and privileges of the American form of government and explaining the ideals of the principles upon which our system of government was founded. It stresses the essential need for the development of man's spiritual capacity and understanding under God. The Scottish Rite is universal in its philosophy and nonsectarian in membership.

During an 11-year period up to 1970, seven booklets were published on the nature of the American constitutional system and many of the problems which had arisen to affect it. Over 7 million copies of the articles in the booklets were distributed to public schools and to interested persons in all walks of life.

In 1970, a new series of pamphlets were published by the Supreme Council under the general title "Dynamic Freedoms." The four issues are entitled as follows: "Our Freedom Documents," "Communism—Enemy of All Freedoms," "Separation of Church and State," and "Free Enterprise—An American Invention." All of these publications manifest that the Supreme Council favors the inculcation of patriotism, respect for law and order, and undying loyalty to the Constitution of the United States of America.

Mr. Speaker, in summary and in urging passage of the pending bill, I should like to quote from the committee report (H. Rept. 92–321), as follows:

> Your committee feels that it is altogether fitting and appropriate that the property owned by the Scottish Rite Supreme Council, as described in H.R. 7718, should be exempted from District of Columbia real estate taxation. We cannot conceive of an organization more deserving of such recognition by reason of its dedicated, unselfish, and unrestricted service to all mankind. It is our strong opinion that this action on the part of the Congress, which in effect will provide this fine organization with an additional $33,000 each year to expend in its worthy and charitable causes, is very much in the public interest.

LIST OF ORGANIZATIONS WHOSE PROPERTIES IN THE DISTRICT OF COLUMBIA ARE EXEMPT FROM TAXATION, DISTRICT OF COLUMBIA CODE

Code section	Name of organization	Square number	Lot number or remarks
47–801a-(K). See also, Public Law 77–846, 56 Stat. 1089 (1942).	(1) National Geographic Society		Buildings.
	(2) American Pharmaceutical Association		
	(3) The Medical Society of the District of Columbia.		
	(4) National Lutheran Home		
	(5) National Academy of Science		
	(6) Brookings Institution		
	(7) American Forestry Association		
	(8) American Tree Association		
	(9) Carnegie Institution of Washington		
	(10) American Chemical Society		
	(11) American Association to Promote Teaching of Speech to the Deaf.		
47–801a-1	Disahled American Veterans	153	
47–801a-2	National Society of the Colonial Dames of America.	1,285	801 known as 2715 Q Street NW.
47–801b-1	American Red Cross		
47–805	Louise Home	169	
47–810	Corcoran Gallery of Art		
47–812	Luther Statue Association		
47–813	St. Mark's Protestant Episcopal Church	788	7 and 9.
47–814	Young Woman's Christian Home		
47–815	Young Women's Christian Association		
47–817	Young Men's Christian Association		
47–818	Frederick Douglass Memorial and Historical Association.		Cedar Hill, Anacostia.
47–819	Edes Home		Home for aged and indigent widows.
47–821	Daughters of the American Revolution	173	8, 9, and 10.
47–822	do	173	
47–823	do	173	12, 13, 14, 15, and 16.
47–824	do	173	23, 24, 25, 26, 27, and 28.
47–825	do	173	4, 5, 6, 7, and 11.
47–826	National Society United States Daughters of 1812.	210	811.
47–827	National Society of the Sons of the American Revolution.		
47–828	The American Legion	185	32 and 33.
47–829	National Education Association		
47–830	Society of The Cincinnati	67	42, 43, 49, and part of lot 5.
47–831	American Veterans of World War II	160	805.
47–832	Veterans of Foreign Wars	757	38, 20, 19, and 841.
47–833	National Woman's Party	725	863, 864, and 865.
47–834	American Association of University Women	31	843.
47–835	National Guard Association	625	60.
47–836	Woodrow Wilson Home	2,717	36 and 37.
47–837	American Institute of Architects Foundation.	170	36—Octagon House.
Private Law 88–296, 78 Stat. 1173 (1964).	[Exemption from taxation by private law.]	5,405	11, 12, 15, 16, and 21, Roland Park.
	United Supreme Council, 33d degree, Ancient and Accepted Scottish Rite of Freemasonry, Southern Jurisdiction—Prince Hall Affiliation.	5,405	2, 3, 4, 5, 6, 7, 8, 9 and 10, 17, and 22, Roland Park 2.
		5,405	1 and 19, Roland Park.
		5,405	18, Roland Park.
		5,405	20, Roland Park.
		5,405	828 and 848, Roland Park.
			(Note: All lots above mentioned except portions prior condemned.)

Mr. NELSEN. Mr. Speaker, will the gentleman yield?

Mr. HALL. Mr. Speaker, I am glad to yield to my colleague from Minnesota, the ranking member of the Committee on the District of Columbia.

Mr. NELSEN. I thank the gentleman for yielding.

As pointed out by the gentleman from Missouri (Mr. HUNGATE) all of the alternative possibilities were considered. However, at this point, in all fairness it seemed only right that this bill be passed, and I recommend that it be passed at this session today.

I thank the gentleman for yielding.

Mr. PASSMAN. Mr. Speaker, will the gentleman yield?

Mr. HALL. I am delighted to yield to the gentleman from Louisiana, whom I saw on his feet first.

Mr. PASSMAN. Mr. Speaker, I thank the distinguished gentleman from Missouri (Dr. HALL) for yielding.

Mr. Speaker, in the report I find listed grants made by the Supreme Council to the George Washington University in the amount of $2,025,000. The Supreme Council has helped the District of Columbia substantially by the very liberal grants made to institutions domiciled in the District of Columbia, both through education and charity.

Mr. HALL. Mr. Speaker, I appreciate the comment.

As I say, I have studied the bill in detail. I do know of the organization's charitable work, and also their work with crippled children.

Mr. MAHON. Mr. Speaker, will the gentleman yield?

Mr. HALL. I yield to the gentleman from Texas.

Mr. MAHON. Mr. Speaker, I concur in the favorable remarks which have been made on the floor on this legislation. I am pleased to sponsor it and I thank the Committee for the favorable action which it has taken.

I thank the gentleman for yielding.

Mr. McMILLAN. Mr. Speaker, will the gentleman yield?

Mr. HALL. I yield to the distinguished chairman of the Committee on the District of Columbia, the gentleman from South Carolina.

Mr. McMILLAN. Mr. Speaker, we feel that every one of these organizations we have exempted should be exempted because the States have exempted these charity organizations which make no profit and rent no space, certainly the majority of these organizations do more good than any taxes they would pay. We are fortunate to have organizations like this donate $3 million to organizations such as George Washington University and other universities, as well as other institutions in the District.

Mr. HALL. Mr. Speaker, I am completely reassured.

I thank the committee for the statements on this legislation. I do hope they go forward with eventually recouping for tax purposes all of this valuable real estate in Metropolitan Washington and the District of Columbia, if they can find an equitable basis for doing it. I shall vote in favor of this bill.

Mr. SLACK. Mr. Speaker, I wish to associate myself with those who support passage of legislation granting exemption from real estate taxes for property owned by the Scottish Rite Supreme Council in the District of Columbia. There is ample precedent for this legislation in connection with the holdings of charitable and religious organizations. Those of us who have had the high honor of association with this organization can testify from firsthand experience that its function is wholly and entirely dominated by its dedication to the advancement of charitable programs.

Most Americans are familar with the strong emphasis placed on maintenance and improvement of the crippled children's hospitals and the work in fostering new medical and therapeutic techniques to bring the gift of speech to children who have suffered brain injuries. In addition there are many contributions to charity hospitals, orphanages and educational institutions which concentrate and focus on improvement of conditions for handicapped young people. It has been true of the Scottish Rite charitable program for many years that all overhead expenses of the program are paid by sources other than donations. As a result, all gifts and donations are channeled directly and in sum total to the beneficiaries.

The work performed under the guidance of the Scottish Rite Supreme Council represents one of the major private efforts toward bettering conditions for disadvantaged and handicapped persons. It is eminently fair that this work should proceed in a manner which permits all of the available funds to be placed at the disposal of those agencies which can take direct action in this important field. For this reason I support the legislation and urge its passage since the relatively small loss of real estate taxes to the District of Columbia government will be more than made up in the total of contributions to universities and private charitable agencies both located in the District of Columbia metropolitan area.

Mr. SEBELIUS. Mr. Speaker, as author of one of the four identical bills introduced in the present Congress, I rise in support of H.R. 7718.

I would commend the gentleman from Louisiana (Mr. PASSMAN), for his leadership in this matter and would like to associate myself with his remarks and those of the gentleman from Texas (Mr. MAHON), the gentleman from Tennessee (Mr. EVINS), and the gentleman from Colorado (Mr. BROTZMAN).

Rather than simply repeat the excellent statements made by my colleagues or the facts presented in the committee report, I would only state that as a graduate of George Washington University, the largest recipient of education contributions from the Supreme Council, I am fully aware of the effect the grants to that university have had on the students of the university.

I earnestly urge the passage of this bill.

Mr. SIKES. Mr. Speaker, I support the action of the Committee on the District of Columbia in recommending the passage of H.R. 7718 to exempt certain real property of the supreme council of the Scottish Rite of Freemasonry in Washington, D.C., from taxation by the District of Columbia. The distinguished chairman of the committee, Mr. McMILLAN, and other members have well stated the reasons for this meritorious proposal. The property in question is known as the House of the Temple and is owned by the supreme council of the Scottish Rite. It houses the headquarters and administrative center for the entire Scottish Rite organization, as well as a fine public library and an educational museum. All the revenues accruing to the supreme council are spent for educational and charitable purposes. In fact, the organization has contributed substantially to the betterment of the District of Columbia through its charitable activities and through the distribution of patriotic literature and films. The programs of the organization are nationwide in scope and they include hospitals for crippled children in Georgia and in Texas. There are many organizations which have been exempted from District taxes on real property, none of them more deserving than the supreme council. I trust that this measure can enjoy a unanimous vote of the House today, and that it will also receive speedy and favorable consideration by the Senate.

Mr. HUNGATE. Mr. Speaker, I move the previous question on the bill.

The previous question was ordered.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

TAX-SHELTERED ANNUITIES FOR DISTRICT OF COLUMBIA TEACHERS

Mr. McMILLAN. Mr. Speaker, by direction of the Committee on the District of Columbia, I call up the bill (H.R. 9395) to authorize the Commissioner of the District of Columbia to enter into agreements with teachers and other employees of the Board of Education of the District of Columbia for the purchase of annuity contracts, and ask unanimous consent that the bill be considered in the House as in Committee of the Whole.

The SPEAKER. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

The Clerk read the bill, as follows:

H.R. 9395

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) notwithstanding the provisions of section 1 of the District of Columbia Teachers' Salary Act of 1955 (D.C. Code, sec. 31–1501), and of any other law, or regulation affecting the salary of teachers or school officers employed in the service of the public schools of the District of Columbia, the Commissioner of the District of Columbia (hereinafter referred to as the "Commissioner") is authorized to enter into an agreement with a teacher or school officer to reduce the salary of that teacher or school officer by an amount requested by that teacher or school officer, and to contribute that amount for the purchase of an annuity contract described in section 403(b) of the Internal Revenue Code of 1954 (relating to the taxability of beneficiaries of annuity plans) for that teacher or school official.

(b) The reduction in salary effected under an agreement authorized by this Act shall not be considered in computing the salary for any teacher or school officer for any other purpose including, but not limited to, the determination of benefits or contributions under chapters 81 (relating to workmen's compensation) and 87 (relating to life insurance) of title 5 of the United States Code.

SEC. 2. The Commissioner shall prescribe such regulations as he deems necessary to carry out the purposes of this Act.

SEC. 3. For the purposes of this Act, the term "teacher or school officer includes all teachers, school officers, and other employees of the Board of Education of the District of Columbia who receive compensation according to the salary schedules under section 1 of the District of Columbia Teachers' Salary Act of 1955, and to whom the provisions of the Act entitled "An Act for the retirement of public school teachers in the District of Columbia", approved August 7, 1946 (D.C. Code, sec. 31–721 et seq.) are applicable.

SEC. 4. This Act shall apply with respect to any pay period of any teacher or school officer beginning on or after the one hundred and eightieth day after the date of enactment of this Act.

Mr. McMILLAN. Mr. Speaker, I move to strike the last word.

The purpose of H.R. 9395 is to authorize the reduction of salaries of teachers and school officers employed in the service of the public schools of the District of Columbia, by an amount which would be paid into a tax-sheltered annuity program pursuant to the provisions of section 403(b) of the Internal Revenue Code of 1954, relating to the taxability of beneficiaries of annuity plans.

REASON FOR LEGISLATION

Under the above-cited section of the Internal Revenue Code, employees of educational institutions are allowed to purchase annuities to supplement their retirement incomes, through a reduction in salary not in excess of one-sixth thereof; and the amounts of these reductions for the purchase of annuities are not subject to Federal income tax, although of course Federal income tax is payable on the actual benefits received from these annuities subsequent to retirement. And at the same time, the employee's salary prior to such reduction is considered to be his salary for all other purposes, such as retirement, life insurance, and disability compensation.

Participation in a tax-sheltered annuity program pursuant to the provisions of this bill would be purely voluntary on the part of educational personnel, and those not wishing to participate would be under no obligation to do so.

Your committee is informed that according to the latest available figures, more than 200 school districts in at least 43 States provide tax-sheltered annuity plans for their educational employees, including the neighboring States of Maryland and Virginia. These States are the following: Alabama, Arizona, Arkansas, California, Colorado, Connecticut, Delaware, Florida, Georgia, Hawaii, Idaho, Illinois, Indiana, Kansas, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Minnesota, Missouri, Montana, Nebraska, Nevada, New Jersey, New Mexico, New York, North Carolina, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Utah, Virginia, Washington, West Virginia, Wisconsin, Wyoming.

The effect of the enactment of H.R. 9395 would be to give the District of Columbia the authority to enter into salary reduction agreements with eligible employees who desire to participate in such a program, which would assist the District in its recruitment of educational personnel who might be interested in taking advantage of the benefits offered by this type of program.

The bill will become effective 180 days after the date of enactment.

HEARINGS

A public hearing on this measure was conducted on May 24, 1971. Support for the enactment of the bill was offered by the District of Columbia government, the District of Columbia Board of Education, and the Washington Teachers Union.

COSTS

The enactment of this proposed legislation will not result in any additional cost to the government of the District of Columbia.

CONCLUSION

It is the opinion of our committee that this proposed legislation, which is designed to allow the teachers and school officers in the public school system of the District of Columbia to enjoy the advantages of a tax-sheltered annuity program, is justified because it will simply extend to these employees in the Nation's Capital an economic benefit which is already provided such employees in most other school jurisdictions.

Mr. Speaker, at this time I yield to the gentleman from Virginia (Mr. BROYHILL), the author of the bill, so that he may explain the bill.

Mr. BROYHILL of Virginia. Mr. Speaker, I rise to solicit the support of my colleagues for the enactment of the bill H.R. 9395, of which I am pleased to be the author.

The purpose of this bill is to authorize the Commissioner of the District of Columbia, upon the request of a teacher or other professional employee of the District of Columbia Board of Education, to reduce the salary of such an employee by an amount which will be paid toward that employee's credit in a tax-sheltered annuity program.

Section 403(b) of the Internal Revenue Code, and the regulations applicable thereto, provide that employees of educational institutions may purchase annuities to supplement their retirement pensions, by a reduction in their salaries not in excess of one-sixth thereof and the amounts so deducted for this purpose shall not be subject to Federal income tax. Of course, however, Federal income taxes will be payable on the actual benefits received by the employees from these annuities after their retirement.

It is further provided that the salary of such an employee before this reduction shall be considered to be his salary for all other purposes, such as retirement, life insurance, and disability compensation.

I am informed that at present, some 43 States have authorized these salary reductions for tax-sheltered annuity programs for educational employees, including the States of Virginia and Maryland.

Legislation is required to authorize this program through salary reductions for personnel of the District of Columbia public school system. Such legislation was requested by the Commissioner of the District of Columbia in 1968, and a bill to accomplish this purpose was introduced at that time, but too late in the session to receive action. This legislation is supported also by the District of Columbia Board of Education and the District of Columbia Teachers Union.

The enactment of this bill will involve no financial participation whatever by the District of Columbia government. Thus, the only expense to the city will be the small cost of administration.

Mr. Speaker, I urge favorable action on this measure.

Mr. McMILLAN. Mr. Speaker, I move the previous question on the bill.

The previous question was ordered.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

AUTHORIZING DISTRICT OF COLUMBIA TO ENTER INTERSTATE AGREEMENT ON QUALIFICATION OF EDUCATIONAL PERSONNEL

Mr. McMILLAN. Mr. Speaker, by direction of the Committee on the District of Columbia, I call up the bill (H.R. 8407) to authorize the District of Columbia to enter into the Interstate Agreement on Qualification of Educational Personnel, and ask unanimous consent that the bill be considered in the House as in the Committee of the Whole.

The SPEAKER. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

The Clerk read the bill, as follows:

H.R. 8407

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Commissioner of the District of Columbia is authorized to enter into and execute on behalf of the District of Columbia an agreement with any State or States legally joining therein in the form substantially as follows:

"THE INTERSTATE AGREEMENT ON QUALIFICATION OF EDUCATIONAL PERSONNEL

"ARTICLE I—Purpose, Findings, and Policy

"1. The States party to this Agreement, desiring by common action to improve their respective school systems by utilizing the teacher or other professional educational person wherever educated, declare that it is the policy of each of them, on the basis of cooperation with one another, to take advantage of the preparation and experience of such persons wherever gained, thereby serving the best interests of society, of education, and of the teaching profession. It is the purpose of this Agreement to provide for the development and execution of such programs of cooperation as will facilitate the movement of teachers and other professional educational personnel among the States party to it, and to authorize specific interstate educational personnel contracts to achieve that end.

"2. The party States find that included in the large movement of population among all sections of the Nation are many qualified educational personnel who move for family and other personal reasons but who are hindered in using their professional skill and experience in their new locations. Variations from State to State in requirements for qualifying educational personnel discourage such personnel from taking the steps necessary to qualify in other States. As a consequence, a significant number of professionally prepared and experienced educators is lost to our school systems. Facilitating the employment of qualified educational personnel, without reference to their States of origin, can increase the available educational resources. Participation in this Agreement can increase the availability of educational manpower.

"ARTICLE II—Definitions

"As used in this Agreement and contracts made pursuant to it, unless the context clearly requires otherwise:

"1. 'Educational personnel' means persons who must meet requirements pursuant to State law as a condition of employment in educational programs.

"2. 'Designated State official' means the education official of a State selected by that State to negotiate and enter into, on behalf of his State, contracts pursuant to this Agreement.

"3. 'Accept', or any variant thereof, means to recognize and give effect to one or more determinations of another State relating to the qualifications of educational personnel in lieu of making or requiring a like determination that would otherwise be required by or pursuant to the laws of a receiving State.

"4. 'State' means a State, territory, or possession of the United States; the District of Columbia; or the Commonwealth of Puerto Rico.

"5. 'Originating State' means a State (and the subdivision thereof, if any) whose determination that certain educational personnel are qualified to be employed for specific duties in schools is acceptable in accordance with the terms of a contract made pursuant to Article III.

"6. 'Receiving State' means a State (and the subdivisions thereof) which accept educational personnel in accordance with the terms of a contract made pursuant to Article III.

"ARTICLE III—Interstate Educational Personnel Contracts

"1. The designated State official of a party State may make one or more contracts on behalf of his State with one or more other party States providing for the acceptance of educational personnel. Any such contract for the period of its duration shall be applicable to and binding on the States whose designated State officials enter into it, and the subdivisions of those States, with the same force and effect as if incorporated in this Agreement. A designated State official may enter into a contract pursuant to this Article only with States in which he finds that there are programs of education, certification standards or other acceptable qualifications that assure preparation or qualification of educational personnel on basis sufficiently comparable, even though not identical to that prevailing in his own State.

"2. Any such contract shall provide for:

"(a) Its duration.

"(b) The criteria to be applied by an originating State in qualifying educational personnel for acceptance by a receiving State.

"(c) Such waivers, substitutions, and conditional acceptances as shall aid the practical effectuation of the contract without sacrifice of basic educational standards.

"(d) Any other necessary matters.

"3. No contract made pursuant to this Agreement shall be for a term longer than five years by any such contract may be renewed for like or lesser periods.

"4. Any contract dealing with acceptance of educational personnel on the basis of their having completed an educational program shall specify the earliest date or dates on which originating State approval of the program or programs involved can have occurred. No contract made pursuant to this Agreement shall require acceptance by a receiving State of any persons qualified because of successful completion of a program prior to January 1, 1954.

"5. The certification or other acceptance of a person who has been accepted pursuant to the terms of a contract shall not be revoked or otherwise impaired because the contract has expired or been terminated. However, any certificate or other qualifying document may be revoked or suspended on any ground which would be sufficient for revocation or suspension of a certificate or other qualifying document initially granted or approved in the receiving State.

"6. A contract committee composed of the designated State officials of the contracting States or their representatives shall keep the contract under continuous review, study means of improving its administration, and report no less frequently than once a year to the heads of the appropriate education agencies of the contracting States.

"ARTICLE IV—Approved and Accepted Programs

"1. Nothing in this Agreement shall be construed to repeal or otherwise modify any law or regulation of a party State relating to the approval of programs of educational preparation having effect solely on the qualification of educational personnel within that State.

"2. To the extent that contracts made pursuant to this Agreement deal with the educational requirements for the proper qualification of educational personnel, acceptance of a program of educational preparation shall be in accordance with such procedures and requirements as may be provided in the applicable contract.

"ARTICLE V—Interstate Cooperation

"The party States agree that:

"1. They will, so far as practicable, prefer the making of multi-lateral contracts, pursuant to Article III of this Agreement.

"2. They will facilitate and strengthen cooperation in interstate certification and other elements of educational personnel qualification and for this purpose shall cooperate with agencies, organizations, and associations interested in certification and other elements of educational personnel qualification.

"ARTICLE VI—Agreement Evaluation

"The designated State officials of any party States may meet from time to time as a group to evaluate progress under the Agreement, and to formulate recommendations for changes.

"ARTICLE VII—Other Arrangements

"Nothing in this Agreement shall be construed to prevent or inhibit other arrangements or practices of any party State or States to facilitate the interchange of educational personnel.

"ARTICLE VIII—Effect and Withdrawal

"1. This Agreement shall become effective when enacted into law by two States. Thereafter it shall become effective as to any State upon its enactment of this Agreement.

"2. Any party State may withdraw from this Agreement by enacting a statute repealing the same, but no such withdrawal shall take effect until one year after the Governor of the withdrawing State has given notice in writing of the withdrawal to the Governors of all other party States.

"3. No withdrawal shall relieve the withdrawing State of any obligation imposed upon it by a contract to which it is a party. The duration of contracts and the methods and conditions of withdrawal therefrom shall be those specified in their terms.

"ARTICLE IX—Construction and Severability

"This Agreement shall be liberally construed so as to effectuate the purposes thereof. The provisions of this Agreement shall be severable and if any phrase, clause, sentence, or provision of this Agreement is declared to be contrary to the constitution of any State or of the United States, or the application thereof to any Government, agency, person, or circumstance is held invalid, the validity of the remainder of this Agreement and the applicability thereof to any Government, agency, person, or circumstance shall not be affected thereby. If this Agreement shall be held contrary to the constitution of any State participating therein, the Agreement shall remain in full force and effect as to the State affected as to all severable matters."

SEC. 2. The "designated State official" for the District of Columbia shall be the Superintendent of Schools of the District of Columbia. The Superintendent shall enter into contracts pursuant to Article III of the Agreement only with the approval of the specific text thereof by the Board of Education of the District of Columbia.

SEC. 3. True copies of all contracts made on behalf of the District of Columbia pursuant to the Agreement shall be kept on file in the office of the Board of Education of the District of Columbia and in the office of the Commissioner of the District of Columbia. The Superintendent of Schools shall publish all such contracts in convenient form.

SEC. 4. As used in the Interstate Agreement on Qualification of Educational Personnel, the term "Governor" when used with reference to the District of Columbia shall mean the Commissioner of the District of Columbia.

Mr. McMILLAN. Mr. Speaker, I move to strike the last word.

Mr. Speaker, the purpose of the bill H.R. 8407 is to authorize the District of Columbia to enter into the Interstate Agreement on Qualification of Educational Personnel. This will allow the District to enter into contracts with other member states, which will reduce or eliminate the duplication of administration effort in checking teacher qualification records which have already been evaluated by competent authorities in other States, in connection with teachers and other educational personnel who are licensed in these other States and who apply for employment in the District of Columbia public school system, or vice versa. This will result in faster processing of such teacher applications and more rapid identification of qualified applicants, thus increasing the available supply of qualified educational personnel. As many of the District's educational personnel come from other jurisdictions, this bill will facilitate the certification process and thereby improve the city's recruitment procedures.

NEED FOR LEGISLATION

Certification and licensing of teachers already licensed or certified in other jurisdictions has always been a time-consuming, complicated, and cumbersome process both for the teacher and the certification officer. The reevaluation of teacher records which have been evaluated already by competent authorities in other jurisdictions with similar standards is wasteful of the administrator's and teachers time, energies, and skills.

Each State has its own system of laws and administrative practices governing the training, licensing, and certification of school personnel. As a result, all too often an experienced, fully certified teacher on moving to another State will find that he or she fails to meet some technical certification specification in the new State. For example, the course taken in State A's teachers' college entitled "Teaching in the Elementary Schools" may not meet State B's requirement of a course in "Methods of Teaching in the Elementary Schools," or the course may be only a 3-hour instead of a 4-hour course.

When States have similar standards for certification or licensing, these types of minor technicalities place unrealistic restraints on the mobility of teachers and on the ability of a jurisdiction to hire experienced teachers with licenses in other jurisdictions. This leads to a loss in the total available educational work force, as fully certified teachers moving to a new State are discouraged by the new certification requirements. This is true particularly in the case of women who move because of the husband's change in employment location.

In concentrating on minor technicalities, a school system's officials frequently must overlook the larger picture. The fact that the teacher applicant may have 10 years of successful experience and a master's degree in her field from a fully accredited teachers' college all too often cannot be considered. This is utterly unrealistic, in view of the fact that, generally speaking, the teaching of mathematics in California or New York requires substantially the same skills as teaching mathematics in Pennsylvania or the District of Columbia; and a properly trained school librarian in Nebraska is able to function just as ably in Idaho or Wisconsin. In short, the fact is that with only very limited exceptions, a person who is adequately prepared as a teacher or other school professional in one State should be capable of meeting the minimum skills and training required in another State.

Despite general agreement among professional educators that certification requirements for out-of-State educational personnel have always been unnecessarily cumbersome and unrealistic, however, until recent years attempts to ameliorate this situation met with little success.

INTERSTATE AGREEMENT ON QUALIFICATION OF EDUCATIONAL PERSONNEL

In 1966, a nationwide interstate certification project was begun, and a national plan was developed which would allow States, pursuant to enabling legislation, to enter into mutual agreements with other States regarding the acceptance of license or certification of educational personnel.

After intensive study and consultation among officials from State departments of education and other policymaking State officials, including substantial representation from various State legislatures, the interstate agreement was developed in its present form. This developmental process took 2 years to accomplish, and the first States enacted this interstate agreement in 1968. Today, 28 States are parties to this agreement, and many others have it under active consideration. Even though the benefits of this interstate agreement are nationwide as well as regional, it is important to note that all of the District of Columbia's neighboring jurisdiction have enacted the measure.

The 28 States which have adopted the interstate agreement are the following: Alaska, California, Connecticut, Delaware, Florida, Hawaii, Idaho, Indiana, Kentucky, Maine, Maryland, Massachusetts, Minnesota, New Hampshire, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Dakota, Utah, Vermont, Virginia, Washington, West Virginia, and Wisconsin.

PROVISIONS OF THE BILL

This bill is patterned directly from the Interstate Agreement. It is legally similar to many other enabling statutes allowing interstate agreements in other fields of State government responsibility. However, the provisions of H.R. 8407 are less elaborate than those of many other interstate compacts. It sets up no new administrative body and requires no additional appropriation of funds to become effective. Its sole function is to provide the necessary legal authority for District of Columbia officials to contract with other State public education agencies regarding the mutual acceptance of out-of-State certification and licensing decisions regarding educational personnel.

The Interstate Agreement includes safeguards to insure that it will not produce interstate acceptance of substandard educational personnel. Section 1 of article 3 of the agreement states that—

> A designated State official may enter into a contract pursuant to this article only with States in which he finds that there are programs of education, certification standards, or other acceptable qualifications that assure preparation or qualification of education personnel on a basis sufficiently comparable, even though not identical, to that prevailing in his own State.

The contracts entered into under the agreement have the weight of law, and prescribe the methods under which the teacher qualification of a signatory State can be accepted by other party States without the necessity for reexamination of such qualifications. The agreement specifies the minimum contents of such contracts in such a way as to assure the contracting States that standards employed for passing on such qualifications will remain at a high professional level.

HEARINGS

A public hearing on H.R. 8407 was conducted on May 24, 1971, at which time testimony in favor of the legislation was submitted by spokesmen for the District of Columbia government, the District of Columbia public school system and the Washington Teachers' Union. No opposition to the measure was expressed.

The Commissioner of the District of Columbia, expressed his support for the bill at that hearing.

Mr. BROYHILL of Virginia. Mr. Speaker, will the gentleman yield?

Mr. McMILLAN. I yield to the gentleman from Virginia.

Mr. BROYHILL of Virginia. Mr. Speaker, I wish to commend to my colleagues the bill H.R. 8407, of which I am the author, and which I believe will be of material assistance to the District of Columbia Board of Education in the matter of certifying and licensing teachers and other professional personnel who are licensed in other school jurisdictions and who wish to be employed in the District of Columbia public school system.

At present, in evaluating the qualifications of an applicant from another school system for certification and licensing in the District of Columbia public schools, the District of Columbia school administration must pursue a lengthy and tedious process wherein the applicant's entire background must be measured against the District's requirements for certification, in detail. This process includes an examination of detailed descriptions of academic course requirements which are part of teacher-training programs, as well as a miscellaneous list of other statutory and administrative requirements. And until 3 years ago, this long and laborious process was used in all State educational systems in evaluating teacher applicants from other States.

While the requirements for teacher certification and licensing in the various States and the District of Columbia do vary to some extent, the main body of principles utilized in such evaluation is generally agreed upon by all school systems in determining teacher qualification. For this reason, it is a fact that with only very few and limited exceptions, a person who is properly trained and adequately prepared as a teacher or other school professional employee in one State is equally qualified to perform satisfactorily in any other State as well.

In recognition of this fact, a nationwide project was started in 1966, with a view toward developing a national plan of teacher certification which would allow the States, subject to enabling legislation, to enter into mutual agreements with other States with respect to the acceptance of certification of teachers and other educational personnel. After a developmental process which took 2 years of intensive study and consultation among officials of many State departments of education and other policymaking State officials, the Interstate Agreement on Qualification of Educational Personnel was completed in its present form.

The first States entered this agreement in 1968, and today 28 States have subscribed to this pact, including my own State of Virginia and our neighboring State of Maryland.

The contracts which this agreement authorizes between the member States have the force of law, and are required to spell out the methods and conditions under which teacher qualification standards of one State may be accepted by another State without the necessity of a reexamination and evaluation of such qualifications.

It is important to note that the agreement specifies the minimum contents of these interstate contracts so as to assure that the standards of mutual acceptance will be such as to maintain high levels of teacher qualification in all States.

H.R. 8407 is simply enabling legislation, which will permit the District of Columbia to enter into contracts with the member States through the Interstate Agreement, and thus will enable the District of Columbia Board of Education for the first time to recognize decisions on teacher qualifications which have already been made by competent authorities in the party States. And at the same time, as I have pointed out, safeguards are provided which will assure that such procedures will not lead the District to accept substandard educational personnel. This legislation will involve no additional expense to the District of Columbia government.

Mr. Speaker, I urge favorable action on this proposed legislation, which will provide the means by which the District of Columbia school system may join this nationwide movement to standardize the procedure of evaluating teacher applicants who are licensed elsewhere, to the benefit of all concerned.

Mr. FAUNTROY. Mr. Speaker, will the gentleman yield?

Mr. McMILLAN. I yield to the gentleman from Washington, D.C.

Mr. FAUNTROY. Mr. Speaker, I rise in support of H.R. 8407 and H.R. 9395 both of which bills have been introduced by the gentleman from Virginia (Mr. BROYHILL). I assure you that had I a vote on the floor of this distinguished body I would cast it with the gentleman from Virginia. I, of course, do not have a vote; I hope that this Congress will do something about this situation before this session of the 92d Congress ends so that in the next session the nearly 800,000 residents of our Nation's Capital may have both a voice and a vote in this august body.

I commend Mr. BROYHILL for his authorship and support of this legislation in behalf of the teachers of our city. I trust that he and all of my colleagues in the House in supporting the bill for genuine self-government which the people of this city have assisted me in drafting and which I have introduced this month.

Mr. McMILLAN. Mr. Speaker, I move the previous question on the bill.

The previous question was ordered.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the bill.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. SCHERLE. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 325, nays 4, not voting 104, as follows:

[Roll No. 185]

YEAS—325

Abbitt
Abourezk
Abzug
Adams
Anderson, Calif.
Anderson, Ill.
Anderson, Tenn.
Andrews, Ala.
Annunzio
Archer
Arends
Ashley
Aspin
Aspinall
Badillo
Begich
Belcher
Bell
Bennett
Bergland
Betts
Bevill
Bingham
Blackburn
Blanton
Blatnik
Boggs
Boland
Bolling
Bray
Brinkley
Brooks
Broomfield
Brotzman
Brown, Mich.
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burke, Fla.
Burke, Mass.
Burleson, Tex.
Burlison, Mo.
Burton
Byrnes, Wis.
Byron
Cabell
Caffery
Camp
Carter
Casey, Tex.
Cederberg
Celler
Chamberlain
Chisholm
Clark
Clausen, Don H.
Clawson, Del
Collier
Collins, Ill.
Collins, Tex.
Colmer
Conable
Conte
Coughlin
Crane
Daniel, Va.
Davis, Wis.
Dellenback
Dellums
Denholm
Dennis
Dent
Derwinski
Dickinson
Dingell
Dow
Dowdy
Downing
Drinan
Duncan
du Pont
Dwyer
Eckhardt
Edwards, Ala.
Edwards, Calif.
Erlenborn
Esch
Evins, Tenn.
Fascell
Findley
Fisher
Flood
Flowers
Flynt
Foley
Forsythe
Fountain
Fraser
Frelinghuysen
Frenzel
Frey
Fulton, Pa.
Fuqua
Garmatz
Gaydos
Giaimo
Gibbons
Gonzalez
Goodling
Green, Oreg.
Griffin
Gross
Grover
Gubser
Gude
Haley
Hall
Hamilton
Hammerschmidt
Hanley
Hansen, Idaho
Harsha
Hathaway
Hawkins
Hays
Hébert
Hechler, W. Va.
Heckler, Mass.
Helstoski
Henderson
Hicks, Mass.
Hicks, Wash.
Hillis
Holifield
Horton
Hosmer
Howard
Hungate
Hunt
Hutchinson
Ichord
Jacobs
Jarman
Johnson, Calif.
Jonas
Jones, Ala.
Jones, N.C.
Jones, Tenn.
Karth
Kazen
Kee
Keith
Kemp
King
Koch
Kuykendall
Kyl
Kyros
Landrum
Latta
Leggett
Lennon
Lent
Link
Lloyd
Long, Md.
Lujan
McClory
McCloskey
McClure
McCollister
McCormack
McDade
McDonald, Mich.
McFall
McKay
McKevitt
McKinney
McMillan
Macdonald, Mass.
Madden
Mahon
Mailliard
Martin
Mathias, Calif.
Mayne
Mazzoli
Meeds
Melcher
Metcalfe
Michel
Miller, Calif.
Miller, Ohio
Mills, Ark.
Minish
Mink
Mitchell
Mizell
Mollohan
Monagan
Montgomery
Moorhead
Morgan
Morse
Mosher
Moss
Murphy, Ill.
Myers
Natcher
Nedzi
Nelsen
Nichols
Obey
O'Hara
O'Konski
Passman
Patman
Patten
Pelly
Perkins
Peyser
Pike
Pirnie
Poage
Poff
Powell
Preyer, N.C.
Price, Ill.
Price, Tex.
Pryor, Ark.
Pucinski
Quie
Quillen
Railsback
Randall
Rangel
Rees
Reid, Ill.
Reid, N.Y.
Reuss
Rhodes
Riegle
Roberts
Robinson, Va.
Robison, N.Y.
Rodino
Roe
Rogers
Roncalio
Rooney, N.Y.
Rooney, Pa.
Rosenthal
Roush
Rousselot
Roy
Roybal
Runnels
Ruppe
Ruth
Ryan
Sarbanes
Satterfield
Saylor
Scherle
Schneebeli
Schwengel
Scott
Sebelius
Seiberling
Shipley
Shoup
Shriver
Sikes
Skubitz
Slack
Smith, Calif.
Smith, Iowa
Snyder
Spence
Springer
Stafford
Stanton, J. William
Stanton, James V.
Steiger, Ariz.
Steiger, Wis.
Stephens
Stokes
Stubblefield
Sullivan
Talcott
Teague, Calif.
Teague, Tex.
Terry
Thompson, Ga.
Thompson, N.J.
Thomson, Wis.
Thone
Tiernan
Ullman
Van Deerlin
Vander Jagt
Vanik
Veysey
Vigorito
Waggonner
Waldie
Wampler
Watts
Whalen
White
Whitehurst
Whitten
Widnall
Wiggins
Williams
Wilson, Charles H.
Winn
Wright
Wyatt
Wylie
Yates
Yatron
Young, Fla.
Young, Tex.
Zion

NAYS—4

Abernethy
Mathis, Ga.
Rarick
Schmitz

NOT VOTING—104

Addabbo
Alexander
Andrews, N. Dak.
Ashbrook
Baker
Baring
Barrett
Biaggi
Biester
Bow
Brademas
Brasco
Brown, Ohio
Byrne, Pa.
Carey, N.Y.
Carney
Chappell
Clancy
Clay
Cleveland
Conyers
Corman
Cotter
Culver
Daniels, N.J.
Danielson
Davis, Ga.
Davis, S.C.
de la Garza
Delaney
Devine
Diggs
Donohue
Dorn
Dulski
Edmondson
Edwards, La.
Eilberg
Eshleman
Evans, Colo.
Fish
Ford, Gerald R.
Ford, William D.
Fulton, Tenn.
Galifianakis
Gallagher
Gettys
Goldwater
Grasso
Gray
Green, Pa.
Griffiths
Hagan
Halpern
Hanna
Hansen, Wash.
Harrington
Harvey
Hastings
Hogan
Hull
Johnson, Pa.
Kastenmeier
Keating
Kluczynski
Landgrebe
Long, La.
McCulloch
McEwen
Mann
Matsunaga
Mikva
Mills, Md.
Minshall
Murphy, N.Y.
Nix
O'Neill
Pepper
Pettis
Pickle
Podell
Purcell
Rostenkowski
St Germain
Sandman
Scheuer
Sisk
Smith, N.Y.
Staggers
Steed
Steele
Stratton
Stuckey
Symington
Taylor
Udall
Ware
Whalley
Wilson, Bob
Wolff
Wydler
Wyman
Zablocki
Zwach

So the bill was passed.

The Clerk announced the following pairs:

Mr. O'Neill with Mr. Gerald R. Ford.

Mr. Delaney with Mr. Sandman.

Mr. Addabbo with Mr. McEwen.

Mr. Brasco with Mr. Bob Wilson.

Mr. Matsunaga with Mr. Andrews of North Dakota.

Mr. Stratton with Mr. Bow.

Mr. Hull with Mr. Harvey.

Mr. Kluczynski with Mr. Devine.

Mr. Carey of New York with Mr. Wydler.

Mr. Murphy of New York with Mr. Nix.

Mr. Byrne of Pennsylvania with Mr. Ware.

Mr. Brademas with Mr. Ashbrook.

Mr. Biaggi with Mr. Smith of New York.

Mr. Mikva with Mr. Clay.

Mr. Daniels of New Jersey with Mr. Hogan.

Mr. Donohue with Mr. Landgrebe.

Mr. Edmondson with Mr. Keating.

Mr. Gettys with Mr. Baker.

Mrs. Grasso with Mr. Conyers.

Mr. Purcell with Mr. Goldwater.

Mr. Pickle with Mr. Brown of Ohio.
Mr. Zablocki with Mr. Johnson of Pennsylvania.
Mr. Wolfe with Mr. Halpern.
Mr. Taylor with Mr. Whalley.
Mr. Barrett with Mr. Eshleman.
Mr. Cotter with Mr. Minshall.
Mr. Danielson with Mr. Pettis.
Mr. Rostenkowski with Mr. Steele.
Mr. St Germain with Mr. Wyman.
Mr. Green of Pennsylvania with Mr. Biester.
Mrs. Griffiths with Mr. Clancy.
Mr. Fulton of Tennessee with Mr. Fish.
Mr. Eilberg with Mr. Diggs.
Mr. Evans of Colorado with Mr. Zwach.
Mr. Dulski with Mr. Hastings.
Mr. Sisk with Mr. Mills of Maryland.
Mr. Hanna with Mr. Cleveland.
Mr. Kastenmeier with Mr. Gallagher.
Mr. Carney with Mr. Galifianakis.
Mr. Gray with Mr. Hogan.
Mr. Podell with Mr. Long of Louisiana.
Mr. Alexander with Mr. Harrington.
Mr. Chappell with Mr. Corman.
Mr. Culver with Mr. Davis of South Carolina.
Mr. de la Garza with Mr. Udall.
Mr. Stuckey with Mr. Staggers.
Mrs. Hansen of Washington with Mr. Steed.
Mr. William D. Ford with Mr. Scheuer.
Mr. Dorn with Mr. Edwards of Louisiana.
Mr. Baring with Mr. Pepper.
Mr. Mason with Mr. Symington.

Mr. POAGE changed his vote from "nay" to "yea."

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL STATEMENT

Mr. du PONT. Mr. Speaker, last Thursday, July 8, I had the honor of delivering a eulogy for the late Dorothy Andrews Kabis, 33d Treasurer of the United States, in Odessa, Del. Consequently I was absent for business that day. Had I been present, I would have voted yea on roll No. 182, on the amendment offered by the gentleman from Ohio (Mr. Wylie) and would have voted no on roll No. 183, on the amendment offered by another gentleman from Ohio (Mr. Vanik), the two amendments offered in the consideration of H.R. 8181. On roll No. 184, I would have voted "yea" for the passage of H.R. 9093.

HAVE A LITTLE PRIDE

(Mr. HALEY asked and was given permission to address the House for 1 minute, to revise and extend his remarks, and include extraneous matter.)

Mr. HALEY. Mr. Speaker, for many years, William Fred Jackson has rendered excellent service not only to the citizens of our hometown of Sarasota, but also to the people of the other Florida counties in which his weekly newspaper is distributed. Today I am placing in the Congressional Record Mr. Jackson's lead editorial of July 2, entitled "Have a Little Pride." Although Bill Jackson's advice is addressed to the residents of the Newtown community in Sarasota, this colored leader's advice should be heeded by all citizens who come within range of the Weekly Bulletin's circulation. As a matter of fact, it should be heeded by all who read this Record.

Have a Little Pride

Now that Newtown is well under its way to becoming the community we can be proud of, we should stop and take a little pride in our surroundings. Our streets are nearly completed and covered with our trash. Our sidewalks are down and are already littered with our negligence. Our curbs and gutters are finished and filled with our ignorance.

We should by all means work together to make Newtown a place of beauty and sophistication. Our problem for many years has been the sheer negligence we show our own property as well as that belonging to our city.

The new housing area located on Central has already felt the blow of our ignorance. Parents have permitted their children to break windows and pull down screens. Just because you ran wild in your youth is no reason your children should grow up idiots. Many of us try and there the mass that doesn't actually care whether the many programs set to make life in Newtown a place of pleasure succeed or fail.

Given a chance, the many citizens of our fair community would casually sit back and watch our Newtown recede into nothingness.

Take a little pride and clean your yard or pick up that can your child keeps kicking up the street.

Take a little pride and wash your windows or buy a garbage can because your yards are littered to the maximum. Take a little pride and sweep your walk, that maybe the reason your children are always the dirtiest in your neighborhood.

Take a little time out and look at yourself. Let the dogs rest one evening and walk through your community. A little concern and a little pride could make Newtown the jewel of our city.

CBS AND "THE SELLING OF THE PENTAGON"

(Mr. VANIK asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. VANIK. Mr. Speaker, I expect to vote against the contempt citation against CBS and its president.

From all I can determine substantially all of the information demanded by the subpena is either in committee files or can be obtained without use of the subpena. The demand for a subpena is made on grounds which I believe are arbitrary and picayune.

I witnessed three separate showings of "The Selling of the Pentagon." In my judgment it was a substantially correct documentary.

If contempt is justified against CBS for the preparation and the broadcast of "The Selling of the Pentagon," it should also be applied to the Department of Defense for spending public funds to influence Congress and to promote defense spending.

The right of the public to know how taxpayer dollars are spent is no less important than the right of the Congress to know how a television documentary is assembled.

The purposes of the documentary were salutory and in the public interest. I refuse to support a suppression of the zeal of the press and the communication media to probe and search out abuse in public affairs and folly in public spending.

TRIBUTE TO LEE TREVINO

(Mr. WHITE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WHITE. Mr. Speaker, I am sure my colleagues would be surprised today, if I did not remind them that the No. 1 figure in sports, the man whose picture appears on the cover of Time magazine today, is a fellow Texan, and a fellow resident of the Proudest City in America today, El Paso, Tex. I can also say with pride that Lee Trevino is a fellow veteran of the Marine Corps.

Lee Trevino made golf history when he won, in turn, within the space of 3 weeks, the United States Open, the Canadian Open, and the British Open. He is also making history as a great sportsman—a great, likeable human being. He likes to win, and affects no false modesty when he is successful. He does not like to lose, but when he loses, he blames no one but himself.

Mr. Speaker, there had been comments in the press about the behavior of the British gallery, so, in his interview following his victory, Lee took occasion to comment on the good behavior of the gallery.

The golf world will talk for years about the calm courage of this great sportsman who rallied from a double bogey on 17 to a birdie on 18, to win a one stroke victory over a great competitor.

Lee Trevino is proud of his Mexican-American heritage. He laughingly accepts the title "Supermex" with the rich humor that has opened a new era in a game that is sometimes considered "stuffy." Today, it's everybody's game, and Lee Trevino is everybody's hero.

NEW PEACE OFFER IS FOR SENATE DOVES

(Mr. DENNIS asked and was given permission to address the House for 1 minute, to revise and extend his remarks, and include extraneous matter.)

Mr. DENNIS. Mr. Speaker, we may be hopeful that the allegedly new proposals by the Vietcong actually contain something new, but we must remember:

First, that this is a demand for the setting of a withdrawal date, "without posing any condition"—a thing this House has rejected and which a current poll of my own district rejects by approximately 80 percent; and

Second, that these proposals include provision for some sort of coalition government, pending elections—a thing always basically unacceptable to the United States.

The allegedly new Vietcong proposals seem to be directed at American doves—particularly in the other body—at least as much as they may indicate any intent of serious negotiation.

I commend to the attention of my colleagues a recent column by William S. White, which points up this situation, and which I insert in the Record at this point:

New Peace Offer Is for Senate Doves

(By William S. White)

Washington.—The North Vietnamese have made another offer of peace in the Viet

Nam war that is ostensibly directed to the United States government, but is in reality addressed to the doves in the Senate.

The Nixon administration does not dare to brand this fresh Communist thrust for what it is—a Communist demand for an unconditional surrender and a total abandonment of the commitment of five American Presidents to South Viet Nam.

HERE ARE TWO REASONS

There are two reasons for this state of affairs.

One is that the administration is bruised from all too many encounters with its peace critics here at home and knows that to spurn this new Communist rubbish outright would be to open itself to their old litany that Washington is simply inflexible.

The other is that the President and his associates—not to mention John F. Kennedy, Lyndon Johnson, Harry Truman and Dwight Eisenhower as his predecessors—are under siege by the Pentagon Papers pilfered by Daniel Ellsberg to the point where all of them have been or will be made to appear either foolish or against peace.

Moreover, there may be even a third reason why the State Department is acting as tho there really might be some ounce of concession in these latest Communist proposals. This government has been conducting some highly sensitive contacts with certain third party, and far from pro-American, nations—meanwhile hoping that the identities of these parties are not going to come out, thus requiring them to run for cover—and is concerned to walk in the softest way possible on every aspect of this whole business.

The Senate doves, meanwhile, are of course delighted with North Viet Nam's suggestions. For, like the doves, North Viet Nam is demanding that the United States fix a precise date for the withdrawal of all American forces from South Viet Nam. Given this and an American abandonment of the anti-Communist government in Saigon, Hanoi would, so it says, open its cages and release the American prisoners of war.

Precisely this form of approach—let Washington promise a one-sided troop withdrawal and then Hanoi surely would release our men—already has been tried in the Senate and knocked down when roll call time came. All things considered, however, the doves undoubtedly have a better chance than ever before—and they are not slow in grasping the opportunity.

THEY MAY TRY AGAIN

Sen. George McGovern [D., S.D.], a Democatic Presidential aspirant from the far left, and Sen. Mark Hatfield [R., Ore.], a maverick Republican, have already said they may have a go at yet another resolution demanding one-sided American withdrawal.

Just such a McGovern-Hatfield paper, setting Dec. 31 as the deadline for what in fact would be an unconditional American surrender, was defeated by 55 to 42 three weeks ago. But a lot has happened in two weeks to the administration and to the bipartisan supporters of the war, all of it bad, and McGovern and Hatfield may just have something this time.

If not, there are always Senators Frank Church [D., Idaho], and John Sherman Cooper [R., Ky.]. They, too, are making ready to put in "end the war" papers.

The net of it all is simply this: This government is hanging on only by its fingernails to its resolution not to run out on our pledges to South Viet Nam and not to leave there until the South Vietnamese have some chance of being able to defend themselves.

THE WAR IN SOUTHEAST ASIA

The **SPEAKER**. Under a previous order of the House the gentleman from California (Mr. McCLOSKEY) is recognized for 1 hour.

(Mr. McCLOSKEY asked and was given permission to revise and extend his remarks and to include extraneous matter.)

Mr. McCLOSKEY. Mr. Speaker, a few days ago I had the opportunity to read a copy of a speech made on June 26, in the city of Burlingame in my district, by my colleague from California, the gentleman from Santa Clara County, Mr. GUBSER. The gentleman was kind enough to title his speech, "Neo-McCarthyism and the New Left," thereafter arguing that the McCarthyism of the early 1950's had become "McCloskeyism," and concluding: "Neo-McCarthyism, now McCloskeyism, has served the cause of the New Left." The thrust of the gentleman's remarks was specific: in speeches about Southeast Asia I had been guilty of libeling the image of the United States with "half truths and distortion," in particular with respect to the allegation that the United States has been guilty of first, "indiscriminate bombing of civilians in Laos," and second, "war crimes like those for which the Nuremberg trials decreed the penalty of death."

Both my allegations and my colleague's comments constitute serious charges, and I have taken this special order today, inviting the gentleman from Santa Clara County to share in a discussion of the issues involved so that the record of debate may be as complete as possible on a matter of grave national concern—U.S. policies and actions in the destruction of rural villages in Laos and Vietnam.

I think it regrettable when legislators, each sincere in their beliefs, extend their disagreement to attacks on the personal integrity of those with whom they disagree. The issues on which reasonable minds differ today are too important to the Nation to be clouded by attacks on the motives and veracity of those who espouse opposing views. We confuse the merits of the issues when we lapse into personal attacks on one another.

I believe this is why we have long had rule XIV in the House, requiring that a Member, in speaking to the House: "Shall confine himself to the question under debate, avoiding personality."

In earlier days, accusations of untruthfulness resulted in canings, fisticuffs, and duels. These hardly add to the legislative process, but sharp debate quite often can. In precise cross-examination and heated debate, I believe our democratic processes achieve the highest chance of ascertaining truth, the most elusive goal of all our deliberations. Until his recent personal attacks, I had considered my colleague a friend; I hope we can resume that friendship. He is an able Member of Congress despite our disagreement. I feel the Nation is particularly indebted to him for his leadership last year in forcing an end to the secrecy which for so long attended our teller vote procedure.

At the outset, I want to say that no part of my concern relates to the fact that these charges were made in my congressional district rather than elsewhere. It seems to me that our constituents elect us to represent the Nation as well as our own districts; in seeking to represent or stimulate national opinion and debate, I believe that none of us should be restrained from our honest expression of opinion in another's district. The issues are national issues; advanced technology in media communication causes the transmission of our words nationally, and honesty and candor requires that we be willing to say frankly in one place that which we say in another.

The greatest need in America today is for a restoration of public faith in our government and those of us privileged to serve in that government. Outspoken expression of controversial views can only serve to bring the real issues out in the open, stimulate the citizenry to participation in the electoral process, and hopefully, reaffirm the basic principle of democracy that we will accept the verdict of the ballot box more easily, knowing that the voters have been fully informed of both sides of an issue, and that their decision is thus more likely to have been a wise one.

With this in mind, and looking forward to vigorous debate this afternoon with my more experienced and skillful colleague, I would like to take up his specific charges. I have appended his entire speech of June 26 as exhibit A to these remarks. I will take up first his contention that I am inaccurate in suggesting the United States has been guilty of "war crimes like those for which the Nuremberg trials decreed the penalty of death."

I. THE DESTRUCTION OF RURAL HAMLETS OF VIETNAM, A VIOLATION OF THE PRINCIPLES OF NUREMBERG?

At Nuremberg, in 1945, Supreme Court Justice Robert Jackson presented the U.S. position that there would be no war crime agreement and trials unless it was agreed that the definition of the various "war crimes" extended to the activities of all nations, not just Nazi Germany. The Russians were understandably reluctant to agree to this proposal; they, after all, had been involved in certain operations such as the Katyn Forest massacre which hardly could stand close public and legal scrutiny. Nevertheless, the Russians finally conceded this point, and by agreement among the four Allied Powers, it was established that the term "war crimes" would include: "wanton destruction of villages, and the forcible relocation of civilian population."

We thereafter tried a German general, Alfred Jodl, for a number of offenses, one of which was the forcible relocation of 100,000 Norwegians, and the destruction of their villages in northern Norway. General Jodl had ordered these actions on the basis that the people and villages involved might provide the base for partisan activity against the occupying Germany Army, and for support of commando raids against the northern Norwegian coast.

General Jodl was found guilty of "the wanton destruction of villages and the forcible relocation of villagers" and was sentenced to death.

In America, a nation whose claim to a government of law, not men, is built on the acceptance of legal precedent; a nation which has undertaken to lead the world toward peace under rules of law, we can scarcely claim that we are not bound, morally if not legally, to honor the Nuremberg principles.

What, then, has been our practice with

respect to the villages of South Vietnam? The evidence is clear and unchallenged. From 1965 until fairly recently, we have pursued policies called "search and destroy," "free fire zone," "rice denial" and "generation of refugees."

Faced with an insurgency war conducted by people indigenous to their rural valleys and villages, an insurgency war where the guerrilla was to his village as the fish to the water, we sought to pacify the countryside of South Vietnam by destroying every village which we could not hope to control in normal military operations and occupation. Our goal was to bring the population under Government control.

To do so, we felt it necessary to destroy the villages in those areas which were adjacent to the Vietcong's jungle headquarters areas, or which were too far from the road network and military bases which we were able to control.

In one province, Quang Nam, we destroyed 307 or 555 hamlets which originally dotted the countryside. In many other provinces, the results were the same. In Quang Tin Province, Quang Ngai Province, Binh Dinh Province, half or nearly half of the rural hamlets have been deliberately burned by U.S. infantry forces or destroyed by massive aerial bombardment and artillery firepower.

My esteemed colleague from Santa Clara County once personally endorsed the journalistic efforts and accuracy of a Helen Emmerich, whom he successfully sponsored in Vietnam while a member of the House Armed Services Committee.

Mrs. Emmerich described one search and destroy mission she observed in 1969 in I Corps, 20 miles south of Da Nang, with the 5th Marine Division, in the following language:

> At dusk the helicopters came, scurrying over the village, dropping thousands of leaflets on the hootches, into the rice paddies below.
>
> Colonel William Kitterman said they were warning leaflets, urging villagers to move out before dark.
>
> No one came out . . . Lord, I thought, why don't they walk out of there.
>
> Kitterman . . . looked at me. "Well, they had their chance. Now we just assume they're VC."
>
> All of them? The old man whose back was bent to the earth, the children seen running in the market place.
>
> "Yes, all of them."
>
> We entered the village . . . the stench was sickening.
>
> Five bodies sprawled in the market place. Eyes stared out from gaping sockets. The sun ricocheted off staring eyeballs. Black blood congealed on broken limbs. Two shriveled old men, two withered old women. A girl about 12 years old.
>
> (at Da Nang) I finally asked a gunnery sergeant why the villagers hadn't come out after the leaflets were dropped.
>
> He took a hard drag on his coffee, looked around, then whispered to me, "Look, don't say I told you this—but don't you know—they couldn't read the leaflets."
>
> Eighty-five per cent of the people in Viet Nam can't read.
>
> When I returned from South Vietnam for the first time in 1967, I talked to several California lawmakers about the search and destroy missions and other horrors. One was Charles S. Gubser (Rep-Gilroy).
>
> I saw Gubser in Washington. As Vice Chairman of the Armed Services Committee, I was sure he would be especially interested in Operation Arizona and other similar operations. Gubser told me there was nothing that a congressman could do, "our powers have been usurped by the Executive Branch."

I have appended Mrs. Emmerich's entire article and some of the gentleman from Santa Clara County's laudatory comments as exhibit B to these remarks.

This incident was not an isolated one. On three separate visits to the northern provinces of South Vietnam, in 1968, 1970, and 1971, I have personally followed the planning and observed the results of rice denial, refugee generation and search and destroy operations. I have flown over hundreds of square miles in South Vietnam where hedgerows and shattered foundations are all that remain of lovely rural villages where hundreds of thousands of Vietnamese peasants once lived.

Granted, these villages were capable of furnishing, and did furnish, support, food, hospital care and concealment to the Vietcong, just as the Norwegian villages destroyed by General Jodl were capable of furnishing support to Norwegian partisans against the German Army of Occupation.

But what is the difference between deliberately destroying Norwegian villages and relocating their population, and destroying Vietnamese villages and relocating their population many miles away in refugee camps?

I have never found an American officer, military or foreign service, who is willing to admit that our command structure in Vietnam ever even considered the question as to whether we were violating the rules we had established at Nuremberg when we deliberately destroyed thousands of rural hamlets in South Vietnam.

We now contend that 93 percent or more of the population of South Vietnam is living under government control. Our military people have admitted, however, that this has been accomplished only by the destruction of the villages where much of the population once lived, and by forcibly relocating the inhabitants to camps located within the immediate control of United States and South Vietnamese military bases.

These facts are not questioned. The gentleman from Santa Clara County was part of the House subcommittee which investigated the Mylai massacre. He has seen with his own eyes, not only Mylai, but at least half the other hamlets of Quang Ngai Province which have been deliberately destroyed by our infantry and firepower.

I have brought some pictures today which were taken on my most recent visit to Vietnam in April; if there is any doubt as to what American aggressiveness, technology, and firepower can do to a rural Vietnamese hamlet, I ask you only to compare these photographs of untouched Vietnamese hamlets with those of hamlets which we have destroyed. I have several photographs of Mylai which are representative of thousands of other hamlets which to this day remain fallow and deserted.

This is the evidence upon which I base the contention that the United States has been guilty of "war crimes like those for which the Nuremberg trials decreed the penalty of death."

I make these allegations with profound sadness and shame. It has been my privilege to serve in a proud military organization, to respect, perhaps above all others, the Americans like Washington, Hamilton, and John Marshall, who created America's proud military traditions. The men like Robert E. Lee, Stonewall Jackson, A. P. Hill, Pelham, Pegram, Wade Hampton, and John B. Hood, who handed down a heritage of chivalry that has inspired thousands of Americans to cheerfully go to their deaths in places like Belleau Wood, Monte Cassino, and Iwo Jima.

I have regretted profoundly Sheridan's devastation of the Shenandoah Valley and Sherman's march through Georgia. It has always seemed to me that war could and should be waged without massive destruction of a civilian rural population whose only offense is support, sympathy, food and shelter for a people fighting against an invader. This may be an alien philosophy in days where our military strategists talk about "assured destruction" and "destruction of the will to resist." Nevertheless, I believe that my sentiments reflect a great part of the common heritage and culture of the world's greatest Nation; that we must be true to the best of our heritage, traditions and culture if we are to remain a strong and cohesive Nation with faith in ourselves and our goals.

In any event, I have tried to detail the evidence for my statement that we, the United States, have fallen, deliberately or inadvertently, into a course of military conduct, the deliberate destruction of Vietnamese villages, which violates the Nuremberg principles. Against the background of our deliberate destruction of rural villages in Vietnam, let me try to state the evidence for the second charge: that we appear to have deliberately bombed and destroyed hundreds, if not thousands, of the rural villages of Laos.

II. WHAT HAS BEEN THE U.S. BOMBING PRACTICE WITH RESPECT TO THE INHABITED VILLAGES OF NORTHERN LAOS?

I have suggested that for some period of time in 1969 and 1970, it appears that American air power was guilty of the indiscriminate bombing of Laotian villages. The gentleman from Santa Clara County charges that I have drawn a sweeping and unjustified conclusion from insufficient proof. He states:

> Mr. McCloskey's total evidence is what he was told by left-wing anti-U.S. groups before he left the United States, the testimony of 16 individual refugees from seven villages, and the USIS report of refugees.

Let me start with a description of the factual situation in Laos upon which I believe both my colleague and I can agree. The facts I will describe are based on either public newspaper reports which the State Department does not contest or upon the published records of two Senate subcommittees, the Senate Refugee Subcommittee chaired by Senator Kennedy, and the Senate Subcommittee on U.S. Security Agreements, chaired by Senator Symington. I will refer to citations from these two congressional committee hearing records as "Kennedy" and "Symington," respectively.

In 1962, the Geneva accords of that year recognized three legitimate participating groups in the Government of Laos, the royalists, the neutralists, and the Communist Pathet Lao.

Laos is a country of over 9,000 small villages and a population roughly estimated at somewhat over 2½ million people. Only five towns exceed 5,000 in population, and the great bulk of the 9,000-plus villages range from five to 50 thatch-roofed huts, with populations of 30 or 40 people up to several hundred. Eighty-five percent of the people are engaged in subsistence agriculture, either of the slash-and-burn type practiced by the mountain tribesmen such as the Meos, or the lowland rice paddy farming in the river valleys pursued by the ethnic Laos and others.

After 1962, the country was partitioned roughly in half, with the northern and eastern, more mountainous, regions under the influence of the Pathet Lao. Two areas, the Plain of Jars area in northern Laos, and a stretch of southeastern Laos along the Ho Chi Minh Trail, including the Bolovens Plateau, have been contested by the various factions and from time to time have changed hands in infantry skirmishing.

Our CIA, since 1962, has been engaged in assisting the Meo tribesmen and Royal Laotian Army against the Pathet Lao; the North Vietnamese have supported the Pathet Lao with increasing numbers of regular troops, particularly since 1968 when Vang Pao, the head of the Meo tribes and commander of Laos' 2d military region, was successful in capturing the Plain of Jars.

Since 1964, we have supported the Royal Lao forces with combat air strikes. All U.S. activities in Laos, including our air operations, are controlled by the U.S. ambassador in Laos. The bombing in 1969 and 1970 was over twice that of 1967 and 1968, with nearly a million tons of bombs dropped. About 80 percent of the bombing has taken place along the Ho Chi Minh Trail in the southeastern corner of Laos, with the remaining 20 percent in operations against the Pathet Lao and North Vietnamese in northern Laos.

In the Pathet Lao-occupied and contested areas of Laos, there are several thousand villages; Ambassdor Sullivan has said that 3,500 may be a fair estimate of their number, and it is estimated that perhaps a million people once lived in such villages, of which perhaps one-fourth were Meo tribesmen living on the mountainsides and three-fourths lowland rice farmers.

Approximately 200,000 civilians once lived in the town and villages in and around the Plain of Jars, for example, and 250,000 in the villages of the provinces of southeastern Laos through which runs the Ho Chi Minh Trail. None of these villages are considered "unfriendly." All are protected by "rules of engagement'" which consider a village as one occupied hut, and which prohibit any bombing within 500 meters of any village.

Neverthless 700,000 people from these villages, 70 percent have become refugees in the past decade, according to Ambassador Sullivan's testimony before the Senate Refugee Subcommittee on April 22, 1971.

Why?

First, let me sum up the official State Department position.

Until April 1971 the only official public U.S. Government statement on this subject was the testimony of U.S. State and Defense Department officials to the Senate Refugee Subcommittee on May 7, 1970, and to the Symington subcommittee in the fall of 1969. I would like to quote relevant portions of the May 1970 hearings before the Kennedy subcommittee first:

> 1. Deputy Assistant Secretary of Defense Dooling. *As I indicated, all air strikes, except some, are validated by the Ambassador to Laos, and to my knowledge, the maximum care is taken to avoid the causing of civilian casualties.* (Hearings, Senate Judiciary Committee, Subcommittee to Investigate Problems Connected with Refugees and Escapees, Senator Kennedy, Chairman, May 7, 1970, page 49.)
>
> 2. Senator KENNEDY. Now you must know from aerial photography how many villages have actually been destroyed—what the size was of villages where you take villages one day and then again the next day; you can tell where the villages were, whether they are up or down; and you can make some estimation as to whether there had been people in the village or not. Have you done any kind of work like this?
>
> Mr. DOOLIN. Mr. Chairman, there is some information available and I will be pleased to prepare a report on the subject and submit it to you and correlate it with the rules of engagement which I will go into in much more detail either in executive session or in private correspondence. (Kennedy, page 50)
>
> 3. Ambassador SULLIVAN. Even in the area of the Ho Chi Minh Trail, where the entire area was in enemy hands, and where there were not, perhaps, very many Lao living, we maintained these rules and kept the villages out of bounds and not to be struck, *at least during the time that I was there.* (I have emphasized this last comment because Ambassador Sullivan, after 4½ years, was relieved of his post in March, 1969, shortly after President Nixon took office, to be replaced by Ambassador Godley, who is presently still Ambassador to Laos.)
>
> I did have photographic evidence after these strikes brought back to see if there had been any violation of the rules. (Kennedy, page 50)
>
> 4. Senator FONG. And everytime there was bombing you knew about it?
>
> Ambassador SULLIVAN. Yes, sir, we had to authorize any targets that were to be bombed.
>
> Senator FONG. And on fixed targets, you had fixed circles around them, indicating places where they couldn't bomb?
>
> Ambassador SULLIVAN. That's right.
>
> Senator FONG. In those bombing episodes you were always informed?
>
> Ambassador SULLIVAN. I had to validate the target.
>
> Senator FONG. You always had to approve it?
>
> Ambassador SULLIVANS. That's right and if it were a town we would not validate it. (Kennedy, page 59)
>
> * * * * *
>
> Senator FONG. Now in the time you were there, five years, were there any response on the part of the Royal Lao Government indicating that you had gone beyond your bombing lines?
>
> Ambassador SULLIVAN. Yes, there were two or three occasions when villages were hit by mistake. . . .
>
> Senator FONG. Outside of those two or three instances, were there other instances?
>
> Ambassador SULLIVAN. Yes, there were. . . . We are talking about the villages on the friendly side . . . in the instances where the accidents were on the other side we sent immediately, of course, for Air Force Investigation, or Navy investigation, depending on the source of the aircraft, as to how this happened. (Kennedy, pages 50–60)
>
> Senator KENNEDY. After you find out either that there are or have been accidents made either in friendly or unfriendly territory in which villages have been bombed, you say there is an investigation made by the armed services. . . .
>
> Mr. DOOLIN. If there were a mistake, the investigation establishes whether there was a mistake and as the Ambassador indicated the number of these incidents that have been checked out and established as errors have been remarkably small. . . . (Kennedy, page 61)
>
> 5. In a letter submitted to the Kennedy subcommittee by the State Department on April 13, 1970, the following appears: "To what extent does the application of these concepts and tactics (U.S. operations, including bombing) contribute to the generation of refugees and the occurrence of civilian war casualties?
>
> "Studies of refugee attitudes undertaken by the RLG and USAID have shown that no single reason operated to cause a Lao, of whatever ethnic background, to leave his place of habitual residence and move elsewhere, and it has not proven possible to categorize refugees or casualties as having been created by any specific technique of battle."

One of the most ironic exchanges of the May 1970 hearings was the concluding colloquy between Senator KENNEDY and Ambassador Sullivan:

> Senator KENNEDY. I wonder how the Ambassador has much time for anything else if he is giving all of this personal attention to the clearance of bombing targets and then reviewing the next day where they hit, looking at the aerial photographs, and getting prepared for the next day's targets. It seems to me to be a full-time job.
>
> Ambassador SULLIVAN. It took all my time. (Kennedy, Page 62.)

In summary, the Senate subcommittee hearings of May 1970 clearly established a State/Defense position that villages were not permitted to be bombed; that only a few had been bombed by mistake; the Ambassador was always informed of the bombing of villages; he had to validate targets in advance and he would not validate villages as targets; the Ambassador had photographs taken after air strikes to make sure the villages had not been bombed; from refugee attitude surveys it had not been possible to categorize bombing as an identifiable reason to cause people to leave their homes and become refugees.

When the Senate refugee subcommittee met again, on April 21 and April 22, 1971, nearly a year later, some additional information was provided by the Government witnesses.

With reference to one small group of refugee settlements, Ambassador Sullivan testified:

> As I understand it . . . their villages were hit both by ground operation and then later on, *when they were out of them,* apparently their villages were damaged by bombing . . . (Emphasis added.) (Kennedy, Part II, page 36.)

Ambassador Sullivan cited one statement from the State Department testimony at the 1970 hearing:

> Most Lao civilians learn very quickly that bombing necessarily follows the North Vietnamese, and another, others fear the Lao and American bombing of the Communist zones.

As evidence that the State Department had not denied that some refugees at least had left their homes because of the bombing.

The Ambassador went on to state, however, that—

> Only about 20,000 have come out of the

> area where bombing has taken place. (Kennedy, Part II, page 40)

Ambassador Sullivan further conceded:

> The (bombing) attacks in Northern Laos we do not consider to have to do with the operations in South Viet Nam or Cambodia.

The Ambassador further clarified that there is no such thing as an enemy village, or unfriendly village in Laos, all villages were apparently considered friendly, whether in Pathet Lao-occupied territory or not, but specifically, the Ambassador confirmed that in Pathet Lao areas:

> If they are inhabiting a village, they are not a military target. (Kennedy, Part II, page 55)

The Ambassador did state that in 1969 and 1970 there was quite a considerable increase in the targeting in Northern Laos—Kennedy, part II, page 60—but he steadfastly maintained that only a minor portion of the refugees, 20,000 out of 700,000 had come from areas where bombing had taken place.

If this testimony is correct, then of course, my own statements are incorrect, and the gentleman from Santa Clara County properly challenges them.

We have seen in the past few weeks, however, with the publication of the Pentagon papers, that administration representations to the Congress are sometimes deserving of careful and independent scrutiny. In the case of the overthrow of Premier Diem in 1963, the events preceding the Tonkin Gulf episode in August 1964, the escalation of mission of the Marines at Danang in 1965, in all of these instances State Department advice to Congress was perhaps a little less than complete and comprehensive, to put the matter in its most charitable light.

The central question is not State Department policy, but what American bombing practices have actually been pursued with respect to the inhabited villages of northern Laos?

I have said we appear to have been guilty of the indiscriminate bombing of civilian Laotian villages. My colleague charges this is neo-McCarthyism, and that I have drawn "a sweeping and unjustified conclusion from insufficient proof."

He goes on to state:

> Mr. McCloskey's total evidence is what he was told by left-wing anti-war groups before he left the United States, the testimony of 16 individual refugees from 7 villages, and the USIS report on refugees.

First of all, the gentleman errs; there is a great deal more evidence of indiscriminate bombing of Laotian villages than from the three sources he identifies. Let me list the evidence upon which I rely:

First, the Christian Science Monitor can hardly be considered a left-wing publication. The first article I recall reading on Laotian bombing was written following a visit to four separate refugee camps by Daniel Southerland, and appeared in the Monitor on March 14, 1970. A full copy of that article is appended as exhibit C to these remarks, but some significant quotes are set forth here:

> After questioning a large number of them (the refugees) it was possible to get a picture of the devastation unleashed by American fighter-bombers in northeastern Laos over the past two years and it is not a pretty one . . . After the U.S. halted its bombing of North Viet Nam on Nov. 1, 1968, it stepped up as much as 10-fold its bombing raids . . . against Pathet Lao-occupied northeastern Laos . . . The number of bombing sorties by U.S. Air Force and Navy jets rose to as much as 300 per day. The refugees said about 9 out of 10 of the bombing strikes were carried out by American jets . . . the bombings forced people to move out of their homes and into trenches, caves and bunkers where they lived for the most part of two years.
>
> The refugees said the bombs flattened many villages in and around the plain and heavily damaged others. *They said no villages they knew of escaped the bombing* . . . in many bombing raids there were no Pathet Lao or North Vietnamese troops near their villages. (Emphasis added).
>
> In 1969 they said they saw the bombers every day when the weather was clear, sometimes so often they could not count the number of raids. *The planes tended to fire at anything that moved,* they said. (Emphasis added).
>
> It is impossible to get the United States Government side of the argument in any detail because American officials refuse to discuss except in the vaguest generalities the activity in Laos. The pilots . . . are instructed not to discuss the details of their missions.

Second. On May 9, 1970, Carl Strock, an AP and Newsweek reporter who had resided in Ventiane for some years, published an article in the New Republic.—Exhibit D. The following quotes appear in that article:

> At the end of 1968, American bombers were diverted from North Viet Nam to Laos and began systematically depopulating Pathet-Lao-controlled territory.
>
> In mid-1969 air strikes were escalated to their present high-level of 15,000 sorties, a month . . . the U.S. carried out a saturation bombing campaign on the Pathet-Lao-controlled Plain of Jars . . .

Third. A Life magazine article of April 3, 1970, exhibit E by Hugh D. S. Greenway contains the following quote:

> As the war goes on, so does the misery inflicted upon the Laotian people. Refugees from the Pathet-Lao zone all tell harrowing tales of entire villages living in caves and holes in the ground, farming their rice by night in order to escape the bombing. *From all reports, the wholesale bombing of civilian centers in the Pathet Lao areas goes beyond anything the North Vietnamese have experienced.* (Emphasis added).

In addition to these press reports, there has been specific corroboration of U.S. bombing by U.S. personnel in Laos. Our colleague from Santa Clara may not have read Mr. Ronald J. Rickenbach's testimony before the Senate Refugee Subcommittee in May 1970. Mr. Rickenbach, a former AID employee testified:

> While I served in Laos . . . I had occasion to hear of many, but actually dealt personally with four incidents, of civilian areas which were targeted by American jet-type aircraft. (Kennedy, page 26)

The description of the four incidents Mr. Rickenbach was personally involved in is appended as exhibit F to these remarks, but involved small villages in Khammovane province near the North Vietnamese border in three cases, and civilian traffic on a bridge between Thakkek and Savannakhet provinces in a fourth. These areas are in central Laos, some distance away from the Plain of Jars area which is located in Xieng Khouang Province.

Thus far, I have cited public press articles and official Government testimony before the Senate refugee committee from the spring of 1970. What additional evidence do we find from the hearings before the same committee in April of 1971

First of all, Senater KENNEDY commented on his concern as to why the State Department had refused to furnish his subcommittee with a report dated July 10, 1970. The Senator stated, on April 22, 1971:

> We have been, virtually since last August, trying to get this information. And, finally, yesterday, at the start of the hearing it was suddenly made available to us by the Secretary of State. (Kennedy, Part II, page 33)

What was in this report to the U.S. Embassy in Laos from the U.S. Information Service in Laos that would cause the State Department to withhold it from the Congress for over 9 months?

Let me summarize from the report itself: 213 villagers from 96 separate villages in 17 different townships were interviewed. The following quotes are taken directly from the report, a complete copy of which is found at pp. 16342–16344 of the CONGRESSIONAL RECORD of May 20, 1971.

First. Seventy-five percent of 190 respondents said their homes had been damaged by bombing.

Second. Seventy-six percent said the attacks took place in 1969.

Third. Ninety percent of 212 respondents said the bombing made life difficult for them, 63 percent of this group told our interviewers that they were prevented from carrying on more than a bare subsistance living during the most intense periods of bombing.

Fourth. The bombing is clearly the most compelling reason for moving.

A second refugee report, apparently taken about the same time covered 97 refugees from Luang Prabang and Sam Neua Provinces. A complete copy of that report is found at pp. 16343–16344 of the CONGRESSIONAL RECORD of May 20, 1971.

The second report showed a lesser percentage of people who had been bombed; 69 percent said they had seen bombs dropped frequently; 25 percent had seen people killed by bombing; 32 of the 97 people interviewed said the bombing made life very difficult for them—80 percent of this group saying they could not eke out more than a bare subsistence living after the attacks started.

Thus far, then, the evidence from two Government reports, plus the testimony of an ex-AID officer confirms that bombing of civilians occurred in at least six of the provinces of Northern Laos.

The statements of the 16 refugees from seven villages in Xieng Khouang Province interviewed by Congressman WALDIE and myself last April admittedly does little more than confirm the accuracy of the USIS report about one province, Xieng Khouang.

Nevertheless, that testimony squarely contradicts Ambassador Sullivan's statement on April 21, 1971, that—

> Their villages were hit both by ground operations and then, later on, when they

were out of them, apparently their villages were damaged by bombing.

The refugees with who Congressman WALDIE and I talked were unanimous in stating that their villages were destroyed before they left the area. They showed us wounds from cluster bomb—CBU—shrapnel and white phosphorous. In all but one of the seven villages, people had been killed. In all of the villages, every house had been destroyed.

The State Department's own report of the Xieng Khouang province refugees confirms that the villages were bombed when the villagers still lived in them.

The first interview appended to the report quotes Thao Vilay, a 25-year-old from the village of Kan Phoun. He was quoted as follows:

> I saw planes come to attack my village in 1965 for the first time; the village come under attack many times in 1968–69, resulting in 5 killed and 3 wounded. Apart from my own village there were 42 killed at Ban Thoun and Phonsavan.
>
> Then I was assigned back to my village at the time when the bombing was at its peak. It was so bad that you could no longer lead a normal life. Until 1969, I had at least been able to cultivate my own rice field, but the war and the bombing had now become so severe that life was no longer bearable.

The second person interviewed, a lady from the village of Kang Pa stated:

> The reason she came to Vientiane was because of the bombing. The planes came to drop bombs all the time.

The third interviewee, a 40-year-old man from Ban Nam Thong, whose home had been destroyed by bombing in 1970.

The fourth interviewee, a 17-year-old girl schoolteacher from Bon Koua was quoted:

> The planes dropped bombs in the area of her original home very often. . . . The reason she left her village was because of the constant bombings by the planes . . . she said the planes which did the bombing belonged to the Americans.

The fifth interviewee was a 27-year-old man from Ban No Xou.

> The planes started bombing his village in 1964 and continued until the present time. The bombs were sometimes dropped far away from his village and sometimes were very close to his village. . . . The bombs actually hit and destroyed his village in 1969.

The sixth interviewee was an 18-year-old girl from Ban Kou village.

> She said quite a few villagers were killed and wounded by the bombing.

These six interviews were appended to the refugee report of refugees from Xieng Khouang Province. There was a second report, covering 97 refugees from Luang Prabang and Sam Neua Provinces.

> 82 of the people interviewed said the bombing had made life very difficult for them, 80% of this group saying they could not eke out more than a bare subsistence living after the attacks started.

Thus the two U.S. refugee studies which were withheld by the State Department until April 1971, clearly show heavy bombing of Laotian civilian areas in at least four provinces. The 1970 testimony had mentioned bombing in three others.

These are all U.S. Government documents. What does the gentleman from Santa Clara County say about this evidence? Is it indeed insufficient to indicate a deliberate U.S. policy of destroying villages in 1969? Is the bombing, so carefully targeted and approved by the U.S. Ambassador in Laos, susceptible of so many mistakes in so many different villages and provinces?

Or was the letter of 21 young IVS volunteers in Laos to President Nixon on March 15, 1971, more accurate?

> The extensive bombing of civilian areas is particularly vicious . . . Refugees tell of being forced to live in holes and caves, of having to farm at night, of the systematic destruction by U.S. war planes of the human basis for a society. (This letter is found on pages 170–171 of the Senate Refugee hearings, Part II.)

The respected writer for the New Yorker, Robert Shaplen, probably as familiar with the Laotian situation as any of the American reporters who have been longtime residents of Southeast Asia, wrote in April 1970, in Foreign Affairs, about the events of the spring of 1969:

> The government (of Laos) aided by the wider scope of American bombing, was doing its best to keep the communist supply lines cut and to destroy the social and economic fabric in the Pathet Lao areas.

How does one, aided by highly sophisticated bombing techniques and weapons, destroy the social and economic fabric of an area?

Might there not be some temptation to destroy the hundreds of villages around which that social and economic fabric is centered?

The facts are fairly clear:

First. Somewhere around 200,000 tons of bombs have been dropped in northern Laos in 1969 and 1970. Cluster bombs and white phosphorus have been used.

Second. B–52's have been used.

Third. There are no major cities in the Pathet Lao areas—only perhaps 3,500 small villages.

Fourth. Refugees from many of these villages confirm that the villages have been bombed—in many cases despite the fact that no Pathet Lao soldiers were in the immediate area.

Fifth. U.S. Government employees, IVS volunteers, and respected newspaper reporters have written and testified that the bombing of villages was deliberate, systematic, and intended to destroy the social and economic fabric of an area of rural villages.

To this evidence, let me add the disquieting comments of two Air Force officers with whom I discussed the situation at the Udorn Air Force Base in Thailand on April 13, 1971.

One officer, a captain in a reconnaissance squadron, showed me a map of his photographic reconnaissance mission of the day before. He had flown approximately 30 kilometers along three separate valleys at 9,000 feet, taking photographs. On a 1:50,000 map he showed me the route, and the map indicated a number of villages alongside the roads and trails, I asked him: "What about the villages?" His response, to the best of my recollection, was to the effect:

> Mr. Congressman, I've been flying over Northern Laos for 4½ months now, and I've never *seen* a village up there.

An Air Force lieutenant colonel who was present added that he "didn't think there were any villages in northern Laos any more, or in the southern part of North Vietnam either for that matter."

I then circled eight villages in the map of northern Laos at random, and asked, if when I returned 2 days later, I could examine the photographs of the eight villages in question. Maj. Gen. Andy Evans, commander of the 13th Air Force, indicated he would be glad to comply with this request, and 2 days later, said they had only been able to identify pictures of two of the villages selected. In both cases, the photographs showed clearly that the villages were no longer in existence.

I asked for the photographs to bring back to Washington, and subsequently asked for pictures of 196 villages from which refugees have come.

After lengthy exchanges of correspondence, the Department of Defense has apparently decided that no photographs should be provided Congress. The letter of Deputy Assistant Secretary Doolin, of June 11, 1971, states in part as follows:

> I have reflected on your various requests for photographs of villages in Laos . . .
>
> It is neither feasible nor useful to go beyond these steps to furnish extended photography of Laos . . .
>
> In sum I cannot see that the cause of the civilians in Laos will be advanced by our further exchange of photographs.

The full letter is appended as exhibit G.

I want to say in that connection that they had furnished me with 12 photographs of villages in Laos that apparently are still standing, and they are reflected by the red dots on this map. There is no question but that a great number of buildings in central Laos are still in existence, but the pictures of the 196 villages that we asked for have not been provided.

There is an old California jury instruction, evolved out of centuries of common law, that when a party has the power to produce evidence on an issue but declines to do so, that the evidence is presumed to be adverse to his arguments.

It is on this evidence and this inference that I voice the suspicion that we have deliberately bombed and destroyed hundreds, if not thousands of the villages of Laos. Only the photographs will determine the truth.

Mr. Speaker, I include the text of the exhibits which I previously referred to in part:

EXHIBIT A

NEO-MCCARTHYISM AND THE NEW LEFT

(Speech by Hon. CHARLES S. GUBSER, June 26, 1971)

The lead paragraph of a good news story is supposed to include the principal thrust of all that follows. Today I shall try to apply this technique in my remarks.

My subject and title is "Neo-McCarthyism and the New Left", which I would summarize in this manner: "A large and influential body of Americans is aiding the cause of the New Left by besmirching the image of this great country with reckless conclusions based upon isolated facts." Some do this knowingly, while others are simply allowing themselves to be used. Unfortunately, the latter description fits the Congressman who represents the district in which we are meeting today.

McCarthyism has long since ceased to be a word which refers to a man—it now means the practice of drawing a sweeping and unjustified conclusion from insufficient proof. The word was disdainfully coined by honest defenders of constitutional liberties and academic freedom who had a point—a republic *must* be based on the right to disagree, to speak freely, and to be protected against unjust and damaging accusation. But, ironically, the same types who coined the word and so vehemently denounced the practice are the very ones who have made it a fine art. Because it now serves their purpose of tearing down the so-called "establishment", they rationalize that their "worthy" end justifies unworthy means.

I can't pinpoint the time when it all began. Perhaps it was the early 1950's when the predecessors of today's New Left recognized the effectiveness of an aroused public conscience. Maybe it was the campaign of 1960 when they saw an almost hysterical national reaction to a "missile gap", which the successful candidate knew, I knew, and his Secretary of Defense soon admitted, was nothing but fiction. It could have been the civil disobedience and massive civil rights demonstrations which pointed the way; it could have been any number of events or points in history. Somewhere along the line the pioneers of the New Left learned the value of mass psychology.

In 1964 they struck pay dirt. McCarthyism painted Barry Goldwater as an evil man, anxious to trigger nuclear war and genocide. They told us we would be in war if he were elected. And today we know from purloined Pentagon papers leaked to the New York Times and Washington Post that the Democratic standard bearer had conceived the same strategy he falsely charged Senator Goldwater with planning.

It is important to remember several points as we watch this matter. Republicans have not deceived the American people—Barry Goldwater didn't, Dwight Eisenhower didn't, and Richard Nixon hasn't! All the deception the papers describe occurred under Democrats. What would those who criticize the Nixon Administration for not declassifying the Pentagon report which exposes the duplicity of the Johnson Administration have said if it had been officially released instead of stolen and then leaked? You know what they would have said and so do I. It would have been another example of Republicans playing politics in order to give Lyndon Johnson back his own war.

Why are some so anxious to promote a confrontation between Congress and the Nixon Administration over this now famous Pentagon report? Certainly it has historical value because it tells us how we got into Vietnam. But I thought these people were most concerned with how we get out. Obviously, like the proponents of the New Left, they wish to discredit the "establishment" and President Nixon (who has kept his promises about Vietnam), as well as Lyndon Johnson. We needn't tar President Nixon with the same brush used on President Johnson in order to know we were deceived about Vietnam. Let us not forget that this type of tangental tarring is the purpose of Allard Lowenstein and the ADA, the New Left, Common Cause, Senators Kennedy, McGovern, Muskie and Hughes, and the Democratic Party. With regret, I must say that the Congressman from this district appears to be their willing handmaiden.

But I have strayed from my theme. Let me return to it.

Nineteen sixty-four was the year of the bonanza for McCarthyism, the Big Lie, and the New Left. Barry Goldwater was defeated with lies and a wild-eyed Congress was elected in a landslide. Effective opposition to the tactics of the New Left crumbled and fell apart. In the next few years the "establishment" was condemned as having done nothing about racial discrimination, urban and rural slums, health, water pollution, housing, poverty, and a host of other social problems. Instead of the most advanced, healthiest, best-fed, most free, most affluent, and the most progressive nation in the history of mankind, this country was made to appear as calloused and stagnant, with a system of government not equal to the times. Thousands of Hippies, Yippies, New Leftists, and Revolutionaries fanned across the country. Often they were subsidized with food stamps and by local welfare programs. Some were actually on the federal payroll. We were witnessing the beginning of a revolution in which the victims would subsidize their own destruction with their own tax money. They perfected the science of protest and mob rule advocated by Saul Alinsky, Joan Baez, Angela Davis, and others. Left-wing professors joined in, clergymen preached more rebellion and less religion from their pulpilts—the New Left was on its way.

Seizing upon an unpopular war which a Democratic administration refused to win, they used the peace movement to screen and hide their true purpose of tearing down the basic institutions and principles which made this the greatest of all nations.

The next four years saw the most rapid increase in federal programs and spending for domestic purposes of any comparable period in our history.

In January 1969, billions of wasted and misdirected dollars later, thousands of fluffy and false press releases later, and hundreds of broken promises later, the Republican Administration assumed leadership with President Nixon in charge.

Did we Republicans find less racial hatred? Were the slums gone, or even disappearing, or were new ones being created? Did we have cleaner air and water? Was the housing shortage less acute? Was there less violence in the streets Had the quality of education improved? Could you enter any church in full confidence that your offering would not be used for causes like the defense of Angela Davis? Could the government of the United States operate if the rabble and trash of a generation decided it would bring that government to its knees?

The legacy which President Nixon inherited was one of disunity, fear and hate, and distrust of established institutions and of government itself.

In the face of a hostile Congress, our Republican Administration has finally offered the nation something new. It has taken action in the environmental field instead of just talking about it. It is constructively working toward an economy based upon peace while candidly recognizing that reconversion doesn't emerge like instant coffee and that in certain areas it will be temporarily painful.

Our Republican Administration has given us an alternative to the centralization which has created more problems than it ever solved. Revenue sharing is the first proposal in 40 years which seeks to reverse the trend of centralization and to renew the exercise of individual and local responsibility.

In the "square" days of the past we didn't pay our taxes and then feel morally relieved of any responsibility for our neighbor and fellowman. That spirit which we had and about which we felt good is what revenue sharing seeks to restore.

But the greatest achievement of President Nixon is in the area where the accomplices of the New Left are most critical. He is getting us out of Vietnam—with honor, and in a manner which I believe will involve the lowest sacrifice of human life.

When President Nixon left office after serving as Vice President in the Eisenhower Administration, we had 900 military advisors in Southeast Asia. He returned eight years later as President to find more than 530,000 American men in the war zone and the nation mired in an unpopular war. Today less than half that number are in Southeast Asia and more are coming out each day—nearly a battalion per month. Casualties which ranged up to the hundreds are now reported in dozens and with each week South Vietnam becomes more able to fight its own war.

President Nixon has kept every promise with respect to Vietnam. He has pledged to end our involvement—and he is ending it. But he isn't going to tell the enemy our plans in advance.

A total withdrawal date *is* a *negotiable* item, which *should* be settled at a negotiating table in Paris. To give away a negotiable item would be to condemn our prisoners of war to more years in the hands of an inhumane, arrogant enemy—held for ransom, as political hostages.

It is noteworthy that the POW issue was settled in Korea on June 8, 1953, and the fighting continued until the armistice of July 27. It is not true, as Common Cause and so many other groups would have you believe, that a POW settlement cannot be negotiated until a withdrawal date is settled.

It is my considered opinion that legislatively establishing a withdrawal date would not hasten the end of the war. In fact, it would seriously hamper President Nixon's efforts to bring it to an early end.

I have no quarrel with the sincerity of any person who thinks our withdrawal rate from Vietnam is too slow, who doubts the policy of Vietnamization, or considers the chances of a lasting peace in Southeast Asia to be so remote that it is not worth a single additional American life.

For example, I believe the Congressman who represents this district is totally sincere in his opposition to the war in Vietnam. But when anyone reaches the point where he accuses his own country of engaging in a policy of genocide and indiscriminate bombing of civilians in Laos, when he says this nation is guilty of war crimes like those for which the Nuremberg trials decreed the penalty of death, then I must protest. That is a disservice to our nation and the 2½ million young men who served in Southeast Asia—and to the 50,000 men who have given their lives there.

Having fought for this country with distinction does not convey to any man the right to libel its image with half truths and distortion. Every American, including those of us who cannot claim the distinction of having served in combat, has the right to criticize or disagree with national policy, but each of us also has the obligation to be responsible. It is here that I must take issue with my colleague, the Representative in Congress from this district.

I do so more in sorrow than in anger. At one time I had high hopes for my articulate, bright and attractive colleague. But as a legislator his base of support has shrunk to only the radical fringe of New Leftists in the House. As a candidate he is supported only by Norton Simon at the bank and the Lowensteins and Teddy Kennedy in their move to "dump Nixon". A brilliant future hay have been sacrificed at the altar of publicity.

Let me detail my charge and present my supporting case:

Congressman McCloskey held a news conference on April 17 after a trip to Laos. There he charged that his "suspicion that this country is deliberately following the practice of destroying villages in Northern Laos is borne out by the evidence."

At the same press conference he is reported to have said, "Since President Nixon came to office in 1969, American bombers systematically wiped out nearly all of the 3,500 villages in Northern Laos in an operation called 'Barrel Roll' leaving a fourth of the country's population homeless."

On other occasions I've heard statements about U.S. war crimes, genocide, and indiscriminate bombing of civilians attributed to him.

These allegations simply are not true!

Before leaving for Laos my colleague was briefed by Mr. Fred Branfman, Executive Director of Project Air War. Mr. Branfman served in Laos with the International Voluntary Service and resigned in late 1969 to spend some time in Paris where he was actively involved with pro-leftist Laotian students.

In early 1970 he returned to Laos and wrote numerous articles critical of United States policy. He played an active role as a legman and interpreter for visiting delegations of American anti-war and New Left personalities, including some who were traveling through Vientiane enroute to or from Hanoi.

He took an active part in helping visiting reporters who were looking for anti-U.S. Government stories. One of his favorite exhibits was a 10-year-old boy, Ba Som Di, of Ban Theim village who allegedly had been burned by a phosphorous bomb. He was a frequent visitor to both the North Vietnamese and Soviet Embassies and had a wide range of known contacts with the Pathet Lao, Soviet, and North Vietnamese officials.

Mr. Branfman was on close friendly terms with persons involved in an abortive coup to bring General Kong Le Bak to power with the assistance of the Lao Communist Party (the Pathet Lao).

Finally, with no specific charge publicly lodged against him, Branfman was deported by the Royal Lao Government.

When he returned to the United States, Branfman testified at the "unofficial hearings on 'U.S. war crimes'" chaired by Representative Ronald V. Dellums. He was scheduled to be a witness at the "war crimes" trial in Oslo, Norway.

Was it Branfman who suggested to Mr. McCloskey that he should visit a certain refugee camp and see a 10-year-old boy, Ba Som Di? When my colleague showed the picture of this unfortunate boy to Senator Kennedy as an example of indiscriminate use of phosphorous anti-personnel bombs by the United States, did he know that phosphorous for purposes other than marking targets and creating smoke to rescue downed pilots is not used in Laos?

Let's look at some of the other preparations made for Congressman McCloskey's trip to Southeast Asia. He was briefed by State Department officials before his departure and was told (*please note this*) that a USIS study had been done of *one* camp which housed refugees from 200 villages in the Plain de Jars area.

The significant point is that Mr. McCloskey was told of the report before he left. When informed of its existence, he requested copies and was told that the survey could not be furnished him, but a five-page summary could be made available which had already been given to Senator Kennedy. The summary was delivered before his departure. Please note again, *he asked for the survey, knew of its existence,* and *received the summary before he departed.*

Now remember this fact in context with his reply to William Buckley on television when Mr. Buckley said, and I quote, "The survey was in your briefcase, Mr. McCloskey. It was given to you a week before . . ."

After an interchange, Mr. McCloskey said, ". . . I am telling you you are not telling me the truth."

Now, if you want to play with semantics, the "survey" was not in the briefcase, but a "summary" was. Does that prove that William Buckley was a liar? I don't think it does any more than Mr. McCloskey proved that Father Matthew Menger, a Catholic priest who served the Congressman as an interpreter, had misrepresented the truth to him.

Despite Mr. McCloskey's allegations that significant portions of the "survey" were removed from the "summary", I categorically state that the summary was a true reflection of the survey. I say this because I have read both. Any intelligent reader will gather the same conclusions from the short version as he does from the longer one.

Let's backtrack. The State Department did inform Mr. McCloskey of the survey and the summary and he requested copies of both. The summary was furnished. But before the Kennedy Subcommittee he testified as follows, and I quote: "My staff was given a three-page summary that was supposed to be reflected in the document. I didn't see this three-page summary which was placed in a briefing book for me until the morning of 14 April."

Later in the same testimony and still referring to the summary, Mr. McCloskey said, and I quote: "This was the document I found in my own file on the morning of the 14th. *This is the reason I went to the Political Officer and said, 'May I see the survey?'*" (Page 135, transcript of Senate hearings, April 21, 1971)

At page 141 of the same hearings, Mr. McCloskey testified: "It was in reading it [the refugee book] over at 6:00 that morning in the Ambassador's house that I came across the reference to this survey *for the first time.*"

Apparently Mr. McCloskey wants us to believe that he did not know of the survey until he found it in his briefcase on the morning of the 14th. How does this square with his request to the State Department before he left Washington for copies of both the survey and the summary?

My colleague would have us believe that Ambassador Godley and Mr. Stearns of our Embassy lied when they allegedly said on the night of April 13 that, and I quote: "No survey of refugee attitudes had been made because of lack of staff." (Congressional Record, June 14, 1971, page 19564)

I find it incomprehensible that these State Department officials would attempt to state there had been no survey made when they had full knowledge that Mr. McCloskey had received the summary of the full survey. On April 9 a wire containing the full text of the summary was sent to the Embassy in Vientiane. The Deputy Chief of Mission, Mr. Stearns, in testimony before the Kennedy Committee, acknowledged that it had been received and that a decision had been reached in advance to supply the full text of the survey if requested. Now, I won't make any accusations about who wasn't telling the truth, but I ask any one of you, would you tell a man a survey had not been conducted if you knew a summary of the same survey had already been given to him?

This document caper is a classic example of Neo-McCarthyism—discredit, impugn, subvert, contravene, and rebut your opponent by attacking his credibility. Cover up your own bad case by attacking the integrity of those who defend against it. It is a sly technique, but is it the stuff of which Presidents are made?

No American official, including Ambassador Sullivan who served in Laos during the period currently in controversy, has ever denied the fact that villages have been destroyed in Laos. But the question is, were they destroyed, as Mr. McCloskey alleges, by a deliberate policy of striking innocent villages which were not in themselves military targets?

Mr. McCloskey's total evidence is what he was told by left-wing anti-U.S. groups before he left the United States, the testimony of 16 individual refugees from seven villages, and the USIS report on refugees.

Now, let's analyze his arguments:

He says there are 3,500 villages in the contested area. Based upon the USIS study of one refugee camp comprising residents of 200 of these villages and his interviews with 16 Laotians from seven villages, he concludes that 76 percent of these 3,500 villages have been wantonly destroyed by United States pilots. If this is not true, he says, "Show me pictures which prove the villages are still standing." This is the old "Have you stopped beating your wife?" type of argument.

This is argument by extrapolation from a non-representative sample. Let us play at this same game by taking the same sample and extrapolating in another manner:

About 150,000 individuals were pushed into refugee status during the period from the 1968 dry season through 1970 by North Vietnamese aggression. Only 17,000 came out out of the area where there was any U.S. bombing in support of the ground fighting. All of these were in camps like the only one Mr. McCloskey visited. But 48 percent of those interviewed, according to the USIS survey, indicated they left because of the *fear* of bombing. Thus, giving full credit to the USIS survey upon which the gentleman relies so heavily, we have 8,160 refugees who fled because they *feared* bombing. This is about 5½ percent of the refugees from 3,500 villages, 76 percent of which Mr. Closkey concludes were destroyed by bombing. And remember, all of this 5½ percent say they became refugees for *fear* of bombing and not actual bombing.

The Plain de Jars is one of the most fought over-pieces of real estate in the world. The North Vietnamese and the Royal Lao forces have taken and retaken it at least annually for many years. Ground fighting has been intense with much artillery and mortar fire.

Villages in much of the Plain de Jars and surrounding area are abandoned every five to seven years as the land is returned to fallow and inhabitants move to new areas to pursue the slash-and-burn method of growing rice. Other villages are burned by invading ground forces and some by bombardment in support of ground fighting in villages the inhabitants have already left. Arms caches and supply dumps in and around abandoned villages are often attacked and thousands of secondary explosions from such attacks prove the military nature of the targets. A photograph of a bomb crater in an abandoned village may satisfy some who wish to discredit the image of their own country, but it won't show whether people were there when the attack took place and whether the target was strictly military at the time.

Here is United States policy with respect to bombing: One standing hut is considered as an inhabited area and no bombs can be dropped within 500 meters of it.

During the period of time in question, Mr. Edward Archer, an outstanding Foreign Service Officer, investigated all bombing targets for U.S. forces in North Laos and made recommendations to the Ambassador. He never recommended approval of a strike against an inhabited village and no attack could be made without such approval. The attacking pilot was required to receive clearance from an airborne command controller who directed him to a forward air controller, who in turn directed the pilot to the target. After the strike, the pilot was required to report bomb damage assessment and the forward air controller was also required to report, as was the airborne command controller. Mr. Archer received the BDA (bomb damage assessment) and kept a record of all strikes.

Computer runs on all of this data have clearly shown that our policy has been rigidly followed.

The final question is, are all our American officials lying? Is Ed Archer lying? Is Father Menger lying? Are the pilots lying? Are the airborne command controllers lying? Are the forward air controllers lying? Is the tortured logic and the implication of one candidate for President the whole truth?

I leave you and the American people to answer this question.

My remarks today should not be interpreted as a personal attack. Rather they are a defense of this nation against an unfounded charge.

In summary let me say:

We know the New Left prospers when it destroys Americans' faith in their leaders.

Immunity from criticism is not the right of any public official, but it is the obligation of those who criticize to be fair, factual, and truthful.

Neo-McCarthyism, now McCloskeyism, has served the cause of the New Left.

Exhibit B

[From the San Francisco Chronicle, Dec. 2, 1969]

Another Viet Village Dies

(By Helen Emmerich)

I returned from South Vietnam last Friday, midst the furor here over the Song My incident. It came as a complete surprise to me, the massacre of those villagers, for the impact had not yet hit the 1:15 Saigon press briefings.

Perhaps I haven't been out of Vietnam long enough for the horror of the massacre to hit me. Perhaps it never will, or I have witnessed many Son My's, smaller in scale but nonetheless as devastating.

A first operation must be like a first love affair. You never forget the first sight of innocent Vietnamese falling, under the fire of U.S. artillery. Perhaps the only thing that keeps one sane when it is happening is the matter of fact, just another day's work manner in which it is conducted.

Operation Arizona was my first search and destroy mission. It happened in I Corps, 20 miles south of Da Nang, with the 5th Marine Division.

We took the ridge without incident. It had been just another long hot walk in the sun. We had met no enemy, nor had we heard a single shot since climbing down from the amphibious tanks after crossing the river at dawn.

Now we waited. Two companies, half a battalion of Marines taking part in Operation Arizona in Quang Nam Province.

Sitting on the naked ridge was like being in a great natural amphitheater. Stretched below us were rice paddies. Across the shallow valley floor was the small village.

With the naked eye, the peasants could be seen bent to the earth, tilling the soil. With field glasses, the Vietnamese could be watched in the tiny market place, haunched beside their wares, walking around.

PEACEFUL

We were waiting to hear from the other two companies closing in on the other side of the village. It seemed so peaceful there in the fading afternoon. I wondered why more than 500 men were needed to home in on such a small place.

At dusk the helicopters came, scurrying over the village, dropping thousands of leaflets on the hootches, into the rice paddies below.

Colonel William Kitterman said they were warning leaflets, urging villagers to move out before dark. The helicopters made three passes. The breeze picked up hundreds of leaflets and sent them across the paddies to where we waited.

No one came out. I watched and waited with the Marines. I stared at the village. Lord, I thought, why don't they walk out of there.

CHANCE

Kitterman put down the glasses and looked at me. "Well, they had their chance. Now, we just assume they're VC."

All of them? The old man whose back was bent to the earth, the children seen running in the market place?

"Yes, all of them."

Don't you imagine that even the Viet Cong would want to get out if they thought they were going to be killed?

"You don't understand these people. Their land is more important to them than their lives. They probably think we'll just pass them by."

I picked up the colonel's glasses to take another look. I saw shadows pass small fires. Otherwise, the village was motionless, silent.

FLARES

The C-47 Dragon ships came, dropping flares in a bright ring around the village. Nothing moved. Nothing could be seen. The villagers had moved inside under the elephant grass overhangs.

I asked the colonel what happened next.

"We're going to prep the village."

The goosebumps rose on my arms, sticky with sweat in the hot night. My God, you cannot. Why don't we send men in to get those people out?

"They had their chance."

Shortly after 10 p.m. the first artillery rounds whistled overhead and crashed into the village. First the rounds, then the silence, then the screams.

SOUNDS

I climbed on top the Amtrak. I buried my head in my arms, trying to blot out the devastating sounds. I kept asking myself why they hadn't come out. I was crying. I was angry.

Damn them, I thought. Those fools, let them die.

When the artillery stopped, the gun ships came. C-47's armed with gatling guns, grunting out 2000 rounds a minute. Spraying 60 millimeter shells up and down the valley floor, like dots and dashes of fire from sky to earth.

If anyone had a change of heart, it was too late now. I waited out the night on the Amtrak. The cries never stopped.

At daybreak we moved in to "marry" the other companies already in the village.

Kitterman said, "They took the village without incident." I looked at him to see if he was serious. He was.

BURN

Grey whisps of smoke curled above the hootches. Kitterman had given the order to burn the homes, round up the detainees, fill in the wellls, destroy the rice caches.

"We can't leave anything for the enemy."

We entered the village jammed with Marines. Hootches were crackling, the stench was sickening. Burnt hootches, burnt flesh, small man-made craters already beginning to fill with water.

Five bodies sprawled in the market place. Eyes stared out from gaping sockets. The sun ricocheted off staring eyeballs. Black blood congealed on broken limbs. Two shriveled old men, two withered old women. A girl about 12 years old.

EYES

Whimpering came from under banana trees 15 feet away. Eleven villagers lay on the earth. A young woman moaned, one arm grotesquely thrown behind her, the other holding a nursing baby to a sagging breast.

A Marine medic was splinting a little girl's legs, both broken. Another pushed a hypodermic needle into an ancient arm. They were all wounded, severely. It isn't their wounds that I remember so much. It's their eyes. Fear wear's a haunting, awesome face.

I marveled that they could be afraid of me, of other Americans. It was clear they were, desperately so.

The helicopters came and I rode out with a half dozen of the possibly 20 detainees. Three children and a woman on our ship. The kids had a hammer lock on my legs. They hurt for a long time after.

The colonel said we'd leave the dead for their own burying. By whom I wasn't sure, since everyone was going to a detainee camp for interrogation.

QUESTION

When I returned to the Marine press camp at Da Nang I couldn't get the village out of my mind. I finally asked a gunnery sergeant why the villagers hadn't come out after the leaflets were dropped.

He took a hard drag on his coffee, looked around, then whispered to me, "Look, don't say I told you this—but don't you know—they couldn't read the leaflets."

Eighty-five per cent of the people in Vietnam can't read.

When I returned from South Vietnam for the first time in 1967, I talked to several California lawmakers about the search and destroy missions and other horrors. One was Charles S. Gubser (Rep. Gilroy). He had asked me to report to him on my return.

I saw Gubser in Washington. As vice chairman of the Armed Services Committee, I was sure he would be especially interested in Operation Arizona and other similar operations. Gubser told me there was nothing that a congressman could do, "our powers have been usurped by the Executive branch."

Exhibit B1

[From the Sunnyvale-Standard Register-Leader]

"She received a signal honor from Congressman Charles S. Gubser when he appointed her a representative of the 10th Congressional District to conduct a fact-finding mission in Vietnam. (See letter below.)"

Mrs. Emmerich, a Standard Register reporter for the past four years left ten days ago on a two-month tour of the war zone for this paper. Now she will have additional duties in reporting to Congressman Gubser, a member of the House Committee on Armed Forces.

(Congressional letterhead, May 10, 1967):

"Mrs. Helen Emmerich,
"Care of Sunnyvale Standard.

"Dear Helen: I am writing this letter to you in care of the Sunnyvale Standard, knowing that it will be delivered to your doorstep in Saigon a few days after it is printed in the Sunnyvale Standard.

"By this time you have probably received my cablegram appointing you as the representative of the 10th Congressional District to conduct a fact-finding mission in Vietnam. I am looking forward to reading your reports and know they will be helpful to me as a member of the House Committee on Armed Services.

"I don't know whether you realize it or not but you are the first reporter from Santa Clara County who will cover the war in Vietnam. Thus you have two firsts to your credit—one of the first women reporters and secondly the first from my district.

"Hoping your tour is interesting and fruitful, I am,

"Yours sincerely,
"Charles S. Gubser."

Exhibit C

[From the Christian Science Monitor, Mar. 14, 1970]

What U.S. Bombing Feels Like to Laotians

(By Daniel Southerland)

Bam Nom Xay, Laos.—The old woman said she had been through several wars but that this was the most destructive and terrifying—because of the bombing.

"In other wars, I didn't have to leave my home," she said.

"When the soldiers came on the ground to fight, I wasn't so afraid," she said. "But when they came in airplanes, it was terrible."

The 70-year-old Lao woman was one of some 14,000 refugees evacuated from the Plain of Jars prior to the Feb. 21 recovery of that area by North Vietnamese forces and the Lao rebels, the Pathet Lao.

Few civilian inhabitants, if any, were left in the Plain of Jars following the evacuation of the refugees.

In 1960, the plateau itself and its surrounding ridges and valleys had supported an estimated 150,000 people. But a decade of war has taken its toll.

The old woman and some 750 other persons from her native village were moved by plane and then by truck last month to this refugee camp with its bamboo-and-straw huts, about 40 miles east of Vientiane.

AIR POWER REDIRECTED

The correspondent visited four refugee camps and talked with refugees from six different locations in and around the Plain of Jars.

After questioning a large number of them, it was possible to get a picture of the devastation unleashed by American fighter bombers in northeastern Laos over the past two years, and it is not a pretty one.

After the United States halted its bombing of North Vietnam on Nov. 1, 1968, it stepped up as much as 10-fold its bombing raids—support which started on a minor scale in mid-1964—against Pathet Lao-occupied northeastern Laos. The number of bombing sorties by United States Air Force and Navy jets rose to as many as 300 a day.

This bombing campaign, code-named Barrel Roll, is separate from the other, more-publicized campaign. The latter, code-named Steel Tiger, is directed against the Ho Chi Minh Trail in southern Laos.

The refugees said about 9 out of 10 of the bombing strikes flown over the past two years in the Plain of Jars area were carried out by American jets and the rest by propeller-driven Royal Lao Air Force T-28's.

In most areas of the plain, the bombings forced the people to move out of their homes and into trenches, caves, and bunkers where they lived for the most part of two years.

HIDDEN BY DAY

They threw corrugated iron over the trenches and covered with dirt, topped with branches for camouflage. Many said they ventured out to farm only at night because of the bombing.

By all accounts, the situation has been somewhat similar for the estimated 192,000 people living in Houa Han, or Sam Neua Province to the northeast of the Plain of Jars, although information is more difficult to come by on that area.

One Western diplomat reported, however, that in some areas of that province "whole communities are living underground."

It has been a similar story also for villagers living in the vicinity of the Ho Chi Minh Trail in southeastern Laos, where refugees and North Vietnamese prisoners and defectors say many villages have been destroyed.

In all of these places, the bombing stepped up greatly after the cessation of the attacks against North Vietnam.

In the Plain of Jars area, the bombing destroyed the main towns of Xien Khouang, Khang Khay, and Pmongsavan. The refugees said the bombs flattened many villages in and around the plain and heavily damaged others. They said no villages they knew of escaped the bombing.

The refugees said they were sometimes forced to leave their villages and bunkers to do porterage—carrying rice and ammunition—for the Pathet Lao and North Vietnamese. But they added that in many bombing raids there were no Pathet Lao or North Vietnamese troops near their villages.

RAIDS DAILY OR OFTENER

As the bombing increased, they said, the troops moved further away from the populated areas.

In 1969, they said they saw the bombers every day when the weather was clear, sometimes so often they could not count the number of raids. The planes tended to fire at anthing that moved, they said.

For the most part, however, the attackers spared their buffaloes and cows, although some refugees felt that even these were sometimes targets.

One man said he narrowly escaped being blasted to pieces on six separate occasions when bombs fell near his hole, several times knocking him unconscious. But while he escaped death, there was one thing he could not escape—fear. It stalked him day in and day out.

CIVILIAN TERRORS DESCRIBED

Some refugees said they moved four or five times, each time farther away from their villages, to escape the bombing. But the bombs always followed them. Even at night the bombers came, and finally, even the rice fields were bombed.

"There wasn't a night when we went to sleep that we thought we'd live to see the morning," said one refugee. "And there wasn't a morning when we got up and thought we'd live to see the night."

"It was terrible living in those holes in the ground," said another. "We never saw the sun. Our hair was falling out."

"My wife and three children were killed," said a man in his thirties. "There were no troops (Pathet Lao or North Vietnamese) anywhere near our village."

All this raises some basic questions about the bombings in northeastern Laos. What has been its purpose?

It is impossible to get the United States Government side of the picture in any detail because American officials refuse to discuss except in the vaguest generalities the activity in Laos.

PILOTS PLEDGED TO SECRECY

The pilots who fly the raids from air bases in Thailand and South Vietnam and from carriers in the Gulf of Tonkin are under instructions not to discuss the details of their missions.

For years, the United States maintained the fiction that it was only flying "armed reconnaissance" missions over northern Laos.

The most candid official acknowledgement that something other than "reconnaissance" was going on came in President Nixon's March 6 statement when he said for the first time that the United States had been flying "combat support missions" in northern Laos when requested to do so by the Royal Lao Government.

"The level of our air operations has increased only as the number of North Vietnamese in Laos and the level of their aggression has been increased," the President said.

BUILDUP ADMITTED

On this point, there is no question that there has been a continuing North Vietnamese burden in northeastern Laos. This buildup has been in direct violation of the 1962 Geneva accords and has allowed the Pathet Lao, heavily supported by the North Vietnamese, to solidify their control there.

But has bombing been a justifiable or effective response? A number of well-qualified military sources feel the bombing's effectiveness in cutting enemy supply lines and slowing down the North Vietnamese has been in general greatly exaggerated, just as it so often had been in both North and South Vietnam.

BOOMERANG EFFECT?

According to the refugees from the Plain of Jars, the bombing may even have had a boomerang effect in some areas.

One refugee said that as the bombing increased, the Pathet Lao forces in his district started getting more volunteers, whose attitude was "better to die a soldier than to stay at home waiting for the airplanes to kill you."

He also said the bombing tended to heighten the fighting spirit of the Pathet Lao—no mean achievement given the Lao propensity for avoiding battle.

Whatever the effects of the bombing on enemy military forces in Laos—still a subject for much debate—there is no doubt as to its effectiveness in completely disrupting civilian life.

TRANSPORTATION HALTED

Whereas the North Vietnamese and the Pathet Lao soldiers are capable of moving into the protection of the forests and living off supplies shipped in from neighboring North Vietnam, the civilians are tied to their rice fields, their livestock, and the rest of their belongings and are thus exposed more constantly to the bombings than the soldiers.

A refugee from Phongsavan said the bombing put a halt to all civilian motorized transportation in his district and caused markets to open only in the predawn darkness and to close before sunrise. Schools were destroyed, and there was a general shortage of everything from clothing to bicycle parts.

Sometimes it took some prodding and a lot of patience to get the refugees to talk about all of this, and it appeared to me, in fact, that some of them had been told not to talk about it.

Many of the wounded, the refugees said, had chosen to stay behind with the Pathet Lao and not to come south with them.

Although the bombs no longer are falling on these people, pieces of the war are still with them. They have taken the debris cast down by the warplanes and turned it into tools and implements.

How do they feel about the bombing now?

It is difficult to say. One refugee said the Pathet Lao had told them: "America is very far away, and the Americans have come to kill the people of Laos and colonize our country. You should be very angry with the Americans."

REFUGEES ARE FRIENDLY

But if you go into their crowded camps, the refugees will be friendly and fairly open after a while, providing there are no government officials or soldiers around. They are attractive and intelligent people, quick to laugh at a joke, naturally polite and hospitable, and they will share their fish, rice and tea with you.

But they have a list of grievances.

They complain that Central Intelligence Agency-supported army of Gen. Vang Pao conscripted many of their only remaining sons. There are few young and able men in these refugee camps, and many, of course are still with the Pathet Lao.

They complain that the stifling lowland climate is too hot for them, and that the farmland they are now clearing, given by the Laotian Government, is not as good as the land they left behind in the plateau.

And there is a problem of money.

The only currency many of the refugees had when they came out of the Plain of Jars was Pathet Lao money, and it is worthless now. On the back of the 500-kip notes they carry is a scene showing Pathet Lao antiaircraft gunners shooting down American planes.

EXHIBIT D

[From The New Republic, May 9, 1970]

THE LONG MARCH—LAOTIAN TRAGEDY

(By Carl Strock)

VIENTIANE.—After twenty years of sporadic, semi-secret warfare, Laos has a serious refugee problem. At least half the population of three million has been displaced by the fighting, according to government officials in Vientiane. At least 180,000 are living in "refugee villages."

At the end of 1968, American bombers were diverted from North Vietnam to Laos and began systematically depopulating Pathet Lao-controlled territory. Air strikes were no longer limited to the network of North Vietnamese supply routes twisting through the sparsely inhabited mountains of eastern Laos on their way to South Vietnam (the "Ho Chi Minh trail"), nor confined to "combat support missions," as President Nixon would have it. Everything that stood and was not controlled by the government became a target. Tribesmen and peasants began to flee to the relative safety of the government controlled lowlands. The US Embassy, having persuaded itself that the people were escaping "Communist terrorism," was enthusiastic about this "voting-with-the-feet." Yet it was not—and is not yet—eager to advertise the refugee situation.

In mid-1969 air strikes were escalated to their present high level of 15,000 sorties a month. In support of the secrecy-shrouded offensive by the CIA-financed "Clandestine Army" of the Meo mercenaries, the US carried out a saturation bombing campaign on the Pathet Lao-controlled Plain of Jars in northeastern Laos. After seizing the Plain, the Clandestine Army rounded up the inhabitants, culled out the prosperous farmers and merchants—the main contributors to Pathet Lao tax coffers—and shipped them to the Vientiane lowlands. The poor peasants were allowed to remain behind, not in their original homes, which had been reduced to rubble by the bombing, but in the "refugee villages."

I asked a young man what happened when the Clandestine Army took over his village. "The soldiers gathered us together," he said. "They told us we had one hour to leave. We didn't know where we were going. The soldiers took whatever they wanted from our houses, and then they burned the village down. An officer told us that if anyone asked, we should say we were escaping from the Communists. We walked 20 miles to an airstrip, and then American planes brought us here. I was lucky. I'm half Chinese, so they didn't make me join the army. The Lao boys were drafted right there. I haven't seen them since."

When the dry season came at the end of last year, intelligence reports indicated that the North Vietnamese and the Pathet Lao were planning a counter-offensive to recapture the Plain of Jars. No one believed that the rag-tag Clandestine Army could hold off a determined Communist advance, but the U.S. Embassy here wanted two guarantees: that the peasant-refugees—indispensable producers of rice—would not again be able to benefit the Pathet Lao; and that American bombers would have a free hand to pound the oncoming troops. So it was decided to evacuate all civilians from the Plain of Jars.

Between February 5 and 11, some 15,000 bedraggled Laotian peasants were loaded onto Air America cargo planes and shipped to new "refugee villages" in the Mekong lowlands. The Plain of Jars became a free-strike zone. The U.S.-Vientiane planners, unable to carry their government to the people, had chosen the Vietnam-tried course of bringing the people to the government. "We could work in the fields only at night; by day we slept underground in the bunkers," explained one old woman in a camp near Vientiane. "Everything that moved was bombed. Our village was bombed three times. The second time my daughter was killed. Then we left and went to live in the forest. It's very difficult to live there. There's not enough to eat."

Though more people live under government control since the bombing, American officials here deny that was the intent of the bombing. They claim that "Communist terrorism" is responsible for the influx of refugees. When the mass evacuation from the Plain of Jars was begun in February, U.S. AID officials who supervised the operation maintained that the people all freely chose to leave their homes. Other U.S. AID officials, who do not wish to be identified, now admit, however, that the decision was made in Vientiane and that the people were moved regardless of their wishes. Naturally, when confronted with the choice of being bombed at home or surviving in a far-away camp, many people chose the latter. But it seems devious to call that choice "free."

The plight of refugees here is not yet as grim as that of their counterparts in Vietnam. Camps are small and usually contiguous to an established village. The idea is that the old villagers will help dispossessed newcomers; so far it has worked well, to the great credit of the Lao villagers. But refugees do not have enough land to support themselves and the land they do receive is usually the least fertile. The thatched, barrack housing is depressing even to peasants accustomed to primitive conditions. Medical care is rare; so is schooling. US AID this year will spend some $7 million on refugee relief (about one thirty-fifth of the estimated $250 million spent to wage the war); most of that will be used for rice crops.

The worst suffering is not in the camps. By the time people reach them, the worst is over. Their villages have been destroyed; their relatives killed or drafted; they have walked, sometimes for months, through some of the most rugged country in the world. Only the lucky ones ride Air America. The others, by the tens of thousands, put their belongings on their backs and set out across the hills on foot. It is an agony difficult for an outsider to imagine. American and Laotian officials estimate that over the last 10 years 20 percent of the people of northeastern Laos have died in these refugee marches. The verdant limestone mountains that seem to have been lifted from a delicate Chinese scroll are a cemetery for 100,000 peasants! Random air strikes are always a threat; countless unexploded bombs lie scattered half-buried in the hills; exhaustion claims the weaker marchers; epidemics, expecially of measles, are common; and of course there is never enough food.

The US Embassy downplays the dimension of the tragedy by counting only those currently living on relief in recognized "refugee villages"—the 180,000 I have mentioned. The Laotian government, however, reports 543,000 refugees and says there are at least another 150,000 unregistered. Now—because of heavy fighting and bombing near the Plain of Jars—another 100,000 are trudging southward through the roadless mountains to safety. One out of five will probably die before reaching the lowlands.

EXHIBIT E

[From Life magazine, Apr. 3, 1970]

THE PENDULUM OF WAR SWINGS WIDER IN LAOS

(By Hugh D. S. Greenway)

VIENTIANE.—Sam Thong has fallen. The North Vietnamese are in the town. The American bungalows around the airstrip, until just a few days ago the headquarters for U.S. aid and refugee relief, are now only burned-out ruins. Long Cheng, which holds the secret CIA base, the headquarters of General Vang Pao's clandestine army and the center for the entire American-Laotian effort in northern Laos, may soon be next.

The Americans at Sam Thong have been evacuated to the south. Thousands of civilians—Meo tribesmen, wearing elaborate wrought-silver necklaces and carrying their handmade flintlock muskets—are trudging south with all their belongings on their backs. The silver airplanes of Air America, the CIA contract airline, are flying in low over the jungle-covered hills and limestone outcroppings, so ironically reminiscent of placid classical Chinese landscape paintings, to drop 100-pound bags of rice to feed the fleeing Meos.

The annual North Vietnamese dry-season offensive is in its seventh week and already the troops from the northeast have penetrated deeper than in previous years, bloodying the nose of the dispirited Laotian army and dealing the government's morale and prestige a heavy blow.

For years the Laotian war ran on in the wings of the larger Vietnam theater, with neither side pushing the other too hard, in the last two years the pendulum of war in Laos has been swinging harder and wider, and each wet-season dry-season offensive has mounted a little higher than before. There are two months of dry season left. The fear now in both Washington and Vientiane is that, this time, the North Vietnamese might be tempted to push on into the Mekong River valley—which would upset the balance of power in Indochina. If they did, it might put the Nixon Doctrine of limited involvement in Asia to its severest test.

There are several reasons why the U.S. presence has been kept secret. Like the North Vietnamese presence, it is a violation of the Geneva accords. And, U.S. officials argue privately, a clandestine operation doesn't risk prestige in case of setbacks, and is thus less likely to commit the U.S. to Vietnam-scale involvement. Aside from the fact that most Americans find the idea of a secret war abhorrent, the lack of reliable information has led to gross exaggeration of the U.S. role in Laos. President Nixon's recent speech was meant to take the wind out of some of the exaggerations, but unfortunately the President was less than totally candid. While he admitted the bombing of Laos, he did *not* mention the CIA operation or the full role of the American advisers in the Laotian war. The President's estimate of North Vietnamese troop strength in Laos was at least 17,000 higher than the highest reliable estimate in Vientiane including the estimates of the Americans themselves. His denial that there have been any American combat deaths in Laos was quickly proven false as well.

Laos is an improbable place for the U.S.—or anybody, for that matter—to become involved. Except for a brief moment of glory in the 14th Century, when Lan Xang (the Kingdom of the Million Elephants) held sway over what is now Laos as well as parts of Thailand and Cambodia, Laos has been a prisoner of geography, fought over and plundered repeatedly by its more powerful neighbors. The country as now constituted dates only from 1946 when the French assembled three kingdoms under their control and called it the Kingdom of Laos. Today there are fewer than three million people in the entire country, two million of them in government-controlled areas near the Mekong.

Perhaps losing so often and being subjugated by so many masters does something to a race for the Lao answer has been to drop out. They are among the most charming people in Asia—and the most other-worldly and least martial as well. Consequently, Lao troops have sometimes fired over the heads of the enemy rather than hurt anybody, much to the despair of American advisers. Most of the effective fighting on the government side is done by General Vang Pao's warlike Meo tribesmen who live in the hills of northeastern Laos.

The bitterness that divides Laotians is not so deep as the bitterness that divides the Vietnamese. The two opposing leaders in Laos, Prime Minister Prince Souvanna Phouma and Pathet Lao Leader Prince Souphanouvong, are half-brothers. In Saigon, a mere whisper in favor of coalition government will land you in jail. The Vientiane government, however, has always advocated a return to the tripartite coalition of 1962, and the cabinet posts which the Communist Pathet Lao abandoned then are still being kept open for them should they return. Both sides advocate coalition.

The pipe-smoking, French-educated Souvanna Phouma, who seems more a French bourgeois than a prince, is the indispensable man in Laotian politics because he is the only figure who could be acceptable to both sides. His acceptability to the Communists lessens as the war in Laos heats up.

The present escalation began in November 1968, when the Americans decided to increase the bombing of Laos three-, four- and then five-fold. The decision was not made in response to increased North Vietnamese aggression in Laos, as President Nixon indicated in his speech. The U.S. military did not think it could afford to give up bombing North Vietnam unless it increased the bombing of Laos. At first air escalation was restricted to the Ho Chi Minh Trail network, but soon it spread to include close American air support of Laotian ground troops in western Laos as well.

When the North Vietnamese continued their offensive into the rainy season and took the strategic government garrison at Muong Soui in June of last year, the Royal Laotian army's morale ebbed. Perhaps to restore their confidence, the U.S. last summer encouraged, helped plan and supported General Vang Pao's brilliant capture of the Plain of Jars (so called because it is dotted by hundreds of man-size cinerary urns). Militarily, the maneuver was a huge success. Lightning helicopter assaults, flown by American pilots, put Vang Poa's Meo deep into enemy territory to the east of the Plain of Jars, severing North Vietnamese supply lines. The plain fell with very little resistance, and the retreating North Vietnamese and Pathet Lao abandoned huge stores of food and ammunition.

But this was in effect another escalation of the conflict, because for prestige and political reasons the North Vietnamese would inevitably move to retake the plain this dry season, to revenge last year's humiliation. Then, although they are unlikely to attempt to occupy all Laos, their continuing military pressure might force Souvanna Phouma to ask the U.S. to halt bombing. Under the circumstances it is difficult to understand why the U.S. is not doing its best to cool down the war, by discouraging such provocative government adventures as well as by limiting air activity, since both could be done without endangering either Souvanna Phouma's government or American troops in Vietnam. A Pathet Lao representative arrived in Vientiane from Hanoi recently, carrying peace proposals from Prince Souphanouvong to his half-brother Souvanna Phouma. The letters follow a five-point Pathet Lao peace proposal which is obviously timed to coincide with the present offensive. The proposal calls for a cease-fire and a provisional coalition government to be followed by elections and a withdrawal of foreign forces. Such terms might be unacceptable in Saigon, but they are not entirely so in Vientiane. Souvanna Phouma knows that the North Vietnamese will not give up the Ho Chi Minh Trail while the war in Vietnam continues. He has said he does not consider that wild, uninhabited region vital to Laotian sovereignty. He would gladly give the North Vietnamese a free hand there in return for peace in western Laos.

But Hanoi has made it clear it will not negotiate until there is a bombing halt. And this is one thing the Americans most surely will not concede.

As the war goes on, so does the misery inflicted on the Laotian people. Refugees from the Pathet Lao zone all tell harrowing tales of entire villages living in caves and holes in the ground, farming their rice by night in order to escape the bombing. From all reports the wholesale bombing of civilian centers in the Pathet Laos areas goes beyond anything the North Vietnamese have experienced. When Pathet Lao or the North Vietnamese troops were in the area, even young children were forced to carry rice and arms for days on end. As for the Meo in the mountains to the north, sons will shoot their parents rather than let them fall into North Vietnamese hands.

For Vang Pao, the guerrilla leaders of the Meo—the most effective fighting force the government has—the situation has become desperate. In the last six months he has lost more men than in any comparable period in the last 10 years. His people have become discouraged, and only Vang Pao's leadership keeps them going. There are no longer enough young men left for the Meo girls to marry, and some of Vang Pao's troops are mere 12- or 13-year-old children.

At least one American in Laos—the near-legendary Edgar "Pop" Buell—is darkly pessimistic about the outcome. A retired Indiana farmer, he heads the U.S. agency for International Development efforts in northern Laos, and has been a kind of Lord Jim to the tribes there. But just before he was evacuated from Sam Thong, "Pop" Buell, his clothes rumpled, and his eyes red from lack of sleep, wondered aloud how much longer Vang Pao and his Meo could keep up the fight. Maybe a couple of years more, he thought, but eventually the Meo, would just have to make some, accommodations with the North Vietnamese. This is Buell's 10th year with the Meo, and he put his leathery face in his hands and said: "It's all been running and dying, just running and dying."

EXHIBIT F

STATEMENT OF RONALD J. RICKENBACH

The following is a description of the four bombing incidents that I was involved within the follow-up stage while I was working with AID in Laos from 1965 until 1968.

The first was in October, 1966. I was stationed in the town of Thakhek in the central part of the country. Reliable reports filtered down to the AID office, as well as to the Royal Lao Government Offices (RLG), that a village up in the northwestern section of Khammouane Province had been bombed by jet-type aircraft. Due to the lack of established lines of communication into this area verification was very difficult.

I proceeded to contact the AIRA Attaché (U.S.A.F.) located in Savannakhet Province to the south of us, as I was informed that this area in question was under his jurisdictional authority. After explaining the situation to him there was a delay of about a week before he got back to me with the message that he was going to arrange for two helicopters from the U.S. Army base from Nakorn Phanom in Thailand to supply transportation into the stricken area. Upon arriving at the site we saw that there were two villages, very small with only about 12 families in each one, located along a stream, and about 500 yards apart. The site was only about 5 air miles from the North Vietnamese border with Laos. Six huge craters surrounded the villages in halo-like fashion. Miraculously, the villages stood fairly much intact. Upon landing and talking with the people in the villages the following story was related to us. They had many times seen jets flying overhead going to and from the general direction of North Viet Nam and Thailand.

On this particular day of the bombing, however, the jets, three of them, swept in and made bombing and strafing runs on their village. Luckily most of the people were able to take cover. The bombs that were dropped landed harmlessly in the surrounding jungle. By the time the strafing started the villagers had taken cover. The only casualties were people that were hit by flying debris. One man had a severe leg wound caused from a piece of wood that had split off one of the beams from his house from impacting machine-gun fire. One old woman, the people related, died of fright. There were a number of other minor casualties, and a few water buffalo that were killed by the bombs. While in the village we proceeded to care for the sick and wounded, and gave a standard refugee commodity distribution.

In addition, the AIRA Attaché made a cash payment for the buffalo and material damage caused by the strike. The last thing we did before leaving the villages was to encourage the villagers to use the shovels and picks that we had given them to quickly fill in the craters caused by the bombs. The Attaché cautioned them that mistakes like this were very rare, but once it happened the first time the odds against it happening again were drastically shortened due to the fact that the existing craters marked "fair game" for other pilots looking for targets of opportunity.

The second incident where a village was hit was in the same immediate area. By contrast however, it was a fairly large village, with over 1,000 people. The exact dates have now become foggy, but I believe it was in May of 1967. Again, it was a jet raid. I was working out of Sam Thong at the time. Upon hearing of the incident, I immediately flew down to the site, the village of Ban Done. The area had been bombed and strafed. Napalm was used.

Seventy five percent of the village had been destroyed; some because of direct bomb hits, but the majority because of fire damage. By contrast here the villagers were very angry, unlike the first incident where they were more frightened than anything else. About 5 people were killed, and over 100 casualties had to be evacuated to hospitals in Thakhek, and another town, Paksane. In this village, as was the case with the first incident, there was no military markings that could have identified the area as anything but a civilian population center.

In November of 1966, while I was still working in Thakhek, a village approximately 10 miles south of the town, and along the Mekong River across from Thailand, was bombed by a solo jet. Two bombs were dropped. One landed and exploded in a rice paddy away from the village. The other landed right in the middle of the housing area. Fortunately, this one did not explode. We immediately had the village evacuated upon receiving word of the possibility from the AIRA Attache that it might have been a time-delay bomb. It turned out not to be. The Army from Nakorn Phanom sent a crew over to dig for the bomb, but after two weeks they gave up the search and wrote it off as a "dud."

The last incident involved the strafing by a U.S. jet of the bridge that connects Route 13 between Thakhek and Savannakhet Provinces. This took place in December of 1966. The area around the bridge was defended by Royal Lao Army Troops. The bridge was open to all commercial traffic, and indeed, many U.S. AID supplies were travelling from Vientiane to points south over the bridge at that time. The jet came in and fired on cars and pedestrians that were crossing the bridge.

After a number of passes, it flew away, towards Thailand, as witnesses recalled later. Again, luckily there were no casualties, just a lot of frightened people who were beginning to wonder on whose side the U.S. was on.

EXHIBIT G

DEPARTMENT OF DEFENSE,
June 11, 1971.

Hon. PAUL N. MCCLOSKEY, Jr.,
House of Representatives,
Washington, D.C.

DEAR MR. MCCLOSKEY: Mr. Johnson has asked me to reply to your letter of 19 May 1971.

I have reflected on your various requests for photographs of villages in Laos. Your understandably humane interest in the effect of the war on the civilian population in Laos is shared by the many in the Defense Department who over the years have wrestled with this problem. I hope our basic agreement on motives is not obscured by the differences we may have over issues of management.

With regard to management, we have explained repeatedly that we have established restrictions up to the limits of the safety of our pilots in order to minimize the effects of the war on civilian populations. Ambassador Sullivan, along with knowledgeable and competent witnesses from State, AID, and Defense, has discussed the refugee situation thoroughly with cognizant bodies in the Congress. As you know, we are convinced that the overwhelming cause of refugees in Laos is the offensive military activity of the North Vietnamese Army. Finally, when civilians have been caught up unavoidably in the web of warfare, we have given strong support through AID to ameliorative programs.

It is neither feasible nor useful to go beyond these steps to furnish extended photography of Laos. Much of Laos is inhabited by itinerant groups who establish their villages temporarily and then move on. The abandoned villages, in various stages of decrepitude, dot the countryside. Those which have suffered military damage may be indistinguishable from those ravaged by the weather; those which have suffered identifiable military damage may have been struck by the enemy rather than by US bombs; finally, even if it appears from current photography that US bombs might have damaged a village, we come back to our assertion that only valid military targets come under attack as an unavoidable consequence of enemy activity, an assertion which you implicitly are challenging.

In sum, I cannot see that the cause of the civilians in Laos will be advanced by our further exchange of photographs. The public record is as complete regarding our efforts to minimize the effect of the war on Laotian civilians as we can make it without disclosing information which the enemy would certainly use further to endanger the lives of our pilots. Let me assure you that we are resisting a ruthless and aggressive enemy as humanely as the circumstances permit.

Sincerely,

DENNIS J. DOOLIN,
Deputy Assistant Secretary.

Mr. GUBSER. Mr. Speaker, will the gentleman yield?

Mr. McCLOSKEY. I will be glad to yield to the gentleman from California.

Mr. GUBSER. Mr. Speaker, the gentleman from California (Mr. McCLOSKEY) and I reached an agreement that he would proceed without interruption from me, and then proceed to yield to other Members on the floor. Since I have a special order of 1 hour, which will immediately follow that of the gentleman now in the well, the agreement was that I would in turn proceed uninterrupted.

In making this agreement it was understood that the gentleman from Ohio (Mr. DEVINE) had a third special order of an additional hour following mine, so that, if it was necessary, we could continue to discuss the matter into the time reserved by the gentleman from Ohio (Mr. DEVINE).

It is my understanding that the gentleman from Ohio (Mr. DEVINE) has been unavoidably detained in his State, and will not be here to claim his special order. I would therefore like to suggest to the gentleman from California (Mr. McCLOSKEY) that we make a change in plans, and that after he has yielded to other Members on the floor perhaps I could proceed on the remaining part of his time, and when that time has been consumed that I could then continue on my own time. Is that agreeable?

Mr. McCLOSKEY. It is certainly agreeable.

Mr. HOSMER. Mr. Speaker, will the gentleman yield?

Mr. McCLOSKEY. I yield to the gentleman from Long Beach, Calif. (Mr. HOSMER).

Mr. HOSMER. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, the gentleman in the well has defined what war crimes are with respect to the Norwegian situation where the Nazis displaced the villagers and, unfortunately, destroyed villages.

However, I understand that the bombing of Berlin, Hamburg, and other German cities was not a war crime.

So then there is such a distinction?

Mr. McCLOSKEY. The gentleman is correct in that insofar as the destruction through aerial bombardment of the cities in Germany, Russia, and Great Britain these were eliminated from the discussion and the agreements regarding the Nuremberg tribunal. To my knowledge no war crimes were charged or prosecuted against any individual British, French, German or Russian with respect to the aerial bombardment of the cities of Europe.

When I identified the war crime destruction of villages in South Vietnam, I referred to the instances of destruction by infantry operations with air and artillery support.

Mr. HOSMER. Apparently, there are situations involved in the bombing of these areas that does not constitute a war crime; is that correct?

Mr. McCLOSKEY. I concede that the Nuremberg precedents do not include that definition.

Mr. HOSMER. And that those areas in which there is control both by civilians and by actual military forces and of a power military nature and a formal military?

Mr. McCLOSKEY. I am sorry I am not sure I understand the gentleman's question.

Mr. HOSMER. There are areas that can be bombed without incurring the designation of war criminality including habitated areas in which there are not only formal military forces but power military forces and insurgency type forces and also a mixture of civilian forces?

Mr. McCLOSKEY. I do not think my remarks extended to that concession.

My remarks went only to the fact of destruction of villages in South Vietnam by operations such as those I described here.

I do not think the question of whether or not the aerial bombardment of villages in which paramilitary or military forces are located is a war crime is covered by my remarks. I speak only to the Nuremberg precedents involving those villages in northern Norway and the comparison in that situation with the destruction of these villages in South Vietnam.

Mr. HOSMER. The gentleman is making the situation of the South Vietnam bombing, as I understand the situation, different at least from the Norwegian situation, in fact, that there was another governmental authority, for instance, in Vietnam or South Vietnam; namely, the South Vietnamese Government; is that not correct?

Mr. McCLOSKEY. The Government of South Vietnam claims jurisdiction over these villages as the government in Germany claimed jurisdiction over occupied Norway.

Mr. HOSMER. The Government of South Vietnam is the government recognized by the United States of America, is it not?

Mr. McCLOSKEY. That is correct.

Mr. HOSMER. At the same time their military operation in the South Vietnam theater are conducted in completed coordination and cooperation, are they not?

Mr. McCLOSKEY. There is no question about that.

Mr. HOSMER. A further question—with respect to the gentleman's various quotations about the situation in Laos, do I understand that there is more than one government in Laos?

Mr. McCLOSKEY. There are three recognized parts of that government—the Royalists, the Neutralists, and the Pathet Lao, at least dating from 1962. The four seats for the Pathet Lao have been held open in the Laotian government; they were assigned four seats.

Mr. HOSMER. Do these have jurisdiction over the entire country?

Mr. McCLOSKEY. I do not think that can be contended since at least 1962 in the contested areas.

But the Royal Lao Government which we support provided, as I recall, four seats to be held by the Neutralists, 11 seats to be held by the Royalists, and four seats by the Pathet Laos.

Mr. HOSMER. In a single parliament?

Mr. McCLOSKEY. In a single parliament.

Mr. HOSMER. Very well.

I would presume the jurisdiction through that geographical area was the Royal Lao Government.

Mr. McCLOSKEY. I cannot comment on that as an expert.

Mr. HOSMER. You state that the activities of the United States in Laos were in complete coordination and cooperation and with the approval of the Government, the Royal Government of Laos.

Mr. McCLOSKEY. I am not sure I understand that question either. My comments were directed at the Royal Lao Government.

There were tens of thousands of bomb strikes that were controlled by the U.S. Ambassador.

Mr. HOSMER. Did not the gentleman state that the bombing pattern was approved by the Royal Laotian Government?

Mr. McCLOSKEY. I cannot state that. The Royal Laotian Government has requested some air strikes that the U.S. Government has validated.

As I understand it, the U.S. forces requested the privilege of bombing other areas which the Royal Laotian Government approved. Presumably there is cooperation on both sides.

Mr. HOSMER. There was no doubt that in Laos the activities of the United States were in coordination with the legitimate and recognized Government.

Mr. McCLOSKEY. I cannot concede that. Whether the Government in Laos is a recognized and legitimate Government is somewhat confused.

Mr. HOSMER. The gentleman made reference to various newspaper articles, quoting the authors thereof, making the statement, at least, that the Pathet Lao were not in the area where these bombings have taken place. I would ask the gentleman whether he has any independent knowledge of whether the Pathet Lao or other military forces from North Vietnam were interspersed amongst the other people of a nonmilitary nature.

Mr. McCLOSKEY. The independent knowledge I have is partly from hearsay with reference to the statements I have quoted. It is partly in reference to a series of interviews that the Congressman from Contra Costa County (Mr. WALDIE) and I had on April 15, 1971. We each talked with groups or individual refugees totaling 16 in number from seven villages. In all but the initial five interviews by Mr. WALDIE, the refugees identified no Pathet Lao soldiers in the villages.

Mr. HOSMER. Could the gentleman state with any degree of personal certainty that those villagers to whom he talked, the villagers that the gentleman interviewed, were not in fact Pathet Lao themselves?

Mr. McCLOSKEY. I do not think that any American has ever been able to confirm with certainty that a Vietnamese or a Laotian with whom he had a discussion did not have private sympathies. Perhaps favorable to some other government. But to the best of my knowledge——

Mr. HOSMER. Is the gentleman by that point admitting that those people could be Pathet Lao, they could be military people who were bombed?

Mr. McCLOSKEY. No, I am not. But I can say this to the gentleman that at the conclusion of the 16 interviews, Congressman WALDIE and I directed questions to Father Menger, who is a very pro-Government interpreter, to say the least, and who had been there 15 years. We asked him, "Are we getting accurate information from these villagers?"

He said initially he thought we were not getting accurate information. I went down the list of questions that were asked—their age, where their village was, had the village been bombed. In each case he confirmed that we had gotten accurate information from the villagers in response to those questions except as to their ages.

Mr. HOSMER. That leads me to one final question. Assuming the poll was indeed an accurate one——

Mr. McCLOSKEY. You are referring to the U.S. survey?

Mr. HOSMER. The one you are talking about which stated that 82 percent of the bombing made it extremely difficult for them.

Mr. McCLOSKEY. Yes.

Mr. HOSMER. What of the other 18 percent who apparently felt that the situation was normal, or at least did not upset them or cause them any difficulty? I fail to understand that.

Mr. McCLOSKEY. I have only the survey the gentleman referred to so far as the gentleman quoted.

Mr. HOSMER. You did not talk to any in the 18-percent category?

Mr. McCLOSKEY. We were not privileged, with the 16 villagers with whom we talked, to find any villagers whose villages remained standing after the U.S. bombing attacks. They said every house was destroyed.

Mr. HOSMER. The fact is that 18 percent of the people interviewed apparently made no objection, or did not find the bombing made things difficult or impossible for them. That is a matter that interests me. It is very curious, it would seem. I had hoped that we might have some elucidation on that point.

Mr. McCLOSKEY. I did not see this report until the second morning I was in Laos. The two reports really do not explain what these 18 percent thought.

Mr. HOSMER. I thank the gentleman.

Mr. WALDIE. Mr. Speaker, will the gentleman yield?

Mr. McCLOSKEY. I yield to the gentleman from California.

Mr. WALDIE. I wish to commend the gentleman on the scholarly manner in which he has put together the facts which he has presented to the House.

I wish also to say that every inference and every reference to my participation in the accumulation of the information that he has presented to the House was accurate. I further want to say to the gentleman, as he well knows, that when we first left Laos, and on the way back, discussing the evidence we had in hand, that I was of the opinion that the evidence was sufficiently fragmentary that to draw the conclusion that the gentleman had drawn was incorrect.

And I suggested we should await further information as to whether that conclusion is an accurate and a correct conclusion. We have waited. We have waited months now, and I am aware of the efforts that the gentleman and I, too, have put in to seek additional information on the evidence as to what motivated the residents of the Plain of Jars into refugee status. None of that evidence has been forthcoming. I suggested to the gentleman on the way back from Indochina that it appeared to me all the evidence we had confirmed that the rules of engagement had, in fact, been distorted, if not violated, and that the burden of proof now shifted to the American authorities, who, in fact, run Laos.

It is a fiction to suggest that there is an independent Laotian Government. The American authorities run Laos, and they run it without much attention to any of the disparate groups that happen to occupy Laos. The major military force in Laos, as the gentleman is aware, and as most Members of this House are aware, is Veng Pao's Army, which is not under the control of the central government in Laos, such as it is, but which is under the control of the American authorities through the Central Intelligence Agency.

There should not be a man in this House who did not read the conflicting reports from Laos last week, where it was announced in the attempt to recapture the Plain of Jars, that the Royal Laotian Government did not have knowledge of that operation, that they claimed "it was an American operation." That was immediately denied by the American authorities and then later confirmed to be so.

It is, in fact, an American operation. It is a fiction to suggest there is a government in Laos independent of the American views and American objectives and American authority. There is simply no government in Laos which exists for that purpose.

It seems to me this entire debate, if the gentleman will permit the observation, reemphasizes the lack of wisdom in the House last week in failing to demand of the State Department and relevant agencies of the executive government a full accounting of the American involvement in Laos, such as the other body did in executive session. The least we should have done—and I personally see no reason for having an executive session—is to inform ourselves, if not the American people, as to precisely the extent of our involvement in Laos. We do not know. We can only speculate. We may err in our speculation. If we do err, it is because of the fact that the information which would prevent us from erring has been denied us.

The accusations made by the gentleman from California (Mr. McCLOSKEY) are generally accusations based on hard facts which came to his attention and mine. It is a tragedy that the gentleman has to speculate as to conclusions, because every fact necessary to end the speculation is within the executive branch of this Government, and is available for understanding and information and study of the executive branch, but it has been denied us.

If the Members of the House are unhappy with the observations which the gentleman from California (Mr. McCLOSKEY) has made and with which generally I agree, they have it within their power this afternoon to publicly ask what authority there is for our involvement in Laos, and they certainly should say it to the Members of the House.

Mr. RIEGLE. Mr. Speaker, will the gentleman yield?

Mr. McCLOSKEY. I yield to the gentleman from Michigan.

Mr. RIEGLE. Mr. Speaker, I would like to ask any Member or the gentleman in the well to cite any authority which exists for any present warfare in Laos.

We can talk about if bombs were dropped and where, whether in southern Laos, over the Ho Chi Minh Trail, or in the northern part, but I am not aware of any congressional authority providing for any such military operations in Laos. If there is anyone here who can cite such congressional authority, as required by the Constitution, I wish he would do so at this time.

Mr. KEMP. Mr. Speaker, will the gentleman yield?

Mr. McCLOSKEY. Does the gentleman from New York want to comment on that question?

Mr. KEMP. I have a question. The gentleman in the well asked a question.

Mr. McCLOSKEY. Before I yield to the gentleman from New York, is there anyone who cares to respond to the question of the gentleman from Michigan?

I would be glad to temper these suggestions or withdraw them if the Armed Services Committee or the Foreign Affairs Committee would prove otherwise.

Mr. KEMP. Mr. Speaker, did the gentleman yield?

Mr. McCLOSKEY. I yield to the gentleman from New York.

Mr. KEMP. Mr. Speaker, the gentleman asked if there was a difference between what General Jodl had done in Norway and what happened in the I Corps area of South Vietnam. I would like to comment about that and ask a question. The gentleman mentioned both on the floor and in previous speeches that there were some 307 villages in the I Corps area which had been destroyed and that this was in fact the sort of thing for which General Jodl was hung. I believe to compare the conduct of the American Army in Vietnam with that of the Nazi general staff is a moral outrage and certainly is unpardonable slander.

The I Corps area is not some remote area of South Vietnam. It is where the DMZ is located. It is the home of the A Shau Valley, the main invasion route. It contains Khe Sanh and the jump-off point into Laos. It is at the outlet of the

Ho Chi Minh Trail. In short it is the major battlefield of South Vietnam today and in the future.

If the Americans have moved those villagers out of their villages. it might be because that is necessary for their own safety. To shift people out of a battle area is different from moving them into slave labor camps. Let me quote to my colleague what Secretary General U Thant said in September 1970. He called on all belligerents, "to ensure that civilians are removed from or kept out of areas likely to place them in jeopardy or to expose them to the hazards of warfare."

The SPEAKER pro tempore. The time of the gentleman from California has expired.

THE BOMBING IN SOUTHEAST ASIA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. GUBSER) is recognized for 60 minutes.

Mr. KEMP. Mr. Speaker, will the gentleman yield?

Mr. GUBSER. I yield to the gentleman from New York.

Mr. KEMP. I should like to quote Secretary General U Thant who called on all belligerents less than a year ago, in September, 1970: "to ensure that civilians are removed from or kept out of areas, likely to place them in jeopardy or to expose them to the hazards of warfare."

He made that statement. He has asked that we move these people out of the area where warfare is likely to occur.

I would suggest that the difference between what General Jodl did and what our Army did in the I Corps area is the difference between slavery and freedom in South Vietnam.

Mr. GUBSER. Mr. Speaker, this Nation and this Government face a crisis in confidence. Our people are weary of a war which nobody likes. There are racial tensions. We are confronted with difficult economic and social problems. In such a climate it is easy to sway student audiences and honest citizens who are tired of this war. It is easy to provoke their disillusionment into suspicion and outright hostility against established procedures and basic institutions.

Mr. Speaker, it seems to me that in such a time, if I may be allowed to use the words of one of my colleagues, and I quote:

> It behooves all of us . . . to try to establish the faith of the people in the Government and in the institutions of the United States.

Later in the same speech my colleague said in part, quote:

> We also must not bring disrespect upon the law and the institutions of this country. And when we ask the young people of the land to obey the law and respect it, at the same time we may contribute ourselves to a great disaffection between the public and the law and the government that administers that law.

These were the words of my colleague from California (Mr. McCLOSKEY). They were not intended as a standard for criticism of the executive branch of Government, but of the judicial branch. But I submit and I am sure my colleague would agree that as members of the legislative branch have an obligation to reestablish the faith of the people in Government and in its institutions. I would parenthetically add the obligation to be responsible in our public statements.

Now that my colleague is an announced candidate for the Presidency of the United States on a platform which includes a pledge "to restore truth in Government," I know he would not argue against the need for responsibility in the public statements made by any Member of this body.

I know he would agree with me that we must not allow public policy debates to become, as the prominent Harvard urbanologist Nathan Glazer has described, an "assault on the reputation of America—which has already succeeded in reducing this country, in the eyes of many American intellectuals, to outlaw status."

That, Mr. Speaker, is what this debate today is all about.

Recently I took strong exception to certain statements made by my colleague, Mr. McCLOSKEY.

On February 13 he was quoted in the San Jose Mercury-News as saying, and I quote:

> What we are doing in Laos is as great a crime as those we executed Japanese and German officers for in World War II.

The gentleman defends this statement with a lengthy discourse about South Vietnam. He also cites a newspaper article by Helen Emmerich, who quotes me falsely as she visited my office as part of the so-called Women's Strike for Peace after she had been fired by the newspaper which had originally sponsored her in South Vietnam.

I do not accept the validity of the gentleman's allegation that war crimes in Vietnam are the same as those for which Japanese and German officers were executed. But, I remind him that this debate is about Laos and our agreement was that we talk about Laos. I insist that he debate the quotation I have just cited which pertains to Laos and not South Vietnam.

On April 18 in an AP story, my colleague is quoted as saying:

> Our suspicion that this country is deliberately following the practice of destroying villages in Northern Laos is borne out by the evidence.

On April 18 a story from the Los Angeles Times bureau printed in the San Jose Mercury quoted my colleague as saying that:

> Since President Nixon came to office in 1969 American bombers systematically wiped out nearly all of the 3,500 villages in Northern Laos in an operation called "barrel roll" leaving a fourth of the nation's population homeless.

On the CBS "Face the Nation" program for April 18, my colleague said in part:

> I'm saying that our Air Force and Embassy are telling us that we are not willfully destroying villages. The facts are that we have.

On April 19 in the Washington Post my colleague is quoted as saying:

> There are some 9,400 villages in Laos and it looks to me that we may have destroyed thousands of them.

In the May 7 issue of Life magazine it is stated that:

> McCloskey accused Ambassador G. McMurtrie Godley of a "deliberate policy of destroying Laotian villages."

I contend that these statements injure the United States of America because if they are not correct, they undermine public confidence in this Government and they contribute to, again using the words of Nathan Glazer, "reducing this country in the eyes of many American intellectuals to outlaw status."

I contend further that these far reaching indictments of the U.S. Government and its policy are wrong and that Mr. McCLOSKEY has not proven them.

I contend finally, that the gentleman had the responsibility and the solemn obligation to present a reasonable case in support of his indictment before he made it.

Long ago this Nation and one body of Congress rejected as unethical the practice of accusing individuals of disloyalty without proof. Certainly Members of Congress have an equal obligation to check out facts about their country before defaming it.

Mr. Speaker, the contentions I have previously outlined are the only issues involved in this debate. It was agreed in writing that they would be the only issues.

But contrary to the agreement, like a forensic pied piper, my colleague, Mr. McCLOSKEY, has tried to gather issues from every nook and corner to lay a smokescreen over his decrepit and feeble case. The gentleman has underestimated me.

I must remind him of our agreement to confine the issues to our bombing policy in Laos. How we got into the war in Vietnam is not the question, the Pentagon papers are not the question, Vietnamization is not the question, Mylai is not the question, whether we should get out of Vietnam and how soon is not the question. I suspect that on these matters he and I will agree much more than we will disagree.

The only issue is: Are we wrongfully bombing villages in Laos? He says "yes" and I say "no." And I shall let my case speak for itself against his.

But if the gentleman feels that I have challenged his personal integrity, he is justified in arguing against the alleged challenge.

Apparently the great document caper which I described in my June 26 speech touched a nerve with the gentleman. Here are some of the things I said, and I quote:

> He was briefed by State Department officials before his departure and was told (please note this) that a USIS study had been done of one camp which housed refugees from 200 villages in the Plain of Jars area.
>
> The significant point is that Mr. McCloskey was told of the report before he left. When informed of its existence, he requested copies and was told that the survey could not be furnished him, but a five-page summary could be made available which had already been given to Senator Kennedy. The summary was delivered before his departure. (Please note again, he asked for the survey, knew of its existence, and received the summary before he departed.)

After his return from Laos, my colleague testified before Senator Kennedy's Subcommittee on Refugees and stated that he did not see the copy of the summary until the morning of April 14, a fact of which I implicitly believe. In the same testimony at page 141 of the transcript, he states, and I quote:

> It was in reading it [the refugee book] over at 6:00 o'clock that morning in the Ambassador's house that I came across the reference to this survey for the first time. (Please note the words "for the first time.")

In my speech on June 26, I asked this question:

> How does this square with his request of the State Department before he left Washington for copies of both the survey and the summary?

I can readily understand why my colleague interprets these remarks as an attack upon his integrity. I regret this interpretation and suggest that a careful reading of my speech shows that it is susceptible to another interpretation other than one of having misrepresented the truth. I am glad to accept his explanation today and I say for the record my colleague did not misrepresent the truth —he just forgot it. I do not believe he deliberately forgot the truth, I think he just inadvertently forgot it.

I stand on the statements made in my June 26 speech and I submit additional proof as exhibit A which I shall include at the conclusion of my remarks. This exhibit is an exchange of correspondence between Secretary William Sullivan and me.

By way of summary of this exhibit let me say that on July 2 I wrote Secretary William Sullivan and asked specifically if Mr. McCloskey had been informed of the USIS survey on refugees. My reply from Secretary Sullivan dated July 8 states that on March 31 he was informed that two surveys had been prepared and that on April 1 a copy of the summary was given directly to Congressman McCloskey. Please note the word "directly."

And so I repeat that my colleague did not misrepresent the truth, he forgot it.

While we are on the subject of faithful representation of what others say, let us explore another incident.

One of the keystones of my colleague's arguments that the United States is engaged in a policy of indiscriminate bombing of villages in Laos is a conversation he had at Udorn Air Force Base on April 13, 1971, with Capt. Marshall L. Michel, an experienced RF–4 pilot.

Here are some of the things my colleague has said publicly about this conversation with Captain Michel.

On the CBS "Face the Nation" program on April 18, my colleague said a captain in the Air Force told him that he had flown over most of the valleys of Northern Laos and said:

> I have yet to see a village beside a road.

In his statement before the Kennedy Subcommittee on Refugees, Mr. McCloskey said on April 21:

> At the Udorn Air Force Base in Thailand, Headquarters of the 13th Air Force, we were told by an aerial reconnaisance pilot on April 13, "I have flown over a lot of river valleys in Northern Laos these past four months, Mr. Congressman, and I haven't seen any villages along LOCS (Lines of Communication)."

In an AP story quoted in the Washington Star for April 18, Mr. McCloskey is quoted as having said:

> We had officers who fly over Northern Laos every day tell us that they can find no villages standing.

Mr. Speaker, there is no question that these statements taken in context with other allegations made by the gentleman from California clearly indicate that they were offered as support for his contention that we are engaged in a policy of indiscriminate bombing of villages in Laos.

Now let me quote from an official, unclassified TWX received from Headquarters of the 13th Air Force on April 21, 1971:

> **Representative McCloskey Interview on Face the Nation**
>
> 1. Following information forwarded per ref MSG concerning statement attributed to a Udorn captain by Congressman McCloskey on 18 April Face the Nation program.
>
> 2. Captain Marshall L. Michel, III, an experienced RF–4 pilot, 14th Trs. 432nd Trw. Udorn RIAFB, Thailand, was among those Udorn personnel interviewed by Rep McCloskey. Rep. McCloskey, while visiting 432nd Trw. asked Capt. Michel if he picked given villages in Northern Laos, could he be shown recce photos of them. Route seven was drawn in on a current 1:250.000 Map. Rep. McCloskey circled approximately.
>
> Six villages. Capt. Michel informed the Congressman that route seven was the primary loc into Northern Laos and the primary supply route for the NVN and, as such, was heavily defended. He also mentioned that he had done a report on Laos his freshman year in college (1961) and that fighting had been going on in the PDJ area at that time. Capt. Michel, who arrived Udorn Dec. 70, stated that, quote: I have never seen an active village along that Loc (route seven) and neither has anyone else to the best of my knowledge, unquote. He further stated that since they were semi-nomadic farmers, they had probably left long ago for quieter areas.
>
> 3. This headquarters reviewed audio portion of program as well as transcript, and it is evident that Capt. Michel was quoted out of context. Rep. McCloskey's allegations appear mainly built on premise that, if a map shows villages. But recce photos do not, then it follows that villages must have been destroyed. This was not the question put to Capt. Michel or others.

Mr. Speaker, I was not satisfied with just this much evidence since it might be rebutted as a self-serving Air Force interpretation. So I asked to talk to Captain Michel by telephone. I did so on July 7. The conversation was recorded and is in my files. At the conclusion of my remarks I shall include a full transcript of the conversation as exhibit B.

My conversation with Captain Michel can be summarized in this way: Mr. McCloskey had an old, out-of-date map which did not correlate with current maps, so a new one was furnished. Captain Michel drew a line along route 7, a principal line of communication in the Plain of Jars area. Mr. McCloskey circled several villages and asked to see pictures of those villages.

Two pictures were furnished and showed no bomb craters within 500 meters of the villages, a fact which Mr. McCloskey has not told his public.

Later in the conversation Captain Michel emphatically disavowed the thrust of what Mr. McCloskey attributed to him. I referred to Mr. McCloskey's statement and then asked:

> Did you mean to imply when you made that statement that those villages were no longer there because they had been destroyed by bombing?

Captain Michel's answer was:

> No, Sir, I certainly did not.

If my colleague does not believe my version of this conversation I invite him to join me in making another call to Captain Michel with the press and the whole world listening in. I throw this out as a challenge. I ask my colleague to retract his statements about Captain Michel or join me in making a phone call.

It might be useful at this point to determine exactly what our policy is with respect to bombing in Laos.

First, no target in that country can be struck without permission of the Royal Laotian Government and upon request of the Royal Laotian Government.

Second, the target must be approved by the U.S. Embassy which pays particular attention to the possibility of civilians being struck. No village can be struck unless it has been designated by the Royal Laotian Government as a military target and even in some cases the Embassy does not approve such designated targets because of possible injury to civilians.

Then, each U.S. Air Force pilot is subject to very strict rules of engagement. No bombs can be placed within 500 meters of an active village which consists of one or more standing structures.

The role and mission of the U.S. Air Force in Laos is: First, the interdiction of combat supplies and munitions; second, support of friendly ground forces and the support of LIMA outposts from which the Meo tribesmen conduct their military operations. There definitely is not a policy of bombing to achieve dislocation of civilian population. Proof that this selective bombing policy has been followed is that most refugees come from the area where ground fighting has been most intense.

Subject to these strict rules of engagement, a pilot must first check into an area with the Airborne Command Comptroller, then he must check in with a Forward Air Controller and often his operation is monitored by TACAN and radar. Following the strike, a bomb damage assessment report is filed by the pilot, it is usually verified by his wingman or other pilots who accompany him on the mission, it is verified by the Forward Air Controller and relayed by the Airborne Command Controller. Every possible precaution is taken against violation of the rules of engagement.

It is this policy which my colleague has said has been repeatedly violated and has been subverted into one of deliberately destroying villages and indiscriminately bombing civilians. He seems to rest his case upon five points: First, reports given him prior to his departure for Laos; second, conversation with pilots at Udorn Air Force Base; third, a USIS report which he says clearly shows that the most compelling reason for the generation of refugees is American bombing; fourth, interviews with 16 refugees; and fifth, the inability of the State Department and the Air Force to furnish certain pictures which prove his accusation to be wrong.

Now let us explore each of these points.

1. REPORTS PRIOR TO DEPARTURE

There are dozens of groups here in Washington and across the Nation which distort the truth with respect to this Nation's actions in Souheast Asia and it is not difficult to find information from any one of them which would go so far as to say that we do indiscriminately bomb civilians. One such group is Project Air War which boasts of the fact that they did talk with Congressman McCloskey before his departure for Laos. This group is headed up by Mr. Fred Branfman who had been expelled from Laos by the Royal Laotian Government and who has been active as a legman and interpreter for visiting delegations to Laos of American antiwar personalities, including some who were traveling through Vientiane en route to or from Hanoi. The literature prepared by Project Air War bears a striking resemblance to the type of thing which Congressman McCloskey charged before his recent trip to Laos.

This is not to say that information furnished by such groups should be discounted, but I do say that such information needs corroboration and confirmation.

2. CONVERSATIONS WITH AIR FORCE PILOTS AT UDORN

I have already exposed the manner in which conversations with Air Force pilots at Udorn Air Force Base in Thailand have been quoted out of context and connotations have been placed upon those conversations which are not accurate. It is obvious, I believe, from what I have previously said, that this point does not support Representative McCloskey's conclusion that we have pursued a policy of deliberately bombing villages.

3. USIS REPORT

Then there is the famous U.S. Information Service report about which the gentleman had been told prior to his departure. The reports told of a survey made of about 200 refugees, all of whom had come from a particular area which had been occupied by the Pathet Lao and the North Vietnamese, and where ground fighting had been particularly intense. The survey was ordered because somehow the people in these particular camps were different. In other words, they were not typical of the average Laotian refugee.

The report showed that of these people, 48 percent said they left their homes for fear of bombing. Please note that the report says for fear of bombing and not actual bombing as Mr. McCloskey has stated. Fifty-one percent had other reasons for becoming refugees including their dislike of life under the Pathet Lao and the North Vietnamese, their resistance to enforced slavery as porters and the 15 percent rice tax imposed upon them by the North Vietnamese Army.

Some of the things which Representative McCloskey did not say about this particular survey are as interesting as some of the things he did say. For example, another survey had been furnished him in addition to the one he mentioned and this showed that only 28 percent of refugees interviewed had left their homes for fear, and I repeat, for fear of bombing. The gentleman also failed to mention that these surveys reported that 95 percent of the Laotian refugees would not return to their homes if they were still under Communist rule, even if peace came. My colleague also failed to candidly state that those who did the interviewing for the survey had serious doubts about the statistical validity of their findings. One said, and I quote:

> In order to get thorough information and good statistics we must spend at least a week in each refugee center so that we would be able to gain some confidence from the refugees.
>
> The interaction between the respondents and the investigators usually took place amidst a crowd of refugees who not only liked to watch, but also liked to help the interviewed in answering the questions.

In another survey an interviewer said, and I quote:

> The same factors that limited the report on the Plains of Jars refugees—lack of time, bad weather conditions, the interviewers lack of experience—hampered this operation, too.

Thus, I conclude that the USIS report does not support my colleague's far-reaching conclusion.

4. INTERVIEWS WITH REFUGEES

In his 48-hour visit to Laos, Congressman McCloskey interviewed exactly 16 refugees, and states that 76 percent of them said their villages had been destroyed by bombing. And from this figure he extrapolates the implication that 76 percent of 3,500 villages have been wantonly destroyed by U.S. pilots.

It is interesting to note that William H. Hecht, special assistant to a delegation of U.S. churchmen which was in Laos on exactly the same day as my colleague, has told me that he and three of his associates talked to roughly 150 refugees on the same day as Mr. McCloskey interviewed 16. Mr. Hecht and his associates, Dr. J. A. O. Preus, international president of the three million member Lutheran Church of the Missouri Synod, Archbishop Joseph T. Ryan, National Conference of Catholic Bishops and presently the Archbishop of Anchorage, Alaska, and formerly head of all Catholic Relief Work in the Middle East and a close personal friend of Pope Paul VI, and Dr. Nathan Bailey, president of the Christian and Missionary Alliance, all disagreed with Representative McCloskey's findings. Mr. Hecht told me:

> Our assessment was that refugees considered the bombing a blessing and it actually freed them from the North Vietnamese. The Pathet Lao weren't so bad, but the North Vietnamese were brutal and ruthless and they did not want to live under them.

Mr. Hecht had a lengthy conversation with Rev. Ed. Roffe, who, with Father Matthew Menger, a Jesuit priest, acted as an interpreter for the McCloskey party. Apparently my colleague distrusted Father Menger's translation and interviewed some of the same refugees using Rev. Ed Roffe as interpreter. Reverend Roffe has told Mr. Hecht that he detected no discrepancy between the answers given by Father Menger and those which he heard from the refugees themselves.

Mr. Hecht has also said that Rev. Wayne Persons, who has spent 26 years in Laos, all of them in the jungle as a missionary to tribesmen, personally confirmed all that he told me.

In a cablegram I have received under date of July 7, Rev. Ed Roffe, who has been in Laos for 42 years since early 1929, was the first person from the Western Hemisphere to establish residence in Laos, the first white man to become a Lao citizen, and the author of a Lao-English dictionary, has said, and I quote:

> The refugees stated that they left because of the bombing and that meant at the very least that they left because the bombing eventually made it possible for them to leave. They pointed out that—and this was completely overlooked in subsequent reporting—that their loyalties, their sympathies, their ties, were all with the Royal government of Laos and they were happy to be able to rejoin those of "like precious faith." The bombing made it possible for them to flee an area which was under a repressive political regime, where religion was suppressed, and where they were subject to enforced labor, etc. If these people have any serious complaint, it surely is not that they and their villages were bombed, but rather that unfriendly forces imposed harsh conditions on them without warrant. The bombing was a direct result of the unjustified presence and completely unwelcome practices of these intruders.

Thus, I conclude, Mr. Speaker, that the interviews with 16 refugees when related with other facts fail to prove Mr. McCloskey's allegations of indiscriminate bombing of villages by the U.S. Air Force.

5. SHOW ME PICTURES TO PROVE I AM WRONG

As the fifth pillar of his indictment of our national policy, Mr. McCloskey seems to place great weight upon the fact that to this point he has not been furnished with photographs which prove that he is mistaken. As a lawyer he would not dare face a judge with that kind of a case. But apparently he considers the ethics of argument to be different for a politician than for a lawyer.

I am informed that the American Embassy in Vientiane offered to provide Congressman McCloskey with photographs of Laotian villages. In addition Congressman McCloskey was offered a flight north of the Plain of Jars in the site 50 and site 32 areas and then a trip to Luang Prabang to see refugees in that area. He was also offered the opportunity to fly over the city of Attopeu in southern Laos, which has been in enemy hands for almost a year. All of these proposals were designed to show the Congressman that many towns and villages in enemy-held territory have not been damaged by bombing. He turned down all of these proposals.

The undiscerning and those who want to believe that our national policy is one of commiting war crimes and genocide are impressed with Mr. McCloskey's demand that the State Department produce photography which shows villages still standing. I am sure that as a trained lawyer my colleague would not dare go into court with a case which says in effect, "You are guilty of genocide, now prove that you are innocent." This old "Have you stopped beating your wife?" type of argument is totally foreign to justice and fair play. Yet he employs it here.

Let us explore this picture problem in a little depth.

In the first place, current maps of Laos, even those put out by the Army Map Service, are based on information which frequently dates back to the days of the French. The weather and the elements, and the seminomadic nature of the people have caused most villages to be relocated every 5 to 7 years in the area under discussion. An old photograph of a village is no proof that the village has not been moved for reasons not associated with warfare.

Second, military reconnaissance missions are flown to serve military and not political purposes. The Air Force mission is to interdict and destroy military supplies and to support frendly ground combat forces and, on occasions, to fly cover for the evacuation of refugees who choose to go with retreating friendly troops instead of living with the North Vietnamese and Pathet Lao. As a result reconnaissance photography is concentrated along lines of communications and route structures and in this part of the world there just are not many villages in such areas. While it is true that most of the Plain of Jars must have been photographed at some time, there is no way of telling that old photography could answer the gentleman's current questions.

Third, if photography shows that a village has been destroyed, will it conclusively prove that it was destroyed by American bombing or whether it was caught up in an exchange of mortar and military fire between Communist troops and Royal Lao forces? At this point, let me emphasize that most of the destruction of villages has occurred from ground fighting. As an example of what ground combat can do to a village, I show you two photographs. One was taken on the 16th of May 1971 of the friendly Laotian village of Dong Hene in the panhandle area. Please note the standing structures in the rectangle which I have enclosed in red.

On the following day, May 17, two North Vietnamese Army regiments directed rocket and mortar attacks against the village. In the 9-hour attack 40 percent of the village was destroyed. Now I show you a photograph of the same village taken on May 19 with the same rectangle enclosed in red and you will note that practically nothing has been left standing. From May 20 until May 28 still another 40 percent of the town was destroyed and as a result a total of 3,101 refugees were evacuated.

Throughout this period not one United States or Laotian air strike was conducted against Dong Hene. Certainly this is evidence that photography does not justify the conclusion that a destroyed village was necessarily bombed or burned out of existence by air attack. Ground combat is a major cause of destruction of villages in Laos.

Fourth, will photography show whether a village had already been evacuated before a bombing attack was made in support of ground fighting? Father Matthew Menger, a Jesuit priest who has been in Laos almost 20 years, relates an incident about an attack against the twin villages of Nong Veng and Nong Bua in the province of Paksane which has been occupied by North Vietnamese and Pathet Lao troops. Father Menger reports that based upon an interview with a village school teacher, Khainun Chansai, that only four, I repeat only four out of 250 huts were destroyed and no civilian casualties were caused by bombing. Four civilians were killed in a crossfire between Lao and Communist troops but none were killed by bombing! The teacher spoke with great admiration of the preciseness of the bombing and the fact that a gunship stayed in the area for several hours without once firing into the village.

It is interesting that this same attack was reported in Le Figaro, dateline March 10, 1970, under the byline of Jacques Doyen and Guy Hannoteau. These men, who were not on the scene and arrived sometime after the battle, said, and I quote:

> The Pathet Lao were refuged there and had organized football games with the population before being surprised by the bombs . . . Here and there are the remains of houses.

Does this sound like only four hits out of 250?

This is an example of how destruction from ground fighting is, with the cooperation of a very few members of the press, exaggerated and made to appear as the work of American bombers.

Fifth, even if photographs would show a destroyed village with bomb craters inside the village, will the photograph give any clue as to whether the target had become a military objective because enemy supplies and munitions were stored there? I can assure you that for every structure destroyed by bombing, there has been more than a 1-for-1 number of secondary explosions. If a village stores POL, guns, and ammunition which explode after it is hit, can anyone argue that it was not a proper military target? And the Royal Laotian Government was justified in designating it as a miiltary target?

Sixth, would a photograph show whether a bomb crater had been caused by the Royal Lao Air Force or the U.S. Air Force? It is well known that hundreds of sorties are flown by Royal Lao pilots and that all air operations by any pilot, United States or Lao, are at the request of the Royal Lao Government.

Considering these questions, any fair-minded person will agree that the gentleman's use of the photography argument is unfair.

In my search for hard data to rebut the allegation that we are systematically destroying Lao villages, I came across an article in the Washington Evening Star written by Orr Kelly which reported on a study ordered by Deputy Assistant Secretary of Defense Dennis J. Doolin. This study showed that in South Vietnam where 5 percent of the population was within 1 kilometer of an air strike in January 1969, only 0.9 percent or less than 1 percent of the population was within 1 kilometer of a bomb strike in 1971. The methodology of this study interested me and I asked for more information. It turned out that data on bomb strikes in South Vietnam stored in Pentagon computers is so complete that it was possible to almost draw a map which plotted bomb strikes in proximity to population centers. The next question I asked of the Pentagon was obvious. Why can you not furnish me with such information for the Plain of Jars area in Laos?

I was informed that the data available for Laos was in no way as sophisticated as that for South Vietnam. It would not be possible, I was informed, to correlate bomb strikes with population. Finally, I asked what about structures? You have bomb damage assessment reports, why can't you correlate bomb strikes with density of structures?

I have recently seen some preliminary data based upon what information is available. For good and obvious reasons the numbers must be classified and cannot be reported and made public property. But, nevertheless, I feel I am justified in drawing a conclusion from data I have seen. Since this argument is primarily between Congressman McCloskey, and me, I point out that every bit of information which has been made available to me is also available to him. I emphasize that I asked for this information and apparently he has not. All he needs to do is ask and he can have every fact furnished to me. I am confident that he will respect the sensitivity of the information.

A representative sample of a major portion of the area which Mr. McCloskey designated when visiting Laos and Udorn Air Force Base has been selected. It is an area 26 kilometers by 27 and is the area where ground fighting was most severe and bombing sorties most numerous. This totals out to 702 square kilometers.

If one divides each of these square kilometers into categories of zero to four structures per square kilometer, five to nine structures per square kilometer, 10 to 14 structures per square kilometer, and more than 15 structures per square kilometer, and compares the number of bombing sorties against those areas, he will have the only logical methodology which is addressed to the question, "Are we bombing areas with a high density of structures?" From the information I received I say categorically there is practically no difference between square kilometers with very few structures and those with many more. If a bar graph were to be developed, I am confident that they would be practically even. In fact, I fully expect subsequent data to emphatically prove that the highest number of bombing sorties occurs in the areas with very few structures.

This tends to prove the argument I have been making right along. Military targets, which are all we hit, are almost always away from the villages.

As the concluding portion of my contention that my colleague failed to present proof that we are following a policy of deliberately bombing Laotian villages, I shall quote several distinguished individuals. First I shall quote Deputy Assistant Secretary of State William H. Sullivan who was Ambassador to Laos until 1969. Mr. Sullivan states:

> Rules of Engagement which are designed to protect the civilian population have been in effect since 1965 and with respect to this safety feature have not been altered.

Later he says:

> Procedures for proper validation, control and execution of air strikes have been carefully developed, in order to insure that active villages, indigenous population, and other non-military targets were not brought under attack. These procedures have been followed and have been effective.

It is interesting that in his argument which preceded my remarks, my colleague has placed great weight upon Secretary Sullivan's testimony regarding his practices when he was Ambassador to Laos. These practices, if I interpret the gentleman's remarks correctly, are intended to justify his case that we have engaged in indiscriminate bombing of villages.

But is not it true that the gentleman on numerous occasions has said that improper bombing was not practiced under Ambassador Sullivan, but only under Ambassador Godley and after President Nixon came to office?

Mr. Speaker, if my colleague Mr. McCloskey is right in his accusation then Mr. Sullivan has not told the truth.

Mr. Ed Archer, a young foreign service officer, spent several hours with me in my office discussing this situation. I was most impressed with his sincerity and his knowledge of the subject. Mr. Archer was the officer assigned to check proffered target listings and make recommendations to the Ambassador. He served under both Ambassador Sullivan and Ambassador Godley.

On July 9 Mr. Archer said to me and I quote:

> While I was in Laos from September 6, 1968, to February 19 1971, I do not know of a single incident of indiscriminate bombing of any village.

Mr. Speaker, if my colleague Mr. McCloskey is correct in his accusation, then Mr. Archer is not telling the truth.

On July 7 I received the following message from Ambassador Godley, and I quote:

> I am prepared to state under oath that ever since I have been in Laos, this mission and U.S. Air Force have done everything possible to avoid any bombing of inhabited villages or even isolated dwellings in Laos.

Mr. Speaker, if my colleague Mr. McCloskey is correct in his accusation, then Ambassador Godley is not telling the truth.

On July 7 I received a cablegram from Father Matthew Menger, the Jesuit priest, who has worked with the Meo tribes for almost 20 years. He says in part:

> It is my opinion that the allegation of U.S. policy to indiscriminately bomb Lao villages is erroneous and absurd . . . In private conversation I have been advised by former Ambassador to Laos William H. Sullivan, and present Ambassador G. McMurtrie Godley, that all U.S. bombing raids in Laos are approved prior to the mission by the American Ambassador, and that no bombing raid is permitted within a determined radius of an inhabited village. At various times, the American Ambassador has refused to permit certain bombing missions lest civilian casualties occur. There is no justification for doubting the knowledge or veracity of these two distinguished American Ambassadors, both career officers of proven integrity and honesty.

Mr. Speaker, if my colleague Mr. McCloskey is correct in his accusation, then Father Matthew Menger is not telling the truth.

Rev. Ed Roffe, who has spent 42 years in Laos in the Christian and Missionary Alliance, is a Laotian citizen. As a Canadian by birth he is under no obligation to support or justify the policies of the Government of the United States. He says, and I quote:

> It is my sincere and considered opinion that the use of the term indiscriminate is quite unjustified in reference to the admittedly regrettable, but apparently necessary bombing that has occurred in Laos.

For the benefit of those who would like to read Reverend Roff's complete statement, I include it at the conclusion of my remarks as exhibit C.

Mr. Speaker, if my colleague Mr. McCloskey is correct in his accusation, then Rev. Ed Roffe is not telling the truth.

I have previously reported a quotation by Mr. William H. Hecht which conveyed the consensus opinion of Dr. J. A. O. Preus of the Lutheran Church, Archbishop Joseph T. Ryan of the National Conference of Catholic Bishops, and Dr. Nathan Bailey, President of the Christian and Missionary Alliance, as well as Rev. Wayne Persons who has spent 26 years in Laos.

Mr. Speaker, if my colleague Mr. McCloskey is correct in his accusation, then these churchmen, too, are not telling the truth.

As exhibit D I shall include statements from several Air Force officers which were made to me in my office on July 7, 1971. Typical of these statements is this one from Brig. Gen. Daniel "Chappie" James, Jr., who flew over Laos in 1966 and 1967:

> I know I didn't indiscriminately bomb civilians, I know my pilots didn't—I stake my professional reputation on it.
>
> I remember the village of Sam Neua. This was the headquarters for the Pathet Lao which we were forbidden to hit in 1966. We were forbidden from hitting it even when we received fire from the village. I never got shot at so much in my life as at Sam Neua, yet I couldn't bomb it.

Mr. Speaker, if my colleague Mr. McCloskey is correct in his accusation, then these Air Force officers are not telling the truth.

I believe one of the best opinions as to whether or not my colleague proved his case came from Mr. Lou Cannon, one of the newsmen who accompanied him on his trip. Lou Cannon is considered one of California's outstanding reporters and was winner of the 1968 Political Science Association Award for Distinguished Reporting of Public Affairs. Mr. Cannon wrote, and I quote:

> But even on the Laos portion of his mission, McCloskey failed to establish all that he had said at home. He also overspoke himself on a national television program the Sunday after he returned declaring that "thousands" of villages had been destroyed.

Mr. Speaker, if my colleague, Mr. McCloskey, is correct in his accusation, then Lou Cannon has not written the truth.

Mr. Speaker, are Mr. Cannon, Father Menger, Reverend Roffe, Ambassador Godley, General James, and others all not telling the truth? Are all of these distinguished people wrong and only one man right? I leave you and the American people to decide for yourselves whether, as Representative McCloskey alleges, this country is engaged in a policy of indiscriminate bombing of villages and civilians, whether we are in effect committing genocide as a nation and whether our moral standards have sunk to a level so low that official policy would sanction such a horrible thing. I, for one, Mr. Speaker, do not believe the gentleman from California has proved his case and by making an accusation without proof, I think he has done serious harm to this great Nation.

Mr. Speaker, from this point on my remarks are not addressed specifically to the gentleman from California (Mr. McCloskey) they are intended for all Americans.

It used to be said during World War II and the Korean conflict that a man in uniform could not buy a drink. As a means of showing our appreciation we civilians insisted on buying. But today's GI wears civilian clothes on leave or liberty to avoid the obscenity and ridicule which is often aimed in his direction.

True, the modern GI is fighting in a war which most Americans do not approve, but is the flesh and blood and soul of the man who wears that uniform any different? Is he without feelings and sensitivity?

Because a man wears an uniform is he less human? Does he not love his family? Does he reject peace as a way of life? Does he live to kill? Is he immoral? Atheistic?

We all have the right to doubt national policy in Southeast Asia, and moreover we have the obligation to change a policy when we do not agree with it. But in the name of pleading for change, do we have the right to use the broad brush and discredit basic institutions?

One man's lies do not make this a nation of liars. Does one mistake contaminate all that is good in America? Instead of seeking out the disillusioned and fanning their disillusionment into hate and disrespect for the basic institutions of a great nation, is not it time we talked about what is good in America. Is not it time we honestly compared our standards of freedom and morality with the Communist world?

Is not it time we thought about the GI who could at this moment be leaving on a dangerous patrol from which he might not return. How do you suppose he feels when he knows that some of his national leaders say this Government cheats, lies, and is immoral?

What about the prisoners of war who may be listening to Hanoi Hannah right now as she quotes Senators and Congressmen who degrade our national image?

What about the pilot who may go down in flames tonight? Does he not have the right to die knowing his Nation does not consider him a murderer but respects him as a man doing his duty as an honest professional? What about all our military men who have fought a war we would not let them win under the most incredible political restrictions in history?

I say it is time some of us stop leaving the field, the news columns, and television screens to only those who degrade, deface, and besmirch the image of a government and a nation which, though not perfect, is still imperfect man's closest approach to a perfect government.

We have waited too long—let us stand up and be counted.

EXHIBIT A

JULY 2, 1971.

Hon. WILLIAM H. SULLIVAN,
Deputy Assistant Secretary of State,
State Department,
Washington, D.C.

DEAR AMBASSADOR SULLIVAN: It is extremely important to me to have answers to the following questions. I sincerely hope that you can furnish them.

1: Did State Department officials brief Representative McCloskey before his recent trip to Laos? Did they inform him of the existence of a USIS survey on refugees? And, did he request a copy?

2: Was the Embassy in Vietiane informed on date of April 9 that Representative McCloskey had been furnished with a summary of the above mentioned survey? And, was the text of that summary sent to the Embassy?

3: Did the Embassy receive such a communication, if it was sent, prior to April 13?

Thanking you and trusting you can provide me with a written response to these questions by Wednesday, July 7, I am

Yours sincerely,
CHARLES S. GUBSER,
Member of Congress.

DEPARTMENT OF STATE,
Washington, D.C., July 8, 1971.

Hon. CHARLES S. GUBSER,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN GUBSER: In response to your letter of July 2, 1971, I am providing below the answers to your questions concerning Laos.

1. Prior to his private trip to Southeast Asia, Congressman McCloskey asked for a briefing on Laos, and a Department of State official briefed him on March 31. During the course of this briefing, Congressman McCloskey asked about surveys concerning refugees prepared by the American Mission in Laos. The Department officer said that two surveys had been prepared but were not available here; a summary had been prepared for the Senate Subcommittee on Refugees and Escapees. The Congressman did not at this time formally request a copy of either the two surveys or the summary. In a subsequent conversation on April 1 with an official of the U.S. Agency for International Development, a copy of the summary was given directly to Congressman McCloskey.

2. Because the same version of the summary which had been provided to Congressman McCloskey was not available to Embassy Vientiane, the Department of State cabled the text to Vientiane with the notation that it had already been furnished to Congressman McCloskey.

3. The Embassy received the text of the summary shortly after it was sent; it was therefore in the hands of responsible officers of the Mission by April 10, Vientiane time.

I hope that these answers may be helpful to you. If I can be of any further assistance, please let me know.

Sincerely,
WILLIAM H. SULLIVAN,
Deputy Assistant Secretary for
East Asian and Public Affairs.

EXHIBIT B

TRANSCRIPT OF RECORDED TELEPHONE CALL BETWEEN CAPT. MARSHALL L. MICHEL, USAF, AT UDORN AFB, THAILAND, AND CONGRESSMAN CHARLES S. GUBSER, JULY 7, 1971

CSG: I am calling you to ask for your version of the conversation which reportedly took place between yourself and Congressman Pete McCloskey when he visited Udorn Air Force Base early in May, I guess it was. Who was present, Captain, when you talked with Congressman McCloskey? And could you give me first names?

Capt. M: Col. Mann [sp?], Wing Commander; Col. Merrick [sp?], our Assistant Director of Operations; I think Major Bill Roberts.

CSG: That's sufficient. Captain, as you probably have heard, Representative McCloskey is talking about his conversation with an unnamed Air Force Captain, which we believe is you, and he is using your conversation as justification for the fact that he believes we have indiscriminately bombed villages in Laos. Would you respond to that by just telling me exactly what was the sum and substance of your conversation with Congressman McCloskey? Just start from the beginning.

Capt. M: Yes, sir. We were—he asked about villages in northern Laos and where we flew and where the villages were. I explained to him that our targets were, for our reconnaissance missions, were what we call LOCs (lines of communication). I drew in one on a map that runs from an area which we call the Fish's Mouth to the Plain de Jars and Highway Nos. Route 7.

CSG: May I interrupt and ask, did he ask you to draw a route or did he draw this himself?

Capt. M: No, sir. He had a map with him that was a very old out-of-date map and we didn't correlate it with our current maps, so I pulled out one of our maps that we mission plan off of and drew the route in itself. The route is on the map, but I penciled it in so that it showed up better.

CSG: Now, what did you say to him after you penciled in this Route 7?

Capt. M: Yes, sir. He said, "All right, I'd like to see pictures of villages along this route" and there were several listed along there, and I said that even this map was an old map and that these villages were probably not there. I believe Major Roberts went out to get pictures of this area to check. But I said that the villages were probably not there because the people had been using this route for, I knew, at least ten year.

CSG: Using it in what way? [Overlapping conversation.]

Capt. M: . . . in 1960, I did a report on the Plain de Jars in college and they were fighting there during this time.

CSG: In other words, this route was being used for military purposes and the villages were destroyed in military operations, or just abandoned?

Capt. M: Yes, sir. As far as I know, they were—I speculated that they had been long since abandoned. These people had, you know, they're farmers and somebody plants a 37-millimeter gun in your rutabaga patch—you're going to move it across the hill.

CSG: Isn't it also true that these people in this area sometimes just move (regardless of) whether there is a military operation? Aren't they semi-nomadic?

Capt. M: Yes, sir. I would say that they probably would—I don't know that much about it, but I would think that any sort of unusual activity would cause them to move . . . for some reason, where their living is not viable, then they'll just move across the hill.

CSG: I see. Well, now, it's been reported that you told Representative McCloskey that you personally had never seen an active village along the LOC or Route 7.

Capt. M: Yes, sir. I said that I had never, I personally had never seen an active village along this route.

CSG: Well, now, did you mean to imply with that statement that those villages were destroyed by bombing?

Capt. M: Did you say by bombing, sir?

CSG: Yes, did you mean to imply when you made that statement that those villages were no longer there because they had been destroyed by bombing?

Capt. M: No, sir, I certainly did not.

CSG: Well, would you mind telling me what your connotation was?

Capt. M: That there were no longer people living along this particular route. But I did not say that they had been bombed. I can't remember exactly, but that had come up in the conversation and, no, I wouldn't say that they've been bombed and we looked at the area quite thoroughly since then and I haven't been able to find any evidence of that.

CSG: Have you found any villages in the area since this occasion?

Capt. M: Well, sir, this thing sort of became an item of interest in the squadron. Since it came out we found quite a few up in northern Laos along Lines of Communication.

CSG: I see—go ahead.

Capt. M: . . . one particular route which is their main highway, so to speak, does not really have any.

CSG: If the thrust of Representative McCloskey's statement, which he attributes to you, was that American air activity has destroyed the villages upon the Line of Communication which you drew on this map—is that a proper quotation, or paraphrase of your conversation?

Capt. M: No, sir, it wouldn't be.

CSG: All right. Do the other officers, Col. Mann and Col. Merrick, and Gen. Evans—have you discussed this conversation with them?

Capt. M: Yes, sir, we discussed it quite at length after it came out in the newspapers.

CSG: And do they concur in what you're telling me now?

Capt. M: Yes, sir, they do.

CSG: Well, this definitely fulfills my requirement, Captain, and I am very grateful to you for being so explicit and clear-cut in your statements, and I want to thank you for it and I want you to know that a lot of us back here in Congress are backing you guys up. So I thank you very, very much. Okay?

Capt. M: Yes, sir, we appreciate it.

CSG: All right, sir. Bye.

EXHIBIT C

COMMUNICATION FROM REVEREND ED ROFFE

It is my sincere and considered opinion that the use of the term "indiscriminate" is quite unjustified in reference to the admittedly regrettable but apparently necessary bombing that has occurred in Laos.

My opinion as expressed above should be evaluated in the light of the following facts:

A. I am a Canadian and, consequently, am under no obligation to support or justify the policies of the Government of the United States as they affect Laos either politically or militarily. The opinion I offer is given in complete honesty and with no sense of the compulsion that might prompt me, were my status other than that of a genuine neutral.

B. I arrived in north Laos in early 1929 to become, as far as I know, the first person from the western hemisphere to establish residence in Laos. This has given me an inevitable knowledge of and sympathy for the people of this land to whom I would be traitor were I indifferent to the present undeniable distress.

While the fact of the distress, and the fact of the bombing which has, in part, contributed to the distress, are undeniable, it should be obvious that a true interpretation of these facts cannot be formed following a mere overnight visit, a stay of two or three days, or a fleeting contact with a relatively limited number of the many peoples of Laos: ethnic Lao, minority groups, refugees or others, even an approximately accurate evaluation of surface facts would presuppose an in-depth acquaintance with the hopes, the fears, the aspirations and the attitudes of these peoples. In view of the severe restrictions laid on them by considerations of time, to say nothing of the very real barrier of language such an acquaintance cannot possibly be acquired by visiting dignitaries, no matter how well-intentioned they might be.

Not infrequently, such rapid investigations have simply served to confirm pre-established opinions with all the evidence contrary to such opinions apparently being conveniently filtered out. This makes for irresponsible reporting. Whereas the situation calls for an unbiased approach and an equally unbiased analysis of the facts that are gathered for evaluation.

Let me cite a single example. One group of refugees (from the Plain of Jars) was accurately reported to have stated that they left their villages because of the bombing. That statement, in isolation, would seem unequivocally to condemn the bombing. But responsible reporting should take into consideration the context of such a statement. This would require asking "what prompted the bombing?" And the simple answer would be that the presence and the activity of enemy forces in the area required drastic measures, in part to make it possible to get planes in there in order to evacuate the innocent civilian population.

The refugees stated that they left because of the bombing and that meant, at the very least, that they left because the bombing eventually made it possible for them to leave. They pointed out—and this was completely overlooked in subsequent reporting—that their loyalties, their sympathies, their ties were all with the royal government of Laos and they were happy to be able to rejoin those of "like precious faith." The bombing made it possible for them to flee an area which was under a repressive political regime, where religion was suppressed, and where they were subject to enforced labor etc.

If these people have any serious complaint it surely is not that they and their villages were bombed, but rather that unfriendly forces imposed harsh conditions on them without warrant. The bombing was a direct result of the unjustified presence and completely unwelcome practices of these intruders.

These last few paragraphs are not a diversion from the main question. On the contrary, I believe they are undoubtedly germane to it and I would be gratified if what I have herein presented serves to correct some of the misinterpretation of facts that is current in the United States and to thereby remove some of the misunderstanding that derives from such misinterpretation.

Exhibit D

Statements From Air Force Officers, July 7, 1971

Brig. Gen. Daniel "Chappie" James, Jr., Vice Commander, 8th TFW, who flew over Loas in 1966 and 1967:

"I know I didn't indiscriminately bomb civilians, I know my pilots didn't—I stake my professional reputation on it.

"What we were interested in was the interdiction of supplies. We had no interest in villages. You could end your career quicker than any other way by putting ordnance where it shouldn't go.

"We were not taking pictures of villages. We were taking pictures of LOCs and routes. The population centers and villages were in the highland above the LOCs.

"I remember the village of Sam Neua. This was a headquarters area for the Pathet Lao which we were forbidden to hit in 1966. We were forbidden from hitting it even when we received fire from the village. I never got shot at so much in my life as at Sam Neua, yet I couldn't bomb it."

Col. Lloyd R. Leavitt, Vice Commander, 8th TFW; Ubon AFB; Wing Commander, 432d TRW, Udorn AFB, who flew over Laos from April 1970 to April 1971:

"I don't recall one instance where my wing attacked a village.

"We never made attacks against non-military targets."

Lt. Col. Dale Fulton, Assistant Air Attache, Vientiane, 1967–69:

"I personally know many refugees. They all say that they were driven out and would rather live with the Lao than the North Vietnamese and Pathet Lao."

Col. Earl Brown, Chief, Strike Operations, 432d TRW; flew interdiction missions out of Udorn AFB from August 1969 to April 1970; majority of his missions were flown in the Barrel Roll area and the Plain de Jars; also did one tour in 1965 and flew over Laos;

"Control of missions was greater in 1969 than in 1965. We had Tacan and radar coverage of missions, as well as an airborne command controller and a forward air controller (FAC). In 1965, under tight rules of engagement, we did not strike villages. In 1969, with much tighter means of control, there was even less possibility of striking villages."

Col. Daryle Tripp, Deputy Commander, Operations, 56th Special Operations Wing, Nakhon, Phanom, Thailand; at NKP Base all of 1969:

"In the dry season of May 1969 the Pathet Lao were moving southwest and overran the village of Moung Souai, which was a primary airfield in the western PDJ. We were called upon to provide close support in May 1969, to cover the extraction of a thousand or so refugees. After evacuation of the refugees, we systematically pounded the airfield as a military objective. The airfield was close by and had the same name as the village, but we did not hit the village.

"We never used CBU phosphorus ordnance against a non-military target."

Lt. Col. Charles Bishop, Squad. Operations Officer, 354th TFS, Takhei; F–105 pilot, 1966, 1967, 1969, and 1970; flew 94 interdiction and close-air-support missions over Laos:

"We rarely ever dropped a bomb that wasn't on a FAC's smoke. We did not bomb villages."

Mr. KEMP. Mr. Speaker, will the gentleman yield?

Mr. GUBSER. I yield to the gentleman.

Mr. KEMP. Mr. Speaker, I would like to commend the gentleman for his remarks and for presenting in this debate some important questions and answers, not only to those of us in the House but to our fellow countrymen and to the young people of America.

I agree with the gentleman that it is time to stand up—to stand up for our country, not in the sense that America is perfect—but to stand up for our country in regard to the high goals that it has always attempted to pursue. The United States has certainly made mistakes, but I would like to stand up with you at this moment and answer, not as eloquently as you have expressed it—but to answer the accusation that this country is waging war against Laos and South Vietnam.

The fact that this accusation has been made in this body concerns me not only as a freshman Congressman, but as an American.

Our country has been accused of waging war by the gentleman from California and others against the people of Laos and against the people of South Vietnam—that is false—and my colleagues—who have made that accusation know that it is false. Both the legitimate government and the people of Laos are fighting for their lives against external North Vietnamese aggression—so are the people of South Vietnam. They have asked for America's help and welcome American assistance. In fact, they have asked for more.

Further, the Government of Laos fully approves of what the United States is doing in that country and they are asking for our assistance because they know that the one existing threat to their national existence and their freedom as well as that of South Vietnam comes from the North Vietnamese.

It does not come from America—10,000 miles away. It comes from the North Vietnamese who are their historic enemy and who have thousands of ground troops occupying Laotian neutral territory as well as South Vietnamese territory and is attempting to overthrow their government.

The truth is that everyone in Southeast Asia wants peace, everyone except the North Vietnamese—every nation in Southeast Asia is defending its homeland—except the North Vietnamese.

Laos has asked for American military assistance.

Cambodia has asked for American military assistance.

The South Vietnamese Government has asked for American military assistance.

That is why it is being given.

No one, I would suggest to my colleagues, has asked for North Vietnamese troops to come into their country, and because those North Vietnamese troops are there in violation of every international rule as well as the 1954 and 1962 Geneva accords, because they are there on wars of aggression, that is why fighting continues in Southeast Asia.

I would suggest to my colleagues that American pilots are not fighting for conquest. They are fighting to prevent it, just as they did in Korea where they also fought to prevent conquest and save freedom from Communist aggression.

Mr. Speaker, at this point I include the following extraneous matter to support in depth the position I previously articulated, and in defense of our present policy.

Mr. Speaker, no one is trying to force North Vietnam to submit to anything—we are trying to prevent them from forcing South Vietnam to submit to a communism they do not want; that is what this war is all about. No one is trying to overthrow Hanoi's government—they are trying to overthrow the Laotian Government. Cambodian Government, the South Vietnamese Government. It is not the Laotians, Cambodians, and South Vietnamese who are sending massive invasion armies into the North—the armies of invasion are coming out of the North into the South. Submission is what the North is after—free and open elections, free from submission, is what America is fighting for—and you know that as well as I.

AUTHORITY ON THE WAR

Some say that the President is waging an illegal war because the Gulf of Tonkin Resolution has been repealed—that there is no constitutionality for what he is doing.

When the President took office there were 550,000 Americans in Vietnam; when that Gulf of Tonkin Resolution was repealed there were still hundreds of thousands of Americans in Vietnam. The President is bringing them out on his timetable—and congressional approval for that is inherent in the fact that Congress continues to vote him every single dollar he needs to do so. If Congress wants all American activity halted in Southeast Asia—let Congress cut off all funds for Southeast Asia—but Congress has refused to do that—it has been giving the President the dollars he needs, and in giving the dollars, they are giving him their approval in the most meaningful way that approval can possibly be given. That is where the President continues to get his authority.

UNCLE HO, THE PATRIOT

Ho Chi Minh has been described as a great national patriot and hero, trying to bring all his people under single rule. But in that sense Adolph Hitler was a great German patriot and hero, for he, too, tried to bring all the German people in Austria, in Czechoslovakia, in Poland, and the Rhineland—under Berlin's domination.

But we judge people not just on their nationalism—Ho was a nationalist and Hitler was a nationalist. But on their objectives—Nazism in one case and Communism in the other—and on their means—atrocity and aggression in both cases. What Hitler did to the Jews is precisely what Ho would have done to the Catholics had they not fled into the South by the hundreds of thousands. As it was, thousands died in Uncle Ho's agrarian reform—after his victory over the French. And while the Communist revolutionaries are in power in Hanoi, what happened to the anti-Communist Vietnamese revolutionaries who fought against the French?

THE UNITED NATIONS IN KOREA

In the Korean war at times there were orders to shoot anyone in civilian clothes found wandering around at night.

We may remember the anti-guerrilla-operation effort that was tagged Operation Ratkiller in those less euphemistic times.

In the Korean war, nearly 2 million civilian casualties were recorded. God only knows how many Koreans, North and South, were made homeless. The point is, that in any war, there are refugees and in modern wars, they are inevitable.

But to suggest that America in this war, or in that Korean war, deliberately sought to create those refugees is false and malicious.

Let me add another point. It is indicated that America has used more bombs in Southwest Asia than in all the Second World War. To me this is proof itself that America is deliberately avoiding civilian targets—taking special precautions to avoid wounding or injuring the innocent. In one attack American and British bombers killed hundreds of thousands of Germans in Dresden, in the great fire raid. It is a testament to the fact that we are fighting a limited war, that we have deliberately held back from such bombing against Hanoi and Haiphong—that we have not destroyed the dikes in North Vietnam, as we did not destroy the dams in North Korea.

DECEPTION

The five times the President has pledged to bring home thousands of American troops, these troops have come home. When he went into Cambodia he told the American people he would be out in 60 days, he was out in 60 days. He told the American people he had a plan to end American involvement in this war—and that is precisely what he has accomplished. Since he took office, 300,000 American troops have been removed from the Vietnam war.

CORRUPT GOVERNMENT ARGUMENT

The United States is fighting to keep in power a corrupt regime of Thieu-Ky which is no better than Hanoi's, which shuts down newspapers and locks up political prisoners.

Abraham Lincoln imposed censorship on American papers in the Civil War; this is no argument. In Great Britain in World War II, there was a suspension of elections. What we are dealing with here is a nation without democratic traditions that has developed these decisions even during a war against both internal and external aggression.

Yes, papers have been censored in the south; but in the north, there is no free press whatsoever. In the south, there is freedom of religion for Catholics and Buddhists alike. In the north there is no freedom of religion. In the south, there are village elections, there are provincial elections, there are presidential elections. President Thieu was elected over eight other candidates in the only free national election ever held in that part of the world. By the way, who elected Pham Van Dong? In the south, there are many opposition parties; in the north there is none.

Nine hundred thousand refugees fled from the rule of Ho Chi Minh when he took power in 1954—you find thousands who have fled south—how many Vietnamese have fled into Communist country—even their own prisoners of war are too terrified to return home. That is the worst indictment of a regime I have ever seen. Can you imagine all but five of the American prisoners refusing repatriation if they had the chance.

REFUGEES

Eighty percent of all bombing in Laos is done against the Ho Chi Minh Trail, where no one lives—and where the only casualties are enemy troops and engineers who are moving supplies to kill American men.

Even Mr. Harriman will concede that in Laos, the war there is one of aggression by the North Vietnamese who violated the Geneva accords the day they signed it.

All American air support is being done not to wage war against Laos, but to wage war against those committing aggression against Laos, against Cambodia, against South Vietnam, and against the remaining American troops in Southeast Asia.

Eighty-five percent of the enemy troops in Laos are North Vietnamese—if there were no Communist ground forces rampaging through northern Laos, and using southern Laos as an avenue of aggression—there would be no American planes overflying the country. Mr. Speaker, instead of making demand after demand on the American Government, attack after attack on the American President—I am pleased Congressman Gubser devoted his special order to the people really responsible for this war and its continuation—the aggressors in Hanoi.

What of the 20 percent of the bombs used in northern Laos—where the only American in danger of being killed is a CIA agent.

First, the main targets in the north are roadway and storage areas—they are not villages. These are hill people; and their villages are on the hillsides; and the American attacks are directed against road targets.

Second, there is a standing rule that American bombers without explicit permission do not bomb within 500 yards of any individual village.

Third, some say that most of the villagers left in 1968 and 1969—yet Mr. Nixon was not even President in 1968, and in 1969 until July 12—2 years ago—Mr. Godley did not become the Ambassador. Mr. Sullivan was.

Fourth, I include the testimony of Mr. Sullivan himself on American policy at this point:

Sullivan's Testimony

> In this long, unhappy history of North Vietnamese aggression against Laos from 1962 until the present time, over seven hundred thousand residents of Laos have been displaced at least once, and at some time or other, have been on the refugee rolls. There are currently approximately 309 thousand residents of Laos who receive refugee assistance of one sort or another. Of these 309,000 people, 120,000 are the families of Lao Government forces (most of whom are Meo), 169,000 come from friendly areas from which they were pushed westward by the North Vietnamese, and 20,000 come from areas controlled by the North Vietnamese and Pathet Lao.
>
> It is therefore very clear that the prime cause of these refugee movements to the west has been the constant military pressure of the North Vietnamese. By an examination of the numbers of refugees listed on the rolls at any one time it can be seen that there is a very close correlation between military activity and the generation of refugees . . . the correlation between displacement and North Vietnamese military activity will be clear.
>
> There has been much concern expressed about the exact causes for refugee movements. In some instances the cause is clear and quite simple; the North Vietnamese, not trusting the civilian population, drive them out ahead of their forces rather than attempting to capture and control them. This has been particularly true of the Meo population north and east of the Plaine des Jarres. In other instances the civilian population themselves, having experienced or knowing the reputation of life under the North Vietnamese and the Pathet Lao, have chosen to flee rather than submit to that sort of regime. In still other instances the constant pressure and menace of warfare have caused the people to move from their homes and accept refugee status. And finally, in a small number of cases, the Lao Government has moved the civilian population as a result of its own decision, in order to remove them from the path of battle.
>
> I believe I should say something about the role which air attacks have played in this whole tragic picture. It has been suggested that air attacks have been the primary cause of refugee movement, or even that air attacks have been deliberately mounted in order to create refugee movement and to deprive the North Vietnamese and the Pathet Lao of human resources represented by the refugees. It has, for example, been suggested that, as a result of the cessation of United States bomb-

ing over North Vietnam in November, 1968, a vast increase of air power was applied to northern Laos and resulted in the increase of refugee movements in that part of the country.

The facts do not bear this out. There was a significant shift of United States air power from North Vietnam to Laos after the cessation of bombing in November, 1968. However, this shift was almost exclusively to the area of the Ho Chi Minh Trail where sortie rates were very significantly and sharply increased immediately after the cessation in North Vietnam. As I have indicated previously, there is no Lao population along the Ho Chi Minh Trail and therefore this augmentation of sorties in that area had no relationship to the generation of refugees. As a matter of fact in North Laos the sortie level continued almost exactly as it was from November 1968 through February and early March of 1969. It was only in late March of 1969 and subsequently through the military campaigns which rolled over the Plaine des Jarres from then until early 1970 that there was an augmentation of air activity in northern Laos. This air activity was directly associated with the ground operations that had erupted on the Plaine des Jarres. As I previously indicated, this lengthy struggle for the Plaine des Jarres which eventually resulted in its control by the North Vietnamese, resulted in the westward movement of some 17,000 people out of the total of approximately 150,000 people who were forced to move westward during that North Vietnamese offensive in the same period. These 17,000 were unfortunately caught up in the very center of major military activity, both ground and air. This sort of fighting was an unusual exception to the normal pattern of military activity which has prevailed over the past several years in the north of Laos.

The normal activity in northern Laos, as I have earlier indicated, consists largely of small units sparring for control of logistics routes and terrain features. The function of air activity in this type of warfare has been quite specialized. The greatest number of United States air sorties on a daily basis in north Laos have been flown on route reconnaissance and interdiction missions. They have expended their ordnance either against moving vehicles on the roads or against choke points and known military storage areas. Because these roads run in the valleys away from hill settlements, the greatest proportion of these sorties do not impinge upon areas of civilian population.

Similarly, in the south along the Ho Chi Minh Trail where the greatest proportion of United States daily sorties are flown, there are no inhabited areas in the zone of operations.

In normal circumstances there are only a few United States aircraft a day that operate in areas of Laos where there is a danger of impinging upon inhabited locations. Whenever there is a request, from whatever source, for sorties of this type, they are carefully examined in advance by the Embassy in Vientiane, and the strike has to be personally approved by the Ambassador. These rules of engagement, which are designed to protect the civilian population, have been in effect since 1965 and, with respect to this safety feature, have not been altered.

I go into this detail, not because I am trying to suggest that no civilian casualties have ever resulted from United States air operations, but in an effort to demonstrate the care that is taken to minimize the effect of United States air operations upon civilians. It is true that certain civilians have been caught up in military operations in which United States air power was a component part. We have 17,000 refugees from the fighting in the Plaine des Jarres in 1969 and 1970 as testimony to that fact. They are, however, a decidedly exceptional group in the overall total of 700,000 refugees who have moved westward in the face of North Vietnamese pressure over the past ten years.

Fifth. Only a handful—16 at most—of the refugees were interviewed from a single area where battles had raged back and forth—and from this some extrapolated war crime against the American Air Force—there is nothing to back those outrageous charges.

Sixth. The gentleman from California (Mr. WALDIE) indicated that the refugee camps he saw were remarkably well run; and that casualties and fatalities seemed at a minimum—why did some see fit to ignore this bit of evidence.

CIVIL WAR ARGUMENT

One of the repeated arguments is that the war in Vietnam is a civil war like the American Civil War, that "in both conflicts the South broke away and the North fought to reunite a country that essentially belongs to them."

COUNTER ARGUMENTS

First. The difference between the two is basically this. In our Civil War, one of the goals of the North was to put an end to the slavery of 3 million black Americans. In the Vietnamese civil war, the North is attempting to impose political slavery upon 17 million people who have fought 10 years to prevent it.

Second. If the Communist North has a right to reunite the country under Hanoi's domination—then Saigon has the same right to reunite the country under non-Communist rule. Mr. Speaker, would you agree to that?

Third. If Hanoi has the right to use force to unite the nation under Hanoi's rule—then, Saigon has the right to use military force to defend itself.

Fourth. If Hanoi is right in using force to bring the South under Communist control—then North Korea had the right to use force to bring South Korea under Communist rule. The American military force was sent to South Korea to prevent precisely that unification under militant Communist rule. What some are condemning in 1971 is the same thing they and hundreds of thousands of Americans fought to prevent in 1951—the aggression of an Asian Communist power, against an Asian people that wants no part of communism.

Fifth. Hanoi has no more right to use force to bring the people of South Vietnam under its power than does East Germany have a right to use military force to bring West Germany under its power.

HAVE WE A RIGHT TO HIT A NEUTRAL COUNTRY

North Africa was neutral in World War II—we invaded there. Occupied France was neutral; we invaded there. Belgium declared its neutrality. We invaded there.

There is no obligation in international law for American troops to sit in their bunkers as clay pigeons while enemy units prepare an assault from privileged sanctuary—and after such assault, return to their immune provinces. We did not attack Cambodia—we attacked enemy forces, illegally occupying Cambodian terrain as staging areas for attacks on American men. Nothing in international law requires Americans or South Vietnamese to grant privileged sanctuary to enemy forces surrounding it and attacking it from three frontiers.

TWO FINAL POINTS

Sure war is hell. We knew that a century ago. But far fewer have died in the bombing in Asia, than in the last war. Mr. Speaker, we will recall the British fire-bombing of the city of Dresden which killed 200,000 Germans in a matter of days if not hours. Nothing like that has been attributed to the Americans in Vietnam. The cities of Hanoi and Haiphong have not been destroyed. Enormous tonnage has been dropped—but millions have not died, because the Americans are not deliberately killing civilians; they have sought to reduce civilian casualties to the minimum. And for all the horrors of war, we know there is something worse, and that is the loss of freedom—perhaps forever; and that is why the South Vietnamese are fighting on; and that is why we are helping them. When some say, it is not worth it—they mean the freedom of the people of South Vietnam, of Cambodia, of Laos, is not worth it—maybe, they would rather make that decision themselves. And they have made it with their courage.

With charges that the American diplomats in Laos—who cannot defend themselves here—have all lied and deceived us and the American people. With allegations of war crimes to American officers in Vietnam. With charges of deception, and warmongering for political purposes by a President who has helped bring a cease fire to the Middle East, opened the door to China, initiated SALT negotiations with the Russians, brought half our men home—and cut our casualties by almost 90 percent—I think those who are critical as Presidential candidates are guilty of demagoguery and it is becoming apparent to the American public.

Mr. GUBSER. I thank the gentleman for his contribution.

Before my time expires, I would like to point out that I think, due to a confusion of circumstances, which were not planned, and which are unfortunate, the gentleman from California (Mr. McCLOSKEY) has been denied a fair opportunity to reply, and, the realistics of time being what they are, there will not be an adequate opportunity.

I would say to the gentleman that if he cares to take a special order on another day, I certainly will be here. I shall not take one myself, but I will be here to allow him to make his rebuttal. I think it is only fair that he be allowed that.

Let me say also that I have no intention of embarking upon a continuing feud with the gentleman from California. That is not my purpose. He has the right to his views about American policy. He has an obligation to present them. But I say that when I believe that, whether it was intentional or unintentional, the image of this great Nation has been unfairly besmirched, then I, as an American, have the obligation to rise in protest, and I shall continue to do this as long as I live. But I have no intention of embarking upon a personal feud with the gentleman from California.

Mr. McCLOSKEY. Mr. Speaker, will the gentleman yield?

Mr. GUBSER. I yield to the gentleman from California.

Mr. McCLOSKEY. The gentleman has

referred to the Air Force strikes and the destruction they have caused. I was impressed with the statement that every bit of information that is available to the gentleman is available also to me. Both the gentleman and I know that there are hundreds of thousands of photographs of every area of northern Laos where bombings have taken place. Will the gentleman join me in requesting the U.S. Air Force for permission to look at the photographs taken before and after the bombing and Air Force strikes that we have discussed?

Mr. GUBSER. I would suggest to the gentleman that he carefully read my remarks when they appear tomorrow in the CONGRESSIONAL RECORD. I have stated six succinct reasons why the photographs the gentleman seeks are probably not available, but if available, they would not prove a thing.

Going back to the gentleman's expressed surprise at the fact that nothing is available to me as a member of the Armed Services Committee which is not available also to him, I would say, as a member of the Armed Services Committee for 14 years, it has consistently been the policy of that committee that all Members of Congress should have access to the same material available to us. All you need to do is to ask.

Mr. McCLOSKEY. Thank you. Will the gentleman also concede that with reference to villages that have been destroyed by white phosphorus, napalm, or cluster bombing, no bombing figures would appear in reference to villages that are struck by those weapons?

Mr. GUBSER. Of course, the gentleman should have told the House that, almost without exception, phosphorus is used only in the 2.75 marking round for the purpose of marking targets for bomb strikes. It is used by forward air controllers for marking purposes and also used for screening purposes to screen a downed American pilot so that we could get in and rescue him.

This is not to say that there are not two types of phosphorus cluster bombs. But it is to say that the only times they have ever been used have been those times when they were used against military targets such as rice storage, POL and other military supplies. They have not been used against villages; they have not been used against population centers or people. One of the Air Force officers whom I will quote in exhibit D has said:

> We never used CBU phosphorus ordnance against a nonmilitary target.

The SPEAKER pro tempore. The time of the gentleman from California has expired.

Mr. DENNIS. Mr. Speaker, I ask unanimous consent that the gentleman may have 5 additional minutes.

The SPEAKER pro tempore. The time of the gentleman has expired. He has consumed 1 hour, and under the Rules of the House, the time cannot be extended.

CONTEMPT CITATION OF CBS AND DR. FRANK STANTON—"THE SELLING OF THE PENTAGON"

The SPEAKER. Under a previous order of the House, the gentleman from North Carolina (Mr. BROYHILL) is recognized for 60 minutes.

Mr. BROYHILL of North Carolina. Mr. Speaker, early this year the Columbia Broadcasting System broadcast over its network and over licensees affiliated with that network, an hour long program entitled "Selling of the Pentagon." Admittedly this was a controversial program and immediately, of course, there was a great deal of uproar around the Nation in disagreement with the conclusions that were presented in this broadcast.

There were charges made that there was poor editing of this program, and subsequently the Subcommittee on Investigations of the House Interstate and Foreign Commerce Committee began an investigation of the techniques used in putting this program together. As a part of this investigation, the Subcommittee of the House Interstate and Foreign Commerce Committee issued a subpena asking for all the films and work prints, outtakes, sound recordings, and so forth, from this program, and the Columbia Broadcasting System refused to comply with this subpena. The committee continued to vigorously press its investigation, held hearings, listened to various witnesses, and gathered an enormous amount of material on this particular program.

This last week, on July 1, the House Interstate and Foreign Commerce Committee, by a vote of 25 to 13, voted in favor of a resolution which, of course, if upheld by the House of Representatives, would mean that the Columbia Broadcasting System and its president, Dr. Frank Stanton, would be held in contempt of Congress for refusing to furnish this information used in compiling this news documentary.

The information I have is that tomorrow this House is going to be called on to vote on this matter—whether CBS and its chief executive officer should be cited for contempt of Congress for its refusal to furnish this material.

I and 12 other members of the committee oppose this contempt citation because we feel very strongly that the House of Representatives should not take this action. We feel that the approval of the contempt citation would have drastic implications in abridging the freedom of the press guaranteed by the first amendment.

Speaking personally, I think it is a dangerous precedent, and I hope Members are going to keep an open mind. We are not going to have an opportunity for a long debate, but I hope Members will read the material we put in the RECORD today and look at this whole issue in a clear frame of mind.

I feel there are some first amendment arguments here. The first amendment of our Bill of Rights guarantees the right of a free press to speak out against the Government and it guards against any governmental action that would in any way induce censorship. To my way of thinking, this right has been a pillar of our democratic society and system for nearly 200 years.

I have been as critical as any Member of this Congress of some of the practices of the television networks in reporting the news, and I share some of the observations of Vice President Agnew that the news media in many instances present an inaccurate and distorted picture of our Nation, but it seems very clear to me that the step the committee took goes far beyond expressing criticism of this type.

In fact, the action that our committee was taking verges on the regulation by government, on the regulation by committee of the Congress, on how the news shall be reported. This action, in my opinion, establishes a very dangerous precedent by setting up the Congress as a review board for the editorial judgment of newsmen. So I, as one member of the committee, could not take this step.

I hope the House of Representatives is going to exercise better judgment and reverse the action of the committee.

Mr. Speaker, I would like to bring to the attention of the House the position taken by the Federal Communications Commission on the matter under discussion.

In March of this year, Chairman STAGGERS sent a letter to the Commission asking what action it would take in view of the allegations that the editing of "The Selling of the Pentagon" had caused misrepresentation of the views of Government officials.

In a letter of April 28, 1971, the Commission responded to the chairman and concluded that action by the Commission would be inappropriate in this case. The Commission states:

> We conclude that further action by this Commission would be inappropriate—and not because the issues involved are insubstantial. Precisely to the contrary, they are so substantial that they reach to the bedrock principles upon which our free and democratic society is founded.

The FCC also states that it is both unwise and impossible for the Commission to establish some precise line of factual accuracy for broadcasters to follow. This would, the Commission points out, be inconsistent with the first amendment and would involve the Commission deeply and improperly in the journalistic functions of broadcasters.

The Commission does urge that allegations of distortion of the news be referred to broadcast licensees for their own investigation and handling and states that the licensees investigation of complaints should be thorough, conscientious, and resulting in remedial action where appropriate.

I would like to make this communication from the FCC to the Interstate and Foreign Commerce Committee a part of the RECORD at this point.

The letter is as follows:

FEDERAL COMMUNICATIONS COMMISSION,
Washington, D.C., April 28, 1971.

HON. HARLEY O. STAGGERS,
Chairman, Special Subcommittee on Investigations, Committee on Interstate and Foreign Commerce, House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: This is in response to your letter of March 9, 1971, in which you register a complaint concerning the CBS news documentary, "The Selling of the Pentagon." You ask "what action the Commission will take" in light of allegations by Assistant Secretary of Defense Daniel Z. Henkin that his answers to questions posed by CBS newsman Roger Mudd had been so edited and rearranged as to misrepresent their content, and that a statement was attributed to a Marine colonel "when, in fact, the officer was reading a quotation of the Prime Minister of Laos." You also enclose a letter to Dr. Frank Stanton, President of CBS, asking for comment on Mr. Henkin's allegations and on techniques of editing whereby "through the editing process, answers to questions may easily be curtailed or rearranged . . . and [made] to appear to have been given in response to different questions." Similar inquiries and complaints were also received from Chairman Hébert of the House Armed Services Committee, from other members of the Congress, and from the public.

Taken together, two principal questions have thus been raised: (1) whether CBS adhered to the requirements of the fairness doctrine to afford reasonable opportunity for the presentation of contrasting viewpoints on issues of public importance covered in the program; and (2) whether CBS slanted or deliberately distorted its presentation of persons interviewed on the program. As to (1), we note that CBS presented an hour-long news special on April 18 for the stated purpose of affording an opportunity for the presentation of contrasting viewpoints on the issues of substance raised in the original program. The Commission, however, is still requesting the comments of CBS as to whether it has complied with the requirements of the fairness doctrine in this matter. A copy of the letter is attached. In this Statement, therefore, the Commission will address question (2) above.

THE FACTUAL RECORD

On February 23 and again on March 23, in the documentary at issue, the CBS network stated that Department of Defense would spend $30 million this year in "public relations funds not merely to inform but to convince and persuade the public on vital issues of war and peace."

The original broadcast aroused controversy as inquiries and complaints to this Commission have attested. As a consequence, following the March 23 rebroadcast, CBS ran a series of edited film clips of critical comments derived from previous addresses and interviews by Vice President Agnew, Secretary Laird, and Chairman Hébert, plus a rebuttal by Mr. Richard Salant, President of CBS News.

The controversy has focused on two aspects of "The Selling of the Pentagon" in particular, and the essential facts are not really in dispute. One concerns a film-clip from an address delivered by Colonel MacNeil at a symposium held in Peoria, Illinois,[1] featuring presentations by what CBS described as "the traveling colonels" (military and civilian spokesmen supplied, on request, to local civic and professional organizations). As far as the viewer could tell—and neither Colonel MacNeil nor CBS made it clear—the speaker seems to be affirming the "domino theory" as applied to Southeast Asian nations under Communist pressure, although as the printed transcript shows he was in fact quoting the Prime Minister of Laos to this effect. Later in the course of his remarks, Col. MacNeil did return to the "domino theory" and he did affirm it in virtually the same words as the Laotian Prime Minister. As Mr. Salant observed in his March 23 rebuttal, it was "difficult to tell where Souvanna Phouma left off and the Colonel started."

The other aspect of principal controversy concerns an interview betwen Mr. Henkin and Mr. Mudd. In it, some portions of Mr. Henkin's answers were cut; and what appeared as answers to particular questions were in fact rearranged from answers to quite different questions. What follows is a detailed analysis of the interview as shown on the program, compared with the verbatim transcript of the original interview:

This is what the viewers of the CBS documentary were shown as a single exchange:

ROGER MUDD. What about your public displays of military equipment at state fairs and shopping centers? What purpose does that serve?

Mr. HENKIN. Well, I think it serves the purpose of informing the public about their armed forces. I believe the American public has the right to request information about the armed forces, to have speakers come before them, to ask questions, and to understand the need for our armed forces, why we ask for the funds that we do ask for, how we spend these funds, what we are doing about such problems as drugs—and we do have a drug problem in the armed forces, what we are doing about the racial problem—and we do have a racial problem. I think the public has a valid right to ask us these questions.

This, on the other hand, is how Mr. Henkin actually answered the question cited above:

Mr. HENKIN. Well, I think it serves the purpose of informing the public about their armed forces. [*This is the only sentence that was retained intact in the answer as broadcast.*] It also has the ancillary benefit, I would hope, of stimulating interest in recruiting as we move or try to move to zero draft calls and increased reliance on volunteers for our armed forces. I think it is very important that the American youth have an opportunity to learn about the armed forces. [*Both the latter sentences were dropped entirely.*]

The answer Mr. Henkin was shown to be giving had in fact been transposed from his answer to another and later question that dealt not only with military displays but also with the availability of military speakers. At that later point in the interview, Mr. Mudd asked Mr. Henkin whether such things as drug and racial problems constituted "the sort of information that gets passed out at state fairs by sergeants who are standing next to rockets."

Mr. Henkin replied as follows:

Mr. HENKIN. No, I didn't—wouldn't limit that to sergeants standing next to any kind of exhibits. I knew—I thought we were discussing speeches and all.

But this is how the sequence was shown over the air:

Mr. MUDD. Well, is that the sort of information about the drug problem you have and the racial problem you have and the budget problems you have—is that the sort of information that gets passed out at state fairs by sergeants who are standing next to rockets?

Mr. HENKIN. No, I wouldn't limit that to sergeants standing next to any kind of exhibits. Now, there are those who contend that this is propaganda. I do not agree with this.

The second sentence of Mr. Henkin's actual answer—the part about "speeches and all"—had been omitted. And the "new" material—about propaganda came from an earlier point in the interview and was in fact a reference to charges that the Pentagon was using talk of an "increasing Soviet threat" as propaganda to influence the size of the military budget.[2]

POLICY CONSIDERATIONS AND CONCLUSIONS

In view of all the facts at our disposal, we conclude that further action by this Commission would be inappropriate—and not because the issues involved are insubstantial. Precisely to the contrary, they are so substantial that they reach to the bedrock principles upon which our free and democratic society is founded. Our basis for this conclusion is set forth in prior Commission rulings, of which two are particularly apposite: *In re Complaints Concerning CBS Program, Hunger In America*, 20 FCC 2d 143 (1969), and *Network Coverage of the Democratic National Convention*, 16 FCC 2d 650 (1969).

Lacking extrinsic evidence or documents that on their face reflect deliberate distortion, we believe that this government licensing agency cannot properly intervene. It would be unwise and probably impossible for the Commission to lay down some precise line of factual accuracy—dependent always on journalistic judgment—across which broadcasters must not stray. As we stated in the *Hunger in America* ruling, "the Commission is not the national arbiter of the truth" (20 FCC 2d at p. 151). Any presumption on our part would be inconsistent with the First Amendment and with the profound national commitment to the principle that debate on public issues should be "uninhibited, robust, [and] wide-open" (*New York Times Co.* v. *Sullivan*, 376 U.S. 254, 270). It would involve the Commission deeply and improperly in the journalistic functions of broadcasters.

This function necessarily involves selection and editorial judgment. And, in the absence of extrinsic evidence, documentary or otherwise, that a licensee has engaged in deliberate distortion, for the Commission to review this editing process would be to enter an impenetrable thicket. On every single question of judgment, and each complaint that might be registered, the Commission would have to decide whether the editing had involved deliberate distortion. Although we can conceive of situations where the documentary evidence of deliberate distortion would be sufficiently strong to require an inquiry—e.g., where a "yes" answer to one question was used to replace a "no" answer to an entirely different question—we believe that such a situation is not presented here.

We are not saying that CBS' or any other broadcaster's editorial judgment is above criticism. As we said in *Hunger in America* (20 FCC 2d at p. 151), allegations of distortion "should be referred to the licensee for its own investigation and appropriate handling." And again:

> . . . We stress that the licensee must have a policy of requiring honesty of its news staff and must take reasonable precautions to see that news is fairly handled. The licensee's investigation of substantial complaints . . . must be a thorough, conscientious one, resulting in remedial action where appropriate.

Our point is that this licensing agency cannot and should not dictate the particular response to thousands of journalistic circumstances. Above all, we affirm that we must ". . . eschew the censor's role, including efforts to establish news distortion in situations where government intervention would constitute a worse danger than the possible rigging itself." But to say that such intervention would be a remedy far worse than the disease is *not* to say that we can afford to shrug off the deeper questions involved.

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[1] CBS, in its documentary, stated that the Defense Department's participation in the symposium "was arranged by Peoria's Caterpillar Tractor Company, which did 39 million dollars of business last year with the Defense Department." The Defense Department has stated, however, that the event was arranged and sponsored by the Peoria Association of Commerce with a Caterpillar employee serving as chairman of the symposium.

[2] An inquiry has been made concerning a third aspect of "The Selling of the Pentagon" in connection with edited coverage of a news briefing of Pentagon reporters by Deputy Assistant Secretary of Defense Jerry Friedheim. The facts are that CBS recorded the entire session, with answers to approximately 34 questions; only six questions and answers were shown in the documentary and, of these six, three answers were of the "no comment" type—the *only* such answers Mr. Friedheim gave during the entire briefing. Mr. Henkin asserts that answers to any of the "no comment questions" would have "revealed classified national security information." Coverage of the briefing followed comments by Mr. Mudd to the effect that Mr. Friedheim, as a "careful and respected adversary" of the Pentagon reporters, does not "tell all he knows" and "wouldn't have his job long if he did."

This Commission is charged with ". . . promoting the public interest in the larger and more effective use of radio" (Section 303(g) of the Communications Act). Surely there is no issue bearing more heavily on the public service role of broadcasting than the integrity of the licensee's news operation.

We have allocated so much spectrum space to broadcasting precisely because of the contribution it can make to an informed public. Thus it follows inevitably that broadcasting must discharge that function responsibly, without deliberate distortion or slanting. The nation depends on broadcasting, and increasingly on television, *fairly* to illumine the news.

We particularly urge the need for good faith, earnest self-examination. In our view, broadcast journalists should demonstrate a positive inclination to respond to serious criticism. Indeed, Mr. Chairman, the thrust of your and other congressional inquiries—reflected also in criticism in print media—was to raise questions about the editing process, particularly with respect to the Henkin interview.

It seems to us that CBS has failed to address the question raised as to splicing answers to a variety of questions as a way of creating a new "answer" to a single question. The very use of a "Question and Answer" format would seem to encourage the viewer to believe that a particular answer follows directly from the question preceding. Surely important issues are involved here, ones that every broadcast journalist should ponder most seriously.

What we urge—because we believe it will markedly serve the public interest—is an open, eager and self-critical attitude on the part of broadcast journalists. We urge them (as we did in *Hunger in America*, cited above) to examine their own processes, to subject them to the kind of hard critical analysis that is characteristic of the best traditions of the journalistic profession.

Our objective is to encourage broadcast journalism, not to hurt or hinder it. We have made clear in the past that the Commission seeks a larger role for broadcast journalism, including newscasts and documentaries. We reiterate that commitment today. For what ultimately is at stake in this entire matter is broadcasting's own reputation for probity and reliability, and thus its claim to public confidence.

In view of the foregoing discussion, we do not propose to inquire of CBS as to the second issue referred to on p. 2, *supra*. A copy of this letter will be sent to CBS so that it is informed fully of the Commission's position in this important area. We shall, of course, also keep you informed of any further developments as to the application of the fairness doctrine.

This letter was adopted by the Commission on April 28, 1971.

Commissioners Burch, Chairman, and Johnson issuing separate statements.

By direction of the Commission,
DEAN BURCH, *Chairman*.

Mr. Speaker, in a subsequent letter to Chairman STAGGERS, dated June 21, 1971, the FCC documents that there was no failure on the part of CBS to comply with the fairness doctrine in "The Selling of the Pentagon" case.

The fairness doctrine, of course, provides that time shall be provided for the airing of all sides of controversial issues of public importance. In a letter to the FCC dated May 17, CBS provides detailed evidence that it has complied with the fairness doctrine in this case and cites programs and times when opposing views were aired.

I insert these two letters—one from CBS to the FCC, the other from the FCC to the Interstate and Foreign Commerce Committee—in the RECORD at this point:

FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C., June 21, 1971.

Hon. HARLEY O. STAGGERS,
Chairman, Special Subcommittee on Investigations, Committee on Interstate and Foreign Commerce, House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: Reference is made to your letter of March 9, 1971, and related correspondence regarding the CBS documentary "The Selling of the Pentagon." In our letter to you dated April 28, 1971, we stated that we would keep you informed on any further developments as to the application of the fairness doctrine to the issues presented during the program. In this connection, we are enclosing a copy of CBS's response to our April 28 inquiry.

CBS asserts that the issue raised by the documentary centered on "Defense Department public information activities." It has listed eight programs, including the documentary itself, in which proponents of the Defense Department's public information program expressed their views. The network further states that proponents of the Defense Department's program discussed several different aspects of the program, including its necessity and value, the budget of the program, the films produced by the Defense Department, the appropriateness of military officers speaking on matters of foreign policy, military displays, and civilian tours of military installations. CBS also states that an invitation to Assistant Secretary of Defense Daniel Henkin to appear on FACE THE NATION remains outstanding.

As you know, under the fairness doctrine the licensee may exercise judgment in selecting the formats to be employed and the persons he believes to be responsible representatives of the various contrasting views. The Commission will review the licensee's actions only to determine whether they appear to have been reasonable and made in good faith.

On the basis of the showing made in the CBS letter, the network appears to have afforded reasonable opportunity for the presentation of significant contrasting views on the issues involved in the program, and we cannot conclude that CBS has failed to comply with the requirements of the fairness doctrine.

This letter was adopted by the Commission on June 16, 1971.

Commissioners Robert E. Lee and H. Rex Lee absent.

By direction of the Commission,
DEAN BURCH, *Chairman*.

COLUMBIA BROADCASTING SYSTEM, INC.,
New York, N.Y., May 17, 1971.

Hon. BEN F. WAPLE,
Secretary, Federal Communications Commission, Washington, D.C.

DEAR MR. WAPLE: This is in response to your letter of April 29, 1971, in which you request our comments on whether we "have fulfilled or plan in the near future to fulfill" our fairness doctrine obligations in our coverage of the controversial issues of public importance discussed on CBS REPORTS: "The Selling of the Pentagon," which was broadcast on February 23, 1971 and rebroadcast on March 23, 1971 on the CBS Television Network. With that letter you enclosed a copy of the Commission's letter, also dated April 28, 1971, to the Honorable Harley O. Staggers, Chairman of the Special Subcommittee on Investigations of the House Committee on Interstate and Foreign Commerce, which set forth the scope of the instant inquiry and noted the Commission's concerns regarding governmental intrusion into questions of editorial judgment. We believe that the restraint exercised by the Commission in this matter is particularly appropriate and is, in fact, essential to the continued existence of robust and independent broadcast journalism.

With independence, of course, goes the responsibility both to invite and consider honest criticism and to continually seek ways to improve our performance. As we stated in our letter of April 30, 1971 to Chairman Staggers and reaffirm here, "[w]hile the First Amendment bars governmental surveillance of the press, it is essential that the press itself review its own performance and that journalists continually engage in self-analysis and criticism and encourage, from multiple sources, such criticism, evaluation and analysis by their professional colleagues."

In addition, there is the responsibility to provide opportunity in our overall schedule for the presentation of differing views on controversial issues of public importance in appropriate formats chosen by the broadcaster. As the Commission has said in a basic document dealing with this responsibility:

"The fairness doctrine deals with the broader question of affording reasonable opportunity for the presentation of contrasting viewpoints on controversial issues of public importance. Generally speaking, it does not apply with the precision of the 'equal opportunities' requirement. Rather, the licensee, in applying the fairness doctrine, is called upon to make reasonable judgments in good faith on the facts of each situation—as to whether a controversial issue of public importance is involved, as to what viewpoints have been or should be presented, as to the format and spokesmen to present the viewpoints, and all the other facets of such programming. . . . In passing on any complaint in this area, the Commission's role is not to substitute its judgment for that of the licensee as to any of the above programming decisions, but rather to determine whether the licensee can be said to have acted reasonably and in good faith."—*Fairness Primer* 29 Fed. Reg. 10416 (1964).

We believe that CBS has fully satisfied its fairness responsibilities with respect to the issues raised by "The Selling of the Pentagon." That broadcast involved a critical examination of the scope, methods and appropriateness of the Defense Department's public information activities. In requesting our comments you note that the Commission has received fairness complaints regarding the broadcast, and while you do not detail these complaints we assume that these complaints contend that CBS has not afforded sufficient opportunity for the presentation of views of those supporting these Defense Department public information activities. CBS has provided extensive coverage of the issues discussed in this documentary broadcast, including significant opportunity to those who were critical of the broadcast's treatment of the substantive issues presented.

For the Commission's information, we set forth at this point some of the significant coverage of the issue beginning with the original broadcast:

February 23, 1971: CBS Reports. "The Selling of the Pentagon." Since much of the controversy surrounding the broadcast was at most peripherally concerned with the substantive issue discussed therein, it is worth specifically noting that the broadcast presented viewpoints favorable to the Pentagon's public information program, including those of Defense Department spokesmen and the following participants in a Joint Civilian Orientation Conference: Drs. Richard Chamberlain and Olav Sola, Messrs. David Connor, Robert Greenhill and Richard Dover.

March 4, 1971: CBS Morning News with John Hart. In a lengthy interview, Congressman F. Edward Hébert, Chairman of the House Armed Services Committee, outlined his positions on a number of matters discussed on "The Selling of the Pentagon," including the firepower demonstration depicted in the broadcast, his bimonthly television program, the army recruitment program, the

Defense Department's public relations budget and a general defense of the Pentagon's public information program.

March 9, 1971: CBS Morning News with John Hart. The broadcast included filmed excerpts of the press conferences of Vice President Agnew in New Orleans, including favorable comment on Representative Hébert's views and a general defense of the Pentagon's public information program.

March 16, 1971: CBS Morning News with John Hart. The broadcast included an extended interview with Secretary of Defense Laird, a portion of which concerned the issues raised in the broadcast, including discussion of Secretary Laird's review of the Defense Department's public relations activities.

March 19, 1971: CBS Morning News with John Hart. The broadcast included a lengthy excerpt from Vice President Agnew's speech in Boston concerning "The Selling of the Pentagon," the thrust of which was that CBS inappropriately "sought to indict the Department of Defense for misinformation, distortion and the alleged staging of events."

March 19, 1971: CBS Evening News with Walter Cronkite. The broadcast included excerpts from press conferences of Senator Dole and Vice President Agnew, stating generally their view that CBS hard news and documentaries, including "The Selling of the Pentagon," lacked objectivity.

March 23, 1971: Rebroadcast of "The Selling of the Pentagon."

March 23, 1871: The Selling of the Pentagon, "A Postscript." This fifteen minute broadcast, immediately following the rebroadcast noted above, included excerpts from previous statements of Rep. Hébert, Vice President Agnew and Secretary Laird and a statement by Richard S. Salant, President of CBS News. The appearances by the spokesmen in defense of the Pentagon public relations activities were representative of their views as voiced in their previous appearances noted above and some of the same excerpts were used.

Because of the importance of the substantive issues raised by "The Selling of the Pentagon," CBS determined that it would be most appropriate to present a further in-depth discussion of these issues during which varying viewpoints could be expressed. Accordingly, CBS presented, from 10:00–11:00 p.m., EST on April 18, 1971, a broadcast entitled CBS NEWS SPECIAL REPORT: "Perspective: The Selling of the Pentagon."—In connection with this discussion broadcast CBS extended invitations to the following persons who, however, did not accept: Vice President Agnew; Senators Dole, Dominick, Goldwater, Jackson, Stennis, Symington, and Tower; Admiral Arthur Radford; General Maxwell Taylor and Assistant Secretary of Defense for Public Affairs Daniel Henkin.

Appearing on that broadcast were Mr. Arthur Sylvester, Assistant Secretary of Defense for Public Affairs in the Kennedy and Johnson administrations, and Brigadier General (Ret.) S. L. A. Marshall, a syndicated columnist and author of numerous books on military history, as well as two critics of the Defense Department public information program, Senator William Fulbright and Mr. Adam Yarmolinsky, former Special Assistant to Secretary of Defense Robert McNamara. The subjects discussed on that broadcast included the necessity for and value of the public information program, the budget of the program, the films produced by the Defense Department, the appropriateness of military officers speaking on matters of foreign policy, military displays and civilian tours of military installations.

Since the issue involved is quite obviously one which is likely to continue to be of interest, further coverage of the varying points of view may be anticipated. For example, it is still hoped that Assistant Secretary Henkin, who declined to appear as the major interview guest on the CBS MORNING NEWS WITH JOHN HART on the morning after the broadcast to discuss the issues raised in that broadcast, will accept his continuing invitation to appear on FACE THE NATION.

We believe that CBS has acted responsibly and fairly in presenting in its overall schedule diverse viewpoints on the controversial issues of public importance covered in "The Selling of the Pentagon."

Respectfully submitted,

ROBERT V. EVANS.

Mr. Speaker, I believe the Members, if they have the time in the morning, should review a legal brief provided by the attorneys for the Columbia Broadcasting System—the firm of Wilmer, Cutler & Pickering, here in Washington, D.C.—which I include at this point in the RECORD.

The brief is as follows:

WILMER, CUTLER & PICKERING,
Washington, D.C., June 15, 1971.

COLUMBIA BROADCASTING SYSTEM, INC.,
New York, N.Y.

DEAR SIRS: You have asked for our opinion as to whether Columbia Broadcasting System, Inc. (CBS) is obligated to comply with the subpoena issued on May 26 by the Special Subcommittee on Investigations of the House Interstate and Foreign Commerce Committee, relating to its investigation of "The Selling of the Pentagon."

The May 26 subpoena calls for the personal appearance of Frank Stanton, President of CBS, for the purpose of giving testimony. Like the withdrawn subpoena of April 7 that it replaces, it also commands the production of "film, workprints, outtakes, sound-tape recordings, written scripts and/or transcripts utilized" in connection with "The Selling of the Pentagon." Unlike the withdrawn subpoena, the new subpoena is "limited to all such materials relating to the actual broadcast and [does] not include such materials relating to segments not shown. . . ."

We have reached the following conclusions:

(1) Since our opinion letter of April 27, 1971, a new decision of the Supreme Court has made even more clear the proposition that broadcasters are protected by the First Amendment, for all relevant purposes, in the same way that other forms of journalism are protected.

(2) The Subcommittee's press release of May 25 and the letter accompanying the subpoena of May 26 show no alteration of the Subcommittee's fundamental assertion of the power to investigate, through compelled process, how CBS news personnel edited "The Selling of the Pentagon," as an aid in its formulation of legislation regulating editing practices and edited broadcasts.

(3) Although slightly narrower in scope than the April 7 subpoena, the new subpoena has an unconstitutional chilling effect upon the exercise of First Amendment rights.

Accordingly, we have reached the same conclusions concerning the new subpoena as those set forth in our opinion of April 27, 1971, a copy of which is attached for your convenience. In our opinion, the subpoena is in conflict with the First Amendment. As a result, CBS is under no legal obligation to supply the materials demanded, and Dr. Stanton is under no legal obligation to answer questions designed to obtain the information the Subcommittee seeks pursuant to its stated goals.

We shall discuss, first, the significance of the June 7, 1971 Supreme Court decision in *Rosenbloom* v. *Metromedia, Inc.*, 39 U.S.L.W. 4694 (June 7, 1971), which reenforces our view that in all relevant respects the First Amendment is applicable to broadcast journalism. We shall then discuss our reasons for concluding that the Subcommittee's changes in the scope of the subpoena, and its newly advanced arguments in support of its demands, do not alter the unconstitutional chilling effect that would be created were CBS compelled to comply.

I. THE ROSENBLOOM DECISION AND THE FIRST AMENDMENT RIGHTS OF BROADCASTERS

In *Rosenbloom*, the issue facing the Supreme Court was whether the rule of *New York Times Co.* v. *Sullivan*[1]—prohibiting libel recoveries for comment about public figures in the absence of a showing of actual malice or knowing disregard of the truth—should be applied when a radio station broadcast information about an individual, not himself a public figure, involved in an event of public or general interest. The Court upheld a lower court decision denying the right to recover, on the ground that the *New York Times* rule governed.

Rosenbloom is the first Supreme Court case directly involving the applicability of the *New York Times* rule to utterances of a news broadcaster on a station licensed by the Federal Communications Commission. Although the members of the Court were divided over the application of the *New York Times* rule to a libel action in which the plaintiff is not a public figure, all of the Justices clearly believed that for all relevant purposes First Amendment rights fully apply to federally licensed broadcasters.

Mr. Justice Brennan, announcing the judgment of the Court, noted that the "petitioner does not question that the First Amendment guarantees of freedom of speech and freedom of the press apply to . . . newscasts." 39 U.S.L.W. at 4695 n. 3. And he announced the holding as being that "a libel action, as here, by a private individual against a *licensed radio station* for a defamatory falsehood in a newscast relating to his involvement in an event of public or general concern may be sustained only upon clear and convincing proof that the defamatory falsehood was published with knowledge that it was false or with reckless disregard of whether it was false or not." (Emphasis supplied.) *Id.*, at 4702.

This holding was the culmination of an analysis that emphasized the importance of the *New York Times* rule as a means for assuring "breathing space" for journalistic exercise of First Amendment rights and for preventing unwarranted governmental actions threatening to chill those rights.

In a concurring opinion, Mr. Justice White stated that "*New York Times* gives the *broadcasting media* and the press the right not only to censure and criticize officials but also to praise them and the concomitant right to censure and criticize their adversaries," and that "the First Amendment gives the press *and the broadcast media* a privilege to report and comment upon the official actions of public servants in full detail . . ." 39 U.S.L.W. at 4705. (Emphasis supplied.) Mr. Justice Black, in another concurring opinion, stated his familiar position that libel judgments "against the news media" are unconstitutional "even when statements are *broadcast* with knowledge they are false." *Id.*, at 4703.(Emphasis supplied.) And Mr. Justice Harlan's dissent indicated that he sees no difference between "publishers" and 'broadcasters" and would treat them in the same way under the First Amendment, subjecting both to a libel standard of reasonable care. *Id.*, at 4708.

Thus, four of the five opinions, speaking for a clear majority of six Justices,[2] expressly treated news broadcasts as identical to newspapers. And it may fairly be concluded that every Justice believed that the First Amendment guarantees broadcasters the same protection against chilling effects on the gathering or reporting of news that it guarantees to any other journalistic medium.[3]

As our opinion letter of April 27 indicates, numerous courts (including on many occasions the Supreme Court) have stated prior to *Rosenbloom* that there is no difference, for any relevant purpose, between broadcast-

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Footnotes at end of article.

ers and other media of the press. The Supreme Court's decision in *Red Lion Broadcasting Co.* v. *F.C.C.* 395 U.S. 367 (1969) was thought by some to cast these earlier statements in doubt. But the *Rosenbloom* decision makes crystal clear that *Red Lion* cannot be read as depriving broadcasters of "the freedom of the press" with respect to what they broadcast in the first instance, or as a ruling entitling the Government to regulate broadcasters in a manner that chills this freedom. *Red Lion* holds only that the need to license broadcasters permits reasonable government regulation of what broadcasters must present as a *consequence* of what they broadcast in the first instance, in order to ensure "fairness" in the discussion of controversial issues.[4] The Court in *Red Lion* itself expressly stated that the case would be different if the rules under review had affected what broadcasters reported in the first instance. 395 U.S. at 396. *Rosenbloom* is that different case, and holds that the First Amendment is fully applicable.

If libelous comment broadcast about public affairs cannot be subjected to official penalties, non-libelous comment must certainly deserve an even more protected status. Legislation that is designed to deter "distortions" or to control "editing practices" in broadcast news reports, by imposing sanctions for or regulations upon comment about public events that falls short of malicious libel, could not withstand constitutional scrutiny.

II. THE CHILLING EFFECT OF THE SUBPOENA FOR TESTIMONY AND DOCUMENTS

Whether or not the Subcommittee can devise constitutional legislation regulating the manner in which broadcasters must edit the news, the Subcommittee cannot, in our opinion, enforce the present subpoena in aid of that objective.

As *Rosenbloom* makes clear, the First Amendment protects broadcasters and other forms of press media against actions intended to have or likely to result in a chilling effect upon the exercise of their First Amendment rights. Our letter of April 27 outlines the chilling effect upon news reports about public events that the Subcommittee's prior subpoena threatened to cause. The chilling effect of being required by compulsory Congressional subpoena to disclose the complete details of the editing process is obviously far greater than the chilling effect of a court judgment for damages—the government action held constitutional, absent malicious libel, in *Rosenbloom*. The chill is greater because the awesome powers of Congress transcend the limited powers of the private litigant, and all journalists will be inhibited by the threat imposed by legislative surveillance and its potential consequences.[5] The only question that remains, therefore, is whether our previous conclusion remains applicable in light of the slight narrowing of the scope of the subpoena and the Subcommittee's new arguments in support of it.

Our examination of the scope of the modified subpoena leads us to conclude that while there has been a reduction in the volume of documents called for, there has been no substantive change as to the nature of the documents that the Subcommittee seeks. The new subpoena continues to call for the same documents—"film, workprints, outtakes, sound-tape recordings, written scripts and/or transcripts utilized" in connection with the preparation of "The Selling of the Pentagon"—that were called for in the first subpoena. All that the Subcommittee has done is to make clear that the new subpoena does not reach materials segments of which were not actually broadcast.

As a constitutional matter, we can perceive no difference between the first subpoena, calling for all non-broadcast materials, and the second, calling only for those non-broadcast materials from which the editors of the broadcast selected portions that were broadcast. The Subcommittee is still insisting on its right to examine the editing decisions involved in selecting materials for the final broadcast, and on its right to judge those decisions according to its own concept of what a proper or correct editing decision should have been—in other words, according to a governmental standard of journalistic truth.

To demand that CBS supply unedited material so that the government can review its editing judgments would have an unconstitutionally chilling effect upon the First Amendment rights of CBS and all other broadcast journalists, and ultimately upon the public's right to see and hear vigorous and critical comments on public affairs. Nor is there any constitutional difference between compelling the production of documents and compelling oral testimony designed to elicit the same information contained in the documents, since the same chilling effect results.

In support of its subpoena, the Subcommittee now appears to be making two additional arguments: first, that, although reporters' notes cannot be reached by subpoena, "filmed outtakes" can be reached, since they "pertain to actual events" and "are not private thoughts"; and second, that there is no chilling effect here because the Subcommittee is not seeking to breach the confidentiality of news sources.

As to the first point, a filmed account of actual events is the result of a series of individual journalistic judgments about what to film, when to film, what to emphasize and what to ignore. Journalists almost always record more than they eventually report; the process of selection and organization is what gives shape and point to the final product. Outtakes are thus as individualistic as the "private thoughts and impressions written by a reporter," and if produced would be equally revealing as to the editing process that creates the published report. And a filmed interview is constitutionally indistinguishable from an interview in which a newspaper reporter makes his own notes or employs a recording device.

As to the second point, the chilling effect upon a journalist's ability to retain confidential news sources is not the only type of unconstitutional "chill" arising from a subpoena of this kind. Any governmental effort to invade the independence of the news gathering and editing process can have an equally chilling effect. As the Ninth Circuit Court of Appeals recognized in *Caldwell* v. *United States*, 434 F. 2d 1081, 1086 (1970) (*cert. granted*):

"The very concept of a free press requires that the news media be accorded a measure of autonomy; that they should be free to pursue their own investigations to their own ends without fear of governmental interference. . . ."

"Further it is not unreasonable to expect journalists everywhere to temper their reporting so as to reduce the probability that they will be required to submit to interrogation. The First Amendment guards against governmental action that induces such self-censorship."

As *Caldwell* expressly recognizes, the reporters' knowledge that their work product is subject to governmental scrutiny and second-guessing will cause them to be timid in performing their news-gathering and news-reporting role. In our opinion, the First Amendment was designed to protect the press and the public from precisely this type of governmental supervision—particularly over the reporting of news about the government itself.

WILMER, CUTLER & PICKERING.

FOOTNOTES

[1] 376 U.S. 254 (1964).

[2] Mr. Justice Douglas did not participate in the decision of this case, but Mr. Justice White indicated his belief that Mr. Justice Douglas would have voted with Mr. Justice Black. *Id.*, at 4704.

[3] The remaining opinion of Mr. Justice Marshall (Mr. Justice Stewart concurring), did not address specifically the question of whether the facts in *Rosenbloom* raised any different First Amendment issues because the report had been broadcast rather than published in the printed press. However, in a case marking a major extension of the *New York Times* rule, which produced sharp disagreement among members of the Court as to what the appropriate limits of that rule for journalists should be, if these Justices believed that different First Amendment standards apply to broadcasters than to print journalists, they would undoubtedly have explicitly set forth such a belief.

[4] In *Rosenbloom*, Mr. Justice Brennan's opinion raises questions even as to whether the decisive element in *Red Lion* was indeed the scarcity of broadcast frequencies. For he suggested that states could adopt a right of reply requirement to ensure "that private citizens will . . . be able to respond adequately to publicity involving them," and that institutionalizing a right of reply is constitutionally preferable to permitting libel damage recoveries. 39 U.S.L.W. at 4700. It had previously been thought by some that rights of reply could only be applied against broadcasters, pursuant to *Red Lion*, but Mr. Justice Brennan's statement suggests that *Red Lion* may ultimately be viewed, not as an example of special treatment of broadcasters under the First Amendment, but as a ruling that in some circumstances a right of reply is consistent with the First Amendment for *all* segments of the press.

[5] The United States Court of Appeals for the District of Columbia Circuit very recently recognized the potential for chilling broadcast journalists in the exercise of their First Amendment rights through the power of the Federal Communications Commission (and therefore Congress) over the broadcast license. The Court stated:

"The suggestion that the possibility of nonrenewal, however remote, might chill uninhibited, robust and wide-open speech cannot be taken lightly. But the Commission, of course, may not penalize exercise of First Amendment rights." *Citizens Communications Center* v. *FCC*, No. 24,471, June 11, 1971, slip op., p. 27.

Mr. Speaker, at the request of my colleague the gentleman from New York (Mr. REID), I include for the RECORD at this point a letter and an attachment.

The letter and attachment are as follows:

CONGRESS OF THE UNITED STATES,
Washington, D.C., July 8, 1971.

DEAR COLLEAGUE: As of possible interest, I am enclosing comments by the President and others relating to the contempt citation against CBS President Frank Stanton, which will reach the Floor next week.

Basically there seems to me to be two issues, even before the First Amendment question is reached. One, is there any need to subpoena the outtakes of the program "The Selling of the Pentagon," since a complete transcript of the interview with Assistant Secretary of Defense Daniel Henkin, which is alleged to have been improperly edited, is printed in the Congressional Record of March 8? Second, does the subpoena relate to a clear legislative objective which is not covered by existing legislation or achieved by such FCC regulations as the Fairness Doctrine? It is my understanding that CBS presented critical remarks about "The Selling of the Pentagon" by Vice President Agnew, Secretary Laird, and Chairman Hébert in a special program. This would seem to me fully to satisfy the requirements of the Fairness Doctrine.

While there are those who believe that the contempt citation should be opposed for the above reasons alone, I am concerned that there is a serious First Amendment question as well. Certainly an attempt to subpoena outtakes and sound recordings is the equivalent of the subpoenaing of a reporter's notes, the marked copy of a newspaper, or, indeed, material cut on the stone in a composing room. This, in my judgment, is an intrusion into both editing and reporting, functions that are clearly protected by the First Amendment.

While radio and television are not mentioned in the First Amendment because they were not then invented, I believe that the same protections which apply to the print media also apply to the broadcast media. As was noted by the Third Circuit Court of Appeals in *Rosenbloom v. Metromedia, Inc.*, a decision affirmed by the Supreme Court last month:

". . . (N)o rational distinction can be made between radio and television on the one hand and the press on the other in affording the Constitutional protection contemplated by the First Amendment."

Accordingly, I hope you will vote against the contempt citation.

With warm regard.

Sincerely yours,

OGDEN R. REID.

COMMENT RELATING TO CBS SUBPENA

President Richard M. Nixon: "But as far as the subpenaing of notes are concerned, a reporter's, as far as bringing any pressure on the networks as the government is concerned, I do not support that." News Conference, San Clemente, California, May 1, 1971.

FCC Chairman Dean Burch: "In view of all the facts at our disposal, we conclude that further action by this Commission would be inappropriate—and not because the issues involved are insubstantial. Precisely to the contrary, they are so substantial that they reach to the bedrock principles upon which our free and democratic society is founded."

"As we stated in the *Hunger in America* ruling, 'the Commission is not the national arbiter of the truth' (20 FCC 2d at p. 151). Any presumption on our part would be inconsistent with the First Amendment and with the profound national commitment to the principle that debate on public issues should be 'uninhibited, robust, and wide-open' (*New York Times Co.* v. *Sullivan*, 376 U.S. 254, 270). It would involve the Commission deeply and improperly in the journalistic functions of broadcasters." Letter to Hon. Harley O. Staggers concerning the CBS News documentary "The Selling of the Pentagon," April 28, 1971.

White House Communications Director Herbert Klein: "I believe this is wrong and an infringement on freedom of the press. It could lead to further subpenas of a reporter's notes." As quoted in an AP dispatch carried in the *Washington Post* of May 27, 1971, and referring to the Congressional investigation of the CBS News documentary "The Selling of the Pentagon."

Communications Act (47 U.S.C. 326): "Censorship. Nothing in this chapter shall be understood or construed to give the Commission the power of censorship over the radio communications or signals transmitted by any radio station, and no regulation or condition shall be promulgated or fixed by the Commission which shall interfere with the right of free speech by means of radio communication."

Mr. Speaker, I also have editorials from the Washington Post, the Evening Star, and the Washington Daily News, and a letter to the editor addressed to the editor of the Charlotte Observer, Charlotte, N.C., which I include for the RECORD at this point.

The information is as follows:

[From the Washington Post, Apr. 11, 1971]

F.Y.I.

We had not planned on carrying much further the discussion triggered by that CBS television program, "The Selling of the Pentagon"—almost everybody having had their say, and then some, including ourselves, the networks and a good many congressmen who seem to have enjoyed this aspect of the whole affair as much as they disliked the original program. But the action of Rep. Harley O. Staggers in summoning CBS officials to appear before his committee is so unwarranted and so substantial a threat to the news media of this country that we are obliged to come back to the subject once again.

Mr. Staggers, in his role as chairman of the investigating arm of the House Commerce Committee, has ordered CBS to turn over to that committee not only a film and a transcript of the program itself but also just about everything CBS collected in the process of preparing the program. He wants all the preliminary film, recordings and transcripts used by CBS in getting ready for the program, as well as the names, addresses and fees paid to anyone, other than government officials and regular CBS staff members, who appeared on the program. Apparently in an attempt to demonstrate that his committee is doing more than just reflecting the anger of the Pentagon and Congress over this one program, Mr. Staggers has had a similar order served on NBC in connection with a documentary on the balance of nature.

Frank Stanton, president of CBS, has said that he will provide the committee with a film copy and a written transcript of the program as it appeared on the air and nothing else. We applaud his decision and trust he will stick by it, come what may. CBS deserves to be judged by what it put on the air, not on what it collected and discarded along the way. (Like many others, we have made a judgment about "The Selling of the Pentagon" on that basis. To refresh your memory, we think the program made a substantial contribution in airing an aspect of the Pentagon that sorely needs airing but we thought some of the editing techniques used were open to serious question, mostly because they exposed the show to needless attack. It is remarkable how both defenders and critics of the program have seized on that second point and ignored the first.)

In essence, what Mr. Staggers now wants to do is to sit in judgment, not of the program, but of how CBS operates as a collector and disseminator of information. That, to put it bluntly, is none of his or Congress's business. It is, if we may use an analogy, like demanding that the author of a book produce all his rough drafts, his interview notes, and his correspondence. Or, it is like demanding that the President turn over to Congress all the memos he receives from various government agencies concerning a proposed speech and all the early drafts of that speech. No congressman, we submit, would be so reckless as to propose either. And any congressman who did would be recognized immediately as one who had no respect for and no understanding of the First Amendment or the internal operations of a large organization.

The demand of Mr. Staggers, of course, is founded on the idea that television is somehow so different from the rest of the information media that the Constitution no longer applies. Since the granting of television licenses is a legitimate function of government, the argument goes, the policing of what appears on television is similarly legitimate. No doubt the government can place restricting limits on certain aspects of television; it does on other news media in terms of the laws concerning such matters as libel, obscenity, theft, extortion or business regulations. But government has no general role to play in policing the gathering and presentation of news material, as such, except to guarantee access for competing points of view on a medium, like television, where physical limitations exist.

It is not difficult to imagine the chilling effects on public affairs programing if the the course which Mr. Staggers has suggested is followed. It would mean that any television newsman who said anything critical about any governmental official could be called on the carpet to explain how he reached that conclusion. The freedom that has marked the television appearances of such diverse figures as William Buckley and the late Edward R. Murrow would be seriously curtailed. Indeed, the final stop on the road down which Mr. Staggers has embarked is complete governmental control of the content of television news and public affairs programs. While that may be the ideal situation for those who think the government always knows best, it is entirely incompatible with a society in which the government is responsive to the people of the country. Perhaps it would be timely to remind Mr. Staggers and any of his colleagues of like mind and inclination of the words of James Madison on the meaning of freedom for the news media in our system:

"Some degree of abuse is inseparable from the proper use of everything, and in no instance is this more true than in that of the press. It has accordingly been decided by the practice of the States, that it is better to leave a few of its noxious branches to their luxuriant growth, than, by pruning them away, to injure the vigour of those yielding the proper fruits. And can the wisdom of this policy be doubted by any who reflect that to the press alone, chequered as it is with abuses, the world is indebted for all the triumphs which have been gained by reason and humanity over error and oppression . . ."

[From the Washington Post, June 29, 1971]

CBS VERSUS CONGRESSMAN STAGGERS

Chairman Harley Staggers of the House Committee on Interstate and Foreign Commerce has asked Dr. Frank Stanton, president of the Columbia Broadcasting System, to do something which would not enrich the committee and which would leave CBS poor indeed. He is asking the network to bow the head and bend the knee to official authority in a way which would rob it of all status as an independent element of a free press. Dr. Stanton, fortunately, sees the issue with complete clarity; and so he has refused to comply with a subpoena directing him to submit to the committee all the film, script and recordings that contributed to a controversial TV documentary produced by CBS last winter, "The Selling of the Pentagon."

Any official, compulsory inquiry into the preparation of a program inescapably diminishes the independence of the medium subjected to it; and, in consequence, it diminishes the usefulness, the effectiveness of that medium. "There can be no doubt in anyone's mind that the First Amendment would bar this subpoena if directed at the editing of a newspaper report, a book or a magazine," Dr. Stanton said. Any editor ought to feel a compelling obligation to resist such a subpoena.

It can be argued that broadcasters are less entitled to First Amendment protections than editors of printed material because television stations are licensed by the government in the public interest and may have their licenses revoked if they fail to serve that interest. But this is essentially a foolish argument; for while the Federal Communications Commission must weigh the quality of a broadcaster's performance in granting a license renewal, it must also recognize that independence is the *sine qua non* of that broadcaster's ability to serve the public interest. Fearful broadcasts would be useless broadcasters.

A year ago Congressman Ottinger and Senator McIntyre, with numerous co-sponsors, introduced legislation which would drastically limit the subpoenaing of reporters, as such, from any of the media. It refers specifically to radio and television and would forbid all such subpoenas, whether issued by a grand jury, a court, an agency or department of the federal government or Congress except under very limited circumstances. Until that kind of protection is provided by law or by a more enlightened understanding of First Amendment principles, broadcasters must assert and defend their independence as Dr. Stanton is doing. They will serve the public best by doing so indomitably.

[From the Washington Post, July 11, 1971]

THE SELLING OF A CONTEMPT CITATION

"Make no mistake. We have clear evidence of deceit—men's words electronically altered to change their very meaning."

"The Subcommittee is seeking information about practices which could, and were designed to, mislead TV viewers into believing they are viewing reality when in fact they are viewing a fiction created by a film editor."

"The art of cutting and pasting TV film is now so sophisticated that a sentence may be cut in half, qualifying words removed and the sentence put together without the least indication that this occurred. This is truly the 'newspeak' of 1984; the age of Big Brother is already upon us."

The quotations come, as you will have guessed, from Congressman Harley O. Staggers and his Commerce Committee Investigations Subcommittee by way of justifying their harassment of CBS News in connection with the filmed documentary, "The Selling of the Pentagon." Mr. Staggers and twenty-five of his colleagues on the full Commerce Committee have already voted to cite CBS President Frank Stanton for contempt of Congress because Mr. Stanton, quite correctly and courageously, refused to honor a subpoena of material that had not been used on the CBS show. Now the question is whether Mr. Staggers and his supporters will be able to persuade a majority of the House to go along with them in their wholly illogical and perilous leap from criticism of particular aspects of a particular program to interference with the network's most fundamental, constitutionally protected rights.

It is not exactly a secret that some of the features of the documentary which Mr. Staggers professes to find so outrageous were the subject of sharp criticism in this space a few months back. That does anything but endear to us his current, misguided campaign to make them the basis—the excuse, in fact—for this abuse of governmental power. Nor do we find the alarm that he and his colleagues have expressed particularly convincing. Go back and read those quotations we have cited. Now recall that a contempt citation, if it comes, will come from those same wonderful people who—on a daily basis—bring you the Congressional (so-called) Record, that most altered, revised, rearranged, cut-and-pasted version of "reality" that exists among public documents. We will go further. Perhaps you won't believe it, but in the Congressional Record *sentences may be cut in half, qualifying words removed and the sentence put together without the least indicated that this occurred.* Members of Congress, in fact, remake their remarks in such a way as to *mislead the public into believing that they are reading what really happened, when they actually are often reading a fiction created not by a film editor but an anxious, second thought-laden congressman.* Make no mistake, as Mr. Staggers might put it—and has, in fact—*we have clear evidence of deceit—men's words altered to change their very meaning.* A student or a reporter could indeed do worse, if this thing passes, than to research the editing techniques of some of those legislators who at present profess to be so disturbed about the dubious authenticity of events and views being presented to the public as a real life version of what happened.

Who is for the pursuit of this contempt citation or of this campaign to wrest from CBS material that government has no business demanding? Mr. Nixon has spoken against it ("as far as the subpoenaing of notes is concerned, of reporters, as far as bringing any pressure on the networks, as a government is concerned, I do not support that"). So has Mr. Nixon's Director of Communications, Herbert Klein. So too has Assistant Secretary of Defense Daniel Z. Henkin, whose rearranged words on the CBS documentary were one source of complaint against it. The problem is that Mr. Staggers is apparently making some headway in the House—working assiduously to invoke support on the floor in his capacity as a committee chairman.

We think it is time for some of those who oppose this dangerous effort and who have lapsed into silence to speak out. And we think, too, that the vote this week will be something of a test of the skill and strength of the new House Democratic leadership. Speaker Albert may be the key man. We hope and trust he will make the necessary moves to turn this vindictive campaign around.

[From the Evening Star, Apr. 15, 1971]

FREEDOM OF THE AIR

The Columbia Broadcasting System deserves unqualified support in resisting the attempt by a House subcommittee to subpoena film and other materials that were *not* used in the finished version of the documentary, "The Selling of the Pentagon." The action of Representative Staggers' Commerce subcommittee on investigations can only be regarded as a blunt assault on the constitutional freedom of a news organization—a threat to impose chilling government surveillance over the preparation of television news.

The CBS decision to fight—up to the Supreme Court if necessary—is in the face of the broadcasters' uncertain legal position. The medium's newsmen claim the First Amendment's protection of press freedom, and they should have it. But the stations that serve as their vehicle operate under federal license and a maze of regulations. Newspapers can battle for their rights (and for the public's interest in honest and unintimidated journalism) without looking over their shoulders at a frowning and politically conscious Federal Communications Commission.

In the "Pentagon" case, the basic constitutional issue surmounts the ambiguities of the broadcasters' legal status. The FCC's fairness doctrine is intact; critics of the controversial documentary, which pictured the military establishment using the taxpayers' money lavishly to propagandize the taxpayers, were given air time to reply.

As for the congressmen's right to second-guess all the editorial decisions that went into the documentary—that's one we'll bet the Founding Fathers would have laughed out of Independence Hall, as it would be laughed out of any city room. This is an out-and-out case of a journalistic effort causing howls of pain—most audibly from the vice president—and dark thoughts of retaliation in high government circles. The TV documentary had both merits and failings, but in our view that is not the issue.

CBS News in the current dispute must be regarded not as the beneficiary of government licenses but as a journalistic enterprise covered by the First Amendment guarantee. Not that that necessarily would settle all the legal issues without debate. In the case of newspapers—without the licensing complication—the right of governmental bodies to subpoena confidential and otherwise unpublished news materials has been a matter of hot contention for years. Newsmen have gone to jail rather than betray confidences.

The controversy was defused somewhat last year by two wise decisions. Attorney General Mitchell set guidelines to limit the subpoenaing of news materials by federal prosecutors. And a federal appeals court in California, with eloquent concern for the people's "right to be informed," threw out a contempt charge against a reporter who had refused a crippling compromise of his confidential relationship with news sources (in this case, the Black Panthers). A national law establishing the rights of newsmen in such circumstances, as urged here this week by the American Society of Newspaper Editors' Freedom of Information Committee, has our endorsement.

Representative Staggers and his allies perhaps are unaware of the delicate constitutional balances their assault on CBS would tend to upset. It is probable, though, that leveler heads in the Congress—and ultimately, if necessary, in the Judiciary—will prevail.

[From the Evening Star, June 30, 1971]

THE DANGERS IN HARASSING OF TV NETWORKS

(By Carl T. Rowan)

Members of the House Commerce Committee have let their egos overload their logic, so pride apparently is going to drive them to push contempt proceedings against Dr. Frank Stanton, president of the Columbia Broadcasting System.

And that will produce another constitutional confrontation every bit as historic as the great hassle between the newspapers and the government over the Pentagon papers.

Rep. Harley O. Staggers, D-W. Va., chairman of the House committee, wants Stanton held in contempt of Congress because Stanton refuses to give Congress all the films, scripts and recording that contributed to CBS' controversial documentary, "The Selling of the Pentagon."

Stanton would not be forth much as a guardian of the public interest if he did not invite a contempt citation, because what the Congressmen seek to do is contemptible.

They want to establish a precedent under which politicians who don't like a television presentation can call in the producers and their rough film and scripts and try to impugn their motives and judgment in editing the program.

The day isn't coming when an American newspaperman will turn over his notes, or recorded interviews, or photographs and let some congressman or government official second—guess his choice of a lead or quotes to emphasize or photographs to print. The whole country is in trouble if Congress is permitted to single out television for this kind of bullying.

"The Selling of the Pentagon" has won some lofty prizes, but that won't silence the howls of those who, out of vested interests feel compelled to defend anything and everything about the defense establishment.

Can anyone imagine television networks ever doing worthwhile programs on controversial issues if they are always subject to second-guess harassment from bellyaching congressmen who can pass judgment on whether the documentary meets their idea of "fairness"?

No group of politicians ever ought to have that kind of power, and it bespeaks a lofty level of arrogance, or conceit, that Staggers and Rep. William L. Springer, R-Ill., should imagine that the public wants them to exercise such power.

Stanton speaks for the preservation of a free society when he says:

"The chilling effect of both the subpoena and the inquiry itself is plain beyond all question. If newsmen are told that their notes, films and tapes will be subject to compulsory processing so that the government can determine whether the news has been satisfactorily edited, the scope, nature and vigor of their news gathering and reporting activities will inevitably be curtailed."

Staggers counters with the argument that television is so powerful it "sends chills up and down the spine of many men in this country."

Staggers needs to be reminded that the 1st Amendment protections of the press were designed precisely to keep a few chills running down the spines of those who spend the public's money and do the public's business. Those chills are what keep a lot of public servants honest, including presidents.

If those constitutional protections were justified for the written media 150 years ago, when their power was viewed as awesome, they are justified for television in this frightful new atomic era when a powerful, free press is all the more needed.

Stanton concedes that journalists make mistakes, including mistakes of judgment in editing. Some of the editing techniques used to prepare "The Selling of the Pentagon" are certainly questionable.

Staggers, Springer and other congressmen are within their rights to complain of what they think are errors, to attempt to call the public's wrath down upon an offending station or network. But the Constitution draws the line right there. And heaven help the people if the day ever comes when the politicians are given the bullying powers over this powerful medium that some House members now seek to seize.

[From the Evening Star, July 6, 1971]

The Staggers-Stanton Show

Freedom of the press, which cannot for a moment be taken for granted these days, faces another classic test, this time on the floor of the House of Representatives. The members will decide whether to back their Commerce Committee and cite the Columbia Broadcasting System and its president, Frank Stanton, for contempt of Congress.

At issue is the attempt of the committee to subpoena film that was made in the course of producing a CBS News documentary, "The Selling of the Pentagon," but was not used in the finished version. CBS has refused to provide the unused material, seeing the congressional intrusion into its editing process as an attack on its First Amendment right to practice untrammeled journalism.

The television network, in our book, has an overriding constitutional argument that a majority of the House members should uphold, at the cost of rebuffing their committee. The unused film is the equivalent of reporters' notes and other unpublished newspaper materials, which the newspapers have been at pains to protect from governmental seizure. The emergence of government as a newsroom presence—a second-guesser of editorial decisions and an overseer of confidential relationships between newsmen and their sources—would effectively end the independent role of the press as envisioned by the Founding Fathers.

Commerce Committee Chairman Harley Staggers of West Virginia has chosen to overlook the journalistic function of the electronic news medium, to which constitutional protection should apply. He stresses instead the vulnerability of television as a federally regulated industry using the public air waves. The attempt to cast Stanton and CBS outside the pale of the First Amendment is unfair and, more pertinently, unrealistic in the light of the heavy news responsibility that radio and television have assumed in recent decades. It also would be against the interest of the country to transform broadcast journalists into timid, licensed puppets of the government.

It is beside the point whether "The Selling of the Pentagon," which criticized Department of Defense public relations practices, was a perfectly edited documentary. (It was not, and its critics have been outspoken in saying so.) The question is whether it is preferable in a democracy to have an electronic news establishment free to criticize government or beholden to government for its continued existence.

The House should discard the Staggers committee recommendation as an ill-advised adventure in news regulation. That would save the courts from having to pass judgment on the controversy—a judgment that we are confident would uphold CBS.

[From the Evening Star, July 7, 1971]

CBS Acts To Keep the "Hokey" Out

(By Richard Wilson)

Two challenges to unlimited press freedom are running concurrently in Washington. Of the two—publication of top secret Pentagon papers and the CBS documentary on "The Selling of the Pentagon"—the latter may have greater long-range significance.

That conclusion can be reached because the issue over CBS is essentially broader, involving long-smoldering official discontent with the tone, bias and constructive inaccuracies of television news reporting in wide areas.

It is easy to rise in angry breast-beating against such an impudent invasion of the editorial prerogative. But a lot more is involved than abstractions and legal dogma about freedom of the press for a government-licensed medium of mass communication.

The people get into this fight in an intimate way. They sit by the tens of millions at the receiving end of the television tube and have much more vivid ideas on whether or not they are being suckered than when they pursue the "cool" medium of the daily press.

Some observations therefore may be in order:

A late and lamented magazine editor had a word for article ideas which didn't ring true. He called them "hokey"—not actually false, nor precisely a hoax or fake, but "hokeyed up," as he said to convey erroneous or superficial impressions.

This is the problem with "The Selling of the Pentagon." It was not a documentary in the full and complete sense, which in any case would be too long and boring for television, but a patch-up presented from an editorial point of view.

CBS has run into this problem before. It presented films of a war atrocity in Vietnam and in its subsequent effort to justify the accuracy of its coverage had to admit that the perpetrator of the atrocity might have been acting in self-defense.

On another occasion, in attempting to dramatize hunger in America, CBS presented to its viewers a dead baby who died of other causes.

CBS has been challenged by Vice President Spiro T. Agnew, by independent critics, by White House staffers and in committees of Congress for substantive misrepresentations—misrepresentations not so much of actual fact but resulting from innate and sometimes unrecognized bias on the part of producers, reporters and editors.

This is what various agencies of government and the Nixon administration, without too much wisdom, are attempting to bring under control.

A House committee voted to cite CBS and its president for contempt for refusing to submit unused film from "The Selling of the Pentagon." The committee wanted this film to support the contention that the documentary was hokeyed up to conform to the bias of CBS editors and reporters. CBS claimed the protection of the First Amendment on freedom of the press.

The same kind of controversy, incidentally, is going on in Britain.

Nobody in full possession of his senses in government would think of hauling in the New York Times or the Washington Post for their general editorial approach and journalistic techniques. But that is essentially what is being done to CBS.

The issue is confined to the committee's rights to CBS's unused film which, like reporter's notes, is claimed to be protected from public scrutiny. But the larger question is whether or not CBS and the other big networks are whipsawing and distorting public opinion with biased or twisted reports as a consistent practice.

CBS has responded in a way that most newspapers would not by distributing and making public new directives to its staff which heavily underline its policy that the field of CBS News is journalism and not show business.

In a way these directives are a kind of confession because by proscribing what cannot be done any longer it is revealed what can be done, and critics say has been done, to hokey up supposedly authentic news presentations.

These ways are too complex and technical to go into here, but suffice it to say that by splicing up film, using answers out of time sequence with questions, and other devices, editorial opinion can be injected into what is supposed to be an unbiased presentation of fact.

The directives go much farther than that and attempt to standardize the highly personal business of reporting and professional conduct.

The way CBS is handling this very difficult problem now is in contrast to its righteous defiance of a few years ago.

It is extremely difficult to deal with highly intelligent reporters, editors, commentators and cameramen violently seized with commitments to their concept of truth. But CBS is making an attempt to do so, less, it can be surmised, out of deference to Agnew or fear of a contempt citation than to a realization that the public is fed up with hokey stuff. CBS is making progress.

[From the Washington Daily News, May 14, 1971]

Staggers and His Subpenas

In his command to the Columbia Broadcasting System, Inc. to deliver to a House subcommittee all the "raw material" which was accumulated for a debatable broadcast called "The Selling of the Pentagon," Chairman Harley O. Staggers said:

"I stress that it is not this subcommittee's function to sit in judgment on the viewpoints expressed in television news or documentary programs. We do not have, nor do we seek, authority to curtail the presentation of controversial issues or of unpopular causes of personalities."

If that is the case, why has the Staggers committee issued subpenas for all contracts, disbursements, unused script or tape and about everything else which might have been involved in preparing the broadcast?

The Staggers inquiry obviously is hostile—it is setting out to back up a judgment already reached.

CBS has declined to furnish its raw files.

The Staggers committee doesn't need them.

Whatever it thinks of the Pentagon broadcast (we thought the broadcast biased) the committee can make clear without this type of nosy harassment. The broadcast can stand or fall on its merits. It is the finished product which is the issue, not what might have been included or what memoranda CBS may have discarded somewhere as the broadcast was prepared.

If the Staggers committee thinks the broadcast was in error, it can take testimony from Pentagon officials or others to prove it. It can develop its own set of facts and make them public.

If there were untruths in the program, as Rep. Staggers implies, they can be refuted.

But when Rep. Staggers couples his investigation with a statement that the TV networks wouldn't be in business at all "unless the government gave them the right" this is bulldozing.

CBS—and anyone else in the news business—is subject to complaint, condemnation and the libel laws for what it presents to the public. But it ought not be subject to prying which could have no purpose except intimidation—which, in effect, is attempted censorship.

[From the Charlotte Observer, May 10, 1971]

Media Should Clean Own House To Close Gap in Credibility

(By Charles Crutchfield)

Long before the criticism of news reporting reached its present crescendo, I expressed reservations about the fairness and objectivity of some of the things I had seen, heard and read in some of the news media.

As long ago as 1966, in The Forum, I questioned the publicity which some radio, television, newspapers and magazines gave to Stokely Carmichael and the Student Nonviolent Coordinating Committee (SNICK) which he headed.

I quoted publisher Ralph McGill as saying that SNICK had no more than 300 members—and yet this radical organization (which, according to Knight Publishing Co. publisher John Knight was ". . . an anarchistic group which is openly and officially committed to the destruction of existing institutions") was receiving banner headlines, lengthy filmed reports on the networks and feature spreads in the national magazines.

I believed then, and I still believe, that the news media were guilty of a colossal blunder in publicizing this tiny radical group and its leader out of all proportion to the influence they wielded or the number of people they represented.

Ironically, at the same time that Carmichael and his thimble-full of extremists were monopolizing the media, a group of 6,000 Negro educators (about 20 times the number of people which SNICK had) were in Charlotte for a convention.

The reception these blacks got was phenomenal—including being received into numbers of white homes—and yet the national news media completely ignored such an example of positive race relations from a Deep South city, focusing instead on an insignificant radical like Stokely Carmichael and building that man and his group into a household word.

Since that time, Mr. Agnew and others have attacked the media—both with general and specific charges. Specifically, CBS "The Selling Of The Pentagon" has come in for much criticism—and I reluctantly must confess that part of this criticism, at least, is wholly justified.

If, as charged, the network did take quotes out of context so that it appeared that individuals were giving answers to questions other than the ones they were answering, the program is suspect throughout. Beyond this, editorial comments were made which, in my opinion, had no place in a factual, objective documentary—especially personal statements and opinions by newsmen which were not labeled as such.

What some in the news media are doing—without being fully aware of it, I am convinced—is depicting a nation and a society in an inaccurate and distorted manner. I believe Newbold Noyes, Editor of the Washington Star, had this in mind when he recently told the American Society of Newspaper Editors that the press is "letting the kooks on both sides determine for us what constitutes tomorrow's news—and the kookier their activity, the bigger the news." He said, "We are giving our readers a view of society and its problems that even we know to be false."

At a time when the news media are being relied upon increasingly by the public, and when the appetite for news is at an all-time high, it is significant that a Gallup poll, taken a little more than a year ago, disclosed that more than half the college-educated people in this country believe that newspapers and network news present slanted and biased news. This should tell us something—that going on the defensive or sitting on our hands and hoping the situation will get better isn't going to solve our problem.

I fear government control of news as much as the next man, but I believe the problem is not primarily government but the public. Unless all of the media exercise self-imposed discipline and discretion, and learn to present the news in clearer perspective than they have done in the past, I think there is a very real chance that they will eventually lose the very thing that is essential to their continuation—and this is the confidence of the public they serve.

I should emphasize that many newspapers and magazines, as well as local raido and television stations, do a commendable job of presenting the news accurately and in proper balance. Others do not, of course, and the effectiveness of the total news media is hampered by these who slant or distort the news.

Most of the media don't hesitate to turn a critical eye on everything else on this planet; so isn't it time they turned that critical eye inward—and did a little self-examination?

I'm convinced it is time; and I'm equally convinced that they should report to the public that they are doing this and that they are just as anxious to present—as the public is to receive—news that is as factual, balanced and representative of what is going on as it is humanly possible to present.

Then, and only then in my opinion, is this critical credibility gap going to be closed.

In that regard, I hold in my hand this large volume of editorials. I am not going to put all of these in the RECORD, but these are editorials over an inch thick which come from all over the Nation, every region of the country being represented here, protesting what the committee has done and saying that the action we are about to take is unwise. If you want to review this record, I am going to leave it up here in the well of the House, and those of you who are interested I wish would come and look at the editorial opinions from around the Nation.

Mr. Speaker, at this point I yield to the gentleman from Nebraska (Mr. McCOLLISTER), a member of the committee and one of the 13 who voted "no" on this resolution.

Mr. McCOLLISTER. I thank the gentleman for yielding.

Mr. Speaker, it is to be regretted that the question which confronts the House—should a television network and its president be cited for contempt of Congress—should be resolved with so little debate and discussion. Less than 2 hours was allowed for consideration in the full Committee, and the time offered in the House is much too brief for a proposal of such far-reaching consequences. Our haste prompts a vote based more on emotional reaction than on thoughtful reflection of this ill-considered, dangerous course of action.

My vote in Committee against the citation was made for four reasons.

As I heard the argument and listened to the discussion it seemed to me that the committee did not need any additional evidence to satisfy its legislative inquiry. The evidence that tapes had been "edited," that individuals' words were given a distorted and deceptive meaning—all this seemed abundantly clear without the use of the "outtakes" which CBS refused to make available. It seemed unnecessary to me to resort to such extreme measures to gain so little.

Second, I felt that those whose words were twisted had available to them recourse in the courts. Although this action imposes on the individuals involved some difficulty and expense of time and energy, it did offer the opportunity for the facts to be weighed and a judgment made without provoking the grave constitutional issues in which the position of the House is so uneasy and insecure.

Surely it cannot be doubted that there is a first amendment question involved in this proposed action. Lawyers will describe the issue better than I am able to do but one does not need to know all the details of the court precedents and interpretations to recognize the constitutional confrontation here present. One can simply stand alongside the issue and feel the radiation of concern. Awake or asleep, in our conscious and subconscious we know this action by the House will affect the uninhibited, competitive, resourceful, presentation of news and opinions. That it is sometimes overdone, unfair, deceptive, and misleading is less of a concern to me than the inhibitions we shall create if we vote this citation for contempt of Congress.

Finally, if the citizen's need for fair, accurate, and reliable presentation of news and documentaries cannot be guaranteed by his Government, where can it be done?

He must depend first on his own discriminating judgment, on his accessibility to competing sources of news and opinion. In no activity is credibility more vital to success than is the gathering of the news. An organization which violates the well-established standards of professional journalism will suffer a loss in its believability. Such an organization will be labelled—eventually—a propagandist and its listeners and viewers will turn elsewhere for fair and accurate reporting.

When a government takes it upon itself to define what is fair and accurate it seems inevitable to me that the definition degenerates into what is necessary to perpetuate in power that particular group of men who happen to be the government at that moment. There is no protection to the citizen from these eventual excesses.

What is proposed in this citation is a sharp, dangerous veering from the course of constitutional limitation and the House ought not to have any part of it.

I urge the defeat of the motion.

I thank the gentleman for yielding.

Mr. BROYHILL of North Carolina. I thank the gentleman for his contribution.

Mr. ADAMS. Mr. Speaker, will the gentleman yield?

Mr. BROYHILL of North Carolina. I yield to the gentleman from Washington.

Mr. ADAMS. I thank the gentleman from North Carolina for yielding.

Mr. Speaker, I have been deeply disturbed about the proposal to issue a contempt citation against Dr. Frank Stanton and CBS for refusal to supply the materials they used in the production of the CBS documentary entitled "The Selling of the Pentagon."

When I first heard of this matter, I discussed it with the chairman and indicated my deep concern that this matter might reach the stage of a confrontation between the Government and the free press and I did not believe this was a proper case for such a confrontation.

Since that time, I have attended the hearing which was the basis for the final contempt citation by the Subcommittee on Investigations of the House Interstate and Foreign Commerce Committee. I have discussed the matter with the staff of the committee and also with attorneys for CBS, and requested that both the staff and the CBS attorneys supply me with any memoranda they created regarding the constitutional and legislative issues involved.

I have great respect for Chairman HARLEY STAGGERS of the House Interstate and Foreign Commerce Committee, and I recommended to him that the committee might obtain a formal opinion from a neutral constitutional authority before proceeding with the contempt citation.

After my review of this matter with the committee staff and completing my independent research on the constitutional issues involved, I have come to the conclusion that this particular citation is violative of the first amendment. There may be other circumstances when the outtakes of a television presentation could be obtained, but unfortunately we have before us only the circumstances of this case.

The circumstances of this case involve the threat of placing a member of the press in jail for refusing to submit to a Government review of whether or not the statements made by the press about the Government were deceitful. This is flatly prohibited by the Constitution as constituting governmental censorship. In the immediate circumstances of this case, the first amendment prevents the government from placing Frank Stanton in jail. The long-range circumstances could mean this action would taint any law we might pass that evolved from the use of this procedure. The House should, therefore, reject this contempt citation, both as a matter of constitutional law and to protect possible future legislative action in this field.

In support of this, I am inserting at this point in the RECORD the separate minority views to the committee report which I have filed today with the committee:

ADDITIONAL MINORITY VIEWS OF CONGRESSMAN BROCK ADAMS

I

I have joined with other members of the Committee in filing general minority views in opposition to the proposal to cite CBS and Dr. Frank Stanton for contempt of Congress. I am filing these additional minority views because I believe this particular citation for contempt involves a severe conflict with the First Amendment to the Constitution of the United States which each Member should consider before voting on this matter.

I agree with and support the general minority views that all the information that would be produced by the subpoena is either in the Committee files already or can be obtained by the Subcommittee on Investigations without use of the subpoena.

When I first became aware of the possible use of a subpoena to obtain all the materials used by CBS in producing this news documentary, I indicated my concern about this procedure to the Chairman. Although I am not a member of the investigating subcommittee, I asked permission of the Chairman to attend the subcommittee meeting as an observer when Dr. Stanton testified and I was present when he declined to produce the outtakes used by CBS in producing the documentary.

This hearing which is the basis for the contempt action was called after CBS had produced for the Committee the film as broadcast as well as a supplement to the film in which critics and proponents discussed the original documentary. The final hearing involved a second subpoena of the Committee which called specifically for all outtakes relating to the news documentary as broadcast.

Neither Dr. Stanton nor the CBS network has questioned the right of the subcommittee to investigate broadcast practices generally or to inquire into the particular circumstances surrounding the production of the film "The Selling of the Pentagon." Dr. Stanton appeared before the Committee and testified for several hours on the manner in which CBS prepares its news presentations and supplied the Committee with a copy of the CBS rules and regulations which are presently in effect regarding the production of news documentaries. He refused to produce the outtakes or to discuss orally how the outtakes were edited from the final film.

At the meeting of the full Committee when the contempt citation was issued, the materials that had been available to the subcommittee regarding the investigation had not been distributed to all members of the full Committee. I was concerned about this because the staff report seemed to indicate they knew all about the alleged distortions and the narrator for the documentary stated in the first part of the film:

"We sought no secret files, no politicians pleading special causes, no access to classified documents. We looked only at what is being done for the public—in public."

I therefore asked for time, which was granted by the Chairman, to review with the subcommittee staff the film as broadcast and to review the materials in the Committee files before this matter was presented to the whole House.

My examination with the staff director of the film in the committee file indicates that this documentary consists of films of Army exhibits at various identified points in the United States, interviews of individuals at specific times and places (who are available for interviews by the investigating staff), an interview with Daniel Z. Henkin, Assistant Secretary for Public Affairs at the Pentagon, a filming of certain speeches by General Walt, Colonel McNeil and others who traveled the country for the Pentagon, a film clip obtained from Congressman Hébert, and a series of film clips from various public Pentagon films.

As pointed out in the general minority views, I have obtained copies of the CBS editing regulations and the entire speech of Colonel McNeil and placed them in the Congressional Record for July 8. These materials, together with the analysis of the entire Henkin interview placed in the Record on March 8 by the Honorable F. Edward Hébert of Louisiana, I believe, establish that all the materials necessary to evaluate this documentary are in the possession of the subcommittee or can be easily obtained by interviewing the individuals who appeared in the documentary, and the outtakes would only establish the editing systems used by CBS.

II

Broadcast media are part of the free press

The question has been raised whether the electronic media are entitled to the same First Amendment protections as the written press. In *Rosenbloom v. Metromedia, Inc.*, 39 U.S. Law Week 4694 (June 7, 1971), the Supreme Court stated that the electronic media are entitled to the same First Amendment protections as the written press in private citizen libel suits. The First Amendment protections for the press against interference or repression by private citizens are more limited than the First Amendment protections against Government interference with the press. It seems clear, therefore, that any First Amendment protections against Government interference or repression apply to the electronic media. The electronic media in this case are certainly part of the "press."

The first amendment restrictions on Government action

The First Amendment is not just a protection to be used as a shield by the press. It is a limitation on Government authority. In direct, simple terms it prohibits making any law "abridging the freedom of speech or of the press."

Any argument that we as Members of Congress should only look to whether the subpoena was properly issued ignores the fact that we must decide whether the Congress has the power under the Constitution to jail a member of the press for refusal to cooperate in a Government inquiry which has as a purpose to determine whether the press was deceitful. Only if we answer yes do we reach the question of whether in this particular case the power of the Government on balance can be used on the press to make it submit the materials it used in creating a news story.

First amendment limitations apply in this case

I believe the use of the words "deceit" and "deception" as justification for this particular contempt citation will be viewed as Government surveillance of the press to determine if it unfairly criticized the Government. This is flatly prohibited by the Constitution as constituting governmental censorship.

The analysis is as follows:

1. The press through CBS makes a critical report about one part of the Government.
2. Another part of the Government states it is going to review what the press did in preparing this critical report and states it is investigating to see if there has been deceit.
3. The part of the Government conducting the review states it has the power to license and regulate this particular part of the press.
4. The Government proceeds by compulsory procedures to force the press to submit to this review.
5. After a review of the materials forced from the press, the Government passes a law to prevent similar press actions in the future.

As pointed out in the general minority views, there may be circumstances when Government power can properly be used in the necessary regulation of the public airwaves. There may be a different case when outtakes can be demanded, but if as I believe this particular case falls into the above listed five steps then the power of Congress to cite for contempt is limited and the case made very unappealing because a jail sentence seems very harsh for the result to be obtained. This is what has been referred to as the "chilling effect" because it acts to prevent any journalist from producing a television news show that is critical of any powerful Governmental agency or official. The censorship implications are clear.

I am deeply troubled that a major part of the justification for the subpoena is that we have a case of deceit. We have here an investigating subcommittee making the inquiry and it does not have legislative jurisdiction but instead it will file a report, and in that report will make a *judgment* on whether or not there was deceit practiced in this program. This will then be referred to the appropriate legislative committee for possible future action.

I have set forth in section I of these views the availability of information to the Subcommittee on Investigations to show that the subcommittee can prepare a report on this documentary without requiring a member of the press to supply testimony or materials to prove whether or not deceit was practiced. From this, a report could be prepared to the appropriate legislative subcommittee so that hearings could then be held to determine if some type of legislation were needed without facing the challenge that it is part of a censorship system.

We can approach the problem of possible fraud in the production of electronic news through the establishment of certain mechanical systems which indicate what the electronic media are doing. This is the equivalent of creating the ellipsis (. . .) in print, and there are other avenues to be explored, such as direct indications on screen as to the manner in which taped interviews are being used.

There is no way, however, that I know that the Government can by law establish a standard for "deceit or truth." What is truth to one man is deceit to another. Judge Learned Hand, referring to the newspaper industry, points out this essential dilemma of the Government in the famous case of *United States v. Associated Press*, 52 F. Supp. 362, 372 (S.D.N.Y. 1943):

"[The newspaper] industry serves one of the most vital of all general interests: the dissemination of news from as many different sources, and with as many different facets and colors as is possible. That interest is closely akin to, if indeed it is not the same as, the interest protected by the First Amendment; it presupposes that right conclusions are more likely to be gathered out of a multitude of tongues, than through any kind of authoritative selection. To many this is, and always will be, folly; but we have staked upon it our all."

III

I have great respect for the Chairman of the Committee and I know of his great concern about the American public receiving the truth. The problem we face is that we as representatives of the people do not simply stand in the shoes of the people in our relationship to the free press. As we meet together on this matter, we are the Government. We as the Government, have great power conferred upon us by the people, but the people have also placed restraints on us through the Constitution which prevents us from exercising this great governmental power in certain circumstances.

The power to place a man in contempt of Congress and thus subject him to a possible jail sentence is one of the cost awesome Governmental powers that we collectively possess as Members of the House of Representatives. I not only believe this power should be used with great restraint, but I also believe in this case we are prohibited by the Constitution from using it. I therefore respectfully dissent from the majority views.

I have also received today a copy of a letter from Prof. Louis H. Pollak of Yale University Law School, a noted constitutional authority. This letter fully supports the view I have taken that this particular contempt action directly violates the first amendment, which expressly directs Congress to "make no law—abridging the freedom—of the press." So the Members will have an opportunity to review the authorities Professor Pollak has cited, I am inserting in the RECORD at this point a copy of his letter dated July 9, 1971:

YALE UNIVERSITY LAW SCHOOL,
New Haven, Conn., July 9, 1971.

WILMER, CUTLER & PICKERING,
Washington, D.C.

DEAR SIRS: You have asked my opinion on the propriety of the resolution now pending before the House of Representatives, as favorably recommended by the House Committee on Interstate and Foreign Commerce, that Dr. Frank Stanton and the Columbia Broadcasting System (of which Dr. Stanton is President) be cited for contempt for failure to comply with the subpoena issued on May 26 by the Committee's Special Subcommittee on Investigations. In view of the fact that the House is expected to consider this matter early next week, the pressure of time precludes the preparation of a fully detailed opinion. Wherefore, I shall confine myself, in this letter to the expression of my over-all conclusions and the general premises from which those conclusions flow.

My over-all conclusions are these:

1. Coerced compliance with the subpoena of May 26, calling for the production of the "outtakes" of the CBS news and news-commentary program entitled *The Selling of the Pentagon*, would invade the news-gathering and editorial functions of CBS and its reportorial and editorial staff in contravention of the freedom of the press guaranteed by the First Amendment.

2. Fidelity to the Constitution required Dr. Stanton not to comply, and not to permit any other agent of CBS to comply, with the subpoena of May 26.

3. For the House to vote a citation of contempt would be to vote an unconstitutional sanction; and for the House to request that the Attorney General prosecute Dr. Stanton and/or CBS for contempt of the House would be to request the executive branch of the government to pursue a judicial result foreclosed by the First Amendment.

The premises from which the foregoing conclusions flow are these:

A. Although the investigatory power of the Congress, and each of its chambers, is broad, that power, like all the powers of Congress and of the other branches of our government, is subordinate to "the restraints of the Bill of Rights. . . ." *Watkins* v. *United States*, 354 U.S. 178, 198; cf. *United States* v. *Rumely*, 345 U.S. 41.

B. To compel the production of a television reporter's or editor's "outtakes" is indistinguishable from compelling a newspaper reporter or editor to produce the notes and drafts from which his published copy is developed. The chilling effect of such an intrusion upon the reporting and editorial functions hardly requires argument. The strength of the First Amendment guarantees which insulate these raw materials of journalism from coerced production is dramatically demonstrated by *Caldwell* v. *United States*, 434 F. 2d 1081 (now pending on certiorari before the Supreme Court). In *Caldwell* a federal grand jury—whose investigatory powers in the realm of federal law enforcement are comparable in breadth with those of Congress—sought to compel a newspaper reporter to produce his "notes and tape recordings" with respect to matters under inquiry by the grand jury. 434 F. 2d at 1083 n. 2. Protest of that subpoena resulted in its supersession by a first, and then a second, far narrower subpoena merely requiring the reporter to attend and testify at a grand jury hearing. On challenge to that far more limited subpoena, enforcement was granted by the district court only on terms protecting the reporter from forced disclosure of information conveyed to him confidentially. But the court of appeals concluded that even this protective arrangement was constitutionally defective; even coerced *attendance* (shorn of any requirement of the production of documents or tape recordings) must be predicated on terms consistent with the freedom of the press:

"[W]e hold that where it has been shown that the public's First Amendment right to be informed would be jeopardized by requiring a journalist to submit to secret Grand Jury interrogation, the Government must respond by showing a compelling need for the witness's presence before judicial process can issue to require attendance." (434 F. 2d at 1089.)

Although I believe the holding of the court of appeals in *Caldwell* was correct, and should be sustained by the Supreme Court, I would not that even the ruling of the district court would sustain, as against First Amendment guarantees, only a far more circumscribed subpoena power with respect to Dr. Stanton and CBS than that asserted by the Special Subcommittee on Investigations: In *Caldwell* the grand jury was investigating problems of law enforcement—clearly within its purview—not, as here, the constitutionally protected preserve of journalism. The subpoena sought to be judicially enforced was a subpoena to testify—not, as here, to produce the working materials of the journalist—and the testimony sought to be elicited was secret, not public. In short, even the district court's decision in *Caldwell*, let alone that of the court of appeals, establishes *a fortiori* the unconstitutionality of the subpoena directed against Dr. Stanton and CBS—unless it be the case, as argued by the June 8 Staff Memorandum of the Special Subcommittee on Investigations, on which the Special Subcommittee appears avowedly to have relied, that "With respect to the applicability of the First Amendment, broadcasting is not identical to other means of communication . . ." and "The legal status of a broadcaster cannot be equated to that of a newspaper publisher. . . ." (Staff Memorandum, p. 74.)

C. But any suggestion that Dr. Stanton and CBS—and the public right they assert—are not protected by the First Amendment, because CBS is a television network and not a newspaper, is of course foreclosed. As recently as June 7, the Supreme Court in *Rosenbloom* v. *Metromedia* reaffirmed that the First Amendment protects the broadcast "press" just as it protects the printing press. Of course it is true that Congress has substantial regulatory authority over television and radio licensees, pursuant to its stewardship of the limited number of broadcast frequencies. But such authority carries with it no power to trammel the free press rights of the broadcast media and the public they serve. In that respect—the respect controlling here—the broadcaster and the newspaper publisher are constitutional equivalents. I suggest that the point may be brought home by a reminder of admonitions voiced by Justices Holmes and Brandeis, dissenting in *Milwaukee Publishing Company* v. *Burleson*, 255 U.S. 407, from assertions that the government could give or withhold the second class postal privileges of newspapers and magazines on whatever terms it chose. Their dissenting views—cited with approval by the Court majority a generation later (*Hannegan* v. *Esquire*, 327 U.S. 146, 156)—were these:

"The United States may give up the Post Office when it sees fit, but while it carries it on the use of the mails is almost as much a part of free speech as the right to use our tongues. . . . (255 U.S. at 437; Homes J.)

"Congress may not through its police power put limitations upon the freedom of the press which if directly attempted would be unconstitutional. This court also stated in *Ex parte Jackson*, that 'Liberty of circulating is as essential to that freedom as liberty of publishing; indeed, without the circulation, the publication would be of little value.' It is argued that although a newspaper is barred from the second-class mail, liberty of circulation is not denied; because the first and third-class mail and also other means of transportation are left open to a publisher. Constitutional rights should not be frittered away by arguments so technical and unsubstantial. 'The Constitution deals with substance, not shadows. Its inhibition was levelled at the thing, not the name.' *Cummings* v. *Missouri*, 4 Wall. 277, 325 (255 U.S. at 430–431; Brandeis J.)

To paraphrase Justice Holmes, the United States may give up the use of the radio and television waves when it sees fit. But while that form of the press is in use, the First Amendment protects the freedom of that press.

D. In the present case, the unconstitutionality of the subpoena sought to be enforced is only underscored by the fact that the Special Subcommittee already has in its possession the overwhelming bulk of the information the subpoena is said to be designed to elicit; that is to say, the Special Subcommittee has already been given by Mr. Henkin his own transcription of the CBS interview with him. And indeed, if nonetheless there still remained any additional information in which (contrary to my views, *supra*) the Special Subcommittee could be regarded as having sufficient interest in the production of, as to justify the exercise of the subpoena power, that remote possibility disappeared on June 28, the day before the Special Subcommittee voted to recommend the citation of Dr. Stanton and CBS for contempt: on June 28 Dr. Stanton issued new "CBS Operating Standards: News and Public Affairs" to various officers and department heads of CBS and its subsidiaries. The next day—June 29—after voting the recommended contempt citations, the Special Subcommittee issued a news release reciting and explaining its action; that release also contained these sentences:

"The Subcommittee also noted that this morning Dr. Stanton released CBS' new operating standards for news and public affairs. If these guides had been followed in "The Selling of the Pentagon," the Subcommittee noted, its inquiry would not have been necessary."

It seems manifest that, taking at its strongest the Subcommittee's stated case for launching the inquiry in the first place, its inquiry is no longer necessary. For the House now to vote contempt citations would, I believe, compound the unconstitutionality of the subpoena of May 26.

E. When the House votes on this matter, its members would do well to bear in mind that the First Amendment expressly directs *Congress* to "make no law . . . abridging the freedom . . . of the press. . . ."

Very truly yours,

Louis H Pollak.

I am also greatly concerned because the scope of this contempt citation is being widened by greater and greater use of a purported legislative justification to investigate falsehood or deceit. I have examined the subcommittee statement attached to the letter of Chairman Staggers dated July 8, 1971.

On page 3 of the statement, it is stated that—

> The Committee by its subpoena is seeking nothing more than the best and only real evidence to lay to rest the charges that CBS has engaged in calculated falsehood.

This is far different from the subcommittee's April 21, 1971, statement of legislative purpose wherein the subcommittee spoke of "practices which might result in misleading and deceiving the public." Apparently the subcommittee now speaks of "calculated falsehood," which means that an accusation is now being investigated to determine whether a falsehood was transmitted with knowledge that the material being transmitted was false or with a reckless disregard for whether the material was true or false. My examination of the record shows no evidence that CBS was involved in a deliberate or malicious effort to publish a falsehood, but this is now being made part of the investigation.

This brings into full force the chilling effect of this subpena. I have available a statement by Walter Cronkite of CBS who is the so-called "anchor man" of the evening news program and has acted as a principal correspondent in the coverage of special events such as the space missions and national political conventions and elections. He sets forth in precise detail what will occur to reporters and editors if the Government is involved in surveillance of their notes, film footage, and other materials.

Mr. Speaker, I would request permission that I might insert at this point a copy of the letter of Walter Cronkite which gives a view into the effects this contempt citation would have on individual newsmen.

The SPEAKER pro tempore (Mr. Link). Is there objection to the request of the gentleman from Washington?

There was no objection.

The material referred to follows:

STATEMENT OF WALTER CRONKITE

Since April, 1962 my principal assignment with CBS News has been Managing Editor of the CBS Evening News with Walter Cronkite, a thirty minute news broadcast presented five nights each week by the CBS Television Network. In addition, I frequently serve as "anchor man" in the coverage of such special events as space missions and national political conventions and elections. Prior to joining CBS in 1950, I was a reporter-correspondent with United Press International for eleven years, covering the Western Front in World War II, the Nuremberg Trials and post-war Moscow.

My work involves the preparation of the considerable volume of material necessary for such extemporaneous broadcasts as political conventions, elections and space missions. It also involves participation in the determination of which topics should be covered on daily television news broadcasts and how they should be covered.

The question of "outtakes" around which the investigation of the Staggers Subcommittee has centered is, of course, an important one. But it is only subsidiary to the far greater issue of the right of a branch of government to review the judgment of those who collect, edit and broadcast the news.

The idea is clearly contradictory to the intent of the First Amendment, i.e., to protect both the people and the government through the free exercise of speech and press.

But even if there had been no First Amendment it should be clear that any such government supervision as proposed here, whether after the fact or not, removes broadcasting as a viable news medium.

It scarcely bears argument that a news medium must function without fear or favor if it is to properly discharge its obligation to inform the people. Any governmental panel that assumes the right to call a news organization to account must be presumed to be hostile. It scarcely would seek to investigate reporting with which it agreed. To place the broadcast medium under the threat of such investigation is to place it permanently under the fear of accountability to unfriendly antagonists wielding the power of legal restraint.

The effect would be more than chilling on broadcast reporting. It would put journalistic enterprise in the deep freeze, with the rigidity and the heart and compassion of a block of ice.

It is likely, indeed, that many broadcasters would be unwilling to commit unlimited resources of their legal and executive staffs to defend a documentary or daily reportage when it would be far more comfortable simply to forego mention of the item or the subject.

Impossible would be the position of the journalist working under such understandably timid management. For each piece of potentially controversial reporting (and there is scarcely any topic, including the weather, that is *not* controversial) he would presumably have to go to management for approval to broadcast.

Or, since this would be impractical, he would ignore the item and fill his broadcast with something less likely to involve his company and himself in lengthly review by non-professional and frequently politically-biased critics.

To the extent that journalists must base their judgments on factors which are totally unrelated to the journalistic function, the quality of these judgments diminishes. If reporters, editors and producers must consider in their decision making the possibility of being summoned before an investigative arm of the government to justify these decision, I believe that independence and vigor in broadcast journalism will be inevitably sacrificed.

It should be noted that, if this principle of accountability to political bodies is established through this contempt action, the practice may not stop with Congress. By the same doctrine local radio and television stations may find themselves hauled before city councils, county courts and state legislatures. While Congress' authority may be greater because of the Federal licensing power, these local bodies have their own sources of pressure (occupation licenses, construction permits, fire inspections, et cetera). This harassment by investigation could be carried to a point that it would prove too costly and hence unwise for a local station even to attempt to report and document the controversial news of the community.

There is no question here of whether the reporters and editors perform well or poorly, with accuracy or inaccuracy or even with objectivity or with bias. It is inconceivable that those who are elected to public office on partisan platforms, who represent, properly, the special interests of their region, who by their political nature hold strong views on the issues of the day, should be vested with the right to say whether broadcast journalism is performing in the people's interests. They may be qualified to define those interests in *their* lights, but in a democracy it is essential to have a monitor on those who would set themselves up as qualified to exercise that privilege.

The newspapers have served this function well. Today, unfortunately, economic circumstances have reduced the number of daily newspapers until few American cities have more than one newspaper or, perhaps, two newspapers under single ownership. In these cities, where there is an absence of newspaper competition, there is the possibility, of course, that the single newspaper, or two newspapers under single ownership, will represent only comfortable majority interests.

The more numerous broadcast outlets provide a superb watchdog for the print press, preventing it, through inadvertence, sloth or caprice, from ignoring or even distorting important news of the day.

Likewise the newspapers, as they have proved, are and will continue to be severe critics of the broadcast medium. There is adequate check and balance here between competing media to assure sound performance without the interference of government.

To deny the free play of these forces by putting one of them under the surveillance of government would be to deny the people the free press the founding fathers thought essential to the workings of a democarcy.

Vice President Agnew was right in his Des Moines speech of November, 1969, when he said that a handful of men determine what news will be shown on the networks. I know of no other way the highly delicate job can be done. It cannot be done by a committee of politicians, bureaucrats, educators, sociologists or what not, nor can it be done by plebiscite.

Nor can it be done *without fear or favor*—which means it cannot be done at all—if the reporter or editor must be constantly looking

> over his shoulder for those who would have his product reflect *their* standards of right and wrong.
>
> If broadcast journalism is brought to that state by court affirmation of the right of Congress, or anybody else, to question the judgment of its practitioners through the use of compulsory process, then it ceases to be an energetic seeker of the truth but becomes a pallid conduit for that propaganda which is palatable to the majority of Congress or the administration of the moment—Republican, Democrat, Wallacite or Yippy.
>
> And if it came to that, there would be no reason for professional journalists to remain in broadcasting. Those who stayed would be those satisfied with serving the majority their daily diet of the indisputably bland.

Mr. ADAMS. Mr. Speaker, the part that is most disturbing in his whole statement is the second-to-last paragraph which states that if the editing and producing of television news is to be reviewed by government—whether at the Federal, State or local level—then it will cease to be an energetic seeker of the truth but instead becomes a pallid conduit for that propaganda which is palatable to the majority of Congress or the administration of the moment—Republican, Democrat, Wallacite, or Yippy, and his ultimate conclusion, which is:

> And if it came to that, there would be no reason for professional journalists to remain in broadcasting. Those who stayed would be those satisfied with serving the the majority their daily diet of the indisputably bland.

Mr. Speaker, the statement of this journalist demonstrates why I believe the Constitutiton is not a dry, legal document but is a living, dynamic part of our Government. The First Amendment guarantee of a free press has just as much validity today in terms of maintaining a free and open society as it had in the days of Peter Zenger and Thomas Paine. I hope that tomorrow Congress will recognize not only the great American tradition of a free press, but the present necessity of maintaining it as a vital part of our society.

Mr. Speaker, I thank the gentleman from North Carolina (Mr. BROYHILL), for yielding to me, and I want to join with the gentleman in the statement that he made. I think the gentleman from North Carolina (Mr. BROYHILL), in the course of the debate on this matter, and in the course of the committee hearings, has made a great contribution, and I as one Member of this body appreciate it.

Mr. BROYHILL of North Carolina. Mr. Speaker, I thank the gentleman from Washington (Mr. ADAMS).

Mr. MOSS. Mr. Speaker, will the gentleman yield?

Mr. BROYHILL of North Carolina. I would be glad to yield to the gentleman from California (Mr. MOSS).

Mr. MOSS. Mr. Speaker, I think the fact that we have taken the special orders here this afternoon brings very sharply into focus the need to change the rules of the House for consideration of matters as significant as a resolution to cite for contempt.

When the matter is called up tomorrow, there will be 1 hour's time and within the course of that 1 hour Members are going to have to decide whether or not they feel an adequate showing has been made to justify citing Dr. Frank Stanton and CBS for contempt of Congress.

Now they are going to make this decision without all of the information before them because much of it is not going to be published until tomorrow. I hope the Members of this body who read these remarks tomorrow morning will do so with great diligence, lacking the opportunity to study it and to give it the very sober consideration that it requires.

It is a grave step for this Congress to cite the President of a major broadcasting network for contempt. A very grave step—when one considers it in the context that the Congress or the Committee on Interstate and Foreign Commerce through its Special Investigations Subcommittee has requested.

We requested the outages of this program—the portions not broadcast in order to review editorial judgments and to test them against some nebulous or nonexistent Federal standard of truth or a Federal pattern of conduct to avoid deceit knowingly or unknowingly.

I do not know where these guidelines exist, but I do know it is not the proper role of Government to undertake to determine that issue in the legislative body. There is a regulatory commission and apparently it found no basis for action here—and I think quite wisely so. It found no basis for action because it recognized that you could not get a unanimity as to what constituted truth in the broadest sense—or what actually you may have to take to avoid some semblance of deceit.

I am mindful of the fact that every Member of this body during the course of the congressional session asks repeatedly for the right to revise and extend remarks made here on the floor of the House. Is that revision deceitful? Is it untruthful? I would not want to judge whether my colleagues have acted with complete fidelity to the standards of truthfulness and candor or whether they have engaged in a little deceit. They might even do so inadvertently. Again I do not think it is our business to undertake this kind of examination.

I want to make it abundantly clear that I have never in my years in this House ducked the responsibility for holding the broadcast media fully accountable for their actions. I have not been generally regarded as one of their most sympathetic listeners. I have been called upon as a member of the original Legislative Oversight Subcommittee of the Committee on Interstate and Foreign Commerce and here I think I am probably the only member of the Committee on Interstate and Foreign Commerce who was originally on that subcommittee, when it conducted the investigations into the $64,000 question series and into the payola practices of the industry. I was very strongly criticized as were many of my colleagues for the actions we took then.

I think they were appropriate and on other investigations that have been made, I have joined in. But this one, in my judgment, is not appropriate. This is the wrong kind of case for the Congress to get into.

This is a case of second guessing people who are engaged in a business of collecting and reporting news—and that is not our business. The mere fact that the media is licensed should not give us license to do that but it should impose upon us greater restraint to approach these borders of our powers with a great deal of caution. Nothing could be produced if Dr. Stanton came back before the committee and gave it everything it asked for. Nothing would be produced that is not now available. I have talked with the chief counsel of the Special Investigations Subcommittee. I have asked for any indication, document, of any kind of misrepresentation in this program that we do not already know about. But nothing has been produced.

We have no need for this information. It is not necessary for us to have it in order to legislate, if there are appropriate areas here for legislative action. This is the kind of case that destroys or damages greatly the image of the Congress, and I think it might well be the kind of case in a court of law which could lead to a decision which would or could in fact diminish the investigatory powers of this body. I think we should avoid that kind of development. I think we should avoid this confrontation, and I hope that every Member of this body recognizes the very grave responsibility imposed on them in voting tomorrow on whether or not to carry forward with this contempt citation.

Remember, this is not a personal issue. This is not a case of supporting or not supporting the chairman. It is not a case of getting or not getting Dr. Frank Stanton. It is not a case of supporting or not supporting the majority or minority on this issue in the committee. It is a case of determining, after the application of your own best judgment, what is right and appropriate for the occasion. If every Member does that, and does it with fairness, then I have no question of the outcome. If they fail to do it, and if instead of taking that responsible course they act on the basis of personal bias or because somebody asks them to act in any manner, then they will do a disservice to themselves and a disservice to this body.

I thank the gentleman for yielding.

Mr. BROYHILL of North Carolina. Mr. Speaker, I yield to the gentleman from Rhode Island (Mr. TIERNAN).

Mr. TIERNAN. I thank the gentleman for yielding.

I wish to concur with the thoughts of the previous speakers, including the remarks of the gentleman from North Carolina. It is quite significant that Members who voted not to report out the resolution citing the President of CBS and also CBS for failure to respond to the subpena represent Members on both sides of the committee.

As the gentleman from California (Mr. Moss) has indicated, it is certainly not a vote in support of one party or another.

Another point that I believe should be made clear today is that one of the reasons the special order was important today, is that the report of the committee is not available now. Every Member who voted against the citation has submitted, in concurrence with other members of the committee, their views in opposition to this action. Some have even felt so strongly that they have inserted their own individual views in the Record. What the gentleman from California (Mr. Moss) and yourself have done by having this exchange here today is at least to make available to the Members tomorrow in the Congressional Record the information you have presented so that they will be able to read the viewpoints of yourself and also some of the information that the gentleman from Washington (Mr. Adams) has been able to put into the Record.

The vote that we will have tomorrow will be a very important one. I have attempted to obtain from the chairman of the full committee some indication of how much time will be allocated to those who have different views, views shared by you and I with regard to this action, and we have not been able to obtain that because under the Rules of the House we will have one hour of debate and the chairman has control of that time. He has certainly indicated that he will be fair, but at the present time we do not know whether that fairness means one minute, 5 minutes, 10 minutes or 1 hour. We have been attempting to obtain an indication that he will give us 5 minutes to express the views of those who want to help the gentleman, thus giving equal balance to the debate that will be going on the floor. We think that is extremely important.

Mr. STAGGERS. Mr. Speaker, will the gentleman yield?

Mr. BROYHILL of North Carolina. I yield to the gentleman from West Virginia, the chairman of the committee.

Mr. STAGGERS. I would like to say I do not remember if the gentleman has asked me one single question about time. Certainly I do not remember where it was, or how it was, but I must have been listening to some other people if the gentleman asked me one single question about time.

Mr. TIERNAN. If the gentleman from North Carolina will yield further, I will ask the chairman if we did not have a discussion in the well of the House last Wednesday, when I asked how much time would be allocated to those of us who were not in agreement with this action of the committee, and the chairman's response was that he would be fair.

I certainly agree that the chairman has always been fair, and he is fair, but I am trying to make the point that as of this moment the chairman has not agreed to give 5 minutes or 1 minute or 10 mintues or any time of the 1 hour that is going to be allocated to him and under his control.

It certainly is within his right not to give any time or not even to indicate how much time he would give, but it is very difficult for us who have people who want to speak on this very important debate to not know how much time we can allocate to the gentleman in the well, or the chairman of the Judiciary Committee, or some other committee.

I certainly have no control of the time, but I yield to the gentleman who does have control of the time.

Mr. BROYHILL of North Carolina. What I want to bring out is that unfortunately under the rules of the House we have only 1 hour of debate. I certainly agree with the gentleman from California that the rules of the House should be amended or changed so that in cases like this we may have adequate debate to bring out all sides of this issue, or something else if a similar issue comes up in the future.

That is the reason why we have taken this time this afternoon—to bring to the attention of the Members in this way the fact that there is another side, that Members have another opinion, and that we have a dissenting opinion, and there is expert opinion available that says we should not take this action.

I have talked to the chairman of the committee. He has not made up his mind, he has told me, as to the exact allocation of time, but he has indicated a willingness to be fair in that allocation, and certainly I am going to go along with him in that regard. I would like it very much if he would allocate 30 minutes of the 1 hour to me.

Mr. STAGGERS. Mr. Speaker, if the gentleman will yield, when the gentlemen came to me, in all fairness, he would have to admit, he asked for 15 minutes for his side, and that would leave only 15 minutes on this side. I said I would try to be fair, did I not? I told the gentleman I could not give him 15 minutes.

Mr. BROYHILL of North Carolina. I asked the chairman for 15 minutes for the Republican dissenters and 15 minutes for those who voted no on the majority side. He told me he could not allocate the time at that time.

Mr. STAGGERS. What would be fair and normal, and I will state it tomorrow, would be to give time to the committee according to the proportion of those who voted no and the proportion of those who voted yes. Therefore, for those who voted yes there would have to be 40 minutes, and for those who voted no, there would have to be 20 minutes.

Mr. TIERNAN. We would be happy to agree to that.

Mr. BROYHILL of North Carolina. Mr. Speaker, I feel that arguing this point is not what we should be doing. I believe we should be arguing the issue.

Mr. TIERNAN. Mr. Speaker, I would appreciate it if the gentleman would yield further. I think it is important to pursue this point, and I think if the chairman would indicate that those who are in opposition to the action that has been taken by the committee would have 20 minutes for those with similar views, I, for one, would be very pleased with that, because then we can allocate the time among the many Members who have requested time to speak on this point, and I think that would be fair, but I am not saying the chairman has indicated here he will do that. I understand, but I think in all fairness it would give us an opportunity tonight to prepare for the many requests that have been made if the chairman would indicate just how much time will be given those who have signed the minority view and also those who are not members of the committee who have indicated we should not take this action.

Mr. STAGGERS. If the gentleman has said he would be satisfied with 20 minutes, I can assure him he will have 20 minutes, but I want to be fair.

Mr. TIERNAN. I think the gentleman in the well would be happy to control that for us in the minority, and I think we can agree on that.

Mr. Speaker, I want to thank the gentleman, first of all, for taking the time to present his views in the committee and also for taking this special order tonight.

In view of the fact that it will be difficult for the committee to have a printed report of the committee, and also the minority views, available for the Members of the House, I believe at least the Members will have an opportunity to read in the Congressional Record tomorrow morning the varying points of view. I believe that is most important.

I know the gentleman joined with some of us in sending out the "colleague" letter, which we hope will bring this matter to their attention further tomorrow.

I thank the gentleman again.

Mr. BROYHILL of North Carolina. Mr. Speaker, may I conclude by stating that the committee states it is operating in good faith and it is operating within the investigative powers of the Congress to look into the need for legislation in the broadcast news area.

The committee claims that examination of these out-takes, or prints, scripts, or what have you from this program called "The Selling of the Pentagon" is essential in order to formulate this legislation.

The committee will also be saying that the broadcast industry holds a public trust which distinguishes it from the role and the duties of the print media.

As the public's representative, the committee asserts that it has the power and that it has the obligation to exert some strict supervision over the franchise or license it awards these broadcasters when they are granted access to the public airways.

I, as one Member, do not argue with the committee's good faith and do not argue with the assertion that the Congress has powers and perhaps some duties, and that it should effectuate some clearly outlined course as between the commercial broadcasters, the Government which licenses them, and the public interest that has to be served.

But I do feel strongly if the Congress intends to legislate any new broadcasting policies it does not need the out-takes from "The Selling of the Pentagon" in order to legislate. So I do not believe the fairness doctrine is an issue here. I do not believe there is any charge that any illegal action has been taken. I do not believe these are issues. The news content, it appears to me, is the issue.

Just as unfettered reporting and presentation of the printed news is protected by the first amendment to the U.S. Constitution, so I feel strongly that this protection must be extended to the electronic news media if they are going to provide essential information and, of course, sometimes the painful function of keeping the public informed and aware of the workings of this society.

Mr. ANDERSON of California. Mr. Speaker, will the gentleman yield?

Mr. BROYHILL of North Carolina. I yield to the gentleman from California.

Mr. ANDERSON of California. Mr. Speaker, I thank the gentleman from North Carolina (Mr. Broyhill) for yielding, and I commend him for his remarks regarding the forthcoming action to cite CBS President Frank Stanton for contempt of Congress.

This special order has been most helpful in bringing to light the many points which are involved in the congressional contempt citation, and I join with the gentleman (Mr. Broyhill) in opposing this motion.

To me, a free, and inquiring press guarantees the people's right to know who, what, where, why, and how its Government operates. To censure, bridle, or control the views of the news media is to deny the people the facts that they must have to formulate opinions, and to choose their representatives.

I oppose the action to cite CBS for contempt—not because I am pleased by all the editing methods used by broadcasters—but because I feel far safer getting my news and views direct from the wide choice of independent voices available to us than I could ever feel under censorship from any level of government, however well intended.

The best, and indeed, the only censure of the news must be the audience for which it is intended—the public. For if the public is appalled or incensed by the media, then it will turn to other sources for its news. The threat of public disbelief and contempt should hang far heavier over the media and its commercial sponsors than any legal action.

Mr. VAN DEERLIN. Mr. Speaker, will the gentleman yield?

Mr. BROYHILL of North Carolina. I yield to the gentleman from California.

Mr. VAN DEERLIN. I thank the gentleman for yielding.

I want to address myself to certain inconsistencies here today.

I know my other colleague from California (Mr. Moss), has referred to the vulnerability we all hold as coeditors of the most edited, altered, rearranged, in some instances staged—and, according to our critics, faked—documents in the entire Nation.

I hold in my hand what is known as the Congressional Record. Ah, that it were a record. Unfortunately, it is what we who compile it wish to make it.

One might wonder how it is that men, 435 of us—drawn from so many backgrounds, from so many walks of life—regularly happen to appear in print as so grammatical, so well ordered in our syntax, so inspired in our ideas, so orderly in the progression of our thoughts as we do.

Some of us who are sometimes not heard to complete two sentences out in the cloakroom can come down into the well of this House and mumble three magic words, "revise and extend," then go back to our offices and, lo and behold, the next day turn up in print as a veritable Demosthenes. Of course, the answer is that we have associates in our office who are very skilled at putting words together. I imagine if some of those typewriters back in our offices contained chlorophyll, this Chamber might be transformed into a veritable Hanging Garden of Babylon, so eloquent are we in print.

Nor is that all. Does anyone forget a few months ago—and, of course, this occurred in the other body—a Member who was embarrassed when he had hoped to be here for a vote. It developed that he was not even in the District of Columbia, but was winding up a skiing trip in Colorado. Yet the Record for that day contained six different speeches by the gentleman, all inserted therein during his absence.

Of course, we in the House are a little more concerned with validity. We insist upon something called Extensions of Remarks in the Record. Here, of course, if we are absent, anyone from our office can insert an entry into the Record which appears therein as an address delivered in the House of Representatives by the Honorable So-and-So on the given date. It even begins with "Mr. Speaker" followed by a comma. Now, I wonder why we do it that way unless it is intended to persuade the voters back home that we are indeed here on the floor, actually making a speech which we can then clip out of the Record and send to whoever is interested back in our district.

The fact of the matter is that this document is guilty of virtually all the sins that the network, CBS, has been accused of in the instant citation.

Mr. Speaker, I am concerned about another bit of inconsistency in this move. The gentleman in the well and I have been members of this committee for the same length of time. We recall that less than 2 years ago there was another citation voted by the committee, a citation for contempt. This citation was against an outgoing Chairman of the Federal Communications Commission. The Federal Communications Commission is an arm of the Congress. The Chairman of the Federal Communications Commission is a servant of the Congress. Yet this Chairman had refused pointblank, both in person and in writing, to provide our committee with documentation which we—all of us, or almost all of us—felt was absolutely essential to the investigation of a matter that was causing us considerable concern. This was a radio broadcaster in the Midwest who had grossly misled the public in the conduct of contests on his station, and had unquestionably faked the program logs that he submitted to the Federal Communications Commission. His license had been renewed on a temporary basis for 6 months, and very rightly the Commerce Committee leadership, and we who voted with the leadership felt that the Commission Chairman should be brought before us. He possessed certain documents which the FCC had considered when they issued the license.

We were refused the right to share a look at that documentation. In response, we voted a citation for contempt. This was a citation involving no national security, involving no first amendment rights to dissemination of opinion through a free press. It involved only our dominion and our responsibility vis-a-vis the FCC, an arm of Congress. That citation was never presented to the floor of the House for action.

Mr. Speaker, I must say I am at a loss to know why. Yet we are asked to vote a citation now which could result in the jailing of a very prominent, a very valued American.

Mr. Speaker, I thank the gentleman in the well for obtaining this time. The gentleman has been a splendid leader within our committee on his side. We have not always been together, and I dare say we shall not always be together in the future. But I think mine will be the first name appearing under his in the dissenting views in the printed report accompanying this privileged resolution when it comes to the floor.

Mr. Speaker, I want the gentleman to know how proud I am to share in the views which he has prepared and presented so well.

Mr. BROYHILL of North Carolina. I thank the gentleman from California for his contribution.

Mr. MILLS of Arkansas. Mr. Speaker, will the gentleman yield?

Mr. BROYHILL of North Carolina. I am pleased to yield to the distinguished chairman of the Committee on ways and Means.

(Mr. MILLS of Arkansas asked and was given permission to revise and extend his remarks and to include extraneous matter.)

Mr. MILLS of Arkansas. Mr. Speaker, I have some serious questions in my own mind about the citation, with all due respect to my good friend from West Virginia, the chairman of the committee.

I have tried to inform myself as much as I can with respect to it.

I have read some statements from some of the CBS journalists which I think would be of interest to all members of the committee which I insert at this point in the Record.

The statements referred to follow:

Statement by William J. Small

1. I am William J. Small, News Director and Bureau Manager of CBS News in Washington. I have been with CBS since 1962 and in my present position since 1963. I have been in broadcast journalism for over 20 years and have had some limited newspaper experience prior to that. I have been News Director of Radio Station WLS in Chicago and News Director of WHAS Radio and WHAS-TV in Louisville prior to joining CBS. I served as the First President of the Illinois News Broadcasters Association, various offices and finally President of the international Radio Television News Directors Association, and am presently a Regional Director of *Sigma Delta Chi*, the National Journalism Society and have for many years served as Vice Chairman of its Freedom of Information Committee with specific responsibility for FOI problems in broadcasting. I am the author of *To Kill A Messenger* (Hastings House, 1970), an examination of the social and political impact of broadcast news which was honored by *Sigma Delta Chi* this year as the best research in journalism published during the previous twelve months.

2. My duties at CBS News consist primarily of editorial direction and administration of its largest news bureau. Our staff in Washington embraces over 85 people in-

cluding 17 on-air reporters, news producers, deskmen, camera crews, etc.

3. The actions of the House Interstate and Foreign Commerce Committee have already had a profound effect on our news operation. While our people continue to do their news gathering in a professional manner, I sense a growing apprehension over the actions of the Congress. There seems to be a general feeling that continuation of the present trend will result in an unseen Congressional presence in the newsroom, peering over the shoulders of journalists as they make their decisions.

4. While the nervousness expressed above is difficult to express in specific example, one manifestation is already seen in treatment of the very story of the Committee's actions against Dr. Stanton. While most hearings are covered briskly and professionally with editing done similarly, this one series of hearings was not. There was special caution expressed by various participants in the process, a nervousness that the story might be examined later. This was limited not just to the days of the hearings but to news coverage of the various principals. One day recently an interview with Chairman Staggers was analyzed far beyond its normal due because the producer and correspondent feared that the Chairman, who was fumbling as he read, might appear awkward if special care were not taken in the editing. These concerns, while they exist frequently in other cases, took on special meaning and unusual attention because they were in the context of this current controversy.

5. Haunting news producers, correspondents, and executives in the entire matter of *post mortems* of the editing process is that this will be done, if certain Congressional desires prevail, by nonjournalists whose motives are not proper presentation of the news but examination of raw material to see if the news presented could have favored one side or another as Congressmen would have them favored. Examination of film out-takes, even by fellow professionals, can frequently be a poor judge of the actual editing without much more information. Not the least of the elements in this process is the judgment as to the truth of statements on film. Sometimes there is other material from equally respected sources which causes one to avoid using certain quotes, or to use them in juxtaposition with other material. Ignorance of these and the many other elements that go into editing decision make examination of outtakes often a poor way to judge the final product.

6. There is a feeling which I share with many of my colleagues that outtakes of film will not be the end. Frustrated as investigators will become with this single source of raw material, they will seek a mandate to go beyond it to internal memoranda and individual memory of the editing process. The irony of all this is that one of our own checks and balances consists of frequent *post mortems* of story treatment. We are frequently checking back to see if a story couldn't have been done better or to make sure that our facts were correct (with resulting on-air corrections if needed.) Our *post mortems*, done by professionals with day-to-day concern with the story at hand, are often frustrating because the "evidence" is incomplete, the outtakes insufficient, the memories a bit hazy, honest men disagreeing.

7. Investigations *ex post facto* are injurious to a news organization. Each time we conduct our own examination of a single story or a documentary, we tie up many men for many hours. Each time government does this, in the acts of federal agencies or Congressional committees, the hours are multiplied and attentions distracted from the fundamental job of news gathering and presentation. It saps the energy of CBS News. There has been a great deal of this in recent years. Many resent the days spent in gathering material for replies to such government inquiries. Many resent even more the difficulty in catching the administrative eye for new projects because the news executives are embroiled in lawyers' chores.

8. When government agents are given the opportunity to come into the newsroom and make these investigations in person and with frequency—the inevitable end, as I see it, of the present push for examination of nonbroadcast material—then the greatest damage of all will be done. Courage is the essential ingredient of my craft. It will be replaced with caution. Public service is the heart of what attracts good men to journalism. It will be blunted with concern for the intrusions of investigators and inquisitors. I am convinced that the end result will be the loss of most good men. They will run for newspapers where the First Amendment is yet to be corrupted. Those who remain will no longer operate freely.

9. We see growing evidence of the impact that the actions to date have already had. This week I was told of a rumor circulating among reporters and Congressional press aides on the Hill. This rumor holds that a news source with a particularly controversial item wanted to approach CBS but decided not to do so because "CBS is in plenty of hot water with the Congress and would be afraid to touch it". I don't know if the story is true and I would hope that we are not yet fearful of controversy, but the mere fact that so many of our colleagues and Congressional news sources are willing to re-tell if not also believe this story is indicative of a serious problem.

11. Broadcasting has many checks and balances against errors or even fraud. If CBS offers one version and other networks and the printed media offer another, CBS is suspect. If this happens enough, CBS has damaged its credibility and will lose its audience. To embrace a policy of news distortion is to invite one's audience to leave. CBS News has its strength in the fact that its audience has not left, it is the largest in broadcasting. People believe us because we have earned their faith. If people in the audience, if officials in the CBS structure, if the newsmen and executives of CBS affiliated stations, question anything we do, they let us know and we take such inquiries seriously. More than that, our own people are encouraged and engage constantly in criticism of our product. We consider that most seriously as well. There are plenty of checks and balances even without the Fairness Doctrine. If these all failed, that Doctrine itself provides ample opportunity for contrasting views.

12. The ultimate loser if broadcasting can no longer engage in journalistic freedom is the public. The Congress itself will also lose because a cautious television may do an individual lawmaker no damage today but neither will it help him correct the errors of others tomorrow. His constituency, which is also ours, relies heavily on television for its news. The health of a democratic state relies heavily on an informed electorate. Information flourishes only when there is a multiplicity and diversity of news sources. A crippled television will inhibit and infect the flow of information.

13. A final and personal word. After over two decades of service in broadcast journalism, my zeal for my craft remains high and my respect for my colleagues boundless. It is a tough job they do and they do it well. The days of yellow journalism are long gone. Today's news reporting is of a higher quality than ever before. The sense of honesty and high scruples of all journalists today, not only shared by but I suspect heavily influenced by broadcast journalists, is unparalleled in our history. It is because of that and because I have witnessed it first hand from the inside, that I bitterly resent the charges by Chairman Staggers of "calculated deception" and "deceit". My colleagues are professionals in their craft and it is a high calling. If there were deception, deceit, fraud or even the merest fudging of the truth, they would speak up strongly and forcefully. They now do when they suspect even honest error. I dread the day when they fear to speak up. This effort on the part of the Congress brings that day closer.

STATEMENT BY MARVIN KALB

I have been diplomatic correspondent for CBS News, a division of the Columbia Broadcasting System, Inc. since 1963. I have also been the CBS News Moscow Bureau Chief for three years—from 1960 to 1963. After joining CBS News in 1957, I worked as writer, researcher, editor and reporter. My job has carried me to news stories around the world: Vietnam, several times; Eastern and Western Europe, often; the Asian Subcontinent, a few times; the Middle East, Africa and the Caribbean. I have written four books: three on Russia, one on how the United States got involved in Vietnam; and numerous magazine articles. In addition, I served as Press Attache at the U.S. Embassy in Moscow in 1955 and 1957.

In the course of reporting on diplomatic affairs, I have become increasingly persuaded that my independence as a newsman is my greatest asset. When I returned to Washington in 1963, after working in Moscow for CBS News, Edward R. Murrow, a former colleague who was then serving as Director of the United States Information Agency, told me: "Stay as skeptical of the pronouncements of your own government as you obviously were of the pronouncements of the Soviet government. Stay independent of governments, and you will stay free as a reporter." I have never forgotten Murrow's advice. To me, it cuts to the very heart of the current controversy between Dr. Stanton and Congressman Staggers. The West Virginia congressman would have us forfeit part of our freedom as professional radio and television newsmen—the freedom to edit our news reports. Freedom in this area and in others is indivisible. Lose part of it and you have taken a long step toward losing it all.

Discretion is the essence of diplomatic reporting. If a State Department official, dealing in highly sensitive information, part of which he wishes to keep from the Congress, say, U.S. clandestine support of anti-communist guerrillas in Laos, if he were to agree to do a television interview (an unlikely event, but it happens), he would be even more circumspect than usual if he realized that the entire film record, including his "deep background" chitchat preceding the formal interview, or a misspoken thought, or even a simple slip of the tongue, might be subject to congressional scrutiny. In fact, I suspect he might not even do the interview. It is widely believed that much of the State Department's work—the White House's too—is absorbed with the questionable chore of presenting policy in such a way as to avoid "Capitol Hill" scrutiny or criticism. To legislate congressional access to the "outs" of interviews with "executive branch" officials would not only intrude into the functioning of TV newsmen, converting them, against their will into conduits between two supposedly independent branches of government, it would also drastically reduce the reporters access to the executive branch and his credibility in the long run with the legislative branch.

Our out-takes are, in their way, a newspaperman's notebook. Congressional committees have no right to demand a reporter's notebook; nor should they have any right to demand our out-takes.

Perhaps because I lived in Russia for five years—two years, working for the U.S. Embassy; three years, as a correspondent—I have become deeply impressed by the distinctions between an open society and a closed one. One such distinction, endowed with constitutional legitimacy by the First Amendment, is a free press—newsmen and their organizations, functioning independent of government control but responsible for reporting the news with objectivity and without partisanship. If a Congressional committee, by its actions, begins to eat into the operations of a free press, thus running counter to the clear intent of the First Amendment, then it must take upon itself the responsibility of justifying the need to abridge a constitutionally-endowed right, thus tragically and unnecessarily narrowing the distance and eroding one of the distinctions between open and closed societies.

I am also bothered by a practical matter. How does the Committee intend to legislate "truth?" By what Yardsticks? Political? Or purely technical? Does the Committee intend to station a staffman in a network news office to insure that the Committee's standards are applied in the editing of daily news stories or occasional documentaries? I cannot believe any committee of the Congress wants to get into that business.

CBS news makes mistakes, I am sure. It would be foolish to claim or assume infallibility in people or organizations. We in television news know our errors better than anyone. There are strict standards, according to which we try to operate. Non-calculated deviations may occur. But there are standards, and they are ours. To impose standards from outside is to fly in the face of the First Amendment. I recall a recent comment by former Secretary of State Dean Rusk. "President Truman used to say, 'if a man does not make mistakes, let him put on his wings and fly away'."

Congressman Staggers alleges "deliberate distortion" in "The Selling of the Pentagon." He has been encouraging his colleagues to see a conspiracy on the part of the "media" well beyond this one broadcast. He sees the "manipulation of the ballot box," "past proof of fraud and deceit" and the "art of cut and paste." It would appear that he describes too much cunning and machiavellian genius to us—and therefore to a process that is too haphazard, often too rushed, sometimes guileless and thoughtless, combining the immediate needs of the news with a sense of timing and drama, and pushed always by the tyranny of the clock (broadcasts start on time in this society) that, taken all together, become the rule rather than the exception. Congress should be judging the rule rather than the exception.

Finally, it is probably fair to say that our society is undergoing extraordinary pressures at this time, many produced by the nation's involvement in Vietnam, and by the powerful currents of racial adjustment and change. At such moments in history, when Congress is struggling to reassert a more clearcut role in the making of foreign affairs; when 18-year-olds become the voting equivalents of middleaged, mature men and women, though their outlooks and their needs may be startlingly different; when a sad spirit of deep divisiveness pervades our national discourse and when distrust of government and institutional intolerance of people tend to crowd our better instincts, then clearly we would all be better off if we returned to original principles, which have served the nation magnificently for 195 years. One such principle, obviously, is the First Amendment—and its guarantee of a free press: with all its faults, it is still the best watchdog on the wondrous workings of government but only if it is allowed to stand independent of it.

Statement by Bob Schieffer

1. My name is Bob Schieffer. I live at 7510 Maple Avenue, Chevy Chase, Maryland. I am the CBS News Pentagon Correspondent. Prior to employment at CBS News, I was a reporter for the Fort Worth Star-Telegram, in Fort Worth, Texas, and also served three years as news anchorman at WBAP-TV, the NBC television outlet for Dallas-Fort Worth.

2. I am currently responsible for preparing news reports about the department of defense for broadcast on CBS. Allowing the government or the congress to examine film out takes from my news reports would seriously impair my ability to report such news. I consider this unused film a part of my "reporter's notes" and as such, I feel it is imperative that such information be kept confidential if I am to retain the trust and confidence of my news sources.

3. Knowledge that this unused film is open to inspection by those outside CBS News would inhibit my news sources, discourage them from granting interviews, and in some cases, cause serious embarrassment or, in fact, result in irreparable damage to their careers.

a. I could no longer guarantee news sources that CBS News would exercise complete control over how and where their remarks would be seen and heard. During the course of an interview with a ranking U.S. officer, he disclosed on film certain facts which upon reflection, he felt entered a highly sensitive area and that disclosure of this information might cause diplomatic embarrassment to the United States. I was asked not to use that portion of the interview and complied with the request.

b. Prior to an interview with a U.S. Senator, I explained that during a certain portion of the session, the cameraman would be photographing long shots and that the sound recorded during that portion of the interview would not be used for broadcast. At that point, the senator burst into song and did an imitation of a radio Beer commercial. Use of this film clip during a "congressional investigation" would, at the very least, cause untold embarrassment to the senator.

c. People sometimes make simple errors of fact or mistakes during interviews. Discovering the error later, they request that the portions of the interview in error not be used. Making these unedited interviews available to outside investigators would leave sources open to ridicule and scorn. This would no doubt cause them to have reservation about granting interviews.

4. In some cases, providing film out takes of interviews to outside sources would give them an advance look at stories still in preparation. It is not uncommon to ask news sources about separate topics during the course of one interview session. During a recent interview with Senator Edward Kennedy, I asked him to comment on two subjects—prisoners of war and the recent disclosure of the Pentagon Papers by the New York Times. His remarks about the Pentagon Papers were used that night on the evening news. His remarks on the prisoners were carried on a CBS News Special Report some days later. Investigators who demanded outtakes of takes of the Evening News interview would have received a bonus—the complete interview concerning the prisoners of war which still had not been broadcast.

Statement of Burton Benjamin

1. I am a Senior Executive Producer for CBS News, a division of the Columbia Broadcasting System, Inc. Prior to joining CBS News in December, 1956, I was a general assignment reporter for United Press and for NEA Service, Inc., the Scripps-Howard feature service, in Cleveland and New York; a free lance writer for national magaines; a producer, writer and director of documentary films for RKO-Pathe, Inc.; a writer for "Kraft," "Robert Montgomery Presents" and other television programs.

2. For CBS News I have been producer and executive producer of the Twentieth Century, for which I produced 219 broadcasts over nine years and which was the longest-running documentary series in the history of network television. I served in the same capacity for the 21st Century and World War I series. I produced such CBS News broadcasts as "Young Mr. Eisenhower," "Justice Black and the Bill of Rights," and the series with Former President Lyndon B. Johnson. I have won virtually every award given by my profession.

3. My work as a producer for CBS News has taken me all over the world, generally with a film-camera crew in active production. I have a professional working knowledge of all aspects of television from photography in the field to the editing, writing and recording of broadcasts.

4. I have had more than 20 years experience in that most vital of all films areas—the editing of motion pictures. While producers do not physically edit the film, they supervise the editing and it is their most profound concern. This is not entirely an esthetic matter, although artistry is involved. In broadcast journalism it is a matter of fairness and balance and impartiality—the *sine qua non* of journalism.

5. All journalism involves condensation. No newspaper can present every interview in its totality; every news story in its most infinite and inconsequential detail; every event no matter how trivial. Total recall is not journalism; it is a recording device. The best newspaper is not necessarily the fattest. Many American newspapers, and especially the British press, have mastered the art of editing—of presenting the essence—to a high degree. And television, limited by the most rigorous of masters, the clock, has enhanced this journalistic art with its own arcane, and frequently misunderstood, skills.

6. As a working producer in broadcast journalism I pride myself in the use of these skills—skills which I began to learn as an editor on my college newspaper and developed in my professional life. I take my journalistic responsibility as solemnly as any other profession; it is my Hippocratic oath. I would no more distort what someone has said or done by misusing the editing techniques than I would lie. I consider this to be a sacred responsibility. And my experience at CBS News assures me that any producer who attempted to subvert or distort his material would not long remain in our employ.

7. Why then the apprehension about some sort of official check of what you have done—a hand-on-the-shoulder in the editing room? I believe this would have a devastating effect. It would destroy the journalist's confidence and demean his professional skill. It would stultify decisionmaking—and in television that process must be swift and certain. It would vitiate the final product, for a producer, knowing that every decision was subject to official review, would tend to take the easy route: make no decisions, certainly no tough decision, and perhaps retreat from the arena entirely. It would, in my view, eliminate the appetite for investigative reporting. Much of the investigation has traditionally involved the government. The proposed system would involve a review by the very people you are investigating. No producer would face that prospect with equanimity. The result would be a drying up of this kind of reporting which has provided a noteworthy service to the American people in television's brief, but productive, history.

8. My experience in countries where the press and television are subject to official review and approval is hardly reassuring. The more the control the poorer the journalism: it is an axiom that anyone who has traveled in the world knows well. What is at stake is the vigor and integrity of the press, and I am not aware of any country in the world where government supervision and control have improved those vital qualities.

Dated: July 9, 1971.

BURTON BENJAMIN.

Statement of Mike Wallace

I am a staff correspondent for CBS News, a division of Columbia Broadcasting System, Inc., and I have been employed in that capacity since 1963. Prior to 1963, over a period of approximately 20 years, I worked as a news reporter and commentator for the Chicago Sun, The Chicago Sun-Times, Station WMAQ in Chicago, for various television and radio news organizations in New York and as a columnist for the New York Post.

My chief assignment at present is to the CBS News television "magazine" broadcast SIXTY MINUTES. That assignment has involved coverage of politics, civil rights, the defense industry and other subjects of national interest, as well as travel to South Vietnam, Israel, Egypt, Nigeria, Northern Ireland, and other countries. I have participated in various news specials and CBS REPORTS.

Based on my experience in investigative newsgathering, I am convinced that if the asserted power of a Congressional committee to subpoena "outtakes" is confirmed, the result would be to handcuff the broadcast news reporter and effectively neutralize broadcast news organizaitons as elements of the free and vigorous press contemplated by the First Amendment.

The stated purpose of the subpoena issued by the Subcommittee on Investigations of the House Interstate and Foreign Commerce Committee is to obtain information from which the Subcommittee could judge just how fairly, how accurately CBS News put together "The Selling of the Pentagon."

This subpoena goes to the heart of the issue of whether broadcast journalists are entitled to the same First Amendment protections as are the journalists who work in the print media against whom Congressman Staggers acknowledges such a subpena could not be enforced. The issue is as plain as that. But the far reaching implications of the watchdog function asserted by the Staggers Subcommittee may be illuminated by considering the impact a Congressional watchdog might have had on two stories produced for SIXTY MINUTES, the Peabody Award, Emmy Award winning broadcast on which I currently labor.

Last September, we broadcast a report on Cuba following a three week stay there. We were the first stateside television crew admitted to that country in almost two years and our report catalogued, objectively, successes and failures of the Castro government over that period. Some critics felt that we had come down insufficiently hard on Fidel. That was their right although, on the facts, I am convinced they were wrong. Were the Staggers Committee, or any other government body, to have the right to look over our shoulder as "editor after the fact," it seems not unreasonable to imagine they would want to call in all our Cuban film, my notebooks and those of the producer, and conceivably have a face to face discussion with us about the way we edited our story. They might well call upon us to justify our editorial judgments about the status of the black man in Cuba, for instance, or the productivity of Cuba's infant steel industry.

Another story on SIXTY MINUTES this year was a profile of Spiro Agnew, from his childhood on up to the date he became Vice President. While the Vice President, we are told, did not see the broadcast, Mrs. Agnew did and let her displeasure be known. A Republican Congress might have been very interested in what complimentary things were left out of the broadcast; on the other hand, if they clearly had a right to inspect our "outtakes," a Democratic Congress might have been interested in whether uncomplimentary things were excluded. The possibilities, indeed the probabilities, are endless.

The untenable situation into which the Subcommittee's assertion of authority over broadcast news would lead us is illustrated by the proposals which they have made in the recent past. Congressman Staggers has in fact introduced legislation to make it a criminal offense to engage in "falsification" of news broadcasts. The dissenting minority to a Subcommittee report two years ago, which contained a number of proposals to restrict the freedom of the broadcast press, stated that "[t]he practical effect of trying to legislate a standard of 'truth' would place in the hands of the government a weapon over the press that is common in totalitarian countries." The danger then in the current assertion of authority by the Subcommittee is that it will get the government, for the first time in the history of the Republic, into the business of regulating news. That, I suggest, is not the way to insure the "truth" in the news the American public hears and sees.

Thus far, we in broadcast news have gone about our business in the belief that we are protected by the freedom of the press. It is inconceivable that the men who wrote our Constitution and the Bill of Rights, had someone told them we would someday communicate ideas and information by electronic means, as well as by the print press, would not have made clear that freedom of the press protected broadcast news.

Dated: July 9, 1971.

Statement of Daniel Schorr

I am a news correspondent for CBS News in Washington, have been a CBS News correspondent in the United States and abroad since May, 1953, and before then worked for news agencies and newspapers, including the *Christian Science Monitor* and the *New York Times*, starting in 1937, so that my 34-year career in journalism is roughly evenly divided between print and electronic journalism.

While I am aware that this statement will be used to support my employer's case against official surveillance in any form of the unbroadcast part of our work—a principle with which I am wholly in accord—I should still try to treat this matter with the same restraint and lack of exaggeration that I seek in my journalistic work.

The most serious problem of all would be the effect of official inspection on the journalist himself. Let me say that many of us are frequently dissatisfied with how our stories are edited—mainly because we are not given enough time. The process by which a story is prepared for broadcast is complex, performed under tensions of time and competing stories, with constant strains of fending off pressures to compress the stories further and further. Among those engaged in the process, there are often professional disagreements about how to do it, and sometimes whether it can be done at all within the allotted time. In a cinematic medium there are short-cuts which are employed to save time while preserving the essence. To try to compare an edited product with the raw material in retrospect without realization of the pressures and needs of the moment is to invite oversimplified and erroneous judgments.

To have to live with the constant prospect of such judgments being made would be to live with a form of subtle but real coercion. I should like to think that it would not affect me, for I take professional pride in resisting pressures from any source. But I cannot be sure. Would I make unconscious hedges against second-guessing? Or, alternately, would I lean over backward to persuade myself that I am not being intimidated? I do not know. I know only that the potential for such surveillance would stand over me like an incubus, and I would no longer feel like an independent professional.

There are occasions when my work would be directly inhibited by the knowledge that unedited material would be available for official surveillance. As one case in point, in November, 1970, in the course of investigating problems of school segregation in Boston, I sought to interview a housewife who was sending her child to school outside the local school district, but was reluctant to explain the reasons if she could be identified for fear of reprisals from Blacks in the neighborhood. We agreed to film her in such a way that she could not be recognized, and to withhold her name and address. But some of our conversation, not meant for use, proceeded while the camera was running. And it would have been possible to identify her from "outtakes".

Such examples of confidential material on films are not frequent, and presumably precautions could be taken against having material on film which is not meant for possible broadcast. It would be a hindrance to have to guard against anything confidential being recorded on film, though perhaps not a grave one.

Also serious, to my mind, would be the psychological effect on interview subjects of the awareness that all the film would be potentially available for official inspection. In Eastern Europe, for example, I have been involved in arranging interviews with Communist leaders, including Nikita Khrushchev. They tend, in any event, to doubt the independence of the press in America, having no analogy in their own countries. And the knowledge that uncut interviews were available to any official body would simply reinforce their suspicions about us.

I believe that there would also be inhibitions on interview subjects in the United States and other non-Communist countries. We frequently assure our interview subjects, in the interests of spontaneity, that they need not worry about misspeaking because they can, whenever they wish, start their statements anew. That kind of spontaneity would be hindered if the subject felt that his unintentional statements would be available for official inspection.

Mr. BROYHILL of North Carolina. I thank the gentleman from Arkansas.

Mr. Speaker, the gentleman from California (Mr. Moss) has 60 minutes on a special order and I am going to yield back the balance of my time in order to give him the opportunity to use a part of this time.

THE PROPOSED CONTEMPT CITATION AGAINST MR. FRANK STANTON AND CBS

The SPEAKER pro tempore (Mr. Link). Under a previous order of the House the gentleman from California (Mr. Moss) is recognized for 60 minutes.

(Mr. MOSS asked and was given permission to revise and extend his remark and to include extraneous matter.)

Mr. SYMINGTON. Mr. Speaker, will the gentleman yield?

Mr. MOSS. I yield to the gentleman from Missouri.

Mr. SYMINGTON. Mr. Speaker, it is asserted that the editing by CBS of its program, "The Selling of the Pentagon" was so flagrantly deceitful and injurious to a proper public understanding of the subject matter as to invite congressional inquiry. Congress certainly has a legitimate interest in preserving the integrity of usage of public airwaves and channels by their licensees. And as in other areas of legislative concern, it has a broad power to compel the production of information it deems essential to its lawmaking function.

If we do choose to exercise that power as is suggested today, we must recognize that the underlying assumptions we make as to its reach will be subject to judicial review and possible reversal. So the first question to consider ought not to be whether the asserted power actually exists in this case but whether, on the perilous assumption that it does, it ought to be exercised in this fashion. Discretion may be the better part of congressional valor where the constitutional line to be approached is seen to divide us from first amendment territory.

Even assuming that the subject program was deliberately edited with such deceptive results as to invite our inquiry, the question then arises as to whether an absolute necessity exists to compel production of the outtakes in order to complete that injury. It would seem, in view of the availability for comparison of the full transcripts of the principally contested materials that no such overwhelming necessity is shown. Congress certainly ought not to compel production of information it already has. Nevertheless, we are told we must serve notice now, by asserting this power, that it exists, else we will lose it. But Congress cannot ever lose a power it has, much less power it never had.

Indeed, in a larger sense, any congressional initiative which springs from the premise that Government has the power to guarantee the "responsible" use of journalistic judgment springs from a false premise. Government is powerless either to render journalism "responsible" or to restore public confidence in it. Only the journalists have that power. Government can certainly erode public confidence in the press and other media, and one way to do so, paradoxically, is to announce that it has taken measures to keep them honest. Few would be reassured by such an assertion. In our society the Government and the press cannot at any given moment know precisely where their respective boundaries are. They must coexist in a state of dynamic tension. Maintenance of this delicate balance cannot be achieved by fiat or force any more than a fine watch can be tuned with a hammer. Does this place the public at a disadvantage? It will be temporary. The threat of public disbelief should hang far heavier over the media and its sponsors than any congressional subpena. No doubt public respect today for the media is at a low ebb. It would be inaccurate certainly to say the media need no apology, or that their apologists are in abundance in the Congress.

If and when their practices should invite governmental challenge, such challenge might be issued with better grace on behalf of some other aggrieved party than the Government itself. The first amendment problem is most acutely raised when the material to be censored or condemned is deemed injurious to the censor.

In 1861 President Lincoln wrote Thurlow Weed—

> Do you gentlemen who control so largely public opinion, do you ever think how you might lighten the burdens of men in power—these poor unfortunates weighed down by care, anxieties, and resopnsibilities?

It is a wistful question, with sympathetic echoes in our time. But Lincoln did not confuse or equate his own discomfiture with public injury. Nor should we. An educated and vigilant citizenry is the best and perhaps the only defense against the broadcast of falsehood whether it emanates from a private source or a public one.

Mr. ECKHARDT. Mr. Speaker, will the gentleman yield?

Mr. MOSS. I yield to the gentleman from Texas (Mr. ECKHARDT).

Mr. ECKHARDT. I thank the gentleman for yielding. I thank him also for taking this time which, I believe, is so important to the House in considering an extremely important issue.

Mr. Speaker, I take the floor today with very serious concern about two conflicting matters with which we are confronted involving the subpena and the recommended citation for contempt of Congress by CBS.

As a matter of fact, these matters are of such importance that I have not come to my conclusion suddenly. Indeed, my conclusion today is not precisely this same as that of some of my colleagues who likewise oppose the contempt citation.

It seems to me that the power of this body to come by information that it needs for its legitimate purposes is a power of such grave importance that the body should not put itself in a position of jeopardizing that important authority of the Congress by treading at the very outskirts of its constitutional power in an area where the constitution authority of the U.S. House of Representatives approaches a protected area of power under the first amendment.

I would have hoped that we would not have confronted that kind of a crisis on the borderlines of our authority. And it is somewhat regretfully that I argue the case against the position of my chairman. I only do so in order to preserve the power, and not jeopardize it in a situation that it seems to me is the weakest possible legal case for exercising that authority and power.

Now, why is this the weakest case? There has been much said about the broadcast, there has been much said about deceit, there has been much said about information being put into other people's mouth—and, really I suppose that we are not here to debate the question about whether the broadcasts were fair or unfair, whether they were properly balanced or not properly balanced, but we are really here, it seems to me, to discuss the question of the extent that Congress may move in the direction of ascertaining the question of truth.

I do not know what position I would take if, for instance, the question we had before us here today was that involved in the broadcast that went over the NBC network involving the portrayal of a helicopter descending on a floe of ice, apparently a gun being shot from the helicopter, apparently the mother polar bear falling dead, and the little cub nuzzling up to the mother, and then the natural conclusion that this is the waste of our natural resources and an inhuman thing. And then when the outtakes are shown it is revealed that the shot was a tranquilizer; that the mother polar bear got up after she had been tagged by some conservation service, and the little cub followed her off.

Now, if we were in a situation in which that sequence could not be reached by any other power but this Congress' subpena power, and if that were denied, I believe that I would be in favor of exercising the power to subpena that information. If that information was not forthcoming and could not be arrived at in any other way I would be in favor of citing for contempt.

Why is this a different situation? And would it be permissible in the other case to get the outtake?

It seems to me because in such an example the entire sequence of events is a raw portrayal of news and the deletion of the sequel is to tell a false story. Just as if, for instance, the word "not" were blipped out of a person's statement.

Now we are not confronted with that situation here. If we were, I would tend to support the power of the Congress to get at that sort of information. But what we are confronted with here is the question of whether we should establish a congressional or a governmental standard of truth.

I have examined the two crucial items that have been brought up in this hearing. I have read the testimony, the Stanton testimony, and I find these two items seem to be the crucial items involved in this case.

One is the Henken testimony. Mr. Henken testified concerning certain policies of the Pentagon. The testimony he gave was cut and to some extent rearranged. It was not sequential and arguably the case that Mr. Henken wanted to make was not made in the strongest manner for him. He contended that when he was asked the purposes of certain Pentagon broadcasts, he included amongst those purposes the purpose of recruiting and that this was eliminated from his statement.

He also contended that a portion of his total statement which referred to the use of narcotics and certain racial problems in the armed services had been overly emphasized. But he never contended that anything which was stated in the broadcast was other than something he had said.

Now if I make a political speech and I take maybe 15 minutes to make it and that 15 minutes is recorded and then 2 minutes are broadcast, it is almost certain that I could find a better 2 minutes than will be taken out of my speech to go into a broadcast. I think there are very few of us who have not wished that we had the same power with respect to the selection of the broadcast material as we do with respect to a selection in the RECORD.

There has got to be somebody who exercises a certain degree of discretion with respect to matters that are put on the news—certain matters that are used in connection with a documentary. I suspect that there is hardly any one of us who would not have chosen a little bit differently than did those who put together the particular broadcast.

The question is, Should there be an opportunity to establish a governmental standard of truth when the real question is merely a question of emphasis and of editing? In this area—in this narrow area—is there really any difference between the TV medium and the radio medium on the one hand and the newspapers on the other?

Dr. Stanton states that he did not think there was a difference and because he did not think there was a difference and because he felt that if the Congress were to impede selection by the TV and the radio media that such would be an infringing on his first amendment right.

I think he was taking an honest and reasonable stand.

I know it has been said here with respect to Colonel MacNeil's statement that words were put in Colonel MacNeil's mouth. It has been argued that this is more than the question of judgment with respect to selecting that portion of a broadcast that is to be used—that Souvanna Phouma had made a speech in which he said that if Vietnam should fall, Laos and Cambodia will fall—and that these words quoted from Souvanna Phouma which were contained in Colonel MacNeil's speech appeared to be what the colonel was saying.

I have checked that speech very carefully. Colonel MacNeil made a rather lengthy speech. He had some notes before him, notes which were in the ordinary sort of large type that a man can read while he is making a speech to an audience. The notes included two separate paragraphs, one including some statements obviously of Souvanna Phouma, and then another paragraph that merely referred to the domino theory that I have just described.

If a man were reading these two things in sequence, there would have been no way to tell where the quotes ended. But let me point out another thing about that speech. I have checked the whole speech through and I find in the speech a couple of paragraphs in which almost precisely the same thing is said in Colonel MacNeil's own statement. What he says in effect is that the domino theory, just as had been illustrated in Europe, also applies in Asia. If we do not do so-and-so in Vietnam, then such-and-such a result will happen with respect to other countries.

I defy anybody to listen to that sequence, to just have it read to him, and come out with the conclusion that that paragraph which has now been attributed to Souvanna Phouma—and I suppose it was his statement, though I understand it was a paraphrasing—but I defy anyone to tell exactly where the quotes ended and the colonel's speech began.

Besides that, since the colonel said the same thing at greater length at another place in the speech, it seems to me that anyone judging the speech objectively would have concluded that the colonel was saying what it appeared he said on CBS. There was no misrepresentation. There was a condensation of a very lengthy speech to fit it in a certain space.

Let me go a little further, and let us assume for the purpose of argument that the cutting and the replacement and the rearrangement of the speech was improper in both cases, that it should have been done in another way.

The question is, Are we as the U.S. Congress or as a committee of Congress to put ourselves in the position of judging what is truth in the area of editorializing and news production? That is not what the Red Lion case says. I have read carefully the brief of the very able staff of the Subcommittee on Investigation of the Committee on Interstate and Foreign Commerce, and they quote the Red Lion case and the NBC case as their primary authorities. Nobody for a moment denies that Congress has the authority to control generally TV and radio. Somebody has got to decide how these limited airways are to be used. Somebody has got to limit it, and somebody has got to judge between this body of material which may be of little public value and other bodies of material that may be important.

The point is, though, that none of the cases hold that Congress or the FCC or any committee of Congress has got constitutional authority to take a particular piece of news or a particular documentary and say, "Look, you did not portray this right. You must throw it in another light. You have deceived because you have not presented it in the light most favorable to the parties interviewed, in this case the Pentagon spokesmen.

That is the point. There is no question but that Government through its duly designated authority may later review the total product of CBS, NBC, or ABC under such laws as may be passed to do so.

Mr. MOSS. The gentleman from Texas (Mr. ECKHARDT) stated the truth, that CBS is a licensee of the Commission and each of its broadcast facilities must answer to the Commission for the conduct of CBS as a licensee, and the Commission has broad jurisdiction to inquire into whether or not the public interest has been served and is being served by CBS continually as a licensee of the Commission.

Mr. ECKHARDT. That is certainly correct.

Mr. MOSS. And under the Communications Act, the period of time on each of the facilities cannot be more than 3 years, so we insure a review of the broadcaster, testing whether he has met the need to serve the public and to utilize the spectrum in the public interest.

I yield to the gentleman to answer.

Mr. ECKHARDT. That is certainly correct, and, of course, the question of the fairness doctrine is not at all the question involved in a case in which a single program is being judged. The Red Lion case, of course, dealt with the fairness doctrine.

The Red Lion case does not authorize promulgation of an "official government view dominating public broadcasting." It recognizes that "such questions would raise more serious first amendment issues." That case decides only "that the Congress and the Commission do not violate the first amendment when they require a radio or television station to give reply time to answer personal attacks and political editorials."

Indeed, the Court recognized the value of "coverage of controversial issues," stating that if such were not given "the purposes of the [fairness] doctrine would be stifled." Indeed, the Court notes with favor the statement of Mr. Stanton in footnote 19 on page 393 of the decision wherein he stated that CBS is "determined to continue covering controversial issues as a public service, and exercising our own independent news judgment and enterprise. I for one, refuse to allow that judgment and enterprise to be affected by official intimidation." *Red Lion Broadcasting Co.* v. *F.C.C.*, 395 U.S. 367, at pages 393–4.

I would like to point out what the difference is in these two propositions. The Red Lion case never said that the FCC or Congress can look at a particular program and make an individual specific, judgment about the ideological weighting or balance of that program.

I would like to point out here too that though the statement I am making are opposed to the recommendation of the committee, I do not feel that the committee in its original embarkation on this investigation was wrong. I think that it went wrong when it began to look into the question of whether or not the specific program was a fair one. The chairman, at the commencement of the committee hearings, spelled out very properly a legitimate purpose for the committee to look into. He said:

> Clearly this raises important issues concerning the adequacy of the laws governing broadcasting. Present law and regulations do address the subject of deception, but they do so in a very disjoined and unorganized manner. Thus, sponsorship, if any, must be announced; mechanical reproduction, if employed in the broadcast, must be disclosed. These provisions apply to news programming just as they do to other types of broadcast. In addition, fraudulent and deceptive advertising and quiz programming is forbidden. All of these provisions of present law are of undoubted constitutionality. Furthermore, they are quite similar to the legislative concerns involved in the present matter.
>
> All of these provisions reflect an understanding that the public has a legitimate interest in knowing the relevant circumstances under which material is broadcast.
>
> With this in mind, and recognizing that existing law might not be fully adequate to serve the public interest, this subcommittee determined to inquire into the serious allegations raised about the "Pentagon" documentary.

There is no question about the legitimacy of the concern of the committee as enunciated by its chairman. *National Broadcasting Co.* v. *U.S.*, 319 U.S. 190 (1942); *Red Lion Broadcasting Co.* v. *F.T.C.*, 395 U.S. 267 (1969), support these propositions.

The question is whether or not this legitimate concern can be pursued as far as is sought here without impinging upon freedom of the press.

What happened, as I have described, is these two major parts of the inquiry were answered. They were settled. The committee has the transcript. It has the transcript of Mr. Henkin's interrogation. It knows precisely what was done with respect to the outtakes. It knows what went on the air. It knows where these various portions of that interview were taken from in the total program.

As a matter of fact, the committee staff has done an excellent job of showing us exactly where they came from.

This may be good or bad. It may call for legislative action. But the point is, we have got the facts.

Mr. MOSS. Is it not true that the facts just mentioned have been placed in the Congressional Record?

Mr. ECKHARDT. The facts concerning the Henkin interview were placed in the Record by the distinguished chairman of the Armed Services Committee. We have the transcript in the Congressional Record. Of course, the committee has the film. I saw it the other day. All I have to do is sit there with a transcript in my hand and with the guide that the staff has prepared and I can see precisely what was said and what was left out.

Now, with respect to the MacNeil statement the same is true. In that case, instead of having the transcript, the committee has the original speech notes of Colonel MacNeil and has the same analysis with respect to what portions of the speech were used and what left out.

But, really, that speech raises no question at all. Nobody, I believe, contends that because the colonel made a speech that lasted maybe an hour the documentary had to include his whole speech. There were not questions and answers. It was simply boiled down to a short statement and was broadcast. As I have stated before, there was nothing that was not in the substance of his own expression that was attributed to him.

Mr. MOSS. I yield to the gentleman from Rhode Island.

Mr. TIERNAN. I thank the gentleman for yielding.

This is one of the basic points the gentleman has been trying to hammer home, that under the consideration of the right of the committee to know, if they vote themselves without that additional test, merely the subpena to CBS and the president without any additional evidence, the situation might be totally different so far as the gentleman is personally concerned.

Mr. ECKHARDT. That is correct. Of course, it would be another case and would need to be studied more deeply. My immediate reaction would be if the speech of Mr. Henkin had been made extempore, and had there not been a transcript of it at the time, and had there been no way of determining how exactly it was cut and rearranged, and had the committee's inquiry not been directed at the judgment of the weight to be given to the documentary, and had the committee not been concerned with anything but the means by which it was rearranged, I would be inclined, if the committee specifically described what it needed to have and could not get, to feel the committee should have it.

Mr. MOSS. I yield to the gentleman from Rhode Island.

Mr. TIERNAN. I think the gentleman in the well, when he spoke previously, at the time the gentleman from North Carolina held the floor, was making the point that we saw a development from the first subpena to the amended subpena to the statement with regard to the scope of the committee investigation and saw a recognition on behalf of the staff of the difficulties involved in the approach that they were taking. The gentleman made that point earlier this afternoon. But it is worthy to note that there has been an attempt to improve the posture as it comes to the floor of the House. I am sure if this is reviewed by the courts, that will be one of the key items. I think that should not be overlooked by our colleagues tomorrow.

Mr. MOSS. An additional item should not be overlooked, certainly, which is the fact that no one charges CBS with violating any law, regulation, or order in the editing of the "Selling of the Pentagon." It is not necessary that we agree with the program or that we like it or dislike it. Clearly they violated no rule of the Commission and no law of the Congerss, as a matter of fact, as the gentleman from North Carolina (Mr. Broyhill) has pointed out. He placed documentation in the Record in connection with his own remarks which showed on June 21 that the Federal Communications Commission supplied the committee with documentation to show that CBS had complied with the fairness doctrine in all respects, affording those who were critical of the program an opportunity to have their further views aired.

Mr. ECKHARDT. Will the gentleman yield further?

Mr. MOSS. I yield to the gentleman from Texas.

Mr. ECKHARDT. It seems to me what happened in this hearing is that the hearing commenced on the right note, with the intent to find out what procedures should be used to regulate certain editing processes, for instance, to develop; some means of providing some kind of a blip or signal which would indicate where material was left out. Then it sought to find the outtakes, and in effect it got them because the committee has the transcript. However, so hot was the committee on the scent of what it considered to be a basic evil that it went beyond its original purpose. I have nothing but the highest respect for my chairman and for his carefully limited statement on page 2 of the committee transcript where he said:

> As most people know by now, the program was controversial. For one thing it provoked the criticism of those who thought it was unduly biased against the public affairs efforts of the Department of Defense.

Then he said—and I think this is absolutely true and extremely important—"I scarcely need repeat neither this subcommittee nor its chairman has any interest in entering into this aspect of the controversy." They have no interest in weighing the particular bias or direction of the investigation. But the difficulty is that the committee's own counsel on page 40 of the transcript seems to be going in the opposite direction. He is talking about the Chicago convention here and comparing this matter to that convention. He says, "the investigation that was conducted by this subcommittee on the Chicago convention I think by its terms did address a number of allegations—in fact, as the staff report shows, a number of the allegations were prejudicial editing and selective inclusion in the broadcast of material and unfavorable to the Chicago administration or to the police or what have you that those were two of the specific allegations that prompted the subcommittee's inquiry." Then he goes on in questioning Mr. Stanton and says, "Do you think that everything people saw and heard on the 'Selling of the Pentagon' is exactly what it purported to be?" He asked that question about five times. Mr. Stanton says: "Well, I believe that the broadcast was fairly edited." Then the counsel said that he wanted a yes or no answer.

And, then, there is considerable further discussion. Certain members of the committee then get into the question of what is truth and what is fact and what is balance.

The statement is made by one Member:

> I will come back to you. "—in a government inquiry, expressly intended to determine whether this or any other CBS news report meets government standards of truth."
>
> Now when you use the words "government standards of truth" you are trying to imply, I believe at least, that you are saying that we are trying to set up Government censorship or Government control, that we are using Government standards of truth. Now who else is going to pass judgment on these matters if it is not the Government? We representing the people?

And then note this:

> Who else is going to pass judgment on these matters if it is not the Government?

Mr. Speaker, my answer to that is: Nobody other than the people.

What the Constitution says is that you let broadcasters with respect to the internal content of news matter print their version of it, and newspapers will print their version, and other broadcasters their version and, ultimately, it is the people who choose. You do not set up governmental standards in the committee.

Mr. MOSS. On the question of governmental standards, until the first of April of this year I have had for 16 years the privilege on chairing the Subcommittee on Government Operations. During the course of those 16 years I encountered many gradations of Government truth in the information made available to the people. So, if there is a discernible standard of truth in the Government I would like to know what it is. I have seen many and varied standards and some of them did not meet my most liberal definition of what might constitute the truth.

Mr. STAGGERS. Mr. Speaker, will the gentleman yield?

Mr. MOSS. I would be happy to yield to the distinguished chairman of the committee.

I would like to say, Mr. Chairman, that few things in our many years of close association have caused me greater concern than having to determine upon the course I have here in opposing the position you have taken and the position the majority has taken on the committee.

I would like to say to you and every Member of this body that it is a matter of personal conviction based upon a searching analysis which is causing me to reach the conclusions I have reached.

Mr. STAGGERS. Thank you, my friend.

Would the gentleman agree with me that there have been pressures put on the House and on the gentleman as well as on other Members of the House?

Mr. MOSS. I would assume that pressures, as they historically do it in the legislative bodies, go both ways.

Mr. STAGGERS. It could very well be, but I mean outside pressures by big corporations as well as others who perhaps have billions to spend to influence Members of Congress.

Has the gentleman seen any evidence of it?

Mr. MOSS. I have not encountered it, Mr. Chairman.

Mr. STAGGERS. I wanted to ask the gentleman from Texas, when he said that the people would take care of it, is not the gentleman a representative of the people? Is not the gentleman sent to Congress to take care of these matters and not the people who may live on one of my hills in West Virginia 20 miles from a telephone? He expects me as his Representative in the Congress of the United States to take care of his affairs.

With reference to this statement on governmental truth—and I do not know who made that; certainly I did not make it because I do not believe in such things. I believe it is hard to tell many times between what is black and what is white because we have so many gray areas.

I do not believe I as chairman have ever said that I wanted to censor anything that they, the TV people, have said or planned to say.

The presentation of the Pentagon in many ways could have been one of the greatest documents of our time if they had not lied—and they admitted it; it has been shown under oath—and you as a representative of the people should say that that will never happen again because it is under Government control.

When you tell the people that this is the truth in a documentary that took 11 months to prepare and, perhaps, someone sat down in a dark, deep room and said, we will take these questions and answers and make them say things they did not say; we will put the quotation of someone here and say certain things, when he did not say it but when he was actually saying it to someone else.

I ask you, as a representative of your people, and you come from Texas, are the people of Texas going to come up here and change the law? No. It is going to be you—and you swore to uphold the Constitution of the United States and to defend it in every way, and to represent your people when you took that oath of office.

And so am I here, to represent my people, and I intend to do it. And when I am a chairman of a committee I intend to do it to the best of my ability for all of the people of this land as long as I am here.

Mr. Speaker, I thank the gentleman for yielding.

Mr. ADAMS. Mr. Speaker, will the gentleman yield?

Mr. MOSS. I yield to the gentleman from Washington.

Mr. ADAMS. Mr. Speaker, I do appreciate very much the remarks that the gentleman from West Virginia, the chairman, has made. I would hope that tomorrow we can perhaps have an orderly debate. I understand from the Parliamentarian that we can have a unanimous consent request that would divide the time for purposes of debate only. And I thought while the gentleman from California (Mr. Moss) was here, as well as the gentleman from North Carolina (Mr. Broyhill), and some of the principal or senior Members who are involved, that perhaps we could arrange so that tomorrow we could ask unanimous consent at the beginning of the debate to say, yield 10 minutes to the gentleman from North Carolina (Mr. Broyhill) and 10 minutes to the gentleman from California (Mr. Moss) and whatever time the chairman, the gentleman from West Virginia (Mr. Staggers) should desire to take, and then we would be able to take the balance of the time as we went along for orderly debate purposes.

Mr. STAGGERS. Mr. Speaker, will the gentleman yield?

Mr. MOSS. I yield to the gentleman from West Virginia.

Mr. STAGGERS. I thank the gentleman for yielding to me, and I just want to say that I want to be fair, and I always try to be fair. I do not think that the gentleman from Washington (Mr. Adams) can ever state that I deliberately tried to be unfair in my committee.

Mr. ADAMS. I appreciate that.

Mr. STAGGERS. Although I might state that I have been so many times opposed to different issues that I certainly have been tempted to do so, as every human being is. I will be fair tomorrow, and I will do just exactly what the gentleman from Washington has requested.

Mr. ADAMS. If the gentleman will yield further, I appreciate that very much, Mr. Speaker, and I think that will be of great assistance for an orderly debate.

And, Mr. Speaker, I do want to say to the gentleman from West Virginia (Mr. Staggers) that he as a chairman has been very fair to us in the committee.

Mr. STAGGERS. I thank the gentleman.

Mr. ECKHARDT. Mr. Speaker, will the gentleman yield?

Mr. MOSS. I yield to the gentleman from Texas for a response.

Mr. ECKHARDT. Mr. Speaker, I would like to respond first by saying that I recognize the chairman's intent in the direction that he stated it, and I applaud it. I think that he is absolutely right in being concerned about the processes by which programs of this nature such as "The Selling of the Pentagon" are produced. I think that as long as it remains a question of what went in and what went out, the question of passage of laws that might correct those matters is extremely important. I recognize that the chairman's concern was in that direction, and that it is a legitimate concern, and I say that that is what we should be concerned about. But in answer to the question of whether or not I determine the truth for people, my answer is no. My answer is in the language of Judge Learned Hand who said:

> Our democracy rests upon the assumption that, set free, the common man can manage his own fate; that errors will cancel each other by open discussion; that the interests of each, even when unguided from above, will not diverge too radically from the interests of all. That may be an illusion; it may be, in the words of Ortega y Gasset, "a discipline too difficult and complex to take firm root on earth." But still we do profess it, and while we do, let us not disguise from ourselves that, so far as we set up official orthodoxies, however vague in content, we falsify the underlying presupposition of our state.

Let me say quickly that there is no question but that this Congress has the responsibility of devising means of providing a forum for all conflicting interests. When those conflicting interests are permitted to speak their piece, and those conflicting expressions are frequently highly controversial, as was "The Selling of the Pentagon," when they are permitted to speak their piece, then we, along with other people, not as Representatives, but as citizens of the country, will make the proper determinations.

We are not to make the judgment of what is true; that must be their decision—not ours.

I thank the gentleman from California for yielding and for his great patience.

Mr. MITCHELL. Mr. Speaker, will the gentleman yield?

Mr. MOSS. I yield to the gentleman from Maryland.

Mr. MITCHELL. Mr. Speaker, I rise today to defend the first amendment, not to enlarge it, not to extend its scope, not to apply its spirit to "symbolic speech," but purely and simply to defend its essence: the freedom of journalists to report upon and criticize the Government free from governmental control.

If any soldier in the endless struggle to safeguard our liberties thought that the battle for press freedom had been won, that this strongpoint at least was secure from attack, events of the last few weeks will have disabused him of that notion. We have seen the executive branch launch a massive assault against the very center of our position: The prohibition against prior restraint. And now we see a committee of this House making harassing attacks upon our flank.

My colleague, Chairman Staggers, claims compulsory process to force television newsmen to produce materials used in the making of a public affairs broadcast. He claims a congressional responsibility to protect the public from "manipulation" and "deceit." I challenge both these claims.

I submit that "outtakes" and similar materials are privileged against the subpena power. The Subcommittee on Investigations, according to the statement which its chairman circulated and inserted in the Record, would make a distinction between cases in which the courts have upheld the confidentiality of reporters' notebooks and the present case on the grounds that only the sources of news are privileged, not the actual notebooks or outtakes. But I submit that the privilege extends, not to the sources or the notebooks or the outtakes in themselves, but to the news-gathering process of which they are a part. As the ninth circuit court of appeals held in the Caldwell case, sources must be protected in order to protect the right of newsmen to operate free of the fear "that they will be required to submit to interrogation." That court held that "the first amendment guards against governmental action that induces self-censorship." Does any Member doubt that the threat of congressional investigation into news gathering will tend to check the boldness of television news teams in delving into controversial issues?

The subcommittee tells us that the controversy which rages over "The Selling of the Pentagon" "is not the concern of the subcommittee." But does any Member believe that the storm of protest, both on the floor of this Chamber and in other places, evoked by "The Selling of the Pentagon," had nothing to do with the subcommittee's anxious delving into its preparation? Could not CBS News have avoided all this difficulty by directing its attention to a less volatile subject, say, an appreciative study of the architecture of the Rayburn Building?

Now, I do not wish to suggest for one instant that such a study would not be both interesting and valuable, but the use of the subpena power as an encouragement to journalistic timidity is precisely the kind of restriction on press freedom which the framers of the Bill of Rights forbade, and rightly forbade, the Congress.

But the threat to our freedoms posed by the means which the subcommittee wishes to use is insignificant when compared to the threat posed by the ends for which it wishes to use them.

The subcommittee speaks of "laws which Congress might enact directed against calculated manipulation of the news." Now protecting people from "calculated manipulation" is a worthy cause, but I ask you to remember that men are always asked to sacrifice their freedom for worthy causes—for security, for material prosperity, for victory, for glory, and for peace. Like the path of sin, the highway to tyranny is strewn with primroses, and like the road to hell, it is paved with good intentions.

As Mr. Mikva remarked in his admirable address of last Wednesday:

> The freedom of the press is not conditioned on its being a fair press.

I submit that any law this Congress might pass regulating the editing of television news broadcasts or requiring warnings with respect to particular editing practices would be no more constitutional than a similar law applying to newspapers. The committee states that a recent Supreme Court ruling "pointed out that calculated falsehood falls outside the fruitful exercise of the rights guaranteed by the first amendment."

What the court actually held was that citizens who had been damaged by false broadcast statements could recover damages in civil actions if and only if malicious intent could be shown. This is an extension to electronic journalism of the rule established in New York Times against Sullivan. No one has suggested that this Congress has the power to regulate newspaper news coverage, or to require newspapers to print descriptions of their editorial habits. No more, then, does the Supreme Court ruling the subcommittee cites (*Rosenbloom* v. *Metromedia,* 39 U.S.L.W. 4694, June 7, 1971) authorize the Congress to regulate the electronic media to prevent "calculated falsehood."

The Supreme Court has held that the first amendment can be overridden in the case of "clear and present danger." The subcommittee says:

> Because a free electorate forms its decisions on matters which it determines to be factual, the artificial transmutation of fact into non-fact without disclosure is a clear and present danger to that electorate.

With all due respect to the subcommittee, this is an outrageous reading of Justice Holmes' celebrated decision.

"Clear and present" means obvious and immediate, as in Justice Holmes' example of shouting "fire" in a crowded theater. Such a danger is manifestly not present in this case. Falsehood, or even bad opinion, is always dangerous, but we are not therefore empowered to ban all falsehood or to regulate all opinion.

In the absence of a danger which is truly "clear and present," we are left with the original constitutional dictum, which begins, "Congress shall make no law."

As Justices Black and Douglas like to remark, "no law" means no law.

If we are constitutionally forbidden to legislate in this area, then the subcommittee lacks the element of legitimate legislative interest without which its subpena is not valid. When first amendment issues are at stake, the normal judicial presumption of legislative interest does not hold. The courts will not give us the benefit of the doubt when we tinker with the first amendment (*Liveright* v. *Joint Committee of the General Assembly of Tennessee,* 279 F. Supp. 205 Md., Tenn., 1968).

To sum up: The subpena against CBS was not valid, because it called for materials privileged against subpena and because it could have had no legitimate legislative intent behind it. CBS and its president, Dr. Stanton, were therefore well within their rights in refusing to deliver the materials required.

Mr. Speaker, I am well aware of the tradition which requires that this body uphold one of its committees in matters of contempt. But we are bound by a higher law than tradition: Each of us is sworn to uphold the Constitution.

If we vote for this citation, the courts will reverse us. But our responsibility to the Constitution is as heavy as theirs. It should be beneath our dignity to leave it to the judges to defend the Bill of Rights. That is our job first, and we can only do it by defeating this citation.

I include at this point a number of documents germane to this issue: a memorandum which I circulated covering the delicate legal points involved, three briefs and a summary prepared by Wilmer, Cutler & Pickering, counsel for CBS, the new CBS "Operating Standards" for news programing, and Dr. Stanton's own statement to the subcommittee.

I also include a sample of the communications I have received on this issue:

ISSUES AND PRECEDENTS IN THE STANTON CONTEMPT CITATION

The First Amendment provides that "Congress shall make no law . . . abridging the freedom of . . . the press . . ." At the heart of the Amendment is the assumption that "the widest possible dissemination from diverse and antagonist sources is essential to the welfare of the public, that a free press is a conditon of a free society." *Associated Press* v. *United States,* 36 U.S. 1, 20 (1945). "A free press stands as one of the great interpreters between the government and the people. To allow it to be fettered is to fetter ourselves." *Grosjean* v. *American Press Co.,* 297 U.S. 233, 250 (1936).

These eloquent statements by the Supreme Court of the United States underscore the fact that the freedom to comment on the operations of government represents perhaps the most fundamental form of expression protected by the First Amendment. Where, as here, a government threat to freedom of the press arises as a result of a journalistic effort to criticize aspects of government operations, the Supreme Court has been particularly sensitive to "the primary need of a vigilant and courageous press . . ." *Near* v. *Minnesota,* 283 U.S. 697, 720 (1931), and to the fact that the "free press has been a mighty catalyst in awakening public interest in government affairs . . ." *Estes* v. *Texas,* 381 U.S. 532, 539 (1965).

Chairman Staggers, in his staff legal memorandum (*Congressional Record* 23924, July 8, 1971) apparently takes the view that the First Amendment is not involved here because the Committee wishes to expose falsehood "calculated falsehood falls outside the fruitful exercise of the rights guaranteed by the First Amendment." The recent Supreme Court opinion to which the memorandum refers, *Rosenbloom* v. *Metromedia,* 388 U.S.L.Y. 4694 (1971) says nothing of the kind. Indeed it is only the most recent in a long line of cases beginning with the famous *New York Times* v. *Sullivan,* 376 U.S. 54 (1964) which hold that the First Amendment, in order to preserve free debate on issues of public importance, prohibits libel judgment for even completely false statements, unless the plaintiff can prove actual malice. No one has suggested such malice is present here. This assertion itelf, therefore, points up clearly why the First Amendment must be read to insulate the news media from this kind of scrutiny.

In this case, the very important goal of preserving a free press has come into sharp conflict with the power of the Congress to investigate and to legislate. However, it must be remembered that no matter how broad this Congressional power may be—and it is indeed true that Congress has wide latitude in conducting investigations pursuant to legitimate legislative purposes, *Barenblatt* v. *United States,* 360 U.S. 109 (1959)—it, like all governmental powers, is limited by the First Amendment.

As the Supreme Court stated in *Watkins* v. *United States,* 354 U.S. 178, 188 (1957):

"The Bill of Rights is applicable to investigations as to all forms of governmental action. Witnesses cannot be compelled to give evidence against themselves. They cannot be subjected to unreasonable search and seizure. Nor can the First Amendment freedoms of speech, religion, press . . . or political belief and association be abridged."

Constitutional limitations upon governmental investigations are especially stringent when a Congressional investigation intrudes upon First Amendment freedoms through the use of compulsory process. In the words of former Chief Justice Warren, writing in *Sweazy* v. *New Hampshire,* 354 U.S. 234, 245 (1957):

"It is particularly important that the exercise of the power of compulsory process be carefully circumscribed when the investigative process tends to impinge upon such highly sensitive areas as freedom of speech or press, freedom of political association and freedom of communication of ideas . . ."

With these principles in mind, the Supreme Court has enunciated a very high standard which the state must meet before an investigation which has the effect of infringing upon First Amendment freedoms can be allowed to proceed. Only a "compelling state interest" can justify limiting First Amendment freedoms," *NAACP* v. *Button,* 371 U.S. 415, 438 (1963).

Such a showing of compelling interest has consistently been required as the preception for government invasion into rights protected by the First Amendment. *E.g., Gibson* v. *Florida Legislative Investigation Committee,* 372 U.S. 539, 546 (1963); *DeGregory* v. *Attorney General of New Hampshire,* 383 U.S. 825, 829 (1966). For example, in a case where an asserted governmental interest in investigating subversion was held insufficient to justify inquiry into protected associations, the Supreme Court said:

"We understand this to mean—regardless of the label applied, be it 'nexus', 'foundation', or whatever—that it is an essential prerequisite to the validity of an investigation which intrudes into the area of constitutionally protected rights of speech, press, association and petition that the State convincingly show a substantial relation between the information sought and a subject of *overriding and compelling state interest* . . ." *Gibson* v. *Florida Investigation Committee, supra* at 546 (emphasis added).

At the very least, the case law in this area adds up to a requirement that the government must document its "overriding and compelling interest" by showing: (1) that the information sought is demonstrably relevant to a clearly defined, legitimate subject of governmental inquiry and (2) that the investigation is likely to turn up material information.

Applying these principles of law to the facts before us, we cannot escape the twin conclusions that (1) the issuance of the subpoena, followed as it could be by a criminal prosecution for contempt, abridges the freedom of the press guaranteed by the First Amendment, and (2) that no "overriding and compelling state interest" can be shown to justify that abridgement.

No lengthy analysis is needed here to establish that this Committee subpoena will have a "chilling effect" on the freedom of the press. In the landmark case of *Caldwell* v. *United States,* 431 F. 2d 1081 (9th Cir. 1970), *cert. granted,* 39 U.S.L.W. 3478 (May 3, 1971), the Court of Appeals found that forcing a newsman to reveal his sources would have this "chilling effect" on the press' ability to operate as an independent commentator on public issues. Investigation into the journalist's information-gathering techniques and his decision-making process in deciding what and how to shape his comment, infringes on freedom of the press no less than compelling the disclosure of sources. The effect is the same. As the Court of Appeals held in the Caldwell case:

"It is not unreasonable to expect journalists everywhere to temper their reporting so as to reduce the probability that they will be required to submit to interrogation. The First Amendment guards against government action that induces such self-censorship." 431 F. 2d at 1086

There has not been demonstrated the legitimate legislative need for this material required to establish the necessary state interest in the face of First Amendment questions.

It is not enough for the Committee to state its legislative purpose in general terms. If CBS is forced to defend itself in court, the courts will not presume that the purpose exists. At least two Federal Courts have in recent years themselves examined asserted legislative purposes. In *Liveright* v. *Joint Committee of the General Assembly of the State of Tennessee,* 279 F. Supp., 204, 216–17 (M. D. Tenn. 1968), the court stated:

"In some investigations, the legislative purpose is presumed . . . This course of action is appropriate when First Amendment freedoms are not threatened . . . but different considerations compel the Court to inquire into the legislative purpose when the rights of speech and association are involved . . ."

In this case, the Committee has stated a number of purposes, all of which add up to an inquiry into "staging and distortion of purportedly *bona fide* news." No matter how laden the general description of this inquiry is with technical terms, it is an inquiry into the truth of a particular journalistic program. This can never be a legitimate inquiry for the Congress since it is outside the area in which the Congress can legislate. Moreover, even if the general subject matter is a proper one for Congress, that cannot alone sustain either the propriety or the need for this particular information, especially where it is sought by compulsion. Indeed, compulsory disclosure is Constitutionally forbidden unless it is "demonstrated to bear a *crucial relationship* to a proper governmental interest or to be *essential* to the fulfillment of a proper government purpose." *Gibson* v. *Florida Legislative Investigation Committee, supra* at 549.

The inescapable conclusion, therefore, is that there is no compelling need on the part of the Congress for this information which would outweigh the very grave threats to freedom of the press which will inevitably flow from our compelling this disclosure. Nevertheless, some have attempted to evade the impact of this conclusion by arguing that the broadcast media, in contrast to the press, is entitled only to some lesser degree of protection under the First Amendment and that, therefore, they can be restricted in ways which would clearly be unconstitutional if attempted against newspapers.

The fact that technical limitations on the availability of frequencies requires some kind of governmental regulation, however, has never been held to be a justification for ignoring the First Amendment. For it is the First Amendment which sets the limit on permissible governmental regulation and not *vice versa.* Indeed the Supreme Court and the lower courts which have considered this issue have uniformly held that the broadcast media has the same First Amendment protection as newspapers and other printed media. See *e.g. United States* v. *Paramount Pictures, Inc.* 334 U.S. 131, 166 (1948), where the Supreme Court stated: "We have no doubt that moving pictures, like newspapers and radio are included in the press whose freedom is guaranteed by the First Amendment," and *Rumely* v. *United States,* 197 F. 2d 166, 177 (D.C. Cir. 1952) affd other grounds, 345 U.S. 41 (1953), where the court said "Speech and press by these new means—on the radio, on television, and in the movies—are freedoms protected by the First Amendment." Lastly, in a case recently affirmed by the Supreme Court, the Court of Appeals for the Third Circuit stated the view most concisely:

"No rational distinction can be made between radio and television on the one hand and the press on the other in affording the constitutional protection contemplated by the First Amendment." *Rosenbloom* v. *Metromedia,* 415 F. 2d 892, 895 (3rd Cir. 1969) *Affd* 39 U.S.L.W. (1970).

SUMMARY OF THE CBS LEGAL POSITION

1. The First Amendment says that "Congress shall make no law. . . . abridging the freedom of . . . the press."

2. A subpoena to testify in a Congressional investigation is equivalent to a "law" insofar as the application of the First Amendment is concerned. *Watkins* v. *United States,* 354 U.S. 178, 197 (1957).

3. The First Amendment prohibits any law that creates a prior restraint on publication or has a "chilling effect" which impedes free and robust reporting. For example, laws permitting libel judgments against the press for false reports about public figures or public events violate the First Amendment except where there is actual malice or reckless disregard for the truth. *New York Times* v. *Sullivan,* 376 U.S. 254 (1964). The reason is that the fear of large money judgments and the expense of litigation would inhibit journalists from vigorous and critical coverage of the activities of public officials.

4. The principle of *New York Times* was explicitly applied by the Supreme Court to news broadcasts, making clear that broadcast journalism—like newspapers and magazines—is to be protected under the First Amendment from the "chilling effects" of governmental action. *Rosenbloom* v. *Metromedia,* Inc., 39 U.S.L.W. 4694 (June 7, 1971).

5. Since Congress can "make no law" that would alter the *Sullivan* principle and impose penalties on broadcasters for *false* reports on the public events that are made in good faith, Congress clearly cannot impose penalties on broadcasters for good faith reports that are *not* false but merely edited in a way claimed to be "out of context" or otherwise "deceptive." Such reports must necessarily have a higher constitutional status than reports that are false and cause monetary damage to the person defamed. A law punishing reports that are not edited to a government standard of what is "out of context" or otherwise "deceptive," and subjecting all outtakes to government inspection whenever such a claim is made, would have a far more chilling effect on broadcast journalists and licensees than the threat of a mere suit for libel. The knowledge that their notes, films and tapes are subject to subpoena will inevitably cause newsmen to curtail the scope of their news-gathering activities.

6. Whether or not the Congress can devise constitutional legislation regulating the editing of broadcast news, the Subcommittee's subpoena is unnecessary for that purpose and has an unconstitutional chilling effect.

A. It is unnecessary because the Subcommittee already has the full texts of the two principal items that were edited for "The Selling of the Pentagon" in a manner that critics claim was "out of context" or otherwise "deceptive." With this and other information already before it, the Subcommittee has no need for the CBS outtakes except to conduct a fishing expedition for other possible claims of distortion.

B. There is an obvious chilling effect in putting broadcast journalists and licensees on notice that Congress can and will examine the outtakes of any news report that comes under criticism—particularly programs that comment on the conduct of government itself—and that it will do so for the purpose of imposing sanctions on those who broadcast unsatisfactory news reports in the future.

C. The chilling effect of a government subpoena to produce a journalist's records may sometimes have to be balanced against another important public purpose, such as the need to obtain evidence to enforce the general laws. Even in such cases the balance may go against enforcing the subpoena, as in *Caldwell* v. *United States,* 434 F. 2d 1081 (9th Cir. 1970) (cert. granted). But as *Caldwell* points out, no balancing is called for when as here the only competing public purpose is itself "directed at the regulation of speech or press. . . ."

D. It has been urged that television outtakes are not the equivalent of a reporter's notes. Broadcast journalists take many of their "notes" on films or videotape, just as many print journalists now use electronic recording devices to take "notes." Accordingly, there is no basis for distinguishing between "outtakes" and "notes." The Reporter's Privilege statutes enacted in New York and other states make no such distinction; they expressly protect both. State Courts in New York, Illinois and California have invalidated subpoenas aimed at television outtakes, both on statutory and, in one case, on First Amendment grounds.

For all of the above reasons, the subpoena's demand for outtakes is in conflict with the First Amendment, and CBS has no duty to comply with it.

Wilmer, Cutler & Pickering,
Washington, D.C., April 27, 1971.

Columbia Broadcasting System, Inc.
New York, N.Y.

Dear Sirs: You have asked for our opinion as to whether Columbia Broadcasting System, Inc. (CBS) is legally obligated to comply with the subpoena issued on April 7, 1971, by the Special Subcommittee on Investigations of the House Interstate and Foreign Commerce Committee and served on April 8, 1971, on Frank Stanton, President of CBS.

We conclude that compelled production of materials and documents to support the Subcommittee's investigation will inevitably and unconstitutionally restrain the presentation of controversial issue programming over the broadcast medium, and deter broadcast journalists from making the kind of investigation into governmental activities on which such programming depends. No agency of the government has the constitutional power to cause such restraint. The First Amendment's guarantee of freedom of the press applies to the broadcast media as it applies to any other journalistic medium, and this subpoena is an unconstitutional abridgment of that guarantee.

The revelant facts and the reasons for our conclusions are set out below.

THE SUBPOENA

The subpoena is in the form of a subpoena *duces tecum* directed to Frank Stanton, President of CBS, or any corporate officer, requiring the production of a wide range of materials connected with the preparation of the CBS documentary broadcast, "The Selling of the Pentagon."

The subpoenaed material includes: (1) film copies and transcripts of the broadcast itself and of a broadcast of commentary that followed the documentary's rebroadcast on March 23, 1971; (2) "all film, workprints, outtakes, sound tape recordings, written scripts and/or transcripts prepared, obtained, or utilized" in the preparation or broadcast of the documentary and the subsequent commentary; (3) the names and addresses of all persons (except military, governmental, or CBS employees) who appeared in the documentary or were filmed or recorded in the preparation of the documentary; (4) a statement (certified by CBS) of all disbursements of money, items of value or legal consideration of any kind made by CBS to any individual covered by item 3; and (5) copies of all written agreements, contracts, or releases (or where they were verbal, a written description thereof) entered into by CBS and individuals named in item 3.

On April 20, 1971, the Subcommittee, through Chairman Harley O. Staggers, convened in executive session and issued a Statement outlining the general legislative subjects and the specific subject matter into which the Subcommittee is inquiring. Of the seven legislative areas identified, four constitute no more than a description of the jurisdiction of the Subcommittee regarding communications matters—the Federal Communications Act of 1934, as amended, the Rules and Regulations of the Federal Communications Commission, the Commission's administration and enforcement of its rules, and the desirability of additional or remedial legislation for the "benefit and protection of the public." (Statement, p. 4.)

The remaining three legislative subjects evidence Subcommittee interest in the "applicability, if any," of the FCC's Fairness Doctrine "to questions of factual accuracy"; the adequacy of present laws and their administration to deal with the "preparation and presentation of" news documentaries; and whether certain (unidentified) technological advances or the employment of certain production and editing techniques by networks and others require new laws to protect the public "through disclosure requirements or other suitable means." (*Id.*, pp. 4–5.)

Beyond these general legislative considerations, the statement suggests several more specific items of inquiry. Thus, the Subcommittee states its concern "that the public be protected from deliberate staging and distortion of purportedly *bona fide* news . . .," and indicates that it intends to consider "whether the public has a right to be advised when edited sequences are presented . . . under conditions which might suggest that they have not been edited; whether it has a right to be advised when an apparently continuous event is actually the result of splicing together film and sound tracks which were obtained at different times and places; and whether it has a right to be advised when apparently spontaneous news coverage has been obtained through staging or other prearrangements."[1]

The Subcommittee states that with respect to the CBS broadcasts, allegations have been made that "incidents and events made to appear spontaneous and *bona fide* were, in fact, the product of questionable production techniques which distorted the original events." (*Id.*, p. 10) Finally, the Committee identifies the "sole question under inquiry" as being whether "the producers of television news documentary programs [are] engaging in factually false and misleading filming and editing practices, consisting of rearranging, staging, or misrepresenting events, giving viewers an erroneous impression that what they are seeing has really happened, or that it happened in the way or under the circumstances in which it is shown." (*Id.*, pp. 10–11.) The Subcommittee defends the sweep and relevance of the subpoena in these terms.

"One of the things we have discovered in the light of our previous investigations in this area is that once such a distortion has been acocmplished and incorporated into a final broadcast, it is virtually impossible to detect. This is why the original, uncut, and unedited material must be examined." (*Id.*, p. 9.)

The Subcommittee disclaims any purpose to determine whether CBS has been "biased" against the Department of Defense in its documentary or to "seek . . . to curtail the presentation of controversial issues or of unpopular causes or personalities." (*Id.*, pp. 10 12.) Despite these disclaimers, it is clear from the statement of purposes that the Subcommittee will necessarily be engaged in far-reaching surveillance of the specific news judgments and editorial decisions made by CBS in the preparation and broadcast of "The Selling of the Pentagon." The subjects to be investigated are the "production and editing techniques" or the "filming and editing practices" employed by CBS and others in the preparation and presentation of "The Selling of the Pentagon" and other news documentaries. These techniques and practices are to be judged for "factual accuracy." A determination is to be made whether they are "factually false and misleading" and whether they give viewers "an erroneous impression that what they are seeing has really happened, or that it happened in the way or under the circumstances in which it is shown." Upon this basis, a further determination is to be made whether the public should be "protected" against such falsehood or error "through disclosure requirements or other suitable means."

Such an inquiry involves an effort to establish the truth or falsity of factual information which news documentaries may contain by comparing the raw data which journalists have gathered with the finished broadcast they have presented, and determining whether their decisions to include, exclude, organize, rearrange or otherwise depart from the raw data are in some sense "distortions" or convey a "misleading impression." Thus, the Subcommittee will be inevitably involved in an effort to apply a presumed objective criterion of truth both to the product of journalism and to the very heart of the journalistic process.[2]

DISCUSSION

I. Broadcast Journalism Is, For All Relevant Purposes, Entitled To First Amendment Protection Identical To That Afforded Any Other Medium Of The Press.

Implicit in the April 20 Statement of the Subcommittee, and explicit in other statements of its Chairman and another Subcommittee member, is the assumption that sufficient difference exists between broadcasting and other journalistic media to legitimize the subpoena directed to CBS, even if such process would be unconstitutional if directed to a newspaper.[3] This viewpoint would permit governmental intrusion into the news judgments of the journalistic medium that, according to recent surveys, is looked to and relied upon by more Americans than any other source.[4]

Judicial precedents, however, are to the contrary. The Supreme Court and lower courts have consistently held that broadcast journalists are entitled to First Amendment protection. *See, e.g., United States* v. *Paramount Pictures, Inc.*, 334 U.S. 131, 166 (1948) ("We have no doubt that moving pictures, like newspapers and radio, are included in the press whose freedom is guaranteed by the First Amendment."); *Superior Films, Inc.* v. *Department of Education*, 346 U.S. 587, 589 (1954) (concurring opinion); *Rumely* v. *United States*, 197 F. 2d 166, 177 (D.C. Cir-1952), *aff'd. on other grounds*, 345 U.S. 41 (1953) ("[S]peech and press by these new means—on the radio, on television, and in the movies—are freedoms protected by the First Amendment."); *American Broadcasting Co.* v. *United States*, 110 F. Supp. 374, 389 (S.D.N.Y. 1953), *aff'd on other grounds*, 347 U.S. 284 (1954) ("Broadcasting and television are entitled to the protection of the First Amendment to the Constitution, guaranteeing freedom of speech and of the press."); *Estes* v. *Texas*, 381 U.S. 532, 539–40, 589, 604, 614–15 (1965) (majority, concurring and dissenting opinions); *St. Amant* v. *Thompson*, 390 U.S. 727 (1968); *Red Lion Broadcasting Co.* v. *FCC*, 395 U.S. 367 (1969) (discussed more fully below).

The United States Court of Appeals for the Third Circuit has perhaps most succinctly summarized the state of the law:

"[T]he fact that the news medium [involved in the libel case before the court] . . . is a radio station rather than a newspaper does not make the First Amendment discussion, in particular with regard to freedom of the press, any less germane. Radio and television were, of course, unknown media when freedom of the press was written into the

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Footnotes at end of article.

Bill of Rights, *but no rational distinction can be made between radio and television on the one hand and the press on the other in affording the constitutional protection contemplated by the First Amendment:" Rosenbloom* v. *Metromedia, Inc.*, 415 F. 2d 892, 895 (3rd Cir. 1969), *cert. granted on other grounds,* 397 U.S. 904 (1970) (emphasis supplied).

There is nothing new in this concept. It is, in fact, a constitutional interpretation which Congress affirmed almost forty-five years ago. The Radio Act of 1927 contains a provision, unchanged to the present, that explicitly bars the Federal Communications Commission from exercising "the power of censorship over the radio communications or signals transmitted by any radio station," or from acting to "interfere with the right of free speech by means of radio communication." *See* 47 U.S.C. § 326 (1964). Enactment of this provision was viewed at the time not merely as a Congressional limitation on agency power, but as a recognition of the First Amendment rights of broadcasters, which are not subject to Congressional trespass. As Rep. Scott, the House floor manager of the conference report, stated in response to a complaint that the proposed Radio Act supplied only very limited control over licensee programming:

"Yes; and you are trespassing very closely on sacred ground when you attempt to control the right of free speech. It has become axiomatic to allow the freedom of the press, and *when Congress attempts by indirection to coerce and place a supervision over the right of a man to say from a radio station what he believes to be just and proper, I think Congress is trespassing upon a very sacred principle.*" 68 *Cong. Rec.* 2567, 69th Cong., 2d Sess. (1927) (emphasis supplied).

To be sure, differing characteristics among the various media justify some distinctions as to what constitutes permissible regulation without contravening the First Amendment. *See Joseph Burstyn, Inc.* v. *Wilson*, 343 U. S. 495, 503 (1952). In the case of broadcasting, some government regulation is required to deal with the scarcity of frequencies available for this form of communication. Thus, the Commission has been upheld in limiting portions of the broadcast spectrum to certain specialized uses, such as amateur, aircraft, police, defense, navigation, and industrial operation.[5] Courts have also upheld the Commission's power to place some limits on the types of programming that may be employed by new forms of broadcast service (such as Pay-TV), in order to increase the diversity of service offered to the public and, at the same time, protect the viability of existing commercial uses of the broadcast spectrum. *National Ass'n. of Theater Owners* v. *FCC*, 420 F. 2d 194 (D. C. Cir. 1969), *cert. denied*, 397 U. S. 922 (1970).

In sum, these cases have established that the First Amendment does not bar the Federal government from regulating access to the spectrum, in order to maximize efficient utilization and augment the diversity of communication services. Such decisions are entirely irrelevant to the curtailment of historic First Amendment rights posed by the Subcommittee's subpoena. That Amendment protects the press from governmental intrusion into its internal journalistic processes,[6] whether such intrusion be a direct attempt to regulate or an indirect attempt to chill free exercise of those processes by compelling their disclosure. And no case has ever held or indicated that such constitutional protection is not available to those broadcast media subject to governmental regulation.

In this respect, the Subcommittee's reliance upon *National Broadcasting Co.* v. *United States*, 319 U. S. 190 (1943) and *Red Lion Broadcasting Co.* v. *FCC*, 395 U. S. 367 (1969) is misplaced. In *NBC*, the Court upheld the constitutionality of Commission rules banning licensee-network arrangements which restricted the freedom of licensees to choose programs that in their judgment best served the public interest. The Court's decision specifically noted that the Commission's justification for the rules was the need to protect the right of licensees to select program material in the first instance. 319 U. S. at 199.

In *Red Lion*, the Court faced the question whether the Commission could in certain limited circumstances create a right to reply to ensure that competing viewpoints on controversial issues of public importance receive adequate opportunity for expression over the airwaves. The Fairness Doctrine (under which these "personal attack" rules were established) and Section 315 of the Communications Act (providing for "equal opportunities" for political candidates) are designed to serve occasionally competing First Amendment interests—the right of the public to obtain conflicting views on important issues, and the right of broadcast journalists to report and interpret events and to conduct discussions of important topics.[7] Neither the rules before the Court nor the decision of the Court were intended to limit the right of the broadcaster to select programs and program material in the first instance. To the contrary, their goal was to ensure that, consistent with the First Amendment, once the licensee had broadcast views that attacked another person, that person was given an opportunity to air his reply.

By contrast, the specific effect of the subpoena and the legislative surveillance it represents will be to chill the freedom of CBS journalists to select news and documentary material for broadcast in the first instance. While the Court in *Red Lion* had no such issue before it, it strongly suggested that the First Amendment would not permit such a serious constitutional intrusion. The Court, in discussing the constitutional protections applicable to television, emphasized that speech on public issues and public affairs is at the core of the interests protected by the First Amendment, and that there is a First Amendment "right of the public to receive suitable access to social, political, esthetic, moral, and other ideas and experiences . . ." which "may not constitutionally be abridged either by Congress or by the FCC." 395 U.S. at 390.

Thus, the Court described the First Amendment as having "a major role to play as the Congress itself recognized in § 326, which forbids FCC interference with 'the right of free speech. . . .' " *Id.*, at 389–90. The opinion underscores "the purpose of the First Amendment to preserve an uninhibited marketplace of ideas in which truth will ultimately prevail, rather than to countenance monopolization of that market, whether it be by the Government itself or a private licensee." *Id.*, at 390. And the Court specifically noted that "more serious First Amendment issues" would be raised by action that restricted a licensee's right to decide what to broadcast in the first instance. *Id.*, at 396.

Congress and the courts have not been alone in concluding that the First Amendment applies with full force to broadcasting. The Attorney General's recent guidelines regarding the propriety of compelling production of reporters' notes by grand jury subpoena explicitly are made applicable without distinction to broadcast journalism as well as other journalistic forms. In introducing these guidelines, the Attorney General counted the nation's radio and television as part of the "numerous, vigorous and diverse" press that has resulted in "more freedom of speech and freedom of the press in this country than in any country in the world." "Free Press and Fair Trial: The Subpena Controversy," an address by Hon. John N. Mitchell, Attorney General of the United States, before the House of Delegates, American Bar Association, August 10, 1970, at p. 10.

In sum, in their application to broadcasting, "the basic principles of freedom of speech and the press, like the First Amendment's command, do not vary." *Joseph Burstyn, Inc.* v. *Wilson*, 343 U.S. 495, 503 (1952). And one of those principles, as we demonstrate below, is the right of journalists and news organizations to engage in news reporting and editing without having to face subsequent government examination of all their filmed and written notes in order to weigh, on the basis of hindsight, the accuracy and truth of their news judgments.[8]

The Subcommittee's implied assertion that a subpoena invalid against other forms of journalism can be constitutional if applied to broadcasting is thus contrary to the applicable judicial, congressional, and executive precedents.

II. The First Amendment Forbids The Congress From Compelling Production Of The Filmed And Written Materials Compiled In The Preparation Of "The Selling Of The Pentagon".

A. Congress may not regulate the manner in which the press reports and interprets current events particularly when such reports are critical of the government.

The First Amendment provides that "Congress shall make no law . . . abridging the freedom of . . . the press . . ." The language of the Amendment is unequivocal, and the Supreme Court has repeatedly and often with great eloquence, reaffirmed the principles implicit in it. "That Amendment rests on the assumption that the widest possible dissemination of information from diverse and antagonistic sources is essential to the welfare of the public, that a free press is a condition of a free society." *Associated Press* v. *United States*, 326 U.S. 1, 20 (1934). "A free press stands as one of the great interpreters between the government and the people. To allow it to be fettered is to fetter ourselves." *Grosjein* v. *American Press Co.*, 297 U.S. 233, 250 (1936).

In order to preserve these principles, the Court has often emphasized the nearly absolute degree of protection to which freedom of the press is entitled. For example, in striking down certain government restrictions on the right of the press to comment on judicial proceedings, the Court has declared that "the only conclusion supported by history is that the unqualified prohibitions laid down by the framers were intended to give to liberty of the press, as to other liberties, the broadest scope that could be countenanced in orderly society." *Bridges* v. *California*, 314 U.S. 252, 265 (1941). Similarly, in *United States* v. *Rumely*, 345 U.S. 41, 56–57 (1953), the concurring opinion emphasized the "preferred position granted speech and the press by the First Amendment . . .," and declared that the Amendment "expresses the confidence that the safety of society depends on the tolerance of government for hostile as well as friendly criticism, that in a community where men's minds are free, there must be room for the unorthodox as well as the orthodox views." [9]

Where, as here, a governmental threat to freedom of the press arises as a result of a journalistic effort to criticize aspects of governmental operations, the Court has been particularly sensitive to "the primary need of a vigilant and courageous press . . .," *Near* v. *Minnesota ex rel. Olson*, 283 U.S. 697, 720 (1931), and to the fact that "[t]he free press has been a mighty catalyst in awakening public interest in governmental affairs. . . ." *Estes* v. *Texas*, 381 U.S. 532, 539 (1965). The Court's view that freedom to comment on the operations of government represents one of the most fundamental forms of expression protected by the First Amendment derives from its conviction that

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"speech concerning public affairs is more than self-expression; it is the essence of self-government." *Garrison* v. *Louisiana*, 379 U.S. 64, 74–75 (1964).[10] "The liberty of opinion keeps governments themselves in due subjection to their duties." Erskine's Speech in Defense of Paine, quoted in *Grosjean* v. *American Press Co., supra*, 297 U.S. at 247–48. Indeed, the freedom of the press to criticize the government is so absolute that "no court of last resort in this country has ever held, or even suggested, that prosecutions for libel on government have any place in the American system of jurisprudence." *New York Times* v. *Sullivan*, 376 U.S. 254, 291 (1964) (quoting from *City of Chicago* v. *Tribune Co.*, 307 Ill. 595, 601, 139 N.E. 86, 88 (1923)).

Recognition has been given to the danger that "[c]harges of reprehensible conduct, and in particular of official malfeasance, unquestionably create a public scandal"—but "the theory of the constitutional guaranty is that even a more serious public evil would be caused by authority to prevent publication." *Near* v. *Minnesota ex rel. Olson, supra*, 283 U.S. at 722. Furthermore, the Court has gone so far as to rule that "erroneous statement is inevitable in free debate, and . . . it must be protected if the freedoms of expression are to have the 'breathing space' that they 'need . . . to survive. . . .'" *New York Times Co.* v. *Sullivan, supra*, 376 U.S. at 271–72 (quoting *NAACP* v. *Button*, 371 U.S. 415, 433 (1963)).

The efforts of the Subcommittee to force production of the working materials involved in "The Selling of the Pentagon," on the grounds of alleged distortion and on the premise that remedial legislation may be necessary, fly squarely in the face of these constitutional principles. Because (as we show below) the Subcommittee's actions will inhibit the news judgments of the press, they are the constitutional equivalent of an attempt to formulate a "law . . . abridging the freedom of . . . the press. . . ." For in the First Amendment area, the courts do not distinguish between laws that abridge free speech and other lawmaking activities that have the same effect:

"Clearly, an investigation is subject to the command that the Congress shall make no law abridging freedom of speech or press or assembly. While it is true that there is no statute to be reviewed, and that an investigation is not a law, nevertheless an investigation is part of lawmaking. It is justified solely as an adjunct to the legislative process. The First Amendment may be invoked against infringement of the protective freedoms by law or by lawmaking." *Watkins* v. *United States*, 354 U.S. 178, 197 (1957).

In presuming that it may regulate the editorial judgments of newsmen, the Subcommittee has chosen to ignore the "profound national commitment to the principle that debate on public issues should be uninhibited, robust, and wide-open, and that it may well include vehement, caustic, and sometimes unpleasantly sharp attacks on government and public officials." *New York Times Co.* v. *Sullivan, supra*, 376 U.S. at 270.

B. To compel production of filmed and written materials compiled in preparing news documentaries would have an unconstitutionally chilling effect on First Amendment freedoms.

The underlying assumption of the Subcommittee is reflected in its April 20th Statement—that the Subcommittee is entitled to investigate, and has the power to determine, whether television news documentary producers are engaging in "factually false and misleading filming and editing practices. . . ."(p. 10). It is for this purpose of judging the editorial fairness involved in the portrayal of the CBS documentary that the Subcommittee has subpoenaed the background scripts, recordings, and outtakes from which the final program was assembled. (pp. 11–12).

This investigatory effort is wholly illusory, regardless of the well-meant intentions from which it may have sprung. As CBS asserted in its letter of April 20, 1971 to Chairman Staggers, truth or accuracy is not the same to all men. The final published or broadcast product represents a news organization's best judgment of the truth. Journalists may, of course, often differ with one another as well as with those whose conduct or views they report. They may even differ with the government as to whether the accounts they publish or broadcast are "true."

Perhaps no one to date has captured this wisdom better than Judge Learned Hand in *United States* v. *Associated Press*, 52 F. Supp. 362, 372 (S. D. N. Y. 1943), *aff'd.*, 326 U.S. 1 (1945):

"News is history; recent history, it is true, but veritable history, nevertheless; and history is not total recall, but a deliberate pruning of, and calling from, the flux of events. Were it possible by some magic telepathy to reproduce an occasion in all its particularity, all reproductions would be interchangeable; the public could have no choice, provided that the process should be mechanically perfect. But there is no such magic; and if there were, its result would be immeasurably wearisome, and utterly fatuous. In the production of news every step involves the conscious intervention of some news gatherer, and two accounts of the same event will never be the same. Those who make up the first record—the reporters on the spot—are themselves seldom first hand witnesses; they must take the stories of others as their raw materials, checking their veracity, eliminating their irrelevancies, finally producing an ordered version which will evoke and retain the reader's attention and convince him of its truth. And the report so prepared, when sent to his superiors, they in turn 'edit', before they send it out . . .; a process similar to the first. A personal impress is inevitable at every stage; it gives its value to the dispatch, which without it would be unreadable."

First Amendment rights comprehend the reality that there is no universal standard of journalistic truth. In the Supreme Court's words: "Authoritative interpretations of the First Amendment guarantees have consistently refused to recognize an exception for any tests of truth—whether administered by judges, juries, or administrative officials—and especially one that puts the burden of proving truth on the speaker." *New York Times Co.* v. *Sullivan, supra*, 376 U.S. at 271.

An "untrammeled press as a vital source of public information" [11] is one of our most precious heritages. "The threat of sanctions may deter . . . [its] exercise almost as potently as the actual application of sanctions. . . ." [12] A quixotic governmental search for ultimate truth in journalism necessarily can stifle this "delicate and vulnerable" freedom, especially when it is conducted by compulsory process. The recent landmark case of *Caldwell* v. *United States*, 434 F.2d 1081 (9th Cir. 1970) (*cert. pending*), is specific on this point: "[I]t is not unreasonable to expect journalists everywhere to temper their reporting so as to reduce the probability that they will be required to submit to interrogation. The First Amendment guards against governmental action that induces such self-censorship." *Id.*, at 1086.[13]

Similarly, the Attorney General of the United States has recognized that an unrestricted and unwise use of the subpoena "may seriously affect the vigor of our press institutions and their relationships with the federal government, the bar and the courts." "Free Press and Fair Trial: The Subpoena Controversy," address by the Hon. John N. Mitchell, Attorney General of the United States, before the House of Delegates, American Bar Association, August 10, 1970, at page 17.

The outtakes, and other material not broadcast, sought in the subpoena are the broadcast journalist's equivalent of the newspaper reporter's notes, the "work papers" from which the final story is produced. The "chill" created by the Subcommittee's subpoena derives from its effect on the journalists information-gathering techniques as well as on the accessibility of news sources. The knowledge that their notes, films and tapes are subject to compulsory process will inevitably cause newsmen to curtail the scope of their news-gathering activities. The accuracy and fairness of news reporting and editorial judgment, the American public's "right to know"—the very goals the Subcommittee purports to be serving (Statment, p. 13)—will suffer. Moreover, key confidential sources of news will be silenced if every person filmed, taped, or interviewed, whether or not included in the ultimate broadcast, must risk being identified as a result of governmental compulsion. As the Court of Appeals put it in *Caldwell:* "The very concept of a free press requires that the news media be accorded a measure of autonomy; that they should be free to pursue their own investigations to their own ends without fear of governmental interference; and that they should be able to protect their investigative processes." *Caldwell* v. *United States, supra*, 434 F. 2d at 1086.

The chilling effect of the Subcommittee's subpoena on press freedom is potentially a far more powerful inhibition, and reaches at least equal if not more fundamental rights, than governmental activities the Court has found unacceptable in a host of prior cases. *E.g., Smith* v. *California*, 361 U.S. 147 (1959) (requirement that a bookseller examine the contents of the books he sells); *Manual Enterprises, Inc.* v. *Day*, 370 U.S. 478, 492–93 (1962) (opinion of Harlan, J.) (requirement that a magazine publisher investigate his advertisers); *Talley* v. *California*, 362 U.S. 60 (1960) (requirement that names and addresses of sponsors be printed on handbills); *Gibson* v. *Florida Legislative Investigation Committee*, 372 U.S. 539 (1963) (requirement that an organization supply membership lists); *Louisiana ex rel. Gremillion* v. *NAACP*, 366 U.S. 293 (1961) (*Id.*); *Bates* v. *City of Little Rock*, 361 U.S. 516 (1960) (*Id.*); *NAACP* v. *Alabama ex. rel. Patterson*, 357 U.S. 449 (1958) (*Id.*)

In fact, the severity of the inhibition brings into question the very power of Congress to investigate the editorial judgments of the press, let alone its power to do so by compulsory process against journalists and their records:

"The theory of our Free Society is that government must be neutral when it comes to the press—whether it be rightist or leftist, orthodox or unorthodox. The theory is that in a community were men's minds are free, all shades of opinion must be immune from governmental inquiry lest we end with regimentation. Congress has no more authority in the field of the press than it does where the pulpit is involved. Since the editorials written and the news printed and the policies advocated by the press are none of the Government's business, I see no justification for the Government investigating the activities, leanings, ideology, qualifications, prejudices or politics of those who collect or write the news." *Russell* v. *United States*, 369 U.S. 749, 776–77 (1962) (concurring opinion).

In the Subcommittee's Statement of April 20 (pp. 7–9), much is made of the fact that on three previous occasions, it has investigated the manner in which CBS produced news documentaries and that, in two of these cases, it subpoenaed unbroadcast film outtakes and other materials without objection from CBS.

The Subcommittee's prior predilection for investigating CBS journalists and demanding their records in no way supports the legality of the present subpoena; if anything, it adds to the subpoena's illegal chilling effect. The fact that CBS did not chal-

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lenge previous subpoenas does not concede or sustain their validity.[14]

Moreover, and without prejudice to the right of CBS to challenge similar subpoenas in the future, it should be noted that in the one previous case in which nonbroadcast material was supplied CBS was being investigated not merely for an alleged attempt to distort or falsify the news; it was also accused of violating or having knowledge of violations of substantive criminal laws of general application not directed at journalists as such. Under such circumstances, as the Attorney General's promulgation of subpoena guidelines reflects, there may be a constitutional basis for balancing First Amendment rights against the need to enforce the general laws. No such balancing can be justified, however, when the object of the government's inquiry is not to enforce the general laws, but to regulate the practice of journalism itself, and to enforce some governmental standard of good journalistic practice. As the Ninth Circuit noted in *Caldwell, supra*, 434 F. 2d at 1083, n. 1:

"Where, as here, the alleged abridgment of First Amendment interests occurs as a byproduct of otherwise permissible governmental action not directed at the regulation of speech or press, 'resolution of the issues always involves a balancing by the courts of the competing private and public interests at stake in the particular circumstances shown.' *Barenblatt* v. *United States*, 360 U.S. 109. . . ."[15]

CONCLUSION

For all the facts and reasons stated above, it is our opinion that the Subcommittee may not constitutionally require the production of film and script materials not actually broadcast and that CBS is under no legal duty to comply.

WILMER, CUTLER & PICKERING.

FOOTNOTES

[1] (*Id.*, p. 9.) We understand that CBS knows of no allegations that any scenes in "The Selling of the Pentagon" were "staged."

[2] As we demonstrate later, the courts have consistently recognized that there can be no such test for journalistic truth, since "[n]ews is history . . . and history is not total recall, but a deliberate pruning of, and calling from the flux of events . . .," and that journalism produced against such a monolithic standard of truth would be "immeasurably wearisome, and utterly fatuous." *United States* v. *Associated Press, Inc.*, 52 F. Supp. 362, 372 (S. D. N. Y. 1943) (L. Hand, J.), *aff'd.*, 326 U. S. 1 (1945).

[3] As to the validity of the subpoena under the First Amendment, the Subcommittee's statement is limited to brief treatment of general language in two Supreme Court opinions and contains no discussion of the applicability of any cases proscribing abridgement of freedom of the press. *Television Digest*, Vol. 11, No. 15 (April 12, 1971) purports to quote Chairman Staggers' views on the constitutionality of such a subpoena as follows (p. 2):

"Q—Are a print reporter's notes different from TV's outtakes?

"A—I've always believed they were different. You know that.

"Q—Do you have power to subpoena my notes from this interview?

"A—No.

"Q—What if I were a reporter for TV talking to you on the phone?

"A—Well, then, that would be different. The Committee could subpoena your notes.

"Q—Why?

"A—TV is different. It's very important that the networks be accurate.

"Q—Is a congressional committee qualified to determine what's accurate?

"A—Yes. By using the outtakes, then we can determine if what was aired was fair & accurate. . . ."

See also remarks of Rep. Springer, Transcript, pp. 55–56, 59–60.

[4] See *Broadcasting*, Nov. 2, 1970, p. 48.

[5] *See, e.g., California Citizens Band Ass'n.* v. *United States*, 375 F. 2d 43 (9th Cir.), *cert. denied*, 389 U.S 844 (1967); *Lafayette Radio Electronics Corp* v. *United States*, 345 F. 2d 278 (2d Cir. 1965).

[6] See Part II of this memorandum.

[7] We do not understand anything in the Subcommittee's April 20 statement to suggest that CBS has violated the Fairness Doctrine or personal attack rules, or to suggest that in its coverage of the controversial issues raised in the broadcast, CBS has failed to afford an opportunity for the expression of conflicting views. As we understand the matter, after the rebroadcast on March 23, CBS broadcast vigorous criticisms of "The Selling of the Pentagon" by some of the issues raised by the documentary, featuring two critics and two supporters. Moreover, CBS has afforded critics of the documentary extensive coverage in its news programs.

[8] The Subcommittee's Statement relies on earlier investigations of quiz programs and the resulting legislation that banned certain fradulent practices in such programs. (pp. 6–7.) The control of outright fraud and bribery in entertainment programs that are not designed as vehicles for the communication of ideas is of course a far cry from efforts to investigate and regulate news broadasts criticizing Government activities.

[9] In *Rumley*, the Court blocked an effort by the House Select Committee on Lobbying Activities to compel a witness to reveal the names of those who had made purchases of books distributed by the witness' organization. In condemning this misuse of a Congressional subpoena, the concurring opinion also declared that "[i]f the present inquiry were sanctioned, the press would be subjected to harrassment that in practical effect might be as serious as censorship. . . . The books and pamphlets that are critical of the administration, that preach an unpopular policy in domestic or foreign affairs, that are in disrepute in the orthodox school of thought will be suspect and subject to investigation. . . . Through the harassment of hearings, investigations, reports, and subpoenas government will hold a club over speech and over the press. Congress could not do this by law. The power of investigation is also limited. . . ." *Id.*, 345 U.S. at 58–58 (footnotes and citations omitted).

[10] "[S]ince informed public opinion is the most potent of all restraints upon misgovernment, the suppression or abridgement of the publicity afforded by a free press cannot be regarded otherwise than with grave concern." *Grosjean* v. *American Press Co., supra*, 297 U.S. at 250.

[11] *Grosjean* v. *American Press Co., supra*, 297 U.S. at 250.

[12] *NAACP* v. *Button, supra*, 371 U.S. at 433. *See Dombrowski* v. *Pfister*, 380 U.S. 479 (1965).

[13] The District Court for the District of Columbia, in granting a judgment of acquittal from a conviction of contempt of Congress, has expressed very similar views:

"[T]hese hearings consisted of the questioning of persons employed in the newspaperfield, in radio and television. The danger inherent in such an investigation is found not only in the effect upon those investigated but also in the potential effect upon others in the same field. There is no need to stress the importance to our society of a free press—and, therefore, of the necessity of enabling writers to formulate ideas and associations freely and without fear of governmental retribution by investigation or otherwise. History is replete with instances in which writers and philosophers have been penalized by the state, but it is always the writers and philosophers who are remembered and admired, never their prosecutors or inquisitors. It is difficult to draw the line between investigations of the political beliefs of newspapermen and investigations of newspapers. For newspapers consist of news stories and editorials; and news stories and editorials are written by newspapermen. To inhibit the freedom of thought and association of newspapermen is to infringe upon the freedom of the press. It is also a temptation to those investigating newspapermen to wander into the field of press content, and at times during these hearings, the Subcommittee was unable to resist even this direct invasion." *United States* v. *Peck*, 154 F. Supp. 603, 605 (D.D.C. 1957) (footnote omitted).

[14] In one of these instances, as the Subcommittee states, the items requested had already been destroyed, so that CBS did not possess materials with which to respond.

[15] In addition, there is a narrower, but related First Amendment ground which renders the subpoena invalid. Even if the Subcommittee's purpose to investigate "filming and editing" practices were constitutional, the Subcommittee still would be required to adhere to the basic precept that such a purpose "cannot be pursued by means that broadly stifle fundamental personal liberties when the end can be more narrowly achieved." *Shelton* v. *Tucker*, 364 U.S. 479, 488 (1960). Even when considered in light of the Subcommittee's stated goals, the list of subpoenaed materials is overly broad and reflects the Subcommittee's failure to apply this constitutional standard to the situation before it. Had the Subcommittee done so, a much narrower set of materials would have been subpoenaed.

WILMER, CUTLER & PICKERING,
Washington, D.C., June 15, 1971.

COLUMBIA BROADCASTING SYSTEM, INC.,
New York, N.Y.

DEAR SIRS: You have asked for our opinion as to whether Columbia Broadcasting System, Inc. (CBS) is obligated to comply with the subpoena issued on May 26 by the Special Subcommittee on Investigations of the House Interstate and Foreign Commerce Committee, relating to its investigation of "The Selling of the Pentagon."

The May 26 subpoena calls for the personal appearance of Frank Stanton, President of CBS, for the purpose of giving testimony. Like the withdrawn subpoena of April 7 that it replaces, it also commands the production of "film, workprints, outtakes, sound-tape recordings, written scripts and/or transcripts utilized" in connection with "The Selling of the Pentagon." Unlike the withdrawn subpoena, the new subpoena is "limited to all such materials relating to the actual broadcast and [does] not include such materials relating to segments not shown. . . ."

We have reached the following conclusions:

(1) Since our opinion letter of April 27, 1971, a new decision of the Supreme Court has made even more clear the proposition that broadcasters are protected by the First Amendment, for all relevant purposes, in the same way that other forms of journalism are protected.

(2) The subcommittee's press release of May 25 and the letter accompanying the subpoena of May 26 show no alteration of the Subcommittee's fundamental assertion of the power to investigate, through compelled process, how CBS news personnel edited "The Selling of the Pentagon," as an aid in its formulation of legislation regulating editing practices and edited broadcasts.

(3) Although slightly narrower in scope than the April 7 subpoena, the new subpoena has an unconstitutional chilling effect upon the exercise of First Amendment rights.

Accordingly, we have reached the same conclusions concerning the new subpoena as those set forth in our opinion of April 27, 1971, a copy of which is attached for your convenience. In our opinion, the subpoena is in conflict with the First Amendment. As a result, CBS is under no legal obligation to supply the materials demanded, and Dr. Stanton is under no legal obligation to answer questions designed to obtain the information the Subcommittee seeks pursuant to its stated goals.

We shall discuss, first, the significance of the June 7, 1971 Supreme Court decision in *Rosenbloom* v. *Metromedia, Inc.,* 39 U.S.L.W. 4694 (June 7, 1971), which reenforces our view that in all relevant respects the First Amendment is applicable to broadcast journalism. We shall then discuss our reasons for concluding that the Subcommittee's changes in the scope of the subpoena, and its newly advanced arguments in support of its demands, do not alter the unconstitutional chilling effect that would be created were CBS compelled to comply.

I. THE ROSENBLOOM DECISION AND THE FIRST AMENDMENT RIGHTS OF BROADCASTERS

In *Rosenbloom,* the issue facing the Supreme Court was whether the rule of *New York Times Co.* v. *Sullivan*[1]—prohibiting libel recoveries for comment about public figures in the absence of a showing of actual malice or knowing disregard of the truth—should be applied when a radio station broadcast information about an individual, not himself a public figure, involved in an event of public or general interest. The Court upheld a lower court decision denying the right to recover, on the ground that the *New York Times* rule governed.

Rosenbloom is the first Supreme Court case directly involving the applicability of the *New York Times* rule to utterances of a news broadcaster on a station licensed by the Federal Communications Commission. Although the members of the Court were divided over the application of the *New York Times* rule to a libel action in which the plaintiff is not a public figure, all of the justices clearly believed that for all relevant purposes First Amendment rights fully apply to federally licensed broadcasters.

Mr. Justice Brennan, announcing the judgment of the Court, noted that the "petitioner does not question that the First Amendment guarantees of freedom of speech and freedom of the press apply to . . . newscasts." 39 U.S.L.W. at 4695 n. 3. And he announced the holding as being that—

"A libel action, as here, by a private individual against a *licensed radio station* for a defamatory falsehood in a newscast relating to his involvement in an event of public or general concern may be sustained only upon clear and convincing proof that the defamatory falsehood was published with knowledge that it was false or with reckless disregard of whether it was false or not." (Emphasis supplied.) *Id.*, at 4702.

This holding was the culmination of an analysis that emphasized the importance of the *New York Times* rule as a means of assuring "breathing space" for journalistic exercise of First Amendment rights and for preventing unwarranted governmental actions threatening to chill those right.

In a concurring opinion, Mr. Justice White stated that *"New York Times* gives the *broadcasting media* and the press the right not only to censure and criticize officials but also to praise them and the concomitant right to censure and criticize their adversaries," and that "the First Amendment gives the press *and the broadcast media* a privilege to report and comment upon the official actions of public servants in full detail. . . ." 39 U.S.L.W. at 4705. (Emphasis supplied.) Mr. Justice Black, in another concurring opinion, stated his familiar position that libel judgments "against the news media" are unconstitutional "even when statements are *broadcast* with knowledge they are false." *Id.,* at 4703. (Emphasis supplied.) And Mr. Justice Harlan's dissent indicated that he sees no difference between "publishers" and "broadcasters" and would treat them in the same way under the First Amendment, subjecting both to a libel standard of reasonable care. *Id.,* at 4708.

Thus, four of the five opinions, speaking for a clear majority of six Justices,[2] expressly treated news broadcasts as identical to newspapers. And it may fairly be concluded that every Justice believed that the First Amendment guarantees broadcasters the same protection against chilling effects on the gathering or reporting of news that it guarantees to any other journalistic medium.[3]

As our opinion letter of April 27 indicates, numerous courts (including on many occasions the Supreme Court) have stated prior to *Rosenbloom* that there is no difference, for any relevant purpose, between broadcasters and other media of the press. The Supreme Court's decision in *Red Lion Broadcasting Co.* v. *FCC,* 395 U.S. 367 (1969) was thought by some to cast these earlier statements in doubt. But the *Rosenbloom* decision makes crystal clear that *Red Lion* cannot be read as depriving broadcasters of "the freedom of the press" with respect to what they broadcast in the first instance, or as a ruling entitling the Government to regulate broadcasters in a manner that chills this freedom. *Red Lion* holds only that the need to license broadcasters permits reasonable government regulation of what broadcasters must present as a *consequence* of what they broadcast in the first instance, in order to ensure "fairness" in the discussion of controversial issues.[4] The Court in *Red Lion* itself expressly stated that the case would be different if the rules under review had affected what broadcasters reported in the first instance, 395 U.S. at 396. *Rosenbloom* is that different case, and holds that the First Amendment is fully applicable.

If libelous comment broadcast about public affairs cannot be subjected to official penalties, non-libelous comment must certainly deserve an even more protected status. Legislation that is designed to deter "distortions" or to control "editing practices" in broadcast news reports, by imposing sanctions for or regulations upon comment about public events that falls short of malicious libel, could not withstand constitutional scrutiny.

II. THE CEILING EFFECT OF THE SUBPOENA FOR TESTIMONY AND DOCUMENTS

Whether or not the Subcommittee can devise constitutional legislation regulating the manner in which broadcasters must edit the news, the Subcommittee cannot, in our opinion, enforce the present subpoena in aid of that objective.

As *Rosenbloom* makes clear, the First Amendment protects broadcasters and other forms of press media against actions intended to have or likely to result in a chilling effect upon the exercise of their First Amendment rights. Our letter of April 27 outlines the chilling effect upon news reports about public events that the Subcommittee's prior subpoena threatened to cause. The chilling effect of being required by compulsory Congressional subpoena to disclose the complete details of the editing process is obviously far greater than the chilling effect of a court judgment for damages—the government action held unconstitutional, absent malicious libel, in *Rosenbloom.* The chill is greater because the awesome powers of Congress transcend the limited powers of the private litigant, and all journalists will be inhibited by the threat imposed by legislative surveillance and its potential consequences.[5] The only question that remains, therefore, is whether our previous conclusion remains applicable in light of the slight narrowing of the scope of the subpoena and the Subcommittee's new arguments in support of it.

Our examination of the scope of the modified subpoena leads us to conclude that while there has been a reduction in the volume of documents called for, there has been no substantive change as to the nature of the documents that the Subcommittee seeks. The new subpoena continues to call for the same documents—"film, workprints, outtakes, sound-tape recordings, written scripts and/or transcripts utilized" in connection with the preparation of "The Selling of the Pentagon"—that were called for in the first subpoena. All that the Subcommittee has done is to make clear that the new subpoena does not reach materials segments of which were not actually broadcast.

As a constitutional matter, we can perceive no difference between the first subpoena, calling for all non-broadcast materials, and the second, calling only for those non-broadcast materials from which the editors of the broadcast selected portions that were broadcast. The Subcommittee is still insisting on its right to examine the editing decisions involved in selecting materials for the final broadcast, and on its right to judge those decisions according to its own concept of what a proper or correct editing decision should have been—in other words, according to a governmental standard of journalistic truth.

To demand that CBS supply unedited material so that the government can review its editing judgments would have an unconstitutionally chilling effect upon the First

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[1] 376 U.S. 254 (1964).

[2] Mr. Justice Douglas did not participate in the decision of this case, but Mr. Justice White indicated his belief that Mr. Justice Douglas would have voted with Mr. Justice Black. *Id.,* at 4704.

[3] The remaining opinion of Mr. Justice Marshall (Mr. Justice Stewart concurring), did not address specifically the question of whether the facts in *Rosenbloom* raised any different First Amendment issues because the report had been broadcast rather than published in the printed press. However, in a case marking a major extension of the *New York Times* rule, which produced sharp disagreement among members of the Court as to what the appropriate limits of that rule for journalists should be, if these Justices believed that different First Amendment standards apply to broadcasters than to print journalists, they would undoubtedly have explicitly set forth such a belief.

[4] In *Rosenbloom,* Mr. Justice Brennan's opinion raises questions even as to whether the decisive element in *Red Lion* was indeed the scarcity of broadcast frequencies. For he suggested that states could adopt a right of reply requirement to ensure "that private citizens will . . . be able to respond adequately to publicity involving them," and that institutionalizing a right of reply is constitutionally preferable to permitting libel damage recoveries. 39 U.S.L.W. at 4700. It had previously been thought by some that rights of reply could only be applied against broadcasters, pursuant to *Red Lion,* but Mr. Justice Brennan's statement suggests that *Red Lion* may ultimately be viewed, not as an example of special treatment of broadcasters under the First Amendment, but as a ruling that in some circumstances a right of reply is consistent with the First Amendment for *all* segments of the press.

[5] The United States Court of Appeals for the District of Columbia Circuit very recently recognized the potential for chilling broadcast journalists in the exercise of their First Amendment rights through the power of the Federal Communications Commission (and therefore Congress) over the broadcast license. The Court stated:

"The suggestion that the possibility of nonrenewal, however, remote, might chill uninhibited, robust and wide-open speech cannot be taken lightly. But the Commission, of course, may not penalize exercise of First Amendment rights." *Citizens Communications Center* v. *FCC,* No. 24,471 June 11, 1971 slip op., p. 27.

Amendment rights of CBS and all other broadcast journalists, and ultimately upon the public's right to see and hear vigorous and critical comment on public affairs. Nor is there any constitutional difference between compelling the production of documents and compelling oral testimony designed to elicit the same information contained in the documents, since the same chilling effect results.

In support of its subpoena, the Subcommittee now appears to be making two additional arguments: first, that, although reporters' notes cannot be reached by subpoena, "filmed outtakes" can be reached, since they "pertain to actual events" and are not "private thoughts"; and second, that there is no chilling effect here because the Subcommittee is not seeking to breach the confidentiality of news sources.

As to the first point, a filmed account of actual events is the result of a series of individual journalistic judgments about what to film, when to film, what to emphasize and what to ignore. Journalists almost always record more than they eventually report; the process of selection and organization is what gives shape and point to the final product. Outtakes are thus as individualistic as the "private thoughts and impressions written by a reporter," and if produced would be equally revealing as to the editing process that creates the published report. And a filmed interview is constitutionally indistinguishable from an interview in which a newspaper reporter makes his own notes or employs a recording device.

As to the second point, the chilling effect upon a journalist's ability to retain confidential news sources is not the only type of unconstitutional "chill" arising from a subpoena of this kind. Any governmental effort to invade the independence of the news gathering and editing process can have an equally chilling effect. As the Ninth Circuit Court of Appeals recognized in *Caldwell* v. *United States*, 434 F. 2d 1081, 1086 (1970), (*cert. granted*):

"The very concept of a free press requires that the news media be accorded a measure of autonomy; that they should be free to pursue their own investigations to their own ends without fear of governmental interference. . . ."

* * * * *

"Further it is not unreasonable to expect journalists everywhere to temper their reporting so as to reduce the probability that they will be required to submit to interrogation. The First Amendment guards against governmental action that induces such self-censorship."

As *Caldwell* expressly recognizes, the reporters' knowledge that their work product is subject to governmental scrutiny and second-guessing will cause them to be timid in performing their news-gathering and news-reporting role. In our opinion, the First Amendment was designed to protect the press and the public from precisely this type of governmental supervision—particularly over the reporting of news about the government itself.

Wilmer, Cutler & Pickering.

Wilmer, Cutler & Pickering,
Washington, D.C., June 29, 1971.
Columbia Broadcasting System, Inc.,
New York, N.Y.

Dear Sirs: We are writing to supplement the conclusion reached in our opinion letters of April 27 and June 15, 1971, that filmed outtakes, scripts and transcripts, and other non-broadcast materials are the broadcast journalist's equivalent to a reporter's notes, and therefore protected against compelled production by government to the same extent as a reporter's notes.

Supplementation is necessary in light of two facts: (1) a New York court recently decided a case protecting filmed television outtakes from compulsory process; and (2) counsel to the Special Subcommittee on Investigations of the House Interstate and Foreign Commerce Committee, in a legal memorandum to the Subcommittee recently made available to us, has concluded (p. 67) that "no court of law has ever held that outtakes are the equivalent of a reporter's notebook," and denies that there is any legal authority to support our conclusion.

Our opinion letter of June 15 explains why, as a matter of logic and fact, there is no difference between reporters' notes and outtakes. We there said (pp. 5–6):

A filmed account of actual events is the result of a series of individual journalistic judgments about what to film, when to film, what to emphasize and what to ignore. Journalists almost always record more than they eventually report; the process of selection and organization is what gives shape and point to the final product. Outtakes are thus as individualistic as the "private thoughts and impressions written by a reporter," and if produced would be equally revealing as to the editing process that creates the published report. And a filmed interview is constitutionally indistinguishable from an interview in which a newspaper reporter makes his own notes or employs a recording device.

Moreover, there is legal authority to support this conclusion. While the law on this point is sparse, there is at least one statute directly on point, and there are at least three cases (including the New York case) which recognize the equivalency between reporters' notes and a broadcasters outtakes. Section 79–h of the New York Civil Rights Law provides that—

"No professional journalist or newscaster . . . shall be adjudged in contempt by any court, the legislature or other body having contempt powers, for refusing or failing to disclose any news or the source of any such news coming into his possession in the course of gathering or obtaining news for publication or to be published in a newspaper, magazine, or for broadcast by a radio or television transmission station or network. . . ."

The law defines "news" as meaning "written, *oral or pictorial* information or communication . . .," and "newscaster" is defined as a "person who . . . is engaged in analyzing, commenting on or broadcasting, news by radio or television transmission." (Emphasis supplied.)

Pursuant to this statute, which explicitly recognizes the equivalency between "notes" and "outtakes," the New York State Supreme Court, sitting in Extra and Special Trial Term, in Ontario County (per Justice Frederick Marshall), on June 23, 1971, quashed a subpoena directed to CBS and intended to force production of filmed outtakes relevant to the criminal prosecution in the case of *People* v. *Davis*.

The second case involves a California Court's interpretation of Section 1070 of the California Evidence Code, which protects all journalists (including, specifically, broadcasters) against contempt judgments for their refusal to disclose their sources, as preventing compelled production of television outtakes. *See People* v. *Rios*, No. 75129 (criminal), Superior Court for State of California, City and County of San Francisco, July 20, 1970. The Court also found that the First Amendment prohibited such compulsion. In the third case, an Illinois trial court has reached the same conclusion, on First Amendment grounds, without statutory support. *People* v. *Dohrn*, Indictment No. 69–3808, Circuit Court of Cook County-Criminal Division, May 20, 1970.[1]

Wilmer, Cutler & Pickering.

CBS OPERATING STANDARDS: NEWS AND PUBLIC AFFAIRS

In November, 1959, a memorandum on standards and practices was issued to the CBS News organization to assure that programs produced by CBS News are actually what they purport to be. Since then, to implement this overall objective, a number of memoranda have been issued which set forth CBS News policies in specific areas. The purpose of this memorandum is to collate and restate those policies and to confirm their continuing applicability to *all CBS* news operations.

It is impossible, of course, and inadvisable, to prepare policy guidelines which will cover every conceivable situation which may arise. There are too many variable circumstances—and we must rely, in the final analysis, on the essential good sense and journalistic integrity of the professional journalists employed by CBS around the world. There is a basic underlying guideline, however, which was expressed in a memorandum from Mr. Salant to the CBS News organization in June of 1963 reaffirming the memorandum on standards and practices issued in November, 1959:

"[T]here shall be *no* re-creation, *no* staging, *no* production technique which would give the viewer an impression of any fact other than the actual fact, no matter how minor or seemingly inconsequential. The only way there can be certainty is not to let the bars down at all. Anything which gives the viewer an impression of time, place, event, or person other than the actual fact as it is being recorded and broadcast cannot be tolerated.

"I recognize that strict application of this policy will result in higher costs or in a less technically perfect or interesting 'show' in certain instances. But our field is journalism, not show business."

These are the operating standards which apply to all CBS produced news and public affairs broadcasts, network and station, television and radio:

1. *Filming a news event*. It is essential that CBS personnel not stage, or contribute to the staging—however slight—of any news event or story. Specifically, nothing should be done that creates an erroneous impression of time, place, event, person or fact.

There are some events such as, for example, speeches, press conferences and demonstrations of various types which occur only because coverage by the press is anticipated. The sole factor which determines whether any such event shall be covered is, of course, the basic newsworthiness of the event. But personnel should be alert at all times to the possibility that attempts may be made to "use" CBS cameras and microphones.

Coverage should be as inconspicuous as possible. If, in the course of covering riots, demonstrations, rallies or similar events, it becomes obvious that, but for the presence of cameras, disorders would not be taking place, or would diminish sizably, or terminate, the cameras should be capped or removed. On-the-spot judgments by producers, correspondents, reporters or cameramen that a situation may be eased by capping or removing the cameras will be fully respected.

Producers, correspondents and reporters working with camera crews are responsible for the actions of the crews.

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[1] Aside from the California statute, there are analogous statutes in ten states, which protect the confidentiality of newsmen's sources and make no distinction between broadcast journalists and news reporters. Ala. Code Recompiled, tit. 7. § 370 (1960); Ariz. Rev. Stat. Ann., § 12–2237 (Supp. 1969); Ark. Stat. Ann. § 43–917 (1964); Ind. Ann. Stat. § 2–1733 (1968); Ky. Rev. Stat. § 421.100 (1962); La. Rev. Stat. § 45:1451–54 (Cum. Supp. 1969); Md. Ann. Code, Art. 35, § 2 (1965); Mont. Rev. Codes Ann., tit. 93, ch. 601–02 (1964); N. Mex. Stat. Ann. § 20–1–12.1 (1953, Supp. 1967); Pa. St. Ann. tit. 28, § 330 (1958).

In appropriate circumstances, such as, for example, in the coverage of a space flight, simulations and earlier rehearsals may be broadcast if appropriate disclosure is made.

2. *Interviews and discussions*. This section refers to broadcasts wholly or in part made up of interviews, discussions, forums, debates, and the like, and the term "interviews" will be used to cover all such kinds of broadcast content.

Where an interview broadcast is spontaneous, unrehearsed (other than rehearsal of physical position and movement on camera) and carried in its entirety, it may be identified on the air (opening and closing) as "spontaneous and unrehearsed," and if on film or tape "spontaneous, unrehearsed and not edited."

An interview is considered spontaneous and unrehearsed if not more than an outline of the general areas from which specific questions will be drawn is discussed with or transmitted to the interviewee. An interview is not considered spontaneous and unrehearsed if

(a) questions are submitted in advance to the interviewee; or

(b) there is an agreement not to use a particular general area as the basis for specific questions; or

(c) there is an agreement not to ask specific questions; or

(d) the film, tape or transcript of the interview is submitted to the interviewee after completion so that he may participate in the condensation and editing.

To the extent that any interview is not spontaneous and unrehearsed, that fact must be adequately disclosed on the broadcasts. The interviewee should be advised, prior to his on-camera appearance, that this will be done.

Interviews which are not spontaneous and unrehearsed (i) should be avoided except in unusual cases where the identity of the interviewee and the circumstances of the interview are such that the importance of the proposed broadcast clearly outweighs the disadvantage of the procedure and there are sound reasons for such procedure and (ii) will be permitted, in any event, only upon specific approval by the President of CBS News or the General Manager of the station involved.

3. *Editing*. Editing is an area, obviously, which does not lend itself to broad and universally applicable rules. There are many varying circumstances. But there is one basic requirement. We must continue to be meticulously careful, in all circumstances, that the editing results in a clear and succinct statement which reflects, fairly, honestly, and without distortion, what was said.

Individual reaction and reverse shots made out of natural time sequence are generally a "convenience" technique. They are permissible (except as noted below) but may be used only when they are shot in the presence of the interviewee or his representative or, if the interviewee or his representative does not want to wait around, only after an explanation to him about what is to be done and the receipt of his express consent.

It shall continue to be the responsibility of the editor and/or producer to examine and compare all actual questions with reverse questions, as well as reaction shots and composite editing to determine that there is no distortion or alteration of content or meaning from its original sense. In any case, where the reverse question differs from the original question in tone, in character, or in content, the reverse question may not be used. Reverse questions (and composite editing) shall not be used to clean up a poorly phrased or poorly stated original question.

In broadcasts which consists of a single interview, or in magazine broadcasts where an entire segment is devoted to a single interview in which the interviewer plays a significant part, multiple cameras shall be used, except where space and time preclude it, obviating the need for reverse questions or reaction shots which do not occur at the precise time that the interviewee is saying the words being heard.

In addition to the foregoing, the following rules are applicable to documentary broadcasts:

(a) If the answer to an interview question, as that answer appears in the broadcast, is derived, in part or in whole, from the answers to other questions, the broadcast will so indicate, either in lead-in narration, bridging narration lines during the interview, or appropriate audio lines.

(b) If more than one excerpt from a speech or statement is included in a broadcast, the order of their inclusion in the broadcast will be the same as the order of their inclusion in the speech or statement, unless the broadcast specifically indicates otherwise.

(c) Transcripts of the entire interview will be made available to the interviewee after the broadcast, upon request of the interviewee.

4. *Prerecording and sound effects*. Where a filmed or taped excerpt is used in an otherwise live broadcast and is so juxtaposed with the live segment that the fact it is filmed or taped is not readily apparent, the disclosure that the excerpt is filmed or taped shall be made immediately in connection with the use of such film or tape if the element of time is of special significance.

Whenever a dramatized or re-created scene on film or tape which was originally made for one broadcast or purpose is taken out of its original context and used in another broadcast that fact should be made clear and there should be proper identification of the original source.

Sound may be added when it is needed to maintain the continuity of natural sound already established and when editing techniques require the insertion of segments of a story that were filmed without sound because of technical considerations, such as equipment limitations. In those instances where the maintenance of sound "presence" is necessary, the use of sound should be limited to the minimum required to achieve the effect of sound continuity, and should be limited to natural sound obtained at a time and place related to the story.

Sound effects may not be used with a silent film story to give the impression that the story was filmed with natural sound. However, actuality sound recorded on tape at an event may be used with silent film of the event when the sound segments are compatible with the scenes being used.

Natural sound, whether on film or magnetic tape, may not be magnified or diminished from its actual level for the purpose of achieving a deliberate editorial effect. However, volume may be adjusted to meet technical requirements and the sound intelligibility of a story.

If a speech or a statement is filmed or taped either before or after its delivery before the group to whom it was addressed, it should be clearly identified when broadcast, as having been specially delivered for cameras and microphones.

Reporting that the viewer or listener is being taken to a given locality is forbidden unless in fact a switch is made to that locality at the time of the broadcast. Such a statement is prohibited when the film or tape is being carried not from the original locality but rather has been transported to the place of the broadcast which is other than the original locality.

5. *Film not made in the presence of a CBS correspondent*. Material obtained from stringers and other non-staff sources may be used so long as producers and others involved are reasonably satisfied that the material is what it purports to be. When footage is obtained from other than normal stringer channels, the source should be identified on air and any other special circumstances worth noting, including any doubts about the film, should be explained on air when the film is used.

We must avoid giving the impression that the report of a correspondent is first-hand when it is not. When a correspondent providing narration over film identifies himself, he must always indicate his location. Such identification must be made whenever there is a narration insert in a news broadcast. The lead-in to a film piece should identify the narrator (but not his location). The fact that the narrator was not on-scene at the filming should be further clarified by carefully choosing the operative verb, i.e., John Doe now describes . . . John Doe now narrates . . . John Doe now explains. At the end of the narration over such film pieces, there will be *no* sign-off by the correspondent and the broadcast will move back to the anchor desk for the next news item. Adherence to this practice will avoid the impression that the broadcaster reported from the scene of the story when in fact he did not cover the event.

6. *Correspondents' sign-off*. Where there is a taped insert of a correspondent's report in a news broadcast, it is essential that the public is not given the impression that the correspondent is actually participating then and there in the live news broadcast. Thus, we must avoid even the minor artifice of having a correspondent at the end of a taped report gesture in any way as if to turn the broadcast back to the anchorman.

7. *Payments to interviewees*. In hard news and hard news-oriented broadcasts interviewees will not be paid for participating in the broadcast. Participants in other broadcasts may, of course, be paid nominal sums for releases, as required by the Law Department, to assure our rights to the use of their names and likenesses.

In public affairs broadcasts which are not primarily hard news oriented, payments, in addition to the nominal sums paid for releases, are permissible in the following circumstances:

(a) where the broadcast is built around a single public figure and the broadcast is in the nature of an electronic version of memoirs or is in the nature of an electronic version of an article by a well-known columnist or author;

(b) where a central figure is used for a group of broadcasts;

(c) where professional, non-public experts such as professors, economists, etc., appear on public affairs discussion broadcasts and payment would be in the nature of a lecture fee;

(d) in general public affairs series where, in certain circumstances, important guests in special fields (entertainment, newspaper columnists) can be secured only through payments.

Appropriate fees may, of course, be paid to informants, consultants and others who perform liaison or contact services in connection with the preparation of news broadcasts.

8. *Investigative reporting*. The General Manager of each CBS owned station is responsible for its day-to-day operation. The station's investigative reporting must, therefore, be conducted under his general supervision and control. In exercising these responsibilities, the General Manager shall set up procedures adequate to insure that each investigation is conducted in a manner consistent with CBS's standards of journalistic integrity, accuracy and fairness. While the General Manager retains this day-to-day responsibility for the operation of the station, he is, of course, encouraged at any time to discuss station matters with his superiors. When the General Manager determines that a particular investigation may raise questions of special importance or of interpretation of basic CBS policies, the matter should be im-

mediately brought to the attention of the Division President.

Investigative reporting by CBS News must be conducted under the general supervision and control of the President of CBS News, who similarly will take steps to insure that each investigation is conducted in a manner consistent with CBS's standards of journalistic integrity, accuracy and fairness.

Whether information about a potential crime obtained by CBS personnel during the course of an investigation must be made available to public authorities will depend on the facts of each case, considered in the light of the potential crime involved and the purpose of the investigation. There will be instances when no such notification will be called for (obviously investigative reporting of misconduct by public officials would be frustrated by reporting the investigation to those very officials). On the other hand, if information is obtained that a potential crime endangers an individual's person or property (e.g., arson, rape, murder, riot), appropriate public officials shall be notified promptly.

The Law Department should be consulted prior to the commencement of an investigative project and should be kept advised to the appropriate degree as the investigation proceeds. Our past experience indicates that the extent of Law Department involvement will differ considerably from situation to situation. This does not imply any change from past practice in this area. Our lawyers will continue to be lawyers, not participants in coverage of the news.

Particular reference is made to the following policies with respect to the implementation of the foregoing guidelines.

CBS personnel will not knowingly engage in criminal activity in gathering and reporting news, nor will they encourage or induce any person to commit a crime. There may be exceptions which ought to be made on an *ad hoc* basis even to so absolute a rule. For example, certain kinds of issues have often in the past and might again call for investigative reporting which involves the commission of acts which are in technical violation of criminal statutes, such as, for example, the purchase or possession of hand guns where they are forbidden, or of liquor in a dry state, in connection with a report on how easy it is to acquire these articles. Even such exceptional instances are never to be undertaken lightly. At the other extreme, of course, are acts which cannot be countenanced, no matter how important the subject under investigation, the most obvious example of which would be injury to another person. Between these extremes lie many hard questions. One principal purpose of these standards is to assure that these questions will never be approached without a thoughtful regard for the heavy responsibilities involved.

Statement by Frank Stanton, President, CBS, Before the Special Subcommittee on Investigations, House Interstate and Foreign Commerce Committee, June 24, 1971

I appear here today on a most serious matter. I have great respect for the Congress of the United States and for this important Subcommittee. I am mindful of my duty to comply with the requirements of a lawful Congressional subpoena. But I also have a duty to uphold the freedom of the broadcast press against Congressional abridgement. The conflict between these duties is the issue dividing us today. It raises a profound constitutional question going to the heart of the American democratic process.

My appearance is in response to the Subcommittee's subpoena dated May 26, 1971. That subpoena directs me to appear for the purpose of testifying and to bring with me "all film, workprints, outtakes, and sound-tape recordings, written scripts and/or transcripts utilized in whole or in part by CBS in connection with its documentary, 'The Selling of the Pentagon', broadcast on February 23, 1971" except for "materials relating to segments not shown therein" and "official United States Government film that was utilized in the broadcast."

I would like to recapitulate the sequence of events that has led to my appearance here, and then to address the central and serious issues raised by your subpoena.

On February 23, the CBS Television Network broadcast a documentary, "CBS Reports: The Selling of the Pentagon," describing the public information activities of the Department of Defense. The broadcast was promptly acclaimed by many and sharply criticized by others. These criticisms were fully reported by CBS News.

On March 23, in response to the widespread public attention generated by the report, we rebroadcast it. At its conclusion, we broadcast a 22-minute postscript including earlier comments critical of the broadcast by Vice President Agnew, Secretary of Defense Laird, and Chairman Hébert of the House Armed Services Committee, as well as a response by Richard S. Salant, President of CBS News.

On April 18, in view of continued public interest in the substantive issues raised by the broadcast, we broadcast a CBS News Special Report, entitled "Perspective: The Selling of the Pentagon." This hour-long panel discussion presented contrasting points of views on the issues involved. Former Assistant Secretary of Defense for Public Affairs Arthur Sylvester, and General S. L. A. Marshall, a military commentator and historian, generally supported the Defense Department's public information program; Senator Fulbright and Adam Yarmolinsky, a Special Assistant to former Secretary of Defense McNamara, were critical of it.

Meanwhile, on April 7, this Subcommittee had issued a subpoena to CBS demanding the delivery of "all film, workprints, outtakes, sound-tape recordings, written scripts and/or transcripts" relating to the preparation of "The Selling of the Pentagon." On April 20, CBS furnished a film copy of the original broadcast and rebroadcast (with postscript) as well as transcripts of those broadcasts. But CBS respectfuly challenged the Subcommittee's power to inquire by compulsory process into the editing of the broadcast and decline to produce materials not actually broadcast. The Subcommittee then allowed CBS 10 days to make a fuller response.

On April 30, without waiving its objections, CBS voluntarily supplied the Subcommittee with some general information unrelated to the editing process. And in support of its challenge to the Subcommittee's right of inquiry into this matter, CBS submitted an opinion of its counsel that the compulsory demand for production of materials not broadcast, for the purposes described in the Chairman's statement of April 20, was beyond the Subcommittee's power because of the First Amendment, and that CBS was under no legal duty to comply.

On May 26, the Chairman advised us that CBS had "satisfactorily met the requirements of Paragraphs 1, 3, 4 and 5 of the April 7 subpoena," but had failed to comply with Paragraph 2, which called for scripts, transcripts, workprints and other filmed materials not actually broadcast. The Subcommittee withdrew its April 7 subpoena and issued a new one. This May 26 subpoena requires me to appear for testimony and to produce the same materials called for in Paragraph 2, except that the letter accompaning the subpoena disclaimed any interest in transcripts and filmed materials of "interviews or events which did not appear, even in part, in the actual broadcast."

We have carefully reviewed with our counsel the May 26 letter and the accompanying subpoena. They have advised us that in their opinion[1] the subpoena still seeks to compel the production of materials compiled in preparing and editing the documentary but not actually broadcast; that the purpose of the Subcommittee investigation is still to make an official governmental inquiry into the editing process employed in producing the documentary; and that the Subcommittee may not constitutionally compel CBS to produce the subpoenaed materials or give oral testimony for such a purpose.

The First Amendment states that "Congress shall make no law . . . abridging the freedom of . . . the press." Clearly, the compulsory production of evidence for a Congressional investigation of this nature abridges the freedom of the press. The chilling effect of both the subpoena and the inquiry itself is plain beyond all question. If newsmen are told that their notes, films and tapes will be subject to compulsory process so that the government can determine whether the news has been satisfactorily edited, the scope, nature and vigor of their news gathering and reporting activities will inevitably be curtailed.

Our objection does not depend upon establishing that the government lacks power, under any and all circumstances, to subpoena a journalist or his unpublished materials. There are now pending before the Supreme Court several cases centering on the issue of whether the need of information for some important governmental purpose can under certain circumstances be so compelling as on balance to outweigh the repressive effect of such a subpoena. But this Subcommittee's legislative purpose—to prevent "distortions" or to control "editing practices" in broadcast news reports and thereby engage in official surveillance of journalistic judgments—has no constitutional warrant and therefore no benefit that can be balanced against the chilling effect of this subpoena, let alone outweigh it.

Based on the advice of our counsel and our own conviction that a fundamental principle of a free society is at stake, I must respectfully decline, as President of CBS, to produce the materials covered by the subpoena of May 26. For the same reasons, I must respectfully decline, as a witness summoned here by compulsory process, to answer any questions that may be addressed to me relating to the preparation of "The Selling of the Pentagon" or any other particular CBS news or documentary broadcast.

We take this position as a matter of conscience, because of our obligation to uphold the rights guaranteed by the First Amendment. That Amendment embodies our national commitment to freedom of the press. It protects the rights of journalists, not to make them into a privileged class, but to safeguard the liberties of us all by preserving one of the most indispensable elements of responsible democratic government—the right to report freely on the conduct of those in authority. In Judge Learned Hand's famous phrase: "To many this is, and always will be, folly; but we have staked upon it our all."

There can be no doubt in anyone's mind that the First Amendment would bar this subpoena if directed at the editing of a newspaper report, a book or a magazine article. Indeed, the Chairman has been quoted as having specifically conceded this point. However, it is urged that because broadcasters need governmental licenses while other media do not, the First Amendment permits such an intrusion into the freedom of broadcast journalism, although it admittedly forbids the identical intrusion into other press media. If broadcasters must comply with such subpoenas, broadcast journalism can never perform the independent and robust role in preserving those freedoms which the Constitution intended for American journalism. Only two weeks ago, in a major case applying the First Amendment to protect a news broadcast, the Supreme Court placed broadcast and print journalists on precisely the same footing.

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[1] Dated June 15, 1971, and submitted herewith.

As broadcasters, it is our duty and responsibility in the public interest to resist any government action that threatens to transform a free and vigorous news medium into a controlled and timid one.

I shall, however, do my best to answer questions of the Subcommittee which do not seek to probe so deeply into the news process as to reach specific journalistic practices or the editing of particular broadcasts. The line is a difficult one to draw, and I hope the members of the Subcommittee will bear with me as I deal with your questions. I hope we can achieve a dialogue consistent with the stand we feel compelled to take as a matter of constitutional principle.

As we have previously indicated to the Subcommittee, comments on "The Selling of the Pentagon" have raised important issues as to the practices employed, or that ought to be employed, in the editing of documentary broadcasts. While responsible journalists may reasonably differ concerning particular practices in particular cases, we do not intend to ignore these differences or to shrink from continuing self-examination of our own practices. What we do object to is being subjected to compulsory questioning in a government inquiry, expressly intended to determine whether this or any other CBS news report meets government standards of truth.

The objection I am making has been urged not only by CBS and not only by those who believe that "The Selling of the Pentagon" was an excellent and valuable piece of journalism. The same objection has also been made by many groups and individuals, in and out of public office, who have criticized the broadcast in whole or in part. Scores of newspapers, representing the entire spectrum of political opinion and varying in their views of the merits of the broadcast, have expressed the deepest concern in editorials strongly supporting our position.

Leaders in the nation's educational, civic and religious life have protested the inescapable implications of the subpoenas addressed to us. Professional associations representing every segment of journalism have joined in the protest. These associations include the American Society of Newspaper Editors, the American Newspaper Publishers Association, the National Newspaper Publishers Association, the American Association of Schools and Departments of Journalism, the American Newspaper Guild, the Associated Press Broadcasters Association, the Association for Education in Journalism, the Association of American Publishers, the Authors League of America, the Radio Television News Directors Association, and Sigma Delta Chi. Government officials, including the Director of Communications for the Executive Branch, who criticized the broadcast, and the Chairman of the Federal Communications Commission, have stated their opposition to the subpoena.

I can assure you that we at CBS have not taken lightly either your subpoena or the concern that prompted it. We recognize that journalists can make mistakes, that editing involves the exercise of judgment, and that we and other journalists can benefit by criticism. But I respectfully submit that where journalistic judgments are investigated in a Congressional hearing, especially by the Committee with jurisdiction to legislate about broadcast licenses, the official effort to compel evidence about our editing processes has an unconstitutionally chilling effect.

Let me close with the words of James Madison, written in 1799 and quoted by Mr. Justice Brennan in his opinion announcing the Court's decision two weeks ago applying the First Amendment to protect a news broadcast:

"Among those principles deemed sacred in America, among those sacred rights considered as forming the bulwark of their liberty, which the Government contemplated with awful reverence and would approach only with the most cautious circumspection, there is no one of which the importance is more deeply impressed on the public mind than the liberty of the press. That this *liberty* is often carried to excess; that it has sometimes degenerated into *licentiousness*, is seen and lamented, *but the remedy has not yet been discovered. Perhaps it is an evil inseparable from the good with which it is applied; perhaps it is a shoot which cannot be stripped from the stalk without wounding vitally the plant from which it is torn. However desirable those measurements might be which might correct without enslaving the press, they have never yet been devised in America.*"

Mr. ADAMS. Mr. Speaker, will the gentleman yield?

Mr. MOSS. I yield to the gentleman.

Mr. ADAMS. Mr. Speaker, I have a great number of editorials that have been written around the country in various newspapers running from those that have been labeled as conservative to those that have been labeled as most liberal.

These have previously been referred to by the gentleman from North Carolina (Mr. BROYHILL) and rather than putting them in, I would ask permission of the Chair at this point that I might insert at this point in the RECORD a list of where these editorials come from. There are 122 editorials from 94 papers in 33 States and I insert this list so that tomorrow any of the Members who wish to see any of these from the areas which they represent and, as I say, these represent every spectrum of political opinion, I will have this available on the floor tomorrow.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

Mr. ADAMS. Mr. Speaker, the list referred to is as follows:

122 NEWSPAPER EDITORIALS OPPOSING CONTEMPT CITATION OF CBS

Alaska—Anchorage Daily News.

Arizona—Phoenix Arizona Republic.

California—Brawley News, Los Angeles Herald Examiner, Los Angeles Times (2), Monrovia Daily News-Post, Riverside Press, San Diego Evening Tribune, San Francisco Chronicle, South Bay Daily Breeze, Vallejo Times-Herald, Victorville Daily Press.

Colorado—Denver Post (2), Rocky Mountain News.

Connecticut—Norwich Bulletin, Torrington Register, West Hartford News.

Delaware—Wilmington Morning News.

District of Columbia—Washington Daily News, Washington Post (3), Evening Star (2).

Florida—Jacksonville Journal (2), Miami Herald (3), St. Petersburg Times.

Hawaii—Honolulu Advertiser.

Idaho—Caldwell News-Tribune.

Illinois—Chicago Daily News, Chicago Today, Chicago Tribune, Chicago Sun-Times (2), Freeport Journal-Standard.

Indiana—Hammond Times, South Bend Tribune.

Kansas—Chanute Tribune.

Kentucky—Louisville Courier-Journal.

Maine—Portland Evening Express, Portland Press Herald.

Maryland—Baltimore Sun, Hagerstown Herald.

Massachusetts—Berkshire Eagle, Boston Globe (3), Lowell Sun, Quincy Patriot-Ledger, Christian Science Monitor.

Michigan—Bay City Times, Detroit Free Press, Grand Rapids Press, Saginaw News.

Minnesota—Minneapolis Tribune, Minneapolis Star, St. Paul Dispatch.

Missouri—St. Louis Post-Dispatch (2), St. Louis Sentinel.

Nebraska—Lincoln Evening Journal, Omaha World-Herald.

New Jersey—Bergen Sunday Record.

New York—Amsterdam News, Buffalo Evening News (3), Hotel, Long Island Press (2), New York Times (2), New York Post (4), New York Voice, Newsday (2), Niagara Falls Gazette, Staten Island Advance, Ossining Citizen Register, Utica Observer-Dispatch, Watertown Daily News, White Plains Reporter Dispatch.

North Carolina—Gastonia Gazette, Greensboro Daily News, Greensboro Record.

Ohio—Akron Beacon Journal (2), Cleveland Plain Dealer (2), Cleveland Press, Cincinnati Enquirer, Dover-New Philadelphia Times-Reporter, Toledo Blade, Xenia Gazette.

Pennsylvania—Allentown Chronicle, Easton Express, Philadelphia Inquirer (3).

Rhode Island—Providence Journal (2).

Tennessee—Memphis Press-Scimitar.

Texas—Houston Chronicle.

Virginia—Roanoke Times, Roanoke World-News, Winchester Star.

West Virginia—Charleston Gazette (2), Elkins Inter-Mountain (2), Wheeling Intelligencer.

Wisconsin—Milwaukee Journal.

Wyoming—Sheridan Press.

MAGAZINE COMMENT SUPPORTING CBS (12)

Broadcasting (2).
Columbia Journalism Review.
Commonweal.
Editor and Publisher.
Life (editorial).
NEA Syndicate.
Television/Radio Age.
Variety.

Mr. PICKLE. Mr. Speaker, will the gentleman yield?

Mr. MOSS. I yield to the gentleman.

Mr. PICKLE. Mr. Speaker, tomorrow and at other times those of us who are for the chairman's position will also insert in the RECORD articles from major newspapers, some in my State, supporting the position of the committee.

I think the gentleman from Washington will also find that this will be true in other news media over the country.

The proponents, or the group representing the network, have indicated, and some publishers throughout the country, have supported strongly their position. I think perhaps they have, as an executive board, so voted, so I do not challenge the correctness of the statement so far as it goes.

But there are many people, journalists, both in the news field, radio, and the television media who have said they do not want to be associated with the position that they can do no harm; and they do want the truth known, and they do want correctness in reporting, and particularly as it pertains to the questions and answers.

I think the gentleman from Washington will find as we go along that a great many other journalists will also be saying these facts should be known. So it is more than one-sided—it is a grave matter and perhaps a very grave constitutional question. But it is not one that we all approach with happiness on either side. There are people who strongly believe that the full facts should be known and the committee takes the position that we will not know the true facts until these outtakes are furnished in this particular instance.

Mr. Speaker, I thank the gentleman for yielding.

Mr. MOSS. I want to say to the gentleman, as I said at the time the gentleman from North Carolina yielded to me under his special order, that I would hope the Members, as they approach this very serious and somewhat onerous responsibility tomorrow, will do so on the basis of a thorough study of the record. I would not want to weigh the numbers of editorials for or against as the basis for making a judgment. This is our responsibility as Members of this House. This is an issue involving the privileges of this House, and that is why it is coming before us tomorrow as a highly privileged piece of business. We should not act because of any bias for or against the press in the broad sense, including the broadcast media. We should act only when we have determined that there is a need to cite. It is my judgment that there is no need in this case, and I would hope that the consensus of the House would support that conclusion. If it does not, then I am afraid the House will experience another frustration and perhaps add fuel to the forces who always like to look at the courts and say, "Well, the courts are legislating again." If we did not send them bad cases, we could not get them in the position of having to make rulings that tend to offend us.

Mr. Speaker, I yield back the balance of my time.

AMBASSADOR GEORGE BUSH SPEAKS TO BUFFALO WORLD AFFAIRS COUNCIL

The SPEAKER pro tempore (Mr. LINK). Under previous order of the House, the gentleman from New York (Mr. KEMP) is recognized for 5 minutes.

Mr. KEMP. Mr. Speaker, it was fitting, indeed, that Ambassador to the United Nations, George Bush, came to Buffalo Memorial Day weekend. It was a time of remembrance for those Americans who died in our wars—who died not for glory or for conquest, but for the principles of human freedom that alone bind us together in nationhood and brotherhood. And appropriately the best memorial to our war dead would be a more effective United Nations for the prevention of wars and a peaceful settlement of international disputes, something the Buffalo World Affairs Council has been working so effectively toward for years. In the quarter century since the founding of the U.N., our dream of peace has not been realized, but the dream has not been forsaken. It is a good dream, worthy of our continued striving.

In many ways our daily and almost existential involvement in the cold war has obscured the progress that has been made in building the effectiveness of world cooperation.

Although it has not been possible to fulfill the expectations and hopes which were raised as the U.N. came into being, it must at least be recognized that a beginning has been made.

On balance, the record shows that the United Nations strength and influence have grown not only in spite of the conflicts it has encountered, but also because of them. Perhaps less noticed and publicized than the political problems that confront the Security Council and General Assembly are the successful programs being carried forward by the many specialized agencies of the United Nations, such as the World Health Organization, the Children's Fund, the Economic and Social Council, the technical assistance program, the International Labor Organization and others, some of which antedate the world organization itself. These have rendered the world significant services which are gratefully acknowledged by their recipients.

Whatever its weakness as an international peacekeeping force—though its success go unpublicized—the U.N. still provides a forum for discussion, a common meeting ground, and a mirror of world opinion without which international relationships would be even more difficult to reconcile than they are now.

In short, the imperatives of the modern world demand progress in international cooperation with perhaps some justification and confidence that a lasting peace can be achieved. At Vienna there is a significant breakthrough in our discussion to limit the arms race; in the Mideast the ceasefire is well into its second year; the chance for rapprochement with China are increasingly optimistic; and the chance for negotiation with Russia the mutual reduction of troops around the world is a very real possibility. To the idealists who long for a perfectly unified world all this, of course, is poor consolation for the lives of so many brave men, but on the balance, as the noted columnist, James Reston of the New York Times mentioned recently:

> There is something to remember this Memorial weekend that is not entirely depressing. Underneath the troubled waters on the surface of the earth there are deeper tides running.

Hopefully, these deeper tides will bring the type of peace not only that we as adults want for our generation, but that we so desperately want for the generations to come.

Our U.S. Ambassador to the United Nations, George Bush, is uniquely qualified to help provide the leadership in the world community.

And, Mr. Speaker, it was indeed fitting and proper that the program was sponsored by the Buffalo World Affairs Council. This group for some time has been actively engaged in promoting ideas to further the cause of world peace.

At this point, I include the remarks of Ambassador Bush:

SPEECH BY AMBASSADOR GEORGE BUSH

Thank you Mr. Congressman. I appreciate that very warm and friendly introduction by my good friend Jack Kemp. My only regret is that I went out of the Congress at the same time he came in. You're fortunate in having such an able representative in Congress. We've been friends for some time and when he passed along your invitation to come here tonight I was happy to have a chance to come back to Buffalo after twenty years.

It's a great pleasure to be here to speak to the Buffalo Council on World Affairs. And I want to make a few general comments about the United Nations, that much-misunderstood body—that crazy organization on the East River—suffering from the over-promises of the Forties, and now struggling to fulfill the promise of its second 25-years.

I came there a very short time ago, some four or five months—appointed by the President to a tremendously interesting job. I came as a critic, a supporter, but a critic. I have a theory that the U.N. had been clutched to the breasts of some fundamental believers in the Forties and they were reluctant to share it with America.

One of the problems has been that the U.N. has been vastly misunderstood by a majority of people. You people may believe far more than others—but you walk down the streets of Buffalo, New York . . . find out just how much support there is for the United Nations. I think you would have to agree that it's at relatively low ebb. People are kind of "ho-hum" about it . . . they'll say, "Yes, in the final analysis, we need it for world peace", but there's very little enthusiasm.

What I want to tell you tonight is that in a very short time I've come to realize that there is much at the U.N. that if the people in this country understood, or knew about, they would support and support enthusiastically. I wanted to comment just a little on some of these things.

Let me say that it's very easy for me to represent the President of the United States in the United Nations. He has a good grasp of foreign affairs. Controversial though he may be, in some areas . . . this man is an expert in this field. You only have to look at some of the things developing in the world—or some of the things that *haven't* happened in the world to understand why my job is easier with the kind of leadership we have at the top.

On de-escalation—moving out of a troublesome war. Though the U.N. Has not been "seized with it"—as we say in my new diplomatic parlance—it's in every corridor and it permeates every thought. It permeates every meeting. The President is moving us out of this war, his critics to the contrary notwithstanding.

The other day you saw a major announcement which may or may not lead to an agreement on disarmament between the U.S. and the Soviets. The U.N. isn't exactly "seized with" the question of the SALT talks but it again permeates the corridors and it permeates the hopes and aspirations of the entire U.N. organization. Hopefully the announcement that the President made after the Cabinet meeting the other day will be followed by an agreement on this very critical area.

On China. A serious question faces us and will be on the agenda again in the General Assembly this year. The President made overtures to the people of China as long ago as a year-and-a-half. I was somewhat troubled when I saw Chou En-lai getting the credit for this. The President a year and a half ago demonstrated a certain flexibility on travel restrictions and on trade, that extended our tentative opening of the door to the Peking Government. Of course this fall we're faced with the question of Chinese representation in the United Nations.

Then you have now a possibility for negotiation on mutual troop reduction of our forces and Soviet forces in Europe. That could effect the life of everybody in Buffalo, New York, in Houston, Texas and across the country.

As Jack pointed out, I think appropriately, we don't have peace in the Middle East . . . (and sometimes you know I think you should count your blessings) . . . but people aren't shooting at each other in the Middle East, and we can't relax in the four power talks that I attend every two weeks; in fact I'll be at one this week.

Representing our country in these talks with the Russians and the French and the British, we discuss guarantees, hoping to have something *to* guarantee down the line. But I think it's fair to look back and see that not so long ago we had a much more uneasy situation in that troubled corner of the world. We are concerned . . . and we have much to be worried about. The quest for peace may not be just around the corner. But in the Middle East I think the policy of Secretary Rogers . . . with the blessing, of course, of the President . . . has been the correct policy. I think it's one that has U.N. participation.

I think of the United Nations somewhat as a ball club that's lost some ball games . . . and, in the country's eyes, I think that's a true comparison. I'll go to the campuses and the kids say . . . "You know, we're turned off by Vietnam, nobody in the U.N. can do a darn thing about peace in Southeast Asia". Fair criticism! The United States Government has made some thirteen overtures to the United Nations to get them to come to grips with this question. As recently as when I was confirmed by the Senate—I suggested that possibly the UN Security Council could take a look at the Laos situation. I'd like to have seen it considered there. I'd like to carry the American side of that debate in the Security Council, I'll tell you! Then we could weed out some of the irrationality and see who is to blame. We could pinpoint the source of real trouble in Southeast Asia as far as Laos is concerned. But the kids say, "Look! the UN has failed us we haven't been able to bring peace to Southeast Asia," . . . and I say give them one. They're right and the U.N. hasn't come to grips with this. I think it's fair to be critical and I think it's fair to take a look at the negative side.

But I've found, just in this short period of time since I've been there, that there was a little crisis over in Iran and Bahrein that nobody heard much about, that was solved by the UN. I can remember a few years ago when you heard a lot of talk about the Congo . . . the UN had failed . . . this is the end, you know . . . Communism in the Congo. One of our fiercest, strongest allies today in Africa is the Congo.

We had a Security Council meeting this last week on Cyprus. You don't think of Cyprus. It's not in the news much . . . but there's a UN peacekeeping force there, keeping the lid on in a very difficult situation between the Greeks and the Turks and the whole Cyprus Government situation. The same in Kashmir. The same in different dimensions, of course, in the Korean situation.

And so there are segments, in this political area where the UN is considered to have been a failure that are successes. There are crises that were very small ones and were snuffed out before they grew into ideological confrontations between the superpowers. So I suggest to the Critic . . . No! we haven't solved the problem of Southeast Asia . . . sure we have failed to bring peace through the UN to Vietnam . . . but, yes! Look across the board at some of these crises that could have been blown into a world war and weren't, because of the United Nations.

You know Yogi Berra was the manager of the Yankees for awhile but he got summarily canned for doing a lousy job. But he remains one of the great philosophers. They asked him, "What went wrong, Yogi, your final year as manager?" And he said, "Well, we made all the wrong mistakes!" You've got to think about that one for a minute.

But anyway . . . the UN at its founding, made some of "the wrong mistakes." It's an unreal world. You may not like this . . . and it may offend some of the philosophers in the crowd. But in a UN organization where the vote of the United States is exactly the same as the Fiji vote or where ever it may be, it's unreal . . . and this is one of the things that turns off some of the support that the UN should have from the American people.

Henry Cabot Lodge, with some able citizens . . . and maybe there were some from Buffalo on this Lodge Commission, completed across the board and transcending political party or liberal or conservative ideology, a reassessment of the United Nations. If you haven't read it, and if you're at all interested in the UN, you ought to get a copy of it. You ought to take a look at it. You ought to read it because what Lodge and this Commission ably did was to face up to some of the problems of the U.N. and some of the weakness of the UN so that we could be made stronger in the next 25 years.

We've got a fellow up in our Mission name Al Bender—been there a long time . . . and every time Mr. Bender comes to see me I wince . . . I always think I've got a problem . . . but when I see him I *know* he's got more problems than anybody else. The reason is that his problem is dealing with the financial affairs of the United Nations. And if I ever start feeling good in the morning, all I have to do is address myself to the financial dilemma that is facing the UN and my day is taken care of . . . I'll feel lousy for the rest of the day. It's a wonderful thing to have such a kind of leveler in your midst.

For years we hoped that this problem would go away. It's not going to go away. The United States can't unilaterally bail the UN out again and retain the support of the people of Buffalo, New York or any other place in this country. We've got to now face up to a very tough period of negotiations with the Soviets and the French and we've got to call a spade a spade.

We're going to have to say to the world, "If you believe in this thing you're going to have to bail it out . . . and the United States will do its part, but it's not going to do it unilaterally. If you don't believe enough . . . if other countries don't believe enough . . . to help . . . then I suggest the UN is indeed an unrealistic world. If once again the taxpayers of the United States have to bail this thing out unilaterally, then it's a very serious problem . . . and it's not going to go away . . . We've got to spend a whale of a lot of time working on it.

I mentioned the problem of the ministates . . . I mentioned the overpromise of the Forties. You know, when the UN was founded (I think each of us will recall) there were those among us, many of us here, who had just been through a hellish world war, who hoped in the bottom of our hearts that this would be the answer to world peace. Then we woke up and for various reasons . . . some of which I clicked off here tonight, we found that that there wasn't any instant peace. We found that the realities of the world, with . . . the super-power confrontations, meant the UN would have a more limited role than some of us would have liked to see . . . and when you ask people about the failures they'll click off the obvious political failures.

However, the thing that I've discovered, and the thing that I'm enthusiastic about, is there's a whole effort going on at the United Nations that the American people don't even realize exists . . . in the whole economic and social end of things. Many things . . . and I want to point out just a couple. Environment! Now there's a marvelous effort! You know many people are just gradually discovering that pollution doesn't know any national or international boundaries. Its east and west . . . It's Communist and non-Communist in Europe. Hopefully, a little friendlier across the river here in upper New York.

But you've got a major environmental effort underway now that can do as much for eliminating tension and getting to some of the causes of war as almost anything you can think of. We hope, if the Stockholm Conference goes well, that out of that will come some mechanics that will eliminate some of the causes of tension that the problems of the environment cause.

Another area is population. It was a question I was vitally interested in when I was in the Congress of the United States . . . and there's a whale of an effort going into population problems. It's not an effort to force our mores (or folk ways as the sociologists say) on some developing countries. When some lesser developed countries talk about it and resist it, talking about genocide, they're not getting what this is about. What we're talking about is the unwanted child in India or Pakistan or Africa or the United States for that matter. How in good conscience can your heart not feel something just on a pure humanitarian basis? You've got to come to grips with the problems of population . . . and the UN is the vehicle. The multilateral agencies are the vehicle in which to do something about it.

There's the area of narcotic problems! Jack, I'll bet you get hundreds of letters on the question . . . every Congressman does. It's on the mind of every parent, every kid . . . everybody in this country. Thru the multilateral agency that is the UN, we have a vehicle now (if it doesn't get buried under layers and layers of bureaucracy and red tape) that can do something at the source of the narcotics problem. And it's worth our energy . . . it's worth our effort . . . it's worth the time of the United States Ambassador . . . and it's also collaterally worth taking my time to get around this country and tell some of the people about some of these things that go on there.

Let me repeat my thesis that the average person in America simply has no idea . . . and, Jack, this is true of the Congress . . . the average Congressman does not know that these things are happening . . . then his constituents don't. You can't expect them to. So I think we've got a big educational problem to do, telling the people what is really being done at the U.N.

You know, this winter I took a trip to some of the great agencies of the UN. I went to the World Health Building . . . a tremendous building . . . in danger of too many people . . . in danger of inefficiency. One of the doctors there pulled a picture out of his desk, and gave it to me. I keep it in my desk for a couple of reasons. To make me count my blessings every day . . . to remind me of some of the positive aspects realized through U.N. agencies. There's this little child . . . hands covered . . . face totally covered with sores. What is it? Smallpox . . . I always thought smallpox was something that affluent people fend off by having some good doctor innoculate our child . . . and yet just a year ago smallpox was a major problem, caused a major epidemic across Africa. Then the UN got geared up thru the World Health Organization . . . did a tremendous job of stamping out this disease from all but one tiny corner of Africa.

Tiny little story . . . but if you take it and multiply it by hundreds of other stories like this . . . then I submit to you such an organization is worth battling for . . . it's worth believing in . . . it's worth telling the American people about . . . and so in this whole economic and social end of things . . . as a separate area apart from the political end of things . . . there's action . . . there are things you can identify with . . . there are things that you can believe in. I wanted to pass it along because the President has instructed me very clearly not to de-emphasize it.

The Soviet Ambassador said to me the other day . . . fascinating man named Jacob Malik who was an Ambassador to Japan 32 years old in 1942. He was the Ambassador when the Nuclear Bomb went off. He was talking to me the other day about this whole economic and social end of things and he said, "What do you want to do? Make this into a vocational school?" I said, "No, we don't want to make this into a vocational school. What we want to do is eliminate the pressures . . . and eliminate the basic causes of war before they even get to the political arena." And I'll be there with him eyeball-to-eyeball when it comes time to see who's right or who's wrong around this world. I kind of look forward to it . . . in the political end. But I hope, if we do our job correctly in the economic and social end of things, that we'll have fewer large-power or small-power confrontations in the UN itself.

I mentioned the other day, in a speech in New York, a theory. Not an idea so particularly brilliant or so particularly original. I wish it could happen in this country. You see, I believe that if the UN met periodically in other places in the world that this would revitalize the United Nations. I think it needs a permanent home . . . I think it has to have it . . . and I think we've got a good one (all our problems notwithstanding) in New York. But I also believe that if the Economic and Social Council could meet in Africa . . . if the General Assembly itself could meet in Moscow once in a while, the world organization would be much more vital.

The Secretary General, U Thant, endorsed this idea the other day as far as where the Security Council could meet. It would be less unwieldy . . . fewer people, but it would take the International Organization to the people of the world just as when President Nixon took the Cabinet around this country. Cabinet meetings! I go to them every other week . . . but there's not a word in the paper about them for the most part . . . it's right in Washington. But when a cabinet meets in Chicago . . . or in Cleveland or wherever it might be, this is news and its important and there's a certain taking of the government to the people . . . and the same thing can be true in the United Nations. This won't solve all its problems, but it can help revitalize interest in it.

And so let me end this way . . . I think that the UN offers a tremendous promise to this country. I recognize its short-comings, but in a very short period of time I have come to believe that this charter phrase about "eliminating the scourge of war" is not unrealizable but indeed, given the nuclear capabilities not just of our countries . . . but now the fledgling one of China . . . and certainly the others who possess nuclear weapons, that peace might be closer rather than farther away. I think that there is a realization of the horrors. But I also think that the UN can be stimulated and revitalized and streamlined.

The challenge of the UN is even greater now than when it was founded some 25 years ago. I really believe it . . . I think we're coming into a new era, and I hope that each of you in this Buffalo Council will take a little time to educate your neighbors about this challenging organization. It's indeed a great pleasure for me to have had the opportunity to be with you tonight.

TAKE PRIDE IN AMERICA

The SPEAKER. Under a previous order of the House, the gentleman from Ohio (Mr. MILLER) is recognized for 5 minutes.

Mr. MILLER of Ohio. Mr. Speaker, today we should take note of America's great accomplishments and in so doing renew our faith and confidence in ourselves as individuals and as a Nation. When the present administration's effort was inaugurated in May 1969 with the Presidential "Hunger Message," 6.9 million needy persons were receiving food under programs administered by the Department of Agriculture. At the close of calendar year 1970 the number was 13.2 million.

PANAMA CANAL TREATY NEGOTIATIONS: AMERICAN PEOPLE WILL NOT TOLERATE POLITICAL BLACKMAIL

The SPEAKER pro tempore. Under previous order of the House, the gentleman from Pennsylvania (Mr. FLOOD) is recognized for 10 minutes.

Mr. FLOOD. Mr. Speaker, in an address to the House of Representatives on June 17, 1971, on the subject, "Panama Canal: Intense Panamanian Hostility Against the United States," I quoted excerpts from the Spanish language press of Panama from January 5 to June 4, 1971, clearly setting forth the openly declared aim of the Panamanian leftist revolutionary government to wrest sovereign control of the Canal Zone territory from the United States, some of them in red headlines. This was followed by other addresses on correlated subjects: on June 21, "Storm Clouds Over Panama"; on June 29, "Panama Canal: The Question of Sovereignty"; and on July 7, "Panamanian Diplomats Demand Control of the U.S.-owned Canal Zone." The last quoted the full texts of newsstories in the Panama Star & Herald of June 20 and 26, 1971, clearly setting forth the revolutionary government's objectives.

From a review of published material it is clear that the present regime in Panama has been whipping the people of that country into a frenzy of hatred against the United States with implied threats of violence for use as political blackmail. The Congress and the Nation at large should know what is transpiring, for the American people will not tolerate a surrender at Panama.

As I have stated on many occasions, the Panama Canal enterprise consists of two features: First, the canal itself with its vital structures and, second, its indispensable protective frame of the Canal Zone, all owned and controlled by the United States with full sovereign rights, power, and authority to the entire exclusion of the exercise of any such sovereign rights, power, or authority by Panama.

The Panamanian objectives in the current negotiations as shown by the latest Spanish language press of Panama call for their negotiators to conform with the following:

Elimination of the Canal Zone.

Permitting the United States the privilege of operating the canal.

Realizing the full destiny of Panama and complete elimination of the "colonial situation" allegedly existing in the Canal Zone.

Recovering sovereignty, national integrity, and dignity.

Returning with no treaty in event of ability to secure the objectives of the Panamanian revolutionary government.

The full intent of the propaganda campaign now prevalent in Panama is obvious: By implied threats of renewed violence in event of failure to secure demands to intimidate our own negotiators into accepting Panamanian sovereignty over the Canal Zone territory.

The immediate action clearly indicated for our Government to take is the adoption by the House of Representatives of the pending Panama Canal sovereignty resolutions that are supported by such national organizations as the American Legion, which strongly opposes any further diminution of U.S. control over the Canal Zone or Panama Canal. Unless the House expresses its views as indicated in the pending resolutions the United States may be faced with a fait accompli that can only anger the people of the United States and disappoint Panamanian hopes with resulting violence with loss of life and destruction of property such as occurred in January 1964 and was threatened after the exposure of the 1967 draft treaties that were repudiated by the people of both Panama and the United States.

In partial support of what I have stated, I quote the following excerpts from recurrent issues of the Spanish language press of Panama:

PANAMA CANAL INFORMATION OFFICE DAILY DIGEST OF NEWS AND EDITORIAL OPINION OF PANAMA NEWS MEDIA

El Panama America, June 25:

"The elimination of the Canal Zone: Panama's aim in the negotiations with Washington" is the top-of-the-front-page headline over a report on the Panama negotiators' meeting with the press before departing for negotiations in Washington. According to negotiator Fernando Manfredo, Panama aims for jurisdiction in the Canal Zone, permitting the United States the privilege of operating the Canal. He is quoted as saying that the negotiators visited Canal installations and were very well received by Canal Zone officials. As a result of the visit, they arrived at the conclusion that Panamanians are capable of offering the services that the United States now provides. The negotiators said they aim for a treaty which will eliminate causes of conflict between Panama and the United States and if the U.S. does not accept Panama's demands they will return without a treaty.

La Hora, June 25:

Large red headlines on the front page say "The Negotiators Talk, The Treaty Is a Disgrace". Other statements made were Panama Is Sovereign In The Canal Zone"; "Panamanians Have Not Forgotten The January 1964 Aggression"; "The Panama People Are United". A map of Panama appears on the front page with the Panamian flag raised over the Canal Zone.

La Estrella, June 26:

Pictures of the press conference held by the two members of the Panama Treaty negotiating team appear on the back page. In a story accompanying the picture is a statement by Dr. Lopez Guevara who said there exists a promise between Panama, the United States and the Organization of American States to eliminate the points of friction existing in the 1903 treaty.

El Panama America, June 26, morning edition:

"'We will return with dignity even if we come back without treaties,' Lopez G." is the top-of-the-front-page headline referring to the Panama negotiatiors' meeting with the press before leaving for Washington. The meeting opened with the negotiators discussing the position of the Revolutionary Government which is the complete elimination of the colonial situation existing in the Canal Zone, says the story.

Editorial:

In the editorial "Mission in Washington" beginning on the front page, the writer gives a history of the 1903 Treaty and Panama's struggle in defense of its rights. He contends that Panama, through unilateral application of the 1903 Treaty, became a dependent state by having to give up jurisdiction in the Canal Zone. Times have changed since then and international law of today has put an end to colonialism, says the writer, adding that according to the Strategy for Development in the Decade 1971–1980 of the United Nations, the Canal is not a United States business nor a Panamanian business but an instrument for national and international development. And Panama needs the Canal Zone for development of its metropolitan area, for expansion of the Colon Free Zone. It needs the ports of Balboa and Cristobal to develop its potential as a seaport country and it needs the fresh water resources of the Chagres River. With the return of the Canal Zone territory and its natural resources, Panama could reach its full destiny, says the writer. That is the mission of the Panama negotiators in Washington.

Columnists:

Jorge Enrique Ramirez has faith in the Panama negotiating team. He says they have shown their patriotism by saying they prefer to return with no treaty at all then one which does not fulfill the interests of the people. The people will be informed on the progress of the negotiations when the time is opportune, says the columnist.

Luis Restrepo refers to the mission of the Panama negotiators and says that this is the first time in the history of negotiations that Panama's representatives have spoken so clearly and precisely on the aims of the negotiations. He notes that this time, no treaty will be imposed on Panama, nor will Panama accept anything less than its aim. The negotiators have accepted a solemn promise to the Panama Government and the people they will come back with no treaty at all if their demands are not met. Other means will be found for Panama to assert its rights.

Editorial:

The editorial discusses the mission of Panama's negotiating team in the Canal treaty negotiations. In the past, Panama negotiators have felt obligated to return to Panama with some kind of document no matter how damaging to Panama's interests, says the writer adding that the situation is different today. Panama will accept nothing less than complete jurisdiction over the Canal Zone. According to the United Nations Charter, only the Panama Government can exist in Panama and that is Panama's position. Should the negotiators not achieve the aims of the country, they will return empty handed but with their dignity, says the editorial.

Critica, June 28:

"The Panamanian people will take part in the negotiations for a new treaty," is the headline used on page 18 over a story announcing that the treaty negotiators will leave for the United States soon to start the negotiations.

Editorial:

The main editorial notes the departure for Washington of the Canal treaty negotiators and says that the position of Panama has been definitely fixed, which is to eliminate once and for all the points of conflict which started with the 1903 treaty and resulted in a U.S. colony in national territory. The writer says that in the words of the late President Ramon, Panama does not want charity, or millions, it wants justice. And as General Torrijos says, "Sovereignty is not to be negotiated. It is the right of the Panamanian people." The martyrs of 1964 died by bullets of assassins but the ideal did not die. One country from border to border, the writer says.

La Hora, June 28:

A back-page story says Panamanian negotiators Dr. Carlos Lopez Guevara and Fernando Monfredo left Panama to go to the United States to start negotiations on the new Panama-Canal Treaty. The negotiators had previously reported to Panamanians in different conferences that the goal of the new treaty is to eliminate the existing causes of conflicts of the 1903 Treaty.

Columnists:

The column "Que Dice la Gente" says the newspaper is receiving many telephone calls from people in various parts of the country who wish to express their support of the Panama negotiators and Panama's position regarding the new treaty.

El Panama America, June 20 (morning edition):

The top-of-the-front-page headline, "Panama's Aim Is To Recover Sovereignty and National Integrity," is taken from an article on the Panama Canal problem published in the El Universal of Mexico in its June 25 issue which is reproduced beginning on the front page and continued on page 10–A. The story says the economic aspect of the Canal is not the main issue: that regaining sovereignty and national integrity, which were lost with the construction of the Canal and the 1903 Treaty is the aim of the negotiations.

El Panama America, June 30, morning edition:

A Washington-datelined UPI dispatch on the Canal treaty negotiations, on the front page, carries a five-column headline that says, "De la Ossa, Lopez and Manfredo begin revindication efforts in Washington."

Critica, June 30:

"Negotiations Start Again in Washington" is the front-page headline over the story from Washington saying that Panama and the United States have started negotiations on a high level for a new treaty for the Panama Canal.

The Panama Power and Light Company (Fuerza y Luz) has asked for reconsideration of the ruling issued by the Panama Electric Commission that rates be reduced 15½ percent, a front-page story says.

Columnists:

The column "Reflexiones Matutinas" says the decision of the Panama people to get the 1903 treaty with the United States abrogated is reflected in the public statements of the members of the negotiation team. The writer says the people feel that this treaty, which permits a powerful nation to set up a colony in the middle of national territory, must go. The nation faces the future with dignity when the negotiators promise that even if they return without a treaty, they will return with dignity.

La Estrella, July 1:

A Washington-datelined AP story, referring to the Canal treaty negotiations, is given lead position with five-column headlines that say, "The Negotiations for a New Treaty are Foreseen as Difficult."

Criticia, July 1:

Columnists:

Moyolandia says two things bother him about the treaty negotiations. He wonders in what language the talks will be conducted and how many treaties is Panama going to negotiate. Other treaties, including the 1903 treaty, were in English first, he says. He feels that Panama is at a distinct disadvantage. In addition to being a weaker nation, it must make treaties in foreign language. He also remarks that the Canal Zone and all operations not directly related to the maintenance and operation of the Canal must be eliminated.

El Panama America, July 2 (morning edition):

Columnists:

Luis Restrepo refers to the AP dispatch from Washington on the canal treaty negotiations which appeared in the Star and Herald July 1 and which said that the negotiations would be difficult. He comments that Panama realizes that the negotiations will not be easy but it is prepared to overcome all obstacles because it knows that it is in the right. As part of the campaign to distort the truth about the Canal, he claims the United States is stressing its investments in the Canal and the figure of $5 billion as used in the story is misleading. This figure is usually quoted as the amount the U.S. has invested since the Canal was built, he says. To report on the benefits the U.S. has received from the Canal would make a more accurate story, says the columnist, pointing out the economic, political and military benefits the U.S. derived from the Canal since its construction.

VOLUNTARY QUOTAS BY ITALY ON THE EXPORT OF NONRUBBER FOOTWEAR TO THE UNITED STATES

The SPEAKER pro tempore. Under previous order of the House, the gentleman from Massachusetts (Mr. BURKE) is recognized for 10 minutes.

Mr. BURKE of Massachusetts. Mr. Speaker, considerable attention has been focused this weekend in the press on the announcement last week of the Italian Government to accept voluntary quotas on the export of nonrubber footwear to the United States. The announcement is obviously a welcome one and if put into practice will help to curb the flooding of our markets by cheap foreign footwear—at least from Italy. But, that is just it; unless the action of the Italian Government is followed by similar action by the Spaniards, these restraints on the part of the Italians may well be offset by increased efforts on the part of Spanish shoe manufacturers. Lately, there has also been an increase in imports from Greece and the Orient in footwear products. Again, restraint by these countries is essential if the Italian announcement is to bear any real fruit.

At this point, the only sensible reaction to the Italian announcement would appear to be one of cautious optimism. It certainly is no time to bury the idea of trade reform legislation. This would appear to be an extremely hasty reaction, indeed. It is this aspect of this weekend's press reports that bothers me the most. Administration sources are quoted as indicating that the Italian announcement obviates the need of quota legislation. I am convinced that we would not have got as far as we have if it were not for pressure on the administration from Congress for action to protect shoes. I am, consequently, convinced that it would be premature to relax our pressure because one country, albeit an important trading partner, has made an informal commitment to keep its level of our market at last year's level.

THE SHARPSTOWN FOLLIES—XII

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. GONZALEZ) is recognized for 10 minutes.

Mr. GONZALEZ. Mr. Speaker, the papers down in Houston report interesting doings in the Sharpstown Follies.

The local U.S. attorney in Houston, Anthony J. P. Farris, claims he has lost 25 pounds and one of his three chins since taking on his job. Unfortunately in the process of losing one of his excess chins he seems not to have lost any of his cheek, which is a British way of saying chutzpah.

The U.S. attorney in Houston has just gotten a banker to plead guilty to a charge of false entry, the same charge that Frank Sharp admitted being guilty of. This banker drew a sentence of 5 years and a $5,000 fine—the maximum. While admittedly it is a different case, the contrast could not be much more startling.

Here in one case, with the identical crime, we see a maximum sentence. There is no probation, there is no immunity granted, no deal of any kind as far as I know. It was a different banker, a different judge and a different day in court. And there was definitely no deal between this banker and the Department of Justice.

In comparison to Sharp, this fellow was a mighty small fish. Like Sharp, he might have been involved in some fantastic deals involving the Bank of Sark in this case—but not as the key man, only as a little operator who helped kite paper. Sharp, on the other hand, was the key man who set up fantastic deals.

Now, how is it that the Justice Department can enter into a bargain with Sharp, who created and engineered and carried out huge schemes that milked millions of dollars, and not enter into a deal with a little old guy who just got greedy? Why is it that the one will go to jail for 5 years, and that the big manipulator, the grand schemer, the fantastic fraud, gets off with probation, a dinky little fine, and clean immunity for all his other crimes?

Surely, these two men created their own beds—they both committed, in a technical sense, the same crime. Far be it for me to second-guess our worthy courts. Yet I cannot believe that the Justice Department could have played no role at all in these disparate sentences. The fact is that Mr. Anthony J. P. Farris made a deal with Frank Sharp to keep him out of jail, and he did not make a deal with the other fellow, who entered the same plea to the same crime, but, unlike Sharp, drew the maximum sentence. Sharp was a mighty big fish. The other fellow by comparison was not even a tadpole. But Sharp is off the hook, and the other fellow is caught, hook, line, and sinker.

Now, Mr. Anthony J. P. Farris says that he might never have been able to make a case against Sharp, so he took what he could get. But the other banker was involved in a scheme that Justice Department folks call a prosecutor's nightmare because it is so complicated. Yet Anthony J. P. Farris had no trouble with him, whereas with Sharp he was compelled to make what he calls a judgment play.

Anthony J. P. Farris must be the strangest fisherman on the gulf coast. In any event here we see stark contrast between his ability to nail a little guy hard, and his inability to do much about a man who had close connections to his boss.

So far Mr. Farris has nailed a chicken thief with the maximum sentence. He has gotten the maximum sentence for a small cog in the big Bank of Sark paper kiting scheme. But the biggest shark in the Gulf of Mexico, the biggest sharpie of his day and time, Mr. Anthony J. P. Farris, freed from the hook. I guess it goes to show you that Sharp had connections, and these other fellows did not.

THE CBS CASE

The SPEAKER pro tempore. Under previous order of the House, the gentleman from West Virginia (Mr. STAGGERS) is recognized for 15 minutes.

Mr. STAGGERS. Mr. Speaker, no Member of the House regrets more than I do that the situation relative to CBS would have to come before the House. I will probably make this statement tomorrow again, but I say tonight that Dr. Stanton has been a friend of mine for some 20 years. I have known him closely in the last few years and consider him more than just a friend. So it is not a matter of personalities.

I have watched CBS almost from its beginning until now when it has grown to a great and awesome power in this Nation. It has done much good for the Nation. I have not always agreed with many of its programs, as I have not always agreed with those of the other two networks. I think they have created a lot of violence, sensuality, and immorality that do not need to be brought into the homes of America.

But that is not the point in question here tonight. I would remind those who have spoken that if they had sent out a questionnaire I believe they would have found their constituents 4-, 5-, 6-, 7-, 8-1 in favor of the stand that the committee has taken.

Of course, they have heard only one side and have cautioned many Members of this House not to make a decision until this came before the House and until they heard all the facts. They have not yet heard both sides, and they have not had a chance to make up their minds.

I had a call before it even came up to a vote in our committee, from a man whom I respect and who is a very close friend of mine. He said he and some others had gone on record as being against the citation. I said, "Have you heard all the facts?" He said, "No." I said, "That sounds like a story I heard and actually experienced one time." Then I told him that I had gone to one of my counties to campaign, which was a very strong Republican county. I went to the store and started talking to some of the people and asked them if they could perhaps vote for me. They said, "No." I asked them, "Do you know the person running against me?" They said, "No." I said, "Do you know his background? Do you know he is not really from the State of West Virginia?" They said, "It does not make a bit of difference about him. He is a Republican, and we will vote for him."

I do not say this as a one-sided thing. We have Democrats who do the same thing. But I asked them, why they would not at least study the issues and give me a chance to represent them if they thought I was capable of doing so.

Well, that sounded to me like this instance. We have not listened to both sides. I think tomorrow is the time to try to get it all out. The thing is this. They have talked about the facts and making decisions. That is what we have the Supreme Court for in this United States of ours. We talk about truth. Let me say to the Members that truth is eternal. All good that has ever been built in the world and civilization has been built on truth and integrity and honesty and kindness and love. Nothing else has mattered anywhere under this sun. Those things which have not been built on such a foundation have vanished. Certainly we want to try to establish the truth.

I try to represent my people to the best of my ability. I intend to do it while I am here. I hope to do it on what I consider the truth. I do not intend to impugn the motives of any man in this Congress. I am sure they all intend to do the very same thing. We may look at objects in a very different way, but I am sure we are all here for the same purpose, to do the very best job we can, not only for our district, but also for all the people of this land.

Mr. Speaker, I have here in my hand 12 letters from all across America. I selected only 12 from the hundreds that came in supporting our position. I include them at this point in the RECORD:

TRENTON STATE COLLEGE,
HISTORY DEPARTMENT,
Trenton, N.J., July 4, 1971.

DEAR MR. STAGGERS: Congratulations on the contempt charge against Dr. Stanton of CBS. Please expedite and encourage a full House vote on the matter. If the *NY Times* can urge "the right to know" then surely the people's representatives can request the same from Mr. Stanton.

I fear arrogant media men more than I do elected representatives.

Sincerely,

JOSEPH V. ELLIS,
Assistant Professor.

PAULIST FATHERS,
Washington, D.C., June 29, 1971.

Rep. HARLEY STAGGERS,
Washington, D.C.

DEAR SIR: Having gained a love for West Virginia during my two years at West Virginia University I also came to share in the deep respect West Virginians show toward you. Though I may have slightly different views on the VietNam war than you, I admire and praise you as a man of the people and a devoted worker.

Specifically I wish to reiterate in writing what I conveyed over the telephone last week. I personally would like to thank you for upholding the people's right to a free, objective and unbiased press. Your resolve to hold CBS in contempt of Congress, though painful and controversial, is also a decision to hold CBS in contempt of the people.

I, as you, know that it is necessary to avoid any infringement on the latitude of the press. We owe a very great deal of our freedom to the devotion and good work of the press. But even truth must be checked to be sure it is true and freedom guarded to be sure we are still free. Through your courage and foresight I believe you are making legitimate and needed checks to remind us all that our freedom and truths are very delicate.

Again, thank you, and if there is anything I can do please let me know.

Sincerely,

MARK HETTEL, C.S.P.

ATHENS, GREECE, *June, 29, 1971.*

Hon. HARLEY O. STAGGERS,
U.S. House of Representatives,
Washington, D.C.

SIR: Your Committee, in my opinion as an American citizen working abroad, was perfectly justified to cite Dr. Frank Stanton in contempt of Congress.

So as to influence American servicemen with their own self-righteous brand of "fundamental principles", the men of CBS manage to get on Armed Forces Radio Service too, and so we are privileged over here to be witnesses to their "fair and unbiased" reporting of the news. Like a few mornings ago, when Gen. Maxwell Taylor was interviewed by CBS about the "Vietnam Documents" in such a way as to make him, in the light of the sly and subtly-voiced CBS questioner, sound like a numb-brained, arrogant, fascist. I haven't seen "The Selling of the Pentagon", but I'm sure that's what that was all about too, and this is not the selling of anything to the American public but of glamorized irresponsibility.

The enclosed letter from "The Daily Telegraph" of June 23rd, written by an English M.P., Mr. Evelyn King, contains several passages that should be very useful to your Committee in its difficult search for the truth:

"A single news programme—with power of selection and emphasis—a single news presenter able to place the gloss where he chooses—all this beamed day after day to an audience of millions, represents an apparatus of uncontrolled and irresponsible power with which neither writer nor elected person can compete.

". . . All this at the behest of a gaggle of persons elected by nobody . . . . . They have not mirrored and they have created the current social atmosphere."

As I cabled to Attorney General Mitchell ten days ago, with reference to the N.Y. Times Vietnam documents: ". . . I want a Government not a public referendum engineered by sly reporting biased journalism and distorted editing . . . ." Yes! We are all for liberty of the Press and the Airways, but at the price of this hypocritical abuse by people like Stanton, who prove themselves to be more charlatans than we even originally suspected.

Very respectfully yours,

NICHOLAS C. CUMMINS.

THE UNIVERSITY OF GEORGIA,
Athens, Ga., July 6, 1971.

Hon. HARLEY STAGGERS,
The House of Representatives,
Washington, D.C.

DEAR HONORABLE STAGGERS: If a New York newspaper editor is permitted to publish stolen government documents classified as a secret and confidential, then surely Congress should not be denied access to records of a rigged T.V. program. It is inconceivable that an editor has greater rights of classification and declassification than Congress or even the President of the United States.

In my opinion Frank Stanton and CBS are in contempt of Congress for not honoring the request of your committee.

Sincerely,

R. T. OSBORNE,
Director.

HARLAN G. OAKES & ASSOCIATES, INC.
Woodland Hills, Calif., April 29, 1971.

Congressman HARLEY O. STAGGERS,
Washington, D.C.

DEAR CONGRESSMAN: CBS is giving you and your committee, a defensive argument that is not in line with their "demand that News media be free from censorship." If they believed that this argument was valid they would be more than willing to provide your committee with all of the information, so that we the public would be privileged to all of the circumstances surrounding this so-called "documentary." Are we and Congress not entitled to the "full story" in line with the fairness doctrine? If this be so and the fairness doctrine is to be imposed as the news media wants it imposed, then why not the full details on where the sources are, the people who supplied them and the ones who got paid by CBS for so doing?

As a Northwestern student at one time I saw this same CBS run the "Pot Party" at N.U. which was set up by CBS and fully arranged before hand. They are the same people who showed as documented truth the so-called "starving baby" in Texas when in truth it was a pre-mature baby as shown later, in a doctored CBS film.

As a member of the Broadcasting fraternity since I was 20 yrs of age, I am conversant with a lot of "demands" made in the name of free press and speech, and I would suggest that the Congress of the U.S. is not amiss in its demands that the "full story" be revealed when the public money is involved in the subject material used.

I am sending a copy of this letter to BROADCASTING AND TO TELEVISION-Radio Age, to see whether or not they will print it in "letters to the editor."

I believe the military has enough troubles these days without a "doctored" documentary being used against them.

Respectfully,

HARLAN G. OAKES.

Huntsville, Ala., April 27, 1971.

Rep. HARLEY O. STAGGERS,
House of Representatives,
Washington, D.C.

DEAR REPRESENTATIVE STAGGERS: The attention you are giving to the CBS broadcast on the Pentagon's PR program is indeed reassuring. It is hoped that in taking this look at one specific situation in the television arena that you will be led to examine the full significance of the whole process involved with TV news and bring it within suitable bounds.

Your problems seem as perplexing and intractible as the problems of others trying to reorder things in the field of copyright: They are faced with the innovation of the Xerox machine and you have to deal with "electronic reporting".

Whenever such new technology is brought into use, it injects altogether new and different considerations. These can exert influences that are overriding and dominant over previous concepts. It takes equally innovative thinking with possibly an entirely new approach, new interpretations and new conclusions to devise proper management in view of the new technology.

There are differences between the print Press and this electronic reporting that have a profound influence on the relative status of the two media, and it is fortunate that the control of licensing was established over broadcasting at the outset.

The most noteworthy difference seems to be the capability for "instant reporting" on the part of TV news. It was TV news that allowed millions to be witnesses to the murder of Oswald. The all but forgotten "Extra!" edition of the newspaper was no competition for this showing of events on TV screens in real time, and has been forgotten by the general public, most certainly.

The printed word, no matter how skillfully handled is, on the face of it, the view of another person and in terms of his own expression. At best, it is "excellent reporting." At worst, it is "just a lot of newspaper talk". But the essential factor is the reader's freedom to judge. In any event, it is the journalist who is there, not you.

With his video sound, the TV journalist says, "You are there." As the television news managers would have you believe, the medium but serves as the conduit of some utility, connecting the viewer with reality.

Nothing could be farther from the truth.

The pervasive anti-intellectualism of the medium defies direct analysis. You are *not* there. The reporter who is there does not always tell what is there, nor always turn his camera to show objective reality. And what does go out on the air waves is not what the reporter has recorded, but a selection of recordings made by editorial staffs best calculated to serve their purposes.

Editorial staffs give their reporters all sorts of orientation and guidelines before they send them out to cover events. They do not air these instructions with the public. But the attitude toward certain kinds of events, the mood of reporting on certain public and political figures, the simple factor of time allocation within daily programming shows through with critical analysis. Yet by these devices and many others, the editorial staffs of the television news organizations are able to deal directly in the public's appraisal of affairs, and the individual viewer never knows this.

Such biasing of news reporting occurs in the print Press too, but the difference is that there is meaningful competition of sorts among newspapers. Also, no single newspaper reaches the entire Nation, as does the smallest of the TV networks. And the newspapers at least make a show of separating opinion from fact by the devices of the editorial page and the use of columnists in distinction from what is printed as news.

Nothing else approaches the extent, pervasiveness throughout our social fabric and subtlety of television news, provided as "instant journalism" that has instant effect, by the one preeminent and the two competing networks. All of this talk currently popular with political aspirants about protection against Big Brother's investigative agencies is childish nonsense by comparison with the potential for enslavement of the mind of the general public possessed by major network news staffs. Despite the fact that I, as well as others, have a profound desire and hope to be able to view the network news organizations as Caesar's wife, very frankly, when I see the patterns that are emerging, I am becoming terrified by the amoral, apatriotic, anti-intellectual and, in some respects, anti-American power that they wield.

The public interest—and the very legitimate interests of the broadcasting industry as well—need safeguards for the right to a free access to reality in the news and protection against the accidents of thoughtlessness and misjudgment, the whim of personal bias or the malice of some person or clique possessed by some unannounced, blandly concealed motivation.

Enclosed is some further documentation of my views on this matter which I hope offers something worthwhile in support of your present efforts to keep TV news free from unenlightened enslavement by those who exercise its awesome power.

Sincerely,

PRENTISS B. REED,
Lt. Col. USA (ret.).

Walsh & Walsh, Lawyers,
Concordia, Kans., July 2, 1971.
Re: C.B.S. Contempt of Congress.
Rep. Harley Staggers,
House of Representatives,
Washington, D.C.

Dear Representative Staggers: When biased and false news reporting is on television the result is that millions of people are misinformed. Nobody has the right to publish false or biased news, whether the same be done by individuals, newspapers or television networks. To attempt to remedy such reporting, is not a form of censorship, and in my opinion, does not violate the right of the free press. If C.B.S. News is guilty of false and biased reporting in connection with the program, "Selling of the Pentagon", then the people have a right to know and the people have a right to expect Congress to endeavor to prevent the same.

All rights have limitations and considering the powers of television to persuade, it is time that Congress defined the limitations on the right of the free press.

The people who control the television news cameras can almost dictate what the majority of the people in this country think and believe. With a little imagination, we could have a press dictatorship. Newsmen like to say "the people have a right to know". But I agree with you in that the people have a right to know the truth. Keep up your good work.

Sincerely yours,
William J. Walsh.

Blessed Sacrament Church,
San Antonio, Tex., July 5, 1971.
Hon. Harley O. Staggers,
Washington, D.C.

Dear Sir: May God bless you! By all means stick by your guns! The establishment of the communications media think they are sacrosanct and not answerable to anyone for anything. Regardless of how delicate a matter might be, how it affects our image or our national security, they are not concerned. . . . They hide behind their axiom, "The right of the people to know." You and your associates represent us, the people. By their own dictum we have the right to know. And we want to know the background of "The Selling of the Pentagon."

Sincerely yours in Christ,
Ralph J. Smith,
Pastor.

San Diego, Calif., June 25, 1971.
Hon. Harley O. Staggers,
House of Representatives,
Washington, D.C.

Dear Representative Staggers: We applaud your courageous stand against the deception used in the "Selling of the Pentagon."

When the communications media have the arrogance to take statements out of context, to splice films, and to pervert intentions, it is time to expose the type of news that we are being subjected to by two of the three major networks.

What we need is "freedom of the viewer" (or listener or reader) to receive *honest* and *truthful* news coverage!

Very truly yours,
W. T. McKinney,
A. McKinney.

San Antonio, Tex.,
June 10, 1971.
Hon. Harley O. Staggers,
Washington, D.C.

Dear Chairman Staggers: After reading your thorough investigation of Project Nassau ones confidence is badly shaken in the network involved.

It is too bad the Committee did not reveal the facts nation-wide so our people could be the judge. I believe V.P. Agnews recent reference was the first word to reach these parts.

Now the arrogance and dishonesty repeated by the same network in The Selling of the Pentagon should shatter the publics confidence beyond redemption.

Our people will not accept this dishonesty, in support of a motive, regardless of how noble it may be.

The peoples trust is violated continually by the networks through their so-called documentaries, staging and the function of selectivity. These violations are reflected in the present and past by "Say Goodbye," Hunger in America, Orson Wells' Scare, Quiz shows, Case History of a Rumor, etc.

The networks attack our federal institutions, particularly the FBI, Justice Department and military by overloading with adverse evidence through selectivity and failing to give the same opportunities to rebuttal guests and news items. This is so well documented by ABCs Howard K. Smiths Efron Interview titled, "There is a Network News bias." It reveals the liberal orientation of the personnel and especially attacks the bias toward the military in Vietnam.

Your investigation concludes rightly, that there should not be one law for the people at large and another for the members of the news media. The First Amendment was not intended as a shield for dishonesty, not even in the news media.

The public should be most grateful for your dedicated attempt to protect its interest regardless of the cries from any source.

Your comments will be appreciated.

God bless you and may no one stay your hand.

Respectfully.
George B. Peploe,
Major General, USA–Ret.

St. Louis, Mo., *April 13, 1971.*
Hon. Harley O. Staggers,
House of Representatives,
Washington, D.C.

Dear Congressman Staggers: I read in the paper that your Subcommittee is going to investigate CBS in relation to its recent program, "The Selling of the Pentagon."

I watched the program when it was rebroadcast in March. I expected the program to be much as it was, and therefore, was not terribly upset by its biased and critical approach. I listened carefully to the criticisms voiced by Vice President Agnew, Secretary Laird and Congressman Hébert. At that point I felt that perhaps these gentlemen were too sensitive and had overreacted to CBS's approach. However, after I heard the defense of CBS by Richard Salant I realized that all the criticism had been justified. In other words, I believe that Mr. Salant's defense proved the truthfulness of the very allegations made.

Let me explain.

Vice President Agnew and Secretary Laird accused CBS of splicing the film of a speech by a Colonel so as to create the impression that the Colonel was stating as his opinion a certain philosophy, whereas the Colonel was in fact quoting one of the Cambodian Princes. Mr. Salant did not deny the charge. Instead he stated that the Colonel had not quoted the Prince correctly. If this is so, should not CBS have pointed that out during the program? I think the fact that Mr. Salant raises a "straw man" issue, and avoids answering the charge made, lends great credence to the charge.

Mr. Salant, in his defense, resorted to the same type of half-truths as CBS was accused of using in the program. He implied that if the Colonel did not quote the Cambodian Prince in full, then CBS was free to distort the Colonel's words. Whether or not the Colonel correctly quoted someone is quite immaterial to the underlying question of whether CBS correctly and thoroughly and truthfully quoted the Colonel.

Secondly, Congressman Hébert accused CBS of securing a film clip from his office under false pretenses. Mr. Salant flashed a letter from one of Mr. Hébert's aides on the television screen and highlighted the first and last paragraphs of the letter. The first paragraph stated that the film clip was being sent under separate cover. The last paragraph offered continued cooperation. Now, what was in the middle paragraphs? Perhaps nothing of significance. Perhaps a statement expressing the understanding of Mr. Hébert's office regarding use of the film.

Also, with reference to Mr. Hébert's charge I know from personal professional experience that many times a person will write to another and make a request. The person receiving the request will respond and make reference in his response to the request. Sometimes, the response does not make reference to the original request. But in either case, both the request and the response constitute the "terms of the transaction" and either one by itself can, and often does, create a distorted view of the transaction. Mr. Salant's reference only to the response, and not to the original request, did create the distorted view he desired.

Quite frankly, I am appalled that someone with Mr. Salant's apparent lack of basic honesty and truthfulness is in charge of the news reporting of a major network. It is frightening to think of the ramifications of such a situation. I urge you to look into this matter most thoroughly and in the hope that my comments may be of some help, I offer them to you.

Sincerely yours,
Gerald J. Zafft.

In addition to these 12 letters, I ask unanimous consent to include in the Record an article which appeared in today's Star, written by William F. Buckley, Jr.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

The article is as follows:

The Showdown Between CBS and Congress

(By William F. Buckley, Jr.)

Here is the background. CBS produced a brilliantly effective documentary called "The Selling of the Pentagon." Its thesis was that the Pentagon does a lot of public relations work, which I found about as surprising as Vice President Spiro T. Agnew's revelation that the networks tend to show a leftward bias.

The issue was then raised, and intelligently discussed, whether the documentary had engaged in rather unusual distortions.

Any polemical account of anything engages in what one might call distortions, i.e., the stressing of one set of points, and the understressing of another. But it was charged that CBS did more: That the producer took words uttered by a Pentagon official in answer to one set of questions, and appended them to a different set of questions, so as to give the viewer the impression that said Pentagon official was being very perverse and very unresponsive.

At this point a congressional committee began to take an interest in the case, and notified CBS President Dr. Frank Stanton that it desired to see all the film that had been taken, from which the final had been put together. To this indelicacy, Stanton replied: No, citing the freedom of the press. And, indeed, no journalist gladly permits others to see his notes, no artist his early drafts.

But Rep. Harley Staggers of the House Commerce Committee turned out to be a tough hombre, and he promptly subpoenaed the CBS rushes. Stanton refused to produce them, whereupon the subcommittee voted to find him in contempt. Now the senior committee, by a two-to-one vote, concurs, and the House of Representatives will be asked to say yes or no.

Stanton, who is the soul of honor, insists on reducing the conflict to generic terms. "All this boils down to," he said, "is one central and vital question: Is this country going to continue to have a free press, or is indirect censorship to be imposed upon it? The issue is as simple as that."

But surely the issue is not as simple as that. It is more complicated than that. Staggers, who by the way is a Democrat, put it this way, in answering Stanton: "This is the most powerful media we have in America today and '*you*' talk about 'chilling effect' . . . Where there is untruth put over these networks, they can control this land, and you know they can." Rep. Clarence J. Brown came to the defense of CBS, if not exactly in just the way Stanton would have liked.

"CBS has a right to lie," said Brown, "and does so frequently."

But then Brown suggested that CBS should devise its own safeguards against a repetition of such distortions as the Pentagon commentary was guilty of.

"It is not up to me to decide what's untruthful, biased and slanted, but if Frank Stanton doesn't wake up to the fact that he has a responsibility to the American people, the people will take care of him—or we will take care of him some other way."

Surely Congress is making its own simple point, which is that broadcast licensees, unlike newspaper publishers, are already regulated as it stands, via such articles as the Fairness Doctrine, and that Congress has a continuing responsibility to oversee the broad rules by which the broadcasters are governed.

As recently as 1959, when the Communications Act was amended, Congress, in granting certain immunities to the television industry, wrote that "nothing in the foregoing . . . shall be construed as relieving broadcasters in connection with the presentation of . . . news, documentaries . . . from the obligation imposed upon them under this act, to afford reasonable opportunity for the discussion of conflicting views on issues of public importance."

Meanwhile, deep down in the news story, one learns that CBS has just now issued a directive governing future news documentaries. "One (directive)"—to quote a summary of it, "requires that, if the answer to one question asked of an interviewed person is taken from a reply to another question, the viewer must be so advised."

Those who know Frank Stanton will know that his reforms were instituted because of his own commitment to fairness. But those who don't know Frank Stanton will quite understandably believe that his reforms were instituted because of congressional pressure. And that, children, is what congressional pressure is all about.

Mr. STAGGERS. Mr. Speaker, we have hundreds and hundreds of letters supporting this cause, and I would say many, many newspaper editorials supporting our cause, from across America. I am not going to burden the Record with them. Certainly anyone who wishes to can view them at our subcommittee office. They have just now begun to come in in overwhelming numbers in support, as people know what is going on and what has been proposed before the Congress of the United States.

At this time I do not believe there is any use in further debating the issue, because it will be debated tomorrow, the good Lord willing, and everything falling into place, so that we can. Then the Members of the House will know what decision they should make, after they have heard both sides.

Mr. BURTON. Mr. Speaker, the CBS controversy is a highly complicated issue with far-reaching constitutional ramifications regarding the powers of Congress and freedom of the press in America.

The vote on this matter will be one of the most important we will cast this Congress.

I therefore wish to recommend to my colleagues a fact sheet on the issue prepared by the staff of the democratic study group of which I currently am chairman. As with all DSG fact sheets, it is designed to inform Members on the issue—not argue in favor of one side or the other.

I might add, Mr. Speaker, that I am personally opposed to the citation and intend to vote against it. However, regardless of how other Members may feel on the subject, I think they will find the DSG fact sheet gives a fair and balanced presentation of this crucial issue and I am pleased to make it available.

Mr. Speaker, I hereby include DSG fact sheet 92–9, dated July 9, 1971:

THE CBS CONTEMPT CITATION

This DSG Fact Sheet deals with the House Commerce Committee resolution citing the Columbia Broadcasting System and its President, Dr. Frank Stanton, for contempt of Congress for refusing to turn over film materials and other information regarding preparation of the CBS documentary, "The Selling of the Pentagon."

Because of the far-reaching Constitutional issues involved, the CBS citation is one of the most important and controversial contempt issues ever considered by Congress.

The matter is expected to be brought before the House for a vote sometime during the week of July 12—despite the fact that the committee report will not be available until Tuesday, July 13. Objection may be made that consideration of the resolution before the report has been available three days violates House rules. Chairman Staggers contends that the three-day rule does not apply to questions of privilege such as contempt citations.

This fact sheet contains the following sections:

SECTION I. BACKGROUND

On February 23, the CBS Television Network broadcast a news documentary entitled "The Selling of the Pentagon" which described the public relations activities of the Department of Defense. The broadcast produced a storm of controversy over both its content and allegations that CBS altered film interviews to mislead and deceive the public. On March 23, the program was rebroadcast with a 22-minute postscript containing critical comments of Vice President Agnew, Secretary of Defense Laird, and Chairman Hebert of the House Armed Services Committee, and a response by Richard S. Salent, President of CBS News.

In response to the extensive criticism and debate over the original broadcast, CBS broadcast an hour-long panel discussion on April 18 presenting opposing views on the Defense Department's public information program.

As a result of charges of deceptive editing practices in "The Selling of the Pentagon", the Special Investigations Subcommittee of the House Foreign and Interstate Commerce Committee began an inquiry into the need for further legislative oversight of broadcast procedures and issued a subpena to CBS demanding "all film, workprints, outtakes, sound-tape recordings, written scripts and/or transcripts" relating to the documentary. On April 20, CBS provided film copies and written transcripts of the material actually broadcast, but declined to provide materials not broadcast. CBS contended that the demand for such materials violated its First Amendment protection from government censorship.

On May 26, the Committee withdrew its earlier subpena and issued a revised one requiring CBS President Frank Stanton to appear and testify before the Investigations Subcommittee and to produce all materials which appeared, at least in part, in the actual broadcast.

On June 24, Dr. Stanton appeared before the subcommittee and testified for nearly four hours. He refused, however, to produce outtakes (the unused portions of filmed interviews) and he refused to testify regarding editing practices used in the preparation of any specific CBS news or documentary broadcast on grounds that the revised subpena still violated the constitutional protections of a free press.

Chairman Staggers, who heads the subcommittee as well as the full committee, suggested that Dr. Stanton was in contempt of Congress for refusing to comply with the subpena, and the subcommittee subsequently voted to cite both Stanton and CBS for contempt. Only July 1, the full Commerce Committee voted 25 to 13 to support the subcommittee's contempt citation. (The dissenting minority included 10 Democrats and three Republicans.)

The citation is the first ever sought by either the House or Senate against a segment of the broadcast media or one of its officials, and has produced a deluge of protest from professional associations representing every segment of American journalism. These associations include the American Society of Newspaper Editors, the American Newspaper Publishers Association, the National Newspapers Publishers Association, the American Association of Schools and Departments of Journalism, the American Newspaper Guild, the Associated Press Broadcasters Association, the Association for Education in Journalism, the Association of American Publishers, the Authors League of America, the Radio Television News Directors Association, and Sigma Delta Chi.

Newspapers have been nearly unanimous in opposition to the subpena and contempt citation which carries a maximum penalty of $1,000 fine and a year in jail.

SECTION II. SUMMARY OF BASIC POSITION

This section presents a brief summary of the basic positions of Chairman Staggers and the Committee majority, CBS, and the bipartisan Committee minority. Key points of controversy are dealt with in more detail in Section III.

Committee majority

Chairman Staggers and the Committee majority contend that CBS "altered film and sound . . . to deceive the public" in its documentary "The Selling of the Pentagon," and that it is the right and obligation of the Committee to investigate and recommend legislation to prevent such deception. They argue that the subpoena is proper since the materials are necessary if the Committee is to discover the techniques of broadcast distortion, that CBS' refusal to comply is blocking the Committee's inquiry, and that the network and its president have therefore "contemptuously defied a validly issued and lawful subpoena." The Committee maintains that the First Amendment freedoms do not apply as completely to broadcast media as to newspapers and other print media.

According to Chairman Staggers, "Deception in broadcast news is like a cancer in today's society." He feels the Committee has a responsibility to investigate such "deliberate attempts to deceive" the public and that CBS' refusal is a "calculated affront" to the Committee's investigatory powers and its duty to legislate.

The Committee contends that the great power of broadcasters to shape public opinion requires government supervision to prevent manipulation of the decision-making process of the electorate and to protect the people's right to know. The question has nothing to do with editorial judgements, according to the Committee, but it is focused on the techniques of cut and paste used for the purposes of intentional deception.

The Chairman and the committee majority contend also that CBS deprived those whose words they altered of their First Amendment right of free speech and cut off the public's right to hear freely expressed views, and that such "calculated deception" is beyond the protection of the First Amendment. The Committee majority also maintains that since the broadcasters operate only by Congressionally-granted privilege, they do not fall within the freedom of the press granted the printed media and that in the absence of a need to protect confidential sources there is no newsman's privilege to resist subpoena.

CBS

CBS contends that it is justified in refusing to comply fully with the subpoena in order to protect its First Amendment freedom from censorship. It contends that the Subcommittee is making an unwarranted inquiry into the constitutionally-protected area of news judgment and that such activity would have a "chilling effect" on the broadcast media by restraining the presentation of controversial programming and by deterring broadcast journalism from investigation of governmental activities on which such programming depends.

The network argues that radio and television stand on equal footing with newspapers under the First Amendment's freedom of the press guarantees, and that the subpoena impinges on these guarantees by asserting a governmental right to inject its own standard of "truth" in evaluating the editorial decisions of broadcast news. The legislative concerns claimed by the Committee—to prevent "distortions" or to control "editing practices"—are beyond legitimate Congressional regulation of broadcasting, CBS contends. While the limited frequencies available for broadcasting may justify regulatory procedures to maximize efficient use and to prevent the monopolization of the airwaves, CBS argues, such regulation must stop short of overseeing news programs or second-guessing news and editing judgments.

CBS says the requested film outtakes are similar to a newspaper reporter's notes and like such notes are protected by the First Amendment.

Committee minority

The bipartisan minority argues that the subpoena is both unnecessary and an overextension of Congressional powers since the Committee already has the needed information, that the First Amendment prohibits inquiry into the news judgments of broadcasters, and that the case against CBS is so weak that it could backfire in the courts leaving Congress with severely-curtailed powers to react to legitimate areas of public concern dealing with broadcasting.

They point out that the information needed in order to legislate has been provided by CBS or is available to the Committee from other sources, such as the Pentagon and individuals interviewed for the CBS program. Full transcripts of the controversial portions cited by those seeking contempt have been inserted in the *Congressional Record*. According to the minority, the courts have been extremely reluctant to infringe First Amendment protections when the sought-after information is available from other sources.

The bipartisan minority contends that there are several recent Supreme Court and Federal Court of Appeals cases which apply First Amendment freedoms equally to broadcast and printed news and that Congress should act with "prudent restraint" when dealing in this area. They argue that the proper way to temper distortion is not through an extension of Congressional controls to the method by which news is obtained and reported, but through the free exchange of ideas in a free press, as was intended by the framers of the Constitution.

The minority feels that if the citation is upheld by the House, Congress will go to court with a weak case, will undoubtedly lose, and will face the possibility of diminished prerogatives and crippled powers of oversight of broadcasting because of the failure to raise the real interest of Congress in a strong way.

SECTION III.—KEY POINTS OF CONTROVERSY

This section deals with the key issues in dispute and summarizes the opposing points of view of Chairman Staggers and the Committee majority, of the bipartisan minority, and CBS.

The subpoena was a valid exercise of the committee's powers and responsibilities

The Committee contends that the Rules of the House give it responsibility for legislation regulating interstate and foreign communications and that legislative responsibility includes a broad power of investigation. The essential elements of this investigatory power are that it be exercised for (a) valid legislative purpose and (b) that questions asked or evidence sought must be relevant.

Here the "valid legislative purpose" lies with Congress' traditional power to control the channels of interstate and foreign broadcasting and to regulate their use in the public interest, the Committee contends.

The outtakes here are relevant, the Committee maintains, in order for the Committee to ascertain if, and how, the words of interviews were rearranged and events in the documentary were changed in sequence.

Since the two requirements for valid Congressional investigation are present, the subpoena itself is valid.

CBS and its supporters argue that the subpoena fails both Committee tests. They contend that there is no valid legislative purpose since the Committee's purposes collide with the overriding protections of the First Amendment and that the materials sought are not relevant since the information is available from other sources.

They contend that the underlying assumption of the Committee's investigation is that Congress has the power to judge whether TV news is factually "true" and that this purpose is too broad in light of the First Amendment's protections of the press and that such interference with protected rights cannot be a legitimate legislative purpose.

The subpoenaed information is needed by Congress

The committee contends that the outtakes are needed in order for the committee to thoroughly understand the techniques used in the alleged distortions. Although the committee has in its possession evidence which establishes the fact of the deception, they contend, without the actual outtakes it is unclear how this was accomplished in a manner to defy detection by viewers. Until these techniques are understood, appropriate legislative response will be stymied.

CBS and the committee minority argue that the subcommittee has everything it needs to draw its conclusions about the propriety of the editing process. Full transcripts of the only controversial portions cited by the committee have been inserted in the *Congressional Record* by Reps. Hebert (March 8, 1971, pp. 5401–5402) and Adams (July 8, 1971, page 24203). The documentary was made up of old Defense Department films (readily available from the Pentagon) and clearly defined interviews which can be checked for accuracy by the testimony of those interviewed. Additionally, CBS supplied a full transcript of the documentary, a copy of the film, a statement of general principles applicable to its editors in the past and specific guidelines intended for future use. Dr. Stanton also testified for several hours in front of the Investigations Subcommittee.

The first amendment applies as equally to radio and television as to newspapers

CBS and its supporters argue that the First Amendment protections extend to all news media and that it is irrelevant whether news is presented via newspapers, radio or TV. They maintain that the Supreme Court (most recently on June 7 in its *Rosenbloom v. Metromedia* decision) and lower courts have consistently treated broadcast journalism as having the same First Amendment rights as newspapers. Some extra regulation of broadcasting may be necessary to assure the fair use of the airways, but this regulation does not extend to government oversight of news and editorial judgments. Such past regulation has been to make sure that all sides were presented, not to investigate the truth or falsity, according to government standards, of any one presentation.

The committee majority argues that public ownership of the airwaves requires that they be used in the public interest. Thus, broadcasters have special responsibilities as fiduciaries for the public for accuracy in their news broadcasts and that unlike newspapers their freedom hinges on the accurate and fair use of their privilege.

Since the government controls access to the airwaves, the government has a responsibility to prevent deception and guard against distortions of fact in their use.

Broadcast deception warrants limitation of first amendment protections

The committee argues that the far-reaching consequences of deception in TV news can lead to a misinformed electorate and constitutes a clear and present danger to the public. The high reliance on the broadcast industry by the electorate requires disclosure of manipulation in order to protect the electorate's right to make political decisions on a basis of truth. Further, the Committee contends, the Supreme Court has ruled that calculated falsehood is not protected by the First Amendment.

CBS contends that the basic theory of the First Amendment is that in the free and open marketplace of ideas, the truth will prevail. The bipartisan minority agrees that "whatever standards it chooses to impose on broadcasting, the Congress cannot extend its controls to the method by which news is obtained and reported. Nor can it set out on a search of effective remedies that are within the spirit of that principle in the case of CBS and Dr. Stanton.

"Any Congressional initiative which springs from the premise that government has the power to guarantee the 'responsible' use of journalistic judgment springs from a false premise. Government is powerless either to render journalism 'responsible' or to restore public confidence in it. Only the journalists have that power . . . the threat of public disbelief and contempt should hang far heavier over the media and its sponsors than any Congressional subpoena."

The contempt citation would have a "chilling effect" on broadcast journalism

CBS and its supporters argue that if the subpoena is upheld broadcast journalists will be inhibited by their reporting because of fear that they might be subject to Congressional interrogation and official inquiry into their news judgments. This chilling effect would slow the free flow of news, especially that relating to government activities.

Even Attorney General Mitchell recognized this effect, supporters point out, when he said recently that unwise use of subpoenas "may seriously affect the vigor of our press institutions and their relationships with the federal government, the bar and the courts."

In *Rosenbloom* v. *Metromedia, Inc.* (June 7, 1971). CBS contends, the Supreme Court made clear that the First Amendment protects the press, including the broadcast media, against actions likely to result in a chilling effect upon the exercise of their First Amendment rights.

The committee contends that there can be no chilling effect on the media since the subpoena is limited to a specific program and presents no continuing burden for the broadcast media. Without this continuing burden, they argue, a claim of a chilling effect is illusory. The Committee also points out that the subpoena has nothing to do with newsgathering procedures, merely the editing techniques, so there is no valid reason for the inhibition of reporters.

According to the Committee, the Supreme Court, in *Red Lion Broadcasting Company v. F.C.C.*, rejected a parallel argument directed at the F.C.C.'s fairness doctrine on the grounds that should present licensees grow timid, the F.C.C. can require them to give adequate attention to public issues.

Broadcast outtakes are equivalent to reporters notes

CBS and its supporters contend that the outtakes and sound recordings used in the production of TV news programs are equivalent to the reporter's notes protected by the First Amendment from government scrutiny—material compiled in an extensive examination of a news subject and deleted from the final product in order to arrive at a concise, comprehensive story. In both cases the original gathering of material is based on a news judgment—a choice as to which pictures to take, what questions to ask, or what notes to take—and the final editing is based on a second news judgment. These news judgments are similar and lie within the Constitutionally-protected area of the First Amendment.

CBS supporters point out that President Nixon and White House Communications Director Herbert Klein have equated reporters notes with the materials sought by the Committee in this case.

The committee argues that the images and sounds of the outtake materials are records of actual events and not the same as the thoughts and impressions of a reporter committed to a notebook. The specific outtakes here consist of films of a public speech and an interview. It is inconceivable, the Committee contends, that such public speech could become CBS' privileged property. Further, the Committee argues, there is no judicially-declared First Amendment newsmen's privilege except to protect confidential news sources. Since CBS does not here claim to be protecting such sources, they have no privilege to resist the subpoena.

GENERAL LEAVE TO EXTEND

Mr. ADAMS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to extend their remarks on the subject of the citation of CBS and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Washington?

There was no objection.

LEGISLATION CONCERNING THE STRIKING OF MEDALS HONORING CERTAIN FEDERAL OFFICIALS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. HALPERN) is recognized for 5 minutes.

Mr. HALPERN. Mr. Speaker, I would like to declare my support for legislation to provide express statutory authorization for the practice of striking medals commemorative of the Presidents of the United States, the Secretaries of the Treasury, and the Directors of the Mint, and to provide for the initiation of this practice with respect to the Treasurers of the United States.

There is much to be said for the issuance of all such medals. They are exceedingly popular, serve to educate the public, advertise American traditions, and their sale redounds to the financial advantage of the Government.

The present statute concerning the striking of commemorative medals—section 368, title 31, United States Code—section 3551 of the Revised Statutes—is in its terms directory merely. The proposed amendment makes mandatory the inclusion in the regulations of the Director of the Mint, provision for the coining of medals commemorating persons holding the offices named in the amendment.

That is to say, under present law the Director of the Mint has discretion about issuing or not issuing regulations concerning coinage of commemorative medals for the persons holding or who have held the Federal offices named in the amendment. The amendment is intended to limit this discretion as to those offices.

As to all the subjects of commemorative medals other than those specified in the proposed amendment, discretion on the part of the Director of the Mint is transferred to the Secretary of the Treasury.

The bill reads as follows:

H.R. 9705

A bill to provide express legislative authorization for the practice of striking medals commemorative of the Presidents of the United States, the Secretaries of the Treasury, and the Directors of the Mint, and to provide for the initiation of this practice with respect to the Treasurers of the United States

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. Section 3551 of the Revised Statutes (31 U.S.C. 368) is amended by inserting immediately after the first sentence thereof the following: "The regulations shall provide for the striking of medals commemorative of the Presidents of the United States, the Secretaries of the Treasury, the Directors of the Mint, and the Treasurers of the United States, and shall provide for the striking of such other medals as the Secretary of the Treasury may deem appropriate."

AID TO PAKISTAN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Massachusetts, (Mr. MORSE) is recognized for 5 minutes.

Mr. MORSE. Mr. Speaker, on July 1 I introduced House Joint Resolution 765 which affirms that "all military assistance, and all sales and deliveries of military equipment and weapons" to Pakistan and "all licenses for military sales including those already approved" shall be suspended for a period of 365 days unless the President determines that such assistance, sales or deliveries are required for reasons of overriding national interest and so reports to the Congress.

The response to this resolution has been highly favorable. It demonstrates that Members are determined that the United States by its every action convey the conviction that it favors an immediate standdown in the level of violence in East Pakistan and that they believe that the minimal step which the United States must take is to halt the shipment of arms to Pakistan. Forty Members have cosponsored this resolution.

I would point out again that my resolution follows up on a position commendably taken by the administration itself. When civil war broke out in East Pakistan, the Department of State made clear that the U.S. program of military sales to Pakistan had immediately been placed under review and that no further sales would take place pending a clarification of the situation.

Subsequently, however, it was learned that military supplies in the pipeline continued to flow to Pakistan notwithstanding statements by the Department of State that nothing was scheduled for delivery. Although final figures are not available as of this date, Senator CHURCH has information which suggests that the amount in the pipeline may be as high as $35 million—RECORD, 24036, July 8, 1971.

House Joint Resolution 765 will close this loophole. There are precedents for halting deliveries in the pipeline. The United States suspended arms shipments during the 1965 war between India and Pakistan.

House Joint Resolution 765 has another objective. It attempts to deal effectively with the Department of State's contention that many resolutions directed against military aid or sales to Pakistan provide a time frame "so imprecise as to render their application difficult if not impossible." Thus these resolutions often call for an end to shipments until the conflict is "ended" or "resolved."

House Joint Resolution 765 cuts through this problem by simply halting all military assistance, military sales or military deliveries for a period of 365 days from enactment of the resolution. Yet it meets other possible objections from the executive branch. At the same time that it clearly and firmly expresses the sense of Congress on this important issue of military sales and deliveries to Pakistan, it does not irrevocably tie the President's hands. The President may at any time alter U.S. policy provided that he determines that issues of "overriding national interest" are involved and so reports to the Congress.

Another argument sometimes advanced against resolutions dealing with U.S. military deliveries to Pakistan is that a suspension of these could have an adverse impact on our relations with Pakistan or that it could hinder efforts to promote a political settlement. Personally, I question whether the United States retains any significant leverage from its military or economic aid programs when the country to which it is sending the military equipment or economic aid is caught fast in the grasp of internal disruption.

But in any event the United States has already imposed an informal halt on further military sales to Pakistan and its economic aid programs continue. In these circumstances I would suggest that without reducing whatever significant leverage we may still enjoy in a country fighting a civil war, House Joint Resolution 765 will close an unintended loophole, will convey a consistent impression of our arms policy which continued deliveries makes impossible, and will ward off totally unnecessary diplomatic complications with interested third countries in South Asia.

I urge the Congress to take immediate action on House Joint Resolution 765. We will regret every day's delay.

A list of cosponsors to House Joint Resolution 765 follows:

Mrs. Abzug, Mr. Anderson of Illinois, Mr. Anderson of Tennessee, Mr. Badillo, Mr. Bell, Mr. Biaggi, Mr. Bingham, Mr. Boland, Mr. Brademas, Mr. Burton, Mr. Corman, Mr. Dellums, Mr. Drinan, Mr. Frenzel, Mr. Gallagher, Mr. Gude, Mr. Halpern, Mr. Harrington.

Mr. Kastenmeier, Mr. Koch, Mr. Leggett, Mrs. Mink, Mr. Mitchell, Mr. Mosher, Mr. Moss, Mr. Nix, Mr. Podell, Mr. Riegle, Mr. Reuss, Mr. Roybal, Mr. Robison of New York, Mr. Roe, Mr. Rosenthal, Mr. Ryan, Mr. Sarbanes, Mr. Scheuer.

Mr. Steiger of Wisconsin, Mr. Stokes, Mr. Vanik, Mr. Waldie, Mr. Wilson of California.

SOVIET NEW TACTICS IN GERMANY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. CRANE) is recognized for 5 minutes.

Mr. CRANE. Mr. Speaker, the recent proposal of the Soviet Union to open a Soviet Consulate General in West Berlin is a new and very disturbing attempt by the Soviets to increase rather than diminish tensions in this part of Europe.

This new move should be viewed within the context of the overall Soviet policies on Germany as expressed primarily by the agreement of August last year signed in Moscow between the Soviets and Willy Brandt's German Government. The agreement bypassed the crucial problem of West Berlin; but in the subsequent statements Chancellor Brandt committed himself to the linkage between a "satisfactory" solution of the West Berlin problem and the treaty. He made this solution a prerequisite for the ratification of the Moscow agreement. The Soviets' new demand for the Consulate General in West Berlin creates a very serious new complication.

The leader of the CDU/CSU opposition party in the Bundestag, Dr. Rainer Barzel, recently stated in reference to this new Soviet proposal:

> He who looks for solutions to the Berlin problem without any new complications must consider first that the Soviet Union should not be given any position in West Berlin which the Western Powers are not looking for themselves in East Berlin.

The Soviet Union has been pressing for many years to increase political tension in Germany by insisting on the recognition of three separate German entities: West Germany, East Germany, and West Berlin. With this purpose in mind the 24th CPSU Congress in Moscow of last April was attended by the separate German Communist parties' delegations from all three areas, with the former boss of East Germany, Walter Ulbricht; First Secretary of the Communist Party in West Germany—KPD—Kurt Bachmann; and First Secretary of the Communist Party of West Berlin—SED—A. Danilius, respectively in charge of these three delegations. As far as the Soviet Union is concerned these communist leaders are the real "popular" representatives and spokesmen of the respective parts of Germany.

According to this notion, Kurt Bachmann, not Willi Brandt speaks for the interests of the West German population as far as the Soviet Central Committee is concerned. The next and internationally recognized step of separating West Berlin into a third Germany would be to install a new Soviet Consul General there who would have a status similar to the two other Soviet ambassadors, Abrasimov in East Berlin and Falin in Bonn, reporting directly to the Foreign Minister in Moscow.

The formal acceptance of such an office in West Germany by the Western Powers would provide a first direct step toward real political separation of West Berlin from West Germany notwithstanding other aspects, such as physical access rights, communications, currency, et cetera.

The issue here is much greater than West Berlin alone. According to Dr. Barzel:

> In West Berlin the three Western Powers are protecting not only the people of the city and the territory but the democratic system itself.

It is extremely important to maintain the direct political link between West Berlin and West Germany and avoid any new elements severing this linkage. The Soviet consulate general in West Berlin would be a step in the Soviet "salami tactics" increasing the tension in this part of Europe and jeopardizing the position of West Berlin as part of Western Europe.

RESEARCH AND DEVELOPMENT OF LESS POLLUTING SOURCES OF ELECTRIC ENERGY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Washington (Mr. FOLEY) is recognized for 10 minutes.

Mr. FOLEY. Mr. Speaker, I commend to the attention of the House an article by the Honorable Charles F. Luce, now chief executive officer of Consolidated Edison of New York and formerly Under Secretary of the Interior. Mr. Luce moots several approaches to financing research and development into less polluting sources of electrical energy.

I shall like to remind my colleagues that on January 28, 1970, Mr. DADDARIO, Mr. UDALL, and Mr. GREEN of Pennsylvania joined me in introducing House Joint Resolution 1071, a joint resolution to establish a Joint Committee on Environmental Quality and Population Policy. One of the functions of the joint committee created under this resolution would have been "to conduct a continuing, comprehensive study of technological change as it relates to environmental quality including research and development efforts into nonpolluting sources of energy." This is especially pertinent in view of the fact that House Joint Resolution 3, establishing a Joint Commission on the Environment, will come to the floor this week.

Mr. Speaker, I include Mr. Luce's article "The Electricity Crisis: Prototype for Business?" which appeared in the June 1971 issue of the Chief Executive. I earnestly hope that any joint committee finally authorized gives the highest priority into examining the adequacy of Federal help for developing nonpolluting sources of energy with special emphasis on such long term sources such as fusion and MHD—magnetohydrodynamics.

THE ELECTRICITY CRISIS: PROTOTYPE FOR BUSINESS?

(By Charles E. Luce)

To meet the growing electric energy needs of society in ways compatible with a healthful and pleasant environment is the task ahead of the electric utility industry. To do that requires a technological research and development effort of great imagination and intensity. I think we have the necessary imagination. In fact, I do not know of a single area of promising research that is not being pursued—to some extent. It is the intensity of our efforts that is in doubt. At the present level industry may overcome us before we overcome them.

Technology has brought us a long way. Sixty years ago our biggest generator had only 5,000 kw capacity, and it burned 10 pounds of coal to generate a kilowatt-hour. Today we have units of 1-million kw capacity and they burn only two-thirds of a pound of coal—or the oil or gas equivalent—to produce a kilowatt-hour.

Sixty years ago tranmission lines were operating at about 30,000 volts and could carry enough power for a present-day city of about 25,000 people. Today we have lines under construction at 765,000 volts, with carrying capacity on a single right of way sufficient to service a city of 3-million. At the distribution level, we also have made substantial advances, with undergrounding of cables, and better lightning protection. We have come a long way. We are capable of going far beyond where we are today.

Today's R&D in electricity is going forward on many fronts, generally under five auspices: individual companies, the Edison Electric Institute, the Electric Research Council, the manufacturers of electrical equipment and the Federal Government. The EEI reports that individual companies have more than 1,500 projects in progress or recently completed. The EEI effort, financed by member companies, covers 46 projects involving costs or commitments of $48 million. The Electric Research Council has projects under way through the member organizations totaling $30 million plus. The electric equipment manufacturers are spending at the rate of somewhat more than $100 million per year on a variety of R&D projects. The Federal Government is spending approximately $340 million on electric power-related R&D projects, mainly through the Department of the Interior and the AEC.

Technological research under way covers the waterfront controlling stack gases, especially sulfur and nitrogen oxides; new methods of producing electricity such as fast breeder reactors, fusion and MHD (magnetohydrodynamics); the electric car; requirements for cooling water and the effects of thermal discharges on marine life; testing and inspection methods for nuclear plants; high-voltage DC circuit breakers; EHV transmission, both overhead and underground; system reliability.

But we really don't have sharply defined goals: target dates and dollar requirements.

That is why the work of the R&D Goals Task Force of the Electric Research Council is so important. Formed just last fall, the Goals Task Force will give us a final report later this year. It will set forth specific goals to be accomplished year by year between now and 1980, and five-year goals for the remainder of the century. The dollar figures to be attached to these goals will not be based on the money known to be available, but on the amount of money needed. Then, for the first time, we will have a good idea of where we are going and what the cost will be.

Personally I believe that four specific projects must be high on the list of goals. They are:

The breeder reactor, which will greatly extend the world's supply of energy and will operate at higher thermal efficiencies than today's nuclear reactors.

Better processes to remove pollutants from smokestacks and thereby make usable the large deposits of high-sulfur coal in the Eastern United States.

Improved cooling methods, including cooling structures that transmit waste heat directly to the atmosphere or, preferably, increased thermal efficiencies that reduce cooling requirements.

More efficient and economical techniques for underground transmission of electricity at high voltages.

We must have research that will produce quick results, of course, but not at the expense of long-term benefits. Many projects will or may not produce tangible benefits for many years. They must not be sacrificed for more readily attainable short-term goals. Here I have in mind such projects as fusion and MHD. Fusion, for example, would provide a virtually limitless source of power, produce nonradioactive waste materials and increase the thermal efficiency of nuclear power stations.

As for cooling towers, I think we must realize that even if successful in developing dry towers we are really only providing a short-term solution to a long-term problem by changing the heat rejection reservoir from water to air. The real solution is to increase plant efficiency. While the atmosphere may be the ultimate heat sink, it is not an infinite heat sink. We should be aware of this now, well before the limitations are upon us.

Previously, I have estimated that the level of R&D effort for the electric utility industry, exclusive of what the manufacturers do, should be on the order of $200-million to $300-million per year. I do not know what price tag will be on the ERC's goals, but I suspect that if anything it will be higher. The present level of investor-owned electric utility R&D expenditures is about $40 million per year. With costs rising and earnings dropping, the critical question becomes: How are we to finance the level of R&D effort that will be necessary? I am glad that the ERC has formed a finance Task Force to work in harness with the Goals Task Force.

Environmentalists assert, and I think properly, that all of the costs of protecting the environment should be reflected in the cost of goods and services; that air and water and scenic beauty are no longer, if ever they were, "free goods." Alternatively, these costs could be subsidized in whole or part by the government. To that extent, they would be paid by whoever pays taxes.

To me, it seems most equitable that the users of electricity, whose consumption gives rise to the problems would pay for the costs of adequate R&D to reconcile power production with environmental protection. One way to do this would be for the state regulatory commissions to grant rate increases or surcharges to cover each utility's share of the costs.

There are a multiplicity of rate regulatory agencies, however, and they all would have to take the same approach. The publicly owned electric utilities, which supply about 20% of the nation's electricity, typically are not subject to regulation of their rates by the state utility commissions. However, it would be possible for the Federal Power Commission to encourage uniformity in practices regarding R&D expenditures. In its August 1970 report on "Electric Power and the Environment," the Energy Policy Staff of the Office of Science and Technology urged "the regulatory commissions at the Federal and state levels to take positive action to assure that the utility industry can recover R&D expenses in its rates and that the utilities devote a reasonable portion of their large revenues to such expenditures."

An alternative approach would be for Federal legislation to create a trust fund for research. As with the Highway Trust Fund, a user tax would be collected from all consumers of electricity. Since annual revenues of the electric utility industry are on the order of $20-billion, a tax of 1.5% would raise $300-million annually.

Either such a tax or action by the state regulatory bodies would be consistent with the philosophy that all costs of producing energy should be reflected in the price.

There would remain difficult decisions concerning administration of the R&D money. Again there are choices. If the Highway Trust Fund pattern were followed, the electric users' tax would flow into the Federal Treasury to be appropriated by Congress for projects authorized by Congress. The Treasury Department and the Council on Environmental Quality have proposed a penalty tax on the sulfur content of coal, oil and natural gas, with its proceeds going to finance research in ways of lowering air pollution. That proposal is only a step removed from an electric users' tax such as I and others have suggested.

Perhaps the funds could be administered by a Federal agency or agencies with sufficient expertise in the field to establish priorities and perhaps even conduct some research on their own. Whatever the formula decided on for Federal administration of R&D funds, it would be necessary to have consulting committees from the electric utility industry, the manufacturers and environmental groups. If our purpose is to make the production, transmission and distribution of electric energy compatible with environmental protection, environmental groups cannot be left out of the decision-making process.

Another possibility would be for the utilities, which bear so much of the responsibility, to administer the trust fund, perhaps through a modified Electric Research Council. Whatever the final organization, it will need permanent long-range funding and a full-time staff of administrative and technical personnel. The technical staff would be responsible for initiating and evaluating proposals and for technical monitoring of the programs. Advisory groups, including environmental groups and representatives of the Federal Government, could be helpful. Such an organization, let me call it the Electric Research Foundation, would conduct continuous planning and be responsible for integrating individual efforts into a logical, coherent program. It would constantly reassess progress and close out unproductive efforts in addition to initiating projects in promising areas.

Yet another way to administer the research funds would be to establish a non-profit corporation for which the electric utilities of the country would be the holding company. Its purpose would be similar to that of an Electric Research Foundation as regards initiation of proposals, monitoring of projects and dissemination of information.

Perhaps a joint government-industry venture such as the Comsat Corp. would be the way to proceed.

Whatever the route, it might be desirable to build in an additional option, allowing a certain specific portion of the research revenue collected from any utility to be returned to that utility to sponsor research of its own. The big problems our industry faces are industrywide, requiring industrywide approaches, but there are many smaller problems peculiar to the service territory of one or more utilities that also require considerable R&D effort.

I wish to close on a note of caution As important as it is to step up R&D for technological answers to the problems of our industry and society, I think it would be unwise to rely solely on technology. We need, I believe, to couple a strong R&D effort with a strong national policy on conservation of energy—both for ecological reasons and because the sources of energy on the planet Earth are finite. We need, in addition to an intensified research effort, a new environmental ethic, one that would signify a willingness of individuals to forego many luxuries of the affluent society, to forego wasteful consumption of any product or service—including electricity. It would signify, also, a willingness to pay higher taxes and higher prices for the costly facilities necessary to combat pollution effectively. With such an ethic, and with the finest technology that man can discover, we and the people we serve could be meaningfully engaged in a common cause of assuring adequate energy supplies and a pleasant environment.

CHAPTER X—THE CHILDREN AND YOUTH AND MATERNAL AND INFANT CARE PROGRAMS

(Mr. KOCH asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. KOCH. Mr. Speaker, this is the 10th in a series of articles on children and youth and maternal and infant care programs. Support for H.R. 7657, as amended, is increasing. The bill which would extend for an additional 5 years the children and youth and maternal and infant care programs which are now slated for oblivion as of June 30, 1972, has at this time 78 cosponsors in the House and 16 in the Senate.

There are at present 59 regional children and youth programs with additional satellites and 56 maternal and infant care programs in existence delivering comprehensive health care to almost half a million children and youth of lower socioeconomic levels in central cities and rural areas. These projects represent one of the major reservoirs of experience in comprehensive health care today, especially to the poor children of the country.

I have received from the directors of these programs descriptions of the programs in their community and what it would mean if their particular program were terminated. To give our colleagues an insight into these programs, I am placing in the Record descriptions of six children and youth programs.

The material follows:

Children Youth Project No. 630—New York, N.Y.

The Comprehensive Children and Youth Program at Beth Israel Hospital, more popularly known as the I SPY Health Program, an acronym for Infants, School, Pre-School and Youth, has been operational since September, 1967. The program provides total health care on an ambulatory basis for children from 0 to 18 years. The services include medical, dental, nursing, social service, psychiatric, psychological and nutrition. The program is designed to serve the children and families who reside in a specific area of the Lower East Side of Manhattan. This is a low-income area where the median income falls several thousand dollars below the median for the city of New York as a whole.

The delivery of health care is organized around a multidisciplinary team consisting of pediatrician, community health nurse, social worker and family health worker. Each family is assigned to a team and all the children in one family are seen by the same pediatrician and other team members. Home visitation by the nurse and/or the family health worker is done when indicated by the needs of the family.

A supervised playroom has become a place for learning experiences not only for the children but also for the parents who are eager to learn about the stimulating needs of their children as they grow.

Early detection of sensory defects is a prime goal of the program. Vision and hearing screening is part of the health services mandatory for each child.

Because of concern of the program for the health and well-being of the child and family, family planning has been part of the services offered since the program's inception.

Since a large number of the patients and families are Spanish speaking (70 percent) it is essential that many of the staff be bilingual. A parent and child can go comfortably through the program speaking Spanish, being understood and understanding what is happening during the visit.

There are evening clinics so that the working parents will be able to avail themselves of total health services without losing time from work. Also, the mother with a large family is often better able to make provisions for help with the other children in the evening.

Outreach into the community is a very important part of the philosophy of the program. From its start, the program has had a community organizer-health educator who has maintained an active working relationship with the numerous organizations in the area. One of the activities of the health educator has been to incorporate a health component into many of the training programs in the community, such as those given by the school for the family assistants. The program has cooperated with the official health agencies in an ongoing blood lead screening program.

There is a close working relationship with the schools. Members of the mental health group from I SPY have worked directly with school personnel. School suspensions have been averted and more appropriate class placements made because of this on-going contact.

Has the presence of I SPY effected any change in the perceptions or patterns of health care. An interview survey done during the summer of 1969 in the patient's home without any identification of the interviewer with I SPY, revealed some of the following figures.

More than 90 percent of those who identified with I SPY knew their doctor by name. About 80 percent of the mothers knew about the importance of coming for health maintenance rather than just seeking care when the child was ill. The same percentage of mothers were fully informed about their child's immunization status.

If I SPY has to cease operation because of lack of funding, then what? There would be over 5,500 children whose parents would be forced to look elsewhere for care but where else. There would be the forced resumption of acute episodic care, getting somewhere when the child is ill, most likely the emergency room.

What happens to the surveillance of diseases like tuberculosis, anemia, lead poisoning and hepatitis, which thrive in this ame low-income area. Prevention and early detection, an integral part of health supervision at I SPY are the only weapons available to combat the diseases of poverty like those mentioned above.

More tragically a population has had their expectations for health care raised, their health awareness sharpened only once again to have something they value taken away.

The future of our society depends upon what is done for the children today. To keep giving and taking away from a population in need is senseless and unfortunate for the children, the parents and the country.

CHILDREN AND YOUTH PROJECT NO. 612—PHILADELPHIA, PA.

It is with no sense of arrogance that I say that the Rebound Children and Youth Project is probably one of the Projects most deeply rooted in its community in the city of Philadelphia. Serving a target population of 1,500 children in 500 families who are crammed into some of the worst housing in the City as well, the Project has managed to achieve a penetration rate of 80% or about 1,250 registrants in the space of four short years, of whom the vast majority are recipients of the complete package of medical and dental care appropriate to their individual needs. In addition to the attention given to medical and dental care, the Project has served as a force around which the local community has organized to deal with problems such as housing, consumer information, day care, nutrition of school children, and safe places to play for small children. An active and dedicated staff of modes proportions has undertaken this entire venture and in the process gained a wealth of know-how with respect to planning and implementing comprehensive health services to children and their families.

Community members already have a sense of impending doom with just the mention of the legislative process necessary for extension of C & Y funding to 1977. They know from previous experiences that Federal programs tend to come and go and really have little faith that this one will stay, even though its loss would mean a dissolution of what has been their first experience of personalized health care in their entire lives, what for some dozen others would mean a loss of gainful employment, and for still others a loss of a symbol of hope in an otherwise rather bleak environment.

Although this is not a large Project, it represents a unique model of care and statistically its accomplishments are remarkable:

Total registrants—approximately 1250.

Total medical staff—1.8 full time equivalents.

Total nursing staff—4.

Total dental staff—1 dentist/1.5 dental assistants.

Total social work staff—3 social workers; 3 social work assistants; 5 community workers; 3 community organizers.

Visits per month—approximately 800 total.

Medical and dental scheduled and acute per year—approximately 8,000.

Immunizations per year—approximately 600.

Eye glasses per year—approximately 60.

Surgical, ENT referrals per year—approximately 60.

All this in an area which had previously known only fragmented care, impersonal care, and one third of its children arriving at school age without proper immunizations or health supervision.

Even if Health Maintenance Organizations become the model of the future, much valuable ground gained in the past four years will be lost in the Rebound area if C & Y funds are cut short in 1972 before anything moves in to take up the slack.

CHILDREN AND YOUTH PROJECT NO. 616—DETROIT, MICH.

The Michigan Children and Youth project is called Prescad and covers portions of Wayne County as well as selected parts of the City of Detroit. This project was initiated in 1966 and has provided a comprehensive health service to approximately 25,000 children each year. It operates through three major hospitals and five community clinics. Two of the community clinics are large service centers in Detroit serving major populations on the east and west side of the city and three are in western Wayne County serving areas where there are virtually no other health services available. Due to budget limitations, there are some 75,000 children each year who are in need, but cannot be covered by the project.

This program has strong community support and any reduction in service is certain to meet major opposition from community leaders, particularly those among the poor. The project is a major effort to improve health services for the poor. It is successful and limited only by insufficient funds.

CHILDREN AND YOUTH PROJECT NO. 621—KANSAS CITY, MO.

Children and Youth Project 621 has been immeasurable benefit to the patients of the community it serves and since its beginning on April 24, 1967, there have been over 40,000 visits to the disciplines within the project. The program was initiated with the somewhat conservative support of the professional, business and lay community, a support which has increased considerably over the past four years and it is considered that any reduction in services to any degree would have a very detrimental effect on this relationship.

Prior to the C & Y Project there reportedly had been no dental screening services provided to the schools in the project area for about six years. Dental screening was initiated in 1967 and has been continued since that time. The results of screening conducted during the current year reflect a significant decrease for dental care to include not only the number needing care but the extent of service for those who do need such service. Also the requirement for in-patient care for registrants has decreased due to responsive out-patient care provided by the C & Y Community Clinic.

The average cost per C & Y registrant in Project 621 during fiscal year 1970 was $10.88 per month or $130.55 per year. Although 46% of our registrants are eligible for either welfare or medicaid health services and the average cost per patient receiving these services in the State of Kansas during fiscal year 1970 was $124.00, it was acknowledged at a recent meeting with the Director, State Department of Welfare that the care the patients receive is fragmented and the benefit to the individual's health is not possible to measure.

It is believed our C & Y Project is fulfilling its objective of improving the quality of health care services through the comprehensive program and by supplementing the services provided by the Department of Social Welfare, the Wyandotte County Health Department, the health and allied services provided by the Kansas City, Kansas Board of Education, the Wyandotte County Mental Health and Guidance Clinic, and other agencies providing health services in the community.

The Children and Youth Project in Kansas City, Kansas is one of sixty-seven such projects in the United States. It is authorized under P.L. 89–97, the Amendment to the Social Security Act. (The pertinent provision is Section 532 of Title V, Part 4, of the Social Security Act). These projects are designed to "Promote the health of children and youth of school and pre-school age, particularly in areas with concentrations of low-income families . . .". The purpose of the program is to increase the availability and to improve the quality of health care services, not to replace or reduce State or local community funds, nor to replace services presently available.

In October 1966 the Pediatric Department of the University of Kansas Medical Center was the recipient of a grant from the Children's Bureau of the Department of Health, Education, and Welfare for the establishment of a Project to provide comprehensive health care, both medical and dental, for children and youth 18 years of age and under in four (4) census tracts.

All children of the area qualify for screening, prophylaxis and diagnosis free of charge. There are approximately 7,000 individuals in the area 18 years of age or younger, and it is estimated that 4,000 to 5,000 of these qualify for comprehensive health care at no cost to the individual, utilizing the following indigency standards presently in force at the University of Kansas Medical Center:

Number in Family and Income

1—$2,800 or less.
2—$3,600 or less.
More than 2—Plus $600 for each additional family member.

Prior to applying for the Federal funds to establish a project in the Kansas City area, coordination was made with State and local agencies servicing the community. The project was established under the auspices of the University of Kansas Medical Center. KUMC has the responsibility to meet the 25% matching fund requirement.

Project 621 became operational on April 24, 1967 and provides out-patient medical and dental care in the neighborhood clinic located at 1975 North 5th Street, Kansas City, Kansas. The clinic is staffed with:

One Pediatrician.
Two Resident (KUMC) Pediatricians.
One Dental Director.
Two Project Dentists—20% of time.
One Dental Hygienist.
Two Dental Assistants.
Three Public Health Nurses.
One Station Nurse.
One Nutrition Technician.
One Psychologist.
One Medical Technician (Laboratory).
Two Social Service Workers.
Three Receptionists–Clerks.

As of March 31, 1970, there were 4,454 registrants in the Project. The clinic has about 1,200 visitations each month. Project inpatient care load at KUMC averages about 25–30 patients each month, and there is a monthly average of about 30 patients referred to KUMC for out-patient care not available at the Community clinic.

In addition, the nursing staff has in cooperating with the health department, conducted vision testing and TB skin tests in the schools within the project area and the dental personnel have conducted extensive dental screening in these schools.

The C & Y Project is a service oriented program. Teaching and research are peripheral or adjunct functions of this clinic and are permitted only insofar as teaching and research do not interfere with the service aspects of the project.

Of the total registration 46% are either Welfare or Medicaid recipients or eligible for these services. There are about 195 welfare patients who visit the C & Y clinic monthly for medical services and 115 who visit for dental services; there are about 400 new registrants into the project each year who are welfare or medicaid recipients who require a first visit comprehensive diagnostic examination in the medical and dental services, follow-up visits and routine visits; about 35% of the Laboratory Services available at the Neighborhood Clinic are provided to welfare or medicaid recipients; Public Health Nursing, Psychological testing services and medical social service is provided to all registrants; appliances, i.e. glasses, hearing aids, dentures and prescription medicines are provided to all registrants.

Children and Youth Project No. 626—Memphis, Tenn.

The Memphis Children and Youth Project was officially approved on January 1, 1967. The project was designed to serve infants and children from low-income families that live in four census tracts of the north-western portion of the city. This area has one of the largest number of "Aid-to-Dependent Children" cases concentrated in the smallest geographical area in Memphis and Shelby County. More than 10 percent of the total case load for the entire county is concentrated in this geographic area. During 1970, the third full year of operation of the project, approximately 77 percent of the 4,500 infants and children were being actively served by the project.

During the first full year of operation (1968) there was a need for 178 individual hospital admissions of project children requiring 964 in-patient hospital days. By the third full year of operation (1970) the number of hospital admissions had decreased to 80 and the number of hospital days to 267. This rapid decrease occurred during the same period of time that the number of active registrants on the program was steadily increasing.

The average length of hospitalization for the Children and Youth Project patients dropped from 5.4 days in 1968 to 3.3 days in 1970. This compares with an average hospital stay in 1970 of 3.9 days for patients of the pediatric age group in the Memphis private practice sectors. It has been concluded that the Memphis Children and Youth Project has brought about a marked decrease in the need for hospitalization for infants and children in the project area. It has been further concluded that after three years of operation, the types of problems requiring hospitalization and the length of stay in the hospital are the same for those infants and children served by the project as for those served by the private practice sector of the Memphis community.

It is believed that the Memphis Children and Youth project has had a tremendous impact on the entire North Memphis community. It has stimulated the development of many new or expanded health and welfare services for the area. As examples, it played a leading role in the development of the North Memphis Action Program (community action agency), the Supplemental Food Program, the decentralization of the Food Stamp Office, the founding of the North Memphis Community Health Center, and the organization of the Community Day Care Association. It is further believed that the Memphis Children and Youth Project can well continue to exert its influence in the North Memphis area by recognizing unmet needs and planning innovative and cooperative methods of developing new programs to meet these needs.

Without the Children and Youth Project, the infants and children being served would no longer have access to comprehensive health care. They would most likely revert to the previous custom of only being seen for episodic care in the emergency rooms of the hospitals.

Children and Youth Project No. 634—Trinidad, Colo.

The Children and Youth Project #634, located in the Trinidad and Walsenburg area of Colorado, began offering comprehensive medical coverage in October of 1967. The project is based at and works with the local health department, the Las Animas-Huerfano Counties District Health Department. The project provides the only outlet of free care to low income children and youth in a total population of 22,314. Of this number, it is estimated that 8,512 are children and youths between the ages of birth and 18. Further, it is estimated that approximately 5,107 fall into the category considered financially eligible and in need of free care. At the present time 1,975 are listed on the rolls of the project.

Unfortunately the area is isolated and provides the typical reasons many rural areas have that make it difficult to recruit and hold capable medical personnel.

Funding has provided only sufficient monies to hire one physician when two are needed. One physician thus becomes so overburdened that he can provide only acute care to the patient loads separated by 40 miles distance—the distance between Walsenburg and Trinidad. This load of patients is so overwhelming that were it not for his presence, I foresee little care being provided by the already overworked local physicians. We have attempted to coordinate our activities with all local health agencies and have, for example, succeeded in involving our physician and our public health nurses with hospital-based prenatal care. The absence of our physician in this instance would cause a cancellation of this prenatal facility and possibly an absence of prenatal care for many needy C & Y registrants, now estimated at ten per month.

The C & Y personnel function as a team, consisting of a physician, a pediatric nurse practitioner, public health nurses, social service worker, dental hygienist, and—soon to be employed—a nutritionist. The team represents a valuable part of the community, and acting as such, provides an essential community service—comprehensive health care to needy children and youth.

THE NEED FOR PROPER TRAINING OF YOUNG MINDS

(Mr. SIKES asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. SIKES. Mr. Speaker, my colleague, the Honorable Charles Bennett, has introduced a most significant piece of legislation, which I am pleased to have cosponsored. The bill, H.R. 8782, provides Federal grants to elementary and secondary schools which provide instruction in moral and ethical principles. There is overriding reason why the Federal Government should make such grants available.

The children who will benefit from such instruction are America's own. They are the future hope of the Nation. Tomorrow's leaders are in today's schools and, unless we take affirmative steps to instill patriotic, religious, and citizenship values in their lives, the fate of the United States may well be in question.

It is a proper thing for the Federal Government to become involved. Students today need to learn about the fundamental religious principles upon which this Nation was founded and which are an important part of the development and life of our Constitution. It is right that the Government encourage the learning of the meanings of patriotism and of the lives and contributions of the men and women who chose country over self and freedom over tyranny.

Our children need to learn the right of lawfulness over the wrong of lawlessness and instruction in this field should be made available with Federal help, if for no other reason than to help stem the tide of juvenile crime, drug abuse, and the terrible waste of young lives caught forever in the tangle of a criminal record.

If America is to retain its position of leadership in world affairs, those who one day will lead this Nation must be taught the significance of moral values, the importance of belief in Deity, and the satisfaction of a life devoted to the benefit of mankind. With proper instruction in these fields, the leadership of our Nation will fall to minds and hands trained to hold sacred those things which have made America great.

In the absence of such training, the quality of our future leaders may well be determined by dope, sex, and turned-off oriented minorities, which have such great impact on the minds of young people today.

I urge speedy and favorable consideration of H.R. 8782.

ON SPACE SPECTACULARS

(Mr. SIKES asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. SIKES. Mr. Speaker, for a long time the United States has held the center of the stage in the space effort. Our moon trips have been spectacular and they have gained us world acclaim. Now there is Soviet achievement in a field which we neglected longer than we should. Particularly in defense circles this achievement has cast a shadow on America's earlier space spectaculars.

While this country concentrated on frequent trips to the moon, the Soviets devoted substantial efforts to the establishment of a space station which now is in orbit above the earth. In cold, hard, practical achievement, this is too important to be taken lightly.

Not until 1973 can the United States hope to match this latest Russian space feat and, by that time, this aspect of the Russian space program may be well ahead of us in technology and, more importantly, in capability to perform a meaningful defense mission in space.

As spectacular as have been our own exploits, the fact is that while we have gained a great deal of scientific knowledge—which we shared with the world—the Russians with their space laboratory are gaining practical knowledge on how to use space to their national and ideological advantage, and how to use it in defense.

We have no way of knowing the military importance of the Russian space station now in orbit nor can we even forecast the extent to which future space stations will be used to gather intelligence, photograph our military installations, and provide the Russians with useful information on keeping men alive and functioning in space.

The United States must decide very soon whether it is to be satisfied with our present limited capabilities in the defense role in space. All the aspects of defense as well as peaceable accomplishments in space must be considered.

A number of years ago America canceled its manned orbiting laboratory midway in its development. The manned orbiting lab would have been a major step in the direction of the recent Russian achievement and it would have placed us ahead of Russia's space station. We are moving now to overcome the Russian lead in this field, but we have far to go.

The money we spend on this aspect of space is but a fraction of the total Federal budget. We must not hold back on the utilization of space for defense. We must increase our effort for we do not understand all the implications of defense in space.

We have in prospect a space shuttle which is a vital element in America's space program. It will function as a transportation system for a skylab program. We cannot afford delays on either. Time is running, and in this aspect of space it is running for the Russians.

NOISE CONTROL

(Mr. RYAN asked and was given permission to extend his remarks at this point in the RECORD, and to include extraneous matter.)

Mr. RYAN. Mr. Speaker, noise and the damage it produces have been growing at an alarming rate. Urban noise has doubled since 1955 and is expected to double again by 1980. Evidence presented at a meeting last month of the International Standardization Organization in Geneva, Switzerland, showed that if this increase continues, every urban dweller will be deaf by the end of this century.

Clearly, the time to act is now.

Noise and its hazards do not have to be the price of progress. Just as for any other form of pollution, the control of noise is not a matter of what we are able to do but of what we are willing to do.

The same technology which has led to the saturation of our urban communities with abusive and intrusive noise, can be put to use to promote a quiet and tranquil environment. Technology is at hand for noise control. What must be done is to apply it to use in our streets, on our airways, in our factories, in our offices, and in our homes.

The right to a quiet, peaceful environment free from the intrusion of unwanted and harmful noise is as basic as the right to clean air and pure water. And government at all levels has a responsibility to insure that this right is protected.

On July 7, 1971, the mayor of New York City proposed a comprehensive noise control code. This code, which will be the subject of hearings before the New York City Council, would set specific noise level standards for many of the major sources of noise. The code would also direct the Administrator of the New York City Environmental Protection Administration to designate within 2 years ambient noise quality zones for New York City.

The proposed code, with its stringent enforcement powers, would play a significant role in alleviating the tremendous burden of excessive noise to which New Yorkers are currently subjected.

But if the problem of noise is really to be combated, it will take far more than action at a municipal level—it will take a concerted Federal program.

In the 91st Congress I introduced legislation to begin such a Federal program for the control, abatement, and prevention of noise. That legislation—the Noise Control Act of 1970—was cosponsored by 20 Members of the House. It provided for the establishment of an Office of Noise Control, established a program of grants to States and local governments and of contracts for noise control programs, and it established a Noise Advisory Council.

This legislation was in part embodied in the Clean Air Act Amendments of 1970—Public Law 91–604—which mandated the establishment of an Office of Noise Abatement and Control within the Environmental Protection Agency.

On February 8 of this year, I conducted an ad hoc congressional hearing on noise pollution in New York City. This hearing was cosponsored by 14 Members of Congress from the New York City area. They were: BELLA S. ABZUG, JOSEPH ADDABBO, HERMAN BADILLO, MARIO BIAGGI, JONATHAN BINGHAM, HUGH CAREY, JAMES DELANEY, SEYMOUR HALPERN, EDWARD I. KOCH, JOHN MURPHY, BERTRAM PODELL, CHARLES B. RANGELL, BENJAMIN ROSENTHAL, and JAMES SCHEUER.

The proposals brought forward at that hearing, together with my past involvement in the area of noise control, and consultation with various experts, led to the development of the comprehensive legislative package for the control, abatement and prevention of noise which I introduced on behalf of myself and more than 35 Members of the House of Representatives on March 30.

This package—the Noise Abatement and Control Act of 1971, H.R. 6986 and H.R. 6987; the Noise Disclosure Act, H.R. 6988 and H.R. 6989; the Occupational Noise Control Act of 1971, H.R. 6990 and H.R. 6991; and the Office of Noise Abatement and Control appropriations bill, H.R. 5043, H.R. 6984 and H.R. 6985—provides a realistic, tough, effective means to combat noise pollution.

OFFICE OF NOISE ABATEMENT AND CONTROL APPROPRIATIONS (H.R. 5043, H.R. 6984, AND H.R. 6985)

Last year the Congress mandated the creation of an Office of Noise Abatement and Control within the Environmental Protection Agency by the passage of the Clean Air Act Amendments of 1970—Public Law 91–604. Although title IV of this act authorized $30 million for the

Office to carry out its functions and responsibilities, the administration has not requested funding sufficient for this Office to fulfill its responsibilities.

In fiscal year 1971 a mere $300,000 has been appropriated for the Office of Noise Abatement and Control and a request for only $1.15 million has been submitted in the administration's proposed budget for fiscal year 1972. This means that the Office would have to function on less than 6 percent of the sum authorized by the Congress.

During the course of testimony before the Subcommittee on Public Health and Environment of the House Interstate and Foreign Commerce Committee, representatives of the Environmental Protection Agency repeatedly stressed the need for indepth research into the field of noise and noise control. In this I concur. But it is my belief that it was the clear intent of the Congress that the Office of Noise Abatement and Control do that research, and do it now, not at some future time as the administration suggests. The words of the Clean Air Act Amendment are clear: "shall carry out through such an Office a full and complete investigation and study of noise and its effect on the public health and welfare" and report its findings to the Congress by December 31, 1971.

Yet despite Congress' intent and in spite of even the administration's statements as to the need for comprehensive noise research, under administration funding requests the Office would not have the tools to carry out its responsibilities adequately.

Therefore, I have introduced legislation—H.R. 5043, H.R. 6984, and H.R. 6985—to provide the full $30 million for this Office, thus making it a functioning reality, not just another paper promise.

Thirty-eight Members of Congress have joined with me in cosponsoring this legislation. They are:

LIST OF COSPONSORS

Bella S. Abzug of New York.
Joseph Addabbo of New York.
Herman Badillo of New York.
Nick Begich of Alaska.
Mario Biaggi of New York.
Jonathan Bingham of New York.
Frank Brasco of New York.
Phillip Burton of California.
James C. Cleveland of New Hampshire.
John Conyers of Michigan.
Ronald Dellums of California.
John G. Dow of New York.
Don Edwards of California.
Ella T. Grasso of Connecticut.
Seymour Halpern of New York.
Michael Harrington of Massachusetts.
William Hathaway of Maine.
Ken Hechler of West Virginia.
Henry Helstoski of New Jersey.
Louise Day Hicks of Massachusetts.
Robert Kastenmeier of Wisconsin.
Edward Koch of New York.
Robert Leggett of California.
Spark Matsunaga of Hawaii.
Abner Mikva of Illinois.
Parren Mitchell of Maryland.
William Moorhead of Pennsylvania.
Claude Pepper of Florida.
Bertram Podell of New York.
Charles B. Rangel of New York.
Thomas M. Rees of California
Robert Roe of New Jersey.
Benjamin Rosenthal of New York.
Edward Roybal of California.
James Scheuer of New York.
John Seiberling of Ohio.
Victor Veysey of California.
Lester Wolff of New York.

NOISE ABATEMENT AND CONTROL ACT OF 1971
(H.R. 6986 AND H.R. 6987)

If we are to have an effective program to combat the hazards of noise, we must do more than merely continue our present research into the problem. Although additional study is certainly needed, we know now enough about the problem and the technology involved to move directly toward abating it. Therefore, I have introduced the Noise Abatement and Control Act of 1971—H.R. 6986 and H.R. 6987—to broaden the functions and responsibilities of the Office of Noise Abatement and Control to enable that office to begin to combat the hazards of noise pollution directly.

Thirty-eight Members of the House have joined with me in cosponsoring this legislation. They are:

LIST OF COSPONSORS

Bella Abzug, of New York.
Joseph Addabbo, of New York.
Herman Badillo, of New York.
Nick Begich, of Alaska.
Mario Biaggi, of New York.
Jonathan Bingham, of New York.
Frank Brasco, of New York.
Phillip Burton, of California.
James Cleveland, of New Hampshire.
John Conyers, of Michigan.
Ronald Dellums, of California.
John Dow, of New York.
Don Edwards, of California.
Ella Grasso, of Connecticut.
Seymour Halpern, of New York.
Michael Harrington, of Massachusetts.
William Hathaway, of Maine.
Ken Hechler, of West Virginia.
Henry Helstoski, of New Jersey.
Louise Day Hicks, of Massachusetts.
Robert Kastenmeier, of Wisconsin.
Edward Koch, of New York.
Robert Leggett, of California.
Spark Matsunaga, of Hawaii.
Abner Mikva, of Illinois.
Parren Mitchell, of Maryland.
William Moorhead, of Pennsylvania.
Claude Pepper, of Florida.
Bertram Podell, of New York.
Charles Rangel, of New York.
Thomas Rees, of California.
Robert Roe, of New Jersey.
Benjamin Rosenthal, of New York.
Edward Roybal, of California.
James Scheuer, of New York.
John Seiberling, of Ohio.
Victor Veysey, of California.
Lester Wolff, of New York.

In essence, the Noise Abatement and Control Act of 1971 directs the head of the Office of Noise Abatement and Control to prescribe standards on all noise-generating machinery that may endanger the public health and welfare; creates a system of grants and contracts to provide Federal funds to levels of local government so that they can combat noise; and establishes a Federal procurement policy to effectuate a more quiet environment.

Specifically the bill does the following:

First. It directs the head of the Office of Noise Abatement and Control to prescribe standards for any machine, or class of machinery which he determines contributes to, or may contribute to, noise which endangers, or contributes to endangering, the public health and welfare, and sets stringent enforcement powers. If the head of the Office fails to take action against a violator within 60 days, this bill authorizes suits by private citizens or groups against the noise polluter and the head of the office, as may be appropriate.

Second. It directs the Office, and all Federal agencies, as well as all Federal contractors to effectuate a quieter environment by use of the Federal procurement and contracting power.

Third. It directs the Office to coordinate the efforts of the Federal Government that relate to noise control, abatement, and prevention. To this end all instrumentalities, agencies, and departments of the Federal Government are directed to furnish the Office with such information as it may require. Further, each such entity of the Federal Government is directed to carry out the program within its control in accordance with the purpose of this title—the creation of a quieter environment.

In any case where a level of Federal Government is carrying out or sponsoring an activity resulting in noise which the head of the Office determines amounts to a public nuisance or is objectionable, such Federal entity must consult with the head of the Office to determine possible means of abating the offending noise.

The Office is to compile and publish a regular report as to the efforts and activities of the Federal Government and its instrumentalities, agencies, and departments in regard to noise.

Fourth. It authorizes the Office to provide technical assistance to States, counties, municipalities, and regional governmental bodies, commissions, and councils to facilitate their development of noise control programs.

Fifth. The Office is authorized to make grants to States, counties, municipalities, and regional governmental bodies, commissions, and councils for the purposes of developing, establishing, and carrying out programs of noise control and for research into the causes and effects of noise and new techniques of controlling, preventing, and abating noise.

There is authorized to be appropriated for these grants $5 million for the fiscal year ending June 30, 1971; $10 million for fiscal year 1972; $15 million for fiscal year 1973; $20 million for fiscal year 1974; and $25 million for fiscal year 1975.

Sixth. The head of the Office is authorized to make grants to any public or nonprofit private agency, organization, or institution, or to engage by contract the services of any such agency, organization, institution, or of any individual to conduct research into noise pollution; to provide training of professional and technical personnel in noise control techniques, methods and approaches; to establish and conduct demonstration projects relating to noise control.

For these purposes, there is authorized to be appropriated $5 million for fiscal year 1971; $7 million for fiscal year 1972;

$10 million for fiscal year 1973; $12 million for fiscal year 1974 and fiscal year 1975.

Seventh. It authorizes the Office to prepare, publish, and disseminate educational materials relating to the control, prevention, and abatement of noise.

Eighth. The Office is directed to submit to the Congress in July of each year, a report concerning its activities. Currently, the Office only has to make one such report, and that is before December 31, 1971. This section will give the Office permanence not embodied in present law.

Ninth. For the purpose of advising the head of the Office on matters bearing on his responsibilities under this title, a Noise Control Advisory Council of nine individuals skilled in fields relating to matters to be considered by the Office is established. Once each fiscal year, the Council must submit to the Administrator of the Environmental Protection Agency and to the Congress a report containing full and complete information on its work.

THE NOISE DISCLOSURE ACT (H.R. 6988 AND H.R. 6989)

One of the prime reasons that the level of noise has increased so greatly over the past few decades—having doubled since 1955—is that the consumer has been unable to obtain reliable information necessary to take noise as a factor when considering the purchase of a product.

Thus, I have introduced legislation—the Noise Disclosure Act—which requires that all new mechanical and electrical equipment transported in, sold in, or introduced into interstate commerce must have affixed to it a label or plate disclosing its operational noise level.

The only items that could be exempted from this labeling requirement are those that have an operational noise level "so low as to be negligible" and as to which "information with respect to such noise level will not be of value to the user."

Pursuant to this legislation, the Administrator of the Environmental Protection Agency is directed to prescribe regulations establishing standard procedures for measuring the operational noise level of all classes of machinery and to prescribe the form and content of plates or labels which are required to be affixed to machinery and their containers.

This Noise Disclosure Act will allow the consumer to know the noise-generating potential of a mechanical item he is contemplating buying, thereby affording him the opportunity to take that product's noise level into account as a factor in his purchase decision. Thus, he could choose not onlv the quieter of two automobiles or pneumatic drills, but the quieter of two electric razors or air-conditioners.

It is essential that—if we are to lower the ambient noise in our communities—quiet be a factor in each and every purchase.

Further, this legislation would serve as incentive for manufacturers to produce products with quiet in mind.

Thirty-four Members of Congress have joined me in cosponsoring the Noise Disclosure Act. They are:

LIST OF COSPONSORS

Bella S. Abzug, of New York.
Joseph Addabbo, of New York.
Herman Badillo, of New York.
Nick Begich, of Alaska.
Mario Biaggi, of New York.
Jonathan Bingham, of New York.
Frank Brasco, of New York.
Phillip Burton, of California.
James Cleveland, of New Hampshire.
Ronald Dellums, of California.
John G. Dow, of New York.
Don Edwards, of California.
Ella Grasso, of Connecticut.
Seymour Halpern, of New York.
William Hathaway, of Maine.
Ken Hechler, of West Virginia.
Henry Helstoski, of New Jersey.
Louise Day Hicks, of Massachusetts.
Robert Kastenmeier, of Wisconsin.
Edward Koch, of New York.
Robert Leggett, of California.
Abner Mikva, of Illinois.
Parren Mitchell, of Maryland.
William Moorhead, of Pennsylvania.
Claude Pepper, of Florida.
Bertram Podell, of New York.
Charles B. Rangel, of New York.
Thomas M. Rees, of California.
Robert Roe, of New Jersey.
Benjamin Rosenthal, of New York.
Edward Roybal, of California.
James Scheuer, of New York.
John Seiberling, of Ohio.
Victor Veysey, of California.

OCCUPATIONAL NOISE CONTROL ACT OF 1971 (H.R. 6990 AND H.R. 6991)

Although noise is a hazard in all environments, particular attention must be given to the workplace. It is here that most Americans are prisoner for 25 percent of their working lives. Here, too, is where they are often subjected to the most severe and constant noise.

On May 29, the Secretary of Labor published in the Federal Register the noise exposure limitations he has promulgated under the new Occupational Safety and Health Act—Public Law 91–596. However, these standards are demonstrably too lax to protect the majority of working men and women. Scientific research has clearly shown that prolonged exposure to noise levels of 85 decibels or more will result in permanent hearing impairment for the average individual. Yet, these new standards afford no more protection than the old Walsh-Healey standards—90 decibels for an 8-hour day.

It is interesting to note that in January 1969, the outgoing Johnson administration proposed noise standards considerably more stringent than these, restricting workday exposure to 85 decibels.

In order to insure more adequate protection for workers from excessive and harmful noise than that afforded by those standards now set under the Occupational Safety and Health Act, I have introduced legislation which would amend that act to direct the Secretary of Labor to promulgate noise exposure limitations no less protective than provided in the following table:

Permissible noise exposures: sound level, dba

Duration per day (hours):	
8	80
6	82
4	85
3	87
2	90
1½	92
1	95
½	100
¼ or less	105

This legislation—the Occupational Noise Control Act of 1971, H.R. 6990 and H.R. 6991—would produce an across-the-board reduction of 10 decibels from the levels currently in effect. Because of the nature of the decibel scale, a reduction of 10 decibels means that the perceived loudness would be cut in half.

Thirty-five Members of Congress have joined with me in cosponsoring the Occupational Noise Control Act of 1971. They are:

LIST OF COSPONSORS

Bella Abzug of New York.
Joseph Addabbo, of New York.
Herman Badillo, of New York.
Nick Begich, of Alaska.
Mario Biaggi, of New York.
Jonathan Bingham, of New York.
Frank Brasco, of New York.
Phillip Burton, of California.
James Cleveland, of New Hampshire.
John Conyers, of Michigan.
Ronald Dellums, of California.
John Dow, of New York.
Don Edwards, of California.
Ella Grasso, of Connecticut.
Seymour Halpern, of New York.
Michael Harrington, of Massachusetts.
Ken Hechler, of West Virginia.
Henry Helstoski, of New Jersey.
Louise Day Hicks, of Massachusetts.
Robert Kastenmeier, of Wisconsin.
Edward Koch, of New York.
Robert Leggett, of California.
Abner Mikva, of Illinois.
Parren Mitchell, of Maryland.
William Moorhead, of Pennsylvania.
Claude Pepper, of Florida.
Bertram Podell, of New York.
Charles Rangel, of New York.
Thomas Rees, of California.
Robert Roe, of New Jersey.
Benjamin Rosenthal, of New York.
Edward Roybal, of California.
James Scheuer, of New York.
John Seiberling, of Ohio.
Lester Wolff, of New York.

Americans have been studying noise for over 100 years; Europeans have been studying it even longer. Yet, despite our awareness of the existence of this problem, virtually nothing has been done to control it.

Whatever the reason for our past tolerance of an increasingly serious condition, one thing is clear: we can no longer allow it to continue unabated.

Concern for the cost of preventing and controlling noise must be replaced by the realization that it costs less to control noise than to endure it. No one can put a price tag upon one's hearing, one's right to enjoy one's health, to live free from annoying stimuli, to rest and sleep free from disruption. Surely it is basic to the domestic tranquility and the pursuit of happiness that the citizen has the freedom to open his senses to the full appreciation of the beauties and pleasures of pleasing sounds without the hazards of abusive and injurious noise.

At this point I include in the RECORD articles by Steve Lawrence published in the New York Post of July 7 and 8 describing the proposed New York City Noise Code. I am also including an article by Alfonso Narvaez from the July 8

New York Times and an article by Fred Loetterle printed in the July 8 New York Daily News, both on the New York City Noise Code.

I am also inserting a New York Times article of July 1 outlining New York City Environmental Protection Administrator Jerome Kretchmer's criticism of the administration's noise control proposal and endorsing my legislative package.

The material follows:

[From the New York Post, July 7, 1971]

Shh! Anti-Noise Code in Council

(By Steve Lawrence)

Mayor Lindsay today unveiled a new law designed to clamp tougher controls on city noise.

The proposed law, which goes to the City Council for hearings and approval, puts specific noise limits on construction equipment, air conditioners, emergency sirens and garbage trucks. It provides maximum 30-day prison sentences and $2000-a-day fines for violators.

And it requires the Environmental Protection Administration to establish within two years general noise limits called ambient levels, that will be allowed in business, residential and commercial districts.

"It has been suggested that New York City may be one of the noisiest cities in the world," EPA chief Jerome Kretchmer said. "With this code we hope to lose that distinction."

The Mayor, in a prepared statement, said the code was "a vital step toward preserving the health and comfort of all New Yorkers."

A study prepared by the Mayor's Task Force on Noise Control last year found that the clamor in the city had "reached a level intense, continuous and persistent enough to threaten basic community life."

EPA, which wrote the code, said in an analysis of the new law that it was attempting to replace the present "piece-meal approach" to noise control "with a body of regulations that will not only apply specific limits where feasible, but will also define and maintain general noise standards for geographical areas of the city."

The proposed law, with its specific limits, includes the existing prohibition against "unnecessary noise."

The new code has been in preparation for nearly a year, and has been on the Mayor's desk for several weeks, prompting some speculation that Lindsay has been pressured by business and construction interests to water down some provisions.

MAY SHUSH SUBWAY

EPA officials have consistently denied this. But reliable sources said there have been some changes, mainly in the sessions on subway noises and permissible construction hours.

The subway sections are unlikely to satisfy many anti-noise advocates who would like to see the MTA make a major investment in muffling the screech and roar of the rapid transit system. The code, as written, gives EPA authority, within one year of the law's passages, to set "allowable sound levels . . . for the design of new and existing rapid transit railroads."

But the code clearly does not anticipate major expenditures for quieting the existing system. "With respect to existing rapid transit railroads," the code says, "allowable sound levels and acoustical performances standards shall be limited to those which are reasonably attainable without additional expenditures."

Construction activity, under the new code, is allowed in residential and commercial areas between 7 a.m. and 6 p.m. Originally, according to reliable sources, EPA wanted to move the time up an hour, so that construction could not begin until 8 a.m., but could continue until 7 p.m. "We thought there'd be less chance of disturbing people's sleep that way," a source said.

The new code will force the use of quiet construction equipment by the end of this year, with tougher noise limits on this equipment established in each of the next two years.

The code also would allow private citizens to collect a share of any fine imposed as the result of their anti-noise pollution investigations.

[From the New York Post, July 8, 1971]

Next Stop—Noise on Subways?

(By Steve Lawrence)

The Environmental Protection Administration's proposed noise code could be the leverage EPA has been waiting for to do a major study of noise pollution in the city's ear-shattering subway system.

Since last November, EPA officials have been trying to work out an agreement with MTA chairman William Ronan to conduct such a study. The negotiations have been stalled, according to reliable sources, in part because of the Authority's lack of enthusiasm, and in part because of EPA's hesistancy to push the point without the noise code.

EPA noise experts are confident that a subway study would confirm what they have suspected all along, that constant exposure is screeching trains puts New Yorkers' nerves on edge and in many cases leads to gradual hearing loss and high blood pressure.

WOULD SET SUBWAY STANDARDS

"We are going to get down in the subways," EPA head Jerome Kretchmer said. "Hopefully with the introduction of the code, EPA's role in combatting subway noise pollution has been made clear."

The proposed code requires EPA, within a year of the law's passage, to set "allowable sound levels and acoustical performance standards for the design and operation of new and existing rapid transit railroads."

But the code now contains a loophole with which some enironmentalists believe could exempt the existing subway system from having to conform to any meaningful standards.

"Allowable sound levels and acoustical performance standards," the code says, "shall be lmited to those which are reasonably attainable without additional expenditures."

In other words, for the existing subway system, EPA can only set noise standards that the MTA can meet without asking for more money.

SEES NO-COST SOLUTIONS

Robert Bennin, EPA's Noise Abatement Bureau chief, denied that this provision would keep his agency from muffling the subways. "They could cut the noise significantly, by using the money they already have more effectively," he said.

Bennin said EPA would use the code to try to get the MTA to provide welded rails, sound-deadening titles in subway stations and other noise controls which he said "would not add significant costs to their budget."

An MTA official said he could not comment on Bennin's plan, because the Authority had not seen the new code yet. "We will of course consider any such proposals," the spokesman said.

[From the New York Times, July 8, 1971]

Lindsay Proposes a Noise Control Code

(By Alfonso A. Narvaez)

Mayor Lindsay yesterday proposed a comprehensive noise-control code that would set limits for the first time on many of the major sources of urban noise.

The proposed code, which goes to the City Council for hearings and approval, sets specific noise-level standards in decibels, for construction equipment, air-conditioners, public-address systems, garbage trucks, emergency sirens and other city noises.

The code will not affect some of the major irritants to city dwellers such as aircraft noise, automobiles, motorcycles, subways and commuter railroads. Many of these come under Federal and state regulations and further studies must be made before regulations are proposed for subway and commuter lines.

The code would establish a system of fines of up to $2,000 a day for corporations convicted of violating it. An individual would be liable to be put in jail for up to 30 days for each day of a violation of an order of the Environmental Control Board, created by the code, or a violation of the licensing provisions of the code or if he breaks a noise-regulating seal on any equipment.

The code would also empower the Administrator of the Environmental Protection Administration to place certain types of equipment, which create noise in their operation, on an operating certificate list, with certain standard levels of noise permitted.

The certificate would be granted if the machinery could be operated within tolerable noise levels and could be revoked if the machinery were found to be operated improperly.

The proposed code would also have the administrator designate within two years ambient noise quality zones for the entire city, with noise criteria and standards appropriate to each zone. The zones would have to be approved by the Council.

Individual noise limits would be set for each zone, and proposed land uses within a given zone would have to be in accordance with the ambient noise standards set for that zone.

In the proposed code, ambient noise levels are defined as "the all-encompassing noise associated with a given environment, being a composite of sounds from many sources near and far."

NOISE LEVEL CALLED HIGH

The proposed code states that it is city policy "that every person is entitled to ambient noise levels that are not detrimental to life, health and enjoyment of his property." It also declares that persons who create excessive or unnecessary noises within the city "are a menace to the public health, comfort, convenience, safety, welfare and the prosperity of the people of the city."

Jerome Kretchmer, head of the Environmental Protection Administration, said that the code "was designed to replace current piecemeal legislation with a body of regulations that will not only apply specific decibel units wherever feasible, but will also define and maintain general noise standards for geographical areas of the city so that noise pollution can be systematically prevented and abated."

"It has been suggested that New York City may be one of the noisiest cities in the world," Mr. Kretchmer said. "With this code we hope to lose that distinction."

Mr. Kretchmer added that current noise legislation was ineffective because noise levels were not defined and no enforcement machinery was provided.

In a statement accompanying the proposed code, the Mayor urged the Council to have "New York City take the lead in the problem of reducing noise."

"The problem of noise affects the way we live and work," the Mayor said. "Strong legislation, which leads to action by both the public and private sectors, is a vital step toward preserving the health and comfort of all New Yorkers."

The 48-page code was prepared by the City's Bureau of Noise Abatement and the Environmental Protection Administration following a study of the noise problem in the city from 1968 to 1970 by the Mayor's Task Force on Noise Control.

Mr. Kretchmer spoke to newsmen outside City Hall as he stood next to a yellow noise-monitoring van bearing the lettering "Noise Makes You Nervous and Nasty." He said that the proposed code would require that garbage trucks built after Dec. 31, 1972, be operated at a noise level no louder than a vaccum cleaner and that sirens make no noise louder than midtown traffic.

The code continues present prohibitions against unnecessary noise but adds specific decible limits on the operation of existing air compressors and sets lower decibel levels for equipment manufactured after Dec. 31, 1971. The decibel levels for existing air compressors would be set at 90 dbA (decible measurements on a weighted "A" scale, which places more emphasis on high-pitched tones, to which the human ear is more sensitive). By December of the following year, allowable levels would be 83 dbA's and by 1974 they would be 75 dbA's. New compressors would have to be about five decibels quieter.

Similar procedures would be set up for air-conditioning equipment, sirens, horns, pavement-breakers and refuse compacting trucks. In addition, burglar alarms on businesses and private dwellings would have to have automatic devices that would shut off the alarms after 15 minutes.

Jet engine noise and noise from other aircraft would not be affected by the code because the Federal Aviation Administration regulates these. Noise from motor vehicles comes under regulations of the state, which has pre-empted such legislation and forbids the passage of local laws inconsistent with or duplicating existing state limits.

Technicians on the noise monitoring van of the Bureau of Noise Abatement said that the noisiest area in the city that they had monitored was in the vicinity of 46th Street and the Avenue of the Americas where construction is under way and six air compressors raised a din at a reading just below the level that would inflict pain, but much higher than the level that could cause physical injury if a person were subjected to the noise continuously.

[From the New York Times, July 12, 1971]

Less Noise, Please

If Mayor Lindsay succeeds in seriously reducing the decibels now afflicting this city, he will have earned the gratitude of New Yorkers who do not even realize the daily damage being done to their nervous systems.

Man can protect his vision by closing his eyes or at least shading them against irritating light. But he cannot close his ears to the jackhammers that tear up the streets, the compressors and earth-movers and pneumatic drills, the maddening garbage trucks and the screaming sirens—all in addition to the dull roar of traffic and the not so dull roar of trucks with bad mufflers.

We may not all be deaf by the year 2000 and forced to talk in sign language, as the more sensational prophets predict, but there is evidence that loss of hearing is increasing at a far faster rate than the population itself. What is more, medical authorities link the din of modern life to the increased incidence of ulcers, high blood pressure, heart attacks, mental illness and even damage to unborn babies.

The city is legally unable to legislate against some of the worst sources of noise—jet planes, for example, which it must leave to overindulgent Federal regulation, and noisy cars (other than its own vehicles), which come under even more indulgent regulation by the state. The proposed anti-noise code is designed to set reasonable decibel limits for construction equipment, air-conditioners, public-address systems, sirens and other city noises that are not the province of Federal or state authorities.

There is more than enough challenge in these to satisfy the most ardent enforcement agency. If the City Council accepts the Mayor's proposals there will be, for the first time, penalties commensurate with the offense—with fines up to $2,000 a day for corporate violators and thirty days in jail for individuals for each day of violation.

The code may fall particularly hard on builders, though they would be given adequate time to modify or replace equipment. Most New Yorkers will agree, however, that an offense to the ear from this source is not justified by what, on the basis of recent years' experience, will in all probability turn out to be an offense to the eye as well.

[From the New York Times, July 1, 1971]

Kretchmer Scores Nixon's Bill For Control of Noise Pollution

Washington, June 30.—Jerome Kretchmer, Environmental Protection Administrator for New York City, told a Senate Commerce Subcommittee today that the Nixon Administration's noise control bill "would condemn our citizens to continue suffering for years noise levels that could be abated by existing technology."

He also said the bill "would stunt and thwart any meaningful action at the local level."

In testimony before the Subcommittee on the Environment, Mr. Kretchmer described a bill introduced in the House by Representative William F. Ryan, Democrat of Manhattan, as "vastly preferable" to the Administration bill.

William D. Ruckelshaus, administrator of the Environmental Protection Agency, told the subcommittee that he regarded amendments designed to toughen the Administration bill as too strict.

"We have no objection in principle to setting time limits for action," he said, "but those proposed [by the amendments] are too short and inflexible to permit development of the kinds of criteria and standards necessary to do the jobs."

PUBLICATION CALLED FOR

The amendments, proposed last week by Senator Mark O. Hatfield, Republican of Oregon, would require the publication of standards for the major sources of noise identified in the bill within one year of the bill's enactment.

Mr. Ruckelshaus asserted, "The whole area of noise reduction should be recognized as one in which knowledge of effects, measurement and controls is relatively limited."

Mr. Kretchmer said, however, "If the standards section is left unchanged, it will actually hinder effective local action."

He said the section "denies to state and local agencies the power to set noise-generation standards that differ from Federal standards and flies in the face of any reasonable approach to noise abatement."

Local agencies are authorized by the bill to set varying time limits on noise sources, but they may not set any decibel standards, higher or lower, other than those established by the Federal agency.

John C. Schettino, deputy director of the Office of Noise Abatement and Control, said in an interview that recommendations by Mr. Kretchmer that the Federal agency set only minimum standards would result in "chaos."

FINANCING CRITICIZED

Mr. Kretchmer was also critical of the bill's lack of Federal financial support for local programs. "Unless a meaningful funding program for local agencies is included," he said, "most cities will be unable to attack the noise problem at all."

The Ryan bill, which Mr. Kretchmer supports, calls for $5-million in Federal support for local programs this year. The appropriation would increase by $5-billion each year until 1975, when $25-million would be made available.

Mr. Kretchmer and Mr. Ruckelshaus also disagreed over the need to make standards on machines retroactive to include all those in use. The Administration bill requires that muffling devices be attached only to machines manufactured after the date the standards are set.

"This would mean that there is no real hope for relief from the noise assailing our ears until the thousands of existing aircraft, compressers, jack hammers and other equipment producing this noise are worn out and thrown on the scrap heap," Mr. Kretchmer said.

Mr. Ruckelshaus said it was not necessary to make the measure retroactive because "we are approaching this problem before it reaches the crisis level."

[From the New York Daily News, July 8, 1971]

Mayor's Muting Motto: No Noise Is Good Noise

(By Fred Loetterle)

Shhhhhh!

A noise pollution control code—designed to tone down the daily symphony played by pounding jackhammers, screaming sirens and screeching garbage trucks—was proposed by Mayor Lindsay yesterday.

If passed by the City Council, the unprecedented document would signal the start of a war on audible pollution.

The 48-page code would authorize the Environmental Protection Administration to act specific noise nevels for the entire city. However, the role's guide points out that three major noise sources would not come under its domain—airplanes are subject to federal regulation, cars are subject to state regulation and the city claims that more study is required before subway noise standards can be set.

HOUSEHOLD DEVICES INCLUDED

Garbage trucks built after Dec. 31, 1972, would be required to be as quiet as vacuum cleaners; fans, air conditioners and other circulation devices would be toned down to normal conversation levels and sirens too would have to be quieter.

The code could subject violators to penalties as high as a 30-day jail term, a $500 a day fine for violations by individuals and a $2,000 a day fine for corporate offenders.

The code would empower the environmental agency's chief to place various noise-making devices on an operating certificate list and require periodic renewal to insure proper standards.

COULD INFLICT PENALTIES

The city's Environmental Control Board could revoke or suspend a certificate, seal a faulty device pending repairs and impose penalties after a public hearing on the charges.

The penalties would be doubled for all offenders who failed to pay the fines.

The proposed code contained a number of almost-audible loopholes:

It would permit construction activity in residential neighborhoods on weekends. Present law limits almost all such construction to weekdays.

The restrictions on air compressors used at construction sites are hazy. The confusions stem from the code's references to two different kinds of decibel scales.

The code defines "construction" as activities related to buildings, "enclosed structures." It does not clamp down on noise created in the construction of highways, bridges and other, nonenclosed structures.

The code was prepared largely by Environmental Protection Administration lawyer Fred Weber and Robert S. Bennin, director of the city's Bureau of Noise Abatement.

A NEED FOR BOTTLED DRINKING WATER STANDARDS

(Mr. MONAGAN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. MONAGAN. Mr. Speaker, perhaps the fastest growing industry in the United States during the last 2 years has been the sale of bottled drinking water. Once considered a luxury or a health cure, bottled water is now considered a necessity by many, a necessity which overcomes the apprehension some people have about their local water supplies. A variety of brands can now be found on the shelves of most supermarkets. In some places, the water is dispensed in vending machines, and in many communities, it is even delivered door-to-door with the morning milk and orange juice.

In light of this increased growth, it is sobering to note that no specific and uniform Federal standards exist to assure the quality and safety of bottled water products. While some State laws do exist, they are vague in most cases, and no machinery has been established to enforce and administer the regulations. Several States have no law at all.

On February 10, I introduced legislation to remedy this situation. My bill, H.R. 4147, would direct the Administrator of the Environmental Protection Agency to prescribe minimum health and safety standards for bottled drinking water if after scientific investigation he determined such standards to be necessary. The bill makes illegal the interstate transportation of any bottled water products which fail to meet these standards.

The Washington Evening Star recently sponsored a series of tests on tap and bottled water which dramatically illustrate the need for this legislation. The test results, published in the Star on July 11, show that of four bottled waters tested, three were found to contain much higher levels of bacteria than the six tap waters that were tested. Interviews following up this survey indicate the enormous degree of ambiguity over who should regulate bottled water products. State officials leave the problem up to the Federal Government; the Federal Government leaves it up to the States.

My legislation, by establishing clear responsibilities and specific regulations, will clear up this confusion. I shall include here the Washington Star survey of bottled water to which I have referred. I urge my colleague to give it careful consideration, and then join me in working for passage of H.R. 4147:

The Water Test: It Was Area Tap Water vs. Bottled

(By John Fialka)

Washington area residents who still trust the water from their local waterworks are drinking unpolluted, relatively bacteria free waters that are monitored regularly by a variety of government agencies.

Washingtonians who have switched to some kinds of bottled water may be drinking water that has a high bacteria content and-or one that has arrived in the area without being checked by any government regulatory agency.

These are the results of a series of water tests conducted at Georgetown University, sponsored by The Star.

The tests, conducted under the direction of Dr. Rita R. Colwell, a microbiologist, showed that of six local tap waters tested, none exceeded a total bacteria count of 7,000 per liter. (A liter is slightly more than a quart.)

Of four bottled waters tested, including two regional varieties and two nationally known brands, one was found to be bacteria free. However, the other three were found to contain much higher levels of bacteria than any of the tap waters, ranging from 50,000 to 500,000 in a liter.

According to Dr. Colwell, such a high bacteria count means that the three brands of bottled water "should be boiled before being given to an infant."

In addition, she said, the brand with the highest count has "at least the potenial" of having bacteria that are harmful to adults.

After the test results were disclosed, a reporter contacted the health departments of the District, Arlingon, Alexandria, Fairfax, Prince Georges and Montgomery counties to see if any local health authority makes regular checks on the quality of bottled water.

Although they regularly make checks on tap water and on such bottled food items as milk, no local health department has any regular system set up for checking samples of bottled water, currently enjoying booming sales in local grocery stores.

In the Star tests, a laboratory technician collected water samples from public water fountains and rest room taps supplied by six area water systems: the U.S. Army Corps of Engineers, which supplies the District and Arlington and Falls Church; Fairfax County, which supplies parts of the county, and Alexandria; the Washington Suburban Sanitary Commission, which services most of Montgomery and Prince Georges counties, and the cities of Rockville, Upper Marlboro and Fairfax, which have their own water systems.

The technician also purchased four samples of bottled water, Three brands, Poland, Mountain Valley and Great Bear, were bought in supermarkets in half gallon containers. Two quart bottles of a fourth brand, Deer Park, were obtained in a liquor store. Most tests were conducted with duplicate samples.

All were tested in the Georgetown University Biology Department laboratory under identical conditions. Samples of each were placed on separate bacteria culture plates containing six different mediums.

The mediums, each made with a basis of agar, a jello-like substance, were designed to provide growth support for various types of bacteria that could be found in water.

All of the water samples passed the standard, U.S. Public Health Service test, which is designed to detect bacteria of the coliform group, which includes types of germs found in human excrement.

The federal standard, published in 1962 and adopted by many states, is currently being revised to include other tests.

Of the local tap waters tested, two were found to be nearly sterile. A sample of water from the city of Rockville's system, taken from a tap in the cafeteria of the Montgomery County Office Building, produced only 50 bacteria per liter after one week.

A sample from a water fountain in the Prince George County Court House, which is served by two deep wells owned by the city of Upper Marlboro, yielded less than 100 bacteria per liter.

According to a Prince Georges Health Department spokesman, the Upper Marlboro water is nearly pure when it comes from the wells and requires only a small amount of chlorination.

A sample of District water, obtained from a rest room tap in the U.S. Capitol, produced a total bacteria count of 785 bacteria per liter.

The highest bacteria count found for local tap water came from a sample of Fairfax County water, collected from a faucet in Alexandria's City Hall, which had 7,000 colonies per liter.

None of the area tap waters produced significant growth in cuture plates designed to detect anaerobic bacteria strains, which can grow without oxygen, or in plates made with a mxiture of sheep's blood designed to detect bacteria strains which destroy red blood cells.

Of the four brands of bottled water tested, one Mountain Valley Mineral Water, was found to be completely free of bacteria. No bacteria colonies appeared on any of its six culture plates after 24 hours, 48 hours or one week of observation.

However, samples of another brand, Deer Park Mountain Spring Water, yielded the highest bacteria count of any of the ten waters tested.

The samples of Deer Park water, according to Dr. Colwell, had "a minimum of 500,000 bacteria per liter."

The bacteria count included sizable colonies of bacteria which grew on the sheep's blood and in the anaerobic culture.

[Bacteria count per liter]

Tap Water:	
Washington Suburban Sanitary Commission	115
City of Rockville	50
City of Upper Marlboro	100
Fairfax County	7,000
Fairfax City	4,050
U.S. Army Corps of Engineers (District, Arlington and Falls Church)	785

Dr. Colwell strongly emphasized that both tests are only used as indicators and do not pinpoint the presence of pathogenic bacteria, or those harmful to human health.

Bacteria that destroys sheep's blood could contain harmless strains as well as harmful ones, such as streptococci. Anaerobic cultures could contain harmless strains as well as ones that can grow in improperly canned foods and cause food poisoning.

Bottled waters:	*Bacteria count per liter*
Deer Park	500,000
Poland Water	50,000 to 500,000
Great Bear	140,000
Mountain Valley	Sterile

Without further extensive tests, including animal injections, it would be difficult to say precisely what types of harmful bacteria were present, she added.

"We don't know for a fact that they're there, but with such a high count I would suspect a potential hazard," Dr. Colwell stated.

"This is a field that has been neglected and needs much more study. People are led to believe that because they buy something in a container that it must be sterile.

"Some people may drink bottled water for aesthetic reasons. Speaking as a microbiologist, all I can say is that I would not drink bottled water for aesthetic reasons," she concluded.

The sample of Poland Water produced a count which she estimated to be in a range between 50,000 and 500,000 per liter. However, only a small number of the bacteria were found to destroy the sheeps blood and no anaerobic bacteria were found to be present.

The sample of Great Bear water yielded a count of 140,000 bacteria per liter. At the end of 48 hours it had produced a sizeable culture of bacteria growing in the sheeps blood agar, but no anaerobic bacteria were found.

Local tap waters were found to be no different from bottled waters in a separate chemical test for the presence of mercury. All were found to have negligible quantities, about .05 parts per billion.

Asked about the bacteria counts, representatives of the companies that produce Deer Park and Poland water said they were "surprised."

"I can't comment on anyone else's findings," said Robert Ethier, a biologist in charge of product quality control for the Nestle Co. Inc., which owns Deer Park.

Ethier said that, although some bottled water companies treat their water with ozone to remove bacteria, Deer Park bottles it "just the way it comes out of the ground" from a spring in western Maryland.

He said Deer Park runs its own quality control and its product is checked by several state health departments. "I'm sure it didn't leave our plant that way, but you know a lot of things can happen to a bottle before it arrives at the store."

W. J. Alford, president of the Poland Water Company, said that he was "distressed" to hear of the high bacteria count. "I know that we have factory counts running between zero and 18 per liter," he said.

He admitted, however, that the company had recently changed the aluminum tops on its plastic half gallon containers because they did not seal the bottle securely.

"I'm sure you tested one of our old containers. There's no way to tell how long it might have sat on the store shelf. Anyway, now we date the bottles and with the new tops, I think we've got the barn door closed," he added.

Poland Water, Alford explained, comes mainly from a spring in New Jersey. Only a small quantity is produced from a spring in Poland, Maine, where the brand originated. Both springs, he said, are similar in nature.

Warren J. Bradley, a vice president of the Great Bear Spring Company, said his company also takes great pains to see that its water is pure when it leaves the bottling plant.

"This is not to say that somewhere along the way something may not happen. One might have a loose top, or something. And you don't know how long it might have sat on the grocer's shelf."

Although the company takes its name from a spring, Bradley said that some of its water comes from the Philadelphia city water system.

The water is purified further by being passed through a carbon filter and then through a type of resin which removes minerals. Bradley said. It is sterilized by bubbling ozone through it and a slight amount of salt is added to give it some taste, he added.

Who does test bottled water once it leaves the bottled water plant and finds its way to the grocer's shelf?

This question was put to a number of health officials, including Dr. L. W. Schnurrenberger of the D.C. Health Department. Dr. Schnurrenberger said that the District is currently testing one bottle of water but does not test on any regular basis.

"We pretty much leave that up to the federal government," he said.

A spokesman for the U.S. Food and Drug Administration said that it has authority to regulate bottled water shipped in interstate commerce but that there is no program to regularly sample bottled water. "We leave that pretty much to the states," he said.

Spokesmen for the Maryland Health Department and the Virginia Department of Agriculture, which regulates packaged foods, said that they test random samples of bottled water, but none on a regular basis.

Although the Division of Water Hygiene within the U.S. Environmental Protection Agency does not regulate bottled water either, it recently began a study of the industry as the result of a rash of advertising claims by manufacturers of bottled water that imply that local tap water may be unsafe.

John A. Cofrancesco an engineer with the division, said that his office may have inadvertently stimulated the boom in bottled water sales by releasing a study last summer that showed that only 59 percent of 1,000 local water systems tested throughout the nation were meeting federal standards.

Cofrancesco pointed out that the great majority of water works falling below standards were in small towns and that the nation's big cities all checked out well.

"But the bottled water people took great liberties with our study. Whenever we would say potential hazard, they would leave out the word potential. I'm afraid it had a heavy influence on bottled water sales."

The Division of Water Hygiene, noting the response, began to study bottled water regulations. "What it boils down to is that bottled water quality is regulated by the individual states. Some states, including the District, have no regulations," said Erwin Bellack, an engineer and a chemist who works with Confrancesco.

He said that of the surrounding jurisdictions that have specific laws relating to bottled water, only Pennsylvania could be regarded as having an adequate law. Both Maryland and Virginia laws, he said, were relatively weak, spelling out few specific standards.

Bellack said that the federal government is revising its water standards and may some day set a limit on the total number of bacteria because a high bacteria count can be harmful.

"Certain bacteria that are comparatively harmless may not be to an infant or a weakened person, such as an invalid. They could cause a general malaise or feeling of sickness."

"I for one would not drink bottled water because there is no indication that some states enforce these laws. You don't have the certainty, as you do with tap water, that someone has checked it," concluded Bellack.

Despite the fact of certainty about bottled water, some Washingtonians are probably not about to switch back to tap water. Bottled water has found its way into high places.

For instance, Mountain Valley water is served in the Senate dining room, Poland water is served at the Supreme Court and it is rumored that various brands of bottled water are enjoyed at the White House.

For these devotees, there are some prospects for more thorough regulation of what goes into the bottles:

Rep. John S. Monagan, D-Conn., has introduced a bill in Congress to establish strong, specific federal standards for bottled water. He cited the "sudden rapid growth" of the industry, which sold $100 million worth of water last year, as one reason why it should receive constant, uniform regulation.

The State of Maryland is currently conducting a study of bottled water which may lead to tougher standards. John Meadows, chief of the Maryland Health Department's food and milk section, said the study will probably lead to a requirement that manufacturers date the bottles to keep them from sitting too long on store shelves. One of the big problems in his state has been false and misleading advertising, he added.

One company, which was using processed Baltimore city tap water, put labels on its bottles bearing a picture of the Rocky Mountains. "We asked them to change it and then they put on a label with a picture of Niagara Falls," Meadows said.

Even the American Bottled Water Association, the industry's main trade association, is pressing for federal controls. Fred Jones, the association's executive director, said that 90 percent of the nation's bottled water manufacturers belong to his group and abide by its self-imposed, voluntary standards.

"However, there are some fly-by-night operators coming into the business and we would prefer to have the federal government come up with rules that everyone would have to comply with," he added.

Jones said that he hoped the Congress will eventually adopt the association's standards.

One of the association's regulations requires that bottled water not contain more than 100,000 bacteria in a liter. All four companies whose products were tested by The Star are members of his association, Jones said.

"Our water is always superior to the public water supply," Jones maintained. He referred a reporter to Joe. A. Stanley of Lubbock, Texas, who is chairman of the group's water quality standards committee.

Stanley said that while the industry is now striving to attain a "zero plate count" or sterility in its bottles, a high bacteria level would not be necessarily harmful.

"We feel that if it was of any great public health significance, there would be requirements in the area," he concluded.

WE MUST PULL TOGETHER

(Mr. MIZELL asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. MIZELL. Mr. Speaker, at this time I would like to call my colleagues' attention to a very timely and instructive speech delivered by Mr. Archie K. Davis, president of the Chamber of Commerce of the United States, before the 85th annual convention of the Printing Industries of America, Inc., in Chicago, on June 30.

Mr. Davis, chairman of the board of Wachovia, Inc., headquartered in Winston-Salem, N.C., a part of my district, has addressed himself to some very important issues that are of concern to every member of this body and to every American citizen.

His remarks, entitled "We Must Pull Together," make excellent reading, when he speaks of the great progress we have made in the recent past, when he speaks of the growing responsibilities we must bear as a world power, and when he speaks of our recent efforts to reform the welfare system.

I recommend his speech for consideration by my distinguished colleagues, and I include at this time the text of his address in the Record of today:

We Must Pull Together

(By Archie K. Davis)

Mr. Chairman, ladies and gentlemen, I am deeply grateful to have been invited to address you today. I do not believe that there is another indivdiual craft known to man that has contributed as much to human progress as yours, nor do I envision a more important one developing in the foreseeable future.

It has been observed that when the controversial prophet of the communications media, Marshall Mcluhan, wanted to announce the demise of the printed word, he wrote a book. I believe that is an eloquent commentary on the continuing importance of printing.

I understand that Ben Franklin is regarded as the father of the American printing industry. Whether or not that is strictly accurate historically, it is certainly symbolically true. Franklin was a small businessman, a tough competitor, and a highly creative, inventive individual—all qualities characteristic of today's printers.

MATTERS OF DEEP CONCERN

But my primary purpose today is not to compliment you, gentlemen. It is to share with you some matters of deep concern to all of us. These are not easy times for any businessman. Business today is under increasing attack, and I think, in many cases, unfair attack.

The benefits of the private enterprise system are so much a part of the fabric of our lives that we cease to be aware of them; we take them for granted.

It is certainly not difficult to prove the material success of the system. By any standard, we are the most fortunate people in history. We have more wealth in the aggregate, and more wealth on the average, than any other nation. And we are much better off today, in a material sense, than at any time in our own past.

For comparison, may we go back a few years into that past. In the year I have in mind, the death rate exceeded the birth rate. Pneumonia killed more people than cancer The average hourly wage in manufacturing was 63 cents, and the average weekly pay was $23.8. There were no transistors, no radar, no jet planes, no rockets, no atomic energy, no interstate highways, no frozen foods, no penicillin, and no television.

What year could that have been? 1850? 1900? Well, it was 1939—just 32 years ago. We've come a long way. The average family income in 1970—$9,870—will buy nearly twice as many goods as the average family income as recently as 1950.

We have changed in many other ways since 1950. Your own industry has grown from a 1950 business volume of two-and-a-quarter billion dollars to nearly eight billion dollars in 1970. Our population has increased, too—over 30 percent, from 154 million to more than 200 million. The number of college graduates has nearly doubled, from 432,000 to 772,000 . . . and many more are on the way. And the population has continued to abandon the farm in favor of the urban areas. In 1950, 36 percent of us still lived in rural surroundings. Now, fewer than 27 percent remain in the country. The end of that trend is not yet in sight.

These great population shifts have created difficult problems for all of our institutions, in the midst of our material well-being. Increasingly today, we are being told that "many thinking people believe America has seen its best days." It is said that "never was there more hollowness at heart than at present in the United States."

These sentiments are not new. That first statement was made by the American diarist, James Allen, in 1775. The second, by Walt Whitman, in 1875. We seem to go through recurrent periods of guilt and self-doubt, and we are unquestionably enduring one now.

To the extent that such harsh self-examination spurs us on to greater achievement—in both tangible and intangible forms—it is good. To the extent that it destroys our self-confidence and totally blinds us to our redeeming virtues, it is bad.

Critics who point to specific flaws in the system and urge reform are of inestimable value to our society. I hope we are never without them, and I hope that we will always listen attentively to what they say.

But there is another kind of critic abroad today, one who indicts the system not because it is not trying, but because it is not perfect. And the remedy this kind of critic proposes is not reform, but the destruction of the system.

This kind of criticism is irresponsible in the extreme. It emanates from those who harbor an unshakable prejudice against private enterprise capitalism and representative democracy. They despise the former because it works when they maintain that it can't, and they dislike the latter because it demonstrates public support for the former.

The radicals like to portray all American business as giant in size and monoplistic in outlook. That is a myth. Our large firms must meet increasingly intense world competition. Furthermore, there are over eight million businesses in this country, from General Motors to the corner hot dog vendor, and 95 percent of them are *small* businesses.

The printing industry itself has often been called the "biggest small business in the nation," and that description is a good one. Your industry is one which can still be entered with a relatively modest initial capital investment—the price of a small press and its auxiliary equipment. It is an industry in which a man who starts with very little can become a success, if he is willing to work for it, and I have no doubt that this audience includes many who have done just that.

Success always looks easy—and even undeserved—to those who were not around when it was being earned. That is a regrettable but understandable trait of human nature.

It is perhaps a more curious commentary on human nature that we tend to become most disparaging of our economic system when it is functioning best, and more conscious of its value to use when its heart skips a beat, as it has in the mild recession we are now leaving. About the only good thing I can find to say about such periodic readjustments is that they serve as an unmistakable reminder that economic security cannot be legislated any more than the king can command the tides. Wealth, material wealth, must be produced; that is, it must be earned.

TIME TO SPEAK OF RESPONSIBILITIES

There is a great deal of emphasis today on "rights." I believe it is time to speak of "responsibilities." Responsibility is the glue that holds society together. "Rights" can have meaning only in a social context.

I truly believe that "responsibility begins at home," so in that context, I wish to start with the responsibilities of business in our society.

The "classic" functions of business are to earn an adequate return for the owners, to develop the society's capital resources, to provide the customer with honest value for his money, to pay taxes, and to recompense employees in accord with their contribution.

Few Americans realize the amount of corporate income that goes to employees. In 1970, according to the U.S. Department of Commerce, after deducting overhead, supplies and taxes, 8.9 percent of the country's corporate income went to the owners of the corporations, while 9.1 percent was paid in wages and salaries.

The printing industry alone provides jobs for 335,000 people, and pays them more than $2.5 billion annually in wages and salaries.

Those are the traditional responsibilities. And I am satisfied that our competitive private enterprise system has performed exceptionally well. I might add that I cannot think of a more competitive industry than yours—as anyone who has ever advertised for bids on a printing job finds out quite quickly.

But in fulfilling these classic responsibilities, good businessmen have gone far beyond, into the broad, fertile area where the interests of business and the needs of society overlap. Job training programs, aid to education, cooperation with minority enterprises, participation in community affairs—these are all activities that derive from an enlightened understanding of the relationship between business and society.

The printing industry furnishes some excellent examples of corporate responsibility of a high order. Your extensive job training and retraining programs are outstanding. Many of you are small businessmen, close to the pulse of your communities, and are naturally involved in many aspects of community life.

These are open-ended responsibilities. As businessmen, and as citizens, we can and must do more. The effort to clean up the environment is a particularly great challenge for all of us.

Finally, there is the most obvious social obligation of all—the obligation to seek out and satisfy the needs and wants of the customer.

Business, like society, must constantly evolve and change in response to the changing needs and desires of the people it serves.

There are few industries in America where this critical need for adaptability is more apparent than in your industry, in printing. In the past fifty years you have had to contend with the competition of the electronic entertainment media—first radio, then television. And you have witnessed rapid changes in your own technology. Offset has become the dominant printing method, and phototypesetting is fast supplanting conventional hot type.

Change will never cease.

The message for any business is a simple one: Adapt or die. Eternal vigilance is the price we pay for the freedom to compete.

Business certainly has its share of the responsibility in our society, and it is incumbent upon every businessman to acknowledge that. But we do not lack for critics to point out our failings, either. That is well and good. Constructive criticism is a healthy thing.

However, if criticism is healthy for business, it is also healthy for other important elements of society. And here I believe the critics are failing in their obligation. Business is no longer the dominant institution in our society; at least, not in the sense that the businessman is free to operate pretty much as he chooses. Power today is shared with other groups; therefore, these other groups must also bear a proportionate measure of responsibility.

MAJOR CHANGES AFFECTING US

It is essential that all powerful groups in America recognize this joint responsibility, and realize the absolute necessity for pulling together. The country is facing a different world today than the one we faced 25 years ago. Rapid and very deep changes within and without have created many uncertainties. Success can no longer be taken for granted, as part of the American heritage.

The first of these major changes has taken place outside the borders of the United States. The postwar era of total American industrial and technological supremacy has yielded to an era of intensifying competition.

Other countries have learned to apply our technological and managerial techniques, with the result that our lead has diminished. In some ways, this is beneficial in that it has resulted in a better life for others and it has given our trading partners the means to buy more of our goods. But it also means that we must run faster just to stay even. Our high standard of living depends on our continuing technological superiority.

Another major change to be confronted is that inflation has become a chronic problem with us. Several trends with their roots in the 1930's have contributed to this problem. The first is the rise of the welfare state, the second is the increased power of labor, and the third is our steady progression from a manufacturing to a service economy.

THE SEEDS OF DESTRUCTION

Finally, we Americans have not yet faced the fact that a price must be paid for improvements in the environment and in the quality of life that we are demanding.

We continue to escalate our demands on government with no thought to the cost. Consequently, recent estimates of the federal budget deficit for fiscal 1972 run as high as $30 billion. Even more disturbing, projections of *existing* federal programs to the year 1975 show that these programs alone will require nearly all of the increase in the

Gross National Product expected by that date. In other words, we have *already* committed to government use all of the extra resources the economy can be expected to generate between now and 1975. None of this economic growth will be available to finance new federal programs, and none of it will be available to the private sector.

And yet, against this background, the House of Representatives has just passed H.R. 1—the so-called "family assistance plan." This bill calls for a guaranteed annual income of $2,400 a year for a family of four to start with, and already forces are at work to increase that allowance to $6,500, which would cover half the population and cost $75 billion a year.

As if that isn't bad enough, the bill also provides for automatic increases in social security benefits based upon increases in the cost of living. By 1980, the proposed social security taxes would be 95 percent greater than those under the present law, and the combined tax of $2,086.80 would represent an increase over this year's tax of 147 percent.

Within this one bill—H.R. 1—is the potential to destroy our private economy as we know it today.

The conclusion is inescapable: We must either reduce our demands of government or accept higher taxes. But so far, we have chosen to postpone the day of reckoning by borrowing from the future to finance our profligate spending in the present. While this technique may buy time, it guarantees a most painful final awakening.

So these three problems—more capable rivals abroad, chronic inflation, and continual deficit financing—are weakening our competitive position in the world and will ultimately threaten our standard of living unless we wake up to reality.

Business must play its part, but business is not alone. *All* segments of our society must work in concert. Those critics who have been particularly hard on business also have a great obligation to point the finger of criticism wherever it needs to be pointed, not just at the same old target.

They have been especially blind to the responsibility of labor.

THE RESPONSIBILITY OF LABOR

Our society owes a great debt to labor. Generally speaking, the American worker is the best in the world. Beyond that, it was the American labor movement which proved that workers in a capitalistic system can create for themselves a far higher standard of living than socialist workers.

But labor is just as subject to human failings as business, government, education, or any other human institution. Labor can become set in its ways and inflexible. Labor can become too greedy. Labor power, like all power, can be misused.

We are today witnessing the ugly spectacle of municipal workers holding the population of New York to ransom. Tomorrow, it could be your community.

Labor can be terrifyingly blind to the fact that the power to compel capitulation to its demands is infinitely greater than are the means to meet those demands. Yet, the unions at times appear willing to kill off an entire industry—to kill off jobs—rather than moderate their position. A "good" contract with a company that is forced to close is hardly an economic victory.

One wonders whether labor realizes that we are no longer living in the 1930's? One wonders whether the critics of business realize it? It should be obvious that labor is no longer an "infant industry," in need of special protection.

The challenges of inflation and foreign competition demand the highest degree of labor responsibility, corporate responsibility and governmental responsibility.

Labor did not bring on inflation. It came as the result of government fiscal irresponsibility and a belief that we could have both guns and buttter without some degree of sacrifice. But labor can easily sabotage efforts to halt it. "Catch-up" wage demands are understandable. However, wage increases that go far beyond that, and consistently exceed productivity gains, merely feed the fires of inflation and leave no one better off, not even the workers who receive them.

The whole process is self-defeating, and the continuing escalation of our wage and price structure is steadily but surely pricing American goods out of world markets, just as surely as wage increases in the construction industry are pricing the average American out of the housing market.

So labor has a vital responsibility to do its share in halting inflation. That means helping to increase productivity by agreeing to the abandonment of featherbedding and other man-made inefficiencies. And it means moderating wage demands to a level consistent with gains in productivity.

I most assuredly do not exempt business from a corresponding responsibility in this area. Just as labor must hold down wage demands, so the businessman must do all in his power to hold down prices. Neither of us is completely innocent. Both of us are equally burdened.

SIREN SONG OF PROTECTIONISM

Foreign competition is and will continue to be an increasing challenge for all of us. To meet this challenge, superior technology and a better-educated, more productive work force are still our high cards in many industries, printing among them. In recent years the value of printed products leaving this country has exceeded the value of imported printed material by more than two-to-one.

But too many of our industries are no longer manufacturing that kind of lead. Some are suffering . . . workers are losing their jobs and investors are losing their savings. This creates human problems that the government cannot ignore.

The answer, however, is not protectionism. If we yield to the siren song of protectionism and run away from the fight, it will be the beginning of the end for the supremacy of the American standard of living.

The AFL–CIO seems to believe that our standard of living is a product of nature—something that we can hoard, like gold, to prevent it from leaving the country. That is wrong, of course, but many businesses and political leaders have also succumbed to the delusion.

The American worker has a high standard of living because he has earned it. He has earned it by being the most productive worker in the world. If he ceases to be the most productive worker in the world, he will also cease to be the most prosperous. And that goes for the rest of us, too.

There is nothing mysterious about foreign trade. It could hardly be more simple. The dollars we pay foreigners for their goods are what they use to buy our goods. If we don't buy from them, we cannot sell to them. If we cannot sell to them, we will have a smaller market. A smaller market means lower levels of production. Lower levels of production mean fewer jobs. Fewer *American* jobs.

The most frequent foreign trade figure we hear is the net import or export surplus. Last year we had a trade surplus of $3.7 billion.

In this age of inflated figures, $3.7 billion does not sound like a significant figure when compared to the total size of our economy. But $3.7 billion is just the *difference* between our imports and exports. We actually exported $42.1 billion worth of goods and services in 1970. Many, many American jobs depend upon the production and transportation of those goods.

One of our major exporting companies—Caterpillar—points out that one third of its American employees owe their jobs to its foreign sales. That's 17,000 jobs in one company alone. Similary, one-third of the supplies that Caterpillar buys in the U.S. alone depend on its overseas business. And so it goes throughout our exporting industries.

So we all have a *lot to lose* if we try to hide from foreign competition. And no one has *more to lose* than the American worker.

GOVERNMENT: PART OF THE TEAM OR PART OF THE PROBLEM?

Government is the last of the institutions that I will mention this morning. Government is traditionally charged with mediating conflict, maintaining order, dispensing justice, guarding the general public interest, and promoting the general economic welfare.

In America in recent times, "promoting the general economic welfare" has been interpreted by some to mean protecting the people from "big business." It is a strategy that may have been appropriate at the turn of the century. Now, there is a greater need to protect the people *and* business from "big government."

It has been said that Japan is more a corporation than a country. That is another way of saying that Japanese business, labor and government cooperate to advance Japanese interests in world markets.

In America, I am afraid the situation is quite the reverse. Labor and management feud, while government actions are frequently inconsistent, and at times even harmful to business.

The regulated industries are a case in point. Federal and state regulatory agencies must begin to recognize their full responsibilities. Too often they consider their sole mission to be the protection of the consumer without recognizing they have an equal responsibility to protect the financial integrity of the regulated industries.

For example, unless such industries have adequate rates of return, they will be unable to attract the funds needed to meet the growing demands of a rapidly expanding economy. Adequate earnings are also essential if regulated industries are to be able to take full advantage of the new technology that will provide a better quality of services in the future.

A closely related need is that regulated industries be given reasonable freedom of operation. Excessive and restrictive regulation and control not only hamper the operation of such businesses, but also prevent them from fully meeting their obligations to both their customers and their shareholders.

Such regulatory behavior is the product of a philosophy born over 35 years ago, to meet the different conditions of a different age. But the times have changed. American business and American labor are competing in a world market now, and there is nothing in the laws of nature or economics that guarantees us a victory. We can no longer afford the luxury of spending half our energy fighting with each other. American superiority is man-made, not God-given. It can be lost.

If we do not learn to shift capital rapidly from inefficient industries to competitive industries; if we do not increase our investment in research and development; if we do not achieve greater productivity in education and government; if we do not learn the techniques of cooperative long-range planning; if we do not accept discipline in fiscal matters, then, one day not too far down the road, we will find ourselves, like Great Britain, living with memories of a glorious past in an inglorious and insecure present.

So government must also become a part of the team, rather than a part of the problem.

But more importantly, government must exercise that *fiscal responsibility* which is necessary to our very survival. Lenin advised that there is no surer, more subtle means of overturning the existing basis of society than to debauch the currency. He knew what he was talking about.

The sooner labor, management and government recognize our interdependence—the absolute necessity of making this coordinated system of ours work—the greater will be our self-assurance.

Leadership is the indispensable catalyst. Responsible leadership must rise to the occasion. Business as usual, politics as usual, must yield to something a bit more noble in our national character.

The stakes are too high today. As a world leader we must demonstrate a capacity to keep our own house in order—a capacity to exercise self-discipline. We must know where we are going and what our mission is.

IN OPPOSITION TO PROPOSAL TO CITE CBS AND DR. FRANK STANTON FOR CONTEMPT OF CONGRESS

(Mr. BROYHILL of North Carolina asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. BROYHILL of North Carolina. Mr. Speaker, the following is a statement of my minority views on the matter involving the recommendations of the Committee on Interstate and Foreign Commerce to cite CBS and Dr. Frank Stanton for contempt of Congress. Thirteen members of the committee have opposed the action and soon each Member of the House will have a chance to consider this important question. I am sure each Member desires to have the benefit of all points of view and because the committee report will not be available for a while, I want to place in the Record my dissenting views.

Minority Views of Congressman James Broyhill of North Carolina

We oppose the contempt citation urged by the majority because it sets this Congress on a dangerous course—a course without precedent or justification.

Much of the general criticism leveled against broadcast news reporting these days may be well-founded. Our dissent is not an endorsement of the past conduct of broadcast journalism. In fact, we feel that the physical and technical limitations of the medium and the questionable practices of the past may force Congress at some future date to formulate a more effective national policy in this area to safeguard the public's interest. However, that is not at issue here. Nor are we concerned with any allegation that the Columbia Broadcasting System has engaged in any illegal activity. No such charge has been made in this case.

What we have before us is a narrow question: Should Congress hold in contempt both CBS and its chief executive officer, Dr. Frank Stanton, for refusal to furnish the Committee with the unused television film—the "outtakes"—from its program, "The Selling of the Pentagon." Beyond that looms the broader issue of the power of Congress to exert a different standard of control and supervision over broadcast news reporting than the United States Constitution would permit it to exercise over the general news media in this country. These are interrelated issues and cannot be separated despite the assurances from the Committee that its interest lies only with the narrow issue.

The Committee states that it is operating in good faith within the investigative powers of the Congress to look into the need for legislation in the broadcast news area. It claims further that examination of the outtakes from "The Selling of the Pentagon" is essential to formulating that legislation. In addition, the Committee asserts that the broadcast industry holds a public trust that distinguishes it from the role and duties of the print media. As the public's representative, the Committee also asserts it has the power and obligation to exert strict supervision over the franchise or license it awards broadcasters when they are granted access to the public airwaves.

We do not quarrel with the Committee's good faith, nor with its assertion that Congress must soon formulate a more modern and effective policy that clearly outlines the relationship between the commercial broadcaster, the government which licenses him, and the public interest that must be served. But we feel strongly that if the Congress intends to legislate new broadcasting policies, it does not need the outtakes from "The Selling of the Pentagon" to do so.

Clearly, the Congress would not attempt to draft a national newspaper policy on the basis of a news reporter's outtakes from his notebook after he wrote a controversial story. There is not only explicit Constitutional prohibition, but also a long history of court precedent that forbids prior restraints on how a newsman's judgment is exercised in the formation of a news report. Prying into his notebook after the fact, or setting up formal guidelines prior to publication, goes against the spirit of these guarantees. Abuses that occur in the print media can be and are corrected by libel actions in the courts and by the public pressure for accuracy and truth that can be brought to bear by commercial competition.

Much has been made of the major difference between the print and broadcast news media—the Federal licensing and regulation of broadcasting. The airwaves are a limited resource not open to every citizen, according to this line of argument. And we agree that far. But we dissent from the line of reasoning that follows—that newspapers are to be left unchecked by government because they are a purely private enterprise, and that because broadcasting is a government-licensed privilege, government therefore can and must exert supervision over the content and shape of news.

The point has also been raised that there are precedents in the form of the legislation of some years ago which curbed the abuses of the "quiz show" era, and later of the fairness doctrine which the Federal Communications Commission imposed on broadcasters to assure equal time for the rebuttal of public issues. We approve of both the fairness doctrine and the restrictions on the illegal activities on the commercial programming side of broadcasting. There is indeed ample precedent for those limitations; even newspapers must follow legal standards where their advertisements and other commercial activities are concerned. Moreover, the fairness doctrine affords only a chance for rebuttal; it does not place a prior restraint on the broadcaster's presentation.

But neither the fairness doctrine nor illegality is at issue in the CBS case. News content is. Just as unfettered reporting and presentation of the printed news is forcibly protected by the First Amendment to the U.S. Constitution, so also we feel that this protection must be extended to the electronic media if they are to provide the same essential, and sometimes painful, function of keeping the public involved in and aware of the workings of its society.

Moreover, while there is not yet a sizeable body of court precedent setting out in detail the role of government in its control of news broadcasting, that which does exist firmly links the electronic media to their printed counterpart and to the protections afforded by the Constitution. A contempt citation at this point would certainly be appealed through the entire Federal court system and certainly would find its way to the U.S. Supreme Court where, we believe, a firm decision would undoubtedly be handed down in favor of Dr. Stanton *et al*. In the light of such a decision, we can foresee great difficulty facing the Congress should it set out at a later date to formulate a more detailed broadcast policy.

Men have pondered the problem of how to keep the press both free and responsible since the days of the first broadside sheets of the London coffee houses. The French historian de Tocqueville, who travelled this nation in the early 1800's concluded that the freedoms of the American press probably struck the best balance. The characteristic that impressed him most was the fact that American periodicals were diverse in opinion, owned by many men who competed in giving access to the average citizen to a wide range of opinions and interpretations. The brash and unruly American newspaper of that day offended the aristocratic de Tocqueville, but he conceded that the system worked better than the one in his own country, where a few powerful papers in the major cities determined what the news would be.

In this country we have no NBC or other government-controlled network, yet our broadcasting industry is a powerful and in many ways more concentrated industry than magazines and newspapers. A single newscast often reaches more citizens than the largest circulating newspaper, and the impact can be incredible to behold. So decentralization may be the path that best affords a cure for what ails the broadcast industry. It certainly involves broadcasters, particularly the networks, putting their own houses in order. It probably means a greater standard of responsibility of local station owners to provide a check and balance system against the lapses of the networks.

But whatever standards it chooses to impose on broadcasting, the Congress cannot extend its control to the method by which news is obtained and reported. Nor can it set out on a search of effective remedies that are within the spirit of the First Amendment by first abusing the spirit of that principle in the case of CBS and Dr. Stanton.

NOISE POLLUTION IS NOW RECEIVING RECOGNITION AS ONE OF OUR MAJOR POLLUTANTS

(Mr. TIERNAN asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. TIERNAN. Mr. Speaker, it has been extremely gratifying to me to see that noise pollution is now receiving the recognition it warrants as one of our major pollutants. The Congress itself is leading the way. The Public Health and Environment Subcommittee, headed by Mr. Paul Rogers, has completed hearings on a number of noise abatement bills and should be reporting out a clean bill this week. The Senate Commerce Committee is still holding hearings on this very important question.

Last week Mayor Lindsay proposed a comprehensive noise-control code for New York City. In my opinion, this is the most comprehensive and farsighted city code which has ever been proposed. and I congratulate the mayor for his initiative.

At this point in the Record I would like to include an article which appeared in the New York Times outlining the proposed code, and an editorial which appeared in today's Christian Science Monitor:

[From the New York Times, July 8, 1971]

Lindsay Proposes a Noise Control Code

(By Alfonso A. Narvaez)

Mayor Lindsay yesterday proposed a comprehensive noise-control code that would set limits for the first time on many of the major sources of urban noise.

The proposed code, which goes to the City Council for hearings and approval, sets specific noise-level standards in decibels, for construction equipment, air-conditioners, public-address systems, garbage trucks, emergency sirens and other city noises.

The code will not affect some of the major irritants to city dwellers such as aircraft noise, automobiles, motorcycles, subways and commuter railroads. Many of these come under Federal and state regulations and further studies must be made before regulations are proposed for subway and commuter lines.

The code would establish a system of fines of up to $2,000 a day for corporations convicted of violating it. An individual would be liable to be put in jail for up to 30 days for each day of a violation of an order of the Environmental Control Board, created by the code, or a violation of the licensing provisions of the code or if he breaks a noise-regulating seal on any equipment.

The code would also empower the Administrator of the Environmental Protection Administration to place certain types of equipment, which create noise in their operation, on an operating certificate list, with certain standard levels of noise permitted.

The certificate would be granted if the machinery could be operated within tolerable noise levels and could be revoked if the machinery were found to be operated improperly.

The proposed code would also have the administrator designate within two years ambient noise quality zones for the entire city, with noise criteria and standards appropriate to each zone. The zones would have to be approved by the Council.

Individual noise limits would be set for each zone, and proposed land uses within a given zone would have to be in accordance with the ambient noise standards set for that zone.

In the proposed code, ambient noise levels are defined as "the all-encompassing noise associated with a given environment, being a composite of sounds from many sources near and far."

NOISE LEVEL CALLED HIGH

The proposed code states that it is city policy "that every person is entitled to ambient noise levels that are not detrimental to life, health and enjoyment of his property." It also declares that persons who create excessive or unnecessary noises, within the city "are a menace to the public health, comfort, convenience, safety, welfare and the prosperity of the people of the city."

Jerome Kretchmer, head of the Environmental Protection Administration, said that the code "was designed to replace current piecemeal legislation with a body of regulations that will not only apply specific decibel limits wherever feasible, but will also define and maintain general noise standards for geographical areas of the city so that noise pollution can be systematically prevented and abated."

"It has been suggested that New York City may be one of the noisiest cities in the world," Mr. Kretchmer said. "With this code, we hope to lose that distinction."

Mr. Kretchmer added that current noise legislation was ineffective because noise levels were not defined and no enforcement machinery was provided.

In a statement accompanying the proposed code, the Mayor urged the Council to have "New York City take the lead in the problem of reducing noise."

"The problem of noise affects the way we live and work," the Mayor said. "Strong legislation, which leads to action by both the public and private sectors, is a vital step toward preserving the health and comfort of all New Yorkers."

The 48-page code was prepared by the City's Bureau of Noise Abatement and the Environmental Protection Administration following a study of the noise problem in the city from 1968 to 1970 by the Mayor's Task Force on Noise Control.

Mr. Kretchmer spoke to newsmen outside City Hall as he stood next to a yellow noise-monitoring van bearing the lettering "Noise Makes You Nervous and Nasty." He said that the proposed code would require that garbage trucks built after Dec. 31, 1972, be operated at a noise level no louder than a vacuum cleaner and that sirens make no noise louder than midtown traffic.

The code continues present prohibitions against unnecessary noise but adds specific decibel limits on the operation of existing air compressors and sets lower decibel levels for equipment manufactured after Dec. 31, 1971. The decibel levels for existing air compressors would be set at 90 dba (decible measurements on a weighted "A" scale, which places more emphasis on highpitched tones, to which the human ear is more sensitive). By December of the following year, allowable levels would be 83 dbA's and by 1974 they would be 75 dbA's. New compressors would have to be about five decibels quieter.

Similar procedures would be set up for air-conditioning equipment, sirens, horns, pavement-breakers and refuse compacting trucks. In addition, burglar alarms on businesses and private dwellings would have to have automatic devices that would shut off the alarms after 15 minutes.

Jet engine noise and noise from other aircraft would not be affected by the code because the Federal Aviation Administration regulates these. Noise from motor vehicles comes under regulations of the state, which has preempted such legislation and forbids the passage of local laws inconsistent with or duplicating existing state limits.

Technicians on the noise monitoring van of the Bureau of Noise Abatement said that the noisiest area in the city that they had monitored was in the vicinity of 46th Street and the Avenue of the Americas, where construction is under way and six air compressors raised a din at a level of 100 dba's, just below the level that would inflict pain, but much higher than the level that could cause physical injury if a person were subjected to the noise continuously.

[From the Christian Science Monitor, July 12, 1971]

A Right to Quiet

Noise has crept into the daily life of industrialized man like crabgrass in a suburban lawn. At first unnoticed because it blends into the ambient sounds of constructive, useful activities, suddenly it reveals itself as an ugly, alien and destructive intruder.

Militant citizen groups, such as Citizens for a Quieter City, in New York, have been most useful. But even their good work has been held back by the twin facts of an apathetic public that has simply become used to putting up with noise, and a resistant group of vested interests who fight any controls that may cost them out of pocket.

But persistance has paid in the long run, and meaningful action is being taken at both city and federal levels. Debate over the administration's proposed Noise Control Act of 1971 is giving congressmen a first-hand look at the quantity and damaging effects of noise. A parade of scientists has provided a Senate Commerce subcommittee with evidence that noise causes malaise of body and mind. In the home, says Prof. Jack C. Westman of the University of Wisconsin, recent studies showed that unwanted sound contributes to "the gradual erosion of family life."

Congress should give fullest support to the President's bill, which would authorize the Environmental Protection Agency to set federal noise standards for transportation vehicles, machinery, appliances, and other manufactured products sold interstate. At the same time, the administration is resisting proposed amendments to its bill which would require strict federal noise-control standards within one year on some products. The Congress should stick to its guns, within the limits of economic feasibility.

At a lower governmental level, it is heartening to find New York City considering a strict noise-control code. Anyone who has run the gauntlet of six or eight air compressors roaring in strident unison along a Sixth Avenue construction site, knows the shattering impact noises can have on defenseless citizens.

Garbage trucks, air conditioners, motorcycles, sirens, pavement breakers, and other existing paraphernalia of the cityscape would all come under strict decibel limitations in the proposed New York City code, with even lower limits placed on newly manufactured equipment.

What the federal government and New York City are doing must be emulated by states and other cities across the country, until citizens can once again hear themselves think. This will cost Americans a good deal of money, but the resultant peace of mind will be worth every penny.

DROUGHT NEEDS DETAILED

(Mr. PICKLE asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. PICKLE. Mr. Speaker, last week I introduced three bills to aid drought-stricken farmers and ranchers now and in the future. I called on the Congress to act speedily on these bills, as they will affect each one of our constituencies sooner or later—as the drought will affect each one of us sooner or later.

I said:

> The drought now centers in the Southwest, but each of us here with a rural constituency knows that his time will come—his time to be faced with major farm disasters and only piles of red tape to scatter over decimated fields. And each of us here with urban constituencies need only watch the price of meat, of corn, of cotton goods, of bread, even of bread—to know that his time is coming too when his people back home will feel the drought dipping into their own pocketbooks.

We need a drought aid program which will work, which will really help the farmer. And we need one now. The absence of rain in our Southwestern States carries with it not the slightest shred of humor, even of dry humor. It is a serious matter, deadly serious.

In an effort to get a good hold on just what the situation looks like and on what we can do about it, I polled each of my county ASCS agents and County FHA officers. In addition I have spent several days in the last few months going out to talk with numerous farmers and ranchers in my district first hand. And I have met with others in my district office.

I now have in hand written reports

from my county and state officials detailing the picture for my own district. And the picture is bleak.

In Bastrop County, my State and local people report crops of all kinds, except peanuts, have been severely damaged Yields will be light even if a good rain comes.

In Blanco County, the picture is a little brighter—but only if there is rain soon.

In Burleson County, they still hope to get a crop if they get rain, but even so, dryland crops will be much below normal yield.

In Caldwell County, they are now hoping for a 15-percent cotton crop—if they can get rain. There is no grain crop.

In Colorado County, they expect about a 25-percent crop although some rice and row crops may fair a little better.

In Fayette County, they expect about a 25-percent crop, and they are short of stock water.

In Jackson County, approximately 90 percent of the county has very poor crops. Many farmers are now planting in hopes of making a late crop—but they will need rain to do so.

In Hays County they are looking for 15 percent of their normal grain crop, 40 percent of the cotton crop—if they get rain—and 25 percent of the hay crop.

In Lee County they are getting 30 percent of their grain crop, and they are baling that for hay, because hay is even more scarce than grain. Predictions are there will be hardly any corn. Milo and peanuts stand a better chance—but, again, only if there is rain.

In Travis, we find one of the worst situations of all. Estimates run that we will get less than 10 percent of the crop there, unless rain comes soon. And even if it does, it is believed the maize crop is lost anyway.

Wharton County has a variable picture due to isolated recent rains, although pastures and hay crops have suffered all over. Wharton is an exceptional situation this year.

Williamson County still hopes for up to 40 percent of their cotton crop, but, as in Travis, the maize crop is believed lost

The picture, I would wager, runs about the same, or in some instances perhaps worse, for my Southwest colleagues.

We need help. That ought to be crystal clear.

The local offices of ASCS and FHA in my district have done a magnificent job of extending what aid they can. But they are also among the first of those who are warning me how much more aid will be needed.

FHA officials, county and State, tell me that 46 emergency FHA loans are now operating in my district through May 31, 1971, and the great influx of loan requests is still to come. It will come this fall. It will come then because only then will the farmers know for sure how badly they are hurt. Some even then will have to wait for rain before they can apply because they cannot begin to replace their herds until rain brings new grass and until sufficient feed is available. Also many are hanging on to the last thread of hope before going further into debt.

Mr. Speaker, when these farmers come to us for aid, they will need it. They will not be looking for an easy handout. When they come they will be on the fall line. And I sincerely hope we will not dally in getting the loan funds to them that they will so desperately need. I know my county people will do their best. I just hope we here in Washington make sure sufficient funds are available.

Mr. Speaker, looking over tallies prepared for me by county ASCS agents in my district, I can see that use of the set-aside and CAP land grazing programs are fairly widespread. But I must remind the Congress that, as the county by county breakdown shows, many of these lands offer precious little to graze upon.

Use of the emergency feed and grain and feed transportation programs, however, are not so widespread. I asked why.

Some pointed out that in certain areas the farmers had little storage facilities for the extra grain. Others pointed out that some farmers did not have enough money to buy the grain even at reduced prices. And several pointed out that the price reductions did not really amount to all that much considering that, at least to some extent, the farmers would not have been buying the grain at all in a normal year. They would have been using their own pastures. But the report I got back most frequently was the necessity to file a statement which has come to be known as the "pauper's oath," signifying that the farmer is on the bedrock of his finances before he can ask the Government for feed price help.

Mr. Speaker, my county people fully realize and have told me that many farmers are having to buy feed they would never buy in ordinary seasons. Again and again, I hear repeated the opinion that all a man ought to have to prove in order to qualify for help with feed and grain is that he is a bona fide farmer or rancher and that he has livestock and that a drought has hit him. My ASCS committees know their areas. They know these men. They say that they can tell when a man needs hay, and I believe them.

Emergency grazing and haying are not offered on a financial hardship basis. Emergency conservation practices are not offered on a financial hardship basis. Why should emergency feed and grain be offered on such a basis? When a man's business is damaged or destroyed by flood, tornado, or hurricane, we do not ask how much money he has in the bank, we ask how much he needs to get going again. Why should we change colors here?

Perhaps we ought to set some guidelines, but financial destitution need not be the only guide. One person suggested that the aid be available to whoever derived a certain percentage of his income from his farming or ranching operations. Many more said that those eligible should simply be a farmer or a rancher, a bona fide livestock producer. One man suggested that the Congress could set a limit on assistance per year, as in other agriculture programs, and then open the feed and grain assistance to all bases.

But whatever we do, we must do something soon.

I think that the Agriculture Department is slowly realizing just how much our Southwestern farmers and ranchers do need help. I think in the next few days that they may well remove the "pauper's oath." I hope they do, and I hope they remove it permanently. I have introduced a bill to make its elimination permanent. As I have said above, almost every one of my county men listed this oath as a prime hangup in the current drought relief programs. They have already moved to take sensible and practical decisions in this area. I think we should back them up fully. They are there. They know what the needs are.

I think in the next few days the USDA may move as well on another recommendation which has been coming up to me from my district people and on which I have also acted with legislation. That is the need to adjust a cotton producer's support payment history on up to 100 percent of a drought year, instead of the current 80 percent. I hope the USDA does take this step, although I also hope that in the future it will be a matter of law. That is why I introduced my bill. It will simply be doing the same thing as this hoped-for USDA action, but without all the redtape that is currently bogging us down.

And I think we should go further. I have introduced legislation by which the Secretary of Agriculture may declare an area as a drought emergency area upon a request from the Governor of the affected State. The Governor may file this request whenever total precipitation for at least 3 of the last 6 months has been less than one-half normal, as determined by the Environmental Science Services Administration, or whenever he determines that the need for credit in the area is due to a drought.

The Secretary may then move with full force and speed to combat the drought. And he may extend the forgiveness clause on FHA loans to cover all losses due to a major disaster or due to a drought to the extent that these losses are not compensated for by insurance or other means. This will help to cover the now "hidden" expenses of a drought pointed out to me by my county agriculture officials—expenses such as extra costs in fertilizer, land preparation, and planting seed.

Mr. Speaker, may I say again that we need help. May I say again that sooner or later this drought, or other disasters like it, will affect each and every one of us here. May I urge speedy action on a drought aid program that will offer real recovery help.

WORLD TRADE AND THE UNITED STATES

(Mr. FISHER asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. FISHER. Mr. Speaker, I have recently had an opportunity to read some papers on the position of the United States in world competitive trade. We have recently had occasion to be increasingly concerned over the trend, which shows this country enjoying a falling share of world exports during the past decade.

O. R. Strackbein, who is president of the Nation-Wide Committee on Import-Export Policy, has prepared three papers on the subject in recent months. The first was "Disturbing New Elements of Import Competition"; the second, "Eclipse of U.S. World Productive and Competitive Leadership," and the third, "Our Labor-Intensive Industries: Let's Preserve Them Against Imports."

There is considerable overlap in these papers, but this is helpful toward developing the point made in the papers. Mr. Strackbein traces the development of the American industrial leadership of the world and how this leadership has been eroded, leaving us exposed to impact competition under conditions that leave us at a great disadvantage and in fact rob us of the very processes by which we reached world leadership.

I hope that every Member will take the trouble to read these papers for an enlightened view of where we stand in the world of trade today.

I include Mr. Strackbein's three papers at this point in the RECORD:

DISTURBING NEW DIMENSIONS OF IMPORTS

(By O. R. Strackbein, President, The Nation-Wide Committee on Import-Export Policy, May 17, 1971)

In recent years imports have put on a new face in our economy. They represent a newly developed challenge in a sense that can only be described as spoliative of certain aspects of the American system of industrial expansion.

In order to grasp the full implications of this pronouncement it is desirable to give attention to the function of wage levels and relative productivity in the course of import competition, and their bearing on domestic employment under general and special circumstances.

Industries that are beset by growing imports will not ordinarily add workers to their employment rolls, unless the economy is very prosperous and upgrade. They will rather do all they can to increase productivity by reducing their employment in order to meet the pressing low-cost import competition. It becomes necessary to reduce costs, and this can be done in any meaningful sense only by cutting down on the work-force. Since wages cannot be reduced, both because of political realities and because doing so would reduce consumer demand, the only way to reduce labor costs is to cut the number of man-hours needed to produce a given volume of goods. When that is done by a number of industries that are faced with import competition, the result will be less employment. This may mean a lower total payroll. In any event that is the objective.

REDUCTION OF PRODUCTION COSTS

It is not generally appreciated what is involved in reducing production costs. It is often said that in some products labor is not more than 15% or 20% of the cost of production, e.g., as in automobiles, in the production of which the payroll in 1967 was only 14.8% of the value of shipments. (See Census of Manufactures for 1967). This judgment is perniciously false because it ignores the permeation of all production by labor, from minerals, agriculture, lumbering and all other raw material preparations to multiple transportaion, financing, insuring, storing, etc. These and other operations precede final assemblage of parts and components. What is called the "automobile industry", with its 1967 complement of 743,000 workers, is merely an assembly operation. The great preponderance of labor is expended before the assembly line is reached. The "industry's" labor outlay is only a third of the iceberg. Instead of 743,000 workers, somewhat over 2 million workers are needed to build our automobiles and parts.

The fact is that close to 80% of total costs incurred by all corporations in production goes into employee compensation carried all the way back. Therefore precious little maneuvering is left as a competitive weapon other than reduction of man-hours through worker-displacement. If overall costs are to be reduced as much as 10% in order to become competitive with imports the total work-force from A to Z must be reduced by something more than 10%, even if profits were reduced proportionately. If a 20% reduction in cost is necessary the work-force would have to be cut some 25%.

Reduction of costs has, of course, been the very matrix of American industrial success. Lower prices generally beget greater consumption. While this is not always true it is true with a product that enjoys an elastic demand, such as automobiles. It does not hold for goods with an inelastic demand, such as sugar and salt and other essentials. With an elastic demand consumption rises when prices are reduced. The classic American process with a new product which was found to enjoy an elastic demand has been to move heaven and earth to bring down the price to consumers. That is the tale of the automobile, radio, TV, etc. It is also the very principle on which our anti-monopoly posture rests.

LOW-COST IMPORTS PRODUCE DIFFERENCE EFFECT

As a result, today *imports* are invested willy-nilly by the unwary with the same virtues attributable to the cost-reductions that in our economy were the key to enlarged consumption and resulting expansion of employment. The analogy rests on precarious ground. For example, the demand for a particular product may be inelastic. Lower costs and lower prices, whether offered by imports or domestic producers, will then not enhance consumption sufficiently to help employment. Those who were laid off because of higher domestic productivity or imports then create net unemployment.

Now we come to the very core of the case. If the demand for a product is elastic and if the initial price to the consumer is appreciable a lowering of the price will indeed beget consumer response. The workers who were displaced by the more productive methods that resulted in the lower price will find employment after some time. The workers in the buggy and carriage factories gave way in a roundabout process to the automotive worker. In time more workers were employed in automobile production than had been displaced, although not very likely in the same place.

However, to substitute lower-cost imports for domestic cost-reducing innovations, such as more productive machinery, is not justified. There is a fertile difference.

When the domestic entrepreneur contemplates drastic cost reduction as a means of reaching a broader market he is lured by visions of bonanza-like returns. The great exemplar, of course, was Henry Ford. He collected handsomely in his vision by taking a risk on the elasticity of demand for his product. He was sure, however, that if his theory was true, he would have a vast and almost virgin market before him.

He had recognized the interdependence of mass-production and mass-consumption. He instituted the unheard-of $5-a-day wage as a token of his faith.

EXAMPLE OF THE AUTOMOBILE

To appreciate the difference between the Ford approach and the present-day efforts of manufacturers of products that promise great consumer acceptance if the cost is brought to levels low enough to tap the mass market, we must recognize the difference in the attendant circumstances. Mr. Ford could be sure that he would not soon be undersold by competitors who had access to his technology, access to his engineering developments and who were likely as experienced in marketing as he but who paid their workers only $1 or $2 per day against his $5.

Had such entrepreneurs been on the landscape and ready for him, ready to invade his market and tap layers of consumer income below those he could hope to reach unless he could surprise them with yet more highly productive methods, he might have thought twice before venturing so far afield. The others would have shared his market and might possibly have driven him out of business. Their lower wage disbursements would, however, soon have failed to boost consumer income sufficiently to produce the generally high level of consumer demand necessary to sustain general expansion of the economy. Instead of taking their cue from Henry Ford the remainder of American industry would have seen him as a failure and would not have emulated him.

The industrial miracle of the world, the American industrial system, would not have flowered, unless, indeed, some other entrepreneur equal to Ford had come on the scene.

To pursue the difference further, assume that his competitors, who were in a position to take a competitive advantage of him because of their lower wages combined with high productivity, had been foreign companies producing abroad rather than American. They would then have employed foreign rather than American workers. Mr. Ford could never have built his industrial empire. The automotive industry would hardly have become the great employer of domestic labor that it is today.

Today highly resourceful, competent and energetic entrepreneurs, supported by great capital resources, much of it American, do exist and operate abroad; and these are hungry for business.

This fact alters the whole outlook for greater employment in this country today compared with what it would be if the conditions faced by Henry Ford still prevailed.

EXAMPLE OF RADIO AND TV SETS

We have an example, even if not a perfect one, in that part of the electronic industry that is devoted to consumer electronic goods today. This potential employer of thousands upon thousands of workers has been hamstrung, so to speak, as an expansive employer of American workers. Its employing potential has been dissipated by the very import process pictured above.

It is not that the demand for household electronic goods (radio and TV receiving sets, tape recorders, etc.) is inelastic. No! It is quite elastic, and the American industry benefited from this fact for years in the radio forerunner of TV. Manufacture of receiving sets, the price of which had been brought down within the reach of the mass market, provided expanding employment. With the advent of TV and the development of mass production abroad the scene began to switch.

The high wages which were the characteristic of the American system, together with their function of assuring an adequate market for mass-produced goods, suddenly became a formidable competitive handicap. This handicap was two-fold. The lower foreign costs permitted inundation of our market by the imported product. At the same time it foreclosed to the American manufacturers the hope of enjoying the mass market that formerly was sure to greet the further progressive reduction of costs. The latter function was pre-empted by the foreign producers, in order to accomplish this fact, needed no particular inventiveness or originality. They had but to build on what became available to them through the process of licensing from American patentholders.

Thus was destroyed the dream that in its pursuit in the past by American entrepreneurs brought us ever expanding employment opportunities. True, American capital, because of its mobility can still participate in the expansion, but the benefits do not accrue to the American workers.

In the past we looked to new industries, which came to be known as growth industries, to take up the slack of industries that lagged in employment. A recent example was the chemical industry with new products. This was a natural development when the new and growing industries were operating in this country and enjoyed exclusive patent rights and tariff protection. Today it is different. We still have growth industries but our own companies license foreign producers or establish producing plants in other countries.

The lower costs of production abroad produce the same effects that successive production-cost-reductions formerly produced in this country.

When the source of the cheaper product, however, is foreign our domestic industry is left in a relatively stagnating position. Our workers see the growth that previously resulted in burgeoning employment at home, taking place in other countries.

Thus the whole outlook for greater employment is changed. A shift to overseas bases has in recent years been going on all about us. We can no longer reason as we did before. When our capital can move overseas so readily the accustomed door to greater employment in this country to which we looked in the past is largely shut off.

EXPORTS AS AN OFFSET

It is said that employment generated by exports offsets the jobs lost to imports. Exports, however, cannot overcome the growth-killing effects of imports that rob our growth industries of their dynamic employment potentials, as described above: e.g., man-made fibers. This is something that was not on the scene until the past decade; and it has already taken a heavy toll. We have before us the bright example of computer exports.

In 1960 we exported only $48 million of electronic computers, accessories and parts. By 1969 this figure had climbed to $728 million. This heartening record is equaled, however, by our importation of telecommunication apparatus (radio, TV, etc.) which moved from $127 million in 1960 to $1,006 million in 1969. Here we have evidence of the rapidity of import invasion if the competitive cost-advantage of the imported product is right. The evidence is very convincing in persuading us that industries that do not yet feel much pressure from imports may find themselves beleagured in a few years' time.

Even so well-established an industry as the automobile makers, who were among the very pioneers of the mass-production system, found that there was still a market to be found in the income brackets that lie below the lowest-cost automobiles our industry was able to manufacture.

If we scan the income distribution by family in this country in a recent year (1968) we may better appreciate what the potential market may be today. 39.7% of family income in 1968 resided in the $10,000 and over brackets. 23.4% fell into the $7,000–$9,999 bracket. Below that level only a low-price automobile, new or secondhand, could hope to make headway. Yet, 26.6% of the total income fell into the $3,000–$6,999 bracket. (Statistical Abstract of the United States, 1970, Table 486, p. 322).

Here was an invitation to any automobile manufacturers who could produce a vehicle at a price low enough to tap this market. Those more likely to have that capacity would, however, be foreign producers who enjoyed the competitive benefit of low wage rates and high productivity. The result was the capture in a few years of 10%-15% of the total American automobile market by imports.

American producers were prevented by labor costs and the productivity level from supplying this potential market. They are making a second attempt, but imports continue to grow. Unless rising productivity can reduce sharply the man-hours needed to produce cheaper automobiles, the imported product will continue to supply the greater part of the low-priced car market. As previously noted, a substantial productivity increase translates into heavy worker-displacement. Already some components are being imported in order to assure a low price. This practice, however, does not help domestic employment.

THE AMERICAN DILEMMA

This is essentially the dilemma in which American industry finds herself today *vis-a-vis* imports. The pressure to remain or to become competitive with imports, as if success in this endeavor would restore the magic of old, works at cross-purpose with the national goal of full employment. The sharper the import competition the more hopeless the effort to increase employment through cost reduction. Movement to overseas bases will be stimulated.

IMPORT CEILINGS OR QUOTAS AS A REMEDY

Any proposed remedy must therefore address itself to this dilemma. To retain a reasonable share of our market for domestically-produced goods calls for import controls that are designed to produce precisely that result. The tariff has been reduced to ineffective levels in most instances. Import ceilings or quotas represent the most effective as well as the most reasonable instrument available for prevention of the pre-emption and despoliation of our market by imports running wild. Ceiling or quota limitations can be devised to provide for a reasonable level of imports and sharing of our market in proportion to its expansion from year to year. They would at the same time control the shipment to this country of products manufactured abroad from plants established by American capital.

Our industries would once more be assured of a growing market and higher employment if they were guarded against disruption by imports.

There can be little question that our patent system contributed greatly to the vision of successive cost reductions as the key to the mass production and the mass market which together brought greater employment. When imports are poised ready to jump ahead of our producers because of the cost advantage enjoyed by the former, our producers face a disheartening if not impossible prospect; and our economy will lose the propulsive lure that formerly induced it to work production miracles. Labor will be the evicted bystander.

ECLIPSE OF U.S. WORLD PRODUCTIVE AND COMPETITIVE LEADERSHIP

(By O. R. Strackbein, president, the Nation-Wide Committee on Import-Export Policy, June 14, 1971)

This will be an attempt in a very abridged form to trace the recent make-over of the American economy in terms of its competitive capacity in relation to the rest of the world.

In order to find an anchor-point it will be necessary to go back a generation or two. No specific date can be fixed but it is desirable to go back far enough to trace the divergence of our economy from its previous state and particularly from that of other countries, or to about 1900.

The old idea governing wage income was based partially on the iron theory of wages of Ricardo and others. The principal thrust was to get as much labor for as little pay as possible. Wage reductions were imposed as a remedy when business went sour in depressions. In other words, wages were an evil burden on production. Labor could be and was sweated on "sound" economic principle. Legislation and judicial decisions underwrote the practice by keeping unionization under wraps.

NEW CONCEPT TAKES SHAPE IN THE UNITED STATES

After the concept of *mass-production* took hold as a result of mechanical inventiveness in this country, a ray of light of a different wave length broke through. Perhaps the first concrete progeny of this beam of light was the anti-trust laws, in the sense that they reflected the economic meaning of competition versus monopoly power. At the bottom of this distinction lay the interest of the consumer or the people. Competition would bring prices down. Monopoly was bad because it placed pricing in the hands of the monopolists whoever these might be and made of it an instrument of enrichment at the expense of the people.

With this concept the seedbed was ready for another new idea. If mechanical genius was sufficient to speed the wheels of production and swell the streams of goods, the process left to itself was doomed to choke itself on a vast accumulation of products that had nowhere to go.

EXAMPLE OF THE AUTOMOBILE

Folklore has it that Henry Ford was the genius who broke the dilemma. His reasoning seems simple enough; but it was revolutionary if seen as a radical departure from the old wage theory. He saw the need of consumer purchasing power and wages as the life-saver of mass-production. He instituted the $5 per day wage, unheard of at the time. His vision, however, had a yet deeper perception.

Consumer income was not then, as it is not now, all of the same level. How many consumers enjoyed incomes of $25,000 or more?—a tidy sum in Ford's early days. Not very many. If the cost of an automobile was such that only the wealthy could buy it, there was no point in making a great many automobiles. They would only pile up as inventory. The cost per unit would remain high because of low volume of production.

It was obvious, however, that the cost of the automobile could be reduced substantially—how far down no one knew—if overhead were spread over thousands of cars rather than hundreds and as production methods were improved. More yet could be done if hundreds of thousands of cars could be built; but would people buy them?

If the wealthier elements were buying cars because they liked them, would not the next lower layer of income level also buy them if the cost could be brought within their range? Obviously, the question of chicken or egg sequence faced Mr. Ford. He was allergic to bankers but made the plunge on the strength of his faith in his vision. He sensed that the demand for automobiles was elastic. The farther down he could bring the cost the larger the demand he would encounter. The more cars he produced, the lower would be the cost of each. He could now visualize the bonanza that awaited him if he kept the faith. If there were a hundred who could buy at car at a price of $5,000 and a thousand who could pay $4,000, and a hundred thousand who would pay $3,000, there might be a million who could buy a car at $500.

Mr. Ford operated on this principle and met with phenomenal success. His was the epic of the marriage of mass-production and mass-consumption. He, together with others who saw the same vision, gave to the world the uniquely American system of production and distribution.

The system was not fully understood, as it may not yet be fully understood, but it was viable, albeit there was danger that it might be run into the ground. Indeed a historic crash did occur in 1929. It was only in the next decade that the birthpangs of the twin equation of mass-production-mass-consumption, with much travail, achieved a parturition or actual delivery.

The old idea of wages as a monstrous if necessary evil was nevertheless not easily fended off. It was ready to strangle the newborn idea; but yet the offspring lived and before long was a lusty challenger of the old concept; and in time won the day—some would say, in spades.

The American productive system as epitomized by the automobile brought industrial leadership of the world to the United States. After World War II the other industrial countries were convinced of the virtues of the system as a producer of goods and they fell in line in full cry.

With the help of the Marshall Plan, the infusion of copious capital, and the exposure of thousands of foreign productivity teams to our plants and factories, followed by billions of dollars of private investments abroad by our industries, the other industrial countries moved apace in modern technology and managerial skills. Their productivity, formerly far below that of our industries, was soon hard on our heels, in a few instances perhaps forging ahead. In some notable instances foreign industries such as steel and textiles in Japan, installed modern machinery and equipment virtually from the ground up, industry-wide, while our industries were saturated with machinery ranging from the obsolete, the obsolescent to the modern. This represented a competitive handicap for us.

OTHER INDUSTRIES

The example of the automobile did not long remain unique if it ever had that distinction. The principle of cost and price reduction as a means of reaching a mass market succeeded handsomely in other industries that made products for which the demand was elastic. An inelastic demand such as we encounter in many essentials, such as salt and sugar, where consumption is limited by the number of stomachs to be fed, does not lend itself to the type of growth and proliferation that supports great industrial expansion.

Demand for the nonessentials, on the other hand, answers to the old concept of the "indefinite expansibility of human wants." It is in this field that American production has found its widest expansion and intensification. Examples: several cars in a family, multiple radio and TV sets, twenty pairs of shoes in milady's closet.

The "expansibility" of human wants depended for its realization on rising income, such as we have witnessed in this country as it made its way to affluency. Potential consumers could become actual consumers, and the proliferation of nonessential goods became characteristic of our economy of abundance, also one of waste and obsolescence. Such an economy becomes distinctly more sensitive than one that caters only to essentials and little more.

The American economy today is still ahead of other nations in consumer goods. Per capita production and consumption had been phenomenal in comparison with the rest of the world, other than Canada, *but the gap is narrowing*. The technological development of other countries and adoption of our mass-production system poses a threat to us that is yet to be fully perceived or appreciated.

CHANGED COMPETITIVE WORLD

The other countries have indeed adopted our mass-production system, but while their wages have risen—in many instances more than ours in percentage terms, though not in dollars and cents—they continue to lag far behind us (Canada excepted). Their consumers are unable to buy all their mass-produced goods. Therefore they need foreign markets, far beyond our needs, to dispose of their surplus. This country offers the most attractive market, and in 1970 we took $40 billion in goods from other countries. An increase in wages abroad would lessen present dependency on exports. Our economic relations with other countries as represented by trade have changed in a basic sense because of the wage discrepancy. There was a time when the wage discrepancy was less crucial. Our higher productivity acted as a considerable offset. Today that offset is shrinking and in some instances has been lost; and there is another challenge, as we shall see.

The transformation of our competitive standing *vis a vis* the industrially advanced nations can best be appreciated if we place Henry Ford and his vision and endeavors in his day in the present world milieu.

This tour of imagination requires that other industrial countries had been abreast of Mr. Ford in point of automotive technology—i.e., they could in a short time have produced as good an automobile as Mr. Ford. We assume further that his competitors had perceived the meaning of cost-reduction as a means of tapping a broader market, as described herein. At the same time their wages were a half or less of those paid by him. The duty on automobiles, let us say, was 5% if they were imported into this country.

Now, as Mr. Ford, struggled to bring his cost down, so that he could offer his automobile to the public at $1,000, thus hoping to open a wider market, his competitors could have offered this product at, say, $750 or $800! They could also have beaten him to the $500 level.

The envisioned bonanza that became his when he had the market to himself would have evaporated. He could perhaps in those days have reduced his wages sufficiently to contest his foreign competitors' conquest of his market but this step would have violated and subverted his very vision of increasing consumer purchasing power.

Had he been confronted fifty-odd years ago with very low-cost imports he might have opened branch plants abroad to reach into the pools of low-wage labor and exported his product to this country and to other markets from abroad. He might also have licensed foreign producers to produce his car; but whatever recourse he might have had Detroit would not have become the automobile capital of the world. The vast employment offered by the automobile industry over the years in this country would have been much smaller. The swelling payrolls of the manufacturers of automobiles, of raw materials and parts and components would not have fertilized the economy, as they did, with gold dust. Our economy would have moved ahead at a distinctly more pedestrian pace.

Add to the automobile industry numerous other rich examples of industries that prospered and proliferated under the American productive system, and the results would have been very different. Had these many other industries also sought to make their way, not under the conditions that actually prevailed at that time but under conditions such as they would have been had the present-day competitive situation, including the advanced state of foreign technology and the lower wages accompanying it, been substituted for the actual one, all would have been different. The American system would not have become so sharply differentiated during the decades of 1910–1950 from its counterparts in other parts of the world.

International costs of production would have remained on a much more uniform level. In other words, the differences in cost levels throughout the industrial world would have been comparable to the differences within the confines of this country or as they are within the borders of Europe itself. These differences would have been bridgeable, and free trade would have been a much more feasible undertaking, even as it has recently been found to be within the European Economic Community and in the European Free Trade Association.

UNTENABLE ANALOGIES

However, to seek to equate the discrepancy between American costs and foreign costs with the cost differences within the country and thus to minimize the disruption caused by virtually unimpeded imports into this country today, is to overlook the function of comparative dimensions. We have free trade in this country and shifts have taken place in industrial locations (indeed not without some distress, as with the migration South of the textile industry); and Europe is able to come together in areas of free trade, but that is not the same as exposing the high production-cost levels of this country to those of other countries that are armed with our technology, but not with our high wages. Nothing is gained by confusing the two; much is obscured. Had we started on the same level with other countries, and had the American system been accepted abroad and thrived there, including the concept of high consumer purchasing power as a function of high wages, or had we not adopted our system at all, we would have been close enough together in competitive levels to embark on free trade along with the EEC and EFTA.

We are, however, farther from that condition today than formerly. With productivity no longer so far apart, and narrowing, but with chasms dividing our wage levels from those of our foreign competitors it is unrealistic to equate our internal competitive diversity with that existing between us and our foreign competitors.

The competitive discrepancy between this country and the rest of the world in a vast array of products has produced precisely the troublous problems that confront us today. We do ourselves no good by minimizing the problem. But for this gaping discrepancy we would not for example, have witnessed the virtual loss of the consumer electronic industry to other countries. We would not now be witnessing the rising threat from synthetic textile imports. We would not see the helplessness of our automobile industry in its efforts to compete against German and Japanese "mini cars", produced at costs we cannot match despite our technology. We would not have witnessed the virtual vanishing of the American-flag merchant marine—down to carrying only 5% of our total imports and exports. As for radio we did indeed for some years enjoy the same fruits of cost-reduction as we did earlier with the automobile. The product was one for which the potential demand was very high, as well as elastic. We needed only to bring the cost and the price down sufficiently to tap the mass market. This was done without benefit of import competition, as it was also done earlier with the automobile. Our technology and business acumen in both instances succeeded in tapping the mass market. We did not need imports as a monitor. Again, much employment was added to the economy by the radio industry.

Then came television, first black and white and then the color version. Before our technology had gone all the way, even with the black and white, foreign sets challenged our progress toward saturation of the market. We were headed off at the pass, so to speak. Sets could be made more cheaply abroad. Our companies then invested abroad and, of course, hired foreign workers rather than American. They licensed foreign manufacturers for a fee, and our economy lost the usual value of patents as generators of jobs in this country. Even the manufacture of radio sets rushed overseas. It was possible to produce sets more cheaply abroad and thus to tap yet lower levels of consumer income in this country and to exploit the market for multiple sets. Once more the increasing employment that formerly would have been ours was lost.

DISTINCTION BETWEEN DOMESTIC AND FOREIGN COMPETITION

There exist in superabundance those who insist that domestic and foreign competition exert the same benign influences that bring down costs to consumers. As already noted, we needed no import competition to bring down the cost of automobiles or radios; nor for that matter, to bring down the cost of telephone use. This is not to say that import competition has no effect on prices. If, however, it enjoys too sharp an advantage, the effect on domestic production and employment can be not only erosive but lethal. We have but to reflect on what has happened, not only to consumer radio and television products, but turn our gaze on the sewing machine, watches, typewriters, binoculars, athletic goods, glassware, pottery, tile, footwear, specialty steel, fish and fishery products, some fruits and vegetables, if we wish to behold cripples and wrecks of what were once flourishing industries in this country and healthy employers of labor. There are others; and yet others are waiting in line.

To equate domestic inventions and innovations as disrupters and displacers of labor with the effects of imports is to be hopelessly hobbled by college-implanted mental rigidities over which reality has little hope of prevailing. Workers displaced by technology within this country have always had the hope that the ensuing lower prices would stimulate consumption (assuming an elastic demand) sufficiently to lead in time to higher employment. Not so when imports produce the displacement. The higher employment occurs in other countries, not here. Indeed, investment in our own industries is discouraged.

Moreover, when promising new industries in this country might be expected, as earlier in this century, to open new fields of plentiful employment, face the present-day situation, including instant licensing of foreign production, they would not prosper, but would make a halting beginning and then wither on the vine. They would see their potential market opened to imports to reap the rich harvest that previously was their own. There is then no hope that "in time" new jobs will proliferate over the American landscape.

NEW DIMENSIONS OF THE IMPORT PROBLEM

The deterioration of our trade balance in the last decade reflects the results of the developments that have been described. From 1958 through 1970 our share of world exports of manufactured goods has shrunk from 27.7% to 21.3%, or by 30%. While we still enjoy an export surplus in a few items (such as machinery and chemicals) this surplus has been narrowing ominously. The high-volume of our machinery exports has, however, virtually destroyed our hope of reaping the benefits of new or "sophisticated" product development. The lead we have in computers, and other "high-technology" products, for example, must be regarded as temporary. In nearly all other product lines we are in a deficit position. Employment in these extensive deficit lines exceeds that of the handful of industries in which we still enjoy a surplus, by over 2 million. These deficits did not result from a sudden onset of inefficiency in this country, as is so frequently implied, but from the transformation herein described.

There are those who take great but unjustifiable comfort from the sizable excess of our returns on foreign investments over current annual capital outflows. This should be no cause for elation since it only measures the competitive advantage available to our capital in the lower wage refuges abroad. The dividends received cannot begin to offset the employment and wage outlays that our economy did not enjoy because of the changed conditions. They merely help to conceal the true competitive disasters we face—through no fault, it may be said, of the industries concerned.

If we can no longer, as it is, count on the growth that follows cost-reduction through higher technology because imports can beat us in efforts to tap mass consumer income, we must seek means of restoring the conditions that will assure us the fruits of technological progress.

CONCLUSION

The cost-chasm that separates us from our competitors is deep-seated and structural in nature and will not yield to diplomatic negotiations. The stubborn persistence of the differences is rooted in national economic policies, imposed on industry in the form of controls that are quite inflexible. As a result international competitive forces that might be expected to narrow the cost-gaps are quite thoroughly frustrated, with no end in sight.

The only effective remedy lies in setting ceilings over imports. By holding imports to a reasonable share of our market while permitting their growth as our market grows, nothing is disrupted. New industries and old could then once more look forward to enjoyment of the fruits of their cost-reduction accomplishments. Otherwise our domestic investment climate will not attract, as it did in the past, the infusion of capital needed for growth and higher employment.

We cannot hope under present conditions to achieve full employment except possibly under some unforeseen abnormal conditions. Our market is one of the most open in the world. The few import quotas we have on non-farm products are noted chiefly for their liberality. This liberality allows the imports of those few products that are under quota restrictions to loom larger than they would be if the quotas were really restrictive. By being liberal we are made to look illiberal.

The American competitive position in the world has changed basically and radically, but not irreversibly. We must adapt or pay the price in loss of employment and real national income. We must not allow ourselves to become as dependent as was colonial Great Britain, on dividends earned abroad.

Our "Labor-Intensive" Industries: Let's Preserve Them Against Imports

(By O. R. Strackbein, president of the Nationwide Committee on Import-Export Policy, July 9, 1971)

What the WORDS Mean

When American industry and agriculture complain over the inroads of imports in the domestic market they are told to divert their capital from "labor-intensive" industries into "capital-intensive" ones or, alternatively, they are admonished to become more efficient where they are. Neither suggestion gives evidence of penetrating thought.

What, we may ask, is a "labor-intensive industry", and what a "capital-intensive" industry? Simply put, any industry that depends more on hand operations than on machine operations would be relatively labor-intensive. When cigars were hand-filled and hand-rolled the operation could be called labor-intensive. When automatic machines replaced the handwork, or nearly all of it, the industry became relatively capital-intensive.

Labor-intensive industries are usually regarded as "inefficient" because of their low output per man-hour. "Inefficiency" does not, in this usage necessarily mean poor management, wasteful methods or indolence, nepotism or the like. Indeed, hand operations may be performed with great skill, dexterity and speed and still be regarded as inefficient—in the economic sense. A coal miner using pick and shovel might work with great energy, application and speed but he would still be woefully inefficient compared with a modern coal digging behemoth. The latter might do the work of a dozen or score of men or more, depending on its size, power, etc. It is therefore much more efficient than the man with pick and shovel.

A blinding error is committed, however, when we approach the question of relative competitive standing of labor-intensive and capital-intensive industries.

All industries are labor-intensive.—Except under monopolistic or semi-monopolistic conditions, employee compensation represents some 80% of the cost of production. In 1968 corporate business (including mutual financing institutions) received an income of $403 billion. Of this amount $318 billion represented employee compensation, or 79%. (See Statistical Abstract of the U.S., 1970, Table 479, p. 316).

Obviously, not all corporations are capital-intensive. However, the notion that capital-intensive industries enjoy a lower total labor cost *in terms of percentage of the value of the finished product* than do the labor-intensive industries is a delusion. The error arises from calculations commonly made from statistical tables that show industrial classifications, such as "Motor Vehicles and Equipment", "Blast Furnace and Basic Steel Products", etc. which set forth the number of employees, payroll, the value added by manufacturing and the value of shipments. The source of the statistics is the Bureau of Census, U.S. Census of Manufactures. (See Statistical Abstract of the U.S., 1970, Table 1119, p. 700–704).

THE TERM "INDUSTRY" MAL-DEFINED

Unfortunately for a more accurate account of the relation of employee compensation to value of shipments, these Census industrial classifications nearly always reflect only the last stage of production. The automobile industry, i.e., "Motor Vehicles and Equipment", as represented by the 4 manufacturers (General Motors, Ford, Chrysler and American Motors) is only a small part of the productive operations that in the aggregate combine to produce an automobile. The value of shipments of the "industry" in 1967 was $40.3 billion. The number of employees was 743,000; the payroll, $5.9 billion. In other words, the payroll came to only 14.8% of the total value of shipments!

Therefore the automobile industry is called "capital-intensive" or "labor-sparse"—a veritable caricature.

It must be clear that much, very much, labor had already been expended before the assembly operation performed by the automobile companies had even begun. The iron ore was mined, shipped and smelted. The proportionate outlay for employee compensation in the mines, in the warehouses, for transportation, for financing, for insurance, taxes, etc. must be accumulated as cost of the steel that was incorporated into the automobile. The same applies to copper, glass, paint, aluminum, rubber, industrial chemicals and water consumed, and all else that became a part of the finished product.

If this were done, not only in the case of the motor vehicle industry but in all other industrial classifications made by the Bureau of the Census, a wholly different picture of labor and capital intensiveness would result.

Even in the "steel industry" the payroll (1967) of $5.0 billion was expended to produce steel shipments valued at $22 billion, or only 22.7% of the value of the product. Again, the defect in this statistic is that the steel industry is much more than the steel mills. "Value added" by these mills was $10.1 billion. The payroll was 50% of this added value. The payroll, however, still leaves out overhead in great part.

Altogether all that is not profit, taxes or interest, in the cost of the final product has been expended as employee compensation at some stage in the productive process. Even taxes in considerable part go into employee compensation of federal, state or local governmental workers. Insurance and financial costs (interest) also bear their share of employee compensation.

Preponderance of Employee Compensation in Costs

So it may be said that employee compensation is the vastly dominant part of cost of production and also in moving the goods into the hands of consumers through wholesaling, advertising and retailing. *Labor-intensiveness is therefore characteristic of all production and distribution.* To repeat, there is no such operation as a labor sparse one, in terms of share of total costs measured against final price, outside of monopoly conditions.

It was long bruited over the land and especially in the colleges of economics that our "capital-intensive" industries were our heaviest exporters and also least vulnerable to imports; and so they were for a time, for obvious reasons. During the past decade, however, the facts of our new competitive situation in the world have demolished this claim. The automobile industry, the electronics industry, the typewriter, sewing machine, steel and meat-packing industries have learned in recent years that capital-intensiveness has not shielded them against the impact of import competition, for reasons that by now must be obvious: technological diffusion.

SCAPEGOAT ECONOMICS

There was a vastly receptive intellectual market in this country a generation ago for the economic theories that upheld free trade, especially in the universities. With the onset of the Great Depression in *1929* the economically frustrated public became so eager for a scapegoat that it was possible to saddle the *subsequent* passage of the Hawley-Smoot Tariff in *1930* with a causative function in the generation of the Depression, which burst upon us seven months earlier in the stock market crash. The scapegoat lived and thrived for thirty years—a phenomenon of longevity for the quadruped.

Now in the rubble and shambles, recognizable as the fruits of our long-term trade policy launched in mid-thirties, we should look for the more probable causes of our present unenviable situation in the world of competition—something other than Messrs. Hawley and Smoot.

HISTORICAL ROOTS AND PERSPECTIVE

Before the advent of the Twentieth Century the economy of this country so far as production is concerned was much the same as that found in Europe. The attitude toward wages was also little different. However, in the post Civil War years in this country the base for a considerable divergence was taking shape. "Big business" was coming on the scene. Trusts were being formed.

To their credit professional economists saw the dangers of monopoly power. Their insight paved the way for the Sherman Anti-Trust law of 1890. Implicit in this section was recognition of the value of free competition as a price regulator. Monopolies were regarded as evil because they made possible the maintenance of high prices and the harboring of inefficient methods of production.

As the native inventive genius led to revolutionary discoveries that in turn paved the way to mass production we came to the threshold of the great departure from the European system of production and distribution.

MASS PRODUCTION AND MASS CONSUMPTION

After mass production became possible and in some instances an actuality the way was open to a reassessment of the accepted attitude toward wages. The European attitude toward wages, as exemplified by the British economists, notably Ricardo, began to loom as an obstacle to mass production. Wages had been regarded as an evil, albeit a necessary one. They were kept down while the hours of work were kept long by anti-union legislation and judicial fiat. The theorists served the business needs of the times.

But where was mass-production to go (1) if monopolistic practices would prevent prices from being reduced in order to reach more consumers, and (2) if consumers lacked sufficient means to buy all the vast volumes of goods that could be produced even if prices were reduced by competition? Who, in any event, were the consumers? Were they principally the property owners, business proprietors and professional people? A little reflection would show the fallacy of such thinking. The most numerous consumers were the workers in factories and mines, on farms, in forests and fisheries: but how much purchasing power did they have?

THE FUNCTION OF WAGES IN CONVERTING WORKERS INTO CUSTOMERS

Henry Ford saw the connection and one day he raised the wages of his workers to $5 per day, a virtually unheard of level in his day. There was potential magic in the concept, but the vision grew slowly. Yet it was not discarded. The automotive industry, particularly Ford, also perceived the rich ore that could be mined if the theory of the elasticity of demand were worked for what it was worth. On reflection it could easily be seen that if an automobile could not be sold for less than $1500 or $2,000 dollars (equivalent to perhaps to $7500 to $12,000 today) only the top layer of income of the country would be tapped.

If the cost could be reduced to $1,000 while at the same time consumer income were increased, a richer market would become available; and much better if the price could be reduced to $500. This is to say, it became clear that the demand for automobiles was such that if a satisfactory product could be offered at lower prices, sales volume could be increased handsomely. That was "elasticity" of demand. However, which came first, the chicken or the egg? There was only one way to find out and Henry Ford did it. He plunged, without aid of the banks, and, appreciating the economics of big scale operation, he was able to bring down the price by the simple process of building many more cars and, luckily, selling them. Soon there was no longer any doubt, that the equation of mass production backed by mass consumption was equal to a vast fortune in manufacturing.

EFFECT OF THE GREAT DEPRESSION

It was, however, not until the Great Depression struck and efforts were made to reconstitute the purchasing power, that the general attitude toward wages began to change. Legislative approval was given to obligatory collective bargaining; and minimum wages and maximum hours of work were established. The struggle was long and sometimes bitter, but in the end the equation was sustained.

The American productive economy was now different from the European and even more so from the Japanese. Wage reduction was no longer to be regarded as an acceptable means of becoming or remaining competitive.

The vast productive power of the United States proved itself during World War II; and before many years the other noncommunist industrial countries elected to adopt our system of mass production. They did not, however, so readily accept the second half of the formula, and purchasing power lagged behind output of goods, thus producing pressure for exports.

Meantime the American economic system was brought under a multitude of governmental controls, as were also the economies of the other Western countries and Japan. Free enterprise was left little scope for competitive maneuvering, since nearly all the factors of production came under rigid control. While wages in this country were not controlled as such, the collective bargaining power of labor in the United States became such that wage reductions became as rare as the bald eagle and nearing extinction. Social welfare programs also came to rest on industry as rising costs, added to the already high costs of national defense.

FORSAKING LAISSEZ FAIRE

Thus while the old *laissez-faire* economy was being fragmented and in fact all but discarded on the domestic front we embarked in the opposite direction with respect to international trade. With a fanfare suitable to the coronation of divine kings and queens the reduction of trade barriers was launched and carried on in a worshipful procession of tariff-cutting from conference to conference for thirty years. We all but dismantled our tariff on the ground that our higher technological attainments could meet the worst that the rest of the world could offer us in competition based on low wages. Cordell Hull, the reputed father of the "Reciprocal" Trade Program was all but sainted. Peace would reign over the world and the goodwill that would attend free trade would surely lead us into the promised land.

We reduced our tariff some 80% in its protective effect, bringing it down from an average of a little over 50% to a level of some 10%. Beyond that from 35–40% of our imports are free of duty.

EFFECT ON IMPORTS

Imports began to climb after European and Japanese recovery was completed, accompanied, as it was, by great technological leaps. Our foreign buying veered from raw materials and unmanufactured foodstuffs toward finished goods and semi-manufactures. The share of our imports or the mix responded to the advantage of importing more goods that incorporated fully the cheaper foreign wages. Where 1956–60 equals 100 the imports of finished manufactures rose to 474 by 1969 while the imports of crude materials rose to only 133 and the imports of crude foodstuffs to only 111. After all the raw materials incorporated only one stage of production and therefore only one dose of cheap labor while the finished goods incorporated the full succession of stages of manufacturing, thus making a better bargain.

With the exception of a narrow band of products we now import more than we export. The narrow band is composed principally of machinery, including industrial machinery, aircraft, computers, office machinery, automobiles, etc.; and chemicals. In these goods, except automobiles, we still enjoy a large surplus, but the deficit incurred in nearly all other products has overcome the surplus enjoyed by the narrow band. The deficit would be appreciably worse if we should strip our exports of goods shipped under Foreign Aid, Food for Peace, etc., and worse yet if we should value our imports on what they cost us rather than their cost at the foreign point of shipment. Instead of a surplus of several billion dollars annually we would have shown a sizeable deficit. In 1970, instead of a surplus of $2.7 billion ($42.7 billion in exports against $40.0 billion in imports) we would have had a deficit of a similar magnitude.

Unfortunately for our overall *trade balance* (as distinguished from the *balance of payments* which includes numerous nonmerchandise items such as tourist expenditures, foreign investments, dividends from abroad, military outlays abroad, etc.)—unfortunately, to repeat, the surplus in our machinery exports is declining. This surplus was, indeed, stimulated in no small degree in the first place by our heavy investments abroad in plants that we equipped in great part with our machinery. As these plants have come into production they have in some instances reduced our foreign market for the very products they make and sell in the markets where they are located and in third countries.

WHERE WE STAND TODAY

We are now in effect meeting our unique system coming back to us competitively—our system, that is, with one of the two elements of the equation missing, which is, to repeat, the higher wages that would boost the foreign purchasing power sufficiently to reduce excessive dependence on exports. These countries look to us to provide the market they themselves do not create at home.

In this confrontation lies the seeds of our economic undoing. Because of the rigidities created by planned economies throughout the world, including rates of exchange, competition has not succeeded in equalizing unit costs of production across national boundaries. The great trade liberalization program, with all its slashing of tariff rates has been all but irrelevant. Other measures replaced free competitive forces. While the latter would have produced an equilibrium of costs, if left to work their effects, they have been put in a bottle there to smoke in frustration.

The result has been the creation of countries standing on different competitive levels, the United States the most disadvantaged of all, with merely segmental exceptions that may be regarded as temporary.

How different this world today from the accustomed one of the past generation or two!

The automobile was not alone in demonstrating the richness of the mass market for nonessential but useful and pleasureable goods, if only that market could be tapped successfully. The telephone, household appliances (refrigerators, washing machines, dishwashers, vacuum cleaners), radio and television, typewriters, cameras, notions and novelties, phonographs and records—everything that might enjoy a potential mass demand, was eligible for production on a large scale if the cost could be brought down to the progressively lower levels of income where the millions of prospective consumers resided.

The welter of new products, not really essential but catering to comfort, pride, pleasure and convenience, *produced under our patent system*, had the fullness of time in which improvements could be made and the tempo of manufacture speeded by new devices and ingenious labor-saving installations such as could be thought up and perfected. From relatively high initial costs the price could in a matter of years be brought within reach of the mass market. No import competition was needed to accomplish this objective. In most instances, indeed, import competition was nil. The incentive was the high sales volume assured if the mass market could be tapped. Therefore, all the drive was centered on that accomplishment.

In the train of this multifaceted development economic growth went apace. Employment, which would have lagged had it depended on the production of only staples and essential goods, expanded hand-in-hand with the expansion of industries built around the new products.

Changed Competitive World

The world has changed in many fields, as we read daily, but in few more so than in our industrial outlook and expansion of employment.

No longer is it possible today to repeat what was the classic way in this country during the heyday of our technological superiority. Today our industries, holders of patents, soon license foreign producers or build plants in foreign countries to manufacture the kind of new products on which we formerly depended to absorb the oncoming army of new workers who reached the labor market annually.

New products or established products that might be made still cheaper by technological innovations, do not today offer us the hope of hiring tens and hundreds of thousand new workers. We are headed off at the pass by the foreign products made under the same patent or process but saturated with low-wage labor. In any contest to reach the lower layers of consumer income as a yet broader market for even well established products, such as the automobile, the imports can get there first with lower prices and spoil the market before our very eyes.

A CALL FOR GREATER EFFICIENCY

Bewildered economists call for greater efficiency. The steel industry is stagnant! The textile industry is "labor-intensive" as if that were a sin. Let the imports in: They will drive us to greater efficiency! Editorialists, saturated with wisdom, and speaking with the force of Relevation, take up the cry. Do not harbor inefficiency! There is magic in free trade, they imply, never bothering to point to an example of it anywhere in the real world. Let foreign bottoms carry all our trade import and export. Even now we carry only 5% of our trade in American-flag ships! We get things cheaper that way! Concentrate our resources in "high-technology" (read capital-intensive) industry. Let imports drive our labor-intensive industries to the wall!

It seems evident that these cries can arise only because the premises have not been examined with proper care. In the first place, there are few manufacturing industries in which the domestic producers are not more efficient than their foreign competitors, if we measure efficiency by output per man-hour. Moreover we have not historically relied on imports for our efficiency-motivation. It was self-generated as described above. It would continue to be so motivated in the future if, contrary to fact, the same conditions as in the past should prevail.

It goes without further emphasis that the greater productive efficiency so insistently called for, can, in any meaningful sense, be achieved only by reducing the man-hours needed to produce paritcular goods. If a 20% cost reduction is needed to meet import competition some 25% of the workers must be displaced—not only in the final stage of production, as in automobile *assembly plants*, but all the way back, not only to ore mines and the attendant transportation and other auxiliary services, but to all other raw materials and attendant services.

The coal industry serves as a classical example of the price of enhanced efficiency as a means of avoiding extinction. Its very life was threatened twenty years ago, by diesel oil, residual fuel oil and natural gas. Under the death sentence the industry worked to overcome its handicap of excessive man-hours per ton of coal. From 1950 to 1965 the industry's efforts were crowned with success. Productivity was increased threefold. It became competitive with the rival fuels and in world markets.

The price, however, is one that could not be paid by many industries without producing national economic disaster. Over two-thirds of the mine workers were displaced by machinery. Over 300,000 miners lost their jobs. The problem of rehabilitation of Appalachia is still with us. It has already cost hundreds of millions of dollars, and has left with us a landscape of strip-mining that is giving grave concern to ecologists and environmentalists.

Should the steel industry reduce its costs in a like manner a disaster of a much greater magnitude would be visited upon us and a yet greater one if the textile industry followed suit. Scores of other industries, though smaller, are also pressed, some of them more grievously than textiles and steel.

THE SHIFT FROM LABOR-INTENSIVE TO CAPITAL INTENSIVE INDUSTRIES

Despite the economic misnomer of this manner of classification of industries so far as competitive differentiation is concerned, it may be enlightening to pursue the proposal of a shift away from the "labor-intensive" industries to its logical conclusion.

We have a number of industries that are not highly mechanized. If we relinquish them to imports we face higher unemployment unless we find places for the displaced workers in the high-technology of "capital-intensive" industries, such as computer manufacturing, television and radio, aircraft and automobile plants, synthetic rubber factories, machinery manufacturing, steel mills, man-made fiber plants (which now supply more of our fiber needs than does cotton), glass bottles, office machinery, camera manufacturing plants, etc.

Which one of these, we may ask, is open for expanded employment? Several of them already face severe import troubles of their own. We find few advertisements for greater man-power in the classified advertising sections of newspapers. In any event, the avant garde industries in point of automation and technology are striving with might and main to increase productivity, which is too say, reduce the number of their payroll. They are not eager to accept coal-miners or pottery workers who have themselves been evicted by machines or by imports. The harder these industries are pressed by imports the greater the need to reduce employment as a means of *remaining competitive*. They will not be in the market for more workers.

It must be true then, after all, that imports do indeed create pressure for greater efficiency! Therefore they are an antidote to inflation!

This is a jumped-to conclusion often reached but suffers from the defects of many such conclusions.

Import competition is of a different species from the domestic variety, particularly under the present posture of American industry before the world. We needed no import competition to bring down the cost of radio sets. The demand was elastic, and as we increased the output per man-hour and reduced the price a lively consumer response led to more production, more cost reduction and more employment in this country. Had imports had the drop on us so far as costs go, because of much lower wages, they, and not the domestic industry, would have tapped the mass market, and the increased employment would have taken place abroad rather than in this country. This is now happening not only with respect to radio sets but TV sets and other electronic goods. So, even our front-runners are being gunned down by imports!

Moreover, under the earlier conditions our new industries made cost reductions when they were ready and the time was propitious. Their hands were not forced on the instant, as they are by imports, regardless of their financial readiness or the unreadiness of improved models.

Therefore while import competition may indeed create pressure for greater efficiency, the character of the pressure is disruptive and not conducive to the benefits to which our industries were accustomed in the characteristic race for the mass market. When imports create unemployment no collateral growth is stimulated in this country as it was when, for example, the automobile ousted the buggy, leading to broader employment. If greater unemployment is to be avoided other industries are called on to absorb more than their share of total employment.

From 1960 to 1970 our labor force grew from 72.1 million to 85.9 million, or 19%. (Stat. Abs., 1970, Table 317, p. 214 and Current Survey of Business April 1971). During the same period total *manufacturing employment* rose from 16.79 millions to 19.39 million or 15.4%, *or 19% less than the increase in the labor force.*

Between them the manufacture of *Textile Mill Products, Blast Furnace and Basic Steel Products, Footwear, Except Rubber, Stone, Clay and Glass Products, Meat Products,* and *Petroleum Refining,* fell short by 407,000 workers of keeping abreast of the increase in the labor force from 1960–69 or 1970. These industries were all beneficiaries of import restrictions. Yet their displacement of workers was not sufficient to achieve competitiveness. Had they displaced 2½ to 3 million workers they might have recaptured their competitive position. By contrast employment in government, Federal, State and local, increased 46 percent from 1960–69, or by 3,874,000 workers! Their wages and salaries fell on industry in the form of additional costs of production.

The notion that we can relinquish our so-called "labor-intensive" industries to imports, among which the textile industry is usually listed, without suffering economic collapse, is false. We need employment-breeders, not displacers. We should preserve these industries as sources of much-needed employment. They are as efficient as any in the world but pay wages that buttress our consumer purchasing power. They should not be forced too rapidly toward automation, lest we breed more Appalachias. Moreover, other countries can automate too, and outpace us once more.

If we neutralize imports by placing a ceiling over them which could be raised annually in proportion to the expansion of the domestic market, we would bring back the classic conditions of economic growth in this country. If we continue an open-market policy without ceilings, *we will reverse the process* that brought this country to world industrial leadership. This will not be good for us nor for the remainder of the world, short-run or long-run.

CONCLUSION

By imposition of ceilings, backstopped, if necessary, by import quotas, the erosion of our production base would be halted, whether or not the imports into this country were generated abroad by American patents. The latter practice will, in any case, soon be outgrown by foreign producers, thanks to their catch-up with our technology. They will have worthy patents of their own.

The final notion that the reduction or removal of foreign nontariff barriers against imports would greatly stimulate our exports must also be dispelled. Until foreign wages in relation to productivity reach our level we will not find many outlets abroad for our goods, except temporarily.

So long as we continue our course of a planned economy in a world of controlled economies and therefore of disparate competitive levels, while maintaining an open market for imports our economy will be outflanked by imports. Any notion of full employment in peacetime under such circumstances may also be dismissed.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. Van Deerlin, for 3 weeks, on account of overseas travel.

Mr. Zwach (at the request of Mr. Arends), for today and tomorrow, on account of the death of his mother.

Mr. Davis of South Carolina (at the request of Mr. Boggs), for today on account of official business.

Mr. Pepper (at the request of of Mr. Boggs), for Monday, July 12, through Friday, July 23, on account of official business.

Mr. William D. Ford (at the request of Mr. Boggs), for today and Tuesday, July 13, on account of official business.

Mr. Matsunaga (at the request of Mr. Boggs), for today, on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. du Pont) and to revise and extend their remarks and include extraneous matter:)

Mr. Kemp, for 5 minutes, today.

Mr. Miller of Ohio, for 10 minutes, today.

(The following Members (at the request of Mr. Mitchell) and to revise and extend their remarks and include extraneous matter:)

Mr. Mitchell, for 10 minutes, today.

Mr. Flood, for 10 minutes, today.

Mr. Reuss, for 15 minutes, today.

Mr. Burke of Massachusetts, for 10 minutes, today.

Mr. Gonzalez, for 10 minutes, today.

Mr. Staggers, today, for 15 minutes, to revise and extend his remarks and to include extraneous material.

(The following Members (at the request of Mr. Camp), to revise and extend their remarks and include extraneous matter:)

Mr. Halpern, for 5 minutes, today.

Mr. Morse, for 5 minutes, today.

Mr. Crane, for 5 minutes, today.

(The following Member (at the request of Mr. James V. Stanton), to revise and extend his remarks and include extraneous matter:)

Mr. Foley, for 10 minutes, today

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. Rarick, the remarks made during his 1 minute speech today and that they appear in the Extensions of Remarks, today.

Mr. Gray in two instances and to include extraneous matter.

Mr. Michel and to include extraneous matter.

(The following Members (at the request of Mr. du Pont) and to include extraneous matter:)

Mr. Hastings.
Mr. Gubser.
Mr. Wyatt.
Mr. Hall.
Mr. Schmitz in three instances.
Mr. Kemp.
Mr. Thompson of Georgia in two instances.
Mr. Whitehurst.
Mr. Schwengel in four instances.
Mr. Duncan.
Mr. Hosmer in three instances.
Mr. Blackburn.
Mr. Del Clawson.
Mr. McClory.
Mr. Miller of Ohio.
Mr. Hillis.

(The following Members (at the request of Mr. Mitchell) and to include extraneous matter:)

Mr. Mahon in four instances.
Mr. Abourezk in five instances.
Mr. Rosenthal in five instances.
Mr. Fisher in three instances.
Mr. Jacobs.
Mr. Harrington.
Mr. Hamilton in two instances.
Mr. Roybal in 10 instances.
Mr. Edwards of California in two instances.
Mr. Boggs.
Mr. Rarick in three instances.
Mr. Celler.
Mr. Fraser in three instances.
Mr. Hébert.
Mr. Gonzalez in two instances.
Mr. Ryan in three instances.
Mr. Roncalio in three instances.

(The following Members (at the request of Mr. Camp) and to include extraneous material:)

Mr. Archer.
Mr. Chamberlain.
Mr. Dennis in two instances.
Mr. Dickinson in three instances.
Mr. Halpern.
Mr. Whalen.
Mr. McClure.
Mr. Latta.
Mr. Reid of New York.
Mr. Dellenback.

(The following Members (at the request of Mr. James V. Stanton) and to include extraneous material:)

Mr. Anderson of California in three instances.
Mr. Dulski in six instances.
Mr. Hathaway.
Mr. Mahon.
Mr. O'Hara in two instances.
Mr. Clark in two instances.
Mr. Pickle in two instances.
Mr. Moorhead in two instances.
Mr. Pucinski in six instances.
Mr. Dow.
Mr. Begich in two instances.
Mr. Hungate in two instances.
Mr. Mills of Arkansas in two instances.
Mr. Harrington in two instances.
Mr. Mazzoli in two instances.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 1828. An act to amend the Public Health Service Act so as to establish a Conquest of Cancer Agency in order to conquer cancer at the earliest possible date; to the Committee on Interstate and Foreign Commerce.

ADJOURNMENT

Mr. JAMES V. STANTON. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 5 minutes p.m.) the House adjourned until tomorrow, Tuesday, July 13, 1971, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

954. A letter from the Assistant Secretary of Defense (Installations and Logistics), transmitting a report of procurement from small and other business firms, July 1970 to April 1971, pursuant to section 10(d) of the Small Business Act, as amended; to the Committee on Banking and Currency.

955. A letter from the Assistant Secretary of State for Congressional Relations, transmitting a copy of Presidential Determination No. 71-17, concerning the ceiling on the aggregate of the total amount of certain assistance to African countries imposed by section 33(b) of the Foreign Military Sales Act, as amended, pursuant to section 33(c) of the act; to the Committee on Foreign Affairs.

RECEIVED FROM THE COMPTROLLER GENERAL

956. A letter from the Comptroller General of the United States, transmitting a list of reports of the General Accounting Office issued or released in June 1971, pursuant to section 234 of the Legislative Reorganization Act of 1970; to the Committee on Government Operations.

957. A letter from the Comptroller General of the United States, transmitting a report on an assessment of the Teacher Corps program at the University of Southern California and participating schools in Los Angeles and Riverside Counties, Office of Education, Department of Health, Education, and Welfare; to the Committee on Government Operations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. BLATNIK: Committee on Public Works. H.R. 4354. A bill to amend section 127 of title 23 of the United States Code relating to vehicle width limitations on the Interstate System in order to increase such limitations for motorbuses; with an amendment (Rept. No. 92–345). Referred to the Committee of the Whole House on the State of the Union.

Mr. GARMATZ: Committee on Merchant Marine and Fisheries. S. 699. An act to require a radiotelephone on certain specified vessels while navigating upon specified waters of the United States (Rept. No. 92–346). Referred to the Committee of the Whole House on the State of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. MAYNE: Committee on the Judiciary. H.R. 2706. A bill for the relief of Miguelito Ybut Benedicto; with an amendment (Rept. No. 92–342). Referred to the Committee of the Whole House.

Mr. HOGAN: Committee on the Judiciary. H.R. 2814. A bill for the relief of Rea Republica Ramos; with an amendment (Rept. No. 92–343). Referred to the Committee of the Whole House.

Mr. RODINO: Committee on the Judiciary. H.R. 5181. A bill for the relief of Rene Paulo Rohden-Sobrinho; with an amendment (Rept. No. 92–344). Referred to the Committee of the Whole House.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BARING:

H.R. 9702. A bill to declare that certain public lands are held in trust by the United States for the Summit Lake Paiute Tribe, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. GAYDOS:

H.R. 9703. A bill to provide for orderly trade in iron, iron ore, and steel products; to the Committee on Ways and Means.

By Mr. GUDE:

H.R. 9704. A bill relating to the Federal payment for the District of Columbia; to the Committee on the District of Columbia.

By Mr. HALPERN:

H.R. 9705. A bill to provide express legislative authorization for the practice of striking medals commemorative of the Presidents of the United States, the Secretaries of the Treasury, and the Directors of the Mint, and to provide for the initiation of this practice with respect to the Treasurers of the United States; to the Committee on Banking and Currency.

H.R. 9706. A bill to amend section 620 of title 38, United States Code, to authorize direct admission to community nursing homes of those veterans needing such care for a service-connected condition; to the Committee on Veterans' Affairs.

H.R. 9707. A bill to amend section 620 of title 38, United States Code, to authorize an extension of the 6-month limitation on the furnishing of nursing home care in the case of veterans who pay a part of the cost of such care; to the Committee on Veterans' Affairs.

H.R. 9708. A bill to amend title 38 of the United States Code to authorize the Administrator of Veterans' Affairs to contract with the military departments for the furnishing of certain medical care to veterans in nursing homes; to the Committee on Veterans' Affairs.

H.R. 9709. A bill to direct the Secretary of the Army to provide memorial plots in national cemeteries for certain former members of the Armed Forces and to permit the adjacent burial of certain family members of such former members; to the Committee on Veterans' Affairs.

By Mr. HANLEY (for himself, Mr. Bingham, Mr. Blanton, Mr. Anderson of Tennessee and Mr. Stratton):

H.R. 9710. A bill to provide for an equitable procedure for establishing congressional districts; to the Committee on the Judiciary.

By Mr. HENDERSON (for himself, Mr. Davis of Georgia, Mr. Denholm, and Mr. Rangel):

H.R. 9711. A bill concerning legal counsel of recipients of loans under programs administered by the Department of Agriculture; to the Committee on Agriculture.

By Mr. LUJAN (for himself and Mr. Runnels):

H.R. 9712. A bill to authorize the Secretary of the Interior to engage in feasibility investigations of certain water resource developments; to the Committee on Interior and Insular Affairs.

By Mr. McMILLAN:

H.R. 9713. A bill to amend the District of Columbia Minimum Wage Act to exempt from the overtime provisions of that act certain employees whose maximum hours are regulated by the Secretary of Transportation under the Interstate Commerce Act; to the Committee on the District of Columbia.

By Mr. MORSE:

H.R. 9714. A bill to amend title 5, United States Code, to remove the prohibition on the concurrent payment of compensation for disability on account of a civilian work injury and of retired pay for a different disability incurred in service with the U.S. Armed Forces, and for other purposes; to the Committee on Post Office and Civil Service.

H.R. 9715. A bill to amend the Trade Expansion Act of 1962 to provide that the Tariff Commission shall be deemed to make affirmative findings with respect to tariff adjustment and adjustment assistance investigations if the Commissioners voting thereon are evenly divided; to the Committee on Ways and Means.

By Mr. SISK:

H.R. 9716. A bill to amend section 504(a) of the Internal Revenue Code, as amended, to provide for an increase in the amount of carbon dioxide that may be contained in still wines; to the Committee on Ways and Means.

By Mr. STOKES:

H.R. 9717. A bill to provide for the establishment of the Thaddeus Kosciuszko Home National Historic Site in the State of Pennsylvania, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. THOMPSON of Georgia:

H.R. 9718. A bill to amend the Communications Act to establish conditions upon which competing applications may be considered for authorizations specified in pending renewal applications; to the Committee on Interstate and Foreign Commerce.

By Mr. THOMPSON of New Jersey:

H.R. 9719. A bill to amend the National Foundation on the Arts and Humanities Act of 1965 to further cultural activities by making unused railroad passenger depots available to communities for such activities; to the Committee on Education and Labor.

H.R. 9720. A bill to establish a National Film Center and Archive; to the Committee on House Administration.

By Mr. VAN DEERLIN:

H.R. 9721. A bill to amend the Communications Satellite Act of 1962 and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. BENNETT:

H.R. 9722. A bill to authorize a study to determine the feasibility of developing a small boat channel in the Mill Cove area of Jacksonville, Fla.; to the Committee on Public Works.

By Mr. GRAY:

H.R. 9723. A bill to amend Public Law 89–759, 89th Congress (80 Stat. 1308) (D.C. Temporary Heliport bill); Public Law 90–9264, 90th Congress (1968) (Visitors' Center bill) and the Federal Aviation Act of 1958, as amended (72 Stat. 754 as amended by 76 Stat. 143, 49 U.S.C. 1371; 72 Stat. 758 as amended by 74 Stat. 445, 49 U.S.C. 1373; 72 Stat. 760, 49 U.S.C. 1374; 72 Stat. 788, 49 U.S.C. 1482); to the Committee on Public Works.

By Mr. KYROS:

H.R. 9724. A bill to provide financial assistance for the construction and operation of senior citizens' community centers, and for other purposes; to the Committee on Education and Labor.

By Mr. MORSE (for himself, Mrs. Abzug, Mr. Anderson of Tennessee, Mr. Anderson of Illinois, Mr. Badillo, Mr. Bell, Mr. Biaggi, Mr. Bingham, Mr. Boland, Mr. Brademas, Mr. Burton, Mr. Corman, Mr. Dellums, Mr. Drinan, Mr. Frenzel, Mr. Gallagher, Mr. Gude, Mr. Halpern, Mr. Harrington, Mr. Kastenmeier, Mr. Koch, Mrs. Mink, Mr. Mitchell, and Mr. Mosher):

H.J.Res. 775. Joint resolution limiting military assistance and military sales to Pakistan; to the Committee on Foreign Affairs.

By Mr. MORSE (for himself, Mr. Moss, Mr. Nix, Mr. Podell, Mr. Riegle, Mr. Reuss, Mr. Roybal, Mr. Robison of New York, Mr. Roe, Mr. Rosenthal, Mr. Ryan, Mr. Sarbanes, Mr. Scheuer, Mr. Steiger of Wisconsin, Mr. Stokes, Mr. Vanik, Mr. Waldie, and Mr. Charles H. Wilson):

H.J. Res. 776. Joint resolution limiting military assistance and military sales to Pakistan; to the Committee on Foreign Affairs.

By Mr. WHITEHURST:

H.J. Res. 777. Joint resolution proposing an amendment to the Constitution of the United States relating to open admissions to public schools; to the Committee on the Judiciary.

By Mr. FRASER:

H. Res. 531. Resolution to express the sense of the House of Representatives on the suspension of Greece from membership in NATO until Greece demonstrates implementation of article 2 of the North Atlantic Treaty, which emphasizes peaceful international relations achieved through strong free institutions; to the Committee on Foreign Affairs.

By Mr. HALPERN (for himself, Mr. Burke of Massachusetts, and Mr. Goldwater):

H. Res. 532. Resolution expressing the sense of the House with respect to the negotiation of an American-Israeli Treaty of Friendship; to the Committee on Foreign Affairs.

By Mr. HAYS:

H. Res. 533. Resolution to provide for additional compensation for the officers and employees of the Office of the Speaker of the House of Representatives; to the Committee on House Administration.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

241. By the SPEAKER: Memorial of the House of Representatives of the Commonwealth of Massachusetts, relative to Congress appropriating the full funding authorized by the Lead-Based Paint Poisoning Prevention Act of 1971; to the Committee on Appropriations.

242. Also, memorial of the House of Representatives of the Commonwealth of Massachusetts, urging the Government of North Vietnam to withdraw all Communist troops from South Vietnam, Laos and Cambodia and to release forthwith American prisoners of war; to the Committee on Foreign Affairs.

243. Also, memorial of the Legislature of the State of Alabama, relative to ratifying the proposed amendment to the Constitution of the United States extending the right to vote to citizens 18 years of age and older; to the Committee on the Judiciary.

244. Also, memorial of the Legislature of the State of California, relative to Federal disaster relief funds; to the Committee on Public Works.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. CHAMBERLAIN:

H.R. 9725. A bill for the relief of Moon Soo Park; to the Committee on the Judiciary.

By Mr. ICHORD:

H.R. 9726. A bill for the relief of Eddie Byrd; to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

101. By the SPEAKER: Petition of Henry Stoner, York, Pa., relative to statehood for Puerto Rico; to the Committee on Interior & Insular Affairs.

102. Also, petition of Romualdo Maturan, Mindanao, Philippines, relative to redress of grievances; to the Committee on the Judiciary.

EXTENSIONS OF REMARKS

DAVENPORT AND "SATCH"

HON. FRED SCHWENGEL

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 12, 1971

Mr. SCHWENGEL. Mr. Speaker, while the Nation and the world mourn the death of Louis Armstrong, those of us from Davenport feel a special loss because of his early ties to this area. A recent article and editorial in the Davenport Times-Democrat discuss these early ties to Davenport.

The article follows:

Davenport and "Satch"

(By Bill Wundram)

He was a shy, fat-faced young man, and he carried his cornet in a paper bag when he first saw Davenport, but Satchmo Armstrong never forgot this river city.

"I always called it showboat town," Satchmo grinned whenever he'd visit Davenport in later years.

No one ever heard of Louis Armstrong when he tooted his horn in Davenport in the early 1920s, but in his own way he was making the foot of Brady Street a bit of Bourbon Street.

Some of Satchmo's most colorful days hark back to Davenport. Here, he joined the Streckfus Excursion Boat Line. The Streckfus Line wintered in Credit Island Harbor, and headquartered in Rock Island in those palmy days of the river.

"Every spring for years I'd come to Davenport and get on those big boats like the St. Paul and the Sidney, and what a wild time we'd have all summer long," Satchmo recollected during one concert date visit here a few years ago.

Satchmo was playing with the legendary Fate Marable's band aboard the Streckfus boats, and received $15 a week, with room and board. One steamy August morning, on a run to Dubuque, and while the rest of the musicians were still sleeping, Satchmo especially remembered writing a song.

"It was 'I Wish I Could Shimmy Like My Sister Kate.' Gosh, I didn't think it was anything and I sold it for 50 bucks."

Armstrong seemed to have perfect recall about Davenport.

"I remember always starting out the riverboat season in Davenport. Sometimes I'd go down to the levee. I remember it was brick, and pretty steep. (This was the era when the Davenport levee was a real levee, and not a mass parking lot).

"Most of the time, though, the band guys would take some roads out into the country and climb on the Streckfus boats in a harbor." (He was referring to Credit Island Harbor, where as many as a half-dozen Streckfus boats wintered).

Satchmo had special memories of Davenport's chilly spring weather. "Man, it was always cold when I'd get on the boat in Davenport. I think it was so cold that once I stood on the deck and told Capt. Streckfus that I would have to blow my horn to crack the ice so we could get out of that harbor."

His Horn Stilled

New York.—Louis "Satchmo" Armstrong, beloved troubadour of the jazz trumpet, with a delightful rasp to his voice and roll to his eye, died Tuesday, his heart worn out, his golden horn silent at last. He was 71 years old on Sunday.

"Me and my horn, we come a long way together," Armstrong once observed.

Together, they came out of a waif's refuge in New Orleans, upriver to Chicago along the trail of jazz itself, then on to the show business pinnacles of New York and Las Vegas, and the motion picture studios of Hollywood.

And before they were through, Armstrong and his horn, together, had fascinated millions on five of the earth's continents, enthralling both the humble and the royal.

Armstrong and his horn pierced even the Iron Curtain, as he became one of the best ambassadors the United States ever sent abroad, a representatives of democracy whose portfolio's contents, in his words, "ain't politics, it's just music."

"In Africa," Armstrong once reminisced, "the local tribe carried in their chief to where I was playing. All he did was just look down and say just one word, 'Satchmo!' Man, they knew me even there."

The Great "Satchmo"

Quad-Citians and the rest of the world lost a friend Tuesday. He was Louis (Satchmo) Armstrong who blew his trumpet and with a gravelly voice sang his way into the hearts of millions across the world.

Along the way from a waif's home in New Orleans to a New York hospital where he was 71 Sunday "Satchmo" went from one-night stands in hamlets all across the nation to jazz concerts in most of the world's capitals.

"Satchmo" through the years played on excursion boats in the Quad-City area and became a familiar sound and sight to thousands in eastern Iowa and western Illinois.

There was about him a warm quality and an easy smile that made one relax in his presence. Yet he was such a giant in the musical world that it was a bit surprising to discover he was short in physical stature—a little under 5 foot 6.

As a jazzman "Satchmo" never put on airs. "Look, you don't pose, never. That's the last thing you do, because the minute you do you're through as a jazzman. Maybe not as a musician. But jazz is only what you are."

Another time, he said: "I play the trumpet and that's for me. There are only two kinds of music—good and bad. We (referring to himself) try to play good music."

When Armstrong turned three-score-and-ten on the Fourth of July in 1970, he said, "I'm happy. Every time I wake up it's a good day and I feel in the pink. It's awful nice to be breathing on your 70th birthday, let alone feeling in the pink."

On that same occasion he played a recording of one of his early trumpet solos and had this to say: "Ain't nobody played nothing since, and can't nobody play nothing like it now."

That could be his epitaph and as long as old records, movies and television films and the printed word are around to give witness to his talents that epitaph will stand.

THE ARIZONA INDIANS

HON. BARRY GOLDWATER

OF ARIZONA

IN THE SENATE OF THE UNITED STATES

Monday, July 12, 1971

Mr. GOLDWATER. Mr. President, Arizona Progress, the monthly publication of the Valley National Bank in Arizona, contains in its June–July 1971 issue a very concise and interesting resume of Arizona's Indians and how they are progressing. I ask unanimous consent that the article be printed in the Extensions of Remarks.

There being no objection, the article was ordered to be printed in the Record as follows:

Arizona's Indians: Americans Before Columbus

The first Americans—the Indians—are the most deprived and most isolated minority group in our nation. On virtually every scale of measurement—employment, income, education, wealth—the condition of the Indian people ranks at the bottom.

But, the story of the Indian in America is something more than the record of white man's frequent aggression, broken agreements, intermittent remorse and prolonged failure. It is a record also of endurance, of survival, of adaptation and creativity in the face of overwhelming obstacles. It is a record of enormous contribution to this country—to its art and culture, to its strength and spirit, to its sense of history and its sense of purpose.—President Nixon, Message to Congress, July 8, 1970.

Arizona is Indian Country. Within the state's borders are 19 reservations covering about 31,000 square miles, or more than 27% of the total land area in Arizona. By comparison, land held in private hands accounts for less than 15% of the state's geography. The area within the borders of Arizona's reservations is roughly equivalent to that of New Hampshire, Delaware, Vermont and Massachusetts combined!

Arizona land ownership

	Percent
Indian	27.03
Federal	44.91
State	13.12
Private	14.94

Arizona boasts the largest native American population in the U.S.—one-fifth of all Indians in the nation live here—and their number is increasing more rapidly than the whole state's population (and three times faster than the U.S. population).

Arizona	1960	1970	Percent gain
Total population	1,302,000	1,772,000	36.1
Indian population	83,000	114,000	37.3

Source: U.S. Census and Bureau of Indian Affairs.

The resurgence in Indian population is amazing in face of the fact that:

U.S. average life expectance for Indians is 44 years;

Infant mortality is 50% higher for Indians than for the entire U.S. population;

Per capita income of Indians is $1,500, compared with $3,900 nationwide.

The gains achieved by Indians have not been limited to population. The educational advances by Indian youth actually are paving the way for development of the reservations. Indians in increasing numbers are entering all streams of economic life. For example, a recent meeting in Tempe, Arizona, was attended by approximately 80 Indian law students! Skills and knowledge that until recently were not available to large numbers of Indians now are being acquired and employed to foster economic growth.

Both white man and Indian will benefit from development on the reservations. In earlier years, economic progress largely was roadblocked by ethnic, cultural and social differences between white men and Indian. These ethnic problems now are gradually being resolved.

The principal advantages to businesses locating on a reservation are the availability of (1) an untapped labor pool, (2) direct and/or institutional job training for workers at low cost to employers, (3) equipment and plant financing, (4) some tax advantages, and (5) the availability of strategically located industrial and commercial sites.

ARIZONA INDIAN POPULATION BY RESERVATION

Reservation and tribe(s)	Population	Square miles
Ak-Chin (Maricopa): Papago	248	34
Camp Verde: Yavapai-Apache	690	1
Cocopah: Cocopah	101	1
Colorado River: Mohave-Chemehuevi	1,730	353
Fort Apache: Apache	6,230	2,601
Fort McDowell: Yavapai	335	39
Fort Mohave: Mohave	336	37
Gila Bend: Papago	446	16
Gila River: Pima-Maricopa	7,992	581
Havasupai: Havasupai	370	5
Hopi: Hopi	6,144	3,863
Hualapai: Hualapai	1,033	1,550
Kaibab: Paiute	138	188
Navajo: Navajo	71,396	14,014
Papago: Papago	7,218	4,334
Salt River: Pima-Maricopa	2,345	73
San Carlos: Apache	4,709	2,898
San Xavier: Papago	2,090	111
Yavapai-Prescott: Yavapai	90	2

Source: Bureau of Indian Affairs.

The Pima and Maricopa Indians on the Gila River Reservation, with financial assistance from the Economic Development Administration, have formed a non-profit company to establish the Pima-Chandler Industrial Park. There are five plants located in the park producing: styrofoam containers, mobile homes, valves, cleaning equipment and food products.

Sunrise Park, consisting of a ski resort and lakeside facilities, has been completed on the Fort Apache Reservation.

Exciting new copper deposits are being readied for mining by the Papagos in conjunction with Hecla and Newmont mining companies.

About 900 Navajos are employed in assembly of electronic components for Fairchild Camera and Instrument Corporation. General Dynamics employes about 200 Navajos at Fort Defiance, also in electronics assembly.

Although the development of some reservations has been hampered by a remote location and lack of urban facilities, the San Xavier Papagos, the Yavapai-Prescott Community, the Salt River-Pima-Maricopa Community and the Hopi Reservation are contiguous to metropolitan centers.

The San Xavier Industrial Park adjoins the Tucson International Airport, and is near two major interstate highways, which facilitates overnight truck delivery to Phoenix, Los Angeles, Las Vegas, Albuquerque and El Paso.

The Yavapai Community is adjacent to scenic Prescott, and it works in close association with officials of the city in area development.

The Salt River Community offers choice commercial-industrial locations in the immediate Phoenix area. The Salt River Reservation adjoins three of Arizona's fastest growing cities: Tempe, Mesa and Scottsdale.

The Hopi Tribal Industrial Park is situated in Winslow, a major railroad center for Northern Arizona.

Various state and local governmental and quasi-governmental agencies are occupied in economic development activities for Arizona. The Indian Tribes in the state have established their own organization, the Indian Development District of Arizona, which is actively engaged in attracting business and industry to the reservations. IDDA also is assisting individual Indians in establishing their own businesses.

The Indian in Arizona has grasped the opportunity for determining personally his future, and he is proceeding at an accelerating pace in economic development of the reservations. He long has been respected for contributions to America's social and political heritage, and now, his role in the American economic picture is expanding, also.

For it is out of a rich Indian democratic tradition that the distinctive political ideals of American life emerged. Universal suffrage for women as well as for men, the pattern of states within a state that we call federalism, the habit of treating chiefs as servants of the people instead of as their masters, the insistence that the community must respect the diversity of men and the diversity of their dreams—all these things were part of the American way of life before Columbus landed.—From The Legal Conscience by Felix S. Cohen

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ALTRUSA—HELPING PEOPLE TO HELP THEMSELVES

HON. ROMANO L. MAZZOLI

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Monday, July 12, 1971

Mr. MAZZOLI. Mr. Speaker, I am proud to call to the attention of my colleagues the selfless humanitarian services of the Altrusa Club of Louisville to the Kentucky Rehabilitation Center for the Blind. The purpose of the center is to help blind people to adjust to their handicap, and to prepare themselves for independent and productive lives. In its first year, the center has moved a long way toward that worthy goal.

Miss Ella Fishback, community service chairman for Altrusa, and Mrs. Ronald Kaplan, liaison between the club and the rehabilitation center, have focused the efforts of their club toward providing a vital link between the residents of the rehabilitation center and the local community. Working with center supervisor Marshall Fletcher and Director Charles Cox, these ladies have made it their task to help the residents of the Kentucky center to help themselves.

Mrs. A. Luke Brown, who is just retiring as president of Altrusa, has a right to be "very, very proud." The ladies of Altrusa have helped to prove a basic truth in which I have long believed: given the opportunity, given a helping hand, the handicapped members of our community can develop their talents and become useful, productive members of our society. Altrusa and the Kentucky center deserve our thanks for holding out such a helping hand.

Mr. Speaker, I insert in the RECORD at this point an article by Joan Kay in last week's Courier Journal about the fine efforts of the ladies of Altrusa at the Kentucky Center for the Rehabilitation of the Blind:

ALTRUSA VOLUNTEERS SERVICE AT CENTER FOR THE BLIND

(By Joan Kay)

The aim of the year-old Kentucky Rehabilitation Center for the Blind is to provide help in personal adjustment and to teach skills for personal independence.

Beginning last fall, the center received an assist in this goal through a series of lectures and recreational programs set up by Altrusa Club of Louisville, a service club made up of women in executive positions.

The center is open to people who are legally blind, said supervisor Marshall Fletcher; there are varying types of visual impairments. Currently there is room for 12 residents, and by fall there will be facilities for 18 residents and possibly six day students. The age range is about 17 to over 50, and the length of stay generally is between 12 and 24 weeks.

Some of the clients are newly blind, and "more than 50 per cent do not read Braille when they come," said Fletcher.

The objectives are "to provide an adjustment period, psychological and emotional, to blindness, and to learn basic skills for personal independence," such as typing, Braille and how to identify clothing.

"One of the very important things is mobility instruction—how to travel with the use of a cane.

"Our primary objective is to rehabilitate (the clients) to work," Fletcher said. They may go on to vocational school or into jobs. The state has placement counselors who work to place the people, and work evaluations made by a center staff member are sent to the clients' rehabilitation counselors.

HOUSES KENTUCKY INDUSTRIES

The building at 1900 Brownsboro Road houses the center and the Kentucky Industries for the Blind. Both are under the Kentucky Department of Education, Bureau of Rehabilitation, and are individually budgeted.

"The center is free to everyone who comes here, through state and federal funds," said Fletcher.

A year ago June the first clients came to the center, which is a new program in Kentucky. Previously clients were sent to other states for this service.

Last September Miss Ella Fishback, Altrusa's community service chairman, and Mrs. Ronald R. Kaplan, who later became liaison between the club and the center, met to discuss possible service with Charles Cox, director of Kentucky Industries and Rehabilitation Center for the Blind. Among the needs were recreation, taping of materials for instruction and leisure and lectures.

Altrust's first fellowship hour was held in October, and later ones included a program by a disc jockey and a dinner at a shopping center department store.

Weekly lectures on Friday afternoons included a talk on Social Security benefits for the blind by Miss Waltzie Cooke, a claims representative for the Social Security Administration in Louisville, and care of teeth by Dr. Edri Lohri, director of the curriculum of dental hygiene at the University of Louisville School of Dentistry.

On their first field trip, the center's clients were taken aboard an airplane at Standiford Field, and recently Sgt. Don Cummines of the Louisville Fire Prevention Bureau, who had given a talk on safety earlier, returned with a fire truck for the clients to become acquainted with.

ACCUMULATING A LIBRARY

Altrusa Club is building a cassette library for the center by taping the lectures and also books and pamphlets. The club also stocked a publications display, useful to sighted members of clients' families, on such topics as financial aid or travel concessions for the blind.

Most of the expenses of the service project came from club members' donations. A donation from the Fred Kunz Foundation bought a microphone for recording equipment.

"We're very, very proud" of the program, said Mrs. A. Luke Brown, whose term of office as Altrusa president ended last week. "We're trying to help them adjust on a local level."

Altrusa was the first club to volunteer its services, said Fletcher, and the only organization presently doing volunteer work. The lecture series he feels has been very beneficial to the center. "It's the kind of information the clients continually want to know and are asking questions about."

This summer the center has a special 10-week prevocational and precollege course in progress for an age range of 16 to 19, and Altrusa is continuing its lecture series, with first aid training slated for August. The club's volunteer program will continue at the center next year.

A MOTHER'S APPRAISAL OF HEADSTART

HON. LEE METCALF

OF MONTANA

IN THE SENATE OF THE UNITED STATES

Monday, July 12, 1971

Mr. METCALF. Mr. President, the mail from constituents is a constant delight. Even the critical mail is meaningful, sometimes humorous and frequently helpful. But every once in awhile a letter comes in that is especially significant. One such letter is from one of my neighbors in Helena, Mont., Mrs. Eickmeyer—whom I have never met, but I am certainly going to try to meet her on my next trip home—has written an eloquent and heart-warming letter about Headstart. This is a mother's appraisal of Headstart. She says to "keep Headstart, enlarge Headstart, push Headstart."

Here is a voluntary expression from a mother: "Headstart is great."

I ask unanimous consent that Mrs. Eickmeyer's letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

Helena, Mont.,
June 24, 1971.

Mr. JOHN GARCIA,
Office of Job Development,
Denver, Colo.

DEAR SIR: How does one thank the Federal Government for feeding, teaching, loving and caring for a child for a period of three years? This will be a feeble attempt to do so by an appreciative and concerned Mother.

My family has been fortunate to be considered "middle class" with advantages others have not had. However when a faltering marriage and ultimate divorce forced me to seek employment, I needed help for my three year old daughter. Luckily my little Lori entered one of Helena's two Head Start Day Care Centers. This was a difficult transition but overcome in a short time.

The teachers, field trips and knowledge these children are exposed to, still amaze me. I do not exclude snacks, excellent lunches, habit and manner training and just plain tender, loving care. This program is great!

I brag about Head Start, particularly our patient, professional staff. There are too many people to single out, but the staff in Helena, Montana deserves much credit for such a successful and tremendous program.

I feel I have "carried my torch" by attending parent meetings, social functions and serving on the local PAC. Even my other two children have contributed to this overwehlming program. We hope to continue even the Lori is now a graduate of Head Start.

My point in this letter is: keep Head Start, enlarge Head Start, push Head Start. I feel it is not just for the dire poor, but for those of us who are trying to support and raise our families properly. I would like to see the income limitation bend where the circumstances warrant. God and the Government help those who only help themselves.

My deepest regards,

JEAN M. EICKMEYER.

GEN. BRUCE K. HOLLOWAY ADDRESSES THE CHICAGO CLUB ROOM ONE HUNDRED GROUP

HON. OLIN E. TEAGUE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, July 12, 1971

Mr. TEAGUE of Texas. Mr. Speaker, Gen. Bruce Holloway, Commander in Chief of the Strategic Air Command, addressed the Chicago Club Room One Hundred Group on May 27 and advanced some very positive thoughts on today's state of the Nation and the dilemma it faces. I commend it to the Members of the House and Senate as it contains General Holloway's studied evaluation of the Communist threat evolving from the Soviet strategic offensive force expansion of the past few years:

REMARKS BY GENERAL BRUCE K. HOLLOWAY

Ever since 1949—when the Russians set off their first atomic device—I have heard military planners in positions of responsibility say that the next year, or next five, or ten years will be the most crucial that the United States has ever faced. You hear more of it today: that the 1970's are the most crucial; that we will make or break ourselves during the next decade.

This time I believe it. They are, manifestly, extremely crucial years that will require a steadfast will and resolve by the people of this country to support adequate programs of both internal and external orientation if the great things we believe in are to survive.

As you know, I am in the business of national defense. This is regarded by most people as defending our country against attack, invasion, or some type of forceful incursion by an enemy country or countries. It is of course, that, but it is also much more; and must be regarded as a mission of much broader context than was the case until a relatively short while ago. In a world battleground where ballistic missiles are aimed at continents in the manner that artillery pieces were once aimed across the river, defense of a national future, or a national way of life, or even moral survival becomes an intricate, many-faceted endeavor of awesome significant proportions and surpassing importance.

In looking back briefly into recent history, I would say that this country became an indisputable world power about the year 1898. Our spectacular growth of 122 years, with only minor periods of external interference, proved not only the wisdom and strength of a government built around freedom, dignity, and equal opportunity for the individual; but equally the advantages of capitalism under free competition. For the succeeding 50 years we prospered further—almost unbelievably—in spite of participation in two world wars, due in large part (as some people now tend to forget) to the endowment of a magnificent defense. Our foreign policy from 1898 to 1948 was a rather simple but adroit one which capitalized on this natural defense of the Atlantic and Pacific Oceans; on a relatively weak Asia; and on a balance of power in Europe which helped to maintain, in a most favorable manner, our well-being and prosperity. In 1948—or thereabouts—all of this changed, drastically and irrevocably. The bomber and the atomic weapon and the ICBM changed it. In other words, technology changed our security and well-being.

I believe there are many people in the United States who do not fully understand this—and the implications to our security. We no longer have a weak Asia. And we no longer have a balance of power in Europe that puts us in a position of unquestionable superiority over any probable coalition of enemies.

Today I want to tell you in a few words what this means to me in terms of securing the United States against the external threat of the 1970's, and how my business, the Strategic Air Command, figures principally in this security. In order to frame my thoughts, I want first to say a little about the threat, and more importantly, the nature of the threat as I see it.

From 1949 until 1962, the Russians worked hard to build up their strategic forces of atomic weapons and intercontinental vehicles. We worked hard, too, and—with the admitted help of a head start—vastly outstripped them. At the time of the Cuba confrontation, the Russians backed down and took their missiles out. I do not profess to know all of the considerations which led to this decision, but principal among them must have been our unquestioned superiority in strategic forces. Certainly, the Russians lost tremendous face and prestige throughout the world from this action—and especially in the Communist world over which they are trying so desperately to maintain control. I think the lesson—the fundamental importance of strong strategic forces to international negotiation—was learned much more forcibly by the Russians from the Cuba affair than it was by any other participant or spectator. We see this by their actions of the past nine years. Without any apparent political or economic restraint, their improvement and enlargement of strategic forces has proceeded at a rate far in excess of our own.

During these nine years, we have introduced no new missiles, although improved versions of the Minuteman, of which we now have one thousand, and of the Polaris, of which we have 656 in 41 submarines, are being brought into the program, and further improvements of these weapon systems are scheduled. Our bomber force has numerically decreased. All B–47s and all B–58s have been phased out, and the B–52 force has been reduced in size. However, the FB–111 of which there will be 66 aircraft in a total of 4 squadrons, is currently being introduced into the operational force. The B–1, which promises to be a fine bomber, is now scheduled for full-scale development, and could be in operation in the late 70's if a decision to produce is made later on. Both the missile and bomber improvement programs are important—and vital—and must be supported if the balance is not to tip in favor of the Russians, because they are continuing strongly to bolster their strategic forces.

The Soviet Union now has an intercontinental ballistic missile force of various sizes and shapes approaching 1500 operational launchers. The SS–9 is certainly the most formidable weapon of war yet built by man. It is able to launch warheads of up to 25 megaton yield for intercontinental ranges. There are already about 300 SS–9s under construction or operational and several improvements are under active flight test, including one which can deliver 3 re-entry vehicles of an estimated 5 megatons yield each. Recently we have discovered evidence of construction of a large new silo system, which could house a modified version of the SS–9 or possibly a new ICBM system.

This is perhaps the most notable advancement on the Russian side in the 1962–71 period, but there are several more, to include intermediate range ballistic missiles, medium range missiles and—most notably—a fast growing fleet of ballistic missile submarines similar to our Polaris fleet. In addition to almost 200 heavy bombers in its strategic inventory, the Soviet Union has over 700 medium range bombers—including a new "swing wing" supersonic one—all of which could carry atomic weapons into Europe, or on one way missions into the United States. Air defenses have improved and expanded tremendously—interceptors, surface to air missiles, and anti-aircraft; as well as ABM systems, and radar coverage for warning and control of all systems. There is no sign of this letting up, although the SALT conference at Helsinki and Vienna does herald a step toward eventually checking the trend of ever-more powerful and annihilistic weapons. I think the President phrased well this danger in these words: "If we pursue arms control as an end in itself, we will not achieve our end. The adversaries of the world are not in conflict because they are armed. They are armed because they are in conflict, and have not yet learned peaceful ways to resolve their conflicting national interests."

This trend in strategic power which I have briefly described is well known—or should be. The statistics, and more, have been made public several times. I have not told you anything new, but have reviewed it principally to introduce some thoughts on why the Russians are doing it—and why the trend to our disadvantage continues. I cannot believe it is because they are afraid of an attack by the United States.

Aside from the limited U.S. military intervention in Russia following the Russian Revolution, there is nothing in the history of our country—by word or deed—that could foreseeably give the Russians cause to fear a military aggression on our part. All signs are, in fact, just the opposite. On the other hand, there is much to cause the Russians big concern in the Communist world itself. They are the leaders, or have been until recently, and have tolerated very little deviationism in either a practical or ideological sense. Most of the satellite countries have made it manifest that they would like to break away. Communist China, with 800 million restless, hungry people has broken away. One of the staunchest allies of Russia today is North Korea, but it has been proved many times that allegiances in the Communist alliance can be short-lived: matters of expediency to be broken when the issues at stake no longer warrant alliance. Communist nations know and understand this, although it seems that citizens of the free world sometimes do not.

Communist China is surely the number one immediate worry of Russia. The country itself has survived forty centuries of great vicissitudes that we know of. Its leadership has already challenged Russian leadership of world-wide communism, and the Soviets find themselves facing a decade during which they could lose this control; and if they do, they lose their world. Thus -------------- if the 1970's are crucial to the United States, they are perhaps even more so to the Russians. Sooner or later they must bring Communist China back into line—by military force as they did Czechoslovakia—or by continuing to exploit the unresolved conflicts of the west and the third world. The choice, in order to maintain Communist leadership so necessary to eventual world domination, is about that simple.

A Russian military suppression of China would be a very costly affair. It not only would entail great outlays of men, weapons, and rubles which would weaken their overall structure, but it would further consolidate the rest of the world against them. Pre-emptive use of atomic weapons would particularly galvanize the free nations, and it is hard to see how Russia would survive such an undertaking in a shape and form which could successfully go on toward their dream of international Communism for all.

Looking at the other choice, it is interesting to engage in the game of "what if?" What would happen if the Cuba affair occurred today? What would we do? What would they do? I don't know, but I do know that we came through this crisis partically unscathed because of our unquestioned strategic superiority. What if they put their missiles in there again? I don't think they would, because since 1962 they have found a better mousetrap to substitute for their purpose: the SLBM. So we can probably dismiss this "what if," but what if they directly supported an East German effort to seal off the corridors and take possession of Berlin by military force, and then said, "Now let's negotiate." What would we do? Again, I don't know what we would do, but it would be tragic if we were to do nothing. Should it come to pass that their strategic forces become stronger than ours, and that they know they are stronger—there is every reason to expect that they would undertake incursions, erosions, or outright territorial grabs. We could expect effort to blackmail both the Communist world, and the free world, to achieve Soviet goals. The star of the future would be quite clear, and it is a very ugly star for us to contemplate.

The fifty states of the United States and our territories and treaty partners do not want to break away. They are bound together through common beliefs and collective cause. This is a giant moral strength, the likes of which the USSR does not enjoy. The Soviet choice has been to strive for overwhelming strategic force as a means toward realizing ultimate goals. We dare not let them achieve this. The people of the United States must understand this fundamentality, and support—at least for the 1970's—a structure of strategic military power which will ensure our ability to deter nuclear war. This is the route whereby the Strategic Arms Limitation Talks can succeed. I believe it is the only route if we are eventually to persuade the Kremlin that its grand design is futile—unachievable.

Translating these beliefs into the terms of my job, here is where we stand. Both the U.S. and the USSR have strategic nuclear forces of awesome damage potential. Each could inflict massive casualties and economic ruin on the other. I spoke of the comparative weaponry earlier, and speaking in terms of massive intercontinental nuclear exchange, it is true that deterrence seems at the moment to be well served. But the chess game is much deeper and more sophisticated than that. I have tried to describe the form of the danger as I see it, and the importance of insuring that we can negotiate from strength, and hope eventually for a better world where armaments can be reduced without the things we hold dear also being reduced. It cannot be done by disarming unilaterally, further Soviet arms growth—or technological advancement—could turn the tide if we fail to maintain a healthy defense program—and most particularly that which pertains to strategic forces.

Two years ago at the Air Force Academy graduation ceremonies, President Nixon made this comment: "I do not consider my recommendations infallible. But if I have made a mistake, I pray that it is on the side of too much (defense) and not too little. If we do too much, it will cost us our money. If we do too little, it may cost our lives." Not so recently, in New York City on November 11, 1902, President Theodore Roosevelt made a point that we need to keep in a position of preparedness, not because we want war, but because we desire to stand with those whose plea for peace is listened to with repectful attention.

Our great nation is made up of many forces, many problems, many resources and many needs. My role is not that of one who pleads in his own narrow self-interest. I am first of all an American, and I have always believed that in the American system the telling is as important as the doing—that communication is all-important. Second, after being an American I am a professional, and my profession is national defense. Therefore, my hope was to use this meeting with a most distinguished group of fellow-Americans to discuss that facet of our life and our future for which I have some responsibility—to give you one view for your use, along with those views you will get from experts in other areas of national importance, in developing your own sound judgments about the course we must steer into the challenging future.

In the final analysis, I work for the President, and the Secretary of Defense, and the Joint Chiefs of Staff, and I have the greatest admiration and enthusiasm for the defense goals which they have established for the immediate and proximate future. I work for you, too, and for me and my kids. I have then, attempted, for all of us, to tell you why I think it is of cardinal importance to support a strong, strategic military force program for the 1970's. The motto of the Strategic Air Command is "Peace is our Profession." It is certainly a worthy motto, and one not without precedent. Saint Luke, in the XIth Chapter of his Gospel, 21st Verse, said: "When a strong man armed keepeth his palace, his goods are in peace." Thank you.

DRUG ABUSE

HON. MILTON R. YOUNG

OF NORTH DAKOTA

IN THE SENATE OF THE UNITED STATES

Monday, July 12, 1971

Mr. YOUNG. Mr. President, drug abuse has fast become one of the most serious problems facing our entire Nation. It has affected every State and many communities where most of us never thought this kind of problem would occur.

A resolution was adopted unanimously recently by the Board of City Commissioners of the City of Fargo, N. Dak., requesting that $1 billion be appropriated to combat this plague. This is some indication of how serious the people of North Dakota view this problem.

Mr. President, I ask unanimous consent to have this resolution printed in the Extensions of Remarks.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

RESOLUTION ADOPTED ENDORSING THE FEDERAL NARCOTICS TREATMENT AND RESEARCH AGENCY

Whereas, The explosion of the drug culture among all groups of American citizens poses a serious threat to the health and well-being of our Nation; and

Whereas, In the United States today drug addiction knows no neighborhood lines, no state, county or city boundaries, and no racial or ethnic distinctions; and

Whereas, The shattered minds and hopeless futures of thousands upon thousands of our children are grim testimony to governments' inadequate response; and

Whereas, In America today, the narcotics plague ravages our people, fills our streets with terror and our homes with desperation: and

Whereas, The Federal Government has a fragmented effort bereft of coordination and hence, local officials waste time and energy attempting to weave the fragmented Federal contributions into a focused local program; and

Whereas, The Plague of narcotics addiction will not yield to anything less than a total commitment to treatment and research, focused in a single agency at the national level and funded with real awareness of the devastating human and dollar cost of the narcotic problem.

Now, therefore, be it resolved, That the City of Fargo, concurring with the United States Conference of Mayors calls upon the Federal Government, both the Congress and the President, to provide for a single, professional, fully-funded Federal Narcotics Treatment and Research Agency with a goal of a billion dollar program in three years providing basic financing for each city to establish a local comprehensive drug treatment program to rid our nation of this evil.

Be it further resolved, That this Resolution be inscribed upon the permanent records of the proceedings of the Board and certified copies forwarded to the North Dakota Congressional Delegation, the Majority and Minority Leaders of the House and Senate, the President of the United States, the Department of Justice, the Department of Health, Education and Welfare, and to the Department of Housing and Urban Development.

Second by Schuster. On the vote being taken on the question of the adoption of the Resolution Commissioners Lashkowitz, Schuster, Bromenschenkel, See and Markey all voted aye.

No Commissioner being absent and none voting nay, the Vice President declared the Resolution to have been duly passed and adopted and returned the Chair. (President Lashkowitz presiding)

FIFTH ANNUAL POLL FROM THE FIRST CONGRESSIONAL DISTRICT IN IDAHO

HON. JAMES A. McCLURE

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Monday, July 12, 1971

Mr. McCLURE. Mr. Speaker, at this point I would like to insert my fifth annual poll, taken from the First Congressional District in the State of Idaho, in the CONGRESSIONAL RECORD. This poll seems to be significant in several major areas.

First, I would like to call attention to the fact that the support for the President's Vietnamization program is almost identical with the results of the same question last year: 51.2 percent in favor this year, and 51.3 percent in favor last year.

Second, over one-third of the people of the State admit they do not understand the President's family assistance plan, and another third definitely oppose it. Eighty-two percent are in favor of requiring all able-bodied recipients to accept any job they are physically capable of performing.

And finally, it is interesting to note that though the people of Idaho may not understand the family assistance plan, over 63 percent understand and favor the President's revenue-sharing plan.

The poll follows:

FIFTH ANNUAL POLL FROM THE FIRST CONGRESSIONAL DISTRICT IN IDAHO

The District-wide results follow:

1. Concerning VIETNAM: Which of the following statements comes most closely to representing your own personal views at the present time?

51.2% A. We should continue the present course, phase out our combat role and replace American troops with trained Vietnamese.

23.3% B. We should make a more definite effort toward military victory.

24% C. We should withdraw all American personnel immediately.

No answer—1.5%.

Has your opinion on the war changed in the past year?

19.2%—Yes.

72.5%—No.

No Answer—8.3%.

2. Concerning agriculture: Federal farm controls and subsidies should be—

47.8% A. Phased out within 5 years.

6.1% B. Continued substantially as they are.

2.6% C. Made permanent with increased sudsidies.

3.4% D. Made permanent with subsidies reduced.

29.9% E. Continued with a limit on subsidies any one farm could receive.

No answer—10.2%.

The present payment limitation of $55,000 is—

67.7%—Too high.

1.2%—Too low.

11.7%—About right.

No answer—19.4%.

3. Concerning WELFARE: Do you favor the President's Family Assistance Plan?

20.5%—Yes.

34%—No.

35%—I don't understand it.

No Answer—10.1%.

Which of the following do you feel are essential to any change in the Welfare system?

16.4% A. Set a minimum welfare level and authorize the Government to pay the difference between the recipient's income and the poverty ceiling.

82% B. Require able-bodied recipients to accept any job they are physically capable of performing.

48.3% C. Require welfare recipients to enroll in job-training programs.

30.9% D. Provide day-care centers for children of working mothers.

47.2% E. Distribute family planning information to welfare recipients.

42% F. Provide for local administration of the program whenever possible.

4. Concerning health insurance: Do you favor the concept of a national health insurance program underwritten by the Federal Government?

23.1% A. Yes, complete coverage for all Americans regardless of income.

29.6% B. Yes, but only in cooperation with private insurance companies and limiting the Government's role to catastrophic illnesses.

41.5% C. No, keep the Government out.

No answer—5.8%.

5. Do you feel that the Sawtooth-White Cloud-Boulder mountain region should be—

11.4% A. A national recreation area.

12.9% B. A national park.

25.7% C A joint park and recreation area complex.

40.7% D. Left as it is.

No answer—9.3%.

If you favor designation of all or a part of the area, do you feel the boundaries should be—

45.3%—As presently proposed.

39.7%—Larger.

15%—Smaller.

6. Do you favor:

A. The President's proposal to share Federal revenues with State and local governments.

63.4%—Yes.

25.9%—No.

10.7%—No answer.

B. Wage and price controls as a means of curbing inflation.

64.8%—Yes.

27.2%—No.

7.9%—No answer.

C. Continued development of the anti-ballistic missile system.

57.6%—Yes.

31.1%—No.

11.2%—No answer.

D. A crash program to find a cure for cancer.

66.9%—Yes.

23%—No.

10.1%—No answer.

E. A major Federal effort to revitalize rural America.

31.9%—Yes.

51.1%—No.

17%—No answer.

F. Compulsory arbitration for nationwide transportation strikes.

76.2%—Yes.

14.8%—No.

9%—No answer.

G. Limiting the amounts of money a candidate for public office can spend on his campaign.

86.6%—Yes.

8.7%—No.

4.7%—No answer.

H. An all-volunteer Army and an end to the draft.

51%—Yes.

41.6%—No.

7.4%—No answer.

PUT UNINSURED DRIVERS ON THE SPOT

HON. SEYMOUR HALPERN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, July 12, 1971

Mr. HALPERN. Mr. Speaker, WTOP has broadcast an editorial applauding legislation introduced by our colleague, GILBERT GUDE, which would rectify the serious problem of uninsured drivers in the District of Columbia. I was very pleased of this well deserved recognition given to Congressman GUDE and this legislation.

At present, almost one-third of all vehicles registered in the District are not covered by liability insurance. If the driver of an uninsured car is involved in an accident, and cannot pay for the damage they inflict, the victim is held liable. Congressman GUDE's bill would cover the victims of uninsured drivers with a special fund, created with funds collected when the vehicles are registered.

Congressman GUDE should be praised for this excellent piece of consumer protection legislation. It is but one more addition to a brilliant legislative record.

The editorial follows:

PUT UNINSURED DRIVERS ON THE SPOT

If you ride in a car in—or walk on the streets of—the District of Columbia, you run a serious risk of being hit by an uninsured driver and not being able to collect a penny. It's a scandalous situation. A bill being pushed by Congressman Gude will do something about it.

The District is the only place in the country where uninsured drivers literally have a free ride—at least for one accident. The magnitude of the danger can be seen in that 80,000 automobiles—almost one-third of those registered in D.C.—have no liability insurance coverage.

If one of those cars strikes another car or a pedestrian, and the offending driver can't produce sufficient money out of his own pocket, the poor victim is on his own. It happens often. Almost 7,000 uninsured drivers were involved in accidents in the District in one recent year who couldn't cover the costs of the damage they inflicted on people and property. It's a scandal—nothing else.

Congressman Gilbert Gude of Maryland and others are sponsoring legislation which will require an uninsured driver to post a $40 fee before he can get a tag for his car. Those payments would go into a special fund to cover unsatisfied judgments resulting from auto accidents. The bill also would require policies for insured drivers to contain a clause for protection from uninsured operators.

Both Maryland and Virginia already have roughly similar protection in force. The protection gap in the District is incredible. Exposed most constantly to the danger of course, are those who live in the District. But the countless millions of commuters, shoppers, and visitors who come here temporarily also have less protection from uninsured drivers than anywhere else in the country.

For over a decade, Congress has turned its back on corrective legislation. The insurance lobby must prevail no longer. Let's put the District's uninsured drivers on the spot.

This was a WTOP Editorial—Norman Davis speaking for WTOP.

OVERREGULATION OF TRANSPORTATION

HON. ROBERT TAFT, JR.

OF OHIO

IN THE SENATE OF THE UNITED STATES

Monday, July 12, 1971

Mr. TAFT. Mr. President, on numerous occasions I have pointed out that over regulation of transportation industries is hurting the American consumer. The 43 trillion railroad rates on file with the ICC simply illustrates the over regulation which is stifling this great industry. The July issue of Fortune magazine contains an article entitled "It Is Time To Unload the Regulators" written by Dan Cordtz, which I commend to the attention of Senators. The article raises important questions with respect to regulation which should be the basis for our review of the regulatory system. I ask unanimous consent that it be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

IT'S TIME TO UNLOAD THE REGULATORS

(By Dan Cordtz)

Federal regulation of transportation is a failure—a creaky anachronism no more suited to a modern American than an oxcart to an expressway. It costs the public billions of dollars a year in inefficiencies and misallocations of resources. And in spite of its extravagant price, regulation contributes little to either good service for travelers and shippers or the financial well-being of most transportation companies.

The regulatory apparatus has failed utterly to keep pace with changes in technology and economic conditions. On the contrary, it has attempted to apply outdated rules to rising new forms of transportation. One of the most obvious examples of this misapplication of principles appropriate to a different set of circumstances is the treatment of the airlines by the Civil Aeronautics Board (see page 66). It frequently behaves as if the air carriers dominated long-distance passenger transportation the way the railroads did, even though the actual share is relatively small as measured against the use of private automobiles.

Slowness to adjust to change—indeed, to recognize the magnitude of change—has also been a striking characteristic of the older and bigger Interstate Commerce Commission. The ICC has clung to the notion that transportation is inherently unsuited to competition in spite of the development of new competitive modes. Now eighty-four years old, the commission still bears the marks of its origin. It started out to oversee railroad cartels, and it still oversees the U.S. transportation system, or large parts of it, in the cartel spirit.

The ICC was created to deal with destructive competition among railroads, which as a group held a virtual monopoly on intercity transportation of passengers and freight in the nineteenth century. Most of the railroads in the East and Midwest systematically practiced collusive rate making and even pooled traffic and revenue on some routes. These private cartels encouraged proliferation of railroad lines. Then, as the share of the traffic assigned to individual lines dwindled—to as little as 13 percent on the Chicago-Omaha run—the temptation grew to break out of the cartel. One way was to build many branch lines, since traffic that originated in a railroad's monopolized territory was not subject to the pooling. The result was overbuilding of low-density track.

Rate wars were common, but to make up losses on service between points where heavy competition existed, railroads charged sharply higher rates to shippers in towns along their routes where they enjoyed a monopoly. This pattern brought about many situations in which short-haul shippers paid more than long-haul shippers over the same route, and engendered violent popular resentment against the railroads.

To end the instability, railroad supporters in the Senate proposed a commission with broad discretionary power to enforce the cartels. But the House of Representatives, responding to shippers, preferred merely to outlaw the railroads' abusive practices. The unsatisfactory compromise that emerged in 1887 was a weak ICC. Dozens of amendments over the years strengthened the commission's powers until by 1920 it controlled entry into the industry, exit, capital formation, and minimum rates. Thus the ICC evolved from a body to facilitate private cartels into the operator of a compulsory railroad cartel.

In the early 1920's the commission's instructions from Congress to work for a "fair return" on rail investment produced one of the earliest examples of regulatory backfire. The regulators acted as if the railroads still had no effective competition when in fact they were already beginning to lose traffic to trucks. The commission's efforts to improve rail returns, by raising rates by as much as 40 percent, merely sent the companies chugging downhill at an even faster pace. Highway motor carriers were quick to seize the opportunity that the ICC had presented them. Between 1920 and 1925, truck registrations more than doubled.

THE TROUBLE WITH PARTIAL FREEDOM

Rather than acknowledge that the rise of the truckers had ended the railroads' dominance and hence the need for regulation, the legislators decided in 1935 to bring trucks under control, too. But not all trucks. Showing its usual solicitude for farmers, Congress exempted trucks carrying farm products—a category later interpreted by the courts to include many processed agricultural products—and trucks used exclusively to haul their owners' goods. Even broader exemptions were granted when barge traffic was brought under ICC control in 1940. While all rail traffic is regulated, only about one-third of truck volume and one-tenth of barge volume are now under control. Since the effectiveness of any cartel depends on its ability to bring in all competitors, this alone is enough to doom the ICC to failure—regulated carriers are undercut by unregulated competitors. Present regulatory arrangements, then, offer neither the benefits of a free market nor those of a well-organized cartel. As economist George W. Hilton of U.C.L.A. observes: "Common carriers are in an incomplete cartel which produces most of the consequences public policy should seek to avoid."

Unwilling to acknowledge that the commission is a cartelizing body, Congress has given it a vague and contradictory mandate. The commissioners seem no clearer about the fact that they are attempting to manage a cartel. Professor Hilton, who has spent more than a decade studying the agency closely, says, "In the most literal sense, the ICC doesn't know what it's doing."

Where regulation *is* effective, the consequences are overwhelmingly negative. It has generally kept rates at levels designed to share most traffic among competing modes. This has encouraged the inefficient use of inappropriate means of transportation, such as truck transport of freight over long distances where railroads could carry it at lower cost. By reducing competition, regulation has discouraged development of improved technology. The ICC's slowness to permit reductions in obsolete services has kept the railroads from getting rid of money-losing facilities. And the paternalistic atmosphere of regulation has stifled managerial initiative.

Many times over the years, discontent with the system has reached levels that could no longer be ignored. But attempts at reform have never succeeded in curing the industry's ills. Indeed, the situation today is worse than at any time in recent memory. The threat of bankruptcies hangs over the railroads, and the possibility of having to nationalize them haunts Washington. The plight of the railroads has prompted much of the current preoccupation with the regulatory problem, but the railroaders are not alone. Regulated truckers, while currently in better financial shape, are losing more and more business to their unregulated rivals. And complaints over deteriorating freight service are louder and more widespread than ever.

Much of the cacophony of criticism originates with the regulated carriers themselves, and it is predictable. Truckers want freedom to raise their prices and expand their operations, but at the same time they want continued protection from potential competitors. Rail executives want rate flexibility, plus the freedom to get out of the railroad business and into the truck and barge business. The partial deregulation proposed by the carriers, while a selfish goal, would be a step in the right direction. But it would be only a half measure. The problem is greater than the cumbersome procedures of a bureaucracy or the inconsistencies and loopholes of a patched-up law. The problem is regulation itself, and the ultimate solution is to get rid of the whole regulatory mess and let the transportation companies take their chances in the marketplace.

THE VOTERS DON'T CARE

Such an idea, on its face, may seem politically naive, and admittedly it doesn't look very feasible right now. The forces that see themselves as beneficiaries of the present system are numerous, powerful, well organized, vigilant, determined, and resourceful. In the past, at least, their opponents have displayed none of these characteristics. Even the railroads, which ought to be vigorous partisans of deregulation, hardly seem anxious to submit themselves to the rigors and uncertainties of complete freedom. Former Senator George A. Smathers of Florida, now general counsel of the railroad-sponsored America's Sound Transportation Review Organization (ASTRO), recently told a Senate subcommittee that "complete deregulation would be totally chaotic and, in the end, would serve the best interests of no one."

Defenders of the status quo are strengthened by the indifference of most Congressmen, who perceive that few of their constituents care anything about the regulatory mechanism and its inadequacies. To the typical voter, the nation's transportation system consists of his own automobile and the streets and highways he drives on. He never goes anywhere by plane, train, or bus (except, in a few large cities, to get to work). While he is dimly aware that virtually everything he consumes must be transported, he doesn't know how his goods get to him or what the service costs. Consequently, on those rare occasions when Congress is stirred into action on transportation, its interest is likely to be fleeting and misdirected. The great wave of concern about intercity rail passenger service, which affects only about 1 percent of intercity travelers, is a case in point.

Nevertheless, the cause of deregulation is not hopeless. The Administration has developed an ambitious legislative program that would include quite significant reduction in the ICC's authority to control rates and to compel railroads to continue money-losing service. There is good reason to believe this plan is more than an idle exercise. The President's 1971 Economic Report argued strongly that "a deregulated transportation industry would better serve the public interest." Richard W. McLaren, Assistant Attorney General in charge of the Antitrust Division, recently declared, "Of one thing I am sure, competition as a regulator has a far better track record than the administrative agencies." There are some indications that these sentiments are shared in Congress. Senator Majority Leader Mike Mansfield has submitted a bill to abolish the ICC, and it has been cosponsored by eight of his colleagues on both sides of the aisle.

Some of the critics—including Senator Mansfield—are not against regulation per se. They merely want to alter its scope or direction to force improvements in passenger service or ease the boxcar shortage that annually plagues western grain growers. It is significant, however, that men as mistrustful of the market mechanism as Ralph Nader are attacking the present system. A team of Nader's associates last year published a devastating critique of the ICC and joined in with the voices urging its elimination. Critics of this stripe, while not necessarily in agreement with the adherents of total deregulation, may be expected to give political support to some of the initial steps toward curbing the regulators.

Plainly, deregulation must be a step-by-step process. Hendrik S. Houthakker of the Council of Economic Advisers is a strong advocate of eventual complete deregulation, but even he acknowledges: "It will take time to reverse the history of nearly a century. The patterns imposed by regulation have become part of the structure of the transportation industries." However alluring the probable benefits of deregulation, he adds, "nothing would be gained if the industries suffered irreparable damage in the process."

THE PRICE OF FREEDOM

The repercussions of ending transportation regulation cannot be dismissed lightly, but the changes would not be as traumatic as its defenders profess to fear. With little evidence save the recollections of a distant time, they assert, among other things, that many isolated areas and small shippers would find themselves with no service at all. Others would find themselves at the mercy of undependable operators engaged in ruinous cutthroat competition. It is certainly true that individual companies—particularly the holders of certificates for major trucking routes—would lose some of the value of their franchises with increased competition. Production facilities located to take advantage of present regulations would also suffer. But as Hilton, one of the most articulate and persuasive advocates of total deregulation, points out, "A misguided policy ought not to be perpetuated out of concern for the well-being of those who have profited from it.

In a society already concerned about traffic congestion and pollution, probably the most worrisome question is: Would a free market in transportation generate further geoprahic concentration of economic activity and population? Transportation is obviously an important factor in economic development. But transportation economists generally argue that the present system does not really foster population dispersal. Richard N. Farmer of the Indiana University Graduate School of Business contends that, because regulation compels truckers to carry less-than-truckload shipments at a loss, the carriers now employ every strategem to avoid them. "The small shipper gets no service," he says. "He might pay more under deregulation, but he would get service."

Farmer and other economists believe that the presumed benefits of the common-carrier system are overrated, and that most such benefits could be provided by truck brokers similar to those who now book ocean-shipping cargoes on tramp steamers. The capital requirements and skills for entry into the trucking business are so modest, these experts say, and the economies of scale so unimportant, that—if entry is not impeded by government regulation—new companies will spring up anywhere traffic exists or can be developed. In any case, if dispersal of economic activity is an important national goal, it can be promoted more effectively by direct subsidies rather than by imposition of public-utility responsibilities on transportation companies that do not enjoy the guaranteed returns accorded to utilities.

THE CHICKEN EVIDENCE

Ideally, a freight transportation system should be organized so that all traffic moves by the means best suited to haul it (considering its weight, perishability, susceptibility to damage, and other characteristics), and at the lowest possible cost. Carriers should not maintain capacity to handle traffic inappropriate to their technology. Such capacity not only misallocates resources, but also cuts into the carriers' own profitability. Public policy should be directed toward providing users with cheap, flexible transportation, and should concern itself with the carriers' prosperity only in order to ensure the availability of such service.

Measured against these guidelines, the present system fails badly. For one thing, the cost of excessive freight rates over what they might be in a free market has been estimated at $2 billion a year. The experience of shippers of chicken and frozen food under a brief period of deregulation offers some evidence. In 1956 truck tariffs on such shipments were freed, and by the following year, the Department of Agriculture found, rates on fresh chicken had fallen 33 percent and those on frozen chicken 36 percent. Rates on frozen foods generally declined by an average of 19 percent in a year. Quality of service, the department said, actually improved.

The excessive charges can be blamed almost entirely on regulatory policies. When the ICC was given jurisdiction over railroad rates, it accepted as proper the railroads' traditional discrimination against high-value manufactured goods in favor of cheaper raw materials and agricultural commodities. Such discrimination was justified on grounds that transportation costs ought to be more or less proportionate to the value of the goods being shipped, rather than to the cost of hauling them. In the nineteenth century, that notion made both political and economic sense. It helped support farm incomes, encouraging settlement of the West, and helped protect fledgling western industries against established eastern competitors. The system also maximized the railroads' profits. Because of the huge initial investment required, railroads had high fixed charges relative to total costs. Where competitive pressures existed, as in the transport of bulk commodities, rates were pressed down to the point where they covered only the variable costs. But there was little competition for the carriage of manufactured goods, and even with higher rates the cost of transportation represented a small portion of their total price. Thus the railroads could earn enough hauling these products to cover all of their fixed charges.

When regulation was extended to trucks in 1935, this value-of-service rate structure was applied to them as well. But for the most part the trucks were not competing for the low-value commodities that the railroads carried cheaply. Truckers went after the more valuable products, whose rail rates were at a level where truckers could make money even with much higher costs. Since trucks were faster door to door, were not restricted to rigidly fixed routes, and did not damage freight the way the railroads did, they were quickly able to capture a heavy share of this business.

Rail executives eventually woke up to what was happening and sought to reduce their rates to counter the truckers' service advantages. By that time, however, Congress had directed the ICC to "foster sound economic conditions" among all competing transportation modes. The commission correctly took this as a mandate to keep rates at a level where everyone could get a piece of the available business.

Then as now, the railroads had few friends in the legislature. Many members of Congress were suspicious of the railroads' monopolistic potential. So there is little doubt that the idea was to keep the railroaders from cutting prices to drive the trucks and barges out of business. In a long list of "umbrella rate" decisions of the Fifties and Sixties, the ICC refused to let railroads cut their rates to recapture traffic taken from them by highway and water carriers. These anti-competitive rulings obviously have contributed to keeping up the general level of transportation rates.

A COLLECTION OF MINI-MONOPOLIES

If these direct costs are the most readily visible of regulation's adverse consequences, they are by no means the only ones. Professor Hilton points to:

The regulated transportation cartel, like any other cartel, breeds underutilization of resources.

Umbrella rate making encourages misallocation of traffic among various modes.

Regulation imposes a bias in favor of present technology, and thus slows progress.

The excessive costs associated with regulation create incentives for shippers to avoid the use of common carriage.

And the ICC's susceptibility to political pressure causes it to impede the phasing out of obsolete services.

The trucking industry, with something like half of its physical capacity employed, is the most obvious example of underutilized resources. When the industry was brought under the jurisdiction of the ICC in 1935, existing carriers received "grandfather rights," which allowed them to go on handling whatever business they had handled in the past. Since the industry had been highly specialized and fragmented, it remained so—and the award of operating certificates continued to be severely restricted. Often the curbs are preposterous. Many carriers are limited to a few commodities, hauled between certain points—often in a single direction and over a prescribed route, with stops permitted only at specified intermediate points if at all.

Thus the trucking industry, which economists regard as ideally suited for competition, is a collection of mini-monopolies. The Nader study calculated that only 16 percent of truckers are fundamentally unrestricted. Mergers and acquisitions are intended primarily to enlarge the scope of a company's operating rights, rather than to seek economies of scale.

Overcapacity is guaranteed by the ICC's rules barring truckers from cutting rates in order to fill empty trucks on return trips. The ICC has non specific authority to do this, but obviously if cheap backhauls were allowed, that would destroy the value-of-service pricing principle on which the regulated freight-transportation industry rests. So the ICC customarily justifies its policy under its responsibility to prevent "unfair or destructive competitive practices." The consequences of the policy are clear. A study by the Highway Research Board some years ago found that only 52.4 percent of common carriers had full loads in both directions.

The impact is even greater on private carriers, truckers that carry exempt agricultural products, and operators of contract trucking services for a limited number of particular shippers. Although carriers in these categories are not subject to the usual rate control in their customary operations, they are forbidden to carry other kinds of goods on return trips. And since the traffic of all three classes is very unbalanced, the trucks run empty much of the time. The Highway Research Board study found that contract carriers are fully loaded in both directions only 7.9 percent of the time. For private carriers the figure was 7.3 percent, and for agricultural truckers 5.2. Besides wasting transportation resources, of course, this pattern contributes mightily to traffic congestion and automotive air pollution.

Restrictions on what may be hauled by whom also make for underutilization of resources in barge service, though to a lesser extent. Barges are restricted by the "rule of three"—tows made up of barges carrying more than three different commodities lose their exemption from rate regulation. The result is that barge operators frequently carry smaller tonnages than their towboats could handle. And on return trips they find themselves moving many empty barges that could be filled if it were not for the restriction.

There is some disagreement among transportation experts about the extent to which misallocation of traffic results from the ICC's practice of setting rates that enable all carriers to compete. But it certainly leads to some degree of misallocation. In a 1969 study for the Brookings Institution, Professor Ann F. Friedlaender of Boston College concluded that freight-rate discrimination has systematically diverted rail traffic to trucks at distances above 200 miles. She estimates that railroads could recapture such freight if they were free to set rates as they chose. Other economists argue that railroads would still have some competitive disadvantages. Merton J. Peck of Yale says that under deregulation railroads could probably take away from trucks and barges about 10 percent of their present business.

By keeping new competitors out of the trucking business and maintaining rates that protect the least efficient of existing common carriers, the ICC creates substantial incentives for shippers to seek alternative means of transportation. Unregulated truckers have been taking a growing share of highway traffic, and a large but undetermined volume of goods is hauled illegally. Encouragement of private carriage, with its extremely low rate of utilization, seems clearly contrary to the public interest. Companies that operate their own fleets, moreover, must devote managerial effort to a function that could better be performed by a company specializing in transportation. The fact that private trucking thrives in spite of such disadvantages is in itself conclusive evidence that something is seriously wrong with the economics of regulated common carriage.

THWARTED TECHNOLOGY

The bias of ICC policies in favor of present technology has reinforced the conservative bent of most railroad managers and made it difficult for them to find a new role for railroads in an integrated transportation system. When the Southern Railway sought permission ten years ago to haul grain in new, 100-ton aluminum hopper cars, at a rate for multicar shipments far below charges prevalent at the time, it took four years and a decision by the U.S. Supreme Court to force the ICC's grudging approval. Regulatory hostility to special rates for multicarload shipments is an old problem. More recently, the ICC's attitude toward special rates has retarded the use of unit trains—lengthy trains devoted to hauling a single commodity, such as coal, directly from its place of origin to a single destination.

The climate of sluggishness to which the regulatory apparatus has contributed has seriously delayed containerization, which some transportation experts regard as the only thing that can save the railroads. The technology of piggybacking—hauling containers on rail flatcars—has been available for thirty years or more, but only in the past decade has piggybacking shown significant growth. Even now, the potential of containerization cannot be fully exploited because the law generally forbids railroad acquisition of truck and barge lines. Intermodal transportation companies would almost certainly move most traffic in containers by whatever mode is most economical. Railroads' main lines would constitute the backbone of the system, carrying the containers over long distances. Barges might well handle low-value commodities where time is unimportant. With trucks pulling the containers to and from rail marshaling points, most switching and branch lines could be eliminated. Railroads could also dispense with the huge yards that cost them heavily in taxes and waste thousands of acres in and around cities.

Many railroads are already clamoring for permission to get rid of money-losing branch lines. But the commission's procedures make abandonments so costly and time-consuming, rail executives complain, that there is no sense in trying. It is a weak argument. While the procedures are indeed onerous, railroads would have a much better case against the ICC if they had fought hard, even if unsuccessfully, for what they believe should be done.

BEYOND THE FIRST STEPS

In spite of the unimpressive record of past attempts to patch up the system, a government appointed panel has proposed to have another try at it. The Advisory Council on Executive Reorganization, headed by Roy Ash of Litton Industries, has suggested that the ICC, the CAB, and the Federal Maritime Commission be combined under a single chief. Conceivably, the plan could yield greater bureaucratic efficiency. But the example of the ICC—which already has responsibility for four modes of transportation—is hardly encouraging. In any event, opposition of most carriers has been so firm that the plan is given little chance of enactment.

Of the varied proposals for partial deregulation that are floating around, prospects are probably best for two that are strongly favored by the Association of American Railroads and probably would not be actively opposed by the truckers. The first would allow carriers to change rates up or down within a specified range, without prior approval of the ICC. Such rates could later be challenged by shippers, but they would have to prove unfairness and injury before the ICC would order the rates rolled back. The second proposal would put reasonable limits on how much time the ICC could take before acting on mergers and abandonments of services and facilities. Such limitations would undoubtedly entail some curtailment of the rights of protesting parties to be represented in person before the commission or its hearing examiners.

These minimal first steps would by no means be sufficient, and supporters of an efficient, competitive transportation system should continue to press for much stronger measures. The setting of minimum rates should be abolished. The setting of maximum rates should be restricted to those rare situations where only one possible carrier for their goods is available to particular shippers. Collusive rate setting should be forbidden, and price competition encouraged. Railroads should be permitted to merge more readily and to abandon any money-losing lightly used trackage. Above all, to provide improved transportation for those no longer served by rail as well as those inadequately served by other modes, totally free entry should be permitted into any segment of the transportation industry. This freedom would surely lead to the development of intermodal companies, the best hope for rationalization of U.S. transportation.

Achievement of these goals will not be easy. Other impediments aside, the politically powerful truckers and their Teamster allies would put up a fierce fight against many of these proposals. But half-measures will not be enough. A modern, competitive, efficient transportation system cannot develop within the present regulatory framework.

A particularly vigorous expression of this viewpoint comes from that fount of clear thinking about transportation, Professor Hilton of U.C.L.A. The ICC's history, he wrote not long ago, shows that its present behavior is inevitable. "Staffing the commission with different people, or making minor changes in the stautory delegation of authority cannot result in significantly different behavior. The disadvantages of the present system are intrinsic to the commission's existence, and can be rectified only by its abolition."

PLEA TO STUDY NORTH VIETNAM OFFER

HON. WILLIAM L. DICKINSON

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 12, 1971

Mr. DICKINSON. Mr. Speaker, I would like to include in today's RECORD an article that appeared in the Friday, July 2, 1971, edition of the Glendale, Calif., News-Press.

The article, an interview with Mrs. Arthur S. Mearns, wife of an Air Force major who has been missing in action for over 5 years, urges our Government to give careful study and consideration to the latest proposal offered by Hanoi to release American prisoners of war. Mrs. Mearns points out that there would be no necessity for prisoner-of-war proposals, if the nations who signed the Geneva Convention would live up to its provisions. However, since that obviously is not the case, she would like the U.S. Government to explore every facet of the latest proposal. If it then turns out to be phony and more propaganda, it should be exposed for what it is, but until that time, we should regard every proposal as a possible solution to the prisoner problem.

The prisoners should not be treated by either side as a political matter because the treatment of POW's is wholly a humanitarian effort. The main consideration is to get the POW's back. Propaganda and politics should take a back seat.

The article follows:

PLEA TO STUDY N. VIET OFFER

If the 127 nations that signed the Geneva Convention lived up to that agreement any prisoner-of-war proposals from North Vietnam would be unnecessary, Mrs. Arthur Mearns of Los Feliz, a member of POW–MIA International, said today.

Mrs. Mearns said Hanoi's offer to release POW's simultaneous with complete American troop withdrawal should be studied very carefully.

She said the offer may be phony and if so it should be unmasked, noting that if governments adhered to their treaties and conventions designed to protect people there would be no POW issue.

Mrs. Mearns has been campaigning for the release of her husband, Major Arthur S. Mearns who was shot down over North Vietnam Memorial Day, 1966. She said a very grave concern to families of MIA's and POW's is that the issue has become political.

"We have been stressing the issue for years but just recently the POW's have become popular, they are in vogue now and many politicians are using the issue to further their own aims. It shouldn't be handled as a political issue," said Mrs. Mearns.

She said that members of POW–MIA International are trying to stop the trend of putting POW riders on every congressional bill regarding the war in Vietnam.

"That trend garbages up the whole issue. People are supporting bad bills because of the POW riders. We have been trying to tell people that resolutions are fine if used properly.

"We are grateful for the latest Hanoi offer and we are encouraged, but we will not let up in our efforts. Relaxing is a luxury we cannot afford as long as there are 339 known POW's and 1200 MIA's still in the hands of the enemy."

IN DEFENSE OF THE MILITARY

HON. BARRY GOLDWATER

OF ARIZONA

IN THE SENATE OF THE UNITED STATES

Monday, July 12, 1971

Mr. GOLDWATER. Mr. President, for the last several years one of the chief form of entertainment for many of the Nation's writers and publications has been an attack on the man in uniform.

Why this has had to be is a reason understood only by those people who have been practicing it as disgusting as it is to the majority of American citizens. It is, therefore, a source of real encouragement to see such an outstanding American as George Ball defend the military as he did in the issue of Newsweek for July 5, 1971. I ask unanimous consent that this article be printed in the Extensions of Remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

IN DEFENSE OF THE MILITARY

(By George W. Ball)

It is time to speak up for the soldiers. For the past several years we have made them the scapegoats for our misfortunes. Yet, to continue to seek exculpation by loading the blame on the military is not only unjust, it risks harm to our security, so we had better take a lesson from the experience of France—something we lamentably failed to do when we committed our forces to Indochina.

In the bitter aftermath of the second world war the French Army and Air Force were given a dreary series of dirty and foredoomed assignments to sustain the remnants of colonial power, first in Syria, then Indochina, then Morocco, and finally Algeria. For almost a decade and a half, graduates of St. Cyr fought under the most frustrating conditions, taking frightful casualties, yet losing each conflict not from failure of valor on the battlefield but from a decay of political will in Paris, a decision by the politicians—reflecting public weariness—that the game was no longer worth the candle.

PERNICIOUS EROSION

By 1958 these agonizing experiences in far-off lands had loosed poisons throughout the whole military establishment. France had done what no modern democratic state should ever do; by pushing its armed forces into conflicts only fragilely supported on the home front, it had detached them from the national life of their country. For, as the politicians abandoned first one war and then another, the military suffered a pernicious erosion of their traditional role as the respected protectors of *la patrie*. Thus, inevitably they developed a festering resentment of the politicians who bartered away the gains hard won by their blood and toil, until the imminent abandonment of Algeria might have triggered a revolution had it not been for General de Gaulle on his white horse.

Today these pressures are beginning to be felt on the American scene. For ten years we have embroiled our armed forces in the wretched paddies of Indochina. Our valiant airmen have been killed in futile sorties against the north; our army has lost far more than the normal percentage of its professional officer corps. Yet, though there have been ample courage and devotion, Vietnam is now associated in the public mind not with heroes but heroin. We scorn our soldiers for being careless of civilian lives, overlooking the brutalizing character of colonial wars—while we condemn our Air Force because bombs strike whoever happens to be under them, refusing to recognize that the alternative to sophisticated weapons is more American boys dying in the jungle. Meanwhile we are assaulted by the scribblings of junior Clausewitzes designed to prove that the conflict could have been won long ago if only their patented recipes had been followed.

FATAL ERROR

No wonder our soldiers are demoralized as we speed our withdrawal from Vietnam. How could they be otherwise, since the fatal error was the choice of mission, not its execution; and what the McNamara documents plainly show is that the military did not push us into Vietnam half so much as the civilian theoreticians with theses to prove—doctrines of counter-insurgency and guerrilla tactics all reeking of the lamp?

Thus, we had better stop carping at the soldiers if we are to learn the true lessons of this ghastly experience. We had better be sure that, as a necessary and honorable element in our society, they are not pushed toward alienation or bitterness. Otherwise, though we are unlikely to repeat the shattering constitutional crisis of France, we may well drive our most gifted and competent officers out of our armed forces—men we shall desperately need when the going again gets rough.

As an urgent first step, let the universities tone down their derision; since, at the end of the day, the real "treason of the intellectuals" may well be judged not to be what Julien Benda had in mind—their abandonment of meditation for activism—but rather their role in undermining society's protective institutions. Part of the blame will no doubt fall on the young faculty cheerleaders who encouraged the campus yahoos to identify all policemen as "pigs," but the most grievous offense will be the academicians' effort to off-load the sins of this melancholy time on the military, who, skilled more with the sword than the pen, cannot adequately defend themselves against eggheaded *francs-tireurs* blowing beanshooters from the sanctuary of their ivory towers.

IMPORTATION OF METALLURGICAL CHROME ORE FROM RHODESIA

HON. HARRY F. BYRD, JR.

OF VIRGINIA

IN THE SENATE OF THE UNITED STATES

Monday, July 12, 1971

Mr. BYRD of Virginia. Mr. President, the Richmond Times-Dispatch of July 9 contains an excellent editorial concerning a bill to permit resumption of the importing of metallurgical chrome ore from Rhodesia.

All U.S. trade with Rhodesia is now prohibited, under an Executive order issued by President Johnson pursuant to a resolution of the United Nations Security Council.

Prior to the imposition of the U.N. embargo on Rhodesian trade, Rhodesia was the chief source of chrome ore for the United States. Chrome ore is essential for the manufacture of such defense items as jet aircraft, missiles, and nuclear submarines.

Today the United States is dependent on the Soviet Union for chrome ore. We import 60 percent of our supply of this strategic commodity from Russia.

To me, our present policy makes no sense. My legislation, S. 1404, would end our dependence on the Soviet Union for this vital commodity.

The editorial in the Times-Dispatch makes the point that the U.N. sanctions were imposed largely because Rhodesia is not adhering to the principle of majority rule. The absurdity of this position is underscored by the fact that in the country now supplying most of our chrome, the Soviet Union, a handful of Communist Party leaders control the lives of 240 million people.

I ask unanimous consent that the text of the editorial be printed in the Extensions of Remarks. The editor of the editorial page of the Richmond Times-Dispatch is Edward Grimsley.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

SANITY ON RHODESIA

It would be difficult to cite a more idiotic inconsistency in American foreign policy than the Unied States' grotesque attitude toward Rhodesia, that proud nation which has offended the world by daring to insist upon the right to manage its internal affairs.

Soon after Rhodesia declared its independence from Great Britain in 1965, the United Nations Security Council, at London's insistence, imposed economic sanctions on that African country, primarily because of its refusal to adopt constitutional provisions guaranteeing eventual majority rule. Rhodesia's population consists of about 4.9 million Africans and approximately 234,000 whites of European descent.

No matter how passionately the United States might believe in the principle of majority rule, its support of the embargo is morally inconsistent and pragmatically indefensible, as Virginia Sen. Harry F. Byrd Jr. eloquently argued in a recent appearance before the Senate Foreign Relations Committee. Sen. Byrd has introduced a bill that would restore some sanity to the U.S. policy by allowing this country to import chromium ore from Rhodesia. Used in the manufacture of such defense items as jet aircraft, missiles and nuclear submarines, chrome is vital to the United States. Lacking a domestic source, the U.S. used to depend heavily upon Rhodesia for this essential metal. Now, believe it or not, the United States receives 60 per cent of its chromium ore from Soviet Union.

Herein lies the major inconsistency. For if the United States will not buy chrome from Rhodesia because it refused to guarantee majority rule, how can Washington justify its decision to buy chrome from the Soviet Union? Has Russia guaranteed majority rule? Not to anyone's knowledge. Russia has been, is now and probably will continue indefinitely to be ruled by a Communist minority. Moreover, as Sen. Byrd has noted, at least 37 members of the United Nations "do not have a form of government based on majority rule, and . . . adherence to the majority rule principle is questionable in 24 member countries."

Further, if it be morally wrong to trade with a country that refuses to guarantee majority rule, how can it be morally right to trade with a country that has snuffed out the light of liberty for millions? Is Russia's brutal subjugation of such countries as Latvia, Estonia and Czechoslovakia more acceptable to the moralists than Rhodesia's refusal to vow that some day it will transfer control of its government to its black citizens?

Washington also seeks to justify its boycott against Rhodesia by calling that country "a threat to international peace and security, which is more nonsense and another inconsistency. Each year the U.S. spends billions of dollars to defend itself not against Rhodesia but against possible Russian—or Red Chinese—aggression. If Washington is convinced of the undesirability of trading with a country that poses a "threat to international peace and security," it should sever its economic ties with Russia and proceed no further with efforts to woo Peking.

From a practical viewpoint, Washington's attitude toward Rhodesia makes no sense either. For one thing, the policy is costing the United States money, since the Soviet Union has increased the price of the ore from $25 to $72 per ton. For another, the U.S. finds itself supporting an ineffective policy. Some nations do not even pretend to comply with the Security Council's sanctions policy and others frequently violate it. And Rhodesia has progressed economically despite the boycott.

Among those who has endorsed Sen. Byrd's measure is Dean Acheson, who was President Truman's secretary of state. Mr. Acheson is convinced that economic "sanctions cannot be expected to force a people to action which they believe contrary to their vital national interests." And he warns that continued "meddling in the internal affairs of Rhodesia, South Africa, and Portuguese Angola will not bring the U.N.'s stated goal of international peace and security, but, on the contrary, the bloodiest warfare and insecurity."

Congress and President Nixon should heed the words of Acheson and Byrd, The United States, the Senator insists, "faces an imminent and serious shortage of chrome." It is dangerous and illogical for the U.S. to depend upon Russia—it's most menancing potential enemy—for this vital metal, especially since the Soviet Union is far more guilty than Rhodesia of the offenses to which the Security Council and the U.S. object.

WILL THE UNITED STATES SURRENDER AT PARIS?

HON. JACK F. KEMP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, July 12, 1971

Mr. KEMP. Mr. Speaker, the same people that called for the unilateral surrender of our enemies in 1945, are now asking for the unilateral surrender of the United States in Vietnam. As Mr. Crawford points out in his editorial in the Washington Post of July 11, 1971, some feel "that the United States bear 'full responsibility' for war damages in North and South Vietnam, thus accepting as an obligation the payment of reparations. The only concession the Vietcong made was an undertaking to free U.S. prisoners of war."

Mr. Speaker, in evaluating the morality of the wars mentioned above, I do not see that our basic purpose has changed—and a spark of democracy will, we pray, continue to glow in Southeast Asia.

At this point, I include the editorial:

THE STEEP ASKING PRICE AT PARIS FOR U.S. "SURRENDER"

(By Kenneth Crawford)

What Madam Nguyen Binh handed the United States delegation in Paris was not a demand for unconditional surrender. It was a demand for surrender on condition that the U.S. pay for the privilege of surrendering. The Vietcong asking price was on its face was unconscionable. Unless marked down, President Nixon could not possibly pay it. No American President could.

Ambassador David Bruce made this quite clear at last week's formal session but failed to lure the Communists into more private talks to find how much, if any, markdown could be negotiated. The Communists like the propaganda odds.

They proposed: (1) That all American military personnel and equipment be removed from Vietnam by next Jan. 1, and meanwhile that hostilities be suspended and Vietnamization discontinued; (2) that the Thieu regime in Saigon be dumped in favor of an interim coalition, including, of course, the Vietcong, to conduct elections; (3) that the U.S. bear "full responsibility" for war damage in North and South Vietnam, thus accepting as an obligation the payment of reparations. The only concession the V.C. made was an undertaking to free U.S. prisoners of war.

To accept these conditions would be to turn South Vietnam over to the Communists lock, stock and barrel, with Camranh Bay and other such installations thrown in for good measure. It would be to proclaim that thousands of Americans have fought and died for nothing and that millions of dollars have been flushed into the Mekong. Many Americans contend that this is what has happened but even they may not want it proclaimed. Given a chance to think it over, most Americans would find this hard, if not impossible, to swallow.

Sen. George McGovern and others who have rushed to the microphones to urge that the administration grab at the Communist offer may have occasion to regret their impetuousness.

So far public opinion has not had much chance to take form. The proposal was thrown on the table in Paris just as the long Fourth of July weekend was starting, when news of any kind commands minimum attention. Moreover the news media, especially radio and television, have taken slight notice of six of Madam Binh's seven points—those which dangle the price tag. And the Nixon administration has, perhaps wisely, withheld analytical guidance pending "clarification" of the terms.

Madam Binh's point one—the offer to release U.S. prisoners of war gradually as U.S. military personnel and arms are withdrawn—has diverted attention from the conditions in points two through seven. And even these six points are couched in cleverly misleading language. Elections are to be fair. Democracy is to prevail. The Vietnamese will settle their own differences amicably. There will be no reprisals. Vietnam, happily reunified in due course, will be a neutral nation, on good terms with all the world, including the U.S.

This is the kind of language the Communists have used to make this kind of promise to every nation they have overrun and subjugated since the Second World War. Go back to the Soviet plan for "freeing" Poland, one of the earliest victims, in 1945, and the same combinations of plausible words will be found. What they meant then is what they mean now—that the country promised autonomy is to have satellite status, that what is called democracy will be dictatorship and that what is called freedom will be tyranny.

It has been apparent for a long time that the North Vietnamese and their Vietcong brethren meant to use the American prisoners of war as hostages, exacting as high a price as possible for their release. Mr. Nixon has played into their hands, up to a point, by emphasizing the prisoner issue for his own purposes. Even so, the price, now that it has been stated, is staggering. Concern for the prisoners, who have never received the treatment normal under the Geneva conventions, whose camps have never been subject to inspection by the International Red Cross, is highly emotional. The Communists have exploited it for all it is worth.

Not only did Madam Binh wrap her conditions in it but Le Duc Tho, the highest ranking North Vietnamese in Paris, tied a bow on it by stating in an interview that point one in her proposal was separable from the other points. The U.S. could, he said, accept the prisoner-for-withdrawal deal and leave the political settlement for later. This changed nothing, though it was represented as an important concession. The North Vietnamese would naturally be happy to settle their score with the South once the South had been reduced to impotence by the withdrawal not only of U.S. personnel but of the guns U.S. forces would not be permitted to leave behind.

In spite of all this, the Nixon administration is handling Madam Binh's offer as a break in the Paris stalemate meriting exploration. Le Duc Tho has been at pains to say that the Communist position is "flexible." There are even some indications that Mr. Nixon, working through secret channels, encouraged the Communists to make their offer. At a meeting with Republican congressional leaders on June 15, he said a development that would make the Hatfield-McGovern end-the-war legislation moot was imminent in Paris.

At the same meeting Henry Kissinger, the President's foreign-affairs adviser, urged the legislators not to throw away any bargaining advantage that might be wrung from the administration's refusal to set a time certain for withdrawal on its own initiative. After all, he argued, the Communists have lost 700,000 to 800,000 men in the war, the equivalent of a loss of 10 million by the U.S., given the population differential, and were themselves war-weary.

Perhaps Leslie H. Gelb, coordinator of the team that produced the Pentagon Papers, is right when he says that the war in Vietnam is a civil conflict that can't be compromised and must be won by one side or the other. The Communists are obviously assuming that they have won and are demanding the victor's spoils even though South Vietnam remains unconquered.

Mr. Nixon's alternative, if he fails to persuade the Communists to grant terms reasonably acceptable to the U.S. and to South Vietnam, is to proceed with Vietnamization, gradually withdraw American forces and then continue to supply the South Vietnamese with enough arms to give them a chance of holding their own while trying to negotiate a settlement with the North. Unless the Communists modify their terms more drastically than they seem disposed to do, this is what he most likely will do.

ESSAY BY RICHARD P. SHIELDS

HON. J. GLENN BEALL, JR.

OF MARYLAND

IN THE SENATE OF THE UNITED STATES

Monday, July 12, 1971

Mr. BEALL. Mr. President, the Montgomery County Board of Realtors in conjunction with the Make America Better program of the National Association of Real Estate Boards, recently sponsored an essay contest for senior high school students in Montgomery County. The topic for the essay in this contest was entitled "How I Would Make America Better in Montgomery County."

The essay that won first place in this contest, was written by Richard P Shields, a recent graduate of the Richard Montgomery High School.

It is Mr. Shield's belief that the spirit of the people is what makes America great, people who are "willing to give themselves in serving others." He urges us to "take stock of what we have and to tell others, so that they will understand and appreciate it and work themselves to make it better."

Mr. President, this young man very succinctly expresses views with which many Americans find themselves in agreement.

Mr. President, I ask unanimous consent that Richard Shield's contest winning essay be printed in full in the RECORD.

There being no objection, the essay was ordered to be printed in the RECORD, as follows:

HOW I WOULD MAKE AMERICA BETTER—IN MONTGOMERY COUNTY

Winston Churchill said once that democracy is absolutely the worst form of government there is—except for all others. When I hear some of the people my own age today knocking our country, they almost seem to be saying: "The United States is the worst country in the world." I feel like replying with Churchill's line: "except for all others."

No matter how great a country we have, it can always be improved in some ways. When I was working for my Eagle Scout rank, I had to carry out a project of service to my community. While I was working with our Rockville fire chief on a program of safety training for baby sitters, I came to realize that he was a man who was giving a great deal of his free time to promote something he believed in; something valuable to the community, and with no expectation of any reward.

As I've gotten a little older, I can see that one of the most important things that has made our country such a great one is the spirit of people, like the fire chief, who are willing to give themselves in serving others. This is not just a case of a few people doing a big job (although this often happens), but of a great many people with this spirit each doing little "extra" things—giving their time for a cancer or heart fund drive; giving up evenings or weekends to work with Scout troops or other youth groups; devoting time and money to service clubs which carry on worthwhile service projects.

An example of this is the annual light bulb sale by a service club to raise money to help the blind and to help prevent vision problems. Every year a member of this club comes to our door selling light bulbs for this purpose. I don't know who he is or what his business is, but I know his time has got to be worth a good deal to him, and that pounding on people's doors is a real sacrifice. You would never think this to talk to him, though, simply because he knows that what he's doing is important and worthwhile, and he has the spirit of help and cooperation which makes the program a success, and which makes our country a better place.

How can we make it even better? Partly, I think, by calling attention and honoring the civic spirit that always has been so important to Americans—doing voluntarily things we don't have to do, but which we know help make a better life for everyone.

Another way that we could make our country a better place would be to insist that our schools turn out not only educated people but citizens who know what their country is all about. We need education in civics and history that doesn't stop with just dry facts and dates. This is not just a matter of a new course or two, but a spirit by our educators that one of their most important jobs is making certain their students don't just know what's wrong with our country but know the very many things that are right about it.

We don't lack good teachers; most of mine have been good ones. What seems to be missing, though, is more willingness to sing a few praises when they are deserved. It seems to be a question of what is or isn't "stylish," or whether students will accept the teaching of some truths that are so obvious that we have come to consider them outdated.

For instance, when my grandfather was born, probably half—or more—of the people in this country lived in what today someone would call "poverty." By the time my father was born, 30 years later, this figure was probably around 20 or 25 percent. Even with depression occurring when he was a boy, we live in a country today where those living in such conditions are down to around 10 or 11 percent. Yet we rarely find anyone pointing out this fact.

It is easy to say that our country would be better if we had greater respect for rights of others and for our laws and government. What is hard is making this a reality. When so much that we see on television emphasizes the oddballs, the dissatisfied, and the destructive, you could easily convince yourself that the country is going to pieces. And this simply isn't so. The answer isn't censorship. It is, partly anyway, more balanced and responsible use of newspapers and broadcasting.

How can we make our country better? By letting ourselves catch the "disease" of unselfish service to others—even on a very small scale if that's all we can do. By being concerned enough to insist that our environment be protected and preserved, but without making a "fad" of the subject or destroying our system of manufacturing and business which is envied by every country on earth. By insisting that our education give at least equal time to the positive aspects of our country, instead of overlooking much of it because "patriotism is bunk." I think that every generation of young people has to be told about our country, educated in its meaning. Today we seem to think that we'll just "pick it up" naturally. This isn't always so.

We can make our country better by feeling—and showing—our pride in it. We have to think and act in a positive way instead of a negative one. This is a job where leadership has to come from the attitudes of our politicians, our teachers, our religions, but in which each one of us has an important role to play too.

We have an awful lot to be thankful for and proud of. If we work to make things better, they will become better. They will never be accomplished by people who sit on the sidelines and offer nothing but criticism. If we don't bother to do what we are capable of as individuals, and let people who think only in terms of tearing down have their way, and let them dominate public media, their gloomy predictions will come true.

You don't have to use propaganda to glorify a country which has always been a goal for a lot of little people all over the world. We do have to take stock of what we have, though, and to tell others—especially our own children—about it, so that they will understand and appreciate it and work themselves to make it better.

But in the end, it is not just words and ideas that are going to make it that way. It is the private actions of each one of us, because we're not just a people, or a nationality; we're 200,000,000 Americans—each one an individual, and each one free to add to or detract from this country of ours.

CBS, CFR AND THE PEOPLE'S RIGHT TO KNOW

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 12, 1971

Mr. RARICK. Mr. Speaker, we will be voting shortly on a resolution to find CBS in contempt of Congress.

The CBS propagandists are wrapping themselves in the Constitution and chanting, "The right of the people to know must not be jeopardized."

Every Member of this body agrees that it is the right of the people to know what is at issue. But, has the CBS conglomerate been telling the people the facts or simply what CBS wants them to know? It has been CBS that has been the censor—not this body. The CBS "Selling of the Pentagon" was in turn followed by a second lateral assault called the Pentagon papers incident. Both Pentagon attacks must be considered as concerted efforts by the influential opinion molding monopoly to degrade our military forces under the guise of hastening an early Vietnam surrender date.

But the CBS people, who would have us believe they want to tell the American people the truth of what is going on involving imaginary financial and control conspiracies, have not told the American people about a very real conspiracy—which is to transfer the defeat of our foreign policy in Vietnam from the responsible parties and make the military forces, who have had no voice in the planning of the no-win policy nor little control over the operations, the scapegoat. Pressure from the top and bottom now becomes lateral pressure from both sides.

I hold a copy of the so-called Pentagon papers booklet, which has been printed for profit by the New York Times.

Commencing at page 630 are contained the biographies of key figures in the Vietnam study. Eight of the 14 named Americans involved in the secret history are members of a financial-economic-industrial group known as the Council on Foreign Relations. The Pentagon, except for having an image of being the command post of our military, is not even involved. Why then does not CBS, which wants the American people to know what is going on, tell them all about the Council on Foreign Relations and its role in the United Nations and the Vietnam war?

Why does not CBS tell the American people that Mr. Sulzberger, president and publisher of the New York Times, the late Mr. Graham, former chairman of the board of the Washington Post, as well as its board chairman Frederick S. Beebe are listed in the Council on Foreign Relations membership list?

Why do not CBS's interpretive analysts tell our people that their president, Frank Stanton, is listed as a member of the CFR as well as former chairman of the Rand Corp., or that Daniel Ellsberg, admitted thief of the stolen top secret Pentagon papers, is a member of CFR?

What is it about the CFR that the CBS refuses to tell the people?

Could it be that every U.S. Ambassador to the Paris peace talks, David K. E. Bruce, Henry Cabot Lodge, and Averell W. Harriman, are all listed as members of the CFR?

Could it be that the Presidential advisers Henry A. Kissinger, Walt W. Rostow, and McGeorge Bundy are listed as members of the CFR?

Could it be that the U.S. Ambassadors to Saigon, Frederick Reinhardt, Henry Cabot Lodge, Maxwell Taylor, and Ellsworth Bunker are all listed as members of the CFR?

Could it be that the Directors of the CIA, Allen Dulles, John J. McCloy, and John A. McCone are all listed as members of the CFR?

Or could it be that the military leaders who were entrusted with the lives of our men and with the honor of our country, Gen. William C. Westmoreland, Gen. Harold K. Johnson, Gen. Lyman L. Lemnitzer, Fleet Adm. Chester W. Nimitz, and Air Force Gen. Carl A. Spaatz are all listed as members of the CFR?

Could it be that Stanley Resor, Secretary of the Army; former Secretaries of State Dean Rusk and Dean Atcheson; former Secretaries of Defense Thomas S. Gates and Robert Strange McNamara are listed as members of the CFR?

Could it be that CBS and many of its other opinion-making friends do not want to tell the American people that Mr. Arthur Ochs Sulzberger, president and publisher of the New York Times; Mr. Frederick S. Beebe, chairman of the board of the Washington Post; Mr. Osborne Elliott, president of Newsweek; Walter Lippmann, syndicated news columnist and editor of the New Republic magazine; Mr. Bill D. Moyers of Newsday; and Brig. Gen. David Sarnoff are all listed as members of the CFR?

Certainly CBS, in addition to knowing its president, Frank Stanton, is a member of the CFR, must fully understand the complete scope of this intellectual-financial-industrial complex, in fact, in December of 1965, the CBS Foundation made a $300,000 grant to the CFR to fund a fellowship reportedly to "a promising American foreign correspondent" for "study and reflection."

And how do we know who are members of the CFR? From the CFR annual report, which is supplied voluntarily to each Member of Congress and each Senator. There are reportedly but 1,451 members. Yet this small group of Americans includes men in positions of control or influence in every military, financial, and diplomatic decision from the start of our involvement in Vietnam to the present.

I do not want to create any impression that there are any secret or mysterious associations. But when the policies and activities of the CFR are against the best interests of the American people and constitutional government, then they, like all other decisionmakers, must bear their share of the responsibility for the thousands of American boys who have been killed and the waste of billions of taxpayers' dollars that have been poured into this international economic venture.

It was not the average American citizen nor the U.S. fighting man who wanted this war in the first place or who have wanted it to continue. If CBS and Mr. Stanton want to lift their self-imposed censorship so that the American people know the truth, then this matter would not be before Congress in this instance.

"The Selling of the Pentagon" and the Pentagon papers have not scratched the surface of the kingmakers and new ruling royalty. Who will tell the people the truth if those who control "the right to know machinery" also control the Government?

I insert a clipping from the December 30, 1965, New York Times:

EDWARD R. MURROW FUND FOR FELLOWSHIPS SET UP

John J. McCloy, chairman of the Council on Foreign Relations, announced yesterday the establishment of an Edward R. Murrow Fellowship for American Foreign Correspondents.

William S. Paley, chairman of the Columbia Broadcasting Company, joined Mr. McCloy in making the announcement. The C.B.S. Foundation has given $300,000 to pay for the fellowship program.

A spokesman for C.B.S. said one fellowship would be awarded each year to "a promising American foreign correspondent" for "study and reflection." A committee composed largely of men connected with the council will make the selection. C.B.S. will also be represented on the committee. The stipend is expected to be about $10,000 in most cases.

I particularly call the attention of my colleagues to my remarks "CFR: For Whom We Serve," CONGRESSIONAL RECORD, volume 115, part 30, page 41305, and my article, "Television and the Mass Slicks," CONGRESSIONAL RECORD, volume 116, part 23, page 31405, which includes the history of some of these manipulators of war and peace. I insert them in the RECORD again at this point:

CFR: FOR WHOM WE SERVE

Mr. RARICK. Mr. Speaker, like many of our colleagues, I receive frequent inquiries as to who or what is responsible for causing the wars and in preventing peace. Most people do not buy the story that people provoke wars—therefore, they seek to discover sinister alternatives such as the lust for profit and power.

Many inquiries suggest the existence of an international conspiratorial plot—an invisible government—promoted by and for industrialists, intellectuals, and wealthy financiers. The CFR, Council on Foreign Relations, is commonly mentioned—and to the inquisitive mind the CFR itself may supply many answers.

Almost as a Christmas gift, I was supplied by the CFR with its annual report for the year ending June 30, 1969. The report, in addition to containing impressive data and accomplishments, supplies the CFR membership list. Among the 1,451 CFR members are former military commanders of Vietnam and Korea, Secretaries of State under both parties, labor czars, international bankers, and newsmen. Undoubtedly an index to the most powerful group of men ever assembled within one organization. In addition to their own finances they acknowledge grants received from Ford Foundation, Rockefeller Brothers Fund, and the Carnegie Corporation Fund.

Since the CFR membership list contains so many prominent individuals who preside as unelected decisionmakers in our Government—those who have and who are making the overall policy and decisions—perhaps it would be more feasible to direct the many inquiries of parents and survivors of our fighting men and POW's to them CFR, Harold Pratt House, 58 East 68th Street, New York.

Mr. Speaker, I include pages of the CFR list following my remarks.

CFR ANNUAL REPORT

MEMBERSHIP

For some time the Council has been in the process of a serious self-study regarding the direction and emphasis its program of studies and related activities should take in light of present and, insofar as they can be anticipated, future foreign policy priorities of the United States. An important aspect of this investigation relates to the quantity of the Council's membership and the degree to which balance is maintained among the different types of members. Recognizing the need for a comprehensive examination of the membership situation, the Board of Directors set up an *ad hoc* committee, with Carroll L. Wilson as chairman, to review the present composition and to suggest guidelines for the future. It met during the past winter and spring and expects to present its conclusions and recommendations to the Board in the coming winter.

The Advisory Committee on Younger Members has just completed its second year and as a result of its recommendations, 34 exceptionally qualified younger members (principally in their thirties, with the remainder in their twenties) have been admitted during this period. The following have been serving on the committee: Eugene B. Skolnikoff, Michael V. Forrestal, Gerald Freund, Gerald M. Mayer, Jr., Lawrence C. McQuade, Stephen Stamas, and Alexander B. Trowbridge.

As of June 30, 1969, there were 1,451 members, of whom 704 were resident and 747 non-resident.

LORNA BRENNAN,
Membership Secretary.

Resident Members as of September 8, 1969

A

Akers, Anthony B; Albrecht-Carrie, Rene; Aldrich, Winthrop W.; Alexander, Archibald S.; Alexander, Henry C.; Alexander, Robert J.; Allan, F. Alley; Allen, Charles E.; Allen, Philip E.; Alley, James B.; Allport, Alexander W.; Alpern, Alan N.

Altschul, Arthur G.; Altchul, Frank; Ames, Amyas; Ammidon, Hoyt; Anderson, Robert B.; Armour, Norman; Armstrong, Hamilton Fish; Ascoli, Max; Attwood, William; Aubrey, Henry G.; Ault, Bromwell.

B

Backer, George; Badeau, John S.; Baird, Charles F.; Baldwin, Robert H. B.; Ball, George W.; Bancroft, Harding F.; Barber, Charles F.; Barber, Joseph; Barker, Robert R.; Barlow, William E.; Barnds, William J.; Barnes, Joseph; Barnes, Robert G.; Barnett, Frank R.; Barrand, Harry P., Jr.; Barnett, Edward W.; Barzun, Jacques; Bassow, Whitman.

Bastedo, Philip; Bator, Peter A.; Beal, Gerald F.; Becker, Loftus E.; Bedard, Pierre; Beebe, Frederick S.; Beinecke, William S.; Bell, Daniel; Bell, David E.; Benjamin, Robert S.; Bennett, Jack F.; Bennett, John C.; Benton, William; Beplat, Tristan E.; Berle, Adolf A.; Besse, Simon Michael; Bienstock, Abraham L.; Bingham, Jonathan B.; Birkelund, John P.

Black, Joseph E.; Black, Peter; Blake, Norman P.; Blough, Roger M.; Blough, Roy; Blum, John A.; Blumenthal, W. Michael; Bogdan, Norbert A.; Bolte, Charles G.; Bonsal, Dudley B.; Borch, Fred J.; Borton, Hugh.

Bowers, John Z.; Boyd, Hugh N.; Braxton, Carter M.; Breck, Henry C.; Brinckerhoff, Charles M.; Brittenham, Raymond L.; Bronk, Detley W.; Brown, Courtney C.; Brown, Irving; Brown, Walter L.; Brownell, George A.; Bruce, James.

Bzezinski, Zbigniew; Buffum, William B.; Bullock, Hugh; Bundy, McGeorge; Burden, William A. M.; Burkhardt, Frederick; Burnett, John G.; Bush, Donald F.; Bushner, Rolland H.; Butler, William F.; Buttenweiser, Benjamin J.

C

Cabell, Richard A.; Calder, Alexander, Jr.; Calhoun, Alexander D.; Camp, Hugh D.; Campbell, John C.; Canfield, Cass; Canfield, Franklin O.; Carey, Andrew G.; Carroll, Mitchell B.; Carson, Ralph M.; Carter, George E.; Carter, William D.

Cary, William L.; Case, John C.; Cates, John M., Jr.; Cattier, Jean; Chartener, William H.; Chase, W. Howard; Chittenden, George H.; Chubb, Hendon, 2nd; Chubb, Percy, 2nd; Church, Edgar M.; Clay, Gen. Lucius D.

Cleveland, Harold van B.; Cleveland, William B.; Clinchy, Everett R.; Coffin, Edmund; Cohen, Jerome B.; Coles, James S.; Collado, Emilio G.; Colwell, Kent G.; Conant, James B.; Conant, Melvin; Connor, John T.; Considine, Rev. John J. M.M.

Cook, Howard A.; Coolidge, Nicholas J.; Coombs, Charles A.; Cooper, Franklin S.; Cordier, Andrew W.; Costanzo, G. A.; Coughran, Tom B.; Cousins, Norman; Cowan, L. Gray; Cowan, Louis G.; Cowles, Gardner; Creel, Dana S.; Cummings, Robert L.; Cusick, Peter.

D

Darlington, Charles F.; Darrell, Norris; Davenport, John; Davidson, Ralph K.; Davison, W. Phillips; Dean, Arthur H.; Debevoise, Eli Whitney; De Cubas, Jose; de Lima, Oscar A.; Deming, Frederick L.; De Rosso, Alphonse; de Vries, Henry P.; Dewey, Thomas E.; Dexter, Byron.

Dickson, R. Russell, Jr.; Diebold, John; Diebold, William, Jr.; Dillon, Clarence; Dillon, Douglas; Dilworth, J. Richardson; Dodge, Cleveland E.; Donahue, Donald J.; Donovan, Hedley; Dorr, Goldthwaite H.; Dorwin, Oscar John; Douglas, Lewis W.; Douglas Paul W.; Dubinsky, David.

E

Eagle, Vernon A.; Eaton, Frederick M.; Eberle, W. D.; Eberstadt, Ferdinand; Edelman, Albert I.; Edelstein, Julius C. C.; Eder, Phanor J.; Eichelberger, Clark M.; Elliott, L. W.; Elliott, Osborn.

Elson, Robert T.; Emmet, Christopher; Engel, Irving M.; Engelhard, Charles W., Jr.; Erpf, Armand G.; Estabrook, Robert H.; Ewing, Sherman; Ewing, William, Jr.; Exter, John.

F

Feer, Mark C.; Fenn, William P.; Ferguson, Glenn W.; Field, William Osgood, Jr.; Finger, Seymour M.; Finlay, Luke W.; Finletter, Thomas K.; Finney, Paul B.; Fischer, John; Fleck, G. Peter.

Ford, Neil; Forrestal, Michael V.; Fowler, Henry H.; Fox, Joseph C.; Fox, William T. R.; Foye, Arthur B.; Frankel, Charles; Franklin, George S., Jr.; Frasche, Dean F.; Fredericks, J. Wayne.

Freedman, Emanuel R.; Frelinghuysen, Peter H. B.; French, John; Freudenthal, David M.; Friele, Berent; Friendly, Henry J.; Frye, William R.; Fuerbringer, Otto; Fuller, C. Dale; Fuller, Robert G.; Funkhouser, E. N., Jr.

G

Gage, Harlow W.; Gallatin, James P.; Gardner, Richard N.; Garretson, Albert H.; Garrison, Lloyd K.; Gates, Samuel E.; Gates, Thomas S.; Geneen, Harold S.; Gideones, Harry D.; Gillespie, S. Hazard; Gilpatric, Roswell L.; Goldberg, Arthur J.; Golden, William T.

Golden, Harrison J.; Goldstone, Harmon H.; Gordon, Albert H.; Grace, J. Peter; Graft, Robert D., Grazier, Joseph A.; Griffith, Thomas; Grimm, Peter; Gross, Ernest A.; Grover, Allen; Gruson, Sydney; Guggenheim, Harry F.; Gunther, John; Gurfein, Murray I.

H

Hager, Eric H.; Haider Michael L.; Haight, George W.; Halaby, Najeeb E.; Halberstam, David; Hamilton, Fowler; Hammond, Capt. Paul; Hance, William A.; Harari, Maurice; Harbar, J. G.; Harriman, E. Roland; Haskell, Broderick.

Hauge, Gabriel; Hayes, Alfred; Hayes, Samuel P.; Haynes, Ulric, Jr.; Hazard, John N.; Heath, Donald R.; Heckscher, August; Helm, Harold H.; Henderson, William; Henkin, Louis; Herod, W. Rogers; Herter, Christian A., Jr.

Herzog, Paul M.; Hester, James M.; Hickey, William M.; Hill, Forrest F.; F.; Hill, James T., Jr.; Hilsman, Roger; Hochschild, Harold K.; Hochschild, Walter, Hoffman, Paul G.; Hoglund, Elis S.

Hoguet, Robert L.; Hohenberg, John; Holland, Kenneth; Holmes, Alan R.; Holt, L. Emmett, Jr.; Homer, Sidney; Hoover, Lyman; Horn, Garfield H.; Horton, Phillip C.; Hottlet, Richard C.

Houghton, Arthur A., Jr.; Houston, Frank K.; Hovey, Allan, Jr.; Howard, John B.; Howell, John I.; Hughes, John Chambers, Hurewitz, J. C.; Hyde, Henry B.; Hyde, James N.

I

Inglis, John B.; Irwin, John N., 2d; Iselin, O'Donnell; Issawi, Charles.

J

Jackson, Elmore; Jackson, William E.; James, George F.; Jamieson, J. K.; Jaretzki, Alfred, Jr.; Jastrow, Robert; Javits, Jacob K.; Jay, Nelson Dean; Jessup, Alpheus W.; Jessup, John K.; Johnson, Edward F.; Johnson, Joseph E.; Johnson, Lester B.; Jones, David J.

K

Kahn, Herman; Kalinski, Felix A.; Kaminer, Peter H.; Kane, R. Keith; Katzenbach, Nicholas de B.; Keezer, Dexter M.; Keiser, David M.; Kempner, Maximillian W.; Kenen, Peter B.; Kenney, F. Donald; Keppel, Francis; Kern, Harry F.; Kettaneh, Francis A.

Keyser, Paul V., Jr.; King, Frederic R.;

Kirk, Grayson; Kleiman, Robert; Knight, Douglas; Knight, Robert Huntington; Knoke, L. Warner; Knoppers, Antonie T.; Knowlton, Winthrop; Knoenig, Robert P.; Kriedler, Robert N.

L

Labouisse, Henry R.; Lacy, Dan B.; Lamb, Horace R.; Lamont, Peter T.; Larmon, Sigurd S.; LaRoche, Chester J.; Lary, Hal B.; Laukhuff, Perry; Laybourne, Lawrence E., LeBarron Eugene; Lee, Elliott H.; Lehman, John R.; Lehman, Orin; Lehman, Hal; Leonard, James G.

Leroy, Norbert G.; Leslie, John C.; Levy, Walter J.; Lewis, Roger; Lieberman, Henry R.; Lillienthal, David E.; Lilley, A. N.; Lindbeck, John M. H.; Lindquist, Warren T.; Lindsay, George N.; Lindsay, John V.; Linen, James A.; Lippmann, Walter; Lissitzyn, Oliver J.

Locke, Edwin A., Jr.; Lockwood, John E.; Loeb, John L.; Loft, George; Loomis, Alfred L.; Loos, Rev. A. William; Loucqs, Harold H.; Lubar, Robert A.; Lubin, Isador; Luckey, E. Hugh; Ludt, R. E.; Luke, David L., 3rd; Lunt, Samuel D.; Lyford, Joseph P.

M

McCance, Thomas; McCarthy, John G.; McCloy, John J.; McCloy, John J., 2nd; McColough, C. Peter; McDermott, Walsh; McGraw, James H., Jr.; McKeever, Porter; McLean, John G.; MacEachron, David W.; MacGregor, Ian K.; MacIntyre, Malcolm A.; Maffry, August; Manshel, Warren D.

Mark, Rev. Julius; Markel, Lester; Marshall, Burke; Marvel, William W.; Masten, John E.; Mathews, Edward J.; Mattison, Graham D.; May, A. Wilfred; Mayer, Gerald M., Jr.; Menke, John R.; Merz, Charles; Metzger, Herman A.; Meyer, John M., Jr.; Mickelson, Sig.

Millard, Mark J.; Miller, Paul R., Jr.; Mills, Bradford; Model, Leo; Moe, Sherwood G.; Moore, Ben T.; Moore, Edward F.; Moore, George S.; Moore, Maurice T.; Moore, Robert A.; Moore, Walden; Moore, William T.; Morgan, D. P.

Morgan, Henry S.; Morley, James William; Morris, Grinnell; Morrisett, Lloyd N.; Mosley, Philip E.; Moyers, Bill D.; Muir, Malcolm; Munroe, George B.; Munroe, Vernon, Jr.; Munyan, Winthrop R.; Murden, Forrest D., Jr.; Murphy, Grayson M. P.; Murphy, J. Morden.

N

Neal, Alfred S.; Nelson, Clifford C.; Newton, Quigg, Jr.; Nichols, Thomas S.; Nichols, William I.; Nickerson, A. L.; Nielsen, Waldemar A.; Nimitz, Chester W., Jr.; Nolte, Richard H.; Notestein, Frank W.; Noyes, Charles Phelps.

O

Oakes, John B.; Ogden, Alfred; Olmstead, Cecil J.; O'Neill, Michael J.; Osborn, Earl D.; Osborn, Frederick H.; Osborn, William H.; Osborne, Stanley de J.; Ostrander, F. Taylor, Jr.; Overby, Andrew N.; Overton, Douglas W.

P

Pace, Frank, Jr.; Page, Howard W.; Page, John H.; Page, Robert G.; Page, Walter H.; Paley, William S.; Palfrey, John G.; Parker, Philo W.; Passin, Herbert; Patterson, Ellmore S.; Patterson, Frederick D.

Patterson, Herbert P.; Payne, Frederick B.; Payne, Samuel B.; Payson, Charles Shipman; Peardon, Thomas P.; Pearson, John E.; Pennoyer, Paul G.; Pennoyer, Robert M.; Perkins, James A.; Perkins, Roswell B.; Perry, Hart.

Petersen, Gustav H.; Petschek, Stephen R.; Phillips, Christopher H.; Picker, Harvey; Pickering, James V.; Piel, Gerald; Pierce, William C.; Piercy, George T.; Pierson, Warren Lee; Pifer, Alan; Pike, H. Harvey.

Place, John B. M.; Platten, Donald C.; Plimpton, Francis T. P.; Polk, Judd; Poor, J. Sheppard; Potter, Robert S.; Power, Thomas F., Jr.; Powers, Joshua B.; Pratt, H. Irving; Probst, George E.; Pulling, Edward.

Q

Quigg, Philip W.

R

Rabi, Isidor I.; Ramblin, J. Howard, Jr.; Reber, Samuel; Reed, Philip D.; Reid, Ogden R.; Reid, Whitelaw; Reston, James B.; Rheinstein, Alfred; Richardson, Arthur Berry.

Riegelman, Harold; Robbins, Donald G.; Jr.; Robertson, Charles S.; Robinson, Gerold T.; Roche, James M.; Rockefeller, David; Rockefeller, John D., 3d; Rockefeller, Nelson A.; Rockefeler, Rodman C.; Rockhill, Victor E.; Rodriguez, Vincent A.

Rogers, Lindsay; Roosa, Robert V.; Root, Oren; Rosenman, Samuel I.; Rosentiel, Lewis; Rosenthal, A. M.; Rosenwald, William; Rosin, Axel G.; Ross, T. J.; Ruebhausen, Oscar M.; Russell, T. W., Jr.; Rustow, Dankwart A.

S

Sachs, Alexander; Sachs, Howard J.; Salisbury, Harrison E.; Saltzman, Charles E.; Sargeant, Howland H.; Sargent, Noel; Sarnoff, Brig. Gen. David; Schachter, Oscar, Schaffner, Joseph Halle; Schapiro, J. Salwyn; Scherman, Harry; Schiff, John M.

Schiller, A. Arthur; Shilling, Warner R.; Schilthuis, Willem C.; Schlesinger, Arthur, Jr.; Schmidt, Herman J.; Schmoker, J. Benjamin; Schwartz, Harry; Schwarz, Frederick A. O.; Scott, John; Scott, Stuart N.; Seagrave, Norman P.; Seligman, Eustace.

Seymour, Whitney North; Shapiro, Isaac; Sharp, George C.; Sharp, James H.; Shea, Andrew B.; Sheean, Vincent; Sheeline, Paul C.; Sheffield, Frederick; Shepard, David A.; Shepard, Frank P.; Shulman, Marshall D.; Shute, Benjamin R.

Silver, K. H.; Simons, Hans; Sims, Albert G.; Slater, Joseph E.; Slawson, John; Smith, Carleton Sprague; Smith, Datus C., Jr.; Smith, Davis S.; Smith, Hayden N.; Smith, W. Mason; Sommers, Davidson; Sonne, Christian R.

Sonne, Christian H.; Sorenson, Thecdore G.; Soubry, E. E.; Spang, Kenneth M.; Spencer, Percy C.; Spofford, Charles M.; Stackpole, Stephen H.; Stamas, Stephen; Stanton, Frank; Stebbins, James H.; Stebbins, Richard P.; Steiniger, Edward L.; Stern, Fritz; Stern, H. Peter.

Stewart, Robert McLean; Stillman, Chauncey; Stillman, Ralph S.; Stinebower, Leroy D.; Stoddard, George D.; Stokes, Isaac N.P.; Straka, Jerome A.; Stratton, Julius A.; Straus, Donald B.; Straus, Jack I.; Straus, Oscar S.

Straus, Ralph I.; Strauss, Simon D.; Streibert, Theodore C.; Strong, Benjamin; Sulzberger, Arthur Ochs; Sutton, Francis X.; Swearer, Howard R.; Swing, John Temple; Swinton, Stanley M.; Swope, Gerard, Jr.

T

Taylor, Arthur R.; Thomas, Evan; Thomas, H. Gregory; Thompson, Earle S.; Thompson, Kenneth W.; Tibby, John; Tomlinson, Alexander C.; Topping, Seymour.

Townsend, Edward; Townsend, Oliver; Trager, Frank N.; Traphagen, J. C.; Travis, Martin, B., Jr.; Trippe, Juan Terry; Trowbridge, Alexander B.; Tweedy, Gordon B.

U

Uzielli, Giorgio.

V

Vance, Cyrus R.; Vila, George R.; von Klemperer, Alfred H.; Voorhees, Tracy S.

W

Wagley, Charles W.; Walker, A. Lightfoot; Walker, George G.; Walker, Joseph, Jr.; Walkowicz, T. F.; Warburg, Eric M.; Warburg, Frederick M.; Ward, F. Champion; Warfield, Ethelbert; Warner, Rawleigh, Jr.; Wasson, Donald.

Watson, Arthur K.; Watson, Thomas J., Jr.; Wauchope, Vice Adm. George; Weaver, Sylvester L. Jr.; Webster Bethuel M.; Wernimont, Kenneth; Wharton, Clifton R. Jr.; Wheeler Walter H., Jr.; Whidden, Howard P.; Whipple, Taggart.

White, Frank X.; White, Theodore H.; Whitney, John Hay; Whitridge, Arnold; Wilbur, C. Martin; Wilhelm, Harry; Wilkey, Malcolm Richard; Wilkinson, Theodore L.; Williams, Franklin H.; Williams, Langbourne M.

Wilson, Donald M.; Wilson, John D.; Wingate, Henry S.; Winslow, Richard S.; Wofford, Harris L., Jr; Wood, Bryce; Woodman, Herbert, B.; Woodward, Donald B.; Wooley, Knight; Wriston, Henry M.; Wriston, Walter B.

Y

Yost, Charles W.; Young, Edgar B.; Young, John M.; Young, Kenneth T., Jr.

Z

Zagoria, Donald S.; Zurcher, Arnold J.

NONRESIDENT MEMBERS AS OF SEPTEMBER 8, 1969

Abeggien, James C.; Abelson, Philip H.; Abram, Morris B.; Acheson, Dean G.; Achilles, Theodore C.; Agar, Herbert; Allen, Raymond B.; Amory, Robert, Jr.; Anderson, Dillon; Anderson, Adm. George W., Jr.; Anderson, Roger E.; Angell, James W.; Armstrong, Brig. Gen. DeWitt C., 3rd; Armstrong, John A.; Austin, Vice Adm. B. L.

B

Babcock, Maj. Gen. C. Stanton; Baker, George P.; Baldwin, Hanson W.; Ballou, George T.; Barco, James W.; Barger, Thomas C.; Barghoorn, Frederick C.; Barker, James M.; Barkin, Solomon; Barnett, Richard J.; Barnett, A. Doak;

Barnett, Robert W.; Barnett, Vincent M., Jr.; Barrows, Leland; Bartholomew, Dana T.; Bass, Robert P., Jr.; Bates, Marston; Bator, Francis M.; Baumer, William H.; Baxter, James P., 3rd; Bayne, Edward Ashley; Beam, Jacob D.; Bechtel, S. D.; Beckhart, Benjamin H.;

Beckler, David Z.; Beer, Samuel H.; Behrman, Jack N.; Bell, Holley Mack; Benda, Harry J.; Bennett, Lt. Gen. Donald V.; Bennett, Martin Toscan; Bergson, Abram; Bergsten, C. Fred; Bernstein, Edward M.; Betts, Brig. Gen. Thomas J.;

Billington, James H.; Bissell, Richard M., Jr.; Black, Cyril E.; Black, Brig. Gen. Edwin F.; Blackie, William; Blake, Robert O.; Bliss, C. I.; Bloomfield, Lincoln P.; Boardman, Marry; Boeschenstein, Harold; Bohlen, Charles E.;

Bonesteel, Gen. C. H., 3rd; Bonsal, Philip W.; Boorman, Howard L.; Boothby, Albert C.; Bowie, Robert R.; Bowles, Chester; Bowles, Frank; Braden, Thomas W.; Bradfield, Richard; Bradford, Amory H.; Braisted, Paul J.

Bramstedt, W. F.; Brewster, Kingman, Jr.; Briggs, Ellis O.; Brimmer, Andrew F.; Bristol, William M.; Bronwell, Arthur; Brooks, Harvey; Brorby, Melvin; Bross, John A.; Brown, Harold; Brown, Lester R.; Brown, William O.; Brownell, Lincoln C.

Bruce, David K. E.; Brundage, Percival F.; Bundy, William P.; Bunker, Ellsworth; Bunnell, C. Sterling; Burchinal, Gen. David A.; Burgess, Carter L.; Burgess, W. Randolph; Burns, Arthur F.; Bussey, Col. Donald S.; Byrne, James MacGregor; Byrnes, Robert F.; Byroade, Henry A.

C

Cabot, John M.; Cabot, Louis W.; Cabot, Thomas D.; Caldwell, Robert G.; Calkins, Hugh; Caraway, Lt. Gen. Paul W.; Carpenter, W. Samuel, 3rd; Cary, Maj. Gen. John B.; Case, Clifford P.; Case, Everett N.

Cater, Douglass; Chapman, John F.; Charpie, Robert A.; Chartener, William H.; Chayes, Abram J.; Cheever, Daniel S.; Chenery, Hollis B.; Cherrington, Ben M.; Childs, Marquis; Church, Frank; Cisler, Walker L.; Clark, Ralph L.; Cleveland, Harlan.

Clough, Ernest T.; Coffee, Joseph Irving; Cohen, Benjamin V.; Cole, Charles W.; Collings, L. V.; Collingwood, Charles C.; Conlon, Richard P.; Conrad, Gen. Bryan; Coombs, Philip H.; Cooper, Chester L.; Cooper, John Sherman; Cooper, Richard N.

Copeland, Lammot du Pont; Corson, Dale R.; Cotting, Charles E.; Cowles, John; Cowles, John, Jr.; Crane, Winthrop Murray, 3rd; Cross, James E.; Crotty, Homer D.; Crowe, Philip K.; Curran, Jean A., Jr.; Curtis, Edward P.

D

Dale, William B.; Dallin, Alexander; Dangerfield, Royden; David, Donald K.; Davidson, Alfred A.; Davies, Fred A.; Davies, Rodger P.; Davis, John A.; Davis, Nathanael V.; Davis, Nathaniel; Davison, Daniel P.; Dean, Edgar P.; Deaver, John V.

Decker, William C.; De Guigne; Christian, 3rd; DeKiewiet, C. W.; DePalma, Samuel, Despres, Emile; Deuel, Wallace R.; Deutch, Michael J.; Dickey, John S.; Doherty, William C., Jr.; Dollard, Charles; Donham, Paul.

Donnell, James C., 2nd; Donnelley, Lt. Gen. Harold C.; Dorr, Russell H.; Doty, Paul M., Jr., Douglas, Donald W., Jr.; Dowling, Walter; Draper, William H., Jr.; Dreier, John C.; Drummond, Roscoe; Ducas, Robert; Duke, Angier Biddle; Dungan, Ralph A.; Durdin, F. Tillman.

E

Eckstein, Alexander; Edwards, A. R.; Edwards, William H.; Einaudi, Mario; Elliott, Byron K.; Elliott, Randle; Elliott, William Y.; Ellsberg, Daniel; Emeny, Brooks.

Emerson, Rupert; Enthoven, Alain C.; Eppert, Ray R.; Ernst, Albert E.; Evans, John K.; Evans, Roger F.; Everton, John Scott.

F

Fahs, Charles B.; Fainsod, Merle; Fairbank, John King; Fairbanks, Douglas; Falk, Richard A.; Farmer, Garland R.; Farmer, Thomas L.; Feis, Herbert; Ferguson, John H.; Fifield, Russel H.

Finkelstein, Lawrence S.; Firestone, Harvey S.; Jr.; Fishel, Wesley R.; Fisher, Adrian S.; Fisher, Roger; Flanigan, Peter M.; Florinsky, Michael T.; Folsom, Victor C.; Ford, Thomas K.

Forkner, Claude E.; Fosdick, Raymond B.; Foster, William C.; Frank, Isaiah; Fankel, Max; Free, Lloyd R.; Freeman, Fulton; Freund, Gerald; Fuller, Carlton P.; Furber, Holden.

G

Galbraith, J. Kenneth; Gallagher, Charles F.; Gallagher, John F.; Gant, George F.; Gardiner, Arthur Z.; Gardner, John W.; Garthoff, Raymond L.; Gaud, William S.; Gaylord, Bradley; Geier, Paul E.; Gerhart, Maj. Gen. John K.; Grevers, Max E.

Gibney, Frank B.; Giffin, Brig. Gen. Sidney F.; Gil, Peter P.; Gilbert, Carl J.; Gilbert, H. N.; Gilchrist, Huntington Gilpatric, Chadbourne; Ginsburgh, Brig. Gen. Robert N.; Gleason, S. Everett; Glennan, T. Keith; Coheen, Robert F.

Goodhart, Arthur L.; Goodpaster, Gen. Andrew J. Goodrich, Carter; Goodrich, Leland M.; Gordon, Kermit; Gordon, Lincoln; Gornick, Alan L.; Gorter, Wytze; Grant, James P.; Graubard, Stephen R.; Gray, Gordon.

Gray, William Latimer; Green, Joseph C.; Greene, James C.; Greene, Brig. Gen. Michael J. L.; Greenwald, Joseph A.; Griffith, Brig. Gen. Samuel B., 2nd; Griffith William E.; Grondahl, Teg C.; Gruenther, Gen. Alfred M.; Gullion, Edmund A.

H

Hall, John W.; Halle, Louis J., Jr.; Halperin, Morton H.; Hamilton, Edward K.; Hamilton, Thomas J.; Hammonds, Oliver W.; Hanes, John W., Jr.; Hansell, Maj. Gen. Haywood S., Jr.; Harbison, Frederick; Hare, Raymond A.

Harriman, W. Averell; Harris, Irving B.; Harris, James T. Jr.; Harsch, Joseph C.; Hart, Augustin S.; Hartley, Fred L.; Hartley, Robert W.; Haskins, Caryl P.; Hauck, Arthur A.; Haviland, H. Field, Jr.; Hays, Brooks; Heald, Henry T.

Heffelinger, Totton P.; Heilperin, Michael A.; Heintzen, Harry L.; Heinz, H. J., 2nd; Henderson, L. J., Jr.; Henderson, Loy W.; Hesburgh, Rev. Theodore M., C.S.C.; Hill, George Watts; Hill, Robert C.; Hinshaw, Randall; Hirscham, Albert O.

Hitch, Charles J.; Hofer, Philip; Hoffman, Michael L.; Hoffmann, Stanley; Holland, William L.; Holst, Willem; Holt, Pat M. Hoopes, Townsend W.; Hoover, Herbert W. Jr.; Hopkins, D. Luke; Hopper, Buce C.; Horton, Alan W.

Hoskins, Harold B.; Houghton, Amory; Hovde, Frederick L.; Hoyt, Edwin C., Jr.; Hoyt, Palmer; Hughes, Thomas L.; Huglin, Brig. Gen. H. C.; Humphrey, Hubert H.; Hunsberger, Warren S.; Hunt, James Ramsay; Hunter, Clarence E.; Huntington, Samuel P.

I

Isaacs, Norman E.; Iverson, Kenneth R.

J

Jacobson, Harold K.; Jaffe, Sam A.; Jansen, Marius B.; Jenney, John K.; Jessup, Philip C.; Jessup, Philip C., Jr.; Johnson, Gen. Harold K.; Johnson, Howard C.; Johnson, Howard W.; Johnston, Henry R.; Johnstone, W. H.; Jones, Peter T.; Jones, Thomas V.; Jordan, Col. Amos A., Jr.; Jorden, William J.

K

Kahin, George McT.; Kaiser, Philip M.; Kamarck, Andrew M.; Katz, Milton; Katzenbach, Edward L., Jr.; Kaufmann, William W.; Kaysen, Carl; Kempner, Frederick C.; Kennan, George F.; Kerr, Clark; Killian, James R., Jr.; Kimberly, John R.

King, James E., Jr.; King, John A., Jr.; Kitner, Col. William R.; Kissinger, Henry A.; Kistiakowsky, George B.; Kitchen, Jeffrey C.; Knorr, Klaus; Kohler, Foy D.; Kohler, Walter J.; Korbel, Josef; Korry, Edward M.; Kotschnig, Walter M.; Kraft, Joseph.

L

Ladejinsky, Wolf; La Farge, Francis W.; Laing, R. Stanley; Lampert, Lt. Gen. James B.; Lamson, Roy, Jr.; Lang, Robert E.; Langer, Paul F.; Langer, William L.; Langsam, Walter Consuelo; Lanham, Maj. Gen. Charles T.

Lansdale, Maj. Gen. Edward G.; Lasswell, Harold D.; Lawrence, David; Lawrence, William H.; Laylin, John G.; Leddy, John M.; Lee, Charles Henry; Leghorn, Richard S.; Leich, John F.; Lemnitzer, Gen. Lyman L.; Leslie, Donald S.; Le Sueur, Larry.

Levine, Irving R.; Levy, Marion J., Jr.; Lincoln, Gen. G. A.; Lindblom, Charles E.; Linder, Harold F.; Lindley, Ernest K.; Lindsay, Franklin A.; Lingle, Walter L., Jr.; Linowitz, Sol M.; Lipson, Leon; Little, Herbert S.; Little, L.K.

Lockard, Derwood W.; Lockwood, Manice de F., 3rd; Lockood, William W.; Lodge, George Cabot; Lodge, Henry Cabot; Long, Franklin A.; Longstreet, Victor M.; Loomis, Henry; Lovestone, Jay; Loy, Frank E.; Lynch, Edward S.; Lyon, E. Wilson.

M

McCabe, Thomas B.; McClintock, Robert M.; McCone, John Alex.; McCormack, Maj Gen. James; McCracken, Paul W.; McCutcheon, John D.; McDaniel, Joseph M., Jr.; McDougal, Myres S.; McFarland, Ross A.; McGee, Gale W.; McGhe, George C.

McKay, Vernon; McKinney, Robert M.; McLaughlin, Donald H.; McLean, Donald H., Jr.; McNamara, Robert S.; McQuade, Lawrence C.; MacArthur, Douglas, 2nd; MacChesney, A. Brunson, 3rd; MacDonald, Gordon J. F.; MacDonald, J. Carlisle.

MacIver, Murdoch; MacLaury, Bruce K.; MacVeagh, Lincoln; Machold, William F.; Maddox, William P.; Mallinson, Harry; Mallory, George W.; Mallory, Walter H.; Mann, Thomas C.; Manning, Bayless; Manning, Robert J.; Mansager, Felix N.

Marcus, Stanley; Marcy, Carl; Marshall, C Burton; Martin, Edwin M.; Martin, William McC., Jr.; Mason, Edward S.; Matthews, William R.; May, Ernest R.; May, Oliver, May, Stacy; Mayer, Ferdinand L.

Mayer, Gerald M.; Meagher, Robert F.; Meck, John F.; Merchant, Livingston T.; Merillat, H. C. L.; Merriwether, Duncan; Metcalf, George R.; Meyer, Albert J.; Meyer, Charles A.; Meyer, Cord, Jr.; Milbank, Robbins; Miller, Col. Francis P.

Miller, J. Irwin; Miller, William J.; Millikan, Max F.; Minor, Harold B.; Mladek, Jan V.; Molina, Edgar R.; Montias, J. Michael; Moore, Hugh; Moran, William E., Jr.; Morgan, Cecil; Morgan, George A.; Morgenstern, Oskar.

Morgenthau, Hans J.; Morse, David A.; Morton, Louis; Mudd, Henry T.; Muller, Steven; Munger, Edwin S.; Munoz Marvin, Luis; Munro, Dana G.; Murphy, Franklin D.; Murphy, Robert D.; Myers, Denys P.

N

Nason, John W.; Nathan, Robert R.; Nelson, Fred M.; Nelson, Merlin E.; Neustadt, Richard E.; Newman, Richard T.; Nicholas, Calvin J.; Nitze, Paul H.; Nolting, Frederick E., Jr.; Norstad, Gen. Lauris; Nover, Barnett; Noyes, W. Albert, Jr.

O

O'Connor, Roderic L.; Oelman, R. S.; Oliver, Covey T.; Osborne, Lithgow; Osgood, Robert E.; Owen, Garry; Owen, Henry.

P

Paffrath, Leslie; Palmer, Norman D.; Pantzer, Kurt F.; Park, Richard L.; Parker, Barrett; Parkhurst, George L.; Parsons, John C.; Patterson, Gardner; Paul, Norman S.; Paul, Roland A.; Pedersen, Richard F.; Pell, Claiborne.

Pelzer, Karl J.; Penfield, James K.; Perera, Guido R.; Peretz, Don.; Perkins, Courtland D.; Peterson, Howard C.; Petty, John R.; Phelger, Herman; Pierotti, Roland; Piquet, Howard S.; Plank, John N.; Platig, E. Raymond.

Plimpton, Calvin H.; Pogue, L. Welch; Poletti, Charles; Polk, William R.; Pool, Ithiel DeSola; Posvar, Wesley W.; Praguer, Frederick A.; Prance, P. F. A.; Price, Don K.; Prizer, John B.; Pusey, Nathan M.; Putzell, Edwin J., Jr.; Pye, Lucian W.

R

Radway, Laurence I.; Rathjens, George W.; Ravenholt, Albert; Ray, George W., Jr.; Redmon, E. Hayes; Reeves, Jay B. L.; Reinhardt, G. Frederick; Reischauer, Edwin O.; Reitzel, William; Rennie, Wesley F.; Resor, Stanley R.; Reuss, Henry S.; Reuther, Walter P.

Revelle, Roger; Reynolds, Lloyd G.; Rich, John H., Jr.; Richardson, David B.; Richardson, Dorsey; Richardson, Elliot L.; Richardson, John, Jr.; Ridgway, Gen. Matthew B.; Riefler, Winfield W.; Ries, Hans A.; Ripley, S. Dillon, 2nd; Roberts, Henry L.; Rogers, James Grafton.

Rogers, William D.; Roosevelt, Kermit; Rosengarten, Adolph G., Jr.; Ross, Roger; Rostow, Eugene V.; Rostow, Walt W.; Roth, William, M., Jr.; Rouse, Robert G.; Rowen, Henry S.; Rubin, Seymour J.; Rubina, J. P.; Rush, Kenneth; Rusk, Dean; Ryan, John T., Jr.

S

Salmon, Irving; Samuels, Nathaniel; Satterthwaite, Joseph C.; Sawin, Melvin E.; Sawyer, John E.; Scalapino, Robert A.; Schaetzel, J. Robert; Schelling, Thomas C.; Schiff, Frank W.; Schmidt, Adolph W.; Schorr, Daniel L.

Schuyler, Gen. C. V. R.; Schwab, William B.; Schwebel, Stephen M.; Seaborg, Glenn T.; Seabury, Paul; Sedwitz, Walter J.; Seymour, Forrest W.; Shaplen, Robert; Sharp, Walter R.; Shearer, Warren W.; Sherbert, Paul C.; Shields, Murray.

Shirer, William L.; Shishkin, Boris; Shuster, George N.; Simons, Howard; Simpson, John L.; Sisco, Joseph L.; Skolnikoff, Eugene B.; Slocum, John J.; Smith, Gerard C.; Smith, Horace H.; Smith, Robert W.

Smithies, Arthur; Smyth, Henry DeW.; Solbert, Peter O. A.; Solomon, Anthony M.; Sonnenfeldt, Helmut; Sontag, Raymond James; Soth, Lauren K.; Southard, Frank A., Jr.; Spaatz, Gen. Carl A.; Spaeth, Carl B.

Spain, James W.; Spencer, John H.; Spencer, William C.; Spiegel, Harold R.; Sprague, Mansfield D.; Sprague, Robert C.; Sprout, Harold; Staley, Eugene; Stanley, Timothy W.; Stason, E. Blythe; Stassen, Harold E.

Stein, Eric; Stephens, Claude O.; Sterling, J. E. Wallace; Stevenson, John R.; Stevenson, William E.; Stewart, Robert Burgess; Stilwell, Lt. Gen. Richard G.; Stone, Donald C.; Stone, Shepard; Straus, Robert Kenneth.

Strus, R. Peter; Strauss Lewis L.; Strausz-Hupe, Robert; Strayer, Joseph R.; Struble, Adm. A. D.; Sulivan, William H.; Sulzberger, C. L.; Sunderland, Thomas E.; Surrey, Walter Sterling; Swihart, James W.; Symington, W. Stuart.

T

Talbot, Phillips; Tanham, George K.; Tannenwald, Theodore, Jr.; Taylor, George E.; Taylor, Gen. Maxwell D.; Teller, Edward; Templeton, Richard H.; Tennyson, Leonard B.; Thayer, Robert H.

Thompson, Llewellyn E.; Thomson, James C., Jr.; Thorp, Willard L.; Timberlake, Clare H.; Trezise, Philip H.; Triffin, Robert; Truman, David B.; Turkevich, John; Tuthill, John W.; Tyler, William R.

U

Ullman, Richard H.; Ulmer, Alfred C., Jr.; Upgren, Arthur R.

V

Valentine, Alan; Van Dusen, Rev. Henry P.; Van Slyck, DeForest; Van Stirum, John; Vernon, Raymond; Von Mehren, Robert B.

W

Wait, Richard; Walker, George R.; Wallich, Henry C.; Walmsley, Walter N.; Ward, Rear Adm. Chester; Warren, John Edwin; Washburn, Abbott M.; Wasson, R. Gordon; Watkins, Ralph J.; Weaver, George L. P.; Weiner, Myron; Weisskopf, Victor F.

Welch, Leo D.; Wellborn, Vice Adm. Charles, Jr.; Wells, Herman B.; West, Robert LeRoy; Westmoreland, Gen. W. C.; Westphal, Albert C. F.; Wheeler, Oliver P.; Whipple, Brig. Gen. William; Whitaker, Arthur P.; White, Gilbert F.; Whiting, Allen S.

Wiesner, Jerome B.; Wight, Charles A.; Wilcox, Francis O.; Wilcox, Robert B.; Wild, Payson, S.; Wilde, Frazar B.; Wilds, Walter W.; Williams, Haydn; Williams, John H.; Willits, Joseph H.; Wilmerding, Lucas, Jr.

Wilson, Carroll L.; Wimpfheimer, Jacques; Winton, David J.; Wohl, Elmer P.; Wohlstetter, Albert; Wolf, Charles, Jr.; Wood, Harleston R.; Woodbridge, Henry S.; Wriggins, W. Howard; Wright, Adm. Jerauld; Wright, Quincy; Wright, Theodore P.; Wyzanski, Charles E., Jr.

Y

Yarmolinksy, Adam; Yntema, Theodore O.; Young, T. Cuyler; Youngman, William S.; Yukkin, Maj. Gen. Richard A.

Z

Zimmerman, Edwin M.

FINANCES

During the Council's fiscal year ending on June 30, 1969, there were a number of important increases in income. Membership dues were raised during the year, resulting in new income of $60,900. Largely through a drive undertaken last January, subscriptions to the Corporation Service were increased by $46,600. For the first time in many years, the gross income of *Foreign Affairs* exceeded direct expenses, resulting in a net income of $7,600, as compared with a net loss of $12,300 in the preceding year. Net proceeds from the sale of Council books, on the other hand, fell slightly during the year, partly because extensive revisions have delayed publication of the *Political Handbook.*

The Council's expenses increased substantially, in part because of the pressures of inflation. In three areas, however, there were major increases not attributable to inflation. The largest of these, $91,000 was due to the Council's reassuming for the past seven months the major responsibility for the Foreign Relations Library, which in each of the two previous years had benefitted from $100,000 provided by a most generous anonymous donor. Second, the International Affairs Fellowship Program is now in full swing, as the increase in expenses of $54,500 indicates; this entire program is financed by the Rockefeller Brothers Fund. Third, with the help of a fine special grant from the Ford Foundation, work has started on the *Foreign Affairs Fifty-Year Bibliography*, which will take three years to complete.

The Council's financial statements, as audited by Price Waterhouse & Co., follow. More detailed information is available to any member on request.

RUTH C. WITHERSPOON,
Comptroller.

FOREIGN RELATIONS LIBRARY

Use of the library's facilities, including reference services, books, and clipping files, has increased approximately 10 per cent during the past year, reflecting greater use of the Library by permanent staff and visiting fellows. The pattern of reference requests continues to be similar to that of the past few years in that the Library staff works more closely with the research staff, particularly in the bibliographical field.

The collection now contains 50,500 accessioned volumes, an increase of only 1,000 over last year's total. This is a pleasing statistic because it reflects progress in the program of weeding out obsolete and redundant material. Even with a large inflow of new volumes each year, it is possible through judicious discarding to maintain the collection within bounds. Discarded books are given to selected local and foreign libraries with interests similar to the Council's.

Some 53,000 United Nations documents were added, bringing the total to almost 126,000, which require considerable effort to house and catalog. The Library's collection of United Nations material is frequently consulted by others associated with similar depository organizations, a fact which is a source of pride to the staff. Documents of other international-intergovernmental organizations continue to flow in, and, as noted in an earlier report, our collection is among the finest in this field.

The clipping files continued to be used extensively. Almost the same number, 29,000, of clippings were added as last year, but there was a decided increase in the total number of complete folders circulated. It appears that with a change of administration in Washington, with many new envoys and special representatives seeking background information for new assignments, this phenomenon may be expected periodically.

Three steps were taken to ease the problem of limited space. The weeding-out process was continued as noted, a project which is now approximately 50 percent completed.

The card catalog in which there was no further room for expansion has been photocopied and will appear in book form (nine bound volumes) in November, 1969. It will be sold commercially to other libraries, so that aside from saving space and recouping perhaps a small portion of cataloging expenses, a good bibliographical tool will be available to other libraries in this country and abroad.

The decision to start replacing original U.N. documents with microprint copies has been implemented. It was first necessary to approach the United Nations for formal permission to do this. Permission has been granted, much to our satisfaction and that of other libraries which will use this decision as a precedent. Microprints of all U.N. documents and Official Records from 1946 to 1953 have now been purchased, thus freeing over 400 feet of shelving.

Since the early days of the Library it has been active in cooperating with other libraries and library associations. A large number of domestic and foreign books, documents, and pamphlets were received in exchange for 306 copies of Council books.

DONALD WASSON,
Librarian, Foreign Relations Library.

DIRECTORS AND OFFICERS

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Archibald Cary Coolidge, 1921–1928.
Paul D. Cravath, 1921–1940.
John W. Davis, 1921–1955.
Norman H. Davis, 1921–1944.
Stephen P. Duggan, 1921–1950.
John H. Finley, 1921–1929.
Edwin F. Gay, 1921–1945.
David F. Houston, 1921–1927.
Otto H. Kahn, 1921–1934.
Frank L. Polk, 1921–1943.
Whitney H. Shepardson, 1921–1966.
William R. Shepherd, 1921–1927.
Paul M. Warburg, 1921–1932.
George M. Wickersham, 1921–1936.

Succeeding directors according to beginning of term of office

Allen W. Dulles, 1927–1969.
R. C. Leffingwell, 1927–1960.
George O. May, 1927–1953.
Wesley C. Mitchell, 1927–1934.
Owen D. Young, 1927–1940.
Hamilton Fish Armstrong, 1928.
Charles P. Howland, 1929–1931.
Walter Lippmann, 1932–1937.
Clarence M. Woolley, 1932–1935.
Frank Altschul, 1934.
Philip C. Jessup, 1934—1942.
Harold W. Dodds, 1935–1943.
Leon Fraser, 1936–1945.
John H. Williams,* 1937–1964.
Lewis W. Douglas,* 1940–1964.
Edward Warner, 1940–1945.
Clarence E. Hunter, 1942–1953.
Myron C. Taylor, 1943–1959.
Henry M. Wriston,* 1943–1967.
Thomas K. Fineletter,* 1944–1967.
William A. M. Burden, 1945.
Walter H. Mallory,* 1945–1968.
Philip D. Reed,* 1945–1969.
Winfield W. Riefler, 1945–1950.
David Rockefeller, 1949.
W. Averell Harriman, 1950–1955.
Joseph E. Johnson, 1950.
Grayson Kirk, 1950.
Devereux C. Josephs, 1951–1958.
Elliott V. Bell,* 1953–1966.
John J. McCloy, 1953.
Arthur H. Dean, 1955.
Charles M. Spofford, 1955.
Adlai E. Stevenson, 1958–1962.
William C. Foster, 1959.
Caryl P. Haskins, 1961.
James A. Perkins, 1963.
William P. Bundy, 1964.
Gabriel Hauge, 1964.
Carroll L. Wilson 1964.
Douglas Dillon, 1965.
Henry R. Labouisse, 1965.
Robert V. Roosa, 1966.
Lucian W. Pye, 1966.
Alfred C. Neal, 1967.
Bill D. Moyers, 1967.
Cyrus A. Vance, 1968.
Hedley Donovan, 1969.

FROM FOUNDING TO PRESENT

Honorary Presidents

Elihu Root, 1921–1937.
Henry M. Wriston, 1964.

Chairman of the Board

R. C. Leffingwell, 1946–1953.
John C. McCloy, 1953.

Presidents

John W. Davis, 1921–1933.
George W. Wickersham, 1933–1936.
Norman H. Davis, 1936–1944.
R. C. Leffingwell, 1944–1946.
Allen W. Dulles, 1946–1950.
Henry M. Wriston, 1951–1964.
Grayson Kirk, 1964.

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* Directors Emeriti.

Vice Presidents

Paul D. Cravath, 1921–1933.
Norman H. Davis, 1933–36.
Edwin F. Gay, 1933–1940.
Frank L. Polk, 1940–1943.
R. C. Leffingwell, 1943–1944.
Allen W. Dulles, 1944–1946.
Isaiah Bowman, 1945–1949.
Henry M. Wriston, 1950–1951.
David Rockefeller, 1950.
Frank Altschul, 1951.
Devereux C. Josephs, 1951–1952.

Secretaries

Edwin F. Gay, 1921–1933.
Allen W. Dulles, 1933–1944.
Frank Altschul, 1944.

Treasurers

Edwin F. Gay, 1921–1933.
Whitney H. Shepardson, 1933–1942.
Clarence E. Hunter, 1942–1951.
Devereux C. Josephs, 1951–1952.
Elliott V. Bell, 1952–1964.
Gabriel Hauge, 1964.

Executive directors

Hamilton Fish Armstrong, 1922–1928.
Malcolm W. Davis, 1925–1927.
Walter H. Mallory, 1927–1959.
George S. Franklin, Jr., 1953.

Television and the Mass Slicks

Mr. RARICK. Mr. Speaker, in the CONGRESSIONAL RECORD, volume, 116, part 23, page 31405, I extended remarks on "The Free Press" to include an analytical report covering the newspaper industry by the celebrated journalist and lecturer, Mr. Gary Allen.

Mr. Allen has now followed that knowledgeable report with a like factual, documented and interpretive analysis of television and the slick paper magazines.

Many American people behold to that ancient maxim that the "policies of the king are those of his creditors." For certain, Mr. Allen's research into the ownership and finance of the organs of communication is so revealing that it constitutes must reading for everyone concerned about why today's news is so one sided and distorted.

I submit Mr. Allen's article, "Teleslick," which appears in the October 1970 edition of American Opinion, Belmont, Mass., to follow my remarks:

Teleslick—Television and the Mass Slicks

(EDITOR'S NOTE.—Gary Allen, a graduate of Stanford University and one of the nation's top authorities on civil turmoil and the New Left, is author of Communist Revolution In The Streets—a highly praised and definitive volume on revolutionary tactics and strategies, published by Western Islands. Mr. Allen, a former instructor of both history and English, is active in anti-Communist and other humanitarian causes. Now a film writer, author, and jounalist, he is a Contributing Editor to American Opinion. Gary Allen is also nationally celebrated as a lecturer.)

Communication is power, proclaimed Chairman ———. He was talking about television, upon which the great masses of Americans rely so heavily for their hard news. This, despite the fact that such news is both distorted and limited. As Dean Burch, Chairman of the Federal Communications Commission, declared on July 20, 1970: "The entire contents of a typical TV evening news show would take only three columns in a newspaper."

Even so, television in America has become almost as influential as the schools and churches in creating public opinion. There are in the United States an estimated 57.5 million homes with television, and somewhere between 40 and 50 million Americans watch television network news each night.

The ideological slant of television "news and commentary" has recently produced much indignant comments. But months before Spiro Agnew became a household word by shouting at the thunder of television's surf, a number of media newsmen had already complained to *TV Guide's* Edith Efrom about the Leftist bent on their comrades. As Fred Freed of N.B.C. News put it:

"This generation of newsmen is a product of the New Deal. These beliefs that were sacred to the New Deal are the beliefs that news has grown on. This is true of the networks, of *Newsweek*, of the *New York Times*, of all media. Men of like mind are in the news. It's provincial. The blue- and white-collar people who are in revolt now do have cause for complaint against us. We've ignored their point of view. It's bad to pretend they don't exist. We did this because we tend to be upper-middle-class liberals. . . ."

Bill Leonard of C.B.S. says that television newsmen are not only "Liberals," but they are bad reporters. Speaking of his TV news colleagues, Leonard notes:

"Most reporting is lousy. It's lousy because people are lazy, because people don't think ahead, because they approach things in rote ways. We have these kinds of reporters here, unfortunately. The worst problem of all is the reporter who doesn't ask the next question—the cheap, lousy reporter who'll quote an attack but doesn't go to the other side because the answer might kill his story. . . ."

The severest criticism of television's Leftist bias came from one of the least-expected sources, A.B.C. anchorman Howard K. Smith. Mr. Smith, who describes himself as "left of center" and a "semi-socialist," is well remembered as the commentator who brought Soviet spy Alger Hiss onto nationwide TV to discuss "The Political Death Of Richard Nixon." Just what motivated Smith to become the Joe Valachi of the television industry, we do not pretend to know. The inference in his confession, published in *TV Guide*[1] for February 28, 1970, is that while he is himself a "Liberal", he is not like some of his colleagues an *anti-American*. Interviewer Edith Efron writes of Smith:

"He is generally in disagreement with political Conservatives on virtually everything. And, for that matter, he finds it psychologically easier to defend TV news departments than to criticize them. But on this issue of anti-American, pro-New-Left bias in the network news departments, his observations are identical to those coming from the right.

" 'Many of my colleagues,' Smith says, 'have the depth of a saucer. They cling to the tag, "Liberal" that grew popular in the time of Franklin Roosevelt, even though they've forgotten its content. They've really forgotten it. They don't know what "liberal" and "conservative" mean any more! They've forgotten it because the liberal cause has triumphed. Once it was hard to be a liberal. Today it's "in." The ex-underdogs, the ex-outcasts, the ex-rebels are satisfied bourgeois today, who pay $150 a plate at Americans for Democratic Action dinners. They don't know what they stand for any more, and they're hunting for a new voice to give them new bearings."

"The search for a 'new voice,' he says, has catapulted such men into the arms of the New Left. 'They want to cling to the label "liberal," and they cling to those who seem strong—namely, the New Left. The New Left shouts tirades, rather than offering reasoned arguments. People bow down to them, so they have come to seem strong, to seem sure of themselves. As a result, there's a gravitation to them by the liberals who are not sure of themselves. This has given the New Left grave power over the old Left.' It is this New Left 'power' over many of the Nation's liberal reporters, he says, that underlies an anti-American and pro-radical bias in network coverage. . . ."

The remarkable Mr. Smith went so far as to confirm that the term "effete snobs," applied to television newsmen by the Vice President, fits media reporters like a pink glove. The self-proclaimed sophisticates of network news are, he said, seriously self-deluded about the intentions of the communists. Howard Smith explains:

"Some [newsmen and commentators] have gone overboard in a wish to believe that our opponent has exclusively peaceful aims, and that there is no need for armaments and national security. The danger of Russian aggression is unreal to many of them, although some have begun to rethink since the invasion of Czechoslovakia. But there is a kind of basic bias in the left-wing soul that gives the Russians the benefit of the doubt."

The Leftist biogotry of the networks is not unappreciated by the Communists. In his incredible book, *Do It!* published by the Establishment firm of Simon and Schuster, self-proclaimed Communist Jerry Rubin writes that "every revolution needs a color TV." He cites Walter Cronkite of C.B.S. News as "the S.D.S.'s best organizer," and goes on to cheer about the way Cronkite "brings out the map of the U.S. with circles around the campuses that blew up today." Rubin calls these the "battle reports," He notes that "the first 'student demonstration' flashed across the TV tubes of the nation as a myth in 1964. That year the first generation being raised from birth on TV was 9, 10, and 11 years old. 'First chance I get,' they thought, 'I wanna do that too.' The first chance they got was when they got to junior high and high school five years later—1969! And that was the year America's junior high and high schools exploded! . . . TV is raising generations of kids who want to grow up and become demonstrators."

Jerry Rubin calls television news "a commercial for the revolution." And, he knows what he is talking about.

Alan Dale is a well-known singer and television entertainer who has recently become a newspaper columnist and television critic in New York. He noted in a recent column that the TV networks are a propaganda machine "engaged in psychological warfare against the American people." Alan Dale says the networks "are waging the greatest advertising campaign in history—selling the propaganda of the Left to our children." Mr. Dale lays it on the line:

"You believe that communism cannot co-exist with free nations. The philosophy and doctrine that is communism tells you that; the communist conquests and enslavement of the peoples of 28 nations tell you that; the communist leaders tell you that. But the voices of TV say there is nothing to fear from communism. Your children buy it!

"You believe that Revolution must be resisted by loyalists, and that treason is punishable by death. But the voices of TV say treason is an American tradition called "dissent" and America was founded on Revolution. The voices of TV compare Americans with the British of 1776. You think that's insane, but your children buy it!

"You believe that only criminals 'shoot it out' with the police. But the voices of TV say that certain groups are justified to shoot it out with the police. These groups wear uniforms and have their own 'minister of defense' within our own nation. You believe only a sucker would fall for that trick twice in 30 years. But the voices of TV say that the police should be investigated for participating in such a shoot out. Your children buy it!

"You know drugs have been around since you can remember, so you believe that it is the climate of permissiveness and indoctrination that is now turning on a generation, including your own children. But the voices of TV say that if you can drink, the kids can turn on. Your children buy it!

"You believe that in a nuclear age we need defense against nuclear attack—that such defense has probably prevented World War III. The voices of TV say America should for-

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Footnotes at end of article.

get about missiles and defense. Your children buy it!

"You believe that socialism and a 'one-world order' mean the end of individuality and freedom. You believe that a 'one-world order' under socialism is the consummate dream of the communists. Your dictionary tells you that is correct. But the voices of TV say socialism and a "one-world order" will be the salvation of mankind. Your children buy it!"

If there is a fault in Alan Dale's analysis, it is that he underrates the vulnerability of adult viewers. Many of them also buy the propaganda line. Most would not recognize a Communist plot if you showed them the grave of Karl Marx. The media sell Marxists to the public as innocent and idealistic reformers, even as they depict Conservative anti-Communists as diabolical conspirators.

The Vietnam War, for example, would have been forced to a successful conclusion five years ago had the networks presented their audience of over 40 million Americans with the truth about the situation. Instead, they have propagandized for the Vietniks, Marxists, and Communists.[2] One remembers that during World War II the media devoted themselves to creating heroes out of every military figure from G.I. Joe to our generals and admirals. But they would have us believe there are no heroes in Vietnam. Every mistake, every possible situation in which our military or our allies can be made to look low, incompetent, or corrupt is magnified a hundredfold. Howard K. Smith cites one example of the thousands available:

"The networks have never given a complete picture of the war. For example: that terrible siege of Khe Sanh went on for five weeks before newsmen revealed that the South Vietnamese were fighting at our sides, and that they had higher casualties. And the Vietcong's casualties were 100 times ours. But we never told that. We just showed pictures day after day of Americans getting the hell kicked out of them. That was enough to break America apart: That's also what it did."

And what applies to Vietnam applies to every other serious problem faced by our nation. It is no wonder that Vice President Agnew's attack on the media was received with enthusiasm by so many Americans. He dared to tell the truth—that the country is being psychologically sabotaged from within. What seems to have caused the most frenzy among the media, however, is the fact that the Vice President indicated the slanting of the news is conspiratorial in nature. He spoke of a "tiny, enclosed fraternity of privileged men in New York and Washington, whose power is absolute. As Mr. Agnew observed:

"They decide what 40 to 50 million Americans will learn of the day's events in the nation and the world.

"We cannot measure this power and influence by traditional democratic standards for these men can create national issues overnight. They can make or break—by their coverage and commentary—a moratorium on the war. They can elevate men from local obscurity to national prominence within a week. They can reward some politicians with national exposure and ignore others. For millions of Americans, the network reporter who covers a continuing issue like A.B.M. or civil rights, becomes in effect the presiding judge in a national trial by jury."

The Vice President then wondered aloud "whether a form of censorship already exists when the news that 40 million Americans receive each night . . . is filtered through a handful of commentators who admit to their own set of biases." It was a rhetorical question so obvious that many wondered why they had never heard it asked before. Theodore H. White, himself a member of the Establishment's Council on Foreign Relations, comments:

"The increasing concentration of the cultural pattern of the U.S. is in fewer hands. You can take a compass with a one-mile radius and put it down at the corner of Fifth Avenue and 51st Street in Manhattan and you have control of 95% of the entire opinion-and-influence-making in the U.S."

All of which raises the question of who owns and controls the opinion makers—selecting the membership of that little fraternity of "electronic journalists" which controls what 40 million Americans will or will not know about the day's news? It is a question worthy of investigation.

CONTROL OF CBS

At the apex of the networks stands the Columbia Broadcasting System. The gargantuan C.B.S. network consists of wholly owned television outlets in New York, Los Angeles, Chicago, Philadelphia, and St. Louis *plus* over two hundred affiliate stations scattered throughout the continental United States. The network also owns radio outlets in a number of key cities and has 255 affiliated radio stations.

Chairman of the Board and key man at C.B.S. is William S. Paley. Mr. Paley is the son of Samual and Gold Palinsky, who immigrated to America from Russia before the turn of the century. Sam Paley became a wealthy cigar manufacturer. As he did not want his son in the cigar business he arranged purchase of fifty percent of C.B.S. from Paramount for $5 million. The year was 1928, and William Paley was twenty-one years old. The system had only twenty radio stations when young Paley took control. He was interested in social causes and saw great potential in radio for furthering them.

Another group interested in "social causes," the international banking firm of Lehman Brothers, a satellite of the worldwide Rothschild investment network, also became a major investor in C.B.S. Paley and his brother-in-law, Dr. Leon Levy, are however, the largest C.B.S. stockholders.

During World War II, William Paley was able to develop his propaganda theories as Deputy Chief of the Psychological Warfare Division on the Headquarters Staff of General Dwight D. Eisenhower. After V–E Day he was Deputy Chief of Information Control in Germany. So far is he to the Left that he received the order of *Polonia Restituta* from Communist Poland.

Paley is an important member of what is called the American Establishment. A devout internationalist, he is on the Advisory Council of the U.S. Committee for U.N. Day. He serves on the racial Ford Foundation's Fund for Resources for the Future. Mr. Paley is also listed in the Hearings of the Senate Internal Security Subcommittee on the Institute of Pacific Relations as "one of those to be invited to appropriate small dinners" held by the I.P.R.'s Edward C. Carter to arrange a pro-Maoist policy for America. The I.P.R. was a subsidiary of the Council on Foreign Relations, of which Paley is a member, and was primarily responsible for delivering China to the Communists. The Senate Internal Security Subcommittee has noted of it:

"The Institute of Pacific Relations (IPR) has been considered by the American Communist Party and by Soviet officials as an instrument of Communist policy, propaganda, and military intelligence.

"The IPR disseminated and sought to popularize false information originating from Soviet and Communist sources.

"Members of the small core of officials and staff members who controlled IPR were either Communists or pro-Communist.

"The IPR was a vehicle used by the Communists to orientate American far eastern policies toward Communist objectives."

Not surprisingly, the C.B.S. Foundation has been a major financial donor to the C.F.R. monolith through which the I.P.R. was spawned. Mr. Paley is reputed to be very generous to radical causes. Despite the fact that his parents came from Russia, Paley is a member of The Pilgrim Society, sometimes called the world's most secret organization, which has as its goal the reuniting of England and America.

Current Biography says of William S. Paley that "CBS policy continues to reflect his own personality, principles and taste." From his involvement with the C.F.R., the Pilgrims, the Ford Foundation, and the U.N. Day Committee, one must assume that the views of the corps of Leftist reporters at C.B.S. are indeed an extension of those of its Chairman of the Board. And those radical views reach into the homes of tens of millions of Americans every night.

The president of C.B.S. is Dr. Frank Stanton, whose Ph.D. in psychology is from Ohio State. He became president of the network at thirty-eight when William Paley moved upstairs. Under the Paley-Stanton team, C.B.S. has become the largest advertising and communication medium in the world.

Stanton is, like Paley, a "limousine Leftist." He is a long-time member of the C.F.R. and has been chairman of the Rand Corporation, a highly secretive think-tank whose Orwellian radicalism has periodically produced international scandals. He also serves as a trustee of the Carnegie Institution and is a trustee and on the executive committee of the Rockefeller Foundation, as well as a director of the William S. Paley Foundation (where Paley hides some of the enormous profits he makes from preaching socialism). Dr. Stanton is also a director of Pan American Airways, headed by the notorious Leftist, Najeeb Halaby; is a trustee and former chairman of the radical Center for Advanced Study in the Behavioral Sciences; and, has served as chairman of the United States Advisory Committee on Information.

According to Zygmund Dobbs, perhaps the world's foremost expert on the Fabian Socialist movement, "Frank Stanton has been a Fabian socialist all of his adult life." He has, for example, been active with the Tamiment Institute (formerly the Rand School of Social Sciences) in New York City. The Rand School has for decades been notorious as a training ground for Marxist revolutionaries of every stripe.

Columnist Sarah McClendon has noted that Frank Stanton is a close friend of Lyndon Johnson. In 1964, while Senator Barry Goldwater was seeking the Presidency, Stanton addressed the National Broadcast Editorial Conference, declaring that TV networks ought to take sides in political controversies. He demanded they commence a continuing editorial crusade to implement the Civil Rights Act of 1964, and suggested that C.B.S. might formally endorse particular Congressional and Gubernatorial candidates.

The power and influence of C.B.S. ranges far beyond its television and radio networks. From its original base in broadcasting, it has expanded into theatrical motion pictures and film syndication, direct marketing services, the manufacture of guitars and drums, publishing; educational services, materials, and systems; research and development for industry, the military, and space technology; and, it even owns the New York Yankees.

The Columbia Broadcasting System is, in fact, the world's leading producer of phonograph records through its Columbia and Epic labels. Employing extensive full-page advertisements in "underground" newspapers around the country, the C.B.S. recording firms keep many of these revolutionary sheets afloat. Holt, Rinehart and Winston, a wholly-owned C.B.S. susidiary, is one of the nation's largest producers of textbooks and a major publisher of contemporary "literature." C.B.S. is also the world's largest exporter of films produced especially for tele-

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vision. It has broadcast or record producing facilities in Sweden, Australia, Switzerland, Holland, Germany, Israel, Belgium, Costa Rica, Mexico, Brazil, Canada, England, Austria, France, Italy, Japan, Argentina, and Columbia. Paley's firm owns thirteen subsidiary corporations within the United States and sixty-six corporations abroad.

While C.B.S. was originally backed by the international banking firm of Lehman Brothers, it now seems to have a lot of Harriman money behind it. W. Averell Harriman (C.F.R.) received numerous concessions from the Soviets during the Twenties to develop the mineral resources of Communist Russia.[3] His father had worked closely with Jacob Schiffof Kuhn, Loeb & Company, one of the chief financiers of the Russian Revolution of 1917. Among the directors of C.B.S. is Robert Lovett of the Harriman Bank, and several others are closely allied with the Rockefellers.[4]

CONTROL OF NBC

The Avis of network television is the National Broadcasting Company, a subsidiary of the Radio Corporation of America. (Another subsidiary, coincidentally, Hertz Auto Rentals.) In the N.B.C. constellation are 207 television stations and 219 radio outlets.

Until his recent retirement the head man at Radio Corporation (and therefore at N.B.C.) has been Brigadier General David Sarnoff.[5] Mr. Sarnoff is generally credited with founding R.C.A. As Arthur Howden Smith notes in *Men Who Run America*, it was not that simple:

"R.C.A., it should be stated, however was not Sarnoff's brainchild. It came about because the Navy Department wanted American wireless American-owned—American Marconi was an affiliate of British Marconi. Franklin D. Roosevelt, Assistant Secretary of the Navy, took up the matter with Owen D. Young, of General Electric, and in October, 1919, General Electric bought over complete control of American Marconi and reorganized it as Radio Corporation of America. A.T. & T. bought into it in July, 1920, swapping radio patents for devices helpful in telephony. . . . Then, in November, Westinghouse electrified the country by broadcasting from an experimental station in Pittsburgh the Hardin-Cox election returns. The United States became radio-minded in a return for a sizable block of Radio stock.

"Obviously, R.C.A. was no more than a selling agency to work up a market for the instruments the two manufacturing companies were commencing to turn out. It controlled practically every patent of value required to build such instruments. . . .

"General J. C. Harbord had been elected president on the company's organization. He was the front for the corporation. But David Sarnoff, practical radio man, general manager, was the 'works.' It was he who made the wheels go round—and in 1920 he was twenty-nine years old. He . . . shoved broadcasting as hard as he could. National Broadcasting Company was the result. In 1926, he persuaded Radio to buy station WEAF from A.T. & T. for one million dollars, and broadcasting as we know it today had its birth."

Navy Intelligence was more than slightly naive if it thought that in getting American Marconi away from the Rothschild-owned British Marconi it was freeing American broadcasting from control by the Rothschild clique and the international financiers. Since its inception, "His Master's Voice" at R.C.A.–N.B.C. came from the Rothschild's new world affiliates—Kuhn, Loeb & Company, Lehman Brothers, and Lazard Freres. Sarnoff, like his counterpart William Paley at C.B.S., was a bright young man backed by the banking *Insiders*.

In 1969, André Meyer of Lazard Freres, who had been a member of the board of directors of R.C.A. since 1947, retired. André, who was married to Bella Lehman, was replaced by Donald A. Petrie of Lazard Freres. One goes off, another comes on. The "Big Boys" are not about to relinquish control of so powerful a conglomerate as R.C.A. At the same time, Stephen M. DuBrul of Lehman Brothers joined the board of directors. Lewis L. Strauss, a partner at Kuhn, Loeb & Company, has been a board member for many years. He was also a trustee of the subversive Institute of Pacific Relations. The Chairman and chief executive officer at N.B.C. is Walter Scott, a partner in Lehman Brothers.

As radio mushroomed, the ambitious Sarnoff and his backers began looking at related fields to conquer. Arthur Howden Smith tells us how N.B.C. got into the movie business:

"Radio's laboratories had developed a device they called Photophone, and in seeking an opening for it Sarnoff came upon the twin companies of Keith-Albee-Orpheum, operator of a chain of two hundred theaters, and Film Booking Office Production, makers of motion-pictures. Both were in difficulties because they hadn't got in on the new sound equipment, and Sarnoff succeeded in obtaining a substantial interest for R.C.A. without spending a dollar or a share of stock. The theater chain became Radio-Keith-Orpheum (R.K.O.), the producing company R.K.O. Productions, later simplified to Radio Pictures."

R.C.A. subsequently sold R.K.O. to the Atlas Corporation and Lehman Brothers.

Much of what we can learn about Sarnoff comes from his biography by Eugene Lyons, the former editor of *Soviet Russia Pictorial* and a director of the Soviets' TASS news agency who had a fight with Stalin and was until recently a senior editor at *Reader's Digest*. One suspects, however, that there may be considerable eyewash involved as Lyons is Sarnoff's cousin (a matter the biography neglects to mention). Eugene Lyons was born in Uzlian, Minsk, Russia to one Minne Privin. Sarnoff was born in Uzlin, Minsk, Russia, the son of Lena Privin. Mr. Lyons writes of his cousin's political and ideological proclivities that "Sarnoff is not a man of intense political feeling or overmastering convictions outside his business-scientific preserves."

Yet, we are asked to believe that David Sarnoff was at one time a fierce opponent of Communism. In 1955, he prepared a detailed memorandum boldly entitled *Program For a Political Offensive Against World Communism*. "On May 9, 1955," writes Lyons, "James Hagerty, the press secretary, released it to White House correspondents, with the implication at least of presidential blessings." You may judge how far to the Right this plan was by the fact that it was read into the *Congressional Record* with laudatory remarks by Senator Lyndon Baines Johnson. Mr. Johnson later traveled to New York to address a dinner at the Waldorf Astoria in Sarnoff's honor. There L.B.J. praised the Sarnoff memorandum and called for "the greatest political offensive in history . . . to win the cold war." The scheme was as phony as a rubber cane.

Although the Sarnoff thesis advocated an end to cream-puff appeasement of the Russians, it presented the "Liberal" line that the only threat is external and that Communism can best be thwarted by a massive redistribution of wealth in the non-Communist world and the creation of a socialist World Government to oppose the Soviet bloc. As usual, Americans were presented with false alternatives: One side (Atlantic Unionists and related groups) was proposing a socialist World Government to stop the spread of Communism, while the other (United World Federalists and similar organizations) advocated World Government with the Communists. Upon the election of John F. Kennedy, Establishment Group II came into the ascendency and Sarnoff dropped his scheme. Cousin Lyons writes:

"Around 1961 David Sarnoff ceased to talk publicly about Communism. Tacitly he acknowledged that the 'hard' line of the cold war, of which he had been so determined an exponent, no longer had much chance—that his crusade had failed . . ."

For a man without "intense political feeling," David Sarnoff has strayed into some very intense political associations. For many years he has been a member of the Establishment *Insiders'* Council on Foreign Relations—about as intensely political a group as you could hope to assemble. (R.C.A. has been a major financial contributor to the C.F.R.) Also, at the urging of President Kennedy, Sarnoff in 1961 became vice chairman of the Citizens Committee for International Development. "Its objective," writes Lyons, "was to help generate public support for the Foreign Aid Program. An equivalent organization, in which Sarnoff served as a member of the board of directors, was constituted by President Johnson in February, 1965."

The public is supposed to believe that the lobbying for foreign aid is a product of the efforts of average citizens who see the need to help America's neighbors. Far from it! The *Insiders* of international banking profited enormously from America's foreign aid program—which has cost us over $182 billion since 1946. Both J.F.K. and L.B.J. knew that Sarnoff has been a lifelong front man for the international banking fraternity, and accordingly selected him for the International Development posts.

In September 1965, Sarnoff addressed three thousand delegates from more than one hundred nations at a privately sponsored World Conference on Peace Through Law, a Front promoting socialist World Government. Earl Warren was its honorary chairman, former Presidents Truman and Eisenhower were co-chairmen, and Lyndon Johnson was a featured speaker. Sarnoff advocated that world "control" (a monopoly for the *Insiders*) be arranged over international television. The "General" even served on the Rockefeller Committee on Department of Defense Organization, created by President Eisenhower to reduce control by the military over the nation's defense policies. Little wonder that Sarnoff received a medal from the Communist-dominated United Nations "for his contribution to the field of human rights."

David Sarnoff is also a member of the super-secret Pilgrim Society, whose official logo is entwined American and British flags. This group, which is dedicated to merging Britain and America, has a number of internationalist members like Paley, Sarnoff, and John Schiff whose ancestors were not British.[6] Cousin Eugene forgot to mention Cousin David's C.F.R. and Pilgrim activities.

Over a period of a decade, David Sarnoff's vice president at N.B.C. and chairman of N.B.C. International was Alfred R. Stern. Mr. Stern's mother is Marion Rosenwald Stern, daughter of Julius Rosenwald of the Sears Roebuck fortune. In 1851, his great-grandfather emmigrated to America from Germany. He is reported to have been a veteran of the Red Revolution of 1848. The *National Encyclopedia Of American Biography* says (Volume 26, Page 111) that Alfred's grandfather, Julius Rosenwald, gave $6 million to Stalin for "recolonization" within the Soviet Union. Included in the Rosenwald group sending millions to finance "farm development" in the workers' paradise were international financiers Felix Warburg, Louis Marshall, Herbert Lehman, and John D. Rockefeller. It has been estimated that Rosenwald's total gifts to Josef Stalin exceeded $18 million.

On August 1, 1951, Congressman Eugene Cox placed in the *Congressional Record* a report detailing the millions Alfred R. Stern's

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grandfather spent financing U.S. Communists. Like many of the financiers of the revolution in America today, Stern's grandfather set up a tax-free foundation to finance his pet Communist causes. Among those he backed with large sums of cash were W. E. B. DuBois, a Communist and a founder of the N.A.A.C.P., Red poet Langston Hughes, Communist James Dombrowski of the Southern Conference Educational Fund, and the late editor of the *Atlanta Constitution*, Ralph McGill.

In 1957, while Alfred R. Stern was chairman of N.B.C. International, his father—Alfred K. Stern—fled behind the Iron Curtain with his second wife, Martha Dodd. A federal grand jury had returned a three-count indictment against them for spying for Soviet Russia, which could have brought the death penalty had they been brought to trial. Both were charged with being members of a Soviet spy ring that included Boris Morros, a U.S. double agent, and Vassili Zublin, former second secretary of the Soviet Embassy in Washington. The senior Stern and his second wife had been subpoenaed on March 14, 1957, to appear before the same grand jury which indicted the Sobels and other Soviet spies. Martha Dodd Stern is the daughter of a former U.S. Ambassador to Germany and brags of once trying to seduce Adolph Hitler.

After fleeing justice, the father of the N.B.C. International chairman set about training black revolutionaries and saboteurs in Communist Cuba. Alfred K. Stern's latest activities were indicated over a Vietcong radio station in Hanoi during August 1966. He announced a gift of $5,000 to Communist troops.

The nephew of Soviet spy Alfred K. Stern (and cousin of television executive Alfred R. Stern) is Washington Leftist Philip Stern, who helped staff the Kennedy State Department and was Deputy Assistant Secretary of State for Public Affairs at the time of the Bay of Pigs debacle was planned. Cousin Stern sat in on the planning. His top aide was Leftist Carl T. Rowan, for whom he later arranged an appointment as Director of the U.S. Information Agency. Philip Stern also played an important role in the persecution of Senator Joseph McCarthy while an assistant to Senator Henry Jackson during the Army-McCarthy Hearings.

Like other members of the family, Cousin Philip promotes Leftist causes in the media through a tax-free foundation. In a glorifying article titled "The Happy Philanthropist—Philip Stern" the *Washington Star* details in its issue of February 1, 1970, some of the pro-Communist activities to which Philip Stern devotes himself. The *Star* notes:

"The Stern grant that made the biggest splash of 1969 was money given Seymour Hersh to research reports of a massacre of Vietnamese civilians by soldiers at My Lai. Hersh's research, aided by a special [Stern] fund to promote investigative reporting, led to stories that shocked the nation and the world."[7]

Besides bankrolling the radical Fund for Investigative Journalism, Philip Stern has also been a major benefactor of the Far Left's Institute for Policy Studies and is also author of *The Case of J. Robert Oppenheimer*, which glorifies the late Communist and "security risk."

Philip's mother (the aunt of TV's Alfred R. Stern) is Edith Rosenwald Stern, who sits on 690,000 shares of Sears Roebuck and Company—which not only keeps the wolf away from the mansion door, but allows her to indulge the Communists. When New Orleans police raided the headquarters of the Communist Southern Conference Educational Fund, for instance, they discovered a cancelled check for $5,000—a token of Mrs. Stern's esteem.[†] Mrs. Stern also uses the media to promote her radical interests—she openly owns WDSU television and radio in New Orleans, but has otherwise chosen to finance others in the purchase of newspapers and radio and television stations.

Edith Stern's son, Edgar B. Stern Jr., is a member of the board of directors of Sears Roebuck and Company—which may explain why many newspapers, anxious for advertising revenue, are reluctant to make editorial connections between the World Communist Movement and the American Establishment. Edith's sister Marion, formerly wed to Red spy Alfred K. Stern and the mother of television's Alfred R. Stern, is currently married to Max Ascoli (C.F.R.) Mr. Ascoli was brought to this country from Italy in 1931 when the Rockefeller Foundation interceded in his behalf after he had been arrested for Red activities. Max Ascoli dumped his Italian wife to marry the wealthy Mrs. Rosenwald Stern, who financed his establishment of the radical *Reporter* magazine.

Alfred R. Stern, who was for many years chairman of N.B.C. International and vice president of N.B.C. Enterprises Division, has himself kept out of overtly Communist activities, but being raised in a home where his father was a Russian spy, his mother a committed Leftist, his grandfather and many of his relatives leading pro-Communists and financial supporters of Josef Stalin, is not the sort of environment which produces screaming eagles. Mr. Stern is currently Chairman of the Board of Television Communications Corporation, 45 Rockefeller Plaza, New York City.

Succeeding David Sarnoff at R.C.A. is his son Robert, a director of the Advertising Council, another avatar of the Council on Foreign Relations. After graduating from Harvard and studying law at Columbia, Robert Sarnoff served as an assistant to Gardner Cowles (C.F.R.), publisher of *Look* magazine. He also spent several years on the *Look* staff before joining R.C.A. He is a director of Random House Publishers, which is owned by R.C.A. (Random House's Bennett Cerf is a director of R.C.A.) and he is a director of Manufacturers Hanover Trust Company.

In 1950, Robert Sarnoff married Felicia Schiff Warburg, daughter of Kuhn, Loeb & Company's Paul Felix Warburg. She is the great granddaughter of Trotsky's financial angel, Jacob Schiff. The Sarnoff-Warburg merger wound up in the Mexican courts early this year and Felicia married F.D.R. Jr. in July.

THE LITTLE ONE

The American Broadcasting Company is the Tag-Along Tooloo of the Big Three networks. It has 153 primary television affiliates and owns a chain of 399 motion picture theaters, the largest such chain in the country. A.B.C. is also very big in the record business under the Dunhill, Impulse, A.B.C., Command and Westminster labels. Like N.B.C. and C.B.S., it is a heavy supporter of "underground" revolutionary papers through its ads promoting acid-rock music.

A.B.C. specializes in escapist entertainment and generally leaves the documentary propaganda to the Big Two. Its news audience amounts to only 7 million, while the other networks divide up the remaining 35 million or so news watchers. It does not have the ties to the C.F.R. and international banking establishment that C.B.S. and N.B.C. do, but seems content to try to imitate their radicalism.

SLICK MAGAZINES

Although the advent of television has somewhat diminished the influence of the slick magazines upon mass opinion, their importance is still significant. The nation's second leading magazine in circulation is *Look*, with 7,750,000 copies distributed per issue. *Look* is owned by Cowles Communications, headed by Gardner and John Cowles.

The Cowles publishing empire encompasses *Harper's*, a list of trade journals, a string of newspapers and television stations, and Harper & Row publishers. Running Harper & Row for the Cowles family is Cass Canfield of the C.F.R., World Federalists, and The Pilgrims. John Cowles is married to Canfield's daughter. Both Cowles brothers are members of the *Insiders'* Council on Foreign Relations.

John Cowles runs the *Minneapolis Tribune* and *Des Moines Register*. He is a trustee of the Establishment's subversive Carnegie Endowment for International Peace and of the Ford Foundation, and he is a member of the National Policy Board of American Assembly—a Front created by Averell Harriman, the Ford and Rockefeller Foundations, and the C.F.R. to run propaganda seminars for leaders in American business, labor, communications, and the academy. He is on the Advisory Council of the U.S. Committee for the U.N. and the ultra-Leftist National Committee for an Effective Congress, which operates a "be kind to the Communists" lobby in Washington.

According to the American Legion's *Firing Line* of August 15, 1954, John Cowles joined twenty-three others signing telegrams to U.S. Senators "asking support of measures which would stifle all Congressional Investigations of Communism." Little wonder, Brother John is very serious about merging America into a World Government with the Communists. The following is from a U.P.I. dispatch of June 7, 1959:

"John Cowles, publisher of 'The Minneapolis Star and Tribune' said today that the traditional American concept of national sovereignty is obsolete. Mr. Cowles, speaking at the 109th annual commencement of the University of Rochester, said Americans have believed so deeply in the principle of national sovereignty that they have instinctively opposed anything which it could be claimed might impair national sovereignty.

"'I suggest for your open-minded consideration the proposition that national sovereignty in its traditional meaning no longer exists. It has become obsolete,' he said."

Gardner Cowles, chairman of the board of *Look*, works hard to keep up with the Leftist activities of his brother. Besides being a member of the C.F.R., he is also a member of the Atlantic Union Committee which advocates scrapping the Declaration of Independence and the Constitution and forming a political union with England and the countries of Western Europe as a first step toward a World Government. He is a member of The Pilgrims. Cowles was also head of fund-raising for the American Assembly's Freedom House, set up in honor of Wendell Wilkie by A.D.A. founder Russell Davenport of *Fortune* and notorious Communist-fronter Rex Stout.

Gardner Cowles became a member of the Institute of Pacific Relations (officially cited as "an instrument of Communist policy") at the recommendation of Alger Hiss (C.F.R.). During World War II, Gardner was deputy director of the O.W.I., where he played a role in placing the foreign language press within the U.S. under the domination of the Communist-controlled Victory Council.

Running *Look* magazine for the Cowles boys is William Attwood (C.F.R.), who once wrote that we could "thank our lucky stars that Castro is not a Communist."

What Americans can thank their lucky stars about is that *Look*, which has published more smears against anti-Communists than any other publication outside the official Communist Press, is reportedly going broke. The magazine has now become so thin that one might almost shave with it. Corporate advertisers have cut back on their budgets and the slick magazines have been hit very hard. Also, the ad men are pouring a higher percentage of their budgets into television. The Cowles have already been forced to sell

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Footnotes at end of article.

a valuable newspaper in Puerto Rico to pump the $10 million proceeds into keeping *Look* afloat. Those close to the scene say *Look* could go under.

And things aren't any better over at *Life*, despite a whopping circulation of 8.5 million. Life is now down to 68 pages, less than half its former self. *Time*, the leading newsweekly,[8] with a circulation of 4.2 million (as compared to *Newsweek's* 2.5 million and *U.S. News & World Report's* 1.8) is healthy, as are Time, Inc.'s *Sports Illustrated* and *Fortune*.

The Time corporation recently bought its first newspaper, the *Newark Evening News*, for $34 million—then turned around and bought thirty-two more in the Chicago suburbs. It also owns Little, Brown & Company, an Establishment book publisher; 300,000 shares of Metro-Goldwyn-Mayer; 600,000 acres of timberland; and, is part owner of media in South America, West Germany, Hong Kong, and Australia. In addition to all this, Time Inc. owns some thirty television stations in America, giving this mammoth conglomerate a voice in every form of mass media—newspapers, magazines, movies, television, book publishing, and even teaching machines.

The builder of this empire was the late Henry Luce, whose impact on American thinking has been incalculable. As Theodore White (C.F.R.) has noted, "He . . . revolutionized the thinking of American readers." Luce started his rise to publishing glory with loans from Establishmentarians Thomas Lamont and Dwight Morrow (like Lamont a J. P. Morgan partner), Harvey Firestone, E. Roland Harriman, and various members of the Harkness family (Standard Oil fortune). Their influence became especially apparent when he started his business magazine, *Fortune*, in the middle of the depression. As John Kobler writes in *The First Tycoon*:

"It is a bemusing paradox that Fortune, the magazine of business, questioned the efficiency of the free-enterprise system and even took on a faint socialist tinge. Some of its editors and contributors stood far to the left. Luce realized this—but he also realized that he needed iconoclasts to shake up the business world and make it notice Fortune.

"Under the managing editorship of Russell Davenport, a progressive [sic] Republican, Fortune appeared to favor a mixed economy. It was Davenport who saw presidential qualities in Wendell Willkie, and interested Luce in backing him against Roosevelt. . . ."

Apparently that is what Luce's financial angels wanted. And, although he later seemed to oppose F.D.R., Henry Luce cheered his accomplishments: "I didn't vote for F.D.R. but it was all right with me that he won. He accomplished a lot of necessary social reform."

Jeanne Harmon, a former *Life* staff writer, tells in *Such Is Life* how tolerant Luce was of the Communist cell openly working at Time-Life. Mrs. Harmon relates how headlines were suddenly altered to convey meanings never intended, and how she and her fellow reporters were subjected to pressures to ignore some stories and push others. She also reveals that Whittaker Chambers was not welcomed back to Time-Life after he had testified against Alger Hiss (C.F.R.) Mrs. Harmon's description of life with Luce was considered important enough to be reproduced by the Senate Internal Security Subcommittee.

Luce, like William Paley and Gardner Cowles, was a member of the I.P.R. (the officially cited "instrument of Communist policy"), and he and his corporation provided it with large financial contributions. The I.P.R. Hearings revealed that Henry Luce had done everything possible to bury evidence that Communists were working within the I.P.R. to insure the sellout of Chiang to the Chinese Reds—even as he pretended to be a friend and supporter of Chiang Kai-shek.

Luce's involvement with the Communist I.P.R. helps explain why his magazines went to every length to smear Senator Joseph McCarthy. *Life* and *Time* have always attacked and ridiculed anyone who pointed out that the success of Communism around the world have been a result of the policies of our own government. The fact that Luce was himself deeply involved with the men making those disastrous policies was undoubtedly a motivation factor.

Henry Luce was at one time actually considered an anti-Communist. Yet he always bitterly opposed anyone like Robert Taft, General Douglas MacArthur, or Barry Goldwater, whom he thought might actually do something about Communist subversion in the United States. Luce's bogus anti-Communism was used to promote his World Government crusades. Besides his I.P.R. membership, he was a member of the C.F.R. and the Atlantic Union. Henry Luce was also a strong supporter of the United Nations, even after Alger Hiss's role in its establishment was revealed.

In the late Fifties, Henry Luce switched from the "World Government to oppose Communism" line to the "peaceful coexistence and World Government with Communism" line and *Life* went back to glorifying the Soviet Union as it had done during World War II. In 1966, Luce and *Time's* publisher James Linen (a sponsor of the occult Temple of Understanding and a member of the C.F.R., Atlantic Union, and The Pilgrim Society) took a group of forty-three U.S. businessmen behind the Iron Curtain to promote aid and trade with the enemy.

Editor-in-chief of all Time Inc. publications, is Hedley Donovan, a Rhodes Scholar, former reporter for the Leftist *Washington Post*, and a member of the C.F.R. and The Pilgrim Society. Other Establishmentarians in the Time Inc. hierarchy are vice chairman Roy Larsen (C.F.R.) and directors John Gardner (C.F.R.) and Sol Linowitz (C.F.R.). The late C. D. "Jackson" (C.F.R.) divided his time between the Luce interests and his role in President Eisenhower's "palace guard," where he was leader in the "get McCarthy" movement.

The man who is now reported to be leading the march of *Time* is a Canadian named Edgar Bronfman, head of the worldwide Seagram's whiskey empire, who controls Time Inc. through ownership of M-G-M. Bronfman inherited great wealth from his father Samuel Bronfman, who made his fortune as Al Capone's supplier during prohibition. Edgar Bronfman, one of those who accompanied Luce behind the Iron Curtain in 1966, is married to Ann Loeb of the Kuhn. Loeb international banking families. She is the daughter of Frances Lehman and her father is J. L. Loeb Sr. (C.F.R.), a senior partner in Loeb, Rhodes and Company, a firm with historic ties to the Rothschilds.

Bronfman, a contributor to Hubert Humphrey in 1968, is part of John Kenneth Galbraith's "Referendum '70," the goal of which is to support Vietnik candidates who are to the Left of the general Democrat Party. As Galbraith puts it: "The Democratic Party must henceforth use the word *socialism*. It describes what we need."

It is clear that the mass media in America, whether it be the newspapers we discussed in the September issue of American Opinion, network television, or the slick magazines, are disproportionately in the hands of the radicals of the Establishment. It is also clear that same Establishment is committed to the formation of a One World Government which it intends to rule—thereby gaining control *of all* the wealth of the world. The Establishment uses its mass media to promote that end.

FOOTNOTES

[1] The enormously profitable *TV Guide* is owned by Walter Annenberg. Richard Nixon's Ambassador to the Court of St. James'. Annenberg, who until recently was owner of the *Philadelphia Inquirer*, also inherited ownership of *The Daily Racing Form* from his father Moe, a quasi-hood who spent many years in prison as a result of conviction on tax evasion. Walter Annenberg is a recent addition to the board of directors of the Times-Mirror Company (*Los Angeles Times, Newsday, etc.*) along with Keith Funston (C.F.R.), former president of the New York Stock Exchange and a member of the conspiratorial Pilgrim Society.

[2] Readers may wish to write C.B.S. News suggesting production of a documentary on Aid and Trade With the Communist Enemy, discussing how America finances and equips the Vietcong and North Vietnamese through loans, gifts, and transfusions of technology to Russia and her satellites—the very arsenal of an enemy killing our sons in the field. Perhaps N.B.C. would be interested in putting together one of its famous White Papers on the Treason Road we are building to link Russia with Southeast Asia, or the Rockefeller-Eaton combine to build factories behind the Iron Curtain.

[3] See Anthony Sutton's *Western Technology And Soviet Economic Development 1917 to 1930* Hoover Institute, Stanford, 1968.

[4] In the issue of *Realty—The Real Estate Newspaper of New York* for September 18, 1951, columnist Elias Cohen tells of his personal experiences in dealing with Schiff and Kuhn, Loeb & Company when they were in the process of maneuvering to establish the Federal Reserve System. Cohen drops this information about the relationship between Schiff and John D. Rockefeller.

"At that time, Mr. Schiff, the senior member of Kuhn, Loeb & Company, still held, together with one (James) Stillman, the power of attorney over the fortune of Mr. John D. Rockefeller, Sr.; he had been pronounced so ill that he could not, at that time, attend to any business at all and it had been necessary to turn over the direction of his affairs to these two men." Rockefeller had worked closely with the financiers of the Communist takeover of Russia since his early days in the oil business when Kuhn, Loeb & Company granted him a secret rebate on the oil shipped over their Pennsylvania Railroad.

[5] Sarnoff is not a military man; F.D.R. made him an instant general during World War II.

[6] According to the group's 1969 membership list, other members in the United States of The Pilgrims, 74 Trinity Place, New York 10006, are: Frank Altschul, John Astor, Hugh D. Auchincloss, George W. Ball, Rudolph Bing, Douglas M. Black, Roger M. Blough, Brigadier General George A. Brownell, David K. E. Bruce, Ellsworth Bunker, Admiral Arleigh Burke, Arthur F. Burns, Gardner Cowles, Thomas E. Dewey, Thomas E. Dewey Jr., Clarence Dillon, C. Douglas Dillon, Hedley Donovan, Captain Douglas Fairbanks Jr., G. Keith Funston, Leonard W. Hall, Lyndon B. Johnson, James A. Linen, William McChesney Martin, The Reverend Norman Vincent Peale, Elmo Roper, Dean Rusk, and Henry M. Wriston.

[7] Hersh wrote speeches for Eugene McCarthy in his primary battles, then berated the Senator as just a "Liberal" with no feeling for the "revolution." Mr. Hersh was also connected with the notoriously pro-Communist Pacifica Foundation. In October, 1969, he was a speaker for the Vietcong Moratorium in support of the Vietcong. † Edith Rosenwald Stern's late husband Edgar was a director of the Federal Reserve Bank of Atlanta and treasurer of Lehman Stern & Company. The Sterns and Lehmans are related. The Lehman ancestors helped start the family fortune—which now allows them to finance "Civil Rights" causes—by dealing in slaves in Montgomery, Alabama.

[8] While *Time* dominates the newsmagazine field, competitors *Newsweek* and *U.S. News* are also closely connected with the C.F.R. *Newsweek* is owned by the *Washington Post*

(whose ownership and control was discussed in detail last month). Chairman of the board Frederick Beebe is a member of the C.F.R. as was the late Philip Graham. Retired editor Malcolm Muir is a C.F.R. member, as is current editor Osborn Elliott. Other C.F.R. men at *Newsweek* include columnist Stewart Alsop, contributing editor Carl Spaatz, and Atlanta Bureau chief William Anderson. The top man at *U.S. News*, David Lawrence, is also a member of the C.F.R.

THE PENTAGON PAPERS

HON. BARRY GOLDWATER

OF ARIZONA

IN THE SENATE OF THE UNITED STATES

Monday, July 12, 1971

Mr. GOLDWATER. Mr. President, one of the most outstanding leaders of the Air Force during World War II, Gen. Ira C. Baker, retired, has written some interesting additional information relative to the experience he had in the early days of World War II with some of the events outlined in the Pentagon papers. Because of the importance, I ask unanimous consent that it be printed in the Extensions of Remarks.

There being no objection, the paper was ordered to be printed in the RECORD, as follows:

THE NEW YORK TIMES VIETNAM EXPOSÉ

(By Ira C. Eaker)

The courts eventually will decide the legal aspects of the publication of the purloined Pentagon study about the decisions in the Vietnam War. In the meantime a review of some historical incidents from World War II may help concerned citizens make valid judgments about these disclosures.

In April 1942 the head of the Washington bureau of a prominent newspaper called the Information Division of the War Department in the Pentagon and said, "Yesterday afternoon 16 U.S. bombers took off from a carrier 700 miles from the Japanese coast, bombed Tokyo and flew on to land in China. We propose, with your clearance, to go with an extra edition immediately."

The Pentagon censor replied promptly, "Hold, absolutely, until this story is released officially. The carrier is still vulnerable to Jap air and sub patrols. The crews are behind enemy lines. Announcement of their number and location obviously will intensify the search for them."

This great newspaper (not the New York Times) did not publish its dramatic exclusive but awaited the release by President Roosevelt.

In the war years, hometown newspapers were encouraged to publish letters from veterans overseas, after censorship to eliminate anything which might violate security. This was good for troop morale. A midwestern weekly published a letter from a member of a submarine crew which somehow escaped censorship and which read, "Mom, we were hit by a Jap depth charge while cruising at 300 feet below the surface and it did no damage, just made our lights blink." Very shortly thereafter the Japs doubled the power of their depth charges. Many submarine crews paid with their lives for this gratuitous information to the enemy.

Counsel for the New York Times contend that there is no legal precedent or authority to prevent the publication of secret government documents. The government may, after publication, bring a criminal action against the newspapers if it wishes.

Let's try this on for size measured by other historical incidents.

If the New York Times had published a story on June 5 1944, after Eisenhower's invasion fleet had sailed, naming the beaches upon which allied troops were to land next morning, Field Marshal Rundstedt would have moved his reserve Panzer divisions to those points immediately. All troops which stormed the beaches would have been killed or captured. The invasion would have failed.

It would have been cold comfort to the relatives of 100,000 dead stacked on the Normandy beaches to know that the U.S. government could bring an action against the Times.

Editorializing in its defense the Times says that it published the Pentagon secret study because the events were more than three years old and publication could not therefore hazard national interest.

No newspaper nor any private individual possesses all the facts necessary to make that judgment. Only the President who is charged with the responsibility for the security of our forces engaged with the enemy and with the conduct of international relations has all the data requisite to valid decisions in these areas.

The Department of Justice, obviously with President Nixon's approval, contends that the New York Times publication of the secret Vietnam documents "would result in irreparable injury to the national defense."

Some idea of the damage may be realized by considering what our leadership would give for a recording of Ho Chi Minh's war conferences with his principal advisers during the same period.

Those who favor freedom for the news media to publish secret government documents at will choose to overlook the fact that we are still at war and suffering more than 100 casualties each week.

Despite the bitter divisions among our people how and why we got into the Vietnam War, cannot we now agree that so long as the war continues nothing will be done which may aid the enemy, prolong the war or increase our casualties?

SPEECH OF U.S. AMBASSADOR GEORGE BUSH BEFORE THE 51ST SESSION OF THE U.N. ECONOMIC AND SOCIAL COUNCIL

HON. DELBERT L. LATTA

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, July 12, 1971

Mr. LATTA. Mr. Speaker, I would like to call your attention to the speech of the U.S. Ambassador to the United Nations, George Bush, before the 51st Session of the U.N. Economic and Social Council wherein he stated that the United States can maintain its international obligations at present levels only if other countries drop discrimination against American products. He said America's trading partners risk "great damage" unless they lower these protective trade barriers.

A U.P.I. release on the ambassador's speech is as follows:

U.S. officials said Bush's statment should be viewed as one of Washington's most serious warnings yet that correction of the American payment deficit is an international responsibility.

"If the United States were to try to restore its external balance unilaterally, we would inflict great damage on all our trading partners as well as ourselves," Bush said.

"We have chosen a more rational course. We are looking towards international cooperation to assist us in a task in which all concerned have a stake."

Bush said the United States is not at present cutting back on international obligations, "particularly foreign assistance."

"But cooperation is a two-way street," he said. "We too expect cooperation from others. If the U.S. economy is to continue to play a constructive role in the world it must be allowed to export to markets in which it has a natural competitive advantage."

THE PENTAGON PAPERS

HON. DAVID W. DENNIS

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 12, 1971

Mr. DENNIS. Mr. Speaker, Mr. James S. Copley, publisher of the Copley newspapers, has made a very significant and worthwhile statement regarding the recent conduct of the New York Times in publishing stolen Government documents, which deserves attention and which merits much wider publicity than it has yet received.

I call to the attention of my colleagues a news account of Mr. Copley's statement, taken from the Chicago Tribune of July 11, 1971:

PUBLISHER ASSAILS USE OF WAR REPORT BY NEW YORK TIMES, POST

CORONADO, CALIF., July 10.—The American people want to know why newspapers published the Pentagon's secret study of United States involvement in Viet Nam without any effort to get them declassified first, Publisher S. Copley said today.

He said they want to know why the New York Times hasn't been prosecuted for unauthorized possession of stolen goods.

NOT FREE PRESS ISSUE

"What has happened really has nothing to do with freedom of the press," said Copley, chairman of the corporation publishing the Copley newspapers.

"The First Amendment prohibits the Congress from passing laws abridging freedom of the press," said Copley in a speech. "I doubt if there is any likelihood that Congress has any such intent."

Journalism was done a disservice by the Times and other newspapers which elected to identify with the Times, he said.

Speaking at the annual meeting of California and Nevada Associated Press newspaper publishers, Copley said: "The New York Times came into possession of stolen documents which the government regards as sensitive. Making no known effort to procure their declassification to permit their legal publication—and against the advice of the government—The Times elected to publish the documents. In short, there was a straightforward route to follow, not in any way involved with freedom of the press, and the Times chose not to follow it."

NOT CONDONED BY COURT

Copley said there was no ruling on freedom of the press in the decision of the Supreme Court that held publication of the material in the hands of the Times and the Washington Post would not gravely injure the United States.

The high court "did not in any way condone the fact that the Times and its colleagues received stolen property and that they did so knowingly," Copley said.

LOCKHEED AIRCRAFT CORP.

HON. CHARLES S. GUBSER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 12, 1971

Mr. GUBSER. Mr. Speaker, the House of Representatives will soon be considering a loan guarantee for the Lockheed Aircraft Corp. I realize that there are many sincerely held feelings on both sides of this issue, but am confident that my colleagues here in the House will want to carefully weigh all evidence available to them. A very significant letter which strikes at some very important points was written by Mr. A. W.—Tony—LeVier, an internationally recognized, top rated test pilot with a high degree of technical ability. His words cannot be treated lightly and I submit the following which I commend to the attention of my colleagues:

JUNE 1, 1971.

Mr. FRED J. BORCH,
Chairman and Chief Executive Officer, General Electric Co., New York, N.Y.

DEAR MR. BORCH: I was considerably troubled by your letter to President Nixon and others and by the related press conference relative to the proposed legislation which would provide loan guarantees to a consortium of 24 banks in support of the Lockheed L–1011 TriStar program. It is not surprising that as a long-term Lockheed employee, I am troubled by your actions. I have always had confidence in big business and believed that it acted in good faith, but it is at best alarming that you put into circulation on a national scale information which was both false and misleading. Even casual inquiries would have proved them so. In the current atmosphere in which charges of mismanagement are rampant, it seems worthwhile to ask you as the head of the General Electric Company to look inward and determine how you as an individual and General Electric as a corporation could have been led into this needless trap.

My reaction is not prompted by my role as a 30-year Lockheed employee. It is prompted by my recognized role as one of the nation's leading test pilots who has spent hundreds of hours behind General Electric engines in the most hazardous flying circumstances as the first American test pilot assigned to this country's first operational jet aircraft. The airplane was the Lockheed F–80 and the engine was the General Electric 1–40. In case your G.E. experience does not include this particular jet, on March 20, 1945, I was almost killed in this airplane when the turbine disc disintegrated in flight shattering the rear fuselage with the loss of the tail assembly and complete loss of aircraft control.

I spent many painful months in the hospital recuperating from a fractured lower spine and only by the providence of God was my life spared.

During this period, General Electric employees in whom I had great confidence acknowledged to me that G.E. had experienced this same type of failure with this engine at your jet engine facility at Lynn, Mass., but had not seen fit to advise Lockheed up until that time. Subsequently, two other great American aviators, Test Pilot Milo Burcham and War Ace Major Richard Bong, met untimely and apparently needless death behind the G.E. 1–40 engine due to faulty overspeed governor operation.

But we live in a close community in aviation, a community which works together and, if necessary, suffers together. Thus, it was without hesitation that I straddled the G.E. J–79 engine in our Lockheed F–104 Starfighter series. Suffice it to say there was plenty of opportunity to remember my earlier experience with the G.E. 1–40 engine. This engine kept the Starfighter program in jeopardy throughout its early life, but not only did we support G.E., not blabbing our problems with your product, we lent you both technical and moral support in correcting your problems.

This is the environment in which we at Lockheed continued to work with G.E. as a partner in those areas where our skills best complement one another . . . hopefully, without fear or favor. I am obviously not an expert on G.E.'s engine business, but I would hazard the guess that through the C–5 transport, the S–3A ASW aircraft and the AH–56 over and above the F–104 program itself, we are the largest user of G.E. engines in the world.

When we chose the Rolls-Royce RB.211 engine for the Lockheed TriStar, we did not do it from weakness but rather from strength. No one is more familiar with G.E. engines than Lockheed, but the Rolls-Royce commercial experience so overshadows G.E. experience that there was no room for serious contest. As a pilot with long experience behind General Electric engines, I am confident you will ultimately produce a fine commercial engine. If that should happen in 1971 or 1972, it will be in contradiction of the experience cycle of all other complex technical equipment in the history of aviation . . . whatever your experience with the CF–6 engine . . . and I wish you nothing but the best.

But, as a man who stood behind General Electric products when there was little cause to do so, and as part of a company which did the same, I condemn you and the General Electric Company for the crass manner in which you have operated in the matter of the proposed Lockheed loan guarantee. Despite my natural tendency to support big business, your transparent lack of good faith is disheartening to me personally and a disservice to General Electric, and its thousands of stockholders.

Yours truly,

TONY LEVIER.

DRESSING UP DRESSING

HON. BENJAMIN S. ROSENTHAL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, July 12, 1971

Mr. ROSENTHAL. Mr. Speaker, as the sponsor of the Truth-in-Food-Labeling Act, I note with interest the statement of the Mayonnaise and Salad Dressing Institute, urging all dressing manufacturers to begin immediately declaring all ingredients on the labels of standardized dressings.

At the present time, the Food and Drug Administration does not require the listing of ingredients in such standardized products as mayonnaise, margerine, ice cream, and cola. I believe it should. The consumer has the right to know, for his convenience and, most importantly, for his protection, the ingredients in the food products he buys.

Unfortunately, despite the institute's commendable action, it concedes there may be a delay of up to 1 year before most manufacturers have completed changing the labels on their products. This seems to be an unnecessarily long delay.

Mr. Robert Kellen, institute president, would not name those companies he said are considering supplying the public with a list of the ingredients that go into their products.

The problem, of course, lies in the fact that the institute is calling for voluntary compliance on the part of the salad dressing manufacturers. Its new policy lacks both the status of law and any hint of the means necessary to insure that the manufacturers will follow the suggestion

It is not enough that individual manufacturers disclose the contents of their products on a random, voluntary basis. We need a law that will have the authority to require all food manufacturers to comply quickly and uniformly. My bill, H.R. 8670, would require that all ingredients contained in a food product be listed on the label in the order of their predominance in the food. The protection of the consumer makes it mandatory that this bill be adopted.

THE PLIGHT OF OUR VETERANS

HON. OGDEN R. REID

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, July 12, 1971

Mr. REID of New York. Mr. Speaker, the number of Americans who are now veterans of the Vietnam war is greater than the population of 23 States.

Yet our Vietnam veterans are one of the most forgotten, neglected, and ignored groups in America.

Their problems are enormous. They need a lot of help. But for them to get help, the American public is going to have to wake up to their plight and show some vocal concern.

Over 375,000 veterans are out of work and cannot get jobs. Upwards of 50,000 young veterans are addicted to hard narcotics, and many of these have been given dishonorable discharges under a kind of thinking we are now growing away from. And at least another 30,000 addicts will soon return from South Vietnam.

Thirty percent of the Vietnam veterans now in VA hospitals are psychiatric cases. And who knows how many more are walking the streets in need of treatment?

Our veterans hospitals are so crowded

and understaffed that thousands of veterans of all ages are on waiting lists to get in. And many who are in hospitals simply do not get the attention they need.

A great many Vietnam veterans are embittered about their country because they think it does not care about them. A man returning from Vietnam is likely to be told by his friends that he was crazy to go over there in the first place. For someone who has risked his life for a year, that can be the beginning of a very real psychological problem.

Add to that the inability to find a job. I would like to read part of a letter I received from a recently discharged veteran in my district:

> You spend four years in the service, and when that's over they dump you out with a letter from the Governor which says, "Sincere appreciation for the service you have rendered to our nation." I wonder how sincere that appreciation is when you can't find a job after five months.

Over a third of a million Vietnam veterans are in the same boat as this young man. The unemployment rate among Vietnam veterans under the age of 25 is 14.1 percent—more than twice as high as that among the population as a whole. It is also substantially higher than the rate among nonveterans of the same age group.

An estimated one out of every four addicts in the country is a veteran. But right now we don't have adequate means to treat them. For example, the VA hospital in Washington, D.C., has only 10 beds for narcotics addicts, even though by the VA's own estimate there are 2,500 veterans in the District of Columbia who are addicts.

Our veterans need—and I might add, deserve—far better medical care than is now being provided by VA hospitals. There is an acute shortage of personnel in critical areas—doctors, nurses, psychiatrists, and therapists to name a few. A VA mental patient may get to see a psychiatrist for only an hour a month Many VA hospitals, including more than 30 in the South, do not have air conditioning.

All these things—lack of jobs, inadequate medical treatment, the apparent unconcern the rest of America shows for them—are turning a great many Vietnam veterans off. They have made a tremendous sacrifice for their country and they deserve better thanks. Not just a pro forma letter from a Governor. If we do not give them the help they need, I think our country is in great danger of permanently losing the respect and support of an entire generation of her veterans.

There are bills now in Congress, some of which I have introduced, to meet these problems. To give veterans' preference in a program to provide 150,000 public service jobs. To remove present restrictions and allow the VA to treat all of the 50,000 veterans who are narcotics addicts. To substantially improve the quality of medical care in VA hospitals by hiring at least 25,000 more doctors, psychiatrists, nurses, and other medical personnel. Rhetoric will not pay for these improvements. It might take about $3 or $4 billion.

But Congress will not act unless the American people express their concern. These are not somebody else's sons and brothers we are talking about—they are our sons and brothers.

THE DIEM CASE AND AFTERMATH

HON. WILLIAM L. DICKINSON

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 12, 1971

Mr. DICKINSON. Mr. Speaker, the respected Washington columnist, William S. White, has written a thought-provoking article on the Diem assassination and its aftermath.

I believe that a careful and thorough analysis of this article, as well as related articles including the stolen Pentagon papers, will place the blame for the Vietnam mess precisely where it belongs—on the shoulders of the party in power during the 1961–68 period and on those U.S. policymakers who pursued a no-win policy in Southeast Asia.

The column appeared in the Birmingham News and was sent to me by a Montgomery constituent. I commend the article to my colleagues.

Thank you, Mr. Speaker.

THE DIEM CASE AND AFTERMATH

(By William S. White)

WASHINGTON.—The latest "secret document" about Vietnam to come to light should cause the country to think it hadn't seen anything yet when it was being treated by The New York Times and other newspapers to excerpts from the stolen Pentagon papers.

This secret was the decision of officials of the United States government under President John F. Kennedy to condone, if not to participate in, the assassination in 1963 of the last truly effective president of South Vietnam, Ngo Dinh Diem.

The man who more than any other official (with the possible exception of Sen. J. William Fulbright) for five years most implacably attacked the Johnson Administration over the war was the Senate Democratic leader, Mike Mansfield of Montana. It is this same Mansfield who has now brought the Diem thing into the open.

"I have always felt," he says, "that our troubles began with the assassination of Diem, who was basically a good man." Diem's murder, Mansfield adds, led to a series of coups and resultant chaos which forced the entry of the United States more fully into the war.

Another witness, Rep. Paul McCloskey, a California Republican who is so antiwar that he is preparing to enter the GOP primaries against President Nixon next year, asserts that he is already in possession of Pentagon documents that make it unmistakeable that the United States "encouraged and authorized" the liquidation of Diem.

There is nothing new in all this to those few in Washington who were really close to events in 1963; all knew that some in the State Department, notably Roger Hilsman, were bitterly anti-Diem and that the non-political military were bitterly opposed to ousting him.

The point was that though Diem was far from perfect, all the same he was the only politician with a demonstrated capacity to keep South Vietnam together to the degree that it could put up some kind of a fight against the North Vietnamese invaders.

Ever since his murder, the situation in South Vietnam has been so weak politically as to add immeasurably to the burden of the United States, which had after all accepted a commitment to help defend the country and could hardly forget it because the political leadership, post-Diem, was poor, indeed.

To this columnist's direct knowledge at the time, the then vice-president Lyndon B. Johnson was appalled at the Diem assassination but felt that his obligation of loyalty to President Kennedy forbade him to speak up.

I always believed, too, that President Kennedy himself had grave reservations about it in the afterlight, though I cannot claim he ever told me in so many words.

At all events—and speaking of documentary evidence—one of Mr. Johnson's earliest acts upon assuming the presidency was to order Hilsman's dismissal. Whereupon, Hilsman went off to write a book saying, in substance, that he had voluntarily left the State Department because his conscience could not bear the war policy any more.

First, however, he had come to this correspondent to beg his intercession with the Johnson administration that he (Hilsman) be kept on in the department.

Whatever happens to the man who gave out the top-secret material of The Times in violation of the Espionage Act, and regardless of the ultimate decision of the courts as to whether further publication is to be halted as damaging to military security, two points are and will remain obvious.

One is that many copies are floating about and will at length come to light. The other is that men having or having had high office—President Nixon and President Johnson—are substantially helpless before the onslaughts of the peace-at-any-price people because they are unwilling to act irresponsibly in retort to anonymous antiwar Pentagon "analysts" who are troubled by no such scruples.

Both Mr. Johnson and Mr. Nixon have "documents," too, that could smash the efforts of the "analysis" to drive us out of Vietnam. Neither is prepared to go that far to defend himself.—(c.)

TWO APPROACHES TO SOUTH VIETNAMESE OIL INVESTMENTS

HON. JAMES ABOUREZK

OF SOUTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 12, 1971

Mr. ABOUREZK. Mr. Speaker, the question of American involvement in South Vietnamese offshore oil deposits is inextricably intertwined with the larger matter of American foreign and military policy toward all of Indochina. Given the valuable tool of hindsight that we now have, it is clear that the history of U.S. intervention in Southeast Asia was based on the deliberate failure of the executive branch of Government to provide the citizens and Congress of this country with sufficient information regarding our aims, plans, and entanglements in that part of the world. As Members of Congress, I believe that we must never allow this to happen again.

Toward that end, I have spoken out several times over the last 4 months asking this body to undertake an investigation into the matter of potential American involvement in oil deposits off the coast of South Vietnam. I have not done this because I am antioil. Rather, I have done it because it is my firm conviction that the American people deserve and must be given all the relevant information pertaining to current or potential U.S. involvement in Indochina. Given this information, then, the American people will be in a position to determine the extent to which they want their Government, or their military or their corporations involved in the affairs of Southeast Asia. Without this information, we are merely groping in the dark.

Two alternative approaches to the possibility of massive investments by U.S. companies in South Vietnamese offshore oil have been suggested recently and I would like to take this opportunity to have them placed in the CONGRESSIONAL RECORD.

The first, by Dr. Michael Tanzer of New York, is a suggestion that an amendment be made to the Foreign Assistance Act. Such an amendment would prohibit U.S. assistance to any country using outside capital to explore for oil while American troops were involved in military operations there. It is my understanding that my distinguished colleague, Mr. BINGHAM of New York, intends to offer a similar amendment to the Foreign Assistance Act in the very near future.

On the other hand, another possible approach was suggested editorially by the prestigious Oil and Gas Journal on June 28, 1971. While I do not agree with some of the statements the editor makes, I believe that his major point—that the U.S. oil industry should exercise self-restraint in regard to Vietnamese investments as long as American troops are present there—is most laudable. The fact that the industry press is now proposing that American oil companies refrain from investing in Vietnamese oil as long as the war goes on adds a new dimension to the entire question. I sincerely hope that the companies will heed this sound and courageous advice. The full text of these statements follow:

STATEMENT OF DR. MICHAEL TANZER

Mr. Chairman, members of the committee and guests, I am happy to be able to testify before you today on the subject of oil and the Indochina war, and to suggest an amendment to the foreign aid bill aimed at preventing possible future U.S. oil exploration offshore Indochina from getting us more deeply embroiled in that area.

My qualifications for discussing this problem are as follows: After receiving my Ph.D. in economics in 1962 from Harvard University, where I had taught economics and social sciences, I worked for two years as an economist for Esso Standard Eastern, Inc., the Asian-African affiliate of Standard Oil Company of New Jersey. Following that I worked for several years as a management consultant and wrote a book entitled *The Political Economy of International Oil and the Underdeveloped Countries* (Beacon Press, 1969). For the last two years I have been head of my own consulting firm which specializes in oil and energy problems. I appear before you today solely as a citizen concerned that the United States withdraw from Indochina as quickly as possible.

In recent months there have been a spate of stories in the petroleum press and elsewhere about possible huge oilfields existing off the coast of Indochina. These stories have been accompanied by mounting speculation and controversy on the extent to which the possibility of such oil reserves may influence the course of the Vietnam War. In turn, the reports themselves partly were stimulated by the December 1, 1970 promulgation of a South Vietnamese law governing oil exploration, along with that government's expressed intention to lease offshore oil concessions in the near future, and the interest indicated in such concessions by a large number of major U.S. oil companies. (I have appended to my written statement two documents which give much useful background information on the development of this situation.)

The question may be raised as to why Congress should be concerned if private American oil companies may choose to undertake such exploration? In my view the reason for concern is that the entry of the oil companies could lead to a prolongation of the war by providing powerful long-run support for the Thieu-Ky government—a government whose continued existence is incompatible with a negotiated settlement to the war. Moreover, this danger exists now even if it ultimately turns out that Vietnam does not have any offshore oil.

Thus, much of the debate over oil and Indochina has centered around what I believe to be largely a false issue: namely, the estimates of how much oil exists there. On this question there is much speculation, rumors and even fascinating typographical errors, but little hard information publicly available (a situation, parenthetically, which requires Congressional investigation to rectify).

While there have been preliminary surveys along much of the Asian offshore areas, as every oil man knows the only sure way to know if oil exists is to drill for it. On the other hand, such preliminary work adds considerably to one's knowledge of the probabilities of finding oil, as well as the quantities and types which might exist. Here clearly the oil companies have information which they are not disclosing. In this connection it is worth noting that Standard Oil of New Jersey, which has expressed interest in bidding for South Vietnamese offshore oil concessions, last year made a reportedly significant oil find (details of which it refuses to divulge) in Malaysian waters *bordering* the South Vietnamese tracts.

Nevertheless, in assessing the situation it is important for political leaders and the public alike not to be detoured by the arcane mysteries of the geologists' seismological data and probability charts. For, assuming some inevitable degree of uncertainty at this point, the operational questions facing the big American oil companies are not only "Will we ultimately find oil down there?", but also "If there is a chance of oil being found down there, how do we insure that our competitors do not get it (be they other independent oil companies or foreign governments)?"

After all, the basic foundation of the incredible profits of the five huge American companies (Standards of New Jersey and California, Texaco, Mobil and Gulf), which along with Royal Dutch Shell and British Petroleum dominate the international oil industry, is their ownership of enormous quantities of low-cost crude oil all over the world, particularly in the Middle East, North Africa and Venezuela. In conjunction with their farflung refining and marketing facilities, the Big Five's control of this crude oil allows them to sell it at prices far above cost. Their gravest danger is not that they will fail to obtain large quantities of oil in Indochina, but that others might obtain it and by throwing it on the market badly depress world oil prices as well as the Big Five's profits.

The dangers of Indochina oil for the Big Five are particularly great because the logical market for this oil would be Japan, the world's largest oil importer as well as the fastest growing one. Since Indochinese oil may well be of a low sulphur type, and definitely would have a geographical advantage for the Japanese market, it could easily back out billions of dollars worth of oil which the Big Five would otherwise ship to Japan annually, while creating unpleasant competitive ripples throughout the rest of the world.

To prevent this, the Big Five would need not only to obtain oil concessions in Indochina, but also to have these concessions secured by some form of continuing American military presence in the area, in order to keep in power the concession-granting government. Thus, if the Big Five get oil leases off the coast of Vietnam they will have a strong incentive to use their historically demonstrated ability to influence foreign policy, towards maintaining the U.S. presence in Vietnam indefinitely.

In order to forestall such a situation where powerful oil companies become enmeshed in the Vietnam War, it seems to me entirely appropriate for the foreign aid bill to be amended in the following fashion: to provide that no assistance shall be furnished under this Act to any country which uses outside capital to explore for oil, as long as United States armed forces are involved in military operations in such country.

Such an amendment would serve notice that foreign governments cannot hope to maintain their long-run tenure by back door American assistance via drawing in the powerful U.S. oil industry. By effectively barring all foreign oil exploration in war torn countries, it would not put U.S. oil companies at a competitive disadvantage; instead it would preserve the status quo as regards oil until peace can be restored.

Some have claimed that the Vietnamese oil situation is merely a tempest in a teapot, stirred up by emotional antiwar groups. The fact is, however, that the most glowing accounts of possible oil resources have come from the South Vietnamese government itself. More important, as I have stressed, is that how much if any oil ultimately is found offshore South Vietnam is not what will determine actions today or in the near future.

If, on the basis of data now available to them, the U.S. oil companies would independently decide not to explore offshore South Vietnam, then the proposed amendment will have been superfluous. If, on the other hand, the companies would have wanted to explore absent such an amendment, and no oil exists, they and the American taxpayer would be saved millions of dollars. The only possible harm to the companies under the amendment would occur in the case that they wanted to explore and large quantities of oil do exist. But, since in my view any possible economic gains to the companies would be vastly outweighed by the losses suffered by the American people from fighting to maintain the kind of government the oil companies would require, the amendment would still be beneficial.

In sum, then, this amendment can be viewed as a costless form of insurance. Since this committee and the American people have had a long and bitter experience of little commitments growing into ever larger ones as regards Vietnam, the amendment would seem to be at minimum a prudent precaution.

LEASING NOW OFF SOUTH VIET NAM WOULD BE MAJOR BLUNDER

Saigon has committed a serious blunder in speeding up plans for leasing its offshore areas in the South China Sea for oil exploration. The South Viet Nam Economic Ministry has picked the worst time imaginable to decide to invite bids from oil companies by September and grant concessions before year-end.

The action can have only one result: Give support to absurd charges that the Southeast Asia war is being prolonged to preserve profits of U.S. oil companies.

Saigon is ignoring the political uproar already raised by some misguided Americans and quieted only recently on the Viet Nam leasing issue. Saigon also is disregarding the ticklish political position faced on this issue by the U.S. Government and American oil companies.

This is a moral issue charged with deep emotion. It involves a suspicion that American soldiers are being asked to risk their lives for a crass commercial cause.

The very thought of this possibility recently aroused Mothers For Peace to flood Congress with thousands of protest letters. Their fears that oil interests were moving into South Viet Nam and that the war might become an operation to protect "fabulous" oil deposits offshore were laid to rest, however. Oil people and political leaders, even some critics of oil, knew these charges were absolutely false, but they also knew the protesters were sincere and not of the stripe of many Washington protesters.

Oil was cleared of any Viet Nam involvement, and all charges were proven unfounded. But the Saigon decision to invite leasing revives this fiction and throws the oil industry right into the middle of a furious debate over U.S. disentanglement from the war.

The U.S. Government must exert all the pressure within its power to persuade Saigon to delay offshore leasing until the war is over or until U.S. forces have withdrawn.

American oil companies should avoid participating in the leasing. Their image at home will be tarnished by an inevitable public backlash. Demands already have been made that U.S. aid be denied other Southeast Asian countries using U.S. and other private capital to develop offshore oil during the war. Any U.S. company participating in the proposed leasing could hardly avoid some type of retaliation from the public or the politicians.

This doesn't mean South Viet Nam must keep its potential oil resources in deep freeze forever. That country will need oil for postwar reconstruction. It will need—and undoubtedly get—the help of international oil companies in developing any reserves found.

But there's no need to rush a lease sale. Any oil in the South China Sea will still be there a few months from now when all, or most all, U.S. troops have withdrawn. Now is just not the time to add an oil flap to the other U.S. problems in South Viet Nam.

DAR ESSAY WINNER, MIDLAND, TEX.

HON. GEORGE H. MAHON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, July 12, 1971

Mr. MAHON. Mr. Speaker, Miss Lynne Rucker of Midland, Tex., has become the fourth member of her family to win first place in the Daughters of the American Revolution essay contest in Midland. This is a remarkable achievement and I wish to take note of it by placing her award-winning essay, entitled "The History of the Constitution," in the RECORD. We cannot do too much to preserve our heritage and strengthen our country. The essay follows:

THE HISTORY OF THE CONSTITUTION

(By Miss Lynne Rucker)

The Constitution is the complete law of our land. It made our nation complete and is called the "rugged constitution" because it is the oldest written constitution still in use.

Our country won its independence from Great Britain in the year 1781. For eight years after that, this country was governed under a constitution called the *Articles of Confederation*. But there were faults in the *Articles of Confederation* because they were in war. It hadn't worked well during the war, and it was hardly working at all now. In time some of the states became less friendly toward one another. Soon they began to quarrel seriously. There was danger that the states might break away and become small separate countries.

As early as 1776, Tom Paine called for a constitutional convention to draft a national constitution. This group of citizens began its meetings in May, 1787 at Independence Hall in Philadelphia. The main men of this convention were George Washington, James Madison, Benjamin Franklin, Gouverneour Morris, Alexander Hamilton, and John Dickenson. George Washington was the presiding officer and soon became the president of the United States. James Madison brought to the convention a plan of government which served as a model for the new government. He was called "the father of the constitution" because he made many speeches and tried to compromise between all the people. Benjamin Franklin was full of wisdom and common sense. Gouverneour Morris actually wrote the constitution. Alexander Hamilton argued for the constitution, which would create a strong federal government. John Dickinson came to offer legal advice.

For a while the delegates tried to patch up the *Articles of Confederation* and make them work. But they decided to make an entirely new plan of government in order to form "a more perfect union".

The danger of a failure to get all the states into one nation was very severe. The large states did the best arguing, while the little states shouted and screamed and threatened that if they could not have their way, they would go back home.

They did not break up the convention or give up trying to form the groundwork for our country. It is to the eternal glory of the constitutional convention that although all the members wanted their own way, they wanted still more to set up the best possible government for their country.

They argued all day long, and sometimes the arguing got so bad that the delegates were going to go home and forget all about it.

Under the Articles of Confederation, most of the power of government belonged to the states and few belonged to the national government. But under the Constitution, the powers are more equally divided between state government and the national government. This system gave our country a *federal* government.

The Constitution called for a *separation of powers*. This meant that the national government had three distinct branches each with its own separate powers and duties. Each branch helped to keep the other two from doing unwise or unjust things. This arrangement was called a "system of checks and balances" because each branch helps to check and balance the powers of the other two branches. The three branches are (I) the legislative branch, which makes the laws; (II) the executive branch, which carries out the laws; and (III) the judicial branch, which tries cases in court and explains the meaning of the laws.

Critics said they had no bill of rights, that the president had too much authority, congress had too much power also, and that the national government had too much control. There were two groups fighting over this. Those in favor of the constitution as it was written were known as Federalists. The ones against them were anti-federalists.

Finally, after two months of discussion, the delegates worked out a compromise, that is, an agreement in which both sides gave up something. Roger Sherman from Connecticut proposed the compromise that ended the arguments of equal representation. His plan said to have equal representation in one house of Congress. This pleased the smaller states, which thus kept their equality with the larger states in one house of Congress.

The Convention agreed that if nine states approved the constitution, the government could be organized.

Delaware was the first state to ratify the constitution on December 7, 1787.

In 1790, people had joined together and on February 4th, George Washington was unanimously named President of the United States. On March 4th, the first congress met in New York City.

There has never been a reason to have a second Constitutional Convention because "our rugged constitution" has come down through the years with sovereignty of the people, a supreme national government, respect for the states, a division of power by having three equal branches of government and by a majority rule.

In present time, our constitution holds strong and the Preamble written so many years ago still holds truth for our country:

PREAMBLE

"We, The People of The United States, in Order to form a more perfect Union, establish Justice, insure domestic Tranquillity, provide for the common defence, promote the general Welfare, and secure the Blessings of Liberty to ourselves and our Posterity, do ordain and establish this Constitution for the United States of America."

U.S. PRISONERS OF WAR

HON. JAMES F. HASTINGS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, July 12, 1971

Mr. HASTINGS. Mr. Speaker, on March 26, 1964, an American adviser, Capt. Floyd J. Thompson, was captured in South Vietnam and thus became the first American prisoner of war.

Today, 7 years and 108 days later, he is still being held captive by Hanoi, along with an estimated 400 other Americans. In addition, approximately 900 more are missing in action. Their fate is uncertain because Hanoi refuses to give out any information, coldly unmindful of the added pain this imposes on their families back home.

In fact, since the beginning, Hanoi has shown a callous disregard for basic concepts of decency. In violation of the 1949 Geneva Convention, Hanoi has denied the International Red Cross permission to inspect prison camps. It has refused to release those who are sick and wounded and it has denied the prisoners a regular exchange of mail.

All this has placed an almost intolerable burden on their wives, their children, their families and their friends, who must wait and wonder.

We, in the Congress, must never lessen our efforts to focus world attention on the plight of our prisoners and what it means to their families.

Many groups, including the Veterans of Foreign Wars, in a petition-signing campaign directed by Mrs. Alexander Cottone, of Olean, N.Y., in my district, have taken part in nationwide drives to draw world attention to our POW's and let Hanoi know that we care.

Nothing short of their release and return home to their loved ones can suffice. We must never let Hanoi forget that we have not forgotten.

INSTANT EXPERTS

HON. GEORGE P. MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 12, 1971

Mr. MILLER of California. Mr. Speaker, under date of July 8 the Washington Daily News carried an article by one of its syndicated writers, Mr. Ray Cromley, entitled, "Instant Experts."

I commend Mr. Cromley's article to the reading of my colleagues and I do so with the full knowledge that I recognize Ray Cromley as a man eminently qualified to write on this subject. Mr. Cromley was in Japan at the outbreak of the war as the representative of one of the American newspapers and, along with other correspondents, was immediately jailed. He had been in Japan for many years prior to this; his wife was a Japanese medical doctor as were most of the members of her family. He speaks and writes Japanese and is knowledgeable in all facets of the Oriental thinking and living.

I had the privilege of knowing him at the conclusion of World War II before his return to Asia at the request of General MacArthur, when he spent a good deal of time in China. Ray Cromley knows the Oriental mind. Therefore, I believe that what he tells us about the Orientals is of the utmost importance.

The article follows:

INSTANT EXPERTS

(By Ray Cromley)

A careful reading of the Pentagon Vietnam documents discloses the haphazard willingness with which men in high positions leaped to mastermind U.S. strategy in a type of war whose techniques they did not begin to understand—and how willing they were to predict what an enemy whose philosophy they had not explored would do or not do under various types of pressure.

Yet some of these recommendations would result in the deaths of many thousands of Americans and Asians, and vitally affect the future of this country and a number of our close allies.

The introduction of U.S. conventional divisions in a guerrilla war, the policy of retaliation against Hanoi to cause Ho Chi Minh's men to cease specific acts in the South, the destruction of North Vietnamese industry as a psychological deterrent, the institution of search and destroy missions as a means of sapping the enemy's overall fighting ability, the principal of graduated escalation as a war of nerves. All these operations were introduced as theories and adopted with little attempt (except of the most cursory sort) to learn whether there was any evidence in fact that these actions would destroy Hanoi's military-political strength or its will to win.

It was as tho Mao Tse-tung, Ho Chi Minh and General Giap and their associates had not written or spoken millions of words on their policies and their tactics and had not demonstrated in practice over the past 20 to 40 years in one country or another what had proved ineffective (or effective) against their particular type of warfare.

In too many cases, therefore, the theories turned out to be tragically wrong or ineffective.

Take some of the propositions mentioned above—all pushed by senior men:

The theory that if Hanoi became convinced by a sufficient buildup of U.S. forces and by stronger and stronger U.S. actions that Washington was determined, Ho's government might stop sending troops to South Vietnam. A principal factor here was to be air attacks. But no one bothered to find out factually whether the air attacks did in fact lower morale and cause divisiveness in North Vietnam.

The theory that if Hanoi saw its small industry about to be destroyed, Ho's associates would be willing to negotiate or cut back on their operations in the South. No one looked to history to determine whether Ho or any other Asian Communist leader had ever been deterred by the threatened destruction of anything.

The theory of reprisals as an effective means of stopping assassinations and attacks on U.S. bases in the South. But no one presented factual evidence to show that reprisals had worked in the past against Asian Communists. There was evidence that they would not.

Judgment of how Hanoi's leaders would react was not based on studies into their previous actions or on the previous actions of Communist leaders in Peiping or other Asian countries. In fact, intelligence on Hanoi and its operations was next to non-existent and no one bothered to do what was necessary to improve that situation.

THE LATE SENATOR TOM MARTIN

HON. O. C. FISHER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 6, 1971

Mr. FISHER. Mr. Speaker, it was my privilege to have served several years in the House with the late and lamented Thomas E. Martin of Iowa. After eight terms in this body he was elected to the Senate and voluntarily retired after one term there.

While serving in the House Tom was quite active and I recall that he was influential and effective. An expert in the field of taxation and trade, his views on matters relating to those subjects were eagerly sought by his colleagues. In addition, he was, of course, well informed on all subjects.

Tom Martin was affable and well liked. He had many friends in both parties. He was a strong supporter of an adequate national defense. A real patriot, he was devoted to our form of government and to its preservation. The significant contribution he made to sound legislation and to the cause of good government will be long remembered and appreciated.

ADDRESS OF ASTRONAUT FRANK BORMAN

HON. F. EDWARD HÉBERT

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 12, 1971

Mr. HÉBERT. Mr. Speaker, on July 4 Frank Borman, the distinguished astronaut, gave the address at the dinner for the Medal of Honor winners at Daytona Beach, Fla., and his remarks have such import for our time that I want all the Members of the House to have an opportunity to read them.

Frank Borman is not a man who calls a spade a garden implement. He calls things as he sees them. The important message for all of us in his address is that our beliefs concerning ourselves and our country are what is important.

These words might have been delivered by a number of men. But coming from a man of action such as Frank Borman, they have a particular significance. I urge all the Members of the House to read them.

ADDRESS OF ASTRONAUT FRANK BORMAN, DAYTONA BEACH, JULY 4, 1971

I'm certain that all of us in this hall feel the same sense of admiration and gratitude that I do in the presence of our honored guests this evening. These are men who have not only served their country, but who, by their actions, earned our Nation's most honored decoration. Our society has recognized their gallantry in trying and extremely dangerous situations. They are obviously men of action, but they are also men of strong beliefs. For, as John Walthour has said, "The most important part of any man's life is what that man believes. What he does and what he becomes grow from the roots of what he believes."

This is a truth which our age has attempted to defy. Contemporary voices are telling us constantly that it is the things we do that count. The importance of action is enlarged and the importance of belief is minimized. Contemporary minds are forgetting that behind every man's action—causing that action, even compelling it—lie those things that a man believes.

We celebrate our Independence Day today because of the actions (almost 200 years ago) of a remarkable group of men; but even more important than the Declaration of Independence were the beliefs upon which it was based, ideas that have guided the development of this Nation for the better part of two centuries.

Foremost among the beliefs of our Founding Fathers was the proposition that, the light of Liberty must never be extinguished. The preservation of a free society was, and has been, the number one priority of our people through the years. In the past decade, however, a strange malaise has overtaken us. The symptoms are readily apparent; from the "hard rock drug culture" to the passive politican who blandly but incessantly calls for a reordering of our national priorities, neglecting all the while our number one mission of insuring our freedom.

This American illness has been recognized abroad, as well as domestically. Raymond Aron, writing in *Le Figaro*, put it very clearly:

"The U.S. of 1971 is profoundly different from the U.S. of 1961: The first world power 10 years ago because of its conventional and nuclear arms, its technical preeminence, and its combination of liberty and determination, it has now lost its military superiority, and its moral unity. Indifferent to the rise of the Soviet Union, the U.S. Senate is waging a guerilla war against the Executive aimed at reducing the President's freedom of action and compelling him to liquidate without delay the war in Vietnam and other commitments abroad. It is not yet a return to isolationism, but without any doubt a rejection of the imperial burden. Some may deplore this and others welcome it, but the fact remains: the American Era is ending."

I can understand how a foreign observer could interpret the widely publicized actions of some American citizens as foretelling the end of the "America Era".

Consider:

(1) The adulation of a one-time whiz kid who leaked stolen TOP SECRET papers to the press.

(2) The incredible—almost unbalanced—performance of a United States Senator reading these same presumably still SECRET papers between bursts of sobbing.

(3) The sorry discipline of an Army which permits as many as 80% of its members to experiment with drugs in Vietnam and introduces the new word, "fragging," to our vocabulary.

(4) The arrogant action of the men, women, and children who attempt to shut down the Government and lead today's Peace Crusade and, in the process, make it impossible for serious councils to be heard in the halls of government.

Today, on this Independence Day, July 4, 1971, it is time to dispel the cynicism which such actions have spread throughout our land. It is time that we relegate to the back pages the incessant remedies of our problems and our acknowledged shortcomings.

Today, as we inaugurate the celebration of our bicentennial, I propose that we focus our attention on the beliefs that led to the creation of this great nation and on the beliefs of those who have sustained and defended it for the past 200 years.

Without pausing in the pursuit of worthwhile but ancillary goals we must reassert, publicly and privately, the national priority that out-paces all others—the preservation of a Free Society.

We must re-acknowledge that the light of liberty the world over is dependent on a strong and united America. And we must make certain that our actions match this proposition.

Finally, we must remind ourselves that this people, this society, this country is an ongoing organization. The actions of today cannot be made in the interest of expediency for the here-and-now but in the manner of a statesman considering the future.

In the order of civilization, ours is a young country and we can point to a glorious beginning. But the first two hundred years is only the beginning.

Before Sir Francis Drake set out on his most difficult and prolonged voyage into the unknown he gathered his crew around the mast to invoke divine guidance. His prayer is particularly appropos to America today!

"Oh Lord, when Thou giveth Thy servants to endeavor any great matter, grant us also to know that it is not the beginning but the continuing of the same until it be thoroughly finished which yieldeth the True Glory."

LEGISLATION TO PROTECT WILD HORSES AND BURROS

HON. JOHN DELLENBACK

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Monday, July 12, 1971

Mr. DELLENBACK. Mr. Speaker, this Wednesday, July 14, 1971, the House Committee on Interior and Insular Affairs will continue its consideration of legislation designed to protect wild horses and burros. At this time I would like to share with my colleagues an article, brought to my attention by Senator MARK HATFIELD of Oregon, that appeared in the July 2, 1971, issue of the Portland Oregonian further illustrating the need for stronger legislation to protect these animals. The article follows:

FBI TO INVESTIGATE ALLEGED ILLEGAL WILD MUSTANG HUNT IN SOUTHERN OREGON

(By Chris Carlson)

WASHINGTON.—The FBI has been called in by the Department of Justice to investigate charges that an illegal wild mustang roundup took place on public land near Adel, Ore., 30 miles east of Lakeview, last May 19th.

Groups seeking passage of stronger protective measures in Congress for wild horses and wild burros are using the alleged incident as further ammunition in their drive for stiffer legislation.

After learning of the incident, protectionists here notified the Bureau of Land Management that the illegal round-up had taken place. Under Public Law 86-234, passed in 1959, it is illegal to hunt wild mustangs on the public lands, particularly with the use of aircraft.

Attention was drawn to the incident when a light plane, used in the round-up, crashed, killing James Benson of Klamath Falls, who was chief pilot for Southern Oregon Aviation, and George Anderson of Paisley. The horses from the round-up were used in the All-Indian Rodeo at Klamath Falls on Memorial Day.

George Lea, spokesman for the BLM here, acknowledged the incident. "It's true, there was an illegal round-up," he said. He pinpointed the location near Beattie's Butte, east of Adel, and north of the Winnemucca-to-the-Sea highway.

FBI NOTIFIED

Lea said that the BLM, after conducting a preliminary investigation of its own, turned the case over to the Department of Interior's solicitor in Portland, John Bishop, who in turn reportedly notified the Justice Department. Lea said the Justice Department called in the FBI last Friday to begin the investigation.

Protectionists here, however, are not satisfied. A spokesman for the wild horse protection group said they were promised they would get quick prosecution, but that "nothing has happened." Lea replied that BLM had fulfilled its responsibility and that it was now up to the FBI.

The protection group charged that there was also a helicopter involved in the illegal round-up and that the round-up party was "hunting with shotguns from the helicopter."

Lea said he could see why the protectionists would use this incident as ammunition for tougher legislation.

"The old law is ineffective because it says a person cannot chase and capture wild horses on public land, but it does not prohibit the capturing of branded stock using aircraft, if an owner thinks his branded stock is running with a wild herd," said Lea.

He pointed out that the ambiguity created problems, since stock owners do have the legal right to round up their own stock, even on public land, if they suspect branded stock is mixed with wild stock. "They can be both within the law and breaking it," he said.

"There is no doubt that we need better legislation to protect the wild horses," he added.

Better legislation appears to be on the way. Sen. Henry M. Jackson, D-Wash., chairman of the Interior Committee, has introduced tougher legislation providing more protection for wild horses and wild burros on the public range. His bill was reported favorably to the Senate by the Interior Committee on June 25, and favorable action is expected. Similar measures are being considered in the House.

Jackson's bill has 34 co-sponsors, including Sens. Mark Hatfield, R-Ore., and Frank Church, D-Idaho.

A Jackson aide said the proposed law is tougher in several respects than the 1959 law. It states that the "sense of Congress" is to protect wild horses and wild burros as "free roamers" on ALL public lands. It stipulates that branded stock should be kept on private lands, so as not to mingle with wild stock on public lands.

However, the new bill does retain the owner's right to round-up stock on public land if he suspects any branded stock is mixed with the wild roamers. An owner must prove immediate ownership, and release unbranded stock, however, the spokesman said.

Both civil and criminal penalties are provided, which include fines up to $2,000 and a prison term, or both, for "anyone who willfully removes wild roamers from the public domain," or anyone who tames a wild roamer, or causes the death of a wild roamer.

Any designated employee of the Department of Interior is also empowered to arrest without warrant anyone caught violating the law, the spokesman reported.

Prospects for the legislation being passed seem particularly good, judging both from the number of bills introduced in the House, and the lobbying campaign being waged by the nation's schoolchildren, including one group from Portland.

Incidents such as the one east of Adel provide the protectionists with their most effective ammunition.

MAN'S INHUMANITY TO MAN—HOW LONG?

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 12, 1971

Mr. SCHERLE. Mr. Speaker, a child asks: "Where is daddy?" A mother asks: "How is my son?" A wife asks: "Is my husband alive or dead?"

Communist North Vietnam is sadistically practicing spiritual and mental genocide on over 1,600 American prisoners of war and their families.

How long?

BLACK CITIZENS DENIED THE VOTE IN MISSISSIPPI COUNTIES

HON. DON EDWARDS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 12, 1971

Mr. EDWARDS of California. Mr. Speaker, during this administration, we have seen a continuous assault on personal liberties and the constitutional rights accorded individuals. Recently, I have had the sad duty to investigate and discover the denial of one of the most basic rights, the right of U.S. citizens to vote. Mr. Milton Viorst, in an article which appeared in the Washington Post, briefly outlines the situation:

Mississippi and the Black Voters

While Atty. Gen. John N. Mitchell leans on a lamppost smoking his pipe, white politicians in Mississippi have been at work in recent months systematically violating federal law to disenfranchise the state's black voters.

Using a little violence and a lot of guile, they may well succeed in nullifying much of the arduous effort of the last five years to register Mississippi blacks to vote.

In the last election, an estimated 272,000 blacks were qualified to go to the polls, almost a third of the state's electorate and a major political factor. But by November, it's possible that this figure will be slashed by a hefty fraction—and black political power will again be in eclipse.

Oddly, the country has paid the matter small attention. The nation's press seems to have lost interest in the voting-rights struggle, as have many of the old civil rights lawyers.

But despite the absence of publicity, the Justice Department has been amply notified of what's been going on, particularly of the open flouting of the Voting Rights Act of 1956, which it has explicit obligations to enforce.

To be sure, Mississippi's white politicians are craftier than they were in the days of police dogs, cattle prods and night-riders—though antiblack violence remains very much a part of Mississippi life. Now their efforts are harder to beat.

Their current strategy is not focused at the state level, where a law can be struck down by a court at a single blow. For this campaign, they've decentralized, concentrating their work in Mississippi's 82 counties.

To stop them means the need for as many as 82 separate investigations and 82 sets of lawsuits. Obviously, none of the independent civil rights organizations—like the NAACP Inc. Fund and the Lawyers Committee for Civil Rights—has the resources for such a battle.

Only the government has the resources—in Justice Department lawyers, FBI investigators, federal registrars. So when the government chooses to sit idly by, Mississippi's anti-black politicos get virtually a free ride.

What they are doing in some counties is redistricting, ostensibly to correct violations of the Supreme Court's one-man, one-vote doctrine. But it is hardly coincidence that much of this redistricting gerrymanders blacks right out of power.

In other counties, they are instituting at-large, winner-take-all elections, despite a recent Supreme Court ruling of illegality. Where blacks are a minority, these elections assure all-white representation in the elected councils and offices.

But perhaps the cleverest disenfranchisement ploy is the requirement established in at least 26 counties—some say as many as 41, but no one is sure of the number—that all voters must re-register to be eligible to vote in the fall.

It's based on an 1892 Mississippi statute which authorizes re-registration when county enrollment books are in a "state of confusion." Suddenly, after 79 years of disuse, the statute is being applied all over the state.

Under the Voting Rights Act, the Justice Department has the power to stop this re-registration requirement, if it discerns a discriminatory intent. So far, it has not.

It has an even clearer obligation to stop it in those counties where, prior to the act, discrimination was so blatant that federal registrars had to be sent in to enroll voters.

But when the Voting Rights Act came up for re-enactment last year, the Justice Department fought—in vain—to eliminate not only this obligation, but the entire federal registrar system.

Leading that fight in the department's behalf was a career lawyer named David L. Norman. It is interesting that Norman was recently promoted to acting assistant attorney general in charge of the Civil Rights Division. In that capacity, he is now presiding over the department's languor in Mississippi.

Black leaders in the state—helped by many Northern college students—have struggled manfully to get their people re-registered, but the odds against them have been overwhelming. Last Friday, re-registration in Mississippi closed.

But the attorney general still could, if he chose, bring suits, or even criminal actions, to overcome the statewide fraud of redistricting, at-large elections and re-registration.

He is, however, on the threshold of another political campaign—and he obviously wants federal law used, not to enforce civil rights, but to bolster the Southern strategy.

ANOTHER LOOK AT THE NEWS

HON. DEL CLAWSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 12, 1971

Mr. DEL CLAWSON. Mr. Speaker, the June 28 issue of the Daily Signal of Huntington Park, Calif., contained an editorial commenting on a particularly "brain-numbing" aspect of the controversy over the Pentagon papers. At this point in the Record I would like to commend the column by the editor of the Daily Signal, Tom Hageman, to the attention of my colleagues in the House:

Another Look at the News

(By Tom Hageman)

The big debate goes on over the publication of the Pentagon papers—the story of the Vietnamese war and how it grew. The average American is still meeting himself as he goes around in circles trying to decide just what can be labeled "secret" in a democracy and whether truth is all that important.

It was stated here before that publication of the Vietnam war record might be justified because of its (the war's) terrible influence on the morals of government and the millions of young people born and raised in its shadow.

To support the publication of supposedly classified material—even though such publication might head off another, similar national tragedy—comes dangerously close to taking the position that the end justifies the means.

Well, in actual fact we all at times support the idea of the end justifying the means. But to live with one's self while making that kind of decision it is necessary that you remain consistent.

Along that line, the Republican National Committee has blown the whistle on the New York Times and the Washington Post—both have published classified Vietnam documents.

In 1962, the GOP people recall, the N.Y. Times roasted authors Stewart Alsop and Charles Bartlett for a magazine article giving the inside of what went on at a National Security Council meeting during the Cuban missile crisis.

Although Alsop and Bartlett refrained from quoting any document or secret report, the N.Y. Times at that time asked rhetorically:

"How can advisers to the President be expected to give advice freely and easily and at all times honestly and with complete integrity if they have to worry about what their arguments will look like in print a few weeks later?"

And the GOP further recalls, in 1963 when State Department security officer Otto Otepka furnished a Senate subcommittee with two classified documents to prove that certain of his superiors had lied under oath the Washington Post was outraged.

The Post said what Otepka did was "unlawful" and "unconscionable."

"He gave classified information to someone not authorized to receive it . . . he had no authority to give it . . .," the Post said. "If any underling in the State Department were free at his own discretion to disclose confidential cables or if any agent of the Federal Bureau of Investigation could leak the contents of secret files whenever he felt like it, the Executive branch of the Government would have no security at all."

It would seem the Washington Post and the N.Y. Times are finding themselves going round and round even as you and I.

STRIP MINING MUST BE ABOLISHED

HON. KEN HECHLER

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 12, 1971

Mr. HECHLER of West Virginia. Mr. Speaker, here follows an article which appeared in the July 1971 issue of Not Man Apart magazine which is published by "Friends of the Earth":

Strip Mining: A Clear and Present Danger

(By Congressman Ken Hechler)

From the tribal lands of the Hopi and Navajo to the rugged hills of Appalachia, giant gouging machines are ruthlessly ravaging the land to get at valuable seams of coal close to the surface. When a super-colossus like the eastern Ohio earth-mover called "Big Muskie" picks 325 tons at one gulp, a jumble of topsoil, rocks, small trees, flora, fauna and wildlife habitat are chewed up and spewed out with awesome results. The scalping and decapitation gives the land the look of the surface of the moon. Spring rains on the exposed rocks produce sulfuric acid run-off, deadly to aquatic life. Streams fill with sediment and overflow their banks. The loosened land cover is highly vulnerable to landslides. Even the water table is shaken by the blasting.

Strip mining is escalating by the hour, in the 25 states where 128 billion tons of strippable coal exist. Yet well over five times that amount is recoverable by underground methods, and even the strippable coal which is not very close surface could be recovered by deep mining methods. The difference in technique is simple: deep mining removes the coal from the earth; strip mining removes the earth from the coal. Ten years ago, 29 percent of the nation's coal came from strip mining; a few months ago, the figure was 35 percent, but it is now rapidly bumping 40 percent and still rising.

ENVIRONMENTAL COSTS

Coal operators joyfully proclaim that strip mining is cheaper. This is utter nonsense. No coal operator has to pay a cent in environmental costs. If the strip miners had to compute the damage they do to the soil, forests, hillsides, and streams, then it would turn out to be a very expensive way to extract coal from the land. Of course, there is a more immediate and compelling reason why strip mining is increasing at such a rapid rate: the strippers know that an outraged public will sooner or later clamp down and put a stop to this assault on the environment, so they are making a killing while they can get away with it.

Some feeble efforts have been made at the state level to control strip mining through requiring varying degrees of reclamation. The uneven standards from state to state have promoted economic competition, as well as extreme pressure by those interests who bend enforcement agencies to weaken further the laws which are already riddled with loopholes.

WEAK ADMINISTRATION BILL

President Nixon sent up to Congress in February, a federal strip mine control bill which some of his own environmental experts are ashamed of. The Nixon bill allows two years for the states to come up with state recommendations on how they propose to control strip mining, following which at some vague and indefinite future time the Secretary of the Interior may set or impose federal standards—with the primary responsibility left to the states for enforcement. This approach simply invites the same type of artful dodging and delay which characterized attempts to control air and water pollution in the 1960's. Futhermore, the two-year period of grace allowed for states to submit their plans is tantamount to a license for the strip-miners to step up their ruthless ravaging for two undisturbed years.

On February 18, 1971, I introduced H. R. 4556, to ban all strip mining of coal six months after the enactment of the bill, and to prohibit any underground mining of coal in national forest and wilderness areas. Instead of placing enforcement in the Department of the Interior, whose activities include stimulating a constantly higher production of minerals, my bill is enforced by the Environmental Protection Agency, which now handles air and water pollution control and is better equipped as a regulatory agency. The response to my bill was immediate and heartening. Over 30 Members of the House of Representatives were the initial co-sponsors, and this number has since swelled to 85 Congressmen from 26 different states. Four Senators—Nelson of Wisconsin, McGovern of South Dakota, Case of New Jersey and Kennedy cf Massachusetts—are also co-sponsors. A flood of popular support in letters, telegrams and phone calls has welled up from all over the nation.

The prospects for passage of my bill depend squarely on the amount and sustained volume of public support we can muster. Hearings on the Administration bill will probably be held by the Senate and House Interior Committees late in the summer, at which time it will be possible to offer testimony on my bill. Yet considerably more grassroots work is needed to fashion a majority to vote for a bill which has already stirred up massive opposition from coal, oil and electricity interests.

OPPOSITION IS WELL-ORGANIZED

Carl Bagge, President of the National Coal Association, has led the charge against H.R. 4556, on the grounds it would cause an immediate "energy crisis" by depriving the nation of over one-third of its coal. He overlooks the 750 billion tons of coal recoverable by underground mining. Whenever efforts are made to protect the environment, there are those who rush forward to charge that such protection will create an "energy crisis," as though we are doomed to be prisoners of onrushing technology instead of masters of, our own destiny. Obviously, energy development and environmental quality must go hand in hand, and it's about time we decide once and for all that they are not mutually exclusive or incompatible.

A second argument levelled by the lobbyists against H.R. 4456 is that it will throw thousands of people out of work. Even the Director of the Bureau of Mines swallowed this argument by publicly announcing that 20,000 people would lose their jobs immediately if strip mining were abolished. Those now concerned about jobs gave little attention to the 300,000 miners displaced when the underground coal mines were mechanized in the 1950's. Many of the jobs in strip mining are highly skilled occupations, easily transferable to road construction or housing. But strip mining is like taking seven or eight stiff drinks: you are riding high as long as the coal lasts, but the hangover comes when the coal is gone, the land is gone and the jobs are gone and the bitter truth of the morning after leaves barren landscape and a month full of ashes. The tourist and recreation potential of a stripped area is nil; intact, far more jobs are provided for the future through protection of the environment. Rep. John Seiberling (D. Ohio), a strong supporter of my bill, has added several amendments to give priority in job placement, as well as 52-week cash payments and relocation allowances to those workers displaced by the abolition of strip mining.

RECLAMATION HASN'T WORKED

The third argument advanced is that "reclamation" can make strip-mined land better than it was before it was disturbed. Bethlehem Steel Corporation ran some multicolor ads in *Time* and *Newsweek* magazines, depicting a blue fishing lake in Kentucky where a strip mine once existed. A skeptical *Baltimore Sun* reporter wrote: "If you circle the lake carefully, you can find a narrow angle from which, when the light is right, the proper filters are used, and the background forest is at season's peak, it all looks like a cameo from a Sierra Club publication. But don't look left or right. What you see there is characteristic of all strip mines: coal slides into the water, scars in the mountainside . . . gritty dust blowing from the irreparable gash in the slope opposite." The fact is if enough money is poured into a "showcase model" which photographs well in color, it is possible to reclaim stripped land, but it is uneconomic to pour that kind of money to "reclaim" all stripped land.

In West Virginia, the Surface Mine Association found a happy solution. They changed their name to the "West Virginia Surface Mine and Reclamation Association," announced they were raising $180,000 to advertise the beauties of "reclamation" and immediately launched a media saturation campaign.

In the face of this type of pressure lobbying, those who want to protect the environment must stand up and be counted. Strip mining is a clear and present danger. The bill to abolish strip mining of coal can succeed only if a genuine grass roots movement, similar to the campaign against the SST, is launched.

HON. THOMAS E. MARTIN

HON. JOHN J. RHODES

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 6, 1971

Mr. RHODES. Mr. Speaker, word of the death of the Honorable Thomas E. Martin came as sad news to all his friends. Although I served with Tom only during the 83d Congress, I well remember and value our association. After he went to the Senate our paths crossed less frequently, but we remained friends and I continued to admire and respect his ability and integrity. Tom was a gentleman and a wise and responsible legislator dedicated to the principles of our country and to the service of his State. His loss is shared by all who had the privilege of knowing him. My heartfelt sympathy goes to Mrs. Martin in her bereavement.

FIREARMS OWNERSHIP AND CRIME RATES

HON. BEN B. BLACKBURN

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 12, 1971

Mr. BLACKBURN. Mr. Speaker, for the information of my colleagues, I am hereby inserting a copy of an article which recently came to my attention.

Entitled "Firearms Ownership and Crime Rates," this report concludes on the basis of several scientific studies that the number of serious crimes cannot be related to the number of people possessing firearms.

Recalling the emotionalism surrounding the debate of a few years ago, I am hopeful that today this article may be read in this scientific light in which it was created.

The article follows:

FIREARMS OWNERSHIP AND CRIME RATES

(By Alan S. Krug)

It is estimated that there are some 200 million firearms in this nation, owned by 40 or 50 million Americans. There is at least one firearm in more than half the homes in the U.S., and last year more than 20 million Americans took part in the various shooting sports.

Claims that this widespread availability of firearms is a contributing cause to rapidly rising crime in the nation have been widely circulated by proponents of "anti-gun" legislation.

Yet there is no reliable evidence to support such a contention. To date, not a single scientific study has shown a causal relationship between firearms and crime.

This alleged relationship has even been written into proposed federal legislation. The current version of the Dodd Bill, Amendment 90, contains the following statements as part of its preamble:

"The Congress hereby finds and declares—

"That the ease with which any person can acquire firearms . . . is a significant factor in the prevalence of lawlessness and violent crime in the United States;

"That there is a causal relationship between the easy availability of firearms and juvenile and youthful criminal behavior."

This study shows that there is no statistical support for these claims. The statistics even demonstrate the opposite—that crime rates tend to be lower where the percentage of gun ownership is higher. These findings confirm other scientific studies which have concluded that firearms are not a cause of crime, but merely one of many incidental factors.

Perhaps the most detailed study of homicide accomplished to date is that of Professor Marvin E. Wolfgang, Graduate Chairman of the Department of Sociology at the University of Pennsylvania. Dr. Wolfgang's study dealt with the 588 criminal homicides which occurred in the citv of Philadelphia, Pennsylvania, between January 1, 1948 and December 31, 1952.

One segment of the work dealt with the weapons used in criminal homicide. The results of this study led Dr. Wolfgang to conclude:

"It is probably safe to contend that many homicides occur only because there is sufficient motivation or provocation, and that the type of method used to kill is merely an accident of availability: that a gun is used because it is in the offender's possession at the time of the incitement, but that if it were not present, he would use a knife to stab, or fists to beat his victim to death . . .

"Several students of homicide have tried to show that the high number of, or easy access to, firearms in this country is causally related to our relatively high homicide rate. Such a conclusion cannot be drawn from the Philadelphia data. Material subsequently reported in the present study regarding the place where homicide occurred, relationship between victim and offender, motives and other variables, suggest that many situations, events and personalities that converge in a particular way and that result in homicide do not depend primarily upon the presence or absence of firearms . . .

"More than the availability of a shooting weapon is involved in homicide . . . The type of weapon used appears to be, in part, the culmination of assault intentions or events and is only superficially related to causality . . . It is the contention of this observer that few homicides due to shooting could be avoided merely if a firearm were not immediately present, and that the offender would select some other weapon to achieve the same destructive goal . . ."

Another very comprehensive study of criminal homicide, which has just been published, deals with the 640 murders which occurred in the State of California in 1960. This study was done in the California Department of Justice, Bureau of Criminal Statistics. The author, Crime Studies Analyst Romney P. Narloch, reached much the same conclusion as did Dr. Wolfgang in regard to the relationship between the availability of firearms and the commission of criminal homicide:

"One of the clear conclusions of this research is that the mere availability of weapons lethal enough to produce a human mortality bear no major relationship to the frequency with which this act is completed. In the home, at work, at play, in almost any environmental setting a multitude of objects exist providing means for inflicting illegal death. Though the true number of times criminal homicide was attempted during 1960 cannot be known, and in spite of improved medical services, it is undoubtedly much more reasonable to conclude that the low yearly incidence of unlawful slayings is largely the product of human inhibitions to kill."

If the availability of firearms were indeed a cause of crime, crime rates should rise and fall fairly consistently with rates of firearms ownership. States where a high proportion of the population possesses firearms would be expected to have higher crime rates than states where a lesser proportion of the population owned firearms. This proposition can be examined in the light of basic statistics available to all.

Because the major use of firearms is for hunting, the number of individuals who purchase hunting licenses in each state is a reliable guide to the extent of firearms ownership in those same states. The accompanying chart shows the rate of hunting license holders per 100,000 of population and rates of serious crime, or murder, aggravated assault and robbery for each of the fifty states in 1966. The first can be taken as a reasonable index of firearms ownership, and as such can be used in a statistical analysis to determine the correlation, if any, between the extent of firearms ownership and crime rates. It does in fact constitute the best index available at the present time. In this way, it is possible to test the hypothesis "there is a causal relationship between the availability of firearms and crime rates."

With this report is a graph of the index of firearms ownership and serious crime data. The line of the graph represents the over-all relationship of the various points on the graph, and was fit by the "method of least squares." This "line of best fit," which slopes downward, shows a negative correlation between the index of firearms ownership and serious crime rate, by state. This means that, in general, states with a high proportion of population possessing firearms have lower serious crime rates than states with a lower proportion of the population possessing firearms.

This finding appears to refute the claim by the supporters of anti-firearms legislation that the availability of firearms is a major contributing factor to a high level of crime rates. Beyond that it lends strength to the argument that widespread ownership of firearms may actually lessen crime. Opponents of unduly restrictive firearms legislation often contend that criminals are reluctant to attempt to attack or rob persons whom they have cause to believe might be armed.

According to the New York *Times* of August 31, 1967, "robbers have had a field day in Belgians' homes" in the Congo since the Belgians' firearms were ordered confiscated by General Mobutu, the Congolese president, On December 28, 1967, the *Times* reported that the Davidson County grand jury at Nashville, Tennessee, had recommended that citizens arm against an outbreak of crime in that area. To protect themselves, the grand jury said, "citizens should have at least one gun in every home." Earlier in the year, the Detroit *News* reported (July 20, 1967) that Detroit grocery holdups showed "a sharp reduction" since a grocers' organization began conducting gun clinics. The Royal Oak, Michigan, *Tribune* (July 19, 1967) quoted Highland Park Police Chief William E. Stephens as crediting "gun-toting merchants" for the fact that no store in that city of 38,000 had been robbed in almost three months. In Orlando, Florida, where police trained more than 2,500 women in the safe handling of firearms in late 1966 after a series of robberies and attacks on women in their own homes, forcible rapes, aggravated assaults and burglaries were reduced in the first nine months of 1967 by 90 percent, 25 percent, and 24 percent, respectively, from the first nine months of 1966.

In examining the connection between any two sets of variables, it should be pointed out that the presence of a correlation between the two does not necessarily mean that one causes the other. The relationship may be coincidental; one variable may be a cause, but not the sole cause, of the other; the two variables may be interdependent; or the two variables may be affected by the same cause. Therefore, the negative correlation between firearms ownership and crime rates supports, but does not necessarily prove, the theory that the greater the extent of firearms ownership, the lower the crime rates will be. But it does show that the idea of a causal relationship between the availability of firearms and crime rates is fancy and not fact. The hypothesis must be rejected.

Firearms are readily available in America, with some 200 million guns owned by 40 to 50 million individuals.

The intent of those who say that restrictive firearms legislation should be enacted because of the availability of firearms has been questioned in testimony before congressional committees. The Honorable Thomas L. Kimball, executive director of the National Wildlife Federation, told the Senate Subcommittee to Investigate Juvenile Delinquency that:

"This raises the question . . . as to whether or not the solution then is to make firearms not available because as long as we permit individuals in this country . . . to have guns, and to use them for lawful purposes, they are going to be readily available. And the only way that we are going to remove that availability is to take their guns away from them. And it is expressions such as this which give us considerable concern about the intent of S. 1592 (1965 version of the Dodd Bill).

"Now, if the concern is about crime and the use of guns in crime, this is one thing. If it is to make guns unavailable to the American public, this is another. And from the statements that have been made before this committee, it leaves some doubt . . . as to just what this objective is."

This study tested the hypothesis, "There is a causal relationship between the availability of firearms and crime rates." The extent of firearms ownership was compared with rates of serious crime, murder, aggravated assault and robbery in each of the fifty states. The comparison was made by statistical methods and the results were tested for significance.

It was found that there is no positive correlation between the extent of firearms ownership and crime rates. Rather, there is a negative correlation. These findings dictate that the hypothesis as stated above be rejected. In general, as the proportion of the population possessing firearms goes down, crime rates go up. Fewer people with guns do not mean less crime.

The negative correlations between the index of firearms ownership and serious crime, aggravated assault and robbery were statistically significant. This means that firearms ownership by the law-abiding public could be a factor in restricting the number of these criminal acts. However, such a cause and effect relationship is not proven by, but is only consistent with, the results of this study.

These facts should be considered by anyone evaluating proposed firearms legislation.

THE DISAPPOINTING ECONOMY

HON. MICHAEL J. HARRINGTON

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, July 12, 1971

Mr. HARRINGTON. Mr. Speaker, whenever the unemployment rate rises a few tenths of 1 percent, we are told that this is insignificant because the rise was just moderate. Whenever the rate drops by a few tenths of 1 percent, we are told that this is a major sign that the administration's policies are taking hold. As of last week, we were told that the unemployment rate dropped to 5.6 percent, yet there were a million more citizens out of work.

But what does the President intend to do about curbing inflation or lowering unemployment? To quote John Connally, the Nixon administration will not impose mandatory wage-price controls, will not impose a wage-price review board, will not ask Congress for tax relief and will not increase Federal spending. We know what he will not do, but we do not know what he will do.

Not too long ago, the President told the Nation 1971 will "be a good year" and 1972 will be a "very good year." An earlier prediction, made in March of

1970, raises doubts about President Nixon's ability to gage the economic problems realistically. He predicted then that "1970 is going to be a good year from an economic vantage point."

As we all know, 1970 was not a good year economically and the economic doldrums still prevail. Until a wage-price freeze is instituted as the New York Times suggests in an editorial in its June 23 edition, the economy will stagnate. At the same time, the editorial says:

> The fiscal stimulus necessary for a sound economy should come primarily from expenditure increases sharply focused on aiding the poor, the unemployed, the staggering cities and the other areas of acute need, rather than tax cuts.

But instead of Executive leadership, we get a list of inaction. The recent drop in unemployment results, not from fewer people out of work, but from a fluke situation where more people are idle and students give up hope of ever finding jobs for the summer so just do not bother looking.

Despite the cheery predictions, the game plan is failing. Congress must apply pressure to revise the Nixon "play book." For my colleagues, I would like to insert several articles from Time magazine, Newsweek, Business Week, the New York Times, and the Wall Street Journal which explain how serious the situation is.

The articles follow:

[From Time magazine, June 14, 1971]

SEEKING MUSCLE FOR A FLABBY RECOVERY

Muscle Builder Charles Atlas might describe the present U.S. business recovery as a 97-lb. weakling—too puny to rout the bullyboy of unemployment. Members of Time's Board of Economists use more scholarly analogies, but they make the same point. At a recent all-day meeting, they offered this analysis of the nation's economy:

The recovery from last year's recession is the slowest and lowest of any since World War II.

Unemployment, which rose last month to 6.2% of the labor force, matching December's nine-year high, will still hover around 6% by year's end if nothing is done to put more muscle into the recovery.

Inflation is slowly subsiding, at least in terms of consumer prices, and a large growth in worker productivity will help to check it further this year.

The fast rise in productivity will also hold down new hiring.

Given these factors, the U.S. sorely needs a combination of tax cuts and accelerated Government spending to speed the recovery. Otherwise, this year's gross national product is likely to be about $1,050 billion, far off the Administration's forecast of $1,065 billion.

This analysis differs sharply from the reading of Administration economists and the monetarist school led by Milton Friedman, who see a vigorous expansion developing. Friedman recently went so far as to say that the problem is "to keep the economy from going too fast" and setting off another inflationary spiral. Yet most economists and businessmen tend to agree with Time's board.

Martin Gainsbrugh, chief economist of the Conference Board, a nonprofit business research organization, has compiled figures to prove that so far the current upturn has been notably weak. Gainsbrugh calculates that the 1970 "recession"—which was officially given that name by the National Bureau of Economic Research two weeks ago—hit bottom in November. Thus, by the end of April, the present recovery was five months old. At that stage in the four previous postwar recoveries, industrial production showed increases ranging from 6.4% to 10.2% above recession lows, while real gross national product went up anywhere from 2.1% to 5%, and manufacturing employment rose 1.2% to 3.8%. In the current recovery, by contrast, industrial production has struggled up only 2.8% from its low point, real G.N.P. only 1.7%, and manufacturing employment a mere .6%.

SLEEPING GIANT

Assuming no change in Washington policy, members of the Board of Economists see small reason to expect a speedup soon. Despite much talk of expansionary federal budget policy, they find that Government tax and spending programs are not very stimulating. Arthur Okun pointed out that the major force in the recovery so far has been a jump in home building from an annual rate of 1.1 million starts in January 1970 to 1.9 million recently. The housing upturn, however, may be leveling off. Construction is getting close to the annual rate of 2,000,000 starts that some housing experts believe to be the probable average for the 1970s. Besides, mortgage interest rates have begun to rise again, and are likely to go still higher because other interest rates are climbing.

Business spending for new plants and equipment promises little help. A Government survey last week showed that companies are budgeting only a 2.7% increase in capital expenditures this year, the smallest rise in a decade. The consumer, says Walter Heller, is still a "sleeping giant." Consumers increased their liquid assets—mainly currency and bank deposits—by a startling $91 billion from January 1970 through last April, to $812 billion. But they show little inclination to spend this hoard until unemployment starts heading down decisively.

Some bankers make a case for a deliberately slow recovery. Heller summarized their view—with which he disagrees—as a belief that "by prolonging the agony of slack and unemployment, you increase the ecstasy of a lower rate of inflation at full employment." In other words, the longer it takes to get to full employment, the less inflation the U.S. will suffer when that point is reached. Okun also rejected that idea, contending that there is no certainty that a slow recovery will ever achieve full employment. "There may well be a certain orbital speed that you have to get to in order to make a recovery self-sustaining," said Okun, "and if you do not get that momentum, I can see a risk that the recovery could actually peter out."

Joseph Pechman and Otto Eckstein added that the social price of a slow recovery is intolerable. The chief cost: a recent alarming rise in poverty in the U.S. For ten years through 1969, the number of poor people in the country declined, but in 1970 the total rose by 1.2 million, to 25.5 million, or 13% of the U.S. population. (For a nonfarm family of four, the Government now defines "poverty" as an annual income of $3,970 or less.) A major reason for this increase in poverty was rising unemployment. At its present pace, the recovery is putting few people back to work. There are just enough new jobs opening to offset increases in the number of persons looking for employment. Said David Grove: "As long as businessmen are very uncertain about the outlook, there is much more incentive for them to work their existing employees overtime than to hire new employees." Added Heller: "I don't see any chance of arriving at full employment before 1973."

PROSPECTS FOR PRODUCTIVITY

In the board's view, a swifter recovery is needed not only to produce jobs but also to contain inflation. Though consumer price rises have moderated lately, the more comprehensive G.N.P. index of prices went up at a high annual rate of 5.6% in the first quarter. Wholesale and industrial prices have been jumping, and steel prices are bound to rise. On balance, however, most board members think that inflation has begun to subside slightly.

It is likely to diminish further largely because of rising productivity. Robert Nathan points out that productivity growth almost stopped between mid-1968 and mid-1970, leaving a gap of about 5% between what the present output per man-hour is and what that output would have been if normal growth had continued. He believes that the economy can make up the gap and get a further normal growth of 3% annually over the next three years—which adds up to a potenial 14% rise in productivity by 1974.

Productivity usually leaps when the economy climbs out of a recession, since rising demand enables manufacturers to use machines and workers more efficiently. The trouble is that if recovery is creeping, productivity will not rise as much as it could, and wage increases are more likely to force up prices.

RISING TEMPTATIONS

How can the recovery be pepped up? Heller offers a five-point program: 1) pull forward into this year the $4.5 billion of income tax cuts scheduled to take effect in 1972 and 1973; 2) have Washington pay now all of the costs of extending state unemployment compensation benefits for an additional 13 weeks, up to a maximum of 39 weeks; 3) enact the Family Assistance Program bill, setting national minimum income levels for welfare recipients; 4) give states and cities a temporary 10% federal "bonus," on top of the grants-in-aid that they now receive, for various programs; 5) provide federal funds that state and local governments could use to fill about 150,000 new public service jobs—The House and the Senate have passed public-service jobs bills putting up different amounts of money, but President Nixon is almost certain to veto the final bill on the grounds that it would conflict with his revenue-sharing plans. He vetoed a similar bill last December.

Such moves, board members think, would have to be combined with an incomes policy to fight inflation. David Grove fears that businessmen whose profits have been acutely squeezed by the recession will be tempted to raise prices as soon as they feel that demand is strong enough to support such action—especially if they have to pay large wage increases. The heart of an incomes policy would be Administration guidelines for noninflationary wage and price increases, and presidential "jawboning" to unions and companies that violate those guidelines.

The wage standard might be 3% to cover long-term productivity increase, plus an add-on to compensate partly for rising prices. Members of the Board of Economists concede that President Nixon could hardly put forward a wage guideline now; it would seem to be aimed specifically at the United Steelworkers in their current negotiations. But the economists think that a guideline promulgated after the steel settlement would have a strong impact on the next round of labor bargaining in 1972.

ACTIVIST ALLIANCE?

The Nixon Administration plans to wait until mid-July, when second-quarter figures will be in, before deciding whether to pursue a more expansionist program. Right now, Washington's policymakers are stalemated. Federal Reserve Chairman Arthur Burns has been arguing for a year in favor of an incomes policy, and lately he has been saying that he also favors more fiscal stimulus. So far he has been blocked by Budget Boss George Shultz, who, in Robert Nathan's words, is "ideologically, conceptually, religiously" against an incomes policy because it would interfere with natural market forces.

Paul McCracken, chairman of the Council of Economic Advisers, is thought to be on the fence, ready to propose an expansionary tax and spending program if asked.

The balance of power within the Administration quite possibly will be held by the newest member of the President's economic team: Treasury Secretary John Connally. If it appears that a sluggish business pace will hurt the Administration at the polls. Connally may well form an alliance with Burns for economic activism—more fiscal stimulus plus an incomes policy. One final and perhaps decisive argument against a slow recovery is that it does not produce votes.

Time's Board of Economists

Members of Time's Board of Economists speak as individuals, not as representatives of the institutions with which they are associated. Present at the most recent meeting were:

Otto Eckstein, Harvard professor and former member of the Council of Economic Advisers.

David Grove, vice president and chief economist of IBM.

Walter Heller, University of Minnesota professor and former chairman of the CEA.

Robert Nathan, head of Robert R. Nathan Associates, a Washington-based economic consulting firm.

Arthur Okun, senior fellow of the Brookings Institution, former chairman of the CEA.

Joseph Pechman, director of economic studies at the Brookings Institution.

Robert Triffin, professor of economics and master of Berkeley College at Yale University.

Beryl Sprinkel, senior vice president of Chicago's Harris Trust & Savings Bank, was in Europe and could not attend the meeting.

[From Newsweek, June 28, 1971]

The Economy: A New Game Plan?

For six full months of slow and uncertain economic recovery, the most troubling symptoms of last year's recession—inflation and high unemployment—have stubbornly refused to go away. Yet the Nixon Administration has maintained its cheery insistence that full recovery was just around the corner. Last week's economic indicators were telling the same ambiguous story, but the government was beginning to hint that a new game plan might be in order.

The good news was that housing starts, a healthy element all this year, continued strong in May, and that personal income had gone up by a respectable $6 billion. In addition, two recently published private surveys suggest that consumer spending, always an essential ingredient in any economic upswing, should show a gradual growth throughout this year. And the most encouraging news of all was that the index of industrial production, which measures the output of the country's factories, mines, and utilities, rose by an impressive 0.7 per cent, the largest monthly increase since January.

BUGABOOS

Yet soft spots still persist. Retail sales apparently declined in May, and U.S. automobile sales were off by 10.4 per cent in early June. Moreover, much of the increase in industrial output could be attributed to heavy steel production in anticipation of a possible strike this summer. If a long strike does occur, warns James Cooper, an economist with the Irving Trust Co. in New York, the painful climb out of recession would be interrupted, much as the automobile strike helped sabotage any chance of a recovery last year.

The government's own economists are even more concerned. Paul W. McCracken, chairman of the President's Council of Economic Advisers, admitted for the first time last week that the Administration was dissatisfied with the sluggish pace of the recovery. "We have to recognize," he said, "that the expression is not yet moving fast enough to eat into the unemployment picture." He added that the President would decide in midsummer whether more direct economic stimulants, such as a personal income-tax cut, would be necessary. And the latest appointee to the council, finance professor Ezra Solomon of Stanford University, went still further. After his confirmation hearing with the Senate Banking Committe, he told a reporter that if unemployment should climb any higher than the current level of 6.2 per cent, and that if the rate of inflation continues to increase, he would favor outright wage and price controls.

CONSUMERISM: THE RACER'S EDGE

Detroit engineers have long looked with a jaundiced eye at the claims made by flamboyant Andy Granatelli for the oil additive produced by the company he heads, STP Corp. (Newsweek, April 5). But more than a jaundiced look came this month from Consumer Reports. In its July issue, the publication of Consumers Union declares that STP's oil treatment is actually a worthless oil thickener—a "thick goo"—and its use may invalidate a new automobile's warranty.

News of the charges sent STP's stock down $4.87½ to $53.12½, a drop of 7.9 per cent from the new 1971 high of $58.75 it had reached the week before. The following day, an influx of orders brought trading in STP to a halt.

Granatelli, a onetime racing driver, wasn't taking the charges lying down. Last week he lashed back at Consumer Reports, calling its findings "untrue, unfair and completely distorted . . . a twisted set of alleged 'facts' assembled by incompetents." The suggestion that the additive might endanger warranties was, he added, "another deliberate distortion of the truth." But this time the bears held the racer's edge. STP's stock dropped an additional 11 points by the end of the week.

FARMING: THE BLIGHTED CORN

Albert Schneider was the first man in Edgar County to find them—the small gray spots on the leaves of his young corn that farmers across the Midwest have been half expecting and altogether fearing ever since the first seeds sprouted. The blight that withered 15 per cent of the nation's corn crop last year, costing farmers an estimated $1 billion, has struck again.

"If it spreads, it's going to be a disaster,' Schneider said. "I'll just keep watching it. I guess that's all I can do." And the blight is spreading; at last count, it had been reported in 124 counties in eighteen states, and was slowly spreading north with the summer weather. In an effort to monitor the fungus, teams from the Department of Agriculture, the National Aeronautics and Space Administration and the Air Force are trying to spot it by aerial infra-red photography. In theory, the diseased plants generate more heat and should be detectable—but whether this works out in practice won't be known until the season is over.

By that time, the damage could be extensive. In Chicago, when corn-futures contracts shot upward with the news of the blight, traders were predicting gloomily that even though farmers planted more corn this year in anticipation of trouble, the season's crop might be well under last year's 4.2 billion bushels.

SWINDLE

Farmers had tried to head off calamity with a blight-resistant seed. But there was only enough available to plant one-fifth of the 71.5 million acres in corn this year—a fact that resulted in gray-market trading, a few outright swindles and at least one hijacking of a truckload of seed corn. Most farmers, like Schneider in Illinois, wound up with at least part of their land planted with a blend of resistant and susceptible seed. It was supposed to be half and half, he says, but "I can't find 50 per cent of the stalks that don't have blight."

At this point, no one can tell how badly the blight will affect the crop. But it has struck earlier in the season than last year, and Dr. Malcolm Shurtleff, plant pathologist for the University of Illinois, says he is amazed at how fast it is spreading. "The next two weeks are going to be very, very important," predicts George A. Jones, an independent trader on the Chicago Board of Trade. "The whole thing depends on the weather. If we have dry weather for ten days, I think the corn will win."

[From the Wall Street Journal, June 24, 1971]

Credibility and Economic Policy

(By Albert R. Hunt)

Washington.—Treasury Secretary John B. Connally recently lambasted some of his fellow Democrats as "politically oriented economists who were once close to power and long to return."

The thrust of Mr. Connally's criticism, echoed privately by other Nixon administration aides, was that some eminent economists have been so tainted by political partisanship that their views are losing believability. And it is true that some critics of the administration's policies plainly seem to have their eye more on the next presidential election than on the performance of the economy.

Yet it's interesting—and instructive—to examine the one who's throwing stones. For this administration is steadily building up a serious economic credibility problem of its own. The reason is that most administration spokesmen inevitably term any good economic figure a "turning point" or "solid evidence" of improving conditions, while adverse results are "statistically insignificant" or mere "aberrations."

Wholesale prices rise 0.3% in March and the Western White House trots out Labor Secretary James D. Hodgson to gloat that "our anti-inflationary fight is taking hold"; the same prices jump a steeper 0.5% a month later and the Washington White House produces Mr. Connally to caution reporters, "I don't think we ought to pay much attention to it." A 0.2% drop in the February unemployment rate shows the economy "is moving in a favorable direction," according to Mr. Hodgson; when the April jobless rate rises 0.1%, however, Mr. Hodgson notes that a pickup in employment always lags behind other signs of an economic upturn and he suggests, therefore, that this increase isn't cause for concern.

SELF-FULFILLING

There is, of course, a reason for all this upbeat talk. The key to a sharp economic upturn, many government analysts believe, is convincing consumers that things are getting better so they'll step up spending. Thus, these optimistic pronouncements can serve as self-fulfilling prophecies, some officials argue.

But, as laudable as this goal may be, some of the methods currently employed certainly are less than desirable and sometimes seem downright counterproductive. Recently several high administration insiders have gone beyond simple rhetorical hyperbole and either outrightly misled the public or flagrantly violated some of their own guidelines.

The most publicized instance was the Labor Department's cancellation of the monthly press conference of its Bureau of Labor Statistics on the unemployment and consumer price figures. These briefings, conducted by nonpolitical technical experts, were terminated, the administration said, for two main reasons: to speed up the release of the data and to avoid subjecting BLS professionals to the "awkwardness" of answering questions "with policy implications." A factor in this decision, the White House said, was the 1962 report of the Gordon Committee on the use of government economic statistics.

But the chairman of that committee, University of California economics professor R. A. Gordon, later told the congressional Joint Economic Committee a different story. There was "nothing" in his report to suggest doing away with these briefings, the author of the study said, and he went on to proclaim a "real need" for these sessions. He further wondered if what the administration really wants isn't "to be free to minimize bad news and maximize good news without any interference from its own technical experts who know most about the facts."

Geoffrey Moore, the BLS commissioner, later admitted that he couldn't recall a single instance in which questions caused "awkwardness" for career officials. And both the unemployment and price figures are now coming out almost at precisely the same time as before the briefings were cancelled.

The actual catalyst for the cancellations, insiders admit, came when a BLS official said the 0.2% drop in the February jobless rate was only marginally significant (an observation borne out by the increase in the rate in every month since then), while at the same time Mr. Hodgson was heralding the importance of the drop. Yet, top officials haven't publicly acknowledged this factor.

(An irony here is that another of the administration's top economists, Under Secretary of the Treasury Charls E. Walker, earlier had implored television news to devote more attention to economics in order to increase general public understanding. Only a few months later those economic results most conducive to coverage by that medium—the BLS briefings, replete with charts and tables for visual effects—were eliminated.

Another double standard concerns the administration's pledge not to politicize the release of statistics. In 1969, the Budget Bureau told all agencies that "an adequate amount of time" (generally agreed to mean 15 to 30 minutes) should elapse between the release of figures and any comment by a political appointee. Thus the actual release of the figures wouldn't be colored by political pronouncements, it was pointed out.

Nevertheless, in early February Mr. Hodgson held a briefing for reporters an hour *before* the revised December and new January unemployment figures were released. Later the BLS' Mr. Moore admitted this didn't "square" with the administration's stated policy and pledged it wouldn't "happen in the future." Yet about 10 minutes before the April consumer price report was issued, reporters were handed a statement from the Labor Secretary hailing the moderate 0.3% advance.

In another instance, President Nixon also directed all agencies to "speed up the implementation and dissemination" of all statistics. Although this dwelled on avoiding unnecessary delays, Arthur F. Burns, then counselor to the President, explained that the intent was "to discontinue manipulation of release dates for statistics." High administration officials were openly scornful of their predecessors' penchant for either speeding up or delaying the release of figures for political purposes.

But two months ago the Commerce Department suddenly rushed out at 6 o'clock Friday evening a report showing that housing starts had jumped an impressive 11% the month before. Since officials had confidently stated all day that this report wouldn't be out until the following week, could it be that the government was taking its directive seriously and even putting out good news at an unpropitious time?

Alas, no such luck. President Nixon was holding a news conference that evening and, according to informed officials, late Friday afternoon the White House ordered the Commerce Department to rush out the housing figures so the Chief Executive could hail the results that evening. Sure enough, when the first economic question came up the President glowingly alluded to the housing figures.

In another promotional effort in late April White House Communications Director Herbert G. Klein sent an analysis to 1,300 newspaper editors and writers that noted how much money investors would have made if they had followed President Nixon's general advice to buy stocks in April 1970, Mr. Klein's analysis mentioned 10 specific securities.

This horrified even some of the administration's own economists. Besides giving the appearance of touting selected stocks, one top administration economist notes, Mr. Klein "just couldn't understand that he who lives by such swords can die by them too." With the Dow Jones Industrial Average generally declining since reaching a peak of about 950 in late April, Mr. Klein's tip service has been noticeably quiet.

As isolated instances, perhaps there's little reason to be unduly alarmed at any of these transgressions. But together, they add up to the makings of a real credibility problem that the Nixon people are creating for themselves.

1970: "A GOOD YEAR"?

They should realize that usually these shortcuts and gimmicks simply don't work. The next time the President repeats his confident assertion that this year "will be a good year for the economy" and that 1972 "will be a very good year," he might recall his own words at a March 1970 press conference. On the same subject and with equal confidence, he assured the nation that 1970 "is going to be a good year from an economic vantage point." Even most of the President's partisans now would agree this was hardly a self-fulfilling prophecy.

"One has to really produce things that are believable to affect consumers," says George Katona, director of the University of Michigan's Institute for Social Research, which studies consumer attitudes and behavior. "Mere talk won't do it."

To be sure, the temptation to exaggerate is probably endemic in any administration, particularly when the economy is such a terribly sensitive political issue. And few would expect the President or his lieutenants to proclaim that the economy is going to be in rotten shape.

But a little more candor about setbacks, as well as successes, and a willingness to resist the temptation to bend or break reasonable rules for very short-run gains, wouldn't seem to constitute a suicidal course. Indeed, there's apt to be a time, with November 1972 quickly approaching, when the administration will need all the economic believability it can muster.

[From the New York Times, June 23, 1971]

OVERHAULING ECONOMIC POLICY

The sharp rise in consumer prices last month is an unpleasant reminder of what inflation is continuing to do to the value of the dollar. Announcement that the price index went up six-tenths of 1 per cent in May came just after President Nixon's chief economic adviser, Dr. Paul W. McCracken, gave the first official word that the Administration is dissatisfied with the way its economic "game plan" is working out. The economy is growing too slowly to bring unemployment down below the 6 per cent level it reached last December. With large numbers of graduates and veterans entering the labor force, the jobless rate may even rise.

The May jump in prices does not necessarily negate scattered signs earlier this year of some slowing of inflationary trends, but it is accompanied by other worrisome portents. The money supply has been climbing at an annual rate of 11.6 per cent since the end of 1970, and at an even faster rate in the past three months. Such rates of monetary growth are bound to reactivate inflation if they continue.

Inflationary expectations are driving up the cost of money, further jeopardizing the slow economic expansion. Some banks have just boosted their prime lending rates, but others have held at the old rate under Administration pressure. However, the clear indication given by Chairman Arthur F. Burns that the Federal Reserve Board means to slow down the excessively rapid growth rate of the money supply is likely to put additional upward pressure on interest rates, at least in the short run.

Meanwhile, the wage-price spiral is unchecked. Excessive wage boosts are intensifying both inflation and unemployment. Although the Administration increasingly expresses its unhappiness over inflationary wage-price actions—as it did over the recent jump in aluminum wages and prices—its sporadic statements have no perceptible effect.

To get out of the inflation-unemployment bind, a change in basic Administration policy has become essential, with action to curb the leapfrog of wages and prices as its first element. An effective incomes policy needs the full support of the President and his top aides. Its starting point should be a temporary wage-price freeze—to dramatize the program and to prevent a final round of wage-price boosting before restraints can be put in place. During the freeze period a high-level stabilization board appointed by the President could work out procedures and standards to assure business, labor and the public that inflation will be equitably but firmly brought under control.

The overhaul of economic policy also requires a major shift of emphasis from monetary to fiscal. Faced as it is with large budget deficits, the Administration has been hesitant to offset any slowdown in monetary growth with a more stimulative fiscal policy. The big current deficits, resulting basically from a sluggish economy, are not particularly stimulative. These deficits, now likely to exceed $20 billion in both fiscal 1971 and 1972, are attributable largely to revenue shortfalls. With faster growth, the deficits would shrink.

The nation's urgent social problems imply that extra fiscal stimulus should come primarily from expenditure increases sharply focused on aiding the poor, the unemployed, the staggering cities and other areas of acute need, rather than from tax cuts. However, this approach does not rule out consideration of temporary tax reductions, should they be needed to provide additional support for a stagnant economy. We have long favored a more flexible fiscal policy for economic stabilization.

But for the immediate future, we believe the President should use expenditure programs to attack acute problems, as he has done in making known his intention not to veto the public service employment bill but to use it for creating jobs for veterans. The nation's growing social and environmental problems leave no shortage of useful targets for a fiscal policy appropriate to the times.

[From Business Week, June 12, 1971]

THE ECONOMY—STORM CLOUDS DO NOT CHANGE THE COURSE

President Nixon's top economic advisers continue to insist that the nation's economy needs no additional stimulation. If anything, they feel less inclined than a month ago toward a mid-course correction in economic policy.

"Given the basic course of expansion up to now," says Council of Economic Advisers Chairman Paul W. McCracken, "I don't see that a clear case can be made for additional stimulus."

The decision to stick to current policy is not based on confidence that the economy is tracing the path laid out last January in the Economic Report. It represents, in fact, a lowering of the Administration's ambitious goals for more economic growth and less unemployment.

Officials candidly admit that last month's rise in unemployment probably foreshadows further increases. They now appear to expect little reduction in the jobless rate before yearend, and they have explicitly downgraded their earlier target of unemployment "in the zone of 4.5% by mid-1972" to "less than 5%" by the same date. The White House apparently feels that this level will not be an overwhelmingly political burden if the rate is falling sharply by the time voters go to the polls.

While there are differences in tone, the "steady-as-you-go" feeling is reflected throughout top-level economic circles around the White House. For the moment, a balance appears to have been struck—and sold to President Nixon—between concern for rising unemployment and fears of continued inflation. Worries about the ultimate impact of five months of rapid growth in the money supply have also made policymakers wary about throwing in more fiscal stimulus.

SOUL-SEARCHING

The balance could be changed, however, if the report on second-quarter gross national product is disappointing. Officials will get a preliminary estimate late next week and a better look early in July. There appears to be general agreement in Washington that a gain significantly less than $20-billion would call for "some soul-searching." Although some technicians say there is a good possibility that the second quarter will come in below that mark, key officials appear relatively optimistic.

The new target, however, gives a far different profile than Administration economists had been sketching earlier. They are now ready to concede that the recovery has been distinctly modest, with no real enthusiasm on the part of either consumers or businessmen. With the third quarter clouded by a runoff in steel inventories, with or without a strike, fall is the earliest the economy can be expected to find a solid footing.

The worry now along Pennsylvania Avenue is that things will come on with a rush. Administration economists view the puzzling behavior of inventories—substantial liquidation almost everywhere but in steel—less as a vote of no confidence in the recovery than as a storing up of demand that will hit sometime toward the end of the year. For unexplained reasons, the economy has been slow in reacting to definite nudges from Washington.

"People don't quite appreciate how stimulative policies are now," says one senior Administration official, pointing to the very high rate of growth in the money supply and the fact that the fiscal 1971 budget is winding up considerably deeper in the red than had been anticipated last January. "The more stimulus you inject, the more superboom you are storing up for sometime in the future—and you don't know when," he adds.

Another Administration argument against more stimulus is that such a move would increase the pressures for an incomes policy. "To the extent that your expansion is less than planned, you have less need for market restraint because markets are looser than you expected," says a top official.

FLEXIBILITY

In recent weeks, in fact, there has been a weakening of the earlier hard-nosed attitude toward wage and price behavior. The original 6% guide on construction wages has been replaced by more flexible "equity" rules, and Presidential displeasure at the aluminum price hikes was relatively mild, though accompanied by another warning to the steel industry.

Beneath the surface, however, the pressures are still there. Federal Reserve Chairman Arthur F. Burns still loses no occasion to push for a wage-price review board, and within the Administration Treasury Secretary John Connally talks openly of the need for outright controls. This, apparently, has turned Management & Budget Director George Shultz away from the idea of rapid expansion.

Some Administration officials, including Connally, reportedly have a mild preference for early activation of the scheduled 1972 and 1973 tax cuts. But it is not strong enough for them to want to challenge Shultz on this point or to take the risk that a Democratic Congress will do more than they ask.

"JUST INSANE"

The White House line against more stimulus etxends to government spending as well as tax cuts. The rise in unemployment gives Congressional Democrats another argument for their $5-billion public service employment bill. But, says one high official, "the President is just as committed to a veto as before."

So far, at least, President Nixon does not seem to be getting much heat from his own party. "There are some Republican worriers," says Representative Barber Conable (R-N.Y.), a ranking member of the House Ways & Means Committee. But they are not particularly strong, he says. Barring a sharp rise in unemployment, most GOP congressmen are inclined to let the Administration determine the line on economic policy.

On the other hand, Democrats are exhibiting a fairly sharp split. Liberals such as Senator Edmund Muskie (D-Me.), a Presidential hopeful, and Senator William Proxmire (D-Wis.) are calling for quick tax cuts. But House Ways & Means Chairman Wilbur D. Mills is waiting for the second-quarter GNP figures to make up his mind. "My judgment is that it will not be as dramatic . . . as the first quarter," he says, "but it may be of sufficient growth to obviate the necessity of doing anything else."

[From the New York Times, June 20, 1971]

Encouraging Data on Economy Leave Some Unconvinced

(By Thomas E. Mullaney)

Those businessmen and economists who have advocated a patient stance by Washington in dealing with the economy took heart last week from the latest batch of upbeat economic statistics. Their position, however, was far from universal.

Many observers remain skeptical of the underlying strength of the economy. And stock traders were also quite unimpressed by the recent trends and worried about higher interest rates. The market ended the week on a depressed note after suffering its worst loss in almost a year.

Last week's encouraging data were the Government reports on industrial production, personal income and housing for May—all of which showed a rising pulse of economic activity. There was also a faster tempo reported in retail business for the first half of June and moderately optimistic forecasts of consumer attitudes in two new surveys.

Brightest among the week's economic news were the strong 0.7 percent rise in industrial production, the buoyant 1.7 percent gain in housing starts and the fairly good $6-billion jump in personal income during May.

To the optimists, these indicators confirmed their view that a strong expansion of the economy has taken root from the seeds of highly stimulative fiscal and monetary policies planted in 1970 and earlier this year.

Nevertheless, assessments of the latest economic numbers by several leading economists last week were not equally glowing. One depicted the economy as staging a "lazy recovery," and Martin R. Gainsbrugh, chief economist for the Conference Board, sounded a typical view when he remarked:

"The picture is a little bit more encouraging, but it does not indicate much acceleration for the balance of the year. On every count, the rate of expansion in this recovery is lower than in the previous four recoveries. Some of the figures look good in terms of current dollars, but that is reflecting the factor of inflation. Unless we get some strong real growth, we won't get unemployment down."

A look at the prevailing trend of 26 major economic yardsticks by Statistical Indicator Associates last week was also rather disconcerting. It disclosed four leading indicators pointed upward and eight level; five coincident indicators up and three level, and two lagging indicators up, two level and two tending downward.

"With the trends of only four of the 12 leaders up," the analytical service commented, "the hesitance in the leaders is reminiscent of early 1968. The 1968 hesitancy turned out to be a temporary lull. Today's hesitancy seems to have a greater precautionary significance."

Even the Administration's top economic adviser, Paul W. McCracken, eschewed his consistently optimistic posture and expressed some dissatisfaction with the pace of the business recovery.

Dr. McCracken conceded that the economy was moving up too slowly to exert much effect in reducing the unemployment rate, which has been hovering about 6 percent, and he indicated that President Nixon would decide this summer whether it would be necessary to inject some new stimulus into the economy.

In Paris, the prestigious Organization for Economic Cooperation and Development also took a dim view of the unemployment situation in the United States, saying that the average rate of joblessness this year would be "almost one percentage point higher" than last year's 5 percent.

If that assessment proved to be correct, it would cast strong doubt on the Administration's ability to achieve its 4½ per cent unemployment target by the middle of next year in advance of the Presidential election.

President Nixon's advisers had been counting on a growth rate of at least 9 per cent for the American economy this year in their blueprint for significantly reducing the unemployment rolls. But it is obvious now, after six months of rather stimulative fiscal and monetary policies, that the goal is not being met.

Despite the strong burst of consumer buying that erupted in mid-March and retained its momentum ever since, it appears that the economy's growth in 1971 may not top 7 per cent. To get to the desired target, some prodding will be necessary, according to a spreading view in business and economic circles.

Since monetary policy has been exceedingly easy this year, with the money supply increasing by more than 11 per cent, it would not seem prudent to expect any further stimulus in that area.

That leaves only fiscal policy as an engine of expansion—tax reductions or increased Government spending or, perhaps, a combination of the two. But, with Federal spending already outrunning projections, the most likely avenue would seem to be the tax route.

The most broadly recommended program involves a speed-up of the cuts in personnel income tax already scheduled to take place in 1972 and 1973. This would produce some $4.5-billion of added spending power for American consumers this year.

Among businessmen, there is wide advocacy of a suggestion that the 7 per cent investment-tax credit be restored to invigorate capital spending programs. And some businessmen as well as economists are urging the start of public works or social programs to put more people to work.

A recent poll by the National Federation of Independent Business found a strong tide in favor of the Price Bill, which would restore the 7 per cent investment credit on the first $15,000 of equipment and machinery purchased each year. Big business feels that it, too, needs restoration of such spending incentive on a permanent basis.

ECONOMIC INDICATORS

	Latest week June 13	Prior week June 6	June 14, 1970
Weekly comparisons:			
Commodity index	107.8	107.2	111.3
Currency in circulation	$58,078,000,000	$57,851,000,000	$54,261,000,000
Total loans	$83,818,000,000	$84,143,000,000	$80,258,000,000
Steel production (tons)	2,737,000	2,786,000	2,637,000
Auto production	184,003	193,312	181,459
	May [1]	Prior month	1970
Monthly comparisons:			
Employed	78,961,000	78,698,000	78,357,000
Unemployed	5,217,000	5,085,000	3,384,000
	April [1]	Prior month	1970
Industrial production	166.0	165.5	170.4
Personal income	$836,300,000,000	$830,400,000,000	$777,600,000,000

	Latest week June 13	Prior week June 6	June 14, 1970
Daily oil production (barrels)	9,752,000	9,745,000	9,485,000
Freight car loadings	553,552	496,743	567,235
Electric power (kilowatt-hours)	32,251,000,000	29,348,000,000	29,583,000,000
Business failures	193	205	198
	May [1]	Prior month	1970
Consumer's price index	120.2	119.8	134.0
Money supply	$221,200,000,000	$219,400,000,000	$203,300,000,000
Construction contracts	161	142	203
Manufacturers inventories	$99,542,000,000	$99,416,000,000	$97,604,000,000
Exports	$3,543,100,000	$3,814,600,000	$3,449,700,000
Imports	$3,757,800,000	$3,569,200,000	$3,247,500,000

[1] Figures subject to revision by source.

NOTES

Commodity index, based on 1957–59=100 and the consumers price index, based on 1967=100, are compiled by the Bureau of Labor Statistics. Industrial production is Federal Reserve Board's adjusted index of 1957–59=100. Imports and exports as well as employment are compiled by the Bureau of Census of the Department of Commerce. Money supply is total currency outside banks and demand deposits adjusted as reported by Federal Reserve Board. Business failures compiled by Dun & Bradstreet, Inc. Construction contracts are compiled by the F. W. Dodge Division, McGraw-Hill Information Systems Company.

Statistics for commercial-agricultural loans, carloadings, steel, oil, electric power and business failures are for the preceding week and latest available.

Walter W. Heller, former chairman of the Council of Economic Advisers, who also endorses the investment credit at 10 per cent, recently stated that "it should not be difficult to devise a package of perhaps $10-billion of quick-acting fiscal stimulus that would not interfere with the objective of a balanced budget or a surplus when we again reach full employment.

The bond market continued its erratic pattern last week as traders and investors remained nervous and uncertain about the path of the economy and the course of interest rates. At the start of the week, the market saw prices dropping sharply, but later on there was an equally vigorous rally.

The early decline seemed to stem from fears of a general increase in the prime rate by major banks as well as an upturn in the Federal Reserve's discount rate.

On Monday, the First Pennsylvania Banking and Trust Company, the largest bank in Philadelphia, did lift its basic loan rate 5¾ per cent from 5½, and the Bank of California raised its price rate to 6 per cent on the following day.

Even though those moves were applauded privately by many bankers because of the rising cost of funds obtained by the banks for lending, other major banks did not immediately follow the lead of the two medium-sized institutions, and talk of a general nationwide increase faded as the week progressed. However, the odds still seem to favor a broad increase in this key lending rate before very long.

The New York Times Weekly Index of Business Activity rose to 379.9 from 351.6 a week earlier. A year ago it was 359.9 (revised).

The following tables gives the index and its components, each of which has been adjusted to reflect the long term and seasonal variations:

	June 12, 1971	June 5, 1971	June 13, 1970
Combined index	379.9	351.6	[1] 359.9
7 weeks moving average	362.0	358.6	[1] 354.0
Miscellaneous loadings	109.8	99.0	112.5
Other loadings	50.3	44.8	51.5
Steel	174.6	177.8	169.9
Electric power	696.2	635.0	648.2
Paperboard	513.6	508.8	509.8
Lumber	100.9	84.9	86.5

[1] Revised.

Nevertheless, the market gained new buoyancy after the Treasury announced a $4-billion financing on Wednesday. To some experienced bond dealers this appeared to signify that the Fed would make no move with its discount rate at least until the Treasury's mid-August refinancing operations are out of the way.

With the atmosphere improved, several large corporate bond issues were successfully sold during the week, beginning with a $60-million offering of the Ohio Edison Company's Aaa-rated bonds yielding 8.20 per cent on Tuesday. A $150-million offering of the Phelps Dodge Corporation's notes and debentures moved out quickly on Wednesday, and a $100-million issue of the Detroit Edison Company's bonds sold swiftly on Thursday.

All of the successful bond sales encouraged Wall Street and, consequently, bond prices advanced late Wednesday and again on Thursday.

The combination of diminished concern about higher administered interest rates and of successful bond sales accounted for last week's rather pronounced rebound in the bond market. Few bond dealers, however, showed any great conviction about the longer-term outlook for interest rates.

Price swings in the bond market recently have been dramatic but not long-lasting, and they probably will continue to gyrate that way—very erratically—until the outlook for the economy becomes clearer.

Other interest rates, particularly those in the home-mortgage sector, may also be due to increase. This would mean, of course, higher costs on the purchase of new homes.

Some sources expect that an increase in the F.H.A.-V.A. interest rate, which now stands at 7 per cent, will be forthcoming soon, even though the Government recently rejected suggestions for such action. In some parts of the country, there has already been a move to increase the number of "points" charged by lenders for making mortgage loans.

The stock market's sharp decline on Friday pushed the leading market averages last week to their sharpest losses since the final week of June a year ago.

The market's recent consolidation was accelerated as Wall Street showed increasing concern about the interest-rate picture and the economy's sluggish pace. Its downward course was accelerated as it slid below 900 in the Dow-Jones index for the first time in three months.

The Dow barometer closed the week at 889.16, showing a net loss of 27.31 points. The New York Times combined average fell 13.46 to 527.21; the Standard & Poor's 500-stock index declined 2.10 to 98.97, and the New York Stock Exchange composite was down 1.17 to 54.63.

Stocks that lost ground totaled 1,311 issues, while those that advanced numbered 387. There were 136 issues with no change.

Volume on the Big Board remained relatively light at 68.4 million shares, against 66.3 million the week before.

THE PALESTINIANS IN 1971

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 12, 1971

Mr. HAMILTON. Mr. Speaker, there have been a great many changes in the Palestine movement and in the attitudes of Palestinians during the last year, Jesse W. Lewis, Jr., has written about some of these changes in an interesting set of articles which appeared in the Washington Post last week. I commend his articles to my colleagues:

PALESTINIANS NOURISH MEMORIES OF HOMELAND, HATRED OF ZIONISM

(By Jesse W. Lewis, Jr.)

BEIRUT, July 6—Whether you are squatting on the bare ground sipping tea in the teeming Shtila Palestinian refugee camp on the outskirts of Beirut or sitting in a tastefully appointed dining room having a multicourse lunch with a Palestinian professional man in Ramallah, in Jordan's occupied West Bank, you hear the same theme:

"We feel like strangers."

In countless conversations throughout the Arab world—across North Africa, in Lebanon, Jordan, Syria, Israeli-occupied territory and the Persian Gulf—Palestinians say the same thing.

Broadly they nourish the hope of returning to their former homes in what is now Israel or under Israeli occupation, though few appear to really want to go back to live in a country where Jews are in the majority.

But they feel uncomfortable, restricted and, in some cases used as a political football in the countries where they live, whether it is Lebanon, Syria or Jordan.

The way Palestinians feel today is the result of a melange of factors—their attachment to the area of land called Palestine during the British mandate that ended May 15, 1948, when Israel was created; the circumstances of their leaving their homes; their experiences since then; the 1967 Arab-Israeli war, and the intense political propaganda they've been subjected to about their own situation and about Israel.

In the past six weeks, I asked more than 100 Palestinian Arabs scattered over several countries: "Why do you consider yourself a Palestinian?" Here are some typical answers:

"I was born in Palestine," said one professional woman in Ramallah, a town of 40,000 on Jordan's occupied West Bank. "My mother and father were born here and their parents before them."

"Why do you consider yourself an American?" asked a senior civil servant in Abu Dhabi, who has been in that oil-producing sheikdom in the Persian Gulf for the last five years. "I was born in Jerusalem and I feel it is my home."

A 34-year-old journalist in Beirut: "I was born in Haifa, Palestine, and I was forced to leave and I cannot go back." Haifa is now Israel's main port on the Mediterranean Sea.

While it is difficult to determine how strong this attachment is simply by asking the question "Why do you feel Palestinian?", any American journalist would probably get the same answer because the Palestinian question is such a hot political issue in the Middle East.

However, the casual question "where are you from?" asked in Arabic on meeting a Palestinian will bring the answer Haifa, Jaffa or Lydda rather than Beirut, Amman or Damascus even though the persons have been living in those Arab cities for the past 22 years.

HOW IT STARTED

It was in 1947, when the United Nations voted to partition Palestine into Jewish and Arab sectors, and in 1948, when Israel was declared a state that the bulk of the more than 700,000 Arabs became refugees. That number has swelled to an estimated 1.4 million today.

According to interviews with Palestinians who lived there during the bitter communal riots and civil war and later when Arab armies invaded Israel after May 15, 1948, and reading the historical record, there was an atmosphere of turmoil and fear throughout Palestine.

Arab villages were not as well defended as Jewish settlements and the Jewish paramilitary units were better trained and armed. There were atrocities on both sides, but the one most frequently cited by Arabs occurred in April 1948 when a group of Jewish terrorists massacred 350 Arabs, half of them women and children in the village of Dier Yassin, near Jerusalem.

Stories of other atrocities—real or imagined—spread among the Arab population. The Arabs were getting the worst of the civil war and word spread that it would be safer to leave temporarily until the shooting ended.

The bulk of the Arabs left by foot, carrying with them what they could on their back or on carts.

Since then, the Palestinians have been like unsettled ballast in the keel of a ship on stormy seas. Because of their unsettled status, their anger and hope of return, they have been susceptible to political appeals from many sources.

In order to understand this, it is necessary to examine how after 23 years the Palestinian issue has stayed alive. There are four principal factors.

Perhaps the most important reason is the nature of the Palestinians themselves. The refugee population has doubled in the 23 years. They feel they were expelled from their homes by force and hence they have an outstanding claim. Property owners have not been compensated and they feel deprived and humiliated.

An Arab who lives in East Jerusalem and who since 1967 has visited his former residence in Jaffa said: "It breaks my heart to see my house with strangers living there and I'm not allowed to go back. I can't describe how it feels. By what right do they live there?"

The way the Palestinians feel about Israelis is also an element in the story. Most Palestinians, when asked, will say they bear no feelings towards Jews as such, but only toward adherents of Zionism calling for a Jewish nation in Palestine at the expense of the Arabs who lived there.

Yet there is considerable anti-Jewish feeling. For example, you hear the word "Jew" rather than "Israeli" when talking about a Jewish citizen of Israel.

Both Palestinian Arabs and Israelis who lived in Palestine during the mandate say that at the turn of the century there was little religious or racial conflict between the two communities. Many Arabs and Jews were neighbors and friends and it was not uncommon for both to speak each other's language.

But as the index of Zionism caught on in Europe and Jewish immigration increased in Palestine, the Arabs began to feel threatened and communal attitudes became more sharply defined.

A similar phenomenon occurred in Iraq, Syria and Egypt where there were large Jewish communities.

As the Zionist campaign to establish a Jewish nation in Palestine reached a crescendo in 1947, the two communities in Palestine were ripe for violence.

I asked Palestinians if the wholesale slaughter of millions of Jews during World War II made a difference when they considered their own grievances.

"I am deeply sorry for what happened to the Jews in Europe," one lawyer said. "But that does not give them the right to cause pain to me and force me to leave my home in Palestine."

"What on earth can justify a Jew coming from Russia to live in Palestine and we who were born here have no right to live in Palestine," said a professional woman living on the West Bank. "Who can accept that?"

The Palestinian Arab, like many other Arabs in the Middle East, sees himself as the victim of a world-wide "Jewish" or "Zionist conspiracy."

They talk of the "Zionist" or "Jewish"-controlled press throughout the world that refuses to print stories about the plight of the Palestinians.

SYMBOL OF DEFEAT

Another factor is that because Palestinians are a symbol of the defeat of Arab armies in 1948, Arab governments have used the resistence of the refugees, often cynically, as a political issue.

In Egypt, for example, the late President Nasser rarely gave a speech that did not dwell on the Palestinian issue as the outstanding problem the Arabs had with Israel. This remained so until 1956, when Israel occupied Sinai, when for Egypt the main item was to get the Israelis to withdraw. And now since 1967, Syria, and Jordan along with Egypt have their territory occupied, pushing the Palestinian issue back to second place.

But while expressing solidarity with the Palestinians, Egyptian security officers kept a close watch on Gaza refugees and permitted only a small and carefully screened number to enter Egypt.

In Lebanon also security forces kept control of Palestinian movements throughout the country.

In Jordan there has been chronic trouble between the East Bank where the bedouins dominate and the Palestinians, who feel they are better educated than the East Bankers whom they consider backward.

But it was the 1967 Arab-Israeli war that has had the greatest recent impact on the Palestinians. "The six-day war was 1948 all over again for us," explains an Amman businessman and former resident of Jericho, a town that was virtually abandoned when the Israelis occupied Jordan up to the West Bank of the Jordan River.

"There were the same scenes of people leaving, frightened and uncertain."

Between Nov. 29, 1947, when the United Nations voted to partition the British mandate of Palestine into Jewish and Arab sectors and riots erupted throughout the mandate, and July 20, 1949, when the Syrian-Israeli armistice agreement was signed ending 14 months of Arab-Israeli warfare, an estimated 729,000 Arabs left what is now Israel.

Most ended up on the West Bank of the Jordan while others went to Gaza, Lebanon and Syria.

Of those who left, about 600,000 were share-croppers, itinerant farmers or unskilled laborers. They lost either their homes or jobs or both.

They moved into emergency camps set up by various international services organizations until 1949 when the United Nations Relief and Works Agency for Palestinian refugees (UNRWA) was created.

Since then, the number of refugees has doubled to 1.4 million, according to U.N. figures. The total number of Palestinian Arabs—those who were born in the area of the former mandate and their offspring—is estimated at 2.7 million, nearly as large as Israel's population of 2.8 million and larger than Jordan's 2.2 million.

If the creation of Israel caused the refugee problem, the actions of the Arab countries have kept it alive as a political issue and in some case made the condition worse.

After the 1948 war that ended with the establishment of Israel, Egypt became the administering power in Gaza.

It was Egyptian policy to conduct a program of political indoctrination. "In the schools every morning, students used to pledge allegiance to the Egyptian and Palestinian flag and would end the recitation with a vow to recover Palestine," said Gaza resident.

CROWDED CONDITIONS

In the narrow strip of land about 25 miles long and about four miles wide are packed 453,000 Palestinians under Israeli administration since the 1967 war. That comes out to about 3,235 persons a square mile, second only to Monaco in density.

Of the 1.4 million refugees UNRWA says are on its rolls, nearly a half million live in camps such as the Beach Camp in Gaza.

In the Beach Camp for a total population of 33,250 there are 414 outdoor toilets, constructed of corrugated metal over a concrete platform with an oval hole leading to a pit. There is no flushing facility.

There are 47 water collection points, with a total of 125 tips to serve the entire population, according to U.N. officials.

Scattered throughout the camp are 89 garbage collection bins. "We try to empty them every day," said a UNRWA spokesman. But each bin I saw was overflowing.

NOT LIKE WELFARE

Long-time UNRWA officials say that the Palestinian refugee is not comparable to a person on welfare in the West.

"Unlike the relief recipient in the United States or England, the Palestinian refugee does not attribute his condition to his own shortcomings or bad breaks," one UNRWA source said.

"They feel that what UNRWA gives them is only a small part of what is due from the international community who they blame for their condition. And the 22 pounds of flour a month and a cholera shot doesn't begin to meet their real needs.

"They don't feel grateful," he said. "On the contrary they feel much, much more is due."

What the congested conditions of the camps does produce over a lifetime, observers say, is a volatile blend of bitterness "that expresses itself in intense anti-Western feeling."

FINANCIAL PROBLEMS

For the past several years UNRWA has had a series of financial crises. Currently the agency has more than a $85 million deficit.

If there were to be any cuts in services they would probably be in education, which is a highly popular program.

Some observers said even a slight cutting of education services would increase the pool of men that might be susceptible to radical political ideas.

Many Palestinian employes of UNRWA have joined the guerrilla movement, particularly Fatah.

Frequent guerrilla attacks and bombings in Gaza have resulted in numerous Arab deaths since the war. The guerrillas attack other Arabs to discourage Gaza residents from working in Israel.

In Lebanon, guerrilla organizations are in effective control of most of the 15 refugee camps and use seven UNRWA buildings in camps for organizing activities.

But an UNRWA spokesman insists that the organization has no official contact with Fatah. "They have power but no official status as far as UNRWA is concerned," he said.

Palestinians Chart Separate Course

(By Jesse W. Lewis, Jr.)

Amman, July 8—An attractive Palestinian woman who works for the United Nations here in Jordan spends most of her free time—and some of her working hours as well—arranging for public relations activities for the guerrilla movement.

Outside Beirut, in a make-shift hospital an 18-year-old Palestinian boy who was born in a refugee camp recuperates from injuries he said he received on a guerrilla raid into Israel across the Lebanese border. His left leg was amputated.

In Kuwait, a Palestinian businessman divides his 18-hour working day between operating his firm and acting as a liaison officer for Fatah, the largest Palestinian guerrilla organization.

These are just three Palestinians living in different parts of the Arab world who are deeply involved in the Palestinian nationalist movement, a movement that was dormant until the 1967 Arab-Israeli war.

NEW WAVE OF REFUGEES

The war produced a new wave of refugees from Jordan's West Bank and Syria's Golan Heights that were occupied by Israel. This produced a general feeling among Palestinians that Arab governments were unable to protect them and they decided to try to guide their own future.

Since then the movement has attracted the active help or the imagination of most of the estimated 2.7 million Palestinians.

One key reason for this militancy is the youth of the Palestinian population and the high ratio of literacy and educated Palestinians. An estimated 50 per cent of Palestinians are under 15.

Not all Palestinians are as involved as the United Nations employe, the wounded guerrilla or the Kuwaiti businessman.

More typical may be the Palestinian professor at the American University of Beirut who occasionally attends "skull sessions" to discuss Palestinian political strategy. Or the Palestinian shipyard worker in Goteberg, Sweden, who sends part of his salary to the guerrilla movement fund in Beirut.

ARMS MULTIRACIAL STATE

The arm of the Palestine nationalist movement, as outlined in the "Palestine national charter," is to establish a multiracial state in the former mandate area of Palestine, in which Arabs and Jew would live.

To do this, the movement has tried through propaganda and through much less effective guerrilla tactics to press its case.

There are several aspects to the Palestinian nationalist movement.

Ironically, the one that has received the most attention—the guerrillas as a para-military force against Israel—has been the least effective, according to analysis. Even many guerrilla leaders will say privately that the guerillas have never been more than a token threat to the Jewish state.

Israel has a highly professional, well-equipped army, and excellent defenses in the Jordan valley and northern Israel, the area in which the guerrillas usually operate. When guerrillas try to infiltrate they are detected by electronic devices and helicopter-borne troops intercept them, usually inflicting high casualties.

Also the guerrillas are fragmented into at least 10 major organizations that have never established uniform training or operation tactics. The publicity photographs that show guerrillas in training jumping over burning automobile tires and carrying automatic rifles is quite different from engaging in a fire-fight where real bullets are used.

When they were crossing the Jordan River before the Jordan civil war, for example, the number of guerrillas killed or captured by Israel was often as high as nine out of ten. Many guerrillas never made it across the river because they did not know how to swim.

Until the civil war last September, when King Hussein reestablished his authority, the guerrillas were a powerful political force within Jordan. In June, 1970 for example the guerrillas forced the king to fire his army chief of staff and other senior army officers, one of whom was the king's cousin.

But since the war in Jordan, the guerrilla's power has been severely curbed. There are no longer armed guerrilla patrols in downtown Amman nor guerrilla bases in the city. Most of the guerrillas are restricted to the desolate hills around Jerash and Ajloun, in North Jordan.

EASIER ACCESS

Many of their forces have shifted to Lebanon, where they have easier access to Israel across Lebanon's southern border. This access is tacitly permitted by an agreement signed in November, 1969, by Yasser Arafat, leader of Fatah, and the then Lebanese army commander.

But the key to the guerrillas appeal and political power in Jordan and Lebanon is that Palestinians form a sizable part of the population in those countries.

In the non-occupied part of Jordan, there are an estimated 700,000 Palestinians of a total population of 1.3 million. And in Lebanon, there are approximately 350,000 Palestinians out of a total of 2.7 million.

A closer examination of the Palestinians in Lebanon illustrates their force. When United States Secretary of State William Rogers visited Lebanon last May, one of the considerations in planning the route of his motorcade was that it had to pass within yards of several Palestinian refugee camps that straddle the main access to Beirut's international airport.

Only after Lebanese authorities worked out an agreement with guerrilla leaders did American security officials give the green light for Rogers to travel by car.

15 CAMPS IN LEBANON

There are 15 Palestinian refugee camps in Lebanon containing 90,000 persons. Six camps are around the capital, Beirut, while others are located around the major cities of Sidon and Tyre, in the south, and Tripoli, in northern Lebanon.

In October and November 1969, Lebanon hovered on the brink of civil war because the army used force to try to curtail guerrilla activities.

Perhaps the most successful aspect of the revived Palestinian movement has been to force world attention toward the 23-year-old Palestinian problem.

The spokesmen for the Radical Popular Front for the Liberation of Palestine, Ghassan Kanafani, says that the main purpose of guerrilla airline hijackings and bombings in Europe is to dramatize the plight of the Palestinians in the Middle East.

Not all Palestinians endorse such terror tactics, but there was general agreement at the time that they started such acts did draw world attention to the issue.

The parent organization for nearly all Palestinian political activity is the Palestine Liberation Organization (PLO) that is headed by Yasser Arafat, who is chairman of the executive committee. Arafat is also head of Fatah, one of the groups making up the PLO.

The PLO, which was formed in 1964, is recognized by the 14-nation Arab League as the political organization that represents all Palestinians. When Arafat travels, whether to an Arab summit meeting or outside the Middle East, it is as head of the PLO.

The PLO has offices in every Arab capital, several in western Europe and in New York.

Most of the propaganda activities abroad consist of giving lectures and distributing literature.

The main policy making body of the PLO is the Palestine National Council, whose membership has been recently expanded to 151 delegates. It is currently meeting in Cairo.

Palestinians living on the West Bank and in Gaza under Israel occupation, however, feel that the PLO does not always reflect their point of view.

"But," as one West Bank lawyer put it, "the PLO is the only group we have until we get something better."

Palestinians Are Divided on Solution

(By Jesse W. Lewis Jr.)

Beirut.—"If I want to be an extremist, I will say that the whole of Palestine is my land. Maybe this is the feeling of most Palestinians," said a Ramallah professional man.

"But as a practical matter, the partition of 1947 or a modification of the partition plan whereby every Palestinian would have the right of return and those who choose not to return would be compensated—I think that would be acceptable."

This is just one Palestinian's view in the midst of many conflicting opinions of how the 23-year-old Palestinian problem can be solved. Because they have been scattered across the Middle East and had different experiences under different Arab governments they have different ideas on what is an acceptable settlement.

The guerrillas will say they will accept nothing less than to "de-Zionize"—or end the exclusive Jewish nature of—the former mandate of Palestine which is now controlled by Israel.

Most Palestinians feel they have an outstanding, unsettled claim against Israel and the world still owes them something because it recognized the Jewish state of Israel in 1948, giving a de jure stamp to their status as refugees.

Before considering possible solutions to the Palestinian problem a few basic elements must be discussed.

First, there does not appear to be any one proposal for a solution that commands the approval of a majority of the Palestinians themselves. And, if there is one, there is no way of determining that a majority support it.

"The difficulty with any proposal," says Hamdi Canaan, a businessman and political leader in the West Bank town of Nablus, "is that Palestinians cannot meet to discuss their future."

The guerrilla movement, for example, calls for the establishment of a multi-racial democratic state in which Arabs and Jews would live.

For most Palestinians this may be an ideal, solution, but not a very practical or likely one.

In general, the guerrilla solution, which is to be achieved by armed struggle, appeals to the young refugee camp-dweller, the young educated Palestinian and a group of racial intellectuals, most of whom live in Beirut.

But the middle-class Palestinians—the group that has traditionally supplied the political leadership—would in general, rather have the right to return, choose not to and accept compensation for their lost property and continue their lives in peace.

"If given the choice, I wouldn't go back to Jaffa because its a Jewish city," said one Palestinian, now living in Jerusalem. "But it's my right. Whether I use it or not is up to me. I know Jaffa as an Arab city. I want to live in an Arab environment."

A second basic element is that any solution to the Palestinian problem must be acceptable to the Arab countries on Israel's fringe as well as to the Palestinians. This is a key element because the future of the refugees that now live in Lebanon, Syria, Jordan and Gaza is of crucial importance to those countries.

A solution, for example, that does not provide funds and training for the smooth transition from dependent refugees to productive persons for the 176,000 Palestinians refugees, the majority of whom are Moslems, now living in Lebanon would create severe strains on Lebanon's economy and political-religious balance.

Lebanon's political system is delicately balanced between Christians and Moslems.

In East Jordan, there are 700,000 Palestinians, more than half of the population of 1.3 million. The Palestinian populations of both the West Bank and East Jordan total 1.35 million, or about two-thirds of Jordan's inhabitants.

Such statistics illustrate another dimension of the conflict between the regime of King Hussein and Palestinian guerrillas. Many Palestinians, even though they enjoy citizenship under Hussein, feel they are not represented in relation to their numbers in Jordan.

In short, as long as the Palestinian problem is outstanding in the Middle East, there will be cause for war with Israel and domestic conflict in Jordan and Lebanon.

It was the cause of last September's civil war in Jordan, and it nearly brought on a civil war in Lebanon in October, 1969.

What, then, can be done?

"I think of one solution and that is one based on self-determination under a free plebiscite, a referendum, that is 100 per cent free and supervised by the United Nations . . . to ask each Palestinian what he wants. Just ask what he wants," said Mahmoud Abu Zalaf a Palestinian who edits "al Quds", an East Jerusalem Arabic daily.

"Palestinians have been prevented from thinking freely for years," he said, "because of political terror, occupation, restrictions and lack of mature political leaders and political guidance."

This is the only answer that approached something of a consensus. Almost without exception, Palestinians said they wanted the opportunity to express themselves as Palestinians. No one, however, could be sure what the result of such a referendum would be.

There is also general recognition that there cannot be a solution to the Palestinian problem before there is progress toward an overall settlement of the Arab-Israeli conflict.

Harb Harb, a city council member in Ramallah, put it this way: "Our problem will be solved when the whole Arab-Israeli problem is solved."

Most feel it is premature to talk about a solution until the Middle East is further down the road to peace as a whole.

"There are too many questions unanswered," one diplomat said. "What's going to be the future of Jerusalem, which is an integral part of the Palestinian issue? What's going to be the future of the West Bank? Of Gaza? Only the Israelis can answer these questions.

"It is generally accepted, however," he said, "that if you get some kind of pragmatic political settlement in the Middle East it would create an atmosphere that would make possible the solution of the Palestinian question.

"But in order to begin to solve it, UNRWA (U.N. Relief and Works Agency for Palestine Refugees) would have to be restructured by a new mandate from the General Assembly, perhaps a new name—change it from a caretaker agency to an organization with the muscle to solve the problem.

"The ideal time to do this is this fall when UNRWA's mandate is up for another three year renewal. But something has to be done," he said.

"Circumstances just won't allow the Palestinians to continue like this for another 23 years."

"ACTIVIST" OPEN HOUSING

HON. JOHN G. SCHMITZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 12, 1971

Mr. SCHMITZ. Mr. Speaker, the Federal Government has recently taken steps to assure itself even more control over local and individual private property rights.

The administration "open housing" policy is unfolding as "more activist" than previously believed according to Father Theodore M. Hesburgh, Chairman of the U.S. Civil Rights Commission. Father Hesburgh added that he "liked what we heard." He was referring to President Nixon's 8,000-word open housing statement issued earlier this month.

Immediately following the Presidential message, the Justice Department filed a suit against Black Jack, Mo.—a St. Louis suburb—which charged that community with racial discrimination by restrictively rezoning land.

It soon became apparent that the Federal Government intends to bring heavy pressures to bear against any local community not toeing the line as dictated by the national bureaucracy. GSA Administrator Robert L. Kunzig announced that his agency would cooperate with the Department of Housing and Urban Development in investigating all prospective sites for both public buildings and leased spaces. If low and moderate housing on a nondiscriminatory basis was found to be inadequate in a community, it could be ruled out as a site not only for Federal low-income housing assistance, but for other types of Federal building as well.

HUD Secretary George Romney announced further that HUD personnel will use new checklists to rate proposed projects as "superior," "adequate," or "poor." Romney said that a key item on the checklist would be "nondiscriminatory location." "A proposed project," he disclosed, "will earn a 'superior' rating if it is outside an area of minority concentration." This, of course, means that the Federal Government is now in effect telling individuals at the most basic governmental level how their towns and communities are to be organized. And this coercion, as Robert L. Carter, president of the National Committee Against Discrimination in Housing, points out, is backed up by the threat that "a local community which refuses federally subsidized low-income housing is going to get cut off from other types of Federal aid."

A confirmation of this interpretation came when Secretary Romney announced that a similar policy would be implemented with regard to water and sewer grant programs.

Among other things these further "guidelines" require sponsors of subdivisions, multifamily projects, and mobile home courts of 25 or more units to—

> (a) Carry out an affirmative program to attract applicants of all races, including the requirement that all advertising carry either the HUD-approved Equal Housing Opportunity logo or slogan and that all advertising depicting persons shall depict persons of majority and minority races. (b) Maintain a nondiscriminatory hiring policy in recruiting from both minority and majority races for staff engaged in the sale or rental of properties, (c) Specifically solicit eligible buyers or tenants reported to the sponsor by HUD area or insuring offices.

Indeed, this does represent a "more activist" housing policy. The Federal Government, by threat of withholding our own tax moneys from us at the local level, is coming to dictate not only a community's organization and distribution, but also who must be solicited for housing sales, how housing must be advertised and even the composition of sales staffs.

Recent developments in the 35th Congressional District toward expansion of low-income housing financed by the Federal Government makes one wonder at the political masochism of the administration with reference to its coercive activities in what has been one of its most powerful strongholds.

THE SIGHTS OF SUMMER

HON. ROBERT L. F. SIKES

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 12, 1971

Mr. SIKES. Mr. Speaker, those who love good writing will enjoy an article entitled "Sights of Summer." It is by Tom Bell, who writes for the Pensacola News Journal. Those who read his work will attest to the skill with which he portrays the sights and sounds of summer. It is well worth reading. I include it in the Congressional Record at this point:

SIGHS OF SUMMER

(By Tom Bell)

Sights and sounds of Summer . . .

Epitomized for West Florida by the moss-festooned live oak under which the fledging Florida Legislature met in the 1820s.

Epitomized by barefoot boys, who, shirt-sleeved climb to the protecting bower of branches spreading from its giant bole . . . a pirate's lair . . . a white-sailed tall ship.

Sights and sounds of Summer.

Surf on the beach. Sound and sights and smells . . . aroma acrid from charring meat on coals . . . the faint spice of crabs boiling on driftwood fire . . . the full moon a silver crescent, then, medallion-like, full-blown as it rises above high-piled clouds above the Gulf.

Sights of Summer . . .

The aged, resting on park benches . . . resting after years of toil . . . gnarled hands now idle, searching bird-like for occupation.

Forest and glade . . . broad fields of grass, corn, beans and melons . . . all hung, suspended in the heat of noon sun, a ball of fire but momentarily pausing high above the land on transit from dawn to dusk.

Mullet nets drying in the sun . . . seine boats on the shore.

The sounds of Summer . . .

The scrape of metal on wood as fishermen rid the boats of Winter's accumulation . . . fresh-paint smell, and oakum.

Gentle breezes that can whip to hurricane force, impelled by nature in the tropics.

The sights of Summer . . .

Gold gushing from the spout as new oats are blown from the combine. The sheen of gold from sun on wheat stubble.

Youths, sunfreckles painted across their faces, rushing to be the first in the surf . . . mothers languid in the sun as their sons' race for the water.

Summer . . .

Day starts with fresh cooling wind from Gulf before the sun, roseate below the horizon, brings full light to give the day progressive heat.

Long days, becoming shorter as the sun continues on its orbit South, toward Winter.

But the sights and sounds . . . and smells of Summer.

Long lines of cars, bumper to bumper, progressing slowly from beach to home . . . tired, hot parents . . . irritated youngsters . . . all driving into the Summer sun . . . the end of a long Summer day.

But Summer is more. Summer . . . the ultimate season when the earth produces Seeds, germinated in the Spring, produce their fruit. This is the harvest time . . . the season when the earth, dormant through Winter months, gives her bounty to sustain the world . . .

. . . all drenched by Summer storm, or bathed in bright blue light. Epitomized . . .

. . . by the sights and sounds and smells of Summer.

DR. RICHARD L. HOPPING OF DAYTON, OHIO, ELECTED PRESIDENT OF THE AMERICAN OPTOMETRIC ASSOCIATION

HON. CHARLES W. WHALEN, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, July 12, 1971

Mr. WHALEN. Mr. Speaker, it is my distinct honor to acknowledge that Dr. Richard L. Hopping of my district assumed the presidency of the American Optometric Association at its 74th annual congress in Houston, Tex., on June 27. Dr. Hopping's stature and reputation are well known in Dayton and throughout Ohio, and I am personally delighted to be able to extend to him my warmest congratulations.

The dimension of Dr. Hopping's honor is reflected by the fact that the American Optometric Association is a federation of 51 optometric associations representing all the States and the District of Columbia. The association speaks for nearly 18,000 eye-care practitioners, and is the third largest independent health care profession in the country. It is significant to note that optometry provides over 70 percent of the routine eye care in the United States today.

The American Optometric Association has shown great foresight by electing Dr. Hopping as its president. He has repeatedly exhibited his exceptional dedication in both civic and professional matters. He has been elected "Outstanding Young Man of the Year" by the Dayton Junior Chamber of Commerce; one of the Ten Outstanding Young Men of Ohio; and honored by his own State professional Association as "Outstanding Optometrist of the Year." He has been an active member on the board of directors of the Council for Retarded Children, Big Brother Association, the Montgomery County Mental Health Hygiene Association, and the YWCA Building Fund.

At the age of 36, Dr. Hopping served as president of the Ohio Optometric Association, from 1964–65. During his term, Dr. Hopping demonstrated unusual insight, loyalty, and maturity for someone so young. He provided his association with positive direction and initiative. It is with this same motivation that Dr. Hopping has become president of the American Optometric Association, I can foresee nothing less than the same drive and vigor that has so much characterized his earlier career accompanying him to his new position.

I am delighted to have this opportunity to congratulate Dr. Hopping, honor his association, and extend my best wishes for the continued success of his efforts to provide an outstanding primary health care service. He is a credit to my district, to our State, and to his profession.

QUESTIONNAIRE TO ALL RESIDENTS OF INDIANA'S FIFTH CONGRESSIONAL DISTRICT

HON. ELWOOD HILLIS

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 12, 1971

Mr. HILLIS. Mr. Speaker, it is very important that Members of Congress know the thinking of people whom they represent, therefore, I have sent out a questionnaire to all the residents of the Indiana Fifth Congressional District. It is as follows:

Dear Fellow Hoosiers: I would like for you to give me your opinions on the major issues that will come before the 92nd Congress. As your elected representative, it is my privilege to cast my vote on legislation that will affect our Nation, and each of its individuals.

I hope that you will take a few minutes of your time by filling out the questionnaire and mailing it today. I know that a "yes" or "no" response is difficult, but we in Congress must use this method when we vote for measures on the floor of the House.

When the questionnaire has been tabulated, the results will be made available to you. If you would like a copy of the results please sign your name on the opposite page.

You will note a special section for new voters. It is important that I know the thinking of the 18 to 21 year olds who will be voting for the first time.

Do you support:

1. Federal Revenue Sharing with the States?
2. The President's troop withdrawal program in Vietnam?
3. The United States expanding diplomatic and trade relations with Communist China?
4. The establishment of a National Health Insurance Program?
5. A Constitutional Amendment which would allow prayer in the public schools?
6. Pollution control legislation if it would mean paying higher income taxes?
7. The new Postal Corporation?
8. The concept of an all volunteer army?

JOEL CARLSON DESCRIBES REPRESSION IN SOUTH AFRICA

HON. JOHN BRADEMAS

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 12, 1971

Mr. BRADEMAS. Mr. Speaker, earlier this year Joel Carlson left South Africa after serving for more than a decade as one of the leading civil rights lawyers for black South Africans.

A South African citizen, Mr. Carlson humbly described his work there as reacting "as any civilized person would respond." But his activities in defense of victims of discriminatory laws are testimony to his great commitment to human rights in that troubled nation.

Mr. Speaker, in cooperation with the Lawyers Committee for Civil Rights Under Law, Mr. Carlson represented 37 South West Africans in the first case under the notorious "Terrorism Act." He sued the minister of police on behalf of the widow and children of a man who died in police detention following the administration of electric shocks. And last year, he secured the acquittal of 19 nonwhite political defendants who had been in detention for over a year—mostly in solitary confinement.

Mr. Carlson, who is now a senior fellow at the Center for International Studies, discussed his work and the array of repressive laws he fought in South Africa in an address before a joint meeting of a section of the American Bar Association and the Lawyers Committee for Civil Rights Under Law in Washington on April 30, 1971.

Mr. Speaker, I believe Mr. Carlson's remarks are worth sharing with my colleagues, and at this point I include them in the Record:

South Africa 1971: "The Security of the State" Versus "The Liberty of the Individual"—"A Precedent"

(By Joel Carlson)

Mr. Chairman, Brothers in Law, ladies and gentlemen: You have both honored and challenged me by your invitation to me to address your two august law bodies. It is an honor which is more than I deserve, for what I did in South Africa was to react as any civilized person would respond, but may I accept the honor gratefully and humbly. It is a challenge for you to have asked me to speak to you on the eve of "Law Day" and South Africa has a lesson to teach. It is a challenge I accept. Let me tell you then of South Africa today.

The Republican Constitution Act No. 32 of 1961 created South Africa a Republic. A Parliament of 166 white members elected from 4 provinces and from S.W. Africa—now called "Namibia"—constitute a Sovereign Legislature.

Out of a population of just under 22,000,000 people, 2,028,000 whites are permitted to vote to elect members of Parliament. At the last election in 1970,—1,493,000 white voters cast their votes for the white candidates of the legally exclusively white parties; 96.5 percent of this electorate voted for the continuance of the present white supremacist society while 3.5 percent of this electorate voted for the most moderate change to be made within the existing framework. Those moderate conservatives have one member of Parliament, Helen Suzman, who is elected more for her personality than her party policies.

RETAINING POLICIES

It is true to say, given the alteration of a detail here or there, that the whole white electorate wish the status quo to be maintained.

The question is: Can it be?

There are 22 million people in South Africa and Namibia but only 2 million have a voice in it supreme legislative authority.

I as a lawyer, brought onto the frontiers of change, was able to witness the struggle between those forces maintaining the status quo and the forces urging some real and more equitable system of government. As a result I can tell you something about how the status quo is maintained.

In examining how this is done we are able to see what is done. It is necessary therefore to appreciate that it serves little to maintain law and order by such force of law that in the process individual liberty and fundamental freedoms are destroyed.

In South Africa there is little left of fundamental liberty, liberty of the individual that can be enjoyed. This applies, as indeed it must do, to all the population. Black and White are deprived of their liberties.

In order to uphold, by force of law, the rule of the Whites and their supremacy, these rulers have needed to substitute for the "concept of the fundamental liberty of the subject," the "concept of the security of the State." The Whites, happy to enjoy their privileges and the highest standard of living anywhere in the world, have accepted the replacement of "liberty" by "State security."

To the Courts, to the White public, to all authority the use of the magic phrase "this constitutes a threat to State security" silences all questions and justifies all police actions.

ALMOST TOTAL ACQUIESCENCE

I have seen Bishops accept it when their Deans are arrested and detained: I have seen lawyers accept it when their brothers are detained, and editors accept it, as well as the White public and authority, accept it, and most unforgivable I have seen judges not only accept it but lean over to uphold the patently unjust and irregular actions of the executive and police.

It is most unforgivable for judges and lawyers to accept blindly this concept of "State security" when harsh executive action is taken. For lawyers are above all the Guardians and watchdogs of our liberty. In looking back at South Africa, my country of birth which I dearly love, I can tell you how the status quo, the security of the state, has been maintained at the cost of human dignity and liberty.

A prerequisite of any examination of South Africa is the appreciation that "the State" rest squarely on a concept which featured largely in Europe in the thirties and forties—that is Race Classification.

After 20 years of legislation the "Population Registration Act No. 29 of 1970," is the streamlined basis of rigid race discrimination. In terms of it, every single person alive or dead is classified according to race. It is necessary on birth, during life, and on death for every person to be classified, for on a person's classification flows all his rights and privileges or lack of them. The Act provides that every person shall be issued with a race classification document immediately after registration of birth; this replaces the old birth certificate.

REGISTRATION PROCESS

On reaching 16 years of age every person is photographed and shall apply for a more comprehensive document setting out identity numbers. This number is part of a code which will indicate sex, date of birth, race classification and citizenship.

For Africans only such documents shall register:

(a) his district of ordinary residence

(b) his ethnic group or tribe to which he is attached

(c) further details concerning his birth

(d) his fingerprints

In addition provision is made for a "record of voting" for all those who are entitled to vote but this has not yet been promulgated by the State President. Why is there a delay? Not because of any hesitation on the part of the State to implement the law, but only because the state has not yet "computerized" all this information it wishes to keep. Who, I wonder, will be the lucky supplier of this computer—an English firm, an American one, a French one? I do not know.

There are just over 15 million Africans in South Africa and Namibia—all classified according to ethnic origin and tribe. Over a ten year period 8,000,000 of them have been arrested and jailed for pass offenses. These "Pass" offenses are crimes nowhere else in the world. They are crimes relating only to color of skin—the Blackness of Africans. This is part of the race classification pattern—part of the discrimination based on race.

Every single day, 7 days a week, 365 days a year, and on Sundays too for this super Calvinist regime, a daily average of 2,500 Africans are arrested under the Pass Laws in South Africa: The average time for a case is 2 minutes.

MANY ARRESTS

In Parliament in *1969*, a Parliamentarian was shocked and disclosed that 1,777,662 Africans had been arrested. But the average yearly figure is 750,000. Our prison population on a daily average basis is presently on last known figures 90,555, that is 2½ times that of the United Kingdom which is 38,000. Britain population is 55,000,000 which is more than double that of South Africa's. 47% of the world's hangings take place in South Africa.

The degradation of police and of their victims is an inevitable result. Pass Laws and their execution act like acid corroding human relationships of society and destroying respect for law. The feelings and concern for one another which I believe all men and women have and exhibit in all civilized society is eaten away.

Increasingly there are Africans and others no longer willing to accept the state of affairs in South Africa who seek changes. The State security forces armed by the many laws already passed strive to prevent any such change. I say *any* quite deliberately. Parliament has designed laws to prohibit the bringing about of any political, social or economic change to the present structure.

A body of laws exists to deal with such matters and is called "Security Legislation." It may also be called "Regulation Designed to Prevent and Outlaw Change." It is a crime punishable by death, or by long imprisonment, one year being compulsory, to advocate political, social or economic change where this involves any unlawful act or omission, whatever the nature of the unlawful act or omission (Suppression of Communism Act which creates "Statutory Communism.")

"It is a crime punishable by death or a minimum of 5 years imprisonment, to commit any unlawful act whereby the maintenance of law and order is endangered, any property damaged, the movement of traffic obstructed or the administration of the affairs of state embarrassed unless the defense can prove various listed circumstances.

"It is a crime punishable by death or a minimum of 5 years imprisonment, to commit any act—and here no qualification of unlawfulness is present—if done with intent to endanger the maintenance of law and order, such intent be presumed where the act is likely to have had any one of a number of listed results, such as the achievement of any political, social or economic aim—the cause of financial loss to any person.

"In order to escape conviction a defendant must prove beyond reasonable doubt he did not intend any of the listed results. These are crimes of "Terrorism."

DEMEANING LABELS

Having classified a person by calling him a nasty name "Terrorist" "Communist" "Subversive" it is easy to deal with him and deprive him of all his rights and his liberty.

The law assists too by providing definitions of crimes which are vague, wide and all embracing.

To assist further the law legislates backwards. An act committed in 1962 may have been legal then but is now made illegal in 1967, e.g. [Sec. 9(1) of the Terrorism Act 83 of 1967. Sec. 23 of the General Law Amendment Act No. 62 of 1966 and others].

The law permits special courts and special procedures providing for instance for the prosecution to join in the same indictment a number of charges not necessarily relating to the same offense or arising out of the same transaction against a number of persons. Even although the offense is committed by different persons at different times and places and different offenses are committed persons may be charged in the same charge and all tried together. [Sec. 327(1) and 328 of the Criminal Procedure Act No. 56 of 1955. Sec. 5(c) of the Terrorism Act, Sec. 12(6) (a) of the Suppression of Communism Act No. 37 of 1963.

The right to bail is removed merely by the Attorney General handing in a certificate and the Court may then make no inquiries into the matter.

The burden of proof is made easy for the State and since 1953 (General Law Amendment Act) an accused is more and more frequently required to prove his innocence and the Court may presume his guilt.

Furthermore whether the crime is committed in Los Angeles or Miami the trial can be held in Syracuse.

HEAVY PENALTIES

The above 1953 law outlaws organized protest and processions and imposes heavy fines, imprisonment or whipping or both for any offense "committed by way of protest or in support of any campaign for the repeal or modification of any law." [Criminal Procedure Act No. 8 of 1953]

Thus 354 students, lecturers, churchmen, and others were arrested and charged under this wide ranging law when they marched in orderly fashion to the main police station in Johannesburg to protest redetention of "The 22" last year. The 22 Africans had been detained originally over a year earlier as "Terrorist detainees." They were then brought to Court and charged, not as "Terrorists" but as "Communists." Then in February 1970 they were acquitted by the Supreme Court when the Attorney General withdrew his prosecution. Immediately the Judge left the bench, the Security Police moved in, and in Court, redetained "The 22."

Twelve weeks after their redetention, again under the Terrorism Act, the students after a meeting at their university spontaneously walked in procession to John Vorster Square. They were arrested and charged. Of the 354, 30 were charged and 29 of them pleaded guilty to a municipal by-law contravention and paid a R50 fine. But as with all those who show opposition in S.A. the punishment did not end with the Court conviction and sentence. The Security police pursued and still pursue everyone of those marchers. When they apply for passports they are called in for questioning. If they need Government approval for any action—a bursary, a grant, a visa, the Security Police interferes. The arm of the law is long and so is its vengeance.

Concerning "The 22," after all the protest, 19 of them were brought to trial after a further 5 month redetention. 3 had mysteriously disappeared, one of these being found in a mental home. Eventually in August 1970, some 15 months after their detention and remaining in custody they were retired. But with all the powers of the law the inept Attorney General and his inefficient prosecutors brought 540 allegations against the same accused who had been acquitted in February. Of these allegations about 538 were identical and not even the Judges could help the Attorney General and the Security Police in finding the differences in allegations which originally said "Accused 1, 2 and 3 consented to do this and that." The Judge found he had no alternative but to throw the new charge out and did so.

NEW ARREST ORDERS

This upset the Security Police and on their suggestion the Justice Minister immediately issued Banning and House Arrest orders on all those twice acquitted. They were all placed under restrictions for 5 years. In addition the State lodged an appeal to the highest Court in the land and arranged for an expeditious hearing. The 3 Appeal Judges deliberated long and cautiously but found that they could only come to one conclusion. In reality, try as they might they could find no difference in the 2 indictments, so in December 1970 they dismissed the Appeal.

But the 19 were still subjected to constant harassment, intimidation and persecution and their families too suffered.

It must be emphasized that acquittal does not mean a defendant is free. Despite long periods of detention and interrogation the accused is still considered guilty—guilty in the eyes of the Justice Minister. So there is whole practice of "Punishment without charge or trial"—Banning, house arrest, banishment or indefinite detention.

Moreover, a man who has been punished after his conviction and sentence—and having served his sentence, is punished twice. Before such a man, a political prisoner who serves his full sentence without any remission and in the harshest maximum security conditions, leaves jail he is served with house arrest or banning orders. Or he may disappear from society into banishment. The Security Police never forgets or forgives and is ever vengeful of the threats passed to it by anyone.

ENDLESS CIRCLE

Yet with all these powers the Security Police were not satisfied. As a lawyer in South Africa I saw the Security Police ask for a relaxation of the rule of law to permit aberration (a). Then having been given (a) they said in fact it wasn't sufficient and they needed (b) and (c). Then they said with the knowledge they now had managed to obtain, and their own judgment which was of course sound and necessary and in the interest of State security they needed (d) (e) and (f). They, of course, had to get that too.

Now the position is that the Security Police are a law unto themselves. Their actions are the law.

It is the head of the Security Police as it happens who tells the public and all authority—that in future all political trials will be held in such a place. The Minister of Justice and the Attorney General listen.

If you are to be punished without trial, the Minister acts on the advice of his Security Police.

If you are to receive a passport or not, or you have your passport withdrawn, it is a matter of security and the Security Police believe this is necessary so the Minister acts.

If you are to hold a procession or a meeting it is not the Mayor or the Chief Magistrate who must be consulted and finally determine the matter—it is referred to the Security Police and the Mayor or Chief Magistrate acts on the recommendations of the Security Police.

The Security Police are everywhere and with large secret funds of undisclosed amounts, in the Universities, as informers in political parties, as spies, informers in churches, and everything you say may be heard. There is telephone tapping and bugging and surveillance of people. There are agent provocateurs, there is intimidation, warnings, questionings, late night visits, harassments of all kinds. But State Security is maintained and police power had gone mad.

WIDE POWER

What is the limit of the power of the Security Police? Do they themselves know and accept any limit?

Section (6) of the Terrorism Act permits indefinite detention of a person without trial.

If the Security Police will it, such a person is held in solitary confinement. If the Security Police require it, he is held incommunicado or allowed visitors, as Security Police decide.

If Security Police consider it necessary a detainee may not be allowed to wash or shave or change his clothing or have eating utensils—it all depends on them.

A detainee may be interrogated endlessly or not for months after his detention.

No Court may inquire into or pronounce upon the validity of any such action taken by the Security Police (Sec. 6(1) of the Terrorism Act).

Professor Arthur Larson of Duke University attended one trial in Pretoria as observer for the World Lutheran Federation—the trial of 37 Namibians and said,

"If you pass a statute which gives the police . . . free reign to do almost anything they please in the way of human rights, and then excuse this by saying that you will of course rely on the discretion of the authorities not to abuse this power, you have for all practical purposes, thrown away law and substituted unlimited personal tyranny."

It is not surprising and not unexpected that time and again serious allegations have been made of unlawful assaults and torture during interrogation.

It is not surprising too that the Minister when called on to investigate declines to do so and no judicial enquiry is held.

TESTIMONY ABOUT TORTURE

Detainees have said on oath that they have been stripped naked, suspended above the ground, electrically shocked after being blindfolded, and made to stand endlessly.

It is known that at least 14 detainees have died in detention but the figure of 18 has substance too. It is hard to ascertain how many have died as a result of detention. Inquest Magistrates have held that at least 7 detainees died by "suicidal hangings."

One detainee jumped from the 7th floor window of his interrogation room. The Security Police have said others have died as a result of "falling in a shower" or "slipping on a piece of soap" or "falling downstairs."

The most poignant record of the death of a detainee which speaks for all is the statement in Parliament which simply records:

"An unknown man died on an unknown date of a cause unknown."

How can the unbridled, power mad Security Police now be controlled. The answer for South Africa and South Africans is not an easy one and it may be that peaceful ways of change are outdated.

But the lesson to be learned is not to start on this road to ruin, this self-destroying plague of arbitrary powers being granted to Security Police or executive authority. Make everyone subject to the law and equal before it. The words of an American Judge were:

"The history of liberty has largely been the history of observances of procedural safeguards."

It is not new but it must be said again and again so that it is remembered and applied.

Lawyers must invoke the protection of the laws guarding the subjects' liberty. Lawyers must ensure that the Rule of Law is supreme. Lawyers must be awake to any threat to liberty. Lawyers must reject all laws which do not observe and provide for procedural safeguards.

Lawyers must ensure that the liberty of the individual is upheld under the Rule of Law.

MISS LINDA JEAN MOYER CHOSEN MISS VIRGINIA

HON. G. WILLIAM WHITEHURST

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 12, 1971

Mr. WHITEHURST. Mr. Speaker, it has long been well known that the State of Virginia is graced by many lovely young ladies. Last Saturday evening, it was established that Tidewater Virginia can boast the loveliest of them all.

On Saturday evening, July 10, the finals of the Miss Virginia Pageant were held in Roanoke. At that time, Miss Norfolk, Miss Linda Jean Moyer, was chosen Miss Virginia, and Miss Portsmouth, Miss Katherine Bruce Liebler, was named first runner-up.

Miss Moyer was a first-round winner in the swimsuit competition, and Miss Liebler won in that same round for her talent in ballet. They are both young ladies of warmth, charm, and poise, and most deserving of the recognition they have received. Miss Moyer will be a junior at Chowan College, and Miss Liebler will be a sophomore at Old Dominion University. They are a credit to their schools, their cities, and our State, and I salute them both.

HOUSE OF REPRESENTATIVES—*Tuesday, July 13, 1971*

The House met at 12 o'clock noon.

Rev. J. W. Hunt, Springfield Community Church, Panama City, Fla., offered the following prayer:

Our Father, we thank Thee for the great country You have given us, for the Almighty power by which we are kept, and for the love You have bestowed upon us. We also thank You for those, past and present, whom You have given us to guide our Nation into the manifold blessings that we have received. We ask Thee here and now to bless the undertakings of each one present today. Keep Thy hand upon them and direct each individual so that what they do will be in unity, and will please Him who made us all in His image and likeness. These things we ask in the name of Jesus Christ our Lord. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Without objection, the Journal stands approved.

There was no objection.

REV. J. W. HUNT DELIVERED THE PRAYER FOR THE HOUSE OF REPRESENTATIVES TODAY

(Mr. SIKES asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SIKES. Mr. Speaker, the prayer today was delivered by my close personal friend, Rev. J. W. Hunt, of Panama City, Fla. He is outstanding among church leaders in my State and his responsibilities include supervision of more than 300 churches extending from Florida to foreign nations. I have long admired and appreciated Reverend Hunt for his important contributions to a better way of life and I feel that we in the House are fortunate that he could be with us today to deliver a very fine opening prayer.

CALL OF THE HOUSE

Mr. GROVER. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. BOGGS. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 186]

Ashley
Baring
Byron
Clark
Clay
Conyers
Daniels, N.J.
Danielson
Devine
Donohue
Edwards, La.
Eilberg
Ford, William D.
Fulton, Tenn.
Green, Oreg.
Green, Pa.
Hanna
Hansen, Wash.
Harsha
Hébert
Hogan
Jarman
Karth
Landgrebe
Lent
Long, La.
McCulloch
Murphy, N.Y.
Nelsen
Pepper
Purcell
Rangel
Rees
Ryan
Scheuer
Stratton
Stuckey
Udall
Van Deerlin
Ware
Zwach

The SPEAKER. On this rollcall 392 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed an amendment in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 19. An act to provide for a coordinated national boating safety program.

PERMISSION FOR COMMITTEE ON RULES TO FILE CERTAIN PRIVILEGED REPORTS

Mr. BOLLING. Mr. Speaker, I ask unanimous consent that the Committee on Rules may have until midnight tonight to file certain privileged reports.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

PROVIDING AN ADMINISTRATIVE ASSISTANT TO THE CHIEF JUSTICE OF THE UNITED STATES

Mr. BOLLING. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 515 and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 515

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 8699) to provide an Administrative Assistant to the Chief Justice of the United States. After general debate, which shall be confined to the bill and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary, the bill shall be read for amendment under the five-minute rule. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

The SPEAKER. The gentleman from Missouri (Mr. BOLLING) is recognized for 1 hour.

Mr. BOLLING. Mr. Speaker, I yield 30 minutes to the gentleman from California (Mr. SMITH), pending which I yield myself such time as I may consume.

Mr. Speaker, the resolution before us makes in order a bill providing for an administrative assistant to the Chief Justice. There was no controversy that I am aware of in the committee that offers the legislation, nor was there any controversy in the Committee on Rules concerning this legislation; therefore, I reserve the balance of my time.

Mr. SMITH of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. SMITH of California. Mr. Speaker, as stated by the gentleman from Missouri (Mr. BOLLING) House Resolution 515 provides for 1 hour of debate under an open rule for the consideration of the bill, H.R. 8699, providing for an administrative assistant to the Chief Justice of the United States.

The bill provides for the creation of an office of administrative assistant to the Chief Justice to be staffed as follows: One administrative assistant at $40,000; one legal assistant at $22,897; one secretary at $12,669.

There are incidental costs including furniture, equipment and personnel benefits, and they are expected to total about $20,000.

The projected cost of the office is about $95,000 the first year and $86,600 annually thereafter.

Mr. Speaker, as stated by the gentleman from Missouri (Mr. BOLLING), the indications are that there are no objections to this bill. I, for one, happen to object to it. I object to the rule and I object to the bill being here today. I think we are wasting our time here today in considering this particular bill. We have a very distinguished Committee on Appropriations that considered the bill H.R. 9272 on June 24 of this year and it passed the House by a vote of 337 to 10.

H.R. 9272 appropriated money for the Supreme Court. For the Chief Justice, and the eight Justices and office help, and so forth, of the Court—it is $3,482,000.

For printing and binding of opinions of the Supreme Court reports, $317,000.

Miscellaneous expenses to be expended by the Chief Justice, $318,000.

Automobiles for the Chief Justice of the United States, $13,400.

Books for the Supreme Court, $49,000.

These are continuing authorizations for this particular agency. They may not include this one specific administrative assistant unless this legislation is passed. However, the subcommittee chaired by the gentleman from New York (Mr. ROONEY) held extensive hearings on this for the Supreme Court and they have given them extra help this year.

I do not think the administrative assistant that they gave will get quite the total amount of money that this bill provides or the legal assistant and the secretary may not get quite the same amount of money. But according to the information I have that has been submitted to me, I think they have been treated quite well this year and I do not think it is necessary for us to pass this legislation here today.

We are only talking about a small amount of money, but some place along the line—some place maybe we ought to start saving a little bit of money and put confidence in our Committee on Appropriations that has worked so hard on these bills in trying to provide a fair amount of money. I think they have done so, so far as the Supreme Court is concerned.

So, Mr. Speaker, I am opposed to this whole situation—I am opposed to the rule and to the bill and I intend to vote against them.

Mr. HALL. Mr. Speaker, will the gentleman yield?

Mr. SMITH of California. I yield to the gentleman.

Mr. HALL. Mr. Speaker, I certainly want to associate myself with the remarks and with the mature judgment as portrayed by the gentleman from California now in the well, the ranking minority member of the Committee on Rules.

I happen to be one who has continuously suggested, as an officially elected objector, that this bill be taken off of the Consent Calendar and that it be debated. It was for just such reasons as the gentleman has so succinctly suggested that we did this—plus the fact that it does not meet the criteria for consideration under the unanimous consent calendar, as agreed on by the House during our organizing session at the first of the year.

In addition to this, it seems that this authorization would allow an unusual amount of travel for duties other than that customarily assigned by the Constitution and the legislative body to the judiciary. Such travel, TV appearances, and national speeches, would impinge on time for judicial poundering, duties, and decision. The executive branch of the Government as well as the legislative have suffered too much in decisions of this body by decree, by fiat, and by a finding of the judiciary branch, the highest judicial tribunal of our Government. For all these reasons plus the fact that I do not believe we need a traveling body engaged in "politics" all of which is under present consideration of the newly created joint commission of the House and Senate on the continuing congressional operations.

I certainly want to join the gentleman and assure colleagues that I will be against this further "administrative" help.

Finally, Mr. Speaker, if the gentleman will continue to yield, I find that much of the work that is set forth in the committee's report in substantiation of this additional administrative help all the way down the line including officers and secretaries, is taken care of by the Judicial Conference and Administrative Office of the Courts anyway.

I thank the gentleman for yielding.

Mr. SMITH of California. I thank the gentleman.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. SMITH of California. I yield to the gentleman from Iowa.

Mr. GROSS. I wish to join in commending the gentleman from California for his opposition to this bill. This is one of the first, if not the only bill I have ever seen before the Congress in which an official of this Government is permitted to fix salaries, and in this case apparently a salary of $40,000 a year, for an assistant, since a salary of $40,000 is supposed to conform to level 3 of the Administrative Office of the U.S. Courts.

Then, in addition to an assistant, there is provided an unlimited staff as to numbers and pay.

Already in the Administrative Office of the U.S. Courts they have a $40,000 Director, a $36,000 Deputy Director, one supergrade GS-18, 4 supergrade GS-17's, and one supergrade GS-16.

Mr. Speaker, this bill ought to be defeated out of hand. I agree with the gentleman from California. The rule ought to be defeated; but if not, the bill ought to be defeated.

Mr. WAGGONNER. Mr. Speaker, will the gentleman yield?

Mr. SMITH of California. I yield to the gentleman from Louisiana.

Mr. WAGGONNER. Mr. Speaker, in giving consideration to this proposal today, if they are short of help over in the Supreme Court, I believe there is something we ought to consider.

I have in my hand a clipping from the Washington Daily News dated July 7. The article is entitled "Nice Work If You Can Get It."

The article states—

> A financial statement for the first six months of 1971 by Justice William O. Douglas shows that his outside earnings—chiefly from speaking and writing—were more than his salary.
>
> This gives Justice Douglas a unique distinction.
>
> He is the first man to have a "moonlighting" job as a Justice of the U.S. Supreme Court.

Specifically, Justice Douglas reported as follows in answering a five-part questionnaire: In answer to part 1, Justice Douglas reported——

> "My financial report for the 6 months ending June 30, 1971," included $37,002.66 for this bracket, broken down as $6,245.20 from lectures he gave and $30,757.66 for royalties.

If they are short of help over there, it seems that the people who have that responsibility could tend to their business instead of moonlighting first. I suggest that we vote this proposal down.

Mr. SMITH of California. Mr. Speaker, I reserve the balance of my time.

Mr. BOLLING. Mr. Speaker, in the light of the discussion we have just had, it seems to me I should point out to the Members of the House that this matter is before the House on the basis of a recommendation from the Judicial Conference. It was reported unanimously by the subcommittee that dealt with it and it passed the full committee. The Chief Justice today is a gentleman named Burger, a new appointee. The duties of the Chief Justice over the years have expanded enormously. In addition to his duties as Chief Justice, he is Chairman of the Judicial Conference of the United States and Chairman of the Board of Directors of the Federal Judicial Center.

This is a wholly nonpolitical problem, and it has nothing to do with issues. It is a matter that deals with administrative efficiency.

Mr. CELLER. Mr. Speaker, will the gentleman yield?

Mr. BOLLING. I am delighted to yield to the distinguished chairman of the Judiciary Committee.

Mr. CELLER. The Chief Justice of the United States also serves as Chairman of the Board of the National Gallery of Art, and as Chairman of the Board of the Smithsonian Institution. Those two assignments generate substantial correspondence with people all over the country. His present staff is woefully inadequate to take care of all the chores that are piled on him with reference only to those two assignments; the Smithsonian Institution and the National Gallery of Art.

When you consider that he is also Chairman of the Judicial Conference of the United States which serves Federal trial and appellate courts throughout the Nation, and makes legislation recommendations to the Congress, you must realize the degree of his responsibility.

He is watchful over all the judges that constitute our Federal judicial system. He attends all functions of many of the circuit judicial conferences. We can see what a staggering task he has. He needs this administrative help. He needs somebody to establish liaison between himself and the various circuit judges and district judges and members of the boards of directors of these various institutions which we, the Congress, by legislation have piled onto him.

He did not ask to become National Chairman of the National Gallery of Art. He did not seek to become Chairman of the Smithsonian Institution. We forced those jobs on the office of Chief Justice. Are we now to be stingy and niggardly in making appropriations so he can carry out those assignments? If we were, we would be woefully lacking in judgment, it seems to me. A man who is stingy is always poor. If we are stingy, we are poor in providing relief to a coordinate branch of our Government and particularly to the Chief Justice thereof.

Mr. SMITH of California. Mr. Speaker, will the gentleman yield?

Mr. BOLLING. I yield to the gentleman from California.

Mr. SMITH of California. Mr. Speaker, I would like to say to the distinguished gentleman from New York that if this administrative legal assistant and secretary were supposed to be for the purpose of helping the Chief Justice as far as being Chairman of the Smithsonian and of the National Gallery of Art, there was no such statement as that made before the Rules Committee.

I would like to suggest, Mr. Speaker, and I would offer an amendment for this purpose if it were germane, that we remove him from these responsibilities as Chairman of the Board of the Smithsonian and the National Gallery. I do not know how they got started in the first place.

I would suggest the Judiciary Committee review those actions and let somebody else have those responsibilities, somebody with whom those responsibilities would be more in keeping than with the Chief Justice of the Supreme Court.

Mr. BOLLING. Mr. Speaker, the case for the rule and the bill rests on the need of the Chief Justice for additional administrative assistance. It seems to me very clear that a good case was made for the need of this assistance. Until it came to the floor, there was virtually no opposition on the matter.

Mr. SMITH of California. Mr. Speaker, I yield 1 minute to the gentleman from Virginia (Mr. POFF).

Mr. POFF. Mr. Speaker, as the experience we had in the Rules Committee gave us to understand, what was said here this morning was not wholly unanticipated. We recognize that the bill is a perfect vehicle for grave controversy until it is thoroughly understood. It can be thoroughly understood only if we proceed under this rule to an in-depth debate on the issues involved. I urgently request that the House give the committee the opportunity it deserves to illustrate the merit of this bill.

Mr. BOLLING. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

Mr. CELLER. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 8699) to provide an Administrative Assistant to the Chief Justice of the United States.

The SPEAKER. The question is on the motion offered by the gentleman from New York.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 8699, with Mr. SISK in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the rule, the gentleman from New York (Mr. CELLER) will be recognized for 30 minutes, and the gentleman from Virginia (Mr. POFF) will be recognized for 30 minutes.

Mr. CELLER. Mr. Chairman, I yield myself 5 minutes.

Mr. Chairman and members of the committee, in recent years the Chief Justice of the United States has been called upon to perform an expanding volume and variety of administrative duties.

The Judicial Conference of the United States has recommended legislation to the Congress to create the Office of Administrative Assistant to the Chief Justice in order to alleviate this burden. H.R. 8699 results from the recommendation of the Judicial Conference and is sponsored by the members of the House Judiciary Subcommittee who heard testimony on the need to furnish administrative aid to the head of the judicial branch of the Government.

In reply to those who raise the question of expenses or so-called extravagances it is appropriate to call attention to the fact that the size of our Federal budget is $249 billion, while the size of the Federal judiciary budget is only $174 million.

The size of the Federal judiciary budget is only $174 million, or one-fourteenth of 1 percent of the entire Federal budget. That is for a coordinate branch of the Government.

The size of the Supreme Court budget is $5 million, 3 percent of the Judiciary budget, which in turn is only one-fourteenth of 1 percent of the entire Federal budget.

The cost of the Office of Administrative Assistant to the Chief Justice by virtue of this bill would be approximately $94,000 for the first year and about $86,000 for the second and subsequent years; or 2 percent of the Supreme Court budget, which is only 3 percent of the Federal Judiciary budget, which in turn is only one-fourteenth of 1 percent of the entire Federal budget.

I do not see how we can haggle over a few dollars, comparatively, when it comes to giving aid to one of the heads of a coordinate branch of the Government, the Chief Justice of the United States. I believe we ought to accord him dignity and honor by giving him the needed help to carry out officially his functions.

Today the Chief Justice is responsible for presiding over the Supreme Court and the daily operations of the staff and personnel of that tribunal.

In the past 20 years the number of filings in the High Court has more than tripled, from 1,300 in 1950 to over 4,000 filings in 1970.

The Chief Justice also serves as chairman of the Judicial Conference of the United States. The Judicial Conference is composed principally of the chief judges of the 11 circuit courts of appeal and judges of certain Federal district courts. Direction of the Conference is a staggering task in and of itself. There are about 30 different committees involved in that Judicial Conference, and the Chief Justice is the chairman.

The Judicial Conference makes recommendations to the Congress as to law and procedure affecting the judicial system.

The CHAIRMAN. The time of the gentleman has expired.

Mr. CELLER. Mr. Chairman, I yield myself an additional 4 minutes.

The Chief Justice is also chairman of the board of directors of the Federal Judicial Center, which we established a few years ago by act of Congress. The acts of the Congress which relate to the Administrative Office of the U.S. Courts and the Federal Judicial Center place ultimate responsibility for the direction of these activities on the Chief Justice.

In all of these capacities he receives communications from judges, lawyers, bar associations, law schools, and members of the public on a wide variety of subjects. At the present time the staff of the Chief Justice consists of one senior law clerk who coordinates all cases coming into the office of the Chief Justice; and, comparably to the staff of each of the Associate Justices, three law clerks and two secretaries who process the judicial work. A third secretary, temporarily on loan from the Federal Judicial Center, assists the Chief Justice in processing general correspondence.

The bill before you authorizes the appointment of an administrative assistant to serve at the pleasure of the Chief Justice and to perform such duties as may be assigned to him. Among other duties it is expected that the administrative assistant would maintain communication on the Chief Justice's behalf with the committees of the Judicial Conference, the Administrative Office of the United States Courts, the Federal Judicial Center, and the chief judges of the 11 courts of appeal, and many of the chief judges of the 93 Federal district courts, as well as on other matters appertaining to the National Gallery of Arts and the Smithsonian Institution on each of which the Chief Justice serves as Chairman of the Board.

These communications cover a wide variety of subjects, including temporary intercircuit assignment of judges, the security of courthouses, the improved use of Federal jurors, the assignment of judges to committees of the Judicial Conference, and cooperation with State court judges.

In addition, the administrative assistant would generally act for the Chief Justice on assigned duties of a non-judicial character.

The bill authorizes the administrative assistant to appoint and fix compensation, with the approval of the Chief Justice, of necessary employees. This authority is comparable to that conferred upon the Director of the Administrative Office of the United States Courts (28 U.S.C. 602). However, it is more circumscribed in that the Chief Justice's approval is a condition precedent to the appointment of employees.

The budgetary requirements relating to this measure are set forth on page 4 of the committee report. They include the cost of compensation of the administrative assistant, one secretary, one legal assistant, as well as personal benefits, travel, miscellaneous expenses, furniture, and equipment.

The total first-year cost is $94,700. The recurring annual cost thereafter is fixed at $86,600.

Mr. Chairman, the 91st Congress authorized each chief judge of the U.S. Court of Appeals to obtain the services of a qualified circuit court executive.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. CELLER. Mr. Chairman, I yield myself 1 additional minute.

The CHAIRMAN. The gentleman from New York is recognized for 1 additional minute.

Mr. CELLER. The executive officer was to assist in the discharge of the administrative duties and to bring modern management techniques to bear in the operations of the courts of appeal.

The Congress believed that the provision of such an executive would help judges to perform their judicial function without having to spend significant time on administrative matters.

The administrative assistant as reported in the pending bill represents a counterpart to the Circuit Court executive.

The Committee on the Judiciary is convinced that an administrative assistant at the head of the judicial branch is essential. The bill now pending before us provides an effective, but yet modest, proposal.

Mr. Chairman, I urge support of the bill.

Mr. POFF. Mr. Chairman, I yield myself 5 minutes.

Mr. POFF. Mr. Chairman, H.R. 8699 is a modest proposal. It is necessary. It will, in my opinion, effectively promote the administration of justice.

The bill provides an administrative assistant for the Chief Justice of the U.S. Supreme Court. At present the Chief Justice has none, he has four law clerks and two secretaries assisting with his legal work. A third secretary, temporarily "on loan" from the Federal Judicial Center, assists with general correspondence.

The administrative, nonjudicial duties of the Chief Justice are important and time consuming. As the Chief Justice, he must oversee 11 circuit courts and 93 district courts. He is the head of the Judicial Conference. He is also an ex officio member of the board of several public institutions.

That is the need. There is precedent for meeting that need. Congress has already authorized administrative assistance to each of the 11 chief judges of the circuit courts. The Chief Justice is the only chief judge of an appellate court that has not been favored with administrative assistance by the Congress. Yet, his duties are so much greater and far-reaching.

The administrative assistant authorized in H.R. 8699 would perform only nonjudicial duties assigned to him by the Chief Justice. With the approval of the Chief Justice, the administrative assistant could appoint necessary employees and fix their compensation. This power is analogous to the power of the director of the Administrative Office of the U.S. Courts which is granted in sections 602 and 603 of title 28, United States Code.

Section 602 states the following:

> The director, subject to the Civil Service laws, may appoint necessary employees of the administrative office.

Section 603, in pertinent part, states the following:

> The Director shall fix the compensation of administrative office employees according to the Classification Act of 1949.

The provision in this bill does not give to the administrative assistant an unchecked power, for Congress must each year approve the Supreme Court's budget. The number of necessary employees is not large. It is currently estimated to be two, including one secretary and one legal assistant.

The cause of speedy justice requires that the head of one of the three branches of the U.S. Government should have an administrative assistant.

As the committee report indicates, H.R. 8699 translates into legislative form the recommendation of the Judicial Conference of the United States, as first proposed in H.R. 6953. H.R. 6953 was the subject of committee hearings in company with H.R. 7377. H.R. 7377 reflected the further recommendation of the Judicial Conference that judges be authorized to serve, without further compensation, in the new post of administrative assistant to the Chief Justice.

H.R. 8699, the clean bill drafted by the committee, does not address the question of the second recommendation of the Judicial Conference. This should not be interpreted as an intent to disapprove the recommendation. Both Mr. Justice Potter Stewart and Mr. Justice Tom Clark testified in support of the second recommendation. Their testimony was altogether persuasive. A judge, either active or retired, would be the ideal administrative assistant to the Chief Justice. This is not to say that others could not fill the post with great distinction. However, a judge would have the stature and prestige which would command the respect and cooperation of his colleagues on the bench with whom the administrative assistant would be in continuing contact. His knowledge of the functional aspects and administrative complexities of the court system and his familiarity with the rules, the procedures and the substance of the law would equip him to perform the sometimes sensitive duties of the administrative office with special skill and tact.

Mr. CELLER. Mr. Chairman, I have no requests for time at this moment.

Mr. POFF. Mr. Chairman, I yield 5 minutes to the gentleman from Michigan (Mr. HUTCHINSON).

Mr. HUTCHINSON. Mr. Chairman, I rise in support of this bill. What it calls for is that the Chief Justice of the United States shall be permitted to appoint an administrative assistant. Now, I have an administrative assistant, and I dare say that most of the Members of the House of Representatives have an administrative assistant heading up their staffs. Therefore it is hard for me at the outset to understand why there should be any real objection to the Chief Justice of the United States having an administrative assistant.

Further, I learned from the hearings that the Chief Justice has four law clerks and two secretaries. That kind of a staff does not exceed in size the staff of the ordinary Member of Congress, but I will confess that the Chief Justice of the United States, standing at the pinnacle of the judicial system in this country, has infinitely greater responsibilities as a single individual than a single Member of the Congress has. Under those circumstances I cannot understand why there should be any objection to permitting the Chief Justice to have an administrative assistant.

During the hearings I sought to ascertain why it was so necessary that the Chief Justice have any so-called nonjudicial functions anyway, and as to why he should be the Chancellor of the Smithsonian Institution. Well, the answer is that he has been the Chancellor of the Smithsonian Institution for years and years. He was appointed in that capacity originally back in the days when the Supreme Court of the United States was not quite such a busy place, and the whole function of the Court was admittedly much more leisurely.

But he has that function, together with other functions, which custom and statute have placed upon him and they are nonjudicial.

Further, it must be conceded that the number of cases in the Supreme Court has grown immensely in recent years, and after all his function as Justice of the Supreme Court and as Chief Justice of the United States is primarily to decide cases, and anything that Congress can do to relieve him of his nonjudicial functions so that he may be able to devote his entire time to the decision of cases, I think we are all for—at least I am.

I must say that sometimes the decisions of the Supreme Court of the United States have so greatly disturbed me that I think they very desperately do need more help up there. So I feel this certainly is no waste of public money to permit the Chief Justice to have an administrative assistant.

The fact of the matter is that an administrative assistant of the caliber which a salary of $38,000 to $40,000 envisions would be an individual who is well qualified to improve the efficiency of the workings of the court.

My recollection is that when we passed the State, Justice appropriations bill 2 or 3 weeks ago in the committee report there was a statement to the effect that the appropriations included—contemplated that there should be an administrative assistant to the Chief Justice, and I think the figures set forth in the committee report was $38,000. If there is only $38,000 appropriated, that of course is all that the man is going to get—or the woman as the case may be. That is all that the official is going to receive. This material in the committee report here about what this thing is going to cost year by year—$86,000—that is merely illustrative. What it actually costs will be entirely dependent upon the Committee on Appropriations or Mr. ROONEY's subcommittee, and I submit from my observation around here that that particular subcommittee on appropriations is pretty careful with the taxpayers' money.

So, Mr. Chairman, I ask that this bill be supported.

Mr. CELLER. Mr. Chairman, I yield

5 minutes to the gentleman from Louisiana (Mr. RARICK).

Mr. RARICK. Mr. Chairman, I am not favorably persuaded by the vague provisions of the bill, H.R. 8699, "to provide an administrative assistant to the Chief Justice of the United States." Veiled behind innocuous language is the real thrust of this bill, its real purpose—to authorize an executive judicial officer to the Supreme Court to direct the various Federal programs in the pipeline, including federalizing the State judicial systems through the imposition of a national uniform Federal code of laws and procedures.

The hearings indicate the bill was, in fact, introduced at the request of the Judicial Conference of the United States, an organization which is already on record as planning further programs designed to coordinate a federalized State judiciary. We have already been advised of the establishment of a national center for State courts in Washington, D.C., patterned after the Federal Conference on the Judiciary.

This bill contains no provision for the qualifications for the position of administrative assistant and declares that he will "serve at the pleasure of the Chief Justice and shall perform such duties as may be assigned to him by the Chief Justice."

We can reasonably assume, then, that he will also be an advocate of world peace through law and the myriad other programs designed to subordinate the United States to a world order. This seems to be the inescapable conclusion in light of reported plans by the Chief Justice to step into Earl Warren's "junketeer" shoes by attending and participating with the Chief Justice of the Soviet Union in the festivities at the World Peace Through Law Conference to be held in Belgrade, Yugoslavia, July 21 of this year. President Nixon has, by Executive Order, published in the Federal Register, proclaimed this "World Law Day" and has urged the American people to support it.

Perhaps the most offensive part of the bill is the primary reason advanced for its consideration—that an administrative assistant would free the Chief Justice to concentrate on judicial matters. Yet, and this is most revealing, Mr. Justice Burger did not even deign to testify at the committee hearings. This must be either an indication of his indifference to Congress or his disinterest in the bill itself. Furthermore, many of the recent activities and interests of the Chief Justice are not judicial.

One would find it hard to argue that his proposed trip to the World Peace through Law Conference is judicial in nature, at least under the U.S. Constitution.

Furthermore, the bill calls for an open-ended authorization for additional clerks, another "ongoing project," designed to strengthen the Federal bureaucracy from time to time by authorizing "necessary employees" at the discretion of the administrative assistant. I speak for my people when I say that the Chief Justices' recent proposals in Williamsburg, Va., and in New York to renovate the entire judicial system of our Nation with such innovations as the elimination of juries and the threatened usurpation of the legislative processes with court-made laws exploiting our Federal judges as super school boards and schoolbus supervisors, go far beyond the purview and duties of the Chief Justice under the Constitution. In fact, if unchecked and allowed to develop, these proposals will destroy the judicial system as we know it today and as it has existed throughout the centuries, our proud heritage of the English system of common law and the rock and very foundation of Western culture—freedom under law through separation of powers.

The people of my district in Louisiana feel that if the Federal judges were allowed to spend more time doing what they are supposed to do, sitting on the bench and interpreting the Constitution, and less time at conventions and bar association meetings learning how to further enlarge Federal questions for more control over citizens' lives, their property, and children, we would be much better off. We might even return to the situation where the individual citizen would feel justified in taking matters into court to be settled legally, rather than demonstrating in the streets because the courts are too slow.

The major deterrent to street activity today is that the streets are becoming more unsafe because of the extension of Federal questions that have allowed the Federal judges to permit misfits and malcontents to appeal any conceivable court decision by street demonstrations that inevitably lead to violence.

I intend to cast my people's vote against H.R. 8699, a bill that can only further Federal programs designed to federalize State judicial systems under the innocuous guise of authorizing an administrative assistant, a man servant, a valet, so to speak, to the Chief Justice of the United States.

I oppose this bill to further subsidize judicial empire-building and image promotion of the U.S. Supreme Court.

Mr. CELLER. Mr. Chairman, I yield back the balance of my time.

Mr. POFF. Mr. Chairman, I yield 5 minutes to the gentleman from Illinois (Mr. McCLORY).

Mr. McCLORY. Mr. Chairman, I rise in support of this legislation. As one of those who heard the testimony presented to the subcommittee, it seems to me that this is a most important improvement to the U.S. Supreme Court.

I might say that we have had a change in the Supreme Court. We have now what we call the "Burger Court" and, in my view, though I found fault with a great many of the decisions of the "Warren Court," I have been heartened by the "Burger Court" and the trend of the decisions which has occurred since the appointment of the new Chief Justice. I have also been encouraged by the fact that both last year and this year the Chief Justice undertook to deliver what he calls a state of the judiciary message. He delivered these at the annual meetings of the American Bar Association. It has been my position that we should provide by legislation for a joint session of the Congress at which the Chief Justice might deliver a state of the judiciary message.

I feel that the Chief Justice has many valid ideas which are constructive with regard to legislation which we might enact in order to improve the administration of justice. The Chief Justice in undertaking this role, in my opinion, reflects, in part, the new philosophy of the court and he certainly does need the assistance which is provided in this legislation.

It is true that the Chief Justice did not individually come before the committee, but one of his fellow Justices, Justice Potter Stewart, for whom I have the most profound respect and who is most knowledgeable of the duties of the Chief Justice, did come before the committee and he provided us with a very persuasive statement which encouraged members of the subcommittee from both sides of the political aisle and representing various political philosophies, gave unanimous approval to this measure. Later, the bill received the support of the full committee.

It is true the Chief Justice is head of the Judicial Conference which makes recommendations to our Judiciary Committee, and in this office also he has additional duties.

Mr. Chairman, as a cosponsor of this legislation and as a member of the Judiciary Subcommittee which heard the testimony on this bill, I rise in strong support of this measure to provide an administrative assistant for the Chief Justice. In my view the cost of this legislation is a very small price to pay for the benefits which will accrue to the Federal judiciary and ultimately to the Nation.

There was nothing in the testimony and nothing in our understanding of the propose and effect of this measure which involves any federalization of the State judicial systems or any of the other of these far-out suggestions leveled against this legislation by the gentleman from Louisiana (Mr. RARICK). Indeed, it occurs to me that by relieving the Chief Justice of much of the pressure of his administrative duties, we will be acting in a very dollar-wise manner, for the time of the Chief Justice is most obviously best spent on the substantive matters pertaining to the work of the Court.

Mr. Chairman, I am hopeful we can have an overwhelming vote in support of this legislation to authorize an administrative assistant for the Chief Justice of our U.S. Supreme Court.

Mr. POFF. Mr. Chairman, I yield 5 minutes to the gentleman from Indiana (Mr. DENNIS).

Mr. DENNIS. Mr. Chairman, this is really a very simple measure we are considering this afternoon. All it does is provide the Chief Justice of the United States with an administrative assistant to help him discharge his numerous nonjudicial functions.

Almost every State Court Appellate Judge today is beginning to have an administrative assistant to help him with that sort of thing. Members of the U.S. Courts of Appeal have administrative assistants to help them with that sort of thing. As my colleague, the gentleman from Michigan (Mr. HUTCHINSON) has pointed out, every Member of this House has an administrative assistant. It is rather hard to understand why anybody should complain about giving an administrative assistant to the Chief Justice of the United States—and that is really all we are doing, and all that we are discussing in this bill.

The Court has sometimes been bitterly criticized—and I may say that I have had my share of that criticism at times, criticism, at least, not of the Court as an institution, but as to some of its decisions. If however we quarrel with any of the actions of the Court, there are serious-minded ways in which to address ourselves to that; not included among them is an attack on a simple housekeeping administrative procedure to make the functioning of the Court more efficient.

The Chief Justice has the duty more or less to supervise, in an administrative capacity, the whole Federal judicial system. He presides over the Judicial Conference of the United States, an organization of the Federal judges, which proposes improvements in laws and in procedures, such as taking action in recommending legislation to the Judiciary Committee of this body.

The Chief Justice presides over those meetings. He participates in those discussions. He advocates and works for some of those reforms. This is a measure to give him an assistant to help him in the work which grows out of that connection and other similar nonjudicial duties which have been imposed upon him.

The only effect this bill can have is to give him more time to devote to his judicial functions and hence to do a better job as Chief Justice of the United States.

I submit that, regardless of our political point of view, or of our economic or social point of view, every Member here would wish the Chief Justice to have that opportunity and to devote himself to those judicial duties. Therefore, I urge support of this bill.

Mr. POFF. Mr. Chairman, I yield 2 minutes to the gentleman from Colorado (Mr. MCKEVITT).

Mr. McKEVITT. Mr. Chairman, the matter of court reform is an urgent one and what better place to begin the job than in the U.S. Supreme Court, the Nation's supreme tribunal.

The controversy over whether the Chief Justice of the U.S. Supreme Court should have an administrative aide overlooks this point. He would, in effect, be a court administrator. He would act for the Chief Justice in administrative and other nonjudicial matters thereby helping reduce the burden on the Chief Justice insofar as administration is concerned.

The need for court administrators—which is exactly what an administrative assistant to the Chief Justice would be—is evident. All over the Nation we see the judicial process slowed because judges have to devote too much time to administrative matters.

This need, indeed demand, has resulted in the establishment of the Institute for Court Management at the University of Denver Law School in Denver. The institute already has graduated one class of court administrators whose sole function is to relieve judges of these duties. Indications are that the University of Denver's program is a major success. This should be good news to all of us who are concerned about meaningful court reform and overcoming the problem of bringing cases to trial quickly and speeding up the appeals process.

I believe there is ample justification for this proposal. It has the endorsement of the American Bar Association and others involved in our court system.

Mr. Chairman, I can only reiterate that if we truly support court reform, then we will approve the office of administrative assistant for the Chief Justice of the Supreme Court of the United States. Each of us has an administrative assistant. The Chief Justice certainly deserves no less.

Mr. MAYNE. Mr. Chairman, I rise in support of H.R. 8699, which would create the Office of Administrative Assistant to the Chief Justice of the United States. the last Congress acted to pass legislation which I cosponsored, enabling each circuit court in its discretion to appoint a circuit court executive. That law, Public Law 91-607, will soon prove its worth in enabling circuit court justices to delegate administrative chores to these circuit court executives and to concentrate their own energies upon the cases before the courts.

The present bill similarily is intended to relieve the Chief Justice of the United States of such nonjudicial duties as he may decide to assign to the administrative assistant, a counterpart to the circuit executive but with even broader responsibilities. It is an essential reform, effective yet modest. I urge my colleagues to support its approval.

Mr. KEATING. Mr. Chairman, we are asked today to vote on a bill to provide an Administrative Assistant to the Chief Justice of the Supreme Court.

Associate Justice Potter Stewart and retired Justice Tom C. Clark both testified before the Judiciary Committee that the Chief Justice simply did not have adequate staff personnel to help him carry out his official duties. This legislation will provide the Chief Justice with the needed staff.

Congress has given executive officers to the 11 chief judges who sit on the Federal circuit courts of appeal. Surely with the increased responsibilities of the Chief Justice of the U.S. Supreme Court it is not an extravagance to provide him with the necessary administrative personnel.

Opponents of the bill have stated that it gives too much authority in the appointment and paying of the staff. This of course is balanced by the regular Congressional appropriations process.

Mr. Chairman, I urge adoption of the bill and hopefully it will provide a more efficient and expeditious performance of the numerous and important tasks which have been assigned by law to the Chief Justice of the United States.

Mr. RAILSBACK. Mr. Chairman, I do not agree with every decision that has been handed down by the Supreme Court of the United States. In fact, I think it is fair to say that no Justice of the Supreme Court agrees with every decision that has been handed down by that Court. Whether the Members of the House agree or disagree with this or that decision of the Court is not in issue today. The question is rather whether the Congress will authorize the necessary personnel so that a coordinate branch of Government can function effectively.

It is very often true, as it is at present, that the majority party in the Congress does not hold the White House, but I had never heard it seriously advanced that a request for necessary personnel by the executive branch should be turned down simply because of the party affiliation of the President. Likewise, I believe it equally foolish for the Congress to be unsympathetic to the plaintive request of the Chief Justice for additional personnel. On January 5, 1971, through Public Law 91-647, the Congress authorized additional administrative personnel for inferior appellate courts. It would seem anomalous to refuse a similar request of the Chief Justice where the need is demonstrably greater. Therefore I urge the adoption of H.R. 8699.

Mr. COUGHLIN. Mr. Chairman, I rise in support of H.R. 8699. I believe that the hearings held before the House Committee on the Judiciary unequivocally demonstrate the necessity for this legislation. The purpose of this legislation is to create an office equal in stature and rank with that of the Director of the Administrative Office of U.S. Courts. The salary and retirement provisions are identical. The difference between the two offices, however, is that whereas the function of the Director of the Administrative Office of U.S. Courts is to perform the many varied duties relating to the operation of the Federal judiciary assigned to him by 28 U.S.C. 604, the function of the Administrative Assistant is to be the personal aid to the Chief Justice in his many nonjudicial duties only some of which are administrative.

Opponents have found fault with the drafting of this legislation insofar as the Administrative Assistant would be allowed to appoint "necessary employees." However, an equal authority has already been granted to the Director of the Administrative Office of U.S. Courts by sections 602 and 603 of title 28, United States Code. Moreover, a similar delegation of authority has been given to the circuit executive of each Federal circuit as well as to the Director of the Federal Judicial Center. It would seem that if the purpose is to make the new office of the

Administrative Assistant equal in rank, it must also be made equal in authority.

Mr. FISH. Mr. Chairman, the need to provide an Administrative Assistant to the Chief Justice of the United States is of the utmost importance. Not only must the Chief Justice superintend the judicial business of his own court, which has trebled in the last two decades, he must also supervise the functioning of the 93 district courts and 11 courts of appeals within the Federal judicial system. When we consider that, on top of these responsibilities, the Chief Justice serves by law as Chairman of the Judicial Conference of the United States, Chairman of the Board of Directors of the Federal Judicial Center, Chairman of the Board of the Smithsonian Institution, and Chairman of the Board of the National Gallery of Art, it is apparent that he requires a significant degree of administrative assistance to enable him to discharge effectively the various tasks he must perform.

At present the Chief Justice has the assistance of only four law clerks and two permanent secretaries, whose principal function is with respect to the answering of general correspondence and the preparation of legal memoranda regarding the cases filed in the Supreme Court. This is in strong contrast to the situation in the Federal courts of appeals, where under a recent act of Congress, Public Law 91-647, the chief judge of each judicial circuit is presently authorized to obtain the services of an executive officer to help in the discharge of duties of those less elevated tribunals.

The respect due the highest judicial tribunal in the land and to a coordinate branch of our Government demands that we honor the request of the Chief Justice tendered to the House through the testimony of Associate Justice Potter Stewart in the hearings before the House Committee on the Judiciary for a much needed Administrative Assistant.

I, therefore, urge that the House vote to adopt H.R. 8699.

Mr. POFF. Mr. Chairman, I have no further requests for time.

The CHAIRMAN. The clerk will read.

The Clerk read as follows:

That chapter 45 of title 28, United States Code, is amended by adding a new section providing as follows:

"§ 677. Administrative Assistant to the Chief Justice

"(a) The Chief Justice of the United States may appoint an Administrative Assistant who shall serve at the pleasure of the Chief Justice and shall perform such duties as may be assigned to him by the Chief Justice. The salary payable to the Administrative Assistant shall be fixed by the Chief Justice at a rate which shall not exceed the salary payable to the Director of the Administrative Office of the United States Courts. The Administrative Assistant may elect to bring himself within the same retirement program available to the Director of the Administrative Office of the United States Courts, as provided by section 611 of this title, by filing a written election with the Chief Justice within the time and in the manner prescribed by section 611.

"(b) The Administrative Assistant, with the approval of the Chief Justice, may appoint and fix the compensation of necessary employees. The Administrative Assistant and his employees shall be deemed employees of the Supreme Court."

Mr. GROSS. Mr. Chairman, I move to strike the necessary number of words.

Mr. Chairman, the gentleman from Indiana (Mr. Dennis) was never more right when he said that this is a simple little old bill. We get those from the Judiciary Committee.

This bill is just so simple that for the first time in my memory we are delegating to an official of this Government the right to fix the salary of a top-flight employee—something we do not do, so far as I know, for any other official of the Government—plus the fact, which is not emphasized this afternoon, that a high-priced staff goes with this administrative assistant. No one is prepared, apparently, to tell us the extent of this new staff, the pay levels, or any other details.

Yes, this is a nice, simple little bill.

Mr. HALL. Mr. Chairman, will the gentleman yield?

Mr. GROSS. I yield to the gentleman.

Mr. HALL. I submit to the members of the committee that this is a staff that is going to work "overtime," because in a footnote to the report, at the bottom of page 4, it says "An additional compensation of 10 percent in lieu of overtime." This is not a regular rate of overtime as declared by the Judicial Conference or certainly the Committee on Post Office and Civil Service, but it is presumptive overtime with a built-in wage scale.

I ask the gentleman does this meet any public law or legislative statute for determining personnel situations?

Mr. GROSS. I am not acquainted with any such law, and I do not know why they would be working overtime. We might have further information on that from the gentleman from Virginia as to why they are going to need so much overtime.

Mr. POFF. If the gentleman will yield, I will try to respond to the questions he asked.

Mr. GROSS. I yield to the gentleman.

Mr. POFF. First the gentleman inquired as to whether there was a precedent for granting to an official of the Government the power to fix salaries. He said in his experience there was no such precedent, and the gentleman has had very extensive experience on the committee.

Mr. GROSS. Go ahead and tell me about it. I do not need any inverse plaudits about being so well acquainted with the law. I am relying on you lawyers to tell me about the law. Tell me where I was wrong.

Mr. POFF. I was not applauding the gentleman but rather calling his attention to an authority of which I assumed he should have been aware.

Mr. GROSS. That is what I mean. Go ahead.

Mr. POFF. I quote from the law now in section 603 of title 28 of the United States Code, which language reads as follows:

The director shall fix the compensation of administrative office employees according to the Classification Act of 1949.

In section 602 it says the Director may appoint "necessary employees" of the administrative office.

I can cite the gentleman two other precedents if he cares for me to do so.

Mr. GROSS. Please do not take quite all my time.

Mr. POFF. Do you want me to cite the rest of them?

Mr. GROSS. That will be enough.

Let me task the gentleman this question: How many clerks does each justice of the Supreme Court now have? How many lawyers do they already have advising them?

Mr. POFF. The Chief Justice of the United States—and let me add parenthetically that he is not the Chief Justice of the Supreme Court—has four clerks and two secretaries assisting him with his legal work.

Mr. GROSS. How many?

Mr. POFF. Four clerks and two secretaries assisting with his work. In addition to that, at the moment he has on loan from the Federal Judicial Center an additional secretary.

Mr. GROSS. Is it not true the Congress in the last 3 years increased—beefed up the staff of lawyers in the Supreme Court to the tune of three a year for the last 3 years or a total of nine more lawyers and this year the Chief Justice was given a senior law clerk whom he could very well convert into an administrative assistant?

Mr. POFF. It is true, as the gentleman said, that additional clerk hiring was authorized. It is not true, however, that the Chief Justice can spare one of these professional clerks from his assigned duties. On the contrary, it will require the full time and attention of a man who will be devoting his energies to nothing but the job of administrative functions that is now so burdening the Chief Justice.

The CHAIRMAN. The time of the gentleman has expired.

(By unanimous consent, at the request of Mr. Poff, Mr. Gross was allowed to proceed for 5 additional minutes.)

Mr. POFF. Mr. Chairman, will the gentleman yield further?

Mr. GROSS. Yes.

Mr. POFF. The gentleman will find that, typically, the law clerks are young in age and experience.

Mr. GROSS. Is there any rule that requires them to be young and requires that they be young and inexperienced?

Mr. POFF. Will the gentleman let me conclude my answer? I know the gentleman would not want to entrust a completely inexperienced person in that category in carrying out these responsible duties.

Mr. GROSS. Why, if they are young and inexperienced do they hire them? And please do not tell me it is because of inadequate pay.

Mr. POFF. Mr. Chairman, if the gentleman will yield further, law clerks are hired young, because older lawyers of similar legal expertise would demand a considerably higher salary. They are hired for their legal knowledge, not for their experience in judicial administration. That is why an administrative assistant is needed, one trained professionally for judicial administration.

Mr. GROSS. What is the function of the Administrative Office of the Courts and the Federal Judicial Center? Was it not the tired old argument that the Administrative Office of the Courts would speed justice and do all of the things we have heard so much about this afternoon in justification of this bill?

Was not that the sales pitch you gave us, you and others, when the Administrative Office was created?

Mr. POFF. It was. The gentleman is correct, and it would perform and it does perform a function in the administrative area for the entire Federal judicial system. But that is not the equivalent of the nonjudicial duties that the Chief Justice is called upon himself to discharge. Those duties are largely personal. They require a different type of service than the Administrative Office of the United States is capable of performing. The administrative assistant would be the personal aid of the Chief Justice.

Mr. GROSS. All of these things—the Federal Judicial Center and the Administrative Office of the Courts—all of these new setups were to solve the problems of the Federal courts, according to the gentleman from New York (Mr. CELLER) and the gentleman from Virginia (Mr. POFF), but here we are confronted with a further beefing up—a nice beefing up of the Supreme Court—with the salaries of the administration to be fixed by the Chief Justice of the Supreme Court, plus a staff and no one knows the extent of that staff or the pay, because that will be fixed by the administrator.

Mr. JONAS. Mr. Chairman, will the gentleman yield?

Mr. GROSS. Yes, I yield to the gentleman from North Carolina, a member of the Appropriations Committee which only this year rejected requests from the Supreme Court for additional employees.

Mr. JONAS. I think the gentleman in the well is correct, if I read the bill correctly, because it does not limit the number of employees.

Mr. GROSS. There is no limitation at all.

Mr. JONAS. The bill says the administrative assistant with the approval of the Chief Justice may appoint and fix the compensation of the necessary employees.

Does the gentleman find any limiting language in the number of employees?

Mr. GROSS. Of course the gentleman is correct. There is no limiting language. That is the point I have been trying to make. Moreover, I do not know where they are going to locate this expanded Supreme Court staff. Where are the office accommodations for all of these high-salaried people you are going to put on the Court payroll?

Mr. POFF. Mr. Chairman, will the gentleman yield?

Mr. GROSS. Yes, I yield further to the gentleman from Virginia.

Mr. POFF. It would appear that my distinguished friend, the gentleman from North Carolina (Mr. JONAS), may have an answer to his question in the language which I quoted earlier. The gentleman will find that the language reads as follows:

> The Director, subject to the Civil Service laws, may appoint necessary employees of the Administrative Office.
>
> The Director shall fix the compensation of Administrative Office employees according to the Classification Act of 1949.

The same is a similar delegation with reference to the Judicial Center and with reference to circuit executives created this year for each judicial circuit.

Mr. JONAS. The answer, then, is that there is no limitation in the law?

Mr. POFF. The gentleman is correct.

Mr. JONAS. He can appoint as many assistants as he may desire?

Mr. POFF. The gentleman is correct.

Mr. JONAS. He can appoint as many assistants as he may desire?

Mr. GROSS. There is no limitation and they can all be supergrades insofar as we are concerned here today. Other officials of the Government must come to the Manpower Subcommittee of the Committee on Post Office and Civil Service in order to get supergrade positions, unless they are surplus in the governmentwide pools. But here today you say they can have all the supergrades they want. What in the world goes on here in this day and hour when we are in such financial trouble in this Government?

Mr. POFF. Mr. Chairman, if the gentleman will yield further, the gentleman recognizes that the Chief Justice of the United States, if he is provided an administrative assistant, is not going to approve a hoard of unnecessary employees. Further, he would have to justify his request before the Committee on Appropriations of which the distinguished gentleman from North Carolina is an important member.

Mr. GROSS. He now has four or five legal assistants, plus, as the gentleman said, three or four secretaries.

How many more assistants does he need?

Mr. POFF. He needs an administrative assistant even as the gentleman from Iowa needs an administrative assistant.

Mr. GROSS. I am not aware that Members of the House have administrative assistants as a matter of law, and certainly our top employee is not paid $40,000 a year.

Mr. Chairman, already this year the House Appropriations Committee has taken a dim view of the efforts of the Supreme Court to expand its spending. It rejected requests from the Court for additional personnel. It rejected a request for automobiles for the Justices, and it rejected a request for an entertainment fund. And this request ought to be rejected.

The CHAIRMAN. The time of the gentleman from Iowa has again expired.

The Clerk will read.

The Clerk read as follows:

> SEC. 2. The section analysis of chapter 45—Supreme Court, of title 28, United States Code, is amended by adding at the end thereof a new section reference as follows:
>
> "677. Administrative Assistant to the Chief Justice."

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker pro tempore (Mr. NATCHER) having assumed the chair, Mr. SISK, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee having had under consideration the bill (H.R. 8699) to provide an Administrative Assistant to the Chief Justice of the United States, pursuant to House Resolution 515, he reported the bill back to the House.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. RARICK. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 263, nays 139, not voting 31, as follows:

[Roll No. 187]

YEAS—263

Abourezk
Abzug
Adams
Addabbo
Alexander
Anderson, Ill.
Anderson, Tenn.
Annunzio
Archer
Arends
Ashbrook
Ashley
Aspin
Aspinall
Badillo
Baker
Begich
Belcher
Bell
Bergland
Betts
Biester
Bingham
Blackburn
Blatnik
Boggs
Boland
Bolling
Brademas
Bray
Brooks
Brotzman
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Burke, Mass.
Burton
Byrnes, Wis.
Byron
Cabell
Caffery
Camp
Carey, N.Y.
Carney
Carter
Casey, Tex.
Celler
Chamberlain
Clancy
Cleveland
Collier
Collins, Ill.
Conte
Corman
Cotter
Coughlin
Crane
Culver
Davis, Ga.
Davis, Wis.
Dellenback
Dellums
Denholm
Dennis
Derwinski
Diggs
Dorn
Dow
Drinan
du Pont
Dwyer
Edmondson
Edwards, Ala.
Edwards, Calif.
Erlenborn
Esch
Eshleman
Evans, Colo.
Fascell
Findley
Fish
Flood
Foley
Ford, Gerald R.
Forsythe
Fountain
Fraser
Frelinghuysen
Frenzel
Frey
Fulton, Pa.
Gallagher
Giaimo
Gibbons
Goldwater
Gonzalez
Grasso
Green, Pa.
Griffiths
Grover
Gubser
Gude
Hamilton
Hammerschmidt
Hanley
Hansen, Idaho
Harrington
Harsha
Harvey
Hathaway
Hébert
Hechler, W. Va.
Heckler, Mass.
Helstoski
Hicks, Mass.
Hicks, Wash.
Hillis
Holifield
Horton
Hosmer

Howard
Hungate
Hutchinson
Jacobs
Johnson, Calif.
Johnson, Pa.
Jones, Ala.
Karth
Kastenmeier
Kazen
Keating
Kee
Kluczynski
Koch
Kuykendall
Kyl
Kyros
Latta
Leggett
Lennon
Lent
Link
Lloyd
Lujan
McClory
McCloskey
McClure
McCollister
McCormack
McDade
McDonald, Mich.
McFall
McKay
McKevitt
McKinney
Macdonald, Mass.
Mahon
Mailliard
Martin
Mathias, Calif.
Matsunaga
Mayne
Mazzoli
Meeds
Melcher
Metcalfe
Mikva
Miller, Calif.
Mills, Ark.
Minish
Mink
Mitchell
Monagan
Moorhead
Morgan
Mosher
Moss
Nedzi
Obey
O'Hara
O'Neill
Patman
Patten
Pelly
Perkins
Pettis
Peyser
Pickle
Pike
Poage
Podell
Poff
Preyer, N.C.
Price, Ill.
Pryor, Ark.
Pucinski
Quie
Railsback
Rangel
Rees
Reid, N.Y.
Reuss
Rhodes
Robison, N.Y.
Rodino
Roe
Roncalio
Rosenthal
Rostenkowski
Roush
Roy
Roybal
Ryan
St Germain
Sandman
Sarbanes
Saylor
Scheuer
Schneebeli
Schwengel
Sebelius
Seiberling
Shriver
Sisk
Smith, Iowa
Smith, N.Y.
Springer
Stafford
Staggers
Stanton, J. William
Stanton, James V.
Steed
Steele
Steiger, Wis.
Stokes
Symington
Terry
Thompson, N.J.
Thone
Tiernan
Ullman
Vander Jagt
Vanik
Waldie
Wampler
Ware
Whalen
Whalley
White
Whitehurst
Wiggins
Williams
Wilson, Bob
Winn
Wolff
Wright
Wyatt
Wydler
Wyman
Yates
Young, Tex.
Zablocki

NAYS—139

Abbitt
Abernethy
Anderson, Calif.
Andrews, Ala.
Andrews, N. Dak.
Barrett
Bennett
Bevill
Biaggi
Blanton
Bow
Brasco
Brinkley
Broomfield
Buchanan
Burke, Fla.
Burleson, Tex.
Burlison, Mo.
Byrne, Pa.
Cederberg
Chappell
Clark
Clausen, Don H.
Clawson, Del
Collins, Tex.
Colmer
Conable
Daniel, Va.
Davis, S.C.
de la Garza
Delaney
Dent
Devine
Dickinson
Dingell
Dowdy
Downing
Dulski
Duncan
Evins, Tenn.
Fisher
Flowers
Flynt
Fulton, Tenn.
Fuqua
Galifianakis
Garmatz
Gaydos
Gettys
Goodling
Griffin
Gross
Hagan
Haley
Hall
Hastings
Hays
Henderson
Hull
Hunt
Ichord
Jarman
Jonas
Jones, N.C.
Jones, Tenn.
Keith
Kemp
King
Landrum
Long, Md.
McEwen
McMillan
Madden
Mann
Mathis, Ga.
Michel
Miller, Ohio
Mills, Md.
Minshall
Mizell
Mollohan
Montgomery
Murphy, Ill.
Myers
Natcher
Nelsen
Nix
O'Konski
Passman
Pirnie
Powell
Price, Tex.
Quillen
Randall
Rarick
Reid, Ill.
Riegle
Roberts
Robinson, Va.
Rogers
Rooney, N.Y.
Rooney, Pa.
Rousselot
Runnels
Ruppe
Ruth
Satterfield
Scherle
Schmitz
Scott
Shipley
Shoup
Sikes
Skubitz
Slack
Smith, Calif.
Snyder
Spence
Steiger, Ariz.
Stephens
Stubblefield
Stuckey
Sullivan
Talcott
Taylor
Teague, Calif.
Teague, Tex.
Thompson, Ga.
Thomson, Wis.
Veysey
Vigorito
Waggonner
Watts
Whitten
Wilson, Charles H.
Wylie
Yatron
Young, Fla.
Zion

NOT VOTING—31

Baring
Chisholm
Clay
Conyers
Daniels, N.J.
Danielson
Donohue
Eckhardt
Edwards, La.
Eilberg
Ford, William D.
Gray
Green, Oreg.
Halpern
Hanna
Hansen, Wash.
Hawkins
Hogan
Landgrebe
Long, La.
McCulloch
Morse
Murphy, N.Y.
Nichols
Pepper
Purcell
Stratton
Udall
Van Deerlin
Widnall
Zwach

So the bill was passed.

The Clerk announced the following pairs:

Mr. Daniels of New Jersey with Mr. Widnall.

Mr. Murphy of New York with Mr. Halpern.

Mr. Nichols with Mr. Landgrebe.

Mr. Eckhardt with Mr. Morse.

Mr. Stratton with Mr. Hogan of Maryland.

Mr. Purcell with Mr. Zwach.

Mr. Van Deerlin with Mrs. Chisholm.

Mr. Hanna with Mr. Conyers.

Mr. Danielson with Mr. Long of Louisiana.

Mr. Donohue with Mr. Pepper.

Mr. Edwards of Louisiana with Mr. Udall.

Mr. Eilberg with Mr. Hawkins.

Mr. Gray with Mr. Clay.

Mrs. Green of Oregon with Mr. Baring.

Mr. William D. Ford with Mrs. Hansen of Washington.

Messrs. BYRNE of Pennsylvania and DEVINE changed their votes from "yea" to "nay."

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE TO EXTEND

Mr. CELLER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on the bill just passed.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

PROCEEDING AGAINST FRANK STANTON AND COLUMBIA BROADCASTING SYSTEM, INC.

Mr. STAGGERS. Mr. Speaker, I rise to a question of the privilege of the House, and I submit a privileged report (Report No. 92-349).

The Clerk proceeded to read the report.

POINT OF ORDER

Mr. GIBBONS. Mr. Speaker, I want to raise a point of order against the consideration of this matter at this time.

The SPEAKER. The gentleman will state his point of order.

Mr. GIBBONS. Mr. Speaker, I rise to object to the consideration of this matter at this time in that I believe that it violates clause 27, subparagraph (d)(4) of rule XI of the Rules of the House of Representatives.

Mr. Speaker, I refer to the language contained on page 381 of the House Rules and Manual, 92d Congress. I would call your attention to the fact that the rule, subparagraph (d)(4), clause 27 of rule XI was adopted last year in the Legislative Reorganization Act, and was readopted earlier this year.

Mr. Speaker, I think it would be best if I read just a portion of the rule, and this rule reads as follows:

> A measure or matter reported by any committee (except the Committee on Appropriations, the Committee on House Administration, the Committee on Rules, and the Committee on Standards of Official Conduct) shall not be considered in the House unless the report of that committee upon that measure or matter has been available to the Members of the House for at least three calendar days (excluding Saturdays, Sundays, and legal holidays) prior to the consideration of that measure or matter in the House.

Now, there is some more to that rule. The next sentence goes on to deal with the hearings of the committee, but then there is an exception to that rule, and it is:

> This subparagraph shall not apply to—
>
> (A) any measure for the declaration of war, or the declaration of a national emergency, by the Congress; and
>
> (B) any executive decision, determination, or action which would become, or continue to be, effective unless disapproved or otherwise invalidated by one or both Houses of Congress.

Mr. Speaker, that rule was adopted last year. I have examined the committee report. It is obvious the reasoning for its adoption was to prevent the premature or rapid or precipitous consideration of matters such as this kind, even though they dealt with a matter of privilege. The matter of privileged matters is specifically not excepted from this rule because I think many Members helping to frame these rule changes last year felt that the Congress had not acted wisely on some of these things that have come up pretty fast.

The committee report, which is still classified as a committee print, without any number, was not available until 10:30 this morning. It is 272 pages long. I presume it is well written. I have not had a chance to read it, and I doubt that very many other Members have had a chance to read it in full.

I would hope that the Chair would sustain this point of order. I do not believe there is any grave emergency. I do not believe that the person sought to be cited, or the organization sought to be cited are about to leave the country. I would hope that the House could consider this matter in a more rational manner and after it has had the opportunity to read and examine the report.

Mr. Speaker, I realize that some may say a matter of this sort is a matter of privilege and, therefore, is excepted from the rule. It is my contention, Mr. Speaker, that the matter of privilege was specifically not excluded from the requirement of a 3-day layover for the printing of the report but that the Committees on Appropriations, House Administration, Rules, and Standards of Official Conduct—those being the committees that generally deal with matters of privilege—were set down under specific exception and that it was never intended that citations such as this could be considered in such a preemptive type of procedure as is now about to take place.

Mr. REID of New York. Mr. Speaker, will the gentleman yield?

Mr. GIBBONS. I yield to the gentleman.

Mr. REID of New York. Mr. Speaker, in furtherance of the point that the gentleman is making, if the Chair will look at rule IX, it states in the rule:

> Questions of privilege shall be, first, those affecting the rights of the House collectively, its safety, dignity, and the integrity of its proceedings;

I would say, Mr. Speaker, that the 3-day rule is an important principle, uniquely relevant to the Constitutional question. This is the very idea of the 3-day rule and I believe that today to rush through an important question does not comport with an enlightened discharge of our responsibility.

Mr. Speaker, I hope the point of order is upheld.

The SPEAKER. Does the gentleman from West Virginia (Mr. STAGGERS) desire to be heard on the point of order?

Mr. STAGGERS. I do, Mr. Speaker.

The SPEAKER. The gentleman is recognized.

Mr. STAGGERS. Mr. Speaker, rule IX provides that "Question of privilege shall be, first, those affecting the rights of the House collectively"—as the gentleman from New York has just read—"its safety, dignity and the integrity of its proceedings."

Privileges of the House includes questions relating to those powers to punish for contempt witnesses who are summoned to give information.

House Rule 27(d) of rule XI, the so-called 3-day rule, clearly does not apply to questions relating to privileges of the House. The rule applies only to simple measures or matters reported by any committee. It excludes matters arising from the Committee on Appropriations, House Administration, Rules, and Standards of Official Conduct.

It is clear that the terms "measure" or "matter" as used in rule 27(d) do not apply to questions of privilege.

To apply it in such a way would utterly defeat the whole concept of the question of privilege.

Too, a privileged motion takes precedence over all other questions except the motion to adjourn.

The fact that the 3-day rule excludes routine matters from the Appropriations, Administration, Rules, and Standards of Official Conduct Committees clearly shows that the 3-day rule does not apply to privileged questions.

If the rule were meant to apply to questions of privilege, it surely would not make exceptions for routine business coming from regular standing committees.

The SPEAKER. The Chair is ready to rule.

The Chair appreciates the fact that the gentleman from Florida has furnished him with a copy of the point of order which he has raised and has given the Chair an opportunity to consider it.

The gentleman from Florida (Mr. GIBBONS) makes a point of order against the consideration of the report from the Committee on Interstate and Foreign Commerce on the grounds that it has not been available to Members for at least 3 days as required by clause 27(d)(4) of rule XI. The Chair had been advised that such a point of order might be raised and has examined the problems involved.

The Chair has studied clause 27(d)(4) of rule XI and the legislative history in connection with its inclusion in the Legislative Reorganization Act of 1970. That clause provides that "a matter shall not be considered in the House unless the report has been available for at least 3 calendar days."

The Chair has also examined rule IX, which provides that:

> Questions of privilege shall be, first, those affecting the rights of the House collectively, its safety, dignity, and the integrity of its proceedings * * *; and shall have precedence of all other questions, except motions to adjourn.

Under the precedents, a resolution raising a question of the privileges of the House does not necessarily require a report from a committee. Immediate consideration of a question of privilege of the House is inherent in the whole concept of privilege. When a resolution is presented, the House may then make a determination regarding its disposition.

When a question is raised that a witness before a House committee has been contemptuous, it has always been recognized that the House has the implied power under the Constitution to deal directly with such conduct so far as is necessary to preserve and exercise its legislative authority. However, punishment for contemptuous conduct involving the refusal of a witness to testify or produce documents is now generally governed by law—Title II, United States Code, sections 192–194—which provides that whenever a witness fails or refuses to appear in response to a committee subpena, or fails or refuses to testify or produce documents in response thereto, such fact may be reported to the House. Those reports are of high privilege.

When a resolution raising a question of privilege of the House is submitted by a Member and called up as privileged, that resolution is also subject to immediate disposition as the House shall determine.

The implied power under the Constitution for the House to deal directly with matters necessary to preserve and exercise its legislative authority; the provision in rule IX that questions of privilege of the House shall have precedence of all other questions; and the fact that the report of the committee has been filed by the gentleman from West Virginia as privileged—all refute the argument that the 3-day layover requirement of clause 27(d)(4) applies in this situation.

The Chair holds that the report is of such high privilege under the inherent constitutional powers of the House and under rule IX that the provisions of clause 27(d)(4) of rule XI are not applicable.

Therefore, the Chair overrules the point of order.

The Clerk will continue to read the report.

The Clerk read as follows:

PROCEEDING AGAINST FRANK STANTON AND COLUMBIA BROADCASTING SYSTEM, INC.

REPORT OF THE COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE HOUSE OF REPRESENTATIVES TOGETHER WITH SEPARATE VIEWS (PURSUANT TO HOUSE RESOLUTION 170, 92D CONGRESS)

I. Statement of facts

The Special Subcommittee on Investigations of the Committee on Interstate and Foreign Commerce, authorized by House Resolution 170 of the 92nd Congress, caused to be issued a subpoena to Frank Stanton, President, CBS, Inc., to be and appear before the said Subcommittee on Investigations, of which the Honorable Harley O. Staggers is Chairman, on June 9, 1971, at 10:00 AM in Room 2323, Rayburn House Office Building, Washington, D.C., to testify and to deliver to the Subcommittee various materials set forth and described in the said subpoena. This subpoena was duly served on May 27, 1971. (See Appendix A.) This subpoena was subsequently modified to provide for appearance on June 24, 1971 at 10:00 AM in Room 2125 Rayburn House Office Building.

Pursuant to the above subpoena, Frank Stanton together with Lloyd Cutler, counsel for CBS, appeared before members of the Subcommittee on June 24, 1971; said appearance being for the purpose of testifying and providing the material specified in the Subcommittee's subpoena.

The Chairman of the Subcommittee read a statement to Dr. Stanton fully setting for the authority and legislative purpose behind the Subcommittee's subpoena. (See Appendix B.)

Dr. Stanton, after being duly sworn, then delivered a statement to the Subcommittee which included the following:

"My appearance is in response to the Subcommittee's subpoena dated May 26, 1971.

* * * * *

"Based on the advice of our counsel and our own conviction that a fundamental principle of a free society is at stake, I must respectfully decline, as President of CBS, to produce the materials covered by the subpoena of May 26. For the same reasons, I must respectfully decline, as a witness summoned here by compulsory process, to answer any questions that may be addressed to me relating to the preparation of "The Selling of the Pentagon" or any other particular CBS news or documentary broadcast."

Mr. DINGELL. Mr. Speaker, I make the point of order that the Clerk has just skipped some portions of the document.

The SPEAKER. The Clerk will read the report.

Mr. DINGELL. Mr. Speaker, I will appreciate it if the Clerk will read the entire report, including that portion which he omitted.

The SPEAKER. The Clerk will read the report.

The Clerk read as follows:

At the conclusion of this statement, Dr. Stanton was asked the following questions and gave the indicated responses:

The CHAIRMAN. Dr. Stanton, did you hear my opening statement in which I summarized our jurisdiction and legislative concerns in this matter?

Dr. STANTON. Yes, I did.

The CHAIRMAN. At the subcommittee meeting held on April 20, 1971, I provided a more detailed statement of our jurisdiction and legislative concerns and the relevancy of the material subpoenaed to those concerns. This statement was read and delivered to Mr. John Appel whom you designated to appear before the subcommittee in your behalf. That statement had references to the subcommittee's original subpoena of April 7 but it applies to the present subpoena as well. Are you familiar with that statement?

Dr. STANTON. Yes, I am.

The CHAIRMAN. Have you carefully considered both of these statements?

Dr. STANTON. Yes, I have.

The CHAIRMAN. On May 27, 1971, you were served with a duly authorized subpoena of this subcommittee. Without objection I direct that the full text of the subpoena be inserted into the record at this point together with proof of service.

The CHAIRMAN. Have you brought the materials with you which were called for by the subpoena served on May 27?

Dr. STANTON. No, sir, Mr. Chairman, I have not.

The CHAIRMAN. Since you are the President of CBS, are the materials requested in the subpoena subject to your control so that if you wished you could have brought them here today?

Dr. STANTON. Yes, they are.

The CHAIRMAN. Is there any physical or practical reason why these materials have not been provided?

Dr. STANTON. No, there is not.

The CHAIRMAN. Is your decision not to bring with you these materials made with full knowledge of the possible action that may be taken against you for your refusal?

Dr. STANTON. Yes, they are.

The CHAIRMAN. Do you realize that as a result of your refusal to comply with the subpoena you may be bound to be in contempt of the House of Representatives with all the consequences that flow from such contempt?

Dr. STANTON. Yes, I do.

The CHAIRMAN. Knowing this, do you persist in your refusal to provide the subpoenaed materials?

Dr. STANTON. Yes, I do.

The CHAIRMAN. Does the decision not to provide the subpoenaed materials reflect a decision of the management of CBS?

Dr. STANTON. Yes, it does.

The CHAIRMAN. So that the record may be clear on this point, speaking as the Chairman of this subcommittee I hereby order and direct you to comply with the subcommittee subpoena and to provide forthwith the materials therein described. What is your response?

Dr. STANTON. I respectfully decline.

The CHAIRMAN. At this point, Dr. Stanton, it is my duty to advise you that we are going to take under serious consideration your willful refusal today to honor our subpoena. In my opinion you are now in contempt.

Subsequently, at the conclusion of the hearing, Dr. Stanton was again ordered by the Chairman of the Subcommittee to comply with the Subcommittee's subpoena and he again declined.

The material subpoenaed by the Subcommittee was pertinent to the legislative oversight responsiblity of the Special Subcommittee on Investigations, of the House Commerce Committee, and the Congress as a whole. As a result of the refusal of Dr. Stanton, acting as President of CBS, Inc., to provide the subpoenaed evidence, the Subcommittee was prevented from obtaining information relevant to the discharge of its responsibilities and duties. The record of the proceedings before the Subcommittee in this matter is published under separate cover.

On June 29, the Subcommittee with all members present, met in executive session at 10:30 A.M. in Room 2123, Rayburn House Office Building and voted unanimously to refer the matter to the full Committee with the recommendation that CBS and Dr. Stanton be cited for contempt of Congress for failing to comply with a lawful subpoena. Accordingly, the matter was presented to the full Committee on Interstate and Foreign Commerce in a meeting of that committee held pursuant to notice on Thursday, July 1, 1971, at 10:00 AM in Room 2125, Rayburn House Office Building. A quorum being present, Chairman Staggers delivered a statement setting forth the purpose of the meeting (Appendix C.) The Committee then voted, 25 to 13, in favor of the following motion:

"That the Committee report and refer the refusal of the Columbia Broadcasting System, and its President, Dr. Frank Stanton, to comply with the subpoena dated May 26, 1971, issued by the Special Subcommittee on Investigations, together with all the facts in connection therewith, to the House of Representatives with the recommendation that they be cited for contempt of the House of Representatives to the end that they may be proceeded against in the manner and form provided by law."

II. Sequence of events

On February 23 and again on March 23, 1971, the CBS Network broadcast the news documentary program, "The Selling of the Pentagon." Almost immediately, allegations were received from a number of sources charging that deceptive editing and production techniques were used in making various segments of the documentary. Two of these allegations were supported, in part, by information supplied by individuals in the Department of Defense.

(1) The interview of Assistant Secretary of Defense, Daniel Z. Henkin, was rearranged; answers given by him to questions during a filmed interview were mismatched with completely different questions when broadcast. (See Appendix D.) In sworn testimony, Secretary Henkin has stated that the "doctoring" of his words distorted his views. The technique employed in the manipulation of the question and answer sequence was such that it was impossible for the viewing public to know that Secretary Henkin did not in fact reply to the questions in the manner depicted in the documentary.

(2) The Peoria speech of Lt. Col. John MacNeil was cut up and rearranged so that six widely disconnected and insequential sentences were made to appear as if they had been delivered successively without interruption. The actual speech took two hours to deliver but was compressed into two minutes of air time. The sentences in this particular segment broadcast were taken from pages 55, 36, 48 (sentences 3 and 4), 73 and 88, respectively, of the speech. (See Appendix E.) Through this technique, Col. MacNeil was made to deliver a statement he in fact did not deliver. Here, too, the electronic manipulation was accomplished in a manner impossible for the viewing public to detect.

The Special Subcommittee on Investigations has in the past conducted investigations into deceptive broadcast practices, going all the way back to the "quiz show" scandals. For example, it found staging in its "Pot Party" and "Project Nassau" investigations, and it found deceptive manipulation of sound track recordings in "Project Nassau." Never before had it encountered the insidious practice of intentional altering of the words and thoughts of anyone who appeared on a news documentary broadcast.

On the basis of these partially substantiated allegations and other allegations charging that deceptive practices were employed in the making of the documentary, the Subcommittee initiated its investigation. In so doing, the Subcommittee was meeting its responsibility imposed upon it by the House of Representatives under Clauses 12 and 28 of Rule XI, and under House Resolution 170 of the 92nd Congress. (See Appendix F.)

Mr. STAGGERS. Mr. Speaker, I ask unanimous consent that the rest of the report be considered as read and printed in the RECORD.

The SPEAKER. Does that include the minority views?

Mr. STAGGERS. It includes the rest of the report.

The SPEAKER. Is there objection to the request of the gentleman from West Virginia?

Mr. WOLFF. Mr. Speaker, I object.

The SPEAKER. The Clerk will read.

The Clerk read as follows:

On April 7 the Subcommittee met in executive session and voted unanimously to issue a subpoena to Dr. Stanton and CBS calling for the production of materials necessary for the Subcommittee to determine the nature and extent of any deceptive practices that might have been used in the documentary. On April 8, the subpoena was served. (See Appendix G.) By letter dated that same day, Dr. Stanton advised Chairman Staggers that he would not comply with the subpoena as issued. (See Appendix H.) He did say, however:

"[W]e sincerely hope that your Subcommittee will reconsider this matter and modify the subpoena so that it calls for only such materials as were actually broadcast and other information directly related thereto—which we do not object to furnishing and which we will furnish on the date specified."

On April 20, a representative designated by Dr. Stanton appeared in behalf of CBS and Dr. Stanton before the Subcommittee. He was provided with a statement of Subcommittee jurisdiction, legislative concerns and the relevancy of the materials subpoenaed. (See Appendix I.) The CBS representative informed the Subcommittee, through a letter of Robert V. Evans, Esq., CBS Vice President and General Counsel (see Appendix J) that Dr. Stanton and CBS declined to furnish the materials called for in the subpoena, but did consent to voluntarily supplying a filmed copy and a written transcript of the broadcast. The CBS representative requested an additional ten days for further consideration of the matter and for preparation of a legal memorandum.

On April 30, the Subcommittee received a letter from CBS and Mr. Evans transmitting certain additional information relating to the subpoena together with a copy of a legal opinion of its attorneys. (See Appendix K.) The legal arguments advanced by CBS in opposition to the subpoena were carefully reviewed. On the basis of that review, it was concluded that the Subcommittee was entirely within its legal rights in asking for the material. (See Part III, *infra*, "Legal Considerations.")

Mr. STAGGERS. Mr. Speaker, again I renew my request that the report be considered as read and printed in the RECORD, with all of the minority views and the staff report.

The SPEAKER. Is there objection to the request of the gentleman from West Virginia?

Mr. GROSS. Mr. Speaker, reserving the right to object, I should think that the gentleman would want to end the report on page 11. This will be a record and text akin to the Sears, Roebuck catalog if you put in all of the minority and majority views reported here.

Mr. STAGGERS. The gentleman from Iowa is correct.

Mr. GROSS. What purpose would be served by that?

Mr. STAGGERS. The gentleman from

Iowa is correct. I thought in order to save time we would do that, but I will be glad that the Clerk continue to read.

The SPEAKER. The Clerk will read.

The Clerk read as follows:

On May 12, the Subcommittee met to receive the testimony of Mr. Henkin (see above.) He testified that his filmed interview had been rearranged and edited for broadcast so as to distort and change his original answers to the questions asked. Mr. Henkin stated he had no objection to having the outtakes of his interview made available to the Subcommittee and the public. The Subcommittee also received for the record a deposition from Col. MacNeil in which he declared he had no objection to having the outtakes relating to his speech made available to the Subcommittee.

Mr. GROSS. Mr. Speaker?

The SPEAKER. For what purpose does the gentleman from Iowa rise?

Mr. GROSS. Mr. Speaker, I have no objection if we are considering it as read if it will end on page 11, the end of the report.

Mr. STAGGERS. Mr. Speaker, will the gentleman yield?

Mr. GROSS. I yield to the gentleman from West Virginia.

Mr. STAGGERS. I think in all fairness, Mr. GROSS, that all of the report should be included in the RECORD, but I think that under the legal procedures only up until page 11 is really the necessary part.

Mr. GROSS. That is right. We could consider that as being read.

Mr. STAGGERS. Mr. Speaker, I renew my unanimous-consent request that the report be considered as read and printed in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

The remainder of the report is as follows:

On May 26, the Subcommittee met and determined that the information and material supplied by CBS was satisfactory to meet some of the requirements of the original subpena. The subpena of April 7 was accordingly withdrawn and a new subpena was issued calling upon Dr. Stanton and CBS to produce only that material not yet supplied, that is, the outtakes. (See Appendix A.) It has been determined that this material would not reveal sensitive or confidential sources. The Subcommittee made clear that the outtakes desired were only those pertaining to the actual broadcast. The Subcommittee's action was in direct accord with the hope expressed by Dr. Stanton in his letter of April 8, that the subpena would be modified to call only for such materials as were actually broadcast "and other information directly related thereto."

On May 27, the Subcommittee served the new subpena calling for the personal appearance of Dr. Stanton and the production of only those outtakes which were directly related to the actual broadcast.

On June 24, Dr. Stanton personally appeared before the Subcommittee. He was again advised of the Subcommittee's jurisdiction, legislative purpose and the relevancy of the material subpenaed. (See Appendix B.) Dr. Stanton refused to produce the outtake film called for by the subpena. Moreover, as set forth fully in Part I of this report, he refused to testify concerning the editing techniques used in the "Pentagon" documentary, or any other particular broadcast.

On June 29, the Subcommittee met in executive session (see Part I, above) and voted unanimously to forward to the full Committee its recommendation that CBS and Dr. Stanton be cited for contempt of Congress for failing to comply with a lawful subpena.

On July 1, the House Interstate and Foreign Commerce Committee met in executive session and voted 25–23 to recommend to the House of Representatives that Dr. Stanton and CBS be cited for contempt.

Mr. STAGGERS. Mr. Speaker, I offer a privileged resolution, by direction of the Committee on Interstate and Foreign Commerce, and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 534

Resolved, That the Speaker of the House of Representatives certify the report of the Committee on Interstate and Foreign Commerce of the House of Representatives as to the contumacious conduct of the Columbia Broadcasting System, Incorporated, and of Dr. Frank Stanton, its President, in failing and refusing to produce certain pertinent materials in compliance with a subpena *duces tecum* of a duly constituted subcommittee of said committee served upon Dr. Stanton and the Columbia Broadcasting System, Incorporated, and as ordered by the subcommittee, together with all the facts in connection therewith, under the seal of the House of Representatives, to the United States Attorney for the District of Columbia, to the end that Dr. Frank Stanton and the Columbia Broadcasting System, Incorporated, may be proceeded against in the manner and form provided by law.

The SPEAKER. The gentleman from West Virginia (Mr. STAGGERS) is recognized for 1 hour.

Mr. STAGGERS. Mr. Speaker, I yield 10 minutes to the gentleman from Washington (Mr. ADAMS), a member of the committee, and I yield 10 minutes to the gentleman from North Carolina (Mr. BROYHILL), a member of the committee and I yield 14 minutes to the gentleman from Illinois, the ranking minority member on our committee. In doing this, I believe I have the names of those to whom he wants me to yield, and so I would be very happy to do so, unless he wants control of the 14 minutes.

Mr. SPRINGER. Mr. Speaker, will the gentleman yield?

Mr. STAGGERS. I yield to the gentleman from Illinois.

Mr. SPRINGER. It is perfectly agreeable with me, in connection with the papers which I handed the gentleman from West Virginia, to handle the time.

Mr. STAGGERS. I thank the gentleman.

Mr. Speaker, I yield myself 5 minutes.

(Mr. STAGGERS asked and was given permission to revise and extend his remarks and to include extraneous matter.)

Mr. STAGGERS. Mr. Speaker, I would like to make my explanation of this very brief.

Mr. Speaker, to me the question is a very simple one. This subcommittee issued a subpena, a duly authorized subpena, and it was duly served. The question is whether it was complied with. However, as you have heard and read, it was not complied with. In view of the fact that it was not complied with, those who were cited in the subpena were in contempt of the Congress of the United States. That means all of this Congress, not just one person, one committee, but the whole Congress of the United States was defied when they said, "We will not deliver the materials that were requested."

So, that is the simple question today. I think that the vote ought to be right now as to whether they were in contempt. However, I do not think that would be fair to the House. I would like to present what brought it about.

There has been an awful lot of talk about the first amendment. I do not believe the first amendment is involved in this question in any way whatsoever.

This has been the principal issue of those on the other side, that this is an invasion of the first amendment.

Let me say to you that if it involved any man's thoughts, any man's notes or concepts, or anything that he had in his mind, I would say yes. But it does not. This involves only the actual shooting of scenes in public. Most of them, seen by more than the person; the cameraman and all the prop boys who were around. If anybody wanted to say that we were taking their notes, it would have to be the cameraman who took down the voices and the pictures, and not somebody who was asking the questions. But the cameraman, he is the man who actually did the work, acted in good faith. That is the reason I cannot see that the first amendment is involved.

So many say that we are trying to get the reporter's notes. There were no notes. They took a picture. They took the recordings. And they took 11 months to take this into some darkroom somewhere and to say, "All right, this man said something that we did not want him to say. So we are going to take an answer from another question over here, and make him say something he did not say." And he did not say it. We know this because we have the testimony, the sworn testimony, of the Assistant Secretary of Defense that he did not make them in this sequence; he did not say these things. We have the deposition of a colonel who said he did not make the statement that was attributed to him; that it was made by a foreign minister of another nation, Laos. And yet they present it and put it as his concept, as though he said it at a certain time.

Now, I think that America is done with this deception. We have had enough of it. And you women and gentlemen of this House of Representatives are the guardians of the public's interest. Every license that is given to any station says "for the public interest, convenience, and necessity." And it can be taken away from them at any time.

The airwaves have been held by law and by the courts to belong to all the people of this Nation. The Chief Justice whom we have now has been quoted extensively as saying that these are the people's airwaves, and that they ought to be interested in them, and when things are wrong that they ought to do something about them.

We represent the people of America. The gentleman from Michigan (Mr. Gerald R. Ford), represents all of his people who cannot get to New York to complain. The gentleman from New York (Mr. Ogden Reid) does the same thing. He has an obligation to represent his people to the best of his ability, and to see that it is truth and not fabrication that is offered to the American people—and that goes for every other Representative in this House of Representatives.

There are those who would like to say that we have all the information that we need. We do not have that information. We have the sworn testimony of one man. We do not have the outtakes of any portion of the program. There might be 20 or 30 or 40 different places where they misquoted or misplaced these things, we do not know.

The SPEAKER. The time of the gentleman from West Virginia has expired.

Mr. STAGGERS. Mr. Speaker, I yield myself 3 additional minutes.

Mr. Speaker, the situation is that we need these facts before we can legislate.

There are those who say we have enough, but we cannot legislate in a vacuum. No Member wants to legislate without knowing all the facts. I know the Members would not want to do so; no Member of this House would want to do so, and if he did do so he would be doing wrong if he did not have all the facts.

We want the facts. That is all we want. All we want them to do is supply us with the outtakes. They have refused to do so. When Dr. Stanton appeared before our committee and we asked him certain questions; he refused to answer those questions. If this House ever makes the decision that that is not in contempt of this Congress, then God save and help America.

This is a letter that was written to me that we talked of in the hearings:

> Dear Representative Staggers: Your subpena of data on the "Selling of the Pentagon" has stimulated CBS to do some selling on its own.

He includes a letter addressed to professors. This is a letter which was sent to us which we found was not supposed to be sent to us. It was sent out by CBS and addressed to a professor at a school in Texas. It states:

> Some of the demands contained in the subpoena served on CBS in connection with the "Selling of the Pentagon" I am sure you agree, are deeply disturbing.
>
> If you share our view that they are entirely improper, we would urge you to telegraph the Special Subcommittee on Investigations, House Interstate and Foreign Commerce Committee, deploring the subpoena and asking its withdrawal.

This is the letter that was sent out. We do not know how many were sent out.

I asked Dr. Stanton when he was before our committee and I said—a thousand—2 thousand—how many?"

He did not answer—and I do not know—he said he would supply them for the Record.

This went to journalism schools and to universities in America and to the broadcasting stations.

Let me tell you how many came to us from these different sources.

We got nine from press organizations deploring it, and using the same words used in this letter. Ten came from journalism schools.

Sixteen from individuals associated with the universities.

Twenty-three came from broadcasting stations and associations.

Sending out thousands of these across America—this in fact was it. Everyone of them who replied used the paragraphs that were sent out. I say they were wrong, completely, in sending this out

When we first wrote the subpena served on Dr. Stanton, he wrote me a letter expressing the hope that it would be modified so as to call for only such materials as were actually broadcast and information directly related to that.

I want you to understand this: And all other material directly related thereto. He said that he wanted us to change it.

Our subcommittee had the rest of the information that we needed by that time, and we changed it to do that: The subpena called for only those outtakes related to the broadcast.

He came before our committee again and refused to do what he said in the letter that he would do.

The SPEAKER. The gentleman from West Virginia has consumed 8 minutes.

Mr. STAGGERS. Mr. Speaker, I yield to the gentleman from Washington (Mr. Adams).

Mr. ADAMS. Mr. Speaker, I yield 5 minutes to the gentleman from New York (Mr. Celler), the chairman of the Committee on the Judiciary.

Mr. CELLER. Mr. Speaker and Members of the House, I counter my fellow chairman, the affable gentleman from West Virginia, and that counter leaves an ashen taste in my mouth. But there are overriding considerations in my opposition, reluctant as I am to utter them.

The first amendment towers over these proceedings like a colossus and no esprit de corps and no tenderness of one Member for another should force us to topple over this monument to our liberties; that is, the first amendment.

Does the first amendment apply to broadcasting and broadcasting journalism?

The answer is, "Yes."

In the case of American Broadcasting Co. against United States, 110 Federal Supplement 374 (1953) the court said:

> * * * no rational distinction can be made betwen radio and television on the one hand and the press on the other in affording the Constitutional protection contemplated by the First Amendment. (Affirmed by the United States Supreme Court in 1954.)

See also Rosenbloom against Metromedia which was a decision of the Supreme Court passed down only last month.

Does the administration say that the first amendment applies equally to the press as well as to broadcasting? The answer is, "Yes." See the address of Attorney General Mitchell before the American Bar Association on August 10, 1970.

President Nixon at a San Clemente press conference recently said that he did not support the subpena. He said:

> —as far as bringing any pressure on the networks, as a Government is concerned, I do not support that.

Are the notes, unused memoranda, unused film and written interviews of a press reporter immune from governmental scrutiny? The answer is, "Yes."

It was so held in the Caldwell case decided in the Court of Appeals for the Ninth Circuit, 434 Fed. 2d, at page 1081 (1970). The case is now pending in the Supreme Court. In that case the Court of Appeals said that—

> It is not unreasonable to expect journalists everywhere to temper their reporting so as to reduce the probability that they will be required to submit to interrogation. The First Amendment guards against governmental action that induces such self-censorship.

The court protected the source material—namely, interviews with Black Panthers—from grand jury scrutiny.

Are the clips, outtakes, and other source materials of the broadcaster also impervious to governmental subpena? The answer is, "Yes."

There may be no distinction between the right of a press reporter and a broadcaster. Otherwise, the stream of news may be dried up. Those who offer the TV reporter information might refuse cooperation if their names were divulged. I cite the recent case of New York against Dillon, decided June 23, 1971, New York Supreme Court, on a motion to quash a subpena for outtakes.

Do I share the grave and well-motivated concern of the Committee on Interstate and Foreign Commerce with the real danger of deceptive practices and abuse of the media in the exercise of their rights? Yes, but these are hardly new concerns. James Madison addressed himself to these evils of the press. He said:

> Some degree of abuse is inseparable from the proper use of every thing; and in no instance is this more true than in that of the press.

The press and TV often are guilty of misrepresentation and error. Some of this is inevitable in free debate. But "the media, even if guilty of misrepresentation, must be protected if freedom of expression are to have the breathing space that they need to survive." See New York Times against Sullivan.

The importance of the issue before us warrants amplification of the questions I have raised and the applicable law:

> *Question:* Does the First Amendment apply to broadcasting and broadcast journalism?
>
> *Answer:* As reflected in the following cases, it is clear that the First Amendment applies to broadcasting and broadcast journalism just as it does to the written press.

1. "Broadcasting and television are entitled to the protection of the First Amendment of the Constitution, guaranteeing freedom of speech and of the press."

American Broadcasting Company v. *U.S.*, 110 F. Supp. 374 (1953), affirmed 347 U.S. 284 (1954), a case rejecting an FCC interpretation of a criminal statute concerning broadcast lotteries.

2. "Preliminarily, we note that the fact that the news medium here is a radio station rather than a newspaper does not make the First Amendment discussion, in particular with regard to freedom of the press, any less germane. Radio and television were, of course, unkonwn media when freedom of the press was written into the Bill of Rights, but no rational distinction can be made between radio and television on the one hand and the press on the other in affording the constitutional protection contemplated by the First Amendment."

Rosenbloom v. *Metromedia, Inc.*, 415 F. 2d 892 (1969), affirmed June 7 by the United States Supreme Court, 39 U.S. Law Week 4694, a case extending standard of actual malice in libel actions to cover issues of public importance as well as public officials and public figures.

3. "Each method [of expression; e.g. books, movies, etc.] tends to present its own peculiar problems. But the basic principles of freedom of speech and the press, like the First Amendment's command, do not vary."

Joseph Burstyn, Inc. v. *Wilson*, 343 U.S. 495 (1952), a case extending First Amendment protection to motion pictures and voiding a New York State law that required movies to be licensed by a censor.

4. "The First Amendment draws no distinctions between the various methods of communicating ideas."

Superior Films v. *Department of Education*, 346 U.S. 587 (1954); Douglas, J. concurring in a *per curiam* opinion.

Question: Are there serious dangers inherent in interfering with the media in the exercise of its functions?

Answer: Definitely. Interference with the media has a chilling effect on free speech which militates against the public interest.

1. [We must consider this case against] "the background of a profound national commitment to the principle that debate on public issues should be uninhibited, robust and wide-open and that it may well include vehement, caustic, and sometimes unpleasantly sharp attacks on government and public officials."

"Whether or not a newspaper can survive a succession of such judgments [awarding recovery for libel of public officials] the pall of fear and timidity imposed upon those who would give voice to public criticism is an atmosphere in which First Amendment freedoms cannot survive."

New York Times v. *Sullivan*, 376 U.S. 254 (1964), a case denying recovery for libel of a public official in the absence of actual malice, reckless disregard of the truth.

2. "The First Amendment exists to preserve an 'untrammeled' press as a vital source of public information."

Grosjean v. *American Press Co.*, 297 U.S. 233.

3. "The very concept of a free press requires that the news media be accorded a measure of autonomy; that they should be free to pursue their own investigations to their own ends without fear of governmental interference."

"[I]t is not unreasonable to expect journalists everywhere to temper their reporting so as to reduce the possibility that they will be required to submit to interrogation. The First Amendment guards against governmental action that induces such self-censorship."

Caldwell v. *U.S.*, 434 F. 2d 1081 (1970), a case quashing a subpoena by a Grand Judy summoning a N.Y. Times reporter to testify regarding his interviews with Black Panthers. (To be argued next term in the United States Supreme Court.)

4. First Amendment freedoms need "breathing space" to survive.

NAACP v. *Button*, 371 U.S. 415 (1963).

Question: Even if legally supportable, should the House force this constitutional confrontation?

Answer: It should not.

1. [The First Amendment] "is much more than an order to Congress not to cross the boundary which marks the extreme limits of lawful suppression. It is also an exhortation and a guide for the action of Congress inside that boundary. It is a declaration of national policy in favor of public discussion of all public questions. Such a declaration should make Congress reluctant and careful in the enactment of all restrictions upon utterance, even though the courts will not refuse to enforce them as unconstitutional."

Zachariah Chafee, "Free Speech in the U.S.", 1941.

2. "Some degree of abuse is inseparable from the proper use of every thing; and in no instance is this more true than in that of the press."—James Madison. 4 Elliot's Debates on the Federal Constitution, p. 571.

3. "Authoritative interpretations of the First Amendment guarantees have consistently refused to recognize an exception for any test of truth—whether administered by judges, juries or administrative officials—and especially one that puts the burden of proving truth upon the speaker." *New York Times* v. *Sullivan*, above.

4. In opening the Special Subcommittee meeting of June 24, the Chairman of the House Interstate and Foreign Commerce Committee stated the Subcommittee already had in its possession sworn testimony and other evidence indicating CBS engaged in questionable manipulative techniques in producing "The Selling of the Pentagon".

5. Additional materials that may be required are obtainable from sources other than the broadcast journalists themselves; e.g. from persons interviewed and electronic specialists.

Question: Are broadcasters' "outtakes" equivalent to the written notes of newspaper reporters?

Answer: Yes. They are part of the inherently judgmental process through which the broadcast journalist gathers and organizes his materials.

Question: Have these "outtakes" been afforded judicial protection?

Answer: Yes, on the basis of both state statutes expressly protecting them and on First Amendment grounds.

Section 79h of the New York Civil Rights Law (1970) "specifically protects a broadcast journalist from contempt citations for refusing or failing to disclose any news or the source of any such news coming into his possession in the course of gathering or obtaining news . . . for broadcast by a radio or television transmission station or network, by which he is professionally employed, or otherwise associated in a news gathering capacity".

In *New York* v. *Dillon*, on June 23, 1971, the New York Supreme Court quashed a subpena commanding CBS to provide the court with outtakes pertaining to a documentary on drug usage.

Section 1070 of the California Evidence Code similarly precludes use of compulsory court process to compel production of outtakes.

An order of the Superior Court in California, on 7/20/70, quashed on First Amendment as well as the statutory grounds a subpoena calling for "outs" of Westinghouse Broadcasting.

We must keep in mind that in this instance CBS has afforded the Vice President, the Secretary of Defense, and the Chairman of the Armed Services Committee an opportunity to criticize on the air the documentary in question.

That this is not a party matter is quite clear. The White House Communications Director has been quoted as saying the subpena "is wrong and an infringement on freedom of the press". The Republican United States Senate Policy Committee, in December of 1969, took the position that

> Whether news is fair or unfair, objective or biased, accurate or careless, is left to the consciences of the commentators, producers and network officials themselves. Government does not and cannot play any role in its presentation.

In his May 1 news conference in California, the President stated his agreement with the above policy statement and, when questioned specifically with respect to the CBS controversy, said:

> As far as the subpoenaing of notes is concerned, of reporters, as far as bringing any pressure on the networks, as a government is concerned, I do not support that.

In summary, I am convinced that as a matter of law if the Congress votes this contempt citation and the matter is brought to the courts by the Department of Justice, the position of the House will not be sustained. Further, as a matter of policy, I believe we are embarking on a dangerous path and, what is more, we are doing it without any evidence of compelling need. There is no need to attempt to impose this legal question on the courts since all of the information necessary for the Committee's legislative purpose is either presently in its possession or available through other sources.

I urge the House to reject the pending resolution.

Mr. ADAMS. Mr. Speaker, I asked the chairman of the committee if I might reserve the balance of my time so that other points of view may be expressed at this time, and that I may be yielded to at a later point in the debate.

Mr. STAGGERS. Mr. Speaker, I yield 10 minutes to the gentleman from Illinois (Mr. SPRINGER).

Mr. SPRINGER. Mr. Speaker, and my colleagues, neither I, nor any Member of this Congress asked for this controversy. CBS did. I call your attention to a statement made by Mr. Richard Salant, the president of CBS News, reported in the April 5, 1971, issue of Newsweek magazine, a date that precedes an inquiry made by the special Subcommittee on Investigations into the "Selling of the Pentagon" program.

Mr. Salant said:

> I think the real confrontation will come when the Senate or House hauls us down for an investigation. And then perhaps we will have to say: "Now look, this is none of your business."

Mr. Speaker, if we have today arrived

at a point in time when a television network can determine what is, and what is not, the legitimate business of the Congress of the United States, then we have indeed come upon dark days.

It might be well for my colleagues to know something more about the Subcommittee on Investigations of the full Committee on Interstate and Foreign Commerce. The subcommittee originated in the mind of Speaker Sam Rayburn in 1958 and it was largely due to his efforts that this special Subcommittee on Oversight was created, which is now the Subcommittee on Investigations. As a result of the creation of this subcommittee, we did investigate the Sherman Adams and the Goldfine cases. As a result, thereof, Goldfine was prosecuted, Sherman Adams resigned from the staff of the President and in addition, the Chairman of the Federal Communications Commission resigned as well as one member of the Federal Trade Commission. Again, in the early 1960's, it came to our committee that the quiz shows which were so popular in that era were fraudulent. Our investigation of the quiz shows did indicate that there was fraud. Contestants were being given answers to the questions before appearing on the quiz show. We exposed this and there was no necessity of legislation. The Federal Communications Commission came forward with regulations to prevent any future frauds of this nature.

Three years ago, CBS was involved in what was known as Project Nassau but better known as the Haitian invasion. CBS supplied a substantial sum of money either to the "invasion" or for the purpose of filming the "invasion" and the preparation of the "invasion."

We demanded all the film with reference to this matter, although it was not shown as a part of any program because the "invasion" did not take place. The amount of film which CBS did take filled some 25 boxes, roughly 18 inches square and 12 inches high. The subcommittee reviewed this film. There was a serious question as to whether or not CBS had been guilty of violation of the Logan Act and also of the Conspiracy Act. We forwarded the results of the investigation to the Department of Justice but without any recommendation.

Through the years, the committee has acted with unusual restraint. It has been only in the most flagrant cases where we believe that congressional scrutiny was necessary had we acted.

It came to us after many complaints on the "Selling of the Pentagon" that answers to certain questions were shifted to other questions. In other instances, answers were combined and inserted in answer to a different question. The subcommittee staff made an investigation and reported that CBS was "guilty of deceit bordering on fraud."

After a careful review of the situation, the subcommittee came to the conclusion that there was deceit and fraud.

I think I should point out to my colleagues that we are talking about a very narrow range of television—commonly known as "the documentary." A documentary may be related in the second person or it may be related in the first person. In this case, "Selling of the Pentagon" was done in the first person—by exact questions and exact answers. There was no indication of any kind on the program that answers had been transferred to other questions and that answers had been consolidated and transferred to other questions.

If, I, as a lawyer, were to do what CBS did in this instance in taking a record of appeal from a lower court to a higher court and this was pointed out to the judge, I am sure he would hold me in contempt and probably put me in jail. He would be clearly justified in doing so because I would have committed a fraud on the court.

In this case, CBS has not violated any criminal statute. However, may I ask you, is the fraud any less on the part of CBS by doing what it has done than what I could be accused of in altering a record that has been made in a court of appeal.

In short, CBS did not show what it purported to show, but, in fact, showed fraudulent answers to certain questions. In the case of *Rosenbloom* v. *Metromedia, Inc.*, 39 U.S. Law Week, 4694, of June 1971, Justice Brennan points out:

> Calculated falsehood, of course, falls outside "the fruitful exercise of the right of free speech."

This matter has nothing to do with news. We have never questioned the right of a reporter to consolidate news and to give the news that he believes to be the news of that particular moment. Any news reporter doing that has not purported to putting anything on the screen other than what he believed the news to be.

In the case of the "Selling of the Pentagon" CBS did not show what it purported to show because they stated these were the questions and the answers as given when, in fact, they were not the questions and the answers that were given at all.

The committee believes that it is defending the right of the people to know when a deceit or fraud occurs. Second, the committee is defending the right of the people to know how the deceit or fraud was created and how it came to be shown on television. It is impossible for the committee to know how the fraud was committed unless the outtakes are supplied. As a result, the subcommittee is prevented from obtaining information relative to the discharge of its responsibilities and duties. I think I should point out to my colleagues that we are pursuing this investigation in an attempt to determine whether or not legislation is needed or whether or not we ought to make recommendations to the Federal Communications Commission to take any necessary action—such as was taken by the Federal Communications Commission in the creation of the fraud in the quiz show investigation.

The entire system of broadcast regulation is grounded on the twin legal propositions that the airways belong to the people and a broadcaster is a trustee for the public. In the present case, CBS is a trustee who is determined that he will not be answerable to the public's representatives as to how he has dealt with the public's property which is the public airwaves.

If this challenge is successful, the broadcaster will be in the position of being a "trustee" who is responsible to no one. Legislation requires information. The information sought in the present matter is essential if the Congress is to obtain a clear picture of this serious abuse which CBS has committed and how this may be remedied through the legislative processes.

The results of our previous inquiries which I have pointed out above were fully reported and made available to the public. This has served a useful service in making available to the people more information on a question of vital importance to them. That is, how television news is designed, produced, and presented.

These reports which we have previously filed have had another result as well. They have resulted in serious criticisms being leveled against CBS in the forum of public opinion. Apparently, CBS has determined there shall be no more of this. It is, indeed, curious that in attempting to cloak in secrecy its electronic manipulations from the public, CBS invokes the first amendment, the great guarantor of the people's right to know.

The American viewing public bases its decision at the ballot box upon the information it obtains from its most prominent news source—the TV set. The raw naked power to manipulate by gross fabrication the input data is the power to manipulate, however well intentioned, the decisionmaking process of the American electorate. The House Committee on Interstate and Foreign Commerce has the responsibility to answer this direct attack upon its right to investigate for the purpose of legislation. By its contempt resolution of July 1, the committee has made clear its intention to meet this calculated affront.

Mr. STAGGERS. Mr. Speaker, I yield 10 minutes to the gentleman from North Carolina (Mr. BROYHILL).

Mr. BROYHILL of North Carolina. Mr. Speaker, I yield myself 2 minutes.

Mr. Speaker, no Member of this House of Representatives has been more critical of the methods of the broadcast media than I have, but I say that today you should vote "no" on this issue or send it back to committee.

Why should we be called upon to take this drastic action today—and I say to you it is drastic action—after only very short debate and after very limited opportunity for Members to study the full record?

I urge you to vote "no" for two very basic reasons.

The committee is urging you to vote "yes," saying they need this information in order to carry out their constitutional legislative function. Well, the committee held hearings and gathered vast amounts of material and vast amounts of information which have been published and are in the RECORD.

The necessary material to evaluate this documentary is available to the committee and it is available to the House of Representatives, and if the committee intends to legislate on broadcast policy, I say let them go ahead and legislate. It does not need this material in order to do so.

Advocates of this action have stood in the well of this House and quoted chapter and verse on how this documentary was put together. Why should we have to go further? That is the real issue.

Secondarily but just as important are these underlying constitutional issues which are important. These are questions that you and I know exist on this particular issue. The Federal Communications Commission has stated that violations of the fairness doctrine are not involved here. Advocates of this resolution have admitted that illegality is not an issue here. But because of the committees vigorousness and wide questioning, I am concerned that news content is, regardless of statements of the committee to the contrary.

I am also concerned, as are many legal scholars, that should this matter be referred to the Supreme Court, there would be little doubt that the Supreme Court will overturn affirmative action the House may take. Thus CBS would be strengthened. It would be far better to refer this resolution back to committee or vote it down. There is no need for the House of Representatives to take this drastic action.

The SPEAKER. The gentleman from North Carolina has consumed 2 minutes.

Mr. BROYHILL of North Carolina. Mr. Speaker, I yield 1 minute to the gentleman from Virginia (Mr. POFF).

Mr. POFF. Mr. Speaker, I will vote no. The question is close. The answer is in doubt.

So it must always be whenever two great constitutional privileges collide. One must prevail. One must yield. That the collision can exist is proof that neither privilege is an absolute license.

The collision here is between the privilege of the press to edit for journalistic purposes and the privilege of the Congress to investigate for legislative purposes. The collision is between the Government and the governed. The collision is between press freedom and press restraint.

Under the congressional oath to "uphold and defend the constitution," I will not abdicate to the courts my responsibility to make this constitutional judgment. I will resolve the doubt in favor of the press. I will prefer the governed. I will choose freedom.

Mr. BROYHILL of North Carolina. Mr. Speaker, I yield 1 minute to the gentleman from New York (Mr. CONABLE).

Mr. CONABLE. I thank the gentleman for yielding.

Mr. Speaker, I am voting against the citation for contempt. My vote should not be construed as approval of the tactics used in the CBS documentary program. Its misrepresentations do a disservice to the television industry, and they invite regulation in the interest of fairness. However, such efforts at regulation are steps down a dead end alley for an American government.

Mr. Speaker, I do not argue the issue of constitutionality, because I am uncertain what the courts might do in extending the protections of the first amendment to federally licensed outlets. Policy is another issue. I do not consider it a desirable policy for the Government or the Congress to issue the kind of sweeping subpena we are considering here. The impact of such a policy on news reporting at the local level particularly could be most unfortunate for the free flow of information. CBS may not have acted responsibly, but as the representatives of the people, the Congress must.

Mr. BROYHILL of North Carolina. Mr. Speaker, I yield 1 minute to the gentleman from Alabama (Mr. EDWARDS).

Mr. EDWARDS of Alabama. Mr. Speaker, CBS apparently used extremely poor judgment in its production of "The Selling of the Pentagon." For that, we as individuals, can condemn them and we should. We can hope the American people will join in that condemnation. That is their right. We can insist that CBS give fairer treatment in its coverage of the important issues facing this Nation. Many of us have been doing that for some time. In fact, I am one of their most vocal critics.

But however strongly we feel about CBS or NBC or ABC or any of the newspapers or other media, we must not trespass as a legislative body, as a branch of the Federal Government, on their constitutional right to use their own editorial judgment.

If a newspaper reporter interviews me, there is no assurance that he will write every word I say. And while I may not like the way he handles his story, surely I would not suggest that the Congress has a right to inject its judgment in place of the reporter's or that Congress has a right to review his notes to see what he left out of his story. I suggest the same is true of the broadcast media.

It would be ever so easy to vote "yes" today. CBS has maligned the South, colored the news, handled the coverage of the war in a biased manner, played up the bad and played down the good—all of this and more. But I would not exchange all this, as bad as it may be, for the evil that would infect this Nation from a controlled press. Oh, there are times when I get so exasperated with them I would like to ban all TV, but that exasperation is nothing compared to what it would be if we had a press that had to answer for its editorial judgment, however bad, to a committee of the Congress.

I have great respect for the Committee on Interstate and Foreign Commerce and its chairman. The Washington Post suggested this morning that the very able chairman had his reputation on the line on this issue. I doubt that. But more importantly, the Congress has got its reputation on the line, and we must not let emotion, or anger with the news media, or concern for the reputation of a Member cause us to make a grave constitutional blunder.

Mr. Speaker, the chairman and a majority of the committee are, in my humble judgment, dead wrong. Sure they are offended by the fact that Dr. Stanton ignored their subpena in part. But if I were in Dr. Stanton's position, I would ignore the committee, too, because the subpena goes too far and flies in the face of the constitutional protection of a free press. In any case, what the committee is asking the House to do is to make extremely bad law. In my opinion, the courts of this land will not hesitate to throw out the contempt citation as violation of the first amendment right of freedom of the press.

I would not run CBS as Dr. Stanton does, not by a long shot. But Mr. Speaker, that is not the issue here today. You know, Dr. Stanton's problem is that he is right this time, but he has cried wolf so long that nobody believes him, or wants to believe him.

When Vice President AGNEW and others have taken the press to task, Stanton has cried like a stuck pig. He and his counterparts in the media world have cited "Government censorship." He does not understand that we have as much right and duty to criticize the press as it has to criticize us. And so, he has cried wolf too often. And frankly, I would sort of like to stick it to him now. But my friends, we overstep our bounds, and exceed our prerogatives, and offend the Constitution, when we attempt by subpena to go behind a news story or television broadcast.

If a reporter does me wrong, I can refuse further interviews, or publicly condemn him and his paper or television station. If he does my country wrong, or one of its institutions, I have a right to set the record straight, to call his errors to the attention of the people. But I do not have the right to have the legislative branch call his ediorial judgment into question. That is where I believe the Constitution draws the line on interference with freedom of the press.

And so, whether we like Stanton or not, whether he has cried wolf too often or not, whether we like CBS or not, whether we approve of "The Selling of the Pentagon" or not, the Congress of the United States has no right to hold Dr. Stanton and CBS in contempt. It can be no other way, else we will have taken the first big step down the road toward Government control of the press. If that day ever comes, then this Republic as we know it shall not long endure.

Mr. BROYHILL of North Carolina. Mr. Speaker, I yield 3 minutes to the gentleman from Illinois (Mr. ANDERSON).

Mr. ANDERSON of Illinois. Mr. Speaker, the debate this afternoon, brief as it has been, has laid bare the essential controversy that divides the committee and this House.

It is not whether "The Selling of the Pentagon" was wholly fair and responsible. No one, least of all I, would defend the improper juxtaposition of questions and answers.

The question is whether or not the first amendment is involved; is it relevant or is it merely, as someone has said, a case of fraud and deceit?

I would submit that in legislative surveillance of a news documentary, in asking for the notes of the broadcast journalists—the electronic journalists, and that is what you do when you ask for the out-takes and the sound tapes, we are involving Government in the process of news gathering and news presentation.

Mr. Speaker, I would concede that the motives of the committee may be of the very highest order in their effort to show the public how alleged fraud and deceit has been perpetrated. But therein lies the very danger that is inherent in the role which Congress seeks to assume by issuance of this subpena, to judge the very content of the news and the exposition of controversial issues to the American people.

There is, as the chairman of the Judiciary Committee pointed out, a long line of cases, beginning with the New York Times against Sullivan which have ruled that in the absence of proof of malice—actual malice—a libel judgment even for a false statement will not stand where issues of public importance are being discussed by the press.

Mr. Speaker, we would ignore at our peril the clear relevance of the first amendment to the facts in the instant case.

This, I submit, is the issue. It is not the chairman. We hold him in the very highest esteem.

It is not the committee. We respect their right to legislate and the broad mandate of their jurisdiction.

But I plead with this House, do not by authorizing the sweeping compulsory process of a subpena duces tecum launch us on a collision course with that great cornerstone of our liberties as free men, the first amendment to the Constitution of the United States.

Yes, I agree with the chairman of the Interstate and Foreign Commerce Committee that the airwaves belong to all the people.

Even we in Congress cannot deprive people of the right to hear the broadcast of controversial material. We cannot exorcise the ghost of the first amendment that would surely come back to haunt us if we ratified this contempt citation merely by saying that the first amendment is not involved. For it clearly is the gist of the issue that confronts us.

Mr. BROYHILL of North Carolina. Mr. Speaker, I yield 1 minute to the gentleman from Arizona (Mr. RHODES).

Mr. RHODES. I thank the gentleman from North Carolina for yielding.

Mr. Speaker, my vote will be against the motion to censure. In my opinion the Columbia Broadcasting System has issued at least two documentaries which are distorted. One is the "Selling of the Pentagon" and the other is one issued some months ago with regard to agricultural workers. I hold no brief for any part of the free press which apparently begins the preparation of a documentary with an idea of proving a certain point. It is too easy to proceed to that point by taking statements which tend to prove it, and ignoring evidence which may be of a contrary nature. I think the broadcast industry, as well as the rest of the press, must police itself to make sure that insofar as humanly possible its portrayal of facts is accurate and that they really "tell it like it is" instead of telling it the way they wish it were.

Even with certain imperfections, the free press has served this country well. If instances of distortion become too flagrant, it may be necessary to deal with them by legislation. I think the Congress has enough facts and enough wisdom to prepare such legislation should it become necessary.

However, I do not believe that we have the capacity to set ourselves up as the arbiter of truth in every instance. The temptation to bring politics into broadcasting is too great to allow a politically chosen body such as this one to be the sole arbiter of the quality of truth.

In my opinion, this is what the first amendment is all about. Our Founding Fathers must have recognized that there would be instances of abuse and lack of truth telling on the part of the free press. Even so, they felt, as I do, that a free people is better served even by an imperfect press than it would be by spoonfeeding of news from politicians or bureaucrats.

Mr. STAGGERS. Mr. Speaker, I yield 3 minutes to the gentleman from Ohio (Mr. HAYS).

Mr. HAYS. Mr. Speaker, I intend to support the committee, and vote for the contempt citation.

I had a conversation last Thursday by telephone with Dr. Stanton, whom I have known for many years. He is a graduate of Ohio Wesleyan University in my State. I said, "Frank, I am told that you people in this documentary did something like this: You had your announcer ask a man a question, 'What time is it?', and he looked at his watch and he said, 'Twenty-five minutes to four.' And then you took your announcer off somewhere else, and he said, 'When did you beat your wife last?' And you spliced in the answer: 'Twenty-five minutes to four.' "

Do you know what his answer was? He said, "It wasn't that bad." He said, "We didn't do that deliberately. We didn't make a deliberate lie to an answer, but we did combine some answers and tape parts of answers and use them with a question to which they were not the answer."

Now, I think it is pretty fundamental as to whether we are going to allow the news media to contrive whatever they want by splicing, by cutting, by putting things together, by faking. And if we allow them to get away with it, then my advice, ladies and gentlemen, is do not ever go on a pretaped show, for you will never know what is going to come out on the television tube.

You know, Mr. Speaker, Dr. Stanton's answer reminded me a little bit of the story about the college girl, a senior girl, who went to the doctor for a physical examination, and she said, "Tell me, doctor, am I pregnant?" And he said, "Honey, it isn't that bad. You are just a little bit pregnant."

There is no degree—and I repeat—there is no degree in fakery. You either fake or you do not. There is no degree to splicing. You either splice or you do not. And you either lie or you do not lie.

We are going to make a decision here this afternoon about whether we put these people under notice that "You stick fairly close to the truth when you tape a show for broadcast later."

As for me, from now on if they want me on television it will be live television or nothing.

The SPEAKER. The time of the gentleman from Ohio has expired.

Mr. STAGGERS. Mr. Speaker, I yield 1 minute to the gentleman from Michigan (Mr. O'HARA).

Mr. O'HARA. Mr. Speaker, CBS certainly can broadcast news and opinions as it sees fit, but I do not believe that it can deny the U.S. Congress its right to inquire into the techniques employed or to examine the television tape recordings used in the broadcast. That is all that has been asked for—not the reporter's private notes, but television tape recordings.

But in any event, Mr. Speaker, the resolution before us does not try to decide the constitutional question. All the resolution does is to refer a prima facie case of contempt to the U.S. attorney for appropriate action—and that is the only way that a judicial determination of the constitutional question can be obtained.

Mr. Speaker, the right of the Congress to obtain information for use in discharging its legislative duties ought not to be abandoned lightly on the basis of self-serving claims of an embarrassed TV executive without even seeking a judicial determination. I hope for that reason the resolution will be agreed to.

Mr. STAGGERS. Mr. Speaker, I yield 2 minutes to the gentleman from Louisiana (Mr. HÉBERT), chairman of the Committee on Armed Services.

Mr. HÉBERT. Mr. Speaker and Members of the House, I agree completely with the Columbia Broadcasting System's stand—and that is the reason I am going to vote to cite them for contempt.

They cry—"first amendment." I believe in the first amendment and there is nobody in this room who can challenge my standing on that. They have had their first amendment. They have had their chance to lie under the first amendment. If it were not for the first amendment, they could not have practiced the deceit that they have practiced. I am one of the victims of that deceit because I was shown in the "Selling of the Pentagon." The film that was shown was obtained from my office under false pretenses.

I agree that the public has a right to know. How is the public going to know if we do not make them show what they have under the table and up their sleeves? That is the only way we will make the public know.

More than 30 years ago I participated in perhaps one of the biggest stories that ever broke in the political history in Louisiana. I broke the Louisiana scandals. I was the city editor who broke the Long machine in Louisiana and that is the reason I stand here today. Not once during that time did I deny to anybody the right to look at my notes or examine the evidence on which I based the stories I wrote, which resulted in the overthrow of that political dynasty.

A reporter's source? I will defy to the end any challenge to ask a reporter to give up his source. The same as I would protect the sanctity of the confessional.

But the source is not involved here today. Nobody is asking for the source. I would not vote to ask for the source, but I do vote to ask them to come clean—if you can come clean.

As a postscript in this remaining 1 minute, let me say this—by the truth you shall be known, and the truth will make you whole.

I do not know whether I have much hope or not for CBS, the Columbia Broadcasting System—that is, will benefit from what I just said. But I put this to you, particularly you who are going to vote to cite them for contempt—just imagine how your future is going to be handled by that television system. I wonder how many of you who have been invited to appear on their talk shows will be invited back? There will be a great ominous silence. But if you want the truth to be known and if you want to protect the first amendment and if you agree that the people have a right to know, then vote for this citation.

Mr. ADAMS. Mr. Speaker, I yield myself 1 minute.

Mr. Speaker, in a moment I am going to yield briefly to Members to give them an opportunity so they can say what their position is on this.

Regrettably we do not have enough time to debate it really.

Mr. Speaker, I want to say with regard to this issue, from the beginning many of us have said to members of the committee, this is the wrong case at the wrong place and at the wrong time. You have the Government criticized. Now you have the Government reviewing the press and the Government saying to the press—if you do not subject yourselves to review, we will place you in jail.

This is the worst possible type of first amendment case that you can bring.

There are other cases that we might, there are other times when we might. But what do we get for this? We get only the transcript or pictures of a transcript that we already have in the files, word-for-word. We get Colonel McNeil's speech, which we have in the files word-for-word. We get clips from Government films, which we have word-for-word.

The SPEAKER. The time of the gentleman has expired.

Mr. ADAMS. Mr. Speaker, I yield at this time for statements of position. I first yield to the gentleman from Illinois (Mr. Mikva).

Mr. MIKVA. Mr. Speaker, there is a careless haste with which this House is being asked to decide whether to cite CBS and Dr. Frank Stanton for contempt, a move which many of us believe to be a grave violation of fundamental constitutional liberties.

The opponents of this resolution have been allowed only 20 minutes to state their case to their colleagues and to the Nation. There is no doubt in my mind that when the House considers later this week a bill to amend the Egg Inspection Act, the opponents of that bill will have substantially more than 20 minutes to argue their cause.

It is sadly ironic that we are asked to vote for contempt in the name of vindicating the people's right to know the truth, while in the process we are being denied the opportunity to engage in the kind of free and robust debate which the Constitution envisions as the surest road to the truth.

Surely if this resolution is allowed to pass, history will properly judge this House in contempt of the Constitution.

When Congress employs its contempt power, it acts more like a king than like a Congress. We have the power to affect people's lives indirectly, by enacting legislation. We also have the power, in limited circumstances, to act against people directly by ordering them to do certain things and by punishing them for failing to comply.

This kingly power is only to be used in rare and grave instances. The founders of our Nation bore fresh the wounds of misuse of kingly power, and they insisted that their Constitution contain clear limitations on the power, even of Congress.

Mr. Speaker, I expect that the Supreme Court would be firm in striking down any attempt by the legislative branch of the Government to assert its "inherent powers" at the expense of the first amendment. We should not willingly be party to such an unseemly assault on the Constitution. We should not require a coequal branch of Government to remind us of the constitutional restraints on our power.

The right of a free press is not conditioned on its being a fair press. The right of the Government to regulate the traffic on the airwaves does not grant the Government the right to impose an official standard of truth.

There are people who worship cows. Others worship their ancestors. Some worship many gods, others worship one, and some worship none. And what is truth? Some want to sell the Pentagon, and some want to give it away. And what is truth?

It was precisely the difficulty in recognizing truth that occasioned our founders to say that Congress shall make no law abridging the freedom of the press. The Constitution does not condition this freedom on truth. One man's fables continue to be another man's dogma, and not even Congress, exercising the awesome power of contempt, is going to tip the scales one whit in the people's desperate search for the truth. What we can end up doing instead is to blow out the candle.

Mr. ADAMS. Mr. Speaker, I yield to the gentleman from New York (Mr. Badillo).

Mr. BADILLO. Mr. Speaker, I rise today on a matter of great importance and with potentially far-reaching consequence: The motion to cite the Columbia Broadcasting System and its president, Dr. Frank Stanton, for contempt of Congress for failing to comply with a subpena issued by Subcommittee on Investigation of the Committee on Interstate and Foreign Commerce. Dr. Stanton refused to produce the "outtakes" on unused portions of filmed interviews of materials which appeared in the well-publicized and highly controversial CBS documentary, "The Selling of the Pentagon," and refused to testify about editing practices used in the preparation of any specific CBS news or documentary broadcast.

I have carefully examined all sides of this question and have studied all the materials that the various parties have circulated to Members of this body. I must vote against this motion and I urge my colleagues to do so. I find that the contemplated action is unnecessary; the action is illegitimate and the action is dangerous to basic American freedoms. To support the motion, I feel, is little more than an unwise gesture of congressional courtesy. Allow me to elaborate on my position.

I believe the action is unnecessary because the subcommittee has virtually all the information that it would acquire if the terms of the subpena were completely fulfilled. The Congress and the public at large have available film copies of the original documentary, texts of all the disputed interviews or speeches, and copies of editing regulations issued by CBS. Given the availability of these data for the subcommittee's investigation, to view the outtakes, it seems to me, would be a superfluous exercise.

I believe that the action we contemplate is illegitimate because the subcommittee has no right to subpena the outtakes and perhaps has no right even to consider legislation about editing procedures and the content and presentation of news broadcasts. I find compelling the analogy between a reporter's notes or the first drafts of his news stories and the unused portions of filmed interviews. All these fall under the protection of the first amendment and thus may not be tampered with by the Congress.

Even if we were to grant the legitimacy of the subcommittee's effort to obtain the outtakes for "The Selling of the Pentagon," I would still oppose the issuance of a contempt citation because such action poses dangers to basic American freedoms. If we approve this motion we shall be establishing a precedent that may lead us into greater and greater control and supervision of news broadcasts and documentaries. Any degree of control or supervision makes a mockery of our constitutional guarantee of freedom of the press, and of the public's right to know.

Mr. Speaker, I believe we are caught up in a wave of anxiety over the content of the print and broadcast media. The motion we are debating today is the product of the assumption that the CBS network and, by extension, all news gathering agencies, are engaged in the intentional deception of the public. I think it is far more likely that a different assumption is the more correct one from which to begin any discussion—that the media are presenting an accurate and truthful picture of American society today.

Finally, Mr. Speaker, I think that to support this motion merely because it is unprecedented to reject a committee's recommendation that a contempt citation be issued is an unwise gesture of congressional courtesy. Merely because we respect the rights and privileges of a committee and its chairman is not sufficient reason to race headlong into a confrontation with the courts over basic constitutional issues when our case is weak and we have all the information we need.

I hope this motion will be rejected overwhelmingly.

Mr. ADAMS. Mr. Speaker, I yield to the gentleman from Wisconsin (Mr. OBEY).

Mr. OBEY. Mr. Speaker, I urge defeat of this resolution.

The proper disposition of this question is not so clear as either side would make it. That is probably the strongest single reason why this resolution should be voted down. I am persuaded by the committee minority that since the committee and the House have available from other sources much of the information which they are seeking in other forms from CBS, that the court will sherd the committee case and, in the process, quite probably do unnecessary damage to the investigative powers of the Congress itself.

If for no other reason—and there certainly are others—the House should defeat this motion. I am nevertheless not persuaded by the alarmist attitude by some that the committee is out to trample the protections of the first amendment. What we have here in my judgment is a sense of outrage on the part of the committee majority at misleading editorial practices—especially in the editing of the responses of Mr. Henkin—and an accompanying determination to require the temporary users of the public airwaves to conduct themselves in a responsible and sensitive manner. That determination is understandable and I share it.

The basic question, however, is just how you accomplish that. Members of Congress, by virtue of their temperament and position have an almost irresistable impulse to be "Mr. Fixit"—to see a problem and attempt to correct it in the most direct possible way. But Mr. Speaker, in this instance the most direct way is not the best way for the Congress and it most certainly is not the safest way for the country.

The committee minority in its discussion of how best to preserve a press that is both honest and free observed that—

> The French historian de Tocqueville, who traveled this nation in the early 1800's, concluded that the freedoms of the American press probably struck the best balance. The characteristic that impressed him most was the fact that American periodicals were diverse in opinion, owned by many men who competed in giving access to the average citizen to a wide range of opinions and interpretations.

That, Mr. Speaker, is the key. If this House supports this citation, I am confident the court will negate it. That being the case Congress will still be faced with the question of how best to guarantee fair treatment by and open access to the electronic media. That can only be guaranteed by a public policy which demands and insures diversity of ownership within the television-radio industry.

As the committee minority stated:

> Our broadcasting industry is a powerful and in many ways more concentrated industry than magazines and newspapers. A single newscast often reaches more citizens than the largest circulating newspaper.

Given that fact the FCC and probably the Congress will have to determine whether it is really in the public interest to allow this concentration to continue and even to grow.

Is it really healthy for instance, to allow a single economic group, through collective ownership of newspaper, television and radio outlets, to dominate access to an entire community?

What license renewal procedure should be followed to insure that a television or radio license once granted is not held almost in perpetuity regardless of the abuses of the licensee?

Would the public interest best be served by limiting the time that one group effectively hold a broadcasters license?

What policies would best guarantee that adequate public service time is made available to all groups within our society, popular or not?

These are just some of the questions which we must face whether or not we adopt this resolution today. I think the very questions I have raised indicate that I do not have an abundance of confidence that those who control our broadcast media will always be able to guarantee fair and impartial use of the airwaves.

The trouble I have with this resolution today is that I have even less confidence in our ability as politicians to guarantee that same impartial use and so I urge you to vote the resolution down.

Mr. ADAMS. Mr. Speaker, I yield to the gentleman from Massachusetts (Mr. CONTE).

Mr. CONTE. Mr. Speaker, I rise in opposition to the pending resolution to cite the Columbia Broadcasting System and its president for contempt.

I am sure that most, if not all, of the Members have done a great deal of soul-searching on this issue. We have all received a great volume of mail, legal briefs, and arguments concerning this matter. We have listened to our colleagues cogently advocate their positions.

I personally feel that the subpena in question is legally objectionable. I set forth my reasons in a letter to the esteemed chairman of the Interstate and Foreign Commerce Committee on May 6, 1971. Those reasons have been reiterated here in various forms by those who join me in this opposition, so I will not repeat them.

We can argue as to how the Supreme Court would rule on this question for days and weeks. But I believe we can and should decide this questions ourselves—and we should decide it in favor of the network and its president.

This is our affair and it should be decided by us as elected representatives of the people, not necessarily in an assumed role as a Supreme Court justice.

I think we can all agree that the freedom of the press, including the broadcasting media, must be maintained. I believe we can also agree that approval of the contempt citation in this case would result in an encroachment on this freedom. Whether we label it a "fettering," a "chilling effect," or "censorship," we all must agree that an endorsement of the subpena, especially an endorsement through punitive sanction, will result in a restraint that otherwise would not exist.

We would also agree that Congress has legitimate investigative powers, including the power to subpena. But Congress should use these powers only when needed, and with discretion.

Even if we were all in agreement that the subpena in question would survive the test of a Supreme Court decision, we should not let the matter rest there. We should discipline ourselves. We should not be content to look at the decisions of the Supreme Court and work within the broadest possible limits of those decisions. Our concern with freedom of the press should be as great or greater than that of the judicial branch. We can and should do more to protect the freedom of the press because we are not bound, in affording such protection, by the legal niceties of constitutional law.

We have the obligation to decide, using our own judgment, whether the subpena and subsequent citation were appropriate in this case. In the recognized light of the fact that they will result in an undesirable restraint, we should find them appropriate only if we find them necessary. We should find them necessary only if we find that they would serve some legitimate purpose.

The record in this case indicates that Dr. Stanton testified freely concerning the general editing practices of CBS. The subcommittee evidenced concern over the editing of the interview with Assistant Secretary of Defense Henkin and an address by Colonel MacNeil of the Marine Corps. The full transcript of the Henkin interview was available to the subcommittee as was the address of Colonel MacNeil's speech. Would the outtakes in question, then, serve the committee or the House in reaching a conclusion or in recommending legislation? I do not believe so and I have received no indication that they would do so.

With all due respect for the distinguished committee and its chairman, I believe that we must demand such a showing in this case. We must not adopt an unprecedented restraint on the news media while failing to exercise restraint ourselves.

For these reasons, I will vote against the resolution and I sincerely urge all of my colleagues to do likewise.

Mr. ADAMS. Mr. Speaker, I yield to the gentleman from New York (Mr. REID).

Mr. REID of New York. Mr. Speaker, freedom of the press is indivisible. The right to publish and the right to edit are both covered by the first amendment, and this covers both radio and TV and the print media, and I hope the contempt citation is voted against and voted down.

No branch of the Government has the right to oversee editing by the press, either broadcast or printed. I hope that the contempt citation is defeated.

Mr. ADAMS. Mr. Speaker, I yield 30 seconds to the gentleman from Rhode Island (Mr. TIERNAN).

Mr. TIERNAN. I thank the gentleman for yielding.

Mr. Speaker, and Members of the House, on June 29 of this year this subcommittee released to the press the following statement:

> The Subcommittee issued its subpena because of evidence that CBS, in its news documentary, "The Selling of the Pentagon," had engaged in highly deceptive practices. That evidence, since verified by sworn testimony, showed that by cutting and splicing filmed materials, the words of speakers were rearranged—

Members of the House, the evidence is already before the committee.

The SPEAKER. The time of the gentleman has expired.

Mr. ADAMS. Mr. Speaker, I yield 30 seconds to the gentleman from Texas (Mr. ECKHARDT).

Mr. ECKHARDT. Mr. Speaker, I ask unanimous consent to revise and extend my remarks somewhat in the manner of Roger Mudd.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. ECKHARDT. Mr. Speaker, if the winds of controversy that blow here today were not the winds of the first amendment and the winds of congressional power, which incidentally are blowing rather strong today, this would be a tempest in a teapot. In truth, we have the material which constitutes the applicable outtakes though we persist in asking for them, and that is precisely why we stand on our weakest point if we seek contempt in this case.

Mr. ADAMS. Mr. Speaker, may I inquire how much time I have remaining?

The SPEAKER. The gentleman has 30 seconds remaining.

Mr. ADAMS. Mr. Speaker, I yield to the gentleman from Maryland for a unanimous-consent request.

Mr. LONG of Maryland. I thank the gentleman for yielding.

Mr. Speaker, I intend to vote against this resolution. A contempt citation would almost certainly be reverted by the Supreme Court and such a reversal would almost certainly be reversed by the House of Representatives.

Mr. ADAMS. Mr. Speaker, I shall close by stating I regret we cannot present all of the materials that we have. This is an awesome thing we do today. The most important thing that a House of Representatives can do is to decide whether or not a man is to be placed in jail, and that is what we are deciding today.

I ask that Members balance carefully what the contempt citation says can happen. The penalty is 1 year. I hope Members of this House will consider carefully the balancing of what we have as opposed to what we will get.

Mr. BROYHILL of North Carolina. Mr. Speaker, I yield to the gentleman from Washington (Mr. PELLY) for a unanimous-consent request.

Mr. PELLY. Mr. Speaker, the evidence brought forward by the House Committee on Interstate and Foreign Commerce certainly indicates that the practices used by the Columbia Broadcasting System in the production of "The Selling of the Pentagon," were deceptive at best. Defrauding the American people through dishonest film editing practices is reprehensible.

But, it does not seem to me that delivering these "outtakes" will make any difference to the committee. This raw material does not seem to me to be necessary to determine if the network deliberately distorted the facts. CBS president Frank Stanton now admits that editing policies have been changed.

Yet, the charges by the committee are well taken. We can look back to other CBS endeavors, such as "Hunger in America" which was proved to be, in part, staged.

Much as I deplore what I consider to be a lapse of editorial responsibility by CBS, it does not seem to me that it is necessary to bring about charges of contempt. CBS has shown the American people its practices, and the committee has well publicized CBS' lack of credibility.

It brings to my mind, Mr. Speaker, the advice given some time back by Vice President Spiro Agnew, when he warned the TV industry that it should discipline itself. Maybe now they will take that advice without the Congress having to bring about that discipline itself.

In a way I would like the question of the first amendment to go to the Supreme Court. However, Mr. Speaker, I do not feel it is proper in this case to cite Mr. Stanton for contempt. I shall vote to recommit the bill to committee, or I will vote no, whichever is the case.

Mr. BROYHILL of North Carolina. Mr. Speaker, I yield to the gentleman from Maryland (Mr. GUDE).

Mr. GUDE. Mr. Speaker, I rise in opposition to the resolution of the House Interstate and Foreign Commerce Committee to cite CBS and its president, Dr. Frank Stanton, for contempt for failing to comply with a subpena issued by the Subcommittee on Investigations.

The issue at stake in this vote is not whether Congress approves of the CBS documentary "The Selling of the Pentagon," or even whether Congress condones the editing techniques employed by CBS in the production of this program. Instead, what we are being asked to decide is whether Congress should sit in judgment on a network's decisions in this area.

I feel strongly that this contempt citation, if approved by the House would have a chilling effect on the freedom of the press, and would substantially discourage the presentation of controversial, and unpopular points of view by the news media.

The Federal Communications Commission studied the issues surrounding this controversy and concluded that the CBS editing decisions were a matter of journalistic judgment into which governmental inquiry would not be proper. The FCC also concluded that CBS has provided significant opportunities for contrasting viewpoints to be heard, and, therefore, complied with the fairness doctrine.

Mr. Speaker, I have only the highest regard for the distinguished Chairman of the Committee on Interstate and Foreign Commerce, and I understand his concern over this matter. I feel a personal obligation to preserve the integrity and scope of the first amendment's guarantee of press freedom. This obligation transcends any present concern I might feel over the alleged indiscretions of the CBS officials, and I, therefore, urge that the resolution be defeated.

Mr. BROYHILL of North Carolina. Mr. Speaker, I yield to the gentleman from Ohio (Mr. BROWN).

Mr. BROWN of Ohio. Mr. Speaker, I rise in opposition to the resolution.

(Mr. BROWN of Ohio asked and was given permission to extend his remarks at this point in the RECORD).

Mr. BROWN of Ohio. Mr. Speaker, the protection of the press springs from the right of the individual citizen to speak his views even though he may be the only one to hold those views. His version of the truth is sacred to him and his right to hold those views should be sacred to the government of a free society—even though the majority may hold that truth is the opposite of those views.

The pursuit of truth is the historic search of mankind and, according to the Judeo-Christian culture, will make man free. But it follows that the search for truth is much easier in an environment of freedom because freedom permits the multiplicity of views where all shades of truth can be found.

It is this search for truth through multiplicity of voices which has been at base of several Federal laws throughout our Nation's history. Second class postal rates to encourage newspapers and legislation to require UHF tuning capacity to expand the range of use of the broadcast spectrum by television are but two examples. The concept of a free press finding the truth works best where there are many presses in the hands of many different people of divergent view.

We should face frankly what is the greatest danger in the freedom of the networks to broadcast their version of the news—and that is that the three major networks night after night command an audience of most of our population to the same view of truth as they see. But the question remains as to whether even that concentration of power over the dissemination of a version of truth should be subjected to a single power; namely the power of government. Three voices seeking truth may be a thousand times worse than three thousand; but one voice determining truth is infinitely worse than three.

In an effort to make this power of concentrated ownership available to more viewpoints—rather than limit its use or judge its discernment of truth—the "fairness doctrine" has been enunciated by the Federal Communications Commission and the "equal time" provision in political campaigns have been written into the basic communications law of our land. But to an extent both such requirements are artificial efforts to further proliferate those viewpoints and therefore, they are not as effective as if they were the result of the harsh reality of economic competition or technological capability.

The potential for further proliferation of voices exists in the technology of cable television and satellites which will further expand the choices of methods by which viewpoints are transmitted. In considering the concentration of audience of the present broadcast networks, the Congress would be much better advised to consider how it can hasten the day when there are more methods of transmission of views and more individual ownership of those methods. This is a much sounder and altogether more constitutional approach in line with our tradition of freedom and private enterprise than any steps to regulate the networks in the quality of truth they choose to disseminate.

The networks may, indeed, be at the heighth of their power today in influencing Americans and persuading them to the positions held by a small group of executives in a narrow geographical and philosophical fringe of our Nation. But the power of that challenge to our national diversity should not be responded to with an exercise of power by this House which would deny this or any other minority of its right to exercise its biased views simply because of what those views are.

I shall vote against the citation for contempt or to refer this issue back to the Committee on Interstate and Foreign Commerce in the firm belief that my committee can serve truth and the freedom of speech better by attempting to proliferate the voices which seek truth in our land than by trying to identify truth by some official Government agency and then limit the voices that do exist to the espousal of that government inspected version of truth.

Mr. BROYHILL of North Carolina. Mr. Speaker, I yield to the gentleman from Minnesota (Mr. FRENZEL).

Mr. FRENZEL. Mr. Speaker, today we are to vote on a motion to cite CBS and its chief executive, Frank Stanton, for contempt of Congress. According to sworn, unchallenged testimony, CBS was guilty of deceitful editing and transposition in its documentary, "The Selling of the Pentagon."

The CBS cut-and-paste job was unprofessional and it was unnecessary. CBS, incidentally, is a several-time loser in this department, having been cited at least twice previously for "staging" documentaries.

By its unprofessional conduct, CBS has proved itself no better than its whipping boy, the Pentagon. It has richly earned its current miseries. Its sole defense is the first amendment; that is, free speech gives absolute license to journalists no matter how bad they are.

Despite my distaste for the CBS actions and attitude, I will vote against the contempt citation. I will do so because I believe congressional control of the media would be far worse than whatever CBS has done or can do.

While there may be ways to regulate phony television editing, this motion is not the appropriate congressional action. It carries us too far down the road toward congressional evaluation and control of what is proper reporting.

The first amendment is, after all, a license to be unreasonable, or at worst, a license to cheat. The theory holds that eventually the people will be able to tell a good network from CBS, and not be fooled "all of the time."

That theory places no higher burden on the perspicacity of the citizenry than the theory of representative government itself. If the American public can pick a reasonably decent Congressman, it can pick a reasonably decent network.

I urge the defeat of this motion.

Mr. BROYHILL of North Carolina. Mr. Speaker, I yield to the gentleman from Ohio (Mr. WHALEN).

Mr. WHALEN. Mr. Speaker, the indispensibility of first amendment guarantees of free speech and a free press is unquestioned in our society. The Supreme Court has consistently declared that the first amendment is to be given broad and sweeping coverage. And the rationale most frequently cited by the Court for a broad interpretation of first amendment freedoms is that the investigation and criticism of governmental bodies is a requisite for a free and democratic society. The Court has stated:

> The free press has been a mighty catalyst in awakening public interest in governmental affairs, exposing corruption among public officers and employees, and generally informing the citizenry of public events and occurrences . . .

Although the first amendment literally reads "Congress shall make no law," the Court has broadened its interpretation of the amendment to mean that no agency of Government, or court, shall abridge the freedom of speech and the press. The Court has ruled that commercial gain is irrelevant in determining the scope of first amendment freedoms. In 1967, the Court ruled:

> Books, newspapers, and magazines are published and sold for profit does not prevent them from being a form of expression whose liberty is safeguarded by the first amendment.

Certainly, therefore, there is no justification for denying first amendment freedoms to television newscasters.

As the New York Times has editorially observed, if the press is to fulfill the role of independence guaranteed by the first amendment "the line of separation between it and the Government must be kept unmistakable. That line is jeopardized by the subpenas various news magazines, television networks, and newspapers" have received from Federal authorities for "notes, files, film, and other material."

Today, the House is being asked to take an unprecedented step across that "line of separation" by citing CBS for contempt for refusing to turn over unused outtakes from the television documentary, "The Selling of the Pentagon."

The program itself was courageous journalism, informing the public of questionable uses of the military's public information budget. As the Supreme Court has emphasized, that type of newscasting—scrutiny of public bodies—can only be welcomed in a free society.

Some have argued, however, that the program was flawed by distortions and inaccuracies. Certainly no one would contend that the press is—or could be—perfect. But as Life magazine pointed out—

> People who criticize the CBS documentary are having plenty of chance to be heard, which is one way to get distortions righted.

Another recourse is for those individuals who claim to have been quoted out of context to seek redress in the courts.

Regardless of the merits or defects of the program, what constructive purpose can be served by congressional interference in the news judgments of CBS?

Newsmen in the print and electronic media must daily make thousands of news judgments, including only a minute portion of all the material they receive in the "finished product." Newsmen will make mistakes, of course. But, as the Boston Globe has noted—

> Freedom of the press includes the freedom to make those mistakes, and as long as the press is truly free and competitive, there is a built-up assurance that mistakes will be corrected.

The alternative to a free and independent news media, and the disadvantages that inevitably accompany it, is far more ominous than any newsman's error. Government control over news judgments in the preparation of the news would render first amendment freedoms impotent.

Those who seek to subpena unused materials claim that there is something less than abridgement of the first amendment involved in such an act. But history has indicated that each encroachment on the freedom of the press leads to further erosion of first amendment freedoms.

First, the "chilling effect" of the subpena issued by the Congress has probably manifested itself already. Broadcast journalism has never been vigorous in its scrutiny of Government. As CBS News President Richard Salant said, a common tendency for some in the broadcast industry is to say, "Let's skip this one, let's not make waves, let's stay out of trouble."

That tendency has undoubtedly been reinforced by the Government's intervention into the creation of one of the few TV programs that has examined Government with a critical eye.

Second, the Government is attempting to exercise unwarranted authority in demanding unused materials from a news agency. It is the equivalent of asking a reporter to produce all the notes he took in gathering information for a particular story. If this action is sanctioned, journalists will be put on notice that their unused thoughts, notes, files, and film can be examined on demand by the Government. At least one consequence is clear: Free, independent journalism will be stifled by the Government.

Third, assuming that CBS did make errors in the disputed program, and that all CBS materials were seized by the Government, what legislation can emerge other than proposals for some type of Government interference in the journalist's preparation of the news? Would Government seek to control the content of news programs and documentaries before they are broadcast? Or would the Government threaten to intervene after a program has been broadcast, searching through files and notes with some intent to prosecute if the Government's "interests" are believed to be at stake? It appears obvious that any legislation intended to police the Nation's news agencies would at best amount to harassment; at worst, to censorship.

President Nixon recognized the necessity for the untrammeled flow of news when he spoke out against the Government bringing any pressure on the networks. The Chairman of the Federal Communications Commission, Dean Burch, has noted the similarity between a reporter's notes and broadcast outtakes, and has voiced his opposition to Government subpenas. FCC Commissioner Nicholas Johnson has argued that the Nation's news media have an "absolute right" to refuse the demands of Government prosecutors for reporters' notes and unused television film.

Perhaps former FCC Chairman Newton Minnow put it best, however. In recommending that the media refuse to honor Government subpenas of news film, he said that the media's reply to such requests should be: "Judge me on what we broadcast; the rest is none of the Government's business."

Mr. BROYHILL of North Carolina. Mr. Speaker, I yield to the gentleman from New York (Mr. FISH).

Mr. FISH. Mr. Speaker, I rise in opposition to this resolution to cite the Columbia Broadcasting System and its president for contempt of Congress. It is my hope that the House of Representatives will reject this proposal and in doing so uphold both the spirit and the letter of the Constitution. A favorable decision on this contempt citation would set a very dangerous precedent, and serve to encourage unnecessary and negative governmental interference with and control over the broadcast media.

While there is no question but that the congressional power to investigate is a valid part of the legislative function, its operation has been traditionally limited in the courts by the principles contained in the first amendment. Furthermore, the Committee on Interstate and Foreign Commerce is unable to demonstrate that a justifiable legislative purpose exists for the materials which they seek through this subpena. The record does not show a compelling need. In fact, we are told the subpena covers what the committee either already has or can obtain.

Finally, there is no question but that to force CBS to comply with the committee's wishes on this matter would have a detrimental, "chilling effect" upon the freedom and discretion of broadcast journalists—men who owe a responsibility to the public, not to the Congress.

For these reasons I intend to vote against this resolution and strongly urge my colleagues to do the same.

Mr. BROYHILL of North Carolina. Mr. Speaker, I yield to the gentleman from Connecticut (Mr. MCKINNEY).

Mr. MCKINNEY. Mr. Speaker, I rise in opposition to the resolution.

Mr. BROYHILL of North Carolina. Mr. Speaker, I yield to the gentleman from Indiana (Mr. HILLIS).

Mr. HILLIS. Mr. Speaker, I rise in opposition to the resolution.

Mr. BROYHILL of North Carolina. Mr. Speaker, I yield to the gentleman from Utah (Mr. LLOYD).

Mr. LLOYD. Mr. Speaker, in opposing this resolution to charge the president of the Columbia Broadcasting Co. with contempt, I do so because I believe the spirit of the first amendment is being violated.

I believe there was distortion, possibly malicious distortion, by the television network in its production of "The Selling of the Pentagon." There will undoubtedly be distortion in the future. It is difficult for me to vote against a committee honestly dedicated to the protection of the public interest, and I realize this committee is overwhelmed by the giant lobby now arrayed against it. I have been on the receiving end of a doctored television tape which did damage to me, and this may happen again. In the public interest, the television networks and local television stations, in their preparation and distribution of the news and other material, should establish fair and reliable guidelines and enforce policies which adhere to these guidelines guaranteeing fairness.

The alternative, however, should not be to open the door even slightly, to the possible threat of Government censorship and control of the material distributed by a free press, including television. We lose much when television does not maturely and responsibly discharge its proper duty to a free society. We will lose much more if we here overreact. There are competitive ways in which the damage done by one network or one station can be disclosed and corrected by a competitor, provided there is a responsible competitor around with an interest in fairplay. There are far fewer ways in which the people can be protected against the irresponsible act of a Government censor. We will be making a mistake if we allow Government to push its nose in the tent of a free press.

The SPEAKER. The gentleman from West Virginia has 15 minutes remaining.

Mr. STAGGERS. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. HOLIFIELD).

Mr. HOLIFIELD. Mr. Speaker, I rise in support of the position of the gentleman from West Virginia (Mr. STAGGERS).

My review of this matter convinces me that the action recommended to this House by the Committee on Interstate and Foreign Commerce best serves the purposes of the first amendment.

We are not dealing here with a case of prior restraint of the press. For it appears that the press may publish anything it desires, whether the material is stolen or honestly gathered; whether it is true or false; or whether it is libelous or slanderous. I cite the case of Rosenbloom against Metro-Media, Inc.

Neither are we dealing with the confidentiality of news sources about which the law appears to be well settled.

What is involved here is the right of the people to know—and to know the truth, with particular reference to a federally licensed TV channel monopoly.

As Mr. Justice Black pointed out in his recent opinion in the New York Times case, the first amendment belongs to the people. It is not the property of those who publish for profit nor is it the property of the Federal Government.

The enlightenment of people on the great issues of our time cannot be achieved by a media which warps and distorts facts, and which cannot be called to question in any forum.

It is the people's right under the first amendment to know when the "news" or other events, presented to them by a Government-licensed monopoly, are biased.

Mr. Speaker, I have had two unfortunate personal experiences involving what appears to be television network bias within the past 10 months.

The first involved a documentary for the CBS Morning Report prepared by Mr. Joseph Benti. Before giving Mr. Benti over an hour of interview time, I was assured that his program on "The Dangers of Radiation" would be balanced.

To my amazement, when the program was aired during the week of August 10 to 14, 1970, I found that only 2½ minutes of my filmed answers were used in the so-called 1-hour documentary. The balance of the hour was used for arguments against my position.

On the other hand, the producers of this film took great pains to comb the countryside for persons to interview on the other side of the issue. Most of this material was purely conjecture and all of it misrepresentative of the consensus of responsible scientific opinion. The entire program was generously laced with the biased editorial comment of the interviewer.

Ironically, CBS, in order to prove its own preconceived notions that the Atomic Energy Commission has misrepresented the facts, resorted to considerable "fact-twisting" of its own.

Under permission heretofore granted, I will append a letter which I wrote to Dr. Frank Stanton of CBS, on September 11, 1970, protesting this action, and Dr. Stanton's reply dated October 5, 1970.

The other instance, Mr. Speaker, also

involved the position of nuclear power in the existing energy crisis. In this instance, I gave a 1 hour interview of my time to NBC for use on a program entitled "The Powers That Be," which was shown on May 18, 1971. Five and one-half minutes of my statement was used and approximately 50 minutes was used by the movie star commentator and other persons to present comment and arguments which were critical of my position. I do not consider 50 minutes' time on a 1 hour program to criticize a 5½-minute statement of a controversial matter a fair division of time.

On this program, a well-known comedian was the narrator; music with overtones of genocide was added; and all questions asked of me were omitted. Once again, the commentator inserted biased editorial matter, and the majority of the interviewees were scientists whose theories have been thoroughly discredited, The theme, again, was that our Federal Government is guilty of misleading the public. The so-called documentary film ended with a music background of the old religious song "Nearer My God to Thee."

Mr. Speaker, these two cases have been sufficient to convince me that I should not grant future pretaped interviews on any important national problem to the television media. I would have no objection to a formula of fair debate on a live program where time would be divided equally between proponents and opponents of a given issue.

Mr. Speaker, I contend that our failure to support the Committee on Interstate and Foreign Commerce today will have its own "chilling effects." This phrase is frequently used by Mr. Stanton of CBS in his defensive arguments.

Continued irresponsible use of the powerful broadcast monopoly to interpret great issues only in accordance with its own particular bias "chills" the right of the public to hear and see the truth.

Further, an unaccountable broadcast industry will have a "chilling" effect upon the willingness of public servants to speak out on important issues.

Perhaps the greatest "chilling" effect of all, Mr. Speaker, would be upon the ability of this House to make the laws under the mandate of article I of the Constitution.

If this House, through its committees, is unable to compel evidence upon which to base its legislation, where will we look for guidance? How can we assure that the public interest is being served by a federally licensed monopoly?

In summary, Mr. Speaker, these are the reasons why I will vote in favor of the resolution which is before us:

The first amendment did not create a select group of persons who are immune from all accountability, as some would have us believe. The amendment simply established the right of the people of an unrestrained press.

The press is accountable to the people and to the people's representatives who must make the laws. The people have a right to know when they are reading, hearing, or seeing a biased account of events based upon the political or philosophical views of some editor, producer, or reporter.

It is also very interesting to note that a TV corporation protects its media position by requiring an interviewee to sign a legal form which protects the TV corporation from any type of legal liability which might arise from an interviewee's remarks. At the same time they sign no legal form protecting the interviewee from misrepresenting his remarks or subordinating his position by massive use of time in relation to the time allowed to the interviewee's arguments.

If the "chilling" effect of a contempt citation results in a greater degree of truth in broadcasting, the purposes of the first amendment will be served in the highest degree possible.

The letter follows:

Joint Committee on Atomic Energy,
Joint Committee on
Atomic Energy,
Washington, D.C., September 11, 1970.

Dr. Frank Stanton,
President, Columbia Broadcasting Station, Inc., New York, N.Y.

Dear Dr. Stanton: I am writing to inform you of my keen disappointment in the Joseph Benti television show, "The Dangers of Radiation," which appeared as a portion of the CBS Morning News in a five-day series during the week of August 10–14. Prior to the show, and in response to Mr. Benti's request, I gave approximately one hour of my time to Mr. Benti and his recording crew during which I answered many questions concerning atomic energy matters, and in particular, concerning Federal radiation standards.

In response to my request, your Washington office was kind enough to furnish me on August 28 with a transcript of the "Dangers of Radiation" show.

On Thursday, August 13, a very small portion of the tape, which I made at Mr. Benti's request, was shown. The lead-in warned the public that persons representing the Atomic Energy Commission or the Joint Committee on Atomic Energy were frequently guilty of not telling the full story. Next, there was a portion of the comments which I made concerning the outstanding work of Dr. Russell on the genetic effects of radiation exposure to mice. I pointed out that doses significantly higher than those to which people living in the vicinity of nuclear reactors are exposed would be required in order to produce deleterious genetic effect. I was cut off at this point in the T.V. program; and the comment was made that I failed to tell the full story in that male mice showed no protection due to a protracted dose whereas in the case of the female, as I had stated, a protective mechanism had been demonstrated. These remarks included quotes from testimony presented to the Joint Committee during hearings held in January 1970. The commentary by Mr. Benti simply failed to cover a previous statement in the testimony which would have placed the male and female genetic effect conclusions arrived at by Dr. Russell in a proper perspective.

The inference, of course, is that I was telling only the results of the Drs. Russell's experiment which favored atomic energy and keeping from the public the results which were unfavorable. This was certainly not the case, and it is my belief that the manner in which the tape was cut and comments of others fed in represents a conscious attempt to suggest that I am biased in my views and that I do not fairly report the information that has been made available to me. The Drs. Russell have been experimenting for over twenty years with large numbers of mice and under varying conditions of radiation exposure with a great variety of interests in the special relationships which may exist. They have arrived at a number of conclusions. *I did not state them all. Mr. Benti did not state them all.* Time forbade a complete analysis of their work. It should not be assumed that I was attempting to *hide* any of their conclusions nor was I attempting to *report* on *all* of the work that they have done.

Attached are some page proofs (pp. 1428–30) from Part 2 of the soon-to-be-published Joint Committee print, "Environmental Effects of Producing Electric Power." I shall send you the complete record when it becomes available. This hearing record was developed in January and February of this year. Dr. Russell appeared on January 29 and presented as his prepared testimony the "report" referred to by Mr. Benti during his assertion that *"Mr. Holifield left something out."*

Dr. Russell appeared in response to my personally written invitation. I believe he and his wife have made a tremendous contribution towards increasing our knowledge of the genetic effects of radiation. I wanted to develop in the public record his complete views of what has been learned and what needs to be learned in this field. Repeatedly during his testimony, I requested that he expand upon his comments in order to assure that lay people would understand the point he was making. I did not attempt to shape his remarks in any fashion; and in subsequent public discussion of his findings, I have tried very hard to fairly state his conclusions.

It is indeed incredible that I, who brought Dr. Russell's research findings to the attention of the Congress and the public at large through the mechanism of our hearing process, should be accused by Mr. Benti of hiding that same information from the public view. As I said at the beginning, I am keenly disappointed in the manner in which my remarks were presented to the American people. I feel that the fashion in which the story was pieced together did not *coincidentally* misrepresent my position. I am forced to conclude from the reports that have been made to me concerning, not only Thursday's program, but the entire five-day series as well indicates the reporting was heavily biased to show that radiation in small amounts is dangerous to the public health and safety and that the Atomic Energy Commission, the Joint Committee on Atomic Energy, and other elements of our Federal Governments are behaving irresponsibly in order to reinforce particular points of view in which they have special interest. This, I can assure you, is not the case. I fully recognize the statutory responsibility of this Committee to "oversee" on behalf of the full Congress the activities of the Commission. Where the discharge of these responsibilities dictate we do, and have in the past never failed to exercise our authority to investigate, appraise, and report upon the Congress and the American people any failure upon the part of the Executive Department to carry out its assigned responsibilities in a fair and just manner.

Sincerely yours,

Chet Holifield,
Chairman.

THRESHOLD DOSE RATE

This surprising result, that there is, for all practical purposes, a threshold dose rate in the female, but not in the male, was not anticipated by anybody. Having found this difference in effect between the two sexes, however, it is not too difficult to see that it may have a fairly simple explanation, for example, possibly the one I have suggested in one of the papers already printed in part 1 of the hearings.

I shall be glad to elaborate on that later, Mr. Chairman, if you wish me to.

Chairman Holifield. All right.

Dr. Russell. Whatever the explanation is, the important conclusion, so far as genetic hazards of radiation to man are concerned, is that when we are dealing with radiation exposure of the population, or any group including males, we have to take this weaker sex into account, and we have to conclude that there is a definite risk of some genetic damage regardless of how low the dose rate is.

I am often asked whether a dose rate lower than the lowest we have been able to try in our experiments might reveal the existence of a threshold dose rate in the male also. This is conceivable, but since the lowest dose rate used is already quite low—10 roentgens per week—and since there was no reduction in mutation frequency at that dose rate compared with the frequency at a dose rate approximately 1,000-fold higher, we certainly have no evidence for such an optimistic view. We must stick with the cautious conclusion that any level of radiation exposure of the male involves some risk of mutation.

We can, however, feel some relief over the fact that, although the genetic damage at low dose rates in the male is not zero, it is considerably less than that at the high dose rates on which calculations of the permissible doses of radiaton were based. We also have evidence which was mentioned in part 1 of the hearings, that low total doses of radiation, even when delivered at a high dose rate, cause disproportionately less genetic damage than would be expected from the effect at the high doses that had been used in calculations of the risk.

Chairman Holifield. I think we should always keep in mind that when you are talking about low dose rates, you are talking about the rates in the multiple-roentgen level.

Dr. Rusell. Yes.

Chairman Holifield. When you are talking about high dose rates, you are talking about rates that might be up to as much as 90 to 100 roentgens?

Dr. Russell. Per minute.

Chair Holifield. Per minute?

Dr. Russell. Yes.

Chairman Holifield. Of course, that in no way approximates the lowness of the 170 milliroentgens, which is 170-thousandths of a roentgen, which is in the guideline (per year). (1)

Chairman Holifield. Why I am citing this is, because frequently we talk about the 170 milliroentgens as a low dose, we should recognize that it really is low.

Dr. Russell. Yes.

Chairman Holifield. But the low dose rates you speak of as low in the work you are doing are much higher, in fact by a factor of several thousand than that contemplated in setting the standards.

Dr. Russell. Yes.

Chairman Holifield. Go ahead, please.

GENETIC RISK ONE-SIXTH THE FORMER ESTIMATE

Dr. Russell. Putting these and other pieces of information together, we conclude that our present best estimate of the average genetic risk from exposure of both sexes at low dose rates or low doses is only about one-sixth of what it was estimated to be when the currently used figure for maximum permissible dose was chosen. (2)

Chairman Holifield. Now let us analyze that. What you are really saying there is, that your conclusion is "our present best estimate of the average genetic risk from exposure of both sexes at low dose rates or low doses is only about one-sixth of what it was estimated to be when the currently used figure for maximum permissible dose was chosen."

Dr. Russell. What this argues is, that the 170 milliroentgens would cause about one-sixth of the damage that was originally estimated.

Chairman Holifield. That is how it should be stated. I agree. I am not suggesting that it be lowered, but I am trying to accent the prudence of the level of 170 milliroentgens. In fact it is more conservative today, according to your experiments, than it was at the time it was set with the data that we had at that time.

Dr. Russell. That is exactly correct.

Representative Hosmer. Dr. Russell, you stated that the lowest rate used was around 10 "r" per week. That was a continuous exposure week after week for 52 weeks of the year?

Dr. Russell. Yes.

Representative Hosmer. What would that be in terms of "mr," the same type that we use for background? Could you translate that?

Dr. Russell. The background is of the order of 0.1 to 0.15 "r" per year.

Representative Hosmer. This would be how many "r" per week?

Dr. Russell. Divided by 52 weeks; that is, about 0.002 "r" per week.

Representative Hosmer. I am trying to get a cumulative dose for 52 weeks, exposure 10 roentgens per week.

Dr. Russell. It would be 500 "r" per year. (3)

Representative Hosmer. Then that would be 500,000 "mr"?

Dr. Russell. Yes.

Representative Hosmer. 500,000 "mr". Then you say that an exposure at that rate produces the same effect genetically a thousandfold higher?

Dr. Russell. Yes. That is about one "r" per minute.

Representative Hosmer. That would be 500 million "mr" per year. What, then, does this do to this linearity theory? If we have exposure at 500 million "mr" and one at 500,000 "mr" producing exactly the same results, that does not make any kind of straight line relationship, does it?

Dr. Russell. This does argue for a straight line at low dose rates. Let me clarify. We are talking about dose rates here, not total doses. If we try to draw a straight line at the high dose rates, we will find that there is a drop from the straight line as we get down to low doses. But when as now, we are talking about what I call the lower dose rates here—1 r per minute to 10 r per week—seen so far as linearly related to dose.

Representative Hosmer. You are talking about the same total dose.

Dr. Russell. Yes.

Representative Hosmer. Of course, we are not taking about a whole year, because with 500 million "mr" you would blast your mice out of existence.

Dr. Russell. If we give a total dose of 600 "r" at 1 "r" per minute, or the same total dose of 600 "r" at 10 "r" per week, which is about a thousandfold drop in the dose rate, we get the same mutation rate in the male. This is why we argue that there is no evidence for a threshold dose rate.

Representative Hosmer. Thank you.

Chairman Holifield. You may proceed.

Dr. Russell. Now I should like to turn to my second topic and present the results of some of our current experiments.

GENETIC DAMAGE

(*a*) There are two main kinds of genetic damage, namely, gene mutations and chromosome aberrations. The dose-rate effect and other findings that I have been discussing, so far, were obtained with a method designed to detect gene mutations. It does also detect a certain class of minor chromosome aberrations, namely, small deletions of part of a chromosome. Our investigation we have been pursuing recently is an attempt to find out whether an entirely different, and major, type of chromosomal aberration would also show dose-rate and dose effects similar to those we had found for gene mutations and small deletions.

The new method detects the loss of a whole sex chromosome, the so-called X-chromosome. A little over 10 years ago, we found out from genetic and cytological experiments in our laboratory that certain female mice that appeared almost normal were, in fact, lacking a whole X-chromosome. Their cells contained only one X instead of the normal complement of two. Shortly thereafter, it was discovered in England that women exhibiting a certain set of abnormalities that had been called Turner's syndrome suffered from the same lack of one X-chromosome.

Using a special strain of mice carrying an X-chromosome marked with a mutant gene originally discovered by one of the research assistants in our laboratory, we are able to measure the frequency with which X-chromosome loss occurs in irradiated and control populations. We are finding in females, that the radiation-induction of this type of abnormality at a low dose rate is much less than that found at a high dose rate. The difference has already been shown to be highly statistically significant. Also, for high dose rates, the induction of X-chromosome loss by a low total dose is below that expected on a proportional basis from the frequency at a high dose.

Thus, in female at least, the effects of our doses and low dose rates on this kind of major chromosome aberration parallel the effects on gene mutations and small deletions. The hazard is less under these conditions of radiation exposure.

(Ref. note (1) this page and note (2) and (3) on page 1429—the failure of Benti to contrast the large cumulative doses delivered to experimental animals (500 roentgens, or 500,000 milliroentgens) with the annual cumulative dose to populations defined in the radiation guidlines (170 milliroentgens) as I mentioned—note (1)—completely destroys the validity of his presentation to informed persons. Of course uniformed persons are deceived by such presentations. Note (2) points out that Dr. Russell's on-going research has shown that subsequent to the establishment of the population guidelines they have been proven to be six times more conservative (safer) than initially estimated.)

Columbia Broadcasting System, Inc.,
New York, N.Y., October 5, 1970.

Hon. Chet Holifield,
House of Representatives,
Washington, D.C.

Dear Congressman Holifield: Although I am deeply sorry that you were disappointed in the five-part series on the dangers of radiation which appeared as part of the CBS Morning News, I am glad that you took the time to give me your detailed and thoughtful comments regarding that series.

Whatever its faults the series would not have been nearly as informative as it was had you not taken time out of your busy schedule to talk to Joe Benti. The interview that was filmed lasted about thirty minutes, and the part that was broadcast ran for two minutes and thirty-eight seconds. That is not at all unusual, and in this particular case, where a large number of people were interviewed, CBS News obviously must edit the film to avoid redundancies and to expose as many viewpoints as possible. The journalistic process applies to all media.

I understand that Mr. Benti was not aware of the Russell study at the time of the interview. Indeed, you state in your letter that Dr. Russell's testimony before your committee last January has not yet been published. When you introduced the Russell study into the interview, it naturally piqued Benti's interest, and I am advised it was only after the interview was completed that he had an opportunity to secure a copy of Dr. Russell's statement to your committee.

The point of Mr. Benti's remarks was that confusion and contradiction seem to go hand-in-hand with any discussion of atomic radiation. In discussing the studies of low level radiation, Mr. Benti said "But as we have noticed in this series, there are ways that such studies can be interpreted to create only a partial answer, and often to reveal some of the confusion inherent in this controversy."

Mr. Benti's remarks following your statement reinforced this view. There is considerable confusion and many contradictions relating to the dangers of radiation, and much of it is created by the AEC itself. Drs. Morgan, Russell, Gofman and Tamplin are all funded by the AEC, and to one degree or another, have raised questions about the permissible levels of radiation.

The Morning News report did not attempt to resolve these differences—obviously, CBS New does not have that kind of expertise—but to expose them to the general public.

I regret that you feel we somehow misconstrued your position, but I think you, or your staff, will find, upon re-reading the transcript of the broadcasts, that it was a fair and balanced portrayal of a potentially serious problem.

With all good wishes.

Sincerely,

FRANK STANTON.

Mr. STAGGERS. Mr. Speaker, I yield to the gentleman from California (Mr. DELLUMS).

Mr. DELLUMS. Mr. Speaker, I rise in opposition to the resolution.

The reporting function must stand outside the dictates of partisan politics. The first amendment spells out very delicate freedoms, which if violated, threaten what we think of as a free society.

That function, those freedoms are seriously assailed by this pending contempt citation.

The media has a responsibility to inform the public, and if the media finds itself limited by legislative action—or by the overriding threat of continual harassment of further citations—whenever some politically unpopular or controversial issue is at stake, then I see a critical question arising: What is the definition—the limit—of freedom?

Once we begin to chip away at one kind of freedom, all others are in serious jeopardy. I stand firmly in support of the media who will continue to report what must be known, not what might be accepted.

No one ever said that democracy was an easy system in which to live and function. But I feel that democracy cannot be fully realized unless the overwhelming majority of the public have the information upon which to make intelligent, serious and sophisticated decisions regarding foreign and domestic policies. The role of the media in providing necessary information to the American people is both critical and vital to continuation of a democratic society.

I feel assured that if members of the media are guilty of criminal acts that they are punished. But the issue before us today is not one of criminality. It is not one of national security. It is not one of life and death.

It is a political issue first and foremost.

The overwhelming majority of politicians—unfortunately—just are not willing to tell people what they must know so that appropriate decisions can be made. Instead, the politician expediently confines himself to telling people what he thinks the people want to hear or what he feels is best for them to hear.

I think it foolish to believe that practice will suddenly halt, that all the truth will flow at once from the mouths of politicians. But I just do not want to give politicians further control over the freedom of the media to report on any subject.

The only real protection the American people have within the framework of a democratic society is for the media to bring the light to the dark places in the Government.

The issue here, then, is not CBS, not "The Selling of the Pentagon," not that of Frank Stanton's role. The issue is political, and it goes to the very heart of our governmental system. By coming even this far with this motion, I believe that the credibility of the House as a reasoning, tradition-minded body is shaken.

We have the chance to put this issue to rest. I urge my colleagues to vote against the citation.

Mr. STAGGERS. Mr. Speaker, I yield 1 minute to the gentleman from Louisiana (Mr. WAGGONNER).

Mr. WAGGONNER. Mr. Speaker, I do not want unanimous consent to revise and extend my remarks.

There is only one question to be decided here today, and the question, simply put, is whether or not CBS is guilty of contempt of Congress. You have to ask yourselves three questions to arrive at an answer.

First, does this committee which we created have the legal authority to issue a subpena? The answer is "Yes."

The second question is: Was the subpena they issued in legal and lawful form? And the answer is "Yes."

And the third question is: Did CBS comply? And the answer is "No."

So they are in contempt of the Congress of the United States, period, and it is up to the judicial process, through due process of law, from there on, to decide whether we are right or wrong, because they are in contempt of the Congress. They are as well by their own admission manipulators and deceivers.

If the citation involved anybody except a segment of the communication media the vote would be overwhelming to cite them for contempt, because they are in contempt, and it is time for Congress to not be intimidated, to stand up and represent the people and assure the people that all the protections of the first amendment provided the press are due them as well. Freedom of speech is not for the media alone and even when it is it does not give them the right to lie.

In closing, however, let me say I do not expect this body to vote to cite CBS for contempt or should they be cited there is no reason, the courts being what they are, to believe the citation would be upheld.

Mr. STAGGERS. Mr. Speaker, I yield 1 minute to the gentleman from Pennsylvania (Mr. DENT).

Mr. DENT. Thank you kindly.

Talking about experiences, during the fight in this House on reciprocal trade, I spent 2 days in a glass factory, doing everything, gathering the glass and cutting it and everything. I attended a meeting of the whole organization, and I spoke to them. I spent about 2 days before the cameras. Later at home I got all my friends and neighbors in. I spent a little money to see my starring performance, and I put together a buffet and refreshments.

I made a little mistake. I started to light a cigar, and before the match went out I was off the air. Before the documentary was over, if the people did not see any more of me than what I had seen of myself, I am sure they did not know who was being starred because they certainly used the rest of that time to tear my position apart.

The thing you must understand is always to listen to radio and view television with a sense of humor; just remember, they do not mean half the things they say.

Mr. STAGGERS. Mr. Speaker, I yield 3 minutes to the gentleman from New York (Mr. PODELL).

Mr. PODELL. Mr. Speaker, the notion that anyone has the right to blatantly refuse to comply with legitimate congressional inquiry is a frightening one. The question as to whether or not the items subpenaed are entitled to the protection of a free press as set forth in the first amendment is not, I repeat is not, before this Congress. This is a question for our courts to decide.

I shall defend most vigorously the constitutional rights of the American people, including those rights they are guaranteed under the first amendment.

Our Constitution in its wisdom provides for a separation of powers. There are matters for the courts to decide and there are matters for legislative determination.

The sole question before the House is simple—was a subpena duly served on a matter pertinent to congressional inquiry and was that subpena complied with. Any question as to the constitutionality of those matters requested in the subpena are obviously a matter for a court of law.

Mr. Speaker, the question of freedom of the press is one of the most significant issues of our time. I am in complete agreement with the recent Supreme Court decision vindicating the right of the New York Times and the Washington Post to publish the secret Pentagon papers. By the same criteria, neither the Pentagon nor the broadcast media have the right to insist that its affairs be held sacrosanct and immune from congressional scrutiny and criticism.

While I applaud CBS for bringing to the public "The Selling of the Pentagon," I cannot condone its refusal to supply the "outtakes," which are the basis of its film. These "outtakes" are not privileged—they are not personal thoughts as are found in a reporter's notes. Rather, they are the original films of an actual event prior to editing. I see nothing privileged in them. I wonder why CBS does.

The news media has no more right to clothe itself with self-appointed immunity to deprive the public of the truth than the Government had a right to attempt to hide the "Pentagon Papers."

The public through its Congress has a right to know.

While it is true that this Congress should not pass unconstitutional legislation, it is also true that this Congress is not required to pass on the constitutionality of legislation. Just last week I supported a privileged resolution introduced by the gentleman from California (Mr. McCloskey) which called upon the Secretary of State to reveal to the Congress those instructions given to our U.S. Ambassador in Laos with regard to U.S. operations in Laos. The basis of my support was that the Congress has a right to know. Many of the same Members who now oppose this citation supported that very same privileged resolution.

Can anyone here say that CBS is entitled to more?

Mr. STAGGERS. Mr. Speaker, I yield 1 minute to the gentleman from Montana (Mr. Shoup).

Mr. SHOUP. Mr. Speaker, I rise today to speak in favor of the citation and at the same time in behalf of the freedom of the press. I consider the rights outlined in the first amendment to be paramount to the freedom of the citizens of this country. I would do nothing as a Congressman or a member of this committee to place those freedoms in jeopardy.

In a country where the freedom of the press and the freedom of speech are given paramount importance, an accusation of deception and fraud in program editing is extremely serious. If these allegations are true, irreparable harm may be done, not only to those misquoted and maligned, but to the integrity of all journalism, and indeed, to the freedom and right of the people of this country to receive accurate and unfettered information.

CBS has been asked to come forward and defend itself against such serious accusations. This committee of which I am a member has asked and has proposed nothing more—nothing less—just a honest straightforward request to know both sides of the question—no confidential information. I ask for an affirmative vote to uphold this right of the people to know all the truth.

Mr. STAGGERS. Mr. Speaker, I yield 1 minute to the gentleman from Massachusetts (Mr. Keith).

Mr. KEITH. Mr. Speaker, I am going to offer a motion to recommit.

As the ranking minority member of the Subcommittee on Communications and Power and as an interested and concerned Congressman and citizen, I have listened closely to the developments in this debate. I am not a lawyer, and the legal niceties of the rights and obligations of the contending parties to this dispute escape me, but I do not believe that Dr. Stanton and CBS should be cited for contempt and dragged through court proceedings.

Probably the legal position of the committee is sound and CBS should have delivered the out takes as demanded. Nevertheless, after listening to the debate here today I do not believe the passage of this resolution is a wise move.

I believe our legislative intent should be to move forward with legislation now. The need is apparent, and we have the necessary information. I believe that if we recommit this resolution and report to the floor legislation which would more adequately express the intent of Congress and give authority to the Federal Communications Commission to move in a constitutional way that would require the networks to be as responsible for the fairness and honesty of their documentaries as they are for quizz shows and other broadcasts, we will have accomplished our legislative purpose.

Mr. STAGGERS. Mr. Speaker, I yield 1 minute to the gentleman from Texas (Mr. Pickle).

Mr. PICKLE. Mr. Speaker, we need not be here today. It is a tragedy when two great institutions—the Government and the press—get deadlocked.

We need not be here and we would not be here had CBS lived up to its own past history of cooperation. In the past, the network has given up outtakes, as requested. This time, they refuse. This time they refuse to even answer the only question the committee asks. Did the network mismatch questions and answers in a filmed interview to make the subject appear to be saying something he did not.

Mr. Speaker, the public has a right to know whether CBS willfully transposed questions and answers. We are not concerned with the content of the program. We are not concerned with censorship. We are not concerned with Government standards of truth. We are not concerned with bias.

We are concerned with discovering whether there is adequate legislation designed to protect the public.

There is no newspaper which compares to the networks—there is no national newspaper in the United States.

There are three networks which are all powerful in reaching the length and breadth of America. These networks are using a public commodity—there are only so many airwaves available. These airwaves belong to the people. The courts have said this many times. These people have a right to protection from deceitful practices. Perhaps legislation is the only answer.

Mr. Speaker, the first amendment—the free speech amendment—cuts both ways. I believe nothing should be done to curtail the first amendment protections for the press. Further, I believe nothing should be done by the press—particularly the networks—to curtail the rights of a man being interviewed to access to free speech. By jumbling questions and answers, the networks abridge an individual's right to free speech. Certainly, the public needs protection from this abuse.

This is an extremely tough decision before the Congress today. It will take courage. It will take courage because our decision today will have far-reaching, long-range effects on the rights of the public.

Therefore, Mr. Speaker, I think certain observations must be set forth in a logical fashion:

First. It is strange that no one—not the broadcast industry and not any Member of Congress—has defended this act of mismatching questions and answers. Apparently, everyone admits that what CBS has allegedly done was wrong.

Second. In effect, CBS admits what they did was wrong. On the very day before the subcommittee was to consider the contempt resolution, CBS issued a new set of operation guidelines governing interviews. In effect, CBS was saying "We're not guilty—and we promise not do it again."

Many times CBS has come forth with new rules to police themselves, which is good. I believe I can remember the network issued similar rulings shortly after the rigged quiz show scandals in 1959.

Third. If CBS did commit a wrongdoing by mismatching questions and answers, what recourse, what protection does the public have from these practices? That precisely is what the committee is asking: Is new legislation needed?

Fourth. On previous occasions, our committee has subpenaed outtakes when there was strong evidence that deceptive practices were committed. Today, some of the strongest proponents supporting CBS—proponents from my side of the aisle—are the same people who previously voted with the committee to acquire the outtakes on other cases.

Admittedly, personal opinion comes into play on each instance. In the past, I have voted against my own committee in refusing to demand outtakes when I thought it was a fishing expedition. What falls on the cutting room floor should remain there—unless there is strong, clear evidence that deception or fraud was practiced. And, it makes no difference whether the questions involves a civil or a criminal charge. Deception is still deception.

Fifth. Congress is not attempting to pass judgment on all the facts of this particular program. Congress is not attempting to sit in censorship. Congress is not attempting to offer a critique on whether the documentary was positively biased or slanted.

Congress is asking but one question: Is there adequate protection for the public? I repeat again, these airwaves belong to the public. They are invaluable.

Sixth. CBS keeps dropping back to the first amendment. Yet, by its refusal to discuss whether the editing process mismatched questions and answers—the network is, in effect, taking the fifth amendment.

Mr. Speaker, the first amendment cuts both ways. A man being interviewed has the right to know that what he says in a filmed interview will not be jumbled by a technician wearing white gloves in the editing room.

Seventh. Many Members challenge the case before us on the basis that "the case is not strong enough." Perhaps they are right. But, must we wait for massive deception before we act? The basic principle is a question of right and wrong. The public has a right to know the truth. Our case may not be the strongest possible—I have so expressed this opinion in committee—but the principle of right and wrong is at stake, regardless of whether the deception was big or little. Clearly, we must proceed with courage.

Mr. Speaker, I urge the House to pass this resolution. It is obviously in the public interest. If need be, I think we should pursue this question all the way to the Supreme Court. I readily agree that the networks should be free to speak on any issue. I will insist that the public, too, shall have that right.

Mr. STAGGERS. Mr. Speaker, I yield 1 minute to the gentleman from Georgia (Mr. THOMPSON), a member of the committee.

Mr. THOMPSON of Georgia. Mr. Speaker, the first amendment to the Constitution guarantees to each and every individual the right of freedom of the press. Any of you can go out and publish a newspaper at any place and any time you so desire. But, broadcasting is a privilege granted by the Government and not a right. It is a privilege granted by the Government to only a few.

I defy any of you to go out and try to broadcast or televise without the consent of the Government. Broadcasting is a privilege granted by your Government to a exclusive part of the people's airways, and the Government has a right to insist that the broadcasters abide by reasonable regulations and retains the right to investigate deceit and fraud.

Mr. Speaker, that is what this committee is doing. Broadcasting is a privilege granted by the Government. The freedom of the press is a right, a constitutional right, guaranteed under the first amendment and can be exercised by anyone. But I defy you to try to exercise the same right by televising or broadcasting without Government authority. The House should support its committee.

Mr. STAGGERS. Mr. Speaker, I yield 1 minute to the gentleman from Illinois (Mr. METCALFE), a member of the committee.

Mr. METCALFE. Mr. Speaker, the vote we will cast is of great importance at this time because it is without precedent: We are called upon to vote in the public interest and our vote is to determine whether the public in the matter of our present concern is to be influenced by deceptive telecasting.

My vote will be cast not only for the substance of this incident, but with regard for the future and the dangers of the public being influenced wrongfully.

Dr. Frank Stanton and CBS are the principals before us today, but neither is important as is the right of the people to know the truth.

My vote is impersonal, for I enjoy a fine relationship with all of the media which I cherish. Whether I shall continue to have the support of the media in the future is questionable.

I will take my chances.

I shall let the courts determine whether the subpena issued is in violation of the Constitution.

The question is simply one to ascertain material, in this case, the submission of outtakes in the documentary "The Selling of the Pentagon," to enable the subcommittee and the House of Representatives to determine whether legislation controlling deceptive broadcast practices is necessary to protect the public ownership of the airwaves.

For my distinguished colleagues that argue that all the material used in the production of the documentary "The Selling of the Pentagon" except the outtake and editing practices of CBS is sufficient in and of itself not to cite Dr. Stanton and CBS for contempt—then it follows logically, without sufficient control, that if in the future, charges are made that any TV program has shown films that were intentionally deceptive, all they would have to do is answer those charges by submitting what they wanted and withholding other material, and thus satisfy the Congress, and the practice will continue. Continue to what? To the era of Hitler's propagandizement of the world that brought so much devastation?

I think we must act now to prevent this.

I shall vote to support the subcommittee report. I shall vote for truth in telecasting—for the right of the people to know. I shall accept my responsibility to vote in the public interest.

Mr. STAGGERS. Mr. Speaker, I yield 1 minute to the gentleman from Florida (Mr. SIKES).

Mr. SIKES. Mr. Speaker, the House should give overwhelming support to the recommendation of the Committee on Interstate and Foreign Commerce for a contempt citation for CBS. The works of the committee should not be consigned to a burial detail by being recommitted or sent to another committee. Here today the prerogatives of Congress will be preserved or destroyed. Unless the committee is upheld, I doubt that it will be possible henceforth for any committee of the Congress to conduct meaningful investigations.

This distinguished committee has not embarked on a witch hunt. It has gone very carefully into problems of a most serious nature and it has shown considerable courage and conviction in bringing to the House this contempt citation. Particularly is this true when the Nation's highest court appears to have placed its approval on the very worst and most irresponsible policies of the Nation's news media.

The distinguished chairman of the committee is not a man who takes his responsibilities lightly. Nor is he one who willfully and arbitrarily seeks to cross swords with giants of the news media. He is acting on conviction; the conviction that what he is doing is right and necessary.

In his own words, Mr. STAGGERS has said:

> Deception in broadcast news is like a cancer in today's society. The spread of calculated deception paraded as truth can devastate the earnest efforts of anyone of us seeking to represent our constituents.

He states that his committee has clear evidence of deceit in which men's words were electronically altered to change their very meaning. This is a frightening thing. His committee has directed questions which the broadcaster has scorned. The public is entitled to protection from willful disregard of the truth and the committee is right in making legislative inquiries to see if existing laws in this field are adequate and if the Federal agencies are doing their jobs properly to protect the interest of the public.

Stated very simply, CBS has refused to cooperate with a committee of the House. Of course, CBS is in contempt of Congress. CBS places itself above the right of Congress to know and the right of the public to be protected. CBS must not be permitted to exercise its own judgment regardless of all other considerations in delineating its broadcast policies.

The Supreme Court has also said that calculated falsehood falls outside the fruitful exercise of the rights guaranteed by the first amendment.

Neither CBS nor any other element of the news media has the right to alter spoken words. The viewing public has a right to learn the views of other people without manipulation or deceit. This is what is at stake today. This is the reason a vote of support of the committee is so very important. We have heard much about the danger from false advertising, stock market manipulation, or rigged quiz shows. Perhaps we have become calloused about the existence of these practices. We cannot become calloused or indifferent to the danger to the public from manipulation of public actions or political decisions. We are not being asked to vote to uphold freedom of the press, responsible freedom.

Mr. CULVER. Mr. Speaker, the imminent vote on a contempt citation of CBS and Dr. Frank Stanton raises serious questions of first amendment rights and of the proper relationship between press and government. It should be defeated. Its adoption would protend Government monitoring, editorial surveillance, and possible harassment which would imperil wider first amendment rights. Moreover, the sanction to be imposed here would be totally disproportionate to the evil cited.

One need not rise to the full defense of the editorial judgment and wisdom of CBS in "The Selling of the Pentagon" to oppose the contempt citation. There is some appearance of sloppiness and misleading extraction in two segments of the program. However, this is not a case where truth has been the helpless victim. Replies were broadcast over CBS, the matter has received much public ventilation, and all of the basic facts and texts have been reprinted many times over in the CONGRESSIONAL RECORD and elsewhere. Few among the public who saw the program are not now aware that the testimony of Mr. Hemkin and Colonel McNeil as presented is now contested. Avenues for reply and debate in the Congress, in the executive, and in the press have been kept open. This is the traditional and proper way for truth to emerge.

The Pentagon program is not the first to display possible errors of editorial judgment and latitude. Nor does it represent a unique case in which the views of public officials and personalities have been miscast. Except in the most extraordinary circumstances, however, no formal legal confrontation is justified. They do not exist here. Were this case to be taken to court, it could only have all kinds of spillover effects which would diminish freedom of press and place radio-television under threat of special disabilities in news and documentary broadcasting. Surely investigative enterprise would be discouraged and organizations weaker than CBS would be hesitant to take on subjects of deep controversy. A fear at least of intimidation and censorship among all press media would be aroused.

The House committee is justified if it chooses to examine the charges made against CBS. It can certainly issue a report and make recommendations how unfairness on the airways can be reduced. To achieve this purpose, however, does not require the subpena of outtakes or the citation for contempt of CBS executives. The public purpose is adequately served by the present record. To press beyond that point is to exceed the bounds of both good judgment and sound constitutional practice.

Mr. BOLAND. Mr. Speaker, I oppose this resolution. The first contempt citation that the Congress has ever sought against news broadcasting, House Resolution 170 threatens to set a precedent that would strike at the very heart of American journalism: the first amendment right shielding news against government meddling and bullying. Several Supreme Court and Appeals Court rulings make clear that the first amendment covers all news media—broadcasting as well as print. It applies with evenhanded uniformity. Even Attorney General John Mitchell, a man hardly enraptured with news broadcasting, has pointed out that the heedless use of subpenas may sap "the vigor of our press institutions."

The subpena issued to CBS news, and the contempt citation stemming from it, pose the very same threat.

It is especially ironic, Mr. Speaker, that both measures are wholly unnecessary. The information sought by the House Commerce Committee is amply available—full transcripts of the controversial interviews presented on the CBS documentary, for example, and the testimony of all DOD officials cited there. Even the background film, largely footage shot by DOD itself, is readily accessible. In short, Mr. Speaker, the committee can gather all the data it needs without extracting from CBS the outtakes directly akin to reporters' notes.

The accuracy of "The Selling of the Pentagon" is not at stake here.

That remains an eminently debatable matter.

What is not debatable—indeed, what is plain beyond dispute—is House Resolution 170's threat to the freedom of the press.

If the Congress can censure CBS for one program, it can censure any news medium for any presentation it considers unpalatable.

In a democracy, the people make up their own minds: they do not need the Government to hand down, "a la Pravda," the official "truth."

The very issue we are discussing today is an exemplary case in point. The controversy over "The Selling of the Pentagon," still alive everywhere throughout this country's political spectrum, has generated more than enough information for the people to make a judgment. It is not up to us in the Congress to tell them how to think.

Should we jeopardize our most cherished tradition, freedom of the press, just to slap the wrist of CBS? Should we establish a precedent that might inhibit every news medium, however responsible, from dealing in controversy or looking into Government activities?

I do not think so, Mr. Speaker.

It is not worth it.

A free marketplace in ideas—a forum that encourages everyone to speak his mind—will yield the "truth" far more readily than a meek and intimidated press under Government yoke.

The press has made mistakes in the past, and it will make mistakes in the future.

Let the people make their own judgment.

The Constitution grants them that trust. The Congress must not presume to take it away.

Mr. HOWARD. Mr. Speaker, the Members of the House of Representatives are today being asked to either approve or reject the contempt of Congress charges against Columbia Broadcasting System President Frank Stanton and the network.

Mr. Speaker, we might not always agree with what newspapers, television, and the rest of the news media have to say, but we must zealously guard their right to say it as provided under the first amendment.

In my opinion, there is absolutely no difference whatsoever between attempting to force a newspaper reporter to reveal his written notes and attempting to force a television network to provide its unused film from a news documentary.

This is not a matter of deciding if television is doing an adequate job or not, because I feel that in many ways it has failed to give the American viewer good programing.

The question the Congress faces is one of freedom of the press and for that reason, I must respectfully oppose the distinguished chairman of the House Committee on Interstate and Foreign Commerce and the majority of its members who voted out the contempt citation.

We are not here today to decide if the disputed program, "The Selling of the Pentagon" was a good program or even if it was a fair program, but we are here today to decide if we are going to continue to respect freedom of the press as provided under the first amendment or not.

The first amendment makes it abundantly clear that neither the Congress nor anyone else has the right to decide for the people of the United States what they should or should not be told by a free press.

Once we begin to make inroads against a free press there will be further suggestions that other areas should be controlled and the result will be that we have violated the first amendment and at the same time, done a disservice to the people of the United States.

I do not always agree with the things I see in the newspapers or on television; I have had the personal experience—as I am sure almost everyone here in the House has—of seeing inaccurate statements printed in the press.

The members of the press are human beings and have faults much the same way as we do and this naturally results in mistakes. But on balance, the press has served this Nation very well and I am not about to be one of the persons who would begin putting restrictions on a free press.

What this House is being asked today is to vote again on the John Peter Zenger trial which occurred in New York City in 1775 and which resulted in Mr. Zenger being found not guilty of seditious libel.

The Bill of Rights was not added to the Constitution as mere afterthought but it was a result of the concern on the part of many of the delegates to the Constitutional Convention and of several of the State legislatures that the Federal Government was endowed with too much power and could exercise the same amount of control that the British had.

Today, we are faced with a new threat to freedom of the press. It is a subtle threat and if it is approved by the House, its value as a precedent-setting measure would lend enormous weight to the argument of those who would further limit freedom of the press.

Thank you.

Mr. HOSMER. Mr. Speaker, as well pointed out by the gentleman from Virginia (Mr. Poff), there are two constitutional privileges in collision here, freedom of the media and freedom of the Congress to conduct legislative investigations. The gentleman from Virginia (Mr. Poff), has concluded that the circumstances warrant yielding the right-of-way to the press. I have come to the opposite conclusion. I will vote the contempt citation.

If this is, indeed, such a heavy constitutional issue, I do not believe it should be dodged by yielding. I think the citation should issue so that the courts can render an authoritative decision that will settle the question once and for all. CBS has plenty of resources to carry forward such litigation; no hardship will fall upon it for doing so.

The people will be served by settling the issue, not by dodging it.

Mr. FUQUA. Mr. Speaker, after lengthy consideration of the issues involved in the motion to cite CBS and Dr. Frank Stanton for contempt of Congress, I have concluded that there is no acceptable alternative but to oppose the contempt citation.

In reaching this decision several difficult and seemingly conflicting points of view required reconciliation.

I firmly support the right of Congress to regulate the broadcast media "in the public interest." Congress long ago recognized its obligation to act in this area which is in several respects uniquely different from the printed press.

Over the years the FCC has developed a set of effective guidelines, notably the "fairness doctrine," to deal with the special problems generated when the broadcast media is used as a forum for controversial issues. This regulation has, however, always been accomplished without infringing on the rights to freedom of the press and speech guaranteed by the first amendment to the Constitution.

It is this delicate balance between the first amendment and the congressional right to regulate which is threatened by the CBS contempt motion. In a conflict between these two interests the former must prevail.

This decision should not, however, be mistaken as an approval of the CBS program "The Selling of the Pentagon." Quite to the contrary. I have serious reservations about the veracity of certain segments of the program which appear to have been deceptively edited. Likewise, I feel that the overall impression which the program was calculated to create did a disservice to our military establishment.

It may be that after further congressional consideration, in light of the CBS incident, additional legislation will be necessary to insure the fair and forthright broadcasting which the American people deserve. If this is the case, I will give such remedial legislation my closest attention, being ever mindful of the constitutional mandates I have been sworn to uphold.

Mr. THONE. Mr. Speaker, my position on this resolution is very negative. These subpenas cannot, in my opinion, be viewed as anything other than ominous infringment upon basic freedom of the press. I shall vote to recommit.

Mr. ROSTENKOWSKI. Mr. Speaker, at the appropriate time, I shall vote against the motion to cite CBS and its president Dr. Frank Stanton for contempt. Because of the complexity of the issue and the long-range implications of this vote, I feel it is necessary that I explain my position on this matter.

Mr. Speaker, in my opinion the citation for contempt is, at this time, both unnecessary and unwise. It is unnecessary because the committee has at its disposal all the information concerning this matter that it needs to draw conclusions on the issues in question. In addition to the broadcast tape of the documentary, the committee has the complete transcript of the interview with Mr. Daniel Z. Henkin, Assistant Secretary of Defense for Public Affairs and the complete text of the speech given by Colonel McNeil. These are the two specific segments that have been singled out as having been "doctored" to distort the views of these two men. It is not my intention to, nor am I prepared to make a judgment on the merits of that question, but I do contend that, the committee does have ample material to conduct a thorough investigation and draw conclusions concerning that controversy.

I am sure that most of us recognize the authority of the committee to investigate the electronic media in pursuit of legitimate legislative ends; and it is in the public interest that they do so. In this particular case, however, the committee has adequate information to pursue its objective and need not venture at this time into so sensitive an area.

I feel further, Mr. Speaker, that it would be unwise for the Congress to take action at this time that would most assuredly be presented to the courts for final determination.

As it is well argued in the minority views submitted by Congressman BOB ECKHARDT and several other Members, there is little chance that this citation would withstand a court test. There is a real danger that an adverse decision would jeopardize the legitimate authority of this body to investigate and explore the substantial difficulties presented by the power of the electronic media. There is no doubt that the instantaneous transmission of images and words can have a great effect on the American people.

Because of their complete monopoly of the federally regulated airwaves, it is indeed in the public interest that the networks receive special attention from this body. But I do not feel that this is the time nor do I think that this is the case upon which we should try to establish a precedent.

Mr. Speaker, I would like to emphatically state to my colleagues that my vote today does not indicate a complete endorsement of the past conduct of the broadcast industry nor does it mean that I would never vote to cite a member of the broadcast media at some future date—if the facts of the situation warranted such a vote.

At this time, Mr. Speaker, I would also like to suggest the difficulties brought to light by the present situation might prompt this body in general, and the Commerce Committee in particular, to look into the entire realm of problems that are relevant to the regulation of the television industry. The establishment of a firm set of guidelines with regard to the relationship between Congress and the industry is obviously necessary if we are to avoid similar problems with first amendment rights at some future date

Mr. EDWARDS of California. Mr. Speaker, I am voting against the contempt of Congress citation as recommended by the Committee on Interstate and Foreign Commerce.

The first amendment to the Constitution of the United States, states:

> Congress shall make no law . . . abridging the freedom of speech, or of the press . . ."

Here I am a strict constructionist, and I hope and believe that the majority of my colleagues are too.

I trust the basic facts behind this particular controversy are not unknown. But, as it is never good practice for lawyer or layman to decide without a firm grasp of the facts in each situation, let us review them for a moment.

On February 23 of this year, the CBS TV network broadcast a documentary entitled "CBS Reports: The Selling of the Pentagon." This documentary described the public information activities of the Department of Defense. The program was rebroadcast on March 23, including a 22-minute postscript, which included critical comments by Vice President AGNEW, Secretary of Defense Laird, and Chairman HÉBERT of the House Armed Services Committee as well as a response by Richard Salant, president of CBS News. On April 18, there was a CBS special news report entitled "Perspective: The Selling of the Pentagon." On April 7, the Special Subcommittee on Investigations of the House Interstate and Foreign Commerce Committee issued a subpena to CBS demanding a delivery of "all film, workprints, outtakes, sound tape recordings, written scripts, and/or transcripts," relating to the preparation of the documentary. CBS furnished the subcommittee a film copy of the original broadcast and rebroadcast. On April 30, CBS voluntarily, without waiving its objections supplied the subcommittee with some general information unrelated to the editing process. On May 26, the subcommittee withdrew its original subpena and issued a new one, which narrowed the request to cover only those materials relating to interviews or events which actually appeared in the broadcast.

I must agree with Mr. Frank Stanton who in his response to the subcommittee stated:

> Clearly, the compulsory production of evidence for a Congressional investigation of this nature abridges the freedom of the press. The chilling effect of both the subpoena and the inquiry itself is plain beyond all question. If newsmen are told that their notes, films and tapes will be subject to compulsory process so that the government can determine whether the news has been satisfactorily edited, the scope, nature and vigor of their news gathering and reporting activities will inevitably be curtailed.

We are told, however, that there is a distinction between the "press" and broadcasting which comes under Federal regulation. But, the June 7, 1971, decision of the U.S. Supreme Court in *Rosenbloom* v. *Metromedia, Inc.* (39 U.S. L.W. 4694) reinforces the view that in all relevant respects the first amendment is applicable to broadcast journalism, as well it should be. It seems strained to me, to read the Constitution so as to deprive broadcasters of its protection simply because they are regulated. You cannot deprive broadcasters of the freedom of the press with respect to what they broadcast, or even be allowed to regulate them in such a manner that chills this freedom. In our society, lawyers are regulated; doctors are regulated; huge and varying segments of our society are regulated, but this does not deprive them of any of the basic protections of our Constitution or its Bill of Rights which are paramount.

I do not by this stand, mean to approve of any deceptive practices which have been alleged, but neither do I approve of constitutionally defective methods to investigate the allegations.

There are it appears, adequate safeguards presently to deal with those broadcasters who are guilty of deliberate false reporting. There is the Federal Communications Commission and the courts themselves.

Nowhere, could it be envisaged that Congress itself should sit in judgment on news reporting or broadcasting, the first amendment guards against such interference.

While it is true that the first amendments protections may also be abused, the Supreme Court has said in the past that which has such force and meaning here in the present—

> But the people of this nation have ordained in the light of history, that, in spite of the probability of excesses and abuses, these liberties are, in the long view essential to enlightened opinion and right conduct on the part of the citizens of a Democracy.

Mr. SEBELIUS. Mr. Speaker, I appreciate the opportunity to make these remarks regarding this most important resolution.

In discussing this issue with many members of the Kansas press community, I have become convinced of two things. First, that news standards should result from self-improvement by the news media and public, not from Government regulation and, second, local station affiliates need to provide a better check and balance system on the parent networks.

This issue, it seems to me, really boils down to how we can best protect the public interest. It is rare when public officials and citizens feel their public interest has not been served in our Nation's community or hometown press. Local editors and news directors not only report and comment upon what happens in their communities, but they are part of the community as well. It is time the national networks and our national press follow this example and become part of America, as well as serving as a constant critic.

In studying the material presented by my colleagues, there is no doubt in my mind this documentary contained altered film and sound and that there was public deception. Nevertheless, I have decided to vote not to cite CBS for contempt for refusing to provide Congress with film clippings used in "The Selling of the Pentagon." My decision to oppose this contempt citation is certainly not an endorsement of this conduct; however, I feel a contempt citation would set Congress on a very dangerous course without precedent or justification.

I would like to take this opportunity to urge CBS to put its own house in order. It is obvious Congress has no business deciding what is truth, for we ourselves are the subject of a good portion of the news and that would be an unresolvable conflict of interest. However, I am convinced it is in the public's best interest for our networks to employ self-criticism and improvement, and the time is now.

Mr. JACOBS. Mr. Speaker, my arrival at the decision to vote against citing Dr. Frank Stanton and CBS for contempt of Congress has not been easeful.

I vote against the citation on the ground that with respect to the question of mismatched questions and answers on the television program, "Selling of the Pentagon," our committee already possesses sufficient information on which to base a legislative judgment.

Let the RECORD show that this Member of Congress is still plagued by whether the public's right to know includes the right to know if the person on the screen is answering the question purported to have been put to him.

Moreover, I find secrecy odious in any but the strictly private sector of our society.

One laments the tragic trend toward making strictly public business private and strictly private business public.

Mr. MINSHALL. Mr. Speaker, during the June 24 hearing by the Subcommittee on Investigations on CBS' controversial editing of "The Selling of the Pentagon," Dr. Stanton bewailed the lack of a broadcaster's equivalent to the printer's ellipses, which are used to indicate omission of words or phrases from a quote.

Let me read briefly from the printed copy of those hearings:

Dr. STANTON. We have been searching for a long time in broadcast news, both for radio and for television, to find the equivalent, for example, of the three dots that the printer has. We have not found that particular device.

Mr. MANELLI. Would that not simply be to let the jump cut take place without—maybe you can define these terms. If you do not put in the reverse, which was in the Henkin interview, when you cut the tape it will be quite obvious to the person watching the screen, isn't that true?

Dr. STANTON. That is a very good question. We have experimented with jump cuts and I am not sure all the members of the committee are familiar with this.

Mr. MANELLI. Would you define it for the record?

Dr. STANTON. Sir?

Mr. MANELLI. Would you define what you mean by jump cuts?

Dr. STANTON. A jump cut is a cut in the film where you take out some material for editing purposes and you don't do any bridging at that particular point so that a man might have his head over here in one scene and you cut and his head suddenly goes over here.

Mr. MANELLI. Does that not take the place of the three dots?

Dr. STANTON. That could take the place of the three dots but I think we would be before you for a different reason.

Mr. MANELLI. Why?

Dr. STANTON. Ridicule of the person interviewed because at one moment he may have a pipe or cigarette in his mouth and the next minute it is gone. It creates all types of problems.

Mr. MANELLI. Don't the people being interviewed object, not for that, but because their appearance is that they are saying things which they didn't say and that appearance is enhanced by interjecting cutaways to the interviewer so that you cannot see that the splice has been made? That is really the more basic complaint, isn't it?

Dr. STANTON. That is a matter of editing judgment and that is what we are talking about here, it seems to me. As far back as I think a year ago we made up a special film to see how these things would work, various techniques, to try to find the three dots because that is something that we don't have.

As author of the truth in news broadcasting bill, H.R. 6935, I believe I have found Dr. Stanton's elusive ellipses for him. Much of the controversy which provoked today's debate centers around this lack. Certainly had CBS clearly identified the portions of its documentary that were edited out of context at the time of broadcast, there could have been few recriminations afterward. It may never be known if CBS was merely victim of television's rigid time requirements and condensed the interviews not wisely or too well, or if CBS editors cut-and-pasted interviews out of context with deliberate intent to defraud.

I strongly suggest that enactment of my legislation would help prevent such unhappy controversies from occurring in the future. Very simply, H.R. 6935 would supply Dr. Stanton's "three dots" by requiring the clear and explicit labeling of broadcast news and news documentaries that have been staged, edited or altered out of context. This would alert the viewing public just as plainly as does the label a food manufacturer must place on his product if artificial coloring or flavoring have been added.

On radio, my bill calls for a disclaimer by the announcer before and after such sequences, in much the same way we now hear the familiar announcement, "The preceding was recorded." For television, broadcasters would superimpose a disclaimer on the screen during transmission of the sequence, precisely the same way they now label some portions of moon shots as "simulated." It would work no greater hardship on broadcasters than that.

As I have stated on this floor before, it seems remarkable to me that the networks have not voluntarily adopted my proposal. As honest reporters, who are constantly proclaiming that "the people have a right to know," it is a solemn obligation they owe their audiences. The right to know includes the right to know whether the news being broadcast into American homes is the whole story, only a part of the story, or the broadcaster's version of the story.

Last spring, I sent a copy of my remarks on my truth in news broadcasting bill to Dr. Stanton, among many others in the news media. I received no acknowledgment from him, but in view of the attention H.R. 6935 has received in radio-television trade journals, I find it difficult to believe he is unaware of its existence. Yet in his June testimony before the Subcommittee on Investigations he states that he and his colleagues are at a loss in finding a substitute for the printed ellipses. Either they are not looking very hard, or there is a lack of sincerity in their search.

Whatever action is taken by the House today, I sincerely hope that truth in news broadcasting will soon be accorded hearings by the committee chaired by my good friend and very able colleague, the gentleman from West Virginia (Mr. STAGGERS). Enactment of H.R. 6935, which I include at this point in the RECORD, contains no threat of first-amendment infringement and some very solid guarantees that the American public will be able to more accurately evaluate the validity of news programs broadcast into their homes.

The bill follows:

H. R. 6935

A bill to amend the Communications Act of 1934 to provide for more responsible news and public affairs programing

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That part 1 of title III of the Communications Act of 1934 is amended by adding at the end thereof the following new section:

"NEWS AND PUBLIC AFFAIRS PROGRAMING

"SEC. 331. (a) No licensee may broadcast any program which contains a filmed or video-taped sequence purporting to be factual reporting if the event shown has been staged, edited, or altered in any way, or if interviews have been arranged, edited, or altered so that questions and answers are no longer in their original context, unless such sequence is explicitly labeled throughout its entire showing as having been staged, edited, rearranged, or altered, as the case may be.

"(b) No licensee may broadcast by radio any recorded, audio-taped or otherwise audio-transcribed sequence purporting to be factual reporting if the event has been staged, edited, or altered in any way, or if interviews have been rearranged, edited, or altered so that questions and answers are no longer in their original context, unless such sequence is explicitly described by any announcer both before and following the broadcast of the sequence as having been staged, edited, rearranged, or altered.

"(c) Any live sequence, whether for television or radio broadcast, that is staged or is a dramatization purporting to be factual reporting must be clearly identified as a staged or dramatized sequence in accordance with the methods described in paragraphs (a) and (b).

"(d) Complete transcripts of unedited interviews must be available for distribution on request and at a nominal fee immediately after broadcast of any interviews that have been edited, altered, or rearranged.

"(e) Whenever a broadcast station presents one side of a controversial issue of public importance, such station shall afford reasonable opportunity for the presentation of contrasting views."

Mr. WRIGHT. Mr. Speaker, many centuries ago, a Greek named Heraclitus of Ephesus described the task of organized society as follows:

> To combine that degree of liberty without which law would be tyranny with that degree of law without which liberty would be license.

Governments, in the tradition of Western civilization, are engaged in the continuous search to find and preserve that delicate balance—the balance between tyranny and license, between autocracy and anarchy.

Government exists to protect minorities against oppression by the majority and also to protect the majority against the enthronement of any minority.

It is the duty of Government to curb the excesses by which any one element of our society would aggrandize itself at the expense of society as a whole and assert its own rights in a way that inhibits the rights of the public at large.

It is a concomitant of freedom that no single entity of society may become too powerful or set itself above the people and their elected representatives.

In the time of Thomas Jefferson it was the specter of a state church whose power over government was feared, and that power was curbed.

In the day of Andrew Jackson, it was the Bank of the United States which had assumed economic power over the Government itself, and exercised a stranglehold upon the economic windpipe of the Nation. That power was curbed, and greater economic freedom resulted.

In the era of Theodore Roosevelt and Woodrow Wilson, the monopolistic trusts and the private utilities had grown too powerful and their power was restricted by Congress.

In the 1930's it was the employer, big business, whose power was curbed to create greater freedom for employees, and in the 1940's and 1950's, the power of organized labor was restricted to redress the balance.

Today television has assumed great power over the American people. Congress enacts laws to require "truth in advertising." Hardly anyone suggests it is an invasion of free expression to protect the consumer from being purposely misinformed.

Hardly anyone contends that Congress impaired that freedom guaranteed by the first amendment when it inquired a few years ago into rigged television contests and dishonest network quiz shows. Everyone accepted the right of Congress to protect the public from deliberate deception. Nobody called that exposure of dishonesty a theat to freedom of the press.

Today the three television networks contain the most powerful group of men in the United States. They are not elected by the public. Yet they increasingly control the gates through which the public may get its information.

The networks are not licensed as local stations are licensed and required to live up to certain standards in the public interest. Yet local TV stations throughout the Nation are dependent upon the networks for 90 percent of their prime time program material.

By their coverage, or lack of coverage, the networks can make or break a public cause, an individual reputation, a political candidate, an administration, perhaps even a form of government hallowed by centuries.

By their selection and treatment of news, the three networks are in a historically unrivaled position to mold the minds and control the impressions of many millions of Americans.

If the networks determine to emphasize only one side of a public issue and feature primarily those whose opinion conforms, then that is the side to which most Americans will be most favorably exposed.

If the network commentaries lie or distort the truth, a large segment of the American public is without defense to know the truth.

"Ye shall know the truth" promise the Scriptures, "and the truth shall make you free." Yet how shall we be free if we are told untruth, and none is given equal voice in the same public forum to dispute it?

Freedom of the press is quite distinct from monopoly of the press. One is the antithesis of the other. Monopoly itself implies censorship. Freedom of the press was written into the Constitution to protect against a monopoly of information by government. Is it somehow less dangerous, or less insidious, if that monopoly and censorship be exercised by private individuals not answerable to the public?

Thomas Jefferson said:

> Error of opinion may be tolerated so long as truth is free to combat it.

Yet how can truth be free if a powerful television network refuses to tell the public through its Congress what that truth may be?

Our whole system of self-government is predicated upon the assumption that the public, given ample opportunity to hear all sides, will choose wisely.

Today a mighty television network stands accused of having manufactured news, of having fraudulently staged events, of having purposely distorted an important interview by cropping answers and juxtaposing them to other questions and thus deliberately misleading the public as to what actually was said.

This is a serious charge.

If it be true, is it any more defensible than the discredited political practice of cropping and doctoring photographs so as to give a false impression?

And if the charge be untrue, then does not this powerful network owe to its own honor, and to the American public from which it earns its profits, the responsibility to produce the unedited film and demonstrate that the charge is untrue?

Does freedom of the press imply a freedom to lie, or a freedom to malign, or a freedom to engage deliberately in factual misrepresentation? I think not. Courts have held that it does not.

Freedom of speech and of the press would surely seem to imply the right of the public, through its duly elected Representatives, to know and hear the truth.

What Congress is asking CBS to answer for today is not its opinions, whether they be right or wrong, but whether they have told truth or falsehood to the American public.

Given the unprecedented power of network television in our contemporary society, it would seem that Congress has not only the right but the clear duty to do so.

Mr. DANIEL of Virginia. Mr. Speaker, this vote today will decide whether the national news media is free to censor the news and resort to distortion with impunity—or whether this same media of the Nation has an obligation and duty to report the news fairly and impartially.

Freedom of the press and freedom of speech is the issue—and the question is whether the American people will be protected from distortion and become the victims of controlled news.

Mr. BOW. Mr. Speaker, I would like to discuss very briefly what I believe is the heart of this very difficult matter. My point is that the very nature of the controversy before us illustrates the wisdom of the Founding Fathers in setting forth freedom of speech and freedom of the press as extremely important foundations upon which our system of government would rest.

None of us would question the sincerity and dedication of the chairman of the committee bringing this citation to us but in all fairness we must also note that these are matters of opinion and judgment which are at least debatable. I believe we also have a duty particularly to recognize that the Federal Communications Commission—the agency established by the Congress to oversee broadcasting—has also thoroughly examined the same allegations considered by the investigating committee. And the Communications Commission has arrived at a very different conclusion.

In its letter to the gentleman from West Virginia, dated April 28, 1971, the Communications Commission reiterated its policy that it will intervene in news or documentary programs where there is extrinsic evidence of deliberate distortion. But the Commission unanimously found that such was not the case in the program in question here. And the Commission added that, lacking evidence of deliberate distortion, for the Commission to assume the role of arbiter over journalistic judgment would be, and I quote, "inconsistent with the first amendment and with the profound national commitment to the principle that debate on public issues should be 'uninhibited, robust, and wide open.' "

Now these widely different conclusions

by two investigating groups, both unquestionably sincere and dedicated, clearly demonstrate that we are dealing here with difficult matters of judgment about which reasonable men will have many different shades of opinion. In the classic phrase of the Communications Commission, and I quote again:

> To review this editing process would be to enter an impenetrable thicket.

My point is that this is a thicket which the Congress need not and should not enter. The Founding Fathers, in writing the first amendment, had precisely such a situation in mind. Certainly the press in those days was far more violently partisan and opinionated than is generally true today. Most journals in those days were published specifically to advance a cause or party, and slander and diatribes against opponents were the order of the day in the press. Yet in circumstances far worse than any that have been suggested or alleged here, the authors of the first amendment established once and for all that the people should be the ultimate judge, and the Congress should not and must not exercise surveillance over the press.

So the crucial question here is not whether this program was right or wrong in every detail, or even in its broad sweep. I have my personal doubts about the program, but that is not the issue.

The first amendment dictates that this is where the matter should rest. The first amendment dictates that the Congress, neither by legislation nor by investigation, should enter the "impenetrable thicket" of sitting in judgment upon the press and thereby inevitably exercising influence over the press.

For these reasons, I must respectfully conclude that the subpena issued by the investigating subcommittee was an unfortunate overstepping of the principles of the first amendment, which are vital to our democracy. Whether Members of this body fully share in this view or not, certainly this is not a situation so clear that we would be justified in taking the unprecedented step of holding the network in contempt of Congress.

My vote should by no means be considered as an endorsement of CBS News or its policy. I do not approve the slanting of news or the one-sided presentation.

I wish I might support the very fine and able chairman, the gentleman from West Virginia (Mr. STAGGERS), he is a fine American and patriot. I have reached my conclusion on this matter with reluctance but I think it is right and I can do no less.

Mr. LEGGETT. Mr. Speaker, I oppose the contempt motion primarily on the grounds that the Congress has no business setting itself up as the arbiter of truth in the news media. We can require that the media provide equal time for opposing views. This has already been provided by CBS in this case. But to say that we can judge whether CBS was or was not truthful—this is nonsense. Such action would be incompatible with a democratic society. It would be incompatible with the first amendment. Moreover, it would be just plain ludicrous, considering the dismal record of untruthfulness the Government has accumulated over the past few years. The people must judge for themselves. If a network loses its credibility, it will also lose its position in the marketplace.

This is my main objection to the resolution. I believe there are also three secondary reasons why the resolution should be voted down.

First, the outtakes are not the public's business, any more than is a rough draft of the speech I am giving right now. What counts is the final product that is offered for public consumption.

Second, the outtakes in question are simply filmed versions of a speech and an interview which are already available to us in transcript form. The committee report maintains there is some mystical difference between the film and the written transcript of Mr. Hankin's interview and Colonel MacNeil's speech. For my part, I must say I am unconvinced.

Third, none of the evidence I have seen demonstrates that the program committed significant distortion in the first place. It is true that Colonel MacNeil was depicted as advancing a rather primitive and extreme form of the domino theory, when in fact he was merely quoting Prince Souvanna Phouma. This was undesirable and regrettable. But at a later point in his speech, the colonel advanced a similar statement as his own view. So I do not see how we can say he was misrepresented. I understand the colonel feels otherwise, and is suing CBS. Fine. Perhaps the courts will agree with him. This is a matter for the courts, not for Congress.

Finally, Mr. Speaker, I must say I fear today's vote may be decided, not on the issue, but on the basis of congressional courtesy. We have a tradition of supporting the committee chairman in matters such as these.

If such is the case today, it would be most regrettable. It would confirm the popular feeling that the Congress exists not to serve the people of the United States, but as a gentlemen's club run for the benefit of its members. Moreover, the citation will almost certainly be overturned by the courts, making us look foolish as well.

So I hope we will serve ourselves, the people and our national tradition of freedom of speech and the press by voting down this contempt motion.

Mr. BROTZMAN. Mr. Speaker, I oppose issuance of the contempt citation and accordingly vote to recommit the resolution, for these reasons:

First, the issuance of the citation would be an unconstitutional act barred by the freedom-of-the-press clause of the U.S. Constitution. Supreme Court cases have extended this provision to television and radio on virtually the same basis as newspapers.

Two, the issuance of the subpena by the subcommittee was unnecessary in the first place, because the subcommittee already has the full text of the principal items that were edited for preparation of "The Selling of the Pentagon." These transcripts provide the Commerce Committee with what it needs to know if it chooses to draft new legislation to prevent network deception in the future.

Mrs. SULLIVAN. Mr. Speaker, I think we are caught in a tangle here between the committee's broad powers to oversee the operations of the airwaves, on the one hand, and its prestige or "face" when confronted with a refusal of a witness to provide information the witness sincerely believes is protected by the first amendment. As I read the committee report and the various dissents, I believe it has been clearly established in "The Selling of the Pentagon" investigation that answers to a specific question, or statements made in a speech somewhere, were edited into the film to appear to be answers to a completely different question, and out of sequence. I think most of us would regard that as an abuse of news freedom.

But is there any law this Congress could pass which would require every news program and every news documentary to be scrupulously honest and scrupulously fair and objective? If we were to attempt to write such a law, and it went into effect, it would, I am sure, be quickly struck down by the courts.

The refusal of CBS to supply certain material not used on the air in the broadcast in question has in no way prevented the committee from determining that the program was, in some respects, probably deceptive. The alleged deceptions have been fully exposed. CBS has announced it is changing its policy on news presentation to avoid deceptions charged in this instance. Any other network or television station would now hesitate, I am sure, to risk exposure for using similar techniques.

The committee, then, by this investigation, has accomplished a primary goal of warning the broadcast news media that the public has a right to know when it is in danger of being manipulated by deceptive film editing in news broadcasts' so-called doctored news.

CASE DOES NOT AFFECT COMMITTEE'S POWERS TO LEGISLATE

But each news editor or producer and their employers must make their own determinations as to what is truth or fact, and how to present it. And they are subject to as much criticism as any Member of Congress or committee of Congress, or the Vice President, or competing media, may wish to make of their judgment, fairness, and objectivity. The television stations themselves exercise independent judgment as to what network presentations they will air, knowing that if a program is designed deliberately to mislead or defraud the public as to the facts, the station which uses it is subject to discipline at license-renewal time or under the fairness doctrine. CBS is being sued for damages as a result of "The Selling of the Pentagon" and this case will give the courts the opportunity to decide questions a majority of the House Committee on Interstate and Foreign Commerce has raised about the truthfulness of the broadcast.

I realize that the committee's main purpose in seeking a contempt citation is to have the courts also decide the limits of congressional power in compelling testimony or the presentation of subpenaed documents in matters relating to the use of the airwaves. But the committee would have to show the need for this material for a clear legislative purpose, and as I said, I do not see how any law could be written, based on the record in this case, which could limit a broadcaster's right to decide what is news and how it should be presented.

Exposure of abuses is one thing—and any abuses in this instance have been exposed. Future abuses similar to those charged in this case can also always be exposed—and undoubtedly will be. I shall vote against the resolution for a contempt-of-Congress citation in this case because I do not think this case could make an iota of difference one way or another in the committee's actual powers to deal with news broadcast abuses by law.

Mr. MOORHEAD. Mr. Speaker, I would like to introduce at this time a letter sent to me by Sigma Delta Chi, the national journalism fraternity, which strongly opposes the action of the Interstate and Foreign Commerce Committee in citing CBS in contempt of Congress.

I expect to vote against the committee and hope that a majority of my colleagues also vote against this dangerous precedent-setting efforts to deny CBS its first-amendment rights.

I am particularly concerned about the issues involved here because the Foreign Operations and Government Information Subcommittee, which I have the honor of chairing, just completed a series of hearings in which freedom of the press was the paramount issue.

If the Members of this body are truly concerned about the free flow of information and attempts to distort reality, there are far more fertile fields to explore than the "Selling of the Pentagon" show.

Although I do not believe that the media should have no restraints whatsoever in publishing, recording, and televising, I believe that this Nation will fare far worse from overregulation of our press than from an occasional abuse carried out by our press.

It is better to have too much freedom than too little.

The letter follows:

SIGMA DELTA CHI,
PROFESSIONAL JOURNALISTIC SOCIETY,
Chicago, Ill., July 8, 1971.

Open Letter to the Members of the House of Representatives:

Sigma Delta Chi, with a membership of more than 21,000 journalists throughout the country, urges you to kill the contempt citation recommended by your Commerce Committee against CBS and its president, Dr. Frank Stanton.

Approval of the citation would be a severe blow to our cherished, constitutionally guaranteed freedom of the press, of which broadcast journalism is an integral part. Such action, endorsing efforts of governmental officials to snoop into non-broadcast material, would serve to intimidate and harass all newsmen in the future.

Sigma Delta Chi takes this occasion to reaffirm its stand against any interference with the crucial role of the news media in freely presenting information to the American people. Fishing expeditions such as the one undertaken by the Commerce Committee must be stopped if constitutional liberties are to be preserved.

Mrs. MINK. Mr. Speaker, I rise to join my distinguished colleagues who have registered their opposition to the motion by the Committee on Interstate and Foreign Commerce to cite CBS and Dr. Frank Stanton for contempt of Congress. I regard a vote for the contempt citation as a grave infringement upon the fundamental right of freedom of the press, as guaranteed by the first amendment of the Constitution.

Freedom of the press is essential for democracy, and therefore we cannot allow a controversy over editing ethics to justify governmental surveillance of the news media. The question before us today does not concern the propriety of the CBS documentary. It is, rather a question concerning the propriety of Congress to engage in acts constituting surveillance of the press. It is not the function of the Congress to use its ominous powers to seek to determine the truth or falsity of a documentary. To engage our powers in this search is an unwarranted intrusion which clearly violates the basic tenets of the Constitution.

The argument that freedom of the press under the first amendment does not automatically extend to television and radio because use of the airwaves is a Government-regulated franchise is a tenuous one. The authority of Congress and the Federal Communications Commission is purely organizational, designed to spare us from chaos on our television screens. There can be no distinction between the printed and nonprinted news media insofar as the constitutional guarantee of freedom of the press is concerned.

The first amendment expressly provides that Congress shall not act to restrain freedom of the press. We do not solve the problem of distortion in the press by abrogating the rights guaranteed in the Constitution. The only way to provide for a responsible media is through encouraging the free exchange of ideas in a free press.

I respectfully urge a vote against the committee's motion.

Mrs. ABZUG. Mr. Speaker, I rise in opposition to the resolution. The principle of freedom of the press, which won a signal victory in the recent Supreme Court decision, today faces another major test.

I think that it is imperative that we all take a good, close look at exactly what it is that this resolution proposes. What it boils down to is that the committee wishes to review the way CBS put together and edited this specific documentary—in other words, the committee wishes to judge the documentary by its own standard of truth.

No account of events is ever made without an editing procedure. Judge Learned Hand spoke to this point when he said:

> News is history; recent history, it is true, but veritable history, nevertheless; and history is not total recall, but a deliberate pruning of, and calling from, the flux of events . . . a personal impress is inevitable at every stage; it gives its value to the dispatch, without which it would be unreadable.

For Congress to attempt to look over the shoulder of a newspaper, a television network, or anyone else exercising the freedom of the press, constitutes a giant step toward control over the content of the message, for one cannot simply separate the manner in which a program is edited from the content of that program.

The outtakes which the committee demands are the equivalent of the news reporter's notes which were protected from subpena in the *Caldwell* case. The Court of Appeals decision in the case of Metromedia against Rosenbloom, recently upheld by the Supreme Court, says:

> No rational distinction can be made between radio and television on the one hand and the press on the other in affording the constitutional protection contemplated by the First Amendment.

Regardless of the way it is being presented, this resolution is in fact an attempt at intimidation of the press. It would exert a chilling effect on the networks. That is precisely its intent. All the evidence at hand indicates that the subpena was not issued as part of a legitimate investigation for the purpose of framing constitutional legislation, but in a misguided attempt to put the networks in their place.

By its control over the sources of information, the Government has great power to decide what we shall know or not know. Only years after their making—and even then over the vehement protests of the administration—are we finding out some of the basic facts and circumstances about Vietnam policy decisions. Propaganda practices like those discussed in "The Selling of the Pentagon" add to this power.

In these critical times, the role of the press as a counterbalance to governmental power is especially vital. Even if we had the power to regulate in this area—and I do not believe that we do—the danger of governmental distortion of the truth and governmental intimidation of those who would report it is far greater than any danger posed by possible distortions of truth in reporting the news.

Mr. TERRY. Mr. Speaker, a vote will soon be taken by this House on the contempt citation against CBS. It is a vote of historic importance; one which I personally regret is necessary.

An attitude is developing in this country that the Government cannot withstand the glare of publicity. In the past months, several major issues have arisen which have prompted either Executive or legislative action to restrict the flow of legitimate information to the general public.

We are creating an atmosphere of censorship which can only work to the disadvantage of the Congress, and the American people.

The core issue is the independence of the editing processes used by CBS personnel. The charge against the network is that they did not present all of the material in an objective fashion.

The mere process of editing is a subjective matter, for the determination must be made of what is newsworthy, interesting, and stimulating for the viewers.

Through the vehicle of a contempt citation an attempt is being made to restrict the freedom of editing. Any individual in public life would prefer to have a veto over what 30-second clip of a 15-minute speech is used for quotation. But, we cannot do so, nor should we be permitted to do so.

This Nation has at times been indebted to courageous journalists who have withstood tremendous public pressures in order to report events in a different light than our Government at times would have preferred.

This is the job of any journalist whatever his medium of communication.

Considering the legal ramifications of the contempt citation, additional reason is given for the defeat of the contempt citation.

The first amendment is clear that Congress shall make no law which will infringe upon the freedom of the press.

The contempt citation is in effect infringing for its attempts to compel a major network to justify the manner in which it edited its film and videotapes.

Broadcast and printed media were recently placed on the same footing through the Supreme Court decision of *Rosenbloom* v. *Metromedia, Inc.*, 39 U.S.L.W. 4694 (June 7, 1971).

Mr. Justice White stated in a concurring opinion in support of the decision:

> The first amendment gives the press and the broadcast media a privilege to report and comment upon the official actions of public servants in full detail.

Reporting that full detail includes the shortcomings as well as the strong points; the failures as well as the triumphs. We cannot afford to limit the information to the people or we shall surely limit our capacity as elected representatives of the people.

If a judgment is necessary on the objectivity of the networks, let the people be the judge.

We place our future in their hands every 2 years. Surely, the quality and scope of the broadcast media will not suffer if it is put to the same test.

Mr. HARRINGTON. Mr. Speaker, today we are considering a resolution which never should have reached this floor. If the House votes to cite the Columbia Broadcasting System and its president, Dr. Frank Stanton, for contempt, we will be perverting the legislative process and setting a precedent which can only lead to further erosion of the first amendment.

In opposing this resolution, we are not just protecting the rights of CBS and Dr. Stanton—although they are the issues before us—rather, we are protecting the rights of a nation to benefit from unfettered journalism. The Court said in Grosjean against American Press Co. in 1936:

> A free press stands as one of the great interpreters between the government and the people. To allow it to be fettered is to fetter ourselves.

The news and the men who report it must have the greatest leeway if the Nation is to be informed. The Congress must never become an editor. This is simply not our business.

The Court has often spoken of "the chilling effect" which would result from governmental interference in the news. If a newsman had to ponder each time he sat at a typewriter whether he was risking his right to publish, how safe would the first amendment be? That is the issue before us today. A major network broadcast a documentary, "The Selling of the Pentagon," which criticized the Department of Defense. Now, the network and its president face a contempt citation. And for what purpose? Because Dr. Stanton refused to furnish the Subcommittee on Investigations with outtakes—unused film from the broadcast—one would think that the texts of the interviews in question were otherwise unavailable. Yet, anyone who wishes to can read the entire interview with Assistant Secretary of Defense Daniel Henkin in the March 8 CONGRESSIONAL RECORD; so what is the reason for demanding the outtakes?

The quotes CBS chose to use in its broadcast were not the quotes Secretary Henkin might have preferred or individual Congressmen might have preferred, but editing has always been within the jurisdiction of the media. The specter of Government stepping into news judgments is all too apparent. The subcommittee's legislative purpose was to determine whether "distortions" or "editing practices," as Chairman HARLEY STAGGERS described it, gave false impressions to the American public. That purpose is merely another way of saying legislative surveillance.

Where news is concerned, the print and broadcast media must be on an equal footing, a position recently affirmed by the Supreme Court in Rosenbloom against Metromedia when the libel laws established by New York Times against Sullivan were applied to a radio station. Why then is a network president facing a citation for contempt when the same charge would never be considered against a newspaper editor? There is no longer any legal reason to perpetuate this double standard.

The subcommittee contended that since stations must apply to the Federal Communications Commission for a license, they are in a special category. But where news is concerned, there can be no special category. FCC licensing procedures promote efficient use of the airwaves—not editorial policy. The FCC has, however, determined that CBS complied with the fairness doctrine when it later broadcast a program allowing the documentary's critics to express their opinions.

What, in fact, did Dr. Stanton do to invoke the ire of Chairman STAGGERS' subcommittee? Did he fail to attend the hearing to testify? No; he appeared June 24 for 4 hours and answered questions on editing practices, but Dr. Stanton correctly drew the line by refusing to submit unused film just as any conscientious publisher would refuse to supply his reporters' notebooks. Nor has CBS taken legitimate criticism lightly. After a year's research, the network issued new guidelines designed to improve its documentaries. Good journalists are their own severest critics. I suggest CBS is following that tradition by reforming from within. The network needs no help from us amateurs.

I disagree with my colleagues who say "The Selling of the Pentagon" was a deceptive documentary. No one has come forth with legitimate examples of inaccuracies in substance. The documentary raised very serious issues, issues which deserve far more debate before this body than the editing procedures. Why has no one asked if the Pentagon budget can justify so much money for public relations? That is the question this Congress should be considering.

I urge my colleagues to vote against this resolution because it is inherently wrong for Congress to interfere with the news. It is true that CBS will lose if this resolution passes, but Congress will be the bigger loser for passing this folly because it will, I believe, be correctly dismissed in the courts. Congress has no business in this matter. The only action we can take in good conscience is to vote against this bill. That is our only choice.

Mr. McKAY. Mr. Speaker, it is my intent to vote against citing Frank Stanton and CBS for contempt of Congress. I will do this because I hold the freedom of the press to be so essential to the health of the American system that I could not do otherwise. I am mindful of the words of Thomas Jefferson in 1787:

> The basis of our government being the opinion of the people. The very first object should be to keep that right; and were it left to me to decide whether we should have a government without newspapers, or newspapers without government, I should not hesitate a moment to prefer the latter.

In deciding to vote against the citation, I do not mean to imply that I approve of the documentary, "The Selling of the Pentagon." I believe one's views about the merits of that program are irrelevant to the issue before the House in the Stanton case. As John Stuart Mill pointed out in his famous essay "Liberty":

> We can never be sure that the opinion we are endeavoring to stifle is a false opinion; and if we were sure, stifling it would be an evil still.

Having expressed my deep commitment to the principle of freedom of the press, I should like to state that there remain a number of questions troublesome to me. The issues involved here are by no means as simple as the partisans on either side have tried to draw them, and I should like to state my concern about these unresolved problems.

Many are concerned about upholding the authority and prerogatives of the House, and in particular, about protecting its subpena power so vital to the process of legislative oversight. This concern is valid and would be, to me, highly persuasive were constitutional issues not involved. Circumscribing governmental prerogatives, after all, is one of the most basic purposes of the Bill of Rights.

What concerns me far more is the corollary to the previous argument, namely that Congress needs to be informed in order to carry out its responsibilities. Mr. Stanton recognized, apparently, that it was legitimate for Congress to inquire into the processes and articulated standards which CBS has adopted in general, and he provided information on these points willingly. His objection was to any discussion of the editorial decisions made in any particular case. His statement was:

> I shall, however, do my best to answer questions of the Subcommittee which do not seek to probe so deeply into the news process as to reach specific journalistic practices or the editing of particular broadcasts. The line is a difficult one to draw.

I suggest that the line is not just difficult to draw but may be entirely artificial. Courts have long since learned that you must look beyond articulated propositions to their effects on particular people, beyond the words of the laws to the application of the law in specific cases. Courts recognize that what is appropriate in form may not be allowable in application.

If the practices of the broadcast media are a legitimate concern of the Congress, then the examination of those practices as applied in specific circumstances is inescapable. In making my decision, I have demonstrated my belief that the House should not call upon a journalist to justify his position. But I do not believe that the Congress must acquiesce whenever the press speaks. I believe it entirely appropriate for committees of this House to conduct investigations and, from its own sources, refute whatever criticism it considers invalid and reveal whatever bias and unfair practices it may find on the part of the media.

Most troublesome to me is a fear about the condition of the broadcast media in the country. I have previously quoted John Stuart Mill. Certainly his statement in "Liberty" is among the most eloquent and well reasoned of all the arguments in behalf of freedom of expression. Central to his thesis is the concept of "Free Market of Ideas" in which, eventually, the truth will prevail against competing statements.

The argument for freedom of the press is the same. Such an argument, however, presupposes competition among those in the same media and among the media themselves. The "Free Market of Ideas," like the economic free market, ceases to function efficiently when competition is limited by oligopoly or monopoly. Traditionally, the Government has been considered the gravest threat to freedom of the press. But it is not the only threat. It is not inconceivable that the control of mass media would fall into so few hands that a small group, outside of Government, might be able to control the vast majority of the information disseminated in this country.

There are those who say we have reached that point today, who argue that the members of the broadcast media cannot make each other accountable to the truth because they are so few, and their interests so parallel. If that is the case, it is argued, only the Government can call networks to account.

I think it important that networks listen to that argument, not out of fear of Government control, but out of a proper respect for what we mean by a free press. I believe that they must continue to probe, to examine, to speculate, to report, and to refute not only the statements of the Government, but also the information purveyed by their fellow journalists. Only then can freedom of the press mean what Jefferson and Mill understood it to mean.

I do not believe the press has yet reached this state of irresponsibility, and if it had, the kind of demand made upon Mr. Stanton would not be the appropriate way to correct the problem. But the press must be accountable, not to the Government, not even to the people, but to the truth as it is revealed through free exchange of diverse ideas.

Finally, I should like to point out that freedom of the press is not only an essential element of free society, but a free society is essential to a free press. The government which protects a free society protects also the free press and the system which makes that government function deserves the allegiance of those who benefit from it.

The Government relies upon the press to disseminate its decisions and to maintain lines of communication between the people and their representatives. I would hope the press understands this reliance and the responsibility which it imposes upon our media. I have every reason to be proud of the work which has been done by American journalism, but it is not remiss to remind the press of its continuing responsibility to provide ethical standards for itself and to protect the system of freedom without which the free press would be unprotected.

Mr. ANDERSON of California. I rise in opposition to the motion to cite CBS President Frank Stanton for contempt of Congress.

My able friend, the gentleman from West Virginia (Mr. STAGGERS) has acted in good faith and I do not argue that the editing methods of broadcasters are always in the best interests of the people of this country.

Obviously, all of us want what is best for all of the people. But, to me, the threat of Government intimidation or censorship works counter to our objectives—an educated and vigilant citizenry. A free, inquiring press guarantees the people's right to know what its government is doing—why, where, and how the government operates. To censor, bridle, or control the views of the news media is to deny the people the facts that they must have to formulate opinions, and to choose their representatives.

I strongly believe that the people's right to choose—to select—the news they wish to read, see, or hear, is, by far, the best method of controlling the media. For if the public is appalled, or incensed by the media, then it will turn to other sources for its news.

I feel far safer getting my news and views direct from the wide choice of independent voices available to us than I could under a system of censorship from any level of government, however well intended.

Mr. Speaker, the threat of public disbelief, the threat of a lapse in credibility, should be the restraining force over the media and its commercial sponsors—not legal action that might tend to bridle the media in its attempt to cover the news.

Mr. WOLFF. Mr. Speaker, I rise in opposition to House Resolution 534, citing CBS and its president, Dr. Frank Stanton, for contempt of Congress. As my colleagues know, this contempt citation arises from CBS' and Dr. Stanton's refusal to turn over film materials and other information regarding preparation of a CBS documentary, "The Selling of the Pentagon."

I must oppose this resolution for a number of reasons. In the first place, I feel that the power of subpena should be used by congressional committees only when there is no other way to acquire specific information needed for a committee investigation. In this case, it seems clear from the record and from the minority views in the report on this resolution that all of the information which the Interstate and Foreign Commerce Committee needs to legislate in this area is available.

Even assuming that the program on "The Selling of the Pentagon" was deliberately edited to achieve deceptive results—in which case the committee's inquiry into the editing might be justified—there would still be a question about whether it is necessary to subpena the outtakes in order to determine the extent of such editing and complete the committee's inquiry. I might suggest at this point that, should the networks decide to broadcast outtakes including remarks by Members of this body, many of my colleagues might take exception to this decision.

Use of the subpena was not necessary in this case, and its use can only be construed, as the minority views point out, as "arising from a concern for establishing 'what is truth' by a governmental action." This kind of governmental inquiry into journalistic judgment—which was clearly rejected by the FCC—is unwise.

In short, it seems to me that the subpena issued by the committee, in the absence of any clear legislative purpose and without reason to believe needed new information could be gained by the subpena, is in obvious conflict with the first amendment. The committee investigation was clearly being carried out in an attempt to exercise a highly questionable congressional power to judge whether TV news is factually true—a judgment which cannot be rendered without interference with the constitutionally protected rights of journalists.

The first amendment protection of freedom of the press was intended, at the time it was written, to provide full protection for the print media—for radio and television had not yet been devised. However, we must treat broadcast journalism as having the same first amendment rights and protections as newspapers. Although there has been licensing of broadcasting to assure fair use of the public airways, it has not extended to Government oversight of editorial and news judgments, but has been to make sure that all sides of an issue were fairly presented. Extension of Government oversight beyond enforcement of the fairness doctrine would be a clear infringement of CBS' first amendment rights.

With regard to "fairness," I would like to point out that the committee report on this resolution was unavailable until after the session began today—and then only in limited quantity. This is not a fair or reasonable approach to the legislative process, in my judgment.

I urge my colleagues to oppose this contempt citation, for I believe that the first amendment rights of broadcast journalism—now the primary source of news for millions of Americans—must be protected. Any infringement on those rights, such as that now proposed by the committee, would be unconscionable and, indeed, dangerous, in that it might lead to subsequent censorship of this and other media. This is a risk this Nation cannot possibly afford.

I would like to bring to the attention of my colleagues a recent editorial broadcast by WMCA, New York:

(Radio editorial)

Fit To Print

(By R. Peter Straus)

July 3-4, 1971.

> The Supreme Court's decision that the Pentagon papers are fit to print is a solid enough victory for law and for common sense. The Court confirmed that the Bill of Rights means what it says—that Congress shall make *no* law abridging the freedom of the press.
>
> But the Court's decision has not ended the state of undeclared war between the press and the politicians in this country. In fact, the day after the decision was handed down, a congressional committee voted contempt charges against CBS TV network and its president in another battle over freedom of the press.
>
> The committee's chairman, Congressman Harley Staggers, wants to see the material CBS didn't broadcast in a documentary called "The Selling of the Pentagon". He says radio and TV newsmen don't have the same freedom that reporters have in print.
>
> If that's true, we've taken the first step toward full-time government censorship. Your right to know shouldn't depend on whether you read the news—or hear it.

Mr. ROYBAL. Mr. Speaker, I rise in opposition to the House Commerce Committee resolution citing CBS and its president, Dr. Frank Stanton, in contempt of Congress. I regard the adoption of this resolution as the first step in repressing and muzzling the news media.

This move contains the seeds of McCarthyism and would lead us into an era of intimidation and congressional arrogance. A revival of McCarthyism would result in a serious collapse of the American system of checks and balances and damage our rights to free speech and free press.

When the House Commerce Committee subpenaed materials unused or edited out of the news documentary "The Selling of the Pentagon," I wrote to the committee chairman on April 29, the following:

> I am concerned that the House Interstate and Foreign Commerce Committee may unknowingly be contributing to the growing hysteria surrounding alleged threats to free speech and protection from unreasonable search . . .
>
> If permitted to continue, these activities of certain governmental agencies could induce a state of fear in this country only to be matched by the awesome year of the McCarthy era.
>
> It is my hope that your Committee will reconsider this action in the light of the great threat it poses to the continued reputation of your Committee and the House as defenders of our basic individual freedoms.

I do not regard the original and the current subpena as serving any valid legislative purpose. Congress has no place setting editing standards for broadcast news in violation of the first amendment.

In the recent Rosenbloom against Metromedia decision, the Supreme Court ruled that the first amendment covers broadcast journalism as well as newspapers. Like newspapers, the broadcast media is only liable where actual malice or reckless disregard for truth is proven. The broadcast media is also subject to the fairness doctrine requiring that all sides be presented. CBS fulfilled this obligation on two follow-up programs; aired on March 23 and April 18.

Congress should not attempt to set standards of truth in the production of news programs. This is a very hazardous undertaking, since it would impose one man's perspective of truth over another's.

As Dr. Stanton testified before the House Commerce Committee on June 24:

> What we do object to is being subjected to compulsory questioning in the governmental inquiry, expressly intended to determine whether this or any other CBS news report meets Government standards of truth.

The committee argues that the TV outtakes under subpena are not the same as reporter's notes, and therefore not protected by the first amendment. I disagree with this distinction. Broadcast like print journalists have their own manner of taking notes—film, videotapes, and sound recordings. Whether in print or broadcast, the journalists or reporters first gather their news materials, then edit and present their stories or news programs in compressed form. Personal judgment and choice enters at every step of the news process, and confidentiality of material as well as sources needs to be protected.

There has been a few court rulings on TV outtakes. For instance, the reporter's privilege laws in New York and other States protect both print and broadcast journalism. State courts in New York, Illinois, and California have invalidated subpenas for TV outtakes on statutory and, in a California case, on first amendment grounds.

The meaning of the first amendment is to encourage a free flow of ideas and views, and to prohibit Government from setting standards of truth for free speech and free press. In the *Caldwell* case of 1970 the Supreme Court recognized that:

> The very concept of a free press requires that the news media be accorded a measure of autonomy; that they should be free to pursue their own investigations to their ends without fear of governmental interference.

The press, the news media, serves as a critic and analyst of our society and governmental process. To muzzle it by rules governing news content is to make it a subservient press. This can only lead to a general weakening or decay of our basic freedoms, particularly free speech.

There is a risk in having a free press; it may act irresponsibly. But we should take that risk if we are to remain a free society. James Madison understood well the dangers of a free press but warned against attempts to correct the excesses.

He wrote:

> That this liberty is often carried to excess; that it has sometimes degenerated into licentiousness, is seen and lamented; but the remedy has not yet been discovered. Perhaps it is an evil inseparable from the good with which it is allied . . .
>
> However desirable those measures might be which might correct without enslaving the press, they have never yet been devised in America.

I believe we should adopt Madison's pragmatism and not attempt to remake the Constitution.

Mr. DULSKI. Mr. President, I support the privileged resolution offered by the gentleman from West Virginia (Mr. STAGGERS), the distinguished chairman of the Interstate and Foreign Commerce Committee.

I feel that the network had a responsibility to respond to the committee subpena. I believe the committee was justified, in its oversight responsibility, in insisting that the network comply.

Having received a flat refusal to comply, the committee voted a contempt citation. I support the action of the committee majority.

Mr. Speaker, as part of my remarks I include a column from the Buffalo, N.Y., Courier Express by William F. Buckley, Jr.:

Stanton Versus Congress

(By William F. Buckley, Jr.)

> Here is the background. CBS produced a brilliantly effective documentary called "The Selling of the Pentagon." Its thesis is that the Pentagon does a lot of PR work, which I found about as surprising as Mr. Agnew's revelation that the networks tend to show a leftward bias. The issue was then raised, and intelligently discussed, whether the documentary had engaged in rather unusual distortions. Any polemical account of anything engages in what one might call distortions, i.e., the stressing of one set of points, and the understressing of another. But it was charged that CBS did more: That the producer took words uttered by a Pentagon official in answer to one set of questions, and appended them to a different set of questions, so as to give the viewer the impression that said Pentagon official was being very perverse and very unresponsive.
>
> At this point a congressional committee began to take an interest in the case, and notified CBS President Dr. Frank Stanton that it desired to see all the film that had been taken, from which the final had been put together. To this indelicacy, Dr. Stanton replied no, citing the freedom of the press. And, indeed, no journalist gladly permits others to see his notes, no artist his early drafts. But Rep. Harley Staggers of the House Commerce Committee turns out to be a tough hombre, and he promptly subpoenaed the CBS rushes. Dr. Stanton refused to produce them, whereupon the subcommittee voted to find him in contempt, and now the senior committee, by a two-to-one vote, concurs and the House of Representatives will be asked to say yes or no.
>
> Dr. Stanton, who is the soul of honor, insists on reducing the conflict to generic terms. "All this boils down to," he said, "is one central and vital question: Is this country going to continue to have a free press, or is indirect censorship to be imposed upon it? The issue is as simple as that."
>
> But surely the issue is not as simple as that. It is more complicated than that. Rep. Staggers, who by the way is a Democrat, put it this way, in answering Dr. Stanton: 'This is the most powerful media we have in America today and you talk about 'chilling effect' . . . Where there is untruth put over these networks, they can control this land, and you know they can." Rep. Clarence J. Brown came to the defense of CBS, if not exactly in just the way Dr. Stanton would have liked. "CBS has a right to lie," said Mr.

Brown, "and does so frequently." But then Mr. Brown suggested that CBS should devise its own safeguards against a repetition of such distortions as the Pentagon commentary was guilty of. "It is not up to me to decide what's untruthful, biased and slanted, but if Frank Stanton doesn't wake up to the fact that he has a responsibility to the American people, the people will take care of him—or we will take care of him some other way."

Surely Congress is making its own simple point, which is that broadcast licensees, unlike newspaper publishers, are already regulated as it stands, via such articles as the Fairness Doctrine, and that Congress has a continuing responsibility to oversee the broad rules by which the broadcasters are governed.

As recently as in 1959, when the Communications Act was amended, Congress, in granting certain immunities to the television industry, wrote that "nothing in the foregoing . . . shall be construed as relieving broadcasters in connection with the presentation of . . . news, documentaries . . . from the obligation imposed upon them under this Act, to afford reasonable opportunity for the discussion of conflicting views on issues of public importance."

Meanwhile, deep down in the news story, one learns that CBS has just now issued a directive governing future news documentaries. "One (directive)"—to quote a summary of it—"requires that, if the answer to one question asked of an interviewed person is taken from a reply to another question, the viewer must be so advised." Those who know Frank Stanton will know that his reforms were instituted because of his own commitment to fairness. But those who don't know Frank Stanton will quite understandably belive that his reforms were instituted because of congressional pressure. And that, children, is what congressional pressure is all about.

Mr. RARICK. Mr. Speaker, I rise to support the committee and will vote to hold CBS in contempt of Congress because I believe in the right of our people to know the truth.

I cannot see where in the action today any first amendment violation is involved inasmuch as the constitutional amendment reads:

> Congress shall make no law . . . abridging the freedom of speech or of the press.

Congress, in this instance, is not making any laws but rather attempting to investigate the threats to free speech which have been brazenly manipulated by the CBS network people using licenses extended by a Federal agency.

If by the widest stretch of the imagination there has been a first amendment violation, it has been the censorship—even more than that, the willful distortion, by the CBS network operating through its affiliates, using the licenses granted by congressional authority being exploited to misinform our pepole.

There is a decided difference between freedom of speech and freedom of the press and the right to use the ether waves which are classified as being vested with a public interest and owned by all of the people and therefore supervised by Congress and the FCC.

In recent months we in Congress have beheld judicial approval of action taken by the FCC in denying licenses to TV stations and radio stations in the common interest of the American people. One such incident was the revocation of the TV license in Jackson, Miss., on grounds that it did not program its TV coverage to conform with the racial proportions of the community. None of the champions of free speech, including the right to distort TV signals here today, were ever heard to utter one word on the theory of denial of free speech to the owners of the Jackson, Miss. TV station.

And Americans have learned that the pettiness of banning the playing of Dixie and displaying the Confederate flag on TV has been as a result of guidelines from the FCC bureaucracy, without any first amendment violation cry.

Certainly, since the FCC was created by and operates under the laws of Congress and has demonstrated quasi-dictatorial powers over the speech matter and programing on TV and radio stations, it is absurd to think that Congress—charged with the responsibility of protecting the first amendment rights of the people to free speech and free press so they can be fully informed—cannot insist that CBS network, as the beneficiary of its affiliates' licenses to operate an opinionmaking monopoly, not willfully lie in what is told the people.

Many people today experience the feeling of the world as upside down. What is reported to them as being good, they find to be bad and what they are told is bad, they end up finding is good. As one consituent told me:

> I have to stand on my head to understand the new vocabulary and what is going on in America.

Those who the people are told are for war, are found to be for peace; while those who act and talk of peace are those who prolong the war and keep it from ending. Likewise, in the matter at hand, it is CBS, cloaking itself with the first amendment, who is the censor of free speech and free press and who would deny the American people the right to know.

Jesus said:

> And ye shall know the truth and the truth shall make you free.—John 8: 32

If this body does not adopt the resolution before us today, truth will continue to be a stranger in our land and the freedom of our people will continue in jeopardy.

I urge adoption of the resolution.

Mr. KOCH. Mr. Speaker, I shall vote no on this motion to cite for contempt the Columbia Broadcasting System and Dr. Frank Stanton. We have had 1 hour of debate on this issue, all that is permissable under the rules of the House—and the lines are clearly drawn.

Those who seek the citation for contempt so as to compel Dr. Stanton to provide the outtakes take the position that the Congress is entitled to see them to ascertain whether or not CBS in its documentary "The Selling of the Pentagon" told the truth. Those of us who oppose the citation for contempt take the position that it is irrelevant what those outtakes would show if they were produced.

It is remarkable how the first amendment is praised by all in the abstract but is too often denigrated in the particular. The Supreme Court has already ruled in prior cases that news broadcasts on radio and television are entitled to the same first amendment protection as is afforded newspapers. No Member of this House at this point in time would suggest that a newspaper reporter produce his notes to a congressional committee. And the fact is the courts have already decided that such a demand would violate the Constitution. The outtakes of television, which are as we know the unused film or tape, are in fact the television reporters' notes and are entitled to the same first amendment protection.

Fundamental here is the question of whether the Government shall have the right to establish a standard of truth for the press, and the press includes radio and television news broadcasts. I believe that the Government does not have the right to establish the standard—a sentiment shared by the founders of our Republic who in their wisdom established the protection of the first amendment. The recent revelations of the standard of truth used by the Government, as reflected in the Pentagon papers, demonstrate how right the Founding Fathers were.

We can all agree that errors and misstatements, and indeed on occasion false statements, have been published in newspapers and spoken on the radio and television programs of this country. But on balance the free press has kept this country free and democratic and I would not reduce its protections by one iota.

Mr. GONZALEZ. Mr. Speaker, we are here under the baleful eye of the CBS logo, talking about contempt of Congress. But the issue is really the right to know. The issue is whether someone except CBS is to be the arbiter of truth.

When a newspaper prints an error, its competition is generally glad to correct the story. When a magazine prints an opinion there are dozens, even hundreds, to print other opinions. But when a television network errs or lies there is no competition around that seems willing to broadcast a correction; and networks do not like to state opinions, at least out in the open. Yet no individual in the country has enough access to television networks to call an error an error; and CBS assuredly is unwilling to confess it is wrong, or has been wrong, or even that it has an editorial point of view.

So who is to protect the truth?

Ideally it should be the competition from other networks. But we know that this has not assured fair reporting, because there is no competition between the networks, except for ratings and prestige.

Maybe some day in the far distant future we will have as many television outlets as we have magazines and newspapers, and there will be sufficient competition to assure that the networks report with accuracy and care. But today the fact is that we do not live in such a perfect world as that. We live in the world where the baleful eye of CBS reigns with a mighty hand.

The might of that hand was made clear to me when CBS broadcast its famous "Hunger in America" show, which featured many scenes in my district. I demonstrated, and repeated investigations subsequently demonstrated that the show contained outright errors—or lies—about San Antonio, and greatly distorted the actual situation in the city. Yet CBS has never felt that it had to so much as admit it could have been wrong, much less correct the record. The show is still being used all around the country, unchanged from its original form, though I know all too well its inaccuracies, and though others including Orville Freeman have said it was "bluntly and simply a travesty on objective reporting."

I said many months before "The Selling of the Pentagon" was ever broadcast:

> The facts and opinions carried over the network outlets have powerful ability to create public opinion or influence it. The combination of film and sound has always been a powerful one; it produces great drama, elicits strong emotions, sets loose fervid thoughts. Television networks have great power, and therefore, they bear great responsibility in their use of it. But the fact is that the networks are responsible only to themselves, not to the public. How, then, is misinformation to be corrected when it comes from the networks? How are false statements to be corrected? Wherein lies the redress when the networks fail in their responsibility?

We have before us a grave problem. It is more than a matter of a contempt citation. It is a problem of arriving at some means of giving the public some protection against the abuse of network power. If a contempt citation is a poor tool, it is the only one we have available, at least right now. And besides, I would ask, what does CBS have to hide? Certainly they would not want to hide the truth.

Mr. RANDALL. Mr. Speaker, I cannot vote to sustain the citation for contempt by the Committee on Interstate and Foreign Commerce pursuant to the provisions of House Resolution 170, as contained in the report of the proceedings against Frank Stanton and the Columbia Broadcasting System.

An hour's debate on this privileged resolution is altogether inadequate on such an important matter. However in the limited time afforded I have listened carefully to the members of the committee.

As I listen to the proponents of this citation, the reason for the issuance of the contempt proceeding was in order that the committee might have adequate knowledge of the editing of the CBS documentary, in order to proceed to legislate to avoid similar instances in the future where there were presentations by the electronic media which perpetrate fraud and deceit against their viewers.

If one who is not a member of the committee can rely on the 10 members of the committee who filed dissenting views contained in the report, then the committee already had all of the information that it needed. In other words, the subcommittee already had everything that it needed in order to draw its conclusions about the propriety of the fraudulent type of editing used by CBS in "The Selling of the Pentagon." No one denied during the debate, that most of the substance of the "outtakes" sought by the subpena was already known to the committee and available in its files.

After reading that portion of the report which contained the dissenting views, I note these members set out portions of the interviews with Daniel Henkin, Assistant Secretary of Defense for Public Affairs, and also portions of the speech of Colonel MacNeil. Any layman can make reference to the report and clearly determine both the distortions of the Henkin interview and also the changed or altered text of the Colonel MacNeil speech. There it is for anyone to read in the report. It is clear that the comments of both of these men were changed and twisted in order to make it appear that they made statements which in fact they did not make. The words which appeared in the documentary, "The Selling of the Pentagon" were not the words actually spoken by Mr. Henkin or by Colonel MacNeil.

All of these foregoing distortions, changes, and alterations constitute deceit. However, it is not the objective of the committee or the Congress simply to make a finding of deceit and fraud. Our purpose is to legislate to avoid repetition of a bad situation.

Unless I want to believe that 10 members of the committee are not telling the truth, I am drawn to the result that the subcommittee had everything it needed in order to reach its own conclusions about the propriety of editing by CBS, and thus draft legislation to prevent this in the future. The committee had the total script of the speech as written and approved by the Pentagon which was given by Secretary Henkin. It had the tape of Colonel MacNeil's utterances as well as his preliminary notes which the committee could compare with his utterances as portrayed by the documentary. The fact that these were all available to the committee made this subpoena unnecessary, and the citation for contempt was thus without any foundation.

If the materials asked to be subpenaed were in fact already available, then this means we are not embarking on a good test case. Congress stands to lose if it presents a test of its authority to the courts under a fact situation which is not strong. The dignity of Congress is at stake. If we present a case which is not appealing to the courts because it can be shown there is little practical need for the subpena or for its enforcement by this contempt citation, then we may well be in trouble. This matter will undoubtedly go to the courts. At this point the damage to the public has been slight, but much, much more damage could result to the Congress if our rights are diminished and our power of oversight of television is crippled by an adverse decision growing out of such a weak case. Our powers in the future could be severely limited by an adverse judicial decision.

On the other hand if our power to demand information is raised in a strong way or to use the words of prevailing court decisions, only in cases where there was a "compelling need" and a "lack of an alternative means" to get the information that Congress needs, then the courts would undoubtedly sustain the power of Congress under such circumstances.

It is my judgment, and in this I join with those who have provided in the report their minority or dissenting views, that Congress must not fail to put its best foot forward when we go into a test case of our legitimate authority to establish a policy respecting the use of the airways. That is another reason, Mr. Speaker, that I cannot vote to support this citation for contempt.

Having stated that I shall not support the committee on this citation, I do not want to leave the impression that I am opposed to the procedure of citing unresponsive witnesses before a congressional committee for contempt. Over the past 13 years I have supported in repeated instances citations for contempt brought by the House Un-American Activities Committee and also the Internal Security Committee. But in those instances we were talking about subversive activities or infiltration of our government by Communists or fellow travelers. There is nothing of this sort of thing involved in this citation for contempt. No questions of national security are involved here. There is no question of subversive activities, but only the fact that CBS was misleading and deceptive and also the question of whether or not the committee has in its files enough information to legislate to avoid such network practices in the future.

After a fair consideration of the need for this subpena and after a careful exploration of the strength of the facts to face a judicial review, the conclusion is almost inescapable that this citation should not be approved.

But not for one instant does it follows that the CBS documentary, "The Selling of the Pentagon," was what it purported to be. There is no possible doubt but that there was a mismatch of questions and answers. There was even an admission by CBS of a juxtaposition of answers to questions, which were not intended as an answer to that particular question. Just about everyone knows that CBS in this documentary played up the bad and played down the good.

In the documentary we are considering CBS cut some corners and skirted the truth, with the result of a deceptive and misleading presentation. In "The Selling of the Pentagon" the network did not seem concerned about false impressions. CBS did not seem concerned that their showing would misrepresent the true situation. The fact that this presentation was a dishonest fabrication and a hoax upon the viewers all adds up to the fact that CBS acted most irresponsibly. But that fact does not give Congress the license to also act irresponsibly. We are the representative of the people. We have been called "the people's body" and we have a duty and obligation to act responsibly. That means that this citation for contempt under a weak set of facts should not be issued.

Mr. Speaker, I have the highest respect for the first amendment. I firmly believe that we cannot tamper with freedom of the press. Actually I suppose even if it is admitted that this CBS documentary was an untruthful, deceptive, dishonest fabrication, that we must recognize that under the first amendment truth is not a prerequisite for publication. Of course, one remedy is a suit for libel. I understand that Colonel MacNeil has already filed a lawsuit against CBS for several million dollars.

If then there is no remedy against CBS through the enforcement of this citation, and if truth is not a prerequisite for publication either in the printed media or the electronic media, then just what remedy remains for the viewing public?

The answer is that I have confidence that the American public as a television audience will show so such resentment against these deceptions and fraud and will become so aroused that similar practices may not be repeated in the future. I understand CBS has already issued new guidelines for its editing. Adverse public opinion will do more to prevent the repetition in the future of dishonest fabrications by CBS than any congressional subpena. After all, it is an educated, informed and alert citizenry that is the best weapon against the broadcast of deceitful, deceptive, misleading and dishonest broadcasts.

Mr. BELL. Mr. Speaker, I rise in opposition to another misguided and dangerous attempt to trample on the first amendment guarantee of a free press.

It is unfortunate, though perhaps to be expected, that attempts by Government officials to infringe upon freedom of the press occur more often at times when the press is most vigorously fulfilling its role of informing the public vigorously and critically of the activities of the Government and its officials.

It is highly significant that the principal rationale argued by both the committee majority and the CBS network is the concern for the "people's right to know." This is as it should be, for a major function of a free press in a free society must, of course, be to enable the people to discover the truth about their Nation and their government and its policies.

Although the case before us today does not directly involve the need to protect confidential sources, the issue is much the same. The need for protection of a reporter's personal notes—his private scribblings, words and phrases not used in a final draft, and the names of his sources—is essential if we are to uphold the value of vigorous investigative reporting. This kind of reporting in both the print media and the broadcast media is one of the greatest strengths in a free society with a free press. We need more of it.

For this reason, earlier this year I joined a number of my colleagues in cosponsoring the "Newsman's Privilege Act" which would protect reporters in their investigative reporting efforts. This is one way we utilize a free press to expose mistake, mismanagement, and corruption inside and outside our Government. Thus, reporters should not become the investigative arm of the Government.

At the same time, neither the print nor the electronic media should become the propaganda arm of the Government. A free nation loses a valuable resource if the media become mere endorsers of Government policy or conveyors of statements by Government officials.

This is the issue in the delicate case before us today. We are living in a time of lively public debate over major and minor issues of public importance. There have been repeated calls for "truth in government" and for expanded "freedom of information" so that the public can make participatory democracy a reality on the basis of complete information. One of the major issues which has come fully to the fore recently in the debate over the Indochina war has been the public right to know the events, policies, and rationale behind our involvement in that war.

The ironic fact in this whole controversy is that many of us have hoped that we could encourage documentaries and other forms of investigative reporting in the broadcast medium as well as the press. The electronic media are particularly suited to informing the public along these lines because of the visual impact of their medium. For 30 or 60 minutes the television can knock down the walls and the distances in our society and bring the ghetto, the war, the refugee camp, hungry people, and similar isolated people and events in our society into every living room.

Following the recommendation of the committee today would discourage such informative presentations and encourage the broadcasting media to present nothing but dull "pablum" to the public. For the dubious purpose of protecting the sensitivities of some Government officials, some would have the Government assume the role of arbiter of truth in the presentation of news, documentaries, and investigative reports concerning Government policies and the conditions of our people at war and at home.

As both the committee majority and the CBS network have correctly stated, the "people's right to know" is of paramount importance in the issue of a free press. But the committee would have us take misguided and unconstitutional means to attempt to protect and expand the freedom of information for the public.

As I understand it, the committee's majority opinion relies on the rationale that first amendment protection for the electronic media is something less than the protection afforded the print medium. The point has been made that Congress regulates the broadcast media, unlike the print media, through the Federal Communications Commission and its licensing procedure.

I would hasten to point out, however, that the means for regulating the current controversy have been adequately provided by existing legislation. The "fairness doctrine" in the Federal Communications Act provides for the presentation of all sides of a public controversy rather than limiting debate and limiting the "people's right to know" all sides of the controversy. Accordingly, the Federal Communications Commission has ruled on this very case that CBS complied with the provisions of the "fairness doctrine." A month after presenting its news documentary, the program was rebroadcast on March 23 with a 22-minute postscript containing critical comments by Vice President AGNEW, Secretary of Defense Laird. and Chairman HÉBERT of the House Armed Services Committee, and a response by the president of CBS News.

Then on April 18 CBS broadcast an hour-long panel discussion presenting opposing views on the Defense Department's public information program, which was the subject of the documentary. In this way, the public was not shielded from controversy and was enabled to hear many sides of a controversial public issue and make judgments based upon a variety of opinions.

The disturbing thing about the committee's recommendation is that the subpena would require the network to divulge not only the materials presented on the program but also unused films and tapes which constitute electronic journalism's "newsman's notebooks." To subpena these materials would be comparable to demanding the interviews, notes, and correspondence which constitute the rough drafts of an author's book.

To permit Congress to so invade the newsman's privilege in this fashion is to invite the chilling effects on a free press, to encourage Government surveillance of the news, and to inhibit the press from advancing the cause of the "people's right to know."

I would agree enthusiastically with those who contend that a limited access medium such as the broadcast medium has a very high responsibility to the public. There is always the danger that the highly concentrated media will misuse their responsibility and powers as they may have on some occasions. If this is done, the result would be an unfortunate impairment of the "people's right to know," and good government would suffer.

But the way to increase the flow of information to the public is not to follow the committee's recommendation which is before us today. The committee would have Congress harass broadcast journalism, submit broadcast journalists to interrogation, and induce self-censorship in broadcast journalism. The committee would have the Congress institute inquiries into the news judgments of broadcasters and encourage the establishment of a Government standard of "truth" in evaluating editorial decisions. This would cripple the right of the electronic press to report freely on the conduct of those in authority. And those in authority do not often like criticism of their conduct.

I would suggest that the "people's right to know" be encouraged in other ways. Rather than discouraging the proliferation of controversial views on issues of public importance. I would hope that we could encourage the media to provide even more access to public opinion on all sides of issues of public concern. I would hope that we could encourage more documentaries, more access to those with controversial minority opinions so that we could bring agitation into the marketplace of ideas where opinions will stand or fall in the ensuing clash of debate. I would also hope, further, that the media would make a special effort to see that controversial opinions are equally aired so that viewpoints be treated fairly regardless of the networks opinion.

In conclusion, I would hold that it is highly improper for the Congress to judge the propriety of views presented in television documentaries. Even in the Federal Communications Act—cited by the committee majority as indicating a lesser first amendment protection for the broadcasting media—the Government is expressly forbidden to regulate the content of broadcast programing. Government can, of course, regulate libel, obscenity, extortion, and so on, under carefully drawn restrictions. And individual Congressmen, other Government officials and public figures have access to the press and other forums not always available to the public to express their views and respond to criticism. But there is no general role afforded to Government under the Constitution to police the gathering or presentation of news.

I encourage my colleagues today to demonstrate the full respect of the Congress for the precious freedom of the first amendment to our Constitution by voting against the contempt citation. It is of the utmost importance for us, as Government officials, to indicate our vigorous support for the constitutional protection of the right of a free press in a free country to criticize, to cajole, and to expose, in an open marketplace of ideas, the conditions in our society and the results of the policies of our Government. By doing so, I hope we will encourage the news media to view the first amendment as a protection ultimately of the public's right of access to the media as the forum for the free debate of ideas on issues of public importance.

Mr. GIAIMO. Mr. Speaker, I intend to vote to cite the Columbia Broadcasting Co. for contempt of Congress. I think that if the House fails to uphold the contempt citation of CBS it will be a mistake and that it will work to the detriment of the American people.

The controversy with CBS arose out of the filming of a television documentary called "The Selling of the Pentagon." This documentary was shown on television some months ago. An investigation by a congressional committee into the filming of that controversial show clearly indicates that certain questionable practices were engaged in by CBS. In the taping of the program, and the subsequent editing, manipulative techniques included the rearrangement of the words of an individual who was attempting to present a point of view at variance with that espoused by the producers of the program. The result of this manipulation was to make this individual appear to be answering questions in a different way than he did, in fact, answer them during the filmed interview. It seems clear that by cutting and splicing the TV tape, CBS was able to rearrange the speaker's words out of their original order so as to make him appear to be delivering a statement which, in fact, he did not deliver, and even to make him appear to be answering a question other than the question which he was asked on the taped interview.

This action of CBS calls to mind many other questionable actions in the past in which CBS or other broadcasters have been involved, each involving the distortion of that which appears to be real when one looks at the television set. It calls to mind the documentary on hunger done some time ago in which a baby was portrayed as starving to death, when, in fact, that was not the case. An investigation later showed that the baby had been born prematurely and had died from causes other than starvation. It brings to mind the other questionable practice of staging an invasion for the benefit of television cameras in the country of Haiti some time ago. It calls to mind questionable activities of broadcasting companies during recent riots in American cities, where there was considerable evidence to the fact that some riot activities were staged for the benefit of TV cameras.

These apparent distortions by broadcasters raise serious questions in the minds of citizens and their representatives in Congress. The question is whether events portrayed on television are done without distortion, without artificial or slanted "doctoring," and whether what the TV cameras show is what was actually filmed and took place. Television portrayals clearly should not be distortions of events or interviews; they clearly should not be cut and spliced to present a particular inaccurate point of view, and they should not be allowed purposely to deceive the American public. To demand such honesty is not to censor, since the guarantee of free expression is not the same as a guarantee of the right to deceive.

Congress is charged by law with seeing to it that adequate laws and regulations exist to govern the use of airwaves. The airwaves belong to the American people, not to the broadcasters, and it is the function of Congress, the representatives of the people, to regulate the licensing of broadcasters who use the peoples' airwaves. This does not mean that Congress may censor materials which are transmitted over those airwaves. But it does mean that broadcasters have a responsibility to serve the public interest, convenience and necessity. In determining who should obtain such licenses, Congress must make laws to guide the Federal Communications Commission as to which among competing applications for a limited number of channels is, in fact, serving the public interest. In the process of guiding such regulation, it seems quite clear that Congress has both the right and the duty to look into the operations of a broadcasting company when it, in fact, does distort the portrayal of events or interviews on the screen. Only in this fashion can Congress make fair laws in the public interest for the licensing of broadcasters.

The first amendment to the Constitution, which broadcasters have invoked as a defense against such a congressional inquiries, states that Congress shall make no laws abridging the right to free speech. It is quite clear from this amendment that Congress can make no law abridging the freedom of the press—that is, newspapers. A newspaper can print nearly anything it wants, subject only to the threat of criminal law liability or libel suits for distortions of incorrect facts printed. Anyone can start a newspaper without applying for a license, since newsprint is not restricted to the limited number of channels on the air, and can print whatever point of view he wishes. The broadcasting industry is a licensed industry, however, and those wishing to obtain the right to broadcast on the peoples' airwaves must apply to the FCC and prove that they are acting in the public interest, convenience and necessity.

It is this distinction which makes Congressional inquiry into broadcasting practices appropriate. How is Congress to make laws instructing the FCC to grant licenses and to regulate the use of airwaves if Congress itself is not able to look into the facts and determine the adequacy of laws which will, in turn, determine which of several applicant broadcasting companies is truly serving those public purposes? Clearly, Congress does have a right to look into the practices of broadcasting companies, and—on the basis of evidence found in such inquiries—to make laws in communications which protect the public interest. This is exactly what the House Interstate and Foreign Commerce Committee and many members of the Congress were attempting to do with CBS.

Congress asked CBS to provide the outtakes or unused film strips taken in the preparation of the documentary "The Selling of the Pentagon." Many thousands of feet of film were taken, many were cut out, and the evidence already available shows that selective cutting and splicing of the remaining tape was done in a fashion distorting the original filmed interviews. In order to fully document this practice, and possibly establish laws to prevent such distortion in the future, Congress asked CBS for the outtake filmstrips and CBS refused to comply.

I have had to remind several broadcasters who contacted me about this inquiry that Congressmen are elected representatives of the people, that broadcast companies are privately owned corporations, and that because broadcast companies are licensed and regulated by the representatives of the people Congress has a clear right to examine broadcast activities. In contrast to the unlicensed and unregulated newspaper industry, the broadcast industry does not enjoy the same constitutional protections of the first amendment, as do newspapers and to the extent that newspapers do, and therefore must demonstrate that its activities and practices serve the public interest.

The Supreme Court, in fact, made this distinction quite clear in *Red Lion Broadcasting Company* v. *F.C.C.*, 395, U.S. 267—1969—in which case that Court upheld a regulation recognizing that the FCC was more than a traffic policeman of the airwaves, concerned only with the technical aspects of broadcasting, and that FCC neither exceeds its statutory power nor transgressed the first amendment in examining the general program format and kinds of programs broadcast by licensees. In the Red Lion case the broadcasters challenged the FCC, saying that no person can be prevented from saying or publishing what he thinks, or from refusing his speech or other utterances to give equal weight to the views of his opponents. They said that this right applies equally to broadcasters. The Supreme Court, however, laid this analogy to rest in the following words:

> Although broadcasting is clearly a medium affected by a First Amendment interest . . . differences in the characteristics of new media justify differences in the First Amendment standards applied to them (pg. 386).

This meant that where there are more individuals who want to broadcast than there are frequencies to allocate, it is idle to say that the unbridgeable right to broadcast is comparable to the right of every individual to write, speak or publish what he pleases. A license permits broadcasting, but the licensee has no constitutional right to be the one who holds that license, or to monopolize radio or television frequencies to the exclusion of fellow applicants for such a license. There is nothing in the first amendment which prevents the Government from requiring a licensee to share his frequency with others or to conduct himself as a proxy or fiduciary with obligations to present those views and voices which are representative of his community and which would otherwise be barred from the airwaves. This is not to say that the first amendment is irrelevant to public broadcasting. On the contrary, Congress recognized in writing section 326 of the Federal Communications Act that the right to free speech cannot be abridged in broadcasting. As the Supreme Court said, however,

> The people as a whole retain their interest in free speech by radio and their collective rights to have the medium function consistently with the ends and purposes of the First Amendment. It is the right of the viewers and listeners, not the right of the broadcasters, which is paramount. (*Red Lion, Supra*, pg. 389–90).

And it is these rights—those of the viewers and listeners—which the Congress it attempting to protect by examination of broadcast practices, to insure that broadcasters do not engage in deception, distortion and fakery. The first amendment was never intended to bar public inquiry of broadcasters. Since the conduct of the broadcast industry directly affects the future of this Nation, the lives of its citizens and the welfare of its children, Congress would be remiss if it did not make such inquiries.

It should be emphasized that Congress is not on a punitive expedition in the matter of CBS, seeking to punish Mr. Stanton, President of CBS, for his failure and the failure of his company to provide the outtakes that would have facilitated public inquiry. The rights of Mr. Stanton and of CBS are fully protected under our system of government. A subpena issued by Congress requested those materials, Mr. Stanton refused to comply, and the entire House should, in my opinion, uphold his citation for contempt. If the House upholds that citation, the entire matter will be referred automatically to the United States Federal courts to examine and to determine if Mr. Stanton's or CBS' rights had been infringed.

If the House fails to cite Mr. Stanton in contempt, however, there will be little possibility that representatives of the people will be able to call CBS or any other broadcasting company to account for questionable practices. This would be a dangerous precedent which could well encourage some broadcasters to take even greater liberties with the representation of truth in their production of television shows.

This is not in any way a controversy about the source of news. I fully support the position, as do most members of Congress, that the Government should not be able to force any reporter to divulge the sources of his information. This controversy involves the technical production of a television presentation, and the techniques used to manipulate and distort reality.

At the very time when the people and the news media are demanding rights to access of governmental information, broadcasting companies are at the same time saying that the people do not have the right to obtain information from them as to the manner and fairness with which they produce television news documentaries. All in all, the failure of the House to uphold this citation would be a sad blow for the people of this country and for their rights to know what really happens in the filming and preparation of broadcast news documentaries.

Mr. STAGGERS. Mr. Speaker, I yield myself the balance of the time.

Mr. Speaker, I would say that this issue has produced the greatest lobbying effort that has ever been made on the Congress of the United States. I would like to quote from the TV Digest:

> NAB marshalled its 50-man Future of Broadcasting Committee for personal contacts with all Members of the House.

Mr. Speaker, one Member has told me that he has been contacted 12 times in 1 week. Another Member who was out walking, and saw me, told me that he had been contacted 15 different times.

If this Congress is going to be intimidated by one of the giant corporations of America, and give up to them, then our Nation will never be able to exist as a free nation, a nation of free men. It will have to answer at all times to the big corporations, and it will have to do what they want us to do. They must not be permitted to intimidate this Congress on this issue.

All we are asking is to have the Supreme Court of the United States settle the question, not this Congress.

Mr. Speaker, the slogan up there says, "In God We Trust." Are we going to change it to "In the Networks We Trust?"

This Nation was built on the principles of honesty, integrity, goodness and love. We can draw a lesson from that, and no giant corporation has the right to tell us what we should do and what we should say. All we are saying is that the Supreme Court should settle the case under the law.

I say to every Member of the House that I want you, before you vote, to search your consciences and to strike out from your consciences everything except the essential truth about this matter, and then say, "I am going to vote the right way, and I am going to vote the way my people would want me to vote, and not the way a great corporation wants me to vote, with all its tremendous wealth and awesome power, and its millions if not billions of dollars." If you do not vote your consciences then your people will be telling you that you are wrong. And I can guarantee you that because, by every indication we have received, by 6 to 1 the people have said that the contempt citation is right.

The SPEAKER. The time of the gentleman from West Virginia has expired.

GENERAL LEAVE

Mr. ADAMS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the subject of the pending resolution, and to include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Washington?

There was no objection.

Mr. STAGGERS. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

MOTION TO RECOMMIT OFFERED BY MR. KEITH

Mr. KEITH. Mr. Speaker, I offer a motion to recommit.

The SPEAKER. Is the gentleman opposed to the resolution?

Mr. KEITH. I am, Mr. Speaker.

The SPEAKER. The Clerk will report the motion to recommit.

The Clerk read as follows:

> Mr. KEITH moves to recommit House Resolution 534 to the Committee on Interstate and Foreign Commerce.

The SPEAKER. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER. The question is on the motion to recommit.

The question was taken; and on a division (demanded by Mr. KEITH), there were—ayes 151, noes 147.

Mr. STAGGERS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

PARLIAMENTARY INQUIRY

Mr. SPRINGER. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state the parliamentary inquiry.

Mr. SPRINGER. Mr. Speaker, would the Speaker state what is being voted on?

The SPEAKER. The question is on the motion to recommit.

Mr. SPRINGER. Mr. Speaker, a further parliamentary inquiry. May I inquire, is the motion to recommit the bill to the Committee on Interstate and Foreign Commerce?

The SPEAKER. The gentleman is correct. It is a motion to recommit to the Committee on Interstate and Foreign Commerce.

The question was taken; and there were—yeas 226, nays 181, answered "present" 2, not voting 24, as follows:

[Roll No. 188]

YEAS—226

Abourezk
Abzug
Adams
Addabbo
Alexander
Anderson, Calif.
Anderson, Ill.
Anderson, Tenn.
Andrews, N. Dak.
Ashley
Aspin
Badillo
Barrett
Begich
Bell
Bergland
Bevill
Biester
Bingham
Blackburn
Blatnik
Boggs
Boland
Bolling
Bow
Brademas
Brooks
Broomfield
Brotzman
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Buchanan
Burke, Fla.
Burlison, Mo.
Burton
Byrne, Pa.
Carey, N.Y.
Carney
Cederberg
Celler
Chamberlain

Chisholm
Clay
Collins, Ill.
Conable
Conte
Corman
Cotter
Coughlin
Crane
Culver
Dellums
Denholm
Dennis
Diggs
Dow
Drinan
Duncan
du Pont
Dwyer
Eckhardt
Edwards, Ala.
Edwards, Calif.
Erlenborn
Esch
Evans, Colo.
Fascell
Findley
Fish
Flowers
Foley
Ford, Gerald R.
Forsythe
Fraser
Frelinghuysen
Frenzel
Fulton, Pa.
Fulton, Tenn.
Fuqua
Galifianakis
Gaydos
Gibbons
Goldwater
Grasso
Green, Pa.
Grover
Gude
Halpern
Hamilton
Hammerschmidt
Hansen, Idaho
Harrington
Hathaway
Hawkins
Hechler, W. Va.
Heckler, Mass.
Helstoski
Hicks, Mass.
Hillis
Horton
Howard
Hungate
Hutchinson
Jacobs
Johnson, Pa.
Jones, Tenn.
Karth
Kastenmeier
Keating
Keith
Kemp
Kluczynski
Koch
Kyros
Landrum
Leggett
Lent
Link
Lloyd
Long, Md.
Lujan
McClory
McCloskey
McCollister
McCormack
McDade
McKay
McKinney
Mailliard
Martin
Mathias, Calif.
Matsunaga
Mayne
Mazzoli
Meeds
Melcher
Mikva
Mills, Ark.
Mills, Md.
Minish
Mink
Mitchell
Monagan
Moorhead
Morse
Mosher
Moss
Natcher
Nedzi
Nix
Obey
O'Neill
Patman
Patten
Pelly
Perkins
Peyser
Poff
Powell
Preyer, N.C.
Price, Ill.
Pryor, Ark.
Pucinski
Quie
Railsback
Randall
Rangel
Rees
Reid, N.Y.
Reuss
Rhodes
Riegle
Robinson, Va.
Robison, N.Y
Rodino
Roe
Roncalio
Rosenthal
Rostenkowski
Roush
Roy
Roybal
Ryan
St Germain
Sarbanes
Scheuer
Schwengel
Sebelius
Seiberling
Shriver
Smith, Iowa
Smith, N.Y.
Stafford
Stanton, J. William
Stanton, James V.
Steele
Steiger, Ariz.
Steiger, Wis.
Stephens
Stokes
Sullivan
Symington
Talcott
Taylor
Teague, Calif.
Terry
Thompson, N.J.
Thone
Tiernan
Ullman
Vander Jagt
Vanik
Waldie
Wampler
Whalen
Whitehurst
Widnall
Wiggins
Wilson, Charles H.
Winn
Wolff
Wyatt
Wyman
Yates
Yatron

NAYS—181

Abbitt
Abernethy
Andrews, Ala.
Annunzio
Archer
Arends
Ashbrook
Aspinall
Baker
Belcher
Bennett
Betts
Biaggi
Blanton
Brasco
Bray
Brinkley
Broyhill, Va.
Burke, Mass.
Burleson, Tex.
Byrnes, Wis.
Byron
Cabell
Caffery
Camp
Carter
Casey, Tex.
Chappell
Clancy
Clark
Clausen, Don H.
Clawson, Del
Cleveland
Collier
Collins, Tex.
Colmer
Daniel, Va.
Davis, Ga.
Davis, S.C.
Davis, Wis.
de la Garza
Delaney
Dent
Derwinski
Devine
Dickinson
Dingell
Dorn
Dowdy
Downing
Dulski
Edmondson
Eshleman
Evins, Tenn.
Fisher
Flood
Flynt
Fountain
Frey
Gallagher
Garmatz
Gettys
Giaimo
Gonzalez
Goodling
Gray
Griffin
Griffiths
Gross
Gubser
Hagan
Haley
Hall
Hanley
Harsha
Harvey
Hastings
Hays
Hébert
Henderson
Hicks, Wash.
Holifield
Hosmer
Hull
Hunt
Ichord
Jarman
Johnson, Calif.
Jonas
Jones, Ala.
Jones, N.C.
Kazen
Kee
King
Kuykendall
Kyl
Latta
Lennon
McClure
McEwen
McFall
McKevitt
McMillan
Macdonald, Mass.
Madden
Mahon
Mann
Mathis, Ga.
Metcalfe
Michel
Miller, Calif.
Miller, Ohio
Minshall
Mizell
Mollohan
Montgomery
Morgan
Murphy, Ill.
Murphy, N.Y.
Myers
Nelsen
O'Hara
Passman
Pettis
Pickle
Pike
Pirnie
Poage
Podell
Price, Tex.
Quillen
Rarick
Roberts
Rogers
Rooney, N.Y.
Rooney, Pa.
Rousselot
Runnels
Ruppe
Ruth
Sandman
Satterfield
Saylor
Scherle
Schmitz
Schneebeli
Scott
Shipley
Shoup
Sikes
Sisk
Skubitz
Slack
Smith, Calif.
Snyder
Spence
Springer
Staggers
Steed
Stubblefield
Stuckey
Teague, Tex.
Thompson, Ga.
Thomson, Wis.
Veysey
Vigorito
Waggonner
Ware
Watts
Whalley
White
Whitten
Williams
Wilson, Bob
Wright
Wydler
Wylie
Young, Fla.
Young, Tex.
Zablocki
Zion

ANSWERED "PRESENT"—2

O'Konski
Reid, Ill.

NOT VOTING—24

Baring
Conyers
Daniels, N.J.
Danielson
Dellenback
Donohue
Edwards, La.
Eilberg
Ford, William D.
Green, Oreg.
Hanna
Hansen, Wash.
Hogan
Landgrebe
Long, La.
McCulloch
McDonald, Mich.
Nichols
Pepper
Purcell
Stratton
Udall
Van Deerlin
Zwach

So the motion to recommit was agreed to.

The Clerk announced the following pairs:

On this vote:

Mr. Van Deerlin for, with Mr. Nichols against.

Until further notice:

Mr. Daniels of New Jersey with Mr. Landgrebe.

Mr. Eilberg with Mr. McDonald of Michigan.

Mr. Stratton with Mr. Hogan.

Mr. Hanna with Mr. Zwach.

Mrs. Green of Oregon with Mr. Dellenback.

Mr. Pepper with Mrs. Hansen of Washington.

Mr. Purcell with Mr. Baring.

Mr. William D. Ford with Mr. Edwards of Louisiana.

Mr. Conyers with Mr. Udall.

Mr. Danielson with Mr. Long of Louisiana.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

The SPEAKER. The report is referred to the House Calendar, and ordered printed.

CBS CITATION

Mr. BURKE of Massachusetts. Mr. Speaker, in casting my vote against the recommital motion of my distinguished colleague, the gentleman from Massachusetts (Mr. Keith), I do so not because I favor the contempt citation under House Resolution 534 but because I feel this important resolution should be committed to the House Committee on the Judiciary where the grave questions of the Constitution could be decided by the top legal minds of this Congress.

PERSONAL ANNOUNCEMENT

Mr. GRAY. Mr. Speaker, I was inadvertently detained in committee and on the last vote just taken, I voted "no." I intended to vote "aye" and I ask that my remarks appear at this point in the Record.

The SPEAKER. The gentleman's statement will appear in the Record.

THE SELLING OF CBS

(Mr. WAGGONNER asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. WAGGONNER. Mr. Speaker, I could not help but take exception to the editorial in the Washington Post for July 7 entitled "The Responsibility of Broadcasters," which I am inserting at the close of my remarks.

The Post feels that the chairman of the House Committee on Interstate and Foreign Commerce, Mr. Staggers, has no business "to see that fairness prevails on the airwaves," and the president of CBS, Dr. Frank Stanton, was correct in refusing to provide the committee with portions of unused scripts and filmed material from the program, "The Selling of the Pentagon" inasmuch as it would be a violation of the first amendment.

Mr. Speaker, although the first amendment does say that Congress shall make no law abridging the freedom of speech or freedom of the press, nowhere in the Constitution can I find that this freedom of the press guarantees to anyone in the exercise of this freedom the privilege or right to deceive, abuse, or violate other persons' freedoms in that respect. And as everyone who saw the program and who is familiar with the other side of this controversy knows, the program was a gross violation of the freedom of speech and blatant intentionally deceptive distortion of the views of our distinguished chairman of the Armed Services Committee and others.

The Post maintains that although their program is the "public's business, it is none of the committee's business." What I would like to know, Mr. Speaker, is what recourse does the American public have if not through their elected representatives in the Congress, and more specifically, their representatives who have a degree of expertise in these matters as the members of the Interstate and Foreign Commerce Committee most assuredly do. It is because of Federal legislation that the broadcast media exists in its present form.

The Post says that there "is no evidence at all that its 'Selling of the Pentagon' was intentionally distorted." They know better and they have editorialized some distortions. In this connection the Post is about as objective as CBS. There has been sworn testimonv by Assistant Secretary of Defense Henkin and others that their views were misrepresented. The extent to which manipulations were used to achieve a different meaning from that which the speakers had intended or attempted to convey is prima facie evidence that the distortions were in fact intended. Although, Mr. Speaker, we are not supposed to accept the sworn testimony of responsible public officials, we are to accept the editorial comments of the Washington Post as the last word on this subject.

When the House considers this issue, we should have only three questions to answer First, Did the Interstate and Foreign Commerce Committee have the authority to subpena evidence before it; second, did the committee issue a valid and lawful subpena; and third, did CBS in fact refuse to comply with the subpena? The answer to all of these questions is "yes." The committee was correct in holding CBS and Dr. Stanton in contempt and the full House should do likewise.

[From the Washington Post, July 7, 1971]

THE RESPONSIBILITY OF BROADCASTERS

Although the authors of the Constitution could hardly have foreseen television as a technique of news dissemination, their concern when they wrote the First Amendment was in keeping the flow of news to the people untrammeled; and since more people, it is said, get their news today from television than from the printed page, it follows by every consideration of logic and common sense that the content of TV programs must, like the content of newspapers, be free from governmental supervision.

But Representative Harley Staggers, the chairman of the House Committee on Interstate and Foreign Commerce, takes the view that it is the business of his committee to see to it that fairness prevails on the air waves. He did not like a recent Columbia Broadcasting System program called "The Selling of the Pentagon"; and so he has ordered CBS to furnish his committee with all the scripts and filmed material (called "outtakes") that went into the preparation of the program but were not actually a part of the finished product. It is as though he were to demand from his newspaper the rough drafts of this editorial including paragraphs edited out of the final version. The president of CBS, Dr. Frank Stanton, courteously but firmly declined to do so, asserting that the demand, "though aimed at CBS is in effect taking dead aim against the First Amendment."

Mr. Staggers says that all that is involved in this controversy "is simply whether we are going to tolerate calculated deception on television." And he added gratuitously—and altogether inaccurately—that "CBS says it is none of the public's business." In the first place, he has no warrant whatever for the charge of "calculated deception." Whether or not the program, like many another presentation of news in print or on the air, was flawed, there is no evidence at all that it was intentionally distorted. And in the second place CBS has never said, or even intimated, that the program is "none of the public's business." It has merely said that it is none of the House Commerce Committee's business, a very different thing indeed.

A majority of the committee voted last Thursday to recommend that the House of Representatives cite CBS and Dr. Stanton for contempt of Congress. The issue is expected to come to the House floor week after next. Members of the House will be strongly tempted no doubt to demonstrate their loyalty to Mr. Staggers and to the Commerce Committee by sustaining its authority. But they owe their real loyalty to the principle of press freedom which CBS is defending. That principle, so recently vindicated in the courts so far as newspapers are concerned, ought not to be so grossly challenged again. The responsibility of television, like the responsibility of the rest of the press, is not to the government but to the people in whose name the government exercises certain limited, specified powers. And that responsibility can be discharged only through independence of the government.

GRATITUDE OF A NATION

(Mr. CHAPPELL asked and was given permission to address the House for 1 minute, to revise and extend his remarks.)

Mr. CHAPPELL. Mr. Speaker, speaking in the House of Commons in August 1940, Winston Churchill paid this tribute to the Royal Air Force:

> Never in the field of human conflict was so much owed by so many to so few.

To my mind, this tribute can be applied with equal validity to a man and an institution in our society—a man who has devoted his entire life in an unflagging effort, zeal, and dedication to the pursuit of justice and has created an institution which stands today as the Nation's chief bulwark against crime and subversion.

I have reference to Mr. J. Edgar Hoover and the Federal Bureau of Investigation.

Seldom in our national history has an entire nation owed so much for so many years to a single organization and its employees.

In this day and age, when criticism, derogation, and ridicule often seem to be the fashion of the day, we are apt to forget the great debt of gratitude which we, as a nation, owe to Mr. Hoover and the men and women of the FBI.

In fact, most citizens, I fear, simply take the FBI for granted. It has performed its duties so effectively and efficiently over the years, that we feel it has always been there and will always be.

Most of us, I am certain, have never stopped and asked ourselves these questions: What would happen if the FBI suddenly disappeared or was rendered ineffective? How would my life and the lives of my family and friends be affected?

Let us briefly examine these questions and see just what we owe to the FBI.

First of all, there is a national trust in the FBI as an institution and Mr. Hoover as a person that is without parallel in our history. Citizens throughout the country, in all walks of life, have a deep, abiding feeling of confidence in the FBI—that it will do its job, and do the job not only efficiently, but in the highest traditions of ethics. Time after time, we hear comments, not only from ordinary citizens, but also high officials of local and State government: "Let the FBI handle it." "We have turned it over to the FBI." Frequently, efforts are made to have the FBI investigate matters which are outside its jurisdiction. Why? Because our citizens have a trust and confidence in the FBI which gives them the feeling that the very best investigative agency in the Nation—if not the entire world—is at work.

Second, Mr. Hoover has consistently rejected any suggestion or idea that the FBI become a national police. As an attorney, I have closely watched the FBI's record in the handling of individual rights. Its record is superb. Mr. Hoover's agents are carefully trained in constitutional rights and at all times, as in making arrests and searches, abide not only within the letter but also the spirit of the law. Nothing could be more foolish than to charge Mr. Hoover with being a dictator or having unlimited powers. The FBI is under the direct control of the President and the Attorney General. Moreover, Mr. Hoover must appear before committees of Congress to explain the FBI's activities and justify its appropriations. In addition, when FBI cases come to trial they must meet the scrutiny of our judicial process.

Actually, the FBI, as a Federal investigative agency, has limited powers and is in no way a national police. This is how Mr. Hoover would have it.

Still another accomplishment of Mr. Hoover's FBI is the extension to local law enforcement of what are called cooperative services, such as the services of the FBI Laboratory and the FBI Identification Division. Then there is the field of training, in which Mr. Hoover in 1935 established the FBI National Academy. To date, over 5,800 law enforcement officers have graduated. Another cooperative service is the FBI's National Crime Information Center, a nationwide computerized information and communications network aiding in the solution of crimes, the arrest of fugitives, and the recovery of stolen property.

These cooperative services give validity to Mr. Hoover's concept that we need strong, effective, and well-trained local and State law enforcement, in addition to the FBI, to fight crime in America. Here is still another argument against the fallacy that the FBI is a national police.

Never must we forget the unending battle, day and night, of the FBI against organized crime and subversion. The FBI, despite claims to the contrary, has been the most effective against organized crime. Convictions of gambling, vice, and racket figures in FBI cases have risen in startling manner—from 64 in fiscal year 1964 to 461 in 1970.

Most important today is the battle being waged by the FBI against extremist elements both from the right and the left which would destroy our constitutional form of government.

Extremists, such as the Weathermen and Black Panthers, have engaged in acts of violence. Weatherman adherents, for example, have bombed military and police installations. They operate in an underground status as urban guerrillas. They operate bomb factories. They circulate manuals telling how to assemble homemade bombs. They defy the law and seek to injure and murder police officers.

We can be very thankful that the FBI is engaged in this fight against this Marxist-anarchist-nihilist minority which would terrorize our society. Some misguided individuals would characterize these extremists as "political idealists." I for one would call them dangerous enemies of this country and I am happy that Mr. Hoover is aware of their activities.

Much of the FBI's work is unheralded. Much of its work is of a type not amenable to publicity. In any investigation, there is much routine, matter-of-fact work that is neither glamorous nor unduly exciting. Yet it is important.

It is important why? Because this is the way the FBI is protecting you and me.

As Americans we should be appreciative and I am happy to salute Mr. Hoover, a courageous American, as he enters his 48th year as Director of the FBI.

Ask citizens in all areas of America. Ask citizens in my district in Florida. Almost to a man they will say, "I'm glad there is an FBI."

This indeed is testimony of the debt which the Nation owes to the men and women of the FBI.

VIETNAM AND LAOS

The SPEAKER. Under previous order of the House, the gentleman from California (Mr. McCloskey) is recognized for one hour.

Mr. McCLOSKEY. Mr. Speaker, this is in rebuttal to a speech of nearly an hour's duration delivered by the gentleman from Santa Clara County, Calif., yesterday. We had originally agreed that a full debate would take place yesterday, but by reason of time limitations, the period of rebuttal was postponed until today.

The gentleman from Santa Clara County made a number of statements yesterday which I believe to be erroneous. I would like to take them up separately and ask him to respond to them so that we may get at the precise truth.

First, the gentleman states that he intends no personal attack on me, but suggests that I broke agreements. Mr. Speaker, I would like to quote from yesterday's speech:

> Mr. Speaker, the contentions I have previously outlined are the only issues involved in this debate. It was agreed in writing that they would be the only issues.
>
> But contrary to the agreement, like a forensic pied piper, my colleague, Mr. McCloskey, has tried to gather issues from every nook and corner to lay a smokescreen over his decrepit and feeble case.

This is nice oratory, but the only agreement as to the subject of this debate was that suggested by Mr. Gubser in his letter of July 6, 1971. Let me quote from that letter:

> Hon. Paul N. McCloskey, Jr.,
> *1511 Longworth Building,*
> *Washington, D.C.*
>
> Dear Pete: I would suggest Monday, July 12, as a date which would be much more convenient for me. Assuming that it does meet with your approval, I shall ask for one hour immediately following your time. I would suggest that I not ask you to yield during your formal remarks and that you afford me the same courtesy during my formal remarks. Following this, we could have an interchange of views.
>
> I hope it can be explicitly understood that the allegations I made in my speech are the sole issue involved. You will recall that I specifically stated that I had no quarrel with opposition to the war in Vietnam and acknowledge your sincerity in that opposition. I therefore do not consider this to be the issue. Your allegations concerning U.S. bombing policy in Laos and the circumstances connected with your recent trip, in my opinion, are the issues.
>
> Yours sincerely,
> Charles S. Gubser,
> *Member of Congress.*

I ask the gentleman from California whether I have stated that agreement correctly as he stated.

Mr. GUBSER. What was the gentleman's question?

Mr. McCLOSKEY. I do state your letter correctly, do I not?

Mr. GUBSER. You do.

Mr. McCLOSKEY. The debate yesterday was limited to the issues raised in your speech of June 26.

Mr. GUBSER. Would the gentleman kindly read the last paragraph?

Mr. McCLOSKEY. It is as follows:

> Your allegations concerning U.S. bombing policy in Laos and the circumstances connected with your recent trip in my opinion are the issues.

Mr. GUBSER. That is correct.

Mr. McCLOSKEY. I spent 6 days in Vietnam and 2 days in Laos. You did not intend to exclude the 6 days in Vietnam from that agreement, did you?

Mr. GUBSER. I think the gentleman is able to read the English language carefully. The letter clearly states that the issue is U.S. bombing policy in Laos, and the gentleman's trip to Laos.

Mr. McCLOSKEY. Now, wait just a minute. I will put it to you again.

Mr. GUBSER. May I complete my response, please? When I said the gentleman employed the tactics of a forensic Pied Piper, I meant that more than half of his presentation as rebuttal to my speech of the 26th was concerning U.S. policy in Vietnam, and that was not the issue, and it was previously agreed upon as not the issue.

Mr. McCLOSKEY. I ask the gentleman if I read the agreement correctly:

> . . . and the circumstances connected with your recent trip in my opinion are the issues.

That was the agreement as stated in your letter; was it not?

Mr. GUBSER. In other words, the gentleman feels that because I did not add the words "to Laos," after the word "trip" that it was meant, to include a debate of Vietnam policy. The gentleman will note in my speech of the 26th which was controversial, there was not one word said against the gentleman's opposition to the war in Vietnam or his views regarding Vietnam.

I commended the gentleman for his sincerity with respect to Vietnam. The question at issue I think was clearly understood to be Laos and verbal agreements between us and subsequent conversation clearly pointed out that was the understanding.

Mr. McCLOSKEY. If I am correct, Mr. Speaker, and I will let the agreement speak for itself, the gentleman spoke on two occasions about the violation of an agreement, that the agreement was allegedly solely on Laos. The agreement was set forth in specific language. It was not limited in any way to the bombing in Laos. It specifically set forth the bombing in Laos and the circumstances of the trip to Southeast Asia. Let me go further on that point.

The allegations about war crimes to which Mr. Gubser referred to in his speech referred to the deliberate destruction of South Vietnamese villages during the years 1965 through 1970. On the trip which Congressman Waldie and I made to Southeast Asia in April, we spent 6 days in Vietnam and 2 in Laos. It was the deliberate destruction of villages in Vietnam which furnishes one basis for the supposition that we may have likewise deliberately destroyed villages in Laos for the same period. For the gentleman to have suggested that my arguments represented other than a discussion of this speech before the California Republican Assembly is clearly misleading and incorrect. For him to have stated that I violated the agreement he suggested in his letter of July 6, 1971, is a deliberate misstatement of that agreement.

Second, in his remarks yesterday the gentleman described an alleged "great document caper." He stated as follows:

> The significant point is that Mr. McCloskey was told of the report he left. When informed of its existence, he requested copies and was told that the survey could not be furnished him, but a five-page summary could be made available which had already been given to Senator Kennedy. The summary was delivered before his departure. (Please note again, he asked for the survey, knew of its existence, and received the summary before he departed.)
>
> * * * * *
>
> It was in reading it (the refugee book) over at 6:00 o'clock that morning in the Ambassador's house that I came across the reference to this survey for the first time. (Please note the words "for the first time.")

Those were the gentleman's words, if I understood him correctly.

In his speech on June 26, the gentleman from Santa Clara County asked this question:

> How does this square with his request of the State Department before he left Washington for copies of both the survey and the summary?

The gentleman's inference is clear; I was not telling the truth when I said I came across the reference to the survey for the first time on April 14. He later said he believed me, but that I "forgot" the truth.

The gentleman misrepresents.

His key point is that I must have been untruthful, since I had asked for the surveys and been given a copy of the summary of one of them before leaving Washington.

The gentleman knows these allegations were untrue. After his speech on June 26, 1971, he apparently had second thoughts and wrote Ambassador Sullivan to ask if I had indeed requested a copy of the survey.

Ambassador Sullivan replied:

> The Congressman did not at this time formally request a copy of either the two surveys or the summary.

May I ask the gentleman if that is correct.

Mr. GUBSER. Mr. Speaker, I am not going to respond to the gentleman's allegations as to what I have said. I am merely going to respond to the issue.

This afternoon, at 2:35 p.m., I had a telephone conversation with the head of the Laotian desk of the U.S. State Department, Mr. Mark Pratt, and I am going to paraphrase—not quote—what he told me. I am willing to submit that paraphrase, when it appears in tomorrow's Record, to Mr. Pratt in the gentleman's presence and with the gentleman accompanying me and ask Mr. Pratt whether that is a correct paraphrase or not.

Mr. Mark Pratt told me at 2:35 this

afternoon that in one of his preliminary meetings with the gentleman from California, that the gentleman from California, (Mr. McCloskey) asked about surveys of refugees, and he asked if they were available, and he was told that they were probably not available in Washington but that a summary had been furnished to the Kennedy subcommittee on Refugees and then later, as Secretary Sullivan states in the letter which I have placed in the Congressional Record, "the summary was given directly" to the gentleman from California (Mr. McCloskey).

In my conversation with Mr. Pratt, I asked what that meant, and he said the summary was given directly to the gentleman.

He said—

> I won't say it touched his hand. It may have been put on his desk when he was present. But it was given directly to him.

I am not through. I just happened to get a telephone call from another individual who happens to be very, very knowledgeable about Mr. Monteague Stearnes, the Deputy Chief of Mission at our Embassy in Vientiane, Laos. I learned this afternoon that our former colleague, Representative Allard Lowenstein, was in Vientiane, Laos in the middle of February or some time thereabout—but certainly in February—and that he, even as an ex Member of Congress, was shown this refugee attitude survey. He was given every courtesy, taken around and shown everything he wished to see, and he made the statement—and here I paraphrase—"Pete McCloskey is coming to Laos. Will you show this to him?" And they said, "Yes, of course," or words to that effect.

And it has been reported to me that when the gentleman from California now in the well of the House did arrive in Vientiane that instead of acting upon the offers of cooperation which the Embassy proffered he "proceeded to go into his theatrics."

Mr. McCLOSKEY. Whom are you quoting now?

Mr. GUBSER. Let me say this to the gentleman. He has got caught with his hands in the cookie jar. Why does he not admit it?

Mr. McCLOSKEY. Let us talk to the issue on this. I cited you for one point. You said I had requested surveys before Ambassador Sullivan wrote you. His letter, which you put in the Record yesterday that I had not requested these surveys. Which is correct?

Mr. GUBSER. I think we are engaged in a game of rather silly semantics.

Mr. McCLOSKEY. Is it the gentleman's statement that before leaving this country I requested the survey from the State Department?

Mr. GUBSER. Yes. I say it on the authority of Mark Pratt and my phone call of 2:35 this afternoon, in that he said the gentleman asked about the surveys.

Mr. McCLOSKEY. Asked about the surveys?

Mr. GUBSER. Does the gentleman deny the fact that he was given the summary of the surveys before he left?

Mr. McCLOSKEY. That is not the point.

Mr. GUBSER. Yes, it is the point. It is the point on which you called William Buckley a liar.

Mr. McCLOSKEY. You are dodging the issue. Let us get back to it.

The gentleman stated yesterday before the House I had requested the surveys before leaving this country. Is it the gentleman's statement today, in view of the Ambassador's letter, that he has any evidence at all I requested a copy of the surveys before leaving the country?

Mr. GUBSER. Does the gentleman deny he asked about the surveys and asked if they would be available?

Mr. McCLOSKEY. I asked about the surveys. I agree with Mr. Pratt. His statement is correct.

Mr. GUBSER. Let us establish that. The gentleman agrees with my paraphrase of Mr. Mark Pratt's statement that he asked if the surveys were available—asked about the surveys and if they were available?

Mr. McCLOSKEY. I asked about the surveys. Mr. Pratt responded that they were not available in this country but were available in Laos.

Mr. GUBSER. Then we will have to clear that with Mr. Pratt, because that is what he told me at 2:35 this afternoon.

I still point out: Is the gentleman attempting to say that when he asked about the survey which was brought to him before his departure that it does not in effect, regardless of all the semantics he wishes to engage in, constitute a request for the survey? And the fact remains he still had it before he left, and that is the real point at issue.

Mr. McCLOSKEY. The gentleman can say what he likes about what is the real point at issue. The gentleman implied to this House yesterday I had been guilty of an untruth in that I had requested copies of surveys before leaving the country. It is a separate point on the summary I was given before leaving here. I would like to proceed to that point.

The gentleman from Santa Clara County is further guilty of a misrepresentation in stating I was told a 5-page summary had been made available, which had already been given to Senator Kennedy. This is untrue.

I was not told anything of the kind. The summary had not been given to Senator Kennedy when I finally read the summary for the first time on April 14. Is there any question about the accuracy of that statement?

Mr. GUBSER. I can only again say that I am not prepared to draw a conclusion. It is the gentleman's word against the word of Mr. Mark Pratt, who said to me on previous occasions and who today reiterated again to me that he said the surveys were not available in Washington at this time but that a survey had been made available to Senator Kennedy and it would be furnished to the gentleman.

Mr. McCLOSKEY. That is a little different from what the gentleman told this House yesterday.

Mr. GUBSER. Would you kindly explain the difference? Perhaps I do not understand.

Mr. McCLOSKEY. If the gentleman would like to step down to the well, he can examine a copy of the summary I was given which bears the notation, "summary of USIS interviews, furnished by the State Department this a.m. We have not yet cleared it. Not yet given to Senator Kennedy." That is the statement and that is the summary given to me. Are you telling me that it was given to me at the time when it had already been given to Senator Kennedy?

Mr. GUBSER. I am telling you only what I have been told by a responsible officer of the U.S. State Department. I do not see what particular relevance it has to this argument. The question is, did the gentleman have it before he left Washington or not. When William Buckley on his show asked the gentleman, if he had this in his briefcase a week before he left, and the gentleman said after an interchange, I am telling you, you are not telling me the truth. That to me is the issue. Did you have it before you left for Laos or did you not?

The issue is not when you read it, but did you have it before you left or did you not?

Mr. McCLOSKEY. No question I had before I left.

Mr. GUBSER. Very good. I did not challenge the fact that the gentleman did not read it until the morning of the 14th.

Mr. McCLOSKEY. The gentleman suggested that I had a survey in my hands. You made the reference in the discussion with Mr. Buckley that I referred to the survey and not the summary.

Mr. GUBSER. Yes. The gentleman was very cleverly evasive in his use of semantics.

Mr. McCLOSKEY. I am honored by the fact that you make that contention. Mr. Buckley, who was an adviser to the U.S. Information Agency, asked me after the program, "what was it you had in your briefcase, a precis," and I said, "yes, it was." It was apparently a five-page summary of the survey in question. I informed the gentleman that it was and the difference between the two. He knows the summary does not contain the words that the bombing was clearly the reason those people left their homes.

Mr. GUBSER. Those words were not in the summary, but I point out if any intelligent person reads the survey and also reads the summary, he knows and he could establish the fact that the substance of the survey is accurately reflected in the summary. The figures are all there. The only thing missing is the one-sentence conclusion to which the gentleman referred.

I ask you this: If the figures are all there and the only thing missing is a personal conclusion, then how can the gentleman think that the State Department tried to be evasive? I go back to the fact that there is an overwhelming weight of evidence going back to our former colleague, Mr. Lowenstein, in the middle of February, who said Pete McCloskey is coming out. Will you let him have that? And they said yes. They furnished the summary and sent a telegram on the ninth of the month.

Mr. McCLOSKEY. April.

Mr. GUBSER. April 9. They sent a telegram to the Embassy in Vientienne with a complete transcript of the summary furnished to the gentleman. Mr. Sterns testified before the Kennedy subcommittee that that telegram was received. Everyone knew about it but the gentleman, apparently.

Mr. McCLOSKEY. You would have assumed, as you have assumed from the language of others, that the Embassy, on the arrival of Congressman WALDIE and myself, would have been only too anxious to tell us about the survey, would you not?

Mr. GUBSER. I was not privy to the conversation and did not attend the dinner.

Mr. McCLOSKEY. Let me inform you of some of the events that did occur and see what the gentleman thinks about them.

Mr. WALDIE and I arrived in the late afternoon of the 13th. We went with the Ambassador to talk to Souvanna Phouma, the Premier of Laos, and later attended a gracious dinner party with him that lasted until 2 o'clock in the morning. During that dinner party we were handed a briefing book by the head of that group which had specific sections in it. Three of the sections referred to refugees from the Xieng Khouang Province, which is the Province in the Plain of Jars. It was suggested to us at numerous times during that evening that that briefing book could tell us all that might be known about the refugees. The following morning we read that book, that alleged briefing book that had been given to us, and found that none of those references to this refugee report were in it.

Can the gentleman tell me why the Ambassador did not disclose to Congressman WALDIE and me the facts about the bombing in this refugee report, knowing that we received the summary by telegram 2 days before? Why would it not contain that reference to the bombing or refugees in Xieng Khouang Province?

Mr. GUBSER. I can only speculate, but it ought to be clear as a bell that the summary had already been given to you and the American Embassy had been notified by the State Department in Washington that it had been furnished to the gentleman.

Mr. McCLOSKEY. Can the gentleman say why, in response to our repeated questions they did not furnish us this information, even in the presence of Mr. Stearns and Mr. Godley when we asked if they had any of the data as to why people had become refugees?

Mr. GUBSER. I cannot respond with respect to a conversation at which I was not present, but I can say that it seems mighty strange to me that a man would say that there were no such refugee surveys when he, of course, had been advised by telegram that the gentleman had been furnished with a summary of such survey. This to me is something I could not explain and I cannot understand it, but I was not there.

Mr. McCLOSKEY. The summary that had been furnished, and I knew had been furnished, referred not to the fact that the bombings——

Mr. GUBSER. Did the gentleman say he knew it had been furnished?

Mr. McCLOSKEY. They knew but we did not learn this until later. It was inadvertently disclosed to us, I might say.

Mr. GUBSER. The gentleman is absolutely wrong when he says "inadvertently." It was done on purpose by the State Department and it was handed directly to him. It was not inadvertent whatsoever that he was furnished this information before he left Washington. The gentleman knew that a decision had been made to give it to him and it was handed directly to him.

Mr. McCLOSKEY. Why, then, in a letter to JOHN SCHMITZ, our colleague, from the U.S. Information Service, May 20, does the U.S. Information Service say it was handed inadvertently to Mr. McCLOSKEY?

Mr. GUBSER. The U.S. Information Service is the agency which conducted the survey and which did the leg work. The State Department gave the gentleman the summary and Congressman SCHMITZ requested copies of it. Inadvertently, two of the summaries which were used on compiling the major survey were given to him.

I do not think that the State Department ought to have to answer for the terminology of the USIS.

Let us get down to the logic of this thing. What the argument is all about. I guess in all frankness, it does go to the gentleman's credibility. After all, I think it is logical to question credibility when you are questioning conclusions by the individual. The real issue is did the gentleman know that a survey of refugee attitudes had been conducted before he left Washington. I think the evidence is overwhelming that the gentleman did know.

Mr. McCLOSKEY. Why, of course; it was in the testimony on May 7 of the Senate subcommittee here that the Royal Laotian Government and the USIA had made such studies. Those studies, however, reflected that there was no single reason why refugees left their homes or no single type of combat. This survey contained the sole record and the official U.S. documentation that anyone has ever seen that reflects that bombing was clearly the compelling reason why these people left home.

Mr. GUBSER. Does the gentleman also admit that this came from the camps of the refugees who came from approximately 200 villages in the area of the ground fighting on the Plain of Jars?

And that the reason for taking the survey in the first place was that these people had lived under the Pathet Lao domination so many years, and were somehow different than the other refugees. Does the gentleman deny that?

Mr. McCLOSKEY. I have no idea why the study was taken. But let me ask the gentleman to bear this in mind: that the State Department and the Defense Department had testified to the Senate on May 7, 1970, that they had no indication of information as to why people left their homes, but that bombing was not a traceable cause of that. And then within 2 months after this hearing the State Department have surveys taken—

Mr. GUBSER. Of one area.

Mr. McCLOSKEY. Let us be careful.

Mr. GUBSER. To the camps where—

Mr. McCLOSKEY. They referred to the several surveys, one covering Sam Neua and Luang Prabang Province, and the other to the survey in the Xieng Khouang Province.

Mr. GUBSER. Were they 48 percent, or 28 percent?

Mr. McCLOSKEY. Only 82 out of the 97 people in the second survey said that bombing had made their life difficult, and that they had to work their farms at night, and they had to live in holes in the ground. And that number is not dissimilar from the Plain of Jars.

The point of the matter is this: I do not believe the gentleman wants to defend a Federal Government policy which proceeds to testify on one subject within the Senate on May 7, and then on July 10, about 2 months later, finds as a result of a survey of 213 refugees from 96 different villages that bombing is the compelling reason why these people left their homes. It is understandable, perhaps, why the State Department that says "We are not bombing villages" does not want to release for 9 months the only survey that says clearly that "bombing was clearly the most compelling reason for moving." That is the very kind of administration that the gentleman so strenuously defended yesterday, and on wh'ch he bases all his evidence.

Mr. GUBSER. Let me correct the gentleman. I am not defending any administration. I am not defending any policy of any State Department. I am merely attacking the gentleman's reckless and irresponsible charges that this Government has engaged in a policy of indiscriminate bombing of villages. And that is all I would say.

Mr. McCLOSKEY. If the gentleman will answer this question, it is certainly a fact——

Mr. STEIGER of Arizona. Mr. Speaker, if the gentleman will kindly yield to me, I would ask him to do so, because I want both of the gentlemen to settle down. And in order to do so I would say that I have an ancillary side view on this.

Mr. McCLOSKEY. I yield for an anecdote by the gentleman from Arizona.

Mr. STEIGER of Arizona. In the review of the refugees with respect to the bombing, was there any distinction—and I ask this, believe it or not, conjecturally—was there any attempt to make a distinction between bombing by the friendly forces, that is, the friendly Royal Laotian forces, and the American forces and the South Vietnamese forces, and shelling provided by the North Vietnamese? Was there any attempt to make such a distinction? Was there a recognition of the bombing of the Laotian villages by the North Vietnamese?

Mr. McCLOSKEY. If I can respond to the gentleman as accurately as I can, in the interviewing of 16 refugees that Congressman WALDIE and I interviewed—and Congressman WALDIE interviewed eight, and I interviewed eight, and I might add that there were a considerable number of people standing around participating in the discussion—I tried to ask them what kind of bombs had caused the destruction of their villages. In each case to me they described the cluster bombs, the little bombille, that is the French word for these 750-pound cluster bombs that throw out some 132 of these small bombs and which cover an area of some 25 acres in a doughnut shape. I talked to several persons personally who described the wounds that they suffered from these small bombs. Some of them described the larger bombs, and some of them the white phosphorous. We did not receive a description of villages attacked through the use of napalm. We saw several people who had obviously suffered from shrapnel wounds, but they described the bombille, and none of these described to me what would be described as artillery fire, machinegun fire, and the ordinary types of weapons that accompany infantry combat forces.

All of the articles I cited yesterday by Mr. Strock from New Republic magazine, and Mr. Greenway from Life magazine and Mr. Southerland from the Christian Science Monitor, and the others, all of them described bombing, and there was also mention of the fact that there had been small attacks by infantry combat forces in Laos since 1962, generally by small units skirmishing with one another. I could not ascertain the amount of artillery that existed on both sides, but it appears that most of the fire support was air rather than artillery.

Mr. STEIGER of Arizona. Did the refugees refer to the aircraft? Were the aircraft visible? You mentioned the types of explosions.

Did the refugees ever refer to the aircraft? You mentioned the type of explosion—but did the refugees ever mention the aircraft?

Mr. McCLOSKEY. Yes. They described both the T-28 flown by the Laotian Air Force. But the bulk of it was described to me as the American type jet aircraft.

That is also true of the articles that I cited.

Mr. STEIGER of Arizona. Is the gentleman aware of the item that came over the wire this morning with regard to the apparent slaughter of some 412 Laotian civilians by the North Vietnamese infantry.

Mr. McCLOSKEY. No, I am not.

Mr. STEIGER of Arizona. This item came out this morning. I, myself, do not know anything more about it than that. But it was apparently something that occurred yesterday.

I would suggest to the gentleman that maybe herein lies a significant address to the question as to whether or not the gentleman was aware of the refugee attitude before he left the country.

But as to whether the gentleman rendered a disservice to himself and to his country in going over with apparently a preconceived notion that would not permit the gentleman objectively to interview anybody, I submit that only the gentleman himself can answer that question. I do submit that there is ample evidence that there are many reasons why people leave home. I would suggest that many of us in this body have left home for one reason or another—some good and some bad reasons, but I would say to the gentleman in my view his greatest service was not in misrepresenting a preconceived notion about his information with regard to the refugees that brooked—that was intolerant and brooked only one view prior to his going over. He cast in on that with cold political foresight.

I suspect the fact that nobody referred to the Laotian, North Vietnamese use of Laotian civilians would at least cause one to suspect that his was not a balanced view.

Mr. McCLOSKEY. Let me respond to the gentleman in this way.

I said yesterday that it seems to me regrettable when people espouse different views on an issue that one person's motives should be challenged and that one person's credibility should be challenged.

The factual issue that we are intent on trying to determine is very simple—whether or not there has been bombing and indiscriminate bombing of villages in northern Laos.

There were 3,500 villages and many were bombed and hundred of people so advised the U.S. Government, the USAID employees, the IVS volunteers, the U.S. Information service.

In one survey, there were 213 refugees from 96 villages.

In another there were 97. In another there were 30.

I spoke yesterday of the public press which contained numerous articles by prominent writers. There was the New Republic and the Christian Science Monitor and the Washington Post and Life magazine. All of those articles described interviews with villagers—not mine and not Mr. WALDIE's, but interviews by people who have a dispassionate attitude toward this question as to what has been happening.

These villagers repeatedly said that their village was destroyed by American bombers. Some of their testimony was that nine out of 10 were American bombers and the remaining one-tenth by the T-28's.

There is no question about this tremendous amount of testimony by the Laotian villagers that the villages in at least seven out of the 16 provinces of Laos—off the Ho Chi Minh Trail—were bombed heavily by U.S. Air Force jets.

The testimony and the statement of the Department of Defense is counter to that. Following the testimony of U.S. Ambassador Sullivan: he would go to say that perhaps some of the villages were hit "after the villagers had moved out."

There is a question of fact here as between what these people are saying—that come from these villages and what the State Department are saying.

It is the resolution of that question of fact, it seems to me, that this body should make and it is not a question of the motives or the political ambitions of one person or another.

Mr. STEIGER of Arizona. Mr. Speaker, will the gentleman yield further?

Mr. McCLOSKEY. I yield to the gentleman.

Mr. STEIGER of Arizona. There is no question that I certainly as an individual find myself always questioning the motives of somebody who is in my view intelligent and literate and, yet, who comes to a conclusion that is at odds with the facts.

But even more important than that, I think, is I recall the gentleman's own questioning of the President's character, of his fitness to serve as President of the United States, his suggestion of his being impeached, his characterization of the President as a traitor.

Mr. McCLOSKEY. The gentleman is wrong. I have never questioned the President's fitness or character. . . .

Mr. STEIGER of Arizona. Yes, in Baltimore last year, to the Businessmen for Peace Dinner.

Mr. McCLOSKEY. That is absolutely incorrect. I have never referred to any American elected official or American officer in such terms.

Mr. STEIGER of Arizona. The point is the gentleman himself is engaged in this very thing. I share the gentleman's concern that it does detract from the basic issue. The basic issue is this: The gentleman made some conclusions, made them publicly, received a great deal of attention as a result of them, and the end result was twofold: It brought attention to the gentleman and harm to the American image. Whatever else it did I guess only the gentleman can qualify to say. But those two facts are irrefutable. The gentleman profited politically. The country suffered internationally.

Mr. McCLOSKEY. I suppose the country also suffered because of the My Lai disclosures. The gentleman from Santa Clara joined in the investigation that disclosed the treatment of civilians at My Lai. Granted that the American image was hurt. But were we not reaching for the truth? Are we not now seeking the truth rather than attempting to decide who it might hurt?

Mr. GUBSER. The gentleman has picked a good theme. He has put his finger on an important subject. The search for truth is a laudable pursuit by anyone, particularly by Members of Congress. But do we get the truth when we make accusations that this country is committing a very dishonorable act which amounts almost to genocide, and then saying, "Prove that you did not"? I ask the gentlemen, is that a responsible position for a Member of Congress?

Let us get back. It does not really matter whether the gentleman had this study, summary, or survey before he left. It does not really matter whether the State Department fully revealed all of the facts. What really matters is whether or not the gentleman's alleged proof constitutes a reasonable presumption at least that he was correct. I should like to ask the gentleman some questions at this point.

Mr. McCLOSKEY. Does the gentleman have any objection to the truth?

Mr. GUBSER. Absolutely not. I am seeking the truth. But I am saying that the gentleman's technique is beclouding the issue and making it difficult to find.

Is it not true that the same report from which the gentleman is quoting states that more than 95 percent of the refugees would not go back to their homes even if peace were declared if the Communists were still in control?

Mr. McCLOSKEY. The report does say that. But if the gentleman will note, we are not talking about why these people left their homes. We are talking about whether American bombers destroyed their homes. The question is, did American bombers destroy their homes?

Mr. GUBSER. Is it not true that this was occupied country, that there was heavy ground fighting, and is it not entirely possible that these villages could have been destroyed by groundfire?

Mr. McCLOSKEY. It is possible, but not a single one of the villagers who were asked this question mentioned that.

Mr. GUBSER. Will the gentleman admit that this was an exceptional group coming from area of the heaviest fighting?

Mr. McCLOSKEY. May I finish my last statement? The seven provinces where the villagers were asked questions, both in this survey and elsewhere, disclosed not a single statement by a single villager that his village or home was destroyed by infantry combat or support fire for those engaged in infantry combat. In every single case the villagers said that their villages and homes were destroyed by the T–28's or jet aircraft, by cluster bombs, by 500-pound bombs. That is the evidence. If the gentleman contests that and if he says the people who left their homes did so because they feared the Vietnamese, yes, in part he is correct.

Mr. WALDIE. Mr. Speaker, will the gentleman yield?

Mr. McCLOSKEY. I yield to the gentleman from California.

Mr. WALDIE. Yesterday I participated in the debate. Unhappily, everybody ran out of time. I have reserved an hour also this evening, but I want to use a good portion of that hour to ask Mr. GUBSER some questions. I ask through the gentleman who has the time I am not utilizing to request of Mr. GUBSER whether, after the expiration of your hour, he will be present to respond to some questions I intend to ask during the hour I have reserved subsequent to your time.

Mr. GUBSER. I am at your disposal, gentlemen.

Mr. WALDIE. I appreciate that.

Mr. McCLOSKEY. The question I should like to ask of the gentleman is simply this: Are we out to find the truth? If we are to get at the truth as to whether bombings occurred or did not occur, what does the gentleman do with several hundred refugees from several hundred villages who say their villages were destroyed by American bombing? Do you disregard that entire body of testimony?

Does the gentleman disregard that entire testimony?

Mr. GUBSER. I certainly do not, nor has anyone disregarded it, but we do not completely eliminate all other facts which could lead to a different conclusion.

For example, did the gentleman tell his public when he got home that all those who did the interviewing complained of the fact that there was probably a lack of statistical validity due to the fact that there was not time, there was trouble with the weather, that the language problem presented a difficult situation, and that villagers would gather around and try to participate in the answers that the interviewees were giving to the interviewers? Should not the gentleman, if he were fair, state that every one of the people who conducted the surveys has said there was serious doubt of the statistical validity of these surveys?

Mr. McCLOSKEY. But is this a question as to whether the bombing occurred or whether it did not?

Mr. GUBSER. Well, certainly there was bombing, but I can understand a villager who had seen a bombing attack perhaps 500 yards from his village, who had seen a POL dump or rice storage dump blown up—I can understand that this was to these people the most vivid thing that exemplified war to them. In the last 10 years they have been used to having their villages alternately held by friendly and enemy forces. Obviously they could mention bombing because that is the most spectacular thing, and that is what they express as their primary fear.

But I ask the gentleman how he explains the fact that he completely misrepresented his conversation with Captain Michel at the Udorn Air Force Base the day before his visit to Laos and an interpretation which Captain Michel has completely repudiated.

Mr. McCLOSKEY. The gentleman keeps going back to the alleged misrepresentation and misconduct in attempting to divert the issue as to whether the bombing occurred and whether what the gentleman from California said is proper or not.

Has the gentleman said that I improperly quoted an Air Force captain on April 13 in quoting as follows:

> I have flown over a lot of river valleys in Northern Laos these past four months, Mr. Congressman, and I haven't seen any villages along LOCS (Lines of Communication).

On July 7 the gentleman talked personally with the captain, Marshall L. Michel III, and appended the transcript of that conversation as exhibit B to his remarks yesterday. In that conversation Mr. Gubser asked Captain Michel as follows:

> GSG: I see. Well, now, it's been reported that you told Representative McCloskey that you personally had never seen an active village along the LOC or Route 7.
>
> Capt. M: Yes, sir. I said that I had never, I personally had never seen an active village along this route.

The captain went on to say that he had not intended to imply the villages along that route were destroyed by bombing and I certainly did not attribute such a suggestion to him.

The captain stated that he had been flying over northern Laos for a period of only 4½ past months, as I recall, and all of the evidence we have accumulated of the destruction of Laotian villages ended as of the early part of 1970. I was told by Maj. Gen. Andy Evans, commander of the 13th Air Force, at the same time, that no villages had been bombed since he took command in late 1970. I believe General Evans completely and do so today, but this does not explain what happened between 1968, when the United States diverted all this airpower over to Laos, when we stopped bombing in Vietnam and early 1970.

The testimony of all these witnesses was that the period of heavy bombing was in early 1969 and 1970. That does not in any way contravene Captain Michel's statement to me. My quotation of his statement was absolutely accurate. There is the inference the gentleman tries to draw—he sets up a strawman and then tries to knock it over.

Mr. GUBSER. Would the gentleman in the various times he quoted Captain Michel in "Face the Nation" and other instances when the gentleman was quoting Captain Michel say that he has not used it as support for his contention that we have indiscriminately bombed villages—I do not think the gentleman can argue about this.

Mr. McCLOSKEY. There is no question about that, because every time the villages are shown on the map and then they are no longer in the photographs Captain Michel takes on a daily basis—something destroyed those villages.

Mr. GUBSER. If the gentleman will permit, let us pursue this on an orderly basis.

The gentleman has just admitted that he used this quotation of Captain Michel for the purpose of fortifying his contention that there were no villages in that area and impliedly they were destroyed by bombing. Would the gentleman tell me whether that is fair?

Mr. McCLOSKEY. Something destroyed those villages.

Mr. GUBSER. That is right; and your point is that it was bombing.

Mr. McCLOSKEY. My supposition is that it was bombing. The statement of the people who lived in the villages was that they were destroyed by bombing.

Mr. GUBSER. Let us go from there, to the transcript of my phone call with Captain Michel. I have invited the gentleman to make a phone call with me, with the press and the whole world listening in, and I hope he will do it.

Does the gentleman deny that Captain Michel was quite offended by the fact that his statement was taken out of context and used to imply something which he definitely did not mean? I would be surprised if the gentleman, as a very intelligent lawyer, felt at the time he meant it.

Mr. McCLOSKEY. There is no question that Captain Michel, General Evans and every other Air Force officer that was there—none of them has been telling us there has been bombing in the last 7 months in Laos. I am sure Captain Michel would properly say, "We are not bombing the villages in northern Laos. We have not bombed them since I have been here." I believe he is entitled to say that, because there is no evidence in the last 7 months.

Mr. GUBSER. The gentleman talks about a time frame. All of this happened before Captain Michel came to Thailand. Yet he uses the testimony of Captain Michel to prove what happened some time previous.

Mr. McCLOSKEY. If there were no villages——

Mr. GUBSER. If the gentleman misrepresented Captain Michel he knows it.

Mr. McCLOSKEY. Misrepresented him?

Mr. GUBSER. Yes. You used Captain Michel's statement to you out of context to prove a point Captain Michel did not mean. And I believe the gentleman knew he did not mean it.

Mr. McCLOSKEY. Is not the quote

that I have read what I said Captain Michel said, and is that not exactly what he said?

Mr. GUBSER. Yes; exactly right. And how many times, as an experienced politician, does the gentleman know one can take something out of context and take part of a quote and in effect prove black is white? And that is what the gentleman did.

Mr. McCLOSKEY. The only thing Captain Michel's statement shows is that now, in 1971, for the last four and a half months before Captain Michel told us this in April, there was no bombing of the villages, and the map of northern Laos which was showed to me shows a number of villages.

Mr. GUBSER. Did not Captain Michel also say he had done a study on this when he was a student at Georgetown University in 1961? There was fighting going on even then, and these people were seminomadic and moved about, and sometimes villages were destroyed by ground fire? Did he not say all that to the gentleman?

Mr. McCLOSKEY. He did not say that.

What the situation might have been in 1961 is not really relevant to the question of whether between 1964 and 1970 the U.S. Air Force bombed and destroyed these villages. The villagers tell us that they did.

The maps of northern Laos, contrary to the gentleman's statement, do not show these villages are seminomadic villages of Meo tribesmen. There are perhaps one-fifth, or perhaps one-fourth, who live in the Burn and Slash agricultural areas, where they move from time to time, at the elevations above 3,500 feet. At least three-quarters of the people are ethnic Lao, who live in the river villages, in the very mountainous areas, and have fixed villages.

Mr. GUBSER. In the Plain of Jars?

Mr. McCLOSKEY. The Plain of Jars had about 250,000 of the 1 million people who once lived in the area. The villages in question, about 3,500 villages, I would guess—and I base this on the estimate that Ambassador Sullivan gave; he said at other times there were perhaps 2,000 or 3,000 which existed in this area.

The gentleman should understand that three-fourths of these villages are located along the roads, along the trails, and that the villages themselves are fixed villages, with fixed names at fixed locations. They are not moved from time to time, as the Slash and Burn mountain tribesmen and Meo tribesmen do.

It is these villages along the lines of communication which constitute perhaps three-fourths of the villages of northern Laos. It is these villages which have been destroyed by American bombing.

It is significant, I think, that the American bombing people admit their primary targets have been lines of communication.

As a matter of fact, the express mission in their bombing is along lines of communication, which puts them in this kind of a predicament. If along 20 kilometers of a narrow river valley there happens to be 10 villages and they are bombing that highway for 20 kilometers, somebody has to make a decision that perhaps every 2 kilometers they will pull up and not bomb within 500 meters of the villages. The fact of the matter is the people who live in these villages said that the villages were destroyed by bombing.

In all of this argument the gentleman has tried to shift away from the fact that the villagers said they were destroyed that way. You can accuse other people of being politically motivated and having axes to grind and so on, but what do you say about the testimony of hundreds of villagers, all of whom say that their villages were destroyed by planes which dropped bombs containing white phosphorus and cluster bombs and so on?

What is the gentleman's comment on that evidence?

Mr. GUBSER. Ground fighting occurred along the line of communication for more than 10 years. That is where the fighting takes place, because that is where the supplies move. You do not move supplies on a hilltop where the people live. I also challenge the gentleman's statement, that three-quarters of the people live along the lines of communication, because every person that I have talked to with expertise says the opposite in the area which we are discussing.

Mr. McCLOSKEY. Well, now——

Mr. GUBSER. Will the gentleman let me finish? I know it is his time, but do not let us use one argument for one area and then, when it is convenient, shift the action and get on a course where we are going from mountain to mountain. We are talking about where the refugees came from one area which is the Plain of Jars.

Mr. McCLOSKEY. Granted.

Mr. GUBSER. I am saying that most of the people do not live along the lines of communication. I am saying that those lines of communication are the contested areas and that bombing has taken place there, but destruction is primarily due to ground combat. That is the most intensely fought over piece of real estate in the whole wide world, I think. This has been going on for years there. What does the gentleman say to that?

Mr. McCLOSKEY. I am saying—

Mr. GUBSER. He says on the basis of an interview or interviews with 226 refugees and on the basis of his personal interview with 16 of them that in effect 76 percent of 3,500 villages have been destroyed. That is about what the gentleman has said. And certainly there is not the testimony of one pilot or one State Department official or anyone that will back up that extrapolated implication from these figures. I challenge the gentleman to do this: He has quoted several newspapermen. One of them is Carl Strock. Another one is a gentleman who was a former U.S. AID employee who testified before the Senate committee. It is rather interesting to note all four of the incidents this particular gentleman described and which the gentleman placed in the RECORD and relies upon took place before 1967. That is not the time which is in controversy by the gentleman's own admission. We are talking about, 1969, and 1970.

Mr. McCLOSKEY. Let us take that.

Mr. GUBSER. Wait a minute, is the gentleman going to tell me every one of these other people are lying and that the survey of 226 villages, from an unusual area, taken under very questionable statistical circumstances, with a language problem involved, and based upon his interviews with only 16 people, he is justified in making his charge that we have indiscriminately bombed Laotian villages? I think the gentleman would be ashamed to go into court with that kind of statement.

Mr. RIEGLE. Mr. Speaker, will the gentleman yield?

Mr. McCLOSKEY. I yield to the gentleman.

Mr. RIEGLE. I thank the gentleman for yielding.

I cannot believe there is any reason why the gentleman from California (Mr. GUBSER) would have any objection to joining us in asking for photographs so that we could find out.

Why not get the pictures because the pictures will tell us exactly what the situation was.

Mr. GUBSER. Will the gentlemen tell me what the pictures will show?

Mr. RIEGLE. First of all, they will show whether there were people in these villages and, if we find that a substantial number of villages have been destroyed, then we can go further and find out how they were destroyed—by bombing or as you suggest, by ground fighting. But would it not be wiser to ask for photographic evidence so we would know, first of all, how many villages are in existence? Will the gentleman sign a letter to that effect?

Mr. GUBSER. I will respond to that.

Mr. RIEGLE. Will you help us get those photographs?

Mr. GUBSER. I will respond to the question.

Mr. RIEGLE. In other words, you will not ask for those photographs?

Mr. GUBSER. I will, if you will give me time.

In answering the question, let me point out that the gentleman from California (Mr. McCLOSKEY) was offered a flight over two areas where he could see refugees other than those which he interviewed. He had the opportunity to go to other camps. He was offered a flight over the Pathet Lao city of Attopen—and he turned down all of those and only wanted to go to one camp. That is all he went to.

Now, I will answer the gentleman's question and I will be happy to join in a request for photographs, provided you will allow me the opportunity to insert a paragraph in that letter which at least states that I know how ridiculous the request is.

Mr. RIEGLE. Mr. Speaker, if the gentleman would yield further, I would certainly be willing to accept the gentleman's desire to want to insert such a paragraph with the notation that that is his paragraph.

Mr. GUBSER. That is right.

Mr. RIEGLE. Let me understand for the record that the gentleman is willing to join with us in a formal request for photographic evidence of the villages in question; is this correct?

Mr. GUBSER. Does the gentleman want before or after photographs?

Mr. RIEGLE. I would hope they give us everything they have.

Mr. GUBSER. I hope you bring a magnifying glass.

Mr. RIEGLE. Photographs of what exists today.

Mr. GUBSER. I would be glad to join in the request, and with the statement that I know for the six reasons I inserted in my remarks yesterday that such a request is absolutely ridiculous and it amounts to a situation where a couple of Congressmen are saying to this country, "You are committing genocide."

Mr. McCLOSKEY. The gentleman continues to use the term "genocide." I do not think he has ever heard me use that term or that I have been quoted as using that term, has he?

Mr. GUBSER. No, I have never heard the gentleman use the word "genocide." I have heard you use terms and expressions of U.S. policy which certainly amount to genocide.

Mr. McCLOSKEY. I have referred to the U.S. policy which was referred to by the 21 young IVS volunteers as the destruction of the social fabric of 3,500 villages in that nation. It is easy to see that the only way you can accomplish that is by bombing those villages. That is the statement of these IVS volunteers. I cannot say that we have any written U.S. policy to purposefully destroy these villages, because the rules are clear that there shall be no bombing within 500 yards of the lines of communications. But it is hard to understand that it was reported that we bombed only eight villages by mistake when we get a report that 76 percent of the population were hit by bombs. That information was not submitted to the Senate subcommittee. They concealed that information. They testified that bombing could not be identified as the cause of any refugees when the report says clearly that the bombing was the cause. I cannot understand the discrepancy which exists between the State Department testimony and the Department of Defense testimony that they hit a few villages by mistake in the last 7 years, as compared with the testimony of hundreds of refugees that their villages were destroyed by bombing. If they had said that they had experienced battles taking place between tanks and artillery and infantry assaults and so forth, that would be one thing. But the villagers from the Plain of Jars did not talk of their villages being destroyed by infantry warfare that raged across the Plain of Jars, although they were under Pathet Lao domination for a period of 3 or 4 years.

The description of the infantry fighting in this area is not that of combat between two mechanized armies, but it is skirmishes between small units on both sides by people who went around the Plain of Jars rather than who fought through it. That is the information I have.

In any event, there is no testimony by any of these refugees, the hundreds of interviews and reports by American Government officials of the USIS that in any of these situations that their villages were destroyed other than by bombing.

So on what basis does the gentleman proceed to suggest that these villagers are not telling the truth and that their villages were destroyed by artillery and by infantry when you consider the fact that they have described so faithfully the type of bombs that were used, the types of aircraft that were used, and the bombs that specifically are the kinds of bombs that we use in that area?

Mr. GUBSER. I have never questioned the testimony of the villagers.

Mr. McCLOSKEY. Then bombing has taken place in these villages?

Mr. GUBSER. I never questioned the testimony of the villagers. I only question the extrapolated conclusions that the gentleman makes from this very small and very unusual sampling.

I say that I do have confidence in what our Ambassadors tell us, and what the church people tell us. I do have confidence in them, and I do not believe that we have indiscriminantly destroyed villages. I think that the gentleman has rendered a disservice in jumping to that conclusion.

The Speaker pro tempore (Mr. HUNGATE). The time of the gentleman from California (Mr. McCLOSNEY) has expired.

THE BOMBING IN SOUTHEAST ASIA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. WALDIE) is recognized for 60 minutes.

Mr. GUBSER. Mr. Speaker, will the gentleman yield so that I may conclude my statement?

Mr. WALDIE. Mr. Speaker, I yield 5 minutes to the gentleman from California (Mr. GUBSER).

Mr. GUBSER. Mr. Speaker, I thank the gentleman for yielding.

I think it is about time that we read into the RECORD something which is different than the allegation that this is a U.S. war against the Pathet Lao.

One of the authorities quoted by the gentleman from California (Mr. McCLOSKEY) is Ronald J. Rickenbach, former refugee and relief officer for the Agency for International Development. I shall read parts of his testimony, but I am not going to take them out of context—I can assure you of that.

This appears at page 23 of the report entitled "Refugee and Civilian War Casualty Problems in Laos and Cambodia." In speaking of the Meo tribesmen, he says:

> From conception, the Meo "cause" has simply been an effort on their part to protect their homeland from outside incursion. Their intended purpose: merely self-preservation.
>
> The Communist North Vietnamese moved into Laos, and in force.
>
> The armed presence of the North Vietnamese Army was enough to put the Meo on the defensive, in line with tradition.
>
> However, their options were limited; accommodate themselves, fight or flee. They could not very well fight without arms, and assistance; they could flee, but to nowhere as suitable to their way of life than where they already were; or they could accommodate themselves in some peaceful, subservient way to the Vietnamese presence. . . .
>
> It is at this crucial juncture that the American Government's involvement can be traced.

That was in the late 1950's.

Then the gentleman concludes his testimony, and this is Mr. Rickenbach:

> But I feel, at the same time, that it is of paramount importance that we do not compound our mistakes—

And he meant in Southeast Asia—

> by not, in some form, showing a continuing commitment to those people who over the years have shown the greatest loyalty to our presence, whether history eventually justifies that presence or not.
>
> No single group, I am sure, has been as true an ally to America during this conflict as the hill tribesmen of north Laos. I firmly believe that it is the responsibility and obligation of this committee to insure that, in one way or another, they are given a more just repayment than pure abandonment, in this, their hour of truth.

Let us not forget that this war is going on in Laos for one reason—the North Vietnamese are invading it. The North Vietnamese are invading it and the Meo tribesmen are resisting that invasion.

Mr. WALDIE. Can the gentleman tell me from his vantage point of superior knowledge and information, and I say that seriously as a member of the Committee on Armed Services, if the Meos are being employed by the Central Intelligence Agency?

Mr. GUBSER. First of all, let us talk about this question of superior knowledge I do not have a thing in the world that is not available to the gentleman from California—not a thing. Ask Congressman HÉBERT and he will show you anything that I am privileged to see. So I am not in a superior position of having any superior knowledge.

The Meo tribesmen are supported by the U.S. Army and the U.S. advisers and they have been for many, many years.

Mr. WALDIE. Are they not employed by the Central Inteligence Agency?

Mr. GUBSER. As to whom they are directed by or financed by, I am not prepared to say, but at this time they have the support of the United States and they have fought valiantly.

Mr. WALDIE. Let me ask this question. Do you know whether they are in the employ of Central Intelligence Agency or whether you are at liberty to say so—you do not know that?

Mr. GUBSER. No, I do not know that.

Mr. WALDIE. Were I to ask that question of Mr. HÉBERT, would that knowledge be within his purview? Do you know?

Mr. GUBSER. I cannot answer for the gentleman from Louisiana.

Mr. WALDIE. Certainly, this may be a peripheral issue, but I understand members of the Committee on Armed Services are very privy to the appropriations for the Central Intelligence Agency.

Mr. GUBSER. Not on the Committee on Armed Services—we do not have a thing in the world to do with appropriations for the Central Intelligence Agency.

Mr. WALDIE. Do you have anything to do with the authorization for the Central Intelligence Agency?

Mr. GUBSER. I would presume—yes. However, I do not know about the authorizations for the Central Intelligence

Agency. There are facets of the bill that could be that—I do not know.

Mr. WALDIE. Let me ask you a question or two before I yield to my good friend, the gentleman from California (Mr. DELLUMS). I ask this question as a Member who is not frankly committed to the view that our colleague and my friend, the gentleman from California (Mr. McCLOSKEY) has advanced. But I ask this question based upon my own personal knowledge of some of the facts you have alluded to, having accompanied Mr. McCLOSKEY to Indochina and having been present on several occasions as described by other parties who were present. I do not suggest to you that you have misrepresented what was told to either Mr. McCLOSKEY or me because you were not there and you were of necessity required to rely on third persons. But I can say to you that in several instances those third persons have misled you.

The first instance is as to Reverend Roffe and it pains me as I know it pains you to hear suggested that a man of the cloth would mislead you, but that is precisely what he has done, if you have reported his conversation with you on page 24596, where you recite in your statement, and I am not quoting this but it is in the second column about two-thirds the length down, where it says that Reverend Roffe has told Mr. Hecht that he detected no discrepancy between the answers given by Father Menger and those which he heard from the refugees themselves.

Is that your understanding?

Mr. GUBSER. That is what Mr. Hecht told me; yes.

Mr. WALDIE. The fact of the matter is that I think these statements by Reverend Menger ought to be clearly brought out for your information.

I guess you have apparently relied heavily on their version of the refugee situation in Laos.

I only add this information to your well of intelligence, of their background, and of their credibility as I personally experienced it.

In the first place, the 16 refugees involved in about a 4-hour period of interviewing, eight of whom were interviewed by me and eight of whom were interviewed by Mr. McCLOSKEY are an interesting parallel to the refugee conclusions that you stated—a church group did interview 350 people.

Mr. GUBSER. No, 150.

Mr. WALDIE. It was 150 in 1 day and we were only able to interview 16 between the two of us in 4 hours.

Now I want to go into their interviews later to see whether they have showed you their interviews. You have seen the statement. Did they have statements of those interviews?

Mr. GUBSER. I was not furnished with that.

Mr. WALDIE. They only gave you an assessment of the interviews.

Mr. GUBSER. Exactly, as quoted; yes.

Mr. WALDIE. Let me tell you a little bit about Reverend Roffe. They flew down into the village, that sleepy refugee village. You are absolutely right. You have been on enough trips overseas, as I have, to know that if you do not select where you want to go, you will go where they want to go. They wanted us to go to a large party. They wanted us to fly up north to the capital where we could go to a party and have some dancing done by Laotian dancers.

That was not the purpose for which we were there. It was not the purpose we should have been there. We said. "Thank you, but we will select the places we want to go." It was rude, perhaps, but it was our own consensus—and I shared Mr. McCLOSKEY's view that the information that would be derived from our selected itinerary would in all probability establish more accurate or informative information than we would have gleaned from sources that they delivered to us.

We flew to this refugee site in two helicopters. Both interpreters, Rev. Ed Roffe and Father Menger, provided us by Ambassador Godley, were warranted to us as independent, excellent interpreters that had been used by the embassy on similar occasions in the past. Father Menger was in my helicopter and next to me. Reverend Roffe was in Mr. McCLOSKEY's helicopter. My first exposure to Father Menger, I confess to you, was not a very palatable or a very warm exposure.

On the way down the Father was discussing the problems in Indochina. His statement to me was precisely these words:

> The trouble with the American youth of today is they are yellow. They are not willing to shed their blood for other peoples.

My reaction to that was, as your reaction would have been, one of being aghast at such an accusation. My comment to the Father was this:

> Father, you may be familiar with the Laotian situation, having been here 20 years, but you have been away from America for a long time and are not familiar with the American situation now. You do not have to go that far, however. Go to Vietnam, from where Mr. McCloskey and I have just come. Go to the hospital we visited and take a look at the Americans who have shed their blood for causes in which I do not believe and probably they do not believe.

That was the basis on which I was introduced to Father Menger.

During the interview of the eight refugees, four of them in the first round I was interviewing with Father Menger's assistance and one other reporter, who unfortunately did not speak Laotian and neither did I. With Mr. McCLOSKEY was Reverend Roffe and several others who spoke Laotian to check his translation. We met after 2 hours and he commented to me, he said, "It is remarkable."

I said, "What is remarkable?"

He said:

> The fact that there was not in one instance of one interview that I conducted an enemy soldier either within the village or closer than 2 to 10 miles from the village at the time of the bombing attack on the village that produced the wounded refugees or the evacuated refugee.

I said, "That is remarkable."

Among my four interviews there was not one who did not say in his village that in fact there were either both Laotian or North Vietnamese soldiers.

We decided that coincidence was remarkable, so remarkable that it should be tested.

He then took Father Menger on the next round of interviews. I took Reverend Roffe along with two men who also spoke Laotian. I tried to find all four of the refugees whom I had first interviewed to check Father Menger's translation. This was a massive village of refugees, and they had faded into that population with the exception of one. I found that one refugee.

I asked the identical questions I had asked in the presence and with the assistance of Father Menger. The responses as to the presence of enemy soldiers in the village were entirely contrary to what Father Menger had testifid.

The next three groups of refugees that I interviewed, not one said that there were enemy soldiers in the village. So Reverned Roffe to you was telling the truth when he said there was no distinction between the translations of the refugees given to me and those given to Father Menger.

What he was saying is that there was no difference between the translation of refugees given to him than given Father Menger when he accompanied "PETE" McCLOSKEY with a backup interpreter, because in the second round of interpretations with Father Menger interpreting for "PETE" with a backup interpreter, in fact, there were no enemy soldiers in the village.

So let me suggest to you from personal experience, as a fairly neutral observer, not total, and becoming less so as the days progress on this issue, Father Menger in my view is not a credible translator. He either does not understand Laotian or is not willing to translate it as it was given.

Reverend Roth translated it as accurately as it was delivered, according to the interpreter along with us.

The question that I asked of the Embassy people all along involved the question the gentleman has constantly posed about this survey on which the gentleman from California (Mr. McCLOSKEY) has relied, that it was a very limited survey of a very limited group of people in a very limited period of time in a very limited space. They claim that to base the conjectures and the extraction of the hypothesis on that, which the gentleman from California (Mr. McCLOSKEY) has—that is a matter that concerned me. I asked the Embassy officials about it when this report finally came to light—and it seems a question that should concern us all, but I am not going to dwell on the details as to how it came to light or whether it was probably concealed or not. That is not of interest to me.

The fact is that once it came to my attention it was immediately disclaimed as not being a valid refugee report, as the gentleman suggested was claimed by the Embassy people. They said that it was done in an inadequate manner, there were an insufficient number of samples, and conclusions therefore should be distrusted. I suggested that could very well be so, but I asked why they did not attempt to take additional polls to confirm or deny the results of that poll.

They have it within their power. They own that country, and they really own that, I will say to the gentleman from

California (Mr. GUBSER). The Ambassador runs that country as if it were a fiefdom, and the Central Intelligence Agency runs it as if it is a fiefdom also.

But the fact of the matter is all the resources are under their control to take the polls and to say whether that poll is inaccurate.

It may very well be a fact that it is, but it is the only poll they have.

I have one more response—and I am sorry I have not yet yielded to the gentleman from California (Mr. DELLUMS) as he requested, but I have one more comment.

I was pleased to hear the response to the gentleman from Michigan (Mr. RIEGLE) that the gentleman would join in requests for photographs. As I read this testimony quite closely, it is not the gentleman's belief, I gather, that the photographs that have been sought to confirm or deny the existence in the first instance of villages in the area in question are not in existence—those photographs are not.

It is the gentleman's argument, as I understand this, that although they may be in existence, they are so difficult to interpret, that there is a danger in releasing those photographs, because they may be misinterpreted.

In response to that, I think that is a valid argument, the conclusion at least, that any photograph might very well be susceptible of a variety of interpretations as to what happened to the villages if, in fact, the villages have been destroyed. But it does seem to me as a lawyer that the determination is within the hands of the jury as to whether the evidence is credible or not. If it is in the possession of the lawyer, he should present it to the jury, unless he desires that jury not to see it. As a defense lawyer, one might not want the jury to see the evidence. But we are not defense lawyers or prosecutors here. We want the people to know the facts.

What is wrong with procuring the photographs as they exist and letting judgments be made as to what happened to the area in question? The gentleman's judgment may differ from mine, or we may agree. But in respect to that, may I ask the gentleman simply this question. He has referred to two photographs that he displayed to the House of Representatives, and he discussed a survey of 26 square kilometers as to the density of structures. I presume in the survey of the 26 square kilometers, a description or conclusion as to the density of structures would have required some visible evidence of the existence of structures in that 26 square kilometers?

Mr. GUBSER. Mr. Speaker, if the gentleman will yield, I presume—and I am quite sure it is correct—that was calculated from bomb damage assessment reports.

Mr. WALDIE. Would that include photographs?

Mr. GUBSER. I would think so, yes.

Mr. WALDIE. Do you know whether in that 26 square kilometers there are photographs of structures?

Mr. GUBSER. I do not.

Mr. WALDIE. Of the two photographs the gentleman presented to the House of Representatives, it was artillery damage? I presume it was the gentleman's conclusion of the damage, that it was caused by artillery .

Mr. GUBSER. Artillery and mortars.

Mr. WALDIE. Who provided the gentleman with those photographs?

Mr. GUBSER. They were from the Office of the Secretary of Defense.

Mr. WALDIE. Were they taken by American reconnaissance planes?

Mr. GUBSER. I cannot answer the question, but I presume they were.

Mr. WALDIE. The American forces were not, in fact, bombing those?

Mr. GUBSER. No, nor were the Laotians. The purpose of those two photographs was only to show the extent of damage that can be caused from ground action.

Incidentally, those two photographs were not even up in the PDJ area but were in the panhandle.

Mr. WALDIE. My curiosity is as to how you obtained them. No American forces were involved in that action. No American air power was involved in that action. Yet there is, within the possession of the Secretary of War, two photographs of villages, which relate to a totally Laotian action, I presume.

Mr. GUBSER. Of course, we fly reconnaissance many times a day over that area because that is where the Ho Chi Minh Trail is.

Mr. WALDIE. I presume so. And I presume equally there would be photographs covering the area in question, as to whether structures exist in that area.

Mr. GUBSER. I would say to the gentleman, it is my belief there would be ample photography along the LOC, lines of communication.

Mr. WALDIE. Yes.

Mr. GUBSER. But I seriously doubt that there is reliable, up-to-date photography of the areas away from the LOC's. I think Captain Michel told Representative MCCLOSKEY he had just flown a mission the day before along LOC route 7.

Mr. WALDIE. You mentioned in your testimony yesterday that the bomb craters would not necessarily be evidence or that the crater would not necessarily be evidence of a bomb. I suspect that is correct. There might be a question as to a bomb crater, an artillery crater or a mortar crater.

M. GUBSER. Or, if I might add, a question as to whether the bomb crater was caused by a Laotian pilot.

Mr. WALDIE. There is no question of that.

Mr. GUBSER. Or whether when a village happened to be evacuated, it was at the time a military target.

Mr. WALDIE. There is also the question that no photograph can honestly answer at its inception. The area as to which I was confused was Mr. MCCLOSKEY's question to you which was not able to be developed because time expired. I am not sure, militarily, but I gather from the question Mr. MCCLOSKEY was asking, and information provided to me, that a cluster bomb does not leave a crater. I am talking about CBU, not phosphorous.

Mr. GUBSER. The gentleman is correct. Incendiary, on occasion, and antipersonnel.

Mr. WALDIE. Antipersonnel bombs do not.

Mr. GUBSER. Some do, but these I understand do not.

Mr. WALDIE. Then to add further to the gentleman's understanding of our dilemma in interpreting what is happening in Laos, almost every one of the refugees I interviewed who possessed wounds on their bodies or who had lost members of their families from the bombing lost them from cluster bomb wounds, from antipersonnel bombs. The one exception was the white phosphate wound that had scarred a Meo, now a 9-year-old boy, from his toe up through his back, that killed his sister and burned him.

Mr. GUBSER. Is the gentleman referring to a boy whose name I previously misspelled? I called him Ba Son Di, but I understand his correct name is Thao Som Dii.

Mr. WALDIE. I do not know. I have that in my notes.

Mr. GUBSER. A 10-year-old boy who had a burn on his right leg, whom you saw?

Mr. WALDIE. Yes.

Mr. GUBSER. I am sure we are talking about the same person. I believe it is rather interesting, if the gentleman will permit me no more than 2 minutes of his time, to go into this.

Mr. WALDIE. Surely.

Mr. GUBSER. I asked about that young person. On the morning of July 6 a USAID officer interviewed the father of this boy.

Mr. WALDIE. That is the man I interviewed, the father, not the boy. I did not interview the boy.

Mr. GUBSER. From the description I have heard of the boy's injury, I think it probably was a phosphorous bomb, because I understand it was rather localized. But the father of Thao Som Dii told the USAF officer this morning on July 6 that his son was burned by napalm dropped by jets while the family was walking along the road near the rice fields at some distance from their village.

As I understand it from the documents—I have never seen the boy—the burns could not have been napalm, because it would have enveloped him and would have been much more widespread and not localized. The point that I make here is an example of how unreliable information is when you get it from nomadic and primitive peoples like even the father who says that it was napalm when we know it was not.

Mr. WALDIE. Let me suggest to you it is unreliable if you are not careful in the interviews. The father said that it was napalm. We suspected that he was incorrect because of the nature of the wound. We went into it in much greater detail and ultimately found out that he was talking about a white phosphorus bomb.

Mr. GUBSER. Here is another part of the same information that I requested.

Mr. WALDIE. Although I suspect that if you are burned by napalm or by white phosphorus——

Mr. GUBSER. Neither are very nice.

Mr. WALDIE. That is right.

Mr. GUBSER. This wire says "It is

also possible that the child in question was in fact playing with undetonated phosphorus parachute flares or smoke markers, which sometimes occurs."

We know that phosphorus is only used for marking and screening. There are two other weapons, which are cluster bombs and which are never used except against supply dumps and military targets and are not used against personnel.

Mr. WALDIE. Wait a minute. I do not yield further. I want to comment on that. They should never have been used, and our policy would never permit them to be used. If in fact they were used it was a violation of our policy, was it not?

Mr. GUBSER. May I read in response another portion of this telegram which I have and which came from Mr. Sterns, the Deputy Chief of Mission. It says:

> Phosphorus ordnance is never—repeat—never used as antipersonnel weapon in Laos. It has been used on one occasion we know of in 1969 in an attempt to burn Pathet Lao North Vietnamese army rice storage area.

Mr. WALDIE. The point of the matter is I know what the policy is and I know the policy is extremely humane. The regulations of engagement are as magnificient documents of humanitarianism as you could possibly find in warfare. It is not the policy I am concerned with but the practice. I suppose every interview I received and which was contained in that refugee report could be discounted as maybe somebody who was motivated in the refugee stations, by other reasons, but there is sufficient basis in my mind—and I left Indochina, as I mentioned to you yesterday and as Mr. McCloskey knows, genuinely concerned that the conclusions he had drawn from what I considered to be limited evidence were not warranted.

However, the failure to provide the Congress with evidence that is within their prerogative—not only the failure to provide that evidence but the actual policy to keep this House of Representatives from knowing about Laos—causes me to be highly incredible as to their actual representations. I do not even understand my good friend from California (Mr. Gubser). I do not understand the majority of my own colleagues in their refusal the other day to ask questions about what we are doing in Laos.

The administration will not provide us with these answers. I do not cast all of the blame on this administration, because the prior administration and the two prior administrations, both leaders of whom were in my own party, were equally adamant in their refusal to let the American people and their representatives know what is happening there in Laos. It is for that reason that I am becoming increasingly of the belief that Mr. McCloskey's charges have been far more credible than the effort today to destroy him suggests is the case.

The evidence you have used to attempt to refute Mr. McCloskey's charges has been reports on the evidence being insufficient. I grant you that the evidence was insufficient. I granted that from the start, and it did not have to be diminished further to be insufficient. But you have not answered why the administration did not produce the concrete evidence of photographs and additional refugee surveys showing how erroneous the conclusions of this survey were. There must be evidence other than that which has been presented, other than a mere attack on the limited evidence Mr. McCloskey has presented, that would refute the charges.

Mr. GUBSER. Mr. Speaker, will the gentleman yield further?

Mr. WALDIE. I would be happy to.

Mr. GUBSER. Before I respond to the concluding part of your statement, let me say to the gentleman that I admire the manner in which he has approached this problem and I admired the statements he made upon returning. In fact, the gentleman really makes my case which provoked this entire interchange.

I have always said that Mr. McCloskey has not proven his point and that he had an obligation to prove the serious charge he made before injuring the image of his country. That is what this argument is all about. But, nevertheless, it has evolved into something else.

Mr. WALDIE. Let me interrupt the gentleman at that point because I surely do not want my silence to indicate or to suggest that Mr. McCloskey has injured this country by his statements. I do not believe that at all, and make no mistake about it. It is my opinion that Members of Congress can debate passionately and with conviction policies of this country and when he expresses that disagreement with passion and conviction, all of which I happen to believe fit your colleague and mine admirably and completely, then I feel he is entitled to do so.

Mr. GUBSER. But, again, getting down to the conclusion which the gentleman made, I would like to go back to one other point. I, certainly, was not a party to the interviews. I cannot comment upon the honesty of Father Menger or Reverend Roffe because I was not there.

Mr. WALDIE. But I was.

Mr. GUBSER. I accepted the gentleman's statement as being an accurate reflection of what he sincerely believes to be true. But it seems to me that the main issue which was wrapped around the credibility of Father Menger and Reverend Roffe is whether or not there were Pathet Lao in the villages. Now, the survey—the famous USIS survey upon which Mr. McCloskey places so much emphasis and relies upon so heavily says that 95 percent of those who lived there and were refugees did not go back when the war ended if it were occupied by the Communists. More than 50 percent gave a variety of reasons for their becoming refugees which included the protest against the 15-percent rice tax imposed by the North Vietnamese and the Pathet Lao and the fact that they were forced to become military porters and were treated as slaves and cattle.

The other thing—I think it is clearly established, regardless of what the testimony may have been when Father Menger and Reverend Roffe were translating for you is that the Pathet Lao had occupied those villages. Perhaps, at the moment they were not there, but we all know that every dry season the Pathet Lao and the North Vietnamese alternately occupy this region and that during every wet season the Meo tribesmen come back. In other words, it changes hands every year. These people have been used as slaves and their rice has been taxed and at the time this is what they were protesting against.

Mr. WALDIE. There is no question, however, that almost every refugee with which I had contact expressed his thorough distaste of the practices you have described.

Mr. GUBSER. Is it not a fair statement to say that almost every refugee had at some time known that the Pathet Lao or the North Vietnamese were occupying these villages?

Mr. WALDIE. Oh, surely, but that does not mean if they were there last month the villages should be destroyed this month.

Mr. GUBSER. Certainly, but I want to clear up the point and the implication that Reverend Raffe and Father Menger were deliberately concealing the fact that the Pathet Lao had been there. The facts are that they were there.

Mr. WALDIE. It is certainly my own personal opinion that Reverend Menger was deliberately misinterpreting. He said at the time of the bombing there were no North Vietnamese or Pathet Lao in the village. Reverend Raffe said subsequently that in fact they were there.

So I appreciate the generosity and courtesy of the gentleman in yielding to me.

At this time, Mr. Speaker, I plan to yield to the gentleman from California (Mr. Dellums) for 10 minutes, but before I do so may I inquire how much time I have remaining?

The SPEAKER pro tempore. The gentleman from California (Mr. Waldie) has consumed 33 minutes.

Mr. McCLOSKEY. Mr. Speaker, will the genleman yield?

The SPEAKER pro tempore. Does the gentleman from California (Mr. Waldie) yield to the gentleman from California (Mr. McCloskey)?

Mr. WALDIE. Mr. Speaker, I would ask the gentleman from California (Mr. McCloskey) whether he would permit me to yield first to the gentleman from California (Mr. Dellums) who has a very important mission to perform on behalf of the Democrats in that he has to go out and practice his pitching talents.

Mr. McCLOSKEY. Certainly.

Mr. WALDIE. I yield 10 minutes to the gentleman from California (Mr. Dellums).

Mr. DELLUMS. Mr. Speaker, I thank the gentleman from California (Mr. Waldie) for yielding to me.

Mr. Speaker, I commend the gentleman from California (Mr. McCloskey) on his actions, his courage and his convictions with respect to what I consider are some very critical issues, and problems.

I for one do not question your integrity nor your motives. I think your activity typifies the highest and the best in a public official who diligently attempts to inform the American people and challenges his colleagues in the House of Representatives to discuss some very serious problems, and that is the serious allegation of war crimes and war atrocities in Indochina.

I commend the gentleman for specifically raising the issue of bombing in

Laos, but I would like to deal with the broader question of war atrocities because I personnally believe that to attack your credibility in exercising your right to know as a public official is tragic, ludicrous, expedient, and sometimes even theatrical.

It would seem to me that if we are concerned about the critical issues that one of our colleagues raises here on the floor of the House of Representatives, such as in this matter, then I, for one, seriously question the value of personal debate with seven or eight Congressmen on the floor, and perhaps 30 people in the galleries. If we are serious about the allegations then why have not the Members of the Congress joined in calling for a full-scale open inquiry into the war crimes and other atrocity allegations in Indochina? If we would, then we could solve the matter. But standing here on the floor with nine people discussing the technicalities of bombing in my estimation is rather absurd, it is playing games as courtroom lawyers, grandstanding for the record, and does not seem to me to solve the critical problem of whether or not we actually committed war crimes in Southeast Asia.

Before I go to the general issue of war crimes in Indochina I would just like to make one set of comments as the chairman of 4 days of ad hoc hearings on war crimes in Southeast Asia.

One of the Marine captains who flew many missions in Indochina mentioned that one of the most precise bombing missions is ostensibly the computer bombing runs, generally flown at night. He indicated that, given variations in wind velocity, variations in speed and the human time lapse response, that it is possible that bombs could have been dropped as far as 6 miles away from strategic military targets.

The point is that if you understand computer bombing runs, someone is on the phone who tells the pilot to push the button. If they push it late, either one of them, if there are variations in the speed or in the wind velocity, that bomb does not have to drop as depicted on a piece of paper in a computer, it could drop 6 miles down the road.

Second, the testimony further reveals that the unwritten policy is never to return to base with any bombs still attached to the plane. And on questions from the Chair——

Mr. GUBSER. Mr. Speaker, will the gentleman yield?

Mr. DELLUMS. The gentleman has spoken for 3 hours. Please give me 10 minutes.

Mr. GUBSER. I have seen a lot of them come back to base with their bombs.

Mr. DELLUMS. On questions from the Chair and other members of the ad hoc committee as to "what do you do with the bombs?" The response was, "We drop them."

The Constitution grants Congress virtually unlimited control with respect to the military and military policy. War policies and war crimes responsibility fall well within congressional purview over the military. Thus far, though, that authority has meant very little.

There are many reasons.

First, as with just about all congressional functions, Congress has evolved into a client, not a regulator. The military dangles both carrots and sticks before Congress—usually locating of or closing down of installations, defense contracts, and so forth. After a while the message gets across. Even when the Executive has dared to slice funds from questionable defense projects, Congress not only reinstates money, but projects as well. Throughout the early 1960s, Congress continually budgeted the B–70 bomber even though the administration had decided to let the project die, and in 1970, Chairman Rivers successfully led a drive to fund a carrier that the Navy had not requested.

This philosophy carries through to war atrocities. The military committees mirror the sentiments of the Defense Establishment. But, only so far. For example, the House Armed Services Committee report on My Lai:

> From its inception, the . . . investigation has been hampered by a generally uncooperative attitude of the Department of the Army.

Usually, though, the military committees agree with the Military Establishment's perspective that it is individuals, not policies, that commit war atrocities. The Establishment and committees fight every effort to investigate ultimate responsibility for war crimes.

Second is the ethics of Congress itself. Survival—reelection—not the public interest, is the motivating force in Congress. Posturing aims to avoid stands, avoid involvement. Closed-door negotiating, "the art of compromise," these are rewarded.

War crimes were—and are—an extremely sensitive topic. Remember that Ronald Ridenhour sent a number of Representatives letters detailing My Lai before any action was taken. Standard operating procedure dictates that so-called crank mail will be brushed aside, thrown out, or referred to the Congressman who represents the writer's home town.

It took almost 8 months from Ridenhour's letter reaching Congress until before mention was made of My Lai on the House floor. And that notice came about only because the Cleveland Plain Dealer broke the story. The House Armed Services Committee had received Ridenhour's letter in early April 1969; on November 24, the then chairman of the House Armed Services Committee, Chairman Rivers, made a brief speech:

> We do not know what there is to this or what the Army has in their files in Washington. If, the investigating committee, and we will be setting as a kind of quasi-grand jury—if we see that this warrants further inquiry and should be brought out into a larger investigation, the subcommittee will do this.
>
> But, for the moment, exercising our jurisdiction over the Army and as a subcommittee created for this purpose, we are making the first move. I think the House ought to know it, because I am sure you are getting a lot of inquiries on just exactly what we are going to do in the House of Representatives on this matter which seems to be catching the headlines at this time.

In blunter terms, had it not been for press reports of My Lai, Congress would have probably shunted aside the whole incident.

Once out in the open though, congressional rhetoric gushed forth. Within 2 weeks of the first public arousal over My Lai, approximately 40 Representatives and Senators made floor statements on the slaughter.

In general, Congress reacts rather than leads. When I joined with a group of other concerned Congressmen to propose and conduct open ad hoc hearings on command responsibility for war atrocities, there was expected criticism and opposition from the right and a general silence and avoidance from many Members termed "liberal."

A third reason comes from the procedural nature of Congress. Of our essentially conservative governmental structure, I view Congress as the most traditional and slow-acting branch. Eventually, Congress does act on most pressing national problems. But so much time has passed between the initial causes of a problem, the development of an issue as an issue, the recognition by Congress that some problem exists, real action by Congress, and, finally, administration of whatever new policies or remedies are established to meet the problem, that by the time this lengthy process is completed, the original problem is considerably changed or enlarged but the remedy is only tuned to its earliest stages.

I am reasonably sure that Congress will eventually openly deal with the question of ultimate command responsibility for war atrocities. Yet, I am almost just as sure that whenever Congress would undertake such an analysis, it would be too late to have an impact on the shape of U.S. policy in Southeast Asia. Instead, the whole effort would wind up as a mere academic exercise—but with great fanfare from the Congress.

Finally, I see much of Congress' reticence resulting from the basic philosophies of the men who hold the key positions in the House and Senate. Most of them received their basic and deepest political educaiton in the 1930's and 1940's. Simply put, their general philosophy is that they "know" what is right for America—and because, for them, American is the richest, strongest, most influential nation, therefore, also, what is "right" for the world.

For them, it is implausible that American soldiers could have been involved in large-scale war atrocities. They accept My Lai as an isolated aberration, but they also believe that the war in Southeast Asia is the same type of war they knew and fought in, and that war crimes therefore are invariably punished.

War atrocities in Southeast Asia are not aberrations. They are an integral part of the basic type of conflict in which America became so foolishly entangled. Strict military judicial enforcement may reduce a marginal percentage of atrocities, but I do not forsee any significant reduction in war crimes as long as U.S. forces continue an active role in Southeast Asia.

From testimony presented at the ad hoc hearings, and from my other studies, I single out five important factors which are causing the continuation of atrocities.

First. A key part of the psychology of our involvement is one of treating all Vietnamese people—whether South Vietnamese, Vietcong, or North Vietnamese—as subhuman beings. Everyone who is Vietnamese is perceived as a "gook," "slant-eye," or "slope," as less than human. Therefore, no real effort is made to distinguish between civilians and combatants, between friends and enemies. In blunter terms, the racism pervasive in this country is obviously pervasive in Indochina.

Second. Therefore, I find it a blatant falsehood on the part of those persons who tell the American public that we are "helping" the Vietnamese.

Third. On the operations level, conventional warfare in a people's guerrilla struggle results in multiple and continuing atrocities. People, old women and children are shot down in a village: For what military purpose? Bombs are indiscriminately dropped on innocent human beings: For what military purpose? The conventional warfare concept means that GI's perceive all human being as their enemy; otherwise, the concept is flawed.

Fourth. If we are to assume any responsibility for war atrocities, then it must be laid at the highest military and civilian policymaking levels. I think that any time this country does not see fit to deal with fundamental problems that it will create at that moment a scapegoat. Black people, brown, red, yellow, students, poor people all have been convenient scapegoats. Lieutenant Calley is a scapegcat for the military command.

Fifth. Fixing responsibility is not enough. I think it falls critically short of the most necessary close examination of institutional factors that give rise to American involvement and adventurism. We have to deal with racism, militarism, and sexism in this country which is extended into the conduct of our foreign affairs. Too many people wring their hands in guilt, but do not see the need to go beyond dealing with symptoms and effects.

My hope is that no other young person will have to go through the same kind of evil, the same kind of insanity, the same kind of wanton death as we have suffered in Indochina. The proper role of Congress is to deal with basic causes, and the inability of Congress to confront the issue of ultimate responsibility for war atrocities must be seen as a serious flaw in our ideals of a democratic state.

Mr. McCLOSKEY. Mr. Speaker, I thank the gentleman for yielding.

I have been perplexed as the debate proceeded to try to come to grips with the real issue involved—as to whether these villages had been bombed or not. I think the gentleman from California (Mr. GUBSER) who contests my view would concede the bulk of his concern is that I have made too extensive conclusions from the evidence before me. I, in turn, have not been able to get the gentleman to address the evidence itself, the evidence of hundreds of people who have said their villages have been destroyed.

I noted in the argument yesterday the gentleman quoted William Hecht, special assistant to a U.S. delegation of churchmen, who had been in Vientiane interviewing refugees at the same time we were. I quote his statement:

Our assessment was that refugees considered the bombing a blessing.

That was remarkably parallel to what Father Menger, who had been there 15 years and who had interviewed a number of these refugees with us and translated some for me, had stated, and I would like to state his precise statement off a tape we had with the concluding interviews of the refugees there. This was the final refugee interview, and I would like to read it into the record, if I may at this point. These are my comments and I am stating them from a tape that was made by one of the members of my staff:

Congressman McCloskey. "Finally, we got from them the fact that a study had been made of refugee attitudes and when I saw that study of refugee attitudes and it summarizes the information we are verifying today, I said I would like to take this list of names and places and go up to these refugee villages. We were set to leave at 1:00 in the afternoon to come up to 272, to go up to Luang Prabang which would have given us a chance to see the northern refugee camps.

At 1300 it turned out that the papers were not ready and we didn't get them actually until 3:00 in the afternoon. Because of that, we are limited to getting one camp rather than site 272 and Luang Probang. There is nothing I would have liked to do better.

One question I'd like to ask you—why would the Embassy deliberately prevent us from getting this information when I first came here? If I had followed their schedule that they laid out for me, I wouldn't have learned a single thing I learned today. Why would they do that? Why would a visiting Congressman—why wouldn't they be the first to tell me what these facts are?"

A: (Father Menger) "You work for the government, I don't. I don't know how they operate."

Q: "Why do they do this? You know? You know the Ambassador. You know Ambassador Godley. Why in the Lord's name wouldn't he want me to know this information?"

A: I don'tknow.

Q: Could I ask you a question? As I recall, Father, your testimony to the Kennedy Committee, you said that the bombing was not responsible for the refugee movement but that Communist terrorism was. How do you feel about it now that you've talked to these people?

A: Same as before.

Q: Which means you don't believe what these people have said?

A: Let me tell you. I have lived with these people. They will tell you one thing. You go back to the same people. You sit down with them, you have lunch with them, you live with them for a couple of days, you will find the real story. You're not getting the real story.

Q2: You don't think they were really bombed?

A: Look. Wait. You want the real story. The immediate cause of their leaving was probably the bombing. But that is the immediate cause. But the ultimate cause—the real reason is because they do not want to lose their freedom . . .

Q2: Why didn't anybody tell us that?

Q: Nobody has said that. These people—every single one of these villages has been destroyed. There hasn't been a village we've . . .

A: This is very Communist area.

Q: The villages themselves are Communist villages?

Q2: Why did they leave then to get away from Communists? You said they left to get away from Communists, because they are Communist villages. I don't get it.

A: You never lived under Communists? Well, I have.

Q: I couldn't live if my house disappeared—was blown up.

A: Like Laktuan. I lived up there. 57, 58, 59. Bon Bon, Kai Kai, I know this area.

Q: That's irrelevant. It's irrelevant whether you lived there. The question is whether those villages were bombed without Communist troops being there.

A: I say you cannot understand. I will be very honest—I might hurt your feelings. You will not get a true picture—unless they know who you are—you will not get a true picture of this country in three days.

Q: Wait just a minute. These things which you just interpreted—when we asked these questions and these answers were given. In your judgment, were those answers truthful?

A: Some of them yes. Many of them no.

Q: All right. Let's take them. I asked them their name and I asked the village from them. Were they truthful on that?

A: Yes.

Q: What about their age?

A: No.

Q: That's not truthful. It could be anything.

A:

Q: I've got to get some specific things. When they said they were bombed many, many times. Were they being truthful?

A: I don't know.

Q: When they said they saw T-28's and jets, were they truthful?

A: Yes. Oh, sure.

Q: When they said they saw big bombs and bombers, were they truthful?

A: Yes.

Q: When they say all their villages were destroyed, were they truthful?

A: I don't know.

Q: You don't know whether all their houses were destroyed?

A: I would . . .

Q2: You haven't been out there since the bombing, have you? You'd be out . . . between August 1969 and 1970?

A: I know the church was destroyed.

Q: When they told him the number of people killed and the number of water buffalo killed, do you believe those answers?

A: The exact number—no.

Q: What about this woman saying her husband was killed?

A: Probably true.

Q: How about the people who showed us their wounds?

A: Possibly true.

Q: Possibly true. Possible they got their wounds some other way?

This is the answer I want you to note:

A: No. What I will say, and you should put it out—even though it is true—even though our American bombing has, in some instances, killed people—I don't care if it is 100's or thousands—all I can say—I wish you would print this—quote me—thank God for that bombing. Otherwise, this country would not be free today.

This concludes Father Menger's testimony.

Mr. GUBSER. Mr. Speaker, will the gentleman yield?

Mr. WALDIE. I yield to the gentleman from California, Mr. GUBSER.

Mr. GUBSER. Is the gentleman introducing that quotation from Father Menger as proof of his allegation that we have engaged in indiscriminate bombing in Laos?

Mr. McCLOSKEY. I cite that citation because it puts both Father Menger and Mr. Hecht, whom the gentleman quoted yesterday, in context when they indicate in their judgment, regardless of the bombing or how many people are killed, that the bombing is justified.

Mr. GUBSER. That is not the point at issue.

Mr. McCLOSKEY. Much of the argument the gentleman made is to the effect that the North Vietnamese are invading the country, that the people do not like living under the North Vietnamese, and even if we are bombing it might be justified.

Mr. GUBSER. No. The gentleman is reading conclusions into my statement which I never uttered. I wish the gentleman would cease and desist this constant practice of reading interpretations into what somebody else says.

Mr. McCLOSKEY. Let me conclude with a piece of evidence I did not present yesterday. This is a report by a United Nations expert, which seems to me to sum up everything we tried to produce yesterday to indicate that villages of seven provinces had been destroyed by bombing.

This is by U.N. expert Georges Chapelier, who conducted during 1970 interviews in depth with some 50 refugees from the Plain of Jars. The results of his findings were published in the fall of 1970 in a study entitled: "Plain of Jars: Social Changes Under Five Years of Pathet Lao Administration." Excerpts from this report follow:

> All these efforts tended to enhance national consciousness, but perhaps what contributed more than anything else to forge an in-group feeling were the heavy and recurrent bombings. A brief account of what we consider as the major event in the five years under the Pathet Lao will make it easier to understand the reaction of the people and the further Pathet Lao politics of portage responsibilities and restriction of consumer goods.
>
> Prior to 1967, bombings were light and far from populated centers. By 1968 the intensity of the bombings was such that no organized life was possible in the villages. The villagers moved to the outskirts and then deeper and deeper into the forest as the bombing climax reached its peak in 1969 when jet planes came daily and destroyed all stationary structures. Nothing was left standing. The villagers lived in trenches and holes or in caves. They only farmed at night. All of the interlocutors, without any exception, had his village completely destroyed. In the last phase, bombings were aimed at the systematic destruction of the material basis of the civilian society. Harvests burned down and rice became scarce, portage became more and more frequent. (pp. 18–19).
>
> These people seem to be fed up with bombing and unable to foresee the end of this tragic epoch. It must be noted that these observations are valuable at a behavior level and do not engage the author about the inner feelings of the refugees. A genuine assimilation between communism and bombing is frequent in Vientiane, even amongst Western-educated people. A meaningful example is given by the answer of a Deputy whom we were asking, "Do you think that Lao personality fits well in the communist system or, more simply, that Lao peasants are pathy in PL territories?' He replied with a large smile: 'But don't you know that they are bombed day after day, live in holes like animals and work in their paddy field at night? Is that a good life?' Obviously, he assimilated communism and bombing and his reaction is typical of the Lao social climate in Vientiane. (p. 36).

That is a quote from pages 18 and 19 of the Plain of Jars paper by Mr. Georges Chapelier of the United Nations.

Mr. Speaker, I think that sums up the nature of the testimony given by hundreds of refugees. Nowhere in this debate has the gentleman from California, from Santa Clara County, challenged the fact that these refugees from seven different provinces accurately described the devastating bombing by U.S. Air Force jets of their villages climaxing in 1969, the same year when this country dropped over half a million tons of bombs in the country of Laos, doubling the bombing in the previous year of 1968. This circumstance I cannot say establishes with clarity or establishes beyond any reasonable doubt that we pursued a deliberate policy of destroying the villages, but it does show from the testimony of the witnesses who were there and saw it that the bombing was deliberate and was intended to destroy the structure of that society and confirms the testimony of the United Nations experts who said that the bombing was systematically attempting to destroy that society. It seems to me it establishes a prima facie case that the program and the activities of the United States over Laos in 1968 and 1969 were attended by the destruction of hundreds if not thousands of villages in northern Laos.

Mr. Speaker, I state there is no evidence in the record that shows anything to the contrary.

TAKE PRIDE IN AMERICA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. MILLER) is recognized for 5 minutes.

Mr. MILLER of Ohio. Mr. Speaker, today we should take note of America's great accomplishments and in so doing renew our faith and confidence in ourselves as individuals and as a nation. The Secretary of Agriculture reported that—

> Perhaps the brightest aspect of the agriculture picture was the rise in exports to a record $7.2 billion in calendar year 1970, 22 percent above 1969.

Exports in fiscal year 1971 are estimated at $7.5 billion, compared with $6.6 billion a year earlier, and $5.7 billion in fiscal year 1969. The report states that during the past 2 years the United States has done more than ever before in the history of mankind to combat hunger and malnutrition among large numbers of people.

MAILING LIST BILL SAFEGUARDS INDIVIDUAL PRIVACY AND PUBLIC'S RIGHT TO KNOW

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. HORTON), is recognized for 10 minutes.

Mr. HORTON. Mr. Speaker, on June 3, I introduced H.R. 8903, a bill to prohibit the Government from indiscriminately selling or distributing mailing lists. Today, I am reintroducing this measure together with 64 of my colleagues.

If enacted, this legislation would limit Federal agencies from distributing or selling any list of names of Federal employees, past or present members of the Armed Forces, or persons who are licensed or required to register with any Federal agency unless there is certification that such a list will not be used for commercial or other solicitation or for any unlawful purpose.

The bill is the result of an independent study I conducted of mailing list sales by the Federal Government. The survey of 50 departments and agencies revealed that there is not established Government policy on the sale of mailing lists. Some agencies provide such lists routinely; others do not. Each cite the Freedom of Information Act as the basis for their decisions.

The Freedom of Information Act was enacted in 1967 to provide the public with as complete access as possible to public records. Its purpose is to prevent Government agencies from unjustifiably withholding information that should be reasonably available for inspection by the news media and the public. Information can be withheld if it involves national security, proprietary business information, investigatory files or personnel or medical files. Other statutes protect the confidentiality of income tax and census data. However, the Act overlooks completely the mailing lists complied by Federal agencies in carrying out their proper roles.

This gap in our Federal laws encourages the invasion of an individual's privacy and, in some cases, jeopardizes his safety. The legislation we have introduced today will provide the missing policy while maintaining a positive balance between the public's right to know and the individual's right to privacy.

Mr. Speaker, I am gratified that this legislation has received broad-based support from 35 Democrats and 29 Republicans and that the Government Operations Subcommittee on Foreign Operations and Government Information intends to hold hearings on the measure before the year is out.

At this point, Mr. Speaker, I would like to list the sponsors of the bill:

LIST OF COSPONSORS

Joseph P. Addabbo, Democrat, of New York, William R. Anderson, Democrat, of Tennessee, Frank Annunzio, Democrat, of Illinois, Bill Archer, Republican, of Texas, Herman Badillo, Democrat, of New York, Edward P. Boland, Democrat, of Massachusetts, Shirley Chisholm, Democrat, of New York, Don H. Clausen, Republican, of California, Barber B. Conable, Jr., Republican, of New York, R. Lawrence Coughlin, Republican, of Pennsylvania.

W. C. (Dan) Daniel, Democrat, of Virginia, Ronald V. Dellums, Democrat, of California, John H. Dent, Democrat, of Pennsylvania, Robert F. Drinan, Democrat, of Massachusetts, John N. Erlenborn, Republican, of Illinois, Marvin L. Esch, Republican, of Michigan, Hamilton Fish, Jr., Republican, of New York, Walter Flowers, Democrat, of Alabama, William D. Ford, Democrat, of Michigan, Bill Frenzel, Republican, of Minnesota.

Louis Frey, Jr., Republican, of Florida, Cornelius E. Gallagher, Democrat, of New Jersey, Edward A. Garmatz, Democrat, of Maryland, Barry M. Goldwater, Jr., Republican, of California, Ella T. Grasso, Democrat, of Connecticut, Kenneth J. Gray, Democrat, of Illinois, Gilbert Gude, Republican, of Maryland, Seymour Halpern, Republican, of New York, Orval Hansen, Republican, of Idaho. Michael Harrington, Democrat, of Massachusetts, James F. Hastings, Republican, of New York, Ken Hechler, Democrat, of West Virginia, Henry Helstoski, Democrat, of New Jersey.

Craig Hosmer, Republican, of California, William L. Hungate, Democrat, of Missouri, Norman F. Lent, Republican, of New York, Joseph M. McDade, Republican, of Pennsylvania, Jack H. McDonald, Republican, of Michigan, Romano L. Mazzoli, Democrat, of Kentucky, Abner J. Mikva, Democrat, of Illinois, Parren J. Mitchell, Democrat, of Maryland, F. Bradford Morse, Republican, of Massachusetts, Charles A. Mosher, Republican, of Ohio.

Thomas M. Pelly, Republican, of Washington, J. J. Pickle, Democrat, of Texas, Otis G. Pike, Democrat, of New York, Bertram L. Podell, Democrat, of New York, Tom Railsback, Republican, of Illinois, Peter W. Rodino, Jr., Democrat, of New Jersey, Robert A. Roe, Democrat, of New Jersey, Benjamin S. Rosenthal, Democrat, of New York, Fernand J. St Germain, Democrat, of Rhode Island, Herman T. Schneebeli, Republican, of Pennsylvania.

Fred Schwengel, Republican, of Iowa, Garner E. Shriver, Republican, of Kansas, B. F. Sisk, Democrat, of California, Robert T. Stafford, Republican, of Vermont, Louis, Stokes, Democrat, of Ohio, Robert O. Tiernan, Democrat, of Rhode Island, Guy VanderJagt, Republican, of Michigan, Jerome R. Waldie, Democrat, of California, G. William Whitehurst, Republican, of Virginia, Larry Winn, Jr., Republican, of Kansas, Lester L. Wolff, Democrat, of New York.

MILITARY CREDITS TO MARXIST CHILE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Alabama (Mr. EDWARDS) is recognized for 5 minutes.

Mr. EDWARDS of Alabama. Mr. Speaker, I find it hard to comprehend the logic and basis for responsible action which lies behind the recent announcement by the State Department that the United States is extending $5 million in military credits to the Marxist regime of Chile. I find it especially hard to comprehend this move in view of Chile's announced nationalization of American copper interests and the well-publicized concern by Argentina and other South American countries, all friendly to the United States, that Chile has mapped plans to wage war against them.

I understand that our announced intention of extending the military credits is being made in response to a request for this assistance by the Chilean Government and that the funds will be used to purchse new C–130 transport aircraft and paratroop equipment.

Apparently, there are still those in the White House and the State Department who minimize the theories set down so long ago by Karl Marx that total Communist domination of the world is the ultimate goal. Perhaps they have minimized Fidel Castro and what his Communist island stronghold of Cuba represent. And, perhaps they have completely forgotten the Cuban missile crisis of 1962.

Chilean President Salvador Allende is, whether we want to believe it or not, nothing less than another well-oiled cog in this Communist plan for world conquest.

Nickolai Lenin once said that the United States would spend itself to death. Apparently, our State Department policymakers are not too concerned about the outcome of this grave prediction. We are not spending ourselves to death, but some of that money is going to assist Communist governments. While it is hard to justify excessive spending any time, this question pales into insignificance when it comes to the question of helping our enemy. This is totally unacceptable and all aid to Chile must stop now.

INTRODUCTION OF DOMESTIC EXPLORATION INVESTMENT TAX ACT OF 1971

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. PRICE) is recognized for 10 minutes.

Mr. PRICE of Texas. Mr. Speaker, I rise today for the purpose of introducing the Domestic Exploration Investment Tax Act of 1971. This legislation will establish a 12.5-percent tax credit to encourage domestic exploration for oil and natural gas.

The primary purpose for this legislation is to help reverse the present dangerous trends which appear to be leading toward a growing reliance of this country upon Middle East sources of crude oil. These sources could literally "go up in smoke" either as a result of resumption of Arab-Israeli hostilities or as a result of the internal political instability which plagues many Middle East countries.

Unlike the depletion allowance, which has been the target of many uninformed persons through the years, the tax credit proposed in this legislation would apply only to wells drilled in unproven fields.

According to the U.S. Geological Survey, there are sufficient oil reserves in the United States, approximately 430 billion barrels, to meet all our needs in the foreseeable future. In addition, a 4- to 6-year leadtime will be necessary to develop new natural gas reserves.

Estimates of the investment necessary to develop these oil and gas reserves mounts into the billions of dollars. Because of the high risk to investors, there must be additional incentive to draw the necessary capital into exploration.

I regret, Mr. Speaker, that the issue of tax allowances to the petroleum industry becomes mired in the same morass of sectional politics as do certain Government programs to benefit agriculture. We always hear of the million-dollar windfalls that big oil and big agriculture are receiving from the Government. Mr. Speaker, I contend, however, that it is the constituents of the very Members who "rail" the loudest about these Government programs who are their real beneficiaries.

I urge my colleagues from all sections of the country to try to visualize what could happen if we become dependent, to any great extent, upon foreign oil. Sure, their constituents might get gasoline for automobiles or their heating oil cheaper for awhile. But, what if we have another 7-day war in January instead of June? What if some sheik decides he can get a better deal by selling his oil to the Russians?

It is in the interest of the public generally, the oil industry, and the many thousands of men and women who earn their livelihood in the Nation's petroleum industry that I urge my colleagues to adopt this legislation. The petroleum industry needs encouragement if it is to properly supply the quantities of oil and gas we must have within the next 30 years.

As in any business, the most important incentive for additional exploration is an adequate price for the product. In the long run, a price increase would benefit the consumer, for it would insure a continued supply of energy. One need look no further than the fact that our own producing reserves are no longer sufficient to sustain normal consumption should our imports be disrupted to realize that the present price is too low.

It could be that the increase in the price of domestically produced oil may have to be increased by dollars rather than pennies, per barrel. The prospect of price increases of this magnitude should not alarm the consumer. The alternative to such an increase could be rationing or disruption of supplies.

Another incentive for exploration could be tax credits. The bill I introduce today is focused in that direction. It provides for the reduction of an oil and gas operator's yearly income tax by 12.5 percent of any money spent that year in exploring for or developing new domestic reserves of oil and natural gas. The credit would be only temporary, expiring automatically in 10 years after enactment of the bill.

The legislation is designed to help reverse the present dangerous trend toward reliance upon insecure Middle East sources of crude oil, and to guarantee the consumer the energy supplies he requires.

I have written the following letter to President Nixon expressing my concern about the present state of our petroleum industry and petroleum reserves.

I urge prompt consideration of this legislation; not in the special interest of "greedy oil barons" but in the special interest of all Americans.

House of Representatives,
Washington, D.C., July 13, 1971.

The President,
The White House,
Washington, D.C.

Dear Mr. President: I continue to be alarmed by statements from responsible officials that a dependence on foreign petroleum supplies is necessary or advisable. The evidence is persuasive that domestic oil and natural gas can be made available at substantially lower costs to the consuming public than imports from foreign nations.

I would urge that the Administration establish a peril point for dependency on imports. This would stabilize the market and inform the domestic industry as to what portion of our needs it is expected to supply. Our present 25 percent dependency on imports in my opinion is already beyond the peril point. Unless a peril point is set we can expect past experience to continue, namely, a drifting into greater and greater dependency.

I plan to introduce legislation providing special tax incentives for increasing domestic reserves of oil and natural gas, such as an investment tax credit for expenditures (1) for exploration and development and (2) for improved recovery of known reserves; or any other tax treatment that would result in increased reserves of oil and natural gas.

I would certainly appreciate any suggestions that you might have with regard to the formation of such legislation.

I am taking the liberty of forwarding a copy of this letter to General Lincoln and other members of your Oil Policy Committee and look forward to any comments you or members of this Committee might have.

Sincerely,

BOB PRICE,
Member of Congress.

LOCKHEED AIRCRAFT CORP.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from South Carolina (Mr. DAVIS), is recognized for 10 minutes.

Mr. DAVIS of South Carolina. Mr. Speaker, hearings began this morning before the Committee on Banking and Currency regarding proposals that the Government guarantee up to $250 million in private bank loans for Lockheed Aircraft Corp.

As I understand this problem, it is simply a matter of assuring financing that Lockheed needs over a temporary period of 3 or 4 years. This financing would enable Lockheed to convert an inventory worth several hundreds of millions of dollars into finished aircraft. When the airplanes are delivered—airplanes for which Lockheed holds firm orders—the payments from airline customers will produce the cash flow needed to pay back the guaranteed loans.

The aircraft involved here is a new model, the L–1011 TriStar, a commercial passenger plane of the intermediate range wide bodied transport type, which is expected to be one of the dominant airliner types of the coming decade. The market is estimated, conservatively, at something like $20 billion.

There seems to be no question that if Lockheed does not get the additional financing, it will have to abandon the L–1011 and leave that entire market to its competitor, McDonnell Douglas, which would have a monopoly in the market for this particular type of aircraft.

One of the things that I think is most important in this whole matter, however, is the number of jobs involved. This is especially significant at a time when everyone is concerned about our high level of unemployment throughout the Nation. The problem of unemployment is even greater in the aerospace industry than it is in the Nation at large.

The chairman of the board of Lockheed Aircraft Corp., Mr. Daniel J. Haughton, said in his testimony before the Banking and Currency Committee this morning that the aerospace industry now employs a little over 1 million people. This represents a reduction of about 400,000 employees in that industry just since 1967. Unemployment in the industry is estimated at 24 percent—about four times as high as the over-all national rate.

And there may be more to come. The authoritative aerospace trade journal—Aviation Week & Space Technology—reported in its issue published yesterday that it has just completed an industry-wide survey of employment. While the rate of layoffs is slowing somewhat, the magazine says the individual company forecasts indicate reductions of more than 75,000 employees during the current year.

As for the job impact of the Lockheed TriStar program, Mr. Haughton said in his testimony this morning that 34,000 workers were employed on the project—at Lockheed and supplier companies throughout the Nation—in January of this year. Shortly after that, work on the project was suspended or slowed down because of delays in engine development, and several thousand of those employees have already had to be laid off. If the program has to be abandoned, all those who have been laid off will lose their opportunity to be recalled, and those not yet laid off will also lose their jobs. That means the direct loss of some 34,000 jobs. And when you take into account the ripple effect that loss of manufacturing jobs has on service workers and others only indirectly related, we are talking here about something like 60,000 jobs in all.

Now, the Department of Labor has a program underway at this time, for which it has allocated $42 million, to retrain workers who have been displaced and become unemployed as a result of the decline in Government and other orders for the aerospace industry. The money in this program is considered sufficient to retrain about 10,000 workers. It would also help pay the costs of searching out jobs to which workers' existing skills might be suitably matched, and to help defray costs of moving a man and his family to a new area if he finds a job some distance away from his present home. This program might help, in all, as many as 20,000 people in finding new jobs.

It is popular to talk these days about "cost effectiveness"—which seems to be just a fancy way of saying what folks down where I come from call "getting the most out of your money."

The Labor Department program I have just described is a fine effort. But I wonder which is really more cost effective. Spending $42 million of taxpayers' money to set up a new program to retrain unemployed aerospace workers and perhaps find jobs for 20,000 of them? Or giving the backing of the U.S. Government so the banks will lend their own money, at very little risk that it will ever involve any cost to the taxpayer, to assure the continuance of 60,000 jobs—more than half of them in aerospace?

There is no Government money involved in the proposed loans. Only the banks' money. And airline customers for the TriStar are prepared to do their part by putting up an additional $100 million in advance payments to keep this program going. The banks already have $400 million on loan to Lockheed, and if the Government guarantee is approved, the banks are ready to subordinate their position and let the Government have first claim on a collateral pool that would provide ample security—just in case Lockheed unexpectedly did have to default on the loan.

So the taxpayer is well protected.

But, getting back to the jobs aside of this question—the union that represents most of Lockheed's TriStar employees conducted a survey to see how the laid-off TriStar workers were getting along. Four months after the layoffs began, they found that only one out of every 10 had been able to find a job. Put another way—90 percent of them could not find work and were having to exist on unemployment checks or, in many cases, where the unemployment checks were not enough to buy groceries and pay other necessary family expenses, they were on welfare.

Who pays these unemployment and welfare costs? The taxpayer, of course.

Cost effective? Getting the most for the taxpayers' money? I think not. Not when we have the alternative of preventing the loss of up to 60,000 more jobs by simply authorizing the Government to guarantee loans to be made by private banks. In that way, we can keep these people productively employed, enable them to contribute to the strength of the economy, and maintain them as a source of tax income for the Federal Government and their own local governments—rather than adding the cost of maintaining them on already overburdened unemployment and welfare rolls.

Mr. Speaker, I hope that my remarks have served to underline the dimensions of this problem. In effect, I am saying that, should this body fail to enact the Lockheed loan guarantee, we will be making a most expensive mistake—one that will cost the people of this country dearly.

SEARS, ROEBUCK EQUAL EMPLOYMENT OPPORTUNITY CONFERENCE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. HAMILTON) is recognized for 10 minutes.

Mr. HAMILTON. Mr. Speaker, I am pleased to have recently learned of a 2-day educational conference held by Sears, Roebuck & Co. with 50 of its major suppliers with the Equal Employment Opportunity Commission and the Office of Federal Contract Compliance of the Department of Labor.

To my knowledge this is the first time a major corporation has invited its suppliers into such a meeting with Government officials responsible for the enforcement of equal employment legislation in an effort to encourage them to undertake effective affirmative action programs to ensure equal employment opportunity.

This is the kind of cooperative effort by Government and the private sector so vitally needed to begin to solve the enormous problems of discrimination in employment against minority group persons and women.

I hope that this conference will be emulated by other major corporations and be the beginning of a series of similar meetings where the private and public sector join together in an effort to make equal employment a fact and not a promise.

RALPH NADER DISCUSSES $3 BILLION A YEAR DEPRECIATION GIVEAWAY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Wisconsin (Mr. REUSS) is recognized for 20 minutes.

Mr. REUSS. Mr. Speaker, the June 21, 1971, issue of the Nation contains an article by Ralph Nader discussing the Treasury's $3 billion a year rapid depreciation giveaway scheme for businesses and corporations. As Mr. Nader predicted, the Treasury has adopted the "proposed" regulations virtually unchanged, seemingly oblivious to the flood of economic and legal opinion opposing the new rules:

Billion-Dollar Tax Subsidy—Mr. Nixon's Tricky Bonanza

(By Ralph Nader)

WASHINGTON.—"Make it complex and make it dull" is the sure formula for putting unjust government policies into effect with little public or Congressional notice. A perfect example of the technique was provided by the Asset Depreciation Range (ADR), announced on January 11 at the San Clemente White House. It sailed out and through the press corps with the efficiency of a mimeograph machine, giving the reporters, and therefore, of course, their readers, little reason to suspect the enormous unilateral power of the executive branch which the move embodied, or the great revenue bonanza—more than $3 billion a year—it augured for large corporations. Although this tax gift transgresses the constitutional separation of powers, there is every indication that the Treasury Department is about to issue regulations to enact the ADR system.

Three billion dollars is a considerable amount of money, even in this era of astronomical expenditures. It is more than the entire amount budgeted next year for the Environmental Protection Agency. The President's welfare reform proposals were to have cost only $2.1 billion. Total U.S. aid to preschool, elementary and secondary education for next year is priced at only $3.6 billion.

The foundations for this expensive tax subsidy were laid by a Presidential task force, led by John Alexander of President Nixon's former Wall Street law firm. Last September, that task force recommended basic changes in the tax laws concerning depreciation write-offs. Businesses were to be allowed to recover their capital costs in a short time rather than according to the actual useful life of the machinery written off. The task force noted explicitly that Congressional action would be required for a change to capital cost recovery system from the depreciation deductions currently allowed by Section 167 of the Internal Revenue Code.

The Administration doubted that such a proposal would fare well with the legislators. Only two years earlier President Nixon had asked for a repeal of the investment tax credit, a device that is generally considered a more effective economic stimulus than accelerated depreciation schedules, and the White House did not want to lose face, either by asking for a reinstatement of the investment credit, or by asking Congress for the less efficient ADR.

It was therefore decided that the task force recommendations would be implemented, so far as possible, by administrative fiat. On January 11, 1971, President Nixon announced that he had approved basic changes in depreciation policy. As Don Oberdorfer of *The Washington Post* recalls, "the news release and the briefing by Treasury officials was dry-as-dust, and most reporters found themselves scratching their heads and wondering what the story was all about."

The Administration was relying upon the complexities of tax law to protect itself from public debate as to the value and propriety of this multi-billion-dollar tax subsidy. Presenting ADR as an accomplished fact, the President made statements which have since been studied and found to be erroneous. Mr. Nixon declared that "A liberalization of depreciation allowances is essentially a change in the timing of a tax liability. The policy permits business firms to reduce tax payments now . . . and to make up these payments in later years."

Prof. Robert Eisner of Northwestern University, an economics expert on the determinants of capital investment, made this blunt rejoinder: "There is no knowledgeable expert in the Treasury or out of it who can stand by . . . the concluding clause of that sentence. . . . It is unfortunate that such a flat contradiction of what is an unambiguous matter of arithmetic and mathematics was made in the name of the President of the United States." The Treasury itself has acknowledged the arithmetic cost of the tax break by estimating an annual revenue loss of $3 billion and upward.

There is reason to believe that the Administration knew of the defects in the multi-billion-dollar tax subsidy before it made the announcement. In a confidential memorandum of December 11, 1970, a senior Treasury Department attorney—the Acting Assistant Secretary for Tax Policy, Mr. John Nolan—warned the White House that considerable revenue could be given to business, but that there were limits. He stated his serious fears that breaking the link between tax depreciation and the useful life of the machinery in question would involve an unlawful extension of executive authority. Exactly a month later, the President's ADR system did precisely that. The proposed system shortened guideline tax lives by 20 per cent. It also abolished the reserve ratio test—a correction factor based on the validity of earlier depreciation deductions—which was the link between those guidelines and the actual life of equipment in the hands of the taxpayer.

There is a disturbing word for an attempt to get a tax break that your attorney says is illegal. When Sen. Edmund Muskie released Mr. Nolan's secret memorandum to the press, he set off a display of bureaucratic fireworks. The Acting Assistant Secretary claimed that he had later telephoned the White House to say that he had changed his mind. Perhaps so, but President Nixon made no reference to this change of mind when the matter came up with the press. Rather, he told reporters that he had received memos from other people in support of his position. He acknowledged that legal opinions differed on the matter of authority, but concluded: "Now I, as President, and I may say, too, formerly one who practiced a good deal of tax law, I considered that I had the responsibility to decide what the law is. And my view is that while they had expressed a different view, that the correct legal view . . . was to order the depreciation allowances."

In the weeks following the President's exercise of legal judgment, more than a dozen tax authorities across the country expressed their view that the multi-billion-dollar tax break is illegal. These men include Boris Bittker, Sterling professor of law at Yale, Dean Bernard Wolfman of the Pennsylvania Law School, Oliver Oldman of Harvard Law School, and Mortimer Caplin, former Commissioner of Internal Revenue.

Shortly before President Nixon spoke on January 11, the Secretary of the Treasury was formally served with papers, notifying him that a suit had been filed to enjoin the ADR system. Attorneys at the Public Interest Research Group had been following the activities of the President's task force with considerable interest. The task force recommendations entailed a fantastic loss of tax revenues with the promise of only limited benefits to the country as a whole. One of these attorneys, Tom Stanton, expected to submit comments before Congress if the recommendations were proposed as legislation. The White House decision to act by administrative fiat meant that there would be no airing of the pros and cons through such testimony before Congress.

Working on the basis of an early report in the Washington *Star*, Stanton and Sam Simon, also of the Research Group staff, filed suit on January 11 and thus generated the necessary public discussion. They contended that the Administrative Procedure Act required that an agency such as the Treasury publish advance notice of its intentions in the Federal Register. The agency was then required to allow public participation through the submission of data, views and arguments about the proposals. No mention of public participation was made by the President or by the Secretary of the Treasury at a subsequent press conference on January 11.

However, shortly after the suit was filed, Treasury officials called in the press to explain that the President's announcement of "approved changes" did not mean that there would be no public hearings. The Treasury had simply forgotten to mention them. Attorneys Stanton and Simon withdrew their motion for preliminary injunction when the government attorney presented affidavits from the Commissioner of Internal Revenue and the Assistant Secretary for Tax Policy assuring that hearings would be held.

On the very day that the motion was withdrawn, Asst. Secy. Edwin Cohen announced through the press that the possibility of any basic changes in the proposed regulations was "remote." He added: "We don't anticipate changing our mind. As a very practical matter, a businessman can rely on this going into effect, in its broad outline."

In short, the Assistant Secretary—who had served large business clients for thirty years as a Wall Street attorney—was assuring his constituents that the public would remain powerless to prevent the $3 billion tax subsidy, regardless of the merits of the case, or what was brought out at the forthcoming hearings. Like its budget, the Treasury's prejudgments come big.

The public hearings were finally held on May 3, 4 and 5. The hearing room was packed with spectators, primarily attorneys from businesses favoring enactment of the regulations. The hearing panel sat at a long and imposing table in front of the hall. Edwin Cohen, the senior official present, was flanked by his two deputies, by Commissioner Randolph Thrower of the Internal Revenue Service, and by nine other Treasury and IRS officials. Among supporters of the Treasury position were speakers representing the U.S. Chamber of Commerce, the Association of American Railroads, AT&T, and the textile industry. On the other side were such speakers as Dean Bernard Wolfman on behalf of Common Cause, Nathaniel Goldfinger of the AFL-CIO, George Wiley of the National Welfare Rights Organization, John Kramer of the Council on Hunger and Malnutrition, and economists Robert Eisner of Northwestern, Martin David of Wisconsin, and Richard Pollock of the University of Hawaii.

Mr. Cohen and his colleagues remained true to his word. The hearing was conducted in an atmosphere of strong partisanship. Witnesses in favor of the ADR system—almost always speaking on behalf of clients—were complimented on their expertise and the fine cases they had presented. Witnesses against the proposals were roughly cross-examined and tested for their verbal agility rather than for their expert knowledge.

Dean Wolfman had come on behalf of Common Cause to discuss his serious concern that the proposals were illegal. He was deliberately scheduled for late in the day, and finally spoke at six o'clock, after reporters had left to write their stories. As Sen Birch Bayh put it, the hearing was a "charade."

During testimony at the hearings, I urged that Mr. Cohen's prejudgment had been so overt as to constitute a violation of the Treasury's own Minimum Standards of Conduct. Those provide that, "an employee shall avoid any action . . . which might result in, or create the appearance of: . . . (d) Losing complete independence or impartiality; . . . or (f) Affecting adversely the confidence of the public in the integrity of the Government."

As a lawyer, Mr. Cohen knew that members of the public do not yet have standing formally to invoke the Minimum Standards of Conduct against an official acting to the contrary. Thus, he has not removed himself from further participation in ADR decisions. But his response at the hearings, it seemed to me, did reflect his dawning realization that the simultaneous roles he was playing of proponent, advocate and judge might be too heady a mix for administrative fairness.

The ADR controversy continues. It is almost certain that the Treasury will issue ADR regulations in final form. After that, a group of concerned plaintiffs will probably have to take the Treasury to court. Most likely, some modifications will then be made by the Treasury to avoid the most blatant evidence of illegality. On the other hand, the revenue loss will surely be close to that promised by Mr. Cohen.

The Treasury responded to the White House in the December 11th memorandum that "you inquired whether these are the maximum we could do." The Treasury has steadfastly done the maximum for the White House; it remains to be seen whether it can be moved to serve the citizen taxpayer with similar zeal. For the first time those citizens had a presence at a Treasury hearing. Numerous lawyers and groups who became involved in the ADR issue on the public's side are now determined to change the ways whereby Treasury makes such decisions.

NEW CAMPAIGN SPENDING BILL INTRODUCED

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Wisconsin (Mr. Aspin) is recognized for 10 minutes.

Mr. ASPIN. Mr. Speaker, today I am introducing in the House a new campaign spending bill which would allow a challenger in a congressional race to spend 50 percent more than an incumbent. This bill is similar to ones reported out by Senate and House committees but it allows a challenger in a House or Senate race to spend 15 cents per voter, while an incumbent would only be allowed to spend 10 cents per voter. The bill does not affect the 10-cent-per-voter limit for presidential candidates the Senate and House bills impose. But there is one very basic element which, I believe, has been virtually ignored during the discussions of the various campaign spending bills; that is, the incredible advantage you give to the incumbent in a House or Senate race by holding his lesser known opponent to the same spending limits as the incumbent.

Under my bill a challenger would be allowed to spend 15 cents per voter or $90,000, whichever is higher. An incumbent could spend only 10 cents per voter or $60,000, whichever is higher.

Studying the election statistics for recent years, especially in the House, it becomes quite clear that the advantage of an incumbent is just enormous. In the last five Congresses, starting in 1962, there have been a total of 329 freshmen in the House. But only 150 of them got to Congress by defeating incumbents. This is an average of 30 per Congress, which means that on an average only 7 percent of the incumbents lose in a congressional election.

I am sure that the great majority of Congressmen would be more than happy to impose even a zero spending level on both themselves and challengers since it is the challenger who has the tremendous burden of, first, getting his name known and, second, of getting some sort of image and platform across to the voters. The incumbent on the other hand is in the public's eye for 2 years, has a large staff, a large operating budget at his disposal, has the privilege of the frank, and has the prestige of his office.

In any election where an incumbent is running there are three basic possibilities concerning campaign spending: First, if the challenger spends significantly more than the incumbent then, all other things being equal, the challenger might stand a chance at being the incumbent; second, if the challenger spends approximately as much as the incumbent, then the chances of his defeating the incumbent will be very slim; third, if the incumbent spends significantly more than the challenger, the chances of the challenger winning are almost zero.

One reason, I believe, that the House has been so often unresponsive to the public will is because it is too stable an institution. In other words, Congressmen know that it is highly likely they can remain in power simply by using the privileges of their office, not necessarily by being active and effective. If we are not careful, we might find ourselves passing a campaign spending bill which makes it next to impossible for a challenger to overcome the enormous disadvantage he is at in running against an incumbent, especially one who has been in Congress for more than a couple of years.

Mr. Speaker, I fear that many campaign spending bills that have been proposed so far may indeed have the effect of further entrenching incumbents. The real trick to writing a good campaign spending bill is finding methods of keeping campaign spending within reason without making Congressmen more entrenched than they already are.

EQUALIZING OVERTIME PAY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. Dulski) is recognized for 10 minutes.

Mr. DULSKI. Mr. Speaker, Chairman Robert E. Hampton of the U.S. Civil Service Commission has written you in support of legislation to equalize the law respecting overtime pay for Federal employees.

The purpose is to put part-time and intermittent salaried employees on the same footing as wage board and full-time salaried employees.

I am introducing suggested legislation today with the cosponsorship of the gentleman from New York (Mr. Hanley) and the gentleman from Maryland (Mr. Hogan), the chairman and the ranking minority member, respectively, of our Subcommittee on Employee Benefits.

Mr. Speaker, as part of my remarks, for the information of the Members, I am including Chairman Hampton's letter to you, the section analysis, and the Commission's statement of purpose and justification:

U.S. Civil Service Commission,
Washington, D.C., July 7, 1971.

Hon. Carl Albert,
Speaker of the House of Representatives.

Dear Mr. Speaker: We are submitting with this letter for consideration of the Congress proposed legislation to provide overtime pay for intermittent (i.e., no regularly scheduled tour of duty) and part-time General Schedule and other salaried employees who work in excess of 40 hours in a week. There are enclosed a draft bill, section analysis of the draft bill, and a statement of purpose and justification.

It is the purpose of this proposed legislation to place part-time and intermittent salaried employees on the same footing, with respect to premium pay for overtime work, as wage employees and full-time salaried employees.

Under existing law a part-time or intermittent salaried employee can be paid overtime pay for work in excess of eight hours in a day, but not for work in excess of 40 hours in a week. In many cases part-time and intermittent salaried employees work with full-time, part-time or intermittent wage employees and full-time salaried employees. The latter two groups are entitled to premium pay for either hours worked in excess of eight hours in a day or hours worked in excess of 40 in a week, whichever is the greater number of hours. The fact that the salaried part-time and intermitten employees find themselves deprived of premium pay for work beyond 40 hours in a week causes a serious morale problem. More importantly, we feel that there is no justification for permitting such an inequity—performing work in excess of 40 hours in a week is just as onerous for a part-time or intermittent employees as it is for a full-time employee.

The Office of Management and Budget advises that from the standpoint of the Administration's program there would be no objection to the submission of this proposal.

A similar letter is being sent to the President of the Senate.

We urge enactment of this proposal in order that all salaried employees can be treated equally in paying premium pay for overtime work, without regard to the employee's tour of duty.

By direction of the Commission:

Sincerely yours,

Robert Hampton,
Chairman.

Section Analysis

The single section of the draft bill amends section 5542(a) of title 5, United States Code, by inserting at the beginning of that section the words, "For full-time, part-time and intermittent tours of duty,".

This language will have the effect of enabling salaried employees with part-time and intermittent tours of duty to earn overtime pay for work in excess of 40 hours in an administrative workweek; at present, only full-time General Schedule and other salaried employees and part-time, full-time and intermittent wage employees are entitled to earn overtime for work in excess of 40 hours in a week.

Statement of Purpose and Justification

PURPOSE

It is the general purpose of this bill to place full-time, part-time and intermittent salaried and wage employees on the same footing with respect to earning overtime pay.

The Comptroller General has ruled that while part-time and intermittent General Schedule employees are entitled to overtime pay for work in excess of eight hours in a day, they are not entitled to overtime pay for work in excess of 40 hours in a week. (See 46 Comp. Gen. 667.)

The proposed bill would extend to part-time and intermittent General Schedule and other salaried employees the right to overtime pay for work in excess of 40 hours in a week by amending that section of title 5, United States Code, dealing with overtime pay for salaried employees to specifically cover part-time, full-time and intermittent tours of duty.

JUSTIFICATION

In many cases part-time or intermittent salaried employees work with full-time, part-time or intermittent wage employees and full-time General Schedule employees. The latter two groups are entitled to premium pay for either hours worked over eight in a day or hours worked over 40 in a week, whichever is the greater number of hours.

The fact that the salaried part-time and intermittent employees find themselves deprived of premium pay for work in excess of 40 hours in a week (they are entitled to overtime pay for work in excess of eight hours in a day) causes a serious morale problem.

Pay inequity and consequent dissatisfaction affect productivity and cause increased turnover. The problems connected with lower productivity are obvious.

Increased turnover creates a double problem: first, it is difficult to find qualified people in sufficient numbers who will work part-time or intermittent tours of duty; and second, program expenses are greatly increased by the need to recruit and train new employees.

From the standpoint of simple equity, there is no justification for paying full-time salaried employees for work in excess of 40 hours in a week but not part-time or intermittent employees. Hours worked in excess of 40 hours in a week are equally onerous to the individuals working the hours, without regard to their tours of duty.

With respect to what additional costs will be incurred by enactment of this bill, it is estimated that the total cost to the Government will be approximately $1.1 million annually.

MIRV DEPLOYMENT FREEZE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Minnesota (Mr. FRASER) is recognized for 10 minutes.

Mr. FRASER. Mr. Speaker, when this legislative body considered the Defense procurement authorization last month, I offered an amendment that provided for a freeze on deployment of multiple independently targetable reentry vehicles—MIRV's. If necessary, I intend to introduce a similar amendment to the Defense appropriation bill and will shortly seek cosponsors for this MIRV deployment freeze amendment.

Some of my reasons for pursuing this course are well outlined in the conclusion of the Institute for Strategic Studies Adelphi Paper, No. 75, first published in February 1971, "Soviet Attitudes to SALT," written by Lawrence T. Caldwell. I find the first paragraph of the third conclusional point especially persuasive:

(3) TWO PRESCRIPTIONS FOR THE FUTURE

To the extent that a trend towards "modernism" has been observable in the Soviet Union during the last two years, the United States should exercise the greatest possible restraint in deploying weapons systems. The costs of possibly reversing that trend are heavy ones to weigh against the marginal gains to "security" which an ABM may provide. Similarly, decision-makers in the Kremlin must weigh the effects of its continued strategic programmes, and especially the gains it achieves from secrecy about them, on the evolution of politics in the United States. If only the "strategic balance" were at stake in the context of SALT, the case for each super-power to hedge on the side of "greater security" in terms of its own resources and its autonomous decision-making processes would be difficult to rebut. But each system's future is bound up with the internal developments of the other. The case for restraint depends as much on the effects of strategic arms competition *within* each system as it does on the effect of that competition on the balance of power between systems. Furthermore, it does not depend on either side regarding the opponent's intent or the balance of political forces within the other side as finally settled. The reason for restraint in deployment is that the perception effects, and intra-systemic effects of this interaction between the systems, are all uncertain.

I recommend the paper to my colleagues. The complete conclusion is reprinted following these remarks:

CONCLUSION

(I) SUMMARY OF THE MODERNIST-ORTHODOX THESIS

That SALT should have taken place at all, and that these talks should appear to have a possibility of success, says a great deal about the modulation of Soviet foreign policy in the period since the Czechoslovak intervention two and a half years ago. In 1968, there was the intervention itself, the parallel Soviet claim of a right to intervene elsewhere in the socialist states in the interest of proletarian internationalism, and the actual attempt to extend that claim to justify, under the United Nations Charter, the right of intervention in the Federal German Republic. In 1970 a non-aggression pact was signed with the Federal Republic, negotiations, however difficult, are continuing over the status of Berlin and agreement on the limitation of strategic weapons seems conceivable. The contrast is considerable.

This adjustment of Soviet foreign policy since August 1968 clearly reflects the interaction of domestic and international factors within the Soviet system. On the international side, new governments in France, Germany and Britain have altered Soviet expectations in Western Europe. These changes have coincided with a further deterioration of Soviet relations with China, and with series of technological developments which have placed the necessity for choice between an agreement on arms limitation, and a costly new investment in weapons systems firmly before the Soviet leadership. Internally, the Soviet economy has developed difficulties in meeting its targets for the 1966–70 five-year plan. More importantly, these difficulties have arisen precisely at a time when the recognition has grown that the Soviet economy has emerged into a qualitatively new phase of its development, in which the old prescription of 'steel, more steel and then some steel' will not suffice to ensure continued growth. Rather, it is now conceded that science and modern technology will provide the keys to growth in this new phase.

These alterations in the Soviet Union's perspective on its external and internal environment have had three specific effects. First, capitalism is seen now as a more complex phenomenon, and more "sober" or "realistic" forces are conceived to exercise occasional, if inconsistent, influence over the policy of imperialist states. This development offers opportunities for the achievement of Soviet foreign policy aims by carefully combining co-operation with "positive" elements in capitalism and opposition to the aggressive policies of imperialism. Second, the incentive to seize this opportunity for co-operation with "realistic" forces within the capitalist societies is strengthened by the perception of an increased danger from China and by the possibility that improved relations with advanced capitalist countries will facilitate the acquisition of that new technology which is now thought to hold the key to economic vitality at home. Third, the sense that current Soviet economic difficulties may persist, even for rather a long time, has led to a preoccupation with domestic concerns and thus to a desire to stabilize the international environment, including relationships with the main capitalist countries, in order to permit a concentration on "communist construction" at home.

All these forces tend to turn Soviet policy in what has been defined as the "modernist" direction. In particular, an internal "modernist"—"orthodox" conflict has clearly occurred with respect to SALT during the period since the Czechoslovak intervention and, although the relevant issues are still in debate Soviet policy has tended to veer towards the modernist orientation. There are several strands of evidence for this. First, the case for Soviet participation in SALT has involved formulations which argue domestic preoccupations, a highly differentiated view of capitalist society, and confidence that the strength of socialism will secure its interest in the struggle with capitalism. Second, the shape of the internal debate—that opponents of SALT had necessarily to alter the form of their opposition once talks had begun in the late fall of 1969—suggests a shift of political forces in a modernist direction in the top leadership. Third, both the alteration in Soviet formulations of "proletarian internationalism" during the spring of 1969 and the treaty with the Federal Republic of Germany in August 1970 (issues not elaborated here) depended on some of the same evaluations of interest as those which support the SALT policy. Fourth, formulations with a modernist slant can be found in public pronouncements by leading Soviet decision-makers and in Party organs (examples have been abundantly presented elsewhere in this study).

The issue of SALT has necessarily interacted with many others. Political ideas are interconnected in every political system. For a Communist state, ideas are even more intertwined than in non-Communist states, because they are presumed to fit into a comprehensive doctrine which legitimates the ruling élite and mobilizes popular support for its policies. Although political ideas perform these legitimization and mobilization functions also in Western countries, they do so more overtly and directly in the Soviet Union. The concept of SALT therefore makes no sense as policy unless it is supported by a broadly similar *tendency* on other issues. On the other hand, policy-making in the Soviet Union is no less fluid than it is in any other system. The Soviet Union, like all political systems, requires compromise, requires that national policies be hammered out by a brokerage process, combining the viewpoints of many people. Moreover, even if policy issues are thought of as represented by spectra each with orthodox-modernist poles, the position of individuals on separate issues will fall at different points along the various issue spectra. The combined effect of these factors is that while a tendency towards modernism on SALT does not prescribe just one possible policy for the Soviet Union on any particular issue—for example, the Middle East or Berlin—it does limit the range of the spectrum within which a particular Soviet policy, say, towards the Middle East, might fall, because that policy also interacts with the same issues as does SALT—for example, domestic preoccupation, analysis of capitalism, assessment of the balance of forces between capitalism and socialism. It does for instance, probably exclude some policy options which would require for their justification a redefinition of policy on e.g., the danger of war, the analysis of capitalism.

This Paper, then, suggests that a modernist view has emerged as the dominant source of Soviet foreign policy. That fact does not preclude a wide range of conflict between the Soviet Union and the West, but it does provide a basis for co-operation on the grounds of mutual self-interest. The notion of modernism helps to define the framework by which that self-interest is understood in Moscow. More importantly, this study defines that framework as a range of *issue-positions*, and argues that a general tendency towards a modernist orientation can be detected by a careful examination of Soviet policy towards SALT.

The major current policy related directly to SALT which seems most vigorously to call this thesis in question, is the continued deployment of Soviet ICBM forces. It is precisely in this context, however, that a view of how issues might present themselves to a Soviet leader is necessary to sharp analysis. The overall strategic balance must look very different to a Soviet leader than to President Nixon or Secretary Laird. In terms of total numbers of strategic delivery vehicles, the Soviet Union is still measurably inferior to the United States, although the differential has narrowed and one might reasonably doubt the significance of even 10 and 20 per cent differentials at the absolute levels of strategic capability each power has achieved. That persistent inferiority gains added importance when one considers the prospects of large scale MIRV deployment, in which area it is imagined on both sides that the United States enjoys the technological advantage. In such circumstances it is conceivable that the current Soviet ICBM deployment programme may not be aimed at 'superiority', and that it may seem, from the Soviet perspective, to be both a prudent hedge against the failure of arms limitation talks and a step towards achieving a less unfavourable position in the strategic 'balance' of the future. If that were indeed the case, the issues of MIRV and *Safeguard* would have to be looked at rather differently, since these systems, which are justified in the United States as a response to the Soviet ICBM programme, would tend to be regarded in Moscow as part of a renewed effort to establish or to maintain American strategic superiority.

(2) MISREPRESENTATION—ANOTHER DIMENSION

This assessment of current Soviet ICBM programmes raises the complicated issue of the interaction between the mutual perceptions, and misperceptions, of the superpowers. This is a major hazard on matters so intricate as the issues under negotiation in SALT. Steps which seem to be merely prudent when judged by one party from its own point of view alone are likely to be misperceived. Indeed, it could be argued they are certain to be misperceived. The process of negotiation is not in itself a guarantee against that misperception. Even if the negotiators take elaborate pains to communicate the intent of a given set of moves to the other side, the problem of making this understanding operative in the Congress or in the Secretariat or in the Central Committee will remain considerable. The chances in either system that the relevant publics will not have sufficient information or sophistication to support agreements tacitly arranged in negotiations are very substantial. A change in environmental conditions—either internal or external to either system—could make those agreed perceptions, hammered out in the negotiating process, inoperative.

How one state "perceives" the action of another depends heavily on its particular cultural and strategic outlook. However, there are some common elements, simple enough in themselves, which are almost never spelled out explicitly. Much discussion of the process of interaction between the superpowers errs in ways which have practical consequences because it omits one or more of the following dimensions of the perceptive process.

First, there exists a technological bias upwards in the levels at which strategic confrontation takes place. Lead-times in weapon development being what they are, by the time one system perceives a threat to its position in the strategic balance and takes countermeasures, it is conditioning the shape of the interaction five to ten years hence and providing the shape of another round of perception–reaction. For example, the American perception of a missile gap in the late 1950 and early 1960s led to the *Minuteman* and *Polaris* programmes. By their completion they constituted, in turn, the perceptive input which led to the Soviet build-up in strategic forces between 1963 and the present. That programme has served as justification, in turn, for the development of the American *Safeguard* and MIRV options, which in turn will induce . . . There is, therefore, a kind of inter-nation lag, in which the action-reaction process spirals upward.

Second, this technological escalator in the overall level of strategic forces is reinforced by an ancient diplomatic practice which has taken on special importance in the nuclear age. This is the process of competitive risk-taking on which all bargaining depends. In international politics one side in the bargaining process attempts to influence the perception by its adversary of its commitment to an outcome in their confrontation. To make credible that commitment each side engages in an escalation of threats often denominated in terms of force. Both the Soviet Union and the United States have developed habits of 'escalating' moves along a ladder of 'threatened violence', although the threats are often implicit, in an effort to get political leverage on a situation.

Thus, the United States developed a careful campaign in early 1965, escalating its military involvement in Vietnam and coupling that escalation with a variety of diplomatic messages, all in an effort to communicate to the Hanoi Government and its supporters in Moscow and Peking the American commitment to a particular range of outcomes in the Vietnam confrontation. The Soviet Union undertook a counter-campaign, moving up along both escalation ladders of "threatened violence" and actual hardware support in an effort to discredit the American commitment and to persuade Washington to accept an outcome less favorable in its view. Similarly, the Soviet Union undertook an escalation campaign during the summer of 1969 on both diplomatic and hardware planes to communicate to Peking its commitment to a range of outcomes in the border confrontation between those two states. This practice, designed precisely to influence perceptions, has given the whole United States-Soviet Union process of interaction a bias towards the statement of diplomacy in terms of force.

Third, the perception process has normally been thought of as operating between two or more nations seen as monoliths. But the reality is nearly always more complex: the Soviet deployment of the SS–9, for example, is variably perceived within the American decision-making process. Similarly, a given US action, say the "Laird offensive" described in this Paper, is variably perceived in the Soviet Union. Obviously in the American case the perception of a given Soviet action is not the same for Senator William Fulbright and for Secretary of Defense Melvin Laird.

In the main, the point relates less to personality differences, although these have an impact, than to institutional differences. The functions of the State Department, the Defense Department, the academic community and the Senate Foreign Relations Committee are sufficiently diverse for their perceptive apparati also to vary. Hence, for both the American and Soviet political systems a kind of dual process of perception exists—one stage relates to a shared perceptual field defined by the political culture (Marxism-Leninism or simple nationalism, for example) and the other stage is the particular field of vision of the institution in either society which has responsibility for making a perception on which policy recommendations are based. Since several institutions have that responsibility, one of the features of the decision-making process is to hammer out an agreed perception of the actions by an adversary.

Some institutions, however, have a more consistent responsibility than others. One of the important factors which has imprinted a dismally upward bias on strategic misperception between the super-powers is that they both assign important responsibilities to defence institutions whose function it is to "over-perceive" threats and to fashion responses with a "margin of safety." Together, these naturally produce a kind of *mirror-effect*, by which each reinforces the misperceptions of the other. Policies which give weight to institutional defence biases in one society make it more likely that the institutions with the same defence biases in the other society will also receive relatively greater weight in the decision-making process there. In this way, the defence institutions mutually generate self-fufilling prophecies. If one side decides in choosing between conflicting assessments of its adversary that it is "safer" to err on the side of the judgment of its defence structures, it makes it more likely that the other side will also decide to hedge by assigning more weight to the judgment of its defence structures.

Virtually the whole history of the nuclear-missile age can be taken as illustrative of this mirror-effect. There have been two stages of action-reaction, and we are presently in the third stage. First, there was the threat to American interests represented by the initial Soviet success in 1957–58 with its ICBMs. Khrushchev exaggerated these capabilities and thereby reinforced the natural insecurity caused by this technological development in Washington. Hence, this Soviet threat was perceived by the United States as greater than it was. However, the United States did not merely respond to this "agreed" perception which the administrative system must produce in order to construct its policy. It over-reacted even to its own perception; and in addition, undertook, because of the institutional bias already described, to achieve an extra margin of safety. Accordingly, the actual American response, the *Minuteman* and *Polaris* programmes, was, in some sense, three rungs of perception above the threat actually posed. These programmes in turn became the threat to the Soviet Union, which no doubt similarly misperceived, over-reacted and added a margin of security to its over-reaction. The Soviet Union's SS–11 and SS–9 programmes which resulted and its build-up of its ocean-going fleet, have become a new threat to the United States, which is again over-perceived, and so on.

This, of course, is an over-simplification. But that the mirror-effect continues to operate has been illustrated by the Nixon-Laird campaign for *Safeguard* in 1970. It projected the ambiguous threat of the Soviet SS–9 programme to 1974–75, and argued that if that programme continued unabated, the strategic balance by that year would be adjusted unfavourably to the United States. It is the responsibility of the Defense Department to anticipate "negative futures" and to prescribe programmes to counter their effects. But 1970 was a delicate moment of great uncertainty, and to undertake a programme designed to counter the specific effects of the current SS-9 and SS-11 programmes *if they were continued to 1974-75* could have two results:

(a) to make it more likely that those programmes would be continued in future as a counter to the proposed threats;

(b) to make it more likely that the Soviet leaders would assign relatively more weight to their own defence structures in dealing with the 'new' threat of the *Safeguard* and MIRV programmes (the 'mirror-effect').

The *Safeguard* and MIRV decisions have clearly risked producing an impact counter to the interests of 'modernism' in the Soviet Union.

As the United States and the Soviet Union, with their vastly different political cultures, grope their way towards some kind of agreed strategic stability, neither can be certain of the effects of its actions either within its own system or within that of its adversary. Each power is aware that its actions have some impact within the other system, and speculation about the nature of that impact is an unspoken—or seldom spoken—question in the decision-making processes of presumably both Moscow and Washington. But, to judge by the public evidence, this question has relatively little effect upon policy, partly because of the bias of the government system itself and also because of insufficiently active awareness of the mechanisms involved. These difficulties have to be faced if the upward bias of the arms race is to be contained.

(3) TWO PRESCRIPTIONS FOR THE FUTURE

To the extent that a trend towards 'modernism' has been observable in the Soviet Union during the last two years, the United States should exercise the greatest possible restraint in deploying weapons systems. The costs of possibly reversing that trend are heavy ones to weigh against the marginal gains to 'security' which an ABM may provide. Similarly, decision-makers in the Kremlin must weigh the effects of its continued strategic programmes, and especially the gains it achieves from secrecy about them, on the evolution of politics in the United States. If only the 'strategic balance' were at stake in the context of SALT, the case for each super-power to hedge on the side of 'greater security' in terms of its own resources and its autonomous decision-making processes would be difficult to rebut. But each system's future is bound up with the internal developments of the other.

The case for restraint depends as much on the effects of strategic arms competition within each system as it does on the effect of that competition on the balance of power between systems. Furthermore, it does not depend on either side regarding the opponent's intent or the balance of political forces within the other side as finally settled. The reason for restraint in deployment is that the perception effects, and intra-systemic effects of this interaction between the systems, are all uncertain.

However the particular issue of SALT is resolved, the nations in the West in general and the United States in particular cannot evade the fact that their foreign and defence policies have a domestic relevance within the Soviet Union. Nor can the Soviet Union and its allies ignore that their policies have a similar impact within the United States and the West. The problem is difficult and poorly understood on all sides. At a minimum, the analysis by which all parties weigh their foreign policy decisions needs to be extended to encompass the effects on the relations, both between and within the different systems.

It is possible that the present moment in history offers a rare symmetry of interests between the super-powers in particular and the "cold war" blocs in general. In the Soviet Union, a delicately balanced modernist orientation has emerged which is based on cautious optimism that developments in the capitalist world are favourable to it and provide a reasonably secure opportunity to turn toward urgent domestic preoccupations. In the United States, also, a broad bipartisan (in fact, multipartisan) consensus has developed that the most pressing national requirements are domestic. Each, then, has a chance to place the kind of "bet" of which President Kennedy spoke in 1964. They share a mutual interest in "going to the 70s" having achieved relative stability, at least at the nuclear level, in their adversary relationship.

THE SHARPSTOWN FOLLIES—XIII

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. GONZALEZ) is recognized for 10 minutes.

Mr. GONZALEZ. Mr. Speaker, not very many banks get into trouble with the supervisory authorities, and when they do, they generally make every effort to tighten up and fly right. Not so with the Sharpstown State Bank. Once Frank Sharp started running his bank into the ground he carried out a steady course.

There are about 13,382 FDIC-insured banks in the country today. Of these only 244 or so are in any kind of trouble at all with the FDIC. Just 54 banks in the whole country, as of June 30, 1970, were classified as having serious problems—that is to say, problems that could lead to their closing, and could lead to the FDIC making any kind of payout to cover the deposits of bank customers. The Sharpstown State Bank was one of these. Very few banks get in trouble with the FDIC; very few stay in trouble; few ever get into serious trouble; very few big banks ever get into trouble, and very, very few big banks collapse. Sharpstown State Bank was one of a tiny fraction of problem banks in the whole United States; one of the handful of banks its size that had any trouble at all; it was practically the only one of its size that had any serious problems. Sharpstown was a strange bank indeed, and it was the habitat of real sharpies—sharpies in the sense that they knew how to commit fraud on a grand scale.

The specialty of Sharpstown State Bank was loans to its own officers and directors. The bank went to extraordinary lengths to get money to lend to its officers and directors, through the use of brokered deposits. Of recent bank collapses a goodly number are attributable in some part to the use of brokered deposits. Sharpstown State Bank had $31.6 million in brokered deposits at the time it collapsed—and it also had loans to Frank Sharp and his companies totaling perhaps $30 million. So frantic were these inside dealings that near the end of Sharpstown State Bank's decline, Frank Sharp increased his loans from $22 million to $30 million within the span of 30-odd days.

All of this wheeling and dealing started back when Frank Sharp was chairman of the board of the Sharpstown State Bank and Will Wilson was its general counsel.

The FDIC examiners first noted this tendency toward wheeling and dealing at Sharpstown State Bank about 6 years after the bank opened for business. At that time the bank examiners found "marked deterioration in asset quality and sharp increase in loans to officers, directors, and their interests." It was then, early in 1967, that Sharpstown State Bank changed in FDIC's eyes from a fair bank to a problem bank—one that had to be watched closely.

But the vigilant eyes of the FDIC did not deter the sharpies from their determined self aggrandizement. Even as the FDIC tightened its watch on the Sharpstown State Bank and issued more and more severe warnings, Sharp and his pals drove the bank deeper and deeper into the hole.

Within a year after the FDIC noticed the strange behavior of Sharp's bank, they felt compelled to take the rare step of meeting with Sharp and the bank president, Joe Novotny, to warn about the dangers of certain practices and excesses, and to urge the bank to turn itself around. But Sharp and Novotny simply said that they were not breaking any laws. In other words, they had no intention of listening to the warning.

At the time Sharp was telling the FDIC to get lost, that he was not violating any laws, his legal adviser was of course Will Wilson.

Wilson had every reason to know that the bank was in trouble. After all, he was a former banking commissioner, and he was supposed to know what a troubled bank looked like; he had seen enough problem banks and failed banks to know the difference between sound banking and silly banking. And he also should have known that problem banks are few and far between, and that he was in sharp company. But to the signs of trouble and the warning, his client was blithely saying, "Well, we aren't breaking any laws."

If Wilson knew what the situation was, he must have known that it was rare, and it was serious. Yet his client was telling the bank examiners not to bother him with technicalities, he was within the law.

If Wilson warned Sharp about the seriousness of the situation it did not take. Within weeks Sharp was using the bank to buy up the National Bankers Life Insurance Co. And Wilson certainly had impressed Sharp as a lawyer, because not long after Sharp lectured the FDIC on the banking code, Wilson got the job of setting up the purchase of National Bankers Life Insurance Co., for which he, of course, became general counsel.

Wilson must have known what was happening to the Sharpstown State Bank. He must have known that Sharp was flirting with disaster. He must have known, but he seems not to have tried to stop his benefactor.

It is this same Will Wilson who is now Assistant Attorney General of the United States. It is his boss who decided to grant Frank Sharp immunity, and to see that he got the best of all possible deals—a suspended sentence and a $5,000 fine for looting tens of millions of dollars from banks, insurance companies, investment companies, realty companies, and even an order of priests.

Frank Sharp must know a great deal about Will Wilson—and vice versa.

CFR MISSION—TRANSFER BLAME TO MILITARY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Louisiana (Mr. RARICK) is recognized for 10 minutes.

Mr. RARICK. Mr. Speaker, yesterday in speaking on the sham of the CBS concern over the American people's right to know, I raised the question as to why the national opinion molders do not tell the American people about the CFR and the secret plan underway to shift the responsibility for the failures of our bankrupt foreign policy from the CFR to the military.

Last evening's Washington paper, the Evening Star, carried a classic example of the transfer of the war responsibility by developing an image of scorn and rebuke against the military while at the same time promoting CFR spokesmen as peacemakers.

On page 1 of the paper appears a picture captioned: "At the Paris Meeting." It portrays Henry Kissinger and Ambassador K. A. Bruce, both smiling to give the American people an image of confidence that something is being done in the name of peace.

Immediately beneath the Kissinger-Bruce photo are the pictures of two U.S. Army generals in a story captioned: "Leader of Americal Division is Relieved of Command." The article infers that the reprimand was due to the loss of too many American men in a recent no-win battle.

No one tells the American people that the two "peace envoys," Kissinger and Bruce, are members of the CFR—the financial-industrial-intellectual aristocracy which has consistently been at the controls of all policies in Vietnam, including that for which the military generals have been made the scapegoats.

So that Members may see for themselves the amassment of wealth, intellect, and power concentrated in the some 1,450 members of the CFR, who just by coincidence always seem to come into top decisionmaking positions in our government. I placed the 1969 CFR membership list of the CONGRESSIONAL RECORD, July 12, 1971 at page 24681.

I insert the two newsclippings at this point:

[From the Washington Evening Star, July 12, 1971]

U.S. PARIS NEGOTIATORS MEETING WITH KISSINGER

PARIS.—Henry Kissinger, President Nixon's adviser for foreign affairs, conferred for two hours today with U.S. peace negotiators on the implications of the latest Communist proposals at the Vietnam peace talks.

Emerging from the meeting at the U.S. Embassy, Kissinger refused to answer newsmen's questions as to whether he would meet, or be in touch with anyone from the Communist side of the Paris talks.

Kissinger scheduled an intensive round of consultations with chief U.S. peace negotiator David K. E. Bruce and his aides before flying to San Clemente, Calif., late tonight to report to the President.

U.S. officials earlier had ruled out the possibility of Kissinger seeing Communist representatives, although both Viet Cong Foreign Minister Mme. Nguyen Thi Binh and Hanoi's special adviser Le Duc Tho have stated their readiness to meet him.

Kissinger flew to Paris just after midnight on the last stop of a 10-day fact-finding trip that took him to Saigon, Bangkok, New Delhi and Rawalpindi.

He was welcomed at the airfield by Bruce, U.S. Ambassador Arthur K. Watson and members of the U.S. diplomatic corps.

In Paris, Kissinger's main interest is a detailed study of the new Viet Cong peace plan submitted at the conference July 1 The seven-point plan offered includes provision for release of American prisoners of war simultaneously with the withdrawal of U.S. troops provided President Nixon sets a terminal date for the pull-out before the end of the year.

[From the Washington Evening Star, July 12, 1971]

LEADER OF AMERICAL DIVISION IS RELIEVED OF HIS COMMAND

SAIGON (AP)—Maj. Gen. James L. Baldwin has been relieved of command of the Americal Division, and military sources suggested today that it was because of the heavy toll taken by North Vietnamese sappers in an attack on Fire Base Mary Ann in which 33 Americans were killed and 76 were wounded.

An official statement said Baldwin is "being reassigned by the Department of the Army," and a spokesman for the U.S. Command refused to comment.

An Army spokesman at the Pentagon said he had no information on Baldwin's new assignment, and conceded that this is unusual.

However, other military sources said there were "unusual circumstances" surrounding Baldwin's replacement and suggested that it was the outcome of an investigation into the attack March 28 on Fire Base Mary Ann, a battalion headquarters base of the Americal Division's 196th Infantry Brigade 25 miles west of Chu Lai.

The toll was the highest of any such attack on a U.S. base in the war. Some officers and enlisted men claimed that the base's defenses were lax and the troops were not prepared for an enemy attack. The men had not seen much fighting in the previous few months and were about to turn the base over to the South Vietnamese.

Maj. Gen. Frederick J. Kroesen, who had been assistant chief of staff of operations at the U.S. Command in Saigon, took command of the division in Chu Lai on Friday, while Baldwin was in the United States on leave.

Baldwin had the command less than eight months, since Nov. 23. Generals' periods of command of combat units in Vietnam have varied widely, from a few months to a year.

Baldwin left on leave in June and was due back day after tomorrow. But informants said the division's officers were told Thursday that he would not return.

The attack on Mary Ann was one of a series of events that have smirched the record of the Americal Division since it was organized in Vietnam in late 1967. The most notorious of these incidents was the MyLai massacre on March 16, 1968.

CHARGES OF REPRESENTATIVE McCLOSKEY OF DELIBERATE POLICY OF INDISCRIMINATE BOMBING HAVE NOT BEEN ESTABLISHED

The SPEAKER pro tempore (Mr. HUNGATE). Under a previous order of the House the gentleman from California (Mr. GUBSER) is recognized for 5 minutes.

Mr. GUBSER. Mr. Speaker, it has been a long day and I shall proceed to a conclusion quickly.

I was delighted to hear my colleague (Mr. McCLOSKEY) say—and I hope I paraphrase him accurately—that the evidence he has presented does not establish a deliberate policy that we are indiscriminately bombing villages in Laos. I think that is a very fair statement and one of the few areas of agreement that we have had today.

The gentleman took certain views with him to Laos which alleged such an indiscriminate policy. He concludes that he was deceived by the U.S. Embassy and our consular officials there. He concludes that he has been deceived by Father Menger, by Reverend Roffe and by U.S. Air Force officials. He banks upon a U.S. Information Service report which admittedly was taken from a limited few refugees who were unusual, and who came from the area where there was the heaviest ground fighting, 95 percent of whom said they would not go back to their homes if the Communists still controlled the area.

There was some question about whether that report was valid, and whether the summary which he now admits he received before leaving accurately reflected the survey. I have read them both, and they do.

Then, he bases his case upon interviews through an interpreter with 16 refugees when others were around egging the respondents on, and when the people who took the survey admit the statistical inadequacy of their effort.

Then he says, They will not show me photographs to tell me I was wrong.

Mr. Speaker, I hate to use an overworked phrase, but at what time did the gentleman stop beating his wife?

Now, there are new Members in this Congress who are young and enthusiastic, and I commend them for it. They are anxious to get at the truth, and I commend them for that. But believe me, the conscience of human beings who serve as Members of Congress is not something that is unique and new. It has been present right along over the 19 years I have served here. We have not suddenly become moral indigents who do not want to get at the truth and who try to suppress it.

I know about the climate which exists today. People are disgusted with this war and the policy of involvement in Vietnam which I think is probably one of the worst mistakes we have made. But we cannot seize upon this climate and start from the presumption, start an investigation from the presumption, that the United States is guilty of horrible acts.

I think the gentleman has not proved that there was a deliberate policy of indiscriminate bombing of villages. I think he made a charge which does serious harm to this Nation. He had the responsibility to seek more of the truth and present a case better than what he today admits does not establish a deliberate policy of indiscriminate bombing of villages. That is what this argument has been all about.

Perhaps this is the issue. Who is the enemy? Is it North Vietnam? Is it the Vietcong? Is it the Pathetlao? Or is it the United States of America?

I hope that in this climate of frustration which permeates this entire Nation that we can sometime start giving our country the benefit of the doubt.

Mr. Speaker, I yield back the balance of my time.

HELP FOR LAGGING AREAS NEED NOT WAIT

The SPEAKER pro tempore (Mr. HUNGATE). Under a previous order of the House the gentleman from Montana (Mr. MELCHER) is recognized for 10 minutes.

Mr. MELCHER. For more than 2 years now, the Governors and congressional delegations from the Upper Missouri Basin States have been attempting to get the Secretary of Commerce and the White House to announce the establishment of an Upper Missouri Basin Development Commission.

The Governors, Congressmen, and U.S. Senators from the five States—both Republicans and Democrats—have been unanimous in this endeavor.

When the five Governors met at Rapid City, S. Dak., June 30, they joined in a resolution reaffirming their support of a commission and joined in another urging distribution of opportunity to States where outmigration is a serious problem.

Here are two more examples, Mr. Speaker, where there is need to "put your money where your mouth is."

We have a law authorizing regional commissions. Congress has even earmarked $300,000 to start the Upper Missouri Basin Regional Development Commission. Congress has voted to extend the Economic Development Act, and specifically title V which authorizes such commissions, rather than put the money in a revenue sharing jackpot.

There is no good reason not to authorize the commission this afternoon—but it does not get done.

DISTRIBUTION OF OPPORTUNITY IS JUST AS POSSIBLE

The Federal Government now procures over $85 billion in goods and services annually. It is spending nearly $20 billion on research and development.

If we are serious about rural development, we can send billions in contracts out to firms and factories in the smaller communities of rural America and we can transfer a few Federal agencies out to the country where the air is fresh and pure instead of having more skyscrapers built privately, for lease to the Government, here in the problem-ridden Washington metropolitan area.

I include the resolutions adopted by the five Governors of the Upper Missouri Basin in the RECORD, Mr. Speaker, with the suggestion to the administration that the response to them can be immediate if there is a real intention and determination to do something about rural development:

RESOLUTION ON MISSOURI RIVER REGIONAL ECONOMIC DEVELOPMENT COMMISSION

Present: Governors Anderson, Montana; Exon, Nebraska; Guy, North Dakota; Hathaway, Wyoming; and Kneip, South Dakota.

To the congressional delegations of Montana, Nebraska, North Dakota, Wyoming, and South Dakota:

Be it resolved that we unanimously support the continued effort of our congressional delegations on a big-partisan basis to continue their efforts for the establishment of the Missouri River Regional Economic Development Commission.

Be it further resolved that the five Governors wish to express their appreciation to the Congressional Delegations for their past efforts in this regard.

Moved by Governor Anderson, seconded by Governor Exon.

Passed unanimously.

RESOLUTION ON DISTRIBUTION OF OPPORTUNITY

Present: Governors Anderson, Montana; Exon, Nebraska; Guy, North Dakota; Hathaway, Wyoming; and Kneip, South Dakota.

Whereas our states including North Dakota, South Dakota, Wyoming, Nebraska and Montana have for decades experienced a serious outflow of people, especially our well educated youth who pursue opportunity elsewhere because of limited opportunity here; and,

Whereas the United States is experiencing a severe and persistent dislocation and shift in population which is causing mounting problems of out-migration from farms and small towns causing a decreasing tax base and insufficient people to maintain minimum services such as schools, hospitals, parks, sewer and water systems, etc., on the one hand, and on the other hand this outmigration is causing, in part, problems of urban glut, such as increasing crime, smog, racial tension, water pollution, clogged mass transit, crowded schools and hospitals, etc; and,

Whereas these opposite sides of the same coin—under population and congested population—are root causes of high social and economic costs involving a diminishing quality of life in America; and,

Whereas out-migration from our states of our own youth is not a phenomenon of nature but is man made and too often the result of inadequate, inadvertent, and uncoordinated national government policy, planning and programming:

Now, therefore, we call for a congressional declaration of a national policy on distribution of opportunity which solicits effort by the private sector as well as state and local governments to recognize and aid in distribution of opportunity and hence stabilization of population through such devices as:

A. Interstate Commerce freight rate adjustment to allow the midwest to be competitive

B. Regional multi-state economic planning and action through organizations such as the Missouri River Economic Development Commission

C. Small Business Administration type loans with preferential interest rates to industry in under populated states

D. Preferential tax programs for such industry

E. Manpower on the job training for new industry

F. Water resource development through regional effort

G. Agricultural programming recognizing the social and economic value of individual, non-corporate farming

Moved by Governor Guy, seconded by Governor Exon. Passed unanimously.

REFORMING FEDERAL AID TO URBAN AREAS

(Mr. BARRETT asked and was given permission to extend his remarks at this point in the RECORD and to include an article written by the National Journal.)

Mr. BARRETT. Mr. Speaker, the July 3 issue of National Journal contained a fine article by William Lilley III concerning the commitment of both parties to comprehensive reforms in the delivery of Federal aids to urban areas. The administration, the Senate Banking, Housing, and Urban Affairs Committee, and the House Banking Committee are all involved in seeking new ways to rebuild our cities, both large and small.

As Members of the House know, the Housing Subcommittee, of which I am privileged to serve as chairman, is a leader in this effort. Our report, "Housing and the Urban Environment," sets forth a very comprehensive series of far-reaching proposals for improving our Federal housing and urban development efforts. This report is the product of more than 9 months of study, field trips, and meetings by three panels of the subcommittee, chaired by three outstanding Members of the House—Mrs. LEONOR K. SULLIVAN, of Missouri; Mr. THOMAS L. ASHLEY, of Ohio; and Mr. WILLIAM S. MOORHEAD, of Pennsylvania. They were most ably assisted by Mr. HENRY S. REUSS, of Wisconsin, one of the House's outstanding leaders in revenue sharing and efforts to reform and revitalize State and local government.

The article by Mr. Lilley reviews the efforts of both the Congress and the administration in this wide-ranging effort. I commend his article to your attention:

URBAN REPORT/BOTH PARTIES READY TO SCRAP GRANT PROGRAMS IN FAVOR OF "CITY STRATEGY" PACKAGE OF AID

(By William Lilly III)

Republican and Democratic policy makers are shedding old beliefs in a scramble to rebuild completely a $2-billion-a-year package of programs to help the cities.

Nearly everybody involved in urban programs in Washington now rejects present approaches as inadequate and intellectually bankrupt.

The change in attitude has been quiet and sudden. And it has profound implications for both major parties, for the nation's cities and for their mayors.

Sweeping legislative and administrative reforms, all being developed by relatively independent clusters of politicians and technicians, are in the works.

Both parties are revising, at increasing speed, their traditional ideas of what the federal government should do for local government.

Reform Democrats are willing to scrap the urban programs of the past three Democratic Presidents: Truman's Fair Deal urban renewal program and the congeries of New Frontier-Great Society extensions of urban renewal, including model cities.

Republican reformers, in turn, are changing their party's historically frugal position on federal aid to the cities.

A top aide to Sen. John Sparkman, D-Ala., chairman of the Banking, Housing and Urban Affairs Committee and a key man on housing and urban legislation in the Senate, said:

"I've been in this (housing and urban affairs) game for 14 years—since 1957—but this is the greatest year for change that I've ever seen.

"Nobody seems to be talking about it in the press, but more is going on in the way of sweeping changes than ever before. This year makes the whole Democratic package of 1961 look like a once-over-lightly job, and that was the year that the federal government went along for the first time with housing subsidies for lower-middle-income families and not just for the poor.

"This mood of reform is not just a result of a new Republican Administration; it's much more fundamental. Pretty much everyone is unhappy with the way that things are going."

REFORM

The new urban affairs catchword in Washington is "city strategy." It describes a new approach to the use of federal dollars. The goal is to promote comprehensive urban planning in city halls, not in Washington.

Democrats: Moving toward "city strategy" is an important political shift for Democrats. It represents an admission that the categorical grant-in-aid approach has failed.

Ashley—Rep. Thomas L. Ashley, D-Ohio, a nine-term veteran widely regarded as the leading Democratic expert on housing and urban development policies, said:

"The present urban development programs have just about reached their ultimate funding plateau. They are not contributing to a rational growth policy. In fact, some are even counterproductive. Even with all our vast expenditures, we're not making much progress in the central cities.

"Almost nobody believes that if we fully funded urban renewal—jacking it up annually from approximately $1 billion to $3 billion—and met the mayors' backlogs, that we would make much progress. We either reshape the urban development programs, or we have real political difficulties."

A member of the House Banking and Currency Committee. Ashley is chairman of an ad hoc subcommittee on urban growth and chairman of the Housing Subcommittee's panel on delivery and consumption of federally aided housing.

Republican nudge—House Democrats already were studying new approaches to city programs when the White House sprang revenue sharing on them, but the threat of having some mayors wooed away by President Nixon gave urgency to their study. (For reports on the earlier stages of Housing Subcommittee activity, see No. 2, p. 59, and Vol. 2, No. 50, p. 2691).

Rep. William S. Moorhead, D-Pa., chairman of another Housing Subcommittee panel on metropolitan development, said, "The Democrats, and especially the Speaker, are on the spot politically to come up with an alternative to revenue sharing—both general and special, which are being touted as aid to the hard-pressed cities.

"Well, the Speaker thinks that revenue sharing is dead, but we believe that the Democratic Party just has to have a reasonable alternative."

Package—Moorhead said Rep. Wilbur D. Mills, D-Ark., chairman of the House Ways and Means Committee, "is working on one part of it with his recently proposed $3.5-billion aid package for the cities; public service jobs are another part; and bigger block grants are another."

Ashley, Moorhead, Rep. Henry S. Reuss, D-Wis., another senior member of Banking and Currency, and Rep. William A. Barrett, D-Pa., chairman of the Housing Subcommittee, have met twice with Speaker Carl Albert, D-Okla., and Majority Leader Hale Boggs, D-La., to hammer out party strategy on the reform package once it clears the full committee.

"We are going to try to have a bill by the end of June," Ashley said. "When it's ready, Albert will hold a TV press conference to announce it as the Democratic alternative to help the cities. Each of the panel chairmen has made presentations to him. He's quite pleased that we've got a constructive alternative to revenue sharing.

"If everything goes right for us, we have a good chance of getting this thing to the floor this year."

Roadblock—Some factors beyond the subcommittee's control could block the package.

For example, hearings on an Administration request for a $250-million loan guarantee for Lockheed Aircraft Corp. have disrupted the calendars of the banking committees of both houses. If they were occupied with the Lockheed bill until the August recess final action on the housing package might be deferred until 1972.

Republicans: The Nixon Administration is just as active as the Democrats in the reform movement.

HUD Secretary George W. Romney and Richard P. Nathan, assistant director of the Office of Management and Budget, have repeatedly and emphatically characterized the existing categorical grant-in-aid system for the cities as unworkable.

Another important figure in the Administration reform move is Floyd H. Hyde, the HUD Department's assistant secretary for community development. Formerly assistant secretary for the embattled model cities program (1969–71) and before that mayor of Fresno, Calif., (1965–69), Hyde has emerged as one of the principal spokesmen in the Administration demanding new approaches and a greater national effort to help solve urban problems.

Now the top federal administrator for HUD's entire range of hardware programs, such as urban renewal (42 USC 1450 *et seq.*) and water and sewer (42 USC 3101), Hyde is blunt about the shortcomings of these programs.

"I believe that we could greatly expand the funding of existing categorical-grant-in-aid programs like urban renewal and make almost no improvement," Hyde said. "The problem is simply stated, but it has profound implications, such as a whole new national definition of what makes a city better.

"We now can say that the categoricals just treat the symptoms. As a result, while we are busy putting Band-Aids on one neighborhood, the cause is at work in an adjoining neighborhood, creating more of the same decay. We have to start reorienting our thinking so as to give priority attention to the human aspects of community development.

"This change will involve a long-overdue but radical change in our intellectual perception of how to help the urban communities," Hyde said. "And what is starting with the HUD package of programs is going to have to expand to the HEW, Transportation and Labor Departments, where they have significant responsibility for urban problems."

Winners and losers: Working drafts of various legislative proposals make it clear who will win and who will lose with a new approach.

The big winners will be the nation's hard-pressed cities, which will get more money, and their mayors, who will get more power.

The big losers will be the semi-autonomous agencies which have traditionally controlled urban aid programs—the public housing authorities, urban renewal agencies, water and sewer districts, transit authorities and others.

Said Sparkman's aide: "There is no question about the general direction of all these reform currents—the upgrading of the politicians and the downgrading of the technicians."

Moreover, all the plans under consideration—whether Democratic or Republican—propose to decentralize power, leaving Washington less and the mayors more.

Contest: So pervasive is the struggle for change that Patrick Healy, executive director of the National League of Cities, said: "It has taken on all the aspects of a contest between the two parties."

Major entrants in the contest are the Democrats on the Senate Banking, Housing and Urban Affairs Committee, led by Sparkman; Democrats on the House Banking and Currency Committee, in league with some Republicans; and the HUD and OMB Administration team.

Bending: In the contest, Democrats have come closer than ever before to the Republican position on decentralization of power; Republicans have moved toward the Democratic approach to funding.

Reforms by both sides have been developed either along revenue-sharing lines—which the Republicans prefer—or along block-grant lines—backed by Democrats.

By definition, either would redistribute power which the categorical grant approach has concentrated in Washington.

Orthodoxy—Decentralization is a major element in Republican orthodoxy. In keeping with that, the Administration proposed a special revenue-sharing plan in which no community would need to apply for funds, and in which there would be no federal review of plans for their use. The aspect of the reform came relatively easily for Republicans.

Labor block—Democrats have found it hard to come around to decentralization.

According to Healy, the Democratic block-grant reforms represent "a new Democratic initiative and a major shift in party strategy. Until now, the Democrats have bought the AFL–CIO approach to meeting local need. The AFL–CIO has opposed all forms of revenue sharing because organized labor does not have the clout and the influence at the local level that it wields at the national level."

Healy said organized labor's opposition to decentralization is a very simple proposition. "They can better serve their own people if spending programs are fashioned in Washington."

"That way," he said, "they develop the project approach to the program and then make their support for it contingent on the writing in of a Davis-Bacon clause." (The Davis-Bacon Act (48 Stat. 948) requires the Labor Secretary to set wages for federally assisted construction at the prevailing wage rate in the area.)

"Up till now," Healy said, "the Democrats have bought that. Now they are fashioning program citywide rather than piecemeal. It means they recognize that city problems are worse than they thought."

FUNDING

Where shifting power to the cities was difficult for the Democrats, sending more money with it, and on a long-term basis, was difficult for the Republicans.

Even some Democrats will find trouble with the new concept toward which both reform groups are moving—that cities no longer are required to justify their need for money project by project, but solely by virtue of the fact that they need money.

Daley: Mayors also have long urged a guaranteed income for the cities.

Their most powerful spokesman for that view has been Democratic Mayor Richard J. Daley of Chicago.

According to Daley, cities need "a new and straightforward bipartisan national urban policy that will provide the cities not with piecemeal programs, confused with administrative edicts, but massive infusions of resources in large blocks, with assurance that these resources will continue for at least the rest of the century."

Sparkman: "The on-again, off-again, stop and go federal funding experience has done more harm and wasted more money than we will ever know," said Sparkman, who has been the Senate's urban affairs leader since 1955 when he became chairman of the Housing and Urban Affairs Subcommittee.

"Whatever we do this year, I hope that we try to solve this one deficiency," he said. "Once federal policy is developed to provide federal funds to aid cities, the government should stick to its promises and cities should be able to plan in advance."

Sparkman's staff has been working on a plan to bypass annual appropriations by using four-year contract authority.

The bill, now in a fourth draft, also uses a rule of thumb for financing that would double available funds from $1.5 to $3 billion. Surviving thus for in the redrafts is a proposal to increase each city's funds by 15 per cent a year.

The Sparkman draft includes all of HUD's hardware programs except model cities, at $575 million per year, which would be allowed to run its statutory life of five years, something the mayors have lobbied hard to get.

Even before model cities lapses, its social development activities such as education, health, manpower training and public safety would be funded under general provisions of the Sparkman program.

Sparkman's bill would require cities to submit five-year community development plans. HUD would have to approve the plans and conduct post-audit checks on city performance, evaluating each city on the basis of its success in meeting its own plan.

The bill also would require cities to have an adequate low-income housing plan and adequate housing code enforcement to prevent the spread of blight.

An aide to Sparkman said: "We regard the application process as a check on the politicians. In that respect, and insofar as we are stipulating (the housing) activities, we are going halfway between the Nixon Administration's revenue-sharing program and the existing categorical system.

"Otherwise, we knock out the feds when it comes to detailed clearances and we turn over to local control the detail, the operations and the management."

House: Working independently of Sparkman and his staff, the House Banking and Currency Committee has reached approximately the same position.

Prime movers in the House have been Reps. Moorhead, Ashley and Reuss, all senior members of the House Subcommittee. Staff members and outside consultants have worked with them.

The Moorhead package, which is now being marked up by the full Housing Subcommittee, is similar to the Sparkman bill in that it:

Provides for contract authority which would bypass the appropriations process;

Offers the cities a first-year total of $3 billion;

Requires citywide development plans, although they would cover only three years instead of the Senate's five.

"It retains the general national purposes of the existing program and thereby avoids the pitfalls of revenue sharing—where money could be used for any idiotic thing," said Moorhead.

Administration: "On decentralization," said Healy, "the Republicans are really acting in very orthodox ways. What is reformist now about the Republicans is that they are willing to give the locals the financial resources. . . . Now they are putting their money where their mouth is."

Breakthrough—The Administration proposal for revenue sharing to fund community development calls for nearly $2 billion a year to be allocated by a computerized formula among cities with populations over 50,000.

Although the proposal is less than the $3-billion plan of the Democrats, and depends on annual appropriations rather than long-term contract authority, it does represent an ideological breakthrough for the Republicans.

In lobbying for the bill, Romney has repeatedly told Members of Congress and mayors that under the Nixon plan, "no city would get less money and most would get more."

Assistant Secretary Hyde said that the Administration shift on funding represented "quite a breakthrough."

Infighting—But it was not accomplished without a struggle.

Hyde said that he, Romney and Under Secretary Richard C. Van Dusen had "to move the White House away from the notion of automaticity" toward a perpetual funding concept.

"OMB kept talking in terms of 'automatic grants,' meaning that they were to be disbursed by computer as opposed to some local-application-federal-review process," Hyde said.

"We kept saying that 'automaticity' doesn't properly describe our special revenue-sharing concept. What we want special revenue sharing to be is a method to achieve annualized, stabilized funding to meet a city's needs. When you shift from the concept of automatic grants to annualized, stabilized funding, then you have a real political breakthrough."

Hold harmless—Hyde's "breakthrough" was formally endorsed by the White House when it promulgated the "hold harmless" concept that no community would get less under special revenue sharing than it had gotten in the past. It was a Republican way of saying what mayors like Daley had been demanding—a guarantee of annual funding in perpetuity.

City view—Samuel V. Merrick, chief lobbyist for the National League of Cities-U.S. Conference of Mayors, said the Administration has been pushed into perpetual funding almost as the lesser of two evils.

"Nathan and the other 'good government' types in the Administration have been thinking of this just in terms of decentralization and administrative simplicity," he said.

"Urban renewal has in it all the problems which cost overruns pose for accountants, and the average urban renewal project is now running at 100 per cent over estimate.

"The problem is a long-standing one. It has just driven the budget bureau wild that they can never figure out what urban renewal is ultimately going to cost.

"The high practitioners of the game like Logue and Cox played it almost limitlessly," Merrick said, "with one thing leading to another on each project. No one in Washington could control Logue's imagination. And then the budget bureau would be confronted by surges of political power and arm-twisting by the high practitioners as they tried to float their overruns."

Edward M. Logue, now president of the New York State Urban Development Corporation, was executive director of the New Haven Redevelopment Authority (1964–60), and executive director of the Boston Redevelopment Authority (1967–71). Lawrence M. Cox, former HUD assistant secretary for urban renewal (1969–70), was executive director of the Norfolk, Va., Redevelopment and Housing Authority (1949–69).

"So you can say that this whole conversion is a defensive move as well as an offensive one. It might cost a lot more in the aggregate, but at least the increases will be controllable, predictable and orderly. That's an argument that Mahon might buy as well. At least from a budgetary or accounting point of view, you can always say that the present program is out of control; the backlog could go beyond the existing $3–4 billion to $10 billion or even infinity." (Rep. George H. Mahon, D-Tex., is chairman of the House Appropriations Committee.)

CONSUMER ISSUE

The question of how to help the cities has become a consumer issue, which accounts in large part for the new Democratic-Republican consensus for change.

Extensive cuts in urban services—police, fire, sanitation and the like—have been threatened in major cities during the past year, and this trend—which hits at the voter's health and safety—is coming home to Capitol Hill and to the HUD Department.

No longer do urban experts in Washington talk glowingly about the hardware aspects of federal aid to cities—programs like urban renewal and model cities.

Rather, federal officials want now to talk about the voting consumer of urban programs; they talk of "community development."

At HUD. this changing perception of the urban problem is demonstrated by a proposal to change the agency's name: Romney wants his department to be called. "The Department of Housing and Community Development."

On Capitol Hill, the change is reflected in a remark by a top Sparkman assistant: "What we need to develop are communities, not houses or central business districts."

City hall: Mayors say federal recognition of their plight reflects two trends: The cities are beginning literally to die, and suburbs are beginning to suffer big-city problems.

At all times, mayors discuss their problems in terms of the consumer—the urban dwellers who must put up with decay. Their attitude is both cynical and bitter as regards the sudden shift in federal concern.

Atlanta—Atlanta's Democratic Mayor Sam Massell Jr. said: "People can now see that the problems have reached dramatic and highly visible points in almost every city. So now they are paying attention. In Atlanta, it was a lot of things that suddenly came to a head, what you might call a long heritage of urban growth and decay. For example, the fire department has condemned my city hall; we now get traffic congestion so bad that everything just stops; the government has slapped a $60-million bill on us to clean up water pollution; and the racial split in Atlanta has gone from 65–35 white-black to 50–50 in just 10 years."

San Francisco—Democratic Mayor Joseph L. Alioto of San Francisco said, "I'll tell you why we're finally getting a change in federal attitudes. The suburbs are now beginning to be affected by big-city ills and they're scared to death. Their crime rate has begun climbing faster than ours. The poor are trying to get out of the center cities and into the suburbs. The suburbs are trying to keep them out, and the Nixon Administration is helping them.

"Also, the extreme deterioration of Baltimore, Cleveland, Detroit and Newark has scared the hell out of everyone. They are cutting back on policemen, firemen and sanitation men. Believe me, it's one thing in this country to talk about how you need help to take better care of the poor and it's another thing to talk about firing policemen.

"Our warnings that things would come to this were neglected because of racial prejudice. When urban unemployment was in the ghetto, that was one thing; but when it spread to the skilled and the middle class, then the issue of urban decay is elevated to groups with more political power than the poor, the black and the aged.

"Right now, I tell people that this is the critical point in time for San Francisco. If we get the federal help we're asking for, then we believe the situation in San Francisco can be stabilized and the problems will be manageable. If we don't, then we're in real trouble."

Birmingham—The crisis of urban decay is not limited to the biggest cities. As a Sparkman aide said, "It's evident to anyone that the cities—all the cities—are going to hell. Take Birmingham. Its downtown has begun to go sour. It needs money it doesn't have for additional safety provisions, lights, public transportation—the kind of dressing up with new public services that will make the center city attractive again."

Washington: At the federal level, the men and women who deal with city policy now are aligning their views with those of the mayors.

They are increasingly concerned with what Rep. Benjamin B. Blackburn, a Republican from Atlanta, calls the "people problem." And they believe increasingly that their previous solutions were naive.

Healy—City lobbyist Healy said: "The Administration and Congressmen appear to have realized that one-shot approaches just don't work, that it doesn't make sense to build the physical facility and then walk away with no attention to the urban environment or to a comprehensive city strategy.

"I guess we're getting a trickle-down effect in Washington of the complex stuff that Pat Moynihan was writing about and the even more complex stuff that Jay Forrester was writing about."

(Jay W. Forrester, professor of management at Massachusetts Institute of Technology, was brought to the attention of the Nixon Administration by Daniel Patrick Moynihan, who was one of Mr. Nixon's principal urban advisers in 1969-70.)

(Forrester, creator of computer models of the dynamics of urban development and author of several award-winning books and treatises on the subject of industrial and urban dynamics, has been used extensively as a consultant in Washington.)

"The burden of Forrester's and Moynihan's message," Healy said, "was that too many legislative decisions made on an intuitive basis were really counterproductive.

"They claim that cities are very complex systems where unintended second-offer effects can be ruinous and where the ideal solutions often are counterintuitive."

Healy said the federal government is just beginning to show signs of realizing that.

"Ashley and his urban growth subcommittee have really come down hard on the need for local and national strategies for urban community development," he said. "His hearings are the best yet."

Congress—Rep. Blackburn, 44-year-old activist member of the Housing Subcommittee, echoed Healy's view.

"We've spent a lot of money and nothing is getting better," he said.

"The decay of our center cities has now become our overriding concern. It can't be ignored forever; it just has to be dealt with.

"But the problem with the present HUD programs is that they don't come to grips with the basic problem. They are concerned only with real estate, not with people. What they do is improve real estate, and while they are doing that—and very expensively—they relocate the real problem, which is the people who lived in the slum.

"I think the entire HUD package, housing as well as urban development, should be restructured along the lines of people problems and community development."

Ashley said, "We helped lay the cornerstone for this new approach with our 'Urban Growth and New Community Development Act of 1970 (84 Stat 1770),' when we said in our 'statement of findings and purposes' that our present processes of urban community development were wasteful and destructive and that our existing urban development programs were contributing to that waste and destruction. We never said that till last year."

HUD—Hyde said: "We have to start reorienting our thinking to give priority attention to the human aspects of community development—it's the intellectual analogy to identifying causes rather than symptoms.

"I tell the people in the National Association of Housing and Redevelopment Officials—public housing and urban renewal officials who are affected by this upgrading of the mayors and downgrading of the technicians—that they have to reorient their thinking toward human values.

"It's just NAHRO now, but it is going to spread to all the local government technicians—transit authorities, public works agencies and so on.

"These experts are going to get shaken up in the transition, and it's not their fault. They are really victims of our system of treating physical symptoms. Their training has all been in the technicalities of the physical production process, not the politics of community development."

THE MAYORS

Reform leaders in Congress are beginning to come across for the cities because the mayors are beginning to get across to Congress.

For years, mayors have protested the restrictiveness, arbitrariness, and delays in the present system.

Parties ties: They have become effective in recent months, and some of those who are hardest on Democratic programs are Democrats.

Uhlman—Wesley C. Uhlman, Democratic mayor of Seattle, said: "We have finally gotten our message through—that the present system of aid is insane, there's just no other word for it.

"The Members of Congress have finally come to realize that. They've set up an enormous storehouse of categorical grant-in-aid assistance which they really can't use. All the cities are in what I call an 'M and O crunch'—they don't have what it takes for maintenance and operations.

"That's not very glamorous, but it is damn important when it comes to our using the categoricals. Basically, the categoricals are for esoterica, and we don't have the resources to operate the esoterica. I can get lots of money for new libraries, but it doesn't do Seattle any good because I can't pay for the books or the staff to operate them. In fact, we've been closing some of our libraries. The same for the Law Enforcement Assistance Administration. We want money to pay the cops; they want to give us money to buy esoteric hardware."

Flaherty—Peter F. Flaherty, Democratic mayor of Pittsburgh, was equally blunt about mayors making use of the categorical system.

"Take this grant program for law enforcement assistance," he said. "I'm after them all the time for money for the unglamorous things and they want to give me helicopters. Three different times they've tried to give me helicopters. We just don't need helicopters in Pittsburgh."

Maier—Milwaukee Mayor Henry W. Maier, a Democrat and newly elected president of the mayors conference, said, "We've been telling Congress two things for a long time now—the amount of money we're getting is pitiful and the way we're getting it is pitiful. Our complaints are finally starting to surface."

Merrick—Lobbyist Merrick said, "Congress seems finally to have learned what the mayors had to learn at first hand—that humans are just not complex enough to manage the horrendous pile of urban programs that the federal government has constructed. Life just is not long enough to make things like that work."

New breed: Mayors say also that they have changed as a group and that the change eliminates the rationale for the categorical system.

John J. Gunther, executive director of the mayors conference, said that "in the past, Congress used to set up programs and deliberately exclude the mayor in order to protect the citizens, especially the poor and the minorities. Now, the center city governments represent their citizens, which is precisely why the suburbs resist working with them."

John Herbers, urban specialist for *The New York Times*, came away from the June 12–16 convention of the mayors conference in Philadelphia with a strong impression that the mayors were right when they said they had changed.

In the newspaper's June 20 edition, Herbers said of the conference's 17-member Legislative Action Committee, headed by New York's Mayor John V. Lindsay: "This group has its duds. But as a group, the mayors probably are more impressive, more articulate, more persuasive than a representative group of 17 Governors, Senators or Representatives. Nurtured on adversity, they are lean and tough and believable."

Age—There has been a noticeable drop in the average age of mayors in recent years, for example.

A *National Journal* analysis found that new mayors have been elected in 39 of the nation's 50 largest cities since 1965. In the transition year in those 39 cities, the average age of the outgoing mayor was 55.9 and of the incoming mayor, 43.8.

The average age of the mayors in all 50 cities has dropped from 54.4 in 1965 to 49 in 1971.

Realities—New Orleans Mayor Maurice E. (Moon) Landrieu, a Democrat, said the federal government had gone through two separate approaches to urban aid, both designed to keep money and power out of city hall on the premise that mayors would not serve the poor and the black.

"First, we had to shift away from the concept of the 1930s where we diluted the power of the mayor in order to guard against graft and waste," he said.

"To do so, we increased the power of citizen boards.

"Then we went through the phase of providing one-shot funding according to narrow categorical standards because the mayors were denying the blacks and the underprivileged—either by de jure segregation in the South or by de facto segregation in the North."

Landrieu argued that the need for the second approach no longer exists.

"Those things are past us," he said, "mainly because of the growth of the political power of blacks and the poor. Also, we now regard as bankrupt the notion that talented citizens, operating free of political constraints, can achieve the kind of progress we really want. No longer will people be dictated to by citizen commissions."

Lobbying: In Philadelphia, mayors gave special credit for their recent successes to Lindsay's legislative action committee.

Formed on Dec. 7, 1970, the committee travels to Washington and other big cities in what Lindsay called "our monthly road show, entitled, 'Grim Faces of 1971.' "

The purpose of the committee is to press for enactment of conference resolutions, most of which call for increased federal aid.

Alioto effort—Only recently have the mayors come to this kind of lobbying; the first effort was the formation in 1969 of Alioto's "full-funding" drives in Congress for urban renewal and other aid programs. (*For an analysis of those campaigns, see Vol. 1, No. 4, p. 170, and Vol. 2, No. 23, p. 1180.*)

"I learned from that whole experience what seems pretty self-evident now," Alioto said. "No mayor can really do his job unless he spends at least one day per month in Washington.

"The beginning of this whole effort to get what we need out of the federal government—like the kinds of things Mills told us about with his $3.5 billion urban aid package—this all started with my move back in 1969 to get full funding for urban renewal. By 1970, we had that down to where we could get some practical results. We got 300 city leaders to come to Washington and buttonhole their Congressmen. That had never been done before, and it paid off. We got urban renewal increased by 35 per cent over what Nixon had requested."

Strategy—While the Lindsay committee builds on the Alioto experience, it does not just blitz Congress. Lindsay's group includes the most articulate and powerful mayors in the nation.

"You can't help but speculate what political fears are raised in both parties by Lindsay's activities," said Mayor Maier. "They just cannot afford to ignore him.

"Then there is the hovering figure of Daley on this committee. He doesn't travel much out of Chicago, but he is a member of the committee. As far as the congressional Democrats and the Democratic National Committee are concerned, they look at that committee and they see Daley."

Already, the Lindsay committee has met twice with the Democratic Party's congressional leadership and the Presidential aspirants, and once with the President. Moreover, on its monthly tours of major cities, the committee has generated a substantial amount of attention in television and newspapers.

Inside help: The emergence of fresh young faces in the federal power structure is helping the mayors.

A Sparkman aide said, "There are new people coming in on urban policy making. They see the shortcomings and want to take them on. They aren't put off if somebody tells them that was proposed 10 years ago and rejected.

"Guys like Van Dusen, Orlebeke, or that whole bunch of young aides that work for Romney—they want to do things differently. The same goes for the staff guys that are working for the Housing Subcommittee."

(Charles J. Orlebeke, 36, is HUD's deputy undersecretary.)

Coincident with the advent of new administrative and committee staff figures is the rise to power of House Members who are both legislative activists and sympathetic to the pleas of the mayors for more aid.

Housing Subcommittee Chairman Barrett's action early this year to divide power among new legislative panels has enabled Ashley, Moorhead, Reuss, and Robert G. Stephens, D-Ga., to play a key role in drafting new urban legislation.

At the same time. power on the House Appropriations Subcommittee on HUD-Space Science has shifted in favor of the mayors.

The new subcommittee-chairman, Edward P. Boland, D-Mass., is one of the few House Members with a national reputation as an urban expert. Boland also comes from a city of more than 100,000 population—Springfield (163,905); in the past, the subcommittee has not been chaired by Members from large urban areas.

Boland's hand is strengthened by the emergence of Rep. Robert N. Giaimo, D-Conn., as an effective advocate of reordering national priorities in favor of urban needs. A seven-term Member from New Haven, Giaimo is the fourth-ranking Democrat on the subcommittee.

OUTLOOK

The mayors are pleased with the widespread talk of new approaches to urban aid and the talk of more money for the cities. They are especially pleased with the notion that their lobbying started it all.

At the same time they are worried that the talk will amount to no more than that—rhetoric from both parties but no new funds.

"We are desperate, and that's precisely why we have to look carefully at every proposal," said Lindsay. "The Nixon special revenue-sharing plan would have, in effect, abolished funding for model cities. After that experience, the mayors are scared to death of any programmatic grouping where we really lose instead of gain."

Lindsay added: "What Bill Moorhead and Lud Ashley are working on sounds vastly better than the Administration's bill, and what Sparkman is doing sounds better still. We want block grants—and badly—because we desperately need the flexibility."

City lobbyist Gunther is worried that all the talk will amount to nothing more than pure politicking.

"Right now," he said, "both parties are vying for the credit for making reforms. But I have real reservations that the Administration will come through. Will they push for new levels of aid when they are so niggling on this impoundments business? (*For a report on executive impoundments, see No. 20, p. 1027.*)

"And with the Democrats, you can't really tell about a group that is out of power and saying things in order to get back into power. What they are saying now isn't necessarily an accurate indicator of what they'd do when they got in office."

But Rep. Reuss, who played a major role in drafting the Housing Subcommittee bill, said: "We intend to pass this bill this year."

And Gunther remains basically optimistic. He believes there will be legislation, if not this year, then next. Major housing and urban development legislation traditionally has been passed in election years—the biggest urban package ever enacted was the omnibus Housing and Urban Development Act of 1968 (63 Stat. 413).

Gunther's optimism seems well founded in light of proposals by Republicans and Democrats alike to scrap the existing structure and give the cities more money and the mayors more authority.

"You cannot deny that all this talk and all this scrambling indicates a basic adjustment of national priorities," said Gunther.

"It also indicates a spread of the proposition that people have a right to things rather than a right to beg. That has really caught on. Now it extends to income levels, jobs, housing, health services, decent neighborhoods, a reasonable degree of public safety—in other words, all the things that the cities are struggling for. That concept is changing the traditional mix of federal policy responses to urban problems."

City lobbyist Healy said that "if all this goes through, it's really going to put the monkey on the mayors' backs. Then for the first time, they'll have both the responsibility and the resources. It's going to be interesting to see how many will rise to the challenge; some will right away, and others will take longer."

THE ACCELERATED PUBLIC WORKS BILL

(Mr. GERALD R. FORD asked and was given permission to extend his remarks at this point in the Record and to include extraneous material.)

Mr. GERALD R. FORD. Mr. Speaker, I have come across an excellent news analysis of the so-called accelerated public works bill passed by the Congress and vetoed by President Nixon because it would not really reduce unemployment in any appreciable measure.

This is an article which appeared in the Detroit News on July 7, 1971. I commend a reading of it to all of my colleagues. The article points out that the public works bill the President vetoed is just that—a public works bill—not legislation having any substantial impact on unemployment. The article follows:

No Jobs To Be Found in Pork Barrel

(By Philip Wagner)

Washington.—The headline said: "Nixon Vetoes Bill to Help Jobless." That sounds bad.

As one who has written thousands of headlines, struggling to squeeze the essence of a news story into a half-dozen words, I feel for the desk man who wrote that one. He succeeded in turning the sense of the story inside out and I am sure he didn't mean to.

For the President in this case did not veto a bill to help the jobless. He vetoed a $5.6 billion public works bill—what used to be called a pork barrel bill—which had been greatly inflated on the excuse that it would relieve present unemployment.

But as experience has shown again and again, large public works programs are no remedy for current unemployment.

There are two reasons why. The first is that public works, if they are not just boondoggling, require an immense amount of preliminary planning—a long "lead time," to use the jargon.

Plans must be drawn and usually argued over. There are such matters as rights of way, condemnations, court suits, negotiations with local authorities, contracts to be let, materials to be produced and delivered. Almost never is a public works project at the point where it may be started swiftly. By the time it is ready to go the excuse for it (if it is thought of as a means of easing unemployment) is history.

The second weakness of public works projects as means of reducing unemployment is that most of them are capital-intensive rather than labor-intensive.

The few men involved are mostly skilled operatives, not the unskilled who make up the preponderance of the unemployed. One can spend millions on road building without making a dent in unemployment.

So the President did not veto a bill to help the jobless. He vetoed a pork barrel measure that hud been inflated on the pretext that it would create jobs.

As he did so, he announced his readiness to sign a genuine anti-unemployment measure if or when it reaches his desk. This is a bill specifically to provide some 200,000 temporary public jobs.

Most probably would be superfluous under strict cost accounting. But at least they would be jobs. His reasoning here is that there is a real need to provide employment for returning veterans as the operation in South Vietnam is phased out and until such time as they can establish themselves in jobs not necessarily governmental.

This illustrates, incidentally, a paradox under which the President labors. On one hand he is under the heaviest pressure to phase out the Vietnam enterprise. He is fully committed to doing this, yet is under constant criticism for not doing it faster.

On the other hand, the faster he brings the troops home and dumps them onto the domestic labor market, the more he complicates an already serious unemployment problem.

One of the interesting things about Mr. Nixon is the way his skin has been thickening under all the pressure. This phenomenon is illustrated by his latest pronouncements on economic policy, made through Treasury Secretary John Connally.

All of them invite flack. Contrary to urgings to get this country going by (a) cutting taxes, (b) sponsoring programs to increase deficit spending and (c) going in for wage and price controls, he states that he will do none of those things.

He is convinced that the steps he already has taken to slow inflation and establish conditions for sustainable growth have been the correct ones and must be given time to work. Who knows? He may be right.

But it is not always easy to say such things.

THE DULLES-EISENHOWER RULES REGARDING VIETNAM AND THE OVERALL CONDUCT OF OUR FOREIGN AFFAIRS

(Mr. GERALD R. FORD asked and was given permission to extend his remarks at this point in the Record and to include extraneous material.)

Mr. GERALD R. FORD. Mr. Speaker, many lessons will be drawn from the Pentagon papers, but perhaps none is more significant than the conclusion regarding Vietnam and the overall conduct of our foreign affairs arrived at by the Christian Science Monitor. I commend a reading of the Monitor editorial of July 6, 1971, to all of my colleagues. The editorial follows:

The Dulles-Eisenhower Rules

When all the meanings of all the words in the Pentagon papers are added up and put together and analyzed and squeezed down for what is most important we think we have a pretty good idea where it will all come out.

We think it will mean that back in the days of Dwight D. Eisenhower and John Foster Dulles the United States had a pretty sound set of operating principles for American foreign policy which their successors could, to their advantage, have honored more than they did.

Mr. Dulles was great on high-flown rhetoric and thus earned for himself the title of "brinksman." He even invented "brinksmanship" by the claim that he found it necessary to walk up close to the "brink of war." Yet the truth of the matter is that Mr. Dulles' actual operating policies, as distinct from his rhetorical policies, when tempered by Eisenhower caution were conservative and restrained.

In the Dulles speeches which did not make headlines, and in his private conversations and in his actual management of American foreign policy he worked out for President Eisenhower a set of rules under which he would approve or disapprove of an American commitment to friendly factions in countries under real or presumed danger of internal or external aggression.

He was willing to give economic and military aid and even, if necessary, send American troops provided that:

1. The government in the country involved requested aid.
2. The government requesting aid was in effective control of the bulk of the country.
3. The government was backed by a majority of the population, and
4. Government and people were ready, willing, and able to fight effectively in their own defense.

Under this formula all of Western Europe, much of the Mediterranean, most of Latin America, South Korea, Japan, Oceania, and Southeast Asia were kept out of the hands of adventurers and adventurous elements unfriendly to the United States and its allies. Egypt was a loss against the plusses.

Even more important, so long as the Eisenhower-Dulles formula was observed, the United States did not get into any difficulty too big for it to handle. To oversimplify, President Eisenhower believed in intervention—when the odds were on his side. Playing it cautiously paid off. He never got himself dangerously overextended.

Intervention in Vietnam was not measured by the old Eisenhower-Dulles rules. Had they been applied, there never would have been an American commitment there at all.

In the beginning there was never even a request for American troops. President Diem had to be maneuvered into asking for them. It was his fatal misfortune that he did let himself get talked into asking for them.

At no time was the regime in Saigon in substantial control of the bulk of the country. There is no convincing evidence that it has enjoyed the solid support of a majority of the people. And the evidence is still all too painful that government and people have yet to acquire the will and capacity to fight their own battles.

The Eisenhower-Dulles formula would have justified intervention in Korea. It would not have justified the massive intervention in Vietnam which came during the Kennedy-Johnson era. Every rule in their formula was ignored by the commitment to Vietnam.

The chances are that when the Vietnam affair is really over and the books are closed, as they are bound to be one of these days soon, someone will remember it all as an example—of how safer the old formula really was.

BIG BUS BILL AND INTENTION TO OFFER AMENDMENT THERETO BY REPRESENTATIVE SCHWENGEL

(Mr. SCHWENGEL asked and was given permission to extend his remarks at this point in the Record and to include a copy of a proposed amendment to the big bus bill.)

Mr. SCHWENGEL. Mr. Speaker, I previously advised the House that the Public Works Committee had ordered H.R. 4354 reported favorably. The bill has now, in fact, been officially reported to the House and could be scheduled for floor action in the near future.

In the interim since I first called the committee's action to the attention of the House, I am certain that many of you have had inquiries from constituents with respect to the bill. For that reason, I would once again call your attention to some rather extensive comments on the bill which can be found at page 13952 of the Record for May 6, 1971. Subsequent material appears at pages 16686, 17296, 17433, 17972, 17981, 18802, 19509, and 20689. Your attention is especially directed to page 16686 of the Record for May 24 which contains a rather starting report on bus safety prepared by the Bureau of Motor Carrier Safety. In addition, I would urge Members to carefully consider the minority and supplemental views contained in the report on the bill. Frankly, I am more convinced than ever that this legislation is not in the public interest.

If the bill receives a rule and is brought to the floor, it is my intention to offer an amendment providing for a Presidential study commission to review the whole question of size and weight legislation. The language contained in the amendment is identical to the language contained in my bill, H.R. 453. Also, the exact text of the amendment appears elsewhere in today's Record.

Mr. Speaker, pursuant to the provisions of section 119 of the Legislative Reorganization Act of 1970, I am herewith notifying my colleagues that I intend to offer the following amendment to H.R. 4354 when, and if, it is brought to the floor for action:

Amendment to H.R. 4354

Strike out section 3 of the bill and insert in lieu thereof the following:

"Sec. 3. The amendments made by the first section of this Act shall take effect two years after enactment of this Act, unless the Commission established by title II of this Act reports to the Congress prior to such date that use of 102-inch buses would be unsafe.

"TITLE II

"Sec. 201. There is hereby established a Commission on Highway Safety and Expense (hereafter referred to in this title as the 'Commission').

"Sec. 202. The Commission shall make a full and complete investigation and study of all effects on highway safety and the expense of constructing, reconstructing, repairing, and maintaining highways resulting from any changes in the size and weight limitations established by section 127 of title 23, United States Code. Such investigation and study shall include, but not be limited to, a specific examination of the following:

"(1) What share of highway construction and maintenance costs is allocable to each class of highway users?

(2) What would be the effect if H.R. 11870, 91st Congress, as introduced, were enacted into law on the shares referred to in paragraph (1)?

(3) What would be the effect if H.R. 11870, 91st Congress, as introduced, were enacted into law on the costs of the Federal-aid highway system (both original costs and recurring costs)?

(4) What overall economic benefits would accure from H.R. 11870, 91st Congress, as introduced, if such bill were enacted into law and which sectors of the economy would receive these benefits?

(5) How should the costs referred to in paragraph (3) be allocated on the basis of the economic benefits referred to in paragraph (4)?

(6) What would be the effect if H.R. 11870, 91st Congress, as introduced, were enacted into law on all aspects of highway safety? Specifically, can 102 inch wide buses be safely operated on our Nation's highways?

Sec. 203. (a) The Commission shall be composed of 16 members appointed by the President, one of whom he shall appoint as Chairman, and shall serve at the pleasure of the President. Two members shall be Members of the House of Representatives, one from the majority political party, and one from the minority political party. Two members shall be Members of the Senate, one from the majority political party, and one from the minority political party. One member shall represent the American Trucking Association, one the American Automobile Association, one the American Association of State Highway Officials, one the American Society of Professional Engineers, one the American Association of County Engineers, one the National Safety Council, one the National Association of Motor Bus Owners, National Highway Traffic Administration, and three members shall represent the general public.

(b) A vacancy in the Commission shall be filled in the same manner as the original appointment.

Sec. 204. (a) Except as provided in subsection (b), members of the Commission shall each be entitled to receive $100 for each day (including travel time) during which they are engaged in the actual performance of duties vested in the Commission.

(b) Members of the Commission who are Members of Congress or full-time officers or employees of the United States shall receive no additional compensation on account of their service on the Commission.

(c) While away from their homes or regular places of business in the performance of services for the Commission, members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as the expenses authorized by section 5703(b) of title 5, United States Code, for persons in the Government service employed intermittently.

Sec. 205. (a) The Commission may appoint and fix the compensation of such personnel as it deems advisable.

(b) The staff of the Commission may be appointed without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and may be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates.

Sec. 206. (a) The Commission may for the purpose of carrying out this title hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as the Commission may deem advisable. The Commission may administer oaths or affirmations to witnesses appearing before it.

(b) (1) The Commission shall have power to issue subpenas requiring the attendance and testimony of witnesses and the production of any evidence that relates to any matter which the Commission is empowered to investigate by section 202 of this title. Such attendance of witnesses and the production of such evidence may be required from any place within the United States.

(2) If a person issued a subpena under paragraph (1) refuses to obey such subpena or is guilty of contumacy, any court of the United States within the judicial district within which the hearing is conducted or within the judicial district within which

such person is found or resides or transacts business may (upon application by the Commission) order such person to appear before the Commission to produce evidence or to give testimony touching the matter under investigation. Any failure to obey such order of the court may be punished by such court as a contempt thereof.

(3) The subpenas of the Commission shall be served in the manner provided for subpenas issued by a District Court under the Federal Rules of Civil Procedure for the United States District Courts.

(4) All process of any court to which application may be made under this section may be served in the judicial district wherein the person required to be served resides or may be found.

SEC. 207. (a) The Commission may secure directly from any department or agency of the United States information necessary to enable it to carry out this title. Upon request of the Chairman of the Commission such department or agency shall furnish such information to the Commission.

(b) The Commission shall, in carrying out this title, utilize the existing test and other facilities of the departments, agencies and instrumentalities of the United States, to the fullest extent possible.

SEC. 208. Not later than two years after the date of enactment of this Act the Commission shall submit a report of the results of the investigation and study required by this title to each House of Congress, and to the President, together with its recommendations, including specific recommendations with respect to each matter referred to in paragraphs (1) through (6) of section 202 of this title.

SEC. 209. The Commission shall cease to exist 90 days after submitting its final report pursuant to section 208.

H.R. 9752—INTRODUCTION OF A BILL TO AMEND THE COUNTERVAILING DUTIES LAW TO MAKE IT APPLICABLE TO DUTY-FREE COMMODITIES AND TO CLARIFY ITS APPLICATION

(Mr. WAGGONNER asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. WAGGONNER. Mr. Speaker, I have today introduced for appropriate reference a bill to amend section 303 of the Tariff Act of 1930, known as the Countervailing Duties Law, to make this law applicable to commodities which enter this country duty-free as well as to those on which a duty is assessed. H.R. 17550, which the House approved in the 91st Congress, contained provisions identical to those of the bill I am introducing except in one minor respect. The main purpose of this bill, as of the predecessor measure, is to eliminate an unwarranted difference in the application of countervailing duties, between commodities on which a duty is levied at the time they enter this country and commodities on which no such duty is levied.

The bill adds four words to the form which passed the House last year. These words are designed to make it absolutely clear that the law is applicable to bounties, grants, or subsidies whether granted by governments or by one or more public or private persons, associations, partnerships, corporations, and the like. Prior to 1922, this law was applicable only to bounties, grants, and subsidies made by a sovereign government. In 1922, language was added to broaden the scope of the law to include such subsidies when granted by others. However, the law has since been applied in the courts in such a way as to suggest strongly that the law is not applicable to such subsidies unless they are granted by a government or subdivision thereof. The purpose of the added four words "or public or private" is to make it entirely clear that such subsidies are covered by whomever granted. Without these four words, it appears that the application of the law might be severely hampered in the case of foreign countries in which the line between business and government is too vague to be determined with precision.

NATION IS UNITED ON POW ISSUE

(Mr. HARVEY asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. HARVEY. Mr. Speaker, it has been 7 years and 109 days since the first American serviceman was captured by the Communist North Vietnamese. And, since that day, March 26, 1964, more than 1,500 other Americans have been added to the enemy's prison camps in Indochina.

The American people all are united in their desire to see these men released to return to their families and loved ones. America's concern transcends party lines, so-called generation gaps, and political philosophies. As a people, Americans are outraged at the inhumane treatment accorded our servicemen by their Communist captors. We want these men freed.

Our men were sent by their Government to fight a war under the most difficult circumstances—which most of them did not understand. It was their misfortune to fall into the hands of a ruthless, Godless enemy, that has held them incommunicado under the most trying of circumstances. Prisoner rights as provided by the Geneva Convention have been ignored by the Communists with little or no regard for basic human needs.

We share the concern and apprehension of their loved ones here at home, who know not whether they are dead or alive. And certainly, our hearts, as well as our admiration, go out to those being held captive. Our enemies must understand that when it comes to our POW's and MIA's, we Americans are united in our resolve to have them freed.

CHILDHOOD LEAD POISONING—TESTIMONY OF DR. BENJAMIN SIEGEL

(Mr. RYAN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. RYAN. Mr. Speaker, Dr. Benjamin Siegel today appeared before the Senate Appropriation's Subcommittee on Labor-HEW to testify in support of full funding for the Lead-Based Paint Poisoning Prevention Act—Public Law 91–695.

Dr. Siegel is particularly well qualified to testify in regard to childhood lead poisoning—an epidemic sweeping across our Nation afflicting hundreds of thousands of young children. Dr. Siegel is currently a resident pediatrician in the department of social medicine of the Montefiore Hospital and Albert Einstein College of Medicine in New York City. He spent the last 2 years as a medical officer in the Public Health Service. There he served as a member of the HEW Interdepartmental Committee on Childhood Lead Poisoning and was one of the advisers to the Surgeon General on his policy statement "Medical Aspects of Childhood Lead Poisoning."

While in the Public Health Service, Dr. Siegel was comedical director of the Anacostia Center for Medical Services, a free clinic serving low-income populations in the District of Columbia.

Dr. Siegel presented what I believe to be a particularly compelling case for the funding of the Lead-Based Paint Poisoning Prevention Act. And I commend his testimony to the attention of my colleagues:

STATEMENT OF BENJAMIN SIEGEL, M.D.

Mr. Chairman, I appreciate the opportunity to testify before your committee today concerning a serious health problem—childhood lead poisoning. I am currently a resident pediatrician in the Department of Social Medicine of the Montefiore Hospital and the Albert Einstein College of Medicine, New York. Just two weeks ago, I completed two years as a medical officer in the Commissioned Corps of the Public Health Service. There, I served on the HEW Interdepartmental Committee on Childhood Lead Poisoning, and was one of the advisors to the Surgeon General in the development of his policy statement entitled "Medical Aspects of Childhood Lead Poisoning" signed on October 12, 1970.

I do not wish to repeat the testimony of others. I am sure that you and members of your committee know how little children become poisoned by lead-based paint. Everyone knows that this disease is clearly preventable. We know how to detect children who have high blood lead levels before brain damage and death occur, and we have the medicine to treat those who have lead poisoning to prevent death. We also have the technology to prevent children from eating lead-based paint by repairing the interior of houses, and by rebuilding the inner city slums. The fundamental reason why next to nothing has been done, is that lead poisoning strikes the poor in the city ghettos whose political power is negligible.

My purpose today is to describe to you my activities within this Administration as a pediatrician dedicated to the preservation of life and the alleviation of suffering of this country's most precious resource—its children. I also want to share with you the feeling of frustration and the sense of impotence I had as I attempted diligently, but without success, to bring this medical problem to the attention of those in this Administration responsible for developing policy. I must state categorically that in spite of all the rhetoric on prevention of disease and health maintenance, this Administration has not been willing or even interested in providing the necessary resources to fight this obviously preventable disease.

The HEW Interdepartmental Committee on Childhood Lead Poisoning consisted of about 30 dedicated health workers representing all major agencies in HEW. We knew the problem and the steps necessary to achieve a solution. The committee completed work in two major areas. One was advice to the Surgeon General which culminated in the Policy Statement on the Medical Aspects of Childhood Lead Poisoning. The other was a series of documents which served as the basis for the Implementation Plan of Pl 91–695 of the Bureau of Community Environmental Management of HEW. This Bureau is prepared right now to administer the lead poisoning program as soon as funds are available.

On November 23, 1970, just one month after the Surgeon General's Statement was issued, Dr. John J. Hanlon, Deputy Administrator of the then Environmental Health Services of the Public Health Service testified in front of the Subcommittee on Health of the Senate Committee on Labor and Public Welfare. Many of us in HEW expected strong support from Dr. Hanlon for a vigorous implementation of a lead poisoning program. Before coming to HEW, Dr. Hanlon was Director of Community Health Services in the city of Philadelphia and was instrumental in establishing one of the first lead poisoning programs in the country. Of all the witnesses testifying before that Committee, Dr. Hanlon as spokesman for this Administration was the only one who testified against the lead poisoning bill. The reason for the objection was interesting. According to Dr. Hanlon, "The legislative authority to carry out adequate and broad based lead control programs is already in existence." He was referring to Section 314(e) of the Public Health Service act which has broad authority to deal with local, regional or national health programs. What was not brought out in testimony, however, was that section 314(e), whose budget in FY 1971 was $109 million, had no free money available to combat lead poisoning. In fact, the Administration request for 314(e) in FY 1972 was decreased to $105 million. It was clear to me, that this administration did not want to spend any money on lead poisoning programs. The bill was finally passed by Congress, in spite of Administration opposition, with an authorization of $30 million over a two-year period. On January 13, 1971, President Nixon signed the bill into law without comment. No mention was made of lead poisoning in the President's Health message to Congress one month later. The initial FY 1972 budget did not include funds for lead poisoning.

In March of this year, Secretary Richardson addressed the employees of the Health Services and Mental Health Administration where I worked. I asked him about plans for implementation of a lead poisoning program in 1971 now that the President had signed the bill into law. He stated that there would be $2.5 million available. That request never materialized.

After much work on the HEW lead poisoning committee and with all the frustration of writing papers and memos about the problem with no obvious results, I brought this issue to Health Employees for Change. This group, of which I was an active member, consists of about 100 physicians and other health workers within the Department of Health, Education and Welfare committed to improving the health of this country. After much discussion, the group decided that with respect to lead poisoning, it was no longer possible to work within the Administration and through normal channels.

On May 10, 1971, Health Employees for Change issued a public statement concerning childhood lead poisoning and criticizing this Administration for its unwillingness to act. I am submitting this statement for the record. It recounts the substance of my testimony today. I quote from the last paragraph, "We again repeat our deep concern at the present inactivity. What is called for is effective action now, and not simply discussion about the problem."

At the time of the Health Employees for Change Statement, both Representative Ryan and Senator Kennedy were vigorously supporting a strong and effective lead poisoning program. Congressman Ryan along with many of his colleagues sent a letter to Secretary Richardson expressing concern about Administration inactivity. It was the result of his action, and that of Senator Kennedy and many others, that the Administration has just recently decided to add $2 million to the 1972 budget. I need not remind this committee that the authorized level for the act is fifteen times that requested by the Administration.

Two million dollars is insufficient to even begin to solve this problem. HEW estimates that there are 400,000 children affected by lead poisoning each year. To identify these 400,000 children, at least 2,000,000 will have to be screened (about 20% of all children screened have elevated blood lead levels). At a cost of about $5 per blood test, at least $10,000,000 would have to be made available immediately. In addition, the law authorizes the appropriation of $15 million for repair of housing. Using a conservative effort of $600 per housing unit for wall board repair, the law, if fully implemented, could take care of 25,000 housing units. According to the Surgeon General's Statement, "All children who are diagnosed as having lead poisoning should be removed from the source of lead exposure at home, or in any other environment, until proper corrective action has been taken to eliminate the hazards." While $15 million is a small amount, it will certainly help. Finally, the law authorizes the appropriation of $5 million in much needed research in new methods for removing the lead based paint from surfaces of dwellings.

A final word about another aspect of the law is in order. As you know, Title IV requires no appropriation. It calls for the Secretary to take such steps and impose such conditions as may be necessary or appropriate to prohibit the use of lead-based paint in residential structures constructed or rehabilitated after the date of enactment of this Act by the Federal Government or with Federal assistance in any form. It has been six months since the date of enactment of this act, and there has been no implementation of Title IV and no coordination of the necessary federal agencies involved.

In closing, I can only say that if policy decisions on health issues were made on a medical basis, rather than for other reasons, we would not have children developing brain damage and dying from lead poisoning today. There are many health workers in HEW who share my view. They continue to remain frustrated. I left the Department of Health, Education, and Welfare a few weeks ago equally frustrated.

We don't need any more medical research. We know the cause of lead poisoning. We know how to screen children and treat them, and we know how to remove them from the dangerous environment. In his Health Message to Congress on February 18, 1971, President Nixon stated, "If more of our resources were invested in preventing sickness and accidents, fewer would have to be spent on costly cures. If we gave more attention to treating illness in its early stages, then we would be less troubled by acute disease. In short, we would build a true health system, not a sickness system alone."

This Administration, in spite of the rhetoric mentioned above, is unwilling to invest those necessary resources. It is now up to you to do so.

I therefore urge and recommend the full appropriation to implement this program to save the minds and lives of little children.

Thank you.

LEAD POISONING IN CHILDREN

In spite of the Administration's concern for prevention and health maintenance, there has been little support for action programs to deal with a clearly preventable disease that *kills* hundreds and leaves hundreds of thousands of children with some form of measurable brain damage each year: *Lead Poisoning.*

Health Employees for Change is deeply concerned at this inactivity. Lead Poisoning in a disease mostly of the Ghetto, affecting children from one to six years of age. Lead gets into the children's bones, blood stream, liver, kidney, and the brain. These children acquire lead poisoning by eating paint chips containing lead from the walls and windowsills of dilapidated houses built prior to 1940. It is estimated that some 400,000 children may be poisoned each year, and that some 12,000 to 16,000 children are treated and survive each year and some 200 children die each year. Based on one large study, of all children having lead poisoning, 39% go on to develop some measurable amount of brain damage. Of all children entering the hospital or clinic with acute lead poisoning about 10 to 15% of these children will have signs of symptoms of brain involvement: convulsions, and coma. Of those with neurological involvements, 82% will be left with permanent handicaps. 54% will have recurrent convulsions, 38% will have mental retardation, 13% will have optic atrophy (hence loss of vision), Perlstein MA, Attala R., *Neurologic Sequellae of Plumbism in Children,* Clinical Pediatrics 5:292, 1966.

In November 1970, the Surgeon General issued a policy statement on the medical aspects of lead poisoning in children. At that time the Administration's position in front of the Senate Health Sub-Committee was to oppose S. 3216 which would have authorized the appropriation of funds for screening and treatment of children with lead poisoning as well as for encouraging communities to develop local programs to eliminate the hazards of lead based paint poisoning. Opposition was based upon a desire to stop the development of still another categorical program, and because there was enough authorization under Section 314(e) of the Public Health Service Act. While the above are both true, it was brought out in testimony that the Administration, under the current authorized programs, has no intention to develop a comprehensive program for lead poisoning in children. While it is true that there is sufficient authorization under Section 314(e), there are no free funds available. In addition, there were 27 requests totalling over $39 million dollars submitted to HEW to support comprehensive childhood lead poisoning programs.

In spite of the Administration's opposition, the lead poisoning bill was passed by Congress and signed without comment by the President, against the recommendations of HEW. Since the signing of the bill, nothing has happened. The President did not mention lead poisoning in his health message, nor was a request presented in the 1972 budget. For those who look to 314(e) for support, the 1972 request was decreased from $109 million to $105 million and will have to absorb a 16 million dollar obligation from OEO in the $105 million request. It is highly unlikely that a lead poisoning program under the current authorized programs can be developed. We therefore, urge Congress to appropriate the necessary funds under the Lead Based Paint Poisoning Prevention Act.

We again repeat our deep concern at the present inactivity. What is called for is effective action now and not simply discussion about the problem.

IN SUPPORT OF TITLE V SPECIAL PROJECTS

(Mrs. MINK asked and was given permission to extend her remarks at this point in the Record and to include extraneous matter.)

Mrs. MINK. Mr. Speaker, I rise today to advocate the continuation of those special project grants which were originally established in 1965 by title V of the Social Security Act. These grants established maternity and infant care, intensive infant care, family planning, children and youth, and dental care projects in areas with concentrations of low income families. Unless amended, under the current provisions of title V these projects would lose direct Federal funding on June 30, 1972.

Until June 30, 1972, the law directs that the annual title V appropriation be apportioned in the following manner: 50 percent for formula grants to State maternal and child health and crippled children's services, 40 percent for the project grants, and 10 percent for research and personnel training. After June 30, 1972, the appropriation distribution will change to 90 percent for formula grants to State services and 10 percent for research. No specific allotment will be provided for special projects.

The original intent of title V with regard to special project grants was that after June 30, 1972, they would be funded by the States with indirect Federal assistance being provided through formula grants. However, the current political and financial climate in many States means that their continuation at current levels is very much in doubt.

This continuation is aggravated by the fact that due to another statutory provision of title V, effective July 1, 1972, each State must have established one of each type of project. The available share for most existing projects will be reduced as a result. This is especially true in those States with more than one particular project or in the case of Hawaii with one relatively large one. In effect, Hawaii is being penalized for having established successful projects; projects which have had a noticeable impact on the health care and habits of the people they serve.

Hawaii's children and youth project is combined with an infant and maternity care project in serving the rural district of Waimanalo which is located at the southern tip of the long northeast shore of the island of Oahu. Prior to the establishment of these programs there were no medical or dental services in the area. Residents either had to drive a considerable distance to secure these services or do without them. This state of affairs meant that not only was most medical consultation delayed until the crisis stage but that any required treatment had to be given by unfamiliar personnel in strange surroundings.

The children and youth project currently reaches slightly under 2,000 of the 3,500 children under 16 in the area and eventually hopes to enroll 2,500 of them. It seeks to reduce the risk of illness or injury to these children and to alleviate any preexisting disabilities. It aims to promote the habit of preventive care and to continually increase the resident's usage of its available services. It also provides family education in health practices, child rearing, and information on the extent and availability of medical and dental resources. The most important facet of this program is its emphasis on total health care, on providing a wide range of medical services which are centrally located and readily accessible to each other.

This program has required time to develop to its current level of effectiveness. This is natural, given the initial unfamiliarity characteristic of an experimental project of this sort. On the one hand, there was a shortage of trained personnel familiar with the area and the kinds of health problems encountered, while on the other hand, resident awareness, acceptance, and utilization of the services provided was naturally hesitant at its inception. The gradual accumulation of experience on the part of both patient and adviser represents an irreplaceable asset beyond quantitative measurements. If this program were discontinued or forced to cut back its services, not only would the residents of Waimanalo again suffer from inferior health services but the maternity-family planning-child care team which has been developed would have to be dispersed. At a time when even affluent areas are affected by the shortage of trained personnel, such an event strikes me as intolerable. The people of Waimanalo need these health services which they have been provided since the beginning of this excellent program.

If anything, this program needs to be expanded not only in Waimanalo but to those other areas of the State lacking adequate medical care. Certain of these areas have already requested similar programs; however, up to now funds have not been available for their inception. If the current law remains in effect, after June 30, 1972, funds will certainly not be available.

We have made a commitment to insure comprehensive health care to people in low-income areas. To curb these projects now that the most difficult early days are past and at a time when they are just beginning to make inroads into the health problems of the areas they serve would be a great mistake.

I am, therefore, introducing legislation today which would extend these special project grants for a period of 5 years. In addition I am proposing a $150,000,000 increase in the total title V authorization so that funds will be available for both new projects and the expansion of existing ones. My bill leaves unchanged the proportion of title V funds allotted to special project grants.

Again, let me emphasize the fact that these projects are proven entities. Their record of success is unimpeachable testimony in favor of their continuation. I call on all of my colleagues to join me in affirming this record of past excellence by voting to insure its even more promising future.

CHAPTER XI—CHILDREN AND YOUTH AND MATERNAL AND INFANT CARE PROGRAMS

(Mr. KOCH asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. KOCH. Mr. Speaker, this is the 11th in a series of articles on children and youth and maternal and infant care programs. Support for H.R. 7657 as amended is increasing. The bill which would extend for an additional 5 years the children and youth and maternal and infant care programs which are now slated for oblivion as of June 30, 1972 has at this time 82 cosponsors in the House and 16 in the Senate.

There are at present 59 regional children and youth programs with additional satellites and 56 maternal and infant care programs in existence delivering comprehensive health care to almost half a million children and youth of lower socioeconomic levels in central cities and rural areas. These projects represent one of the major reservoirs of experience in comprehensive health care today, especially to the poor children of the country.

I have received from the directors of these programs descriptions of the programs in their community and what it would mean if their particular program were terminated. To give our colleagues an insight into these programs, I am placing in the RECORD descriptions of six children and youth programs.

The material follows:

CHILDREN AND YOUTH PROJECT NO. 615—AUGUSTA, GA.

THE IMPACT THE CLINIC HAS HAD ON THE COMMUNITY

(By Margaret Armstrong, Tenant Council)

About five years ago a doctor by the name of John Bowen came to our community and to large gatherings about a clinic that would give free medical care to children from ages 0 to 18 years old.

Just think what that meant to us, since most of families in the targets area (which are Allen Homes, Gilbert Manor, Sunset Homes) are on welfare and those of us who are not, make just enough money to supply most of the basic needs (such as food, clothes, shelter). This meant that our children, what they normally would not have; would get the proper health care that they need. For, you see our children would only see a doctor only when it becomes very ill. And most certainly over two-thirds would have never seen an eye doctor or dentist not to think of a dermatologist or psychiatrist, etc.

After the clinic had been in existence for quite sometime you could tell how much it was needed. There were less absentees in school, fewer babies deaths, fewer common disease, like mumps, chicken pox, measles, whooping cough and many other little diseases normally exist in low income families.

A few years later, a lady doctor by the name of Dr. Nancy Thornton took over the directorship of the clinic. The clinic took on a new face. She changed it into a Children and Youth along with added departments. She felt that in order to really reach the problems in the community the clinic had to know what the community needed, expected of it and then in return what the clinic expected of the community.

The Comprehensive Approach was started. Here we were given the nursing, social, dental, nutritional, as well as the medical services. A community Advisory Board was set up. This, too, brought the community and the clinic closer in communication.

With this approach the clinic took on face and meaning. The community knew then that we had some place we could go to with our problems. For instance, if our children need glasses, the glasses are given; their teeth filled, cleaned or replaced, it is done; medicine, it is given, most certainly the preventive method has given us better children mentally, physically, and morally.

This clinic has given this community better look on life. We have become more aware what we need to do to make ourselves better people, better providers and better citizens now and tomorrow. We have become more involved in the total community. We have learned that you must give something in order to receive something in life. The community has learned that life has two sides; the good or bad. Many homes and marriages have been saved through clinic. There are better relationships with schools, teachers, poverty organizations. We are learning it is us who will change the destiny of the community through clinic.

So, we strongly urge Congress to; please, find it in your heart to give these their grants and give more grants for more clinics throughout the nation. Please, think and pray hard before voting on the grants for the clinics all over America.

For healthy people (I mean total healthy in mind, body, spirit) makes happy people and these are the kind of people that work at making America a better country in which to live. The land of the Brave and the Free.

CHILDREN AND YOUTH PROJECT NO. 642—KIRKSVILLE, MO.

This children and youth project has as its grantee the Kirksville College of Osteopathy and Surgery and its Kirksville Osteopathic Hospital.

The project cares for the health needs of 5,913 infants and children residing in Adair County in rural Northeast Missouri. The area covered is 574 square miles.

Of these 5,913 children, we now are caring for 1,010 who are from families with incomes less than the established poverty figure. This means we provide them with complete care including all hospital and outpatient expenses.

The comprehensive appraisal of health, dental, social, nutrition, psychological, hearing and speech is given to all those who enter and the total care that is needed, after the appraisal is given to the 1,010 at the present time.

Without this C & Y Project, the health of these children would be in serious jeopardy. For four years their care has been ours. Without us there would be no way for these children to continue to have the comprehensive health care that they have had and that they are entitled to receive.

The hospital bills for these children this past year totaled in excess of $44,000 and the out-patient bills for the same period totaled in excess of $40,000. The grantee institution hospital has no state aid to support their care and without the Children and Youth Project's support, the nearest state supported hospital caring for these indigent patients is 100 miles away. In most cases, there would be no transportation available for them to get to a hospital as far away as Philadelphia is from New York City. These infants and children would in all probability suffer serious morbidity problems if not mortality without the Children and Youth Project's support. This was their experience previous to the inception of our program here in Adair County.

CHILDREN AND YOUTH PROJECT NO. 060-D—BALTIMORE, MD.

Baltimore City Hospitals is part of four projects subcontracted by the Baltimore City Health Department (Grantee Agency) to four local teaching hospitals. It opened its doors to the community on the first of July 1967 and it has been since that time in vigorous, ever-increasing operation. It is located within the physical plant of Baltimore City Hospitals in the Pediatric Out-Patient area, but has had a totally autonomous although cooperative, operation with said department. The target area is a 900 unit Federal housing project, which is in a rather dilapidated condition, totally isolated from the rest of the community by lack of transportation and other geographic and social barriers. As it is outside of the so-called Model Cities area, it is ineligible for every Federal health program with the exception of food stamps.

The Comprehensive Children and Youth Clinic, Project 606-D has, since its inception vigorously promoted the coordination of many splintered community efforts and helped to coordinate community services of multiple community agencies who were only nominally involved in O'Donnell Heights, thus multiplying its own effectiveness. The Project has a special team in the local elementary school with a child psychiatrist, social workers and pediatrician, working with children with severe behavior and emotional problems and those who have multiple handicaps.

The results have been more than gratifying by the principal's records. Average reading recovery rate in this group of children used to be nine months per academic year, while in the two years that our Project had been involved in this program the reading recovery shot up to an average of 23 months! The in-patient hospitalization rate for our high risk group, which in previous years, before the Project's inception, used to be a heavy contributor to our in-patient pediatric service has dropped by 58% during the past year and the dental pathology in our target schools has dropped by 39% from previous years. The acceptance of the Project by the community has been excellent with over 95% penetration rate, of which more than 75% are in health supervision, even in spite of the heavy turnover rate of the population. In O'Donnell Heights at present we have 1,875 children between 0 and 19 years of age in health assessment.

We provide the medical supervision for a Day Care Center, Head Start Programs and a PACT Nursery. The Department of Social Services has a teen talk lounge that is headed by our social work supervisor and several of the workers, with many volunteers from the surrounding community colleges. Attendance at the lounges has ranged from 30 to 100 teenagers for the past nine months.

By special arrangement, our Project also provides the supervision for the delivery of a centrally coordinated comprehensive health service to 6.500 foster children of the City of Baltimore. This program is totally unique in the nation, providing health care along the C&Y lines to this large high risk population. There is very close liaison with the Department of Social Services of the City of Baltimore, with a liaison supervisor and worker operating out of our office.

Project 606-D has also pioneered with the hospital, several techniques, such as the exit interview by the nurse and the team concept, which are slowly being accepted by the rest of the hospital. It has radically changed the attitude of the community toward the hospital and has spurred the hospital to initiate vigorous activities toward the establishment of an HMO for the adult population inclusive.

In summary, Project 606-D has initiated a new era in health care and community consciousness in Baltimore City Hospitals, and also has increased the level of health in our target population and has showed tangible results by reducing in-patient hospitalization and emergency room utilization and has demonstrated a decrease in dental pathology and great improvement in learning problems in a selected group of children in our target schools. The loss of this project to the community would mean the loss of the only effective health resource, which at the same time is acting as a catalyst between itself and several community agencies, who were until then, only very nominally involved in O'Donnell Heights. Four years of conscientious effort of not only episodic care, but true health maintenance and preventive services would go down the drain.

CHILDREN AND YOUTH NO. 605—NEW YORK, N.Y.

The children who come to Bellevue Hospital live in lower Manhattan. They are poor, and most of them are living in a foreign culture, whose language they cannot speak. The majority are Puerto Rican, and Spanish-speaking, but there are also substantial minorities who speak Chinese, Italian, and near-Eastern languages.

The New York University Department of Pediatrics is responsible for the medical services given to the children at Bellevue Hospital. Prior to 1965, when the Department received a grant for comprehensive care of children and youth, the out-patient services were highly fragmented and disorganized. There were episodic medical care for single illnesses, highly organ-specific specialty clinics, and an emergency room which provided crisis intervention, but nothing more. Making use of the clinic required a degree of tenacity that even the most competent parents frequently lacked. Due to understaffing, lack of supervision and lack of medical records, there was a waiting period of from two to six hours. Moreover, the poor coordination clinics, laboratories and X-ray departments required parents to make numerous hospital visits in order to obtain a single consultation.

The NYU-Bellevue group used the Title V grant to provide high quality comprehensive health care for all the children coming to the hospital, thereby avoiding the creation of a small demonstration group in a specific target area.

A core of professionals was recruited, including pediatricians, other medical specialists, and non-physician specialists in such fields as nursing, nutrition, social services and child psychology. Their services were concentrated in a single area, enabling patients to receive health services within the confines of one place and one period of time. A group of non-professionals—community health assistants, clerks and interpreters, most of them Spanish speaking—assisted in bringing the patients and the professionals together. They also ensured that the patients were available for such routine health screening procedures as lead poisoning tests, audiology and vision screening, and observation (in the playroom) for potential learning disorders.

But to bring comprehensive health care to so large and mobile a population necessitates having up-to-date medical records, available at very short notice and at any one of a number of different sites. This problem was solved by the development of a unique, computer-based Health Information System. This system now provides instant "on-line" information about any patient, at any time, and at any clinic servicing the Project. In addition, it provides the patient with a convenient follow-up appointment, and even prints a recall note if he doesn't keep it. Finally, analysis of the data stored in the computer can be used for detailed and objective evaluation of the performance of the Project as well as for more basic studies in the field of health services.

There are many ways of measuring the success of this Project. The health status of the patients has been demonstrably improved. The staff has been educated. Every worker—professional, para-professional and non-professional—has been trained beyond his original ability and has had his skills upgraded. The high morale and expertise of the Project staff have, in turn, infected the medical students and influenced their choice of careers: an unprecedented number of them (24% of the 1971 class) will be pediatric interns next year.

But most important of all is the fact that thousands of families have been provided, for the first time, with excellent all-around health care, and they have learned to take advantage of it. It would be tragic indeed if so valuable a resource were to founder for lack of funds.

The Children and Youth Project No. 656—Louisville, Ky.

The establishment of C & Y Project #656 at the University of Louisville School of Medicine, Department of Pediatrics in 1968 was in recognition of the special problems and needs of "high risk" infants and children. During three years of operation the project has been enlarged to procure key personnel, facilities, and equipment, and has functioned as a team which coordinates all health activities available in this geographic area toward the particular health needs of a given patient and provides continuing care. "High risk" infants born at the Louisville General Hospital from Jefferson County, Kentucky and those children under eight years of age who reside in the Jackson area tracts 57, 59 and 60 of Jefferson County are registrants in the project.

Over the past three years the project has continued to witness an infant mortality of 40 to 50% less than recorded in prior years. The center is recognized as one of the world's best. There has been a decrease in readmission of high risk infants and deaths within the first year of life. An early time for correction and diagnosis of congenital defects has been demonstrated. In the area of nutrition, statistically significant decreases in anemia have been observed. Improved data on human growth and development for such a high risk population is being obtained. The recognition of the increased medical and social problems of teenage pregnancies has been documented and is under investigation. The identification of specific problems related to the population group, such as iron deficiency, lead, congenital defects, immunizations, etc. now calls for correction and prevention.

The increased interest of the population served in their own health problems and their return visits and participation is evident. The availability of planned continued care has been rewarding to many families who have been involved only periodically in the past. The impact upon curriculum of doctors, dentists, nurses, social workers, and psychologists who come to the center and the continuing educational programs are receiving much attention. There is constant stimulation for the core team to work together. The desire for group and for self evaluation to increase efficiency, the opportunity for cost analysis, the utilization of the whole project as an instrument for change in health care and how to determine priorities for a high risk population is being learned. The scope of this project is providing opportunities for the whole community to learn how personnel with varying backgrounds can work to contribute to comprehensive health care for a segment of the population born at the highest medical risk and from the highest risk environmentally. The goal of the center to register and provide care will only be dampened by decreased funding or failure of funding will take away the care of over 500 "high risk" infants per year and the needs during the preschool period of over 2,500 children will not be met. The desire to care for patients and to train as many disciplines as possible in all aspects of comprehensive health care to meet the health needs and health manpower needs, so much in the public eye at the moment, is certainly on-going. We would hope that the demonstrations of past years would allow the continuance and expansion of such programs as C & Y in the development of health facilities and services for all Americans such as we and others have provided to a restricted population with the greatest medical and economic needs.

Children and Youth Project No. 643, Omaha, Nebr.

C & Y Project No. 643 has been in operation at the University of Nebraska Department of Pediatrics since April of 1967. During this time we have delivered continuous and on-going care to approximately 8,000 children from economically disadvantaged North Omaha and portions of South Omaha. As of recent months we have agreed to merge with Project No. 644, the other Omaha project, so that we may deliver health care hopefully to more people for the same amount of money.

The entire North Omaha area is desperately in need of this form of continued medical care. Funding for patient care has not been adequate in the C & Y Program but through various agencies including the state supported University Hospital we have been able to continue providing both in-patient and out-patient care even when grant funds have expired.

I believe that the C & Y Program in Omaha has at least been a start toward delivering dignified care to people who otherwise could not afford it. At the University of Nebraska patients are seen intermingled with paying patients and private patients, so that there is no distinction separating paying from non-paying patients.

Our project has continued to under go change so that we now offer an evening clinic 5 nights weekly, we operate a rather complete satellite clinic in southern Omaha, and are involved in the planning of a health center in North Omaha. It is the feeling of my staff that should C & Y Projects be discontinued the medical effect on this large segment (some 40,000 people) would be disastrous. Lack of availability of medical care can only lead to unrest among the population and ultimately more serious consequences.

We have appreciated the support of the Federal Government in our attempt to provide care for this large segment of Omaha's population. Our C & Y staff of some 25 professionals in all of the various medical disciplines have an intense dedication toward providing excellent medical care to all people irrespective of their ability to pay. We believe that we shall not be able to continue to do this unless we are adequately supported federally in the years to come.

MARION McVITTY: WORLD FEDERALIST AND AUTHOR OF "PREFACE TO DISARMAMENT"

(Mr. KOCH asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. KOCH. Mr. Speaker, I would like to bring to the attention of my colleagues the death of Mrs. Marion McVitty, a friend and constituent.

Mrs. McVitty was known primarily as an official U.N. observer for the World Federalists, an organization in which she had been deeply interested since the 1940's. She was a fervent advocate of preserving peace through a world organization based on enforceable world law. She was the editor of the Independent Observer, an analytical newsletter of events at the United Nations. One of her main concerns was disarmament, a subject on which she wrote many articles and testified before congressional hearings here in Washington. Her book, "Preface to Disarmament," was published in 1969.

I know that the United Nations and all peace-loving people will feel the loss of this dedicated woman.

THE PUBLIC'S RIGHT TO KNOW

(Mr. CARTER asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. CARTER. Mr. Speaker, the public's right to know has become an increasingly popular rationale for exposing all types of actions in every sector of our Nation. The public has a right to know what the Government is doing abroad as well as here at home. The public has a right to know how the products it purchases are manufactured. Yet one of the greatest advocates of the public's need to know—television—now disallows any inquiry into the deceptive practices perpetrated upon those whose perception it is molding.

Clearly, in creating what has been called a news documentary—"The Selling of the Pentagon"—Columbia Broadcasting System—CBS—has deliberately misconstrued and misrepresented the information it received in order to present its own view of the public information activities carried out by the Department of Defense. Through clever electronic manipulation the words of speakers were rearranged to make an individual appear to answer questions in a different way than he did in fact answer them, and another individual appear to be delivering a statement he did not in fact deliver.

By acting in this manner, the procedures of "The Selling of the Pentagon" have practiced what can only be termed fraud and deceit. The dictionary defines both of these terms as an attempt to deceive, a practice designed to misrepresent. In its actions CBS has violated a relationship of trust and confidence.

This is not the first instance in which CBS has violated the trust placed in it by its viewers. The history of its deceptive practices includes the quiz shows of the late 1950's, a staged pot party presented to the public as an actual event, staged interviews and scenes relating to an invasion of Haiti, culminating with "The Selling of the Pentagon."

In an effort to redeem itself, CBS issued, on June 29 of this year, a set of regulations which it said had been in effect for some time. The basic guideline for these regulations, it claimed, was issued in 1959:

> (T) here shall be *no* re-creation, *no* staging, *no* production technique which would give the viewer the impression of any fact other than the actual fact, no matter how minor or seemingly inconsequential.

The memorandum goes on to state that there are certain operating standards which apply to "all CBS produced news and public affairs broadcasts." In filming a news event—such as "The Selling of the Pentagon," one might suppose—staging of news events or stories is strictly forbidden:

> Specifically, nothing should be done that creates an erroneous impression of time, place, event, person or fact.

It seems clear that if these regulations had been in effect at the time of the production of "The Selling of the Pentagon," our discussion here today would be unnecessary and unwarranted. There would be no need for an investigation into the manner in which "The Selling of the Pentagon" was produced.

The main thrust of the arguments presented by those who oppose any congressional action against CBS is that the freedoms would be violated. CBS has attempted to show that since there is no difference between the printed media and the broadcast media, first amendment freedom of the press is applicable to both. In attempting to establish the identity between these two types of media, CBS and its supporters have quoted from a recent Supreme Court decision, Rosenbloom against Metromedia. But they have failed to present the entire opinion of the Court, which states that—

> Calculated falsehood, of course, falls outside the "fruitful exercise of the right of free speech."

In an earlier decision, the Supreme Court also placed limitations on the practice of deceit:

> (T)he knowing false statement and the false statement made with reckless disregard of the truth, do not enjoy constitutional protection.

I submit that the relationship between newspapers and radio and television had little bearing on the first amendment freedoms of CBS. By falsifying the facts and by deceiving the public, this broadcaster has relinquished its right to the protection afforded the press by our Constitution.

What is more, the producers of this television show are seemingly oblivious to the constitutional rights of those interviewed. By manipulating the words they said, and by changing the tone of their statements, CBS has denied them the right to express their own views; it has denied them the right of free speech.

Another argument advanced by one of CBS' supporters is that the purpose of television is "to provide the same essential, sometimes painful, function of keeping the public involved in and aware of the workings of its society." In his statement before the House Interstate and Foreign Commerce Committee, Mr. Frank Stanton stated that—

> One of the most indispensable elements of responsible democratic government (is) the right to report freely on the conduct of those in authority.

I have never disputed the fact that the people have a right to be informed about the workings of their government. And I do not now intend to dispute this fact. However, there seems to be no reason to falsify the facts in any attempt to report on the negative aspects of our Government's operation. Surely, enough can be said about governmental errors or wrongdoing without relying upon fabricated statements and events. It seems obvious that if CBS had strictly guarded the truth, there would be no need to question its activities.

If indeed the people have a right to be informed of the activities of those who hold the public trust, and I believe they should be so informed, then this must not only apply to their representatives in government, but also to the molders of the public perception.

It has been shown in many instances that the public views that which it sees on television broadcasts as true. It rightfully assumes that when a person is seen on television his statement or action has been accurately portrayed. For example, during the 1964 election campaign, one of my constituents stated that she had seen on television one of the presidential candidates tearing up a social security check. In fact what she saw were an unidentified man's hands tearing up a check. Through clever electronic manipulation, it was made to seem as if that candidate was opposed to social security. The woman was sure that it was so, because she had seen it on television with her own eyes.

The public, then, has placed its trust in that which it views on television. The broadcasters are trustees for the people. They are given a valuable asset in exchange for the promise that they will operate in the public interest. It would seem evident that by deceiving its viewers, this broadcaster has betrayed that trust. There is a serious question here of accountability concerning the truth of the statements presented. Broadcasters must be accountable to those for whom it is a trustee, that is, the public—or its representatives. However, CBS has argued that it is not accountable to Congress—the people's representatives. It then becomes a trustee in name only, since it is accountable to no one.

CBS has placed itself above both the people and the people's representatives. If we allow the precedent to be made that the media is not responsible to either, then the people will believe nothing of what they hear and only half of what they see.

Those who hold the public trust and mold the public perception have an obligation to present facts and events as they occur. Perhaps a more diverse and decentralized broadcast industry would insure that the public is receiving the facts. I support freedom of the press and believe that it is part of what has made our country great. But I do not believe this freedom includes license to practice deceit.

WOMEN'S POLITICAL POWER

(Mrs. ABZUG asked and was given permission to extend her remarks at this point in the RECORD and to include extraneous matter.)

Mrs. ABZUG. Mr. Speaker, a new political force was born at an extraordinary meeting which was held over the past weekend in the Nation's Capital. More than 300 women from 26 States assembled to organize a national women's political caucus. Its goal, as the conference call said, was "to start moving womanpower out of the talking stage and into practical politics."

The conference set as one of its goals representation of women in all levels of government, in both elective and appointive office, in numbers proportionate to our percentage in the population.

Women are 53 percent of the American people. They turn out at the polls in larger numbers than men. They do most of the drudge work in politics. But of the 435 Members in the House, only 12 are women. Out of 100 Senators, one is a woman. There are no women Governors, few big city women mayors, only a scattering of women in State and city government, none on the U.S. Supreme Court.

The women at the conference decided that 1972 is the year to start changing that. Certain specific steps were taken. National headquarters are being set up in Washington. A national coordinating council of 21 women, to be enlarged to 25, was elected to serve until a more permanent structure is worked out at a larger conference early next year. The national council will be supplemented by an assembly of representatives from each State and territory where local caucuses are in the process of being organized.

The prime aim of the caucus is to see that women assume their rightful place as decisionmakers and leaders in American political life and to speak out for life-enhancing priorities. The women also agreed that they are prepared to support men candidates who declare themselves ready to fight for these priorities and for the needs and rights of women and all underrepresented groups.

Those elected to the national council include: Fannie Lou Hamer, candidate for Mississippi State Senate; Congresswoman BELLA ABZUG; Shana Alexander, editor in chief, McCall's magazine; Virginia Allen, chairwoman, President Nixon's Task Force on Women's Rights and Responsibilities; Nikki Beare, president, Dade County, Fla., National Organization for Women; Joan Cashin, National Democratic Party of Alabama; Congresswoman SHIRLEY CHISHOLM; Mary Clarke, California Women Strike for Peace; Myrlie Evers, California civil rights leader; Betty Friedan, author; JoAnne Gardner, Republican nominee for the Pittsburgh City Council; Elinor Guggenheimer, chairwoman, New York City Democratic Advisory Council; LaDonna Harris, Indian rights leader; Wilma Scott Heide, chairwoman, board of directors, National Organization for Women; Dorothy Height, president, National Council of Negro Women; Olga Madar, vice president, United Auto Workers; Vivian Carter Mason, second national president, National Council of Negro Women; Midge Miller, Wisconsin State representative; and Beulah Sanders, vice president, National Welfare Rights Organization.

At this point, I am inserting in the RECORD various articles reporting the activities of the caucus organizing meeting as well as the text of my opening remarks to the conference:

SPEECH BY CONGRESSWOMAN BELLA S. ABZUG TO NATIONAL WOMEN'S POLITICAL CAUCUS, STATLER HILTON HOTEL, JULY 10, 1971

I am glad to see you here today. And we are gathered to take the necessary organizational steps to make sure that many of you will be in Washington permanently—not as visitors, not just as lobbyists, not as underlings in the outer offices of power, but as full citizens with a full and equal share of political power.

We are here to serve notice that, as we approach the 200th anniversary of our Nation, we will no longer take second place or last place to anyone. We are going to demand and win equal status in politics, equal pay and recognition in our work, full equality in our civil rights and in every aspect of our lives.

And we are going to build a practical, realistic political movement with the strength of millions of women behind it to win our objectives. Of course, we're going to have opponents, many of them very important men.

Just last week Manny Celler, who is 80 years old, a very sweet man, and the head of the House Judiciary Committee, repeated at a committee session his favorite saying that "you can't change nature," that women are different. And besides, he said, women weren't even at the last supper. When I heard about that, I told him, "maybe we weren't at the last supper, but we're certainly going to be at the next one."

Though we may disagree on organizational and tactical problems, those of us meeting here today are agreed on one point: Women should be fully represented in the political power structure, in all branches of Government, at all levels—and they should be represented as a matter of right, *as a matter of simple justice.*

We know the facts. Women are a majority of the population. Yet throughout our history and now, 50 years after the suffrage victory, they are still almost invisible in Government, in elected posts, in high administrative decision-making positions, in the judiciary.

Just as Lincoln asked whether a nation could endure half slave and half free, we must ask whether our nation can endure with its population only half represented in government. And, at that, half is an exaggeration.

The truth is that although women are the largest group to be shut out of political power, they are not the only ones. A newspaper columnist (Clayton Fritchey) pointed out the other day that the U.S. House of Representatives has the distinction of being the most unrepresentative body in the west—and the Senate is not much better.

Both Houses are dominated by a male, white, middle aged, middle and upper class power elite that stand with their backs turned to the needs and demands of our people for realistic change to create a society with humane and healthy values.

A recent survey showed that large numbers of Americans believe our country is headed for a breakdown. They see enormous problems in our society, and only the most limp and ineffectual efforts by the Congress and administration to deal with them. And they are deeply troubled.

Women look at a nation run by a male executive branch, a male Congress, a male Pentagon, and male corporations and banks, and they rightly ask:

Would we, if we shared equally with men the authority of government, would we condone the spending of more than a trillion dollars in the past 25 years for killing and useless missiles when our cities are dying of neglect—when families go homeless and hungry—when our young people are becoming more and more alienated from a society they regard as without soul or purpose?

I think not.

Sometimes as I go through the rigorous and often very frustrating process of representing a half million from my district, a district with incredible problems of simple survival, I wonder about the kind of America we could create if we had a truly representative Congress.

Suppose that instead of just 11 of us women in the House, there were more than 200; instead of just one in the Senate, there were 50. And suppose that instead of only 12 blacks, there were five times as many, and that spokesmen and spokeswomen for the Chicanos and American Indians and other minority Americans were there too.

And suppose that instead of having just middle aged and old men on Capitol Hill, more than half of our Representatives were under age 35, as is true of our population as a whole. And instead of mostly businessmen and lawyers, we had Representatives of working people, trade unionists and educators, migrant farmworkers and health specialists and social workers, artists, city planners, scientists and Vietnam veterans—Americans whose lives and experiences have been molded in the real, total America, in our tormented, polluted, overpopulated, scared, violent, divided but still promising and magnificent land.

I believe that such a Congress would be better equipped to meet the problems of our society than is our present House of semi-Representatives and our semi-Senate.

I believe that such a Congress would not tolerate the countless laws on the books that discriminate against women in all phases of their lives. But more than that. Does anyone think that with that kind of representation we would have reached the twilight of the 20th century without a national health care system for all Americans?

Would a Congress with adequate representation of women and other groups allow this country to rank 14th in infant mortality among the developed nations of the world?

Would they allow a situation in which millions of kids grow up without decent care because their mothers have to work for a living and have no place to leave them—or else that condemns women to stay at home when they want to work because there are no child care facilities?

Would they vote for ABM's instead of schools, MIRV's instead of decent housing or health centers? And does anyone think they would have allowed the war in Vietnam to go on for so many years, slaughtering and maiming our young men and the people of Indochina?

You may wonder why I talk about all these issues when we have met here to plan how to get more women into elected and appointive political office.

I do so to remind you that *women* political leaders must also represent the diversity of America, and that it is certainly not my purpose to replace or supplement a white, male, middle class elite with a white, *female,* middle class elite.

I believe very deeply that the hope of an effective women's political movement lies in reaching out to include those who have been doubly and triply disfranchised—reaching out to working women, to young women, to black women, to women on welfare—and joining their strength together with millions of other American women who are on the move all over this country demanding an end to discrimination and fighting for their rights as full and equal citizens.

I am not elevating women to sainthood, nor am I suggesting that all women share the same views, or that all women are good and all men are bad. Women have screamed for war. Women, like men, have stoned black children going to integrated schools. Women have been and are prejudiced, narrow-minded, reactionary, even violent. *Some* women.

They, of course, have a right to vote and a right to run for office. I will defend that right, but I will not support or vote for them.

But, realistically, I do not think that we as a national women's political movement will be forced to make such unhappy choices. It is my belief—reinforced by my personal experiences in meeting and talking with women all over this country—that there is a strong community of interest among huge numbers of American women, a strong commitment to changing the direction of our society.

Women are in the forefront of the peace movement, the civil rights and equal rights movement, the environment and consumer movements, the child care movement, the movement to reclaim our cities and communities for human beings.

In towns and cities all across the United States there are thousands of young, middle aged and elderly women with a deep sense of social responsibility—white, black from all ethnic and social groups—who would make splendid candidates and outstanding political leaders. Some are right here in this room.

We have to put our organizing ability and energy to work to thrust women into political power at *all* levels of government. Some of you may want to start out by running for city council or the school board or the state legislature. Others may be ready to go for higher positions.

Undoubtedly, some of you will run for the experience of being in a political contest—and that can be very valuable. But I would urge you wherever possible to choose your candidates carefully. The whole nation will be watching us. We want to set goals—to double or triple our numbers in Congress next year—and we want to be able to win.

In most cases, you are going to have to fight the entrenched male political bureaucracies. You may have to be pushy. No one is going to hand you a nomination just because you happen to be the most highly qualified.

You will have to build mass support in your communities, among men as well as women, and you can get it. It is my experience that if you talk sense about the issues and demonstrate creativity, activism and courage, people will respond. They are eager for constructive leadership, because our country is in trouble, and they know it.

I believe that this movement which we are starting here today can be of tremendous importance in the lives of all Americans, as significant as that first little convention for suffrage in Seneca Falls more than a hundred years ago.

But we are not going to take a hundred years for the changes we seek. We can't afford to wait that long. Our society can't wait.

You can expect in the next few weeks after this meeting to see a flurry of statements from politicians about their good intentions on women's rights. Maybe even a few women will get jobs or be appointed to office. We should let it be known, however, that we will not be appeased by token gestures.

This movement, which I hope you will carry back to your cities and States and organize for as hard as you can, is a serious, far-reaching movement, with long-term goals. We will settle for nothing less than equal representation in all levels of political power. We should demand, and get, women in the cabinet and on the U.S. Supreme Court. If President Nixon could propose a Carswell, then he can certainly find a dozen women who are better qualified than that to serve on our high court.

We should start in 1972 by running women as convention delegates, for local, State and national office. We should campaign for women—and men candidates—who are good on women's issues. We should work to defeat those who are not. With the power of our vote and our organized efforts, we can play a very significant role in the national political party conventions, in the formulation of platforms and in the choice of candidates.

1972 will be our first big test, and that is why what we do here this weekend is so crucial. I think we can change this country. I think we have the capacity to build the kind of humanistic society in which men and women can fully express their creativity and talents. That is what I would like to see womanpower used for, and I hope that this afternoon, this evening and tomorrow we can get down to the practical discussions of how to do this.

And I hope, too, that although we will undoubtedly argue about the best way to do this, that we will set aside our differences and come out as a united and powerful movement.

Women's National Political Caucus

More than 300 women from 26 states meeting at the first organizing conference of the National Women's Political Caucus, adjourned late Sunday after a two-day session in which they:

Elected a steering committee of 21 women to coordinate a nationwide effort to elect more women to public office and to assure greater participation of "the silenced majority" in the affairs of the nation.

Called for similar caucuses to be held in all states to begin planning a full-scale National Women's Political Caucus which will be held "in the Southern or central part of the United States early in 1972."

Establish a national registry of women candidates which will list women running for office at all levels of government. This registry will be disseminated to all members of the Caucus to rally support, raise campaign funds and provide a roster of speakers for the candidates.

Approved a 20-point program of guidelines for issues of deep concern to women, with emphasis on sexism, racism, violence and poverty. These guidelines were summarized as follows: "We recognize the economic burden of such sweeping social change but we believe that this country's enormous resources could be more than enough. They need only be reordered to pay for life instead of death."

Called for the enlistment of women of all political persuasions, economic levels, age groups and racial and ethnic background to recruit and rally behind women candidates who are committed to women's priorities and humanist goals.

Urged reform of existing policies of political parties which have excluded women—with the specific demand that women comprise 50% of the delegates to both parties' 1972 national conventions and that women be represented on every convention committee and party committee.

"Great effort was made to explore every viewpoint," Ronnie Feit, of New York, temporary coordinator said. "This meant all-night sessions, impromptu caucuses, and a dedicated and exhaustive effort to consider the wide variety of issues which women face today. I doubt that any similar group of people, holding such disparate views and coming from such varied backgrounds, could have established a going organization in such a short period of time. The miracle is that we got together at all. While we still have many problems to resolve, much was accomplished in mobilizing womanpower for coming elections. There was a spirit of give and take which was gratifying to all of us."

Six workshops presented for consideration of the conference recommendations in such areas as grass roots organizing, candidate criteria and political procedures and strategy.

As an example, the grass roots caucus explored ways to attract the uncommitted woman to political action through common interests such as equal rights, child care centers, welfare rights, equal pay and promotion, as well as demands to local party chairmen to adhere to population percentages of women in determining the criteria of party jobs. Women who had run for public office exchanged their experiences with new voters with fresh ideas.

The NWPC accepted a motion that additional workshop reports will be circulated by mail in the next few weeks.

There were a variety of *ad hoc* caucuses which met separately and reported back their consensus to the plenary session. The NWPC adopted by acclamation the report of the Black Caucus which supplemented the already strong positions of all six workshops against racism and racist candidates.

The attitude of the NWPC was summarized by Rep. Bella Abzug (D.-N.Y.) who stated: "It is certainly not our purpose to replace or supplement a white male middle class elite with a white *female* middle class elite."

Conclusions of other *ad hoc* caucuses were also presented including those of a radical caucus, and one concerned with the lack of power of young professional women. The first emphasized the need for women's organizations to resist imitating male hierarchial structures. The second noted that the young, talented women who often do the bulk of the work are too rarely given the recognition and decision-making positions. Both reports were accepted by acclamation.

All viewpoints, serious and otherwise, were explored, including one briefly considered that would require the political parties to pay reparations for their systematic exclusion of women. The money would be used to finance women's campaigns.

Elected Members of the Women's National Political Caucus

Bella Abzug, Member of Congress (D., N.Y.).

Shana Alexander, Editor-in-Chief, *McCall's* Magazine.

Virginia Allen, Chairwoman, President Nixon's Task Force on Women's Rights and Responsibilities.

Nikki Beare, Member, Dade County (Fla.) Commission on the Status of Women; President, Dade County NOW.

Joan Cashin, National Democratic Party of Alabama.

Shirley Chisholm, Member of Congress (D., N.Y.).

Mary Clarke, California Women's Strike for Peace.

Myrlie Evers (Mrs. Medgar), Civil Rights Leader (California).

Betty Friedan, Author of *The Feminine Mystique* and Founder of The National Organization for Women (NOW).

JoAnne Evans Gardner, Republican Nominee for City Council, Pittsburgh, Pa., National Organization for Women Board Member.

Elinor Guggenheimer, Former Member, N.Y. City Planning Commission; Chairwoman, N.Y. City Democratic Advisory Council; Pioneer of Child Development Programs.

Fannie Lou Hamer, Civil Rights Leader; candidate for State Senate (Mississippi).

LaDonna Harris, Indian Rights Leader.

Wilma Scott Heide, Chairwoman of the Board of Directors of the National Organization for Women.

Dorothy Height, President, National Council of Negro Women.

Olga Madar, Vice President, United Auto Workers; Precinct Delegate, 13th Congressional District (Detroit, Michigan).

Vivian Carter Mason, Second National President, National Council of Negro Women; Representative of Women for Political Action (Norfolk, Va.).

Midge Miller, Representative, Wisconsin State Legislature.

Paula Page, Director, Women's Center, U.S. National Student Association.

Beulah Sanders, National Welfare Rights Organization, Vice President.

Gloria Steinem, Member, Democratic National Policy Council; Writer.

Four vacancies will be filled later to expand the categories of representation.

[From the New York Times, July 11, 1971]

Women Organize for Political Power

(By Eileen Shanahan)

Special to The New York Times

WASHINGTON, July 10—More than 200 women of varied ages, races and political persuasions met here today to inaugurate a National Women's Political Caucus. Its aim is to put more women in positions of real political power—ultimately to see half of all elective and appointive jobs in government filled by women.

Betty Friedan, founder of the National Organization for Women, who was one of the keynote speakers at the conference, foresaw such success for the campaign that "it will not be a joke by 1976, the 200th anniversary of our Republic, that a woman might run for President."

Throughout the opening session, one theme recurred in the speeches regardless of the race, age or political affiliation of the speaker: that an increase in the political power held by women would set the nation on a course toward more "humanitarian" policies.

"We must humanize America and save her," said Betty Smith, a former vice chairman of the Republican party in Wisconsin.

CITES INFANT MORTALITY

Republican women, a show of hands disclosed, constituted about 15 per cent of those attending the conference.

Representative Bella S. Abzug, Democrat of Manhattan, suggested that many laws and programs would be different "if we had a truly representative Congress"—half women, 11 per cent black, younger and containing more working people, teachers, artists and so on.

Such a Congress, she said, would not have tolerated a nation that ranked 14th in the world in infant mortality and that had no national health care system. It would not have "voted for antiballistic missiles instead of schools, MIRV's instead of decent housing or health centers." "And does anyone think they would have allowed the war in Vietnam to go on for so many years?" she asked.

Mrs. Abzug drew tumultuous applause when she said "it is certainly not my purpose to replace or supplement a white, male, middle class elite with a white female, middle class elite" in the positions of power in the nation.

Instead, she said, she wants to reach out "to include those who have been doubly and triply disfranchised—to working women, to young women, to black women, to women on welfare."

Fannie Lou Hamer, a Negro civil rights activist from Mississippi, announced to loud cheers that she planned to run not only for the State Senate next year but also for the United States Senate in 1972. She would be an independent candidate opposing Senator James O. Eastland, a Democrat.

She predicted that she might win and said she was fighting "for the liberation of all people, because nobody's free until everybody's free." "I've passed equal rights; I'm fighting for human rights," she said.

Mrs. Hamer said she wanted to make clear that "I'm not fighting to liberate myself from the black man in the South, because he's been stripped of being a citizen."

She said, however, that there had been at least one instance in which she had suffered more for being a woman activist than for being a black activist. The insurance on her house was canceled this year, she said, after she started speaking out about the condition of women, whereas it was not canceled during the previous 10 years, despite her work in the civil rights movement.

Gloria Steinem, the writer, said: "Our aim should be to humanize society by bringing the values of women's culture into it, not simply to put individual women in men's places.

"We want to reach out to every woman who is tired of the masculine mystique belief that violence is an inevitable or acceptable way of resolving conflict."

Miss Steinem also suggested that the women's political caucus take sides on many issues, even if that produced internal argument.

On this, she was disputed by Evelyn Cunningham, a special assistant to Governor Rockefeller, who said the caucus needed a specific victory to establish itself and should therefore concentrate on one issue. She did not recommend a particular issue.

This weekend's organizational meeting will devise the basic structure of the caucus, elect officers and lay plans for participation in the 1972 Presidential nominating conventions and other political contests.

Many of the speakers emphasized the need for organization and work at the local level, to elect women to town councils as well as to Congress, and to make the views of women felt in the politically decisive suburbs.

Several speakers also made clear that they were not advocating that women vote for any woman just because she was a woman. At the same time, some did propose that women should cross party lines and vote for well-qualified women regardless of party, particularly if the male opponent were less qualified.

Mrs. Abzug noted that some women "have screamed for war" and some, "like men, have stoned black children going to integrated schools."

Such women, she said, "have a right to vote and a right to run for office. I will defend that right, but I will not support or vote for them."

Mrs. Friedan said that her "internal, historical alarm clock" told her that "the women's movement has crested now and must become political if it is not to decline."

Women cannot be satisfied with menial chores and token offices, she said, "while men get their hands dirty with the real business of running the country."

At that point, someone in the audience called out, "let's have some dirty older women."

[From the Washington Post, July 11, 1971]

Women Organize for More Power

(By Tim O'Brien)

Four American women who have made their mark in a man's world—Rep. Bella Abzug (D-N.Y.), Fannie Lou Hamer, Gloria Steinem and Betty Friedan—joined yesterday in urging full political power for women.

Opening a weekend meeting of a new group called the National Women's Political Caucus, they called for:

Equal representation for women on all government bodies.

Equal female representation at the Democratic and Republican national nominating conventions.

Organizing and educating the female electorate to "thrust women into political power at all levels of government."

Campaigning for candidates, male and female, "who are good on women's issues."

Addressing approximately 70 women at the opening session, journalist and female rights activist Gloria Steinem said: "We don't want to elect female Uncle Toms who are themselves imitating men, and who, once in power, only serve to keep their sisters down.

"But we do want to take our rightful position as 50 per cent of every elected and appointed body in this country. No one gives political power. It must be taken. And we will take it."

Mrs. Friedan, author of "The Feminine Mystique" and a proponent of women's rights since the early 1960s, said that "what we need is political power, ourselves. With men (comprising) 98 or 99 per cent of the House, Senate, the State Assembly, City Hall, women are outside the body politic."

She criticized President Nixon for failing to release or take action on the report of his task force on women's rights and responsibilities.

"It is a remnant of our own self-denigration, the put-down we finally do to ourselves, to think that a woman is 'pushy' or 'unfeminine' or 'elitist' or on an 'ego trip' to want to run for political office," Mrs. Friedan said. "It is hoped that there are thousands of us sufficiently liberated now to take on the responsibility and demand the rewards of running for political office."

Rep. Abzug urged the caucus to set a goal of doubling or tripling the women in Congress next year. She outlined a strategy which would "start in 1972 by running women as convention delegates, for local, state and national office.

"We should campaign for women—and men candidates—who are good on women's issues. We should work to defeat those who are not. With the power of our vote and our organized efforts, we can play a very significant role in the national political party conventions, in the formulation of platforms and in the choice of candidates."

Rep. Abzug asked that the women activists set aside their differences and act as a "United and powerful movement."

Fannie Lou Hamer, long time civil rights activist from Mississippi, received a standing ovation after issuing a plea for unity among blacks, youth and women.

"Hooking up these minorities," she said, "and we'd become one hell of a majority."

Females make up an estimated 53 per cent of the population. The caucus leaders note, however, that only one female is a U.S. senator and only 12 are members of the U.S. House of Representatives. There are no female governors.

The caucus, which meets again today in the Statler-Hilton Hotel, was organized to turn the women's liberation movement into more politicaly constructive channels.

The group's tentative program, to be discussed today, calls for tripling the women in Congress, to 39, by the 1972 elections. By the year 2000, the caucus wants to have women in all branches of government in numbers "at least approximating their percentage of the total population."

Tentative goals also include the appointment of a woman to fill the next vacancy on the U.S. Supreme Court. Rep. Abzug told the women that "if President Nixon could propose (G. Harrold) Carswell, then he can certainly find women who are better qualified than he to serve on our high court."

The caucus is also considering plans for a national women's political convention in early 1972.

The convention is envisaged as establishing a national forum for women candidates, setting criteria for supporting or opposing candidates and adopting policy statements. It also would designate spokesmen to lead women's lobbies at the 1972 political party conventions.

Women Activists Map Their "Revolution" Here

(By Isabelle Shelton)

Three hundred women activists met here yesterday to launch what one of their speakers called "no simple reform—really a revolution."

One of their prime demands, since women represent 53 percent of the electorate, is that women should hold at least 53 percent of the appointive and elective officers in the nation.

"We hope to reach out to women across the country—to every woman whose abilities have been wasted by the second-class, subservient, underpaid or powerless positions to which female human beings are consigned," said women's liberation leader Gloria Steinem at the opening session yesterday of the two-day National Women's Political Caucus at the Statler-Hilton Hotel.

"EVERY MINORITY WOMAN"

We hope to reach every woman who sits at home, with little control over her own life, much less the powerful institutions of the country, wondering if there isn't more to life than this . . . every minority woman who has endured the stigma of being twice-different from the white male ruling class . . . every woman who has experienced the ridicule or hostility reserved by this country—and often by its political leaders—for women who dare to express the hopes and ambitions that are natural to every human being," Miss Steinem added.

"We want to take our rightful position as 50 percent of every elected and appointed body in this country," she declared.

"No one gives political power. It must be taken. And therefore we will take it."

"We're here to serve notice that, as we approach the 200th anniversary of our nation, we will no longer take second place or last place to anyone," said Rep. Bella Abzug, D-N.Y.

"We will settle for nothing less than equal representation in all levels of political power," she added. "We should demand, and get, women in the Cabinet and on the U.S. Supreme Court. If President Nixon could propose a Carswell, then he can certainly find a dozen women who are better qualified than that to serve on our Supreme Court."

Mrs. Abzug said she believes "that this movement which we are starting here today can be of tremendous importance in the lives of all Americans, as significant as that first little convention for suffrage in Seneca Falls more than a 100 years ago.

"But we are not going to take 100 years for the changes we seek," she asserted. "We can't afford to wait that long."

IMPACT AT POLLS

Betty Friedan, author of "The Feminine Mystique," said that if women organize and work together between now and November 1972, they can "upset all the old political rules and traditions" and have more of an impact on the election outcome than the millions of new 18-year-old voters.

Fannie Lou Hamer, a black civil rights leader from Mississippi, told the conference that "America is sick, man is sick. Something has got to change in this country, and we can't stand around waiting for the white male to change it."

She will run for office in Mississippi, she said—this year for the state senate, and next year for the U.S. Senate, taking on incumbent Democratic Sen. James O. Eastland.

Evelyn Cunningham, special assistant to New York Gov. Nelson Rockefeller, told the conference that "I must be some kind of a nut to be here—I'm black, I'm a woman, I live in Harlem, and I'm also a Republican.

"But from my black woman's head I want to insist that this caucus absolutely must aggressively seek the full participation of blacks and of Republicans."

Betty Smith, a Republican party official from Wisconsin, urged the women to work in caucuses through their existing political parties rather than try to form a new women's party.

Paula Page, director of the women's center of the National Student Association, argued that simply working to elect more women to public office is "superfluous" and "counterproductive for any woman who is genuinely concerned about eliminating sexual stereotyping."

"To paraphrase Malcolm X, if you want a revolution, you don't ask the oppressors to let you join them," she said.

WOMEN'S CAUCUS SEEKS U.S. BAN ON SEX BIAS

(By Tim O'Brien)

The National Women's Political Caucus—a new coalition of female activists and political leaders—announced plans yesterday to seek adoption of a 27th amendment to the Constitution, protecting women against discrimination on the basis of sex.

Support of an Equal Rights Amendment, which died last October in a snarl of riders attached in the Senate, was one of a long list of resolutions passed by the women during a two-day meeting here.

Caucus organizers Liz Carpenter, Betty Friedan, Rep. Bella Abzug (D-N.Y.), Gloria Steinem, Rep. Shirley Chisholm (D.-N.Y.) and LaDonna Harris (wife of presidential aspirant Sen. Fred Harris) announced other goals:

A full-scale National Women's Political Caucus convention to be held "in the southern or central part of the U.S. early in 1972."

Tripling the number of women in Congress in the 1972 elections.

Reform of existing policies of the Democratic and Republican parties, "which have excluded women." Specifically, the women demand that females "comprise 50 per cent of the delegates to both parties 1972 national conventions and that women be represented on every convention committee and party committee."

Repeal of all laws effecting a woman's right to decide her own reproductive and sexual life. The plank is aimed at reforming abortion and contraception laws in many states.

Changes of the Social Security System, which the caucus says discriminates against families with working women.

In addition the women elected a 21-member steering committee to coordinate the caucus' future work. Among those on the committee are Shana Alexander, editor-in-chief of McCall's Magazine, Fannie Lou Hamer, a civil rights leader from Mississippi, and Myrile (Mrs. Medgar Evers). Abzug, Steinem, Friedan and Harris were also elected.

The women are reserving four other seats on the steering committee for Spanish-speaking and for young females, caucus member Gloria Steinem said.

Asked whether their program called for reform of the traditional courtesies which men extend toward women—lighting their cigarettes and holding doors open—Steinem said that those were "human courtesies" and peripheral to the woman's search for simple justice.

When reference was made to the shouts and interruptions with which the women greeted their guest speakers Sunday—former Senator Eugene McCarthy and peace advocate Benjamin Spock—Steinem said that the women had "given up on them." Spock's books, she said, had created "guilt and problems" for huge numbers of American women, and in that context she did not see the women's behavior as discourteous.

Spock, who drew the women's wrath because he had written that the woman's place is in the home and with the child, admitted he had been a "sexist" and had written some "foolish and unwise" things. He said he has revised his views considerably since the publication of his book "Decent and Indecent," adding that he "would get to work" to revise his widely read child care book.

While the women were announcing support for an equal-rights-for-the-sexes amendment to the Constitution, the primary House sponsor of the legislation, Rep. Don Edwards (D-Calif.), issued an appeal to women's organizations to mount a nationwide campaign in support of his attempt to give new life to the amendment.

Edwards, chairman of the House subcommittee that originally approved the amendment in the form the women want, asked the women to lobby to remove a crippling provision attached by the House Judiciary Committee.

The rider would exempt women from the draft and allow states to enact "reasonable" laws based on sex differences.

Last year the House approved the amendment when it was brought to the floor after bypassing the Judiciary Committee. When the Senate, however, failed to act, the amendment died. It has been reinforced this year by Sen. Birch Bayh (D-Ind.).

CAUCUS GOES PERMANENT

(By Isabelle Shelton)

The National Women's Political Caucus, held here last weekend by a broad cross section of 300 women from 26 states, announced plans yesterday to become a permanent organization.

It plans to organize at the grass-roots level, across party lines, to gain real political power for women.

One of its first objectives will be to insist that women comprise at least 50 percent of the delegations to the Republican and Democratic national conventions next year.

Ultimately, it seeks to assure that half of all the appointive and elective posts in government are held by women—who, caucus statements point out, constitute 53 percent of the electorate.

The conference announced selection of a 21-member steering committee, which will plan a much larger caucus to meet in the southern or central U.S. early in 1972.

The policy committee includes several Democrats, at least two Republicans, several blacks, and several representatives of large organizations. "At least" four more members will be added, to plug the gaps the women say they recognize exist in underrepresentation of some groups.

More young people will be added, and at least one Chicago representative. The women also would like a few more Republicans visible in their top leadership, because they are very determined to carry their fight across party lines.

"We are going to work for justice and an end to our second class status, the way all second class groups in this country have done—by becoming a true political power, the policy committee declared in a statement.

At a press conference yesterday on Capitol Hill, caucus leaders announced a number of "guidelines" that it hopes all women candidates will adopt. They include:

Passage of the Equal Rights Amendment ("Any man or woman who votes against it in Congress may find it very difficult to return to political life" after 1972, if the caucus organizes women the way it plans to, said Rep. Bella Abzug, D-N.Y., one of the members of the new policy committee.

"Enforcement of all existing and proposed anti-discrimination laws, such as Title VII of the Civil Rights Act, and the Equal Pay Act—plus the important addition of a 'cease and desist' clause to the Equal Employment Opportunities Commission."

"Adequate shelter for all Americans and an end to discrimination against women, especially families with women heads and welfare mothers."

"Elimination of the many tax inequities that affect women and children."

"Repeal of all laws that affect a woman's right to decide her own reproduction and sexual life."

"Fair treatment of working women, including full tax-deductions for child care and household expenses; maternity leave and voluntary parental leave for childbirth; change of the Social Security System to end discrimination against families with working women; and an end to the social and economic degradation of women, whether by employers or by unions."

"An immediate withdrawal from the war in Indochina, but, more than that, an end to the use of physical violence as an acceptable way of resolving conflict."

The caucus set aside, at least for the present, a suggestion that came up during its weekend meetings that women finance their political campaigns by demanding reparations from the Democratic and Republican parties for "having been oppressed" for so long.

There was a little talk yesterday of turning to economic boycotts if power cannot be attained through political means, but the chief thrust of the caucus clearly was toward the latter route.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. WALDIE, for 1 hour, today, to revise and extend his remarks and include extraneous material.

(The following Members (at the request of Mr. DU PONT) to address the House and to revise and extend their remarks and include extraneous matter:)

Mr. MCCLOSKEY, for 1 hour, today.

Mr. BELL, for 30 minutes, today.

Mr. MILLER of Ohio, for 5 minutes, today.

Mr. HORTON, for 10 minutes, today.

Mr. EDWARDS of Alabama, for 5 minutes, today.

Mr. PRICE of Texas, for 10 minutes, today.

Mr. TERRY, for 1 minute, today.

(The following Members (at the request of Mr. ABOUREZK), to revise and extend their remarks, and to include extraneous matter:)

Mr. DAVIS of South Carolina, today, for 10 minutes.

Mr. HAMILTON, today, for 10 minutes.

Mr. REUSS, today, for 20 minutes.

Mr. ASPIN, today, for 10 minutes.

Mr. DULSKI, today, for 10 minutes.

Mr. FRASER, today, for 10 minutes.

Mr. GONZALEZ, today, for 10 minutes.

Mr. RARICK, today, for 10 minutes.

Mr. GUBSER, for 5 minutes, today.

Mr. MELCHER (at the request of Mr. WALDIE), for 10 minutes, today, to revise and extend his remarks and to include extraneous matter.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. CULVER to extend his remarks prior to the vote on the recommittal motion.

Mr. BURKE of Massachusetts to extend remarks following vote on motion to recommit.

Mrs. SULLIVAN in two instances.

Mrs. ABZUG preceding the motion to recommit.

Mr. HOLIFIELD, and to include extraneous material, during consideration of the contempt citation resolution today.

Mr. MADDEN, and to include extraneous material.

(The following Members (at the request of Mr. DU PONT) and to include extraneous matter:)

Mr. DICKINSON in three instances.

Mr. DU PONT.

Mr. ROBISON of New York.

Mr. CONTE.

Mr. ARCHER.

Mr. DERWINSKI in two instances

Mr. Wyman in three instances.
Mr. Miller of Ohio.
Mr. Duncan.
Mr. Fish in two instances.
Mr. Hall.
Mr. Chamberlain.
Mr. Frenzel.
Mr. Springer.
Mr. Bob Wilson in two instances.
Mr. Steiger of Wisconsin.
Mr. Hosmer in two instances.
Mr. Nelsen.
Mr. Coughlin.
Mr. Price of Texas.
Mr. Ashbrook in two instances.
Mr. McCloskey.
Mr. Michel.

(The following Members (at the request of Mr. Abourezk) and to include extraneous matter:)

Mr. Aspin in two instances.
Mr. Byron in 10 instances.
Mr. Thompson of New Jersey in two instances.
Mr. Drinan.
Mr. Murphy of New York in two instances.
Mr. Ashley.
Mr. Begich in three instances.
Mrs. Mink in three instances.
Mr. Jacobs.
Mr. Waldie in seven instances.
Mr. Obey in six instances.
Mr. Eilberg.
Mr. Rogers in 10 instances.
Mr. Dulski.
Mr. Leggett in three instances.
Mr. Steed in two instances.
Mr. Patten in two instances.
Mr. Bingham in two instances.
Mr. Vanik in three instances.
Mr. Celler in two instances.
Mr. Hagan in three instances.
Mr. Gonzalez in two instances.
Mr. Jones of Tennessee in two instances.

(The following Members (at the request of Mr. Waldie) to revise and extend their remarks, and to include extraneous material:)

Mr. Ryan in three instances.
Mr. Bingham.
Mr. Moorhead in two instances.

ADJOURNMENT

Mr. WALDIE. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 7 o'clock and 5 minutes p.m.), the House adjourned until tomorrow, Wednesday, July 14, 1971, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

958. A communication from the President of the United States, transmitting an urgent appropriation request for fiscal year 1972 for emergency employment assistance for the Department of Labor (H. Doc. 92–143); to the Committee on Appropriations and ordered to be printed.

959. A letter from the General Sales Manager, Export Marketing Service, U.S. Department of Agriculture, transmitting a report of agreements signed for foreign currencies during May and June, 1971, pursuant to Public Law 85–128; to the Committee on Agriculture.

960. A letter from the Secretary of the Navy, transmitting a draft of proposed legislation to amend title 10 of the United States Code to permit the appointment by the President of certain additional persons to the service academies; to the Committee on Armed Services.

961. A letter from the Secretary of Commerce, transmitting the 15th program report on the activities of the U.S. Travel Service for calendar year 1970, pursuant to section 5 of the International Travel Act of 1961, as amended; to the Committee on Interstate and Foreign Commerce.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. POAGE: Committee on Agriculture. H.R. 4874. A bill to allow for the imposition of restrictions on the imports of unshelled filberts; with amendments (Rept No. 92–347). Referred to the Committee of the Whole House on the State of the Union.

Mr. POAGE: Committee on Agriculture. H.R. 5825. A bill to amend section 2(3), section 8c(6)(I), and section 8c(7)(C) of the Agricultural Marketing Agreement Act of 1937, as amended. (Rept. No. 92–348). Referred to the Committee of the Whole House on the State of the Union.

Mr. COLMER: Committee on Rules. House Resolution 535. Resolution providing for the consideration of H.R. 9667. A bill making appropriations for the Department of Transportation and related agencies for the fiscal year ending June 30, 1972, and for other purposes. (Rept No. 92–350). Referred to the House Calendar.

Mr. STAGGERS: Committee on Interstate and Foreign Commerce. Report on the proceedings against Frank Stanton and the Columbia Broadcasting System, Inc. (Rept No. 92–349). Referred to the House Calendar.

Mr. BYRNE: Committee on Armed Services. S. 421. An act to amend title 10, United States Code, to provide special health care benefits for certain surviving dependents. (Rept. No. 92–351). Referred to the Committee of the Whole House on the State of the Union.

Mr. BYRNE: Committee on Armed Services. H.R. 1409. A bill to amend title 10, United States Code, to remove the restriction on the use of certain private institutions under the dependents' medical care program; with amendments (Rept. No. 92–352). Referred to the Committee of the Whole House on the State of the Union.

Mr. FISHER: Committee on Armed Services. H.R. 4606. A bill to amend title 37, United States Code, to provide for the procurement and retention of judge advocates and law specialist officers for the Armed Forces. (Rept. No. 92–353.) Referred to the Committee of the Whole House on the State of the Union.

Mr. FISHER: Committee on Armed Services. H.R. 4729. A bill to amend section 2107 of title 10, United States Code, to provide additional Reserve Officers' Training Corps scholarships for the Army, Navy, and Air Force; with amendment (Rept. No. 92–354). Referred to the Committee of the Whole House on the State of the Union.

Mr. FISHER: Committee on Armed Services. H.R. 6723. A bill to provide subsistence allowances for members of the Marine Corps officer candidate programs; with amendment (Rept. No. 92–355). Referred to the Committee of the Whole House on the State of the Union.

Mr. FISHER: Committee on Armed Services. H.R. 6724. A bill to amend section 209 (a) and (b) of title 37, United States Code, to provide increased subsistence allowances for Senior Reserve Officers' Training Corps members; with amendments (Rept. No. 92–356). Referred to the Committee of the Whole House on the State of the Union.

Mr. BYRNE: Committee on Armed Services. H.R. 8356. A bill to make permanent the authority to pay special allowances to dependents of members of the uniformed services to offset expenses incident to their evacuation. (Rept. No. 92–357.) Referred to the Committee of the Whole House on the State of the Union.

Mr. FISHER: Committee on Armed Services. H.R. 8656. A bill to amend titles 37 and 38, United States Code, relating to promotion of members of the uniformed services who are in a missing status; with amendment (Rept. No. 92–358). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. GARMATZ (for himself, Mr. Pelly, Mr. Dingell, Mr. Mosher, Mr. Lennon, Mr. Keith, Mr. Rogers, Mr. Goodling, Mr. Karth, Mr. McCloskey, Mr. Clark, Mr. Mailliard, Mr. Biaggi, Mr. Ruppe, Mr. Anderson of California, Mr. Griffin, Mr. Forsythe, Mr. de la Garza, Mr. du Pont, Mr. Kyros, Mr. Mills of Maryland, Mr. Tiernan, Mr. Byrne of Pennsylvania, Mr. Ashley, and Mr. Murphy of New York):

H.R. 9727. A bill to regulate the dumping of material in the oceans, coastal, and other waters and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. BOGGS:

H.R. 9728. A bill to create an additional judicial district in the State of Louisiana, and for other purposes; to the Committee on the Judiciary.

By Mr. CASEY of Texas:

H.R. 9729. A bill to amend the Internal Revenue Code of 1954 to provide income tax simplification, reform, and relief for small business; to the Committee on Ways and Means.

By Mr. COLLIER:

H.R. 9730. A bill to provide for the retirement of certain employees of the Federal Bureau of Investigation and the U.S. Secret Service, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. DELLUMS:

H.R. 9731. A bill to amend the U.S. Housing Act of 1937 to provide for the inclusion of child-care facilities in low-rent housing projects, and to provide that the eligibility of a family remain in such a project despite increases in its total income shall be determined solely on the income of the head of such family (or its other principal wage earner); to the Committee on Banking and Currency.

By Mr. GERALD R. FORD:

H.R. 9732. A bill to amend title 37, United States Code, to provide travel and transportation allowances for emergency leave and ordinary leave for compassionate reasons granted to servicemen stationed overseas; to the Committee on Armed Services.

By Mr. FULTON of Pennsylvania:

H.R. 9733. A bill to make additional immigrant visas available for immigrants from certain foreign countries, and for other purposes; to the Committee on the Judiciary.

H.R. 9734. A bill to amend the Internal Revenue Code of 1954 to allow an itemized deduction for motor vehicle insurance premiums; to the Committee on Ways and Means.

By Mr. HALPERN:

H.R. 9735. A bill to extend commissary and exchange privileges to certain disabled veterans and the widows of certain deceased veterans; to the Committee on Armed Services.

By Mr. HAYS (for himself, Mr. PERKINS, Mr. MOLLOHAN, Mr. ANNUNZIO, Mr. VIGORITO, Mr. PRICE of Illinois, Mr. TAYLOR, Mr. BROOKS, Mr. MILLER of California, Mr. EILBERG, Mrs. HICKS of Massachusetts, Mr. DERWINSKI, Mr. MORSE, Mr. MONAGAN, Mr. HALPERN, Mr. ROSENTHAL, Mr. SISK, Mr. FULTON of Pennsylvania, Mr. MORGAN, Mr. ANDERSON of Illinois, Mr. PODELL, Mr. BURTON, Mr. WOLFF, Mr. ASPIN, and Mr. REES):

H.R. 9736. A bill to provide for the regulation of strip coal mining, for the conservation, acquisition, and reclamation of strip coal mining areas, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. HAYS (for himself, Mr. MIKVA, Mr. HALEY, Mr. MAZZOLI, Mr. ROYBAL, Mr. FULTON of Tennessee, Mr. CARNEY, Mr. KARTH, Mr. SCHNEEBELI, Mr. BARRETT, Mr. PEPPER, Mr. PATMAN, Mr. NIX, Mr. DULSKI, Mr. GALLAGHER, Mr. COLLIER, Mr. CLARK, Mr. BRASCO, and Mrs. GRASSO):

H.R. 9737. A bill to provide for the regulation of strip coal mining, for the conservation, acquisition, and reclamation of strip coal mining areas, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. HORTON (for himself, Mr. ADDABBO, Mr. ANDERSON of Tennessee, Mr. ANNUNZIO, Mr. ARCHER, Mr. BADILLO, Mr. BOLAND, Mrs. CHISHOLM, Mr. DON H. CLAUSEN, Mr. CONABLE, Mr. COUGHLIN, Mr. DANIEL of Virginia, Mr. DELLUMS, Mr. DENT, Mr. DRINAN, Mr. ERLENBORN, Mr. ESCH, Mr. FISH, Mr. FLOWERS, Mr. WILLIAM D. FORD, Mr. FRENZEL, Mr. FREY, Mr. GALLAGHER, and Mr. GARMATZ):

H.R. 9738. A bill to limit the sale or distribution of mailing lists by Federal agencies; to the Committee on Government Operations.

By Mr. HORTON (for himself, Mr. GOLDWATER, Mrs. GRASSO, Mr. GRAY, Mr. HALPERN, Mr. HANSEN of Idaho, Mr. HARRINGTON, Mr. HASTINGS, Mr. HECHLER of West Virginia, Mr. HELSTOSKI, Mr. HOSMER, Mr. HUNGATE, Mr. LENT, Mr. MCDADE, Mr. MCDONALD of Michigan, Mr. MAZZOLI, Mr. MIKVA, Mr. MITCHELL, Mr. MORSE, Mr. MOSHER, Mr. PELLY, Mr. PICKLE, Mr. PIKE, and Mr. PODELL):

H.R. 9739. A bill to limit the sale or distribution of mailing lists by Federal agencies; to the Committee on Government Operations.

By Mr. HORTON (for himself, Mr. RAILSBACK, Mr. RODINO, Mr. ROE, Mr. ROSENTHAL, Mr. ST GERMAIN, Mr. SCHNEEBELI, Mr. SCHWENGEL, Mr. SHRIVER, Mr. SISK, Mr. STAFFORD, Mr. STOKES, Mr. TIERNAN, Mr. VANDER JAGT, Mr. WALDIE, Mr. WHITEHURST, Mr. WINN, and Mr. WOLFF):

H.R. 9740. A bill to limit the sale or distribution of mailing lists by Federal agencies; to the Committee on Government Operations.

By Mr. KING:

H.R. 9741. A bill to provide that the Saratoga Battle Monument shall be made a National Monument; to the Committee on Interior and Insular Affairs.

By Mr. O'KONSKI:

H.R. 9742. A bill to further provide for the farmer-owned cooperative system of making credit available to farmers and ranchers and their cooperatives, for rural residences, and to associations and other entities upon which farming operations are dependent, to provide for an adequate and flexible flow of money into rural areas, and to modernize and consolidate existing farm credit law to meet current and future rural credit needs, and for other purposes; to the Committee on Agriculture.

By Mr. PERKINS:

H.R. 9743. A bill to amend the Internal Revenue Code of 1954 so as to permit certain tax exempt organizations to engage in communications with legislative bodies, and committees and members thereof; to the Committee on Ways and Means.

By Mr. POWELL:

H.R. 9744. A bill to extend to all unmarried individuals the full tax benefits of income splitting now enjoyed by married individuals filing joint returns; to the Committee on Ways and Means.

By Mr. RHODES (for himself, Mr. CAMP, Mr. HANSEN of Idaho, Mr. LLOYD, Mr. MCCLURE, Mr. MELCHER, Mr. STEED, and Mr. STEIGER of Arizona):

H.R. 9745. A bill defining and limiting the application of certain acts of Congress to Indians and Indian tribes; to the Committee on Interior and Insular Affairs.

By Mr. ROE:

H.R. 9746. A bill to amend the Fair Labor Standards Act of 1938, as amended, to extend its protection to additional employees, to raise the minimum wage to $2.25 an hour, to provide for an 8-hour workday, and for other purposes; to the Committee on Education and Labor.

By Mr. SHOUP:

H.R. 9747. A bill to designate the Spanish Peaks Wilderness, Gallatin National Forest, in the State of Montana; to the Committee on Interior and Insular Affairs.

By Mr. STAGGERS (for himself and Mr. SPRINGER):

H.R. 9748. A bill to amend the Interstate Commerce Act to authorize the Interstate Commerce Commission, in the case of failure of proper public service by a common carrier by railroad, to issue directions with respect to the handling, routing, and movement of the traffic of such carrier and its distribution over such carrier's lines or over other lines of roads, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. STEIGER of Arizona (for himself and Mr. RHODES):

H.R. 9749. A bill to promote the exploration and development of geothermal resources through cooperation between the Federal Government and private enterprise; to the Committee on Interior and Insular Affairs.

By Mr. THOMPSON of Georgia:

H.R. 9750. A bill to amend the Airport and Airway Development Act of 1970 to provide for installation and operation expense of safety and navigational aids on private airports; to the Committee on Interstate and Foreign Commerce.

By Mr. THOMPSON of New Jersey:

H.R. 9751. A bill to modify the restrictions contained in section 170(e) of the Internal Revenue Code in the case of certain contributions of literary, musical, or artistic composition, or similar property; to the Committee on Ways and Means.

By Mr. WAGGONNER:

H.R. 9752. A bill to amend the Tariff Act of 1930 so as to apply countervailing duties to duty-free merchandise causing injury to domestic industry, to expedite findings and determinations under countervailing duty procedures, and for other purposes; to the Committee on Ways and Means.

By Mr. WALDIE:

H.R. 9753. A bill to amend the Communications Act of 1934 in order to prohibit the broadcasting of any advertising of alcoholic beverages; to the Committee on Interstate and Foreign Commerce.

By Mr. DINGELL (for himself, Mr. PELLY, Mr. KARTH, Mr. MCCLOSKEY, Mr. CONTE, Mr. NEDZI, and Mr. MOSS):

H.R. 9754. A bill to establish wildlife, fish, and game conservation and rehabilitation programs on certain lands under the jurisdiction of the Department of the Interior, the Department of Agriculture, the Atomic Energy Commission, and the National Aeronautics and Space Administration, and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. FULTON of Tennessee:

H.R. 9755. A bill to amend title 38, United States Code, to enable certain permanently and totally disabled veterans to receive the full rate of disability compensation payable for service-connected disabilities, and also a proportionate amount of disability pension under a specified formula; to the Committee on Veterans' Affairs.

By Mr. GARMATZ (for himself, Mr. MAILLIARD, Mr. CLARK, Mr. PELLY, Mr. BYRNE of Pennsylvania, Mr. ANDERSON of California, and Mr. KEITH):

H.R. 9756. A bill to amend the Merchant Marine Act, 1936, as amended; to the Committee on Merchant Marine and Fisheries.

By Mr. GRAY:

H.R. 9757. A bill to provide for payments to compensate county governments for the tax immunity of Federal lands within their boundaries; to the Committee on Interior and Insular Affairs.

By Mr. MOSS (for himself, Mr. BROYHILL of North Carolina, and Mr. STUCKEY):

H.R. 9758. A bill to amend the Investment Company Act of 1940, as amended; to the Committee on Interstate and Foreign Commerce.

By Mr. PRICE of Texas:

H.R. 9759. A bill to provide a tax credit for expenditures made in the exploration and development of new reserves of oil and gas in the United States; to the Committee on Ways and Means.

By Mr. ROE:

H.R. 9760. A bill to amend the Omnibus Crime Control and Safe Streets Act of 1968, as amended, to provide benefits to survivors of police officers killed in the line of duty; to the Committee on the Judiciary.

By Mr. RUPPE:

H.R. 9761. A bill to designate as wilderness certain lands within Isle Royale National Park, in the State of Michigan; to the Committee on Interior and Insular Affairs.

By Mr. SCHNEEBELI:

H.R. 9762. A bill to authorize the payment to State and local governments of sums in lieu of taxes and special assessments on Federal real property, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. SMITH of Iowa:

H.R. 9763. A bill to amend the Internal Revenue Code to regulate and prevent multiple taxation of certain kinds of income; to the Committee on Ways and Means.

By Mr. VANIK:

H.R. 9764. A bill to amend section 8 of the Federal Water Pollution Control Act relating to the Federal share of grants for construction of certain projects; to the Committee on Public Works.

By Mr. WYLIE:

H.R. 9765. A bill to amend the Airport and Airway and Development and Revenue Acts of 1970 to further clarify the intent of Congress as to priorities for airway modernization and airport development, and for other purposes; to the Committee on Interstate and Foreign Commerce.

H.R. 9766. A bill to amend section 4491 of the Internal Revenue Code of 1954 to provide that the weight portion of the excise tax on the use of civil aircraft shall apply to piston-engined aircraft only if they have a maximum certificated takeoff weight of more than 6,000 pounds; to the Committee on Ways and Means.

By Mr. ASPIN:

H.R. 9767. A bill to amend the National Environmental Policy Act of 1969 with respect to the application of its provisions to the proposed trans-Alaska oil pipeline; to the Committee on Interior and Insular Affairs.

H.R. 9768. A bill to promote fair practices in the conduct of election campaigns for Federal political offices, and for other purposes; to the Committee on Ways and Means.

By Mr. HAGAN:

H.R. 9769. A bill concerning medical records, information, and data to promote and facilitate medical studies, research, education, and the performance of the obligations of medical utilization committees in the District of Columbia; to the Committee on the District of Columbia.

By Mrs. GRASSO:

H.J. Res. 778. A resolution authorizing the President to proclaim the second Sunday in July as "National Prayer Salute to Our Fighting Men in Vietnam Day"; to the Committee on the Judiciary.

By Mr. PETTIS:

H.J. Res. 779. Resolution to establish the National Commission on Executive Secrecy; to the Committee on the Judiciary.

By Mrs. CHISHOLM:

H. Res. 536. Resolution calling upon the Voice of America to broadcast in the Yiddish language to Soviet Jewry; to the Committee on Foreign Affairs.

By Mrs. HICKS of Massachusetts:

H. Res. 537. Resolution to express the sense of the House of Representatives that the United States maintain its sovereignty and jurisdiction over the Panama Canal Zone; to the Committee on Foreign Affairs.

By Mr. TEAGUE of Texas:

H. Res. 538. Resolution to authorize the Committee on Veterans' Affairs to conduct an investigation and study with respect to certain matters within its jurisdiction; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BELL:

H.R. 9770. A bill for the relief of Miss Lee Keun Soon; to the Committee on the Judiciary.

By Mr. DE LA GARZA:

H.R. 9771. A bill for the relief of Raul Alvarez Rodriguez; to the Committee on the Judiciary.

By Mr. MORSE:

H.R. 9772. A bill for the relief of Santa Nicolosi; to the Committee on the Judiciary.

By Mr. PATMAN:

H.R. 9773. A bill for the relief of Jung Il Kim, Jung Sook Kim, and Jung Rang Kim; to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause I of rule XXII,

103. The SPEAKER presented petition of Gerald L. K. Smith, Los Angeles, Calif., relative to the Middle East; to the Committee on Foreign Affairs.

EXTENSIONS OF REMARKS

REPORT TO NINTH DISTRICT CONSTITUENTS

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 12, 1971

Mr. HAMILTON. Mr. Speaker, under the leave to extend my remarks in the RECORD, I include the following commentary on the 26th amendment:

A common topic of conversation among Congressmen these days is the political impact of the unprecedented wave of young people entering the electrorate as a result of the baby boom following World War II and the recent adoption of the Constitutional amendment permitting 18, 19 and 20 year-olds to vote.

When the 26th Amendment was ratified, 11 million new voters became eligible to vote—303,000 of them Hoosiers.

In 1964, only 10.5 million young Americans became eligible to vote in their first Presidential election. In 1972, this figure will jump to more than 25 million, including new voters under the Amendment and those reaching 21 years of age since 1968. While the age group 35 and older will increase between 1970 and 1980 by about 6 million, the age group below that which will be able to vote will be increasing by 22 million.

In 1920 women won the right to vote and, although the number of voters doubled overnight, nothing much new happened in American politics.

The question now is, will the addition of the young people make any more difference. Not surprisingly, opinions differ. Some contend they will merely echo their parents' political views. My feeling is that they will constitute an important and independent force in elections.

One of the Nation's decisive political influences of recent years has been the senior citizens. They have had increasing political leverage during the last 30 years or more. As a result, the government has been giving increasing attention to such matters as Social Security, Medicare, special tax considerations for the elderly, and a variety of other benefits.

Now, with the sudden growth of the younger voting group in the 1970's, we can expect increasing emphasis in public affairs and legislation for the benefit of the younger generation. This is, as the director of the Census Bureau recently said, the era of the young marrieds.

A smaller percentage of eligible young people going to the polls may work to delay, or at least weaken, the full political impact of the new voters.

The participation of the young in the democratic process in the past has not been spectacular, to say the least. The Census Bureau reports that only 21 percent of those between the ages of 21 and 29 voted in 1970. This compares to 51 percent of the 30–34 year-olds; 61 percent of the 35–54 year-olds; and 65 percent of the 55–65 year-olds. In the four states which allowed 18, 19 or 20 year-olds to vote in the 1970 elections—Georgia, Kentucky, Alaska and Hawaii—only 26 percent went to the polls.

My observations are that the young people today have a sharp perception of events and a full understanding of the political system. They seem to show special interest in the democratic process, like fair and open procedures and fundamental reform and restructuring of institutions. They tend to be less nationalistic than their elders and more concerned with mankind. They are impatient, less apt to agree to gradual change, and more insistent on immediate progress.

They are not so interested in labels—Democrat or Republican, liberal or conservative—and are more pragmatic and independent. They look with skepticism on the politician's instinct to compromise. Economic security has been the goal of most Americans, but that may recede somewhat with young people, very few of whom have experienced economic hardship and who place more emphasis on fulfillment of personal goals.

The new voters could bring our political process to facing a fundamental reshaping, shifting the grounds upon which elections are fought. Hopefully, they will help to upgrade the process.

ENVIRONMENT: EXPORTING WASTEPAPER

HON. CLARENCE E. MILLER

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, July 12, 1971

Mr. MILLER of Ohio. Mr. Speaker, our environmental problems seem to be on everyone's mind these days. The gravity of the situation has prompted not only grave public concern but nationwide effort to seek new solutions and methods to handle the environmental crisis. A very important field in which research is being conducted is solid waste management and, as we all know, recycling is being viewed as an alternative to clean up what we have already consumed and at the same time conserve our precious resources.

At a recent international waste management conference, Mr. Lloyd E. Williams, vice president of Container Corp. of America, delivered a rather interesting statement on the potentials for expanding the international wastepaper market. Mr. Williams states that, given proper economic incentives, we can export paper waste abroad cheaper than trying to dispose of it here.

In light of the widespread interest in recycling and the need to explore every possible remedy to our solid waste problem, I wish to insert at this point the full text of Mr. Williams' remarks:

EXPANDING THE INTERNATIONAL WASTEPAPER MARKET

I appreciate this opportunity to talk to you today about wastepaper markets. The export of wastepaper by the United States may be on the threshold of a fundamental change. The nature of this change depends a great deal upon how the interested people in this room guide the development of expanding international wastepaper markets.

Today, I want to review the current situation in exporting, and try to put the activities of dealers in the United States into perspective with the current situation found here and in the rest of the world. Hopefully, I can point out ways in which we can all work together to make it possible to expand our operations and increase our profitability.

Let me begin with the situation here in the U.S. As most of you know, the recycling rate of the U.S. paper and paperboard industry is currently slightly under the 20 percent level. Last year, the U.S. recycled about 10 million tons out of 58 million tons of paper and paperboard produced and imported. The Pioneer Paper Stock Division of Container Corporation was involved in the collection of about one million tons of this wastepaper. The majority of paper collected by Pioneer is used in our own mills in the manufacture of paper and paperboard packaging.

My reason for giving you these figures is to provide you with the proper perspective on the relationship of my company to wastepaper.

Last year, my company's domestic paperboard mills used 715,000 tons of wastepaper as a raw material input, in manufacturing 1.4 million tons of paperboard. Thus, wastepaper represents 47 percent of Container's total raw material input. The recycling level at Container's overseas mills was considerably higher for pretty much the same reasons that the overall recycling rates in several fiber-short countries are higher than in the United States.

The major use for the wastepaper fibres recycled by Container is in the manufacture of combination boxboards, which are used for cartons of soaps, cereals, crackers, and a myriad of other consumer products one sees while shopping in United States stores. It is also used in the manufacture of corrugating medium, fibre cans, tubes and cores, as well as posters, book covers, and other products. Wastepaper fibres are also used in several other product areas, but I won't go into detail about them now.

Now let's take a look at what has happened to the international export market in recent years.

From 1960 through 1970, most countries have shown a sizeable increase in imports of secondary fibres from the U.S. Total exports from the U.S. have gone from 153,000 short tons in 1960, to an all-time high of 408,000 short tons in 1970, with only a few areas where exports remained steady or fell off slightly. The major importers of U.S. stock have been Canada, Italy, Japan, Korea, Mexico, the Philippines, and Venezuela. These seven countries account for 87 percent of total U.S. wastepaper exports.

Over the past ten years, the amount exported has fluctuated widely from year to year. The percentage increase between 1969 and 1970 for example, was a whopping 41 percent. There have been a number of factors which affect the movement of secondary fibres. The first of these, obviously, is U.S. domestic demand. If domestic demand is good, then domestic prices are strong. When domestic demand falls off, secondary fibre prices weaken and they become more attractive as an export item. Export demand is fairly constant, varying according to local situations within importing nations. But, U.S. price is the major factor that determines the extent of the United States' recycling industry's efforts to meet the demand.

Exports to Europe and the Far East are now mostly in the medium-priced, long-fibred brown grades, while Mexico and Latin America have shown great demand for these brown grades as well as pulp substitute grades.

The breakdown of goods exported to markets outside the U.S. is not detailed. But, based upon Container experience in 1969, 72 percent of the total amount exported was in the bulk grades, and 28 percent in specialty or pulp substitute grades. In 1970, bulk grades accounted for 65 percent, and pulp grades 35 percent. It is difficult to draw any real conclusions on these figures, because a great number of circumstances change the mix of tonnage shipments. For example, domestic demand for the grade in question will frequently determine whether or not tonnage can be exported. Short pulp supply usually means strong business or higher prices for pulp substitutes in the U.S. High prices, in turn, will frequently prohibit or at least limit the export stability of a given stock. For that matter, anything affecting prices upward will have a limiting effect upon the importer in fibre-short countries. Frequently, also, importing countries will control importation with the use of import duties, various licenses, import permits, requirements, examinations, etc.

Recently, I read an interesting article analyzing the problems of export marketing of wastepaper. The article stated that the movement of wastepaper out of the U.S. has been spasmodic in the past, and hindered by the actions of marginal dealers in the United States who are in and out of the market with great frequency. At times, special lower cargo rates have been available stateside, and frequent sailings were offered during periods when shipping business was depressed. However, as soon as shipping space became short again, the shippers chose goods with greater revenue and some paper stock was left standing on the exporting dock.

In spite of this, however, there are opportunities for increased exports of wastepaper due to overseas shortages of wood pulp and secondary fibres, as well as high pulp prices. The relatively high freight rates usually place wastepaper from the United States at a price disadvantage as compared to the importing mill's local supply of wastepaper and pulp.

Let me emphasize, although wastepaper from the United States delivered to a mill abroad usually costs two to three times that of the local supply, the demand in virgin fibre-short countries for additional pulp encourages the use of imported wastepaper to stretch the limited domestic supply.

And, this brings me around to my principal subject—the potentials for expanding the international wastepaper market. This is a very timely topic in light of the current activity here in the States with the general public and government influence on the environment, and, especially, recycling.

As I pointed out, the U.S. demand for wastepaper plays a significant role in determining the amount of paper, the quality, and the price of paper that can be exported from this country. So, let me take a few minutes to discuss what effect I think the current interest in recycling here in the U.S. will have and how it will affect wastepaper exports.

First, I do not think my country's interest in recycling has reached its peak, and I do believe that U.S. government and industry, and the general public, will continue to work for the social good of this country. This means that there will be continued interest in, and demand for, effective utilization of recycled fibres. However, this demand will not adversely affect export opportunities. Let me explain why.

The U.S. National Academy of Sciences is currently saying that the U.S. must double its paper recycling rate by 1985 or the environment will suffer considerably. For purposes of discussion, let us assume that this figure will be reached. To assume this, of course, we have to ignore the economics of this increase, including the capability of the industry to meet it and the capability of customers to absorb this amount.

Along with the doubled recycling rate, predictions are that the use of paper in the U.S. will double from 58 million tons to about 117 million tons. Therefore, if paper use doubles, the amount of paper disposed of will grow from 40 million tons to 80 million tons and continue to be 50 percent of municipal waste, assuming all other factors hold. On the other hand, if recycling into paper and board doubles to 40 percent, the tonnage use will not just double to 20 million, but will redouble to 40 million tons. However, the paper and board in solid waste will still increase to 60 million tons, and the percent of wastepaper in municipal solid waste will drop to only 43 percent from its present 50 percent level.

So, as you can see, there will still be plenty of paper around for export, no matter what happens to the current recycling movement in the United States.

One role members of B.I.R. can play in the U.S. domestic situation is to make certain that all concerned parties realize that importation of wastepaper from the U.S. represents an approach that turns America's solid waste management problem into another country's raw material resource solution. This is a salutary form of recycling that must be explored by governments and environmentalists. Though U.S. use of wastepaper be quadrupled, there would still be just as much of a disposal problem in the U.S. as there is now.

The demand for recycled wastepaper in international markets is considerable. It also is predicted to grow rapidly in the coming years.

Since U.S. demand for recycled fibre does play an important role in overseas export potential, I think it is interesting to compare the per capita consumption of paper and paperboard in the U.S. against other countries, keeping in mind that the U.S. recycles at a 20 percent rate.

Current consumption of paper and paperboard worldwide is 72 pounds per person. The U.S. consumption figure in 1969 was 576 pounds, with all other countries consuming under 50 pounds per person per year.

This large difference indicates that the rest of the world can absorb a large amount of wastepaper, as the standard of living increases in developing countries; when it is economically feasible, the possibility for exporting the wastepaper from the U.S. to these outlets is excellent.

Recent projections of the future requirements of the world for paper and paperboard indicate that there will be growing pressures for increased internal recycling or importation of wastepaper to supplement the limited fibre resources available in many countries. Undoubtedly, the wastepaper from the United States could play a large role in supporting these worldwide needs. When wood pulp prices increase and substitution of wastepaper becomes technically and practically feasible, it then will become economically attractive for major portions of the furnish to come from the large tonnage grades—old containers, news, and mixed papers.

An appreciable percentage of the world's increased requirements for paper and board in future years will have to based on wastepaper to a greater degree than past and present usage of this resource.

However, don't let me give anyone the idea that all countries are just sitting there and waiting for the U.S. to ship them paper. Quite the contrary. Most countries can't afford to buy from the United States. And, frequently, there is a lack of incentive for capital money to be invested in wastepaper consuming mills in developing countries, or fibre-short countries, because the delivered price of wastepaper imports is too high.

Two main factors in the delivered price are the cost in the U.S. of preparing the fibres for export, and the total transportation cost from the point of preparation to the docks and over the water to the point of consumption. Transportation cost can add from 50 to 300 percent to the delivered cost of wastepaper, and constitutes a substantial impediment to export.

Increased volume and new techniques for transoceanic handling give hope for a closer correlation between freight and f.o.b. cost. Containerization in 10–25 ton units has been available for the past two years. There are roll-on and roll-off type vessels which take 40 tons in containers on lift trucks into holds, with unloading and discharge handled in the same convenient, expeditious manner.

Also, now becoming available is the transportation of containerized "lighters aboard ship." This is a revolutionary system for carrying cargo aboard ship in floating containers. These lighters dramatically increase the speed of handling cargoes, and cut voyage turn-around time in half. The entire vessel can be loaded to capacity in 24 hours, rather than the 10 days now required for conventional ships. These lighters can carry from 100 to 500 tons of paper stock and are, of course, on a per-ton comparison, loaded and unloaded much more quickly than with conventional ships.

Another area deserving investigation is bale density. This is important because freight rates are partially dependent upon density, with denser bales carrying a lower per-ton rate.

The possibilities for significantly increasing the density of wastepaper bales, however, is dependent upon technological advancements. With current known technology, it is feasible, but not economical, to get bales with a density of greater than 30 lbs./cu. ft. or a bulk volume of less than 67 cu. ft. per short ton of 2,000 lbs.

As pulp prices rise and foreign requirements for papermaking fibre grow, it is obvious that a considerable potential exists for increasing supplies of wastepaper from the U.S., if ocean freight can be reduced by negotiation, or if bale density can be improved economically. This may not be as easy as you think.

Let me tell of an actual experience at Container Corporation's California paper stock operations. In order to reduce shipping costs through a high density bale, we developed and installed the largest and most powerful paper baler currently in use. However, much to our dismay, we discovered that when the bale was compressed to 35 pounds per cubic foot, the size of the metal bale band had to be increased to keep the bale from breaking open. Of course, the stronger and heavier banding cost more. This added expense equalized the anticipated ocean freight savings from the denser bale. So, an approach which we thought would save us money actually ended up not having any at all. The outcome was that we reduced the bale density to 35 pounds per cubic foot, and then we had a viable shipping unit that did not require the stronger bands. So, as you can see, improved bale density may not be the complete answer, at least with current technology.

New techniques for collecting and processing of wastepaper suitable for mill consumption are being developed, but more are needed if we are to meet the demand for economical waste fibres, and if we are to contribute to the allevation of solid waste in the U.S.

One of the fundamentals of economic pricing is a more stable export demand for long brown fibre and groundwood grades. It is crucial that importers and exporters work together to promote long term ordering so plans and investments can be made with the assurance that there will be a market for our output.

Recommendations for increasing exports of wastepaper invariably list the reduction in freight costs as the most important problem to be solved. Government could assist this by paying a subsidy or exported wastepaper, equal to a portion the cost of disposal in municipal solid waste disposal systems, with no incremental charge to the taxpayer. The payments could be in the form of direct freight subsidy or some other form of government credits to accomplish the same purpose. This would provide a substantial inducement to export, since the average cost of collecting and disposing of municipal waste equates to more than one-half the cost of trans-Atlantic shipment. Other assistance government might render would include tax abatement or accelerated depreciation on new process facilities installed for preparing wastepaper for export.

Thus, we see that the role of wastepaper in some of the developing countries, that do not have adequate supplies of papermaking fibres, can be an important one, and the United States appears to be the only major source they can call upon at the present time to furnish it.

The major industrial countries which can and do generate large supplies of wastepaper consume it and will continue to do so. In this situation, the position of the United States for exporting a large tonnage of wastepaper is unique. It appears that instead of concerning itself with the destructive disposal of wastepaper, the U.S. can rid itself of part of the problems and costs by selling a valuable recycable resource to other countries who need and can use it. It won't solve the U.S. balance of payments problem, but every small contribution helps.

We must educate all officials and all Americans that it is cheaper to provide economic incentives to get cellulose wastes out of the U.S. than it is to dispose of it. What the amount of the subsidy should be will have to be decided by a careful review of alternative disposal costs.

Economics, of course, is the key to expanded exports, but there are two other related items that at times are equally significant. Exporters here in the States must set and adhere to strict quality control to prevent substandard shipments. We must ship the quality ordered. And, likewise, the importer must have integrity to live up to his end of the bargain and accept what has been properly shipped to him and not create problems just because it is on open credit. This type of unprofessional conduct at either end of the shipping route leads to frutration and a reluctance to get more involved in exporting or importing.

I have touched on many points so far. Any single one might be worth several hour discussion, which undoubtedly will happen, as the international exporting of wastepaper continues to be explored. It is impcssible to go into a great amount of detail in the short amount of time available to me today.

Let me summarize my comments on international marketing of wastepaper. Hopefully, my remarks can serve as a catalyst for more action, interest and results on all fronts.

The export demand for wastepaper has fluctuated wildly over the past years, because of changes in domestic demand and prices. The demand for wastepaper in fibre-short countries is great and can be expected to grow rapidly as these countries become more and more industrialized. The relatively low per capita consumption of paper and board in many countries makes the operation of small paper machines necessary as an economic alternative to importing new paper. Smaller machines are more adaptable to wastepaper, furnish than virgin fibre and they require less capital investment. This is a pertinent argument in their favor, either in developing, tree-rich countries, or countries with no tree supply. In the majority of these emerging nations, the supply of local wastepaper is very minimal and therefore needs fortification by import.

The cost of delivered wastepaper must be reduced before the U.S. paper stock industry can meet the demand, increase its exports, and help alleviate America's solid waste management problem. Costs can be reduced through several courses of action—all of which B.I.R. members should work toward. These include encouragement of long term ordering for sustained demand, reduced freight costs for wastepaper in U.S. shipment, subsidized cargo rates for overseas shipment, and development of more advanced equipment for handling wastepaper.

The current interest in the environment here in the U.S. and elsewhere will have slight effect uopn exports of wastepaper, no matter what the optimistic predictions are. Keep in mind that even if we increase the amount exported by as much as one million tons, that still is only ten percent of the wastepaper presently being recycled in the United States and only 1/40 of what ends up in dumps. The perspective should be retained that exports of wastepaper have a limited role in the solution of the United States' solid waste disposal problem, unless more economic incentives are developed to favor such exports.

What is needed is for members of the B.I.R. in their respective countries, and for our respective governments, to come to grips with the real problem of economics. We must join forces on a worldwide basis to turn the waste management problem here in the U.S. into a trade advantage and a resource potential to countries that truly can use wastepaper.

THE KENT STATE MURDERS—JUSTICE DELAYED IS JUSTICE DENIED

HON. BELLA S. ABZUG

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, July 12, 1971

Mrs. ABZUG. Mr. Speaker, more than a year ago, on May 4, 1970, four students were killed by National Guard fire at Kent State University. An FBI investigation determined that the National Guardsmen were in no danger from the student demonstrators, and all the evidence indicates that there was no justification for the shooting. In fact, the Guardsmen seem to have taken it upon themselves to inflict summary punishment on the demonstrators. Since that time there have been numerous calls on the Justice Department to bring the matter before a Federal grand jury for the indictment of those responsible. The Justice Department has repeatedly stalled in making its decision, though we have seen in the case of Daniel Ellsberg how fast they can move when they want to.

On May 13, 1971, 20 Members, including myself, wrote to Attorney General Mitchell requesting action on this matter; most recently, the Justice Department stated on June 21 that it would announce a decision within a month of that time.

In Saturday's Washington Post, there appeared a most moving letter from Arthur Krause, father of one of the slain students. At this point, Mr. Speaker, I am including in the Record Mr. Krause's letter:

PITTSBURGH, PA.

GENTLEMEN: I am one of those Americans who find it extremely difficult to understand why the deliberate killing of my child and the three who died with her evokes no "comparable priority." And in despair I ask you how it is that so many hints that the shooting was a "conscious deliberate act" can be so cynically and callously ignored?

I will conclude by saying that this letter was prompted by the following item in this week's issue of Time Magazine concerning your legal conflict with the Justice Department:

"The White House insisted with much justification, that it must take action when it feels that a law has been violated. 'How would you explain to people that you elected not to enforce the law?' asked one presidential aide."

ARTHUR S. KRAUSE.

Mr. Speaker, Attorney General Mitchell claims to stand for "law and order." Here is a chance for him to demonstrate that. Certainly, if the administration refuses to act in the fact of strong evidence that the crime of murder has been committed, we have neither law nor order. We must not allow the tragic events of Kent State to be repeated, and to help prevent this those responsible must be held to account. If the Justice Department fails to act, they will be showing the world that America is a nation of liberty and justice not for all, but for some.

RANK AND FILE REBELLION

HON. BENJAMIN S. ROSENTHAL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, July 12, 1971

Mr. ROSENTHAL. Mr. Speaker, there is growing evidence that union leadership is getting out of touch with the rank and file. It has been estimated that nearly 15 percent of the contract settlements negotiated by union leaders are being rejected by the members.

There also appears to be a growing gap between union leaders and members in terms of age, social status, income, political views, and, often, goals.

Many young workers are having difficulty distinguishing between their leaders and company management. Contributing to this are the high salaries, plush offices, official cars, and other accouterments of high union offices.

On the other hand, union leadership is probably more educated, more sophisticated, and more professional than ever before—all to the benefit of their members, although these qualities are not as readily apparent as the more tangible trappings of the offices.

Reporter Sandor M. Polster in the June 21, 1971, issue of the Nation, observes:

> The reasons for rank and file rebellions are varied and complex, and so are the suggested solutions.

He discusses the topic in a very thorough and readable manner. I highly recommend his article to everyone interested in the labor movement, and I am inserting it in the RECORD at this point:

LABOR'S NEW BLOOD—INSUBORDINATE RANK AND FILE

(By Sandor M. Polster)

In mid-April more than 5,000 of New York City's 11,300 firemen massed inside a midtown auditorium and overwhelmingly voted down a leadership-supported city contract offer. The contract would have granted the firemen a handsome wage increase, fringe benefits and a forty-year, full-pension program. Altogether, the package would have boosted their current $10,950, a year top salaries to about $15,500 in January 1973.

The firemen, by rejecting the tentative contract agreement, joined an estimated 12 per cent of the country's labor unions in what has become a phenomenon of increasing concern to organized labor, management and mediators. Never before in the nation's labor history have there been so many rank-and-file repudiations of leadership-negotiated contracts as in these past half-dozen years. To say that the cause of this problem is the economy is to overlook elements of far greater consequence.

The Federal Mediation and Conciliation Service has compiled the only accurate figures on contract rejections, and its statistics apply only to those negotiations "actively" entered by the agency. However, the figures are a good barometer of the problem: in 1964, there were 8.7 per cent rejections by the rank and file of the 8,000 cases mediated by the FMCS; in 1965 there were 10 per cent; 1966, 11.7 per cent; 1967, 14.2 per cent; 1968, 11.9 per cent; 1969, 12.3 per cent, and last year, 11.2 per cent. Mediators and others who follow the national labor picture maintain that if accurate records were kept of all contract rejections, the figure would be close to 15 per cent.

"Negative membership response to settlements negotiated by authorized union leaders has been apparent in nogotiations across the country for at least the past ten years," says Walter L. Eisenberg, chairman of the Hunter College Economics Department and mediator in the contract negotiations between New York City and its municipal service unions. In the past five or six years, adds Eisenberg, "some very substantial collective bargaining settlements have produced negative results in large urban centers."

One of the first and most significant of rank-and-file repudiations occurred during the International Association of Machinists negotiations with the airlines in 1965. The membership rejected a settlement reached by its leaders at the White House, with the assistance of President Johnson. New York attorney and labor mediator Theodore W. Kheel refers to the airline mechanics' action as "an historic turning point. It broke guidelines. It was a dramatic repudiation by the rank and file of the settlement made by the leadership."

That strike in 1965 signaled the beginning of a period of restlessness and militancy in the labor movement that continues today. To understand the problem fully it is necessary to study the changes organized labor has undergone in the past dozen years.

Several labor experts, including Eisenberg, see the Taft-Hartley Act of 1947 as the beginning, and the Landrum-Griffin Act of 1959 as the end, of Congressional attempts to impose controls at the bargaining table and on the union's own affairs. The unions have claimed that the power which this legislation gave the membership has undermined the leadership control of the rank and file. "The impression was created," says Eisenberg, "that union leadership could be brought to book by the membership. It created mistrust of the union and the union leadership."

The change in temperament is also linked to a change in the composition of union membership. Eric J. Schmertz, Hofstra University law professor and labor mediator for New York City, says: "In the past, when there were immigrant workers, the membership was more inclined to accept the decisions of leadership. . . . Once all members and leaders were of a single class, they identified with that class, their political persuasions were the same. There was an identity between members and leaders. The membership of a union today is so diverse that the interests and the demands no longer coalesce. . . . The level of education has made a difference. You have a more educated membership now that questions the job its leaders are doing. The diversity of the membership, its improved economic status, its increased education make the member more of an individual."

This difference has arisen recently. In the 1930s, the depression gave workers a common cause; then, in the 1940s World War II, and in the 1950s the war in Korea imposed economic controls. But in the 1960s there was a war economy without defined controls; and compounding the runaway economy of the 1970s, with its hectic wage-price spiral, is an air of militancy.

Vincent McDonnell, chairman of the New York State Mediation Board, says of this growing militancy: "I think it's the general way of life that's been developing for a number of years. A good deal of it started in the civil rights movement, then expanded into the schools and now it's expanded into the labor unions. There's nothing phenomenal about the rank and file overturning the leadership in contract ratification. They see everybody doing these things, and they do it, too."

According to Eisenberg, "We're living in a time where groups that have not had a sense of group power are now exercising it, or groups that have exerted it with great restraint are now exerting it with force." The workers' new awareness of their power hasn't been due entirely to outside influences. An ever increasing number of young persons have been joining the work force, producing labor's own generation gap. Matthew A. Kelly, professor at Cornell University's School of Industrial and Labor Relations, writes in the July 1969 *Labor Law Journal*: "The composition of most union memberships has been going through a dramatic and dynamic change and it is the exception where there has not been a recent major influx of new and youthful members, whose needs, goals and attitudes toward established ways differ sharply from those of their elders. This is especially pronounced in industrial unions where it no longer is a rarity to find that fully one half of the union membership is under 30, or that close to half the membership joined the union within the past four years."

William E. Simkin, former chairman of the Federal Mediation and Conciliation Service, surveyed federal mediators across the country from July 1, 1965, to June 30, 1967. From these data on 1,520 labor disputes he concludes: "Many younger workers who have grown up in a period of relative affluence have never experienced either a real depression or the early history of union struggles. Moreover, they are not very interested in attempts to acquaint them with these hard facts of earlier years. Many have never experienced a strike of any duration. When these facts are coupled with what may be loosely described as the current disillusionment of youth in other areas of activity, negative ratification votes are not surprising."

Simkin's study is nearly four years old, but observers of the labor scene nevertheless cite the report today as an authoritative account of the causes of the rejection phenomenon. Coupled with the problems of labor's youth movement is the growing number of lethargic or apathetic members. Whatever the cause—disillusionment, lack of identity—the result is in direct contrast to organized labor's one-time ability to muster the membership to work for its leaders. Now, most members stay home, allowing the dissident elements within a union to exercise influence out of proportion to their numbers.

Kheel sees as one cause for contract rejections an increasing attack on leadership per se. "It is one of the sicknesses of our times," he says. "We attack leadership and the result has been that many leaders now run to cover." Eisenberg concurs:

"Union leaders did have a freer hand in another era. Now, the character of leadership is changing. New members are not coming in by voluntary means, and this brings a tendency to resent leadership. Unions have tried to overcome this—fine those members who don't attend meetings, conduct educational programs and publish shop papers and, in alert unions, bring in shop stewards of a representative age.

"I suspect that the rejections of collective bargaining settlements we have been experiencing in the last couple of years are the reaction of workers responding adversely to the establishment, including the unions to which they belong. There is a sort of competition. Union members are expecting of their unions at least as good a result as non-union workers are getting from the government. But no matter what the unions will do, the settlements will be turned down.

"The repudiations are not a result of contracts, because the contracts are often good, but they are a result of some other factors. There is no test of reasonableness."

A factor contributing to any mass action that repudiates leadership is internal politics, and latter-day labor unions, being politically sophisticated, are no exception. Simkin, in his study, found politics to be the second most cited cause of rejections. The first was contract agreements reached elsewhere.

"In a sizable number of situations," he writes, "the union leadership handling the negotiations was elected by a narrow majority. The strong minority group may have opposed the agreement primarily because it was negotiated by the opposition. Or, a quantitatively weak but very vocal minority may rally enough support from others who are dissatisfied for other reasons to promote a negative ratification vote."

Dissident elements find support from special interest groups within the membership, such as blacks or women, who feel that management has treated them unfairly and that the current union leadership has been unresponsive. Also, skilled workers, who have prided themselves on this wage advantage over the unskilled, have lately become restive because of an apparent closing of the gap, and they lend their support to a dissident group that pledges them pre-eminence once again.

But whenever the causes are discussed, youth plays a key role. As Simkin writes, "The fact that the work force at many plants is now composed of an increasing percentage of young, low-seniority employees creates sharp differences as to how a total economic package is to be divided between cash wages and security fringes."

The union leadership may very well have negotiated a contract that was representative of the membership, but younger members, unconcerned about a pension program won in the contract, muster strength at the ratification meeting and manage to reject the offer. These younger members are satisfied that their elders have received a fair pension plan, but it will be many years before they themselves can take advantage of it, and they want higher wages now.

Arvid Anderson, chairman of New York City's impartial Office of Collective Bargaining, says, "I think some of the rejections result from the belief, 'O.K., turn it down and we'll shake the tree a couple more times.'" Julius Manson, former executive director of the New York State Mediation Board, holds a similar view: "The tendency to repudiate contracts will continue so long as it is believed that with repudiation of a contract there will be more put into the kitty."

McDonnell cites as an example of this attitude a recent strike by New York City garage attendants, a dispute that his office mediated. The negotiations reached an impasse and a strike was called. After a few days the union leadership and the management reached a tentative agreement. But at the ratification vote the membership rejected the offer. Management then announced that it was refusing to negotiate further, that it had bargained in good faith with the appointed leaders, and if those leaders couldn't speak for the membership then it saw no use in resuming the talks. This stand apparently had its desired effect: cosmetic changes were made in the contract offer, and it was accepted in a second vote.

Another suspected reason for contract rejections is the tendency of leadership to take a militant stand at the beginning of negotiations, promising the membership impossible gains. Upon completion of the negotiations the membership remembers the unfulfilled promises. Schmertz says, "I have seen this heightening of expectations to the point where retreat from the hard collective bargaining becomes very difficult."

He adds that associated with this is the leadership's failure to inform its members of the nature of collective bargaining. "The specific details of the tedious bargaining, the give and take, where demands on one side are met with an equal amount of resistance, escape the membership," he says. "I think the leadership makes a mistake in portraying the negotiations in a much too simplistic fashion. When the leaders come out with something less, or something ground down, the members are dissatisfied."

Thus, the reasons for rank-and-file rebellions are varied and complex, and so are the suggested solutions. Simkin concludes his study: "There is no best solution. For the most part, solutions must be devised by the union and company involved within the framework of a specific situation."

One of the solutions most discussed is the elimination of the ratification vote. "There is always the possibility of wildcat strikes," says Schmertz, "but over a period of time the membership would accept it." The greatest obstacle to this remedy, Schmertz adds, is "the conflict on just how democratic a union should be and how strong the leadership should be."

McDonnell says, "There should be a law requiring the union leadership to settle a contract without membership ratification, and if the members don't like the result, they can vote the leaders out of office. If repudiations accelerate, management may refuse to negotiate. I could see management questioning whom it's bargaining with."

Manson says that one possible solution would be to develop "restraints . . . where it can be made plain that repudiated contracts simply won't be changed. There is another way to handle it, to have acceptance of a proposal by majority vote, but no strike action can occur without a three-quarter vote."

It has been frequently suggested that Congress should enact strike curbs, especially in the public sector. "I think it will happen eventually," says Manson. "I think we are approaching a collision course in the strike situation, particularly with public employees."

Eisenberg sees two possible outcomes to the repudiation problem: "It could be a momentary, temporary phenomenon, and we can wait it out, or it could become a fixture of the system. It could replace the institutionalized bargaining method. If Congress finds there is no way to cope with the phenomenon, it could look into the strike as a weapon and legislate strike controls. There is already talk of such things."

This talk includes banning strikes by public service unions, and substituting mandatory compulsory arbitration. "I'm very skeptical on the enforceability of anti-strike legislation," says Schmertz. "As for compulsory arbitration for public employee unions, it's too late, the unions are too strong."

His answer would be "a type of structure where the parties, on a voluntary basis, would use a forum which blends merit, fact and a sufficient amount of pragmatism without exerting economic pressure. The normal collective bargain structure would be used."

Kheel would not look to legislation or any form of mandated action. "I don't see the rank and file changing, but I do see the professionalism of leadership changing. Every action must have a reaction. You have to teach the rank and file the importance of following, and teach the leadership the importance of leading. The solution to the problem is development of leadership that will be followed. You just don't legislate leadership."

DENHOLM DISCUSSES REA NEEDS

HON. JAMES ABOUREZK

OF SOUTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 12, 1971

Mr. ABOUREZK. Mr. Speaker, one of the real pleasures I have had since becoming a Member of the House of Representatives has been the opportunity to work closely with my friend and colleague, Congressman Frank Denholm of the First District of South Dakota. One area in which I am sure he shares my satisfaction is the recently appropriated $545 million for the REA electric loan fund. This sum has long been needed. In a recent article in Rural Electrification, the official magazine of the National Rural Electric Cooperative Association, Congressman Denholm very articulately discussed several aspects of REA financial needs and problems. The merit and quality of this article are such that I would like to call it to your attention:

A Critical Financing Situation

(By Representative Frank E. Denholm)

Electric power did not become readily available in South Dakota until 1944, when Congress passed the Agriculture Organic Act, popularly referred to as the Pace Act for its sponsor, Representative Stephen Pace of Georgia.

REA would have expired automatically in 1946 without this legislation. The interest rate on outstanding and on all new REA loans was set at 2% by this act and the amortization period for loans was extended from 25 to 30 years.

When the Pace Act became law, a concept of greater obligation consistent with the intent of the legislation was imposed on rural electrics.

Rural electric cooperatives were required to adopt "area coverage covenant" resolutions to qualify for REA loan funds. In 1950, the principle of area coverage was incorporated into and made a part of loan contracts.

Administration of the law by REA gave rural electrics the burden of energizing electric lines to every remote area of our country. The obligation and purpose of 2%, 35-year loans were defined with certainty—electric service for all of rural America.

Rural electric cooperatives have performed according to the terms of the covenant and pursuant to the provisions of law. They have kept faith with the Congress and the people. They have met required payments on principal and interest and built a record of prepayment on loans in a manner unequaled by any agency.

Because the cooperatives have fulfilled the covenant of area coverage and still kept retail rates as low as possible, and because of inflation, rural electrics now face a critical financing situation.

Millions of people who once lived on the land have been forced to leave farm homes. Facilities constructed by rural electrics to provide service to rural families have in many instances become abandoned, disconnected and useless as people left the land.

The economic impact of the loss of revenue because of these abandoned farms and homes, coupled with inflation, makes it essential that the Congress approve, at the very minimum, an appropriation of $555-million for REA for fiscal year 1972.

IMPACT OF INFLATION

I have reviewed the effect of inflation on facilities required to provide farmers with electric service in South Dakota and North Dakota. This has caused me to conclude that 50% more capital is required to finance facilities today than was necessary five years ago:

(1) In 1964 a single-phase line with No. 2 ACSR conductor cost $1,760 per mile. In 1970, the same facility cost $2,200.

(2) A three-phase line with No. 4 ASCR conductor cost $2,310 in 1964 as compared to $3,600 in 1970.

(3) Three-phase lines with progressively higher capacity have increased in cost proportionately—$2,500 per mile to $4,000; $3,040 to $5,000, and $4,040 to $6,000.

At the subtransmission level, rural electric personnel in South Dakota estimate that building one mile of 69,000-kilovolt transmission line costs 40% more now than in 1965. A mile of line which could be placed in service for $9,600 at the earlier date would cost at least $13,000 today.

The higher cost of completed facilities reflects the increased cost of components. Labor costs in the Dakotas are 43% higher; wood poles increased in cost by 25%; crossarms from 15% to 50%. Trucks cost from 50% to 60% more today than in 1965. Conductors are the one major component showing no significant price change.

Price increases associated with the generation of electric energy are of great concern. In 1965 a modern, effecient coal-fired generating station could be built for $130 per kilowatt. The same facility will cost more than $200 per kilowatt today.

The figures I have cited are indicators which have caused me to conclude that the average cost of an electric system has escalated by at least 50% in the past five years. This inflation is not peculiar to South Dakota. It is true of the entire electric industry.

ABANDONED SERVICES

The fact that thousands upon thousands of rural families have had to seek livelihood elsewhere has imposed further economic hardships on rural electrics and the member still being served.

When thousands of families left the land, farms became vacant and facilities constructed to serve those homes and farms became useless. Rural electric managers in South Dakota advise me that salvage of these facilities does not justify the cost of removing them. Cost of lines and facilities to serve a typical farm or rural residence in South Dakota is about $1,000. If a cooperative has its employees remove a line for salvage, this salvage is about $300, assuming the transformer is usable elsewhere on the system. Cost of removal of such facilities varies from $200 to $300. It is easily seen the cooperative gains nothing by attempting to salvage "disconnected" equipment.

In South Dakota there are 11,128 such abandoned services. Facilities constructed to serve these now-abandoned facilities required an investment of approximately $11-million.

Yearly amortization cost—principal and interest—on a 2% REA loan with 35-year repayment schedule, is 4.5% of the principal amount.

Rural electric members in South Dakota are thus paying through their rates an additional $500,000 annually to cover the cost of providing facilities no longer in use.

Nationally, there are more than 700,000 such idle or abandoned services. The capital cost of having provided such facilities has been estimated at approximately $700-million, and the cost to remaining members is about $31.5-million annually.

The "charge off" costs or "loss" to the cooperatives vary from region to region. The computation of loss depends on the original investment—primarily age of the facility.

National policy, decreed by the Congress, has imposed on rural electrics a total capital investment of $700-million to be amortized by retail rates to members based on full use of the constructed facilities. Vacant farms all over the nation are not consumers or users of such capital investment outlays that result in a cost which must be absorbed by the remaining people in rural America.

It would be justified, in my opinion, for the Congress to authorize REA, by special legislation, to reduce outstanding indebtness for each distribution cooperative by an amount equal to its investment in abandoned service.

At the very least, the Congress should provide adequate funds for the REA 2%, 35-year loan program for all of the requirements of the cooperatives.

W. A. "TONY" BOYLE CHARGES "RELENTLESS DRIVE FOR PRODUCTION" RESPONSIBLE FOR INCREASING NUMBER OF NEEDLESS ACCIDENTS

HON. FRANK M. CLARK

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 12, 1971

Mr. CLARK. Mr. Speaker, I bring to the attention of the House the release recently given by Tony Boyle, president of the United Mine Workers of America:

RELEASE GIVEN BY TONY BOYLE

W. A. (Tony) Boyle, president, United Mine Workers of America, today charged that the "relentless drive for production" in the nation's deep mines is responsible for an increasing number of needless accidents.

Boyle further charged that the continuing shortage of trained manpower to police the Federal Coal Mine Health and Safety Act results in large measure from "policies of indifference" and needless test hurdles of the U.S. Bureau of Mines.

"We have offered to work with the Bureau to recruit experienced mine workers as inspectors. Our offer has been ignored despite the need, although it still remains available to the Bureau.

"The Bureau also has insisted upon test procedures that are a high hurdle for otherwise experienced mine workers who are fully capable of conducting thorough mine safety inspections. Many of these men have had long experience on mine safety committees and know what should be done to prevent accidents, eliminate dust and otherwise insure safe working conditions," Boyle added.

The UMWA president further pointed out that he has written to all UMWA locals regarding fatal accidents due to the drive for increased production. He added that he has called upon all officers and members of the union to give these matters "our utmost attention."

"We have pointed out to our locals that our analysis of fatal accidents shows that most accidents result from the constant drive for increased production. Some men are being driven beyond the limit of human endurance to get out coal. We have stressed that while mine workers are expected to do a fair day's work for a fair day's pay, they are not hired to set production records.

"We intend to bring up the issue of mine safety and health in our coming negotiations. We will make it clear that a fair day's pay for a fair day's work does not give management the right to push the men until their lives and health are endangered," Boyle said.

MOURNS PASSING OF DOROTHY KABIS, TREASURER OF THE UNITED STATES

HON. ROBERT McCLORY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, July 12, 1971

Mr. McCLORY. Mr. Speaker, as a longtime friend of the late Mrs. Dorothy Andrews Kabis, 33d Treasurer of the United States, I am moved to express to my colleagues my respect and affection for her and for the deep sorrow which so many of us share in her untimely passing last Saturday, July 3, 1971.

During my more than 8 years in the Congress, I have known Mrs. Kabis principally under the name of Dottie Elston, as a dynamic and charming woman, as a prominent national leader of our Republican Party, and as a distinguished public figure in her office as Treasurer of the United States.

Mr. Speaker, Dottie Elston Kabis visited frequently in Illinois in the course of her political and public career. She thrilled and inspired Republican women and men alike in the 12th Congressional District where she was welcomed not too long ago as keynote speaker for the 12th Congressional District Women's Republican Club.

In addition to her personal beauty and charm, Mrs. Kabis possessed outstanding talents as an executive and administrator. She brought her full talents, her seemingly limitless energy, and her personal dedication to every job she undertook. Above and beyond these qualities, Mrs. Kabis was both loving and beloved in the fullest sense.

My wife, Doris, who was also one of her personal friends, joins in this expression of affection and sympathy on the occasion of her recent passing. We extend to her mother, Mrs. Mabel A. Andrews; her husband, Lawrence Kabis; and to all members of her family, this expression of compassion and respect.

THE RIGHT TO BEAR ARMS

HON. ROBERT L. F. SIKES

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 12, 1971

Mr. SIKES. Mr. Speaker, in the recent issue of New Guard, the magazine of young Americans for freedom, there appears a very interesting article entitled "The Right to Bear Arms." It is written by John M. Snyder, who is an assistant editor of the American Rifleman. This careful analysis of a controversial question deserves thoughtful attention. I submit it for reprinting in the RECORD:

An Aspect of Freedom: The Right to Bear Arms

(By John M. Snyder)

The right to keep and bear arms is integral to the specific American heritage of liberty and freedom. Approximately one fourth of the Nation's people now benefit directly from this freedom as actual firearms owners. Although some media and political personalities wage a pressurized public relations campaign to weaken or to destroy this liberty, tens of millions of Americans exercise the right to keep and bear arms in various legitimate shooting activities.

The constitutionally guaranteed right to keep and bear arms is under more concerted attack today than at any time since the British Crown tried to seize American colonists' guns in 1775. Chief opponents of the traditional American right to keep and bear arms include the Americans for Democratic Action, former U.S. Attorney General Ramsey Clark, Sen. Edward M. Kennedy (Mass.), Rep. Abner J. Mikva (2nd Dist., Ill.), the National Commission on the Causes and Prevention of Violence and those media monsters who lash private gun ownership through such channels of anti-gun propaganda as the Los Angeles Times, the New York Times, the Washington Post, ABC, CBS and NBC.

Opponents of the right to keep and bear arms assert that the Second Amendment guarantee of the right applies only to militia such as the National Guard. This is at best an inaccurate interpretation. It is most likely a false assumption. The right of individuals as individuals to keep and bear arms in this free American society is at least as old as is our very freedom.

The third U.S. President, Thomas Jefferson, forthrightly upheld the principle when he declared simply that "no freeman shall ever be debarred the use of arms" in a draft of the Virginia Constitution in June of 1776. In two subsequent drafts, he wrote that "no freeman shall ever be debarred the use of arms within his own lands or tenements." He penned these statements without interconnecting corollary reference to a militia. Just a few weeks later, his arguments for Americans' rights rang out in the Declaration of Independence.

THE BILL OF RIGHTS

Chief theoretician of the bill of rights concept was Jefferson's fellow Virginian, George Mason of Gunston Hall. Mason authored the State's Declaration of Rights and proposed an individual right to keep and bear arms.

One of Mason's earliest public documents was the "Fairfax County Militia Plan for Embodying the People" of February 6, 1775. He clearly indicated that persons individually armed at their own expense constituted a source of personnel from which militia could be drawn. "We do each of us, for ourselves respectively," he wrote, "promise to engage a good Fire-lock in proper Order, & to furnish Ourselves as soon as possible with, & always keep by us, one Pound of Gunpowder, four Pounds of Lead, one Dozen Gun-Flints, & a pair of Bullet-Moulds, with a Cartouch Box, or powder-horn, and Bag for Balls."

Mason's statement carried the definitive implication that it is because the people have the individual right to keep and bear arms, are capable of exercising it and in fact do exercise it that an active militia can exist. The mere fact that there is a militia depends on people's individual right to keep and bear arms.

George Mason was a delegate to the Philadelphia Convention called in 1787 to consider changes in the Articles of Confederation, under which the newly independent States had experienced governmental difficulties. In that Convention, he objected to the lack of a bill of rights in the proposed Federal Constitution.

The Convention did adopt a Federal Constitution without a declaration of individual rights. Mason then represented Fairfax County in the Virginia convention called at Richmond to consider ratification of that Constitution. He opposed ratification on the grounds that unless guarantees of individual rights were included in the document itself, some future government could and might deny such rights.

Mason collaborated with similarly minded statesmen in other places. He corresponded with one John Lamb, an anti-Federalist in New York. In a letter to Lamb written on June 9, 1788 and carried on June 11, 1788, Mason enclosed the handwritten "Proposed Amendments Agreed Upon by the Anti-Federal Committee on Richmond and Dispatched to New York."

That agreement called for a "Declaration or Bill of Rights, asserting and securing from Encroachment the essential and inalienable Rights of the People, in some such manner as the following:

"17. That the People have a Right to keep & bear Arms; that a well regulated Militia, composed of the Body of the People, trained to Arms, is the proper, natural and safe Defense of a free State."

Here, too, Mason clearly indicated that the right of the people to keep and bear arms is conceptually prior to a miiltia.

After the Contitution was adopted, the first Congress met in New York, September 25, 1789. Mason corresponded with James Monroe, a member of the first Congress who introduced a twelve article Bill of Rights. Ten of these, including the article on the right to keep and bear arms, were adopted and ratified by the States. The article on the right to keep and bear arms, Amendment II to the U.S. Constitution, reads: A well-regulated militia, being necessary to the security of a free State, the right of the people to keep and bear arms, shall not be infringed.

The language of this Amendment carries through the concept underlying the historical development of the concept as found in the writings of Jefferson and Mason. The people have an individual right to keep and bear arms. This is distinct from a militia. Furthermore, it is a right upon which both a well regulated militia and the security of a free State depends. The right to keep and bear arms, then, is necessary to preserve the capability of maintaining freedom.

The right is as significant today as it was when it was incorporated into the U.S. Constitution. As the winning entry in the American Bar Association's 1965 Samuel Pool Weaver Constitutional Law Essay Competition ("The Lost Amendment" by Robert A. Sprecher) pointed out, the Second Amendment right to keep and bear arms is an insurer, protector and guarantor of other traditional American personal and property rights.

Each year, newspapers throughout the United States report thousands of instances in which the presence of privately owned firearms helped prevent murder, rape or assault upon the gun owners or robbery, theft or burglary of their property. This spring, for instance, the owner of Brooklyn, New York's oldest pharmacy prevented two holdup attempts with the use of his .38 caliber revolver. In the first case, he wounded one of three bandits and the other two fled. In the second instance, the pharmacist shot and dispatched a lone holdup man. Police then took his .38 for tests. While the police possessed the firearm, a holdup man armed with a .45 caliber automatic pistol tied up the pharmacist, locked him in a closet in the rear of the shop and stole some drugs. Later, the pharmacist commented: "If only I'd had my gun!"

Despite the obvious crime deterrence of private firearms ownership by law-abiding citizens and the dissuading effect on some would-be criminals of the possibility of meeting a law-abiding armed citizen during the perpetration of a criminal act, advocates of extremist gun control measures such as firearms registration, gun owner licensing and governmental confiscation of privately owned firearms continually barrage the public with the fallacy that privately owned firearms are a causal factor in the crime problem.

GUNS AND THE CRIME RATE

The truth is that the FBI Uniform Crime Report rates per 100,000 population for murder and non-negligent manslaughter and total crime are higher for the States with the most restrictive gun control laws than they are for the States with the least restrictive gun control laws.

The seven contiguous States with the most restrictive gun control laws with their 1969 rates for homicide and total crime are California, 7.1–4,110; Massachusetts, 3.5–2,740; Michigan, 8.3–3,193; New Jersey, 5.2–2,458; New York, 7.2–3,566; Oklahoma, 5.8–1,675; and West Virginia, 5.6–765. The average homicide rate: 6.1. Average total crime rate: 2,643.

The seven contiguous States with the least restrictive gun control laws with their 1969 rates for homicide and total crime are Arizona, 6.0–3,085; Arkansas, 9.9–1,418; Kansas, 3.5–1,765; Kentucky, 10.4–1,663; Minnesota, 1.9–2,023; Vermont, 2.4–1,027; and Wisconsin, 2.1–1,383. Average homicide rate: 5.1. This is a full point lower than the average for the seven most restrictive States. Average total crime rate: 1,766. This is less than three fourths the average rate for the most restrictive States.

The four toughest gun control States are New York and Massachusetts, which require permits to buy or carry handguns; New Jersey, which prescribes permits to purchase or publicly carry any kind of firearm and West Virginia, which require licenses to carry handguns and, with certain exceptions, high powered rifles. The average homicide rate for this group: 5.4. Average total crime rate: 2,382.

The four States with the least restrictive gun control laws are Kansas, Kentucky, Minnesota and Vermont. None of these require licenses for the purchase or possession of firearms, although they do ban concealed weapons on the person (in Minnesota and Vermont with intent to do harm). Average homicide rate for this group: 4.6. This was 0.8 points less than the average for the four toughest gun control States. Average total crime rate: 1,619. This was over a thousand points lower than the rate for the four toughest States.

The evidence indicates there is no correlation betwen tougher gun control laws and lower crime rates. It suggests a correlation betwen tougher gun control laws and higher crime rates.

The situation in New York City leads one to the same conclusion. Under the infamous Sullivan Law, New York City dwellers have been subjected to requirements for the licensing of all handgun owners for the last 60 years. Owners of rifles and shotguns in that metropolis have had to acquire licenses and register their long guns since 1968. Despite this legislation, the New York City rates per 100,000 population for murder and non-negligent manslaughter rate of 13.2 was nearly two and one-half times the national average rate of 5.9. Since the 1968 ordinance took effect, the criminal homicide rate has increased by over 22%, from 11.4 in 1968 to 14.0 in 1970.

The message is clear. Despite the fact that New York City reports approximately only 19,000 authorized private handgun owners, only about 2,000 of which are not private security guards, the tough gun legislation in New York has not operated as an effective crime control instrument.

REGISTRATION OF ARMS?

Given these facts, it is preposterous to argue that Americans' right to bear arms should be weakened or destroyed by the state in an effort to reduce crime. Yet this is precisely what anti-gun extremists do advocate. The ADA, Ramsey Clark, Sen. Kennedy, Congressman Mikva, the Violence Commission and others have all advocated nation wide registration of firearms and licensing of firearms owners. Their position adheres to the absurdity that crime will be reduced by transferring the right of individual Americans to keep and bear arms to some governmental agency which would decide who could and who could not own a firearm. They would thus subject 50 million American firearms owners to governmental scrutiny and investigation in a supposed attempt to prevent homicides committed by a few thousand culprits who, when they do use guns in criminal activity, often use stolen guns anyway.

In addition, ADA, Clark, Mikva the Violence Commission and approximately 30 members of Congress are on record as wanting to ban, gradually eliminate or severely restrict to about 10% of the population the private ownership of handguns. Kennedy wants to limit possession to the discretion of the Treasury Department. They argue that "handguns are meant only to kill" and have no legitimate purpose. They should have consulted relevant official figures from New York State, the only State with a complete record of legally owned handguns, which indicate that 80% of such handguns are for hunting, target shooting or other outdoor use. As of June, 1969, 623,556 pistol permits had been issued—493,613 for hunting and target shooting and 129,944 for self protection.

The answer to the crime problem is not to penalize the law-abiding citizens but to get after the criminals. This would entail more effective law enforcement, speedier adjudication of criminal cases with the hoped for correlative decrease in recidivism by culprits on bail awaiting trial and greater efforts to rehabilitate those convicts who are capable of rehabilitation.

Over the long haul, much might be done to eliminate some causes of crime. The criminally inclined, if discovered before they committed a crime or crimes, could be helped to conquer the tendency to crime within themselves. Where poverty and alienation are found to constitute an environment for those socially destructive tendencies which so often result in criminal activity, they could possibly be reduced.

Mandatory minimum penalties for the use of firearms during the commission of felonies could also deter the misuse of firearms in crime.

Possession of firearms by certain categories of persons such as convicted felons, fugitives from justice, adjudicated mental incompetents and habitual drunkards and users of certain narcotics, could be prohibited.

These proposals, if adopted, would attack the crime problem without restricting the right of law-abiding American citizens to keep and bear arms. They would not infringe on the rights of the law-abiding members of those 30 million households owning firearms. They would not restrict America's 22 million active hunters, trap and skeet and target shooters in their activities. They would not prevent people from keeping arms for self protection. They would not negate the protection afforded non-gun owners by the fear on the part of some criminals that the non-gun owners just might be gun owners and able to resist criminal action.

There are thus two basic approaches to the problem of crime and disorders underlying the approaches to gun control. The one is utopian and statist and would blanket the entire population with restrictions on gun ownership in an attempt to get after a problem caused by a small minority. This approach is also ineffective, as statistical analysis indicates.

The other is democratic. It rests on faith in the people. It does not evidence fear of people possessing firearms as does the statist approach. The democratic approach is not found embodied in the writings of the super statists, the totalitarians, people like V. I. Lenin, who called for "the disarming of the bourgeoisie. "It is found embodied in the writings of the statesmen who loved and love freedom as a necessary social value, people like Jefferson, who declared that "no freeman shall ever be debarred the use of arms."

The answer to the question "which approach shall triumph in the end" rests with the people. Thus far, the response of the people has been encouraging.

GUN CONTROL AND THE PUBLIC

A nationwide poll conducted last year by "The Advocates" television program indicated that letters to the stations running the program ran 56% against outlawing handguns and 43.6% in favor of outlawing handguns.

Perhaps the most significant index of popular feeling, though is the electoral process, for it is through elections that the people choose who will make policy for them.

In last year's elections, two of the three principal U.S. Senate opponents of the traditional American right to keep and bear arms, Sens. Thomas J. Dodd (Conn.) and Joseph D. Tydings (Md.), were defeated in re-election attempts. The third, Sen. Edward M. Kennedy (Mass.), saw his percenttage of the popular vote in Massachusetts reduced from the 71% he obtained in 1964 to 58.8% in 1970. Sen. Kennedy's party colleagues in the Senate subsequently dismissed him from the leadership post of Majority Party Whip and replaced him with Sen. Robert C. Byrd (W. Va.), a legislator whose views have been more in keeping with the interests of firearms owners than have those of Sen. Kennedy.

Other anti-gun Senators retired by voters from the Senate in 1970 and 1968 were Joseph Clark (Pa.), who now heads up the utopian minded United World Federalists, Charles E. Goodell (N.Y.), Albert (Tenn.) and Mike Monroney (Okla.).

In the 1970 and 1968 elections, several candidates for the U.S. Senate won their elections as proponents of the rights of firearms owners or as opponents of candidates favoring a rigid approach to gun controls. These Senators are J. Glenn Beall (Md.), Henry Bellmon (Okla.), William E. Brock (Tenn.), James L. Buckley (N.Y.), Robert Dole (Kans.), Edward J. Gurney (Fla.), Robert Packwood (Oreg.), William B. Saxbe (Ohio), Richard S. Schweiker (Pa.) and Lowell P. Weicker, Jr. (Conn.). During his campaign, Sen. Buckley proposed a commission be set up to study the possibility of gun control repeal.

Three candidates for the U.S. Senate who favored or voted for the Gun Control Act of 1968, which banned mail order sales of all guns in interstate shipments to non-federally licensed persons and empowered the Internal Revenue Service to tell dealers how to record and register ammunition purchases for IRS inspection, reversed their position on the Act and subsequently won election or re-election to the U.S. Senate. The three: Sens. Hubert H. Humphrey (Minn.), William Proxmire (Wis.) and Hugh Scott (Pa.).

On balance, though, it does appear that the American voters have given their elected representatives the message that they do not want the traditional right of Americans to keep and bear arms tampered with and that they might even want some of the previous tampering, such as that embodied in some provisions of the Gun Control Act of 1968, remedied by legislative action.

Congress has already acted to blot out some of the onerous portions of the Gun Control Act. It has already amended the Act to exempt sales of ammunition suitable for use only in rifles and shotguns from the record keeping requirements of the Act. Last year, the House of Representatives voted to exempt .22 caliber rimfire ammunition sales, too. The Senate Finance Committee approved the measure but due to the workload at the close of the previous Congress, the bill did not come before the full Senate. Several bills now pending in both houses would exempt the .22 rimfire ammunition, used by millions of law-abiding shooters, from the sales record keeping provisions of the Act.

Scores of Congressmen are already on record as wanting repeal of the entire Act, indicating it places unnecessary burdens on law-abiding firearms owners without doing anything to remedy the crime problem. These include the new Speaker of the House, Rep. Carl Albert, who co-sponsored the first bill in the previous Congress to repeal the Act.

The chances for repeal of the Gun Control Act and for the prevention of firearms registration, gun owner licensing and handgun confiscation depend on the effectiveness with which traditionalists defending the right to keep and bear arms combat propaganda concerning the meaning of the Second Amendment, the causes of the crime problem and the actual opinion of the people on the right to keep and bear arms.

CONGRESS' HOUSE OF SECRET DEALS

HON. MICHAEL J. HARRINGTON

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, July 12, 1971

Mr. HARRINGTON. Mr. Speaker, I would like to call the attention of my colleagues and the American public to the secrecy that pervades the House-Senate conference committees. All House-Senate conferences are closed to the public, the press, and other Members of Congress. Although conferences often significantly alter legislation passed by the two Houses, no record is made available of what occurs during a conference or how the conferees vote on the key issues involved. These secret meetings are detrimental to public confidence in the legislative process and encourage special interests whose purposes cannot stand public scrutiny. The public is denied information to which it is entitled in a democratic society.

Recent action of the conference committee on the military pay bill, in apparent violation of the Legislative Reorganization Act of 1970, is only the latest in abuses of conference procedures. Although both the House and Senate have passed similar pay increases and effective dates, the conferees have approved measures which are clearly outside any previous action by their respective bodies. The Legislative Reorganization Act states that the report of conferees "shall not include matter not committed to the conference committee by either House, nor shall their report include a modification of any specific topic, question, issue, or proposition committed to the conference committee by either or both Houses if that modification is beyond the scope of that specific topic, question, issue, or proposition as so committed to the conference committee."

I insert into the RECORD the article, "Congress's House of Secret Deals," written by the very distinguished former U.S. Senator from Tennessee, Albert Gore, in which he describes and discusses the closed-door dealings of the House-Senate conference committees. The article follows:

CONGRESS'S HOUSE OF SECRET DEALS

(By Albert Gore)

Congress has never come to grips with the archaic ways and the often dictatorial-like powers of conference committees. It is here, in secret meetings often not even announced until the last minute, that a few men can sit down and undo in one hour the most painstaking work of months of effort by several standing committees and the full membership of both houses. It is here, after the tumult and shouting and public debate have faded from the House and Senate and after the headlines have shifted to a new subject, that appropriations measures, tax bills and other substantive legislation can suffer remarkable mutation.

After the conference committee's "report," or agreed action, is taken, the two houses must then vote on it up or down, in toto, without amendment. There is usually scant explanation or debate before the vote to accept or reject. The conference deliberations are not published, and the reports are often all but unintelligible to the public and the Congress alike—sometimes legislators are not aware of what they have voted for. And perhaps most important, there is usually a finality about conference committee decisions. Any senator or congressman who opposes only a specific provision is faced with two choices: accepting the provision or trying to defeat the entire bill, a move which would cost weeks or months of work. Often, the important legislation comes up right before recess or holiday, which makes a fight against the conference report even more unlikely. For these reasons, the reports, even when they distort the intent of either house, are rarely challenged.

One such committee, on which I served, met in secret on a cold December night in 1969. By 2:30 a.m., it reached a decision which would increase personal income tax exemptions from $600 to $750 (in stages), a beneficial step. But part of the decision also ultimately gave an enormous tax reduction to the relatively few with very large "earned" incomes (salaries, bonuses, commissions, as opposed to "dividend" or "interest" income). The head of General Motors, and others with like earned incomes, may gain as much as $90,000 per year from this reduction. And the reduction was available only to those in the top brackets and denied to everyone else below them.

This conference committee, made up of seven senators and nine representatives, had been appointed by the president of the Senate and the speaker of the House, respectively. (In practice, the chairmen and ranking minority members of the standing committees handling a given piece of legislation actually name the conferees. Almost invariably, they name themselves.) The committee was brought together to compose, "settle" in congressional cloakroom jargon, the hundred or so differences between the versions of the Tax Reform Act of 1969 as it had passed each house of Congress. It is in such committees, established in similar fashion every time there are differences between the House- and Senate-passed bills, that final details of most important legislation are decided on—and these details may often be the essence of the legislation.

The reduction in tax on large earned income was actually just an extra dividend added to the already staggering benefits the rich have received through tax breaks in recent years. It is generally believed that we have a graduated income tax based on ability to pay. Since 1964, however, the tax rates have become much less graduated, and each successive "reform" appears to give even more money back to the wealthy. Prior to 1964, the tax rates ran from 20 per cent to 91 per cent—a spread of 71 percentage points. In the Tax Reduction Act of that year, the minimum tax rate, on the first taxable dollar of income, was lowered to 14 per cent—but at the upper levels, the maximum rates were reduced from 91 to 70 per cent of income.

In 1969, President Nixon recommended what he called tax "reform"—another cut in the top tax rates. I countered by introducing a bill to raise the personal exemption for each taxpayer and dependent. (The $600 exemption had been fixed in 1948 at what was, even then, an admittedly low level as measured by the cost of living. By 1969 the cost of living had about doubled, yet the $600 personal exemption remained.)

After making some modifications, the House passed the Nixon administration bill which lowered the top tax rate, this time from 70 to 65 per cent, with no reduction whatsoever in the rates applicable at the bottom. And, in addition, the bill proposed to cut the top rate on earned income from 70 to 50 per cent. This provision was added by the Nixon administration at a midnight session of the House Ways and Means Committee just before the bill-was approved and reported to the full House. It represented an extra $200-million loss to the government, or gain to the highly paid, and the ordinary taxpayer would have to make up the deficit. The earned income measure was passed by the House with the tax bill as a whole under the notorious "gag" rule, which permits no amendments. In the Senate, I took a single-shot aim at the measure, because I found it odious in the extreme. The Finance Committee, of which I was a member, adopted unanimously an amendment to strike this provision from the tax bill—an amendment offered by the committee chairman, Sen. Russell Long.

A WAITING GAME

During the detailed discussions and debate in the Senate, no suggestion was made that this provision be restored to the bill, and there was no one to lament publicly its elimination. In fact, in order to make the legislative history and the Senate's position clear, Sen. Long, in his initial discussion of the bill on the Senate floor on Nov. 24, 1969, stated:

"In establishing the new tax rates, the committee deleted from the bill a House provison limiting to 50 per cent the maximum marginal rate applicable to an individual's earned income. This action was taken because the committee believed that a 50 per cent top marginal rate, though beneficial for work incentives, would provide unduly large tax reductions to those with substantial earned income."

The most important difference between the House and Senate tax bills was the amendment I had offered and won on the floor of the Senate to strike out the Nixon-proposed rate changes and substitute instead an increase in personal exemption from $600 to $800. Another difference, of course, was the earned income provision, which the House had adopted and the Senate had not. Both of these, among others, had to be resolved in conference committee.

DEBATE AT 2 A.M.

On the first point, the conferees agreed on a compromise which eliminated the rate changes and adopted a gradual increase in personal exemption from $600 to $750. Finally, at about 2 a.m. on the last day of the conference, the chairman, Rep. Wilbur Mills, brought up the last item in disagreement, the reduction in the top rate for earned income. The argument became quite heated, despite the fact that no one could advance any better justification for the provision than restating a point made by Edwin S. Cohen, assistant secretary of the treasury, before the Senate Finance Committee: "We do get to the point where with respect to services . . . inordinately high rates may cause a person to spend more time trying to figure out some of the incentives in the law than he does concentrating on his work . . ."

In other words, the best way to guarantee the efficiency of corporate leaders, to relieve their minds of the burdensome task of getting around the taxes, would be to reduce the taxes and give them the money, anyway. This argument could be carried further—the best way to insure maximum productivity of the nation's highly paid would be to charge them no taxes at all, freeing their imaginations from material things and onto the disinterested plane of public service.

The debate continued until finally conference committee chairman Mills suggested a compromise—that the 50 per cent earned income figure be set as a maximum "effective" rate (an average of all taxable income) rather than the "marginal rate" (applicable to the last dollar of income). This would involve much less money, only a $15-million loss in revenue to the Treasury. I felt I had won my main battle on the personal exemption increase, so I agreed to go along with this compromise.

Chairman Mills then announced that the conference committee would adjourn "for the night," but would meet again at noon that same day to sign the conference report, which the staff would meanwhile prepare. As we began to depart, I noticed a whispered conference between Sen. Wallace Bennett, a ranking Republican on the Senate Finance Committee, and the assistant secretary of the treasury. Unavoidably. I overheard Sen. Bennett say, "Let's meet in my office."

At the 10 a.m. Democratic caucus, Sen. Long suggested to me that when the conference committee reconvened it might be necessary to "give" the administration something" in order "to avoid a veto." He made some imprecise reference to the 50 per cent ceiling on high-bracket earnings. I was thus forewarned that a deal had been made. Sure enough, on the reconvening of the conference committee at noon for the announced purpose of "signing the conference report," more or less a formality, Chairman Mills quickly reopened the earned income tax rate question. Sen. Long, despite his statement on the floor of the Senate in support of his own amendment to knock the provision out of the bill, went on the offensive in support of the Nixon administration position. Sen. Bennett, who had voted to strike it out, joined with Sen. Long, as did others.

The committee quickly voted in favor of giving corporate officials, doctors, lawyers, and other highly paid taxpayers an absolute marginal tax rate of 50 per cent of their earned income—to give them the whole $200 million. This was a clear breach of our earlier agreement but it availed me nothing to make this charge, which I did angrily, for I was hopelessly outnumbered.

This conference report was presented to the Senate on Dec. 22, 1969, and adopted by both houses the very same day. On the floor of the Senate three days before Christmas, it was impossible for me to hold up a multibillion-dollar tax bill on which months of hard work had been spent.

There was never a separate vote on the earned income provision by either Senate or House, and the general public never really became aware of it.

OCCASIONAL "STUMPHOLES"

Theoretically, the conferees support the position of their respective houses. Obviously, however, one side or the other, or both, must alter its position. But the personal views of conferees often make their support of the views of their own house ineffective; indeed, given the personal sympathies of the conferees one can usually, though not always, correctly forecast the shape of the agreement to be reached by the conference committee.

The latter point is well illustrated by the action of Congress last year on the SST appropriation. This was not a party affair. It was more nearly a test of the power of the industrial-military complex to prevent a reordering of national priorities. A majority of Senate conferees had strongly supported the Pentagon position on the SST, and the agreement ultimately reached by the conference committee was freely predicted. The "compromise" agreement reached by the conferees merely reduced by a token amount the funds which could be spent on further SST development this year.

But in this case the issue was so clear-cut, and the "compromise" so patently a surrender of the Senate position, that the Senate stuck by its guns and refused to agree to the conference report. Even more important to stiffening senators' backbones against the intense lobby was the fact that the headlines stayed with the SST and did not shift away from that issue to some new seven-day wonder. As a result, the SST was finally voted down.

This kind of rejection does not usually occur. It happened with the SST and a few other issues of public interest, but generally the results of the conference committee are accepted, even when the conferees either have abandoned their house's position or have inserted something in the bill that wasn't in the version of either house. (Theoretically, this should not happen, but it sometimes does—as in the recent federal pay raise bill when the conference committee inserted a provision transferring certain powers over federal pay raises to the President, a provision that had not been included in either the House or Senate bills. But even after Sen. Stennis called the procedure a "stumphole," resting on the "recommendation of someone way out yonder—whom we do not know," the conference report passed the Senate by a vote of 40 to 35.)

I can think of some instances where conference committees have done their work well, where the Senate conferees did not give in too easily on the measures adopted by their house, and where the public interest was served. But often this happened because of a quirk of fate, a momentary situation that had nothing to do with the bill under question, illustrating again how dependent the conference decision is on the changing political fortunes.

UNLOCKING THE DOOR

There is nothing wrong, in principle, with the conference as a procedure. It is impossible to conduct the business of a bicameral legislative body without some regularized machinery for the arbitration of differences between the two houses, and the conference committee can be a good and workable method. But several specific steps are required to make the conference committee more useful and more responsive. Some would require changes in the rules of either. Senate or House. Others would require only that greater attention and care be exercised in following existing rules.

First, the slate of conferees should be actually voted on by the full membership of each house. This would help insure that conferees are selected who will fairly represent the views of each house and would also involve the full membership more directly in the conference process. As things now stand, the rank and file of the membership of both houses feel that matters are out of their hands after initial floor action on a bill has been completed.

Second, a record of the conference actions should be kept, and the day following the termination of a conference all votes taken during the conference should be published in the Congressional Record. This would put conferees on notice that they will be judged not only by their constituents but, more importantly in some cases, by their fellow members on their conduct during the conference bargaining sessions.

It should be borne in mind that the conferees from each house vote separately on any question effecting a change in the position taken by their own house; that is, Senate conferees vote independently of House conferees on any motion to recede from a Senate position. Neither set of conferees can complain of being outvoted by the other. One side can, of course, be out-threatened and intimidated.

A powerful House Appropriations subcommittee chairman can tell Senate conferees that unless appropriations for a dam in his home district are voted there will simply be no bill at all. Senate or House conferees, who may not particularly care which dam in a given series is built first, will readily give in and vote to recede from the Senate position. On more important matters, however, the Senate conferees would be inclined to put up more fight if they knew they must individually be held accountable for their votes.

Third, the report issued by the conference committee should be improved. Simple but reasonably full explanations of actions taken, and their effects on the positions previously adopted by the two houses, should be included.

Fourth, statements of conferees disagreeing with the majority on major points should be incorporated in the report, just as minority, individual, or supplemental views are now included in the reports of standing committees. It is a rare thing for a member of a conference committee today to raise a post-conference objection. On occasion a conference member may decline to sign the conference report, but there is not often a sufficient explanation for his action or nonaction.

Fifth, no vote should be taken in the Senate or House on a conference report until the report has been printed and available to members for at least 48 hours. This may result in some distress in the closing days of a session, but proper leadership must be counted on to provide more orderly scheduling in both houses than has been the case in recent years.

These changes in rules or current practice would make the conference a more useful tool and should result in better legislation more attuned to the wishes of the general congressional membership. But in the final analysis, no changes in the rules will automatically bring about good conferences. After all is said, written, and done, the attitude of individual members toward their work will determine how good the final version of any legislation is. If sufficient numbers of Senators were really interested in looking into the work of their conferees, they could under existing rules refuse to approve any given conference report until proper explanations for all actions were forthcoming. I am sorry to say that few senators are willing to go to this much trouble. The rules we now have, even statutory provisions, are blandly ignored or blithely set aside by "unanimous consent"—surely one of the greatest enemies of orderly procedure and good legislation.

The Congress must improve the quality of its work. It must improve its "image," and the best way to do that is to improve its product. I know of no better place to start than with the conference committee.

FREEDOM OF THE PRESS

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 12, 1971

Mr. FRASER. Mr. Speaker, the issue of free speech and its limitations has been raised often in the controversy over the publishing of the Pentagon papers. It has rarely, however, received the intelligent and careful consideration given in the following article I submit. Written by Anne McKinsey, editorial page editor of the University of Minnesota newspaper, the Minnesota Daily, its accurate historical perspective should be carefully reflected upon:

[From the Minnesota Daily, June 29, 1971]

PRESS FREEDOM: A CONSTITUTIONAL CHRONOLOGY

(By Anne McKinsey)

That the Constitution of the United States is the oldest enduring written constitution in the world today is a tribute to its framers who had the wisdom and foresight to construct an extraordinarily adaptable and malleable document.

However, the Founding Fathers would probably be amazed at the extent to which their scrupulously-drawn principles have been defined and redefined, expanded and delimited according to existing needs and conditions.

In the 180 years since the ratification of the Bill of Rights, the Supreme Court has been the arbiter of "constitutionally-protected freedoms"—and the definitions of those freedoms, as well as the priority assigned them, have changed radically.

While the debate over the proper limits on the First Amendment freedoms of speech and press is relatively young in terms of the scope of constitutional history, the principles on which the current arguments are founded are centuries old.

Although the idea that truth will emerge in an open "marketplace of ideas" may be found in the writings of the Greek philosophers, the First Amendment is properly identified as a direct descendant of the Cartesians who lived in the so-called Age of Enlightenment in Europe at the time of the American colonial and revolutionary periods.

The philosophers of that age—Locke, Hobbes, Rousseau, Voltaire—assumed the rationality of man and held that a free exchange of ideas was necessary for man to make proper decisions. The most frequently cited work dealing with press freedom during that era is Milton's Areopagitica—an argument against government licensing of books. Free expression is a "self-righting process," Milton said.

Yet Milton was far from an "absolutist" on the freedom of speech and press; he would have restricted those rights to those who agreed with him in principle and denied them to those who didn't—Catholics, for example. And, curiously, Milton later became a book licenser.

In this country, speech and press freedom were quickly recognized as prerequisites for democratic government. Jefferson's views on free press bordered on absolutism, in theory if not actually in practice; he once wrote George Washington: "No government ought to be without censors; and where the press is free, no one ever will be. If virtuous, it need not fear the fair operations of attack and defense."

The current debate, culminating in the case now before the Supreme Court, is a product of the 20th Century. The First Amendment states that "Congress shall make no law . . . abridging the freedom of speech, or of the press." Yet Congress has in fact made many laws which do just that. And never has a federal statute been declared unconstitutional on First Amendment grounds.

The Supreme Court has, however, overturned numerous state laws which encroach upon the freedom of expression. Yet it was not until 1925 that the First Amendment was held applicable to the states as well as to the federal government. Decisions in state cases, plus "interpretation" of federal statutes, provide the context of free speech and free press today.

The case of United States v. New York Times is unique in constitutional jurisprudence in presenting the issue of press freedom versus national security. But it is not wholly without precedents nor Supreme Court formulations upon which the decision could be based.

Many of the issues raised by the case are questions which the Court has haggled over for the last half-century: Should freedom of expression be an absolute? If not, what should be the limits, where should the line be drawn? Is prior censorship absolutely forbidden, or is its use justified in extreme cases? Is this an extreme case? If so, what is the "test" for recognizing expression which is not constitutionally protected? Can the government forbid publication or may it rely only on criminal prosecution following publication? What means are at the government's disposal for controlling the press?

The question of whether or not the First Amendment makes freedom of expression an absolute right is rendered moot by the fact that it never has been interpreted that way and probably never will be—at least in the foreseeable future. Justice Hugo Black is, in fact, the only "absolutist" or pure "strict constructionist" in matters of free speech and press on the Supreme Court today. And his absolute views are restricted to matters of "pure speech" only—not "symbolic speech" or "speech-plus" (draft-card burning, demonstrations, etc.).

Even the liberal Justice William O. Douglas is not an absolutist. "Freedom of speech is not an absolute," he says over and over again in his opinions, but the only instance when it should be curtailed is "the extreme case of peril from the speech itself" (Dennis v. U.S., 1951). Thus falsely shouting "fire" in a crowded theatre would not be constitutionally protected speech, Douglas says.

If freedom of expression is not an absolute, then, the restrictions on speech and press must be carefully drawn. The court has experimented with numerous tests and formulas for the determination of which utterances are protected and which are not.

Probably the best known of these tests is the "clear and present danger" doctrine, first articulated by Justice Holmes in 1919. As he stated it then, utterances could be punished if they created a "clear and present danger that they will bring about the substantive evils that Congress has a right to prevent" (Schenck v. U.S.).

That formula has since been reworked and reapplied. In the Dennis case, where the Court upheld conviction of "communist conspirators" under the Smith Act, the Court used the definition of "clear and present danger" drawn by Appeals Court Judge Learned Hand: "In each case (courts) must ask whether the gravity of the evil discounted by its improbability justifies such invasion of free speech as is necessary to avoid the danger."

Yet there are obvious problems with such a doctrine. Who is to decide when danger is imminent? Such a judgment must be subjective. This test has largely been abandoned by the Court in more recent free expression cases, though Attorney General Mitchell—in his original injunction request—may have sought to revive it by claiming that publication of the Pentagon study would cause "irreparable injury" to the United States.

Another formula used by the Court more recently in free expression cases—and one which certainly will be considered in ruling on the current case—is the so-called "balancing" test. Rights and interests which come into conflict are weighed against one another to determine which is more substantial.

In 1968, the Court upheld the conviction of a draft-card burner under federal law. Even though the act was "symbolic speech" —a public act protesting the war—the government's interest in prohibiting knowing mutilation of draft cards, the Court said, is "sufficiently justified . . . if the incidental restriction on alleged First Amendment freedom is no greater than is essential to the furtherance of that interest" (U.S. v. O'Brien).

In a 1967 decision overruling a conviction under a section of the Smith Act, the Court weighed the government interest (in prohibiting communists from working in defense plants) against the First Amendment right of association (United States v. Robel). Chief Justice Warren's majority opinion stated that the "balancing" of congressional power and individual rights could be avoided by "legislation drawn more narrowly to avoid the conflict."

Quite probably the government's interest in protecting "national security," when "balanced" against the First Amendment right to freedom of the press, will also require more narrowly drawn and specifically defined legislation.

Emerging from the conflict of national interest and individual rights is the concept that freedom of expression is a "preferred freedom"—one to be given the highest priority in consideration of cases. This idea, while anathema to some Supreme Court Justices—notably former Justice Frankfurter—nevertheless has been applied and implied in numerous decisions.

The concept of "preferred freedoms" has had—by implication—a substantial effect on "unleashing" the press to provide "fair comment and criticism" on public personages and issues. In another "landmark" case involving the New York Times, the Supreme Court ruled that a public official could not collect damages for libel without showing that "actual malice" was intended (New York Times v. Sullivan, 1964).

That case, the Court said, was considered "against the background of a profound national commitment to the principle that debate on public issues should be uninhibited, robust and wide-open, and that it may well include vehement, caustic and sometimes unpleasantly sharp attacks on government and public officials." Later decisions extended the privilege of "fair comment" without fear of libel suits to "public figures" and "public issues" as well as public officials.

The language of that earlier decision involving the paper is certainly applicable to the current New York Times case. But perhaps the central issue is the question of what constraints government may place on the press.

The colonial governments long ago ruled out licensing as a means of government control over publication. Freedom from discriminatory taxation of newspapers has also been guaranteed.

The government's ability to ban reporting of official proceedings is still one method of controlling the press. Congress and the legislatures are authorized to prohibit press coverage, although this power has not been used on the floors of the houses since the middle of the 19th century.

But the power has been revived in part during the Cold War. In 1951, Harry S. Truman authorized government agencies, even those without military functions, to decide what information they wished to release to the public. Eisenhower mitigated the situation somewhat, but many government agencies still withhold information, and one-third of all congressional committee meetings are closed.

Military security during "hot wars"—from the Civil War to the Korean War—has traditionally been part of government regulation and part "gentlemen's agreement" between the press and the government. Some criminal charges have been filed against newspapers for publication of "military secrets" during wartime.

But never before two weeks ago has the government actually sought to enjoin publication of classified material before the fact. The action of the government, say the Times lawyers, is a clear-cut case of prior restraint—a practice which the Supreme Court ruled unconstitutional in 1931 (*Near* v. *Minnesota*). But that decision also suggested that prior restraint might be allowed in "exceptional cases," including, for example, the "publication of sailing dates and transports or the number and location of troops."

The government seeks to make its case enjoining further publication of the Pentagon Papers on the grounds that the Pentagon study is, in fact, an "exceptional case." But the Supreme Court will be remiss in its responsibility to constitutional precedent if it concedes that publication of essentially historical documents threatens the national security and therefore provides an exception to that long-standing constitutional principle.

The government in this case has made no attempt to file criminal charges against the Times—and thus has rejected the Court-sanctioned standard procedure in cases of expression deemed beyond the bounds of constitutional protection.

It is difficult to believe that the Court could rule otherwise than in favor of the Times. If it should grant the government its permanent injunction, it could hardly be construed as anything other than a politically-motivated—rather than a constitutionally-motivated—decision.

For emerging from the decisions of cases involving the First Amendment is another principle—that of the public's right to know. Only when speech and press are granted the greatest possible immunity is there a chance that democracy can function. For only totalitarian governments are founded on the submission of the governed to unassailable governors, and, according to John Stuart Mill, "all silencing of discussion is an assumption of infallibility."

But perhaps the most lucid explanation of the constitutional principles involved in *U.S.* v. *New York Times* is related in the opinion of New York Federal District Judge Murray Gurfein in his decision last week upholding the Times.

The case does not imply only a balancing of freedom of the press against national security, because, as Gurfein said, "The security of the nation is not at the ramparts alone. Security also lies in the value of our free institutions. A cantankerous press, an obstinant press, a ubiquitous press must be suffered by those in authority in order to preserve the even greater values of freedom of expression and the right to know."

HOUSE RESOLUTION 319

HON. ANDREW JACOBS, JR.

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 12, 1971

Mr. JACOBS. Mr. Speaker, the following is the language of House Resolution 319, which I introduced on March 17, 1971. I was hoping it might catch the attention of the administration:

H. Res. 319

Whereas the President of the United States on March 4, 1971, stated that his policy is that: "as long as there are American POW's in North Vietnam we will have to maintain a residual force in South Vietnam. That is the least we can negotiate for."

Whereas Madam Nguyen Thi Binh, chief delegate of the Provisional Revolutionary Government of the Republic of South Vietnam stated on September 17, 1970, that the policy of her government is "In case the United States Government declares it will withdraw from South Vietnam all its troops and those of the other foreign countries in the United States camp, and the parties will engage at once in discussion on:

"—the question of ensuring safety for the total withdrawal from South Vietnam of United States troops and those of the other foreign countries in the United States camp.

"—The question of releasing captured military men."

Resolved, That the United States shall forthwith propose at the Paris peace talks that in return for the return of all American prisoners held in Indochina, the United States shall withdraw all its Armed Forces from Vietnam within sixty days following the signing of the agreement: Provided, That the agreement shall contain guarantee by the Democratic Republic of Vietnam and the National Liberation Front of safe conduct out of Vietnam for all American prisoners and all American Armed Forces simultaneously.

ARCTIC HEALTH RESEARCH CENTER

HON. NICK BEGICH

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 12, 1971

Mr. BEGICH. Mr. Speaker, in past months I have spoken out against the administration's proposed budget cut of $347,000 from the current Arctic Health Research Center funds. This 25-percent cut would reduce the Center's staff from 83 to 47 positions and make it impossible for a large number of important services and research projects to continue. I have received a great deal of correspondence from people deeply concerned with the effects this would have on the Center, which is the only one of its kind in the United States. Among these were the statements of the Alaska State Legislature and a letter from Gov. William A. Egan of Alaska, which appeared in the May 12 and June 30 editions of the Record, respectively. I feel that it is necessary to provide more background information about the institution to illustrate why this is such important service and why this previously irrevocable decision must be reconsidered.

The Arctic Health Research Center was established in June of 1948 as the result of a survey made in 1947–48 by an advisory committee of physicians named by the American Medical Association and engaged by the Department of the Interior. Its purpose was to conduct activities necessary in the investigation, prevention, treatment, and control of diseases. Since that time the Center has become nationally and internationally known for accomplishments in such diverse areas as tuberculosis control, health education, long-term studies of animal related diseases transmissible to man, and general arctic and subarctic health control, as in the discovery and treatment of previously unrecognized diseases peculiar to northern climates. Alaska's distinguished late Senator Bob Bartlett was instrumental in securing the initial funds for the Center. The Center is unique not only in the area it serves and its low temperature orientation, but also in its multidisciplinary approach. By working in several fields rather than following a one-discipline approach, information can be shared and problems can be attacked in a coordinated effort.

At this time I share with my colleagues a description of some of the work the AHRC has done to provide better health conditions for many people. A sampling of current projects the center is involved in would be helpful in understanding the scope of its work:

Arctic Health Research Center

Health Education—Information on reproduction and contraception was presented by Dr. Berman, NICHD investigator, to the women in eight of the villages in the reproduction study. He was assisted by the village health aides. Films and slides used in the education program will be discussed with Alaska Native Health Service personnel as an initial step in defining a sex education program suitable for Native villages.

Housing—Guidance has been given to HUD, Alaska Native Health Service, and Alaska State agencies on some of the social and biological problems associated with housing in the arctic. The research project on a model house for remote construction has continued at AHRC.

The Village Demonstration Project of EPA has requested the services of the anthropologist in setting up the $1 million project for remote Alaskan Native villages.

In addition, the anthropologist will serve as a consultant to other Human Ecology Centers and complete his investigations on the multidisciplinary project with Eskimos for the International Biological Program.

Chronic Disease—serum cholinesterone deficiency: The population of King Island was surveyed following the discovery of two cases of this enzyme deficiency in that village. The survey revealed four additional cases for a frequency of about 3%—the highest recorded in the world. Current phases of the study of the inherited disorder are directed at determining the nature and cause for the difference in the two types of deficiency that occur, both in Eskimos and in other populations. Eskimos provide an unexcelled opportunity for resolving these questions because the disorder is most prevalent among them, and because of the ease with which family lines can be followed in the study of genetic disease.

Infectious Disease—trichinosis: Bioassays were continued to define the degree of difference in cold resistance of the indigenous and introduced strains of Trichinella spiralis. Preliminary findings indicate that meat containing larvae of the arctic strain is not rendered safe by storage at temperatures defined by the Department of Agriculture.

Bering Sea Expedition—Dr. Fay is co-leader of a scientific party that departed from Nome on March 26 for a month-long expedition in western Bering Sea. He will collect information and specimens for use in the management of marine mammal resources. Samples will also be collected for analysis for the presence of heavy metals. University of Alaska and State Department of Fish and Game scientists are also participating in the investigation, which is being conducted from the Coast Guard Cutter Glacier. Helicopters and small boats will be used to fan out from the icebreaker.

Disease Control—Parainfluenza—Naknek: Dr. Gary Kaplan assisted State and CDC, Anchorage epidemiologists in the investigation and management of an outbreak of acute respiratory illness at Naknek. The attack rate for the village was 51%. Parainfluenza type I, Coxsackie B^2 and Adenovirus type I have been recovered to date from cultures obtained from 94 of the 98 households. Throat cultures were positive for Beta-hemolytic streptococcus group A in 61 persons. Penicillin was administered by AHRC and CDC physicians in the absence of a local doctor.

Pathogeography—First steps were completed in developing a computer program for determining the temporal and geographic distribution of specific illnesses among Alaskan Natives. Discharge summary data for patients discharged from Alaska Native Health Service hospitals in 1969 was transformed into a basic format and stored on magnetic tapes. Plans were made with the University of Alaska Fortran Programmer for writing a computer program to list disease instances, and to print out disease by village on an outline map of Alaska.

Genertics Clinic: A genetics clinic was held in Anchorage in January, following which Dr. Lyons spoke at a meeting of the Anchorage Association for Retarded Children on the subject of "Genetics and Mental Retardation."

ENVIRONMENTAL IMPROVEMENT

Ice fog suppression; Eilson Air Force Base: An ice cover was obtained and held on the hot (intake) side of the power plant's cooling plant. Depth of the cover was then increased by pumping water from below the ice onto the surface at the rate of 450 gallons per hour. The feasibility of developing an adequate ice cover having been established, permanent modifications to the system will be installed this summer to implement procedures for the suppression of ice fog from this source in the winter of 1971–72.

Carbon monoxide monitoring: Fairbanks—Well defined periods of high and low pollution potential were identified from this quarter's data on CO levels in downtown Fairbanks Regular reports on pollution levels were made through various local news media. Monitoring will be continued throughout the year to demonstrate that CO levels exceed acceptable limits at times other than during the winter months.

The results of AHRC investigations have been shared in many ways. Communication to peer groups is through scientific, professional and technical journals and meeting; lectures, monographs, and correspondence; and by assistance afforded to visiting scientists (for periods of several months to 1 year) from the United States and other nations.

An AHRC Report series begun in 1969 provides practical and technical information on a variety of subjects of concern to different segments of the Alaskan public including industry, federal and state health agencies, and military establishments in Alaska. Subjects range from the control of mosquitoes and the prevention of frostbite, to technical information on water supply management for North Slope activities and color and iron removal from arctic surface waters. A publications list is sent regularly to libraries universities, and other research institutions and agencies. Reprints of published articles by AHRC investigators are furnished on request and in response to specific inquiries. In addition, the Center sponsors a public forum series, provides articles for trade journals, and speakers and participants for local and state meetings.

It may appear that these projects are randomly selected and might be better handled through more specialized agencies, but it is precisely the AHRC's coordinated study of social and environmental influences on health that make it so important. The Public Health Service is more "crisis-oriented," treating individuals with specific needs rather than developing a systematic preventive care program that would significantly raise the general level of health. By attacking the underlying causes of disease—poor housing, malnutrition, and inadequate sanitation—the AHRC can not only treat but prevent the occurrence of disease, create an early detection system, and fundamentally change the situation.

The services of the AHRC are vital to the native population of Alaska, which is known for its extraordinarily low life expectency averages. Here tuberculosis runs 24 times as high as the national rate, and many "rare" diseases remain largely untreated, such as certain forms of ear infection that can cause complete loss of hearing and affect up to 80 percent of all native children. With such a shortage of resources as already exists, a further reduction of AHRC work in this area would be very harmful.

And yet the benefits of AHRC work extend far beyond the boundaries of the State. In response to Alaska's desperate need for physicians, AHRC joined the WAMI—Washington, Alaska, Montana, and Idaho—program designed to train more medical students, and now its facilities and health scientists are open to all such students. The center is also taking a major part in the fight against rabies, which has reached epidemic proportions in south-central Alaska and threatens to spread into Canada. The AHRC can determine where the natural reservoir of infection is, how it spreads and how to contain and combat it most effectively. They are doing the same with hyadatic disease, which has been carried down from dogs in infected northern regions to the fox population of North and South Dakota; lives can be saved if the scientists are able to detect this disease in an early stage. The center has in this way been a vital contributor to out-of-State services as well as international research such as with Canada, Sweden, and Germany, where there are cooperative efforts currently being conducted. However, these functions will have to be significantly curtailed if the proposed 25-percent budget cuts are made.

As Governor Egan stated:

> How shall we justify cutbacks under these conditions when the Federal Government itself is alarmed at the spiraling costs of medical and health care and is urging and encouraging states to stress prevention and preventive health practices? Arctic Health Research Center and the state of Alaska have been functioning as a team to complement one another's services and research and to discover and control diseases and other threats to human health. This is prevention and optimal cooperation in its finest sense. It must not be destroyed. It is too rare to find these days. Federal agencies and publications constantly proclaim the virtues of preventive health services as essential for economical, social and health reasons. Yet the action in cutting positions at Arctic Health Research Center is inconsistent and achieve exactly the opposite. There is nothing that I am aware of that can be more egregious and harmful to the people of the state of Alaska than to permit the cutback of these positions and the weakening of the Arctic Health Research Center upon which we all depend.

CHILDREN STILL PERILED BY UNSAFE TOYS

HON. JAMES G. O'HARA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, July 12, 1971

Mr. O'HARA. Mr. Speaker, in late 1969, the Congress enacted the Child Protection and Toy Safety Act.

Today, more than 18 months later, there are still unsafe toys on market shelves, and our children are still unprotected.

Last Christmas we discovered that toy safety was more myth than reality, even though the Toy Safety Act had been in effect for nearly a year.

And today we see that the Food and Drug Administration still has not taken the aggressive action necessary to purge dangerous toys from the shelves.

This morning's New York Times contained an article dealing with toy safety. In that article Mr. Malcolm W. Jensen, Director of the FDA's Bureau of Product Safety, admitted that the FDA has "not reached the state where parents can buy any toy on the market with confidence."

Last Christmas, I found that unsafe toys were still on sale, and I asked the FDA to do something about it. The result was a halfway effort that was both too weak and too late to be effective.

In an effort to make certain that this does not happen again, early this month I wrote to Food and Drug Commissioner Charles C. Edwards.

In my letter to Mr. Edwards, I urged his agency to plan and implement a special Christmas toy safety check campaign, to get underway no less than 3 months before Christmas Day. I suggested that if FDA's regular manpower is insufficient, the agency should recruit and train volunteers from the ranks of consumers to do the job.

Mr. Speaker, parents are aware of the Federal legislation on toy safety. Many of them believe—mistakenly—that the Government has made certain that all toys offered for sale are safe. This should be the case; regrettably it is not.

I call upon the Food and Drug Administration to assure the Congress that it will enforce the law aggressively and that there will be no dangerous toys on the market shelves this Christmas.

I insert the New York Times story "Toys of 1970's: Guillotines and Hypodermic Needles," a copy of my letter to Commissioner Edwards, and a press release which I issued on the subject of toy safety in the RECORD:

TOYS OF 1970'S: GUILLOTINES AND HYPODERMIC NEEDLES

(By Grace Lichtenstein)

Thousands of American children are being hurt and maimed by unsafe and psychologically damaging playthings despite the enactment 18 months ago of a new toy safety law, a wide range of consumer activists contend.

Some of the charges made by Congressmen and representatives of consumer, parent, feminist and public-welfare organizations who were interviewed on the subject were as follows:

Many of the most widely sold toys in the country, such as toy electric irons, dolls and cap pistols. can be highly dangerous yet carry no warnings to either parent or child.

There has been an increase in the marketing of sadistic toys and games, such as toy hypodermic needles and plastic guillotine kits.

The toy industry's official guidelines on toy safety are inadequate, unenforceable and often ignored.

Even with the Child Protection and Toy Safety Act, the Federal Government cannot significantly curb the availability of unsafe toys, with the result that many outlawed toys, such as the paired "clacker balls," remain on the market and in children's toy chests.

The charges are documented in detail in a new book, "Toys That Don't Care," published by Gambit, Inc. The author, Edward M. Swartz, is a Boston lawyer and former assistant state attorney general who specializes in produce liability law. He became interested in the subject after he represented many families of injured children in lawsuits against toy manufacturers.

DANGERS ARE CITED

"Toys with sharp cutting edges, easily shatterable parts, high explosive potential, lethal electrical hazards, dangerous flammability, unnecessary psychological risks, suffocation or strangulation capabilities or fatally poisonous potential can be found by the dozens," Mr. Swartz says.

Among those who agree with him are Representative John E. Moss, a California Democrat who was one of the authors of the Toy Safety Act; Consumers Union, the National Society for the Prevention of Blindness, the New York chapter of National Organization for Women (NOW), Action for Children's Television, a parents' group, and the Public Interest Research Group, an organization headed by Ralph Nader.

PRODUCTS ARE DEFENDED

In response, industry spokesmen and individual toy makers and retailers have defended their products as generally harmless.

"I don't think the industry is that bad," said Fred Ertl Jr., president of the Toy Manufacturers of America, Inc., the leading trade organization. "I think we've done a remarkable job considering the number of products over the past couple of years."

Mr. Ertl added that "no system would be quite good enough to prevent all accidents."

Government statistics bear him out. According to the Department of Health, Education and Welfare, 700,000 children are injured each year by toys, not including bicycles, swings or slides.

The Food and Drug Administration, which has the responsibility of administering the toy safety law, says it is doing its best with limited funds and manpower.

Although the law became effective in January, 1970, there was no section within the F.D.A. to enforce it until last October, when the Bureau of Product Safety was created. That bureau still does not have a budget of its own.

SOME STILL SKEPTICAL

Malcolm W. Jensen, the bureau's director, acknowledged that "we have not reached the stage where parents can buy any toy on the market with confidence." But he said he felt that the law "clearly has succeeded in reducing the number of unsafe toys on the market."

Others are not so sure. "As far as we can see, the Toy Safety Act hasn't done much to improve toy safety," said Cynthia Margolies of the National Society for Prevention of Blindness. She noted that "clacker balls," with their tendency to shatter as they hit one another, caused numerous eye injuries to children before they were outlawed by the F.D.A.

"There's a lack of money and a lack of a sense of urgency about the problem within the F.D.A.," said Representative Moss. He added that he hoped to hold new hearings on toys this fall in his role as chairman of the Subcommittee on Commerce and Finance.

To combat the problem, the New York chapter of NOW and a group called Parents for Responsibility in the Toy Industry are planning to start a consumer boycott in August of toys they consider dangerous or sexist. Mr. Nader's Public Interest Research Group is planning its own investigation of the industry.

In his book, Mr. Swartz cited as among the most dangerous toys the Etch-a-Sketch drawing device, whose glass top can shatter and spread aluminum dust; rockets with sharp points, dolls with sharp pins in their hair or with easily removable and swallowable eyes, plastic tops that can accidentally explode, cap pistols so loud they can deafen a child, toy electric ovens and irons and guns that shoot plastic projectiles at high speeds.

On a tour recently through the Manhattan branch of F.A.O. Schwarz, the nation's largest toy outlet, Mr. Swartz objected to others.

Pointing to an armor set on prominent display, including an 18-inch-long metal sword with a point at the end, he declared, "You could take out an eye with that."

He also took exception to a boomerang, sold as a toy with no warning on the package. "It doesn't bother to say that this is a weapon that can kill," he asserted.

In the games section, he pointed out a board game labeled for children 6 to 14 called "Operation." The box showed a grinning physician jabbing a knife into the thigh of a prone patient while another physician, cigar in mouth, is about to plunge a knife into the patient's chest. Mr. Swartz called it "an invitation to ghoulishness and sadism."

CHARGES DENIED

Asked about those toys, Ernest H. Thauer, who has just retired as president of F.A.O. Schwarz, said, "I don't know of any toys in our stores that are not safe. We select our toys as carefully as we can."

Mr. Thauer said he did not "think there's anything wrong" with the "Operation" game or the armor set. He said that a child could not throw a boomerang hard enough to kill someone.

In his book, Mr. Swartz also cites as hazardous the growing line of electrical hobby kits for young children, such as the "Thingmaker," a kit for making toy monsters produced by Mattel, Inc., the nation's largest toymaker.

"Sure, you can burn your hand on the "thingmaker," said Mrs. Jerri Jorgenson, consultant for Mattel. "My little girl burned herself several times, never seriously." She added that her daughter "had a great deal of fun with it."

NO AGE INDICATIONS

Mrs. Jorgenson and other toy manufacturers interviewed emphasized that any toy could be dangerous in the hands of a child too young to use it. However, the "Thingmaker," which was on sale last week in several New York stores, and many other toys do not carry any indication of what ages they were designed for.

The manufacturers say this is because ability and interest level vary from child to child and that parents must use discretion in purchasing toys.

Mr. Swartz and other observers of the toy scene say they are especially concerned with the growing number of "psychologically harmful" toys, such as "The Pendulum," an assemble-it-yourself plastic guillotine, kits containing simulated human organs with painted blood dripping from them and games such as "Headache" and "Bounce Your Eyeball" and "Bash," which all suggest gore, violence and mayhem.

One toy currently on the market is an imitation hypodermic needle called "Hypo-Phony," whose package says it is "good for a million laughs." The package has a drawing of an arm being injected with the needle.

POTENTIAL ADMITTED

Howard Fishlove, president of the needle's manufacturer, H. Fishlove and Company, said it was "a joke item." However, he acknowledged that it might be psychologically damaging in the current era of drug abuse among youths.

Why, then, did the company continue to manufacture "Hypo-Phony"? "Because we can still legally make it and it's a profitable item," he replied.

In defending itself against Mr. Swartz's charges, the industry notes that the Toy Manufacturers of America has had its own set of safety guidelines for member companies since December, 1968.

The industry has also contracted with the Arthur D. Little Company for a $100,000 research program on toy standards, according to Mr. Ertl.

But Mr. Ertl admitted that the trade association "cannot enforce standards, it can only recommend compliance with them." Nor does the association try to monitor safety standards maintained by its members.

REGULATIONS DUE

Under the Child Protection and Toy Safety Act of 1969, the Food and Drug Administration can investigate toys, order the recall of unsafe toys and seize toys in stores whose owners fail to remove them from their shelves.

The F.D.A., according to Mr. Jensen, has set or is about to set regulations on the manufacture of such items as electrical toys and toys that might puncture a child and on the lead content in paint used on toys.

But he added that his bureau has only about 200 employes to deal with some 140,000 toys currently on the market.

"Complete surveillance of the toy market is prohibitive due to the large size of the toy industry," said an F.D.A. fact sheet issued in May. (The industry magazine "Playthings" in its June issue estimated 1970 retail toy sales in the United States at $3.625-billion.)

Mr. Swartz, noting that a banned toy often found its way into thousands of children's toychests before being taken off the market, said he believed that premarket testing of all toys by the Government was the only way to insure safety.

Mr. Jensen replied that "we would never have sufficient staff nor would we want to go into a premarket clearance situation."

He would like to see a system of laboratory accreditation, under which private labs would make tests on toys voluntarily submitted. Toys that passed the tests would get a special seal authorized by the Government, which Mr. Jensen feels would have "high authenticity" appeal among parents.

"I think the toy safety act provides ample authority for safer toys," Mr. Jensen concluded, "but we clearly need greater resources."

FTC Is Investigating Toy Packaging Deception

The Federal Trade Commission office here said yesterday that it was investigating consumer complaints of deception in the packaging of toys.

"It appears that a cruel hoax is being perpetrated against the younger consumers by the way some toys are being packaged," said Richard A. Givens, regional director for the commission.

The principal deceptions, the office said, were that some containers had false bottoms, some boxes are oversized and some illustrations were misleading. It was also pointed out that often contents are not visible until packages were opened, usually by children.

JUNE 29, 1971.

CHARLES C. EDWARDS,
Commissioner, Food and Drug Administration, Department of Health, Education, and Welfare, Washington, D.C.

DEAR COMMISSIONER EDWARDS: I have long been interested in the subject of toy safety, and as a sponsor of the Child Protection and Toy Safety Act of 1969, believed that its enactment would result in the prompt elimination of hazardous toys from the marketplace.

I was bitterly disappointed when, less than a month before Christmas Day of 1970, it was discovered that unsafe toys were being sold and that the Food and Drug Administration had not taken the strong action intended by Congress when it enacted the Child Protection Act.

Now it is less than six months until Christmas, 1971. It is not too early, in my estimation, to seek assurance from the Food and Drug Administration that every possible action is being taken to fully implement the Child Protection Act. While unsafe toys should be barred from store shelves at all times, the large numbers of toys sold during the Christmas season make it appropriate for the FDA to plan a special toy safety campaign during that period.

I would strongly recommend, in light of the experience of Christmas, 1970, that the FDA begin *now* to plan a vigorous and comprehensive Christmas "Toy Safety Check" campaign to be implemented no less than three months before December 25, 1971. The assurance that Christmas toys are safe is, in my view, the best gift we can give to American children and their parents.

The principal component of the special Christmas Toy Safety Campaign should be increased and intensive surveillance of stores by the FDA field representatives. If regular FDA manpower is insufficient for the task, I would suggest that the field staff be augmented by voluntary manpower recruited from among consumers and provided with training in the identification of hazardous toys and other products designed for use by children.

Finally, I would like to address myself to some specific provisions of the Toy Safety Act, and the Food and Drug Administration's implementation of these provisions.

1. Imminent Hazard—As you are aware, the Act gives the Secretary of Health, Education and Welfare the authority to declare a dangerous toy an "imminent hazard to the public health," he may declare the toy a banned hazardous substance, thus prohibiting its sale immediately upon publication of an order in the Federal Register. Apparently there is some reluctance on the part of the Food and Drug Administration to use this authority. I note that even though a number of toys have been identified as dangerous and available for purchase, the FDA has never used the "imminent hazard" provision of the Act but, instead has chosen slower administrative procedures or negotiation. What plans do you have to utilize the imminent hazard provisions of the Toy Safety Act?

2. Thermal and Electrical Hazards: The Food and Drug Administration has promulgated regulations regarding toys with mechanical hazards. At this writing, more than 18 months after the effective date of the Act, the Food and Drug Administration still has no regulations applying to toys with thermal or electrical hazards as provided by the Act. When does the FDA plan to promulgate thermal and electrical hazard regulations?

I would appreciate a response at your earliest convenience.

Very truly yours,

JAMES G. O'HARA,
Member of Congress.

NEWS FROM CONGRESSMAN JAMES G. O'HARA

Christmas still may be six months away, but Congressman James G. O'Hara doesn't feel it's too early to be thinking seriously about unsafe toys, and how to keep them out from under Christmas trees this December.

Noting that he was "bitterly disappointed" that unsafe toys were offered for sale at Christmastime last year—a year after passage of the Child Protection and Toy Safety Act of 1969, O'Hara has written Food and Drug Commissioner Charles C. Edwards about FDA plans for Christmas, 1971.

O'Hara, a sponsor of the 1969 Child Protection Act disclosed FDA laxity in administering the law prior to Christmas of last year, and prodded the FDA into taking action to identify unsafe toys and warn consumers of their availability.

For Christmas, 1971, O'Hara recommended the implementation of a special Christmas Toy Safety Check campaign, to get underway no less than three months before Christmas day. The campaign would consist of comprehensive and intensive surveillance of toy stores by FDA field representatives. The Michigan Congressman suggested that if FDA's regular manpower is insufficient for the task, volunteers be recruited from among the ranks of the consumers and trained to search out and identify hazardous toys.

Said O'Hara today "The assurance that Christmas toys are safe is, in my view, the best gift we can give to America's children, and to their parents as well."

O'Hara also asked Edwards two questions dealing with FDA implementation of provisions of the Child Protection Act.

He noted that the Act gives the Secretary of Health, Education and Welfare the authority to order the swift withdrawal of toys that present an "imminent hazard to public health" but that the Secretary had never, in the 18 months the Act has been in effect, used this authority. O'Hara asked if the FDA has plans to utilize the imminent hazard provisions of the Act.

He also pointed out that the FDA has not promulgated regulations regarding toys with electrical or thermal hazards, and asked when these regulations could be expected.

BRINGING THE CONVENTION TO LOUISVILLE: THE EFFORTS OF SHERIFF HAMILTON AND MR. LARRY TOWNSEND

HON. ROMANO L. MAZZOLI

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Monday, July 12, 1971

Mr. MAZZOLI. Mr. Speaker, On June 30 I spoke to the House to commend the fine efforts of a number of Kentuckians to bring Louisville to the attention of the 1972 site committee of the Democratic National Committee. Although I expressed regret that our city had not been selected as the site for the convention, I considered it a tribute to the dedicated efforts of these people that Louisville was one of the two finalists.

In recognizing the people who worked to bring the convention to Louisville, I should not have omitted the names of Jefferson County Sheriff Allen Hamilton and Mr. Larry Townsend, both of whom spent many long hours in this effort.

POLITICS, PAPERWORK, AND REAL POLLUTION CONTROL

HON. WENDELL WYATT

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Monday, July 12, 1971

Mr. WYATT. Mr. Speaker, Mr. Matthew Gould, director, environmental control, Georgia-Pacific Corp., recently addressed the 35th annual conference on Environmental Health of the National Environmental Health Association, in Portland, Oreg.

All who are deeply interested in improving the quality of our environment will want to read Mr. Gould's thoughtful and challenging statement, as follows:

STATEMENT OF MATTHEW GOULD

Several months ago I spoke to the Oregon Newspaper Publishers Association in Eugene. At the time I felt a little like David in the lion's den in choosing that occasion to voice, for the first time, some of the concerns of an industry environmentalist. The presentation was well received and accurately reported, and later quoted from in an astonishing array of publications. Apart from one abusive letter, I was gratified to receive letters from all around the country, voicing approval of someone from industry speaking out against the history of mismanagement of our national pollution control effort.

This morning I face an assembly of not just ecological fellow travellers, but real live professional environmentalists, and I think it fitting that I take this opportunity to extend my previous remarks, as the politicians say.

Those of you who have been watching events in the Washington scene have seen the federal pollution effort become hopelessly bogged down in politics and paperwork. In a half a dozen years the water pollution agency has had four different titles: a kaleidoscopic procession of administrators; passed from H.E.W. to Interior and now bounced into E.P.A. to be joined by the Air Quality and Solid Waste Agency, which arrived nonstop from H.E.W. Their arrival, and progress thus far, has been unimpeded by the presence of any one highly qualified in environmental health. This was pointed out in the June 1st issue of "Environmental Health Letter", and I quote:

"Ruckelshaus did not win any points with his remarks to the Conference of State Sanitary Engineers, judging from the negative reactions expressed to us by members of C.S.S.E. after his talk. He tried to assure them that health would be the top concern of his agency, said he was awaiting approval of the Office of Management and Budget to appoint a high-level health contact within the E.P.A., and tried to explain why he felt it was important that the trend to putting environmental programs in a larger context than a health agency should continue."

The same issue of this newsletter was, incidently, critical of the role of conservation organizations, saying "they were not in the forefront of the movement to protect man; they were more identified with the preservation of natural resources—more for saving redwoods than for saving man's health". The wholesale promotion, via the mass media by a small but militant and vocal minority, using half truths and scare tactics, has resulted in the distortion of values that we see today, with public health as a priority far down the line when it should be at the very top. Gentlemen, one of our mutual objectives is to get it right back where it belongs. This is not to say that conservation and aesthetics are to be left out, but they do need to be placed back in perspective, before the country is faced with economic ruin. You cannot apply "laissez faire" principles to the environment, it is by nature a constantly changing and dynamic equilibrium.

Now let's take the lid off the boiling pot of current control programs and what do we see? Well, we see a civil war between various federal and state control agencies. If any real progress is to be made, an armistice must be declared in these current "interagency war games." Furthermore, we cannot solve our problems with the mess of conflicting regulations that seem to have grown like Topsy. Finally, we see the polarization that has been fostered between regulator and regulatee. This oft quoted credibility gap is a product of image-building legislators and publicity-conscious control and judicial agencies, using the news media to prosecute punitive actions against prominent industry leaders. Some people have no qualms about using the law to further their own designs, rather than the needs of the situation. Particularly, in an election year, all motives are suspect! Suffice to say, we can never solve our real life problems with conflicting regulations and continued headline hunting, replete with half-truths.

Well! Where do we go from here? In our blundering way we have finally recognized the interdependence of the various pollutions and the need to consolidate control at the federal level under one agency in order to establish clear guidelines that can be made enforcible and unambiguous.

President Nixon's new E.P.A. does seem the logical choice for this end, but it needs to pursue a course of more responsible action and less sensationalism than heretofore! The consolidation of the federal effort in one agency must not be oblivious of opinions and inputs from other interested and involved agencies at all levels of government. E.P.A. should actively seek liaison with the administrative and technical representatives of other agencies. Failure to foster this could lead to an ecological dictatorship, sacrificing all in an ecological crusade that would paralyze the nation's economy. If I echo the cliche "that the operation was a success, but the patient was inconsiderate enough to die", it just reflects my personal apprehension of an administration dominated by well-meaning politicians and lawyers, instead of the technologists and scientists that are needed to get the job done.

Just as it is now obvious that the Federal Government must provide guidelines and overall direction, so the enormous task of applying regulations uniformly across the nation must rest at the state level. State pollution agencies are well equipped to be the primary standard-making and enforcement authority under these guidelines, with all other local, regional, state, interstate, federal and international agencies funneling their inputs through the states.

In order to monitor performance, E.P.A. should review each state program every two years and report progress to Congress or the White House. This procedure would be fairer than E.P.A. exercising its current powers to hold hearings on a random basis if it feels a state is not performing. The latter has the potential of being used as a pointed political weapon not wholly related to environmental problems.

Two other areas need to be explored.

We have already mentioned the importance of getting public health ahead of all other environmental considerations. Redefinition of exactly what is meant by "harmful pollution" is urgently needed. Giving recognition to the fact that air and water are naturally contaminated to a degree, I favor the simple statement that "pollution is an unacceptable level of contamination".

This leads us now into the thorny area of priorities, and the need for spelling out a new pragmatic basis for setting priorities. It is tragic that so much time, so much money, and so much energy are expended in fighting skirmishes, when a great deal more could be accomplished by concentrating first on major problems in critical areas.

It makes little sense to require the Village of East Elbow, to paraphrase a name for protection of the innocent, to have secondary treatment for a discharge into the ocean when the metropolis of Magnaport discharges the sewage of a multimillion population into the Salmonless River with the barest of primary treatment.

A parallel example of air pollution impact would be the case of a major utility which may have a relatively small emission rate in terms of parts per million from burning coal. But when multiplied by the enormous amount of fossil fuel consumed in a single day, the total discharge completely dwarfs a little smoke or plume of steam that may be seen coming from the stack of a neighboring industrial plant. Such industry emissions, though more visible, may be measured in hundreds of *pounds* per day rather than hundreds of *tons* per day.

It is imperative that each situation be assessed on the basis of actual environmental impact rather than blind application of numerical standards, and I am happy to see today a small but growing trend towards assessing this total environmental impact.

The new water pollution control legislation Congress is working on this year presents a rare opportunity to rationalize pollution control efforts, in that the opportunity exists here to settle conflicts between the various laws once and for all.

Presently, a company or municipality might meet both federal and state demands for abatement only to be sued by the third agency, the Corps of Engineers, under the 1899 Act. To those of you not familiar with the current panic to meet a July 1 deadline in filing for Corps of Engineers permits, this presents a classic illustration of that bureaucratic truism, "A camel is a horse designed by a committee!"

The stage was set by two unrelated events. For some years a congressional committee had been demanding, without success, a national inventory of waste discharges. Also, several recent Supreme Court decisions apparently became victims of ecological fever (or is it fervor) during the current epidemic.

The net result was to exhume the 70 year old Rivers and Harbors Act and interpret its provisions far beyond the original congressional intent of protection of navigation in waterways. The legitimate control of oil and settleable solids was administratively extended to all discharges of any kind, other than domestic sewage from a municipal plant. A waterway was construed to include even ditches that flowed only after heavy rain! Next it was announced that everybody was now in violation of the 1899 Act and needed both a permit for their discharge line, and also a permit to discharge through it. As nobody had a valid permit, a July 1st deadline was set for filing applications. It is estimated that 100,000 to 250,000 permits should be applied for by this date.

In order to obtain a permit, the waste inventory concept was combined with Corps of Engineers data requirements. The result was a form that makes income tax filing look easy—a "camel" that indeed was designed by a committee. A series of versions of the form culminated in the final version in May—just weeks before the deadline.

By this time the form reproduced by binary fission, leaving part II to be filed by October 1st, with its requirement of a $500 analysis on each discharge, plus enormous detail as to manufacturing processes. To add insult to injury, a $100 filing fee is demanded.

The Corps, having received the application, will ask for state approval in each case before sending each application to E.P.A. for their approval, for without their okay, the Corps cannot issue a permit! I just wish I had the time to make a slide of the paper flow for these forms—it defies verbal description. Finally, within a couple of years most people will learn if they will be granted permits.

The Corps of Engineers are the unwitting victim of this atrocity and will no doubt do the best they can with the paper chase. Here is a shining example of bureaucratic cancer run wild. Can you wonder at everyone's apprehension at the thought of further federal encroachement on state programs.

The commendable objective of inventory of waste discharges quickly degenerated into a frankenstein monster bent on devouring reams of worthless data acquired at enormous expense in both time and money. The hard-pressed federal, state and industry pollution personnel are expected to shoulder this useless burden, while at the same time struggling to keep their ongoing pollution control efforts from grinding to a halt; all for the benefit of some maniac with a computer to occupy himself for the next few years processing truckloads of forms to prove what we already know—some waters are more polluted than others.

The real tragedy is that by the time all the data is analyzed and published, it will be out of date—with most of the discharges having changed in the meantime, hopefully for the better. Someday we will erect a monument to this bureaucratic folly.

In conclusion, it is apparent that pollution problems will not be solved by bombast, but by technology and ultimately by people sitting around a table, working out details and schedules, recognizing limitations of equipment availability, and the inordinate time it takes these days to get permits and clearances.

We must get away from constantly changing rules and regulations in our anxiety to "do something about the environment", even in the face of the political realities of the 1972 elections.

It is high time we simplified and overhauled the creaking pollution control structure now bogged down in trivialities, and reset out priorities so all of us really can get to work cleaning up America."

MODEL CITIES—WHERE? WHEN?

HON. FLETCHER THOMPSON

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 12, 1971

Mr. THOMPSON of Georgia. Mr. Speaker, I insert in the RECORD a series of articles on model cities because I want other Members to have the benefit of seeing what I felt to be excellent and impartial reporting. The Atlanta papers have so diligently pushed for support of model cities and it is certainly heartwarming to see the papers, especially in my hometown, to be so responsible in their investigative reporting work. I will insert one article on each of the next 6 congressional days.

The first article follows:

ROCKY UPLIFT BID—SLOW WORK ONLY ADDS TO HOSTILITY

(By Duane Riner)

There it was—a shiny new bauble on Uncle Sam's money tree.

Former President Lyndon B. Johnson barely had finished telling Congress about his latest Great Society trinket on that day in January 1966 when Atlantic jumped to the head of the line and extended its open palm.

The program was named Model Cities and its broadly defined goal was to concentrate public and private resources in a comprehensive five-year attack on the social economic and physical problems of slums and blighted neighborhoods.

EAGER TO GET ABOARD

So eager was former Mayor Ivan Allen Jr. to pluck this opportunity for upgrading the total environment of sagging inner-city residential areas on the fringe of Atlanta's gleaming new downtown skyscrapers that the city contacted the federal government about a grant even before the legislation had been approved by Congress.

Atlanta demonstrated a zeal and commitment that dazzled officials of the U.S. Department of Housing and Urban Development (HUD) into giving the city one of the nation's first Model Cities planning grants in the fall of 1967.

The trail from the enthusiasm of those formative months when six neighborhoods were singled out for concentrated attention to the dissatisfaction of the present is a rocky road of delay, name-calling, broken promises, indecision and inaction.

Two years and more than $14 million have been invested in the implementation phase of Atlanta's Model Cities program and no new houses have replaced the shoddy, substandard units torn down. But there are promises.

Twenty-eight public and private agencies are under contract with Model Cities to carry out an impressive array of social uplift programs in the Mechanicsville, Summerhill, Pittsburgh, Peoplestown, Grant Park and Adair Park neighborhoods.

A Georgia State University research team asked the participating agencies about the reception they were receiving from Model Cities residents.

The responses indicated that the residents are "very angry and hostile" toward Model Cities.

NEGATIVE REACTION

"This negative reaction was so strong that four of the projects evaluated indicated that their association with Model Cities tended to affect negatively their relations with the residents," said the report, part of a Model Cities evaluation package compiled at a cost of $144,000 by the Atlanta Urban Observatory at Georgia State.

Some agencies became so gun-shy, the report continued, that they now have a tendency to conceal their affiliatiion with Model Cities when dealing with residents.

The study disclosed that residents think of Model Cities as a slum clearance program akin to urban renewal and show little awareness of the so-called "software" efforts such as better education, improved health care, opportunities for economic development, jobs and job training or improved transportation.

"The problem of housing was listed most often as the area of greatest need in the Model Cities area. Yet the residents do not see much work being done to improve the houses or add to the supply of standard housing, which increased their resentment and hostility toward Model Cities," the report added.

Dr. Francis X. Steggert, director of the Model Cities evaluation for the Urban Observatory, said a recent survey of 458 Model Cities residents, showed that almost one in four did not realize the services they were receiving "was connected with anything called Model Cities," the report added.

"People associate with capital construction," he said. "The principal complaint from people everywhere (in the Model Cities area) is that the physical redevelopment they assumed would occur like magic isn't occurring."

Steggert complained that an Urban Observatory request to perform a survey of attitudes among Model Cities residents was blocked by Model Cities director Johnny C. Johnson.

"We don't know how many people want what," Steggert insisted.

Johnson defends his decision with the explanation that six studies were in progress in the Model Cites area, "and my feeling was this was too much. I think the poor folks have been studied to death when one series should have been enough. At the time the study instrument came down to me for approval, I'd had my fill of survey instruments."

One survey that was ordered by Johnson was a Georgia Tech study of transportation needs in the Model Cities area.

The costly, minutely detailed report concluded: "90 per cent of those interviewed said they had no transportation problems of any kind."

Steggert blames a "bureaucratic assumption" that since Model Cities residents, are disadvantaged, and everyone else has transportation problems, "theirs has to be worse than anyone else. Lo and behold, many weeks and some significant monies were utilized, and as the survey quite unequivocally indicates, that assumption was unfounded."

MONSIGNOR BRITT DIES—"THE OLD MAN WHO CELEBRATED THE OLD MASS IN THE OLD CATHEDRAL"

HON. THADDEUS J. DULSKI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, July 12, 1971

Mr. DULSKI. Mr. Speaker, a week ago a beloved priest died as the result of a fall at his summer home near my home city of Buffalo, N.Y.

He was the Right Reverend Monsignor Edmund J. Britt, PA, pastor of St. Joseph's Old Cathedral in Buffalo for the past 45 years.

The Old Cathedral is located in the heart of lower downtown and has a limited number of parishioners because of the industrial and business makeup of the area.

However, the Old Cathedral had a heavy schedule of Masses every Sunday and a large following of the faithful from throughout the Buffalo area, particularly on Holy Days, as well as the many visitors to our city.

But what really has made the Old Cathedral an attraction to the faithful has been its pastor, Monsignor Britt, who had a broad record of public service to the community during his lifetime in our city.

He was chancellor of the Buffalo Diocese under three of its bishops and had served as first chaplain of the city's police and fire departments. He also served for many years as an Army chaplain including service in both World War I and World War II and later with the 74th Regiment of the New York State Guard.

STILL CELEBRATED LATIN MASS

Monsignor Britt described himself as the "old man who celebrates the old Mass in the Old Cathedral."

By this self-description, Monsignor Britt was referring to the fact that notwithstanding the broad changes in the procedures of the Mass in recent years, he continued to say one Mass every Sunday in Latin as he was taught in the seminary at Niagara University years ago.

It is interesting that following his tragic death, his three assistants donned black vestments and celebrated a memorial Mass in Latin at the Old Cathedral out of respect to their deceased pastor.

Clearly, Monsignor Britt made an indelible mark upon our community and upon many of its citizens. He won wide respect among both the clergy and the faithful of the church, as well as the men in uniform who came under his wing.

The story of Monsignor Britt is related in a most comprehensive and heart-warming manner in the article in the Buffalo, N.Y., Evening News which follows:

MSGR. E. J. BRITT KILLED IN FALL; OLD CATHEDRAL'S GRAND "OLD MAN"

The priests wore black vestments, and the Mass was said this morning in Latin at St. Joseph's Old Cathedral out of respect to the pastor, Msgr. Edmund J. Britt, PA, who died Sunday (July 4, 1971) when he fell from a cliff at his summer home in Derby.

It was a solemn, special tribute to Msgr. Britt who frequently described himself as the "old man who celebrates the old Mass in the Old Cathedral."

The Rev. Robert A. Mack, the Rev. Leo F. McCarthy, and the Rev. Thomas E. O'Leary were the celebrants, and the parishioners were mainly members of the Old Cathedral staff and the Britt family. The church doors were draped in black.

Msgr. Brit, 83, was believed to have been raking leaves at the rear of his summer home at 6808 Old Lake Shore Rd. when he lost his balance and fell down a cliff.

He was pronounced dead on arrival at Mercy Hospital.

Police said he fell about 100 feet, and his body was found partially in the lake. His head had been cut.

In eulogizing him this morning, Father Mack spoke of the monsignor as "an old soldier."

"He can never die. His spirit is here, in the Cathedral."

MADE CATHEDRAL WARM PLACE

"As a downtown church, this could have been an impersonal place," Father Mack said. "Msgr. Britt made it a warm place."

Though he was a chancellor under three of the Buffalo Diocese's 10 bishops and had served as the first chaplain of the city's Police and Fire Departments, Father Britt was mostly identified with the Old Cathedral.

His 45-year pastorate was the longest in the 123-year history of the Catholic Diocese of Buffalo. He was appointed Sept. 11, 1926.

Msgr. Britt's entire priestly career was served in the Old Cathedral parish. The 28 years of his chancellorship were at 50 Franklin St., when the Chancery office was there. He resigned as chancellor May 20, 1946, but remained as pastor.

He loved life, and life to him meant people.

To Msgr. Britt all change was not necessarily progress. Perhaps typical of the old-timer were these remarks:

PREFERRED COUNCIL OF TRENT

Interviewed after Vatican II, when the Latin Mass had moved into its modern-day language, and old rubrics were being made contemporary he remarked with a touch of asperity: "I'm glad I was brought up under the Council of Trent."

Returning recently from a shopping trip on Main St. he met a News reporter. With a nod to indicate a collegiate group in ponchos and beards he tartly commented: "It's not America any more!"

His subtle humor—rooted in a Tipperary heritage—was like the sparkle of a fresh spring and as irrepressible.

Talking to a group of converts one time he said with a straight face: "I wasn't a Catholic all my life." Before they could question him he quipped: "Until I was baptized I was a pagan."

The old priest was particularly proud of his Army career—that of a World War I chaplain with the rank of first lieutenant and World War II service as a chaplain in the 74th Regiment of the New York State Guard. He retired in 1953 as a colonel.

RETIRED AS A COLONEL

He stood ram-rod straight throughout his years and remained spry and sparse in his latter years.

He loved the old-fashioned rectory where he spent his whole adult life, fondly calling it "the old homestead."

A native of this city, he was born Jan. 16, 1888, the oldest of five children of William and Ellen O'Donnell Britt. He is survived by a sister, Mrs. Louise E. McGhan of Derby. He is also survived by two nieces and a nephew.

Seed-bed of the monsignor's vocation was the sacristy of St. Columba's Church as an altar boy. He served Mass occasionally for a young priest named Richard O'Brien, who lived to become one of the oldest active priests in the nation. He died in 1963 at the age of 101.

Msgr. Britt graduated from Canisius College in 1909 and went on to Our Lady of Angels Seminary at Niagara University.

He received the sacrament of Holy Orders May 17, 1913, in St. Joseph's Cathedral—now the old Cathedral—from Bishop Charles Henry Colton, fourth bishop of Buffalo.

FRIEND OF LAKE SEAMEN

Fourteen days later he became assistant to the late Msgr. John D. Biden, PA, then Cathedral rector.

In the bustling port city of Buffalo hundreds of Great Lakes seamen—from masters to wipers—were warm friends of Msgr. Britt.

He had spiritual concern for them as chaplain of the Port of Buffalo and representative of the diocese in the Apostleship of the Sea in the early 1950s. He became national president of the organization in 1953 and was re-elected the following year.

Pope Pius XII honored him ecclesiastically papal chamberlain June 22, 1922, with the title of very reverend monsignor. Three years later he became domestic prelate with the address of right reverend monsignor.

Pope Pius XII honored him ecclesiastically by making him a protonotary apostolic, which explains the PA after his name.

This allowed him to celebrate Solemn Pontificial Mass on certain feast days vested in mitre and pectoral cross—pontificals ordinarily reserved for a bishop.

At Canisius College's 1933 convocation he received the LaSalle Medal from his alma mater. It is awarded annually to a prominent alumnus. He also received an honorary doctor of laws degree.

FRIENDLY GREETING FOR ALL

His zest, humor and affability endeared him to thousands who over the years went to Mass at the Old Cathedral. He always managed to be in the back of the church as Mass ended, personally greeting his downtown flock with a smile and handshake.

Shortly after his appointment here in 1963 Bishop James A. McNulty attended the 50th anniversary of Msgr. Britt's ordination.

"I may be his new bishop," he remarked, "but I'm an old admirer . . . He walks into the heart of the individual.

Charles S. Desmond, then chief judge of New York State, also was at the celebration of Msgr. Britt. He had this to say: "His name is written in large letters in the book of life."

The body will lie in state until shortly before noon Thursday at the Old Cathedral rectory, Swan and Franklin Sts.

Auxiliary Bishop Pius Benincasa will celebrate a parish Memorial Mass at noon Thursday in the Old Cathedral.

On Friday at 10:30 AM, Bishop McNulty will celebrate the Mass of the Resurrection in the Old Cathedral. Msgr. Britt's three assistants will be concelebrants.

Burial will follow at Holy Cross Cemetery, Lackawanna.

Between the Mass on Thursday and the one on Friday, the body will lie in state in the Old Cathedral.

[Editorial from the Buffalo Evening News]

Msgr. Edmund J. Britt

For the community at large as well as for the many thousands in the Buffalo Diocese whose lives he had enriched, the Rt. Rev. Edmund J. Britt, PA, personified a rock-like dedication to a religious vocation of selfless service. That his record 45-year pastorate was entirely spent in Buffalo's Old Cathedral was a mark both of his staunch personal concern for the welfare of his downtown parish flock, and of their enduring affection for him.

In war and in peace, as a chaplain in two wars and as the first spiritual adviser for the city's firemen and policemen, Msgr. Britt's kindliness and gentle humor endeared him to all whose lives he touched. The many honors his church accorded him bespoke the admiration in which he was held by the priesthood and the laity alike. Through two generations of immense changes in the city's downtown profile and in the country at large, Msgr. Britt never wavered in his passion for good works, in his peppery zeal, or in labors of faith and solicitude which made his beloved cathedral a refuge of warm hospitality and spiritual solace.

WHY—WHY—WHY?

HON. JOHN J. DUNCAN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Monday, July 12, 1971

Mr. DUNCAN. Mr. Speaker, I would like to place in the Record today an interesting article by Mr. Holmes Alexander. This appeared in the Knoxville, Tenn., Journal on July 7, 1971:

When Did These Men Last Put America First?

(By Holmes Alexander)

Washington.—"Whatever happened to the United States of America?" asked the Returning Traveler who'd been away for awhile, "How come it got wiped off the map?"

There were numerous reasons, international and domestic, the Traveler was told. A very large reason why America vanished from the earth was that the U.S. Senate became peopled with men named Church, Bayh, Fulbright. Hartke, Kennedy, Gravel, Proxmire—

"Yes, whenever I heard of a roll call of senators who were voting America out of existence, those names and more were on," said the Traveler. "If it was a measure for unilateral disarmament, or one to make America a second-class industrial power or one to gladden the politboros in Moscow, Peking and Hanoi, those senators and others would speak for it and support it. But I am asking why—why—why?"

There came a time after World War II, the Traveler was told, when it became intellectually fashionable not to love America less, but to love other institutions more. Patriotism is like monogamy; an American patriot should cleave only unto America, forsaking all others.

At first, it was a daft infatuation with the United Nations that made polygamists out of U.S. presidents, senators, pundits and smartalecks. It was easier to get elected, easier to get published, easier to be considered a sage in the postwar years if you set the UN above the U.S. and bad-mouth nationalism, and went in for internationalism the way a womanizer chases skirts. It did something not good for this country when our leaders behaved as though Europeans, Orientals and Hottentots were just as good as Americans. How could we expect to keep ourselves Number One unless we believed that we were?

"Yes," said the Traveler, "it could hardly fail to affect the growing generation to hear that peace and justice required a world government, that our survival depended on outsiders, like the NATO and SEATO allies, that all of us shared the guilt of Hiroshima and that our only hope of avoiding the Holocaust was to fight limited wars on a no-win policy. Was it this gradual erosion of national pride, self-reliance and self-interest that caused the America-we-used-to-know to become hardly more than a fond memory?"

Those were some of the factors, it was asserted. At the end of World War II, there was nothing we couldn't have done with our military and industrial might. If we had put America first, the sky would have been the limit to what we could have done for our people and our environment. But, instead of spending to improve our own human and natural resources, we rebuilt Germany and Japan, tried to find a shoddy substitute for victory in two wars, failed to protect our interests in Cuba and frittered awav the worth of the dollar. But by far the worst that happened to us was the loss of military superiority and morale within the services, coupled with the defiance of all civil authority. It would be very hard to find an issue on which the Senators mentioned and others of their ilk ever worked and voted to make America stronger instead of weaker, or ever supported ideas to lengthen her life as a nation instead of to shorten it.

"From all that I have been told," agreed the Traveler, "it is evident that a decline and fall took place while those senators were in office, and that America perished from negligence and non-support."

PENTAGON PAPERS PARALLEL

HON. WILLIAM D. HATHAWAY

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Monday, July 12, 1971

Mr. HATHAWAY. Mr. Speaker, an interesting essay appeared in last Thursday's Washington Post, drawing a parallel between the recent Pentagon Papers episode and circumstances surrounding the enactment and ramifications of the Sedition Act of 1798.

The essay is the product of Daniel A. Rezneck, former law clerk to Associate Justice William J. Brennan, Jr., a professor of law at Georgetown University's Law Center, and a member of the Washington law firm of Arnold and Porter.

The comparison of the details associated with the Government's recent attempts to harnass the press with events 173 years old this month is well defined; the episodes are remarkably similar.

Urging, as Rezneck does, that we recall the hard lessons of the past, else we be forced to repeat them, I ask that the essay be printed in today's Record of this body's proceedings—with this additional note: That the Government's recent court actions against the New York Times and the Washington Post called for the same prior restraint rejected by even the most stalwart supporters of the infamous Sedition Act in 1798.

I leave it to my colleagues to conclude whether the Government's suits or the opinions of three dissenting Supreme Court justices evidence a new crack in the first amendment's protection of free speech and a free press.

The essay follows:

The Pentagon Papers Uproar and the Sedition Act

(By Daniel A. Rezneck)

The encounter between the government and the press over the Pentagon Papers has some striking parallels to an earlier confrontation in our history—the attempt by the Federalist Party to silence the opposition press through the Sedition Act of 1798. Whether one agrees with Henry Ford that history is bunk, or with Santayana that those who cannot remember the past are condemned to repeat it, the wisdom of Ecclesiastes remains valid: there is no new thing under the sun.

1798 was a critical year in the early life of the American Republic. The Federalist Party, which controlled the national government, was presiding over an undeclared naval war with France. Battles were fought in the Atlantic and the West Indies. The nation was bitterly divided over the war. A faction in the Federalist Party welcomed the prospect of war with France and sought to brand the opposition as disloyal.

The political struggle between the Federalists and the Jeffersonian opposition came to focus on the role of the press. The American press was the most rambunctious and untrammeled in the world at the time. Editors ascribed every political and personal defect to the leaders of the country; no one, not even George Washington living in retirement at Mount Vernon, was exempt. An English traveler to America wrote admiringly in 1798: "The grand bulwark of liberty in America is the freedom of the press—its latitude is infinite—it cannot be restrained—whether for or against the government, there is no power that can prevent the voice of truth from being heard."

The Federalists regarded the press as their natural enemy. Supreme Court Justice Samuel Chase, a leading Federalist, said: "There is nothing we should more dread than the licentiousness of the press." Chase warned: "If a man attempts to destroy the confidence of the people in their officers, their supreme magistrate, and their legislature, he effectually saps the foundation of the government."

The Federalist campaign to discipline the press began in the summer of 1798. The Federalists proposed the Sedition Act in the name of national security. Newspapers, it was said, could not be permitted to "paralyze the public arm, and weaken the efforts of government for the defense of the country." The Act made it a Federal crime to publish any "false, scandalous and malicious" writings against the government, Congress, or President, with intent to "defame them, bring them into contempt or disrepute, or excite against them the hatred of the people."

Even before the Sedition Act was passed, the Federalist administration moved against one of their most persistent critics, Benjamin Franklin Bache, a Philadelphia printer. Bache, a grandson of Benjamin Franklin, had a propensity for embarrassing the administration by obtaining and publishing documents which the government wished to keep secret. In 1795 a United States Senator turned over to Bache a copy of the Jay Treaty with Great Britain, which the Senate had voted to keep secret. Bache published the full text of the treaty. As a result, there was widespread public protest that the Administration was sacrificing American interests to the recent oppressor of the American colonists.

In 1798 Bache did it again. In an attempt to avert an all-out war with France, he published correspondence between the French government and the American envoys to France, which indicated a conciliatory attitude on the part of France.

Bache was labeled a menace to the national security by the Federalists. They brought a common law prosecution for seditious libel against him in June, 1798, and cited his actions as justification for the Sedition Act. The battle was now joined.

On July 4, James Madison, father of the Constitution and the Bill of Rights, toasted the Freedom of the Press: "The scourge of the guilty and the support of virtuous Government." The next day, however, the Senate passed the Sedition bill, the House followed a week later, and President Adams signed the act into law. It was to contribute to his downfall and that of his party.

The struggle over the Sedition Act lasted for the next two years. It gave rise to one of the great constitutional debates in American history, which has continued to the present day: whether the First Amendment denies the Federal government any power over speech and press or permits their abridgement in the interest of national security. It is significant, however, that not even the Federalist supporters of the Act ever suggested that the press should be prevented by law from publishing. It was common ground to Federalists and Jeffersonians that any prior restraint on the press violated both the principles of the common law and the First Amendment. The Federalists conceded: "A law, therefore, to impose previous restraint upon the press, and not one to inflict punishment on wicked and malicious publications, would be a law to abridge the liberty of the press, and, as such unconstitutional."

Bache himself escaped the penalties of seditious libel by dying of yellow fever before he could be brought to trial. A Vermont Congressman, Matthew Lyon, then became the most prominent target of the Act. Lyon, one of the principal opponents of the administration war policy, was convicted of publishing seditious articles against the Government and sentenced to four months in jail. He wrote from jail: "Everyone who is not in favor of this mad war is branded with the epithet of Opposers of Government, Disorganizers, Jacobins, etc. . . . It is quite a new kind of jargon to call a Representative of the People an Opposer of the Government, because he does not, as a Legislator, advocate and acquiesce in every proposition that comes from the Executive."

Lyon was reelected to Congress from jail. He emerged a hero to his constituents and to the followers of Jefferson throughout the country.

But prosecutions under the Sedition Act continued. Chief enforcer of the Act was President Adams' Secretary of State, Timothy Pickering. A leading historian of the Sedition Act describes Pickering as "grim and forbidding, irascible and unyielding, . . . one of those austere, deadly serious, humorless individuals who are impenetrably armored in rectitude." Pickering was reported to pore over the newspapers every morning in search of seditious materials. He ordered all United States district attorneys likewise to scrutinize the newspapers in their districts and send notice to the capital of the appearance of sedition so that prosecutions might be commenced.

The Sedition Act was to expire by its own terms after the presidential election of 1800. Instead of stifling the criticism of the administration, however, the act strengthened the opposition to the President. Thomas Cooper, one of the last persons prosecuted under the act asked at his trial: "Is it a crime to doubt the capacity of the President? . . . Have we advanced so far on the road to despotism in this republican country, that we dare not say our President may be mistaken?" It is estimated that the number of newspapers supporting Jefferson more than doubled under the Sedition Act. A Federalist leader complained: "The press has become a most daring nuisance to society."

John Quincy Adams saw the impact of the Sedition Act as "an ineffectual attempt to extinguish the fire of defamation, but it operated like oil upon the flames." Historians have concluded that there were "not enough prisons in the country to hold the newspaper writers, the politicians and the plain citizens guilty of violating the Sedition Act in the campaign of 1800."

The Federalist attack on the press backfired completely. The American people turned decisively against the war. The Sedition Act helped to make John Adams a one-term President. Jefferson won the election of 1800, was inaugurated on the promise to restore the unity of the nation, and pardoned all those convicted under the act. The Federalist Party never won another national election and soon afterwards disappeared forever from American politics.

AMERICA'S WEAKNESS THREATENS ISRAEL'S SECURITY

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, July 12, 1971

Mr. CRANE. Mr. Speaker, one of the important paradoxes of today's political scene is the sight of political spokesmen who argue on behalf of lower military spending, disarmament, and American disengagement from its world responsibilities while at the same time arguing a firm commitment to the preservation of the independence and integrity of Israel.

The increasing Soviet presence in the Arab World and in the Mediterranean makes this confused double standard a real threat both to the security of Israel and, in fact, the integrity of all of our allies in that crucial part of the world.

At a time when President Nixon's Blue Ribbon Defense Panel stated that:

> Since World War II a degree of world order has been maintained almost solely by the dominance of U.S. strategic-military strength . . . this American preserved world order is now disintegrating. We no longer have the power to preserve it.

It makes no sense at all for any one to speak both of a lower defense posture and of fulfilling our commitments in the Middle East. It is impossible, without strength, to compete with ever increasing Soviet power.

This point is made both clearly and effectively by the distinguished political observer, Frank J. Johnson, foreign editor of the Washington Report of the American Security Council.

In that report for June 7, 1971, Mr. Johnson points out that Israel's security, in the long run, is clearly dependent upon the U.S. counterweight to Soviet force. He writes:

> In the end, though, Israel probably cannot be saved by geography. It is effective, if at all, only against the Arabs. If the Soviets choose to throw their full weight into the conflict on the Arab side, Israel cannot stand alone. She is still utterly dependent upon the U.S. counterweight to deter the U.S.S.R. from coming openly to the help of the Arabs in a full offensive. In the last analysis, Israel's security *is* mortgaged to the U.S. deterrent."

Challenging those who say they support both a lowered American military posture and also the security of Israel, Mr. Johnson declares that:

> Once that deterrent is lost, as it will be if present trends in the U.S.-Soviet military balance continue, Israel's hope for survival depends mainly on the usefulness of her existence to Soviet purposes, and thus on Russia's unwillingness to allow the Arabs to carry on a war of total extermination against her. This is a dubious hope at best.

Mr. Johnson states that:

> Those Americans who have been all in favor of precipitate withdrawal from Vietnam, and yet would have us go all out in defense of Israel will soon find that they cannot have it both ways.

I wish to share Mr. Johnson's article with my colleagues, and insert it into the RECORD at this time:

[From the Washington Report, June 7, 1971]

NO PEACE IN SIGHT FOR THE MIDDLE EAST

(By Frank J. Johnson)

The Middle East continues to be the world's most dangerous and insoluble trouble spot. No one should be misled by the "hopeful" tone adopted by Secretary of State Rogers following his recent tour of the area. A peaceful solution to the crisis is still extremely unlikely. The objective conditions necessary for a settlement do not exist. They cannot be created by any amount of diplomatic maneuvering. A resumption of the Arab-Israeli war, sooner or later, is regarded by the most competent Washington analysts as almost inevitable.

The foregoing assessment is gloomy and unpleasant, but it is the only one justified by the facts.

To be sure, neither Israel nor her chief protagonist—Egypt—*wants* war. Each would much prefer to achieve her objectives peacefully. But their respective objectives are quite irreconcilable. Neither side can accept the terms of the other without what it considers to be an intolerable sacrifice of national interest: for Israel the abandonment of geographically secure borders; for Egypt, Jordan and Syria the permanent loss of territory to Israeli conquest. And for the Arab world generally, the acceptance of Israeli control over all of Jerusalem.

The very strong military positions which are now enjoyed by both sides makes renewed war appear to each of them to be a lesser evil than submission, or even than major compromise.

SOVIET MILITARY INTERVENTION

The enormous Soviet military intervention on the side of Egypt has transformed the general situation in the last 15 months. True, there has been no significant change in Egypt's offensive capability to mount a successful crossing of the Suez Canal. This is still near zero. Such an offensive would require direct and massive Soviet participation and there is no sign as yet that Moscow intends such a move in the near future. But the Soviets have, by their vast military presence, including 16,000 personnel, guaranteed Egypt against the possibility of another total defeat. The commanding military position enjoyed by Israel after the Six Day War is gone. No longer are Cairo and Alexandria at the mercy of another lightning air attack or the threat of Israeli occupation, which was also feasible back in 1967. Besides the very effective surface to air missile system which they have supplied to Egypt, there is no reason now to suppose that Soviet pilots. flying the latest model Soviet aircraft, will not fight actively anywhere in the skies over Egypt if necessary.

ISRAEL'S POSITION

Israel's position, however, is still very strong. Diplomatically, the U.S. strives for impartiality, but militarily it continues to be our policy to give Israel whatever we think she needs to maintain the balance of power in the Middle East. There is no indication that we will use our position as arms supplier to Israel as a lever to force her to return the captive territories to the Arabs—as the Arabs wish us to do. Besides being politically difficult, there is simply no indication that such a tactic would work.

It would not work because Israel has made her own judgment as to where her security lies. This judgment is not likely to be altered by any amount of outside argumentation or pressure. Her rationale is that her 100 million Arab neighbors cannot be trusted to really forgive and forget the rule of 2.2 million Jews in a Palestine which they regard as rightfully theirs; that no matter what conciliatory words present Arab leaders might utter, or even what they might put on paper, they cannot take the place of a secure geographic buffer against attack into the Israeli heartland; and that no matter what international guarantees of her borders might be offered her, these cannot take the place of Israel's own independent ability to defend herself.

The Israeli attitude is heavily weighted by the Jewish experience in Nazi Germany. Hitler, it turned out, really meant what he said about the Jews in *Mein Kampf*. Israel therefore refuses to assume that extremist Arab propaganda vowing her extermination is merely so much hot air.

In the very unlikely event that the US were to threaten an arms cutoff if Israel did not retreat from the territories captured in 1967, Israel's answer almost certainly would be flat defiance. Israel would stand fast on the present cease fire line on the basis of her present strength and wait for a new administration in Washington, to reinforce if necessary.

In a desperate attempt to find some way out of the impasse, U.S. diplomacy, led by Secretary Rogers, is pushing the so-called "interim solution". This would involve a partial Israeli withdrawal from the Suez Canal and the reopening of the waterway to navigation. Egyptian President Sadat has agreed to this idea provided that it is linked to the broader question of a timetable for full Israeli withdrawal from all territories captured in 1967, and provided that Egyptian military forces are permitted to reoccupy the East bank of the Canal. Rogers' grounds for optimism appear to revolve around the fact that the Israelis, in order not to send him away empty-handed, gave vague indications that they might permit some kind of Egyptian military "presence" on the East bank. Israel, it was explained, would remain "flexible" on this and other details of an Israeli withdrawal, but only on condition that Egypt first agrees in principle to Israeli terms for reopening of Suez. There is not even a hint that Israel will give up her key positions in the Sinai, including the Bar-Lev defense line just back of the Canal.

FUTURE SCENARIO

This position throws the ball into Cairo's court. Egyptian national pride and diplomatic strategy cannot accept such conditions. Egypt is squarely faced with the proposition that peace can be bought only at the cost of the loss of much, if not all, of the Sinai. With the new support given to her by her powerful Soviet ally, Egypt is most unlikely to pay the price.

Therefore, the probable scenario for the future involves a resumption, by Egypt, of the war of attrition against Israel whenever her patience wears out and frustration becomes unbearable. This possibility is heightened by the fact that Sadat, having just survived an attempted coup, may want to create an image for himself of more fervent nationalism, as well as redirecting any lingering internecine animosities against the "common" external enemy—Israel. Such resumption would involve artillery barrages, commando type raids, and air battles along the Canal in which Soviet pilots will periodically participate. Russia will use this siege warfare against Israel as a continuing cover and excuse to build up her military position in the Middle East and to establish permanent air and naval bases along the Mediterranean and Red Seas.

Neither are the Palestine guerrillas likely to remain as inactive as they are now, following their heavy defeat in Jordan last fall. The Fedayeen are reorganizing, this time under Algerian tutelage. Algerian President Boumedienne expects the collapse of the American peace initiative and is sending the guerrillas arms and political advice.

When and if Russia concludes that U.S. counteraction is no longer to be feared—either because of political vacillation, military incapability, or both—then the Soviets will most likely provide at least enough muscle to force Israel out of the Sinai, permitting the reopening of the Canal on Soviet-Arab terms. Quite conceivably it would be used by the Soviet Fleet as an entranceway to the Indian Ocean, while a similar use would be denied to the U.S. Sixth Fleet.

SOME HANDICAPS TO SOVIET-EGYPTIAN UNITY

There are some signs however that all is not yet entirely smooth sailing for the Soviets in their deal with the Arabs. An article in Izvestia of 28 April 1971 by Prof. H. Ulyanovsky—an obvious follow-up expansion of one of the themes in the 24th Party Congress, included as follows:

"Lack of understanding and distrust between the two progressive forces—the communists and the national democrats—have not been overcome, and in some countries the national democrats in power are even displaying the aspiration to carry out repressive measures against left wing forces.

". . . the national revolutionary democrats and the communists are faced with realizing increasingly that their invincible strength lies in unity. . . .

"In the majority of the Arab countries . . . the national democrats and the communists constitute the two most prestigious political forces, standing firmly on positions of militant anti-imperialism . . . there always have been and still are differences of opinion between them, but at the present stage of the revolution these differences are not and cannot be of primary importance."

There may still be some Arab leaders astute enough to wonder just how the Soviets intend to resolve those differences in the *next stage* of the revolution, when these become of "primary importance."

U.S. INFLUENCE RECEDING

Such an outlook can hardly be more grim from the standpoint of either Israel or the United States. Yet there seems little that we, as a nation, are willing to do about it. It is the inevitable concomitant of the tremendous shift in the world's balance of military and political power that has taken place in the world in the past five years.

As members of President Nixon's Blue Ribbon Defense Panel stated in their Supplemental Statement "on the Shifting Balance of Military Power, "Since World War II a degree of world order has been maintained almost solely by the dominance of U.S. strategic military strength . . . this American-preserved world order is now disintegrating. We no longer have the power to preserve it. Nor do we appear to have the will, as a new neo-isolationist fever dims the perception of our people . . . there is every reason to believe that the Soviet Union envisions the new era as one which it will dominate, employing its military power and the threat of its use to promote and attain its own imperialist objectives.

The trauma of the Vietnam experience, in which the U.S. failed to use its full military power for victory when the American public would have backed such a policy, has damaged, perhaps fatally, the American will to act. It has resulted in deep political divisions, in a widespread feeding of defeatism and antimilitarism, and in a new neo-isolationism.

The total U.S. image emerging in the world is that of a power so obsessed with peace (the President has most unwisely forecast a generation of it) and its domestic difficulties that it will no longer enforce its rights or protect its interests (witness the supine acquiescence to the seizure of our fishing boats by Ecuador). The Soviet ambassador has openly warned our highest officials that Russia will not be bluffed in the Middle East. Neither, for example, does she intend to be bluffed in Cuba. The continuing presence of Soviet submarine tenders in and around the Cuban port of Cienfuegos has made a mockery of the U.S. warnings not to make it into a nuclear submarine base.

Many moderate Arabs argue, quite sincerely, that times have changed, that the serious Arab leaders are reconciled to Israel's existence, and that in any case Israel can count on the protection of the United States if she is seriously threatened.

Most Israelis do not agree (ex-Premier David Ben Gurion is a conspicuous exception). They refuse to mortgage their security to decisions which would be made by a United States as troubled and disunited as it is today.

Where, they might ask, was the United States in 1967 when President Nasser announced his intention (though he never carried it out) to blockade the Straits of Tiran? The U.S. had guaranteed to Israel freedom of navigation in the Straits in 1957. But when the crunch came and Israel demanded to know our position, she got only evasive answers. She then took matters into her own hands.

Where was the United States in 1969 when its friend, King Idris of Libya called for help against the coup which deposed him? We did nothing and permitted an oil rich nation to fall into the hands of anti-Western extremists who can be counted on to support the idea of war, not peace, with Israel.

What did the United States do, last year, when Russia at least achieved the ambitions of the Tsars by establishing her own military forces in Egypt? When Presidential Adviser Henry Kissinger suggested in a background briefing last July that the U.S. would have to roll back the Soviet presence, the leaked story was hooted down by a phalanx of State Department doves, and he was forced to retract. Those who had once confidently suggested that Russia would never fly her planes in combat over Suez because there was no radar control for them on the ground found themselves confounded when Russia moved in her own ground control forces.

It should not be surprising that Israel still elects to depend upon herself and on geography, rather than upon the pledges of the United States, no matter how sincere we might be at the time they are given. In the present climate, the U.S. simply cannot be considered to be a dependably ally.

ISRAEL ULTIMATELY VULNERABLE

In the end, though, Israel probably cannot be saved by geography. It is effective, if at all, only against the Arabs. If the Soviets choose to throw their full weight into the conflict on the Arab side, Israel cannot stand alone. She is still utterly dependent upon the U.S. counterweight to deter the U.S.S.R. from coming openly to the help of the Arabs in a full offensive. In the last analysis, Israel's security is mortgaged to the U.S. deterrent.

Once that deterrent is lost, as it will be if present trends in the U.S.-Soviet military balance continue, Israel's hope for survival depends mainly on the usefulness of her existence to Soviet purposes, and thus on Russia's unwillingness to allow the Arabs to carry on a war of total extermination against her. This is a dubious hope, at best.

Those Americans who have been all in favor of precipitate withdrawal from Vietnam, and yet would have us go all out in defense of Israel, will soon find that they cannot have it both ways. We cannot wear two faces—one soft in Asia, the other hard in the Middle East. The damage has been done. The steady decline of U.S. power and influence which is now occurring throughout the world threatens to become a rout. We will soon enough be thinking only of our own survival when Soviet ultimata, backed up by overwhelming strategic military superiority, rain down upon our ears.

Meanwhile, Israel, that Spartan state which will not go away to suit anybody's convenience, has so far triumphed over its adversaries because it has put its trust only in itself. It is one of the world's most terrible tragedies that its continued existence can only be at the expense of what 100 million Arabs regard as one of history's greatest injustices. The irrestible force continues to collide with the immovable object.

There was a time when the Mediterranean Sea was considered solely within the confines of the free world. That time, however, is long since past. As Time magazine points out in its issue of June 28, 1971:

> Since 1964, the U.S. has increasingly had to share its mare nostrum with a constantly growing Russian fleet. Today the two forces are very nearly equal.

Our 6th Fleet consists of 45 ships, including three aircraft carriers, along with four submarines, 200 planes and 25,000 men. The Soviet force, an arm of the Black Sea fleet, consists of 40 to 60 ships, 10 to 13 submarines and as many as 10,000 men. As yet there are no aircraft except those aboard the helicopter carriers Moskva or Leningrad. U.S. combat ships are, on the average, 19 years old. The Russian fleet averages only 7 years. Of all Soviet warships serving in international waters, fully one-half are assigned to the Mediterranean.

Time notes that:

> Ultimately the Navy and the Administration will have to make some new decisions about the Sixth Fleet's makeup and mission.

Those who call for American disengagement, withdrawal, and a lower defense posture should not forget that the Soviet Union is pursuing an opposite policy, and it is most strikingly evident in the Mediterranean.

I wish to share this report from Time magazine with my colleagues, and insert it in the RECORD here:

[From Time magazine, June 28, 1971]

SOVIET THRUST IN THE MEDITERRANEAN

"Now the spy will appear," murmured the signal officer of the cruiser *Dzerzhinsky* as the Soviet vessel cautiously approached the Bosporus on its voyage from the Black Sea to the Mediterranean.

"What spy?" asked the man at his side, an *Izvestia* correspondent who was aboard the cruiser because Defense Minister Andrei Grechko, Fleet Admiral Sergei Gorshkov and General Aleksei Yepishev, the top political commissar for the Soviet military, were paying a visit to Moscow's Mediterranean fleet.

"The American destroyer," said the signal officer. "It always glues itself to us as soon as we pass through these narrows." Sure enough, the *Dzerzhinsky* had no sooner passed Istanbul when a Sixth Fleet destroyer, the U.S.S. *Ricketts,* took position alongside. Surveillance was so close that the exasperated captain of the *Dzerzhinsky* finally flashed a message: "Sir, this is not Broadway. Please find a safer place for your promenade."

FORMIDABLE FORCE

The skipper of the *Ricketts* was acting out of habit. Since World War II, the Mediterranean has been an American promenade from the Dardanelles to Gibraltar, 2,330 miles to the west. A formidable task force of warships and combat-ready Marines was posted in the Mediterranean to protect the southern flank of NATO, to "project force ashore" in the event of political crises.* and simply to show the U.S. flag. For a long time the Mediterranean was an American lake; any warship sighted was bound to be either friendly, neutral or innocuous.

Since 1964, however, the U.S. has increasingly had to share its *mare nostrum* with a constantly growing Russian fleet. Today the two forces are very nearly equal. The Sixth Fleet, commanded by Vice Admiral Isaac C. Kidd Jr. (who will shortly move upward to become head of the Naval Material Command and be replaced by Vice Admiral Gerald E. Miller), consists of 45 ships, including three aircraft carriers, along with four submarines, 200 planes and 25,000 men. Under Vice Admiral V. N. Leonenkov, the Soviet force, an arm of the Black Sea fleet, consists of 40 to 60 ships, ten to 13 submarines and as many as 10,000 men—but no aircraft except those aboard the helicopter carriers *Moskva* or *Leningrad*. U.S. combat ships on the average are 19 years old; the Russian fleet averages only seven years. Of all Soviet warships serving in international waters, fully one-half are assigned to the Mediterranean. Says Kidd: "We walk a tightrope of adequacy."

IN THE BATTLE ZONE

U.S. officers are understandably alarmed by this shifting of balances. Soviet naval strength on all oceans has been growing with remarkable rapidity for several years now (Time cover, Feb. 23, 1968). "Nothing stops them," admits Admiral Thomas H. Moorer, Chairman of the Joint Chiefs of Staff. "They are moving in everywhere." Nowhere is this more true than in the Mediterranean. Warns U.S. Admiral Horacio Rivero Jr., the diminutive (5 ft. 3 in.) commander of NATO forces in southern Europe: "What was traditionally NATO's southern flank has developed into its southern front. The Mediterranean, which was for NATO part of the zone of the interior, a rear area, is now within the battle zone." Concern filters down to officers at sea with the fleet. "There is no feeling now of being on a second team," says Captain John E. Hansen, skipper of the 62,000-ton carrier *Franklin D. Roosevelt*. Says Commander Richard Hopper, who heads the *Roosevelt's* 75-plane air group: "This used to be a sunshine cruise. Pilots volunteered from here for Viet Nam. Now the action is here."

The Russians have become a constant threat in the Mediterranean because they have learned to keep their ships on station and, as the U.S. does, resupply them at sea with the four essential *b*'s—bombs, bullets, beans and black oil. At the same time, Soviet diplomacy has carved out several important auxiliary ports for the fleet along the Mediterranean coasts. Among them are Latakia in Syria and Alexandria and Port Said in Egypt. The Russians, who now sail the western Mediterranean more frequently, have also shown an interest in using the Algerian seaport of Mers-el-Kebir. Last week they got another potential port of call when Malta's Labor Party won a one-vote majority in the island's Parliament. Malta has long been the unsinkable aircraft carrier of the British Mediterranean defense system, but Labor Party Leader Dom Mintoff won the election partly by promising the island's 320,000 inhabitants that he would relax this link to the West. The Russians do not really need another naval base, but they may find irresistible the idea of just showing the red flag on an island that was long a NATO bastion and won Britain's George Cross for heroism in World War II.

HISTORIC ROLES

In connection with Grechko's visit last week, *Izvestia* emphasized Russia's ancient historic role in the Mediterranean, tracing its beginnings to a navigation treaty signed by the Principality of Kiev in the 10th century. The Russian presence in the Mediterranean was forcefully reaffirmed in 1770 when Admiral Orlov defeated the Turkish fleet at Tchesme. Later the Russians made a series of amphibious landings on the Ionian islands and even captured Corfu in 1799. "No, we are not guests in this sea," crowed *Izvestia*. "Many glorious victories of our people are connected with it." (*Izvestia* conveniently forgets, of course, that soon afterward the Russians gave up Corfu and were bottled up behind the Bosporus by the Crimean War.) The U.S. is equally insistent on its Mediterranean rights, which date back to Stephen Decatur's arrival in 1803 to fight the Barbary pirates.

With both superpowers patrolling the Mediterranean in force, the grim game of surveillance is played in dead earnest. Both sides are particularly vigilant for submarines, which are difficult to detect in the shallow waters where thermal layers and the screws of some 2,000 merchantmen on any day distort sound. The watch is most intense at six main "choke points," or "ticket gates," as Admiral Kidd calls them, through which maneuvering submarines must pass. These are Gibraltar, the sea south of Sardinia and Sicily, and the areas between Crete and Greece, Crete and North Africa, and Crete and Turkey. Both sides keep watch on the choke points. At the same time, surface ships frequently shadow one another. Cruising aboard the *Roosevelt* recently, TIME Correspondent John Shaw was startled to come on deck one morning to find that during the night a Soviet *Kashin*-class destroyer had taken station 500 yds. away.

TRIPLE TRAILERS

The same shadow game is played aloft, but there are very special rules. Soviet TU-16 Badger bombers with Egyptian markings fly out of Cairo West airbase to follow the Sixth Fleet and look for Polaris submarines. Whenever they get near the U.S. carriers, a "fastback alert" is sounded, and Phantom jets are catapulted off the carriers to keep the Badgers from getting too close. The Phantoms always approach gradually and at an angle, sometimes drawing abreast of the Soviet planes. On one such occasion, a Phantom pilot was surprised to see his Soviet counterpart hold up a centerfold from, of all things, *Playboy* magazine.

The two fleets have one mission in common. Kidd estimates that much of his time, like that of the Soviets. is spent in showing the flag around the Mediterranean. Beyond that, however, the two forces have vastly different roles. The U.S. carriers and their Phantoms still have an offensive nuclear capacity against East bloc targets. Half the fleet's planes are kept in the air at all times in order to make certain that a surprise Soviet missile attack would not sink the entire Sixth Fleet strike force. The Russians, on the other hand, appear to be primarily intent on neutralizing the Sixth Fleet. For this purpose they have assembled an impressive array of missile power aboard their ships, including the 22-mile-range Styx aboard small gunboats, the 100-mile Strela aboard destroyers, and the 400-mile, supersonic Shaddock aboard Soviet cruisers.

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* It happened only once, in 1958, when Marines waded onto Beirut beaches strewn with Coca-Cola bottles and suntanned bathing beauties to protect a pro-Western Lebanese government from a coup.

To defend itself against the Russian missiles, the Sixth Fleet has patched together new responses in recent months. Two 240-ton patrol gunboats superpowered by jet engines have been transferred from Viet Nam as an experiment. The gunboats move so swiftly (top speed: 40 knots) that their crews must be strapped into their stations. Admiral Elmo R. Zumwalt Jr., who is Chief of Naval Operations, has dubbed them "triple trailers" because they are assigned to lurk behind the Soviet vessels that trail U.S. ships.

RETHINKING ROLES

The U.S. is also fitting out some ships with surface-to-surface standard missiles that have 35- to 60-mile ranges. In two or three years, after further research and development, more efficient Harpoon missiles will be introduced. In addition, in an unusual move for a nation that has traditionally developed its own weapons, the U.S. is considering buying either the Israeli surface-to-surface Gabriel missile or the French Exocet.

Ultimately the Navy and the Administration will have to make some new decisions about the Sixth Fleet's makeup and mission. It now defends NATO's supply lines, provides a small but sinewy landing force, supports and protects the Polaris nuclear submarines that operate out of the U.S. bases of Rota, Spain, and Holy Loch, Scotland, and furnishes a nuclear punch in case of war. With aging ships and outmoded ordnance, it is difficult enough to carry out those assignments. Since the fleet is taking on the added mission of neutralizing the Russians, the job may be growing close to impossible.

THE GI'S GENERAL

HON. DURWARD G. HALL

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, July 12, 1971

Mr. HALL. Mr. Speaker, on May 8, 1971, I had the pleasure of visiting with Gen. Omar N. Bradley when he officially dedicated the new museum named in his honor at Carlisle Barracks, Pa., which was also the post of my first military duty.

While reading the June 30, 1971, issue of Farmland, I was most pleased when I came across a feature article about the distinguished general who grew up on a farm in my home State of Missouri. I feel that this summarized biography of General Bradley's truly extraordinary life is worthy of being placed in the RECORD. The story of a man called the GI's general, appeared as follows:

[From Farmland, June 30, 1971]

THE GI'S GENERAL

A man's destiny with greatness can hinge on little things—such as the price of a railroad ticket from Moberly, Mo., to St. Louis.

Back in 1911 this was an obstacle to young Omar Nelson Bradley's going to West Point. He felt the chances of passing the entrance test at St. Louis and being accepted at the academy were too slim to justify the expense. Though bright in high school, he had been out a year and was a bit rusty.

Had not the Wabash Railroad provided him a pass, Bradley probably would have gone on saving his money to go to the University of Missouri and study law. But he made it to St. Louis and joined another midwesterner at West Point by the name of Dwight Eisenhower.

Born Feb. 12, 1893 on a farm near Clark, Mo. (just 55 miles from the Laclede birthplace of another great American general John J. Pershing) Bradley's fondest memories of childhood are of hunting and fishing with his father, described as a happy, if underpaid, schoolteacher who imparted to Omar his love of the outdoors.

John Bradley died when Omar was 14 and he and his mother moved to Moberly so he could go to high school and she could take in sewing. After graduation in 1910, he went to work in the Wabash shops to help his mother and save for college.

Omar was encouraged to consider West Point by his Campbellite Sunday School teacher who felt an Army career would sustain the young man's love of the outdoors.

At the Point, Bradley ranked 44th in the 1915 class of 164 that produced several World War II generals. He played football, hit .385 on the baseball team and rated sixth in conduct. The West Point yearbook's summation of Bradley's chief characteristic—"getting there"—was prophetic as German armies later would vouchsafe. The high school annual, too, had hit the mark with its one-word description of him: "Calculative."

Bradley spent most of World War I commanding a guard company in the copper mines of Butte, Mont. When the war ended, Bradley predicted another would erupt in 20 years or so and began preparing for it. Interviewed by Jules Loh of the Associated Press on his 78th birthday anniversary, the 5-star general had this to say on what World War II had meant to him.

"I certainly did not welcome war. That goes without saying. I would have preferred to have served out my years in a peacetime army and retired quietly as a colonel. Once war came, I welcomed the opportunity to do what I was trained to do and paid to do."

Bradley draws this distinction between military men and militarists: "Those who serve their country professionally, under civilian control, as opposed to those who put themselves in a separate caste above their government with a code of their own."

Bradley saw little glory in war. Shortly after World War II he spoke at a Memorial Day ceremony at the grave of a Medal of Honor winner. The script called for bravado, but Bradley said: "For every man in whom war has inspired sacrifice, courage and love, there are many more whom it has degraded, with brutality, callousness and greed."

In his book, "A Soldier's Story," he wrote: "War has neither the time nor the heart to concern itself with the dignity of man. Men must be subordinated to the effort that comes with fighting a war and as a consequence men must die that objectives be taken. For a commander the agony of war is not its dangers, deprivations or the fear of defeat but in the knowledge that with each new day men's lives must be spent to pay the costs of the day's objectives.

"Because war is as much a conflict of passion as it is of force, no commander can become a strategist until first he knows his men. Far from being a handicap to command, compassion is the measure of it. For unless one values the lives of soldiers and is tormented by their ordeals, he is unfit to command."

Before the invasion of France, despondency was sweeping American troops infected by talk that few would survive D-Day. In an off-the-cuff talk to them, Bradley called such fears "tommyrot" and predicted casualties would be far less than expected. (They ranged to 10% of the attacking force). Bradley's words got out, to his chagrin, and he considered firing the censor. But after the war Bradley met a GI's mother who told him how much his "tommyrot" speech had meant to her and others. "Let this be a footnote of justice to that censor," Bradley said.

His career is sprinkled with incidents that suggest why the GI's called him their general. He was least affected by position. While Ike had his jacket, Patton his jodphurs and MacArthur his hat, Bradley was content with GI issue. Later, when he headed the Veterans Administration, he forbade use of military titles in correspondence to discharged soldiers.

Those close to Bradley seldom knew him to raise his voice. "When your position is such that no one can answer back," he has said, "why shout."

Bradley's first combat action came in North Africa when he commanded a corps of four divisions and helped draw the noose on Axis forces at Bizerte and Tunis. Of this first experience in combat command, he later wrote:

"To command a corps toughness alone isn't enough. You must know your division commanders, thoroughly understand their problems, respect their judgment and be tolerant of their limitations. There are few distinguishing characteristics of a successful division commander. Success comes from a well-balanced combination of good judgment, self-confidence, leadership and boldness."

After Africa, Bradley served under Gen. George S. Patton in Sicily. While his philosophy of war differed sharply from Patton's, Bradley's respect for the storybook general was great.

"To George," Bradley wrote in his book, "the war was not so much an ordeal as it was fulfillment of a destiny to which he shaped his life. He believed war to be a chronic ailment of mankind, destined to pursue civilization to its grave . . . Since conflict was to be the inevitable lot of all mankind, George reasoned that man should resign himself to it and indeed welcome it as a manly challenge. Exhilarated by conflict, he found it inconceivable that men, other than cowards, should want no part of war."

Such a philosophy explains the "slapping incident" when Patton struck a soldier hospitalized with "nerves" in Sicily, accused him of cowardice and sent him back to the front.

The chief reason Bradley was popular with the troops was his human quality and lack of put-on. In contrast to Patton's glory view of war, Bradley considered it a "wretched debasement of all the thin pretensions of civilization. In the rear areas war may sometime assume the mask of an adventure. On the front it seldom lapses far from what General Sherman declared it to be."

Bradley's favorite soldier was the rifleman.

"The rifleman," he said, "trudges into battle knowing the statistics are stacked against his survival. He fights without promise of either reward or relief. Behind every river, there's another hill—and behind that hill, another river. After weeks or months in the line only a wound can offer him the comfort of safety, shelter and a bed. Those who are left to fight, fight on, evading death but knowing that with each day of evasion they have exhausted one more chance of survival. Sooner or later, unless victory comes, the chase must end on the litter or in the grave."

When the Allies got bogged down on the Western Front after the Normandy breakout, Bradley saw his casualties in a 5-week period reach 64.000. Obtaining replacements became difficult as the War in the Pacific demanded its share of America's young men.

An underling proposed to Bradley that the term "replacement" be changed to specialist to avoid the cannon fodder connotation and improve morale among those waiting to go to the front. Bradley would have no part of the word game.

"The remedy for improving morale among replacements," he said, "lies not in changing the name but in taking every possible step to see that they are properly taken care of and that they get the feeling someone is interested in their welfare."

There was a time, however, when the slow-to-anger Bradley was ready to quit and go home. It came after the German counterattack that developed into the Battle of the Bulge. For tactical reasons, Eisenhower shifted two American armies from Bradley's command to the British General Montgomery. Bradley and Monty had had equal billing under Ike, Monty commanding British and Canadian forces on the northern prong and Bradley the American on the southern thrust.

When Monty exploited the situation to flatter his ego at Bradley's expense, the Missourian told Ike that unless the American troops were returned to his command, once the German drive was blunted, that he would resign. Bradley believed that if he were to become subordinate to Monty—when the Americans had far more troops in the field than the British—his effectiveness would be impaired. The troops of Generals Hodges and Simpson were returned to Bradley by Ike with the bitter comment: "Well—I thought you were the one person I could count on for doing anything I asked you to."

But of his choice of Bradley to lead the American armies in Europe, Ike would later say in his book, "Crusade in Europe":

"General Bradley displayed qualities of steadfastness, drive, professional skill, and a capacity for human understanding which became so obvious to his subordinates and his superiors alike that the American teamwork forged on the many battlefields of the Normandy beachhead was never thereafter seriously threatened."

In the closing days of the European war, the Allies had to decide whether to go for Berlin or choose other targets. The nature of Berlin's occupation already had been decided by the Four Powers and Bradley advised Ike against racing the Russians for the capital. He predicted it would mean an additional 100,000 casualties, a price too great for a prize they could not keep.

With the Allies to be dependent on Russian good will for access to Berlin, Bradley had misgivings. He had learned as a farm boy in Missouri that "dependence did not make for good neighbors."

America honors its 5-star officers (there have been only nine) with active duty status while permitting them to pursue their own interests. Bradley is chairman of the Bulova Watch Company, highly interested in a North Dakota Indian work project financed by Bulova, and now lives in Beverly Hills, Calif., with his second wife. His first wife died in 1965. A daughter lives in the Washington area.

In the Jules Loh interview, Bradley expressed thoughts on youth today and the problems of modern living.

"My boyhood experience gave me a sense of responsibility," he said. "If I didn't cut firewood we didn't have firewood. If I didn't clean the lamps, we didn't have clean lamps. One trouble with modern living is that children don't have that opportunity. The furnace goes on automatically and you flip a switch to get light. If a child doesn't learn responsibility by having responsibility, first of all to his own family, how will he ever develop a sense of responsibility to his community and country?"

But Bradley doesn't brand technology as a villain. Machines, he says, have expanded human opportunities and he sees "no reason people should worry about losing their individuality."

Bradley returned to Moberly in May of 1971 to visit the wooded hills where he once hunted with his father and to commemorate a Boy Scout trail named for him.

Farmland visited him there and asked if it worried him that the shrinking number of farms meant fewer boys were getting the chance to experience an outdoors upbringing such as he had enjoyed. Standing under the trees and appearing fit enough to hike the 15-mile Scout trail, Bradley spoke of machinery and technology. They've got equipment now, he noted, that eliminates need for a lot of people on farms, and this is a fact we must accept. Then, too, others have gone to cities as a matter of choice, "and this is their right."

As for the rash of criticism of the Army today, Bradley said this was nothing new. "The only time the Army is appreciated," he said, "is when it is called on to correct the mistakes made by our diplomats and politicians."

Those who know him best say Bradley's success represents the triumph of simple, absolute honesty and good will. He has never lost faith in his belief in America's qualities or in the teachings of that Sunday School teacher, John Crewson, who set him the course to West Point.

Of all that's been said and written of Omar Nelson Bradley, perhaps a paragraph from an essay penned in 1962 by a Moberly seventh grader, Debbie Shrivin, sums it up best:

"He was a Missouri boy from our very own community. His rise to military fame was spectacular, even in our country of great opportunities. His plainness and his human touch have protected him from enemies that often destroy good men."

LEWIS AND CLARK REVISITED—AT A SLIGHTLY HIGHER COST

HON. FRED SCHWENGEL

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 12, 1971

Mr. SCHWENGEL. Mr. Speaker, in the spring of 1804, 29 men left St. Louis on a journey to the Pacific Ocean, a journey that would be known as the Lewis and Clark Expedition. The expedition was funded by Congress on February 28, 1803, under an act for extending the external commerce of the United States. The cost of this exploration of new lands to the taxpayers of the United States was $2,500.

On May 14, 1971, 29 members of the U.S. Army Special Forces from Fort Bragg, N.C., left St. Louis on what was billed by the military as "a valuable training exercise, testing endurance, survival techniques, mountaineering, land and river navigation, and long range communication." This group is following the Lewis and Clark Trail from beginning to end. The cost of this "expedition" to the taxpayers of the United States is over $80,000.

This type of program is exactly what the Members of Congress are talking about when they speak of spending the taxpayers' dollars to promote the public image of the military, especially under the guise of a "training mission," supposedly designed to test endurance and survival techniques.

The $80,000 that is being spent on this program was not designated as public affairs money in any way, but is being spent for the purpose of promoting the public image of the Green Berets. This type of spending by the military is merely another way of increasing their public affairs spending while pulling the wool over the eyes of Congress and the American people.

Approximately 2,000 copies of a brochure entitled "Operation Labrador Corner V, 168 Years Later—Green Berets on the Lewis and Clark Trail," have been printed and distributed at Government expense to announce the journey. This brochure calls on the people to "come on down and see us—check your local newspaper for progress reports." On the other hand, a fact sheet on the project says that the welcomes by the general population have been "spontaneous and unsolicited." The booklet contains a list of the men on the expedition, a map detailing the route with the major cities marked, the approximate dates this specially trained group of men will be at certain points on the journey, a pictorial college of Green Berets in action and a brief résumé of the project. Two thousand copies of another brochure, "What Does It Take to Earn a Green Beret," were also printed especially for Operation Labrador Corner V. This brochure contains such things as the qualifications of a Green Beret. For example, "he is intelligent, able to learn and to teach others, he has obtained the required security clearance, he is in excellent physical shape, he is able to swim, and he is inventive and adaptable." Even more ridiculous for a "training mission" are the 2,000 "certificates of award" printed for the project which state:

> The Lewis and Clark "A" Teams of the United States Army Special Forces present an Honorary Green Beret to———————— in recognition of ——— appreciation of the attributes and qualities required of the U.S. Army Special Forces.

These brochures, pamphlets, and award certificates are all listed as being printed by Psychological Warfare Battalions—PSYOP BN—as "training missions." Yes, training missions, believe it or not.

I insert in the Record the text of the special brochure on Operation Labrador Corner V in its entirety:

Trip Background

"After purchasing the Louisiana Territory from France in 1803 for $15 million, President Jefferson sought to determine exactly what people and treasures this vast area contained. To find out, he charged Captain Meriweather Lewis of the Army with leading an expedition to explore and report on the Territory. At Lewis' insistence, Lieutenant William Clark was appointed second in command.

Lewis and Clark gathered a party of 29, including experts in Indian sign language, boat handling and frontier movement and weapons. Lewis himself took cram courses in zoology, botany, and celestial navigation. During the winter of 1803–1804 the expedition members trained in St. Louis for the 17 month journey to the Pacific, which would be the first step in opening up the way to the great Northwest.

Now, 167 years later, another group of frontier experts are traveling the same route. They, like the original group, are all specialists, volunteers, and soldiers—members of the U.S. Army Special Forces from Fort Bragg, North Carolina For them the trip will be a valuable training exercise, testing endurance, survival techniques, mountaineering, land and river navigation and long range communications.

The men, members of the 5th and 7th Special Forces Groups, will be divided into two 12-man teams and a 5-man command and control group. In each team, communications experts have the job of maintaining continual contact with the command group and with headquarters at Fort Bragg. The team medics are prepared for all sorts of sickness and accidents, including the contingency of a bee sting to one team member who reacts strongly to such bites. Their intensive 37 week training has qualified them to perform almost any treatment short of surgery. The engineer and weapons experts will not be practicing their specialties, but will be practicing other specialties in which they, like all Green Beret Soldiers, are cross-trained.

Leaving St. Louis on 14 May 1971, the Green Berets will arrive at Astoria, Oregon, by 4 September 1971, having spent over 16 weeks en route. Included in their baggage will be a 50 star flag, to be presented to the Lewis and Clark Museum at their destination in commemoration of their trip. The long trip will have been well worth it, for the men will have received some excellent training and gained valuable experience."

Several newspapers in my State printed stories concerning the Green Berets on the Lewis and Clark Trail when they were in the vicinity of Iowa. Some of these newspapers mentioned the fact that some of the men on the trip were complaining because they had gained so much weight. It seems that every town they pass through holds a large banquet for them. It would seem that it should indeed be a rare occasion when men who are on a "valuable training exercise, testing endurance, and survival techniques" gain weight from overeating.

Operation Labrador Corner V is said to be a training expedition, but it appears to be nothing more than a highly touted attempt to improve the public image of the Green Berets, a group that has received much criticism in the past few years, at the expense of the taxpayers.

The military maneuver, along with the printing of brochures and award certificates designed to sell the project, is an unnecessary expense to the taxpayers of our country.

A fact sheet on the Lewis and Clark project gives the following estimated costs of the expedition:

1. Tactical reconnaissance by advance party of three persons (includes an Army C-45 aircraft)	$2,396.00
2. Supplies and equipment	1,523.00
3. Contingency funds for local procurement of repair parts, maintenance, etc	1,500.00
4. Petroleum, oil and lubricants	$1,000.00
5. Per diem	2,019.00
Total	8,437.00
Salaries (approximate—my estimate)	70,412.00
Publicity materials (approximate—my estimate)	1,812.00
Grand total	80,661.00

The facts that I have learned about Operation Labrador Corner V, the Green Berets on the Lewis and Clark Trail prove to me that the entire project is nothing more than a public relations activity of the military. This brings to point my question—How many of the other public relations activities of the military are placed in areas other than public affairs spending, where they actually belong?

AN IMPLICATION OF SOVIET QUANTITATIVE SUPERIORITY

HON. JOHN G. SCHMITZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 12, 1971

Mr. SCHMITZ. Mr. Speaker, Air Force magazine of July 1971 contained a timely article by Brig. Gen. Harry N. Cordes, Deputy Chief of Staff, Intelligence, Strategic Air Command, concerning the strategic threat now facing the United States.

Particular attention should be called to the continued growth of both Soviet offensive and defensive strategic forces. General Cordes points out that the Soviet force of ICBM launchers is approaching a level of 1,500 launchers—almost seven times as large as their force in 1965 and 50 percent larger than the U.S. force.

While quantitative superiority is not the only factor which must be considered when making an assessment of the security of our Nation based on the relative United States-Soviet strategic forces, it is certainly a most important factor. For example, President Nixon stated in his state of the world message delivered in February this year that—

> I must not be—and my successors must not be—limited to the indiscriminate mass destruction of enemy civilians as the sole response to challenges.

Pronounced quantitative inferiority limits our response just exactly to "the indiscriminate mass destruction of enemy civilians."

At a certain level of Soviet quantitative superiority the option to target either civilian-industrial areas or military targets, such as Soviet missile complexes, virtually disappears. The smaller ones forces in relation to those of the enemy the less sense it makes to direct an attack against these larger forces since even a successful attack with a small force would have relatively little effect on his war fighting capability. Some analysts feel that this was the reason the Soviet Union rejected the counterforce targeting doctrine put forward by former Secretary of Defense McNamara in the early sixties. Since the Soviets were quantitatively inferior to the United States at that point in time they realized that by accepting this type of targeting doctrine, striking at much larger enemy forces instead of civilian-industrial centers, they would be, in fact, renouncing a second strike capability. The Soviets understood that U.S. superiority in the early sixties to a large extent determined their targeting doctrine for them.

Limiting our second strike options to civilian-industrial targets through failing to maintain at least quantitative parity with the Soviets becomes extremely dangerous when we understand that the Soviet Union has the most thoroughgoing and comprehensive civil defense program in the world. As quantitative inferiority limits our actions to retaliatory strikes to civilian-industrial centers the Soviets are placing great emphasis on civil defense programs and lowering our capability to inflict decisive damage on the only targets which remain open to us.

This is something to think about. Should the Soviets come to the conclusion that their quantitative superiority has forced us into a position where we can only interfere with their battle plan through striking civilian-industrial targets, and that their ballistic missile defenses—both active through such things as ABM systems and passive through civil defense procedures—are sufficient to reduce the damage we are able to inflict to an acceptable level, the United States will no longer have the material basis for deterrence. Deterrence will then be based on a conscious Soviet renunciation of certain victory in nuclear war.

Deterrence will no longer be based on credible United States retaliation but rather on Soviet benevolence.

The article by General Cordes follows:

THE STRATEGIC THREAT

(By Brig. Gen. Harry N. Cordes, USAF)

(NOTE.—Brig. Gen. Harry N. Cordes has been DCS/Intelligence at Hq. SAC since April 1970. A dual-rated pilot/navigator, he was at the 1946 Bikini atomic bomb tests, and has served in SAC bomb and reconnaissance units, as a SAC intelligence staff officer, and as a member of the joint Strategic Targets Planning Staff. Prior to his present assignment, General Cordes was Deputy Director of Plans for Force Development, Hq. USAF. He is a graduate of the Air Command and Staff College, the Industrial College of the Armed Forces, and holds a master's degree from George Washington University, Washington, D.C.)

An inescapable fact of the 1970s is the Soviet Union's inventory of powerful and modern strategic weapons approaching—and in some cases, surpassing—ours in quantity and in quality. The importance of this change in relative power of the U.S. and U.S.S.R. should be of real concern to all Americans, and countless official and unofficial statements have addressed the relative strengths of the two superpowers.

Before analyzing this threat, one fact of traditional Soviet military policy must be considered: a reliance on mass—the concentration of arms at the critical place and time to the maximum extent possible. This is evident in their large land forces their emphasis on firepower, and their propensity to retain older, proved systems. At the same time, to deploy barely operational new systems with the view of incorporating qualitative improvements in later modifications. These Soviet policies are apparent today in both strategic offensive and defensive forces.

THE SOVIET ICBM FORCE

The expanding Soviet strategic threat is reflected in the rapid growth of their ICBM inventory. Since initial deployment in the early 1960s, the Soviets have developed a number of ICBM systems, although growth of the force was quite moderate until 1965. Since then, an accelerated research, development, testing, production, and deployment program has resulted in a force today approaching 1,500 launchers—considerably larger than the 1,054 US ICBMs and almost seven times larger than the Soviets' 1965 inventory. Furthermore, deployment continues.

Currently, three ICBM systems— the SS-9, SS–11, and SS–13—are being deployed, though at reduced rates, and two of the earlier versions still are retained. These early systems, the liquid-fueled SS–7 and SS–8, were deployed in only limited numbers; however, their retention in the Soviet inventory illustrates the point made earlier about the propensity to retain older, proved systems.

At this time, the largest segment of the ICBM force consists of SS–11s. Deployment of these launchers appears to have leveled off at the present time at somewhat in excess of 900. In addition, the Soviets have tested SS–11s with a new reentry vehicle that has shown improved performance. Last August, Secretary of Defense Melvin R. Laird announced that two extended-range tests of the SS–11, into a Pacific Ocean impact area, may have carried as many as three reentry vehicles. Thus, multiple reentry vehicles are a distinct probability for this system.

Little is known about the only solid-fueled ICBM system in the Soviet inventory—the SS–13—except that deployment has been limited. Its testing continues, and deployment could be resumed at any time. It could also provide the technology for a mobile, land-based ICBM in a few years or for a completely new system.

Their most awesome and destructive weapon today is the SS–9. Liquid fueled, it is deployed in nearly 300 silos operational or under construction. The SS–9 has been tested in a variety of strategic roles. Its payload options include up to a single twenty-five megaton warhead or combinations of smaller multiple warheads. The multiple reentry vehicle version as already tested can carry three reentry vehicles, each capable of delivering a five-megaton weapon to a range of more than 5,000 miles. The SS–9 also has served as the booster for tests of a fractional orbital bombardment system (FOBS). The large-payload SS–9 missile appears to have great versatility, with its flexibility offering the potential for a wide variety of employment or deployment options.

As mentioned previously, there has been an apparent slowdown in deployment of the three current systems—the SS–9, SS–11, and SS–13. One possible reason for this was revealed recently by Secretary Laird. The Soviets may be deploying a new ICBM with concurrent construction of new silos. While the missile associated with these new silos has not been identified as yet, it could be an improved version of already proved, flexible systems.

Based on the level of missile activity in recent years, the Soviet ICBM force could exceed 2,000 ICBMs by the mid-1970s. The total number of ICBMs is significant, but even more important are the qualitative improvements, total payload capacity, their emphasis on multiple reentry vehicle testing, and the wide variety of options thus provided by these systems.

Supplementing the ICBM force are many shorter range, medium- and intermediate-ranged ballistic missiles. Although not a direct threat to the United States, since the 650-plus launchers are deployed mainly along the western USSR border, they do present a threat to our overseas forces and bases as well as to our allies.

SUB-LAUNCHED MISSILES

The third category of ballistic missiles involves the submarine-launched force. Its growth has paralleled that of the land-launched systems. In less than five years, the threat has tripled, mainly due to the production of the new Yankee class submarine.

Currently, four ballistic-missile-carrying submarine types are in the inventory. Three are older classes but the fourth, the Yankee class nuclear-powered sub, is by far the most significant factor in the expanding SLBM threat. Like the United States Polaris/Poseidon subs, each Yankee carries sixteen missiles. At least seventeen of these subs are considered operational, while about fifteen more are being outfitted or are under construction.

Today, the United States still holds a lead in numbers of SLMBs, but the Soviets are continuing to close the gap. Present production rates for the Yankee submarines—about six to eight per year—could bring them to equality with the US in the next couple of years. By the mid-1970's, they could have about fifty Yankee submarines carrying 800 missiles.

The missile carried by the Yankee subs has a range of about 1,300 miles. However, testing is under way on a new, longer range, submarine-launched missile with the potential of doubling the present missile range and thus increasing the flexibility of their ballistic-missile submarine force.

SOVIET BOMBERS

Rounding out the Soviet offensive power is their bomber force, which has remained relatively static at a little over 900 aircraft since 1965. Although the United States stopped production of heavy bombers in 1962, the Soviet Union only recently discontinued a modest production. Currently, their heavy bomber force numbers 195 Bears and Bisons, about fifty of which are normally used as air refueling tankers. The Long-Range Aviation bomber force consists of about 700 Badgers and Blinders. While their range is less than the Bears and Bisons, when deployed at northern USSR staging bases, they could cover most of the United States on one-way missions. Therefore, in assessing the total threat to this country, the Badgers and Blinders must be considered as well as the Bears and Bisons. In addition to these bombers, the Soviet Navy has more than 500 Bear, Badger, and Blinder aircraft, configured in both reconnaissance and bomber versions.

In accord with their tradition, these older systems are regularly updated with modifications. At the same time, the Soviets continue to develop new and improved aircraft. The Soviet supersonic transport (SST) has been flying for more than two years, and although there is no known direct military application, it nevertheless would provide valuable engineering data for a follow-on strategic bomber.

In addition, there are indications that a new prototype strategic bomber is now flying in the Soviet Union. Available information points to a variable-sweep-wing, supersonic aircraft with range improvements over the Badger and Blinder. Further indications are that it might be air-refuelable and could possibly carry a long-range air-to-surface missile, thus giving it an intercontinental capability. Since this prototype possibly is already flying, its deployment could, if it became operational, precede that of the USAF B–1 by several years.

Despite predictions to the contrary, the Soviets have made only minor reductions in their strategic bomber force during the past six years. We see a continued reliance on a mixed strategic force concept similar to our own Triad. In view of reductions in United States air defenses over the past several years, the relative threat becomes even more apparent.

SOVIET AIR DEFENSES

In order to gain a full appreciation of Soviet strategic strength, one must look at the defensive forces, as well as their offensive forces. By almost any yardstick, overall Soviet aerospace defenses are the strongest in the world. In all defensive categories, from antiaircraft artillery to antiballistic missiles, their forces are quantitatively superior. For example, with a land area not quite three times that of the US, they have from five to twenty times as many radars, surface-to-air missiles (SAMs), and interceptors. Furthermore, programs to improve air and missile defenses continue, and they have made significant progress in antisubmarine warfare.

Air defense radars number in the thousands and provide extensive warning and interceptor control throughout the Soviet Union. One feature—overlapping redundancy—characterizes the mass of warning and control radars. These radars span the full usable frequency spectrum and incorporate all the latest advancements to counter electronic jamming. In addition, the Soviet Union has under way an extensive program to improve their ability to detect and track low-flying bombers.

A key new development in air defense that may be deployed later in this decade is an airborne warning and control system (AWACS) aircraft, which could extend Soviet detection of penetrating bombers by a considerable distance. Even without advanced technology, it could probably detect low-altitude aircraft against the background of a calm sea. In any event, the AWACS could further complicate our bomber penetration problems.

The fighter-interceptor inventory is at an impressive level of more than 3,000 aircraft. Some of them are older aircraft—1950 versions—but most, including the MIG–17, MIG–19, and MIG–21, are still effective aircraft and have good all-weather capability. Production continues on the MIG–21, which is employed throughout the Communist sphere of influence.

A dynamic modernization program has seen the introduction of a new fighter aircraft about every eighteen months, and in the past five years, three new fighters have become operational. One of these is the Fiddler, a large, long-range interceptor that could be a perfect complement to the AWACS. Another is the Flagon, a small, fast, point-defense interceptor that has been in service for more than two years. The Foxbat, a long-range, Mach 3 class fighter, has established several speed, payload, and altitude records and still holds two official world speed records over a closed-circuit course This aircraft may be equipped in the future with radar and armament to attack low-altitude aircraft. We believe it was recently deployed as an air defense interceptor and may have a tactical role in the future.

SURFACE-TO-AIR MISSILES

The fighter-interceptor force is supplemented by an extensive deployment of surface-to-air missile (SAM) systems—on the order of 10,000 launchers—again illustrating the Soviet penchant for massive firepower. Besides numerous antiaircraft artillery weapons, the Soviet Union has literally thousands of surface-to-air missile launchers in both fixed and mobile configurations. In accordance with their policy of retaining older, proved systems, the SA–1, designed for defense against mass raids such as occurred in World War II, is still deployed around Moscow.

The backbone of the SAM defenses in the Communist world, however, is the SA–2. This medium- to high-altitude system has been spread throughout the Soviet Union and pro-Soviet nations, including Cuba, China, North Korea, North Vietnam, and the United Arab Republic. The SA–3 has better low-altitude characteristics and thus provides an excellent complement to the SA–2s.

In addition, the Soviets also have mobile SAM systems—the SA–4 and SA–6—which are ideally suited for defense of army field units. The one remaining system—the SA–5 Tallinn system—provides an excellent defense against high-speed, high-altitude aircraft. It also has the inherent potential to intercept ballistic missile reentry vehicles. The deployment pattern for the SA–5, as we know it, adds very little to the SA–2/SA–3 coverage against the sort of air attack we can mount. We in SAC believe this to be a strong argument that the SA–5 Tallinn system was deployed with a dual purpose in mind: air defense and ballistic missile defense. This thesis will be developed further in the discussion of Soviet ballistic missile defense.

ANTISUBMARINE WARFARE

The Soviet Union has declared its intentions on and beneath the high seas as illustrated by a well-documented naval production program. The naval exercise Okean in 1970, which was the widest in scope ever attempted by any navy, and displays of naval presence in the Mediterranean and Caribbean Seas are well known. Less well known, perhaps, are the two large helicopter carriers—*Moskva* and *Leningrad*. These ships carry sophisticated electronic gear for detection and tracking of submarines, and armed helicopters to attack undersea vessels.

In addition to the helicopter carriers, the Soviet Union has developed several long-range, land-based aircraft for the antisubmarine warfare (ASW) mission. These aircraft probably are equipped with a high-resolution radar and magnetic anomaly detection equipment, using torpedoes and depth charges as weapons. The long-range naval version of the Bear bomber could also be used for the ASW role. With such an aircraft recovering in Cuba, as has already been done with the reconnaissance version of the Bear, it would be possible to cover the entire North Atlantic in a routine fashion.

BALLISTIC MISSILE DEFENSE

The third portion of the Soviet Union defensive system is ballistic missile defense, where there is considerable activity under way. The deployed Moscow system consists of sixty-four launchers in four complexes, supported by several radars. Dr. John S. Foster, Jr., the Department of Defense Director of Defense Research and Engineering, described this system as a "relatively complete ballistic missile defense" and also stated that there is "no reason to doubt the effectiveness of this system."

About five years ago, construction began on extremely large and powerful early-warning acquisition and tracking radars designated Hen House. This is a giant radar, approximately 900 feet long and ninety feet wide, providing early-warning acquisition and tracking functions. A new acquisition radar, known as Dog House, stands hundreds of feet tall and provides refined data for improved battle management. Final target tracking and missile guidance probably is provided by large, dome-covered tracking radars known as Try Adds at the four Moscow sites.

The interceptor weapon associated with the Moscow ABM system is a multistaged missile designated Galosh. It probably has a range of several hundred miles, can carry a nuclear warhead of one to two megatons, and appears suitable for a high-altitude area defense. As now deployed, it could give the Soviets some capability against Minuteman or Polaris missiles on northern trajectories. Completion of this entire system is still two or three years away, when the half dozen Hen House installations around the Soviet Union are operational.

However, some estimates do not limit the ABM missile inventory to just the Galosh, since the SA–5 Tallinn system has the potential of a second system. It has been pointed out that it could have considerable capability in making successful intercepts of incoming ballistic missiles if the system is given information from the aforementioned large ballistic missile acquisition and tracking radars.

In addition, extensive research, development, and testing of new and improved ABM components is under way. The sum total of these efforts indicates that by the mid-1970s the Soviets could have 2,000 or more ABM launchers defending all important industrial areas in the Soviet Union.

SOVIET R. & D.

Underlying this strategic buildup, which has been accomplished in an incredibly short time, is a dynamic research and development program efficiently managed and adequately funded. Again quoting Dr. Foster, "The Soviet Union is now about to seize world technological leadership from the United States." The basis for his conclusion is the comparative state of technology between the two nations and the current level of research and development efforts. The United States still retains an edge in overall technology, but unfortunately this edge may exist in nonessential or irrelevant areas.

Three features characterize research and development practices of the Soviet Union. (1) They are bold in their approach to program concepts. Construction on the large Hen House radar, for example, actually began several years before a working interceptor to complement it became available. (2) The Soviets organize their system development around a few prototypes, most often pitting two teams of designers against each other. The wide variety and variations of USSR fighter aircraft are examples of this methodology. (3) They seldom abandon a proved piece of equipment or system, but instead, rebuild or modify it to improve its usefulness or extend its life. Prime examples of this are the numerous modifications made to the Bear heavy bomber and the versatility of the SS–9 missile.

Allocation of funds and qualified personnel indicates heavy emphasis on research and development. Soviet efforts in defense-related R&D have exceeded those of the United States. The Soviets have expanded their research, development, test, and engineering (RDT&E) budget annually by ten to thirteen percent while the United States RDT&E budget has remained essentially constant. Looking at military, space, and atomic energy R&D, the US is already behind about $3 billion a year.

The production from this Soviet effort is phenomenal, and has had disquieting results in at least three major military areas. The Soviets have publicly flown twenty-five prototype bomber and fixed-wing, support-type aircraft in the past sixteen years. The regularity of their production output is amazing and apparently quite unaffected by the high-priority missile and space programs. In the last twenty years, fifteen fighter systems have been developed. All have flown at least in the prototype stage and have been seen in public. Since 1957, the Soviets also have designed and tested a total of eight defensive ABM and SAM missile systems. The emphasis on development, initiation of programs, and competition between systems is evident.

COMMUNIST CHINA

By far the gravest military threat to the United States today is posed by the Soviets' massive strategic power. However, one must also keep an eye on the emerging threat from the Chinese Communists. The Chinese apparently are convinced that the possession of a strategic nuclear strike capability will greatly enhance Red China's bargaining position throughout the world.

As a step toward attaining this goal, the Chinese thus far have achieved a modest nuclear capability. They have conducted nuclear testing since 1964, totaling eleven detonations. Several have been thermonuclear devices, including both air- and, possibly, missile-delivered weapons, with yields in the megaton class.

They are working hard on all forms of delivery systems. The Chinese have successfully orbited two satellites, one in the spring of 1970, and one in March of this year. The technology displayed in launching these nearly 400-pound payloads provides an insight into their missile potential. Based on their demonstrated space technology, the start of ICBM testing could occur at any time. Following testing, an operational ICBM could become available as early as 1973 and could be deployed in limited numbers (ten to twenty-five) by late in the decade.

A parallel potential exists with mid-range ballistic missiles. Although the Soviet Union provided MRBMs in the early 1960s, the Chinese have been testing their own designs. It seems likely that they have developed an indigenous missile, and limited deployment could have begun already. A force of eighty to 100 MRBMs could be available by 1975. Emphasis in their missile research and development appears to have shifted last year to the development of an IRBM. This system could be operational within one or two years.

The present Chinese nuclear-capable delivery force consists of a limited number of medium-range bomber aircraft. These bombers include about ten B–29 type piston aircraft acquired from the Soviet Union in the late 1950s. They also have a small but growing jet-powered medium bomber force of Chinese-produced Badgers.

Communist China's air defense is a vintage version of the USSR's, with 3,000 fighter aircraft, mostly of Soviet design. Indications are that they may now be producing domestically designed fighter aircraft. A radar network supporting these fighters consists of nearly 1,500 air defense radar sets. In addition, key targets are protected by more than fifty surface-to-air missile sites and nearly 4,500 antiaircraft weapons.

While growth of the strategic forces of the Chinese Communists is hardly comparable to Soviet growth, the threat they pose does include improvements in all areas. The medium-range bomber force is expected to continue to grow at a modest rate. Missile deployment may have begun last year with MRBMs, followed by IRBMs, with an ICBM at the earliest by 1973. By the mid-1970s, total missiles on hand could reach as many as 125.

THE GROWING THREAT

In summary, there is no doubt that the threat is growing. The Soviets are testing improvements for three types of ICBMs and may be deploying a completely new system. Steady growth is also evident in the submarine-launched ballistic missile force, and testing is under way of a new sub-launched missile that could double the range of the current missile. They continue to maintain a large strategic bomber force, and a new bomber is undergoing extensive testing.

Although the Soviets already have superiority in all stages of air defense, they are deploying improved surface-to-air missiles, fighter-interceptors, and are working on antisubmarine and ballistic missile defenses. Finally, they are striving to build the world's finest technological base to support their expanding research and development program, which will provide them with options for the future.

The Chinese Communist efforts to attain an independent strategic force only complicate the problems facing the United States.

The impact on the United States and its overall strategic posture is at least threefold: First is the threat to the US Triad of strategic forces, in their daily posture, from the Soviet ICBMs, SLBMs, and antisubmarine warefare forces. Second, the penetration of defenses becomes increasingly difficult, for both US bombers and missiles. Finally, the enlarging and more complex strategic offensive and defensive system complicates the deterrence task of our strategic forces.

This article has focused on the strategic threat—offensive and defensive—but Soviet developments in tactical air, land, and sea forces are equally imposing. They have built an impressive force covering the full spectrum of warfare. Coupled with emerging Chinese military power, the threat to the United States is ominous and growing.

MULTINEEDS JUSTIFY MULTIRESPONSES

HON. CRAIG HOSMER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 12, 1971

Mr. HOSMER. Mr. Speaker, I am often impressed by the pleas of those who consider themselves ecologists, environmentalists, and conservationists for devoting some remaining natural spot to its original pristineness for all time. I am impressed by these pleas because it is also my nature to place a high value on the preservation of as many such locations and values as is possible.

There are many amongst us who view things likewise. There are also many who do not, but their priorities are just as sincerely and honestly arrived at as are those of the most ardent naturalist, even if they place no value at all upon nature as such.

Somewhere in between are probably the vast majority of people who want wild rivers and grand forests, want chemicals, electricity, and pharmaceuticals, want clean air and automobiles at one and the same time, and generally hold that a fairly large amount of compromise with the natural state of things is the inevitable cost that must be paid for the benefits of membership in a modern industrial society. Moreover, it is a premise of our political structure that the majority shall have its way. That is another way of saying that ours is a Government "of the people, by the people and for the people."

Possibly nowhere is this tugging and hauling between the philosophical opposites in our society and the eventual centrist determinations made in between more cleanly visible than in the multiple allocation of water between municipal, industrial, agricultural, fishing, recreation and other possible uses. And, possibly no where than in our arid West has this division been more critical and carefully made. It has enabled man to stay alive, flourish and prosper there. It has also provided him reasonably with the amenities of life and nature.

Because our number of people continue to enlarge, the need to allocate diminishing supplies of water also continues. In California the difficulties involved in this allocation process and the requirement for multipurpose allocation are plainly set forth in the following letter to the editor, dated June 25, written by the president of the California Water Resources Association:

California Water
Resources Association,
Glendale, Calif., June 25, 1971.

Letter to the Editor,
San Franciso Chronicle,
San Francisco, Calif.

Dear Sir: The California Water Resources Association believes that the current move to fence off from development three major river systems in Northern California reflects a general lack of understanding of California's long-range water needs and the tremendous benefits afforded all Californians from multi-purpose water projects. While this Association agrees with the concept that some rivers, or portions thereof, should be preserved in a free-flowing state, we believe that such designations should be made only after thorough study. We, therefore, oppose Senator Behr's wild rivers bill. We cite the following water facts:

1. Pending state and federal "wild rivers" Legislation would fence off 42 per cent of California's water resources, located in the Eel, Trinity and Klamath River basins. This state cannot afford this luxury since no proven alternative sources of water are available and California's population by 2020 is expected to soar to 45 million persons—it is now 20 million—boosting total statewide water demands from 30 to 40 million acre-feet a year.

2. The 1960 Burns-Porter Act authorizing the State Water Project—approved by the voters—provides for development of North Coast rivers as needed to maintain the yield of the State Water Project and augment the Sacramento-San Joaquin Delta. Sometime in the 1990's, it is now estimated, about 700,000 acre-feet per year of water must be developed to firm up project supplies. Much larger amounts may be needed to maintain the Delta environment.

3. Most of the counties in which these three rivers are located, joined together as the Eel River Water Council, want development of the Eel to control "killer floods" and to meet their own soaring water and recreational needs.

4. The Eel River Water Council, as does CWRA, shuns the "meat-axe" approach of wild river legislation, favoring instead more moderate legislation intoduced by Sen. Randolph Collier of Yreka providing for basin-wide studies of multi-purpose benefits accuring from development of some rivers as well as the need for some free-flowing rivers or segments thereof.

5. State projections show that water-oriented recreation in California will increase tenfold by 2020 to a staggering total of 2.5 billion annual visitor days, much of which must be provided by multi-purpose water developments including reservoirs. To fence off 42 per cent of this state's water resources for the benefit of a hardy few at the expense of the millions who enjoy water projects seems unrealistic. Many reservoirs already are enjoying maximum use. Visitor rationing is even practiced at some during holidays. Certainly wild rivers legislation is destructive of broad recreational goals of this state.

Proponents of wild rivers legislation cite recent statements by the director of the State Department of Water Resources that a "breathing spell" in North Coast water planning has been afforded by a moderate slowdown in state population growth. In view of this, certainly the haste of some preservationist-minded people to wall off in perpetuity these waters, before adequate studies are completed, seems quite unnecessary.

Sincerely yours,

F. W. Russell, *President*.

SUPREME COURT'S SHOCKING DECISION

HON. FLETCHER THOMPSON

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 12, 1971

Mr. THOMPSON of Georgia. Mr. Speaker, freedom of the press is a topic much on our minds these days as a result of the recent Supreme Court decision in the New York Times and Washington Post cases. It has come to my attention that at least one of the Nation's great newspapers, the Nashville Banner has exercised that freedom by dissenting from the High Court's ruling. Under leave to extend my remarks in the Congressional Record, I include the Banner's editorial entitled "Supreme Court's Shocking Decision Heavy Blow to Responsible Free Press":

Supreme Court's Shocking Decision Heavy Blow to Responsible Free Press

It is a shocking ruling the Supreme Court handed down yesterday by a vote of 6 to 3 in the case of the pilfered Pentagon Papers—a formidable blow in terms of injury inflicted to a base point of government responsibility; and an invitation for the swift deterioration of liberty into license where free expression, the press and other media are concerned.

Thoughtful minds will accord gratitude to Chief Justice Warren Burger, and Associate Justices Harry Blackmun and John M. Harlan for putting their country first in the dissent they registered.

The decision may give aid and comfort to those who believe in unfettered license, but in the opinion of this newspaper, sooner or later the Supreme Court and the country, itself, will wake up and find that an almost fatal blow has been dealt to a responsible free press, which has been the principal guardian of all the rights guaranteed under the First Amendment; indeed, under the whole Bill of Rights.

True, all the ramifications of danger were not spelled out, nor precisely defined, in the government's argument for recovery of these documents and against self-assignment by the New York Times, the Washington Post, et al., of the power to declassify and publish. Those who naively contend that anything within reach of prying hands is fair prey for fencing and exposure are splitting hairs and slurring the very image of a responsible press. Newspaperdom, American style, may be enterprising in behalf of scoops—but not, historically, to the point of breaching top secrets in the category of military records and the diplomatic pouch.

Just as historically, the responsible free press has exercised self-discipline; honored confidences, and even in war-time held in contempt such operational misconduct as would have warranted censorship.

Let it be said that the rights of the Fourth Estate are not diminished by exercise of self-restraint dictated by enlightened concern for the national security and welfare. Let it also be said that such rights are not properly in conflict with the basic right of delegated Federal authorities to protect classified, security-related information from promiscuous prying and exposure. Exactly that conflict occurred in this case, precipitated by the individual who—out of Dove-oriented discontent with the war—appropriated the papers in question, and obviously peddled them to the Times.

The documents, note it, had been in the inactive files since 1969 until suddenly they were triggered for an outlet, as if delay of such exposure would imperil the government or somehow all at once trespass on what is called "The people's right to know."

The state of shock into which much of officialdom apparently has gone in the long controversy over a frustrating war—further stunned by self-abuse and accusation—may have dulled the normal powers of perception where principles are concerned. It may even account for the inability of some to distinguish between delegated authority and free-lance pilfering where classified material, up for grabs, is concerned. *What is incredible is that the Supreme Court of the United States cannot make that distinction; and six of its* *members apparently are so infatuated with permissiveness as a way of life contemptuous of authority that they automatically sanction it in such a case as this. In it a "free expression" prerogative is contorted to outweigh and eclipse the premise of government responsibility, in the latter's own internal and external operations respecting security.*

The Nashville Banner yields to none in its concern for freedom of the press and freedom of expression. It has led the battle for these at home and in this hemisphere—for it has recognized them as the first line of defense against dictatorship. It would point out, however, that no freedom in this regard is absolute; and intelligent use of freedom is essential to its preservation. Freedom of the press is not total, for it is subject to the laws against libel, obscenity, slander and treason.

There are intelligent and responsible ways to honor freedom of expression—historically the prerogative here; and irresponsible ways to treat it.

The New York Times, screaming thus in court that it had been abused, and its rights impinged—hardly was honoring those rights when, along with and through its Latin American reporter, Herbert Matthews, it used them to initiate and maintain the fiction that Fidel Castro was not a Communist, but was Cuba's reincarnation of Simon Bolivar. Insofar as its influence went in those days, it served as a Newsprint Curtain across the otherwise clear face of fact. Nobody proposed to gag it, though millions must have gagged at its misrepresentations. Notwithstanding which it still regards itself as the bellwether of the flock.

The issue in this case—as it should have been presented, for a factual confrontation in court—was not the merit or demerit of what had been published, but the essential guardianship of privileged information, details of which as now admitted did involve security matters. With this as a precedent, what assured protection is there of government-secret documents?

For the duration of this ruling—and the broad sweep of hazardous premise embraced in it, you can kiss goodbye to valid considerations of security information, privacy, and classified documents. And you can wave farewell to our relations with all other governments who could never trust us again, and which, as David Lawrence reports on the editorial page today, have bitterly protested this breach of confidence.

The nation will live to regret a decision validating an act of recklessness unmatched in U.S. history for grievous consequences. In view of the folly thus compounded, the wonder is that the court did not just order it instantly and unceremoniously after that hearing Saturday, instead of stretching out the suspense for four days.

WELFARE REFORM

HON. DAVID W. DENNIS

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 12, 1971

Mr. DENNIS. Mr. Speaker, I have long advocated the wisdom of a trial run—limited in time and space—for the President's new welfare program, before we irrevocably double the welfare rolls and establish the principle of a federally guaranteed annual income, in the mere hope, without knowledge, that this program may eventually reduce the welfare burden.

That same position is taken by an editorial in the Chicago Tribune for Sunday, July 11, 1971, which I call to the attention of my colleagues and to that of Members of the other body:

FOR MORE TRIAL, LESS ERROR

Wishful thinking has never cost as much as in the programs voted by a succession of United States Congresses for the elimination of poverty. And now the Senate is about to take up the latest, most ambitious, and probably costliest plan of them all—President Nixon's family assistance program.

The record of past achievement has been less than spectacular. Consider the following bench marks:

In 1928, Herbert Hoover said "we are nearer to the final triumph over poverty than ever before . . . The poorhouse is vanishing from among us."

In 1937, Franklin Roosevelt saw "one-third of a nation ill-housed, ill-clad and ill-nourished." That would have been 42 million people.

In 1960, John F. Kennedy's campaign oratory echoed with concern for the "17 million" Americans who went to bed hungry every night.

In 1964, Lydon Johnson spoke of the "forgotten fifth" of the country "who have not shared in the abundance." That would have been 38 million people.

During this period the welfare spending of all levels of government has risen about 100-fold, with direct payments running about $15 billion a year and total welfare-connected spending about $80 billion. The Nixon program was originally tagged at $4 billion for the first year. Present estimates are closer to $10 billion, and liberals denounce it as niggardly.

Sen. Abraham Ribicoff of Connecticut, a 14-karat liberal, says that "the time has come for America to enact a welfare program designed to eliminate poverty in America" in five years. That, of course, is what the sponsors of most of the earlier programs said theirs were designed to do.

The country simply can't afford to let its welfare costs go on expanding as they have, in good times as in bad, with so little to show for the money. They are threatening to bankrupt states and cites and contributing enormously to the federal government's deficits. What reduction there has been in poverty in the last 20 years is attributable far more to the country's unparalleled economic growth than to the welfare programs.

The current issue of U.S. News & World Report raises the question whether poverty is soluble at all. It is, after all, a relative thing. When Russians saw pictures of American poor in the movie version of John Steinbeck's "Grapes of Wrath," the message was utterly lost because the viewers were amazed to see the "poor" wearing shoes and even driving cars. There will always be a "poorest fifth," we are told. Some say the poor are chromically unable to discipline themselves to work, while at the other extreme are those who excuse all of the poor as victims of circumstances who can be put back on their feet with a little help.

We mention all of this not as an excuse to ignore the problem of poverty but rather as a reason to stop trying to enact crash solutions to a problem about which people know so little and disagree so much.

There are many promising aspects to Mr. Nixon's program. By putting the emphasis on families with children, it might break the hereditary cycle of dependence on welfare. By its work incentives, it may help to put more people on their own feet. But compared with the vast cost of the program [which Congress will push up every time it wants to court the voters], the hopes of achievement are limited and the chances of calling the program off if it fails are next to nil.

Wouldn't it be wiser to stop plunging heading into vast and uncertain ventures and start trying out these theories in limited localities first, so as to see how they work? The government has done this occasionally in other areas. And we can't think of a more important one than this.

FREEDOM: PRIVILEGE OR OBLIGATION

HON. WILLIAM L. DICKINSON

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 12, 1971

Mr. DICKINSON. Mr. Speaker, I have just read an article by Sp4c. John A. Meadows, U.S. Army, entitled "Freedom: Privilege or Obligation." The author, a young serviceman, won a Freedoms Foundation award for this gripping account of how he came to understand the value of freedom and the price it demands.

The article was presented in the July–August 1971 edition of the Exchangite magazine on the occasion of Independence Day 1971 lest we forget our obligations to preserve and protect the freedoms still being fought for and paid for in human blood.

I strongly commend the article to your attention:

FREEDOM: PRIVILEGE OR OBLIGATION

(By Sp4 John A. Meadows, USA)

A menagerie of freedom-fighters is found in America today; the young and the old, the educated and the illiterate, the "meant-to-do-well" and the "bent-to-do-hell." I had listened, watched, waited and hoped that some day, I too would have a cause, a knowledgeable idea of what freedom was all about. Finally, although it took a cruelly traumatic incident, I came to know freedom as a lifelong privilege. I now know that in order to preserve and maintain that privilege, a single, self-sacrificing obligation must be made. Herein lies the incident; the unalterable, a revelation man dies to possess: Herein lies freedom!

I had a friend once, not too long ago. I am sure you know the kind. I could tell him a secret and I would know for certain, that no one would ever hear it. It was during our senior year in high school, that my friend was overcome with a surge of patriotism and the "must" to serve our country. I went on to college, and my friend went into the army. I didn't hear from him for a long time, and then one morning, I received a letter in the mail. I tore open the envelope and began to read. I couldn't tell if it was the mud-spattered paper, or the stains my tears were causing, that made it difficult for me to read on. My friend wrote of his fighting for "Freedom's Cause" and of one blood-chilling morning. . . .

"The sprinkle of rain has turned to a downpour, but still we march on. The mud and sweat, the dirt and grime; all have grown to be a part of me. I am trying to write to you a little each day, so you will know I have not forgotten you. As we march on, our feet keep up a steady, mechanical rhythm. When the Lord created this hell hole, He must have turned His back afterwards, and cursed Himself badly. The swamp makes violent attempts to drag you under, and the steaming jungle makes your blood flow hot. I have watched men die from some inner torment, which eats at their very souls as the days go by. I can only pray that I am not affected the same. I do not know how much more I can endure, but yet I must go on. We must march on now, through a forested ravine, dark and forbidding. A village is somewhere nearby, but no sign of life can be found. The air has become increasingly silent, and if it were not for the gentle breeze shifting the trees, it would be as still as a sleeping babe. You cannot imagine the horror of watching your buddies die before your eyes, with the only medicine available being a comforting word and a hand to hold in the last few minutes before death ascends. My heart nearly dies within me, when I hear the scream of bullets fill the night air, and someone cries out from the front line, 'Medic, dear God, dear God, help me . . .' How bright blood is against the night! The only comfort I have, is knowing that in my heart, I know I am doing right. I know that some day, some one will know Freedom for the sacrifice I am making. Friend, I cannot tell whether my eyes are playing tricks on me, or if a nearby bough is blowing in a gentle breeze. God help me; there is no breeze!"

There was another enclosure in the envelope, which I had overlooked at first. It was a written letter from a Red Cross worker who had been with my friend in the hospital, just before he died.

"Since your friend had asked that you be told of his misfortune; though I have tried my best to revive his spirits, I am writing this letter for him. He is incapable of writing, and should not be talking, but he has insisted that I listen, and write. The following are his words:

"Friend, though I will never be able to hear your voice again, nor share a secret with you, I do not want to leave this world without saying good-bye. I may have been afraid of dying some months back, but while passing through a village a few days ago, I came across a small girl, who had been wounded in a bloody battle, and left to die. She had been stripped naked, beaten severely, and pinned to a tree with strips of barbed wire; left as a feast for the animals of the night. As I approached her, she looked up at me with pleading eyes; eyes filled with a plea to be grasped from the clutches of death. I unraveled the barbed wire, and caught the girl as she fell sobbing into my arms. She was with me when that branch began to shift on its own, and I guess by instinct, I fell on her as a protection for what I thought was surely going to happen. I suppose that was when the sniper got me. But during those last few seconds of consciousness, that child spoke these words, which I shall remember for all eternity: 'The birds are back again, and the sun is shining now. You will take your place among the stars in Heaven, for you have given me my freedom. Dear Heavenly Father, be kind to him. Amen.' I must have blacked out then, for when I came to, I was in the hospital. Yes, she talked of freedom, and now I know I have done something to preserve that freedom; I have fulfilled a self-sacrificing obligation, and I have preserved that freedom, to grow and mature like a very small child . . ."

Two weeks after I received the letter, I received a small note from the parents of my friend, giving the time and place of his burial. Yes, he is gone now, buried deep, cold and silent in the earth; but he has left behind a living, breathing, pulsating force, hot and vibrant, which walks the earth which he once trod. I know that force as a cause; a self-sacrificing obligation to preserve a precious life-long privilege: I know it as freedom!

OPPOSITION TO CBS CONTEMPT CITATION

HON. EMANUEL CELLER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, July 12, 1971

Mr. CELLER. Mr. Speaker, it is with some reluctance I oppose the contempt resolution against Frank Stanton of CBS.

My reluctance stems not from any doubts I have on the legal issues it raises, but because I am convinced of the sincerity of my good friend, the distinguished chairman of the Interstate and Foreign Commerce Committee, and those committee members who have brought this resolution to the floor.

However, the framers of the first amendment left us no uncertain legacy:

> Congress shall make no law abridging the freedom of the press.

As recently as this past June 30, in the celebrated cases of the New York Times and the Washington Post, the Supreme Court concluded its current term with a dramatic reaffirmation of the first amendment protection afforded the writing press in fulfilling its essential role in our democracy.

We are today considering the scope of permissible congressional concern with the exercise of these fundamental rights by the broadcast press. It is well settled that broadcast journalism is entitled to the same first amendment protections afforded the other media. The teachings of the American Broadcasting Co. case of 1954 and the Supreme Court decision in the Joseph Burstyn case of 2 years earlier, were reiterated in 1969 by the U.S. Court of Appeals for the third circuit in Rosenbloom against Metromedia, Inc., a case affirmed by the Supreme Court last June 7.

The Court of Appeals noted that—

> [R]adio and television were, of course, unknown media when freedom of the press was written into the Bill of Rights, but no rational distinction can be made between radio and television on the one hand and the press on the other in affording the constitutional protection contemplated by the First Amendment.

As stated by Justice Douglas, concurring in Superior Films against Department of Education in 1954:

> The First Amendment draws no distinction between the various methods of communicating ideas.

More importantly, we must consider the question before the House against what the Supreme Court termed in its 1964 landmark decision in New York Times against Sullivan:

> The background of a profound national commitment to the principle that debate on public issues should be uninhibited, robust and wide-open and that it may well include vehement, caustic, and sometimes unpleasantly sharp attacks on Government and public officials.

Again, we have just been reminded by the Supreme Court of the stringent limits of any permissible interference with the unique role of the press in such debate. Last year we were told by a unanimous Ninth Circuit Court of Appeals, approaching the problem from another perspective in the Caldwell case, that it is not unreasonable "to expect journalists everywhere to temper their reporting when there is a danger they will be required to submit to interrogation" and that the "First Amendment guards against governmental action that induces such self-censorship." This is the very danger the Supreme Court warned us against in the Times case of 1964 stating:

> The pall of fear and timidity imposed upon those who would give voice to public criticism is an atmosphere in which First Amendment freedoms cannot survive.

To be sure, we all share the grave and well-motivated concern of the Committee on Interstate and Foreign Commerce with the very real dangers of deceptive practices and abuse by the media in the exercise of their rights, but these are hardly new concerns. James Madison addressed himself to these issues nearly 200 years ago. At that time Madison, the father of the first amendment, said:

> Some degree of abuse is inseparable from the proper use of every thing; and in no instance is this more true than in that of the press.

All of us in this Chamber are aware of the importance of fair reporting and truthfulness in the presentation of news documentaries but, as the Supreme Court noted in the 1964 Times decision:

> Authoritative interpretations of the First Amendment guarantees have consistently refused to recognize an exception for any test of truth—whether administered by judges, juries or administrative officials—and especially one that puts the burden of proving truth upon the speaker.

These prohibitions, of course, apply equally to the Congress.

Even were I not convinced that the first amendment precludes the enforcement of this subpena, I would nonetheless be reluctant to support this resolution in the light of Professor Chafee's admonition that the First Amendment is "much more than an order to Congress not to cross the boundary which marks the extreme limits of lawful suppression. It is also an exhortation and a guide for the action of Congress inside that boundary. It is a declaration on national policy in favor of public discussion of all public questions. Such a declaration should make Congress reluctant and careful in the enactment of all restrictions upon utterance, even though the courts will not refuse to enforce them as unconstitutional."

With this in mind and in light of all the circumstances here, I believe we can effectuate what is a legitimate legislative purpose without forcing a constitutional confrontation. It is my understanding that in opening the special subcommittee hearing of June 24 the distinguished chairman stated that the subcommittee already had sworn testimony and other evidence indicating that CBS engaged in questionable manipulative techniques in producing "The Selling of the Pentagon." These already available materials supplemented by evidence obtainable from sources other than the broadcast journalists themselves—for example, from persons interviewed and from electronic specialists—could provide the necessary base for the committee to determine whether and what further legislation may be needed to protect against deceptive practices of which the broadcast media may be peculiarly capable because of current technology.

In summary, I feel we do not have the legal authority to compel the production of the desired materials, and in any event, since the committee's needs can be readily met through other sources, we should not insist upon this constitutional confrontation with the news media.

CANNIKIN TEST SHOT

HON. CRAIG HOSMER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 12, 1971

Mr. HOSMER. Mr. Speaker, approximately $165 million has been expended to prepare for the Cannikin fully contained underground nuclear test scheduled for next October. The conduct of this test is basic to U.S. national defense as witnessed by the following letter under date of July 7 to the chairman of the Joint Committee on Atomic Energy from the Chairman of the Atomic Energy Commission:

U.S. ATOMIC ENERGY COMMISSION,
Washington, D.C., July 7, 1971.

Hon. JOHN O. PASTORE,
Chairman, Joint Committee on Atomic Energy, Congress of the United States.

DEAR SENATOR PASTORE: I view with considerable concern the pressures that are being exerted from many quarters to force a cancellation of the proposed CANNIKIN nuclear test on Amchitka. This test must be conducted on a timely basis for many reasons.

The AEC has undertaken since July 1966 to satisfy a formal obligation to furnish the Department of Defense with a nuclear warhead in the megaton range for a special purpose important to national security. The nuclear laboratories have worked constantly on and have been given continuous support in the demanding efforts required in the development of this device. Several nuclear tests have been conducted in the program leading to this test, but they did not have the hardware improvements incorporated in the present design nor were they at the yield level to demonstrate proper final performance. In spite of our great computer capabilities and the significant strides that have been made in our ability to calculate weapon designs, we have experienced significant failures in the past with far less sophisticated weapons. The device to be tested in CANNIKIN is one of the most intricate and complicated configurations ever undertaken in the weapons program and incorporates a design that is much different from weapons now in stockpile.

Nuclear weapons explosives produce energy output and effects in various forms such as thermal radiation, neutrons, fission products, x-rays, gamma rays, and shock waves. In the CANNIKIN experiment, it is vital that these various outputs be measured to be certain that the constituent parts satisfy the requirements of the device design. This is important to insure the proper performance of the complete weapons system to which it is related. This knowledge is far more important for this weapon in contrast to weapons now in stockpile.

While we are obligated to carry out the CANNIKIN test, it is our sincere hope that in the future international understandings can be reached which will finally make such weapons development unnecessary.

Cordially,

GLENN T. SEABORG,
Chairman.

There is a fiscal year 1972 budget item of about $19.7 million for the Cannikin test and this includes studies and sampling programs which would be conducted following the test. It should be noted that it would cost over $20 million should the test be delayed or canceled. This sum, of course, is miniscule in comparison to the cost in diminished national security that such a cancellation or delay would involve.

Nothwithstanding a hue and cry has been raised from some quarters against the test and on July 8 a suit was filed in the U.S. District Court for the District of Columbia against the AEC and its Commissioners to declare unlawful and to enjoin carrying out the test. Generally the complaint alleges:

First. In the face of possible serious environmental risk, the AEC has failed to establish a compelling need for the test as required by the National Environmental Policy Act—NEPA—and other Federal laws.

Second. The environmental impact statement is insufficient and defective because it does not sufficiently analyze and appraise the following dangers and hazards:

The triggering of a succession of earthquakes of indeterminate size and intensity;

Tidal waves of unpredictable size and direction;

The direct venting of radioactive materials and gases into the atmosphere;

The direct contamination of the surrounding ocean by radioactive materials;

The release of radioactive materials later by natural seismic activity;

The gradual seepage and migration to the surface of radioactive material;

The destruction by both shock and radiation, of fish and wildlife;

The contamination, to an unknown degree, of fish and wildlife;

The destruction of the value of Amchitka as a natural wildlife refuge; and

Fission products being reconcentrated in the food chain.

Third. There is a substantial probability that radioactive debris from the Cannikin test will travel outside the territorial limits of the United States, thus violating the Nuclear Test Ban Treaty of 1963.

Fourth. The conduct of Cannikin would subject the lives, health and property of a large number of residents and citizens of the State of Alaska and elsewhere to dangers and hazards.

To those of us who have spent many years attempting to strike a fair balance in the difficult area of assessing the costs and benefits of continuing efforts to keep this country from the uncertain mercies of its enemies, who have dedicated themselves unswervingly to the proposition of protecting health and safety in the conduct of atomic activities from the very inception of this technology, and who have heard many times in the past these same allegations or similar ones made and later determined to be unfounded and specious, the hope arises that in this case the District Court will deliver a timely and unequivocable decision for the Government and the people.

AGRICULTURAL MARKETING AND BARGAINING ACT OF 1971

HON. GOODLOE E. BYRON

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, July 12, 1971

Mr. BYRON. Mr. Speaker, recently I cosponsored the Agricultural Marketing and Bargaining Act of 1971 in the House of Representatives. This bill, which was originally introduced by Representative B. F. SISK and is strongly supported by the Farm Bureau, is designed to improve the bargaining position and bargaining power of farmers thus improving the net incomes of farm families. It incorporates recommendations for Federal legislation approved by the official voting delegates of the member State Farm Bureaus at the American Farm Bureau Federation annual meeting in Houston, Tex., in December 1970.

The Agricultural Fair Practices Act of 1967 established standards of fair practices required of handlers in their dealing in agricultural products. However, it did not deal with the problem of the refusal by handlers to do business with an agricultural bargaining association. It did not include an affirmative duty to bargain.

The Agricultural Marketing and Bargaining Act of 1971 fills this gap by establishing a mutual duty to bargain in good faith on the part of processors and associations of producers. It sets up national administrative machinery to delimit clearly those cooperatives to which the statutory duty to bargain extends.

To administer the program, the bill would set up a three-member National Agricultural Bargaining Board in the Department of Agriculture. The Board members would be appointed by the President with the advice and consent of the Senate. Any association of producers could file with the Board a petition for qualification, and the Board could hold a public hearing on the petition.

After an association of producers has been qualified by the Board, the Board would notify all known handlers who purchase the agricultural commodities the association represents. These handlers would then be obligated to bargain with the qualified association.

Bargaining, according to the bill, is the mutual obligation of a handler and a qualified association to meet at reasonable times and negotiate in good faith with respect to: First, the price, terms of sale, and compensation for commodities produced under contract; second, other contract provisions relative to the commodities that such qualified association represents; and third, the execution of a written contract incorporating any agreement reached if requested by either party.

The bill would permit a qualified bargaining association to enter into contracts with handlers to supply their full agricultural production requirements. The obligation to bargain would extend only to a qualified association representing producers with whom the handler has had a prior course of dealing. Neither party would be required to agree to a proposal or to make a concession.

Handlers would not be allowed to negotiate with other producers while negotiating with a qualified bargaining association able to supply all or a substantial portion of their requirements for the product. The bill would set up a procedure whereby the National Agricultural Bargaining Board could investigate charges that either a handler or a qualified association refuses to bargain.

Current Farm Bureau policy as adopted in the Houston Convention in 1970 states:

> There is a need to improve the legal foundation upon which farmers can build their own effective marketing and bargaining programs. Congress should enact legislation to improve the opportunity for farmer controlled marketing organizations to succeed.

I feel that the Agricultural Marketing and Bargaining Act of 1971 accomplishes this policy objective admirably.

ALL THE NEWS THAT FITS

HON. JOHN G. SCHMITZ

OF CALIFORNIA

Monday, July 12, 1971

Mr. SCHMITZ. Mr. Speaker, in June of 1967 the then Secretary of Defense, Robert McNamara, ordered his Office of International Security Affairs to compile a comprehensive study of the ongoing war in Southeast Asia. A copy of this massive 47-volume study, containing material ranging from "Confidential" to "Top Secret" and above, was purloined and given to the New York Times in mid-March. In a fit of irresponsibility of a magnitude unusual even for the Times—not known to be close mouthed with material which could possibly be used to discredit the United States—the paper began publishing a series of articles containing documents straight from the classified study.

When the Times series was cut off by Justice Department action, other newspapers, feeling that the public has a right to know that the Times after all these years had finally "proved" that we had started the war, picked up the ball.

When the Justice Department attempted to enjoin the Washington Post from its participation in the ongoing orgy of journalistic revelation of stolen top secret material, Judge Gerhard Gesell, best known for his attempt last fall to suppress the publication of a report of the House Committee on Internal Security, came leaping forth expounding on the public's right to know and overturned the Attorney General's restraining order.

All in all there was quite an uproar and, in truth, the seriousness of the violations of necessary security practices cannot be underestimated. However, the general hubbub seemed to concern not so much the violation of national security practices, but rather the substance of the information which was revealed. To anyone who has paid close attention to the goings-on in Southeast Asia there was nothing substantially new revealed in the documents published by the Times.

The Times tried hard to transform various U.S. contingency plans into dark plottings. Fortunately most people realize that plans for military activity, given certain circumstances are, and must be, prepared in advance. At this very moment there are no doubt plans formulated for depositing our nuclear arsenal on the Moscow region in the event of a Soviet attack on the United States. This does not mean, however, that we are going to initiate an attack on Moscow at any predetermined time in the future.

South Vietnamese guerrilla operations which were being carried on prior to our large scale deployment of troops to Vietnam in 1965 were given top billing in the Times story, to the point where one might be led to assume that they were the secret cause of the war. Information concerning these operations was nothing new. In July 1964, Nguyene Cao Ky, then head of the South Vietnamese Air Force, had announced to all the world that for the last 3 years the South Vietnamese had been sending small teams on clandestine missions in an attempt to slow the flow of men and material coming from the North.

There is very little coverage by the Times given to the situation existing in South Vietnam at the time these operations were underway. It should be remembered that since 1961 the Vietcong had been undertaking multibattalion size operations in South Vietnam and through terrorist operations assassinating or abducting close to 1,000 South Vietnamese per month.

During 1964, when the south's guerrilla operations were at their very modest peak, the following incidents are indicative of the situation which compelled South Vietnam to take some action aimed at checking the infiltration from the north. In February of 1964, the Communists initiated a series of bombing attacks in Saigon. In April, the district capital of Kien Long in the southern tip of the Mekong Delta was overrun by Communist forces. In May, the Vietcong sank a U.S. helicopter ship in Saigon harbor. In July, enemy forces overran the Special Forces camp at Polei Krong, partially overran the Special Forces camp at Nam Dong, and were posing an immediate threat to Saigon itself. In November, the enemy mortared the major U.S. air base at Bien Hoa and completely captured the second largest province in South Vietnam. In December, the 33d South Vietnamese Ranger Battalion and the 4th South Vietnamese Marine Battalion were ambushed and destroyed and the first elements of the North Vietnamese Regular Army, the 95th, 32d, and 101st regiments, were making their appearance in the south to supplement the thousands of troops already infiltrated.

As Senator BARRY GOLDWATER recently pointed out, it was not necessary to use classified material to figure out what was going to happen in Vietnam given the situation described above. The token South Vietnamese guerrilla operations in response to this activity would hardly seem to have been overly aggressive, much less the cause of the war.

If the matter were not so serious, perhaps the best solution to the declassification controversy would be to take the tons and tons of paper on which various contingency plans, threat assessments, and policy studies concerning the Vietnam war are written and dump the entire mass into Haiphong Harbor. By the time North Vietnam is able to clear their major port they will have run out of supplies and the war will be over.

OPERATION CANNIKIN

HON. PATSY T. MINK

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Monday, July 12, 1971

Mrs. MINK. Mr. Speaker, in a previous statement, in the CONGRESSIONAL RECORD of June 28, 1971, I voiced my opposition to the proposed underground 5 megaton nuclear test called "Operation Cannikin" which is planned by the AEC for this fall in the Aleutian Islands off Alaska, at Amchitka.

Since my June 28, 1971, statement, I read an article which further supports my concern on this urgent issue. The article is taken from the Living Wilderness, and is entitled, "The Nuclear Sword of Damocles" by Lenore Marshall. Since we shall be debating the AEC authorization for fiscal year 1972 this Thursday in the House, I urge my colleagues to read the following article:

THE NUCLEAR SWORD OF DAMOCLES

(By Lenore Marshall)

A short while ago another nuclear accident occurred. An underground weapons test, supposedly self-contained, produced a radioactive cloud that traveled at least 450 miles, with fallout at its site that affected hundreds of people who had to be evacuated and decontaminated, and for whom ultimate damage cannot yet be ascertained.

During the years since Hiroshima—the short years previous to this newest atomic accident (which was the 17th underground test that has leaked, according to Atomic Energy Commission announcements)—we have recognized to our sorrow and terror that our entire planet has joined the wilderness in its struggle for survival; not only the wilderness but the whole world is in peril. Nothing, no matter how remote, is immune. Great tracts of fertile land, plant life and animal life in forests, plains, oceans, rivers, and lakes, have been joined by human life in the danger of extinction. The greatest threat to the continuance of animal, vegetable, and human existence comes from the nuclear sword of Damocles that hangs over our heads.

By great good luck, despite the minor accidents, there has not yet been a massive release. However, since sources of nuclear contamination are proliferating, the chances of a major disaster are also increasing, such a disaster could devastate a number of states and cause thousands more cases of cancer and genetic defects and deaths. There is a fundamental difference between radioactive pollutants and other pollutants such as DDT, NTA, oil, and automobile exhaust. All the latter are stable compounds, and there are possibilities of eliminating them or of rendering them harmless. But radioactive atoms are deranged atoms whose high-energy emissions from the nucleus cannot be stopped or, presto, made innocent by a lawsuit or a wave of a wand; they taper off at their own rate—240,000 years for radioactive plutonium 239, which happens to be a basic element in both the military and peaceful application of nuclear energy.

Cockroaches are said to withstand the effects of radiation quite nicely. Other animals, wild or otherwise, fare worse.

Since there is no way to turn off radioactivity, nuclear pollution is in a class by itself. Therefore, to whatever extent is possible, we must prevent any more of it from occurring.

We are already the legacy of some earlier activities—radium from uranium mine wastes eroding into the Colorado and into other rivers, plutonium 238 in the atmosphere from a misfired navigational satellite (1964), and fallout from the atmospheric nuclear bomb tests. They are all, of course, still with us. For instance some of the radioactive cesium 137 will still be around 300 years from now and radioactive carbon 14 another 57,000 years. The strontium 90 fallout created by atmospheric tests was enough to work its way into the bones of almost every child tested for it in the Northern Hemisphere, according to Anthony Smith (*The Body*). Since all radiation exposure is assumed to be harmful, whether it comes from bombs, medical X-rays, nuclear power plants, rocks, or the stars, what counts is the amount we accumulate and which we can still limit. The only hopeful thing to be said about this peril is that it is still possible to control it, keeping doses of radiation to safer permissible levels.

The biggest radioactive burial ground in the world lies in Nevada only 75 miles from Las Vegas, and consists of 250 square miles of contaminated desert surface pocketed with deadly plutonium 239. Under the surface, as well, lie hundreds of pools of radioactivity; some radioactive tritium is contained in the waters beneath the surface. This no-man's-land is mentioned in a paragraph within a report of the Atomic Energy Commission to the President's Council on Environmental Quality. If an earthquake or some other disaster, man-made or natural, were to strike this land, there is no knowing how vast would be the damage.

This is only one of many instances of pollutant destruction related to A.E.C. blasts and experiments. There is no way of estimating how much radioactivity is being released to the environment from all sources; however, what is known is that the amount of radioactivity and the damage from it are adding up. Since 1957 the A.E.C. to date has conducted over 200 tests in Nevada, plus two in Mississippi and two in Alaska. During 1970, through October 14, the United States detonated 23 underground bombs, the Russians six. An estimated 33 per cent of the underground explosions vent some radioactivity into the air and, probably, gases seep to the surface eventually from all of them. Regarding Alaska, an A.E.C. contractor has calculated that the MILROW test in October 1969 could start discharging radioactive hydrogen into the ocean in six years and continue discharging for the subsequent 66 years. In 1966 ecologist G. G. Polykarpov warned that the oceans already have all the radioactivity that they can tolerate and that fish embryos show damage. Nonetheless new underground tests, the largest we have ever held, are being planned for Alaska, and in an active earthquake zone.

From sources other than nuclear bomb tests the danger and the damage proliferate. There are about 20 experimental nuclear power plants in operation in the United States now; the A.E.C. expects to license 450 to 650 more in the next 30 years. Each plant accumulates in one year as much long-lived radioactivity as in several hundred Hiroshima bombs. Construction and active preparations are presently occurring in 28 states and in Puerto Rico. Peaceful "Plowshare" underground bomb tests, proposed by the hundreds, would create contaminated gas, oil, and possibly copper for nationwide distribution. Pilot projects have been blasted in Arizona and Colorado; Wyoming is probably next. Nine "Plowshare" excavation bomb experiments for building canals and harbors have produced contaminants; a recent one produced radioactive air as far from the Nevada test site as Boise, Idaho. Thus the "peaceful atom," a kindly-sounding benefactor, may require a bit more assessment.

Radioactive material is being more and more widely used in industry, raising problems of disposal. In Florida, the country's first commercial nuclear sewage disposal plant is using radioactive cobalt. Storage of radioactive wastes is a mammoth problem. Altogether, there are over 100 million gallons of high-level radioactive waste stored in tanks in South Carolina, Idaho, Washington, and New York states. Storage tanks tend to disintegrate under the intense radioactive bombardment and heat; so far, 60,000 gallons have leaked from such tanks into the ground. The A.E.C. is working on techniques for solidifying the waste, but the process is so expensive that the A.E.C. hopes to dump millions of gallons of *un*solidified waste into underground excavations along the Savannah River. At the A.E.C.'s Hanford installation, there are open "dribble trenches" for so-called "low level" wastes. In March 1970, ducks drinking from these trenches were found to be so radioactive that eating them would give a person five times the annual "permissible" dose of radiation. And oysters at the mouth of the Columbia River are reconcentrating radioactive zinc released far upstream at Hanford. In New Mexico, radioactive waste is pumped into deep wells, stored, and allowed to seep into desert soil. Monitoring has sometimes been casual. At one commercial plant in West Valley, New York, after official denials of hazard, a group of citizens found radioactive levels in a creek to be 30,000 to 100,000 times higher than levels permitted by the A.E.C. During a test of the nuclear space rockets in Nevada in 1965, levels of air contamination on U.S. highway 95 between Reno and Las Vegas rose temporarily to 200,000 times their normal level.

When plutonium 239 falls on the test site in Nevada, the land is fenced off and posted. The problem is how to confine that plutonium to that fenced-off place, against wind and oxidation, for the next 240,000 years—when it will no longer be able to hurt us. Near Denver, Colorado, local scientists have proven that significant amounts of plutonium have escaped from the Rocky Flats plant where warheads are manufactured. After denying the possibility, the A.E.C. has confirmed the findings.

A recent medical report in the *Journal of the American Medical Association* states that among the young people of Rongelap Atoll in the Pacific who were accidentally exposed to fallout during the 1954 tests, the majority have developed thyroid abnormalities, many of them malignant.

Today's environmntal crisis proves that much modern technology now actually functions to the detriment of society. It has become disoriented from society. Science and scientists are not omniscient; in fact many scientists are attached to special interests in government and industry. As Doctors John W. Gofman and Arthur R. Tamplin say of science and technology: "They offer credibility to the proposed ABM system and thereby offer thinkability to a nuclear war; they create the illusion that if we really get into trouble with our environment, science and technology will be able to rescue us; and they divert the scientific manpower away from more meaningful programs." Thus, within the fact that there are seismic, tidal wave, and radioactive hazards from nuclear weapons-testing underground, there lies the greater danger that weapons-testing is part of a general framework of thinking that war is thinkable.

Doctors Gofman and Tamplin continue: "Science in itself is not bad or good; that is why it has no ethics. Without application, science is meaningless. But most of science in this country is meant to be applied, and hence the government, hand in glove with industry, rules over science by controlling the purse strings. . . . Quite obviously we need a mechanism for effectively criticizing present day science and technology, and for articulating a new set of priorities that would lead science and technology to fulfilling the needs of society. . . . They must offer alternative programs that represent routes to the solution of the needs of society." Doctors Gofman and Tamplin propose an Adversary Center to consist of a group of distinguished scientists who would criticize any new application of science until it has been impartially scrutinized. In terms of the human condition, an Adversary Center would assist technology, and would base its rationale on the continuance of life of the human species. It would take up arms against the concept of the obliteration of man and of his beautiful earth, his wilderness and his cities, and of the civilization he has built.

It is argued that the country's increased need for electrical power necessitates nuclear plants and that defense needs necessitate further weapons development. As for the latter, since we already have means for overkill beyond that of any other country, and since the continuance of the arms race leads to a deadly tit-for-tat psychology that can only end in catastrophe, the sooner a moratorium on development and accumulation of nuclear weapons is called the safer we shall be. If the world aims at universal disarmament, perhaps elephants and seals and eagles and sparrows and pine trees and fish and roses and children will survive. A moratorium on the burgeoning nuclear reactor business must similarly be called.

What are some of the alternatives? Without nuclear energy would there be brownouts? Would a million sparklers around advertisements be cut in half? Would the electric carving knife not cut? The answer is that we *can* obtain the power we need. The lights will not go out. Even if this were the case, one must ask which is more important: more lights or life itself? Moreover *there are safer alternatives* to nuclear electricity. There is the further development of fossil fuel, which may be better utilized and made "clean" by means of new processes. There should be investigation of magnetohydrodynamics (MHD) and work on fusion and geothermal energies. Promising work is being done to develop the use of solar energy; it is said that the sun's heat falling on Death Valley alone could solve a multitude of power needs. Certainly, much electric energy that is wasted today could be conserved.

The public is entitled to demand information from the government and to say, Stop! to nuclear danger until plans are submitted for impartial scrutiny. There are a number of citizen groups which are fighting for safety from nuclear pollution. Two new committees have recently been launched, one to act as a clearing house and action center to bring about safeguards, the other as an information and educational center. They are, respectively, Task Force Against Nuclear Pollution and Citizens Committee for Nuclear Responsibility. They may be reached through Suite 1200, 111 East 58th Street, New York.

The marvel of our mass society, of our intricate civilization, of our establishments and vast impersonal structures, is that the individual can always do something. The individual has always performed miracles, and he still can. He can save his wilderness, he can save animal and vegetable life, he can save himself. He can understand his predicament, and if he has the will to do so he can take steps to save what he loves; one man—one woman—can start to build a bridge whereon others may walk. Will individuals tackle this new proliferating danger before it is too late?

INEQUITY AND UNFAIRNESS IN REVENUE SHARING

HON. HALE BOGGS

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 12, 1971

Mr. BOGGS. Mr. Speaker, last year the Federal Government distributed $55,011,910.37 among 26 States as their rightful share of revenues from Federal lands within their borders.

In Wyoming, Federal lands produced $50,112,711.23, of which $18,792,266.11—or 37½ percent—was returned to the State.

No one argues that Wyoming is not entitled to that money, for it is the State government that paves the roads, educates the children, and provides literally hundreds of services which make production on those Federal lands possible.

Last year, Federal lands off the shores of Louisiana produced more than $237,000,000 in revenues. Louisiana, which provides the services which make offshore production possible, shared not one dime of those revenues.

The inequity and unfairness of this arrangement has been the subject of a recent series of articles and editorials in the New Orleans Times Picayune. I am inserting them in the RECORD and calling them to the attention of my colleagues:

DISCRIMINATION—FEDERAL STYLE, IN REVENUE SHARING

Federal lands in Wyoming in 1970 produced $50,112,711.23.

The federal government kept $31,320,444.42 of these revenues and returned $18,792,266.71 to the State of Wyoming.

Federal lands off the shores of Louisiana in 1970 produced more than $237,000,000 in continuing and increasing revenues.

The federal government kept all these revenues, returning nothing to the State of Louisiana.

The return to Wyoming of 37½ per cent of revenues produced from federal lands there, in our opinion, was just. On the other hand, the failure of the federal government to return any part of the revenues it received from federal lands off Louisiana's coast to Louisiana seems to us rank discrimination, patently unjust.

Wyoming deserved every cent that it received from the federal lands revenues. These revenues could not have been produced if that state had not provided hundreds of expensive services for men and women who worked to obtain production. It provided them and their families roads, education, police and fire protection, health and recreational services and hundreds of other governmental necessities.

Why did Louisiana receive nothing from the offshore federal lands? It provided the same expensive services that were provided by Wyoming, perhaps even more, for the thousands of workers who man drilling rigs and oil platforms, crew boats and pipelines and who do countless other things that are necessary to make the offshore federal lands productive.

A much needed act of Congress, approved by the President, could end this inequity. Such legislation has been introduced in the House of Representatives.

New law should treat federal lands off the shores of the 30 coastal states just as existing law treats federal lands within 26 states. All these states, except Alaska, receive a 37½ per cent share of revenues from oil, gas, sulphur, coal, potash, salt and phosphate produced from federal lands or from former public domain lands to which the central government retained mineral rights.

Alaska, with a population of 297,607—compared with Louisana's 3,564,310—received $8,652,976.12 as its share of federal lands revenues in 1970. When it became a state Alaska sought and got 90 per cent of the revenues from federal lands in that 49th state. When a transportation controversy is settled, the value of Alaskan oil production will be astronomical, and Alaska's share of federal lands revenues will skyrocket. For the moment, ecologists are delaying production as they debate whether Alaskan oil should be delivered to market by pipeline or by tankers.

Already production of oil, gas and other minerals from the Outer Continental Shelf represents 16 per cent of the total national production. This offshore production is growing, and the Nixon administration has established as national policy acceleration of minerals production from the Gulf of Mexico, the Atlantic and Pacific Oceans and the Bay of Alaska. Knowledgeable oil men predict probability of production from the Great Lakes.

Unless the federal government stops treating coastal states like stepchildren, however, the Nixon Administration may find it difficult to carry through this national policy.

The attorney general of Florida already has raised a warning sign. He has sued the Department of the Interior to prevent drilling for oil and gas in what that department claims as federal lands off the Florida coast. Under existing law, Florida has much to lose and nothing to gain by permitting exploration for and production of minerals off its shores. This exploration and production will add to the expenses of the state without compensating the state for the burden of providing additional governmental services.

Only one member of the Congress, Sen. William Proxmire, Dem., Wis., has written this newspaper that he disagrees with its position regarding the need for sharing of revenues from all federal lands, inshore and offshore.

"All the people," the distinguished senator insists, own the federal lands off the shores of Washington, of California, of Texas, of Louisiana, of Florida, of Massachusetts, of Maine and of other coastal lands.

"All the people," we remind him, own also the federal lands in Wyoming, in New Mexico, and in Utah; but "all the people" don't make the same contribution to the productivity of those lands that is made by people of Wyoming, New Mexico and Utah In recognition or their contributions Wyoming in 1970 shared $18,792,266.71, New Mexico, $12,964,835.88 and Utah, $3,409,833.03.

The members of Congress who oppose discrimination and seek equity should move quickly to achieve justice for the coastal states.

SIGNIFICANT SUPPORT FOR SHARING

Welcome support for efforts to obtain equity for coastal states in the sharing of revenues produced by offshore federal lands has come from a knowledgeable quarter.

The American Association of Oilwell Drilling Contractors knows what it takes to explore for and produce petroleum and gas. Employment of a large number of persons is required for these operations.

As the association pointed out in a resolution adopted in San Francisco by its directors, states adjacent to offshore operations must pay the cost of providing many essential and expensive services to these many thousands of employes and their families.

"But," the association very aptly observed, "the states are not receiving any revenues in taxes from minerals produced on offshore federal lands. All revenue from offshore minerals goes to the federal government. This is contrary to the established policy of . . . sharing revenues from federal lands with states where the land is located."

The association urges Congress to "end this grievous inequity by enacting legislation" to share the offshore revenues with coastal states which make possible the offshore production.

The Judiciary Committee of the House has in its files several bills to end this inequity.

Action on this legislation, in our opinion, is long overdue. Louisiana's potent delegation in the Congress, we believe, should move together, toward getting an adequate bill on the floor of the House. There, we are confident, it will receive surprisingly strong support—provided the merits of and need for this legislation are forcefully presented.

STATES GET $55,000,000 IN U.S. LAND REVENUES

(By Edgar Poe)

WASHINGTON.—A total of $55,011,910.37 was distributed among 26 states that shared in 1970 calendar year yields from federal lands, the Bureau of Land Management, Department of Interior record shows.

With the exception of Alaska, each state having public lands receives twice a year from the federal government payments of 37.5 per cent of federal revenues collected within that state from mineral leasing bonuses, rental, and royalties.

Alaska, under its Statehood Act, knew all the tricks when it came into the union. Thus Alaska sought and receives 90 per cent of mineral leasing revenues. With more and more development taking place, Alaska's yields are growing each year.

Mineral leasing includes oil, gas, sulphur, coal, potash, sodium and phosphate found on federal lands or on former public domain lands to which the federal government still retains mineral rights.

LOUISIANA SHARE LESS

Because most production from federal lands, to which Louisiana makes substantial contributions, is from offshore fields in the Gulf of Mexico, that state received only $312,411.51. Louisiana's share of the $55,011,910.37 total was less than .6 per cent—or exactly .567 per cent.

Louisiana, under existing federal law, got no part of the federal revenue from approximately 340,000,000 barrels of oil produced from outer Continental Shelf fields off its shores. It collected no severance tax on this oil and received no proportion of the royalties and bonuses collected by the federal government. In addition to minerals, the yields in some states include revenues from grazing leases and the sale of timber and other materials.

The allocation to the various states showed that Oregon's yields from the 37.5 per cent sharing formula received $163,523.62. However, 18 Oregon counties during the same period received more than $26 million from timber sales on "revested" Oregon and California railroad timberlands. These sales are conducted under a different law from the 37.5 per cent formula.

Federal land receipts division in 1970

Alabama	$15,814.42
Alaska	8,652,976.12
Arizona	193,803.90
Arkansas	19,533.29
California	3,376,685.63
Colorado	2,806,968.65
Florida	41,664.97
Idaho	297,359.75
Indiana	2.00
Kansas	183,311.61
Louisiana	312,411.51
Michigan	16,860.44
Mississippi	15,544.95
Missouri	4.00
Montana	2,742,397.73
Nebraska	1,530.86
Nevada	456,706.55
New Mexico	12,964,835.88
North Dakota	201,501.57
Oklahoma	170,136.50
Oregon	163,523.62
South Dakota	166,647.84
Utah	3,409,833.03
Washington	10,173.14
Wisconsin	15.70
Wyoming	18,792,266.71
	55,011,910.37

CONTINUED INCREASE

Meantime, records compiled by the Geological Survey, Department of Interior, show that oil and condensate, and gas production from offshore leases continued to increase in 1970, and will show a further rise this year and the years to come, qualified sources in Washington report.

Total offshore (state and federal) production of oil and condensate represented 16 per cent, and gas represented about 15 per cent of the U.S. production last year.

More than 10 per cent of U.S. oil and gas now come from the Outer Continental Shelf. The percentage is expected to increase as a major exploration program off the Atlantic Coast of the U.S., and the Gulf of Alaska is being encouraged by the Nixon Administration in a new five-year, speed-up schedule for leasing on the Outer Continental Shelf.

A total of 398,378,000 barrels of oil from offshore Louisiana was produced in 1970. Of this amount 16 per cent was from the submerged state lands, and 84 per cent was produced on the Outer Continental Shelf.

Offshore Louisiana production last year compared with 365,691,000 barrels produced in 1969, according to the Geological Survey. Offshore Louisiana production was substantially more than the offshore production of Alaska, California, and Texas combined. The total production for the four states was 575,714,000 barrels with 37 percent coming from state submerged lands and 63 percent from the Outer Continental Shelf of these states.

Offshore Alaska production in 1970 was 70,007,000 barrels, all on "state" lands. One of the biggest oil field discoveries in years was made a few years ago on the so-called North Slope of Alaska. However, production has been stymied because of a major controversy for months involving a proposed pipeline to transport the oil to the U.S. Midwest Offshore production in 1969, all on state-owned lands, totaled 60,887,000 barrels.

California's offshore production last year was 104,383,000 barrels, with 76 percent on state submerged lands and 24 percent on the Outer Continental Shelf. The production in 1970 compared with 96,145,000 barrels in 1969.

Texas' offshore production last year was 3,046,000 barrels, 26 percent on state lands and 74 on federal lands. Texas' offshore production has declined the past three years. Production in 1969 was 3,109,000 barrels, and 3,400,000 barrels in 1968. Last year's Texas submerged land production represented 26 percent from state lands, and 74 percent from OCS.

COAST SHARES URGED IN U.S. OFFSHORE LAND

SAN FRANCISCO.—The American Association of Oilwell Drilling Contractors, through its board of directors, has urged Congress to enact legislation to share federal revenues from off-shore minerals production with the coastal states.

Adoption of such legislation, the association resolution asserts, would end "grievous inequity" which is penalizing states which make costly contributions to the production of oil and gas from offshore federal lands but do not share in fruits of that production.

The association represents drilling contractors throughout the nation. Its vice-presidents come from the Rocky Mountain, Mid-Continent, West Texas-East New Mexico and Northeast Texas-North Louisiana-South Arkansas regions, as well as from coastal areas.

10-TO-1 BOOST

Offshore crude oil production, the association reported, rose at a rate of more than 10 to 1 between 1954 and 1970, and this production now represents approximately one-sixth of the nation's total—and is rising.

Following is a statement issued by H. B. "Hank" Hawkins, president, and Warren L. Baker, executive vice-president of the national organization:

"Recent years have seen the development of extensive oil and gas production located in offshore waters of the United States. Offshore crude oil production has risen from 133,000 barrels per day in 1954 and 823,000 barrels in 1966 to 1,577,000 barrels daily in 1970. Sixteen per cent of all U.S. crude oil production came from offshore in 1970. Similar increases have occurred in offshore natural gas production. Sulphur and salt are other minerals now produced offshore. Waters off the coasts of Louisiana, Texas and California account for all the oil and gas produced offshore today. However, the future may see development of the mineral resources in the other 27 states with shores touching the Atlantic and Pacific Oceans, the Gulf of Mexico and the Great Lakes. The federal government proposes to accelerate the development of offshore oil and gas resources to alleviate prospective shortages and is contemplating an Atlantic Ocean lease sale.

"Development of extensive offshore oil and gas production has given employment to a large number of persons. Adjacent states find themselves burdened with assuming the costs of providing these persons with educational facilities, of building and maintaining roads, and of providing police, fire, health and other services. But these states are not receiving any revenue or taxes from minerals produced on offshore federal lands. All revenue from offshore minerals goes to the federal government. This is contrary to the established policy of the federal government sharing revenues from federal lands with states where the land is located. The State of Alaska receives 90 per cent of all income from federal lands within its boundaries, while all other states get 37½ per cent of the revenue from federal lands within their boundaries.

"The board of directors of the American Association of Oilwell Drilling Contractors, duly assembled June 22, 1971, in San Francisco, does hereby urge Congress to end this grievous inequity by enacting legislation which would provide for the federal government to share offshore mineral revenues with the respective coastal states on the same basis as it now shares the revenue from federal lands within the borders of a state.

ECOLOGY: PESTICIDE MAKERS' BÊTE NOIRE

HON. WILLIAM L. HUNGATE

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, July 12, 1971

Mr. HUNGATE. Mr. Speaker, the following article outlines some of the problems in working out an equitable balance between ecology and pest control:

[From the New York Times, July 11, 1971]

ECOLOGY: PESTICIDE MAKERS' BÊTE NOIRE

(By Gerd Wilcke)

PRODUCERS INCREASINGLY QUIT THE BUSINESS

How to kill insects and weeds, satisfy environmentalist and make a dollar—all at the same time—has become a triple headache for an increasing number of pesticide producers.

A lengthening list of chemical companies found a cure by quitting the business.

Most cited economic considerations, but some said privately that they were tired of justifying their efforts to ecological critics, or expressed fear that the proposed Federal Environmental Pesticide Control Act would be too burdensome.

Even among companies that continue making insecticides, herbicides, miticides, fungicides and rodenticides, the feeling prevails that the shape of legislation to eventually come from Washington will strongly influence their research and development effort, which they now fear has reached a plateau.

Their concern is based on the realization that chemical pesticides will be needed until ways are found to control pests biologically. To develop biological controls, however, both will take time and money.

H. L. Straube, a vice president and general manager of the agricultural chemical division of the Stauffer Chemical Company, said last week that he could not believe that the United States could produce enough food without pesticides.

He estimated that the annual losses of crop and livestock to pests approached $20-billion in this country alone. If pesticides were withdrawn from agricultural production, as many people concerned about ecology demand, total output of crops and livestock would be reduced by 30 per cent.

Elimination of pesticides, he asserted, would also increase the price of farm products by 50 per cent to 75 per cent.

What are companies spending on pesticides research and development?

A survey conducted a few months ago by the National Agricultural Chemical Association among companies that account for 81 per cent of total pesticide sales shows that they increased their spending from $52.4-million in 1967 to $69.9-million in 1970. Outlays this year, it is estimated, will reach $71.6-million.

During the 1967–70 span, expenditures for research and development rose by 33 per cent, while sales moved up only 13 per cent, from $639-million in 1967 to $722-million last year.

There are other figures underlining the concern of pesticide makers.

During the same 3-year period, expenditures on regulatory maintenance, involving safety and environmental testing, rose from $7-million to $16-million, a jump of 129 per cent.

The companies also estimated that the cost of discovering a new pesticide rose from $3.4-million to $5.5-million.

By the same token, the time spent from discovery to the point where a product was marketable rose from 60 months to 77 months. This was accompanied by a reduction in the number of research, and an increase in the number of cancellations or suspension of pesticide registrations, from 25 in 1967 to 123 last year.

Although the survey did not cover companies that quit the pesticide business, testimony before the House Agricultural Committee last March brought out that their numbers are increasing.

R. E. Naegele, manager of the agricultural department of the Dow Chemical Company, identified some of them. His list included Olin, Hooker Chemical, Allied Chemical, International Mineral and Chemicals, Standard Oil of New Jersey and American Oil.

At the same time Mr. Naegele said companies such as Chemagro, Shell, Monsanto, Velsicol and Dow had cut back significantly on the people they employed and the money they were able to spend.

Asked by a committee member—the hearings were in connection with the new Pesticide Control Act—whether Dow had brought any new pesticides on the market during the past five years that had become winners. Mr. Naegele said that Dow had had none.

He added that Dow had developed several products, "but they certainly have not been successful because they cannot get the labels [approval by regulatory agencies to market the products] as yet."

Mr. Naegele said that getting approval was one of the chief causes for the slowdown in market introductions of new pesticides. In addition, he said, there has been a "tremendous increase in requests for information to prove, reprove or substantiate things people have known for 10 or 20 years."

Several other companies voiced similar complaints in explaining why they quit the pesticide business.

One company spokesman commented: "The government agencies have been rather ambiguous as far as data goes. We have been in a situation where we were asked for information. When we came up with it, the rules of the game had changed. We feel now there are other areas where we can put our money with a better opportunity for a profit."

A spokesman for the Esso Chemical Company, a unit of Standard New Jersey, said the company had phased out pesticides early this year.

"We were on an exploratory research program," the spokesman said, "but we left it because investments in other areas promised better business."

Still another company, the Olin Corporation, dropped the manufacture of DDT a year ago.

"We closed down," a spokesman said, "because we had a policy not only to conform with present environmental standards, but also [with] those we believed would be in effect in 1974. Continued production of DDT at our Huntsville, Ala., plant, was inconsistent with this policy."

Speaking from the other side of the fence, Mr. Straube of Stauffer, a company whose sales of proprietary products have resulted in marked profit improvements, said that companies that are going to make money on pesticides are those with strong research and development efforts.

In the case of his company, Mr. Straube said, the big success was in herbicides. He noted in this context that the market for weed killers had increased from sales (at the grower level) of less than $300 million in 1966 to more than $500-million last year.

THE LOCKHEED LOAN

HON. ROBERT F. DRINAN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 13, 1971

Mr. DRINAN. Mr. Speaker, I include in the Record for the attention of my colleagues a clear and direct editorial printed on July 8, 1971, in the resourceful daily in my congressional district, Leominster Enterprise.

This editorial makes it very clear that Congress, by rejecting the proposed loan to the Lockheed Aircraft Corp., would strengthen the free enterprise system.

The editorial follows:

The Lockheed Loan

In theory, the Nixon administration espouses the virtues of capitalism. In practice, however, it descends to state intervention in the free enterprise system, making it both less free and less enterprising.

President Nixon proposes that the federal government guarantee a loan to the Lockheed Aircraft Corp. for a quarter of a billion dollars.

Lockheed is in financial trouble for two reasons. First, it voluntarily accepted a military contract for the C5A supercargo plane which has cost more to construct than originally planned. Second, it freely undertook to buy jet engines from Rolls-Royce, which went bankrupt.

Rolls offered the engines at a lower cost than American competitors because the British Labor-Socialist regime underwrote a low-interest loan. The Nixon loan guarantee results from the fact that private lending institutions considered Lockheed too risky.

Ironically, one of the biggest opponents of the Lockheed loan is Sen. William Proxmire, D-Wis., who calls it "welfare legislation." Knowing Proxmire's voting record, we would think he would support the loan since he normally favors "welfare legislation." Perhaps the reason he takes exception to the Lockheed loan is that the aircraft corporation is located outside Wisconsin.

In any case, Proxmire's economic arguments are sound, whatever his motives. His position is that Lockheed failed because of bad business judgment and that the loan would reward economic inefficiency at the expense of competitors and taxpayers. His argument is strengthened by the fact that, according to Deputy Defense Secretary David Packard, the Lockheed loan "is not primarily a defense question." As a former defense contractor, he should know.

While Lockheed might lose business without the loan, competitors will gain, thereby rewarding their efficiency. By rejecting the loan, Congress would strengthen the free enterprise system which is the basis of a strong national defense.

ADMINISTRATION PROPOSES TAX RELIEF FOR BUSINESS AND CORPORATIONS

HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 13, 1971

Mr. WALDIE. Mr. Speaker, the administration is repeatedly indicating its lack of concern over the unemployment problems and the tax burdens of our Nation's citizens while, at the same time, making concessions to corporations and big businesses.

The reaction of the public to the administrations recent proposed change in tax regulations is well expressed in correspondence I received recently from Mr. "J" V. Robinson which I include in the Record and which I commend to the attention of my colleagues. I am in full agreement with the views expressed by Mr. Robinson:

PLEASANT HILL, CALIF.,
June 22, 1971.

Congressman JEROME R. WALDIE,
Civic Center,
Concord, Calif.

DEAR MR. WALDIE: The enclosed article from the June 20 Oakland Tribune brought with it a tremendous letdown.

How is it that industry ALWAYS gets a break on taxes, but not Old John Q. Public? Those poverty-stricken banks and oil companies certainly need a break!!

Does the Congress and Senate represent big business or the people?

If you let the President and his mercenary cronies get away with this sort of thing, I think it is time to go to an independent party, as it appears our representatives are out for the money—not for the people.

Or, maybe the voters should get a lobbyist to represent them, since we don't seem to get it otherwise.

How about giving the taxpayers a break—not the ones who don't need it?

Sincerely yours,

"J" V. ROBINSON.

More Generous Tax Rules Seen

(By Lee M. Cohn)

WASHINGTON.—The Treasury plans to make new tax depreciation rules on business even more generous than was contemplated originally.

Officials said the tax-cutting rules probably will cover foreign branches of U.S. companies which initially were to be excluded as well as firms operating in this country.

Among those in line to benefit from the expected change, the sources said, are U.S. banks, oil companies and mining firms with branches abroad.

Their tax savings—and the revenue loss to the Treasury—may approach $100 million a year, according to tentative estimates. This would be on top of the $3 billion business tax reduction estimated for the original plan.

The Treasury intends to broaden the rules to include foreign branches despite legal challenges to the whole idea of cutting business taxes by liberalizing depreciation deductions.

President Nixon announced the plan in January to shorten the periods for writing off—deducting from taxable income—the costs of machinery and equipment. He ordered new regulations permitting companies to shorten depreciation periods under the old rules by 20 per cent.

By allowing bigger deductions in the early years of a machine's use, fast depreciation defers taxes. In practice, unless a company stops buying machinery and equipment, the deferral becomes a permanent tax reduction.

Critics are challenging the depreciation order on both economic and legal grounds. They question the impact of the tax reduction in spurring the economy, and contend that Nixon exceeded his authority in ordering the new regulations without congressional action.

Although Nixon implied initially that the order was final, and retroactive to Jan. 1, the Internal Revenue Service held hearings last month on the "proposed" regulations.

The final revised regulations are scheduled for issuance later this month.

Officials said they are confident the regulations will survive expected court challenges, and predicted attempts to block them in Congress will fail.

Nevertheless, there are indications that some companies may continue to base their spending plans on the old, less liberal depreciation rules until the issue is settled finally.

AMCHITKA BLAST

HON. NICK BEGICH

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 13, 1971

Mr. BEGICH. Mr. Speaker, the Atomic Energy Commission is presently continuing its plans to set off the largest underground atomic explosion ever set off by the United States on Amchitka Island, Alaska.

In May of this year I testified before the Atomic Energy Commission hearings in Anchorage and at that time raised several questions concerning the advisability of conducting such tests. I had hoped that before the commission continued with its plans to conduct this test it would have carefully examined the consequences of such action.

Many people in Alaska have expressed their genuine and deep concern about this important matter. There are too, many non-Alaskans who have the same serious reservations about the planned test and they have filed suit in Federal court to block the nuclear blast.

Among the people in Alaska who expressed their concern is the Alaska Nurses Association. At the 1971 biennial convention of the Alaska Nurses Association held in Juneau, the house of delegates passed a resolution expressing their opposition to the Amchitka blast. The president of the Alaska Nurses Association, Mrs. Ruth Benson, has sent me a copy of that resolution and I would like my colleagues in the House of Representatives to see concern for this matter:

RESOLUTION BY ALASKA NURSES ASSOCIATION REGARDING THE AMCHITKA BLAST

Whereas there is uncertainty about the results of the Amchitka blast on the containers of poisonous gas; and

Whereas the absolute uncertainty as to the total effects of the Amchitka blast should prohibit any consideration of it; therefore

Be it resolved that the Alaska Nurses Association write to President Nixon, Governor Egan, and Alaska's Congressional delegation, strongly objecting to the Amchitka blast.

Approved by House of Delegates, Alaska Nurses Association, 17th Convention—3rd Biennial, June 10, 1971.

POW FAMILIES PLEAD WITH PRESIDENT NOT TO GO BACK ON HIS WORD

HON. ROBERT L. LEGGETT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 13, 1971

Mr. LEGGETT. Mr. speaker, President Nixon has said on several occasions in the course of the past few months that we would remain in Vietnam as long as there were American prisoners there. Secretary Laird and Secretary Rogers have added to this, in explicit and unequivocal terms, that we would get out if we could recover the prisoners.

Now the other side has offered to give the prisoners back in return for our withdrawal. It has offered to settle this question independently of any other question. But to all outward appearances, the administration regards the offer not as an opportunity but as an embarrassment.

Two days ago Families for Immediate Release, an association of family members of American prisoners of war and missing in action, hand-delivered a letter to President Nixon. They said:

> We are writing to express our hope that the new peace proposal made by the National Liberation Front will not be rejected because of considerations unrelated to the safety of our withdrawing troops and the recovery of our prisoners of war . . . . We feel our government's obligation to the American prisoners now should take precedence over its obligation to the Government of South Vietnam. . . . It would be heartbreaking for us if we were to think that it lay within your power to bring the prisoners home together with the troops, but that you were not using this power. . . . We fear that we will spend years chasing the light at the end of the tunnel which will always remain just around the next bend, while for our men in the prison camps, one by one, the light will go out forever.

I insert the full text of their letter at this point in the RECORD:

JULY 8, 1971.

Hon. RICHARD M. NIXON,
President of the United States,
The Summer White House,
San Clemente, Calif.

DEAR MR. PRESIDENT: We are immediate family members of American military men who are prisoners of war or missing in action in Indochina. We are writing to express our hope that the new peace proposal made by the National Liberation Front will not be rejected because of the considerations unrelated to the safety of our withdrawing troops and the recovery of our prisoners of war.

We understand your concern for the future of South Vietnam. But we have given that country more than fifty thousand American lives. We have given it more than $150 billion dollars and more than seventeen years of training, climaxed by your Vietnamization program. And our men have given it months and years of their lives wasted in prison camps. Surely, this is enough! If the Government of South Vietnam is still unready to defend itself, we wonder if it will ever be ready. We fear that we will spend years chasing the light at the end of the tunnel which will always remain just around the next bend, while for our men in the prison camps, one by one, the light will go out forever.

We feel our Government's obligation to the American prisoners now should take precedence over its obligation to the Government of South Vietnam. We heard and applauded the statements by Secretary Laird and Secretary Rogers that we would leave Vietnam if we could secure the release of the prisoners. *Now we plead with you not to go back on your word.*

Some of us are wives or parents of men missing in Laos, and we know the new proposal makes no provision for our men. We feel that any settlement of the war must provide for the return of all prisoners held in Laos. But we urge you not to waste time by insisting that the North Vietnamese accept responsibility for these men, since it appears they will never do so. Rather, we urge you to make a separate but simultaneous agreement with the Pathet Lao, if they insist upon it. The fate of our men is more important than the diplomatic niceties that would be sacrificed by our talking with the Pathet Lao.

It seems to us that we now have a way to bring our men home without trusting the other side: They have said they will begin to release the prisoners as soon as we set a date for complete withdrawal and begin the troop withdrawals leading up to that date. If we do this, we can immediately see if the other side is living up to its side of the bargain; if it does not proceed to release the prisoners, the agreement would be canceled.

You are withdrawing troops in any case, but now they are coming home while the prisoners remain behind. It would be heartbreaking for us if we were to think that it lay within your power to bring the prisoners home together with the troops, but that you were not using this power.

THE LATE HONORABLE THOMAS E. MARTIN

HON. JOHN J. ROONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 6, 1971

Mr. ROONEY of New York. Mr. Speaker, recently I was saddened to learn of the passing of the Honorable Thomas E. Martin who for almost a quarter of a century represented the people of Iowa here in the Capitol, first in the House of Representatives and then in the other body.

I knew Tom for many of the years that he served here and it was indeed a pleasure to be associated with such a very fine gentleman. Tom had a long and honorable career in public service in Iowa before he came to the House as the representative of Iowa's First Congressional District. We all missed his graciousness and warmth when he was elected to the other body in 1954 and again on his retirement from the Senate in 1961. To his wife and family I extend my deepest sympathy.

EDITORIAL COMMENT ON A VISIT TO THE WHITE HOUSE

HON. DURWARD G. HALL

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 13, 1971

Mr. HALL. Mr. Speaker, recently, Mr. Don C. Dailey, vice president of the Springfield Broadcasting Co., Inc., in Springfield, Mo., and his wife and family, also of Springfield, attended the National Association of Broadcasters board of directors meeting held on June 20 through 25 here in Washington, D.C.

During their weeklong stay, the Dailey family had the pleasure of touring the Capitol Building, the White House, and the Norfolk Naval Station.

One of the biggest highlights of Mr. Dailey's visit to the Nation's Capital was the White House reception and conference with President Nixon which was given for the board of directors of the NAB.

I was most pleased when I recently received a copy of an editorial which was broadcast last July 7 over KGBX radio of Springfield, Mo., by Mr. Dailey commenting on his eventful visit with the President during the reception.

Mr. Speaker, I submit Mr. Dailey's complimentary editorial of his visit in the RECORD:

EDITORIAL COMMENT BY DON C. DAILEY

Two weeks ago today it was our pleasure to attend a White House reception given for the board of directors of the National Association of Broadcasters by President Nixon.

A million and a half Americans visit the White House every year, but not to see the President. So, naturally, we looked forward with much anticipation, to the reception. Since our board of directors consists of only forty broadcasters, we knew it would be possible for each of us to have some time in personal conversation with the President. We were not disappointed. President Nixon remembered his trips to Springfield. He said he would never forget the wonderful crowd at the Ozark Empire Fairgrounds when he was campaigning in 1968. The President was right on target with many of his comments on the broadcasting industry and praised radio and TV for the continuing service we provide. He even noted the differences his administration has had with the networks. Even with those differences, he wanted the network executives among us to know that he thought all three networks had done a splendid job on a recent very important news story. Before we hardly had time to think what that story might be he said, "Every network did a beautiful job covering my daughter's wedding . . . and believe me . . . I checked all three!" The White House kitchen staff, long famous for good food, certainly lived up to its reputation too, but our twelve year old son, who thinks every meal begins and ends with hamburger, was crushed when I told him there was no ground beef on the table.

Our reception with the President was held in the Blue Room, the room customarily reserved for diplomatic receptions. Every room of the White House holds reminders of our past and memories of the Presidents and their families who have lived there since 1800. We were impressed by the President's vigor and good spirits. Fortunately the Chief Executive does not always face world-shaking decisions. His day to day duties, however, increase every year, and would try most men to the limit. Even in John Adams time the presidency brought the comment from Adams, "A peck of trouble in a large bundle of papers, often handwriting almost illegible comes every day . . . thousands of sea letters . . . and commissions and patents to sign . . . there is no pleasure." Obviously today much paper work is delegated. Gone are the days when Cleveland could write many of his letters and speeches by hand or when McKinley and his staff of only a dozen could cope with all of the business. President Wilson could pick up a letter and answer it on his own typewriter. As the problems of our country have grown and become more complex through two world wars and a great depression, the presidential staff has come to include secretaries, consultants, and aides at the White House plus a building full of economic technical and other advisory groups in the Executive Office Building next door. One of the President's aides told us that the 21 telephone operators at the White House receive over 5,000 calls a day!

All of this made us wonder at this man Nixon . . . or any man who aspires to become President of the United States. Two weeks ago today, the White House was a serene setting in a city that seldom knows serenity. As I gazed out the front portico of the White House and thought of the thousands who had crossed that threshold representing practically every country on earth, I couldn't help but be awed by the decisions that had been made there. Woodrow Wilson once said, "The President is at liberty to be as big a man as he can. His capacity will set the limit." We are proud that Richard Nixon's capacity seems to be limitless even in these days that test us all.

CONGRESSIONAL DISTRICTING HEARINGS SCHEDULED

HON. EMANUEL CELLER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 13, 1971

Mr. CELLER. Mr. Speaker, over the past 20 years I have sponsored legislation to regulate congressional redistricting. The legislation sought to achieve substantial population equality and also was designed to restrict gerrymandering by requiring compactness and contiguity. These efforts to establish fair and equitable guidelines, regrettably, did not result in public law.

In the absence of Federal guidelines, the courts have been called upon to establish redistricting standards on a case-by-case basis. Although court rulings do furnish guidelines, it is the nature of the subject that each redistricting plan must ultimately be judged on the basis of its particular facts.

A new factor is emerging that threatens to make the process of redistricting more difficult and uncertain. It involves the reluctance or inability of State legislatures to fulfill their redistricting responsibilities in adequate time to assure the orderly operation of primary and general elections. Today, there is an imminent prospect of complex and lengthy redistricting litigation recurring in our courts this year and in 1972.

Mr. Speaker, the courts, the State legislatures and, above all, the electorate are entitled to a declaration of congressional policy on redistricting.

Accordingly, Subcommittee No. 5 of the Committee on the Judiciary has scheduled public hearings on H.R 8953, and a number of related measures, to prescribe standards for congressional redistricting. The bills are concerned with compactness, contiguity, and gerrymandering, as well as population equality. Their central purpose is to provide Federal standards to govern the establishment of districts for the election of Representatives in Congress.

The hearings will begin on Wednesday, July 21, at 10 a.m., in Room 2226, Rayburn House Office Building.

STATION KGFJ ATTACKS DRUG ABUSE

HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 13, 1971

Mr. WALDIE. Mr. Speaker, one of the most important breakthroughs of late in our fight against the drug problem, is our effort to curtail the heretofore uncontrolled manufacture of pills. I am pleased that the House Select Committee on Crime of which I am a member was the first to bring this problem to the attention of the Nation.

Radio KGFJ in Los Angeles has joined this effort by presenting a series of editorials on this subject. I applaud KGFJ for their public service and their fine presentations which I would include in the RECORD:

RE: PILLS

We constantly talk of the incredible and frightening amount of dangerous and illegal pills which are fed into the bloodstreams of our citizens, and particularly our young. KGFJ notes with some interest that law enforcement and other agencies have had some success at least in reasonable control of the sale of marijuana especially in the last few years. But the battle to control the spread of pills, though at points untiring and diligent, is being lost, and chiefly because that battle is being fought on the wrong grounds. The vast quantity of pills being consumed today, can only be produced by a small number of easily indefinable sources, large pharmaceutical companies. It is not reasonable to ask that these companies not produce pills, even though many wrongfully find their way into the bloodstreams of people, especially young people, because pills do have their legitimate medical value. But KGFJ feels that it is reasonable to ask that pharmaceutical companies, be made responsible for at least checking very carefully, where large quantities of their pills go. The roots of the sale of illegal pills in our community begin when legally manufactured drugs are not handled properly. The pill problem must be dealt with at that base level, or else we deal in futility.

Drugs in the Community

This is part 1 of a KGFJ editorial series:

The use of drugs by young people in our community has now reached epidemic proportions. Here are some things those of you who trip may need to hear. Red devils cause about 450 fatalities in Los Angeles every year. Did you know that 20% of youths who shoot may develop a blood vessel disease that is fatal in about 30% of the cases? And those are just the ones that are detected. Did you know that many of the drugs on the street scene today are made by amateurs who don't know what the heck they are doing? There is some stuff out there which can cause damage to the blood vessels in your brain, and which can cause some nice things like bleeding from the rectum. A trip . . . beautiful, right? Drugs are one of the worse kinds of hang-ups, and all black people need, or any people for that matter is another hang-up. The young brothers and sisters who will be leaders in our future must be clear-brained, strong people with the kind of stamina which is necessary to the pursuit of important goals. You can never help your people if your mind and body are sodden with junk. Remember this . . . if you can't say no to the pusher, you sound like a fool yelling "freedom" to the man.

This is the second part of a KGFJ editorial series:

The wide-spread use of drugs by the young cannot be blamed entirely on the young. Drugs and pills have to come from somewhere. There is, by almost any measure, fantastic over-production. There is simply much, much more on the market than is needed for medical purposes. In light of this, it could almost be said that the real pushers are the pharmaceutical manufacturers and distributors. Some interesting questions. Why don't Congress and the State Legislature pass laws banning, at least, the mail order sale of dangerous and hallucogenic drugs? Should the pharmaceutical "establishment" be required to pay a portion of the tremendous costs of criminal court procedures, and of rehabilitation for youthful addicts? Shouldn't the manufacturer and distributor be required to check, much more carefully, the destinations of their shipments? And where in the world is the State pharmaceutical board, which is supposed to offer regulation of the "legal" drug traffic? A final thought from KGFJ . . . If our community and our society becomes more drug-ridden, how much sense does it make to continue fighting bigotry, hunger and smog? This has been part two of a KGFJ editorial on drugs in the community.

Roots of the Dope Problem

KGFJ shares the concern of the community over the rising epidemic of dope usage among our young people. KGFJ will therefore concentrate a major effort towards effective action to solve this pressing problem. With these intentions. KGFJ realizes however, that we are not a police force or a detective agency. We don't have enforcement powers. We are not the district attorney or attorney-general. We do not have prosecution powers. We also realize that our youth will not automatically stop the habit because KGFJ points out the evils of the habit. KGFJ does have the power to investigate the facts and inform the people of the facts. That we can and will do. We are beginning with certain basic questions. What is the power of the State pharmaceutical board? Are these powers being used effectively to curb illegal use of drugs? Do we have a way to trace drug shipments through invoice number or other effective method? What is the route of travel from the pharmaceutical company to our kids? Can police intelligence be more effectively used to bust the dope racket? These questions and others will be probed and acted upon by KGFJ. We are now launching an all out effort to get some answers. Once the basic questions are answered they must be used as a source of improvement and change. KGFJ will spare no image and grant no immunities in the next few months as we seek the answers so gravely needed to stop the destruction of our young people.

Drug Compliance Control

KGFJ has been engaged in an in-depth probe of the root factors that contribute to our massive drug problem. We have learned that the pursuit of facts about drug traffic can be as easy as statistics you will accept and as hard as crucial facts you truly need to know. That means that as long as an interested party is satisfied to accept an endless stream of statistics everyone is willing to feed out more than enough of them. Anyone who is willing to accept intricate details of arrest procedure and enforcement programs, more than enough are available. These are certainly valuable areas of knowledge. But there is a need also to know about compliance control of the manufacture and distribution of drugs. When efforts are extended in this vital area of compliance things become difficult. Facts and figures in this vital area are hard to come by. In fact, it is abundantly clear to KGFJ that agencies that deal directly with the narcotics problem are reluctant to discuss their compliance policies and procedures. KGFJ had searched relentlessly for several weeks now to answer some of the vital questions at his level of the drug problem. To date, our effort has produced little in the form of meaningful information. We continue in our search for meaningful answers to effective areas of concern so crucial to winning our community war against dope.

Pill Control Quotas

Amphetamines, or pills as they are commonly called, are the major drug menace to our community. This is because of the relatively cheap purchase price of pills. KGFJ has considered the war against pills the major priority in any war against dope in our community for some time now. We are therefore alarmed to learn that some 8 billion pills are manufactured yearly in this country. That is 40 pills for every man, woman and child in America. Professional estimates project that legitimate medical need for pills is far less than 50% of the total. Control of the manufacture of 8 billion pills a year is largely in the hands of four companies in New York. A major victory toward controlling this grave national crisis could be won by effectively controlling the manufacturing quota of these four companies. These major companies argue that the problem is caused by "clandestine" illegal operators and not by legitimate companies. However reliable FBI figures reveal that 80% of amphetamines seized are manufactured legally. Control would seem simple, but it is not, because of the strong drug lobby. The Pharmaceutical Manufacturers Assn., has a Washington staff of 70 people, and a budget of $3.6 million. The health and well-being of thousands of young people is at stake here, and the private privileges of the drug companies should not be allowed to freely pave the road to destruction.

Mayor's Citizens Narcotics Committee Report

Mayor Sam Yorty formed the Citizen's Narcotics Committee in January of 1969. As part of its assignment to recommend means of effectively attacking the illegal use and distribution of drugs. The major recommendation was formation of a Citizen's Watchdog Committee to monitor all phases of antinarcotics law enforcement. The committee criticized the courts for laxity in sentencing, and generally assumed a "crime and punishment" posture. KGFJ notes with grave concern that nothing was mentioned about forcing drug companies to curtail their production of amphetamines or pills. At stake in the over-production of drugs by legitimate drug companies, is the health and well-being of thousands of potential young addicts, many of them high school students. KGFJ has been constant in its insistence that pills are the major drug menace in our community. Fair and effective control of the over-production of pills is a law enforcement problem too. KGFJ recommends to the mayors committee that it amend its area of study to include recommendations as to how we may effectively, as citizens, deal with the manufacture of 40 pills for every man, woman and child in America. Many of these pills are used right here in Los Angeles.

Final on Dope

KGFJ has editorialized several times on the problem of narcotics, and the devastating effect it has in our community, especially on our youth. We're pleased that many other Los Angeles radio and television stations and newspapers have now seen fit to join in the fight.

These are our main conclusions:

1. That pills are the main problem in our community.
2. That most pills, far more than are needed medically, in fact are manufactured by the major pharmaceutical firms, legally.
3. That no truly effective program for policing the production and distribution of pills is presently in practice.

Our recommendation:

That parents, concerned citizens, community, religious and civic organizations write letters, send telegrams, or make phone calls to elected officials, urging them to do all they can to get the State pharmaceutical board off its collective seat, and onto the job of fulfilling its responsibilities to the citizens of this community, this city, and this State. It seems obvious to KGFJ, that unless something of this scope is done, not only will the problem of narcotics not be eradicated, it will, in fact, continue to worsen.

CONSUMERS AND NATURAL GAS

HON. JOHN M. MURPHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 13, 1971

Mr. MURPHY of New York. Mr. Speaker, the American consumer is the chief victim of the shortage in natural gas supply, a shortage which already has resulted in many transmission and distribution companies being forced to refuse additional service, because they cannot contract for or be certain of sufficient supplies.

The latest example was reported last week by the Oil Daily, which said that the waiting list for natural gas service in Chicago contains 16,550 applications.

That is the situation in just one of our great cities, and the problem is truly national in scope. All over the country Americans use natural gas on a vast scale—22 trillion feet of it last year. This convenient, economical, and clean-burning fuel now accounts for one-third of all U.S. energy consumption. And demand continues to rise.

It is not only that gas distributing companies are having to put applicants for service on a waiting list. Major interstate pipeline customers virtually ruled out new customer attachments last winter. Electric power generating plants fired by gas are threatened this summer by their fuel supply situation. The Federal Power Commission announced last April that, in order to deal with gas shortages expected next winter pipeline companies will be required to curtail sales to industrial consumers so that storage fields can be filled with gas for home heating and other domestic use.

These are consequences that vitally affect the well-being of the people of the Nation. Unless a remedy is found—and soon—we face a crisis of the utmost gravity.

The remedy lies in the discovery of additional gas reserves. But unfortunately, the growing demand for gas has been accompanied by a drastic slowdown in the search for new reserves.

Mr. Speaker, on last January 29, I introduced H.R. 2513, a bill designed as an important first step toward attacking the basic cause of this slowdown by providing an incentive for gas producers to step up their efforts to bring in new reserves.

My bill, which I am pleased to say is cosponsored by a large number of my colleagues, is not a decontrol bill. It would make sales contracts between gas producers and interstate pipeline companies valid and binding once they are approved by the Federal Power Commission. That sounds simple, but the incredible fact is that such contracts do not now possess these basic qualities.

At present, the producer cannot know how much he will be paid for his gas, how long he will be paid a set price, how much gas he must deliver, or how long he must continue to make deliveries. He does not know how long he will receive a price which has been set by the Federal Power Commission before the Commission changes it.

Under such circumstances, the producer's incentive to search for new supplies of gas is inevitably reduced—and the consumers suffer.

H.R. 2513 would remove some of the uncertainties, without removing the Federal Power Commission's power to control natural gas prices at the wellhead.

Under the provisions of my bill, sales contracts between producers and pipelines would still have to be submitted to the Federal Power Commission, as they are now. The Commission could then either approve the contract, or approve it subject to conditions stipulated by the Commission, or disapprove it.

The overall effect would be simply to establish solid ground upon which controls can be formulated and upon which plans can be made for finding new supplies of natural gas sufficient to meet the anticipated demand.

Mr. Speaker, the metropolitan area I represent is, of course, a consumer, not a producer, of natural gas. Unless the supply shortage problem is solved, my consumer-constituents will suffer extreme hardship. So while the problem is national in scope, as I have said, it is to me also a pressing local problem.

My bill will not bring an end to the gas supply shortage in the immediate future, for it takes time to find and develop new gas reserves. But its enactment by Congress will represent significant first step toward solution by bringing reason and responsibility to the regulation of gas sales contracts. That step needs to be taken now.

I include as part of my remarks the item from the Oil Daily, to which I referred earlier, describing the waiting list for gas service in Chicago:

PEOPLES' WAITING LIST STILL GROWS

CHICAGO.—The Peoples Gas Light and Coke Co. reported that its waiting list for natural gas service in Chicago had mounted to 16,550 applications as of June 30, the one-year anniversary of controls being placed on new attachments.

This backlog, the utility said, represents an annual quantity of gas equivalent to that required to heat 287,300 average-sized, six-room homes.

The waiting list is a result of restrictions instituted by the company last July 1 when the city's strict new air pollution ordinances went into effect. The ordinances prompted a sharp increase in demand for clean-burning natural gas at a time when a nation-wide shortage was already becoming apparent.

THE LOCKHEED LOAN GUARANTEE

HON. BILL FRENZEL

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 13, 1971

Mr. FRENZEL. Mr. Speaker, last Thursday the members of the Banking and Currency Committee met in executive "closed session" to review a staff report on the question of the Lockheed loan guarantee. The staff report was described by the chairman as a "detailed critical look at the proposal we have been asked to consider."

Unfortunately the staff report contained so much biased editorial comment and was so slanted that it is difficult for a committee member like myself to review the issue confronting the committee on its merits.

Further, I am concerned about asking witnesses to testify pro and con in good faith before a committee which has been preconditioned by an obvious staff effort to discredit the proposal in question, and by an executive committee session called on short notice for the purpose of reviewing the staff report.

I know that every member of the committee is aware of the importance of the Lockheed matter. The implications of broad policy and precedent demand a careful and dispassionate search for and presentation of the facts. The prejudgments and bias of the staff report have only made the search for fact more difficult.

Personally I do not believe it is the obligation of Government to be an insurer of last resort for any businesses, and I, therefore, tend to lean negatively on the proposal.

Nevertheless, I am withholding final judgment until after the hearings and regret the committee staff could not have done so also.

I am also concerned about an apparent breach of House and committee rules in that no vote was taken by the committee prior to the executive session to declare it closed. I believe such practice is contrary to the Reorganization Act of 1970, the House Rules and the committee's own rules. I regularly vote against any closed meetings because I believe them to be inconsistent with responsible government, except where there are obvious security needs. Therefore I especially disapprove of closed meetings called according to the whim of the committee chairman.

This doubly distasteful process—the prejudiced staff report prepared without the knowledge of at least some committee members, including myself, and the committee's executive session—are perfect examples of why the public frequently indicates a lack of confidence in its elected officials. When one considers the fact that the hearings have been unduly delayed already, the whole mess constitutes a very disappointing and clumsy prelude to the House's consideration of a most important matter.

NO TIME FOR CROWDING

HON. WILLIAM L. DICKINSON

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 13, 1971

Mr. DICKINSON. Mr. Speaker, the Christian Science Monitor of July 9 contains an excellent editorial concerning Hanoi's latest offer on the prisoner of war issue in Vietnam.

The editorial cogently deals with the dilemma facing President Nixon. The Christian Science Monitor suggests that Hanoi is doing its best to exploit the very difficult position the President is in, but even though this is the case, the President is quite right in sounding interested and in exploring for all it is worth every offer for an honorable and quicker way out of the war.

The desire for a quick end to the war is enormous and on the basis of American domestic political considerations alone, an acceptance of Hanoi's proposal would be a very popular decision. However, the acceptance of Hanoi's proposal includes many risks—high risks—that must be carefully evaluated in terms of foreign policy. That is precisely why the President dispatched Dr. Henry Kissinger to Vietnam to study the situation.

As the editorial points out, we must wait until these studies are concluded and reported to the President before we try to push him into a decision. If factors point to an honorable and a quicker way to get out of the war, the President will act accordingly.

The text of the editorial follows:

NO TIME FOR CROWDING

Hanoi is doing its best to exploit the very difficult position President Nixon is in on the peace and prisoners issue over Vietnam, but Mr. Nixon is quite right in sounding interested and in exploring for all it is worth what just possibly could be an honorable and quicker way out of the war.

The difficult position is one of those familiar hammer and anvil things. The anvil is the bone-tiredness of the United States and its people about the war. The popular urge to a quick end is enormous. No man in responsible position in Washington could do anything under these circumstances except be receptive to anything which looks even superficially like a peace offer.

The hammer is the offer from Hanoi to hand back the prisoners in return for a complete American withdrawal from Vietnam—*this year*.

Nothing is said in this offer about the other of the two conditions which American diplomacy has consistently demanded in return for an American withdrawal. It has consistently wanted its prisoners home and a withdrawal of North Vietnam troops from South Vietnam to be phased with the withdrawal of American troops from South Vietnam.

What Hanoi is saying is that it will be delighted to hand back the prisoners in return for the American withdrawal if Washington will simply forget about the North Vietnamese soldiers which probably by now make up a majority of the forces fighting against Saigon.

In effect, this is a proposal that Washington gamble on the armed forces of South Vietnam being able to survive without any American help at all after the end of this year against both the Viet Cong and North Vietnam.

What would the risks be?

They would probably be very high. At least, it has been a Washington calculation for some time that the armed forces of South Vietnam would not be ready to take care of themselves before June, 1972, at the earliest. The ARVN training program and the American troop withdrawal program have both been geared to a June, 1972, deadline. So what Hanoi is really doing is using the prisoners as bait for a six-month speedup in the American withdrawal program.

If Mr. Nixon could afford the luxury of deciding whether to accept the offer on the basis of American domestic political considerations alone he would grab at it. To end the fighting, get the troops home, and hand over the fate of Saigon to the Saigonese themselves—would greatly ease his home problems. He would have everything to gain—immediately—and nothing to lose.

But what would be the condition in South Vietnam six months or a year later? Would there be a composition of sorts between the Saigon regime and Hanoi? Would President Thieu be forced out of power and be replaced by others in favor of a settlement? And would the composition or settlement soon begin to look like a "coalition" of the various political forces in Vietnam, with the Communists gaining their political beachhead?

That, presumably, is precisely what Henry Kissinger has been exploring for Mr. Nixon.

Mr. Kissinger has done some highly competent exploring of Vietnam conditions before. We can assume that Mr. Nixon will take as favorable a view of the Hanoi offer as Mr. Kissinger's advice will permit.

Unless or until we learn what Mr. Kissinger concludes from his studies the rest of us can hope, but should not push. Mr. Nixon will go as fast and far toward peace as he dares. Crowding him right now should not and probably would not make any difference.

CONGRESS SHOULD DROP CONTEMPT PROCEEDINGS AGAINST STANTON

HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 13, 1971

Mr. WALDIE. Mr. Speaker, I received a most persuasive letter from a knowledgeable member of the working press, constructively arguing against the proposal to cite Mr. Frank Stanton, of CBS, for contempt of Congress.

I agree with the reasoned views presented and urge my colleagues to carefully peruse the arguments contained in his letter, a copy of which I include with my remarks:

California Freedom of Information Committee

Hon. Jerome R. Waldie,
House Office Building,
Washington, D.C.

Dear Sir: I would very much appreciate it if you would convey the following message concerning the C.B.S.-Frank Stanton matter to as many of the Members of the House of Representatives as you can.

My name is Mr. Richard H. Fogel.

I have been actively engaged in the newspaper field as a writer, reporter and editor for more than 25 years. What I have to offer is a personal view and not necessarily that of the Oakland Tribune where I am employed as Assistant Managing Editor.

At present I am a Member at Large of the "National Freedom of Information Committee" of Sigma Delta Chi and Chairman of Media Representatives for the Joint Committee of Bench, Bar and Press in California. I have also been a member of the Advisory Council to California Assembly's State Information Policy Committee, Chairman of the California Freedom of Information Committee, and Chairman of the Associated Press News Executives' Council at California and Nevada.

In each of these capacities I have had to give considerable study and attention to the inter-relationships of Government and the press and the manner in which the free press works through the American Democratic System for the good of the people.

For such benefit as my experience might be worth, I would like to offer some comments regarding Dr. Frank Stanton. In doing so, I respectfully yet strongly urge all House Members to look deeply into the issues so they can fully perceive what's at stake.

First, it is my observation our Democracy functions best when the press and elected representatives work jointly to see that the people are well informed about contemporary events and their significance.

It is in my opinion, the proper function of Congress to investigate how information flows to the public. After all, news is the life blood that feeds the mental processes of our society.

Perhaps, though, one needs experience in the news field to clearly know there is a line beyond which efforts to improve access to news information can unwittingly have a contrary effect.

This situation is reached when an investigator goes back past the point of dissemination and attempts to dissect as if in postmortem the particular handling of a particular news gathering effort.

The result—when threat of punishment faces the Editor—is debilitating, destructive and intimidating to all the media.

It can, in fact, destroy the right to edit, and the right to edit is what I feel Dr. Stanton is defending.

It isn't that the media is out of reach and shouldn't have to stand on the record of what's published or broadcast. They should and Dr. Stanton does.

It's that the above described investigative approach withers free and diverse expression. It imposes an unsubtle censorship, and an unnerving prior restraint.

In short, it interferes with honest judgment and inhibits the flow of information.

I urge you:

Do what you can to improve public access to news information.

Judge the press on performance as compared with discernible facts.

Don't shut off or constrict the life blood of our society.

And listen, if you will, to this caution from Thomas Jefferson:

"Man may be governed by reason and truth. Our first object would therefore be to leave open to him all the avenues to truth and the most effectual hitherto found is the Freedom of the Press."

Sincerely,

Richard H. Fogel.

M. P. DOMINGOS III: OUTSTANDING PATRIOT

HON. EDWARD J. PATTEN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 13, 1971

Mr. PATTEN. Mr. Speaker, Mr. M. P. Domingos III, of Milltown, N.J., an outstanding patriot, recently gave a very moving speech to a group of Vietnam veterans from Walter Reed and Valley Forge Army Hospitals.

Unfortunately, his speech did not receive the press coverage it deserved, so I have inserted it in the Congressional Record with the hope that readers of the Record will give careful thought to what Mr. Domingos said on that day to amputee veterans.

How wrong, unfair, and even tragic it is for newspapers, and radio and television stations to fail to give speeches like his the same coverage that the protesters get. I strongly believe it is the duty of the communications media to publish all sides of a controversy—and then have their readers, listeners, and viewers decide which side is right. But to only show one side of a question is a disservice to freedom itself. So I salute Mr. Domingos, an outstanding patriot.

The speech follows:

Speech Given by M. P. Domingos III, to a Group of Vietnam Veterans From Walter Reed and Valley Forge Army Hospitals on April 30, 1971, at the Greenbrier Restaurant, North Brunswick, N.J.

I find it very disturbing that there are those in America who would seek to "lump together", polarize, prejudge and automatically slot we Vietnam Veterans as being either for or against the war; as being potheads or racists; as being flag-wavers or super-patriots, as assassins or what have you. These attempts are evident to me just by reading the newspaper, observing some of the mass media coverage, or watching some of the so-called "talk" shows displaying the "typical Vietnam Veteran".

We are veterans of a war which I feel at the present time no man can accurately predict what the last entry in the log will be. Only time will tell how this one will be recorded in history. I do not, however, consider myself, nor do I feel that most Vietnam Veterans consider themselves, as being represented by the vocal few who in all encompassing terms purport to represent the many. Just as there are complexities of the war, there are complexities amongst the veterans of that war.

My experience has shown that most of you will do as I have done. You come back, get patched up as best you can, go on home to your families, friends, and loved ones and get on with the business of putting your lives back together. Most of you will do this quietly and unobtrusively with a little hell-raising and party-going thrown in. I might add at this point that you are going to find it increasingly more difficult to get on with this business of putting your lives back together because of economic conditions, high unemployment, and public opinion in general.

I would suggest to you today that before we get on with our lives that perhaps now is the time for a few more voices to be heard. Now is the time because I view the current trend of "lumping together", polarizing, and prejudging, if allowed to continue, to be detrimental to the Vietnam Veteran over the long haul.

I firmly contend that each man must stand for what he believes—and I defend that right—but no matter what those beliefs, the fact remains that he has served. Most of us here today will carry proof of that service with us for the rest of our lives.

I have my own thoughts about my service. I feel that I served with dignity; and as long as there is a breath left in me I will defend my right, your right, and the right of Vietnam Veterans to be Veterans with that same dignity.

So I say to those here today and, in fact, to all the American people—do not group, polarize, or prejudge us. Each of us have our own thoughts and views and if asked will express them; but give us that right and above all let us maintain our dignity.

I have not attempted to speak for any of you men here today—to do so would be wrong. These have been my thoughts and my opinions.

Let me end with a thought which has stayed with me since my days at Walter Reed. I do not remember where I first read or heard it but it is called simply—

A Prayer

O' Lord lest I go my complacent way
Please help me to remember
That somewhere out there a man
Died for me today.

As long as there be war
I must ask and answer
Am I worth dying for?

THREATENED STEEL STRIKE COULD HAVE BEEN PREVENTED

HON. RAY J. MADDEN

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 13, 1971

Mr. MADDEN. Mr. Speaker, negotiations between the United Steelworkers of America and the steel management have been continuing for over a week here in Washington and reports indicate that the steel management makes every effort to play down the number of inexcusable increases in steel prices over the last couple of years. The executive department has made no effort whatsoever to curtail these prices or to take steps to persuade the steel monopoly from feeding the fires of inflation by the several recent steel price increases.

It was only a year ago last December that both Houses of Congress, by a substantial majority, gave President Nixon complete authority to freeze prices and wages but after over 18 months have passed the inflation-curbing legislation remains in the White House files without any affirmative action.

I am including with my remarks a news item which only recently was in the Hammond, Ind., Times informing the public of a 6¼-percent increase in price in the cost of steel. These price raises have indirectly affected the high cost of living for millions throughout the country when they buy homes, automobiles, refrigerators, working utensils, et cetera.

Calumet Steel Plants Join Price Hike

Youngstown, Ohio.—Youngstown Sheet and Tube, and Bethlehem Steel Co. have followed the industry's giant by hiking hot and cold-rolled and galvanized steel prices $8.50 to $13 per ton.

U.S. Steel, the nation's largest producer, announced Wednesday it was increasing its prices 6¼ per cent. Bethlehem is the nation's second largest steel producer.

Inland Steel, the country's sixth largest producer, and Kaiser Steel, the 10th, went along with the hike late Friday, bringing the total to seven companies who have increased prices.

Arnco, Jones and Laughlin, and Republic had made their announcements earlier.

The increases are scheduled to take effect in June and July.

Hot and cold-rolled and galvanized steel are extensively used in cars and home appliances. They account for about one-third of all American steel shipments, about 31 million out of 93 million tons.

President Nixon was reported to have expressed disappointment with the latest price hikes. The White House had applied pressure to get a proposed 12 per cent increase by Bethlehem in the price of construction steels rolled back to 6.8 per cent last January.

Many major industrial users of steel said they had not decided whether prices of their products would be increased.

Youngstown said the new prices will be effective June 16 on carbon and high strength hot-rolled steel bands, increased $8.50 per ton.

Hot-rolled sheets will be boosted $9 per ton; hot-rolled strip will be increased $9 per ton. Galvanized sheets are being raised $13 per ton.

But cold-rolled sheets, Youngstown said, are being increased $12 per ton on July 1.

A national steel industry publication has said that in helping their customers hedge against a steelworkers' strike this summer, U.S. Mills are running at or near record rates.

It is estimated that raw steel output in the week ended May 8 was 2,943 net tons, down slightly from the all-time weekly record of 2,960 million net tons made the preceding week.

A PATRIOTIC ADDRESS BY MARGUERITE E. PERRY

HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 13, 1971

Mr. WALDIE. Mr. Speaker, a very stirring speech was delivered by Mrs. Marguerite E. Perry during her tenure as State Americanization Chairman of the Cabrillo Civic Clubs, Inc., of California entitled "Our Flag; An Eyewitness of History."

I was very moved by Mrs. Perry's patriotic address and tribute to our Nation's flag and I would like her speech included in the Record so that others may also be privileged to know it.

The speech follows:

Our Flag—The Eyewitness of History

I am your Flag. In the year 1777 I became the official Flag of the United States of America. I have witnessed many changes during our history and what a shocking document it is. For the growing up of a nation is as painful as the maturity of youth. Let us picture our "Fore-fathers" and the Pioneers of yester-year who with untold fortitude and sheer determination hewed out an existence, suffering hardships and self denials. The graduate climb to education, for those who dared to teach. The wheels of Progress are turning, the invention of machinery, making life easier and crops plentiful. The locomotive is here, also known as the "Iron Horse", its magnitude of power played an important part in the development of our Nation's History. Not only shortening the distance from city to farm, but around the world. The "Horse and buggy" are now extinct. The automobile has taken its place. Progress is on its way. The destruction of natural resources and the beauty of Nature, replaced by steel and cement. The "Jet Age" is here, bringing us closer to nations abroad, time barrier and distance no problem. The assassination of a President and one that might have been. Our people of today, forgetting their moral standards of decency and respect. There are those that "slither" among us, poisoning the minds of young and old, selling the seed of destruction that reduces the brain, leaving a shell of hollow heads. There are those that denounce their country and those that live a life of laziness, squallidness and destruction of unknown terms. The nations that turn against us, when we are the ones they beg for "help" no matter what the need may be and their retaliation is not in the category of Thankfulness. Why must there be chaos on both sides of the water? When the elements of nature can cause destruction beyond all imagination? Floods, fire, famine, earthquakes, cyclones, sickness and disease which no man has control over? Yet the drums still beat.

We are now in the crisis of all times as a Democratic Government. We are in the progress of electing a new President. Will he be one that will live up to his promises, obligations he owes to his Country and his People? Will he replenish our Treasury? Will he curtail the public debt? Will he keep our money at home? Will he see that foreign countries pay their debt? Will he see that Welfare no longer exists, only to those in dire need, and the beating of the drums be silenced forever? Or is it just another "Changing of the Guards?" One that will be numb with power to "wallow" in the "Blood Money" from the sacrifice of those human lives and the squeezing of man's livelihood in this mad hysteria in Governmental power? Do not think I am condemning this country. It is the land of my Birth. I too have inherited these shocking and unsavory episodes and fought for survival. I have been trampled, burned, torn to shreds, spat upon and cursed. But I am not alone, for besides me flies the flag with the insignia of the Bear, it too has fought for supremacy and on February 3rd in the year 1911 the Pioneers' dream came true, for on that day it became the official flag of the Great State of California. These are the pitfalls, tragedies and bitter sacrifices we must face in the growing up of a Nation. This is America. We are all Americans, whether Native born or by Adoption. This is still the "Greatest Nation" in all the World. We will never relinquish our "Unity," our "Heritage" nor our "Freedom." We shall regain our dignity and respect and excell in the eyes of the World. For I am the "Stars and Stripes," the "Symbol" of which we live by and should be as "Sacred" to you as the "Prayer Book" or the "Rosary" you hold in your hands on Sunday. For this is the "United States of America" the Country to which we all belong. It is my "Fervent Prayer" That the animosities of man and all nations be swept away; that Peace, Freedom and Friendship prevail before the end of time. For I am your FLAG, the Eyewitness of History.

THE DULLES-EISENHOWER RULES

HON. HOWARD W. ROBISON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 13, 1971

Mr. ROBISON of New York. Mr. Speaker, in one of those ironic twists of history which so often impose themselves upon the affairs of men, many politicians and commentators, once scornful, are now looking back at the Eisenhower years with respect and fondness. In retrospect, the firm, but cautious foreign policy directed by President Eisenhower looks very sound indeed—particularly when compared to our Nation's subsequent course of action in Southeast Asia.

In my mind, the present Nixon doctrine is—at least in part—an attempt to reassert the essential validity of the Eisenhower policies. It is an attempt to strike a reasonable balance between attempting to do too much and too little. It is an attempt to maintain a credible presence in the world without assuming a policeman's role.

This is an effort well worth our support; and I hope that Congress encourages the administration to continue its reassessment of our foreign commitments and responsibilities. In this connection, the July 6 editorial of the Christian Science Monitor may prove to be of interest to my colleagues. The editorial emphasizes the cautious realism which ruled our foreign policy under President Eisenhower; and it indicates that we can learn much by recalling those days which, though fraught with danger, avoided despair.

The full text of the editorial follows:

THE DULLES-EISENHOWER RULES

When all the meanings of all the words in the Pentagon papers are added up and put together and analyzed and squeezed down for what is most important we think we have a pretty good idea where it will all come out.

We think it will mean that back in the days of Dwight D. Eisenhower and John Foster Dulles the United States had a pretty sound set of operating principles for American foreign policy which their successors could, to their advantage, have honored more than they did.

Mr. Dulles was great on high-flown rhetoric and thus earned for himself the title of "brinksman." He even invented "brinkmanship" by the claim that he found it necessary to walk up close to the "brink of war." Yet the truth of the matter is that Mr. Dulles's actual operating policies, as distinct from his rhetorical policies, when tempered by Eisenhower caution were conservative and restrained.

In the Dulles speeches which did not make headlines, and in his private conversations and in his actual management of American foreign policy he worked out for President Eisenhower a set of rules under which he would approve or disapprove of an American commitment to friendly factions in countries under real or presumed danger of internal or external aggression.

He was willing to give economic and military aid and even, if necessary, send American troops provided that:

1. The government in the country involved requested aid.

2. The government requesting aid was in effective control of the bulk of the country.

3. The government was backed by a majority of the population, and

4. Government and people were ready, willing, and able to fight effectively in their own defense.

Under this formula all of Western Europe, much of the Mediterranean, most of Latin America, South Korea, Japan, Oceania, and Southeast Asia were kept out of the hands of adventurers and adventurous elements unfriendly to the United States and its allies. Egypt was a loss against the plusses.

Even more important, so long as the Eisenhower-Dulles formula was observed, the United States did not get into any difficulty too big for it to handle. To oversimplify, President Eisenhower believed in intervention—when the odds were on his side. Playing it cautiously paid off. He never got himself dangerously overextended.

Intervention in Vietnam was not measured by the old Eisenhower-Dulles rules. Had they been applied, there never would have been an American commitment there at all.

In the beginning there was never even a request for American troops. President Diem had to be maneuvered into asking for them. It was his fatal misfortune that he did let himself get talked into asking for them.

At no time was the regime in Saigon in substantial control of the bulk of the country. There is no convincing evidence that it has enjoyed the solid support of a majority of the people. And the evidence is still all too painful that government and people have yet to acquire the will and capacity to fight their own battles.

The Eisenhower-Dulles formula would have justified intervention in Korea. It would not have justified the massive intervention in Vietnam which came during the Kennedy-Johnson era. Every rule in their formula was ignored by the commitment to Vietnam.

The chances are that when the Vietnam affair is really over and the books are closed, as they are bound to be one of these days soon, someone will remember it all as an example—of how safer the old formula really was.

TRIBUTE TO DOROTHY ANDREWS KABIS

HON. PIERRE S. (PETE) du PONT

OF DELAWARE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 13, 1971

Mr. DU PONT. Mr. Speaker, on Thursday, July 8, in Odessa, the State of Delaware paid its final tribute to Dorothy Andrews Kabis, Treasurer of the United States, who died July 3, 1971.

I include my remarks upon that occasion in the CONGRESSIONAL RECORD:

REMARKS OF MR. DU PONT

I know that all of us here today feel very deep regret at the death of Dottie Kabis, for we have all known her not only as a great personal friend but as Delaware's leading lady in public life. She participated in public service from Odessa to Washington, with a list of positions and honors that could fill a book. Her activities spanned the St. Paul's Methodist Church, the Central Grange, the National Federation of Republican Women, the Daughters of the American Revolution, and eventually the United States Treasury, which she served as the 33rd Treasurer of the United States.

Such great involvement naturally leaves an enormous vacuum which is as great as her circle of friends and generous commitments—a great vacuum indeed which will be especially felt here in Odessa—in the Church, the Women's Club, and the DAR, to mention a few.

The task of eulogizing such a person who had such broad influence in the community, the State and the Nation becomes most difficult. A few well chosen phrases can hardly convey the essence of her active life, but perhaps in perspective we can reflect on the types of things Dottie stood for.

I think above all she was a patriot. Webster defines a patriot as one who loves her country and zealously supports its authority and interests. Although a term traditionally applied to those men who fight wars for the preservation of Democracy, I think it particularly fitting for Dottie. Her energies were tirelessly devoted to the service of the community whether that community be Odessa, Delaware or the Nation itself. Her tasks were not limited to what most of us think is patriotism. Her brand of patriotism was a commitment of self. She worked with the Grange, with election reform in Odessa, the Republican Party, and finally the Treasury of the United States. She worked zealously in various capacities in the highest spirit of citizen participation. This is not the simple flag waving patriotism, but it is the kind of active patriotism which is the legacy of this nation, and the backbone of democracy.

Her unswerving devotion to service to the community and the Nation came at a time when cynicism and detachment were in vogue, but she responded to the detached doubters with enthusiastic participation. As government became a questionable service in the eyes of the cynics, Dottie increased her involvement in public service, and by the time of her unfortunate death, she served a community that reached from Odessa to Washington.

The State of Delaware, which has long prided itself in its contribution to the Nation now can look on Dottie as among the great representatives of the State. I think that this greatness can be attributed to a patriotic devotion and sense of community that knew only the bounds of time.

To call Dottie a great patriot is hardly enough, but this is the essence of her energy and devotion—she was never one who knew the confines of a precise definition On December 7, 1787 Delaware became the state that started our nation. Dottie Kabis carried on in the patriotic tradition that made Delaware first. By her efforts, she helped keep Delaware first. To have done that is to have done a great deal.

NIXON'S WARNING TO UNITED STATES: NEGATIVISM NO HELP

HON. CHARLES E. CHAMBERLAIN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 13, 1971

Mr. CHAMBERLAIN. Mr. Speaker, on July 3 in a simple, impressive ceremony broadcast nationwide from the National Archives Building, the American Revolution Bicentennial Era was launched. In his remarks President Nixon chose to stress a theme which has in recent years received all too little attention; namely, "What's Right With America." He said:

To look at America with clear eyes today is to see every reason for pride and little for shame, great cause for gratitude and little for regret, strong grounds for hope and none for despair. The crucial challenge now is to hold the high ground of confidence, courage, and faith that is rightly ours and to avoid the quicksand of fear and doubt.

As I fully concur with the President's timely statement I was particularly pleased to note that the Detroit News in its editorial of Thursday, July 8, 1971, "Negativism No Help" has responded to and elaborated upon the President's theme which I commend to the attention of my colleagues:

Nixon's Warning to United States: Negativism No Help

America has been the world's greatest power for such a long time that it's hard for American citizens to imagine being anything less. So when the President warns that our nation, like ancient Greece and Rome, may decay and vanish, most of us regard his rhetoric as somewhat overdrawn.

We look about us. Where are the crumbling pillars he describes?

In the first place, civilizations don't crumble rapidly before the eyes. The decay occurs slowly, almost imperceptibly, until finally one realizes, upon looking back to a former time, how vastly things have changed.

In the second place, President Nixon was speaking in figurative terms. Thus, when a citizen examines the moral fiber of the country, as compared with that of 25 years ago, he realizes something has changed for the worse in the national character.

We've acquired a false, morbid and pervasive sense of guilt. We've carried self-criticism and the practice of national muckraking to pathological extremes. We're getting so we don't like ourself.

The nation has come to this sad state of affairs by many paths. In trying to rear a generation free of hardship, it has reared a generation insatiable in its demands and savage in its disparagement of this country. The news media, in their search for the story of impact, have exaggerated social ills and made the system into a villain. Politicians, instead of rallying the country's moral resources, have played to the gallery.

As a nation, we need to look in the mirror and tell ourself occasionally that we like what we see. President Nixon did just that when he observed:

"We have been in four wars in this century and four times young Americans have gone abroad. We have done so without any idea of conquest or domination. We have lost hundreds of thousands of lives and we have not gotten a thing out of any of it, and we have helped each of our enemies, after each of the wars, get on his feet again."

So, the President is asking, what are we so ashamed of? What other nation has more deserved the position of preeminence held by this one? Why should the problems of the moment obscure the good that we have done and are doing?

The United States, by the way, is not merely engaged in a contest with its own former image. This is a much more competitive world than it was 25 years ago, when the United States was the mightest military power and possessed the only strong economy among the major powers.

Today, Russia rivals our military power. Our economic leadership is challenged by the Soviets, by Red China, by Western Europe and the Common Market and by that Pacific giant, Japan, which has already surpassed the United States in the production of steel.

If America loses its confidence and stumbles, there are now many others who will help it fall and who will eagerly fill the gap of leadership.

So the President was not engaging in melodramatic rhetoric. He was issuing a coldly realistic warning against the persistence of a national attitude that can make the United States a second-rate and dwindling power.

VIETNAMESE OPINION POLL CALLS THIEU A QUISLING

HON. ROBERT L. LEGGETT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 13, 1971

Mr. LEGGETT. Mr. Speaker, in light of our country's massive involvement in the Vietnam war, it is amazing how little we have studied Vietnamese public opinion. Until very recently, I do not think there was a single Vietnamese opinion poll that was publicly available. But now Time magazine has performed a public service by releasing such a poll in its July 12 issue.

It seems that three conclusions can be drawn from this poll:

First. The negative impressions Vietnamese have of the American presence relate to a degrading and undermining of their basic cultures and society. In contrast, their positive impressions center around relatively unimportant—to a Vietnamese—items such as building roads and fighting Communism.

Second. A majority of the Vietnamese people either have no explanation for the American presence, or feel we are there because of unworthy motives.

Third, and most important. A large majority believe that the Thieu Government is American controlled. To appreciate the significance of this finding, we must remember that the greatest—perhaps the only—source of national pride to a Vietnamese is his country's 2,000-year history of fighting off invasions by major powers. Vietnamese folklore and history is permeated with heroic and ultimately successful struggles to rid their country of the Chinese, and more recently the French and the Japanese. The greatest public virtue a Vietnamese can have is a record of nationalism, of independence from all foreign control. The greatest public fault a Vietnamese can have—far greater than corruption, wife-beating, or dope pushing—is to be considered an agent of a foreign power.

This is the fault General Thieu has in spades.

I insert the article containing the poll, from Time magazine of July 12, 1971, in the Record at this point.

[From Time magazine, July 12, 1971]

The United States as Scapegoat

Long before the Viet Nam papers were liberated from the Pentagon's files, Americans had endlessly debated the question of why the U.S. ever got into the war. The official rationale was, and remains, that the South Vietnamese need and want U.S. help to maintain their independence. In fact, the feelings of the Vietnamese people were rarely considered by U.S. policymakers. Recently, a more or less formal poll was taken among the South Vietnamese to find out what, in their view, the U.S. has been up to. The answers, gathered by U.S.-trained poll takers in five areas from Qui Nhon on the central coast to Can Tho in the Mekong Delta, range from balanced to bizarre.

CHOOSING NOT TO WIN

In Saigon, 30% of those questioned said the U.S. was in Viet Nam to stop Communism. But 44% could not—or would not—offer any explanation for the massive U.S. presence. A sizable minority of 17% said the Americans were there primarily to test their new weapons or to make money for munitions manufacturers. Nobody suggested, however, as do some New Leftists in the U.S., that Washington plunged so deeply into the war to exploit the oil that has recently been discovered off the shores of South Viet Nam. A majority said that the U.S. could have won the war but chose not to do so for its own perverse and selfish reasons.

What good has the U.S. done for Viet Nam? Almost three-fourths of those questioned in Can Tho cited the fight against Communism and the roads and bridges that the U.S. has built. But 12% could think of nothing specific, and 14% insisted that the U.S. has done no good at all. When the same group was asked what were the worst things Americans had done, 78% cited the corruption of Vietnamese youth, women, customs and traditions, the use of Vietnamese officials as "henchmen," the undermining of the country's politics and economy, and the disregard of its national sovereignty, dignity, life and property. The remaining 22% had "no opinion." Perhaps the most savage view of the U.S. impact recently appeared in the opposition newspaper *Hoa Binh*, which printed a cartoon showing Lyndon Johnson and Richard Nixon literally raping the country.

A large majority—ranging from 71% in Can Tho to 83% in Nha Trang—thought the U.S. controlled the Saigon government. The general attitude was summarized by another opposition newspaper, *Cong Luan*, in an editorial on the presidential elections scheduled for October: "As to what candidate has the greatest chance for success, all Vietnamese agree with the Vice President [Nguyen Cao Kyl] that the most trustworthy prophet is none other than [U.S. Ambassador] Ellsworth Bunker." Translation: Bunker knows because Bunker decides. A cartoon in Saigon's *Tin Sang* daily summarizes a widespread feeling; it shows Ambassador Bunker, called "the Father of the Country," rocking a cradle labeled "Viet Nam."

Most of those polled felt that U.S. civilians in Viet Nam tended to be honest, courteous and industrious, with the exception of construction workers. Many praised U.S. military men for their hard work and sincerity. But servicemen were also criticized as "drunkards, haughty, licentious men who wore ridiculous clothes and seemed indifferent to accidents for which they were responsible."

JUST DEMONSTRATORS

To explore these attitudes more deeply, Time's Saigon Bureau Chief Jonathan Larsen in recent weeks interviewed a number of well-educated South Vietnamese. The interviews demonstrated beyond a doubt that even the most sophisticated Vietnamese blame the U.S. for a wide range of war-induced problems, from economic crises to political corruption. Items:

A newspaper editor:

"At first, the Vietnamese thought the Americans were very generous, with idealism to fight Communism. But after years of seeing you behave in bars, driving recklessly and insulting our people, we know that we were wrong to put you so high. You put a woman too high, and then you marry her and realize you were deceived. So it is with you and us. You had no time to show your culture, your education, your civilization. You were too busy fighting the war. The French had time. They showed us their music, their schools, their culture. If our people could see you in the States, they would have a far better impression. But here they see G.I.s running over innocent people and fleeing the scene of the accident.

"You thought that you were superior and did not want to ask our advice. You didn't know how to approach the Vietnamese. What you needed was a Dale Carnegie course in how to get along with the Vietnamese. Take the title 'advisers,' which you have given yourselves. To us, an adviser should be someone who is superior in every way, who can give you advice on all subjects, on life, on love. You are really just 'demonstrators.' You show us how to shoot the M-16 and fly the F-5, and we need you for that. But you are not 'advisers.' You thought that by giving us an easy life, a television, a washing machine, a car, that we could fight Communism better. That is not true. You must have discipline, you must make sacrifices to fight Communism. We have become bourgeois, although we were not born to be bourgeois."

An opposition deputy in the lower house: "The people in the country believe that you are here to sell weapons because the U.S. is run by the manufacturers of big weapons. The American policy is to make small countries dependent on the Americans. How can the people believe that the Americans are here, as Mr. Nixon says, so that the people can choose their own fate and their own leaders, when the U.S. Government so openly supports President Thieu?"

A textile manufacturer: "When we were in bad straits in 1965, the Americans came here to rescue the Vietnamese, so the majority of the people thought the Americans came here to defend them. But as the war wore on, they realized, no, the Americans came here to help themselves. The people feel perhaps you do not want to end the war."

A civil engineer: "Americans came like firemen to extinguish the fire, but they haven't done the job, and now they are going home. It's unbelievable. Fine, we will put out the fire ourselves, but you have taken the water, the pump and the ladder with you. Once we knew how to put out these fires with bucket brigades, but now we are used to your technology, and you are taking it away. Many people believe things were better in 1961 than they are today. There were no motorcycles then, few radios. Now the people are making more money and there is more democracy, but the morality of the society is declining sharply. Our spiritualism has given way to materialism."

A college professor: "The Vietnamese can win the victory, but first we must stop the 'graspers.' To stop this corruption, we need the CIO, the FBI and the CID [the Army's Criminal Investigation Division]. Everything in Viet Nam is planned by the Americans, including who sits in the palace. If the Americans don't want Nguyen Van Thieu for President, he will leave—it is as simple as that. If they want to stop the corruption and the grasping, they can do it."

It is distressing but hardly surprising that so many Vietnamese see the Americans as scapegoats for almost everything that is wrong with their country today. Many of the accusations are not only untrue but cruel. The idea that the U.S. would pour $125 billion and 45,000 lives into the country with the idea of "undermining" it is absurd; yet some Vietnamese insist that such is the case. Illogically, many are convinced that the U.S. is supporting Thieu and at the same time trying to weaken the Thieu government.

According to a nationwide poll, 66% of the Vietnamese people are aware of the U.S. troop withdrawal. Of these, 56% approve of the U.S. departure—possibly because they feel spurned—and do not appear to be overly concerned about the consequences. While 21% of this group think the position of the North Vietnamese will be strengthened, 38% foresee only a short-term problem that the South Vietnamese can handle. A scant 15%, however, believe that ARVN is strong enough to maintain control without any hitches.

TROUBLE WITH STOP IS START

HON. TOM STEED

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 13, 1971

Mr. STEED. Mr. Speaker, the article that follows, written by Mr. Dave Wilson of Shawnee, Okla., appeared in the Sunday Escort supplement of the Shawnee News-Star, June 27, 1971.

It brings an approach worth reading, calling for commonsense and optimism in international relations.

I include the article:

TROUBLE WITH STOP IS START

(By Dave Wilson)

Sickened at seeing and hearing big shots strumming away on the hackneyed 'STOP' theme, why shouldn't a cowhand blow his top? Teddy Roosevelt blew his in a constructive way and remember, Teddy sat the same stock-saddle and rode the same range for many, many years as did this cowhand. The truth of the matter is that the human who sits the saddle doesn't necessarily have an idle mind. In fact the lonesome range is a good place to paint pictures in the mind, talking to one's self. Nor do such pictures need be day dreams nor idle fancy. Remember Buddha sat in the shade of a tree—Christ and Moses went to the top of a mountain in order to communicate with themselves!

When Teddy Roosevelt sat in a different saddle in a White House he didn't START hammering on STOP. He STARTED, period! Started new and constructive movements, that is. Isn't this the only way progress has even been made Never in all history have STOP campaigns accomplished anything!

So, in good conscience, I'm STARTing blowing-off against the STOPpers! There is entirely too much anti-this and anti-that and not enough for-this and for-that. ANTI is a backing-away-from a problem—FOR is facing it head-on and tying into it, seeking the solution.

In the June issue of Look we are confronted with two dazzling articles by illustrious members of our plush-bottom-Congress-sitters, blowing off steam in a Dump Nixon Campaign and a general revamping of both political parties: End the war—get-the-boys-home—pull in our horns—get-busy-with-our-own-knitting is the general theme.

Fine, super-fine! But completely overlooked is the fact that we still face Communism, home or abroad! The war in question is not a Southeast-Asian-War! Its undertones are the conflicting idiologies of Communism and Capitalism or Free Enterprise. Until these opposing forces are reconciled there can be no peace at home or abroad—there can be no Peace on Earth!

Instead of STOP-this and STOP-that why don't someone on one side or the other START something NEW and constructive? Isn't it time to take stock of the situation and admit that we are in an empasse—a world stalemate? Communism can't win—Capitalism can't win: The destruction of either means the destruction of both, in fact it means the destruction of Life on earth! What is the alternative? Does it take a golden-voiced Senator, a Quiz Kid, a Genius or a Superman to see that there MUST be compromise—a blending?

Nor does it take a bushel of brains on either side to realize that neither system has attained ultimate perfection; both are in the process of painfully trying to evolve toward a higher plane. Then why for the sake of Communism/Capitalism, the sake of Life on earth and for God's sake why, why, why not pull down the bars of nationalism, put our eggs into the same basket and all START pulling together in a common effort to protect those precious eggs instead of throwing lead at them! The eggs are Earth and Life itself. The species of animal called MAN is the only being on earth that can protect those eggs. Nations are but communities of men.

Is this idea fantastic? Not if we examine it with the sense of a horse instead of Greek Ego reddened eyes and selfish motives.

Sure it is stupendous but isn't it better to attempt something big rather than steep in the stupid stupor where we now find ourselves bubbling in the caldron of despair?

Sure it calls for big thinking—bold action! A revamping of not only all political structures but of the economic, religious and social structures as well. But after all, what is Life on earth and human purpose unless it is to work toward a higher and better plane of existence? Isn't that what every ideology is striving for? Then why not strive together and act like the image we are supposed to be!

Let it be admitted at the outset that the gold/silver/material wealth incentive of Greed/Ego must be supplanted with an incentive of service. Rubles, dollars, franks, pounds, marks, etc., must be supplanted by Certificates representing Man-Hour Energy. Material things are not intrinsic wealth. LIFE is the only real wealth on this earth. Man has the ability to START Life on a new road that leads upward toward the goal all nations aspire to. Has he the will to sensibly use his talents instead of slumping into the tragic state of irresponsibility of the present trend?

As the song so aptly puts it let's, "Take a look at ourselves and maybe we will look at others differently." May I list a few of the antis? For instance, we are familiar with Anti: Nixon, War, Republican, Democrat, Establishment, Law-and-Order, Communism, Christian, Jew—on and on and on, the list is endless. We have reached the point where it is entirely feasible to ante an anti without seeking Auntie's advice, or Uncle's either for that matter!

The pitiful part of it all is the fact that every Anti believes that by forcefully crushing what he don't like will solve the problem. It isn't that simple—"One convinced against his will is of the same opinion still!" There is NO solution except that of Negotiation/Compromise. Horsesense says that it must be done, not MY way but OUR way!

There is but one group of beings called Human, there is but one Life, one World. We have the feeble embryonic neucleus of an organization called the United Nations. Why not START with this neucleus by beginning NOW to lay brick by brick toward a One World concept of government in which political expediency will be nonexistent—where selfishness/greed/ego will be unknown?

Just because the chips are down is no sign that this is man's darkest hour. It can well be his brightest!

May future ages, thumbing the pages of history say, "Here is where we derive all of our inspiration—where man STARTED building a better way of of Life, a better world. From the foresight of man, gripped in the throes of his supreme trial, came the inspiration to build toward that perfection that can only be imagined but never attained! There will always be something to live for!"

NATIONAL ENERGY POLICY—PART V

HON. R. LAWRENCE COUGHLIN

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 13, 1971

Mr. COUGHLIN. Mr. Speaker, on July 1 I inserted into the Record a bibliography of some of the latest publications concerned all or in part with the creation of a national energy policy. I did so with the thought in mind that such a list would encourage those in the executive and legislative branches of Government to establish a national energy policy without delay. That list clearly indicates the need for action, not more delay in the form of another report. We have the information to begin, so let us begin.

I find I have just been sent by the Tennessee Valley Authority a list of recent publications concerned with a national energy policy, and I would like to include it as well in the Record as part of the growing bibliography of material on the subject.

The list of TVA publications follows:

STUDIES AND REPORTS SPONSORED BY TENNESSEE VALLEY AUTHORITY OF RELEVANCE TO A NATIONAL ENERGY POLICY

1. "Environmental Statement—Watts Bar Nuclear Plant, Units 1 and 2", (May 1971)

2. "Environmental Statement—Policies Relating to Sources of Coal Used by Tennessee Valley Auhority for Electric Power Generation", (March 1971)

3. "Effects of Heated Discharges: The TVA Experience", (September 1969)

4. "Environmental Protection—TVA Experience", (December 1970)

5. "Full-Scale Study of Plume Rise at Large Coal-Fired Electric Generating Stations", (July 1968)

6. "Adherence of Sulfur Dioxide Concentrations in the Vicinity of a Steam Plant to Plume Dispersion Models), (August 1967)

7. "Plume Rise Estimates for Electric Generating Stations", (March 1970)

8. "Environmental Quality Protection—Large Steam-Electric Power Stations", (August 1970)

9. "TVA Air Quality Management Program", (August 1969)

10. "Air Pollution: The Control of SO_2 from Power Stacks", (1967)

11. "Experience with Electrostatic Fly-Ash Collection Equipment Serving Steam-Electric Generating Plants", (November 1967)

12. "Sulfur Oxide Removal from Power Plant Stack Gas—Sorption by Limestone or Lime-Dry Process Conceptual Design and Cost Study", (1968)

13. "Full Scale Study of Dispersion of Stack Gases—A Summary Report", (August 1964)

14. "Sulfur Oxide Removal from Power Plant Stack Gas—Use of Limestone in Wet-Scrubbing Process (Conceptual Design and Cost Study Series—Study No. 2)", (1969)

15. "Sulfur Oxide Removal from Power Plant Stack Gas—Ammonia Scrubbing—Production of Ammonium Sulfate and Use as an Intermediate in Phosphate Fertilizer Manufacture (Conceptual Design and Cost Study Series—Study No. 3)", (1970)

16. "Sulfur Oxide Removal from Power Plant Stack Gas—Investigation of the Reactivities of Limestone to Remove Sulfur Dioxide from Flue Gas", (1971)

17. "Full Scale Study of Plume Rise at Large Electric Generating Stations", (September 1968)

18. "Report on Full-Scale Study of Inversion Breakup at Large Power Plants", (March 1970)

19. "Comparison of Coal-Fired and Nuclear Power Plants for the TVA System", (June 1966)

INDIANS AND ALCATRAZ

HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 13, 1971

Mr. WALDIE. Mr. Speaker, an editorial concerning the Government's policy toward Alcatraz Island appeared recently in the Lafayette Sun, published in my district, and I believe it is important that it be brought to the attention of this body.

It is a valuable point of view because of the knowledge the proximity of Alcatraz Island affords that newspaper.

I share the views of the editors. It is cynical that in an attempt to justify its treatment of the Indians on that island, the Government has proposed a plan, which it hoped would capture the imagination of the people in their current concern over "environmental protection" but which is in reality unfeasible and unrealistic.

The article follows:

"WILDERNESS" CANNOT BE MADE TO ORDER

Now that the Indians are off Alcatraz the United States government has plans to convert "The Rock" into a national wilderness area.

The Indians of course trekked to the hills north of Orinda in Tilden Regional Park and encamped to the dismay of the federal bureaucracy which ousted them Thursday.

With some apparent effort to make eviction of the few Indians remaining on Alcatraz more palatable to Indian sympathizers, Washington officials announced "plans" to convert Alcatraz into a "National Wilderness Area" so all could enjoy the island in San Francisco Bay.

It was strange that the Washington officials offered no specific proposals for Alcatraz after it was abandoned as a prison and during the 19 months tne Indians occupied it. While the Indians capitalized on our national guilt complex about Indian affairs, the U.S. government offered little. Presumably, the officials hoped the situation would just go away. But it (and the Indians) didn't, so we now have this public relations type proposal.

On the proviso that the government officials really meant it when they announced plans for conversion of Alcatraz to a wilderness area is. And wonder even more whether they realize what it would cost—or even care.

To carry out this idea, every brick and block of concrete, every strip of paving would have to be removed and every vestige of human occupation would have to be eliminated. This might cost a few score million dollars at standard government operating procedure.

Then they'd have an island with nothing there but the rubble that contractors left behind.

Presumably the next step would be importations of hundreds of bargeloads of sub-soil and then top-soil and the government could drop a few dozen more millions on that.

The "wilderness" would be rather barren at that point—so the next stage would be purchasing of thousands of trees to plant in the expensive soil.

Then the trees would be planted and Alcatraz might after some generations qualify as a "wilderness area."

Of course, early pictures of pre-prison Alcatraz show the island to be a dome of wild grass. It's impossible to imagine the government would be satisfied to restore it to that condition—or that any one would care to see it if it were.

Virtually any conservationist would confirm that a wilderness area is created to protect a wilderness that already exists—not to create one where it does not exist.

The idea of instant wilderness is more like instant Orwell. It is gross and cynical in concept. Even worse, it demonstrates again a federal proclivity for coming up with instant solutions that accomplish little other than further reduction of citizens' respect for bureaucratic ability to conduct this country's affairs.

FREEDOM OF SPEECH AND PRESS

HON. PAUL N. McCLOSKEY, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 13, 1971

Mr. McCLOSKEY. Mr. Speaker, last week, the House voted against seeking the truth about Laos from the Pentagon.

Today, we are asked to hold a news broadcaster in contempt for refusal to produce unused film gathered in making a 1-hour documentary about the Pentagon.

It is almost inconceivable to me that the House should require more of a private citizen than we would require from the Government.

The Constitution guarantees freedom of speech and press.

To force the production of writings or films compiled in preparing a final work-product, written or filmed, cannot help but inhibit free speech and press. It is particularly important, in these days of an ever-more-dominant Government, an ever-more-secretive Government, that the press and news media be free to criticize and comment without fear. The whole purpose of the free press language of the Constitution was to permit free criticism and comment about the Government. It was the Government whose powers the framers of the Constitution wished to limit, not those who speak adversely to the Government.

We are charged by the Constitution to "provide for the common defense, declare war, and fund the standing army."

Yet, we are not told—and we do not dare to ask—about secret combat operations in a country with which we are not at war, an operation which has cost billions of dollars and thousands of casualties, most of them civilian. Yet for a broadcaster who puts the Pentagon in an embarrassing light, we insist on the production of his unused film.

It appears to me, Mr. Speaker, we demean the House of Representatives by this sort of comparative vigilance.

JOBS, THE REAL CRISIS

HON. FRANK THOMPSON, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 13, 1971

Mr. THOMPSON of New Jersey. Mr. Speaker, Mr. Keith Bose recently wrote an article that appeared in the Washington Post of June 6 outlining the plight in which many highly trained professional workers find themselves. Mr. Bose, author of the book "Aviation Electronics" was dismissed from his job as a technical writer a year ago. At age 49 he has been unemployed for 8 of the past 12 months.

In his fruitless quest for work, Mr. Bose gradually reached the conclusion that jobs for which he, and thousands like him, are qualified simply do not exist. In a letter to the Washington Post, Mr. Frank V. Cantwell advances a partial explanation of the reasons why our economic system is experiencing difficulty creating jobs for Mr. Bose and others like him. I commend Mr. Cantwell's explanation to the House:

[From the Washington Post, June 30, 1971]

"JOBS, THE REAL CRISIS"

As one who has spent the greater part of his life in the study of employment and the labor force, I was both interested and touched by the article entitled "Jobs, the Real Crisis" written by Keith W. Bose which appeared in Outlook for Sunday, June 6. In a work-oriented economy such as ours the temporary loss of a job is a tragedy; the disappearance of an entire line of work for which one is trained can mean the end of a work-life. It is the cold realization of the latter that chills Mr. Bose and many like him who have spent their working lives in the production of military goods and now view a future holding a steady downward decline in demand for their services. I must agree with his conclusion that "we have contrived a socio-economic system which denies the vast bulk of society the right to perform economically useful services" although I believe "vast bulk" is going much too far.

The simple fact is that the production of military goods is not an economically productive activity. The $2 million tank is not productive; the $2 million machine tool is. The tank produces no goods or services leading to the accumulation of capital. The machine tool can perform an almost endless variety of tasks in shaping tools to produce serviceable goods; it is a machine that can reproduce itself to supply still more goods-producing machine tools.

Contrast the labor spent upon fifty tons of metal to convert it into a tank with labor employed upon a similar amount of metal skillfully forged, treated, and machined into generators, turbines, planes, drills, or grinding machines, each with a value greatly enhanced over the original value of the raw metal, and each, in turn, ready to perform additional work that will add value to raw or semi-finished materials, and in the process provide well-paid jobs. For over a quarter of a century we have spent a great deal of our manpower and materials turning out goods which have no essential value in capital formation, and which cannot translate themselves into tools for the further production of valuable goods.

In The Wealth of Nations, in a chapter entitled "Of the Accumulation of Capital, or of Productive and Unproductive Labor," Adam Smith had this to say of a British experience two centuries ago that parallels our own: "In the course of the four French Wars (1688, 1702, 1742, and 1756) the nation has contracted more than a hundred and forty five millions of debt, over and above all the other extraordinary annual expense which they occasioned, so that the whole cannot be computed at less than two hundred millions. So great a share of the annual produce of the land and labour of the country has, since the revolution, been employed upon different occasions, in maintaining an extraordinary number of unproductive hands. But had not those wars given this particular direction to so large a capital, the greater part of it would naturally have been employed in maintaining productive hands, whose labor would have replaced, with a profit, the whole value of their consumption. The value of the annual produce of the land and labour of the country would have been considerably increased by it every year, and every year's increase would have augmented still more that of the following year. More houses would have been built, more lands would have been improved, and those which had been improved before would have been better cultivated, more manufactures would have been established, and those which had been established before would have been more extended; and to what height the real wealth and revenue of the country might, by this time, have been raised, it is not perhaps very easy even to imagine."

FRANK V. CANTWELL.

POSTSCRIPT TO THE SST

HON. DAVID R. OBEY

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 13, 1971

Mr. OBEY. Mr. Speaker, while we have been told that the Concorde caused minimal sonic boom damage while operating along its 800-mile flight test corridor down the west coast of Scotland, England and Wales, it apparently was not minimal enough to satisfy insurance underwriters.

A resident of Warwickshire has informed the Times of London that renewal forms for his auto and house insurance policies now exclude loss or damage due to "pressure waves caused by sonic or supersonic aircraft," and that he does not like the prospect on top of his tax burden for a supersonic transport "I shall never use and probably never even see."

I include his letter, which appeared in the Times of July 5:

SONIC BOOM INSURANCE

(From Mr. James Anderson)

Sir, In recent weeks I have received a renewal form for my car insurance and another for my house. Both of these had added endorsements to the effect that they would no longer cover loss or damage due to "pressure waves caused by sonic or supersonic aircraft".

This obviously arises from the existence of supersonic planes. In the course of a long correspondence with the various ministries responsible for the Concorde, under a succession of Governments, I was never able to get a clear statement about compensation in the event of such damage; suggestions for a scheme like the wartime bomb damage one were consistently ignored.

Since, by the time the Concorde flies in service, I shall have, in common with most taxpayers, have contributed at least £30 towards a plane I shall never use and probably never even see, it seems rather hard that I may have to pay, myself, for any further damage it may do to my few remaining assets.

What is a poor man to do?

LEWISTOWN CENTENNIAL CELEBRATION DRAWS PEOPLE OF VARIED INTERESTS

HON. WILLIAM L. HUNGATE

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 13, 1971

Mr. HUNGATE. Mr. Speaker, Lewistown, Mo., has just completed the celebration of its centennial. It was a festive occasion marked by parades, contests, and a general expression of pride in this accomplishment. The following is an account of this occasion carried by the La Belle Star:

LEWISTOWN CENTENNIAL CELEBRATION DRAWS PEOPLE OF VARIED INTERESTS

The roar of the Air Force jets, the backfire of antique autos and the clip-clop of horses hooves on pavement, all combined to make the Lewistown Centennial parade one of the outstanding features of the 3-day centennial celebration, last weekend.

An estimated crowd of 3,000 to 4,000 persons lined the parade route to view the hour long historic event which was held Saturday morning. There were 71 units in the parade which included 200 horses, according to parade chairman, Bill Porter.

RESULTS OF FRIDAY CONTESTS

Activities marking the town's 100th birthday began Friday morning with a watermelon eating contest. Mr. and Mrs. Elmer Williams acted as judges for the event.

At the sound of Lloyd Glaves' bugle, the kids were off . . . faces were buried in the melon with seeds rolling out both sides of their mouths. Dorothy Anderson of La Belle, daughter of Charles Anderson, was the first to consume her melon and walked off with the $5 prize. Jim Smith and Pat Trimble came in second and third, and all three winners were interviewed by Kirk McCallister for KGRC radio. McCallister acted as master of ceremonies.

The second event of the morning was the pie eating contest (Incidentally the kids thought it was very bad planning on the part of the committee to have the pie and melon eating contests so close together.) Bob Minor was judge and again Mr. Glaves sounded the bugle and the kids were immediately face deep in chocolate cream pie. Carley Geisendorfer of Lewistown came in first. Jim Kerr of Keosauqua, Iowa, was second, and Kirk Van Meter of Farmington, Iowa, placed third.

In the baking contest, Mrs. Pauletta Nichols walked away with the engraved wall plaques for both her angel food cake and white bread. Mrs. Velma Porter won first for her cherry pie. Ann Kempe was chairman of the event with Mrs. Christina Jones of Moberly acting as the contest judge.

Kirk McCallister rounded up the youngsters for the three legged sack race and Jackie Steinbeck and Eston Ellison of Lewistown won the blue ribbon.

The winning team in the horseshoe pitching contest was Randy Pardon and Gary Sharpe. Both received engraved trophies.

One of the more exciting contests was the greased pig event. Two pens, two pigs—one small and one large, two lines of boys—one small boys and one large—and Kirk McCallister acting as referee and emcee, made for an interesting contest. Benny and Skip Lay were in charge of the contest, with Farrell Van Meter assisting them. The prizes were to have been the pigs, but exhausted pigs are not too desirable, so Lyle Shutts, who donated the pigs, awarded each of the winners $10. The winners were Dennis Van Meter and Jeff Whan, both of Lewistown.

John Sharpe and a crew from REA set the pole for the greased pole contest. Earl Walker was judge and Earl Kempe was pole greaser. The pole was so well greased that no boy was able to hardly get off the ground. At this point Mr. McCallister, the emcee, took things in hand and hoisted Steve McKenzie up the pole, and declared him the winner—claiming that the rules said nothing about manpower as a device. Steve was awarded the $5 and the blue ribbon.

Mel Elza acted as master of ceremonies for the frog jump contest. Bill Zuspann's frog, Champ, won top honors, and Bill collected a total cash prize of $16, $11 from Radio Station KGRC, contest sponsor, and $5 from the Centennial committee. Second place, a tackle box and $4 went to Shirley Daggs, also of Lewistown. Third place was won by a frog called Blue Lips, entered by Jim Zuspann. Jim collected $3 and a badminton set. Michelle Merrell of Quincy had the 4th place winner and received a hotdog warmer and $2.

The frog jumping contest had several out-of-state entries, a few even flown in from California, according to reports. There were many enthusiastic contestants, who stamped their feet and yelled at their entries to encourage them to jump their best.

The last contest Friday was the raw egg toss. The line of contestants was long as the pardners played pitch and catch with their eggs. Jane Bowden was judge and proclaimed Harold Schnitzer and his daughter Sonja the winners. The Schnitzers are Lewistown residents. Each was awarded an engraved china egg.

Friday activities also featured an ice cream social at 5 p.m., in the park, and a softball game between the Ozark Nationals team of La Grange and Milt's Buds of Hannibal at 7:30. Prior to the ice cream social, Barbara Bledsoe, Miss Lewis County 1971, and Senator Norman Merrell presided at the cutting of the Lewistown Centennial Birthday cake.

TWELVE PARADE WINNERS

There were 12 categories of winners in the parade. Winners of each division received $10 and a ribbon. Category winners were:

1. Youth floats, Youth Group of Lewistown. Six entries.
2. Business floats, Lewis County REA. Ten entries.
3. Church floats, Lewistown Baptist Church.
4. Club floats, We Moderns Club.
5. Town floats, City of LaGrange.
6. Saddle clubs, LaBelle Rodeo Rough Riders Club.
7. Bands, Palmyra Junior High School Band.
8. Drill teams, Columbian Drill Team, Quincy, Ill.
9. Motorized ensembles, NEMO Shrine Club Tin Lizzies.
10. Horse drawn vehicles, Wilmothville Wagonmasters.
11. Special category, Tom Grim Float.

Judges Mrs. Albert Haehne, Mrs. Virginia Bross and Mrs. May Courtright of Palmyra selected Mrs. Lewis Fleak of Edina as winner of the oldest dress contest, and Mrs. Mildred Bailey of Lewistown was winner of the best reproduced costume of the period, 100 years ago. Mrs. Dorothy Handy of Lewistown presented the ladies with engraved lovingcups.

A feature Saturday afternoon was the third annual Lewistown NTPA sanctioned tractor pull, in which $1300 was awarded to contest winners in six classes. A fish fry and street dance were evening attractions.

SUNDAY ART SHOW

The Centennial Art Show was held in the Lewistown school Sunday afternoon with Mrs. Virginia Terpening in charge, and also judge of the entries. Mrs. Lyle Shutts assisted Mrs. Terpening in receiving and displaying the entries. Unable to be present Sunday afternoon was Mrs. Donna Smith, whose plan it was that the centennial should have an art contest.

A large crowd was on hand to view the 112 entries of all mediums of art.

Nancy M. Jones of LaPlata won the first blue ribbon and $25 in the student class for her painting of oil and tempa. Size of the painting was 28x34 inches.

Mrs. Nancy Leeser Ellison of LaGrange won the first blue ribbon and $25 in the adult class for her acrylic painting entitled "Faces."

In the student class white honorable mention ribbons were awarded to Kathy Drawe of LaGrange for her mixed medium of glass; Debbie Scoggin of Steffenville for her acrylic painting, and Lonna Wiseman of Ewing for her acrylic painting. Two white honorable mention ribbons were awarded to Mrs. A. G. Rimer of Edina for her pastel painting, and Mrs. Margaret O'Neal of Plymouth, Ill., for her pastel painting entitled "Oregon Seascape." Sister Mary Allene Wiskirchen of Mountain Home, Idaho, had an unusual entry, a silver, hand hammered, chalice that won an honorable mention ribbon.

Mrs. C. W. Martin of Canton had a selection of her paintings on exhibit. Among the paintings, Charles Rendlen of Hannibal had on display was one of his favorites entitled the "Wheel Wrights." Mrs. Terpening displayed several of her paintings including the "Ten Commandments" (to express by hands) and "Ballgame" (symbols, actions, sounds) which has been on national exhibit.

Mrs. Margaret O'Neal of Plymouth, Ill., had a display and offered for sale her barn-shingle paintings. She was at work during the contest and show, painting at the request of her customers.

The rain Sunday dampened enthusiasm for the celebration somewhat, but the pony pull scheduled for 2 p.m., went on almost on schedule—in the rain. Centennial church services were at 11 a.m.

There were numerous other exhibits of antiques and period articles used by rural and town folk 100 years ago. And local farm implement dealers took advantage of the occasion to display the latest in 20th century farm implements.

REMARKS BY CONGRESSMAN HUNGATE

Lewistown was laid out July 1, 1871—a hundred years ago—by a devoted gathering of city fathers, including Caleb M. Pomeroy, David Rodifer, W. C. Zimmerman, J. P. Mitchell, and Thomas W. Ammerman. The plat was surveyed by Charles Peter and the first buildings erected by William Fible, who constructed both a general store and a family residence, soon afterward, a blacksmith shop, a boarding house, and two groceries came into being in 1872, a union church was built by the Baptists, Christians and Southern Methodists. A daily hack line was established between the railroad station and Monticello, the county seat. By the turn of the century, the town had the services of a second church, a public grade school and a private school, two banks, a creamery, a flour mill, opera house, two hotels, a newspaper, and about twenty other business places. The population at that time was about 500.

Proximity to St. Louis and Quincy and Springfield, Illinois, rendered Lewistown a prosperous farm area for many years, until the cause of agriculture fell upon hard times. Economic reforms of the 1930's were beneficial to many farmers hereabouts, and serious attempts were made to induce the appearance of manufacturing concerns. Failure to transform the village into the "Pittsburgh of the west" did not, however, discourage the local population, and while many communities of similar size were folding up, Lewistown was holding fast.

Significantly, the current population figure reveals an increase of 35.5 percent over that of 1960. (From 454 to 615.) The town prevails, and so do its traditions.

It is always a pleasure to return from the turmoil of Washington to the peaceful surroundings of rural Missouri, where the spirit of the people is truly reflective of Missouri itself.

There is a quality and convenience of living to be found in our small communities that woud astonish those who have spent all their lives in large cities.

I think we need to make a far greater effort than we have ever made before to instill in our young people a love of the outdoors and a sense of responsibility for the preservation of our God-given natural resources. As Missouri becomes more urbanized, it is essential that we should see that our young people do not go through their formative years without becoming familiar with our lakes and rivers and woodlands and our magnificent farms. It is your responsibility and mine to see that our kids don't grow up without knowing a mallard from a bluejay, a jackrabbit from a gopher or a hawk from a handsaw.

I take great pleasure in extending congratulations on the occasion of the 100th anniversary of the founding of Lewistown.

HOUSE RESOLUTION 319

HON. ANDREW JACOBS, JR.

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 13, 1971

Mr. JACOBS. Mr. Speaker, the following is the language of House Resolution 319, which I introduced on March 17, 1971. I was hoping it might catch the attention of the administration:

H. RES. 319

Whereas the President of the United States on March 4, 1971, stated that his policy is that: "as long as there are American POW's in North Vietnam we will have to maintain a residual force in South Vietnam. That is the least we can negotiate for."

Whereas Madam Nguyen Thi Binh, chief delegate of the Provisional Revolutionary Government of the Republic of South Vietnam stated on September 17, 1970, that the policy of her government is "In case the United States Government declares it will withdraw from South Vietnam all its troops and those of the other foreign countries in the United States camp, and the parties will engage at once in discussion on:

"The question of ensuring safety for the total withdrawal from South Vietnam of United States troops and those of the other foreign countries in the United States camp.

"The question of releasing captured military men."

Resolved, That the United States shall forthwith propose at the Paris peace talks that in return for the return of all American prisoners held in Indochina, the United States shall withdraw all its Armed Forces from Vietnam within sixty days following the signing of the agreement: Provided, That the agreement shall contain guarantee by the Democratic Republic of Vietnam and the National Liberation Front of safe conduct out of Vietnam for all American prisoners and all American Armed Forces simultaneously.

COLLEGE TOWNS FACE 18-YEAR-OLD VOTE

HON. ROBERT H. MICHEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 13, 1971

Mr. MICHEL. Mr. Speaker, earlier this year when we debated in the House the merits of the 18-year-old vote I raised some very serious questions about what this would mean for small college towns across the country with large student populations.

Well, these towns are now face to face with this problem, and court action to determine where students will be allowed to register and vote has been initiated in a number of States.

Many small college town residents are worried—and rightfully so—about the future of their communities, and about the possibility that their local government might be voted, by college students, into the hands of transients who pay little or no taxes and have no long-term interest in the area.

Mr. Speaker, this is not primarily a local problem—it is a national one which we have created, and I believe we are going to have to start thinking about our responsibility for finding a solution to it.

I am sure my colleagues will be interested in reading the following article from yesterday's New York Times outlining the dilemma these college communities are in. The Times refers to it as the "College Town Puzzle: 18-Year-Old Vote."

[From the New York Times, July 12, 1971]

COLLEGE TOWN PUZZLE: 18-YEAR-OLD VOTE

(By Wayne King)

Ratification of the constitutional amendment granting the vote in all elections to 18-year-olds has fueled a complex and perhaps even more controversial issue in college towns across the country: Where will the newly enfranchised students be allowed to register and vote?

At stake are more than two million votes—the estimated number that would be cast by newly enfranchised college students now living and attending school outside their hometowns. Still others over 21 and in college would also be affected by any changes in the present system.

The question of where these students will be allowed to register and vote has generated court tests in at least 11 states and proposals for new, unified registration projects by several United States Senators. The issue, like the 18-year-old vote itself, is expected by some to reach the Supreme Court and perhaps also to require new state-level legislation for resolution.

11.3 MILLION NEW VOTERS

The issue, which has been simmering in college and university areas for decades, has taken on far greater dimension because of the 11.3 million potential new voters between 18 and 21 created by the 26th Amendment recently ratified by the states.

The clash now is essentially at the local level, in the hands of voting officials who are being asked to rule on a growing number of requests from students who want to register where they go to school.

Those who argue that students should be allowed to register in their college area maintain that failure to do so would effectively disfranchise the new voters since they would have to either travel some distance to register and vote at their parents' homes—considered their place of residence by most registrars—or rely on absentee ballots, a process that is made difficult for students under some state laws and that produces notoriously few votes elsewhere.

Opponents say that students outnumber townspeople in many areas and that to allow them to vote in college towns would effectively turn local government over to voters who pay little or no taxes and, since they are essentially transients, have no long-term interest in the area.

Surrounding these central issues are a number of others, among them the fears of office holders in college towns that they will be turned out of office by a tide of new liberal voters and the complaint of students that although they bring revenues into an area through the dollars they spend, they have no say in fiscal matters or in selecting the government under which they must live.

At present, largely because of past laws and practices, students for the most part are not being allowed to register where they attend school, except in cases in which they declare firm intention to remain there or can provide evidence of permanent residence, such as paying local taxes or holding a driver's license with a local address.

Resistance to change is strong. In New York Governor Rockefeller last week quietly signed a bill that would make it impossible for all but a few students—those who could prove permanent residence—to register where they go to school. The bill strengthened guidelines established by previous practice, in effect tightening student registration.

Among the arguments used to pass the bill, sponsored by upstate Republicans, was that in at least two towns, New Paltz and Alfred, college students outnumbered residents and could effectively take over town government if allowed to vote there.

In New Haven, the American Civil Liberties Union and the Yale Legal Service Agency are planning a suit in Federal Court to challenge the state residency requirements as applied to students. With Yale, South Connecticut State College and the University of New Haven all in New Haven, the campaign for student voting rights could have considerable impact.

The suit will challenge the constitutionality of the state's six-month residency requirement and local election officials' interpretation of what constitutes residency, now taken to exclude almost all students.

At Princeton, N.J., election officials have refused to register university students on the ground that they are transients, and several students and a lawyer, Joel Sterns, are preparing a state test of the interpretation. Mr. Sterns, who hopes to present his case to the Appellate Division of the Superior Court in New Jersey in early September, admits he is facing "an uphill battle against 50 years of state legal precedent."

In Massachusetts, students could control at least seven communities if allowed to vote where they attend school. Older citizens in Amherst are especially concerned since students at the University of Massachusetts could outvote permanent residents by nearly two to one.

Students represent between 25 and 50 per cent of the potential voters in Bridgewater, Cambridge, North Dartmouth, North Easton, Norton and Williamstown.

In 17 localities, students make up more than 10 per cent of the total of potential voters.

Massachusetts state law has no specific provision dealing with student voters and the Attorney General, Robert Quinn, has been asked to rule on residency requirements for students.

Meanwhile, the Brookline town clerk, Thomas Larkin, who is chairman of the legislative committee of the Massachusetts Town Clerk Association, said problems of residency were "cropping up everywhere in the commonwealth," particularly in Brookline, Cambridge and Boston.

For some people, the prospect of a concentrated student vote is ominous. In Illinois, State Representative Charles Clabaugh, Republican from Urbana, tried unsuccessfully to get passed a bill specifying that any university-owned housing could not be considered a domicile for voting purposes. Mr. Clabaugh's district encompasses Champaign-Urbana, home of the University of Illinois.

"I tremble to think what will happen in Champaign," he said, noting that about 16,000 votes are normally cast there, the same as the number of students who live in the city. The same situation exists in Urbana, he said.

"There isn't any question that votes of most persons 18 to 20 years old will be Democratic," he said. "The students are for give-away government, and they have no interest in cost. They haven't got down to electing one of their own yet in Illinois, but they invariably follow someone they think is anti-community."

Such fears of an avalanche of new young voters may well prove unfounded. In the Chicago election district, for example, which embraces the city and four suburbs, only about 18,000 of an estimated 250,000 possible new voters 18 through 20 have registered so far, although many more are expected before the March, 1972, primary.

In Gainesville, Fla., home of the University of Florida, the City Council approved an ordinance declaring that only students whose parents resided in Alachua County, in which Gainesville is situated, could vote in city elections.

Previously students over 21 at the university were allowed to vote in local elections even though they had no intention of making their permanent residence in the county.

Even so, a mobile registration unit, brought to the university in April at the urging of student leaders who forecast 10,000 to 15,000 new registrations, signed up only 1,400.

Student registration at Gainesville has stopped, pending "clarification" of the council action by city, county and state legal authorities.

In California, which will have the greatest number of potential new, young voters in 1972, more than 2.5 million, the newly elected Attorney General, Evelle J. Younger, a Republican, has ruled that the newly enfranchised must vote in the precinct of their parents in general, unless the young voter is married. Several legal challenges of the ruling are in process.

The new voters in California, as in most other areas, are mostly registering Democratic, with the totals in the state's most populous counties going 59 per cent Democratic, 21 per cent Republican, 14.3 per cent declining to state, and a smattering of others.

The confusion over student voting has generated other attempts at the state level to clarify the issue. In Minnesota, for instance, a conservative state senator introduced an unsuccessful measure that would in effect have barred students from voting at their colleges.

The measure was assailed by Lieut. Gov. Rudolph G. Perpich, a Democratic-Farmer-Laborite, who said that requiring students to vote at their former homes was "grossly unfair to those rural areas without colleges to inflate census figures."

"It would swell the voting population in noncollege towns without a corresponding increase in the town's census figures," Mr. Perpich said. He noted that census figures were used to determine how much state revenue a local government would receive and how many legislators the area would be allowed.

Several Democratic Senators have offered or are considering plans to allow students to register and vote in Federal elections where they go to school, but leaving registration for local elections up to local officials.

The drawback to such plans is in their application. This disadvantage drew some strong arguments in many legislatures for adopting the amendment allowing 18-year-olds to vote in all elections, not just Federal ones, as ordered by the Supreme Court.

One such plan, being offered for the second time by Senators Daniel K. Inouye of Hawaii and Fred R. Harris of Oklahoma, would provide for registration by roving registrars at all residences. The voter would be allowed to cast his ballot for President even though he was unregistered, with the vote to be sequested and validated later.

Senator Alan Cranston of California has introduced a bill that would allow on-campus registration in Federal elections for most students. As in the Inouye-Harris plan, local registration for local elections would remain up to local officials.

Senator Edward M. Kennedy of Massachusetts may also have a bill drafted by the end of the month that would provide for registration at Social Security offices, the Postal Service, or some other established name-keeping Federal agency.

McCAFFREY ON THE PENTAGON PAPERS

HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 13, 1971

Mr. WALDIE. Mr. Speaker, there has been much discussion on the exposure of the Pentagon papers and the contents revealed in them. An overriding question, however, is whether or not the people have a right to know, and is that right greater than the importance of maintaining the secrecy of a document indiscriminately marked classified.

Commentator Joseph McCaffrey in a broadcast over WMAL–TV in Washington raised this question and came to the same conclusion as did Dr. Ellsberg, the New York Times, and myself. I would like to include his commentary in the RECORD and commend its contents to this body.

The commentary follows:

COMMENTARY OF JOSEPH MCCAFFREY

It is interesting that in a free country, dedicated to the people, by the people and for the people there are those who defend the theory of General Maxwell Taylor that the people should only be told just what those in charge think we should be told. And there are as many, perhaps more, have a deep reverance for the rubber stamps which label government papers "secret," "top secret," and on up to "don't even read this, its dynamite."

What is involved in the case of the purloined papers, it seems to me, is the reckless use of the rubber stamps during the Administration of Lyndon Johnson, and now backed and endorsed by the Nixon Administration.

The stamps seem to have been used to keep information, not from the enemy, but from the American people, and, perhaps worse, from an unsuspecting Congress.

The use of the stamp seems to have been prostituted.

Take a look at the Associated Press file tonight. It carries an 840 word story in which Analyst William Ryan compares the so called White Book on the war issued by Hanoi with the New York Times series on the Secret Study of our involvement. Ryan says this shows that Hanoi may have known more about United States plans in Indo China than the people of America. The Hanoi document describes the now reported 1964 high level American conference that discussed bombing North Vietnam.

Senator Ernest Hollings says tonight, "I think that the bureaucratic determination to hide the truth through classifying embarrassing documents as a secret must be halted. A free press is our best guarantee against bureaucracy trying to bury its mistakes." The use of classifying so that the enemy will not receive aid and comfort is standard operating procedure. The use of classifying as a device to cover fumbles and bumbles is a different thing . . . entirely.

In the current legal fight over the documents on Vietnam, there is one issue facing both the government and its people: should the people be told about how we fumbled, bumbled and bulled our way into the debacle of Vietnam?

It might be well for the reputation of some Americans that this not be revealed. But we cannot use the top secret rubber stamp to cover up official incompetence and duplicity.

Nebraska's Senator Carl Curtis is probably one of the most cautious men in the United States Senate. Yet Senator Curtis has a feel for what makes the system work: an informed public. So the Senator says, "Let's get all those papers out so that all of us can read them and find out the background of this endless war." Senator George McGovern says we probably owe Senator Barry Goldwater an apology for the way he was treated in the 1964 campaign. One thing about Senator Goldwater, he was honest.

One wonders if this has now become so rare a political commodity that we will now build shrines to the few men who can qualify as honest.

And have we learned our lesson about being the quote moral leader unquote of the world?

We agreed to prevent elections in North and South Vietnam for fear Ho Chi Minh would win. One can now wonder if things would be any worse for Vietnam had Ho won; would there be as much destruction, would there have been as many dead? One can wonder. It is about time that we were allowed to read our own history.

We shouldn't be advised as a well know retired general told us on television the other night that we should just be told what those in charge think we should be told, and little more.

One wonders what a really great military man like George Catlett Marshall would have thought about that approach to what we think of as a people's government. And if we really want to speculate, we can wonder what Thomas Jefferson would have thought of the establishment which, even now after the fact, seeks to keep the American people from learning how they ended up in a war which has cost them 55,000 young American lives, plus billions and billions of dollars.

PRIDE VERSUS PRISONERS

HON. ROBERT L. LEGGETT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 13, 1971

Mr. LEGGETT. Mr. Speaker, a column in the New York Times of July 7 recounts the dismal story of two American citizens who have spent 19 years in a Chinese Communist jail because their Government did not care enough about them to secure their release.

These two men were accused of spying; I have no way of judging the validity of the charge. The important thing is that we could have secured their release in 1957 if we had agreed to allow American newsmen to visit China. But John Foster Dulles, a man of magnificent courage with other men's lives, refused.

It appears that we could obtain the release of these men at any time, simply by admitting their guilt as we did in the *Pueblo* case. But vain and foolish pride keep us from doing so.

I hope this policy will be changed. And I hope we are not now creating a policy that will doom hundreds of Americans to spend the rest of their lives in Vietnamese jails. President Nixon has long had the power to secure the release of the Americans held in Chinese hands. During the past week, an opportunity has arisen for him to secure the freedom of the Americans held in Vietnamese hands. I urge him to avail himself of both opportunities.

I am inserting the article entitled "Will Jack Make His 25th Reunion?" by Jerome Alan Cohen, from the New York Times of July 7, 1971, in the RECORD at this point:

WILL JACK MAKE HIS 25TH REUNION?

(By Jerome Alan Cohen)

NEW HAVEN.—The class of 1951 has just held its twentieth reunion at Yale but Jack Downey wasn't there. Jack and an assistant, Richard Fecteau, have been in prison in China since Nov. 29, 1952.

In late 1954 the Supreme People's Court in Peking announced that the two Americans had been convicted of espionage for secretly air-dropping supplies and agents into China as part of a C.I.A. effort to foment rebellion. Four of the Chinese agents were executed. Downey was sentenced to life, and Fecteau got twenty years.

The U.S. called the convictions "a most flagrant violation of justice" based upon "trumped-up charges." The men, it was said, were actually "civilians employed by the Department of the Army," who had never invaded China's airspace but had been lost on a routine flight from Korea to Japan.

Sino-American negotiations in 1955 led to the release of most other Americans held in China. Early in 1957 China offered to release Downey and Fecteau if the U.S. would allow American newsmen to visit China. Secretary Dulles refused to approve the arrangement because it would constitute yielding to Chinese "blackmail."

Since then, for almost fifteen years, the U.S. has quietly sought the release of Downey and Fecteau. But it has never admitted the truth of China's assertions. Yet many members of the class of '51 recall the day, several months before graduation, when a representative of the then newly formed C.I.A.

visited New Haven to recruit Yale seniors who were concerned about what the Korean conflict held in store for them. The man was very vague about the kind of work the recruits would enter. Finally he indicated, "purely as a hypothetical," that "the agency" might want to organize resistance in China. Jack Downey and some others ended up doing exactly what the "hypothetical" mission called for.

None of this is news to China, of course. In this country our Government's persistent denials have occasionally been challenged by scholars and journalists. Yet the U.S. has thus far refused to repudiate Mr. Dulles' posturing about international law.

Perhaps one can understand the reluctance to confess error in the case of Fecteau, who is scheduled for release in little more than a year. But Downey is serving a life sentence. The suicide last year of Hugh Redmond, another American serving a life term for espionage in China, should remind us that even the bravest souls can endure only so much.

We should not assume that China is insensitive to either political or humanitarian considerations in this last case of Americans detained since the 1950's. Shortly after Redmond's death, Peking released the elderly Bishop James Walsh before his sentence had run its course. But Peking remains sensitive about American attacks that slander the administration of justice in China as uncivilized and deny China the same right to self-defense that other states enjoy.

Now that table tennis has introduced "people to people" diplomacy, the prospects for Downey's release may well brighten if the U.S. will admit that it violated China's territorial integrity during a bygone wartime era, apologize for having done so and recognize China's sovereign right to punish offenses against its security.

If the U.S. opposes making individuals the pawns of power politics, it should abandon its preoccupation with "face," as it did in the much more ambiguous case of the Pueblo, and set the record straight. Otherwise Jack Downey may not make our twenty-fifth reunion.

ECONOMIC UNPOPULARITY

HON. JOHN J. DUNCAN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 13, 1971

Mr. DUNCAN. Mr. Speaker, I place in the RECORD an interesting editorial statement from the Knoxville, Tenn., Journal of July 10:

ECONOMIC UNPOPULARITY

According to the latest poll by Louis Harris, whose column appears in The Knoxville Journal, President Nixon's overall popularity has risen significantly in recent weeks, but his rating on economic issues is decidely unfavorable.

In the context of election year rhetoric it probably matters little that this counry is experiencing some rare circumstances that would challenge any president's ability to "manage" the economy. (In truth, presidential policy is only one among many factors involved.)

Although there has been scant public examination of the transition, America currently is experiencing one of the most dramatic economic readjustments in its history. And considering the magnitude of these separate events, we probably are fortunate that the situation is not worse.

The surface aspects—high unemployment and continued inflation—are generally known. But contributing to both of these indicators are some less apparent factors.

(1) Work Force—The steady withdrawal of American troops from South Vietnam will mean by as early as the end of 1971 that an additional half million young men will have been dumped into the job market in a three-year period. These men were not in the nation's work force when Nixon took office. In addition, the waning of the Vietnam war has caused reductions in defense procurements and a corresponding decline in employment in munitions and related industries. Also the reduction in draft calls has caused additional numbers of young men to refrain from entering graduate school to avoid the draft.

These shifts in priorities, combined with the general decline in war-related military procurement, have resulted in the loss of jobs, including many in scientific and other professional fields.

In short, the decline of the war has caused great increases in the number of persons seeking jobs.

(2) Shifting Priorities—Furor over the war and the so-called "military-industrial complex" has contributed to a reduction in federal outlays for development and purchasing of military equipment and weapons systems. Congressional rejection of the supersonic transport program and reduction in space spending have brought disaster to the aerospace industry.

Emergence of the age of environmental quality has affected the production expenses and expansion plans of major industries. Firms with limited capital and pollution problems have been forced to curtail establishment of new plants or expansion of existing ones in order to divert funds to pollution abatement systems.

(3) Squeeze on Private Enterprise—From escalating company contributions to Social Security to a tremendous added burden of government-required reporting private enterprise today faces more restrictions on its activities and more federal red tape than ever before. New activism on the part of such agencies as the Federal Trade Commission and the onslaught of consumerism have produced headaches and expenses previously unknown. The Mine Safety Act and now the more inclusive Occupational Health and Safety Act have burdened virtually all businesses and industries with tremendous records keeping and compliance requirements. In some cases, such as small coal mining operations, these safety regulations have forced firms out of business.

(4) Increasing Tax Burden—Although the income tax surcharge has expired, state and local taxation placed on individuals and businesses has mushroomed in recent years, further increasing the cost of doing business and further reducing the amount of money consumers have to spend.

These are by no means all of the factors that contribute to the nation's present economic situation. However, they do illustrate the sweeping changes that have occurred over the past couple of years, changes which produce and require dramatic adjustments.

Things may sort themselves out. If they do not, everyone in elected office, from the President on down, stands to suffer political damage.

A PRIVATE CITIZEN'S VIEW ON VIETNAM

HON. BOB WILSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 13, 1971

Mr. BOB WILSON. Mr. Speaker, on my recent inspection tour of Vietnam for the Armed Services Committee I had the pleasure of meeting Mr. and Mrs. Donovan Yeuell who, as concerned citizens, were spending several weeks in Southeast Asia to see the situation there firsthand. Both were impressed by the impact of our effort in Vietnam. Upon their return from Southeast Asia in March, Mr. Yeuell prepared an interesting analysis, which I am entering in the RECORD today.

While Mr. Yeuell occupies no official position with our Government, his distinguished career in both a military and civilian capacity has qualified him as a responsible spokesman for a point of view which needs to be expressed. Mr. Yeuell graduated from the United States Military Academy and served as an artillery officer for 20 years until he retired in 1960 as the result of wounds which he had received in Germany during World War II. As a member of the 29th Infantry Division and a participant in the Normandy invasion, he received the Silver Star and the Distinguished Service Cross.

His academic career culminated in a master's degree from Georgetown University in international relations. His thesis dealt with military assistance. He later served on the staffs of Generals Eisenhower, Bradley and Taylor in Washington and attended the Army War College. Presently he is an aerospace engineering manager and on the advisory staff of the American Security Council.

The son and daughter of Mr. and Mrs. Yeuell are presently attending respectively Stanford and the University of California at Santa Barbara.

It was after Mr. Yeuell had spent some time in Southeast Asia, that he became impressed by the United States' effort to the extent that he cabled his wife to join him in Saigon. His essay, "Vietnam: The Americans Stand Down," is appropriately subtitled "Reflections of a Traveler." It is both admirable and important at times like these for citizens such as Donovan Yeuell to come forth and speak their views.

VIETNAM: THE AMERICANS STAND DOWN—REFLECTIONS OF A TRAVELER

(By Donovan P. Yeuell, Jr.)

ONE MAN'S TRIP

The President of our country has told us the war was winding down and I wanted to see this happen. The bulk of the reports fed to all Americans by the great neurotic ganglia—the self-righteous "media"—supported a view that Mr. Nixon had lied to us. So I went to Viet Nam to learn as much as I could of the American role in that controversial aspect of the U.S. foreign policy and military involvement.

What with cries across our land pleading, "Peace Now," I wanted to learn for myself what was happening out there. My experience was a liberal education that runs counter to the currents of the dominant propaganda fed us by the press. I wonder how much we have stopped thinking for ourselves? It is all flashed before every man's and woman's eyes, dinned into our country's ears and hammered into our minds by the media. The main criers of doom are not people who know much, rather those who feel—the radicals, revolutionaries, and fuzzy-minded liberals. And incessantly we are told by the uncensored, arrogant press, especially the big three TV networks, that the war is bad, evil, immoral, and the U.S. is waging it badly, evilly, immorally. By way of a different viewpoint, I shall try to highlight some three weeks just spent in the troubled land of South Viet Nam.

From my first-hand view, the U.S. is succeeding remarkably well in doing what it set out to do. If we are failing, this is more at home than in Southeast Asia itself. Our troops' morale is OK, notwithstanding the terrible handicaps of being unsure whether their own country is behind them. They fight well. Never better troopers and junior leaders, according to the senior commanders.

Those Americans out there are hungry for interest in and approval of what they are trying to do on their country's behalf. Whether the war is right or wrong, they are working for you and me, and they seemed almost overjoyed to see someone from home. It was saddening to see how the bad "image" reflected here at home is taken personally by so many of those Americans, who are after all *our* representatives in Viet Nam. Wherever I could I tried to cheer them up. They seemed glad to have a visitor with no axe to grind.

I am not a journalist, just a citizen involved in America. As an old campaigner and world traveler, I got around. And, I found that the armed forces and other U.S. agencies there *wanted* me, or you, to get around and see. The people and things I saw and heard bear little resemblance to what is fed to us at home by our press. The status of the war is that we are rapidly turning over both military and political responsibility to the South Vietnamese. Our forces are "standing down" at a deliberately accelerated pace, and doing so in good order.

In June 1969, our troop strength was 549,000. At the end of June 1971, the figure is well under 230,000. This amounts to beating President Nixon's announced schedule by more than 20,000. Today the U.S. Army as a fighting force in Viet Nam is merely a token force—15%—may be just 10% of our previous fighting power is all that is left. Of the peak U.S. combat strength in 1968, some 85% of the U.S. land combat forces have departed the country. These are facts, not moralizings or speculations. Just as the RVN progress, the V.C. terror, and the NVA losses are facts. Why then do the "Media" persist in putting down the U.S. effort? What has caused the press to nourish failure, to discredit our interest and deride our contribution?

I came home, slept on what I had seen and heard, and now conclude that the credibility in question is that of the "media." We have done a good job, all things considered, in Viet Nam. It occurred to me that some Americans might like to read that for a change; read it in the words of somebody who has no national status, no stake in the war, or any aspect of the conditions reported on. My only interest is to get closer to the truth.

I have no time to placate those who would term me brainwashed. This is my personal account—one man's impression that the United States is doing the job it set out to do in Viet Nam. If I am a biased witness, it is not as one *against* my country's acts of faith. I am a plain citizen who wants America to do the right thing and who deplores its errors as earnestly (if not as loudly) as anyone in the Eldridge Cleaver—Jane Fonda—Dr. Spock community. Parenthetically, I am a former regular Army officer, a product of the U.S. Military Academy, a genesis of which I am proud. While this makes me a prime suspect for partiality in some eyes, it does equip me with experience and standards that have made me a very stern critic of the services; and I still can be when they deserve it. With that perspective, here goes. Having just observed the rapid stand-down in Viet Nam, I found myself at a loss to understand what the April protests of "no more war!" were all about in the U.S.

The most powerful impression I got is the extent of the massive "Stand-down," the withdrawal of our forces. The armed forces of the Republic of Viet Nam and the remarkable territorial forces for local defense at every village and hamlet combined to convince me the RVN is ready to stand almost alone. As to our forces, they'll all be out so soon that the "Peace Now" crowd will soon need another cause to lament.

It is clear that, on balance, we have trained them well, helped to ingrain in them the pride of self-achievement. (A precedent is in the ROK (Republic of Korea) forces which we trained to first-rate troop from nothing 20 years ago.) Granting a long and rocky road still ahead, I think there's a better than 50–50-chance that the RVN will survive and develop into a viable country—unless the People's Republic of China decides to move in—and they will take the risks that go with any democratic form of self-rule. The sample I took of the people in South Viet Nam is that they prefer our example.

With due regard to many difficulties, say, racial and narcotic, the morale, discipline, and attitude, the senior officers with whom I spoke were of unanimous opinion: that the troops were OK. The U.S. has never had "better young soldiers and junior leaders" than in the U.S. Army—so said the senior commanders, all of whom are now seeing their 3rd or 4th war in 30 years. Seasoned Generals: Davison, Weyand, Sutherland, Brown, Hill all testified that most Americans in South Viet Nam perform excellently. These young Americans do not reflect the bad name given them by their detractors. While the credit is theirs, it is shared by their generals and colonels whose sustained belief in the youth of their country has been verified with rare exceptions throughout these long years. As generals are little without effective troops, soldiers cannot be made into good forces without sound generals.

THE WAR IN PERSPECTIVE

Let me return to the broader view of America in that Asian conflict. Handing over the problem to the Vietnamese—as well as cutting back in Korea, Thailand, Japan, Okinawa, and the Philippines—is in keeping with the Nixon Doctrine of "burden sharing". The Americans "in country," as they say out there, are ready for it and they generally feel the South Vietnamese are ready to assume it.

I had not been to Southeast Asia for ten years. In those days we had only small advisory groups out there trying to keep any and all the countries of Indochina from going Communist. This chiefly by lots of material aid and free advice. Year by year, we found it took more than money and material support. It took a moral commitment. The tensions mounted as the brush fire spread. In 1964 Congress ratified President Johnson's recognition of the moral involvement, by passing the Tonkin Resolution.

We all have endured the national agony over Viet Nam since that time. Some of our anxiety has been real, some of it the result of misinformation and exploitive demagogy. Yet as I take in the daily fare of the American press and television, I often wonder whose national program and armed forces are being reported on? Well saturated with the death-wish gestalt of the vocal minority with the support of the megalomaniac press, I had almost come to believe the cries against our Viet Nam effort. "Surely, that is some other nation being talked about, not ours". I was as bewildered as the next man, so I went almost as a stranger, to see if I could learn what was happening.

By chopper, that strange new workhorse, I looked at the ancient land, the beautyladen and strife-torn countryside, and dropped in to observe the likable, beleaguered natives in dozens of villages. My overriding impression was that here is a people carrying on the business of living with good heart under adversity that might have crushed lesser folk. They don't like war any better than the next fellow. But they are mature enough to recognize that if they want to survive, free, they may have to fight for it. It wasn't our tutoring that taught them this simple lesson; they figured it out for themselves.

On a hundred helicopter hops. I visited U.S. combat units, sank into the fire bases, felt the pulse of our men in uniform. I thought on the long, puzzling, painful course of the war where, now, the once-faint glimmer of a self-governing society seemed somehow to be getting brighter.

I was briefed and I asked questions. From private to general, clerk to ambassador; no door was closed. I learned much.

Yet the familiar doubts kept haunting. What on earth had brought us here, anyway? How did this become our cause? Was this where we had really meant to call "enough"! to communist takeovers? Did our national security depend on it? Why here instead of Cuba, Chile, Nigeria? Why, come to think of it, Korea, Berlin?

They say we can't be the world's policemen and I suppose not. But, who else is there to lend a hand? Freedom's camp is short of volunteers. Still, did it make sense, or did it just happen that we chose to stand here and fight for and with a strange people struggling for self-determination? As a practical matter, it may have been the last place in Asia where a stand could be taken. Why Asia? Nobody believed Pearl Harbor until it happened.

Look at it any way you will, the plain fact about Viet Nam is that we are there. It was a winding trail that got us there, but we traveled the road with our eyes open. We are party to a treaty called SEATO, solemnly joined on the premise that an attack on one member is an attack on all. There are those who feel we have met the Treaty obligations, that the time is at hand to get out. While we are still there, we are getting out fast, maybe too fast.

Another plain fact is that this strange war has wrung us out. They say it has polarized our nation. Most surely, it has confused us deeply. We have had our fill of it. Yet, I came away convinced that if we fail in Viet Nam the failure will have happened at home, not in that far off land.

The troops call their withdrawal "standing down." "Winding down the war" is our show-biz name for it at home. But how do you "wind down" a moral commitment? How do we split after 15 or so years of pitching the principles of democracy, the dignity of the individual, the challenge of self-government?

THE AMERICAN DREAM—CURSE OR BEACON?

We did, after all, start this whole self-determination trend, some 200 years ago. It was *our* revolution which set the fires of freedom burning. It was our example to which the Declaration of Independence spoke, "When, in the course of human events—it becomes necessary to assume—the separate and equal station to which the laws of Nature and Nature's God entitle them. . . ." The other revolutions have been pretty shabby imitations.

Such language may seem mere rhetoric to an American. We take it for granted. But for most of the world, this is still inflammatory stuff, dreams looking to become reality. Prophetically, the writers of *that* propaganda tract in 1776 intended it for all men, everywhere.

A bunch of damned evangelists. And we are stuck with it, by definition as Americans. Freedom. Not just to wallow; rather to rise above nature's challenges, hopefully to prosper in the process. To err, to experiment, to forgive and try again. To grow, fulfill, enrich our souls as well as our coffers. Are these not the ideas our commitment to freedom boils down to? Our own experiment has succeeded so well we could not turn it off if we wanted to. When our example has infected others, there is no good way to turn our backs on the contagion. We may be disengaging irreversibly from Viet Nam. But we shall not, cannot, long be deaf to the next cry for help. From some quarter, some time soon, we again will go to the rescue of another, young or old, battler for freedom. How we respond will be a measure of our durability as a self-governing nation. The chances are that if we don't believe in our own credo to fight for it, wherever it is threatened, it's not in the cards that America shall long survive.

Our country, built on success in limited warfare, has a strange hang-up about "limited war" somewhere else. The options—peaceable acquiescence or the risk of nuclear weapons—hold so little appeal that limited warfare seems here to stay. Unless, of course, we have already, unwittingly, capitulated to some new tyranny that yet eludes detection.

Obviously, Viet Nam, like Korea, is a long way from home. And these are America's first experience at fighting Communist "proxy" wars, the protracted conflict of Mao Tse Tung. Perhaps we may be getting accustomed to it; I expect we had better get used to it, for it will not go away.

OUR FIGHTING ROLE DECLINES

Contrary to the assertion of some, Viet Nam has *not* been a conflict *looking only* for a *military* solution. (Is any war purely military?) From the start, the U.S. objective has been to bring political stability, economic viability, and a degree of security from terror that together would let the people of the new RVN be able to stand on their feet.

Our purposes have been to help South Viet Nam attain: Self-Government, Self-Development, Self-Defense.

This is a tall order to fill all at the same time. To my mind the RVN are well on the way to these foals. No one could ask for more than getting a new country off to a good start, and I think we can soon begin to measure success in positive terms. As to the fighting, this is fast becoming the RVN's war, their problem.

The net result of Vietnamization, which had to be conditioned by a success in the *pacification* program, is deemed promising enough for us to withdraw. The South Vietnamese are getting better at self-defense and self-government and so are needing *us* less.

We *are* indeed "winding down the war". We are so little left in the fighting that the protestors need a new song.

As to timing, the present rate and plan of withdrawal seem to me on the dangerous edge of optimum. To do it more rapidly than we are would cost the U.S. more time, money, and blood.

The U.S. goal in Southeast Asia, simply stated, was and remains: *To prevent the success of a national liberation movement;* i.e., a Communist takeover in any other country in Asia. Meanwhile, we should assist, where it makes sense, in helping the new democracies lay the ground work for a viable economic and political system. So far, this goal has been met. And our specific job in Viet Nam is almost done.

SOME PROSPECTS

The die is cast. We are leaving the South Vietnamese to fend for themselves. The question whether or not we have prepared them for survival against hostile neighbors alternatively supported by the Soviets and Red Chinese—only time will tell. The road ahead for them is still rough. The national elections in October will generate turbulence, and already there is an appreciable rise in the level of hostilities by the V.C. and NVA—the terrorist pressure to convince the people that America is fleeing in defeat and without us the Saigon Government cannot defend them. But, being aware of such rumors as a list of 2.5 million South Vietnamese to be eliminated when the communists take over, and having learned much about self-defense, the free republic is not likely to opt for the competition offered from the north. The RVN is indeed fledging. With no military tradition and no experience in self-government, it has come a long way. And, with whatever mistakes we have made, if this experiment in helping a new country finds its way to living under democratic principles should work, it is we, the United States of America, who permitted it. I think that given the odds against them, what the people of the RVN have done themselves, with our help, is little short of miraculous.

As to the "widening of the war" in Cambodia last year, and there again and in Laos, currently, this is nonsense, whether innocent or pernicious. The war had never been narrowed except by our armchair strategists. If anybody widened anything it was the other side with its very effective supply system giving it a marvelous advantage to infiltrate all along the border. An 800 mile sanctuary is just about ideal. The Ho Chi Minh trail had long since "widened" the war. In my opinion the excursions into Cambodia and Laos will prove to have been essential to breaking up the enemy's free hand at continuing *his* war until we and the RVN quit from exhaustion. And that would indeed be tragic waste. In Laos and Cambodia, the current operations are very significant, for they are the crucial military test of Vietnamization. Results so far indicate that the ARVN can now act in its country's defense with minimal U.S. support. These have been their shows, and they have done well. We have bet our money and taken our chances. The odds are good that it will prove worth the agony it has caused in America.

The prospects for a formal "peace" in Indo China—the whole peninsula—seem murky. At least 15–20 years off. The Chinese Communists and North Viet Nam will find a dozen other ways to be-devil not only South Viet Nam, but Laos, Cambodia, and Thailand as well. I would count the odds for survival as free countries much higher if all these peoples could band together, pooling their aggregate resources against intrusion from the North—be it by North Viet Nam, China, or Burma. Perhaps this unity will come about. The main point is that freedom has a better chance of making it out there in all of Indo China than if we *had not* stood up for it.

Periodically, somebody makes noises about the RVN giving out what they've been getting. I for one advocated that the South Vietnamese turn the tables and attack the North as long as 10 years ago at a conference in Manila. They weren't ready then, and I doubt that we'd have let them loose. But when we are no longer playing Big Brother, who's to sav what they might do to repay 17 years of V.C. terror?

While they are solving their problem, I hope America can tidy up our urban guerrilla warfare and our spiritual malaise. Perhaps they, our Vietnamese pupils, will teach us again that freedom is not free. And that the price of liberty is eternal vigilance.

Many people I spoke with in South Viet Nam seem to feel the press has turned into flagrant license its uncensored freedom and its logistics support (e.g., helicopter transport and subsistence furnished in almost every corner of the war outside Saigon). But there's no turning back from the official decision made early in the war to give the press every break. This has been done from the start, yet the majority of reporters—remarkably young and inexperienced for the most part—turned on their own government and fellow Americans in Viet Nam who were doing the job their country had asked of them. But the righteousness of the press these days is not restricted to Viet Nam, so I'll refrain from confronting a dragon *that* big.

American atrocities? My Lai was a sickening aberration, and it was handled ineptly by the Army. By not following the normal investigative procedures and taking appropriate action "in country", the Army faced odds that one day a journalist would find it a juicy piece of scandal. So the revelation by Mr. Hersch should have been no surprise. What is nauseating is the manner in which the American press escalated this disgusting episode—pale by comparison with counterparts in most other wars, and nothing alongside Viet Cong terrorism—into a two-year side show. When a pathetic creature like Wm. A. Calley is made by the media the best known man in the U.S. Armed Forces, what is left to hold in esteem? It will be a long while 'til credibility of the press can again be taken seriously, and that's a pity for a democratic republic.

A dozen other topics come to mind for a complete assessment of the RVN: corruption, frankly admited as part of the life style in many Asian countries: the use of dope by our armed forces, a problem being worked on very hard; the convulsions likely to hit the economy once we have gone. And so on. Then there remains the odd reluctance of the U.S. to declare a state of war, surely an irritant in the protest outcry. But I have covered enough to support one man's conclusion.

This much seems clear, even to a three-weeks-on-the-spot "expert." The South Vietnamese have let something take root that looks, feels, smells like self-government. They seem to hanker for it and are willing to give it a try—all by themselves. They could have opted for the competition years ago. But they took to the idea that we stood by their sides for. And they have suffered terrible punishment in the process. They shouldered awesome challenges, to hang on long enough to try their hand at some brand of democracy; even though the first decade of their eperience has shown it would not be easy or safe, they appear to have the timbre to stick with it.

In retrospect, has Viet Nam been worth the expenditure of American lives and material wealth? Does it justify the trauma to our national unity and our values? Is this off-beat corner of the world worth turning father against son, expedience against principle, society against itself? Only history can say.

We have made mistakes, and so have they. But we have almost gotten to the point we went out there to attain. We have helped them learn better to help themselves survive in a hostile world. My guess, all things considered, is that they are going to make it. They like the taste of freedom, with all its burdens. Some day, Viet Nam may be one of our finer chapters.

MAN'S INHUMANITY TO MAN—HOW LONG?

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 13, 1971

Mr. SCHERLE. Mr. Speaker, a child asks: "Where is daddy?" A mother asks: "How is my son?" A wife asks: "Is my husband alive or dead?"

Communist North Vietnam is sadistically practicing spiritual and mental genocide on over 1,600 American prisoners of war and their families.

How long?

U.S.A. AND THE SOVIET MYTH

HON. WILLIAM G. BRAY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 13, 1971

Mr. BRAY. Mr. Speaker, I am happy to commend to the attention of my colleagues the following brief excerpts from chapter No. 3 of "U.S.A. and the Soviet Myth," by Dr. Lev E. Dobriansky of Georgetown University:

Regardless of transient and momentary fluctuations in the behavior of the Kremlin, it can be reasonably argued that from the viewpoint of history alone the Cold War is here to stay so long as the Russian colossus continues to breathe and unless a hot war, for one reason or another, should break out. Paradoxical as it may appear to some, the three exhibitions were a cold war instrument in application and their emphasis on Russian longing for peace was by no means the first of its kind in the long history of Russian empire-building . . .

* * * * *

The Russian problem is one that was born, cultivated, and shaped in a definite historical and cultural environment. It is assuredly not a problem that suddenly emerged, as many in this country suppose, in 1947, with the spurious origination of the Cold War. Indeed, the problem and the cold war activity which it intrinsically engenders did not first come into existence in 1917, with the ascent of the Russian Bolsheviks. They are only creatures of the problem . . .

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Those whose thinking is dominated by this view will quickly point to Russians who are highly cultured and of fine breed. The defendant of this superficial view will say, "You can't look upon these Russians as being barbaric and predatory. We should expand our cultural exchange programs in order to understand the Russians better and thus avoid a terrible world holocaust."

Admittedly, the elements of this sentimentalist view are true, but they are misplaced. It is astounding how many of us live by short memories and, as a result, become susceptible to all sorts of passing fancies. Have we forgotten so soon that back in the twenties and thirties there were also cultured and warmly human Germans and Japanese? . . .

* * * * *

In comparison with other free nations, including England, the U.S. seems to unduly restrict the current struggle within the narrow limits of this ideologic doctrine. When we adopt this view, our approach becomes excessively rationalist and quite misleading. It is one which tends to shut off centuries of history and national experience . . .

* * * * *

What, then, is the nature of the Russian problem? As is necessary for the solution of all problems, the first step is to define the problem. And this foremost of problems today may be satisfactorily defined as follows: rooted in five centuries of development, the Russian problem is an institutional nexus between external imperialist, colonial predation and internal totalitarian coercion . . .

* * * * *

Neil S. Brown, observed this when he remarked, "A strange superstition prevails among the Russians, that they are destined to conquer the world, and the prayers of the priests in the church are mingled with requests to hasten and consummate this 'divine mission,' while appeals to the soldiery founded on this idea of fatality and its glorious rewards are seldom made in vain." Regardless of the ideologic guise under which it has operated—today, Communism; yesterday, Orthodoxy and Pan-Slavism—this concentric growth has brought about the subjugation of good parts of Europe and Asia . . .

* * * * *

Fatuous talk for over a decade about "destalinization," "liberalization," and "capitalist innovations in the USSR" was a response to superficial fluctuations and changes that in no way altered the Russian problem and the main structure. In all essential respects, it can rightly be held that from 1957 to 1967 there was never any real destalinization, if the word means a radical departure from the established course of the USSR under Russian control.

* * * * *

In point of fact, this psycho-cultural analysis by de Custine is indispensable to the competent knowledge of anyone dealing with Russia. It should be donated as a charitable present to our Cyrus Eatons, Ellenders and others who, if they would pause to think, could benefit from the classic. Senator Ellender of Louisiana thinks the USSR is made up of "Russian peoples" who, as though no alternatives existed, "are living better today than they have ever lived before." . . .

* * * * *

Contrarv to false popular impressions, direct Russian military aggression has always been secondary and subsidiary. It has been in the field of what is known today as "cold war activity" that Russia has always relied for its primary weapons to achieve predatory conquest. And such activity embraces subversion, infiltration, divide and conquer maneuvers, friendship societies, ideologic diversion, pretenses at peace promotion, diplomatic blackmail and several other deceptive devices. In our technological age, this would also include nuclear blackmail; and to say all this doesn't mean that Moscow would exclude a first nuclear strike attempt if it felt the joy of military, technologic superiority and capability. . . .

* * * * *

He was the first to put into successful practice what Lenin, almost four hundred years later, codified as "neither peace nor war" or what Secretary Dulles regularly called "indirect aggression." Ivan sponsored a competing native candidate for the throne of Kazan as early as 1519 and, through him, succeeded in weakening the Khanate to such an extent that by 1552 Muscovite troops had only to move in. The policy of the Kremlin toward Nasser and his Pan-Arab plan was not much different. . . .

* * * * *

Looking at the scope and character of the problem, it obviously is not the challenge of mythologic Communism; it is the despotic challenge of traditional Russian institutions. In the period covered above, other ideologies prevailed as both instruments and smoke screens for totalitarian Russian expansion. Self-legitimating Communist doctrine does not differ in this respect from the Petrine doctrine and Pan-Slavism of the past. . . .

* * * * *

Those who would seek to impute any anti-Russian bias to this realistic interpretation either do not understand the reasoning involved or are quick to shield their own biases. It is often intellectually sickening to hear that we cannot face up to the bold and stubborn facts because it would be construed as anti-Russian, i.e., against the Russian people. The forceful truth is that along with other peoples and nations, the Russian people have long been oppressed by the internal component of the institutional nexus in this Russian problem. . . .

LEGISLATING FOR THE CONSUMER REVOLUTION

HON. BELLA S. ABZUG

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 13, 1971

Mrs. ABZUG. Mr. Speaker, the Subcommittee on Legislation and Military Operations of the Committee on Government Operations is presently considering legislation which would establish an agency or bureau which would serve as an advocate for the consumer and the public before administrative agencies. Many of our existing "regulatory" agencies have degenerated into little more than spokesmen for the very industries they are supposed to be controlling, and it is a credit to Mr. Holifield, the chairman of the subcommittee, that he is directing his attention to the interests of the consumer, the individual who has no expensive corporate lawyers to lobby for him.

As a cosponsor of H.R. 14, introduced by my colleague from New York (Mr. Rosenthal), I recently had the privilege of presenting my views to the subcommittee, and I include them at this point:

Hon. Bella S. Abzug: Testimony Submitted to the Legislation and Military Operations Subcommittee of the Committee on Government Operations

Mrs. Abzug. Mr. Chairman, I am grateful for the opportunity to offer my views on a number of legislative proposals, including H.R. 14, H.R. 15, H.R. 16 and 3809, which would create some form of independent consumer advocate.

The consumer movement, once dominated by housewives protesting skyrocketing food prices, has grown out of its infancy. Today a sophisticated and intelligent movement of professionals less preoccupied with talk than with action, is focusing on the practicalities, the governmental procedures, the funding and the institutional changes believed necessary to insure the maximum protection of the consumer. Congress has been the locus of much of this recent consumer activity. Bills pending before a number of Congressional committees would, if passed, grant the consumer significant new legal rights extending far beyond existing law and would establish new private and public remedies and procedures for providing expanded and invigorated consumer protection.

I think it is important to keep in mind the genesis of the legislative proposals before us. This legislation was not born out of a vacuum, but out of the groundswell of public unrest and dissatisfaction with the captivity of some of our federal regulatory agencies. Virtually the entire nation has come to realize that something has gone awry with the regulatory institutions which are supposedly vested with the power and responsibility for protecting the consumer against the abuses of the marketplace. Chief Justice Burger articulated this disillusionment well when, as a member of the Court of Appeals for the District of Columbia, he established the principle that public representatives have a right to participate in F.C.C. decisions concerning renewals of broadcasting licenses:

"The theory that the Commission can

always effectively represent the listener interests . . . without the aid and the participation of legitimate representatives fulfilling the role of private attorneys-general is one of those assumptions we collectively try to work with so long as they are reasonably adequate. When it becomes clear, as it does to us now, that it is no longer a valid assumption which stands up under the realities of actual experience, neither we nor the Commission can continue to rely upon it."

In short, a crisis of confidence in government has been prompted by the propensity of the regulators to fall under the domination of the regulated. In reviewing the various proposals for a consumer advocate agency, this subcommittee should consider this most fundamental aspect of the regulatory agencies' malaise. Two of the questions which I believe you should ask are, what new directions which reform should take? And what new and innovative kinds of institutional arrangements will best assure a lasting foundation for sound and effective regulation in the public interest.

At the heart of any legislative proposal aimed at reforming the regulatory system there must be measures designed to assure that the interests of the public will be directly represented in the administrative process. The public cannot hope to compete effectively in regulatory controversies without having its own representation to counter the high-priced lawyers retained by regulated industries. No agency can make objective determinations as to what is in the public interest unless it has had the opportunity to hear and fully consider the points of view of *all* affected groups and individuals.

The legislative proposals before this subcommittee support the theory that the public interest can best be represented in regulatory proceedings through the creation of a new federal agency, specifically mandated to provide representation for public interests in matters being considered before other agencies.

The bill introduced by my distinguished colleague from New York, Mr. Rosenthal, would grant statutory recognition and authority to the Office of Consumer Affairs which presently exists in the Executive Office of the President under an executive order. Such statutory recognition, while not granting the office any specific new powers, is nevertheless needed to enhance the prestige and responsibility of a potentially important instrument of consumer protection. Of far greater importance are the provisions of the bill which would create an independent consumer advocate who could intervene in regulatory proceedings on behalf of the public. The advocate agency would be under the control of a single administrator, a commendable arrangement in light of the many problems inherent in our multi-member, multi-agency structure, not the least of which is agency subservience to industry interests. The advocate agency would provide for representation either by appearing in proceedings as a party, or by providing attorneys from its own staff as counsel to public groups and organizations, or by appointing counsel from outside its staff to represent such entities. The advocate agency's clearest advantage over the alternative approach of appointing public representatives in agency proceedings would be with respect to staff expertise. Presumably, the agency's staff would include full-time attorneys who would specialize in particular areas of consumer protection and regulation, and would therefore be in a far better position to accumulate expertise and experience than attorneys appointed on an *ad hoc* basis.

After careful examination of H.R. 14 and similar proposals, I have found several disadvantages in them regarding the accountability of such an agency to the public. The overriding danger implicit in an advocate agency is that of dependence. A separate advocate agency would probably be more independent from individual regulatory agencies and their industries than would the bureaus within the regulatory agencies themselves; but even if this new agency is independent of the existing ones, if the agency administrator is appointed by the President, the agency will almost surely turn out to be a paper tiger. Its capacity to criticize virorously the practices and policies of other federal agencies which are, of course, components of a President's administration, would be fatally impaired. It would be caught in its own crossfire of pressures, for no President will permit one appointee to publicly criticize other officials and institutions whose performance directly reflects upon the White House.

The recent contrast between the F.T.C. and that of the White House Office for Consumer Affairs provides an instructive lesson in the possible independence and responsiveness of such a political appointment. The quality of the President's first appointment to head the Office of Consumer Affairs reflected his lack of personal enthusiasm for the cause of consumer protection; after an embarrassing withdrawal of his original nomination, the President reconsidered the degree of his commitment to consumerism and appointed Mrs. Virginia Knauer. He continued to emphasize his new-found support of consumer protection in the appointment of Mr. Miles Kirkpatrick, a former chief of the A.B.A. Antitrust Division, to the Chairmanship of the F.T.C.

Mrs. Knauer, who serves at the pleasure of the Chief Executive, has apparently succumbed to industry pressure on a variety of crucial issues; Mr. Kirkpatrick, who cannot be fired, has taken increasingly vigorous stands on a wide range of consumer issues and has publicly opposed the Administration on several key legislative matters, most recently the Ash Commission's recommendations.

I would urge the committee to consider two ways in which this problem of agency dependence upon the White House might be remedied: for one thing, the administrator of the advocate agency could have a fixed tenure, coincident with that of the President—I note parenthetically my regret that Mr. Rosenthal's bill does not provide for this; second, the agency might be placed under the control of institutions other than the White House—it might, for example, be operated under a board of directors appointed jointly by the Congress, the President and the Chief Justice.

Finally, it goes without saying that the method of financing the operations of such an advocate agency could have a substantial impact on its independence. The matter of financing is one which readily lends itself to innovative experimentation. A congressionally funded agency would have to submit its budget to the Office of Management and Budget for approval, an action which could conceivably compromise its independence. I would recommend that the legislation provide the agency with an alternate source of funding, possibly by assessment from regulated industries or money from a special or trust fund.

A number of other workable alternatives, all of which show considerable promise in terms of providing active public interest representation in regulatory agency proceedings, should be given thoughtful consideration by this subcommittee. Mr. Erlenborn's bill, H.R. 3809, would establish within the F.T.C. a Bureau of Consumer Protection to carry on consumer protection and advocacy functions. While the F.T.C. has shown an amazing capacity for rejuvenation in recent months, as it carefully tests the statutory limits of its authority, one wonders whether the bureaucratic inertia of many years of incompetent and uninspired leadership will not prove too much of a handicap to overcome. Senator Kennedy's proposed "Public Counsel Corporation," while deficient in having the board of directors appointed by the President, would pursue consumer protection on an attorney-client basis. Senator Hart's "Independent Consumer Council" would be managed by a board of directors free from the limitations of presidential appointment. A further approach to public interest representation would see the federal government underwrite the cost of public interest advocacy by private attorneys on a case-by-case adjudication basis, just as the courts do with respect to criminal defendants who cannot afford counsel.

In reaching a final determination regarding the best proposal for an independent, aggressive and responsive consumer advocate, I trust that this committee will bear one additional point in mind: Meaningful public participation in agency decision-making depends upon public knowledge of the facts and the issues involved. Congress passed the Freedom of Information Act several years ago in an effort to bring this principle to fruition. While that Act placed upon the government the burden of justification for the withholding of documents, I believe that executive cooperation regarding disclosure has been the exception rather than the rule. Any legislation which emerges from this subcommittee will be inadequate if it does not reaffirm the right of individuals to have access to federal documents in consumer protection matters.

Careful review of the operations of the regulatory system leads one to the inescapable conclusion that a serious crisis exists there. Many people are fed up with the federal regulatory agencies because of the dishearteningly frequent examples of agency bureaucrats who are overly differential to the corporate interests they are supposed to control, who have denied citizens access to and participation in their proceedings and who have zealously guarded from public disclosure information vital to the economic interest of consumers or to the health and safety of all Americans. Congress is now faced with the task of assuring broader citizen participation in agency decision-making. It is our responsibility to provide a sound mechanism for the adequate representation of non-industry public interests in the administrative process. The restoration of public confidence in this area is essential, and legislation such as that which is now before you can be an important first step on that path.

RESOLUTIONS IN FAVOR OF ACCELERATED PUBLIC WORKS BILL

HON. NICK BEGICH

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 13, 1971

Mr. BEGICH. Mr. Speaker, something very sad happened to the United States last week when President Nixon vetoed the accelerated public works bill.

It is sad in that 5.8 percent of the Nation is unemployed and the President snuffed out their chances for jobs by simply vetoing the bill. In doing so, he has succeeded in not only hurting the unemployed but the general public as well. The bill would have created jobs whose end products would serve to benefit us all. Jobs to improve sewage systems, to build roads, bridges, schools—the list goes on and on.

My own State of Alaska has a particular interest in the bill—unemployment hovers around 19 percent and the figure is rising. The number of unemployed has gone up 31 percent since last year and new jobs are not being created at a fast enough rate to cope with the level of unemployment.

There is so much that could have been done in Alaska through utilization of the accelerated public works bill. Like many other parts of the Nation, there are roads to be built, schools waiting to be created, and special projects that need the help of willing hands. But Alaska cannot implement these projects by itself and so they will continue to wait on the drawing boards and in file cabinets around the State.

A resolution has been adopted by the Fairbanks City Council, a city with unemployment reaching 13.9 percent, to override this veto. As is consistent with the Alaskan spirit, the people are fighting back. And I intend to fight with them.

The following is the resolution adopted by the Fairbanks City Council and I feel that it merits your consideration:

A Resolution Requesting That the United States Congress Pass the Accelerated Public Works Bill Over the President's Veto

Whereas, the Congress of the United States has passed an Accelerated Public Works Bill; and

Whereas, the President of the United States has vetoed said Accelerated Public Works Bill; and

Whereas, passage of the Accelerated Public Works Bill is urgently needed to fulfill the policy of full employment previously endorsed by the President of the United States; and

Whereas, disastrous unemployment conditions exist in many parts of the United States but particularly in the City of Fairbanks and other parts of Alaska because of the Federal Land Freeze imposed on Alaska, the withholding of permission to construct the pipe line to carry oil from the North Slope of Alaska to Valdez, and the delay in passage of legislation before the United States Congress concerning Alaskan native claims; and

Whereas, the City of Fairbanks is currently embarked on an extensive program of sewer and water extensions to alleviate conditions threatening the health and welfare of the citizens of this community as well as the ecology of the local community and is seeking federal aid for these projects; and

Whereas, passage of the Accelerated Public Works Bill would give additional aid, and lend impetus, to this ambitious program; and

Whereas, many other communities in the State of Alaska are faced with similar problems in extending services to growing populations and to persons of Alaskan native groups in and around said communities who are always first to suffer from unemployment; and

Whereas, the economy of the State of Alaska is vitally important to the State of Washington because of the important transportation and supply interests of the State of Washington.

Now, therefore, be it resolved by the City Council of the City of Fairbanks, Alaska, as follows:

Section 1. That the United States Senate and The United States House of Representatives be respectfully requested and encouraged to pass the Accelerated Public Works Bill over the veto of the President of the United States.

Section 2. That copies of this resolution be dispatched with all possible speed to the President of the United States Senate, the Speaker of the United States House of Representatives, and to every member of the delegations from the state of Alaska and from the State of Washington to the United States Congress.

Passed and approved this first day of July, 1971.

PENNSYLANVIA COLLEGE OF PODIATRIC MEDICINE HONORS CONGRESSMAN DANIEL J. FLOOD

HON. JOSHUA EILBERG

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 13, 1971

Mr. EILBERG. Mr. Speaker, it was my pleasure earlier this year to attend the fifth graduation ceremonies of the Pennsylvania College of Podiatric Medicine in Philadelphia and to receive, along with our distinguished colleague from Pennsylvania, Daniel J. Flood, the honorary degree of doctor of humane letters.

The Pennsylvania College of Podiatric Medicine is one of five such colleges in the United States that trains specialists in foot care. The college, which accepted its first class on September 23, 1963, was founded by a small group of interested podiatrists who recognized the need for such a school in the Delaware Valley area. The college is chartered by the Commonwealth of Pennsylvania and the program is fully approved by the department of public instruction of the bureau of higher education. All the requirements and regulations of the Pennsylvania State Board of Podiatry Examiners and the Council on Education of the American Podiatry Association have been met. The degree of doctor of podiatric medicine is offered to those who complete the 4-year course offered by the school.

After holding classes for almost 2 years in leased facilities, the college moved in June 1965 to its present quarters in the Society Hill section of Philadelphia. Because of expanding student enrollment, faculty and teaching programs, the board of trustees has planned a new classroom building and other related facilities scheduled for completion in September 1972. These will be the most modern and fully equipped educational facilities in the world dedicated to the training of podiatrists.

I am especially proud of the expansion and achievements of the college because of my interest and close involvement with it since my days as majority leader of the Pennsylvania State Legislature. It was at that time that Harold Salkind, present vice chairman of the board of trustees, interested me in the college and I became responsible for the first State aid, $60,000, to the then brandnew school. It is through this relationship with the State, a strong relationship with the Federal Government, and the tireless efforts of the many dedicated people involved that the college has grown to be such a success and mainstay of American podiatric education. It has been my pleasure to serve on the board of trustees for the past several years and it is because of my close attachment to the college that I was especially proud to receive the honorary degree.

One of the men who is responsible for the advancements in our health care system and especially the podiatric profession is Chairman Daniel J. Flood of the Appropriations Subcommittee for the Departments of Labor and Health, Education, and Welfare. Throughout his years in Congress and his devoted service to the State of Pennsylvania, Daniel Flood has worked for the progress of modern medical care and the advancement of American medical education. It is for this reason that the Pennsylvania College of Podiatric Medicine chose to confer on him the honorary degree of doctor of humane letters and to have him present the principal address at the recent graduation exercises. I found my colleague's remarks at that time most enlightening and inspiring and a true reflection of his devotion to the betterment of human life and the valuable work taken on by the medical men of today. I enter Chairman Flood's remarks in the Record at this point:

Remarks by the Honorable Daniel J. Flood

In the first book of Kings in the Hebrew Bible there is a reference to Asa, King of Judah, which, in the midst of relating all his acts, adds simply, "But in his old age he was diseased in his feet". This brief notice is expanded by a later Chronicler (II Chronicles 16:12, 13) to the effect that "his disease became severe; yet even in his disease he did not seek help from the Lord, but sought help from physicians". The Chronicler concludes tersely, "and Asa slept with his fathers . . .".

I suspect that a modern-day Asa might be moved to seek help—and find it—from the Lord and from the physicians, particularly those who like yourselves are especially qualified to treat "diseases, injuries, deformities, and other conditions of the foot," with happier results than those described in the Old Testament narrative. Concern with the care of the foot goes back to the most ancient times, but podiatrics as a fully recognized and professionally established Branch of Medical science is a relatively recent phenomenon in history.

Since the founding of the American School of Chiropody in 1911, great advances have been made in podiatrics, as you who are gathered here today are well aware. The struggle for the rightful role of podiatric medicine has been largely won, yet whole new areas have opened up, creating more complex problems and opportunities.

It is a great privilege and pleasure for me to be with you here today on this occasion, to salute those of you who are graduating from this college—one of five accredited colleges of podiatric medicine in this nation, and to receive the degree of doctor of humane letters.

It is a truism of the moment—but no less true for that—to observe that we in America are in the midst of a veritable revolution in medical care, involving cumulative technological change and a rising level of social and political expectation. The scope of medical services is expanding daily in response to the demands of all our people for more and better medical care. At the same time, we continue to confront what has become almost a cliche: the perennial shortage of physicians, a matter of increasing concern at every level of society, and of government as well.

In this situation, podiatrists are able to make distinctive contributions, reflecting the knowledge, skills, and services which belong to their specialized area. In an age of expanding demand for the services of primary care physicians, other health care providers have become increasingly important in the overall health care system. Among these—dentists, pharmacists, optometrists—podiatrists are far from the least. The facilities, faculties, and licensing procedures of podiatric medicine cannot be discounted in seeking new ways to provide more adequate health care to all Americans.

Podiatry is facing in the days ahead an unprecedented involvement in providing for national health manpower and in health care delivery, including improved geographical and demographical distribution of podiatric services. The pressures of individual medical practice and large-scale health care systems alike are shaping the course of the future, a future in which podiatric medicine can be of immense help through its specialized knowledge and techniques.

Podiatrists share with primary care physicians the legal and effective right to make independent medical judgments and a scope of medical practice which, taken together, will prove a source of strength and leadership in American medicine and, indeed, in our society as a whole.

"One foot", wrote the poet, Herbert, "is better than two crutches". In a more romantic vein, Goethe commended "a pretty foot (as) one of the greatest gifts of nature".

Our proverbial folk-wisdom, with its metaphors of "standing on our own two feet" for boldly speaking the truth, recognizes the immense importance of the feet, their health, and condition, to the general physical and psychological well-being of man and his ability to live vigorously and well. Since man first stood erect on his two feet and walked out of the darkness toward the light, the foot has been a kind of symbol of humanity—"foot-sore" and weary at times, clothed at other times by poetic imagination with winged sandals.

In any case, it has become increasingly clear that men are whole persons, and that he who ministers to any special organ or function must be able to understand something of the whole man. Podiatric medicine, in this sense, has come of age, and will, I believe, contribute immeasurably to the general health of our people in tomorrow's world.

For you who are graduating today, for your families, loved ones, and friends, for your teachers and counsellors, this will remain a proud, memorable moment. You enter upon your profession in troubled times for America and for the world, times of challenging difficulty and, often, of frustration, yet, also, times of unparalleled opportunity for progress and service.

If I may leave with you one thought, adequate in its depth and simplicity to the living of life each day, it is the prayer of Reinhold Niebuhr, a prayer appropriate to guide every man in his distinctive calling, be it medical or political, "God grant me the courage to change the things that can be changed; and the serenity to accept the things that cannot be changed; and the wisdom to know one from the other".

WHICH CHINA AT THE U.N.?

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 13, 1971

Mr. CRANE. Mr. Speaker, although the aggressive policies of the Communist Chinese remain unchanged, there are many in our own country who now advocate an altered policy with regard to the question of Communist China's admission to the United Nations.

The United Nations Charter declares that nations in the organization are "to practice tolerance and live together in peace with one another as good neighbors."

Communist China, rather than being a good neighbor, has invaded Korea, Tibet, and India. It has spread violence and terror throughout Southeast Asia, and has materially aided the North Vietnamese and the Vietcong in carrying on an aggressive war. Communist China was declared an aggressor by the United Nations itself in Korea, and its policies have not changed in the succeeding years.

The Ambassador to the United Nations from the Republic of China, Mr. Liu Chieh, recently pointed out that—

> Of the 23 nations that make up the continent of Asia, 16 are embroiled in some kind of war, rebellion or civil strife—much of it instigated or supported by Peking. These countries are home to 1.8 billion people, over half of the world's 3.5 billion population.

The Chinese Communists, it must be remembered, seek to foment world revolution. Their goal and that of the United Nations remains diametrically opposed. To those in the United States who have replaced wishful thinking for realistic considerations concerning Communist China, the Ambassador from the Republic of China has important words. He states that this school of thought "fails to understand the tremendous importance of the Maoist ideology as a determinant of behavior. The Chinese Communists, it should never be forgotten, take their ideology seriously. They are out not merely to gain China's seat in the United Nations. They intend to remake the United Nations in their own image."

Those who seek to destroy the United Nations by admitting to it that nation which at this point in history is most at variance with its concepts of world peace through law should consider the facts more carefully before they come to a mistaken conclusion.

I would like to share with my colleagues some remarks of Mr. Liu Cheh, the Ambassador to the United Nations from the Republic of China, as they appeared in the New York Times of July 8, 1971. I insert this statement in the RECORD at this point:

WHICH CHINA AT THE U.N.?

(By Liu Chieh)

Such a regime [as that in Peking] is clearly un-Chinese in character and un-Chinese in purpose. How can such a regime represent the great Chinese people in the United Nations? How can such a regime speak in the name of the Chinese people and give expression to their true interests and aspirations.

The United Nations was founded "to save succeeding generations from the scourge of war, which twice in our generation has brought untold sorrow to mankind." Another principle of the charter is summed up in the Preamble—"to practice tolerance and live together in peace with one another as good neighbors."

The Chinese Communist regime negates these basic principles. It promotes violence and war. It makes a fetish of force. It foments armed insurrection in neighboring countries. It is a past master in the art of political subversion. It is the world's greatest theoretician and practitioner of guerrilla warfare and undertakes to train, equip, finance and direct "people's war" on a global basis.

Let me call your attention to the fact that of the 23 nations that make up the continent of Asia, 16 are embroiled in some kind of war, rebellion or civil strife—much of it instigated or supported by Peking. These countries are home to 1.8 billion people, over half of the world's 3.5 billion population.

In Hanoi, Peking is pressing for a military victory, regardless of the consequences for the people of both Vietnams. Chinese military aid is going to Communist troops in Vietnam, as well as to Laos and Cambodia.

In North Korea, Peking has patched up its differences with Pyongyang, and has enabled Kim Il Sung to be more militant toward South Korea.

Fortunately, however, China has been represented in the United Nations by a government which can truly articulate the wishes and aspirations, woes and fears of the Chinese people. The notion of expelling the Republic of China in order to make room for the Communist regime in Peking is not only repugnant to all fair-minded people but also to all those who have the true interest of the United Nations at heart.

It is sad to observe that there are today those who do not hesitate to throw vital principles of the charter overboard in order to accommodate the Chinese Communists. Appeasement is in the air. Expediency rather than principle seems to be the primary preoccupation of publicists.

As you know, there is a school of thought in the United States which discounts the threat posed by the Chinese Communists. They attribute Peking's outrageous and beastly behavior to the American policy of trying to isolate the regime from the rest of the world.

This, it seems to me, is wishful thinking. It fails to understand the tremendous importance of the Maoist ideology as a determinant of behavior. The Chinese Communists, it should never be forgotten, take their ideology seriously. They are out not merely to gain China's seat in the United Nations. They intend to remake the United Nations in their own image.

A MASSACHUSETTS RESOLUTION SEEKING TO NAME A NUCLEAR SUBMARINE FOR LATE HON. WILLIAM H. BATES

HON. SILVIO O. CONTE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 13, 1971

Mr. CONTE. Mr. Speaker, I would like to draw the attention of this body today to a resolution adopted June 22, 1971, by the Massachusetts House of Representatives memorializing the Secretary of the Navy to name a nuclear submarine in the memory of Congressman William H. Bates.

As a longtime friend and admirer of the late Congressman Bates, I commend the Massachusetts House for this action and I add my voice in support of this very well-deserved honor for a man who was a truly outstanding public servant.

Everyone who was in the Congress, during the 20 years Bill Bates served, knows that he was a conscientious representative of his people, a talented leader, and a lawmaker and friend of the highest order.

His long and distinguished service on the House Armed Services Committee and the Joint Commission on Atomic Energy more than earned him the recognition and honor that would come from having a nuclear submarine named after him.

I would hope that everyone in this body who was privileged to know and work with such a great man would join with the Massachusetts House and myself in urging this honor for the late William H. Bates.

At this time, Mr. Speaker, I submit a copy of the resolution, signed by Massachusetts Secretary of State John F. X. Davoren, to be included in the RECORD:

RESOLUTIONS MEMORIALIZING THE SECRETARY OF THE NAVY TO NAME A NUCLEAR SUBMARINE IN MEMORY OF CONGRESSMAN WILLIAM H. BATES

Whereas, Congressman William H. Bates of Salem, Massachusetts, Representative in Congress, 81st to 91st, died June 22, 1969; and

Whereas, Congressman Bates was educated at Salem High School, Worcester Academy, Brown University and Harvard Graduate School of Business Administration; and

Whereas, He rose from rank of Apprentice Seaman to rank of Captain in the United States Navy; and

Whereas, At the time of his death, he was a ranking member of the House Armed Services Committee and the second ranking minority member of the Joint Commission on Atomic Energy; and

Whereas, He served his country with honor, distinction and dedication in World War II and while a member of Congress; therefore be it

Resolved, That the Massachusetts House of Representatives respectfully urges the Secretary of the Navy to name a Nuclear Submarine in memory of Congressman William H. Bates; and be it further

Resolved, That a copy of these resolutions be forwarded by the Secretary of the Commonwealth to the President of the United States, the Secretary of the Navy, the presiding officer of each branch of Congress and to each member thereof from the Commonwealth.

House of Representatives, adopted, June 22, 1971.

WALLACE C. MILLS,
Clerk.

A true copy.
Attest:

JOHN F. X. DAVOREN,
Secretary of the Commonwealth.

BUFFALO'S MAYOR TELLS WHY VETO SHOULD BE OVERRIDDEN

HON. THADDEUS J. DULSKI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 13, 1971

Mr. DULSKI. Mr. Speaker, President Nixon's veto of the accelerated public works program is a deep disappointment to those of us who sponsored and fought for this program.

This is a national program, but its value is best appreciated when you look at it from the local level. It is the local needs which are basic. Collectively across the country they merited the support of the administration.

The accelerated public works program is urgently needed in my home city of Buffalo, N.Y. What it would mean to Buffalo is well documented in a letter I have received from our mayor, the Hon. Frank A. Sedita.

I hope sincerely that the Senate, which must act first, will vote to override the President's veto. If it does, then we in the House will have our chance and I feel certain we have the House votes to override.

Mr. Speaker, as part of my remarks, I include the letter I have received from Mayor Sedita:

CITY OF BUFFALO,
OFFICE OF THE MAYOR,
July 7, 1971.

Hon. THADDEUS DULSKI,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN: As you know, President Nixon last week vetoed a $5.5 billion plan for an accelerated public works program. This stroke of the pen constituted another in the long and ever-growing list of lost economic assistance which the working people of the Buffalo area greatly need.

The $5.5 billion public works bill is a basic type of pump-priming, similar to legislation which helped us get back on our feet during the Great Depression. This bill contains desperately-needed funds for Erie County and the President's veto kills hopes for the jobs and projects that would have been created in our area.

I urgently request your support of this program and vote to override the President's veto. I make this request because since 1969 unemployment in Buffalo has increased over 100%, from 3% to over 7.2%. In 1969, some 20,000 people in Buffalo were out of work. Now that number is over 42,000.

Since 1968, a total of 36 heretofore solid businesses have either closed or undergone massive cutbacks in the Buffalo area. These reductions alone have put approximately 6,000 wage earners out on the street. Other large industries have been either cutting back or laying off workers. Just a few days ago, only weeks from a possible steel strike, when stockpiling orders should be at their highest, Republic Steel laid off 2,400 men for a week because of low orders. The impending steel situation, with or without a strike, will bring our area to a job and fiscal crisis.

The U.S. closed its books $23 billion in the red because the economy did not generate enough revenue and other nations, in effect, have devaluated the U.S. dollar. The balance of payments has shown a two-months deficit for the first time in 21 years, wiping out the gains of the first quarter. In light of these facts, the President has refused to institute wage and price controls and continues to persist in vetoing vital job-producing legislation.

In 1969, the President vetoed a similar bill to create jobs. His reason then was that the legislation was unnecessary to get the economy moving. After three years, the local economy continues its decline with no end in sight. Unemployment increases, inflation continues, and workers earn less income. As income falls, federal and state tax revenues fall and, consequently, aid to local government has declined. As state and federal aid to local governments declines, a greater burden is placed on the already overburdened local property tax.

With little or no money for education and with no jobs available, real economic hardships are created and an inevitable increase in the welfare rolls takes place.

Let's all work together to use tax funds constructively and give people jobs that enable them to be self-supporting and concurrently provide badly needed public works for the cities, towns and villages of our area.

I ask you, therefore, to speak out for the $5.5 billion public works bill. We desperately need jobs to get the country moving again. I ask you to vote and to urge all of your colleagues to vote to override President Nixon's veto of the $5.5 billion public works bill.

Sincerely,

FRANK A. SEDITA,
Mayor.

THE SELLING OF THE PENTAGON

HON. ANCHER NELSEN

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 13, 1971

Mr. NELSEN. Mr. Speaker, it is with some reluctance, I admit, that I have supported the Committee on Interstate and Foreign Commerce in recommending that Dr. Frank Stanton and the Columbia Broadcasting System be cited for contempt of Congress. While I am not an attorney in the Constitutional sense or otherwise, I would very jealously protect the rights guaranteed by the First Amendment of our Constitution. Being a conservative by nature, it would be my natural tendency to do so. At the same time, I recognize the importance of guaranteeing to the public free access to a true presentation of the news.

It possibly is unfortunate that the documentary involved in this issue happens to be "The Selling of the Pentagon." I certainly do not think that the point which CBS was presenting in that documentary should enter this argument. We are only concerned that in the production of any news story or documentary producers and editors show and tell it as it is without resorting to the kind of film editing and manipulation which distort interviews and result in deception bordering on fraud in violation of a public trust.

I am sure that it goes against the grain of common decency and reporting integrity that one who is interviewed should find that his answers to one question appear in the final production as answers to an entirely different question or that statements in a speech are reassembled to give an impression that was never intended in the first place. Such practices do not constitute a proper recognition of a public trust which follows from the granting of a lucrative and exclusive right to use the airwaves for broadcasting purposes.

The action taken by the committee has given rise to some important and conflicting issues as to just what is involved in this action.

First. In the first place it is alleged that the committee's action is in violation of the first amendment rights of CBS as a communications media to freedom of expression without restraint. CBS has raised this issue stating that it as a broadcasting media has equal rights under the first amendment with publishers of newspapers. While the guarantees of freedom of expression as set forth in the first amendment are indeed broad and to be much respected, it is doubtful that broadcast media rights in this respect can be judged to be equal to those who disseminate news and opinion by the printed word.

The power and responsibility of the Congress to regulate the use of the airwaves has been recognized going back to the passage of the original Radio Act in 1927. Numerous court cases interpreting the Federal Communications Commission Act of 1934 recognize the power of the Congress under the Constitution to require licenses for the use of the airwaves and the right of the Congress through the FCC to regulate these licensees both in the technical sense and in the subjective sense. For instance, it has been held by the Federal courts that the first amendment does not bestow or recognize any constitutional right to disseminate false or misleading advertisements. The U.S. Supreme Court itself in an opinion handed down this year has stated that there is no right in the first amendment to a defense against dissemination of falsehoods.

Second. It is said in defense of CBS that to require the turning over of the outtakes from "The Selling of the Pentagon" documentary would be contrary to a Supreme Court ruling which held that a news reporter's notes may not be subpenaed since these notes are privileged matter. This ruling of the Supreme Court in the Caldwell case has been much watered down, and when the issue came to the Court, the question of the reporter producing his notes was no longer in question. Furthermore, the ruling of the Court in the Caldwell case has not been recognized in three lower court opinions which will be reviewed by the Supreme Court in its October term this fall. Actually, CBS in the brief filed with the committee did not cite any court opinion equating film outtakes with the personal notes of a reporter.

Third. What we are concerned with here is the falsification or manipulation of news and the responsibility of the licensed broadcasting media to present a factual report of news events to the listening and viewing public. The right of free speech and press, as set forth in the first amendment, is what is known as a derivative right. It emanates from the people whose fundamental rights are recognized. The protection does not originate in the disseminator of the news but rather originates in the rights of the people to a free press. This right of the people by its nature implies a right to a true presentation of the news. This point is particularly important with respect to the television media because the filmed account of an event purports to be an actual recording of that event as it took place. To have this recording distorted through manipulation by means of film editing violates the rights of the people to that extent. If, as the courts have recognized, the Congress has the authority under the Constitution to regulate the broadcast media, then it becomes the responsibility of the Congress to the listening and viewing public to insure that the dissemination of news and events is not subject to manipulation without notice.

Fourth. Television as a means of news reporting and formulation of public opinion is very powerful. In response to a public opinion poll reported in Broadcasting magazine last November, 60 percent of those responding indicated that they rely on television as a primary source of news. This, in addition to the limited access to the airwaves, places a particular responsibility on television broadcasters to recognize that they operate under a peculiar public trust. They are responsible to the public whom they are licensed to serve, and the Congress as elected representatives of the people has both the right and the authority to enforce this trust. As Abraham Lincoln stated:

> He who molds public sentiment goes much deeper than he who pronounces the decisions. He makes those decisions possible or impossible.

This indicates the extent to which the television media is in a position to eventually shape that government which emanates from public opinion.

Fifth. It has been stated that the FCC, the agency created by the Congress to exercise its regulatory functions over the broadcast industry, did not find evidence of deceptive practices in the production of the CBS documentary. Recognizing this fact, it should be pointed out that the Commission's action was contrary to the recommendations of its own staff. The recommendation of the Broadcast Bureau of FCC stated in part:

> The staff believes, however, that the evidence available in the present case is extrinsic, and so strongly indicates a deliberate intention to distort as to require inquiry of the licensee.

In the interest of fair play and honesty in the presentation of news to the public, the recommendation of the committee should be approved.

As Chairman STAGGERS stated at one point in committee:

> If we have reached a time in our nation's history when propaganda techniques and electronic manipulations may be practiced on the American pubic over their own airwaves, and the congress is foreclosed from even inquiring into such practices, the age of "Big Brothers" has arrived.

We are an elective body; we are direct representatives of the people. Television networks have not yet been clothed with such authority, though there are arguments in their statements filed with the committee that suggest at least one may wish indirectly to so clothe itself. I, for one, consider that in supporting the committee in its action I am acting in and for the the public interest. The people have not delegated their representative authority to so act to an entity in the regulated broadcasting industry. And, we as Members of Congress, as well as the people, would be stripped of power were it to be otherwise. What is claimed here is simply:

The right of Congress to investigate, and to compel the production of information, as inherent in its authority to legislate;

The right of this committee to conduct an investigation of the regulated television industry;

The right of Congress to regulate broadcasting so as to prohibit deception to the public;

The right of Congress and its Members as representatives of the people to act in the public interest to insure that the public is not deceived; and

The committee's right to act as an investigatory arm of the Congress to insure the preservation of freedom of the press free from distortion and deception.

BILL RUCKELSHAUS OF EPA

HON. WILLIAM G. BRAY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 13, 1971

Mr. BRAY. Mr. Speaker, when the President named Bill Ruckelshaus to head EPA he made one of the most significant and vital appointments of his entire administration. The following article from the July 1971 issue of Signature magazine is quite aptly titled—"Nixon's Breath of Fresh Air":

NIXON'S BREATH OF FRESH AIR

(By Nick Thimmesch)

There's no escape from the environmental crisis upon us. We breathe bad air. Our water is still generally drinkable, but many fish which swim in our water sources are no longer edible. We are constructing monuments of solid waste that may dwarf the pyramids of ancient Egypt. The question is no longer whether we, as a nation, must clean up the mess but when, in what way, how fast, and with what chance of success.

President Nixon, the Democratic candidates who want to run against him, congressmen of both parties, right-wingers, left-wingers, oldsters and youngsters—everybody wants something done about the environment—today. Right now the buck stops—to paraphrase Harry Truman—at one, single, mortal man, William Doyle Ruckelshaus, 38, an Ivy Leaguer out of downhome Indiana, whose responsibilities as administrator of the newborn Environmental Protection Agency are formidable enough to give him cabinet status. Armed with some brand new laws and a batch of old ones, including the Refuse Act of 1899, Ruckelshaus has power which he would like to unleash like a thunderbolt from Zeus—but can't. Because our industrial engine, the world's mightiest, and our lifestyle and economic habits are in relentless motion, diverting them toward a better environment can be accomplished only by a long, painful process of law and persuasion.

By now almost everyone has heard that we have 108 million cars, buses and trucks on the road. That a million smokestacks are spewing pollution into the atmosphere. That vast amounts of solid and liquid wastes are pouring into U.S. streams, lakes and coastal waters. That while the average family has prospered it has graduated from one trash can to an average of eight.

And suddenly there was "Earth Day" (which made great television) giving millions a chance to enjoy a litter outing, and the commercials sang, "What can one man do, my friend?"

Ruckelshaus—perhaps that one man—senses that the national mood on pollution is as overwhelming as the national mood after the attack on Pearl Harbor. But the pollution war requires long-range planning.

"When I'm pressed," says Ruckelshaus, "I tell people we haven't reached perfection in six months. We can't let people say if there's no visible progress so far, the commitment's gone. What's gone is the carnival atmosphere of the environment issue. Now we're in another phase: we exert constant pressure and remain patient. Now we're trying to get polluters up to a minimum level of compliance."

This down-to-earth administrator was born in Indianapolis, the son of a prominent lawyer and the grandson of a Republican county chairman. He was given a traditional Roman Catholic education until his arrival at Princeton, from which he graduated cum laude in 1957. He received his law degree from Harvard in 1960.

Tall, good-natured, and athletic (even his horned rimmed glasses make him look like Clark Kent about to unpeel his coat and shirt and soar up—up—and—away as Superman), Ruckelshaus was an instant wow on entering politics. He was elected to the Indiana House of Representatives in 1966 and became the first freshman legislator to be elected majority leader. In 1968, he ran against handsome, charismatic Democratic Senator Birch Bayh but was beaten, in a setback, by 63,000 votes.

In 1969, Attorney General John Mitchell was shopping around for Republican talent to staff his Justice Department. Aware of Ruckelshaus' record as a good trooper in the G.O.P., Mitchell signed him on as head of his civil division. Ruckelshaus starred there and developed a reputation as a liberal among law-and-order advocates, pushing for greater tolerance for the growing legion of demonstrators coming to Washington to protest President Nixon's Far East policies.

A hearty fellow with a smile that promises one day to reach ear to ear, Bill Ruckelshaus fielded the worst obscenities that college students had to offer, laughed them off, and went on to defend the Nixon administration with the confidence that perhaps only a large man measuring six feet, four inches and weighing 195 pounds can muster. If students don't make sense to him, he doesn't give an inch. "Some young people want to be in the decision-making process, and that's good," he says, "but once the decision is made, they don't want to be part of it. That's not good."

When President Nixon created EPA on December 2, 1970, he in effect merged 15 environmental units from the Departments of Interior, Agriculture, and Health, Education and Welfare. Since then Ruckelshaus has established 10 regional offices and EPA now has 6,300 employees. In its first six months, it has operated on a budget of $1.3 billion a year; its next budget will be almost double.

Like many a general in a long-haul war, Ruckelshaus has launched several spectacular first-strikes, mostly to let people know that he means business. He had scarcely been confirmed by the Senate when he appeared at the Annual Congress of Cities and cut loose at Detroit, Cleveland and Atlanta with an ultimatum to stop polluting their waters. Those cities have Democratic mayors and one, Cleveland's Carl Stokes, cried politics. When some of the mayors retorted that the Federal Government hadn't provided enough funding for raising water standards Ruckelshaus told them the money would become available ($6 billion in the next three years) but that they would have to press local and state governments for matching funds.

His next strike was against Union Carbide Corporation's Parkersburg-Marietta plant, whose smokesstack emissions of sulfur oxides weren't reduced 40 percent by October 1970 as pledged, and thus constituted an "immiment health hazard from a *single* source." Union Carbide got the message. Today it is complying with Ruckelshaus' clean-up order.

When the Reserve Mining Company in Minnesota, accused of dumping remnants of iron oxide into Lake Superior, asked for more hearings and extensions, an exasperated Ruckelshaus finally gave them 180 days to come up with a plan or go to court. Indeed, a listing of Ruckelshaus' actions, since he took office last December 2, amounts to a battle record almost as solid as that of Patton in his drive across Europe in 1944.

He let states know it would be undesirable for their regulatory boards to include representatives of pollution sources. He enjoined the Justice Department to prohibit Jones & Laughlin Steel Corporation from discharging chemicals into the Cuyahoga River at Cleveland; asked for a study of the Trans-Alaska pipeline before it was scheduled to get underway; sued a half-dozen companies on various pollution charges, and also served notice on two Massachusetts companies for possible violation of federal water-quality standards.

Getting municipal sewage systems up to federal standards is a tougher go, and involves the cumbersome injunction process in the courts—a process that carries the threat of packing mayors and city councilmen off to jail for contempt of court. It has occurred to Ruckelshaus that this could cause deafening applause from some local citizenries for other reasons—thus producing a mild form of noise pollution.

Penalties for violations of the Clean Air Law are fines up to $25,000 and one year in jail for the first offense and up to $50,000 and two years in jail for the second. Industry and local governments have already been mildly stung, but the telling blows will be delivered, Ruckelshaus believes, when it becomes possible to advise the states they have nine months to produce plans enforcing federal clean-air standards.

Ruckelshaus prefers the tedious but more certain approach of enforcing the Clean Air Law through state action to the more dramatic tactic of "going after industries one-by-one, and letting some of them wait 15 years for you to catch them." He also feels the war's first success will come with a campaign to clean the water, simply because many states have been engaged in that effort for 10 years. By invoking the Refuse Act of 1899 Ruckelshaus can require an estimated 40,000 industries not using municipal waste treatment systems to apply for a five-year permit detailing the nature of the waste each individual firm will dump into a stream. EPA and the Army Corps of Engineers will then decide whether the applicant's proposal meets water-quality standards. If it doesn't, the applicant will be given a cleanup schedule and a dumping permit subject to annual review.

When it comes to the overwhelming problem of solid wastes, EPA has another battle plan, "Mission 5,000," a project to eliminate 5,000 acridly smelly dumps by June, 1972. EPA offers technical assistance, with demonstration projects in recycling, but makes it clear that closing of the dumps "must be accomplished at the local level." The manner in which taxpayers are resisting bonding programs, and granting the finicky nature of zoning boards, building solid waste disposal facilities to replace the dumps might be a slow process.

Aware as he is that the anti-pollution war is going to be a long one, Ruckelshaus realizes that he has to ride hard, keep the troops fired up and give everyone the impression that he is attacking on all fronts at once. He's on the lecture circuit constantly and lets fly with the rhetoric. When he socked it to Detroit, Cleveland and Atlanta, he declared: "The actions I have taken today and similar actions I will take in the future may shock some. They may anger others. In my opinion it is far better that we shock and anger today than that our children inherit an unlivable world tomorrow."

He put the knock on the adulation of science when he spoke to the National Press Club in Washington: "We must move out of the shadow of the Victorian illusion that blind faith in science and technology will every day and in every way make us better and better. We must add affection and care to our view of nature."

Academicians have of late been a gloomy lot, so when Ruckelshaus spoke to the American Academy of Political and Social Science he told them so: "Our society badly needs some successes. Across the land the prophets of doom trumpet our failures. This blare and the truthful ring of its notes has sapped our confidence in ourselves, our institutions and our country. One significant success and the sound of defeat will be replaced by the charge to join in the new revolution."

To warn Americans that they are not the only offenders against the environment Ruckelshaus, visiting Ohio State University for Earth Day, 1971, reminded his audience that pollution doesn't belong to the U.S. alone. Rome's ancient statuary is "being eaten away every day by an acid smog more disastrous than all the armies of Gaul. The fabled Rhine, celebrated by Byron as the 'valley of sweet waters,' is now the waste removal system for the industries of the Ruhr."

Talking to people is easier than endless listening, but Ruckelshaus was the audience for an enormous amount of gab during his tour of EPA's 10 regional offices this spring. One of his best visits was to Chicago, headquarters of EPA's Great Lakes region, where he kept up a jammed two-day schedule. In the public meetings and at the press conference, Ruckelshaus was often pressed to answer first how he expected Chicago to enforce its own ordinance on discharge of waste from boats when the new federal regulation was less strict. He replied with the same answer he gave Mayor Richard J. Daley in a private meeting: by applying for a waiver from Washington, Chicago could enforce the federal regulation without exposing itself to suits for violations of the local ordinance.

Angry environmentalists demanded to know why Ruckelshaus didn't file suits (as the City of Chicago has) against huge industries whose fouled air drifts across the Indiana state line into south Chicago. The reply from the man who had notably locked horns with a dozen industries: "You can't go after pollution on an *ad hoc* basis. We've got to get the states to enforce standards for *all* polluters, not take them on one-by-one."

Citing the case of Union Carbide and others, Ruckelshaus explains that it's one thing to prove "imminent health hazard from a *single* source," but another when it comes to the scores of industries bordering Lake Michigan in northwest Indiana along the Chicago line. Which one can be cited as a "single source?" The answer is elusive, but the pollution continues, and that's why Ruckelshaus wants an action taken against the State of Indiana if all the air isn't cleaned up.

In his private meetings with local environment officials Ruckelshaus heard all manner of talk about how painful it is to work with the federal bureaucracy and within congressional legislation. One Illinois official launched into a long complaint about how the feds should consult with the locals before publishing new regulations. Controlling his displeasure, Ruckelshaus made his point, "We can talk this thing to death,' he said. "The man who takes responsibility has to be aware of the facts *before* he issues the regulations. If he has to change the regulations after they're issued, because he didn't know the facts, he really looks foolish."

He keeps such sessions from becoming dreary by prescribing regular doses of humor. To the official who dolefully ticked off Indiana's problems and muttered: "Let's have a moment of silence for Indiana," Ruckelshaus shot back: "That sums up the whole program."

Ruckelshaus' sweeping inspections of his regional offices, many of them made by Air

Force jet, not only boost EPA employees' morale and leave a wake of environmental go-go publicity, but enrich Ruckelshaus with the boon of first-hand knowledge. "If you don't go out and meet with the staffers," he says, "you won't know their frustration. These sessions give them a chance to unburden themselves to a federal official, and that's good. One guy told me that he had been through five governmental reorganizations in the last five years—he was glad to see a real administrator in the flesh."

Not all good natured go-getter. Ruckelshaus has faced tragedy. It visited him when his first wife died in giving birth to their twin girls. Eighteen months later, he and his father were on a fishing trip in Upper Peninsula, Michigan. While Bill was ashore, his father's duck boat capsized about 200 yards out. His father, whom Bill was especially close to, was wearing high wading boots, which quickly filled with water, dragging him down and drowning him in the depths of Lake Michigan.

Bill's second wife, Jill Elizabeth Strickland, is gregarious, athletic, and has an M.A. in education from Harvard She can beat Bill any day of the week in golf, and at five feet, nine inches doesn't let him overpower her in tennis, either. Besides Bill's twin girls, now 10, they have three children of their own—Jennifer, 6, William, 5, and Robin, 2.

If he had time, Ruckelshaus would spend his weekends working in his flower garden, fishing, or playing tennis and golf. But lacking that precious time he can only indulge himself in moments with the sports page. Jill sets a good environmental example by buying all their beverages in returnable bottles.

The EPA administrator shows his stuff by using a government car that burns compressed natural gas (CNG)— the same fuel used in home cooking. CNG fueled cars show an 82 percent reduction in hydrocarbon emissions from gasoline fueled cars (by 1969 standards), and 87 percent reduction in carbon monoxide. The Federal Government now operates about 1,000 CNG vehicles, mostly as a symbolic action in the campaign against pollution. Ruckelshaus says he doesn't mind the slower-acceleration characteristics of CNG cars but empathizes with his driver "who is afraid we might suddenly become airborne if the tanks blow up."

"We can't take everything too seriously in our work," Ruckelshaus says of EPA's mission, "or we'll fall apart or become cynical." This attitude prevails at EPA's administrative headquarters, where the heady atmosphere at Ruckelshaus' "Madhouse" and the "Madhouse Annex" is likened to the early Peace Corps days. It is Bill's luck to have the youngest staff, prettiest girls and the liveliest agency in the Administration.

He's going to need all that and more. Ahead is the decision he must make in January 1972 about allowing the automobile companies an extra year beyond 1974 to meet antipollution standards in their new cars. The political crunch will be on in 1972, with environmentalist Edmund Muskie, the Senator in search of a nomination, breathing all varieties of air down the Administration's neck. With Ruckelshaus responsible for attacking air and water pollution, pesticides and radiation problems, and now noise pollution, his head is probably swimming with the terminology of ecology, dozens of standards, and that nostalgic Refuse Act of 1899.

It all might drive Ruckelshaus to pound his huge fist on the wall as he has done in anger a few score times or to throw back his Clark Kent head and laugh the laugh that comes from the Irish Doyle side of the family. Still, the name of our federal warrior against pollution may well become a household word and perhaps a hallmark in our national destiny.

CONGRESSIONAL HOT LINE

HON. WILLIAM L. SPRINGER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 13, 1971

Mr. SPRINGER. Mr. Speaker, the Library of Congress now has something it has needed for years. That "something" actually is a "someone"—Maggie Kellogg—and her congressional hot line.

As my colleagues know, the Library of Congress long has been one of our most favored institutions. The Library, and particularly its Congressional Research Service, performs all kinds of valuable services for Members of the House and Senate. It provides us with analytical reports on legislative proposals. It undertakes legal research, analyzing and summarizing court decisions, both Federal and State, bearing on legislation before Congress. It helps Members and staff with complicated research projects. It prepares synopses of all public bills and resolutions introduced in Congress. These are only a few of the Library's functions. Rumor hath it that, on occasion, it even writes Members' speeches.

For many years, however, something had been lacking at the Library. That was a mechanism for answering, on the spur of the moment, those innumerable questions of fact that daily confront us in our constituents' correspondence, during committee and in floor debate. Oh, when in years past we would pose these questions to the Library, we would get the answers all right, but too often the replies came in too late for the use intended.

That communications gap was closed when the Library a few years ago set up a hot line to expedite its answers to congressional queries. The hot line has its own staff of three persons, based in the congressional reading room, and operating from morning until well into the night under the direction of Mrs. Margaret M. Kellogg, better known to many of us as Maggie.

I am especially proud of Maggie because she grew up in the 22d Congressional District town of Toledo, Ill., where her father, Dr. L. E. Massie, is a prominent physician. She is a graduate of the University of Illinois as is her husband, Philip Kellogg, now an assistant U.S. attorney for the District of Columbia. He also is a product of the 22d District, having lived in St. Joseph, in my home county of Champaign. His father, King Kellogg, was a professor of music at the University of Illinois.

So my colleagues will know the wonderful job that Maggie and her associates are doing for them at the Library of Congress, I include here an article by Scripps-Howard staff writer Wauhillau La Hay that appeared in the July 12, 1971, issue of the Washington Daily News:

JUST ASK—MRS. KELLOGG HAS THE ANSWERS

(By Wauhillau Le Hay)

"Where can I write Ralph Nader?" "What's Daniel Ellsberg's middle initial?" "Who pushed Gretel in the oven in the story of Hansel and Gretel?"

Those are samples of the hundreds of questions that confront Margaret M. Kellogg each week. A diminutive, short-haired brunette with bright blue eyes and a big smile, she is chief of the Library of Congress's hot line.

The hot line is an extension of the Congressional Research Service for the use of members of the Senate, the House, their immediate families and their staffs.

If, for example, a Senator engaged in floor debate, wants to make a point and has an apt quotation to underline it, but for the life of him can't remember who said it, he rushes out to the cloakroom, calls the Library of Congress and gets a hot line operator.

"Just a minute, sir," says Mrs. Kellogg or one of her assistants, and in nothing flat the Senator learns who authored the quotation he wants to use.

Mrs. Kellogg and her staff (three regulars and additional manpower when things get hectic) are literally surrounded by reference books. But equally important is their knowledge of current news.

QUICKIES

A fairly common occurrence is to get a call from a Senator or Representative who is in a tearing hurry. "This is Senator So-and-so. I'm having lunch in 10 minutes with a constituent of mine and I can't remember a darn thing about him! Would you be good enough to read me his 'Who's Who' listing?"

Mrs. Kellogg says her job sounds tough, but really isn't:

"We don't field questions, we answer them and answer them the day they're asked. There's a certain weight behind a statement that begins 'The Library of Congress says. . . .'"

Sometimes the research gets pretty complicated, as happened about the phrase "silent majority."

"We had a lot of calls about that phrase," she said. "So many that I really had to do research in depth on it. Everytime I'd get an answer, darned if I wouldn't find another. Eventually, I think I got it answered for once and for all."

Mrs. Kellogg laughed: "Guess where I found the first use of that phrase—in an 1895 copy of Harper's Magazine. No, it wasn't in a political article. It was a study on burial customs."

The hot line started in January, 1967, on a small scale. It kept growing and two years later, Mrs. Kellogg was appointed chief of the service. It keeps right on growing.

Lester S. Jayson, Director of the Congressional Research Service, is proud of it. He says: "Our calls in a peak period average about 1,500 a day and at least 50 of the daily inquiries go to Margaret and her assistants.

"The young ladies must be knowledgeable, politic, polite, knowing, agreeable, alert. Margaret is all of those and, of course, she has her masters degree in library science."

Her B.A. in English was earned at the University of Illinois where she met her husband, Philip Kellogg, now an Assistant U.S. Attorney here. They moved to Chapel Hill, N.C., while he attended law school, and she worked in the University of North Carolina Library.

"I realized very quickly that I couldn't go any place in library work without a masters degree, so I got it," she explained.

TOUGHIES

Some questions, she admits, have stumped her. One was: "What's the plural of curds and whey?" After some delving, she found it was simply, curds and wheys.

"What color were Gen. George S. Patton's eyes?" drove her up the wall.

"I checked and rechecked," she said. "In every picture of him, his eyes were hidden by his hat. I found a 1942 Time cover of him, but his helmet shaded his eyes. Eventually I learned they were sort of grey-blue. An artist friend of a Senator wanted that answer."

The Pentagon Papers caused a flood of questions. Any lunar flight brings hundreds more. Acronyms are a daily battle. Now hot line is getting many queries about the lead-poisoning of children and the life and times of the gypsy moth.

"If anything makes the newspaper headlines, we know we're going to get questions about it," said Mrs. Kellogg. "So we read all the daily papers every day. We have to know the who, what, why, when and where of everything."

She looked at the revolving stands of hundreds of books around her and said: "Well if the answer isn't in one of these books, don't worry. We'll find it. After all, the Library of Congress is a pretty big place. And every department helps."

Well, we asked, where DO you write to Ralph Nader?

"Try Washington, D.C.," she said. "He'll get it"

TESTIMONY BEFORE THE HOUSE AGRICULTURE COMMITTEE BY ROBERT M. HENDRIX AND JAMES R. McKNIGHT

HON. ED JONES

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 13, 1971

Mr. JONES of Tennessee. Mr. Speaker, the House Committee on Agriculture is presently conducting hearings on proposed farm credit legislation. Today, two of my constituents from the Eighth Congressional District of Tennessee testified before the committee. Mr. Robert M. Hendrix, a resident of Dyersburg, made a statement as chairman of the National Advisory Committee of the Production Credit Association, and Mr. James R. McKnight, of Humboldt, testified as a director of the Dyersburg Production Credit Association.

Because I feel that their testimony should be brought to the attention of the whole body, I include their statements at this point in the RECORD:

TESTIMONY BEFORE THE HOUSE AGRICULTURE COMMITTEE BY ROBERT M. HENDRIX, JULY 13, 1971

Mr. Chairman, I am Robert M. Hendrix of Dyersburg, Tennessee. I farm 1200 acres of land growing cotton, corn, lima beans, greens, spinach, milo, and hay. I have a 300 cow herd of black angus brood cows. I have been a member of the Production Credit Association of Dyersburg, Tenneessee for 15 years. I have been a director and on the executive committee 10 years. I am presently vice president of the Association and a member of the Land Bank. I am chairman of the National Advisory Committee of PCA representing 523,000 borrower owners of 442 PCA's through which $8\frac{3}{10}$ billion dollars of production credit was obtained by American farmers and ranchers last year. PCA's being credit cooperatives have pioneered in many respects and provided credit and services in response to their members needs. Some of these include line of credit financing, budgeting, finance planning, electronic farm record keeping, loan sharing and loan participation planning. Broader authorities and flexibility requested in this bill will permit PCA's to continue to adapt their credit services to agricultural producers in a rapidly changing environment.

Some examples of how PCA's could provide better credit services under this act are participation with country banks in loans, financing farm related businesses such as customs operators, leasing of larger equipment that is not feasible for farmers to own outright, financially related services such as estate planning and so on.

Mr. Chairman, the farmer members of PCA's are proud of the services which their association has performed in the past. We are mindful of the challenges and changes that lie ahead, and through enactment of this legislation we believe our PCA's will be in a far better position to adapt to meet our needs.

Mr. Chairman, I have a personal concern in this farm credit legislation. My grandparents were pioneer settlers, clearing land for farming. My father was a farmer, and I have a 17 year old son who I hope will carry the Hendrix name into agriculture, but with the average age of farmers nationwide today being 55, and the fact that about the only way a young man can get into farming today is to marry into or inherit a farming operation, I believe that this legislation as proposed will make it easier for young men, who have a desire, but do not have the resources to farm, to get into farming in the future.

I would like to quote from a clipping from yesterday's local paper. "Our agriculture department predicts that by 1980, 95,000 big farms will be producing more than half of this nation's food and fiber. The study further showed that the total number of farms in this country is likely to drop from 2.9 million this year to about 1.9 million in 1980—or a decline of 50%.

Mr. Chairman, I believe the family type farm will always have a place in agriculture. The innovations of this type farming has given us many of the modern machines and techniques that we now use in our farming operations. The right to make decisions for oneself in planning and carrying out ones farming operation as he sees best has been the carrying out of the American democratic process at its best. I believe passage of this legislation will help perserve this "Great American Heritage, the Family Farm." enrich our rural communities, economically and spiritually, and bless our nation in the years to come. Thank you.

STATEMENT OF JAMES R. MCKNIGHT BEFORE THE AGRICULTURE COMMITTEE OF THE HOUSE OF REPRESENTATIVES, UNITED STATES CONGRESS, JULY 13, 1971

Mr. Chairman, Members of the Committee: My name is James R. McKnight. I am a farmer from Humboldt, Gibson County, Tennessee. I am appearing here today, not as an expert on legislative matters, but as a farmer who has used the credit services of various organizations within the Farm Credit System in building up a farming operation over the years.

My brother and I presently operate a family farm of approximately 2,000 acres of which we own approximately 1,400 acres and rent 600 acres. In addition to growing cotton, soybeans, corn, small grains, and pasture, we have a dairy herd of some 250 cows. Our ancestors moved to western Tennessee from Ohio shortly after the Civil War. Our ancestors, including our father, were sharecroppers. Through hard work, reasonable management, and the availability of credit, not only directly to us but to our supply cooperative, the Gibson Farmers Cooperative, we have been able to move from a sharecropping operation into one of ownership.

As a farmer I have felt that it is necessary that I be involved in farm-related organizations, not only to serve my own personal benefit but to assist my fellow farmers. At the present time I belong to the Associated Milk Producers, Gibson Farmers Cooperative, Dyersburg Production Credit Association, Tennessee Farm Bureau, and a local dairy herd improvement association. I am president of the Gibson Farmers Cooperative, which is our local supply cooperative, and am a director on the board of the Dyersburg Production Credit Association.

I am here today to express some of my opinions relative to H.R. 7138 (Farm Credit Act of 1971). It is my basic belief that the Bill is presently, and will continue to be in the future, important and desirable to the dirt farmers of west Tennessee and the nation. I am optimistic over the provisions of the Bill relating to the operations and flexibility of the Bank for Cooperatives system. I am aware of the increase in needs of our cooperatives in the area of financial assistance and service as presently being provided for by the various banks for cooperatives. Our own supply cooperative has for some time been a borrower-stockholder in the Louisville Bank for Cooperatives and has enjoyed a fine working relationship with this bank.

There are two areas in the Bill as it relates to the cooperative banking system which I feel merit individual attention today. The first is the area relating to the authority of the Banks for Cooperatives to increase the ratio of authorized debenture sales to net worth from the present eight to one (8/1) limitation to twenty to one (20/1) as is the case with the Federal Intermediate Credit Bank branch of the Farm Credit System. I and many of the farmers with whom I come in contact are of the opinion that the cooperative banking system has established itself as a responsible lender of moneys to our cooperatives and should be permitted the ratio increase.

Secondly, the *most* important area of the Bill, in my opinion, relates to the relaxing of the eligibility requirement that at least 90 percent of the voting media of a cooperative must be in the control of farmers (producers). The Bill would change this to allow a district bank for cooperatives to determine what percentage it feels should be in the hands of member farmers, but in no case allow the percentage to be below $66\frac{2}{3}$ percent. As a director of a cooperative, I am aware of the problems which arise when farmer members die and their stock is tied up in their estate, farmer members move to the city, or retire from active farming operations. Many of these former members have substantial investments in their cooperative even though they are no longer actively engaged in farming. Why should the right to vote be taken from these men in order for a cooperative to be eligible to borrow from a Bank for Cooperatives? In my local supply cooperative we have taken away voting rights of many former members who were the backbone of our cooperative for years until they either retired or for one reason or another were unable to continue their farming operation. Even today, when our cooperative seeks additional capital through the sale of stock or debenture bonds, these men (former members) are willing to invest their capital, even though they do not have a voice in our cooperative. These men have been the backbone of the cooperative in its growth through the years, and yet we deny them a reasonable voice in the current management of our cooperative. If the present bill is adopted, we will be in a position to review our own organizational structure and perhaps provide that, in the future, former members who are retiring or leaving their farming operation for one reason or another may continue to vote and be a factor in the cooperative and yet allow our cooperative to be eligible to borrow from the Bank for Cooperatives.

In concluding my remarks, I'd like to make a few observations not only as a farmer—a cooperative member—but also *as a consumer*. As you are aware, more and more of your colleagues are less and less concerned with agriculture. It appears today that people are more concerned with the purchasing power of their dollar and in "consumerism" than they are with agriculture and with farmers' problems. If H.R. 7138 is passed, the average family farmer will be better served and in turn will be in position to better serve others, such as consumers. Every consumer in the United States, and even beyond, will benefit from this Bill. It will enable a family farmer to continue to produce food at a very reasonable price and to continue to expand his operation with enough flexibility in his credit sources so as to provide the foods needed by the consumers and at these same reasonable prices.

As an operator of a family-sized farming operation, it is my opinion that the Farm Credit System over the years has aided and assisted not only me, but other farmers as well in the establishment and growth of our farms. In order for this same Farm Credit System to continue to assist me and other farmers, it must be forward-looking in foreseeing our problems and credit needs in the future. I believe that H.R. 7138 is a giant step forward in providing the mechanics for coping with the future needs of family-sized farming operations such as mine.

THE RIGHT TO DIE PEACEFULLY

HON. LOUIS C. WYMAN

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 13, 1971

Mr. WYMAN. Mr. Speaker, in these times of often confusing court decisions it is nice to hear of one that makes sense. Such a one is that of Judge David Popper in the Miami, Fla., Circuit Court who held that an elderly lady could not be forced to undergo a certain operation her doctor said was necessary to keep her alive. She did not want the operation and begged her family not to force it on her.

While she passed away within a relatively brief time as a result of not having the operation, this was her wish, and as her daughter said "she went peacefully." Surely such is one of the inherent rights of all mortals in possession of their faculties—the right to die peacefully.

The following United Press International account of this incident appeared in the Manchester Union Leader, N.H., of July 5, 1971:

JUDGE'S ORDER LETS WOMAN DIE PEACEFULLY

MIAMI.—An elderly Cuban woman who begged her family not to "torture me any more" with further surgery died "peacefully, with no pain at all" Saturday with her daughter holding her hand.

Circuit Court Judge David Popper had ruled Friday that 72-year-old Mrs. Carmen Martinez could not be forced to undergo the transfusions and removal of her spleen, which her doctor said was necessary to keep her alive. The judge said Dr. Rolando Lopez had to do his best to keep her out of pain and alive, but did not have to perform any operations that would cause her pain.

As Lopez had predicted, she died less than 24 hours after the order was issued. He had sought the court's guidance to determine if he could be prosecuted for obeying Mrs. Martinez' wishes to stop the operation, in effect helping her die.

"We are all very thankful to the hospital, Dr. Lopez and Judge Popper," said Mrs. Maria Elena Bernal, Mrs. Martinez' daughter.

"I was there, holding her hand until the last minute," said Mrs. Bernal. "She went peacefully, with no pain at all. It was just how she said she wanted it."

Mrs. Martinez, suffering from a terminal blood ailment called hemolytic anemia, would have needed "cut down" transfusions requiring the opening of veins, and the removal of her spleen, to stay alive. Lopez said the operations would not have been painful, but Mrs. Martinez begged her family "don't torture me any more."

She had been a patient at Palm Springs General Hospital in Hialeah since May 8. She died at 1:20 p.m. Saturday.

STARTLING IDEA: HOUSE CALLS

HON. BENJAMIN S. ROSENTHAL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 13, 1971

Mr. ROSENTHAL. Mr. Speaker, I recently held a day of public hearings in my district on the subject of health care delivery. One of the most prevalent complaints I heard from people concerned the disappearance of the house calls by doctors.

The physicians responded that they could treat their patients better in their offices than in a person's home, that house calls were very time consuming and thereby denied medical attention to others who could be seen in the office while the doctor was on the road, and, the doctors added, most persons are not too ill to go see their doctor.

One physician told me of an apocryphal encounter between a doctor and a plumber late one night when a pipe burst at the doctor's home. After the repairs were finished, the plumber presented his bill and the doctor, turning pale, exclaimed, "$200, that's outrageous. I'm a doctor and I only charge $20 for a housecall." And the plumber calmly replied, "Yes, I know. I used to charge $20 for house calls, too, when I was a doctor."

House calls by doctors may not be a thing of the past after all, however. It is making a popular and apparently successful revival in Los Angeles, according to a report in the National Observer. Because of the high interest shown by the public in this subject, I am inserting in the RECORD the article by Roy H. Copperud in the July 5, 1971, issue of the National Observer, headlined "Startling Idea: House Calls." It follows:

STARTLING IDEA: HOUSE CALLS

(By Roy H. Coperud)

It was 10:45 p.m. and Kim Dishaw, needed a doctor. A visitor at the home of Mrs. Judy Prince here, Kim was far from home in Sauk Rapids, Minn., and from her own doctor, Mrs. Prince called her own physician.

He didn't come, but another physician appeared at the door within 15 minutes of her call. He found Kim acutely ill with tonsillitis, administered penicillin, and advised the girl to delay her return home for a day.

Clara Hartley called for medical help one Sunday morning for her grandmother, Ella Hartley, 77. A doctor arrived in about 30 minutes and administered an injection that relieved the woman's asthmatic attack.

Mrs. Neil Patton lay dying of illness the other night. Her daughter-in-law, Mrs. Shirley Patton, telephoned for a physician to assist the older woman in her final moments. "The doctor was here within half an hour," Mrs. Patton says. "He was very efficient and couldn't have been nicer. It's marvelous—just like having the old-fashioned house calls again."

Here in Los Angeles, more and more people are having house calls again—but not quite the old-fashioned kind, which have disappeared in many places.

Doctors in the area may subscribe to a fast-growing plan that guarantees visits to their patients' homes at any time between 6 p.m. and 6 a.m., and 24 hours a day on week ends and holidays. Response to calls is speeded by having a doctor and some medical equipment aboard a cruising van. Demand is growing so rapidly that the service soon will be offered 24 hours a day.

Known as "Physicians on Call," the service is offered by an organization called Health Systems, Inc., which began by providing doctors to staff emergency rooms in hospitals. Health Systems is a wholly owned subsidiary now of Extendicare, Inc., of Louisville, Ky.

Since the house-call program began to come to public notice, Dr. Gary London, president of Health Systems, says he has had inquiries from doctors in a number of other cities, among them Atlanta, Toledo, San Francisco, Newark, and Boston, who are interested in setting up similar services.

Actually, similar services are offered also in Brooklyn by a newer company, Health Delivery Systems, which expanded in June to Philadelphia and is moving into the Boston, Baltimore, and Washington, D.C. areas. It operates in New York as the Doctors' Association and elsewhere as the Doctors' Team.

This company is headed by Dr. David Scheinman of New York. It doesn't have any cruising medical vans as yet, but it does offer 24-hour, seven-day house-call service on behalf of subscribing doctors. Eventually, spokesmen say that doctors' Team plans to offer to make a doctor's hospital rounds and his calls at nursing homes.

In Los Angeles, Dr. London says the physician on Call system works this way:

A subscribing doctor pays a fee of $100 a month to Health Systems. Calls to him during the night and on week ends and holidays are transferred by an answering service to Health Systems. If a house call is deemed necessary, instructions are radioed to a cruising Volkswagen van with some medical equipment aboard and manned by a driver-attendant and a Health Systems doctor.

If the medical van, which is cruising constantly during the night hours, is too far from a patient's home, another doctor in Health Systems' pool who lives nearby is dispatched in his own car, but eventually plans call for fielding other vans. Dr. London says that five vans should be enough to serve a city of this size and that interest in the program is growing at such a rate that Health Systems soon will have them.

The charge to the patient for such a house call is $20, which is paid to the patient's personal doctor. Fees for office visits to doctors in the Los Angeles area now range between $8 and $15. A visit to a hospital emergency room or outpatient clinic can run from $12 to $44.

The house-call service has been operating in a limited way for about six years. But it has just started expanding. Dr. London wasn't satisfied with the way it worked until recently, and resisted much growth while it was being refined.

MEDICAL SOCIETY APPROVAL

When Dr. London submitted the house-call service to the Los Angeles County Medical Association for approval, the question was raised as to whether it is proper for a physician to sign over responsibility for his patients on this basis to a doctor who is a stranger to him.

The ethics board of the association decided, says Martin Baker, executive director of the association, that this was indeed appropriate, and that the service offered would be both highly desirable and necessary.

If a doctor simply wants a night off to go to the theater or attend a ball game, he can obtain the service for a fee of $1 an hour, without subscribing on a regular basis.

Where does Health Systems get doctors who are willing to put in hours riding around in a van or manning a telephone at its offices? A few years ago, they were mostly young hospital residents who were glad to pick up some extra money.

Now that residents are better paid, they are not so freely available. But there are other sources. Some are military doctors who moonlight with permission of their commanding officers. Others are doctors on their way into or out of military service. Still others are semiretired doctors.

A doctor in Health Systems' pool usually works about one night a week. For this, he earns about $200, although the amount depends on the number of calls he makes. The work is considered much less taxing than a doctor's ordinary day.

All told, the service has made about 20,000 house calls and given 100,000 telephone consultations. The number of house calls runs to 10 or 12 a day. There are now more than 100 subscribers, including some large clinics with numerous doctors, and Health Systems has a pool of 30 doctors to man its answering facilities.

Do patients mind being seen by someone other than their own doctor? Dr. London reports that most say they are pleased just to be able to get any doctor during odd hours. Most subscribing doctors send letters to their patients explaining the arrangement.

OTHER SERVICES OFFERED

In Los Angeles, Dr. London's Health Systems has been providing a number of other medical services for years. Besides furnishing doctors to staff hospital emergency rooms, the concern also provides physicians to staff industrial and private emergency clinics and to give physical examinations for insurance companies. It also functions as a doctors' employment service.

But providing house-call service is perhaps its most unusual activity. Generally, most doctors shun house calls these days because they say if a patient really is ill, he—and the doctor—should go to a hospital. Fast ambulance service is almost universally available to bring patients in.

Too, medicine has become so complex that doctors say they can't carry with them all the diagnostic tools and equipment needed for the best, most effective care. And where doctors are in short supply, they dislike making house calls during office hours because it means fewer patients are seen, and they hate house calls at night because it is physically taxing.

Most doctors view house calls as necessary only for one type of patient: those who are bedfast and need checkups but not hospital care.

Nevertheless, some doctors still do make house calls, especially pediatricians. Others make arrangements to take turns making such calls in behalf of each other. And, of course, many medical societies try to provide emergency house-call service.

Impractical or not, demand for house calls lingers, whether for patients' ego, convenience, or comfort.

House calls were an accepted part of medical practice a generation ago. It is so difficult to get a physician to come out now that it has become a subject of occasionally bitter humor—except for a growing number of Los Angeles residents.

THE CHALLENGES TO PRIVATE INDUSTRY POSED BY THE OCCUPATIONAL HEALTH AND SAFETY ACT

HON. WILLIAM A. STEIGER

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 13, 1971

Mr. STEIGER of Wisconsin. Mr. Speaker, the development of a workable and effective occupational health and safety program will be successful only through the full cooperation of private industry, and nongovernmental safety and health oriented organizations. The following article, by Howard Pyle, president of the National Safety Council, summarizes the successes and failures of past voluntary safety and health efforts. Mr. Pyle then goes on to explain the present role of the private sector in promoting occupational health and safety. He notes that it is among the small businesses that the greatest effort will have to be made to maintain health and safety protection. The second article explains what the small company is confronted with in providing health and safety for its employees, and how such a program can be a complement to, rather than competitive with, industry's goals of production, efficiency and profit.

The articles follow:

ROLE OF THE PRIVATE SAFETY SECTOR

(By Howard Pyle, President, National Safety Council)

The elimination of accidents and health hazards is vital to employees, the public interest, and to the business community. Accidents and occupational injuries produce not only an economic and social loss, but impair individual and group productivity, cause inefficiency, and retard the advancement of standards of living. In principle, the voluntary safety movement, dedicated to the prevention of accidents, is American in concept, and its strength has long rested in the voluntary participation and active support of all who are in a position to achieve optimum safety performance.

The voluntary safety movement in America has proved itself. Since its beginning in 1912, the number of lives that would otherwise have been lost because of accidents approaches 1.5 million.

Now what has happened in the intervening years in occupational safety? Between 1912 and 1970, the accidental work death rate was reduced 67 per cent while the gross national product was increasing nine-fold. So, one might ask, why an Occupational Safety and Health Act? The answer involves a combination of factors.

First, the proponents of an increased federal presence in occupational safety and health were motivated by the fact that thousands of employees did not have the protection of an organized state occupational safety and health program that was equal to the need.

Secondly, the decade of the 60's shows a flattening out of the progress patterns of previous decades. Particularly disturbing was the fact that there was actually a slight worsening of safety performance in many industries.

Thirdly, it has been estimated that there may be as many as three million businesses throughout the country employing 500 or less people where much more needs to be done to maintain adequate safety and health protection.

Many of those comprising the private safety community testified before various congressional committees with respect to the then proposed Occupational Safety and Health Act. Such testimony provided significant direction to assist the Congress in producing legislation that would most effectively supplement that which was currently being done.

In principle, the quickest way to summarize the National Safety Council's basic philosophy with respect to safety legislation is to refer to one of the closing paragraphs of our testimony, which stated:

"In all candor . . . there is no real substitute for the effectiveness of the voluntary safety movement for those who participate. Unfortunately, not all participate."

The record shows that where there has been realistic safety programming, injury frequency rates have averaged more than 70 per cent lower than national rates, and severity rates more than 40 per cent lower. These are the kinds of results that can be achieved.

At best, neither traffic safety, nor occupational safety, nor product safety, nor any other kind of safety is going to be handed to us by legislative enactment or administrative decree. Still, government can bring about changes in these areas of need that would be slow and difficult, if not impossible, by the forces of the voluntary safety movement alone, or by persuasion alone—especially in the areas of research and development.

It would be a serious mistake to assume that there has to be an either/or relationship between voluntary safety efforts and federal presence. Each must be recognized for what it can do and for what it cannot do.

We must recognize that even those now achieving exemplary safety performance probably have not achieved full compliance with all of the standards that have been promulgated by the Secretary of Labor. Still, it is not likely that federally enforced regulations, as now authorized, will significantly improve the injury experience of those who now have effective safety and health programs. In general, these devotees of safety go far beyond that which is enforceable. While recognizing the value of standards, there is much more involved in successful safety programming than simply complying with a set of standards.

At best, occupational safety and health standards promulgated by government can only cover those things that are enforceable—namely some control of the physical conditions and the environment. Enforceable standards do not relate to the man in the man-machine-environment system. Standards simply do not cover certain criteria so necessary to successful programs—such as supervisory training, selection of personnel, job instruction training, analysis or design of work procedures, nor can standards relate to attitudes, morale, and teamwork.

On the other hand, enforced regulations will move the laggards from little or no safety to some safety, but not to optimal safety. So the new Occupational Safety and Health Act will move occupational safety and health ahead for those who know little, care little, or do little in the safety and health arena.

What then is the role of the professional societies, associations, and the National Safety Council in the light of the Occupational Safety and Health Act?

It is to intensify all efforts to provide the expertise that will assist in achieving the purpose of the law—better occupational safety and health performance.

There are three major areas where the private safety community can significantly contribute to achieving the purpose of the act. The areas of concern are: the development of meaningful standards; the development and implementation of education and training programs; the development of comprehensive data on accident/injuries and on the requirements for occupational safety and health research with particular emphasis on the health side.

The federal establishment, by its own admission, does not now possess the manpower and facilities required for the development of standards for all industries, the training and education that is necessary to achieve a better safety performance, and the establishment of requirements for safety and health research. The repository of a great deal of today's potential in these areas lies within the professional societies and associations, the National Safety Council, and in the private sector.

Even though the initial set of standards promulgated by the Secretary of Labor consisted of some 400 pages of fine print, this still does not nearly cover all of the workplace exposures to injuries and illnesses that now confront employees. Herein lies the principal opportunity for the private safety community.

In the next two years the voluntary safety movement, the professional societies and associations, the standards producing organizations, and industry in general will have an opportunity to develop whatever standards may be needed under the act. If the standards developed by these groups can become national consensus standards within that time period, the results can be highly beneficial. In effect, the private sector will be helping to determine the rules by which it will be governed under the act as well as helping to keep the administration of the act on the right course.

In the area of education and training, significant input for the development of curricula for the education and training of safety professionals and para-safety professionals must come from those who possess such knowledge and technical capabilities. Again, a major role for the private safety community.

Where the need for research is the most urgent, the private safety community possesses extensive knowledge with respect to the problems that remain unsolved, particularly where occupational health is concerned. The statute places special emphasis on the long-term effects of the work environment on the employee's health. The existing state of the art is not adequate to meet these challenges now. This places the private safety community in a position to assist in upgrading the current state of the art by describing the requirements for additional research to mitigate, or eliminate, existing and potential health and safety hazards.

Now is the time for the safety and health movement to take full advantage of the many resources that are now available through the non-governmental safety and health oriented organizations. To meet growing needs the societies and associations involved can be relied on to continue to improve on their capacities to assist those who are working for optimal performance. In the process business management can and hopefully will provide valuable assistance to these professional agencies by making their technical specialists available in advisory roles. In this way the business community's three prime concerns . . . cost, performance, and time . . . will be assured the consideration they must have in the development of fully effective safety and health programs.

In conclusion, much of the private sector has provided exemplary leadership and performance with respect to occupational safety and health since the very beginning of the organized safety movement. Obviously, many have done exceptionally well without a federal presence. Unfortunately, many have not.

It is a certainty that those who have contributed so much to the voluntary safety movement will continue to demonstrate the independent initiative that has characterized the highly productive pioneering that has been done in behalf of occupational safety and health.

In looking toward the future, neither the private sector, nor the professional societies or associations, nor the National Safety Council can afford to limit occupational safety and health outputs only to the requirements and needs prescribed by the federal establishment. We must continue to exceed the requirements of federal regulation if we are to achieve optimum safety performance in the workplace.

PROGRAMING SAFETY

Federal law now demands management action to protect the safety and health of employees in almost every business, large and small.

For most large corporations, this places few new burdens upon management. What the law now demands, these companies have long been doing, voluntarily.

Many smaller companies have done less about safety. They have allowed very real handicaps (lack of expertise in accident prevention, multiple pressures on over-worked managers, limited capital, etc.) to block the development of effective safety programs.

The new Occupational Safety and Health Act removed safety from the category of the desirable but postponable options. Action now is a legal imperative.

Compliance with the law need not, in the long run, be a hardship to the small company. It can, on the contrary, be a step forward to greater productivity and profit.

Herewith is a step-by-step process by which the small company, lacking the services of a full-time safety professional, can plan, develop, and implement a safety program that will comply with the law and, what is far more important, serve the best interest of the company and its employees.

STEP ONE:

Setting policy

Sixty-five years ago, Judge Elbert Gary issued a three-sentence statement that is a landmark in the literature of occupational safety:

"The United States Steel Corporation expects its subsidiary companies to make every effort practicable to prevent injury to its employees. Expenditures necessary for such purposes will be authorized. Nothing which will add to the protection of the workmen should be neglected."

This statement sets the basic corporate policy toward safety, assigns responsibility to the heads of subsidiary companies, requires budgetary support, and demands continuing activity.

Every company should have, in writing, its own basic safety policy. It should be issued by top management, which alone is in a position to implement a safety program and which bears the ultimate responsibility for all accident prevention work.

Most policy statements will be longer than Judge Gary's, but they should be as brief as is consistent with clarity. The statement should declare management's commitment to the provision of safe work and a safe workplace. It should state, in general terms, the responsibility of various echelons of management, supervision, and employees.

Two things the statement of policy should not be: a detailed rule book or a sermon.

A round-up of company policy statements is contained in Management Policies on Occupational Safety* (Data Sheet 585), published by the National Safety Council. A study of these statements will give the smaller company management useful clues for the construction of its own policy statement.

The statement should be given broad distribution to all executives, supervisors, and employees. Provision should be made for its distribution to personnel who join the company after the policy's adoption.

Once adopted, the statement of policy must be lived up to scrupulously. Any retreat in practice from the fine words of the statement will be taken by employees as evidence that management's will is not where its mouth is.

STEP TWO:

Organizing for accident prevention

Many varied steps must be planned, executed, and checked on if the safety policy is to be translated into a program that actually prevents work injuries. There is hardly a function of industrial life that is not involved in safety in some way.

It follows from these facts that responsibility for accident prevention rests directly on line management at all levels, from the chief executive officer to the humblest first-line supervisor.

Large concerns usually employ safety professionals and frequently establish safety departments. These professionals and departments, however, are almost always staff, not line. They exist to provide specialized services to make line management's safety efforts more productive.

The small concern usually must do without a full-time safety professional. Such concerns will need to provide an alternative means of obtaining safety services.

Field engineers of compensation and fire insurance carriers are often very helpful, particularly in spotting major hazards and suggesting remedies. Safety consultants are available on a fee basis, and they may provide valuable assistance to concerns that cannot afford full-time professionals (for a discussion on the use of safety consultants, see the January 1971 NSNews).

Membership in the National Safety Council and in state and local safety organizations makes available at minimal cost a host of services and materials to support both occupational and off-the-job safety efforts.

NSC's services include publications ranging from the highly technical to the elementary and motivational types. They also include training courses and training materials. NSC Congresses and conferences cover all areas of occupational health and safety in their discussions and papers.

Whatever sources of services are used, some person in management should be assigned the over-all coordinating function for the safety program. This coordinator should be either a highly placed executive or a staff person reporting directly to such a highly placed executive.

In a small concern, this executive might well be the president. In a larger firm, he might be the chief operating executive.

The point is to involve top management in safety decision-making and to demonstrate to supervision and employees that top management is truly concerned with accident prevention.

The coordinating function involves a variety of actions—establishment of work rules and practices, indoctrination and training of management and supervision, procurement and dissemination of materials, safety inspections, record keeping, direction of safety committees, etc.

However, the coordinating function cannot replace the efforts of line management and supervision.

The Occupational Safety and Health Act requires the provision of safe employment and a safe place of employment. Clearly, these two goals can be achieved only by the exercise of forceful and intelligent leadership at all levels of management.

This leadership for safety is not something separate from the other leadership functions of management. Efficiency, productivity, and safety are not competitive but interacting drives.

Plant, equipment, processes, and work methods are precisely those things that management exists to control. The training, indoctrination, direction, and disciplining of employees are at the heart of the management role.

Line management must be given the physical means, the know-how, and the motive to do the safety leadership job.

Physical means include: a well-built, well-designed work place, with adequate space, light, ventilation, fire protection, and exits; machinery, materials, and processes as intrinsically safe as possible and well guarded when safety cannot be built in; personal protective equipment (goggles, safety shoes, respirators, etc.) for use when hazards cannot be designed out or completely guarded; post-accident aids, such as fire fighting, medical, first aid, and rescue equipment. Not least among the physical means are dollars—the budgeting of reasonable expenditures for safety and loss control.

Know-how can be supplied to management through outside courses, in-plant courses, technical publications, lectures, conferences, and congresses, and the advice of consultants and suppliers.

Motivation of management can be supplied only by top management. All echelons of management and supervision must be made to feel that top management is truly interested in safety and will reward good safety performance. Pious platitudes will not accomplish this. Middle and lower management learns what the front office wants from the steady flow of rewards, praise, rebukes, and decisions on the deployment of dollars and manpower that issue from top management. Some companies are making their position clear to managers by charging accident costs to units.

A definite role should be assigned to individuals and units whose work cuts across departmental lines. Engineering, maintenance, housekeeping, purchasing, training, medical, personnel, and security managers are conspicuous examples of executives whose support must be enlisted in the safety effort.

Safety committees have been found useful in many companies. These committees are found in several different forms, such as:

Top management committees, composed of department heads and specialists;

Supervisors' committees, composed of all or some unit heads;

Employees' committees with appointed or elected members chosen to give representation to various units in the work force—membership is usually rotated to broaden participation;

Labor-management committees to bring together key management and union people.

The form the committee or committees will take in a particular concern will depend upon many factors. In any case, committees should be seen as auxiliaries to, not substitutes for, management leadership of the safety program.

STEP THREE:

Achieving and maintaining safe working conditions

It is more effective to build safety into a work place than to add it after the place exists. If new space is to be built or old space is to be substantially remodelled, management has a great opportunity to advance safety through intelligent planning. The Life Safety Code of the National Fire Protection Association contains a wealth of material to guide planners to build for maximum safety from losses in fires and other disasters.

Ventilation and lighting should be considered carefully, bearing in mind the use to which the space will be put. Plumbing and electrical codes are available (and law in many communities).

Wise layout of both the interior and the grounds of the plant will minimize hazards and promote the free flow of personnel, materials, and products.

Process and machinery should be reviewed to determine if they are introducing unnecessary hazards and whether they can be isolated or guarded to minimize necessary exposures.

In all this planning, the interests of safety and of efficiency go hand-in-hand. What promotes one almost always promotes the other.

Whether or not it is possible to build safety into a work place, the task of keeping it safe is a continuing one calling for conscientious inspection, maintenance, housekeeping, and improvement.

Primary responsibility for an area will rest with the manager or supervisor in charge. But he will need the supportive efforts of the safety coordinator, maintenance and housekeeping crews, security personnel, the engineering staff, and so on.

Some hazards call for inspection with sophisticated instruments—noise, toxic materials, and flammable gases and vapors are examples.

But other hazards can be spotted by simple visual checks—for example, bad flooring, defective stairs, litter, slipping hazards, blocked aisles, and removed guards.

Maintenance men, watchmen, etc., can be very useful informal inspectors if they know their comments are welcomed and appreciated.

Changes in processes and machinery should be made with attention to their effect upon safety. New materials may introduce new toxic and flammability problems. New processes may alter the traffic flow through the plant of personnel and material, and they may also introduce new noise and guarding problems. A good rule of thumb is to insist that safety, not increased hazard, be a by-product of every major change in the work place.

STEP FOUR:

Safety training

Though outside organizations provide a variety of safety training, most such training is done in the plant by plant personnel. Some in-plant training is systematic and structured—NSC's Key Man Training Program is an example. But most in-plant training is informal and closely job-related.

Employee training should begin the first day on the job. Whether or not a formal class for new employees is held, each new worker should be told the general safety rules of the plant and the specific safety requirements of his own task. It is not enough to tell him—foremen must check up to be sure safety instruction is understood and followed.

STEP FIVE

Keeping and using accident records

The Occupational Safety and Health Act requires all employers to maintain records of all injuries causing death, lost time, or transfer, and those that require medical attention. Summaries of these cases must be posted where employees can read them. Selected firms, chosen to form a sample, will be required to report these summaries to the U.S. Labor Department.

Safety-minded concerns have for many years kept accident records for their own use and to provide general work-injury data on an industry and national basis. American National Standard Z-16.1 is an established system for reporting work injuries, and it has been widely used on a voluntary basis, notably by those reporting to NSC and the U.S. Labor Department. It counts only injuries that result in death, permanent impairment, or lost time.

Other systems stress costs and causes of accidents—some cover incidents that do not produce injury.

The federal system is now required, but many employers may find it useful to use other systems as well.

Accident records carefully kept provide useful indications of progress and shortcomings to guide those who direct the company's safety program. Use of the Z-16.1 system permits ready comparison of the concern's record with the record of its industry.

However, in small plants, the number of lost-time cases may be too small to permit useful comparisons. Some system counting more minor cases is more revealing and helpful for such concerns.

STEP SIX:

Providing medical and first aid service

Few small concerns can employ a full-time physician. Many cannot employ even a full-time nurse. But some arrangement must be made to provide medical and first-aid service. Various methods of arranging for part-time services of physicians are used.

Unfortunately, such arrangements usually limit the physician's role to the handling of emergency cases and, in some cases, pre-employment physical examinations.

Medical participation in the prevention of injuries is most desirable. The medical professional, who is also knowledgeable of industrial life and plant conditions, can be a valuable resource to management in evaluating health hazards in the workplace.

The need for examinations, both pre-employment and in-service is becoming more and more obvious. Such examinations not only offer protection against unwarranted compensation claims, but also (and this is even more important) guide decisions on placement and protective measures in ways that prevent injuries or keep them minor.

In this preventive field, the work of industrial hygienists as consultants can be most useful.

In the absence of full-time doctors and nurses the need for trained first aid personnel is magnified. Such organizations as the American Red Cross offer courses in first aid, and selected employees should be encouraged to take them.

A first aid program calls for proper equipment and organization to assure that aid can be given promptly (and intelligently) in emergency situations. Definite understandings of the responsibility and limitations of first aid personnel should be worked out in consultation with a physician.

STEP SEVEN:

Motivating the employees

All technical and scientific means to prevent work injuries will fail unless rank-and-file employees are persuaded to cooperate in the program.

This fact does not diminish management's responsibility; on the contrary, it increases it. Management can sometimes hire specialists to solve technical problems. But no one except management can lead people.

Leadership in safety involves several issues:

Employees must be informed of safety rules and safe work practices;

Employees must be given clear and simple reasons for these rules and practices, with emphasis upon the employees' self-interest in adherence to them;

Executives and supervisors should set an example by faithful observance of the rules and practices;

Supervision should follow up instruction by frequent contacts with employees and, through persuasion and discipline, insist upon employee observance;

Safety should be made lively and interesting through the use of posters, pamphlets, demonstrations, films, exhibits, etc. NSC, insurance companies, and safety equipment suppliers are good sources for ready-made materials in great variety;

A number of companies use various types of incentive programs and contests to stimulate and hold safety interest. Outings, awards in cash or merchandise, plaques and banners, and recognition of individuals and units are examples of devices used to provide extra incentives;

To encourage the use of personal protective equipment, management should make good equipment easily available in as much variety as possible. Allowing the employee choice in matters of taste and comfort will increase acceptance of the equipment.

There is no set pattern as to whom should pay for this equipment. Sometimes the company pays; sometimes the employee does; sometimes they share the cost. Clear instruction should be given on the value and the proper use of the equipment.

TO SUM UP . . .

Federal law now demands that even the smallest concern embark on a safety program.

Responsibility for this program lies with top management.

Every echelon of the work force is directly involved in the safety effort.

Safety efforts, properly carried out, are supportive of productivity, efficiency, and profit.

The small concern can find great help in planning and executing its program from safety organizations and other outside agencies.

A CHURCH ERRS IN POLITICS

HON. JAMES G. FULTON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 13, 1971

Mr. FULTON of Pennsylvania. Mr. Speaker, it is with growing concern that I have noted the increasing tendency on the part of our U.S. churches, and this includes most denominations, to project their organization, their clergy and their membership—too often without notice—into complex international political problems of the day. I wish to call to the attention of the Members of the House an article entitled "A Church Errs in Politics" which appeared in the Baltimore Sun of June 27, 1971, by the nationally known columnist Mr. James J. Kilpatrick.

Being a Presbyterian myself, I am particularly disturbed that the Presbyterian Church should be placed on record as having cast its 15,000 shares of Gulf Oil Corp. stock at the recent corporate stockholders' annual meeting, for the election to the board of directors of this major U.S. corporation, Angela Davis, a self-avowed Communist, and two Communist-supported African guerrilla leaders. Certainly our Presbyterian Church members oppose this action by an overwhelming majority. As far as I am concerned, I received no such notice as a member, and no officer of any Presbyterian congregation to my knowledge, was given adequate knowledge or notice.

Surely the responsible leaders of the Presbyterian Church cannot sincerely believe that such an outrageous action is the proper exercise of the stewardship of the Presbyterian Church in the management of the contributions of its members for religious purposes. In so casting the votes of the shares owned by the Presbyterian Church, this body of the church, or its officers, cast the votes of these God-fearing and loyal members against, and I repeat against fellow God-fearing honorable candidates for director—most or all of whom are Christians. Instead the votes were cast for known and self-avowed atheists, to be directors, to govern the policies of this fine U.S. corporation during the current year, whose moral precepts and beliefs are exactly contrary to the principles and adopted laws and tenets governing the Presbyterian Church. No wonder all over the United States, Presbyterian congregations, their officers, and members are raising strong protest. No wonder contributors falter and contributions and even church membership in many areas declines.

I wish at some point the churches would begin to pay attention to church business and getting us all to heaven instead of getting us to the position of, if not building violent revolution, at least supporting it.

There are peaceful means, but they take time. If we will simply have patience these problems can be worked out.

The wars of this world, in my opinion, are so often caused by noble people who want instant solutions.

A CHURCH ERRS IN POLITICS

(By James J. Kilpatrick)

More than 180 years have passed since Edmund Burke put the final touches on his "Reflections on the Revolution in France." Burke was prompted to his labors by a sermon delivered in London by a political theologian of his time. What would Burke say of certain Presbyterians in America today?

One advances on the topic with some trepidation. In all matters of faith, morals and doctrine, the Presbyterian view is surely the business of Presbyterians only. But I remark the fearful upheaval that shook my own Episcopal Church a few years ago when our own leaders began playing footsie with black extortioners, and I note the formal expressions of outrage by Presbyterian congregations in Tacoma and Anchorage three weeks ago; and I judge these matters of some public interest.

Burke's point, in his denunciation of Dr. Roger Price, was that "politics and the pulpit are terms that have little agreement." It is a point that merits renewed consideration in our own time.

April 27 of this year, the Gulf Oil Corporation held its annual meeting in Atlanta. I missed the story. It wasn't until this week, when a copy of Gulf's annual report turned up in the grist, that I learned of the remarkable effort undertaken by the United Presbyterian Church, through its Southern Africa Task Force, to paddle a boat in political waters.

The United Presbyterian Church through its Commission on Ecumenical Missions and Relations, holds some 15,000 shares of Gulf. On April 27, church spokesmen appeared at the company's annual meeting in support of four propositions they had managed to get on the agenda and they voted their stock in behalf of six candidates whom they nominated for the board of directors.

The four propositions were directed against Gulf's investment in the Portuguese provinces of Angola and Mozambique. The Presbyterian candidates for the board are of special interest. They included, among others, Agostinho Neto, Amilcar Cabral, and Angela Davis.

Neto is leader of the Popular Liberation Movement for Angola (MPLA). Cabral is spokesman for the Party of Independence for Guinea. Miss Davis, a self-avowed Communist, is the black activist now under indictment in California for complicity in murder. (In passing, it should be noted that the resolutions of protest in Tacoma and Anchorage were provoked by the denominational contribution of $10.000 to Angela Davis' defense fund, out of the church's special Emergency Fund for Legal Aid.)

In addition to supporting Neto, Cabral and Miss Davis for election to Gulf's board of directors, the Presbyterian group also proposed a study committee that would include a representative of the Mozambique Liberation Front known as Frelimo. The four church-sponsored resolutions were defeated overwhelmingly. Their six candidates got nowhere: Miss Davis polled 15,489 votes.

Persons who have visited Gulf's Cabinda operation in Angola know at first hand the immense benefits that have accrued to the African natives there. The company's enlightened and humane program, in terms of jobs, income, medical care and education, needs no defense. The Portuguese provinces are wholly multi-racial—in effect, non-racial. There is nothing of apartheid to be seen.

More to the point, by climbing into a political bed with the MPLA and Frelimo, these Presbyterian innocents lend the reputation and respectability of their great denomination to terrorist gangs that are trained, armed and equipped by the Communists. What has this to do with the church? Let me go back to Burke.

"The cause of civil liberty and civil government," he wrote, "gains as little as that of religion by this confusion of duties. Those who quit their proper character, to assume what does not belong to them, are, for the greater part, ignorant both of the character they leave, and of the character they assume. Wholly unacquainted with the world in which they are so fond of meddling and inexperienced in all its affairs, they have nothing of politics but the passions they excite. Surely the church is a place where one day's truce ought to be allowed to the dissentions and animosities of mankind."

James J. Kilpatrick's subsequent letter to the editors of the newspapers which published the article, making a minor correction of fact on procedure is below. This does not change the fact of the vote of the shares of the Presbyterian Church, which Mr. Kilpatrick and I both question.

LETTER TO EDITORS

(By James J. Kilpatrick)

SIR: In a recent column, I dealt critically with what seemed to me the political activism of the United Presbyterian Church in opposing the investment of Gulf Oil Corp. in Portuguese Africa. Through its Commission on Ecumenical Missions and Relations, and more particularly through its task force on Southern Africa, the Presbyterian Church took part in Gulf's Annual Meeting in Atlanta, and there argued for certain resolutions and supported certain candidates for election to Gulf's board of directors.

I erred in one particular. I wrote that Presbyterian spokesmen voted their stock in behalf of 6 candidates "whom they nominated" for the board. I identified these 3 candidates as Angela Davis, Agostinho Neto and Amilcar Cabral. I now am advised that while the Presbyterian group supported these candidates after they had been nominated from the floor by others, and cast their voting shares for them. they did not in fact make the nominations. They were prepared to offer in nomination the names of 6 outstanding Presbyterians as an expression of protest and dissent, but decided against this.

Minutes of the Annual Meeting show that Miss Davis was nominated by David Nolan, holding the proxy of Martin Levy. Mr. Neto was nominated by Barbara Barnes, holding the proxy of Nancy Freehafer. Mr. Cabral was nominated by Richard Leonard, bearing the proxy of William Waterman, Jr. So far as I know, none of these persons is identified with the Presbyterian group.

I regret the error of fact, and stand on the main thrust of my column.

JAMES J. KILPATRICK.

CHILDHOOD LEAD POISONING—A NATIONWIDE EPIDEMIC

HON. WILLIAM F. RYAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 13, 1971

Mr. RYAN. Mr. Speaker, a silent epidemic is sweeping across the face of our Nation's cities, afflicting thousands of small children. Its toll is taken by means of blindness, cerebral palsy, kidney impairment, brain damage, and death. This epidemic is lead-based paint poisoning.

This disease poisons some 400,000 children annually. It is estimated that 16,000 of these youngsters require treatment. Three thousand, two hundred incur moderate to severe brain damage, and 800 are so severely brain damaged that they require care for the rest of their lives.

For another 200 children there is no future at all—not even the vegetable-like existences of an institution for the hopelessly brain damaged. These 200 children will die.

Childhood lead poisoning is not the exclusive blight of New York City. Nor is it even confined just to the cities of the Northeast. It is a national problem.

Unfortunately, many cities do not have programs to screen young children for lead-based paint poisoning. Many of these cities—such as Milwaukee—have pegged much of their planning to eradicate this disease on the prospect of support from the Federal Government, support which will not be forthcoming unless the Congress recognizes the total inadequacy of the administration's belated request for a mere $2 million to fund the Lead-Based Paint Poisoning Prevention Act, Public Law 91–695.

John Owen, executive producer in charge of public affairs for Milwaukee public television channels 10 and 36, has authored a column, which appeared in the Milwaukee Journal of July 8, detailing the inexcusable apathy of the administration in dealing with this totally preventable disease. I commend this article to the attention of my colleagues:

[From the Milwaukee Journal, July 8, 1971]

OUR APATHY OVER LEAD POISONING IS SHAMEFUL AND INEXCUSABLE

It is easy to share the cynicism of the disaffected when you examine carefully how the governmental process really works—or put more aptly, doesn't work. Well meaning legislation passed by Congress becomes little more than empty promises unless the president and his department heads are willing to fund the new programs.

A case in point is the unfortunate history of the recently passed lead poisoning bill.

On Jan. 14, President Nixon signed Public Law 91–695, the "Lead Based Paint Poisoning Prevention Act" legislation representing what many hoped would mark the beginning of a national commitment to eradicate a disease that affects untold thousands of poor children.

New federal studies have documented the effects of automobile exhausts on inner city children, but this bill was designed to deal solely with the lead poisoning caused by the ingestion of peeling paint and plaster from deteriorating houses in the slums of our cities.

TWO-YEAR EFFORT FINALLY REWARDED

Passage of the bill climaxed a two year effort by a handful of concerned congressmen led by Rep. William Ryan of New York and Sen. Edward Kennedy of Massachusetts. The bill authorized the Department of Health, Education and Welfare to spend more than $30 million over a two year period to underwrite the basic provisions of the act: Importantly, to assist local communities in the development of comprehensive screening and treatment programs.

But none of the money has actually been appropriated by HEW for fiscal 1971, despite repeated requests for funding from Ryan, Kennedy and others. HEW has said it will budget $2 million in 1972 for lead poisoning, but that is less than it costs New York City alone to finance its existing program, and $28 million less than the $30 million originally authorized.

HAD EXPECTED FEDERAL FUNDS

It is especially disheartening when you realize that cities like Milwaukee, without screening programs, have pegged much of their planning on the prospect of support from the federal government. An HEW official admits they have already received requests for lead poisoning grants totaling well over $50 million.

Meanwhile, the dangerous summer months are upon us when more than 90% of the lead poisoning takes place. Two hundred children between 1 and 6 will die from lead poisoning, more than 400,000 will suffer lead poisoning or be on the verge of it, and at least 6,000 to 8,000 children will become mentally retarded from what experts call a totally preventable disease.

Even those statistics don't tell the whole story. We have no way of determining how many educational failures in our schools can be explained partially by deficiencies caused by lead poisoning.

MORE PREVALENT THAN POLIO WAS

Journalist Jack Newfield reported recently that "expert testimony presented in congressional hearings has indicated that lead paint poisoning is more prevalent than the polio problem before the advent of the Salk vaccine and that it leaves more children permanently impaired than did German measles prior to the extensive measles vaccination."

No wonder the poor, who have exclusive rights to lead poisoning, aren't very excited about the environmentalists' concern with saving the bald eagle. Lead poisoning should be a major environmental issue, but it isn't.

Ecologist Dr. Rene Dubos puts it more forcefully: "If we do not act on this problem, then I believe that our society is intellectually and morally dishonest in talking about improving social conditions. If we, with all our technological means, are not willing to make the effort to eliminate lead poisoning, then our society deserves all the disasters that have been forecast for it."

ADVERTISING OF ALCOHOLIC BEVERAGES

HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 13, 1971

Mr. WALDIE. Mr. Speaker, I am introducing a bill today which prohibits the broadcasting of any advertising of alcoholic beverages because I feel the enactment of such legislation will be a deterrent to alcoholism in the country.

Statistics show more clearly each year that alcoholism is increasing, and I am convinced that the barring of advertising of alcoholic beverages on radio and TV will be a step in the right direction—certainly insofar as the influencing of children through these media is concerned. We always have the hope that it is not too late to help adult alcoholics through rehabilitation programs; however, it is also important that we prevent such habits from forming, and the enactment of this bill will, I feel, preclude in many instances the desire of children to experience what advertisements of alcoholic beverages can so glowingly describe.

HOW WILL LOCKHEED GET FROM 103 TO OVER 400?

SPEECH OF

HON. WILLIAM S. MOORHEAD

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 12, 1971

Mr. MOORHEAD. Mr. Speaker, I have here in my hand a document that has been consistently and illegally withheld from the Congress. This document, bearing an illegitimate security classification, is a study made in May 1970 by the Office of Systems Analysis in the Office of the Secretary of Defense which concludes that Lockheed has to sell at least 390 L–1011's before they can break even on the program—not 195–205 as Lockheed is currently telling the Congress. This, I must emphasize, is twice as many planes as Lockheed is estimating. In addition, the DOD study estimates that if Lockheed sells as many as 252 planes they will still lose $535 million—more than twice the net worth of the corporation. At the present time Lockheed is claiming 103 firm orders, yet after analysis of Lockheed's agreements with the airlines these turn out to be very tentative orders. They are not firm at all.

The gut question is, of course, how does Lockheed get to over 400 from 103?

Considering the market, the dismal profit, credit, and the overcapacity prospects of the airlines and the added cost of the L–1011 after the Rolls-Royce affair and the substantial delay in the program—the chances of selling over 400 planes or even approaching a viable program have become as effervescent as the clouds over Burbank.

Where does this Lockheed break-even estimate stand in the series of illegitimate estimates that they have used to consistently mislead the Congress on such programs as the C–5A, the SRAM, and the Cheyenne helicopter? Their figleaf of credibility has been swept away revealing the naked truth.

The risk the Government runs in losing its nearly $300 million turns in large part on how well the L–1011 will sell and, in particular, the prospects for achieving its break-even point in L–1011 sales. There is great risk that even with the guarantee that Lockheed will be forced into bankruptcy, and that the Government will have to attempt to redeem its guarantee. The apparent security provided by the present bailout bill falls far short of giving the Government the protection that appears on the surface.

In other words, with nearly $300 million of the taxpayers' money at stake in this decision, the administration has been withholding its independent analysis of the break-even point while relying on Lockheed's own forecasts. Break-even points estimated by Lockheed itself for the L-1011 have ranged from 184 to 350—depending on the audience and the circumstances. This should be repugnant to the Congress.

Is the administration dealing in good faith with the Congress on this matter?

The Pentagon as partner in this enterprise, is guilty of withholding vital information from the Congress for over 14 months.

For over 8 months—since I first became informed that this important study had been made—I have attempted to obtain the document and have been refused. As recently as last month, Secretary Packard refused to make the study available to the Senate Banking Committee. During the hearings Packard did allude to the study and admitted to a break-even point at somewhere in excess of 300 planes. While not being precise, his figures were at least 50 percent higher than those given out by Lockheed and its friends within the Treasury Department.

Now it comes to light why Secretary Packard was somewhat vague. Somewhere in excess of 300 turns out to be 390—almost 400 planes and 100 percent more than Lockheed and the Treasury Department have stated. It must be remembered that this analysis was performed by the Department of Defense over a year ago. In the interim, with the Rolls Royce bankruptcy and with program stretchout costs are bound to have increased and the break-even point pushed even higher—well over 400 planes.

Lockheed has complained that the study is an approximation and that it is over a year old. In that respect, they are correct. It appears that we must have a new and current appraisal before we are asked to decide on the matter. If the break-even point has crept up to well over 400 planes as I suspect it has, then we in Congress ought to avoid backing this loan to Lockheed because the corporation does not stand a snowball's chance in hell of selling four to five hundred L-1011's.

In this regard consider the following facts that are the result of some excellent research done by the House Banking and Currency Committee staff:

THE MARKET FOR WIDE-BODIED JETS

Lockheed's estimate for the L-1011 DC-10 market for the 10-year period is nearly 62 percent greater than the CAB's or that of a joint DOT-FAA report.

American Airlines, one of the largest customers, has an estimate nearly as conservative as the CAB's. The Lockheed forecast is 56 percent higher. A discrepancy of 500 aircraft—less than the total divergence of the various estimates—implies a gross revenue discrepancy on the order of $10 billion. Yet it is on such forecasts as these that the calculations of the Government's risk has been based.

AIRLINE PROFIT AND FINANCIAL POSITION

The Air Transport Association of America forecast a 1971 pre-tax loss of $192 million for the 12 major airlines based on certain optimistic goals, which, if not attained the deficit could be much higher. They are forecasting a $279 million pre-tax loss in 1972. This dismal earnings picture adversely affects the airlines ability to borrow. This, of course, will make it extremely difficult for the airlines to arrange necessary financing for the acquisition of additional aircraft for the next several years. And it is during this period—by 1974—that the earnings of Lockheed are presumed to be enough to repay at least the Government-guaranteed portion of the loan and—by 1976—that Lockheed estimates that it will break even on the L-1011.

EXCESS CAPACITY

In reply to a committee inquiry, American Airlines said:

> The present delivery schedule for B-747's, DC-10's and L-1011's to U.S. Carriers . . . was in large measure established between three and four years ago and was based on traffic projections which were more optimistic than those currently being made. Unless there is a significant increase in domestic traffic over that currently projected, there will be a need for a postponement of aircraft deliveries . . . American has amended its agreement with McDonnell-Douglas by rescheduling the first fifteen of its option aircraft to later delivery positions and by cancelling the remaining ten of its options.

The CAB reported that similiar action has been taken by other major domestic airlines:

Eastern ordered four 747's but decided to sell them to TWA on delivery.

National Airlines will not exercise six of eight DC-10 options.

United Airlines will defer delivery of six 747's originally scheduled for this year. Two will be delivered next year and four in 1973. In addition, United has canceled eight of the 30 firm purchase orders it has for DC-10's and has failed to exercise 15 of the 30 DC-10 options.

Including American Airlines, this adds up to cancellation of 12 of 34 firm purchase orders and the expiration of 31 of 63 options for wide-bodied jets.

As a result of narrow overoptimistic projections, Boeing 747's were making transcontinental flights last winter with as few as 12 people aboard a plane with a capacity of well over 300, and Trans-Atlantic flights being made with as few as 36 people aboard.

WHERE IS BREAK EVEN?

A recent Joint Department of Transportation—NASA report stated:

> The economic situation of the airlines and the existing over capacity in passenger seats make it questionable whether any of these programs (wide-bodied tri-jets) will break-even for some time to come.

When it launched its L-1011 program, Lockheed reportedly estimated "break-even" at between 250 to 300 aircraft.

However, when McDonnell-Douglas got the jump on them in sales Lockheed arbitrarily cut the price of the planes thus pushing the break-even point up to 350.

According to the staff study, Lockheed later reduced the break-even figure to 220 after it announced it was seeking a Government loan guarantee.

According to Secretary Connally, Lockheed will not break even at 220 aircraft.

Apparently Lockheed had still another break-even estimate for the consortium of 24 banks.

A confidential memorandum dated February 10, 1970, from Gunther E. A. Fritze, Assistant Vice President of the First National Bank of Boston (one of the 24 lending institutions), to William H. Raye, Jr., a senior Vice President in the bank, reads in part:

> The company's L-1011 airbus program seems to be on schedule. Sales so far are 107 first buy and 74 second buy, totaling 181, with a breakeven of 184 (a figure never publicly announced by Lockheed). Additional sales have recently been somewhat of a disappointment since the airlines are not too eager nor are they in a position to make additional purchase agreements at this time.

First National of Boston apparently became less confident of Lockheed's projections the following month. In another memorandum, dated March 24, 1970, from Fritze to Raye, it is asserted:

> If Congressional action is favorable, the company would still not be out of the woods.

This scenario of deception and obfuscation hardly generates the kind of confidence that the Congress needs in order to risk nearly $300 million of the taxpayers' money.

There is one further point I would like to make regarding the DOD Systems Analysis Study. Before the Senate Banking Committee, Daniel Haughton, chairman of the board of Lockheed, claimed complete innocence of the impending bankruptcy of Rolls-Royce, the builder of the engines for the L-1011. According to Mr. Haughton the bankruptcy of Rolls-Royce in December 1970 caught him completely by surprise—he had received no prior warning, claiming that their collapse is the only reason Lockheed is asking help from the Government.

However, 9 months before the bankruptcy, the systems analysis study ominously warned that:

> Rolls Royce might experience an overrun of about $500 million—on a $924 million contract for 351 ship sets.

That is over 100-percent overrun—which is a whopper when the Government is not paying for it.

The study's covering memorandum clearly indicated that systems analysis people had detailed discussions with Lockheed's L-1011 program managers." Therefore, Lockheed was forewarned and may have been able to take some remedial action at that time. The president of a large aerospace corporation told me and a congressional committee that if top Lockheed management did not know about the Rolls-Royce financial situation long before the bankruptcy, a number of top people should have been fired on the spot. It is the responsibility of a prime contractor to have a good and current fix on the condition of its subcontractors. This is either a case of lack of candor or gross mismanagement.

Just another point in this sordid affair.

Attached is a copy of the systems analysis study.

At this point I would also like to include in the RECORD some extraneous material. For over 2 months now the Banking and Currency Committee staff has been studying the issues involved in the Lockheed affair. The resulting study is well-documented and is the best analysis to date and should be made available to every Member of Congress. I am including only the summary and the appendixes of that study:

CIVIL AERONAUTICS BOARD REPORTS TO CONGRESS, FISCAL YEAR 1970

SUMMARY

Lockheed Aircraft Corporation is facing a crisis so severe as to threaten its survival. Like a number of other large firms, it is finding difficulty in coping with the combination of the recession, inflation and structural shifts in demand for military and other goods and services. It is feared that bankruptcy or reorganization of such corporations will create additional unemployment, impose financial losses on stockholders and creditors, and have general adverse economic effects ranging from lower business confidence to additional pressures on the international value of the dollar.

The specific problems of Lockheed derive from a series of major overruns and disastrous losses on military projects and the abrupt abrogation of its vital contract with Rolls-Royce for production of the huge RB-211 engine for Lockheed's Trijet aircraft, the L-1011. Being already deeply in debt, these events have forced Lockheed to the verge of corporate collapse.

A complex tentative new plan has been drawn up by Lockheed, its airline customers, the British Government and Rolls-Royce, and the consortium of banks that has already loaned $400 million to the corporation. Among the key features of this tentative agreement are provision for the airline customers to advance another $100 million to Lockheed, for the banks to provide an additional $250 million line of credit, and for the government to guarantee the repayment of that principal amount and the interest on it.

H.R. 8432 authorizes the Secretary of the Treasury to provide such a guarantee and the Administration is supporting passage of the bill.

This report addresses a number of key questions: Who wants the guarantee and why? What are the possible costs to the government of providing the guarantee? Is it possible to predict such costs with any confidence? On the other hand, what are the possible disadvantages to the nation of not providing the guarantee? And, finally, questions of alternatives and general policy are addressed.

It appears clear that it is basically the British Government that is insisting on the guarantee. The arguments the banks present for the guarantee are not altogether persuasive. Looking at the technical and legal terms of the tentative agreement with the government and the conditions in H.R. 8432, the banks and their stockholders appear to be worse off with the guarantee than without it. The airlines, although not insisting on the guarantee, are supporting it. After analyzing the available record, it appears that the ultimate rationale for insising on the guarantee is the belief that once the government has committed itself to support Lockheed and the L-1011 program, it will be impossble for the government to resist the pressures to provide additional support as it may become necessary to make the program work.

There is substantial risk of default—otherwise there would be no need for the guarantee. According to Secretary Connally, the new loan, under the guarantee, will provide only $100 million margin over Lockheed's peak cash requirement. Inadequate sales of the L-1011, failure to keep corporate costs under strict control, or insufficient new defense contracts could wipe out that margin, which is equal only to about two weeks' expenditures by Lockheed.

The prospects for adequate L-1011 sales are marginal and uncertain.

Aerospace companies typically find keeping costs under control difficult. Lockheed's union agreements come up for renegotiation in July. An increase of only about 5 percent in the earnings of its present employees would wipe out the entire $100 million margin.

Without special favorable treatment by the Government, the prospect of Lockheed's obtaining enough new defense contracts are poor. Lockheed's forecast defense revenues include estimates of over $1.5 billion in entirely new defense business and the Administration believes the estimates may be high by 30 percent.

There is no reliable way to judge the risk to the government. In recent years Lockheed has repeatedly changed its forecasts and has repeatedly failed to achieve forecast results. Forecasts by government and industrial experts differ by up to 75 percent in estimating the market for wide-bodied jets during the '70's.

Break-even levels predicted by Lockheed itself for the L-1011 have ranged from 184 to 350. Other manufacturers have had similar problems. Early estimates of the break-even level have typically been overly optimistic.

Further, all of the forecasts for every aspect of aviation are made especially uncertain and probably have an upward bias because of recent developments in air travel markets. Total air travel, having risen at an annual rate of about 15 percent a year through most of the '60's, has been essentially stable in the last two years. When and whether it will recover anything like its earlier growth rate is highly problematical.

Thus, despite its best estimates, there are great risks that Lockheed will be forced to default, and that the government will therefore have to try to redeem its guarantee. In that event, the government's total exposure will probably be close to $300 million.

At the same time the apparent security provided by H.R. 8432 falls far short of giving the government the protection that appears on the surface. The validity of the statutory protections is in doubt and the agreement with the banks is apparently only tentative.

The government has more at stake than $300 million. Since the success of the Lockheed loan depends upon new military contracts, the Government will obviously be under enormous pressure, should the need arise, to provide Lockheed with contracts under highly preferential treatment, which will both raise the cost to the government and discriminate against Lockheed's competitors.

The subsidized support of the L-1011 will reduce the prospects of profitable operation by Boeing and especially by McDonnell-Douglas. If the market for transport aircraft is not large enough for all the present manufacturers without subsidization, then support of the L-1011 program may not only set a precedent for, but may contribute to, demands for future subsidization of the other aircraft manufacturers.

The proposed guarantee is only one of a series of government aids to Lockheed. In addition to covering overruns on the C-5A at a cost to the government estimated to be in excess of $2 billion, the government has provided other assistance since the first of 1971, which, together with the loan guarantee, could amount to a total cost of as much as $3 billion.

If the costs and risks of providing the guarantee are substantial, what are those of not providing it? What are the risks for Lockheed? For its employees? For Lockheed's subcontractors and customers? For defense?

Although the basic problem facing Lockheed and the aerospace industry runs much deeper than the simple question of financial guarantees, if the guarantee is not forthcoming, it seems clear that any of the partners in the L-1011 program—the British, the banks, or the airlines—could force Lockheed into reorganization. However, all of them have major motives for not exercising that option even if the government withholds its guarantee. For the banks to do so would jeopardize the $400 million they have already advanced to Lockheed and some indeterminate large number of millions of dollars the same institutions have loaned to Lockheed subcontractors and to its airline clients. Similarly, should the British Government persist in its present abrogation of the Lockheed-Rolls-Royce contract, it would force a significant loss of jobs in Rolls-Royce (with no obvious immediate alternatives) and would shatter not only the confidence essential for maintaining a position in the world aircraft industry but would disrupt its only consistently good performer in the whole aircraft area. At the same time, the Rolls-Royce engine is reputed to be an extremely good one with enough growth potential to promise the British a long-term opportunity to remain a factor in the world aircraft industry.

The airline contractors, particularly TWA, Eastern and Delta, would collectively lose about $250 million themselves should they force the termination of the program.

Consequently, the threat, especially by the British and the banks, to force the demise of the L-1011 may be based either on a belief that the L-1011 is not as good as the advocates of the loan guarantee say it is, that there is some information available to them that has not been put into the public record by them, or, alternatively, that they are essentially playing a game of chicken with the taxpayers and will continue the program with or without the guarantee.

If the U.S. guarantee is not provided, the British or the banks, or conceivably the airlines, could force Lockheed into a reorganization. Should Lockheed be forced into reorganization, its stockholders would almost certainly lose the full value of their present investment, but that is an essential part of the private enterprise system; and whereas stockholders now stand to take a substantial loss, they have had an opportunity in the past 20 years to make capital gains of as much as seven times their original investment. The banks, the subcontractors and the unsecured creditors holding $125 million in subordinate debentures would all stand to suffer losses.

On the other hand, in reorganization the profitable programs, and particularly the defense programs, would presumably continue. The defense programs currently under contract would, according to Deputy Secretary of Defense Packard, continue without serious disruption.

Employment is of course one of the key problems. If the L-1011 program is not good enough to survive corporate reorganization, then the loss of the 16,000 jobs presently held in Lockheed and its subcontractors by individuals working on that program seems virtually certain. But in terms of the major labor markets involved, the loss of those jobs, even if there were no offsetting changes, would add less than 4/10 of 1 percent to the unemployment rate in the affected labor market areas.

More important, if the L-1011 program were terminated, airline customers would shift, at least in large part, to the DC-10, and the engines for the DC-10 are built not in Britain but by General Electric in the United States, so that for every DC-10 purchase to replace a cancelled out L-1011, several hundred man years of additional employment opportunities would be created in the United States. The major unemployment impact would be felt in Britain, and, on balance, the cancellation of the L–1011 program might actually stimulate employment in the United States.

Thus, it appears that the risks and costs to the government of guaranteeing the Lockheed loan are substantial. While the risks and costs of not doing so are by no means negligible, they are far less than the proponents of the guarantee have suggested and indeed the direct employment consequences for American labor may be favorable.

It is important to realize that if the United States Government withholds the guarantee and, if subsequently, Lockheed is forced into reorganization, then it will not be the government that has forced Lockheed into reorganization. It will be the banks or the British by defaulting on the RB.211 contract. Conceivably, it might be the airlines deciding that the L–1011 is not good enough to justify the risks involved in staying with the program. Further, the loan guarantee itself may not be adequate to sustain Lockheed.

There are a number of alternatives available to the government for protecting the people involved and a number of alternatives available to Lockheed. For example, for the same size guaranate the government could underwrite a $20,000 loan to each of the present employees of the Lockheed California company. It could underwrite $250 million worth of housing loans, probably creating more jobs and directly contributing to the amelioration of the housing shortage. Further, recently enacted and proposed legislation offer opportunities for direct aid to displaced workers. The Emergency Employment Act and the vetoed Employment Manpower Act of 1970 and the Accelerated Public Works Program all are designed for this purpose.

In addition, Lockheed has the option of petitioning for a Federal reorganization to keep its vital operations functioning or of selling off one of its subsidiaries or one of its component corporations. Although these latter alternatives obviously are not certain to be successful, they may justify serious exploration.

The basic issue raised by the proposed guarantee is its effect on the proviate enterprise system and economic efficiency. Indemnifying management and lenders from the consequences of their own miscalculations is fundamentally inconsistent with the private enterprise economy. The failure of business enterprises is essential to increasing productivity and a rising standard of living. And, if it becomes established practice for the government to salvage big business whenever it gets into financial difficulty, both the dynamism of the economy and the prospects of small business will be jeopardized.

In the present conditions of rapid and disruptive change, the basic touchstone of Federal policy should be whether it increases flexibility in the economy or contributes to further rigidity. The Emergency Loan Guarantee Act of 1971 reduces flexibility.

Finally, there is the question of priorities. Inter-city transportation and especially aviation have been heavily subsidized for the past 25 years. It may be time not to continue the subsidization of aviation but to encourage the shift of resources into other areas so as to achieve both a better balanced transportation system and to permit the support of badly needed social and economic programs.

The proposed legislation provides no way of supporting public services or facilities, loans to small business or to public bodies.

The bill provides no guarantee of repayment to the three U.S. airlines who will have committed over $300 million to the L–1011 program. This is one-fourth to one-third of the airlines total equity, while the banks' exposure is a minimal fraction of their equity.

Financial Institutions Extending Lines of Credit and Identity of Persons Negotiating Loans

$400 Million Unsecured Revolving Term Credit, Dated as of May 1, 1969.

24 Banks Participating.

While Lockheed management was fully informed, the officers primarily concerned with negotiations were: Frank L. Frain, Vice President and Treasurer; Roy A. Anderson, Assistant Treasurer; W. Neal Brown, Assistant Treasurer.

Name of bank and negotiating officer(s)	Percent of participation	Amount of commitment
Bank of America National Trust and Savings Association; Ronald G. Ross, vice president; Deen M. Schneidewind, vice president; John D. Cawley, assistant vice president	7.50	$30,000,000
The Bank of California National Association; Edward B. Linsley, senior vice president; L. Donald Damato, vice president; Hubert G. Stokely, vice president	1.25	5,000,000
Bankers Trust Co.; Fred J. Leary, Jr., senior vice president; Kennedy Randall, Jr., first vice president	7.50	30,000,000
The Chase Manhattan Bank, N.A.; James P. Mitchell, vice president; Harry E. Colwell III, second vice president	7.50	30,000,000
Chemical Bank; Howard W. McCall, Jr., president; R. K. LeBlond, II, executive vice president; Robert Van Buren, senior vice president; David Eyles, assistant vice president	5.00	20,000,000
The Citizens & Southern National Bank; Herbert J. Dickson, executive vice president; Bryce H. Newman, vice president	.50	2,000,000
Continental Illinois National Bank & Trust Co. of Chicago; Robert C. Suhr, senior vice president; James P. Johnson, vice president; Gerald K. Bergman, vice president; George F. Kernan, vice president	5.75	23,000,000
Crocker-Citizens National Bank; W. O. Lindstrom, senior vice president; E. Gilbert Ellenberger, vice president	3.75	15,000,000
The First National Bank of Atlanta; Jack A. Dempsey, vice president; Oliver G. Erwin, assistant vice president	.50	2,000,000
The First National Bank of Boston; William H. Raye, Jr., senior vice president; W. Latimer Gray, Jr., vice president	3.75	15,000,000
The First National Bank of Chicago; Milton C. Haase, vice president; Ziad H. Idilby, assistant cashier; Richard L. Thomas	3.75	15,000,000
First National City Bank; Roy H. Dickerson, senior vice president; William W. R. Mapel, vice president; Frederick W. Bradley, Jr., vice president; Robert T. Jacobs, assistant vice president	7.50	30,000,000
The Fulton National Bank of Atlanta; Jack Burton, vice president	.25	1,000,000
Girard Trust Bank; Geoffrey D. Finley, vice president; James F. Feeney, Jr., vice president	2.00	8,000,000
Irving Trust Co.; William F. Klausing, vice president; Thomas G. Patton, assistant vice president	3.75	15,000,000
Manufacturers Hanover Trust Co.; John F. McGillicuddy, senior vice president Charles E. Woodruff, executive vice president; Gerard J. Creamer, vice president	7.50	30,000,000
Mellon National Bank & Trust Co.; Ralph B. Gilpatrick, Jr., vice president	5.75	23,000,000
Morgan Guaranty Trust Co. of New York; DeWitt Peterkin, Jr., executive vice president; S. Phelps Montgomery, vice president; Allan F. Munro, Assistant vice president	7.50	30,000,000
The Pacific National Bank of Seattle; [1] Paul W. Kitto, president	.25	1,000,000
The Philadelphia National Bank; Chester I. Warren, Jr., vice president; James A. Bennett, assistant vice president	2.00	8,000,000
Security Pacific National Bank; William E. Siegel, vice chairman of the board; Norman R. Rehm, senior vice president	7.50	$30,000,000
Trust Co. of Georgia; John S. Evans, senior vice president; Edward P. Gould, group vice president	.50	2,000,000
United California Bank; W. E. Palmer, executive vice president; Raymond E. Rowton, vice president	5.00	20,000,000
Wells Fargo Bank, N.A.; John R. Breeden, executive vice president; William G. Brock, vice president	3.75	15,000,000
Total	100.00	400,000,000

[1] Subsequently merged—new name: Pacific National Bank of Washington; Paul W. Kitto, executive vice president.

Collateral Pledged Upon Execution of Supplemental Agreement—As of September 10, 1970, To Secure $400 Million Revolving Term Credit

STOCK OF LOCKHEED PROPERTIES, INC.

Lockheed Properties, Inc. is a California corporation on August 24, 1970, having an authorized capital stock comprising 1½ million shares, of par value of $1 each, only 1 million shares of which are outstanding, all of which are owned by Lockheed Aircraft Corporation. Lockheed Properties, Inc. owns the following parcels of real property, all of which were owned by Lockheed Aircraft Corporation prior to their acquisition by Lockheed Properties, Inc. and all of which are unimproved and unused except for a small portion of the Potrero Test Site:

Location and Area

Harris County, Texas, in Sarah Deel League—approx. 22 miles from Houston, Texas: Approximately 50 contiguous acres.

Harris County, Texas, in David Harris League—approx. 22 miles from Houston, Texas: Approximately 500 contiguous acres.

West Windsor Township, Mercer County, New Jersey—approx. 3 miles from Princeton, New Jersey: Approximately 210 contiguous acres.

Palmdale, California: Approximately 437 contiguous acres.

Palmdale, California: Approximately 252 contiguous acres.

Palmdale, California: Approximately 49 acres.

Palmdale, California: Approximately 144 contiguous acres.

The Potrero Test Site in Riverside County—approx. 5 miles south of Beaumont, California: Approximately 9,108 contiguous acres.

The Santa Cruz Test Site in Santa Cruz County—approx. 14 miles north of the City of Santa Cruz and 3 miles east of the Pacific Ocean: Approximately 3,000 contiguous acres.

STOCK OF LOCKHEED AIR TERMINAL, INC.

Lockheed Air Terminal, Inc. is a Delaware corporation with an authorized capital of 25,000 shares, of par value of $1 each, only 16,000 of which are outstanding, and all of which are owned by Lockheed Aircraft Corporation.

Collateral Pledged Upon Execution of Second Supplemental Agreement—As of April 26, 1971 To Secure $400 Million Revolving Term Credit

STOCK OF LOCKHEED SHIPBUILDING AND CONSTRUCTION COMPANY

Lockheed Shipbuilding and Construction Company, a Nevada corporation, with an authorized capital stock of 10,000 shares of par value of $250 each, only 9,844 of which are outstanding and all of which are owned by Lockheed Aircraft Corporation.

STOCK OF LOCKHEED ELECTRONICS COMPANY, INC.

Lockheed Electronics Company, Inc. is a Delaware corporation having an authorized capital stock of 2,000,000 of par value of $1 each, only 1,000,000 of which are outstanding and all of which are owned by Lockheed Aircraft Corporation.

LOCKHEED PROPERTIES, INC.

The following additional improved properties, owned by Lockheed Aircraft Corporation, were conveyed to Lockheed Properties, Inc.:

Location	Plant designation	Description
Burbank, Calif	B-5	Approximately 351,000 square feet of building improvements on leased land.
Do	B-6	Approximately 1,378,000 square feet of building improvements on approximately 69 acres of land owned in fee.
Do	C-1	Approximately 265,000 square feet of building improvements on leased land.
Do	A-1	Approximately 1,826,000 square feet of building improvements on west side of Hollywood Way on approximately 35.5 acres of land owned in fee.
Rye Canyon (Valencia, Calif.), approximately 26 miles from Burbank, Calif.	Plant 2	Approximately 394,000 square feet of building improvements on 200 acres of land owned in fee.
Palmdale, Calif., approximately 55 miles from Burbank, Calif.	Plant 10	Approximately 1,200,000 square feet of building improvements on approximately 287 acres of land owned in fee.
Rye Canyon, approximately 26 miles from Burbank, Calif., near Valencia, Calif.		Approximately 311 contiguous acres owned in fee.

SUMMARY OF CONDITIONS AND TERMS OF $400 MILLION REVOLVING TERM CREDIT DATED AS OF MAY 1, 1969, AS AMENDED

Maintain minimum net current assets of $125,000,000 plus 60% of long term portion of borrowing.

Maint in consolidated net worth with the following minimums:

(i) For 1969, $300,000,000.

(ii) for 1970, $320,000,000.

(iii) for 1971 thru April 18, $340,000,000.

(iv) From and after April 19, 1971, $225,000,000.

Furnish financial statements.

Consolidated liability for money borrowed not to exceed $100 million excluding indebtedness owing:

(i) Under this Agreement.

(ii) On subordinated indebtedness.

(iii) Obligations in connection with the purchase of Government property.

Will not redeem any 4¼% Subordinated Convertible Debentures.

Contains restrictions upon consolidation, merger and the sale of a substantial portion of assets.

Company shall not assume, guarantee, become contingently liable, etc., except:

(i) Items for deposit or collection.

(ii) Obligations of consolidated subsidiaries.

(iii) Obligations of corporations which will be merged, etc.

(iv) Customer obligations incurred in connection with the sale or lease of any product.

(v) Obligations related to assistance to suppliers or subcontractors.

Annual rental obligation not to exceed $20,000,000 with exclusion of:

(i) Leases of computers and related equipment.

(ii) Leases from Government.

Consolidated indebtedness not to exceed $1,300,000,000. Indebtedness includes contingent liability from customer financing but excludes:

(i) Subordinated indebtedness.

(ii) Obligations with respect to the purchase of Government property.

(iii) Borrowings outside the United States, per 9(d) (iii).

(iv) Annual rental obligations.

(v) Obligations to Rolls-Royce for the purchase of propulsion systems.

Permitted borrowings are not to be secured by mortgage, pledge or lien on property owned on December 31, 1968.

A new agreement providing for a total credit of $650,000,000 shall be entered into on or before September 30, 1971 or such later date as shall be determined by the controlling banks.

Provided for the execution of a Security and Pledge Agreement and pledge of collateral.

(Following is a copy of the Credit Agreement which is the same for each participating bank except for amount. The Supplemental Agreement and Second Supplemental Agreement are also included.)

THE NAMES OF THE BANKS COMMITTED TO LEND LOCKHEED FUNDS UNDER THE PROPOSED FEDERAL LOAN GUARANTEE

LOCKHEED BANK CREDIT—PROPOSED FEDERAL LOAN GUARANTEE

Lockheed has no formal commitments from banks to provide funds under the proposed Federal Loan Guarantee. Lockheed anticipates the 24 participating banks under the $400 Million Revolving Term Credit now outstanding will provide the additional funds in proportion to their present participations.

SALES AND FINANCING OF THE L-1011

A. *Names of Purchasers*

B. *Quantity Actually Under Contract*

Airline	*Quantity*
TWA	33
Eastern	37
Delta	18
Air Canada	10
Air Jamaica	1
Haas-Turner[1]	2
PSA	2
Total	103

[1] Haas-Turner is comprised of the following: State Mutual Life Assurance Company of America, American General Insurance Company, Mr. George C. Haas, Jr., Mr. Robert L. Turner.

C. *Quantity Under Option:* 75, for a quantity of 178 when the 103 firms are added.

D. *Amount Paid by Purchasers to Lockheed (Downpayment, Progress Payments, etc.)*

The deposits by airlines for the L-1011 are as follows:

Paid to LAC	$245, 127, 900
Paid to Rolls-Royce[1]	17, 467, 674
Total	262, 595, 574

[1] Includes spare engines; see the attached, "L-1011 Summary of Airline Deposits" for details.

E. Lockheed is not privy to the details of airline equipment financing. This information would have to come from the individual airlines.

F.—DATE(S) OPTION MUST BE EXERCISED

Quantity	Airline	Date
11	TWA	June 30, 1972.
6	Eastern	Sept. 30, 1972.
7	do	Dec. 31, 1972.
6	Delta	Oct. 31, 1971.
5[1]	Air Canada	June 1, 1971.
4[1]	do	Jan. 31, 1972.
1[1]	Air Jamaica	June 15, 1971, or Jan. 1, 1972 (depending on delivery schedule Air Jamaica chooses).
3	L-1011 Oreg. Ltd	Oct. 30, 1971.
1	PSA	May 31, 1971.
2	do	May 31, 1972.
29[1]	Air holdings	Contract being renegotiated.

[1] The second buys of Air Canada and Air Jamaica, until they become firm buys, are technically in the air holdings count, making the air holdings count 39.

Supplier inventories are estimated at $315 million as of March 28, 1971. Information on source of financing for supplier inventories is not available to Lockheed Aircraft Corporation.

The following applicable to Lockheed owned inventories:

Actual at March 28, 1971:

L-1011 gross inventory balance[1]	$797
Financing sources:	
Advance payments from customers	245
Deferred supplier payments[2]	15
Total	260
Bank loans and Lockheed Aircraft Corp.[3]	537
Total	797

[1] Does not include general and administrative expenses of $87 million which were written off as period costs.

[2] Certain suppliers have agreed to be reimbursed on the basis of airplane deliveries.

[3] It is not possible to state specifically that portion of L-1011 inventory financing provided from bank loans (currently at $400 million) and that portion provided from Lockheed internal sources (retained earnings, long term debentures and short term payables). Bank loans and Lockheed internal sources together have provided financing for losses on major DoD programs, the L-1011 program and other working capital requirements.

ANTICIPATED SOURCES OF FINANCING FOR BALANCE OF L-1011 PROGRAM, LOCKHEED-OWNED INVENTORIES

[Data is based on currently projected program costs]

[Dollars in millions]

	Projected inventory balance at year end[1]	Advance payments from airlines	Deferred suppliers payments	Bank loans[2]	Lockheed[3]
1971	$1, 030	$321	$26	$510	$173
1972	1, 225	442	60	550	173
1973	1, 113	395	60	495	163
1974	916	297	77	370	172
1975	504	113	70	120	201
1976	141	22			119
1977					

[1] Excludes general and administrative expenses which are written off as period costs.

[2] The full amount of bank loans is shown in order to identify that amount of bank financing required during the time period of the L-1011 program. However, bank loans and Lockheed internal sources have together provided financing for losses of major DOD programs, the L-1011 program and other working capital requirements.

[3] Lockheed internal sources include retained earnings, long-term debentures and short-term payables.

Note: The above does not include expenditures for L-1011 facilities and general and administrative expenses, which are also financed by Lockheed internal sources.

LOCKHEED AIRCRAFT CORP.—ESTIMATED SOURCE AND APPLICATION OF FUNDS STATEMENT FOR CORPORATION FOR 6-MONTH PERIODS UNTIL BREAKEVEN POINT IS REACHED

SOURCE AND DISPOSITION OF CONSOLIDATED WORKING CAPITAL: FINANCIAL FORECAST MAY 1971

[In millions of dollars]

	1971				1972					
	January–June	July–September	October–December	Year	January–June	July–December	Year	1973 year	1974 year	1975 year
Source of working capital:										
Earnings	10.9	2.5	1.5	14.9	7.7	8.6	16.3	17.6	27.1	41.1
Depreciation and amortization	30.3	15.6	15.2	61.1	28.5	27.4	55.9	51.4	48.3	47.7
Amortization of debenture expense	.1			.1	.1		.1	.1	.1	.1
Borrowings	50.0	25.0	85.0	160.0	15.0	50.0	65.0			
Long-term note/B–1 facility			27.0	27.0						
Reduction in customer notes receivables									2.5	9.5
Book value of fixed assets sold	3.6			3.6	.8		.8	2.7	.6	.6
Total	94.9	43.1	128.7	266.7	52.1	86.0	138.1	71.8	78.6	99.0
Disposition of working capital:										
Fixed asset additions	16.9	8.5	37.1	62.5	13.8	17.6	31.4	39.1	39.9	39.9
Reduction in 4½ percent debentures			1.9	1.9		1.9	1.9	1.8	1.9	1.9
Reduction in borrowings					25.0		25.0	55.0	125.0	250.0
Reduction in long-term note/B–1 facility					.9	1.3	2.2	1.8	1.8	1.8
Reduction in C–5A liability									10.0	10.0
Increase in customer notes receivables								35.0	42.5	34.5
Increase (decrease) in other assets	.8	.1	(2.9)	(2.0)	.2	.9	1.1	2.7	2.2	2.0
Total	17.7	8.6	36.1	62.4	39.9	21.7	61.6	135.4	223.3	340.1
Increase (decrease) in working capital	77.2	34.5	92.6	204.3	12.2	64.3	76.5	(63.6)	(144.7)	(241.1)
Working capital at beginning of period	468.5	545.7	580.2	468.5	672.8	635.0	672.8	749.3	685.7	541.0
Working capital at end of period	545.7	580.2	672.8	672.8	685.0	749.3	749.3	685.7	541.0	299.9

Corporation forecasts are constructed on an annual basis for periods beyond the 2d year. Forecast projections are not available beyond a 5-year period.

The L–1011 breakeven point occurs after 1975.

LOCKHEED AIRCRAFT CORP.—ANNUAL PROJECTED FINANCIAL STATEMENTS UNTIL BREAKEVEN POINT IS REACHED

CONSOLIDATED EARNINGS: FINANCIAL FORECAST MAY 1971

[In millions of dollars]

	1971				1972					
	January–June	July–September	October–December	Year	January–June	July–December	Year	1973 year	1974 year	1975 year
Sales:										
U.S. Government	1,808.3	461.9	467.6	2,737.8	1,012.8	812.5	1,825.3	1,351.3	1,512.7	1,510.6
Foreign governments	51.1	9.2	27.6	87.9	87.6	94.5	182.1	162.1	124.5	109.5
Commercial	65.9	38.0	47.5	151.4	302.3	273.5	575.8	983.9	1,234.0	1,483.7
Total	1,925.3	509.1	542.7	2,977.1	1,402.7	1,180.5	2,583.2	2,497.3	2,871.2	3,103.8
Cost of sales	1,895.4	496.8	531.2	2,923.4	1,368.8	1,139.3	2,508.1	2,416.1	2,776.4	2,996.6
Operating profit:										
U.S. Government	37.1	18.1	17.1	72.3	39.7	39.4	79.1	74.0	88.7	87.4
Foreign governments	5.8	1.2	3.4	10.4	10.5	11.1	21.6	22.7	16.1	19.5
Commercial	(13.0)	(7.0)	(9.0)	(29.0)	(16.3)	(9.3)	(25.6)	(15.5)	(10.0)	.2
Total	29.9	12.3	11.5	53.7	33.9	41.2	75.1	81.2	94.8	107.2
Other income (deductions)	(8.6)	(7.4)	(8.5)	(24.5)	(19.1)	(24.3)	(43.4)	(47.0)	(42.6)	(27.8)
Earnings before Federal income tax	21.3	4.9	3.0	29.2	14.8	16.9	31.7	34.2	52.2	79.4
Provision for Federal income tax	10.4	2.4	1.5	14.3	7.1	8.3	15.4	16.6	25.1	38.3
Earnings	10.9	2.5	1.5	14.9	7.7	8.6	16.3	17.6	27.1	41.1

Note: Corporation forecasts are constructed on an annual basis for periods beyond the 2d year. Forecast projections are not available beyond a 5-year period. The L–1011 breakeven point occurs after 1975.

LOCKHEED AIRCRAFT CORP. BALANCE SHEET: FINANCIAL FORECAST MAY 1971

[In millions of dollars]

	1971			1972				
	June 27	Sept. 26	Dec. 26	June 26	Dec. 31	Dec. 30, 1973	Dec. 29, 1974	Dec. 28, 1975
Assets:								
Current assets:								
Cash and short term securities	124.0	51.5	50.5	48.5	51.6	52.8	49.1	51.6
Accounts receivable—net:								
U.S. Government	193.6	150.7	127.0	172.2	119.4	114.4	117.2	107.6
Other	31.7	31.3	35.8	38.0	34.9	34.9	34.9	38.9
Inventories—Net (Note 1)	725.8	817.7	882.5	883.0	932.8	874.3	782.6	541.8
Prepaid expenses	25.8	36.7	28.4	32.9	32.3	36.3	33.6	30.3
Total current assets	1, 100.9	1, 087.9	1, 124.2	1, 129.6	1, 171.0	1, 112.7	1, 017.4	770.2
Fixed assets—Net (Note 2)	328.1	321.2	343.1	327.6	317.8	302.8	293.8	285.3
Customers' notes receivable						35.0	75.0	100.0
Other assets	6.3	6.2	3.3	3.4	4.3	6.9	9.0	11.0
Total assets	1, 435.3	1, 415.3	1, 470.6	1, 460.6	1, 493.1	1, 457.4	1, 395.2	1, 166.5
Liabilities and stockholders' equity:								
Current liabilities:								
Accounts payable	241.8	221.8	195.4	191.0	173.9	167.7	190.1	185.6
Federal income tax								9.6
Deferred Federal income tax	45.6	43.8	45.3	52.1	59.6	75.3	99.8	90.2
Retirement plan contribution	71.0	50.8	66.7	56.1	66.7	62.9	62.1	58.4
Salaries and wages	87.0	81.6	80.9	73.2	68.8	66.0	64.7	66.9
Other liabilities	109.8	109.7	63.1	72.2	52.7	55.1	59.7	59.6
Total current liabilities	555.2	507.7	451.4	444.6	421.7	427.0	476.4	470.3
Borrowings	400.0	425.0	510.0	500.0	550.0	495.0	370.0	120.0
Notes payable—Plant B-1			27.0	26.1	24.8	23.0	21.2	19.4
C-5A liability	100.0	100.0	100.0	100.0	100.0	100.0	90.0	80.0
Debentures	134.4	134.4	132.5	132.5	103.6	128.8	126.9	125.0
Stockholders' equity	245.7	248.2	249.7	257.4	266.0	283.6	310.7	351.8
Total liabilities and stockholders' equity	1, 435.3	1, 415.3	1, 470.6	1, 460.6	1, 493.1	1, 457.4	1, 395.2	1, 166.5
Stockholders' equity comprised of:								
Capital stock	11.4	11.4	11.4	11.4	11.4	11.4	11.4	11.4
Additional capital	79.0	79.0	79.0	79.0	79.0	79.0	79.0	79.0
Retained earnings	155.3	157.8	159.3	167.0	175.6	193.2	220.3	261.4
Note 1:								
Progress payments	217.5	228.8	219.3	174.1	179.7	249.4	243.8	253.4
Commercial deposits	289.9	350.6	402.3	457.5	501.8	402.1	309.1	116.4
Note 2. Accumulated depreciation and amortization	347.3	362.7	378.3	405.6	432.8	476.7	523.0	568.1

A LIST OF LOCKHEED'S UNENCUMBERED ASSETS AND ENCUMBERED ASSETS AND THE MARKET VALUE OF THESE ASSETS

SCHEDULE A.—SUMMARY COMPANY OWNED FIXED ASSETS

[Dollars in thousands]

Description	Land			Land improvements			Building and building fixtures			Machinery and equipment			Totals	
	Cost	Book value	Current value	Cost	Book value	Current value	Cost	Book value	Insurable value	Cost	Book value	Insurable value	Cost	Book value
Assets pledged on Sept. 10, 1970	$11, 691	$11, 514	$111, 854	$1, 800	$460	$2, 450	$9, 461	$3, 698	$15, 400	$7, 106	$1, 857	$7, 315	$30, 058	$17, 529
Assets pledged on Apr. 26, 1971	7, 983	7, 814	38, 167	7, 368	3, 857	8, 435	91, 217	49, 330	128, 035	72, 495	31, 414	99, 056	179, 063	92, 415
Assets to be pledged to U.S. Government—C-5A settlement	1, 072	1, 072	2, 028	679	448	985	20, 425	16, 698	21, 088	46, 602	20, 322	50, 879	68, 778	38, 540
Leasehold improvements and additions to Government property				7, 360	2, 829	7, 800	51, 388	19, 882	59, 249	1, 446	224	1, 604	60, 194	22, 935
Balance of assets	3, 851	3, 700	38, 656	7, 973	3, 898	10, 060	67, 590	41, 938	101, 091	243, 476	111, 422	252, 479	322, 890	160, 958
Total	24, 597	24, 100	190, 705	25, 180	11, 492	21, 930	240, 081	131, 546	324, 863	371, 125	165, 239	411, 333	660, 983	332, 377

Note: Cost and book value as of Mar. 28, 1971: Insurable value for building and building fixtures and machinery and equipment are supplied by the American Appraisal Co. Insurance reports dated Sept. 30, 1970, in accordance with corporate contract.

SCHEDULE B.—LOCKHEED AIRCRAFT CORP. FIXED ASSETS PLEDGED TO BANKS ON SEPT. 10, 1970

[Dollars in thousands]

Description	Land			Land improvements			Building and building fixtures			Machinery and equipment			Totals	
	Cost	Book value	Current value	Cost	Book value	Current value	Cost	Book value	Insurable value	Cost	Book value	Insurable value	Cost	Book value
1. Lockheed Properties, Inc.:														
Unused land:														
Houston, 50 acres	$825	$825	$2, 500										$825	$825
Houston, 500 acres	2, 249	2, 249	5, 000										2, 249	2, 249
Princeton, 210 acres	749	749	3, 150										749	749
Palmdale, 876 acres	2, 356	2, 356	17, 520										2, 356	2, 356
Potrero, 9,108 acres	1, 902	1, 902	9, 108	$443	$110	$650	$1, 045	$283	$1, 018				3, 390	2, 295
Santa Cruz, 2,960 acres	296	296	296										296	296
Totals	8, 377	8, 377	37, 574	443	110	650	1, 045	283	1, 018				9, 865	8, 770
2. Lockheed Air Terminal, Inc	3, 314	3, 137	74, 280	1, 357	350	1, 800	8, 416	3, 415	14, 382	$7, 106	$1, 857	$7, 315	20, 193	8, 759
Totals pledged	11, 691	11, 514	111, 854	1, 800	460	2, 450	9, 461	3, 698	15, 400	7, 106	1, 857	7, 315	30, 058	17, 529

Note: Cost and book value as of Mar. 28, 1971.

SCHEDULE C—LOCKHEED AIRCRAFT CORPORATION: FIXED ASSETS PLEDGED TO BANKS ON APR. 26, 1971

[Dollars in thousands]

	Land			Land improvements			Building and building fixtures			Machinery and equipment			Totals	
Description	Cost	Book value	Current value	Cost	Book value	Current value	Cost	Book value	Insurable value	Cost	Book value	Insurable value	Cost	Book value
1. Lockheed Properties, Inc.:														
(a) Unused Land: Rye Canyon, 311 acres	$2,231	$2,231	$3,516										$2,231	$2,231
(b) Lockheed-California Co. Facilities:														
Plant A-1, Burbank	148	55	4,203	$283	$21	$283	$15,453	$3,240	$27,879	$4,628	$1,083	$6,001	20,512	4,399
Plant B-5, Burbank	(1)	(1)	(1)	277	19	277	1,848	210	2,761	1,012	186	1,316	3,137	415
Plant B-6, Burbank	1,291	1,215	8,280	1,213	152	1,213	14,435	3,598	22,659	3,249	914	4,224	20,188	5,879
Plant C-1, Burbank	(1)	(1)	(1)	6	3	6	1,291	242	1,678	327	114	426	1,624	359
Plant 2, Rye Canyon	470	470	4,000	1,440	591	1,440	8,430	4,275	11,212	16,510	4,151	21,464	26,850	9,487
Plant 10, Palmdale	786	786	8,610	2,486	2,248	2,486	31,942	29,111	35,136	16,107	14,176	18,763	51,321	46,321
Totals	4,926	4,757	28,609	5,705	3,034	5,705	73,399	40,676	101,325	41,833	20,624	52,194	125,863	69,091
2. Lockheed Shipbuilding and Construction Co	2,088	2,088	6,316	1,024	398	1,785	8,715	3,144	9,581	17,672	6,050	31,941	29,499	11,680
3. Lockheed Electronics Co., Inc	969	969	3,242	639	425	945	9,103	5,510	17,129	12,990	4,740	14,921	23,701	11,644
Totals Pledged	7,983	7,814	38,167	7,368	3,857	8,435	91,217	49,330	128,035	72,495	31,414	99,056	179,063	92,415
Fixed Assets to be Pledged to U.S. Government for C-5A Settlement:														
Lockheed-Georgia Co., Marietta, Adj. AFP No. 6	1,072	1,072	2,028	679	448	985	20,425	16,698	21,088	46,602	20,322	50,879	68,778	38,540

(1) Leased.

Note: Cost and book value as of Mar. 28, 1971.

SCHEDULE D.—LOCKHEED AIRCRAFT CORP.: LEASEHOLD IMPROVEMENTS AND ADDITIONS TO GOVERNMENT PROPERTY

[Dollars in thousands]

	Land			Land improvements			Building and building fixtures			Machinery and equipment			Totals	
Description	Cost	Book value	Current value	Cost	Book value	Current value	Cost	Book value	Insurable value	Cost	Book value	Insurable value	Cost	Book value
1. Lockheed Missiles & Space Co.:														
Leasehold improvements							$8,212	$4,424	$8,354				$8,212	$4,424
Additions to Government property							225	40	235	$734	$119	$752	959	159
Total							8,437	4,464	9,589	734	119	752	9,171	4,583
2. Lockheed Propulsion Co.:														
Leasehold improvements				$1,203	$476	$1,525	7,107	3,785	7,818				8,310	4,261
Additions to Government property														
Total				1,203	476	1,525	7,107	3,785	7,818				8,310	4,261
3. Lockheed-California Co.:														
Leasehold improvements				975	790	1,025	5,204	1,589	6,850				6,179	2,379
Additions to Government property							2,139	551	2,745	712	105	852	2,851	656
Total				975	790	1,025	7,343	2,140	9,595	712	105	852	9,030	3,035
4. Lockheed-Georgia Co.:														
Leasehold improvements							271	144	284				271	144
Additions to Government property				5,182	1,563	6,250	22,833	7,132	24,658				28,015	695
Total				5,182	1,563	6,250	23,104	7,276	24,942				28,286	3,839
5. Lockheed Aircraft Service Co.:														
Leasehold improvements							5,032	2,134	6,850				5,032	2,134
Additions to Government property														
Total							5,032	2,134	6,850				5,032	2,134
6. Lockheed Aircraft International Inc.:														
Leasehold improvements							362	82	450				362	82
Additions to Government property														
Total							362	82	450				362	82
7. Lockheed Petroleum Services Ltd.:														
Leasehold improvements														
Additions to Government property														
8. Lockheed Aircraft Corp.: Leasehold improvements							3	1	5				3	1
Total				7,360	2,829	7,800	51,388	19,882	59,249	1,446	224	1,604	60,194	22,955

Note: Cost and book value as of Mar. 28, 1971.

SCHEDULE E.—LOCKHEED AIRCRAFT CORP.: BALANCE OF FIXED ASSETS

[Dollars in thousands]

	Land			Land improvements			Building and building fixtures			Machinery and equipment			Totals	
Description	Cost	Book value	Current value	Cost	Book value	Current value	Cost	Book value	Insurable value	Cost	Book value	Insurable value	Cost	Book value
1. Lockheed Missiles & Space Co	$2,555	$2,555	$19,235	$6,622	$3,336	$7,845	$46,664	$29,216	$52,623	$87,249	$39,094	$90,819	$143,090	$74,200
2. Lockheed Propulsion Co	122	122	1,415	193	52	225	386	293	459	9,865	4,580	10,241	10,566	5,047
3. Lockheed-California Co	545	394	9,765	812	340	1,240	17,011	10,005	37,273	118,064	54,901	119,642	136,432	65,640
4. Lockheed-Georgia Co	576	576	8,173	346	170	750	3,408	2,387	10,536	21,151	10,515	24,139	25,451	13,648
5. Lockheed Aircraft Service Co	(1)	(1)	(1)	(1)	(1)	(1)	94	14	150	5,459	1,621	5,634	5,553	1,635
6. Lockheed Aircraft International, Inc	18	18	18	(1)	(1)	(1)	27	23	50	1,657	691	1,973	1,702	732
7. Lockheed Petroleum Services, Inc	(1)	(1)	(1)	(1)	(1)	(1)	(1)	(1)	(1)	13	11	13	13	11
8. Lockheed Aircraft Corp	35	35	50	(1)	(1)	(1)	(1)	(1)	(1)	18	9	18	53	44
Total balance of assets	3,851	3,700	38,656	7,973	3,898	10,060	67,590	41,938	101,091	243,476	111,422	252,479	322,890	160,998

(1) Leased.

Note: Cost and book value as of Mar. 28, 1971.

CONFIDENTIAL: SUMMARY OF TERMS OF PROPOSED BANK LOAN TO LOCKHEED AIRCRAFT CORPORATION

The following outlines, in summary form, the basic terms of a $650,000,000 bank loan proposed to be made to Lockheed Aircraft Corporation by the Banks listed in Schedule A, subject to the passage by Congress of the "Emergency Loan Guarantee Act of 1971" or similar legislation.

It is proposed that up to $250,000,000 of such bank loan will be guaranteed by the United States Government (acting through the Secretary of the Treasury, the "Secretary"). All payments made to or applied by the Banks on the bank loan (other than payments of interest made prior to a default) will be used first to satisfy the portion of the bank loan guaranteed by the Government and no payments will be used or applied to satisfy any portion of the $400,000,000 of the bank loan until the guarantee has been satisfied and discharged in full.

I. AMOUNT OF LOAN

Up to $650,000,000.

$400,000,000 will be advanced under the loan agreement upon its execution and will be used to refund and extend the maturity of $400,000,000 of outstanding loans by the same banks which by their terms become due in 1971.

Not exceeding an additional $250,000,000 will be advanced to Lockheed from time to time as required for the L-1011 transport program under a "takedown" formula to be set forth in the bank loan agreement. No "takedown" will be permitted without the prior consent of the Secretary. All, or such portion of this $250,000,000 as may be "taken down", will be covered by the Government guarantee.

II. LOAN TERM

Four years from the date of the loan agreement; extendable at the request of the Government for periods, but in no event beyond such period as may be permitted by such enabling legislation as Congress may pass.

III. INTEREST AND GUARANTEE FEES

The interest rate and the commitment fee are to be agreed upon by the Banks and Lockheed, subject to approval of the Secretary. The guarantee fee shall be prescribed by the Secretary.

IV. COLLATERAL

The $650,000,000 bank loan is to be secured by a single collateral pool to be approved by the Secretary. The pool will include, among other property, all the collateral presently securing the outstanding bank loan which will be refunded and extended.

The collateral pool will also equally and rateably secure Lockheed's 4.50% Debentures due May 1, 1976 ($10,072,000.00 presently outstanding). This is required by the terms of the Indenture under which the Debentures were issued.

This pool will be collateral for the payment and satisfaction *first* of the portion of the bank loan guaranteed by the Government. The bank loan agreement will contain appropriate undertakings by the Banks to insure the Government that the amount of the Government guarantee will be reduced by an amount equal to the value of such portion, if any, of the collateral as might be applied to satisfy the line of the Debentures. After satisfaction of the Government guarantee the collateral will be available for the payment of the unguaranteed portion of the loan and the Debentures.

V. GUARANTEE

The Government will guarantee payment of the principal of and interest on such portion of the $250,000,000 referred to above as may be "taken down" under the bank loan agreement.

The guarantee or the bank loan agreement will provide, among other things, that, without the consent of the Secretary, until the guarantee has been satisfied and discharged:

(1) No modification of the bank loan agreement (or related papers) may be made.

(2) No collateral may be released.

(3) No additional borrowings may be made by Lockheed unless subordinated (to the satisfaction of the Secretary) to the bank loans. This is not to prevent Lockheed from receiving advance or progress payments under existing or future Government contracts or from other customers.

(4) Lockheed may not change the nature of its present business or enter into any new major projects; provided that this will not prevent Lockheed, without such consent, entering into any contract or project for the Department of Defense or other Governmental Department or Agency.

(5) Lockheed may not merge or consolidate with any other entity or, except in the ordinary course of its business, encumber, sell or dispose of any of its assets.

(6) Lockheed may not pay any dividends on its capital stock.

The guarantee will also provide that Lockheed shall afford the Government the right and opportunity to inspect and copy all accounts, books, records, memoranda correspondence, and other documents of Lockheed which may bear upon (i) the ability of Lockheed to repay the bank loan within the time fixed therefore, (ii) the interests of the United States in Lockheed's property and (iii) the assurance that there is reasonable protection to the United States.

VI. CONDITIONS PRECEDENT

Neither the bank loan agreement nor the guarantee will be executed until the Secretary is satisfied, among other things, that

(1) An appropriate contract has been entered into between Rolls Royce (1971) Limited and the Government of the United Kingdom covering the funding of the RB.211 propulsion system development and production program and written assurance has been received from the Government of the United Kingdom that adequate funding has been provided reasonably to enable Rolls Royce (1971) Limited to carry out the RB.211 program.

(2) An appropriate purchase agreement between Lockheed and Rolls Royce (1971) Limited for RB.211 propulsion systems is in effect.

(3) Appropriate agreements have been entered into by Lockheed with its present airline customers to absorb an appropriate price increase for L-1011 Tri-Star transports, to continue with the L-1011 program and to provide an additional $100,000,000 of advance payments on L-1011 transports which certain airline customers have agreed to purchase.

Consummation of the bank loan and the guarantee will, of course, be subject to passage by Congress of legislation authorizing the guarantee in terms not inconsistent with the foregoing and to appropriate bank loan, collateral, guarantee, and related agreements (in form and substance satisfactory to all parties) being prepared and executed.

By JOHN B. CONNALLY,
Department of the Treasury.
D. J. HAUGHTON,
Lockheed Aircraft Corp.

Bankers Trust Company, Agent for the Banks listed in Schedule A.

Bank of America National Trust and Savings Association, Agent for the Banks listed in Schedule A.

JUNE 4, 1971.

SCHEDULE A

Bank of America National Trust and Savings Association.
Bankers Trust Company.
The Chase Manhattan Bank (National Association).
First National City Bank.
Manufacturers Hanover Trust Company.
Morgan Guaranty Trust Company of New York.
Security Pacific National Bank.
Continental Illinois National Bank and Trust Company of Chicago.
Mellon National Bank and Trust Company.
Chemical Bank.
United California Bank.
Crocker-Citizens National Bank.
The First National Bank of Boston.
The First National Bank of Chicago.
Irving Trust Company.
Wells Fargo Bank National Association.
Girard Trust Bank.
Philadelphia National Bank.
The Bank of California National Association.
The Citizens and Southern National Bank.
The First National Bank of Atlanta.
Trust Company of Georgia.
The Fulton National Bank of Atlanta.
The Pacific National Bank of Washington.

LOCKHEED AIRCRAFT CORP., SUMMARY FINANCIAL FORECAST MAY 1971

[Dollars in millions]

			End of period		
	Sales	Earnings	Borrowings	Cash and securities	Stockholders' equity
1971:					
January-June	$1,925.3	$10.9	$400.0	$124.0	$245.7
July-September	509.1	2.5	425.0	51.5	248.2
October-December	542.7	1.5	510.0	50.5	249.7
July-December	1,051.8	4.0			
Year	2,977.1	14.9			
1972:					
January-March			525.0	50.9	
April-June			500.0	48.5	257.4
January-June	1,402.7	7.7			
July-September			540.0	48.0	
October-December			550.0	51.6	266.0
July-December	1,180.5	8.6			
Year	2,583.2	16.3			
1973:					
January-June			530.0	48.7	
July-December			495.0	52.8	283.6
Year	2,497.3	17.6			
1974: Year	2,871.2	27.1	370.0	49.1	310.7
1975: Year	3,103.8	41.1	120.0	51.6	351.8

LOCKHEED AIRCRAFT CORPORATION MAJOR PREMISES FOR THE YEARS 1971–1975 FINANCIAL FORECAST 5–71

1970 RESULTS

Tentative results from 1970 operations reflect an after-tax loss of $86.3 million. This varies from previously stated $80.3 million primarily due to the decision not to reflect a 1970 investment tax credit of $6.7 million.

All anticipated losses on the C–5A, AH–56A, SRAM and shipbuilding contracts have been provided for in 1970 and prior years.

COMPANY FORECAST PREMISES

Set forth below is a summary of the sales premises by individual company for each of the five years covered by this forecast:

[Dollars in millions]

Company	1971	1972	1973	1974	1975	Total
CALAC	$542	$919	$1,198	$1,534	$1,723	$5,916
LMSC	673	681	612	699	721	3,386
GELAC	1,431	662	323	262	223	2,901
LSCC	126	69	59	66	69	389
LEC	108	110	121	131	145	615
LAS	81	98	117	123	130	549
LPC	22	40	32	35	35	164
LAI	80	90	191	145	97	603
LAT	19	19	20	21	23	102
LPS	1	6	20	29	46	102
All other [1]	(106)	(111)	(196)	(174)	(108)	(695)
Total	2,977	2,583	2,497	2,871	3,104	14,032

[1] Includes intercompany eliminations of $678 million for the 5 years.

MAJOR PREMISES FINANCIAL FORECAST
MAY 1971

There follows by company the major program premises underlying the forecasted results.

L-1011 TRISTAR

Program assumptions are based on a single transcontinental model—a 220 aircraft program using the Rolls-Royce RB-211 propulsion system with aircraft certification on April 15, 1972.

The following delivery schedule has been premised:

1972	22
1973	41
1974	51
1975	59
1976	39
1977	8
Total	220

Customer notes receivable

Notes receivable from some L–1011 customers in lieu of final payments were assumed beginning in 1973. Semi-annual repayments over seven years were projected, commencing one year after issuance. Balances at the end of each period are as follows:

Customer Notes balances:

1973:	
June	$0
December	35
1974:	
June	55
December	75
1975:	
June	87
December	100

Costing Method

For Book Income: Cost of sales based on total program costs, excluding cost of engines and period expenses, to total airframe sales prices.

For Taxable Income:

(a) Precertification costs are written off as incurred up to date of aircraft certification.

(b) Tool Manufacturing Costs—amortized to cost of sales over deliveries, based on the total number of aircraft sign-ups at the end of each year.

(c) All other factory and engineering costs—costs of sales charged for each aircraft on the basis of the ratio of total costs (excluding engines) to the total airframe sales prices of aircraft sign-ups at each year-end.

No major technical problems have been experienced on the L–1011 airplane during the flight, static or fatigue testing programs to date. However, should the Company encounter unforeseen technical problems, the effect on forecast cash flow and earnings could be significant.

P–3C

1. Deliveries:

1971	23
1972	12
1973	24
1974	12
1975	12

2. Deliveries for 1971 and 1972 are contractually covered, and 1973, 1974, and 1975 deliveries reflect anticipated follow-on contracts.

3. Progress payments billed at 80% of costs.

S–3A

1. Program of 158 planes, consisting of 8 development and 150 anticipated production units out of options for 302 provided in the development contract. The first development unit is delivered in 1971, followed by 6 more in 1972 and 1 in 1973. Production deliveries start in 1973 with 6 units and increase to a rate of 18 per year in 1974.

2. Progress payments billed at 80% of costs.

AH–56A

Phase II: Conversion to cost reimbursement contract in 2nd quarter 1971, with retroactive reimbursement of costs incurred from January 1, 1970. Contract includes the development of Advanced Mechanical Control System and TOW/NVS.

Loss on Phase II Recorded Prior to 1971:

Total estimated cost of completion—$275.1
Less: Ceiling—$95.1.

Allowable costs incurred and to be incurred from 1/1/70 to completion transferred to non-fee bearing CRC contract—102.5—197.6.

Phase II Loss—$77.5.

CASH FLOW ASSUMPTIONS

	Expenditures	Receipts	Cumulative net cash
Through 1970	$210.7	$106.5	($104.2)
1971:			
1st quarter	8.8	3.5	(109.5)
2d quarter	11.0	33.1	(87.4)
3d quarter	11.4	22.0	(76.8)
4th quarter	9.5	8.7	(77.6)
Total	40.7	67.3	
1972:			
1st quarter	6.5	6.4	(77.7)
2d quarter	6.5	6.2	(78.0)
3d quarter	4.7	4.8	(77.9)
4th quarter	3.8	3.8	(77.9)
Total	21.5	21.2	
1973:			
1st half	5.1	5.2	(77.8)
2d half	.5	.8	(77.5)
Total	5.6	6.0	
Contract total	278.5	201.0	

Phase III: Settlement assumed to occur 2nd quarter 1971.

Loss on Phase III Recorded Prior to 1971:

Total estimated cost at completion	$136.7
Settlement	90.0
Loss on Phase III	46.7

Cash Flow Assumptions:

	Expenditures				
	Major vendors	In-house	Total	Receipts	Cumulative net cash
Through 1970	$28.1	$71.2	$99.3	$54.2	($45.1)
1971:					
1st quarter					(45.1)
2d quarter					(45.1)
3d quarter	28.4		28.4	28.4	(45.1)
4th quarter	9.0		9.0	7.4	(46.7)
Total	37.4		37.4	35.8	
Contract total	65.5	71.2	136.7	90.0	

New production

1. This forecast premises receipt of a new production contract from DoD in 1972, with deliveries beginning in 1973. This program is contingent upon the U.S. Government's decision to purchase the AH–56A aircraft. The forecast assumes a fixed price type contract with progress payments billed at 80% of cost.

2. If the AH–56A aircraft production program does not materialize, the effect on cash is minimal during the forecast period.

Other comments

New business sales included in Calac's total, other than for the five programs discussed above, amount to $16 million. Intercompany sales total $348 million including $230 million to LAI for resale of L–1011's to foreign customers, which sales are included in the total of 220 aircraft.

Lockheed Missiles and Space Company
(LMSC)

Annual sales for the five year forecast period are projected as follows:

	Poseidon	Other missiles systems	Space system	R. & D. and other	Total
1971	$278	$91	$257	$47	$673
1972	256	112	257	56	681
1973	127	149	260	75	611
1974	127	218	271	83	699
1975	88	252	287	94	721
Total	876	822	1,332	355	3,385

Poseidon sales include $482 million under existing contracts and $394 million for anticipated follow-on procurements. Other missile system sales include $29 million under existing contracts, $217 million for anticipated follow-on procurements, and $576 million anticipated new business, a substantial portion of which may be missiles other than submarine launched missiles.

Space system sale include $331 million under existing contracts, $467 million and anticipated follow-on procurements, and $534 million in anticipated new business.

R & D and other sales include $21 million under existing contracts, $13 million for anticipated follow-on procurements, and $321 million in anticipated new business.

LOCKHEED-GEORGIA COMPANY (GELAC)

C–5A

1. Settlement of 81 aircraft C–5A contract, converting it to a cost reimbursement type in 2nd quarter 1971. 100% cost reimbursement for all allowable costs after absorption of a penalty of $200 million of allowable costs.

2. Deliveries are at 2 per month, last ship is delivered in February of 1973.

SCHEDULE 4.—LOCKHEED AIRCRAFT CORP.: OTHER INCOME AND OTHER DEDUCTIONS, FINANCIAL FORECAST MAY 1971

[Dollars in millions]

	1971				1972					
	January–June	July–September	October–December	Year	January–June	July–December	Year	1973 year	1974 year	1975 year
Other income:										
Interest earned	$1.4	$0.8	$0.8	$3.0	$1.0	$0.7	$1.7	$1.7	$5.3	$2.0
Other	8.9	.7	.9	10.5	3.1	1.5	4.6	3.0	2.2	1.9
Total income	10.3	1.5	1.7	13.5	4.1	2.2	6.3	4.7	7.5	3.9
Other deductions:										
Interest expense	18.0	8.7	10.0	36.7	22.9	26.2	29.1	51.0	49.4	31.0
Other	.9	.2	.2	1.3	.3	.3	.6	.7	.7	.7
Total deductions	18.9	8.9	10.2	38.0	23.2	26.5	49.7	51.7	50.1	31.7
Net total	(8.6)	(7.4)	(8.5)	(24.5)	(19.1)	(24.3)	(43.4)	(47.0)	(42.6)	(27.8)

SCHEDULE 5.—LOCKHEED AIRCRAFT CORP.: BALANCE SHEETS, FINANCIAL FORECAST MAY 1971

[Dollars in millions]

	1971			1972				
	June 27	Sept. 26	Dec. 26	June 26	Dec. 31	Dec. 30, 1973	Dec. 29, 1974	Dec. 28, 1975
Assets:								
Current Assets:								
Cash & Short Term Securities	$124.0	$51.5	$50.5	$48.5	$51.6	$52.8	$49.1	$51.6
Accounts receivable—Net:								
U.S. Government	193.6	150.7	127.0	127.2	119.4	114.4	117.2	107.6
Other	31.7	31.3	35.8	38.0	34.9	34.9	34.9	38.9
Inventories—Net (Note 1)	725.8	817.7	882.5	883.0	932.8	874.3	782.6	541.8
Prepaid expenses	25.8	36.7	28.4	32.9	32.3	36.3	33.6	30.3
Total current assets	1,100.9	1,087.9	1,124.2	1,129.6	1,171.0	1,112.7	1,017.4	770.2
Fixed Assets—Net (Note 2)	328.1	321.2	343.1	327.6	317.8	302.8	293.8	285.3
Customers' notes receivable						35.0	75.0	100.0
Other assets	6.3	6.2	3.3	3.4	4.3	6.9	9.0	11.0
Total assets	1,435.3	1,415.3	1,470.6	1,460.6	1,493.1	1,457.4	1,395.2	1,166.5
Liabilities and stockholders' equity:								
Current Liabilities:								
Accounts payable	241.8	221.8	195.4	191.0	173.9	167.7	190.1	185.6
Federal income tax								9.6
Deferred Federal income tax	45.6	43.8	45.3	52.1	59.6	75.3	99.8	90.2
Retirement plan contribution	71.0	50.8	66.7	56.1	66.7	62.9	62.1	58.4
Salaries and wages	87.0	81.6	80.9	73.2	68.8	66.0	64.7	66.9
Other liabilities	109.8	109.7	63.1	72.2	52.7	55.1	59.7	59.6
Total current liabilities	555.2	507.7	451.4	444.6	421.7	427.0	476.4	47.03
Borrowings	400.0	425.0	510.0	500.0	550.0	495.0	370.0	120.0
Notes Payable—Plant B-1			27.0	26.1	24.8	23.0	21.2	19.4
C–5A liability	100.0	100.0	100.0	100.0	100.0	100.0	90.0	80.0
Debentures	134.4	134.4	132.5	132.5	130.6	128.8	126.9	125.0
Stockholders' equity	245.7	248.2	249.7	257.4	266.0	283.6	310.7	351.8
Total liabilities and stockholders' equity	1,435.3	1,415.3	1,470.6	1,460.6	1,493.1	1,457.4	1,395.2	1,166.5
Stockholders' equity comprised of:								
Capital stock	11.4	11.4	11.4	11.4	11.4	11.4	11.4	11.4
Additional capital	79.0	79.0	79.0	79.0	79.0	79.0	79.0	79.0
Retained earnings	155.3	157.8	159.3	167.0	175.6	193.2	220.3	261.4
Note 1:								
Progress payments	217.5	228.8	219.3	174.1	179.7	249.4	243.8	253.4
Commerical deposits	289.9	350.6	402.8	457.5	501.8	402.1	309.1	11.64
Note 2:								
Accumulated depreciation and amortization	347.3	362.7	378.3	405.6	432.8	476.6	523.0	568.1

LOCKHEED AIRCRAFT CORP., CASH RECEIPTS, DISBURSEMENTS AND BALANCES; FINANCIAL FORECAST, MAY 1971

[Dollars in million]

	1971				1972				
	January–June	July–September	October–December	Year	January–March	April–June	July–September	October–December	Year
Receipts:									
U.S. Government	$1,064.2	$508.1	$472.9	$2,045.2	$476.3	$499.4	$413.5	$389.6	$1,778.8
Foreign Governments	118.4	25.6	18.5	162.5	67.7	32.8	28.1	22.5	151.1
Commercial:									
L-1011	16.3	29.4	33.5	79.2	47.8	157.4	70.2	137.2	412.6
Other	64.5	32.7	42.1	139.3	47.2	41.6	42.7	54.0	185.5
Total Commercial	80.8	62.1	75.6	218.5	95.0	199.0	112.9	191.2	598.1
Borrowings	50.0	25.0	85.0	160.0	15.0		40.0	10.0	65.0
Other	13.4	1.4	1.5	16.3	1.1	1.1	1.2	3.6	7.0
Total	1,326.8	622.2	653.5	2,602.5	655.1	732.3	595.7	616.9	2,600.0
Disbursements:									
Accounts payable:									
Material, services, etc	675.6	372.9	361.4	1,409.9	347.5	402.4	295.1	316.3	1,361.3
Company owned fixed assets	17.4	7.3	6.8	31.5	6.5	7.0	9.3	8.8	31.6
Payrolls (gross)	477.6	241.6	240.2	959.4	240.4	239.3	234.1	242.6	956.4
Federal income tax									
Savings plans (employer)	10.5	5.0	4.8	20.3	5.0	4.8	4.7	4.8	19.3
Employees' retirement fund	30.3	37.1	.5	67.9	22.4	22.9	21.8	1.6	68.7
Interest	16.9	10.0	8.6	35.5	12.6	10.1	12.6	14.2	49.5
Other liabilities, etc	54.0	20.8	32.2	107.0	20.3	23.2	18.6	25.0	87.1
Borrowings						25.0			25.0
Total	1,282.3	695.7	654.5	2,631.5	654.7	734.7	596.2	613.3	2,598.9
Net increase (decrease)	44.5	(72.5)	(1.0)	(29.0)	.4	(2.4)	(.5)	3.6	1.1
Balance, beginning of period	79.5	124.0	51.5	79.5	50.5	50.9	48.5	48.0	50.5
Balance end of period	124.0	51.5	50.5	50.5	50.9	48.5	48.0	51.6	51.6

LOCKHEED AIRCRAFT CORP., CASH RECEIPTS, DISBURSEMENTS AND BALANCES: FINANCIAL FORECAST MAY 1971

[Dollars in millions]

	1973				
	January–June	July–December	Year	1974 Year	1975 Year
Receipts:					
U.S. Government	$712.9	$683.8	$1,406.7	$1,502.3	$1,532.1
Foreign Governments	72.7	39.5	112.2	132.6	99.7
Commercial:					
L-1011	277.1	321.5	598.6	728.4	858.3
Other	158.8	96.9	255.7	250.7	260.1
Total commercial	435.9	418.4	854.3	979.1	1,118.4
Borrowings, other	2.1	2.9	5.0	8.4	5.1
Total	1,233.6	1,144.6	2,378.2	2,622.4	2,755.3
Disbursements:					
Accounts payable:					
Material, services, etc	621.7	540.3	1,162.0	1,326.7	1,238.9
Company owned fixed assets	18.2	20.1	38.3	39.3	39.1
Payrolls (gross)	457.0	450.1	907.1	921.7	983.0
Federal Income Tax					37.7
Savings plans (employer)	9.2	8.8	18.0	18.0	18.9
Employees' retirement fund	46.4	23.9	70.3	66.6	65.6
Interest	25.8	24.2	50.0	44.2	32.4
Other liabilities, etc	38.2	38.1	76.3	84.6	87.2
Borrowings	20.0	35.0	55.0	125.0	250.0
Total	1,236.5	1,140.5	2,377.0	2,626.1	2,752.8
Net increase (decrease)	(2.9)	4.1	1.2	(3.7)	2.5
Balance beginning of period	51.6	48.7	51.6	52.8	49.1
Balance end of period	48.7	52.8	52.8	49.1	51.6

3. Cost base and loss assumptions:

Cost:	
81 A/C	$3,248.0
AFSC Add On	135.0
Provisioned Items	312.6
Allowable Cost	3,695.6
Disallowances	46.8
Total	3,724.4

Losses of $246.8 were recorded prior to 1971.

4. Cash Flow Assumptions:

(a) Adjustments in Cash Receipts have been made on conversion to CRC to reflect the investment in allowable costs at $100 million. Thereafter, allowable costs will be reimbursed as billed until completion of contract.

(b) The additional $100 million of the total penalty has been carried as a long term liability to the U.S. Government to be paid in quarterly increments, with the first installment due January 1, 1974. Payments have been forecast on the minimum basis of $10 per year in 1974 and 1975.

C–130

1. Program Deliveries:

Customer	1971	1972	1973	1974	1975
U.S. Government	24		10	16	
Foreign governments	11	33	23	20	12
Commercial	2	3	3		
Total	37	36	36	36	12

2. Contractual coverage has been obtained for 74 of the airplanes, and follow-on orders are anticipated for 13 more. Anticipated new business includes 16 U.S. Government airplanes, 48 for foreign countries and 6 commercial.

3. Progress payments on U.S. Government fixed price contracts billed at 80% of cost.

4. Commercial customer advances (forecasted sign-ups)—20% down upon sign-up, generally nine months before delivery, balance on delivery.

JetStar

1. Deliveries—10 in 1971 and 13 in 1972.

2. Two aircraft have been sold and one has been leased in the first quarter of 1971. Twenty represent anticipated new business.

3. No customer advances are anticipated.

Other Comments

New business sales other than C–5A, and C–130, and JetStar programs included in Gelac's total sales amount to $5 million in 1971, $20 million in 1972, $43 million in 1973, $44 million in 1974, and $101 million in 1975. Intercompany sales aggregate $171 million over the five years.

LOCKHEED SHIPBUILDING AND CONSTRUCTION COMPANY (LSCC)

LDP and DE Ship claims

Claims were settled for $62 million in January 1971. The resulting loss was recorded prior to 1971.

Estimate total cost at completion	$378.5
Less Prices:	
Basic Contract Prices	$246.7
Settlement	62.0
Total	308.7
Total Contract Loss	$69.8

Claim collections on LPD's and DE contracts reflected in forecast are as follows:

Through 1970	$25.5
1971:	
1st Quarter	21.3
2nd Quarter	13.2
3rd Quarter	.5
4th Quarter	.5
Total	35.5
1972 and 1973	1.0
Contract total	$62.0

Other comments

LSCC sales include $129 million under the LPD and DE 1052 destroyer contracts, $41 million under anticipated new ship construction, and $141 million under anticipated new contracts for construction of dams, tunnels, etc.

LOCKHEED ELECTRONICS COMPANY (LEC)

LEC sales include $64 million under firm contracts, $154 million under anticipated follow-on orders, and $373 million in new business of which $263 million is commercial and $110 million is military. Intercompany sales are $24 million. The nature of LEC's business is short term and the backlog has been low historically in relation to the volume of business.

LOCKHEED AIRCRAFT SERVICE (LAS)

LAS sales include $40 million under firm contracts, $170 million under anticipated follow-on orders, and $255 million in new business. Intercompany sales are $84 million. The nature of LAS's business is also short term and the backlog has been low historically in relation to the volume of business.

LOCKHEED PROPULSION COMPANY (LPC)

SRAM

Development Contract

Claim on this contract was settled for $20 million in September 1970.

Estimated cost at completion	$66.2
Contract value:	
Basic contract	$22.5
Claim settlement	20.0
Total	42.5
Contract loss	$23.7

Production Program

The first production sale, a milestone type, was recorded in March 1971. Production sales are $11 million in 1971, $22 million in 1972, and $25 million per year thereafter.

LPC sales include $108 million under the SRAM production contract.

LOCKHEED AIRCRAFT INTERNATIONAL, INC. (LAI)

LAI sales include firm and anticipated follow-on business for delivery of 12 L-1011 aircraft and spares of $230 million, 6 C-130 aircraft of $38 million, Saudi Arabian support program of $98 million, aircraft parts and materials through Aviquipo of $125 million and new business of $46 million.

LOCKHEED AIR TERMINAL (LAT)

LAT sales include projected revenues from fueling services, increasing from $13 million in 1971 to $16 million in 1975, and from rent, flight fees, and parking revenues increasing from $2.2 million in 1971 to $3.4 million in 1975.

OTHER

Lockheed Petroleum Service (LPS) is in the development stage. Current plans call for a demonstration of the company's system for servicing offshore oil wells on a live well in 1971. It has been assumed that the test will be successful and that oil companies will require a substantial amount of wellhead cellars and services. The projected sales of $102 million and earnings of $5.9 million are contingent on the outcome of these developments. If these sales and earnings do not materialize, the effect on cash flow will be minimal.

FIXED-ASSET APPROPRIATIONS

	1971	1972	1973	1974	1975
LMSC	$5.0	$10.0	$10.0	$15.0	$15.0
CALAC	9.0	8.7	7.9	7.3	6.0
GELAC	2.1	1.0	1.0	1.0	1.0
LEC	1.8	2.0	2.0	2.0	2.0
LAS	.5	.5	.5	.5	.5
LPC	.8	1.0	1.0	1.0	1.0
LSCC	.7	.5	.5	.5	.5
LAT	1.0	2.0	1.6	1.5	1.4
Other	2.3	2.1	3.2	4.5	6.5
Contingency			7.0	6.0	2.0
Total	23.2	27.8	34.7	39.3	35.9

OTHER FINANCIAL DATA

BORROWING REQUIREMENTS AND INTEREST RATE

Borrowings as required and interest thereon @ 7½%.

Cash balances held at about $50 million.

DEBENTURES

Due May 1976 at 4½% interest rate. Annual sinking fund provisions of $1,875,000 have been met. Balance as of 12-27-70, $11.2 million.

Due March 1992. Convertible Subordinated Debentures at 4¼% interest rate. Sinking fund requirements do not start until March 1, 1978. No conversions are assumed in this forecast. Balance as of 12-27-70, $125 million.

FEDERAL INCOME TAXES

Federal Income Taxes computed at 48% for all years of the forecast. Commercial airplane development costs prior to type certificate and military G&A have been assumed written off for tax purposes in the year incurred.

DIVIDENDS

No cash dividends have been projected.

LOCKHEED AIRCRAFT CORP.,
Burbank, Calif., June 30, 1971.

Hon. WRIGHT PATMAN,
Chairman, Committee on Banking and Currency, U.S. House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: In response to your request of June 25, 1971 to Lockheed's chairman, Daniel J. Haughton, we are attaching the following materials.

1. A copy of the agreement between Lockheed and Rolls-Royce (1971) Ltd., as amended to date.

It should be noted that a separate agreement between Lockheed and Rolls-Royce requires that an amended agreement with Air Holdings Limited be entered into, and such amendment is now in the process of negotiation. Lockheed considers all of this agreement to be sensitive in nature and it is hoped that the terms and conditions may be held for Committee use only. Several sections, primarily dealing with prices, are considered to be extremely sensitive for competitive reasons, and they have been expurgated. We do not believe these deleted areas would be material to your consideration of the Lockheed case and, since Lockheed already has been required to provide a substantial amount of information of value to our competitor, we feel that we should be allowed to avoid disclosure of these pricing terms.

2. A copy of a consolidating Lockheed financial statement for the year ended December 27, 1970.

Lockheed's financial and legal officials consider this information also to be sensitive in nature since the information contained in it has competitive value and has never been provided to anyone outside the company except to Lockheed's banks. It is not information we would disclose publicly, and disclosure to selected persons or Committees other than in confidence could raise serious questions relating to the disclosure requirements of the securities laws. We, therefore, ask that the material contained in this consolidating statement be confined to Committee use only.

In addition to the materials described in Points 1 and 2 above, we also are attaching a financial forecast of sales and operating profit for the five (5) years beginning with 1971, broken down by operating divisions and subsidiaries. This also includes a net cash flow statement with the same breakdowns. Although this material was not requested by your Committee, it was provided the Senate Committee upon their request, and we felt it also might be helpful to you in your consideration of the loan guarantee question. As noted with respect to Point 2 above, the information contained in these projections is likewise sensitive with respect to disclosure requirements of the securities laws, and we ask with this material also that it be confined to Committee use only.

We hope all of these materials will be helpful in the furtherance of your consideration of the loan guarantee legislation soon to be heard by your Committee.

Sincerely yours,
VERNON A. JOHNSON,
Vice President-Eastern Region.

ARTICLE 40. EFFECTIVE DATE, MAY 10, 1971

A. The obligations of Rolls-Royce and Lockheed under the preceding provisions of this Basic Agreement shall take effect only if and when:

(1) The United States Government gives notice to the United Kingdom Government that

(a) the United States Government, having obtained the authority of Congress, is prepared to give guarantees for the benefit of LOCKHEED in an amount of up to dollars 250 million, which amount, together with the funds available to LOCKHEED from private sources without Government guarantee, the United States Government considers sufficient to enable LOCKHEED to carry out the L-1011 project; and

(b) before seeking the authority of Congress referred to above, the United States Government satisfied itself, having regard to the orders for L-1011 aricraft placed with Lockheed and the orders for L-1011 aircraft that might reasonably be expected to be placed with Lockheed, that Lockheed will be able to carry out the L-1011 project.

(2) Mutual signature and delivery takes place of amendments to the respective existing Airplane Sales Contracts for Model L-1011 airplanes between LOCKHEED and Eastern, TWA, Delta, Air Canada, Air Jamaica, PSA and Haas/Turner which affirm their intention to continue their participation in the L-1011 program.

(3) Assignments to Rolls-Royce of the existing spare engine contracts with Eastern, TWA, Delta, Air Canada and Air Jamaica, including the granting of general releases in respect thereof in favour of Rolls-Royce Limited and the Receiver of Rolls-Royce Limited, are mutually signed and delivered and amendments to those contracts reflecting changes in specification, delivery, price and parts costs guarantees are also mutually signed and delivered.

(4) A contract between Rolls-Royce and the United Kingdom Government covering the total funding of RB. 211 development and production programme is mutually

signed and delivered or Rolls-Royce receives from the United Kingdom Government assurances satisfactory to Rolls-Royce relating to such total funding.

(5) Lockheed is notified in writing by the United Kingdom Government that the United Kingdom Government has satisfied itself that the contract or the assurances referred to in subparagraph (4) of this Paragraph A will provide total funding which might be reasonably expected to enable Rolls-Royce to carry out the RB.211 development and production program.

B. If the conditions specified in Paragraph A above shall not all have been satisfied before 8 August 1971 the obligations of Rolls-Royce and Lockheed under this Basic Agreement shall not take effect at all and the Basic Agreement shall on that date cease to be binding in any respect.

C. Lockheed shall promptly notify Rolls-Royce in writing if and when the conditions described in sub-paragraph (2) and (5) of Paragraph A above have been satisfied; and Rolls-Royce shall promptly notify Lockheed in writing if and when the conditions described in subparagraphs (3) and (4) of Paragraph A above has been satisfied.

THE DEPUTY SECRETARY OF DEFENSE,
Washington, D.C., June 26, 1971.

Hon. WRIGHT PATMAN,
Chairman, House Banking and Currency Committee, House of Representatives.

DEAR MR. CHAIRMAN: You have requested for consideration by your Committee a cost analysis which the Systems Analysis Office of the Department of Defense conducted on Lockheed's L–1011 airbus program. I am enclosing a copy of that brief assessment.

I caution on the use of this data as it is now over a year old and many circumstances have changed the scope of the program since that time. Furthermore, the parametric estimating method used gives only an approximation and I would not use it to make a business judgment. I also remind you that cash generation adequate to repay a guaranteed loan would come much earlier than profit on the program.

You will note that the second page of the cover brief for this report makes reference to the preparation of a final report. No such report has been prepared. The material enclosed represents all of the reports prepared by Systems Analysis on this subject. I hope that this data will clarify the question regarding the Systems Analysis study.

Sincerely,

DAVID PACKARD.

ASSISTANT SECRETARY OF DEFENSE,
Washington, D.C., May 14, 1970.

Memorandum for Mr. Hugh McCullough, OSAD (I&L).

Subject: Lockheed's L–1011 aircraft.

Aside from preparation of a final report, we have now completed our estimate of the cost of LOCKHEED's L–1011 aircraft. In accordance with your request 11 May 1970, a summary of the results is in Enclosure 1.

So that you may track our current estimate with previous information provided to you verbally, we have laid out some change details in Enclosure 2. As may be seen from Enclosure 2, we have reduced the original estimated difference between our end of April estimate and anticipated LOCKHEED receipts as a result of detailed discussions with, and data collected from, LOCKHEED's L–1011 Program Managers. In this respect, for example, we have included as receipts some $88 million in customer airline changes since our own estimating techniques implicitly account for normal changes throughout the entire production period.

We would conclude at this point, based on the various parametric tools we have employed, that LOCKHEED's cost projection for the L–1011 is optimistic. Current financial goals can only be achieved if the program is to proceed with unparalleled smoothness.

Subsequent to our last trip to LOCKHEED's Burbank and Palmdale installations, you asked us to make an attempt to estimate the extent to which any projected loss might be borne by subcontractors rather than the prime. As you know, this is difficult to do very precisely since our cost models address airframe as a whole rather than individual structures. Even so, we have attempted to ascribe some share of projected overruns to subcontractors on the basis of the gross assumption that a major component (such as a wing) requires roughly the same effort and material per unit of measure as the aircraft taken as a whole. Because we have far less confidence in the results of such efforts than in the estimate per se, we have displayed this sub-contractor risk information separately as Enclosure 3.

It is our intention to complete the preparation of a final report of our estimating effort, but we do not intend to distribute it to anyone unless you request we do so. We will maintain a file copy in our own office in the event that later questions occur.

MILTON A. MARGOLIS,
Director, Cost Analysis.

THE L–1011 BASIC SA ESTIMATE (AIRFRAME ONLY—EXCLUDES ENGINES[1] AND AVIONICS)

[All data in millions of dollars inflated according to Lockheed projections]

	252 ship sets	351 ship sets	450 ship sets
I. Production labor	1,720	2,097	2,433
II. Materials	1,054	1,433	1,804
III. Nonrecurring—engineering and tooling	576	576	576
IV. Recurring—engineering and tooling	388	494	593
Total basic estimate[2]	3,738	4,600	5,406

[1] The engine costs are specifically excluded from this summary in recognition of the Lockheed contention that the Rolls Royce contract is firm and fixed and that the British Government is subsidizing engine development costs. Even so, it should be pointed out that, based on the experience of U.S. manufacturers of large jet engines, Rolls Royce might experience an overrun of about $500 million—on a $924 million contract for 351 ship sets.

[2] Not directly comparable to Lockheed L–1011 assessments—see enclosure 2.

THE L–1011—351 SHIP SETS: A COMPARISON BETWEEN THE SA ESTIMATE AND LOCKHEED RECEIPTS, EXCLUSIVE OF ENGINE COSTS

[All values expressed in inflated Lockheed dollars (millions)]

	SA estimate	LAC receipts	Net difference	LAC cost estimate (excludes profit)	Net difference	Percent difference between basic cost estimates[1]
1. Basic SA estimate (see enclosure 1)	4,600					
2. Lockheed January assessment		5,386		5,386		
3. Profit		175				
4. Less Rolls Royce Engine S/C		−924		−924		
5. Through-puts—items in commercial program not in normal military aircraft cost model:						
(a) Insurance	247					
(b) Product support	41					
(c) Avionics & BFE	157					
Subtotal—Comparison as of Apr. 24, 1970	5,045	4,637	−408	4,462	−583	13.1
6. Changes resulting from Apr. 24–May 1 visit to Lockheed and subsequent data collection:						
(a) Approved customer changes (Added on basis of Lockheed contention that these equate to some normal ECO's in military aircraft)		+88		+88		
(b) Transfer of BFE from thruput to materials	−90					
(c) Portion of Rolls Royce contract considered applicable to nacelles[2]		+103		+103		
(d) Considering some product support as part of SA model. Transferred from thruput	−5					
(e) Removal of that portion of Lockheed's "Flying Operations" category pertaining to training. Transferred to thruput	+9					
Total—final comparison	4,959	4,828	−131	4,653	−306	6.6

[1] Difference between SA estimate and equivalent LAC expected costs (no profit) expressed as a percent of LAC expected costs.

[2] The exact value of that portion of the Rolls Royce contract associated with nacelles cannot be isolated. Even so, it is quite clear that SA was in error not to have considered some nacelle value in its April 24 estimate. The figure of 103 million derives from the gross assumption that a major component is not dissimilar from the whole. See enclosure 3.

THE L–1011—EFFECT OF SUBCONTRACTOR RISKS

[All values in millions of inflated Lockheed dollars]

	252 ship sets	351 ship sets	450 ship sets
1. SA Estimate (Adjusted in the manner of enclosure 2.)	3,995	4,959	5,867
2. LAC Receipts (including "profit")	3,460	4,828	6,178
3. Gross loss (−), profit (+)	−535	−131	+311
4. Possible subcontractor risks[1]			
(a) AVCO	+154	+65	−85
(b) Health-Techna and Murdock	+22	+12	−16
5. Net Loss (−) to Lockheed Profit (+)	−359	−54	+210

[1] Total subcontractor loss was calculated on a 50/50 "share the risk" basis as described in subcontracts. Beyond 350 ship sets, renegotiation is assumed and subs will attempt to recoup losses plus profit. GELAC loss represents loss to Lockheed, so GELAC is not considered a subcontractor in that sense. All other subcontracts treated as purchased equipment or purchased parts.

LOCKHEED AIRCRAFT CORPORATION AND SUBSIDIARIES CONSOLIDATING BALANCE SHEET: ASSETS, DEC. 27, 1970

[In millions]

	Consolidated	Add (deduct) consolidating eliminations	Missiles & Space Co.	California Co.	Georgia Co.	Aircraft Service Co.	Electronics Co.	Propulsion Co.	Lockheed Shipbuilding & Construction Co.	Lockheed Air Terminal, Inc.	Lockheed Aircraft International Group	Lockheed properties, Inc.	Small companies	Corporate
Current assets:														
Cash	$40.2		$2.0	$(6.5)	$(2.0)	$0.2	$0.6		$1.4	$1.6	$7.8		$0.1	$35.0
Short term securities	39.3						.1		4.7	.3			.3	33.9
Accounts receivable:														
U.S. Government	137.5		60.3	17.9	19.9	3.1	8.7	$.3	27.3					
Other	41.6		2.7	2.0	3.3	3.0	5.0	2.0	4.2	2.4	5.0		.5	11.5
Intercompany		$(59.2)	.7	6.5	4.3	4.5	1.2	.2	.1	.2	.4		.5	40.6
Inventories	693.9	(8.1)	9.2	580.8	103.1	5.7	11.4	4.3	4.3	.3	4.8		.1	(22.0)
Prepaid expenses	19.4		4.1	11.2	1.2	.4	.4	.6	.1	.5	.9			
Total current assets	971.9	(67.3)	79.0	611.9	129.8	16.9	27.4	7.4	42.1	5.3	18.9		1.5	99.0
Investments:														
Operating companies		(602.8)												602.8
Other	4.2										1.5			2.7
Property, plant and equipment:														
Cost	662.9	1.7	152.2	271.3	126.7	10.6	23.4	22.2	28.0	19.8	2.1	$9.9	.4	(5.4)
Accumulated depreciation	(319.5)	(.6)	(70.7)	(128.8)	(61.2)	(6.6)	(11.7)	(10.5)	(16.6)	(11.3)	(1.3)	(1.1)	(.2)	1.1
Deferred charges	3.1		.1		.8					.7				1.5
Total	1,322.6	(669.0)	160.6	754.4	196.1	20.9	39.1	19.1	53.5	14.5	21.2	8.8	1.7	701.7

LOCKHEED AIRCRAFT CORPORATION AND SUBSIDIARIES CONSOLIDATING BALANCE SHEET—LIABILITIES AND STOCKHOLDERS' EQUITY, DEC. 27, 1970

[In millions]

	Consolidated	Add (deduct) consolidating eliminations	Missiles & Space Co.	California Co.	Georgia Co.	Aircraft Service Co.	Electronics Co.	Propulsion Co.	Lockheed Shipbuilding & Construction Co.	Lockheed Air Terminal, Inc.	Lockheed Aircraft International Group	Lockheed Properties, Inc.	Small companies	Corporate
Current liabilities:														
Accounts payable	$244.8		$49.4	$98.3	$78.8	$3.8	$2.5	$.8	$5.3	$1.0	$4.8		$.1	
Accounts payable—intercompany		($59.0)	1.9	8.2	8.3	1.5	.2	.5	33.5	.1	2.5		1.7	$.6
Salaries and wages	77.0		21.5	28.8	17.0	2.2	2.9	.9	1.0	.4	1.1		.1	1.1
Federal income tax:														
Current	1.4													1.4
Deferred	31.7	(3.7)	1.4	164.5	7.1	(.2)	(.1)	.5	(7.8)	1.2	1.4			(132.6)
Other taxes	19.4		5.6	6.9	3.9	.2	.7	.2	1.2	.6	.1			
Customers' advances in excess of related costs	29.2	(.6)	6.7	.8	2.3				17.0		3.0			
Retirement plan contribution	66.4		20.2	26.9	13.2	1.8	2.4	1.0	.4	.2	.3			
Other liabilities	33.5		4.5	6.6	6.0	.9	2.7	1.5	2.3	.4	.2		.4	8.0
Total current liabilities	503.4	(63.3)	111.2	341.0	136.6	10.2	11.3	5.4	52.9	3.9	13.4		2.3	(121.5)
Long term debt	584.4													584.4
Stockholders' equity:														
Capital stock	11.4													11.4
Additional capital	79.0													79.0
Retained earnings	144.4	(4.0)												148.4
Operating companies		(601.7)	49.4	413.4	59.5	10.7	27.8	13.7	.6	10.6	7.8	$8.8	(.6)	
Total stockholders' equity	234.8	(605.7)	49.4	413.4	59.5	10.7	27.8	13.7	.6	10.6	7.8	8.8	(.6)	238.8
Total	1,322.6	(669.0)	160.6	754.4	196.1	20.9	39.1	19.1	53.5	14.5	21.2	8.8	1.7	701.7

LOCKHEED AIRCRAFT CORP. AND SUBSIDIARIES CONSOLIDATING STATEMENT OF EARNINGS—YEAR ENDED DEC. 27, 1970

[In millions]

	Consolidated	Add (deduct) consolidating eliminations	Missiles & Space Co.	California Co.	Georgia Co.	Aircraft Service Co.	Electronics Co.	Propulsion Co.	Lockheed Shipbuilding & Construction Co.	Lockheed Air Terminal, Inc.	Lockheed Aircraft International Group	Lockheed Properties, Inc.	Small companies	Corporate
Sales	$2,535.6		$758.8	$274.9	$1,148.9	$62.8	$95.3	$33.5	$94.7	$16.6	$49.8		$0.3	
Intercompany sales		$(140.3)	1.1	57.6	25.2	26.2	17.9	1.5	3.2	2.1	3.7		1.8	
Total sales	2,535.6	(140.3)	759.9	332.5	1,174.1	89.0	113.2	35.0	97.9	18.7	53.5		2.1	
Interest and other income	12.4		.3	.5	.6	.1	.1		1.3	.2	1.0		1.8	$6.5
	2,548.0	(140.3)	760.2	333.0	1,174.7	89.1	113.3	35.0	99.2	18.9	54.5		3.9	6.5
Costs and expenses	2,675.7	(137.9)	701.6	363.4	1,364.9	83.4	105.9	40.5	153.1	16.7	50.6		3.9	(70.4)
Interest expense	32.3		2.2	11.8	5.3	.5	1.0	1.1	2.9		.3			7.2
Subtotal	2,708.0	(137.9)	703.8	375.2	1,370.2	83.9	106.9	41.6	156.0	16.7	50.9		3.9	(63.2)
Earnings (loss) before Federal tax	(160.5)	(2.4)	56.4	(42.2)	(195.5)	5.2	6.4	(6.6)	(56.8)	2.2	2.6			69.7
Reduction of deferred tax	(73.7)	(1.1)	27.0	(27.3)	(94.2)	2.5	3.1	(3.2	(27.2)	1.0	.9		.2	44.6
Earnings (loss) for year	(86.3)	(1.3)	29.4	(14.9)	(101.3)	2.7	3.3	(3.4)	(29.6)	1.2	2.7		(.2)	25.1

LOCKHEED AIRCRAFT CORPORATION AND SUBSIDIARIES CONSOLIDATING ELIMINATIONS, YEAR ENDED DEC. 27, 1970

[In millions]

	No. 1[1]	No. 2	No. 3	No. 4	No. 5	Total
Assets:						
Accounts receivable—intercompany	($59.2)					($59.2)
Inventories	(.4)			($7.7)		(8.1)
Investment in operating companies		($602.8)				(602.8)
Property, plant, and equipment:						
Cost		1.7				1.7
Accumulated depreciation		(.6)				(.6)
Total	(59.6)	(601.7)		(7.7)		(669.0)
Liabilities and equity:						
Accounts payable—intercompany	(59.0)					(59.0)
Deferred income tax				(3.7)		(3.7)
Customers' advances in excess of related costs	(.6)					(.6)
Retained earnings				(4.0)		(4.0)
Equities of operating companies		(601.7)				(601.7)
Total	(59.6)	(601.7)		(7.7)		(669.0)
Profit and loss:						
Intercompany sales					(140.3)	(140.3)
Cost of sales and expenses			(5.3)	7.7	(140.3)	(137.9)
Reduction of deferred tax			2.6	(3.7)		(1.1
Retained earnings			2.7	(4.0)		(1.3

[1] Entries—Add (deduct): (1) Intercompany receivables and payables. (2) Investments in operating companies. (3) Intercompany profit in inventory (beginning of year). (4) Intercompany profit in Inventory (end of year). (5) Intercompany sales and cost of sales.

LOCKHEED AIRCRAFT CORPORATION—STATEMENT OF SALES AND OPERATING PROFIT BY COMPANY: FINANCIAL FORECAST MAY 1971

[Dollars in millions]

	California	Georgia	Missiles & Space	Shipbuilding & Construction	Propulsion	Aircraft Service	Electronics	Air Terminal	International Group	Others	Intercompany eliminations	Consolidated
1971:												
Sales	$541.6	$1,431.1	$672.7	$125.9	$22.2	$80.7	$108.0	$18.6	$79.7	$1.9	($105.3)	$2,977.1
Cost of sales	568.9	1,417.4	627.5	123.2	20.8	76.2	100.8	15.9	73.8	2.6	(103.7)	2,923.4
Operating profit	(27.3)	13.7	45.2	2.7	1.4	4.5	7.2	2.7	5.9	(.7)	(1.6)	53.7
1972:												
Sales	916.6	661.5	681.2	69.3	39.4	98.3	110.0	19.2	89.6	6.1	(108.0)	2,583.2
Cost of sales	928.9	637.5	644.6	66.7	37.1	93.6	102.5	16.0	84.2	7.2	(110.2)	2,508.1
Operating profit	(12.3)	24.0	36.6	2.6	2.3	4.7	7.5	3.2	5.4	(1.1)	2.2	75.1
1973:												
Sales	1,194.1	323.1	611.5	59.5	32.3	117.3	121.0	20.2	190.5	19.5	(191.7)	2,497.3
Cost of sales	1,200.4	299.7	578.5	55.6	29.7	111.9	112.6	16.7	185.4	17.7	(192.1)	2,416.1
Operating profit	(6.3)	23.4	33.0	3.9	2.6	5.4	8.4	3.5	5.1	1.8	.4	81.2
1974:												
Sales	1,529.0	262.3	698.7	65.7	35.0	123.4	131.0	21.4	145.2	28.9	(169.4)	2,871.2
Cost of sales	1,528.6	241.3	660.6	61.5	31.1	117.8	121.7	17.3	141.0	25.8	(171.3)	2,776.4
Operating profit	.4	21.0	38.1	4.2	2.9	5.6	9.3	4.1	4.2	3.1	1.9	94.8
1975:												
Sales	1,717.8	222.9	721.0	68.9	35.0	129.8	145.0	22.9	97.5	46.3	(103.3)	3,103.8
Cost of sales	1,711.0	206.6	681.1	64.4	32.1	124.0	134.4	18.5	90.1	39.4	(150.0)	2,996.6
Operating profit	6.8	16.3	39.9	4.5	2.9	5.8	10.6	4.4	7.4	6.9	1.7	107.2

Note: Cost of sales includes general and administrative expenses.

LOCKHEED AIRCRAFT CORPORATION—NET CASH FLOW STATEMENT: FINANCIAL FORECAST MAY 1971

[Dollars in millions]

Company	1971	1972	1973	1974	1975
California	($247.1)	($62.5)	$26.4	$111.9	$246.7
Georgia	8.3	.9	13.8	27.8	36.8
Missiles & Space	44.8	42.8	28.0	38.3	37.8
Shipbuilding & Construction	4.0	(.4)	5.4	4.9	1.8
Propulsion	(1.4)	2.7	2.4	2.8	3.1
Electronics	6.3	3.5	4.6	4.8	5.2
Aircraft Service	4.8	4.5	4.5	5.1	5.5
Air Terminal	.1	(.3)	.3	.9	1.1
International group	2.3	2.4	.2	(.1)	1.0
Consolidated eliminations and other	(11.1)	(32.5)	5.6	(35.1)	(61.5)
Premised assumptions of airline customer notes			(35.0)	(40.0)	(25.0)
Before borrowing	(189.0)	(38.9)	56.2	121.3	252.5
Borrowings (repayment)	160.0	40.0	(55.0)	(125.0)	(250.0)
Net cash flow	(29.0)	1.1	1.2	(3.7)	2.5

Note: Bracketed figures denote negative cash flow.

U.S. GOVERNMENT SALES PROJECTIONS—LOCKHEED AIRCRAFT CORP., JUNE 24, 1971

Questions have arisen as to the validity of Lockheed's projections of its future sales to the U.S. Government. This in turn led to a question as to whether such sales will be sufficient to generate enough positive cash flow to help repay loans that might be guaranteed by the Government.

In this connection, it should be noted that Lockheed's DoD market penetration in the years 1963 through 1970 ranged from 6.2 percent to 8.7 percent. This penetration was based on DoD calendar year expenditures for RDT&E and Procurement.

Current projections of U.S. Government sales by Lockheed indicate the following predictions of DoD market penetration for the next five calendar years.

1971, 10.5 percent.
1972, 7.3 percent.
1973, 5.5 percent.
1974, 5.8 percent.
1975, 5.7 percent.

It will be noted that the 1971 prediction is well above Lockheed's historical range of penetration, but this projection is based on orders already accomplished or booked. Additionally, sales in the first three years of these projections are largely firm or follow-on business from DoD contracts previously won by Lockheed.

In the latter part of this five year period, the projections are conservative when compared to Lockheed's history of DoD market penetration.

Even if 30 percent of the projected DoD sales, primarily in the new business area in the latter part of this period, fail to materialize as Deputy Secretary Packard suggested might happen, the adverse effect on Lockheed's cash flow would only be to diminish it by about $20 million.

It was thought that this percentage method—testing projected market penetration against historical percentage ranges—might be more useful and more accurate than to test projections project by project. History has shown that if it is projected that Contract A will be won, this may not materialize, but instead Contract B will be won even though it was not predicted. This is due to the uncertainties and frequent variations inherent in all military procurement planning as stated by Deputy Secretary Packard in his testimony before the Senate Banking Committee.

[From Business Week, June 26, 1971]

THE QUALITY OF CREDIT IS STRAINED

Something very strange happened to the nation's commercial banks on their way through the booming 1960s: Loan standards became dangerously disheveled.

Now, in the somber 1970s, the banks are reaping the harvest. "The trend of the loss experience of the banks has been terrible," says Chairman William Renchard of Chemical Bank of New York. As a consequence bank earnings have come under substantial pressure and banks are fighting to hold down expenses as they have not done in years. One reason bankers have been so eager to hike their prime lending rate is because earnings have come under such pressure. And the errors that the bankers made in the 1960s may haunt them for many years to come. Vice-Chairman Frederick Heldring of Philadelphia National Bank warns that the 1970s may yet be called the "decade of defaults."

The final verdict is not in, of course. Billions of dollars in bank loans and lease agreements ride now on what happens to Lockheed Aircraft Corp. and to all the suppliers and the airlines that one way or another are tied to the aerospace giant. And there are other trouble spots as well (box).

The banking system does seem to have escaped disaster in its loans to Ling-Temco-Vought, Inc., the financially distressed conglomerate. Where LTV was once in hock to its banks for nearly $350-million, that debt has now been worked down to around $50-million, and the banks may escape with no loss whatsoever. But the banks have staked aircraft manufacturers to more than $3-billion in loans, beyond the loan to Lockheed. And the airlines, which have been losing money at a prodigious rate lately, are into the banks for some $4.5-billion, including both loans and agreements by which airlines lease aircraft from the banks. In brief, the banking system has advanced more than $8-billion to two closely related industries where financial good health today is the exception rather than the rule.

There really is not much danger that a big bank will fail, come what may. The Federal Reserve showed how quickly and decisively it can pump funds into the banking system when the Penn Central Transportation Co. went under, precisely one year ago. And yet the experience of the past two years has seared the memories of bankers, as the Great Depression traumatized an earlier generation of bankers. No matter how much money the Fed makes available, it will be a long time before the bankers again dole out money the way they did in 1968 and 1969 when it seemed that the boom would go on forever. "The chickens," says Heldring of Philadelphia National, "are coming home to roost."

THE LOSS TREND

New York bank stock dealer M. A. Schapiro & Co. estimates that loan losses in 1970, mostly because of the Penn Central debacle, were the heaviest for any single year since the 1930s. The 10 members of the New York Clearing House Assn. ran aggregate net loan charge-offs of $191.5-million. And the *New York Times* made an interesting document public this week: an internal message to senior officers from Chairman Walter Wriston of First National City Bank of New York. Citibank was the Penn Central's lead bank and, in the message, Wriston concedes that the bank last year had to revise "our net loss estimate upwards to $47.7-million, or more than four times as much as originally anticipated."

The trend has continued in 1971. Chase Manhattan Bank of New York has revealed that it wrote off $19.9-million in loans in the first quarter of this year. That compares with only $1.8-million in the first quarter of 1970 and an average quarterly rate of less than $15-million for all of 1970. The New York bank stock firm of Keefe, Bruyette & Woods, Inc., figures that loan losses for the nation's big banks as a group were 106% higher in the first quarter of 1971 than a year earlier—after an 80% jump in 1970.

And now, on top of the Penn Central and some less well-publicized corporate failures, the bankers have the Lockheed situation to worry about. It is a gargantuan worry.

LOCKHEED CRISIS

Twenty-four banks have lent Lockheed a total of $400-million so it can build the L-1011 TriStar airbus. And the banking system has lent a good deal of money to the 35,000 companies that supply parts and material to Lockheed; if Lockheed should collapse, at least some of those suppliers would undoubtedly follow. Moreover, a number of airlines have borrowed money to finance purchases of the airbus when it finally rolls off the production line, and that money could be lost if Lockheed goes under. In short, if anything happens to Lockheed, the ultimate loss to the banking system could be staggering.

Some of the $400-million that the banks have lent to Lockheed is collateralized. But U.S. Treasury officials, who are now trying to persuade Congress to guarantee a further $250-million in bank credit to Lockheed, say that if the existing bank debt must be written off, the collateral is likely to realize only a shade over $100-million for the lenders. Chairman C. J. Medberry of Bank of America, one of the lead banks in the Lockheed lending group, says simply: "Banks would lose a lot of money."

Obviously, bankers don't like the idea of losing so much money. Neither do they like what the Lockheed mess has done to their image. No matter what happens to Lockheed, the bankers involved won't come out of it looking very good. "I can understand bankers lending to Penn Central," says a man at one of the Washington regulatory agencies. "It was one part of the establishment lending to another. But I am into Lockheed."

For one thing, Lockheed had been out of the civilian plane market for a decade, ever since it lost millions on its Electra. It decided to produce the airbus despite predictions by Senior Vice-President Blaine Cook of Trans World Airlines, among others, that introduction of such a plane before the market was ready could bankrupt some airlines. Finally, it became clear very early in the game that rival McDonnell Douglas would have its DC-10 airbus out long before Lockheed could produce the TriStar.

LOOKING FOR TROUBLE

Worse still, it appears that when the 24 banks agreed in May, 1969, to extend Lockheed money for the 1011, they already knew that the company had secured its big government contract for the C-5A military transport by submitting a below-cost bid and that Lockheed could expect to run into trouble with the government. But neither the C-5A cost overruns nor the news that the Pentagon had just canceled a production contract for Lockheed's Cheyenne helicopter kept the banks from going ahead. Not until the fall of 1970, long after Lockheed's problems became public knowledge, did the banks attempt to collateralize any part of the loan.

Ultimately, the collapse of Rolls-Royce, the British outfit that was to supply the engines for the 1011, forced the banks to ask Washington to stand good for an additional $250-million to keep Lockheed alive. If Congress does not provide the guarantee—and the bankers insist that they will lay out no more money for Lockheed. One problem is that the only significant collateral that Lockheed could offer would be its missile division. And, sighs Medberry of Bank of America, what could the banks do with that but sell it to the U.S. Government?

FODDER FOR NADER

While the Lockheed experience is giving bankers the shivers, it is serving as a textbook case for the charges that consumer crusader Ralph Nader's study group made against banks this week in a prickly report on First National City Bank, one of the 24 Lockheed lenders.

It is the basic Nader thesis that a decline in profit margins—in Citibank's case from 20¢ on the dollar in 1964 to 9¢ in 1970—has forced the large banks to press for increased volume. This in turn has provided "a strong incentive to strengthen ties with the largest and fastest-growing corporations." By so doing, the banks could accelerate the growth in balances on deposit, the basis of their most profitable activity: lending. Until the Penn Central trouble, the report adds, banks had "a tendency to equate size with strength and over-all creditworthiness."

As for the decision to lend to Lockheed in 1969, Nader's analysis is that the TriStar and its fellow jumbo jets were pushed through because "the giant aircraft companies needed a new outlet for their technology and enormous productive capacity." Lockheed's problems had reached an advanced stage when the banks forked over the $400-million, the report says, so "either [the banks] did not analyze Lockheed's economic situation very carefully or were depending on the taxpayers . . . to protect their loans."

The excesses of the 1960s went beyond Lockheed and the Penn Central, of course. Bank money financed many of the mergers and takeovers that enabled the conglomerate corporations to grow so rapidly. Bank money helped finance the wildest bull market in the history of Wall Street. Bank money helped finance such super growth industries of the 1960s as computer leasing and nursing homes. Chase Manhattan Bank even lost money in loans to another banking venture—the Parsons group of banks in Michigan. That group, organized by Donald Parsons, got into a financial bind last year.

MISTAKES

Of course, to indict the banks' lending judgment at this late date takes advantage of hindsight and ignores the intervening recession and its strains upon the creditworthiness of a great many borrowers. "It is a matter of the business cycle," one federal bank regulator assures. "I have no feeling that a lowering of credit standards is a generalized thing."

But the impression remains that the banks' handling of the Lockheed affair and similar transactions was much too casual until the liquidity crisis of mid-1970 chilled the financial community. In fact, some bankers put their finger on some of the same problems that the Nader team singled out: "the overriding desire to maintain deposit relationships, and excessive reliance on credit analysis by other banks."

Heldring of Philadelphia National sees two basic mistakes: lending on too little knowledge and lending short-term for long-range projects. His bank participated in the Lockheed loan to the tune of $8-million because it was a correspondent of Bankers Trust Co. of New York, one of the lead banks in the Lockheed lending group. It left the economic analysis to the lead banks and now wishes it hadn't.

PENN CENTRAL

Bankers find it easier to talk about Penn Central than Lockheed, but the loans to the railroad betrayed the same pattern. Charles Woodruff, executive vice-president of Manufacturers Hanover Trust Co. of New York, recalls the lament of a banker from a smaller institution that had made a $1.5-million loan to the railroad "on the recommendation of the big fellows from New York." Says Woodruff, "The banker said he had to lend the money because he had big balances from Penn Central, and I told him not to be swayed by balances."

Looking back at Penn Central now, Woodruff feels: "We were awed by its size. We should have had more information about the company. But I've heard that Penn Central financial people were adroit in avoiding giving information."

Some government banking officials put it more bluntly: Penn Central's financial data were "fabricated, and bank credit groups just didn't pick it up until too late."

Some bankers have a "there, but for the grace of God, go I" feeling about Penn Central. Says a senior executive of one of New York's six largest banks, "We had a less difficult time than others did because a real smart young vice-president here spotted trouble. We gave them no unsecured loans, even though [Paul] Gorman"—Penn Central's last chairman—"was a member of our board."

Common sense saved Patrick Clifford, chief executive officer of the medium-sized Security National Bank on Long Island. Recalling how he was approached by another bank to lend to the railroad, "I spoke to a friend at that bank and asked him what they were doing, running out to Huntington, Long Island, to make a loan to a corporation with $8-billion in assets."

As to how banks can get their loan standards back in shape, Woodruff feels that they must look more at cash flow and more sophisticated analysis, including the use of computers. "Because we have more marginal credits to follow these days, we are adding a few people to the corporate analysis group," he notes.

Another top New York banker says that at his institution "we have required that more people be involved in the loan decision, that more fundamental research is presented to these people, and, as an absolute requirement, that there be a six-month review of every loan. This must include a restatement of the quality of credit by the lending officer to be sure that the things that *should* be going on are, in fact, going on."

Bank computers can work out market shares and produce quantitative estimates of the borrower's cash flow out of which the loan must be repaid, notes one analyst with a New York bank. Quite obviously, the banks were excessively optimistic in this department with respect to Lockheed. "Computer runs," the analyst concedes, "are only as good as the assumptions that went into them. If the economic situation deteriorates, therefore, you tend to go on the borrower's past record, and older corporations have a history of paying back loans which influences judgment." The snag here, he adds, is that "everybody knows everybody else, and when a Penn Central deteriorates rapidly, somebody spots it first but is muffled."

No one wants the banks to go back to the kind of conservatism that prevailed in the 1930s, which was so head-down cautious that it helped engender the Reconsruction Finance Corp. (page 23). Bankers are determined that henceforth the risks they take will be backed by proper information. Yet it is not likely that they will be foreover frozen into immobility by their recent loss experience.

Says a source at Citibank, "Right now, the credit policy committee people have a vivid memory of Penn Central and want to be strict. But the loan officers are increasingly eager to make loans."

AIRLINES AND AEROSPACE: THE DEBT LOAD FACTOR

Lockheed's $400-million line of credit from 24 banks is stealing the headlines, but it is only the tip of the iceberg in the banking system's commitment to the aerospace and airline industries. Most of the seven banks that put up $30-million each are also involved in lines of credit to Lockheed's major subcontractors on the L–1011 Tri-Star: Avco Corp., $329-million; Sperry Rand Corp., $125-million; Collins Radio Co., $104-million. The stake of these subcontractors is not limited to the TriStar. Avco is also a sub for Lockheed's C–5A military cargo plane, Sperry Rand for its S–3A antisubmarine plane, and Collins for both aircraft.

The banks are also creditors of the airlines that have ordered the TriStar. Among Eastern's major lenders are Chase, $55-million; First National City, $33-million; Bankers Trust, $10-million, and Morgan Guaranty, $9-million. Trans World Airlines also has Morgan Guaranty as a major creditor, with $39-million, and another of Lockheed's creditors, Irving Trust, with $100-million. Delta, the third major purchaser of the TriStar has among its creditors First National City and Manufacturers Hanover, with $37-million each; Bank of America, $16-million, and Morgan Guaranty, $9-million.

Beyond this involvement, Chase as a trustee holds 6.4% of TWA's common stock, and Continental Illinois National Bank, another Lockheed creditor, to the tune of $23-million, holds 5.2%. Chase also holds stock in other trunk airlines.

Spreading effect

If the L–1011 subcontractors should lose their $350-million investment in the program, their difficulty in carrying out other contracts in the face of such a blow might have further repercussions. Their current financial strength varies considerably, but all three major subs are in debt to the same banks as Lockheed.

Avco is well in the black, but its corporate backlog dropped sharply from $927-million to $709-million in the year ended last Nov. 30, and first-quarter sales were off 3%. Both sales and earnings are off at Sperry Rand, but the company is still comfortably in the black. On the other hand, Collins Radio is in dire straits even without a potential TriStar loss. Running in the red and with its bank credit lines almost exhausted, it has had to gave North American Rockwell Corp. a majority position on its board and the right to acquire more than 50% of its stock.

Among the airlines also financed by the same banks as Lockheed, TWA suffered a $64-million loss last year and could ill afford to lose its $110-million investment so far in 33 TriStars. Eastern eked out a $5-million profit last year; it has a $75-million stake in the TriStar. Delta is an exception among trunk airlines with its $41-million profit last year; it has $36-million tied up in the Lockheed airbus.

Broad credit demand

The reliance on credit by Lockheed and its customers and major subcontractors is by no means exceptional. The banks are also financing other aerospace companies, mainly for work on such new airliners as the McDonnell Douglas DC–10 and the Boeing 747. An analysis of 19 aerospace manufacturers by *Aerospace Daily*, the industry newsletter, finds $4-billion in credit agreements outstanding. That is a 55% rise from two years ago.

According to this analysis, McDonnell Douglas has a $650-million credit line: $400-million for the corporation as a whole, $200-million for its financing subsidiary to help customers buy or lease planes, and $50-million for Douglas Aircraft, Ltd., of Canada. United Aircraft Corp. has a $490-million credit line, and Boeing Co. has $471-million, including $262-million for its financing subsidiary.

Other credit lines cited by *Aerospace Daily:* General Dynamics Corp., $260-million; Northrop Corp., $250-million; Litton Industries, $225-million, and North American Rockwell, $195-million.

The survey finds that the aerospace industry relies chiefly on the major New York banks, though California banks such as Bank of America, Security Pacific National, United California Bank, and Wells Fargo are also among the top lenders. Outside New York and California, the largest lender is First National of Chicago.

Records of the Civil Aeronautics Board show the extent to which the same major banks finance the airlines, too. Out of $2-billion in airline borrowings, Chase supplied 16.7%, Bank of America 14.7%, Bankers Trust 12.8%, First National City 7.7%, and Morgan Guaranty 7.5%.

The banks are also heavily involved in a relatively new finance technique of airlines: leasing aircraft instead of buying them. In 1960, only 4% of planes operated by trunk airlines were on lease; last year 19% were leased, with a dollar value of $2.5-billion. The no-money-down lease arrangement enables the industry to put new planes into operation despite shaky financial conditions.

The banks' stake in aerospace and airlines:

Biggest lenders to the aerospace industry

[Estimated loans in millions of dollars]

Chase Manhattan	$189
Manufacturers Hanover	148
Bank of America	143
First National City (New York)	142
Bankers Trust	97
Morgan Guarantee	94
First National of Chicago	77
Chemical Bank & Trust	69
Security Pacific	66
Mellon National	64

Data: Aerospace Daily.

Biggest lenders to the airlines

[Estimated loans in millions of dollars]

Chase Manhattan	$367
Bank of America	324
Bankers Trust	281
First National City (New York)	170
Morgan Guarantee	164
Irving Trust	132
Chemical Bank & Trust	97
Manufacturers Hanover	82
Continental Illinois	66
United of California	50

Data: Civil Aeronautics Board.

Who's lending money for the Lockheed Tristar

[Amount lent in millions of dollars]

Creditors:[1]	
Bank of America, Bankers Trust, Chase Manhattan, First National City [New York], Manufacturers Hanover, Morgan Guarantee, Security Pacific	$210
Crocker-Citizens, First National of Boston, First National of Chicago, Irving Trust, Wells Fargo	75
Continental Illinois, Mellon National	46
Chemical Bank, United of California	40
Girard Trust, Philadelphia National	16
Citizens & Southern, First National of Atlanta, Trust Co. of Georgia	6
Bank of California	5
Fulton National, Pacific National of Washington	2

[1] Data: BW; In each group creditors hold equal shares.

[From the Economist, May 29, 1971]

WAR AMONG THE SMALL ELEPHANTS

PARIS.—In spite of the Russians turning up with a 600-seat jet, as well as their supersonic Tu 144 (neither of them that well engineered), the tension will not really begin to rise among the manufacturers assembled at the Paris air show until the middle of next week. Then, both Lockheed and the McDonnell-Douglas company will try to get their wide-bodied, medium-range airliners across the Atlantic and these, together with the European air bus, are the aircraft on which the industry's health and sanity now depend. Had it not been for Rolls-Royce bankruptcy, and the subsequent heroic efforts of Lockheed to avoid going the same way, the public would have known very little about them and, assuming they both arrive, may not be particularly impressed with what it sees. Both have the same wide cabin as the Boeing 747 but otherwise are nothing like its size, and a small jumbo is never as impressive as a big one.

A substantial number of Americans are still convinced that Congress will not give President Nixon the guarantee he wants for Lockheed's loans, that the Tristar will not be built and that this will therefore be Lockheed's last appearance at any air show. Rolls-Royce, putting on a huge and lavish exhibit at Le Bourget in an effort to show that it, at least, is still in business under new management, made statements about the progress of the Tristar's RB 211 engine that did not necessarily promise well. Performance, measured by what the engine can do in hot weather when a jet's power falls off sharply, is well down on specification. Weight is well up, not only because all of the original carbon fibre has had to be discarded and replaced by steel and titanium, but also because other things have had to be stiffened and made heavier too. Unwisely, some Rolls-Royce executives were saying in Paris on Thursday that far from cutting staff further, the company might need to start expanding again when Concorde production got under way. Since Rolls-Royce's chances of building the RB 211 even for the new, higher price recently agreed with the airlines depends on very heavy redundancies, this sort of talk is not going to impress. Some people at Derby are extraordinarily slow to learn.

Both Rolls-Royce and Lockheed could ride out these current troubles, Congress guarantee or no, if the airlines were in a more buoyant buying mood, but they are not. Traffic is badly down on estimates. British European Airways' traffic is growing at 7 per cent instead of the expected 10 per cent; the British Overseas Airways Corporation's traffic is falling short too; in the United States airlines are continually cancelling options that they held on McDonnell-Douglas's DC10 (Tristar contracts are void), an aircraft that they expect to have in service before the end of the year. All this is tending to make airlines think in terms of smaller aircraft than either of the American jets, and delivered a good deal later, and puts gloss never available before on prospects for the European air bus. This has undergone several changes in design since first conceived, has overrun its costs and looks like being at very least a year late on delivery.

In the air bus's favour are its wide body, its lateness, and the fact that it has around 250 seats to the American jet's 300 and upwards. The snag is that, because the manufacturers (France, Germany and Hawker Siddeley investing its own money as sub-contractor) have to order materials and components well ahead, they need orders by end-summer at the latest, which is awkward for British European Airways, one of the few big airlines that has not yet placed a jumbo order. There is pressure from America for a BEA Tristar order, and the airline's chief executive went to Burbank this week, but it would be wiser to regard that as a courtesy call. BEA's present interest in the Tristar is minimal and its leanings at the moment are towards the European jet. Only the last thing BEA wants to do, given the present state of traffic, is to go on a buying spree.

[From the Wall Street Journal, May 10, 1971]

ADMINISTRATION'S BID TO BAIL OUT LOCKHEED IS WIDELY OPPOSED BY TOP BUSINESS LEADERS

(By Albert R. Hunt)

HOT SPRINGS, VA.—The nation's top business leaders overwhelmingly oppose the Nixon administration's effort to bail out Lockheed Aircraft Corp. with $250 million in loan guarantees.

This sentiment was repeatedly echoed, often privately, by members of the blue-ribbon Business Council at its spring meeting here. "There appears to be almost universal opposition to government intervention in the Lockheed situation," said one council member.

During the sessions the businessmen also expressed:

Strong doubts that inflationary pressures are significantly receding and particular worry about the possibility of a new burst of inflation next year.

Continuing skepticism over his administration's forecast of a rapid economic recovery this year. They generally predicted that the unemployment rate will remain higher than 5% until late next year.

Surprisingly little concern over the international monetary crisis, although several executives said the complexities of the situation baffled them.

Deep concern over growing antibusiness sentiment in the country. But they were admittedly perplexed over how to cope with this problem.

A "DISTURBING PRECEDENT"

Many of the businessmen were plainly troubled by the Lockheed proposal. "As a precedent, it disturbs me," said Donald M. Kendall, president of PepsiCo Inc. and a close friend of President Nixon. Asked whether a Lockheed failure could dangerously undermine business confidence, he responded, "It wouldn't affect my confidence."

Some council members, including William M. Allen, chairman of Boeing Co. and Fred J. Borch, chairman of General Electric Co., even were actively drumming up opposition to the administration's proposal, according to one participant at the meetings. GE reportedly has attacked the plan because Lockheed's L1011 plane would use a Rolls-Royce engine, which competes against GE's own jet engine.

Mr. Borch's opposition particularly antagonizes administration officials. "It seems pretty hypocritical that in the same week GE would ask Congress for reimbursement for its expenses on the supersonic transport plane, and then oppose any effort to help Lockheed," one administration man fumed.

But these officials conceded that the Lockheed proposal faces a tough uphill fight in Congress. "As of now, our chances are certainly less than 50–50," one insider said. Some top officials are known to believe the only chance for favorable congressional action is to broaden the proposal so other companies also could qualify for similar guarantees.

Over the weekend, Senate Democratic Majority Leader Mike Mansfield of Montana said it isn't "the function of a democratic government to pick up the tab for the failures of private enterprise." the Associated Press reported. But the Senate Leader added he "wouldn't be surprised" if Congress approved the Lockheed request.

GLOOM ON INFLATION

On the question of the economy, all the council's leaders voiced concern that although inflation appears to be abating somewhat, the problem is far from under control. "Inflation is still the No. 1 problem in this country and I'm frankly not optimistic about making much progress over the next year," one corporate executive said.

Irwin Miller, chairman of Cummins Engine Co., said wage and price controls are necessary to reduce the unemployment rate to the 4% level. Mr. Miller also called for a reinstatement of the 7% investment-tax credit in place of the administration's proposed liberalization of depreciation guidelines and suggested this should be accompanied by an increase in the corporate tax rate.

But George Shultz, director of the Office of Management and Budget, said he disagreed "sharply" with Mr. Miller's call for controls. He said inflationary pressures have been moderating "for a number of quarters." And at a press conference, Mr. Miller said the reaction of his fellow businessmen to these proposals was "substantially unfavorable."

Some of the economic advisers to the council, however, expressed concern that the current "expansionary forces could rekindle inflation in 1972," and generally agreed that "no increase in monetary and fiscal stimulus is currently required." These advisers reiterated their forecast of three months ago that the gross national product will total about $1.05 trillion this year, rather than the $1.065 trillion forecast by the administration.

JOBLESS RATE

The advisers predicted that real output will grow about 3% this year and that inflation "isn't expected to exceed 4.4%," down from last year's 5.3% pace. But they predicted only a "moderate drop" in unemployment to about 5.5% by ear-end. On Friday, the Labor Department reported the jobless rate edged up to 6.1% last month from 6% a month earlier.

In response to questions, R. V. Hansberger, president of Boise Cascade Corp. and chairman of the council's economic committee, said the jobless rate will remain above 5% until "late 1972." The Nixon administration has said the unemployment rate will be in the area of 4% by the middle of next year.

The business leaders also forecast a "weak third quarter" this year because of the current heavy steel buying in anticipation of any possible strike. But the economic consultants agreed a steel strike would have only a "very minor impact" on the economy, Mr. Hansberger said.

THE MONETARY ENIGMA

The businessmen said they were watching the international financial situation closely, but voiced few hard opinions on this subject. "It's all so complex it's difficult to figure out what's happening," confessed one corporate chieftain.

Vice President Spiro Agnew, however, told the businessmen the international problems wouldn't be allowed to impede U.S. economic growth. "We shall continue to take appropriate action to reduce the temporary glut of dollars abroad," the Vice President said in a prepared text for his dinner address to the business leaders. "But what we will not do is put the U.S. economy through the wringer in order to deal with a temporary situation."

Much of the three-day meeting was spent discussing the increasing public criticism of business. Thomas W. Benham, executive vice president of Opinion Research Corp., told the businessmen that surveys show an increase in antibusiness sentiment in every year since 1965.

Most of the business leaders agreed that business' image problems largely are caused by the increased interest in consumerism and environmental matters and by the problems of inflation. And a number of businessmen conceded that some of the criticism was legitimate.

CHALLENGE TURNED DOWN

There wasn't any consensus, however, on how to deal with this problem. C. B. McCoy, chairman of Du Pont Co., suggested that "head-to-head contact with critics" is often desirable. But a short while later, at a press conference, James M. Roche, Chairman of General Motors Corp., turned down a debate challenge issued a few weeks ago by consumer advocate Ralph Nader, "I see no benefit in anyone from General Motors debating Mr. Nader," he said, asserting that GM always has responded to Mr. Nader's many criticisms of the company.

Ironically, the staunchest defender of business turned out to be a government official—Commerce Secretary Maurice H. Stans. He said surveys show that business "is more than 99.44% pure" in that buyers are fully satisfied with transactions. Pressed on this point, Mr. Stans later conceded this was only his own "personal estimate."

Despite differences over the Lockheed proposal and the economy, the businessmen generally expressed satisfaction with President Nixon. A number, however, were less enthusiastic about Mr. Agnew. "The vice President has said a lot of things that needed to be said," observed one council member. "But I think he's really polarized the country," he added. In contrast, many businessmen heaped lavish praise on Treasury Secretary John B. Connally, who canceled his scheduled appearance before the group because of the international financial crisis.

PROF. ERNEST J. STERNGLASS, UNIVERSITY OF PITTSBURGH PHYSICIST RAISES CRITICAL QUESTIONS ABOUT THE SAFETY OF NUCLEAR POWERPLANTS

HON. JOHN G. DOW

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 13, 1971

Mr. DOW. Mr. Speaker, recently I sponsored a meeting for my colleagues with Dr. Ernest J. Sternglass, a physicist at the University of Pittsburgh, who gave a startling presentation on the potential danger from nuclear powerplants. I have since had numerous inquiries asking for material published by Dr. Sternglass.

Dr. Sternglass has given me a copy of a paper which he is scheduled to present Wednesday, July 14, at the 16th annual health physics meeting in New York. This paper presents a general overview of Dr. Sternglass' views on the dangers of nuclear pollution.

While I do not feel qualified to pass judgment upon Dr. Sternglass' conclusions, I do wish to point out that he has raised what seems to be a critical question most worthy of investigation. In fact the Congress should devote unremitting attention to the dilemma presented by the claims of nuclear danger, until the issue is resolved. In the meantime, the licensing of more nuclear powerplants should go slow.

For the information of my colleagues I submit the report by Dr. Sternglass to the RECORD:

EPIDEMIOLOGICAL STUDY OF HEALTH EFFECTS ASSOCIATED WITH RADIATION DISCHARGES FROM NUCLEAR FACILITIES

(By E. J. Sternglass, Ph.D., Departments of Radiology and Radiation Health, School of Medicine and Graduate School of Public Health, University of Pittsburgh, Pittsburgh, Pa.)

Figures mentioned in text not printed in RECORD.

The present paper will address itself to the evidence that low-level radiation from nuclear fission products in the environment such as are released by nuclear explosions and power reactors may already have produced serious effects on the health of our population far beyond those ever believed possible when our present radiation standards were originally formulated and adopted, especially for the young infant.

Before discussing the latest evidence in some detail, I should like to review very briefly the nature of the early discovery that low-level radiation may have detectable effects, and also to summarize the difficulties that have existed until now in unequivocally relating the observed effects to the action of nuclear fallout.

The earliest indication that low-level radiation could produce serious effects in man came from the studies of Dr. Alice Stewart at Oxford University in 1958 showing that mothers who had received a series of 3 to 5 pelvic x-rays during pregnancy had children who were almost twice as likely to develop leukemia and other cancers before age 10 then than mothers who had had no pelvic x-ray examinations.[1]

This work was independently confirmed in 1962 in a major study involving close to 800,000 children born in New York and New England Hospital by Dr. Brian MacMahon of the Harvard School of Public Health.[2] Using these two sets of data, it was possible to show that there appears to exist a direct, straight-line relationship between the number of x-ray films given to a pregnant woman and the probability that the child will subsequently develop leukemia, and that there is therefore no evidence for the existence of a safe "threshold level" below which no additional cancers are produced, down to the relatively small dose from a single x-ray. Furthermore, the magnitude of the x-ray dose to the developing fetus in utero from one such x-ray was comparable with the dose normally received in the course of 2 to 3 years of natural background radiation, or from the fallout produced in the course of the 1961–1963 test series, namely 0.2–0.3 rad.[3]

These early findings have since been confirmed by the most recent results of Dr. Stewart, published in June of 1970.[4] This extensive study, based on over 7,000 children born in England and Wales between 1943 and 1965 who developed leukemia or other cancers gave the result that for 1 rad to a population of 1 million children exposed shortly before birth, there were an extra 300 to 800 cancer deaths before age 10 with a mean number of 572 ± 133 per rad. For a normal rate of incidence of about 700 cases per million children born, this means that only 1.2 rads (1200 mr) are required to double the spontaneous incidence. Furthermore, Dr. Stewart's study showed that when the radiation exposure took place in the first trimester, the excess risk of cancer increased 15 times. This means that a dose of only some 80 mr was found to double the normal cancer risk for the early embyro, much less than the presently permitted 500 mr annual dose to any member of the general population.

It was therefore possible that studies of large populations of children exposed to known incidents where localized fallout occurred in a given area might show detectable increases in leukemia some years later. Such a localized "rain-out" was pointed out by Ralph Lapp [5] as having taken place in Albany-Troy, N.Y. in April of 1953 following ing the detonation of a 40 kiloton bomb in Nevada. An examination of the data on leukemia incidence published by the New York State Department of Health showed that when plotted by year of death there was a clear increase in the number of cases per year among children under 10 years of age at death from about 2 to 3 to as many as 8–9 per year some 6–8 years after the arrival of the fallout, exactly the same delay in peak incidence as observed in Hiroshima and Nagasaki. Furthermore, the peak contained many children who were not even conceived until a year or more after the arrival of the fallout, suggesting for the first time the existence of an effect prior to conception.[6]

Due to the relatively small number of cases in Albany-Troy, it was difficult to draw absolutely firm conclusions, and so the situation for N.Y. State as a whole was examined. Again, peaks of leukemia incidence were clearly present some 4 to 6 years after known atmospheric tests in Nevada, greatly strengthening the initial observations for Albany-Troy alone.[6]

Following the arrival of the fallout in Albany-Troy in 1953, there was also a drastic slow-down in the steady decline of fetal mortality or still-births in that area. Following up this unexpected finding, the fetal and infant mortality statistics for New York State as a whole were examined, followed by those for California and other states. The same slow-down in the decline or even renewed rises in the mortality rates existed to varying degrees depending on the amount of fallout in the milk, beginning in the early '50's, the declines resuming only 2–4 years after the end of atmospheric testing in 1962.[6] [7] For the U.S. as a whole, the data is shown in Fig. 1, where both the infant mortality rates for the total population and the non-white population has been plotted together with the data for Sweden. It was then drawn to our attention that Dr. I. M. Moriyama of the U.S. National Center for Health Statistics had drawn attention to the levelling trend in the U.S. beginning in about 1951 as early as 1960 [8] and that he had in fact suggested the possibility that similar upward changes of mortality for all age groups might be connected wth the sharp rises in environmental radioactivity from nuclear testing.[9]

Since then, we have extended our studies to other countries in the world, and especially in northern Europe, which received the fallout from the Nevada tests in its north-easterly drift across the Atlantic, and the same patterns of slowdown followed by a renewed decline of infant mortality were found, as shown in Fig. 2. At the same time the levelling trends were much less pronounced in countries like Canada, France, and Italy that were to the north or south of the path of the Nevada fallout on its northeasterly course across the U.S. and the North Atlantic so that they did not receive the short-lived activity.

Footnotes at end of article.

We have since established high degrees of correlation between the increases in infant mortality above the declining base-lines, and the measured Strontium-90 levels in the milk, and the in the bone of children and young adults for all the 9 states of the Public Health Service's Raw Milk Network, for which data are available back to 1957–58.[10] These correlations suggest that as many as 400,000 infants 0–1 year old in the U.S. alone may have died as the result of nuclear testing.

These results are so startling and so unexpected, that they have naturally encountered considerable skepticism primarily because the technique of trend-analysis as used first by Moriyama to calculate "excess deaths" above normal expectations for all age-groups in the U.S. was based on the expectation of a steadily declining infant mortality at least until levels are reached equal to those that had already been attained in other medically advanced nations of the world such as Sweden (Fig. 1). Such an assumption is however justified by the fact that in New Mexico, after the initial test in 1945, there was indeed a return to the same line of steady decline determined by the computer fit to the 1935–50 period, due to the low rainfall and therefore low levels of fallout in the milk after 1950, when nuclear testing was moved north to Nevada. Furthermore, the most recent data on infant mortality show that in a number of rural states such as Vermont, Maine and Nebraska infant mortality rates have declined very sharply, reaching the levels predicted on the basis of the 1935 to 1950 rate of decline, as illustrated in Fig. 3 for the case of Maine. Nevertheless, there is some degree of arbitrariness inherent in using any given period of declining mortality rates as a baseline, and it is therefore important to find other data that is not subject to the same criticism.

Such data exist in the case of childhood deaths associated with congenital malformations such as Down's Syndrome, microcephaly and congenital heart-defects. For this particular category of infant and childhood deaths, there has been only a slight downward trend over the last 20 years, since neither the introduction of new antibiotics, medical-care methods nor the gradual improvement in diet and medical care has had significant effects on these mortality rates. As a result, there is here no need to extrapolate a rapid downward trend, and one has for every state and many foreign countries, a well-established nearly horizontal base-line to the onset of nuclear testing in 1945. Furthermore, congenital malformations are well-known to be capable of being caused by relatively low levels of radiation in animals, and recent studies on such conditions as mental retardation published by the United Nations Scientific Commission on Radiation [11] have established that small amounts of radiation during certain critical periods of embroyonic development and organ formation can produce detectable effects in children.

We therefore examined the incidence of deaths among congenitally defective children in relation to children who died of accidents as a control group at various distances from the Nevada test site, where relatively high local fallout was known to have occurred in a number of instances, documented both by the A.E.C.[12] and independent studies by scientists at the University of Utah [13] and the St. Louis Center for Nuclear Information [14].

As an example, Fig. 4 shows the annual number of deaths of congenitally defective children 0–4 years old in Utah directly east of Nevada and therefore generally downwind from the test-site as taken from the published figures in the U.S. Vital Statistics, together with the deaths in this age-group due to accidents other than those involving automobiles. It is seen that the average number of deaths of congenitally defective children per year in the pre-testing period 1937–45 stayed relatively constant at about 75 cases per year, but that it rose to a peak of 123 cases per year in 1958, some 5 years after a particularly large fallout incident in 1953, returning close to the pre-testing rate of 80 per year 5 years after the end of atmospheric tests in Nevada. Such a rise and decline while accidental deaths remained constant is clearly not explainable in terms of a gradual rise in the number of births per year. Altogether, there seem to be some 480 children that are likely to have died of congenital malformations in Utah above expectations, based on a comparison with the number of accidental deaths since the onset of nuclear testing in 1945.

An even more striking peak in deaths of congenitally defective children relative to the number of accidental deaths took place in the 5–14 year age group shown in Fig. 5 for the case of Utah, which includes children who received radiation from the milk and food some time after birth. Again, a 4 to 6 year delay is seen to occur between exposure and death, quite similar to the case of Hiroshima and Albany-Troy, N.Y., corresponding to the fact that children born congenitally defective are much more prone to develop leukemia with its 4 to 6 year delay of peak incidence.

The rate of leukemia deaths for all children in the age group 5 to 14, which was shown by Stewart [1] and MacMahon [2] to reflect the effects of perinatal irradiation most strongly is plotted in Fig. 6. for the same state. It is seen that statistically significant peaks occurred some 4 to 6 years after known tests had deposited fallout in Utah, apparently affecting the infants both prior to and after birth. Furthermore, the relative increases were higher than those observed in Minnesota as a control as is to be expected from the great proximity to the testsite. Thus, the effects are observed both for annual numbers and rates per 100,000 population.

Other examples of similar though lower relative rises in deaths among children born defective is seen in the plots for the states generally to the east of New Mexico and Nevada such as Missouri, Georgia, and Texas (FIG. 7–9). In the case of Texas, leukemia deaths for all children 5 to 14 years have also been included, again showing a parallel rise with deaths of congenitally defective children. No other explanation of these striking rises and declines in mortality rates is known.

As to the reason why such unexpectedly large effects of fallout should be observed when radiation levels were believed to be so low as to be regarded as completely safe, these are evidently connected with the much greater sensitivity of the embryo and infant compared with the adult.

Furthermore, the severity of the effects is also connected with the biological concentration of certain isotopes in the food chain, mainly via the milk which was not widely recognized at the time when the tests were begun. Another reason is the selective concentration of certain isotopes in various critical organs of the human body, whose biological consequences were not fully appreciated for the sensitive developmental phase of the early embryo and fetus.

Thus, experimental studies on laboratory animals by Dr. Walter Müller published in 1967 [15] suggest that Strontium-90 and other alkaline-earth elements that were long known to seek out bone may also produce biological and possibly genetic effect through their daughter elements such as Yttrium-90 into which they decay, and which are known to preferentially concentrate in such vital glands as the pituitary, the liver, the pancreas and the male and female reproductive glands.[16] [17]

In any case, we are apparently confronted with still another unanticipated biological concentration effect similar to the surprises we received when we discovered the special hazard of Iodine-131 going to the infant thyroid and Strontium-90 and 89 going to the bone via the originally unsuspected pathway of milk produced by cows grazing on contaminated pastures.

That similarly unanticipated effects on the developing embryo and infant may have taken place as a result of fission products released from nuclear reactors and fuel processing facilities first became apparent in the course of our state-by-state study of infant mortality changes following the first nuclear weapons test in New Mexico in 1945.

As shown in Fig. 10, each map for the four years following this test showing the percent changes relative to the trend for the previous five years not only indicated an upward change in infant mortality directly to the east and north-east of New Mexico, but also in the states to the east of the Hanford Plutonium production facility in the State of Washington.

Not only were the Hanford reactors and Plutonium production facilities operating at very high levels since 1944, releasing into the environment the rare gases that could not be trapped readily, but on a number of occasions, there were serious accidents in the course of extracting the Plutonium from the irradiated Uranium fuel elements by chemical techniques, when fuel elements burst into flames and discharged large quantities of fission products into the environment.[18]

The infant mortality changes were greater in North Dakota than in dry Idaho and Montana, just as they were greater in Arkansas and Louisiana compared with dry Texas closer to the test site in New Mexico. This fits the well known fact that 90% of the fine tropospheric fallout comes down with the rain, since the line of heavy rainfalls passes down through the center of the United States just to the west of the Mississippi from North Dakota in the north to eastern Texas in the south.

This interpretation is further confirmed by a more detailed analysis of infant mortality changes in the counties near the Hanford plant before and after it went into operation between 1943 and 1945. As can be seen from the bar-graph in Fig. 11, the counties containing the plant as well as those immediately adjacent to the east and south showed sharp rises in infant mortality up to 150%, while the more distant control counties, namely those in which water sampling stations were subsequently established, either rose less than 10% or actually declined between 1943 and 1945.

A similar pattern of increased infant mortality has now been observed around three commercial nuclear power reactors of the Boiling Water type (BWR), in which the single-coolant loop design does not permit as tight a containment of fission products leaking out of corroded fuel elements as in the naval-submarine type Pressurized Water Reactor.

As described in recent publications of the Bureau of Radiological Health [19], these reactors have emitted as much as 800,000 curies of fission and neutron-activation products in the form of gases per year,[20] compared with as little as 0.001 curie per year for the prototype Pressurized Water Reactor at Shippingport, Pennsylvania.

The first of the BWR's studied is the Dresden Reactor located near Morris, Illinois in Grundy County, some 50 miles southwest of Chicago. Since close to two-thirds of the population of Illinois lives within a radius of some 60 miles from this reactor, one might expect to find detectable changes in infant mortality for Illinois as a whole relative to other nearby states that correlate with the rises and declines of emission when fuel elements are changed.

Footnotes at end of article.

That this appears in fact to have taken place is illustrated by the plot of infant mortality for Illinois compared with Ohio some 200 miles to the east for the period 1959 to 1968 in Fig. 12. It is seen that while during the time of Nevada testing, Ohio and Illinois showed the same infant mortality, within a few years after the end of testing, Ohio began a steady decline, whereas Illinois showed a peak highly correlated with the peak of gaseous emissions between 1964 and 1967.

The degree of correlation may be judged from Figure 13, where the difference in infant mortality rates between Illinois and Ohio has been plotted against the annual gaseous discharges. The correlation coefficient is 0.865, and the t-test of significance give $t = 4.565$, which for the 7 degrees of freedom gives P LL0.01.

As in the case of Hanford it is of interest to see whether the effect can also be detected in the nearby states to the east, the direction in which the prevailing winds and weather patterns move. As seen in Figure 14, the infant mortality rate for nearby Indiana does indeed fall exactly between that for Illinois and Ohio on the other side of Indiana after the testing in Nevada ended and the discharges from the Dresden reactor produced significant external doses, comparable with those from distant tests.

Likewise in Michigan, just to the north of Indiana, infant mortality began to fall consistently between Illinois and more distant Ohio when the general decline began after the end of nuclear testing in 1963 (See Figure 15).

One would also expect on the basis of this hypothesis that a state far to the northwest of Illinois and therefore upwind would shown an even more rapid decline after fall-out from weapons testing decreased. That this is in fact the case is seen for the case of North Dakota compared with Illinois in Fig. 16.

The rates for Illinois and North Dakota seem to have been identical during the period of heavy Nevada testing and plutonium production at Hanford prior to 1964, despite the great difference in ordinary air pollution and socio-economic character of the two states. But after the end of nuclear testing by the U.S. and U.S.S.R., North Dakota declined rapidly from nearly 25 per 1000 births to under 17 per 1000 by 1968, despite the well known lack of sufficient medical care in rural areas such as North Dakota.

This suggests that although ordinary air-pollution is undoubtedly detrimental to health, the radioactivity released by nuclear testing and nuclear plants appear to be significantly more serious in its effects on the early development of the embryo and infant.

In order to further test this hypothesis, the changes in infant mortality in the six counties immediately adjacent to the Dresden plant for the years following the sharpest rise in emission were compared with changes in six control counties more than 40 miles to the west. They were chosen to be as far away as possible in northern Illinois, not bordering either on the Illinois or Mississippi Rivers that are known to be polluted by radioactive wastes.

The result of this test for 1966 relative to 1964 is shown in Figure 17. Again, the same general pattern is observed as for the Hanford Reactors, the nearby counties showing much greater rises than the more distant control counties.

In the case of the Dresden reactor, it is possible to carry out a still more crucial test of the biological mechanism that may be involved in bringing about such a large effect for relatively small measured external doses, which even in the year of peak releases did not exceed 70–80 mr at the plant boundary when the available measurements for 1967–68 are used to calculate the dose.

As discussed briefly above and elsewhere,[21] the most serious effect is likely to be an indirect one, whereby the radiation acts on the key bio-chemical processes in such crucial glands controlling metabolism and growth as the pituitary and thyroid glands. Such action could lead to a small decrease in weight at birth, or to a greater frequency of prematurity, such as has in fact been observed in animal experiments and since the early 1950's, among infants born in the United States.[22]

If this immaturity at birth leads to a reduced ability to fight off infections or to a greater likelihood of such diseases of early infancy as hyaline membrane disease, respiratory distress and atelectasis, one would expect a higher mortality rate due to such diseases in early post-natal life.

To test this hypothesis, one can compare the changes in the fraction of all births that are classified as "premature" or under 2,500 grams for Grundy county as compared with the changes in the control counties to the west. If immature birth is indeed the principal mechanism leading to excessive infant deaths, one would then expect to find a greater rise in the fraction of such births during the period of peak emission in Grundy than in the distant control counties.

That this is indeed the case may be seen in the plot of Figure 18. A peak in the incidence of premature births of close to 140% is seen to have occurred in coincidence with the peak of gaseous emission, declining again as the emissions declined, while the control counties showed no such rise. For Grundy, the increase was from 3.60 to 8.70% of all births.

Thus, both radioactive releases from nuclear facilities and nuclear detonations seem to produce similar changes in the infant mortality through the indirect biochemical action of fallout on the crucial hormone producing organs of the mother and the fetus, leading to a lowered resistance to the environmental stress most critical shortly after birth.

Identical patterns of rises in infant mortality have now been found for two other Boiling Water Reactors, as shown in Figure 19 for the group of small counties around the Big Rock Point Plant in Michigan, and in Figure 20 for the Humboldt reactor near Eureka in Humboldt County, Northern California.[19] Again there is a sharp halt in the normal decline of infant mortality following release of large quantities of gaseous activity comparable to those released at the Dresden Reactor, while more distant areas continue their decline, shown for the Humboldt area in Fig. 21.

As described elsewhere in greater detail,[23] the same pattern occurred also for the commercial fuel reprocessing plant operated by the Nuclear Fuel Services Company in West-Valley, N.Y. after it went into operation in April of 1966.[24] Fig. 22 shows that the counties of western New York within a 30–50 miles radius rose sharply in infant mortality the following year, while the more distant counties declined as did New York State as a whole. Like Humboldt County, the nearby areas had shown a peak near the height of weapons testing, then began to decline only to reverse this trend sharply after the onset of large radioactive waste releases.

A typical case is Genessee County, N.Y., shown in Fig. 23, where infant mortality rates began to exceed those of the rest of the state only after onset of plant operation.

That even the relatively smaller radioactive gas releases from a Gas Cooled Nuclear Reactor appear to be capable of producing detectable rises in infant mortality is shown for the case of the Peach Bottom Reactor located on the Susquehanna River in York County, Pennsylvania. Figure 24 shows the typical drop in infant mortality after cessation of atmospheric tests for the two counties on either side of the plant, namely York and Lancaster and the control county, Lebanon to the north. The decline continued until the onset of a large increase in emissions resulting from fuel failure that started in 1967 and reached 109 curies in 1968.[19] After 1967 York and Lancaster reversed their trend, and only the more distant control county 30 to 50 miles distant remained low.

Part of the reason why even the relatively small release from the Peach Bottom Reactor had such a strong effect seems to lie in the fact that the surrounding area is a major dairy farming region, where such biologically important but relatively short lived rare-gas daughter produced as Cs-138 and Sr-89 known to be produced in large amounts from the escaping Xe-138 and Kr-89 [19] can rapidly enter the body through the locally produced milk and other dairy products. Thus, the number of curies released able to produce serious biological effects can be much smaller than from a fuel processing plant discharging mainly Kr-85 that has no radioactive daughter product.

But the potential damage is not merely confined to the newborn and young child. There is evidence that suggests that the many radioactive gases presently released from nuclear reactors may have a serious effect on the incidence of chronic diseases of the respiratory system such as bronchitis and emphysema that equal or even exceed the effects of conventional chemical air-pollutants.

This is more strikingly shown in Fig. 25, which shows the number deaths due to respiratory diseases other than influenza and pneumonia per 100,000 population in New Mexico and New York State between 1941 and 1965.

It is clear that between 1945 and 1950, there was a sharp rise of deaths due to non-infectious respiratory diseases such that the incidence of these diseases previously very low in the pollution free air of New Mexico, exceeded the death-rate for the same diseases in heavily polluted New York by as much as a factor of 2.

That this is not an isolated case perhaps associated with a sudden influx of older people into New Mexico after 1950 follows from Figure 26 where similar data on deaths due to respiratory diseases have been plotted for Wyoming and Illinois. Again, there is the dramatic rise of chronic obstructive lung disease deaths in a state of almost no ordinary air-pollution such as Wyoming to levels well above the death-rates in heavily industrialized and polluted Ilinois. And a similar situation exists for Wyoming relative to heavily polluted Pennsylvania, where respiratory death-rates were once five times higher than in Wyoming, before nuclear testing began, while in recent years the rate in Wyoming began to exceed that in Pennsylvania (Fig. 27).

Such an apparently strong effect of radioactivity in the dry air of the west-central part of the U.S., fits to the observed high beta-radiation activity in the dusty areas of the western states relative to that in the high rainfall areas east of the Mississippi, where the activity sinks into the soil to give lower air-concentrations but higher Strontium-90 levels in the milk.[25]

That the operation of Boiling Water Nuclear reactors with their discharge of large quantities of radioactive gases appears to have had a more serious effect on the rate of non-infectious respiratory disease than the operation of fossil fuel plants may also be inferred from Figure 26.

In the decade 1949 to 1959, prior to the start of Dresden releases, the mortality rate for these diseases rose only some 10% despite a 100% increase in power generated. But in

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Footnotes at end of article.

the years following onset of Dresden operations, the rate of rise increased almost 10-fold, exceeding that of either New York or Pennsylvania. And since the onset of Dresden emissions, respiratory diseases and bronchitis as a cause of death in infants over 28 days in Illinois showed the sharpest rise among all causes of death.[20]

However, there are strong indications that gaseous radioactive discharges may not be the only source of significant effects on health. Thus, upward changes in the steady downward trend of infant mortality have occurred in the county containing the Shippingport Pressurized Water Reactor that are closely correlated with known peaks of tritium and other radioactivity in the liquid effluent.

As seen in Fig. 28, the steady decline in infant mortality rates since the end of World War II, although showed temporarily during the period of the Nevada tests from 1951 to 1958 ended suddenly in 1960, when both the tritium and other activity in the liquid released from Shippingport reached a sharp peak.[19] Mortality rates then declined once more and reached a second, smaller peak when the reported beta and gamma activity rose to another high in 1964. A third sharp rise of infant mortality rates took place from a low of 16.4 per 1000 births in 1965 to a high of 24.2 by 1969, following a renewed rise in the tritium releases from 3.04 curies in 1965 to 35.2 in 1968.

Thus, by 1969, the rate of infant mortality in Beaver County, Pennsylvania, had climbed some 58% above the low point reached six years earlier, in the face of a general decline of infant mortality for the U.S., and Pennsylvania as a whole. And a similar reversal in the downward trend took place in adjacent Columbiana County, Ohio, downstream from Shippingport, but not in upstream counties such as Allegheny County directly to the west.

It therefore appears that tritium, generally regarded as the least toxic of all isotopes, may also be more serious when incorporated into the DNA of the cells in the early developing embryo, as a number of recent animal studies have in fact also suggested.[27] [28] [29]

A sharp rise in infant mortality in 1964 to 1966 in Dresden, in Grundy County, was accompanied by a rise in the fraction of premature births, which increased from 36 per 1000 births in 1964 to 87 per 1000 births by 1966, when a total of 483 children were born.

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"WORKERS, CONGLOMERATES, AND WORLD CORPORATIONS"

HON. ROMAN C. PUCINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 13, 1971

Mr. PUCINSKI. Mr. Speaker, few people are aware that when a company is gobbled up in a conglomerate merger, American workers and their communities stand to lose.

Further, when conglomerates become world corporations, they become a quasi-sovereign government within a government that transcend national boundaries, and thus distort representative government or any government for that matter.

In a recent article, Mr. Samuel Sharkey of the Newhouse News Service discusses an article written by Dr. Willard F. Mueller on the impact that mergers have on communities. Mr. Sharkey puts the matter into perspective when he points out that heretofore Congress and the courts have been unimpressed by the growing phenomena of centralized economic power and its resultant consequences.

Along with Mr. Sharkey's article, I should also like to place in the RECORD today the full article by Dr. Mueller, and an article which appeared in Industry Week concerning the need for world corporations to map survival strategy. This latter article is quite candid in suggesting that world corporations may need their own intelligence service, as well as private armies. Corporate states of this magnitude would spell the death knell of freedom and liberty if the course of events is not reversed.

Mr. Speaker, the articles follow:

WORKERS: THE BIG LOSERS IN CONGLOMERATE MERGERS

(By Samuel Sharkey Jr.)

What happens to workers when their company is gobbled up in a conglomerate merger?

They lose.

They lose jobs, direct contact with upper management, any real relationship in bargaining, their sense of identity, their loyalty to the employer.

They find their lives and incomes controlled by impersonal absentee owners whose interest is profits, not people.

They find plants abruptly closed by a new management that often is several thousand miles away. They find their pension plans in new hands. Indeed, an important factor in some mergers is the desire by the conglomerate to get its fingers into the big dollar hoard piled up in those pension funds.

Workers find their local social and economic problems given little or no attention.

They find even political control vested in corporate officers whose vast economic power enables them to pull the political strings in many states rather than in just a few, as usually smaller multistate corporations could a decade ago.

These sound like a nightmare dreamed up by Communists to attack conglomerates. Actually, however, they're attested by a just-disclosed study by Prof. Jon Udell of the Graduate School of Business at the University of Wisconsin.

His study focused on that state, but other experts say the situation in the rest of the nation is roughly comparable. Udell's findings are analyzed by Willard F. Mueller, a professor of economics at the University of Wisconsin, and highly respected former chief economist of the Federal Trade Commission. Mueller's comments appear in the current issue of the AFL–CIO's The American Federationist.

The key feature in any worker's interest is his job—will he keep it or lose it if his company is merged into a conglomerate? Mueller is gloomy:

"Total employment and payroll of acquired companies grew less rapidly after the merger than before. This occurred despite the fact that "the 1963–67 period Udell studied was an era of rapidly growing employment in the state."

In fact, employment growth not only slowed, it dropped 9.7 per cent to a negative level (fewer total jobs than before merger),

In his sudy, Udell reports:

"Among the firms acquired by conglomerates, such as Litton Industries, Tenneco Corp., Automatic Sprinkler and Bangor Punta, and quasi-conglomerates such as Beatrice Foods, FMC Corp. and Consolidated Foods, the premerger employment growth rate was 8.4 per cent and the post-merger rate was a minus 1.3 per cent.

"One reason for the decline was a substantial reduction in employment among the conglomerate-acquired companies during the year of merger. This usually was not true of companies acquired by nonconglomerate corporations."

If quasi-conglomerates are eliminated, the picture is even worse, Udell says: premerger employment growth rate 11.6 per cent, post-merger rate 1.8 per cent, for a 13.4 per cent adverse swing.

Udell warns that this sharp drop is especially significant because it affects "the property of employes, the sales of . . . retail industries and the tax revenues of the state."

(In Chicago, a spokesman for Consolidated Foods said the company does not agree with the findings for it.)

("The figures may be true for some companies, but it has always been our experience and philosophy to acquire successful companies with the idea of making them grow." the company said.)

Economist Mueller declares: "Unions have felt the impact on collective bargaining. Often labor negotiations are forced to bargain with management personnel not empowered to make final decisions.

"Or worse, these decisions may be made by management in terms of broad, nationwide personnel policies. . . .

"Local management and labor, accustomed to bargaining on the profits of the company and the productivity of the labor force, suddenly find the bargaining dominated by a conglomerate balance sheet which considers products, plants and losses the local people will never see or know anything about."

The late Sen. Estes Kefauver (D-Tenn.) warned against the transfer of control from local to distant managers, saying, "millions of people depend helplessly on their judgment. Through monopolistic mergers the people are losing the power to direct their own economic welfare. When they lose (that) they also lose the means to direct their political futures."

Organized labor agrees, and for years has fought centralizing of economic power—even though labor itself has been accused of possessing similar economic clout.

But to date, unionists have been unable to convince congress or the courts. And they see little real hope short of a major national depression that could bankrupt conglomerates—and that would throw even more workers out of jobs.

[From the AFL–CIO American Federationist, June 1971]

THE MERGER'S IMPACT ON THE COMMUNITY

(By Willard F. Mueller)

(NOTE.—Dr. Willard F. Mueller is a professor of economics at the University of Wisconsin and the former chief economist for the Federal Trade Commission.)

Americans are now quite aware that our competitive system is threatened by centralization of economic power and the emergence of huge conglomerate corporations. Less well understood are the many subtle ways in which centralized economic power may influence the quality of social and political institutions in hundreds of communities across the land.

Since World War II, literally thousands of small and medium corporations—plus a sizable number of very large ones—have been acquired by corporations headquartered in just a few states. The result has been to shift the headquarters of these companies from the communities where they previously operated to the city of the acquiring corporation. While the change has been gradual, the geographic pattern of corporate ownership has been drastically rearranged in the past two decades.

For instance, in 1968, corporations headquartered in New York held 46 percent of the assets of the 200 top U.S. manufacturing firms. And 85 percent of those assets were concentrated in just six states—New York together with Michigan, California, Pennsylvania, Ohio and Illinois.

The big losers were the remaining 44 states. For example, 31 percent of the total U.S. population and 23 percent of its manufacturing activity is located in the South, but corporations headquartered there hold only 7 percent of the manufacturing assets of the top 200 corporations. Although much southern industry has always been absentee owned, during the past 20 years mergers have taken a heavy toll on companies headquartered in the South. Between 1948 and 1968, 3,502 industrial companies located in southern states were acquired; only 686 of these were acquired by companies from the same state.

The trend toward geographic centralization of ownership over a longer period, between 1929 and 1968, also shows New York with the largest gains. In 1929, 62 of the top 200 firms were headquartered in New York; by 1968, 82 were headquartered there. California has also enjoyed a relatively large gain—with 19 of the nation's top 200 firms located there in 1968 as compared with 8 in 1929. Texas also had a gain—from 1 to 4—but this is quite small considering Texas' large industrial base.

The largest net losers were Pennsylvania and Illinois, with the number in Pennsylvania dropping from 22 to 12 and in Illinois from 24 to 17. On balance, the share of the 200 largest corporations located in the top six states rose from 70.5 percent to 78.5 percent and their share of the top 200 corporations' assets rose from 72.7 percent to 85.3 percent.

Surprisingly little has been said or written in recent years about these potentially far-reaching developments. The late Senator Estes Kefauver of Tennessee, always far ahead of his time in identifying problems of economic power, predicted: "Local economic independence cannot be preserved in the face of consolidations such as we have had during the past few years. The control of American business is steadily being transferred from local communities to a few large cities in which central managers decide the policies and the fate of the far-flung enterprises they control. Millions of people depend helplessly on their judgment. Through monopolistic mergers the people are losing the power to direct their own economic welfare. When they lose the power to direct their economic welfare, they also lose the means to direct their political future."

Some would dismiss such concern as outdated populism. But the evidence is growing that the concern is legitimate. When large corporations acquire local or regional businesses their top personnel are often transferred to the acquiring firm's headquarters. Then, decisions affecting the local community are no longer made by persons living in the community. Additionally, the removal of a business' headquarters from a community has secondary and tertiary effects as it dries up demand for functions previously performed by local attorneys, accountants, banks, advertising firms and the like. The ultimate result of a series of mergers can be to transform a community into an absentee-owned "factory town."

Any town in America that has been dominated by such an absentee-owned industry knows well the problems it creates. The lack of concern for the quality of the environment is one of the more striking examples. And community concerns over schools, taxation or roads are equally hard to impress on a corporate board room half a continent away.

Unions have felt the impact on collective bargaining. Often, labor negotiators are forced to bargain with management personnel not empowered to make final decisions. Or worse, these decisions may be made by management in terms of broad nation-wide personnel policies which have little or no bearing on the community industry, which may be totally foreign to all other operations and previous experiences of the conglomerate. Local management and labor, accustomed to bargaining on the profits of the company and the productivity of the labor force, suddenly find the bargaining dominated by a conglomerate balance sheet which considers products, plants and losses the local people will never see or know anything about.

Until recently little attention was given to these problems. But a recent study by Professor Jon Udell of the Graduate School of Business, University of Wisconsin, documents some of the consequences of these developments. Opinion surveys indicated that a majority of the general public, business leaders and newspaper editors were generally unaware of any adverse impact of mergers on their communities; in fact, a majority of newspaper editors thought mergers generally had a favorable impact on their community. Nonetheless, analysis of the actual performance of acquired firms revealed that mergers frequently had an adverse effect on the Wisconsin communities involved.

Out-of-state firms acquiring Wisconsin companies tended to use fewer professional services in the local communities after merger. "Most of the acquired firms covered by the survey now use the financial institutions, legal services and accounting services of their parent companies," the survey found. "Apparently, there is less tendency to change sources of goods than sources of services."

Total employment and payroll of acquired companies generally grew less rapidly after the merger than before, the study showed. The study analyzed a sample of Wisconsin companies acquired between 1963 and 1967, breaking them into four categories according to the type of acquiring firms—in-state and out-of-state, conglomerate and non-conglomerate.

In none of the four categories of acquisitions did the acquiring companies post-acquisition employment growth rate exceed its pre-merger rate, although the post-acquisition period was one of rapidly growing employment in the state.

Especially noteworthy is the post-acquisition growth rate of companies acquired by out-of-state conglomerates and quasi-conglomerates, which led Udell to say:

"Among the firms acuired by conglomerates (such as Litton Industries, Tenneco Corporation, Automatic Sprinkler and Bangor Punta) and quasi-conglomerates (such as Beatrice Foods, FMC Corporation and Consolidated Foods) the pre-merger employment growth rate was 8.4 percent and the post-merger rate was a minus 1.3 percent. One reason for the decline was a substantial reduction in employment among the conglomerate-acquired companies during the year of the merger. This usually was not true of companies acquired by non-conglomerate corporations.

"If the quasi-conglomerates are excluded from the conglomerate growth calculations, we obtain an average annual pre-merger employment growth of 11.6 percent, and a post-merger rate of minus 1.8 percent. In short, the conglomerate acquisitions apparently have had a substantially adverse impact on the growth of employment in Wisconsin."

Although the reasons for these differences in performances are not entirely understood, it is clear that the acquisition of many Wisconsin companies has hurt local communities and the state's entire economy.

Udell concludes his analysis with the observation: ". . . it is apparent that Wisconsin's economy has fared far better among those companies acquired by Wisconsin firms than among those acquired by out-of-state conglomerate corporations. The changing rates of payroll growth are especially significant because they affect both the property of employees, the sales of Wisconsin's retail industries and the tax revenues of the state. In other words, any change in the rate of payroll growth induced by a merger has a multiplier effect above and beyond the intermediate effect on the company's employes."

The potential impact on a community when one of its major employers is taken over may extend even beyond these possible adverse economic effects. Because they almost invariably increase the amount of absentee ownership and decision making, they carry a potential for eroding the quality of community life.

Should anyone doubt the potentially far-reaching consequences of most of a community's industrial resources being controlled by absentee owners, he need only visit areas that have been absentee-owned "factory towns" for many decades.

Although not a product of the current merger movement, Gary, Ind., is a prize example of what absentee ownership means for a city. Millions of people traveling across mid-America have driven past this dismal community just south of Chicago, whose unfortunate inhabitants live amid ubiquitous urban decay under a perpetual shroud of polluted skies. Ironically, Gary with its steel mills and oil refineries has one of the richest industrialized bases in America—nearly all absentee owned. Indeed, U.S. Steel's chief civic contribution to Gary was to name it after the great steel corporation's first president, Judge Elbert H. Gary.

Bluntly put, although the Gary area is built on a wealthy industrial base, its absentee owners have permitted it to become one of the most blighted communities in the nation. Indeed, it is so unusual for the corporations owning Gary's wealth to help solve community problems that Business Week magazine wrote a feature article when U.S. Steel decided to help Gary Mayor Richard Hatcher with the city's problems.

Americans should ponder Gary's experience. It is probably impossible today for our large cities to solve their manifold social and economic problems unless key business decision makers have a personal stake in what happens to a community.

And Gary is not an isolated example of a community whose decay can be laid largely to absentee corporate ownership. Probably the worst examples are small communities totally dependent on an absentee-owned plant. Although the social and political problems associated with the "company town" have long been a subject of concern, the absentee-owned company town is left with its citizens subject to the whims and interests of top business decision makers not residing in the community.

Such absentee owners are less susceptible to local pressure to aid in solving problems. Therefore it is not too surprising that the worst example of industrial pollution in America originates in an absentee-owned plant located in the small hamlet of Alloy, W. Va. Located off the beaten track and not even shown on most road maps, this community's plight is less visible than Gary's. But as Business Week recently observed, "Alloy has a highly visible claim to infamy. It is home for what may be the smokiest factory in the world: a Union Carbide ferroalloys plant that pours out 70,000 tons of particles a year—slightly more than the total emitted in all of New York City."

Nor has Union Carbide demonstrated greater concern for community welfare in other West Virginia communities where it is the major employer. Business Week quotes the mayor of Vienna, W.Va., as saying the company has repeatedly ignored the community's complaints. As Mayor Curtis Uhl sees it, "Just because they're a big company and we're a small community, they think they can tell us to go to hell. I'm madder than a wet hen."

Similarly, because workers in Union Carbide dominated communities are heavily dependent on Union Carbide for their livelihood, pressure is frequently brought to bear on workers to aid the company in resisting government-ordered pollution abatement programs. "We resent the fact that Union Carbide is using our members as pawns in its resistance to clean up the air," one union official stated.

When centralized corporate decision making adversely affects the quality of life in communities and even entire regions of the nation, the manifestations may be social and economic. But the root cause may well be the frustration or distortion of the political processes in a democratic society.

It is fundamental to the American creed that political democracy cannot coexist with economic oligarchy. Yet, many would have us believe that growing centralization of economic power poses no threat to our democratic institutions. Indeed, some argue that the huge conglomerate enterprise that operates plants all across the land is really just an amalgam of separate businesses and therefore may have no more, or perhaps even less, political power than did the predecessor companies. After all, they argue, when many companies are rolled into one, it speaks with only one voice, whereas its predecessor companies spoke with many. This argument completely misses the point because it ignores how economic power is brought to bear. Representative democracy functions well only when particular sources of economic power don't control a large portion of the elected representatives.

Substantial centers of economic power have functioned politically since 1900, but the current movement toward industrial centralization and conglomeration is adding a new dimension to the political power of large corporations. Traditionally, even large corporations have been relatively specialized, with most of their productive capacity concentrated in a relatively small geographic region. As a result, individual large corporations could bring their economic power to bear directly on only a minority of elected officials. Thus, while an individual elected official might not be a free agent on certain issues, on most he could vote the public interest as he saw it. But the range of independent action by politicians narrows as a conglomerate expands its influence over more and more regions.

Consider an example that is not entirely hypothetical: For years senators from certain states were recognized as "copper" senators and, while these senators were often divided along liberal and conservative lines on many issues, they spoke with one voice when it came to legislation affecting the copper interests. Similarly, senators from some other states were acknowledged representatives of coal and still others of petroleum interests. But while individual politicians were essentially "captives" of special interests from their regions, political power was generally dispersed because our legislative chambers were composed of politicians representing many special interests.

Such pluralism is greatly reduced, however, when various industries come under the control of conglomerate corporations, thereby multiplying the number of states and politicians to whom they may turn for aid. Rep. Henry S. Reuss (D-Wisc.) expressed their fear when he observed ,"If . . . any large corporation . . . acquires significant holdings in a majortiy of the congressional districts of this country, who is to say whether it will exercise inordinate influences over congressional action?"

The mergers between copper and coal interests or between coal and petroleum interests, are only obvious examples of this phenomenon. The danger is even greater when conglomerates gain control of various communications media. FCC Commissioner Nicholas Johnson recently pointed out that increasingly, "Congressmen and state and local officials are compelled to regard that handful of media owners (many of whom are out-of-state), rather than the electorate itself as their effective constituency."

Growing centralization of economic power in a relatively few vast conglomerate enterprises promises to bring about a fundamental rearrangement in the political order. Simply put, it promises to destroy our traditional pluralistic political processes that rest on a diffused, dispersed, heterogenous ownership pattern.

Supreme Court Justice William O. Douglas has pointed out how centralized economic power undermines democratic institutions: "Power that controls the economy should be in the hands of elected representatives of the people, not in the hands of an industrial oligarchy. Industrial power should be decentralized. It should be scattered into many hands so that the fortunes of the people will not be dependent on the whim or caprice, the political prejudices, the emotional stability of a few self-appointed men. The fact that they are not vicious men . . . is irrelevant."

Clearly, the conglomerate merger movement of the 1960s has caused a drastic transformation in the geographic pattern of corporate control in America. These developments may have a far-reaching and enduring impact on numerous communities across the land. But even more important, these changes reflect an erosion in the fundamental premise that a wide diffusion of economic decision making fosters social and political, as well as economic, institutions that Americans have traditionally valued highly.

It is still too early to tell whether the great merger tide of the 1960s has ebbed permanently, or whether it will rise again with the return of more buoyant economic conditions. I suspect it is more likely to rise again. Indeed, some evidence indicates the merger tempo is already beginning to quicken. It is therefore imperative that steps be taken now to strengthen our laws and enforcement procedures for coping with such a resurgence of merger activity.

[From Industry Week, June 7, 1971]

WORLD CORPORATIONS URGED TO MAP SURVIVAL STRATEGY

Managers must begin now "to understand the dynamics of world politics," says Dr. Richard Eells, director, studies of the modern corporation, Columbia University, New York.

Why? Simply because the era of parochialism in private enterprise is past. The corporate world of today is international and big. Managers, especially those who intend to end up top managers, are going to have to become more and more like diplomats, Dr. Eells believes. "The survival of the multinational corporation in the future will depend heavily upon the manning of its top posts with people who . . . can envisage the optimum role for a global corporation in a hazardous environment."

And, a hazardous environment it is. Look at recent events in Chile, Libya, and India to learn what Dr. Eells means by "hazardous."

FOUR STRATEGIES

But, Dr. Eells adds, you don't have to be a Ph.D. in international relations to properly handle the business of an international company. All you have to do is master "the four essential strategies."

Dr. Eells says these four are all a modern manager needs to avoid the wrong end of a nationalization move or an inflationary disaster in Timbuktu.

First and foremost is the "strategy" that businessmen have always used, "business strategy." Good, sensible economics is essential now and will continue to be in the economy that Dr. Eells calls "global" and "emergent."

Strategy No. 2 is called "negotiation." A multinational manager must learn to handle discussions between "power entities in the world arena . . . including not only bargaining in the business sense, but also embracing all the arts of diplomacy; offer, counter-offer, the wise use of intelligence."

Along with this diplomatic approach to modern business, Dr. Eells couples a third quasi-military strategy; communications. This means the modern multinational leader must "make full and statesmanlike use of information technology and ideological defenses."

The final and, perhaps, most surprising suggestion Dr. Eells has for today's corporate leaders is "the strategy of the ultimate sanction." This implies "coercive force . . . a strategy involving indirect reliance upon military power in the hands of political leaders together with the corporation's own armed guards in far-flung field operations."

POWER IS POWER

What Dr. Eells is describing may seem to some managers to be more like a government or an army. Although Dr. Eells suggests that eventually we may see "the international system of sovereign nation-states . . . in time superseded by some kind of global political economy" it's too far off to really talk about now.

Still, the modern corporation is pretty close to a quasi-sovereign organization already. Some of the biggest are far larger in many ways than some medium-sized countries.

And, Dr. Eells adds, "In the recent dialog of giant business there is the recurrent use of the phrase 'power-seeking.' This is a loaded characterization. All organizations, including corporations, are unavoidably involved in arenas of power in order to survive." This power-seeking, which is often denied, or at best unmentioned by most corporate heads, is a fact. "The struggle for survival, and—after survival—for the means to reach corporate objectives, of course requires more than power-seeking leaders."

RESPONSIBILITY

Dr. Eells suggests a way of seeing to it that growing corporate power and, therefore, the growing power of the manager be kept responsible. "The objectives of big corporations, and especially those which enter the world arena as multinational enterprises, have to be defined in terms of radically new (as well as traditionally old) corporate roles and responsibilities.

"The modern corporation has proved to be a superb instrument for the production of goods and services. Its management, at its best," Dr. Eells says, "is an example for other organizations to follow. But, more than that," he continues, "the multinational corporation is likely to be drafted into service for new tasks in the emerging world political economy."

These new tasks, Dr. Eells says, will be matters of ecological and social activity. But, his point is that they will be *tasks* . . . handled much the same way modern corporations handle the making of any other product.

THE BIRTH OF OUR NATION

HON. BILL ARCHER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 13, 1971

Mr. ARCHER. Mr. Speaker, on the Fourth of July, the Reverend J. T. Bagby, of St. Martin's Episcopal Church in Houston, delivered a moving sermon about what we can do to regain the spirit that made America great—a spirit that seems lost in today's protests and national self-doubt. His sermon is something we should all consider very seriously, and I would like to share it with my colleagues.

The sermon follows:

THE BIRTH OF OUR NATION

(By the Reverend J. T. Bagby)

The Fourth of July is the most uniquely American holiday because it is the birthday of our country. Our Independence Day is more than the birthday of our country because it is the birthday of genuine political freedom around the world.

Like all birthdays, it is a time for us to rejoice over our past, to take a look at our confused present, and to take our bearings for the future. How are things going in our country and in our world on this Fourth of July?

I

If one word were to describe our country's mood today it would probably be "confusion." Our blessings are manifold. We are free. One-third of the people of the world today are denied even the opportunity to attend a worship sevice of their choice. How mindful and how grateful, by visible evidence of people in Church on this birthday, are we Americans for this freedom? In America we have plenty to eat, and to share, at a time when so many in other parts of the world never have enough. How thankful and how willing to share are we for our blessings?

However, the mood of our country can be characterized by confusion, uneasiness, uncertainty, perplexity, and dismay. No American is easy in his mind when he looks at Cuba, Hungary, Germany, Korea, Vietnam, Russia, and Red China. One-half the people of this contracting planet are denied freedom. Can we feel secure in such a world? You and I know the answer to this question. What we do not know is what to do about it.

II

Our confusion and uncertainty is caused in great measure by our lack of understanding of the nature of the struggle dividing our world.

1. There is a conflict of arms.

Whether you are a hawk or a dove, you know that we dare not give up our arms; else the other side could say to us: "Surrender or perish."

2. There is a conflict of economic systems.

Which economic system will crack up first under the awful load of military costs? If we do not spend more for arms, we invite insecurity—and disaster.

3. There is a conflict of educational systems.

Which will produce not only the smartest but the toughest minds. If we do not spend more for education, and if our young people do not really strive for an education; we invite decay—and disaster.

4. There is a conflict of philosophies of life.

It is a conflict between two totally different sets of values, two different ways of looking at things; and that means two different concepts as to the nature of man, two different concepts as to the nature of the universe, two different concepts as to the nature of God—or whether God is.

Charles Malik, President of the United Nations General Assembly a few years ago, reported the Conference on Human Rights in Paris after World War II spent months trying, in vain to agree what a human being is.

One side believes that every man is a child of God, created by a Creator, and endowed by that Creator with certain inalienable rights—born with them. Man was created, as the Bible puts it, in the image and likeness of God. This means that man has something of the Divine in him, something that enables him to sense moral values, a capacity to make moral judgments, and to make independent decisions. Such an estimate of the nature of man was the foundation on which this nation was established on that first Independence Day.

The other side, the Communists, believe that there is no God and no moral order in the universe, so man has no such inherent and inalienable rights. The great Russian scientist, Dr. Pavlov, demonstrated that he could take a young dog, before an old dog had a chance to teach him habits and, by rigidly controlling the environment of the young dog, he could produce the reactions he wanted: predictable, unvarying, automatic reactions from the dog. The Communists believe the same thing can be done with man—and they intend to do it.

This present world conflict is not an old-fashioned effort like those of Caesar, Napoleon, Alexander the great, even Hitler, to seize other people's land or gold or slaves. This is a struggle about the nature of man. This is a struggle about the moral order of the universe.

Why have we been unable to get any real agreement with the Communists, whether at Yalta, or Potsdam, or Geneva, or Paris today? We are not pursuing the same objectives. We do not believe in the same things—about man, about a moral universe, about God.

III

Our confusion and uncertainly is caused in great measure by our lack of understanding the essential nature of our own culture and our heritage of freedom.

1. How did it begin? Some people in Europe were denied the right to worship God as they pleased and they came to the New World determined to have religious freedom. They discovered that they could not have religious liberty without political liberty. The Old World was ruled from the top down; by political rulers, economic rulers, religious rulers, landed gentry, aristocracies. The pilgrims devised a political system under which people could control government instead of government controlling them, as was the rule in all the rest of the world then and is the rule in so much of the world today.

2. Then what happened? People paid less and less attention to the Holy Scriptures and less and less attention to the principles revealed in them. People began to feel less and less dependent upon God. Having less and less respect for the Creator, people began to have less and less respect for man. Having forgotten man is created in the likeness of God, people began to have less and less consideration for moral laws in relationship with other men. Thus we come to our present confusion and uncertainty.

3. What must we do now? The way to go forward again is to get back on the track. Let us rediscover the essence of our Heritage, the faith that gave our country its birth. The government's proper role is not to manage our lives but to secure for us those rights.

We must do at least three things to revitalize devotion to the principles which made for Independence Day.

(1) First, we have to recapture our faith.

Our faith is that God IS. If there is no God, all our human efforts are bound to fail. If God is not the Creator and Father of all men, it is silly sentiment to talk about the brotherhood of man.

If God is, then what ought to be can be. If God is, then there is no reason for despair. God is available to every man. We can know His will. We can have access to His power—if we only allow Him to come to us. Though we shall go through long, hard, and dark valleys; we shall fear no evil for God is with us.

What must we do to recapture the faith that gave our country its birth? The first step is to recapture our Faith in God, our Creator and Father.

(2) Second, we have to rediscover the essential principles.

The essence of the essential principles of our heritage and faith is in our history books, but supremely in the Bible that inspired and guided our forefathers.

You cannot be a good surgeon without

long study of surgery books. You cannot be a good lawyer without long study of legal books. You cannot understand the principles essential to a free country such as ours without studying the Bible, in which the principles are set forth.

Freedom is directly dependent upon the principles proclaimed by the Bible.

What must we do to recapture the faith that gave our country its birth? The second step is to recapture the essential principles as proclaimed by the Bible.

(3) Third, we have to rediscover and follow our Leader, whom we call our Lord and Master.

Fifty-six men signed the Declaration of Independence 195 years ago. They did not sign it on the Fourth of July; they only voted to sign it and then got out of town because now they were traitors. They signed it a month later on August 2. Their names were not made public for six months longer in the hope that they could get back safely to their homes.

Of the fifty-six men who signed the Declaration of Independence nine died in the Revolutionary War, five were captured and tortured before they died, twelve had their homes burned, two lost sons in the war, ten died in poverty, one's wife was arrested and died in prison. All fifty-six signers pledged three things: "Our lives, our fortunes, and our sacred honor". Some paid with their lives, and some paid with their fortunes, but none lost their honor. Not one man wavered.

Do you remember the last sentence in the Declaration of Independence? "And for the support of this Declaration, with a firm reliance on the protection of divine providence, we mutually pledge to each other our Lives, our Fortunes and our sacred Honor."

What must we do to recapture the faith that gave our country its birth? The third step is to rediscover and follow our Leader, whom we call Lord and Master. With a firm reliance on the protection of our Lord and Master, we shall have the mighty power to maintain the liberties which our forefathers won for us.

On this Fourth of July let each Christian accept the challenge of St. Paul: "Stand fast therefore in the liberty wherewith Christ hath made us free." Galatians 5:1.

PRAYER

Almighty God, who hast given us this good land for our heritage; we give Thee most humble and hearty thanks for the inestimable blessings of religious and civil liberty. Fill our hearts with thankfulness and suffer not our trust in Thee to fail; through Jesus Christ our Lord. Amen.

HOUSE OF REPRESENTATIVES—*Wednesday, July 14, 1971*

The House met at 12 o'clock noon.

The Chaplain, Rev. Edward G. Latch, D.D., offered the following prayer:

Your faith should not stand in the wisdom of men, but in the power of God.—I Corinthians 2:5.

Almighty and everliving God, from whom cometh life and all good things and to whom we are responsible for our conduct, hold us close in Thy hands that we may not leave the path of truth and love but may ever labor under the banner of righteousness and justice as we live through these tumultuous and trying times.

Inspire us to work more earnestly for unity in our country and for peace in our world. By the power of Thy spirit may we lift our country above hatred and beyond ill will and endeavor to lead the nations into the glorious light of a better world where people can dwell securely and safely.

In the Master's name we pray. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Without objection, the Journal stands approved.

There was no objection.

PRESIDENT DEMEANS WOMEN

(Mr. KOCH asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. KOCH. Mr. Speaker, today President Nixon and Secretary of State William Rogers demonstrated their insensitivity to the need to gain equality for women in this country. The President and Secretary of State referred in demeaning language to four leaders of the women's political caucus: Our distinguished colleagues from New York (Mrs. ABZUG and Mrs. CHISHOLM) and Betty Friedan and Gloria Steinem. I know each of these women. They are talented and equal in ability to anyone in this country. The shabby attitude displayed by the President and his top diplomatic adviser graphically demonstrates why we need these women and their supporters, male and female alike, who are dedicated to changing the male chauvinist attitudes which pervade our society.

This attitude of sex discrimination is unacceptable from anyone, but particularly reprehensible when coming from those who have been elevated to the highest positions of leadership in this country. The need for the immediate adoption of the equal rights amendment to the Constitution, in its original unencumbered form, was made even more clear today in San Clemente, Calif.

EDUCATION FOR VETERANS

(Mrs. GRASSO asked and was given permission to address the House for 1 minute, to revise and extend her remarks.)

Mrs. GRASSO. Mr. Speaker, the current levels of educational benefits for veterans are both unrealistic and inhibiting. With costs of a college education skyrocketing a veteran pursuing a full-time course can hardly begin to cover his school expenses with the allotment in benefits currently available.

Tuition alone at many schools reaches $2,000 per year; and a full course load often precludes any substantial outside employment to supplement a veteran's VA stipend.

Today I am introducing legislation to provide for substantial, across-the-board increases in the education benefits program for veterans.

The veterans' education assistance program is an outgrowth of the GI bill enacted after World War II. Currently, monthly allowances are made to veterans on a sliding scale for a variety of school programs, including a standard college degree, technical or trade school program, and correspondence course.

The Government makes a direct payment to an eligible veteran pursuing a full-time college course. This amounts to $175 a month to meet, in part, the living expenses, tuition, fees, supplies, books, equipment, and other educational costs.

Under this bill, an eligible veteran, who is a full-time student, would receive $277 each month. This figure is based on a $1.60 per hour minimum wage at a rate of 40 hours per week. A provision is included which would raise these benefits if the minimum wage is increased. If enacted, the legislation would go into effect in January 1972.

Too often the veteran must drop out of school and into a shrinking job market. The bill which I have introduced would permit many more veterans to complete their education and later enter the field of their choice, hopefully at a time when the economy is able to meet their needs.

PERSONAL ANNOUNCEMENT

(Mr. UDALL asked and was given permission to address the House for 1 minute, to revise and extend his remarks.)

Mr. UDALL. Mr. Speaker, I had planned and hoped to be present yesterday for the vote on the motion to censure the Columbia Broadcasting System, rollcall 188. Earlier in the week, I instructed my staff by phone from overseas to inform the whip's office that in the event air connections made my presence possible, I would vote against the censure.

As chairman of the Postal Service Subcommittee, I had led a delegation of House Members and Postal Service officials to Italy, Germany, and England for consultation with Government officials of those nations on postal operations and labor-management problems. Those consultations were most useful and productive and may lead to several new legislative and administrative initiatives.

Unfortunately, our return flight was almost an hour late, preventing me and the other members of the delegation from voting on the important censure motion. I am gratified that the margin of defeat was substantial and that our votes could not have been decisive one way or the other.

Mr. Speaker, I applaud the action of the House in recommitting the censure motion.

NEGOTIATIONS BEGIN ON CANAL ZONE FATE

(Mr. HALL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HALL. Mr. Speaker, very few U.S. citizens are aware that U.S. negotiators have begun formal talks with the Panamanian Government relating to a new treaty that would govern Canal Zone operations. An Associated Press report on June 30 of this year stated that negotiations began on June 29, 1971, and that the United States is being represented by former Treasury Secretary Robert B. Anderson and by John C. Mundt. I might add that this is the same Robert B. Anderson that sold out American interests when he negotiated the abortive proposed 1967 treaty.

With negotiations now underway it is imperative that the American people and the Congress express its strong conviction that U.S. rights and sovereignty not be relinquished over the strategic and vital Canal Zone.

Mr. Speaker, as we debate the Department of Transportation appropriation bill before the House today, we find that it contains an appropriation for the Canal Zone in the amount of $54,500,000. The American taxpayer has no desire to see more of his hard-earned dollars spent on the Canal Zone if we are to give it away to our enemies.

Therefore, Mr. Speaker, I am again reintroducing a House resolution expressing the sense of the House of Representatives that the United States maintain its sovereignty and jurisdiction over the Panama Canal Zone. I hope that the Members who have not introduced or cosponsored one of the earlier resolutions will do so today. Time is of the essence.

PERMISSION FOR THE COMMITTEE ON MERCHANT MARINE AND FISHERIES TO FILE A REPORT ON OCEAN-DUMPING LEGISLATION

Mr. DINGELL. Mr. Speaker, I ask unanimous consent that the Committee on Merchant Marine and Fisheries may have until midnight Saturday next to file a report on ocean-dumping legislation.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

NATIONAL MOON WALK DAY

Mr. EDWARDS of California. Mr. Speaker, I ask unanimous consent for the immediate consideration of Senate joint resolution (S.J. Res. 101) to authorize and request the President to issue a proclamation designating July 20, 1971, as "National Moon Walk Day."

The Clerk read the title of the Senate joint resolution.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

The Clerk read the Senate joint resolution as follows:

S.J. RES. 101

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That, in recognition of the many achievements of the national space program and in commemoration of the anniversary of the first moon walk on July 20, 1969, the President is authorized and requested to issue a proclamation designating July 20, 1971, as "National Moon Walk Day", and calling upon the people of the United States and interested groups and organizations to observe that day with appropriate ceremonies and activities.

The joint resolution was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

NATIONAL HOME FASHIONS WEEK

Mr. EDWARDS of California. Mr. Speaker, I ask unanimous consent for the immediate consideration of the joint resolution (H.J. Res. 727) authorizing the President to proclaim the period September 26 through October 2, 1971, as "National Home Fashions Week."

The Clerk read the title of the joint resolution.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

The Clerk read the joint resolution, as follows:

H.J. RES. 727

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That in order to focus national attention on the importance of an attractive and comfortable home to the quality of family life, the President is hereby authorized and requested to issue a proclamation designating the period September 26 through October 2, 1971, as "National Home Fashions Week," and calling upon the people of the United States to observe such week with appropriate ceremonies and activities.

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

AMERICAN TRIAL LAWYERS WEEK

Mr. EDWARDS of California. Mr. Speaker, I ask unanimous consent for the immediate consideration of the joint resolution (H.J. Res. 714) designating the week of August 1, 1971, as "American Trial Lawyers Week."

The Clerk read the title of the joint resolution.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

The Clerk read the joint resolution, as follows:

H.J. RES. 714

Whereas the American Trial Lawyers Association, the Nation's and the world's largest trial bar association, is observing its twenty-fifth anniversary this year, and

Whereas the American Trial Lawyers Association has dedicated itself to improving the quality of the law and the administration of justice for the public good, and

Whereas the American Trial Lawyers Association has established a tradition of excellence in advancing the science of jurisprudence, and

Whereas the American Trial Lawyers Association has advanced the cause of the injured, the accused, and those whose rights are jeopardized, by upholding and improving the adversary system and trial by jury, and

Whereas the American Trial Lawyers Association has demonstrated that change can be accomplished by orderly process and by pursuing remedies available in the courts, and

Whereas there is a need to encourage a continuing commitment by all interests in society to improving the quality of law, the adversary system, and trial by jury: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the week commencing August 1, 1971, be designated as American Trial Lawyers Week, a week to honor the American Trial Lawyers Association on the occasion of its twenty-fifth anniversary, and to renew the commitment of each American to support the efforts of the American Trial Lawyers Association in enhancing the administration of justice for the public good, and to this end, we request the President of the United States to direct the appropriate Government officials to display the flag of the United States on all public buildings on August 2, 1971.

AMENDMENT OFFERED BY MR. EDWARDS OF CALIFORNIA

Mr. EDWARDS of California. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. EDWARDS of California: On pages 1 and 2, strike out all "whereas" clauses.

The SPEAKER. The question is on the amendment offered by the gentleman from California (Mr. EDWARDS).

The amendment was agreed to.

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

WAIVING POINTS OF ORDER DURING CONSIDERATION OF H.R. 9667, DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATIONS, 1972

Mr. DELANEY. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 535 and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 535

Resolved, That during the consideration of the bill (H.R. 9667) making appropriations for the Department of Transportation and related agencies for the fiscal year ending June 30, 1972, and for other purposes, all points of order against the provisions contained under the following headings are hereby waived:

"Grants-In-Aid For Natural Gas Pipeline Safety", beginning on page 3, line 3, through line 7;

"Operating Expenses", beginning on page 3, line 13, through page 5, line 8;

"Acquisition, Construction and Improvements", beginning on page 5, line 9, through line 14;

"Reserve Training", beginning on page 6, line 1, through line 16;

"Research, Development, Test, and Evaluation", beginning on page 6, line 17, through line 23; and

"Construction of Compliance Facilities", beginning on page 15, line 9, through line 13.

The SPEAKER. The gentleman from New York (Mr. DELANEY) is recognized for 1 hour.

Mr. DELANEY. Mr. Speaker, I yield 30

minutes to the gentleman from California (Mr. SMITH) pending which I yield myself such time as I may consume.

Mr. Speaker, this resolution (H. Res. 535) makes in order consideration of H.R. 9667. All points of order are waived against certain provisions of the bill, as follows: Lines 3 through 7 on page 3, line 13 on page 3 through line 8 on page 5, lines 9 through 14 on page 5, lines 1 through 16 on page 6, lines 17 through 23 on page 6, and lines 9 through 13 on page 15.

Mr. Speaker, in each instance the authorization bill has passed the House, but the legislation has not been enacted.

The purpose of H.R. 9667 is to make appropriations for the Department of Transportation and related agencies for the fiscal year 1972. I am informed that action will be taken on the authorization of each of these bills in the other body.

I urge the adoption of the rule so that no points of order may be raised against these specific provisions of the bill.

Mr. HALL. Mr. Speaker, will the gentleman yield?

Mr. DELANEY. I yield to the gentleman from Missouri.

Mr. HALL. Mr. Speaker, I appreciate my friend, the gentleman from New York, the distinguished representative of the Committee on Rules, yielding to me. I simply want to voice an objection to the waiver of these points of order after the homework has been done by individual Members, and the points of order have all been outlined on the parent bill, namely H.R. 9667, making appropriations for the Department of Transportation and related agencies.

As an individual Member, I must object to waiving points of order, because I still feel in my heart that this takes away the prerogative of any individual elected Member of the House of Representatives, the representatives of the people.

I full well understand that these specific authorizations have passed the House, some with our support and vote and some without our support and vote, but the fact remains they are not yet enacted into law.

It has almost become a custom that we winnow out the wheat from the chaff in the Committee on Rules—indeed, that may be its function—and waive points of order in order to consider appropriation bills, whereas in the past we used to simply have the chairman of the subcommittee move that we consider in the Committee on the Whole House on the State of the Union as in the House the appropriation bills, and therefore they were automatically placed under the 5-minute rule. Thus the Member could exercise his rights individually and collectively by attention and points of order where appropriate.

I know the committee calls this an "open rule," and that these are selective points of order. I simply want to raise my objection to waiving the rights of individual Members against making points of order on such a bill.

I thank the gentleman.

Mr. DELANEY. I appreciate the gentleman's comments. May I say that all of these have been passed by the House. I understand a number have passed in the Senate, and there are just one or two waiting. They may have been passed yesterday; I am not sure.

Mr. HALL. Mr. Speaker, if the gentleman will yield further, he admits they are not yet enacted into law.

Mr. DELANEY. That is right.

Mr. HALL. Therefore they are unauthorized.

Mr. DELANEY. I so stated.

Mr. SMITH of California. Mr. Speaker, I yield myself such time as I may use.

Mr. Speaker. Each of the six items on which points of order are to be waived, are set forth line by line. The authorization bills have been passed by the House.

We seek to keep up with the schedule of the Appropriations Committee, in the hope of getting out before Christmas. I do not know how we can do this except by requesting what we propose in House Resolution 535. Your Rules Committee is attempting to cooperate.

Mr. Speaker, I urge approval of House Resolution 535.

Mr. DELANEY. Mr. Speaker, I have no further requests for time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

CALL OF THE HOUSE

Mr. HALL. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. BOGGS. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 189]

Abourezk
Alexander
Blanton
Brasco
Celler
Clark
Collier
Collins, Ill.
Danielson
Donohue
Edwards, La.
Esch
Evins, Tenn.
Gray
Green, Oreg.
Green, Pa.
Hanna
Hansen, Wash.
Hébert
Holifield
Jones, Tenn.
Long, La.
McClure
McCulloch
McKinney
Metcalfe
Mikva
Mitchell
Mizell
Murphy, Ill.
Nichols
O'Hara
Pepper
Powell
Riegle
Scheuer
Seiberling
Shipley
Teague, Tex.
Thompson, N.J.
Van Deerlin
Ware
Wilson, Bob
Wolff

The SPEAKER. On this rollcall, 389 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Leonard, one of his secretaries, who also informed the House that on the following dates the President approved and signed bills of the House of the following titles:

On June 30, 1971:

H.J. Res. 744. Joint resolution making an appropriation for the fiscal year 1972 for the Department of Agriculture, and for other purposes;

H.R. 1729. An act giving the consent of Congress to the addition of land to the State of Texas, and ceding jurisdiction to the State of Texas over a certain parcel or tract of land heretofore acquired by the United States of America from the United Mexican States;

H.R. 1890. An act for the relief of Robert F. Cheatwood, Walter R. Cottom, Kenneth Greene, Kenneth L. March, Ernest Levy, and the Estate of Charles J. Hiler;

H.R. 2011. An act for the relief of Philip C. Riley and Donald F. Lane;

H.R. 2036. An act for the relief of Miss Linda Ortega

H.R. 2047. An act for the relief of Marion Owen.

H.R. 2132. An act for the relief of Comdr. Albert G. Berry, Jr.;

H.R. 2835 An act for the relief of William E. Carroll;

H.R. 3748. An act for the relief of Sgt. John E. Bourgeois;

H.R. 3929. An act for the relief of Gheorghe Jucu and Aurelia Jucu.

H.R. 4327. An act for the relief of Robert L. Stevenson; and

H.R. 5257. An act to extend the school breakfast and special food programs.

On July 1, 1971:

H.J. Res. 617. Joint resolution to authorize an exgratia contribution to certain inhabitants of the Trust Territory of the Pacific Islands who suffered damages arising out of the hostilities of the Second World War, to provide for the payment of noncombat claims occurring prior to July 1, 1951, and to establish a Micronesian Claims Commission:

H.J. Res. 742. Joint resolution making continuing appropriations for the fiscal year 1972, and for other purposes;

H.R. 1161. An act to amend section 402 of the Agricultural Trade Development and Assistance Act of 1954, as amended, in order to remove certain restrictions against domestic wine under title I of such act;

H.R. 8311. An act to amend the Renegotiation Act of 1951 to extend the act for 2 years, to modify the interest rate on excessive profits and on refunds, to provide that the Court of Claims shall have jurisdiction of renegotiation cases, and for other purposes; and

H.R. 8313. An act to amend the Social Security Act in order to continue for two years the temporary assistance program for U.S. citizens returned from abroad.

On July 2, 1971:

H.J. Res. 556. Joint resolution providing for the observance of "Youth Appreciation Week" during the 7-day period beginning the second Monday in November of 1971;

H.R. 6444. An act to amend the Railroad Retirement Act of 1937 to provide a 10 per centum increase in annuities; and

H.R. 7767. An act to continue until the close of June 30, 1973, the existing suspension of duties for metal scrap.

On July 9, 1971:

H.R. 3094. An act for the relief of the estate of Capt. John N. Laycock, U.S. Navy (retired);

H.R. 4724. An act to authorize appropriations for certain maritime programs of the Department of Commerce, and for other purposes;

H.R. 4848. An act to amend the act of November 26, 1969, to provide for an extension of the date on which the Commission on Government Procurement shall submit its final report;

H.R. 7016. An act making appropriations for the Office of Education and related agencies, for the fiscal year ending June 30, 1972, and for other purposes;

H.R. 7736. An act to amend the Public Health Service Act to extend for 1 year the student loan and scholarship provisions of titles VII and VIII of such act.

H.R. 8825. An act making appropriations for the legislative branch for the fiscal year

ending June 30, 1972, and for other purposes; and

H.R. 9271. An act making appropriations for the Treasury Department, the U.S. Postal Service, the Executive Office of the President, and certain independent agencies, for the fiscal year ending June 30, 1972, and for other purposes.

DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATIONS, 1972

Mr. McFALL. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 9667) making appropriations for the Department of Transportation and related agencies for the fiscal year ending June 30, 1972, and for other purposes; and pending that motion, Mr. Speaker, I ask unanimous consent that general debate be limited to 2 hours, the time to be equally divided and controlled by the gentleman from Massachusetts (Mr. CONTE) and myself.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

The SPEAKER. The question is on the motion offered by the gentleman from California.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 9667, with Mr. EDMONDSON in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the unanimous consent agreement, the gentleman from California (Mr. McFALL) will be recognized for 1 hour, and the gentleman from Massachusetts (Mr. CONTE) will be recognized for 1 hour.

The Chair recognizes the gentleman from California.

Mr. McFALL. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this is the 5th year of operation of the Department of Transportation, and this is the fifth annual transportation appropriation bill to be brought before the committee. During this last year the Congress has passed a number of significant pieces of legislation relating to virtually every mode of transportation—urban mass transportation, rail passenger service, airport and airway development are just a few of them. With this new legislation, I believe that our Nation's traveling public can look forward to a more coordinated and better balanced transportation system.

The Department of Transportation, under the leadership of Secretary Volpe, is addressing itself to some of the great requirements of our transportation system. The Department has underway a number of activities aimed at better assessing the current and future demands that will be placed on transportation system and is moving ahead to accommodate the demands.

As chairman of the Subcommittee on Appropriations for the Department of Transportation and related agencies, I want to express my appreciation to the other members of the committee for their cooperation and the numerous contributions they made during the detailed hearings on this bill. My three Democratic colleagues, the gentleman from Massachusetts (Mr. BOLAND), the gentleman from Illinois (Mr. YATES), and the gentleman from Oklahoma (Mr. STEED) continued their excellent service to the committee, the Congress, and the country.

I especially want to thank the distinguished ranking minority member from Massachusetts (Mr. CONTE) for his active participation in our hearings. And the gentleman from Ohio (Mr. MINSHALL) and the gentleman from Alabama (Mr. EDWARDS) for their significant contributions. It is a privilege to serve with them. Also the staff, Tom Kingfield and his assistant, Paul Crabtree, have done an especially good job in keeping with the tradition of excellent work of the Appropriations Committee staff.

The committee, in general, believes progress is being made by the Department of Transportation, and the reductions made should not be interpreted as criticism of the officials of the Department.

SUMMARY OF THE BILL

The bill includes a total of $7,982,264,000, of which about $5 billion is liquidating cash, $228 million represents reappropriations, and $2.7 billion is new obligational authority. The $2,732,169,997 of new obligational authority is $275,381,000 below the budget estimates and $252,450,608 below the amounts appropriated for fiscal year 1971 for similar activities. As explained on page 5 of the committee report, this reduction includes two unusual items, one large reduction and one addition above the budget. If these two items are excluded from the computation, the new budget authority recommended is, in effect, a reduction of about $94 million below the comparable fiscal year 1972 budget estimate.

The bill provides funds for over 118,000 positions, including about 40,000 military personnel for the U.S. Coast Guard. This is an increase of about 2,700 positions over fiscal year 1971. The increased personnel are, for the most part, related to the additional activities of the Coast Guard in areas such as marine environmental protection and to the added air traffic control and air navigation equipment maintenance requirements of the Federal Aviation Administration.

I would call the attention of the members of the committee to the summary of major recommendations beginning on page 4 of the report. These actions are as follows:

First, the appropriation of the $252,009,300 requested for facilities and equipment of the Federal Aviation Administration;

Second, the addition of $53,600,000 above the budget for subsidy payments for nine local service and four Alaskan air carriers;

Third, the additional of $15,356,000 above the budget to provide for the continuation of the Coast Guard selected reserve at the fiscal year 1971 level;

Fourth, approval of the Coast Guard's full budget request of $96,682,000 for acquisition, construction, and improvements;

Fifth, the addition of $4,150,000 above the budget to initiate six new bridge alteration projects;

Sixth, a reduction of $14,700,000 in construction, national capital airports, based on the deferral of funds for expansion of the Dulles terminal building;

Seventh, a reduction of $14 million in the traffic and highway safety appropriation of the National Highway Traffic Safety Administration;

Eighth, approval of the $9,600,000 requested for a highway safety compliance test facility;

Ninth, a reduction of $26 million in the research program of the Urban Mass Transportation Administration;

Tenth, provision of the full $174,321,000 advance appropriation for fiscal year 1973 for the Federal share of the subway system in Washington, D.C.;

Eleventh, a general provision limiting commitments for grants-in-aid for airport development to $280 mllion; and

Twelfth, a general provision limiting commitments for urban mass transportation grants to $800 million.

OFFICE OF THE SECRETARY

Mr. Chairman, the bill provides a total of $41,342,000 for the Office of the Secretary of Transportation. This includes $21,342,000 for salaries and expenses. The amount recommended is sufficient to provide for 35 additional positions under this appropriation. The bill also includes a total of $24 million, of which $6.5 million is to be derived by transfer, for the transportation research activities of the Office of the Secretary. I am pleased to report that the Department has completed the requested review of its research activities. We believe it is imperative for the Department to have a well organized and coordinated research program, and it is good to see progress being made in this direction.

No appropriation is recommended for any aspect of the U.S. SST program. The committee did receive testimony from certain aviation organizations, pertaining to the refund of the $58.5 million invested by a number of airlines in the SST program. This matter was previously discussed in connection with the conference report on the second supplemental appropriation bill for fiscal year 1971. These funds were not included in the final version of that bill, and they are not included in the bill being considered by the committee today.

There is no dispute that in February 1967, the Government insisted that the airlines put up this money. Nor is there any dispute that the airlines' money was used as a substitute for Government funds. In view of this, it is my feeling, speaking as one member of the committee, that the $58.5 million should be repaid to the airlines. However, the administration did not formally request that our committee take such an action, although such a request has been subsequently made and if the funds were included in the bill, I am advised that they would be subject to a point of order.

COAST GUARD

The Coast Guard is one of the finest organizations in our Government. It has a reputation for being cost conscious, and the committee's $3,838,000 reduction for operating expenses is less than 1 percent below the budget. A substantial part of the $28 million increase recommended over last year is for the important marine environmental protection responsibilities of the Coast Guard.

Mr. Chairman, the bill includes the full $96,682,000 requested for the capital acquisition, construction, and improvements program of the Coast Guard. The budget did not request nor did the committee include funds for a new polar icebreaker. Testimony received during our hearings indicated that the Coast Guard is working on a system of charges to be levied against other Government agencies for the use of its icebreakers. It is anticipated that after these proposed user charges have been developed, a budget amendment will be submitted for a new icebreaker. I would support such a budget request.

As most of you know, the budget proposed the transfer of necessary elements of the Coast Guard Selected Reserve training program to the Navy Reserve by the end of fiscal year 1972. The committee saw little advantage in this proposal and is recommending a $25.9 million appropriation to continue the Coast Guard Reserve. In so doing, we feel it is important for Coast Guard Reserve to develop a peacetime mission. The missions of the regular Coast Guard are equally applicable in peace and war, and the programs of the Reserve should supplement these activities.

The bill includes $14 million for the research, development, test, and evaluation program of the Coast Guard. The $4.5 million increase over last year is directed primarily toward increasing the capacity of our national marine transportation systems, improving the marine environment, and protecting public safety at sea.

FEDERAL AVIATION ADMINISTRATION

As in past years, the committee recommends virtually the entire amount requested by the Federal Aviation Administration. For operations, the bill includes $989,074,000 to be derived from the Airport and Airway Trust Fund.

There has been much controversy over the allocations of airport and airway trust fund moneys. It is my feeling that the basic authorization, Public Law 91-258, can be interpreted in at least two different ways. Section 14 of the Airport and Airway Development Act—title I of Public Law 91-258—has been interpreted by some as establishing priorities or minimum funding levels for certain programs. No such priorities or minimum levels are referred to in section 208 of the Airport and Airway Revenue Act—title II of Public Law 91-258—the section which establishes the Trust Fund.

We are advised that there is legislation pending which could clarify this matter. The committee, however, did not want to anticipate any changes which might finally be made in the basic authorization and, therefore, has not made any substantial changes in the appropriation format recommended in the President's budget.

Briefly, the format proposed by the administration and included in the bill provides for funding airport planning and development, airways facilities and equipment, research and development, operation and maintenance of the airways system, administration of the airports program, and related support costs from the trust fund. The committee feels this structure is consistent with the existing legislative authorization, and did not change it in advance of any final action by the legislative committees and the House.

The bill includes the full budget request of $252,009,300 for facilities and equipment of the FAA. This amount includes funds for 6 new air traffic control towers and 24 new airport surveillance radars. The specific locations for these facilities are contained in the committee report on page 12.

The committee recommends a $280 million obligation level for airport development grants. In order to meet the payments resulting from these obligations, the bill includes a liquidating cash appropriation of $92 million. The bill also includes $15 million for airport planning grants. These appropriations are in addition to the $196 million of appropriated but unexpended funds which were available for the grants-in-aid programs as of May 31, when the committee concluded its hearings on the bill.

The safety regulatory functions of the FAA are not financed out of the airport and airway trust fund. We have included a separate appropriation of $160 million for this purpose. These regulatory activities include the certification and inspection of pilots and aircraft, the training of regulatory inspectors, administration of medical standards, and certain research and development programs. As explained in the report, the air security guard program is also being funded under the safety regulation appropriation.

With respect to the National Capital airports, the committee recommends $11,467,000 for operation and maintenance and $4,930,000 for construction. Under our recommendation, the $14.7 million requested to expand the Dulles terminal building would be deferred. We provided $500,000 for the design contract in fiscal year 1970 and have approved a reprograming of an additional $400,000 to complete the architectural and engineering work on the terminal building design. If this work is completed during the current year, the necessary excavating and grading could be started with existing unobligated funds.

FEDERAL HIGHWAY ADMINISTRATION

For salaries and expenses of the Federal Highway Administration we recommend a total of $99,447,000. This includes a direct appropriation of $7,110,000 and $92,337,000 to be derived by transfer. We held rather detailed hearings on this appropriation and made seven specific reductions totaling $9,735,000. The largest of these reductions was in the urban corridor demonstration program. While this should be a good program, it is still in the planning stages and we felt that the funds recommended would allow the program to move forward at a reasonable rate.

Under highway beautification, we recommend a $10 million liquidating cash appropriation. The Federal-Aid Highway Act of 1970 provided for a revised program emphasis which will concentrate on the billboard removal portion of the program. The bill also includes a $30 million limitation on highway beautification obligations for fiscal year 1972.

The Federal-Aid Highway Act authorized a number of new programs for which the committee has included funds. For example, we have included $4 million to initiate a demonstration project to eliminate or upgrade certain rail-highway crossings, $1 million to establish a long-range highway development program in the territories of the Virgin Islands, Guam, and American Samoa, and $15 million to continue the construction of the Darien Gap Highway.

The largest single item in the bill is a $4,661,393,000 liquidating cash appropriation for federally aided highway construction. No reduction below the budget is recommended in the construction program. About $3.2 billion of the funds recommended are for the Interstate System, which is presently about 75 percent completed.

A total of $25 million is provided for the right-of-way revolving fund. These funds will permit the acquisition of rights-of-way several years in advance of actual construction, thereby reducing potential inflationary pressures on property costs.

For the forest highways and public lands highways programs, the committee recommends the budget requests of $25 million and $5 million, respectively. The committee did not act on the budget proposal to rescind the unobligated balances of prior year contract authority for these programs. Such an action would have been legislation in an appropriations bill and would have been subject to a point of order.

NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION

During the past year, the highway safety functions of DOT have been elevated to a separate operating administration status within the Department. The operating expenses and contract research of this administration are funded under the traffic and highway safety appropriation. The $62,837,000 recommended under this heading is $14 million less than the budget estimate and $19.9 million more than was provided for similar activities in fiscal 1971. The largest part of this increase, $15.5 million, is to continue the alcohol safety action program. The demonstration projects under this program are an attempt to stimulate community level interest in reducing the high number of alcohol-related traffic fatalities.

The committee has included the $9.6 million requested for the construction of a highway safety compliance test facility at East Liberty, Ohio. This facility will enable the Highway Safety Administration to test cars, tires, and other motor vehicle equipment to assure compliance with the Federal safety standards.

The other activity under this Administration is State and community highway safety. We recommend a $47 million appropriation for this matching grant program. In addition, the bill includes a $5 million appropriation to the Federal Highway Administration for the safety standards which they administer.

FEDERAL RAILROAD ADMINISTRATION

For the Federal Railroad Administration, under salaries and expenses, Office of the Administrator, we recommend a $433,000 increase over fiscal year 1971. The Federal Railroad Safety Act of 1970 imposed added responsibilities on this administration, particularly in the safety area. In view of this, the committee has recommended appropriations of $7 million for railroad research, which is primarily related to safety, and $5,481,000 for the Bureau of Railroad Safety. These represent increases over fiscal year 1971 of $3,550,000 and $656,000 respectively.

The committee has deferred action on the high speed ground transportation research and development appropriation, since the required legislative authorization for this program has not yet passed the House.

URBAN MASS TRANSPORTATION ADMINISTRATION

For the administrative expenses of the Urban Mass Transportation Administration, we have included the sum of $6.3 million. This is nearly a $3 million increase over last year and will provide for 115 additional positions.

With this increase UMTA will have more than five times the number of personnel it had 3 years ago. At that time our committee's investigative staff reported that the many administrative deficiencies in this program were, in part, the result of inadequate personnel. With the personnel increases provided by the Congress over the past 3 years, there is no longer a manpower shortage in this administration.

The bill includes a total of $52 million for mass transportation research and development. This represents a very substantial increase in this area. The committee is aware of the need to conduct urban transit research and demonstrations, and recognizes that a certain amount of this effort has to be somewhat experimental in the search for new technology. As one member of the committee which reviews these projects, however, I tend to get the impression that large amounts of funds are being expended on projects which seem to be quite removed from the realities of mass transportation. Although the committee has not specifically denied any individual programs, it is expected that UMTA will carefully screen all research activities which are currently in progress or proposed to be initiated during the current year.

The committee recommends the budget request of $150 million to liquidate grants which have been made under the contract authority provided in the basic legislation.

RELATED AGENCIES

Title II of the bill includes $333,656,000 for five transportation related agencies. This includes the sum of $7,150,000 for the National Transportation Safety Board. This is a very important organization which investigates and determines the probable cause of all aviation accidents and selected surface transportation accidents.

Mr. Chairman, the bill includes the full amount requested by the Civil Aeronautics Board for operating expenses. For payments to air carriers, we have included the sum of $53.6 million for nine local service and four Alaskan air carriers. Although the budget did not contain a request for subsidy payments, the Chairman of the CAB testified that he felt a subsidy appropriation would be required during the current year. These subsidy payments result from orders issued by the CAB, and are a legal obligation of Government. The committee has provided what we consider to be sufficient funds to meet this obligation.

For the Interstate Commerce Commission, we recommend an increase of $1.7 million over the budget to cover the restoration of 140 positions. This will give the Commission 1,865 permanent positions. It is unfortunate that the administration has chosen to attempt to curtail the regulatory activities of the ICC by continually reducing the Commission's employment level. This action is even more arbitrary when one considers that, under the Constitution, these regulatory powers are vested in the legislative branch.

It is the general public that suffers when the Commission's regulatory activities are impaired. And we believe it is the responsibility of the Congress to provide the Commission with sufficient personnel to properly administer its regulatory functions and to protect the public interest.

This is the first year in which the Panama Canal has appeared in the transportation appropriations bill. For the Canal Zone Government, the bill includes $50.8 million for operating expenses and $3.7 million for capital improvements. For the Panama Canal Co. the committee recommends approval of the proposed $19.283 million limitation on general and administrative expenses.

As mentioned earlier, the committee has approved the full $174,321,000 advance appropriation requested for the Federal share of Washington, D.C., Metro system.

In summary, I believe we have brought a good bill to the committee. In some areas, after considering all the facts, we have recommended that programs go forward at a faster rate than proposed in the budget. These increases notwithstanding, however, the bill is well within the total appropriations requested in the President's budget.

Mr. Chairman, I urge the adoption of the bill as recommended by the Committee on Appropriations.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. McFALL. I yield to the gentleman from Iowa.

Mr. GROSS. Mr. Chairman, does the gentleman's statement mean that there is no money in the bill for a 13-mile rapid transit line to Dulles Airport?

Mr. McFALL. There is no money in the bill for that purpose. It is not related, however, to the high speed ground appropriation.

Mr. GROSS. Is there money for research and development on that particular project at any place in this bill?

Mr. McFALL. No, there is not.

Mr. GROSS. There is none at all?

Mr. McFALL. Earlier in the year there was a request by the administration for a reprograming of existing funds for that project. This request was heard by the committee and was not approved.

Mr. GROSS. And it was turned down?

Mr. McFALL. That is correct.

Mr. GROSS. I thank the gentleman and I commend the committee for not dumping money into that particular project, certainly not at this time—for a rail line that would begin nowhere and end nowhere, or apparently at least about a mile from the terminal. It would begin somewhere on the beltway and would end about a mile from the main terminal at Dulles Airport.

I thank the gentleman.

Mr. HALL. Mr. Chairman, will the gentleman yield?

Mr. McFALL. I yield to the gentleman from Missouri.

Mr. HALL. I hesitated to interrupt the distinguished gentleman's exposition of the bill as a whole.

Mr. McFALL. I am glad the gentleman did not. I was trying to proceed as fast as possible.

Mr. HALL. Mr. Chairman, I wonder if the gentleman would not take a little additional time to go further into the matter of urban mass transit in this appropriation. I heard him say that they had reduced the administration request to something like $52 million, and certainly I compliment him for that. But I understand that there is what is referred to in the hearings, beginning on page 242 and continuing some pages, which I have had an opportunity to review, a "people movers" project, and certainly I can understand the need for this, whether it be in the downtown area to get out to where fresh air is or otherwise.

I am not sure why these should be Federal projects, whether it be for that purpose, or to get to or from an airport, or to or from a World's Fair, or whatnot. But specifically, I understand that in Morgantown, W. Va., they are planning to move 7,000 people an hour over a 2-mile distance from a retirement area to downtown, and that the cost has gone up from about $1 million per mile for this demonstration project to now something over $12 million per mile. I am well aware of the importance of demonstration projects and research and development along those lines, but I would like to be reassured by the gentleman that this is an erstwhile and paramount consideration for use of taxpayers' moneys, and that the committee has well founded a need for this type of program and this type of appropriation.

Mr. McFALL. The committee has looked at this project carefully, and we are well aware of the increase in the expense of the project. We have been assured by the Mass Transportation Administration that it is a worthwhile and innovative project in which they will determine how to move people over short distances.

We have reduced the amount of money that is available for urban mass transit research and demonstrations. We have reduced the amount of money which will be going into the total R. & D. program. But this is the kind of project which we must have in order to meet the needs of people in certain areas such as airports, and crowded urban areas. I believe it is the kind of program we must experiment with in order to determine how to move people within confined areas in the next two decades of development in mass transportation.

Mr. HALL. If the gentleman will yield further, I would have no objection to that. As a matter of fact, I have amendments prepared concerning a limitation of funds for this project, and if it could be adequately explained to the members of the Committee of the Whole House on the State of the Union, I would consider refraining from offering those amendments at the appropriate time. Now to pursue the matter further, do they involve ionic induction propelled transportation, enclosed, suspended, air cushioned, or subterranean cars?

Do they involve magnetic propulsion? Has the committee, before going along with this expenditure, satisfied itself that the Department of Transportation has, indeed, had people visit Lyon, France, where such a monorail system and such a magnetic or ionic induction transportation system is in effect at this time?

Mr. McFALL. This does not include those kinds of propulsion systems, which are geared to high-speed transportation.

The Morgantown demonstration is concerned with low-speed ground transportation over a 2-mile distance experimenting with the movement of people such as we would have within and around an airport.

Mr. HALL. This involves only students then and not retired people living within this particular area?

Mr. McFALL. The explanation I received is that it involved primarily the students of the University of West Virginia.

Mr. HALL. Many of them need to be moved, I am sure, but does this involve a continuous and/or carpet-type of movement?

Mr. McFALL. It utilizes cars, and the construction of an elevated track system. It, of course, is innovative, but it does not include the type of high speed transportation the gentleman mentioned.

Mr. HALL. Has the gentleman's committee convinced itself that the necessary officials of the DOT research and development, have at least gone to see the monorail transportation system in Seattle or Tokyo, which has been long in being and which most of us experienced at the international expositions there; or some of these other techniques, before recommending to the Committee of the Whole this necessary appropriation?

Mr. McFALL. The committee has discussed this with the officials of the Mass Transportation Administration over a number of years. I believe I can assure the gentleman they are well aware of these other developments and they have really gone into the value of this particular system of transportation.

Mr. MONAGAN. Mr. Chairman, will the gentleman yield?

Mr. McFALL. I yield to the gentleman from Connecticut.

Mr. MONAGAN. Mr. Chairman, I notice under "Safety Regulation" on page 14 of the report, there is an increase in the recommendation in the bill, which is an increase from the 1971 appropriation of $138 million to $160 million.

One of the areas of deficiency in our national aviation program is that of providing adequate safety equipment for our airports. We have had a tragic experience of this recently in my own State, and there are obvious defects there in the existing airport. Can the gentleman say this would contribute toward an increase in the funds available for this program, or are there funds elsewhere in the bill that can be used for this purpose?

Mr. McFALL. There is $160 million in the bill under the title "Safety Regulation." As the gentleman points out, this is an increase from a level of about $138 million in fiscal year 1971. This appropriation involves the safety regulatory responsibilities of the FAA. In addition, there are other funds under a separate heading which provide for the necessary equipment to insure the safety of our airways system. These funds have to do with ILS and other facilities.

We put in approximately $252 million for "Facilities and Equipment." In addition, there was, at the time of our hearings, an additional $307 million in unobligated funds for this purpose. So the FAA, we believe, has a sufficient amount of money for facilities and equipment and for these safety regulation activities.

Mr. MONAGAN. I am sure, if the gentleman will yield further, that the gentleman from Connecticut (Mr. GIAIMO) will go further into this, but before closing I do want to compliment the chairman and the committee on the funds that have been made available for the Coast Guard. As the gentleman has said, it is within 1 percent, I believe, of the request. We seldom appreciate the scope of the activities of this service with its aids to navigation and oceanography and maritime law and search and rescue operations.

I am happy to see adequate funds have been made available for this purpose.

Mr. McFALL. I appreciate the gentleman's comments.

Mr. GIAIMO. Mr. Chairman, will the gentleman yield?

Mr. McFALL. I yield to the gentleman from Connecticut.

Mr. GIAIMO. I want to compliment the gentleman on the efforts he certainly has demonstrated in trying to bring out adequate funding for the Federal Aviation Agency. I am disturbed by certain aspects involving air safety.

As my colleague from Connecticut (Mr. MONAGAN) indicated, less than a month ago we had a tragic air crash in my home city of New Haven, where many people were killed. In looking into this matter we find there are very many airports in the Nation which do not have instrument landing systems. I have heard the figure referred to as high as 50 percent of the airports in the country do not have instrument landing systems. I find this shocking if we are really concerning ourselves with air safety.

This is my question to the gentleman. I am told there is no request by the Federal Aviation Agency in this budget for moneys for the installation of instrument landing systems at new locations this year. Would the gentleman address himself to that, please?

Mr. McFALL. During the past 3 years we have provided for new instrument landing systems at 81 locations, at a cost of about $12.6 million. Only about 50 percent, or $6.5 million, had been included in the budget. In addition, $5.7 million has been appropriated to improve ILS facilities at 105 locations.

Mr. GIAIMO. To clarify that further, as I understand it, they have been funded with the amount the gentleman mentioned over the past 2 years. My information also is in this budget they have requested no moneys for the installation of ILS's at any new locations. I find this very disturbing.

The CHAIRMAN. The gentleman from California has consumed 32 minutes.

Mr. CONTE. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I should like to have the attention of the gentleman from New Haven, who referred to the accident which happened at the Tweed New Haven Airport. I had an investigation made of that. I was also interested, having flown out of the airport many times.

I find that that airport has been surrounded and engulfed in litigation since 1967, involving the cities of New Haven and East New Haven.

Mr. GIAIMO. Mr. Chairman, will the gentleman yield?

Mr. CONTE. I am glad to yield to the gentleman from New Haven.

Mr. GIAIMO. Let me say that the litigation has nothing to do with this problem. The litigation involves the obtaining of additional land.

Mr. CONTE. For a runway?

Mr. GIAIMO. Not for a runway. It is for clear-zone airspace. The runway is already extended and is there.

What I really want to say to the gentleman is that I also have looked into the matter of the air crash. We do not know as yet, any of us, what the evidence will bring out so far as the cause of the crash is concerned.

Mr. CONTE. That is correct.

Mr. GIAIMO. Except that the evidence does seem to bear out that the aircraft came in at a very low altitude over water. In the minds of many people who are experts it is conceivable an instrument landing system could well have avoided this and brought the plane in on a proper flightpath, which would not have caused the plane to come in at such a low altitude.

The fact remains that there are altogether too many airports in this country which do not have an ILS. I think all of us—and I know the gentleman from Massachusetts is, too—are committed to getting the most safety we possibly can in air travel these days. It disturbs me when I am told that the FAA requested no money in this budget for ILS systems.

Mr. CONTE. I thought there was over $6 million in the budget for ILS systems. I would also point out that the 1969 budget provided for an ILS system for Tweed Airport based on turbo-jet operations. An ILS is scheduled for installation in October 1971 at that airport. This is part of a purchase of 99 ILS's under the 1969 contract.

Mr. Chairman, I will put in an entire factsheet at this point in the RECORD rather than taking up the time of the committee here in regard to the Tweed Airport:

TWEED-NEW HAVEN STORY

RUNWAY EXTENSION STORY

FAAP grant issued in 1967 to extend runway from 4771 to 5600 feet.

Extension completed October 1967.

Strengthening of original 4771 feet for turbojets completed under another FAAP project in 1969.

National Airport Plan (1968 and 1969) recommends extension from 5600 to 6300 feet to serve turbojet operations (DC–9–30).

New Haven requested FAAP extension to 6300 feet in 1968. Request denied due to litigation associated with previous extension.

Presented status remains unchanged.

LITIGATION STORY

In 1967, the FAA entered into a grant agreement with the City of New Haven for a Runway (02/20) extension from 4771′ to 5600′ and land acquisition for a clear zone south of the Runway in the Town of East Haven.

Extension completed and use made by turbojet aircraft. East Haven filed suit in Federal District Court to restrain Eastern Airlines jet operations and injunction ordering the FAA to abate nuisances caused by jet operations. Administrator dismissed as defendant. Action against Eastern Airlines still pending.

East Haven sued New Haven in Connecticut Superior Court to restrain expansion of the airport for failure to comply with State law for acquiring land. Court enjoined New Haven from maintaining clear zones over land acquired.

To comply with order, city displaced threshold at point of extension. Thus, extension is not being used for landings to the north and takeoffs to the south.

U.S.A. (FAA) filed an action against City of New Haven and the Town of East Haven et. al.; for injunction to restrain City of New Haven against not complying with terms of the grant agreement and against Town of East Haven against doing anything to prevent the City of New Haven from complying with the grant agreement. Hearing was held last week before Judge Murphy who has reserved judgment.

LITIGATION DEVELOPMENTS, NEW HAVEN AIRPORT

The Eastern Regional Attorney's office has advised that the U.S. District Court has granted the preliminary injunction requested by the Government, ordered the opening of the full runway 2–20, and directed the Town of New Haven to take appropriate action to vacate the contempt order issued by the state court against the City of New Haven for the use of the runway extension. The Town of East Haven has appealed the injunction to the U.S. Court of Appeals for the Second Circuit. In accordance with this appeal, the Second Circuit granted a stay on 1 July 1971 of the District Court injunction but directed that the appeal be expedited. Accordingly, the appellant East Haven must file its brief by 16 July 1971, the Government its brief by 30 July 1971 and argument on the appeal has been set for 9 August 1971.

ILS STORY

ILS put in FY '69 budget based on turbojet operations.

ILS scheduled for installation in October 1971 (part of AIL purchase of 99 ILSs under 1969 contract). (NOTE.—No longer any turbojet operations and airport technically no longer qualifies.)

No delay to date in ILS project and none expected.

If runway extension case is not resolved glide slope will be installed on 4771 runway length. Would prefer to locate glide slope for 5600 foot length.

SAFETY STORY

Last air carrier accident occurred on 1 March 1958 when an American Airlines Convair suffered a gear collapse on take off. No injuries or fatalities.

Over one million airport operations have been conducted safely since then. In calendar year 1970 there were 175,927 operations.

Airport Control Tower commissioned 1 December 1969. City built structure; FAA operates it.

Runway End Identifier Lights (REILs) commissioned on Runway 2 in April 1964.

Visual Approach Slope Indicator (VASI) commissioned on Runway 2 in July 1970.

Convair 580 at maximum gross weight (50,000 lbs.) needs 4,160 feet of runway at sea level (well within safety limits at Tweed).

RUNWAY WEIGHT STORY

Runway 2 has been built to accommodate DC–9–30 aircraft—110,000 lbs.

Mr. CONTE. Mr. Chairman, it was a pleasure to work once again this year with my very able colleagues on the Appropriations Subcommittee on Transportation and I want to take this opportunity to commend them and especially our chairman, the distinguished gentleman from California (Mr. MCFALL).

At times the transportation problems of this Nation seem positively insurmountable: more Americans are killed every year on traffic-clogged highways than the total losses sustained by this country in Vietnam since 1961. The atmosphere is contaminated with over 170 million tons of auto-caused smog. Sixty to seventy percent of our cities have been converted into parking lots, expressways, and airports. Delay time at New York's three airports last year substantially exceeded 100,000 hours and for a certain period of time, the Nation's rail system seemed perilously close to collapse.

Mindful of these factors and of the weakened state of our country's economy, the committee has the crucial responsibility of determining what improvements are essential to meet and hopefully overcome these tremendous problems. In my estimation, the bill we are considering today evidences both the effort that went into it and the balance that must be struck between improving transportation systems and holding back inflationary spending. It recommends a level of $7.98 billion, which is $305 million less than the total 1972 request and $444 million below last year's appropriation.

TITLE I

In title I of the bill, which covers the Department of Transportation itself, we cut $329.4 million from the administration request and recommended a level of $2.39 billion. This is a $55.3 million decrease from 1971.

I should like now to discuss the recommendations for the items in title I, beginning with the Office of the Secretary.

OFFICE OF THE SECRETARY

The committee cut $244.1 million from the request for the Office of the Secretary and recommended $41.3 million. This is $252 million below the fiscal 1971 appropriation. The bulk of this decrease is attributable to the termination of the Federal Government's participation in the civil supersonic aircraft program.

The committee cut $1 million from the request for salaries and expenses and recommended a level of $21.3 million. Of the requested 89 additional permanent positions, a total of 35 additional slots was allowed. No increase was allowed for the Office of Consumer Affairs since the committee believes that most consumer transportation inquiries concern one particular aspect of transportation. Consequently they can be handled by the respective modal administrations.

An increase of nine positions was allowed for regional representatives. This will provide a full time regional representative for each of the 10 regional councils plus one clerical position for each office.

Under transportation planning, research, and development, the committee cut $7.1 million and recommended $17.5 million. The entire appropriation is available for intermodal and other research since air traffic research will be refunded by a transfer from the trust fund. This represents a 150-percent increase in transportation research outside of the air traffic capacity area.

Mr. RONCALIO. Mr. Chairman, will the gentleman yield?

Mr. CONTE. I shall be glad to yield to the gentleman from Wyoming.

Mr. RONCALIO. The gentleman just mentioned the transfer from the trust funds and those words struck me like a shock of electricity.

We have had objections and complaints throughout the Rocky Mountain West that these funds received a year ago in trust have been used for administrative expenses within the Federal Aviation Administration and not for airport and airway capital improvement. This is an absolute breach of trust.

Has anything been done to take care of that situation and to see that these funds are used for the purposes for which taxes were levied?

Mr. CONTE. The committee is very conscious of this. If the gentleman will read the testimony of the witnesses who appeared before our committee he will find that this bill contains $282 million which was taken from general revenues to be put into the trust fund in order to provide the total amount of necessary needed funds. I will go into that in more detail a little bit later.

Mr. RONCALIO. Mr. Chairman, if the gentleman will yield further, then the funds in the trust fund will be used for ILS improvements and no longer used for administrative expense?

Mr. CONTE. Let me get down to the trust fund and I believe I will answer some of the questions which the gentleman has in mind.

Mr. ADAMS. Mr. Chairman, will the gentleman yield later to me on this point because it is a very complicated matter?

Mr. CONTE. I shall be glad to do so.

The Department of Transportation has completed its requested report on its research and development activities. The report is reprinted in part 3 of the committee hearings, beginning on page 730. I commend it to the attention of my colleagues. It includes a summary of the Department's fiscal 1972 technological research and development program; a description of the management steps taken to assure a strong, integrated research and development program to meet the transportation needs of the Nation; a description of the specific programs underway to strengthen the policy formulation, planning, execution, and quality of the R. & D. program; and a discussion of steps taken to further strengthen the overall program.

The committee feels the Department must have an organized, coordinated research program; and the substantial increase recommended reflects confidence that the initial steps taken to improve the Department's research program will continue.

The committee approved the $500,000 request for transportation research activities overseas—the special foreign currency program. These funds will establish cooperative research programs with Poland and Yugoslavia. The program with the former will concern itself with the field of telecommunications and will explore three areas of interest: maritime distress, maritime navigation, and data communications.

The program with Yugoslavia will involve transportation engineering areas related to bridging, tunneling, and urban transportation. Its objectives are to identify respective problem areas and coordinate a mutually acceptable research and development program leading to the development of transportation engineering techniques and procedures mutually beneficial to American and Yugoslavian transportation programs.

Regarding grants-in-aid for natural gas pipeline safety, the committee cut $500,000 and recommended that same figure for the program. This will provide for grants to State agencies to carry out a State natural gas pipeline safety program. Authorization for this program passed the House on June 21, 1971.

For consolidation of departmental headquarters, the committee cut $500-000 and recommended $1.5 million. Six-hundred thousand dollars is earmarked for the first full year cost of leasing employee parking space in the Nassif Building. Nine hundred thousand dollars is provided for relocation of the Department's printing plant from Washington Navy Yard. Funds were disallowed for installation of a library sprinkler system and for construction of a driveway entrance to the building.

As alluded to previously, the committee recommended no appropriation for the SST program.

U.S. COAST GUARD

Turning now to the U.S. Coast Guard, the committee recommended an increase of $12 million for a total level of $688.9 million.

Three and eight-tenths million was cut from operating expenses, with a level of $474 million being recommended. Activities funded under this category include search and rescue, aids to navigation, merchant marine safety, icebreaking and oceanography.

Much of the increase from last year's appropriation is for marine environmental protection responsibilities. Other increases include maintaining existing facilities, operating new ones, and providing additional staffing of training facilities.

The committee approved the $96.6 million request for acquisition, construction and improvements. Authorization for this program passed the House on April 29, 1971. I would point out at this time that funds for bridge alteration previously carried under this category have been transferred to a separate new appropriation and that the committee has recommended a $4.1 million increase for this activity. The total $7.1 million recommendation will allow for alteration work on 8 bridges.

No cut was made from the $71.3 million request for retired pay. The total average number of personnel on the retired rolls is estimated to be 14,909 in fiscal 1972, as compared with 14,281 in fiscal 1971, and 13,838 in fiscal 1970.

The committee recommended an increase of $15.3 million for Reserve training, bringing the total level for this activity to $25.9 million.

The budget had proposed to phase out the Selected Reserve by June 30, 1972, and anticipated that thereafter, its responsibilities would be assumed by the Navy Reserve. However, the committee discovered during its hearings that the Navy has no formal plans to implement the transfer of Selected Reserve functions to the Navy Reserve. Moreover, the committee believes that, contrary to the Defense Department's expectation, little, if any, savings in overhead costs of training per individual would result under the proposed new arrangement.

Consequently, the committee is recommending a continuation of the selected reserve program. However this recommendation does not constitute a complete endorsement of the program. I wholeheartedly concur with its suggestion that a peacetime mission be found for the reserve. I suggested during the hearings—part I, page 359—that the reservists could be put to good use in inspecting boats on fresh water lakes and in patrolling such lakes. Not only would this provide tangible benefits to the taxpayers for their investment but also it should improve the motivation of individual reservists.

The committee's final recommendation for the Coast Guard was a $3.6 million cut from the request for research, development, test, and evaluation. A total of $14 million was approved. The reduction in the budget request is based on three factors: first, the estimated $2.5 million unobligated balances as of June 30, 1971; second, deferral of some of the 13 new programs to be initiated at a first year cost of $15.15 million; and third, a reduction of 20 of the requested 50 new positions.

The national data buoy development project, previously funded under this appropriation, has been transferred to the Department of Commerce's National Oceanic and Atmospheric Administration.

FEDERAL AVIATION ADMINISTRATION

Turning now to the Federal Aviation Administration, the committee cut a total of $31.6 million from its request and recommended a level of $1.49 billion.

From operations, $2.5 million was cut and a level of $989 million was recommended. This appropriation, funded through the airport and airway trust fund, has been the subject of much controversy.

The trust fund was established by Public Law 91-258. According to that statute, the operations activities and personnel to be funded under this appropriation include those pertaining to: first, air traffic control operation and maintenance; second, air navigation; third, communications; fourth, airway system supporting services; and fifth, those portions of DOT administrative expenses attributable to these and other programs financed with trust fund moneys.

The committee recommends an appropriation structure similar to that proposed in the budget and believes its recommendation is consistent with the legislative authorization. Legislation is currently being considered which could change the programs to be financed with trust fund moneys. Should this legislation be enacted, the committee will give it due consideration in recommending future appropriations.

The air security guard program, included in the budget here, has been transferred to the safety regulation appropriation and will be financed with general Treasury funds.

All 927 new positions requested were approved, for a total of 49,322 operations personnel funded from the trust fund. Nearly all the increases are for maintaining equipment in the air traffic control and air navigation system. No additional air controller personnel were requested and none have been provided. Testimony during the hearings indicated that a substantial number of the 9,496 new air traffic controller positions provided in fiscal years 1968 through 1971 are unfilled.

The budget request of $252 million for facilities and equipment was approved without any cuts being recommended. Once again, the committee saw no merit in the proposed consolidation of "facilities and equipment" and "research and development" under one heading and recommended separate appropriations for each of these functions. Funds are included here for six air traffic control towers and 24 airport surveillance radars.

Also included is $15.9 million to relocate air traffic control towers. The locations involved are set out on pages 978 and 979 of part 2 of the hearings.

For research and development, the committee cut $10 million and recommended $63.3 million. Forty million dollars for activities previously funded under this appropriation was transferred in the 1972 budget to "facilities and equipment," so actually research and development will show a substantial increase.

No cut was made from the $107 million request for grants-in-aid for airports. The funds recommended include $92 million in liquidating cash for airport development grants and $15 million for airport planning grants. The FAA indicates that, as of May 31, 1971, $196 million of appropriated but unexpended funds were available for this program. The $15 million for planning grants constitutes a $5 million increase from last year's appropriation.

The committee cut $58.8 million from the Federal payment to the airport and airway trust fund. The Airport and Airway Revenue Act of 1970 authorizes additional appropriations from general revenues to the trust fund as may be required to make expenditures for certain FAA activities. Two hundred eighty-two million nine hundred thousand dollars is recommended to make up the deficit between user tax receipts and appropriations from the trust fund.

Under safety regulations, the committee cut $4.4 million and recommended a level of $160 million. This is essentially a new appropriation which for the most part was previously funded under "operations" and "research and development." It can be divided into three major categories: First, funds to finance 5,269 positions for FAA regulatory activities; second, a $8.6 million research program, including 207 positions, to conduct aircraft safety and medical research needed to modify Federal air regulations; and third, funds for the air security guard program. Authorizing legislation to finance the last program has not as yet been approved. Thus the committee is recommending that it be financed with general Treasury funds.

No cut was made by the committee from the $11.4 million request for operation and maintenance of the National Capital Airport. While the National Airport is operating at a substantial profit, the net loss at Dulles Airport for fiscal 1972 is estimated to be $5.4 million. The net loss for the two airports is placed at $1.8 million, including depreciation and interest.

For construction of the National Capital Airport, the committee cut $14.7 million and recommended $4.9 million. The cut reflects the recommendation to defer the plan to expand the Dulles terminal building until architectural and engineering work on the design is completed. Should it be possible to begin the necessary excavating and grading work in fiscal 1972, the committee believes that existing unobligated funds could be used for this purpose. These funds stood at $8.8 million at the time of the hearings.

FEDERAL HIGHWAY ADMINISTRATION

The committee cut $17.3 million from the total request for the Federal Highway Administration and recommended a level of $27.2 million.

From salaries and expenses, the committee cut $9.7 million and recommended a total of $99.4 million; 23 of the 47 requested new positions were denied. The committee believes that the Highway Administration should utilize the Office of the Secretary's internal audit staff to a greater extent and thus approved only two new positions for its projected program review division.

The committee also believes that $5 million—last year's level—is adequate for the urban corridor project since the cities involved have not completed their planning studies and FHWA does not as yet know the costs of completing ongoing projects.

The committee made no cut from the $10 million request for highway beautification liquidation of contract authorization. The Federal-Aid Highway Act of 1970 provides for a revised program emphasis concentrated on removing all nonconforming billboards along interstate and Federal-aid primary highways by 1976.

Two hundred and fifty thousand dollars was cut from administrative expenses, with a total of $1.1 million being recommended. Ten of the 20 additional requested positions were approved.

The committee cut $1 million from highway-related safety grants and recommended $5 million. This appropriation provides liquidating cash to assist States and localities in implementing highway safety standards administered by FHWA.

From rail crossings-demonstration projects, the committee cut $6 million and recommended a $4 million level. This will provide funds to eliminate or upgrade all public ground-level rail-highway crossings near Greenwood, S.C., and along the route of the high-speed ground transportation demonstration projects between Washington and Boston. The committee believes it unlikely that the 10-percent matching contribution requirements from the railroads can be met with respect to the Northeast corridor project.

The sum of $200,000 was cut from the request for territorial highways, with a $1 million level being recommended. This program, authorized by the Federal-Aid Highway Act, will assist the Virgin Islands, Guam, and American Samoa in setting up a long-range highway development program.

The committee cut $5 million from the Darien Gap Highway and recommended $15 million. These funds would provide for 25 positions to administer the first phases of construction of 250 miles of highway in Panama and Colombia. It has been estimated that it will take 10 years to complete construction of the highway.

From Federal-aid highways the committee cut $8.6 million and recommended $4.66 billion. This will result in no reduction of the construction program. Work is either completed or underway on 41,000 miles of the Interstate Highway System.

The committee cut $10 million from the request for the right-of-way revolving fund and recommended $25 million, since only about $30 million of the $75 million appropriated to date has been expended.

No cut was made from the $25 million request for forest highways. Nor was any cut made in the $5 million request for public lands highways. Also recommended was a $10 million limitation on obligations, the same as the budget estimate and $3 million less than the obligations estimated to be incurred in fiscal 1971.

The request of $5 million for improvements on the Baltimore-Washington Parkway was denied. The Highway Act of 1970 provided that no funds could be expended for the reconstruction of the parkway until an agreement for this project was reached among the Secretary of Transportation, the Secretary of the Interior, and the State of Maryland. Discussions on this agreement are still in a very early stage.

NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION

The committee cut a total of $14 million from the National Highway Traffic Safety Administration's overall budget request and recommended a level of $72.4 million.

The sum of $14 million was cut from the request for traffic and highway safety, with a level of $62.8 million being recommended. The largest single increase under the activity is for the alcohol safety action program: $15.5 million for the 29 ongoing demonstration projects. The total appropriation for this program is $21 million.

The committee made no cut from the $9.6 million request for construction of a compliance test facility at East Liberty, Ohio. The facility will be equipped to conduct tests on automobiles, tires, and other motor vehicle equipment to assure compliance with Federal motor vehicle safety standards.

From State and community highway safety, the committee cut $10 million and recommended a level of $47 million. Funds for all 16 safety standards are being provided partly by the Federal Highway Administration and partly by the Traffic Safety Administration. If both appropriations are considered together, an increase over fiscal 1971's level is being recommended.

FEDERAL RAILROAD ADMINISTRATION

The committee cut a total of $7.5 million from the budget request for the Federal Railroad Administration and recommended $14.4 million; $525,000 was cut from salaries and expenses of the Office of the Administrator, with $1.9 million being recommended. The committee believes that high priority should be given to issuance of initial railroad safety standards by October 1971.

The committee cut $6.7 million from railroad research and recommended $7 million. The committee expects the FRA to delineate specific, tangible accomplishments from research into train derailments, collisions, and so forth; $300,000 was cut from the Bureau of Railroad Safety and $5.4 million recommended. No authorizing legislation has been enacted to continue the high speed ground transportation research and development program and thus no appropriation has been recommended.

No appropriation was requested or recommended for the Alaska Railroad Revolving Fund.

URBAN MASS TRANSPORTATION ADMINISTRATION

The committee cut $26.8 million from the total request for the Urban Mass Transportation Administration and recommended $58.3 million.

Cut from the administrative expenses was $849,000, with $6.3 million being recommended; 115 of the 190 additional positions requested were approved. This includes 50 to establish field offices and four for the Financial Management Division. This increase will provide UMTA a total of 313 positions, five times the number it had 3 years ago. The committee expects proper auditing, accounting, engineering feasibility reviews, and cost analyses for all ongoing and future projects.

The committee cut $26 million from research, development, and demonstrations, and university research, and training and recommended a total of $52 million; $5 million is recommended as UMTA's contribution to the urban corridor demonstration program in conjunction with the FHWA.

As for liquidation of contract authorization, the committee made no cut from the request of $150 million. It is recommending a limit on commitments in fiscal 1972 to $800 million. This is $200 million more than the fiscal 1971 limitation and $400 million more than the 1971 limitation imposed by the executive branch.

The importance of the Federal Government's commitment to mass transit can hardly be overemphasized. The expansion of city boundaries and the exodus to the suburbs over the last decade have created millions of new commuters. It has been estimated that 18 million persons ride the Nation's mass transit systems every day, and that almost 50 million more drive to work in automobiles. There are now 80 million cars, twice the number that existed in 1950, clogging areas in and around our cities.

All this has created a huge problem. I pointed out in our hearings that traffic in central Philadelphia moves at 12 miles per hour, the same speed of horse-drawn carriages 100 years ago. To meet the mass transit crisis, it is imperative that UMTA be given solid and continuing support.

ST. LAWRENCE SEAWAY

No cut was made from the $749,000 requested for the St. Lawrence Seaway Development Corporation. No new positions were requested.

TITLE II

Turning briefly to title II of the bill, the committee added $54 million and recommended $333.6 million as follows:

NATIONAL TRANSPORTATION SAFETY BOARD

The committee cut $92,000 from salaries and expenses for the National Transportation Safety Board and recommended $7.1 million. Eight of the requested 10 new positions were approved.

CIVIL AERONAUTICS BOARD

No cut was made from the $13.4 million request for salaries and expenses for the Civil Aeronautics Board. Of the 16 additional positions approved: 10 were for the rates and fares program, three for handling the increased number of consumer complaints, and three for the Board's enforcement program.

No budget request for payment to air carriers was made. These payments result from orders issued by the CAB and constitute a legal obligation of the Government. If no appropriation is provided, the funds can be collected by a suit against the Government in the Court of Claims. To preclude this possibility, the committee recommended $53.6 million for subsidy payments.

INTERSTATE COMMERCE COMMISSION

The committee added $1.7 million to the budget request for salaries and expenses for the Interstate Commerce Commission and recommended a total level of $30.6 million. The committee believed the effectiveness of the Commission would have been seriously impaired had it adopted the proposed budget cuts. The recommended increase will provide an additional 140 positions.

PANAMA CANAL

The committee cut $132,000 from operating expenses of the Panama Canal Zone Government and recommended a level of $50.8 million. This appropriation represents an advance of funds that is repaid to the U.S. Treasury through charges for services furnished or from revenues of the Panama Canal Company.

From capital outlay of the Canal Zone Government, the committee cut $1 million and recommended $3.7 million. These funds will finance necessary improvements in educational facilities, hospitals, and clinics, and municipal facilities. This appropriation is repaid to the U.S. Treasury over the life of the capital asset through depreciation charges to the Canal Zone Government.

The committee made no cut from the $19.2 million request for limitation on general and administrative expenses for the Panama Canal Company.

WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY

Finally, no cut was made from the $174.3 million request for the Federal contribution to the Washington Metropolitan Area Transit Authority. This is an advance appropriation for fiscal 1973.

Thank you, Mr. Chairman, for the opportunity to detail the committee bill. I have certainly enjoyed serving as the ranking minority member on the Transportation Subcommittee and look forward to continued association with my able colleagues on it.

Mr. ADAMS. Mr. Chairman, will the gentleman yield?

Mr. CONTE. I yield to the gentleman.

Mr. ADAMS. Mr. Chairman, the problem that some of us are having who were on the authorizing committee regarding the use of the trust fund as opposed to the use of operations fund is that for this year you have for the operations of the FAA appropriated $989 million. However, the bill provides on page 9 for only $282 million to come from the general fund.

The result of this is that approximately $700 million is taken out of the trust fund which will drain this trust fund by the end of the year to zero.

Now it was the intent, I believe of the House, when it passed the Expanded Airways Facilities Act that there be set aside each year for construction no less than $250 million for facilities and equipment and $280 million for grants in aid to airports. Now some of us will have an amendment to present later in the course of this debate, and I want to emphasize we are not in any way tampering with the figures for appropriations made by the committee—in other words, the same amounts would be appropriated and the same amount would be spent.

But instead of taking all the approximately $700 million from the trust fund, which was to be used for construction and using it for FAA operations, we are recommending that a portion remain in the trust fund for, as the point is made by the gentleman from Connecticut (Mr. GIAIMO), this was to be used for the construction of facilities at these airports. This was to construct the ILS system and other safety features. The point was very well made by the gentleman from Wyoming that we set this money aside through user taxes, not to be used to replace the general appropriations for the general operations of the FAA, but to leave the FAA where it had been with its regular operating funds to be appropriated from the general fund, as it has been in the past.

This trust fund was set aside in order to contruct the facilities we need to keep people from being killed around the United States.

I would ask the gentleman this question: Is it not true that, rather than adding $293 million from the general fund by this bill, what you really have done is that you have, instead of appropriating some $900 million from the general fund, you have appropriated only $282 million, and you are taking the remainder of approximately $700 million from the trust fund?

Mr. CONTE. Of course, that is absolutely right, and who is going to argue? Where does that money go? A good portion of that money goes for air controllers and for the other operating expenses that are involved, including operation of traffic control systems, installation of material services, maintenance of traffic control systems, administration of flight standards, administration of medical standards—where is this money going to come from? That is the whole idea.

Mr. GIAIMO. Mr. Chairman, will the gentleman yield?

Mr. CONTE. Let me finish and then we will return to your inquiry. We have got to take that money from the trust fund, and that was the intent of the law. The law is very specific and clear. It says that this trust fund money should be used for air traffic control, air navigation, communication, or supporting assistance for the airway system. That is exactly what we are doing here. What we also are doing is making the taxpayers of this country who do not use the airways—which is about what? Ninety percent of the people do not use the airways—we are making them subsidize the people who use the airways to the tune of $282 million. And what the gentleman wants to do is to make the general taxpayers, who are carrying too heavy a burden right now, subsidize this area even further.

Mr. GIAIMO. Mr. Chairman, will the gentleman yield?

Mr. CONTE. I am glad to yield to the gentleman from Connecticut.

Mr. GIAIMO. Let us take that last point first. Yes, we do want to make the general taxpayer pay for the expense of having a good air traffic system in this country. We do not have earmark taxation principles in this Nation. People pay their taxes to support public schools, whether or not they have children who go to these schools. People pay their taxes to pay subsidies to farmers as the gentleman from Massachusetts well knows, whether or not they are involved in agriculture. People pay taxes in this Nation to subsidize a merchant marine, whether or not they are involved in it. People pay taxes to support people on welfare whether the taxpayer is involved in any way with it or not. So that argument leaves me cold.

Mr. CONTE. First of all, I cannot conceive of a tax on welfare recipients. It is ridiculous to speak of taxing the payments on welfare assistance.

The second untenable argument is in relation to sending children to school. Children have to go to school and have to be educated, but people do not have to fly in an airplane. They can drive an automobile or take a train. We have a Highway Trust Fund, and the people who drive automobiles support the Highway Trust Fund. We build roads with that money.

If the taxpayers only knew, we previously used Trust Fund moneys to provide air guards to prevent airline hijackings. But this year the committee, under the leadership of the gentleman from California (Mr. McFALL), and myself has removed that item from the Trust Fund and financed that activity with general revenues. As a result, the general taxpayer is now paying for air guards to provide safety for the airline-flying public.

Mr. LONG of Maryland. Mr. Chairman, will the gentleman yield?

Mr. CONTE. I yield to the gentleman from Maryland.

Mr. LONG of Maryland. Is it not true that in every case mentioned by the gentleman from Connecticut the people who are beneficiaries cannot afford to pay the cost of the service for which they are being subsidized, and is it not equally true that there is probably no class of people in this country so affluent and so well able to pay for the cost of serving them as those people who ride on the airplanes?

Mr. ADAMS. Mr. Chairman, will the gentleman yield?

Mr. CONTE. I yield to the gentleman from Washington.

Mr. ADAMS. Mr. Chairman, one of the problems with the Air Traffic Control System and the reason for general fund support is the fact that over 25 percent of the system is for the benefit of the military, and it is carried in this budget.

A second point is the danger which is caused by flying in and out of cities. The Air Traffic Control System is used for the protection of the general public in the vicinity of the airways.

I agree with the gentleman, we should perhaps arrive at a compromise figure on this but, if we clean out this fund entirely, we will be left in the city of Boston and the city of New York, for instance, with no funds available in future years to try to correct those airport deficiencies and make them safer.

Mr. CONTE. I can sympathize with the gentleman, but no one is trying to clean out the fund. Next year this money will be coming in again.

Mr. BOLAND. Mr. Chairman, will the gentleman yield?

Mr. CONTE. I yield to the gentleman from Massachusetts (Mr. BOLAND).

Mr. BOLAND. Mr. Chairman, I wonder if I understood the gentleman from Washington correctly, that the cost of the military operations of the Air Traffic System is paid out of the trust fund?

Mr. ADAMS. That is what is proposed here.

The Air Traffic Control System is apportioned between the general aviation, military, and commercial traffic. That is the basis on which the FAA puts in its application for funding of the total system. Therefore, we do not believe that user fees should be charged for the total cost.

Mr. BOLAND. Mr. Chairman, if the gentleman will yield further, it is my understanding that the amount of money expended for civil aviation, for the air navigation system, and for the air traffic control system is taken out of the trust fund. There is a separate account for the regulatory functions of the FAA.

Mr. ADAMS. The military operations, however, are included in the general figure of $989 million for FAA operations within the FAA. Separate accounts may be kept, but it is all in their general operations figure, and if we take all the money for operations, out of the trust fund then we are in the position of spending user tax fund for the allocated military costs.

Mr. BOLAND. If the gentleman will yield further, I agree with the gentleman from Massachusetts, although I think there is a controversy here, there is no question about it. The gentleman from Washington (Mr. ADAMS) and a great number of members in the authorizing committee are concerned about the fact that we or the FAA is taking a considerable amount of money out of the budget to pay for operations.

As I recall at the time the bill was passed, which is now Public Law 91-258, there was discussion with respect to what would be paid for out of the Airport Airways Trust Fund, and there were some priorities. However, I think the operations of the Air Traffic Control System should be funded out of the trust fund, and this is precisely what the gentleman from Massachusetts (Mr. CONTE) said. The budget includes a half billion dollars just for air traffic control, that is the people who actually run the Air Traffic Control System.

The question is whether or not it ought to be paid for by the people who use the airways, or whether or not it ought to be paid for by all the taxpayers of the Nation. There are some people who say it ought to be paid for by all the taxpayers. In my judgment, I do not think so, and I agree with the position taken by my colleague and the position of the subcommittee and the position of a great number of Members of Congress, and particularly members of the Ways and Means Committee.

As the gentleman from Washington knows, this was a separate bill. The user tax hearings were developed by the Committee on Ways and Means. And the Committee on Interstate and Foreign Commerce was involved in that part of the bill having to do with establishing the funds for the construction of airports, and facilities, and equipment, and other things. So there was a difference of opinion between the two committees and among the members of the committees with respect to what the user taxes would pay for.

I have no quarrel with the Interstate and Foreign Commerce Committee now deciding that it ought to bring a new bill to the floor and precisely delineate where those costs ought to be allocated, and let the Congress work its will. But I do not believe we ought to do it in this bill. I believe we ought to wait until the Interstate and Foreign Commerce Committee, the legislative committee, brings a bill to the floor. Then we can debate it and determine precisely what the feeling of the majority of the Members of the whole Congress is with respect to what should be charged to the Airport and Airway Trust Fund.

Mr. ADAMS. Mr. Chairman, if the gentleman will yield further briefly, in reply I would state that the problem we have here is one of already established legislative priorities.

I agree with the gentleman that we should delineate and correct the authorizing legislation so there is no controversy. But it was clearly stated in the debate and clearly set forth in the bill that facilities and equipment, in the amount of $280 million, and that airway construction—in other words, grants-in-aid—to the extent of $230 million would be covered. In other words, these amounts were authorized, and then if there were something left over in the trust fund this could go into operations, under the operation of title II.

The amendment we will be discussing will be simply to protect the established priorities that were intended in the authorizing legislation.

It is not that any more money will be spent. In other words, we are not changing the spending of $107 million, as is set forth in the bill, on grants-in-aid. The money above the $107,000,000 would remain in the trust fund until next year. If we do not act we will find that it is gone and the authorizing committee will have nothing to operate on next year.

Mr. BOLAND. Mr. Chairman, if the

gentleman will yield further, the gentleman is correct when he says that the airport and airway trust fund will probably be exhausted in fiscal year 1972. I believe there would be about $1.4 billion in there. This money is being expended under this bill.

I do not have any problem in the fact that there will be no money left in the airport and airway trust fund. More money will be generated by user charges next year.

If there is a necessity and a requirement for additional appropriations for facilities and equipment and for grants-in-aid to airports, the Appropriation Committee, I believe, will provide these funds.

In this bill alone we are appropriating $107 million for grants-in-aid to the airport programs. In addition, they have almost $200 million which has been appropriated but is unexpended. So, I have no fear that there will not be any money left, so that we will not be able to take care of the priorities established under the substantive legislation for grants-in-aid to airports and for facilities and equipment.

If there is no money in the trust fund, the subcommittee and the committee and the Congress would have an obligation, I believe, to appropriate sufficient funds to go ahead on the same timetable and on the same basis that the authorizing committee desires we go ahead.

Mr. ADAMS. I thank the gentleman.

Mr. DON H. CLAUSEN. Mr. Chairman, will the gentleman yield?

Mr. CONTE. I yield briefly to the gentleman from California.

Mr. DON H. CLAUSEN. It will be brief, because most of the answers to my questions have been developed in the colloquy which has occurred.

I do believe the authorizing Committee on Interstate and Foreign Commerce and also the Ways and Means Committee will have to address this question, and quickly, because the people who are utilizing the airport and airway facilities of this country with the airport and airway trust fund to finance those facilities, do not feel they are getting their money's worth. I am pleased to see the Appropriations Committee members are aware of this, as evidenced by the comments here today.

Mr. CONTE. I thank the gentleman.

The CHAIRMAN. The gentleman from Massachusetts has consumed 36 minutes.

Mr. McFALL. Mr. Chairman, I yield 5 minutes to the gentleman from Illinois (Mr. YATES).

Mr. YATES. Mr. Chairman, I take this time to discuss 2 points.

The first relates to the subject which was the center of controversy at the time the House debated the termination costs of the SST some months ago, to which reference was made by my good friend the chairman, the gentleman from California (Mr. MCFALL).

It relates to the question of the return of the funds contributed by the airlines to the Boeing Co. pursuant to contracts the airlines had with that company. The sum involved is $58.5 million. I propose when the committee returns to the House to place in the RECORD as a part of my remarks the actual contracts between the airlines and the Boeing Co. under which the $58.5 million was made available for the construction of phase 3 of the SST.

I want at this time only to read paragraph 3 of those contracts, which reads as follows:

> 3. Neither Boeing nor the U.S. Government shall have any obligation pursuant to this Agreement to:
>
> (a) complete the design, development, fabrication, or test of any SST prototype aircraft;
>
> (b) manufacture, sell, or offer to sell any SST aircraft; or
>
> (c) return or refund, under any circumstances whatsoever, any money contributed pursuant to this Agreement.

This is a very specific provision, Mr. Chairman. I think the members of the committee will want to consider it in coming to their decision on repayment of the money.

The second point I want to discuss, Mr. Chairman, relates to the matter raised by my good friend from Connecticut (Mr. GIAIMO). Earlier in the debate he raised the question as to why there were not additional installations of ILS.

I went into the question in the hearings, and my interrogation appears on page 494 of part II of our hearings. I asked the question there of Mr. Shaffer, the Administrator of FAA:

> Why is it that you have not requested funds for additional ILS systems for fiscal year 1972?

And Mr. Shaffer replied:

> Basically because we have 158 on order in the pipeline for 138 different installations. This will essentially saturate our ability to do the installation and checkout job over the calendar period that this budget covers.

Mr. Chairman, my impression upon receiving that answer—and I think it was the committee's impression, also—was that there were to be installed during this fiscal year the 158 ILS systems that were on order. I repeat the word "installed." I find upon calling the FAA a few moments ago that there are scheduled for installation during fiscal year 1972 only 58 ILS systems. During the remainder of the fiscal year 1971 and 1972 there will be completed a total of 86. I consider this a very shocking revelation, Mr. Chairman. I will not designate the reply during the hearing as deceptive, but certainly, it did not give the complete information to the committee. We of the committee appropriated sufficient funds for the installation of the full number of 158. That money has been made available to the FAA. The fact that only 58 are scheduled for installation during fiscal year 1972 means to me that too many airports in the country will still have a most unfortunate gap in the equipment which will make those airports safer for passenger flight. It is an unacceptable situation to have so few systems installed during this fiscal year.

Mr. Chairman, I want to commend my good friend (Mr. GIAIMO) for raising this point. I certainly intend to explore it thoroughly when the FAA appears before the committee again.

The contract referred to is as follows:

[Form 1 dated 4/7/67]

GROUP 1. AIRLINE CONTRIBUTION AGREEMENT BETWEEN THE BOEING COMPANY AND --------------, AGREEMENT NO. ——

This agreement, entered into as of the 1st day of May, 1967, between The Boeing Company, a Delaware corporation (hereinafter called Boeing), and --------------, a -------------- corporation (hereinafter called the Airline).

WITNESSETH:

Whereas, the Airline and the United States Government represented by the Federal Aviation Administration (FAA) have entered into a United States Supersonic Transport Delivery Position Agreement (Delivery Position Agreement) pursuant to which the Airline has reserved -------------- ( ) commercial supersonic transport (SST) production aircraft delivery positions; and

Whereas, Boeing and the United States Government have entered or may enter into a research and development agreement (the Phase III Contract) pursuant to which Boeing will design, develop, fabricate and test two SST prototype aircraft and perform other SST research and development work, and Boeing and the United States Government will each bear a portion of the cost thereof; and

Whereas, the Airline has an interest in having such SST research and development work performed; and

Whereas, a contribution by the Airline towards the cost of performing such SST research and development work would benefit all parties concerned.

Now, therefore, the parties agree as follows:

1. The Airline agrees to pay to Boeing in 1968 (a) on or before January 12, 1968, the sum of U.S. $-------- ($500,000 per SST aircraft delivery position reserved with the FAA) and (b) on or before March 31, 1968, the further sum of U.S. $-------- ($500,000 per SST aircraft delivery position reserved with the FAA), as a contribution to the costs incurred and to be incurred by Boeing in performing such SST research and development work.

2. Boeing agrees to use the funds contributed by the Airline hereunder, and by other airlines signing agreement substantially identical to this Agreement (Group 1 Contributors), solely for the performance of the Phase III Contract and to reduce the U.S. Government's obligations under said Contract by the amount of such contributions.

3. Neither Boeing nor the U.S. Government shall have any obligation pursuant to this Agreement to:

(a) complete the design, development, fabrication or test of any SST prototype aircraft;

(b) manufacture, sell, or offer to sell any SST aircraft; or

(c) return or refund, under any circumstances whatsoever, any money contributed pursuant to this Agreement.

However, in the event that Boeing does undertake to manufacture and sell any SST aircraft and, as a result, Boeing becomes obligated to pay royalties to the United States Government pursuant to the terms of Exhibit G to the Phase III Contract (including any amendment thereto or other agreement between Boeing and the United States Government which supersedes such Exhibit G), Boeing shall pay to the Airline, and other Group 1 Contributors pro rata, based upon the amount contributed by each, the first royalties payable under Exhibit G, up to a maximum of $1,500,000 or each $1,000,000 contributed by the Airline. Boeing and the United States Government shall have the right to amend or waive any provisions of Exhibit G without the consent of the Airline; provided that no change shall be made in the obligation of Boeing to pay to the Group 1

Contributors the first royalties payable under Exhibit G, up to a maximum of $1,500,000 for each $1,000,000 contributed, without the written consent of all of the Group 1 Contributors.

4. Termination of the Phase III Contract by the United States Government prior to the date on which any payment provided for in paragraph 1 of this Agreement is received by Boeing or prior to the date on which such payment is due under said paragraph, whichever date first occurs, shall relieve the Airline of its obligation to make such payment. However, termination of the Phase III Contract by the United States Government on or after the date on which any such payment is received by Boeing or the date on which any such payment is due, whichever date first occurs, shall not obligate Boeing or the U.S. Government to refund such payment nor relieve the Airline of its obligation to make such payment.

5. Boeing agrees that, if Boeing undertakes to manufacture and sell any SST production aircraft, Boeing will offer to the Airline a definitive purchase agreement covering the purchase and sale of the SST production aircraft represented by the delivery positions reserved by the Airline under its Delivery Position Agreement. However, if the Airline and Boeing do not sign a mutually satisfactory definitive purchase agreement for the sale by Boeing to the Airline of such SST production aircraft within six (6) months after the date Boeing first submits a draft of such agreement to the Airline, the Airline shall lose all rights to such delivery positions. Such loss, however, shall not affect the rights and obligations of the Airline and Boeing under paragraphs 1 through 4 of this Agreement. To the extent the matter is subject to Boeing's determination, Boeing does not intend to require payments in advance of delivery of such SST production aircraft in excess of fifty percent (50%) of the aggregate purchase price of all such aircraft, payable in installments to be scheduled equitably over the period between the signing of the definitive purchase agreement and six (6) months prior to delivery of the first such aircraft, based on aircraft lead time, Boeing's investment in the program and anticipated expenditure curves.

6. This Agreement shall be deemed terminated on December 31, 1967, and of no force and effect whatsoever after that date unless, after April 7, 1967 and prior to January 1, 1968:

(a) The United States Government executes the Phase III Contract, and

(b) Congress appropriates funds towards the financing of all or any portion of the costs of the Phase III Contract work.

7. This Agreement supersedes and replaces Research and Development Participation Agreement No. ---- between Boeing and the Airline, entered into as of March 8, 1967, and all understandings, commitments, conditions and amendments relating thereto except the Delivery Position Agreement.

8. This Agreement shall have no force or effect whatsoever unless, on or before May 5, 1967, two copies hereof, executed on behalf of the Airline, are received by Boeing.

By --
Its --
Witness --
The Boeing Company.
By --
Its --
witness --

[Form 2 dated 5/1/67]

Group 2. Airline Position Reservation and Contribution Agreement Between the Boeing Company and ———, Agreement No. ——

This agreement, entered into as of the —— day of ————, 19——, between The Boeing Company, a Delaware corporation (hereinafter called Boeing), and ———— ——, a ———— corporation (hereinafter called the Airline).

WITNESSETH:

Whereas, Boeing and the United States Government represented by the Federal Aviation Administration (FAA) have entered into a research and development agreement (the Phase III Contract) pursuant to which Boeing will design, develop, fabricate and test two commercial supersonic transport (SST) prototype aircraft and perform other SST research and development work; and

Whereas, the cost of such SST research and development work will be borne by Boeing, the U.S. Government and the airlines that make contributions towards the cost of such SST research and development work pursuant to agreements with Boeing; and

Whereas, the Airline desires to reserve one or more delivery positions for SST production aircraft.

Now, therefore, the parties agree as follows:

1. The Airline agrees to pay to Boeing (a) in --------, on or before --------, the sum of U.S. $-------- ($375,000 per SST aircraft delivery position reserved pursuant to this Agreement) and (b) in -------- on or before --------, the further sum of U.S. $-------- ($375,000 per SST aircraft delivery position reserved pursuant to this Agreement) for the purpose of reserving delivery positions for SST production aircraft and as a contribution to the costs incurred and to be incurred by Boeing in performing such SST research and development work.

2. Boeing agrees to use the funds contributed by the Airline hereunder, and by other airlines signing agreements substantially identical to this Agreement (Group 2 Contributors), solely for the performance of the Phase III Contract and to reduce the U.S. Government's obligations under said Contract by the amount of such contributions.

3. Neither Boeing nor the U.S. Government shall have any obligation to:

(a) complete the design, development, fabrication or test of any SST prototype aircraft;

(b) manufacture, sell, or offer to sell any SST aircraft; or

(c) return or refund, under any circumstances whatsoever, any money contributed pursuant to this Agreement.

However, in the event that Boeing does not undertake to manufacture and sell any SST aircraft and, as a result, Boeing becomes obligated to pay royalties to the U.S. Government pursuant to the terms of Exhibit G to the Phase III Contract (including any amendment thereto or other agreement between Boeing and the U.S. Government which supersedes such Exhibit G), Boeing shall pay to the Airline, and other Group 2 Contributors, on a first in-first out basis (based on the time of receipt by Boeing of the executed copy of the Airline Position Reservation and Contribution Agreement), the first royalties payable under such Exhibit G, following satisfaction of all of Boeing's obligations to make payments from such royalties to the Group 1 Contributors pursuant to their agreements with Boeing.

Such royalty payments to the Airline shall not exceed one hundred percent (100%) of the amount contributed by the Airline for each delivery position reserved under this Agreement; provided, however, such royalty payments to the Airline shall not exceed seventy-three and one-third percent (73⅓%) of the amount contributed by the Airline for any delivery position reserved under this Agreement in the event the Airline does not enter into a definitive purchase agreement with Boeing for the sale by Boeing to the Airline of the aircraft relating to such delivery position within six (6) months after Boeing first submits a draft of such agreement to the Airline. Boeing and the U.S. Government shall have the right to amend or waive any provision of Exhibit G without the consent of the Airline, provided that no change shall be made in the obligation of Boeing to the Airline under the two preceding sentences.

4. If Boeing undertakes to manufacture and sell to the commercial airlines any SST production aircraft, Boeing will reserve for the Airline the following -------------- ( ) delivery positions: --------------. Said numbered positions may, at Boeing's option, be rescheduled to earlier available positions prior to signing the definite purchase agreement provided for in paragraph 5 of this Agreement. Said numbered positions are for aircraft purchased in essentially the standard configuration, including standard options. The position of any aircraft incorporating customer requested deviations from the standard configuration will be subject to adjustment, if Boeing determines such deviation would delay delivery, and subsequent positions will be subject to acceleration. Any such adjustment or acceleration will be made or provided for in the definitive purchase agreement. Prior to signing the definitive purchase agreement, Boeing may, at its option, convert said numbered positions to a schedule provided for delivery during or before specified months. Such monthly schedule shall be consistent with the sequence of such numbered positions and be based on the applicable production rate then in effect. Such conversion shall release Boeing from any obligation under this Agreement with respect to the sequence of delivery of the aircraft to be covered by such purchase agreement.

5. If Boeing undertakes to manufacture and sell to the commercial airlines any SST production aircraft, Boeing will offer to the Airline a definitive purchase agreement covering the purchase and sale of the SST production aircraft represented by the delivery positions reserved in paragraph 4 above. Definitive purchase agreements under which the delivery schedule is in the form of numbered delivery positions, will contain suitable provisions for adjustment of delivery positions to prevent an unforeseen delay in delivery of any aircraft from delaying delivery of subsequent aircraft. If the Airline and Boeing do not sign a mutually satisfactory definitive purchase agreement for the sale by Boeing to the Airline of the SST production aircraft relating to any such reserved delivery position within six (6) months after the date Boeing first submits a draft of such agreement to the Airline, the Airline shall lose all rights to such delivery position. To the extent the matter is subject to Boeing's determination, Boeing does not intend to require additional payments in advance of delivery of such SST production aircraft in excess of fifty percent (50 percent of the aggregate purchase price of all such aircraft, payable in installments to be scheduled equitably over the period between the signing of the definitive purchase agreement and six (6) months prior to delivery of the first such aircraft, based on aircraft lead time, Boeing's investment in the program and anticipated expenditure curves.

6. Termination of the Phase III Contract by the U.S. Government prior to the date on which any payment provided for in paragraph 1 of this Agreement is received by Boeing or prior to the date on which such payment is due under said paragraph, whichever date first occurs, shall relieve the Airline of its obligation to make such payment. However, termination of the Phase III Contract by the U.S. Government on or after the date on which any such payment is received by Boeing or the date on which any such payment is due, whichever date first occurs, shall not obligate Boeing or the U.S. Government to refund such payment.

7. This Agreement shall not be deemed to be an option or contract to purchase or sell any aircraft.

8. The Airline shall not sell, assign, or transfer any of its rights under this Agree-

ment, except as a result of merger with, or acquisition of its assets by another Company.

9. If for any reason Boeing does not manufacture and sell the SST aircraft to any commercial airline, this Agreement shall be deemed terminated and Boeing shall retain all amounts paid hereunder.

10. This Agreement shall be deemed terminated on December 31, 1967, and of no force and effect whatsoever after that date unless, after April 7, 1967 and prior to January 1, 1968, Congress appropriates funds towards the financing of all or any portion of the costs of the Phase III Contract work.

11. This Agreement shall have no force or effect whatsoever unless, on or before __________, two copies hereof executed on behalf of the Airline, and the payment required by paragraph 1 hereof are received by Boeing.

____

By ____________________________________
Its ____________________________________
Witness ________________________________
The Boeing Company.
By ____________________________________
Its ____________________________________
Witness ________________________________

Mr. CONTE. Mr. Chairman, I yield 10 minutes to the gentleman from Tennessee (Mr. KUYKENDALL).

Mr. KUYKENDALL. Mr. Chairman, when the spokesmen for the Department of Transportation and the Federal Aviation Administration came before the subcommittee, to discuss a piece of legislation that has recently been passed out from the Aviation and Transportation Subcommittee of the Committee on Interstate and Foreign Commerce, the spokesmen for the administration started talking to our committee about what the intent of Congress was and what the intent of our committee was in drawing up the details of the airport and airways trust fund.

Well, Mr. Chairman, it did not take the chairman on that day many moments to make clear the fact that he did not want to be told what the intent of our committee was, that he was very well aware of what the intent of our committee was since he was sitting in on all of the markup of the airport and airways trust fund legislation.

Granted, Mr. Chairman, that the FAA and the DOT have used—I will use the term "diverted"—airport and airway trust funds into general administration in a perfectly legal way, because there were loopholes in the law that allowed this to be done legally.

However when those of us on the Commerce Committee and the Ways and Means Committee authorizes a taxation on gasoline for general aviation, a ticket tax for the riding public, the licensing fee that every owner of the very smallest aircraft up to the largest in this country has to pay, we did this, of course, under the gun of a great many people. Almost all of us who were directly responsible in the Ways and Means Committee and in the Committee on Interstate and Foreign Commerce committed ourselves to the taxpaying public that these funds would be used primarily in three areas.

First, they would be used for safety; that is, facilities including the airways safety devices such as the ILS systems that you heard the gentleman from Connecticut (Mr. GIAIMO) and the gentleman from Chicago (Mr. YATES) mention earlier. Also, surveillance radar in the vicinity of airports and on the airways. This is one of the areas in the general safety area.

Second, is the construction area. A great deal of this is matching funds with local governments and a great deal of this money has to do with safety also. I think the gentleman who just discussed this point will remember that the length of runways is something that must be increased before an ILS system can be installed.

Then, Mr. Chairman, the third area is research and development. Now, after this first year of operation, obviously, there was no way that all of the money that came into the trust fund could be properly used. But those of us—most of us at least on the Committee on Interstate and Foreign Commerce and I think a great many of the other Members on this floor, feel like that there must be some assurance given to the taxpaying public, to the people who are paying approximately $750 million of taxes into this trust fund, that at least the amount of money required by the legislation be spent for those designated purposes; and obviously this has not been done.

I think you are all aware of the fact that we do have legislation coming out of our committee which will further designate what this money can be spent for. But, I shall later offer an amendment which will require that this year, this fiscal year coming up, fiscal 1972, begin some accumulation in the airport and airways trust fund for the future.

In writing this legislation and reworking it in the Subcommittee on Aviation and Transportation we projected over a period of 10 years what the drain on this trust fund would be for construction purposes. We took into consideration the extensive drain that would take place as a result of certain regional facilities like the New York Metropolitan Area Airport—if they ever decide which State is willing to take it—and some of the other regional airports. We knew that the draw on the trust fund in any one year as a result of that will be greater than the income for that particular year can tolerate. So the amendment that I will offer at the proper time will require that $75 million be left in the trust fund at the end of 1972.

There will probably be legislation later to further define what trust funds may be used for.

Let me for a moment discuss the point that was discussed earlier, and that is the use of general revenue funds for the total budget of the FAA, and why this is justified and necessary.

On the airways system of this Nation the air traffic controller handles the military aircraft just as he handles the commercial aircraft or the private aircraft, and we know that about 25 percent of all transactions in the airways are military transactions. It is certainly not the responsibility of the air carrier who pays a license on his airplane, and the air passenger who pays a ticket tax, and the private aircraft user who pays a whopping big gasoline tax, to carry the military burden. That is the reason that a certain proportion of the total FAA budget is designated to come from general revenue.

To everyone here who in any way has been questioned about the increase in taxes by either the riding public, general aviation, or commercial aviation, I think they will recall if they had many deep discussions on this subject they told, particularly general aviation, what this money was to be used for.

Let me say this: The amendment that I am going to offer is a stopgap measure, and is not a substitute for permanent legislation. But I do not want to have it on my back to try to explain at the end of fiscal year 1972 that less than half of the money that has come into the airport and airways trust fund has been spent for any of the three designated purposes, less than half of it, and then that at the end of that 2-year period we show a zero balance.

I am not ready to face up to that. I think it is time now to make a modest beginning, and to take a realistic look at this. I am not saying at all that the entire balance between the expenditures for those three priority purposes and the total income has to be kept in the trust fund balance, but I say we must make a modest beginning. So the amendment that I shall offer at the proper time will offer that modest beginning, so that each and every one of us can answer our taxpaying public by saying we have made a beginning, and guaranteeing that when these big draws come against the airport and airways trust fund we can handle these needs. Oh, sure, it is very nice to say now, "We will increase the appropriation for whatever is necessary to cover the obligation." But, my friends, how nice it has been over the last 12 years to be able to turn to the highway trust fund instead of general fund appropriations to build our expressway system. That is what I think most of us who have studied this legislation anticipate having in the coming years.

The CHAIRMAN. The time of the gentleman from Tennessee has expired.

Mr. YATES. Mr. Chairman, I yield 5 minutes to the distinguished gentleman from Connecticut (Mr. GIAIMO).

Mr. GIAIMO. Mr. Chairman, reference was made earlier to the fact that only a small percentage of the American people use the airways and, therefore, they should carry the burden of the cost involved therein. I think this is a specious argument and I would like to address myself to it for a moment.

I think the mistake is that we think only in terms of those people who actually use the airplanes. The fact of the matter is that there are hundreds of thousands of people, if not millions of people, who whether they fly or not are vitally interested and vitally connected with this entire area of the air travel industry. In my own State of Connecticut there must be several hundred thousand people who derive their livelihood from the aircraft and aviation industry.

I am sure that in the gentleman's State of Washington, in Seattle, and in the surrounding areas there are hundreds of thousands of people who derive their livelihood from this. Suffice to say that the entire aircraft industry must be one of the major contributors to the gross national product of the United States so what happens in this industry is of vital concern to all of us.

Certainly—certainly air safety is of vital concern to all Americans. All one has to do is to have an accident such as we had a month ago in my hometown of New Haven where 29 people died. I will say to the Members of the House, one becomes even more concerned about this question of air safety after such an air crash than one might have been heretofore, especially if one has the suspicion, as I have, that it was the type of accident which might have been avoided and which could have been averted if we had proper equipment such as an instrument landing system.

Part of the dispute here rises from the fact that the basic Aviation Act whereby the FAA and their spokesmen, as has been stated earlier by the gentleman from Massachusetts, whereby they claim the legal right, and properly so, to take from the trust fund the moneys found necessary for the total operation of the Federal Aviation Administration, including the air traffic controllers' salaries and expenses and all other items of expenditure.

The law, unfortunately, as written would allow them legally to do this. However, it has been our contention and argument that if they would look beyond the law and look into the congressional intent which was clearly stated at the time that act was passed, the purpose of setting up the airways and airports users tax was primarily and clearly to obtain funds to provide necessary facilities and equipment for safety and for airport construction and development.

My point is, and my contention is, that the intent of the Congress as set forth in that law has been avoided and that, in fact, the FAA is using almost all of the trust fund moneys to conduct the operations of its agency.

I believe that out of the nine hundred and some odd million dollars available in this budget to the FAA over $700 million of that money has come from the trust fund and the result is that the trust fund is being quickly depleted, and we will not have funds for equipment and for safety devices and for the safety equipment or the proper development of our airports.

Now there is an effort being made by the legislative committee to remedy this law. There is no question about it. I commend them for it. The argument is also thrown at us that we are a committee on appropriations and that we should not take upon ourselves the functions of usurping the power of a legislative committee. I do not believe that the Committee on Appropriations should usurp the power of the legislative committee—let the legislative committee change the law.

But if we as an appropriation committee see what we consider an inequity being performed or a wrong being performed, where this trust fund is literally being bled dry to run the everyday operations of the FAA, I think we can and I think we should do something to limit the amount of the trust fund moneys which they can reach through a perfectly proper limitation, which the Appropriations Committee has done many times in the past on other items of legislation through the device of a limitation on expenditures.

Some of this money, if not all, certainly should be earmarked, should be restricted in this budget so that the FAA must spend it for safety equipment and for the development of airports and certainly appropriated funds should be provided for the everyday operations of the Federal Aviation Administration. I think we have got to do this in the interest of safety, which everyone in this Nation, not just the few people who use the airlines, but which everyone in this Nation demands from us.

Mr. CONTE. Mr. Chairman, I yield myself 1 minute.

I certainly do not want the record to remain the way the gentleman has stated it in the well of the House. I have fought since coming to the House for 13 years as hard as he has or maybe harder for airway safety. I believe in it. I believe in it strongly. I believe that the Tweed Airport litigation in respect to an extension of the runway strip there between East New Haven and New Haven, ought to be straightened out. The gentleman as a citizen of that community ought to help straighten it out. I believe they should have an ILS and that it should have been installed long ago. We appropriated the necessary money. The gentleman from Illinois has stated that we appropriated the money for those ILS's, and I do not want the record to show that our committee at any time did not measure up and appropriate more than was necessary for airway safety.

I now yield 5 minutes to the gentlewoman from Massachusetts (Mrs. HECKLER).

Mrs. HECKLER of Massachusetts. Mr. Chairman, at the outset I would like to pay tribute to the committee, especially to the distinguished chairman from California (Mr. MCFALL), my two colleagues from Massachusetts (Mr. CONTE and Mr. BOLAND), and all the others who have done an excellent job in reporting out this bill.

It is quite obvious that the Department of Transportation today is a multifaceted agency, performing many vital functions for the Nation, and assuring that each of these functions is adequately funded is an important and demanding task. I think the committee is to be commended for its work.

One of the Department's principal operating units is the U.S. Coast Guard in whose mission and funding I am particularly interested. I have no quarrel with the investigations done by the committee of various proposed projects in which the Coast Guard is interested. However, it is in terms of the Coast Guard's total and fundamental function of patrolling the waterways that I am particularly concerned. It so happens that the subcommittee held its hearings on April 6 and the Commandant of the Coast Guard, Adm. Chester R. Bender, was asked a question by Mr. CONTE as to whether or not there had been any incidents of harassment of fishermen by the Soviets or other foreign vessels off the New England Coast.

The Admiral replied that there had been very few, if any, such incidents. As a matter of fact, shortly after that there began a spate of incidents involving the harassment of fishermen and extreme damage, amounting in the case of the Prelude Corp. of Westport, Mass., in my district, to a quarter of a million dollars. In an attempt at peaceful negotiations, the State Department arranged a meeting on the Russian mother ship in the waters off Nantucket. The Russians promised that they would respect the fixed gear priority of the New England lobstermen.

The very next day, in response to an invitation by Mr. GARMATZ, the distinguished chairman of the Committee on Merchant Marine and Fisheries, Mr. Joseph Gaziano, the president of Prelude Corp., was testifying in Washington and received a call from Massachusetts reporting that the very pledge made by the Russians 24 hours earlier was broken by still another incident of Soviet ships cutting through Preludes gear.

This is a serious matter in which diplomatic conversations have obviously not been adequate. We have found only one particular form of assistance which has been effective in Massachusttts. All the fishermen who ply their trade along the coast of this country, whether Massachusetts or other areas, have testified to one fact—and I have recently had a meeting with many of them from New York, New Jersey, Virginia, Massachusetts, and Maine—that the only effective assistance given to the fishermen by our Government is the presence of Coast Guard cutters. When a cutter appears on the scene, the Russians then disappear. When the cutter leaves to go off on other missions, the Russians then resume their activity without regard for American lines or American fixed gear.

This matter affects not merely corporations and big businesses, but also simple fishermen with very limited resources, And all of them, large and small, are now forced to take pictures of the marauding vessels and to keep very detailed logs in which the exact position of the Russians is carefully defined and in which each incident is carefully documented. We are presenting this evidence to the Committee on Merchant Marine and Fisheries.

I would like to recount one specific incident which is in danger of wiping out a small fisherman. On May 28 and 29, again in the same general area, a small boat, the *United States*, owned by a group of fishermen from Westport, Mass., was fishing off Montauk Point, Long Island. They were harassed and part of their gear destroyed.

For the next 12 hours they identified 12 Soviet vessels as they went through the gear of the *United States*. Some pulled away when the *United States* approached, and others ignored the presence of the *United States* and just continued on despite the signaling.

After it notified the Coast Guard, the *United States* was then contacted by the same Russian mother vessel on which the May 19 conference was held and asked to come alongside. The skipper of the *United States* went over to the *Robert Eihke*, the Russian vessel, and held a long and difficult conversation with the Russians, showing them charts and the exact location of the clearly marked gear.

The Soviet response at that time was that they would radio their ships to stay clear of the *United States* gear. A few hours later, three large Russian stern trawlers cut through the *United States*' lines despite their recent agreement. This is one experience which involved $5,000 worth of damage, which really threatens to destroy the future of that operation, the future of the men whose lives and whose total financial resources are tied up in this particular ship.

This is just one of the many stories which can be told about incidents all along our coast.

Mr. Chairman, at the appropriate time I intend to offer an amendment in order to increase the appropriations for the operating facilities of the Coast Guard, since that is the only effective agency which is helpful and which does prevent the loss to American fishermen.

I intend to present this amendment increasing their appropriation by $1 million in order to safeguard and insure their protection for next year.

Mr. HOWARD. Mr. Chairman, will the gentlewoman yield?

Mrs. HECKLER of Massachusetts. I yield to the gentleman from New Jersey.

Mr. HOWARD. Mr. Chairman, I commend the gentlewoman from Massachusetts for her statement and her interest in this very vital problem all along our coast. I believe this additional appropriation is necessary so the Coast Guard can adequately perform their surveillance duties which, as the gentlewoman said, has been the only successful effort we have made against the encroachments. I intend to support her amendment when she offers it.

Mr. CONTE. Mr. Chairman, I yield 5 minutes to the gentleman from Missouri (Mr. HALL).

Mr. HALL. Mr. Chairman, I rise again hoping to obtain further rationale as to the $52 million included in here primarily for research and development on urban mass transit. It seems to me that we have appropriated a lot of funds for urban mass transit over a period of years, and that we have made considerable progress.

As I said when the chairman of the subcommittee generously yielded to me and we held our colloquy before, I am certainly not against developmental projects or demonstration projects and certainly not against research and development. Indeed, I serve on that subcommittee on the Committee on Armed Services. I know that we have to have parallel research funding as well as vertical building blocks in the development of basic and all subsequent research and development.

But I am terribly concerned about spending this type of money when there are many other demonstration projects available and when we cannot be completely reassured that the committee, and indeed those in charge of transportation downtown, have taken them into consideration; including these new developments that we always see just beyond the horizon, including history, including demonstrations in being such as the ones in Tokyo and Seattle, and the monorails, and the others.

I know well the difference between high-speed transportation and its inherent research and development projects and those for urban mass transit; whether they are going to and from airports, to and from juxtaposed cities such as Fort Worth and Dallas, whether they are on the moving carpet type of slow transportation, of mass groups, or otherwise.

I am particularly concerned about this Morgantown, W. Va., project. If I have erred, that it is not a part of our retired persons or aging persons project but is to move students back and forth from one campus to the other, I am sorry, but I think perhaps that makes little difference.

I should like very much to be assured, as I read in the hearings, that the proper officials have been to study the Disneyland in Florida. Mr. Chairman, I am well aware of the fact that Mr. Hemmes of the Department of Transportation, in reply to a question by the subcommittee chairman, our colleague from California, (Mr. McFALL), said he met with Admiral Fowler, who has charge of the Anaheim Disneyland and the Florida Disneyland mass transit projects, and that it is a very serious business with them because it is a private investment on which they wish to make a return.

Well, if they have made private investments and if they are making a productive return in circumferential monorail mass movement of people, as well as surface level movements wherein they orient people in many different directions in order to expose them and move them rapidly through the features of the park, certainly we could adapt these without spending additional millions of the taxpayers' money to study, to research, and to develop that which belongs to local levels of State and municipal governments.

I can remember many years ago when at the airport at Love Field, Dallas, Tex., we had a moving carpet similar to a modern-day escalator, albeit parallel to the surface, which I felt was most efficient. It is true they do not run anymore, but this was the beginning of research, and there is history to be consulted concerning the mass movement of people from one area to the other, and I doubt very much if we should spend 21-plus millions of dollars in this particular appropriation bill for further study. Rather, let us get on with the job.

As I understand it from reading this bill, the administration asked for $78 million for research and development pertaining to mass transit. The committee—and I complimented it during the colloquy previously on the floor—allowed $52 million, as shown on page 24 of the report. Therefore, the committee reduced the administration request by one-third. Out of this $52 million, $21.4 million is for the Morgantown demonstration. I believe that this should be removed.

Mr. CONTE. Mr. Chairman, I yield such time as he may use to the gentleman from Kansas (Mr. SHRIVER).

Mr. SHRIVER. Mr. Chairman, I rise to protest strongly the flagrant breach of faith on the part of the administration in regard to the use of trust fund money generated under the Airport and Airway Development Act of 1970. Congress clearly intended this trust fund, which is composed of taxes collected from users of our air transportation system, to be utilized for the improvement of airport and airway facilities. Instead, as is evident in this bill, much of this trust fund money is to be used for administrative and housekeeping costs of the Federal Aviation Administration.

On June 16, 1969, President Nixon sent a message to Congress calling for the establishment of this trust fund and for the initiation of a massive development program for our overburdened airports and airways. He stated:

> Years of neglect have permitted the problems of air transportation in America to stack up like aircraft circling a congested airport. . . . The growth in the next decade must be more orderly. It must be financed more fairly. It must be kept safe. And it must not permit congestion and inadequate facilities to defeat the basic purpose of air transportation: to save time.

The President correctly observed that the costs of airport and airway improvements should be borne mainly by the users of those facilities, who would benefit directly. Thus, a "pay-as-we-grow" trust fund was proposed.

The President's message concluded:

> I propose that there be established a revised and expanded schedule of taxes, the revenues from which would be placed in a Designated Account in the Treasury to be used only to defray costs incurred in the airport and airway programs.

So we were told from the very beginning that these trust funds would be used for airport and airway improvements, which were and are badly needed.

When the President's proposals were being considered by the House Interstate and Foreign Commerce Committee on July 21, 1969, the Secretary of Transportation, John A Volpe, testified consistent with the President's intent in this regard. I quote that testimony:

> The bill would establish a designated account into which all user tax receipts would be deposited. Funds could be appropriated from the account only for the purpose of airport development and airway development, operation and maintenance.

Emphasizing this point later in his statement, the Secretary said:

> Any fears that moneys received through user taxes will be diverted to nonaviation purposes are more theoretical than real. To the extent these fears are real, the establishment of a designated account should completely allay them.

As a member of Congress at that time, I believed these statements, and why not? The needs were urgent and obvious. The proposed means were equitable and effective. On May 21, 1970, the Airport and Airway Development Act became law.

The very title of that act explains without any doubt the intent of Congress. Further, the declaration of policy, section 2 of the act, states:

> That substantial expansion and improvement of the airport and airway system is required to meet the demands of interstate commerce, the postal service, and the national defense.

There was no indication whatever that in passing the act, Congress intended to provide a new source of funding for the administrative expenses of the FAA. Any such interpretation of the act is false, specious, and callous.

Yet, today, we are faced with just such a misinterpretation. In response to requests from the administration, this bill includes recommendations for the use of most of the airport and airway trust fund receipts for operating expenses rather than capital expenditures.

For example, the administration is planning to use trust fund money to pay 922 maintenance personnel and 1,758 inspectors. These positions are important and are needed in the operations of the FAA. But they have nothing to do with the intent of Congress in this act.

The announced legal basis for such allocations is section 14(d) of the act. As is obvious, (d) is the fourth subsection under section 14, which is the basic airport and airway development program. The first three subsections authorize the planning, development, and acquisition of "a nationwide system of public airports adequate to meet the present and future needs of civil aeronautics."

Specific authorization levels are stated for each of the activities to be undertaken in establishing this system. Subsection (d), entitled "Other expenses," merely states that any "balance" of the money available in the trust fund after these original authorizations have been satisfied can be used for the necessary administrative expenses related to the establishment of the public airport system.

In using these trust funds for a myriad of routine chores for which the FAA had responsibility long before this act was passed is a gross distortion of the language of this section. Apparently, clarifying legislation is going to be necessary to force the FAA to adhere to the original policy of Congress.

I have cosponsored legislation to close this loophole. I am pleased to see that a similar bill has been reported favorably by a subcommittee to the full House Interstate and Foreign Commerce Committee. I hope prompt action will be taken on this measure.

Congress was not the only entity misled as to the intentions of the administration regarding the implementation of this act. The air transportation industry itself, including general aviation, was surprised and bitterly disappointed by the failure to actually invest these user taxes in capital improvements for the future. These are the people who are paying the tab. In the face of misgiving on the part of their stockholders and peers, many of these companies supported the imposition of the user tax in the hopes and expectations that long-term benefits would prove it to be a wise investment. Now they feel that they have been betrayed.

Mr. Chairman, the needs which led to the passage of the Airport and Airway Development Act last year are bigger than ever. It is now estimated that at the end of fiscal 1971, there will be more than $300 million worth of environmentally sound, but unfunded, airport projects that are ready to go. The local sponsors are prepared to put up their 50 percent matching money. The completion of any one of these projects could mean the avoidance of air tragedies.

In view of these needs, it makes no sense to use the funds legally designated for airport improvement to pay janitors for the FAA. It is irresponsible, and I hope Congress will take action this year to halt the practice entirely.

Mr. McFALL. Mr. Chairman, I yield 3 minutes to the gentleman from Maryland (Mr. Garmatz).

Mr. GARMATZ. Mr. Chairman, I note with concern and a great degree of frustration the fact that this bill comes to the floor under a rule granting a waiver of points of order, with respect to certain programs for which there is no authority of law. I am particularly chagrined with the situation involving capital expenditures for the Coast Guard.

The Coast Guard authorization bill, H.R. 5208, was the subject of hearings before the Merchant Marine and Fisheries Committee on March 24 and 25; on April 1 the bill was reported both out of the subcommittee and the full committee; it was reported to the House on April 13; and it passed the House on April 29.

Seventy-six days have elapsed since this bill was sent to the other body for action. It has not yet been reported out of the Senate Commerce Committee. And, of course, under those circumstances, any bill proposing appropriations for these items would be subject to a point of order were it not for the rule to which I have referred.

I have been constantly plagued with the same type of dilatory tactics on the part of the other body in connection with the authorization for certain programs of the Maritime Administration. This year, for example, the maritime authorization bill, H.R. 4724, was heard before my committee in March and passed the House on April 20. It was 35 days later before the Senate committee could pass the bill. Again, before this bill became law, the appropriation bill was brought to the floor of this House and, as you know, there was a point of order made with respect to maritime funds, which the chairman of the Subcommittee on Appropriations reluctantly conceded was well taken.

I am firmly convinced that the authorization procedure is sound and in the public interest. It enables the Legislative Committee to analyze and thoroughly investigate the budget request for agencies under its legislative jurisdiction. What has happened today is, of course, a step toward making the authorization process a complete nullity. I do not say this so much in criticism of the Rules Committee nor, indeed, of Chairman McFall of the committee who had brought this bill to the floor before the authorization bill became law. I do say that the other body, by its inactivity and delay, is gradually and steadily weakening the legislative process of the Congress in connection with the making of funds available to the executive branch for fiscal year expenditures.

I am forced to say that this situation shows all signs of worsening. Indeed, it extends to other than appropriation bills. My committee has been extremely active during this session, and we have sent bill after bill to the other body only to see it languish there. This is an intolerable situation. I do hope that my words here today will be given cognizance by my colleagues in the other body, and that steps will be taken to correct the situation.

Mr. McFALL. Mr. Chairman, I yield myself 30 seconds.

Mr. PUCINSKI. Mr. Chairman, will the gentleman yield?

Mr. McFALL. I yield to the gentleman from Illinois.

Mr. PUCINSKI. Will the chairman of the subcommittee be good enough to advise the House whether or not there is any money in this bill for the sale of the Washington National Airport?

Mr. McFALL. No; there is no money in the bill for that purpose. I would advise the gentleman from Illinois that this is a matter which would have to be authorized by the House.

Mr. PUCINSKI. I thank the gentleman from California for his response.

Mr. McFALL. Mr. Chairman, I yield 5 minutes to the gentleman from New York (Mr. Dow).

Mr. DOW. I thank the gentleman from California for yielding. I would like to have the gentleman's attention, if I might.

Mr. McFALL. Yes.

Mr. DOW. I have one or two questions to ask the gentleman. I allude to the $52,000,000 that the gentleman from Missouri (Mr. Hall) mentioned, relating to urban mass transit.

Now, in connection with that I want to go back to page—I guess you would call it page 31 of the committee report—which indicates that there are $4 billion or $5 billion being spent on Federal aid for highways.

Then, I would draw the gentleman's attention to a figure which appears on page 41 of the committee report which speaks of "Urban mass transportation grants—Limitation on commitments."

Now, as I see it, in spite of the comments by the gentleman from Missouri (Mr. Hall), I think that $52 million is a very minor allowance for urban mass transportation when our highway trust fund provides $4 billion or $5 billion for highways.

I wonder whether this allotment which appears on page 41 for "Urban mass transportation grants—Limitation on commitments" has any bearing on the comparisons of those two figures?

Mr. McFALL. Mr. Chairman, will the gentleman yield?

Mr. DOW. I am delighted to yield to the gentleman from California.

Mr. McFALL. I shall try to put the matter into perspective.

The $52 million about which the gentleman from Missouri (Mr. HALL) was talking was for research and development of the Urban Mass Transportation Administration. The amount of money that would be committed for projects such as subways and other mass transportation throughout the country would be under the $800 million yearly limitation which is in the bill. This is a part of the $3.1 billion program which has previously been approved by the Congress.

There is over $4 billion for highway construction, that is true. You would compare, I think, the $800 million which is available for contract authority for urban mass transportation projects with that. The $52 million has reference to the research and development program. The gentleman from Missouri (Mr. HALL) was referring to a portion of that program which is being utilized for the Morgantown, W. Va., project and directed his comments to that project.

Mr. DOW. I would like to make another point here and that is this: It seems to me that we are spending an inordinate amount of money from the trust fund on highways but still not enough on mass transportation and some other requirements. I see these concrete ribbons that are all over the city of Washington, those that string along in my district, they are an immense feature on the landscape of this country. I do not know whether they should have the priority they do in view of some other requirements.

Recently, I will say to the chairman of the subcommittee, I held a hearing for older people in my district. These older people made the constant point, one after another, that one of their most serious problems was transportation; they could not get downtown to buy groceries, they could not get transportation to take them to the weekly meetings of the senior citizens.

It is a very tragic situation. Yet here we are spending $5 billion or more under the highway trust fund, and billions under this bill, and some of the basics of our citizens in need are not being covered, some of the basic transportation needs.

I have people in my district who have rather low-paying jobs, or would like to have such jobs in factories 4 or 5 miles from their village homes, and they cannot even get to where they want to work because they do not have the transportation. They cannot finance cars, and there are no buses.

I submit that our priorities are out of whack in some of these transportation problems. I think that we continue to perpetuate the Federal highway trust funds because we have always had them. I think this is true of a lot of things in the bill. We are just adding on money because of rooted habits and activities that we have started up in the past, and we have not given enough thought to an analysis of the true needs for transportation in this country.

I submit that we need a reexamination of the transportation needs of this country before we continue the process represented in this bill.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. McFALL. Mr. Chairman, I yield 1 minute to the gentleman from New York (Mr. KOCH).

Mr. KOCH. Mr. Chairman, I rise at this point to thank the Committee on Appropriations and the distinguished chairman of the subcommittee who have done more for mass transit in this bill than the administration. The committee should be complimented for its decision to increase by $200 million the level of commitments requested by the administration for fiscal year 1972.

The mass transit budget included in this bill demonstrates the Congress' interest in stepping up the Federal mass transit program, but indicates that the administration is still going slow on mass transit development. I would submit that the administration's continued reluctance to make the necessary commitments for mass transit development, in part caused by the Office of Management and Budget's restraints, is penny wise, pound foolish. Each year, our public transportation needs become more critical, and each year the cost of developing transportation facilities to restore public mobility becomes more costly. Thus, the administration's waiting game and procrastination will eventually cost the taxpayers millions of dollars.

Last year the Congress enacted the Urban Mass Transportation Act of 1970. This act established a 5-year, $3.1 billion program for mass transit. On January 2, 1971, the Congress established a $600 million ceiling on commitments during fiscal year 1971. Between October 15, upon the enactment of the law and January 2 there was no limitation on the commitments that the Department of Transportation could make—but UMTA stood still and made no commitments during this 3-month period. I was particularly disturbed to see UMTA Administrator Carlos Villarreal's statement before the House Appropriations Committee that his administration was not able to make commitments before January—and for this reason it was able to make only $400 million in commitments during fiscal year 1971. This is a common explanation provided by the administration for the cutback in expenditures; but it is simply misleading. We should set the record straight, and not let the administration put the onus on Congress for the insufficient level of commitments made in fiscal year 1971.

On October 15, 1970, the Urban Mass Transportation Act of 1970 was enacted. On that day the Department of Transportation could have obligated the entire $3.1 billion authorized for contract authority. No ceiling was placed on the commitment level until January 2, 1971. Furthermore, UMTA already had received $214 million for fiscal year 1971 in forward funding provided by the 1970 appropriations bill. Even if UMTA had felt reluctant to make any commitments before the Congress settled on a ceiling, there was nothing to stop it from spending this $214 million and going forward with the processing of applications to get them ready for commitment when the Congress did act. Thus, it is rather startling to find Mr. Villarreal's statement before the Appropriations Committee that in January when the ceiling was established the following allegedly transpired:

> When we considered our personnel resources and the fact that only 6 months of the year were left, the administration considered that $400 million would be a prudent amount to obligate in the remaining 6 months.

I would hope that this statement does not mean that nothing was done in the first 6 months of the fiscal year. Frankly, I doubt it. My own view is that Mr. Villarreal was asked to make an excuse for the administration's decision to cut back the mass transit program by one-third—$200 million. The OMB freeze on mass transit commitments came early this spring.

This year the administration has requested $600 million in commitment authority and $150 million to liquidate contracts due this year, in addition to the $7.1 million requested for administrative expenses and $78 million for research and development. The committee has rightly increased the level of commitments to $800 million, although my own view is that the limitation should be completely removed or at least increased to $1.5 billion. What we are talking about here are commitments for expenditures over a number of years. It is this commitment from the Federal Government that is required to get transit development started throughout the country. This is not a matter of providing Federal dollars this year, but rather a Federal commitment that money will be forthcoming in the future.

Before undertaking a subway or rail system project, there must be the assurance that funds will be provided in future years. Large sums are required, and a transit system cannot be used if only half completed. As Milton Pikarsky, commissioner of public works for the city of Chicago, so aptly put it in his testimony before the Appropriations Committee:

> Where you have a few miles of highway you can put it in service. If you have some college buildings constructed you can put them to use. If you have stations and track without cars you cannot have the completed system.

UMTA now has pending applications for Federal assistance amounting to $2.6 billion. It is critical that contracts be executed and commitments be made for these programs. Each year we wait costs the public at least an additional 10 percent because of escalating prices—say nothing of the millions of manhours lost by the people deprived of adequate public transportation.

An analysis of the pending applications for capital grants was presented to the House Appropriations Committee by the American Transit Association. This association, taking into account the law's 12½ percent State limitation, estimated that $1,685 million in requests for Federal assistance are eligible for obligation in fiscal year 1972. This estimate is based on applications pending with UMTA as of April 30. It does not take into account the projects presently coming in for consideration. Mr. Villarreal in his testimony stated that his administration was in a position to obligate only $600 million in Federal funds during fiscal year 1972. It is interesting to note that last year when he appeared before the Appropriations Committee, at a time when he had only $1 billion in applications pending, he stated that with the passage of the 1970 act he could obligate as much as $850 million in fiscal year 1971. And yet, with $2.6 billion in applications pending, he told the committee that his administration is only able to obligate $600 million. Mr. Villarreal is a competent administrator, and I am sure is anxious to go forward with commitments, but again, it would appear that he is being restrained by the Office of Management and Budget.

Mr. Chairman, today's bill authorizes $800 million in commitments. It is essential that this Congress press the administration to commit all of these funds and to give mass transit a higher priority than it has to date.

To suggest the size of the projects now pending and awaiting funding, I would just like to speak about some of the applications submitted to UMTA from New York City. New York has an application pending for an $800 million grant to assist in the development of a $1.2 billion project for the construction of 10 new subway lines and modernization of the city's transit system. This project has already been approved by the State and city, but awaits Federal funding. In addition, $200 million has been requested for improvements and extension of the Long Island Railroad. Other applications are pending from New York and so the State's total request is over a billion dollars.

With the present limitations in the law—both the $3.1 billion allowable in commitments and the 12½-percent limitation per State—New York State can expect to get only $387.5 million in the next 5 years, plus whatever additional few million are provided from the Secretary's 15-percent discretionary fund.

New York needs this $387.5 million, and could prudently put such funds into action if they were provided this year. In fact, economy calls for commitments being made this year, and not 3 years from now when costs will be higher.

I think that few would deny that mass transit is in desperate need of help. In the last 25 years, the number of transit passengers decreased precipitously from 23 billion in 1945 to 5.8 billion in 1970—and the falloff continues. This is an incredible statistic when one takes into account that the population has grown and urban concentrations have increased.

If our cities are to survive, if we are to maintain and improve mobility in our urban areas, we must restore our public transportation service and encourage more people to use it. Automobiles are simply not an efficient means of transportation for commuter purposes. The development of mass transit systems will decongest our roads and benefit all travelers. Furthermore, as Carlos Villarreal said in his testimony before the Appropriations Committee.

> Good public transportation going into the center of the city, will increase the value of real estate which should, in turn, provide a greater tax yield to the municipal government. It also will provide people transportation to get to the center of the city, to buy goods offered by local merchants. This, of course, should increase profits.
>
> I think that as real estate values go up and business continues to flourish, that there will be more construction and more building, which means more jobs. This is just a simple example of how public transportation really benefits everybody in the community. Indeed, sometimes those who do not ride public transportation benefit even more than those who do ride it.

It is frustrating indeed when so many cities need improved systems and have plans ready for execution, that there continues to be the imbalance in funding in the Federal transportation budget. The bill we are considering today appropriates $7.98 billion for all transportation programs. Over $5 billion of this sum is for highways. Approximately $1.348 billion is for airport development and then we have a measly $58.3 million plus $150 million for liquidating contracts for mass transit.

This is a disheartening and ludicrous distribution of our Federal transportation resources.

I would like to make one further comment and that is on the committee's decision to reduce the Administration's request for personnel positions. UMTA had requested 190 new positions, 90 of which were to be field positions. UMTA has no field positions now. I believe the Congress should give the department the manpower it says it needs to efficiently process applications and coordinate transit plans and programs with local, State and regional officials. As I have said before the Federal Government's mass transit program needs to be greatly accelerated. Furthermore, our failure to meet the staffing request will just provide an excuse, justified or not, for further delay by the Administration. The 190 new positions requested by the Administration would have brought the total personnel of UMTA to 388. This compares to the highway department's staff of 4,084 people. With this built-in lobby, is it any wonder that we spend so much more on highways than mass transit?

In conclusion, I would point out that mass transit is an area in which today's untapped resources in the aerospace industry can be effectively applied. Furthermore, a stepped-up transit program will provide thousands of new jobs for many trades while at the same time making a great contribution to the health of our cities.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. McFALL. Mr. Chairman, I yield 5 minutes to the gentleman from Washington (Mr. ADAMS).

Mr. ADAMS. Mr. Chairman, I take this time to indicate to the Committee the form of an amendment that will be offered in an attempt to have the appropriation bill conform with the intent of the authorizing committees. What is being suggested in this case, and I think the gentleman from Connecticut (Mr. GIAIMO) put it very well in his remarks, is that there has been a change in the requests that were presented to the Committee on Appropriations from what was originally intended by the law to be presented from the administration downtown.

And I want to quote, so that it is clear, what the FAA officials said to us as the authorizing committee this year, and this was from Mr. Olson of the FAA, and he indicated that—and this is a quote from him, that—

> On an annual basis the act authorized not more than $15 million of planning and grant obligations, and not less than $280 million of development grant obligations.

When this matter appeared before the Committee on Appropriations that amount of $280 million was agreed to. But then the act states, with regard to the fund on the airways side:

> That the annual obligational authority for the period July 1, 1970, through June 8, 1980, for the establishment and improvement of air navigation facilities—

And this is annually—

> shall be not less than $250 million.

But the FAA and DOT came in and requested less than that, and the Committee on Appropriations only appropriated $107 million.

So the amendment which we will offer will simply restore the difference between $280,000,000 and $107,000,000 plus $75,000,000 to make certain the fund will have in it the amounts contemplated in the authorizing legislation. Then in the next year the Committee on Appropriations will have before it the requests of the DOT and FAA and can decide what should be appropriated for the various functions. Basically the amendment will change the language on page 9, to say:

> There shall be appropriated instead of $282,944,000, $530,944,000.

What that figure represents is to leave in the trust fund $280 million for development obligations which have been appropriated and $250 million for grants in aid of which the committee has only appropriated $107 million.

So $173 million will remain in the fund for future appropriations by the Committee on Appropriations, and if there is to be future action by authorizing committees to delineate it more carefully—and we will have to take a chance—plus $75 million which is to cover other parts that were given to us by the Federal Aviation Administrator where he has changed the amounts that were necessary to be obligated to meet the 10-year program that has been laid out in the authorizing bill.

So what this amendment is an attempt to do is not to change in any way the appropriations recommended by the Appropriations Committee, but to do what was the intent of the law and what has been admitted by the Federal Aviation Administrator when he testified before us—namely, to leave in the trust fund $173 million plus $75 million which would be available in future years.

I think this is a compromise between

the pure position that no money should be used by the Federal Aviation Administration at all for operations, and the position which is presently in the bill, of taking all the money, in effect over $600 million in users taxes from the trust fund, and using that for general FAA operations this year.

We hope that this compromise can be accepted and it will then, I think, give the House a period of a year so that your authorizing committees and appropriations committees can work together to carry out the program that was presented originally to this House and which was passed last year for the construction of facilities and for the construction of airways so that we will have the safety factors in the order of priority that this House originally intended it. This is not in any way legislation. All it simply does is to, as I believe, carry out the original intent and purpose of the act. I hope the committee will accept it and I hope the House will accept it.

Mr. Chairman, I thank the gentleman from California for yielding this time.

Mr. McFALL. Mr. Chairman, I yield the balance of the time remaining to the gentleman from Michigan (Mr. DINGELL).

Mr. DINGELL. Mr. Chairman, as a member of the transportation and aeronautics subcommittee, I rise immediately following my good friend and colleague, the gentleman from Washington (Mr. ADAMS) to discuss briefly one of the aspects of the amendment which will be offered by the gentleman.

Mr. ADAMS is going to offer an amendment, which he has already explained, which will see to it that some of the intent of this Congress in passing the airport and airways development fund legislation during the past Congress is carried out properly.

The administration sent to the Congress an appropriation proposal and a budgetary statement which flows directly and diametrically opposite to the intent of the Congress in adopting that legislation.

They did something else, which was to arrange the level of spending under that authorization in clear defiance of the intent of the Congress so, that at the conclusion of a 2-year period, there will be zero dollars remaining in the airport and airways trust fund. It was the intent of this Congress, and the legislative committee that the trust fund should be so utilized that it would provide for an orderly and even flow of the needed construction of airports, and procurements and equipment, and the maintenance and operation, of navigation facilities.

We also provided for an adequate level of what we thought would be sufficient funding of research programs.

The administration's budget and proposal which was sent to the Congress—and the language as embodied in the appropriation bill now before us—do not carry out the intent of the Congress and our legislative committee which fathered this airport and airways development fund has communicated by letter that the subcommittee which reported this appropriation to the floor and has indicated that the legislation we are now considering does not follow the intent of the Congress and, indeed, reduces the airport and airways trust fund to zero in a period of 2 years, when the maximum need is going to be present for both the construction of airports and the procurement of safety equipment.

Mr. YOUNG of Florida. Mr. Chairman, I commend the subcommittee for its wisdom in disapproving the recommendation for the elimination of the Coast Guard Selected Reserve and for increasing the funds recommended in the budget for this worthwhile service. I wish to point out to my colleagues, however, that the amount recommended, although equal to the sum appropriated last year, will not permit the Select Reserve to reach the strength mandated by the legislative committee because in the ensuing months there has been a pay increase plus the inflationary spiral of costs that has also affected the operations of the Coast Guard Reserve.

The Commandant has testified before a subcommittee of the other body that it will require $35,000,000 to maintain the authorized strength during the fiscal year, and I do hope the other body will see to it that the necessary amount is included when it reports its recommendations to that body.

Mr. PICKLE. Mr. Chairman, for more than a year the administration has been trying to dip into the trust till. For more than a year, they have been trying to divert funds from the Airport-Airways Trust Fund.

Mr. Speaker, it was never the intention of this Congress to use these moneys to pay overdue bills of the FAA. It was never the intention of this Congress to make the FAA budget look good by fattening it out with money which was not intended. It is more than a simple bookkeeping matter.

It was, Mr. Speaker, the intention of Congress to improve air service, to build airports, and to save lives with modern equipment.

A while back, I joined several of my colleagues in writing Comptroller General Elmer Staats about the legality of the administration's budget plan. In a long, complicated, legalistic reply Mr. Staats admitted—if you read the letter carefully with your attorney at your side—that there did exist some question as to the legality of the administration's plan to use the trust fund to offset FAA administrative costs.

I was under the impression that congressional intent had been made clear and that no future attempts would be made to dip into this money. However, here we are again today facing the same essential situation.

The financing of airports and airways systems—and the FAA—is complex. The gentleman from Washington has a good amendment—even if it did no more than freeze the trust funds—as they relate to operating expense—until the Commerce Committee can finish its consideration of a bill which would set things straight. I commend Congressman ADAMS for his amendment and offer my full support.

Mr. RARICK. Mr. Chairman, once again this House is asked to vote in July on a generalized appropriations bill that contains, in addition to necessary expenditures, budget authorizations for Christmas gift programs designed to increase existing Federal control over the lives of American citizens.

H.R. 9667, the bill making appropriations for the Department of Transportation and related agencies for the fiscal year ending June 30, 1972, and for other purposes, is a classic case in point. Containing many necessary and needed appropriations, this bill has been infiltrated with programs which would also strengthen two agencies whose primary goal is to federalize transportation in the United States—the Federal Railroad Administration, an agency that has failed to solve the grave problems of our country's rail system, and the Urban Mass Transportation Administration, whose program is designed to destroy the identity of the individual American citizen, to make him but one of a faceless mass, through forcing him into closer and closer relationship with others, thereby increasing the interdependence between sections and destroying his uniqueness as an individual.

H.R. 9667, would authorize an appropriation of $217,243,000 for these two agencies. What this means is that the House is being asked to subsidize programs designed to destroy the uniqueness of the individual—to do what God Himself refused to do, make us all as one, that is an equalitarian extension to equal rights for transportation, that is, except for the very rich.

I cannot support this; I have promised my people to oppose any and all programs that would further Federal control over their lives and destroy their identity as individuals. Where can it be found that the Constitution gave the Federal Government the duty to tax the productive people of America to give equal transportation?

Furthermore, Mr. Chairman, if it ever became public knowledge in my district of Louisiana that I had voted for an appropriations bill that contained a provision authorizing an expenditure of up to $50,000 for housing for Federal Aviation Administration officials stationed in Alaska while at the same time continuing the Alaskan Railroad, I would be the laughing stock of my people—I could not go home and face them.

Much as I approve of many of the other programs I find I must cast my people's vote against H.R. 9667, the bill making appropriations for the Department of Transportation and related agencies for the fiscal year ending June 30, 1972, and for other purposes.

Mr. HOGAN. Mr. Chairman, I appreciate the opportunity to add my voice in support of H.R. 9667, the Department of Transportation appropriation bill.

Three items of particular interest to Marylanders are included in this $7.9 billion appropriations measure. They are: Rapid rail transit, the Baltimore-Washington Parkway, and railroad track crossings in the northeast corridor.

During the last Congress, I worked with the former chairman of the Public Works Committee, the Honorable George Fallon, who was then dean of the Maryland delegation in this body, to secure approval of a $65 million authorization in the 1970 Federal Aid Highway Act to widen the Baltimore-Washington Parkway to six lanes, bring it up to interstate standards, and turn it over to the State of Maryland. When the Federal-aid highway bill became law last year, it included this proposal but it required agreement among the Secretary of Transportation, the Secretary of the Interior, and the Governor of Maryland on the plans for the parkway before funds for the project would be appropriated.

Unfortunately, agreement has not yet been reached among the parties, so this appropriations measure does not include the necessary $65 million funding. I am gratified, however, that the distinguished members of the Appropriations Committee have made reference to this project in their report and I am urging the respective officials to reach quick agreement so that funds can be appropriated by this body and work on the Baltimore-Washington Parkway can begin.

In a second area of interest to my constituents in Prince Georges County in suburban Maryland, this appropriations measure includes a $4 million funding for a demonstration project to upgrade all public ground-level rail-highway crossings along the train route between Washington and Boston.

I am advised, in this regard, that Secretary of Transportation John Volpe has announced that a preliminary accord has been reached with six States, including Maryland, to correct grade problems along the route traveled by the highspeed Metroliner which passes through Prince Georges County in my congressional district.

Finally, this transportation appropriations bill includes additional Federal funding for a project which is of extreme importance and high priority to all Washington metropolitan residents—the rapid rail system. By including the full 1973 advance appropriation of more than $174 million for the Washington Metropolitan Area Transit Authority, the House will insure that the Federal Government upholds its share of the $2.98 billion project.

I am pleased, Mr. Chairman, to see the Federal Government meet its obligations for the Metro system. I have been involved with the quest for a balanced transportation system for the Washington metropolitan area since the early 1960's when I served as coordinator of the Joint Committee on Transportation for Metropolitan Washington.

It was nearly 8 years ago, on December 9, 1963, that our early efforts in behalf of a balanced transportation system for the Washington area met with a temporary setback when a bill to create the system was rejected by the 87th Congress. On that day, Members of that Congress voted to recommit the bill which would have authorized a 23-mile rapid-rail system for the Washington area. Our work in support of the system continued and in 1965 the National Capital Transportation Act was passed, authorizing a 25-mile system.

Public Law 89–774 created in 1966 a Washington Metropolitan Area Transit Authority compact between the District of Columbia, Maryland, and Virginia with the consent of Congress. Representatives of each jurisdiction form the authority which planned the 25-mile system.

The WMATA plans for this limited line have since expanded into the 97.7-mile system which is today being constructed in many locations throughout the area.

Because of the frustration of those early years when planning for a balanced system was making little or no progress, it was particularly satisfying to me to be a Member of the Congress when the final authorizing legislation was encated.

On November 24, 1969, this body passed a bill which I had cosponsored in May of that year, authorizing the Federal and District of Columbia contributions for the regional Metro system. Passage of that bill represented the climax of a funding program which was begun on November 5, 1968, when area voters, including my constituents in Prince Georges County, authorized bond issues to finance local shares of the cost of constructing and equipping the system.

Mr. Chairman, the residents of the Washington Metropolitan area, and especially my fellow Marylanders, have a great stake in several of the provisions of H.R. 9667. I urge its speedy passage.

The CHAIRMAN. All time has expired.

The Clerk will read.

The Clerk read as follows:

OFFICE OF THE SECRETARY

SALARIES AND EXPENSES

For necessary expenses of the Office of the Secretary of Transportation, including not to exceed $27,000 for allocation within the Department for official reception and representation expenses as the Secretary may determine; $21,342,000.

Mr. GROSS. Mr. Chairman, I move to strike the necessary number of words.

Mr. Chairman, before the gentleman from Maryland (Mr. GARMATZ) leaves, I would like to commend him for his statement in respect to the waiving of points of order on this bill, as I want to commend my friend, the gentleman from Missouri (Mr. HALL), for having raised the issue when the rule was before the House.

There are two alternatives to correct this situation. First, if enough chairmen of committees who are being hit with these waivers come before the House to fight these rules waiving points of order, they will get some help.

The second alternative is for the House to resolve not to pass authorizing bills but rather wait for the other body to first approve and send them over here. We might not pass any legislation. We might have a long vacation if the responsibility for the original passage of the authorizing bills was in the other body.

The third alternative is to go along pandering to the procrastination of the other body, as we are doing now.

Mr. McFALL. Mr. Chairman, will the gentleman yield?

Mr. GROSS. I yield to the gentleman from California.

Mr. McFALL. With reference to the request of the subcommittee and the committee for a limited rule waiving points of order on the matters that were in the bill, restricted to that legislation which had passed the House but which had not passed the Senate, our purpose was not to deprive the Members of the House of an opportunity to make a point of order against the matter, although it has that effect. Our purpose was to allow the Members of the House to work their will on matters that otherwise they would be precluded from doing. Our intention is to enlarge the powers of the Members of the House so that they could effectively have a hand in saying how much money there should be for these important matters in our appropriation bill.

Mr. GROSS. I appreciate the gentleman's statement and say to him that I have no criticism of the House committee in this instance, but it is happening all too often now. The rules of the House are being circumscribed by this kind of device. It is not the normal or responsible legislative process.

I am not casting reflection upon this particular appropriation subcommittee. I am simply protesting the situation that has been allowed to develop and is now growing.

Mr. YATES. Mr. Chairman, will the gentleman yield?

Mr. GROSS. I yield to the gentleman from Illinois.

Mr. YATES. I agree with the gentleman about not having rules waiving points of order, but if rules are required to waive points of order with respect to an appropriation for an authorization bill not yet passed, perhaps the Rules Committee could limit waivers to that particular point.

Mr. GROSS. They have limited them, but it is not normal nor should it be normal procedure in the House. If the rules require that authorizing bills be passed by both bodies of the Congress and signed by the President before considering appropriations, that is the way it ought to be—either that or amend the rules so that we will know where we are at.

Mr. Chairman, in reading the hearings on this bill, I noted a request was made for a half million dollars to provide for research activities in Yugoslavia and Poland.

A Mr. Beggs, the representative for the Department of Transportation, was asked by the gentleman from California, Mr. McFALL, and the gentleman from Alabama, Mr. EDWARDS, what this was all about, and Beggs came up with the answer that Secretary of Transportation Volpe visited Yugoslavia personally last year and would go back on his current trip to Europe, because he is so impressed by the opportunities for research cooperation with the Yugoslavs. That was the only answer given in justification for the spending of that $250,000.

Then, on the subject of Poland, Beggs says they are "interested primarily in maritime kinds of things. They have apparently developed some expertise that looked reasonably good."

On that flimsy justification another $250,000 would be spent in Poland.

Mr. McFALL. Mr. Chairman, will the gentleman yield?

Mr. GROSS. I yield to the gentleman from California.

The CHAIRMAN. The time of the gentleman from Iowa has expired.

(By unanimous consent, Mr. GROSS was allowed to proceed for 3 additional minutes.)

Mr. McFALL. Mr. Chairman, I would refer the gentleman to the hearings on page 1011, of part 3, which is supplemental to what the gentleman in the well referred to, which describes the programs intended as a cooperative program with Poland and a cooperative program with Yugoslavia. The one for Poland says:

> The purpose of this effort is to explore three areas of interest—maritime distress, maritime navigation, and data communications.

I will not read all of it. On the one with Yugoslavia, that has to do with bridging, tunneling, and urban transportation.

The Department of Transportation told us these two countries behind the Iron Curtain did have expertise in these matters, and we thought utilizing these foreign currencies for this purpose would give us an opportunity to communicate with these people behind the Iron Curtain and we thought it would be in the interest of the United States.

Mr. GROSS. I thank the gentleman for his answer, but the fact still remains, when all is said and done, the witness from the Department of Transportation, testifying in behalf of this business, was not positive that either in Yugoslavia or Poland had they developed anything worthwhile. But we have counterpart funds over there and so, as one of the members of the subcommittee suggested, it was just a question of spending some counterpart funds. The answer, at least in my book, has to be: Get rid of the money. It is there. Get it spent. It is going out of style, anyway.

Mr. Chairman, I have one further observation, and that is the $27,000 in this bill for official receptions and representation expenses for the Secretary of Transportation for this coming year. I wonder whether $27,000 is going to provide him with enough reception or enough representation. I just wonder if that amount will get the job done and just what it all goes for. I suggest this is $27,000 that could well be saved the taxpayers of this country—but I know it will not be.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

OPERATING EXPENSES

> For necessary expenses for the operation and maintenance of the Coast Guard, not otherwise provided for, including services as authorized by 5 U.S.C. 3109; purchase of not to exceed sixteen passenger motor vehicles for replacement only; and recreation and welfare; $474,000,000, of which $143,003 shall be applied to Capehart Housing debt reduction: *Provided*, That the number of aircraft on hand at any one time shall not exceed one hundred and seventy-six exclusive of planes and parts stored to meet future attrition: *Provided further*, That, without regard to any provisions of law or Executive order prescribing minimum flight requirements, Coast Guard regulations which establish proficiency standards and maximum and minimum flying hours for this purpose may provide for the payment of flight pay at the rates prescribed in section 301 of title 37, United States Code, to certain members of the Coast Guard otherwise entitled to receive flight pay during the current fiscal year (1) who have held aeronautical ratings or designations for not less than fifteen years, or (2) whose particular assignment outside the United States or in Alaska, makes it impractical to participate in regular aerial flights, or who have been assigned to a course of instruction of 90 days or more: *Provided further*, That amounts equal to the obligated balances against the appropriations for "Operating expenses" for the two preceding years, shall be transferred to and merged with this appropriation, and such merged appropriation shall be available as one fund, except for accounting purposes of the Coast Guard, for the payment of obligations properly incurred against such prior year appropriations and against this appropriation: *Provided further*, That except as otherwise authorized by the Act of September 30, 1950 (20 U.S.C. 236–244), this appropriation shall be available for expenses of primary and secondary schooling for dependents of Coast Guard personnel stationed outside the continental United States at costs for any given area not in excess of those of the Department of Defense for the same area, when it is determined by the Secretary that the schools, if any, available in the locality are unable to provide adequately for the education of such dependents: *Provided further*, That not to exceed $15,000 shall be available for investigative expenses of a confidential character, to be expended on the approval and authority of the Commandant and his determination shall be final and conclusive upon the accounting officer of the Government.

AMENDMENT OFFERED BY MRS. HECKLER OF MASSACHUSETTS

Mrs. HECKLER of Massachusetts. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

> Amendment offered by Mrs. HECKLER of Massachusetts: Page 3, line 18, strike out "$474,000,000" and insert in lieu thereof "$475,000,000."

Mrs. HECKLER of Massachusetts. Mr. Chairman, I rise in support of the Heckler amendment, which I discussed earlier. While this amendment will not earmark the increased appropriation of $1 million for a specific purpose, I wish the legislative history to show clearly that my intent in offering this amendment is to provide for and to insure that in the future the American fishermen will receive continued Coast Guard supervision, and that this appropriation is submitted to this body on that basis.

We have found in Massachusetts, and I believe in other parts of the country, that the Coast Guard is in effect the "cop on the beat" in terms of the protection of the waterways. There is no way to actually recompose these fishermen under this appropriation for the damage and devastating losses, but we can prevent this kind of damage from occurring in the future by insuring that they have the Coast Guard protection they need.

Mr. HOWARD. Mr. Chairman, will the gentlewoman yield?

Mrs. HECKLER of Massachusetts. I yield to the gentleman from New Jersey.

Mr. HOWARD. Mr. Chairman, I wish to commend the gentlewoman for her very valuable amendment and her statement as to legislative history.

I rise today in support of the amendment offered by the gentlelady from Massachusetts to increase the appropriations for the U.S. Coast Guard, in order to bring their funding up to their needs.

The additional funds, $1,000,000, would enable the Coast Guard to continue their surveillance operations with respect to the foreign fishing boats which have been harassing American fishing fleets, despite diplomatic agreements. As my colleagues are aware, such incidents of harassment—the fouling of lines and traps, dangerously close movements and other actions have been much in the news recently, particularly occurring off the New England coast.

These actions affect my own Third District of New Jersey as well. Lying along the eastern seaboard, a significant contribution to our economy is made by fishing fleets. These are small, independent businessmen who are greatly concerned about the lack of respect paid to our fishing treaties by these Soviet ships.

It is my understanding that the Coast Guard will not be able to meet its increasing responsibilities as a result of this lack of funds. Certainly, however, the protection of the American fishing fleet is among the most important of their services. I believe these cuts in funds were made by the committee prior to the latest rash of incidents against our fishing fleet, so perhaps the great need was not clear at that time. It must be so by now, however. It is vital to our interests that the Coast Guard have the flexibility to meet the needs of our fishermen. Without these funds, it is my understanding that this may not be the case.

It becomes more and more apparent that the State Department efforts to reduce or eliminate the harassment of our fleet, despite treaties and negotiations, have been primarily in vain. Certainly these efforts must continue, however.

In the meantime, it is also obvious that the appearance on the scene of such incidents of the Coast Guard cutters has a most salutory effect—the Soviet ships back off on their arrival.

The U.S. Coast Guard has had a long history of providing exemplary service to not only our fishing fleet, but to all vessels in trouble. I believe it is vital that we provide this arm of our Government with the ability to continue these services, and urge my colleagues to support the Congresswoman from Massachusetts in her efforts to give the Coast Guard the funding it needs to continue these services.

Mrs. HECKLER of Massachusetts. I thank the distinguished gentleman for his support.

Mr. PELLY. Mr. Chairman, will the gentlewoman yield?

Mrs. HECKLER of Massachusetts. I am happy to yield to the gentleman from Washington.

Mr. PELLY. Mr. Chairman, I strongly support the amendment of the gentlewoman from Massachusetts. The hearings before the Subcommittee on Fisheries and Wildlife Conservation clearly indicate that the time the Coast Guard has been able to allocate to the protection of our fishermen has been completely inadequate.

The North Atlantic Fisheries Treaty, which this House passed very recently, calls for greater surveillance on the part of the Coast Guard.

I commend the gentlewoman for her amendment.

Mrs. HECKLER of Massachusetts. I thank the gentleman for his remarks. No one is more knowledgeable on the problems of our fishermen than the distinguished gentleman from Washington, and I appreciate his comments.

Mr. DELLENBACK. Mr. Chairman, will the gentlewoman yield?

Mrs. HECKLER of Massachusetts. I am happy to yield to my distinguished colleague from Oregon.

Mr. DELLENBACK. I thank the gentlewoman for yielding and commend her fine work in introducing this amendment.

I am aware of the fact that the members of the subcommittee are very much concerned about the Coast Guard. Quite frankly, if one looks at the bill in its entirety carefully, they have treated the Coast Guard generously, and I commend both its ranking member, Mr. Conte, and the chairman, Mr. McFall, for this.

At the same time, there is a unique situation which is existent in districts such as those represented by the gentlewoman from Massachusetts, by my colleague from Washington (Mr. Pelly) and by me. We have had some very severe problems in recent years with Russian fishing vessels operating off the coast of Oregon. We badly need additional help from the Coast Guard in policing present agreements with the Russians. We know we have special needs for helicopter surveillance, for which the Coast Guard does not have funds.

We know we have special needs for the utilization of boats and ships which the Coast Guard does not have or does not have funds to operate.

I join the fishermen of my district in Oregon in a deep distress over the invasions by the Russians of fishing grounds which have for a great many years been fished by fishermen from the west coast of our Nation. What has been a strong segment of our economy has already been badly hurt and still greater injury is threatened if agreements, laboriously worked out with the Russians, are not adhered to. We need every bit of help we can get from the Coast Guard to make certain that the Russians do live up to their part of those agreements.

I urge support of the gentlewoman's amendment. The additional funds which this amendment will provide will not solve all our problems, but the dollars can and will be put to very good use.

The CHAIRMAN. The time of the gentlewoman has expired.

(By unanimous consent, at the request of Mr. Burke of Massachusetts, Mrs. Heckler of Massachusetts was allowed to proceed for 1 additional minute.)

Mr. BURKE of Massachusetts. Will the gentlewoman yield?

Mrs. HECKLER of Massachusetts. I am glad to yield to my distinguished colleague.

Mr. BURKE of Massachusetts. Mr. Chairman, I wish to associate myself with the remarks of the gentlewoman from Massachusetts. She has done an outstanding job on this problem. I rise in support of her amendment.

Mrs. HECKLER of Massachusetts. May I say that I appreciate the comments of my very distinguished colleague from Massachusetts, but in all fairness I want to say that the committee deserves great credit for what it has done in support of the Coast Guard and in its recognition of the urgency of the need at this time, particularly the chairman of the subcommittee. Mr. McFall, as well as the members from Massachusetts who know this need as well as I do.

Mr. DON H. CLAUSEN. Mr. Chairman, will the gentlewoman yield?

Mrs. HECKLER of Massachusetts. I will be happy to yield to the gentleman.

Mr. DON H. CLAUSEN. Mr. Chairman, I rise today in strong support of the gentlewoman from Massachusetts (Mrs. Heckler) who has offered an amendment to increase funding for Coast Guard operating expenses.

In discussing the problems faced by American fishermen with the gentlewoman and other Members representing coastal districts around the United States, I find not only a similarity of problems but a common agreement on the need for increased Coast Guard surveillance to patrol and protect our territorial fishing grounds from harassment by foreign interests and vessels.

I am also in complete agreement with the gentlewoman when she makes the point that, when Coast Guard cutters or aircraft appear on the scene, foreign marauders not only cease and desist their harassment tactics, but quite often depart swiftly from the area. Thus, there is a sense of urgency in restoring full funding since the Coast Guard offers and provides the only real protection our fishermen have.

Representing the north coast of California, as I do, I can tell you that our northern California fishermen are experiencing exactly the same kind of harassment and vandalism from foreign fishing marauders as have been recorded off the coasts of Alaska, New England, Florida, and elsewhere along the Pacific Northwest coastline.

Quite frankly, Mr. Chairman, these fishermen are fed up. They feel very strongly that they have been let down by their Government and that their pleas for help have, for too long, gone unheeded. In spite of this, however, a great majority of them still have faith in the Coast Guard. But, if the Coast Guard is to do the job they were commissioned to perform; namely, to patrol and guard our coasts, then the need for this additional funding becomes academic.

Thus, I strongly support and urge favorable action on the gentlewoman's amendment in order to protect the livlihood of our American fishermen and to enhance this vital segment of our Nation's economy and an essential resource to our future.

Mr. McFALL. Mr. Chairman, I move to strike the requisite number of words.

Mr. DOWNING. Mr. Chairman, will the gentleman yield?

Mr. McFALL. I yield to the gentleman from Virginia (Mr. Downing).

Mr. DOWNING. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I would like to take this opportunity to express my support for the amendment being offered by my colleague.

The administration's budget originally called for $474,000,000, for operating expenses for fiscal year 1972 for the Coast Guard. The Appropriations Committee reduced this by $3,838,000. My colleague's amendment would restore this reduction.

I support the restoration of this reduction because it would provide the Coast Guard with increased patrolling and surveillance flexibility to respond to situations such as the one involving the lobster fishermen off the coast of New England, as well as situations which may arise in other sensitive locations along our seaboards.

As the Members know, the House Merchant Marine and Fisheries Committee held hearings on this intolerable situation off the coast of New England in which marauder Russian trawlers have done great damage to the equipment of our lobster fishermen. In order to provide increased capability to respond to situations such as this, I think it would be most helpful for the Coast Guard to have the modest sum of money called for in the amendment added to its operating expenses for the fiscal year in question. For these reasons, I ask the support of the Members for our colleague's amendment.

Mr. ROUSSELOT. Mr. Chairman, will the gentleman yield?

Mr. McFALL. I yield to the gentleman from California.

Mr. ROUSSELOT. Mr. Chairman, I rise in support of the amendment offered by the gentlewoman from Massachusetts, and wish to compliment her on her effort to make sure that our Coast Guard is properly equipped to handle this problem.

Mr. Chairman, I support the amendment offered by Mrs. Heckler for the following reasons:

First. It is a clear fact which has been documented in statements before the House Merchant Marine and Fisheries Committee that Soviet vessels have been harrassing American lobster boats that are operating in legitimate areas by deliberately ripping and destroying gear and equipment. I therefore believe that an additional appropriation of $1 million should be approved for operating expenses for the Coast Guard in order that it may adequately patrol open waters in which our American fishing vessels operate. The fact that the Russians will not approach our vessels when a Coast Guard cutter appears demonstrates the importance of this function, in my estimation.

Second. This surveillance will provide protection against other countries who might take undue advantage of our fishing vessels and will serve notice that our country will not longer tolerate this type of unfair practice against its citizens. If this amendment is approved, I believe it will reflect a clear statement of policy on the part of Congress that the United States does not intend to allow Russian piracy to continue.

Third. The Coast Guard is the appropriate national agency to provide this protection.

Mr. GARMATZ. Mr. Chairman, will the gentleman yield?

Mr. McFALL. I yield to the distinguished gentleman from Maryland, the chairman of the Committee on Merchant Marine and Fisheries (Mr. Garmatz).

Mr. GARMATZ. Mr. Chairman, although the money called for in this amendment was originally in the budget, I am informed that it was not earmarked specifically for the maintenance by the Coast Guard of the surveillance of American fishing waters off the northeast coast of the United States. Nevertheless, this money would be allocated for fuel and maintenance cost and would provide the Coast Guard with the flexibility to respond to such situations wherever they may occur off our coast.

My position is well known concerning this lobster pot farce. I have spoken out strongly regarding depredations of the Russian marauder and the laxity of our State Department in dealing with them. In addition, the House Merchant Marine and Fisheries Committee has gone into this subject at some length in hearings in order to get the facts in the record. I agree with my colleague from Massachusetts that this is a deplorable situation and that increased Coast Guard patrolling capability would go a long way toward controlling it. With this in mind, I think the sum set out in the amendment under consideration would be useful in maintaining this Coast Guard surveillance capability. Thus, I support the amendment.

Mr. BEGICH. Mr. Chairman, will the gentleman yield?

Mr. McFALL. I yield to the gentleman from Alaska.

Mr. BEGICH. Mr. Chairman, I will be most direct in my remarks today. I urge as strongly as I know how that the House approve the amendment offered by the gentlewoman from Massachusetts (Mrs. Heckler), and after having done so, proceed to approve the appropriation in full for the Coast Guard operating expenses budget.

The Heckler amendment would increase the Coast Guard operating expenses budget by over $1 million to the requested amount of $477,838,000. It is an increase that we cannot afford to neglect in our actions today. The people who are looking over our shoulders as we deliberate today are the fishermen of the United States, and I believe we have a responsibility to them that cannot be denied.

The additional funds included in the Heckler amendment would be directed largely to increase Coast Guard surveillance and enforcement activities in the territorial waters of the United States. Those of us who have seen with growing alarm the numerous violations of our fishing grounds must insist that our fishermen deserve no less than a full measure of protection.

From Florida up the full length of the east coast, all along the west coast and in the waters off of Alaska, a trend seems to be developing toward a decreased respect for our territorial waters by foreign vessels. My office, like those of each of my colleagues from a State which harbors a fishing industry, has been engaged in diligent documentation of this problem and a search for the best remedy. Each year the Merchant Marine and Fisheries Committee labors over strategies for solving the problem.

My conclusion is that the best, most immediate and effective solution to this situation is the strongest possible enforcement of presently existing laws. On a long-range basis, we must look further into the areas of new territorial provisions, international agreements and economic sanctions. But for this time, we must insure that our laws do not go unenforced.

I have nothing but praise for the Coast Guard, for I believe they function in an efficient and highly commendable manner given the limitations under which they must work. In Alaska, there are 33,000 miles of shoreline, more than the combined shoreline of the remainder of the United States. To enforce our territorial water laws along that coastline, there are only a handful of patrol boats and aircraft. In most instances of reported violations, the nearest enforcement vessel is so far away that no realistic chance of capture exists.

I believe our fishermen deserve better, and I can tell you that at least in Alaska, fishermen rate improved enforcement potential as their first priority. The Heckler amendment is directed at precisely this objective.

I would add that I believe the committee which cut back these funds after hearings acted in good faith, but without the full benefit of recent developments in this area. The recent series of blatant territorial water violations has, I believe, given notice that this problem is far worse than many Members of the the House had previously believed.

I believe we must continue to give the Coast Guard the funds to increase protection for our fishermen. We will know we have done enough when we cease to read about the vessels of foreign countries in the waters off New England, Florida, Oregon, Washington, Alaska, and the other fisheries States of our country. I urge your support for full funding of the Coast Guard request.

Mr. McFALL. Mr. Chairman, this is a matter which is of urgent importance. The committee did not have an opportunity to discuss this matter with the Coast Guard. However, since that time the committee has recognized the need for the Coast Guard to do this important patrolling.

Speaking from this side of the aisle, we would accept the amendment.

Mr. CONTE. Mr. Chairman, will the gentleman yield?

Mr. McFALL. I yield to the gentleman from Massachusetts.

Mr. CONTE. Mr. Chairman, I certainly have no objection to the amendment. However, I do want the record to show that this is a budget for the Coast Guard of some $688 million, although there was a $3.8 million total cut. I felt that the Coast Guard was well provided for in the committee bill because the cut was less than 1 percent. However, I have no objection to this amendment.

The amendment was agreed to.

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from Massachusetts (Mrs. Heckler).

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Federal Payment to the Airport and Airway Trust Fund

For payment to the Airport and Airway Trust Fund as provided for by section 208(d) of Public Law 91–258, $282,944,000.

AMENDMENT OFFERED BY MR. ADAMS

Mr. ADAMS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Adams: On page 9, strike lines 23, 24 and 25 and insert in lieu thereof the following: "For payment to the Airport and Airway Trust Fund as provided by section 208(d) of Public Law 91–258, $530,944,000; however, the unappropriated balance in the Trust Fund as of July 1, 1972, shall be available solely to liquidate obligations incurred subsequent to June 30, 1972, under Sections 14(a)(1) and 14(a)(2) of Public Law 91–258."

Mr. ADAMS. Mr. Chairman, I would state to the Chair and to the Members that I have already explained what this amendment does. It does not appropriate any more money this year. It does not expend any more money this year. It simply provides that money will remain in the trust fund.

And the money is appropriated out of the trust fund, and when that is completed will then be available for the purposes intended by the original authorizing committee. This is a compromise position we have tried to arrive at so that there will remain in the trust fund enough money to meet the 10-year program as outlined in the authorizing legislation.

As testified to by—and I mentioned this in my earlier remarks—Mr. Olson of DOT testified $280 million would be available for development grant obligations each year, and $250 million for air navigation facilities.

I hope the committee will agree to this amendment. It is based upon maintaining that amount plus $75 million so that at the end of this next year the Committee on Appropriations will have in the trust fund the amounts of money that were contemplated in the original legislation for construction, and for facilities, and equipment, plus $75 million. Then at that point the Committee on Appropriations will have before it additional authorizing legislation from the authorizing committee, and will have the money in the trust fund to use, and then can decide whether or what amounts of money from the general fund are necessary.

Again I say I hope that the committee will agree to this amendment. This is a position we have tried to work out that provides money for operations from the user fund, as both the gentlemen from Massachusetts have indicated that they felt was appropriate, and at the same time we have tried to protect the priorities established in the authorizing legislation.

I repeat, I hope that the committee will adopt the amendment.

Mr. DINGELL. Mr. Chairman, will the gentleman yield?

Mr. ADAMS. I yield to the gentleman from Michigan.

Mr. DINGELL. Mr. Chairman, I would like to make one thing very clear, and that is that this amendment does not change the amount of the expenditures or increase the total cost of the Government, it simply says at the end of 2 years there will be enough money in the airport and airways development trust fund to assure that it can begin to meet the extremely heavy burdens which will fall upon it at that time by reason of increased construction, and by reason of deliveries at that time, which will begin to come forth, of expensive air safety and air navigation equipment which is so desperately needed to assure that our airways are safe.

Mr. KUYKENDALL. Mr. Chairman, will the gentleman yield?

Mr. ADAMS. I yield to the gentleman from Tennessee.

Mr. KUYKENDALL. Mr. Chairman, on passage of this amendment, if it is passed, I shall not introduce the amendment that I had previously mentioned that I would offer.

Mr. ADAMS. I thank the gentleman.

Mr. Chairman, I yield back the balance of my time.

Mr. McFALL. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I am not going to oppose the amendment which has been offered by the gentleman from Washington (Mr. ADAMS). I realize that there are a number of Members of this House who feel that the method of appropriation which we have provided for consideration of the House in this bill is contrary to what they had intended with the passage of the Airport and Airway Trust Fund Act of the previous Congress.

However, it is as consistent as possible, we believe, with the present act. There are two sections in that act; one seems to say one thing, and one seems to say another. However, I am not going to oppose the amendment because it offers to the House an interim compromise, if you will, until such time as the House has the opportunity to consider the legislation which will soon be reported by the Interstate and Foreign Commerce Committee. At that time, the Members of the House will have the opportunity to determine for themselves how they want to allocate these funds.

In a sense, it is a bookkeeping operation that is involved.

We are not spending any more money under the amendment. But I would point out to the House that the Committee on Appropriations does not determine the policy in this matter. It is up to the legislative committees to bring this legislation to the House. This interim solution, the amendment, is probably as good as we can have at this time.

I would point out again to the Members of the House that this is a policy decision which they will have an opportunity to act on later. I hope it will be determined in a consistent way so that the Committee on Appropriations will know exactly what the Members of this House want to do with the airports and airways trust fund.

Mr. BOLAND. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I do not disagree with the statement made by the distinguished gentleman from California (Mr. McFALL), the chairman of the committee. I am not sure that I agree as quickly as he does with this amendment. Actually what this amendment does is to forward fund this program by making available until 1973 an additional $250 million.

There have been some statements made here on the floor that the Congress is getting completely away from the intent of the legislation passed by the Congress with respect to the airport and airways trust fund. This committee, that is, the whole Committee on Appropriations, I think, has to appropriate on the basis that was recommended by the Committee on Ways and Means. And the Committee on Ways and Means specifically in its part of Public Law 91–258 specifically calls attention to the expenditures from the trust fund for particular operations of the Federal Aviation Administration. It indicates that there will be moneys expended for the airport and airways program and for facilities and equipment and then it goes on to talk about another phase of the Federal Aviation Administration, and that is a very costly program—that is, operations.

The Ways and Means section specifically says that operations will be paid for out of the airport and airways trust fund. I am talking about operations of the air traffic control systems and the air navigation systems. It is listed here in the act—the air traffic control, the air navigation, communications, and supporting services.

There are no priorities placed upon these expenditures by the Committee on Ways and Means with respect to grants in aid for airports and with respect to facilities and equipment and with respect to operations.

It is my contention, and this is a contention which I think is shared by a majority of the members of the subcommittee and by the great majority of the members on the Committee on Appropriations and I am sure by some other Members of the Congress, that operations ought to be paid for out of the airport and airways trust fund.

This is the big item—it runs to about $1 billion—over $989 million. This is the money that pays for air traffic controllers who work in the towers and centers all over the United States.

If it is the desire of the Members of the House that operations should not be paid for out of the airport and airway trust fund, so be it.

As the gentleman from Washington and the gentleman from Michigan who serve on the legislative committee and who write the substantive laws—as they have indicated, there is going to be legislation brought in here for the purpose of determining precisely what we are going to pay for out of the airport and airway trust fund.

Again it is my contention that we ought to pay for operations out of it. I have listened to the arguments of the gentleman from Connecticut and others, and they are entitled to their opinion as I am entitled to my opinion and others who agree with me are entitled to theirs.

There are millions and millions of people who do not fly the airways. Why do they have to pay for the operations of FAA which amounts to a billion dollars a year? I think this is the responsibility of the people who fly the airways. They ought to pay it.

I would agree with the gentleman that there is a conflict between the section of the bill that was passed out of the Committee on Interstate and Foreign Commerce and the section that the Committee on Ways and Means dealt with.

The section that the Ways and Means Committee dealt with specifically authorizes the appropriations for the cost of operations of the Federal Aviation Administration. I am not going to disagree with my chairman and the others, including the gentleman from Washington. I think we can probably let it go at that this year. When we get the bill from the authorizing committee, we can determine precisely what the Members of Congress want to pay for out of the airport and airway trust fund.

Let me say for myself and I believe for some other Members that I think we are following the dictates of Congress by saying that operations ought to be paid for out of the airport and airway trust fund.

Mr. DON H. CLAUSEN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I want to support the amendment of the gentleman from Washington. While I do not see this as the full solution to our objective, I do see it as an appropriate interim measure.

Many of us, in the Congress, with aviation experience and background, feel very strongly that the funds collected from users, and accumulating in the trust fund, must be allocated to and for airport and airway facilities.

The allocation of funds must be constant and uninterrupted. Furthermore, they should not be diverted to other purposes. We must keep our construction timetable on schedule, consistent with the original intent of the legislation.

For the safety, and efficient operation, of our commercial, military and general aviation air transportation system, we are dependent upon these basic airport, air navigation and approach facilities that will permit an accelerated economic growth pattern to evolve as we move people, goods, and services throughout all sections of the country.

I have spoken to the chairman and members of the Interstate and Foreign Commerce and the Ways and Means Committees, asking that they assist in clarifying this situation.

We need a clear-cut delineation of allocations, spelled out in legislation, that is consistent with the in-put of funds collected from the users of our airport and airways facilities. Once this loophole is closed, the job of this appropriations committee will be simplified and the airport planning and management people can look forward to the guaranteed method of finance initially intended when we passed the Air-Airways Trust Fund legislation.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Washington (Mr. ADAMS).

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SAFETY REGULATION

For necessary expenses of the Federal Aviation Administration for safety regulation activities, including arms and ammunition, operation and maintenance (including administrative expenses for research and development), acquisition and modernization of facilities and equipment, and research, development, and service testing in accordance with the provisions of the Federal Aviation Act (49 U.S.C. 1301–1542), including construction of experimental facilities and acquisition of necessary sites by lease or grant, $160,000,000 to remain available until expended: *Provided*, That the obligated balance of amounts appropriated for safety regulation activities, under appropriations for "Operations" and the unexpended balance of amounts appropriated for "Research and development," for the prior fiscal year, shall be transferred to this appropriation.

AMENDMENT OFFERED BY MR. ADDABBO

Mr. ADDABBO. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. ADDABBO: Page 10, line 11, after the word "expended" strike out the colon and insert ", of which $4,500,000 shall be available only for research and development for noise abatement and pollution control:".

Mr. ADDABBO. Mr. Chairman, the Federal Government has admitted its responsibilty to take steps to reduce aircraft noise and pollution which threaten to destroy the environment and also endanger the growth of the aircraft industry. The 1968 Aircraft Noise Abatement Act which I cosponsored was a step in that direction but lack of determination in enforcing that law has blocked progress in the fight against jet noise.

The only effective noise controls must come from Federal guidelines and Federal research and development in the area of short-term retrofit programs to reduce noise on existing aircraft as well as long-range noise reduction techniques for future aircraft. While some rulemaking power has been exercised with respect to the long-range solution, little has been done by the FAA to achieve short-term results. The FAA rulemaking is lagging by 15 to 18 months.

I believe that those of us in the House who cosponsored and fought so long for Federal aircraft noise control legislation have been disappointed and frustrated by the lack of enforcement of the 1968 Federal law. Now is the time for tougher administrative action by the FAA and new legislation, if necessary, to combat the noise problem. For that reason I have supported legislation to set Federal ceilings on aircraft noise and provide federally guaranteed loans to finance the modifications and retrofit programs to meet those standards.

To assure proper emphasis on this problem I am proposing this amendment providing for at least $4.5 million of the research and development funds under safety regulation of the transportation appropriation bill for fiscal year 1972 be allocated solely for aircraft noise and pollution projects. This is an increase over expenditures in fiscal 1971 and certainly represents a small investment in terms of providing new answers to a crisis which could impede progress in the aircraft industry for years and continues to damage the lives of those living near airports.

The chairman, the gentleman from California and the members of the subcommittee are to be commended for the extensive questioning of the witnesses from FAA on this important question of noise abatement and air pollution.

The Administrator of FAA, Mr. Shaffer and his staff in their testimony point out that delay in setting of rule has been particularly due to lack of funds. There is nothing in the bill or report to require the FAA to expend any funds for noise abatement or air pollution research.

My amendment would earmark $4.5 million of the research funds as a floor, not a ceiling, for noise abatement and air pollution research. I would wish the figure would be greater but I am informed this is all the FAA can properly program for this fiscal year 1972.

Mr. Chairman, this Congress and the Nation are deeply interested in ecology and environmental controls and improvements. The airplane engine is one of the worse offenders. I believe we must be assured and assure the Nation that research will be done to find a solution to this problem. Especially now in view of the recent statement of Secor Browne, Chairman of CAB, in opposition to pending legislation.

Mr. McFALL. Mr. Chairman, I move to strike the requisite number of words.

The CHAIRMAN. The gentleman from California is recognized.

Mr. McFALL. I wish to commend the gentleman from New York for his presentation of his amendment to the committee. What the subcommittee has done in prior years in connection with this program is this: We provided $1 million last year. In this budget there is another $3.5 million.

By this amendment the gentleman from New York would provide in this fiscal year an additional $1 million. We hope the Department can accelerate, and I am sure it will make every attempt to do so, this important program on noise abatement and pollution control. The extra funds which the gentleman from New York would make available by this amendment will assist the Department to accelerate this important program.

Mr. BIAGGI. Mr. Chairman, will the gentleman yield?

Mr. McFALL. I yield to the gentleman from New York.

Mr. BIAGGI. Mr. Chairman, I rise in support of the amendment offered by the gentleman from New York (Mr. ADDABBO) which will provide $6 million for research into methods to reduce jet noise and for development of an expanded noise abatement program.

I must commend my colleague for bringing this important measure up. The residents of our city for too long now have been assaulted from the air by the excessive noise of jet aircraft flying overhead every minute or two of the day. Their demands for relief have barely been heard.

Moreover, these long-suffering souls are further harassed by a Federal Aviation Administration that has failed to speedily implement the 1968 Aircraft Noise Abatement Act. This law would provide considerable relief by reducing existing jet noise levels through the use of retrofitting on existing aircraft.

Over and over again, I have asked the

FAA to speed up their rulemaking process which has so far been fraught with more delays than a hijacked airline encounters in Cuba. Nevertheless, all they still seem to do is keep promising that retrofitting will come someday.

Well, Mr. Chairman, "someday" is not good enough for me. Nor is it good enough for the people of my district. If need be, we should speedily enact a tougher law that would require retrofitting of jets with noise suppressors by 1972.

The Administrator of the FAA, Mr. Schaffer, did testify in the hearings on this bill. He said more money was needed to provide a strong noise abatement program. If that is what they need over there at the FAA, then this amendment will give it to them and I hope at the same time bring relief for the many Americans now living under the pounding of constant jet aircraft noise.

Mr. McFALL. Mr. Chairman, this will not provide additional funds in the budget at all, but it will earmark funds that are already allocated for this kind of research for this particular program, and it will help accelerate the program as is necessary and required.

Mr. CONTE. Mr. Chairman, will the gentleman yield?

Mr. McFALL. I yield to the gentleman from Massachusetts.

Mr. CONTE. Mr. Chairman, the minority strongly supports this amendment. The gentleman from New York spoke to me about it many times. It is certainly a worthwhile amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York (Mr. ADDABBO).

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

HIGHWAY BEAUTIFICATION (LIQUIDATION OF CONTRACT AUTHORIZATION)

For payment of obligations incurred in carrying out the provisions of title 23, United States Code, sections 131, 136, and 319(b), $10,000,000, to remain available until expended, together with $1,100,000 for necessary administrative expenses for carrying out such provisions of title 23, United States Code, as authorized by section 105(a) of the Federal-Aid Highway Act of 1970.

Mr. CASEY of Texas. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I want to call to the attention of the committee that the beautification program has a provision in it that permits the Secretary to withhold funds if a State does not comply with the beautification program. The Secretary has not withheld any funds up to date, giving the States the opportunity to meet the standards required in the act, but he has indicated that this year he is going to withhold funds from any State—and he can withhold 10 percent of the allocated funds for construction of Federal aid highways—if the States do not comply.

The House Committee on Public Works passed a bill to create a study commission on beautification because there seems to be confusion as to the administration of the present act, and the commission has to report back in 1 year. Unfortunately, the President has not appointed his members to this commission.

However, there are only 16 States that now comply, according to the Secretary of Transportation. That means the remainder of the States are going to have 10 percent of their construction funds withheld if the Secretary does not give up this idea of putting a penalty on all the States now, unless they comply as he thinks they should comply.

I would hope that the gentleman who is chairman of this subcommittee, the gentleman from California (Mr. McFALL) would use his good offices to encourage the Secretary not to be too hasty in holding up the 10 percent of the construction funds, because as we know there has been an administrative withholding of construction funds in the past, and if we add another 10 percent of the Federal highway funds to that, we are going to be in trouble.

I would like to ask the Chairman if he can enlighten the committee any further on this—as to whether this is actually going to be withheld.

Mr. McFALL. Mr. Chairman, will the gentleman yield?

Mr. CASEY of Texas. I yield to the gentleman from California.

Mr. McFALL. I do not have the information the gentleman seeks, but I am in favor of the amendment which will be offered by the gentleman from Illinois (Mr. KLUCZYNSKI) in a few minutes, when we get to that portion of the bill, which will provide for the $200,000 funding for the Beautification Commission which is going to look into this very subject. I am sure when the gentleman from Illinois makes his presentation he will have some comments concerning this matter.

The Public Works Committee of the House is very much interested in this new Commission. I believe we should fund it and it should be added to this bill, and they can look into this matter.

Mr. CASEY of Texas. I appreciate the statement by the chairman of the subcommittee. I, too, will support the amendment when it is offered. It did concern me. It concerns, I believe, 34 other States, which are going to wake up one of these mornings and find out 10 percent of their construction funds are being withheld and the Commission which was created by the committee of the distinguished gentleman from Illinois did not have an opportunity to make any report.

The CHAIRMAN. The Clerk will read.

The Clerk proceeded to read the bill.

Mr. CONTE (during the reading). Mr. Chairman, I ask unanimous consent that the remainder of the bill be considered as read and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

The CHAIRMAN. Are there any points of order to be made against any provisions in the remainder of the bill?

POINT OF ORDER

Mr. HALL. Mr. Chairman, I make a point of order as to the language on page 16, lines 1 through 3, as being an unauthorized appropriation and violating rule XXI, clause 2.

The portion of the bill reads as follows:

RAILROAD RESEARCH

For necessary expenses for conducting railroad research activities, $7,000,000, to remain available until expended.

The CHAIRMAN. Does the gentleman from California desire to be heard on the point of order?

Mr. McFALL. Mr. Chairman, I should like to be heard on the point of order.

The point of order which the gentleman from Missouri makes is with reference to the language that indicates the amount of $7 million for conducting railroad research activities will remain available until expended. The phrase "to remain available until expended" is legislation on an appropriation bill. Just as soon as I can get an amendment ready I will offer an amendment which will preserve the $7 million and leave out the "to remain available until expended."

The CHAIRMAN. Does the gentleman from California concede the point of order?

Mr. McFALL. I concede the point of order, Mr. Chairman.

The CHAIRMAN (Mr. EDMONDSON). The point of order is sustained.

AMENDMENT OFFERED BY MR. M'FALL

Mr. McFALL. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. McFALL: On page 16 insert the following on line 1:

RAILROAD RESEARCH

For necessary expenses for conducting railroad research activities, $7,000,000.

Mr. McFALL. Mr. Chairman, this preserves the $7 million, which we believe is very important for research for the Federal Railroad Administration. They have a number of safety activities they have been charged with the responsibility of upholding. They need this $7 million to conduct research for these railroad safety activities.

Mr. HALL. Mr. Chairman, I appreciate the gentleman yielding.

I ask the question: Under the amendment is there still no authorization for this research center?

Mr. McFALL. This is not a research center. This is merely for railroad research. I am informed that the language that was objectionable was the language which provided that these funds would remain available until expended.

Mr. HALL. Mr. Chairman, I wonder if the gentleman could cite the authorization.

Mr. McFALL. It is the Federal Railroad Safety Act of 1970.

Mr. HALL. I see. I thank the gentleman.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California (Mr. McFALL).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. PODELL

Mr. PODELL. Mr. Chairman, I offer an amendment.

The portion of the bill to which the amendment relates is as follows:

RESEARCH, DEVELOPMENT, AND DEMONSTRATIONS AND UNIVERSITY RESEARCH AND TRAINING

For an additional amount for the urban mass transportation program, as authorized by the Urban Mass Transportation Act of 1964, as amended (49 U.S.C. 1601 et seq.), to remain available until expended; $52,000,000: *Provided*, That $49,000,000 shall be available for research, development, and demonstrations and $3,000,000 shall be available for university research and training, and managerial training as authorized under the authority of the said act.

The Clerk read as follows:

Amendment offered by Mr. PODELL: Page 17, line 22, after "demonstrations" insert the following: ", of which not less than $3,000,000 shall be available for research, development, and demonstrations related to subway safety,".

Mr. PODELL. Mr. Chairman, I offer my amendment not in conflict with the committee's fine bill, but rather, as a complement to it.

The transportation appropriations bill is rightfully divided into separate sections for the Federal Railroad Administration and the Urban Mass Transportation Administration. The former deals with the Nation's railways, while the latter is concerned with the transit problems of our great cities. However, for some unfathomable reason, the funds appropriated for both of these Administrations have been utilized almost solely for railroad research. The problem of mass urban transit—the subway systems—has been woefully neglected.

Since 1965, a total of only $501,000 has been employed for projects specifically dealing with subway safety. However, last year alone, the Urban Mass Transportation Administration received $26 million for such research. Thus, the total 7-year expenditures for subway safety have totaled less than 2 percent of 1 year's appropriation for that purpose.

Under normal circumstances, this situation would be shrugged off as merely another example of governmental inefficiency. However, these are far from normal circumstances. For while safety appropriations were being mismanaged, a huge wave of breakdowns and serious accidents has overtaken our mass transit facilities.

Allow me to document for you, Mr. Chairman, some of these tragic incidents:

On December 29, 1969, 48 persons were injured when an IRT train was derailed in the Bronx.

On February 27, 1970, an IRT collision in the Bronx resulted in seven injuries. A train had apparently come into the station too fast.

On May 20, 1970, an empty IND train smashed into a local in Queens, killing two and injuring 37.

On July 17, 1970, an IND train in Brooklyn plowed into a halted train, injuring 37.

On August 1, 1970, a women died of a heart attack, allegedly brought on by smoke inhalation from an electrical fire on the IRT line in downtown Manhattan. Fifty passengers and rescue workers were overcome by the smoke as panic-stricken commuters blindly groped through the smoke-filled tunnel.

On August 3, 1970, two persons were injured when 500 passengers stampeded in fright from a stalled IRT train.

More recently, on May 28, 1971, a water-main break shut down service on three different lines in Manhattan and the Bronx.

In the last 5 years, while safety appropriations have been ignored, service interruptions have risen from 14,000 to 24,000 yearly. More passengers have been killed and injured in the last 14 months than in the previous 42 years between 1928 and 1969.

Mr. Chairman, my solution to this problem does not entail the spending of any additional sums of money. Quite to the contrary, I believe that the committee has established guidelines that are most equitable. The purpose of my amendment is to insure that at least $3 million of the mass transportation research appropriation is used for subway safety research.

There are presently over 10 million Americans who ride subways throughout the Nation daily. In addition, several cities are now in the process of building new subway systems, which will soon carry millions more to and from work every day.

It is the responsibility of Congress to make certain that each and every one of these commuters be guaranteed a safe, danger-free ride. My amendment will provide a giant step toward making such a guarantee a reality.

Mr. CONTE. Mr. Chairman, will the gentleman yield?

Mr. PODELL. I am delighted to yield to the gentleman from Massachusetts.

Mr. CONTE. The minority has no opposition to this amendment, if it will save time.

Mr. McFALL. Mr. Chairman, will the gentleman yield?

Mr. PODELL. I am glad to yield to the chairman of the subcommittee.

Mr. McFALL. Mr. Chairman, on this side of the aisle we have no opposition to the amendment. It is earmarking funds for safety research for subways. Certainly, the activities of the Urban Mass Transportation Administration in their research and development program are broad enough to be able to utilize the funds which the gentleman in the well is asking for in order to protect the many people in this country who use the subways. We have no objection to the amendment.

Mr. PODELL. I thank the gentlemen.

Mr. BIAGGI. Mr. Chairman, will the gentleman yield?

Mr. PODELL. I yield to the gentleman from New York.

Mr. BIAGGI. Mr. Chairman, I rise in support of the amendment offered by the gentleman from New York (Mr. PODELL) which would insure that at least $3 million of the mass transportation research appropriations will be spent for subway safety research.

Daily over 10 million Americans ride the subways, and several cities are in the process of building subway systems. Congress has the obligation to protect the safety and welfare of these commuters by promoting research for subway safety, in order to alleviate the problems that now exist, and to prevent the tragedies that have occurred in the past 2 years.

In the last 16 months 174 persons have been injured, and three persons have died as a direct result of subway mishaps. This is more injuries and fatalities than occurred in the 42 years from 1928–1969. This is a shocking situation, and it must be rectified.

Mr. Chairman, the transportation appropriations bill is divided into sections for the Federal Railroad Administration—which deals with the Nation's railways—and the Urban Mass Transportation Administration—which deals with the transit problems of the cities. The problem of the subway systems has been almost totally ignored, since the funds appropriated for both the Federal Railroad Administration and the Urban Mass Transportation Administration have been almost solely spent on railroad research.

Last year, the Urban Mass Transportation Administration received $26 million for subway safety research, yet since 1965 only $501,000 has been used on projects specifically concerned with such research. This makes the total 7-year subway safety expenditures less than 2 percent of 1 year's appropriations.

No additional appropriations, Mr. Chairman, are called for in this amendment. All that is called for is that, within the guidelines already established by the committee, at least $3 million of the mass transportation research appropriations will be used for subway safety research.

The large occurrences of breakdowns and serious accidents that have plagued our mass transit facilities of late calls for action by the Congress to insure that the safety of our citizens is not imperiled when they ride the subways. This amendment will provide a beginning to the goal of totally safe and efficient mass urban transportation. I urge its acceptance.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York (Mr. PODELL).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. HALL

Mr. HALL. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. HALL: On page 17, line 20, strike, "$52,000,000," and insert in lieu thereof, "$30,600,000."

On page 17, line 21, strike, "$49,000,000" and insert in lieu thereof "$27,600,000."

Mr. HALL. Mr. Chairman, I shall not belabor my amendment in further detail. I spoke on it twice before. The distinguished gentleman from California, the chairman of the Subcommittee on

Appropriations, yielded to me during his exposition of the entire bill. Also I discussed it for 5 minutes in general debate.

I hope this amendment will be accepted with the same alacrity that others adding to the appropriation bill have been.

Suffice it to say this is simply an area where we have increased, for a demonstration project in one specific community, a people-mover project to the place where it has gone from an estimated cost and an appropriated cost of $1 million per mile of people moved to over $10.5 million per mile of people moved. It has been adequately portrayed that perhaps history has not been reviewed, nor have the research and development people taken adequate advantage of in-being projects for moving people whether they be in downtown communities or to or from airports or between cities.

This amendment, if adopted, would simply strike $21.4 million of this urban mass transit appropriations, of which there was $52 million overall. This simply removes that portion which would be for the Morgantown, W. Va., demonstration project, until such time as there is adequate research and development, or research among history for others.

Mr. Chairman, I submit that there are many projects for moving people en masse in communities, in ghetto areas, and everywhere else; and that if we were to take this from the bill, we will have more adequate room to maneuver as Members of the Congress, the people's elected Representatives, when we go to conference. This is not only a people-moving amendment, but it is an amendment for people; and I think the amendment should be in favor of the taxpayers and not those who would favor a boondoggle in any individual community. I suggest the amendment do pass.

Mr. McFALL. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, the Urban Mass Transportation Administration has a very important research and development program. One of the very important problems which confronts the country is how we are going to move people in the next two decades. They are addressing themselves to the movement of people throughout the country. They have a very important research and development program which relates itself to that purpose.

They requested $78 million for their research and development program. We cut them $26 million, down to $52 million, because we felt that we should take a look at some of the programs like the one that the gentleman from Missouri has discussed on this floor.

I, personally, feel that the program that he discussed at Morgantown, W. Va., is a very important project which will tell us how we are going to move masses of people at airports and urban centers throughout the country in the years to come. But I would point out to the members of the committee that we have already drastically cut this research and development program by some $26 million. Now, this amendment comes along and it would cut another $20 million, which does not direct itself to the Morgantown, W. Va., project, but would slash it to $30 million which would be available for mass transportation research.

Mr. Chairman, I feel that this is too drastic, that they must have this money in order to inquire into the vast problem of urban mass transportation. Therefore, I would ask the members of the committee to defeat this amendment.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. McFALL. I would be happy to yield to the gentleman from Iowa.

Mr. GROSS. Why did the cost go so high per mile for this project?

Mr. McFALL. One of the matters, of course, was the ordinary cost of inflation. Another matter is that they have reduced the mileage in an attempt to cut cost which increases the cost per mile of the project.

Mr. GROSS. Is it true that this 2-mile transportation gimmick is going to cost $127 million when it is completed?

Mr. McFALL. Insofar as I understand it will cost $27 million.

Mr. GROSS. It was $27 million and not $127 million?

Mr. McFALL. Yes.

Mr. GROSS. The sum of $27 million is still fantastic for 2 miles of roadway. How did this project get to Morgantown, W. Va., in the first place?

Mr. McFALL. That, I cannot answer the gentleman. It was selected by the Urban Mass Transportation Administration many years ago. I have not looked into the history of the question as to how it was selected.

Mr. GROSS. I heard someone mention today some kind of a safety setup in Ohio, I do not know where. How did that get there?

I am interested in how these projects get located over the country.

Mr. McFALL. I can discuss that one with perhaps more intelligence than I can the previous question the gentleman asked.

The test center which is proposed to be put in East Liberty, Ohio, must be authorized by the Committee on Public Works of the House, and the Committee on Interstate and Foreign Commerce of the House, and the same two committees of the Senate. So that there is an authorizing procedure within the Congress for that purpose.

The test center itself is a very important one.

Mr. GROSS. I am sure it is.

Mr. McFALL. It is necessary for the Department to make tests of tires and automobiles. They do not have the independent ability to test these, and they do not have the uniformity needed in the independent contractors that have been doing the job.

There were a number of places throughout the country such as Oklahoma who were interested in the project, and there were several other areas that wanted the testing center. But the committees are charged with the responsibility of determining where this test center should be, and they selected East Liberty, Ohio.

Mr. GROSS. I just wondered how much muscle it takes to get one of these projects, because I would like to go in training to develop the muscle to get one of these projects such as Morgantown, or East Liberty, Ohio, or wherever it might be.

Mr. McFALL. I would say to the gentleman from Iowa that the gentleman is a formidable Member of the House, but I would point out that in this particular case of the East Liberty, Ohio, project, the testing center there, that the law provides for safeguards, and that is that committees of the House and committees of the Senate make this determination, and that no one downtown makes the determination.

Mr. GROSS. Would the gentleman tell me whether it would help if I was on the Committee on Appropriations?

Mr. McFALL. I would point out to the gentleman from Iowa that in this case it would probably not help the gentleman.

Mr. GROSS. I thank the gentleman.

Mr. McFALL. Mr. Chairman, I ask that the amendment be defeated.

Mr. RONCALIO. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I hope the gentleman from Iowa will remain, because I refer to what the gentleman was discussing—but first I want to compliment the members of the Committee on Appropriations and the authorizing committees for locating something outside of the District of Columbia and 50 miles from its boundaries.

I was pleased to learn from the staff a little bit ago, referring to page 15, beginning on line 10, that the $9 million which is authorized for construction of compliance test facilities—that that plant is going to be built in East Liberty, Ohio. If this had been an appropriation of the amount of, say, $96 million, rather than $9 million, then I submit that it would have been built in Beltsville, Md., or Langley, Va., or at the Bolling Air Force Base off the Potomac, where I see that Pentagon No. 2 is now planned to be built.

So I congratulate this committee, and the Members of the Congress who have brought this bill before us. For once they have not appropriated funds for additional construction of office buildings in the District of Columbia. This is a meaningful first—the first appropriation bill this year that does not contain funds for an office building to house Federal facilities in the District of Columbia.

If it did, I would of course be offering my little amendment with which so many of you unofficially agree.

Mr. Chairman, the time has come for the end of office building construction by the United States of America as payor, or as lessee, in the District of Columbia.

Members, last Sunday on television a group of architects said that the continuing blight and lack of coordinating planning in the Nation's Capital is an act of misfeasance on the part of those responsible. This is a horrible thing, to allow our Nation's Capital to grow into a plethora of unipurpose buildings and choked roads that we find in this area today. We know that 50 percent of the new buildings built in the last 15 years to house offices in the areas between H and R Streets, and 17th and 22d Streets are now 50-percent empty. All those buildings built are one-half empty. And yet we continue to appropriate millions for new buildings, two of which are going to be built at the very foot of Capitol Hill in the course of the next few years.

We also have nothing in the record of these debates as to what the intent of Congress is regarding the retention of National Airport, or Dulles Airport, by the Government, or their sale at depreciated "book" value, as reported recently in the press. We see AOPA and other enterprisers petitioning the DOT for the opportunity to purchase Dulles Airport. I think that if this Congress allows Dulles Airport or National Airport to be sold to anybody now that this would be virtually an act of criminal negligence.

I think it is time that the record shows that Congress will not acquiesce while such plans are allowed to develop.

Here the Committee on Public Works, I am pleased to note, has made it mandatory that plants beyond the FBI building and the new library in the District of Columbia must be submitted to the Committee on Public Works long before authorization will be considered.

Let us now make it our business to put an end or at least a long moratorium to this building of more and more office buildings, and less and less decent housing, which is making this area less and less a fit and proper place for the Nation's Capital.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Missouri (Mr. HALL).

The question was taken; and on a division (demanded by Mr. HALL), there were—ayes 8, noes 39.

So the amendment was rejected.

AMENDMENT OFFERED BY MR. KLUCZYNSKI

Mr. KLUCZYNSKI. Mr. Chairman, I offer an amendment.

The portion of the bill to which the amendment relates is as follows:

WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY

FEDERAL CONTRIBUTION

To enable the Department of Transportation to pay the Washington Metropolitan Area Transit Authority, as part of the Federal contribution toward expenses necessary to design, engineer, construct, and equip a rail rapid transit system, as authorized by the National Capital Transportation Act of 1969 (Public Law 91-143), including acquisition of rights-of-way, land, and interests therein, to remain available until expended, $174,321,000 for the fiscal year 1973.

The Clerk read as follows:

Amendment offered by Mr. KLUCZYNSKI: On page 22, line 24, insert:

COMMISSION ON HIGHWAY BEAUTIFICATION

SALARIES AND EXPENSES

For necessary expenses of the Commission on Highway Beautification, established by Sec. 123 of the Federal-Aid Highway Act of 1970 (84 Stat. 1727-1728), $200,000, to remain available until expended.

Mr. KLUCZYNSKI. Mr. Chairman, the amendment I am offering is to provide the $200,000 authorized to fund the Commission on Highway Beautification established under section 123 of the Federal-Aid Highway Act of 1970. That act as you will recall provided authorizations for highway beautification through 1973 while at the same time providing for a commission which would study and review the existing law, policies, and practices related to control of outdoor advertising and junkyards; compile data on the Nation's highway beautification needs; make appropriate recommendations; and submit a final report not later than 1 year after the funding of the Commission. The Commission itself will cease to exist 6 months after submission of the final report.

The Commission shall consist of 11 members: two majority, and two minority members of the House Public Works Committee; two majority and two minority members of the Senate Public Works Committee; and three to be appointed by the President from among persons who are not officers or employees of the United States.

Mr. Chairman, it is extremely important that this Commission be funded in this bill so that it may proceed with the study and report in time for their consideration in next year's biennial Federal-aid highway legislation.

This is not a commission which will linger on the subject for years, it is limited to report in 1 year and then shortly thereafter go out of existence. The House and Senate have already named their members and it is my understanding that the administration has chosen its three members and will name them as soon as the Commission is funded.

The gentlemen of this body know extremely well how controversial a subject we have in beautification. It has been argued long and hard here on this floor as well as in the other body.

The present law needs amending badly; it is highly doubtful whether it can come even close to accomplishing its original intention in its present form. What the Public Works Committee found out as we worked on the 1970 legislation was that what we needed most was reliable facts and unbiased recommendations compiled in a manner which would place before us the nature of the entire problem and the proper way in which it should be handled.

This Commission will do just that and the Congress can then proceed to make the present legislation meaningful.

Already the Secretary of Transportation has notified eight States that under the provisions of the law they will have 10 percent of their 1973 highway apportionments withheld. There are apparently several other States that will very shortly find themselves in the same situation. I say that this situation is ridiculous and we should be moving as quickly as possible to correct it. The first step is getting this Commission in operation so we can get the true facts before us.

Mr. Chairman, I urge the adoption of this amendment and hope the great gentlemen from California will indicate the acceptance of the amendment by his committee at this time.

Mr. McFALL. Mr. Chairman, will the gentleman yield?

Mr. KLUCZYNSKI. I yield to the gentleman.

Mr. McFALL. Mr. Chairman, the gentleman has offered an amendment which should have been included in the bill, but which was not included because of an oversight.

Mr. Chairman, we accept the gentleman's amendment on this side and I am sure the gentleman from Massachusetts (Mr. CONTE) would also agree to its acceptance.

Mr. CONTE. Mr. Chairman, this amendment is for $200,000 to fund the Commission on Highway Beautification and the minority has no objection to it.

Mr. TERRY. Mr. Chairman, will the gentleman yield?

Mr. KLUCZYNSKI. I yield to the gentleman.

Mr. TERRY. Mr. Chairman, I rise in support of the amendment by the gentleman from Illinois. The Highway Beautification Commission, already authorized by the Public Works Committee, cries out for funding. Everyone would agree that the Highway Beautification Act of 1965 was an imperfect piece of legislation, however well intentioned. As it now stands many local persons adjacent to highways, and in particular those at some distance from interstate highways could lose a major share of their business with all signs gone and travelers unaware of the availability of their wares and services. In an area such as the Finger Lakes District of New York, this could be disastrous. My hope is, and I feel many here in this body share it, that some acceptable compromises can result out of the work of this Commission, so that we can increase the beauty of our highways, but at the same time not put a lot of small business people out of operation in accomplishing this goal.

In my area alone the over-500 members of the Finger Lakes Association, who operate small motels and restaurants could be very adversely affected by the law as it now stands. The restudy of the highway beautification program, issued by the House last September, contained some good departure points for the work of the Commission. I particularly refer to the recommendation to permit signs in the specific interest of the traveling public.

In part it states:

> Recent studies have indicated that the motorist does not particularly object to outdoor advertising signs if they satisfy his informational needs for services. Such signs, properly regulated to prevent proliferation

or placement in unsafe locations, not only assist the motorist in locating facilities of interest to him, but also eliminate a potential hardship by allowing the tourist-oriented business to make itself known to the traveling public.

It is fairly well concluded by everyone by now that "food, gas, and lodging" signs do not reach a great percentage of the traveling public—only those traveling in a leisurely enough fashion to want to stop and leaf through the information provided. In other words, there is no substitute for a good informational sign. I urge the adoption of this amendment.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. KLUCZYNSKI. I am happy to yield to the gentleman from Iowa, my very good friend.

Mr. GROSS. Mr. Chairman, I thank the gentleman from Illinois for yielding.

How many petunias and peonies will this provide for?

Mr. KLUCZYNSKI. There will be 11 members, four from the Committee on Public Works of each body and three to be named by the President. The President is ready to name them as soon as we pass this legislation.

Mr. GROSS. Is this Commission really necessary for the beautification of highways? Must we spend $200,000 for that purpose?

Mr. KLUCZYNSKI. That is the purpose of the amendment, Mr. GROSS. This matter has been kicked around, as the gentleman knows, for years. We finally decided to create a commission which will report back to the Public Works Committee of the House and the Senate within a year, and then the Commission will die 6 months later. We will not keep them on the payroll; we will not put up buildings for them. The Commission will die 6 months after their report is made.

Mr. GROSS. Will they be able to do some junketing on the $200,000?

Mr. KLUCZYNSKI. I am afraid they will not be able to go to Italy or Poland or anywhere that far away on that kind of money; they will have to stay within the confines of the United States.

Mr. GROSS. I noted a couple of years ago that along the highway near the Twin Bridges and around that area Mrs. Johnson got a lot of flowers and some shrubbery planted, and then they came along with bulldozers and dug out most if not all of it. What about this highway beautification? Is the program to beautify one year and bulldoze it out the next?

Mr. KLUCZYNSKI. That has happened. I recall that a large power shovel traveled around at Mrs. Johnson's direction when the planting was done.

Mr. GROSS. The gentleman says that if we add the $200,000, that will be the end of the Commission on Beautification; is that correct?

Mr. KLUCZYNSKI. Yes; and they are not going to spend the $200,000. The Speaker of the House will appoint the Commission.

Mr. GROSS. I am glad the House has been given that kind of assurance in this instance. I hope the gentleman is right.

Mr. KLUCZYNSKI. I thank the gentleman.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois (Mr. KLUCZYNSKI).

The amendment was agreed to.

Mr. McFALL. Mr. Chairman, I move that the Committee do now rise and report the bill back to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker having resumed the Chair, Mr. EDMONDSON, Chairman of the Committee of the Whole House on the State of the Union, reported that the Committee, having had under consideration the bill (H.R. 9667) making appropriations for the Department of Transportation and related agencies for the fiscal year ending June 30, 1972, and for other purposes, had directed him to report the bill back to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

Mr. McFALL. Mr. Speaker, I move the previous question on the bill and all amendments thereto to final passage.

The previous question was ordered.

The SPEAKER. Is a separate vote demanded on any amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the bill.

Mr. DELLENBACK. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 401, nays 12, not voting 20, as follows:

[Roll No. 190]

YEAS—401

Abbitt
Abernethy
Abourezk
Abzug
Adams
Addabbo
Anderson, Calif.
Anderson, Ill.
Anderson, Tenn.
Andrews, Ala.
Andrews, N. Dak.
Annunzio
Archer
Arends
Ashley
Aspin
Aspinall
Badillo
Baker
Baring
Barrett
Begich
Belcher
Bell
Bennett
Bergland
Betts
Bevill
Biaggi
Biester
Bingham
Blackburn
Blanton
Blatnik
Boggs
Boland
Bolling
Bow
Brademas
Bray
Brinkley
Brooks
Broomfield
Brotzman
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burke, Fla.
Burke, Mass.
Burleson, Tex.
Burlison, Mo.
Burton
Byrne, Pa.
Byrnes, Wis.
Byron
Cabell
Caffery
Camp
Carey, N.Y.
Carney
Carter
Casey, Tex.
Cederberg
Celler
Chamberlain
Chappell
Clancy
Clark
Clausen, Don H.
Clawson, Del
Cleveland
Collins, Ill.
Collins, Tex.
Colmer
Conable
Conte
Corman
Cotter
Coughlin
Crane
Culver
Daniel, Va.
Daniels, N.J.
Davis, Ga.
Davis, S.C.
Davis, Wis.
de la Garza
Delaney
Dellenback
Dellums
Denholm
Dennis
Dent
Derwinski
Devine
Dickinson
Dingell
Dorn
Dow
Dowdy
Downing
Drinan
Dulski
Duncan
du Pont
Dwyer
Eckhardt
Edmondson
Edwards, Ala.
Edwards, Calif.
Eilberg
Erlenborn
Esch
Eshleman
Evans, Colo.
Evins, Tenn.
Fascell
Findley
Fish
Fisher
Flood
Flowers
Flynt
Foley
Ford, Gerald R.
Ford, William D.
Forsythe
Fountain
Fraser
Frelinghuysen
Frenzel
Frey
Fulton, Pa.
Fulton, Tenn.
Fuqua
Galifianakis
Gallagher
Garmatz
Gaydos
Gettys
Giaimo
Gibbons
Goldwater
Gonzalez
Goodling
Grasso
Gray
Green, Pa.
Griffin
Griffiths
Grover
Gubser
Gude
Hagan
Haley
Halpern
Hamilton
Hammerschmidt
Hanley
Hansen, Idaho
Harrington
Harsha
Harvey
Hastings
Hathaway
Hawkins
Hays
Hébert
Hechler, W. Va.
Heckler, Mass.
Helstoski
Henderson
Hicks, Mass.
Hicks, Wash.
Hillis
Hogan
Horton
Hosmer
Howard
Hull
Hungate
Hunt
Hutchinson
Ichord
Jacobs
Jarman
Johnson, Calif.
Johnson, Pa.
Jones, Ala.
Jones, N.C.
Jones, Tenn.
Karth
Kastenmeier
Kazen
Keating
Kee
Keith
Kemp
King
Kluczynski
Koch
Kuykendall
Kyl
Kyros
Landgrebe
Landrum
Latta
Leggett
Lennon
Lent
Link
Lloyd
Long, Md.
Lujan
McClory
McCloskey
McClure
McCollister
McCormack
McDade
McDonald, Mich.
McEwen
McFall
McKay
McKevitt
McKinney
McMillan
Macdonald, Mass.
Madden
Mahon
Mailliard
Mann
Martin
Mathias, Calif.
Mathis, Ga.
Matsunaga
Mayne
Mazzoli
Meeds
Melcher
Metcalfe
Michel
Mikva
Miller, Calif.
Miller, Ohio
Mills, Ark.
Mills, Md.
Minish
Mink
Minshall
Mizell
Mollohan
Monagan
Montgomery
Moorhead
Morgan
Morse
Mosher
Moss
Murphy, Ill.
Murphy, N.Y.
Myers
Natcher
Nedzi
Nelsen
Nichols
Nix
Obey
O'Hara
O'Konski
O'Neill
Passman
Patman
Patten
Pelly
Perkins
Pettis
Peyser
Pickle
Pike
Pirnie
Poage
Podell
Poff
Preyer, N.C.
Price, Ill.
Price, Tex.
Pryor, Ark.
Pucinski
Purcell
Quie
Quillen
Railsback
Randall
Rangel
Rees
Reid, Ill.
Reid, N.Y.
Reuss
Rhodes
Roberts
Robinson, Va.
Robison, N.Y.
Rodino
Roe
Rogers
Roncalio
Rooney, N.Y.
Rooney, Pa.
Rosenthal
Rostenkowski
Roush
Rousselot
Roy
Roybal
Runnels
Ruppe
Ruth
Ryan
St Germain
Sandman
Sarbanes
Satterfield
Saylor
Scherle
Scheuer
Schneebeli
Schwengel
Scott
Sebelius
Seiberling
Shoup
Shriver
Sikes
Sisk
Skubitz
Slack
Smith, Calif.
Smith, Iowa
Smith, N.Y.
Snyder
Spence
Springer
Stafford
Staggers
Stanton, J. William
Stanton, James V.
Steed
Steele
Steiger, Ariz.
Stephens
Stratton
Stubblefield
Stuckey
Sullivan
Symington
Talcott
Taylor
Teague, Calif.
Teague, Tex.
Terry
Thompson, Ga.
Thomson, Wis.
Thone
Tiernan
Udall
Ullman
Vander Jagt
Vanik
Veysey
Vigorito
Waggonner
Waldie
Wampler
Ware
Watts
Whalen
Whalley
White
Whitehurst
Whitten
Widnall
Wiggins
Williams
Wilson, Bob
Winn
Wolff
Wright
Wyatt
Wydler

Wylie
Wyman
Yates
Yatron
Young, Fla.
Young, Tex.
Zablocki
Zion
Zwach

NAYS—12

Ashbrook
Clay
Conyers
Diggs
Gross
Hall
Jonas
Mitchell
Rarick
Schmitz
Steiger, Wis.
Stokes

NOT VOTING—20

Alexander
Brasco
Chisholm
Collier
Danielson
Donohue
Edwards, La.
Green, Oreg.
Hanna
Hansen, Wash.
Holifield
Long, La.
McCulloch
Pepper
Powell
Riegle
Shipley
Thompson, N.J.
Van Deerlin
Wilson, Charles H.

So the bill was passed.

The Clerk announced the following pairs:

Mr. Donohue with Mr. Collier.

Mr. Brasco with Mr. Riegle.

Mr. Alexander with Mr. Powell.

Mr. Charles H. Wilson with Mr. Shipley.

Mr. Hanna with Mr. Edwards of Louisiana.

Mr. Van Deerlin with Mr. Long of Louisiana.

Mr. Thompson of New Jersey with Mrs. Green of Oregon.

Mr. Holifield with Mr. Pepper.

Mrs. Chisholm with Mr. Danielson.

Mr. COLLINS of Illinois changed his vote from "nay" to "yea."

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. McFALL. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill H.R. 9667, making appropriations for the Department of Transportation and related agencies for the fiscal year ending June 30, 1972, and to include extraneous material.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

FIRST ANNUAL REPORT ON HAZARDOUS MATERIALS CONTROL—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER laid before the House the following message from the President of the United States, which was read and, together with the accompanying papers, referred to the Committee on Interstate and Foreign Commerce and ordered to be printed:

To the Congress of the United States:

I transmit herewith the First Annual Report on Hazardous Materials Control as required by the Hazardous Materials Transportation Control Act of 1970, Public Law 91-458. This report has been prepared in accordance with Section 302 of the Act, and covers the period from the date of enactment, October 16, through December 31, 1970.

RICHARD NIXON.

THE WHITE HOUSE, *July 14, 1971.*

SPEAKER CARL ALBERT NEEDS NO DEFENSE

(Mr. WAGGONNER asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. WAGGONNER. Mr. Speaker, last Monday, the readers of the Washington Evening Star were once again subjected to the type of outrageous and vitriolic column which has become the hallmark of Mr. Milton Viorst. Mr. Viorst is a left-wing dogmatist who regards those who do not agree with him at all times on all subjects as sinister, benighted, or both. The nominal object of Mr. Viorst's rantings in this case is our distinguished Speaker, Hon. CARL ALBERT. Mr. Viorst laboriously scrounges up a few quotations and charges, all from anonymous sources, as to the Speaker's alleged deficiencies as a leader.

In reality, however, the Speaker is merely the symbol, the hated symbol of the middle political way, that broad spectrum to which the overwhelming majority of the American electorate belongs and to which their most creative and successful public officials have always adhered.

Ideologues of the left and right, alike, as well as certain academic theoreticians, would pour American politics into the same preordained European model of rigid class parties. They are doomed to failure. The United States of America is a Nation continental in size, pluralistic in ethnic and social makeup. It is thus far too diverse to function politically through rigid ideological parties—be they labeled conservative, liberal, reactionary, or radical.

Our political parties, and the men who sit on both sides of the aisle of this House attest to this, are amalgams representative of diverse points of view. One of the chief, if not the chief, functions of a party leader under such circumstances, therefore, is to wield his political followers into an effective functioning governing unit. In so doing, he serves not merely the interests of his party, but that of the Nation as well.

By any reasonable test the present occupant of the chair, Hon. CARL ALBERT, must be accorded high honors in the attainment of this objective. During the past 6 months under his leadership, the House of Representatives has passed a body of legislation notable both for its quantity and quality. As a Democrat, I am proud to salute him as the leader of my party in the House; as an American, I am deeply gratified that the American political process has raised this truly great political pragmatist to the second highest office in the Nation.

KANSAS GOVERNOR OBJECTS TO AEC SITE ACQUISITION FOR PROJECT AT LYONS, KANS.

(Mr. ROY asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. ROY. Mr. Speaker, on Thursday, July 15, the House will consider H.R. 9388, authorizing appropriations for the Atomic Energy Commission.

Representative JOE SKUBITZ of Kansas will move to strike Project 72-3-b, authorizing $3.5 million for acquisition of lands to establish a radioactive waste repository at Lyons, Kans.

The Atomic Energy Commission has persisted in seeking authorization and funding for site acquisition for this project despite the repeated and very strong objections of the Governor of Kansas, Robert Docking, the Kansas scientific community, and many other Kansas citizens. Governor Docking has stated that he will use every means available to him, including legal action, to block site acquisition until safety studies recommended by the Kansas Geological Survey are completed. All scientists and engineers external to the Atomic Energy Commission and Oak Ridge National Laboratory who have reviewed the project concur with the views of the Kansas Geological Survey that further scientific tests are needed to determine safety.

The position of Governor Docking and the Kansas scientists is simply that funds should not be authorized for site acquisition until the studies are completed and safety assured.

It would be inappropriate for the House to approve this authorization in view of the Governor's strong objections and the concern expressed by many Kansas citizens regarding the safety of the project.

I urge you to be present on the floor of the House Thursday afternoon, July 15, and to support the amendment which will be offered by Representative JOE SKUBITZ to strike Project 72-3-b from H.R. 9388.

The following letter from Governor Docking contains the serious questions which have not been answered to our satisfaction:

STATE OF KANSAS,
OFFICE OF THE GOVERNOR,
Topeka, Kans., July 7, 1971.

Mr. JOHN A. ERLEWINE,
Assistant General Manager for Operations, U.S. Atomic Energy Commission, Washington, D.C.

DEAR MR. ERLEWINE: Thank you for your letter of June 4 and the accompanying final environmental statement of the Atomic Energy Commission on the proposed radioactive waste repository at Lyons, Kansas.

Due to the technical nature of the final statement, I asked Dr. William W. Hambleton, director, Kansas Geological Survey, University of Kansas, to review the statement and give me his opinions. Dr. Hambleton's response follows:

"I am responding to your request for an evaluation of the June, 1971 Environmental Statement issued by the Atomic Energy Commission with respect to the Radioactive Waste Repository at Lyons, Kansas.

"Detailed evaluation of the new Environmental Statement is virtually impossible, for the document is very large. However, some general observations can be made.

"I do not believe that the new Environmental Statement conforms to the letter and the spirit of the National Environmental Policy Act of 1969. It does not respond to specific comments and criticisms, which often are met with the response that these comments and criticisms call for information and answers which cannot be included in an Environmental Statement. Seemingly, the document is designed to convince the reader that all problems will be addressed (1) during the design and development phase of the project, or (2) will be treated in a Design and Safety Analysis, or (3) will be verified during the demonstrational phase of the facility operation.

"If this Environmental Statement is to serve as a model for other environmental statements, every agency will request approval with respect to environmental impact on the basis of preliminary conceptual plans, explaining that all problems will be solved during a design or demonstration phase of the project, wherein all adverse environmental consequences will be eliminated. In effect, environmental statements will be no more than expressions of faith and requests for trust.

"Contrary to the benign expressions of the Atomic Energy Commission, I do not agree that investigation of the environmental impact of this project must be investigated during the design and demonstrational phase at the storage site. Most of the work requires intensive laboratory investigation that should provide a sound basis for on-site demonstration.

"The Environmental Statement does not provide adequate documentation regarding the safety of the site. For the most part, the bibliography omits reports that are critical, and the reports cited in the bibliography do not provide sufficient data so that results can be duplicated by other scientists. Most information is shown in graph form.

"The entire tone of the document suggests that the Atomic Energy Commission is interested only in confirming prior conclusions. In Oak Ridge National Laboratory Report 71–3–43, the observation is made that concerns of the Kansas Geological Survey are 'based solely on analysis of preliminary, incomplete and unconfirmed hydrological data.' With respect to concern about the possibility of salt intrusion, it is noted that further 'study would be expected to more clearly demonstrate the impossibility of thermally induced diaperim at the site.' A similar kind of 'scientific' attitude pervades the Environmental Statement. Quotations from National Academy of Science committees reveal only those parts of reports which support prior conclusions by the Atomic Energy Commission. The constraints and warnings in these reports are ignored entirely.

"The Statement continues to recite the results of studies which admittedly are based upon overly simplified models. For example, on page 3, we note that decay of radioisotopes is expected to cause a maximum temperature rise of less than 1° F. at the surface of the site approximately 800 years after waste burial. A temperature rise of only 14° F. is expected in aquifers 100 feet below the surface, and 32° F. in another minor aquifer at the depth of 285 feet after 800 years. We read that a surface depression amounting to only 4 feet will be experienced due to subsidence effects. None of these values have been verified, and are based upon constant rock properties that actually are temperature dependent. No coupled thermal-mechanical model has yet been constructed.

"On page 16, with respect to alpha wastes, the statement is made the 'stringent administrative procedures will be implemented to assure that these criteria will be satisfied.' No procedures are elucidated in the Environmental Statement.

"On page 35, comment is made that 'preliminary site studies of subsurface geology reveal no structural or stratigraphic conditions which would suggest the site is unsatisfactory for this purpose.' This statement simply is not true; faults and hydrologic conditions may cause the site to be completely unsatisfactory.

"On page 39, a statement is made that 'studies of surface hydrology are presently underway to confirm isolation of the salt bed from overlying aquifers.' This statement, similar in content to many other statements, implies that the Atomic Energy Commission is interested only in confirming prior conclusions.

"The section on ecology is completely inadequate.

"In the major section on potential impact on existing environment beginning on page 46, an attempt is again made to convey the impression that problems are completely understood. The verb 'will' is used extensively throughout this section to refer to temperatures and heat flux. Although the admission appears that these temperature projections have been based upon a two-dimensional, heat-flow model using literature values of thermal properties of the major geological units present at the site due to lack of actual stratigraphic or thermal property data, the unusual conclusion is reached that preliminary runs using three-dimensional code do not suggest that the calculations will be significantly different from previous estimates. This statement is patently false. All that has been demonstrated is that the capability for a three-dimensional analysis exists. Geophysical impact conclusions again are based upon a simplified model using constant rock properties. A coupled thermal-mechanical model has not been constructed.

"On page 64, the Environmental Statement attempts to demonstrate that stored energy from radiation damage will be minimal, and reference is made to studies by Kobayashi and Bunch and Pearlstein. These literature citations are inappropriate because studies by Kobayashi were concerned with 60 MEV particles, which have sufficient energy to penetrate the salt completely. The work of Bunch and Pearlstein was concerned with F-centers, which relate to electron displacements, which result in much higher stored energy.

"On page 73, the description of the repository assures us that the facilities will be designed to insure confinement capability and radiation safety following exposure to credible internal and external forces (including flood, tornadoes and earthquakes). We are given no clue as to the design criteria for such facilities.

"On page 77, we are assured that safety systems will be described in the facility conceptual design and safety report. The character of such safety systems is not mentioned. We are told that an on-site monitoring program will be carried out by the operating contractor. It will be his responsibility to assure all operations within the facility are performing in accordance with accepted radiation protection standards. Unfortunately, we learn that the details of this program will be developed.

"On page 81, we are assured the retrieval system concepts will be developed. And on page 85, we are asked to have faith that no impact on the ecology is anticipated.

"Critical comments with respect to transportation are met with the response that roadbeds and tracks are beyond the scope of an environmental statement. Handling procedures will be described in a conceptual design and safety report. Pertinent calculational techniques and operational procedures will be verified by in situs measurements with respect to retrievability during the period of demonstration. No intended or anticipated environmental monitoring programs are outlined, intimated or suggested. No analysis is presented and no procedures are outlined for coping with accidents during transportation or handling of wastes."

The final statement as prepared by the Atomic Energy Commission offers no scientific proof of the safety of the proposed Lyons project. It offers only pledges to have faith in the AEC. Our experiences with the officials of the AEC in the past few months have given us ample reasons not to have faith in the AEC.

You are ignoring the wishes of a great many Kansans when you propose—as you do in this final statement—to continue to press for construction of the repository without first conducting further tests. Your final statement, which leaves many, many questions unanswered, only reassures me that my position regarding the Lyons project is the right one: that instead of continuing with plans to build the repository, the AEC should instead defer requests for federal funds to purchase land and construct the repository until scientific tests can be completed and the safety of the project can be determined to the satisfaction of the citizens of Kansas, scientists and elected officials.

Yours sincerely,

ROBERT DOCKING,
Governor of Kansas.

JAIL FOR RECEIVING STOLEN PROPERTY

(Mr. PUCINSKI asked and was given permission to address the House for 1 minute.)

Mr. PUCINSKI. Mr. Speaker, it is becoming abundantly clear that someone at the New York Times, the Washington Post, and the Boston Globe may go to jail for receiving stolen property.

The Supreme Court in its 6-to-3 decision upheld the constitutional right guaranteed under the first amendment for newspapers to publish the Pentagon papers.

But the Supreme Court decision does not provide any protection against a criminal charge of receiving stolen property.

The Columbia Journalism Review in its July 1971 issue reminds us that the Los Angeles Free Press, one of the first and most successful "underground" newspapers, was convicted last summer of "receiving stolen property," a criminal charge against its editors that carried a possible sentence of 1 to 10 years in jail.

The Columbia Journalism Review reports that in August 1969, the Free Press published an official roster of undercover California narcotics agents, complete with their ranks, home addresses, and telephone numbers.

According to the article:

> The roster apparently received from a former mail clerk in the state Attorney General's office, was printed under the headline, "There Should Be No Secret Police."
>
> A state law passed after the conviction made it a misdemeanor to disclose such information. Before that, publication of the roster could not have been held illegal under California law. There was a law covering receipt of stolen property, and it was under this that the jury, after six days of deliberation, convicted the defendants. The charge was violating a provision of the law customarily applied in cases involving "fences" for stolen goods.

The Free Press case is now under appeal but it is abundantly clear, Mr. Speaker, that the Free Press decision may very well help resolve the vexing dilemma between the rights of a free press under the first amendment and the responsibilities of a free press to uphold those laws not protected by the first amendment as any citizen would be expected to do.

The Supreme Court has made it very clear that we do not want any supercensors telling the press what it can or cannot publish.

But under the decision in California affecting the Los Angeles Free Press, obviously editors will have to be the judge as to whether or not they want to risk going to jail for receiving stolen property, if indeed such receipt of stolen property is concomitant with the publication of subsequent material.

A BILL TO END TV PROGRAM ABUSES

(Mr. KEITH asked and was given permission to address the House for 1 minute.)

Mr. KEITH. Mr. Speaker, yesterday, I offered the successful motion to recommit to the Committee on Interstate and Foreign Commerce, the resolution to cite CBS President Dr. Frank Stanton for contempt of Congress in connection with the investigation which resulted from the television program, "The Selling of the Pentagon."

I was convinced that the problem with which we were dealing was the devious means and techniques employed by CBS in attempting to prove its point about the Department of Defense public affairs modus operandi.

I was convinced that, in producing and presenting "The Selling of the Pentagon," CBS not only used the full protection of press, it abused it.

Had we acted favorably upon that resolution, the case and all its ramifications would have been referred to the courts and the evidence might not have been sufficient to have won approval of the congressional citation. A better course of action, it appeared to me, was to proceed forthwith to enact legislation making illegal the abuses which we found to be practiced by CBS.

It is, after all, the right and the responsibility of the Congress to make laws and to regulate thereunder. In its wisdom, the Congress enacted the Federal Communications Act of 1934 and assigned the Federal Communications Commission as its agent in the administration of that act.

So, tomorrow, I am introducing a bill designed to restrain and hopefully end those practices which make possible the distortion of programs and the consequent misleading of radio and television audiences. Significantly, some of the bill's provisions have come, almost directly, from the new standards of news and public affairs conduct which CBS, itself, has prepared as appropriate guidelines.

When my legislation is enacted into law, the public can be assured that enforcement of these guidelines will not be the option of high-ranking corporate executives competing for the highest possible audience ratings: it will be the law which must be obeyed. No longer will it be possible for them to stage incidents. No longer will they be able to sensationalize by audio-video trickery.

The prohibition of these tricks of the trade may make news and public affairs programing less entertaining, but it will produce a proportionate improvement in its integrity.

As a member of the Committee on Interstate and Foreign Commerce, and as ranking minority member of the Subcommittee on Communications and Power, I am tomorrow submitting legislation to accomplish these objectives. I ask my colleagues to join me in cosponsoring this bill and I ask for thorough, but prompt, consideration of this most serious effort in the interest of "the public's right to know."

CUSTOMS SEARCH WITHOUT REGARD TO PASSPORT

(Mr. WYMAN asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. WYMAN. Mr. Speaker, last Friday U.S. Customs Agents in New York at Kennedy airport seized $20,000,000 worth of pure heroin in the baggage of a man identified as the son of Panama's Ambassador to Taiwan. This person claimed diplomatic immunity from search but for some reason the passport he held was inadequate to support such a claim, and the resulting search produced 175 pounds of pure heroin.

What if he had held a diplomatic passport? No search. Enough dope to supply the needs of tens of thousands of addicts, and to infect thousands more, would have filtered into the country.

President Nixon has substantially increased the national effort to combat the drug menace. Attorney General Mitchell is directing a nationwide fight against drugs. But the ship of state leaks like a sieve when the baggage and possessions of persons holding diplomatic passports are free from search. In this situation it is virtually impossible to hold the line against increased illegal narcotic drugs.

Neither international custom, comity nor protocol, warrants continued failure to plug this shocking loophole in our defenses against heroin and its cousins. The more recently developed international custom of extending the privileges and immunities granted ambassadors to include the diplomat's personal and official family must yield to the protection and welfare of our people, especially our young people.

I am introducing legislation today to provide that the baggage and other possessions of all visitors to the United States shall be subject to inspection by U.S. Customs without regard to the type of passport held by such visitor. The only exception provided in my bill is for the sealed diplomatic pouch and the person of individuals granted the rank of ambassador.

I urge the prompt passage of this legislation to prevent abuses of the privileges of diplomatic immunity and to meaningfully help prevent the growing flood of drugs coming into the United States.

RESOLUTION OF THE MAINE LEGISLATURE ON PRISONERS OF WAR

(Mr. HATHAWAY asked and was given permission to address the House for 1 minute, to revise and extend his remarks, and to include extraneous material.)

Mr. HATHAWAY. Mr. Speaker, the Vietnam war has been long and discouraging. Both the American and Vietnamese people have agonized over the struggle, its origins, its conduct, and its consequences. One concern which has been shared by Americans of all ideological persuasions is the concern over the fate of prisoners of war and those missing in action. As it appears we are approaching a very critical stage in the peacemaking efforts in Paris, I think it is particularly important to focus our attention on this very humane aspect of the war.

It has been 7 years and 110 days since the first American prisoner of war in Southeast Asia was taken. Since that time, there have been numerous public outcries and indications of sympathy for the POW's/MIA's and their families.

Recently the Maine Legislature expressed its concern by approving a joint resolution memoralizing Congress in respect to prisoners of the Vietnam war. The resolution called for the release of names, addresses, and the state of health of every American captive; called for allowing the Red Cross to monitor the prisoner camps and help minister to the needs of the captives; and calling for observance of the Geneva Convention regarding shipments of mail, food, clothing and so forth.

Mr. Speaker, I would like at this point in the Record to insert the transcript of the joint resolution approved by the Maine State Legislature:

STATE OF MAINE JOINT RESOLUTION MEMORIALIZING CONGRESS IN RESPECT TO PRISONERS OF THE VIETNAM WAR

We, your Memorialists, the Senate and House of Representatives of the State of Maine assembled in the regular session of the One Hundred and Fifth Maine Legislature, do respectfully represent that:

Whereas, the Governments of the United States and North Vietnam are parties to the Geneva Convention; and

Whereas, it is the intent of the Geneva Convention that the high contracting parties to the convention insure the proper and humanitarian treatment of prisoners; and

Whereas, the Government of North Vietnam has not conformed its actions to the terms of the Geneva Convention and has shown a blatant disregard for the feelings of the families of prisoners held; now, therefore, be it

Resolved: That we, your Memorialists,

speaking for and on behalf of the people of the State of Maine, recommend and urge that the Congress of the United States take all possible steps to gain the release of names, addresses and state of health of every captive American; repatriate or remove to a neutral country all sick and wounded prisoners; permit the International Red Cross or some other humanitarian organization to monitor the prison camps and help minister to the needs of the captives; and abide by the Geneva Convention, which they have signed, in the sending and receiving of prisoner mail, including shipments of food, clothing, medical supplies and educational and recreational materials and to bring the weight of world public opinion to bear on the Government of North Vietnam to require them to live up to the terms of the Geneva Convention which our government has signed in good faith and with which we are conforming; and be it further.

Resolved: That copies of this resolution, duly authenticated by the Secretary of State, be immediately transmitted by the Secretary of State to the Honorable Richard M. Nixon, to the President of the Senate and the Speaker of the House of Representatives of the Congress of the United States and to the members of said Senate and House of Representatives from this State; and be it further.

Resolved: That the Maine Legislature also express, on behalf of the people of Maine, our sympathy, moral support and great respect for the unfailing courage of our Americans who are prisoners of war or missing in action and their patient and courageous families.

This resolution is typical of the concern shown for these men by citizens across the country. All Americans are anxiously awaiting news of the fate of the POW's/MIA's. Some of these men have been in the hands of the North Vietnamese for three-quarters of a decade. The release of these loyal men should be a top priority as we wind down the war and move closer to meaningful negotiations.

TAKE PRIDE IN AMERICA

The SPEAKER. Under a previous order of the House, the gentleman from Ohio (Mr. MILLER) is recognized for 5 minutes.

Mr. MILLER of Ohio. Mr. Speaker, today we should take note of America's great accomplishments and in so doing renew our faith and confidence in ourselves as individuals and as a Nation. 1970 was the first billion dollar year of loans in the rural housing program. More than 94,000 families of low- and moderate-income received $1.06 billion in loans to build, buy, or improve their homes. This almost doubled the $544 million advanced by the Department in 1969.

VETO OF ACCELERATED PUBLIC WORKS BILL

The SPEAKER. Under a previous order of the House, the gentleman from California (Mr. MCFALL) is recognized for 5 minutes.

Mr. McFALL. Mr. Speaker, thousands of jobless workers and hundreds of local governments will not receive public works funds, now that the Senate has voted to uphold the Presidential veto of the accelerated public works bill.

I regret the Senate's action.

The accelerated public works proposal was an important measure to combat serious unemployment and to provide needed public facilities across the Nation.

The legislation, if approved, would have provided the American public a sense of hope and purpose for an economy that needs both.

Today, this Nation is caught in the grips of inflation and recession.

Today, the United States has some 5.2 million jobless workers.

Today, our country has 160,000 workers who exhaust their unemployment benefits each month.

Today, America spends nearly $9 billion each year for welfare.

Though temporary in nature, title I of the accelerated public works bill was not an artificial $2 billion spending proposal to create make-work jobs and fund ill-advised public projects.

Just the opposite was true.

The act would have authorized an estimated 170,000 jobs for skilled and professional workers almost immediately, and would have put an estimated 250,000 more jobless to work in secondary jobs.

The projects this bill would have authorized would not have been hastily pasted together, but rather would have been sound facilities which long have been sought by local governments—after long hours of studying and planning—only to have their efforts curtailed due to lack of funds.

I would also like to emphasize that the projects were to benefit localities and would not be of a large scale nature such as dams and other such gigantic facilities. The bill would have pumped funds for municipal and county projects such as water treatment plants; badly needed public buildings, and other local projects.

Gentlemen, the APW portion of the bill—like its provisions for Appalachia development—would have provided a sound investment in America; with immediate humanitarian returns, plus long-range returns in better services and facilities for many of our citizens.

Though I regret the APW bill has not become law, we must still continue to think creatively and act positively and resolutely to solve our Nation's dire economic problems.

FAVORING A FEDERAL WORKMEN'S COMPENSATION LAW

The SPEAKER. Under a previous order of the House, the gentleman from Rhode Island (Mr. ST GERMAIN) is recognized for 10 minutes.

Mr. ST GERMAIN. Mr. Speaker, workmen's compensation was the first form of social insurance widely accepted in the United States. In 1908, the Federal Government led the way with legislation providing workmen's compensation payments for Federal civilian employees injured on the job. Following the Federal lead, the States adopted programs so that today we have 54 individual workmen's compensation programs in operation in 54 different jurisdictions. All but three of these programs operate without any Federal control or direction; three of the programs are Federal and cover Federal employees, employees of the District of Columbia and longshoremen and harbor workers.

While the individual State programs were a great innovation in their time, they have failed to keep up with changing conditions in the United States and the needs of the people. The existing programs have created a great deal of litigation, confusion, and dissatisfaction.

Over the years, there have been a number of attempts to create some sort of unity out of this hodge-podge of State and Federal programs. For example, in the early 1960's, a committee under the sponsorship of the Council of State Governments spent about 4 years drafting a model law which, if adopted by all of the States, would have produced a degree of uniformity.

I am firmly convinced it is time that we had a Federal workmen's compensation law rather than many differing State laws. The Rhode Island General Assembly has passed a resolution, recently signed by Governor Licht, recommending that the Congress enact such a law. A Federal workmen's compensation program deserves urgent consideration by this Congress.

For the benefit of my colleagues, I cite here the text of the resolution passed by the Rhode Island General Assembly:

RESOLUTION

A resolution memorializing the Congress of the United States to enact legislation establishing a federal workmen's compensation law.

Whereas, Dissatisfaction with the adequacy and administration of state Workmen's Compensation laws is becoming widespread; and

Whereas, An attempt was made in the 90th Congress to establish a National Commission on State Workmen's Compensation Laws which would undertake a comprehensive study and evaluation of state workmen's compensation laws and "methods of implementing the recommendations of the Commission"; and

Whereas, There are possibilities of the introduction of a bill setting minimum standards for all state workmen's compensation laws. One provision of which would be complete coverage of all occupations and employments, eliminating present exemptions based on the nature of the employer's business or the number of employees; now therefore be it

Resolved, That the Congress of the United States be memorialized to enact legislation establishing a Federal Workmen's Compensation Law; and be it further

Resolved, That the secretary of state be and he hereby is authorized and directed to transmit duly certified copies of this resolution to the senators and representatives from Rhode Island in the Congress of the United States in the hope that they will use every effort to further the passage of a Federal Workmen's Compensation Law.

THE SHARPSTOWN FOLLIES—XIV

The SPEAKER. Under a previous order of the House, the gentleman from Texas (Mr. GONZALEZ) is recognized for 10 minutes.

Mr. GONZALEZ. Mr. Speaker, Sharpstown State Bank was one of a very few banks in the country that gave the Federal Deposit Insurance Corporation any cause for concern. And what gave rise to that concern was the tendency of Sharp and his associates to use the bank for self-dealing loans. As a matter of fact, Sharp systematically looted not only the Sharpstown State Bank, but every other institution that he could lay his hands on.

Typical of these deals was one that took place in June 1968, when Sharp's bank loaned $3 million to Sharp's son-in-law to buy an insurance company, Olympic Life. This was about the same time that Sharp himself acquired National Bankers Life Insurance Co., a deal that was set up by Sharp's lawyer and general counsel for Sharpstown State Bank, Will Wilson, who is now Assistant Attorney General of the United States. In the fall of 1969, the companies were supposed to have merged, and an announcement to that effect was made—but the merger never took place.

Just as with the bank, Sharp used his insurance company as a source of ready cash.

For example, in October 1968, Sharp needed some cash for his Sharpstown Realty Co. Naturally, he used his insurance company to provide the money. Sharpstown Realty, pledging 150,000 shares of Sharpstown State bank stock, got a loan of $2 million from National Bankers Life. This was an insider's inside deal—Sharp's realty company pledging Sharp's bank stock to secure a loan from Sharp's insurance company. At the time this took place, Will Wilson was general counsel for all three.

This was no isolated deal. Indeed, as soon as Sharp gained control of the insurance company and installed Wilson as its general counsel, he began arranging these self-dealing loans. In July 1968, the very same month Sharp took the company over and Wilson became its general counsel, National Bankers Life made a loan of $1,200,000 to Sandpiper Corp. The collateral was 50,000 shares of Sharpstown State Bank stock. Of course, Sandpiper was owned by Sharp, the insurance company was owned by Sharp, and so was the bank.

You might think that the general counsel for Sharpstown State Bank would ask questions about self-dealing loans, since after all the Federal Deposit Insurance Corporation had been making unhappy comments about the situation, and since he was a former State banking commission member and knew how banks get looted. Apparently this did not happen.

You might think that the general counsel of the National Bankers Life Insurance Co. would be concerned about self-dealing loans. After all, that same general counsel had been attorney general of Texas. He had seen at firsthand how insurance companies in Texas had been looted, and how thousands of investors had been bilked of millions by such notorious operators as Ben Jack Cage, who now is a happy resident of Brazil, safe from the reach of extradition. So the general counsel of National Bankers Life should have been concerned when he learned that the first thing Frank Sharp did was to start borrowing millions of dollars from his newly acquired insurance company to use for his other enterprises, secured by stocks of still other Sharp enterprises. The general counsel knew of these events, he knew the law—he had been the State's chief law enforcement officer—and he knew what might finally happen to the company as a result of these deals. But he did nothing.

And so, in the end, Mr. Sharp's pyramid collapsed. Will Wilson should have been able to see it coming. He knew, or should have known, as a former State banking commission member, how operators like Sharp would loot banks and cause their failure. He knew from the FDIC's strong concern about the Sharpstown State Bank's odd dealings that disaster might be the result. But rather than stop these events or advise against them, Wilson actually facilitated them by bringing into his law firm a good realty man, Joe Ridings, whose main job seems to have been to help Sharp and his pals set up grand real estate schemes, using the bank's resources to pay for them. The better to work, Ridings had his office right in the bank and was on the bank's payroll.

And so the Sharpstown State Bank went along its merry way to ruin. So did the National Bankers Life Insurance Co., and Olympic Life, and who knows how many others. Will Wilson knew what was going on. He knew the kind of people he was dealing with. It is inconceivable that a man who had been attorney general of Texas, who had been a State banking commissioner, and who had dealt with hundreds of crooks like Sharp, could not recognize what Sharp was doing under his very eyes and legal guidance.

Wilson knows much about Sharp, and he knew much about Sharp's fantastic schemes. Who knows how deeply Wilson himself was involved? We may never know, for, incredible as it may seem, Sharp, who was once Wilson's benefactor, has been freed from any further criminal liability, having received a fabulous bargain from Will Wilson's boss and subordinates in the Justice Department.

CBS VERSUS THE AMERICAN PEOPLE

(Mr. WAGGONNER asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. WAGGONNER. Mr. Speaker, CBS might have fooled some people with its false claim that to comply with the committee's subpena would be a violation of its rights guaranteed by the Constitution.

I was particularly pleased to learn, however, that one of those persons not misled in this instance was the Chairman of the Democratic State Central Committee of Louisiana, Mr. Arthur Watson. Mr. Watson has rightly discerned if anyone's rights have been violated it has been those of the American people, who have had the truth denied them.

Mr. Speaker, the constitutional safeguards of the freedoms of the press and of speech were to insure the American people that the Federal Government could never withhold from them the truth. Now, instead of the Government's abuse in this connection, we find CBS as the real violator of the people's rights.

I call to the attention of my colleagues a newsclipping from the Shreveport Journal for July 10 which shows where the Chairman of the Democratic State Central Committee of Louisiana stands in this matter:

STATE DEMOCRATIC LEADER HITS CBS REPORTING

NATCHITOCHES.—The Chairman of the Democratic State Central Committee of Louisiana says he is "personally 100 per cent" behind the move of Rep. Harley Staggers to cite the president of CBS for contempt of Congress.

Arthur Watson, in a letter to Staggers, says "CBS has for years disregarded all rules of fair play in its reporting and television broadcasts" citing the documentary "The Selling of the Pentagon" as a "horrible example" of this.

Watson states that CBS "takes excerpts without permission . . . out of context . . . and changes the wording around to suit themselves . . . that they used what they claimed are direct quotations from various Defense officials which have been doctored and retaped to suit their devious purposes."

"Frankly, I think that somebody ought to go to jail and I personally hope that it is Frank Stanton," says Watson.

The Watson-to-Staggers letter states: "Sometimes I think friends of the Soviet Union and Communism have infiltrated into the networks so that it is impossible to obtain fair and impartial reporting anymore."

Watson continued, "My country may have made mistakes in its foreign policy and in its domestic policy in years gone by, and it may be making mistakes today in some of its foreign policies. However, the United States of America has never taken any territory from a conquered enemy that we have not given back to them . . . we have never tried to impose our rule on conquered territories. We are an unselfish nation. We are naive and trusting, which I suppose are good traits in our moral character. It is a bad trait for international diplomacy in the present atmosphere of double dealing, lies and power plays."

The letter further states, "It may be all right to criticize the Department of Defense, which has a hard enough job. However, there is no excuse for lying about it or deliberately trying to mislead the American people as to what some Defense Department official has said or is doing."

Watson exclaimed "I personally think it is their (TV networks) duty to uphold the dignity of our country, to back our integrity and to stimulate patriotism. Instead of this, it seems to be the whole purpose of all the networks, and CBS in particular, to tear down everything that is good in this nation of ours, to criticize it, to hold our country up to ridicule in the world of the nations, to tell half truths about public officials, cast innuendos, and to disparage the United States in every way possible."

"Just once," says Watson, "I would like to see a TV commentary which praised the Army or the Navy or our America, or even any part of it."

The Democratic official stated, "It seems to me that CBS, and to a lesser extent NBC and ABC, are trying to tear down our America as we know it."

DISCRIMINATION—FEDERAL STYLE IN REVENUE SHARING

(Mr. WAGGONNER asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. WAGGONNER. Mr. Speaker, George W. Healy, Jr., vice-president and editor of the Times-Picayune in New Orleans, La., has been tireless in his efforts to bring to the attention of the American people and the several States the question of discrimination on the part of the Federal Government in refusing to share with the 30 coastal States revenues derived from the use of offshore lands.

In 1970 the Federal Government returned to 26 States some $55,000,000 in funds collected from the use of Federal lands within those States, yet not $1 was returned to the 30 coastal States for Federal revenues derived from the use of offshore lands.

In the case of Louisiana, for example, more than $237,000,000 was collected in 1970 in continuing and increasing revenues from offshore lands without 1 cent being returned to the State.

Talk about discrimination.

The Times-Picayune editorial for July 9 entitled "Discrimination—Federal Style, in Revenue Sharing" follow my remarks:

Discriminaton—Federal Style, in Revenue Sharing

Federal lands in Wyoming in 1970 produced $50,112,711.23.

The federal government kept $31,320,444.42 of these revenues and returned $18,792,266.71 to the State of Wyoming.

Federal lands off the shores of Louisiana in 1970 produced more than $237,000,000 in continuing and increasing revenues.

The federal government kept all these revenues, returning nothing to the State of Louisiana.

The return to Wyoming of 37½ per cent of revenues produced from federal lands there, in our opinion, was just. On the other hand, the failure of the federal government to return any part of the revenues it received from federal lands off Louisiana's coast to Louisiana seems to us rank discrimination, patently unjust.

Wyoming deserved every cent that it received from the federal lands revenues. These revenues could not have been produced if that state had not provided hundreds of expensive services for men and women who worked to obtain production. It provided them and their families roads, education, police and fire protection, health and recreational services and hundreds of other governmental necessities.

Why did Louisiana receive nothing from the offshore federal lands? It provided the same expensive services that were provided by Wyoming, perhaps even more, for the thousands of workers who man drilling rigs and oil platforms, crew boats and pipelines and who do countless other things that are necessary to make the offshore federal lands productive.

A much needed act of Congress, approved by the President, could end this inequity. Such legislation has been introduced in the House of Representatives.

New law should treat federal lands off the shores of the 30 coastal states just as existing law treats federal lands within 26 states. All these states, except Alaska, receive a 37½ per cent share of revenues from oil, gas, sulphur, coal, potash, salt and phosphate produced from federal lands or from former public domain lands to which the central government retained mineral rights.

Alaska, with a population of 297,607—compared with Louisiana's 3,564,310—received $8,652,976.12 as its share of federal lands revenues in 1970. When it became a state Alaska sought and got 90 per cent of the revenues from federal lands in that 49th state. When a transportation controversy is settled, the value of Alaskan oil production will be astronomical, and Alaska's share of federal lands revenues will skyrocket. For the moment, ecologists are delaying production as they debate whether Alaskan oil should be delivered to market by pipeline or by tankers.

Already production of oil, gas and other minerals from the Outer Continental Shelf represents 10 per cent of the total national production. The offshore production is growing, and the Nixon administration has established as national policy acceleration of minerals production from the Gulf of Mexico, the Atlantic and Pacific Oceans and the Bay of Alaska. Knowledgeable oil men predict probability of production from the Great Lakes.

Unless the federal government stops treating coastal states like stepchildren, however, the Nixon Administration may find it difficult to carry through this national policy.

The attorney general of Florida already has raised a warning sign. He has sued the Department of the Interior to prevent drilling for oil and gas in what that department claims as federal lands off the Florida coast. Under existing law, Florida has much to lose and nothing to gain by permitting exploration for and production of minerals off its shores. This exploration and production will add to the expenses of the state without compensating the state for the burden of providing additional governmental services.

Only one member of the Congress, Sen. William Proxmire, Dem., Wis., has written this newspaper that he disagree with its position regarding the need for sharing of revenues from all federal lands, inshore and offshore.

"All the people," the distinguished senator insists, own the federal lands off the shores of Washington, of California, of Texas, of Louisiana, of Florida, of Massachusetts, of Maine, and of other coastal lands.

"All the people," we remind him, own also the federal lands in Wyoming, in New Mexico, and in Utah, but "all the people" don't make the same contribution to the productivity of those lands that is made by people of Wyoming, New Mexico and Utah. In recognition of their contributions Wyoming in 1970 shared $18,792,266.71, New Mexico, $12,964,835.88 and Utah, $3,409,833.03.

The members of Congress who oppose discrimination and seek equity should move quickly to achieve justice for the coastal states.

CHAPTER XII—CHILDREN AND YOUTH AND MATERNAL AND INFANT CARE PROGRAMS

(Mr. KOCH asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. KOCH. Mr. Speaker, this is the 12th in a series of articles on children and youth and maternal and infant care programs. Support for H.R. 7657 as amended is increasing. The bill which would extend for an additional 5 years the children and youth and maternal and infant care programs which are now slated for oblivion as of June 30, 1972, has at this time 86 cosponsors in the House and 17 in the Senate.

There are at present 59 regional children and youth programs with additional satellites and 56 maternal and infant care programs in existence delivering comprehensive health care to almost half a million children and youth of lower socioeconomic levels in central cities and rural areas. These projects represent one of the major reservoirs of experience in comprehensive health care today, especially to the poor children of the country.

I have received from the directors of these programs descriptions of the programs in their community and what it would mean if their particular program were terminated. To give our colleagues an insight into these programs, I am placing in the Record descriptions of six children and youth programs.

The material follows:

Children and Youth Project No. 633—Helena, Mont.

The basic philosophy underlying this Project is the provision of comprehensive health services—medical, dental and paramedical, for children and youth in the city-county area. (Paramedical services are public health nursing, psychological testing and counselling, hearing screening and speech therapy, social work, and nutrition). All of the diagnostic services of our clinics are available to the children of any resident family in the age group stated. The treatment for problems diagnosed during clinic examination is provided in the offices of private physicians and dentists. Such treatment is paid for by the project if, after a thorough investigation, the family is considered to be medically indigent.

Unlike most Children and Youth Projects, this one was established in an area—indeed in a whole state—in which there are no medical schools, no medical or dental clinics available for families with low income. Several of the services offered by the project were not elsewhere available, at any price, to most of the people in the state. Only one school district in this county had psychometric testing available. Adequate speech therapy was unavailable to most children who needed it, without traveling long distances, and at great expense. Many school-age children on the project had never been to a dentist, almost never to a physician. Most services for pre-school children in the county were non-existent, except such nursing services as could be furnished by three Public Health Nurses for the whole county, of 3600 square miles.

Because the project includes the entire county, and because the number of people served is a significant part of the whole population, the Children and Youth philosophy of comprehensive health care has had a great impact upon the community as a whole, especially among the 350 families of landless Indians in the county. Without the Children and Youth Project, many of these parents would not understand the health needs of their children and thus would not seek out the necessary medical care.

Indirectly, through attending many meetings and cooperating with many other agencies, Children and Youth staff have contributed to the improvement of various situations in the community. Most people in the county have been completely unaware of the problems of low-income families, and unconcerned. For example, in Helena no hot lunches were being served in the older schools, in low-income areas, where they were needed most, until the Children and Youth nutritionist helped to make the agencies involved aware of the situation. Again, psychological testing of children with learning disabilities who are registered with the project has been one factor in creating awareness of this particular problem, and hence contributing to the establishment of a center in the Helena school system for the diagnosis and treatment of this very common type of difficulty. Previously, one such center had existed in the state, and its services were prohibitively expensive for most families.

If this project should end, this group of 1100 children would undoubtedly cease to receive preventive medical and dental care, especially in the light of rising medical fees, since their care would have to be provided entirely by private physicians and dentists. Parents would no longer be brought to an awareness of their children's needs, long ignored. Public Health Nursing would again be limited to what three nurses could accomplish, outside of the Helena school system, instead of being available to all families in the county. And there are so many demands for funds available for public projects that it is doubtful any would be apportioned to services for the particular group of needy families served by this project.

Children and Youth Project No. 618—Philadelphia, Pa.

The Jefferson Children & Youth Program is located in an area of great medical and social need in the center city ghetto area of Philadelphia. We are currently serving about 3,600 children and supplying these children and their families a complete range of medical, nursing, social work and psychiatric services. We offer only partial dental coverage but are also involved in many community self-help activities. In addition to the direct service offered to the children and their families, the program is a focal point for developing community ideas about health matters and other services which are required. If the program were to be withdrawn precipitously and before plans could really be worked out to incorporate what has been learned in the program into a planned network of health maintenance organizations throughout the South Philadelphia area, the children and their families would not only lose the medical treatment of acute and chronic medical problems, but would also lose a major support to the quality of child care and family organization. In addition, a whole range of services such as day care activities, gang control activities, recreational activities, tutoring programs and other community development programs would all be placed in hazard.

In addition to this, the Children & Youth type of program being a rather broad family oriented agency serves an integrating function with a number of the more specialized activities so that the precipitous withdrawal of this program would also cut down on the utilization of other activities such as marital counselling done by other agencies.

We are actively planning for the conversion of the Children & Youth Program into a component of a broader health maintenance organization, but realistically this is a matter which will take a number of years to resolve constructively, and it would be most unfortunate if the expertise, experience and staff which have been developed to meet the needs of children in this area were dissipated and had to be reconstructed completely.

Children and Youth Project No. 625—Greensboro, N.C.

In September 1966, the Guilford County Health Department was granted a special Children and Youth Project by the Children's Bureau to provide comprehensive health care for children of low-income families of Guilford County. The annual budget is made up of $737,000 federal funds and approximately $260,000 local funds. We are under the regional direction of Area IV, Atlanta, Georgia. The geographic area of our project consists of the entire Guilford County, 630 square miles and includes two cities, Greensboro with an estimated population of 144,076 and High Point with an estimated population of 63,204—the total county population being approximately 289,000. There are approximately 18,000 children in low-income families in Guilford County that fall in an age limit of 0–17 years of age. Our total registered enrollment at the present time is 11,194. This is a fluctuating number as we are constantly enrolling new patients and deleting those who have aged out or are uninterested in obtaining continuing care.

The provision of comprehensive care to these children, who would otherwise be unable to receive any but episodic care, has been our primary concern. This concept of care involves assessing the total health needs of each child, establishing a care plan for each and making referrals as needed to the various disciplines including physicians, psychologist, dentist, nurses, dieticians, and home economists, social workers, speech and hearing pathologist and therapists. We put most of our emphasis on the age group from birth to 7 years as these are the critical years in establishing good physical and mental health patterns. These children are followed at frequent intervals and assessed routinely by the various disciplines mentioned. The older age group are seen on a yearly basis or as their particular needs arise. In this group we see a large number of children referred from the school because of emotional or behavioral problem.

Our clinics are located in the Health Department site in Greensboro and High Point, at housing projects and county community centers. At the Health Department in Greensboro there are now 6 comprehensive day clinics per week, 4 acute illness day clinics per week and 2 comprehensive night clinics per month. In the High Point Health Department there are 2 comprehensive day clinics per week, 4 acute care and well baby clinics per week and 2 comprehensive night clinics per month. Weekly immunization and nurse evaluation clinics are held at 5 housing projects and 8 county locations. Physicians have been assigned to attend 7 of these on a monthly or bi-monthly basis.

Comprehensive services are in the process of being added to these areas with the availability of simple lab tests at the clinic sites. Patients requiring additional work-up and service are then referred to the Health Department for dental care, speech and hearing evaluation and treatment, nutrition and social service care and more elaborate diagnostic tests. A pilot program has been established in one of the housing projects. This clinic is staffed full time by a nurse team with a pediatrician 3 mornings a week, and offers in-depth family service with all disciplines available. This has been well accepted by the community and is overcrowded because of its popularity. This type of satellite community clinic we feel is one of the main needs and goals in the provision of health care in the future.

Probably the most innovative program in our project has been the use of Pediatric Nurse Specialists and the implementation of a nurse team approach in providing health care. We are faced with a present and a probable increasing shortage of pediatricians in this area as in many other areas in the country. In our clinics we have tried and have successfully carried out this new approach to health care. The pediatric Nurse Specialist heads up a nurse team consisting of Public Health RN, LPN, and Aide. She trains the general nurses in physical evaluation of patients, in giving Denver Developmental Tests and in developing on-going nursing care plans. By offering a team approach to patient care, continuity of contact with a certain physician, nurse and aide is provided. All patients are initially assessed and are rechecked at regular intervals and when sick by a physician, but most of the routine health care, counseling, and physical evaluation is accomplished by the nurse team. This results in the more efficient use of the physician's time and enabling him to care for a larger number of children. Many of our patients are Medicaid registrants but because of the shortage of physicians and the comprehensive type of health care offered in clinics. they continue to come to the C & Y clinics.

Children and Youth Project No. 541—Topeka, Kans.

By a rather circuitous and informal route I have been advised that you wish C & Y project directors to send brief letters to you immediately describing the impact of C & Y project losses on the communities they serve. I assume you will be making some use of these statements in congressional hearings.

The staff and I here all feel that is a subject upon which volumes deserve to be written—and could be written—if time permitted. Clearly, a great void would be created in direct health care—screening, diagnosis, out-patient and in-patient treatment and support services. Our project has assessed more than 1800 low-income children and actively cares for 1200. Most of those children had received grievously inadequate and irregular health care before the project began, and the medical and financial resources to meet their needs outside the project still do not exist. In fact, the medicaid program in this state, which serves a large proportion of these children, has been severely impaired just this year by budget cuts.

Clearly, too, the many benefits accruing to children from this experiment in neighborhood-based, family-focused care would be lost. I refer, of course, to such important considerations as accessibility and acceptability of services which in turn, influence decisively the utilization and outcome of those services. While it would be the height of arrogance for us to presume our project is the only agency or institution with genuine concern for the health of our population, the truth is our staff is simply available with more flexible and diverse skills more often to meet more of the neighborhood's many needs than are other overwhelmed agencies. This unprecedented ability to respond freely, broadly, quickly and in depth is widely seen in the neighborhood as evidence we uniquely "care", and this rapport, in turn, acts in many subtle ways to foster all health care efforts.

But, perhaps most difficult to describe and, in the long run, most critical would be the effects on termination before full fruition of a promising demonstration of a new health care delivery system in this community; a new multidisciplinary approaches to long term, vexing health problems have been made possible for the first time by this project which provides the money, time personnel and mandate to a local, direct service agency which already had the will, enthusiasm and practical knowledge necessary for success.

To the many more eloquent pleas you'll receive, let me add mine: that these truly worthwhile service projects be continued for at least three years beyond June 30, 1972, that direct but increased funding be provided and that indicated expansion to embrace total family health services be permitted.

CHILDREN AND YOUTH PROJECT NOS. 502, 602–4, 602–5—BOSTON, MASS.

The Boston Department of Health and Hospitals Children and Youth Project No. 602 is part of a program which has seen an enormous expansion in both quantitative i.e. in terms of marked increases in the numbers of patients served, and qualitative i.e. an enlarged scope of service so that we are approaching the model of comprehensive, family oriented neighborhood health centers, supported by a variety of fund sources.

The Children and Youth Project was begun in Roxbury at the Washington Park Mall in December, 1968 and in January 1970 it was found necessary to open a second site because of the large number of patients needing the services in the Roxbury-Dorchester area. In 1970, these two clinics had a total of 16,730 patient physician visits. Two other pediatric clinics, a part of the same neighborhood health center program, but not part of the C&Y Project had a total of 4,007 patient physician visits.

Each clinic is organized around the concept of a multidiciplinary approach to the medical and medically related problems of our patients. We have long since learned that medical care cannot take place effectively without concern for the patient's total living situation including those environmental social, economic, and psychologic factors which impinge on the individual's ability to enter into and remain in a medical care system. We have also learned that many problems which present to us are not those of single individuals, but rather reflect a family constellation, and concern must be directed toward the medical and related problems of total families. For this reason, our approach has been toward family-oriented care, both by the provision of services of internists, obstetrician and pediatrician in a single setting, whenever possible, and by the orientation of all supporting services such as social service, nursing, nutrition toward the whole family.

Both C&Y clinics have full time pediatric coverage; W.P.M. from 9 a.m. to 9 p.m. Monday through Friday and 9 to 12 on Saturday; Harvard Street 8:30–4:30 Monday through Friday. In each of the clinics we have seen the rapid evolution from well-baby clinics to heavily utilized complete pediatric services. We now see children of different ages, beyond the "age of immunization" and with a variety of problems both acute and chronic, as well as provide the array of well-child care. Almost one-half of the pediatric visits are for acute or chronic medical problems, as distinct from preventive services. Routine screening procedures include hematocrit, sickle cell preparations, followed by hemaglobin electrophoresis when indicated, annual tine testing, and urine screening for bacteriuria. We hope to initiate audiology and hearing-speech therapy sessions in one of the C&Y clinics with total support from the Easter Seal Society.

Orthopedic consultation within the clinics is provided once each month as an outreach service of the Department of Orthopedics at Boston City Hospital, and this service has been well accepted and heavily utilized. In the clinics we have actively sought psychiatric consultation, and have developed referral mechanisms back and forth with the local, state community mental health center program. At the Harvard Street Health Center we have joined with the mental health center in a program for hyper-active children with school problems. Although most of the staff of the program are employees of the Franklin Hill Mental Health Center, the program meets weekly at the clinic to consider children for drug therapy, and both health center pediatricians and social workers are actively involved with these patients. We have found that the arrangement of linkages with mental health agencies provides the availability of expanded services which would not otherwise be available because of budgetary constraints has increased our own ability to deal with children with neuro psychiatric problems, and has provided the mental health center with much needed pediatric services for the children whom they serve.

The majority of hospitalizations of our patients are at Boston City Hospital, and a number of pediatricians hold staff appointments at that hospital, so that some continuity of care is achieved. We are actively working with the committee on Ambulatory Services of the Executive Committee of the Medical staff to secure staff appointments admitting privileges, and the prerogative to supervise in-patient care, for all of our pediatricians, and are optimistic that this will be achieved. Continuity of care is also compromised because of the limited hours of operation for pediatric services. Patients who seek care beyond the hours of the clinics are usually seen at hospital out-patient departments, and we do not always receive feedback from the hospitals about these visits. An obvious need which cannot currently be met because of budgetary limitations, is the expansion of pediatric services into evening hours in all clinics, and inclusion of the East Boston and Whittier Street into the C&Y project with expanded facilities in these two locations.

CHILDREN AND YOUTH PROJECT NO. 653—BROOKLYN, N.Y.

The Comprehensive Child Care Program at the Brookdale Hospital, is funded by the Maternal and Child Health Service of Health, Education and Welfare to provide complete health care to a specific number of children in Brownsville. This care is provided in a private practice model with patients having their own pediatrician, dentist, public health nurse and social worker. All routine visits are by appointment but patients are welcome to "walk-in" for actute problems. During nights and weekends the patients are encouraged to seek medical help at the Brookdale Hospital Pediatric Walk-In Clinic. Continuity care, regular check-ups and follow-ups of broken appointments stress prevention and early detection of illnesses.

Our patients are referred to other medical consultants at Brookdale Hospital exactly as any other private patient with the fee paid by the Comprehensive Care Program. When admitted to the hospital, they are treated by their own Comprehensive Care Pediatrician. The Program provides complete psychological, nutritional, speech, hearing and language evaluation and therapy. Prescribed medications which are dispensed at the Hospital Pharmacy and laboratory tests and x-rays are paid for by Comprehensive Care.

Because there are multiple factors contributing to the well being of our patients (general health, social, emotional, school, etc.), we use a multidisciplined team approach. The Dental Department provides pedodontic and orthodontic care. Public Health Nurses are intimately involved in the diagnosis and ongoing care of our patients and education of our families. Our Social Service Department has taken active leadership in the lead program, summer camp placements and registration. Our patients are either high risk children or their siblings. We define a high risk child as one who has or potentially has a condition that needs long term help from the many specialists provided by Comprehensive Care. Referrals are accepted from all sources. There is no means test.

We keep scrupulous statistics relative to *all* aspects of our program. We are thus able to evaluate and change our programs as necessary. Our information will soon be stored at a N.Y.U. Medical School computer. Our program has recently received a significant cut in federal funds. This, coupled with the normal increase in salaries of personnel and other expenses, seriously threatened the continuation of this program as it now exists. Other sources of funds, such as Medicaid, as well as requests for increased funds from the present funding agencies, are now being actively pursued.

The original goal was to serve 3,200 children. At present we serve 3,700 and anticipate 5,000 children without increased staff.

There is an active Comprehensive Community Health Committee made up of citizens of the community and members of the Comprehensive Care Team.

Over and above the specific program described above, our entire staff is involved in the provision of health services to groups in the Brownsville and surrounding communities such as the mandated health services for many of the Headstart Programs and other day care and nursery schools, and special services to a number of the Public Schools. We also provide backup services for other clinics in the area, carry on an active lead screening and treatment program, and present a Maternal and Infant Health Education Course to pregnant girls, and provide professional and para-professional training programs. Because of our special interest in handicapping conditions, we are involved in or developing programs for diagnostic evaluation centers, evaluation of children for the New York City School for the Deaf, Cerebral Palsy Clinic, dentistry for the handicapped and retarded, Day Care Center for handicapped children, health care for psychiatrically ill children.

IN DEFENSE OF THE MILITARY

(Mr. PRICE of Illinois asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PRICE of Illinois. Mr. Speaker, one of the most insightful commentaries I have read on the effects of the Vietnam war appeared in the July 5 issue of Newsweek. Written by the Honorable George Ball, the commentary takes what I consider to be a long view of the war and focuses on one of the least considered aspects of the Vietnam tragedy.

For the benefit of my colleagues I include Mr. Ball's article at this point in the RECORD:

IN DEFENSE OF THE MILITARY

(By George W. Ball)

It is time to speak up for the soldiers. For the past several years we have made them the scapegoats for our misfortunes. Yet, to continue to seek exculpation by loading the blame on the military is not only unjust, it risks harm to our security; so we had better take a lesson from the experience of France—something we lamentably failed to do when we committed our forces to Indochina.

In the bitter aftermath of the second world war the French Army and Air Force were given a dreary series of dirty and foredoomed assignments to sustain the remnants of colonial power, first in Syria, then Indochina, then Morocco, and finally Algeria. For almost a decade and a half, graduates of St. Cyr fought under the most frustrating conditions, taking frightful casualties, yet losing each conflict not from failure of valor on the battlefield but from a decay of political will in Paris, a decision by the politicians—reflecting public weariness—that the game was no longer worth the candle.

PERNICIOUS EROSION

By 1958 these agonizing experiences in far-off lands had loosed poisons throughout the whole military establishment. France had done what no modern democratic state should ever do; by pushing its armed forces into conflicts only fragilely supported on the home front, it had detached them from the national life of their country. For, as the politicians abandoned first one war and then another, the military suffered a pernicious erosion of their traditional role as the respected protectors of *la patrie*. Thus, inevitably they developed a festering resentment of the politicians who bartered away the gains hard won by their blood and toil, until the imminent abandonment of Algeria might have triggered a revolution had it not been for General de Gaulle on his white horse.

Today these pressures are beginning to be felt on the American scene. For ten years we have embroiled our armed forces in the wretched paddies of Indochina. Our valiant airmen have been killed in futile sorties against the north; our army has lost far more than the normal percentage of its professional officer corps. Yet, though there have been ample courage and devotion, Vietnam is now associated in the public mind not with heroes but heroin. We scorn our soldiers for being careless of civilian lives, overlooking the brutalizing character of colonial wars—while we condemn our Air Force because bombs strike whoever happens to be under them, refusing to recognize that the alternative to sophisticated weapons is more American boys dying in the jungle. Meanwhile we are assaulted by the scribblings of junior Clausewitzes designed to prove that the conflict could have been won long ago if only their patented recipes had been followed.

FATAL ERROR

No wonder our soldiers are demoralized as we speed our withdrawal from Vietnam. How could they be otherwise, since the fatal error was the choice of mission, not its execution; and what the McNamara documents plainly show is that the military did not push us into Vietnam half so much as the civilian theoreticians with these to prove—doctrines of counterinsurgency and guerrilla tactics all reeking of the lamp?

Thus, we had better stop carping at the soldiers if we are to learn the true lessons of this ghastly experience. We had better be sure that, as a necessary and honorable element in our soicety, they are not pushed toward alienation or bitterness. Otherwise, though we are unlikely to repeat the shattering constitutional crisis of France, we may well drive our most gifted and competent officers out of our armed forces—men we shall desperately need when the going again gets rough.

As an urgent first step, let the universities tone down their derision; since, at the end of the day, the real "treason of the intellectuals" may well be judged not to be what Julien Benda had in mind—their abandonment of meditation for activism—but rather their role in undermining society's protective institutions. Part of the blame will no doubt fall on the young faculty cheerleaders who encouraged the campus yahoos to identify all policemen as "pigs," but the most grievous offense will be the academicians' effort to off-load the sins of this melancholy time on the military, who, skilled more with the sword than the pen, cannot adequately defend themselves against eggheaded *francs-tireurs* blowing beanshooters from the sanctuary of their ivory towers.

THE 25TH ANNIVERSARY OF ARGONNE NATIONAL LABORATORY

(Mr. PRICE of Illinois asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. PRICE of Illinois. Mr. Speaker, on June 19, Chairman Glenn T. Seaborg, Atomic Energy Commission, delivered the principal address at the 25th anniversary of Argonne National Laboratory.

Entitled "Argonne: A Tradition of Accomplishment," Dr. Seaborg traced the development of the first national laboratory, a facility whose history is closely identified with the U.S. emergence as the first nuclear power. Interwoven with Argonne's development is Dr. Seaborg's own career.

Without losing sight of the importance the laboratory has played in the postwar years, Dr. Seaborg's speech captures the spirit of purpose and excitement of our nuclear pioneers whose accomplishments have ushered in the nuclear era.

As Dr. Seaborg concluded, in addition to Argonne's rich history the future is bright for it to play key roles in the development of the breeder reactor and the continued progress in the physical and biological sciences.

For the benefit of my colleagues I include the text of Chairman Seaborg's speech at this point in the Record:

ARGONNE: A TRADITION OF ACCOMPLISHMENT

As atomic energy has come of age, there have been several opportunities to celebrate twenty-fifth anniversaries, and I have already taken part in some memorable ones. It is a special pleasure, however, to be with you here at Argonne today. In the first place, I count myself as something of a charter member of the Argonne team. As I shall mention in a moment, I joined the Met Lab long before the idea of the Argonne laboratory was even thought of. I was still with the Met Lab staff during those months after World War II when the new laboratory was being organized, and I left Chicago only a few days before Argonne came into existence.

Secondly, over the past thirty years I have established many personal friendships and professional contacts with the people of Argonne. It has been you and many others, rather than the buildings and equipment, who have made Argonne one of the truly great scientific research centers in the world. So in speaking of those who made Argonne what it is today, I am referring not just to a group of talented scientists and technicians, but in many cases to personal friends and long-time associates.

There is a third sense in which this anniversary has a special meaning for me—and I am speaking here in the broad historic dimension rather than in personal terms. The creation of Argonne marked the first attempt in the United States to establish a new type of scientific laboratory, one which would unite in one institution the strong tradition of academic research, which had long been a part of our universities, and the extraordinary advantages of a Government-sponsored laboratory which our experience during World War II has demonstrated. This new institution, called a national laboratory, has emerged in large part from the Argonne experience and the magnificent accomplishments over the past twenty-five years have proved the vitality and creativity of this new type of research organization. In this sense, the anniversary we are commemorating today has a meaning that goes far beyond the lives of those present and even Argonne itself.

On an occasion such as this, perhaps I may be pardoned for succumbing to the temptation to reminisce. But in thinking over the history of Argonne, I could not help but recall those exciting days early in World War II when Argonne had its origins in the Metallurgical Laboratory at the University of Chicago. Thanks to the foresight and energy of such men as Vannevar Bush, James Conant, Arthur Compton, and Ernest Lawrence, the United States was ready to launch its effort to build a nuclear weapon when the nation entered the war in December, 1941. Within a few days after the attack on Pearl Harbor, Bush and Conant gave Compton responsibility for the research needed to produce a chain reaction and the bomb.

A few weeks later Compton decided he would have to centralize on the Chicago campus much of the research then going on at several universities. Because my group at Berkeley had discovered the element plutonium, which would be the fissionable material produced in the chain reaction, I was invited to Chicago in early February 1942, to discuss our work with Compton, Norman Hilberry, John Wheeler, Enrico Fermi, and others. The Chicago leaders wanted to discuss the production of plutonium and the possibility of devising a chemical method of separating it from uranium and the various fission products of the chain reaction. At this meeting I first fully realized the magnitude of the bomb project and the central importance of our newly discovered element in that enormous effort. I must have appeared confident when I assured Compton that we could develop a separation process for plutonium, but I do recall that I had some private misgivings.

Because it would take some time to organize the new laboratory in Chicago and prepare research facilities, most of the research teams at other universities were scheduled to arrive later in the spring. In the meantime, Fermi and Leo Szilard, with the assistance of Wally Zinn and Herb Anderson, would continue their studies of exponential piles at Columbia. I concluded that my own group would probably stay at Berkeley, where we would be close to the 60-inch cyclotron, which was still our only source of the ultramicroscopic quantities of plutonium we were using in our research. I changed my mind, however, during a luncheon meeting with Norm Hilberry in Berkeley on March 23. I realized that, despite my preference for remaining in Berkeley, I would have to take some of my group to Chicago to develop the separation process.

I will never forget that Sunday afternoon of April 19, 1942, when Isadore Perlman and I stepped off the "City of San Francisco" in Chicago to begin our new adventure. It was my thirtieth birthday, which we celebrated by going to a movie and dinner in the Loop. The next morning we returned to our study of the separation process. Within a few days we were assigned several rooms on the fourth floor of the Jones Chemical Laboratory which we used as our offices and laboratory. With the arrival of Spofford G. English, one of my graduate students, we had what constituted the entire plutonium chemistry group for more than a month. During these weeks I arrived at the rather novel idea that we might be able to produce enough plutonium-239 through the bombardment of uranium with cyclotron neutrons and the use of ultramicrochemical techniques so that we could study the chemistry of the new element in its pure form. That effort was to demand most of our energies during the spring and summer of 1942.

As the result of two recruiting trips during May and June I had increased the size of our chemistry group. Michael Cefola from New York University and Louis B. Werner and the late Burris B. Cunningham from Berkeley had agreed to join us in Chicago. I also managed to recruit a wife on that Berkeley trip, and Helen returned to Chicago with me to begin married life in a small apartment near the Chicago campus. By that time many other scientists and their families were arriving from universities in all parts of the country. One of the pleasures of being a part of the Met Lab was the opportunity to know and to work with so many people whom we had scarcely seen before. I recall, for example, a picnic which Helen and I attended on the Fourth of July weekend in 1942 with the Harrison Browns, the Milton Burtons, and the Perlmans. We went out to the Argonne Forest Preserve to look over the site proposed for the world's first nuclear reactor. Although we had a fine picnic, we never did succeed in finding the reactor site.

During July and the first part of August, 1942, the new members of our plutonium chemistry group assembled the specialized equipment for working with extremely small volumes (10^{-5} to 10^{-1} milliliter) and weights (0.1 to 100 micrograms) and developed their techniques with trace quantities of plutonium in microgram amounts of carriers. "Carrier" was the term we used to describe the material which when precipitated has the power to sweep out of a solution trace amounts of a desired substance too dilute to be precipitated by itself.

By August, 1942, these techniques had been developed to the point where we could attempt an isolation of pure compounds of plutonium. After a week of work, Cunningham, Werner, and Cefola finally obtained a solution of pure plutonium compound in a volume of 0.015 milliliters. On August 20, they carefully evaporated this solution until the plutonium concentration became high enough to precipitate as a compound plutonium fluoride. This was man's first sight of plutonium and in fact of any synthetic element.

As the summer of 1942 waned, the activities of the Met Lab took on a more serious tone. The results of Fermi's research on the critical mass of uranium and our own success in isolating a pure plutonium compound made the idea of developing a nuclear weapon something more than a theoretical possibility. By this time the Army had taken over the project, and we had begun the transition from purely scientific research to engineering development. For our chemistry group that meant planning much larger facilities in the New Chemistry Building on Ingleside Avenue and in a portion of the West Stands. I must admit that for a group of young chemists the idea of the Government spending $200,000 for a building and equipment for our use was an exciting one indeed.

The transition to engineering development caused a similar expansion of thinking in all parts of the laboratory. Some of you may remember that at that time there were tentative plans to build not only the first reactor but also the entire plutonium pilot plant in the Argonne Forest Preserve, where we had our July picnic. On September 11, 1942, I again visited this site with Compton, Conant, and other members of the S–1 Executive Committee. I vividly remember Conant's conviction that the site was too close to Chicago for a pilot plant. What we needed, Conant said, was an entirely new perspective. We were, in his opinion, trying to kill elephants with pea-shooters. As most of you know, the committee then decided that the pilot plant would be built at Oak Ridge.

As it turned out, of course, construction difficulties at the Palos Park site made it impossible to build even the first experimental pile there, and Arthur Compton, with General Grove's support, made the daring decision to initiate the world's first nuclear chain reaction in the heart of Chicago. I well remember the grimy appearance of the workers (some of them are probably here today) who fabricated and assembled the greasy blocks of graphite under the West Stands. In the afternoon of December 2, 1942, that now historic day, I happened to meet Crawford Greenewalt, the young Du Pont executive, in Eckhart Hall, just after he had left the West Stands. Greenewalt did not have to say a word to me; I could tell from the glow on his face that Fermi's experiment had succeeded beyond our hopes.

The year 1943 brought a new intensity to our effort to design the plutonium pilot plant to be built at Oak Ridge and ultimately the huge production plants at Hanford. While Eugene Wigner and others concentrated on the design of the X–10 reactor, we in the plutonium chemistry group were more than preoccupied with the separation process. When we moved into the New Chemistry Building in December, 1942, we at last had space to test the various separation processes which had been proposed. Although our knowledge of plutonium chemistry grew at an impressive rate, our research did not indicate that any one process had a clear-cut advantage.

Early in 1943 we decided that we would use an oxidation-reduction process in aqueous solution, but it was not at all clear whether lanthanum fluoride or bismuth phosphate would be the best carrier of plutonium. Until we made that decision, Du Pont could not fix the design of the Oak Ridge pilot plant. I remember we discussed the alternatives at a meeting in Chicago on June 1, the deadline which Du Pont had established for the decision. Because the engineering data did not indicate a clear choice, Greenewalt turned to me for an opinion. With the fate of the whole wartime project hanging on my judgment, I said I was willing to guarantee at least a 50-percent recovery of plutonium from the bismuth phosphate process, developed by Stanley G. Thompson of our group. With that assurance, Greenewalt focused most of the engineering talent of his organization on bismuth phosphate. It would be eighteen months before I could be certain that my decision had been the right one.

Before the end of 1943 the Oak Ridge pilot plant was in operation and Du Pont engineers had taken over most of the responsibility for the production plants at Hanford. Supporting work for Hanford and Los Alamos continued but those of us who remained at the Met Lab also began turning our attention to the many intriguing possibilities for scientific research which the fission process and the discovery of transuranium elements had opened up. The Palos Park site, which was not used for the first chain reaction, did eventually become the home for the laboratory's experimental reactors—not only the reconstructed version of the original West Stands CP-1 (then called CP-2), but also of CP-3, the world's first heavy-water moderated reactor, designed by Wigner and built by Zinn. At this site Zinn also did further studies on fast-neutron reactors and completed the first designs of what was to be the historic Experimental Breeder Reactor No. 1. As the original Met Lab expanded to sites off the Chicago campus, the research facilities at Palos Park took the name of Argonne after the forest preserve, and in 1944 Fermi, with Zinn as his assistant, became director of the Argonne Laboratory, which was part of the larger Metallurgical Project under Compton. Thus the now familiar name Argonne Laboratory was born.

Those of us still in the chemistry group in 1944 continued our research in "New Chem" with a program that included a search for transplutonium elements. These efforts did not bring any success until we formulated a new theory postulating the existence of a group of "actinide" elements in the heavy element region with properties similar to the lanthanide rare-earth series in the traditional periodic table. Experiments during the summer and fall of 1944 and extending into the beginning of 1945, during both cyclotron- and reactor-irradiated plutonium, led to the detection of element 96, which we later called "curium" and of element 95, which we named "americium." During the remainder of the war, in addition to supporting activities at Hanford and Los Alamos, we investigated the processes which made possible the isolation of these new elements in pure form, americium in the fall of 1945 and curium in 1947. As I look back on these events, I realize that some of the most exciting moments of my scientific career occurred in the flimsy laboratories of the Met Lab.

The laboratory's rapidly declining responsibilities in 1944 not only made possible some basic research of the type I have just described but also forced us to focus some thought on the role we as nuclear scientists might have in the postwar world. In the face of distressing rumors that 90 percent of the Met Lab staff would be fired by June 1, 1944, Arthur Compton asserted a steadying influence. He won some concessions from Army authorities in Washington and encouraged us to begin some constructive planning and thinking. He also arranged to have Henry D. Smyth begin some long-range plans. At a meeting of the Project Council on February 16, 1944, there was even some discussion of the various types of laboratories which might be engaged in nuclear research after the war. One of these, described as a "cooperative laboratory," should, according to the Council, be established where the scale of research would be "too large to be financed by Universities." The buildings and equipment would be furnished by the Government and research administered "by cooperation of educational institutions." This was clearly an early conception of the national laboratory.

These discussions soon led to consideration of the wider social and political implications of nuclear energy. Under the leadership of Zay Jeffries, a laboratory committee set about preparing what Jeffries called a "Prospectus on Nucleonics." Completed in November, 1944, the Jeffries report reviewed the possible applications of nuclear science in the near future and the outlook of nuclear power (which seemed good at that time). The committee also recommended that the Government support the kind of "cooperative laboratories" mentioned the previous winter in laboratory meetings. Going beyond the technical aspects of nuclear technology, Jeffries and his committee urged the creation of a world organization to prevent widespread destruction from nuclear war. They also stressed the importance of postwar research in maintaining the United States' lead in nuclear science and technology.

The Jeffries report had no immediate impact on national policy, but it did help to sensitize many of us at the Met Lab to the difficult policy questions we would be facing as the war ended. This experience made it all the easier for us to take up the discussion of whether and how to use the first nuclear weapon when that issue came before the Interim Committee in the spring of 1945. Historians may never agree on whether the recommendation of the Franck committee at the Met Lab (to provide a demonstration rather than direct use) ever reached those who made the final decision to use the bomb, but as a member of that committee, I can assure you that we made a conscientious effort to fulfill our responsibilities as citizens as well as scientists. It was no accident that the Atomic Scientists of Chicago became the leaders in the national debate over postwar atomic energy policy during the summer and fall of 1945.

The Met Lab, then, provided a strong and valuable heritage for the new Argonne National Laboratory, which would come into existence in July 1946. First of all, Compton's idea of bringing to Chicago the best available scientists from all parts of the nation created a laboratory on a truly national scale. The Met Lab experience engendered a sense of mission and a standard of excellence which every great laboratory must have. Exceptional scientists like Fermi, Wigner, Szilard, and Compton set a pattern of skill, accomplishments, and imagination which we younger scientists tried hard to emulate. That experience trained others like Zinn and Hilberry to carry on the Met Lab tradition and in turn enabled them to impart it to succeeding generations of scientists at Argonne. Furthermore, the concern over postwar policy created a tradition that has inspired Argonne to take a broad perspective in approaching scientific and technical problems. Thus from its very origins Argonne has operated from a principle that others are only now beginning to understand—namely, that the scientists' responsibilities extend far beyond the technical data of the laboratory. These are worthy traditions, and it is to your credit that they are still so much a part of Argonne today.

I do not mean to suggest by these sweeping statements that these traditions or even the laboratory itself have enjoyed an unthreatened or automatic existence. In fact, I recall that we were anything but certain in the early months of 1946 that the laboratory would continue to exist. Although, as we have seen, the idea of a national laboratory circulated in rather nebulous form early in 1944, it was not the kind of idea that could gain ready acceptance at that time. Before World War II, universities and private foundations were virtually the only sources of support for scientific research. The few Government-supported laboratories, such as those operated by the National Advisory Committee on Aeronautics and the Navy, were largely restricted to applied studies. Only the enormous pressures of the war had forced American scientists to abandon the traditional forms of support, and many expected science to revert to the pre-war pattern.

The idea of a "cooperative" or national laboratory, however, had taken firm root at the Met Lab since the first months of 1944. Although the precipitous decline in the laboratory's personnel strength from about 2,000 in July 1944 to scarcely more than 1,500 in January 1945, caused Compton to recommend that the remnants of the Met Lab be transferred to the University of Chicago, others, including Zinn, Szilard, Hilberry, and Farrington Daniels proposed that the laboratory be managed by a board comprised of some twenty universities in the Mid-West. The new laboratory would be but one of several "regional cooperative laboratories" which would undertake projects too large for single institutions. They would be financed by the Government but would not necessarily be Government laboratories.

It is much to the credit of General Groves and his assistant, General Kenneth D. Nichols, that this hope came to fruition in July 1946, in something like its original form. Although many of us at the Met Lab at the time considered the Army somewhat unresponsive to our aspirations for continuing basic research, the fact was that the Army had little authority and even less practical motivation for keeping the laboratory alive. In the chaotic period following the end of the war in 1945, the Army more than had its hands full in coping with the strong reaction against military institutions and particularly against legislative proposals for the postwar control of atomic energy. Despite these difficulties, General Nichols did seek out representatives of the Mid-West universities and asked them to prepare a plan "for continued operations of the Argonne facilities on a cooperative basis between the government and various universities." Nichols then asked the University of Chicago to consider taking over operation of the laboratory on July 1, 1946 "for cooperative research in nucleonics." Argonne National Laboratory came into existence on that date with Walter Zinn as the first director.

Thanks to the Army's cautious but effective support, the laboratory had survived the dangerous transformation from a temporary wartime organization to an essentially permanent research institution. That did not mean, however, that Argonne's troubles were over. Because Argonne was already in existence before the Atomic Energy Commission was established, Zinn and the new Board of Governors had no way of knowing what would be the laboratory's relationship to the Government. The delay in appointing the new Commissioners after the Atomic Energy Act became effective in August 1946, and then the prolonged struggle over the confirmation of the new Commissioners by the Senate beclouded that relationship for another year.

This uncertain status was a serious handicap for the new laboratory, especially because Argonne as yet had no permanent home. Still housed in a dozen buildings on the Chicago campus, the laboratory could not much longer presume on the university's hospitality. Originally there had been some hopes of acquiring more land in the Argonne Forest Preserve, where the laboratory's two reactors were already operating, but the Cook County Board of Supervisors opposed that idea. Zinn favored condemning land at the existing reactor site; the Board of Governors favored acquiring 3,700 acres of farmland about five miles west in Du Page County. When the new Commissioners took over late in 1946, they were reluctant to give up on the Argonne site, with the result that the decision to come to Du Page County was delayed until late in January, 1947.

Equally important was the still unresolved matter of the laboratory's function as a part of the Commission's research and development program and as a regional research center. For the moment that question was settled more by pressing demands than by deliberations over policy. Until the new laboratory could be constructed, there was not much opportunity for the broad, multidiscipline research in which the participating universities would be interested. At the same time the Commission had several urgent assignments for Argonne, primarily in the area of reactor development.

The hard fact was that in 1947 the Commission had to rely almost entirely on Zinn and Argonne for its reactor development program. The Commission had only one member of its Washington staff with any reactor experience. The Clinton Laboratories at Oak Ridge had some of the best reactor talent in the nation, but by the spring of 1947 many responsible figures in the atomic energy program doubted that Clinton could survive as a national laboratory. At that time I was a member of the General Advisory Committee, and I remember we seriously debated whether, in the face of all the difficulties confronting the Clinton Laboratories, it might not be better to close it down and move the scientific talent elsewhere. We in the GAC were particularly concerned at that time about the shortage of scientists and engineers with any practical knowledge of nuclear technology. To some members of the General Advisory Committee, it seemed dangerous to spread the available talent too thin over several laboratories. In the end, of course, the Oak Ridge laboratory was saved, but not until the Commission had decided in the closing days of 1947 that it would center all reactor development work at Argonne.

The enormous responsibility placed upon Zinn and Argonne by this action left little time for the kind of cooperative research in the nuclear sciences which the Board of Governors had contemplated. The Commission had already called upon Zinn to draft a reactor development program for the nation, and Argonne was now faced with the task of participating in the design and construction of all but one of the expermental reactors in Zinn's proposal. These included not only the fast-neutron breeder reactor which Zinn had been developing at the Argonne Forest site, but also two reactors being designed at Oak Ridge. The high-flux testing reactor, the creation of the Clinton Laboratories, would be continued as a joint effort with Argonne. The Clinton scientists and engineers who had been working on a pressurized-water reactor for submarine propulsion moved to Chicago during the summer of 1948, and from that time on, Argonne had a major role in developing the propulsion plant for the world's first nuclear powered submarine.

All these plans for experimental reactors operating at significant power levels raised in a new and serious way the question of finding an adequate site far enough from populated areas to avoid hazards in case of an accident. Zinn and others at Argonne had a key part in discussions which led to the selection of the National Reactor Testing Station (NRTS) in Idaho early in 1949, and the first three reactors built at the Idaho site were in a major sense Argonne products. The Materials Testing Reactor, first operated in 1952, was for more than a decade an indispensable tool for reactor engineers in designing new types of plants and testing components. The Submarine Thermal Reactor, Mark I, was in operation less than a year later and provided much of the basic technology for pressurized-water reactors.

The Experimental Breeder Reactor No. 1 was uniquely an Argonne creation and achieved so many "firsts" in the history of reactor technology that I do not have time here today to list them all. It was the world's first reactor to produce a useful amount of electric power from atomic energy (December 20–21, 1951), the first to demonstrate the possibility of breeding (in 1953), the first to achieve a chain reaction with plutonium instead of uranium as fuel (November 27, 1962), and the first to demonstrate the feasibility of using liquid metals at high temperatures as a reactor coolant. EBR–1 also provided the occasion for the first visit to the National Reactor Testing Station by a President of the United States. I recall with great pleasure my trip to Idaho with President Johnson on August 26, 1966, to dedicate EBR–1 as a National Historic Landmark.

In addition to this work on experimental power units, Argonne was deeply involved during the early 1950s in developing heavy-water-moderated reactors. This activity grew out of the Argonne experience during the war with the CP–3. When the Commission decided in 1950 to undertake a major expansion of its production reactor facilities, Zinn proposed a design using heavy water. This proposal was accepted, and Argonne began a major development effort on an improved heavy-water reactor. This work produced CP-5 at Argonne and the production reactors which were built at the Commission's new plant on the Savannah River in South Carolina.

Taking these assignments in stride, Argonne continued to expand its reactor development activities in the middle and late 1950s. Perhaps of greatest short-run significance was the Experimental Boiling Water Reactor, which again was largely a product of Argonne. First operated in 1956, EBWR proved that a direct-cycle boiling water reactor system can be operated without serious radioactive contamination of the steam turbine. Operating experience over more than a decade showed the system to be surprisingly stable even at power levels five times its rated heat output. As the forerunner of numerous full-scale nuclear plants now producing electric power on a commercial basis, the EBWR has a permanent place in the history of reactor development in the United States.

Through most of the 1950s Argonne under Zinn's direction was primarily a center for reactor development, but by the middle of the decade new forces were beginning to have an impact on the laboratory. Thanks in large part to the pioneering efforts of Argonne in reactor development, American industry had begun to show a real interest in nuclear power. The Eisenhower Administration, looking for ways to give private industry a place in nuclear power development, took the lead in efforts to revise the Atomic Energy Act of 1946, which made atomic energy virtually a Government monopoly. Under the liberalized provisions of the 1954 Act, nuclear science and technology became a part of American life. The national laboratories were no longer small islands of technical information sealed off from the rest of society. Perhaps more than any other one event, the first Geneva conference in 1955 demonstrated that atomic energy was beginning to move beyond Government offices and laboratories into the universities and private industry. As a national laboratory, Argonne could play a new and broader role than in the past.

A major force in the changing tides of the 1950s was the growth of Argonne, both in terms of staff and facilities. The scattered buildings of the Met Lab on the Chicago campus and the small warehouse-like structures in the Argonne Forest Preserve were now only memories. Argonne had even moved beyond the temporary Quonset huts which the Commission had hastily erected in 1947 to the three separate areas we know today. With an annual operating budget in 1958 of nearly $34 million and a staff of more than 3,000, Argonne was attaining physical dimensions and a stature scarcely foreseen a decade earlier. Even more important, the laboratory was no longer heavily concentrated in the reactor sciences, but had grown dramatically in physics, chemistry, and the life sciences. Argonne was now becoming a multidisciplinary laboratory more closely tied to basic research than ever before in its history. Zinn's departure as director in the spring of 1956 was, I think, more a symptom than a cause of the profound changes that were occurring in Argonne. In 1958 the laboratory, under the direction of Zinn's successor, Dr. Norman Hilberry, was far more than what it had been a decade earlier—the Commission's reactor development center.

With Hilberry at the helm, this new image of Argonne stimulated within the laboratory long-cherished hopes for new facilities and among the participating universities new demands for a more effective relationship. These two interests merged in the long and complicated efforts between 1952 and 1958 to build a new high-energy accelerator, either as a part of Argonne or as the central facility of a new regional laboratory in the Midwest. By the end of that period, the new accelerator was still a dream, but the formation of the Associated Midwest Universities, Inc., made possible closer ties between the laboratory and the neighboring universities.

The decade of the Sixties saw a gradual, but major reorientation of Argonne's reactor program from water reactors to Liquid Metal-Cooled Fast Breeder reactors. Since the assignment of major responsibility in the civilian power reactor development program to Argonne in 1948, the Laboratory's role had been to establsh basic concepts, test the concepts in zero power reactor experiments, and to establish the fundamental character and design of the reactor itself. As I mentioned before, this procedure had been followed in the development of the pressurized water submarine thermal reactor to the point where Westinghouse was able to complete the detailed engineering design resulting in the Nautilus submarine reactor. And the boiling water concept had originated and developed at Argonne in the BORAX series of experiements, culminating in the construction and successful operation of the EBWR in the middle Fifties. Further studies led in 1966 to the operation of EBWR with a largely plutonium core which provided the first valuable information on the question of plutonium recycle operation of water reactors. The last of the BORAX series, BORAX-V, was completed in 1964. This highly successful experiment was designed to permit the evaluation and study of nuclear superheat concepts and to demonstrate actual nuclear superheat operation.

Shortly after the successful development and operation of EBR-I, as noted earlier, design was begun on EBR-II, an experimental fast breeder reactor power station of 20 MWe capacity whose purpose was to demonstrate the potential technical and economic feasibility of using fast reactors for central station power plants. This was to be done by both producing electricity and demonstrating the feasibility of the closed fuel cycle.

The EBR-II concept of arranging the reactor and primary system components—pumps, heat exchanger, instrumentation, fuel handling system, etc.—in a large tank where they operate submerged in sodium was a bold departure from traditional reactor system design. This pool or pot concept as it is now called has gained wide acceptance, and plants of this design are now under construction in the U.K., France, and the U.S.S.R. in sizes ranging from 250 to 600 MWe.

The closed fuel cycle was a very unique feature of the EBR-II. Basically this amounted to a system whereby fuel was removed from the sodium-cooled reactor, taken apart into its component parts, the fuel sections treated metallurgically to separate out the plutonium and most of the fission products from the molten uranium, new fuel fabricated from the recovered uranium, the new fuel reassembled into fuel elements which were reinserted into the reactor—all this done by remote control mostly behind 5-foot thick concrete walls. This necessitated the development of new chemical treatment methods devised in the Chemical Engineering Division under Steve Lawroski, Milt Levenson and their colleagues; the development of tools and techniques for making the fuel pins and putting them together into fuel assemblies, done in the Metallurgy Division under Frank Foote, Bob Macherey and their colleagues; and the development of remote viewing and handling devices done by the Remote Control Division under the late Ray Goertz and his colleagues.

Under the direction of Len Koch as project manager for EBR-11, Milt Levenson, Harry Monson, Wally Simmons, and their colleagues, the entire complex was built at the National Reactor Testing Station in Idaho. Building such a complicated facility 1,800 miles from home base posed problems quite aside from the technical ones as those who were associated with the project well remember. However, the decision to retain the management of the EBR-II project at the Argonne site was a sound one and, even today with the changed mission of EBR-II, retaining the management here in Illinois leads to intimate coordination between the rest of the reactor program and the experience being obtained in EBR-II.

The reactor began operation in 1964 and the turbine generator was synchronized and first delivered power to the NRTS power loop on August 7. By the end of 1970 more than 250 million kilowatt hours of electricity had been produced by EBR-II. The EBR-II pool concept has been shown to be entirely feasible and the fuel cycle was demonstrated to be entirely reliable and practicable. All of the fuel for EBR-II was processed and fabricated in the Fuel Cycle Facility (FCF) until July 1969 when it began exclusive use in support of the experimental irradiation program. During the approximately five years that the FCF provided the fuel for EBR-II 38,000 fuel elements were processed and fabricated and 366 subassemblies and 66 control and safety rods were assembled. The fuel completed 5 cycles through the reactor and fuel cycle.

With the focusing of the AEC's and the nation's civilian power reactor program on the Liquid Metal-Cooled Fast Breeder (LMFBR) and with the decision to build the Fast Flux Test Facility, or FFTF, at Hanford, the role of EBR-II was changed to that of a fast neutron irradiation facility. It is rare indeed that a facility built for one mission can accomplish it very well and then can be converted to fulfill another which was not visualized in the original design, but that is what was done with EBR-II, and most successfully. Some indication of the extent of this success can be obtained from a look at last year's performance. In 1970 at least 17 reactor manufacturers and research organizations had designed experiments on which tests were started in the EBR-II. During the year about one-third of the EBR-II core had been filled with experimental subassemblies. The fuels being tested included plutonium and uranium oxides, carbides and nitrides. One of the goals was to observe the performance of these fuels after long exposure and high burnups in the reactor. The highest burnup attained to date in this experimental program is 13.8 atom percent in an oxide-type fuel. This is significantly higher than the commonly accepted goal of 10 percent for commercial breeder reactor fuels.

In large measure the success of the LMFBR will rest heavily on the information obtained over the years from EBR-II.

Just as the mission of the EBR-II was changed with the concentration of civilian power development on the LMFBR concept, so has the orientation of the rest of Argonne's reactor program changed. The Chemical Engineering Division has in the past developed many methods for the processing of spent fuel from reactors—aqueous processes, the pyrometallurgical process, and the fluoride volatility process. Now under the able direction of Dick Vogel, their attention is turned to the many chemical problems involved in using high temperature sodium as a coolant in fast reactors. The Metallurgy Division in the past decade concentrated on development, and especially fabrication, of fuels for Argonne's reactors. Now, however, under the leadership of Paul Shewmon and Brian Frost and under a new name, Materials Science Division, they are concentrating on acquiring a very detailed knowledge of the behavior of fast reactor fuels and structural materials under the twin conditions of long-term irradiation and high temperatures. The Reactor Engineering Division, responsible for designing, engineering, and constructing so many of Argonne's reactors, has now been restructured into the Reactor Analysis and Safety Division and the Engineering and Technology Division. This reflects the concern with safety and the engineering development of components which is much an important part of the LMFBR program.

To assist in the refocusing and restructuring of Argonne's reactor program to reflect the nation's major reactor development effort, Bob Laney was recently brought in as Associate Laboratory Director for Engineering research and development. His responsibilities will also involve the coordination of Argonne's increasing interaction with industry. I can assure you that in the decade ahead Argonne will continue to play an extremely important role in the AEC's Reactor Development program.

In addition to its responsibilities in the reactor development program, Argonne has from the beginning carried on a very fine and strong program of basic research.

Late in the 1950s the stage was finally set for a major effort which would widely expand opportunities for basic research in high energy physics, not only for Argonne staff members but for high energy physicists from Midwestern universities and from many parts of Europe. After four years of planning, ground was broken for Argonne's Zero Gradient Synchrotron, a 12.5 GeV particle accelerator. On Dec. 4, 1963, it was my pleasure to participate in dedication ceremonies for this new tool which was destined to contribute so much to the scientific life of the Midwest.

The ZGS was constructed in response to a longstanding need. Although large particle accelerators were available on the East and West coasts, none was in existence in mid-America, and the high energy physics department of the Midwestern universities were losing both faculty members and graduate students to institutions on the coasts.

The ZGS was designed to supplement, not compete with, the machines already in existence here and abroad. Although its energy would not be as great as that of other accelerators, its intensity would be much greater. Among other advantages, this higher intensity would permit more experiments to be completed in a given period of time, an attractive situation in view of the fact that investigators must queue up to obtain time on major machines like ZGS.

One design feature of ZGS is responsible for its name. The strength of the magnetic field in the 200-foot ring is uniform—it does not have a gradient—across the poles. In other synchrotrons a magnetic field gradient is built in to keep the circulating beams of particles focused. As a result of this design, the ZGS ring can guide the high-energy protons in a smaller circle and this in turn resulted in a significant reduction of construction costs.

Another feature contributes to the high intensity capability of the facility. The ZGS incorporates a comparatively large aperture through which particles can pass. This "window frame" design combines with the high magnetic field to make possible the acceleration of large numbers of particles, providing a shotgun rather than a rifle approach to the creation of interactions which are of interest to the high energy physicist.

The years following the dedication of the ZGS saw a steady increase in intensity, ever-greater reliability, and a flow of alterations which improved both performance and reliability.

Two important achievements resulted from the need for experimental apparatus which matched the capabilities of the ZGS. One was the design, construction, and successful operation of the 12-foot bubble chamber, largest of its kind in the world, and another was the use of a superconducting magnet to power this huge chamber. Gale Pewitt presided over the birth of the 12-foot chamber and John Purcell brought the big magnet into existence.

A very large step forward in the size of superconducting magnets had been accomplished here by Charles Laverick, but the magnet needed to operate the 12-foot chamber was so large it represented a high-risk venture into engineering areas with which no one had had experience.

But the foresight of Argonne staff members paid off and the magnet has worked as it was hoped it would, resulting in monetary savings in the operation of the chamber—at a time when such savings are indeed welcome.

The value of the 12-foot chamber was demonstrated in November 1970, when for the first time in history, a neutrino was observed in a hydrogen chamber.

In the six years ending Dec. 31, 1970, 125 experiments were carried out at the ZGS. Physicists from 50 universities had used the machine and they had joined with Argonne staff members in the publication of 164 papers in professional journals.

The list of those who made important contributions to the development of the ZGS and the Argonne High Energy Physics Complex is a long one, and all cannot be noted. My early co-worker and long-time friend Jack Livingood did the initial planning. Albert V. Crewe came aboard in 1958 to direct completion of the design and much of the construction. When Al became Laboratory Director in 1961, Lee Teng took over and under his aegis the machine was completed. Ron Martin and the late John Fitzpatrick directed scientific and engineering activities; Martin Foss designed the magnet ring.

Through the decade of the Sixties, the buck stopped at the desks of three Associate Laboratory Directors for High Energy Physics: Roger Hildebrand, Bob Sachs, and Bruce Cork.

During the Sixties, under the leadership of Crewe and later Robert Duffield, the results obtained in the areas of chemistry, physics and materials research continued Argonne's reputation for high quality research and added significantly to our fund of basic knowledge.

The Chemistry Division is an outgrowth of the Chemistry Section for which I had responsibility back in Met Lab days. Many of its present members were my wartime colleagues during my four years' stay in Chicago. Under the directorship of, first, Winston Manning who was named Associate Laboratory Director for Basic Research in 1966, and under Max Matheson, and currently under Paul Fields, this Division has been responsible for several important advances, among them:

The discovery of the noble gas compounds. In 1962 John Malm, Henry Selig, and Howard Claassen succeeded in combining xenon with fluorine to create xenon tetrafluoride, a relatively simple compound. The importance of this discovery derives from the fact that the noble gases had been thought to be inert and nonreactive.

In 1963 Edwin Hart and his British colleague Jack Boag reported the discovery of the hydrated electron. The discovery and analyses of the roles of the hydrated election and other short-lived fragments are leading to a better understanding of radiation chemistry.

Joseph Katz and his group pioneered research in "Isotopic substitution" in organic compounds, including the first complete substitutions of deuterium (heavy hydrogen) for ordinary hydrogen in living organisms, both plant and animal cells.

Argonne chemists, notably Paul Fields and Martin Studier, participated in the discovery of some of the heavy transplutonium chemical elements. They also made unique contributions to the production, separation, and characterization of these elements and their isotopes.

Although in the past decade low energy physics research has been carried out under three different Division Directors, Lou Turner, Mort Hamermesh, and currently Lowell Bollinger, it has had the common thread of searching for a greater understanding of atomic structure. Among the first to initiate fundamental studies using the Mossbauer effect was Gil Perlow who has built the technique into a powerful experimental tool in such diverse fields as nuclear structure, solid state properties and general relativity theory. There have also been the angular momentum distribution discoveries of Schiffer and Lee which have been of great importance in developing the field of nuclear spectroscopy; the discoveries of Erskine and others leading to a better understanding of the nuclear properties of the actinides; and recent heavy ion elastic scattering studies which are contributing significantly to nuclear structure theory.

An understanding of the properties of materials has obviously been a strong interest of the atomic energy program dating back to the Met Lab days and it has become of increasing importance with the passage of time. Argonne has been, and continues to be, a leader in this field, having one of the largest combined basic and applied materials programs in the Western world. It started with the need to know the physical and chemical properties of fuels and structural materials under conditions encountered in reactors. Such work was initiated by personnel within the Metallurgy Division and the Chemistry Division. More recently the increased importance of a fundamental understanding of materials has been emphasized by Mike Nevit, Paul Shewmon and Norman Peterson, and is also reflected in the recent renaming of the Metallurgy Division as the Materials Science Division. During the Sixties the pure research phase of this work finally came of age with the formation of the Solid State Science Division, and it now occupies the newest of the major buildings constructed at Argonne. Under the direction of my Met Lab colleague Oliver Simpson this work has taken on new importance.

Advances in the understanding of materials cover the extremes of low and high temperatures and range from the highly theoretical studies of structure to the very important studies of radiation damage and crystalline defects. Out of this work has come information of the greatest importance in thermal and mechanical behavior. Studies of the properties of alloys and compounds of uranium and transuranium elements have led to a far better understanding of materials in this unique part of the periodic table. Also, our understanding of radiation damage is now far enough advanced that we can in many cases predict in advance the behavior to be expected. Much of Argonne's current materials research is directed toward obtaining this information.

One further word should be said about a new program to be initiated this year in controlled thermonuclear work. Argonne's interest in this program is in the engineering development which would ultimately lead to a workable fusion reactor and grows directly out of the solid accomplishments and exerience in basic research and engineering development. While many years of hard work separate us from the abundant energy available from the controlled fusion process, the early signs of ultimate success are increasingly promising. Argonne's participation is welcomed.

Along with the major accomplishments in the Physical Research program, there was one major disappointment which the AEC shares with Argonne. That was the cancellation of the Argonne Advanced Research Reactor, the A^2R^2 project, which would have provided one of the most advanced research reactors in the world. The entire AEC's Physical Research program keenly feels the loss of what would have been a most useful research tool.

The biological research program at Argonne is a natural extension of the biological work of the Met Lab. The potential danger of radiation was early recognized and research into the biological effects of radiation on living organisms was among the earliest work started in the atomic energy program. The biological and medical research program at Argonne still has the same basic objective for which it was started.

But the decade of the Sixties has seen some changes. When in 1962 the Biological and Medical Research Division's director, Austin Brues, sometime artist, humorist, world traveler, but all-time biologist, expressed a desire to return to full-time research, his wishes were respected. He had carried these administrative responsibilities since 1946. His successor was Max R. Zelle, a distinguished academician who, after seven years as director, found a return to the university atmosphere irresistible. In early 1969 John F. Thomson, an 18-year veteran with the division, agreed to wear two hats until a candidate could be found. And a little over a year ago, Warren Sinclair, a biophysicist, began a new era in the division's leadership.

Among the most important achievements of the past ten years in the biological sciences have been comprehensive studies of the long- and short-term effects of a variety of types of radiation, on microbial, plant, and animal organisms. Attempts to modify radiation effects led to the development of the first successful protective agent against X rays, to the systematic exploration of chelating agents for removing radioactive metals from the body, and to basic studies in tissue transplantation and immunity mechanisms. Fundamental contributions have also been made in the study of aging and its relation to the late effects of radiation. These studies established the importance of the brain-to-body weight ratio as a determinant of species longevity. Current emphasis is on neutron effects studies with the Janus reactor, a facility capable of exposing large numbers of animals to neutrons without significant gamma-ray contamination.

The decade also saw a significant refocusing of the work of the Radiological Physics Division. John E. Rose was this division's director until 1963, Leo Marinelli until 1967, and the present director is Robert Rowland. One of the earliest achievements of this division was the development of the first facility for pinpointing radiation in the human body with speed and accuracy. Argonne's "iron room" allows determination of the amounts, locations, and identities of extremely small quantities of radioactive materials in the body—as little as one billionth gram of radium. Similiar facilities are now used throughout the world. Also of particular note has been its research on bone, both in the areas of bone physiology and the effects of the radiation dose delivered by radioisotopes fixed in bone.

Early in Dr. Rowland's directorship the division embarked on a study of the sulfur dioxide content of the atmosphere over the City of Chicago. This was the first formal step in what has become a growing commitment to the solution of environmental problems at Argonne.

In August 1969 this division received another very important assignment. A Center for Human Radiobiology was established as the nation's center for the long-term study of all persons known to have radium and other long-lived isotopes within their bodies. During a period around the early 1920s uninformed or careless use of radium, both industrially and for external and internal therapy, was widespread. Through study programs carried out in several U.S. institutions, some 2,000 of such potentially contaminated individuals were found. Of these, 800 with measurable body burdens of radium have been measured, almost 600 of whom are still alive today. These people, merged into the program at Argonne, provide a research resource of which there is no prospect of duplication for the setting of aboslute toxicity levels and devising radiation protection guides for man.

In 1967, Congress broadened the Commission's charter to enable the AEC and its contractors to work with other agencies in the protection of public health and safety, and enabled Argonne to undertake a broadened role as a major Midwest research center.

This has resulted in a accelerated interest in accepting new challenges, and in late 1969 the Argonne Center for Environmental Studies was established here. The Center is designed to use an interdisciplinary approach to the achievement of three goals; first, to help gain a better understanding of the extent to which the environment is being changed; second, to define particular effects more quantitatively; and third, to help with the formulation and presentation of various alternative courses of action.

This approach already has resulted in a model for predicting, analyzing, and controlling air pollution. Utilizing studies of pollution emission from stationary sources as well as pollution dispersion patterns, Len Link and his colleagues developed a computerized model applicable to both the management of air pollution emergencies and the long-range development of air resource management. Their program presents guidelines for the creation of legislation, zoning ordinances, and tax incentives which would foster urban and regional growth in a manner compatible with acceptable air quality.

In 1968, Argonne began a study of heated discharges from power plants into large lakes. This program is establishing a mathematical model of circulation patterns in Lake Michigan, developing models to express the behavior of thermal plumes, and analyzing the mass-energy balance of the lake. The study also outlines the research needed for the understanding of thermal effects on the ecosystem so methodologies can be provided. This work is expected to have a strong bearing on reactor siting criteria.

Two other Argonne programs are of special interest.

One is the development, by the Laboratory's Chemical Engineering Division, of fluid bed techniques in the combustion of coal. Use of these techniques could reduce emission of sulphur dioxide into the atmosphere.

The second is work on lithium anode secondary cells—also being carried out by the Chemical Engineering Division. Such cells promise to be useful as a primary source of power for automobiles and have dramatic possibilities as an implantable energy source for individuals with heart defects.

The change in the AEC's charter also made possible "spin-off" activities which give great promise of providing benefits for mankind. These include:

A hemodialyzer (artificial kidney), developed by Finley Markley of the High Energy Facilities Division and Dr. A. R. Lavender of Hines Hospital, which may revolutionize the care of patients suffering from kidney disease. Victims of kidney failure now must depend upon very complex and expensive hemodialyzers which can be used only at hospitals. The new kidney machine is so inexpensive, small and simple, that it may be possible for the patient to use it himself, at home. The device was made possible through the use of adhesives Mr. Markley developed for application in the construction of the ZGS.

A Braille machine, developed by Arnold Grunwald of the Engineering and Technology Division. Smaller than a portable typewriter, it will take symbols recorded on ordinary magnetic tape and play them back on an endless plastic belt in raised dots forming letters in the Braille alphabet. It will reduce by a factor of 250 to 500 the bulk of Braille materials to be produced, handled and stored, permitting much wider use of Braille literature by the sightless. This development is being supported under a grant by the U.S. Office of Education.

When Argonne first was established as a national laboratory, the Commission and the Argonne administration agreed that interaction with the academic community would be a primary responsibility of the Laboratory.

Unfortunately, efforts to carry out this mission were severely hampered in the early years because so much of Argonne's work remained classified. Lack of housing for visiting university faculty members also impeded the program. The principal thing Argonne had to offer, use of unique facilities, could not be exploited by university personnel unless they could be here for extended periods of time.

In 1950, Joe Boyce attacked the problem, and the foundation he established in the following five years made possible a program which flourished in the decade of the Sixties.

The initial organization through which the Laboratory sought to interact with universities and colleges was the Participating Institutions Committee, organized very early in Argonne's history. Thirty-two Midwestern universities were members. Through several intermediate steps, this organization evolved into Associated Midwestern Universities, Inc., (AMU), incorporating in its membership 30 universities.

At this time Frank Myers gave up his post as Dean of the Graduate School at Lehigh University to become Argonne's Associate Director for Education. Shortly afterward, John Roberson took over as Executive Director of AMU.

These events resulted in new impetus to educational activities which brought into closer association Argonne and the academic community.

Still another change occurred in 1966—one which would give universities an even stronger role in the activities at Argonne. In that year Argonne Universities Association (AUA) came into existence, and a new five-year contract for the management of Argonne stipulated that AUA, The University of Chicago, and the Commission would share in management responsibilities.

Under the terms of the contract, AUA formulates, approves, and reviews Laboratory programs and policies. The University of Chicago, which had operated Argonne from the time it was founded in 1946, continues to be responsible for its management and operation in accordance with the policies established by AUA. The Commission, of course, has provided a major share of the Laboratory's financial support and participates in major decisions affecting Argonne's welfare.

Thirty universities now hold membership in AUA.

The most recent change in the mechanism for fostering Argonne-university interaction occurred in 1968. In that year, all of Argonne's educational activities were placed under the direction of a Center for Educational Affairs, and Shelby Miller came to Argonne from the University of Rochester to become Associate Laboratory Director for Educational Affairs and Director of the Center.

Progress in this area has ben so rapid that the Center was able to report that last year 2,600 university and college representatives—college juniors up through faculty members—participated in activities at Argonne.

College juniors and seniors participate in summer or inter-term programs which permit them to work for university or college credit with Argonne staff members or in honors programs sponsored by Associated Colleges of the Midwest and Central States Universities, Inc.

Graduate students perform their research for Master's or Doctorate degrees. Post-graduates are attracted to the Laboratory by the opportunity to enrich their backgrounds before they accept professional appointments and launch their careers.

All of these representatives contribute significantly to the life of Argonne. They carry out research programs in areas of special interest and they bring to the Laboratory new ideas, new enthusiasm, and their own special knowledge and skills.

The record would not be complete without my recalling one of the most dramatic ventures in education this nation has ever undertaken. In 1953, President Eisenhower used the vehicle of his famous "Atoms for Speech" talk to suggest that this country establish means for sharing with many nations of the world our rapidly-growing understanding of the peaceful uses of nuclear energy. Argonne considered this a mandate and launched a crash program to bring into existence the International School of Nuclear Science and Engineering. Norm Hilberry, Elmer Rylander, and Rollin Taecker did yeoman work and before the year was out the school was in operation.

Its objective was to attract young men from abroad and to provide them with sufficient training to enable them to return home and establish nuclear energy programs appropriate to the level of technology existing there.

In 1961 the International School became the International Institute. In the institute, the emphasis was on programs tailored for each participant, to make maximum use of the background and the skills he already had acquired. And it was the continued success of the IINSE which caused its demise in 1965. So many of its graduates, scattered about the globe, had developed strong nuclear energy programs in their home countries that the kind of training offered at Argonne no longer was needed.

As most of you here today will recall, Al Crewe decided to step down from his position of Laboratory Director in December of 1966. And early in 1967 Dr. Robert Duffield, whom I have known since his association with me during his student days at the University of California at Berkeley, succeeded him as Director. Bob Duffield has continued the fine tradition of leadership here at Argonne. He has guided ANL through a significant and productive era of its history.

My remarks to this point have concerned the history of Argonne National Laboratory—the Argonne of the past. I will close with several thoughts about the years ahead—the Argonne of the future.

First let me emphasize that the projections which the Commission has developed indicate an undiminished need for use of Argonne National Laboratory for Atomic Energy Commission programs for as far ahead as we can make projections. I foresee no lessening in the national importance of the sort of work Argonne has been carrying out for the AEC. I understand that, in addition to the support we provide, the support for work at Argonne funded by other agencies will total about $2,500,000 this fiscal year. The Commission will continue to encourage its laboratories to provide assistance to others in areas in which they have special competence and facilities up to the limits set by statute and the priority we need to give our own work.

Argonne will continue to play a central role in what I see as perhaps the most fruitful and, in many ways, the most exciting technological challenge facing the nation today—the development of the breeder reactor. Further, I believe that pioneering research at Argonne in both the physical and biological sciences will gain continued recognition as a major source of long-term national strength.

I realize that these are trying days for Argonne, as they are for all of our National Laboratories. And any clear assessment of the future must take present difficulties into full account. But the response of our laboratories to these difficulties has been encouraging and impressive; they have remained steadily productive under painful stress. I believe the long-term prospects at Argonne, as at other laboratories, will depend strongly on the ability of the entire staff to maintain innovative, creative science in the face of budgetary fluctuations.

The drive for excellence in any laboratory is fueled most simply by rapidly expanding requirements and budgets. For now, we must find how to keep our momentum with different fuel. This is a time of testing for many scientific institutions. Some will be seized by the mincing caution which chokes inventiveness. Some will wander and wither, seeking the favors of fashionability instead of capitalizing on their own virtues. Certainly the future of Argonne will be affected by decisions made elsewhere and by the priorities others attach next year and the year after to specific efforts. For the long run, however, I view decisions by individuals here about their own work as of even greater importance. The best assurances for the future will come from present rededication to the drive for excellence which Argonne National Laboratory has displayed throughout its first 25 years.

LIFE MAGAZINE'S REPORT ON VIETNAM ATROCITIES

(Mr. SEIBERLING asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. SEIBERLING. Mr. Speaker, the lead article in last week's issue of Life magazine contained some more shocking details concerning atrocities committed by American military forces in Vietnam. Nothing is gained by adding to the cumulative total of these dismal incidents unless they help shock us into acting to prevent this kind of thing from happening in the future.

Perhaps the most important part of the article is the interview with Lt. Col. Anthony Herbert, a Regular Army officer with 23 years of service, who was the Army's most decorated enlisted man during the Korean war. According to the article, when Colonel Herbert, who commanded a battalion in Vietnam, brought charges against his superior officers for covering up atrocities, he was transferred back to the United States.

Colonel Herbert believes that the principal reason for American atrocities in Vietnam is a failure of command responsibility. Such a failure not only results in atrocities but inevitably undermines the morale of the armed services.

It is significant that some of the most outstanding combat officers, such as Colonel Herbert and Colonel Hackworth, are the ones who are most concerned about the failure of command responsibility in Vietnam.

In my opinion, the Congress too has a responsibility. That responsibility is to conduct a thorough and impartial investigation into the practices and policies that have led to such a serious breakdown and the inevitable descent into barbarism.

The text of the Life magazine article is set forth below:

Confessions of "The Winter Soldiers"

(By Donald Jackson)

In recent weeks the publication of the Pentagon's secret study of the Vietnam war has stirred up a great deal of public criticism about the way the war was conducted by the highest officials of the U.S. government. With far less publicity, another kind of testimony about Vietnam has been emerging over the past few months. It, too, deals with the conduct of the war, but on the very personal level of American troops who fought there.

"I always had this idea of a battalion of little bodies running toward me with rifles and screaming, sneaking around in dark pajamas with daggers. But what you see mainly are civilians, old men, little kids. Once we were on guard at the Dongha Ramp, and for three nights running this little kid, about 3 years old, ran out of his hootch when our truck went by and screamed at us, giving us the finger and saying, 'marines number 10,' it means the worst, the lowest. We decided to rip him off. So the next night we all loaded up with big rocks, I mean like boulders, and when he came out, WHAP, everybody stood up in the truck and threw their rocks and the truck just kept going and I looked back and all I could see was this bloody little hump of flesh, this little bundle of flesh and shorts and blood."—William Hatton, Bagley, Minn., Cpl., FLSG Bravo, Third Marine Division, 1968–69.

Lt. Col. Anthony Herbert, 23 years in the U.S. Army, is crewcut, stiff of bearing, an up-from-the-ranks "mustang" who was the army's most decorated enlisted man in Korea. Herbert has always believed the best of the army. "I like the military," he says. "I go along with almost everything." But the almost weighs on his mind.

Herbert feels that something went irretrievably wrong for the army in Vietnam. "I guess I'm a maverick," he says. "I think that when things go wrong, the most efficient course is to be honest, and to let the chips fall." The chips falling now, around Herbert and the entire American military, are accounts of atrocities committed by U.S. troops in Vietnam, stories of widespread murder and torture, willful and often casual, stories that are being told by the veterans themselves.

The colonel, who won his commission in 1956, commanded a battalion in Vietnam for 58 days. When he brought charges against his superior officers for covering up atrocities, he was transferred back to the U.S. He was assigned to the prestigious Army Command and General Staff College in Fort Leavenworth, Kans., but was again transferred, to Fort McPherson, Ga., before he could begin attending classes.

He sat uneasily now in a French provincial chair in his Atlanta living room. "It's easy to get soldiers to do what's right," he said. "You just have to tell them. When I first joined my battalion in Vietnam, in February 1969, they were getting R & R (rest and recuperation) leaves for kills. I changed that. I gave them R & R for live prisoners. They're worth information.

"Day after day," he continued, "a man doesn't see the enemy over there. Finally he gets so he has to do something physical, to strike back. His friends are getting wounded by booby traps and there's no enemy in sight. A man gets a prisoner and he wants to hide his fear by showing how tough he is."

The colonel's chest is ribboned and medaled. He wears a paratrooper's badge but not his Vietnam patch. "We overpreach about women and kids fighting. The majority of the civilians don't shoot at us. Some are forced by the enemy to be involved. But we condition our people to the idea that everyone is a goddamned enemy by this kind of talk.

"And we condition our recruits to be losers. We try to scare them, telling them the Vietcong lives in darkness, painting him as some kind of superman when he's a stumblebum just like we are. Maybe it's the training cadre. We use our worst for cadre. The best go to the Pentagon looking for big jobs. Then when these incidents, these atrocities happen, the enlisted men don't report them. They're afraid to. They can get charged with insubordination."

The colonel relaxed slightly. He shook his head. "My first engagement with the enemy in Vietnam, I captured two VC who were trying to run. We were on a hill. A sergeant came running up and tried to bayonet the people I captured." Colonel Herbert's eyebrows rose in incredulity. "I grabbed him and threw him down."

Colonel Herbert picked a piece of lint off his razor-creased trousers. He seemed somehow out of place amid the formal furniture of his living room. He speaks in an Appalachian accent. He still considers himself a sergeant in disguise.

"When I first got to Vietnam and saw the torture that went on in my battalion," he said, "I talked to other officers about it. They all told me, 'That's the way it is. You can't rock the boat. You can't antagonize the big dragons.' That was what they said—don't antagonize the big dragons, or you're gone."

Herbert believes the principal reason for American atrocities in Vietnam is a failure of command responsibility. "It's ambition," he said emphatically, leaning forward in his chair. "The commanders are out to get a war record. It's called 'getting your ticket punched.' And the battalion commanders aren't held accountable. They don't *feel* responsible. They take the job as a stepping-stone. The only time they are held responsible is if they're caught. What I keep driving to say is this: what if these things happen in your unit and you don't do anything about it and then later it comes to light? And they come to you and say, what did you do about it? Who's criminal then?"

The colonel glanced at his bookcase. *The Professional Soldier* was there, and *The New Military*. But so were *Psychoanalysis and Literature* and *Sex-Driven People*. The colonel has a master's degree in psychology.

"The commanders are up there in helicopters," he went on. "You can command from a chopper but you can't control. They don't want to get their boots dirty. Look at Mylai. The commanders were in helicopters. It's not real from up there, its little lead soldiers falling down."

Herbert feels that by sticking to his charges he has forfeited his future in the army, a conviction that leaves him sad, frustrated and angry. He still believes, in a corner of his mind, that the military is an honorable calling. "This stuff would stop," he said, "if we'd hang a couple of senior commanders. If it's no longer condoned, then it will cease. If you don't tell a soldier what's right, then he thinks whatever is tacitly condoned is what you want, and that's what he does. It's not brave to be cruel."

The colonel stood up, almost came to attention. "The Vietnamese civilians walk a tightrope," he said. "They get no protection from either side. If they're friendly to VC, we get them. If they help us, the VC get them." He paused and looked at the floor. "It's only a matter of time who's going to get them. If it doesn't stop they'll eventually be exterminated."

He had a final thought. "We're telling those people that our way is the right way of living. If we torture—what's right?"

Most military men agree that atrocities are something more and in some ways worse than crimes: they are mistakes. The "rules of war" have a practical rationale: terror does not convince, a prisoner is worth more than a corpse, an army that treats prisoners humanely may expect the same treatment from its enemy.

A complex of elements, tangible and intangible, holds an army together: command responsibility, sureness of purposes, discipline, confidence in its civilian support, tactics suited to the war. Somehow the elements have gone wrong—do not work—in Vietnam. There we are ostensibly defending a friendly country against a hostile aggressor. But how to reconcile the tactics of mass destruction in South Vietnam—saturation bombing, "free-fire" zones, "search and destroy" missions—with a stated aim of winning "the hearts and minds" of the South Vietnamese? In Vietnam, the U.S. fielded the best equipped, most technologically advanced army in history, then saw it stalemated in the jungles and paddies, the parent of the guerrilla.

This is a war without conventional battle lines, with body counts and not captured territory the criterion of success, with the enemy often invisible. The possibility that almost anyone might be the enemy allows a hard-pressed soldier to believe, as one said, that "everyone is the enemy." Psychiatrist Robert Lifton, who has interviewed hundreds of Vietnam veterans, says that in such a situation a man gets "psychologically hungry for an enemy." The result is confusion, frustration, rage—and sometimes atrocity.

Atrocities and civilian deaths have been plentiful in previous wars, to be sure, on a scale which escalated dramatically with the introduction of bombing raids. Guilt has historically lingered on soldiers' consciences. But the Vietnam war seems to combine all the elements which may contribute to an ambience of atrocity—racism, technology, guerrilla warfare—and adds a few of its own. The single most compelling difference about Vietnam is that veterans have felt moved to confess their crimes publicly and to oppose the war they fought.

Veterans of earlier American wars, the heroes of Veracruz and Shiloh and Belleau Wood and Tarawa, packed their doubts away with their rucksacks. Whatever questions or guilty knowledge they carted home were impossible to sustain amid an atmosphere of victory and public approval, of proud marches up the boulevard and the carefully edited recital of brave deeds. But the victory parades are missing in this war, and not only because the victory is missing. These are veterans of an unpopular war, and no one can be more sensitive to public apathy or hostility to a cause than a man who has been asked to risk his life for that cause. It is a war where the soldier's commitment is for 11 or 12 months, not "for the duration," and where the returning veteran finds his countrymen uninterested in his war stories, all too willing to change the subject. The doubts the veterans find at home deny them the luxury of forgetting their own doubts.

In the early years, many of the veterans who now oppose the war went eagerly to "the Nam." Workingmen's sons with unquestioning faith in their fathers' flag, they were the meat of the army, starched and crew-cut recruits with raw minds and hands hot to hold the rifle. The years were 1965 and 1966 and 1967, and if the war was not widely supported even then, it was not widely loathed either, and an 18-year-old could still dream of a beribboned homecoming and some modest slice of glory he could polish and enjoy at his leisure.

They became pilots and door gunners and riflemen and interrogators and marines—sons of Iwo Jima—and they did what they were told. They encountered the atrocity of war, and the particular atrocities of this war, and the experience changed them, wounded them, deprived them of something—their confidence, their patriotism, their heart, something. They made the appalling discoveries others had made before them: innocent people do get killed in war, some men are transformed into animals, the conventional morality of the "home front" no longer exists. Some placed their experience against this background—the burning villages of the Plains Indians, the thousands of civilians roasted in Dresden and Hiroshima—but others did not. They had seen their country, their friends and themselves commit unconscionable acts. They came home and found doubt, dissent and apathy. History might offer them perspective but not forgiveness.

The images stock in their minds: Vietnamese farmers shot in their paddies for target practice, children pelted for sport with heavy C-ration cans and rocks, the terrible playfulness of war. Suspected enemy tortured with electrical wires and worse, prisoners tossed out of helicopters, villages burned routinely. On this bloody canvas the massacre at Mylai emerges not as an isolated aberration but an extension of all that had gone before and was going on at the time, different in only two respects; the large number of civilians killed, and the fact that men were caught and brought to trial.

Some of the antiwar veterans have banded together in an organization called Vietnam Veterans Against the War. Now 15,000 strong and growing, its numbers are still unimpressive when set against a total of 2.8 million Vietnam veterans. How many of their silent brothers they represent is impossible to determine. Their significance derives not from their numbers but from their authenticity: they were there.

Early this year Vietnam Veterans Against the War initiated what they called "Winter Soldier Investigations," paraphrasing Tom Paine's description of the winter of 1776 and Valley Forge: "The summer soldier and the sunshine patriot will, in this crisis, shrink from the service of his country; but he that stands it now, deserves the love and thanks of man and woman."

At these hearings, beginning last winter in Detroit, perhaps 600 of them have testified to atrocities they either witnessed or committed—talking uncomfortably, self-consciously, sometimes breaking down in the telling. It is what one veteran describes as "confessional politics," a sort of mass therapy session with political overtones. It amounts to a numbing, relentless litany. "The most important point of what we're saying," one veteran explains, "is its redundancy."

"My company was sitting under some trees by a road between two landing zones, taking a break. This Vietnamese man came riding down the road on a small motorcycle with his wife and kid, and most of their possessions on the back of the cycle. Suddenly the dog handler released the scout dog, told him to go get this guy. The dog leaped over the handlebars and grabbed the guy. The wife fell one way, the kid another way, their stuff was scattered all over. The dog bit the guy's neck and took a chunk out of his leg. Somebody went out and checked his ID, found out he worked for us. He got up with blood pouring out of his leg, gathered up his family and limped off."

—Joseph Galbally, Philadelphia, Pa., Pfc., 198th Light Infantry Brigade, Americal Division, 1967–68.

"We were securing artillery out of Route 19 between Pleiku and Ankhe and we were going to test-fire our weapons into the bushes—M–16 rifles and M–60 machine guns. The way we were set up, we were aiming at a village. I knew it, the platoon sergeant knew it and the platoon leader knew it. So I approached them and said, 'You can't fire over there because there's a village there. You're going to hit people.' The sergeant just told me to get away. The lieutenant said, 'So what?' The next day they brought the wounded in. There were 43 at least hurt, I don't know how many killed. I was a medic so I treated the wounded. I called for a helicopter to evacuate them to a hospital and they sent me a truck."

—Kenneth Ruth, Silver Spring, Md., Sp4c., Twelfth Air Cavalry Regiment, First Air Cavalry Division, 1966–67.

"We went mad when Pierce got blown away. A sniper hit him. The shot came from a village we had just passed, and I turned around and saw this old priest standing there. Somebody shot a gun right behind me and shoved that little priest right into his altar. Then we wiped out the village and another one, I mean with *everything*—we shot people, pigs, dogs, geese, we burned every hut, it was just madness. All I can remember is shooting and torching and then, later, looking back and seeing all this smoke, two big clouds of smoke with paddies in between."

—Michael McCusker, Portland, Oreg., Sgt., First Marine Division, 1966–67.

"The last day before I went to the Nam we were in a staging area in San Diego, and this staff sergeant came out in front of us with a rabbit, petting it. He said sometimes we might get separated from our units and need to forage for food. Suddenly he made a quick move and killed the rabbit. He pulled out a knife and started skinning it, then disemboweled it, throwing the guts and bones in our faces. Later in Vietnam I saw an American civilian adviser to an ARVN group do the same thing with a dead VC woman, disembowel her. He peeled her skin off and left her there as a warning to the villagers."

—Joe Bangert, Philadelphia, Pa., Sgt., 1st Marine Aircraft Wing, First Marine Division, 1968–69.

"I was an artillery forward observer. I could call in artillery whenever I saw fit. All I'd have to do was report incoming fire and I could get it. What we'd do is, if there was a slow time, we'd just pick out a village and say, 'Okay, let's see how many shots it takes to destroy this house.' And I'd call in artillery until I'd destroyed it. And then the mortar guy would call mortar rounds in until he destroyed one. And whoever used the least amount of rounds would win. The loser would buy the winner beers."

—Scott Camil, Gainesville, Fla., Sgt., Eleventh Marine Regiment, First Marine Division, 1966–67.

"It was a joke to cut off the chin whiskers of old men. We'd do it just for the hell of it, just to be hard guys. We'd move in and take over some old guy's hootch and he'd squawk, so we'd cut his whiskers to shut him up. Sometimes we'd rip the whiskers off. They were gooks and slant-eyes and we hated them. It's like anybody can be the enemy, so everybody is."

—Thomas Heidtman, Plymouth, Mich., Pfc., Fifth Marine Regiment, First Marine Division, 1966–67.

"Lots of times we would deliberately use the rotor wash. In certain sections along the coast all the people from a hamlet or village will go out in a field in the morning to defecate, and we'd see them and the pilot would flare the ship, and what results is all this wind comes rushing forward, and you get a lot of wind. So we'd see these villagers out doing their thing in the morning and we'd make a run and flare and just blow them over, roll them through their own crap. Another thing, they put their rice in these large flat pans to dry, and we'd blow that away. I remember times where the people would be out in the field picking up individual grains of rice."

—James Duffy, New York, N.Y., Sp5c., 228th Aviation Battalion, First Air Cavalry Division, 1966–67.

"We got a lot of people killed in Happy Valley, and the first village we hit after that we reconned by fire before we went in. This was Tuyhoa. There were a lot of dead and wounded. The next morning we were camped on a hill above the village and the villagers were having a burial ceremony. This sergeant and a Spec/4 started firing machine gun rounds at the burial ceremony. They hit a guy, and people didn't even look to see if he was dead, they just rolled him over and put him in the hole with the others and covered him up."

—Charles Stephens, Fords, N.J., Pfc., 27th Infantry, 101st Airborne Division, 1966–67.

"There was a place we called Ambush Pass because there were a lot of snipers there. It was on the road from Ducpho to Saiwen. There was a lake there, and one morning we came by on our tracks and saw some fishermen in a boat. The gunners asked permission to test-fire their M–79's and shot at them for the practice as we passed. We did the same thing with fishermen in the ocean, near Saiwen. These guys were out there in their little straw boats. We fired 50-caliber rounds at them, everybody was doing it. We got one of them."

—Gary Keyes, Great Bend, Kans., Spec. 4, 11th Brigade, Americal Division, 1969–70.

"We started off tossing C-ration cans at the kids when we went through a village because we wanted to give them food. Then it changed. We began trying to hit them with the cans. We'd toss them into barbed wire and watch the kids go tearing after them, cutting themselves up. Some guys would drop the cans off the back of a truck when we were in convoy. There would be maybe 25 or 30 yards between trucks. They'd drop the cans so the kids would have to dart out and grab them and try to get out of the way of the next truck. One of the kids didn't get out of the way in time. The convoy just kept going. Every truck ran over that kid."

—Jack Smith, New Haven, Conn., Sgt.,Twelfth Marine Regiment, Third Marine Division, 1969.

"We would interrogate 'detainees'—suspected Vietcong. We'd attach wires to parts of their body. The wires ran to a 12-volt jeep battery. They would give off a pretty good scream when we stepped on the gas. If the wire method failed, the major in charge got out his knife. Once he just filleted a man alive, cut strips off him like bacon. We had to kill him after that, you couldn't take a guy in that condition to a hospital."

—Jon Drolshagen, Columbus, Ohio, 1st Lt., 9th Infantry, Twenty-fifth Infantry Division, 1966–67.

They did their year and they came home. "You see an old friend on the street after you get back," former army Lt. Sam Bunge said, "and he says something like, 'Where you been? Haven't seen you for weeks.' And you realize you've been forgotten. Back here it's business as usual."

"The contrast between the plane ride over and the ride back was fantastic," said ex-Maj. David Galicia, a psychiatrist. "The ride over was what you'd expect of 140 Americans thrown together on a plane for 18 hours—where are you from, what do you do, a lot of bantering and flirting with the stewardesses. On the way back you couldn't have cut the atmosphere on that plane with a machete. Hardly anyone spoke. I had the distinct impression that if one of the stewardesses had walked down the aisle naked and made an overt pass at almost any man on the plane, the guy would have said, 'Bug off, lady, I don't want to be bothered.' "

They bore their guilt any way they could devise to bear it, any way that would get them through the night. "I'd be walking down a street in Cambridge," said former helicopter pilot Rusty Sachs, "and I'd see some long-haired-hippie-radical-Communist-atheist-freak walking toward me, and as often as not I'd put my head down, stick my shoulder in his gut and knock him into the gutter. Once I did that and the guy just said, 'That sort of makes it hard for us to communicate, doesn't it?' " Sachs now resembles the people he used to shoulder off the sidewalk.

"I was drunk a lot of the time when I first got out," ex-army Lt. Jon Drolshagen said. "I'd come to and be 500 or 1,000 miles from home with no idea how I got there. I'd try to get drunk enough to pass out, just to avoid the bad dreams. I'd wake up feeling like hell, but at least there were no nightmares." The paneling next to Drolshagen's bed is gashed with a large jagged hole. "That was from a super nightmare," he explained. "I woke up swinging. You still can't wake me up by touching me because you'll get hit." He has been back for four years.

Liquor was one escape, drugs were another, violence was another. "There were about four waves that hit me after I got back," ex-marine Sgt. Joe Bangert said. "First I felt obsessed with telling people they had to end the war. Then I considered killing myself. Then I got into hard drugs, roaring around with the hippies. Then last year I found the vets against the war."

Jim Duffy cruised bars in the Bronx looking for fights. Bill Hatton, back in the hamlet of Bagley, Minn., devised ingenious ways of torturing his cat. Tom Heidtman found that he could no longer touch a gun; someone left a water pistol on his lawn in Plymouth, Mich., and he couldn't pick it up for six weeks.

Kenneth Ruth describes himself as a "political moderate." His hair is short, his shirt clean and buttoned down, and until recently he worked as a policeman on Capitol Hill in Washington. He feels now that he can't discuss Vietnam with anyone except other veterans because "people can't understand." When he thinks of Vietnam he thinks of the expressions in the eyes of Vietnamese people "the fear we struck in them when we walked into their village. I remember an old man with a long beard. We asked him if he was Ho Chi Minh, and I remember the terror that went through his body. He probably admired Ho. When I first got there in 1966 they welcomed us. But at the end of my year they were afraid to see us come, because they knew we were not a liberating army but an occupation army."

In the solidarity of the antiwar veterans movement they found their way. In a sense they were back in uniform, a different uniform calculated to deny their recent past: beards and buttons and peace medallions. It was the uniform they wore at their spring demonstration in Washington, and at the Winter Soldier hearings and "guerrilla theater" plays they have staged in more than 40 cities since then. "Bri-i-i-ng 'em *home*," they all chanted in Washington, "Bring our brothers *home*." And at a microphone in front of the Capitol, one said it for all of them: "I have only one thing to say to the Vietnamese people," he cried. "Oh, God, God, I'm sorry."

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. BRASCO (at the request of Mr. PODELL), for Wednesday, July 14, 1971, on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. DENT, for 30 minutes, on Tuesday, July 20, 1971.

Mr. GAYDOS (at the request of Mr. DENT), for 30 minutes, on Tuesday, July 20.

(The following Members (at the request of Mr. CAMP) and to revise and extend their remarks and include extraneous matter:)

Mr. MILLER of Ohio, for 5 minutes, today.

(The following Members (at the request of Mr. McKay) and to revise and extend their remarks and include extraneous matter:)

Mr. Aspin, for 20 minutes, today.

Mr. McFall, for 5 minutes, today.

Mr. St Germain, for 10 minutes, today.

Mr. Gonzalez, for 10 minutes, today.

Mr. Patten, for 30 minutes, on July 20.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. Camp) and to include extraneous matter:)

Mr. Findley.

Mr. Don H. Clausen in two instances.

Mr. Bray in two instances.

Mr. Hunt in two instances.

Mr. Hosmer in two instances.

Mr. Zwach in two instances.

Mr. Wyman in two instances.

Mr. Whalen.

Mr. Schmitz in two instances.

Mr. Conte.

Mr. Frey.

Mr. Robison of New York.

Mr. Burke of Florida.

Mr. Wydler.

Mr. Michel in two instances.

Mr. Lujan.

Mr. Goldwater.

Mr. McKinney.

Mr. Derwinski in two instances.

Mr. Miller of Ohio.

Mr. McClure in three instances.

Mr. Dickinson.

Mr. Thompson of Georgia.

(The following Members (at the request of Mr. McKay) and to include extraneous matter:)

Mr. Anderson of Tennessee in two instances.

Mr. Fraser in four instances.

Mr. Dingell in three instances.

Mr. Jacobs.

Mr. Aspin in three instances.

Mr. Sikes in five instances.

Mr. Rostenkowski.

Mrs. Hicks of Massachusetts in two instances.

Mrs. Griffiths in two instances.

Mr. Edwards of California.

Mr. Rodino in two instances.

Mr. Burke of Massachusetts in two instances.

Mr. Brinkley.

Mr. Daniel of Virginia.

Mr. Brooks in two instances.

Mr. Waldie in eight instances.

Mr. Hanna.

Mr. Mazzoli in two instances.

Mr. Gallagher in two instances.

Mr. Vanik in two instances.

Mr. Hagan in two instances.

Mr. White in two instances.

Mrs. Sullivan in three instances.

Mr. Gonzalez in two instances.

Mr. Gettys in three instances.

Mr. Matsunaga in three instances.

ADJOURNMENT

Mr. McKAY. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 53 minutes p.m.), the House adjourned until tomorrow, Thursday, July 15, 1971, at 12 noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

962. A letter from the Assistant Secretary of Defense (Comptroller), transmitting a report of transfers of amounts appropriated to the Department of Defense under section 836 of the Department of Defense Appropriation Act of 1971; to the Committee on Appropriations.

963. A letter from the Chairman, Indian Claims Commission, transmitting a draft of proposed legislation to extend the life of the Indian Claims Commission, and for other purposes; to the Committee on Interior and Insular Affairs.

964. A letter from the Administrator, Environmental Protection Agency, transmitting a report on the development of systems necessary to attain the motor vehicle and engine emission standards established under the Clean Air Act, pursuant to section 202(b)(4) of the act; to the Committee on Interstate and Foreign Commerce.

965. A letter from the Comptroller General of the United States, transmitting a report on construction of watershed projects terminated or delayed because of land rights problems, Soil Conservation Service, Department of Agriculture; to the Committee on Government Operations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. BROOKS: Committee on the Judiciary. H.J. Res. 208. Joint resolution proposing an amendment to the Constitution of the United States relative to equal rights for men and women; with amendments (Rept. 92–359). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ARCHER:

H.R. 9774. A bill to provide a tax credit for expenditures made in the exploration and development of new reserves of oil and gas in the United States; to the Committee on Ways and Means.

By Mr. BIESTER:

H.R. 9775. A bill to provide for the establishment of the Thaddeus Kosciuszko Home National Historic Site in the State of Pennsylvania, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. DELLUMS:

H.R. 9776. A bill to terminate all price support programs for tobacco beginning with the 1972 crop of tobacco; to the Committee on Agriculture.

H.R. 9777. A bill to enforce the Treaty of Guadalupe-Hidalgo as a treaty made pursuant to article VI of the Constitution in regard to lands rightfully belonging to descendants of former Mexican citizens, to recognize the municipal status of the community land grants, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. DULSKI (for himself, Mr. Hanley, and Mr. Hogan):

H.R. 9778. A bill to provide overtime pay for intermittent and part-time General Schedule employees who work in excess of 40 hours in a workweek; to the Committee on Post Office and Civil Service.

By Mrs. GRASSO:

H.R. 9779. A bill to increase educational and training assistance allowances payable under title 38 of the United States Code; to the Committee on Veterans' Affairs.

By Mr. HALPERN:

H.R. 9780. A bill to protect hobbyists against the reproduction or manufacture of imitation hobby items and to provide additional protections for American hobbyists; to the Committee on Interstate and Foreign Commerce.

By Mr. HORTON (for himself, Mr. Biester and Mr. Gude):

H.R. 9781. A bill to limit the sale or distribution of mailing lists by Federal agencies; to the Committee on Government Operations.

By Mr. KEATING (for himself, Mr. King, Mr. Halpern, Mr. Johnson of Pennsylvania, Mr. Rhodes, Mr. Runnels, Mr. Wright, Mr. Fish, Mr. Yatron, Mr. Esch, Mr. Derwinski, Mr. Morse, Mr. Sikes, Mr. Buchanan, Mr. Williams, Mr. Pickle, Mr. Michel, and Mr. Cleveland):

H.R. 9782. A bill to restore the income tax credit for investment in certain depreciable property; to the Committee on Ways and Means.

By Mr. KOCH (for himself, Mr. Anderson of Tennessee, Mr. Badillo, Mr. Begich, Mr. Burton, Mr. Edwards of California, Mr. Hansen of Idaho, Mr. Harrington, Mr. Hechler of West Virginia, Mr. Mikva, Mr. Mitchell, Mr. Moss, Mr. Obey, Mr. Roncalio, Mr. Rosenthal, Mr. Ryan, and Mr. Stokes):

H.R. 9783. A bill to protect the constitutional rights of citizens of the United States and to prevent unwarranted invasion of their privacy by prohibiting the use of the polygraph for certain purposes; to the Committee on the Judiciary.

By Mr. MOLLOHAN:

H.R. 9784. A bill to amend the Sherman Antitrust Act (15 U.S.C. 1 et seq.) to provide that exclusive territorial franchises, under limited circumstances, shall not be deemed a restraint of trade or commerce or a monopoly or attempt to monopolize, and for other purposes; to the Committee on the Judiciary.

By Mr. PIRNIE (for himself, Mr. Aspin, Mr. Burke of Florida, Mr. Derwinski, Mr. Talcott, Mr. Anderson of Illinois, Mr. Downing, Mr. Hosmer, Mr. Hogan, Mr. Halpern, Mr. Morse, Mr. Montgomery, Mr. Pike, Mr. Scherle, Mrs. Grasso, Mr. Robinson of Virginia, Mr. Terry, Mr. Hansen of Idaho, and Mr. Whitehurst):

H.R. 9785. A bill to transfer the Coast Guard to the Department of Defense; to the Committee on Merchant Marine and Fisheries.

By Mr. ROYBAL:

H.R. 9786. A bill to authorize a study of the feasibility and desirability of establishing a Channel Island National Park in the State of California; to the Committee on Interior and Insular Affairs.

By Mr. SCHMITZ:

H.R. 9787. A bill to amend title II of the Social Security Act to permit a State, under its section 218 agreement, to terminate social security coverage for State or local policemen or firemen without affecting the coverage of other public employees who may be members of the same coverage group (and to permit the reinstatement of coverage for such other employees in certain cases where the group's coverage has previously been terminated); to the Committee on Ways and Means.

H.R. 9788. A bill to suspend for a temporary period the import duty on 6-azauridine triacetate; to the Committee on Ways and Means.

By Mr. SHRIVER (for himself and Mr. McKevitt):

H.R. 9789. A bill to designate certain segments of the Interstate System as the "Dwight D. Eisenhower Highway"; to the Committee on Public Works.

By Mr. VANDER JAGT:

H.R. 9790. A bill to amend title 38 of the United States Code so as to entitle veterans of World War I and their widows and children to pension on the same basis as veterans of the Spanish-American War and their widows and children, respectively; to the Committee on Veterans' Affairs.

By Mr. WHITEHURST:

H.R. 9791. A bill to amend the Internal Revenue Code of 1954 to permit the Secretary of the Treasury to establish an investment credit when certain criteria (prescribed by the Secretary) are met; to the Committee on Ways and Means.

By Mr. WYMAN:

H.R. 9792. A bill to authorize the Secretary of the Interior to protect, manage, and control free-roaming horses and burros on public lands; to the Committee on Interior and Insular Affairs.

H.R. 9793. A bill to amend title 5, United States Code, to provide for maximum entrance and retention ages, training, and early retirement for air traffic controllers, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. CHAPPELL:

H.R. 9794. A bill to amend title 38 of the United States Code so as to treat certain expeditionary campaigns as periods of war for the purposes of such title; to the Committee on Veterans' Affairs.

By Mr. CLARK (for himself and Mr. Grover):

H.R. 9795. A bill to authorize the involuntary recall of the Coast Guard Reserve to duty in time of natural disaster; to the Committee on Merchant Marine and Fisheries.

By Mr. DELLUMS:

H.R. 9796. A bill to establish a national environmental bank, to authorize the issuance of U.S. environmental savings bonds, and to establish an environmental trust fund; to the Committee on Banking and Currency.

By Mr. DRINAN:

H.R. 9797. A bill to amend title 39, United States Code, as enacted by the Postal Reorganization Act, to facilitate direct communication between officers and employees of the U.S. Postal Service and Members of Congress, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. FINDLEY (for himself, Mr. Taylor, Mr. Skubitz, Mr. Rostenkowski, Mr. Arends, Mr. Anderson of Illinois, Mr. Annunzio, Mr. Collier, Mr. Collins of Illinois, Mr. Crane, Mr. Derwinski, Mr. Erlenborn, Mr. Gray, Mr. Kluczynski, Mr. McClory, Mr. Michel, Mr. Mikva, Mr. Murphy of Illinois, Mr. Price of Illinois, Mr. Pucinski, Mr. Railsback, Mrs. Reid of Illinois, Mr. Shipley, Mr. Springer, and Mr. Yates):

H.R. 9798. A bill to authorize the Secretary of the Interior to establish the Lincoln Home National Historic Site in the State of Illinois, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. FRENZEL:

H.R. 9799. A bill to assist in the efficient production of the needed volume of good housing at lower cost through the elimination of restrictions on the use of advanced technology, and for other purposes; to the Committee on Banking and Currency.

H.R. 9800. A bill to provide a comprehensive child development program in the Department of Health, Education, and Welfare; to the Committee on Education and Labor.

By Mr. GRAY (for himself and Mr. Frelinghuysen):

H.R. 9801. A bill to amend the John F. Kennedy Center Act to authorize funds for operation and maintenance of the nonperforming arts functions of that Center; to the Committee on Public Works.

By Mr. GUDE:

H.R. 9802. A bill to authorize the Commissioner of the District of Columbia to enter into contracts for the payment of the District's equitable portions of the costs of reservoirs on the Potomac River and its tributaries, and for other purposes; to the Committee on the District of Columbia.

By Mr. HARRINGTON (for himself, Mr. Begich, and Mr. Mikva):

H.R. 9803. A bill to amend section 8 of the Federal Water Pollution Control Act, relating to grants for the construction of treatment works, in order to increase the Federal share of construction costs and to authorize the obligation of certain amounts for such grants, and to amend section 10 of the act relating to water quality standards, and for other purposes; to the Committee on Public Works.

By Mr. JOHNSON of California:

H.R. 9804. A bill relating to the public lands of the United States; to the Committee on Interior and Insular Affairs.

H.R. 9805. A bill to amend the Indian Long-Term Leasing Act; to the Committee on Interior and Insular Affairs.

By Mr. LEGGETT:

H.R. 9806. A bill to designate certain lands in the State of California as wilderness; to the Committee on Interior and Insular Affairs.

By Mr. McMILLAN:

H.R. 9807. A bill to amend section 39–704, District of Columbia Code relating to the jurisdiction of courts-martial of the militia of the District of Columbia; to the Committee on Armed Services.

By Mr. PERKINS:

H.R. 9808. A bill authorizing the construction, repair, and preservation of certain public works on rivers for flood control; to the Committee on Public Works.

By Mr. WHITE:

H.R. 9809. A bill to designate a certain traffic circle in the District of Columbia as the "Benito Juarez Circle"; to the Committee on the District of Columbia.

By Mr. WYMAN:

H.R. 9810. A bill to prevent abuses of the privilege of diplomatic immunity; to the Committee on Ways and Means.

By Mr. WIGGINS:

H.J. Res. 780. Joint resolution authorizing the President to proclaim the period April 19 through April 22, 1972, as "School Bus Safety Week"; to the Committee on the Judiciary.

By Mr. CABELL (for himself and Mr. Roberts):

H.J. Res. 781. Joint resolution proposing an amendment to the Constitution of the United States to insure the right of parents and local school authorities to determine which school the children in that locality will attend; to the Committee on the Judiciary.

By Mr. FREY (for himself, Mr. Anderson of Illinois, Mr. Andrews of North Dakota, Mr. Archer, Mr. Arends, Mr. Baker, Mr. Bell, Mr. Boland, Mr. Broyhill of North Carolina, Mr. Buchanan, Mr. Burke of Florida, Mr. Byrnes of Wisconsin, Mr. Cederberg, Mr. Clancy, Mr. Don H. Clausen, Mr. Cleveland, Mr. Collins of Texas, Mr. Conable, Mr. Daniel of Virginia, Mr. Davis of Wisconsin, Mr. Dennis, Mr. Derwinski, Mr. Donohue, Mr. du Pont, and Mr. Edwards of Alabama):

H. Con. Res. 361. Concurrent resolution relative to control of the production and traffic in illegal drugs; to the Committee on Foreign Affairs.

By Mr. FREY (for himself, Mr. Eilberg, Mr. Erlenborn, Mr. Fisher, Mr. Flowers, Mr. Forsythe, Mr. Frenzel, Mr. Goldwater, Mr. Halpern, Mr. Hammerschmidt, Mr. Harsha, Mr. Hastings, Mrs. Hicks of Massachusetts, Mr. Hillis, Mr. Hogan, Mr. Hosmer, Mr. Ichord, Mr. Johnson of Pennsylvania, Mr. Keating, Mr. Kemp, Mr. Lent, Mr. McClory, Mr. McClure, Mr. McCollister, and Mr. McDade):

H. Con. Res. 362. Concurrent resolution relative to control of the production and traffic in illegal drugs; to the Committee on Foreign Affairs.

By Mr. FREY (for himself, Mr. McKevitt, Mr. McKinney, Mr. Mathias of California, Mr. Mazzoli, Mr. Mosher, Mr. O'Konski, Mr. Pepper, Mr. Peyser, Mr. Powell, Mr. Price of Texas, Mr. Railsback, Mr. Riegle, Mr. Robinson of Virginia, Mr. Ruth, Mr. Sandman, Mr. Schneebeli, Mr. Schwengel, Mr. Shoup, Mr. Spence, Mr. Steele, Mr. Steiger of Arizona, Mr. Talcott, Mr. Terry, and Mr. Thone):

H. Con. Res. 363. Concurrent resolution relative to control of the production and traffic in illegal drugs; to the Committee on Foreign Affairs.

By Mr. FREY (for himself, Mr. Ware, Mr. Whalley, Mr. Whitehurst, Mr. Williams, Mr. Winn, Mr. Wyatt, and Mr. Young of Florida):

H. Con. Res. 364. Concurrent resolution relative to control of the production and traffic in illegal drugs; to the Committee on Foreign Affairs.

By Mr. COLLINS of Texas (for himself and Mr. Thompson of Georgia):

H. Res. 539. Resolution to direct the Secretary of Health, Education, and Welfare to furnish certain documents to the House of Representatives; to the Committee on Education and Labor.

By Mr. FLOOD (for himself, Mr. Charles H. Wilson, Mr. Anderson of Tennessee, Mr. Flowers, Mr. St Germain, Mr. Lennon, Mr. Roberts, Mr. Rarick, Mr. Abernethy, Mr. Waggonner, and Mr. Delaney):

H. Res. 540. Resolution to express the sense of the House of Representatives that the United States maintain its sovereignty and jurisdiction over the Panama Canal; to the Committee on Foreign Affairs.

By Mr. HALL (for himself, Mr. Wylie, Mr. Del Clawson, Mr. Latta, Mr. Robinson of Virginia, Mr. Sikes, Mr. Derwinski, Mr. Pelly, Mr. Scherle, Mr. Wyman, Mr. Hutchinson, Mr. Grover, Mr. Teague of California, Mr. Spence, Mr. Cabell, Mr. Riegle, Mr. Randall, Mr. Archer, Mr. Schmitz, Mr. McCollister, Mr. Byrne of Pennsylvania, and Mr. Córdova):

H. Res. 541. Resolution to express the sense of the House of Representatives that the United States maintain the sovereignty and jurisdiction over the Panama Canal Zone; to the Committee on Foreign Affairs.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. GONZALEZ:

H.R. 9811. A bill for the relief of William T. Barnett; to the Committee on the Judiciary.

By Mr. NIX:

H.R. 9812. A bill for the relief of Gaetano Nazzareno Pellicciotta and his wife, Teresa Pellicciotta; to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII,

104. The SPEAKER presented petition of Henry Stoner, York, Pa., relative to a court-martial; to the Committee on Armed Services.

SENATE—*Wednesday, July 14, 1971*

The Senate met at 11 a.m and was called to order by Hon. LAWTON CHILES, a Senator from the State of Florida.

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

O God of creation and of history, be with this Nation Thou hast given us. Nourish the people in that righteousness which exalts a nation. Strengthen our spiritual sinews. Fortify us with morality and virtue. Make us great and strong in the things which pertain to God. May our leaders persevere in the cause of justice, preserve peace at home, and promote peace among the nations.

Grant, O Lord, that the principles of our Founding Fathers may be enduring standards to which we rally in every age and the pattern of life for the people in every generation.

We pray especially for all who serve in this Chamber. Renew our faith in that which is right and good. Recharge the energies of our minds. Restore our souls and make our lives radiant with the joy of Thy presence. When the day is over may we be at peace with ourselves, with our fellow men, and with Thee. Amen.

DESIGNATION OF THE ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. ELLENDER).

The legislative clerk read the following letter.

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., July 14, 1971.

To the Senate:

Being temporarily absent from the Senate on official duties, I appoint Hon. LAWTON CHILES, a Senator from the State of Florida, to perform the duties of the Chair during my absence.

ALLEN J. ELLENDER,
President pro tempore.

Mr. CHILES thereupon took the chair as Acting President pro tempore.

MESSAGES FROM THE PRESIDENT—APPROVAL OF A BILL

Messages in writing from the President of the United States were communicated to the Senate by Mr. Leonard, one of his secretaries, and he announced that on July 12, 1971, the President had approved and signed the act (S. 31) to provide during times of high unemployment for programs of public service employment for unemployed persons, to assist States and local communities in providing needed public services, and for other purposes.

REPORT ON HAZARDOUS MATERIALS CONTROL—MESSAGE FROM THE PRESIDENT

The ACTING PRESIDENT pro tempore (Mr. CHILES) laid before the Senate the following message from the President of the United States, which, with the accompanying report, was referred to the Committee on Commerce:

To the Congress of the United States:

I transmit herewith the First Annual Report on Hazardous Materials Control as required by the Hazardous Materials Transportation Control Act of 1970, Public Law 91–458. This report has been prepared in accordance with Section 302 of the Act, and covers the period from the date of enactment, October 16, through December 31, 1970.

RICHARD NIXON.

THE WHITE HOUSE, *July 14, 1971.*

EXECUTIVE MESSAGES REFERRED

As in executive session, the Acting President pro tempore (Mr. CHILES) laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(The nominations received today, are printed at the end of Senate proceedings.)

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Berry, one of its reading clerks, announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H.R. 6968. An act to amend the Uniform Commercial Code of the District of Columbia to make a warehouseman's lien for charges and expenses in relation to household goods stored with him effective against all persons if the depositor of the goods was the legal possessor;

H.R. 7718. An act to exempt from taxation by the District of Columbia certain property in the District of Columbia which is owned by the Supreme Council (Mother Council of the World) of the Inspectors General Knights Commanders of the House of the Temple of Solomon of the Thirty-third Degree of the Ancient and Accepted Scottish Rite of Free Masonary of the Southern Jurisdiction of the United States of America;

H.R. 8407. An act to authorize the District of Columbia to enter into the Interstate Agreement on Qualification of Educational Personnel;

H.R. 8699. An act to provide an administrative assistant to the Chief Justice of the United States; and

H.R. 9395. An act to authorize the Commissioner of the District of Columbia to enter into agreements with teachers and other employees of the Board of Education of the District of Columbia for the purchase of annuity contracts.

HOUSE BILLS REFERRED

The following bills were severally read twice by their titles and referred, as indicated:

H.R. 6968. An act to amend the Uniform Commercial Code of the District of Columbia to make a warehouseman's lien for charges and expenses in relation to household goods stored with him effective against all persons if the depositor of the goods was the legal possessor;

H.R. 7718. An act to exempt from taxation by the District of Columbia certain property in the District of Columbia which is owned by the Supreme Council (Mother Council of the World) of the Inspectors General Knights Commanders of the House of the Temple of Solomon of the Thirty-third Degree of the Ancient and Accepted Scottish Rite of Free Masonry of the Southern Jurisdiction of the United States of America;

H.R. 8407. An act to authorize the District of Columbia to enter into the Interstate Agreement on Qualification of Educational Personnel; and

H.R. 9395. An act to authorize the Commissioner of the District of Columbia to enter into agreements with teachers and other employees of the Board of Education of the District of Columbia for the purchase of annuity contracts; to the Committee on the District of Columbia.

H.R. 8699. An act to provide an administrative assistant to the Chief Justice of the United States; to the Committee on the Judiciary.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Monday, July 12, 1971, be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that all committees be authorized to meet during the session of the Senate today.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

EXTENSION OF THE SALINE WATER CONVERSION ACT OF 1971

Mr. MANSFIELD. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on S. 991.

The ACTING PRESIDENT pro tempore (Mr. CHILES) laid before the Senate the amendments of the House of Representatives to the bill (S. 991) to authorize the Secretary of the Interior to continue a program of research, development, and demonstration of processes for the conversion of saline and other chemically contaminated water for beneficial use and for the treatment of saline and other chemically contaminated waste water to maintain or improve the quality of natural waters, and for other purposes, which were to strike out all after the enacting clause, and insert:

That this Act may be cited as "The Saline Water Conversion Act of 1971".

SEC. 2. The Congress in consideration of the Federal responsibility for water resource conservation by means of comprehensive planning and construction of water resource development projects, administration of the navigable waterways, and maintenance of water quality standards finds that the technology for the conversion of saline and other chemically contaminated waters is vital to all these areas of responsibility. It is the policy of the Congress, therefore, to provide for the development and demonstration of practicable means to convert saline and other chemically contaminated water to a quality suitable for municipal, industrial, agricultural, and other beneficial uses.

SEC. 3. The Secretary of the Interior is authorized and directed to—

(a) conduct, encourage, and promote basic scientific research and fundamental studies to develop effective and economical processes and equipment for the purpose of converting saline and other chemically contaminated water into water suitable for beneficial consumptive uses;

(b) pursue the findings of research and studies authorized by this Act having potential practical applications to matters other than water treatment to the stage that such findings can be published in an effective form for utilization by others;

(c) conduct engineering and technical work including the design, construction, and testing of pilot plants, test beds, and modules to develop desalting processes and plant design concepts to the point of demonstration on a practical scale;

(d) study methods for the recovery and marketing of byproducts resulting from the desalination of water to offset the costs of treatment and to reduce impact on the environment from the discharge of brines into lakes, streams, and other waters; and

(e) undertake economic studies and surveys to determine present and prospective costs of producing water for beneficial consumptive purposes in various parts of the United States by the saline water processes as compared with other standard methods, and by means of mathematical models or other methodologies prepare and maintain information concerning the relation of desalting to other aspects of State, regional, and national comprehensive water resource planning: *Provided*, That in carrying out this function, the Secretary shall coordinate these studies with planning being performed under the provisions of the Water Resources Planning Act (79 Stat. 244), as amended.

SEC. 4. (a) The Secretary is authorized and directed to conduct preliminary investigations and to explore potential cooperative agreements with non-Federal utilities and governmental entities in order to develop recommendations for Federal participation in the construction, operation, and maintenance of prototype plants utilizing desalting technologies for the production of water for consumptive use.

(b) The Secretary is authorized and directed to report to the President and to the Congress, not later than one year after the date this subsection becomes effective, his recommendation as to the best opportunity for the early construction of a large-scale prototype desalting plant. In making his recommendation, the Secretary shall consider the following—

(i) plant size and process type best suited, within the presently available technology, to demonstrate the practicability of construction and operation of a large-scale plant for water supply on a reliable basis, and to provide information on the management problems and economics of such operation;

(ii) availability of cooperating entities or utilities willing to enter, and capable of entering, into agreements and contracts to provide a market for water and an operating agency for the plants;

(iii) availability of entities or utilities willing to enter, and capable of entering, into agreements and contracts to provide an energy source for the plants;

(iv) availability of a site, the environmental implications of the energy source, and brine disposal problems; and

(v) need for the development of new water sources in the area.

(c) In carrying out the provisions of this section, the Secretary shall utilize the expertise of the water and power marketing agencies of the Department of the Interior or of other Federal agencies to insure that the recommended prototype plant and the supporting agreements are fully integrated and compatible with the water and power systems of the region.

(d) The Secretary is authorized to accept financial and other assistance from any State or public agency in connection with studies or surveys relating to saline water conversion problems and facilities and to enter into contracts with respect to such assistance.

SEC. 5. In carrying out his functions under this Act, the Secretary may—

(a) make grants to educational institutions and scientific organizations, and enter into contracts with such institutions and organizations and with industrial or engineering firms;

(b) acquire the services of chemists, physicists, engineers, and other personnel by contract or otherwise;

(c) utilize the facilities of Federal scientific laboratories;

(d) establish and operate necessary facilities and test sites to carry on the continuous research, testing, development, and programing necessary to effectuate the purposes of this Act;

(e) acquire secret processes, technical data, inventions, patent applications, patents, licenses, land and interests in land (including water rights), plants and facilities, and other property or rights by purchase, license, lease, or donation;

(f) assemble and maintain pertinent and current scientific literature, both domestic and foreign, and issue bibliographical data with respect thereto;

(g) cause on-site inspections to be made of promising projects, domestic and foreign, and, in the case of projects located in the United States, cooperate and participate in their development when the purposes of this Act will be served thereby;

(h) foster and participate in regional, national, and international conferences relating to saline water conversion;

(i) coordinate, correlate, and publish information with a view to advancing the development of low-cost saline water conversion projects; and

(j) cooperate with other Federal departments and agencies, with State and local departments, agencies, and instrumentalities, and with interested persons, firms, institutions, and organizations.

SEC. 6. (a) Research and development activities undertaken by the Secretary shall be coordinated or conducted jointly with the Department of Defense to the end that developments under this Act which are primarily of a civil nature will contribute to the defense of the Nation and that developments which are primarily of a military nature will, to the greatest practicable extent compatible with military and security requirements, be available to advance the purposes of this Act and to strengthen the civil economy of the Nation.

(b) The Secretary shall cooperate with the Environmental Protection Agency to insure that research and development work performed under this Act contributes, to the extent practicable, to the attainment of the water quality objectives of the Federal Water Pollution Control Act, as amended.

(c) The Secretary shall cooperate fully with the Atomic Energy Commission, the Department of Health, Education, and Welfare, the Department of State, and other concerned agencies in the interest of achieving the objectives of this Act.

(d) All research within the United States contracted for, sponsored, cosponsored, or authorized under authority of this Act, shall be provided for in such manner that all information, uses, products, processes, patents, and other developments resulting from such research developed by Government expenditure will (with such exceptions and limitations, if any, as the Secretary may find to be necessary in the interest of national defense) be available to the general public. This subsection shall not be so construed as to deprive the owner of any background patent relating thereto of such rights as he may have thereunder. Within six months of the date of this Act, the Secretary shall publish rules in the Federal Register to give effect to the provisions of this subsection and shall subsequently publish all revisions in the same manner.

(e) The Secretary may dispose of water and byproducts resulting from his operations under this Act. All moneys received from dispositions under this section shall be paid into the Treasury as miscellaneous receipts except where such operations may be undertaken as a part of a Federal reclamation project in which case the financial provisions of Reclamation Law (32 Stat. 388 and Acts amendatory thereof and supplementary thereto) will govern.

(f) Nothing in this Act shall be construed to alter existing law with respect to the ownership and control of water.

SEC. 7. The Secretary of the Interior may issue rules and regulations to effectuate the purposes of this Act.

SEC. 8. The Secretary shall submit to the President and to the Congress not later than December 31, 1975, a report on—

(i) the status of research and development work in progress under the provisions of section 2, subsections (a), (b), (c), and (d), along with a program for the orderly termination of these activities in accordance with subsection (a) of this section; and

(ii) the status of work in progress under the provisions of subsection 2(e) and section 3 along with recommendations for the integration of these remaining functions within the on-going water resource programs of the Department of the Interior.

SEC. 9. As used in this Act—

(a) the term "Secretary" means the Secretary of the Interior;

(b) the term "saline water" includes sea water, brackish water, mineralized ground or surface water, and irrigation return flows;

(c) the term "other chemically contaminated water" includes agricultural runoff, municipal and industrial effluent, mine drainage, and naturally contaminated waters which contain chemicals not susceptible to removal by conventional sewage treatment methods but susceptible to removal by desalting processes;

(d) the term "United States" extends to and includes the District of Columbia, the Commonwealth of Puerto Rico, territories of American Samoa, Guam, and the Virgin Islands; and the provisions of this Act shall also apply to the Trust Territory of the Pacific Islands;

(e) the term "pilot plant" means an experimental unit of small size, usually less than one hundred thousand gallons per day capacity, used for early evaluation and development of new or improved processes and to obtain technical and engineering data;

(f) the term "test bed" means an intermediate-sized, experimental desalting plant of up to two million gallons per day capacity used for further evaluation and refinement of processes in the field and designed to facilitate the incorporation of experimental features for performance testing and to permit process changes and improvements as required;

(g) the term "module" means a section or integral portion of a desalting plant which is used initially to study large-scale technology and critical design features in preparation for subsequent prototype construction;

(h) the term "prototype" means a full-size, first-of-a-kind production plant used for the development, study, and demonstration of full-sized technology, plant operation, and process economics.

SEC. 10. (a) There is authorized to be appropriated to carry out the provisions of this Act during fiscal year 1972, the sum of $27,025,000, to remain available until expended, as follows:

(1) Research expense, not more than $5,475,000;

(2) Development expense, not more than $10,200,000;

(3) Design, construction, acquisition, modification, operation, and maintenance of saline water conversion test beds and test facilities, not more than $7,385,000;

(4) Design, construction, acquisition, modification, operation, and maintenance of saline water conversion modules, not more than $1,425,000; and

(5) Administration and coordination, not more than $2,540,000.

Expenditures and obligations under paragraphs (1), (2), (3), and (4) of this subsection may be increased by not more than 10 per centum, and expenditures and obligations under paragraph (5) may be increased by not more than 2 per centum, if any such increase under any paragraph is accompanied by an equal decrease in expenditures and obligations under one or more of the other paragraphs.

(b) There are authorized to be appropriated such sums, to remain available until expended, as may be specified in annual appropriation authorization Acts to carry out the provisions of this Act during the fiscal years 1973 to 1977, inclusive, and to finance, for not more than three years beyond the end of said period, such grants, contracts, cooperative agreements, and studies as may theretofore have been undertaken pursuant to this Act and such activities as are required to correlate, coordinate, and round out the results of studies and research undertaken pursuant to this Act.

(c) Not more than 2 per centum of the funds to be made available in any fiscal year for research under the authority of this Act may be expended, subject to the approval of the Secretary of State to assure that such activities are consistent with the foreign policy objectives of the United States, in cooperation with public or private agencies in foreign countries for research useful to the program in the United States.

SEC. 11. The Act of July 3, 1952 (66 Stat. 328), as amended, is repealed.

And amend the title so as to read: "An act to expand and extend the desalting program being conducted by the Secretary of the Interior, and for other purposes."

Mr. MANSFIELD. Mr. President, the purpose of this measure is to redirect and extend the Federal research and development program in desalting technology. The bill passed the Senate with amendments on June 28. The House further amended the bill by substituting the text of H.R. 9093, a similar bill passed by the House on July 8, 1971.

Although it is somewhat different in format and in the wording of some provisions, the House version is not different in substance from the Senate bill. There are, however, two areas which require further amendments. The first involves three technical amendments to section 8 of the House bill which are necessary to retain the original intent of references to other sections of the bill. The second involves two amendments to provisions concerning the relationship of the saline water conversion program to the advanced waste treatment program of the Environmental Protection Agency. These amendments are necessary to preserve the substance of the agreement between the Interior Committee and the Public Works Committee which was discussed prior to Senate passage of the bill on June 28.

Mr. President, I move that the Senate concur in the amendment of the House with amendments, which I send to the desk and ask that they be stated and considered en bloc.

The ACTING PRESIDENT pro tempore. The amendments will be stated.

The legislative clerk read as follows:

1. On page 9, line 2, delete the phrase "section 2" and insert instead "section 3".

2. On page 9, line 5, delete the phrase "subsection (a) of this section" and insert instead "subsection 10(b) of this Act."

3. On page 9, line 7, delete the phrase "subsection 2(e) and section 3" and insert instead "subsection 3(e) and section 4".

4. On page 7, amend subsection 6(b) to read as follows: "(b) the Secretary will cooperate with the Administrator of the Environmental Protection Agency to insure that research and development work performed under this Act makes the fullest possible contribution to the improvement of processes and techniques for the treatment of saline and other chemically contaminated waters and to avoid the duplication of the experience, expertise, and data regarding desalting technologies which have been acquired in the performance of the Saline Water Conversion Act."

5. On page 9, amend subsection 9(c) to read as follows: "(c) the term 'other chemically contaminated water, refers to waters which contain' chemicals susceptible to removal by desalting processes;"

The ACTING PRESIDENT pro tempore. The question is on agreeing to the motion of the Senator from Montana.

The motion was agreed to.

Mr. MANSFIELD. Mr. President, I move that the Senate concur in the amendment of the House to the title of the bill.

The motion was agreed to.

EXECUTIVE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate go into executive session to consider a nomination on the executive calendar, under new report.

There being no objection, the Senate proceeded to the consideration of executive business.

The ACTING PRESIDENT pro tempore. The nomination on the executive calendar will be stated.

DEPARTMENT OF THE INTERIOR

The legislative clerk read the nomination of Richard Stockwell Bodman, of California, to be an Assistant Secretary of the Interior.

Mr. ALLOTT. Mr. President, I wish to say a few words in support of Mr. Richard S. Bodman's nomination to be Assistant Secretary of the Interior for Budget and Management.

Mr. Bodman is a young man for such a position of high responsibility, but his experience in accounting, management, and management consulting will permit him to bring to this position the vigor and innovativeness of youth, tempered by experience. Secretary Morton believes he will and has already made valuable contributions to the Department of the Interior, and, provided Mr. Bodman maintains a balanced approach and acquires an understanding and appreciation for the achievement of the missions Congress has assigned to the Department, it would appear that he has the background, ability, and intelligence to assist materially in the successful accomplishment of the missions of the Department.

Mr. President, I ask unanimous consent that Mr. Bodman's biography be printed in the RECORD at this point.

There being no objection, the biography was ordered to be printed in the RECORD, as follows:

BIOGRAPHY OF RICHARD S. BODMAN

Richard S. Bodman, 33, of San Francisco was appointed Assistant Secretary for Administration by Interior Secretary Rogers C. B. Morton, with the consent of the President, April 1, 1971. Mr. Bodman has been nominated by the President for the position of an Assistant Secretary of the Interior whose duties will include, among others, those of the present Assistant Secretary for Administration.

A certified public accountant, he was formerly a partner in Touche Ross and Company, one of the largest international accounting and consulting firms. He has been directing the firm's consulting practice in San Francisco and Hawaii for the past six years. Additionally, he served as Chairman of the firm's Committee for all Services to Banks, Chairman of the Management Services Long Range Planning Committee, and was a member of the Management Services Executive Committee governing the firm's nationwide management services practices.

A native of Detroit, Michigan, but a resident of San Francisco for the last ten years, Mr. Bodman is past Chairman of the San Francisco Chapter of the Management Services Committee of the California Society of Certified Public Accountants; past President of the Planning Executives Institute's San Francisco Chapter; and was a member of the National Panel of Arbitrators, American Arbitration Association. His background includes managing a wide variety of business and government administration projects, especially with large financial institutions.

He holds a BS degree in engineering from Princeton University and an MS degree in industrial management from M.I.T.

He is married to the former Helene Dunn and they have two sons, Taylor, 9, and James, 8.

Mr. ALLOTT. Mr. President, in his prepared statement to the Senate Interior Committee, Mr. Bodman proposed three objectives for himself. I believe these objectives would be of interest to Senators, and I ask unanimous consent that an excerpt of his statement containing these objectives be printed in the RECORD at this point:

There being no objection, the objectives were ordered to be printed in the RECORD, as follows:

I would initiate a program to further long-term excellence in management of the Department's affairs by placing highly qualified and motivated people into responsible positions. In this regard I would strive to develop improved methods for identifying talented people early in their careers and developing their management expertise.

Secondly, I would institute improved budgetary policies and reporting procedures to assure that the Secretary has direct impact on the priority of expenditures and that he is well informed concerning performance against budget and plans in the program areas.

Thirdly, I would standardize and make more effective our activities in data processing, management research, auditing, and procurement.

Mr. ALLOTT. Mr. President, these are worthy objectives, and so long as they are not viewed as ends but are viewed as means to achieve the missions of the Department, their implementation can improve the efficiency and the responsiveness of the Department.

Mr. President, I urge that the Senate confirm Mr. Bodman to be Assistant Secretary of the Interior for Budget and Management.

The ACTING PRESIDENT pro tempore. Without objection, the nomination is confirmed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the President be immediately notified of the confirmation of this nomination.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

LEGISLATIVE SESSION

Mr. MANSFIELD. Mr. President, I move that the Senate resume the consideration of legislative business.

The motion was agreed to, and the Senate resumed the consideration of legislative business.

THE HEROIN WAR IN INDOCHINA

Mr. MANSFIELD. Mr. President, this morning's Washington Post contains an article entitled "Facts Surface on the Heroin War," written by Miss Flora Lewis. We all know and applaud what our Government has done in trying to bring about a decrease in the production of opium in Turkey; but I would hope that we would not lose sight of the fact that approximately nine-tenths of opium production in the world comes from the so-called Golden Corridor in Laos, Thailand, and Burma.

We have talked a good deal about the casualties of our men—and they are huge. We have talked a good deal about the costs of the war—and they are great. But only recently have we been discussing the question of drugs as they affect American personnel in Indochina and, incidentally, involve local dignitaries in many of the countries concerned.

If I may take an excerpt on two from the article written by Miss Lewis—which I hope every Member of Congress will read as well as the administration downtown—she brings out the fact that the CIA has provided Congress with a report naming the sites of the heroin refineries in Burma, Thailand, and Laos. There is more to it. It will go in with the full story.

I read as follows:

> The report also confirms for the first time on the record that Laotian air force planes and Laotian and South Vietnamese commercial planes take the drugs on to markets, both the GI market in South Vietnam and international centers which ship to Europe and the United States. It does not mention Air America, the CIA-operated airline in Laos and Vietnam. But there have long been numerous reports that Air America's secret fights supporting the Laotian war also often transport opium.

Further on,

> Vice Adm. William C. Mack, Deputy Assistant Secretary of Defense for Manpower, has testified that the only thing that "will save our men" from the tremendous drug problem in Vietnam is troop withdrawal. But the supply routes are organized now. The high-ranking officials, and by no means all the highest have as yet been named, still have U.S. support and every prospect that support will continue after most troops have gone. So the heroin can be expected to follow the GIs home, a continuing souvenir of the war.
>
> Two developments have begun to bring into the open the relation of heroin and the war. One is the huge increase in GI use in the past two years, while the military were assiduously fighting marijuana and virtually ignoring the opium-heroin trade. The other is counting public revulsion as each piece of news appears here.

And, further on,

> It is time, late but not too late, for American intelligence which does know quite a lot about the drug traffic to make it their concern. It is time to stop defoliating Vietnamese fields and start defoliating poppy fields. It is time to stop subsidizing high Asian officials who use American support to deal in drugs with impunity.
>
> John Ingersoll, director of the Bureau of Narcotics, has written Congress that "It is probable that opium production in Southeast Asia will be brought under effective control only with further political development in these countries."
>
> If that means that the United States can't successfully fight heroin and Vietnamese Communists at the same time because too many allies are on the side of heroin, it shouldn't be hard to choose the worst enemy. There can be no national defense even on this continent if the invasion of drugs is not stopped.

Mr. President, I ask unanimous consent to have this very worthy article printed in full in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

FACTS SURFACE ON THE HEROIN WAR

(By Flora Lewis)

At last the facts of the heroin war in Indochina are trickling out. Many officials, and others, have been aware of them for a long time. But the officials weren't very interested, and secrecy about the war in Laos and American clandestine operations made it extra hard for others' to pinpoint the route of heroin from the mountaintop poppy fields of Southeast Asia to American bloodstreams.

The CIA, which has prime responsibility for the Laotian war, long denied any knowledge of the drug traffic. Now it has provided Congress, through the Bureau of Narcotics, with a report naming the sites of heroin refineries in Burma, Thailand and Laos. Further, the public report says that "a senior Laotian officer may hold an ownership interest in some of these facilities." The officer, named elsewhere, is Gen. Ouane Rathikone, chief of staff of the Laotian army, which exists entirely on U.S. subsidy. Army units provide a "military defense perimeter" to guard the refineries.

The report also confirms for the first time on the record that Laotian air force planes and Laotian and South Vietnamese commercial planes take the drugs on to markets, both the GI market in South Vietnam and international centers which ship to Europe and the United States. It does not mention Air America, the CIA-operated airline in Laos and Vietnam. But there have long been numerous reports that Air America's secret flights supporting the Laotian war also often transport opium.

Rep. Robert Steele of Connecticut, an ex-CIA man himself, has named Maj. Gen. Ngo Dzu who commands South Vietnam's Second Military region as one large-scale organizer of the traffic.

The opium, from which heroin is refined, is grown chiefly by Meo tribesmen who live in what is called the "golden triangle" area of western Burma, northern Thailand and Laos. The CIA organized the Meo of Laos into the Armee Clandestine and has accepted responsibility for large numbers of them.

Although it normally denied having any awareness or interest in the drug trade, from time to time the CIA claimed progress in persuading the Meo under its influence to switch to food crops. Its own report now says that "in areas (in Laos) where the tribesmen have been encouraged to grow corn, the poppies are planted among the corn. When the corn is cut the poppies continue to grow until they too can be harvested."

Vice Adm. William C. Mack, Deputy Assistant Secretary of Defense for Manpower, has testified that the only thing that "will save our men" from the tremendous drug problem in Vietnam is troop withdrawal. But the supply routes are organized now. The high-ranking officials, and by no means all the highest have as yet been named, still have U.S. support and every prospect that support will continue after most troops have gone. So the heroin can be expected to follow the GIs home, a continuing souvenir of the war.

Two developments have begun to bring into the open the relation of heroin and the war. One is the huge increase in GI use in the past two years, while the military were assiduously fighting marijuana and virtually ignoring the opium-heroin trade. The other is mounting public revulsion as each piece of news appears here.

But the situation isn't very new. Capt. Robert Marasco, the former Green Beret who was accused of killing a double agent, tells of camping on the Cambodian border in the Parrot's Beak sector in 1969. "There was a big market field there; people went back and forth as though there were no border. The price of heroin was astonishing; for $25 you could get what sells for $500,000 in the United States," he told me. "It was being bought by South Vietnamese soldiers, obviously flunkies for the higher-ups."

On another occasion, he trailed 30 pounds of pure opium brought down the Ho Chi Minh Trail by Pathet Lao Communists along with medical supplies and found they were sold to South Vietnamese military and sent on to Saigon. "I didn't pay much attention," Marasco says "that wasn't our concern."

It is time, late but not too late, for American intelligence which does know quite a lot about the drug traffic to make it their concern. It is time to stop defoliating Vietnamese fields and start defoliating poppy fields. It is time to stop subsidizing high Asian officials who use American support to deal in drugs with impunity.

John Ingersoll, director of the Bureau of Narcotics, has written Congress that "It is probable that opium production in South east Asia will be brought under effective control only with further political development in these countries."

If the means that the United State can't successfully fight heroin and Vietnamese Communists at the same time because too many allies are on the side of heroin, it shouldn't be hard to choose the worst enemy. There can be no national defense even on this continent if the invasion of drugs is not stopped.

ALL VETERANS DO NOT CARRY LABELS

Mr. SCOTT. Mr. President, the Philadelphia Inquirer of July 13 included remarks made by Mr. Dom Domingos, a Vietnam veteran, on the NBC–TV program "Comment."

While Mr. Domingos' words speak eloquently for themselves, I would like to make the following point.

In our effort to rectify and halt reported abuses and atrocities committed by a few of our servicemen in Vietnam or, indeed, in our desire to aid those who have fallen victim to harmful drugs, let us not summarily characterize all Vietnam veterans. I hope that we all, whatever our views on this war, will make a conscious effort not to create an atmosphere that makes it impossible for our Vietnam veterans to return to a normal life in the United States. We should always bear foremost in our minds that our Vietnam veterans, whatever their views on the war, have all made a considerable personal sacrifice on their Nation's mission.

I ask unanimous consent that the full text of Mr. Domingos' statement be printed at this point in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Set the Record Straight: All Veterans Do Not Carry Labels

(By Dom Domingos)

The following remarks were made by Mr. Domingos, a Vietnam veteran, on the NBC–TV Program, "Comment" recently:

As a disabled veteran I find it very disturbing that there are those in America who would seek to "lump together," polarize, prejudge and automatically slot us Vietnam veterans as being either for or against the war; as being pot-heads or racists; as being flag-wavers or super-patriots; or as being trained assassins unable to adjust to civilian life.

These attempts have become evident to me just by reading the newspaper, observing mass media coverage, or watching the so-called "talk shows" displaying the "typical Vietnam veteran."

I am a veteran of a war which I feel at the present time no man can accurately predict as to what the last deadly entry in the log will be. A war which by its very nature confronts our fighting servicemen with complexities and pressures never before faced. A war which by its very nature sets its veterans apart and does not lend itself to the camaraderie and esprit of any previous war.

Lest anyone forget, we served our time in hell—and some of us will carry proof of that service with us the rest of our lives.

Let's set the record straight, however. In ten months of Vietnam duty as an adviser to South Vietnamese units I did not and do not now use drugs; I found the majority of the South Vietnamese people friendly and appreciative of my presence; I committed no war crimes; I am neither for nor against the war in its entirety.

I feel that I served with dignity and honor, and as long as there is a breath left in me, I will defend my right and the right of Vietnam veterans to be human beings with that same dignity and honor.

John Kerry, Jerry Mueller, John O'Neill, Mr. News Commentator and others, I resent your attempting to speak for me and the image you are portraying of me. I resent being used as a pawn in your political arena—or anybody else's. I find demonstrations in violation of the law offensive.

I find your actions and rhetoric divisive and conducive to polarization and prejudging of Vietnam veterans—this trend, if allowed to continue, I consider to be detrimental to the Vietnam veteran now and over the long haul. I firmly contend that each man must stand for what he believes—and I defend that right—but to coin a phrase: "Speak for thyself, John." Stop speaking for me.

I have been medically retired from the service since July 1968. Since that time, I have been in industry doing personnel work. Before I left the Army, I served as assistant to the commanding general of the Army Physical Disability Agency, traveling to all major Army Hospitals in the continental United States and talking to the men on the wards.

I have been close to the subject for five years now, and have watched the image change—I have seen hope turn to despair, pride turn to confusion and despair and confusion turn to utter helplessness.

I have been asked, "How does it feel to be a murderer" and have heard the comment, "Check him for drugs—he's a Vietnam vet."

I ask you, is it necessary that I agree with your viewpoint to be accepted as a veteran of this nation; must the words Vietnam veteran paint a picture in the minds of some people—not all—of what I am, what I feel. I think not! Just as there are complexities amongst the veterans of that war.

So I say to all Americans—do not group, polarize or prejudge us. Each of us has our own thoughts, views, and experiences and if given the opportunity will relate them—but give us that right and above all let us maintain our dignity. Let us prove ourselves to you as men, as human beings, as individuals.

THE NIXON PROGRAM FOR HOUSING

Mr. SCOTT. Mr. President, I commend to the attention of my colleagues an article from the July issue of Mortgage Banker by Mr. Eugene S. Cowen, Special Assistant to the President. As Mr. Cowen points out in his article:

> The Nixon Administration has consistently viewed low- and moderate-income housing as a top priority budgetary item and has striven to translate into bricks and mortar the promises contained in the Housing and Urban Development Act of 1968.

I ask unanimous consent that "The Nixon Program for Housing" be printed at this point in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

The Nixon Program for Housing

(By Eugene S. Cowen)

Shortly after Richard Nixon was sworn in as President, he was flying over Washington in a helicopter. As the chopper passed over the Mall, the grassy expanse between the Washington Monument and the Lincoln Memorial, he spotted a long row of old temporary structures, the Navy and Munitions Buildings.

They were built during World War I and have stood moldering in full view of a half century of tourists who have visited the nation's capital. The President knew the buildings well because he was stationed there briefly when he was a lieutenant, junior grade, after World War II, and he didn't think much of them then.

So he directed that the "tempos" be taken down as soon as possible. A White House memorandum went out to the friendly proprietors of the Navy and Munitions Buildings, advising them that the Commander-in-Chief would like them, please, to get their structures off the public's grass.

That set off a heated debate within the federal establishment, the military arguing protempo and the civilians answering antitempo. It reached its height when the Navy cleverly invited a presidential assistant to the Army-Navy game and assigned an Admiral to lobby him all the way from Washington to Philadelphia.

But the White House persisted and the buildings were removed—a year after the President asked them to come down.

Now, if it takes that long to tear something down, isn't it harder yet to build something up? Yes. But we persist. Persistence has paid off with our housing programs.

During the past two and a half years, the Nixon Administration has taken vigorous steps to stimulate housing production and has achieved record levels of output for low- and moderate-income families.

Housing requires financing. As you are aware, housing production is highly sensitive to changing monetary conditions. The corporate borrower is first in line at the credit window, while the home purchaser is usually at the end of the line. During tight money periods, housing starts usually drop very sharply. During the money crunch of 1966, private housing starts declined to about 900,000 units in the last quarter of that year. During the most recent tight money period, however, housing production was better maintained despite very high interest rates.

In no quarter of 1969–70 did private housing starts average less than 1.25 million units. The annual rate of housing starts was 1.4 million units in 1970, compared to 1.2 million in 1966. Housing starts have recovered sharply, and the 1971 total will probably be about 1.9 million units.

The dramatic turnaround is a response to a variety of Nixon Administration policies. One is the overall economic push that is reflected in lower interest rates. The other is the massive federal effort to maintain the flow of credit into housing. And the third is the shift that put a larger proportion of housing resources into help for low- and moderate-income families.

SUBSIDIZED HOUSING

During 1970, 433,000 housing starts were subsidized by the Department of Housing and Urban Development and the Farmer's Home Administration. This represented almost 30 percent of total housing starts. As recently as 1968, assisted housing units amounted to scarcely more than 10 percent of total housing starts.

Much of the increase in housing units has occurred in Section 235 and Section 236 programs. Through deep subsidization of mortgage interest costs, these programs reduce monthly payments to a level within reach of moderate-income families. Under the Section 235 program alone, about 116,000 units were started in 1970 and almost 200,000 units are likely to be started in 1971. For lower-income families, public housing and the rent supplement program continue to play a major role.

Who is helped by these programs? Under Section 235, the typical purchaser of a new house is a family of five usually headed by both a husband and wife. Almost all of their income is from wages and salaries, and very little from welfare assistance. The head of this family is usually about 30 years old.

Under this program, the purchaser pays, on the average, under $18,000 for his own house. The annual family income is $6,169. That strikes a point *below* the income needed to live reasonably well in a city, but *above* the income levels of the typical family in public housing.

The housing needs of low- and moderate-income older people are met through two programs: Section 236 rental and public housing. Construction was started on about 50,000 units specifically designed for senior citizens under these two programs in 1970.

Further improvements in our federally-assisted programs are possible. Note how fast and effectively HUD Secretary George Romney acted to correct several deficiencies uncovered in the Section 235 program. However, we presently have a mix of programs that is making a substantial contribution to the housing needs of the full range of low- and moderate-income households, and racial composition. The Nixon Administration has consistently viewed low- and moderate-income housing as a top priority budgetary item and has striven to translate into bricks and mortar the promises contained in the Housing and Urban Development Act of 1968.

RUNAWAY COSTS

But what good are these programs if runaway costs price the average American out of the new housing market? Federally-assisted programs are not blank checks to underwrite such rising construction costs. Moreover, advancing costs would eventually defeat our efforts to increase housing production.

The Administration has approached this problem from several directions at once. We have put great emphasis on new housing technology under Operation Breakthrough in order to lower costs and develop mass production approaches to housing. We have encouraged mobile homes, where suitable, and now eligible for financing under FHA and VA programs. More recently, we have instituted a program to curb rising construction costs. Construction unions and industrial contractors have agreed to a reform of work rules aimed at eliminating excessive overtime pay, featherbedding, and permitting the unrestricted use of all trade tools and equipment. We hope that these reforms will be implemented at the local level.

President Nixon has instituted a cooperative system of wage-price "constraints" in the construction industry, designed to maintain negotiated annual wage increases. Labor-management boards will review collective bargaining agreements in each of the construction crafts. A government committee will also establish criteria for price increases and management compensation . . .

If persistence pays off in getting "tempos" off the grass and encouraging housing construction, it is also the driving force behind this Administration's determination to streamline the federal government, turning some of the control back to states and local communities.

Revenue sharing, general and special, is the name President Nixon has given to his plan to turn some $10 billion over to the states and local communities. It is based on the philosophy that it is the *people's* tax money to begin with, and the more direct control the people have in its disbursement the better it will be spent.

We believe that the federal government should do what it can do best, and that state and local governments should be strengthened by providing them with the money to run their programs in a way to best meet their varying needs. Your reason for subscribing to this philosophy should be guided by the fact that the last time the state legislatures met, more than four-fifths of them were asked by their governors for more taxes.

Revenue sharing, however, has a special significance to those who build or finance housing because it takes more than a group of houses to make a community. It takes water and sewer lines, schools, libraries, and a whole host of other services which are provided mostly by state and local governments. Revenue sharing will give you a greater say in how these services can be better provided for your communities.

THE DIFFERENCE

Finally, the President wants to reorganize the government, and it is not something that originated in a helicopter flight.

When Richard Nixon was a lieutenant, junior grade, Washington was a very different Capital. The President then had nine cabinet departments. He now has 12. The then 27 independent federal agencies are now 41. A $42 billion federal budget has now grown to $220 billion. Then there were 140 domestic programs, now 1,400. And add some 600,000 federal employees.

So this President wants to streamline the government, cut down the number of federal departments, and reduce the number of federal employees—so that it and they do a better job for you. Now, this is not a new idea. It has—in various forms—been recommended by Presidential commissions throughout this century.

Nor is it a new problem facing this President. When Arthur Krock of the *New York Times* interviewed President Calvin Coolidge, he asked, "Mr. President, how many people work for you in the White House?" Mr. Coolidge replied: "About half of them." The difference is, we persist.

DON'T TIE THE CHIEF'S HANDS

Mr. SCOTT. Mr. President, the July 12 edition of the Washington Star carried an excellent column by David Lawrence. It is entitled, "Don't Tie the Chief's Hands." Mr. President, a review of this column leads me to make but one comment: "These are words to the wise." I trust we are wise men. I ask unanimous consent that this column be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Don't Tie the Chief's Hands

(By David Lawrence)

A President's conduct of foreign policy is under greater strain than it has ever been before. Members of Congress are questioning the right of an administration to carry on important negotiations without publicizing them.

But to demand that Congress be kept informed in advance or that even congressional committees be advised of diplomatic contacts which are within executive jurisdiction could mean a leakage to the press and an impairment of international progress. Experience shows that some of the confidential material filed within committees of Congress is given to the news media here. It is then exploited by the press abroad.

The government knows full well, for instance, that "foreign aid" is a vital factor in winning the alliance of the smaller nations which may hitherto have been depending on either Red China or the Soviet Union for help. If a law is adopted by Congress requiring a President to publicize beforehand his intention to give assistance to certain countries, would this be a step that could help or hurt the chances of America gaining allies?

Present statutes permit a President to make financial aid commitments to a foreign country without revealing it to the Congress or to the people until 30 days after the action has been taken. It now is being proposed that a Chief Executive notify Congress 30 days before he shifts foreign-aid money from one country to another.

Many of these matters are subjects of secret diplomacy. They can be handled best by allowing a President to render financial aid without making his plans public until after the project is well under way. There are plenty of trouble spots in the world caused by economic weakness. This is one of the reasons why the United States is willing to extend financial assistance where it is needed.

American efforts to avoid involvement in military operations are known everywhere. The help we have provided to Mideast countries, for example, has been designed to remove any idea that the United States is hostile to the nations in the area.

The Mideast situation is one of the biggest worries at the moment for the President and his secretary of state. Fortunately, the Egyptian government appears to be in a negotiating mood. Also, the Israelis are aware of the primary objective in the plans being proposed by the United States for that region—how to reopen the Suez Canal and assure the leaders at Tel Aviv that a complete or partial withdrawal from territory occupied since 1967 will not have to be made without reciprocal benefits.

Meanwhile, American military units are needed to support possible action under the North Atlantic Treaty and a sizable fleet in the Mediterranean is to be maintained. This necessitates some bases and friendly relations with countries on the Mediterranean and those bordering on South Pacific waters.

One has to study the potential military strategy of the United States in order to understand the reason why certain countries are on the list of financial aid from America. It would cause many problems if Congress had to grant its consent and publicity was given to the intended plan before the State Department could provide economic aid urgently required by a country which would prefer that the event be kept secret for awhile.

What is at stake in all the efforts to interfere with the operations of the executive branch in its handling of foreign affairs is the possibility that the United States would be unable to act promptly in dealing with governments in different parts of the world, and that the Communists would take advantage of this handicap.

There has been a lot of talk on Capitol Hill about attempts to block the making of "commitments." What this really means is that the State Department would not be able to record any promises in its negotiations with other nations or give indications to any country of the advantages which might follow support for the American position in controversies that may arise.

A commitment of unusual expense is, of course, reported to Congress when the money is sought through the appropriations committees. But the scheme to make the executive branch disclose all its financial-aid plans before such arrangements are made with other countries would deprive the State Department of one of its most important powers of negotiation in the handling of foreign policy.

CLARENCE MITCHELL, JR., BLACK AMERICA'S LOBBYIST IN WASHINGTON

Mr. SCOTT. Mr. President, Clarence Mitchell, Jr., has developed a reputation for being a man who treats people equally and fairly—an important quality in a man considered by many to be black America's lobbyist in Washington. As chief legislative spokesman for the NAACP, Mitchell has continually expressed his strong belief in the rule of law affecting all people equally. He says of himself:

> I am a man who seeks just law. I am a man who seeks the kind of order that makes freedom grow instead of stifling.

These facts and many more pointing out the courage and insight of Clarence

Mitchell, Jr., are highlighted in William J. Eaton's article in the syndicated Black magazine, Tuesday, carried in Sunday's Philadelphia Bulletin and Washington's Sunday Star. I ask unanimous consent that this fine story be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

CLARENCE MITCHELL, JR., BLACK AMERICA'S LOBBYIST IN WASHINGTON

(By William J. Eaton)

Clarence M. Mitchell Jr. stands nearly 6 feet, 2 inches tall and he weighs 215 pounds. He's a hard man to miss as he sits quietly in the gallery of the Senate or the U.S. House of Representatives, listening to the lawmakers below.

Often, it is the congressmen who do the listening as Mitchell talks in their offices or the hearing rooms on Capitol Hill. For Mitchell is one of the most trusted and respected lobbyists in Washington, where for 21 years he has been the chief legislative spokesman of the National Association for the Advancement of Colored People.

"A man who embodies all that is best in lobbying," said Sen. Philip A. Hart (D-Mich.), speaking of Mitchell. "He asks not for special favors, but for equal treatment."

Others, both Republicans and Democrats, have attested to his influence in the passage of every civil rights bill since 1957. Mitchell was credited personally by President Lyndon B. Johnson for assuring adoption of the fair housing law in 1968. Mitchell helped to defeat the Supreme Court nominees G. Harrold Carswell and Clement Haynsworth, and took the lead in the battle for extension of the 1965 Voting Rights Act.

"The 101st U.S. Senator" is the description that has been applied to him more than once.

Mitchell probably enjoys the limelight as much as any man, but he shuns it, partly because he is so busy on NAACP affairs during his typical 10-hour day. He has also had his share of critics. Former Rep. Adam Clayton Powell once scorned Mitchell's approach as that of an Uncle Tom. Black militants and separatists have launched similar attacks.

When he received the Spingarn medal from the NAACP in 1969, Mitchell addressed himself to the younger, more militant Black people in the convention hall at Jackson, Miss., saying:

"We are the first to admit that we have not gotten rid of sickness, poverty, inequality and discrimination in our country and the world. But we have made a good start. . . . We are asking you to share in the building of a democracy that is a shield for the humble and the weak as well as a sword for the strong and the just."

And he expressed his strong belief in the rule of law:

"I, too, am a law and order man. But I am a man who seeks just law. I am a man who seeks the kind of order that makes freedom grow instead of stifling it.

"We must be on guard against and repudiate those forces that would destroy us and our country by causing us to lose faith in the power of just law. Whether it comes from a Ku Klux Klan meeting in a cow pasture or a street-corner meeting in Harlem, the voice that ridicules our Constitution, that demeans our Supreme Court and discounts our civil rights laws is the sound of man's ancient enemy—ignorance."

But Mitchell does not spend much of his time making speeches. His specialty is Congress and civil rights legislation, and in these fields he is acknowledged to be without peer. Sen. Edward M. Kennedy (D-Mass.) put it this way about Black America's man in Washington. "His judgement is superb and his wisdom unsurpassed."

Remarkably enough, Mitchell does not live in the shadow of the Capitol dome but nearly 40 miles away in a neighborhood he describes as a slum area of Baltimore. He was born in that city 60 years ago and grew up there before going away to college at Lincoln University.

Mitchell received a law degree from the University of Maryland and pursued graduate studies at the University of Minnesota and Atlanta University. He was a newspaper reporter for awhile before arriving in Washington in 1941 to work for the Office of Production Management, which later became the War Production Board. Mitchell's assignment involved the handling of labor problems, especially opening up defense jobs to Blacks. Later, he became a member of the wartime Fair Employment Practices Commission set up by executive order of President Franklin D. Roosevelt.

After the war, Mitchell signed on with the NAACP, at first assisting the late Walter White and, later becoming labor secretary of the organization. He was named director of its Washington bureau in 1950.

In one of his first controversial actions, Mitchell testified on organized labor's side during the hotly fought battle over the Taft-Hartley Law in 1947. It brought him sharp criticism from some big contributors to the NAACP who, as Mitchell recalls, were "good on civil rights but bad on labor." The NAACP board, however, supported his position that a law that would hamper labor unions would be harmful to Negro workers, too.

That 1947 alliance with organized labor has continued and been strengthened through the years, with a close personal relationship developing between Mitchell and Andrew J. Biemiller, chief lobbyist for the AFL–CIO and George Meany's man on the hill. On rare occasions, when the NAACP is at odds with the labor federation, Mitchell tries to resolve or mute the differences in his talks with congressmen. He clearly regards the AFL–CIO's aid on civil rights bills as more important than its opposition to President Nixon's "Philadelphia Plan" for enlarging the number of Blacks in building trades unions that traditionally excluded minorities.

During much of the 1950s, when Dwight D. Eisenhower was president, civil rights progress was slow, but Clarence Mitchell did not lose faith. He discovered that Ike believed that the federal government had the power to stop racial discrimination wherever federal funds were spent. "I don't think he realized how far that went," Mitchell said. "We were able to make a successful attack on school desegregation on military posts and areas adjacent to military posts, even before the 1954 [Supreme Court] decision."

Once the Supreme Court had ruled in the landmark *Brown v. Board of Education* case, Mitchell hit hard on the tribunal's finding in his talks with lawmakers "because this was the first time that the government had officially said segregation per se was unconstitutional."

In the mid-50s, Mitchell became the go-between on civil rights proposals for the Eisenhower Administration and liberal forces in Congress. He arranged a set of proposals that both Republicans and Democrats could support and won the backing of Lyndon B. Johnson, then majority leader in the Senate, and Johnson's GOP counterpart, William F. Knowland of California. The Senate balked at bypassing the conservative Judiciary Committee, however, and the civil rights package was dead for that year.

Sensing victory at the next session, Mitchell extracted promises from Johnson and Knowland to bring the measure up for a vote early in 1957. They did, and the Senate outlasted a filibuster. Thus the first civil rights bill in a century became law.

"There wasn't anything magic about it," recalls Mitchell. "It was just a matter of going to all possible sources, some of whom people ordinarily would ignore. To me, the importance of getting that bill through was that we could break the spirit of defeat around here on civil rights legislation." It was mild legislation, providing for a civil rights commission an assistant attorney general for civil rights and authorizing federal lawsuits to protect the right to vote.

During the early years of John F. Kennedy's presidency, no civil rights legislation was proposed. Kennedy and his brother, Robert, said the slim Democratic margins in both Senate and House made passage of further laws unlikely. Clarence Mitchell filed a dissenting opinion, saying: "What they didn't realize was that although Republicans were conservative on economic matters, sometimes you'll find there are Republicans who are liberal on civil rights."

Mitchell had in mind Rep. Clarence Brown (R-Ohio), the ranking GOP member of the House Rules Committee, who eventually provided a key vote in moving the 1964 civil rights bill toward final passage. Brown, considered an arch-conservative on most matters, had been scouted extensively by Mitchell in advance of the showdown, contributing to his optimism over the outcome.

In 1965, many liberals felt Congress should "take a breather" and not consider more civil rights bills. Not Clarence Mitchell, who said:

"I guess many of us felt that when the tide's going your way, it's no time to start resting on the beach." The voting rights act, which has since put millions of Negroes on the voting rolls in the South, was the result of such perseverance.

By 1968, the question was whether to seek a bill to halt discrimination in the sale or rental of homes and apartments. It was an issue with high political risk for President Johnson, many observers believed at the time.

On the wall of Mitchell's office not far from the Capitol, there is a picture of him with Mr. Johnson and the mongrel puppy known as Yuki. "It was at that meeting," says Mitchell, pointing to the photograph, "that we decided to go forward with the fair housing bill."

The Rules Committee of the House was again the bottleneck. Clarence Brown was dead. But Mitchell found another Republican to deliver a key vote—Rep. John Anderson of Illinois—and the bill came to the floor and won approval by a narrow margin. It zipped through the Senate with the aid of the late Sen. Everett M. Dirksen, also of Illinois, who said fair housing was an idea "whose time has come" despite his earlier opposition.

When the votes were approaching on the floor of Congress, Mitchell often would look to his Bible for comfort. Raised as an Episcopalian, he has switched to the Methodist church and takes an active layman's role. One of his favorite passages is II Kings 6:16-17, which tells the story of a servant who expresses concern to his master, Elisha the prophet, about being outnumbered in battle. Elisha replies: "Fear not; for they that be with us are more than they that be with them." The story says the Lord opened the eyes of the servant so he could see that "the mountain was full of horses and chariots of fire round about Elisha."

"I like to think that the Power that runs this world and the universe is really greater and more potent than anyone who gets elected to office or is in control of anything," Mitchell says, "If that Power gets into the picture it's bound to come out the right away."

Mitchell dislikes noisy business lunches. as a result, he rarely eats lunch at all. He starts his day in Baltimore early, rising about 6 o'clock each workday morning to make the 40-mile trip to his Washington office. He travels in a 1967 Buick which now has 140,000 miles on the speedometer. The driving time is used to think over plans for the day, while on the way to Washington, and contemplating what happened, on the way home.

In Maryland, Mitchell is a politically powerful name. Clarence's younger brother, Parren, was elected to Congress last November, narrowly defeating a 20-year incumbent in a Democratic primary and then coasting to an easier victory over a Republican opponent.

Clarence Mitchell II, just 30 years old, is a member of the Maryland Senate and is considering running for mayor of Baltimore. The elder Mitchel's wife, Juanita, a lawyer, was a delegate to the Maryland Constitutional Convention and is president of the state's NAACP.

In Congress, Parren Mitchell is a member of the increasingly outspoken 13-member Black Caucus, all Democrats, from New York, Maryland, Pennsylvania, Illinois, Ohio, California, Missouri, Michigan and the District of Columbia.

Clarence Mitchell is pleased by this development, saying: "All in all I think of their operation as one that complements what we are doing. I think we need each other very much."

But he sees the Black Caucus' most valuable contribution in the workings of the House and its committees, noting: "It's always been my belief that the presence of a dark face in a room is in itself an important thing. People who may try to pull certain kinds of fast ones don't do it."

On the House Appropriations Committee, for example, powerful Rep. James Whitten (D-Miss.) must now confront Rep. Louis Stokes (D-Ohio) on the controversy over food stamp expansion. "Even the opposition realizes that it has to have a dialogue now," Mitchell says. "This is very healthy."

Mitchell, an early supporter of Hubert H. Humphrey for President in 1968, wore his silver "HHH" button on his lapel long after the election was over. He has had a long acquaintance with Richard M. Nixon, who had spoken to many NAACP groups in Washington with Mitchell's sponsorship, and the lobbyist still has contacts with members of the White House staff. On two occasions, Mr. Nixon invited Mitchell to meet with him in the Oval Office where Mitchell had been so often with Lyndon B. Johnson. The Nixon-Mitchell meetings never occurred because of conflicting engagements. Once, Mitchell was unable to accept a White House invitation because of a prior commitment to address the Laundry Workers' union in Chicago.

What would this veteran Washington hand tell the President if he had the chance to address him directly? Mitchell quickly replies:

"Well, I would certainly feel he ought to take a position that we've got to pass a strong equal employment opportunity bill with enforcement powers . . . but the President has already given his blessing to a different approach. I would feel that we couldn't dismantle programs like the Office of Economic Opportunity but, again, the justification for the two-year extension makes it clear the Administration is aiming at dismantling that agency.

"I would feel the Administration ought to take a hard look at its whole policy in connection with appointments. I know, for example, that they are denying an appointment [as a Federal judge] to a very well-qualified Black man up in the 3rd Circuit [Court of Appeals] because he undertook along with his associates, to defend the Supreme Court when he was working on the District of Columbia Crime Commission.

"I would feel also that they've got to start checking the whole judicial system. The time is long past when we should just appoint white people [to the federal bench] in the southern and border states. It seems the federal government ought to keep up with the political realities that are developing with increased voter participation, and start now to put people on [the bench] on the base of their ability. It would seem to me it would have a tremendous impact in keeping faith in our judicial system if the people could look at the federal government and see that it was being fair. This is something wholly in the hands of the President.

"I would try to get the President to stop this kind of reverse English on race matters. The example is coming out and saying, 'I'm for the enforcement of fair housing legislation but I'm not in favor of getting [Black] people into the suburbs because that isn't what Congress intended.' Well, this causes people to think the President can't possibly be sincere."

(Earlier, in a 1969 speech, Mitchell had expressed a similar thought in far more colorful language when he said: "We must save the Republican party by giving massive support to those Republicans in office who back civil rights and we must save the soul of the party from the hell of equivocation.")

Mitchell, who has helped to "cool" racial disorders in his native Baltimore, said providing a method of redress for the poor is a sure-fire solution to disturbances. "You can prevent fomentation of trouble if you can show the people there is a way of accomplishing things without brick-throwing. A few may throw bricks and light fires but the great mass of people want to do things in an orderly way."

Mitchell is trying to provide those methods of redress through law. As Sen. Charles Mathias (R-Md.) once said of him: "In these days of turmoil, shouting and disruption, it is more important than ever to pay tribute to the men and women who have labored quietly, patiently and effectively within the democratic process."

What are his views on racial separatism, a doctrine increasingly publicized?

"Basically, the idea of separatism has never really caught on in this country," Mitchell replied. "In the South, where separation has been most acute, there's very little talk of trying to set up a separate something based on race. The places where you hear most of that are New York and Chicago. Those people, for the most part, have always been making noises of that kind, on stepladders in Harlem or on the South Side of Chicago. Now, of course, they get down to City Hall and they start talking like that and they can get on television. It looks like they have a big following but that's not true.

"I would say it's a small percentage . . . and it's usually made up of people who haven't thought the proposition through or don't practice it themselves."

His attitude is reflected in the citation for the Spingarn Award, which says Mitchell has shown "uncompromising rejection of racism, white or black."

It is satisfying to Mitchell to watch some of the most rigid segregationists in the Senate begin to loosen up and recognize the tide of reality. Sen. Strom Thurmond (R-S.C.), recently hired a Black staff member. Another Deep South senator sent Mitchell a book with a warm person inscription—a striking contrast to the senator's predecessor who balked at having his picture taken with the NAACP official.

He traces the changed political conduct directly to the number of Blacks now eligible to cast ballots in southern states. (For example, almost 30 per cent of registered voters in Thurmond's home state of South Carolina are Black) following the adoption of the 1965 voting rights law. And one of Mitchell's biggest concerns now is that the Nixon Administration might try to weaken the effect of that law by issuing regulations that might open the way for some states to reduce the number of Black voters.

So his job is never-ending, with threats or opportunities alternating in bewildering variety. The only constant is Clarence Mitchell Jr., himself, gazing down from the Congressional galleries or patrolling the corridors of power in the Capitol.

Rep. Charles C. Diggs (D-Mich.) put it this way about Mitchell:

"He speaks softly but with wisdom and authority. He is a man of faith and patience but militantly persistent and stubbornly courageous. He is a creative agitator for change in making our federal government more responsive and relevant to the needs of Black people, in particular, and the poor and disadvantaged, in general."

ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senator from Georgia (Mr. GAMBRELL) is recognized at this time for not to exceed 15 minutes.

(The remarks of Mr. GAMBRELL when he introduced S. 2265 are printed in the RECORD under Statements on Introduced Bills and Joint Resolutions.)

ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senator from Colorado is recognized for not to exceed 15 minutes.

THE NEED FOR A STRONG NAVY

Mr. ALLOTT. Mr. President, in his annual foreign policy message of February 25, 1971, President Nixon warned that—

> The growth of Soviet power in the last several years could tempt Soviet leaders into bolder challenges. It could lead them to underestimate the risks of certain policies.

Mr. President, in my judgment, the most ominous feature of the world today is the shifting military balance which threatens to give the Soviet Union a decisive edge in military power in certain crucial and unstable regions. And the dramatic Soviet effort in building naval power may be the most significant feature of this shifting military balance.

Today the supremacy of the U.S. Navy is in doubt. This development jeopardizes the great seafaring tradition of this Nation.

At the beginning of the Revolutionary War when the colonies went to war with the world's preeminent naval power, the Continental Navy consisted of seven small ships converted from merchant vessels, and some leaders worried that the Navy would be "officered by Tinkers, Shoemakers, and Horse Jockeys."

The subsequent history of the U.S. Navy is considerably more glorious than that. We owe our independence in no small measure to the Navy; the Navy was essential to preserving the Union; and four times in this century the Navy has moved, supplied, protected, and supported U.S. forces fighting across the oceans.

Most recently, the Navy has served honorably in Vietnam, and has played a vital role in making the Vietnamization program a success.

Last year the 6th Fleet in the Mediterranean helped prevent an explosion into war in the Middle East during the Jordanian crisis.

For well over a century the security of the United States was insured by the vast oceans—and by the U.S. Navy that sailed upon them. In recent decades the spectacular development of airborne weapons, and especially of the intercontinental ballistic missile—ICBM—has caused a vast shift in the public consciousness. Today the layman looks to the sky as the sole source of potential danger, and he looks to air power—missiles included—as the sole source of national security.

But the experts—the dedicated men who must plan a comprehensive defense capability—know better. They know that there is no such thing as a satisfactory defense capability that does not include a sophisticated diversity of forces. They know that naval forces must continue to play a large and, indeed, increasing role in providing for American security.

But, Mr. President, unless we again give proper emphasis to the naval component of our defense force, we run the risk of having an imbalanced, inflexible force.

The 1970–71 edition of Janes Fighting Ships, the authoritative publication concerning naval strengths around the world, reported that U.S. naval strength "is considered to be inadequate to meet worldwide national and international commitments, or even to compensate for the wastage of an aging fleet." This may be an overly severe assessment of the situation. But one thing is clear beyond doubt: Relative to the massive and rapidly expanding naval strength of the Soviet Union, the U.S. naval strength is inadequate and getting more so.

This conclusion has been confirmed and reemphasized in the supplemental statement to the report of the Blue Ribbon Defense Panel, submitted last September. It said:

> More important than numbers is the quality of vessels. Although our carrier force is formidable indeed, the U.S. has failed to maintain a balanced Navy of modern surface ships. The majority of our fleet vessels are more than 20 years old, many with obsolescing weapons and equipment. By contrast, most of the Soviet fleet is relatively new and modern, often with vessels of greater speed, fire power and more advanced electronics than comparable vessels in the U.S. Fleet.

Consider the following:

In fiscal year 1971 our active ship levels declined from 769 to 710—our smallest active ship fleet since 1950. Secretary of the Navy John H. Chafee reports:

> During the past few years, we have reduced the numerical strength of our Navy in order to buy as many modern ships, aircraft, and weapons as our budgets would permit. During the same period, the Soviet Navy has achieved significant qualitative improvement, as well as quantitative advances in sophisticated ship types, including nuclear-powered submarines and missile-equipped surface combatants.

The Soviet undersea fleet is two and a half times the size of the U.S. submarine fleet. The Soviets are expected to pass us in the number of nuclear submarines this year.

The Soviets have made dramatic progress in the field of long-range antiship missiles.

In 1970, Soviet shipbuilding expenditures exceeded $3 billion, and exceed U.S. expenditures by $900 million. The Soviets have more shipyards than we do, and their submarine yards have a larger annual production capacity than ours do. The Soviets have modernized 75 percent of their shipyards in the last decade. We have modernized only 25 percent of ours in the quarter century since the end of World War II. The Soviets devote 34 percent of their military budget to research and development; we devote only 18 percent.

What is at stake here is not hollow prestige. What is at stake is our ability to use our power, flexibly, and responsibly, to preserve stability in turbulent areas where the Soviet Union is getting more assertive.

In October 1962, the entire world witnessed a dramatic demonstration of the fact that a strong navy is a vital part of a strong strategy of nuclear deterrence.

In the 9 years since the Cuban missile crisis the Soviet Union has been working hard to act upon the lessons it learned so painfully. The lesson was that a great power is no greater than its naval power. In these 9 years the Soviet Union has become a great naval power.

Mr. President, in the Mediterranean, in the Indian Ocean, and elsewhere the Soviet Union is proving an important rule of international politics. A powerful naval presence augments political influence.

In addition, Admiral Zumwalt, Chief of Naval Operations, warns that—

> The Soviet Navy and the Soviet Merchant Marine have enabled the USSR at last to reach beyond its borders and beyond the NATO forces which have held Soviet expansion in check for the past two decades.

There is no more volatile situation in the world than that prevailing at the eastern end of the Mediterranean. Peace in the Middle East, the very survival of Israel, and our ability to avoid a confrontation between the two major powers all may depend on the ability of the 6th Fleet to match the bold initiatives of the large and growing Soviet naval presence in the area.

In addition, Mr. President, the feasibility of the Nixon doctrine will depend on a modern Navy. The Navy is an indispensible instrument for helping to support those who want to help themselves. And the Navy is often the best way to make American power effective without risking uncontrollable commitments.

Mr. President, clearly it is time for the Congress—the Congress that wants to do more about the operations of our Government—to take a hard look at the state of the Navy, and to do everything necessary to insure that the U.S. Navy has support necessary to enable it to meet the growing challenges it faces from the Soviet Union.

Mr. President, so that all Senators can examine a sample of the recent news stories reporting on the dramatic Soviet gains in naval power, I ask unanimous consent to have printed in the Record the following articles:

"Russia Moves Into Indian Ocean Area" by William J. Coughlin, Los Angeles Times, March 8, 1970; "Russia May Force Our Hand," a Los Angeles Times editorial, June 14, 1970; "Threat of Russian Navy Grows" by Willard Edwards, Chicago Tribune, June 25, 1970; "Soviet Fleet in Indian Ocean—'Progressive' Gunboat Diplomacy" by Michel Tatu, Le Monde, August 25, 1970; "Power of the Soviets: Land, Sea, and Nuclear" by Orr Kelly, the Evening Star, October 4, 1970; "United States Sees Soviet Gain in Nuclear-Submarine Operation" by Neil Sheehan, the New York Times, October 4, 1970; "Russia's Fleet Grows from Mouse to Monster" by Arthur Veysey, Chicago Tribune, October 25, 1970; "Red Stars Under the Southern Cross," the Christian Science Monitor, November 16, 1970; "Swift Soviet Naval Gains Worry United States" by Dana Adams Schmidt, the New York Times, January 18, 1971; "Soviet Discloses Extent of Its Defense Spending" by Theodore Shabad, the New York Times, April 8, 1971, "A Mediterranean Tide Runs for the Russians" by Arnaud de Borchgrave, Newsweek, July 19, 1971; "Admiral Fears Soviet Military Superiority," Chicago Tribune, July 26, 1970; "The Indian Ocean—A Soviet Sea?" by T. B. Miller, the New York Times, November 15, 1970; "The Soviet Naval Program" by Vice Adm. H. G. Rickover, the New York Times, November 13, 1970; "The Erosion of Surface Naval Power" by Paul Cohen, Baltimore Sun, December 27, 1970.

There being no objection, the articles were ordered to be printed in the Record, as follows:

[From the Los Angeles Times, Mar. 8, 1970]

Russia Moves Into Indian Ocean Area; As West Withdraws, Moscow Steps Up Drive for Influence

(By William J. Coughlin)

New Delhi.—The Soviet Union is developing a political, economic and military penetration of the Indian Ocean area from the Persian Gulf to Southeast Asia.

The world has carefully noted the Soviet fleet buildup and use of bases in the Mediterranean, and the Kremlin's influence among the nations of the Arab world in North Africa and the Mideast. Moscow's less dramatic but significant moves into the Indian Ocean have drawn less attention.

But the Soviet effort there already is well advanced. In the view of knowledgeable observers, Moscow is preparing to fill any vacuum that may develop in the Indian Ocean in the wake of the 1971 withdrawal of British forces east of Suez and the American slowdown in Vietnam.

MORE FLEET COMMITMENTS

The Soviet diplomatic thrust was backed up in the past year by increased fleet commitments to the Indian Ocean. Further, it appears that Moscow soon will obtain the vital naval bases in the region to support its political and economic goals.

These facts emerge from a just-concluded Times survey of political and intelligence sources throughout the region.

The Soviet success in nations bordering an ocean so strategic that it laps both the east coast of Africa and the west coast of Australia, as well as Asia and the Indian subcontinent, presents one of the foremost challenges to President Nixon's Guam Doctrine aimed at easing U.S. commitments in the region.

Increasing present-day Moscow interest in the Indian Ocean area has been noted before, but the Russians also have missed few opportunities to improve their position there in the past.

The Soviet navy, while it has not yet publicly designated an Indian Ocean fleet as such, already has become the major naval power in the ocean. No sooner had the British disclosed their intentions in early 1968 of pulling out of the waters east of Suez than three Soviet warships embarked from the North Pacific on a 23,000-mile cruise to the Indian Ocean, the longest such since 1945.

FLYING FLEET ADMIRAL'S FLAG

The Soviet squadron reached India on March 28, 1968, first calling at Madras and then Bombay. The cruiser Dmitri Pozharsky was flying the flag of Adm. N. N. Amelko, commander of the Soviet Pacific fleet. The arrival was preceded by a 10-day visit to India by Adm. Sergei Gorshkov, commander in chief of the Soviety navy.

The cruiser, a missile ship and an antisubmarine vessel also visited Pakistan, Ceylon, Aden, Somalia and Persian Gulf ports.

One of the best gauges of Soviet involvement in the Indian Ocean area can be found in its military aid programs. The $100 million agreement with Iran, once bitterly at odds with Moscow, calls for supply of antiaircraft equipment and armored personnel carriers. Small arms are being supplied to Yemen and South Yemen, where the British already have evacuated the strategic port of Aden. Nearly all of the army equipment in Iraq is Russian. The Iraqi navy operates Soviet-built submarine chasers and motor torpedo boats and the Iraqi air force flies TU–16 medium bombers, IL–28 light bombers and about 80 MIG interceptors, together with Soviet-built transport aircraft and helicopters.

India's huge military establishment, second biggest in the free world, is largely Soviet-equipped—from army tanks and navy submarines and destroyers to air force MIG–21s and supersonic Sukhoi-7 fighter-bombers.

TANKS FOR PAKISTAN

Pakistan, under its new military agreement with Moscow, is believed to be receiving more than 250 tanks in addition to 130-mm. guns, radar equipment and helicopters.

Indonesia is equipped with $800 million worth of Soviet military weapons, including antiaircraft guns and radars, A Sverdlov-class cruiser, seven Skory-class destroyers, seven Riga-class frigates, from six to 12 Soviet-built submarines and six Russian minesweepers.

Moscow's military aid to Indonesia dropped to the supply of spare parts on a cash basis after the 1965 anti-Communist upheavals, but Foreign Minister Adam Malik hoped to win better terms during a visit to the Soviet capital last month.

SIGNIFICANT STEPS

Lately, there have been a number of other perhaps small but definitely significant steps by the Soviets to strengthen their influence in the Indian Ocean are:

A dozen Russians are attending the Chinese language university in Singapore, concentrating not just on Mandarin but on the dialects of Southeast Asia.

Aeroflot airliners on scheduled flights now are seen regularly at the airports in Jakarta, Singapore, New Dehli and elsewhere, and Soviet merchantmen, bound for Odessa or Hanoi, are regular callers at Indian Ocean ports.

Last March, in the first visit of a Soviet minister to Malaysia, Foreign Trade Minister N. S. Patolichev turned up in Kuala Lumpur. This was followed in October by a lavish 20-day Soviet trade fair in the Malaysian capital at which the Russians sold substantial amounts of everything from brandy to tractors.

Three higher educational institutions in the Soviet Union now teach Tamil, Moscow announced recently. Tamil is spoken in Southern India and in some parts of Ceylon.

SUBS OFF CEYLON

Three Soviet sumarines, a sub tender and a tanker were sighted last March while anchored briefly off the southeast coast of Ceylon near Hikkaduwa.

More than 800 specialists at India's largest steel mill, at Bhilai, built with Soviet aid, were trained in the Soviet Union and more than 10,000 persons were trained by Soviet specialists at the mill itself.

—The Soviets are pressing for more slots on the committees of ECAFE, the Economic Commission for Asia and the Far East.

What this adds up to is a sustained Soviet drive for a position of influence in the warm waters of the Persian Gulf and the Indian Ocean which Russia has been trying unsuccessfully to reach since the days of the czars and still had not attained at the end of World War II. It has not come all at once. The first technical aid agreement between India and the Soviet Union, for example, was signed as long ago as February, 1955. The Soviets still were involved in efforts to overthrow the government of Malaysia.

But the British decision to withdraw from the region and the growing American disillusionment with Vietnam opened new opportunities which Moscow has been quick to exploit.

Reaction to the Soviet thrust among Asian political leaders has been varied. It ranges from near hostility in Thailand to a warm welcome from Singapore's pragmatic Prime Minister Lee Kuan Yew. Apathy best describes the attitude of Mrs. Indira Gandhi's government in India. Indonesian Foreign Minister Malik hopes the naval forces of all the big powers will stay out of the area, but he is perfectly willing to accept American and Soviet economic aid.

The new Soviet presence is not entirely unwelcome, since some Asian leaders see it as evidence of a deliberate Soviet policy to block Chinese expansion in Asia.

SOMEONE NEEDED

"If the British and Americans are leaving, there must be someone to stop China," one leader said.

Others fear that the burgeoning Soviet involvement will lead the Kremlin into a direct confrontation with China, bringing the Sino-Soviet conflict onto the soil of Southeast Asia.

Western naval sources told The Times the number of Soviet naval vessels in the Indian Ocean has been increasing in recent months. At least two Russian task forces of five or six ships were spotted entering the ocean through the strait of Singapore and strait of Malacca. Each force consisted of one major combat vessel with escorts and supply ships. Last fall, the Australians shadowed such a task force off their west coast.

SOVIET SUB

The most recent sighting reported was of a Soviet submarine in the Singapore Strait only last month. The frequent reports of Soviet submarines suggests there may be a deployment of missile subs in the Bay of Bengal targeted on Chinese nuclear centers in central Asia.

Naval authorities also point out that the Indian Ocean laps other areas of major Soviet interest, including the oil-rich Persian Gulf nations and the eastern shore of Africa, which are incentives for assignment of a permanent Indian Ocean fleet.

The present American naval commitment to the Indian Ocean is described by one official as two destroyers from the Atlantic fleet. There are also Polaris-carrying U.S. nuclear subs assigned to the Indian Ocean as evidence by the location of the U.S. Navy communications center at Exmouth on Australia's west coast.

ECONOMIC GAINS

Soviet military progress in the Indian Ocean area has been accompanied by an even larger and more overt economic penetration of the same region. Soviet trade and aid programs are active in varying degrees in Iraq, Iran, Afghanistan, Pakistan, India, Nepal, Ceylon, Thailand, Malaysia, Singapore and Indonesia.

The Soviets have sold trucks to Iran, built roads in Afghanistan, provided a cigaret factory in Nepal, funded steel mills in India, supported fishing cooperatives in Ceylon, offered rice harvesters to Malaysia and backed tin development in Indonesia in a far-sweeping economic backup of their political aims in this area.

It no longer is a question of whether the Soviets will be invited into the Indian Ocean area. They are there.

[From the Los Angeles Times, June 14, 1970]

Russia May Force Our Hand

Defense Secretary Melvin Laird told a NATO meeting in Venice a few days ago that the United States has just 18 months in which to decide what to do about the increasingly ominous buildup in nuclear striking power by the Soviet Union.

The Nixon Administration, he said, will be basically marking time in 1971, postponing decisions on new weapons systems to give the strategic arms limitation talks a chance.

But if the Soviet buildup continues, Laird indicated that the United States in 1972 will have to take the necessary steps to preserve our side of the nuclear balance.

One hopes that his words will have a salutary effect on the arms control talks—the so-called SALT negotiations—which are currently under way between U.S. and Soviet representatives in Vienna.

Laird's warning also deserves attention in this country, where there has been a widespread reluctance to face up to the fact and the implications of growing Russian military power.

Thanks in part to the cost of our Vietnam involvement, the United States has been pretty much holding down our side of the nuclear arms race since 1965. The Soviets have not.

Five years ago, we had five times as many land-based ICBMs as the Russians. Today, they have substantially more than we do.

Five years ago, the Soviets had no Polaris-type submarine fleet worthy of the name. Today, Russian missile-firing subs are on station in the Atlantic, and the latest estimate is that they will pass us up in this field by 1975.

To put it in monetary terms, the Soviet Union since 1968 is estimated to be outspending us on strategic offensive and defensive forces by a ratio of $2 to $1.

We all hope, of course, that the Russians' main concern has been to overcome the massive U.S. superiority which existed before—and that, now having achieved parity, they will be willing to taper off their side of the arms race.

Unfortunately, however, evidence to support such a hope is still lacking.

Their factories and shipyards are still turning out ICBMs and Y-class, missile-firing submarines.

Since the first round of the SALT talks opened last fall in Helsinki, the Soviets have test-fired more than twice as many strategic missiles as we have.

And, with a gross national product only half of ours, the Soviet Union is now outspending us on defense-related research and development by a margin of $2 or $3 billion a year.

As President Nixon told key congressional leaders at a White House briefing not long ago, "If present trends continue, the United

States a very few years hence, will find itself clearly in second position—with the Soviet Union undisputably the greatest military power on the earth."

The campaign to tilt the nuclear balance of power in the Soviet Union's favor has been accompanied by a parallel buildup of conventional military capabilities.

There is a strong Soviet naval presence in the Mediterranean. Soviet warships prowl the Indian Ocean and, occasionally, the waters around Cuba. Helicopter carriers and marine infantry units are being added to the Soviet fleet, suggesting a growing new capability for armed intervention in places far removed from the traditional Russian sphere of influence.

It will be a long time, if ever, before Soviet seapower is, in the total sense, a match for ours. The worry, however, is not that the Russians will drive us from the seas, but that the buildup may reflect a dangerously adventurist mood in the Kremlin.

Signs of such a mood can be read most clearly in the Middle East, where Soviet pilots and missile men are playing a direct role in the Arab-Israeli confrontation. Reports that three long-range Soviet bombers are now stationed in Cuba are disquieting, too.

In short, it seems that the Nixon Doctrine, under which this country is trying to reduce its overseas involvements, may coincide unhappily with an era of Soviet expansionism.

The danger is that the Russians will misread the current mood of neo-isolationism in this country for weakness. This, in turn, could lead to miscalculations—in the Middle East, the Caribbean or elsewhere—which could bring on a Big Two confrontation which nobody really wants.

The chances of this happening are all the greater if the Soviets are allowed to acquire an intimidating edge in the nuclear balance of power. It becomes important, therefore, that a true balance be maintained.

The best way of going about this, of course, is through an arms control agreement that would effectively prevent the balance from slipping too far in either direction.

The Nixon Administration has an obligation to try very hard to get such an agreement—with appropriate safeguards—at the SALT talks.

Failing that, the United States will have no choice, as Laird indicated, but to look after its own side of the nuclear power equation.

Surely it is in the interest of both countries to make the SALT negotiations succeed. We and the Russian should have better things to do with our money than to pour it into an arms race that, in the long run, will produce less rather than more security for us all.

[From the Le Monde, Aug. 26, 1970]

Soviet Fleet in Indian Ocean—"Progressive" Gunboat Diplomacy

(By Michel Tatu)

An ostensibly innocuous maritime agreement between the Soviet Union and the southern Indian Ocean island of Mauritius has aroused considerable apprehension and interest among Western global strategists.

Mauritius, an independent member of the British Commonwealth since March 1968, has agreed to provide port facilities for Soviet trawlers operating in the vast expanse of the Indian Ocean east of Madagascar.

The conclusion of the agreement on July 14 prompted the British weekly *The Economist* to note that within three years, if things went badly, the Soviets could deploy the only major naval force between Africa and Singapore, whereas three years ago this region was a British naval preserve.

Simultaneously Soviet Admiral of the Fleet Sergei Georgievich Gorshkov boasted in *Pravda* that ships of the fleet now plied all the oceans of the world, particularly those where the North Atlantic Treaty Organization's vessels were to be found. "The presence of our ships ties the imperialists' hands and deprives them of the chance to interfere with impunity in the internal affairs of other peoples," he said.

The accord has shed some light upon the true extent of a Soviet naval expansion which has long been evident in the Mediterranean, the Atlantic and the Pacific and has now reached the Indian Ocean and the Persian Gulf, the areas most distant from Soviet ports by existing sea lanes.

The government of British Prime Minister Edward Heath has exaggerated the significance of the agreement for a specific political purpose—to justify the decision to resume arms deliveries to South Africa, the only military power worthy of the name in the southwestern reaches of the Indian Ocean.

In fact, the scope of the pact, as explained by *The Economist*, is modest enough. It also grants landing rights to Soviet civil aircraft but only for purposes of repatriating the trawler crews. No more than fifteen Soviet vessels will be permitted to revictual in a given year and there has been no provision for repairs or refitting. In exchange, the Port Louis government is to receive fishing vessels, one of which has been delivered without payment.

CONVENIENT LINKUP

Lastly, some presence in the Indian Ocean is a virtual necessity for the Soviet Union because there is no other place for its expanding Atlantic and Pacific fleets to link up conveniently. And the more or less avowed policy of encircling China must make the temptation to bolster Soviet influence between Aden and Singapore even harder for the Kremlin to resist.

It is for these reasons that many experts feel the Soviets are anxious to see the Suez Canal reopened. Ever since the Six Day War, it has been evident that the waterway's closure was placing a greater strain on Soviet shipping than on the Western oil companies whose tankers had reached dimensions rendering them less and less capable of passing through the canal.

With Soviet supply shipments from the Black Sea port of Odessa to Haiphong in North Vietnam having to take the long Cape route, the argument for reopening the canal is no less valid today than it was in 1967. But the difference is that the Kremlin is now in a much stronger bargaining position.

Israel, which had refused to countenance such an operation so long as its own shipping was not allowed to use the waterway, might be more inclined to cooperate since it would provide an additional guarantee that the cease-fire would be respected by the Egyptians.

It could be argued that the advent of nuclear weapons has invalidated traditional concepts of the role of navies in war, as it has that of "gunboat diplomacy" in time of peace. Nikita Khrushchev took this view, dismissing aircraft carriers as "floating coffins" and looking upon cruisers as suited only to transport statesmen. But the Cuban crisis was a rude awakening, as was so aptly expressed in the "never again" of Soviet Deputy Foreign Minister Vasily Kuznetsov to an American diplomat in 1962.

The Soviets had undertaken an ambitious intercontinental ballistic missile programme only to discover that they lacked the kind of conventional naval power necessary to break, or at least discourage, the Caribbean blockade imposed by the United States.

From 1963 the Soviet Navy undertook extended patrols into the Atlantic, reaching beyond its formerly limited role of watchdog of the Soviet coastline and auxiliary of the Red Army. At the same time, the Soviets embarked on a naval expansion programme that produced the most modern, if not the largest, fleet of fighting ships in the world.

American Admiral Hyman Rickover recently noted, by way of example, that while no Soviet submarine was more than sixteen years old this could be said of only half of the American submarine fleet, a third of which dated from the Second World War.

The role of discouraging "imperialist adventures" is a highly developed one in the Mediterranean, where at certain times the Soviet fleet is numerically stronger, if it does not have greater firepower, than the United States Sixth Fleet. The United Arab Republic has been the chief beneficiary to date but other regimes have also derived certain advantages at times. When King Idris of Libya was overthrown on September 1, 1969, Soviet ships took up stations along the Libyan coastline, while others shadowed Sixth Fleet and Nato units more closely than usual.

THWARTING THE MARINES

Certainly, there is no reason why the Soviets should not turn the tables on adversaries who have frequently abused their naval supremacy in the past. In a manner of speaking, they are pitting their "progressive gunboats" against the "reactionary" warships of the Americans and the British.

Landings of the type carried out by the United States in Lebanon in 1958 and in the Dominican Republic in 1965 would be more hazardous, if not entirely out of the question, today. On the other hand, a landing by Soviet "marines" to support some "progressive" regime or to help some minority faction in a power struggle is no longer inconceivable.

More generally, and despite what has thus far been the Kremlin's extreme caution, the risk of a local clash turning into a confrontation between the two Super Powers is increasing. The danger is all the greater since the quest for influence for influence's sake quickly becomes a matter of defending established privileges, which in their turn become national security imperatives, to say nothing of upholding the prestige of the flag.

The Soviet Union has still not completed its apprenticeship as a great power.

EXPANSION LIKELY

There was no question of inserting a military clause in the document; Prime Minister Sewoosagur Ramgoolam has offered London specific reassurances on this point. In any case, Soviet initiatives in the region are far too recent for them to have achieved this sort of tangible result.

Soviet penetration began with an oceanographic survey expedition in 1967. The following year, a cruiser and two dispatch vessels of the Soviet Pacific Fleet called at the Iraqi Persian Gulf port of Umm Qasr. The rhythm of these visits has been stepped up since that time, but the permanent strength of the Soviet Navy in the area—apart from the electronic trawlers gathering intelligence data—has never exceeded fourteen vessels, including submarines.

The fact remains that this presence is clearly more than symbolic, and a number of things point to its expansion.

In the first place, while Mr. Heath has reversed former Prime Minister Harold Wilson's decision to withdraw all British forces from east of Suez by 1971, he in fact only plans to maintain limited forces in the area.

Secondly, the route around the Cape of Good Hope has become a trading lane of capital importance for the Western nations since the 1967 closing of the Suez Canal, and whatever happens it will remain vital to shipping since the giant oil tankers would have to continue to take "the long way around" even if the canal were to reopen. These conditions invest the area east of Africa with a new strategic importance.

Considerable funds were allocated for the training and deployment of this newly-created battle fleet. The exercises carried out simultaneously in the Atlantic and Pacific last April 14 to May 6 under the code-name "Ocean" were described by the Soviet Defence Ministry organ Krasnaya Zvezda as "the biggest manoeuvres in military history."

Notwithstanding the "class" colouring that characterizes all official Soviet pronouncements, the role assigned this new naval power bears a striking resemblance to that given the fleets of the great maritime powers of the past.

SHOW THE RUSSIAN FLAG

Admiral Vladimir Kasatonov, Deputy Commander of the Soviet Navy, defined these duties in a recent *Krasnaya Zvezda* interview as "mounting the guard on all the oceans of the world, wherever national interests of the strengthening of our country's international authority demand it."

For Admiral Gorshkov, the Soviet Navy is both "an impressive dissuasive factor in the path of imperialist adventures," and a "symbol of fraternity and aid to friendly peoples," the whole guaranteeing "the interests of the Soviet state on the seas and the oceans."

In short, the Soviets are proving to be worthy heirs to the historical "show the flag" policy devised by the British Admiralty in its imperial heyday. Soviet warships paid official visits to the ports of thirty-six countries in 1969 and the figure for 1970 should be considerably higher.

[From the Sunday Star, Oct. 4, 1970]

POWER OF THE SOVIETS: LAND, SEA AND NUCLEAR

(By Orr Kelly)

In July 1962 the Soviet Navy conducted an ambitious naval exercise in the North Atlantic and Norwegian Sea. Participating were four surface warships, none of them carrying missiles, and about 20 diesel-powered attack submarines.

In April of this year, the Soviet Navy carried out another exercise. This time, there were some 200 vessels involved in global operations coordinated from Moscow.

In 1962, at the time of the Cuban missile crisis, the Soviet Union had only a tenth the number of intercontinental missiles possessed by the United States.

Today, it has surpassed the United States in both number of missile launchers and total megatonnage, and its force appears to be growing rapidly.

In both Czechoslovakia and the Middle East, Soviet military leaders have shown they have the airplanes and the organizational ability to move with great rapidity and without warning. This was true not only of the invasion of Czechoslovakia in 1968 but also of the movement of new types of missiles into the Middle East this spring.

What does it all mean?

Probably even the Kremlin is not sure.

The increasing number of Soviet ships indicates a clear intention to become the world's No. 1 sea power.

In strategic nuclear power, the increase in strength has been equally dramatic. But the purpose is not clear to Western analysts and probably is not clearly agreed upon in Moscow.

RESEARCH GROWING

In conventional land and air power, the apparent effort has been to increase quality of eulpment and training—while sacrificing somewhat in numbers.

Although there is some disagreement in this country, the Soviet research and development effort in military equipment and space appears to be growing rapidly, and to many in Washington this is by far the most worrisome aspect of Soviet activity.

Russia's decision to build a "blue water navy" apparently was made as early as the mid-1950s and was reinforced by the successful use of American seapower in the Cuban missile crisis of 1962.

Last April, the global exercise, code-named Okean—the Russian word for ocean—clearly demonstrated that the Soviet navy is fast approaching the U.S. Navy.

Ships involved in the exercise included two new helicopter carriers, the Moskva and the Leningrad, impressive numbers of nuclear-powered submarines, guided missile cruisers of the Kresta and Kynda classes and a large number of modern escort vessels.

During the exercise, long-range bombers flew from the northern Soviet Union nonstop to Cuba. Shortly after the exercise ended, a Kresta class cruiser, a Kanin class destroyer and three submarines, one of them nuclear powered, cruised through the Caribbean and the Gulf of Mexico, within less than 50 miles of the American coast.

Portions of another small Soviet naval task force—the third in a year—have just completed another visit to Cuba and the Caribbean.

But nowhere has the increase in Soviet seapower been more dramatic than in the Mediterranean.

As recently as early 1967, the Soviet presence in what has, since the end of World War II, often seemed like an American lake, normally consisted of a handful of unimpressive vessels.

Since the Arab-Israeli war of June 1967, however, the Soviet fleet has frequently equaled and sometimes exceeded the size of the American Sixth Fleet. Last September there were some 70 Soviet ships in the Mediterranean.

The major difference between the two fleets—and it is a major difference—is that the Sixth Fleet has two carriers and the Soviet fleet has none.

To compensate for its lack of carrier-based air power, the Soviet navy has gone heavily for guided missiles to extend the firing range of its ships. This was a giant step toward catching up.

But a missile-equipped fleet will almost certainly lose in a fight with carrier-based air power. So, to be effective, the fleet equipped only with missiles must strike first, and with devastating force.

The lack of sea-based air power virtually compels the Russians to seek land air bases along the Mediterranean shore of North Africa and on out to the Atlantic. The military necessity to acquire these bases will almost certainly contribute to turmoil around the Mediterranean for years to come, officials here say.

In recent years, Russia has had more submarines than any other nation. But until recently, the subs were designed primarily for defensive purposes in the waters close to the Soviet homeland.

Now, they not only have vastly more submarines than any other nation, but have begun to deploy them far from home—operating for months, for example, in the South Atlantic.

What the world knows about Soviet nuclear power comes almost entirely from the American Defense Department. No other nation has the satellites and other devices for detecting missile tests and installations and for assessing what they mean.

There is every reason to believe that when the Pentagon releases information about Soviet missile tests or deployment it is sure of its facts and tells the truth. There is less certainty that the Pentagon tells all it knows, that it releases enough information to put the facts in perspective or that its interpretation of intelligence is always valid.

The facts made available by the Defense Department support the conclusion that the Soviet Union is pursuing a vigorous program of testing and installing both offensive and defensive missiles.

FOCUS ON SS9

The attention of Pentagon experts has focused for the last five years on the big SS9 missile, which the Russians have been installing at an average rate of about 50 a year and which they are apparently still continuing to install, with the total now approaching 300.

The SS9 was first thought to be a "city killer" because it was capable of carrying a 25 megaton warhead—big enough to destroy a city but too big and expensive for any other purpose.

But the United States doesn't have anything like 300 cities big enough to require such a massive weapon for their destruction.

Why, then, are the Russians willing to pay $30 million each to continue deploying such huge missiles?

One reason may be that they had an SS9 production line and found this the quickest way to catch up with the United States in numbers of missiles.

But another more ominous purpose suggested itself to American experts. If the SS9 were fitted with three five-megaton warheads—a technique the Soviets have been testing for more than two years—then the SS9 might be used in a surprise attack on the American Minuteman missile force. In this sense, it would be a first-strike weapon.

Further confusing the situation, the Russians have recently conducted tests which appear to have perfected a new warhead system for the SS11 missile. Smaller than the SS9, it is a liquid-fueled missile about the same size as the solid-fueled American Minuteman and probably is designed to carry a warhead of about one megaton.

The Russians have about 800 of the smaller missiles, most of them SS–11, but also including an increasing number of the solid-fueled SS–13, and they might have more than 1,000 within the next two years, according to Defense Secretary Melvin R. Laird.

American officials are now convinced, from what they have seen of Soviet SS–11 tests conducted this summer, that two new warheads have been developed for the missile. One is a single warhead with penetration aids designed to help get through defensive radar. The other is a triple warhead like that on the SS–9, but smaller.

These smaller missiles are relatively inaccurate and are thus not a strong threat to the Minuteman force. But if their accuracy were increased—which is technically feasible—they would be.

If the Soviets continue to build SS–9s and equip them with multiple warheads, or if they improve the accuracy of their SS–11s, then their missile force could become a serious threat to the American Minuteman deterrent force.

The most convincing indication that these missiles will not become a major threat to Minuteman (aside from the hopes for an agreement in the strategic arms limitation talks) is the expense involved in going back and fitting the existing 225 SS–9s with triple warheads and in providing hundreds of SS–11s with new guidance systems.

At the same time Russia is expanding its land-based missile force, it is building a missile submarine force patterned very closely after the American Polaris fleet.

The Polaris fleet is considered very much a second strike force—designed to survive any kind of surprise attack and then to strike back with devastating force. But Pentagon experts worry that a Soviet submarine force could also be used as part of a surprise attack by destroying American bombers before they could take off.

Even in the most successful surprise attack, at least some American missiles—especially those on station under the seas—would be expected to survive.

Whether or not the attack was a success would then hinge on how many of the remaining missiles could be intercepted by the Soviet antiballistic missile defense system.

Now installed around Moscow are 64 launchers for the Galosh ABM missile. It is a big missile, like the American Spartan, and is designed to intercept incoming warheads in space, far from the target—thus providing an area defense for the Soviet capital and much of its industrial heartland.

Unlike the American Safeguard system, the Galosh launchers are designed to be reloaded and to fire more than once. American officials have not revealed how many warheads they might attempt to intercept, but the reloading capability indicates it would be at least 128.

The missiles in the Galosh system would be guided by a large phased array radar the Pentagon has nicknamed the Doghouse.

In addition, the Russians have deployed six even larger radar sets facing toward the United States, China and the seas where Polaris submarines are deployed. These radars, given the nickname of Henhouse, would provide early warning of incoming missiles.

The fear of Dr. John S. Foster, Jr., director of defense research and engineering, and other Defense officials is that the numerous SA-5 anti-aircraft missiles already deployed, or some newer form of missile, might be quickly hooked up to the Henhouse radar systems to create a vastly expanded ABM capable of destroying hundreds of surviving American missiles after a surprise attack.

Few American experts seriously believe that the Soviets have set themselves a date and are working toward an actual surprise attack on this country. Much more likely is that they hope to use their large nuclear force for political advantage.

By far the most impressive demonstration of Soviet military doctrine—and the ability to carry it out—was the lightning thrust into Czechoslovakia in the summer of 1968. While some western analysts now believe the invasion demonstrated some serious deficiencies in the Soviet forces—deficiencies that would have become apparent if there had been any serious resistance—the possibility that the same kind of thrust could be directed against West Germany, Romania or Yugoslavia worries western military leaders.

The Soviet army now totals about 2 million men, organized in about 148 divisions. In contrast to an American division of about 15,000 men, the Russians have 10,500 men in a mechanized infantry division, 8,500 men in a tank division and 7,000 men in an airborne division.

While there have apparently been some shifts of strength toward the Chinese border, Soviet military strength still leans heavily toward the west.

The size of both the army and the tank force has declined somewhat in recent years, probably as a result of both budget pressures and a desire to emphasize quality. Since 1960 the army strength has declined from 2.5 million men to 2 million, and the number of tanks has dropped from 35,000 to 32,150.

There is no reason to believe that the Russians are planning a surprise attack on Western Europe. But western military planners are increasingly concerned about the political leverage the large Warsaw Pact forces provide in an age of nuclear parity.

The Soviet fighter airplane force now numbers about 3,400 representing a decline in numbers but an improvement in quality. Most of the planes have relatively short range which means they are useful in a defensive role or for close air support of ground troops.

By the best American estimates, the Soviet Union is spending in the neighborhood of $60 billion a year on military and space projects. This is roughly the same as the United States is spending, without including the costs of the war in Vietnam. Since the Soviet gross national product is about half that of the U.S., military expenditures amount to about 15 percent of the GNP, compared with about 7 percent in the United States.

A significant difference between the expenditures in the two nations, however, is that the Russians pay their soldiers less. So, while a third of the U.S. budget goes to the troops, only a sixth of the Soviet budget is used for personnel costs. This means more money is available for research, engineering development and production of new equipment.

Foster, the Pentagon research chief, has estimated that the Russians are now spending 25 percent more than the Defense Department, the space agency and the Atomic Energy Commission on research, and that their effort is growing by 10 to 13 percent a year while the American effort has been shrinking each year. Foster and many other American experts, both in and out of the Defense Department, agree that this is the one area in which Soviet leadership can be clearly decisive. Foster has gone so far as to say that the United States "can't survive" unless its research and development effort is superior to that of the Russians.

This picture of Soviet strength—growing nuclear and seapower, a stable but increasingly important conventional ground force, and a vigorous research and development effort—serves as the backdrop for the current debate in Congress over the 1971 defense budget and the less visible debate within the administration over the 1972 budget and the five-year defense plan that will determine the shape of this nation's defenses into the mid-1970s.

[From the Chicago Tribune, June 25, 1970]

THREAT OF RUSSIAN NAVY GROWS

(By Willard Edwards)

WASHINGTON, June 24.—This is the first of several reports based on five days of annual global strategy discussions at the United States Naval War college in Newport, R.I., which this reporter participated in.

Rarely does a reporter, usually confined to an observer role, enjoy such a privilege. He and other civilians, most of them honestly meriting the description of distinguished in their fields, were invited to join with military leaders, up to the highest rank, in the frankest of debates on the future security of the nation in a perilous world.

The discussions were "classified." Each participant was cleared for security up to "secret" and pledged to disclose no information gathered at closed sessions. Moreover, the "no attribution" rule was in effect, meaning that no speaker could be quoted by name.

These injunctions permitted a free flow of ideas, an uninhibited exchange of divergent viewpoints. No other nation would permit such a unique confrontation of military-civilian opinion. It was noteworthy that junior officers, in this atmosphere, did not hesitate at times to dispute their superiors. No consensus was reached, but an illuminating insight was provided, valuable to all, into the staggering problems faced by the United States as it seeks to protect its vital interests in the crisis climate which has endured for a quarter century without abatement.

The one major impression that emerged was profoundly disturbing. Others, more comforting, will be discussed in following columns.

Every participant, without exception, was gravely concerned about the growing naval might of Russia in all the oceans of the world and a corresponding surge upward of its martitime fleet strength. This development coincides with cutbacks in United States set forces and a rapidly declining merchant marine.

Russia, spending its defense dollars far differently from the United States, has engaged in a crash naval expansion program. It now has more than 125 ships deployed away from the homeland and is developing deep sea, mobile striking forces in the Mediterranean, the Caribbean, and the Indian Ocean.

Our navy, under budget pressures affecting all the armed forces, is in the process of inactivating more than 100 ships, about one-ninth of its total ship strength.

In merchant shipping, the logical backbone of armed forces in war, the Soviet Union will soon surpass the American merchant marine, now less than one-fifth of the size of our World War II fleet and deteriorating. Russia plans to double its tonnage in the next decade. Seven out of 10 of its ships are less than 10 years old while four out of five United States-flag vessels are 25 years or older.

Under the Nixon doctrine, pronounced by the President at Guam, the United States is retreating to what has been called a "blue water strategy" while Russia is advancing to it. The navy has been told, in effect that the Nixon doctrine places a priority on its role while its effectiveness is being reduced. It has been warned that it "must do more with less."

When will this changing naval balance in favor of Russia lead to soviet attempts to end the historic freedom of the seas? The general feeling is that the year 1974 may be a target date.

Will Russia then conclude that it will be safe to try again in Cuba, fortified by a nuclear and naval capability it did not possess when it sought to convert the island into a missile base in 1962? Its boldness in American waters was demonstrated by a recent invasion of the Gulf of Mexico and missile ship maneuvers within 60 miles of New Orleans.

[From the Chicago Tribune, July 26, 1970]

ADMIRAL FEARS SOVIET MILITARY SUPERIORITY

WASHINGTON, July 25.—Vice Adm. Hyman G. Rickover says the Soviet Union could start history's biggest war tomorrow and "I am frankly not confident of the outcome of such a war would be in our favor."

Admiral Rickover often is called the father of the nuclear submarine and is a longtime champion of an expanded United States Navy.

He said also in congressional testimony released tonight that the Soviet Union will surpass the United States in the total number of atomic-powered submarines by the end of the year and may already have done so.

"FATEFUL TESTIMONY"

In what he called the "most fateful testimony I have ever given," Admiral Rickover scored congressional advocates of reduced defense spending, said America's military posture is seriously deteriorating and declared: "These are cold hard facts yet they are ignored by those who call for what amounts to unilateral disarmament."

Admiral Rickover's comments were made in testimony before the House-Senate Committee on Atomic Energy and released with the opening of Senate debate on the $19.2 billion military procurement authorization bill.

That measure contains funds for a number of new weapons systems—including nuclear submarines and other advanced naval vessels.

"All of the evidence we have from our best sources indicates that the Soviets are maintaining their tremendous pace in submarine design and that by the end of this year they will probably be ahead of us in the number of nuclear submarines," Admiral Rickover said at one point.

Admiral Rickover said that, as of the time of his testimony, the U.S. submarine force was composed of 146 operational submarines including 46 nuclear powered attack submarines, 59 diesel-powered attack submarines and 41 nuclear-powered Polaris ballistic missile submarines.

As of that date, he said, the Soviet Union had 355 submarines about 75 of them nuclear-powered and about 280 of them diesel-powered.

He said about 20 of the 50 Soviet ballistic-missile-firing submarines are nuclear-powered.

PESSIMISTIC VIEW

But at another point he said that estimate might be too conservative: "If we knew the precise status of all their submarines we might find they are ahead of us right now.

"In a concerted effort to achieve world naval superiority, the Soviets have built the world's largest most modern submarine construction facilities and now have a total submarine fleet—both nuclear and diesel-powered—that is three times larger than the American," Admiral Rickover said.

He said the Soviet Union is concentrating its efforts at building a nuclear submarine fleet of the Polaris type, a vessel capable of carrying up to 16 intercontinental ballistic missiles.

[From the New York Times, Oct 4, 1970]

UNITED STATES SEES SOVIET GAIN IN NUCLEAR-SUBMARINE OPERATIONS

(By Neil Sheehan)

WASHINGTON, October 3.—The controversy over whether the Russians are building a submarine base in Cuba is, in the view of military analysts, obscuring a significant advance by the Soviet Union in nuclear striking power.

For more than six months the Russians have been operating new Polaris-type ballistic-missile submarines off the eastern coast of the United States and possibly in the Caribbean.

This fact alone would have been enough to nullify whatever President John F. Kennedy gained in military strategy by going to the brink of thermo-nuclear war eight years ago to force the removal of land-based Russian missiles from Cuba, regardless of substantial advances in intercontinental-ballistic-missile installations.

And aside from the questions of whether the Russians are building what amounts to a naval base at the Cuban port of Cienfuegos and whether the Nixon Administration should have made an international issue of the matter at this time, the military analysts believe the pattern of Soviet naval activity in the Caribbean clearly indicates that the Russians intend to use Cuba to serve the submarines and to keep them on station off the United States for extended periods.

SIXTEEN MISSILES CARRIED

Each of these nuclear submarines termed the Yankee class by the United States Navy, carries 16 ballistic missiles whose atomic warheads can be launched from under the water at targets about 1,500 miles away.

If these submarines moved in close from their normal cruising range, far out in the Atlantic, the missiles could cover every city from the East Coast to the Kansas-Colorado line and all of the population centers of eastern Canada.

From the Caribbean their range covers an expanse of cities and industry from El Paso, Texas, the Southwest, to Topeka, in the Midwest, to Pittsburgh and Washington.

Closer in, from the Gulf of Mexico, the missiles encompass most of the United States heartland in a fan that swings from the southeastern corner of California to North Dakota and to New York.

The Yankee-class submarines are the first of a fleet the Soviets began building three years ago with the objective of eventually matching the United States' 41 Polaris-missile submarines. They represent the Russians' first advanced submarine ballistic-missile force.

While still not nearly as advanced as the Polaris boats, which can hurl multiple nuclear warheads of about 2,500 miles, the Yankee-class Submarines are an effective counter to the Polaris submarines stations close to the Soviet Union, in the Mediterranean.

Evidence of several nonnuclear submarines has been reported off shore periodically, but the Yankee-class submarines were first detected moving into the western Atlantic six months to a year ago, the military analyst said. Since then two, and possibly three, of them have operated there on and off, they said.

The Pentagon announced last April that one Yankee-class submarine had been detected cruising 1,200 to 1,500 miles off the East Coast. Since then the Defense Department has said nothing about the periodic operations of several Yankee-class submarines much closer to the coast.

None have so far been noticed in the Caribbean, but the analysts pointed out that they could have operated undetected. The analysts believe that the appearance of these boats and a more definite pattern of Soviet naval activity in the Caribbean are directly connected.

Twice this year Soviet naval task forces, including a submarine tender, have visited Cuba for about a month, calling at Cienfuegos and Havana.

The tender that accompanied the most recent task force, which arrived at the beginning of September, has remained in Cienfuegos Harbor although most of the other ships have departed.

The Soviets have gradually displayed more advanced types of submarines during visits to Cuba. Last year only torpedo-carrying submarines that attack ships or other submarines appeared. This year, for the first time, an Echo-II-class nuclear-powered submarine, which can hurl a nuclear warhead 400 miles, came to the surface and joined a visiting task force.

The military analysts believe that all this means that the Russians intend to use the large harbor at Cienfuegos as a sheltered anchorage for a tender that will service the Yankee-class submarines. Aside from the tender, the Soviets need little more than possibly a small facility ashore to house the submarine crews and provide them with recreation.

Recently the Pentagon reported evidence of construction activity ashore at Cienfuegos, and a White House official followed this up with a warning to the Soviet Union against installing a strategic submarine base in Cuba.

Subsequently, after hearing secret testimony from defense intelligence officers, Senator Frank Church, Democrat of Idaho, termed the evidence of construction activity they presented "inconclusive" and . . . against inflammatory charges."

Military analysts say they are not sure what the new construction ashore at Cienfuegos signifies, but they say it could be a small facility for submarine-crew housing and recreation. If it is not, they note that the Russians could accomplish their purposes by keeping a large tender and one or two more ships in Cienfuegos and building nothing ashore.

In short, the analysts think the Russians do not need, and may not want, any large base at Cienfuegos for the Yankee-class boats.

[From the Chicago Tribune, Oct. 25, 1970]

RUSSIA'S FLEET GROWS FROM MOUSE TO MONSTER

(By Arthur Veysey)

LONDON, October 24.—Ten years ago Soviet warships rarely ventured into the North Atlantic Ocean. Ships being transferred from the Baltic Sea fleet at Leningrad to the Arctic Ocean fleet at Murmansk seemed to scurry warily past Norway.

Today Soviet admirals boast: "The Soviet navy can be seen in all parts of the world's oceans." The North Atlantic is its training area.

CHARTS SHOW GROWTH

North Atlantic Treaty Organization charts of Soviet exercises reveal the slow, steady naval penetration.

The Soviet fleet dared its first North Atlantic probe in July, 1961. Eight warships and four submarines with supporting craft assembled halfway down the Norwegian coast and carried out a brief test of its abilities to intercept NATO forces heading for the Arctic and Murmansk.

The maneuvers were repeated the next year on a much bigger scale that involved 20 submarines and dozens of planes. Russia began regular transfer of ships during the year between the Arctic-Baltic fleets and the Black Sea flotilla.

Premier Nikita Khrushchev gave the Soviet navy its first truly important task in October, 1962—to deliver missiles to Cuba. President Kennedy interposed America's Atlantic fleet. The Soviet navy's inadequacies were exposed, and it withdrew.

ORDERS MORE SHIPS

The Kremlin vowed that the humiliation would never happen again. It authorized the navy to build missile ships that could sink NATO warships. It ordered helicopter ships that could search out and destroy NATO submarines and also lift troops ashore.

It decreed the construction of submarines that could range the world and sink the cargo ships which maintain NATO's life. It ordered still more submarines that could lurk off American coasts laden with city-destroying nuclear explosives.

The Soviet Navy grew strong enough within a year to carry out exercises all the way around Britain. Electronic-equipped trawlers listened night and day trying to trail the Scotland-based American Navy Polaris submarines and learn how they maintain constant contact with the White House.

FORMS MIDEAST FLEET

The Soviet Navy had enough new ships by 1964 to form a Mediterranean Sea fleet and also to send warships to Cuban waters. The fleet included the first Russian missile cruiser. The buildup increased in 1965 and 1966.

The first helicopter carrier, the Moskva, gave the Soviet Mediterranean fleet the ability to send troops ashore in 1968.

Young arm officers in Libya deposed the ailing, absent King Idris, in 1969. He had received his throne and the nation's independence as a gift of Britain and the United States. The American and Soviet fleets hurried to Tripoli. Neither intervened, but NATO lost its last harbors and airfields on the southern Mediterranean coast and also Europe's biggest source of oil that did not require long ocean haulage.

The NATO charts from 1967 onward show rapid proliferation of Soviet exercises in the North Atlantic. In 1969 the maneuvers spread across the Atlantic into the Caribbean. Unshown are similar penetrations into other oceans and the lairs of the missile submarines off American coasts.

The American active fleet had 932 ships two years ago. Today it has 743. Proposed Congressional budget cuts could reduce the number to 500.

Monthly, the Soviet fleets become bigger and stronger as the admirals carry out the Kremlin's edict: "Remove the traditional preserves of the American and British navies."

[From the Christian Science Monitor, Nov. 16, 1970]

RUSSIANS IN THE INDIAN OCEAN

It used to be the British who were always vitally concerned lest the Suez Canal be closed and the Royal Navy and the merchant fleet thereby denied the Middle East route to the Persian Gulf, India, and the Far East.

However, since the canal's forced closure during the 1967 Arab-Israel war it is the Soviet Union, rather than the British and Americans, who seem to stand to gain most if it is reopened. So long as it remains blocked the Soviet Union's so-called "east of Suez" policy has little chance of success.

In the past few years the number of Western books, monographs, and journal articles concerned with the vast, diffuse area called the Indian Ocean has swelled enormously. The reasons for this outpouring have little to do with the domestic and foreign policies of Pakistan, India, and Indonesia, which surround the extensive littoral.

Indeed, one of the ironies of the present situation is the relative passivity and impotence of these countries in comparison to the prestige and presumed power they possessed during the heyday of third world alignment and nonalignment in the 1950's. Instead, the cause for interest and concern among Westerners has to do with the changing relationships in great power behavior and capabilities and the potential effect this may have upon the perceptions and realities of the great power balance.

THREE EVENTS SIGNIFICANT

Three related events are significant.

First, and most important, the Soviet Union has come to be seen as a potential challenger to traditional American and British political and military hegemony over much of the ocean and in many of the surrounding countries.

The second event refers to the decisions by the British Government in the period 1966–70 to pave the way for the eventual withdrawal of the last vestiges of permanent British maritime power from the "east of Suez" area. (The latest announcement of the Heath government that this process is to be partially reversed cannot be seen as having any meaningful long-term implications for the area as a whole. The sums of money the British are prepared to pay for this capability is negligible.)

The British withdrawal is related to the third event, namely, the unwillingness of the United States since 1968 to consider expanding its naval forces in the Indian Ocean to fill the so-called "vacuum" left by the British.

Thus, the assumption is that the Soviet Union will move to replace Western powers in an area that has great economic, political, and strategic significance for the Western alliance and Japan. The Soviet challenge is documented and described in several ways.

The growth of overall Soviet naval strength and the willingness of the Soviet Navy to conduct exercises outside traditional Soviet waters in the Atlantic, the Mediterranean, and the Pacific is seen as a precursor for the eventual establishment of a Soviet naval presence in the Indian Ocean area.

TRADE A FURTHER INDUCEMENT

Increasing Soviet trade with Malaysia and Singapore, major commercial agreements with Iran and continuing good relations with Yemen and South Yemen provide further ammunition for those who wish to draw attention to the Soviet challenge.

In East Africa the Soviet Union has supplied arms to Somalia and Uganda, has offered arms to Kenya and Tanzania, and its Navy has visited several African ports. In connection with these trends, the current British Government has tried to argue that a resumption of arms sales to South Africa is necessary to retain the Simonstown naval base which, in turn, is seen in the strategic context of the growing Soviet "threat" to the Cape route.

What is the validity of some or all of these propositions?

Before attempting to offer any explanations or answers it is important to be clear on two points:

The first has to do with the meaning of the phrase "the strategic importance of the Indian Ocean area."

The second concerns our ability to predict the likely future course of Soviet foreign policy.

Prof. T. B. Millar, of the Australian National University, has written: "Strategy in an extensive oceanic environment does not involve the control of the sea itself, but of specific points of importance in or around it, of access to and routes between them for purposes of trade, or acquisition of supplies, or the movement of military force, or maintaining communications. . . . It has begun to involve competition for control of the ocean bed, where mineral resources may be exploited, and where secret subterranean homes can be found for weapons of destruction or instruments of intelligence."

If we accept Professor Millar's inclusive definition, it can be argued that to control the Indian Ocean for various purposes a nation does not need to deploy huge naval forces and keep them on constant patrol. Rather the strategy would be to seek secure bases in East Africa, the Red Sea, the Persian Gulf, the Indian subcontinent, the Malay peninsula, and Indonesia.

In addition to these requirements it would be esesntial to ensure unrestricted sea access to the area via either the Cape route, or the Suez Canal, or the Straits of Malacca or through the Indonesian archipelago or, ideally, through all four approaches.

RISKS CERTAINLY CONSIDERED

To what extent the Soviet Union can achieve all or some of these objectives will be considered following the second caveat which has to do with Soviet intentions.

Despite the excellence of much Western scholarship on matters relating to Soviet foreign policy, attempts to forecast future Soviet behavior still fall within the purview of the "arts" rather than the "sciences." No one knows with any certainty the degree to which the current Soviet leadership has decided upon a policy of strategic ascendancy in the Indian Ocean.

Some Soviet leaders have surely considered some of the risks involved. An extension of power and presence can often lead to an overextension of commitments, and parallel policy dilemmas; the current economic costs to the Soviet Union of expanding simultaneously its naval forces, its strategic nuclear forces, and maintaining at a high degree of readiness its 30 divisions along the Chinese border must be huge.

To say with any certainty that the Soviet Union has a coherent, long-term Indian Ocean strategy that fits into neat dynamic models of the balance of power is simply not possible.

It is possible, though, to be more precise and accurate about short-run Soviet capabilities, as distinct from Soviet intentions, and thereby make some predictions concerning long-run Soviet capabilities.

CONSTRAINTS NOT PERMANENT

The primary instrument of existing and future Soviet military power in the Indian Ocean must be the air and sea components of the Soviet Navy. As of this moment the Soviet Union's naval capabilities in the area are almost nonexistent.

For a start, the secure access routes are not available; the Suez Canal remains closed; the United States Seventh Fleet dominates the South China Sea and the western approaches to the area; the British still retain a small land, sea, and air capability in Singapore; the Cape route remains a Western enclave.

Second, despite growing relations with the local powers, the Soviet Union has no secure naval base along the littoral.

Third, the Soviet Union has very little experience at operating major naval task forces for long periods of time thousands of miles from its home ports.

Fourth, the current Soviet Navy possesses no sea-based, fixed-wing, air capability and needs to rely on land-based aircraft to conduct vital reconnaissance missions. This limitation seriously constrains the flexibility of Soviet naval forces.

However, these constraints could gradually be removed. If the Suez Canal were opened and the Soviet Union retained hegemony over Egypt, the Soviet Navy would not only have the ability to move from the Mediterranean in to the Indian Ocean, it would also be in a far stronger position to establish bases in South Yemen and thereby control the Red Sea, and perhaps even venture into the Persian Gulf and pose an implicit threat to European and Japanese oil supplies.

If India were to grant the Soviet Union guaranteed base rights, the Soviet Navy could probably build up its own workshops and thereby achieve a certain level of self-sufficiency for an Indian Ocean fleet. If Singapore and Malaysia and Indonesia sought Soviet, rather than Western, help to counter possible Chinese pressures following a United States withdrawal from Southeast Asia, the Straits of Malacca could fall under Soviet control.

If Britain so infuriates black Africa by breaking its adherence to the United Nations arms embargo to South Africa, the probabilities for Soviet naval bases in Mombasa and Dar es Salaam might increase. And so on.

All or none of these events may happen, and it would take a brave man to offer odds. However, one fact cannot be denied. In the short run, say the next five years, the ability of the Soviet Union to establish a meaningful strategic presence throughout the Indian Ocean area is minimal. This does not mean the Soviet Union cannot make extremely important advances in some areas, say the Red Sea or the Persian Gulf.

The preferred strategy for the United States and other interested Western powers should be careful and cautious. Overreaction in favor of withdrawal or escalation can be as damaging as underreaction. Thus while those who call for a major increase in United States naval appropriations to counter the Soviet "threat" should not be dismissed as cranks, they should be made to present their case on the basis of rigorous, objective analysis.

But equally, everyone should fully appreciate the potential direct relationships between the vicissitudes of United States policy in the Middle East and Mediterranean, the impending withdrawal from Southeast Asia, and the ease with which the Soviet Union could make major advances at the West's expense.

In this respect the current Middle East impasse has a deeper significance that far transcends the particular problems of the Arabs and the Israelis.

[From the New York Times, Jan. 18, 1971]

Swift Soviet Naval Gains Worry United States

(By Dana Adams Schmidt)

Washington, January 17.—United States Navy analysts are increasingly concerned with the swift and potentially menacing growth of advanced Soviet naval technology.

The analysts feel that this development has been obscured by the attention recently given to the expansion of the Soviet fleet of Yankee class nuclear submarines, the Soviet equivalent of the United States' guided-missile submarines.

The Yankee was patently a copy of the United States vessels designed to fire Polaris missiles, the analysts said today. The Russians have built 15 of them and are turning them out at a rate of eight a year, so that will probably equal the number of guided-missile submarines by the end of 1973 or early 1974.

But the stimuli that led to construction of the Yankee—the appearance of Polaris-armed submarines and the Soviet lack of naval strength during the Cuban missile crisis—also led the Russians to begin a program of research that is now bearing notable fruit, the analysts said.

ADVANCES CITED

The analysts cite these Soviet naval developments since 1968:

A pint-sized destroyer called Manuchka.

A "beautiful" new Kresta class cruiser.

A C class submarine with surface-to-surface missiles fired from underwater.

Gas turbines to give naval craft instant starting capacity and rocket-assisted depth-charge launchers.

Information suggesting that two new versions of the Yankee are being planned or in production.

The United States naval experts say these developments indicate that the Soviet navy has centered what they term an—"advanced technological phase." They traced the evolution of the Soviet fleet from a small coastal force in 1947, when the Russians realized the need for an ocean-going navy. The Soviet Navy began copying United States technology including radar and guns. In 1955, Adm. Sergei G. Gorshrov moved the Russians into a second phase of development by improving existing equipment. Early in the sixties the Soviet Navy moved into a period of technical development intended to surpass the United States Navy.

U.S. VESSELS STUDIED

At the same time the Russians continued to study United States developments with more than 30 intelligence-gathering vessels packed with electronic apparatus.

United States analysts believe that the Russians have decided to bypass the expensive aircraft carrier. Instead they have developed inexpensive "platforms" carrying "surface-to-surface antiship missiles."

The United States does not use missiles of this kind. As one high-ranking naval officer, who is a proponent of the aircraft carrier said: "Our basic missile, which we consider superior, is the pilot, who is reusable."

The Russians began their development of missile ships with the Osa and Komar classes of craft. These vessels are armed with the Styx missile—one of which, in the Egyptian navy, several years ago sank an Israeli destroyer, the Elath. But these vessels, only about the size of a PT boat, were no good for heavy weather or the high seas.

The most recent Soviet missile ship is the Manuchka, about half the size of a conventional destroyer, which employs a new surface-to-surface missile system.

NEW MISSILE SHIPS

Other ships armed with anti-ship missiles developed since the early 1960's include the Kynda and Kresta class cruisers. The Kresta's compact lines are unreservedly admired by American experts. These ships, 492 feet long compared with the 600 feet of American cruisers, are faster, carry more electronic gear and have greater fire power than American models. The Kresta also has a helicopter pad in the stern.

American technicians are also impressed by the Kashin class guided-missile destroyer. It has gas turbine propulsion that enables it to spurt from one knot to full speed instantaneously. The United States Navy is just beginning development of such engines.

Another Soviet alternative to the giant aircraft carrier appears to be helicopter ships of the Moskva and Leningrad classes. American analysts believe that they could also be used for short take-off fighters.

NEW DEPTH CHARGES

The Russians call these ships antisubmarine cruisers. They are equipped with a new type of rocket-assisted depth charge launcher that can throw a depth charge beyond the usual range. The analysts said that the Russians were still behind the United States in antisubmarine technology but were "moving fast."

In the submarine field American experts believe that the Russians are preparing to build submarines even larger than the Yankee class—a North Atlantic Treaty Organization designation—which at 425 feet is already the largest in the world. The larger models may carry a modification of the new missile, the Sawfly, which is expected to travel up to 3,000 miles.

The most interesting submarine developed by the Russians, the analysts say, is the C class submarine. American experts are only just beginning to find out about its capacities.

Pictures suggest that this vessel carries a missile with a shorter range than some earlier models. But, the analysts said, it is probably more accurate. The vessel has a bulbous bow and is believed to carry six to eight millies, which are believed to include the first surface-to-surface missiles fired from underwater.

[From the New York Times, Apr. 8, 1971]

SOVIET DISCLOSES EXTENT OF ITS DEFENSE SPENDING

(By Theodore Shabad)

Moscow, April 7.—The Soviet Union disclosed today that its military establishment was absorbing as much as a fourth of all the funds available for the growth of the nation's economy.

This unusual information on the magnitude of the defense burden was contained in the published text of an economic report delivered yesterday by Premier Aleksei N. Kosygin before the current congress of the Soviet Communist party.

It appeared to be one of the most forthright * * * the economic effect of the maintenance of the country's armed forces.

"The Soviet state in the present international situation," Mr. Kosygin said, "must be steadfastly concerned with strengthening of the country's defense capability. Over the last five years 80-billion rubles [88.9 billion at the official exchange rate] has been spent for defense."

The figure itself was not new, for it represented the total budget allocations in 1966–70 for the maintenance of military personnel and the procurement of weapons systems.

But in the context of national income available for the Premier, it meant that defense activities absorbed 24.4 per cent of the portion of national income available for growth purposes, or 7 per cent of the total national income.

If expenditures for science, amounting to 3 per cent of national income, were to be included in the defense share, it would rise to 10 per cent of national income. This conforms roughly with estimates of Western analysts, who hold that a large proportion of Soviet scientific research and development is for defense purposes.

The Soviet Union is generally assumed to shoulder defense expenditures roughly equivalent to those of the United States. However, because the Soviet Union's gross national product is only about half that of the United States, the share of the military-oriented sector of the Soviet economy is about twice as large as the share of the defense establishment in the American economy.

Mr. Kosygin's disclosure, made in the context of new national income statistics, appeared to be part of an effort by the Soviet leadership to justify the current economic policy of a better deal for the consumer combined with continued emphasis on heavy industry and defense.

Leonid I. Brezhnev, the party leader, appeared to go out of his way in his keynote speech to the congress last week in affirming that increased attention to consumer welfare in the new five-year plan "does not mean that we are slackening our concern for heavy industry," which is the basis of the defense effort.

Mr. Brezhnev and Mr. Kosygin are believed to have had two pressure groups in mind in stressing the need for further development of heavy industry and defense in what has been generally a consumer orientation at the party congress.

On the one hand, the two leaders evidently sought to assure the military and other advocates of basic industries that Soviet defense capability would not suffer as a result of somewhat greater allocation of resources to consumer needs. On the other hand, supporters of even more pronounced aid to the average citizen were advised that a heavy defense burden did not permit such a course as long as international tensions remained.

The party leader and the Premier thus appeared to be placing themselves somewhere in the middle between military and civilian claims on the nation's resources.

Mr. Kosygin's disclosure of the defense burden came about in rather technical fashion in a discussion of national income. In the Soviet Union, national income is treated as a value-added measure representing the difference between the value of goods produced and the costs of production.

In contrast to the traditional breakdown of national income uses that conceal the defense item, Mr. Kosygin presented a new set of categories that identified the defense item as part of the portion of national income available for growth purposes. This is the so-called accumulation, or investment, component of national income uses.

According to Mr. Kosygin's breakdown, the accumulation component over the last five years totaled 328-billion rubles ($361-billion), or about 29 percent of national income, which was 1,166-billion rubles.

Within that accumulation category, the Premier distinguished the 80-billion defense item, amounting to 24.4 percent of total accumulation or 7 percent of national income.

The sanctioned "debate" in the party congress continued today, with selected Soviet officials and foreign Communist leaders addressing the 5,000 delegates in the Kremlin's Palace of Congresses.

[From the Newsweek, June 19, 1971]

A MEDITERRANEAN TIDE RUNS FOR THE RUSSIANS

(By Arnaud de Borchgrave)

Aboard the U.S.S. Springfield last week, a young naval intelligence officer could hardly contain his admiration for the latest Soviet warships steaming in the Mediterranean Sea. "That's a beauty," he said, pointing to a photographic blowup of a Kresta-class guided-missile cruiser. "There's nothing like it on our side." Standing nearby, Vice Admiral Isaac C. Kidd, the commander of the U.S. Sixth Fleet, readily agreed. "A humdinger," he said of the Soviet ship. "Only 3,500 tons. But it's got the punch of a pocket battleship."

Nowadays, the Soviet Union packs quite a wallop in the Mediterranean. On a typical day last week, the wall-to-wall situation room (map) at NATO's surveillance headquarters in Naples bristled with symbols for Soviet men-o'-war: 55 versus the 44 in the Sixth Fleet (map). And Russian political influence in the strategically important inland sea has grown apace with its fleet. Last week, the Kremlin dispatched Ambassador Mikhail Smirnovsky to the Maltese capital of Valletta in hopes of securing an embassy in the one-time British possession. Both British and American spokesmen professed to see no threat to the NATO installation on Malta, doubting that its newly elected leftist Premier will turn over those naval facilities to the Russians. But there was no mistaking their fear—expressed also by Israeli Defense Minister Moshe Dayan last week—that the successful Soviet penetration of the Mediterranean is bringing about a fundamental change in the balance of power in the area.

There is no question in my mind that the Russians see America's loss of taste for international leadership as the opportunity to become the dominant power in the Mediterranean and, ultimately, in the entire Eurasian land mass and adjacent oceans.

U.S. admirals in the Mediterranean claim to be confident that, in the event of a military showdown, the Sixth Fleet could still overwhelm the Soviet fleet and fulfill its "second strike" nuclear mission against assigned targets in East Europe and southern Russia. This claim to naval superiority is evidently based on the American fleet's two aircraft carriers, ships whose firepower the Soviet fleet cannot match on a ship-to-ship basis. But it is worth remembering that the newly installed Russian tactical air force in Egypt—which has recently been dug into 220 hardened sites—can fly cover for the Soviet fleet in the Mediterranean and, if need be, attack the U.S. flattops. Moreover, some military experts are convinced that the two U.S. carriers have already been effectively neutralized by the latest Soviet guided-missile cruisers to arrive in the sea. Finally, the ships of the U.S. fleet are of much older vintage than the Russian vessels, and at the present rate of deployment, these experts believe, the Soviet Mediterranean fleet will clearly surpass the American armada in potency by mid-1972.

In the eyes of Western Europeans, this expansion of Soviet power is directly related to critical changes in the American home front. The Europeans realize that the bitter taste of the Vietnam war has soured the U.S. on overseas commitments, and they are coming to believe that they may soon have to fend for themselves. But with the proliferation of Soviet power in the Mediterranean and along Europe's oil-supply routes, Moscow hopes to discourage a separate European defense effort as futile, thereby encouraging a trend toward West European neutralism. The combination of neo-isolationism in the U.S. and neutralism in Europe could be the mix that removes the Sixth Fleet from the Mediterranean without a shot being fired.

Raymond Cartier, one of Europe's most widely respected journalists, recently wrote: "America has given Europe a quarter of a century of invulnerability but Europe has not had the foresight to transfer some of its opulence to the problem of its own security. The withdrawal of American forces in the relatively near future is a certainty. The Mediterranean is now blanketed by Soviet naval power lapping against Europe's southern coastline. The northern front has also been outflanked by the same Soviet naval power reaching into the Atlantic."

DISARRAY

If Europe existed as more than a geographic expression, there might be an alternative to U.S. power. But many countries that now might wish to reduce their dependence on one or the other of the two superpowers regretfully conclude that there will be no European alternative for a long time to come. The European monetary union project, a prerequisite for an integrated European defense community, was dealt yet another blow in the Franco-German summit meeting last week when Chancellor Willy Brandt and President Georges Pompidou failed to reach agreement on the status of the floating Deutsche mark. This kind of European disarray, coupled with the fact that the U.S. is already in retreat—at least psychologically—means that things will continue to go Russia's way in an area of vital concern to the entire Western world.

Many Western officials and commentators, convinced that gunboat diplomacy is dead in an age of multi-headed nuclear missiles, have dismissed the Soviet effort in the Mediterranean as wasteful and useless. But the Soviets know better. When Egyptian President Anwar Sadat purged pro-Soviet plotters from his entourage two months ago, Moscow managed to more than offset its losses; it swiftly extracted from Sadat, a new fifteen-year treaty that tied Egypt even closer to the Soviet Union. Among the many reasons that led Sadat to sign the treaty, presumably one was his belief that the massive Soviet presence in the Mediterranean was visible proof of Moscow's commitment to the Arab cause.

VACUUM

The same kind of gunboat diplomacy, Europeans fear, might be used in countries all along the North African and European littorals of the Mediterranean in the years to come. Nonalignment is tantamount to a power vacuum in the Soviet book, and with the withdrawal of Western influence from North Africa, the Soviets are making a determined effort to move in. Morocco, the last remaining monarchy in North Africa, is ripe for revolution—as last week's attempt to remove King Hassan showed—and the Soviets would be happy to help. Europe-oriented Tunisia, squeezed between revolutionary regimes in Algeria and Libya—and heavily dependent on ailing President Habib Bourguiba—would be another likely target.

The Soviet power in the Mediterranean basin will also make itself felt in the critically important Persian Gulf area once the Suez Canal is reopened. The gulf area supplies 60 per cent of West Europe's and 90 per cent of Japan's fuel needs. The British are phasing out of the gulf later this year and the U.S. has no intention—or desire—to fill the power gap. Moreover, London's plan for a gulf federation has collapsed and the oil sheikdoms are about to opt for independence. "A few modern Soviet warships calling regularly at these ports and entertaining impressionable sheiks will work miracles," a longtime gulf resident told me. "Especially if there is no countervailing U.S. force."

It won't be long before the sheiks realize where the real power lies. The Soviets already have twenty new warships on station in the Indian Ocean (as against two U.S. ships). Anticipating the reopening of the Suez Canal, they have also just completed construction of a new naval base at Port Sudan on the Red Sea (in return for free MIG's and tanks for the Sudanese), halfway between the Mediterranean and the Persian Gulf. Should the Soviets successfully expand their Mediterranean presence into this part of the world, they would be able to exercise additional political leverage on Western Europe by controlling its sources of oil.

DÉTENTE

No one suggests that the Soviets don't have a right to be in the Mediterranean in whatever force they wish, and in the Indian Ocean and Persian Gulf for that matter. But what is needed is a credible countervailing force. Instead, America is pulling out, and Europe is dithering. In the past five years, NATO forces in Central Europe have been allowed to run down by 25 per cent (including the loss of 500 aircraft). During the same time, Soviet forces alone, on the same front, have increased by six divisions. Despite U.S. pledges to maintain and improve its strength in Europe, it was revealed two weeks ago that two Air Force squadrons were pulled out of Europe in 1970 without a word being said to America's European allies. "The very prospects of détente," commented the outgoing NATO civilian chief, Manlio Brosio, last week, "have created a climate in Western opinion in favor of unilaterally reducing NATO force levels." Moscow, of course, remains unencumbered by the restraints of public opinion, and whenever anyone in the West tries to halt the drift toward a lax defense posture, the Russians fire off accusations that such talk impedes détente.

Even more important than Soviet intentions, however, is the American trend toward introspection and isolation. "The steady encroachment of Congress on the President's ability to conduct foreign policy," one of Europe's leading policymakers told me recently, "means that a formal pledge isn't what it used to be." Moreover, the release of the Pentagon papers has, in a sense, vindicated those in the U.S. who regard power politics as evil and un-American. But that doesn't mean that the power realities will oblige us by simply disappearing.

Under these circumstances, Europeans are keeping their options open. Even Franco Spain and the colonels in Greece are doing what they can to improve relations with Moscow. For by conveying the impression that over the next few years domestic affairs will enjoy priority over foreign affairs. America is, in effect, telling Moscow: "This is your round in the Mediterranean. Make the most of it." It is an absolute certainty that the Russians will do just that.

[From the New York Times, Nov. 13, 1970]

The Indian Ocean—A Soviet Sea?

(By T. B. Millar)

Canberra.—The Public accounts Committee of the Australian Parliament has been examining witnesses over a budget allocation for the first stage of a naval base facility at Cockburn Sound near Perth on the West coast of this three-million-square-mile continent. A pacifist geologist solemnly raised with the Committee the question of pollution, while a senior naval officer justified the allocation partly in terms of the growing Soviet presence in the Indian Ocean area.

A prominent East European visitor said here recently that there are two basic reasons why the Soviet Navy is in the Indian Ocean: (1) there is a Soviet Navy, and (2) there is an Indian Ocean. However sophisticated this may or may not be as a rationale, it does not go very far towards clarifying Soviet objectives.

Although it has occasioned a good deal of comment, some highly exaggerated, the Soviet Navy has not yet been out in strength in the Indian Ocean. According to reports, the number of surface ships has been as low as two or three in the whole ocean at any time, or as high as twenty-five or thirty. Submarines of course are less easily counted. The significance of the Soviet vessels lies less in their quantity than in their novelty, in the fact that they have so little competition, and in their being part of a collection or pattern of Soviet activities, strategic, political and economic.

Over the past few years, the Soviet Union has become the principal supplier of arms to nine countries on the Indian Ocean periphery. Through aid to harbour development, it has obtained access to ports and dockyard facilities in places such as Mogadishu and Berbera (Somalia), Hodeida (Yemen), Aden, and Vishakapatnam (India), and to a lesser extent to other key ports such as Mauritius, Singapore, and Port Blair in the Andamans. It has forced its way into the shipping organizations trading between Europe and the Far East and Australia. It is engaged in extensive hydrographic, oceanographic and maritime intelligence activities. It is erecting some kind of military facilities on the island of Socotra at the entrance to the Gulf of Aden (the London Times reported them to be a naval radio station and an ammunition depot).

No one has publicly objected to these developments. The impression one has in Australia is the U.S. Navy would like to engage in some competitive appearances well beyond the Polaris program, but neither the State Department nor the White House sees that a major American interest would be so served.

The British Conservative Government is going to keep small naval and other forces in Malaysia and Singapore and perhaps the Gulf for a few years more. These will be local rather than oceanic. It would like South Africa cooperation in the southwest of the ocean but may be finding the stated price—arms supplies—a hotter potato than it had realized. Japan has a growing trade across the ocean, and almost all its oil comes from the Middle East through the Malacca Strait; but neither the public mood nor the defense vote is such as to provide protection so far from home. France has its Somaliland, Réunion, and other islands, but no major strategic interest in the area.

Of the peripheral countries, only India and Australia has navies of any size. India is too dependent on Soviet arms aid and Australia is too small to protest effectively against Soviet activities which are in any case quite legitimate and pose no apparent threat as yet to anyone. Only if Australia had some support from the U.S. or Britain could it demonstrate local superiority against Soviet incursions into its waters.

Some commentators believe the Russians are in the Indian Ocean to promote the containment of China. This seems too simple, and at best provides but part of the answer, most relevantly with respect to India and Pakistan. The Chinese have a foothold in Tanzania and are irritatingly active among Palestinian and other Arab guerrillas, but China is far from being an Indian Ocean power. To dominate the Suez passage; to have a major influence in the oil-producing states; to be able to exert political pressure, with modest military backing, at key points during times of decision; and to trade profitably—these are the Soviet Union's apparent intentions, or the likely effects of their endeavors.

Do they matter? They do, if you live in the area, are a small state, and see no evidence that any major power is interested in either verbal or practical restraint upon the Soviet Union's undeclared but increasing ambitions.

[From the New York Times, Nov. 13, 1970]

The Soviet Naval Program

(By Vice Adm. H. G. Rickover)

The Soviets are embarked on a program which reveals a singular awareness of the importance of seapower, and an unmistakable resolve to become the most powerful maritime force in the world. They demonstrate a thorough understanding of the basic elements of seapower: knowledge of the seas, a strong modern merchant marine, and a powerful new navy.

Starting with 200 diesel-powered submarines at the end of World War II, most of which were obsolete, the Soviet Union embarked on the largest peacetime submarine construction program in history, producing over 570 modern submarines in 25 years—most designed for long-range operations. During the same period the United States built 106 submarines. In two years alone, 1955 and 1956, the Soviets completed 150 submarines, one and one-half times the total number of submarines this country has produced in the past 25 years.

They now have the largest and most modern submarine building yards in the world, giving them several times the nuclear submarine construction capacity possessed by the United States.

They are credited with a nuclear submarine production capability of 20 ships a year on a single shift basis. They have the facilities to increase this rate of production considerably. At present, while our Poseidon conversions are going on, the maximum U.S. capacity to build nuclear submarines is less than half that of the Soviets. Upon completion of these conversions—about 1977—the best we could do would still be well below their capacity.

According to the latest unclassified data the Soviets now have a total of 355 to 363 submarines, all built since World War II. Anywhere from 75 to 83 of these are nuclear-powered. The total U.S. force is 141 submarines, 88 nuclear powered, the remainder diesel powered. Most of our diesel units are of World War II vintage.

Today, as a result of the Soviets' large-scale construction program, our lead in nuclear-powered submarines is rapidly disappearing. Based on current force levels and estimated Soviet nuclear submarine building rates, they will be ahead of us numerically before the end of this year.

Of even greater concern than total numbers is the fact that since 1968 the Soviets have introduced several new designs besides converting older designs to improve their capabilities.

One of their current new designs is the Yankee Class nuclear-powered ballistic-missile submarine introduced in 1968. These submarines look very much like our Ethan Allen Class—our latest Polaris type—and are capable of submerged launching of 16 ballistic missiles with a range of over 1,000 miles.

They now have 13 of the Yankee Class in operation; additional units are under construction at a rate of about 12 a year. It is estimated that they will surpass our Polaris fleet of 41 by 1973 or 1974, possibly sooner. Further, it must not be forgotten that the Soviets also have over 30 conventional and nuclear-powered ballistic-missile submarines of the earlier design. Thus, we are faced with the imminent loss of our lead in numbers of sea-based strategic missiles.

The Soviet submarine force, like the entire Soviet Navy, has become capable of sustained open-ocean operations and is being used to support foreign policy in various areas of the world. In 1969 the tempo of worldwide Soviet submarine operations was at an all time high. This tempo has continued to increase in 1970. During the recent large-scale naval maneuvers that included over 200 ships in the Atlantic and Pacific Oceans.

The Russians are in the Mediterranean. They operate regularly and continually in the North Atlantic and the Norwegian Sea. Russian naval units now are being seen with regularity in the Indian Ocean and off both coasts of Africa. They are in the Pacific, the Arctic, and the Antarctic. The swimming Russian bear is not yet ten feet tall, but he is 5 feet 8 inches and growing rapidly. He has not yet wrested supremacy of the seas from the free world but he is making a very determined effort to do so.

Throughout our history the waters that wash our shores have been friendly. They have given us geographical protection, making it practically impossible for anyone to attack us. They have also given us time to build up our strength when danger threatened.

But the tempo of modern technology has changed all this.

Yankee Class submarines off each coast can blanket practically the entire United States. When the Soviets have the 3,000-mile missile they are presently developing they will be able to do this from either ocean.

Let me first say that on the best evidence available, I believe that today our Polaris submarines are safe from a massive, neutralizing blow. Further, I am not aware of any valid information indicating that the Soviets possess a means to track and destroy our Polaris submarines while they are on station. However, there is no assurance that this situation will prevail for long.

Given the recent Soviet progress in undersea warfare and the sheer magnitude of their nuclear submarine program, the conclusion is inevitable, that unless we are willing to match that effort, they will surpass us in this field in the 1970's.

[From the Baltimore Sun, Dec. 27, 1970]

The Erosion of Surface Naval Power

(By Paul Cohen)

The effectiveness of merchant ships in ocean transport—and of surface naval vessels to protect them or to blockade them as the circumstances require—was the foundation on which Great Britain built her empire, on which the United States bases the credibility of her international commitments and by which the U.S.S.R. hopes to expand her role in Africa and Asia. That foundation continues to erode under an irresistible tide of technology, the key expressions of which are the submarine and the missile.

To many this is an unbelievable assertion, doubly so because its consequences for international relations as they are currently constituted are so massive and, in general, so detrimental. The skeptics, who know from experience that most evaluations of the future occur more slowly than claimed, or not at all, are inclined to wait for results. In this case results could best come from the test of battle.

And if the balance between the various forces which are deployed on the ocean lies elsewhere than where "tradition" (an increasingly sometime thing) has placed it, the resulting surprises could lead to ill-considered remedies. These could be as divergent as surrender of a major goal, or nuclear war—if the latter is a remedy. Thus, an understanding of the various technical changes which have occurred since the launching of the Nautilus is inescapable if the planning of foreign policy, and of naval building programs, is to be realistic.

REMEMBER BATTLESHIPS

That large surface vessels—merchant as well as naval—will no longer survive the onslaught of the submarines, surveillance systems, homing weapons, and the rest of the paraphernalia of Twentieth Century military technology is a proposition with a massive precedent: The fate of the battleship. Who, among the official hierarchies of both Allied and Axis fleets, believed before the fact that this supreme symbol of naval power would perish because it was not, to the same degree as its enemies, a creature of the new technology?

As if the technical issues were not in themselves sufficiently complicated, their interpretation in a particular theater can be radically modified by geographic and political aspects. In a narrow sea like the Mediterranean, for example, surface fleets may have to deal with submarines, shore-based aircraft, and perhaps with a revived and longer-range form of coast artillery—surface-to-surface missiles. Yet, if a naval contest were to occur in that sea, the most important factor might be the Turkish position on traffic through the Dardanelles. That is why it is clearer to discuss the problem in a narrower framework—the shifting balance between large surface ships and submarines.

As the years go on, the likelihood strengthens that in spite of the most strenuous antisubmarine efforts carried on with the most exotic of available equipment, a submarine fleet of relatively moderate size—perhaps several hundred vessels—can destroy or drive into port any present-day surface navy and merchant fleet. That does not necessarily mean our submarine fleet, for it is armed primarily with anti-submarine weapons. Not all submarine navies, though, design for our hierarchy of missions.

Admitting that the contingency described here is within the bounds of military technology, can we comfort ourselves with the illusion that such a maritime disaster could be fended off by threatening a resort to nuclear war? When those nations which can deploy large submarine fleets also possess nuclear warheads and the missiles to carry them, whom can we threaten? If the stakes are less than total, if they involve, in some distant corner of the world, a blow to our pride or a loss to our pocketbook, will we not be forced to the same restraint we have shown in Korea and Vietnam?

The threat of nuclear war could be invoked with limited danger to us when a grossly unequal balance existed between American and foreign nuclear power. It was the basis of the sanctuary in which our naval forces largely operated during the Korean and Vietnam conflicts. This sanctuary has of course been to our enormous benefit, but it has also served to confuse us with a false sense of omnipotence at sea.

Today only one nation has in being a submarine fleet of sufficient size to be a major threat. However, as other claimants to world influence expand their operations, they will inevitably discover, if they do not already know, that submarines are a key element in their power base. And submarines, even nuclear submarines, are not all that difficult to build in quantity. Germany built about 1,100 full-sized diesel-electric submarines in addition to hundreds of one- and two-man submarines, during World War II. Not until near the end of the war did she begin to utilize fully the then-available mass production techniques. Although nuclear attack submarines, in their current stage of design, average several times the weight of a diesel-electric, there is no material or technical reason to prevent a major industrial nation from building scores of them per year. Pound for pound, submarines place less stress on a country's production capabilities than do airplanes. Such treaties as today control the tonnage and quantity of submarine fleets are of the moment, not for eternity.

CONVENTIONAL SUB IS THE THREAT

Technology continues to demonstrate its universal availability. The means to obtain U–235 and plutonium become cheaper and more widespread by the year, and so do the means to deliver the warheads. . . .

In another decade there should be at least half-a-dozen countries capable of maintaining both an effective submarine force and a nuclear capability.

The threat under discussion is therefore not the nuclear-missile submarine but rather the conventional attack submarine used in its classic roles—to destroy merchant ships and naval vessels, to hunt and fight other submarines, to mine and scout in enemy waters. And it need not be driven by the nuclear reactor-steam turbine plants which are currently the most economical means of propulsion for large submarines.

The newest attack submarines of the United States and the U.S.S.R. are indeed large—the size of light cruisers. However, the spectacular underwater feats of World Wars I and II were invariably accomplished by submarines displacing less than 2,000 tons. These could operate not only on the high seas, but also in water too confined or shallow to be comfortable for today's giants. A hard core of the submariners continue to believe that, in this respect, not much has changed, and that the most useful attack submarines are closer to the dimensions of the past than the present.

Submarine design, which underwent an earthquake in the mid-Fifties with the introduction of nuclear power, is again in a period of change. As submarines become smaller, the number of feasible propulsion systems becomes larger. They begin to include fuel cells or turbines fed by liquid hydrogen and oxygen, primary batteries, and other systems of quite enough endurance to give anti-submarine forces a severe case of the staggers.

MUST RECOGNIZE SITUATION

It is now all too easy to envision a situation in which a naval war would remain tightly limited, essentially to an all-submarine war. If bulk cargo crossed contested oceans, it would do so in cargo submarines. If planes were flown over these waters, they would take off from bases with local fuel supplies. . . .

Whether the United States gains or loses from the new equilibrium, it must recognize the situation and choose a course of action, however discordant with past programs and traditions, that will capitalize on the continuing developments in underwater and associated technologies, in which it is a leader.

Overall anti-submarine capability is losing ground to submarine capability because, on balance, the latter is benefitting to a greater degree from a variety of expanding technologies. Among these, specifically, are navigation, long-range communications, satellite and undersea surveillance techniques, underwater propulsion systems, life-support systems and homing weapons. Perhaps the cruelest blow to more traditional forms of naval power is the consistent ability of the submarine to benefit on balance from sensor developments, even when these are ostensibly anti-submarine in motivation. Any sensor which can detect a submarine can more easily detect a surface ship. . . .

If it is true that the submarine, with its new armament and technology, now holds the upper hand, what action is indicated?

The naval commitments of this country center about the protection of our ocean commerce on a global scale. If the surface navy sinks under the burden of its several defenses against different weapons, for what purpose do we shift our building programs to produce more attack submarines? We must still move goods between continents.

Cargo airplanes face some sharp limitations, particularly if the transport of jet fuels by surface tankers is interfered with. If submarine tankers replace the surface tankers, the potential for the aircraft is to a degree restored, but it will take considerable analysis to determine to what degree.

FIRST CARGO SUB SUCCEEDED

The only viable substitute for the merchant ship is the nuclear-propelled cargo submarine. In the case of petroleum products and other fluids which make up 60 percent of all ocean-borne cargo, and of the granulated products like food grains and ores which make up perhaps another 10 to 20 percent, submarine transport will cost more than surface transport, but not significantly more by the standards of blockade economics. . . .

The first cargo submarine on record, the Deutschland, handled only dry cargo, and was a great economic success.

Possession of a fleet of cargo submarines does not eliminate the need for a fleet of attack submarines of sufficient size to deal with the enemy submarines, interdict his surface shipping and cover whatever oceans the battle may spread into. In a world which shares essentially the same technology, there is no substitute for numbers. To attempt to compensate for this lack of reliance on superior performance can bring its own subtle frustrations.

This Navy now builds essentially one kind of attack submarine, and in such small numbers that it attempts to crowd into each one virtually all the capability that the technology of a particular design year permits. The result is a vehicle of such gigantic proportions that its very size is interfering with its performance in missions which, particularly in limited wars, will continue to be important.

During his invasion of Scapa Flow, and his subsequent sinking of the Royal Oak, Commander Prien twice grounded his U-boat, and got it off. What would he have done, in those narrow channels, with a craft having 10 times the displacement of the U–47?

Far more units than can be practically envisioned in terms of cruiser-sized submarines are needed. If designs can be considered that are uninhibited by such traditions of nuclear submarine construction as have arisen since the mid-Fifties, and if missions and capabilities are matched, small attack submarines that will be useful in the closing decades of this century are distinctly feasible. "Small," however, does not mean midget. By the standards of the Seventies, the submarines of World War II were small.

VULNERABLE BEYOND SALVAGE

Such suggestions are specifics. The generality is that the large surface vessel—the mainstay of conventional naval and merchant power—has become vulnerable beyond salvage to a variety of weapons of which the submarine, armed with airflight missiles, is king. To the several nations which, in the remainder of this century, can achieve the twin goals of (1) a significant nuclear capability and (2) a large submarine fleet, these conditions present an opportunity to paralyze our nuclear strength and to place large sectors of the world's populations under intolerable economic pressure.

The evils that can arise from international frictions are varied, and so must be the remedies. Few forms of naval warfare have been used more frequently than the blockade, and none, in the past quarter-century, has been as greatly favored by technical developments. The opportunity is now open to hold a good part of the world hostage by blocking its surface fleets. Someone will eventually grasp it. This country, dependent on ocean transport, must have a remedy in hand.

Mr. ALLOTT. Mr. President, I yield the floor.

ORDER OF BUSINESS

Mr. BYRD of West Virginia. Mr. President, under a previous order of the Senate, the distinguished Senator from Tennessee (Mr. Brock) is to be recognized at this time for 15 minutes, and he is to be followed by the distinguished Senator from New York (Mr. Buckley). I ask unanimous consent that the order be reversed and that the distinguished Senator from New York (Mr. Buckley) be recognized first and that he then be followed by the distinguished Senator from Tennessee (Mr. Brock).

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

THREAT TO THE 6TH FLEET

Mr. BUCKLEY. Mr. President, as the distinguished Senator from Colorado (Mr. Allott) has pointed out in his remarks, in a period of just 5 years the Soviet Navy has grown from a coastal defense force of negligible importance into the world's most modern naval force. Her surface fleet now exceeds 2,000 ships; and over the past two decades, she has produced 585 modern conventional and nuclear submarines as compared with 110 for the United States. On the other hand, in the past few years, the U.S. Navy, which once sailed unchallenged in every ocean, has grown increasingly obsolescent. Our submarine force has now more or less stabilized at 142 vessels; and since 1968, the number of ships in the U.S. fleet has declined by about 30 percent. We now have 270 fewer vessels in active service than we had in 1968, and half of this loss has been in surface combat ships.

Russia's transformation into a major naval power, perhaps the major naval power, has important implications around the globe. This morning, however, I will confine my remarks to the impact of these developments on the military situation in the Mediterranean because this is the area in which any United States-Soviet conflict would most likely take the form, in military terms, of a naval conflict.

The growing Russian presence in the Mediterranean and along North Africa poses obvious threats both to the southern flank of Europe and to the Middle East. It is the Middle East, however, which is under the most immediate pressure. It is, in fact, the area which was singled out in the President's state of the world message last February as the one in which a United States-Soviet confrontation was most likely to occur, a confrontation which could spark a third world war.

The Middle East is a region of decisive strategic importance for the global balance of power. It is a crossroads of land and sea communications between the continents. Its oil deposits, by far the largest known on earth, are critically important for the economies, perhaps even the survival, of Western Europe. Thus the critical interest of the West in preventing Russia from acquiring dominance of the Middle East is self-evident.

What is less well appreciated, however, is that the 6th Fleet has been the principal instrument on which we have relied in implementing American policy in this vital area. For over 20 years that fleet has assured the West of the unchallenged control of the Mediterranean Sea. And it has been the power represented by the 6th Fleet which American Presidents have relied upon to back our policy decisions. As of today, however, it is no longer certain that the 6th Fleet can long survive the kind of deterrence required to contain Soviet ambitions in the Middle East.

Since 1965, the Soviet Naval presence in the Mediterranean Sea has increased fourfold. Total Soviet ship-days have grown from about 4,000 in 1965 to 18,000 in 1970. On the other hand, total U.S. ship-days in the same region have declined from about 17,000 to 13,000 over the same period.

This development becomes especially significant when one takes into account the differences in missions of our respective navies. The mission of the U.S. Navy is to assure this country of the use or control of the seas at times and places of our own choosing. On the other hand, the Soviet Navy has an objective which places fewer demands upon their resources. Their objective is simply to deny the U.S. Navy the ability to carry out that mission. For this reason, the types of vessels in each fleet are different.

The United States still has a significant advantage in gross fleet tonnage in the ratio of about two to one; 4 million U.S. tons to about 2 million Soviet tons. However, when one examines the specific numbers and character of the major and minor surface combat vessels of the United States and the Soviet Union, the growing ability of the Soviets to deny the U.S. Navy the use of the seas becomes apparent. While the United States has 249 major surface combatants to the Soviets' 214, Russia has at her command 1,795 minor surface combatants to America's 309. This disparity is especially important because in the patrol craft category, all 160 Soviet patrol craft are equipped with surface-to-surface missiles of the variety which sank an Israeli destroyer in 1967, while none of the U.S. patrol craft are so equipped.

The Russians now routinely patrol the Mediterranean with naval units of a size and number which increasingly challenge the ability of our Navy to support a credible American presence in the area. According to an article published in the New York Times on March 14, 1971, the Soviet Black Sea fleet, which operates in the Mediterranean, is composed of 62 surface craft and 40 submarines, while the U.S. 6th Fleet possesses only 45 surface vessels, and from six to eight submarines. Moreover, the Soviets have acquired basing rights for their surface vessels in Port Said and Alexandria in Egypt; their submarines are reprovisioned at the former French base of Mers-el-Kabir in Algeria; and the movements of 6th Fleet vessels are continuously monitored by Soviet maritime surveillance aircraft operating from the former U.S. Wheelus Air Force base in Libya.

Because of the continuing erosion of the 6th Fleet's ability to meet the Soviet challenge in the Middle East, one major objective of U.S. foreign policy; namely, the preservation of the State of Israel, will become increasingly difficult to carry out. The Russian-built air defenses in Egypt have already deprived the Israelis of their ability to duplicate the preemptive attack on Egyptian airfields which they carried out in 1967. Further, the growing Soviet naval strength in the Mediterranean will significantly weaken Israel's position in bargaining with the Egyptians because it is no longer clear that the United States has the power to deter Soviet intervention on the Arab side in the event of renewed Arab-Israel hostilities. If this inability of U.S. naval forces to support American foreign policy objectives is not reversed by modernization of our forces, the ability of Israel to survive as a nation through the 1970's is called into serious doubt.

The 6th Fleet has also been a vital link in the defenses of Western Europe, a link which has become increasingly vital as one by one the Western Powers have abandoned military bases in Morocco, Algiers, and Libya. Thus any doubts as to the fleet's continuing ability to discharge its mission in the defense of the NATO alliance will have the most important impact politically and psychologically on future decisions made by the member countries. To the extent that their confidence in the security provided by the NATO alliance is eroded, to that extent will they become tempted to make accommodations with the East which would increasingly isolate the United States.

There are the implications of our deteriorating military position in the Mediterranean. We simply cannot afford, at this critical time, to lose sight of the fact that in the last analysis our ability to achieve our essential policy objectives in the Mediterranean basin and elsewhere depends on the plausibility of the military power which we can mobilize in their support. This is what makes it so vitally important that we reverse the damage done to the 6th Fleet in particular, and to our Navy in general, by the budgetary constraints under which it has had to operate in recent years. We simply cannot afford to fall further behind the Soviet Union.

I submit, Mr. President, that the hard realities leave us no choice but to rebuild our defenses to the levels which are required for us to maintain the peace.

Mr. President, this morning after I had prepared my remarks I came across an article in this week's Newsweek magazine entitled "A Mediterranean Tide Runs For the Russians," written by Arnaud De Borchgrave, which supports the details of my position. I ask unanimous consent that it be printed in the Record at this point.

There being no objection, the article was ordered to be printed in the Record, as follows:

A MEDITERRANEAN TIDE RUNS FOR THE RUSSIANS

(By Arnaud de Borchgrave)

Aboard the U.S.S. Springfield last week, a young naval intelligence officer could hardly contain his admiration for the latest Soviet warships steaming in the Mediterranean Sea. "That's a beauty," he said, pointing to a photographic blowup of a Kresta-class guided-missile cruiser. "There's nothing like it on our side." Standing nearby, Vice Admiral Isaac C. Kidd, the commander of the U.S. Sixth Fleet, readily agreed. "A humdinger," he said of the Soviet ship. "Only 3,500 tons. But it's got the punch of a pocket battleship."

Nowadays, the Soviet Union packs quite a wallop in the Mediterranean. On a typical day last week, the wall-to-wall situation room (map) at NATO's surveillance headquarters in Naples bristled with symbols for Soviet men-o'-war: 55 versus the 44 in the Sixth Fleet (map). And Russian political influence in the strategically important inland sea has grown apace with its fleet. Last week, the Kremlin dispatched Ambassador Mikhail Smirnovsky to the Maltese capital of Valletta in hopes of securing an embassy in the one-time British possession. Both British and American spokesmen professed to see no threat to the NATO installation on Malta, doubting that its newly elected leftist Premier will turn over those naval facilities to the Russians. But there was no mistaking their fear—expressed also by Israeli Defense Minister Moshe Dayan last week—that the successful Soviet penetration of the Mediterranean is bringing about a fundamental change in the balance of power in the area.

There is no question in my mind that the Russians see America's loss of taste for international leadership as the opportunity to become the dominant power in the Mediterranean and, ultimately, in the entire Eurasian land mass and adjacent oceans.

U.S. admirals in the Mediterranean claim to be confident that, in the event of a military showdown, the Sixth Fleet could still overwhelm the Soviet fleet and fulfill its "second strike" nuclear mission against assigned targets in East Europe and southern Russia. This claim to naval superiority is evidently based on the American fleet's two aircraft carriers, ships whose firepower the Soviet fleet cannot match on a ship-to-ship basis. But it is worth remembering that the newly installed Russian tactical air force in Egypt—which has recently been dug into 220 hardened sites—can fly cover for the Soviet fleet in the Mediterranean and, if need be, attack the U.S. flat-tops. Moreover, some military experts are convinced that the two U.S. carriers have already been effectively neutralized by the latest Soviet guided-missile cruisers to arrive in the sea. Finally, the ships of the U.S. fleet are of much older vintage than the Russian vessels, and at the present rate of deployment, these experts believe, the Soviet Mediterranean fleet will clearly surpass the American armada in potency by mid-1972.

In the eyes of West Europeans, this expansion of Soviet power is directly related to critical changes in the American home front. The Europeans realize that the bitter taste of the Vietnam war has soured the U.S. on overseas commitments, and they are coming to believe that they may soon have to fend for themselves. But with the proliferation of Soviet power in the Mediterranean and along Europe's oil-supply routes, Moscow hopes to discourage a separate European defense effort as futile, thereby encouraging a trend toward West European neutralism. The combination of neo-isolationism in the U.S. and neutralism in Europe could be the mix that removes the Sixth Fleet from the Mediterranean without a shot being fired.

Raymond Cartier, one of Europe's most widely respected journalists, recently wrote: "America has given Europe a quarter of a century of invulnerability but Europe has not had the foresight to transfer some of its opulence to the problem of its own security. The withdrawal of American forces in the relatively near future is a certainty. The Mediterranean is now blanketed by Soviet naval power lapping against Europe's southern coastline. The northern front has also been outflanked by the same Soviet naval power reaching into the Atlantic."

Disarray: If Europe existed as more than a geographic expression, there might be an alternative to U.S. power. But many countries that now might wish to reduce their dependence on one or the other of the two superpowers regretfully conclude that there will be no European alternative for a long time to come. The European monetary union project, a prerequisite for an integrated European defense community, was dealt yet another blow in the Franco-German summit meeting last week when Chancellor Willy Brandt and President Georges Pompidou failed to reach agreement on the status of the floating Deutsche mark (page 69). This kind of European disarray, coupled with the fact that the U.S. is already in retreat—at least psychologically—means that things will continue to go Russia's way in an area of vital concern to the entire Western world.

Many Western officials and commentators, convinced that gunboat diplomacy is dead in an age of multi-headed nuclear missiles, have dismissed the Soviet effort in the Mediterranean as wasteful and useless. But the Soviets know better. When Egyptian President Anwar Sadat purged pro-Soviet plotters from his entourage two months ago, Moscow managed to more than offset its losses; it swiftly extracted from Sadat a new fifteen-year treaty that tied Egypt even closer to the Soviet Union. Among the many reasons that led Sadat to sign the treaty, presumably one was his belief that the massive Soviet presence in the Mediterranean was visible proof of Moscow's commitment to the Arab cause.

Vacuum: The same kind of gunboat diplomacy, Europeans fear, might be used in countries all along the North African and European littorals of the Mediterranean in the years to come. Nonalignment is tantamount to a power vacuum in the Soviet book, and with the withdrawal of Western influence from North Africa, the Soviets are making a determined effort to move in. Morocco, the last remaining monarchy in North Africa, is ripe for revolution—as last week's attempt to remove King Hassan showed—and the Soviets would be happy to help. Europe-oriented Tunisia, squeezed between revolutionary regimes in Algeria and Libya—and heavily dependent on ailing President Habib Bourguiba—would be another likely target.

The Soviet power in the Mediterranean basin will also make itself felt in the critically important Persian Gulf area once the Suez Canal is reopened. The gulf area supplies 60 per cent of West Europe's and 90 per cent of Japan's fuel needs. The British are phasing out of the gulf later this year and the U.S. has no intention—or desire—to fill the power gap. Moreover, London's plan for a gulf federation collapsed and the oil sheikdoms are about to opt for independence. "A few modern Soviet warships calling regularly at these ports and entertaining impressionable sheiks will work miracles," a longtime gulf resident told me. "Especially if there is no countervailing U.S. force."

It won't be long before the sheiks realize where the real power lies. The Soviets already have twenty new warships on station in the Indian Ocean (as against two U.S. ships). Anticipating the reopening of the Suez Canal, they have also just completed construction of a new naval base at Port Sudan on the Red Sea (in return for free MIG's and tanks for the Sudanese), halfway between the Mediterranean and the Persian Gulf. Should the Soviets successfully expand their Mediterranean presence into this part of the world, they would be able to exercise additional political leverage on Western Europe by controlling its sources of oil.

Détente: No one suggests that the Soviets don't have a right to be in the Mediterranean in whatever force they wish, and in the Indian Ocean and Persian Gulf for that matter. But what is needed is a credible countervailing force. Instead, America is pulling out, and Europe is dithering. In the past five years, NATO forces in Central Europe have been allowed to run down by 25 per cent (including the loss of 500 aircraft). During the same time, Soviet forces alone, on the same front, have increased by six divisions. Despite U.S. pledges to maintain and improve its strength in Europe, it was revealed two weeks ago that two Air Force squadrons were pulled out of Europe in 1970 without a word being said to America's European allies. "The very prospects of détente," commented the outgoing NATO civilian chief, Manlio Brosio, last week, "have created a climate in Western opinion in favor of unilaterally reducing NATO force levels." Moscow, of course, remains unencumbered by the restraints of public opinion, and whenever anyone in the West tries to halt the drift toward a lax defense posture, the Russians fire off accusations that such talk impedes détente.

Even more important than Soviet intentions, however, is the American trend toward introspection and isolation. "The steady encroachment of Congress on the President's ability to conduct foreign policy," one of Europe's leading policymakers told me recently, "means that a formal pledge isn't what it used to be." Moreover, the release of the Pentagon papers has, in a sense, vindicated those in the U.S. who regard power politics as evil and un-American. But that doesn't mean that the power realities will oblige us by simply disappearing.

Under these circumstances, Europeans are keeping their options open. Even Franco Spain and the colonels in Greece are doing what they can to improve relations with Moscow. For by conveying the impression that over the next few years domestic affairs will enjoy priority over foreign affairs, America is, in effect, telling Moscow: "This is your round in the Mediterranean. Make the most of it." It is an absolute certainty that the Russians will do just that.

Mr. BEALL. Mr. President, will the Senator yield?

Mr. BUCKLEY. I yield.

Mr. BEALL. I thank the distinguished Senator from New York for yielding, and I congratulate him on his graphic presentation of the apparent dangers to our country due to the lack of modernization of the U.S. Fleet. I think we are all aware of our commitment to the state of Israel, and how important a modern American fleet in the Mediterranean is, not only to our Nation but to all the nations of the free world, to demonstrate the depth of our commitment to maintaining peace in that area.

I share the concern of the Senator from Colorado about the deterioration of the American fleet. I know that most of the ships in the fleet we have today are the same ships that were in the fleet at the time I served in the Navy briefly in 1945 and 1946. I share the concern that we are falling behind in technology, because I think one of the great strengths of our country has been the fact that we maintained a lead in technology over the rest of the world. I share the concern that we are not devoting a sufficient part of our military and naval budgets to the development of new techniques.

I believe that insuring the free movement of shipping is one of the essentials of world peace. To preserve that essential calls for a Navy capable of keeping those sea lanes open. And beyond the basic need of ships and planes, a strengthened Navy calls for a strengthened U.S. Naval Academy.

The most vital strength of America is personified in the vibrant young men who come from all over America to Annapolis in my State.

At a time when "to opt out" is too often the order of the day, it is refreshing and reassuring that so many young men still accept the challenge of the rigors of the Naval Academy.

It has been said that many young people seek a life of service today—a life not dictated by the so-called material aspirations of their parents. That is precisely the life to which the Naval Academy has attracted young men since 1850. A life of service with responsibility. A life of adventure with leadership.

The challenge that confronts every young man in deciding what to do with his life has never been more difficult.

His choice has never been more critical to the future of this Nation.

These are troubled times. If we are to endure and prosper as a free country we must insure that tomorrow's leaders have the toughness of mind, of spirit, and character to overcome not only the difficulties that are upon us now . . . but those that loom on the horizon.

Personal accountability is at the very heart of the way of life we demand of our midshipmen.

The strong of body and mind are selected—to be tested, to be tried, to be challenged. The entrance threshold we set for them is extremely high. Our expectations of them is even higher.

But I have learned of something that deeply disturbs me. Something that even dedication, commitment, personal accountability, and individual strength cannot overcome. It is the high priority the Soviets have given the training of naval officers.

The glitter of June Week pales when we learn that for every Annapolis, the Soviet Union has six higher naval command schools and four higher naval engineering schools; 10 equivalents to our Naval Academy. The Soviet Union also has three super naval academies for which we have no equivalent. These are graduate and post-graduate schools—one at Kiev, interestingly, just for naval politics, and another just for naval medicine.

The awesome responsibility we heap on our Naval Academy to match the product of those Soviet higher naval military schools and the super naval academies calls for redoubled efforts to insure the improved capability of Annapolis to meet the increasing demands of the naval defense of the United States in the 1970's.

Mr. President, I ask unanimous consent to have printed in the Record at this point a brief description of the Soviet institutions for training naval officers.

There being no objection, the description was ordered to be printed in the Record, as follows:

Soviet Naval Officers Schools

The Soviet Naval Officers' School System consists of six Higher Command Schools, four Higher Naval Engineering Schools, one Higher Naval Political School, the Naval Academy and the Naval Medical Academy, as well as the Naval Department of the General Staff Academy.

A. 6. HIGHER COMMAND SCHOOLS

3 in the Baltic and North Sea Fleet Commands:

1. The "Ushakov-Frunze" Higher Naval School in Leningrad.

2. The Higher Submarine Navigation School in Leningrad.

3. The Kaliningrad Higher Naval School in Kaliningrad (formerly Koenigsberg).

Black Sea Fleet Command: (1)

The Black Sea "Nakhimor" Higher Naval Schools in Sevastopol.

1 in the Pacific Fleet Command:

The Pacific Ocean "Makarov" Higher Naval School in Vladivostok.

1 in the Caspian Fleet Flotilla Command:

The Caspian "Kirov" Higher Naval School in Baku.

B. 4 HIGHER NAVAL ENGINEERING SCHOOLS

The Higher "Dzerzhinskiy" Naval Engineering School in Leningrad.

The Leningrad Higher Naval School in Leningrad-Pushkin.

The Sevastopol' Higher Engineering School in Sevastopol'.

The Higher Radio Electronics "Povov" Naval School in Leningrad-Petrodvorets.

The Kiev Higher Naval Political School in Kiyev trains political officers for the Soviet naval forces.

The Higher Naval Schools have a five-year study period, including 10 months training at sea. Graduates of the Command Schools are given the rank of junior officers and those of the engineering schools are given an engineering degree in the specialty of their studies.

The Frunze Command School in Leningrad is granting graduate degrees of Candidates of Naval Sciences.

An estimated total of about 1,000 officers including some 300 Naval Engineers graduate annually.

THE LENIN AND USHAKOV NAVAL ACADEMY

The Order of Lenin and Ushakov Naval Academy in Leningrad, headed by Admiral A. Ye. Orel, was founded in 1827. After World War II it was divided into two separate Academies: the Command Naval Academy and the A. N. Krylov Naval Shipbuilding and Naval Armaments Academy.

Recently the two academies were again merged into a single one: the Lenin and Ushakov Naval Academy. Rear Admiral V. Lizarskiy, Chief of the Political (Control) Department of the Academy, explained that this merger was due to the fact that "the (Soviet) Navy had become in the full sense of the term an offensive branch of the long-range armed forces. It was in the new conditions considered to be unpractical to maintain separate training of command and engineering officers."

The staff of the academy currently includes some 50 doctors of sciences and the academy grants doctorate degrees in Naval Sciences. Research in naval affairs by members of the academy staff and the student body is strongly encouraged. Graduates of the academy, many of whom hold high command posts, are encouraged to pursue post-graduate studies and to obtain advanced degrees. A system of obtaining fellowships admits qualified graduates of other higher schools and universities.

THE ACADEMY OF THE GENERAL STAFF, THE NAVAL DEPARTMENT

The Naval Academy of the Department of the General Staff is attended by highly qualified naval officers with outstanding records for post-graduate studies and advanced degrees in Naval Sciences.

Mr. BEALL. I yield the floor.

ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senator from Tennessee (Mr. Brock) is recognized for not to exceed 15 minutes.

Mr. BROCK. Mr. President, I yield to the Senator from Kansas.

THE NAVY'S ROLE IN NATIONAL SECURITY STRATEGY

Mr. DOLE. Mr. President, an evaluation of current national security strategy leads me to the conviction that our Nation must rely increasingly upon naval forces to deter both strategic and conventional aggression. Sea-based forces provide reliable weapons systems to deter nuclear war and also provide the foundation for collective defense of the free world.

The new foreign policy of the United States, the Nixon doctrine, and its supporting national strategy of realistic deterrence places increased reliance on the U.S. Navy.

The underlying theme in the Nixon doctrine, while recognizing the importance of Western Europe and the Atlantic Alliance to U.S. security interests, is a sharing of security burdens with allies, a strong but tailored U.S. force which is mobile and capable of application in a range of situations and types of response. It must be a force capable of countering Soviet military power and initiatives.

The logical military strategy consistent with our stated national interests, the threat posed by potential enemies, and the new approaches of the Nixon doctrine is sea-based mobility—mobility to shift our forces to where they may be needed, and to support them there so long as their presence is required. Therefore, the Navy must provide this mobility and the means to protect it.

As a maritime nation, it is essential that our sea lines of communication be maintained to our sources of raw materials and to our allies, and that we are capable of controlling vital sea areas. This necessity to control the sea areas is the foundation of our ability to protect U.S. interests. It is in this area where the Soviet Union is now mounting a challenge, second only in danger to their challenge in strategic nuclear arms.

There now exists a state of so-called nuclear parity or nuclear balance between the United States and the Union of Soviet Socialist Republics, but because that balance is tenuous in certain areas a dangerous and potentially fatal situation arises.

President Nixon on February 25, 1971, in his report to Congress on U.S. foreign policy expressed it this way:

> The growth of Soviet power in the last several years could tempt Soviet leaders into bolder challenges. It could lead them to underestimate the risks of certain policies.

We in this Chamber, of course, have the responsibility and the opportunity to help dissuade the Soviet leaders from the temptation of making bold challenging risks with their military power.

We can see to it that the defense-related bills which come before us provide for a prudently sufficient defense posture. But our task is not easy.

NAVY PROGRAM IMPORTANT TO MAINTAIN NUCLEAR BALANCE AND HEDGE IF ARMS LIMITING TALK BREAKDOWN

For example, the Strategic Arms Limitation Talks, SALT, have again gotten underway and there will be the naturally hopeful inclination on the part of many to assume an early and successful outcome.

All of us wish a successful outcome to those negotiations but we must be realistic and not one of us knows at what date success might be achieved. It possibly could be in 12 months or, negotiations could continue for 12 years. Prudence dictates moreover that we recognize and hedge against even the possibility of a complete breakdown in the negotiations on arms limitation.

Some will ask how possibly can we hedge against such an eventuality, and I say the immediate hedge is essentially provided for in the defense programs and defense-related programs as proposed by the administration for fiscal year 1972.

It is not my purpose here to review those programs but, rather, to note that that hedge includes, among other things, the continuation of the program which eventually will convert 31 of our ballistic missile carrying submarines to Poseidon nuclear missile carriers. It is essential to the maintenance of the strategic nuclear balance that we carry forward the Poseidon program.

NAVAL CHALLENGE TO THE CONDUCT OF OUR FOREIGN RELATIONS

Under the Nixon doctrine however there are several implications important for the Navy which lie beyond the maintenance of strategic nuclear balance.

The Nixon Doctrine also includes the concept of our own mobile conventional deterrent forces capable of maintaining an overseas presence, capable of projecting allied power into conflict areas, and capable of maintaining sea lanes of communication. And the doctrine calls for effective military assistance to our allies.

But in the conduct of our foreign relations there is posed a relatively new threat. Soviet ships of war now sail all the oceans of the world, and in conjunction with modern fishing and merchant fleets, they make the presence of the U.S.S.R. felt even in areas where formerly the U.S. Navy was without challenge. Today we are faced with an expanding Soviet Naval challenge which reaches not only to waters adjacent to our coasts but to the very coastlines themselves and, in fact, inland several hundred miles.

SEA LANES REQUIRED TO CARRY OUT TREATY ARRANGEMENTS

The deployment of military units overseas whether they be Army or Marine or Air Force units requires that sea lanes of communication be established for sustained support of those deployed forces. Despite the acquisition of transport aircraft of huge capacity the vast bulk of material support for overseas forces will be carried by sealift. In Vietnam, for example, I am told sealift accounted for over 95 percent of the resupply. Any decision, therefore to deploy friendly forces to an overseas area requires the assumption that we or our allies will control the sea lanes of communication.

We can see then that to carry out treaty arrangements and military goals under the Nixon doctrine it is essential that we be capable of projecting military power, our own, or our allies or a combination of both. Projection forces include troop landings ashore from ships as well as carrier-based aircraft capable of striking hundreds of miles inland.

SEA LANES REQUIRED FOR NONTREATY OBLIGATIONS

But also we must give consideration to situations in which our interests are involved even though we have no formal treaty arrangement. Such would be the case as with Israel where our national interests results not from a treaty but from common cultural and historic traditions. In such a case as during a so-called Mideast crisis our deterrent forces must be capable of carrying out their assigned missions without support from treaty allies.

For the accomplishment of those missions in the Mideast again we are dependent upon the use of sea lanes of communication. Secretary of Defense Laird expressed the latter point in his Defense report of March 9, 1971, when he stated:

> U.S. involvement in world affairs is not based exclusively on our alliances, but rather, our formal and informal obligations derive from and are shaped by our own national interests. To protect our interests, we must insure free use of international air space and free access to the world's oceans.

NAVAL PRESENCE HAS POLITICAL ROLE

I know of no plan which would permit us feasibly to withdraw completely all of our military forces from overseas but we are reducing the size of those forces and as we do so our Navy assumes greater political as well as military significance. In other words, the Navy is ideally suited for the mission of gaining political ends by displaying power in areas of U.S. national interest. Naval forces on station are visible reminders to our adversaries that our military units although reduced or removed can be returned swiftly.

CONCLUSION

Without a viable Navy there would be relatively few options open to the United States in the conduct of foreign policy. The Navy daily plays a role in maintaining the highly tenuous balance of power which is said to exist today. That situation stems from a Soviet challenge which is based on nuclear weapons but also on Soviet conventional seapower.

Under the Nixon doctrine, as U.S. forces are reduced and redeployed from overseas, we must depend increasingly upon our friends in the free world to carry a larger share of defense, and thus the use of sea lanes of communication is of increasing importance to us.

The requirement for an active forceful Navy it must be made clear to all Americans, rests on truly national considerations. These are not interests narrowly based on parochial considerations of geography or politics. We must make a concerted effort to make clear to Americans that if we do not provide our Navy with the kinds of warships and other equipment which can successfully counter the rapidly expanding Soviet naval threat, the United States will not have a credible capability to conduct foreign relations and maintain the Nation's security.

THE BALANCE OF NAVAL POWER

Mr. BROCK. I thank the Senator from Kansas for his remarks. I should like to express my gratitude to the Senators from Colorado, Maryland, and New York for their contribution in this expression of concern.

Mr. President, as they have so ably pointed out, the balance of power between the United States and the Soviet Union has been slowly but steadily shifting in favor of the Soviet Union within the last decade and particularly in the past few years.

This development has critical implications, not only for the security of this Nation, but for the cause of world peace. Recognized, it can be averted. Ignored, it can threaten our very survival as a free people. To illustrate, I would comment on only one element of our strategic capability.

By the beginning of 1971, naval circles in the free world voiced their opinion that the Soviet Navy had considerably improved its capabilities of defense, of strategic offensive operations, and of surface and antisubmarine support.

Despite strong indications of what may already have become an adverse balance of power, the past decade has seen, with a few notable exceptions, our Nation content with a fleet whose annual accomplishment seems limited to growing 1 year older. Cries of alarm are met by a wall of complacent silence.

Yet, no one can deny the positive effect of the presence of the 6th Fleet in maintaining a trembling, tenuous peace in the Middle East, as has been so ably pointed out by the Senator from New York. Were the Soviet Union to achieve our naval superiority in the Mediterranean, would peace still be possible?

Again, military pay increases for personnel gain overwhelming congressional support. Is it really logical to expect our forces to preserve the security of freedom with inadequate and obsolete weapons, no matter how well paid they are? Where is our sense of priorities?

Too many still fail to realize what is happening on the oceans of the world. While the great majority of Soviet warships are of new design and make, the great majority of American warships are no longer adequate for modern requirements. Even as we have to scrap old ships no longer fit to sail, we tend to curtail our shipbuilding program. Consequently, we now face a terrifying prospect of real naval inadequacy.

Among those who are beginning to realize the true situation there is a tendency to manifest surprise as if the growth of the Soviet Navy were a sudden and unexpected phenomenon.

In point of fact, the Soviet Navy in its present alarming proportions and equally alarming future developments, already carefully planned, did not emerge overnight or by accident. It is the result of a long, persistent, patient effort, with some hesitations as to methods and intermediate objectives, but none as to ultimate goals.

Prior to, during, and after World War II, the Soviet Navy was a relatively negligible force and its development is thus really spectacular, especially if one realizes that it was achieved with limited means and in a mere 20 years.

Immediately after the war, in order to build up a fleet capable of confronting any hostile powers and also impressed by the exploits of the United States and Allied navies, the U.S.S.R. launched upon a naval construction program the first phase of which extended from 1945 to 1953, the time of the death of Stalin.

During those years, the Soviet Union built an important but defensive and conventional fleet, which reflected the influence of foreign, particularly German, shipbuilding techniques. In the United States there was complacency. We knew that the Soviets did not have the large ports and extensive facilities, or the technology to build heavy ships that could match our carriers and destroyers.

From 1945 to 1953, the Soviet Union thus built close to 20 cruisers, 70 destroyers, 50 escort ships, more than 200 submarines, several hundred patrol boats, and numerous auxiliary and support craft. This fleet was one adapted for operations in narrow seas and for coastal defense, a defensive type naval force, in short.

The United States remained complacent. Starting with 1955–56, after 2 years of dissension, the Central Committee of the CPSU launched out on a far broader policy of shipbuilding which had these immediate objectives; namely, the building of missiles and the creation of a truly oceanic fleet of submarines and warships capable of operating far from their naval bases and equipped with nuclear or conventional guided missiles.

The founder of the modern Soviet navy, Admiral Gorshkov, himself wrote in 1967 as follows:

> In the middle of the fifties, within the framework of the revolution in military art, the Central Committee of our Party defined the direction to be followed in the development of our Fleet, as well as its role and place in the Armed Forces. It was decided to build an oceanic force capable of fulfilling strategic offensive tasks by stressing submarine and naval aviation equipped with nuclear missiles.

It is interesting to note that it is precisely in 1955, when the real development of the Soviet Navy began, that Admiral Gorshkov was named commander in chief of the Soviet Naval Forces, a post he still holds.

Enormous credit must be given to Admiral Gorshkov. With inadequate facilities and a limited background of naval experience, the Soviet Union built one of the great navies of history in less than two decades. They were able to accomplish such a task because they were flexible enough to take advantage of the shifts in military technology.

The new technology was primarily in two fields—electronic missilery and nuclear propulsion. Abandoning old designs created for the gunboat era, the Soviets forged ahead with smaller vessels which could be produced in their small shipyards, vessels designed specifically, from the hull up, to accommodate missiles. Instead of the old 15,450-ton cruisers of the *Sverdlov* class, the Soviets turned out the new *Kresta* and *Kynda* missile cruisers of 4,800 and 6,000 tons, respectively, and chose not to build regular carriers at all. Only one *Sverdlov* class cruiser was converted to missiles; all other missile-carrying ships are of new design.

I am not going to enter the debate about whether carriers or cruisers represent the best strategy. The point is that the Soviets decided upon the latter, and moved ahead in that field quickly. They were willing to experiment, even though experimentation sometimes means changes, delays, and cost overruns.

In addition to the cruisers, the early sixties saw the construction of the *Krupny* and *Kildin* class guided missile destroyers, as well as the smaller vessels such as the famous *Osa* and *Komar* missile boats, the *Petya* and *Poti* frigates, and the recent introduction of hydrofoils. These smaller vessels are again made possible because of the introduction of newer electronic guidance systems and improved short-range missiles.

Meanwhile, the Soviets have also embraced nuclear propulsion in the development of their submarine fleet. While five nuclear submarines per year are being built in the United States, the Soviet Union is reported to be building on the average one nuclear submarine per month.

The greatest and most recent development in the Soviet Navy is now that of the Y class 8,000-ton submarine which carries 16 ballistic missile launchers of the Sawfly type. They would seem to be the counterpart of the American SSBN-Polaris and have a range of 1,500 nautical miles. The noise during navigation, which has long been the plague of Soviet submarines, appears to have been considerably reduced. These submarines participated in the *Okean* maneuvers and have been spotted in the Atlantic south of Greenland. An attack from these ships hidden in the ocean, 700 to 800 miles away from the coast could destroy a good part of American air and missile bases without being noted in time by alarm systems.

The Soviets still have 10 nuclear submarines of the H–II class, which they began building in 1959–60. A predecessor of the Y class, the H–II carries only three of the long-range Sawfly missiles, as well as other missiles of 350- to 650-mile range.

In addition, it is believed that a number of additional nuclear powered submarines of the ballistic type are under construction or have been recently launched. A large 300-foot long submarine was reported started at the Gorky yard in 1967. The purpose of this huge vessel is unknown, and may even be a prototype of some underwater launching system similar in purpose to our proposed ULMS.

It has also been reported that a new missile carrying class of nuclear submarine, with 16 launching tubes, has been started. In view of the constant modification and improvement of existing models, this is quite possible.

The Soviets have also shown a similar flexibility in the development of their nuclear attack submarines. The new C class may be considered an attack submarine against both sea targets and medium range land objectives. With a top speed of 30 knots—submerged—and cruise missiles of 400 mile range, their mission is to protect missile ships and also to tail the U.S. SSBN/Polaris submarines in order to attempt to neutralize their action. About one such submarine is being started each month.

The C class attack submarines were preceded by the E I class in 1963 and the E II class in 1964. Despite their slower speed, production appears to be continuing.

Finally, the Soviets have also built two classes of antisubmarine type submarines. The existence of the V class was first reported in 1969. Five have been built today, supplementing the 15 N class antisub submarines built between 1960 and 1965. One of these ships, the *Leninsky Komsomol* sailed to the North Pole in the early sixties.

I have gone into detail on the Soviet nuclear submarines to show the amazing variety of design and purpose, each suited for a different aspect of the Soviet strategy of naval flexibility. There is no need to go into detail on the Soviet conventional submarine fleet, except to point out that they have two classes of conventional ballistic missile submarines, three classes of the guided missile types, and eight classes of conventional fleet submarines, with around 300 vessels in all.

Within the past decade, and especially within the past 5 years, the Soviets have been making very good use of their modern navy, demonstrating the shifting balance of naval power. The very presence of the Soviet ships in increasing numbers and always more frequently in waters in which they had hitherto never ventured, is an element in this shift of the balance of power. This presence has been assiduously cultivated throughout the end of the fifties and especially in the sixties. In 1968, for instance, by Soviet admission, Soviet naval forces visited 26 countries and the following year they visited 38 countries.

The strategy of the U.S.S.R. also appears to be one of accumulation of small, local psychological and if need be military victories. As the Senator from New York has pointed out, the fact that a Soviet missile boat of the *Komar* type sank an Israeli ship in 1967 is still mentioned and commented upon in the foreign press. There is no question that all-out confrontation with the United States is still too risky for the Soviet Navy, but in lieu of this, the Soviets strive to undermine as much as possible the prestige of the United States abroad and to enhance its own.

A policy of isolation of the United States in Europe is carried out through the gradual grouping of anti-NATO forces in the Mediterranean and in North Africa. The Soviet Union is actually waging a sort of naval guerrilla warfare of the psychological type, aimed at achieving its ends without having to resort to actual war. It is a war in which an effort is made to neutralize the effectiveness of giant units through potential of constant harassment, by the presence of new, fast, and effective long-range surface and submarine units equipped with guided missiles. It is thereby hoped to demoralize even further pro-Western forces and to capitalize on the attraction exercised by the presence and local success and carefully planned help of what appears to be the new emerging power.

Mr. President, I appreciate the work and planning which has gone into our own naval polices. But, as a member of the United States Senate, it is past time we became aware of the changing nature of the Soviet naval power. As a Nation, we must understand that we need more flexibility in our naval defenses, and that we need not only new ships, but ships of new classes. We cannot expect to meet the new patterns of naval strategy with vessels which were designed and built for World War II. In my opinion, the U.S. Navy must become again second to none; and, indeed, we have very little choice if we hope to remain free and in a peaceful condition.

The time for commitment—and action—is now.

If the Soviet Union achieves through missile submarines and other naval strength the ability to wipe out a major element of our strategic defense and deterrent forces, this Nation for the first time in its history can become subject to military and nuclear blackmail.

Nothing could be more dangerous for the prospect of maintaining the peace. Once achieved, a position of military superiority can be abused in the hands of the wrong people.

For ourselves and for our children such a possibility is intolerable.

Mr. President, I yield back the remainder of my time.

ORDER OF BUSINESS

Mr. BYRD of West Virginia. Mr. President, in view of the fact that Senators who have spoken under the orders today, have not taken the full time allotted to them, I ask unanimous consent that——

Mr. MOSS. Mr. President, will the Senator from West Virginia yield?

Mr. BYRD of West Virginia. I yield, yes, and ask unanimous consent, Mr. President, that the order recognizing the Senator from Delaware (Mr. ROTH) be vacated at this time.

The ACTING PRESIDENT pro tempore (Mr. CHILES). Without objection, it is so ordered.

Mr. MOSS. Mr. President, on June 29——

Mr. BYRD of West Virginia. Mr. President, under the order, the distinguished Senator from Utah (Mr. MOSS) is to be recognized at this time.

The ACTING PRESIDENT pro tempore. The Senator from Utah is recognized.

Mr. BYRD of West Virginia. Mr. President, I beg the Chair's pardon. I was in error. I ask unanimous consent that the time allotted to the distinguished Senator from Kansas (Mr. DOLE), at this time, also be vacated, in view of the fact that he has already spoken.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

THE STATE OF OUR ECONOMY

Mr. MOSS. Mr. President, on June 29 Secretary of the Treasury Connally, the President's newly designated "chief economic spokesman," talked with the press. He said quite a number of things, but one phrase of his struck me particularly and I quote:

> We are going to require some degree of patience on the part of the American people.

Now patience is a great virtue, but there comes a time when it is exhausted. I for one believe that the American people have run out of patience with the economic mismanagement of this administration. For the past 2½ years, this administration has contrived to manage us into mounting inflation and, simultaneously, into mounting unemployment.

I quote from two letters I have recently received—and I know my Senate colleagues have received many like them:

> DEAR SENATOR MOSS: I am sitting at my kitchen table turning to my last resort, you. My husband has been out of work and can find employment nowhere. He has been to many places including those places where civilians are employed by the Federal government. They will not even accept his application. How can we live on $56 a week with three young children growing up and in school? My husband is a man who has always worked very hard for his family and he is at a very low point especially now that it seems that even his country has no need for him.

> DEAR SENATOR MOSS: The intent of this letter is not meant to be of a "crank nature," but rather a representative situation of many, many people throughout the country.
>
> Until May 1, 1971, I have been a taxpayer for approximately 25 years, with an income of $15,000 annually (my wife and I combined) for the last ten years. Of this sum, the Federal, state and local governments receive approximately 20%. I assume this amount qualifies my family of five as "middle class."
>
> On May 1, 1971, I was terminated from work due to a "reduction in work force." Since that day I have looked constantly for employment but to date I have only remote possibilities.
>
> Week by week I see obligations mount which cannot be taken care of until I am once again employed. By imposing the strictest of budgets, my expenditures almost equal my income (not allowing for food). As a menial step to help alleviate my position, I applied for food stamps which were refused on the basis of too much income.
>
> Mr. Moss, I have never asked anyone for anything in my life but I guess there is always one time that a person must.

How shall we answer letters like these?

Shall we quote the administration's "chief economic spokesman," and ask these bruised and bewildered Americans to exercise "some degree of patience?"

If that be the prescription, then patience is going to be in very heavy demand this summer.

Personally, it sounds to me like preaching patience to a drowning man who is going down for the third time.

Throughout our country, day in and day out, solid hard-working citizens are suddenly finding themselves jobless. The bottom is dropping out of their lives, just as if an earthquake had opened up the ground at their feet.

Today this is happening not only to blue-collar workers, but increasingly to white-collar workers as well. No one, from the millhand and the file clerk all the way up to the executive suite, can feel really secure any more.

Engineers and scientists have been hard hit—and they are having great difficulty finding new jobs. Last December the Government set up a computerized "job bank" to match unemployed engineers and scientists with employers who needed them. Within a few months the project was dropped—because, the Labor Department said, of lack of employer interest.

Mr. Daniel T. Carroll, a top executive of a leading management firm, Booz Allen & Hamilton, has said:

> Unless we get geared up for providing new outlets for these men, we will have a lot of 40 and 50-year-old guys around with nothing to do.

While many long-time white- and blue-collar workers are losing their jobs, millions of other Americans are looking for their first jobs, and all too many are looking in vain. Vietnam war veterans, high school graduates, college graduates, even Ph. D.'s—all are finding the doors to meaningful employment closed against them.

Over one in ten of our Vietnam veterans is currently unemployed. Qualified observers have called the job outlook for high school graduates the worst in a decade, and for college graduates the worst since the depression.

Grim as the job situation is for white youngsters, it is even worse for black. Herbert Hill, a top NAACP official, has said:

> A large portion of this June's black graduates will be in a condition of permanent unemployment, while others go into low-paying dead-end jobs. We have here the basic ingredients for large-scale disorders.

For these and other frustrated Americans, the administration's only word is patience. Indeed, Secretary Connally's answers are even dustier than that. In his press conference, he dismissed the goal of 4-percent unemployment as a "myth"—even though as recently as last year the President's own Council of Economic Advisers set 3.8 percent as its goal.

Incidentally, while dismissing 4-percent unemployment as a myth, Mr. Connally created a myth of his own—that today's high unemployment is due to the winding down of the war.

He could better have acknowledged that it is due to the utter lack of planning, the deplorable lack of timely measures to fit veterans and defense workers into civilian life.

So full of negatives was Mr. Connally's debut as the President's chief economic spokesman that he seemed to be bucking for the title of "Abdominable No-Man."

The administration, he said, would not do this and it would not do that. With unemployment at 5½ million and prices still rising, it has chosen to stand pat.

The whole Connally press conference might, in fact, be characterized as one prolonged pause for stationary announcements.

The President, he said, would not institute a Wage-Price Review Board, he would not step up Government spending, he would not call for a tax cut—at least not for Mr. Average American.

The President has, however, chosen to award a major tax break to business in the form of liberalized depreciation allowances. He has argued that this will result in higher rates of investment. To me, this seems most unlikely.

Today, existing plant and equipment is operating at only 72 percent of capacity. This contrasts with levels between 83 and 90 percent maintained throughout the 1960's. With more than a quarter of our present plant and equipment lying idle, it is hard to see businessmen investing in much new plant and equipment, despite the carrot the President has dangled before them.

In full accord with his accent upon the negative, the President vetoed the accelerated public works bill—even though these public works are urgently needed, both in themselves and as a source of constructive employment. I shall vote to override this veto today.

To give credit where credit is due, I am pleased that he has seen fit to sign the Emergency Employment Act. If he had signed the similar bill last December—instead of vetoing it—thousands of jobless Americans would already be at work. He is late, very late—but better late than never. I for one welcome his conversion, however belated, to the concept of Federal subsidies for State and local public service jobs.

Having made this start, the President should go further. He should immediately release the more than $12 billion in Federal funds duly appropriated by the Congress for public housing, road building, and conservation projects. By impounding these funds, he is in effect keeping more people out of badly needed jobs.

I, myself, think the Federal Government should go further. It should beef up the present programs for aid to the States and cities in their efforts to arrest urban decay, upgrade the environment, and open the way to useful work and a better life for the depressed segments of the American community. Indeed, where necessary and appropriate, the Government should launch new programs for these worthwhile purposes.

Some may denounce this as spendthrift Government extravagance. To me, it seems to make a virtue out of our present necessities—by taking our idle manpower and productive facilities and putting them to constructive use. To me it seems the soundest kind of investment—an investment both in recovery from our present economic doldrums and in the long-term future of our country.

Actions such as these will have a powerful expansionary effect on the economy as a whole. It is, therefore, essential that the Federal Government move immediately to assure price stability. I agree with Chairman Arthur F. Burns of the Federal Reserve Board that inflation will not abate without a national incomes policy and a stronger Government voice on wages and prices. To make sure that the public interest is fully represented, I urge the establishment of precisely what the President has consistently rejected—a Wage-Price Review Board to focus public opinion on decisions critical to the welfare of our economy as a whole.

As to a tax cut, I concur with Chairman Wilbur Mills of the House Ways and Means Committee that we should keep an open mind on that. I would not advocate any such action until we have had the opportunity to study all the midyear economic data carefully; among other things, we need to know whether the 5.6 percent unemployment rate in June is largely a statistical aberration, as I suspect, or whether it represents real progress upon which we can build. Meanwhile, we should certainly keep our options open.

Finally, let me turn to some more basic considerations. In 1953 a healthy unemployment rate of only 2.9 percent "cost" us an inflation of less than 2 percent. Today we suffer a 5-percent inflation even though unemployment is running twice the 1953 level. While vast human and capital resources lie idle, prices continue to rise. Clearly, our economic system is not working as well as it should, and as it once did. We certainly need to know why, and then to do something effective about it.

I myself am convinced that a part of the answer lies in the power of large corporations arbitrarily to raise prices even in the face of falling demand. In this regard, the vigorous enforcement of a firm antitrust policy may be our best remedy.

Another part of the problem may be the persistence of bottlenecks of particular kinds of skilled labor even in periods of substantial unemployment; here the upgrading of skills through a well-designed training program can make a distinct contribution.

Then, too, there are notoriously inefficient industries and services which feed inflation, and which urgently need streamlining and modernizing. The construction industry and medical services are prime examples.

However well we manage our economic affairs, there may still from time to time be unemployment in the private sector. In such cases, the Federal Government should function as "the employer of last resort," putting people to work in public service jobs during a recession and moving them back into the private economy as it recovers.

I can say one thing for myself. As I read letters such as those I began these remarks by quoting—heartbreaking letters from bewildered Americans who do not know which way to turn—I have come to one very firm conviction. At our level of political and economic advancement, it is high time we decided, once and for all, to put an end to unemployment, an end so decisive that the very word will one day be labeled "obsolete" in our dictionaries.

PERIOD FOR THE TRANSACTION OF ROUTINE MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will now proceed to the transaction of routine morning business not to extend beyond 1 p.m. with statements therein limited to 3 minutes for each Senator to be recognized.

The Senator from Utah is recognized.

(The remarks of Mr. Moss when he introduced S. 2266 and S. 2267 are printed in the Record under Statements on Introduced Bills and Joint Resolutions.)

ORDER FOR STAR PRINT OF S. 2264, A BILL TO AMEND SECTION 601 OF THE FEDERAL AVIATION ACT OF 1958

Mr. MOSS. Mr. President, on Monday, July 12, I introduced S. 2264, a bill to amend section 601 of the Federal Aviation Act of 1958 to require the installation of collision avoidance systems and pilot indicator systems on certain aircraft. Inadvertently, the bill contained a typographical error in stating the maximum certificated takeoff weights at 2,500 pounds. That figure should read 12,500 pounds. I ask unanimous consent that a star print of the bill be printed correcting the error.

The ACTING PRESIDENT pro tempore (Mr. Chiles). Without objection, it is so ordered.

ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. Is there further morning business?

Mr. BYRD of West Virginia. Mr. President, I have been authorized by the distinguished majority leader to make the following unanimous-consent requests:

ORDER FOR ADJOURNMENT TO 10 A.M. TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that when the Senate completes its business today it stand in adjournment until 10 o'clock tomorrow morning.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER FOR ADJOURNMENT FROM THURSDAY TO 10 A.M. FRIDAY, JULY 16, 1971

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that when the Senate completes its business tomorrow it stand in adjournment until 10 o'clock on Friday morning next.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER FOR ADJOURNMENT FROM FRIDAY TO 11 A.M., MONDAY, JULY 19, 1971

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that when the Senate completes its business on Friday it stand in adjournment until 11 a.m. on Monday next.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER FOR RECESS FROM MONDAY NEXT TO 10 A.M., TUESDAY, JULY 20, 1971

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that when the Senate completes its business on Monday next it stand in recess until 10 a.m. on Tuesday next.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER FOR CONSIDERATION OF HOUSING AND URBAN DEVELOPMENT APPROPRIATION BILL ON TUESDAY, JULY 20, 1971

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that on Tuesday next, immediately following the recognition of the two leaders under the standing order, the Senate proceed to the consideration of H.R. 9382, the Housing and Urban Development Appropriation bill; that time thereon be limited—and this has been cleared with the distinguished minority leader—to 1 hour on the bill, to be equally divided between the manager of the bill (Mr. Pastore) and the ranking minority member, the Senator from Colorado (Mr. Allott); that time on any amendment be limited to one-half hour, to be equally divided between the mover of the amendment and the manager of the bill, the Senator from Rhode Island (Mr. Pastore).

The ACTING PRESIDENT pro tempore (Mr. CHILES). Without objection it is so ordered.

ORDER FOR CONSIDERATION OF S. 934, THE HEALTH MANPOWER BILL

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that, immediately following the vote today on the motion to override the Presidential veto, the Senate proceed to the consideration of S. 934, the so-called health manpower bill; that time thereon be limited to 2 hours and 15 minutes, with the understanding that 1 hour and 15 minutes be under the control of the manager of the bill, the Senator from Massachusetts (Mr. KENNEDY), and that 1 hour be under the control of the distinguished Senator from Colorado (Mr. DOMINICK), with the further understanding that there be a time limitation on any amendment of 30 minutes, to be equally divided between the mover of the amendment and the manager of the bill, with the exception of an amendment by the Senator from Texas (Mr. TOWER), in connection with which there be 1 hour on the amendment to be equally divided between the mover of the amendment and the manager of the bill; provided further that no amendment not germane may be received; and provided further that Senators who control the time on the bill may yield time therefrom to any Senator on any motion, amendment, or appeal, except a motion to lay on the table.

The ACTING PRESIDENT pro tempore (Mr. CHILES) Without objection, it is so ordered.

ORDER FOR CONSIDERATION OF S. 1747

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that immediately following the disposition of S. 934 the Senate proceed to the consideration of S. 1747, the second health manpower bill, and that time thereon be limited to 1½ hours, to be equally divided between the distinguished manager of the bill, the Senator from Massachusetts (Mr. KENNEDY) and the distinguished Senator from Colorado (Mr. DOMINICK); provided further that there be a time limitation on any amendment of 30 minutes, to be equally divided between the mover of the amendment and the manager of the bill; provided further that no amendment not germane may be received; and provided further that Senators who control time on the bill may yield time therefrom to any Senator on any motion, amendment, or appeal, except a motion to lay on the table.

The ACTING PRESIDENT pro tempore (Mr. CHILES). Without objection, it is so ordered.

REQUEST FOR YEAS AND NAYS TO BE IN ORDER ON CERTAIN BILLS

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that it be in order at any time to order the yeas and nays on S. 934, S. 1747, H.R. 9270, H.R. 9382, and H.R. 9272.

The ACTING PRESIDENT pro tempore (Mr. CHILES). Without objection, it is ordered.

QUORUM CALL

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. SPARKMAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The Senator from Alabama is recognized.

(The remarks of Mr. SPARKMAN when he introduced S. 2269 are printed in the RECORD under Statements on Introduced Bills and Joint Resolutions.)

EXPORT EXPANSION FINANCE ACT OF 1971

Mr. SPARKMAN. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on S. 581.

The ACTING PRESIDENT pro tempore laid before the Senate the amendments of the House of Representatives to the bill (S. 581) an act to amend the Export-Import Bank Act of 1945, as amended, to allow for greater expansion of the export trade of the United States, to exclude Bank receipts and disbursements from the budget of the U.S. Government, to extend for 3 years the period within which the Bank is authorized to exercise its functions, to increase the Bank's lending authority and its authority to issue, against fractional reserves and against full reserves, insurance and guarantees, to authorize the Bank to issue for purchase by any purchaser its obligations maturing subsequent to June 30, 1976, and for other purposes which were to strike out all after the enacting clause, and insert:

That (a) this Act may be cited as the "Export Expansion Finance Act of 1971".

(b) The Export-Import Bank Act of 1945 (12 U.S.C. 635 and following) is amended as follows:

(1) Section 2(a) of such Act is amended by inserting "(1)" immediately after "SEC. 2. (a)" and by adding at the end thereof the following new paragraph:

"(2) The receipts and disbursements of the Bank in the discharge of its functions shall not be included in the totals of the budget of the United States Government and shall be exempt from any annual expenditure and net lending (budget outlays) limitations imposed on the budget of the United States Government. In accordance with the provisions of the Government Corporation Control Act, the President shall transmit annually to the Congress a budget for program activities and for administrative expenses of the Bank, which budget shall also include the estimated annual net borrowing by the Bank from the United States Treasury. The President shall report annually to the Congress the amount of net lending of the Bank, including any net lending created by the net borrowing from the United States Treasury, which would be included in the totals of the budget of the United States Government if the Bank's activities were not excluded from those totals as a result of this section."

(2) Section 2(c) (1) of such Act is amended by striking out $3,500,000,000" and inserting in lieu thereof "$10,000,000,000".

(3) Section 7 of such Act is amended by striking out "$13,500,000,000" and inserting in lieu thereof "$20,000,000,000".

(4) Section 8 of such Act is amended by striking out "June 30, 1973" and inserting in lieu thereof "June 30, 1974", and by inserting immediately following the words "Secretary of the Treasury" "or any other purchasers".

(5) Section 2(b) (1) of such Act is amended to read as follows:

"(b) (1) It is the policy of the United States to foster expansion of exports of goods and related services, thereby contributing to the promotion and maintenance of high levels of employment and real income and to the increased development of the productive resources of the United States. To meet this objective, the Export-Import Bank is directed in the exercise of its functions to provide guarantees, insurance, and extensions of credit at rates and on terms and conditions which are competitive with the Government-supported rates and terms and other conditions available for the financing of exports from the principal countries whose exporters compete with United States exporters. The Export-Import Bank shall, on a semiannual basis, report to the appropriate committees of Congress its actions in complying with this directive. In this report the Export-Import Bank shall survey all other major export-financing facilities available from other governments and government-related agencies through which foreign exporters compete with United States exporters and indicate in specific terms the ways in which Export-Import Bank rates, terms, and other conditions are equal or superior to those offered from such other governments directly or indirectly. Further, the Export-Import Bank shall at the same time survey a representative number of United States exporters and United States commercial lending institutions which provide export credit to determine their experience in meeting financial competition from other countries whose exporters compete with United States exporters. The results of this survey shall be included as part of the semiannual report provided for under this section. It is further the policy of the United States that the Bank in the exercise of its functions should supplement and encourage and not compete with private capital; that the Bank shall accord equal opportunity to export agents and managers, independent export firms, and small commercial banks, in the formulation and implementation of its programs; that loans, so far as possible consistently with carrying out the purposes of subsection (a), shall generally be for specific purposes, and, in the judgment of the Board of Directors, offer reasonable assurance of repayment; and that in authorizing such loans the Board of Directors should take into account the possible adverse effects upon the United States economy."

SEC. 2. In connection with section 2 of Executive Order Number 11387, dated January 1, 1968, and any rule, regulation, or guideline established by the Board of Governors of the Federal Reserve System in connection with a voluntary foreign credit restraint program, there shall be no limitation or restraint, or suggestion that there be a limitation or restraint, on the part of any bank or financial institution in connection with the extension of credit for the purpose of financing exports of the United States.

And amend the title so as to read: "An Act to amend the Export-Import Bank Act of 1945, to eliminate certain export credit controls, and for other purposes."

Mr. BYRD of West Virginia. Mr. President, will the Senator yield?

Mr. SPARKMAN. I yield.

Mr. BYRD of West Virginia. May I ask if this matter has been cleared with the minority?

Mr. SPARKMAN. The Senator from Texas (Mr. Tower) is the ranking minority member of the full committee, and I went over with him the clearance of it, and also with the appropriate conferees.

Mr. BYRD of West Virginia. Very well.

Mr. SPARKMAN. Mr. President, I move that the Senate disagree to the amendments of the House of Representatives to the bill (S. 581), and ask for a conference with the House on the disagreeing votes of the two Houses thereon, and that the Chair be authorized to appoint the conferees on the part of the Senate.

The motion was agreed to; and the Acting President pro tempore appointed Mr. Sparkman, Mr. Williams, Mr. Mondale, Mr. Packwood, and Mr. Bennett conferees on the part of the Senate.

ORDER TO CONSIDER S. 2150, ATOMIC ENERGY COMMISSION AUTHORIZATION BILL ON TUESDAY NEXT — UNANIMOUS-CONSENT AGREEMENT

Mr. BYRD of West Virginia. Mr. President, the distiguished majority leader earlier asked me to confer with the distinguished senior Senator from Vermont (Mr. Aiken) on the following unanimous consent request.

I therefore ask unanimous consent, at the request of the majority leader, having cleared the matter with the distinguished Senator from Vermont (Mr. Aiken), that upon the disposition of the bill making appropriations for the Department of Housing and Urban Development—scheduled for Tuesday next—the Senate proceed to the consideration of the AEC authorization bill, the time on the bill to be limited to 1 hour, to be equally divided between the Senator from Rhode Island (Mr. Pastore) and the Senator from Vermont (Mr. Aiken), if that is satisfactory.

Mr. AIKEN. In my book, that is long enough for any bill. The Senator can bring it up then as far as I am concerned.

Mr. BYRD of West Virginia. Would the Senator agree that the time on the bill be divided between the Senator from Rhode Island and the Senator from Vermont?

Mr. AIKEN. The Senator from Vermont is not anxious for it.

Mr. BYRD of West Virginia. Whom does the Senator suggest?

Mr. AIKEN. I will accept it for the time being.

Mr. BYRD of West Virginia. I thank the Senator.

I further ask unanimous consent that the time on the bill be equally divided between the Senator from Rhode Island (Mr. Pastore) and the Senator from Vermont (Mr. Aiken), and that the time on any amendment thereto be limited to one-half hour, to be equally divided between the mover of the amendment and the manager of the bill, Mr. Pastore.

Mr. AIKEN. That will be satisfactory.

Mr. BYRD of West Virginia. I ask unanimous consent, further, that no amendment not germane be received, and that Senators in control of the time on the bill may yield time therefrom to any Senator on any amendment, motion, or appeal, with the exception of a motion to lay on the table.

The ACTING PRESIDENT pro tempore. Is there objection to the unanimous-consent request? Without objection, it is so ordered.

The unanimous-consent agreement reads as follows:

Ordered, That on Tuesday, July 20, 1971, following the recognition of the two leaders, the Senate proceed to the consideration of the HUD Appropriation Bill (H.R. 9382) with debate limited thereon to 1 hour to be equally divided and controlled by the Senator from Rhode Island (Mr. Pastore) and the Senator from Colorado (Mr. Allott). Provided that time on amendments be limited to 30 minutes to be equally divided and controlled by the mover of the amendment and the manager of the bill, with the exception of an amendment by the Senator from Minnesota (Mr. Mondale) which shall be granted time subsequently. Provided further, that no amendment not germane shall be received, and time may be allotted from the bill to any amendment, motion or appeal except a motion to table.

Ordered further, That following the disposition of H.R. 9382 the Senate proceed to the consideration of the AEC Authorization bill (H.R. 9388) with debate limited thereon to 1 hour to be equally divided and controlled by the Senator from Rhode Island (Mr. Pastore) and the Senator from Vermont (Mr. Aiken). Provided that time on amendments be limited to 30 minutes to be equally divided and controlled by the mover of the amendment and the manager of the bill, (Mr. Pastore). Provided further, that no amendment not germane shall be received and time may be allotted from the bill to any amendment, motion or appeal except a motion to table. (July 14, 1971)

QUORUM CALL

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The second legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

The ACTING PRESIDENT pro tempore (Mr. Chiles) laid before the Senate the following letters, which were referred as indicated:

Agreements Providing for Foreign Currencies

A letter from the General Sales Manager of the Export Marketing Service reporting, pursuant to law, on agreements signed providing for foreign currencies (with accompanying papers); to the Committee on Agriculture and Forestry.

Transfers of Amounts Appropriated to the Department of Defense

A letter from the Assistant Secretary of Defense reporting, pursuant to law, on the transfers of amounts appropriated to the Department; to the Committee on Appropriations.

Proposed Legislation Regarding Appointment of Persons to Service Academies

A letter from the Secretary of the Navy submitting proposed legislation to permit the appointment by the President of certain additional persons to the service academies (with accompanying papers); to the Committee on Armed Services.

Report of the U.S. Travel Service

A letter from the Secretary of Commerce submitting, pursuant to law, the program report of the U.S. Travel Service for the calendar year 1970 (with accompanying report); to the Committee on Commerce.

Report of The District of Columbia Bail Agency

A letter from the chairman of the Executive Committee of the District of Columbia Bail Agency submitting, pursuant to law, the annual report of the District of Columbia Bail Agency (with accompanying report); to the Committee on the District of Columbia.

Reports of the Comptroller General

A report of the Comptroller General of the United States submitting, pursuant to law, a report entitled "Construction of Watershed Projects Terminated or Delayed Because of Land Rights Problems" (with accompanying report); to the Committee on Government Operations.

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on need for improved administration of the Davis-Bacon Act noted over a decade of General Accounting Office reviews, Department of Labor, dated July 14, 1971 (with an accompanying report); to the Committee on Government Operations.

Extension of The Indian Claims Commission

A letter from the Chairman of the Indian Claims Commission submitting proposed legislation to extend the life of the Indian Claims Commission (with accompanying papers); to the Committee on Interior and Insular Affairs.

Report Concerning the Impact of The Current Rail Strike

A letter from the Secretary of Defense, transmitting, pursuant to law, a report concerning the impact of the current rail strike on the movement of goods vital to the national defense (with an accompanying report); to the Committee on Labor and Public Welfare.

Report of The Environmental Protection Agency

A letter from the Administrator of the Environmental Protection Agency submitting, pursuant to law, a report concerning the development of systems necessary to attain the motor vehicle and engine emission standards established under law (with accompanying report); to the Committee on Public Works.

PETITIONS

Petitions were laid before the Senate and referred as indicated:

By the ACTING PRESIDENT pro tempore (Mr. Chiles):

A resolution of the House of Representatives of the Commonwealth of Massachusetts; to the Committee on Appropriations:

"Resolutions Memoralizing Congress to Appropriate Forthwith the Full Funding Authorized by the Lead-Based Paint Poisoning Prevention Act of 1971

"*Whereas,* It is estimated that 400,000 children suffer lead-based paint poisoning annually; and

"*Whereas,* It is estimated that over 200 children will die and another 4,000 children will suffer moderate to severe brain damage this year due to said poisoning; and

"*Whereas,* Said tragedy is solely a product of man and has been been ascertained to be preventable; and

"*Whereas,* The Congress of the United States has enacted the Lead-Based Paint Poisoning Prevention Act of 1971 and that said act would provide for programs of detection, prevention, treatment and education; and

"*Whereas,* Meaningful implementation of said act is of crucial importance to the citizens of the commonwealth; therefore be it

"*Resolved,* That the Massachusetts House of Representatives hereby strongly urges that the Congress of the United States appropriate forthwith all funds necessary to implement the Lead-Based Paint Poisoning Prevention Act of 1971; and be it further

"*Resolved,* That copies of these resolutions be forwarded by the Secretary of the Commonwealth to the President of the United States, the Secretary of Housing and Urban Development and the Secretary of Health, Education and Welfare, to Senators Allen J. Ellender and Warren G. Magnuson, to Representatives George H. Mahon and Daniel J. Flood, to the presiding officer of each branch of Congress and to each member thereof from the Commonwealth."

A resolution of the House of Representatives of the Commonwealth of Massachusetts; to the Committee on Foreign Relations:

"RESOLUTIONS URGING THE GOVERNMENT OF NORTH VIETNAM TO WITHDRAW ALL COMMUNIST TROOPS FROM SOUTH VIETNAM, LAOS AND CAMBODIA AND TO RELEASE FORTHWITH AMERICAN PRISONERS OF WAR

"*Whereas,* The government of the United States is being urged to withdraw all its troops from South Vietnam; and

"*Whereas,* This calls for unilateral action by one of the parties to the conflict and this action should be bilateral and binding on all parties involved in this conflict; therefore be it

"*Resolved,* That the Massachusetts House of Representatives urgently requests the government of North Vietnam to immediately withdraw all communist troops from South Vietnam, Laos and Cambodia and to release forthwith all American prisoners of war; and be it further

"*Resolved,* That copies of these resolutions be sent forthwith by the Secretary of the Commonwealth to the President of the Government of North Vietnam and to David Bruce, Chief American Legislator at the Paris Peace talks and to the President of the United States, the presiding officer of each branch of Congress and to each member thereof from the Commonwealth.

A joint resolution of the Legislature of the State of Alabama; to the Committee on the Judiciary:

RESOLUTION 10: RATIFYING THE PROPOSED AMENDMENT TO THE CONSTITUTION OF THE UNITED STATES GRANTING CITIZENS EIGHTEEN YEARS OF AGE OR OVER THE RIGHT TO VOTE IN STATE ELECTIONS

"Whereas, the 92nd Congress of the United States of America at its first Session, in both Houses, by a Constitutional majority of two-thirds thereof, adopted the following proposition to amend the Constitution of the United States of America in the following words, to wit:

"JOINT RESOLUTION

"Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), that the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as a part of the Constitution when ratified by the Legislatures of three-fourths of the several States within seven years from the date of its submission by the Congress:

"ARTICLE

"Section 1. The right of citizens of the United States, who are eighteen years of age or older, to vote shall not be denied or abridged by the United States or by any State on account of age.

" 'Section 2. The Congress shall have the power to enforce this article by appropriate legislation.'

"Now therefore, be it resolved by the House of Representatives of the State of Alabama, the Senate concurring, That:

"1. The proposed amendment to the Constitution of the United States as herein shown be and the same is hereby ratified.

"2. Duly authenticated copies of this resolution shall be forwarded by the Clerk of the House to the Administrator of General Services, Washington, D.C. and to the President of the Senate and the Speaker of the House of Representatives of the Congress of the United States."

A joint resolution of the Legislature of the State of California; to the Committee on Public Works;

"ASSEMBLY JOINT RESOLUTION NO. 33—RELATIVE TO FEDERAL DISASTER RELIEF FUNDS

"Whereas, On the ninth day of February, 1971, the President declared a 'major disaster' in the State of California under the provisions of Public Law 606, 91st Congress, as amended (the Federal Disaster Relief Act of 1970); and

"Whereas, Hospitals were among the structures most severely damaged by the earthquake disaster, including the Veterans Administration Hospital in Sylmar, the Los Angeles County Olive View Hospital, the Holy Cross Hospital in Mission Hills, and the Pacoima Memorial Lutheran Hospital in Lakeview Terrace; and

"Whereas, Holy Cross Hospital and Pacoima Memorial Hospital are private, self-supporting hospitals which were constructed in part with funds made available under federal grants; and

"Whereas, Federal grants are not available to repair the damage caused such hospitals by the earthquake disaster, under the provisions of P.L. 91–606; and

"Whereas, Holy Cross and Pacoima Memorial Lutheran Hospitals are severely handicapped, by the inoperable condition of their facilities, in their efforts to raise the necessary funds to support the cost of reconstruction; and

"Whereas, These medical facilities have served the health needs of the public in the Northeast San Fernando Valley area; and

"Whereas, Holy Cross had provided a 24-hour medical doctor attendant emergency service, four major operating rooms, which normally functioned seven days a week, 209 medical surgical beds, and 50 convalescent patient beds; and

Whereas, Pacoima Memorial Lutheran had provided a 24-hour medical doctor attendant emergency, three major operating rooms, 109 medical surgical beds, and a six-bed mental health center; and

Whereas, Holy Cross and Pacoima Memorial Lutheran contributed to the economic life of the area through the creation of 875 jobs; and

"Whereas, The costly task of restoring the availability, accessibility, and caliber of health services equal to or better than that which existed prior to February 9, 1971, may prove prohibitive if dependent solely on private funds; and

"Whereas, This would result in a great loss to the communities of the Northeast San Fernando Valley; now, therefore, be it

"*Resolved by the Assembly and Senate of the State of California, jointly,* That the Legislature of the State of California respectfully memorializes the President and the Congress of the United States to amend Public Law 91–606 so that grants can be made available to private hospitals such as Holy Cross and Pacoima Memorial Lutheran Hospitals to repair the damage caused such hospitals by the earthquake disaster; and be it further

"*Resolved,* That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States."

A resolution of the Governing Body of the Yavapai-Apache Tribe of the Camp Verde Reservation, concerning transfer of Federal surplus lands; to the Committee on Interior and Insular Affairs.

A resolution of the Arkansas Law Enforcement Officers Association, Inc., Little Rock, Ark., in tribute to Senator McCLELLAN; which was ordered to lie on the table.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. McGEE, from the Committee on Appropriations, with amendments:

H.R. 9270. An act making appropriations for Agriculture-Environmental and Consumer Protection programs for the fiscal year ending June 30, 1972, and for other purposes (Rept. No. 92–253).

By Mr. SPARKMAN, from the Committee on Banking, Housing, and Urban Affairs, without amendment:

S.J. Res. 52. A joint resolution increasing the authorizations for comprehensive planning grants and open-space land grants (Rept. No. 92–254).

By Mr. JORDAN of North Carolina, from the Committee on Rules and Administration, without amendment:

S. 2227. A bill to amend title 44, United States Code, to authorize the Public Printer to designate the library of the highest appellate court in each State as a depository library (Rept. No. 92–255);

S. Res. 142. A resolution authorizing the printing of the study entitled "The Human Cost of Soviet Communism" as a Senate document (Rept. No. 92–256); and

S. Res. 150. An original resolution authorizing the printing of the 72d annual report of the National Society of the Daughters of the American Revolution as a Senate document (Rept. No. 92–257).

S. Con. Res. 34. An original concurrent resolution authorizing the printing of the prayers of the Chaplain of the Senate during the 91st Congress as a Senate document (Rept. No. 92–258).

H.J. Res. 169. A joint resolution authorizing the acceptance, by the Joint Committee on the Library on behalf of the Congress, from the U.S. Capitol Historical Society, of preliminary design sketches and funds for murals in the east corridor, first floor, in the House wing of the Capitol, and for other purposes (Rept. No. 92–259).

By Mr. JORDAN of North Carolina, from the Committee on Rules and Administration, with an amendment:

S. Con. Res. 31. A concurrent resolution authorizing the printing of the compilation entitled "Federal and State Student Aid Programs, 1971" as a Senate document (Rept. No. 92–260).

H. Con. Res. 242. A concurrent resolution authorizing certain printing for the Committee on Veterans' Affairs (Rept. No. 92–261).

By Mr. JORDAN of North Carolina, from the Committee on Rules and Administration, with amendments:

S. Res. 69. A resolution authorizing the printing as a Senate document of the history of the Senate Committee on Government Operations (Rept. No. 92–262).

EXECUTIVE REPORTS OF COMMITTEES

As in executive session, the following favorable reports of nominations were submitted:

By Mr. WILLIAMS, from the Committee on Labor and Public Welfare:

Andrew A. Aines, of Virginia; Catherine D. Scott, of the District of Columbia; Martin Goland, of Texas; Louis A. Lerner, of Illinois; Charles A. Perlik, Jr., of Virginia; John G. Kemeny, of New Hampshire; Bessie B. Moore, of Arkansas; Alfred R. Zipf, of California; Joseph Becker, of Maryland; Carlos A. Cuadra, of California; John E. Velde, Jr., of Illinois; W. O. Baker, of New Jersey; Frederick Burkhardt, of New York; and Leslie W. Dunlap, of Iowa, to be members of the National Commission on Libraries and Information Science; and

W. W. Little, of Arizona; Peter J. Bensoni, of Minnesota; Robert W. McVay; of Missouri; Charles E. Schwab, of New York; and Howard L. Hartman, of California, to be members of the Federal Metal and Nonmetallic Mine Safety Board of Review.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first time and, by unanimous consent, the second time, and referred as indicated:

By Mr. GAMBRELL:

S. 2265. A bill to provide for the fair and equitable apportionment of delegate to conventions held for the purpose of nominating candidates for the offices of President and Vice President, and for other purposes. Referred to the Committee on Rules and Administration.

By Mr. MOSS (for himself, Mr. Bayh, Mr. Bible, Mr. Boggs, Mr. Cannon, Mr. Cranston, Mr. Fannin, Mr. Harris, Mr. Hartke, Mr. Hatfield, Mr. Hollings, Mr. Humphrey, Mr. Javits, Mr. McGee, Mr. McGovern, Mr. Metcalf, Mr. Mondale, Mr. Muskie, Mr. Nelson, Mr. Pell, Mr. Percy, Mr. Proxmire, Mr. Randolph, Mr. Ribicoff, Mr. Taft, Mr. Tower, Mr. Tunney, and Mr. Williams:

S. 2266. A bill to amend section 734 of title 44, United States Code, to require the Public Printer to furnish recycled material for the official use of the Senate and House of Representatives; and

S. 2267. A bill to amend chapter 9 of title 44, United States Code, to require the use of recycled paper in the printing of the Congressional Record. Referred to the Committee on Rules and Administration:

By Mr. INOUYE:

S. 2268. A bill for the relief of Maria Della Barnes. Referred to the Committee on the Judiciary.

By Mr. SPARKMAN:

S. 2269. A bill to amend title XI of the National Housing Act to authorize mortgage insurance for the construction or rehabilitation of medical practice facilities in certain areas where there is a shortage of doctors. Referred to the Committee on Banking, Housing, and Urban Affairs.

By Mr. GURNEY:

S. 2270. A bill for the relief of Magnus David Forrester. Referred to the Committee on the Judiciary.

By Mr. STEVENS:

S. 2271. A bill to amend the Internal Revenue Code of 1954 to allow a deduction for expenses incurred by a taxpayer in making repairs and improvements to his residence. Referred to the Committee on Finance.

S. 2272. A bill to provide needed facilities and services not otherwise available for the accommodation of visitors in the areas administered by the National Park Service, by authorizing the Secretary of the Interior to guarantee loans which are part of concessioner investments in such facilities and services, and for other purposes. Referred to the Committee on Interior and Insular Affairs.

By Mr. TOWER (for himself, Mr. Hansen, Mr. Stevens, and Mr. Pearson):

S. 2273. A bill to provide a tax credit for expenditures made in the exploration and development of new reserves of oil and gas in the United States. Referred to the Committee on Finance.

By Mr. BAKER (for himself and Mr. Brock):

S. 2274. A bill to create one additional permanent district judgeship in the Middle District of Tennessee. Referred to the Committee on the Judiciary.

By Mr. TAFT:

S. 2275. A bill for the relief of Wolfgang Kutter. Referred to the Committee on the Judiciary.

By Mr. HART:

S. 2276. A bill to amend the Fish and Wildlife Act of 1956 to provide technical and financial assistance to the commercial fishing industry in meeting the requirements of the Wholesome Fish and Fishery Products Act of 1971. Referred to the Committee on Commerce.

By Mr. MATHIAS (for himself and Mr. Beall):

S. 2277. A bill to authorize funds to carry out the purposes of the Appalachian Regional Development Act of 1965, and for other purposes. Referred to the Committee on Public Works.

By Mr. BAKER:

S. 2278. A bill to provide accelerated assistance for economic emergency areas. Referred to the Committee on Public Works.

By Mr. MAGNUSON (for himself, Mr. Hartke, Mr. Cranston, Mr. Hart, Mr. Hatfield, Mr. Hollings, Mr. Hughes, Mr. Jackson, Mr. Kennedy, Mr. Inouye, Mr. Mathias, Mr. McClellan, Mr. McGovern, Mr. Mondale, Mr. Moss, Mr. Muskie, Mr. Pastore, Mr. Pell, and Mr. Tunney):

S. 2279. A bill to authorize the Secretary of Transportation to provide for comprehensive regional planning and development of transportation, including therein the undertaking of research and development, the conducting of demonstrations, the construction of transportation systems and facilities, and for other purposes. Referred to the Committee on Commerce.

By Mr. MAGNUSON (by request):

S. 2280. A bill to amend sections 101 and 902 of the Federal Aviation Act of 1958, as amended, to implement the Convention for the Suppression of Unlawful Seizure of Aircraft, and for other purposes. Referred to the Committee on Commerce.

By Mr. HANSEN:

S. 2281. A bill to authorize the Secretary of the Interior to engage in a feasibility investigation for the modification of Seminoe Dam. Referred to the Committee on Interior and Insular Affairs.

By Mr. MOSS:

S. 2282. A bill for he relief of Milagro de la Paz Posada. Referred to the Committee on Judiciary.

By Mr. FANNIN:

S. 2283. A bill to provide for the construction and improvement of a certain road on the Navajo Indian Reservation. Referred to the Committee on Interior and Insular Affairs.

By Mr. FANNIN (for himself and Mr. Goldwater):

S. 2284. A bill to provide for the disposition of funds appropriated to pay a judgment in favor of the Yavapai Apache Tribe in Indian Claims Commission dockets numbered 22-E and 22-F, and for other purposes. Referred to the Committee on Interior and Insular Affairs.

By Mr. ANDERSON (for himself, Mr. Fulbright, Mr. Bible, Mr. Scott, and Mr. Pell):

S.J. Res. 131. A joint resolution authorizing and requesting the President to issue a proclamation to commemorate the 125th anniversary of the Smithsonian Institution. Referred to the Committee on the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. GAMBRELL:

S. 2265. A bill to provide for the fair and equitable apportionment of delegates to conventions held for the purpose of nominating candidates for the offices of President and Vice President, and for other purposes. Referred to the Committee on Rules and Administration.

NATIONAL POLITICAL CONVENTIONS ACT

Mr. GAMBRELL. Mr. President, approximately 1 year from today the Democratic National Convention will assemble at Miami Beach, Fla., for the purpose of nominating the candidates of that party for the offices of President and Vice President of the United States and the adoption of that party's campaign platform for the presidential elections in 1972. Shortly after that convention, the Republican National Convention will meet for similar purposes.

While both meetings may appear at this time to be a safe distance off, within which any needed imperfections in their makeup can be identified and disposed of, we all recognize that actually the time is very short in terms of the time required to effect reforms and adjustments in a national political institution. The processes of delegate selection are now in the process of formulation within both national political parties, and the actual election or selection of delegates will commence shortly after the first of January 1972, now only a few months away.

Recent developments affecting both of our national political parties, as well as experiences at both party conventions in the past, lead me to conclude that certain basic reforms should be established as a matter of national policy for all national political parties, and should be inserted into the presidential nominating system at the earliest possible time.

There may have been a time when these conventions were the private affair of the political upper crust of this country. Other than the names of the nominees and the party's platform, what took place at the convention was little known and understood by the average citizen, and was thought by many, political leaders and citizens alike, to be no business of the average man.

With the advent of television, and a better informed, and I might say more concerned citizenry, national political conventions have become a better understood mechanism in our system of government. Unfortunately, what these conventions have become known for and understood to be, is, on the one hand, a cut and dried performance with a predetermined grand finale or, on the other hand, a raucous public spectacle more akin to a cowboys and Indians movie.

In either event, the citizen back home hardly has the impression of the serious business of selecting the leadership for the most powerful country in the world, through the orderly workings of a democracy.

In my judgment, the serious and concerned citizens of this country, especially its young people, want to be accorded a full and fair measure of participation in national political conventions, and want these conventions to be conducted on a fair and orderly basis, free of hypocritical showmanship and political opportunism.

Also, in my judgment, the establishment of a clear national policy for fair representation to all citizens at such conventions, with delegates who are selected on a democratic basis will reduce to a minimum the problems of internal and external disorder at these conventions.

It is with this in mind that I have today introduced a bill to be called "The National Political Parties and Conventions Act of 1971." The purpose of the bill is to provide all persons, States, and sections of the country with an equal opportunity for participation in the national conventions and the management of national political parties.

The act provides:

First. For apportionment of delegates to national political conventions among the States represented, on a one-man, one-vote basis, in accordance with total population.

Second. For the apportionment of national committee membership on the same basis.

Third. For the selection of national convention delegates and national committee members by democratic processes.

Fourth. For uniform enforcement of national convention rules among delegates and delegations.

Fifth. That bribery of a convention delegate shall be a felony.

The apportionment, and the processes of selection, of national committee members, and national convention delegates, have been the subject of increasing controversy affecting both political parties. Both the Democratic and Republican Parties are defendants in pending litigation respecting the apportionment of convention delegates. Lower Federal courts have given conflicting answers as to the requirements of law regarding the such apportionment. One can hardly predict with any feeling of certainty what the ultimate answer from the courts might be, and when it will be forthcoming. However, I think it is safe to say that courts will only tell us what is permissable in this respect, but will fail to give any positive guidelines, so that the ultimate question, unless settled by Federal legislation, will continue to irritate and disrupt the proceedings of both parties.

And what is true with respect to the apportionment of delegates at national conventions, is true, and possibly more of an irritation, in regard to representation on the national committees of our national political parties, which control the affairs of these parties in the four year interims between conventions.

The yardstick for apportionment of delegates and national committee members which I have suggested, the one-man, one-vote measure based on total population, is one which is distinctly fair and equal, easy to administer, and one which will keep our national political parties broadly representative, rather than being continually narrowed and self-centered in their points of view.

The requirement of democratic processes, either by primaries or by truly representative conventions, should also be a matter of unequivocal national policy.

It might be said that the subject matter of this bill is the private province of the parties themselves, to be settled within the four walls, to the satisfaction of those who wish to play a major part in party activity. The adoption of this attitude would be to ignore the lessons of recent history in this country which reject the ideas that political party activities are the exclusive playgrounds of public and party officers, and that the people are satisfied to accept whatever political fare may be yielded by the existing system.

There is a broad movement within the country to reform our political parties and political institutions. The reapportionment decisions of the Supreme Court and other Federal courts are well known, and the principle of one-man, one-vote in a representative democracy has become a constitutional mandate. The Supreme Court has also, for many years, recognized that nominating processes which are sanctioned by State law are subject to Federal regulation under the 14th amendment of the U.S. Constitution. The provisions of this bill do not intrude unduly upon the internal affairs of any political party. They simply establish broad guidelines assuring equality and fair play in the nominating and the governing processes.

The National Democratic Party, and many State democratic parties, including that of my own State of Georgia, are in the process of reforming their own rules and procedures. The requirements of a democratic method of delegate selection is one of those which has been adopted by the National Democratic Party.

As chairman of the State democratic party in Georgia I had the opportunity of instituting a complete overhaul of our State party organization, including the processes of national convention delegate selection. What is proposed in this bill is entirely consistent with what is being done in Georgia, and what is being done in the National Democratic Party.

I am not familiar with the organization, structure, nor the delegate selection processes of the National Republican Party. However, I do not see how the Republican Party, or any of its leaders, could possibly disagree with the requirements of this bill if they believe in the democratic process, fair representation, and equal protection of the law.

Other provisions of the bill assure that convention rules and procedures will be clearly established in advance, will be uniformly applied, and strictly enforced. Many times in the past, delegations selected for a convention in good faith, have been excluded from participation under rules, and political compromises developed on the convention floor. The certain knowledge that rules will be equally and uniformly enforced throughout the convention, will further minimize the possibility of disorder and adverse public reaction.

Finally, the introduction of completely democratic processes of delegate selection is very likely to result in the selection of many "little people" and those without previous political identification. If these conventions are to be responsive to public sentiment, and are to gain in public confidence and respect, the selection of such persons is very much to be desired. However, there may be some temptation upon powerful political and economic forces to bring pressures on these independent convention delegates contrary to their own principles, and contrary to the wishes of their constituents. For this reason, the proposed bill makes bribery of a convention delegate a felony, and imposes severe criminal penalties as a means of avoiding corrupting influences in connection with convention activities.

Mr. President, it goes without saying that I believe that legislation of this type is urgently required in the public interest. The average American intensely wishes to have a meaningful part in the selection of his party's candidate for President, and in the establishment of its policies. In viewing the proceedings of our national political parties and conventions, he has a haunting feeling that things are not right, but also feels helpless to do anything about it. These important considerations should not be left to the inadequate processes of the court system to be worked out, and the citizens should not be relegated to "political remedies" which he is powerless to effect. By adopting the simple guidelines set forth in this bill, the average American citizen is put back in the driver's seat in the political affairs of this country, each on an equal basis with the other. Surely no one will quarrel with an objective such as that.

I plan to submit this proposal to the leadership of both parties, and invite any Member of the Senate, of either party, to join me in cosponsoring this bill.

In any event, I hope that those in charge of such matters, will see that the bill receives prompt and thorough consideration. A delay of more than several months in its enactment, is in effect to defer these vital reforms for at least another 4 years.

Mr. President, I send the bill to the desk for appropriate reference and I ask unanimous consent that it be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2265

A bill to provide for the fair and equitable apportionment of delegates to conventions held for the purpose of nominating candidates for the offices of President and Vice President, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "National Political Conventions Act."

DECLARATION

SEC. 2. The Congress finds that conventions held by national political parties for the purpose of nominating candidates for the offices of President and Vice President constitute an integral part of the process by which such officers are chosen by the people of the United States. It is the purpose of this Act to provide equal protection of the laws and due process of law in that process by requiring that delegates from the several States to such conventions be apportioned among the several States on a fair and equitable basis, by requiring the composition of the national committees of such parties to reflect fairly the distribution of population among the several States, by requiring the promulgation, within a reasonable time before each such convention is held, of the rules under which such convention shall be conducted, and otherwise to improve and protect the integrity of the convention nomination process.

DEFINITIONS

SEC. 3. As used in this Act, the term—

(1) "national political party" means a political party members of which were candidates for election as electors of the President on the official ballot of more than 19 States in the most recent election held for the election of presidential electors;

(2) "national committee" means the organization which manages the affairs of a national political party, or, if such responsibility resides in or is delegated to more than one committee or organization, each such committee or organization;

(3) "democratic process" means—

(A) election by the members of the public who are eligible to vote in Federal elections;

(B) election by members of a political party, if such election is conducted in a manner which protects equally the opportunity of each member of such party, who is eligible to vote in Federal elections, to participate in the selection process; or

(C) selection by a caucus, committee, or convention of a political party if the members of such caucus or committee, or the delegates to such convention, were selected in a manner which protects equally the opportunity of each member of such party, who is eligible to vote in Federal elections, to participate in the process by which such members or delegates are selected;

(4) "convention", except as used in paragraph (3), means a convention held by a national political party for the purpose of nominating candidates for election to the offices of President and Vice President; and

(5) "State" means each of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, and the Canal Zone.

APPORTIONMENT OF CONVENTION DELEGATES

SEC. 4. (a) Each national political party which meets in convention shall apportion delegates to such convention among the States represented there on the basis of the population of such States as determined by the most recent decennial census.

(b) Each such party shall require that—

(1) delegates be selected by a democratic process;

(2) not more than 20 percent of the delegates from any State shall be chosen from such State at large; and

(3) not less than 80 percent of the delegates from any State shall be chosen from, and by residents of, districts within such State—

(A) the population of which is not in excess of the average population of the districts within such State from which Members of the House of Representatives may be elected; and

(B) which are substantially equal in population.

(c) Any delegate chosen from a district from which a Member of the House of Representatives may be elected shall be held and considered to have been chosen in accordance with the provisions of paragraph (3) of subsection (b), if all delegates to whom such paragraph applies from the same State are so chosen.

(d) Each State shall be entitled to at least one delegate.

APPORTIONMENT OF NATIONAL COMMITTEES

SEC. 5. Each national political party shall provide that its national committee shall be composed of members of the party from the several States selected by a democratic process and so apportioned as to reflect the distribution of population among the several States. One individual may represent more than one State on any such committee if each individual on such committee represents areas of substantially equal population. If more than one individual on any such committee represents the same State, each such individual shall be chosen from districts of substantially equal population within such State.

PROMULGATION OF CONVENTION RULES

SEC. 6. (a) Each national political party shall promulgate rules governing—

(1) the selection and apportionment of delegates to its convention by a democratic process;

(2) the procedure for challenging the right of any delegate or delegation to participate in such convention; and

(3) convention procedures generally.

(b) Rules promulgated under paragraph (2) of subsection (a) shall, in addition to any other provisions, permit the challenge of the right of any delegate or State delegation to participate in such convention by any other delegate or State delegation to such convention whether or not the challenging delegate or State delegation is being challenged.

(c) Rules promulgated by a national political party with respect to its convention shall be applied equally and with uniformity to all delegates and all State delegations.

(d) Rules promulgated under this section shall be promulgated not less than 120 days prior to the date on which the convention convenes, but shall be subject to change after promulgation in accordance with procedures established by the party by which they were promulgated.

PENALTY FOR UNFAIRLY INFLUENCING DELEGATES

SEC. 7. No person shall offer or attempt to offer to any delegate to a convention held by a national political party any inducement in money, property, or other benefit in order to influence any vote of such delegate at such convention, and no such delegate shall accept or receive any such inducement. Violation of the provisions of this section is punishable by imprisonment for not less than one nor more than three years, by a fine not less than $1,000 nor more than $10,000, or both.

JURISDICTION OF FEDERAL COURTS

SEC. 8. In addition to any other District Court of the United States having jurisdiction, the District Court of the United States for the district within which a convention of a national political party is being held, or within which is located the designated site of such a convention, and the District Court of the United States for the District of Columbia shall have jurisdiction to entertain and adjudge any claim of violation of this Act, and any claim of violation of rights under the Constitution of the United States at or in connection with such convention.

EFFECTIVE DATE

SEC. 9. (a) Except as provided in subsection (b), this Act shall take effect upon the date of its enactment.

(b) The provisions of sections 4, 5, and 6(a)(1) shall take effect with respect to any national political party on the earlier of—

(1) the date of the adjournment of its convention next held after the date of enactment of this Act; or

(2) September 1, 1972.

SEVERABILITY

SEC. 10. If any provision of this Act, or the application thereof to any person or circumstance, is held invalid, the validity of the remainder of the Act and the application of such provision to other persons and circumstances shall not be affected thereby.

By Mr. MOSS (for himself, Mr. BAYH, Mr. BIBLE, Mr. BOGGS, Mr. CANNON, Mr. CRANSTON, Mr. FANNIN, Mr. HARRIS, Mr. HARTKE, Mr. HATFIELD, Mr. HOLLINGS, Mr. HUMPHREY, Mr. JAVITS, Mr. MCGEE, Mr. MCGOVERN, Mr. METCALF, Mr. MONDALE, Mr. MUSKIE, Mr. NELSON, Mr. PELL, Mr. PERCY, Mr. PROXMIRE, Mr. RANDOLPH, Mr. RIBICOFF, Mr. TAFT, Mr. TOWER, Mr. TUNNEY, and Mr. WILLIAMS):

S. 2266. A bill to amend section 734 of title 44, United States Code, to require the Public Printer to furnish recycled material for the official use of the Senate and House of Representatives; and

S. 2267. A bill to amend chapter 9 of title 44, United States Code, to require the use of recycled paper in the printing of the Congressional Record. Referred to the Committee on Rules and Administration:

Mr. MOSS. Mr. President, I am introducing today, for appropriate reference, two bills that will go a long way toward establishing congressional leadership in the use of recycled materials. Recycling of solid waste is an answer to two of our most pressing environmental problems—the disposal of solid waste from municipal, industrial, and agricultural sources and the depletion of our supply of natural resources. Both of these problems will intensify in the years ahead. We must begin to act now to solve them.

Last year, municipalities across the country spent over $4½ billion to collect 350 million tons of solid waste—nearly 2 tons for every American citizen. This amount is expected to double by 1980.

This solid waste is a veritable gold mine of raw materials. Potentially, we could reclaim 200 million tons of waste paper per year. That represents about 3 billion trees. Recycling of discarded steel, tin, and aluminum could increase our available supplies of these metals by 25 million tons a year. Over 20 million tons of glass annually finds its way into our solid waste; it can be recovered and made into glass products, building materials, and even "glassphalt" for paving streets.

Incredibly, rather than "mining" this rich source of materials, we throw it away. We burn it, causing air pollution, dump it, causing water pollution, or bury it, which causes its own special problems. Less than 6 percent of our landfills are really sanitary, and we are rapidly running out of space for them around our cities.

Why have we been so shortsighted in neglecting this valuable source of raw materials? Habit and prejudice are two reasons. But there is a further reason for our underutilization of our solid waste resources that should especially concern us here today—Federal policy. The Federal Government, through its procurement and regulatory policies, actually discourages the manufacture of products made from secondary materials. For instance, freight rates, regulated by the Federal Government, are apparently cheaper for primary materials than for scrap. Often, the Federal Government itself refuses to buy products made from recycled materials. A recent survey by the General Services Administration showed that 175 out of 250 Federal paper specifications contained restrictions that effectively preclude the use of recycled paper by the Federal Government.

We can begin to redirect Federal policy in this regard by acting on several fine bills already introduced in this Congress. My distinguished colleague from New York (Mr. JAVITS) has introduced several bills and amendments that would establish the responsibility for the maximum feasible use of recycled materials in Federal grants and contracts. My colleagues from Nevada (Mr. CANNON) and Arizona (Mr. FANNIN) have introduced bills that would do the same for procurement by all Federal agencies. I am proud to be a cosponsor of these measures.

The two bills I am introducing today relate specifically to the day-to-day operations of Congress. It hardly seems logical that Senators cannot obtain recycled paper for their own office use through the Government Printing Office. Yet this is the case. I will shortly send out a newsletter on recycled paper. Normally, paper for this purpose would come out of the annual paper allotment that each Senator receives. But because I wish to use recycled paper, I will have to spend money out of my own pocket to purchase the paper.

Surely, this is an ironic state of affairs. We should encourage—not financially penalize—those who wish to use recycled paper. My first bill would do just that, by making recycled paper available on the same basis as other paper, to those Senators and Representatives who wanted it for office use.

My second bill requires that the CONGRESSIONAL RECORD be printed on paper that has been substantially recycled. The Administrator of the Environmental Protection Agency recently called on the publishers of our Nation's newspapers to clean their own houses by beginning to use recycled paper for newsprint. We in Congress, as publishers of our own journal, should do no less. I should add that a number of newspapers throughout the country are presently using newsprint made from recycled fibers. They have found it very satisfactory.

These bills tackle only a small part of our problems of solid waste management. They tap only a small area of the enormous potential for use of recycled materials. Yet I believe they have a significance far beyond the actual amount of paper involved. These bills would establish Congress' leadership in the use of recycled materials. Because communications from our offices go out to millions of our citizens annually, the impact of our use of recycled paper for correspondence and newsletters will be truly significant. The use by Congress of recycled paper will be an example to businesses and offices around the country, and—not incidentally—to agencies of the Federal Government. Finally, by the use of recycled paper, we can make our own contribution to solving environmental problems. I believe that we ought to make this commitment.

I ask unanimous consent to have the text of these two bills printed in the RECORD.

There being no objection, the bills were ordered to be printed in the RECORD, as follows:

S. 2266

A bill to amend section 734 of title 44, United States Code, to require the Public Printer to furnish recycled material for the official use of the Senate and the House of Representatives

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 734 of title 44, United States Code, is amended—

(1) by inserting before "Upon" the subsection designation "(a)"; and

(2) by adding at the end thereof the following new subsection:

"(b) All or any part of the stationery, blank books, tables, forms, and other necessary papers furnished for official use under this section shall contain, upon the request of the individual or committee on whose behalf such papers are requisitioned, not less than 50 percent recycled material. For the purpose of this subsection, the term 'recycled material' means any paper which (1) has served the purpose for which it was originally manufactured, (2) has been scrapped or otherwise discarded as an element of solid waste, and (3) has been recovered in whole or in part and reprocessed into a new raw material used in the manufacturing process of new paper, but such term does not mean those materials generated by the paper manufacturing process and reused within a plant as part of such process."

SEC. 2. The amendments made by the first section of this Act shall become effective thirty days after the date of enactment of this Act.

S. 2267

A bill to amend chapter 9 of title 44, United States Code, to require the use of recycled paper in the printing of the Congressional Record

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) chapter 9 of title 44, United States Code, is amended by adding at the end thereof the following new section:

"§ 911. Congressional Record: use of recycled paper

"Paper used in the printing of the Congressional Record shall contain not less than 50 percent recycled material. For the purpose of this section, the term 'recycled material' means any paper which (1) has served the purpose for which it was originally manufactured, (2) has been scrapped or otherwise discarded as an element of solid waste, and (3) has been recovered in whole or in part and reprocessed into a new raw material used in the manufacturing process of new paper, but such term does not mean those materials generated by the paper manufacturing process and reused within a plant as part of such process."

(b) The analysis of that chapter is amended by adding below item 910 a new item as follows:

"911. Congressional Record: use of recycled paper."

SEC. 2. The amendments made by the first section of this Act shall become effective 30 days after the date of enactment of this Act.

RECYCLED PAPER FOR CONGRESS

Mr. PROXMIRE. Mr. President, I am pleased to have the opportunity to cosponsor the two bills introduced today by the distinguished Senator from Utah (Mr. MOSS). Both bills will go a long way toward helping us to reuse our natural resources.

The bills would make recycled paper available for use in congressional offices through the regular paper allotment system and require the use of recycled paper in the printing of the CONGRESSIONAL RECORD.

The Senator from New York (Mr. JAVITS) and other Senators have submitted amendments to require that recycled materials be used in the vast array of Government projects and operations. The bills which Senator Moss submits today start at the other end and would have Congress take the lead in the recycling movement.

Mr. President, it is essential that we conserve our natural resources. Every year, the Federal Government uses over 400,000 tons of paper. Virtually all of this is nonrecycled paper and thus requires the felling of over 6.7 million trees.

It is also essential that we reduce the amount of waste coming into our solid waste disposal facilities. The Office of Solid Waste Management tells us that every American disposes of 6 pounds of solid waste every day, 365 days a year. Between 40 and 54 percent of that waste by weight is paper or paper products. If this paper is reused or recycled, we can substantially reduce our solid waste problem and, hence, the tremendous demands on our land and our vaste disposal agencies.

By using more recycled paper, Congress can encourage the growth of the recycled paper industry. Already three major paper companies have started to manufacture 100-percent recycled paper. Significant economies of scale are certain to follow such advances.

There are other advantages of recycled paper. The manufacturing process creates only 3 pounds of leftover waste per 100 pounds, compared with 35 pounds per hundred in the process of manufacturing primary paper. Recycled paper stretches less on printing presses and has a tighter, firmer fiber knit than does primary paper. Also, the bleaching process for de-inked recycled paper does not produce polluting effluents.

As Senators we can lead the way in the recycling movement. I hope the Senate will act quickly—and favorably—on the two bills put forward by the distinguished Senator from Utah.

By Mr. SPARKMAN:

S. 2269. A bill to amend title XI of the National Housing Act to authorize mortgage insurance for the construction or rehabilitation of medical practice facilities in certain areas where there is a shortage of doctors. Referred to the Committee on Banking, Housing and Urban Affairs.

FHA INSURANCE FOR FINANCING OF MEDICAL PRACTICE FACILITIES

Mr. SPARKMAN. Mr. President, I introduce, for appropriate reference, a bill to authorize FHA insurance for the financing of a medical-practice facility sponsored by one to four doctors. The authority would be limited to such a facility located in a rural area, a small town, or a low-income inner-city area.

Present law authorizes FHA insurance for a group-practice facility sponsored by five or more medical doctors. This bill would expand existing authority to a facility sponsored by fewer than five doctors provided the facility is located in a small town, a rural area, or an inner-city low-income neighborhood where there is a critical shortage of physicians.

The FHA insurance would be available to finance the purchase, construction, rehabilitation, and equipping of a medical facility or a clinic. The loan could not exceed $150,000 nor 90 percent of the replacement cost of the facility, and the amortization period could not exceed 25 years.

Mr. President, the need for such a facility is obvious. The Nation is suffering a serious shortage of medical doctors in small towns and rural areas, and it is surely a Federal responsibility to help remedy this shortage. Many young doctors would be pleased to settle in small towns if they could afford the equipment and facilities that are so necessary for a medical practice. Without some Federal assistance, it is usually impossible for such a facility to be built in small towns or in lower income inner-city areas.

There is no Federal program to help people living in small towns to secure a doctor. Some towns build a clinic with local public funds but most independent-minded young medical doctors find the regulations restrictive and prefer a facility of their own. There are few, if any, incentives for a young doctor to become a practitioner in a small town. Most doctors prefer to practice in a larger city where they can specialize and work with a partnership that shares the load of long hours and affords more free time for the individual—without extensive house calls.

Our committee initiated the legislation in 1966 that authorized FHA insurance for group-practice facilities for five or more doctors and I see no reason why this proposal would not be equally acceptable to the Congress.

By Mr. STEVENS:

S. 2271. A bill to amend the Internal Revenue Code of 1954 to allow a deduction for expenses incurred by a taxpayer in making repairs and improvements to his residence. Referred to the Committee on Finance.

Mr. STEVENS. Mr. President, today I am introducing legislation to amend the Internal Revenue Code of 1954 to permit a deduction for expenses incurred by a taxpayer in making repairs and improvements on his personal residence.

Specifically, my bill would permit the deduction of ordinary and necessary expenses paid during the taxable year for the repair or improvement of property used by the taxpayer as his principal residence. Qualified repairs and improvements would include painting, papering, carpentry work, plumbing, electrical work, roofing and glazing, and similar activity. The deduction allowed a taxpayer under this legislation would be limited to $1,000 in any taxable year. As a further limitation, a deduction would not be permitted for capital expenditures incurred in connection with the taxpayer's personal residence. Also, the deduction would apply only to taxable years ending after the date of enactment of this act.

Mr. President, my bill is designed to accomplish several important purposes. First, it would help to alleviate the tremendous financial burden imposed on residential homeowners, who are subject to ever-increasing property taxes, special assessments, and other levies. This tax relief would be somewhat analogous to that already provided to the owners of rental and business property under existing law. As you know, such owners are permitted to deduct specified amounts for the depreciation of their property. In addition, section 167(k) of the Internal Revenue Code permits a 5-year depreciation of rehabilitation expenditures incurred in connection with rental property occupied by low- and moderate-income homeowners.

The enactment of the bill that I am introducing today would also make homeownership more attractive by helping to alleviate prohibitive repair costs. As a result, more people would have the opportunity to experience the pride of homeownership and the sense of community associated with owning and being responsible for one's own dwelling. Moreover, the quality of life in many areas would be significantly improved since more homeowners would have the economic wherewithal to make improvements and repairs which they have postponed for lack of sufficient funds.

This legislation should also have a beneficial impact on carpenters, plumbers, roofers, painters, electricians, and similar workers all of whom have been adversely affected by the slump in home construction. The beneficial economic consequences to be derived from increased activity in these trades will extend far beyond the workers involved to many manufacturing and service related industries which are heavily dependent upon the consumer dollar. Thus, the "ripple" effect should stimulate new activity in many sectors of the economy.

In my State of Alaska, where residential repair costs are from 25 to 50 percent higher than in the "Lower 48" States, this bill should have a very salutary effect. All of the factors which I have referred to are present but are magnified by our very high costs, often deplorable housing conditions, rigorous natural environment, and high unemployment. As an example, the unemployment rate in my State is usually more than twice the national average, and is even greater in rural Alaska, where it is not uncommon to find villages with from 80 to 100 percent unemployment during certain seasons of the year. In addition, we have more substandard housing than virtually anywhere else under the American flag. In rural Alaska, almost all of the residential dwellings fall far below acceptable standards. The enactment of the legislation which I am introducing today would help to alleviate these conditions by facilitating home improvements and repairs and by stimulating new economic activity and the creation of additional jobs.

Mr. President, for all of the reasons that I have outlined today, I urge favorable consideration for this legislation.

I ask unanimous consent that my bill be printed at this point in the CONGRESSIONAL RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2271

A bill to amend the Internal Revenue Code of 1954 to allow a deduction for expenses incurred by a taxpayer in making repairs and improvements to his residence

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) part VII of subchapter 1 of the Internal Revenue Code of 1954 (relating to additional itemized deductions for individuals) is amended by redesignating section 218 as section 219 and by inserting after section 217 the following new section:

"SEC. 218. REPAIR OR IMPROVEMENT OF TAXPAYER'S RESIDENCE.

"(a) ALLOWANCE OF DEDUCTION.—There shall be allowed as a deduction the ordinary and necessary expenses paid during the taxable year for the repair or improvement (including painting, papering, carpentry work, plumbing, electrical work, roofing and glazing, and any similar items) of property used by the taxpayer as his principal residence.

"(b) LIMITATIONS.—The deduction allowed a taxpayer under this section shall not exceed $1,000 for any taxable year. No deduction may be allowed under this section with respect to any capital expenditure."

(b) The table of sections for such part VII is amended by striking out

"SEC. 218. CROSS REFERENCES."

and inserting in lieu thereof

"SEC. 218. REPAIR OR IMPROVEMENT OF TAXPAYER'S RESIDENCE.

"SEC. 219. CROSS REFERENCES."

(c) Section 62 of such Code (relating to definition of adjusted gross income) is amended by inserting after paragraph (8) the following new paragraph:

"(9) REPAIR OR IMPROVEMENT OF TAXPAYER'S RESIDENCE.—The deduction allowed by section 218."

SEC. 2. The amendments made by this Act shall apply only with respect to taxable years ending after the date of the enactment of this Act.

By Mr. STEVENS:

S. 2272. A bill to provide needed facilities and services not otherwise available for the accommodation of visitors in the areas administered by the National Park Service, by authorizing the Secretary of the Interior to guarantee loans which are part of concessioner investments in such facilities and services, and for other purposes. Referred to the Committee on Interior and Insular Affairs.

Mr. STEVENS. Mr. President, today I am introducing legislation which would authorize the Secretary of the Interior to guarantee loans used to finance the construction of visitor centers and other facilities in areas under the jurisdiction of the National Park Service.

Specifically, the Secretary would be authorized to guarantee up to 90 percent of the actual cost of a particular improvement. However, a $25 million ceiling would be placed on the aggregate unpaid principal amount of outstanding loans guaranteed under the act. Moreover, a loan could not be guaranteed until the Secretary finds—First, that the concessioner is unable to obtain the necessary funds without a loan guarantee; second, that the proposed improvement is economically sound; and third, that the proposed improvement is necessary and appropriate for the public use and enjoyment of an area administered by the National Park Service. In order to insure the necessary financing, a revolving fund would be created, with contingency borrowing authority vested in the Secretary of the Interior in the event that at any time, the moneys in the fund were not sufficient to pay an amount owed by the Secretary on account of a loan default.

The introduction of this bill is necessitated by the fact that because the legal title to all improvements erected in areas administered by the National Park Service vests in the U.S. Government, it is very difficult to obtain private capital on a long-term basis to construct such improvements. Moreover, the present economic situation makes it difficult to obtain the necessary financing.

Mr. President, I believe that the establishment of visitor centers and related facilities in areas not now served by these improvements would promote public use and enjoyment of our national parks, wilderness areas, wildlife refuges, and other areas of this type. Since the act stipulates that new facilities and services could be instituted only if they are consistent with the preservation and conservation of areas administered by the Park Service, the natural environment of these withdrawals would not be impaired.

In my State of Alaska, which has numerous areas of great natural beauty, tourism would be stimulated with a concomitant beneficial impact on our entire economy. At the same time, many thousands of Americans would be able to experience the scenic beauty and splendor of Mount McKinley National Park, the Glacier Bay and Katmai National Monuments, and other areas administered by the Park Service in my State Similar public enjoyment and economic benefits would result in many other parts of the United States. For all of these reasons, I urge the prompt enactment of the bill that I have introduced today.

I ask unanimous consent that this legislation be reprinted at this point in the CONGRESSIONAL RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2272

A bill to provide needed facilities and services not otherwise available for the accommodation of visitors in the areas administered by the National Park Service, by authorizing the Secretary of the Interior to guarantee loans which are part of concessioner investments in such facilities and services, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

POLICY AND PURPOSE

SECTION 1. It is hereby declared to be the policy of Congress to encourage private persons and corporations to provide and operate facilities and services for the accommodation of visitors in the areas administered by the National Park Service of the Department of the Interior, but only to the extent that such facilities and services are necessary and appropriate for the public use and enjoyment of such areas, and are consistent with their preservation and conservation. However, it is recognized that as legal title to all improvements erected in areas administered by the National Park Service vests in the United States Government, private capital to construct these facilities is not available from conventional sources for long-term financing.

It is the sense of the Congress that the Secretary of the Interior should adopt such policies and take such action as may be necessary or appropriate to implement the foregoing policy, and, in furtherance of that policy, it is the purpose of this Act to authorize the Secretary of the Interior to guarantee loans obtained by concessioners to finance such facilities. To the degree consistent with the best interests of the parties, these loans should be obtained from sources local to the area served.

DEFINITION

SEC. 2. As used in this Act—

(1) The term "Secretary" means the Secretary of the Interior.

(2) The term "concessioner" means a concession contract with the Department of the Interior, who is authorized to provide and operate, under the supervision of the National Park Service, facilities and services for the accommodation of visitors in areas administered by the National Park Service.

(3) The term "concession contract" means the contract to provide and operate facilities and services granted to the concessioner by the Department of the Interior.

(4) The term "improvement" means any facility used or to be constructed, repaired, or improved in an area referred to in paragraph (2), including equipment to be purchased and used in connection therewith by a concessioner pursuant to the request and subject to the approval of the Secretary, for the purpose of enabling the concessioner to furnish accommodations or to perform services to the public, as such accommodations and services are defined in the concession contract.

(5) The term "financing" shall mean any loan, advance of credit, or bonds or notes issued under a trust indenture.

(6) The term "lender" includes the original maker of any loan and his successors in interest, or the purchaser of a bond or note, except that in the case of a loan or advance of credit involving a trust indenture and an issue of bonds or notes thereunder, it means the trustee designated in such trust indenture and his successors and assigns as trustees, but does not include the holders of the bonds or notes issued under such trust indenture.

(7) The term "actual cost of an improvement" means, as of any specific date, the aggregate (as approved by the Secretary) of (a) all amounts paid by or on account of the concessioner on or before that date, and (b) all amounts the concessioner is then obliged to pay from time to time thereafter, for an improvement.

(8) The term "possessory interest" means the rights of the concessioner in improvements recognized in the concession contract.

GUARANTEE OF LOANS

SEC. 3. (a) When the Secretary determines that not less than 10 per centum of the cost of the improvement will be furnished by the concessioner from sources other than the lender whose financing is to be guaranteed, the Secretary is hereby authorized to guarantee such lender against loss of principal and interest on any financing made by such lender to any concessioner. Such guarantee shall be made on such terms and conditions, and pursuant to such regulations as the Secretary may prescribe, but in no case shall be the Secretary pay, pursuant to any such guarantee, an amount in excess of 90 per centum of the actual cost of an improvement.

(b) The faith of the United States is solemnly pledged to the payment of each guarantee made pursuant to this Act.

(c) The aggregate unpaid principal amount of outstanding loans guaranteed under this Act shall not exceed $25,000,000.

GUARANTEE RESTRICTIONS

SEC. 4. No loan shall be guaranteed under this Act, unless the Secretary finds—

(1) that the concessioner would be unable to obtain the necessary funds for the improvement without such guarantee, and in the amount thereof;

(2) at or prior to the time the guarantee is made, that the improvement with respect to which the financing is or will be executed is economically sound; and

(3) that the improvement for which the financing is, or will be executed is necessary and appropriate for the public use and enjoyment of an area administered by the National Park Service.

FINANCING GUARANTEE FUND

SEC. 5. (a) There is created a National Park Service Guaranty Fund (hereinafter referred to as the "fund"), which shall be used by the Secretary as a revolving fund for the purpose of carrying out the provisions of this Act. Moneys in the fund shall be deposited in the Treasury of the United States to the credit of the fund, or invested in bonds or other obligations of, or guaranteed as to principal and interest by, the United States.

(b) The Secretary is authorized to fix a guarantee fee in connection with each financing guaranteed under this Act. Such charge shall not be less than one-quarter of 1 per centum per annum, nor more than one-half of 1 per centum per annum of the average principal amount of the financing outstanding. Fee payments shall be made when payments are first advanced under the loan agreement or trust indenture and on each anniversary date thereafter. All such fee payments shall be computed and shall be payable to the Secretary under such regulations as the Secretary may prescribe.

(c) All moneys borrowed by the Secretary under section 7, and all fees collected in connecton with financing guaranteed under this Act, shall be deposited in the fund.

DEFAULTS ON FINANCING

SEC. 6. (a) In the event of an act or failure to act which gives the lender the right to mature any financing guaranteed under this Act (any such event being referred to herein as a default), and if there is a failure on the part of the concessioner to remove and remedy the default within thirty days thereafter, the lender shall have the right—

(1) in the case of a default in respect to the payment of principal or interest or the payment of any amount to provide for the payment of guarantee charges to the Secretary, to demand payment at or before the expiration of sixty days after any such default; or

(2) in the case of any other default, including but not limited to a substantial default or continued unsatisfactory performance under the concession contract to demand at any time during the continuance of such default, payment by the Secretary of the unpaid principal amount of such financing and of the unpaid interest thereon to the date of payment. Upon the making of any such demand, the lender shall assign the financing instrument and any obligations evidencing the same to the Secretary. The Secretary may at any time during the continuance of any default notify the lender in writing that a default exists, specifying the same, and that by reason of such default the Secretary intends to terminate the guarantee sixty days after such notice is received by the lender. The lender shall be entitled to demand payment by the Secretary as above provided at any time during such sixty-day period, whether or not the default is removed and remedied, and if the lender shall fail to make such demand, the guarantee may be terminated by the Secretary on or after the expiration of such period. Within a period of thirty days from the date of any such demand, the Secretary shall accept the assignment and promptly pay to the lender the unpaid principal amount of such financing and unpaid interest thereon to the date of payment; except that in any case in which the Secretary has given notice of intention to terminate the guarantee pursuant to the foregoing provisions, the Secretary shall not be required to accept such assignment if, prior to the expiration of such thirty-day period, he shall find that there was no default or that such default was removed and remedied prior to any such demand.

(b) In the event the Secretary shall accept the assignment of a financing agreement upon the default of a concessioner pursuant to subsection (a), he shall take such action against the concessioner or any other parties liable under the financing agreement thereunder as, in his discretion, may be required to protect the interests of the United States and of the lender as they may appear. In any event, and in addition to all other remedies which may be available to the Secretary as a matter of law, or pursuant to the concession contract or the financing agreement, the payment made by the Secretary to the lender under subsection (a) shall constitute a primary lien against the entire possessory interest of the concessioner under the concession contract of such concessioner, without any limitation to the improvements which were acquired by means of the defaulted obligation. The Secretary shall require as a condition of entering into the guarantee herein provided for, that the concessioner shall agree—

(1) default in the financing shall constitute a default under the concession contract;

(2) the Secretary shall have the right, in addition to the rights granted under the concession contract, to offer for sale not only the possessory interest of the concessioner, but all other property of the concessioner which may have been pledged to secure the loan, with any excess of the proceeds of such sale over any amount paid by the Secretary pursuant to subsection (a) to be paid to the concessioner.

If the Secretary shall determine that the interests of the United States do not require the sale of the possessory interest of the concessioner, he may make such agreement with the concessioner as, in the opinion of the Secretary, will result in remedying the default.

(c) Any amount required to be paid by the Secretary pursuant to subsection (a) shall be paid in cash.

BORROWING AUTHORITY

SEC. 7. If at any time the moneys in the fund are not sufficient to pay any amount the Secretary is required to pay by section 6 (a), the Secretary is authorized to issue to the Secretary of the Treasury notes or other obligation in such forms and denominations, bearing such maturities, and subject to such terms and conditions as may be prescribed by the Secretary, with the approval of the Secretary of the Treasury. Such notes or other obligations shall bear interest at a rate determined by the Secretary of the Treasury, taking into consideration the current average market yield on outstanding marketable obligations of the United States of comparable maturities during the month preceding the issuance of such notes or other obligations. The Secretary of the Treasury is authorized and directed to purchase any notes and other obligations to be issued hereunder and for such purpose he is authorized to use as a public debt transaction the proceeds from the sale of any securities issued under the Second Liberty Bond Act, as amended, and the purposes for which securities may be issued under such Act, as amended, are extended to include any purchases of such notes and obligations. The Secretary of the Treasury may at any time sell any of the notes or other obligations acquired by him under this section. All redemptions, purchases, and sales by the Secretary of the Treasury of such notes or other obligations shall be treated as public debt transactions of the United States. Funds borrowed under this section shall be deposited in the fund, and redemptions of such notes and obligations shall be made by the Secretary from the fund.

INCONTESTABILITY OF GUARANTEES

SEC. 8. Any contract of guarantee entered into by the Secretary under this Act shall not be terminated, canceled, or otherwise revoked for any reason, except as provided in section 6, and shall be conclusive evidence that the financing complies fully with the provisions of this Act; and any contract of guarantee so entered into shall be incontestable from the date on which it is entered into, except for fraud, duress, or mutual mistake of fact.

AUTHORIZATION OF APPROPRIATIONS

SEC. 9. There are hereby authorized to be appropriated such sums as may be necessary for the administrative expenses incurred in carrying out the provisions of this Act.

By Mr. TOWER (for himself, Mr. HANSEN, Mr. STEVENS, and Mr. PEARSON):

S. 2273. A bill to provide a tax credit for expenditures made in the exploration and development of new reserves of oil and gas in the United States. Referred to the Committee on Finance.

ESTABLISHMENT OF A 12.5-PERCENT DOMESTIC EXPLORATION INVESTMENT TAX CREDIT

Mr. TOWER. Mr. President, I have warned repeatedly during the past few years that this Nation would experience dangerous shortages of energy resources unless corrective actions were taken. Much to my regret and alarm, few such actions have been taken and these few have been inadequate. Consequently, we continue on a collision course with dangerous energy shortages.

The causes and dimensions of these shortages have been abundantly documented in numerous recent reports and statements by representatives of government and industry. Because of these reports, there has been a growing awareness that a serious national energy problem exists.

I would like to focus upon a particular consequence of our energy resource shortages which I find appalling. That is our increasing reliance upon Middle East sources of crude oil to make up the growing deficiency between our ability to produce and our consumer demand.

Estimates of the magnitude of our future reliance on Middle East sources vary. But, practically all the reports conclude that, during the next 15 years, we will be forced to rely increasingly upon imports of crude oil from the Middle East to meet larger portions of our burgeoning energy demands.

Secretary of Interior Rogers C. B. Morton reached this conclusion in his June 15 testimony before the Senate Committee on Interior and Insular Affairs. He estimated that by 1985 our total oil consumtpion would approach 24 million barrels per day and that the United States could be forced to import approximately 12 million barrels of crude oil per day from Middle East sources. He concluded that:

> Unless a marked and early improvement occurs in exploration and discovery success and . . . investment in oil producing activities in the United States, there appears little chance that domestic production can keep up with the strong upward trend in demand.

He predicted that by 1985 we will be forced to rely upon the Middle East for at least 45 percent of our supply of crude oil.

A more pessimistic view of our growing reliance on Middle East oil was presented by Mr. M. A. Wright, chairman of the board of Humble Oil & Refining Co. On May 17, he told the Florida Governor's Conference on the Big Swamp that—

> After the next year or so, essentially all of the growth in U.S. petroleum demand will have to be met with imports from the Eastern Hemisphere. Unless we make a substantial effort to increase domestic supplies of all forms of energy, by 1985 foreign imports will supply over half our demand for petroleum and most of this will come from the Middle East.

He attached a chart to his statement which showed that by 1985 imports of liquid petroleum products could be 62 percent of our consumption.

I find these projections by the Interior Secretary and an eminent industrial leader most alarming. Unfortunately, these two projections cannot be considered to be either unique or without foundation.

Increasing reliance on Middle East sources is a totally unacceptable solution to our crude oil supply problems.

We must not allow ourselves to rely on any foreign sources to meet our needs for one of the foundations of our national security. And because of its long history of turmoil and unrest, the Middle East is the least desirable of free world sources.

Our national security objectives regarding supplies of crude oil were officially established in 1959 by Presidential Proclamation No. 3279. These criteria were reaffirmed by the President's Task Force on the "Oil Import Question" in February 1970, and more recently by the "Report on Crude Oil and Gasoline Price Increases of November 1970" issued by the Office of Emergency Preparedness in April 1971.

The criteria are as follows:

First. The need to guarantee supplies

sufficient to meet the needs of U.S. military forces and defense industries.

Second. The need for a sufficient supply of crude oil and its derivatives to meet essential civilian demands, and sustain economic growth.

Third. The need to foster exploration and development so as to insure a depletion of reserves to an extent which would not jeopardize the capability of the petroleum industry to meet future demands, without undue reliance on foreign sources of questionable reliability.

The Cabinet Task Force Report of 1970 also recommended that imports from Eastern Hemisphere sources not exceed 10 percent of our domestic consumption.

In summary, then, these objectives explicitly recognize that we must encourage continued exploration in order to insure sufficient producing petroleum reserves to meet both our military and essential civilian needs; that we should maintain a producing capacity sufficient to guarantee future economic growth; and that we should not become overly dependent upon foreign sources of questionable reliability.

These objectives were hammered out over an extended period of time. They have been honored by several administrations. They recognize that petroleum is a vital ingredient to our national defense and to our continued economic health.

I cannot stress strongly enough the importance I place upon the maintenance of these objectives. If the projections of the experts come true, we will have knowingly violated these national security and economic goals. Unless we act now to reverse the current trend, our military capability of our national economic health will be seriously jeopardized, perhaps irrevocably.

Of course, the percentage of our total energy requirements which will be satisfied by oil will probably decrease in the future as other sources of energy are developed. Nevertheless, our need for oil will continue to be tremendous. Secretary Morton, in his June 15 testimony, projected that by year 2000, oil will still provide 35 percent of our energy needs, down from the present 44 percent. This translates into a volumetric increase in crude oil requirements from 15 million to 33 million barrels per day, since our energy needs will rise substantially.

Secretary Morton's projected decrease in the percentage of our energy requirements which will be met by crude oil may be overly optimistic, for his projections are based on assumptions which could be erroneous. The projections assume that we will have developed the necessary technology and machinery by the year 2000 to utilize various exotic means for energy production such as the breeder reactor, solar and thermal cells, oil shale, and coal gassification and liquifaction to name a few of the possibilities. Past estimates of the speed of development of this type of technology and equipment have been notoriously inaccurate, and we have no basis for assuming the new estimates to be more accurate. Development of this type technology and equipment often requires more time than at first anticipated.

I can appreciate the difficulty in making such estimates. Many of the problems are unknown and unforeseen at the time of the estimates. But we should be aware that these estimates may be too optimistic. If so, we may be forced to ask crude oil for longer periods of time and in greater quantities than presently estimated.

The essential point is that we are heading into an intolerable situation in which we are becoming increasingly dependent upon Middle East sources to supply our essential petroleum needs and that political realities in the Middle East make this source insecure.

The Middle East has a long history of turmoil and unreliability. I could compile a lengthy list of uprisings which have resulted in the disruption of the flow of oil from this area.

In addition there have been recent events in the Middle East which could make these sources even less secure than in the past.

For example, the Soviet Union has increased its capability to disrupt oil shipments through the Mediterranean Sea. Time magazine reported in its June 28 issue that the Soviet Union had dramatically increased the size of its fleet there. At the present time, the fleet of the Soviet Union very nearly equals our own, it was reported. This means that our strength in the Mediterranean is being challenged. The Mediterranean sealanes are of vital strategic importance in the shipment of crude oil.

Another recent event which increases doubts about the reliability of Middle East oil was the signing of the 15-year treaty between the Soviet Union and the United Arab Republic. Dr. Fayez A. Sayegh, a permanent observer of the League of Arab States and a leading spokesman for the Arab world, recently warned that the signing of this treaty represented an indication of further deterioration of Arab-American relations. He stressed that the significant feature of this treaty was that the UAR had abandoned its policy of nonalinement, and he implied that other Arab countries may be tempted to do the same.

Perhaps the singly most important development which highlighted the insecurity of Eastern Hemisphere oil was the dramatic display of bargaining strength and unity by the members of the Organization of Petroleum Exporting Countries in their recent negotiations with the oil company concessionaires. This organization is often referred to as OPEC, and is composed of the following countries: Abu Dhabi, Gatar, Kuwait, Saudia Arabia, Iraq, Iran, Algeria, Libya, Venezuela, and Indonesia. Nigeria is expected to join soon.

This list includes practically all the major producers of crude oil in the free world besides the United States. The importance of this organization is exhibited by the fact that we presently draw 55 percent of our total imports, equivalent to about 11 percent of our total oil consumption, from these OPEC members.

The tough and unified bargaining stance taken by the OPEC countries represented a reversal of several of our traditional concepts concerning Middle East oil.

First, this was essentially the first time that these countries united to bargain for their common good. In the past, these countries had bargained on an individual basis, often exhibiting a lack of trust in each other. Their overall stance had made it relatively easy for the oil companies to bargain effectively with one at a time.

Second, the demands made by the OPEC countries and finally obtained by them were extremely tough. They extracted large percentage increases in their participation in the profits derived from the production and transportation of oil within their own countries.

Third, their main bargaining weapon was the threat of an embargo on all oil shipments from these countries. This was a most powerful and effective weapon. Until 1970, few believed that any Middle East country would voluntarily reduce or terminate its oil production. Most believed that none of these countries would deprive itself of the substantial revenues derived from this production. But in 1970, Libya stopped producing a sizable percentage of its oil, and the myth was shattered.

In order to appreciate the relative bargaining strength of the OPEC, it is necessary to examine the increased reliance of Western Europe, Japan, and the United States on Middle East oil. In 1950, the primary sources of energy for Western Europe and Japan was coal. Now over one-half of the total energy supplies of these large industrial nations is supplied by Middle East oil. As to the magnitude of the Middle East sources, the 10 OPEC countries control over 80 percent of the known oil reserves in the world.

We presently import only 3 percent of our needs from Middle East sources. This figure, though small, is deceptive. Middle East oil constitutes 93 percent of the fuel oil consumed on the east coast of the United States. And I have already stressed the trend of increasing reliance upon imports from the Middle East to meet future oil deficits. Some areas of the United States are already overreliant on Middle East oil, and it is now predicted that we shall become overreliant as an entire nation.

The result of the OPEC bargaining was that the balance of power tipped in favor of the oil exporting countries. Under the terms of the resulting contract, oil revenues to these countries will be increased by approximately $8 billion over the next 5 years. Large portions of this increase in cost to the oil companies will probably be passed to the consumers.

The critical aspect of these negotiations was the use of the threat of embargo on oil shipments from these countries. This threat can, and probably will, be used again. Most of the oil consuming countries will be powerless to do anything but to capitulate to the demands of the exporting countries.

The United States does not have to cower before threats of embargo. We have enough indigenous oil reserves to satisfy our needs for several decades to come at projected rates of consumption. It has been reliably estimated that there remains to be discovered more oil in the United States than we have yet discovered throughout our history. The U.S. Geologic Survey has estimated that approximately 430 billion barrels of recoverable oil await discovery in the United States. It has been estimated that we will consume an average of 21 million barrels of oil per day over the next 15 years. If this estimate is accurate, we will consume approximately 105 billion barrels of oil the next 15 years. So, we have adequate undiscovered reserves of oil to meet all our needs.

But, the mere possession of undiscovered oil reserves does not give us a viable alternative to increasing reliance upon Middle East oil. Our undiscovered reserves must be converted into producing oil fields.

Converting undiscovered reserves into producing reserves can be accomplished only through massive investments in exploration. Estimates of the required investments range into the tens of billions of dollars.

Yet, at the present time, our exploration investment is minimal and the level of our domestic exploration activity is at a 28-year low.

The reason for the depressed level of exploration activity can be attributed to the overall negative attitude of the public and government toward the domestic petroleum industry. This negative attitude has been manifested by a combination of Government policies which appear to have been especially designed to inhibit and discourage domestic exploration activity rather than encourage it.

For example, the Tax Reform Act of 1969 reduced the depletion allowance from 27½ to 23 percent. It has been estimated that this placed an additional cost on the industry of approximately $700 million per year. Thus, at the very time when the oil industry desperately needed help, this tremendous tax burden was added. This dampened domestic exploration.

Another example was the attitude of the administration to the 1970 25-cent barrel increase in the price of domestically produced oil. Most of the oil community felt that the President's criticism of this modest 8-percent increase was unwarranted. The costs of seeking and developing oil reserves have been rising at a much more rapid rate than the sale price for crude oil. From 1960 to 1970, the wholesale price of all commodities rose by 16.3 percent while the price of crude oil rose only 7.6 percent, according to Department of Commerce figures. Meanwhile, the costs paid by the producers for the services and materials used in exploring for oil have increased. A sampling of costs shows that since 1960 oilfield wages have risen by 42 percent, machinery by 30 percent, and oil well casing by 19 percent. By combining these statistics, we can obtain an indication of the decreased buying power of a barrel of crude oil. Applying the Government's price deflaters in order to state crude oil prices in constant 1958 dollars, the real price of crude oil has eroded by 46 cents per barrel, or 16.5 percent in the past 10 years. So, by using various comparisons, the price and the buying power of a barrel of crude oil has substantially decreased.

With this background in mind, imagine the shock of the petroleum community when the President publicly denounced a modest price increase for domestically produced crude oil.

The industry was further shocked when the President called for a full-scale investigation of the price increase by the Office of Emergency Preparedness. The purpose of the investigation was to determine whether this modest price increase was justified on national security grounds. I encouraged the oil industry to take this opportunity to place in the public record the abundant data which would justify this increase. The industry responded well.

The report concluded that the increase was justified on long-term national security grounds, but did so only "reluctantly." There was considerable data to support this conclusion, and I see no reason for it having to be reached "reluctantly."

There are two main negative aspects to this unfortunate episode. First, the President publicly singled out one industry to criticize over a small price increase. This increase fell far short of even maintaining the price of oil on a parity with other prices affecting the industry. A second negative aspect was the grudging attitude of the Office of Emergency Preparedness in reaching its decision "reluctantly," which only served to undermine the image of the industry.

Another example of the overall negative attitude which overshadows the oil industry was embodied in the President's "clean energy" message to Congress of June 4. The President is to be complimented for recognizing the existence of a national energy problem. Moreover, he correctly recognized that the energy problem was one which involves all energy resources and must be dealt with as a whole. These were new concepts for the upper levels of government.

But, the President failed to adequately emphasize that for at least the next 30 years the petroleum industry would be supplying over half of the energy consumed in the United States. Rather, he stressed the importance of developing new energy sources. I support the development of new energy sources, but this development will take many years and for the immediate future we must give the attention required for the adequate development of our petroleum reserves.

The petroleum industry needs encouragement if it is to properly supply the tremendous quantities of oil we require over the next 30 years. Yet, the President's message offered only one identifiable incentive to the petroleum industry. This incentive was his direction to the Department of Interior to accelerate the leasing of Federal offshore lands for oil and gas exploration. This acceleration is certainly required. One of our most accessible petroleum reserves may lie under these lands. But more incentives are desperately needed.

In the interest of our Nation's wellbeing, bold, tangible, recognizable incentives are needed to encourage investments in exploration for new reserves of oil and natural gas.

The most important single incentive to the oil industry is adequate price. We must not merely allow reluctantly the price of oil to rise. We must encourage the price of domestically produced oil to rise. And I stress that doing so would be in the long-term consumer interest, for it would insure energy supply.

Dr. Paul W. McCracken, Chairman of the President's Council of Economic Advisers, correctly noted the role played by price. In his testimony before the Senate Committee on Interior and Insular Affairs on June 14, he said that the key issue is to determine the price necessary to bring forth needed supplies of domestic crude oil.

I believe it is evident that the present price is too low. Our producing reserves are declining more rapidly than they are being supplemented. Our surplus producing capacity is now less than our imports. Therefore, our own producing reserves are no longer sufficient to sustain normal consumption should our imports be disrupted. Our energy supply situation is bad and is worsening.

In providing policies designed to bring forth adequate supplies of this essential commodity, we must not be overly cautious. If the remedies we employ are later found to be overly effective in bringing forth supplies of crude oil, we can adjust them. It may very well be that the increases in the price of domestically produced oil may have to be in the order of dollars instead of pennies per barrel. The prospect of price increases of this magnitude should not alarm the consumer. A $1 increase in the price of crude oil only translates into an increase of 2.3 cents per gallon of gasoline at the pump. I believe the consumer should be willing to pay this small increase to avoid possible rationing or disruption of supplies. I feel confident that price increases of this magnitude will result in increased exploration activity.

Tax incentives encourage exploration, too. Our history has shown that this form of incentive works. We must devise new and imaginative tax incentives designed to stimulate exploration for new reserves of oil and natural gas.

In this connection, I am introducing today a bill which would establish a 12.5-percent domestic exploration investment tax credit. This tax credit would reduce a year's income taxes by 12.5 percent of any money spent that year in exploring for or developing new domestic reserves of oil and natural gas. The tax credit would be a temporary one and would expire automatically 10 years from enactment of the bill.

The intent of this legislation is to stimulate investments for exploration of new domestic reserves of oil and natural gas. It is intended to help reverse the present dangerous trends which would result in our growing reliance upon insecure Middle East sources of crude oil, and to guarantee the consumer the energy supplies he requires.

I recognize that revenue-raising legislation must originate in the House of Representatives. However, this legislation should provide a platform from which needed discussion on the subject may emanate.

I urge prompt consideration of this legislation. We must act now to reverse the depressed level of domestic exploration activity so this Nation will not be dependent upon insecure Middle East sources for the bulk of our crude oil supplies which are so vital to our national security and our economic health.

Mr. President, I ask unanimous consent that the text of the bill be printed in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 2273

A bill to provide a tax credit for expenditures made in the exploration and development of new reserves of oil and gas in the United States

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That part A of part IV of chapter 1 of the Internal Revenue Code of 1954 (relating to credits against tax) is amended by renumbering section 40 as 41, and by inserting after section 39 the following new section:

"Sec. 40. Exploration and Development Expenditures for New Deposits of Oil and Gas Reserves.

"(a) General Rule.—There shall be allowed as a credit against the tax imposed by this chapter for the taxable year an amount subject to the limitations of subsection (b)) equal to 12½ percent of the amount of expenditures paid or incurred by the taxpayer during the taxable year for—

"(1) the purpose of ascertaining the existence, location, extent, or quality of any deposit of oil or gas, and paid or incurred before the beginning of the development stage of such deposit, or

"(2) the development of a deposit of oil or gas if the existence of oil or gas in commercially marketable quantities in such deposit is ascertained after the date of the enactment of this section,

if such deposit is located within the United States (as such term is defined in section 638).

"(b) Limitations.—

"(1) Duration.—The credit allowed by subsection (a) shall apply only to expenditures paid or incurred within the 10-year period beginning on the first day of January of the year in which this section is enacted.

"(2) application with other credits.—The credit allowed by subsection (a) shall not exceed the amount of the tax imposed by this chapter for the taxable year reduced by the sum of the credits allowable under section 33 (relating to foreign tax credit), section 35 (relating to partially tax-exempt interest), section 37 (relating to retirement income) and section 38 (relating to investment in certain depreciable property).

"(c) Carryback and Carryover of Unused Credits.—

"(1) Allowance of credit.—If the amount of the credit determined under subsection (a) for any taxable year exceeds the limitation provided by subsection (b)(2) for such taxable year (hereinafter in this subsection referred to as 'unused credit year'), such excess shall be—

"(A) an exploration or development credit carryback to each of the 3 taxable years preceding the unused credit year, and

"(B) an exploration or development credit carryover to each of the 7 taxable years following the usused credit year,

and shall be added to the amount allowable as a credit by section 40 for such years, except that such excess may be a carryback only to a taxable year ending after the first day of January in which this section is enacted. The entire amount of the unused credit for an unused credit year shall be carried to the earliest of the 10 taxable years to which (by reason of subparagraph (A) or (B)) such credit may be carried, and then successively to each of the other 9 taxable years to the extent that, because of the limitation contained in paragraph (2), such unused credit may not be added for a prior taxable year to which such unused credit may be carried.

"(2) Limitation.—The amount of the unused credit which may be added under paragraph (1) for any preceding or succeeding taxable year shall not, when added to the amount of the credit under subsection (a), exceed the amount of the tax imposed by this chapter for the taxable year reduced by the sum of—

"(A) the credits allowable under section 33 (relating to foreign tax credit), section 35 (relating to partially tax-exempt interest), section 37 (relating to retirement income), and section 38 (relating to investment in certain depreciable property); and

"(B) the amounts which, by reason of this subsection, are added to the amount allowable for such taxable year and attributable to tax years preceding the unused credit year.

"(d) Regulations.—The Secretary or his delegate shall prescribe such regulations as may be necessary to carry out the provisions of this section."

Sec. 2. The table of sections for such subpart A is amended by striking out the last item and inserting in lieu thereof the following:

"Sec. 40. Exploration and development expenditures for new deposits of oil and gas reserves.

"Sec. 41. Overpayment of tax."

Mr. HANSEN. Mr. President, I am happy to join the distinguished senior Senator from Texas (Mr. Tower) as a cosponsor of his bill to allow a 12½-percent tax credit for expenditures on exploration and development of domestic oil and gas reserves.

As the able Senator who is so well versed in the problems of the oil and gas industry has pointed out, this Nation now faces energy problems of serious proportions and the only realistic and reliable solution for the next decade and probably longer lies in the development of our own abundant domestic resources of energy.

Inasmuch as some three-fourths of the energy requirements of the Nation—99 percent of the energy that powers U.S. transportation—comes from oil and gas, the only sensible and practical solution is, in my opinion, a greatly stepped-up program of exploration for and development of the deposits that I am assured still exist in the continental United States and Alaska, both onshore and offshore.

Recognizing the impending crisis for what it is, the Senate Interior Committee only today has approved a study plan to implement a study already approved by the Senate of national fuels and energy policy.

The plan has now been released by the committee for comment and suggestions and I was happy to note that Senator Henry M. Jackson, chairman of the committee, agreed with me that legislation such as this bill or others that could accelerate development of domestic energy resources should not be delayed by the committee study.

Senator Jackson, in fact, has introduced a bill of his own, along with Senator Frank E. Moss, chairman of the Subcommittee on Minerals, Materials and Fuels, intended to speed development of commercial production of gas from coal. Several Senators joined me earlier in another bill intended to hurry coal gasification projects. The President in his energy message to Congress also emphasized the need for more funding for coal gasification research and development as well as stepped-up development of a fast breeder reactor. And the Secretary of the Interior has just announced a prototype oil shale leasing program.

But these are all programs of long leadtime that can and must supplement the fossil fuel on which we now depend and on which we will continue to rely for a good many years.

So the legislation now proposed for added incentives for discovering new domestic supplies of oil and gas is of urgent and vital importance to the Nations' welfare, progress, and national security in the interim period before these supplemental fuels are available and nuclear power becomes a real factor in the overall energy picture.

As any objective study or examination will reveal, oil and gas have been and still are real bargains in America. As many of us have contended for years, the unrealistic wellhead pricing of natural gas has been the principal factor in the rapidly increasing use of this cleanest and most convenient fuel at rates greater than new supplies are being discovered.

The able Senator from Texas (Mr. Tower) and I have introduced legislation to decontrol the wellhead price of gas for interstate use and the Federal Power Commission has instigated proceedings to approve applications for reasonable price increases to encourage exploration and development of new supplies.

In addition, the Joint Committee on Atomic Energy has asked the Congress to approve an increase of $2.6 million for fiscal 1972 in the nuclear gas stimulation program which has already proven its technological success.

The need, though, is now to reverse the dissipation of both our oil and gas reserves and the increasing reliance on foreign sources.

A threatened energy crunch last winter was prevented by the fact that Texas and Louisiana still had a margin of producing capacity to make up a substantial shortage of imported oil and residual oil. Also by the ability of the major U.S. refiners to hurriedly convert to production of heavy heating oils on which the east coast depends.

After quotas on this type of oil were eliminated some 6 years ago, the east coast by the fall of 1970 was importing more than 90 percent from foreign sources. Events in the Middle East and North Africa resulting in a crude oil and tanker shortage resulted in a world market price increase that about doubled residual prices. Action by the Organization of Petroleum Exporting Countries, including our main supplier, Venezuela, brought further increases in crude and oil product prices.

The import of such heavy reliance on foreign sources of the principal fuel supply of a major metropolitan area was brought home by these events but were soon forgotten after the wolf went away.

But, as Assistant Secretary of the Interior for Natural Resources, Hollis M. Dole, said:

> The wolf was indeed at the door earlier this winter; he has merely gone away for a time. But he will surely be back, and he may bring the whole pack with him.

Mr. President, this Nation cannot afford to forfeit its world industrial leadership by default. But there is no surer way this could happen than for the United States to lose its energy self-sufficiency.

There would be no need for enemy submarines or any overt act of warfare to bring this Nation to its knees. All it would take would be the individual or concerted political decisions of those who control most of the world's oil production. Some three-fourths of the known world oil reserves are in the Middle East and North Africa. Even in our own Western Hemisphere, American oil properties have been expropriated or nationalized and others are threatened.

Whether these supplies should be cut-off or not, no one but a dreamer can foresee them staying cheap once the United States must rely on them.

The only answer is U.S. self-sufficiency in its essential fuel needs and those needs must surely be furnished by oil and gas for a good many years.

The incentive bill which I cosponsor with the distinguished Senator from Texas (Mr. TOWER) will, in my opinion, offer an immediate stimulant to a waning oil and gas exploration and development program, quickly reverse the downward trend of oil and gas reserves and maintain self-sufficiency in our principal energy source.

By Mr. HART:

S. 2276. A bill to amend the Fish and Wildlife Act of 1956 to provide technical and financial assistance to the commercial fishing industry in meeting the requirements of the Wholesome Fish and Fishery Products Act of 1971. Referred to the Committee on Commerce.

Mr. HART. Mr. President, several in the Congress this year have proposed legislation to expand the fish inspection authority of the Federal government. It is hoped that through the intensified inspection efforts contemplated by such proposals, the Nation will be assured of a safe and wholesome fish supply. On the other side of the ledger, however, these bills will impose a heavy financial burden on many fish processors. This expense will result not from hiring inspectors, a cost the Government will bear, but rather from complying with new processing standards established under the legislation. Assuming these standards are effective, it is going to be expensive for some to upgrade facilities in order to meet them.

It is extremely difficult to estimate what the costs to industry actually will be. Obviously they will vary from plant to plant depending upon individual conditions. In some cases, the costs of improving facilities, vessels, and equipment may be such that companies will elect to close their doors rather than meet the expense. In other cases, mergers may take place. But in either case the result may be an unfortunate trend toward economic concentration, with the accompanying threat of a reduction in competition within the fishing industry.

Such an eventuality would play a cruel hoax upon the consumer we are seeking to help, and it is a result which we must seek to avoid. Both technical and financial assistance to the industry from the Federal Government may help ease this transition to more rigorous processing procedures. As a result I am introducing a bill which would amend the Fish and Wildlife Act of 1956 to provide technical and financial assistance to the commercial fishing industry in meeting the requirements of the new fish inspection legislation. The proposal would give the Department of the Interior specific authority to provide technical assistance and loans to commercial fish establishments to enable them to comply with these requirements. It would increase the fisheries loan fund by $15 million for that purpose.

The health of the marketplace is nearly as important as the health of the consumer who shops there. I earnestly hope that this technical and financial assistance program will enable us to pass meaningful inspection legislation without producing an adverse effect on competition within the fishing industry.

I ask unanimous consent that the text of the bill be printed in full in the RECORD at this time.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2276

A bill to amend the Fish and Wildlife Act of 1956 to provide technical and financial assistance to the commercial fishing industry in meeting the requirements of the Wholesome Fish and Fishery Products Act of 1971

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 4 of the Fish and Wildlife Act of 1956 (70 Stat. 1121; 16 U.S.C. 742c) is amended—

(1) by inserting before the period at the end of subsection (a) the following: "or new or operating establishments processing fish and fishery products subject to regulations issued under the Wholesome Fish and Fishery Products Act of 1971 and subject to the enactment of such Act";

(2) by inserting immediately after the word "gear" in the first sentence of subsection (b)(4) the words "and establishments processing fish and fishery products", and by inserting before the period at the end of such sentence the phrase "and commercial fish processors";

(3) by inserting immediately after the word "applicant" in subsection (b)(5) the words "for a loan relating to vessels or gear", and by adding at the end thereof the following new sentence: "The applicant for a loan relating to an establishment processing fish and fishery products shall have the ability, experience, resources, and other qualifications necessary to operate and maintain the establishment in a sound, businesslike manner."; and

(4) by amending the last sentence of subsection (c) of such section to read as follows: "There is authorized to be appropriated to the fisheries loan fund the sum of $35,000,000 to provide initial capital.".

SEC. 2. Section 7(a) of the Fish and Wildlife Act of 1956 (70 Stat. 1122; 16 U.S.C. 742f(a)) is amended—

(1) by redesignating paragraphs (4) and (5) as paragraphs (5) and (6); and

(2) by inserting after paragraph (3) a new paragraph to read as follows:

"(4) provide technical assistance to the commercial fishing industry in developing economically feasible technical improvements to meet any standards of sanitation and quality control for the processing of fish and fishery products promulgated under the Wholesome Fish and Fishery Products Act of 1971 and any other provisions of such Act, upon the enactment of such Act, and to assure that the processing of all fish and fishery products fully complies with such standards;".

By Mr. BAKER:

S. 2278. A bill to provide accelerated assistance for economic emergency areas. Referred to the Committee on Public Works.

Mr. BAKER. Mr. President, I introduce and ask that it be appropriately referred a bill entitled the "Accelerated Assistance to Economic Emergency Areas Act" which originated as a substitute to the accelerated public works program added to S. 575 in the House. While this bill contains a public works acceleration provision it is a substantially more comprehensive program of assistance than was embodied in the title I of S. 575, and it is targeted to reach those areas most critically in need of assistance.

The concept of economic emergency areas which is basic to this bill first came to my attention through the testimony of Gov. Dan Evans of Washington in hearings held in Seattle several weeks ago. The magnitude of the problem in Seattle and the frustration of the people involved both in government and business there vividly and pointedly indicate the need for such legislation. The prospect of plant closures due to the impact of environmental legislation, economic dislocations, and obsolescence due to technological developments provides sufficient justification for the creation of a continuing authority with ready funds and expertise to meet this type situation on an emergency basis.

I am gratified and encouraged by the deep and sympathetic concern of Senators RANDOLPH, COOPER, and MONTOYA and all the members of the Public Works Committee for the unemployment problem and particularly for the problems of those insular areas of critical need such as Witchita, Kans., Seattle, Wash., and sections of Los Angeles, Calif., to name but a few. I am confident that with the passage of the Public Works and Economic Development Act and Appalachian Regional Development Act extensions the committee will turn its full attention immediately to the task of developing this piece of legislation.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2278

A bill to provide accelerated assistance for economic emergency areas

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, an act to establish an economic disaster relief authority in the Office of the President to assist communities and areas of critical unemployment on an emergency basis.

SEC. 101. This Act may be cited as the "Accelerated Assistance for Economic Emergency Areas Act of 1971."

DESIGNATION OF ECONOMIC EMERGENCY AREA

SEC. 102. Upon the application of the Governor of any State, the President may designate any area or community specified therein as an Economic Emergency Area eligible for assistance under this Act if he determines that the area or community meets the requirements of section 103 of this Act, is an identifiable area of impact which is suffering from high unemployment due to the loss of a major source or sources of employment and would be significantly benefitted by assistance under this Act.

SEC. 103(a). An area or community, without regard to political boundaries, shall be eligible for designation under this Act, if, due to the loss, removal, curtailing or closing of a major source or sources of employment, it has suffered a sudden and abrupt increase in unemployment which has caused, or threatens to cause within a short time, the unemployment rate of the community to exceed 6% and which additionally has either caused or threatens to cause:

(1) the unemployment rate in the area to exceed by 50% the national average of unemployment for six months of any twelve-month period in which said application is made; or

(2) the unemployment rate of the area or community to increase 100% within a twelve-month period;

Which unemployment will be more than temporary in duration.

(b) Any area designated under this section shall remain eligible for a period of 18 months and so long thereafter as in the determination of the President is consistent with the intent of this act.

STATE COORDINATING OFFICER

SEC. 104. The Governor shall at the time of making his application for assistance name and appoint a State Coordinating Officer, who shall:

(a) Assist the Federal Coordinating Officer in making an appraisal of the projects and programs which will have the most substantial and immediate impact upon the unemployment problem;

(b) Coordinate the administration of participation by State and local authorities and organization;

(c) Work with the Federal Coordinating Officer in the coordination of programs;

(d) Take such other action, consistent with authority delegated to him by the Governor, and consistent with the intent of this Act, as may be deemed necessary or appropriate in the implementation of the Act.

FEDERAL COORDINATING OFFICER

SEC. 105. Whenever the President designates an Economic Emergency Area, he shall appoint a Federal Coordinating Officer for such area. The Coordinating Officer, within the designated area, shall:

(a) Prepare within 60 days of his appointment an appraisal of programs and projects which will have the most immediate and substantial impact upon the unemployment problem of the area;

(b) Coordinate the administration of Federal employment development efforts in the area or community;

(c) Work with the State Coordinating Officer appointed by the Governor in the coordination of programs;

(d) Take such other action, consistent with authority delegated to him by the President and the provisions of this section, as he may deem necessary to assist local citizens and public officials in promptly obtaining assistance to which they are entitled.

EMERGENCY SUPPLEMENTAL FUNDS

SEC. 106 (a). In order to enable the people, state and local authorities, or any organization, authority, or association representing the economic emergency area or any portion thereof, to utilize Federal grant-in-aid programs (as hereinafter defined) for which they are eligible but for which because of economic emergency they cannot immediately qualify, or for which there are insufficient funds available to meet the needs of the designated area under the Federal grant-in-aid Act authorizing such programs, the President is authorized to make available funds from the Economic Emergency Assistance Fund, established by this Act, to be used for all or any portion of the basic Federal contribution to projects under such Federal grant-in-aid Act, and for the purpose of increasing the Federal contribution to projects under such programs above the fixed maximum portion of the cost of such projects otherwise authorized by the applicable law. In the case of any program or project for which all or any portion of the basic Federal contribution to the project under a Federal grant-in-aid Act is proposed to be made under this section, no such Federal contribution shall be made until the responsible Federal official administering such Act certifies that such program or project meets the applicable requirements of such Act and could be approved for Federal contribution if funds were available under such Act. Funds provided pursuant to this Act shall be available without regard to any limitation on areas eligible for assistance or authorizations for appropriation in any other Act. Any findings, report, certification or documentation required to be submitted to the head of the department, agency, or instrumentality of the Federal Government responsible for the administration of any Federal grant-in-aid program shall be accepted by the Federal Coordinator with respect to a supplemental grant for any project under such program.

(b) The Federal portion of such costs shall not be increased in excess of the percentages specified in section 112 of this Act.

(c) The term "Federal grant-in-aid programs" as used in this section means those Federal programs which will provide assistance in creating, maintaining or developing local employment, consistent with the appraisal of projects and programs made by the Federal Coordinator pursuant to section 105 of this Act, or which in the judgment of the Federal Coordinating Officer will provide support facilities necessary to such programs.

ACCELERATED PUBLIC WORKS

SEC. 107. Upon the application of any State, or political subdivision thereof, Indian tribe, or private or public non-profit organization or association representing all or any portion of the area designated under this Act the President upon the recommendation of the Federal Coordinating Officer is authorized—

(a) To make grants or direct loans from funds available in the Economic Emergency Assistance Fund for the Federal portion of the cost of the acquisition or development of land and improvements for public works, public service, or the acquisition, construction, rehabilitation, alteration, expansion or improvement of such facilities, including related machinery and equipment within a designated economic emergency area if the Officer finds:

(1) that such project is consistent with his appraisal of projects having most immediate and significant impact upon the unemployment problem; or

(2) that such project is a necessary support project for programs or projects instituted or to be instituted pursuant to this Act; and

(3) that the project is approved by the State.

(b) The Federal portion of such costs shall not be increased in excess of the percentages specified in section 112 of this Act.

LOAN GUARANTEES

SEC. 108(a). In order to assist private profit-making corporations, firms or associations to carry out projects which are consistent with the appraisal of the Federal Coordinating Officer and which will create, maintain, or develop jobs in the designated area through the modernization, diversification, construction or improvement of facilities in the designated area, the President is authorized, upon the recommendation of the Federal Coordinating Officer, to guarantee to non-Federal lenders making loans to such entities for such projects, payment of principal of and interest on loans made by such lenders, which are approved under this section.

(b) Any loan guarantee under this section with respect to any project may apply only to so much of the principal amount thereof as, when added, to the amount of any other Federal grant or loan with respect to such project, does not exceed 90% of the cost of such project.

UNEMPLOYMENT ASSISTANCE

SEC. 109. The President is authorized to provide to any individual unemployed as the result of an economic emergency, such assistance as he deems appropriate while such individual is unemployed. Such assistance as the President shall provide shall not exceed the maximum amount and the maximum duration of payment under the unemployment compensation program of the State in which the disaster occurred, and the amount of assistance shall be reduced by any amount of unemployment compensation or of private income protection insurance compensation available to such individual for such period of unemployment. Assistance under this section shall be administered through the State Unemployment authority under the supervision of the Federal Coordinating Officer. The President is authorized for the purposes of this subsection and in furtherance of the purposes of this Act, to provide reemployment assistance services under other laws to individuals who are unemployed as a result of an economic emergency.

TEMPORARY MORTGAGE OR RENT PAYMENTS

SEC. 110. The President is authorized to provide assistance on a temporary basis in the form of mortgage or rental payments to or on behalf of individuals and families who as a result of financial hardship caused by an economic emergency, have received written notice of disposition or eviction from a residence by reason of foreclosure of any mortgage or lien, cancellation of any contract of sale, or termination of any lease. Such assistance shall be provided for a period of not to exceed one year or for the duration of the period of financial hardship, whichever is the lesser.

INCOME MAINTENANCE LOANS

SEC. 111. The President is authorized to provide loans to individuals unemployed as the result of an economic emergency of an amount not to exceed 75% of that individual's average monthly income during the last 24 months immediately preceding termination of his employment or $1000.00 per month whichever shall be lesser; provided that said maximum shall be adjusted by deducting therefrom any amount paid to or on behalf of any individual eligible for assistance under this section under any other provision of this Act or any amounts paid to that individual in lieu of wages from any source during the period of eligibility.

Such loans shall be available to eligible individuals for a period of one year or for the duration of his period of unemployment whichever is the lesser.

Loans made under this section shall bear interest at the rate of three percent per annum and shall be repayable monthly during a term of ten years to commence one year following reemployment.

SEC. 112. Grants under sections 106 and 107 of this Act shall not exceed 80 per centum of the cost of any such program, except that where the State and local government have exhausted their effective taxing and borrowing capacity for such purpose and therefore do not have economic and financial capability to assume the additional financial obligations required, the Federal contribution may be 100 per centum of the cost of any such program.

Sec. 113. Priority in employment created, maintained or developed by programs and projects assisted under this Act shall be given to individuals eligible for assistance under this section.

Sec. 114. Any Federal agency charged with the administration of a Federal grant-in-aid program is authorized, upon request by the applicant State or local authority, or by the Federal Coordinating Officer, to modify or waive, for the duration of the designation of the area under this Act, such administrative procedural conditions for assistance as would otherwise prevent or delay the giving of immediate assistance if the inability to meet such conditions is a result of the economic problems confronting the area or if in the discretion of the person or persons charged with the administration of the program such waiver is warranted in order to effectuate the intent of this Act, which is to provide emergency employment assistance.

TECHNICAL ASSISTANCE

Sec. 115. The Secretary is directed to provide technical assistance in accordance with section 301 of the Public Works and Economic Development Act of 1965, as amended, to economic emergency areas designated under this Act, and to provide to the Federal coordinating officer technical assistance which would be useful in quickly developing, assessing, and implementing job creation projects and job maintenance investments.

ECONOMIC EMERGENCY ASSISTANCE FUND

Sec. 116. There is hereby established in the Treasury of the United States, a revolving fund (to be known as the "Economic Emergency Assistance Fund"). There are authorized to be appropriated to said fund $750,000,000 and such sums as may be necessary to replenish the fund to be available without further appropriation to the President, Secretary, Federal coordinating officer for the purposes of the Act.

Sec. 117. There are authorized to be appropriated to be available to the President and Secretary, such sums as may be necessary for loan guarantees under section 108 and technical assistance under section 115 of this Act.

By Mr. MAGNUSON (for himself, Mr. Hartke, Mr. Cranston, Mr. Hart, Mr. Hatfield, Mr. Hollings, Mr. Hughes, Mr. Jackson, Mr. Kennedy, Mr. Inouye, Mr. Mathias, Mr. McClellan, Mr. McGovern, Mr. Mondale, Mr. Moss, Mr. Muskie, Mr. Pastore, Mr. Pell, and Mr. Tunney):

S. 2279. A bill to authorize the Secretary of Transportation to provide for comprehensive regional planning, and development of transportation, including therein the undertaking of research and development, the conducting of demonstrations, the construction of transportation systems and facilities, and for other purposes. Referred to the Committee on Commerce.

NATIONAL TRANSPORTATION ACT OF 1971

Mr. MAGNUSON. Mr. President, I introduce for appropriate reference a bill to authorize the Secretary of Transportation to provide for comprehensive regional planning for, and development of, transportation, including therein the undertaking of research and development, the conducting of demonstration, the construction of transportation systems and facilities, and for other purposes. This proposal is substantially similar to legislation which I introduced in the last Congress, S. 2425, and which passed the Senate in October of 1970 as an amendment to the Federal-Aid Highway Act. The major change has been provision for greater representation of urban areas. Several Senators are joining me in sponsoring this measure. They are: Senators Hartke, Cranston, Hart, Hatfield, Hollings, Hughes, Inouye, Jackson, Kennedy, Mathias, McClellan, McGovern, Mondale, Moss, Pastore, Pell, Muskie, and Tunney.

Mr. President, I ask unanimous consent that, at the end of my remarks and those of other Senators regarding this legislation, the text of the bill and a summary of the legislation be printed in the Record.

The PRESIDING OFFICER (Mr. Beall). Without objection, it is so ordered.

(See exhibits 1 and 2.)

Mr. MAGNUSON. Mr. President, the legislation which I introduce today authorizes and directs the Secretary of Transportation to designate transportation regions in the United States. Within each region transportation commissions would be established with representatives from State and local governments and one representative from the Department of Transportation. Each commission would be charged with the responsibility for its region in developing comprehensive plans for a balanced and integrated system of transportation designed to meet the social and environmental needs of the entire region as well as to provide a framework for the orderly movement of people and goods. Each commission would also be provided with the authority to follow up its plans with research and development and demonstration projects as well as the construction of appropriate facilities.

Growth and social values need not be incompatible—indeed, they must be made compatible if America is to survive. The need to reconcile these two factors is nowhere more urgent than in the field of transportation. Although we devote nearly 20 percent of our gross national product to the movement of goods and people, we still do not have a balanced transportation system or an institutional framework to assure its development. What we do have are independent modes of transportation overseen by various regulatory and promotional agencies whose jurisdictions overlap and whose policies frequently conflict. No one is more conscious of this than the members of the Commerce Committee, who are continually involved in all aspects of transportation policymaking. The result is a costly and inefficient "nonsystem" of transportation—a "nonsystem" that threatens to break down in the near future, as well as a "nonsystem" that imposes fearful environmental and social costs on the American people.

Rather than continue our present policies of fragmented agencies and uncoordinated transportation facilities, this act will encourage the development of transportation systems that integrate the various transportation modes into one smoothly functioning network that efficiently meets the particular needs of each region and the Nation. Each region, of course, will have a different pattern of needs and a different set of transportation solutions. Federal financial assistance for the construction of transportation facilities would ultimately hinge on the thoroughness with which each commission has planned a system for its region.

It is obvious that we cannot continue building highways in the innocent belief that more roads will relieve congestion. Already, highways and parking facilities occupy as much as two-thirds of the land area in our major cities. And even if we had room for more cars, the cost of accommodating them has become almost unbelievable. How can we talk about building 10- and 12-lane freeways through our cities when it now costs more than $6 million per mile to build a four-lane freeway in a major urban area? The land upon which these luxuries are built frequently costs as much as $40,000 per acre to acquire, or as high as $50 per square foot in downtown Manhattan. And even if we are prepared to expend such huge sums, how will we prevent a traffic jam following the ribbon-cutting ceremony?

No one would disagree with the view that the automobile has provided Americans a unique standard of mobility, and no one would argue that the automobile should be completely abandoned as a useful form of transportation in certain situations.

Efforts in other countries can be instructive to us. This country has placed much too much reliance on the automobile. There can be no argument that the auto is a marvelous thing—it has made greater independence and freedom of movement a reality for millions of Americans. The Europeans are years, in some cases, decades, ahead of us in recognizing that transportation will not be realistically available to the entire public and our environment will not be as pleasant if we place undue reliance on the automobile. Many countries in Europe are well along in developing new transport systems or revitalizing the old. Regional transportation planning is a concept which the Europeans have found to be workable and the techniques are being applied now—there is a Paris regional plan for the period ending in 2000, there is a plan for the Copenhagen region, and others. Planning cannot be divorced from politics; to make it compatible with political reality, many Europeans agree, it is necessary to devise a broader based, regional entity with adequate authority and sufficient funding.

At a time when further mobility through highway construction is doubtful, however, we continue to spend fully 90 percent of Federal, State, and local transportation funds on highway construction. In 1969, for example, $18 billion in public funds were spent for highways, and only $2 billion for all other transportation facilities combined. Knowing what are the sources of pollution, of urban decay, of dwindling wilderness and cluttered open spaces—

and adding to this the scant prospects for further mobility through new highway construction—nothing could be worse than our present set of transportation priorities.

Solving the transportation problem and developing transportation policies to minimize social and environmental costs, however, will involve fundamental changes in the institutional structure of transportation planning and policymaking. It is crucial for Congress and the American people to realize that nothing can be accomplished through the simple denunciation of automobiles within our cities. Such action alone cannot and will not solve the transportation problems of the cities, nor will it help to meet an equally pressing problem: how to move Americans and the goods they consume between cities. We must abandon more than over-reliance upon the automobile—we must abandon the notion that any single mode of transportation can be relied upon to solve the problems of mobility in a prosperous and populous society.

Mr. President, we do not need to accept damage to our environment as the price of moving goods and people, and we do not need to accept paralysis of our transportation network as the price of population growth. What we do need to accept is that our present transportation "system" is really not a system at all; that it lacks balance, coordination, and integration; that it has grown, in the words of one expert, "willy-nilly since the Pilgrims began walking up from the beach." Regardless of how well this "nonsystem" may have worked in the past—and I would add that it has worked deceptively well—today it provides us with high rates of pollution, land consumption, noise, and accidents. Tomorrow it will not even provide us with mobility, unless we plan intelligently now.

To plan intelligently, we must understand that our population is becoming increasingly concentrated in what transportation specialists call "corridors"—chains of cities and high-density suburbs that stretch for hundreds of miles. The northeast corridor, for example, stretches from Washington to Boston, with an average population density of nearly 650 per square mile—a density that rises to more than 5,000 per square mile in the major cities within the corridor. By 1975—just 5 years from now—three-quarters of the American people will live in cities along such corridors, and half will be packed into the three largest corridors alone. These corridors are not confined to the Northeast: they also exist, for example, on the California coast, in the Great Lakes region, in Texas, in Florida, and in the Pacific Northwest.

The high-speed rail experiment currently operating in the northeast corridor is a hopeful prototype for one mode of transportation in one corridor. But satisfying the transportation needs within and between corridors will involve coordination of different modes and the development of new technology—each adapted to the particular needs of individual regions. No longer can we build freeways up to the gates of cities who do not want them. No longer can we build new airports without regard to ground transportation, land-use planning, and the total transportation equation of the region involved.

Solving the total transportation equation of our transportation regions cannot be the job of a bureaucracy in Washington. The social, environmental, topographical, and demographical factors to be considered will vary too widely from one region to the next. The Federal role should be one of evaluation and funding assistance. Individual cities can only solve a limited range of transportation problems unless they coordinate their transportation policies with a regional planning authority, for each city is no more than one link in a long chain. Individual States are hampered by the restrictions of artificial boundaries. The need for a new authority, for a regional planning body, is obvious and urgent.

Mr. President, I am under no illusions that the sweeping changes envisioned by this legislation will be easy to accomplish. But this bill represents an attempt to begin making progress toward these goals. We know that the bill will be amended, and we will try to consider all suggestions for its improvement. The committee will seek the advice of those people who are concerned about transportation and social policy, and who have expertise in such matters.

It is our present plan to commence hearings on this and related legislation on September 21. I am hopeful that all interested parties will so advise the committee so that our hearings on this measure can be as complete as possible.

Exhibit 1

S. 2279

A bill to authorize the Secretary of Transportation to provide for comprehensive regional planning and development of, transportation, including therein the undertaking of research and development, the conducting of demonstrations, the construction of transportation systems and facilities, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "National Transportation Act of 1971".

FINDINGS OF FACT

SEC. 2. The Congress finds—

(1) that the development of a balanced and efficient transportation system adequate to meet the current and future transportation needs of the United States is essential to the commercial life, national defense, postal service, and general welfare of the people of the United States;

(2) that present transportation facilities, transportation planning, and transportation development are inadequate to meet the minimum current and future transportation needs of the people of the United States;

(3) that the preservation and enhancement of the environment, the conservation of natural resources, including scenic, historic, and recreation assets, and the strengthening of long-range land-use planning is vital to the health and welfare of the people of the United States, and that the planning and development of transportation facilities should be consistent with these goals; and

(4) that systematic and coordinated planning and development of balanced transportation facilities within and between all regions of the United States must be encouraged and should be vigorously pursued as provided in this Act.

STATEMENT OF PURPOSE

SEC. 3. The primary purpose of this Act is to provide for the planning and development of a balanced transportation system throughout the United States. In furtherance of this purpose this Act is designed to enable regions of the United States to plan for and provide, with the aid and support of the Federal Government, coordinated transportation planning and development within and between such regions. It is the intent of this Act to enable such regions to undertake planning, research and development programs, demonstration projects, construction of transportation systems and facilities, which will lead to improved transportation capabilities related to the needs of regional development and compatible with national social, environmental, and ecological values; and also to encourage diversity of approaches and experimentation which will be suitable and productive for the regions of the country.

ESTABLISHMENT OF REGIONS

SEC. 4. The Secretary of Transportation (hereinafter referred to as the "Secretary") is authorized and directed, within six months of the effective date of this Act, to designate appropriate "transportation regions" within the United States where he determines that there is a geographic, demographic, and economic relationship between the areas within a prospective region.

REGIONAL COMMISSIONS

SEC. 5. (a) Upon designation of transportation regions, the Secretary shall invite and encourage the States and local governments wholly or partially located within such regions to establish appropriate regional commissions.

(b) Each such commission shall be composed of one member from each participating State in the region, one Federal member, hereinafter referred to as the "Federal cochairman" who shall be the Secretary or his designee, one member from each Standard Metropolitan Statistical Area (as defined by the Office of Management and Budget) with a population of one million or more, and one member from each Standard Metropolitan Statistical Area with a population between two hundred thousand and one million persons except that such member's vote will have one-half the value of other members' votes. Each State member may be the Governor, or a person who shall be appointed by and serve at the pleasure of the Governor, or such other person as may be provided by the law of the State which he represents. Each SMSA member shall be selected by the appropriate elected officials of local governments within the Standard Metropolitan Statistical Area. The non-Federal members of the commission shall elect a cochairman of the commission from among their number. Notwithstanding the foregoing provisions relating to non-Federal membership, in the event the Secretary finds that an existing regional commission embraces within its functions and purposes the field of transportation development, the Secretary may, at the request or with the consent of the appropriate States and eligible SMSA's accept such regional commission, as the transportation regional commission for the purposes of this Act.

(c) Decisions by a regional commission shall require the affirmative vote of the Federal cochairman and of a majority or at least one if only two, of the non-Federal State members. In matters coming before a regional commission, the Federal cochairman shall, to the extent practicable, consult with the Federal departments and agencies having an interest in the subject matter and the non-Federal members shall consult with representatives of appropriate local subdivisions within their respective jurisdictions.

(d) Each non-Federal member of a regional commission shall have an alternate, appointed by the appropriate official or officials of the jurisdiction represented, or as otherwise may be provided by the law of the State or local governments within the Standard Metropolitan Statistical Area which he represents. The Secretary shall appoint an alternate for the Federal cochairman of each regional commission. An alternate shall vote in the event of the absence, death, disability, removal, or resignation of the non-Federal or Federal member for whom he is an alternate.

(e) If any one State or part thereof is designated a transportation region, the Secretary may establish a commission for such area in a manner agreeable to him, to the Governor of such State, and to the local elected officials of governments included within the boundaries of the eligible SMSA's.

FUNCTIONS OF REGIONAL COMMISSIONS

SEC. 6. In carrying out the purposes of this Act each regional commission shall with respect to its region—

(1) develop plans, research and development programs, and demonstration projects for balanced and coordinated regional transportation development, and establish a priority ranking for such plans, programs, and projects, and in accomplishing the objectives of this clause each regional commission shall—

(A) evaluate the relative benefit of the plan, program, or project in serving the essential transportation needs of the affected area;

(B) evaluate the prospects that the plan program, or project on a continuing rather than a temporary basis will improve the economic, environmental, and social development of the area served by the plan, program, or project; and

(C) with respect to its planning function—

(i) initiate and coordinate the preparation of long-range overall transportation plan for such region, such plan to designate the priority of a transportation need of the affected areas and identify transportation resources of the affected area;

(ii) develop comprehensive and coordinated plans utilizing the long-range overall transportation plan as a guide, and establish priorities thereunder, that give due consideration to other Federal, State, and local transportation planning in the region; and relate transportation development to other planning and development activities and needs of the region, including but not limited to preservation and enhancement of the environment;

(iii) prepare specific plans for the development of improved and compatible transportation systems within such region; and

(iv) conduct investigations, research, surveys, and studies to provide data required for the preparation of plans;

(D) with respect to research and development programs—

(i) initiate research and development of intercity systems aimed at immediate improvements in intercity passenger service using existing facilities and available equipment;

(ii) initiate research and development of safe and reliable high-speed prototype intercity passenger systems, susceptible of early demonstration;

(iii) initiate research and development of equipment for use in urban areas for the purpose of providing at an early date a prototype demonstration system providing high-speed passenger transportation for such areas;

(iv) initiate research and development of transportation systems that provide compatibility between urban and intercity systems; or

(v) initiate research and development of any other transportation systems essential to the needs of the affected area;

(E) with respect to demonstration projects or any other projects, insure that such projects reflect the priority of the transportation needs of the affected area as determined by the commission in accordance with this section; and

(F) cooperate with Federal, State, and local agencies in the conducting or sponsoring of research and development programs and demonstration of other projects required to improve regional transportation;

(2) review and study, in cooperation with the appropriate agencies involved, Federal, State, and local public and private transportation plans, programs, and projects and, where appropriate recommend modifications or additions which will increase their effectiveness and compatibility in the region;

(3) provide a forum for consideration of transportation problems of the region and proposed solutions and establish and utilize, as appropriate, citizens and special advisory councils and public conferences;

(4) formulate and recommend, where appropriate, interregional companies and other forms of interstate and interregional cooperation to carry out recommended programs for improved transportation, and work with Federal, State, and local agencies in developing appropriate model legislation;

(5) prepare legislative and other recommendations with respect to both short-range and long-range transportation programs and projects for Federal, State, and local agencies and the methods of their implementation;

(6) provide for and encourage financial participation by State and local governments and private industry to the maximum extent practicable including, but not limited to the provision of land;

(7) shall not approve the construction of any project in any Standard Metropolitan Statistical Area unless elected public officials of the area have been consulted and their views considered with respect to the proposed location and design of the project; and

(8) shall provide for the construction of transportation systems and facilities, as necessary, in accordance with plans and procedures developed pursuant to this Act. Financing may be arranged independently by the Commission itself or in cooperation with Federal, State, or local governments.

ADMINISTRATIVE POWERS OF REGIONAL COMMISSIONS

SEC. 7. (a) To carry out its duties under this Act, each regional commission is authorized to:

(1) adopt, amend, and repeal bylaws, rules, and regulations governing the conduct of its business and the performance of its functions;

(2) accept, use, and dispose of gifts or donations of services or property, real, personal, or mixed, tangible or intangible; and

(3) enter into and perform such contracts, leases, cooperative agreements, or other transactions as may be necessary in carrying out its functions and on such terms as it may deem appropriate, with any department, agency, or instrumentality of the United States or with any State, town, city, municipality, or any political subdivision, agency, or instrumentality thereof, or with any person, firm, association, or corporation.

(b) In order to obtain information needed to carry out its duties, each regional commission shall:

(1) hold such hearings, sit and act at such times and places, take such testimony, receive such evidence, and print or otherwise reproduce and distribute so much of its proceedings and reports thereon as it may deem advisable, a cochairman of such commission, or any member of the commission designated by the commission for the purpose, being hereby authorized to administer oaths when it is determined by the commission that testimony shall be taken or evidence received under oath;

(2) arrange for the head of any Federal, State, or local governmental department or agency (who is hereby so authorized, to the extent not otherwise prohibited by law) to furnish to such commission such information as may be available to or procurable by such department or agency; and

(3) keep accurate and complete records of its doings and transactions which shall be made available for public inspection.

EXPENSES OF REGIONAL COMMISSIONS

SEC. 8. (a) Not to exceed 90 per centum of the administrative expenses of each regional commission may be paid by the Federal Government. The remaining 10 per centum of such costs or expenses shall be paid by the States included in each region and Standard Metropolitan Statistical Areas represented on the commission. The share to be paid by each such government shall be determined by the regional commission. The Federal cochairman shall not participate or vote in such determination. In determining the amount of the non-Federal share of such costs or expenses, the Secretary shall give due consideration to all contributions both in cash and in kind, fairly evaluated, including but not limited to space, equipment, and services.

(b) Each regional commission may appoint an executive director, who shall be responsible for the day-to-day management of the operations conducted by the commission. The executive director shall receive ocmpensation at a rate not to exceed the maximum rate for GS–18 of the General Schedule under section 5332 of title 5, United States Code.

(c) Each regional commission may employ, in addition to an executive director, such technical, clerical, or other personnel on a regular, part-time, or consulting basis as may be necessary for the discharge of its functions. Regional commissions for regions comprising two or more States shall not be bound by any statute or regulation of any participating State in the employment or discharge of any officer or employee.

PERSONAL FINANCIAL INTERESTS

SEC. 9. (a) Except as permitted by subsection (b) hereof, no non-Federal member or alternate and no officer or employee of a regional commission shall participate personally and substantially as a member, alternate, officer, or employee, through decisions, approval, disapproval, recommendation, the rendering of advice, investigation, or otherwise, in any proceeding, application, request for a ruling or other determination, contract, claim, controversy, or other particular matter in which, to his knowledge, he, his spouse, minor child, partner, organization (other than a State or political subdivision thereof) in which he is serving as officer, director, trustee, partner, or employee, or any person or organization with whom he is serving as officer, director, trustee, partner, or employee, or any person or organization with whom he is negotiating or has any arrangement concerning prospective employment, has a financial interest. Any person who shall violate the provisions of this subsection shall be fined not more than $10,000, or imprisoned not more than two years, or both.

(b) Subsection (a) hereof shall not apply if the non-Federal member, alternate, officer, or employee first advises the regional commission involved of the nature and circumstances of the proceeding, application, request for a ruling or other determination, contract, claim, controversy, or other particular matter and makes full disclosure of the financial interest and receives in advance a written determination made by such commission that the interest is not so substantial as to be deemed likely to affect the integrity of the services which the commission may expect from such non-Federal member, alternate, officer, or employee.

(c) No non-Federal member of a regional commission, or his alternate, shall receive any salary, or any contribution to or supplementation of salary for his services on such commission from any source other than his State or local government constituency. Any person who shall violate the provisions of this subsection shall be fined not more than $5,000, or imprisoned not more than one year or both.

(d) Notwithstanding any other subsection of this section, the Federal cochairman and his alternate on a regional commission shall not be subject to any such subsection but shall remain subject to sections 202 through 209 of title 18, United States Code.

(e) A regional commission may, in its discretion, declare void and rescind any contract or other agreement pursuant to this Act in relation to which it finds that there has been a violation of subsection (a) or (c) of this section, or any of the provisions of sections 202 through 209, title 18, United States Code.

APPROPRIATIONS

SEC. 10. There are hereby authorized to be appropriated $200,000,000 for the fiscal year ending June 30, 1972, $500,000,000 for the fiscal year ending June 30, 1973, and $2,000,000,000 for each fiscal year thereafter through the fiscal year ending June 30, 1976, for the purposes of carrying out the provisions of this Act. Appropriations authorized under this Act shall remain available until expended.

FINANCIAL ASSISTANCE TO REGIONS

SEC. 11. (a) The Secretary shall apportion the sums appropriated pursuant to this Act for each fiscal year among the major transportation regions in the following manner:

(1) one-third in the ratio which the total area of each region bears to the total area of all regions;

(2) one-third in the ratio which the total population of each region bears to the total population of all the regions as shown by the latest available Federal census; and

(3) one-third in the ratio which the population in municipalities and other urban places, of five thousand or more, in each region bears to the total population in municipalities and other urban places of five thousand or more in all the regions, as shown by the latest available Federal census. For the purpose of this provision, Connecticut and Vermont towns shall be considered municipalities regardless of their incorporated status.

(b) In no case shall the total Federal contribution to the cost of any plan, program, or project hereunder be more than 90 per centum of the total cost of such plan, program, or project. In determining the amount of the non-Federal share of such costs, the Secretary shall give due consideration to all contributions, both in cash and in kind, fairly evaluated, including but not limited to land, space, equipment, and services.

(c) The Secretary shall authorize the release of funds hereunder to a region on the basis of the establishment of an acceptable regional commission and the existence of plans, programs, or projects, which are approved by such commission and comply with this Act. Any funds which are apportioned to a region under subsection (a) of this section which, by agreement between the regional commission and the Secretary, are not needed by that region may be expended for plans, programs, or projects in another region, as determined by the Secretary, except that no region shall receive more than 25 per centum of the total funds appropriated pursuant to this Act for any fiscal year.

(d) Funds available for expenditure hereunder for any region may be utilized for plans, programs, or projects involving only such region or in cooperation with other regions, or through payment of funds authorized hereunder to departments or agencies of the Federal Government for conducting such plans, programs, or projects.

(e) Each regional commission is authorized in its discretion to transfer not to exceed 20 per centum of any funds which are apportioned to the region under subsection (a) of this section to the Secretary for the conduct of such research and development in the field of transportation as he may deem desirable. In utilizing such funds the Secretary is authorized to enter into contracts with public or private agencies, institutions, organizations, corporations and individuals without regard to the provisions of section 3709 of the Revised Statutes, as amended (41 U.S.C. 5a).

RECORDS AND AUDIT

SEC. 12. (a) Each regional commission receiving assistance under this Act shall keep such records as the Secretary shall prescribe, including records which fully disclose the amount and the disposition by such recipient of the proceeds of such assistance, the total cost of the plan, program, or project or undertaking in connection with which such assistance is given or used, and the amount and nature of that portion of the cost of the plan, program, or project or undertaking supplied by other sources, and such other records as will facilitate an effective audit.

(b) The Secretary and the Comptroller General of the United States, or any of their duly authorized representatives, shall have access for the purpose of audit and examination to any books, documents, papers, and records of the recipient that are pertinent to assistance received under this Act.

ANNUAL REPORTS

SEC. 13. (a) Each regional commission established pursuant to this Act shall make a comprehensive and detailed annual report each fiscal year to the Secretary with respect to such commission's activities and recommendations for plans, programs, and projects. The first such report shall be made for the first fiscal year in which such commission is in existence for more than three months. Such reports shall be transmitted to the Secretary not later than September 30 of the calendar year following the fiscal year with respect to which the report is made.

(b) The Secretary shall make a comprehensive and detailed annual report to the Congress of his activities, including a summary of the annual reports from each region, under this Act for each fiscal year beginning with the fiscal year ending June 30, 1972. Such report shall be printed and shall be transmitted to the Congress not later than January of the year following the fiscal year with respect to which such report is made.

POWERS OF SECRETARY

SEC. 14. In performing his duties under this Act, the Secretary is authorized to—

(1) request directly from any executive department, bureau, agency, board, commission, office, independent establishment, or instrumentality of the Government, information, suggestions, estimates, and statistics needed to carry out the purposes of this Act: and each such department, bureau, agency, board, commission, office, establishment, or instrumentality is authorized to furnish such information, suggestions, estimates, and statistics directly to the Secretary;

(2) call together and confer with, from time to time, any persons, including representatives of labor, management, transportation, consumers, and government, who can assist in meeting the problems of area, regional, or national transportation, and make provision for such consultation with interested departments and agencies of the Government as he may deem appropriate in the performance of the functions vested in him by this Act;

(3) employ experts and consultants or organizations therefor as authorized by section 3109 of title 5 of the United States Code, compensate individuals so employed at rates not in excess of $150 per diem, including traveltime, and allow them, while away from their homes or regular places of business, travel expenses (including per diem in lieu of subsistence) as authorized by section 5703 of title 5 of the United States Code for persons in the Government service employed intermittently, while so employed: *Provided*, That contracts for such employment may be renewed annually; and

(4) establish such rules, regulations, and procedures as he may deem appropriate in carrying out the provisions of this Act.

MISCELLANEOUS

SEC. 15. (a) Except as may be otherwise expressly provided in this Act, all powers and authorities conferred by this Act shall be cumulative and additional to and not in derogation of any powers and authorities otherwise existing.

(b) Funds authorized to be appropriated under this Act may be transferred between departments and agencies of the Government, if such funds are used for the purposes for which they are specifically authorized and appropriated.

(c) All financial and technical assistance authorized under this Act shall be in addition to any Federal assistance previously authorized and no provision hereof shall be construed as authorizing or permitting any reduction or diminution in the proportional amount of Federal assistance to which any region, State, or other entity eligible under this Act would otherwise be entitled under the provisions of any other Act.

EXHIBIT 2

SUMMARY OF PROPOSED LEGISLATION

1. *Designation of Transportation Development Regions*—The bill would authorize and direct the Secretary of Transportation to designate Transportation Regions made up of clusters of states, urban areas or parts thereof that have broad natural, demographic, or economic relationships.

2. *Regional Transportation Commissions*—Each region so designated would be invited to establish a Regional Transportation Commission. Federal funds would be available to help staff and operate such commissions.

3. *Use of Existing Regional Bodies*—The Secretary of Transportation could designate as a regional transportation commission an existing regional commission that includes transportation activities within its jurisdiction.

4. *Membership*—The regional commission would be composed of one member from each member state, one Federal member, who shall be known as the "Federal co-chairman," and members representing SMSA's of over one million population and SMSA's of between 200,000 and one million. The Federal member may be the Secretary of Transportation or his designee. The non-Federal members would choose a co-chairman to represent them.

Decisions by a regional commission shall require the affirmative vote of the Federal co-chairman and of a majority of the non-Federal members.

5. *Functions of the Commissions*—The regional commissions shall each have the following functions:

Develop overall transportation programs; conduct surveys and studies; develop comprehensive and coordinated plans and programs; accomplish research and develop-construct new transportation systems and facilities; provide a forum for considering transportation problems; formulate and recommend appropriate forms of interregional cooperation; provide for financial participation of States, local governments and private industry.

In making its planning, development and other decisions the Commission is required to consider various factors including impact on the environment, the need for integrated and balanced transportation, the economic and sociological affects, and Federal, State and local land use planning goals.

6. *Project Costs*—The legislation would authorize federal expenditures up to 90% of the costs of transportation projects and programs approved by the regional commissions and for administrative expenses. The state and local shares may include cash, land, space, equipment and services.

No region shall receive more than 25% of the total funds appropriated for any single year.

The regional commissions may spend their funds within their own areas or for projects between two or more regions. They may also pool their funds or make a portion available to the Secretary for the conduct of pooled research and development projects in the field of transportation.

The bill would authorize expenditures of $200,000,000 for FY '72; $750,000,000 for FY '73; and $2,000,000,000 for each fiscal year thereafter through FY '76

WHY IS THIS BILL NEEDED?

1. Each mode of transportation today is developed, for the most part, without reference to other modes and with not enough attention to the nation's sociological, economic, and environmental aspirations. So we need a comprehensive approach to transportation planning—one that will mesh the urban mass transit system with intercity high speed ground or air transportation and will accomplish that integration without disrupting the area's ecology and still meet the special transport and shipping needs of the poor and aged.

This bill would provide the broad authority and the localized focus needed to arrive at answers that fit the unique character of the areas involved.

2. The movements of people and goods are not confined to, or defined by, arbitrary boundaries of states, yet transportation problems are too localized, too myriad and often too complex to admit of national solution. To be effective government must be able to focus its attention and energies on the problem area, finding solutions that meet local needs through the application of national goals.

This bill requires the Secretary to define the problem area or region after reviewing geographic, demographic, and economic relationships. Each such region would have a commission made up of Federal, state and urban representatives. The Commission would have authority and sufficient financial support to plan, conduct R & D, and construct projects and facilities.

3. A major handicap to efforts to improve transportation is the large number of interested political subdivisions affected by transport decisions. All the technological advances in the world will fail if the appropriate political and governmental framework is not available.

This legislation would establish a broadly representative governmental entity aimed at transport questions in a particular interrelated area.

4. Transportation has given the United States its shape—the existence of good harbors and the point where rail lines connect has determined the location of cities; the automobile has made the suburbs inevitable; transport rates and service have contributed to the clustering of businesses in certain business and industrial centers. All this has occurred without much human predetermination, but with the exception of natural geographic features man could have decided to shape the country differently. And with ingenuity and planning he still could.

The regional transportation commissions which would be established by this bill could make the attributes of transportation work for the people of the community through proper planning and experimentation.

Mr. HARTKE. Mr. President, I am delighted to join with the distinguished chairman of the Committee on Commerce (Mr. MAGNUSON) in proposing legislation to create a national transportation policy. As chairman of the Subcommittee on Surface Transportation, I attended and was privileged to chair most of the committee's hearings on similar legislation last year. Those hearings convinced me that we must have a restructuring of our institutions in order to deal more effectively with the difficulties of traveling and shipping goods between points in this country.

It was helpful recently to visit selected transportation facilities in Europe. Shortly after my return, I made a speech reporting on that trip; a speech which I think is relevant to this proposed legislation. I ask unanimous consent that the speech be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT OF SENATOR VANCE HARTKE BEFORE THE ASSOCIATION OF BAY AREA GOVERNMENTS SPECIAL CONFERENCE ON TRANSPORTATION AND PLANNING, SHERATON PALACE HOTEL, SAN FRANCISCO, CALIF., JUNE 19, 1971

We in the United States like to think of ourselves as being the world's most advanced country in terms of technological achievement. Americans are unsurpassed, we believe, in their ability to identify problems for their solution. And in many cases we are correct in that appraisal, but there is one problem area, that of facilitating people movements from one place to another where the Europeans seem to have done more. While we are busily sending men to the moon, many nations are increasing their efforts to reduce everyday transportation difficulties for their citizenry. In the United States we are beginning to recognize that, in too many instances, air travel is restricted by crowded conditions in the airways as well as by clogged traffic conditions on the ground. Traveling on the earth's surface, while it is still the way most of us travel most of the time, is an excruciating daily experience. In considering our transportation problems a review of actions in foreign lands can be most educational. Indeed, I highly recommend a journey to Europe to inspect European progress—it's a mind opening experience.

As chairman of the Senate Subcommittee on Surface Transportation, I am vitally concerned with improving all forms of transportation. Our subcommittee has periodically received reports about European nations and their transportation facilities. Some have averred that the nationalized transport systems in Europe are antiquated, are overloaded with unnecessary employees and fail to serve the public, others have claimed that we could do well to emulate the Europeans. I have now had an opportunity to examine, admittedly only briefly, some of the European endeavors in transportation. I would like to provide you, very briefly, with my impressions of the trip from which I returned within the past few days.

Many European transportation problems are not unlike problems in many areas in the United States. The major difference of course is that in Europe most distances are much shorter than they are here and necessarily, there must be less reliance on airplanes as a means of intercity travel. Several areas of our country, however, are not dissimilar. Europeans, like Americans, are finding that the automobile is ubiquitous. Traffic jams in Paris are legend and the same is true in Germany, Great Britain and elsewhere. Indeed, those who traveled to the Paris air show could not help but be struck by the irony in their journey. What should have been a 25 minute auto trip to the Le Bourget airport from Paris to see airplanes which could travel twice the speed of sound became a 90 minute endurance test. In the same time it would take the Concorde (the French and English SST) to travel 650 miles or more, persons trying to reach the air show inched their way about one-half mile.

In addition to the ever present automobile, the Europeans also have severe space limitations, a situation not uncommon to many parts of this country. In many cases European countries also tend to lack massive amounts of money for improving transportation. This condition is true in the United States for some modes, but not for others—the money could be available if we are ready to make the commitment.

There is no question that Europeans like Americans face some very trying times as far as improving transportation is concerned. My trip has convinced me, however, that the Europeans are making a very significant effort to improve their transportation network. Progress is, of course, fragmented in that there are several different jurisdictions at work all with varying degrees of money and interest in particular problems. But we can still learn a great deal.

Of tremendous importance are the comprehensive planning efforts that are being undertaken by some jurisdictions. While the United States talks about the need for a comprehensive transportation program there is already in existence a Paris regional plan which sets forth a transportation plan involving all modes. The plan was framed under the direction of an agency representative of the political subdivisions within the region. Proposals apply to all transportation forms affecting travel or the transportation of goods in and out of the Paris region. The region extends well beyond the city limits and suburbs of Paris and includes several other cities. The regional agency has produced a plan setting forth both 5-year goals and long-range goals for the year 2000. Included in the plan are proposals for the construction of more highways around but not through the heart of Paris and connecting Paris with other cities within and outside the region.

The plan contemplates at least one new airport and sets forth the goals for improving the existing urban mass transportation system and expanding that system. It includes bus transportation and proposals for intercity rail travel. The approach is very systematic. The Parisians have researched past traffic patterns quite thoroughly and made projections for the future. The characteristics of travel including average distances traveled for different modes are all considered in one general plan. The regional agency also has power to move ahead in the construction of facilities but has of necessity limited its efforts to meet the restrictions imposed by the lack of sufficient funds. Even with these restraints, France has made some important advances. Running between the Arc d'Triumphe and a new development called La Defense is a spanking new subway train. The French have gone to great pains to make the conditions at the terminals of this subway very pleasing to the senses. The whole system is almost completely automated. The latest developments in ticket purchasing and handling are employed. The cars themselves are rubber tired, are very pleasant to ride on, are fast and yet are very quiet. The La Defense end of the new service will eventually be a multi-modal facility as well as a general shopping and business center. This new facility will eventually be expanded to include other major stops some of which will be new towns. It is the first leg of what will eventually be an express system designed to complement the present multi-terminal metro system designed for shorter distances.

Copenhagen and Stockholm are other areas which have highly developed transport plans on a regional basis. Copenhagen has closed a small number of streets to the automobile and is making other efforts such as doubling parking rates to reduce the autos in the central city area. Merchants who earlier objected strongly to these measures have now become supporters of the proposal. The chief planner for the Copenhagen area has made clear his view that, while the automobile is essential and certainly a pleasant mode of transportation, most people would agree that they would rather not have automobile domination in the center of their city. One thing of great interest to me about both Stockholm and Copenhagen is the interest in developing new towns and new cities. Both of these areas have recognized that to make a new town successful, it is vitally important to provide public transportation that is paid, punctual, and accessible. When new towns are planned, an integral part of the plan is the careful consideration paid to the need for adequate transportation to and from the new towns. These countries are using transportation to promote town development rather than as a service to be added as an afterthought.

In addition to the extensive efforts to improve transportation planning, the Europeans have surpassed the United States in efforts to improve transportation technology. For example, the United States has for years been discussing the advisability of introducing a tracked air cushion vehicle. But the French already have one in operation on an R&D basis. Testing has been in progress since September 1969 on a 11.2 mile long, full scale track elevated 16 feet above the ground located near Orleans, a small city south of Paris. This vehicle rides on a cushion of air and is capable of speeds up to 190 miles per hour but cruises at about 155 miles per hour. The French are accumulating very valuable data from experimentation with this vehicle. This particular mode of transportation may have some drawbacks such as, for example, the rather high cost of construction, and, for some systems, perhaps an unacceptable noise level.

It is possible, however, that experimentation will overcome those problems. Another difficulty is that fact that the track or guideway is elevated—this could present the kind of eyesore that would be unattractive to many Americans. Even this could be eliminated perhaps. Despite any problems, I found the ride to be a very fascinating experience. The vehicle which holds about 80 passengers has no difficulty in achieving the speed of 155 miles an hour and did so without much sensation of high speed. This vehicle could very possibly find usefulness in transportation between city centers and airports, and perhaps elsewhere.

Great Britain is embarked upon an endeavor linked more closely to the conventional. The British Railways Board has determined that, as far as the bulk of transportation in Great Britain is concerned, the railroad must play an even more major role in the future than it does today. The British are convinced that by increasing the speed of the conventional passenger train they will be successful in relieving the strain on other modes of transportation and will provide very acceptable traveling conditions. The British are well along on an ambitious program of trying to increase the speed of trains without making any drastic changes in the existing roadbeds or tracks. They have developed a locomotive and cars which they believe will make it possible to travel on conventional track and roadbed at speeds of 150 miles per hour and to do so routinely. The British undertook their program with the belief that no one really understood exactly what the dynamics of train operations really were. Near Derby, England, the British Rail Corporation has established a new 200,000 lb. laboratory for testing the systems and structure of the advanced passenger train (APT) and other high speed projects.

Design work on the APT has been completed and the British hope to have a prototype in operation sometime in October of 1971. The new train will be powered by gas turbine engines which drive generators which in turn will power electric motors at each set of wheels. This arrangement allows for more flexibility in that the body of the vehicle can actually tilt to offset the dynamics set up when the vehicle proceeds around curves at high speeds. The British are proceeding full speed ahead with the development of this train and plan to replace their entire existing system sometime within the next 15 to 20 years. They are convinced that the additional speed will more than pay for itself. It is noteworthy here that the British railways board has for the past two years reported a profit on its passenger service.

Another British effort of note is their national research and development corporation established solely for the purpose of taking on research and development projects which are too risky for private enterprise or which for some general reason are not receiving private attention. This corporation has developed its own tracked air cushion vehicle which should be in operation soon.

One more thing that I must mention is the entirely pleasant experience it is to ride on European passenger trains. These conventional trains do not travel at spectacular speeds but at 80 or 90 mph. They provide excellent transportation service from city center to city center. When a train is scheduled to leave at 1:30 it will almost assuredly begin moving at 1:30. The equipment in many cases, Great Britain in particular, is not necessarily new, but the service is superb. I think Amtrak could attract considerable additional ridership if it adopted European practices.

It seems to me that the Europeans are demonstrably well ahead of the United States in addressing many transportation problems—particularly those problems of greatest concern to most people. The United States, it seems quite clear, is well behind these other countries but if we take the initiative and if we are not fearful of innovative approaches we can do something about our current transportation debacle. Right now in the Senate Commerce Committee we are considering legislation which would establish regional transportation commissions which has some similarity to the agencies of Paris and Denmark. I am hopeful that we can move ahead in our consideration of this vital legislation. This country must take both a broad overview of transport problems, while at the same time creating an atmosphere within which local conditions are given appropriate consideration in the solution of transport needs. In addition to drastically improving our planning process we should give very careful attention to accelerating our R. & D. efforts. Here, we can save vast amounts of money by learning from what other countries have already done. If we can save time by considering ideas developed elsewhere I see no reason why we should not do so. Our goal should be the improvement of transportation services and in this area I think we have yet a lot to learn. No delay can be justified.

By Mr. MAGNUSON (by request):

S. 2280. A bill to amend sections 101 and 902 of the Federal Aviation Act of 1958, as amended, to implement the Convention for the Suppression of Unlawful Seizure of Aircraft, and for other purposes. Referred to the Committee on Commerce.

ANTIHIJACKING ACT OF 1971

Mr. MAGNUSON. Mr. President, I introduce by request, for appropriate reference, a bill to amend sections 101 and 902 of the Federal Aviation Act of 1958, as amended, to implement the Convention for the Suppression of Unlawful Seizure of Aircraft, and ask unanimous consent that the letter of transmittal and statement of need be printed in the RECORD with the text of the bill.

There being no objection, the bill and material were ordered to be printed in the RECORD, as follows:

S. 2280

A bill to amend sections 101 and 902 of the Federal Aviation Act of 1958, as amended, to implement the Convention for the Suppression of Unlawful Seizure of Aircraft, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Anti-Hijacking Act of 1971".

SEC. 2. Section 101(32) of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1301(32)), is amended to read as follows:

"(32) The term 'special aircraft jurisdiction of the United States' includes—

"(a) civil aircraft of the United States;

"(b) aircraft of the national defense forces of the United States;

"(c) any other aircraft within the United States;

"(d) any other aircraft outside the United States—

"(i) that has its next scheduled destination or last point of departure in the United States, if that aircraft next actually lands in the United States; or

"(ii) having 'an offense', as defined in the Convention for the Suppression of Unlawful Seizure of Aircraft, committed aboard, if that aircraft lands in the United States with the alleged offender still aboard; and

"(e) other aircraft leased without crew to a lessee who has his principal place of business in the United States, or if none, who has his permanent residence in the United States; while that aircraft is in flight, which is from the moment when all the external doors are closed following embarkation until the moment when one such door is opened for disembarkation, or in the case of a forced landing, until the competent authorities take over the responsibility for the aircraft and for the persons and property aboard."

SEC. 3. Section 902 of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1472), is amended as follows:

(a) By striking out the words "violence and" in subsection (i) (2) thereof, and by inserting the words "violence, or by any other form of intimidation, and" in place thereof;

(b) By redesignating subsections (n) and (o) thereof as "(o)" and "(p)", respectively, and by adding the following new subsection:

"AIRCRAFT PIRACY OUTSIDE SPECIAL AIRCRAFT JURISDICTION OF THE UNITED STATES

"(n)(1) Whoever aboard an aircraft in flight outside the special aircraft jurisdiction of the United States commits 'an offense', as defined in the Convention for the Suppression of Unlawful Seizure of Aircraft, and is afterwards found in the United States shall be punished—

"(A) by death if the verdict of the jury shall so recommend, or, in the case of a plea of guilty, or a plea of not guilty where the defendant has waived a trial by jury, if the court in its discretion shall so order; or

"(B) by imprisonment for any term of years or for life, if the death penalty is not imposed.

"(2) A person commits 'an offense', as defined in the Convention for the Suppression of Unlawful Seizure of Aircraft when, while aboard an aircraft in flight, he:

"(A) unlawfully, by force or threat thereof, or by any other form of intimidation, seizes, or exercises control of, that aircraft, or attempts to perform any such act; or

"(B) is an accomplice of a person who performs or attempts to perform any such act.";

(c) By amending redesignated subsection (o) thereof by striking out the reference "(m)", and by inserting the reference "(n)" in place thereof; and

(d) By amending that portion of the table of contents contained in the first section of the Federal Aviation Act of 1958 which appears under the heading "Sec. 902. Criminal Penalties." by striking out the following items:

"(n) Investigations by Federal Bureau of Investigation.

"(o) Interference with aircraft accident investigation.";

and by inserting the following items in place thereof:

"(n) Aircraft Piracy Outside Special Aircraft Jurisdiction of the United States.

"(o) Investigations by Federal Bureau of Investigation.

"(p) Interference with aircraft accident investigation.".

SEC. 4. The amendments contained in this Act shall become effective one day after fulfillment of the following conditions:

(a) the entry into force for the United States of the Convention for the Suppression of Unlawful Seizure of Aircraft signed at The Hague, Netherlands, December 16, 1970; and

(b) the publication in the Federal Register by or on behalf of the Secretary of State of a notice referring to this Act and stating that the Convention has entered, or will enter into force for the United States on a date specified in that notice.

THE SECRETARY OF TRANSPORTATION,
Washington, D.C., June 4, 1971.

Hon. SPIRO T. AGNEW,
President of the Senate,
Washington, D.C.

DEAR MR. PRESIDENT: Enclosed for introduction and referral to the appropriate Committee is a draft bill

"To amend sections 101 and 902 of the Federal Aviation Act of 1958, as amended, to implement the Convention for the Suppression of Unlawful Seizure of Aircraft, and for other purposes."

The purpose of this proposed legislation is to implement for the United States the Convention for the Suppression of Unlawful Seizure of Aircraft (the Anti-Hijacking Convention).

On September 11, 1970, President Nixon signalled the need for strong international agreements to deter the worldwide threat of hijacking. He stated:

"It is imperative that all countries accept the multilateral convention providing for the extradition or punishment of hijacking which will be considered at the international conference which will be held under the auspices of the International Civil Aviation Organization. I affirm the support of the United States both for this convention and for the Tokyo convention, which provides for the prompt return of hijacked aircraft, passengers and crew. I call upon other governments to become parties to these conventions."

The United States was an active participant in the development of the Anti-Hijacking Convention. A Diplomatic Conference on Air Law, under the auspices of the International Civil Aviation Organization (ICAO), prepared this Convention. Seventy-seven States participated in that landmark Conference which culminated in the signing of the Anti-Hijacking Convention at The Hague, Netherlands, on December 16, 1970.

The Anti-Hijacking Convention represents a singularly significant development in international law. The Convention ensures that contracting States will subject hijackers to severe punishment, regardless of where the act of hijacking takes place. The major provisions of the Convention are described in Senate Executive A, 92nd Congress, 1st Session (copy enclosed). Executive A contains: (1) The message from the President of the United States transmitting the Anti-Hijacking Convention to the Senate; (2) The report on the Convention by the Secretary of State; (3) An Article-By-Article Analysis of the Convention; and (4) The text of the Convention itself.

The implementing legislation we propose would amend sections 101 and 902 of the Federal Aviation Act of 1958, as amended, to bring the laws of the United States into line with the key provisions of the Anti-Hijacking Convention. The definition of "special aircraft jurisdiction of the United States" in section 101(32) would be extended to certain "other aircraft" not now within that definition. The concept of the period during which an aircraft is "in flight" in section 101(32) would be extended and clarified as well. The legislation also proposes several changes to the criminal provisions in section 902 dealings with hijacking. These include creating a new criminal sanction for the crime of "international" hijacking established by the Convention (sec. 902(n)), conforming the definition of the "domestic" crime of aircraft piracy to the Convention's concept (sec. 902(i)(2)), and adding new section 902(n) to the crimes in section 902 that are investigated by the Federal Bureau of Investigation.

As now defined in section 101(32), the special aircraft jurisdiction of the United States extends to civil aircraft of the United States, to aircraft of our national defense forces, to other (such as foreign registered) aircraft within the United States, and to other aircraft outside the United States if they last departed from, or are next scheduled to land in, this country. The legislation we propose extends the special aircraft jurisdiction to two more classes of "other aircraft": (1) An aircraft outside the United States would be included when "an offense" (as defined in the Anti-Hijacking Convention) is committed aboard, if the aircraft lands in the United States with the alleged offender still aboard; and (2) An aircraft would be included when leased without crew, if the lessee has his principal place of business or permanent residence in the United States. Thus, the United States criminal jurisdiction over an alleged hijacker would be extended, and would apply to an aircraft without regard to its next scheduled destination or last point of departure.

As now described in section 101(32), an aircraft is in flight "from the moment when power is applied for the purpose of takeoff until the moment when the landing run ends." The legislation we propose conforms the description to the definition contained in the Anti-Hijacking Convention, "from the moment when all its [the aircraft's] external doors are closed following embarkation until the moment which any such door is opened for disembarkation." This amendment recognizes that an aircraft need not be airborne to come within the special aircraft jurisdiction, to invoke the applicable criminal provisions of section 902, or to invoke the provisions of the Convention.

A new subsection (n) added to Section 902 would establish Federal jurisdiction over the offense of aircraft piracy when the offense is committed outside the "special aircraft jurisdiction of the United States" and the offender is afterwards found in the United States. New section 902(n) further incorporates the definition of "an offense" in the Anti-Hijacking Convention. This subsection would carry out the obligation of the United States under the Convention to subject hijackers to severe penalties when they are later found in the United States, without regard to where they commit the offense.

The present definition of the offense of "aircraft piracy" contained in section 902(i) would be amended in line with the concept of "an offense" in the Anti-Hijacking Convention. This would be done by specifically including "any other form of intimidation" as an element of the offense of "aircraft piracy". Our proposed legislation would give the responsibility of investigating offenses under new section 902(n) to the Federal Bureau of Investigation, in addition to the responsibility they now have as to sections 902(i)-902(m).

Finally, the legislation we propose would specify the conditions that must be met before the Act becomes effective. Fulfillment of these conditions will ensure the existence of the necessary constitutional basis for this proposed legislation.

On April 15, 1971, the President transmitted the Anti-Hijacking Convention to the Senate for its advice and consent to ratification. We urge that the Congress promptly enact this legislation to ensure early implementation of the Anti-Hijacking Convention in the United States.

The Office of Management and Budget has advised that the enactment of this proposed legislation would be in accord with the program of the President.

Sincerely,

—— ——,
Acting Secretary.

By Mr. HANSEN:

S. 2281. A bill to authorize the Secretary of the Interior to engage in a feasibilty investigation for the modification of Seminoe Dam. Referred to the Committee on Interior and Insular Affairs.

Mr. HANSEN. Mr. President, I rise today to introduce legislation authorizing the Secretary of the Interior to conduct a feasibility study on the modification of Seminoe Dam on the North Platte River in Wyoming.

Seminoe Dam was completed by the Bureau of Reclamation in 1939 to store water for irrigation purposes. It is one of the major storage facilities on the North Platte River. However, the North Platte dams and reservoirs were built at a time when irrigation, rather than flood control, was of prime concern.

This year the States of Wyoming and Nebraska have suffered greatly as a result of flooding on the North Platte River. Millions of dollars of damage has been caused by the flood. The events of this year have caused concerned citizens and officials at the local, State, and national levels to seek methods of preventing similar disasters in the future.

A most effective method of relieving this problem is to provide for additional storage capacity in Seminoe Reservoir allowing greater flexibility in operation to prevent flood problems similar to the ones experienced this year.

The design of Seminoe Dam is such that it could be raised by approximately 15 feet, and the storage capacity of the reservoir thus increased more than 300,000 acre-feet. This modification would require a relatively small amount of money and the benefits which would accrue through increased flexibility in the operation of the entire system of reservoirs would seem to justify the costs involved. Not only would flood control operations be more effective, but increased benefits could also be realized by recreation users throughout the reservoir system and to a limited degree also by irrigation water users and perhaps industrial users.

Mr. President, I ask unanimous consent that this bill be referred to the appropriate committee and that early and favorable action be taken on it.

By Mr. ANDERSON (for himself, Mr. Fulbright, Mr. Bible, Mr. Scott, and Mr. Pell):

Senate Joint Resolution 131. A joint resolution authorizing and requesting the President to issue a proclamation to commemorate the 125th anniversary of the Smithsonian Institution. Referred to the Committee on the Judiciary.

125TH ANNIVERSARY OF THE SMITHSONIAN INSTITUTION

Mr. ANDERSON. Mr. President, it has been 125 years since the English scientist, James Smithson, bequeathed a sum of money to the United States to found the Smithsonian Institution. As a result of that generous gift, more than 13 million Americans have passed through the Institution and have been enlightened, inspired, and delighted.

Today I am introducing a joint resolution, authorizing the President to issue a proclamation to commemorate the 125th anniversary of the Smithsonian Institution. The Board of Regents of the Smithsonian, of which I am a member, recommend that Sunday, September 26, be proclaimed by the President of the United States as a special day to honor the founding of the Smithsonian Institution and its scientific and cultural achievements. It seems only fitting that the creation of this great institution be celebrated with appropriate ceremonies.

This resolution, cosponsored by Senators Fulbright, Bible, Scott, and Pell, states that the Smithsonian Institution has indeed fulfilled the mandate set forth by James Smithson in 1835 when he stated that it was "an establishment for the increase and diffusion of knowledge among men." The scientists and scholars of the Smithsonian have been in the forefront of the expansion of knowledge since the founding of the Institution and have made important contributions in fields ranging from astrophysics to zoology and from the history of art to the history of technology.

This Institution, designated to be founded in Washington, D.C., has been an addition that has greatly enhanced our Nation's capital. It has aided the enlightenment of the public, both tourists and local residents, for many decades.

The Smithsonian continues to be a living and growing institution adding to the knowledge of our past, to the understanding of the world around us, and to our preparation for the future. In view of these immeasurable contributions, I ask support of the resolution to issue a proclamation to announce the occasion of the celebration of the 125th anniversary of the establishment of the Smithsonian Institution and to designate and to set aside September 26, 1971, as a special day to honor the scientific and cultural achievements of the Institution.

ADDITIONAL COSPONSORS OF BILLS AND JOINT RESOLUTIONS

S. 925

At the request of Mr. Bentsen, the Senator from Iowa (Mr. Hughes) was added as a cosponsor of S. 925, a bill to provide mortgage protection life insurance for service-connected disabled veterans who have received grants for specially adapted housing.

S. 1408

At the request of Mr. Muskie, the Senator from North Dakota (Mr. Burdick) and the Senator from Florida (Mr. Chiles) were added as cosponsors of S. 1408, a bill to amend the Internal Revenue Code of 1954 so as to permit certain tax-exempt organizations to engage in communications with legislative bodies.

S. 1814

At the request of Mr. Hartke, the Senator from Idaho (Mr. Jordan) and the Senator from Iowa (Mr. Hughes) were added as cosponsors of S. 1814, a bill to authorize the Administrator of Veterans' Affairs to sell at prices which he determines to be reasonable under prevailing mortgage market conditions direct loans made to veterans under chapter 37, title 38, United States Code.

S. 1824

At the request of Mr. Nelson, the Senator from Rhode Island (Mr. Pell) was added as a cosponsor of S. 1824, a bill to protect the public health by amending the Federal Food, Drug, and Cosmetic Act to assure the safety, reliability, and effectiveness of medical devices.

S. 1839 AND S. 1840

At the request of Mr. Cannon, the Senator from Nevada (Mr. Bible) and the Senator from Utah (Mr. Moss) were added as cosponsors of S. 1839 and S. 1840, bills relating to the Federal Government's purchase of recycled materials.

S. 1874

At the request of Mr. Magnuson, the Senator from Massachusetts (Mr. Kennedy) and the Senator from Oregon (Mr. Hatfield) were added as cosponsors of S. 1874, a bill to provide for the establishment of projects for the dental auxiliaries, to increase the availability of dental care through efficient use of dental personnel, and for other purposes.

S. 2039

At the request of Mr. Buckley, the Senator from Utah (Mr. Bennett), the Senator from Tennessee (Mr. Brock), the Senator from Nebraska (Mr. Curtis), the Senator from North Carolina (Mr. Ervin), the Senator from Florida (Mr. Gurney), and the Senator from South Carolina (Mr. Thurmond), were added as cosponsors of S. 2039, a bill to amend chapter 85 of title 28, United States Code, relating to the censure, suspension, and disbarment of attorneys.

S. 2097

At the request of Mr. Percy, the Senator from New Jersey (Mr. Case) and the Senator from Massachusetts (Mr. Brooke) were added as cosponsors of S. 2097, a bill to establish a Special Action Office for Drug Abuse Prevention within the Executive Office of the President for the purpose of concentrating the resources of the Nation in a crusade against drug abuse.

S. 2110

At the request of Mr. Stevens, the Senator from Colorado (Mr. Dominick) was added as a cosponsor of S. 2110, a bill to prohibit importation of petroleum from any country which expropriates, nationalizes, or seizes American owned petroleum property without adequate compensation after January 1, 1971.

S. 2135

At the request of Mr. Nelson, the Senator from Missouri (Mr. Eagleton) was added as a cosponsor of S. 2135, a bill to extend for 5 years the period within which certain special project grants may be made; and

At the request of Mr. Kennedy, the Senator from Missouri (Mr. Eagleton) was added as a cosponsor of S. 2135.

S. 2161

At the request of Mr. Hartke, the Senator from Tennessee (Mr. Baker), the Senator from Minnesota (Mr. Mondale), and the Senator from Michigan (Mr. Hart) were added as cosponsors of S. 2161, a bill to amend chapters 31, 34 and 35 of title 38, United States Code, to increase the vocational rehabilitation subsistence allowances, the educational assistance allowances, and the special training allowances paid to eligible veterans and persons under such chapters.

S. 2163

At the request of Mr. Mathias, the Senator from Vermont (Mr. Prouty) was added as a cosponsor of S. 2163, a bill to provide for the payment of tuition, subsistence, and educational assistance allowances to certain eligible veterans.

S. 2198

At the request of Mr. Tunney, the Senator from Connecticut (Mr. Ribicoff) was added as a cosponsor of S. 2198, a bill to authorize the National Summer Youth Sports Program.

S. 2223

At the request of Mr. Humphrey, the Senator from South Carolina (Mr. Hollings) was added as a cosponsor of S. 2223, a bill to amend the Consolidated Farmers Home Administration Act of 1961, and for other purposes.

S. 2258

At the request of Mr. Griffin, the Senator from Wisconsin (Mr. Nelson) was added as a cosponsor of S. 2528, a bill to permit coordination and cooperation in accelerated research and development of devices and equipment to meet Government standards for exhaust emissions and abatement of pollution.

SENATE JOINT RESOLUTION 62

At the request of Mr. Griffin, the Senator from Kansas (Mr. Pearson) was added as a cosponsor of Senate joint resolution 62, to authorize the display of the flags of each of the 50 States at the base of the Washington Monument.

SENATE RESOLUTION 149—SUBMISSION OF A RESOLUTION TO AUTHORIZE ADDITIONAL COPIES OF TRIBUTES TO THE LATE SENATOR RUSSELL, OF GEORGIA

(Referred to the Committee on Rules and Administration.)

Mr. TALMADGE submitted the following resolution:

S. Res. 149

Resolved, That there be printed concurrently with the usual press run six hundred additional copies of Tributes to the late Senator Richard R. Russell, of Georgia, for the use of the Senate Committee on Rules and Administration.

SENATE RESOLUTION 150—REPORTING OF AN ORIGINAL RESOLUTION RELATING TO THE PRINTING OF THE ANNUAL REPORT OF THE DAR

(Ordered to be placed on the calendar.)

Mr. JORDAN of North Carolina, from the Committee on Rules and Administration, reported the following original resolution:

S. Res. 150

Resolved, That the seventy-second annual report of the National Society of the Daughters of the American Revolution for the year ended March 1, 1969, be printed, with an illustration, as a Senate document.

SENATE RESOLUTION 151—SUBMISSION OF A RESOLUTION RELATING TO ARMAMENTS LIMITATION

(Referred to the Committee on Foreign Relations.)

Mr. HUMPHREY. Mr. President, I submit for appropriate reference a resolution which I believe can be of some help in approaching an arms limitation agreement.

I urge, Mr. President, that the Senate accept a revised version of my original resolution on armaments limitation. The original resolution, Senate Resolution 87, outlined suggestions for halting the arms race. Specifically, it called upon the President "to propose at the negotiations with the Government of the Union of Soviet Socialist Republics for the purpose of entering into an agreement—

First. To ban or limit to a very low level the deployment of antiballistic missile systems by the Government of the United States and the Government of the Union of Soviet Socialist Republics.

Second. To bind those Governments to conduct further negotiations to achieve a limitation on offensive strategic weapons.

This part of my amendment appears to be on its way to implementation. From the President's own remarks it looks as if an ABM agreement will be worked out by the end of this year at SALT. We are also led to believe that some formula for the limitation of offensive weapons will also be reached between the two governments.

For this reason, Mr. President, I find it most appropriate that the following resolution be accepted by the Senate and the President.

I ask unanimous consent that the resolution be printed at this point in the Record.

There being no objection, the resolution was ordered to be printed in the Record, as follows:

S. Res. 151

To Effectuate a Mutual Freeze on Nuclear Weapon Deployment During the SALT Talks

Resolved, Whereas, both the Governments of the United States and the Union of Soviet Socialist Republics "have agreed to concentrate this year on working out an agreement for the limitation of the deployment of antiballistic missile systems (ABM's). They have also agreed that, together with concluding an agreement to limit ABM's, they will agree on certain measures with respect to the limitation of offensive strategic weapons."

Now, therefore be it Resolved that the Senate call upon the President

1. to propose that the United States and the Union of the Soviet Socialist Republics enter into a mutual freeze on the deployment of both offensive and defensive nuclear weapons for the duration of these negotiations with the understanding that the continued observance of the freeze requires comparable self-restraint by both parties.
2. to inform the Congress fully and promptly of all developments in the arms race which could affect the strategic arms limitation talks (SALT), and to consult regularly with the Senate on those developments.

Mr. HUMPHREY. For the same reason that I advocate a suspension of our MIRV program, I also urge a freeze on the deployment of other offensive and defensive nuclear weapons. We should do everything feasible to encourage the speedy conclusion of arms control agreements without impairing our own security.

By seeking a freeze on deployments of nuclear weapons, we are doing in a more concrete way what actually may be occurring in fact. The latest Pentagon reports indicate that the Soviet Union probably is not pushing ahead at an accelerated pace with its SS–9 program. The recently discovered holes which we once were told were for a larger more powerful missile may now be an indication that the Russians are stepping up their defensive, second-strike capacity by hardening missile silos.

There is speculation that the Soviet Union may be doing something else, but there are ways to find out. One way is to freeze our own nuclear deployment program and insist that the Soviet do likewise.

This freeze could be monitored by national surveillance facilities available to both the United States and the Soviet Union. As a double safety measure, there should be a constant review by the Congress and the President of Soviet activities. I suggest, as a result of the helpful suggestions made at the time of my testimony before the Senate Subcommittee on Arms Control, International Law and Organization, that we make checks at regular six month intervals on the general nuclear strategic situation. On the basis of those findings, as reported by the President to the Congress, a joint decision can be made on whether to continue the freeze.

Mr. President, I ask unanimous consent that my prepared testimony which discusses this resolution in greater depth be printed at this point in the Record along with the prepared testimonies of Dr. Herbert Scoville and Professor Marshall Schulman. Dr. Scoville's remarks before the subcommittee substantiate with most effective arguments my own position; and Professor Shulman's statement provides an expert opinion of Soviet behavior patterns and perceptions of the U.S. military activities.

There being no objection, the statements were ordered to be printed in the Record, as follows:

Statement of Senator Hubert H. Humphrey

Mr. Chairman, I appreciate having this opportunity to testify before this Subcommittee concerning specific questions of arms control. My testimony is based on the legislation which I introduced on March 25th and today and the report which I prepared with the assistance of Congressmen Harrington and Fraser on the multiple independently targeted re-entry vehicle.

This report puts in succinct form the basic issues of MIRV as they relate to the overall strategic defense posture of the U.S. and to prospective arms control agreements. The recommendations made in the report are incorporated in the MIRV amendment I am introducing today. The amendment to the Military Procurement Authorization bill, S. 939, reads as follows:

"Sec. 502. The Secretary of the Treasury shall place, in a special account established by him, all funds appropriated pursuant to this or any other law for the further testing or deployment of multiple independently-targeted re-entry vehicles (MIRV's). Such funds may be used for the purposes for which they were originally appropriated only if the President and the Congress jointly determine at any time that the Government of the Union of Soviet Socialist Republics' testing and deploying of its own MIRV system and other action necessitate the further testing and deployment of the United States' MIRV as a guarantee of the United States' retaliatory capability. Upon certification of the Secretary of the Treasury by the President that such a determination has been jointly made by the President and the Congress, such funds shall be available immediately for the purposes for which they were appropriated."

Both the amendment and the report are intended to help serve as a constructive evaluation for legislators and government officials. I would hope that they are considered carefully, especially since the reopening of SALT talks at Helsinki has created a most propitious climate for halting the arms race. I will read pertinent excerpts of the report prepared under the auspices of the Members of Congress for Peace through Law, and wish to file the entire report with the Committee.

On May 20, the President read a joint Soviet-American statement on the Strategic Arms Limitation Talks. The statement read that the governments of both countries had "agreed to concentrate this year on working out an agreement for the limitation of the deployment of antiballistic missiles." There was also an expressed agreement to agree on "certain measures with respect to the limitation of offensive weapons."

The main significance of this statement is that it indicates that both sides in the SALT talks are committed to an agreement. It indicates that both the United States and the Soviet Union are willing to negotiate a formula for limiting the deployment of the antiballistic missile.

Were this agreement to be put into effect within the next year, the implications for other weapons systems and the entire arms race would be enormous. Specifically with respect to the multiple independently-targeted re-entry vehicle (MIRV), the original purpose for which this weapons system was conceived would no longer be valid.

Not only would the original purpose be called into question but any future intent in support of a continuation of the MIRV program would be highly tenuous. It would be highly probable that the MIRV program would have to be completely reassessed.

While an agreement on ABM or on offensive weapons has not yet been worked out, there is every hope that it will. What is necessary, therefore, during the period of negotiations is that both the governments of the United States and the Soviet Union exercise a supreme amount of self-restraint in order to create the climate most conducive to agreement.

MIRV is a highly destabilizing weapons system which may become superfluous if agreements on ABM and offensive weapons ceilings are successfully concluded at SALT. It has been ascertained that the United States has at present a considerable lead time over the Soviet Union in its MIRV program, mainly because it began work on MIRV before the Soviet Union. The Soviet Union, on the other hand, could have an advantage if it were to continue to deploy the SS-9 missile installed with a MIRV system comparable to our own.

What can generally be determined through a comparative qualitative analysis of the strategic nuclear position of the United States and the Soviet Union is that the two countries have reached a position of nuclear parity. This situation coincides with what has been accepted as the basic aim of our strategic forces. In order for the United States to observe a policy of nuclear sufficiency, our forces must be able to maintain a second-strike capability and eliminate all incentive for the Soviet Union to strike the United States first. This study will show how continued testing and deployment of MIRV during this year does not contribute significantly to the criteria for a policy of nuclear sufficiency.

Sufficiency, with the rough balance in strategic nuclear weaponry that the word implies, has as a result become a measure of safety and should become the prime determinant for our defense needs in the future. Now that sufficiency has been achieved, it would be counter-productive for the United States to try to regain its former position of superiority, considering present Soviet capabilities. It is, therefore, in the interests of the United States and a speedy conclusion of an agreement or agreements on arms control that the United States halt the testing and deployment of MIRV.

COSTS

The costs for MIRV were touched upon in yesterday's hearings and are essential in the Senate's consideration of MIRV and the entire Defense budget. It must be proved that the enormous costs involved are really justifiable, both in terms of economic and strategic efficiency.

The Authorization bill for Military Procurement, Research and Development for FY 1972 calls for approximately $635 million for the Minuteman III MIRV program and $530 million for Poseidon conversion.

These figures do not include some parts of MIRV-related programs. The Department of Defense proposed FY 1972 budget for "Continued procurement of Minuteman III and Minuteman force modernization is $839 million; for "Conversion of SSBN's to Poseidon configuration, continued procurement of Poseidon missiles, and associated effort," the DOD budget proposal is $803 million.

The true figure for MIRV programs, therefore, lies somewhere in between. The DOD estimates the total system cost for MIRVing the Minuteman III at $5,997.8 million and the total cost for Poseidon at $6,855.5 billion.

These figures by themselves are meaningful in that they show the enormous expenditures involved for a particular weapons system program.

Even more meaningful is the idea that these expenditures have provided us with little additional security. They have, on the contrary, proven to be considerably destabilizing with respect to our ability to halt the arms race.

THE CASE AGAINST MIRV

Aside from costs, there are equally important strategic considerations which argue against the continuation of our MIRV program at this time.

What is the Soviet ABM threat? Soviet deployment of a line of air defense missiles and associated radars in the 1960s, the so-called Tallinn lines, was at first believed to be the beginning of a nation-wide ABM system. After lengthy debate, the U.S. intelligence community assessment, affirmed by Secretary Laird in 1969, was that the Tallinn system is an advanced bomber defense. Department of Defense officials, most notably research head Dr. John Foster, continue, nevertheless, to spread alarm about the Tallinn line by stating that it might have some ABM capability or could be upgraded to have such capability. The simple rejoinder to this view is to ask why the U.S. is not itself converting our Nike Hercules anti-aircraft defenses (SAMs) to ABMs, instead of dismantling them. If a Russian ABM defense of population is so easy, why have President Nixon and Secretary Laird repeatedly stated that with all U.S. technology we do not know how to build an ABM system which will protect population?

The actual Soviet ABM system consists of 64 Galosh ABM missiles constructed around Moscow between 1964 and 1968. In 1968 the Soviets ceased further ABM deployments but in April, 1971, Secretary Laird announced that the Russians have apparently resumed ABM related construction in the Moscow area. The extent and nature of this new activity is as yet uncertain and may prove to be a false alarm. In any case such new deployment would have to be greatly enlarged and extended to many other areas before it would approach being an effective ballistic missile defense of Soviet urban areas.

It continues to remain true that the United States could deploy its MIRV more rapidly than the Soviet Union could construct a significant ABM system. It is unnecessary to deploy MIRV before the Soviet ABM is built and the U.S. does have considerable lead time over the Soviets in this regard, particularly because we have already completed development and testing of an effective MIRV system.

The argument that MIRV guarantees the survivability of our land-based missiles and thus enhances our second-strike capabilities is equally tenuous. In a statement to the Senate Armed Services Committee Secretary Laird said that the SS-9 program would pose a real threat by 1975-1976 to our Minuteman missiles when the SS-9's accuracy would be considerably improved.

Rather than continue with our MIRV deployment program which depends more on an apparent than a real threat, it is suggested that this program be halted on a provisional basis.

Any discussion of Soviet nuclear blackmail as a justification for MIRV rests on the assumption that the Soviet Union is in a far superior nuclear strategic position to the United States.

No evidence has been found to reach such a conclusion. While the SS-9, if deployed extensively, would give the Soviet Union a higher yield capacity than the United States, has, it would not become a serious threat to our second-strike capacity until the Russians installed an accurate MIRV. A recent study by the Department of Defense and the CIA indicated that the multiple warheads which the Soviet Union has tested thus far are not accurate enough to wipe out our Minuteman III missiles in a surprise attack. New estimates indicate that the Soviet Union is even farther behind in its MIRV program than United States officials originally assumed.

Aside from its MIRV position, the United States holds a lead in many other important areas of strategic weapons technology—missile accuracy, reliability and retarget ability; solid-fueled rockets, submarine launched missiles and numerous penetration aids for bombers and missiles.

As long as we have and maintain our deterrent capabilities at the present level, the risk of a nuclear confrontation with the Soviet Union would be far too costly. There is no need at the moment, however, to expand these capabilities.

The recent SALT announcement by President Nixon confirmed progress at the SALT talks and indicated that a sharp limitation on ABMs in the near future is a reasonable expectation. It demonstrates confidence in the feasibility of a workable ABM agreement inspected by national means. The announcement also strips away whatever vestiges of urgency still cling to the continuation of U.S. MIRV deployment. The question of whether or not MIRV is negotiable has little meaning in the present context. With an ABM agreement and the possibility of placing a ceiling on SS-9 deployments, further deployment of MIRV could be voluntarily abandoned.

Thus, there are no adequate grounds for MIRV in the absence of an uncontrolled Soviet ABM program. The anticipated agreement at SALT will hopefully provide for the necessary limitation on both Soviet and American ABMs. There is no reason to spend billions more on a strategic system that we do not need. Furthermore, some concrete step should be taken to stop MIRV before it is too late. For these reasons this study makes the following recommendations.

RECOMMENDATIONS

1. All funds approved by Congress for MIRV testing and deployment should be placed in escrow.

2. These funds should not be released unless the President and Congress jointly determine that the USSR's testing and deployment of its own MIRV system and other actions would necessitate further testing and deployment of the United States' MIRV as a guarantee of the United States' retaliatory capability.

3. In the course of the SALT talks the United States should:

a. enter into a mutual freeze on the testing and deployment of both offensive and defensive nuclear weapons, including ABM and MIRV, pending the outcome of the talks.

b. continue to seek by treaty a total ban or a limit to a very low level on ABM deployment.

While my testimony thus far has concentrated on the question of MIRV, I have also noted the interrelationship of MIRV and the SALT talks. Point 3 of the recommendations, which is based on the amendment I introduced on March 25, draws this connection. To underline this interdependency between MIRV and SALT, I am introducing a revised version of my original resolution which takes account of the latest developments at SALT. It is a sense of the Senate resolution which reads as follows:

Whereas, both the Governments of the United States and the Union of Soviet Socialist Republics "have agreed to concentrate this year on working out an agreement for the limitation of the deployment of antiballistic missile systems (ABM's). They have also agreed that, together with concluding an agreement to limit ABM's, they will agree on certain measures with respect to the limitation of offensive strategic weapons." Now, therefore, be it

Resolved, that the Senate call upon the President—

1. to propose that the United States and

the Union of Soviet Socialist Republics enter into a mutual freeze on the deployment of both offensive and defensive nuclear weapons for the duration of these negotiations with the understanding that the continued observance of the freeze requires comparable self-restraint by both parties.

2. to inform the Congress fully and promptly of all developments in the arms race which could affect the strategic arms limitation talks (SALT), and to consult regularly with the Senate on those developments.

The freeze I am proposing could be monitored by national verification techniques and maintained by the mutual self-interest of both the United States and Soviet governments.

The intent of this resolution is very similar to S. 211, introduced in 1969 by Senator Brooke and backed unanimously by this Subcommittee. It would set the climate for wide-sweeping negotiations on a number of levels. Our negotiators and Soviet negotiators cannot arrive at agreements on shifting sand. They need a temporary halt or hold on offensive weapons deployment to provide a solid foundation and climate to shape their proposals. The Committee Report on S. 211 took note of this point when it said that, "It would seem, therefore, both feasible and desirable to provide the strategic arms limitation talks with an opportunity to reach agreements without the additional problem of having to take into account a constantly shifting and asymmetrical situation with respect to strategic weapons." I contend that it is even more feasible and desirable today than when this Subcommittee first held hearings on S. 211.

Mr. Chairman, you yourself noted at the opening of these hearings that what we can hope for in the immediate future is a freeze on deployments. I would go one step farther by saying that it is imperative to initiate that freeze as soon as possible. A general freeze on deployments, as the Foreign Relations report noted, is easier to monitor than a situation characterized by constant change in types and numbers of strategic weapons.

The halt in weapons deployments I have in mind includes the Soviet SS-9, both the U.S. and Soviet MIRV, including our own ABRES system, and both ABM programs. I have tried to emphasize how opportune the present is for halting MIRV and ABM deployments. What I have not stressed is that I think the Russians have shown a great interest in halting the arms race. The fears that we once had that new Soviet construction sites discovered by our own surveillance facilities might be part of a program to move to an offensive, first-strike capability seem unfounded. The latest Pentagon report undertaken by TRW, Inc. apparently draws quite different conclusions. I would hope that this Subcommittee is able to obtain the TRW report so that we can stop guessing. Arms control is a serious matter and we all want to be responsible. The Executive branch has an obligation to keep Congress informed. I, therefore, look forward to reading the TRW report.

I thank you, Mr. Chairman, and the distinguished members of this Subcommittee, for being so receptive to my comments today and I sincerely hope that these hearings will be productive in advancing the purposes of the SALT talks and further arms control agreements.

STATEMENT OF HERBERT SCOVILLE, JR.

Mr. Chairman, it is both a privilege and a pleasure to come again before this Subcommittee which has over the years been such a constructive element in the struggle to increase national and world security by limiting armaments. I am particularly gratified that in this series of hearings, the Committee is attempting to clarify the relationships between arms control and unilateral weapons R & D, procurement and deployment decisions as expressed in the proposed DOD budget. The two are interdependent and cannot be separated. Too often in the past the arms control implications of new weapons developments have been ignored until it was too late to avoid a new round in the arms race.

At the request of the Committee staff the primary subject of my discussion today will be MIRVs (Multiple Independently Targetable Reentry Vehicles), a classic example of such a tragedy. They were originally developed and justified as the most cost effective method for enlarging our nuclear strike capability and the most certain means of insuring penetration of an ABM system while the decision makers gave little or no consideration to their destabilizing characteristics and to the pressures they created for accelerating the arms race. Unfortunately, despite the Senate urging restraints, the U.S. continued MIRV testing and deployment at a pace which is not justified, even by Secretary Laird's own statements of the threat so that as a result their control has been made much more difficult today than it was two years ago.

If MIRV development and deployment is allowed to proceed without any limitation, other new strategic weapons programs will almost inevitably be demanded in order to offset the increased vulnerability of fixed land based ICBMs. These demands will be extremely difficult to resist even though the submarine based deterrent would remain invulnerable if ABMs were restricted to low levels. Therefore, it is important to determine whether MIRV limitations are indeed a hopeless objective or whether there is still time to restrain this dangerous development.

To explore this issue I shall try to show:

(1) that the U.S. can halt its MIRV deployment for several years without incurring any security risks,

(2) that the Soviet MIRV program is many years behind that of the U.S. and that it would require several years of testing before they could deploy MIRVs which could threaten Minuteman, and

(3) that a U.S.-U.S.S.R. ban on the production, testing and deployment of MIRVs, verified by national means, is technologically feasible, and in the mutual interest of both nations. Whether it is politically feasible will never be known until the U.S. takes the steps necessary to achieve Soviet agreement.

U.S. MIRV PROGRAM

At the present time the U.S. has completed the development and testing and begun deployment of first generation MIRVs on the Minuteman III and Poseidon missiles. When these programs are completed in the mid 70's, 31 Polaris submarines will carry Poseidon missiles with a reported 10 MIRVs per missile, or 160 warheads per submarine, and 550 Minuteman IIIs each with 3 MIRVs will be emplaced. Two Poseidon equipped submarines have already gone to sea and about 100 Minuteman IIIs are deployed. $1.6 billion is in the FY 72 budget for these programs. The budget also contains $87 million for research on improved MIRV guidance systems in the ABRES program, some of which will undoubtedly go toward improving their accuracy.

Secretary Laird has stated that these MIRV deployments are required to ensure penetration of Soviet ABMs and to provide additional retaliatory weapons in the event of a Soviet first strike against the Minuteman force. He said:

"Should part of our missile force be unexpectedly and severely degraded by Soviet preemptive actions, the increased number of warheads provided by the remaining MIRV missiles will insure that we have enough warheads to attack essential soft urban industrial targets in the Soviet Union. At the same time, the MIRV program gives U.S. increased confidence in our ability to penetrate Soviet ABM defenses, even if part of our missile forces are destroyed."[1]

Even with the recently reported resumption of ABM deployment around Moscow and even without any ABM agreement at SALT which President Nixon has stated as a goal for this year, the Russians will not have an ABM needing U.S. MIRVs to maintain the deterrent until well after 1975. If an ABM limitation is achieved, MIRVs will never be needed.

In this connection much concern has been expressed in some quarters that the Soviets might secretly upgrade their antiaircraft defensive missile systems (SAMs) into ABMs. If it is so easy to convert air defenses to ABMs, why is the U.S. dismantling its Nike Hercules SAM batteries and instead proposing to spend more than $12 billion on a new system of limited effectiveness? Moreover, Secretary Laird has recently reaffirmed his view that "an effective (ABM) defense of our population against a major Soviet attack is not now feasible,"[2] and this judgment took into consideration all technology available to the U.S. and not just modifications to an existing SAM. The type of logic which adopts a double standard for U.S. and Soviet technical capabilities is, in my view, very dangerous and can in the long run decrease rather than increase U.S. security.

While a SAM system can always have some capability for shooting down a ballistic missile, it is quite another thing for it to have a realistic capability for neutralizing the U.S. deterrent. Soviet SAMs do not have the high performance radars which are required. Coupling Russian Hen House radars to the present SAMs will still not do the job since these radars are in most cases vulnerable and could be put out of action by a single missile. Then, the SAM-ABM system would be a blinded Cyclops. The Soviets at a minimum would have to build new, sophisticated, and powerful radars providing wide area coverage before their SAMs would have any real ABM capability. These would take many years and be detected long before they were truly operational. Countermeasures could be instituted far in advance. And indeed, as Secretary Laird has argued, no ABM can with existing technology reliably protect countries like ours and the USSR.

With respect to the other stated justification for MIRVs, i.e., the need for more retaliatory warheads, Secretary Laird stated in early March that the initial threat to Minuteman would not occur until 1975-76.[3] Moreover, since that time it has been shown that the threat from the new construction of large Soviet ICBM launchers was illusory. Finally, as I will discuss shortly in more detail, it becomes increasingly evident as every day passes that the Soviets have probably not even yet begun testing a MIRV system of the type and accuracy which could threaten Minuteman. Thus, even the 1975-76 date is almost certainly premature.

In this connection the program for placing MIRVs on the Minuteman III is particularly unwise at any time for two reasons. Not only is it a bad investment to expend billions of dollars to replace a single warhead with three out of fear that 95 percent will be destroyed, but also the Minuteman III MIRVs are the most destabilizing because they have the greatest potential as counterforce first strike weapons. Their warhead yield of hundreds of kilotons together with their fixed, accurately known, firing location provide them with a much greater hard target capability than the smaller yield warheads which would be fired from submarines. On the other hand, the fact that Minuteman III will only carry three warheads makes it much less effective in securing the deterrent by penetrating ABMs than Poseidon with 10 or more warheads. *All these factors combine to make the Minuteman III MIRV program undesirable in any circumstances.*

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[1] Fiscal Year 1972-76, Defense Program and the 1972 Defense Budget, March 15, 1971, p. 66.

[2] Ibid., p. 63.

[3] Ibid., p. 46.

In sum, even taking the DOD's own justifications, it is apparent that there is no present security requirement for U.S. deployment of Poseidon and particularly Minuteman III MIRVs. While it is true that orderly scheduling would support the continuation of the present deployment program, I would hope that no government official would use such an irresponsible excuse for the continued deployment of MIRVs in light of the risks that such action presents to our ability to halt the arms race.

Recently one further justification for U.S. MIRVs has, however, also been rumored, i.e., the need for MIRVs to provide the U.S. with the option to retaliate, following a Soviet first strike, in some manner other than by destroying Russian cities. President Nixon stated:

"I must not be . . . and my successors must not be . . . limited to the indiscriminate mass destruction of enemy civilians as the sole possible response to challenges. This is especially so when that response involves the likelihood of triggering nuclear attacks on our own population. It would be inconsistent with the political meaning of sufficiency to base our force planning solely on some finite . . . theoretical . . . capacity to inflict casualties presumed to be unacceptable to the other side."[4]

No public amplification of this has yet been made, but the use of MIRVs in a counterforce second strike has been hinted as one means of providing such a capability. Unfortunately, a second strike counterforce MIRV cannot be differentiated from a first strike one, and Secretary Laird has categorically denied that the U.S. was seeking such a weapon. The Soviets would inevitably view any counterforce MIRV as a threat to their deterrent as we would view a similar Soviet program as a threat to ours. The Russian fear of the U.S. MIRV program may well be the explanation for their construction of new large holes for possible hardened launchers. A U.S. attempt to achieve counterforce MIRVs would be only a thinly disguised program to raise the arms race to a new level.

Finally, I believe that President Nixon's objective, while superficially attractive, is dangerously misguided. The scenario that the Soviets might initiate a surgical first strike to knock out our Minutemen and bombers, an attack which would require thousands of megatons and kill millions of Americans as a byproduct, on the chance that the U.S. might refrain from retaliation, seems to me a fantasy which ignores all the realities of a nuclear war. Far better for the U.S. to expend its energies and resources on means to avoid the outbreak of nuclear war than the means to fight it. It is sometimes argued that having such a second strike capability might be a useful deterrent to Soviet consideration of initiating a limited nuclear war. In my view, the fear of U.S. destruction of the entire fabric of Soviet civilization is an infinitely more potent deterrent than the fear that we might destroy her residual strategic forces.

SOVIET MIRV PROGRAM

There is no question that in the absence of any arms limitations the Soviets can in time develop and deploy MIRV systems which could threaten fixed land based ICBMs. The large payload of their missiles makes this easier in the long run for them than for us. However, no convincing evidence has ever been presented that the Soviets have yet tested a MIRV system with such capabilities.

In the spring of 1969, President Nixon and DOD officials expressed fears that the "footprint" of the Soviet 3–MIRV system, which was first test flown in August 1968, had a pattern for destroying Minuteman. As time has passed, this fear appeared to have been unfounded. Then in the fall of 1970, the DOD again announced that new tests indicated the Soviets had for the first time tested a 3–MIRV system using their SS–9. Now, six months later, it again seems that these fears were exaggerated. Recent reports have cast serious doubt as to whether the Soviet tests were of a MIRV system which could realistically threaten Minuteman. (They may have only been malfunctions of the old MRV.) A MIRV which can threaten Minuteman must have accuracies of less than ½ mi. CEP and the flexibility to vary the "footprint" to cover a wide variety of Minuteman deployment patterns. No evidence has ever been presented to support this. It seems likely that this is but another example of the selective public release of partially analyzed intelligence information in order to stampede the Congress and the public into supporting new weapons programs.

It seems most likely that the Soviets have not yet even begun testing a MIRV system which could threaten the Minuteman component of the U.S. deterrent. However, they are technologically capable of doing so at any time. When they do, it will probably be with a missile system capable of dispensing 6 or more independently targetable warheads, rather than the triplet warhead MIRV used in the U.S. SS–9 threat calculations. Six or more MIRVs per missile would reduce the need for the Russians to deploy additional large ICBMs. That is why it is important to try to put a brake on MIRV programs now. This is much more critical to U.S. security than limiting the number of large ICBMs. The Russians already have enough SS–9s provided they have such a MIRV capability.

Yet, why has the Administration, in spite of overwhelming Senate support, (S.R. 211), been so reluctant to take the necessary steps to attempt to get the Soviets to agree to some limitation on MIRVs? Why have we promoted unilateral U.S. MIRV programs which have no present security requirement and yet which make Soviet MIRV programs so inevitable and their agreement to limit them so difficult? Is it because we do not have the political strength to halt a new military technology? Some say we cannot design a negotiable MIRV limitation which would protect our security, but I do not believe this to be a reasonable excuse for our apparent footdragging.

LIMITATIONS ON MIRVS

I do believe it is technically possible to have a MIRV limitation which could be verified by national means so as to protect U.S. security. Admittedly, national means are not adequate to detect deployment of MIRVs in a missile system of the same external configuration as a single warhead missile. However, onsite inspection is not adequate for this either, since it is impossible to prevent substitution of the MIRV stage by a single warhead prior to the arrival of an inspector. U.S. attempts to obtain Russian agreement to onsite inspection would be evidence only of our lack of interest in a MIRV limitation.

A ban on the production, testing and deployment of all MIRVs would, however, be a verifiable all inclusive agreement, which would be in the mutual security interests of both countries. Any agreement which allowed even small MIRV deployment would almost certainly be unstable and defeat its purposes. To allow the Russians to achieve our present capabilities would almost inevitably provoke U.S. responses in weapons programs. The presently deployed U.S. Poseidon and Minuteman III MIRVs would have to be replaced with single warheads. A single warhead version of Poseidon has been designed, but the program has not been given priority.

The Minuteman III MIRV is very questionable even if the Russians went ahead with all their strategic weapons programs. A MIRV ban would be much more effective in protecting the Minuteman deterrent than any Minuteman III deployment. The Poseidon MIRVs are unnecessary unless the Soviets deployed a large ABM which would take many years and may be foreclosed if President Nixon achieves his stated goals at SALT. In the event that a large ABM threat developed, the single warhead Poseidon could be converted to a MIRV in ample time to protect our deterrent.

With respect to the verification it is fortunate that the Soviets have not yet a tested MIRV which can threaten Minuteman. They cannot make such a deployment without tests which could be observed by U.S. national information systems. I testified on our ability to verify MIRV testing before this Committee last year and so will not repeat the details at this time.[5]

The Soviets could also verify such an agreement. Although the U.S. has tested and begun deployment of MIRVs for Minuteman III and Poseidon, the Russians would be certain to know if we continued to produce or deploy these in violation of an agreement. This is made easier for them by the fact that both these new missile systems have different external configurations from the presently deployed Minuteman I and II and Polaris. Thus, the U.S. can verify such an agreement primarily through the testing phase and the Russians primarily through the production and deployment phases.

One must, however, ask the question as to whether such an agreement is politically achievable even though technically feasible. At this point it is impossible to state categorically whether the Soviets would agree to any limitations on MIRVs. Certainly they have given little evidence that they are particularly eager for such an agreement. However, such an agreement would be in their security interest, as well as that of the U.S., since it would eliminate the vulnerability of their land based ICBMs to a U.S. counterforce strike. Despite protests to the contrary by senior DOD officials, the Russians must view the U.S. MIRVs as a threat to their deterrent. The program to improve MIRV guidance systems is further evidence of U.S. intent to develop such a threat. President Nixon's view[6] that U.S. MIRVs are designed to demonstrate our defensive intent and are justifiable, while the Russian MIRVs, which are not even yet tested, are dangerous because they threaten our ICBMs, is likely to be subscribed to only in reverse by the Soviet leaders.

Despite these incentives for Russian agreement to such a ban, I am not optimistic that they would be willing to do so. When the U.S. Senate first urged such action they may have been, but as every day passes and U.S. deployments continue, agreement becomes more unlikely. Past experience has shown that they will neither negotiate from a position of weakness nor agree to freeze themselves in a position of inferiority. They refused even to begin SALT until their missile forces approached parity with the U.S. To forego the development of even a first generation MIRV system when the U.S. has completed testing and begun deployment on two such systems would be a major concession which might be impossible for their political and military leaders to make.

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[4] President Nixon's State of the World Message, February 25, 1971, p. 131.

[5] Verification of Strategic Arms Limitations—Testimony before the Subcommittee on Arms Control, International Law and Organization of the Senate Committee on Foreign Relations—April 13, 1970.

[6] State of the World Message, February 25, 1971, p. 133.

Nevertheless the U.S. should make every effort to persuade the Soviets to do so and take all possible steps to make such a Russian decision easier. The proposal of replacing our existing MIRVs with single warheads should be of interest to them. Certainly until we have explored every avenue for achieving a limitation on such systems, we should postpone further deployment of U.S. MIRVs for which there is no present requirement in the absence of a larger Soviet ABM, and should cancel any programs for further improvements in MIRV accuracies. Proceeding prematurely with our programs and thus destroying any hope of agreement would be a folly and unnecessarily increase the risks to our security. *MIRVs are a clear example where proceeding with a unilateral weapons program provides less security than restraint.* Parallel with these halts the U.S. should press forward with, and complete the development of, a single warhead version of Poseidon and, if necessary, Minuteman III, so that we would be in a position to agree to a complete ban on the deployment of MIRVs by both nations.

RELATIVE IMPORTANCE OF LIMITING MIRVS

Limitations on MIRVs should be the highest priority item in any attempts to limit offensive strategic weapons because of their destabilizing characteristics and the potential they provide for a first strike. Their deployment produces far greater pressures for escalating the arms race than do increases in the numbers or changes in other characteristics of strategic missiles with single warheads. The difficulties involved in verification, once a tested MIRV system is available, makes it urgent that they be controlled now before this problem becomes much more difficult. However, since MIRVs only threaten the land based portion of the deterrent, the failure to ban them completely does not necessarily mean that the strategic arms race is uncontrollable. As long as neither side has large ABMs with nationwide coverage, mutual deterrence will continue to exist. ABMs threaten all portions of the deterrent. Therefore, the U.S. and Soviet governments have acted wisely in agreeing to give highest priority to the achievement of limitations on ABMs this year at SALT. However, while an agreement on ABMs is being negotiated, neither nation should take any unilateral steps which might make more difficult an eventual limitation on MIRVs.

SUMMARY

1. The U.S. has no security requirement for the deployment of MIRVs at this time. The deployment should be stopped and funds for the Minuteman III and Poseidon MIRV programs should not be provided in the FY 72 Budget.

2. The Soviet MIRV program is far behind the U.S. and in all probability the Russians have not yet even tested a MIRV system of the type that could threaten Minuteman.

3. A ban on the production, testing, and all deployment of MIRVs would be in the U.S.-USSR mutual security interest and could be adequately verified without onsite inspections.

4. In order to persuade the Russians to agree to a MIRV ban the U.S. should postpone any further deployment of MIRVs, cancel all programs designed to improve MIRV accuracy, and press forward with the development of a single warhead for the Poseidon missile.

5. Even if a MIRV limitation cannot be negotiated, the Minuteman III program should be canceled and the U.S. should refrain from further deployment of Poseidon MIRVs as long as the Soviet ABM remains limited.

6. The fear that the Soviets might secretly convert their SAM aircraft defenses into an ABM which could threaten our deterrent has insufficient foundation to warrant any change in the above conclusions.

7. The U.S. should direct its strategic policy toward maintaining deterrence, and refrain from attempting to develop a capability for fighting a strategic nuclear war which can only increase the risk that a nuclear holocaust will actually occur.

Statement of Marshall D. Shulman

Mr. Chairman, I appreciate your invitation to testify before this Subcommittee in the course of its hearings on the relationship between the deployment of weapons systems and arms control.

In the effort to increase our security by stabilizing the strategic arms competition, technical aspects of weapons systems have been in the forefront of the discussion. But SALT is more than a purely technical matter; like deterrence itself, it requires political insight and political judgments. I do not believe that we have sufficiently appreciated how deeply SALT involves internal political processes in both the Soviet Union and the United States, nor how sensitively these processes interact with each other.

What I propose to do in this brief statement is to bring to bear, from the study of the Soviet Union, some insights into the Soviet approach to SALT which I believe relevant to the present hearings. I will sketch the evolution of the Soviet position since SALT began, and will describe how that position appears to have been affected by tugs and hauls within the Soviet Union. In particular, I will try to deal with the effects upon the Soviet Union of the "bargaining chip" theory and the deployment of Safeguard and MIRV.

BACKGROUND OF SOVIET POSITION

In the four and a half years that have passed since the idea of SALT was first proposed, there has been a considerable evolution in the Soviet approach to the subject. For the first year and a half, there was no Soviet reply to the proposal, and during this period, there were some indications of sharp internal debates which involved fundamental questions of resource allocation and relations with the United States. Among the special difficulties involved was the extreme compartmentalization of Soviet life, as a result of which few persons outside the professional military services were in a position to discuss military technology; there was not a widespread familiarity with arms control matters, nor a preparation of the political leadership for the complexity of the task of thinking about how the strategic arms competition might be stabilized. From the outside, it appeared that the main lines of the debate were drawn between those who were concerned with the economic costs of the strategic competition and, on the other side, the various military services powerfully supported by the orthodox wing of the Communist Party bureaucracy, deeply committed to an expectation of unremitting conflict with the United States.

By the Spring of 1968, it appeared that a compromise had been reached which would permit at least exploratory participation in SALT, but in the meantime the intervention in Czechoslovakia and then the change of Administration in the United States delayed the opening of talks until November, 1969.

As a result of the first rounds of SALT at Helsinki and Vienna, there was manifested a widening competence and sophistication in Soviet discussion of arms control matters. There also appeared to develop an intensification of the internal debates as concrete substantive issues came under consideration. In the course of 1970, the Soviet leadership began to make it clear that it was prepared to try for "practical steps in the direction of disarmament." Speaking in Kharkov in May, 1970, Brezhnev signalled this intention, indicating that it was not inconsistent with the "conditions of an acute political and ideological struggle between socialism and capitalism in the international arena." He went on to declare that the Soviet Union had achieved an adequate deterrent, but would continue to build its military forces if the United States did so. "The Soviet Union would welcome a reasonable agreement in this field. We have created strategic forces that are a reliable means of deterring any aggressor. We will respond to any attempts by anyone to gain military superiority over the USSR with the requisite increase in military might, thereby guaranteeing our defense. We cannot act otherwise. However, if the United States government really desires an accord on checking the strategic arms race, if the American public succeeds in overcoming the resistance of the arms manufacturers and of the military, then the prospect for the talks could be asserted as positive. In any case, the Soviet Union will do everything in its power so that these talks will prove useful."

At the Party Congress in March and April of this year, which was heavily preoccupied with the improvement of the Soviet economy, Brezhnev made the point that "the favorable outcome of these talks [i.e., SALT] would make it possible to avoid another round in the missile arms race and to free substantial resources for constructive purposes." He went on to add the following condition, which has become a standard formulation in recent Soviet press commentaries: "However, we should like to emphasize that disarmament talks in general, and especially the discussion of highly delicate military and technical aspects, can be productive only if the interests of the parties' security are given equal consideration and no one seeks unilateral advantages."

An improvement of relations with the United States was possible, Brezhnev said, "but we have to consider whether we are dealing with a real desire to settle questions at the negotiating table or with an attempt to pursue a 'positions of strength' policy." "Let no one try to talk to us in the language of ultimatums and force."

In June of this year, in an election speech in Moscow, Brezhnev asked himself the rhetorical question whether it was unrealistic to consider the limitation of the arms race while capitalism still existed. His answer—and presumably it was addressed to those who did not consider the question rhetorical—was that it was not unrealistic, because of the "changed balance of power in the world—both sociopolitical and military power." He went on to say that the Soviet Union could afford both a reliable defense and the development of its economy, although, he added, "of course without large defense expenditures we and our economy would move ahead far more quickly."

These quotations illustrate two important factors underlying the decision of the Soviet leadership to accept the possibility of some limitation of the arms competition through SALT. One is the growing concern of the Soviet leadership with the economic constraints under which it is operating, particularly in the realm of advanced technology. The Russians clearly wish to avoid giving the impression of unilateral weakness on this score; Brezhnev in his election speech also dwelt on the economic effects of the arms race to the United States. There is no indication that the Soviet leaders would not or could not continue to maintain a high level of military expenditure if necessary, but they clearly have reached a decision that their country would be better off if expenditures for strategic weapons by both countries could be scaled down, particularly because the alternative is now seen as another upward bound in the arms competition.

The second factor in their decision is the recent build-up of Soviet strategic weapons to a level of approximate parity with the United States. The Soviet leadership is no longer inhibited by a concern that an agreement would perpetuate Soviet inferiority, as might have been the case when SALT was first proposed in 1967. Perhaps one reason for the delay in the Soviet response was the desire to wait until deployments then planned had made their appearance, so that negotiations could be conducted on the basis of equality.

MAIN ELEMENTS OF PRESENT SOVIET POSITION

It may be useful to highlight the following elements in the present Soviet approach to the SALT negotiations:

1. *Insistence upon "equal security."* The Russians have made it clear that they will not accept any agreement that gives the United States any "unilateral advantage." They want SALT to codify parity. They have lectured their own military on the futility of superiority, but they are obliged to demonstrate that SALT will not mean a return of the Soviet Union to the position of inferiority under which they smarted for so long.

2. *"Playing it cool."* The Soviet leaders learned the lesson, during the early months of the Nixon Administration, when they were pressing the United States to begin SALT negotiations, that this display of eagerness led many in the United States to argue that the Soviet Union needed an agreement more than the United States did, and should therefore pay a price for it. Since that time, Soviet representatives have been at pains not to show undue public concern about the arms race or about such weapons systems as MIRV, lest they confer a bargaining advantage upon the United States. The result has been to make signalling between the two powers more difficult.

3. *Begin with ABM*. Partly because ABM systems appeared to be a relatively finite and manageable segment of the arms competition, compared with the enormous complexities of offensive systems, Soviet protagonists of SALT have favored beginning with an ABM agreement. Moreover, as an authoritative article in *PRAVDA* argued one week ago, ABMs stimulate the deployment of offensive missiles: "Action is met by counter-action. If one side strengthens its defense, then the other feverishly looks for new, more powerful means to pierce the defensive shield of the opponent."

4. *SALT does not imply a political truce with the United States.* The Soviet leadership has made it clear that it does not regard a SALT agreement as a signal for a political reconciliation with the United States, an end to "ideological struggle," or to the campaign against "American imperialism." When he spoke of the "normalization" of relations with the United States at the XXIV Party Congress, Brezhnev indicated that he had in mind possible progress in SALT, some trade, correct relations at moderate levels of tension, possibly talks to settle disputes, but not an embrace of friendship. Echoes of the internal debates may be heard in an article in *PRAVDA* May 4 by Georgi Arbatov, director of the Institute on the USA, in which he defends responding to "realistic tendencies" in the United States as representing "forced concessions," which "objectively can have consequences that correspond to the peoples' interests." He reminds his readers that peaceful coexistence and political detente do not "abolish the struggle between the two systems itself but moves it into channels in which this struggle does not lead to military conflict." Distinguishing a proper "class approach" from that of revisionists and reformers, he writes that it does not mean the "accommodation of the workers' movement to present-day imperialism and a reconciliation with it." The message is a reminder of the still powerful force in Soviet politics of Party orthodoxy, which takes a dark view of U.S. intentions, is skeptical whether the U.S. will negotiate seriously in SALT, and which continues to interpret the United States in terms of imperialism and conflict.

Although the various groups in the Soviet leadership see the United States in varying shades of darkness, they appear to share at best an uncertainty whether the U.S. is prepared to accept a SALT agreement on the basis of parity. The protagonists of SALT have sought to explain to Soviet hard-liners why the United States, after initially proposing an ABM limitation, then seemed reluctant to accept such an agreement; why the U.S. pushed through Safeguard as SALT was opening in 1969, and Phase II during the talks in 1970; why the U.S. pushed rapidly ahead with the deployment of MIRV in 1970; why successive "gaps" appear during each appropriations cycle, to justify new bombers, new re-entry systems, new underwater launch systems.

The explanation adduced by Soviet analysts is that there are two tendencies in American political life: that of the militarists and their supporters, and that of the antimilitary "realists." The result, as they see it, is a "zig-zag" policy, reflecting the requirements of domestic politics. It should be added that "realism," in the Soviet usage, means not only an acceptance of a stabilization of the strategic arms race, but more: an acceptance of the Soviet position of equality in the world, of the Soviet position in Eastern Europe, and other Soviet political objectives. This view is based upon an assessment that there has been a "change in the alignment of forces," and it implies a graceful acceptance by the United States of Soviet efforts to increase its political influence around the globe at the expense of the United States. This is the operative significance of Arbatov's argument to the hard-liners in the Soviet Union that a positive response to "realism in capitalist policies" is justified because these "forced concessions" are objectively in Soviet interests.

It should be added that most Soviet analyses of American policy these days end on an interrogatory note: which tendency will prevail in the U.S.? It is interesting to observe a kind of reverse containment policy now emerging in the Soviet Union: it declares itself ready to reach business-like arrangements with the U.S. if it is realistic, but to resist manifestations of U.S. imperialism ("a principled line of rebuff to aggression and to the intrigues of the imperialistic forces.")

SOME CONCLUSIONS

1. It is worth noting that in the internal debates on SALT within the Soviet Union, such U.S. efforts to force the pace of the strategic competition as the deployment of Safeguard and MIRV have had the effect of weakening the case of those in the Soviet Union who have argued that arrangements with the United States for the stabilization of the strategic arms competition are possible. It has forced them into elaborate explanations and defenses of their proposed dealings with the "imperialists."

2. It is also clear that the effect of the "bargaining chip" rationale for further armament measures by the United States has been the opposite of what was intended. Although it is true that these measures have put before the Soviet leadership the prospect of a further expensive round in the arms competition as the alternative to a SALT agreement, what is more significant is that the Soviet leadership feels itself obliged to match each step with comparable measures, for it cannot allow itself, for both domestic and international reasons, to be pressured into an agreement on unfavorable terms. Perhaps the "bargaining chip" theory may be sound diplomacy under some circumstances, but it is clear that in the strategic weapons field it provides dynamism for the arms race. Moreover, when a measure such as Safeguard or MIRV is defended in this country on the grounds that is necessary to increase our bargaining pressure, rather than on the intrinsic merits of the measure proposed, the argument is known and discounted on the Soviet side as a transparent device.

3. Over the long run, it would seem more effective for the United States to base its negotiating tactics and its military procurements on the principle that security in the realm of strategic weapons is best served by a stable equilibrium at as moderate a level as can be managed through explicit or tacit agreement with our adversaries. To achieve this will require us to break the cycle of interaction between the two countries by the exercise of political leadership, deciding military policies in terms of this conception of security rather than leaving them to be decided by the pressures of the military services, the upward tug of technology, the overreaction of military planners, or the misguided rationalizations of self-deceptive bargaining techniques.

Mr. HUMPHREY. We have been told by our President that an ABM agreement will probably be reached by the end of this year. From recent pronouncements General Secretary Brezhnev has firmly indicated his own interest in arms control agreements. Why then can we not move on toward these agreements before they escape us?

Now that the Soviet Union and the United States are in a position of near parity, freezing deployments would not upset this rough balance. It would, in fact, enhance it.

Once a tacit understanding was reached, such as the one I am proposing, a formal one would be even more probable. It would, moreover, be in the interests not only of the United States and the Soviet Union, but of other nuclear and nonnuclear nations. Above all it would be in the interests of mankind.

ADDITIONAL COSPONSORS OF A RESOLUTION

SENATE RESOLUTION 145

At the request of Mr. TUNNEY, the Senator from Oregon (Mr. PACKWOOD), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Massachusetts (Mr. BROOKE), the Senator from Florida (Mr. GURNEY), the Senator from Nevada (Mr. BIBLE), and the Senator from Michigan (Mr. GRIFFIN) were added as cosponsors of Senate Resolution 145, urging the Voice of America to broadcast into the Soviet Union in Yiddish.

SENATE CONCURRENT RESOLUTION 34—REPORTING OF AN ORIGINAL CONCURRENT RESOLUTION RELATING TO THE PRAYERS DURING THE 91ST CONGRESS

(Ordered to be placed on the calendar.)

Mr. JORDAN of North Carolina, from the Committee on Rules and Administration, reported the following original concurrent resolution:

SENATE CONCURRENT RESOLUTION 34

Resolved by the Senate (the House of Representatives concurring), That there be printed with an illustration as a Senate document, the prayers by the Reverend Edward L. R. Elson, S.T.D., the Chaplain of the Senate, at the opening of the daily sessions of the Senate during the Ninety-first Congress, together with any other prayers offered by him during that period in his official capacity as Chaplain of the Senate; and that there be printed two thousand additional copies of such document, of which one thousand thirty would be for the use of the Senate and nine hundred seventy would be for the use of the Joint Committee on Printing.

SEC. 2. The copy for the document authorized in section 1 shall be prepared under the direction of the Joint Committee on Printing.

ADDITIONAL COSPONSOR OF A CONCURRENT RESOLUTION

SENATE CONCURRENT RESOLUTION 21

At the request of Mr. CASE, the Senator from Maryland (Mr. BEALL) was added as a cosponsor of Senate Concurrent Resolution 21, calling for suspension of military assistance to Pakistan until the present conflict in that country is resolved.

AGRICULTURE - ENVIRONMENTAL AND CONSUMER PROTECTION APPROPRIATIONS, 1972—AMENDMENT

AMENDMENT NO. 242

(Ordered to be printed and to lie on the table.)

FARM PAYMENTS SUBSIDY AMENDMENT

Mr. BAYH. Mr. President, I send to the desk a farm payments subsidy amendment which I intend to offer tomorrow, for myself and Mr. BROOKE, Mr. CASE, Mr. MCINTYRE, Mr. PERCY, and Mr. PROXMIRE, and I ask that the text of my amendment be printed at this point in the RECORD.

There being no objection, the amendment was ordered to be printed in the RECORD, as follows:

AMENDMENT NO. 242

At an appropriate place in the bill, strike out the period and insert in lieu thereof the following:

"*And provided further,* That none of the funds appropriated by this Act shall be used during the fiscal year ending June 30, 1972, to formulate or carry out any single 1972 crop-year price support program (other than for sugar and wool) under which the total amount of payments to a person under any such program would be in excess of $20,000."

GATEWAY NATIONAL RECREATION AREA—AMENDMENT

AMENDMENT NO. 243

(Ordered to be printed and referred to the Committee on Interior and Insular Affairs.)

LIBERTY PARK AND THE GATEWAY NATIONAL RECREATION AREA

Mr. WILLIAMS. Mr. President, along with my colleague from New Jersey, Senator CASE, I am submitting an amendment to S. 1852, a bill to provide for the establishment of the Gateway National Recreation Area. This amendment, which I am introducing in response to a suggestion by Governor Cahill, would authorize the inclusion of Liberty Park in New Jersey in the planned recreational area.

I think that this park merits incorporation into the Gateway area for two reasons. First of all, there is the symbolic value of Liberty Park and the adjacent landmarks of Ellis Island and the Statue of Liberty. Liberty Park, located on the waterfront in Jersey City, was created by the State of New Jersey to provide a suitable setting for these two national monuments, which are such an integral part of our national heritage. It would be singularly appropriate to link these famed reminders of our national traditions of freedom and tolerance with what will become the Nation's largest recreational area, and a tribute to the right of the individual to enjoy clean, pleasant, and most importantly, accessible, outdoor surroundings.

Second, the addition of Liberty Park, and the extension of the ferry service from there to Breezy Point and Sandy Hook, would make the Gateway Area much more convenient to the residents of New Jersey's cities. The port authority's rapid transit facilities are but a short distance from Liberty Park, and the residents of not only Jersey City, but also of Newark, Patterson, Passaic, Elizabeth, New Brunswick, and many other adjacent communities would find their access to the Gateway greatly facilitated.

At present, the State of New Jersey owns approximately 280 of the approximately 470 acres of Liberty Park, and since there are no residential areas involved, the costs of acquisition would not be prohibitive.

This amendment represents not only an extremely positive contribution to the recreational capacity and attractiveness of the Gateway Park, but also provides a method through which many New Jersey residents could enjoy the opportunities for leisure now available only to those fortunate enough to own automobiles.

MILITARY PROCUREMENT AUTHORIZATIONS, 1972—AMENDMENT

AMENDMENT NO. 244

(Ordered to be printed and referred to the Committee on Armed Services.)

AMENDMENT NO. 244

Mr. HUMPHREY. Mr. President, I introduce two pieces of legislation today which I believe will support the President in his efforts to move forward in reaching an arms control agreement and put a halt to the arms race.

I am submitting an amendment to the Military Authorization bill for fiscal year 1972. This proposal stems from my Senate speech of March 25 when I proposed that Congress shoud act to place in escrow all funds for the further testing and deployment of our MIRV. Recent events confirm more than ever the necessity for such action.

Now that there seems to be firm ground for United States-Soviet agreement on ABM at SALT, there is little purpose on our part in moving ahead this year with an offensive weapons system such as MIRV which might only frustrate the successful outcome of our SALT negotiations.

I, therefore, propose Mr. President that the funds in the 1972 Military authorization bill be set aside in trust—placed in escrow—so that an arms control agreement can be worked on in the most positive climate.

I am suggesting that our MIRV program, which is in a far more advanced stage than the Soviet Union's, be suspended for the duration of the year to make perfectly clear to the Russians the earnestness of our intentions to halt the arms race in both offensive and defensive nuclear weapons.

My amendment is a simple one, which I would like read in the RECORD. Mr. President, I ask unanimous consent that my amendment placing the authorized funds for MIRV for fiscal year 1972 in escrow be printed at this point in the RECORD.

There being no objection, the amendment was ordered to be printed in the RECORD, as follows:

AMENDMENT NO. 244

At the end of the bill, add the following new section:

SEC. 502. The Secretary of the Treasury shall place, in a special account established by him, all funds appropriated pursuant to this or any other law for the further testing or deployment of multiple independently targeted re-entry vehicles (MIRV's). Such funds may be used for the purposes for which they were originally appropriated only if the President and the Congress jointly determine at any time that the Government of the Union of Soviet Socialist Republics' testing and deploying of its own MIRV system and other action necessitate the further testing and deployment of the United States' MIRV as a guarantee of the United States' retaliatory capability. Upon certification of the Secretary of the Treasury by the President that such a determination has been jointly made by the President and the Congress, such funds shall be available immediately for the purposes for which they were appropriated.

Mr. HUMPHREY. Mr. President, let me highlight the essential points of this amendment. Funds appropriated under the 1972 Defense authorization bill should be placed in escrow with the proviso that these funds could be released if the President came to Congress and reported that the Soviet Union's continued testing and deployment of MIRV or other action necessitated a release of these funds for the resumption of our own MIRV program. The Congress would, as it should, share with the President in the responsibility of making that decision.

Let it be perfectly clear that we must expect the Soviet Union to exercise self-restraint comparable to our own. If at any time Soviet defense behavior indicates that contrary, and more specifically, if we determine that a suspension of our MIRV program would be harmful to our retaliatory second-strike capability because of actions undertaken by the Soviet Union, I would be the first to recommend that the suspension be terminated.

But as I speak today, Mr. President there is little foundation for the conclusion that the Soviet Union would not respond in good faith to our own action. For years we in this country have built our weapons systems and defense policies on the basis of a worst-case analysis. I believe in caution, especially on the basic matter of this country's national defense, but I would suggest that we view the Soviet Union and other nuclear countries from another, more positive perspective.

While accepting the validity of the worst case analysis, we can also foresee situations where the case is more optimistic. The Russians have in the past entered into workable agreements, so it is not unrealistic to assume that they will do so again, especially when a proposal is in their interests, as well as our own.

MIRV is a highly destabilizing weapons system which may become superfluous if agreements on ABM and offensive weapons ceilings are successfully concluded at SALT. It has been ascertained that the United States has at present a considerable leadtime over the Soviet Union in its MIRV program. The Soviet Union, on the other hand, could have an advantage if it were to continue to deploy the SS-9 missile installed with a MIRV system comparable to our own.

What can generally be determined through a comparative qualitative analysis of the strategic nuclear position of the United States and the Soviet Union is that the two countries have reached a position of nuclear parity. This situation coincides with what has been accepted as the basic aim of our strategic forces.

In order for the United States to observe a policy of nuclear sufficiency, our forces must be able to maintain a second-strike capability and eliminate all incentive for the Soviet Union to strike the United States first.

Sufficiency, with the rough balance in strategic nuclear weaponry that the word implies, has become a measure of safety and should become the prime determinant for our defense needs in the future.

Now that sufficiency has been achieved, there is no greater security to be found in an accelerated arms race. Any effort on the part of the United States to gain superiority in nuclear weaponry would undoubtedly be matched by the Soviet Union. All that is accomplished is raising the level of danger rather than strengthening the shield of security.

If an ABM agreement is reached, the deployment of MIRV would be wasteful, costly, and jeopardize any possibilities of further arms agreement. The original justification for MIRV was that the Soviets were deploying a vast ABM system. With a limitation on ABM, it is logical that there should be a limitation on MIRV. This is what is meant by an agreement in both the defensive and offensive strategic nuclear weaponry.

In order to promote a political climate conducive to both defensive and offensive nuclear weapons agreements, which is surely in our national interest and in the interest of a speedy conclusion of an agreement on arms control, we should halt the testing and the deployment of MIRV.

I, therefore, offer this amendment to place in escrow the funds for MIRV. This amendment will do two things. Firstly, it will halt the arms race on our part at a time when there is a real possibility for an agreement between ourselves and the Soviet Union. Secondly, it will leave in a state of readiness appropriated funds in case the Soviet Union does not exercise restraint on its part in the deployment of its ABM's SS-9's, and MIRV missiles.

EXTENSION OF TIME FOR CONVERSION OF SERVICEMEN'S GROUP LIFE INSURANCE—AMENDMENT

AMENDMENT NO. 245

(Ordered to be printed and referred to the Committee on Veterans' Affairs.)

Mr. BAKER submitted an amendment in the nature of a substitute intended to be proposed by him to S. 2201, a bill to amend the Servicemen's Group Life Insurance program to extend from 120 days to 1 year after discharge or release from active duty or active duty for training the period within which a member of the uniformed services may convert his servicemen's group life insurance to an individual policy of life insurance.

ATOMIC ENERGY COMMISSION AUTHORIZATIONS, 1972—AMENDMENT

AMENDMENT NO. 246

(Ordered to be printed and to lie on the table.)

Mr. NELSON submitted an amendment intended to be proposed by him to S. 2150, a bill to authorize appropriations to the Atomic Energy Commission in accordance with section 261 of the Atomic Energy Act of 1954, as amended, and for other purposes.

ADDITIONAL COSPONSORS OF AMENDMENTS

AMENDMENT NO. 159

At the request of Mr. SAXBE, the Senator from Maryland (Mr. BEALL) was added as a cosponsor of Amendment No. 159, intended to be proposed to S. 1657, the International Security Assistance Act of 1971.

AMENDMENT NO. 198

At the request of Mr. KENNEDY, the Senator from Minnesota (Mr. MONDALE) was added as a cosponsor of Amendment No. 198, to terminate the quota for South African sugar, intended to be proposed to H.R. 8866, the Sugar Act Amendments of 1971.

NOTICE OF HEARING CONCERNING NOMINATION BEFORE COMMITTEE ON THE JUDICIARY

Mr. EASTLAND. Mr. President, the following nomination has been referred to and is now pending before the Committee on the Judiciary:

William S. Sessions, of Texas, to be U.S. Attorney, Western District of Texas, for the term of 4 years, vice Seagal V Wheatley, resigning.

On behalf of the Committee on the Judiciary, notice is hereby given to all persons interested in this nomination to file with the committee, in writing, on or before Wednesday, July 21, 1971, any representations or objections they may wish to present concerning the above nomination, with a further statement whether it is their intention to appear at any hearing which may be scheduled.

NOTICE OF HEARING ON EFFECTS ON SMALL BUSINESS OF ADVERTISING AND PROMOTION IN THE PATENT MEDICINE AND COSMETIC INDUSTRIES

Mr. NELSON. Mr. President, I wish to announce that the Subcommittee on Monopoly of the Select Committee on Small Business will continue hearings into the effects of advertising on the viability and opportunities for small business in the proprietary medicine and cosmetic industries. The hearings will be held on July 21, 22, and 23 in Room 318—Caucus Room—of the Old Senate Office Building starting at 10 a.m., each day.

NOTICE OF HEARING ON NOMINATIONS

Mr. WILLIAMS. Mr. President, I wish to announce that on Thursday, July 22, the Committee on Labor and Public Welfare will hold a public hearing on the following nominations:

Mr. Peter G. Nash, of New York, to be General Counsel of the National Relations Board for a term of 4 years (vice Arnold Ordman, term expired).

Mr. Joseph H. Blatchford, of California, to be Director of Action (a new position).

The hearing will be held in room 4232, New Senate Office Building, and will begin at 1:30 p.m.

ADDITIONAL STATEMENTS

WILL WONDERS NEVER CEASE IN APPALACHIA

Mr. BYRD of West Virginia. Mr. President, many persons in recent years have noted that my State of West Virginia has an unusual potential for recreational development.

I am happy to say that facilities which make it possible for visitors to enjoy the scenic beauty of its mountains—with the varied possibilities they offer for both summer and winter recreation—are being developed and expanded as never before.

One such development is at Pipestem State Park, in Summers and Mercer Counties, high up in the cool Allegheny Mountains. A fine feature story about this spectacularly beautiful and unique resort appeared in the travel section of the Washington, D.C., Sunday Star of July 11, 1971.

I compliment the writer, Charles Yarbrough, for his excellent article, which I enjoyed. I am sure it will draw visitors to the area. All who go there will be rewarded. The money which Government has made available for this development has been well spent.

The article gives credit where credit is due in mentioning the part which Editor and Publisher John Faulconer of the Hinton, W. Va., Daily News played in bringing Pipestem Park into being. His leadership was selfless and devoted. I am sure that he will be as pleased as I am with the newspaper article.

I ask unanimous consent that the article from the Washington, D.C., Sunday Star be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

PIPESTEM ON A PLATEAU—WILL WONDERS NEVER CEASE IN APPALACHIA?

(By Charles Yarbrough)

PIPESTEM, W. Va.—If this is Appalachia, the country could use more of it.

Long-suffering from the tourist's shortsighted image of a land ravaged and left in social and economic dishevelment, West Virginia takes another surge here as one of the most overlooked scenic and recreational values east of the Great Divide.

And if he persists on overlooking, let him try this one high on the rim of the Bluestone Gorge—100,000 acres of sparsely-inhabited Alleghenies and Blue Ridge, rollercoastering out to the haze-paved horizon.

THE NAME?

Let him see pollution-free streams where the fish are begging; an 18-view golf course, riding stables, swimming pools, archery, billiards and table tennis, an amphitheater with 500 opera seats; five restaurants and lounges. Up here, the first reaction will be disbelief.

Then, when he tries to check into the modern, mountain-blending lodge or a spacious cottage on short notice, it may be dismay.

Pipestem State Park and its resort are named for the bush which supplied the Indians with hollow-woody stems for their pipes.

Newest in the West Virginia park system, it was built by the State Department of Natural Resources at a cost of $14 million in Federal loans and grants and is operated by Branigar Parks, Inc., for the State.

Among its incongruities—aside from the fact that it is here at all like a million peaceful miles from nowhere—is the Lodge where elevators go DOWN to most of the 114 rooms and suites.

. . . And if that isn't far enough down, there is the Mountain Creek lodge along the Bluestone, reachable only by a 3,600-foot tramway, which for 75 cents per round trip, doubles as a sightseeing ride.

What the first-time visitor won't see and perhaps won't realize is Pipestem as a symbol of West Virginia's vigorous search to stimulate tourism and recreation. Until Pipestem, perhaps the best example is Blackwater Falls, similar in concept and terrain.

With two top exceptions—James Bolinger, the managing director, and John Coffey, resident manager—Pipestem's staff of 200 come from the general area.

Although the resort is just into its second year-round operation, surrounding Summers and Mercer counties are feeling its economic impact, including real estate. But "congestion" can only be a far-far-away thing.

Pipestem itself has about 4,000 acres. Nearby Bluestone State Park has 1,800 and Campe Creek State Forest has 1,200. Surrounding Pipestem is a State Game Management area of 25,000.

One hotel chain has purchased 19 acres and another is "looking around,"

What the first-time visitor will realize quickly at Pipestem is the utter tranquility. A very strident whippoorwill was outside my cottage window to break the dawn and some fresh-air slumber.

There will be times if you linger in the lodge that it can be wall-to-wall people and at least one week—better, two—advance reservations are advised.

From now through Oct. 31, rates at the Lodge range from $14 and $20 single to $20–$26 double. Down the tramway at Mountain Creek Lodge, it is $15 single and $20 double.

Cottages—modern right down to the toaster, television and telephone (and hotel maid service)—at $40 for two bedrooms; $50 for three bedrooms. Weekly rates in the cottages only go from $175 to $250.

All the cottages are electrically heated. Some have fireplaces and some have split-level design with decks overlooking the mountains and lake. Average construction cost for the 25 is about $37,500.

Food, no matter where, is excellent and the range goes from a Reuben sandwich (in West Virginia?!) to a double Porterhouse for two at $11.50.

Recreation runs rampant, but the visitor with children may complain that some of the facilities are a little too dispersed and the driver in the family may spend a lot of time between recreation center, archery range and other kiddie facilities.

The outdoor pool is at the recreation center; the indoor at the main lodge. Shuttle buses are in the planning.

The mountain folk art and crafts, already making their way into the nation's boutiques, is represented, sometimes in person, in the Lodge shop and at the visitor center.

WATER SPORTS

On advance notice, arrangements may be made for a six-mile trip to Lake Bluestone where boats, water skiing equipment and fishing guides are available.

As an after-thought, it can get dry up here. Nothing for sale but beer, which is an irony of some sort. Workmen building the Mountain Creek Lodge found two stills, one with the chrome still shiny.

Pipestem is, if you bird-dog the route, 297 miles from Washington, much of it down Interstate 81 through the Shenandoah Valley, picking up Route 60 at Buena Vista, Va.

A spectacular section of Interstate 64 begins at Clifton Forge, goes past White Sulphur Springs and the traditional Greenbrier.

Covington, with its smoking industrial stacks and sometimes odor, brings on the pollution image, but the engineering mastery of Highway 64 will take your mind off it.

If hunger speaks, don't miss the cafeteria (yes, "cafeteria!") in the Gateway Inn at Ronceverte.

Even on Sunday.

Few people can take more satisfaction from the early-on success of Pipestem than vigorous John Faulconer, editor and publisher of The Hinton Daily News.

For more than a decade, 65-year-old Faulconer saw the potential of the lofty plateau, unused except for wild game and an occasional corn whisky-maker.

With West Virginia Representative James Kee, they snared $14 million of the $33 million Federal program to stimulate the economy down here.

The stimulation has touched Faulconer more than lightly. His Daily News gets out on schedule. So does he.

"We play golf at Pipestem until mid-December."

SENATOR THOMAS J. DODD

Mr. MANSFIELD. Mr. President, I rise today to express my sorrow at the death of Senator Thomas Dodd and wish to extend my condolences to his family.

Thomas Dodd made many contributions to the people of this country. As a prosecutor at the Nuremberg trials after World War II, he helped establish the principle that citizens of any country have the highest moral duty to their fellow men; and that this duty in times of war as well as peace comes before duty to governmental dictate. As a member of the Armed Services Committee, he helped assure, through his dedication and foresight, that this country would be prepared to defend itself against any aggressor. And, most importantly, he showed high purpose and courage when he introduced and successfully sought the passage of a significant gun crime measure. Utilizing his experience as a former law enforcement officer and maintaining an independent stance from heavy organized pressure, he persuaded many of his Senate colleagues of its wisdom.

A man's achievements are his best testimonial and Tom Dodd had many proud achievements and our society will continue to benefit from his efforts long after any words are forgotten.

I express my deepest regrets to his wife, Grace, and the members of his family.

POLLUTION

Mr. BROCK. Mr. President, I invite the attention of Senators to the excellent efforts that the Chattanooga-Hamilton County Air Pollution Board is making in cooperation with the American National Bank of Chattanooga.

They have launched a clean-air caravan, built around a piece of equipment used to test automobiles, to see if they are polluting the air. The voluntary tests are conducted free of charge, and auto owners with cars polluting the air because of malfunctions are, for the most part, having their cars fixed immediately.

I salute this group for this effort and the citizens of Chattanooga for the way they are participating in this far-reaching program.

TRASH IS CASH

Mr. BUCKLEY. Mr. President, I invite the attention of Senators to the work of an organization which is headquartered in my State. The Environmental Action Coalition of New York City is an organization which unites the interests and activities of various community groups in a single effort for environmental improvement. Its current program, "Trash is Cash," is designed to teach people that household refuse has a value in terms of its depletion of natural resources and its potential reuse as recycled materials. It will, also, prepare the way for public demand for and acceptance of more mechanized systems of recycling.

On June 21, my colleague, the senior Senator from New York (Mr. JAVITS), and I were pleased to announce that the EAC was awarded a $32,000 grant under the newly created environmental education program in the Department of Health, Education, and Welfare. The efforts of the Environmental Action Coalition has also been enthusiastically supported by almost every New York City Congressman as well as by municipal and corporate leaders.

The "Trash is Cash" program is unique in its approach—citywide cooperation on an urgent urban environmental problem. The program boasts commendable professional standards which place the project in a position of leadership in recycling. However, continued success is dependent on further public recognition and backing.

I ask unanimous consent that the article entitled "Recycling Bug" be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

RECYCLING BUG: ONE CAN LOOKS LIKE ANOTHER

(By Steve Lawrence)

The public's inability to tell one kind of can from another is frustrating and complicating efforts to develop profit-making or at least self-sustaining community recycling programs.

And the Environmental Action Coalition, the city's main organizer of these programs, says a massive can company advertising campaign, which says "you can't recycle," isn't helping.

"It's true, any kind of can is recyclable," said Karen Dumont, head of EAC. "But really the only way a community can make any money is by collecting aluminum or all-steel cans."

Aluminum cans have easy-pull tabs with rounded bottoms while most foods come in the traditional steel container that must be opened wih a can-opener.

BI-METAL NO GOOD

The least valuable containers for recycling, are the bi-metal cans with steel sides, squared-off tops and bottoms, and the easy-pull aluminum top.

EAC's point now is that a community simply can't make enough money collecting the bi-metal cans for recycling, to keep the program going.

The price a community gets for these cans, between $3 and $10 a ton, won't cover the cost of renting a truck to take the cans to a recycling center, Miss Dumont says.

Aluminum cans, on the other hand, bring in $200 a ton and a community can get $20 to $25 a ton for all steel cans.

"The economics become obvious," Miss Dumont said, "you need about a 40-foot truck to haul enough cans to make it worthwhile. The truck costs about $125 per trip and will carry five or six tons of cans."

Do the math, and you see that with aluminum cans you make $1000 or more a trip, and with steel, between $100 and $150.

ADS MISLEADING

A spokesman for the major can companies conceded this problem existed. "It's true, no one is going to get rich with bi-metal cans," he said.

"Maybe the ads are a little misleading in that respect," the spokesman said. "Basically though we believe that recycling has to come and the ads are an expression of that concern. We think that recycling bi-metal cans will cut litter, too, and that's a good thing."

He said about 10 per cent of the cans made in the U.S. were aluminum, while 45 per cent were all steel and 45 per cent are bi-metal.

"Most of the food cans are now all-steel, but beer and soft drink containers are mostly bi-metal, with some beverage manufacturers moving toward aluminum now," the can company spokesman said.

The bi-metal can has been popular because of the "easy-off" pull tab which so far can only be made of aluminum. "But we're now working on a steel, easy-pull, top," the spokesman said.

Miss Dumont said EAC worked with six community groups in Manhattan and Brooklyn which operated 10 collection centers. The coalition tries to make sure the groups understand these economic problems of recycling before a program starts.

THE HOUSE-PASSED COTTON PAYMENT LIMITATION AMENDMENT TO AGRICULTURE APPROPRIATION BILL

Mr. TALMADGE. Mr. President, I oppose the provision of the Department of Agriculture Appropriation bill—H.R. 9270—as passed by the House which would limit payments under the price support program to $20,000.

I believe it should be made clear that this provision is designed to defeat the purpose of, and destroy, the farm program.

The principal purpose of the farm program is to obtain plentiful supplies of agricultural products for consumers. It has made the American farmer the most productive in the world and the American people the best fed and clothed in the world. It has replaced the old boom and bust cycles where excessive production and low prices were followed by shortages and high prices. The program has eliminated these cycles by providing the farmer with an adequate assured price for the amount that is needed, and a low penalty price for any excess. In addition it requires the farmer to set aside and keep a certain number of acres out of production so that total supplies of agricultural commodities are kept in line with demand.

The $20,000 limitation, to the extent that it is effective, can have only one effect, and that is to reduce the number of units on which the necessary price is assured below that number of units needed to provide an adequate supply for consumers. A vote for the limitation is, therefore, a vote against consumers.

Another purpose of the program is to provide for reasonable prices to consumers. By paying part of the amount required to get an adequate supply produced, the Government keeps the amount which must be paid by the consumer at a reasonable level. To the extent that the Government payment is reduced, the amount paid by the consumer must go up. A vote for the limitation is, therefore, also a vote for inflation in prices to consumers.

Still another purpose of the program is to provide a fair price to producers. Part of this price is supplied in the form of Government payments. The proposed limitation is designed to prevent some producers from receiving a fair price for their commodity. A vote for this amendment is, therefore, a vote against producers.

The proposed limitation is manifestly unfair. To avoid the boom and bust cycles of oversupply and undersupply, which result when production is determined by the independent decisions of millions of producers, the law provides for regulation of production of some of the major commodities. In all regulated industries the principle of a fair return is recognized. But the proposed limitation is designed to limit some producers to less than a fair return, to place them at a competitive disadvantage, to put them out of business, or to make them switch to other crops or dispose of their land. A vote for the proposed limitation is, therefore, a vote for discrimination and land reform.

Articles in the newspapers have indicated that farmers subject to the $55,000 limitation have disposed of their land or allotments to corporations, and to syndicates of investors. So we are getting the farmers out of farming and getting the doctors and lawyers in. This does not appear an economically reasonable thing to do. Last year I discussed an article "Trouble in the Cotton Field" by Andrew Sparks, which appeared in the Atlanta Journal. It described three Georgia cotton farmers who had received more than $100,000 apiece in Government payments. One of them had a net profit of $14,000 on his farming operations. Another lost money. One of them, Mr. Hubert Cheek, grew cotton on 72 farms, of which 71 were rented from others. Twenty-four of these farms were rented from widows. Others were rented from retired people or people who had gone to work at industrial or city jobs. The payments made to Mr. Cheek were passed on in part by him to these widows and others, as well as to tenants and other labor, and helped keep them on the farm and off relief. It appears that a vote for this limitation is a vote for investors, lawyers, and doctors, and a vote against widows, retired people, and farmers. This is land reform of the worst sort, haphazard and without reason or purpose.

Last year Congress gave careful and extensive consideration to the Agricultural Act of 1970, which was approved November 30, 1970, and provided for a $55,000 limitation effective for the 1971, 1972, and 1973 crops. Nothing has happened since November 30 to warrant a different action, and Congress should give the program it has developed a chance to work. Vacillation by Congress will assure only that the country is not being run properly, and that plans cannot be made in reliance upon actions by Congress.

It might appear that this proposed limitation, which is designed to put big farmers out of business, might be advantageous to small farmers. But this is illusory. Any regulatory program which is designed to put some farmers out of business, bring about shortages in supplies of basic food and fiber, and inflate prices to consumers cannot continue in effect for long. Without some form of regulation and price assurance, the small farmer who lacks capital and other resources, would be the first to succumb.

Mr. President, the proposed limitation is not designed to save any money, and it cannot do so. It will cost about 35 cents per pound to get the quantity of cotton that we need produced. We can put some big farmers out of business, we can put some lawyers and doctors in the farming business, we can do some other things to make farming less economic. But none of these will make it any cheaper to produce cotton. The price will have to be paid by someone to someone to get the cotton produced. The proportions paid by the Government and the consumer can be varied, and the price can be paid to historic producers or to the doctors, lawyers, and other investors that replace them; but it must be paid. And the more we force producers and investors into uneconomic arrangements, the more we force experienced producers out of business, the higher the price must be.

Mr. President, this proposed limitation is against economic sense. It helps no one. It hurts taxpayers because it defeats a program supported by tax moneys. It hurts consumers, farmers, tenants, rich and poor, all of us; and I hope that it will be defeated.

HOW MUCH OF THE WILDERNESS IS WILD?

Mr. ALLOTT. Mr. President, Mr. R. P. Comstock, director of exploration for the Ideal Cement Co. of Fort Collins, Colo., has written a lucid and intelligent essay on the issue of conservatism.

The title of the essay is "The Wilderness: Just How Much Is Wild?" and it should be of interest to all Senators. I ask unanimous consent that the essay be printed in the Record.

There being no objection, the essay was ordered to be printed in the Record, as follows:

The Wilderness: Just How Much Is Wild?

There is a type of nature-lover I call the "purist-conservationist."

His chief characteristic is that he is against everything. He is against crowds. He is against restaurants, filling stations, overnight accommodations, ski lifts, ice rinks, and especially roads.

The purist has very strong ideas about who deserves to enjoy natural beauty. Ideally, the purist would reserve beauty for those who are willing, in ascending order of purity, to walk, hike, climb, crawl, or cliff-hang to achieve it.

The purist believes that those who do not agree with him desire to "rape" the landscape, a favorite phrase whose significance in purist mythology I shall leave to Freudian psychologists.

Once I was a purist.

Yes, I, too, staggered through the wilderness, my 50-pound pack on my back, achieving virtue with every upward step (and permanently compressing the discs in my spine).

I, too, struggled to the top of Mt. Whitney, there to think beautiful thoughts.

I, too, hiked the length of the John Muir Trail, glorying in its beauty and feeling vastly superior to the rest of humanity. (Being a purist at the time, I did not stop to think that the rest of humanity could not, as a student could, take a whole summer off to hike 200 miles, and that very few people are in physical condition to backpack for eight weeks at 10,000 feet, even if they had the time.)

And even in later years, when the press of law practice kept me physically away from the wilderness, in spirit I remained a purist. Keep those roads and crowds out, I said.

But no more.

Recently, for the first time in my life, I made a trip to Switzerland. That was the end of my purist ethic. What I saw in Switzerland made an unbeliever out of me.

The most amazing thing about Switzerland was not its natural beauty—I was prepared for that, having seen pictures of it for years (and the reality lives up to the pictures, I might add, which is rare these days)—but rather the fact that I discovered that virtually every part of Switzerland was accessible, was thoroughly used by people of all shapes and ages, and was in fact exploited to the ultimate.

Switzerland is criss-crossed with roads, some in use since Roman times; its mountain valleys are heavily grazed and farmed; hotels and restaurants are everywhere, even on the tops of some mountain peaks. Where the automobile cannot go, railroads will take you; and when the going gets too steep for the cog-wheel trains, you catch an aerial tramway, suspended on a wire.

Many of the most remarkable viewpoints are accessible by some type of comfortable transportation, so that all over Switzerland people sit on restaurant patios, 10,000 feet high, eating pastry and admiring nature—and they got there without walking.

(And when I say people, I mean lots of them, for tourism is Switzerland's primary industry. When the summer tourists leave, the skiers move in to the same facilities.)

In short, Switzerland, in theory, is everything the purist in America despises. It is roads, rails, restaurants, hotels, crowds and filling stations. It is beauty made easy. It is comfort. It is climbing without suffering.

By purist standards, Switzerland has been raped.

But our purists, in their endless sermons, never mention Switzerland. Why not? Why aren't they weeping bitter tears over that poor denuded landscape? Why not fingerpoint to this horrible example, with stern warnings that This Could Happen Here?

Why not? Because it would be ridiculous. Because Switzerland is beautiful, and its comforts add to its charm. And most of all because Switzerland is the living refutation of the purist ethic.

The purist ethic says: Keep people out. The Swiss ethic says: Invite them in, the more the better.

The purist says: Only the strong deserve to see beauty. The Swiss say: Let the strong climb if they choose, but let the children, the aged, the hurried, and the just-plain-lazy ride.

(There are, of course, purists in Switzerland, too. They climb all day to get to the same spot everyone else has taken a tram to get to.)

The purist says: Beauty should be won by struggle, not by a ride in an aerial tram. I, who have now done it both ways, say: My thoughts were just as beautiful on top of the Schilthorn (elev. 9,748 feet, restaurant lunch of fondue, wine, strawberry pastry and coffee; reached by 30-minute tram ride) as they were on top of Mt. Lyell in Yosemite (elev. 13,090 feet, lunch of peanut butter sandwich; reached by two-day hike).

It is time to junk the purist ethic; our adherence to it is causing us to starve for recreational facilities in the midst of plenty, much as Hindus starve but will not eat the sacred cows which wander all around them.

Let me go further. Let me make some specific suggestions for greater use of our natural beauty, using some examples from our Far West:

1—Provide access to the John Muir Trail.

This trail traverses 200 miles of mountain grandeur, running from Mt. Whitney to Yosemite. Its southern end is just 200 miles from Los Angeles, its northern end just 200 miles from San Francisco. But for all practical purposes, it is inaccessible, for no roads touch it except at its two ends; to reach its most beautiful sections one must hike over mountain passes averaging 10,000 feet, and there are no supplies available on the trail so one must backpack up to four weeks' worth.

This stupid state of affairs results in a situation where, to cite just one example, in California we have children who in their whole lives will never see, or jump upon, or slide down, a glacier. To them, a glacier will always be "a body of perpetual snow, found largely in Alaska or in Switzerland."

Yet, along the John Muir Trail there are active glaciers (37, according to the Sierra Club Guide) waiting to be gazed upon and slid upon by children with sleds, even in midsummer. If the purists continue to prevail, however, California child and California glacier will never meet.

Why not install aerial tramways at three or four locations from the Owens Valley to the John Muir Trail, crossing at points such as Kearsarge Pass, Bishop Pass and Piute Pass. All these are within easy driving distance of Los Angeles. An hour after arrival at the tramway base, a family could be up in a land of peaks, alpine meadows, glaciers and lakes by the dozens, to stay for a few hours or to hike and camp for days or weeks. Or, in winter, to ski in an incomparable setting.

2—Put an aerial tramway in Grand Canyon.

The visitor to Grand Canyon cannot get from the South Rim to the North Rim (a distance of 10 miles) without driving 300 miles around, and he cannot get to the bottom of the canyon except by foot or muleback.

So the visitor is stuck. All he can do is stand on the rim and look, as at a picture.

I would install an aerial tramway in an inconspicuous fold of the canyon, so that visitors could ride from the South Rim to the bottom (the most interesting part of the canyon) and from the bottom to the North Rim, thus getting a feel for its immense depths and not just gazing as at a picture postcard.

3—Put a hotel and restaurant on top of Half Dome.

The top of Half Dome, in Yosemite, is an area of many acres of flat granite, 8,852 feet high, with spectacular views of the High Sierra and Yosemite Valley. It can be reached only by an arduous climb up its backside, during the last of which the climber must hold on to steel cables installed many years ago (by nonpurists, obviously. Yet the purists never quite seem to mind hanging on quite tightly to these cables, even though it would seem that this should offend their principles).

I would install an aerial tramway from the valley floor to Nevada Fall, thence up the backside to the top of Half Dome. The restaurant at the top would be one of the great tourist attractions of the world, and I would go further and provide a hotel (set back from the edge so as to be invisible from the valley) so that ordinary people could spend a spectacular night on a mountain top and watch the sun come up over the Sierra Nevada.

In the 19th century, the obligatory romantic experience for Europeans was to watch the sun come up over the Alps from the mountain hotel at Rigi, just outside Lucerne (Mark Twain, among others, did it). The hotel at Rigi is still there, and the sun still rises. It is spectacular, but sunrise from Half Dome would beat it.

If the Swiss can do it, why can't we?

And that brings up the ultimate argument that purists always fall back upon: that the Swiss can do these things with taste, judgment and reverence for the landscape, but we Americans would botch it up.

This is neither altogether true nor altogether false. We Americans are just as capable of tasteful building as Europeans—see, for example, the beautiful Palm Springs tramway, which has now carried 2 million passengers (the purists fought it, tooth and nail). We are also capable of abominations, such as permitting PG&E to build a hideous power plant in front of Morro Rock and utterly spoiling what was once a lovely scene.

I believe that with the help of enlightened conservationists—not purists—we can do it, and do it as well as the Swiss. And I think that increased access to our scenery will produce a greater appreciation of it in Americans, as access to beaches produces beach lovers.

In the meantime, until my ideas filter

into public consciousness and we get those tramways to the Muir Trail, I will go back to Switzerland each summer to "study conditions," as the politicians say. You'll find me on the Schilthorn (elev. 9,748 feet), eating more fondue.

PROJECT CANNIKIN NUCLEAR TEST

Mr. GRAVEL. Mr. President, I ask unanimous consent to have printed in the Record what I think is a very fine statement by my good friend Representative Begich, of Alaska.

His leadership on the issue of the Cannikin test is as he feels in the interest of Alaskans.

There being no objection, the statement was ordered to be printed in the Record, as follows:

STATEMENT OF THE HONORABLE NICK BEGICH (ALASKA AT LARGE) HEARINGS OF THE ATOMIC ENERGY COMMISSION ON PROJECT CANNIKIN

Thank you for the opportunity to appear here today. I believe these hearings are indispensable to a full evaluation of the Project Cannikin nuclear test, and I am certain that the witnesses appearing here will offer a great deal of relevant and important testimony. Considering the unprecedented magnitude of this nuclear test, it is my desire and my understanding that the decision to attempt the test or to do so on the present schedule is still open pending the results of these hearings. In the realization that this will be the last test in Alaska, and at the same time, the largest underground test ever in the United States, I believe that the information from these hearings can be vital in making the final decision.

For my part, I have examined with great interest the various documents prepared by the Atomic Energy Commission which relate to the proposed Cannikin test and to the results of the Milrow test which occurred on October 2, 1969. Like any lay person considering a project of this type, I am staggered by the complexity of the technical considerations, and somewhat the captive of the information put forward by the A.E.C., which is advocating the test.

As I understand it, the A.E.C. proposes, in the Autumn of 1971, to explode a nuclear device having a force of nearly five megatons, and to do so in a chamber 6,000 feet underground on the island of Amchitka, Alaska. For perspective, it might be pointed out that the largest prior underground detonation in the United States was just over one megaton, and that the bomb which destroyed Hiroshima had a yield of only about 20 kilotons. After one prior test in the Amchitka area, the Milrow test of one megaton in October, 1969, the A.E.C. has stated that the Cannikin test, at this place, at this time. and at the five megaton yield level is:

(1) Necessary, and;

(2) Likely to have only minimal environmental effects.

My response to this proposal and to these judgments on the part of the Atomic Energy Commission cannot be that of an advocate in opposition, yet I have serious questions remaining in my own mind regarding both the necessity and the effects of the test. These are the questions which I bring to you today in the hope that more satisfactory information and thinking may result. I do not expect answers to these questions at this time. In fact, I believe some of them can be answered only with the passage of additional time and with the information which may be produced at these hearings. Nevertheless, I believe the people of Alaska deserve the answers in definite form *before* the test is performed.

My first questions relate to the environmental impact statement on Project Cannikin. Over a period of time, I have expressed disappointment with the manner in which Federal agencies have chosen to comply with Section 102 of the National Environmental Policy Act of 1969, and this 102 impact statement does little to ease that disappointment. Section 102 does not seek advocacy of any proposed project, but rather full information on its possible environmental effects. The results of an inadequately prepared 102 statement have been made very clear to Alaskans who witnessed the granting of a Federal injunction delaying the pipeline because the 102 Statement of the Interior Department was insufficient. I believe some of the following questions must be answered before the Cannikin statement is considered adequate.

1. The statement indicates the yield of the test as "less than five megatons."

(a) Is the reason for the omission of the exact yield that it cannot be reliably predicted?

(b) Have past nuclear detonations by the A.E.C. demonstrated that the yield can substantially surpass expectations?

(c) If the yield is 4.9 to 5 megatons, is this not five times larger than any previous underground nuclear test in the United States?

(d) If the yield is five times greater than the Milrow test of one megaton, can the predictable results be derived by assuming that they also will be five times greater, or will they be more than five times greater, or possibly less?

2. The statement makes a number of wide-ranging predictions concerning Cannikin based on the experience of the Milrow test. Considering the risks involved, does the A.E.C. believe that the results of a single pre-test provide sufficient data for an underground nuclear detonation five times greater than any previously attempted?

3. Regarding the seismic force of the Cannikin test, the A.E.C. predicts that it will be "a few tenths of a point higher than the 6.5 value assigned for Milrow."

(a) While this sounds like very little, isn't it true that this reading is on a logarithmic scale which means that a few tenths of a point may mean that the force could be as much as five or six times greater?

(b) It is my understanding that the 6.5 reading for Milrow was in excess of pre-shot expectations. Is this under-estimate also a possibility for Cannikin?

(c) Although I realize that the question of this blast acting as a "trigger" for a larger earthquake is one subject to differences, is it not the case that this test will provide a triggering force substantially larger than any previous test?

4. Regarding the possible venting of this explosion, and the escape of radioactive material into either the atmosphere or the ocean:

(a) "Adequate distance from faults," is listed by the A.E.C. as a requirement for the containment of radioactivity, but the Cannikin site is within 3,300 feet of one fault and within 2,800 feet of another suspected fault. Since the zone of "cracking" around the blast will extend, according to the A.E.C. for a radius of 2,500 feet, might it be advisable to take further time for study of these nearby faults, or others presently unknown?

(b) I understand that the Banebury test in Nevada in December, 1970 vented without a fault, by simply splitting the earth with its own pressure. If Banebury can do this at a yield of 20 kilotons, is it not a realistic fear with Cannikin having a yield of five megatons with identified faults nearby?

5. One of my greatest concerns regarding the chance of venting is the possible escape of radioactive material into the nearby ocean, which supports a commercial fishery of tremendous value. Although Amchitka is an isolated area, it is one which is familiar to Alaskan fishermen. No risk to these fisheries resources can be allowed.

(a) The A.E.C. has stated that the migration of water having harmful radioactivity is so slow as to be of little concern. Is the period of less than two years since the Milrow test sufficient to judge this process in the water migration medium which is present on Amchitka, or is additional time desirable?

(b) All descriptions of "safe" contamination levels are given by the A.E.C. in terms of fresh water, yet greater concern for Cannikin would apply to seawater. Are "safe" contamination levels also agreed upon and available for seawater?

(c) The A.E.C. impact statement minimizes the danger of water contamination from the bomb by citing a dilution factor of one in 100,000 parts. Does our Nation's experience with D.D.T. or mercury pollution apply to cast doubts on the safety of dilution in the case of Cannikin's radioactive pollution?

6. In the case of every possible effect of an extremely serious nature (earthquake, tidal wave, immediate venting into the air or water, or the rapid migration of contaminated water), the impact statement assessed the chances of such incidents as "remote" or "extremely unlikely." Following such judgments, no statement indicates what the environmental impact of such extreme effects would be. In the feeling that even the *worst possible* effects should be publicly known, I would ask if such information is available or if it can be made available?

7. No mention is made in the impact statement or elsewhere by the A.E.C. concerning the recently disclosed fact that a substantial quantity of World War II mustard gas in large cannisters was dumped in the sea in this area in 1946. Has this factor been considered by the A.E.C.? How current and reliable is the information and testing regarding this potentially important new factor?

8. By a wide margin, the most deficient aspect of the A.E.C. impact statement is the evaluation of possible alternatives to the Cannikin test. Such alternatives as testing a smaller device, or delaying the test for further study are dismissed with a single sentence. In fact, all possible alternatives are dismissed in just over one-half of a page. My question relates to the A.E.C. statement which immediately precedes this painfully short evaluation, and states that all alternatives to the proposed action were "examined carefully." Are the full details of that careful examination of alternatives existent and available, and will they be made public so that the A.E.C. analysis of the alternatives can be more fully appreciated?

These various questions represent areas in which I believe further environmental information can be usefully developed. They are the questions of a layman applying conventional knowledge to an area of technical complexity. I believe they should be answered before proceeding.

Moving from the impact statement itself, I believe there are additional questions which are relevant at this time, and important in any assessment of the Cannikin project.

First, I would ask that the A.E.C. explain the curious shortage of information in its pre-test statements relating to the human inhabitants of the test area, particularly the Alaska Natives who have for decades made the Aleutian Islands their home. In stating that the effects of the test on man will be "nil", the A.E.C. makes a very important statement to the Aleuts, who have looked to this area for years to supply the means of their subsistence. The same area is now subject to the Alaska Native land claims.

Although it is rarely the case that technological advance is stayed for conflicting human needs, I ask if it may not be advisable to delay this test pending the approaching resolution of the land claims question, and a further consultation with those who live in the area. It is my understanding that testimony is to be given in these hearings by representatives of the Alaska Natives and Aleuts, and I would defer to their statements gladly after urging that their testimony be carefully considered in reconsidering this test.

Further, I sincerely hope that our interchange here includes the desire to cast this nuclear test in its proper political and environmental perspective. Surely no-one would differ from the proposed test if the question were between potential harm to several sea otters and nesting sites and the security of our Nation, yet this is not the fact of the matter regarding either our nation's security or the potential effects of the test.

I believe it is possible, at some length, to debate the merits of the Spartan missile for whose warhead this test is certainly intended, just as it is possible to debate the environmental effects of this test. The question is simple: At a time when these important debates are in progress and unsolved, and at a time when only a few days ago the President assured the Nation that significant arms and testing limitation agreements with the Soviet Union were more possible than in several years, is it the best part of wisdom to terminate the debates and the hopes by undertaking the largest underground nuclear test ever in the United States? I think not.

Finally, I believe somehing must be said just on behalf of Alaskans. It is the home of a number of Alaska Natives which provides the area of this test. It is the fishing grounds of generations of Alaskan fisherman which are threatened by any mistake in the expected results of the test. It is the citizens of Alaska who must fear earthquakes or tidal waves. Since it has already been announced that this is the last nuclear test in Alaska, it is known that Alaskan laborers can expect to benefit from no further employment on the A.E.C. test sites.

Most of these considerations mean only one thing—that the real impact of this test falls most heavily on Alaskans, and I believe I speak for many of them when I request that the A.E.C. supply the answers to the questions I have raised. I remember very clearly this same situation just prior to the Milrow test in 1969, when legislators and other public officials were being asked their opinion. Expressions of shock and disapproval ranged from the general to the specific and detailed. By far the best was the response of one veteran legislator who, when asked his feelings on the upcoming nuclear blast, replied with candor, "Put me down as nervous."

You can put me down as nervous, also, along with a great many Alaskans. And behind that nervousness, I have a very real concern which can be greatly alleviated by the answers to the questions I submit here.

Thank you.

IMPLICATIONS OF THE McNAMARA PAPERS CASE

Mr. DOLE. Mr. President, on July 11, the Washington Sunday Star carried a thought-provoking analysis of the recent Supreme Court decision in the case which grew out of the publication of the McNamara papers by the New York Times and Washington Post.

In something of a contrast to the self-congratulatory reactions of most newspapers, the Star took a rather apprehensive and uncertain view of the meaning this decision holds for the immediate and long-range future of the press and its position in our country. It also raised a number of substantial questions regarding the individuals and institutions involved in this case and the political, legal and policy controversies it embodies.

These questions deserve serious consideration by Americans who are concerned more with the freedom of the press than with the publicity maneuvers of individual newspapers and who have a clear view of the importance to the Nation of well-drawn and effective legislation to protect information which is vital to our national security.

I ask unanimous consent that the editorial be printed in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

[From the Sunday Star, July 11, 1971]

The Court, the Press and the Prosecutors

The recent Supreme Court decision in the case of the Pentagon Papers induced celebrations of joy in newsrooms across the country and grim silence in the Justice Department. This time, the administration's position was more logical than that of the press.

The court's decision, which slapped down the government's experiment in restraint, was generally hailed as a resounding victory for freedom of the press. So it was—up to a point. But a close reading of the nine separate decisions reveals food for some somber second thought by both government and press.

Five of the justices went out of their way to point out that the court's ruling in the matter of prior restraint does not preclude the possibility of criminal prosecution—not only of the man accused of making top secret information available to the press, but of the newspapers that printed the classified documents. And that open invitation from a majority on the Supreme Court should give both the Justice Department and the press enough mulling material to keep them busy for some time to come.

The government is at this moment pondering whether or not to press charges against Daniel Ellsberg. Lawyers at the Justice Department are also presumably thrashing over the idea of going after the newspapers for violating the letter of the Espionage Act. It obviously would be inappropriate at this stage to argue the merits of the government's case. But it would not, perhaps, put too great a strain on the legal niceties to offer a few general observations.

First it should be noted that the administration is standing eyeball to eyeball with a particularly nasty dilemma. No one should be too surprised if the attorney general should decide that a graceful backdown is the most reasonable solution.

Certainly the prospect of bringing Ellsberg into court cannot be contemplated with unalloyed enthusiasm. The court's finding that nothing in the Pentagon documents was sufficently sensitive to justify stopping the press has no legal bearing on criminal action against Ellsberg. But, in practical terms, it does weaken the government's case and it does make conviction by a jury a long shot at best. Add the doubts about the outcome of a trial together with the certainty that prosecution would make Ellsberg a first-magnitude martyr to a sizable segment of the population and you have a reasonable argument against prosecution.

Countering that argument is the implicit carte blanche that failure to prosecute would offer other government-employed critics of government policy. If the grand jury indictment against Ellsberg is disregarded, what is to stop other disgruntled federal employes from sifting through secret files for documentation of their particular beef and slipping selected secrets to their friendly neighborhood reporter? But if Ellsberg goes on trial, what about the newspapers? He is not accused of stealing secrets to benefit a foreign power or for personal gain. He is charged with passing the documents along for publication. If there had been no publication, there would, for all practical purposes, have been no crime. Would it be logically defensible, therefore, to go after Ellsberg and leave the New York Times et al untouched?

As in all Supreme Court decisions, the implications of the ruling in *New York Times Co.* v. *United States* go far beyond the immediate case. And some newspaper men, having taken a look into the mouth of their gift horse, have begun to wonder just how much of a victory the court has handed down.

The Espionage Act, a law designed to curb the activities of spies and defectors, is a model of imprecision. It provides a maximum penalty of $10,000 plus ten years imprisonment for anyone who, having "unauthorized possession of . . . any document . . . relating to the national defense which information the possessor has reason to believe could be used to the injury of the United States or to the advantage of any foreign nation, wilfully communicates . . . the same to any person not entitled to receive it . . ."

There's enough fog there to keep a roomful of lawyers arguing for weeks. And the foggiest of the lot is that word "communicates." Is it limited to spy drops and clandestine meetings with enemy agents? Or was it intended to be broad enough to include the publication of such documents on, say, the front page of the New York Times?

Until very recently, the consensus—at least among newspaper lawyers—was that the law was not designed to make publication a punishable offense. That conclusion was based, with considerable logic, on the observation that three other sections of the same law do make it a crime to *publish* certain specific information: The disposition of armed forces in time of war, photos of defense installations or United States codes. It was clear, then, that the intent of the law was not to make publication punishable except where it was specified.

That clear understanding vanished with the Pentagon Papers ruling, when a majority of the justices indicated that the government could prosecute the newspapers under the Espionage Act. These opinions do not, it is true, carry any constitutional weight. But they do give the broadest possible hint of how this court would rule on the constitutionality of the Espionage Act if it should be used to bring criminal charges against a newspaper.

In theory, the majority position is unassailable. The constitutional guarantee of a free press means that the press must be allowed to publish whatever it believes is worthy of publication. It does not mean the press is free of the responsibility after publication. Newspapers are subject to obscenity laws and to the laws of libel, including criminal libel. There is no reason to suppose the Constitution can serve as an impervious shield against prosecution for willfully or carelessly endangering national security. There is no logic in the argument that the press, alone among the country's institutions, stands above the law, invulnerable, answerable only to itself. A free press is not and should not be a press free from all legal responsibility. It should never become a refuge for incompetence or treason.

And yet the recent opinions expressed in the Supreme Court ruling, while sound in principle, are potentially dangerous in the extreme. They deal not with a constitutional generality but with a specific law. And that law—the Espionage Act—is so vague as to raise the possibility of its use as an instrument of intimidation and repression against elements of the press.

What subject of political interest—including political criticisms—cannot be covered by the wide blanket of matters "relating to the national defense"? What material this side of the comic strips cannot be considered to be "to the advantage of any foreign nation"? And considering the government's unrestricted right to classify any document, what is to prevent such prolifigate use of the "Top Secret" stamp that virtually all documents of public interest can, if the government sees fit, be rendered "unauthorized" for publication?

A newspaper should be held accountable for breaches of national security, with the possibility of fines and jail sentences, when it publishes material that constitutes a real and immediate threat to the physical survival of the United States and its citizens. But no newspaper should have to run the risk of harassment, intimidation or prosecution for its opposition to official policy. As matters stand, that risk exists. Congress should take a look at the dangerously flabby Espionage Act and get to work rewriting it.

The result should be a law that puts a heavy burden of proof on the government to show that security, and not official sensitivity, has been violated. It should be a law that clearly defines the areas within which the government may prosecute. It should be a law with sufficient teeth to insure a careful weighing of the consequences before a decision to publish sensitive material is reached. It should be a law—unlike that now on the books—that would protect the press from death by suffocation at the hands of a vindictive and repressive administration

RATES FOR AIRCARGO BETWEEN DULLES AND KENNEDY AIRPORTS

Mr. SPONG. Mr. President, one of the factors inhibiting the development of Dulles International Airport is the discriminatory rate structure for aircargo between Dulles and John F. Kennedy Airport in New York. Last week, I submitted a statement to the Civil Aeronautics Board, which is currently investigating the matter, urging that the two airports be common rated. I ask unanimous consent that this statement be printed in the Record at the conclusion of my remarks.

I would also like to bring to the attention of the Senate a resolution adopted by the District of Columbia Republican Committee endorsing the proposed sale of Washington National and Dulles International Airports and calling upon the Federal Aviation Administration to begin enforcing its aircraft noise regulations in this region.

I ask unanimous consent that the resolution and the letter of transmittal be printed in the Record.

There being no objection, the items were ordered to be printed in the Record, as follows:

D.C. Republican Committee,
Washington, D.C., June 29, 1971.

Senator William B. Spong, Jr.,
United States Senate,
Washington, D.C.

Dear Mr. Spong: Enclosed is a resolution adopted June 24, 1971 by the D.C. Republican Committee endorsing the proposed sale of Washington and Dulles International Airports and, until National Airport is sold, calling upon the Federal Aviation Administration to substantially reduce the noise resulting from the use of National Airport.

It is hoped that you will take appropriate action to support the aims of the resolution.

Sincerely yours,
Edmund E. Pendleton, Jr.,
Chairman.

Resolution

Whereas, the Federal Aviation Administration is charged with encouraging the development of civil aviation,

Whereas, the Federal Aviation Administration at the same time operates Washington National and Dulles International Airports,

Whereas, fees at Washington National Airport are maintained at a low level, and Dulles Airport, accordingly, is underutilized,

Whereas, the noise of aircraft using Washington National Airport is an increasing nuisance and an invasion of privacy and property rights for thousands of persons living near the flight paths.

Whereas, the Federal Aviation Administration proposes not to diminish but to increase use of Washington National Airport, and

Whereas, the Office of Management and Budget of the Nixon Administration has recommended that Washington National Airport and Dulles International Airport be sold,

Now therefore, be it resolved that the D.C. Republican Committee endorse the proposal to sell Washington National and Dulles International Airports, provided that stringent safeguards against noise be included in the sales contract, and in the interim, call upon the Federal Aviation Administration to enforce its regulations that aircraft adhere to established flight paths in the District over the Potomac and Anacostia Rivers.

Statement by Senator William B. Spong, Jr.

I am pleased to have this opportunity to testify in opposition to present discriminatory rate structures affecting transatlantic air cargo shipments and, in particular, inhibiting the growth of cargo traffic at Dulles International Airport.

During my service in the Senate, I have been keenly interested in the development of Dulles Airport which, as the Board knows, is one of only two airports in the country owned and operated by the federal government. It is particularly appropriate that federal policy not work to the detriment of this regional and national asset.

This proceeding enables the Civil Aeronautics Board to apply in air transportation several of the important principles that have evolved in surface transport. I understand this is a case of first impression and will enable the Board to take urgently needed steps to permit the development of the air cargo transport potential of Dulles and also protect the vital interests of American flag airlines in the air cargo market, which is only beginning to grow.

The first point that is clear from the evidence introduced is that the air cargo rates to and from Dulles to and from points in Europe are higher than the mileage differential between Dulles and New York would justify. In fact, there is no consistent pattern in the rates. Shippers to and from Dulles must pay a penalty of 3¢ per pound for the 204 miles beyond New York, but in Europe points are common rated to New York with mileage differences as great as 1,400 miles.

For example, Dulles shippers must pay 32¢ per hundred pounds to send yarn and fibers to Belfast, but New York shippers can send that product to Barcelona which is more than 500 miles farther for only 29¢ per pound.

To more than 18 cities in South America Dulles is common rated with New York although Dulles is 204 miles nearer the destination. Similarly, Dulles and New York are common rated to points in the Far East.

This presents an irrational rate pattern that can only be regarded as rate manipulation to the prejudice of Dulles Airport, shippers of our region and United States air carriers, as well as to the detriment of Virginia and the Piedmont industrial region.

There are strong policy considerations which should guide the Board in its decisions in this proceeding. I want to discuss these guides which have been developed in surface transportation and urge that the Board apply them.

DULLES SHOULD NOT BE PREVENTED FROM SERVING ITS NATURAL MARKET BY RATE MANIPULATION

The first great principle which the Board should apply here is that each port is entitled to and should not be denied the opportunity of serving international traffic which originates or is destined to its natural market area. This principle of entitling each port to handle and serve the cargo which originates or is destined to its natural territory goes back to one of the early provisions in the Constitution of the United States. Section 9 of Article One of the Construction provides that:

"No preference shall be given by any regulation of commerce or revenue to the ports of one state over those of another . . ."

The shippers in the Northern Virginia area are using New York as the airport of export because of the higher costs of shipping it out of Dulles. This is prejudicial to our shippers and it handicaps the ability of Virginia manufacturers to compete with New York manufacturers in European markets.

A port should also be entitled to serve exports and imports from and to the port's natural tributary area. Dulles should not be barred from handling the exports from or imports to, Southern Virginia, West Virginia, North and South Carolina, Tennessee and the Ohio Valley by a prejudicial rate structure.

DULLES IS ENTITLED TO COMPETE FOR ANY AIR CARGO IT COULD SERVE

The interest of a port is not limited to the exports and imports of its immediate surroundings. A port "is entitled to compete on an equal basis" for the traffic which would be served through the port.

The far reaching significance of that principle is reflected in the protection given the United States ports on the East Coast and on the West Coast to serve cargo moving between the Midwest and the Orient.

The evidence shows the rate differential imposed on Dulles bears no relationshp to and is not congruent with the mileage differential. The IATA cargo rate structure is highly prejudicial to Dulles because it induces shippers to bypass Dulles.

THE CARRIERS SHOULD NOT BE PERMITTED TO ENTER AN INTERLINE AGREEMENT WHEREBY A UNITED STATES CARRIER IS PROHIBITED FROM OFFERING EQUALIZED RATE

The unfair rates imposed on Dulles and the more favorable treatment of European cities flows from a cartel-like agreement among the airlines. Only four of the more than 13 scheduled airlines that operate across the Atlantic are American. So, in any vote as to rates, the American carriers are outvoted.

The Board should not permit the U.S. carriers to be put into a position which prevents them from offering lower rates at Dulles or any other United States airport.

THE PREJUDICIAL RATE STRUCTURE INHIBITS INDUSTRIAL DEVELOPMENT IN VIRGINIA AND THE PIEDMONT AREA

In addition to the harm to the carriers, the IATA penalties upon Dulles users harms the industrial development in this area. When a company determines where to locate its plants or whether to produce products which require transatlantic shipping, it evaluates the shipping costs then existing. These costs are fused into the overall economic evaluation of plant location.

Therefore, to the extent that the higher costs affect location, the prejudicial IATA rate structure encourages companies not to locate in this area. One of my concerns as a Virginia Senator has been increasing industrial development in the Commonwealth. The existing transatlantic cargo rates inhibit that goal and they must be altered. We cannot permit foreign airlines many of which are controlled by foreign governments to influence the development and location of industry within this country.

There is another aspect of this problem which I believe the Board should consider and that is the public interest and convenience in having more than one major port of entry for air cargo on the East Coast.

In September, 1970, I chaired a Senate Commerce Committee hearing into the alarming increase of air cargo thefts. One of the witnesses was Mr. Edwin A. Elbert, Assistant Executive Vice President of the American Importers Association. Mr. Elbert testified that the thefts of air cargo moving through John F. Kennedy International Airport far exceeded the totals of losses at other airports. One major reason for this, of course, is that the volume of cargo traffic through JFK greatly exceeds that of any other airport. Clearly, systematic pilferage which runs into the millions of dollars each year is a much easier matter when freight yards are spread out over many acres and overflowing with goods.

In contrast to the situation at JFK, it is instructive to note the testimony of the airport managers of Dulles Airport. They stated that thefts at Dulles Airport were negligible and not a significant problem.

Another problem directly related to the volume of traffic at an airport is delay. This, too, costs businessmen and consumers millions of dollars each year.

Witnesses at our Committee hearing directly related the ease with which cargo can be stolen to the exhorbitant delays in the moving of goods out of the airport after they arrived. To quote Mr. Elbert, "there is no question in our minds that the possibilities of theft and pilferage increase tremendously every day that the goods remains there."

These considerations lead me to suggest another principle in the efficient allocation of our airport resources, one enunciated by the Department of Transportation in its recent study of congestion at 15 major airports. Although this study dealt with passenger traffic and ways of inducing a dispersal of that traffic to avoid congestion and delays, it seems to me to apply just as well to the movement of air cargo. The study had this to say: The Department of Transportation has concluded, on the basis of studies which it has carried out in this area that differential pricing is in the public interest as a means of efficiently allocating resources.

What the Department is saying here is that discriminatory pricing, if it is to be used, should be used to further the public interest in reducing airport congestion. That same principle applied to this situation would dictate at least common rating of air cargo between JFK and Dulles.

In conclusion, let me summarize that my testimony goes to basic policy and basic guide posts for the Board in this precedent making decision. It is the area of policy in which I feel I am best qualified. I earnestly request the Examiner and the Board to consider these policies in reaching a decision on this proceeding and to order the cargo rates between Dulles and New York on the one hand, and all points in Europe, on the other hand to be equalized.

COLORADO CADETS ON AIR FORCE ACADEMY DEAN'S LIST

Mr. ALLOTT. Mr. President, I have recently received grade reports from the U.S. Air Force Academy, and I am pleased to note that the following 10 out of 14 Colorado cadets are on the dean's list.

Scott Bradford McLauthlin, 1974. Scott is the son of Mr. and Mrs. R. B. McLauthlin of Greeley; Duncan Charles Keirnes, 1973. Duncan is the son of Mr. and Mrs. Richard W. Keirnes, also of Greeley; Chester Harvey Morgan II, 1972. Chester is the son of Col. (Ret.) and Mrs. C. H. Morgan of Colorado Springs; Terry Lynn Schliessler, 1972. Terry is the son of Mr. and Mrs. Terry M. Schliessler of Aurora. Both Chester and Terry are on the superintendent's and commandant's lists in addition to the dean's list. James Christian Williams, 1974. James is the son of Mr. and Mrs. James B. Williams of Pueblo; Michael Harold Schmidt, 1974. Michael is the son of Chief Warrant Officer (Ret.) and Mrs. George Schmidt of Colorado Springs; Michael Joseph Cook, 1974. Michael is the son of Mr. and Mrs. Charles G. Cook of Steamboat Springs; Alan Jay Briding, 1973. Alan is the son of Major (Ret.) and Mrs. A. Jay Briding of Colorado Springs; George Lee Krasovec, 1972. George is the son of Mr. and Mrs. Joseph J. Krasovec of Pueblo; and Donovan Clarence Snyder, 1972. Donovan is the son of Mr. and Mrs. Donovan E. Snyder of Durango, Colo.

Mr. President, I join with all Coloradans in commending these young men for work well done.

VALEDICTORY ADDRESS BY RONALD LEVINE

Mr. GRAVEL. Mr. President, all across the land, high school valedictorians spoke this spring to their classmates and their parents about their view of our society.

Some of those valedictorians place a special emphasis on the need for students to get involved in their society and to begin to learn how to deal with their future.

One such valedictory speech that came to my attention was delivered by Ronald Levine at Valley Stream North High School, in New York. Ron has given some compelling reasons for students and parents to get involved in humanizing the educational system.

I agree with him and think we should all be aware of that need. I ask unanimous consent that his valedictory address be printed in the Record.

There being no objection, the address was ordered to be printed in the Record, as follows:

Valedictory Address Given by Ronald Levine

Today we mark the departure of the Class of 1971 from North High School. Yet I cannot leave in good conscience without voicing some concern for the students who remain at North—our younger brothers and sisters, our younger friends, Your Children. Today I stand before you—the parents and friends of this graduating class—and I plead with you to get involved in reforming the educational process at North High. You must take a good, hard look at just what your tax dollars are paying for. For many years, a large number of North High students have been voicing concern, and have been striving to initiate meaningful changes in this societal institution. Yet it has been apparent in the past that we have lacked your support. If your lack of involvement is due to a general unawareness, then we must help you to become aware. Yet if your lack of support is due to an acceptance of and a trust in the present system, then you must be willing to accept so many disgruntled and disillusioned graduates every year. I hope that the latter is not true; and as a student who has spent the past six years in this school, I would like to voice some of my opinions, in the hope that you might get involved in saving this high school. You must be concerned with just what occurs within the four walls of North High, if you hope to bring a new sense of vision, imagination, and sensitivity into this educational system.

Where does this insensitivity and lack of vision exist? During the past ten years, the technological and social changes of our society have probably accelerated at the fastest pace in history. A few weeks ago, I heard a student who graduated only last year remark, "You know, I feel a generation gap exists between my brother and me." The brother he was talking about is eleven months younger, and a member of this graduating class. Yet I feel that there is an education gap, much wider and deeper than any so-called generation gap. The knowledge which we have gained during our years at North, may, in ten or twenty years, be totally useless in dealing with the massive environmental and human problems of the 21st Century. From this perspective, I feel that it is time that more educators in this District become concerned with how we learn, rather than what we learn.

Yet how may we deal with what we are learning? I feel that in the future we must put a greater emphasis on humanistic learning. We must realize the intense need within my generation for the cultural and humanistic sensitivities of art, drama, psychology, sociology, music, and of course humanity programs. I hope that in the future we will retain and extend independent studies in humanities and other areas. Yet this ability to pursue independently one's own special needs and interest, must be developed beginning in the earliest grades. Perhaps some day the Senior year might become a total independent studies program. Rather than the seemingly meaningless year it now is. The Senior year can no longer be the "railroad waiting room" between high school and college. We must branch out and begin to use the community as a classroom. One very successful program which we had this year, which I feel may be very significant in planning our future course in education, was Forum Day. This student initiated and student run program involved speakers from diverse social and political backgrounds, as well as various creative workshops. Many of us found that day, that education does not have to be synonymous with boredom, but rather learning can be enjoyable, creative, and relevant. Yet the very next day the animation of Forum Day seemed to have disappeared. North High can no longer remain as a vacuum, a sort of meat locker, which has caused too many of us to be uninvolved in the decisions which affect our very lives. For example, we could take one giant step right here by allowing students to have a voice in policy making on the Board of Education.

Six years ago, when we entered this school, we set our sights on a goal, and we have reached that goal this afternoon. I'm sure that each of us can appreciate and can recognize where we have improved, and what we have accomplished during our years at North. Yet we must not fail to recognize that during these years we have debased a part of ourselves, in a sense we have been dehumanized. Each time that a student has sat in the gym among 400 other students to take a Regents exam; each time that a student has been ordered to sit in silent punishment in detention; each time that a student has argued and begged his teacher for a few more points on a test; each of these times that student has lost a fraction of his sense of value as a human being. We must begin, now, to end these repressive, anti-educational aspects of high school.

Therefore, we must humanize the educational system, we must let students get involved in their society, we must reemphasize humanistic learning, and we must begin to learn how to deal with our future.

> You must get involved in this school. Spend a day or two at North. You may realize, as I have, and as so many of my fellow graduates have, that there is a great deal to be done. To paraphrase the Old Testament, "Where there is no vision, the School System will perish."

THE WELFARE FRANKENSTEIN

Mr. GOLDWATER. Mr. President, we are about to embark on another round of debate over defense expenditures necessary to provide our people and this Nation with adequate protection from beyond our shores. And as we approach this annual talkfest we are already hearing the customary liberal charges that this Nation is controlled by a military-industrial complex and that it has developed into a welfare state.

I believe for the sake of perspective, and also for the sake of our survival as an economically stable nation, that it behooves us to take a good close look at the biggest drain of all on this country's financial resources.

Mr. President, we have all heard for many years a lot of talk about the so-called welfare state.

In the past most of this discussion claimed that we were heading in the direction of a welfare state; in the direction of a Federal Government paternalism so vast that it would encompass the lives of all Americans from the cradle to the grave.

Mr. President, I believe the time has come to acknowledge that the welfare state is now beginning to take over and influence every phase of this Nation's social, cultural, political, and economic life. We are actually moving toward an ultimate welfare state wherein a large number, and eventually perhaps a majority, of our citizens become dependent upon Government either as recipients of public benefits or as dispensers of public benefits.

This is the road which other nations have followed to ruin. One particularly devastating example was Austria in the late 1920's. It went so far in the direction of having the national government provide almost everything its citizens used—from food and clothing to housing—that it became totally insolvent. The result in Austria was the sudden collapse of the "Kredit Anstadt" which was the central banking system of that nation. There are some economic theorists who believe that the trouble in Austria triggered the depression which produced the collapse of the New York stock market in 1929 and plunged this Nation and the rest of the world into its worse economic setback in history.

So while we listen to our liberal friends in this body complain over every proposed expenditure by the Department of Defense or the military services, it might be well to look in another direction for the trouble which is bearing down on us much faster than we seem to realize.

In January 1971 there were almost 13 million people receiving Federal welfare assistance of some kind and that figure is increasing by such leaps and bounds that the Department of Health, Education, and Welfare announced early this month that the February rate of increase indicated that more than 1 million additional persons will be placed on the Federal welfare rolls this year alone. At the same time HEW Secretary Elliot Richardson announced that recent tabulations showed that by the end of December 1970 the social security program was paying monthly cash benefits to over 26 million persons. Total benefits in 1970 amounted to nearly $32 billion. That figure is roughly $5 billion more than social security benefits amounted to in 1969. And, according to Secretary Richardson, the total benefit payments in 1971 will be about $36 billion.

It is no wonder, Mr. President, that former Budget Director Charles L. Schultze warned the Senate Subcommittee on Priorities and Economy in Government of the Joint Economic Committee that:

> Income maintenance programs of all kinds have become the largest single element of federal expenditures, growing at about 10 billion dollars a year in the past two years.

Now when it comes to talking about national priorities I think we have to admit that the change from a warfare state to a welfare state which the liberals still keep asking for has already taken place. In fact, it would have been utterly impossible to expand the social welfare programs at the rate we have experienced since the midfifties without cutting into funds for national defense. Even by increasing taxes, Congress could not have come up with the kind of money that was needed. Consider if you will that outlays for national defense equaled 50 percent of all governmental expenditures in 1952 and declined to 28 percent in 1969 and 24 percent in the 1970's fiscal year. In the same period, the cost of domestic services climbed from 37 percent to 62 percent in 1969 and 66 percent in the 1970's fiscal year. Social welfare costs—education, income maintenance, health, et cetera—received about 45 percent of all public expenditures or almost twice as much as the military. And when it comes to increases, the figure between 1952 and 1969—that was prior to the $8 billion cut in military spending between 1969 and 1971—outlays for defense increased only 74 percent while the increases for domestic services totaled 420 percent; for education, 489 percent; for income maintenance, 694 percent; for health and hospitals, 286 percent; and for all other domestic services, 299 percent. In the same period personal expenditures on the part of the American householders grew 200 percent for housing, 125 percent for clothing, and 93 percent for food.

Now, Mr. President, you would think for the huge outlays which we have made in the past and are making today that our social welfare program would show some tangible and measurable results. You would have thought that with outlays for education and income maintenance, which now both exceed $50 billion a year that as a nation we might have come closer to the goal of insuring the domestic transquillity, providing for the common defense, and for promoting the general welfare.

But this is not the case. Instead, crime, lawlessness, delinquency, and almost every kind of social ill, new and old, have been multiplying at a frightening rate. It certainly is no exaggeration to say that despite the billions and billions of dollars which we have expended on social security welfare programs our citizens right today are less safe than they have ever been since the founding of the Republic. It is no exaggeration to state that despite the billions and billions of dollars we have spent in domestic services there has never been more anarchy, mob violence, arson, looting, bombing, wanton destruction, assault and killing of law officers than we are seeing today in the United States.

Mr. President, you would think that an educational system such as ours might reflect the fact that five times as much money is being allocated to it each year than was the case 20 years ago. But this certainly is not the case. Instead of promoting the cause of reason and tranquillity and wisdom, our educational institutions have become the spawning ground and often the cause of civilian strife and contempt for law. I venture to say that our educational institutions now rank lower in the respect and affection of the American people than they have at any other time.

So, Mr. President, while our liberal friends raise the cry about how much defense we are obtaining today for our defense expenditures we might ask them how much civilization we are receiving for the billions expended on social welfare and social engineering and educational purposes. Truer words were never spoken than those uttered by President Nixon when he spoke to the National Governors Conference 2 years ago and put the problem as follows:

> We confront the fact that in the past five years the Federal Government alone has spent more than a quarter of a trillion dollars on social programs—over 250 billion dollars. Yet far from solving our problems, these expenditures have reaped a harvest of dissatisfaction, frustration and bitter division.
>
> Never in human history has so much been spent by so many for such a negative result. The cost of the lesson has been high, but we have learned that it is not only what we spend that matters; but how we spend it.

It is an interesting fact, Mr. President, that the greatest amount of waste, inefficiency and fraud relating to our Federal expenditures has taken place in the social welfare categories. But you would never know it. For, it is always the Defense Department that gets the blame for high taxes and large budgets and deficit financing, to say nothing of absorbing the blame for inflation and the irritating problem of skyrocketing prices in the marketplace. It is so easy to reel off the costs of a new weapons program and claim that it is exorbitant and the expenditures are not needed. It is easy to claim that everything would be fine on the budgetary front if we only ended the war in Indochina and brought our entire forces home. It is easy to point out that the Pentagon is one of the largest buildings in the world and that the high ranking officers and civilians who work there are militaristic and that they have no concern for the taxpayer or his hard earned money.

But, Mr. President, I believe we all know that for many years the bleeding hearts and the liberals have made any criticism of public welfare programs or of educational programs or of health programs seemed like the work of heartless "scrooges" who want to see the poor and the needy and the ignorant and the sick short-changed in favor of corporate munitions makers.

We might go much further in coming to grips with this enormous problem if the specialists and the experts in the various areas of social welfare were not blindly committed to a permanent policy of expanded Federal spending for the goals of their professional and special interest organizations.

In the meantime the welfare state is beginning to show dangerous signs of getting out of control. For example, some States have recorded a 20- to 30-percent increase in welfare caseloads in 1970 over 1969. And the Health, Education, and Welfare Department acknowledges that welfare caseloads in some States are more than doubling every 5 years.

But even this frightening growth in citizen dependency upon Government help has not discouraged the social welfare advocates in the Congress.

A study of legislation introduced in the 92d Congress through March 15, was presented recently to the Senate Republican Policy Luncheon by Senator CARL T. CURTIS, of Nebraska. It showed that 85 proposals for new spending—most of them in the health, education and welfare fields—have been introduced which would cost $130,556,170,000 for fiscal in 1972. Thus, in slightly less than 60 days, Members of Congress have introduced legislation proposing new programs at a measurable cost of nearly 60 percent of the entire Federal budget estimate for the same fiscal year, which is $229,200,000,000.

Senator CURTIS emphasized that his study covers only new programs or legislation vastly expanding the direction of existing programs. It excluded, for example, bills relating to defense and military establishments; bills authorizing money for public works; appropriation bills for the simple extension of existing programs; bills providing income tax deduction, exclusions, credits or incentives.

The study points out that Federal revenue from personal and corporate income taxes during 1972 would total $130,400,000,000—almost precisely the same as the fiscal year 1972 figure for the measurable costs of proposed new legislation. Among other things the pending legislation would triple the present level of spending for health and welfare, more than double the level of spending for environmental programs and nearly double the spending for education.

In presenting his study, Senator CURTIS pointed out that:

> Such unbridled spending by our Federal Government carries the seeds of destruction for our Republic. The United States will never be conquered by a foreign foe . . . our danger lies in excessive spending, and the resulting depreciation of the value of our money and ruinous inflation. This could well be followed by chaos.

It strikes me that the real danger to the United States at this time stems, not from the so-called "warfare state" but from the social welfare jungle which is threatening to choke us to death.

In fact, we can go back to President Franklin Delano Roosevelt for one of the most stringent warnings in this regard. Strangely enough, in his state of the Union message in 1935 President Roosevelt warned:

> The lessons of history . . . show conclusively . . . that continued dependence upon relief induces a spiritual and moral disintegration fundamentally destructive to the national fibre. To dole our relief is to administer a narcotic, a subtle destroyer of the human spirit . . . The Federal Government must and shall quit this business.

Of course, the Federal Government has done nothing to heed FDR's warning in the 36 years since it was issued. The Federal Government has done nothing but move deeper and deeper into "this business of relief." And if the present crop of liberals have their way it will move in deeper still and at a tremendous cost, both to our economic solvency and to our national security.

When you consider that the social welfare legislation introduced up to March 15 of this year would require a doubling of all personal and corporate income taxes to defray you begin to get some idea of the enormity of these plans. And there is growing talk in Congress about the Federal Government taking over all of the administration and most of the costs of public welfare everywhere in the United States. In fact, the enormous step contemplated by some Members of Congress would be so great that it would require a virtual army of giant computers to handle the problem. Either that or a much larger army of Federal caseworkers would have to be hired by the Government to fan out across the land and check on eligibility of millions of people applying for benefits.

Mr. President, there is very little mystery about why the welfare rolls in this country keep going up every year. I believe the reason can be found in one of the basic precepts of the welfare state—that there should be no connection between work and income. Our welfare liberals seem to work on the assumption that the Government owes everybody a living. We would be far better off if we merely guaranteed everybody an opportunity to earn a living. But when welfare payments get to the point where they are higher than what the people of little skill and low productive capacity can earn in wages there will be no effort on the part of the welfare recipients to find work.

I have already mentioned the kind of trouble that is visited upon almost anyone who has the temerity nowadays to question the operation or the validity of the welfare programs. Several years ago—in 1962 to be exact—two congressional appropriations committees ordered a sample study of the welfare caseload in the District of Columbia. The study was directed and staffed by the Controller General's Office and it found that 59 percent of the welfare recipients were not eligible for the benefits they were getting. But, of course, when a national study was undertaken—this time staffed by state welfare departments—it was reported that everything was all right and the incidence of ineligibility were insignificant. Mr. President, that conclusion insults the intelligence of the Members of the Congress and the American people. I believe the national percentage of ineligibility perhaps does not reach the 59 percent discovered in the District of Columbia but I believe it is high enough to be very significant in a dollars and cents way to every American taxpayer.

Mr. President, I have repeatedly encouraged committees of Congress to ferret out problems involving waste and inefficiency in the Defense Department but urged that such studies by committees concerned with Government expenditures be extended to other parts of the Federal budget, especially those involved in welfare. But it seems that those Members of Congress who are so determined to show examples of extravagance and cost overruns and similar costly irregularities in military procurement have virtually no appetite for examining how our taxpayers' money is spent in the more than 1,300 assistance programs operated by the Government. It strikes me that sometime soon such an examination will be forced upon the Congress by rebellious taxpayers.

Mr. President, we have heard many times in the past about a possible revolt on the part of the taxpayers. Be that as it may, I believe we are closer to that kind of insurrection than ever before. And we cannot forever go on cutting the amounts needed for our Defense Department in an effort to pacify angry citizens. Especially we cannot continue such cuts in the face of a staggering and growing Soviet arms buildup. No, Mr. President, we are going to have to look in the direction where most of our taxpayers' money is going and figure out what can be done about it. And I, for one, believe that the answer does not lie in the approval of a $5 billion program to create 150,000 public service jobs in the next 4 years. This proposal, which was passed in the Congress recently, is no answer to the unemployment problem or the problem of continued inflation.

I believe we must go to fundamentals no matter how difficult that might be. I think we have to lay aside our partisanship as well as our timidity with regard to interfering with social engineering problems. I think we must face the reality that our welfare rolls are doubling and tripling at a time when inflation is continuing and Government revenues are shrinking. I believe for the first time we must credit the idea of a runaway budget. I believe our deficit financing, like our welfare systems, is beginning to feed upon itself and is becoming almost unmanageable. Here again I wish to point out that no amount of tampering with the defense budget will fix this problem. Again, we have to look to the area where most of our money is going and find out what we can do about it.

Mr. President, in conclusion I believe we must acknowledge that, right or wrong, we have created a Frankenstein monster with our years of openhanded and unquestioning pandering to the welfare state.

GROWING IMPORTANCE OF BROILER INDUSTRY

Mr. TALMADGE. Mr. President, my attention was called to an address delivered by Frank Frazier, executive vice president of the National Broiler Council, at the National Association of Farm Broadcasters summer meeting on June 28, at Louisville, Ky.

Mr. Frazier gave an outstanding address on the growing importance of the broiler industry in the United States. Speaking as one who represents a State that is one of the Nation's top broiler producers, I personally take great pride in the tremendous success story of this industry. It truly represents American free enterprise at its best.

I ask unanimous consent that Mr. Frazier's address be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

BROILERS AND THE SOUTHLAND

By far the most popular exhibit at the National Agricultural Fair held in Portugal earlier this month was the one which featured what was called "the modern miracle of food production."

We have learned the exhibit was so outstanding it attracted up to 20,000 people a day . . . farmers, homemakers, high government officials . . . it was the favorite of all.

The exhibit was sponsored by the USDA's Foreign Agricultural Service in cooperation with the U.S. Feed Grains Council, the American Soybean Association, and the National Renderers Association. The miracle it revealed was the story of how America's broiler industry has combined advanced technology with automation and modern business management to make chicken, the luxury meat of former years, today's best meat buy.

By adopting many of the techniques pioneered by the American broiler industry, chicken has already become an excellent buy in Portugal, selling for 43 cents a pound in comparison to 80 cents for beef and $1.07 for pork. It should therefore come as no surprise to learn the people in Portugal have quadrupled the consumption of broilers in the past decade, going from 2.9 pounds per capita in 1960 to 13.2 pounds in 1970.

Just a year ago at the NAFB meeting in Washington, D.C., many of you saw the new movie "Chicken—American Style" which tells the story of this modern miracle in food production, and you will be glad to know the sound track has been translated into Spanish so the film could be shown at the recent fair in Portugal.

Yes, farm broadcasters are not only familiar with this miracle, but as it unfolded over the years, you kept your listeners and viewers abreast of its development.

You have told them the man hours per 1000 broilers produced declined from 250 in 1940 to 15 in 1969, largely as a result of increased mechanization and larger flock sizes.

You have told them of new discoveries in genetics and nutrition that reduced the amount of feed required to produce a pound of live broiler from 4 pounds in 1940 to 2.1 pounds today, and the growing period from 13 weeks to eight and a half weeks.

You have told your listeners about better health programs which have reduced mortality to less than 5 percent, whereas 20 to 25 percent mortality was not uncommon during World War II.

As thought leaders in American agriculture, you have applauded the milestones of progress which made it possible for the broiler industry to improve quality, and although faced with rising prices, cut costs 50 percent in the 21-year period from 1948 to 1969.

With a record like this to our credit, it's understandable that Dr. Max Brunk, Professor of Marketing at Cornell University, would call the broiler industry "the world's most advanced system of food production." And that's why hundreds of agricultural leaders from all over the world have come to America, studied our methods and then returned to launch their own modern broiler operations . . . operations created in the image of those they saw in the United States. Before I go any further I would like to express the appreciation of the U.S. broiler industry to you farm broadcasters for your excellent cooperation in telling this dramatic and important story to the American public.

The American consumers have also responded enthusiastically to this new industry and made it possible to rapidly expand production to the level of 38 pounds per capita . . . ten times that of World War II . . . a record without parallel in any other major phase of American agriculture.

I'm sure you would agree such a record could not have been achieved unless the broiler industry had been doing a lot of things right. But as it unfolded I wonder if we didn't talk more about *chickens* than about the *people* who made it a reality.

To get into this discussion of the people engaged in the broiler industry, let's first take a look at where they are located. Some 84 percent of the nation's 3 billion bird broiler crop are produced in ten states: Georgia, Arkansas, Alabama, North Carolina, Mississippi, Maryland, Texas, Delaware, California, and Maine.

Broilers were grown on 35,100 farms in these 10 states, according to the 1964 census. By forming a business partnership with their contractors, broilers became a new source of income for these farmers, gave a favorable return in comparison to other crops, and enabled many farmers to not only stay on small family farms, but to also add modern convenience to make life easier and more pleasant. Broilers also provided the means to diversify into dairying, beef cattle or other crops. Yes, there is truth to the statement that "broilers put green grass on the red hills of Georgia."

While I'm sure all in the broiler industry, including growers, would like to have a better income, the fact remains that broilers over a period of years have been producing a reasonable return on the growers' investment of capital and labor. Claims that producers receive a minus fourteen cents an hour for raising broilers are not true, and growers have every reason and right to question the motives of those who spread such false information.

Good growers play a vitally important part in the integrated system of broiler production. Even so, they provide only about 25 percent of the man hours needed to produce and process a broiler. The other 75 percent comes from those employed in the hatchery, feed mill or processing plant, facilities that are in close proximity to growers' they service.

To bring this point into somewhat sharper focus and give you a more accurate fix on its magnitude, there are an estimated 372,500 people, in addition to growers, who are engaged in integrated broiler operations in just the four top broiler states, Arkansas, Georgia, Alabama, and North Carolina.

These people have new jobs created by the growth of the broiler industry during your lifetime and mine. For the most part they live in small towns and represent a greatly needed multi-million dollar payroll . . . a payroll brought to rural areas because chicken was sold in distant cities like New York, Chicago, Dallas, or Los Angeles . . . a payroll that has pumped new vigor into the economic lifeblood of hundreds of rural towns and communities. Is there a better example of rural area development with private capital than exemplified today by the broiler industry?

But this story doesn't stop with people who are a direct part of the structure of an integrated operation. Remember the earnings of these people are used to buy groceries, pay the doctor's bill or build better roads, schools and hospitals.

Another important way the modern broiler industry affects thousands of additional people reaches far beyond the locality where the birds are produced and processed, and I am of course referring to goods and services needed to operate our production line: the corn from Iowa, the soybeans from Illinois, the medications from New York or the equipment from Chicago.

As you see, untold hundreds of thousands of people are now involved in this modern miracle in food production, and when you consider the price of chicken in the supermarket, certainly the 205 million consumers in this country are also beneficiaries.

If you take all the achievements we've been talking about and put them together, they add up to just one thing: increased productivity by people and of chickens . . . under the free enterprise system which made possible the opportunity to create the world's most advanced system of food production. Partnership from hatching eggs to the ready-to-cook chicken is essential to achieving greater productivity in a structure called "vertical integration." However I believe a more appropriate term would be "the systems concept," which is widely used in other phases of our economy. For broilers, the performance of the total system provides the resources for each of its segments: hatching, growing, and processing. And the total system can be no stronger than its weakest link.

35 years ago, about 5 cents a pound was required to get chickens from the farm to a terminal market. Today, less than a penny a pound is needed to get live broilers to the processing plant and about a cent and a half to get the eviscerated bird to the terminal market. My point is this: the overall performance of an integrated broiler operation can and has resulted in entirely new economic alignments within the system, and this greater efficiency has made it possible to contract with growers in Alabama who feed corn from Iowa and soybeans from Illinois to broilers that are sold to housewives in Chicago.

The merit of this "systems concept" has yet to be fully studied and understood. And it seems to be just human nature "to be down on what you are not up on." Paradoxically, our most outspoken critics come from outside the industry.

Right or wrong, we are in a period of change. But will the changes that are ahead "kill the goose that laid the golden egg," or will they open the door to even greater progress in the future? The answer might well grow out of the current debate over farm policy. Low farm prices are adding heat to the debate and momentum to change.

Broiler prices have also been low in recent months. But under the systems concept (or vertical integration), it was to the enlightened self-interest of the integrator to help shield his growers from a major part of the effect of low prices. This situation has a political sidelight. In recent months when swine producers were flooding USDA and Capitol Hill with pleas for government help, broiler growers were understandably silent, because under the systems concept they were shielded from most of the effects of low broiler prices.

Low prices have been experienced from time to time over past years by the broiler industry. And we have learned we have had to go through the valleys to have an opportunity to scale the higher peaks ahead. The answer to our price difficulties of recent months will come not from the halls of Congress or USDA but from the market places all over America. The systems concept which grew out of our production orientation provides the framework for developing new marketing opportunities and for quickly translating such opportunities back to production.

In closing, may I remind you that the modern broiler industry came into being back in the early Thirties, a period of depression for rural America. Government programs were offered as the panacea for the ills of that era. One of the principal crops affected was cotton. I have great admiration for the battle cotton farmers and their leaders have staged to hold on to their markets as man-made fibers came forth to take over better than 50 percent of the total fiber market. But, significantly, even at the risk of oversimplification, I would point out that today the gross farm income from broilers in North Carolina, Georgia, Arkansas, and Alabama is more than 25 percent greater than the farm income from cotton in those states. There has never been a price support or production control program for broilers. Is it therefore not fair to ask which farmer over the years got the best deal, the one who tied his future to a government program or the one who identified with the modern systems concept? The way you answer this question today may well shape policies which determine the future destiny of American agriculture!

THE LIFE AND SERVICE OF SENATOR DODD

Mr. CURTIS. Mr. President, I have learned of the passing of former Senator Thomas Dodd, of Connecticut. At this time of sorrow, I extend to all of his loved ones my most sincere sympathy.

Senator Dodd will be remembered by the U.S. Senate. On many occasions, he took the floor of the Senate and, in his speech, with force and clarity, spoke out for our country. Senator Dodd was a patriot. He gave no comfort to the enemies of our country. He understood the evils of international communism, and his voice and his influence were always used to combat that evil. Senator Dodd was not a stranger to controversy, yet, through it all, he retained a host of friends.

ARMED SERVICES SHOULD ACT TO PROTECT SERVICEMEN'S FIRST AMENDMENT RIGHTS

Mr. ERVIN. Mr. President, because of the central importance of the first amendment to all American citizens and to the vitality of our Republic, I want to call the Senate's attention to a recent situation involving the application of the first amendment to our servicemen.

On June 7, 1971, I was informed that the base commander at the Bolling Air Force Base, D.C., had denied a serviceman's request to distribute on base certain reprints from the CONGRESSIONAL RECORD. These reprints included remarks made by a Congressman to the House of Representatives critical of U.S. policy in Southeast Asia. It is my understanding that refusal to permit distribution of these remarks was based primarily upon the base commander's determination that they would constitute a threat to the morale of servicemen stationed at Bolling and to the accomplishment of the Air Force's mission.

Disturbed over the report of this decision, I wrote a letter to the Secretary of the Air Force on June 11, 1971, requesting an official inquiry as to the basis for the Bolling decision and for a report on the Air Force's rules and procedures governing first amendment rights of servicemen. In that letter I expressed two principal concerns: First, the effect of this decision on servicemen's first amendment rights; and second, the implications of the decision for the right of Congressmen to make known their views on issues of the day to the public. I expressed to the Secretary my opinion that it would be adverse to the morale of the fine men who serve our country in uniform if they discovered that fundamental constitutional freedoms are denied them by the very Government to whose service they are committed.

On June 28, 1971, the Air Force replied to my inquiry. I was pleased to learn that the original decision refusing permission to distribute the CONGRESSIONAL RECORD reprint at Bolling had been reversed. The servicemen involved were allowed to distribute the Congressman's remarks outside a dining hall on the base, June 30, July 1, and 2. According to my information this distribution took place without any interference to the regular operations at the Bolling Base. No evidence has been brought to my attention that this peaceful activity affected the morale of our fine servicemen on that base. Those who distributed the Congressman's remarks were careful not to litter the area where they were passing out their material. In other words, the exercise of constitutionally protected first amendment rights at Bolling Air Force Base resulted in absolutely no threat nor interference with the military activities at that base.

Mr. President, I am not surprised at these results. I believe that the overwhelming majority of our young people, in and out of uniform, are peace-loving, law-abiding citizens. Even those who may disagree with various Government policies have, for the most part, demonstrated their commitment to the peaceful resolution of political and social conflicts. This is just what the Founding Fathers contemplated when they drafted the first amendment's guarantee of free speech. While I do not share the views of those servicemen at Bolling Air Force Base who are critical of American policy in Vietnam, I feel bound by the principles of the first amendment to defend their right to express peacefully their views.

The incident at Bolling Air Force Base is not the first time this matter has been brought to my attention. The Senate Subcommittee on Constitutional Rights has unfortunately received a number of similar reports describing obstacles to the exercise of first amendment rights by servicemen. In one case, a request for permission to distribute copies of the Declaration of Independence was turned down as was another request to distribute excerpts from the CONGRESSIONAL RECORD. In many of these cases, the Senate Subcommittee on Constitutional Rights has submitted inquiries to the armed services requesting investigations and, where proper, a vindication of servicemen's first amendment rights. In each instance in which the subcommittee has made inquiry, the original refusal has been reversed and the distribution permitted.

It is extremely undesirable for the first amendment rights of servicemen to be conditioned on congressional intervention. The delays which necessarily attend a congressional inquiry of a particular factual situation often mean that the first amendment is put into "cold storage," even if the issue is ultimately resolved in favor of free expression.

While the Air Force replied with reasonable dispatch to my recent inquiry concerning Bolling Air Force Base, nearly 3 weeks passed between the date of the original request for distribution and final permission to distribute. Even a delay of 3 weeks can chill the meaning of the first amendment. In one case, it took 8 months before the military responded to the subcommittee's inquiry, and fully 13 months between the original refusal and eventual distribution.

Congressional supervision as a means of protecting effectively servicemen's first amendment rights is also undesirable because the armed services must themselves secure and protect this right. They must review their existing rules and procedures affecting the serviceman's exercise of first amendment rights. The rules and regulations must be intelligible and reasonable. It is also essential that the procedures established for disposing of grievances insure a fair and speedy resolution of complaints. In the first instance, the armed services themselves must accept responsibility as the protector of servicemen's constitutional rights.

In summary, Mr. President, I call upon each branch of the armed services to review its rules and procedures with a view toward enabling those citizens who serve our Nation in uniform with such distinction to benefit from the liberties which were secured to us all by our Constitution. Unless special attention is given to this matter by the armed services, I am greatly concerned that many young Americans in service will come to believe that those great principles for which our Republic has so proudly and wisely stood and for which they are asked to lay down their lives are simply idyllic paper promises without meaning for their day-to-day lives. Such a result is neither a necessary corollary of a strong, effective Defense Establishment nor a good omen for the future of our great country.

COAL MINE HEALTH AND SAFETY ACT OF 1969

Mr. COOK. Mr. President, on October 2, 1969, in regard to the then pending Coal Mine Health and Safety Act—Public Law 91-173—I said:

> I commend the committee for its concern for the welfare of our Nation's coal miners. However, one provision of the bill, eliminating the distinction between gassy and nongassy mines, will have a disastrous effect on the small mine operators and miners of the Appalachian region while not making any contribution to improving safety conditions.

On July 1, 1971, the Louisville Courier-Journal, a newspaper noted for its liberal views, published an editorial criticizing the failings of the act both in the illogic of its legislative intent in some sections, and its implementation. The first paragraph reads:

> For some reason or other, the new mine safety law doesn't appear to be working very well. It was supposed to save lives, yet more miners are dying in the mines this year than died before the law was passed. It wasn't supposed to put mines out of operation and miners out of work, but that's what it is doing.

In that same speech on the floor of the Senate, I said:

> As a Senator from a State which has approximately 1,000 small mines (only 32 of which are gassy) and a great many miners who derive their living from these mines, I want an effective coal mine safety bill. If the elimination of the gassy/nongassy distinction would make any contribution to improving unsafe conditions in our mines I would favor it. But as my colleague, Senator Cooper recently pointed out, between 1952 and 1969 there were only 52 explosions in non-gassy mines: Only four were fatal, and in each of the fatal cases the explosion was caused by open flames (matches, cigarette lighter or open lamps) resulting from violation of existing laws. In other words, these were explosions that could have been avoided by enforcement of existing laws, and would not have been averted by the proposed changes in the law.

In commenting further on the act's mandate to small and large, gassy and nongassy mines the Courier-Journal said:

> It does not make sense to require an operator to install ventilating equipment that pulls so much air through the mine that it stirs up dust and dries out the mine, making it more dangerous, not safer for the men working in it, and it does not make much sense to require costly methane-detecting devices, and time-consuming methane tests, in non-gassy mines located above the water table where methane gas almost never is found.

Mr. President, I urge all Senators to read the editorial. I believe it to be an excellent summation of the inherent inequities of the Coal Mine Health and Safety Act and those arising out of its enforcement.

Because of the lives lost and the jobs cancelled, I can take no pleasure in my predictions. However, I am reminded of Byron when he said:

> Of all the horrid, hideous notes of woe,
> sadder than owl-songs or the midnight blast;
> is that portentous phrase, "I told you so.'"

I ask unanimous consent that the Courier-Journal editorial of July 1, 1971, and my remarks of October 2, 1969, be printed in the Record.

There being no objection, the items were ordered to be printed in the Record, as follows:

[From the Courier-Journal, July 1, 1971]

Mine Law Isn't Working as Planned

For some reason or other, the new mine-safety law doesn't appear to be working very well. It was supposed to save lives, yet more miners are dying in the mines this year than died before the law was passed. It wasn't supposed to put mines out of operation and miners out of work, but that's what it is doing.

Small mines are shutting down at an alarming rate, as staff writer Kyle Vance noted in Sunday's *Courier-Journal & Times*. In one Eastern Kentucky county alone the number of employed miners has dropped one-third in the past year. This is not only hurting the economy. It is having the unfortunate side-effect of driving small operators from deep mining into the more destructive practice of strip-mining. Strip mines are not bothered by the numerous regulations that are applied to make underground mines safe.

Where the fault lies is a matter of wide disagreement. Safety advocates insist that small mines forced to close because of trouble with the safety law shouldn't have been in operation, and that mines that can't meet the law's standards aren't fit places for men to work. They may have a point, although the safety record of the small mines prior to the law's passage was in some respects better than that of the large mines that are continuing to operate.

But small-mine operators also appear to have a case in their objections both to some of the new regulations and to the way they are being enforced. A group of them has filed a suit in federal court challenging the constitutionality of the entire act. This, of course, is a matter for the courts to decide. But there seem to be serious questions about the consistency with which the law is being enforced, and the common sense of some of its provisions when applied to small mines.

ERRATIC, UNEVEN ENFORCEMENT

It certainly doesn't make any sense to require an operator to install 18-inch toilet seats in a mine that is just 30 inches high. (One Pike County operator tells of buying $720 worth of such toilets, though he knew they could not be used by the miners.) It does not make sense to require operators to install air-directing curtains across passageways so that motor operators must drive through them blind, and possibly collide with something on the other side.

It does not make sense to require an operator to install ventilating equipment that pulls so much air through the mine that it stirs up dust and dries out the mine, making it more dangerous, not safer for the men working in it. And it does not make much sense to require costly methane-detecting devices, and time-consuming methane tests, in non-gassy mines located above the water table where methane gas almost never is found.

But perhaps the worst feature of the new law is the way that it is being enforced. The criticisms from both operators and miners on this score are becoming too numerous to discount entirely. When two different sets of mine inspectors give an operator two conflicting sets of instructions on two consecutive inspection visits, the operator is caught in the middle. Yet one operator after another can tell of instances in which he has been penalized, shut down or fined by one inspector for doing what another inspector told him to do, or of losing valuable time changing an installation ordered by one inspector in order to meet the demands of a second inspector.

Some operators charge that "the heat is on from Washington" because of the small-mine disaster at Hyden last December in which 38 men were killed, and that inspectors are nitpicking in order to show they are doing their jobs. Others claim that the law was written to order for big mines, and is not flexible enough to be applied to small operations. Still others say that the flexibility of the law, designed to make it apply to any type of mine, leaves too much to the discretion of the individual inspector.

It is impossible for the layman to know where the truth rests. But there is evidence that there is too much variance in the application of the law by the inspectors. The Bureau of Mines owes it to both its own over-worked inspectors and the harried operators to see that the inspectors are thoroughly familiar with the law, and know how to enforce it uniformly. If the inspectors can't agree among themselves on what constitutes safe equipment, installation and operation, the operator is put in an impossible position.

Furthermore, the operator—as well as his miners—has a right to know that the inspector judging his mine is qualified and competent. But how can he have any confidence in a Bureau whose procedures made it possible to hire as an inspector a man such as Ernest "Red" Hoskins?

Mr. Hoskins is undoubtedly an experienced miner, with 21 years underground. He thus met the Bureau's apparently-overriding requirement for employment as an inspector. But he was also a foreman in the Finley mine where the improper use of illegal explosives has been blamed for the death of those 38 miners last winter. And as House committee chairman Carl Perkins said during recent hearings into the mine disaster, Mr. Hoskins either knew that illegal explosives were being used and did nothing to prevent their use, or should have known and was negligent in not making sure safe practices were followed.

By resigning voluntarily from his inspector's post, Mr. Hoskins has shown a more sensitive regard for public opinion than did the men who hired him. But the fact that he was hired in the first place, and considered capable of enforcing safety laws efficiently and fairly, gives the public cause to wonder at the general quality of both federal inspectors and inspections.

Remarks of Senator Cook

Mr. Cook. Mr. President, much has been said since the Farmington, W. Va., disaster of last year about the need for a stricter Federal coal mine safety law. During the same period, rising concern over the prevalence in coal miners of pneumoconiosis, or black lung, has created a similar demand for stricter mine health laws.

The Committee on Labor and Public Welfare has reported out a strong bill containing both health and safety features. I commend the committee for its concern for the welfare of our Nation's coal miners. However, one provision of the bill, eliminating the current distinction between gassy and non-gassy mines, will have a disastrous effect on the small mine operators and miners of the Appalachian region while not making any contribution to improving safety conditions. The overwhelming majority of mines in Kentucky are both small and non-gassy.

Historically, cries have been made by businessmen about various social legislation, such as wage and hour laws, that the effect of enacting such new measures would be to drive the owner out of business. It is true that the small operators (a small operator owns a mine which employs fourteen or fewer miners) of my State and surrounding States are making essentially this argument against the provision in the committee bill which would eliminate the gassy–non-gassy distinction. As I have said, this argument has been used to impede the progress of valuable social legislation in the past, but this is not the case with this argument as applied to the attempt to eliminate the distinction between gassy and non-gassy mines.

What is the effect of eliminating the distinction? Under the current law, gassy mines are required to use permissible equipment, that is, equipment which is covered so that sparks will not ignite any gas which might be present. Permissible equipment is not now required in mines which are classified non-gassy. Elimination of the distinction would require operators of the non-gassy mines to purchase permissible equipment at a cost small operators argue would be prohibitive. I have studied the figures and assessed the economic impact of such action and I agree with their conclusion.

As a Senator from a State which has approximately 1,000 small mines—only 32 of which are gassy—and a great many miners who derive their living from these mines, I want an effective coal mine safety bill. If the elimination of the gassy–non-gassy distinction would make any contribution to improving unsafe conditions in our mines I would favor it. But as my colleague, Senator Cooper, recently pointed out, between 1952 and 1969 there were only 52 explosions in non-gassy mines: only four were fatal, and in each of the fatal cases the explosion was caused by open flames (matches, cigarette lighter or open lamps) resulting from violation of existing laws. In other words, these were explosions that could have been avoided by enforcement of existing laws, and would not have been averted by the proposed changes in the law. Senator Cooper further pointed out that during the same period there have been 381 explosions, killing 374 miners and injuring 427 in mines classified as gassy.

My senior colleague from Kentucky yesterday placed in the Record an editorial appearing in the Aug. 23, 1969 edition of the Louisville Courier-Journal supporting preservation of the gassy-non-gassy distinction. In a letter I mailed to all Senators on September 5, I included that editorial which describes very well the fallacy of the argument that safety requires elimination of the distinction. As I pointed out at that time, the Courier-Journal is not a business-oriented newspaper. It is concerned, as all of us are, about preserving one of the few remaining employers in the poverty-ridden Appalachian areas of our country. It would seem to be the height of inconsistency to advocate measures designed to alleviate the plight of the Appalachian poor and then support a provision which might significantly increase the unemployment rolls in the same region.

I support the amendments to S. 2917 offered by my senior colleague including, of course, the preservation of the current distinction betwen gassy and non-gassy mines. The distinction must be maintained not solely for the economic benefit of the small operators of Kentucky, but also to preserve the over 100,000 jobs either in or related to the mines which might be lost by enacting into law a provision making no contribution to improving safety in small non-gassy mines.

RETIREMENT OF COL. JOSEPH E. O'LEARY

Mr. TALMADGE. Mr. President, I wish to express regret at the departure of Col. Joseph E. O'Leary as Chief Liaison Officer of the Senate for the Department of the Army.

Colonel O'Leary plans to retire from the Army, and his last day of duty here will be July 31, 1971. I know other Members of the Senate, who know and respect Colonel O'Leary, join me in saluting him for a job well done.

Colonel O'Leary, in the 2 years that he has served as head of the Army liaison office here, has won widespread appreciation all over Capitol Hill for the outstanding performance of his duty.

I have personally come to know Colonel O'Leary as an officer of great capabilities and intelligence. He has proven himself to be a valuable asset to the work of my office in handling constituent problems involving the U.S. Army. Every senatorial office receives a great number of distress signals from servicemen or their families. Often they are very severe and of an emergency nature. Of course, like other Senators, I am always anxious to provide assistance or relief in every way possible.

In my association with the Army liaison office, Colonel O'Leary always stood ready to take the situation in hand and provide whatever information and service my office required, consistent with the law and regulations. His reports were always prompt, thorough, and courteous. In pursuing a matter at my request, he has been aggressive and firm and always anxious to be of assistance.

I will sorely miss the association I have had with Colonel O'Leary, both on a personal and professional basis, and I take this opportunity to wish him every future success and happiness in his retirement from the Army.

I ak unanimous consent that there be printed in the Record a brief biographical sketch of Colonel O'Leary.

There being no objection, the biography was ordered to be printed in the Record, as follows:

COL. JOSEPH E. O'LEARY, CHIEF SENATE LIAISON DIVISION OFFICE, CHIEF, LEGISLATIVE LIAISON

Colonel O'Leary will retire from the United States Army in July of this year with credit for 29 years in the service of his country. He entered the Army in October 1942 from Texas A & M University, College Station, Texas, where he was awarded a Bachelors Degree. Although, he had served as a Major in the ROTC Cadet Corps, he was required, along with his fellow graduates, to attend the Infantry Officers Candidate School at Fort Benning before being commissioned. Colonel O'Leary graduated number one in his class and was assigned to Fort Benning as a member of the 124th Infantry, the school troops bridgade. In 1944 he attended the Advanced Infantry Officers Course at Benning and in early 1945 he completed the Command and General Staff College course at Ft. Leavenworth, Kansas. Following this he was transferred to the 41st Infantry Division in the Pacific Theater where he participated in the Southern Philippines campaign.

When World War II ended he was assigned to the 24th Infantry Division in Japan and for the next two years served as Aide-de-Camp to the Commanding General, 24th Infantry Division. Now holding the rank of Captain, he greeted with enthusiasm the first boatload of dependents to arrive in Japan, for among the passengers was his fiance, Miss Rosemary Walker, daughter of Colonel and Mrs. I. G. Walker, also stationed in Japan. Captain O'Leary and Miss Walker were married in Kyoto in September 1946. Two sons and two daughters blessed this marriage; Joseph E. III, now serving as a 1st Lt. in the 172d Infantry, Terry O. Dittman, married to David Dittman and living in Anchorage, Alaska with daughters Danny and Dana; Kathleen who is a high school senior and an employee of Senator Mike Gravel of Alaska; and Michael who attends school in Alexandria.

Colonel O'Leary finished his tour in Japan as a battalion commander in the 19th Infantry Regiment. Upon his return to the United States he was assigned as an instructor in the Junior ROTC Program for four high schools in St. Joseph, Missouri. With the outbreak of the Korean War, he became an advisor to the Korean Army, serving in Korea from October 1950 until March 1952. He participated in six campaigns with the 30th Regiment, 9th Division ROK and served as the director of training at the Korean Infantry Officer Candidate School. For the next three years he served in the Pentagon in the Office of the Assistant Chief of Staff G–2 (Intelligence). From June 1955 until 1958 he served in the Intelligence Division of the Supreme Headquarters Allied Powers Europe (SHAPE), Paris, France. Returning to the United States he was assigned to the Staff of the Command and General Staff College at Fort Leavenworth where he received an award as outstanding instructor from the Commandant, the then Major General Harrold K. Johnston.

For the next 39 months, Colonel O'Leary commanded units of the 1st Infantry Division at Fort Riley, Kansas, and was cited by Major General Jonothan O. Seaman for outstanding performance as Deputy Commander and later Commander of the 16th Infantry. He served seven months in Germany during the 1st Division's participation in the reinforcing of US Troops in Western Europe and Berlin.

While in Europe he received orders for Vietnam. He arrived in MACV in June 1964 and was assigned as the Senior Advisor to the Province Chief of Go Cong Province in the Mekong Delta, at a time when 95 percent of this province was controlled by the Viet Cong. Eight months later this control had been reduced to 60 percent and Colonel O'Leary was again cited for outstanding service by General Westmoreland. He was assigned to Saigon and served the remaining portion of his tour in the Office of J–3 (Operations) where he was once again cited for outstanding performance.

He attended the Army War College at Carlisle Barracks, Pennsylvania, in 1965 and 1966 and during this same period received his Masters Degree in International Relations from George Washington University.

He assumed Command of the 172d Infantry Brigade (Mechanized) at Fort Richardson, Alaska, in July 1966 and was cited for outstanding leadership by Major General J. Folda, the C.G. of U.S. Army Alaska. During 1967 and 1968 he served as the G–3 (Operations) officer, U.S. Army Alaska and was again cited for outstanding performance by Major General Kelly Lemon who was then C.G., USARAL.

In December 1968 he received word of his forthcoming assignment as the Chief of the Senate Liaison, Office of the Chief of Legislative Liaison, and has served in that position since July 1969.

Colonel O'Leary has been awarded the Legion of Merit with cluster, the Bronze Star Medal, the Air Medal, the Army Commendation Medal, the American Campaign Medal, the Asiatic-Pacific Campaign Medal, the World War II Victory Medal, the Army of Occupation Medal (Japan), the Korean Service Medal, the Armed Forces Expeditionary Medal, the Combat Infantryman's Badge (two awards), the Expert Infantryman's Badge, the Republic of Korea Presidential Unit Citation Badge, the Chungmu Military Service Medal with Gold Star from the Korean Government, the Distinguished Military Service Medal from the Korean Army, the Vietnamese Medal of Honor, first class, the Vietnam Service Medal, and the Vietnam Campaign Medal.

Colonel O'Leary intends to remain in the Washington area as a consultant and will reside at 416 Underhill Place, Alexandria, Virginia 22305.

TRIBUTE TO DR. RICHARD L. HOPPING, DAYTON, OHIO

Mr. SAXBE. Mr. President, at its 74th annual congress in Houston, Tex., recently, the American Optometric Association, an organization representing a majority of the Nation's 18,000 practicing optometrists, installed a native Ohioan, Dr. Richard L. Hopping, as its president.

As an optometrist in his native city of Dayton, Ohio, he has been closely identified with public health and community affairs since he opened his practice following his graduation from Southern College of Optometry in 1952. In addition to his work with such organizations as the United Appeal, Boy Scouts, YMCA, the Big Brother's Association, and other civic betterment organizations, this outstanding health care practitioner has also been a consultant to the Goodwill Industries Subnormal Vision Clinic; a member of the medical advisory committee of the State department of public welfare; a director of the United Cerebral Palsy organization; and on the boards of the Council for Retarded Children and the Montgomery County Mental Hygiene Association. His list of honors is long and impressive, including designations as "Outstanding Young Man of the Year" by the Dayton Jaycees in 1960; and "Outstanding Optometrist of the Year" in 1962, an honor conferred by his own peers in the Ohio Optometric Association.

Dedicated work for the cause of good vision has resulted in Doctor Hopping's involvement in virtually every committee activity and every elective position in his local, State, and national professional societies and as a Fellow of the American Academy of Optometry. These years of hard work have brought to Doctor Hopping the opportunity to serve as the top elected leader of the third largest organization of independently prescribing health professionals in the United States, the American Optometric Association.

I know I speak for the people of Ohio when I extend heartiest congratulations to Dr. Richard L. Hopping as he undertakes this challenging new position. We wish him well in his continuing effort to bring better vision care to all Americans by application of the qualities of leadership he has so amply demonstrated.

REMARKS OF REPRESENTATIVE WILLIAM R. COTTER BEFORE THE WASHINGTON FORUM OF THE INDEPENDENT MUTUAL INSURANCE AGENTS ASSOCIATION

Mr. HUMPHREY. Mr. President, on June 25, 1971, Congressman WILLIAM R. COTTER of Connecticut spoke before the Washington Forum of the Independent Mutual Insurance Agents Association. Congressman COTTER, a former insurance commissioner from Connecticut, spoke cogently and clearly about the regulation of insurance industry. He noted the necessity for the industry to take a long hard look at itself, to examine its programs in relation to the demands of insurance today, and to change when there are requirements for change.

Congressman COTTER examined the whole range of insurance issues—fire, housing, automobile, and health. The majority of his speech, though, was centered on health insurance—including his own Cotter health plan.

I ask unanimous consent that Congressman COTTER's remarks be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

ADDRESS OF CONGRESSMAN WILLIAM R. COTTER BEFORE THE WASHINGTON FORUM OF THE INDEPENDENT MUTUAL INSURANCE AGENTS ASSOCIATION OF NEW JERSEY, JUNE 25, 1971

I am delighted to be here and have this opportunity to report to you what I have observed during my first few months in Washington and what I see for the future in insurance regulations.

I know from previous experience with many of you that this group is sophisticated and knowledgeable. What I will talk about, though in places may be unpleasant, represents my judgment on trends in the Federal government's role in the insurance industry and how these trends will affect you.

When I left the post of Insurance Commissioner of Connecticut, I felt that I would no longer be involved in the regulatory phase of insurance, but my brief experience in Washington indicates this might not be the case.

Perhaps a short look at the history of insurance regulation will shed a little light on where we are today and what we may expect in the future.

The insurance story in this country, as you know, began with that great American, Ben Franklin, who developed a pool for the spreading of the burden of fire loss in 1752. As with many other rapidly-growing businesses, the insurance business had its share of abuses. And, as elsewhere, when abuses are not remedied by the industry, the government steps in. That's exactly what the New York State Legislature did in 1905 when it implemented the Armstrong Committee recommendations and created a strong State Insurance Department which has been the model for many other States.

The debate over whether the States or the Federal government would regulate the fledgling insurance industry really began back in the mid 1860's. I can recall reading the report of the first Commissioner in Connecticut, written about 1865 raising this question. And, over 100 years later, this issue is still not settled.

But it was no legislative accident which first brought the insurance industry under the watchful eye of State government as opposed to the Federal government. The judicial system first gave jurisdiction to the States. In 1869, the Supreme Court in *Paul v. Virginia* held that issuance of an insurance policy was not "commerce" and thus outside the scope of Congressional action. For 75 years this remained the case. However, in 1944, in the *South Eastern Underwriters Association* case, a narrowly-divided Supreme Court reversed this procedure by deciding that insurance was indeed "commerce" and that insurance companies fell under the purview of the Sherman and Clayton Acts.

As you know, the resulting confusion over whether the State or Federal government should regulate insurance produced the McCarren Act in 1945 which in effect told the States, "If you don't regulate insurance, the Congress will."

It appears to me that conditions similar to those which prompted State regulation of insurance at the turn of the century are today producing pressures for a greater Federal role. And I'll tell you why.

When you have increasing numbers of consumer complaints, when consumers find insurance unavailable or available at less than reasonable costs, when you have long delays between claims and settlements, and when you have annual increases in the cost of the product, there will be pressure for governmental action. In recent years, the inability or unwillingness of the industry and State regulators to react to certain situations has produced even greater demands for Federal action.

The most tangible and most recent results of these demands are two Federal programs enacted in 1968 to fill some very pressing insurance vacuums. These laws, the National Flood Insurance Act of 1968 and the Urban Property Protection and Reinsurance Act of 1968, represent a new direction in Federal action, making Uncle Sam the "insurer of last resort."

Still, it's interesting to note that though the Federal government is now in the fire insurance underwriting business under the Urban Property Protection Act, the regulation of FAIR plans remains under State jurisdiction.

Just last year the Congress moved to fill another urban insurance risk vacuum: urban crime insurance. The Crime Insurance Act of 1970 goes into effect this August.

This piecemeal Federal assumption of underwriting risks which the insurance industry has forsaken raises this question: Will the Federal government continue to accept responsibility for the "dregs" of the insurance industry or will it respond in the future by regulating the industry?

In my opinion, the more we call on the Federal government, the greater the chances of more Federal control.

If the current Congressional debates over auto insurance and health insurance are any indication, I suggest that the Federal government will move in the direction of deeper involvement in regulation.

The first tangible indication of this new Federal approach will be the Federal government's action in the area of auto insurance.

The States have not responded to the need for changes in the auto insurance business. Now the Congress is preparing to establish a plan embodying minimal no-fault standards.

You all know no-fault insurance plans have not been well-received by State Legislatures despite public support for them.

Let's be blunt: The State Legislatures are dominated by interests that thrive on the current auto insurance system. Lawyers, whose profession makes over a billion dollars on auto insurance claims, dominate the relevant committees of State Legislatures and have effectively united to kill any change in this fast-decaying system.

In spite of this frenzied activity to bottle up any legislative modification of the auto insurance system, the bleak facts still remain unchanged: an increase of almost 15% in premiums per year, cancellations of policies without suitable reasons, delayed payments, and excessive lawyer's fees.

When I came to Congress, I wanted to get on the Committee dealing with auto insurance. Unfortunately, this was not to be the case. Yet, Representative John Moss, Chairman of the Subcommittee on Commerce and Finance, which was hearing plans for a Federal no-fault program, asked me to participate in his Subcommittee's deliberations. This was a most informative experience. From this involvement and talks with colleagues in the Congress, I have come to the conclusion that there will be Federal action on some version of mandatory nationwide no-fault insurance regulation.

I am convinced that this Congress will pass legislation requiring the States, within say 3 to 5 years, to implement a form of modified no-fault.

I feel that the Congress will require each insurer—without regard to fault—

(1) to pay the entire medical costs of the accident;

(2) to pay the insured's lost wages up to a certain limit (the Moss-Hart Bill limitation is $1,000 per month for 30 months);

(3) to preserve a tort remedy for plain and suffering in excess of a certain dollar amount or with certain severe disabilities; and,

(4) to comply with strict tests before cancelling auto insurance.

Assuming this to be the case, let us examine what will be the role of the insurance company and the agent. My feeling is that it is possible to establish a system whereby the company and the agent would continue to provide auto insurance coverage. However, if there is strong resistance by the insurance industry, it is possible that the Congress will establish a program of auto insurance administered by the Federal government as part of the Social Security system.

Again, with the advent of a major crisis, the Federal government seems to move, and I think the automobile insurance industry is in this type of crisis.

Another current example is health insurance. There is a real possibility that the Federal government might not only become regulator but total insurer for health care.

For those who are skeptical that the government will go this far, I would point to Medicare and Medicaid.

Although private industry retains a place in these programs, I am not so confident they will retain a place in a new comprehensive Federal health insurance program.

As you know, the fight over Federal governmental participation in health insurance programs came to a head in the latter part of the 1950's, although the issue had been raised much earlier.

Interestingly enough, it was the systematic and mechanical collection of data a facility that helped insurance companies in the past, that provided government technicians with the ability to discover that significant portions of the population were without adequate health insurance.

In the late 1950's it was the elderly who became the focus of attention. There was little chance that the elderly citizens with limited income could purchase adequate health insurance. Should the elderly citizen have some funds, he could choose between three alternatives: no insurance; a low cost policy with low coverage; or a high cost policy with more comprehensive coverage.

Basically we were, and in some instances still are, in a position where the majority of our senior citizens are unable to afford the necessary insurance coverage to protect themselves against the high cost of medical and hospital care.

With ever-increasing pressure for action, the Federal government responded with the Kerr-Mills Plan in 1960 (Medicaid) and in 1965 with Medicare. No one will deny there are problems with these programs, but they serve to demonstrate the ability and the desire of the Federal government to move in areas where insurance is not available at reasonable costs.

Currently, the spiralling costs of not only health insurance, but health services as well, have created a demand for new Federal governmental efforts in the entire health care system.

The mood of the Congress and even the Administration is toward some type of comprehensive Federal Health Insurance Plan.

The most drastic plan, the Kennedy-Griffiths Plan, would fully federalize our entire Health Delivery System. Although I feel there is a need for drastic action, I do not feel that full federalization is wise or would, in the long run, be cost-effective.

It is for this reason that I drafted my own Health Plan. I will not go over the components, but should mention that under my plan the insurance industry will still be involved and the agents will still merchandise the policy.

However, my plan departs from current practice by requiring strong State and Federal regulation of the health insurance industry as well as the entire Health Delivery System.

I feel the continuation of the free enterprise system is important not only to the insurance industry, but to the future of the United States as well. But without reform, the Federal government will move.

In health insurance this process has started. The Chairman of the Ways and Means Committee, Wilbur Mills, has announced his intention to hold hearings on Health Insurance. Mr. Mills, from my brief contact with him, does not seem to be the type to call hearings without producing some tangible and passable legislation. I plan to appear before the Mills' Ways and Means Committee to explain my bill in detail.

I started by asking where we are today and what we may expect in the future. We have seen the development of the Federal government as "insurer of last resort". And we are watching the development of a new role: the Federal government's efforts to establish and enforce nationwide minimum underwriting standards for various risk categories.

This future role has great ramifications.

First, it means the Federal government may be crossing the Rubicon by entering an area that has traditionally been reserved to the free enterprise system and State regulations.

Secondly, and perhaps more importantly, Federal involvement in underwriting and reinsurance could mean that the Federal government might require a broadening of risk underwriting to include those unprofitable lines that are now being written by the Federal government.

In short, the Federal government has been forced into the unprofitable insurance fields by the industry's inability or unwillingness to fill the voids and satisfy consumer demands.

The Federal government is increasingly involved in fire, flood and crime insurance. Although there are still some casualty lines left for the industry, it is conceivable the Congress will decide it is more "cost effective" to have the government administer all casualty lines . . . not just the dregs.

Add to these existing Federal insurance programs new Congressional action in the health and auto fields, and then I suggest you must ask this question: If the Federal government moves forcefully into these areas, what will be left of your businesses? Unless you are willing to increase your efforts to reform the weakness of various lines of insurance and exert pressure to keep companies from clearing out of "high risk" areas by, for example, marketing reasonably priced all-risk policies, I believe you will find your jobs taken over by $7,000 a year Federal bureaucrats.

Admittedly, this is a bleak picture, but one that we must face. The Federal government, or more specifically, the President and the Congress, cannot continue to justify to the voters why every taxpayer must underwrite "high risks" while the private insurers opt for only profitable lines of insurance. The companies and you, as their representatives, have an obligation to solve these problems and correct shortcomings in the insurance industry.

Without any constructive action, I believe there could be Congressional action on a fully-Federal all-risk casualty insurance program. There is no such Congressional action pending, but if recent past history is any indication, there is a very real possibility of such action in the future.

RETIREMENT OF COL. JOSEPH E. O'LEARY

Mr. COOK. Mr. President, today I wish to pay the highest tribute to an able and dedicated military man who is retiring from the U.S. Army on July 31 after 29 years of service.

Col. Joseph E. O'Leary entered the Army in 1942 after graduating from Texas A. & M. University, where he served as a major in the ROTC Cadet Corps.

Colonel O'Leary graduated first in his class from the Infantry Officers Candidate School at Fort Benning and received his commission. He then attended the advanced infantry officers course at Fort Benning and the command and general staff course at Fort Leavenworth. Following the completion of these courses, Colonel O'Leary was assigned to the 91st Infantry Division in the Pacific, participating in the southern Philippines campaign.

After World War II he was assigned to the 24th Infantry in Japan, where he served as aide-de-camp to the commanding general. Here he attained the rank of battalion commander. During the Korean war Colonel O'Leary served as an adviser to the Korean Army and participated in six campaigns with the 30th Regiment.

For the next decade, Colonel O'Leary occupied various administrative and command positions in the Pentagon, Supreme Headquarters Allied Powers Europe in Paris and various other installations in this country. In 1964 he was assigned to service in Vietnam as senior adviser to the province chief of Go Cong in the Mekong Delta. Throughout this period Colonel O'Leary was cited repeatedly for outstanding service and performance of duty.

Upon returning from Vietnam, Colonel O'Leary was assigned to the command of the 172d Infantry Brigade at Fort Richardson, Alaska; and during 1967 and 1968, he served as the G–3—operations—officer of the U.S. Army in Alaska. Again he was cited for outstanding performance.

Since July 1969, Colonel O'Leary has served as chief of Senate liaison, in which capacity I have been fortunate enough to develop a very cordial and warm friendship with him.

An enumeration of Colonel O'Leary's awards, citations, and medals would be almost endless. Suffice it to say that he has received 19 different medals of the United States and her allies, numerous citations for outstanding service and performance, and he has compiled an exemplary academic record, both in military and nonmilitary curricula. A true indication of Colonel O'Leary's intelligence and devotion to learning is the fact that in 1966 he received his masters degree in international relations from George Washington University.

On a personal note, I have the most sincere respect and admiration for Joe O'Leary. Last summer I had the great pleasure to have Joe as my escort during a Commerce Committee tour of Alaska in regard to an oceanography study. He is a man of dedication, honor, and compassion. He is a man of tolerance, patience, and understanding. It is further tribute to him that he chose the service of his country as an outlet for the considerable talents he possesses. Indeed, he would have undoubtedly achieved similar success in whatever career he had chosen.

The Senate owes Colonel O'Leary its greatest tribute as a man who has dedicated his life to the service of his country, and its best wishes for his continued success and happiness in all his future endeavors.

DAVIS-BACON ACT

Mr. WILLIAMS. Mr. President, on June 22, I provided Senators with an exchange of correspondence between myself and Chairman Dent of the House General Labor Subcommittee and five executive branch agencies on the suspension and reinstatement of the provisions of the Davis-Bacon Act—S. 9648 and S. 9654. The purpose of the letter Chairman Dent and I jointly signed was to solicit information on the impact of the suspension of the Davis-Bacon Act and the degree to which the agencies were responding to the President's reinstatement of the act.

Since June 22, I have received replies from three more agencies—Department of Housing and Urban Development, Department of Health, Education, and Welfare, and the Atomic Energy Commission. I have also received a second response from the Department of Defense. I ask unanimous consent that the responses be printed in the Record.

There being no objection, the items were ordered to be printed in the Record, as follows:

Atomic Energy Commission,
Washington, D.C., June 16, 1971.

Hon. Harrison A. Williams, Jr.,
Chairman, Subcommittee on Labor, Committee on Labor and Public Welfare, U.S. Senate.

Dear Senator Williams: This is in response to the letter of June 7, 1971, signed jointly by you and the Honorable John H. Dent, Chairman, General Labor Subcommittee, House Committee on Education and Labor, requesting a list of construction projects: (a) on which contracts have not been awarded; (b) on which solicitation or resolicitation were made during February 23 to March 29, 1971, the period during which the Davis-Bacon Act was suspended; and (c) which were not resolicited for purposes of including the Davis-Bacon provisions.

All contracts and subcontracts which were solicited or resolicited during the period of suspension of the Davis-Bacon Act have been awarded. With one exception, awards were made prior to the receipt of the Secretary of Labor Memorandum #94 by our contracting officers in the field, although transmission of this Memorandum to the field was made promptly. The one exception was a contract for well drilling for waste disposal investigation projects. Bids on this project were opened on April 23, 1971, but award of the contract was delayed pending receipt of an environmental impact statement. Award was finally made on this project in the amount of $80,308.00 on May 20, 1971, without resolicitation to include the Davis-Bacon requirements for the reason that it was determined further delay in awarding the contract would cause undue hardship to the program.

Cordially,

Glenn T. Seaborg,
Chairman.

The Secretary of Health,
Education, and Welfare,
Washington, D.C., July 6, 1971.

Hon. Harrison Williams, Jr.
Chairman, Subcommittee on Labor,
U.S. Senate,
Washington, D.C.

Dear Mr. Chairman: This is in response to a letter of June 7, 1971, from you and Honorable John H. Dent, with regard to construction projects affected by the recent Davis-Bacon moratorium.

Attached is a list of the four projects not yet awarded on which solicitation or resolicitation was made during the Davis-Bacon moratorium (February 23, through March 29, 1971, and in which resolicitation is not intended for purposes of including Davis-Bacon provisions. The reasons for not resolicitating each of the projects are stated briefly.

If we can be of any further assistance, please call on us.

With kindest regards,

Sincerely,

——— ———,
Secretary.

The General Counsel of Housing and Urban Development,
Washington, D.C., June 16, 1971.

Hon. Harrison A. Williams, Jr.,
Chairman, Subcommittee on Labor, U.S. Senate, Washington, D.C.

Dear Mr. Chairman: Secretary Romney has asked me to acknowledge your letter of June 7, concerning this Department's implementation of the Department of Labor's Memorandum #94 of April 27, 1971.

A detailed response to your inquiry is now being prepared and will be forwarded to you as soon as it is completed.

Sincerely,

David O. Maxwell.

Projects Not Yet Awarded on Which Solicitation or Resolicitation Was Made During February 23 Through March 29, 1971 (Period of Davis-Bacon Suspension) and for Which Resolicitation Is Not Intended for Purposes of Including Davis-Bacon Provisions

REGION II

N.Y. Rochester Institute of Technology, National Technical Institute for the Deaf—Bidding resulted in bid overrun. Awaiting Congressional appropriation of approximately $3,000,000 in additional funds so award can be made. Resolicitation would result in increase in construction price due to normal escalation of construction costs since bid opening.

N.Y. 2-2-00339 State University at Stonybrook—Project bid under 4 prime contracts. Three contracts awarded. General contract not awarded due to problem with low bidder on matter of compliance with EEO Affirmative Action Plan. Matter of Award or rebid of general contract being reviewed by State and DHEW Office of Contract Compliance. Resolicitation of general contract would result in increase in construction price due to normal escalation of construction costs since bid opening.

REGION IV

Fla. MR-14 Pediatric Care Center of Broward County—Project bid resulted in bid overrun. Negotiation underway to reduce bid within available funds. Resolicitation would result in increase in construction price due to normal escalation of construction costs since bid opening.

Ala. 3-4-00529 Jefferson State Junior College—Project bid resulted in bid overrun. Negotiation underway to reduce bid within available funds. Resolicitation would result in increase in construction prices due to normal escalation of construction costs since bid opening.

Mr. WILLIAMS. Mr. President, some of the letters from the executive branch, unfortunately, were not responsive to my inquiry. Indeed, the Department of the Interior has not yet responded at all. Therefore, Chairman Dent and I have been compelled to correspond again with five of those agencies. I include copies of our letters to the Secretaries of the Interior, Defense, Housing and Urban Development, and Health, Education, and Welfare, and the Chairman of the Atomic Energy Commission in the Record:

July 13, 1971.

Hon. Rogers C. B. Morton,
Secretary of the Interior,
Washington, D.C.

Dear Mr. Secretary: On June 7, 1971, Chairman Dent of the House General Labor Subcommittee, and I wrote to you requesting information regarding the solicitation and resolicitation of bids or proposals to include the provisions required by the Davis-Bacon Act.

To date, we have required no response to our inquiry despite the fact that we requested a reply by June 15, 1971. To aid you in preparation of your response, we are enclosing a copy of our June 7 letter.

Your earliest attention to this matter is appreciated.

Sincerely,

Harrison A. Williams, Jr.,
Chairman, Senate Subcommittee on Labor.
John H. Dent,
Chairman, General Labor Subcommittee, House of Representatives.

July 13, 1971.

Hon. Melvin R. Laird,
Secretary of Defense,
Washington, D.C.

Dear Mr. Secretary: On June 7, 1971, Chairman Dent of the House General Labor Subcommittee, and I wrote to you requesting information regarding the solicitation and resolicitation of bids or proposals to include the provisions required by the Davis-Bacon Act.

By letters dated June 14 and June 22, Deputy Assistant Secretary Malloy has provided us with some relevant information already furnished by you to the Secretary of Labor. However, we still have not been provided with the specific information requested in our June 7 letter.

Your earliest attention to this matter is greatly appreciated.

Sincerely,

Harrison A. Williams, Jr.,
Chairman, Senate Subcommittee on Labor.
John H. Dent,
Chairman, General Labor Subcommittee House of Representatives.

July 13, 1971.

Hon. George W. Romney,
Secretary of Housing and Urban Development, Washington, D.C.

Dear Mr. Secretary: On June 7, 1971, Chairman Dent of the House General Labor Subcommittee, and I wrote to you requesting information regarding the solicitation and resolicitation of bids or proposals to include the provisions required by the Davis-Bacon Act.

On June 16, 1971, the General Counsel of your Department, David O. Maxwell, informed us that a detailed response was being prepared despite the fact that we requested a reply by June 15.

To date we have received no further communication from your agency.

Your earliest attention to this matter is appreciated. For your convenience, we are enclosing copies of our June 7 letter and Mr. Maxwell's June 16 response.

Sincerely,

Harrison A. Williams, Jr.,
Chairman, Senate Subcommittee on Labor.
John H. Dent,
Chairman, General Labor Subcommittee House of Representatives.

July 13, 1971.

Hon. Elliot L. Richardson,
Secretary of Health, Education, and Welfare, Washington, D.C.

Dear Mr. Secretary: On June 7, 1971, Chairman Dent of the House General Labor Subcommittee, and I wrote to you requesting information regarding the solicitation and resolicitation of bids or proposals to include the provisions required by the Davis-Bacon Act.

Although we requested a response by June 15, no response was made by your agency until July 6. At that time you informed us of four contracts for which "resolicitation is not intended for purposes of including Davis-Bacon provisions."

In each case the reason for your determination not to resolicit was the same—"Resolicitation would result in increase in construction price due to normal escalation of construction costs since bid opening."

We would appreciate the information on which that judgment was based. Specifically, we would like to know the experience to date on each of those contracts including initial bid prices, bid prices after resolicitation to exclude Davis-Bacon and the relevant bid and contract dates, including dates of bid opening.

We also request your explanation of how your decision in those four cases is compatible with the provisions of Secretary of Labor Hodgson's Memorandum No. 94.

Your earliest attention to this matter is greatly appreciated. For your convenience we are enclosing copies of our June 7 letter and your July 6 response.

Sincerely,

Harrison A. Williams, Jr.,
Chairman, Senate Subcommittee on Labor.
John H. Dent,
Chairman, General Labor Subcommittee, House of Representatives.

July 13, 1971.

Hon. Glenn T. Seaborg,
Chairman,
Atomic Energy Commission,
Washington, D.C.

Dear Mr. Chairman: On June 7, 1971, Chairman Dent of the House General Labor Subcommittee, and I wrote to you requesting information regarding the solicitation and resolicitation of bids or proposals to include the provisions required by the Davis-Bacon Act.

In your June 16 response you informed us of one contract on which resolicitation to include Davis-Bacon was not made. The only reason stated in your letter was "that it was determined further delay in awarding the contract would cause undue hardship to the program."

We would appreciate further explanation of the nature of the "undue hardship." We would also like to know whether the contract was originally solicited with the Davis-Bacon provisions and then resolicited to exclude them during the period of Davis-Bacon suspension.

Your early attention to this matter is appreciated. For your convenience, we are enclosing a copy of our June 7 letter and your June 16 response.

Sincerely,

Harrison A. Williams, Jr.,
Chairman, Senate Subcommittee on Labor.
John H. Dent,
Chairman, General Labor Subcommittee, House of Representatives.

THE SHORTAGE OF DOCTORS

Mr. SAXBE. Mr. President, an article entitled "Where Have Our Doctors Gone?" written by Jack Star, a senior editor and published in Look magazine of June 29, 1971, is an excellent brief look at one of our major problems today. The article graphically spells out the medical manpower shortage in this country and the maldistribution of our doctors. It also offers some interesting statistics—among them the alarming disparity of doctors per person among our States and our cities. I ask unanimous consent that the article be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

[From Look Magazine, June 29, 1971]

Where Have Our Doctors Gone?

(By Jack Star)

10:30 at night. I went to bed with a sore throat and unusual weariness. My sleep was restless. When I arose next morning, I knew I was very sick. I needed a doctor. But like several thousand of the 30,638 men, women and children in the suburb of Park Forest, Ill., 32 miles south of Chicago, I don't have a family physician, and I don't have much chance of finding one.

I am a sort of general contractor for medical services, seeking out an orthopedic surgeon for a sprained ankle, a pediatrician for a child's mumps or an obstetrician for a blessed event—when the need arises. My family has no doctor to coordinate these services, so we get treated as persons, not diseases. At 9 a.m., my temperature was 103.9, pulse racing, both sides of my chest hurt, and I coughed frequently, bringing up nasty-looking sputum streaked with bright-red blood. I dialed the number of a leading specialist in internal medicine, and a woman answered, perhaps an answering-service operator. "Was I a patient of Dr. X?" Well, I had been seen several times by his partner, I replied between coughs, offering up my symptoms. "It's Wednesday," she said. "The doctor's day off. . . . No, you can't speak to him." But she would call him and relay my symptoms. She did too. An hour later, she phoned to say the doctor would have a drugstore send out some medicine. Shortly before noon, some pills arrived, unlabeled, but I had my 12-year-old son look up the code number on the tablets in a drug reference book. They were an antibiotic. I popped a couple in my mouth and went back to bed.

Friday, hardly able to hold my head up, I called the doctor's office and demanded to see the doctor or at least talk to him on the phone. I told the voice that answered that I thought I had pneumonia. "No, you can't talk to him." Too busy. And the earliest appointment I could have was next Tuesday. Back to bed for a lost and feverish weekend. Monday morning (near death, or so I thought), I journeyed to the University of Chicago clinic 28 miles away to see a doctor. I had pneumonia in both lungs.

My troubles in finding a doctor are exceeded only by those of some neighbors. My wife and children are lucky at least to have had the same obstetrician and pediatrician for over 20 years. But the people who are new in town have a terrible time.

Niki Scott, a writer for the Park Forest Reporter, who was researching the local doctor shortage, telephoned the six pediatricians in the immediate area and said her child had an earache. Four of the doctors said they could not accept a new patient under any circumstances. The other two said they could examine the child—but not that day.

Mrs. Scott then called the ten internal-medicine specialists of the region, complained of a stomach ache, and said she was new in the area. Nine of them said they couldn't see a new patient immediately, or at all, but two said they might be able to examine her in two or three weeks!

This same reporter cites the case of a mother of two who moved here last August: "She was told that her children would not be allowed to attend school until they had had a physical examination. She called all the pediatricians in the area, and was told by each of them that they could not accept new patients. Desperate, she called the Park Forest Village Health Department. They gave her a list of physicians, all of whom she had already called. After weeks of searching, she found a general practitioner in Chicago Heights [an adjoining town] who would examine her children."

That there is a shortage of physicians, estimated at over 50,000 nationally, should not surprise anybody except the American Medical Association, which discovered only a few years ago that there were not enough doctors to go around. Selig Greenberg, in his compelling new book, *The Quality of Mercy*, notes that during the Depression of the 1930's, "The AMA *Journal* called editorially for 'professional birth control,' and the medical schools obliged by materially reducing their admissions." Later, he says, the AMA achieved the same results by "lobbying strenuously in Congress against Federal aid for medical education without which the schools could not possibly expand their enrollment to any meaningful extent. The palpably specious argument used to block such aid was that it would endanger the 'freedom' of the medical schools."

In recent years, a number of new medical schools have been opened, but many schools are in deep financial trouble, and some have curtailed teaching programs. Though by the end of this decade there will be noticeably more graduates, so far the growth has been slow (6,934 graduates in 1961; 8,946 this year). Even if we double our graduates in 20 years, says an authority, deaths and retirements will cause the total number of physicians to change little.

The medical schools still turn down over half of their applicants, and if it were not for foreign-trained doctors—who now make up nearly 17 percent of our medics—we would be shy another 3,000 new licensed doctors every year. As it is, our teaching hospitals are currently short more than 12,000 residents and interns. Without the foreign interns, many hospitals would have to close their doors.

At last count, America had 334,028 doctors, but nearly 17 percent of them don't practice—they are inactive, or in teaching, administration, research, etc. (About nine percent of the total are federally employed, and we do not consider them here.) Of the 255,027 doctors giving patient care, only 188,924 are office based, and only 50,816 of those are GP's. The others, following the big trend of the time, are specialists. A surgeon or an anesthesiologist isn't much use for a heart attack or a skin rash. Pediatricians are GP's in a way, but there are only 10,310 of them for 58 million children under 15, a ratio of one doctor for 5,625 youngsters! Specialists in internal medicine attempt to fill the void left by the GP's, but there is only one internist in office practice for every 8,845 persons!

Bad as these numbers are, the real problem is how doctors are distributed around the country and the cities. New York State has one doctor—office or hospital based, in patient care—for every 518 persons and Washington, D.C., one for every 339, but Arkansas has only one for more than 1,300 persons, and Mississippi, one for every 1,448.

Yet even these statistics don't reflect the stark reality. Several thousand communities don't have a single physician and little possibility of getting one. The Sears-Roebuck Foundation has had to give up on its project to lure doctors to small towns by helping the communities build small clinics. Of 162 clinics built since 1956, 52 are now vacant or being used as barbershops, etc.

You can get a glimmer of the problem in Chicago. According to geographer Donald Dewey of DePaul University, the metropolitan area has one doctor in office practice for 862 persons, and the city itself has one per 909. But where are they?

Since 1950, thousands of doctors have fled, with the expanding black communities experiencing a 66 percent drop. Most of the MD's moved to the elegant suburban shopping centers. There are more doctors in a single North Shore medical building than in one entire West Side ghetto. The posh suburbs now have only 518 people per doctor—more than three times as many doctors as the South suburbs, with 1,724 people per doctor. Alas, I and nearly half a million others live south.

Pierre de Vise, a distinguished urbanologist and researcher for the Illinois Regional Medical Program, explains why doctors have settled so heavily between Evanston and Lake Forest: "Doctors tend to select homes in the very highest income areas, those with the most prestige." I gulp as De Vise gives me some hard facts: "You live in a blue-collar, working-class area. There is little hope for increasing the number of doctors there." I suppose he is right. My town is middle-class, and a few nearby towns are super-affluent, but for the most part, South Cook County is a place for the workingman.

Of 250 Chicago-area communities, the top 25 in income have one doctor for every 500 persons—the bottom 25 have three times as many persons per doctor. The 25 with the most blacks have almost four times as many.

What do sick people do when they can't get a doctor? Out my way, and everywhere else in the country, hospital emergency rooms are filling the void. In 1960, St. James Hospital in Chicago Heights had 8,696 emergency-room cases; last year, it had three times that number. More significantly, "Non-emergency" medical cases treated in the emergency room shot up nearly fivefold.

In other words, the doctorless sick are taking their bellyaches, flu and measles to where the auto-accident victims are sewed up. A recent study reported in *The Journal* of the AMA, says that emergency-room visits in the Rochester, N.Y., area "have increased five times faster than the general population and there is no reason to believe that the emergency department demand will not continue to increase." Sixty-five percent of these cases were not emergencies according to the study and could probably have been better handled elsewhere. In Chicago, this figure is 90 percent.

The emergency room is not a particularly good place to be treated. In the Chicago area, only a fifth of the departments have a paid full-time doctor in charge; nearly half depend on unpaid MD volunteers. Only half are routinely equipped to set simple fractures, remove stitches or take off casts. Only seven percent handle compound fractures.

One of every three Chicagoans visited an emergency room last year, twice the national rate and twice Chicago's rate of 15 years ago. As De Vise points out: "The emergency room, the least-efficient and worst-staffed and equipped department of the hospital, is the major provider of primary care. . . ." For years, the emergency room has been a place where black persons and poor whites were supposed to get care (see *Cook County Hospital: The Terrible Place,* LOOK, May 18, 1971). But now, at institutions like St. James in Chicago Heights, middle-class whites sit right next to poor folks in the emergency-room waiting section. They are in the same predicament.

As emergency rooms go, St. James' isn't bad. A couple of nurses are there all the time, and something more than 100 of the 155 doctors on the staff take turns supervising in twenty-four-hour shifts. Unfortunately, the doctors are usually not present. They run the room by telephone. The hospital hires moonlighting doctors, residents in another Chicago hospital, to treat patients. They are paid $210 for a 12-hour shift. The emergency-room charge is, at a minimum, $20, but the hospital says it loses money.

Dr. Peter T. Fagan, president of the medical staff, is not entirely happy with the operation of the emergency room. "We should have specialized emergency-room physicians," he says. "Medicine is too sophisticated to practice down there the way we do now." Sister Georgette, the hospital administrator, is also not happy: "We have patients coming into the emergency room who have no other point of entry into the medical system," she says. "One thing the South Cook County Medical Society should do is have a roster of doctors who would see new patients." I put her idea to Dr. John E. Driscoll, a surgeon who is president of the South Cook County Branch of the Chicago Medical Society. It has 250 members. He scoffs at the idea of a physicians' roster. "It hasn't worked in Chicago," he says. "Why would it work here?"

I complain to Dr. Driscoll that the quality of medicine is bound to suffer with so few doctors and so many persons. Isn't a doctor inclined to take shortcuts, with a roomful of patients waiting? Don't the latest statistics show that doctors now treat 11 percent of all complaints by telephone? Dr. Driscoll agrees: "A good doctor can take care of only so many patients. Many have attempted to take care of more patients than they should, and they can't give quality care because they're over-extending themselves. It's not that they're incapable of practicing good medicine. It's just a reflection of their being so swamped." The sad thing is that preventive medicine, including routine checkups, can prolong life by early detection of killer diseases.

Are the doctors as busy as they claim? What about all those jokes about them playing golf on Wednesday afternoons? The AMA, which surveys 5,000 physicians regularly, found the average workweek is 44.7 hours—somewhat less than that of many businessmen. But this is just for patient care. Tedious chores can add hours to a doctor's workweek. "Just look at this pile of papers!" I was told by Dr. Emanuel M. Racher, a Park Forest internist, who indicated a stack of insurance forms 18 inches high. "I have to fill these out personally."

What about making life easier for the doctor, and extending his services, by using physicians' assistants? There has been extravagant publicity for the last five years about the training of doctors' helpers, but the AMA notes that only 350 to 400 persons are currently enrolled in these programs. In the five years, only 75 aides have been graduated, and another 150 are finishing this year.

In Illinois, there is not a single physician's assistant. The closest thing to one is the nurse who weighs you and takes your temperature before the doctor comes into the examining room. The licensing law is murky on the subject of assistants. What medical procedures should they be allowed to perform? What about malpractice actions?

Dr. Paul Ashley, president of the South Cook County Health Care Planning Association, would like to train his own helpers, right in his own office, and give them a lot of leeway. "I'm willing to take responsibility for my aides," he saids. "Ideally, if the law and malpractice insurance permitted, they could do all sorts of things that only I am allowed to do now: skin biopsies, electronic removal of moles, suturing of minor wounds that are not cosmetic, aspiration of breast cysts, etc."

Dr. Ashley would even let his aides do routine physical exams. The trick would be for them to know when to stop and call in the doctor—where there is a fast pulse, shortness of breath, abdominal pain, a lump in the breast, etc. The doctor says that perhaps a computer could be used for history-taking; this would automatically call the doctor's attention to dangerous symptons. In fact, computers are already doing this, but in limited numbers.

A kindly man, who looks like a movie version of a country doctor, Dr. Ashley is a firm believer in group practice. Fifteen percent of America's doctors now are members of groups—of these, 60 percent are in multi-specialty clinics. Dr. Ashley thinks that groups, because they are generally more efficient, are an answer to the doctor shortage. He heads a small one, with three obstetricians, two internists and two GP's. Recently, he negotiated the merger of his group and two others. The 20 doctors in the combined group, he hopes, will operate a nursing home, a shelter for released mental patients and an extended-care facility. Good facilities will help attract new doctors, but he wants to do more.

"It used to be you could attract a doctor by saying, 'We'll give you a chance to treat a lot of sick people.' Nonsense! Doctors want a six-week vacation, $50,000 a year, profit-sharing, free medical care and hospitalization, free malpractice insurance. . . ." Dr. Ashley says his new group will provide all that.

Next door to Park Forest, a new town called Park Forest South is rising from the cornfields. Eventually, 100,000 people will live there. Its planners hope to build a 220-bed hospital that would be staffed by a group of prepaid physicians. Most of them will come from the Illinois Central Hospital in Chicago, a facility that was started by the railroad and still treats many railroad workers and their families, as well as many Chicago people. If the project materializes, the Chicago facility will close down, and many neighborhood people will have no place to get treatment. And in Park Forest South, the medical group, even if expanded, will do no more than offset the population—if that.

What is needed, says Hiram Sibley, executive director of the Hospital Planning Council for Metropolitan Chicago, "is to enroll everybody in America in a national health-insurance program of some sort. This will attract doctors to poorer areas." He urges the public "to work with sympathetic doctors to develop group practice. The community by itself can't attract doctors—only doctors can." For rural areas, he envisions small groups in major shopping towns, tied to large group clinics in medium-sized cities.

Dr. Walter C. Bornemeier, outgoing president of the AMA, thinks the shortage of doctors and their maldistribution will soon be a thing of the past. He says the AMA was right in curtailing the number of doctors years ago "because I knew doctors then who were actually on relief." Nowadays, he says, the AMA is in the forefront when it comes to seeking increased numbers of physicians.

"The solution is coming," predicts Dr. Bornemeier, perhaps a bit optimistically. "The law of supply and demand will assert itself. As excessive numbers of doctors pile up in some areas, competition will force them to the places that need them. It will all be over by 1980."

Dr. Bornemeier says other changes will help: more group practice, national health insurance enabling persons to afford medical care and, perhaps, office apprenticeships for finishing interns that will attract doctors to places they are needed.

Dr. Driscoll, of my local medical society, also believes that the physician shortage is temporary. He notes that new medical schools are opening in Illinois and that the University of Illinois, the largest of our five present medical schools, is in the process of doubling its graduating class to 450 a year.

I am not so confident. Traditionally, 50 to 60 percent of our state's graduates have left Illinois. Wouldn't we just be training more doctors for places like California? Its eight medical schools don't even produce enough doctors to replace those who die in the state. It imports doctors from Chicago. "No matter how many more doctors we produce," says Pierre de Vise, "the shortages will continue to exist where they exist now because the doctors will continue to settle where they settle now."

How do you find a doctor if you live in a medical desert? I asked this question of a number of physicians. One way that sometimes works is to make an appointment for a physical examination while you're still well—the doctor may then accept you as a patient. Another way, and I know it sounds cynical, is to move away from where the doctors aren't: small towns, black ghettos and blue-collar neighborhoods. Follow the doctors!

ECONOMY AND ENVIRONMENT

Mr. JACKSON. Mr. President, on April 28, Mr. Lowry Wyatt, senior vice president of Weyerhaeuser, delivered an important address at Washington State College. The speech, entitled "Economy and Environment," has been reprinted in the June 1, 1971, issue of Vital Speeches of the Day.

I commend this thoughtful speech to Senators and ask unanimous consent that it be printed in the Record.

There being no objection, the speech was ordered to be printed in the Record, as follows:

Economy and Environment—The Need for Integrity

(By Lowry Wyatt)

The "environmentalist movement," which I have been asked to view today, is a modern phenomenon—an issue which, like no other, has quickly caught the attention of the public. It may be the healthiest influence for the good of the country in our history.

On the other hand, it has the potential to destroy much of the social progress which the nation has made in the past few decades.

And, today, there are definite signs in many parts of the country that the movement is in imminent danger of falling flat on its face.

As one "industrialist," I will say right now that that must not be allowed to happen.

One of the great men of America's twentieth century died last month in Nigeria. He did, probably, more than any other man to bring millions of members of America's minority groups into the mainstream of American life. He was that rarity, a successful revolutionary who quietly, bit by bit achieved the major objectives of his revolution. Perhaps because he was successful, he was scorned by many less effective leaders as an "Uncle Tom." He didn't let it stop him, but said simply: "It isn't a question of moderate versus militant, but of responsibility versus irresponsibility, sanity versus insanity, effectiveness versus ineffectiveness. . . There is no such thing as a moderate in the civil rights movement. The difference is whether or not one is all rhetoric."

Rhetoric is not only easier than effective problem solving; it for many is much more emotionally satisfying and it demands little research. In any mass movement, the label of "Uncle Tom" is both bitter and damaging. It takes a great deal of dedication, and considerable courage, to continue working toward solutions in the face of such a charge.

All of which is a round-about way of saying that the environmental movement today is in critical need of some Whitney Youngs. The movement today has quite enough problem identifiers; its soap boxes already are crowded, and the rhetoric has become an art form. The problem solvers are there, too, but, all too often, they are the subjects of the movement's most bitter attacks. It seems that they lack purity. Since the problems are in the "system," they quite logically feel that the solutions must either come from within it, or be imposed upon it. This requires working in context with the "system," and, today, that often is cause enough for the label of "Uncle Tom."

I have referred here several times to the civil rights and social progress concerns of the nation. This has not been accidental analogy. As we shall see, in my view, the environmental movement cannot be divorced from these concerns. In fact, the potential seeds of the movement's destruction are precisely in this area, and it is the responsibility of everyone interested in improving the environment to see to it that these seeds do not flower. And that effort, unpalatable as it may seem, will involve re-learning the arts of listening and of compromise.

It has been said that logic and justice go out the window when emotion comes in the door. Obviously, emotion cannot be removed from a movement such as this. But, that emotion can become the driving force behind the movement, while a real attempt can be made to instill logic into its arguments, and justice into its proposals. Today, many of the solutions being proposed—including some of those most widely accepted by the media—are both illogical and eminently unjust. If some of these trends in the movement continue, environmentalism will become the province solely of the professional elements of the upper middle class, and the game will be lost.

The stakes are too great to allow environmentalism to become an elitist hobby or an upper middle class sect. But, in some areas of the nation—including the ones in which I happen to live—just that is happening, with startling rapidity.

People who work in industry are just that—people. In those areas of their own lives where they don't know the science or the facts involved, they are just as concerned, and just as easily influenced by rhetoric, as anyone else. The problem comes when the rhetoric touches those areas in which they *are* knowledgeable. As Drucker has said, the problem eventually with total propaganda is not in false motivation—it is in the creation of total cynicism.

A year ago, the Seattle area was in the vanguard of the environmentalist movement. Its news media were totally committed. Washington's legislature passed more than 30 environmental bills quickly, with hardly an argument being raised, and, fortunately, most of those bills were soundly conceived.

The legislature has been back in session for two months now. A horde of environmental bills were placed before it. Virtually none were passed. Few made it out of committee. And, the legislature now, as a year ago, was reflecting the electorate's mood.

Editorials in the press thunder against environmental movement leaders who were sacrosanct a year ago. Bitter cartoons mock the environmental movement. Environmentalism is the butt of malicious humor at cocktail parties and in working class taverns throughout the region.

What happened?

The SST.

While 40 per cent of Washington's total economy depends upon the forest products industry, Seattle's economy is at least that dependent upon aerospace. It is a city which knows its aerospace technology. On almost every block, there lives someone who has a degree of knowledgeability about the SST, and about the *facts* of its environmental dangers.

Whether or not the SST makes good sense, economically or environmentally, is beside the point here. The point is that the environmental movement, in its campaign against the project, played fast and loose with the facts, and let emotion totally overcome rationality. The rhetoric may have been perfectly sincere, the pertinent facts simply overlooked or considered irrelevant. But, that in itself is irrelevant. What is relevant is that hundreds of thousands of people by now have become convinced that environmental leaders whom they previously had respected, have been *lying* to them, about them, and about an issue crucial to their living standard or even economic survival.

The result has been natural. The SST issue is not viewed alone. The credibility of the entire environmental movement has been lost, and each of its causes now is viewed with growing skepticism.

This is the warning that Senator Jackson attempted several weeks ago to give the movement—a warning that was viewed, not in the context of sincere concern on the part of a man who has brought about some of the most productive environmental legislation of this century, but rather as a traitorous attack. Jackson was warning some environmental leaders that their self-intoxication was leading environmentalism inevitably to its Gotterdammerung. They responded to the warning precisely as the intoxicated usually do.

If the Seattle situation were an aberration, an isolated incident, it would not be important. But it is not. It is a symptom, a warning. In the state of Washington, the city of Port Angeles is in a very similar mood over another such environmental issue; similar incidents are occurring all over the nation, and they are nibbling environmentalism to death.

So, what if the environmental movement loses its credibility, and with it its press and governmental support? What if it alienates itself from the poor, the black, the blue-collar worker, the technician, the housewife and the elementary school teacher? So what if the individual and industry are permitted to relax, to place environment ever lower on their lists of priorities?

Is this not what industry really wants?

It should not be, and I do not believe that it is.

The company for which I work is investing more than $50 million per year in programs which will bring no benefit in this century. These investments are predicated totally upon the *health* of American society in the 2000s.

A loss of credibility by environmentalism, as a movement, will not make the very real environmental problems of the United States disappear, and it may lead to an attitude of resignation about them.

Yet, if the real and crucial problems are not properly identified and researched, and if just solutions are not found, and quickly—we will have a very sick society indeed a decade or two from now.

Environment simply is too big an issue to be left solely in the hands of industrialists. It is too big an issue to be left in the hands of bureaucrats. It is too big an issue to be left in the hands of technologists. And, it most assurdly is too big an issue to be left in the hands of the arts and humanities, or in the hands of any one economic class. It is an effort which requires commitment throughout society. Commitment requires credibility. Credibility requires not only research and fact, but also a sense of understanding and justice toward all groups in society, and the applied use of logic.

There are, I realize, some within industry who express the attitude that "if they'd just let us alone for awhile, we could take care of our own problems quickly." This is a nice thought, but it wouldn't happen—and not because of lack of commitment or concern. It wouldn't happen simply because, in many areas, environmental protection is expensive. Its price must go into the cost of the product . . . and that product must compete with products manufactured by other producers. So, without standards, any industry is theoretically at the competitive mercy of its worst environmental performers, in the short-term at least.

In the long-term, the opposite often is true. The fact that my company's founders determined to hold on to their lands and to keep timber harvest within sustainable limits 71 years ago has provided us with a timber supply today which gives us tremendous competitive advantages. It also helps provide the cash flow for environmental performance. But, society cannot wait for the long-term, now, nor can it repeal history.

So, it is in industry's real interest today that the environmental movement be kept alive, that it improve its credibility, and that it expand its allegiances outside the campuses, and outside the upper middle clasess, to encompass all of society.

This will not be an easy task. In industry, we often criticize the "nuts" of the environmental movement. We tend to regard some of the more moss-backed in our ranks, however, as being merely "overly zealous." We have to recognize that the only essential difference between a "nut" and a "zealot" is one of perspective. One who overstates an issue in opposition to ours is a "nut." One who overstates our own issue is a "zealot." Both are equally dangerous to environmental solutions.

Rhetoric in environmental issues has in the past made its hazards clear. The practice of forest conservation in the United States was set back by more than a generation by one incident of rhetoric, an extemporaneous speech which resulted when a man who is justly one of our environmental heroes decided to play to the press gallery rather than to put the final touches on a problem virtually solved. Fortunately, there were no television cameras in 1905, or we'd probably be in even worse shape today.

In 1905, there was substantial agreement both in government and in the thoughtful leadership of the forest products industry that the frontier had ended. There was agreement that the pioneer tax laws—some states have yet to repeal them—which penalized reforestation or even the holding of cut-over lands, had to be changed. Rather than new farms and urban areas, the forest, it was agreed, had to become important. Timber harvests would have to be regulated, and fire protection and reforestation programs would have to be launched, with both private industry and government playing a role.

To this end, a forestry conference was called in Washington in 1905. The extent of the problem, and the difficulty of the solution, was recognized by those attending. F. E Weyerhaeuser told the conference that "only by tremendous effort can the lumberman himself, the legislator, and the voter be made to realize the importance and its possibilities." He had good reason to feel, however, that that effort was about to begin.

The organizer of the conference, Gifford Pinchot, had already shown him a text of the speech that Theodore Roosevelt intended to deliver. It was a strong bid for government-industry cooperation in definite conservation programs which, he said, would mean "the difference between mere agitation and *actual execution*."

Teddy didn't give that speech. He went to the podium, and looked out, not at his audience, but at the assembled press gallery. The leaders of a major industry were before him They were there to find solutions to a resource problem which had its origins in pioneer public policy—a policy which regarded forests as a barrier to settlement, and a barrier that had to be removed. They had been working with members of Roosevelt's administration for days to attempt to formulate the basic points which could overturn that philosophy and be translated into landmark conservation legislation.

However, they were there.

There always has been a certain amount of politics to environmentalism, and politics and drama are closely allied arts. There is political drama in a show of "courageous integrity" in the face of what can be pictured as power. There is political drama in the identification of evil, and the denunciation thereof, particularly in a setting of personal confrontation. Teddy couldn't resist.

His prepared talk, and with it the chance for legislation, was swept off the podium, and, extemporaneously, the famed "Timber Barons" speech began. His audience—which again I remind you, had gathered to discuss federal-industry conservation and reforestation legislation—was identified not only as consisting of "timber barons," but also of "skinners of the land" and "despoilers of the national heritage."

The phrases still echo. It was good press, and effective propaganda. Its effect was to set back the cause of private forestry by 30 years, and to prevent, perhaps for all time, a joint federal-private forestry effort.

Two years before that speech, Weyerhaeuser Company had signed an experimental agreement with what is now the Forest Service, in which the company not only agreed to place the planning and regulation of harvest and reforestation on its lands under federal control, but actually paid for the privilege of doing so. It was the sort of agreement which depends entirely on mutual trust, shared objectives, and mutual understanding. After the Roosevelt speech, the continuance of that agreement was unthinkable. It would be unthinkable today, not because of lingering animosity, but because, in the intervening years we were forced to develop our own expertise, which we feel today to be far superior to that which government could offer.

But, at any rate, the problem was ripe for solution in 1905, and, with joint effort, that solution was possible then. The rhetoric of self-intoxication delayed that solution in the private sector until 1941, and the ultimate solution in the public sector is still bogged in controversy. It took highly effective rhetoric to bring about that result.

While rhetoric which keeps the problem alive, and the occasion for rhetoric therefore continuous, is satisfying emotionally, we cannot afford it today. We simply don't have 36 years this time to engage in verbal self-gratification while the solutions are delayed.

Stuart Chase, earlier this year in a *Saturday Review* article, did a rather incredible thing. He held the forest products industry out as *the* prime American example of sound resource use philosophy. He pointed out that timber not only was a potentially renewable resource, but that it was in fact being renewed—recycled continually, if you will—and that it was not only being renewed, but increased through resource management.

It is a hopeful sign that he has not yet been publicly vilified, that he seemingly has not had to give up his environmentalist credentials. He approached our environmental problems with a clear head and eye, and therefore was able to make some constructive suggestions.

Within the past few months, however, many other certified environmentalists have turned away from reality, and have stepped up the attack, slaying mythical dragons to the applause of the faithful.

Our industry has watched this process with something akin to resignation; things haven't changed much since 1905:

When the tree is harvested, that part of the forest is gone forever.

Old growth timber has been living since timber began.

Clearcutting patches in the forest disrupts the ecology.

Timber harvests destroys wildlife.

The national forests should be kept sacrosanct; they have never heard the whine of the chainsaw, and they never should.

Recycling a ton of paper saves 17 trees.

Cutting the mature forest endangers oxygen supply.

Wood-based materials should be replaced with other materials, which have less environmental impact.

These are comments which have been not at all unusual recently. Some have appeared in prestigious journals, occasionally under the bylines of noted environmentalists. They have commonality. All of them are completely untrue. Several of them, in fact, are 180 degrees from reality.

More than 1.5 million people work in the forest products industry. There probably are about 6 million people in their immediate families. Conservatively, there may be 60 million people on their periphery, close enough to discuss such things with them.

In other words, nearly one-third of the people in the United States are in a position to know that certain spokesmen for the environmental movement don't know what they are talking about, in connection with this one industry. The majority of this one-third, of course, is concentrated in the middle and lower classes, and much of it is concentrated away from the major urban centers. It is a segment of the population which generally receives communications, rather than gives them, and it usually receives them after media filtration of the thoughts expressed in the avante-garde journals, which in turn often have filtered thoughts originating on the major campuses. It is, nevertheless, a segment of the population with a certain amount of integrity, with a certain commitment to societal objectives, and it is a population segment which votes. And, it has been delivered a message. That message comes through to them as "the environmental movement is so much hogwash; it doesn't know what it is talking about—but it threatens my security."

Add to this aerospace. Add to this the electric power industry. Add to this the oil industry. Add to this agriculture. Add to this the dweller of the urban ghetto, who thinks he sees the white upper middle class deserting its essential alliance with him, and diverting its efforts toward the protection of its own environmental values. There are environmental problems in aerospace, in forest products, in the electric power industry, in oil, coal, and agriculture—and in the cities. These problems must be identified, and the solutions must be found. But, this identification must be exact, the information must be correct, and the current state of the problem, not the historical nadir, must be examined. In other words, the rhetoric must be truthful. And it can be truthful only if it is informed.

And, the solution proposed can be acceptable only if it is just. If it is to be just, it must take into account the valid economic aspirations of the American people—those nearly 30 million people still below the official poverty level, those in the blue-collar and service segments, those racial and ethnic groups who have finally, after decades or centuries of striving, finally begun to achieve middle class status, or are struggling to maintain it.

So, credibility is a major problem, one which is already beginning to lessen the effectiveness of the environmental movement.

Justice is the fatal problem, and the currently popular adoption of "Zero Growth" as a movement objective most assuredly will provide the coup de grace. For, "Zero Growth" is a thoroughly unjust, and totally elitist, philosophy.

For that reason, its support comes almost wholly from the upper middle class—not because the upper middle class is inherently unjust, but because it often seems congentially unaware. It talks much about The People—but it has seldom met one. When such a meeting does chance to occur, the results are often catastrophic. Unusually, the problem is resolved by a unilateral decision that the person was not, actually, a People after all.

If zero economic growth, and environmental correction, are to be dual objectives of the environmental movement, the movement should at the least be aware of the implications. Those proposing it are willing to make some personal sacrifices, to be sure. But they are proposing not inconvenience but utter disaster for the least fortunate in our society.

Environmental improvement requires money—vast sums of money, if the problems are to be met. Money is a finite resource, although, like timber, it is capable of growth, resulting from economic expansion. A dollar, in order words, represents a fractional share of the nation's total economic resources. If those resources do not grow, neither does the money available to meet society's needs.

Unless the economy grows, in other words, there will be no *extra* funds to meet the needs of environmental improvement, much less the needs of the cities or the needs of the poor and striving. So, with Zero Growth, the problem becomes one of financing environmental programs. If they are given first priority, the money simply has to be taken from other programs. Some can come from defense, but not enough. Most will have to come from governmental social programs, and from the individual's pocket. And, there still are millions of Americans so close to the personal survival line that they cannot withstand such a double assault on their security.

Industry, in a Zero Growth situation, will. to survive, have to turn increasingly to automation, to reduce its labor content. The ranks of the jobless, also swelled naturally, even with mandatory population control, annually for the next 80 years, will become an army—probably, quite literally an army.

And, most important of all, the aspirations of all of the lower income groups will have been thwarted. Economic expansion provides the mobility between classes. Without it, the lines set. Those who are comfortable now may suffer some minor inconveniences, but they will remain at the top of the heap. Those on the lower economic rungs will have been told, loud and clear: "I've got mine, buddy. Too bad about you." This is a truly revolutionary message; rather, it is the type of message which calls for revolution.

Whether the economy is a public-private mix, as ours is now; whether it is statist, socialist, theocratic, capitalist, or is operated by local people's communes—it matters not a whit. The total impact of Zero Growth upon society would be exactly the same.

Ah, but couldn't redistribution solve the problem?

There are numerous statistical studies available, originating from all points of view. The question of incentives completely aside, the answer is always the same. The only effect would be to group us all into what NBC recently called the "lives of desperation" of the lower middle class, with the hope of exit removed.

Zero Growth is not a solution. It is a barrier to environmental improvement, not only in its proposed solution, but in the mere fact of its voicing. It is the simplistic answer of the well-fixed dilettante. It is a piece of shoddy merchandise which just won't sell, and it endangers the reputation of the whole environmental shop. And, again, it is a reactionary and unjust solution. It was tried once before in Western history, and the social system adjusted to it. The system was called feudalism, and its heyday is called the "Dark Ages." The elite appeared to enjoy it, even though they had to give up central heating.

At the beginning of this talk, I said that the environmental movement was one of the most hopeful developments in American history. It is perhaps too early to use the very "was," but the last chance is upon us.

It was, or is, hopeful because it holds the promise of uniting a disparate people in a common objective, because, for almost the first time it permitted almost everyone to develop an emotional commitment to community responsibility. Then, the people in the big houses on the hill began to kick their neighbors in the teeth, all in the name of the environment. They told lies, not because they wanted to lie, but because they were afraid to grub around in the dirt to ferret out the truth, or because their experience was too limited to recognize it. Some of the less fortunate members of the community, in the face of such treatment, lost interest almost immediately.

But, others had achieved a new awareness, and began to realize that even though some of the leaders might be wrong, the basic cause was right.

This, I think, is where we are today. The environmental movement can be maintained, there is a greater awareness, and broader potential support than ever before.

Some have become cynics, and they will be hard to reach again. Both must have only become mildly skeptical. They are willing to move—but they must now be reconvinced.

This means that those who would lead the movement must first prepare themselves with research and fact. It means that they must arrive at some understanding of the hopes, fears, and aspirations of the great majority of the American people, must recognize their essential integrity, and must realize that economics is not a dirty word, but a tool for survival. It means that they must lead with rhetoric which may be emotional, but cannot be irrational. It means they must seek out solutions based on factual situations, nor upon myth. It means that there must be recognition that simplistic catchwords are not enough, and that cooperative efforts are needed to solve exceedingly complex problems.

It means that priorities must be set, and timetables agreed upon. It means that all of society's needs must be considered, and the costs, both to the individual and society, honestly calculated—and the programs honestly sold. It means that the leaders must be willing to work, not merely willing to find scapegoats and to lead mock attacks upon them.

If such leaders can arise, and arise quickly, environmentalism can become a continuing major force in our society.

If they cannot—it's back to beer and the TV set, while the sky outside gradually darkens.

ADMIRAL AND FORMER SENATOR THOMAS HART

Mr. WEICKER. Mr. President, Adm. Thomas Hart once remarked of the Spanish American War that—the days of chivalry had not ended. His entire life gives testimony to the fact that the era of the great citizen-soldier has not ended either.

In a career that spanned six decades, Admiral Hart demonstrated time and again an unabating desire to serve his Nation and its people.

From the very start, first in the Naval Academy's entrance exam, and then graduating 13th in his class, Thomas Hart seemed marked for success.

In war, on the battleship *Massachusetts* in the war against Spain and as a submarine commander in World War I, Admiral Hart proved himself a capable, dedicated officer.

In peace, as instructor at the Naval Academy, and later its commandant, Admiral Hart molded young minds to the capable service of their country.

Above all else, it was strength of character that set Thomas Hart apart. Perceiving Japanese buildup in late 1941, he ordered the heavy warships under his command to Australia. His fears proven justified, he arranged the successful naval evacuation of the Philippines. Later in the war, he commanded American naval forces in the battle of Macassar Strait, in which nearly 40 Japanese ships were destroyed.

Admiral Hart's distinguished career of national service closed with his appointment to the U.S. Senate in 1945. He served his Nation and his State of Connecticut in that capacity until his retirement on November 5, 1946.

On Thursday, July 8, the body of Adm. Thomas Hart was laid to rest at Arlington National Cemetery. Thomas Hart is now a part of our Nation's past. And one could wish no better for America, than that men of his kind be a part of our Nation's future.

THE CONVENTION ON POLITICAL RIGHTS FOR WOMEN

Mr. PROXMIRE. Mr. President, one of the United Nations Human Rights Conventions provides for equal political rights for women. This modest document deserves the attention of the Senate, and I speak today to expound the merits of its ratification.

The Convention on the Political Rights of Women contains three fundamental political rights for women: the right to vote in all elections, the right to be eligible for election to public policymaking organizations, and the right to hold all political offices and to exercise public functions.

Not one of these three principles poses any challenge either to our legal system or to our traditions and culture. As Dean Rusk said in a letter to President Kennedy advocating the treaty's ratification:

> No substantive legal questions are involved in the United States becoming a party to this convention. Article I, relating to the right of women to vote, merely reflects the principle established by the 19th Amendment to the Constitution of the United States. . . . The eligibility of women to be elected and to be appointed to public office established by national law in the United States has long been recognized in law and practice.

As we read in the media every day, women in the Nation are reexamining their place in society and are demanding that they be counted man's equals in various walks of national life. Our ratification of the Women's Rights Convention would affirm our commitment to the goal of equality for all humankind.

Those who are impatient with us proclaim, as did the Washington organization, Women United, that discrimination against women is one of the greatest hypocracies of our Western democracy. Mr. President, I would suggest that we must close the gap between the ideals expressed since this Nation's inception and the actual practices we see in our society today. We must show these nations around the world that have already signed this worthy convention that we have accepted women as political equals, and that we have rejected any medieval superstitions about the inability of women to determine their own political futures. We must show the world, by the ratification of this modest but historically significant convention, that we as a nation, men and women alike, stand united to defend our freedoms and to cherish the ideals upon which those freedoms are founded.

LEAD PAINT POISONING

Mr. SCHWEIKER. Mr. President, I invite the attention of Senators to the serious need for adequate funds for the Lead Paint Poisoning Prevention Act, Public Law 91–695. Following is the text of my statement before the House Appropriations Subcommittee for the Departments of Labor and Health, Education, and Welfare on this matter. A Health Education, and Welfare analysis of the dimensions of the lead-paint problem reports that annually up to 400,000 children contact the disease and 200 die each year. Over 12,000 children are treated yearly. The cost of hospital treatment in an uncomplicated case is between $1,000 and $2,000.

Up to 8,000 children suffer some degree of mental retardation each year because of this disease. Medical and educational costs for life for moderately retarded children are about $11,000. For severely retarded children, the costs for life are $250,000 for each child. Thus, if only 60 children were prevented from contracting severe mental retardation by this disease, the entire $15 million which I am requesting for this program would be saved. Nearly 1,000 children a year who contract the disease will potentially receive severe permanent brain damage or physical handicaps.

I am hopeful that Congress will recognize the need to act quickly to provide sufficient funds to put an end to this totally preventable disease.

I ask unanimous consent that the text of my statement and supporting statistics be printed in the RECORD.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

STATEMENT OF SENATOR RICHARD S. SCHWEIKER ON LEAD-BASED PAINT POISONING PREVENTION

Mr. Chairman, distinguished members of this subcommittee, I appreciate having the opportunity to address you today as you consider the appropriations for the 1972 budget request of the Department of Health, Education and Welfare. Specifically, I am deeply concerned that the Lead-Based Paint Poisohing Prevention Act, P.L. 91–695, which was enacted into law on January 13, 1971, be adequately funded. Congress has authorized $30 million for this 2 year program to eliminate the causes of lead-based paint poisoning and to treat those who have already been hurt by ingestion of the paint particles.

This program was to be in force for part of fiscal year 1971 and for the whole of fiscal year 1972. $10 million was authorized for FY 1971 and $20 million for FY 1972. Yet to date, only minimal funds, well under $500,000 have been appropriated for the implementation of this urgently needed program.

Lead paint poisoning, a preventable disease, has remained until recent years a low priority in most of our urban health departments. The result has meant that countless numbers of children residing in "lead-belts" primarily in Puerto Rican and black communities have been afflicted with a disease which should have never occurred.

The disease, according to Jane S. Lin-Fu, in an article entitled "Childhood Lead Poisoning" published in Children and reprinted by the Department of Health, Education and Welfare, occurs most frequently among children residing in housing units constructed prior to World War II, although it can occur in any dwellings where lead-based paint has been used. Children will commonly put items such as paper, pieces of plaster, woodwork and other similar items in their mouths, and swallow them. This is particularly true in dilapidated housing where these substances are common and children suffer from a disease called pica, in which a child has a perverted appetite for non-food items.

Repeated ingestion of these lead-painted substances can lead to mental retardation, cerebral palsy, optic atrophy and impairment of intellectual ability. Tragically, it can, and does result in death for many children. The most common victims of this disease are children between the ages of one and six. The article by Jane Lin-Fu-indicates that within this age range, children between the ages of one and three comprise 80–90% of the cases. Additionally, and perhaps most tragically, over 50% of all deaths from lead poisoning occur in two-year olds.

Mr. Chairman, I ask you to amend the HEW budget request for fiscal year 1972 which your subcommittee is considering to include the appropriation of at least $15 million for the funding of the Lead-Based Paint Poisoning Prevention Act. This funding level would be well within the amounts authorized by the Congress for fiscal year 1972, and would enable the federal government to begin to assist local governments in actively carrying out the intent of this program.

Mr. Chairman, the victims of lead-based paint poisoning are almost invariably children. The Department of Health, Education and Welfare has estimated that 200 children are dying every year as a consequence of ingesting particles of lead-based paint. Another 400,000 children a year become severely ill, many suffering irreparable brain damage, because the lead-based paint has not been removed from the interiors of their houses.

Many of the small children who are affected by the lead paint can be helped if their condition is promptly diagnosed and treated. Of course, the treatment accomplishes little if the children are again confronted by lead paint when they return to their homes from having received medical attention.

Mr. Chairman, the funds which are expended to remove the causes of lead-based paint poisoning and to treat those who are afflicted by it could soon be recouped by the saving which would subsequently accrue from a reduction in the expenditures for medical treatment of this disease. Couple this with the very real benefits which can be obtained by ending for all time the loss of human resources and the psychological damage of the death and suffering inflicted by this totally preventable disease, and I believe we have a compelling and economic argument for adequate funding of this program.

I appreciate your consideration of my testimony concerning this urgent situation.

ESTIMATION OF CHILDHOOD LEAD POISONING IN UNITED STATES—1971

APRIL 1971.

(NOTE.—Lead poisoning is not an officially reportable disease in the majority of U.S. cities and states and therefore the following figures are only estimates.

The definition of a "case" is a very poorly defined area (some cities use elevations above 60 μgm) and the most important aspect is that these are at-risk children with elevated lead burdens, that may result in symptomatic lead poisoning with just a minor illness or the onset of spring and summer.)

Deaths—200/year.

Cases—250,000–400,000 Potential per year (including elevations above 40 ugm Pb/100ml whole blood and subclinical effects).

Treated—12,000–16,000/year.

Cost for hospital treatment of an uncomplicated case of lead poisoning—$1,000–$2,000.

Elevated blood-lead levels (above 40 ugm) without symptoms—5–10% in screening studies of high-risk children (up to 45% reported).

Symptomatic Lead Poisoning—1–5% of children with elevated blood lead.

Encephalopathy—5% of those with symptomatic lead poisoning (higher where index of suspicion is low).

Permanent Brain Damage—25%–40% of those with encephalopathy (brain swelling).

Potential Handicaps—Up to 50% of cases with encephalopathy have some degree of residual physical handicaps.

Mental Retardation—6,000–8,000/year (varying from "slow learners" to those institutionalized).

Medical and Educational costs for life of moderate retarded—$11,000.

Medical and educational costs for life of severely retarded—$200,000–$250,000.

Cost of rehabilitating housing unit containing lead-based paint—$400–$1,500/unit (depending on the type of repair and locality).

Lead poisoning—accounts for only 5% of all accidental preschool childhood poisonings.

Lead poisoning—accounts for as many as 70% of all preschool childhood deaths of ingestion.

High-risk Housing (built prior to WWII)—30 million housing units. (6 million dilapidated).

Amount of lead required—A child eating a few small leaded paint chips a day (the size of an adult's thumbnail) for about 3 months or longer can develop clinical symptoms of lead poisoning.

ROGER S. CHALLOP, M.D.,
Pediatric Consultant, U.S.P.H.S., BCEM.

WE MUST ENCOURAGE BOAT SAFETY

Mr. McINTYRE. Mr. President, I wish to commend my distinguished colleague from New Hampshire (Mr. COTTON) and other Senators who have worked on the Federal Boat Safety Act of 1971, which the Senate passed on Monday. S. 696 provides a coordinated national boating safety program involving both the Federal Government and the States.

The need for this kind of comprehensive legislation has been apparent for some time. The number of persons participating in boating activities has been increasing by leaps and bounds; recreational boats in the United States increase at a rate of 4,000 per week. Along with the increasing number of boaters we face an increasing incidence of boating accidents resulting in death, injury, and property damage.

While it is true that many of these accidents are due to carelessness on the part of boaters, many of them could have been prevented by reasonable construction and equipment standards, such as minimum stability criteria, capacity plates which indicate the maximum safe load and the maximum power for the boat.

I believe that the Federal Government has an obligation to set such standards just as it had with regard to aircraft and automobile safety. Surely, no one would contest that the need is as great, in view of the proportion of people who are killed as a result of boating accidents. In the last 5 years, this figure reached an alarming 7,000.

I believe S. 696 could substantially reduce this level of fatalities. First of all, the bill would insure better and safer boats and boating equipment by requiring manufacturers to meet certain standards set by the Department of Transportation. Secondly, the bill would encourage States to develop boating safety programs by giving them financial help. Since approximately half of all fatalities occur in waters under sole State jurisdiction, State participation is essential.

So I commend Senator Cotton, who introduced the bill, and other Senators who have worked on it. I feel that they have made a valuable contribution toward the goal of affording consumers full protection against unnecessary hazards. I am confident that the Federal Boat Safety Act will be recorded as an important milestone in the consumer protection effort.

LOUIS ARMSTRONG—TRIBUTE TO SATCHMO

Mr. JAVITS. Mr. President, it is always a difficult task to explain or interpret genius, yet when Louis Armstrong died last week the world lost a genius in his field. Satchmo's humanity and his musical talent almost defy translation into the written word. The influence of innovation in the development of an art form can scarcely be overestimated. The contribution of Louis Armstrong to the field of music is clearly one of the rare examples of a great and unique artistic gift. It sought regions hitherto unexplored, and in this way Satchmo developed what became the jazz solo.

In addition to his inestimable contribution to the evolution of jazz, Satchmo, whose music was universal, was an ambassador of the first magnitude, spreading a message around the world which soared above the restrictions of language.

Mr. President, 6 years ago when I recommended that Satchmo be considered for the Presidential Medal of Freedom for his services to his country, I stated that his work was the work of an entertainer with so much humanity and so much talent that he enthralled peoples of scores of nations and all races throughout the world and he deserved the title "Ambassador Satch." For that is a measure of the good will for the United States that Louis Armstrong produced with his trumpet.

Although Satchmo is dead, his soul will live on forever in the music he created and the pleasure he gave—a gift he willed to all the peoples of the world.

I ask unanimous consent that the New York Times obituary on the life of Louis Armstrong be printed in the Record. Mrs. Javits joins me in extending to Lillian Armstrong our most sincere sympathy.

There being no objection, the article was ordered to be printed in the Record, as follows:

Louis Armstrong, Jazz Trumpeter and Singer, Dies

(By Alben Krebs)

Louis Armstrong, the celebrated jazz trumpeter and singer, died in his sleep yesterday morning at his home, 34–56 107th Street, in the Corona section of Queens. He had observed his 71st birthday Sunday.

Death was attributed to a heart attack. Mr. Armstrong had been at home since mid-June, when he was discharged from Beth Israel Medical Center after 10 weeks of treatment for heart, liver and kidney disorders. He seemed in good health during an interview June 23, in which he played his trumpet and announced his intention to return to public performances.

"I'm going back to work when my treaders get in as good shape as my chops," he said, noting that his legs were weak from his hospitalization.

President Nixon released this statement:

"Mrs. Nixon and I share the sorrow of millions of Americans at the death of Louis Armstrong. One of the architects of an American art form, a free and individual spirit, and an artist of worldwide fame, his great talents and magnificent spirit added richness and pleasure to all our lives."

Tributes to Mr. Armstrong also came from a number of leading musicians, including Duke Ellington, Gene Krupa, Benny Goodman, Al Hirt, Earl (Fatha) Hines, Tyree Glenn and Eddie Condon.

Mr. Ellington commented: "If anybody was Mr. Jazz it was Louis Armstrong. He was the epitome of jazz and always will be. He is what I call an American standard, an American original."

"He could play a trumpet like nobody else," Mr. Condon said, "then put it down and sing a song like no one else could."

Mr. Hines, who frequently said he had taken his piano style from Mr. Armstrong's trumpet style, remarked: "We were almost like brothers. I'm so heartbroken over this. The world has lost a champion."

In Washington, the State Department, noting that Mr. Armstrong had toured Africa, the Middle East and Latin America on its behalf, said:

"His memory will be enshrined in the archives of effective international communicatons. The Department of State, for which he traveled on tours to almost every corner of the globe, mourns the passing of this great American."

The entertainer's final appearance was last February, when he played a two-week engagement at the Waldorf-Astoria Hotel.

A master showman known to millions as Satchmo, Mr. Armstrong lived by a simple credo. Putting it into word a couple of years ago, he said:

"I never tried to prove nothing, just always wanted to give a good show. My life has been my music, it's always come first, but the music ain't worth nothing if you can't lay it on the public. The main thing is to live for that audience, 'cause what you're there for is to please the people."

Mr. Armstrong was first and most importantly a jazz trumpet player without peer, a virtuoso soloist who was one of the most vivid and influential forces in the development of American music.

But he was also known to delighted millions around the world for his ebulliently sand-papery singing voice, his merry mangling of the English language and his great wide grand-piano keyboard of a smile.

Jazz music, probably the only art form ever wholly originated in America, and Louis Armstrong grew up together in New Orleans. It was in a seamy slum there that Mr. Armstrong learned to love and play jazz in the company of gamblers, pimps and prostitutes.

But in time he was to play his trumpet and sing in command performances before royalty and, through his numerous worldwide tours, to become known unofficially as "America's ambassador of good will."

RECOGNIZED FOR ROLE

Jazz experts, even the purists who criticized Mr. Armstrong for his mugging and showmanship, more often than not agreed that it was he, more than any other individual, who took the raw, gutsy Negro folk music of the New Orleans funeral parades and honky-tonks and built it into a unique art form.

Over the years, his life and his artistry changed radically. He left New Orleans for Chicago in the early nineteen-twenties, when he was still playing the cornet, and before 1930 made some of his most memorable recordings—with his Hot Five or Hot Seven groups.

Mr. Armstrong won his initial fame playing an endless grind of one-night stands. Under constant pressure to put on a show that made the customers tap their feet and cry for more, he did not hesitate to exploit a remarkable flair for showmanship. His mugging, his wisecracking and most of all his willingness to constantly repeat programs that had gone over well in the past won him the cheers of his audiences, along with the disapproving clucks of some of his fellow musicians and jazz specialists.

The criticism that he no longer improvised enough, innovated enough, mattered little to Mr. Armstrong. He dismissed the more "progressive" jazz approved of by some leading critics as "jujitsu music."

He did not mind being called "commercial" because he followed popular music trends, and he deliberately introduced into his repertory crowd-pleasers such as "Mack the Knife" and "Hello, Dolly!," which put his recordings on the best-seller charts when he was in his 60's.

LIKE "SANDPAPER CALLING"

As his ability to play his horn exceptionally well waned with the years, Mr. Armstrong supplanted his trumpet solos with his singing voice. An almost phenomenal instrument in its own right, it has been compared to iron filings and to "a piece of sandpaper calling to its mate."

Just watching an Armstrong performance could be an exhilarating experience. The man radiated a jollity that was infectious. On stage he would bend back his stocky frame, point his trumpet to the heavens and joyfully blast out high C's. When he sang he fairly bubbled with pleasure. And as he swabbed away at the perspiration stirred up by his performing exertions, Satchmo grinned his famous toothy smile . . .

LEFT WITH GRANDMOTHER

Mr. Armstrong's father, Willie Armstrong, who stoked furnaces in a turpentine factory left Mrs. Armstrong when the boy was an infant. Leaving the child with his paternal grandmother, Mrs. Armstrong went to live in the Perdido-Liberty Street area, which was lined with prostitutes' cribs.

"Whether my mother did any hustling I can't say," Mr. Armstrong said. "If she did, she kept it out of my sight."

However, Louis, who rejoined his mother when he was 6 years old, recalled that for many years afterward there was always a "stepfather" on the premises and that before his mother "got religion and gave up men" around 1915, "I couldn't keep track of the stepdaddies, there must have been a dozen or so, 'cause all I had to do was turn my back and a new pappy would appear." Some of them, he added, "liked to beat on little Louis."

However, Mr. Armstrong was always intensely fond of his mother, and he cared for her until her death in the early nineteen-forties.

Dippermouth, as he was called as a child, and his friends often sang for pennies on the streets. To help support his mother and a sister, Barbara, Louis delivered coal to prostitutes' cribs and sold food plucked from hotel garbage cans.

The night of Dec. 31, 1913, Louis celebrated the New Year by running out on the street and firing a .38-caliber pistol that belonged to one of his "stepfathers." He was arrested and sent to the Colored Waifs Home for Boys.

"Pops, it sure was the greatest thing that ever happened to me," Mr. Armstrong said. "Me and music got married at the home."

PLAYED IN HOME'S BAND

Peter Davis, an instructor at the home, taught Louis to play the bugle and the cornet. Soon the boy became a member of the home's brass band, which played at socials, picnics and funerals for a small fee. Louis was in the fifth grade when he was released from the home after spending 18 months there. He had no other formal education.

The youth worked as a junkman and sold coal, while grabbing every chance he could to play cornet in honky-tonk bands. The great jazz cornetist Joe (King) Oliver befriended him, gave him a cornet and tutored him.

"I was foolin' around with some tough ones," Mr. Armstrong recalled in 1969. "Get paid a little money, and a beeline for one of them gambling houses. Two hours, man, and I was a broke cat, broker than the Ten Commandments. Needed money so bad I even tried pimping, but my first client got jealous of me and we got to fussing about it and she stabbed me in the shoulder. Them was wild times."

In 1918, Mr. Armstrong married a 21-year-old prostitute named Daisy Parker. Since Daisy "wouldn't give up her line of work," Mr. Armstrong said, the marriage was both stormy and short-lived.

The same year he was married, Mr. Armstrong joined the Kid Ory band, replacing King Oliver, who had moved to Chicago. In the next three years he marched with Papa Celestin's brass band and worked on the riverboat Sidney with Fate Marable's band. Dave Jones, a mellophone player with the Marable band, gave him his first lessons in reading music.

FAME WAS SPREADING

By then Mr. Armstrong's fame was spreading among New Orleans musicians, many of whom were moving to Chicago. In 1922 King Oliver sent for his protégé. Mr. Armstrong became second cornetist in Mr. Oliver's by then famous Creole Jazz Band. The two-cornet team had one of the most formidably brilliant attacks ever heard in a jazz group. Mr. Armstrong's first recordings were made with the Oliver band in 1923.

The pianist in the band was Lilian Hardin, whom Mr. Armstrong married in 1924. Miss Hardin had had training as a classical musician, and she gave him some formal musical education.

Mrs. Armstrong, convinced that as long as her husband stayed in the Oliver band he would remain in the shadow of his popular mentor, persuaded him to leave the band in 1924 to play first cornet at the Dreamland Cafe. The same year he joined Fletcher Henderson's orchestra at the Roseland Ballroom in New York.

For the first time, Mr. Armstrong found himself in the company of musicians of an entirely different stripe from those he had known in New Orleans and Chicago who, like himself, had fought their way up out of the back alleys and were largely unschooled in music. From these men, many of whom had conservatory educations, he learned considerable musical discipline.

Moving back to Chicago in 1925, Mr. Armstrong again played at the Dreamland Cafe, where his wife, Lil, had her own band, and with Erskine Tate's "symphonic jazz" orchestra at the Vendome Theater. It was at that point that he gave up the cornet for the trumpet.

"I was hired to play them hot choruses when the curtain went up," Mr. Armstrong recalled. "They put a spotlight on me. Used to hit 40 or 50 high C's—go wild, screamin' on my horn. I was crazy, Pops, plain nuts."

BILLED AS "WORLD'S GREATEST"

During his second Chicago period, Mr. Armstrong doubled in Carroll Dickerson's Sunset Cabaret orchestra, with billing as the "World's Greatest Trumpeter." The proprietor of the Sunset was Joe Glaser, who became Mr. Armstrong's personal manager and acted in that capacity for the rest of his life. Mr. Glaser died on June 6, 1969.

In that Chicago period, Mr. Armstrong began to make records under his own name, the first being "My Heart," recorded Nov. 12, 1925. Louis Armstrong's Hot Five (and later Hot Seven) recorded, over a three-year span, a series of jazz classics, with Earl (Fatha) Hines on the piano. These records earned Mr. Armstrong a worldwide reputation, and by 1929, when he returned to New York, he had become an idol in the jazz world.

While playing at Connie's Inn in Harlem, Mr. Armstrong also appeared on Broadway in the all-Negro review "Hot Chocolates," in which he introduced Fats Waller's "Ain't Misbehavin,'" his first popular-song hit. (He later appeared as Bottom in "Swingin' the Dream," a short-lived travesty on "A Midsummer Night's Dream." Over the years he appeared in many movies, including "Pennies From Heaven," "A Song Is Born," "The Glenn Miller Story" and "High Society.")

For several years, Mr. Armstrong "fronted" big bands assembled for him by others. By 1932, the year he was divorced from Lil Hardin Armstrong, he had become so popular in Europe, via recordings, that he finally agreed to tour the Continent.

It was while he was starring at the London Palladium that Mr. Armstrong acquired the nickname Satchmo. A London music magazine editor inadvertently invented the name by garbling an earlier nickname, Satchelmouth.

ONE FOR THE KING

While he was in London, Mr. Armstrong demonstrated memorably that he had little use for the niceties of diplomatic protocol.

During a command performance for King George V, Mr. Armstrong ignored the rule that performers are not supposed to refer to members of the Royal Family while playing before them and announced on the brink of a hot trumpet break, "This one's for you, Rex."

(Many years later, in 1956, Satchmo played before King George's granddaughter, Princess Margaret. "We're really gonna lay this one on for the Princess," he grinned, and launched into "Mahogany Hall Stomp," a sort of jazz elegy to a New Orleans bordello. The Princess loved it.)

One of Mr. Armstrong's pre-World War II European tours lasted 18 months. Over the years his tours took him to the Middle East and the Far East, to Africa and to South America. In Accra, Ghana, 100,000 natives went into a frenzied demonstration when he started to blow his horn, and in Leopoldville, tribesmen painted themselves ochre and violet and carried him into the city stadium on a canvas throne.

His 1960 African tour was denounced by the Moscow radio as a "capitalist distraction," which made Mr. Armstrong laugh.

"I feel at home in Africa," he said during the tour. "I'm African-descended down to the bone, and I dig the friendly ways these people go about things. I got quite a bit of African blood in me from my grandmammy on my mammy's side and from my grandpappy on my pappy's side."

PLAYED WITH BIG BANDS

Before the war, Mr. Armstrong worked with several big bands, including the Guy Lombardo orchestra, concentrating on New Orleans standards such as "Muskrat Ramble" and "When the Saints Go Marchin' In" and on novelties such as "I'll Be Glad When You're Dead, You Rascal You." He did duets with Ella Fitzgerald and he accompanied Bessie Smith.

After 1947 he usually performed as leader of a sextet, working with such musicians as Jack Teagarden, Earl Hines, Joe Bushkin and Cozy Cole. He was a favorite at all the jazz festivals, in this country and abroad.

Mr. Armstrong lost track of the number of recordings he made, but it has been estimated there were as many as 1,500. Dozens have become collectors' items.

The jolly Mr. Armstrong was quite inured to his fame as a jazz immortal. Not too many years ago, he was interviewed backstage by a disk jockey who began with the announcement, "And now we bring you a man who came all the way from New Orleans, the Crescent City, to become a Living American Legend." The Living American Legend, who was changing his clothes, dropped his trousers and began the interview with the observation, "Tee hee!"

"Tee hee" was part of a uniquely Armstrong vocabulary, which included Satchmo-coined words such as "commercified" and "humanitarily." In his speech he arbitrarily inserted hyphens in the middle of words ("ar-tis-try" and en-ta-TAIN-uh") and, unable to remember names too well, peppered his conversations with friends and interviewers with salutations such as "Daddy" and "Pops."

Despite the hard life he led—traveling most of the time, sleeping too little, living out of suitcases, eating and drinking too much or not enough—Mr. Armstrong, even into his 60's, was still going strong. His chest was broad and powerful, and his 5-foot-8-inch frame carried a weight that varied between 170 and 230 pounds.

CONCERNED ABOUT HEALTH

He was, however, keenly aware of his health. "I'm one of them hy-po-CHON-dree-acs," he would say with a delighted laugh. He was afraid of germs and always carried his trumpet mouthpiece in a carefully folded handkerchief in his back pocket. He liked to talk at length about his physic, a herbal mixture called Swiss Kriss, while at the same time he recounted how unwisely he sometimes ate, especially when his favorite food, New Orleans-style red beans and rice, was set before him.

Although in latter years he suffered from a kidney ailment, Mr. Armstrong's greatest worry was chronic leukoplakia of the lips, what amounted to a tough corn that resulted from blowing his horn. He used a special, imported salve to soothe his lips.

"If you don't look out for your chops and pipes," he said, "you can't blow the horn and sing. Anything that'll get in my way doin' that, out it goes. That trumpet comes first, before everything, even my wife. Got to be that way. I love Lucille, man, but she understands about me and my music."

He was referring to the former Lucille Watson, whom he married in 1942.

He loved all forms of music. When asked what he thought of the country-an-Western and folk music so favored by the young, he replied, "Pops, music is music. All music is folk music. I ain't never heard no horse sing a song."

Some Negro militants criticized Mr. Armstrong for his earthy speech and his habit of rolling his eyes and flashing his toothy grin while performing. They said he was using stereotyped characteristics of the happy-go-lucky Negro and playing the Uncle Tom. Mr. Armstrong ignored the charges.

COMMENT ON SELMA

Nevertheless, Mr. Armstrong, on learning in 1965 that the police in Selma, Ala., had taken violent action against freedom-marching Negroes in that city, told an interviewer:

"They would beat Jesus if he was black and marched. Maybe I'm not in the front line, but I support them with my donations. My life is my music. They would beat me on the mouth if I marched, and without my mouth I wouldn't be able to blow my horn."

For many years, Mr. Armstrong refused to perform in New Orleans, his hometown, because of segregation there. He did not return until 1965, after passage of the Civil Rights Act. On that occasion he triumphantly played with an integrated band in the city's Jazz Museum, a shrine built around the remains of the old shack in which he was born.

Reflecting on his more than 50 years as a musician, Mr. Armstrong said, "There ain't going to be no more cats in this music game that long."

There was no doubt that he was the most durable of the great jazzmen, nor that millions of people held him in great affection. His fellow musicians, many of whom were influenced by his artistry, looked upon him with awe.

Miles Davis, a contemporary jazz star, has asserted that "you can't play anything on a horn that Louis hasn't played." Teddy Wilson, who played piano with Mr. Armstrong in 1933, has called him "the greatest jazz musician that's ever been."

And Leonard Feather, the eminent jazz critic and author of "The Encyclopedia of Jazz," wrote of Mr. Armstrong:

"It is difficult . . . to see in correct perspective Armstrong's contribution as the first vital jazz soloist to attain worldwide influence as trumpeter, singer, entertainer, dynamic show business personality and strong force in stimulating interest in jazz.

"His style, melodically and harmonically simple by the standards of later jazz trends, achieved in his early records and unprecedented warmth and beauty. His singing, lacking most of the traditional vocal qualities accepted outside the jazz world, had a rhythmic intensity and guttural charm that induced literally thousands of other vocalists to imitate him, just as countless trumpeters through the years reflected the impact of his style.

"By 1960, Armstrong, set in his ways, improvised comparatively little; but he retained vocally and instrumentally many of the qualities that had established him, even though entertainment values, by his own admission, meant more to him than the reaction of a minority of musicians and specialists."

As for Mr. Armstrong, it was pleasing his listeners that really mattered.

"There's three generations Satchmo has witnessed," he said, "the old cats, their children and their children's children, and they still all walk up and say, 'Ol Satch, how do you do!' I love my audience and they love me and we just have one good time whenever I get up on the stage. It's such a lovely pleasure."

Mr. Armstrong is survived by his widow, the former Lucille Wilson, and by an adopted son, Clarence Hatfield of New York. He also leaves a sister, Mrs. Beatrice Collins of New Orleans and two half-brothers, Henry and William Armstrong, both of New Orleans.

A funeral service will be held Friday at 1 P.M. at the Corona Congregational Church, 34th Avenue and 103d Street. Burial will be in the Flushing Cemetery.

The honorary pallbearers will include Governor Rockefeller, Mayor Lindsay, Bing Crosby, Ella Fitzgerald, Guy Lombardo, Duke Ellington, Dizzy Gillespie, Pearl Bailey, Count Basie, Harry James, Frank Sinatra, Ed Sullivan, Earl Wilson, Alan King, Johnny Carson, David Frost, Merv Griffin, Dick Cavett and Bobby Hackett.

Mrs. Armstrong requested that flowers and cards be omitted and said those wishing to do so could send contributions in her husband's memory to the Kidney Research Foundation and to the Sickle Cell Anemia Foundation, which promotes research on a disease that mainly afflicts blacks.

NATIONAL ENERGY NEEDS AND BALANCED NATIONAL GROWTH

Mr. **HUMPHREY**. Mr. President, as we proceed through these summer months we are again reminded of another crisis faced by our Nation, today—namely our "energy crisis." As we continue to fall further and further behind in meeting our country's increasing requirements for power we are also again reminded of our failure to plan and to invest in what is required today to meet the needs of tomorrow. Annual per capita consumption of power is expected to increase fourfold within the next 30 years.

Although President Nixon's recent call for the development of a national energy policy was in recognition of this crisis, it falls far short of satisfying the urgency of the problem. A coordinated national policy on energy is desperately needed, and both the Congress and the President should make an immediate effort to forge whatever short range solutions are required to conserve our Nation's energy resources and simultaneously, launch another effort to plan and develop the additional energy resources that will be required to accommodate the continued economic and future growth of our country.

The added requirements of accomplishing these objectives in coordination with our other national goals of balanced national growth and preserving our environment places even more importance on the need to get this planning effort underway immediately.

Mr. President, the New York Times is currently publishing a series of articles concerning this vitally important subject. I ask unanimous consent that they be printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

NATION'S ENERGY CRISIS: IT WON'T GO AWAY SOON—PART I

(By John Noble Wilford)

For the third straight summer Americans by the millions are living under the daily threat of power brownouts, blackouts and possible electricity rationing. But it is more than a seasonal shortage of power. It is part of a national crisis that won't go away—the energy crisis.

"The electric power supply situation in parts of the United States appears to be worse than last summer," reports the President's Office of Emergency Preparedness. Only the West Coast, according to the report, seems assured of adequate power for the moment.

In New York City, the margin is so thin that electric utility officials are counting on emergency gas-turbine generators standing ready on barges along the waterfront. Even so, there is no assurance that on some hot, humid day lights will not flicker out over large areas of the city.

Nationwide, authorities in the Administration and out expect the crisis to continue for some time.

In fact, they say, it is likely to persist for years, perhaps for as long as the industrial-technological civilization that has made modern America a model for many other nations continues to proliferate in its present form.

For it arises from a bewildering, seemingly unresolvable dilemma that has made energy, as one scientists said, the "Doctor Faustus of our age."

Americans are demanding more and more energy—more petroleum to turn the wheels of transportation, more oil, natural gas and coal to fire the boilers of electric utilities, more fuels and electricity for heat in the winter, air-conditioning in the summer and the year-round operations of industry. In the last 15 years, total consumption doubled; in the next 15 years, it is expected to double again.

But Americans are also demanding a quality environment. Appalled at ugly strip mines, oil slicks from tanker spills and leaky offshore wells, denuded corridors of land for transmission lines, sulphur oxides and fly ash from power plants and the specter, real or imagined, of radioactive perils from nuclear centers, they are resisting the construction of precisely those new facilities that are essential to the production of more power.

In the last few years, moreover, numerous technical breakdowns at power plants and miscalculations by both utilities managers and Federal officials have, under the most charitable interpretation, made an inevitable crisis worse.

Now, when thoughtful people close to the issue talk about solutions, they almost unanimously fall back on nuclear energy as the only satisfactory way to accommodate society's needs and keep the traditional energy distribution system intact.

But some are also beginning to ask questions about the larger economic system itself, about its underlying notion of freewheeling permanent growth and about what, short of rigid national controls, could replace it if it should fail to meet the crisis.

Is it possible to have a thriving, motorized, computerized, air-conditioned society with a high standard of living shared by as many as possible and a largely uncontrolled economy—and to have a healthy, comfortable, even beautiful, environment, too?

A FAUSTIAN BARGAIN

At the beginning of the Industrial Revolution man unconsciously but decisively struck a Faustian bargain, giving up a bucolic environment for a power beyond anything his and his animals' muscles could provide. This eventually made it possible for modern man to command, at the twist of a knob on a 300-watt television set, an electrical force the equivalent of the energy output of a grown man, an unseen slave, and to harness in the Saturn 5 moon rocket the power of 900,000 horses.

Only now—now that the world is more crowded and energy is being expanded at a rate more prodigious than anyone could have foreseen when Watt invented the steam engine—are the implications becoming sharply defined in the form of a perplexing question:

Can modern man strike a balance where he once struck a bargain?

The difficult search for answers, only barely begun, leads down many avenues: economic, technological, ecological, political, social and philosophical. "The energy situation is a microcosm of the problems facing the nation," says Dr. Edward E. David Jr., science adviser to President Nixon.

In order to obtain a balance with the environment, do you slow down the accelerating trend of energy consumption—and if so, how?

STAGNATION A RISK

Americans are 6 per cent of the world's population, but consume 35 per cent of the world's energy output. Since 1947, their consumption of electricity has been rising at an average rate of 7 per cent a year. Natural gas consumption has been rising at a rate of 5 to 6 per cent a year, with oil at 3 per cent and coal at 2 per cent.

Last year, despite the economic recession and declining birth rates, consumption rose even more sharply. Americans used 4.5 per cent more energy than in 1969, and 9.2 per cent more electricity.

If this consumption trend continues, Americans in the year 2000 would be using the equivalent of 76 trillion kilowatt hours of electricity and other energy sources—nearly four times the present usage rate.

But will the trend continue? Can it? Should it? And if it does not, do you risk economic stagnation, unemployment, even a decline in national power vis-a-vis the rest of the world? Can you accept the psychological wrench of living in a nation with its foot off the accelerator, after two centuries of vigorous and glorified growth?

Or do you increase the energy output, since it is a human tendency to want more and since it will take massive amounts to recycle wastes, treat sewage, run air-pollution-control mechanisms and power mass transportation systems needed to reduce auto pollution?

Do you raise prices of fuels and electricity to help pay for cleaning up the environment—even if it means dimming the prospects of poorer people to share fully in the high-energy society?

Do you encourage development of new, "cleaner" energy technologies—and if so, which ones? Can you get people who are increasingly disillusioned with technology to accept more nuclear power and pay for greater research toward non-polluting," virtually inexhaustible power from controlled nuclear fusion?

Or do you reject nuclear energy and continue to "live off earth's capital"—the limited, non-renewable fossil fuels (coal, oil and gas) that took millions of years to form and, in some cases, may last only another century? What, then, do you leave for generations to come?

And even if energy resources were infinite—if fusion became a practical way of supplying nuclear power years from now—do you want power plants everywhere you look? Do you ignore the warnings of scientists who say that the environment is finite?

ALL ENERGY ENDS AS HEAT

All energy, scientists point out, eventually ends up as heat. The biosphere—Spaceship Earth's life-support system, that thin global envelope of air, water and soil that sustains life—can absorb only so much excess heat without atmospheric consequences perhaps as dire, some scientists say, as the melting of polar ice and flooding of coastal civilization.

"The 'scarcity' of the environment is now replacing the scarcity of fuel as the critical constraint in growth of the energy industry," says Dr. Norman H. Brooks, professor of environmental science at the California Institute of Technology. "The environment can no longer be regarded as infinite."

As in any crisis, this one has its optimists and alarmists. Petroleum companies and electric utilities see the problem primarily as one of meeting energy demands, if possible with a minimum impact on the environment. The Atomic Energy Commission takes the position that there is no big problem, if only the public would accept nuclear power as its salvation. Many environmentalists tend to overlook economic needs, seeing only the smog and oil spills.

Part of the problem is that few people are really talking to each other, or listening. A recent discussion between two Massachusetts Institute of Technology professors, both electrical engineers, illustrates the point.

One said: "I worry about our continued energy growth. Some place we reach real trouble, and I bet it comes by 2100." To which his colleague responded: "I can't see how you're going to limit demand and go live in a tent by Walden Pond." The first professor snorted: "That's a Philip Sporn answer, and it's stupid."

Philip Sporn is the retired president of the American Electric Power Company. At a recent seminar on energy in Washington, Mr. Sporn conceded that the doubling of electricity demand every decade, a trend all this century, has "definite limits" and that the environmental concern "is legitimate enough." But he defended most utility practices, while ecologists at the seminar spoke mostly of the biosphere and rarely about filling immediate energy needs.

SLIGHT MOVE TOWARD ACCORD

There are, however, some small beginnings toward a reconciliation of the two points of view. This is occurring where the problem is especially acute and controversial—over the issue of where to build new power plants.

Many of the nation's 3,400 power plants are old and inefficient and will have to be replaced soon. Moreover, the Federal Power Commission estimates a need for at least 255 new plant sites (91 for fossil-fuel plants, 164 nuclear) by 1990. Most of these new plants are expected to be mammoth, with greater potential for environmental damage.

For this reason, among others, proposed plant sites are being scrutinized more closely than ever. Even without serious opposition from conservationists, it now takes six to eight years for a new plant to move from conception to operation. Consolidated Edison Company's proposed Storm King plant on the Hudson has been tied up in the courts since 1965—with no resolution in sight.

An experiment in Minnesota serves as a possible model for reducing some delays raised by environmental questions.

Early last year, the Northern States Power Company in Minneapolis decided to share some of its decision-making responsibility for plant site selection with groups concerned with protecting the environment. Under a policy of "open planning," representatives from some 30 groups joined a task force set up by the utility.

Some were skeptical, suspecting it was only a public relations ploy. Some in the company were none too happy about sitting down with their sharpest critics. But after six weeks of meetings, recalls R. W. Comstock, Northern States Power's director of environmental affairs, the more vociferous critics settled down and the task force got busy on its recommendation for where to put the company's next power plant.

RECOMMENDATION FOLLOWED

They had four sites from which to choose. They rejected the company's first choice, the Louisville swamp on the Minnesota River, because the area was being considered as a state park. They ruled out two other possibilities because other plants were already in the area. Instead, they selected a site in Monticello, Minn., which the company deemed the least desirable economically. Nevertheless, Northern States Power followed the recommendation.

"It looks at this point as if the company will be able to install a generating station without a major public confrontation for the first time in over a decade," Mr. Comstock says. The citizens group has moved on to studies of future plant sites and the whole question of future energy needs.

Open planning is still highly controversial. Some utility executives see it as just one more nuisance in the already difficult procedure of getting plant sites approved. In some states, utilities must get 30 to 40 licenses, permits and certificates—from power, health, wildlife, waterways and other agencies—during the course of planning and building a plant.

Conservationists would like to see more utilities adopt more planning similar to the Minnesota example, but preferably at an even earlier stage of decision-making. Eventually, they want it made a permanent, legislated part of utilities industry operations.

As Peter Borrelli, eastern representative of the Sierra Club, an environment-protection group, says:

"Even to environmentalists, regardless of how hard a position they take on energy growth, certain facts jump out and present awesome managerial problems. Even if growth is curbed, even with zero population growth, we are going to see a three fold increase in electric power consumption in the next 20 years. It's going to happen, and we have to learn how to deal with this."

The Edison Electric Institute, an association representing 185 of the major investor-owned utilities, favors an approach to plant-site approval called "one-stop shopping."

"ONE-STOP SHOPPING"

The idea, which a few states have adopted, is to expedite site approvals by eliminating the need for a utility to go through two or three dozen state agencies. One agency, usually the equivalent of the public utility commission, would have over-all authority. Such is the purpose of legislation supported by Governor Rockefeller in the New York State legislature this year.

Most conservationists find one-stop shopping unacceptable. State utility commissions, they complain, are "historically in the pocket of industry" and do not normally take into serious consideration such issues as land conservation, wildlife protection and water pollution problems.

While plant-siting delays could prolong the crisis, that was only one factor in bringing about the immediate energy problems. Aside from pressures generated by environmentalists, the crisis is seen as the almost inevitable result of management miscalculations, technological troubles and certain Governments policies.

In the case of electric power, for example, the nation's utilities underestimated demand. The Federal Power Commission had predicted in 1964 a 6.5 per cent annual growth rate, which became the basis for most planning. But the growth rate in recent years has run close to 9 per cent because, in part, of an unexpectedly sharp rise in air-conditioning.

Another miscalculation was made back in 1966 when the nation's first truly commercial nuclear plant was completed at Oyster Creek, N.J. Utilities began "thinking nuclear." They rushed to place orders. Consequently, the coal industry slowed down the development of new mines and, looking for new markets, signed some big export contracts, especially with Japan.

But manufacturers had trouble meeting delivery scheduled for nuclear facilities. Some of the units had to be sent back to the factory because of poor workmanship. Shortages of skilled construction labor, strikes and various installation problems also contributed to delays of months and often years.

By then, one energy expert says, "it was too late to shift gears." Utilities were forced to rely a little longer on their older generators, which presented maintenance problems of two kinds.

One was the result of the utilities' "load-building" promotional policies, industry experts explain. They heavily promoted air-conditioning, among other things, so that summer and winter demands would balance out. But their success left them with little time to take generators "off line" for maintenance. The result was more equipment breakdowns.

And because of another trend—toward "economies of scale" through the use of bigger and bigger generators—a single breakdown could eliminate practically all of a utility's total reserve capacity. This was why the nine-month breakdown of "Big Allis," Con Edison's temperamental million-kilowatt generator in New York, was of such concern. That single generator accounts for 13 percent of Con Edison's installed capacity this summer.

Short-sighted management is often given as another reason for the utilities' current predicament. The utilities, their critics say, have rarely attracted the more talented engineers or encouraged technical or managerial innovation.

Dr. Carroll L. Wilson, a professor at M.I.T.'s Sloan School of Management, observes: "In the utility industry, it's been so damned easy to grow. You didn't have to be half smart."

The attitude of some managements, says Mr. Borrelli of the Sierra Club, is "just push the juice out and pray."

FEDERAL AGENCIES BLAMED

Some of the blame, the utilities contend, rests on the Government regulatory bodies for the way they establish electricity rates. Utilities complain that they are not usually allowed to charge enough to finance expansion as rapidly as necessary.

It costs about $250-million to build a million-kilowatt fossil-fuel generating plant and as much as $280-million for a nuclear plant of the same capacity. Utilities say that with some of their present profit margins they find it hard to borrow the money for such expansions.

The low rates, which are based primarily on a return on invested capital, are also cited by the industry to explain its reluctance to invest heavily in research. Many of the state power commissions do not allow the companies to treat research as a business expense.

Utilities now spend less than 1 percent of sales a year directly on research, primarily on transmission technology. Most fundamental research is financed by the Government and the electrical equipment manufacturers.

Another critical element in the current crisis involves the supply of fuels.

For years petroleum has been the nation's primary energy fuel. Last year it supplied 43 per cent of all domestic energy demands; natural gas was next, with 33 per cent; bituminous coal, 20 per cent; water power, 4 per cent; anthracite, 0.3 per cent, and nuclear energy, 0.3 per cent. The figures add up to more than 100 per cent because the larger ones are rounded off.

NO IMMINENT THREAT

Although fossil fuel resources are finite, there is no threat of imminent depletion. According to recent Government estimates, the earth's coal will probably hold out for at least three or four centuries. Natural gas and oil, including that in oil shale and in the polar regions, may run out in a century.

But there is the more immediate problem of getting the fuels, especially the cleaner, environmentally acceptable ones, out of the ground and to market in sufficient quantities.

More and more communities, including New York, Chicago, Los Angeles and Boston, now requires or soon will require utilities to burn only fuels with 1 per cent sulphur content, or less. The restriction, made to reduce dangerous sulphur dioxide emissions, rule out much of the nation's available coal and crude oil. Chicago, near the big Illinois coal fields, must haul in low-sulphur coal from Wyoming at premium prices.

Aside from environmental concern, there is increased pressure on fuel supplies because of the growing importance of electricity. About two-thirds of the energy in coal or petroleum is lost in generating electricity, escaping out the stacks and into the water used for cooling.

There is no sure end to the nation's energy crisis in sight. John A. Carver, Jr., a member of the Federal Power Commission, predicts: "For the next three decades we will be in a race for our lives to meet our energy demands."

On a national scale, there is a developing consensus among engineers and economists, utility executives and environmentalists over the need for a better-coordinated, long-range energy policy.

The "unrealistically" low price of electricity commands much attention. A 1 per cent tax or a surcharge on all electricity bills has been recommended to finance research in new technologies and to help curb demand. A similar suggestion, which President Nixon has endorsed, is that energy prices should reflect the "full cost to society"—what the product costs in water and air pollution as well as in raw materials and other conventional costs.

Meanwhile, in the absence of a coordinated national policy on energy, state agencies regulate local utilities and energy prices. The Federal Power Commission is responsible for the price of natural gas and some hydroelectric matters. The Atomic Energy Commission promotes and licenses nuclear power. The Department of the Interior oversees oil import quotas, mine safety, offshore pretroleum deposits and other resources on public lands. Other agencies, local and Federal, are concerned with pollution standards.

The White House would like to see most of the Federal energy programs combined within a single Department of Natural Resources, which is part of the President's proposed governmental reorganization plan.

Although the energy industry has reservations about more Government restrictions, there is a new recognition that, as Mr. Comstock of Northern States Power puts it, "the old rules of the game have changed" and that it would help to agree on some new rules concerning both energy and the environment. No one expects it to be easy.

"There are no miracle solutions," Mr. Comstock says. "There are only hard choices—hard choices for me, for you, for my corporation, for all institutions, and some of these choices must be made very soon."

SUPPLYING MAJOR FUELS POSES INCREASING PROBLEMS

Although the fuels that run the American economy are in no imminent danger of depletion, the nation's energy managers foresee an increasing number of problems supplying society's prodigious demands.

The following, based on interviews and Government studies, is a situation report on the major fuels:

PETROLEUM—Demand is outracing the exploration and development of new reserves. Industry observers estimate that it will take $300-billion for expansion and exploration in this decade, twice the capital outlay in the '60's. The new Alaskan reserves had been counted on by 1972 but will probably not be drawn on until 1974 or 1975.

President Nixon, in a message to Congress last month proposed speeding up the leasing concessions on the continental shelf for more oil and gas drilling. The White House would also like to negotiate an agreement to draw more oil and gas from Canadian fields.

INDUSTRY COSTS DOUBLED

The price of heavy fuel oil, which is used by utilities and industry, is almost twice as high in some markets as it was two years ago. One reason is the shortage of tankers, which limits the supply at a time when more utilities are switching to oil from coal for environmental reasons.

Despite quotas and other restrictions, imports now account for 23 per cent of the 14.7 million barrels of oil burned daily in the United States. By 1980, it is estimated, imports will run to 40 per cent of the oil supply, making the energy industry increasingly subject to the vagaries of international policies.

NATURAL GAS—The cleanest of the fossil fuels, natural gas supplied two-thirds of the growth in the nation's energy production since World War II. But it is being used up faster than new reserves are being developed.

The industry contends, and many economists agree, that gas prices are set too low to encourage development of new fields. A petroleum company can make more money investing in oil than in gas. As regulated by the Federal Power Commission, the industry says, wholesale prices for natural gas intended for interstate distribution are pegged about 40 per cent below what it brings on the world market.

COAL—Partly as a result of the rush to nuclear plants, the number of the nation's operating coal mines has dropped from 7,900 in 1960 to about 5,000. Production has declined slightly, while demand has risen. Coal exports now run $900-million a year.

This, plus a shortage of available railroad cars caught many utilities and industries last fall with barely enough coal to run from week to week. It could happen again.

SAFETY RAISING COSTS

Further complications are the newly enacted mining safety measures, which are expected to increase the cost of digging coal and force more mines out of operation. Also, if strip mining is outlawed or severely restricted, as is being proposed in West Virginia, the result could be even greater coal supply problems. Strip mining is the cheapest method of extraction.

URANIUM—The supply of usable uranium at economical prices may run out in a few decades if, as predicted, nuclear power becomes a significant source of electricity.

At the current price of $8 a pound, the Bureau of Mines estimates an available uranium supply in the United States of 160,000 tons. Consumption in 1970 was 1,280 tons, and is expected to increase sharply in the next decade.

NATION'S ENERGY CRISIS: NUCLEAR FUTURE LOOMS—PART II

(By John Noble Wilford)

Slowly, reluctantly and fearfully, the United States is moving toward a nuclear-powered future. It is not that people have learned to love the atom; it is because few can think of any other acceptable answer to the nation's energy crisis.

Nuclear power is technically difficult, initially expensive, a source of thermal pollution and the subject of acrimonious controversy and widespread anxiety about possible radiation hazards.

And yet to a growing number of technologists, economists and political leaders, it is the only way within the traditional economic's system to meet the ever rising consumer demand for a steady supply of reasonably inexpensive power without ravaging the environment.

Thus the Nixon Administration has made nuclear power the keystone of its "clean energy" plan for the decade. And future Administrations, barring unforeseen discoveries, can be expected to follow the same general policy.

For nuclear power, despite its drawbacks, is without doubt more plentiful, ultimately cheaper and relatively less damaging to the environment than other fuels. The alternatives, in other words, could be worse.

Coal, for example, is still plentiful; it might last for a few more centuries. But it cannot last forever. Most coal moreover, is too full of sulphur to meet present environmental standards. Thus no new fossil fuel plants are allowed in the entire Los Angeles basin. And the extraction of coal exacts great environmental and human costs.

The cheapest way to extract coal is by strip mining, which now accounts for one-third of production. But strip mining is desolating tens of thousands of acres a year of some of the most beautiful mountain country in the nation, with little likelihood that the damage will ever be repaired. Only 58,000 of the 1.8 million stripmined acres have so far been restored, the Department of Interior reports.

But if strip mining is outlawed, as many conservationists are urging, then a greater reliance will have to be placed on deep mining, which is not only roughly three times as expensive but more hazardous as well. More than 80,000 miners have died in deep mine accidents since 1910. Safety precautions, while they might make the process humanly acceptable, would make it even more expensive and less economical.

Other sources of energy are equally problematic. Petroleum costs are rising as the search for new supplies grows more difficult and expensive, extending to the poles and farther out on the continental shelf. The price of fuel oil in Boston, for example, has doubled in a year's time. Before oil begins running out in a century or so, it may have to be rationed so that what is left is used only for transportation and the manufacture of plastics—not for burning up in the production of electricity or home heating.

RELIANCE ON FOREIGN SOURCES

Moreover, a continued reliance on petroleum and natural gas would mean a growing dependence on foreign sources. American demand for petroleum will reach 28 million barrels a day by 1985, the Humble Oil and Refining Company estimates, and only 11 million barrels are expected to be domestic.

More than 90 percent of the fuel oil used on the Eastern Seaboard already comes from abroad, mostly from the Caribbean. This gives a number of foreign governments a major voice in the price and flow of American fuel.

Damming more rivers cannot fill the need for energy either. Hydroelectric power accounts for only 4 per cent of present energy production, and most of the suitable dam sites have been exploited. Even the Tennessee Valley Authority, originally a water power project, now derives less than 20 per cent of its power from hydroelectric facilities.

Harness the tides or tap steam inside the earth? These are considered interesting but limited alternatives. Convert sunlight directly to electricity? Engineers doubt this would ever be practical for large-scale energy generation.

At every turn, then, the complications confound an easy solution to the energy crisis and nuclear power seems more and more attractive.

AN ALCHEMIST'S DREAM

Nuclear reactors now produce 1.4 per cent of the nation's electricity. By 1980 the figure is expected to be 25 per cent, and by the turn of the century 50 per cent. Electricity then will crackle along high-voltage lines from "nuclear parks," clusters of reactors far from urban centers, and through submerged lines from reactor stations on platforms anchored miles out in the Atlantic and Pacific waters.

Present nuclear reactors will seem old-fashioned. The more advanced types, called "breeders," will be a sort of alchemist's dream, making more fuel than they consume. Eventually, perhaps as early as the year 2000, there may be machines, based on the sun's energy-generating processes, that run on fuels almost as abundant as water itself.

But no energy-environment equation is ideal, not even the nuclear alternative. Nuclear power has its drawbacks, too.

Its technology has turned out to be more complex than expected. Development costs are high. Capital costs of a large nuclear plant have risen sharply in the last three years, from about $120 for each kilowatt capacity to more than $200.

Nuclear reactors produce even more waste heat than fossil-fuel generators. The problem of "thermal pollution," the heating of a steam or lake to the point that it can become inhospitable to fish, has disturbed environmentalists. And the safety of reactors is a matter of bitter controversy.

Since no one can forget nuclear energy's devastating debut at Hiroshima, people harbor deep-seated fears about anything atomic, fears over explosive accidents, insidious radiation leaks and the problem of how to dispose of radioactive fuel residues.

Public protests are holding up construction of several nuclear plants. The titles of some recent, widely discussed books reflect the gnawing concern: "Perils of the Peaceful Atom," "The Careless Atom" and "Population Control through Nuclear Pollution."

TOUGHER SAFETY RULES

Responding to recent attacks, the Atomic Energy Commission announced last month even stricter safety standards for nuclear reactors and reduced sharply the limit on the amount of radiation exposure that the public is permitted to receive from reactors—down to 1 percent of the level permitted under current Federal radiation standards. Still, some critics raise questions about long-term genetic effects from repeated exposure to these miniscule doses.

These drawbacks and fears have been largely responsible for the slow and reluctant acceptance of nuclear power—until now. Whatever their reservations, engineers and many environmentalists, economists and utility executives now can see no realistic alternative to the atom.

"Nuclear power certainly is the best answer to our needs right now and probably in the long run," says Byron Lee, Jr., assistant to the president of the Commonwealth Edison Company of Chicago. By the end of the year, 25 per cent of the utility's generating capacity will come from nuclear power.

Although the initial capital investment is higher for a nuclear plant, Mr. Lee says, fuel costs over the estimated 30-year life of a plant are considerably lower. And because low-sulphur coal and oil are expensive in the Midwest, as in other regions, nuclear power is also considered "environmentally preferable."

The trend toward nuclear power is strong. Although only 21 commercial nuclear reactors are now in operation, supplying less than 1 per cent of the nation's energy needs, more power-generating capacity is now on order for atomic plants than for the conventional types. There are 54 under construction in this country, and orders for 42 more. Even a major Texas utility, in the heart of gas country, plans to go nuclear.

$2 BILLION ASKED BY NIXON

The nuclear commitment was reinforced last month when President Nixon asked Congress to pledge $2-billion in Federal funds over the next decade for development of a commercial "fast breeder" reactor. This is considered the next major step in nuclear technology.

Conservation of resources is the breeder's chief selling point.

Conventional nuclear reactors of the water-cooled types obtain energy from the splitting, of fission, of the extremely scarce form of unanium, U–235. It makes up only seven-tenths of 1 per cent of natural uranium, and is in danger of depletion in a few decades. The more abundant U–238 is the nonfissionable part of the fuel mix.

As the U–235 fissions, it releases energy, which boils water and creates the steam to drive turbines and produce electricity. Apart from the fuel and its unusual properties, the method is essentially the same as in ordinary fossil-fuel steam generators.

In the process, some neutrons that are released turn the U–238 into the fissionable plutonium, but in an inefficient manner. The breeder reactors will make the most of this transmutation of elements.

"A QUESTION OF RELIABILITY"

In the breeder, a fissionable fuel, either U–235 or plutonium 239, will be split for the heat-to-steam-to-electricity process. The surplus neutrons, allowed to travel at faster speeds, will react with the U–238 in such a way as to produce 14 atoms of plutonium for every 10 atoms consumed.

Like other nuclear technologies, the breeder has its highly vocal critics. A group of scientists, headed by Dr. Margaret Mead, the anthropologist, has filed a suit in Federal court in an effort to stir a national debate on the advisability of developing the breeder. They maintain that the A.E.C. has failed to make public enough information to judge the potential impact of breeder reactors on the environment.

To many scientists, however, the breeder is only an interim technology, a holding action until they can master the difficult art of controlling thermonuclear fusion. This is the release of tremendous energy through the fusing of light atoms, which is the basis of the hydrogen bomb and of the nuclear reactions going on inside the sun.

Although President Nixon has asked for $2-million in addition to the $30-million already budgeted for fusion, a number of scientists call the lower priority for this technology "a disgrace." They predict the Soviet Union may be the first to harness fusion.

As Dr. Richard F. Post of the Lawrence Radiation Laboratory at Livermore, Calif., puts it: "We've got two really good horses to ride and we ought to ride them both." He predicts that fusion power will be controlled in the 1980's and be economically "in full swing" by 1990.

Most scientists are somewhat less optimistic. They doubt that fusion will be a practical source of energy until after the turn of the century. A few question whether it will ever be practical.

Fusion's promises seems to make the continued effort worthwhile. Fusion produces few worrisome radioactive wastes except tritium, which most specialists believe can be recycled through the system without significant hazard.

More advanced fusion techniques might lead to direct conversion from energy to electricity, thus bypassing the steam process and its wasteheat inefficiencies. A runaway chain reaction would be unlikely, since the fusion reaction stops if it cools ever so slightly.

Another important advantage it that the most likely fuel for fusion would be one or more forms of hydrogen, such as deuterium, which are derived from sea water. Thirty cubic kilometers of seawater could contain a deuterium energy equivalent to the current inventory of the earth's fossil fuels.

Not all current energy research involves nuclear technology.

A number of researchers are working on processes to remove polluting chemicals from fuels before combustion and on devices, such as improved electrostatic precipitators, to clean stack gases. Utilities are supporting research to improve transmission lines, since up to 20 per cent of the electricity generated is lost in transmission. This will become more critical as power plants are increasingly placed farther from urban centers.

Aircraft engine manufacturers are stepping up the development and sales of gas turbines, which are similar to jet engines, for generating electricity.

Though relatively small, gas turbine plants can be turned on and off quickly to handle a utility's periods of peak demand or as a back-up facility. They can burn a variety of liquid or gaseous fuels, from natural gas to kerosene, switching from one to another at a moment's notice.

One of the more promising lines of research is directed toward converting high-sulphur coal into sulphur-free, pipeline-quality gas—a synthetic form of natural gas.

The Department of Interior's Office of Coal Research is doubling its efforts in coal gasification, aiming toward the operation of a large demonstration plant by 1976. A smaller pilot plant is running in Chicago.

HEATING CRUSHED COAL

The gasification process involves heating crushed coal under very high pressures. Reactions between steam and the coal's carbon give off carbon monoxide and hydrogen. In a series of further reactions, sulphur is removed and the gases are converted to methane, which is what natural gas is.

Dr. Hoyte Hottel, proposed emeritus of chemical engineering at M.I.T., who is making a comparative study of new fuel sources for Research for the Future, Inc., is not optimistic about extracting oil from the plentiful shale deposits in the Western states.

"It requires heating up so much inert material to get a few gallons of oil," Dr. Hottel says. "I'm for leaving it alone until we've made more use of our other resources."

Many other technologies are expected to be investigated through a new National Science Foundation program called Research Applied to National Needs. The largest single item in the program's $81-million budget is energy resource research and analysis.

Through evolving combinations of research, nuclear and otherwise, the nation's engineers, scientists and energy managers hope to find the technological "fix" for the current crises. It is a traditionally American response, this faith that it all can be worked out through some more Yankee ingenuity.

There are those, however, who have some doubts. Even new technologies, they say, may not be sufficient unless Americans learn to curb their seemingly insatiable appetite for more and more energy.

Nation's Energy Crisis: Is Unbridled Growth Indispensable to the Good Life?—Part III

(By John Noble Wilford)

In searching for ways to meet the nation's soaring energy needs without damaging the environment, some American experts are beginning to question one of this country's most cherished beliefs: the idea that boundless economic growth is indispensable to the good life.

If the environment is finite, according to these social scientists, engineers, economists and environmentalists, then perhaps economic growth has its limits too, particularly the unbridled growh that has characterized the United States almost from the start.

What those limits are, or more specifically how a slow-growth economy would be managed and what the social and political implications of such a policy of national planning might be, are questions that the critics of growth have given little detailed thought to.

But they agree that the changes needed to contain the energy crisis may well prove to be radical since, if the logic of the situation is carried to its end, whoever sets priorities for energy consumption wields enormous power over the economy and over the entire national life style.

They are convinced, in any case, that change of some sort will be essential. As Dr. Barry Commoner, an outspoken Washington University biologist, asserts:

A HOST OF PROBLEMS

"The environment got there first, and it's up to the economic system to adjust to the environment. Any economic system must be compatible with the environment, or it will not survive."

Controlling growth, economists say, would confront the nation with a host of difficult problems. Unemployment could rise. The poor could be locked in their poverty. Education, research and cultural pursuits might suffer. The nation could lose economic and political stature.

Millions of individual decisions traditionally made through the random choices of consumers and the supply-and-demand forces of a relatively uncontrolled economy would have to be passed upward to the national level and made through some form of comprehensive national planning.

Most authorities agree that such far-reaching Government power would run against the American grain and that the American people would not easily accept more controls unless the energy crisis got much worse. What the critics of growth are saying, in a word, is that the crisis is getting worse, and rapidly.

Consumption of all energy souces is rising between 3 and 4 per cent a year, which is faster than population increases and basic economic growth. By the year 2000, according to some projections, there will be 320 million Americans (compared to 203 million now), and they may be using three or four times the current energy output. Hardly a shore or river bank would be without a power plant every few miles.

REEXAMINATION SUGGESTED

"We're not pessimists or doom-mongers. We just see technological reasons to do some new social thinking," says Dr. John List, assistant professor of engineering at the California Institute of Technology's new Environmental Quality Laboratory.

"We've got about 20 years in which to reorganize," Dr. List continues. "Population growth hardly comes into it at all. It's growth in per capita consumption. It's just plain affluence. The only way out of it that we can see is to curb the energy consumption per person. Not exactly a no-growth situation, but slow it draw from this 9 per cent [growth rate] madness."

A recent energy report by the President's Office of Science and Technology stated:

"It may well be timely to re-examine all of the basic factors that shape the present rapid rate of energy growth in the light of our resource base and the impact of growth on the environment."

Even Charles F. Luce, chairman of the Consolidated Edison Company, concedes:

"The answer to all of these environmental and resource problems is that we simply use less goods and services. In other words, that we get off this growth kick our economy has been on throughout the history of our country."

When slow-growth or no-growth ideas are raised, businessmen, economists and engineers usually react with variations of the time-honored principle that growth is progress and progress is good. They stand firm on the premise reflected by John L. O'Sullivan, the American editor credited with coining the expansionist expression "manifest destiny." Said Mr. O'Sullivan in 1845: "The only healthy state of a nation is perpetual growth."

BASIC LAW OF BIOSPHERE

But a crisis; if not completely catastrophic, can change thinking patterns and give impetus to social invention, as the economic crisis of the Depression years did in this country. To ecologists, such radical thinking is once again a necessity.

One of the basic laws of the biosphere is that energy, when expanded, ends up as heat—the warmth of a stove or light bulb, the blast of an industrial furnace, the heat of an auto engine and the heat emitted by power plant stacks and cooling waters.

In power plants, conventional or nuclear, only 30 to 40 per cent of the fuel's heat is converted to electricity, and engineers doubt there can be any significant improvements in efficiency for at least two or three decades. Consequently, some 60 per cent of the heat is released in a concentrated dose at the power plant site and the other 40 per cent over the points of use, primarily the urban areas.

At some point, scientists caution, the cumulative effects of power generation could alter global climate.

CUTBACK WILL NOT BE EASY

Slowing down the rate of increase in energy consumption will not be easy. It would not help much to abolish many of those gadgets of affluence, such as the electric toothbrush or electric carving knife. Each uses less than 8 kilowatt hours a year.

The big residential consumers are refrigerators. electric air-conditioners, freezers—all considered necessities by the "haves" and desired objects by the "have-nots." New Yorkers, for example, may not want Con Edison to spoil the Hudson Valley any more with power plants—but they keep buying more air-conditioners.

And residential consumption is slightly less than a third of the total. According to the Edison Electric Institute, 41 per cent of electricity is consumed by industry, 32 per cent residential, 23 per cent commercial (stores, shopping centers, office buildings, hospitals, etc.) and 4 percent others (street lights, subways, etc.).

How to slow down growth—through restrictions on energy consumption or reductions in economic development in order to curb energy demand—is something most economists would rather not contemplate. Adam Smith, in "The Wealth of Nations" two centuries ago, summed up their position:

The progressive state is in reality the cheerful and the hearty state to all the different orders of the society. The stationary state is dull; the declining, melancholy."

Some economists, like Yale University's Dr. Henry C. Wallich, dismiss no-growth ideas as "absolute bunk."

They see more unemployment as the most immediate and deplorable effect. According to a "law" worked out by Dr. Arthur Okun, a senior fellow at the Brookings Institution and former economics adviser to President Johnson, the nation's basic economy must grow at a rate of 4 to 4½ per cent annually to absorb the growing labor force and increases in productivity, the output per man-hour. A 1 per cent drop in economic growth would thus lead to a one-third of 1 per cent rise in unemployment.

"BEAUTIFUL THOUGHTS"

Any fundamental curbing of energy consumption, economists say, would mean stabilizing the gross national product, the total output of goods and services, which currently runs at an annual rate of slightly more than $1-trillion.

The only remotely realistic way to do that, the economists add, is to reduce the hours people work each week. It would mean asking people to trade added income for more leisure, to sacrifice future increases in their standard of living.

"What are they going to occupy their time with?" Dr. Wallich asks. "Religious contemplation, art, beautiful thoughts?"

The effect this could have on poor people presents a serious problem. Methods often suggested for reducing energy consumption, such as substantial price increases, would hit the poor hardest.

For a person in Harlem or Watts it could make the difference in having air-conditioning, or even a fan. More important, it could cost him his job. The increases could also hurt the users of subways and other electric mass-transit operations, but not the people who ride to work in automobiles, which are responsible for great amounts of pollution.

For these reasons, critics often call slow-growth ideas an "elitist" attitude, which one industry executive described as "I've got mine, Jack, let's stop here."

Critics of the critics, however, say the impact on the poor could be ameliorated through income redistribution and other social legislation. Besides, they say the argument is often used by "people who never really gave a second thought to poor people before."

Another argument against curbing energy production is that cleaning up the environment will take more, not less, energy. W. Donham Crawford, president of the Edison Electric Institute, contends:

"If you want to replace the internal-combustion engine with mass transit in our polluted cities, if you want to recycle aluminum and steel cans into useful products, if you are going to try to clean up the sewage and rivers and lakes, if you're going to clean the air, it will take enormous amounts of electricity."

CONFLICT OVER TIMING

But the conflict between many economists and ecologists may be over matters of timing and magnitude rather than of principle.

Dr. Walter W. Heller, University of Minnesota professor and former chairman of the

Council of Economic Advisers under President Kennedy, says:

"I think of growth as a source of the problem, but also as a solution. We're doing a bad enough job in the face of growth. An absence of growth would be a corrosive factor in solving our problems. But we must, in time, redirect the proceeds of growth, and the first claim should be on repairing the ravages of growth."

It is also possible that growth rates will begin to taper off because of natural economic and cultural forces.

In California, as in many fast-growing states, there is a shift in construction from single-family homes to multiple dwellings; an apartment uses about two-thirds the electric power of a single-family house. Lower birth rates will mean a decrease in the labor force's growth 20 years from now, and there is already a gradual shift in the labor force from manufacturing to less power-demanding service and trade occupations.

Even without additional taxes or surcharges to support research and to discourage over-use, all forecasters predict considerably higher costs of energy, perhaps 50 per cent increases in the decade. This would be a result of resource scarities and the costs of anti-pollution measures.

And it just may be that there is a saturation point for human energy needs. How many more cars and air-conditioners and appliances can the American middle classes need or want? Perhaps the consumers' boom will cool off. Perhaps at some point most growth in energy demand will reflect population gains and the acquisitions of poorer people.

END TO "EXPONENTIAL CURVES"

This could bring to an end the "exponential growth curves" that have been the pattern all this century—that is, the doubling of electricity consumption every 10 years. It has to end sometime, through some natural or willed deceleration, because, as Dr. Dennis Gabor, the British technologist, says:

"Exponential curves grow to infinity only in mathematics. In the physical world, they either turn round and saturate, or they break down catastrophically."

In random but not insignificant ways, Americans are showing signs of turning away from reflex Chamber-of-Commerce boosterism to a more selective approach toward growth.

Cancellation of the supersonic transport was the most dramatic expression of such a questioning attitude, Dr. John Kenneth Galbraith, the Harvard University economist, calls the SST decision "historic" because "for the first time we decided the advantages of a new type of growth were outweighed by the disadvantages."

Similar public protests killed proposals for a jet airport in the Everglades and the Cross-Florida Barge Canal.

BASIC SOCIAL ISSUES

But to embark on a conscious policy of curbing growth, raises fundamental social questions that go much deeper than the economics of living. They strike at the heart of American ethics and philosophy.

"Up till very recently, man has inhabited, psychologically, a virtually unlimited flat earth," says Dr. Kenneth E. Boulding, a University of Colorado economist, explaining the potential impact of the finite-earth concept on man's thinking. "There has always been somewhere to go over the horizon, some boundary to the known world beyond which there were further worlds to explore. Now this long period of human expansion has suddenly come to an end. We are living in just so big a house and there are only so many things that can be done with it. The psychological impact of this shift has barely begun to be felt."

Advocating a new "ecologic ethic," Dr. Garrett Hardin, professor of biology at the University of California at Santa Barbara, says:

"The ethical system under which we operated in the past was possibly adequate for an uncrowded world. But it is not adequate for a world that is already critically overcrowded, a world in which it is increasingly difficult for anyone to do anything at all without seriously affecting the well-being of countless other human beings."

No crisis so complex can be easily solved, but the few ideas being discussed generally involve the types of social innovations that may be necessary to match the nation's technological capabilities. The ideas center on some kind of national energy policy in the broader context of national economic and environmental planning. As a beginning, air, and water and other environmental standards are being established on a national basis for the first time.

NEW IDEAS DISCUSSED

Writing in the summer issue of The American Scholar, Dr. Peter L. Marks, professor of biology at Cornell University, went so far as to advocate abolishing all state, county and city governments and replacing them "with regional governments based on ecological boundaries," such as a watershed.

Since he joined the General Electric Company last year, Dr. Thomas O. Paine, former head of the National Aeronautics and Space Administration, has initiated a "strategic study" of the nation's energy situation. The study, which is not yet completed, explores such ideas as regional land-use and water planning, a national energy system of interconnected transmission lines and priorities for resource exploitation and technological development.

These represent the probing first steps as the nation learns to make the transition from what Dr. Boulding of the University of Colorado, calls the "cowboy economics" of unfettered growth to the planned, orderly growth of "spaceship economics," the concept of man's dependence on a finite enclosed life-support system known as earth.

The energy crisis reflects the difficulty of that transition, the slow weighing of the costs of radical social change against the costs of letting things go unchanged. The crisis also confirms the agonizing truth of Buckminster Fuller's words.

"Now there is one outstanding important fact regarding Spaceship Earth," Mr. Fuller, the inventor, says, "and that is that no instruction book came with it."

MANMADE CALAMITY IN EAST PAKISTAN

Mr. SAXBE. Mr. President, I invite the attention of Senators to further press accounts concerning the manmade calamity in East Pakistan.

On Monday I called upon the World Bank to make the Cargill report available to Congress—CONGRESSIONAL RECORD, July 12, 1971, page 24485. On Tuesday, the New York Times published excerpts from this report and I commend it for taking this action. However, I would still desire to read the full text of this report. It would be most helpful in light of the Saxbe-Church amendment to suspend economic and military aid to the Government of Pakistan until distribution of food and other relief measures, supervised by international agencies, take place on a regular basis throughout East Pakistan and the majority of refugees in India are repatriated to East Pakistan.

The World Bank report is said to have concluded that new international development "will have to remain in a state of suspension for at least the next year or so."

The Saxbe-Church amendment now has 30 cosponsors. Today I am pleased that the Senator from Maryland (Mr. BEALL) has decided to join us, and I ask that his name be added as cosponsor of amendment No. 159 to S. 1657, the International Security Assistance Act of 1971. Offering graphic testimony to the realization that the situation in East Pakistan has deteriorated to such an extent, our amendment now has nearly one-third of the Members of this body as cosponsors.

Mr. President, I ask unanimous consent that a number of articles on Pakistan be printed in the RECORD.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

[From the Far Eastern Economic Review, June 19, 1971]

SOUL ON ICE

Syngman Rhee, Ngo, Diem, the Greek colonels, Trujillo . . . the list of despots propped up by United States troops and money since the war is long and shameful. But America, however despicable the conduct of its various satraps, has never supported one whose behaviour produced wanton death and destruction on a scale approaching the atrocities inflicted on the people of East Pakistan since March. This time, the "imperialists" cannot be held to account for murders by the tens of thousands, the barbaric treatment of innocent civilians and the desperate flight of six million Bengalis to India. This time the accusing finger points towards Peking. Conscious of the outrages perpetrated against China's millions in the past century, Peking's friends now witness what seems a partnership in destruction between West Pakistan and China. They can only wonder what tortuous opportunism makes Peking dare to announce in the midst of the carnage in East Pakistan increased aid for a military government which deliberately decided to veto the electoral triumph of East Pakistan's Sheik Mujib—a government which has unleashed a ferocious soldiery armed with Chinese weapons upon a people which had long hailed Mao Tse-tung as its hero.

War, genocide, famine and epidemics, the cynics would say, have been Asia's natural lot. East Pakistan, on this reckoning, is no more than an extreme instance of the catastrophes which periodically engulf the region. But China's indifference to the destruction of the Bengali community of East Pakistan tarnishes its image of political good faith. Peking has proclaimed its devotion to the cause of popular revolution against unjust tyrannies and suppression of the masses by force. It has derided the politics of expediency. It has proudly pledged that, unlike the Soviet "social imperialists", it will never let the cries of the oppressed go unheeded. Yet now China, by insisting that the East Pakistan tragedy is an internal problem and that the Chinese will defend the military administration of Yahya Khan against outside intervention, is playing by the rules it despises.

If the same argument is applied to Indochina, Peking's grounds for supporting the assistance rendered by North Vietnam—kinship, culture and a common revolutionary history—to the South Vietnamese, Cambodians and Laotians are totally eroded. Peking, together with the rest of Asia, is anxious to prevent a military confrontation between India and Pakistan over the fate of the Bengalis. But its approach to New Delhi has been confined to allowing Pakistan's government to utter threats which quoted Chou En-lai's pledge of suport against India. Ignoring the fact that the minority section of a country is butchering an underprivileged majority on racial grounds, it has made no effort to force Islamabad to control the savagery of its battalions.

China has never pretended revolutionary principles take first place over national interests. But, in this case, "national interests" seem unprecedentedly suspect. Contrary to the cynics' judgement, Asian memories are not short. Peking should enquire among its own people whether they have expunged from their souls the horrors of the Japanese invasion. The moderation shown by China in dealing with border problems, its willingness to permit accommodations with such formerly implacable foes as Malaysia and the Philippines and its shrewd response to the United States' attempts to patch up relations after two decades of hostility, are proof that China is ruled by men whose minds are far from mean or incapable of burying the past for China's future benefit. But these very virtues make China's policy towards East Pakistan—where it has the power to stop the carnage tomorrow—all the more alarming.

China is not alone in letting East Pakistan die an agonising death. The United Nations has tried desperately to shuffle off any involvement. Western governments shrug their shoulders and blame the disaster on the permanent quarrel between India and Pakistan. But, where others have shown difference, China has lent the hangman more rope. In showing itself no more moral—and, startlingly, possibly less—than the rest of the international family of nations, China has jettisoned its revolutionary soul.

[From the New York Times, July 13, 1971]

World Bank Panel Sees Delay in Aid for East Pakistan—Suggests Development Help Be Held Up Because of Ravages by Military—Vast Food Flow Urged—Restoration of Civilian Rule Is Viewed as Only Path to Return to Normalcy

(By Tad Szulc)

WASHINGTON.—A special World Bank mission has concluded that East Pakistan has been so ravaged by the West Pakistan military crackdown that new international development efforts "will have to remain in a state of suspension for at least the next year or so."

The mission's report, which has been obtained by The New York Times, is based on visits to East Pakistan between May 30 and June 11 to assess the effects of the central Government's suppression of the Bengali separatist movement.

The report also recommended massive food shipments to prevent starvation as a result of the disruption transportation and agricultural production in the rice-growing province.

RETURN TO CIVILIAN RULE URGED

According to the mission of the International Bank for Reconstruction and Development, East Pakistan is most unlikely to return to normal "until there is a drastic reduction in the visibility—and, preferably, even the presence" of the West Pakistani military and the reestablishment of civilian administration.

Since the army crackdown began March 25, at least 200,000 people, many of them Hindus, are reported to have been killed and in excess of 2.5 million people have become refugees in India.

On the basis of the 10,000-word report the World Bank recommended June 21 against new assistance to the Government of President Agha Mohammad Yahya Khan by an 11-nation consortium aiding Pakistan.

NO IMPROVEMENT SEEN

The mission, which was headed by a Briton, I. P. M. Cargill, director of the World Bank's South Asia department, emphasized that there were no signs that "normality is being approached or that matters are even moving in that direction" or that "the situation will improve significantly or rapidly."

It said that the two most formidable constraints that must be removed are "the general sense of fear and lack of confidence on the part of most of the population" and "the complete dislocation of the communications system."

"Perhaps most important of all," the report added, "people fear to venture forth and as a result, commerce has virtually ceased and economic activity generally is at a very low ebb.

"There is also no question that punitive measures by the military are continuing, as considered necessary by the martial-law administration; and whether directed at the general populace or at particular elements, these have the effect of fostering fear among the population at large."

"Insurgent activity is continuing" the mission found, and "this is not only disruptive in itself, but also often leads to massive army retaliation."

"In short, the general atmosphere remains very tense and anything but conducive to the resumption of normal activities in the province as a whole," the report said.

Because of the controversial and politically delicate character of the report—the United States, for example, holds that international assistance to the Pakistani Government should be maintained—its contents have been kept secret.

ACTION BY M'NAMARA

On Saturday Robert S. McNamara, the bank's president, authorized its distribution on a confidential basis to the institution's 21 executive directors and alternates, which made it available to the United States Government through the United States executive director, Robert E. Wieczorowski.

An eyewitness account of the situation in the western section of East Pakistan, written by Hendrik van der Heijden, an economist and mission member, described the town of Kushtia as looking "like a World War II German town having undergone strategic bombing attacks" as a result of 12 days of "punitive action" undertaken by the West Pakistani Army.

Mr. van der Heijden reported that "90 percent of the houses, shops, banks and other buildings were totally destroyed" and that the population "was down from 40,000 to 5,000."

"Kushtia, as someone told me is the Mylai of the West Pakistani Army," he wrote. "There was only one reaction: to confirm that impression."

He reported that in Jessore, another East Pakistani town, some 20,000 people were killed and the city center was destroyed. "Virtually all economic activity has come to a halt," he added.

"Generally, the army terrorizes the population, particularly aiming at the Hindus and suspected members of the Awami League," Mr. van der Heijden said. The Awami League, which was East Pakistan's dominant political party, was banned when the military action began.

A TOWN "DEMORALIZED"

In the farm community of Khulna, the World Bank official wrote, "agriculture was in a shambles, the people demoralized."

Mr. van der Heijden noted that on the level of the farm communities, known as Thana, "the shock waves of the army action hit the hardest; it was at this level where the hope for agricultural development was." The hope has been set back by at least five years, he added.

"It is doubtful whether any government can effectively deal with these people in the near future," he said of the communities' residents.

The over-all report, drawn from accounts by mission members who toured East Pakistan, described the disruption of economic and social activity and said:

"The situation is very far indeed from normal; nor are there any signs that normality is being approached or that matters are even moving in that direction."

Discussing the "minimum conditions for normalization," it said that "it is most unlikely that any significant movement will occur" unless "normal civilian administration" is restored.

CALLED MOST CONTROVERSIAL

That, according to authoritative bank officials, is the most controversial aspect of the report because the recommendation that the army be removed touches upon the central political issue in the conflict. It is tantamount, they said, to a demand that President Yayha Khan reach a political accommodation in East Pakistan—meaning autonomous rule by the Awami League, which won an election last December.

The view taken by high World Bank officials is reported to be that the Government would divert funds originally earmarked for the eastern province to bolster the western economy, which has also suffered seriously. That view has also been taken by Britain and Canada, but the United States, despite its public urgings of a political accommodation, refuses to deny economic assistance.

United States officials were unable to say whether the visits to India and Pakistan last week by Henry A. Kissinger, the White House special assistant for national security affairs, would result in a change in policy. That includes the honoring of export licenses for military equipment issued before March 25.

As far as can be ascertained, the Nixon Administration believes that East Pakistan's inability to resume normal economic development should not deter the international community from maintaining high levels of aid to the central Government. The Administration has asked Congress to authorize $118.3-million in economic aid for the current fiscal year.

[From the New York Times, July 13, 1971]

Excerpts From World Bank Group's Report on East Pakistan

(WASHINGTON.—Following are excerpts from a report by a mission of the International Bank for Reconstruction and Development that visited East Pakistan last month and from a report on a survey of the western area of the province by Hendrick van der Heiden, an economist and member of the mission. The reports were obtained by The New York Times.)

MISSION'S REPORT

The situation is very far indeed from normal; nor are there any signs that normality is being approached or that matters are even moving in that direction. For this picture to be changed it appears that, as a minimum, two formidable constraints must be removed or overcome.

[1]

The general sense of fear and lack of confidence on the part of most of the population.

The immediate manifestations of this fear and absence of confidence are the persistent failure or refusal to report for duty, which is particularly prevalent among the lower grades of civil servants and workers but is far from absent at the higher levels, and the general hesitation of those who have returned to expose themselves either physically or in the realm of policies and ideas. Few are functioning properly. The effects are evident throughout the administration and the private sector, as well as in the [lack of] interaction between the two; and the result is recorded in the nonresumption of normal activity throughout the economy.

Furthermore, there are no signs that the situation will improve significantly or rapidly. Two dates—April 21 and June 15—were set by the Government for all workers to return to their jobs without prejudice. The second date has now passed, and still the calls and professions of "normalcy fast returning to complete normalcy" are going out. But people remain afraid and untrusting, and it is most unlikely that economic pressures can or will be generated which are sufficiently strong to overcome this reserve.

If the condition of fear in the countryside should come to exceed that in the cities or if there should be a general failure to solve the food problem, resulting in wide spread starvation, workers and people generally might be forced back into the cities and towns in large numbers. But neither of these solutions is in any way desirable.

[2]

The complete dislocation of the communications system.

Its major manifestation is almost complete absence of movement of people (except within towns) and of the exchange of goods between regions and sectors anywhere within the province. So long as it continues, this situation will exert a strong negative effect upon all efforts to revive the economy and to meet the basic needs of the population—including, in particular, their food requirements.

Minimum conditions for normalization

In the present political circumstance, it is impossible to predict what might constitute a sufficient set of conditions for a normalization process to begin. There are, however, a number of necessary conditions.

First, it is most unlikely that any significant movement in the direction of normality will occur until there is a drastic reduction in the visibility—and, preferably, even the presence—of the military and a re-establishment of normal civilian administration in East Pakistan. Secondly, the food problem must be solved. For the present, this means programing the massive imports which will be required over the next 12 months, and re-establishing—by some combination of permanent and temporary measures—an adequate transport and distribution system. Thirdly, any remaining available resources must be directed first to rehabilitation and reconstruction and to breaking the most important and most persistent physical and organizational bottlenecks impeding efforts to get the economy going again.

One implication of this set of priorities is that the development effort will have to remain in a state of suspension for at least the next year or so. On the whole, this is certainly inevitable; however, there are some areas of extremely high priority where development programs should be resumed at their previous—or even higher—levels at the earliest opportunity. A list of such areas would include as a minimum: rice research, jute research (market) and promotion, seed production and improvement (rice and jute), food storage and distribution and rural infrastructure—including the rural works, irrigation and integrated rural development programs.

ECONOMIST'S REPORT

Jessore

Approaching Jessore, it became soon clear that this was the area where the army punitive action had been very severe: From the air, totally destroyed villages were clearly visible, a building was still on fire, and to the eastern side of the runway a good many houses had been destroyed. The airport was heavily guarded by armed forces, who also controlled access to the airport.

The authorities estimate that the population of Jessore itself is down from 80,000 to 15,000–20,000. Some 20,000 people were killed in Jessore. The city's center has been destroyed; commerce has come to a standstill. More than 50 per cent of the shops have been destroyed.

Damage to housing in Jessore district is so severe that the authorities estimate that some 450,000 people have been affected out of a total district population of 2.5 million. Half a million people have fled to India.

The Jessore area is by no means secure. Government officers cannot any more easily enter the villages as they run the risk of being shot by the "miscreants." A number of these incidents took place in the week before I arrived, and the army is reacting to these incidents by burning down the villages from which these shots are being fired. Generally, the army terrorizes the population, particularly aiming at the Hindus and suspected members of the Awami League.

Khulna

Khulna City has been substantially damaged. Very heavy destruction was observed in the areas alongside the road and along the river leading up to the newsprint factory and the Platinum Jubilee jute mill. As a result of the disturbances, the destruction of houses and the continuing uncertainty regarding life and property. The population of greater Khulna is down from 400,000 to 150,000.

The administration of Khulna district was back to 80 per cent of its original strength. There are serious police shortages, but the situation is improving. Some senior police officers have been recruited from West Pakistan. The road to Jessore and Kushtia is generally unsafe, particularly at night. Schools are open, but attendance is very poor. The Polytechnic institute, as well as colleges, however, have not yet started.

The main problem affecting Khulna is communications: The telephone system works but mail service is very irregular. There is only marginal truck traffic on the roads: Less than 5 per cent of normal. The army has requested many vehicles and launches, including Government vehicles, and many have been taken to India. Rail service is off by 50 per cent. There are very few buses on the road. Spare parts are a problem. Shortages of kerosene, edible oil and diesel oil exist in the villages.

The area surrounding the Platinum Jubilee jute mill has undergone very substantial damage. In fact, the destruction of houses and buildings reminds of Arnheim in 1944. Also, many workers' houses destroyed. The area is deserted now. Less than 7 per cent of the mill's permanent labor force had returned to the job.

The Khulna thermal power station was supposed to have been completed by mid-1971. However, there is now a six months' delay in commissioning the plant; the Czech consultants have left, as have the Czech erection supervisory staff. Forty-five per cent of the staff has not yet returned to the job.

Mungla

The city of Mungla, the town where the labor for Chalna Anchorage lived, have been virtually obliterated by naval shelling. The population, therefore, is down from 22,000 to 1,000. Damage was extreme: Houses, the market place, the telephone exchange, power distribution lines, etc. are all totally destroyed.

Phultala

Perhaps the most impressive visit I made was to Phultala. Fifty per cent of the population of this Thana has fled (some 20,000 out of a total of 42,000), mostly Hindus, leaving behind unattended plots of land, houses, etc. Everything had been disrupted there: The livestock officer had been killed, the whole administration was in chaos, the people bewildered. It is doubtful whether any Government can effectively deal with these people in the near future. It is at the Thana lever where the shock waves of the army action hit the hardest. It was at this level where the hope for agricultural development was. It has been set back by at least five years.

Khustia

It was only April (some 20 days after the army moved into Dacca), that the army moved north from Jenidah and into Khustia. There must have been very strong resistance. When the insurgents withdrew the army punitive action started. It lasted 12 days and left Khustia virtually deserted and destroyed. The population was down from 40,000 to 5,000. Ninety per cent of the houses, shops, banks and other buildings were totally destroyed. People were sitting around dazed. When we moved around everyone fled. It was like the morning after a nuclear attack. The people were terrified and still shocked and dazed. I asked them to show me a shop where food was being sold: It was in the next ninety minutes impossible to find one.

[From the New York Times, July 14, 1971]

PAKISTAN CONDEMNED

The report of a World Bank mission to East Pakistan last month is a devastating indictment of the West Pakistani military crackdown in Bengal. It strongly challenges the Administration's policy of continuing both military and economic support for the Yahya Khan regime in Islamabad.

Excerpts from the report, published in this paper yesterday, tell of death and destruction throughout the region. A mission member describes the Bengali town of Kushtia, for example, as looking "like a World War II German town having undergone strategic bombing attacks" as a result of twelve days of "punitive action" by the West Pakistani Army. The Army, he reports, "terrorizes the population, particularly aiming at the Hindus and suspected members of the Awami League."

This official confirmation of earlier widespread reports of barbaric action in East Pakistan renders inexcusable any further shipment of American military equipment to the Pakistani armed forces. Military supplies already en route to Pakistan can and should be promptly diverted, just as food shipments were diverted from Chittagong soon after the outbreak of fighting. There are clear grounds for suspending all further military and economic aid to the Pakistani Government, excepting relief supplies, until the reign of terror in East Pakistan is ended and steps are taken to restore power to elected representatives of the people who are currently in prison or in hiding.

The World Bank also offers strong practical grounds for a moratorium on development assistance. Contrary to Pakistani Government claims, the mission reports that "the situation is very far indeed from normal, nor are there any signs that normality is being approached or that matters are even moving in that direction." Citing disruption in East Pakistan caused by "the general sense of fear and lack of confidence on the part of most of the population" and "the complete dislocation of the communications system," the report concludes that new international development efforts "will have to remain in a state of suspension for at least the next year or so."

Ten members of the eleven-nation Aid to Pakistan consortium apparently concurred with that finding when the group met in Paris last month. The United States inexplicably did not. Continuation of American development assistance to Pakistan is incomprehensible in the face of that international consensus and of the damning evidence contained in the World Bank report.

[From the New York Times, July 14, 1971]

WEST PAKISTAN PURSUES SUBJUGATION OF BENGALIS

(NOTE.—The following dispatch was written by the New Delhi correspondent of the New York Times, who was expelled from East Pakistan on June 30.)

(By Sydney H. Schanberg)

NEW DELHI.—Army trucks roll through the half-deserted streets of the capital of East

Pakistan these days, carrying "antistate" prisoners to work-sites for hard labor. Their heads are shaved and they wear no shoes and no clothes except for shorts—all making escape difficult.

Every day at the airport at Dacca, the capital, planes from West Pakistan, over a thousand miles across India, disgorge troops dressed in baggy pajama-like tribal garb to appear less conspicuous.

Street designations are being changed to remove all Hindu names as well as those of Bengali Moslem nationalists as part of campaign to stamp out Bengali culture. Shankari Bazar Road in Dacca is now Tikka Khan Road, after the lieutenant general who is the martial-law governor of East Pakistan and whom most Bengalis call "the Butcher."

Those are but a few of the countless evidences, seen by this correspodent during a recent visit to the eastern province, that Pakistan's military regime is determined to make its occupation stick and to subjugate the region of 75 million people. The West Pakistanis are doing so despite a crippled economy, the collapse of governmental administration, widening guerrilla activity by the Bengali separatists, mounting army casualties and an alienated, sullen popoulation.

To insure troop strength in East Pakistan, the Government has leased two Boeing 707's for a year from a private Irish-owned charter airline, World Airways, to carry reinforcements for an army put at 70,000 to 80,000 men and replacements for casualties.

In addition to the daily troops arrivals, the Government is bringing in wave upon wave of West Pakistanis to replace East Pakistanis in Government jobs. No Bengali is trusted with a responsible or sensitive post; even the man who cuts the grass at the Dacca airport is a non-Bengali.

Few Bengali taxi drivers remain. Their jobs have been given to non-Bengali Moslem migrants from India such as the Biharis, who have identified and sided with the West Pakistani-dominated Government and who are serving as the army's civilian arm, informing and enforcing.

The West Pakistanis are discouraging the use of the Bengali language and trying to replace it with their own, Urdu. Soldiers tell the Bengalis disdainfully that theirs is not really a civilized tongue and that they should start teaching their children Urdu if they want to get along. Merchants, out of fear, have replaced their signs in English because they don't know Urdu.

"PEACE COMMITTEES" FORMED

Throughout East Pakistan the Army is training new paramilitary home guards or simply arming "loyal" civilians, some of whom are formed into peace committees. Besides Biharis and other non-Bengali, Urdu-speaking Moslems, the recruits include the small minority of Bengali Moslems who have long supported the army—adherents of the right-wing religious parties such as the Moslem League and Jamaat-e-Islami.

In the election last December those parties failed to win a single seat for East Pakistan in the National Assembly.

In a sense the election spawned the crisis, for the Awami League, an East Pakistani party campaigning for more self-rule for the province, unexpectedly won a national majority. With the previously suppressed Bengalis about to assume a strong national role, the leading political group of West Pakistan, the Pakistan People's party, refused to attend the coming session of the National Assembly, which was to have written a new constitution to restore civilian rule. President Agha Mohammad Yahya Khan responded by postponing the session, set for March 3.

NEGOTIATIONS AND ATTACK

Protests and rioting erupted in East Pakistan, and the Bengalis answered the Awami League's call for a noncooperation movement in defiance of the military.

The President flew to Dacca to negotiate with the Awami League leader, Sheik Mujibur Rahman. During their negotiations, on the night of March 25, the army launched a surprise attack on the largely unarmed civilian population to try to crush the autonomy movement. The league was banned and Sheik Mujib jailed as a traitor.

The initial Bengali resistance—led by men in the police and national army who had switched allegiance—was quickly routed, but it is now emerging from its Indian-border sanctuaries, with new recruits and supplies, to wage Vietnam-style guerrilla warfare—and cause increasing torment to the army.

Since the offensive began the troops have killed countless thousands of Bengalis—foreign diplomats estimate at least 200,000 to 250,000—many in massacres. Although the targets were Bengali Moslems and the 10 million Hindus at first, the army is now concentrating on Hindus in what foreign observers characterize as a holy war.

The West Pakistani leaders have long considered the Hindus as subverters of Islam. They now view them as agents of Hindu India, which has been accused of engineering the autonomy movement to force Pakistan's disintegration.

Of the more than six million Bengalis who are believed to have fled to India to escape the army's terror, at least four million are Hindus. The troops are still killing Hindus and burning and looting their villages.

West Pakistani officials insist, however, that normalcy is returning and have appealed to the Hindus to "return to their homes and hearths," assuring them that they have nothing to fear. Only a handful of refugees have returned and the reception centers the Government has erected to show foreign visitors remain largely deserted.

SEEKING RESTORATION OF AID

Army commanders recently spread the word that low-caste Hindus were welcome to return to their homes. Observers view the gesture cynically, pointing out that without the low-caste Hindus—menial laborers, sweepers and washermen—the army has no one to do its dirty work.

Apart from the refugees in India, there are in East Pakistan millions of displaced Bengalis who fled their home when the army came and are still afraid to return.

Recently there have been signs that the troops have been ordered to carry out their operations more subtly and less in the public eye. The orders, according to foreign diplomats, are inspired by Pakistan's desire to persuade an 11-nation consortium to resume economic aid, temporarily suspended in censure of the army repression.

[A special mission of the International Bank for Reconstruction and Development, which coordinates the aid program, has reported that the ravages by the military in East Pakistan will require that development efforts be suspended for at least a year. The mission made a widespread survey of the province in May and June.]

Diplomats in Dacca attribute Pakistan's decision to allow foreigners to travel freely through East Pakistan and to readmit foreign newsmen—who had been barred since the offensive began except as participants in Government-guided tours—as part of the campaign to restore the aid.

Nonetheless the killing though it is more selective and less wholesale, has not stopped, and the outlook, most observers believe, is for a long and bloody struggle.

BENGALIS PASS THE WORD

Foreign missionaries, who are posted even in the remotest parts of East Pakistan, report new massacres almost daily. One missionary said that the army recently killed over 1,000 Hindus in a day in a section of Barisal District, in the South. Another reported that in Sylhet District, in the northeast, a "peace committee" called a meeting of all the residents of one area, ostensibly to work out a reconciliation. When everyone had gathered troops arrived, picked out the 300 Hindus in the crowd, led them away and shot them.

Whenever a Bengali talks to a foreigner in public he is running a risk. At ferry crossings Bengalis sidled up to this correspondent's car to whisper a few scraps of information about army terror or, with a quick smile about a raid by the guerrillas of the liberation army.

As soon as six or seven people gathered a West Pakistani soldier or policeman would saunter over, glowering at the Bengalis, and they would melt away.

The presence of the army and its civilian informers notwithstanding, the Bengalis somehow find a way to tell their stories to the foreign visitor—by slipping notes into his car or arranging clandestine meetings.

At one such meeting in a town not far from Dacca, a merchant related that a soldier arrested him one day for no reason, confiscated his money and watch and took him to the police station, where he was jailed for a night before being—miraculously, he felt—released.

The merchant said he had spent the night praying and reading the messages that covered the walls of his cell—scrawled there by previous prisoners. The messages, he said, were nearly all alike, giving the name and address of the prisoner and the date of his arrest and saying: "I may not live. Please tell my family what happened to me."

Not one of them has been heard from since, the merchant added.

PROPERTY DAMAGE HEAVY

The killings have been matched by the property damage the army has inflicted everywhere. In the countryside—for miles at a stretch sometimes—villages have been burned to the ground on both sides of the road. In the cities and towns large areas have been reduced to rubble by heavy gunfire.

The Bengali says the troops were simply bent on wanton destruction. The army says that it never fired unless fired upon, but field commanders boast that in most towns there was little or no resistance.

Why all the devastation? they are asked. It was all done by "miscreants," is the stock answer.

Though some Bengalis are trickling back to population centers, most towns still have only half or less of their original numbers. and parts of some areas, like the northwest region, are virtually deserted.

Fields of untended rice are choked with weeds. On jute plots where dozens of farm laborers once toiled only a few bent backs can be seen. East Pakistan's jute, the tough fiber for gunny sacks, is the mainstay of the national economy, being the biggest single export and earner of foreign exchange. All signs indicate that the coming crop will be a poor one.

Even if the crop were good, the jute factories, with much of their skilled labor gone, could not handle it. They are operating far below capacity.

RIVER TRAFFIC HARASSED

The insurgents continue to harass river traffic, trying to disrupt military movements and prevent harvested jute from reaching the factories. They have already sunk several jute barges in the Jessore-Khulna region, a rich jute area.

The East Pakistani tea industry has been even more badly crippled, and the Government has reportedly had to order two million pounds from foreign sources for West Pakistani consumers.

West Pakistan's economy is one of the roots of the bloodshed. Another is the wide ethnic gap between the light-skinned, Middle Eastern Punjabis who dominate in the western wing and the dark-skinned, Southeast Asian Bengalis of the east. Except for their common religion, Islam, the two peoples are as different as can be.

From Pakistan's formation 21 years ago, the more prosperous western wing with a minority (55 million) of the population, was looked down on and exploited the poorer Bengali majority. The Bengalis grew bitter as they watched the foreign exchange earned in the east go to pay for the West Pakistani-dominated army and build the industries and development projects of the west.

Even the few development projects in East Pakistan have been halted now because of the terror, insecurity and lack of civilian administration in the countryside.

RESISTANCE SEEMS TO GROW

Nevertheless, the military, by rounding up laborers, has finally gotten the key ports of Chittagong and Chalna functioning again at a reasonably effective level, but there are goods to load onto outgoing ships except what was in warehouses before the fighting.

Food shortages are becoming serious in some areas and experts predict that the situation could reach famine proportions unless the army can restore the disrupted transport system and distribute available food.

Such restoration does not seem likely because the Bengali resistance, though still disorganized, appears to be gathering momentum—with increasing assistance and sanctuary, and sometimes covering fire, from India.

Thousands of young Bengalis are being trained in demolition and guerrilla tactics—often on the Indian side of the border, with India providing many of the instructors. The first elements of the new guerrillas are beginning to flow back into East Pakistan.

More and more road and railway bridges are being blown up and electrical power supplies knocked out. Some of the demolition work has been expert. Road mines are becoming common. Often the army, which is on combat alert, cannot get local contractors to repair the damage, so it uses forced labor with meager results.

Outside Comilla not long ago the guerrillas blew a rail bridge. A repair train was sent out with army guards. The guerrillas attacked the repair train in broad daylight, killing the fireman and taking a hostage. The train sped back into town.

Pakistan: See for Yourself, Yahya

(By Werner Adam)

Dacca.—The present crisis in East Pakistan, unlike the natural catastrophe of last November's cyclone, had not left too many marks, said President Yahya Khan in his first press conference two months after military intervention in his nation's east wing. He added that he would soon visit East Pakistan to see the situation for himself.

Such a move indeed is desirable since the president's judgment to date seems to have been based exclusively on reports from his own military chiefs in the east. These reports have reflected exaggerated optimism rather than cool realism. In fact, there are many far worse scars left by the recent man-made calamity than last year's tidal wave. There's no doubt that the Pakistani army won the first round against secessionist forces and succeeded in gaining almost complete control of the province. But a much more difficult problem—which may prove insurmountable at least in the short term—lies ahead. This is to regain the confidence of the defeated Bengalis.

The national flag flying in all villages and towns today is more of a signal of fear than loyalty, depression than hope. East Pakistan's body may still be intact but no blood runs through its veins.

Possibly the most depressing experience for the visitor is to find a ghostly emptiness pervading settlements which once bubbled with life. Millions have fled the towns straddling the main traffic routes running parallel to the Indian border. They may return only when the army has further consolidated its control and proved that it is sincere in its promise that amnesty will be granted. Though Dacca, the capital, and other cities such as Chittagong and Comilla are hesitatingly returning to life, the province as a whole is far from normal.

"What else can you expect after a civil war?" said a West Pakistani civil servant just posted to Dacca. Indeed, what else? But was it really civil war?

It seemed more a battle between Bengalis and non-Bengalis, a bloody collision between totally different ethnic groups regardless of their views on Islam, considered by Pakistan's founders as the binding factor in national unity.

The events of March and April until recently remained a mystery to the outside world. Today they speak for themselves. The headquarters of outlawed Awami League leader Sheik Mujibur Rahman at Chittagong are still caked with blood, a grim memorial to a slaughter of Urdu-speaking Biharis by Bengalis.

Hundreds were killed at the Awami League offices and at a jute mill just outside Chittagong where a kindergarten became the execution centre for women who were first raped and then, along with their children, beheaded.

In Thakurgaon, a town in northern East Pakistan which has a large non-Bengali population, the killing may have been even worse. There I saw hundreds of women crying in the streets—widows of some of the 7,000 Biharis reported to have been massacred.

What happened when the army finally moved can only be imagined. But the story was clearly written in the fearful faces of the town's Bengalis: Whenever a soldier appeared they quickly ducked from view or saluted anxiously.

Even clearer proof of how the rebels acted and the troops retaliated can be seen in the ruins at Khulna, Jessore, Chittagong and many other places. There streets have been almost totally razed. The few buildings left standing are deserted. Most shops remain closed.

After touring the province, talking with army officers, Biharis and Bengalis, it was not difficult to piece together a chronology of events which led to the carnage. President Yahya obviously decided finally on March 23 or 24 to call for army intervention after the failure of his negotiations with Sheik Mujib on the degree of autonomy East Pakistan should have.

Yahya believed he had evidence that the Awami League high command was going to arrest him and capture Dacca airport and Chittagong harbour. The army, according to Major General Rao Farman Ali, responsible for civil administration in the province, also had reason to fear rebellion by the East Pakistan Rifles, the East Bengal Regiment and the police in collaboration with Dacca University students.

When the army finally struck at the East Pakistan capital on March 25 it had three objectives: control of the barracks, the police headquarters and the university. In the night which followed the army apparently made a terrifying example of Mujib's followers. The immediate result was that Bengali forces across the province turned on their West Pakistani officers, killed them and then launched into an orgy of bloodletting, the Awami League action against Biharis at Chittagong being their example.

Major General Rahim Khan, martial law administrator of East Pakistan's Sector I who has his headquarters at Dacca, admitted that five battalions of the East Bengal Regiment (about 4,000 men), about 14,000 members of the East Pakistan Rifles and almost 30,000 police had deserted government ranks. "We are very much ashamed of it," said the general. "That was the first mutiny in the Pakistani army."

Rahim Khan claimed that at the time of intervention only 8,000 West Pakistani soldiers were in the east wing, "but within five weeks we got every inch of East Pakistan under our control".

This seemed a slight exaggeration when other reports were considered. However, in a week of touring the province I did not see a single incident and all army officers insisted that "the war is over". They even scoffed when asked if there was a likelihood of increased guerrilla activity during the monsoon season or of Indian intervention.

Said Rao Farman Ali: "Our only major task left now is to remobilise the economy in general and the communications system in particular." The vital rail link between Dacca and Chittagong, broken by the blowing up of three bridges by the rebels, would be restored by this week, he said. When this was achieved rice and wheat distribution to the northern parts of the province would no longer be a problem.

Asked about the refugee problem, Rao Farman Ali said: "If India would stop its malicious propaganda concerning conditions in East Pakistan and refrain from deliberately creating a refugee problem it would be much easier for us to finally normalise the situation. Nevertheless we are hopeful because the people already have started coming back."

However, the present collaboration between Biharis and the army, held up as an example of the "return to normal" in East Pakistan, must in itself be open to question. The Bengali majority obviously see it as a move directed against them.

For President Yahya, the crucial question is whether to find a political solution which would create confidence, or to sue for confidence and thus pave the way for a political solution. As things stand, his only chance seems to be to offer the Bengalis a political scheme which will provide them with greater autonomy. If the plan he has promised to announce does not include such an assurance, it will be virtually impossible to fill the giant political vacuum created by the outlawing of the Awami League.

India-Pakistan—Double-Think?

(By Nayan Chanda)

Bongaon.—Perhaps no place is better suited than this Indian border town 57 kilometres north of Calcutta to witness how the tide has turned in the struggle for "Bangla Desh" (East Pakistan). Barely two months ago, while Pakistani forces were still confined to their cantonments and the Mukti Fauj (Liberation Forces) held undisturbed sway over the rest of the countryside, Bongaon had a festive air.

The green-red-and-gold flags of Bangla Desh fluttered everywhere on the road leading to the border with East Pakistan. Tiny paper flags adorned rickshaws doing a roaring business carrying enthusiastic Bengalis to the border for a glimpse of the newly-emerged nation. Student organisations and other social welfare agencies were sending loads of food and medicines for the Mukti Fauj via Awami League volunteers across the border.

Today the flow is reversed. Refugees are streaming out of East Pakistan. In Bongaon the flags have disappeared. Lusty cries of "Jai Bangla" ring out no more. Discussion in the town now centres on the problem of refugees and often ends with bitter accusations against the Indian government for having missed its big chance. "Had New Delhi recognised the Bangla Desh government immediately and sent in military assistance while the Pakistani army was bottled up in its cantonments there would have been by this time a friendly state on our border," said a local doctor. "And now in return for the few packets of loaves and medicine our boys gave to Bangla Desh we are receiving millions of refugees. What a bargain."

The influx of refugees started as a trickle in early April but soon swelled into a cascade as the Pakistani army tightened its grip. Bongaon which, according to a recent census, had a population of 50,000, in the last two months has received more than 300,000 refugees who, simply by their presence, are threatening to suffocate the town.

The local administration is on the verge of collapse; food is scarce and prices have soared; some roads are almost choked with refugees who have put up pitiful shelters of palm leaves, grass and cardboard. (During the monsoon the road is the only vacant space on which it is possible to camp.) On top of all this has come cholera. One resident noted bitterly: "This is Yahya Khan's way of wreaking vengeance on us for the moral support we gave to Bangla Desh."

Although an oversimplification, the statement may not be totally absurd. There is ample evidence to prove that the exodus is largely at the instigation of Islamabad. The refugees who came in April were mostly fleeing from army slaughter and included a fair proportion of Moslems. In that phase, the army did not discriminate between Awami League supporters—Hindus or Moslems.

But by mid-May, with the re-establishment of military control over the province, refugee numbers suddenly increased and there was a change in their make-up. Overwhelmingly, the refugees who have crossed into India since are from the eight million-strong Hindu community in East Pakistan. They have been forced to leave their homes after having their properties systematically looted by local "peace committee" members. (The "peace committees" were set up by members of the Moslem League and Jamat-i-Islami under direction of the army.)

General Yahya Khan might be hoping to kill two birds with one stone by "generating" refugees. By getting rid of the "secessionists"—Awami Leaguers and Hindus who voted massively for Sheik Mujibur Rahman—he probably is aiming to consolidate Pakistan as an Islamic state. At the same time Yahya might be hoping to ruin the social and economic fabric of eastern India, already in pretty bad shape, by inflicting staggering numbers of refugees upon it.

Indian Premier Indira Gandhi initially hoped that within six months conditions in East Pakistan would be favourable enough for the refugees to return. Hence she preferred to call them "evacuees" on a purely "temporary basis". But already two months have passed and prospects of the refugees returning remain as bleak as ever. Last week 10,000 East Pakistanis who had fled to the north-eastern Indian state of Meghalaya could stand the hunger, disease and inhospitable climate no longer. So they chose to risk the dangers of returning to East Pakistan. But in West Bengal it seems the refugees would rather die of cholera or starvation than go back to their homes.

Mohadev Mondal, a 50-year-old Hindu farmer from Bansberia, in East Pakistan's Khulna district, whom I met in a tattered tent at the end of Calcutta airport, said: "Come what may, we'll not go back. Who can trust the Moslems again? They asked us to vote for the Awami League and we did. But when the war started the same fellows turned Moslem League supporters and looted our house."

The elected Awami League candidates from his constituency—one Hindu and one Moslem—were, he said, "good men". But they fled with their families immediately after the war broke out. "When the Khans (West Pakistanis) became victorious, the local Moslem League chaps and erstwhile Awami Leaguers turned on us—the Hindus. They said 'India is your place, go there'."

Once an owner of 25 acres of land and six buffaloes, Mohadev is now a pauper, surviving on the Indian government hand-out of 400 grams of rice and 200 grams of potato per head per day.

Not only are the people unwilling to return to Pakistan. They are reluctant too to leave West Bengal for other Indian states. Here, despite all the problems, the climate is familiar and the local people speak their language. Other Indian states too are reluctant to take in the destitute refugees, particularly as they are Bengalis who have a reputation for being politically active. With great difficulty, the central government has persuaded Madhya Pradesh, Andhra Pradesh and Orissa to temporarily accommodate some refugees at central expense. But even now the government finds that special trains carrying refugees from Calcutta to Madhya Pradesh have only 20% of their original loading when they reach their destinations—the rest having dropped off along the line through West Bengal.

Central and state officials are worried about the political role the refugees will play if they settle in West Bengal. They are quite aware that homeless, jobless refugees in West Bengal have turned to left extremism. Most of the educated and unemployed today in the state are from rootless refugee families and they have provided the hard-core cadres for leftist parties like the Communist Party Marxist and the Communist Party of India (Marxist-Leninist).

Already 186 industrial units in the state have been closed, leaving more than 50,000 jobless. Thousands of graduates churned out by the universities every year are joining the army of unemployed. If the worst fears materialize and the millions do not return to East Pakistan, the result could be an explosion enveloping the whole of "Bangla Desh" —and that means both "east" and West Bengal.

VIETCONG PEACE PROPOSAL

Mr. MUSKIE. Mr. President, the recent peace proposal advanced by the Vietcong representative in Paris, Madame Binh, suggests there could be a possible breakthrough in the long-stalemated negotiations to end this tragic war. A significant new element in the proposal is the offer to release American prisoners of war if the United States agrees to a total withdrawal by the end of this year. The Vietcong have proposed that the release of prisoners should begin with the commencement of our troop withdrawals, and end on the day of our final troop withdrawal. Apparently the Communists are willing to negotiate about withdrawal of our troops and return of our prisoners without demanding that we negotiate about the political future of South Vietnam.

Mr. President, whatever objectionable elements may be contained in this latest proposal, we should be greatly heartened by this apparent pledge by the other side that the establishment of a date certain for total U.S. troop withdrawals will lead to a release of our prisoners. I urge the administration to seize upon this change in the Vietcong negotiating position to work positively for a negotiated settlement at Paris. We cannot afford another lost opportunity to end our involvement in Indochina.

I have said many times that our total withdrawal must be conditional upon the release of all of our prisoners. The fate of these prisoners in the north and elsewhere in Indochina has been one of the most disheartening aspects of our involvement. Families have waited too long to be reunited or even to have word of American servicemen reported missing in action. Further suffering by these men and their families is intolerable.

Mr. President, last month the Senate and House of Representatives of the State of Maine passed a joint resolution memorializing Congress in respect to prisoners of the Vietnam war. The resolution, which I wholeheartedly support, urges Congress to take all possible steps to gain the release of names, addresses, and state of health of every captive American; to press for the repatriation or removal to a neutral country all sick and wounded prisoners; to urge the International Red Cross or some other humanitarian organization to monitor the prison camps and help minister to the needs of the captives; and to bring the pressure of world opinion on the North Vietnamese Government to abide by the terms of the Geneva Convention.

Mr. President, the resolution of the Maine Legislature concludes by expressing on behalf of the people of Maine—and, I am certain, of us all—our sympathy, moral support, and great respect for the unfailing courage of our Americans who are prisoners of war or missing in action and their patient and courageous families.

Mr. President, I ask unanimous consent that the complete text of the joint resolution of the Maine Legislature be printed in the RECORD:

There being no objection, the joint resolution was ordered to be printed in the RECORD, as follows:

JOINT RESOLUTION MEMORIALIZING CONGRESS IN RESPECT TO PRISONERS OF THE VIETNAM WAR

We, your Memorialists, the Senate and House of Representatives of the State of Maine assembled in the regular session of the One Hundred and Fifth Maine Legislature, do respectfully represent that:

Whereas, the Governments of the United States and North Vietnam are parties to the Geneva Convention; and

Whereas, it is the intent of the Geneva Convention that the high contracting parties to the convention insure the proper and humanitarian treatment of prisoners; and

Whereas, the Government of North Vietnam has not conformed its actions to the terms of the Geneva Convention and has shown a blatant disregard for the feelings of the families of prisoners held; now, therefore, be it

Resolved: That we, your Memorialists speaking for and on behalf of the people of the State of Maine, recommend and urge that the Congress of the United States take all possible steps to gain the release of names, addresses and state of health of every captive American; repatriate or remove to a neutral country all sick and wounded prisoners; permit the International Red Cross or some other humanitarian organization to monitor the prison camps and help minister to the needs of the captives; and abide by the Geneva Convention, which they have signed, in the sending and receiving of prisoner mail, including shipments of food, clothing, medical supplies and educational and recreational materials and to bring the weight of world public opinion to bear on the Government of North Vietnam to require them to live up to the terms of the Geneva Convention which our government has signed in good faith and with which we are conforming; and be it further

Resolved: That copies of this resolution, duly authenticated by the Secretary of State, be immediately transmitted by the Secretary of State to the Honorable Richard M. Nixon, to the President of the Senate and the Speaker of the House of Representatives of the Congress of the United States and to the members of said Senate and House of Representatives from this State; and be it further

Resolved: That the Maine Legislature also express, on behalf of the people of Maine, our sympathy, moral support and great respect for the unfailing courage of our Americans who are prisoners of war or missing in action and their patient and courageous families.

FIRST MEMBER OF CONGRESS OF PUERTO RICAN ORIGIN

Mr. JAVITS. Mr. President, the election of my New York colleague, HERMAN BADILLO, to the U.S. House of Representatives, was a first and a landmark for the Puerto Rican community of the United States.

The editorial, published in El Diario, the leading Spanish language newspaper in New York, on May 26, 1971, notes this historic breakthrough. I ask unanimous consent that the editorial be printed in the RECORD.

There being no objection, the editorial was ordered printed in the RECORD, as follows:

[From the El Diario (N.Y.) May 26, 1971]

OUR CONGRESSMAN

At last we have a Congressman—our Congressman—Herman Badillo. Not only the Puerto Rican community, not only the 400,000 people whom he represents, but all citizens can congratulate themselves on having a man in Congress who is a tireless worker, sensitive to their problems, responsive to their needs, a man who possesses the conviction and the courage to carry on the struggle in Congress for the poor, the oppressed, and the underprivileged.

Our Congressman has been called "Mr. Urban Affairs," and that he is. More than any man in public life, he is concerned to remove the blight from our cities, and he is determined to take vigorous measures to stop the progressive decay of urban America.

Attempts were made to stop our Congressman's crusade for our city. The most shameful and barefaced was to assign him to the House Agriculture Committee. Had he meekly accepted this assignment he would have lost contact with the problems of the cities. But our Congressman did not accept the assignment. He challenged it—successfully—before the full Democratic caucus and won an assignment to the important and prestigious Committee on Education and Labor.

Less than a week later he led twenty other Congressmen from New York in a vigorous protest against the failure of the U.S. Office of Education to give New York its fair share of funds for bilingual education programs. Together with Congressmen Ryan and Scheuer, he kept up the pressure for more than two months. The result was victory—a million dollar increase in funds for bilingual education for New York.

On March 4th Herman Badillo made his first major speech in Congress. He dealt with the financial crisis in New York and in other cities and he proposed a massive federal loan program to the states and cities. This was not just another proposal, a mere plea, but a well-reasoned, carefully thought-out program that was feasible and practical. Twenty-three Congressmen supported his bill, H.R. 7367, that would end our financial crisis. Wilbur Mills, chairman of the House Ways and Means Committee, has promised to consider the bill next month.

On May 4th Herman Badillo again addressed the House of Representatives, this time to indict the federal programs and laws that were discriminating against Puerto Rico, and to propose a sweeping program of economic development for Puerto Rico. He is now battling for Puerto Rico's full participation in the new welfare reform and social security bill.

Our Congressman has opened four offices in the three communities of the 21st Congressional district. These offices are staffed by full-time professional workers who are fully equipped to deal with the day-to-day needs of his people in New York City. Congressman Badillo has obtained the cooperation of state legislators and city councilmen in making these offices complete legislative centers. And now he is establishing Community Planning Councils, similar to the planning boards he created when he was Borough President of the Bronx.

And all this he has accomplished in the first hundred days since he took office. Unlike most Congressmen, who are silent and acquiescent and content to follow the leadership of old and tired politicians, our Congressman has taken the initiative, has been aggressive in presenting his program, and has assumed leadership in the struggle to make our cities liveable. Our Congressman is a leader, not a complacent, self-satisfied, humble follower.

It is elevating, it is inspiring to see a man fulfill his promise. It is a rare thing these days for a representative to really represent the people. Herman Badillo is fulfilling his promise. As he grows, we grow with him. As we take pride in him, we take pride in ourselves.

NEW JERSEYITES MOBILIZE TO FIGHT POLLUTION

Mr. WILLIAMS. Mr. President, throughout our country there is a rapidly growing awareness of the crisis which has been created by man's careless use and abuse of his natural environment. Citizens, and government officials at every level, are awakening to the urgent need to reverse the pollution trend, and they are launching a multitude of efforts to accomplish that goal.

In New Jersey we are, unfortunately, intimately acquainted with virtually every pollution problem that man has brought about. Therefore, it is appropriate that New Jerseyites should be in the forefront of the effort to clean up our environment.

Recently, newspaper reporter Gordon Bishop, in a 5-part series published in the Newark Star-Ledger, examined some of the ways in which New Jerseyites are mobilizing for the battle against pollution. They include the activities of the State department of environmental protection, municipal environmental commissions, recycling centers, and efforts to conserve areas of particular ecological import in their natural state.

In the first paragraph of his series Mr. Bishop wrote, "A dynamic citizens' force—of young and old alike—is emerging in New Jersey and its mission is to save the State from further environmental destruction." And he goes on to make it clear that this "citizens' force" is made up of people from every walk of life, and every age group. But it is interesting to note that the two groups which provide the backbone of the antipollution workforce are young people and the elderly. In this campaign, young and old are working together closely and enthusiastically, proving that the generation gap is not unbridgeable after all.

Mr. President, I feel that concerned people throughout the country may benefit by learning about some of the things being done in New Jersey to fight pollution. I ask unanimous consent that the series of stories from the Star-Ledger be printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Newark Sunday Star-Ledger (N.J.), June 27, 1971]

YOUNG AND OLD SWELL RANKS OF ENVIRONMENTAL MOVEMENT

(By Gordon Bishop)

A dynamic citizens' force—of young and old alike—is emerging in New Jersey and its mission is to save the state from further environmental destruction.

As more and more people, homes, cars, highways and factories crowd out the Garden State's disappearing landscape, the air becomes dirtier, the water filthier and the earth more contaminated with garbage and litter.

To stop this unconscionable trend, concerned citizens throughout the state are beginning to get together and organize environmental groups into a grassroots movement capable of changing the business-as-usual conditions before it's too late.

The environmental grass-roots movement is spreading through the Garden State like wild flowers, and is touching everyone—corporate executives, senior citizens, municipal planners, students, businessmen and officials at every level.

It's not uncommon nowadays to see a 70 or 75-year-old conservationist working side-by-side with a teenage "eco-freak" cleaning up a riverbank or littered campsite. They come from all over, from all walks of life, for a single purpose: A better quality of life on the planet.

"The kids today are truly alert, sensitive. They're doing what we never dreamed of doing when we were growing up," said Milton Busz, 74, of Union Township, a retired Newark mailman.

"I live next to a park and I'm constantly picking up trash and cleaning up the parking lot. A couple of boys always pitch in and help me. They seem to know better than adults that you shouldn't throw your garbage anywhere you want," Busz said.

Working as a parttime school-crossing guard in Union, Busz said he can "see the kids getting involved in the environment." He believes they have the ability to stem the rising tide of pollution and effect "radical changes" this decade.

The students at Battle Hill School in Union have learned that working with older people on cleaning up the environment is a natural way to bridge the generation gap.

"We're all in this together—we've all got to work at it," said Carol Burdi, an 11-year-old fifth grader.

"The older people are working with us because they really want us to have a clean place to grow up and live in, like they had when they were young," Carol said.

Her fifth-grade class went to Biertuempfel Park in Union last March and pulled pieces of junk cars and junk from a stream there. "We wore sneakers to protect our feet and worked all day cleaning up the stream," Carol said.

She's also concerned about her family's summer home in Toms River. "We have a place on the lagoon, but the water is polluted and we're trying to do something to stop it."

About the future, Carol said she plans to have "only two children" because of the population explosion. "It's up to us to change everything. It's our future at stake."

Her teacher, she pointed out, shows how "pollution is destroying everything." The Battle Hill School also is trying to educate the students into an "environmental awareness," Carol added.

The citizens' forces in New Jersey began to stir about two years ago, but they're moving on all environmental fronts as if there's no tomorrow.

Here are a few examples of what's happening around the state:

The Springfield Chapter of Save Our Environment has launched a clean-up campaign before planting trees, shrubs and flowers this summer. It also has agreed to work with Union in the future to bring Springfield's recyclable bottles, cans and paper to a regional reclamation center.

Citizens in Peapack and Gladstone have formed a conservation commission and are conducting anti-litter campaigns and compiling human and natural resources data for educational purposes.

The residents of Irvington got officials to create a commission and then developed an ordinance prohibiting the sale of non-returnable and disposable beverage containers after Sept. 1.

After establishing an environmental commission, the citizens of Bridgewater Township launched a recycling program with more than 100 volunteers, salvaging glass, metal containers and paper.

In West Orange, the conservation commission is raising funds to purchase a park that will cost $700,000, and the Mountain High School Anti-Pollution Society has geared up for a communitywide recycling program this summer.

Environmentalists in Washington Township have alerted officials to a local chemical company that wants to remove up to eight million gallons of water a month from the Musconetcong River for cooling purposes. The township's commissioners of environmental protection will make the final official decision, after a study is completed on the impact such a move would have on the ecology.

Snowmobiles in East Amwell will be regulated as a result of action by the local conservation commission, which documented the destruction such vehicles can cause to the landscape.

"Education for Survival" and related environmental courses are being taught in the Madison and Lawrence Township school systems after conservationists insisted upon it.

The Union Township school system operates a Pollution Control Education Center which produces environmental materials such as sound movies and slide shows of New Jersey's rivers, parks and shore resorts. They were the first to film a documentary on the spreading pollution at Barnegat Bay.

A "Wade-In" was staged by the Passaic River Restoration Foundation in Chatham to show how much debris and junk can be pulled out of the river on any day of the week.

Youngsters from the Morristown High School Conservation Club helped to establish Patriot's Path, a nine-mile nature trail along the Whippany River.

Girl Scouts from Bergen County have sloshed around in the Hackensack River, removing junk tires, appliances and other assorted remnants of an affluent society.

Boy Scouts continually conduct clean-up campaigns along major thoroughfares and also put on "Mini-Teach-Ins" as part of its environmental education program.

The Cranford Conservation Commission is campaigning for a Rahway River Watershed Association to protect the ecology of the entire region.

The Bridgewater-Raritan West High School students sponsor public environmental expositions to show the extent of pollution in the North Jersey area.

The Gill School in Bernardsville borrowed several thousand dollars worth of pollution measuring equipment from Research-Cotrell in Bound Brook, to conduct tests of air and water around factories suspected of polluting the environment. The students will present whatever evidence they get to state environmental officials.

Students for Environmental Action in Summit are organizing citizens for the purpose of applying pressure on municipal officials to start enforcing anti-pollution codes.

Highland Park Conservation Commission reclaimed five acres of wasteland off the Raritan River and dedicated it as a nature site. Residents also installed soil erosion barriers.

The Raritan Valley Environmental Protection Council is urging private citizen's suits against alleged polluters under existing federal laws.

A group of Middlesex County high school students called "The Posse" are rounding up residents to participate in local environmental projects.

The East Brunswick Garden Club has managed to keep 1,700 acres around Jamesburg Park from encroachment by developers.

To combat pollution, a group of citizens formed the Middlesex County Advisory Committee on Environmental Protection. Now they're investigating polluters of the air, water and land.

Recycling projects sponsored by environmentalists are receiving wide public support in Bernardsville, Medford Township, Morristown, New Brunswick, Bedminster, Far Hills, Flemington, Princeton and East and West Windsors.

The streams and ponds of Harding Township will be preserved, thanks to the foresight of local conservationists who convinced officials to include the protection of these resources in the municipal master plan.

The Avalon Conservation Commission launched "Operation Dune Line," a project designed to protect the dunes from improper use. The seventh and eighth grade public and parochial school pupils planted more than 10,000 slants of beach grass to save the dunes from erosion.

The Lebanon Township Conservation Commission inaugurated a newsletter for distribution to all township residents. Its first issue warned of the danger of phosphates in laundry detergents that pollute rivers and lakes, and also urged residents to compost their grass and leaves instead of throwing them away in plastic bags, which do not decompose in garbage dumps.

Little Silver conservationists saved their wetlands and their neighbors in Middletown preserved a brook and adjoining land by dedicating the area as a park.

The Pinelands Citizens Advisory Committee is working with the state to preserve and protect New Jersey's vast pine barrens. The citizens are trying to save about 25,000 acres.

All of these groups represent only a random sampling of what's happening on the environmental scene in New Jersey. And the movement is still in its infancy.

Typical of the more dynamic grass-roots movement is the one that evolved in rural Roxbury Township, Morris County.

Before state legislation paved the way for local involvement, George McCloskey, a high school industrial arts teacher, already was serving as the community's conservation commissioner. As a one-man "environmental encyclopedia," McCloskey acted as advisor to the planning board, zoning board, health board and township committee.

After the legislation went through in the spring of '68 and a local commission was organized, McCloskey became its chairman. Two more school teachers, a school principal, barber, ATT executive, senior citizen and high school student joined the new commission.

The student, a non-voting member, serves as liaison between the commission and the youth of Roxbury.

One of the commission's first acts was to investigate a local motel operator who was allegedly polluting Drakes Brook. The commission advised the Board of Health and town fathers of the problem, and the motel operator was taken to court.

Subsequently, numerous improvements were made to the building's waste disposal plant. To assure no further pollution will occur, samples of the brook are checked periodically.

The commission also prevented New Jersey Power & Light Co. from spraying its rights-of-way with harmful insecticides. Any spraying materials to be used must now be approved by the commission.

A survey is currently being conducted to determine the township's future policy on garbage collection and disposal.

Regardless of the opinion poll, an ordinance will be adopted, requiring that all garbage be placed in biodegradable bags supplied by the township. Plastic bags prevent garbage from decomposing in landfill sites.

The commission also wants to know what percentage of the residents (pop. 17,000) would be willing to sort glass and metal containers and paper as part of a recycling program. The goal of every environmental group in the state is total recycling this year or next.

When it comes to enforcement, no person or institution is considered sacred, not even education. The environmental watchdogs recently gave the Roxbury Board of Education this tall order:

Eliminate an incinerator from plans for the new high school.

Make future purchases of milk in either glass or bulk containers

Bail all waste paper for recycling.

School officials have acted on only the first order by replacing the incinerator with a garbage compactor. Burning has also ceased at all school buildings.

But milk is still purchased in plastic half-pint containers and paper is still going to the garbage dumps instead of being salvaged.

The Roxbury school system presently uses nearly a million cartons of milk and over 10,000 styrofoam cups annually.

"The institutions that should be setting the example are among the worst polluters in the state," McCloskey said.

Instead of singling out the Roxbury school system for not buying milk in bottles, the commission will ask the legislature to make it mandatory that milk be delivered in returnable containers to all school institutions in New Jersey.

"Multiply the amount of waste generated by the Roxbury schools by all the school systems in the state—and the contribution to air pollution and mountains of garbage and the total glut staggers the imagination," McCloskey exclaimed.

While Roxbury continues to press for a "decent quality of life" for all of its citizens many other communities have no local environmental protection at all.

Frank S. Harwood of Keyport exemplifies the plight of many citizens attempting to change the local status quo.

A retired American history teacher, Harwood, 79, has taken his singular environmental crusade to the Keyport Borough Council twice, and on both occasions he pleaded his case, and lost.

He asked the mayor and council to create an environmental commission to protect the borough's remaining wetlands.

Before the state's Wetlands Act was signed last Nov. 5, developers had quickly moved in and filled up seven acres of Keyport meadows.

The existing wetlands are now threatened by a sewer line which will cut through them, instead of being rerouted around the open marshes.

Harwood also investigated pollution of the Luppatalong Creek by a local company. He reported the matter to the State Department of Environmental Protection because, he said, local officials are "indifferent" and "obviously don't care what's happening to our lovely old town."

Keyport, population 6,000, covers a four-square-mile area at the Jersey Shore.

In a letter to Mrs. Helen Fenske, special assistant to the state environmental commissioner, Harwood expressed his deepest sentiments about man and his environment:

"I have done all I can, and I can do no more at my age . . . If no one else cares, the wetlands will just have to be ruined by a sewer line, or by business. I can't do more than to report flagrant violations to you as I hear of them.

"It will take millions of dollars to set the coast of New Jersey right, and I wish it might be done, but it seems rather hopeless to me.

"We can only do our best—and that is all."

The state environmental department has teamed up with Frank Harwood—and hundreds of others like him throughout New Jersey—in a massive effort to protect the water, the air, the land and the people from further pollution hazards.

The environmental movement officially got underway May 13, 1968, with state legislation permitting the creation of local conservation commissons.

Without effective environmental officials on the local level, working as watchdogs to protect a community from the threat of increasing pollution, the task of trying to save New Jersey's vast resources may never be accomplished, according to State Environmental Commissioner Richard J. Sullivan.

The State Department of Environmental Protection is now attempting to organize Environmental Commissions in every one of New Jersey's 567 municipalities. And the deadline for action has long since passed, Sullivan has repeatedly warned.

"We'll never get the job done unless the mayors and councils of every municipality cooperate by establishing a local environmental commission," Sullivan emphasized. "The people are asking to participate and to decide the kind of life they want in their neighborhoods."

Most of the decisions to build new homes, schools and industries are made at the local level, Sullivan said, and that's where environmental officials must play a vital role in shaping the character of their communities.

Only 94 conservation commissions or committees have been created by municipal decree—and that's after more than three years of probing and prodding by housewives, high school students and professionals alarmed over the rapid deterioration of the environment.

And many of these new commissions are merely serving in an advisory capacity to the mayor and council, instead of being able to make important decisions comparable to a planning board, zoning board or school board.

[From the Newark Star-Ledger (N.J.), June 28, 1971]

Recycling Beachhead Established—Montclair Environmentalists Find Strength in Unity

(By Gordon Bishop)

When a group of Montclair residents went to see their town fathers last year about forming an environmental commission, the reaction was: "We're already abounding with too many do-gooder organizations and crackpots chasing butterflies."

It was what they expected, the residents said, so they got together and used the local Bird Club (membership 200) to launch a campaign for an environmental commission.

The citizens quickly recruited the rank-and-file of Montclairs' most active organizations: The Garden Club, Montclair Women's Club, League of Women Voters, Montclair Nature Center, Montclair Camera Guild and the Montclair members of the Sierra Club.

The Bird Club started its crusade Oct. 23, 1969, and by April 1970 they were prepared to write an ordinance for the town fathers to establish an environmental commission.

Last June, the "environmentalists," as they are referred to today, presented their case before the mayor and commissioners. They received a "polite but unenthusiastic" response.

"We have a fairly good government in Montclair. We're proud of our tradition and we have a pleasant community, so the officials at first couldn't understand why another commission or committee was needed," explained Fred Allis, president of the Bird Club and the citizen who spearheaded the movement.

A retired Naval officer, Allis, 62, realized that the officials "could see only trouble from the environmentalists, more interference."

Pressure mounted for citizen involvement. The Montclair Organizations for Conservation (MOC) was formed to act as the official bargaining agent with the mayor and town commissioners.

The original seven organizations were joined by the College Womens Club of Montclair, Conservation Club, Montclair State College, Junior League of Montclair, Montclair Historical Society, the Two Hundred Club and the Montclair Chapter of Zero Population Growth (ZPG).

Finally, officials asked MOC: "What can you possibly do for Montclair?"

MOC was armed to the treetops with answers and solutions to end the gradual environmental degradation in the 6.2 square miles of Montclair (pop. 44,700).

First of all, MOC said, nothing was being done about the imminent garbage crisis. And, equally important, the residents were fed up with throwing valuable resources away in their garbage every day. They wanted recycling.

Moving with caution, the town commissioners accepted the idea of an environmental watchdog, but with limited powers.

So instead of a full-fledged environmental commission with the powers to institute immediate reforms and enforce any new regulations, MOC wound up with a Montclair Conservation Advisory Committee, consisting of seven members appointed by the mayor.

"Half a loaf is better than nothing," Allis said. "Now it's up to us to prove we're worthy of working as a genuine municipal commission."

According to the resolution creating the committee, its duties shall consist of "being informed on all matters and conditions affecting or likely to affect the natural resources of Montclair, including air, water, open areas and flora and fauna.";

The committee also will be expected to conduct research into all matters relating to environmental protection.

Furthermore, it will develop and promote (with the approval of the Board of Commissioners) conservation programs for Montclair.

The committee will cooperate with the public school system concerning educational programs on natural environment.

Although it will not have the power of final decision, the new committee can influence the Planning Board through recommendations on various plans and programs regarding natural resources.

Allis was appointed to the new committee and a list of potential candidates, submitted by MOC, is being screened by the commissioners before any appointments are made.

Since the commissioners' action May 4, MOC already has researched and presented a definitive study of a community-wide recycling program.

Montclair, like other densely populated North Jersey communities, faces a solid waste crisis. By 1973, most municipalities will be running out of places to throw away their garbage. The Essex County municipalities are most seriously threatened because the Hackensack Meadowlands dump sites are being phased out by the state over the next three years.

More than half of today's garbage can be reclaimed. About 51 per cent of household refuse alone contains paper products, all of which can be recycled with current technology.

MOC wants Montclair to get into the recycling business not only to reclaim glass and metal containers and paper and plastic products, but also as a means of significantly curtailing the rate at which garbage dumps are filling up.

The Salvation Army, Goodwill and the Mount Carmel Guild presently collect newspapers in Montclair, but their efforts yield only about three to four tons of paper a week.

MOC has proposed to the new committee (which is not yet fully organized) a municipal-sponsored program of recycling. It calls for separation of refuse at the source—home, business, industry.

Recyclable materials, such as glass, aluminum and steel cans and paper, would be collected separately from garbage by the municipal trucks.

Montclair collects 80 tons of refuse per day. About 10 per cent of it is glass. Some 60 tons of glass wind up in the garbage dumps each week.

MOC anticipates an initial yield of about 10–12 tons per week. At 12 tons per week, the gross income to Montclair would be $12,500 a year.

Convinced of the success of glass recycling, MOC is purchasing three electrically-operated glass crushers as its first investment.

But the big money-maker is aluminum, bringing $200 a ton. Glass nets $20 per ton. Newspapers, by comparison, have dipped to about $10 a ton. Two years ago they brought $20–$25 per ton, but the price is expected to go up as more and more companies specify recycled paper in their products.

Federal and state governments also are beginning to specify 10-20-30 per cent recycled paper in their purchase orders. This is seen as a boon to the recycling industries in the next two to three years.

Until a municipal pick-up program begins, MOC has designated three sites where residents can drop off their glass bottles: the Upper Montclair Erie Lackawanna Railroad Station, the Watchung Station, and the Montclair Erie Station on Walnut Street.

The recycling centers will be open from 10 a.m. to 4 p.m. on Saturdays. During the week, the sites are commuter parking lots.

The crushed glass will be transported Monday mornings to reclamation plants in North Jersey.

A total of 42 volunteers will be needed to man the three-hour shifts: one manager, three operators and three handlers.

Students are eligible, as there will be adult supervision. Two men also would be needed to drive a pick-up truck.

Allis has received a commitment from the American National Bank to purchase the required crushing equipment for about $4,000.

If the residents respond to the recycling program, MOC would be able to pay off the loan in six months.

Then a fund would be established once the loan is liquidated. Money from the sale of recyclables would be used for investigating and promoting further environmental projects.

MOC's goal is to start a recycling system by Saturday, July 31. The program-for-action was submitted June 4.

By the end of the year, the Montclair Conservation Advisory Committee can then shoot for total recycling—"a dream that can be realized in less than half-a-year," Allis mused.

[From the Newark Star-Ledger (N.J.) June 29, 1971]

Pollution Must Be Halted Where It Begins—Locally

(By Gordon Bishop)

Where New Jersey's municipal governments had the vision to establish environmental commissions during the past three years, the citizens and communities have benefitted considerably.

Those municipalities that have failed to protect the endangered environment are beginning to pay the price in polluted water, land and air.

The Passaic, Hackensack and Raritan Rivers in North Jersey are ugly and unhealthy examples of prolonged pollution. To restore these priceless resources to their natural condition will cost millions of dollars over the coming years, an awesome burden that might have been avoided had local officials been more concerned about the quality of life in their communities during the past 50 years.

Central and South Jersey now face the same perilous plight. The Jersey Shore is gradually dying from sewage, sludge and chemical pollution—and many resort rivers and bays are teeming with pollution instead of healthy fish. Many waterfronts are condemned: No fishing. No swimming.

And more will be condemned unless pollution is halted immediately.

Enforcement of pollution codes and controlled planning must begin at the local level, according to state environmental officials.

The New Jersey Department of Environmental Protection claims it cannot possibly track down and crack down on every pollution violator in the state, nor can it tell a community how to develop. This is interference with "home rule." The responsibility ultimately must rest with municipal environmental officials.

To date, 94 municipal environment commissions have been established in New Jersey out of a possible 567.

What can an environmental commission accomplish? The records of just a few show what can be achieved in only a short period of two years, or less.

Since Feb. 24, 1969, the Little Silver Environmental Commission in Monmouth County has:

Assisted in the development of the new master plan.

Brought about passage of wetlands ordinance in April 1970, protecting the town's marshes from filling, dredging and bulkheading, thereby providing a place for the coastal fish to hatch and mature.

Been responsible for the restoration of areas damaged by sewerline construction.

Instituted a tri-boro recycling program with the environmental commissions of Fair Haven and Rumson.

Conducted stream pollution studies that revealed for the first time that Little Silver's waterways are "seriously polluted."

Launched an environmental education program that led to the formation of a citizens' group "Friends of Conservation."

Received $500 in matching grants for environmental projects from the Association of New Jersey Conservation Commissions.

Prepared the first completed list of historic sites.

The Little Silver record of accomplishments goes on and on, but, more importantly, are the commission's far-reaching goals.

"We need to expand our functions with regional groups—all communities in the Shrewsbury River Basin—to concentrate our efforts on the Fort Monmouth sewer outfall and the critical problem of dredging in Sandy Hook," explained Dirk Van Nest, chairman of the Litle Silver Environmental Commission.

"A regional group might develop intertown adjoining walkways and bike trails, and conduct regional sewer construction surveillance, and coordinate environmental studies in the schools. And we urgently need regional protection of wildlife habitat."

Obstacles to the environmental effort are everywhere.

"It is disheartening to see communities with environmental commissions going after the polluters, while neighboring towns with such commissions are oblivious to what's happening to our environments," Van Nest said.

Another critical priority in Monmouth County is solid waste collection and disposal.

As a result of the TriBoro recycling program the state may designate the area as a regional reclamation center. About 25 regional sites will be selected throughout the state and designations will depend heavily on whether a cluster of communities already is into recycling. Those that are farther along the path of recycling will be the first to be considered for regionalizaion.

In Fair Haven, there are 4,000 residents per square mile. Sanitary landfill sites are becoming scarce. Through reclamation of paper, glass, metals and plastic, the generation of solid waste can be cut down by more than 60 per cent.

Dery Bennett, chairman of the Fair Haven Environmental Commission, sees some hope for the future:

"The commission's presence is the first indication that the town is beginning to change is attitudes about how to handle land and water and how we want the town to look, smell and feel like in the future.

"We're always speaking around the town, emphasizing that the environment is fragile and that the people have got to change their ways: Fewer cars, smaller cars, mulching leaves instead of burning them, thinking about a town people can walk and ride a bike in, rather than only drive cars in, less fertilizers and pesticides . . ."

The suburbs are the first to feel the pressure of increasing congestion and pollution, and they tend to serve as a warning for what can happen to the still simple life-style of rural New Jersey.

Anticipating the rush to the unspoiled suburbs, residents there are starting to prepare themselves for the inevitable influx of families and factories this decade.

In Sussex County's Stillwater Township, a strong environmental commission pioneered a new zoning ordinance—the first of its kind in the state—protecting critical areas: Swamps, flood plains and waterways. No construction is permitted within 100 feet of any critical area. This is to prevent contamination of the township's water supply.

The Stillwater commission also was responsible for developing the basis of the township's zoning and planning laws.

Organized in March 1969, the commission immediately began to compile a comprehensive study of the township's soil composition. The nature of the soil will determine what type of building will be permitted.

Stillwater conservationists learned that only certain soils are compatible with building and population density.

Because rural areas do not have sewer systems, construction is dependent on a soil's ability to absorb septic seepage. If a soil has natural filtering qualities and will work effectively without leading to potential health hazards, it can be used for development.

Using the soil as a means of assuring planned and proper growth of a town is one way of protecting the environment, Stillwater conservationists believe.

[From the Newark Star-Ledger (N.J.) June 30, 1971]

Swamped by Politics, Apathy—Ecology Is Often Left for Last . . .

(By Gordon Bishop)

Politics and apathy often guide the destiny of local environmental organizations, especially in those communities which can least tolerate it because of mounting population and pollution problems.

The rapidly developing suburb of Jackson Township in Central Jersey is typical of the thinking and attitudes that prevail on the official level of many burgeoning communities throughout the state.

Local officials "see no need" for an environmental commission to protest the air, water and land from the pervasive forces of pollution.

"To save the environment, we've got to fight both politics and apathy," complained John E. Lynch, vice chairman of the Jackson Environmental Commission.

In 1970, Jackson Township allocated a $600 budget to the environmental commission to combat pollution in a 100-square-mile area containing 30,000 people—and the development boon in this once-remote area has just begun.

"We were locked into a situation of no working capital and were therefore very limited in introducing conservation projects," Lynch said.

In 1971, the commission submitted a modest budget of $1,000. The money was earmarked for a reforestation program for an area destroyed by fire earlier this year, in addition to a clean water program.

A small sum also was to be set aside for nominal expenses of the commission's part-time secretary—the person responsible for carrying out all the administrative work.

The Jackson Township Committee approved a budget of $360.

Lynch sent an open letter to the town fathers, pleading with the township committee to reconsider the environmental needs of the community. Lynch also reviewed, in depth, the proposed programs for the public's edification—and anticipated approval and support.

As a result of Lynch's public plea, the budget was increased to $500—$100 less than the "unworkable" 1970 budget, and only half of what was requested for 1971.

Unable to work with another limited budget, the commission had to fire its secretary. The secretary was being paid $20 per month, $50 less than the secretaries of other township boards.

Without sufficient capital to institute adequate environmental programs, Lynch was forced to ask for help from the Jackson Jaycees and the Jackson High School Student Council. Together, they started a conservation program under the Jaycees' "Do Something" campaign.

The Student Council volunteered the manpower needed for the reforestation program. An appeal went out to all Jackson residents for donations to pay for the trees to be planted.

The Oak Tree Adult Community, a senior citizen mobile home park, responded with a contribution of $134. It was enough to purchase 5,000 Norway spruce seedlings.

To date, the students have planted more than 1,000 seedlings. They plan to finish the job in September.

"If it weren't for the help of civic-minded groups like the Jackson Jaycees, Jayceettes, the students and seniors, the environmental commission would not be able to perform at all," Lynch said.

"Central Jersey is the fastest growing area in the state, yet our municipal officials have not yet seen fit to call in the environmental commission on the future building of our town.

"We must provide for proper garbage disposal and protect our well water systems from industrial and residential pollution."

Lynch said the environmental commission is "not against growth in Jackson—however, we must recognize the need for better planning with ecology and conservation in mind."

Farther south, the Cape May Conservation Commission has been fighting a losing battle to save valuable marshes and estuaries—the nurseries for the coastal fish.

Although Cape May has one of the oldest conservation commissions in the state (formed two years ago), its efforts to stop pollution of a 3,000-acre marsh have been blunted by political bureaucracy, according to Dr. Ernest A. Choate, commission chairman and a retired high school principal.

About 1,000 acres of the marsh already has been destroyed by a sprawling garbage dump, and the rest of it faces extinction by the Cape May County Mosquito Commission, which wants to drain the marsh to eliminate the summer pests.

The State Wetlands Act prohibits the filling or destruction of coastal marshes, and Dr. Choate is counting on State Environmental Commissioner Richard J. Sullivan to save what's left of Cape May's marshes.

"Everything is always pending in government," Dr. Choate sighed. "By the time enforcement comes, there won't be any marshes left."

In Brick Township, the League of Women Voters has joined forces with the local environmental commission to oppose a developer's plan to fill 250 feet of Barnegat Bay, one of the Jersey Shore's most popular vacation resorts.

"We have visited this site to be developed and it appears to us that the request to extend the land in Barnegat Bay is based merely on the greed for more land to build more units, resulting in greater profit to the developer at the cost of this natural resource," Mrs. Eleanor Armitage, a League director, told the Brick Township zoning officials.

The battle between the citizens and the developer rages on. State officials are now investigating the case, in view of provisions of the Wetlands Act.

With a population of 35,000 Brick Township has had to put the brakes on further development because of low-lying land and high water tables. Many homes in Brick Township do not have basements. Septic tanks also raised havoc with homeowners, who often find their backyard sewer systems spilling over after heavy rainfalls.

Mrs. Armitage said it costs some homeowners as much as $50 to $60 a month to clean out their clogged and overloaded septic tanks. She charges the Brick Township Sewer Authority neglects "residents forced to live with constant health hazards."

The sewer authority is linking all new homes into the system, instead of permitting the installation of more septic tanks. Meanwhile, the oldtime residents must continue to cope with their inadequate and unhealthy septic tanks.

Throughout the state, the League of Women Voters is coaching conservationists on how to win environmental victories at the polls.

And so it was in Cherry Hill, where a local Environmental Action Committee supported four candidates who endorsed a municipal conservation commission.

After their election this past May, the winning ticket promised their conservation backers they would establish a fully empowered environmental commission as soon as they are installed in office July 1.

The Cherry Hill Environmental Action Committee will soon know whether the newly elected officials they supoprted intend to fulfill their promise to the voters.

[From the Newark (N.J.) Star-Ledger, July 1, 1971]

MORRIS WOMAN COORDINATES THE FIGHT—CITIZENS, STATE MUST MESH THEIR POLLUTION EFFORTS

(By Gordon Bishop)

Rescuing New Jersey's environment from the massive grip of pollution will require the energies and resources of every municipal governmental and citizens group in the state.

The challenge of coordinating the efforts of local environmental commissions and citizen committees in their all-out attack on pollution has been taken on by an ex-housewife, Mrs. Helen Fenske of Green Village, Chatham Township.

In the early '60s, Mrs. Fenske, as a concerned citizen, helped to preserve North Jersey's Great Swamp as a National Wildlife Refuge.

In her new role as coordinator of the Garden State's environmental movement, Mrs. Fenske is making her way around New Jersey organizing municipal environmental commissions and encouraging the formation of citizen conservation committees to help put "our house in order."

Mrs. Fenske is the new liaison between environmental organizations, official or otherwise, and the New Jersey Department of Environmental Protection (DEP). She also serves as a special assistant to State Environmental Commissioner Richard J. Sullivan.

Before joining the state department this year, Mrs. Fenske was on the staff of the Ford Foundation, working with environmental citizen groups around the country. Her mission: Bringing more people into the anti-pollution crusade.

She was responsible for a Ford grant to New Jersey's environmental commissions, giving local environmental officials the opportunity to participate in an annual seminar conducted by the state DEP. The 14-week seminars (three days a week) began last summer and will end next year.

During the sessions, which are held at Morris Plains, Rutgers University in New Brunswick, and at Monmouth County, local environmental officials learn the ABC's of pollution: Who's doing it, how to recognize and measure it, and, most critically, how to stop it under existing state and federal laws.

The State Environmental Department is now prepared to work with local environmental officials, advising them as to what procedures to follow under the state's new and stringent anti-pollution codes.

The first lesson environmentalists learn is how to deal with the political realities of government.

"A number of commissions have shown a lack of awareness of their role in working with municipal government," Mrs. Fenske said. "The new environmental officials must learn how to implement their ideas and programs within the whole system, not just from their vantage point."

To help both local environmental officials and citizen committees to carry out their objectives, Mrs. Fenske's office puts them in touch with the proper governmental agencies. It's a matter of knowing the "Who's Who" of pollution enforcement.

Under the category of water, there is ground water, water supply, flood control and pollution control.

Several agencies are involved in problems related to water. They are: the State Department of Health, the State Bureau of Geology, the State Division of Water Policy and Supply, the Federal Water Quality Administration, Regional Office; the State Division of Fish, Game and the Division of Shell Fisheries; the U.S. Army Corps of Engineers (which also regulates ocean dumping); the Soil Conservation Service and the universities in New Jersey—Princeton, Rutgers, etc.

The protection of air resources is also the responsibility of the State Department of Health, as well as the air pollution enforcement division in the State Environmental Department. New federal air quality standards will be enforced by the state, in conjunction with the Federal Environmental Protection Administration, Regional Office.

Solid waste management (or garbage collection and disposal) is under the jurisdiction of the State Environmental Department, municipal and regional health officers, county authorities and the State Public Utilities Commission.

Open space protection comes under the State Environmental Department, the Federal Housing and Urban Development Agency, and the State Bureau of Outdoor Recreation.

Several assistant attorneys general for the state also are assigned to the environmental department to prosecute alleged polluters.

To further assist local environmental officials and citizens, the New Jersey Association of Conservation Commissions was established three years ago, after enabling state legislation was passed permitting the creation of municipal environmental agencies.

The association is coordinated by David Moore, executive director of the North Jersey Conservation Foundation, located in Morristown. Moore, a former state environmental employe, took over the foundation's work after Mrs. Fenske, its founder, left for the Ford Foundation two years ago.

Mrs. Fenske said the municipal conservation commissions will be renamed "environmental commissions" in keeping with the federal and state environmental agencies.

"The task before us all is not merely conservation, but protecting all aspects of the environment and restoring the environment to a healthy condition fit for all living things," Mrs. Fenske said.

FREE TRADE IS COSTLY

Mr. FANNIN. Mr. President, among the trading nations of the world, the United States truly is the home of the free and the brave. We have virtually thrown our gates open to almost all goods from most of the world. We come the closest to actually living the ideal of "free trade."

And trying to live up to this ideal is costing us dearly.

While America moves toward freer trade, other major industrial nations shore up their protectionist barriers to keep out American products.

The president of Leverenz Shoe Co. in Sheboygan, Wis., John H. Esch, recently gave a speech in which he discussed the terrible toll that foreign competition has caused in the American footwear manufacturing industry. He gave the address May 19, 1971, as part of the "Seventh Annual Wisconsin International Trade Conference and World Trade Dinner."

This week we have had word that Italy has agreed to voluntary restraints on its shoe exports to the United States. This may be a step in the right direction, but Italy is only one of the shoe-producing nations doing business in the United States. And the U.S. shoe industry is only one industry now threatened by foreign imports.

Mr. President, I ask that the text of the speech by Mr. Esch be printed in the RECORD.

There being no objection, the speech was ordered to be printed in the Record, as follows:

Free Trade Versus Protectionism?

When I was a boy I was intrigued by Aesop's famous fairly tale of the blind men and the elephant, and as a man I have tried to remember his lesson. You will recall that Aesop told of the blind men who sought to understand the appearance of an elephant. One, judging the elephant by his leg, assumed that an elephant must be something like a tree, another determined from the trunk that an elephant was like a serpent. The third felt the elephant's side, and thought that an elephant must be like a wall. Each attempted to judge an elephant from where he stood, and in each case it was not possible to get the complete picture from that position.

There is a great temptation to judge the issue at hand from the position of our personal economic interests. Those of us whose existence is threatened by imports can easily become inclined towards protection, and those of us who profit from exports are easily tempted to recommend a free trade posture for our country. I believe that when we stand back and look at the big picture, we discover that the truth lies somewhere in between.

Today I would like to seek an understanding of the big picture with you, by looking at the trade question in the light of these observations:

1. The issue of free trade versus protection is an academic question, because there is no free trade, especially for Americans.
2. There is a need for movement from our selfish interests to humanitarian concern for America and Americans.
3. Several economic facts of life dictate the necessity of a moderate defense of American labor and industry.

Considering the first of these contentions, I would like to make it clear that there is no free trade and that we are living in times of growing protectionism abroad.

Stanley Nehmer, Deputy Assistant Secretary of Commerce for Resources, put it this way, "We are not facing a simple choice between free trade and protectionism, neither one of them exists anywhere in the world."

The tendency of our country to match protectionism abroad with our own free trade inclination was described well in an interview by Treasury Secretary Connally in the U.S. NEWS AND WORLD REPORT last month. Referring to our trading partners he said, "These countries have grown accustomed to our being relaxed, fairly generous, always forgiving, always easy in our dealings with them. Consequently, they have built up tariff arrangements, they have built up trade restrictions against U.S. goods, they have carved out territorial areas where they now grant preferences, and they expect us to take it and like it."

The policy that we have pursued in the years following World War II has been an understandable one. In 1946 we were sitting on nearly $25 billion in gold, we had the only viable economy in the free world, and we were generous in our trade agreements. We responded generously to the appeal of any free country in economic trouble, and in those days it was right that we should. Today we have a different situation.

My own personal experience includes a trade mission to England to purchase shoes for our company from an English manufacturer and to market our own Wisconsin made shoes in England. We had a product at the time that was in demand in England and that could have been sold in the market. I spent a day in the American Embassy and received the fullest measure of cooperation and assistance. In the end I discovered however, that the importing of shoes from England was a very simple proposition, but I was advised that I might just as well forget the possibility of exporting to England. The conditions were far from reciprocal, and there surely was no free trade for Americans.

In September 1970 the House Ways and Means Committee published a list of nontariff barriers to United States exports in 69 countries, and should there be any real doubt in your mind about the nonexistence of free trade in the world today, I would recommend this list to you. The listing includes quantative restrictions, quotas, tax supported subsidies, export credits, accelerated depreciation, insurance against loss, and outright prohibition. There is no free trade for Americans.

The theory of free trade is based on the assumption that manufacturers compete with one another across international boundaries on the strength of their own efficiency and technology. For American industry this is not the case. Today in America we can point with humanitarian pride to the legislative controls which have raised the standard of living of the American workman to the highest level in the world. American citizens rightfully enjoy the benefits of the 40 hour work week with time and one-half for overtime, the legal minimum wage, workmen's compensation, child labor laws, social security, and every other benefit. We also realize that every product manufactured in the country includes these costs in its selling price as well as the extraordinary high cost of being governed at all levels in America. The result of all of this is that the cost of any American made commodity is higher than its foreign counterpart, even if the cost of material, and processing is actually the same, or less. The American government imposes a heavy burden on the shoulders of the American manufacturer, and so long as he carries this burden without protection there is no free market for Americans.

Another American giveaway took place at Bretton Woods, New Hampshire in 1949, when the dollar was fixed as the international standard of exchange, and all other nations were allowed to devalue and revalue their currency when they see fit to make it more costly to sell in their markets, and to strengthen their position as exporters. Of all the nations in the world only the United States cannot exercise this option.

Bruce Clubb, United States Tariff Commissioner, emphasized the seriousness of this issue in this way, "Accordingly when we experience unusually great inflation, as we have for the past five years, we must ask our workers and investors to work harder, faster, and more efficiently to keep up with their foreign competitors whose costs are not rising as fast. When our workers and investors cannot keep up, then we ask them to change their line of work. Most other countries would take care of at least a portion of this problem by adjusting their exchange rate, rather than putting the entire burden of adjustment on their import competing industries."

The point that I have tried to make is simply this. Whether we wish to consider *tariff* and *nontariff restrictions*, whether we wish to consider inequalities of *cost burdens*, whether we wish to consider the practice of *illegal dumping*, or whether we wish to consider the effect of *inflation* on the inflexible dollar, the fact remains that free trade has been a *one way street* favoring our trading competitor. Our decision must be between giving away still more, settling for present inequality or providing reasonable protection to the threat of unfair competition.

A second appeal that I would like to make to you would be in behalf of a movement from *personal self interest* to a *humanitarian concern* for fellow Americans.

I think that I could help to make this point if you could take a walk through our factories with me, and I could introduce to you the many fine American citizens whose working lives have been spent making some of the finest of Wisconsin's men's shoes. Some are veterans, most are family people, many own homes, few, if any, have ever been on relief, or drawn unemployment insurance. They pay taxes in Sheboygan, New Holstein, Valders, or in the surrounding communities, and have contributed their full share to financing our state and our country throughout their wage earning years. They are citizens in good standing. Many of them will be through working for life if they lose their shoe factory jobs. Your computer may tell you that they are expendable, but if you knew them, your heart would tell you that they are not.

If you find it difficult to relate to these people as individuals, consider the effect of their employment on our relief rolls and on your tax burden. While there are many skilled workers in our industry, there are also many of modest skills. Many workers are from minority groups, and many live in rural America. In many a small town the local shoe factory is the largest employer. At a time when our country is presuming to do everything possible to provide hope and opportunity for the minority worker, for the low skilled worker, and for the rural poor, there is surprising reluctance to save an industry that has been fulfilling this obligation for America without any subsidy for years.

It is really necessary to move from our one-sided free trade posture in order to save an industry like the shoe industry? Here is a story of what has happened:

In 1956 imports were *1%* of American production.

In 1970 imports became *42%* of American production.

While we have been talking about what might be done to save the shoe industry for America, imports increased 27.4% in the first quarter of 1971. In March they were 67% of production. 85 factories closed last year, a net loss of 140 for the decade. Production is the lowest in 15 years.

Optimists say that in ten years the domestic footwear industry will be gone unless some form of protection is offered. Pessimists say that it will take only five years. Whether it be five years or ten, the effect on the American consumer will be disadvantageous. If you were not to consider the loss of the individual jobs or of the industry of concern, the effect on the American consumer-at-large should be a matter of concern. When the American footwear market is at the control of foreign manufacturers, and freed of local competition, the American consumer will pay the price. The dumping will stop and the profit taking will begin. Not only that, should there be a national emergency in the future, ours will be a nation without shoes or apparel, regardless of price.

The point that I am trying to make is that I recognize that trade is a two way street. We must seek a balance that will permit vital industries to survive, that will make available a balance of jobs to match the talents and skills of American labor, that will permit the importing of sufficient goods to eliminate the inefficient American manufacturer, and that will permit sufficient exportation of America's superior products to strengthen our economy and balance our payments. Each of us has an obligation to stand back from our self-interest in this matter, and to recognize the needs of America and Americans.

Finally I would like to submit other reasons for retreating from our unilateral free trade policy, and undertaking a moderate defense of self-interest.

It is argued that our national economy can prosper by matching cash outflow due to imports with growing exports. The truth is that in the trillion dollar world market United States manufacturers are losing ground. Inflation and rising costs are taking United States products out of the world market. The

United States share of world exports in 1968 was 23.8%, in 1969 23.3%, and in 1970 down to 22%. Ours is a declining share of the world market. While this conference is to be commended on its resolve to reverse this trend, we can ill afford to gamble our national economy on this hope.

The rumors of favorable trade balance in the past simply have not been true. Export figures have included AID giveaways and Public Law 480 exports that are paid for in foreign currency. The true result has been a deficit trade balance. More than that when you recognize that freight and insurance costs on imports are actually a cash outflow, we find that in the last four years our deficit trade balance has risen from $186 million to $1.7 billion. (U.S. Department of Com-census publication FT990 and Trends in Foreign Trade).

With reference to this trend, Treasury Secretary Connally states, "I am not one of those who treats this whole question of foreign trade with benign neglect. I am worried about it. All I am saying is that if other nations are concerned—as they ultimately will be if we continue to have balance of payment deficits of $10 billion a year—they must be fair with us. We don't have reciprocity in our trade agreements. I think we are entitled to it. It is just that simple." Stanley Nehmer, Deputy Assistant Secretary of Commerce for Resources, put it this way, "Many people feel that the expansion of exports will restore our balance of trade to a healthy condition. Certainly export growth plays a large role in meeting this objective. But over the last decade our imports have been rising more rapidly than our exports, and this is building problems for our balance of payments far into the foreseeable future."

Students of the international economy are impressed by the spectacular growth and the prosperity of the Japanese economy and the European Common Market. The theory that the American economy can only grow with the continuation of free trade policies is left subject to real doubt when we realize that both the booming Japanese and Common Market economies are intensely protectionist. The success of these economies commends to us a re-evaluation of our unilateral free trade policies, and a reasonable defense of our own interests.

I have tried this morning to appeal to you for an open mind, recognizing that this is essentially an American problem that must be viewed from outside our special interests. I pointed out that we do *not* have an opportunity to elect free trade as a practical alternative, because there is *no free trade for Americans* in the real world, and I emphasized the *need* for a reasonable level of *protection* for American *labor* and *industry* because it is our duty to our citizens, our *international credit* demands it, our *trading partners* are *prospering* under it, and our *national economy requires* it. Should there be any uncertainty in your mind as to where to begin with a reasonable level of protection, may I suggest *shoes?*

NEEDED—ANOTHER MANHATTAN PROJECT

Mr. BAYH. Mr. President, Jerry Finkelstein, the publisher of the New York Law Journal, in a recent editorial proposed that the Nation should be meeting the tragic crisis of our drug abuse epidemic with the same massive national response that the United States produced during World War II with the "Manhattan Project." After the war, Congress established the Atomic Energy Commission to study and develop new uses for the atom. Both studies involved all academic disciplines, across the board.

Is it any wonder that Mr. Finkelstein proposes that the President, leaders of Government, and the bar become united in a drive that would produce a comprehensive drug abuse program, to rid our Nation of the army of addicts that have been transformed from being our neighbors and friends into parasites?

As a member and, now more recently, as chairman of the Juvenile Delinquency Subcommittee, I have stressed the importance of this problem for the past 8 years. I quite agree with this editorial that only a massive undertaking will put an end to drug addiction. Yet the Nation still has not seen the need nor taken the action to promote this end.

Drug addiction has destroyed the functioning of our school system, forced children to a life of oblivion and has sent our crime rates spiralling to unprecedented heights.

Why cannot we develop an ABM system for this "H" bomb? The payoff could be immense in terms of human suffering avoided and curtailment of the backbreaking burden now borne by this Nation.

Mr. President, I ask unanimous consent that the editorial be printed in the Record in its entirety at this point.

There being no objection, the article was ordered to be printed in the Record, as follows:

Needed: Another "Manhattan" Project To Solve Nation's Drug Problem

(By Jerry Finkelstein)

Attention: President Nixon, All Leaders of Government and the Bar.

During World War II a secret project whose code name was "Manhattan" tackled every conceivable angle so that the United States could produce the atom bomb. After the war, Congress established the Atomic Energy Commission whose sole function is to study and develop new uses for the atom—and these studies have been conducted on an all-encompassing basis by all academic disciplines.

Similarly, when the United States embarked upon its space program, the National Aeronautics and Space Administration was set up to oversee the program. It was charged with every aspect of the nation's program, using not only engineers, but astronomers and historians, manufacturers and others could contribute to every minute area of study.

Drug abuse has long since become a scourge that threatens the national character and fabric. No segment of our society is immune from the impact of this deadly plague. Our children at all levels of school have been infected. It is the major cause of soaring crime rates that undermine security in our homes and streets and parks. It has corroded the morale and discipline of our armed forces in Vietnam. It takes a huge toll out of the business activity in terms of absenteeism and poor employee performance. It clogs our court calendars.

It is tragic that a crisis of such magnitude has not stimulated a national response on the level of the "Manhattan Project" or NASA. If we had recognized the need for this approach three years ago, or five years ago, or ten years ago, perhaps there might not be a drug problem today. If the best brains of the nation were used to study the drug abuse problem—not only chemists, but educators, physicians, psychologists and psychiatrists, sociologists, clergy, attorneys and judges, legal enforcement agents and any other conceivable group that could shed light on the subject, perhaps today we might know whether marijuana is safe to use or not, or if it leads to the "hard stuff." If the nation had undertaken the massive response to the drug problem as it did to the atom and space, perhaps today there would not be a debate as to whether or not marijuana should be legalized. Nothing less, in our judgment, but this massive undertaking will put an end to drug addiction.

This same observation can be applied to methadone and other aspects of the drug abuse problem. Programs for treatment and rehabilitation of addicts and education programs to prevent addiction are inadequately financed and uncoordinated. But more important, we are full of half-truths and ignorance in our nimble approaches to solving the problem.

What is urgently needed is a strongly financed, well-coordinated mobilization of the nation's resources to develop a comprehensive program to put an end to this national disaster and disgrace. Such a program should accelerate our research, to telescope the work which has not been done in the past five or ten years, so we may save our people and our nation.

The United States has attacked so many difficult problems—from polio to the atom—and found solutions through massive injections of money and talent. Drug abuse is more of a problem and should be approached in the same manner—not through some piecemeal program with miniscule funding. It requires a broad scope—from legislation to treaties with other nations—so no stone is left unturned.

The drug problem is a challenge which must be faced by the members of the American Bar Association. Drug and drug-related cases jam the courts and impede the legal professions' work. As civic and community leaders, members of the Bar can play a decisive role in prodding into action the White House, Congress, Governors and Legislatures to provide the initiative and financing needed to put an end to this major threat to our nation.

It is true that the White House has recognized the problem, and called the nation's attention to the dimensions of the national tragedy, but it has not attacked drug abuse in depth.

It is equally surprising that no "Mr. Anti-Narcotics" has emerged like a Nader in the consumer protection field.

The time is long since past for us to talk about drugs, and hope it will blow away. It won't! It could eventually lead to the destruction of the civilization we have built and come to know.

Leadership taken by the Bar in mobilizing our national resources in this effort would be in the noblest traditions of the profession.

THE ADMINISTRATION'S NON-POLICY IN LATIN AMERICA

Mr. MUSKIE. Mr. President, Mr. Sol Linowitz, chairman of the National Urban Coalition, has recently published a very telling—and timely—criticism of what he calls the administration's non-policy in Latin America. Mr. Linowitz, who was Ambassador to the Organization of American States from 1966 to 1969, is an extremely well-qualified observer of this part of the world.

I ask unanimous consent that his article, recently published in Life magazine, be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Our Nonpolicy Toward Latin America

(By Sol Linowitz)

After more than two years of watching, listening and waiting for a meaningful Latin American policy to emerge from the Nixon administration, even the most patient and optimistic of Latin American observers are fast becoming convinced that it simply will not happen.

Some Latin Americans are openly expressing their disappointment that so few specific actions have accrued from the administration's promise of "more action and less rhetoric." Many others are rather more cynical and resentful of the administration's clear indication that it regards Latin America as relatively insignificant in our order of priorities. And even those who are reserving judgment confess themselves still baffled by such actions as the administration's refusal to authorize a visit to Chile by the aircraft carrier U.S.S. *Enterprise* after President Allende had publicly invited the warship's stopover in Valparaiso.

When President Allende was inaugurated last November, the United States was conspicuous in its failure to send even the normal congratulatory telegram. Since that time the administration has continued to make clear its displeasure at the appearance of a "socialist" regime in Chile. This persists despite the fact that Allende's government is obviously seeking to avoid a confrontation with the United States and has thus far behaved with commendable restraint in the international arena.

Thus, at the same time he has been developing closer relations with the Communist world, Allende has in a number of ways given signs that he wants Chile to remain a responsible member of the inter-American community. This was underscored by the visit of Economy Minister Vuskovic to Washington and his economic presentation of Chile's plans to the Inter-American Committee of the Alliance for Progress. Later the Chilean foreign minister told the OAS General Assembly in Costa Rica that Chile would participate actively in the OAS and in Latin American efforts to achieve a common market.

Chile could, therefore, represent for the United States an opportunity as well as a challenge. Yet the administration apparently continues to regard it only as a challenge.

All of this is particularly distressing because our actions toward Chile have deep international implications. Sooner or later we will have to recognize that our words in Vietnam are being tested by the way we act in Chile. For the stated administration purpose of our involvement in Southeast Asia is to assure that the people of South Vietnam will have the freedom to choose their own government. And, we have been told, when that choice has been freely made, we will respect it. Yet that is exactly what has occurred in Chile: the people of Chile have made their choice through the democratic process and have freely selected their government. That choice deserves to be accepted and respected by the United States—at least with as much cordiality as we display toward governments in other Latin American countries which come into power by overthrow of existing governments.

The case of Chile is in many respects a microcosm of the problems of our relationships in the hemisphere today. From the outset, this administration has spoken of a need for a "mature partnership" with Latin America and of the importance of maintaining a "low profile." But the kind of partnership the administration apparently has in mind avoids any responsibilities, undertakes no commitments, rejects any involvements.

Why, then, should we be surprised at the increasing manifestations of virulent nationalism and anti-Americanism running up and down the continent? Why should we be offended when Latin Americans throw back at us our empty phrases and pious preachments?

Admittedly, the administration has undertaken some helpful steps in connection with our economic relations with Latin America. Thus it has relaxed some of the restrictions on the use of our AID funds and has offered trade concessions for several hundred Latin American products. But these steps are not offered in the context of an overall coordinated program—and are generally in response to Latin American pressure.

Earlier this year a brilliant young Colombian economist and friend of the United States wrote: "It is doubtful that any new inter-American initiative can be undertaken until after the Vietnam tragedy has come to an end." But I'm afraid we don't have time. Latin America's problems won't wait and its people won't wait. In one way or another—with or without the United States—Latin Americans will have to come to grips with the problems of hunger, illiteracy, poor health, injustice and social turmoil which grow greater each year. This is going to require change, and some of it—perhaps much of it—we will not like but will have to learn to accept.

The 270 million people of Latin America today are at a critical point of decision. They intend to try to fulfill the expectations which we helped raise in the hemisphere, and they're going to do it either peacefully or through violent revolution. We in the United States can play a decisive role in urging the peaceful path with the assurance of our cooperation, understanding and support. If we fail to do this—if we continue to focus on the Far East, the Middle East and Europe, while ignoring these festering problems here in our own hemisphere—then we may well find future explosions on our own doorstep.

ON YIDDISH BROADCASTS TO THE SOVIET UNION

Mr. JAVITS. Mr. President, at present, the Voice of America broadcasts in native language to 1.3 million Estonians, 1.9 million Latvians, 2.73 million Lithuanians, 2.83 Georgians and 2.91 million Armenians in the Soviet Union—but sends no Yiddish broadcasts to the 3 million Jews in the U.S.S.R. Such broadcasts could bring a message of hope and encouragement to a people living in the darkness cultural deprivation. They would also underline the fact that this Nation does care.

There is growing concern in the Senate that the USIA should undertake Yiddish broadcasts beamed to the U.S.S.R. I am one of the some 24 Senators from both parties who have joined in the sponsorship of Senate Resolution 145 which urges that the Voice of America "undertake broadcasts in the Yiddish language to the citizens of the Soviet Union."

The Jewish Press, a highly regarded weekly published in New York City, in its July 2 issue, has an eloquent editorial in support of Yiddish broadcasts to the U.S.S.R. I ask unanimous consent that the editorial be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

ON YIDDISH BROADCASTS TO U.S.S.R.

A request to institute Yiddish-language broadcasts on the Voice of America has been made by 73 legislators. But the request has been turned down by the U.S. Information Agency.

Frank Shakespeare, who is the director of the United States Information Agency, wrote, "Even assuming it were technically feasible to inaugurate a Yiddish service, we would be in effect increasing our costs without materially increasing our audience."

He added, "Although, at this time, we are not prepared to inaugurate the service which you propose, we shall continue to stress in our broadcasts the deep concern of the United States . . . and provide all the moral support and encouragement which is consistent with our national interests and with the agency's mission."

Mr. Shakespeare makes the implication that there are relatively too few Russian Jews who would understand Yiddish. However, this we have been assured is not necessarily a fact. What is important is that a young Russian Jew can hear a language that his grandparents or parents spoke. If anything, it will remind those who have all but given up hope that they are still Jews.

Mr. Shakespeare's comment about ". . . increasing our costs without materially increasing our audience . . ." reminds us of the Harry Hershfield story of a man who was seen under a streetlight, searching for a coin he had dropped. When a police officer stopped by and asked him what happened, the man told the officer that he had dropped the coin down the block in a dark alley.

When the officer asked, "Then why are you looking for it here?" the man answered, "Because there's more light over here!"

Of course, no one really knows the efficacy of the Voice of America broadcasts. They certainly can't run a telephone rating system on who's listening—but once Yiddish broadcasts start, you can rest assured, you will know who is listening!

A Yiddish-language broadcast would cut through the Iron Curtain like a razor, and draw new interest into the programing of the Voice of America. If anything—you can bet your bottom dollar more Russians will be listening to the broadcast to find out what this "mysterious" language even sounds like! If nothing else it will answer one thing the Russian Jews want to know—and that is that America does care!

LARRY F. SMITH, PHOENIX, ARIZ., FIRST INDIAN DEPUTY U.S. MARSHAL

Mr. FANNIN. Mr. President, on July 12 in Phoenix, Ariz., Mr. Larry F. Smith, age 32, became the first Indian in the history of the U.S. Department of Justice to be administered the oath as a Deputy U.S. Marshal.

Mr. Smith is a remarkable young man whose talents and experience in law enforcement will, I am sure, contribute immeasurably to the effectiveness of the U.S. Marshal's office in the District of Arizona.

Mr. Smith showed remarkable perseverance in obtaining his college degree. Because of a need to work and support his family, Mr. Smith's studies were interrupted and nearly 11 years elapsed between the time he enrolled as a freshman until he received his degree.

I should like to call to the attention of the Senate some of Mr. Smith's background because it is dramatic proof that worthwhile goals can still be achieved by hard work and sacrifice.

Mr. Smith is a Navajo who was born in Albuquerque, N.M., and was graduated from St. Francis' Parochial High School in Riverside, Calif. He attended Riverside College for $1\frac{1}{2}$ years, and then enrolled at Northern Arizona University at Flagstaff in 1960.

In 1968 Mr. Smith was graduated from Northern Arizona University with a bachelor of arts degree in police science. He joined the Navajo Tribal Police, being stationed at Window Rock and

Chinle, Ariz., where he attained the rank of sergeant.

After 16 months on the tribal police force, Mr. Smith resigned to accept a position with the police department in Holbrook, Ariz., where he was employed until leaving to accept the position of Deputy U.S. Marshal.

In addition to his other qualifications for police work, Mr. Smith is a polygraph operator.

Mr. Smith's wife, Mary Ann, is employed by the Bureau of Indian Affairs, and they are the parents of three daughters and a son.

Mr. Smith's parents are Mr. and Mrs. Lorenzo Smith of Flagstaff, Ariz.

UNEMPLOYED VETERANS OF VIETNAM

Mr. HARTKE. Mr. President, last week I had the pleasure of being in California. During my visit, I found that concern for the unemployed veteran is not restricted to Congress or the executive branch of the Government. This desperately serious problem affects our veterans from coast to coast and border to border and, though belatedly, is finally being recognized by the press throughout the Nation.

I ask unanimous consent that a useful editorial published in the Oakland Tribune of June 21 be printed in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

Priority Attention for the Vietnam Veteran

The plight of the Vietnam veteran seeking a job, if not a national disgrace, is at least nothing for any of us to be proud of.

Of the 75,000 veterans now being discharged each month, it is estimated that 10,000 of them are unable to find work. Secretary of Labor James D. Hodgson says there are now some 350,000 unemployed Vietnam vets.

Granted the job situation is tight for everyone. But there is still no excuse for the fact that the unemployment rate for Vietnam veterans is running 2 per cent higher than for non-veterans in the same age group.

Some analysts attribute the disparity to nothing more than the fact that in giving up two or three years of his life for his country the Vietnam veteran has simply fallen that far behind his civilian counterpart in job preparation.

Others ascribe the Vietnam veteran's plight to a far more serious situation, the possibility that some employers are reluctant to hire him because of such factors as the unpopularity of the Asian conflict, reports of drug misuse by U.S. troops and atrocity charges.

The experience of many employers, to the contrary, has been that the Vietnam veteran is generally a more mature man than the non-veteran and, because of his exposure to military discipline, is more adaptable. Similarly, colleges report that returning veterans generally are better students.

Nonetheless, it remains clear that the Vietnam vet is finding it much harder to get a job and thus complete the transition to civilian life than did returning veterans from World War II and the Korean War.

Faced with this uncomfortable truth, President Nixon has ordered the Labor Department to launch an intensive effort to find jobs or provide training for Vietnam veterans.

Greater cooperation from the business community will be sought; servicemen will be given expanded job training and counseling prior to discharge; job training and placement services by federal agencies will be accelerated; and special attention will be devoted to veterans unemployed three months or longer.

This new, intensified federal effort is long overdue. It should receive priority attention—both on the part of governmental agencies involved and those in the business world in a position to give the job-seeking Vietnam veteran the preferential treatment he deserves.

RETIREMENT OF COL. JOSEPH E. O'LEARY

Mr. HANSEN. Mr. President, I have received notification of the pending retirement of one of the more experienced officers of the U.S. Army—Col. Joseph E. O'Leary, who has served continuously and with honor since October 1942.

Colonel O'Leary, whose retirement is slated for July 31, has served since July 1969, as Chief of Senate Liaison, Office of Legislative Liaison. During his tour at this post, Colonel O'Leary and his staff have been exceptionally responsive to Senators, to our constituents who serve in the Armed Forces, and to their relatives at home.

Holder of the Legion of Merit, the Bronze Star, the Combat Infantry Badge, and a number of other decorations from World War II, Korea, and Vietnam, Colonel O'Leary has had a distinguished career as a professional soldier and has served this Nation well.

A graduate of Texas A. & M., Colonel O'Leary served with the 124th Infantry at Fort Benning, assisting in the massive training effort of World War II, and joined the 41st Infantry Division in 1945 for the southern Philippines campaign. He served in Japan during the post war years, and as an instructor in the Junior ROTC program for four high schools at St. Joseph, Mo.

In October 1950, he became an adviser to the Korean Army, and remained with the ROK Army until March 1952, participating in six campaigns with the 30th Regiment of the 9th Division.

Following the Korean war, O'Leary served in the Pentagon as Assistant Chief of Staff for Intelligence until June 1955, when he joined the Intelligence Division of Supreme Headquarters Allied Powers Europe at Paris for a 3-year tour.

O'Leary served with the 1st Division during participation in the reinforcement of U.S. troops in Western Europe and Berlin, and from there went to Vietnam in June 1964, as senior adviser to the Province Chief of Go Cong Province in the Mekong Delta. During O'Leary's 8-month assignment at that province, Vietcong control of the area was reduced by 35 percent. He subsequently served in the Operation Office of the U.S. Command in Saigon.

After Vietnam service, O'Leary commanded the 172d Infantry Brigade—Mechanized—at Fort Richardson, Alaska, and was operations officer for U.S. Army, Alaska, before assuming his Senate post.

Colonel O'Leary has served with distinction. I am pleased to have this means of saluting his efforts and wishing him well in the years ahead.

HOW TO MAKE A CRIMINAL

Mr. BAYH. Mr. President, as chairman of the Subcommittee to Investigate Juvenile Delinquency I have become increasingly aware of the crimes we are committing against juveniles under the guise of doing something for their own good. The hearings held by my subcommittee have demonstrated time and time again that juvenile correctional institutions do not correct—do not rehabilitate—and, in fact, are schools for crime.

Every governmental body, every commission, every writer, every private organization that has investigated the juvenile detention centers, training schools, and reformatories in the country have come up with the invariable conclusion stated by Milton Luger, former director of the New York State Division for Youth:

> The way things are now, it is probably better for all concerned if young delinquents were not detected . . . too many of them get worse in our care.

In Look magazine for June 29, 1971, Charles Mangel, Look senior editor, forcefully and dramatically details the facts of how dismally we have failed those youngsters who are imprisoned each year. Six out of 10 are not delinquents, but while in our correctional institutions they learn very fast. It is a frightening and horrifying story replete with true accounts of brutality, homosexuality, and criminal instruction. Children who need help get absolutely none, an account of society's failure which is repeated across the face of the Nation.

Mr. President, I commend this devasting and heartbreaking article and ask unanimous consent that it be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

How to Make a Criminal Out of a Child

(By Charles Mangel)

"I can't send him back to his whore of a mother. His school has thrown him out. He has done nothing more than try to run away from his miserable home. All I can offer this child is a jail."—Magistrate David S. Schaffer, Chicago Juvenile Court

As I write this, some 100,000 children are sitting in jails and jail-like institutions throughout the country. They are as young as six. Most, perhaps 60 percent, are not delinquents. They have committed *no criminal acts*.

They are in trouble with their schools or victims of bad homes or no homes or runaways or emotionally disturbed or mentally retarded or neurologically impaired.

But they are in jails (thousands of them illegally, without benefit of court hearings or attorneys or specific release dates) because there is no place else for them to be. These jails, which have many different names—detention center, training schools, even hospital—have guards and locks and, for the most part, bars and high walls.

They put Bernie in one of these jails at age six. Because that's when, as far as officials were concerned, he began to mess up.

Poster-attractive except for a pair of the most badly-crossed eyes I have ever seen, Bernie was picked up by a Chicago cop one cool fall midnight wandering bare-foot around a subway station.

He was already a veteran runaway and a panhandler. Lost among nine—soon to be ten—kids, a semiliterate, rarely working father, a childlike mother, he took to the streets at four. He was hit by cars twice that first year, suffering a fractured skull both times.

The policeman took Bernie to the Audy Home that night, shortly after his sixth birthday. (The Audy Home is a jail for children.) He was sent home the next day, turned over to his parents and ordered to report to school. Kindergarten.

He refused to attend. Disheveled, dirty, butt of jokes for his crossed eyes, which were never treated, he skipped 31 of his first 40 days. That set the pattern for the next four years. Bernie was to spend almost two of those years in Audy on five different stays.

Continuing to run and to get picked up, he shuttled between his home, a urine-reeking, rag-strewn three rooms, five sets of foster parents and, inevitably, when things fell apart, Audy. After years of being responsible to no one, he was hard to control; each foster home quickly threw him back.

Because he was so handsome—ash-brown hair, blue eyes, a quiet smile—he became a favorite among the staff at Audy. Everyone felt badly that he was distintegrating.

Like all cities in this country, Chicago offers little treatment for children who need help—but lots of testing. During his repeated confinements at Audy, Bernie was frequently evaluated. Tested there for the first time at age six, he was found to be of normal intelligence.

By age eight, the examining psychologist could report: "His contact with his environment has decreased." By nine: "Bernie is getting depressed. [He is] beginning to withdraw severely." The next year: "It is quite possible he is deteriorating due to lack of special academic compensation [and] experiencing extreme emotional regression."

Several doctors recommended a boarding home and school where Bernie could get the attention and firm guidance he desperately needed. "Unfortunately," noted one laconic report in Bernie's ninth year, "such an environment was not obtainable for him." Illinois, like most states, pays $3,000 to $8,000 per year for each troubled child it is able to place in private residential schools. But these schools reserve the right to turn down anyone they believe would not fit into their program. Illinois has no say. Eight schools refused Bernie. Public residential schools for long-term stays do not exist.

The rejection from the foster homes "rendered Bernie . . . chaotic," reported one psychologist. Back home, Bernie's parents often locked him in a closet to keep him from running, and moved frequently to evade juvenile authorities.

At ten, Bernie became, in the eyes of the law, a delinquent.

He wanted a bike. So he took one, menacing a boy with a small penknife. He was returned to Audy. He was now functioning at the level of a retarded child. His IQ had plummeted 30 points. He had spent three weeks of the prior 52 in his neighborhood school. He could not read, write, tell time. He was drifting away from the world.

The inevitable test: He was now retarded, it said. The court promptly and officially labeled him that, even though a physician two years earlier had said emphatically: "He is not retarded." (If Bernie was in fact retarded at that point, he had joined a large group. The President's Committee on Mental Retardation estimates that three out of four of the six million retarded in this country *were born with healthy minds*. Their retardation, like Bernie's, was caused by the failure of our society to provide what a child needs to survive.) Bernie—age ten—was ordered to a state institution for the retarded. Commented a probation officer, "He will never come out."

Bernie's parents, meanwhile, had had enough of Chicago. They wanted to move to a relative's farm in rural Florida. Almost as an afterthought, the day before they were to leave, they asked if Bernie could come with them. He was released. The only thing Chicago and Illinois could figure out for Bernie was to let him go. Saved from a cage for the retarded, he is now back where the problem began.

Bernie spent almost half of four crucial years in a city detention center. Harry, the boy whose picture is on this page, is farther along. Harry was 14, looked 12 and, when I first saw him, he was in solitary confinement in Illinois' maximum-security prison for juveniles—a penitentiary for children.

His major crime: an inability to control himself.

Straight, blond hair hanging over his forehead in bangs, he could be heard shrieking through the prison building when we entered. "Damned food; damned slop they give us. . . . Hey, who's out there . . . ?" As photographer Charles Harbutt and I approached and began to talk with him, he quieted down. He wanted attention.

Harry had been a problem "since he was nine months old," his mother later told me. He destroyed "every toy he owned" in fits of temper. Extremely bright, he had a low frustration level and would explode "without warning" when he didn't succeed immediately at anything he wanted to do. Even before he started to talk, he would grab a household "weapon"—a vase, a broom—when provoked by one of his brothers or sisters.

Harry's mother, a good-hearted divorcee concerned about her seven children, married an older man who wanted to take care of his new family, but who quickly admitted defeat with Harry. Although obviously bright, Harry could not be controlled at home or in school. He tore apart his classes and virtually destroyed his family.

He walked into a liquor store at age 11 and stole several cartons of cigarettes. He didn't smoke and didn't try to sell them. He apparently just wanted to boast. That same day, as a friend was set upon by two boys, Harry waded in and got so angry that he pulled out a pocketknife and stabbed one of the boys in the shoulder. (When I asked him why, he replied: "I just got mad.")

For the last two incidents, the court ordered him to a training school. Paroled 15 months later, he was wilder than ever. He lasted three months at home.

His parole was revoked. He went back to the training school, was so incorrigible that he was transferred to the maximum-security school in the Illinois system. (In any state in this nation, a child who is, for example, a runaway, can, by just running repeatedly, promote himself into a maximum-security cell. He is, thus, controlled.) Unable to stop lashing out at virtually everyone around him, Harry spent most of his time in solitary confinement, a five-by-ten-foot cell. Of the three months following my visit, he spent 71 days locked up alone. When he was particularly troublesome, the "cage men" (or "control men") injected him, forcibly if necessary, with Thorazine. Thorazine is a powerful tranquillizer. It is commonly used in the treatment of phychotics. No physician termed Harry psychotic. The cage men used the drug to keep him groggy. A prescription—a technical requirement—was routinely provided. "One injection," the then superintendent told me, "often kept him out six hours."

Harry was examined by a psychiatrist who reported: "This is a . . . helpless little boy confused and overwhelmed by his impulses and environment. The next few years could be crucial as to whether he goes into irreversible personal disorder." The psychiatrist asked that Harry be given a medical evaluation and then treatment based on those findings. Four months later, the medical evaluations had not been scheduled. The same psychiatrist saw Harry again, and again recommended the examination. He noted: "His behavior has deteriorated. His prognosis is poorer."

I took my notebooks to a pediatrician who specializes in learning and behavior problems in children. He suspected, based on what I could tell him, that Harry has suffered since birth from a combination of primarily physical — *not emotional* — problems. They made it impossible for him to control himself without the right medical help, which no one had given him.

Until last November. Then something "strange" happened. After five years in and out of the state correctional system, Harry was transferred to a state hospital, to join an experimental program designed for kids just like him. Suddenly, aid poured in on Harry—medication, psychological therapy and intensive personal counseling. He began to change. Dramatically. Now, just seven months later, his psychologist says, "I think he will go home soon to stay." If that is right, if help did not come to Harry too late, he is one of the very few lucky ones. "He was," says the psychologist, "at the end of his rope when he got here."

What happens to a boy who grows into manhood in a jail?

Chuck Paulson is 35. He has spent 26 years in some kind of institution. He has been a burglar, an armed robber and, almost, a murderer. When I interviewed him, he had just been released from a penitentiary in an Eastern state. He had been out ten months, the longest period of time he had been free *since he was seven years old.*

"My mother put me in an orphanage when I was seven," he recalled. Why? "I don't know. My parents were both working. I was an only child. I don't think they wanted me around. They were both pretty young."

Chuck kept running away, trying to go home to his parents. After three years, the orphanage gave up and sent him back. But he didn't want to go to school. While truant one day, he wandered into a variety store, picked up a hard-boiled Easter egg from a display and ate it. A neighbor told his mother.

The next day, Chuck's mother petitioned the court to have him committed as an uncontrollable child. (In many states, "incorrigible" children, solely on petition of a parent, school or police official, can be held until age 21. New Jersey last year imprisoned a boy until newspaper publicity forced his release. He was five.) Chuck, 12, was sent to a reformatory. He was to stay there for most of the next four years. He had done nothing more serious than eat the egg and play hooky.

"When you go into reform school at 12 or so," he told me, "and you see a guy maybe a year or two older in there for robbing, he's a big man. You look up to him. You listen to him. I listened to stories about jobs. I just took it all in my head."

"What did you learn?"

"I learned the best time to break into a market; how to get into a closed gas station, how to empty a jewelry-store window, how to find out if a house is empty and get in quietly, how to sell the junk you steal." (Eight out of ten kids—*including those who enter these institutions for non-delinquent behavior*—commit crimes after they leave. Three out of four are back in jail within five years.)

After a year at the reformatory, Chuck got a two-week home leave. He could barely wait to test his new knowledge. "I hitchhiked across the state line the first night out—they told me not to mess with your hometown—and crashed into two closed gas stations. I went into the cash registers and the vending machines. I still remember, I got $50 in one and $20 in the second. That was big money for me. I was 13 and a half. I hit two more when that money ran out. Now I had some stories to tell when my leave was up."

Chuck learned "how to stick a knife in a guy, shoot a gun. They taught me to fight; they made me want to do it, to get revenge. The kids said if you've got the guts to stick it into a guy, then you're OK. Otherwise, you're a punk. This went on, day after day. All we did was talk. They had pictures of guns and showed us how to load them, use them. Over and over. When I got out and got a gun, I felt at home with it."

Chuck saw his first gang rape in the reformatory. "A thin, blond kid hung with me, and I watched out for him. One day, 10 bigger guys caught him alone and raped him in a classroom, beat him silly. I saw 12- and 13-year-old kids rape eight-year-olds. I saw a gym master rape a kid in an empty swimming pool.

"Everybody does it. Anyone who's in prison for any time and says he doesn't do it—by consent or force—is a liar."

("Almost every slightly built young man is sexually approached within hours after his admission. . . ," one investigator told a Senate subcommittee. "Many are . . . repeatedly raped by gangs of aggressors. Can anyone of us understand what degradation and hatred a young man must feel when he is released into the community after being homosexually raped?")

Discharged at 14, Chuck formed a three-boy gang and started breaking into houses. "We would do 12 to 15 houses in an afternoon when people were out."

His career had begun. It was to take him into four different reformatories, Federal and state prisons, through five knifings of other inmates—he tried to kill each, but failed—through episodes with drugs. When discharged the last time, he had been out of confinement a total of 13 days in 13 and a half years. Now he sat with me, worrying about his future.

He had lost five jobs because his employers learned he is an exconvict; another because of his temper. Although he is trying to stay clean, he had broken into two houses the week before we talked. He is trying to stay off pills and liquor but may be losing. He is continually looking over his shoulder, afraid he'll be caught for those entries, dodging friends he made in prison who are looking for him so they can get back to the only real work any of them knows. "I get two or three offers a week."

Chuck doesn't know what he will do. He has the defenses of a child. "He is terror-stricken," a new friend of his told me. "He carries a knife because he's afraid someone will stab him in the back. He doesn't know how to trust. He doesn't believe anyone could love him. He tried to con me until he realized I wasn't out to hurt him, that I wanted to help. He doesn't know what it is to be happy."

The only thing Chuck is sure about is "that it started in reform school. That's trade school, that's where I learned it all." He pleads: "Stop reform schools. Eight out of ten guys I saw in prison were in reform school with me."

Bernie, Harry and Chuck Paulson are not isolated examples. They represent dozens of boys and girls I met across the country, non-delinquent or borderline delinquent children who are committed to institutions for indeterminate stays under the guise of treatment. But only five out of 100 get it.

Instead, they find themselves in a world governed by brutality (one survey reported major physical punishment in two out of three institutions) and a different code of conduct. "Imagine," said one researcher, "what can happen to a ten-year-old boy, whose only offense is having been deserted by his parents, when he is assigned a bed between a burglar and a homicide suspect," Inevitably, they learn a new set of rules.

No one, anywhere, demands an accounting of what happens to these children. Nobody touches their lives. Except on a hit-or-miss basis, no hand exists to support a stumbling child, no hand exists to help good families that find survival impossible without assistance. I interviewed poor parents of disturbed or brain-injured kids who committed their children in desperation because they could find no other promise of treatment. Each "incorrigible" child went to jail. None got the promised treatment. Schools simply eject kids who do not learn—90,000 under 16 walk the streets all day in New York City, 60,000 in Philadelphia, 36,000 in Detroit, 53,000 in Los Angeles.

The glut of public and private social-service agencies allows children and their families to fall between them because no one agency, anywhere, is responsible for anyone. Six different Chicago agencies had a shot at Bernie during his four years; his probation-department social worker and his school social worker had never contacted each other to discuss his problems. I asked his probation-department social worker what she did for him. "I visited him and I brought him apples," she said. "He loved apples."

Most judges refuse to visit institutions they sentence kids to. Three out of four juvenile courts have neither diagnostic services to seek out reasons for a child's behavior nor treatment services to help a child before committing him to an institution.

Logic plays little part in our treatment of children in trouble. We imprison a child of seven and tell ourselves *he* is the failure. We maintain we will treat him, but only one of 20 institution employees is assigned to rehabilitation. We worry about the rising rate of crime and acknowledge that serious juvenile crime is up 78 percent (half of all major crimes are committed by juveniles), yet our Federal Government spends $480 million for an omnibus crime act, and only $14.7 million for delinquency prevention—versus $4.4 billion for highway construction. We complain endlessly about money, yet we will spend as high as $12,000 to keep one child in a jail cell for one year when most could be helped in small group homes for a third of that sum. "Secure institutions are necessary for only some ten percent who are dangerous," says Milton Rector of the National Council on Crime and Delinquency.

We know our juvenile prisons are failures, yet we plan to increase their capacities by almost 50 percent. We deplore the need to put non-delinquents with hardcore child criminals—and some 10,000 in with *adult* prisoners—yet unblushingly continue to do it. In 1961, New York state passed a law forbidding non-delinquents to be placed in facilities housing delinquents. The jails started to empty. Suddenly there was no need for all those guards. Forty percent were let go. They protested. The legislators repealed the law and returned to the old system.

As a national community, we know how to identify many kids who are likely to get into trouble by the time they reach the third grade. We are beginning to understand that many children who misbehave flagrantly—perhaps as many as half of them—have basic medical problems that if treated would allow them to control weird impulses that lead to assaults, even murder. We have watched experiments in rehabilitation (Illinois among the outstanding ones) that indicate promising ways to reduce repeater rates—and costs—dramatically.

Yet we pass all this by as if it does not exist. "Why are we so willing to give up on the child in trouble?" asks Lois Forer in *No One Will Listen*. "There are two possible reasons. The first is that we don't want to help; the second, that we don't believe we *can* help. We know that the children who suffer from lack of facilities are primarily poor children—black, Puerto Rican, Indian, deprived—in short, *not our children*."

Few people feel any sense of outrage. I met in Chicago with a group of lawyers, judges and social workers who spend their days working with children in court. They impressed me as decent men and women. They uttered all the right words. But they spoke with a curious hollowness of feeling. As the evening wore on, I found myself being grateful that the future of my children did not depend on their concern.

"The way things are now, it is probably better for all concerned if young delinquents were not detected," says Milton Luger, former director of the New York State Division for Youth. "Too many of them get worse in our care." Not one state in this country, adds the National Council, is doing a proper job of rehabilitating kids in trouble.

We are a slipshod people. We tend to do nothing unless a crisis is at hand, and then we seek simplistic, temporary measures. We wrap ourselves in our comforts, tend to think the universe is where we are and blink at those who are cold, hungry, sick, in trouble. It appears the time of slippage may be ending. The time may be beginning when, compassion and purity of purpose aside, we are going to be hurt significantly if we don't reach out to those aliens who dare not to be self-sufficient. "If you are among brigands and you are silent, you are a brigand yourself," a folk saying goes. Civilization is not a matter of museums and global communications. It derives from a quality of mind and of concern. And by that definition, we, of course, are not a civilized nation at all, rather a self-centered, stupid one. And the soothing words of all our politicians, all our churchmen, all our "important" people matter not. We are incompetent.

About a month before I reached Los Angeles during the research for this story, a nine-year-old named Teddy had run from his mother there. An alcoholic, she used to leave him alone for days at a time. He was a chronic truant and had begun to mug smaller kids. A policeman showed me his farewell note: "Mom, I am sorry but you do not care about me so I have to leave you. I don't care no more. I had to go begging for food. I cannot go begging no more. Love, Teddy." The boy added an afterthought: "How am I going to live? Can you tell me that?"

CONGRESS BYPASSED IN ANALYSIS TECHNOLOGY

Mr. BAKER. Mr. President, I want very much to call to the attention of any Senators who might not have seen it an article by Joseph A. Califano, Jr., published in yesterday's Washington Post.

Mr. Califano, an able public servant who was formerly special assistant to President Johnson for domestic affairs, is well qualified to make the observations and judgments that he does about the substantial disadvantage at which Congress finds itself when competing with the vast resources of the executive department.

I know that certain segments of the public—perhaps a majority—feel that the legislative branch is a profligate, that Members of Congress and their staffs are underworked and overpaid, that Capitol Hill is rife with nepotism, sinecures, and pleasurable prerequisites of power.

That we could be more efficient with the resources we do have cannot be denied. But I am in full agreement with Mr. Califano that the National Legislature is a "separate but unequal branch." And I firmly believe that we will remain unequal to the responsibility vested in us by the Constitution until we are prepared to come to grips with the thoroughgoing reorganization of our operations that is so clearly needed. Until we are able to establish the kind of independent information base discussed by Mr. Califano, we will continue to rely almost exclusively on information provided to us by the Executive and by outside groups and individuals rightly advocating their own interests.

Mr. President, I ask unanimous consent that Mr. Califano's article be printed at this point in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

The Separate But Unequal Branch—Congress Has Been Bypassed in Analysis Technology

(By Joseph A. Califano Jr.)

The Congress is presently the separate but unequal branch of the federal government. Discussion in the press and on the Hill about this sorry condition has centered on the revelations in the Pentagon papers and the role of the Congress in foreign affairs. Senators rise on the floor to place blame on the Executive branch for withholding information or intentionally misleading the Congress.

The basic reason for the decline in congressional effectiveness and status, however, lies not with the Executive branch or some federal bureaucrats whose concern is often for the approbation of constituencies independent of the President or the Congress. Responsibility for its separate but unequal status rests largely with the Congress itself.

The judgments of the 535 members of the Congress, like anyone else's, can hardly be better than the information on which those judgments are based. The Congress is dependent upon the Executive branch for most of its information, with an occasional and too often superficial assist from outside experts. Of the three branches of the government, the Congress is the most inadequately staffed and least efficiently organized.

The Congress has a Legislative Reference Service which can put into statutory language virtually any idea any congressman wants drafted into a bill he desires to introduce. The General Accounting Office serves as an investigatory arm to expose waste in government contracts or office furnishings excessively luxurious for federal employees. Both organizations serve all congressmen well on their spheres of operation. Moreover, there are an increasing number of bright young staffers working on the Hill, particularly on the Senate side and in some key House committees.

But the Congress has ignored the revolution in analytical technology. As Representative John Culver of Iowa has pointed out, the Congress has only three or four computers, and those computers operate in large measure on payrolls and housekeeping matters. It has no central system analysis staff and only a scattering of such analysts among its committee staffs, many of whom left the Executive branch after the change in administrations in 1969 and have every intention of returning to the Executive should the Democrats assume control of the White House in 1973.

Contrast the Executive branch, which now has some 4,000 computers working almost entirely on substantive policy issues. Analysts and programmers of increasing sophistication hold key staff positions not only in the Office of Management and Budget and the Department of Defense, but increasingly in the domestic departments of the government. Shrewd and brilliant a legislator as he is, Chairman Mills must turn to the Department of Health, Education and Welfare and its computers (or a systems-oriented research center like the Urban Institute which is largely dependent on Executive branch contracts) when he wants detailed information on the financial impact of various welfare reform alternatives. The Pentagon, both within its own walls, as well as in its think tanks like Rand and the Institute for Defense Analysis, can war-game any number of strategic or budgetary alternatives, while the Armed Services and Foreign Affairs Committees still base most of their decisions on the work of small staffs and the gut reactions and empirical idiosyncrasies of committee members.

The impact of this congressional failure to staff itself adequately and to take advantage of the analytical tools of modern technology is at least as responsible for the second class citizenship of the Congress among the three branches of government as the seniority system or the antediluvian committee structure.

The Executive branch is by far the most significant force in the conception, development and enactment into legislation of new substantive programs. The stark fact is that neither the Congress nor any of its committees have the consistent capability—without almost total reliance on the informational and analytical resources of the Executive branch—of developing coherent, large-scale Federal programs.

When President Lyndon Johnson decided in 1967 to develop a program to close the housing gap in the United States as rapidly as possible without distorting the capital markets of the country or putting too much pressure on the construction labor force, months of computer runs and analytical work by the Council of Economic Advisers and the Department of Housing and Urban Development were necessary, first to determine the size of the gap and then to produce the 10-year program for closing it. When the Housing Act of 1968 was sent to the Congress, there was little discussion of the validity of the data base of the Executive branch or its statistical and analytical projections. The Congress and its committee staffs were simply not equipped to analyze the program intelligently in these terms. Most of the discussion in the Congress involved the parochial rivalries of interest groups that had been jousting for decades in the housing arena. The congressional debate essentially constituted a search for some means to balance the relatively narrow interests of banks, homebuilders, real estate brokers and trade unions. Congress, of course, is the proper forum for such interests to make their views known on a legislative program proposed by the Executive. But the Congress should also be a forum where Executive branch analyses and programs can be independently evaluated.

On the military side of the budget, the situation reached a point in the 1960s where the Pentagon would analyze and make decisions on the basis of program packages related to the capabilities of combinations of forces from all three services to meet potential threats to our national security. This is the context in which Secretary of Defense Robert McNamara would present his annual posture statements. Yet, for appropriations purposes, largely because of the way the Congress is organized, the limited capability of congressional staffs and its old-fashioned appropriations procedures these program packages would be retranslated into budgetary line items.

The lack of adequate staffing and analytical capability results in the kind of meat-ax approach that so often characterizes efforts to cut the defense budget. The success of a few senators in 1969 and 1970 when they focused with sophisticated specificity on selected programs, like Sen. Walter F. Mondale's successful attack on the nuclear carrier program of the Navy, was in no small measure due to the expertise of former Pentagon and Budget Bureau analysts who were willing to assist the senators on the hill and provide the data and analysis appropriate to the use of a scalpel instead of an ax on the defense budget.

The Joint Economic Committee does a remarkable job particularly when it is realized that virtually all its basic data comes from the statistical offices of the Commerce and Labor Departments, the Council of Economic Advisers and the Federal Reserve Board. Yet, think for a moment what the situation might be if that committee had the statistical and analytical capability to do their own computer runs, their own independent basic analyses and projections. I am not speaking here of duplicating the capability that exists in the Bureau of Labor Statistics or the Commerce Department's Office of Business Economics, but simply the kind of capability that exists in most of the large banks and corporations of our nation. Many of the more sophisticated members of the Joint Economic Committee, like Senator William Proxmire and Congressman Henry Reuss, were convinced at an early stage on the basis of personal experience and shrewd perception that inflation was getting out of hand in the Johnson administration and that the Nixon economic game plan would go awry. But their conviction was essentially a gut reaction. Their ability to develop their own projections and economic scenarios supported by detailed analyses and statistics, was sharply limited because they lacked the staff and the computer technology to do their own analytical thing.

Finally, and this is perhaps the most difficult and sensitive area in which to urge the Congress to engage in cold self-examination, the committee structure no longer conforms to the realities of American life. Committee jurisdictional problems are a major inhibition to a functional, problem oriented analysis of our national problems. Senator Humphrey's proposal for a National Security Committee recognizes this in the foreign policy, military affairs and foreign aid area. But there is is no visible recognition of this in the domestic area.

This issue is crisply drawn between the Executive branch and the Congress as a result of the President's reorganization proposals. The President has suggested that the domestic program side of the Executive branch be organized into four basic departments: Human Resources, Community Development, Economic Development and Natural Resources. The difficulties the reorganization faces stem not simply from narrow private interest groups like agriculture or business or labor, who wish to retain constituency-oriented departments. Even more important—as almost any congressman or senator will admit privately—is the impact of that reorganization on congressional committee jurisdiction. The rhetorical level of debate is filled with concerns about our farmers or our businessmen or our workingmen. The tough arguments in the Congress are more often concerned with what committees of the President's reorganization proposals. The most serious hurdle these Executive Branch reorganization proposals face may be the essentially retrogressive and parochial attitudes of substantive committees of the Congress.

In its struggle to stay abreast of the Executive Branch, the Congress may retard more efficient Executive reorganization, rather than pursue its own reorganization to come to terms with the reality of American society and its problems in the 1970s. Thus, one can hear comments that if the President's Department of Natural Resources is enacted into law, arrangements must be made to maintain the portions of the new department formerly in the Agriculture Department within the jurisdiction of the Senate and House Agriculture Committees and the portions presently in the Interior Department within the jurisdiction of the Senate and House Interior and Insular Affairs Committees—or indeed to grant both committees jurisdiction over certain areas. This is something akin to those stagecoach owners who first refused to transport rail tracks and later added a brace of stallions to the coach to compete with the railroads.

Most large institutions, like most governments, are most likely to deteriorate and crumble from within rather than without, Institutions, like people, tend to bring their problems on themselves. As the Congress thrashes out in frustration at its separate but unequal status among the branches of government, it must realize that its houses are made of glass. Before its members throw too many stones, they might recognize that they hold in their own hands the power to vote themselves the staff and analytical capability they need, to establish a central systems analysis and program evaluation office, to reorganize their committees and thus to assume their constitutional role as the most effective and responsive representative legislature in the history of mankind.

SHORTAGE OF JOBS

Mr. FANNIN. Mr. President, college graduates are finding that they have to seek jobs rather than having jobs seek them as was the case a few years back. And the quest for employment is difficult.

It is unfortunate that we do not have enough good jobs presently for well-educated people. Not only recent college graduates, but many competent workers with years of experience are finding it difficult or impossible to get the jobs they want.

My belief is that it is our unrealistic foreign trade policy that is partially to blame for this situation, but that is not the point of the remarks I offer today.

The one consolation we can find in today's tight job situation is that it should make the people who have good jobs appreciate these jobs and work to keep them.

Arizona has three fine universities, and one of them is located in Tempe. Tempe is a suburb of Phoenix, but it is a community that has individuality and a distinct spirit of its own. It also has a fine daily newspaper, the Tempe Daily News, which generally combines pioneer good sense with a keen insight into today's problems.

Recently the Tempe Daily News published an editorial which I think carries a sound message. I ask unanimous consent that the editorial be printed in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

Diploma, Then What?

Ten, even five years ago, an Arizona college senior could register at his Placement Office, be shuttled through a series of employer interviews, and then exit on graduation day with an avalanche of job offers. For the thousands in the Class of 1971, however, the search for permanent employment is somewhat different. In fact, according to UA's Arizona Alumnus magazine, "It's a complete about face from the good old '60s."

Job hunting graduates from Tempe, Tucson and Flagstaff are pounding the pavement, knocking on doors and trying every trick known to sell themselves and their skills to prospective employers. A college degree is no longer a guaranteed ticket to 'easy street.' At most, it is now a step in the front door of the secretary's office!

It doesn't take a degree in economics to figure out what brings about the situation. The primary reasons for the 1971 job pinch are an unhealthy business picture, high unemployment, a reduction in draft calls, the number of returning veterans from Vietnam, and an increasing trend of the working wife and mother.

Add one or two of these reasons to the burgeoning college population, and you've got trouble. But when all of them are weighed together, the chances of receiving a job offer along with a diploma are slim.

One piece of advice given to today's graduate by numerous placement officials is to get a job—any job—doing something he is competent at, and then seize opportunities to move from there to doing something he believes in.

Arizona is not alone in this graduate-job problem. The problem is echoing throughout the United States. In a survey of 916 major businesses, the College Placement Council reported that employers will hire 23 percent fewer college graduates than they did last year.

Another survey by Generation magazine, which polled 70 major U.S. corporations, offered some frightening facts for the June graduate. In recent months, the job market has been flooded with experienced personnel, let go mainly for economic reasons. At the same time, in an effort to hold down soaring costs, companies have revised their hiring strategies by either cutting back their needs, or hiring inexperienced people at lower salaries.

With our own graduation ceremony, complete with cap and gown and a handshake from the university president, we were handed the Great Depression to accompany the rolled scroll. We hope what happened to us (and to millions of other Americans) never happens to the wonderful youngsters of the Class of 1971.

The first thing we learned off the campus was that this is a great big, competitive world, one filled with darned nice people. Our job problem was universal, so we had lots of company. A constant faith in the United States of America kept us going. And in the end, we believe this nation was a whole lot healthier and unified in 1939 than it is today.

Anyway, it's too hot to talk of gloomy things. Take a deep breath, thump your chest, and smile. Like Avis, you gotta try harder!

WYOMING'S LEGION DOES AN OUTSTANDING JOB

Mr. HANSEN. Mr. President, I had the privilege recently of attending the Wyoming American Legion State Convention, held in one of the Nation's most scenic and hospitable towns, Lander, Wyo.

It was also my privilege, while there, to listen to the address by Mr. Max Hanson, of Boise, Idaho, the national vice commander of the American Legion.

Mr. Hanson pointed out the assistance that the young men returning from Vietnam by the thousands now under President Nixon's successful withdrawal plan will require in continuing their education, in locating jobs—in commencing their lifetime careers.

Mr. President, the Wyoming American Legion organization does an outstanding job in our State. The 53d convention pointed up its progress in a number of areas, not the least of which is its outstanding Americanism program and the fine job they have done down through the years with the Boys State program. Kirk Coulter, Gillette, was awarded a plaque for his dedicated participation in this program.

The accomplishments of the legion and the auxiliary under the able and dedicated direction of Department Commander Bill Mead of Buffalo; Department Vice Commander Frank Shaffer, of Sheridan, and Mr. and Mrs. Irving Selmer, of Cheyenne, have been noteworthy.

A highlight of the meeting was Max Hanson's address.

Mr. President, I ask unanimous consent that Mr. Hanson's address of June 25 be printed in the Record.

There being no objection, the address was ordered to be printed in the Record, as follows:

And We Were Young

It's no small thing to risk your life for your country. Even if one doesn't agree with the war in Asia, the bullets are real. And, so are the needs now of those who were lucky enough to return.

That young veteran returning home needs a job . . . now. He's an asset to America and will be one to a business. A job is the badge of belonging; belonging to our society . . . the American society.

Nearly two million men having done their part are returning to a society that appears not too proud of their services nor openhanded with its job rewards. When Johnny comes home—often nobody notices.

Our boys coming home didn't just inherit their American right—they earned it.

Now they want to earn something else . . . simply a living.

The clock has turned a long way. Certainly the welcome isn't what it was a generation ago. Yet these are the same young men. The youth of our land is a great force in remodeling man's outdated forms which govern his effort to get along with one another.

These young men who served are the builders of civilization. They are a credit to their communities from whence they came.

Dedication and idealism of responsible youth have been etched into every chapter of our nation's history. In the beginning it was the young people who provided the drive for a better life. Witness: Thomas Jefferson, who at thirty-three wrote the Declaration of Independence. At twenty-six Alexander Hamilton stood high on the list of leaders of those turbulent times.

Nathan Hale was only twenty-one, and with the winds of another world already blowing in his face, said, "I only regret I have but one life to give to my country." And Patrick Henry was twenty-nine when he denounced tyranny. Some of the signers for Independence were in their early years like Rutledge from South Carolina, age twenty-seven.

To these and to countless other young people we are indebted for the beginning of our way of life. The history of this nation is a fascinating story of the struggle of humanity geared to a constitutional system which was conceived in the minds of young people.

Nearly two centuries ago on a hot, humid July evening in Philadelphia, Pennsylvania, delegates to the Continental Congress finally adopted in a close vote the Declaration of Independence.

Those 50-odd delegates . . . representing the thirteen colonies whose total population amounted to a mere three-million . . . had sweated and labored to hammer out this landmark political instrument.

The very soil the new nation occupied was not yet fully claimed from its hostile environment. The political climate was even more hostile. The nation's very right to exist remained to be tested in a long, life and death struggle against the world's greatest sea and military power. The scales certainly seemed balanced against this political upstart.

The only things on the favorable side of the scales for the new nation seemed to be hope . . . and faith in and a dedication to the principle of human equality and self-government.

While they faced insurmountable odds, the founding fathers made their dream live and grow. With the same faith, later generations found the challenge offered by freedom worthy and carried forth the idea, but not always without the pain of sacrifice and hardship.

Some Americans have grown careless in their responsibilities toward freedom and a free society. Cloaked in their freedom, some have engaged in dangerous adventures against it and against this free society.

The American Legion has put itself on record to give action and public support to public and private officials who will persevere in exposing and putting down anarchy; and, to stand firm against threats and criticism in performing their duties to protect and promote the public interest.

To instill in the American people a new growth of civic responsibility, love of country, and faith in God, is a challenge to every office holder.

This action is recognition that a nation and a society, no matter how powerful or how painful her process of creation and building, can be destroyed by such excesses as we find occurring in America today.

Our nation and our society are admittedly imperfect. But they remain the best that man, with all his imperfections, has been able to create to solve his political and other needs.

If there had been no United States of America, the world would have been in a far different situation than it is today. Unless the United States continues to survive and flourish, then tomorrow will be far different.

The defense of this nation is too vital to be left to sentimental slogans, the density of the picket line, or even to the strategic insights of Dr. Spock.

What we need is a moratorium on blind, destructive criticism of America and a mobilization in her behalf.

It is better to stand with a rifle in your hand, than to kneel with a knife at your throat.

The options that our pioneer forefathers faced in a hostile environment yesterday are valid today. Perilous moments for America have occasioned the finest hour of citizenship for her defenders.

Our infinite good fortune as Americans is that the dreams we have been given are inexhaustible. What happens to the dreamer matters little; it is what he serves that counts.

The patriots who fell in battle for America have been widely separated by distance and time . . . From the colonial square at Lexington to the jungle wilderness of Vietnam . . . From the spring of 1775 to the summer of 1971. Some came from families long established in America. Many others were new to this land and its promises. They differed in color, religious preference, political faith, and in other ways which historically have divided the human family. Yet, they all had this in common. They loved their country and they fought and died for it.

Numbered in the ranks of these Americans who served their country are those who built America. Those who gave her a spirit, and character unique among nations. And those who made it possible for her to endure.

Ernie Pyle, in describing the channel crossing a generation ago, after interviewing some young men who were afraid and sick as they bobbed on an indifferent and ageless sea, concluded: "The reason of fighting was simply to save one another."

What other reason could state so simply?

Across the Mediterranean an old Roman senator ended all of his speeches with the words: "Carthago delenda est." Translated: "We will bury you." The Carthaginans refused to believe Cato. And, so their civiliation was swept into the dust bin of history.

I throw this in to prove that Khrushchev was just a "Johnny-come-lately."

Similarly, Rome in her turn did not survive the challenge either.

Last winter during March, I visited Pearl Harbor and placed an American Legion wreath on the USS Arizona Memorial. It was a solemn tribute to the 1,177 gallant sailors and marines entombed in the sunken hull of that famous battleship, who died in action on that day of infamy more than a generation ago. Much has changed in this bastion of the Pacific but memories live to the last syllable of time.

The National Cemetery of the Pacific, popularly known as the Punchbowl, is located in the extinct volcano Puowaina, overlooking Honolulu, Hawaii. Here in the haunting eternity amid this green encirclement of lava escarpment, it was peaceful. I was impressed. Here where the very austerity lent a splendor, was grateful for life and freedom. And, I was grateful to an earlier generation of Americans who had journeyed far, never to return.

If you'll pardon a personal reference at this time, I searched the walls of the Courts of the Missing until I found the name of my brother Ralph Hanson, U.S.N. Then, but a few names above his own, I found mine among the 26,280 names engraved on the Court walls. I was again grateful that this Harold M. Hanson was not from Idaho.

The poignant sympathy written by President Lincoln to a bereaved mother was fitting here: "The solemn pride that must be yours to have laid so costly a sacrifice upon the altar of freedom."

I recalled a navy man's words used to describe the loss of shipmates during the Second World War. I think the words were spoken long ago in a language simpler than you or I could choose:

> "Here dead lie we, because we did not choose
> to shame the land from which we sprung.
> "Life to be sure is nothing much to lose, but
> young men think it is and we were young."

That was all he said. The words came simply—naturally; and his friends did not seem to think it odd.

The American Legion has caused world attention to be focused on the plight of the American Prisoners of War held by Hanoi; and of course, those Missing in Action, too.

Public attention should—and must—be directed to the conditions of these captured servicemen, some of whom have been held captive for years. Little or no information has been trickled by their captors from them—or to them from their families and loved ones.

Although the North Vietnamese officials appear incomprehensible to our concern for the 1600 human beings Missing in Action or confined there, they are sensitive to world public opinion.

How do you speak to someone who has never heard Reveille, or felt the prickly sensation when Old Glory is lowered at Retreat? . . . To someone who has never felt pain, what words do you use? What words would you use to describe stench, if you've never smelled it? How would you explain the anxiety and frustration of forgotten men?

Well, here are some words: Time . . . Isolation . . . Frustration. These are with you all the time. But the two destroyers are: hopelessness and the feeling of betrayal. These are what knocks an American to his knees.

There are three things essential to a P.O.W. Three things necessary for survival. We have this from one who was there: Major James Rowe.

The first is faith in God. Communists don't understand God. They don't believe in Him. They don't know the strength that you can get from Him. It is simple and very personal; no ritual or dogma required. Of all people, the soldier prays for peace, for it is he who must suffer and bear the wounds.

The second thing is a faith in our government and in our country. It isn't their propaganda that hurts a Prisoner of War. It is when they quote adversely from the Congressional Record, and our own newspapers. When you're imprisoned it's difficult to defend your Country against the Communists, but the odds go down when you have to defend it against the utterances of an elected official of your own country.

The final thing is a faith in other American P.O.W.s; because they may be the only friends you have. Most American prisoners of war have more faith in their God, their country, and their government than many of those who have dwelled in the security and safety and peace of the United States. At least, this is the testimony of one who has escaped.

The agonies of war are largely borne by the young. From its ranks, war takes its most precious toll. These men were known, loved, and cherished. Their individual memories should be recalled.

The enduring realization is that when a great challenge comes, the most ordinary people can show that they value something more than they value their own lives. The men who have fought for their country have said something for freedom that this country will never forget.

Democracy is fragile. It is like a flower. And only a small fraction of the world's people have ever seen it in full bloom. Freedom is not free. It requires tender and loving care from those who would live in its glow.

As I gaze into your faces tonight, I see comrades who have served during a crucial hour of our country's agony.

MacArthur said it to the Corps, and I say it to you, "Their memory is one of wondrous beauty, watered by years and coaxed and caressed by the smiles of yesterday."

There is a time for everything. And, time is running out for our countrymen in Asian prison camps.

* * * there is a time to speak" (Ecclesiastes 3:7)

That time is now.

BALTIMORE'S OLD CATHEDRAL

Mr. MATHIAS. Mr. President, beginning last month and continuing throughout the year, the Basilica of the Assumption of the Blessed Virgin Mary on Cathedral and Mulberry Streets in Baltimore is celebrating its 150th anniversary. As the Nation's oldest cathedral and a famous Maryland landmark, the Basilica stands as a shrine not only to Catholic Americans but to all of us as a piece of American history.

The cathedral is located very near the site on which Gen. Jean Baptiste Rochambeau, commanding French troops dispatched to aid the colonies against the English during the Revolutionary War, received Mass with his men and Baltimore civilians under an ancient elm in Howard's Woods. The partially completed cathedral was a witness to the War of 1812, which interrupted and delayed its construction.

One of the foremost architects of the day, Benjamin Latrobe, prepared the design for the cathedral. Granite for the church came by oxcart from Ellicott City, 11 miles away. Inside the cathedral rests a most treasured Maryland relic, the crozier of the first Archbishop of Baltimore, John Carroll.

Since the time of its dedication on May 31, 1821, by Archbishop Ambrose Marechal, the world outside the cathedral has changed vastly. But the Baltimore Cathedral itself remains what it has always been; a dignified and majestic sanctuary for worshipers from all walks of life.

Its proud history is worthy of our recognition.

BAN ON TURKISH OPIUM

Mr. TUNNEY. Mr. President, I welcome, as I am sure do all Senators, news of the recent agreement with Turkey to halt the legal production of opium in that country. The scourge that the opium poppy has wrought in this country is a desperate one. For many years, thousands of our young people in this country have been afflicted by the tragic addition to heroin. Even more terrible, however, has been the discovery in recent months that many more thousands of our young people have been captured in the jungles of Southeast Asia not by Vietcong but by heroin. To say that we as a nation have been outraged is a vast understatement.

We all, therefore, share a tremendous concern to cut off the traffic in this terrible drug at every source, whether in Turkey, in Mexico, in Laos, in Burma, or any other country in which it is grown. I have continually pledged my full support to that effort and will continue to do so.

Yet with the news of this new agreement with Turkey, it becomes even more important that we not be deceived into thinking that such agreements will solve the problem of drug addiction in this country. For as quickly as we eradicate one source of supply, two new ones can just as quickly spring up. As long as there are fields to grow it and greed to harvest it, the opium poppy will continue to defy complete eradication.

Thus it is more critical than ever to recognize that we must make a full-scale effort at every level to deal with this drug. And that effort must of necessity be focused on education of our young people to prevent drug abuse and thorough treatment of those already addicted. I frankly believe that we will never eradicate heroin addiction in this country until we provide adequate treatment and rehabilitation for every addict on our streets. And by rehabilitation, I would include a job.

As long as we fail to deal with the addict himself, and the causes of his addiction, we can spend millions on law enforcement efforts to eliminate the supply without ever making a dent on the problem. For unless we put an end to the demand for heroin on our streets and in our alleys, we will be forced to track the opium poppy through every farmer's field through every country where the climate permits its growth.

Mr. President, I ask unanimous consent that an article published in the Washington Post of July 4, describing the effort of the recent Turkish agreement and the prospects for its speedy implementation, be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

TURKISH BAN SKIMS SURFACE OF HEROIN TRADE

(By Don M. Larrimore)

ROME.—Despite Turkey's decision to bow to Washington pressure and outlaw its traditional opium production, narcotics experts have warned for months that it would be only a helpful preliminary step toward still far-off elimination of the heroin traffic ravaging American cities.

"President Nixon shouldn't get too excited," a leading narcotics official in Europe said recently. "It will be years before they stop those Turkish farmers from growing their poppy."

And, he added, "even if they banned opium everywhere in the world, which is obviously impossible, it would be 10 or 20 years before the heroin dried up."

The United States for years has been the moving force behind the campaign against opium smuggling undertaken gradually by regimes in Ankara. Many Turks have publicly voiced resentment against this pressure.

Former Premier Suleiman Demirel, replaced earlier this year by Nihat Erim, had reduced the number of provinces where poppy could legally be grown from 21 to the present seven.

Erim's decision to ban "definitely and totally" all planting of the blue and white opium plant by winter 1972 is likely to earn him the same angry charges by Turkish leftists as Demirel endured. In a country where there is no narcotic addiction, it is effective politics to accuse the opposition premier of being a Washington lackey for slicing at the key cash crop of opium.

Before President Nixon's recent offer to Erim of $5 million to "buy up" the entire current Turkish opium crop, several similar offers were made privately but rejected.

U.S. INVESTMENT

Aside from the now successful "diplomatic" pressure which almost certainly included reference to the hefty American military investment in Turkey, Washington has played a major operational role in fighting opium smuggling near the source, providing a $3 million subsidy.

To make the new ban work will cost Washington many millions more and, experts agree, will take many years. Indemnities for the 70,000 poppy farmers will be only the start. Introduction of alternate crops won't be easy among stubborn Anatolian peasants who have lived from opium since they first started sending its paste by camel caravan to China a century ago.

Today there are not nearly enough reliable inspectors to ensure that poppy growing will cease as ordered. Last year alone 38 large—more than ⅓ acre—illegal opium fields were found and burned.

Bribery, considered a legitimate business expense in Turkey, according to Western diplomats there, will not stop overnight. Smuggling agents of the narcotics syndicates, who already pay about three times the official price for opium, can easily raise the ante for both farmers and inspectors.

Knowledgeable officials say many important Turks profit from the illegal opium trade.

Seeking to prevent large scale illicit diversion from this year's crop, the government six weeks ago almost doubled the price it pays farmers for raw opium, setting a new range of between $9 and $12.30 a kilogram, depending on quality.

PRISON TERMS

The teeth in next year's total opium ban will be based on long-stalled legislation finally passed by the National Assembly June 22, which provides prison terms of up to five years and fines ranging to $500 for farmers illegally planting poppy. Informers would be paid 30 per cent of the black market value of confiscated opium and the same amount would be the reward for persons making the seizure.

However effective that may sound in far-off Washington, reality on the ground in Anatolia does not encourage great optimism.

As they do now, narcotics police will have to rely mainly on informers to stem the opium traffic. But informers don't abound in inter-married communities, particularly where people are killed for far more minor transgressions.

The government Soil Products Office, Turkey's only legal opium purchaser, bought 120 tons from the farmers in 1969 and 63 tons last year. Almost all was exported. Ironically, it was American traders, along with British and Dutchmen, who promoted the first concentrated opium growing for export in Turkey between 1830 and 1850, when fortunes were being made in supplying the massive narcotic market in China.

LEGAL OPIUM

From legal opium, which goes mainly into codeine, Turkey earns no more than $5 million a year, a fraction of the syndicate profits.

Narcotics experts estimate 190 tons of illicit opium will leave Turkey from the current harvest. That is three times the amount which reached the black market last year, and is enough to make 19 tons of new heroin. America's addicts consume about five tons of heroin a year.

It's doubtful that the Turkish ban will cause much panic among the 10 major drug syndicates known to be operating worldwide or the 135 criminal sub-systems. These rings, which include more than 1,000 major drug merchants, have stockpiles of opium, morphine base and heroin.

Morphine base and heroin never spoil by themselves. Opium paste is just as long-lastingly fresh if kept in sealed containers.

Turkish peasants have always buried some of their opium against rainy days, and to pay for a bride for their sons.

When and if production is eliminated in Turkey, alternative sources of opium for the heroin rings will certainly still exist in Afghanistan, Iran, and India, the world's largest grower.

CORSICAN MAFIA

There is evidence that some of the drug networks are moving into the Southeast Asian traffic which is based on opium grown in Laos, Burma and Thailand, processed into heroin in Singapore or Bangkok and funneled through Vietnam, Hong Kong or Cambodia to Vancouver, British Columbia, Mexico and the U.S. West Coast.

Meanwhile, the syndicates continue supplying the vast bulk of hard drugs to some

2,000 known U.S. distributors along the traditional trafficking routes.

The largest and richest syndicate, run from France by the Corsican mafia, may have lost its leader this February, according to narcotics officials. A fisherman accidentally hauled up sacks containing morphine base potentially worth $80 million, dumped off Marseilles by a Turkish ship. Douard Toudayan, a 45-year-old Armenian-Frenchman, was later arrested trying to collect the morphine.

The basic process which begins with Turkish opium and ends in heroin "bags" on American city streets runs this way: brown opium paste formed from the juice or milk of lanced poppies is boiled down on a simple cooker and purified to morphine base, a rough yellow powder. Ten parts opium make one part morphine. In Turkey, the black market price for morphine is between $235 and $300 per kilo.

A graduate chemist converts the morphine into white heroin by cleaning out other impurities and adding certain acids. The quantity is not reduced.

Almost weekly new techniques are discovered being used to transport heroin to the United States. Lately luxury cars shipped across the ocean have been in vogue with the syndicates, with heroin hidden in upholstery, gear boxes or false-bottomed gas tanks.

Private jets are used. Heroin has been found in cans of salted fish, boxes of candy, hollow ski poles, unaccompanied luggage, cheese packages, crates of electrical equipment and even inside apparently perfect oranges. Personal couriers have included diplomats, U.S. servicemen, French-Canadian students returning home, commercial airline crew members, Sicilian immigrants with mafia family links, out-of-work taxi drivers given air tickets from Brazil to Paris to Montreal to New York, honey-mooners and women with "pregnancies" deflated when the heroin padding is removed.

Arrests and seizures are now running at record levels, but 200 million people and half a billion tons of freight will enter the United States this year.

By the time a kilogram of heroin has gone through syndicate distribution and dilution stages within the United States and reaches the addict, it is worth $250,000—or 1,000 times what was paid for the opium to the Anatolian farmer who may well never have heard of President Nixon, Premier Erim or even heroin itself.

A CAT NAMED ROOM 8

Mr. CRANSTON. Mr. President, in 1968 a cat, beloved to hundreds of school children and countless citizens, died and was buried at the Los Angeles Pet Cemetery in Calabasas, Calif. Because this cat, named Room 8, was no ordinary animal, I think he deserves our special attention. On June 10, I wrote a letter to Mr. Steven Dohanos, chairman of the Citizens Stamp Advisory Committee requesting his special consideration of a commemorative stamp for Room 8. I invite the attention of the U.S. Postal Service, the Citizens Stamp Advisory Committee, and the Senate to the merit of this stamp issue.

Mr. President, I ask unanimous consent that my letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

JUNE 10, 1971.

Mr. STEVEN DOHANOS,
Chairman, and Committee Members, Citizens Stamp Advisory Committee, Washington, D.C.

DEAR MR. DOHANOS AND COMMITTEE: I am sure that you are familiar with the warm and touching story of Room 8, the cat who first made his appearance at the Elysian Heights Elementary School in 1952. Each day during the school year for fifteen years he came to Room 8 and disappeared each evening and during vacations. In his later years, he spent his nights and vacations with a neighboring family. When Room 8 went visiting or wandering, students and staff of the school stayed until they found him.

Room 8 was a devoted friend to hundreds of children who attended the Elysian Heights Elementary School as well as to the many people who learned to love him by word-of-mouth and through television and newspaper coverage.

On behalf of the alumnae of the Elysian Heights Elementary School and the citizens of Los Angeles and California—not to mention cats and cat lovers everywhere—I take this opportunity to endorse strongly the candidacy of Room 8 for a commemorative stamp issue. I think that this warm lesson in friendship between children and animals is worthy of such recognition.

With many thinks,
Sincerely,

ALAN CRANSTON.

FRONTIER DAYS

Mr. HANSEN. Mr. President, the current issue of Mainliner, the publication of United Air Lines, has a notable article concerning the greatest rodeo in the world.

That rodeo is, of course, Cheyenne Frontier Days, known as "The Daddy of 'em All," by those who are serious followers of this fabulous western sport.

The Mainliner has some effective color pictures with the article. I hope that Senators and many Americans will have the opportunity to read the article because it is written by a famous western columnist, Red Fenwick, who is a good friend from Lusk, Wyo., and who has been a longtime investigative reporter and mainstay of the Denver Post.

Additionally, I would hope that every Member of Congress will at some time have the opportunity to see a part of the week-long "Daddy of 'em All" rodeo, which is held annually the last full week of July.

Mr. President, I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

FRONTIER DAYS

(By Red Fenwick)

He stands about a mile tall in cowboy boots, chaps and spurs and ten-gallon hat. He's friendly and frisky as a new-born spring calf. But he's wilder than the western wind.

He's "The Daddy of 'em All," and he's tall, y'all—tall.

He'll be 75 years old this summer and Cheyenne, Wyoming, is throwing a birthday party for him that will rock the High Plains country for nine jarring, excitement-packed days and eight festive nights.

"The Daddy of 'em All," of course, is Cheyenne Frontier Days, the nation's biggest, most colorful outdoor rodeo.

The party begins at the rodeo's refurbished Frontier Park July 24 and roars on through August 1.

More than 500 of the Rodeo Cowboys Association's grittiest, most highly skilled and physically toughest professional contestants compete annually at Cheyenne, just across the Wyoming state line 100 miles north of Denver. Approximately 100 amateurs also try their thing.

This year, however, all records undoubtedly will fall. Cowboys from the United States and Canada will be attracted to ride and rope and race for total prize money of more than $112,000—biggest ever.

As usual, the cowboys will supply a substantial part of the purse. They'll pony up $75 apiece for the jackpot to enter the bareback, saddle bronc or Brahma Bull riding competitions. And each contestant in steer roping, calf roping and bulldogging will have to dig into his jeans for $100.

A cowboy willing to risk skin and bones in a melee called the wild horse race gets off at a bargain price. He can take his chances on being bucked off, bitten, kicked, run over by other contestants and their horses, dragged or knocked silly for a mere $10.

He stands to win part of approximately $2,000 if he has the stamina, skill and luck to come out of the event ahead of the pack and in one piece. The race is run daily.

There's another wild-eyed event called the chuck wagon race. It would test the courage and skill of a Roman chariot racer. This competition calls for an extremely capable driver who can handle a four-horse team of nervous, high-strung, hot-blooded animals, and bring them, his wagon and outriders in ahead of other drivers. Some of these "skinners," many of whom have thousands of dollars bet on the outcome, would chop the wheels off an opponent's wagon to get out in front.

Cheyenne Frontier Days is that. It's not "just another rodeo." it's a tournament of champions pitting their skill against the toughest, ornriest, most unsociable beasts in the business.

It's a well-run show, sanctioned by the Rodeo Cowboy's Association and conducted in keeping with the rules of the American Humane Society. A representative of the society is present at all performances at Cheyenne to supervise treatment of animals.

It's Sioux Indians from South Dakota, beat ing drums, singing ancient songs and dancing at the rodeo grounds and on the streets. It's clowns who bait bulls to protect thrown riders. It's free pancake and ham breakfasts served from chuck wagons. It's cowpokes and westerners and "dudes" from every state in the union.

It's fun and frivolity; night shows featuring movie and television personalities; carnivals and ferris wheels; ice cream and soda pop and stronger stuff for the grownups.

It's contagion of merriment which sweeps the Wyoming capital and its guests in epidemic proportions.

And it's parades—four of them this year—on July 24, 27, 29 and 31. Each is a spectacular cavalcade of history from the era when the West was young and "wild and wooly and full of fleas and never curried below the knees."

It's a test of the rangeland conviction that "there never was a horse that couldn't be rode, or a cowboy that couldn't be throwed."

In the field of community undertakings, Cheyenne Frontier Days is possibly unique in several respects. It pays its own way—and handsomely. The profits are invested in improvements.

Three people—an administrator, a secretary and a groundskeeper—are the only salaried producers of this world famous show. The committee in charge serves without pay.

Their only compensation is reimbursement for expenses on trips to see how other rodeos are run. Each of the nine Frontier Days committeemen, who have several changes of matching western dress for different occasions, buys his own hats, boots, suits and shirts.

With the exception of John B. Etchepare of the huge Warren Livestock Ranch near Cheyenne, none of the committee members is even remotely identified with the cowboy business. They are businessmen.

This year's chairman, E. O. Davis, is a certified public accountant. Being chairman of Frontier Days costs money. It's estimated that the privilege of ramrodding the Cheyenne spread can cost up to $25,000. Most of it is for entertainment expenses, telephone calls and other items similarly related.

One of the committeemen is a school teacher. Another is a banker. One is a lawyer, one a vending machine operator, and yet another is a commissioned officer at Fort Warren Air Force Base. One man is in the car business and another is an executive for the telephone company.

Working together twelve months of the year in exemplary cooperation, these men have managed this year to put a $1.2 million savings account to work in construction of a new central grandstand. It will seat an additional 2,482 and be open when the 1971 show kicks off July 24.

Dr. Paul J. Preston, chairman of the chamber of commerce's planning board, says a 15-year program will raise seating capacity to more than 20,000, and add a new racetrack, barns and judging stand. Present seating capacity, with the new grandstand, is "a shade under 18,000."

And how did all this start?

Oldtimers relate that in August, 1897, some leading citizens of Cheyenne attended a "Potato Day" celebration at Greeley, Colorado.

Enroute home one of the Cheyenneites said he wished Cheyenne could have some sort of annual celebration. But, he added, "we don't raise anything but cattle and hell."

"Well, what's wrong with that?" someone replied. "Why don't we have a big, one-day celebration and just raise hell?"

And thus was Cheyenne Frontier Days born a month later—at noon, September 23, 1897.

THE MINING INDUSTRY: A RATIONAL PERSPECTIVE

Mr. HANSEN. Mr. President, I invite the attention of Senators to a report submitted to the Western Governors' Conference on July 14, 1971 at Jackson Lake Lodge, Wyo.

The report is by the Western Governors' Mining Advisory Council and concerns the environmental and economic problems of the mining industry. This matter is of vital concern to our Nation at this time and the report is helpful in highlighting some of the problems faced by the mining industry.

The chairman of the Western Governors' Mining Advisory Council was by Albert C. Harding, an outstanding citizen of Wyoming. He has a long record of public service in the Wyoming Legislature and on other government commissions. I am sure that much of the success of this report is due to Mr. Harding's efforts.

I ask unanimous consent that the text of the report be printed in the Record.

There being no objection, the report was ordered to be printed in the Record, as follows:

The Mining Industry: A Rational Perspective

To the honorable Western Governors: Your Council welcomes this opportunity to try to put the mining industry into rational perspective. It seems especially pertinent this year to take a comprehensive look at the industry's involvement in environmental and economic problems, twin problems, which should be, henceforth, inseparable.

The environment is one of the most publicized practical and political problems of the seventies. Perhaps never before has there been such widespread public participation in political processes. Certainly never before has the mining industry faced such a multiplicity of proposals to legislate, regulate, and even to eliminate. Unfortunately, as in most times of crisis, some of the loudest voices shouting frenetic solutions would create more problems than they propose to solve. Aggravating the real problem are some people whose main purpose seems to be aggravation. For some it is apparently self-fulfilling to "Cry 'Havoc' and let slip the dogs of war" against all industries, all construction, all environmental changes. Despite the sincere zeal of many to remedy undesirable situations immediately, we need to take a rational look at the total picture.

THE ENVIRONMENT

Even some industry leaders, encountering belligerent audiences, have felt impelled to pledge an impossibility, an undisturbed environment. Dr. Pecora, Under Secretary of the Interior, responds that environmental changes are inevitable. He mentions tremendous natural processes, such as an annual precipitation on the face of the U.S. of 4 million tons of salt, and says that more particulates have fallen on the earth from three volcanic eruptions than from all of man's activities. We know, also, that each of us changes the environment by existing, by using and polluting some part of it. Our concern, therefore, is not just with environmental change, but with avoidable degradation, not just with pollution, but with unnecessary pollution.

MINING INVOLVEMENT

The problem stems not primarily from the mining industry, but from two concurrent, continuing factors, the tremendous population growth, and man's seemingly insatiable appetite for energy. These two factors have combined over the last 25 years to increase electrical energy consumption by six times and gasoline energy sixteen times. Most of the energy is created, as is animal and human energy, by combustion, and combustion always produces waste products. These factors, products, and the resulting problem cannot be attributed directly to the mining industry, but the industry acknowledges, partly because now it must, increased responsibility to not unnecessarily contribute to the problem.

The mining industry is part of the problem because mineral deposits are part of the environment. The miner has always been especially cognizant of environment. The location of his mine and operating procedures are dictated or influenced by his imimmediate environment, which often has been hostile to his survival, and sometimes has terminated it drastically. The environment is not a new factor in mineral industry decisions, but, today, as in all industries, in all engineering projects, it is a newly emphasized factor, because environmental concerns have expanded beyond previous horizons.

A southwestern governor has told mining companies in his state that the cost of removing pollutants must be part of their cost of doing business in that state. Miners in all states now know that this factor and others are of increasing importance in making operating decisions. One state's new 'Department of Economic Planning and Development' has already indicated that such factors will include aesthetic value, recreational value, historic, fish and wildlife, urban development, and agricultural values. Today's miner will not be inclined to ignore such values, partly because he will not be allowed to, but, also, because the miner, too, is part of the public, and hopefully concerned with the heritage he bequeaths to his own posterity.

We are, or should be, grateful to many of those people who are environmentally concerned, but it seems certain that the mining industry must forever remain incompatible with those who profess concern only for a natural environment, at the expense of man's total environment, which includes economic, social, cultural, and home environments. Protection of the environment cannot be absolute, but must be modified by the need for production from the environment, and vice versa. Bertrand Russell wrote, years ago, "The problem of survival means in the first place that man must try to bend the forces of nature to his own will". Despite any conflicts, the mineral industry and a viable progressive ecology can and must exist together. Twenty-five hundred years ago Pythagoras and other Greek philosophers developed the idea that harmony and existence itself depend upon a balanced adjustment of opposing tendencies. Opposing tendencies are reconciled in the laws of physics and nature and must be in the art of politics. We suggest that the greatest continuing challenge in our legislative halls and administrative offices is to beneficially balance man's two opposing desires, for security and liberty. Encouragingly, the state department previously mentioned has announced that the state should not try to separate environmental planning from economic planning. Another western governor has been quoted as saying, "Man does not live by bread alone, but he does not live on scenery, and pure air and pure water alone" and has often expressed his concern for "the total quality of life." He has also called for continuing development of our mineral resources, without deterioration of the environment. In a strict sense, it may be that we can't have the one without the other, and the relativeness of the two must be weighed in balance, under a precept stated in Emerson's essay on 'Compensation', that for everything we get we have to give up something.

The mining industry has factors peculiar to it. Because it is an extractive industry, the miner is necessarily involved in creating waste products, sometimes of terrific proportions. A copper mine may recover only 8 pounds of copper from 2,000 pounds of ore, and move an equal volume of barren rock to reach ore. A gold mine, to recover a pound of gold, may treat 80,000 to 100,000 pounds of ore. Disposal of waste products is a continuing problem. In some operations there can result improvement to the initial environment, except in the opinion of the purist naturalist, who sees disaster in any disturbance of the pristine pattern. In other operations some waste is put to beneficial use, or returned underground, but the net effect is some degradation. The total for all mining operations may be only a fraction of one percent of the degradation effected by such things as the nation's highway construction or home-building, and the effect of some mines on the ecological part of the environment may be less than a single automobile's lifetime destruction of birds, rodents, and insects.

The mining industry has long practiced conservation, at least that part of it concerned with blending low-grade ore, not usable or profitable alone, with higher grade ore, to produce more usable materials in the long run. It must be noted, here, that any unnecessary tax, royalty, or environmental increment added to the cost of producing low grade ore contributes to the economic possibility that some minerals may be left forever, unmined. A guide line was stated in 1908 by a great conservationist, President Teddy Roosevelt, in a letter to a mining engineer, "No effort should be made to limit the wise and proper development of these resources; every effort should be made to prevent destruction, to reduce waste, and to distribute the enjoyment of our natural wealth in such a way as to promote the greatest good of the greatest number for the longest time." The mining industry's contribution to that greatest good will be essayed later in this report.

Our industry has not been blameless by any means, during the year in which environmental problems have been developing, but, now, from mining areas in every state come announcements of plans to correct and minimize damage to the environment, with special regard to water, land, and air.

WATER

Problems created by some eastern coal mines, with acid mine waters, have tarnished the image of all mines, although similar conditions are relatively rare in the west. Mine-water problems exist. It might be noted that some mine waters are harmless, others less harmful than permissible discharges of municipalities, that some mines develop and provide water which otherwise would not be developed, and that water can be more harmful to a mine than the mine to the water.

The Bureau of Mines has reported that nationally the amount of water used by the mineral industry comprises only two percent of that used by all industries, and has noted that water used in mining is quite productive. In the eleven contiguous western states, average gross value of mineral production is $3,250 per acre-foot of new water used, or 100 times as much as from the acre-foot used to produce a ton of alfalfa, perhaps valued at $30. The water used by the miner is also more expensive. The average cost to Nevada's mineral industry is over $32 per acre-foot, far above the agricultural economic range of $3 to $6. That causes the miner to recirculate water wherever and as often as possible. Nevada's Carlin gold mine, for instance, discharges no water, and the only loss is to evaporation. Where water is discharged, it is now closely scrutinized, and when necessary treated for minimal ecological damage. For example, plans to improve water discharges will cost several million at Anaconda, and $5.6 million at Homestake.

LAND

Through the Mining and Minerals Policy Act of 1970, the Congress and the President recognized that mineral deposits of economic value are relatively rare, have to be mined where they are found, and require less surface area than most other land uses. The mining industry must damage some surface lands, but a year ago, one western governor reported that the total damage in his state, since mining began, was less than that utilized for sand and gravel excavations needed for highway construction alone. Among causes of past land degradation have been state laws encouraging some discovery work to be done with bulldozers, scarring surfaces, and actually wasting work so far as mineral development was concerned. Some improvement has been effected by substituting drill holes, through recommendations of the industry. The industry is not yet united on further substitution by filing survey notes or a map in lieu of physical discovery work, although in at least one state a start is being made toward mapping existing mining locations About one-half of all states have now adopted Land Reclamation Laws. Considerable Federal legislation is being proposed, some of it unnecessarily restrictive, and potentially disastrous. Public Land Law Review Commission recommendations, also, will result in many proposals for modification of general mining law. Some of those proposals already have mining industry endorsement, others will not be resisted, but some will require analysis when more definitely formulated. That Commission has recommended retention of a location-patent system to keep public lands open for exploration, in the public interest. The mining industry has long opposed abuses of the intent of present mining laws and seeks to cooperate in correcting them.

AIR

Particulate matter is an obvious type of air pollution, and all industries are trying to reduce or eliminate visual emissions. Smelter operators, and some coal burning power plants, have special technological problems involving modifications for sulphur-dioxide emissions. For years methods have been sought to convert sulpher-dioxide to elemental solid sulphur. Present capabilities convert it to sulphuric acid, only partially satisfactory because of limited demand. One state alone could produce an annual excess of almost two million tons of sulphuric acid, and storage would be a staggering problem and safety hazard.

Hopeful for the future are many things, such as accelerated experiments in hydrometallurgy, a wet process in lieu of smelter combustion, and in development of geothermal sources and processes for power generation. Both governmental and private agencies are involved. The Bureau of Mines, for instance, is developing a wet process for recovery of mercury, and it seems safe to predict a wet process will be developed for copper. However, there will be an appreciable time lag for further engineering, pilot plant construction and testing. In the meantime, smelters are investing heavily toward reducing emissions at existing operations. For example, during the last 6 years Phelps Dodge has contracted, completed, or programed $42 million for air pollution. Magma Copper is spending $50 million for a new type of smelter. It is reported that all industries will average something between $4 and $10 billion a year for the next five years to help solve pollution problems. Smelting capacity in this country has been curtailed. Some companies are compelled to ship concentrates to foreign smelters, with obvious impact on domestic employment, tax dollars, and balance of payments.

There is no doubt in the mining industry that air standards are being imposed with little regard for economic and overall social consequences. Some standards have been confirmed by the Bureau of Mines as being improper conclusions based on unsubstantial data. It should be noted that air quality analysis and assessment is a science in its infancy. There are many questions to be answered, involving not just the quantity of emissions, but the effects on ecological and other environmental increments. To help secure some answers, one western state mining association last year made a grant of more than $545,000 to establish an 'Atmospheric Analysis Laboratory' at its state university.

FUTURE MINERAL REQUIREMENTS

Making present problems more serious are predictions about the future. We are nationally concerned about population growth, but in the past 100 years our mineral consumption increased ten times faster than population. In the next 30 years or so, when population is expected to double, energy and mineral requirements are expected to triple and quadruple. We are far from being self sufficient in minerals now, sufficient only in one metal, molybdenum, and in several nonmetallics, including coal. A table listing import percentages of certain mineral commodities is appended hereto. Even gold, still a necessary component of reserves in international monetary structures, is in short supply for that purpose and others. Our domestic production of gold is only half of the amount needed just for defense and space industry requirements and equals only one-fourth of our total consumption. We currently produce about $25 billion of all primary minerals and consume $32 billion a year. We are told that the 1971 international currency crisis, depreciating our dollar, was due to several factors, including a 1970 national deficit of $10.7 billion in balance of payments. We know that foreign-aid programs and defense expenditures abroad, including Vietnam, contribute greatly to the deficit in balance of payments, but here are figures indicating that $7 billion of $10.7 billion, two-thirds of the total, is derived from our deficiency in minerals. The need to discover and develop additional domestic mineral deposits is becoming more and more critical. Clearly, within our proposals to improve the environment, we need not curtail mining production, but to expand our minerals and energy technologies, and to cultivate our mineral potential for greater production.

GENERAL ECONOMICS

The real source of any country's annual income and accumulated wealth is its productive resources, and a country's mines are among its greatest resources. It has long been acknowledged that a nation which has no mines has to try to share in the wealth of nations which do by establishing a favorable balance of trade.

Two hundred years ago, Adam Smith took issue with French economists who said that all wealth originated only with the proprietors and laborers of the land, that manufacturers and merchants added nothing because they added only a value equal to what they consumed in so doing. Smith did write that the theory was "the nearest approximation to the truth that has yet been published on the subject of political economy", and elsewhere he wrote that the most productive use for capital was in "lands, mines, and fisheries". That doctrine of the French Physiocrats is considered too limiting by present economists, even as Smith thought, but we are inclined to forget the fundamental economic fact that the source of all wealth still originates from the earth, as basic food, fiber, or minerals. Those raw materials provide the foundation for man's subsequent ingenuity and labor, the foundation for adding additional values, the foundation for a nation's total economy. If the mining industry did not exist, we would have to use our collective efforts to try to create it. Only the production of food is more important than the production of minerals, and any farmer, without the products of the mineral industry, would have difficulty supplying even the needs of his own family.

NATIONAL WEALTH

National income has been likened to an annual stream which flows into and through the pool of national wealth, where some of it accumulates for the benefit of future generations. It is not just this year's mineral production which contributes to our present high standard of living, but all the mineral production compounded through the years of our history. This generation's homes, highways, hospitals, and schools are available today partly because of the capital generated by the mining camps of yesteryears, in the Mother Lode country, the Klondike, at the Comstock, Tombstone, Goldfield, Leadville, Cripple Creek, and a thousand others, most of them less glamorous and less productive, but contributors to today's standard of living.

KEYNES

In support, let us quote some writing of the "Messiah" of today's economists, John Maynard Keynes. He determined that the era which initiated tremendous increases in standards of living for civilized man began in the sixteenth century, with accumulation of capital, from gold and silver mined in the New World and brought to the Old. Without dwelling on morality, it is only incidental that the gold and silver he will specifically describe was not mined by the English, who reaped the benefit, but was stolen by them from Spaniards, who stole it from the Incas and Aztecs, who may well have stolen some of it from other Indians, who did the mining. Keynes wrote this in 1930:

"The value of Great Britain's foreign investments today is estimated at about 4 Billion Pounds. This yields us an income at the rate of about 6½ percent. Half of this we bring home and enjoy; the other half, namely, 3¼ percent, we leave to accumulate abroad at compound interest. Something of this sort has now been going on for about 350 years. For I trace the beginnings of British foreign investment to the treasure which Drake stole from Spain in 1580. In that year he returned to England bringing with him the prodigious spoils of the 'Golden Hind'. Queen Elizabeth was a considerable shareholder in the syndicate which had financed the expedition. Out of her share she paid off the whole of England's foreign debt, balanced her Budget, and found herself with about 40,000 Pounds in hand. This she invested in the Levant Company—which prospered. Out of the profits of the Levant Company, the East India Company was founded; and the profits of this great enterprise were the foundation of England's subsequent foreign investment. Now it happens that 40,000 Pounds accumulating at 3¼ percent compound interest approximately corresponds to the actual volume of England's foreign investments at various dates, and would actually amount today to the total of 4 Billion Pounds which I have already quoted as being what our foreign investments now are. Thus, every Pound which Drake brought home in 1580 has now become One Hundred Thousand Pounds. Such is the power of compound interest!" Perhaps an United States economist will sometime venture an appraisal of the current value of our past mineral production. Meanwhile, we want to make a couple of points about the present.

MINING DOLLAR VERSUS TOURIST DOLLAR

In our states we are concerned with promoting tourism, with its obvious economic benefits. Without depreciating the tourist dollar, we might compare it with the mining dollar. When a resident of one city in a state spends a dollar in another city in that state, the total number of dollars in the state remains the same. It is good to have dollars circulate, but although the GNP may go up a dollar, no dollars have been created through the exchange. Similarly, when a resident of one state spends a dollar in another state, one state has gained and the other has lost a dollar, but the nation has no more dollars than it had. But, if a dollar's worth of gold is mined from the ground, the nation is a dollar richer, and similarly with other metals and minerals.

Anticipating that the preceding paragraph would not go unchallenged, the council submitted it for criticism to more knowledgeable authorities. The only adverse comment we have is from the senior economist of a Federal Reserve Bank, who said, "Bringing in people to see and enjoy the beauty of nature—tourism—would be classed as productive enterprise". We have previously acknowledged that all productive labor helps build the wealth of nations, but also that such labor must have a foundation on which to build. We believe our statement about the dollars involved is valid, but we are mindful of a comment attributed to Baron Rothschild, who said, "I only know two men who really understand money", and then added, "Unfortunately, they disagree".

TAX BENEFITS TO PUBLIC

One other point is prompted by a rash statement made at a public hearing last year, to-wit: "The timber interests get the timber, the grazing interests get the grazing, the mining interests get the minerals and the general public gets nothing". There are several obvious things which the public gets from mining, such as raw materials needed in almost everything we use, plus jobs, not only in mining but in other industries which mining makes possible, and the injection of new money, with accumulation of capital to help sustain the economy, but there is one additional great benefit to the public, which, apparently, has not been expounded before.

It is often overlooked that the public is a 50% partner in every corporation's profits, through Federal income taxes levied for public purposes. But, that's only a beginning. Add all tax increments, such as production, property, payroll, fuel, state, county and school district taxes; taxes paid by employees and stockholders; pro-rated taxes paid by supply and service companies and their employees, and the total taxes available for public purposes is much greater than the total profit, and for most mining companies is 30 to 40% of the total value of the production. But, more yet. Granting that money in circulation turns over three or four times a year, and there are estimates up to eight, a significant conclusion is obvious. Within a year after a dollar of new minerals is produced, a dollar in taxes has accrued for the benefit of the public. That is worth reiterating. Each dollar of mine production creates, within a year, a dollar for the public, just through taxes. That happens before additional increments for transportation, manufacturing, assembling, wholesaling, and retailing of final products, with innumerable taxes levied on pyramiding values all along the line. The public is the greatest beneficiary of mining operations.

OPTIMISM

Miners are, by vocation, optimistic. putting their faith and their dollars into tomorrow. This Council believes that an improved environment is both necessary and possible, but it also believes that where no substantial, immediate, or irreparable hazard or damage is involved, that improvement must come in an orderly fashion, that the rule of reason must prevail, so that in apparently solving one problem we do not create others of equal magnitude, that consideration must be given to preventing local economic disasters, and to preclude the national possibility of what one news writer has termed an "environmental recession."

THE PROSPECTOR

Despite all threats to and problems of the industry, we can probably predict that large, well established, mining companies will survive, simply because they have to, because the nation needs them. We can further predict that any unnecessary controls will cause unnecessary expenditures, with increased costs, which the public will pay, either through higher taxes, higher prices, or both. It is the small operator who is most vulnerable, the man who lacks either the money or talent to cope with innumerable problems, but we need to consider him, for we need him too, as we also need the present non-producer, who may have only his dreams and little capital to contribute immediately to the nation's future. The prospector still exists. He looks through more knowledgeable eyes than did most of his predecessors and often uses more sophisticated tools, but his dream is still part of the American Dream. The mountaineer climbs, "because it is there"; the prospector seeks because it might be there—or there—or there. To him every rock is potentially a new frontier. He still hears the voice that whispered in Kipling's poem, "The Explorer" . . . "Something hidden . . . Go and find it . . . Go and look behind the Ranges . . . Something lost behind the Ranges . . . Lost and waiting for you . . . Go!" . . . Kipling also quoted his usual unmaterial reward, "My price was paid me ten times over by my Maker", and said of the occasional success, "It's God's present to our nation . . . I've found it and it's yours." If our environmental fears result in banishing from our western mountains and deserts the prospector with his dream, something good and necessary will vanish from our way of life.

CEASE-FIRE IN VIETNAM TO EXPLORE PARIS TALKS

Mr. **KENNEDY**. Mr. President, I am distressed by the growing indications that there may be extended delays in our response to the recent Vietcong peace proposal in Paris. Already, by tomorrow, the new proposal will be 2 weeks old. Inevitably, if Ambassador Bruce leaves the talks, there will be delay while a new Ambassador prepares to join the team. And, there are suggestions that the conference report on the draft bill may be delayed until after Labor Day or beyond, in order to give the President a free hand, unfettered by the Mansfield amendment, to consider the proposal.

Meanwhile, the killing in Vietnam goes on—25 Americans dead a week, a hundred a month, a thousand a year, with untold additional casualties for Vietnamese civilians.

To me, it would be unconscionable to permit the killing to continue, when at last we have a chance to make real progress toward peace in the Paris talks.

I therefore urge the President to seek a mutual and immediate cease-fire by both sides, pending the outcome of our present exploration of the Paris offer. In this way, we can accomplish a twin goal. We can give the administration the time it needs to explore the meaning of the Vietcong proposal, and we can end the killing while the exploration takes place.

I believe that the recent offer is the best opportunity we have had in many months to move the Paris peace talks off dead center—perhaps the best opportunity we have had in the entire 2-year history of the talks. The controversy over the prisoners has been one of the two major issues clearly announced by the President as an obstacle to American withdrawal from Vietnam. Now it should be clear to everyone that the Vietcong offer has brought the issue of the prisoners closer to resolution, and we are nearer to peace.

My own views on our withdrawal are clear. To me, the most effective route to peace and an end to the killing is for the prompt withdrawal of American forces from Vietnam—lock, stock, and barrel. And I believe that such withdrawal should be completed before the end of 1971. I therefore share the concern of the families of the prisoners that the President can and should find a way to bring the prisoners home at once, now that the other side has shifted its position to meet the President's objections on the issue.

Even on the President's own terms, however, all that now really stands between us and complete withdrawal is the administration's declared intention to carry out the withdrawal in a way that insures a "reasonable chance of survival" for South Vietnam. Tragically, however, the administration continues to equate the survival of South Vietnam with the survival of President Thieu in this fall's election.

Surely, the route to a strong South Vietnam for the future is the route of fair and free elections, capable of producing a leader with broad support of the people. Perhaps that leader will be President Thieu, and perhaps not. But no policy could be less calculated to produce a strong South Vietnam than the administration's current policy of acquiescing in the charade of the rigged elections that President Thieu is now pursuing to insure his own survival in October.

BEEF PRICES

Mr. BELLMON. Mr. President, I have on several occasions called to the attention of Senators farm price facts which clearly show that the finger of blame for high foods prices is wrongly pointed at the farm-ranch community. I feel compelled to speak out once again in light of recent statistics comparing the cost of beef to such meaningful benchmarks as the Consumer Price Index, earnings of nonagricultural employees and per capita disposable income.

I ask unanimous consent that a table showing these price comparisons be printed in the RECORD.

Mr. President, as a representative of an agricultural State I am well acquainted with the problems of those upon whom this Nation depends for its food. Among the greatest of the problems facing our farmers and ranchers is the general low profitability of agriculture.

Charges that food prices, in particular meat prices, are too high are unfounded. Just the opposite is the actual case as shown by the cost comparisons in the table which I have included in the RECORD.

For instance, the farm value, or the rancher's share, of a pound of choice beef at retail prices was up 21.9 percent in 1971 over the 1960 value of 56.7 cents a pound. But that increase compares with a general 35.1 percent increase on all items in the Consumer Price Index and a 51.6 percent increase in the average cost of all consumer services, less rent, during the same period of time.

The table shows that while the American public is now paying 81.2 percent more per capita for goods and services other than food, the rise in expenditures for food since 1960 has been only 46.1 percent.

Mr. President, these comparisons and others reflect the serious predicament of the Nation's food producers. They are caught in a financial squeeze because prices they are receiving for their products are rising far more slowly than the prices they must pay as consumers of nonagricultural products. The country has been guilty for too long of taking our plentiful food supply for granted. We expect farmers and ranchers to accept a price-wage structure that no other such highly productive element of our society would abide. If this Nation is to be insured a continued abundance of high quality foods, public policy must accept farm prices that will enable American food producers to provide the expensive chemicals, equipment, labor, and supplies modern agriculture must have. Otherwise we cannot continue to expect the 5 percent of our citizens who are on farms to keep the other 95 percent the best fed people on earth.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

COMPARATIVE PRICES OF CHOICE CATTLE, WHOLESALE BEEF AND CHOICE BEEF AT RETAIL WITH COSTS OF GOODS AND SERVICES, HOURLY EARNINGS, PER CAPITA DISPOSABLE INCOME AND OTHER ITEMS

Item and year	Price, percent, or index	Percent change from 1960
Farm value per retail pound choice beef (by-product credit included):		
1960	$0.567	
1970	.663	+16.9
1971 (1st quarter)	.691	+21.9
Average price of choice steers, Omaha—per hundredweight:		
1960	[3] 25.18	
1970	[4] 29.34	+16.5
1971 (March)	[5] 31.81	+26.3
Average price carlot choice steer beef, Chicago wholesale—per hundredweight 600-700 pound carcasses:		
1960	[3] 42.05	
1970	[4] 47.33	+12.6
1971 (March)	[5] 51.45	+22.4
Average price per pound choice beef at retail:		
1960	[3] .810	+21.9
1970	[4] .987	+26.3
1971 March	[5] 1.023	
Consumer Price Index:		
All items:		
1960	[6] 88.7	
1970	[6] 116.3	+31.1
1971 March	[6] 119.8	+35.1
Average cost all food purchased by consumers:		
1960	[6] 88.0	
1970	[6] 114.9	+30.6
1971 March	[5] 117.0	+33.0
Average cost all consumer services:		
1960	[7] 83.5	
1970	[7] 121.6	+45.5
1971 March	[7] 126.6	+51.6
Average cost all consumer services less rent:		
1960	[7] 81.9	
1970	[7] 123.7	+51.0
1971 March	[8] 128.9	+57.4
Average hourly earnings nonagricultural workers:		
1960	[7] 2.09	
1970	[7] 3.23	+54.5
1971 March	[8] 3.37	+61.2
Average hourly earnings, manufacturing workers:		
1960	[7] $2.26	
1970	[7] 3.36	+48.7
1971 (March)	[8] 3.52	+55.8
Average hourly earnings, construction workers:		
1960	[7] 3.08	
1970	[7] 5.22	+69.5
1971 (March)	[8] 5.51	+78.9
Average hourly earnings, retail trade:		
1960	[7] 1.52	
1970	[7] 2.44	+60.5
1971 (March)	[8] 2.54	+67.1
Per capita disposable income:		
1960	[7] 1,937.00	
1970	[7] 3,334.00	+72.6
1971 (1st quarter, annual rate)	[7] 3,466.00	+78.9
Per capita expenditures for food:		
1960	[9] 388.00	
1970	[9] 588.00	+43.8
1971 (1st quarter, annual rate)	[9] 567.00	+46.1
Per capita disposable income spent for food (percent):		
1960	[9] 20.0	
1970	[9] 16.7	−3.3
1971 (1st quarter, annual rate)	[9] 16.4	−3.6
Per capita expenditures for goods and services other than food:		
1960	[9] 1,412	
1970	[9] 2,453	+73.7
1971 (1st quarter, annual rate)	[9] 2,558	+81.2
Percent disposable income spent for goods and services other than food:		
1960	[10] 72.9	
1970	[10] 73.4	+0.5
1971 (1st quarter)	[10] 73.8	+0.9
Food consumption per capita (Index):		
1960	[11] 96.4	
1970	[11] 102.4	+6.2
1971 (indicated)	[11] 103.3	+7.2
Pounds of beef consumed per capita:		
1960	[4] 85.0	
1970	[11] 113.8	+33.9
Price per pound of hamburger at retail:		
1970	[12] .662	
1971 (January)	[12] .657	
1971 (March)	[12] .673	
Average price frankfurters at retail:		
1970	[12] .827	
1971 (January)	[12] .813	
1971 (March)	[12] .813	
Price per pound, rib roast at retail:		
1970	[12] 1.117	
1971 (January)	[12] 1.115	
1971 (March)	[12] 1.144	

[1] Price Spreads for Beef and Pork," revised series, 1949–69, U.S. Department of Agricultural Miscellaneous Publication No. 1174, p. 18.

[2] "Marketing and Transportation Situation," U.S. Department. of Agriculture, February 1971, p. 29; May 1971, p. 25.

[3] "Livestock and Meat Statistics," Statistical Bulletin No. No. 333, U.S. Department of Agriculture, July 1963, pp. 261, 221, 275, 279.

[4] "Livestock and Meat Situation," U.S. Department of Agriculture, March 1971, p. 22; November 1968, p. 26.

[5] "Livestock and Meat Situation," U.S. Department of Agriculture, May 1971, p. 29.

[6] "National Food Situation," U.S. Department of Agriculture, May 1971, p. 28.

[7] "Economic Indicators," Council of Economic Advisers, December 1970, pp. 26, 15; April 1971, pp. 26, 15, 5; December 1969, p. 5.

[8] "Survey of Current Business," U.S. Department of Commerce, May 1971, pp. S–8, S–15.

[9] "Marketing and Transportation Situation," U.S. Department of Agriculture, August 1970, p. 11, May 1971, p. 2. (Quarter figures—seasonally adjusted annual rate.)

[10] Calculated from per capita disposable income and per capita expenditures for goods and services other than food.

[11] "National Food Situation," U.S. Department of Agriculture, May 1971, pp. 9, 12.

[12] "Estimated Food Prices by Cities," U.S. Department of Labor, 1970; January 1971; March 1971.

Prepared by National Livestock Feeders Association.

SAN FRANCISCO SUES FOR IMPOUNDED FUNDS

Mr. TUNNEY. Mr. President, a few days ago, two public agencies of the city of San Francisco took an extraordinary step to try to bring about the release of millions of dollars of Federal funds which have been impounded for months by President Nixon. The city's redevelopment agency and its housing authority brought suit in Federal court for an order directing the release of funds desperately needed by the city to provide essential housing for low-income families and continue its renewal of the inner city.

For months, I and my Senate colleagues have repeatedly urged the President to end his callous action in withholding these funds from our Nation's cities. Yet despite the tremendous need for these funds, despite the desperate financial condition of our cities, the President has continued to stand idly by, continued to hold this money until it will serve his own political gain to release it.

I regret that the concern in the executive branch for our cities has broken down to such an extent that those cities are now reduced to suing the President. But if that is what it takes to get those funds released, then I wish the city of San Francisco every success in court. The papers filed in support of its complaint demonstrate quite eloquently the dire need for these funds and I commend them to the Senate. I ask unanimous consent that these documents, together with a statement by the mayor of San Francisco and a resolution of the U.S. Conference of Mayors, be printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

STATEMENT BY MAYOR JOSEPH L. ALIOTO ANNOUNCING SAN FRANCISCO'S LAWSUITS AGAINST THE PRESIDENT OF THE UNITED STATES

At 9:00 a.m. today, the San Francisco Redevelopment Agency and the San Francisco Housing Authority simultaneously took an unprecedented step to free desperately needed Federal funds for San Francisco being impounded by the Administration in Washington.

Each agency has filed suit against the President of the United States; one to force the release of $200 million of urban renewal funds, and the other to release $150 million of public housing funds he has impounded for the past several months.

I have given the suits my strongest endorsement and support, and have joined as a private attorney without compensation in the litigation arguing the unconstitutionality of the President's actions.

The funds we seek were appropriated by Congress to be spent between July 1, 1970 and June 30, 1971—primarily for housing in our crisis-torn cities and primarily for lower-income households. These are funds our cities sorely need.

Despite the clear desire of the Congress that these funds be spent, the President and the Office of Management and Budget refuse to release them.

We believe that this Presidential policy of impounding Congressionally-appropriated funds is unjust, but as importantly we believe it to be unconstitutional—a violation of the separation of powers.

This policy is systematically destroying years of effort by private citizens and public agencies to rebuild their own neighborhoods and to provide adequate housing for low-income senior citizens and families.

This policy is wasting millions of dollars of taxpayers' moneys as projects are delayed at skyrocketing costs.

The fate of two enormous and vital sections of our City, the Western Addition and Hunters Point, are in serious jeopardy.

And as things stand now, they are in mortal danger. Western Addition, particularly, is funded only through June 30 of this year.

Redevelopment is absolutely essential to the transformation of those ghettos—and to the hopes of thousands of fellow San Franciscans for a better way of life.

Housing for our poor and our senior citizens is vitally needed. Our Housing Authority has over 7,000 applicants waiting for housing. Some have been on the waiting list for longer than four years.

The Administration has turned down 11 housing projects we have requested with the excuse that no money is available. We know, however, that $75 million for new construction has been impounded in Washington. While the Administration sits on these funds, thousands of San Franciscans barely exist in shabby living quarters on shared pensions and in shared misery.

Moreover, within the boundaries of the Western Addition Redevelopment project are 15,000 people. It involves construction of 4,092 new housing units and rehabilitation of 2,520 units to provide better housing for those people. To date 676 new and 699 rehabilitated units have been completed or are under construction.

The renewal of the Western Addition and Hunters Point encompasses new housing, at prices the present residents can afford, to replace dilapidated, worn-out, vermin-fested shacks and hovels.

It also means jobs, training programs, new schools, parks, churches, playgrounds, child care centers—the amenities that make the difference between living and existing.

Complete new environments for the Western Addition and Hunters Point—for and with their present residents—have been a long time in the planning and at last are under construction.

Hundreds of construction workers—the majority of them from the minority community—are today at work rebuilding the Western Addition and Hunters Point.

Thousands more wait on the sidelines to be tapped while the years of promise have just turned into the years of delivery.

Now these hopes for a better life are threatened by the refusal of the President and his Office of Management and budget to release funds so this work can proceed.

The Western Addition needs $12.8 million more in redevelopment money to go ahead on schedule this year. So far, it has received only a total of $2.4 million this year.

Hunters Point needs $1.53 million more in redevelopment money to go ahead on schedule this year.

Further, the Housing Authority simply must have the funds to provide housing for those persons who have been waiting for so long and ever so patiently. We have developers ready to build and sites ready for them to build on. Now all we need is the money.

While the Office of Management and Budget continues to withhold Congressionally-appropriated funds, costs continue to skyrocket and misery continues to abound.

Interest charges and direct salaries alone total $16,500 per day for redevelopment of Western Addition and Hunters Point.

Apart from the irreparable injury being done to the residents of these communities, it is strange economics to suggest that the public interest dictates withholding appropriated funds when such withholding adds millions to the total cost.

Presently, Western Addition A–2 is funded only through June 30, 1971 and while the Office of Management and Budget continues to withhold funds Western Addition A–2 faces shutdown. On May 11, 1971, Floyd Hyde, Assistant Secretary of the U.S. Department of Housing and Urban Development, wrote to the San Francisco Redevelopment Agency saying "we see no way of honoring your request for an additional $1.53 million for Hunters Point and $12.8 million for Western Addition."

Thus, the Redevelopment Agency has brought two actions: one to compel the release of funds presently withheld; the other to compel the adequate funding of Western Addition A–2.

The Housing Authority has been driven to take action to force the release of the $150 million in funds which the Congress so clearly felt were urgently needed and which the Administration has so callously withheld.

Withholding of funds means more delays more dangerous slowdowns, more staff reductions, more elimination of jobs and social programs, and, indeed, the cruel dispiriting of so many of our citizens who have been patient for so long.

Our citizens, frankly, cannot understand the logic of the present freeze of urban renewal and public housing money—particularly in a time of severe recession and heavy unemployment. Fiscally it makes no sense; socially it is disastrous.

In fact, some people of the Western Addition and Hunters Point Redevelopment areas openly suspect that this freezing of funds is a deliberate attempt to dismantle housing programs for the disadvantaged that are just starting to deliver the goods.

Some also believe that withholding is an attempt to coerce the cities to support revenue sharing.

But whatever, the truth, the citizens of the Western Addition and Hunters Point were pledged new communities, and our senior citizens and our poor were pledged adequate housing many years ago.

They have planned constructively and labored cooperatively with the City and the Federal Government every inch of the way in those arduous endeavors.

As Mayor, I see it as even more than a pledge—I see it as a moral and legal obligation on the part of the President of the United States.

For the past few years, I have led several drives of metropolitan mayors throughout the country to get more money for urban renewal and public housing.

Those drives have been very successful with Congress.

Congress has voted increasingly more money in response.

But the President has refused to spend it.

So it is, as these suits are being filed in U.S. District Court in San Francisco this morning, I shall be in Washington en route to Philadelphia for the annual meeting of the U.S. Conference of Mayors, where we will be once more pursuing the unending course of struggle for more money for our cities.

The lives of our cities are too precious to do anything less.

[U.S. District Court for the Northern District of California]

SAN FRANCISCO REDEVELOPMENT AGENCY VS. PRESIDENT RICHARD M. NIXON, ET AL.

COMPLAINT FOR DECLARATORY RELIEF AND MANDAMUS

1. This Court has jurisdiction over the within cause under Title 28 U.S.C. §§ 1331, 1361, and 2201. Venue is based upon Title 28 U.S.C. § 1391.

2. Plaintiff San Francisco Redevelopment Agency ("Agency") is a duly authorized public agency of the State of California and maintains its principal place of business at 939 Ellis Street, San Francisco, California.

3. Plaintiff Agency brings this action on its own behalf and on behalf of all other redevelopment agencies throughout the United States similarly situated. Such agencies are so numerous that it would be impractical to bring them all before the Court. There are questions of law and fact presented herein which are common to the entire class of redevelopment agencies. The claims of Plaintiff Agency herein are typical of the claims of the entire class. The Plaintiff Agency will fairly and adequately protect the interests of this class. Defendants herein have acted and refused to act on grounds generally applicable to all members of the class.

4. Plaintiff Agency plans and carries out urban renewal programs, including Project R-54, Western Addition A-2, California (hereinafter "Western Addition Program"), in and for the City and County of San Francisco, pursuant to the Housing Act of 1949, as amended (42 U.S.C. §§ 1450, *et seq.*). The Western Addition Program provides for the renewal of approximately 243 acres of San Francisco property through relocation of the occupants of existing structures and rehabilitation and demolition of such structures and construction of new housing and commercial and cultural facilities. Plaintiff Agency has completed a substantial part of the Western Addition Program and substantial relocation and demolition remain to be effected before rehabilitation and construction can be completed.

5. Defendant Richard M. Nixon (hereinafter "the President") is now and has been since January 20, 1969, President of the United States.

6. Defendant United States Department of Housing and Urban Development (hereinafter "HUD") is the Agency of the United States responsible for the allocation and distribution of funds for the execution of the urban renewal programs referred to in paragraph 4 above.

7. Defendant George Romney is now and has been since January 20, 1969, Secretary of Defendant HUD.

8. Defendant Robert H. Baida is now and has been since June of 1970, HUD Regional Director for the region including San Francisco.

9. Defendant James H. Price is now and has been since September 21, 1970, HUD Area Director for the area including San Francisco.

10. Defendant Office of Management and Budget (hereinafter "OMB") is the agency of the United States responsible for the distribution of funds appropriated by Congress.

11. This action is brought against the above named Defendants for acts performed in their official capacities under color of law.

12. Funds for the execution of urban renewal programs, including the Western Addition Project, are provided by HUD to Plaintiff Agency and the class, pursuant to the Housing Act of 1949, as amended (42 U.S.C. §§ 1450, 1453(b)). Title 42 U.S.C § 1450 provides as follows:

"The authorizations, funds, and appropriations available pursuant to sections 1452 and 1453 of this title shall constitute a fund, to be known as the 'Urban Renewal Fund', and shall be available for advances, loans, and grants to local public agencies for urban renewal projects in accordance with the provisions of this subchapter, and all contracts, obligations, assets, and liabilities existing under or pursuant to said sections prior to August 2, 1954, are transferred to said Fund." Title 42 U.S.C. § 1453(b), as amended December 31, 1970, provides in relevant part:

"The Secretary [of HUD] may, with the approval of the President, contract to make grants under this subchapter aggregating not to exceed $7,600,000,000, which amount shall be increased by $1,400,000,000 on July 1, 1969, by $1,700,000,000 on July 1, 1970, and by $1,500,000,000 on July 1, 1971."

13. Some time prior to August 11, 1970, the Congress voted to enact an Appropriations Bill, H.R. 17548, which provided for the appropriation of one billion, three-hundred and fifty million dollars ($1,350,000,000) for grants by HUD to local agencies, including Plaintiff Agency and the class, for urban renewal programs during fiscal 1971, and submitted said Bill to the President.

14. On or about August 11, 1970, the President vetoed said Bill for the stated reason that said Bill exceeded his budget request and provided for expenditures in an amount deemed by the President to be inflationary.

15. On or about November 24, 1970, the House of Representatives enacted another Appropriations Bill, H.R. 19830, which provided for an appropriation of one billion, two hundred million dollars ($1,200,000,000) for urban renewal grants by HUD to local agencies, including Plaintiff Agency and the class during fiscal 1971. On or about December 7, 1970, the Senate enacted said Bill and submitted it to the President. Congress intended by enacting said H.R. 19830 to insure the distribution by HUD to local agencies, including Plaintiff Agency and in the class, of funds sufficient to execute urban renewal programs.

16. On or about December 17, 1970, the President approved and affixed his signature to said Appropriations Bill H.R. 19830 and said Bill became the Independent Offices and Department of Housing and Urban Development Appropriations Act of 1971, Public Law 91-556, which provides in relevant part as follows:

"Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, that:

The following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for sundry independent executive bureaus, boards, commissions, corporations, agencies, offices, and the Department of Housing and Urban Devlopment for the fiscal year ending June 30, 1971, and for other purposes, namely:

* * * * *

URBAN RENEWAL PROGRAMS

For grants for urban renewal, fiscal year 1971, as an additional amount for urban renewal programs, as authorized by Title I of the Housing Act of 1949, as amended (42 U.S.C. 1450 et seq.), and section 314 of the Housing Act of 1954, as amended (42 U.S.C. 1452a), $1,200,000,000, to remain available until expended: *Provided,* That no part of any appropriation of this Act shall be used for administrative expenses in connection with commitments for grants aggregating more than the total of amounts available in the current year from the amounts authorized for making such commitments through June 30, 1967, plus the additional amounts appropriated therefor."

17. The purpose and effect of said Public Law 91-556 and 42 U.S.C. §§ 1450 and 1453(b) is to direct and require the President and Defendant OMB to transfer to the Urban Renewal Fund the sum of one billion, two hundred million dollars, to be distributed to local agencies, including Plaintiff Agency and the class, during fiscal 1971.

18. The United States Constitution, Article II, § 3, imposes on the President and Defendant OMB the duty to execute the laws, including Public Law 91-556 and 42 U.S.C. §§ 1450 and 1453(b).

19. On or about February 23, 1971, the President announced through Defendant OMB that he had impounded two hundred million dollars ($200,000,000) of said one billion, two hundred million dollars ($1,200,000,000) appropriation and that said two hundred million dollars ($200,000,000) would not be transferred by Defendant OMB to the Urban Renewal Fund to be distributed to local agencies, including Plaintiff Agency and the class.

20. At all times since the enactment of Public Law 91-556 on December 31, 1970, the President individually and acting through Defendant OMB has continued to withhold said two hundred million dollars ($200,000,000) from the Urban Renewal Fund and from distribution to local agencies, including Plaintiff Agency and the class, and in so impounding said funds has acted wholly without legal authority and in violation of his express constitutional duty and in violation of Plaintiff's right to Due Process of Law.

21. Such impounding of funds also constitutes an item veto, rewriting duly enacted legislation, violating the doctrine of separation of powers, all in violation of the Constitution of the United States and of Plaintiff's right to Due Process of Law thereunder.

22. Plaintiff Agency is informed and believes, and thereupon alleges, that as a direct and proximate result of the impoundment of funds described in paragraphs 19 through 21 above, HUD does not have available funds sufficient for the completion of the Western Addition Program.

23. As a direct and proximate result of the impoundment of funds described in paragraphs 19 through 21 above, Plaintiff Agency and the class have been and will continue to be gravely injured and prejudiced in that the funds necessary for the completion of the Western Addition Program and other redevelopment projects by the class have been cut off by said impoundment.

24. Plaintiff Agency and the class have exhausted all administrative remedies and have no adequate remedy at law.

Wherefore, Plaintiff prays this Court to Order, Adjudge and Decree that:

1. The President individually and acting through OMB has impounded funds appropriated to be expended for urban renewal, in violation of the President's constitutional duty and in violation of Plaintiff's right to Due Process of Law.

2. The President individually and acting through OMB has impounded funds appropriated to be expended for urban renewal, constituting an item veto, violating the doctrine of separation of powers, and in violation of the Constitution of the United States and of Plaintiff's right to Due Process of Law thereunder.

3. The President and Defendant OMB be ordered to release said impounded funds and to transfer said appropriations in the amount of two hundred million dollars, to the Urban Renewal Fund, to be distributed by Defendant HUD in the form of urban renewal grants.

[U.S. District Court for the Northern District of California]

THE HOUSING AUTHORITY OF THE CITY AND COUNTY OF SAN FRANCISCO VS. PRESIDENT RICHARD M. NIXON, ET AL.

COMPLAINT FOR DECLARATORY RELIEF AND MANDAMUS

1. This Court has jurisdiction over the within cause under Title 28 U.S.C. §§ 1331, 1361, and 2201. Venue is based upon Title 28 U.S.C. § 1391.

2. Plaintiff Housing Authority of the City and County of San Francisco ("Authority") is a duly authorized public agency of the State of California and maintains its principal place of business at 440 Turk Street, San Francisco, California.

3. Plaintiff Authority brings this action on its own behalf and on behalf of all other housing authorities throughout the United States similarly situated and the tenants and prospective tenants therein. Such parties are so numerous that it would be impractical to bring them all before the Court. There are questions of law and fact presented herein which are common to the entire class of housing authorities, their tenants and their prospective tenants. The claims of Plaintiff Authority and its present and prospective tenants are typical of the claims of the entire class. The Plaintiff Authority will fairly and adequately protect the interests of this class. Defendants herein have acted and refused to act on grounds generally applicable to all members of the class.

4. Plaintiff Authority plans, constructs, contracts for, manages and operates all public housing facilities and provides for tenant services in public housing within the City and County of San Francisco, pursuant to the U.S. Housing Act of 1937, as amended (42 U.S.C. §§ 1401-1436).

5. Defendant Richard M. Nixon (hereinafter "the President") is now and has been since January 20, 1969, President of the United States.

6. Defendant United States Department of Housing and Urban Development (hereinafter "HUD") is the Agency of the United States responsible for the allocation and distribution of funds appropriated by the Congress of the United States for the construction and operation of public housing facilities and for tenant services referred to in paragraph 4 above.

7. Defendant George Romney is now and has been since January 20, 1969, Secretary of Defendant HUD.

8. Defendant Robert H. Baida is now and has been since June of 1970, HUD Regional Director for the region including San Francisco.

9. Defendant James H. Price is now and has been since September 21, 1970, HUD Area Director for the area including San Francisco.

10. Defendant Office of Management and Budget (hereinafter "OMB") is the agency of the United States responsible for the distribution of funds appropriated by Congress.

11. This action is brought against the above named Defendants for acts performed in their official capacities under color of law.

12. On or about December 31, 1970, the President approved and affixed his signature to an Appropriations Bill which provided for the appropriation of $75,000,000 for tenant services and debt service, and $75,000,000 for new construction of public housing and said bill became the Housing and Urban Development Act of 1970, Public Law 91–609.

13. The purpose and effect of said Public Law 91–609 is to direct and require the President, HUD, and OMB to transfer during fiscal 1971 the sum of $150,000,000 to local public housing authorities, including Plaintiff Authority and the class for additional construction, debt service and tenant services for the benefit of present and prospective tenants of public housing.

14. That unless said funds are released by said defendants present tenants of housing authorities are damaged by failure to receive proper tenant services and adequate debt service to assure maintenance of the low rental character of public housing.

15. That unless said defendants release said funds, prospective tenants of public housing, including those now on waiting lists, will be irreparably damaged because the result will be to prevent plaintiff Authority and the class from going forward with their total development programs for public housing.

16. The President and Defendant OMB have the duty to execute the laws, including Public Law 91–609.

17. All that is needed to free said $150,000,000 for public housing construction, debt service and tenant service is for defendant Romney to request defendant OMB to release these funds and plaintiff is informed and believes and thereupon alleges that said inaction is the result of the direction of the President and is with his knowledge and consent.

18. At all times since the enactment of Public Law 91–609 on December 31, 1970, the President individually and acting through Defendants OMB, HUD and Romney has continued to withhold said one hundred fifty million dollars ($150,000,000) from distribution to local authorities, including Plaintiff Authority and the class, and in so impounding said funds has acted wholly without legal authority and in violation of his express constitutional duty and in violation of Plaintiff's right to Due Process of Law.

19. Such impounding of funds also constitutes an item veto, rewriting duly enacted legislation, violating the doctrine of separation of powers, all in violation of the Constitution of the United States and of Plaintiff's right to Due Process of Law thereunder.

20. Plaintiff Authority is informed and believes, and thereupon alleges, that as a direct and proximate result of the withholding of funds described in paragraphs 17 and 18 above, HUD does not have sufficient funds available for the construction of new public housing, tenant services and debt service.

21. As a direct and proximate result of the withholding of funds described in paragraphs 17 and 18 above, Plaintiff Authority and the class have been and will continue to be gravely injured and prejudiced in that the funds necessary for the completion of public housing programs, for the provision of tenant services and for debt service have been cut off by withholding of funds. Present and prospective tenants of Plaintiff's class also are thereby gravely injured and prejudiced.

2. Plaintiff Authority and the class and tenants and prospective tenants have exhausted all administrative remedies and have no adequate remedy at law.

Wherefore, Plaintiff prays this Court to Order, Adjudge and Decree that:

1. The President individually and acting through OMB has impounded funds appropriated to be expended for public housing, in violation of the President's constitutional duty and in violation of Plaintiff's right to Due Process of Law thereunder.

2. The President individually and acting through the other defendants herein has impounded funds appropriated to be expended for public housing, constituting an item veto, violating the doctrine of separation of powers, and in violation of the Constitution of the United States and of Plaintiff's right to Due Process of Law thereunder.

3. The President and the other Defendants be ordered to release said impounded funds and to transfer said appropriations in the amount of one hundred fifty million dollars to be distributed by Defendant HUD for new construction of public housing, for tenant service and for debt service as was provided for by Congress in Public Law 91–609.

[In the U.S. District Court for the Northern District of California]

SAN FRANCISCO REDEVELOPMENT AGENCY VS. U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT, ET AL.

COMPLAINT FOR DECLARATORY RELIEF AND MANDAMUS

1. This Court has jurisdiction over the within cause under Title 28, United States Code, Sections 1331, 1361, and 2201. Venue is based upon Title 28, United States Code, Section 1391.

2. Plaintiff, San Francisco Redevelopment Agency (hereinafter "Agency"), is an agency of the State of California which plans and carries out urban renewal programs in and for the City and County of San Francisco.

3. Defendant United States Department of Housing and Urban Development (hereinafter "HUD") is the federal agency responsible for funding the programs planned and executed by the Agency, as appears more fully below. Defendant George Romney is now and has been since January 20, 1969, Secretary of HUD. Defendant Robert H. Baida is now and has been since June 1970, HUD Regional Director for the region including San Francisco. Defendant James H. Price is now and has been since September 21, 1970, HUD Area Director for the area including San Francisco.

4. In April of 1964 the Agency submitted to Defendant HUD a program for the redevelopment of San Francisco's Project R–54, Western Addition A–2, California (hereinafter "Western Addition Program"). This program provided for several hundred units of housing for low and moderate income families, said housing to be funded by HUD.

5. Following enactment by the voters of California of Proposition 14, in November 1964, HUD approval of the Western Addition Program was withheld on the basis of the Agency's prospective inability to offer nondiscriminatory housing under said Proposition 14.

6. In June of 1966, shortly after the Supreme Court of the State of California declared Proposition 14 unconstitutional, HUD approved the Agency's loan and grant application and requested that the Agency reexamine the housing needs and resources set forth in the Western Addition Program.

7. The Agency complied with HUD's request and filed with HUD on August 10, 1967, an updated relocation report with respect to the Western Addition Program.

8. HUD did not formally express its satisfaction *vel non* with the updated relocation report, but continued to provide the Agency with funds under the loan and grant contract.

9. On March 27, 1968, an action was brought in the United States District Court for the Northern District of California, Civil No. 49053 WTS, requesting a preliminary injunction against the Western Addition Program on the basis of the failure of Defendant Romney's predecessor in office to express his satisfaction *vel non* with the August 10, 1967 report on the Western Addition Program.

10. On July 29, 1968, Robert Pitts, the predecessor in office of Defendant Baida, approved the Western Addition Program subject to four conditions. Two of these conditions were: (1) The availability and utilization of relocation aids under the then pending Housing and Urban Development Act of 1968 and related appropriation bills; and (2) the further implementation of HUD-subsidized housing programs, beyond the several hundred housing units of such housing provided for in the programs which the Agency submitted to HUD.

11. HUD and its officers and administrators were fully aware and understood and agreed on July 29, 1968, and thereafter, the programs of which the Agency was directed to avail itself were to be funded by HUD.

12. On December 26, 1968, the Federal District Court for the Northern District of California entered an injunction in the litigation referred to in paragraph 9 above, against continued implementation of the Western Addition Program on the basis of the failure of HUD to express its unqualified satisfaction with said program.

13. On January 24, 1969, the Agency submitted to HUD an additional proposal for the Western Addition Program specifying the steps which had been taken by the Agency in compliance with the four conditions imposed by HUD. This report (hereafter "Amended Western Addition Program") provided for the construction of 2914 units of housing for low and moderate income families. HUD was to provide funds for such 2914 units as construction sites were made available. HUD found that the utilization of new legislation for the construction of said 2914 units, according to said schedule, fulfilled two of the conditions it had imposed on July 29, 1968, and that in fact all four of such conditions had been complied with or were no longer applicable.

14. HUD understood and agreed in fact that HUD was obligated to provide, according to the schedule set forth in paragraph 13 above, the funds for said 2914 units of housing.

15. On February 7, 1969, Robert Pitts, predecessor in office of Defendant Baida, reaffirmed HUD's commitment to provide funds for said 2914 units of housing according to said schedule. Mr. Pitts testified under oath, on behalf of Defendant HUD, that Defendant HUD has assured that funds would be provided for the projects proposed for the Western Addition development, including 2914 units of housing.

16. On or about January 31, 1969, HUD and the Agency moved the Court in Civil No. 49053 WTS, to dissolve the injunction referred to in paragraph 12 above on the ground that the HUD imposed conditions had been satisfied and that the Amended Western Addition Program should be allowed to go forward toward the completion of the 2914 units of housing referred to above.

17. On March 5, 1969, the Court dissolved

the injunction referred to in paragraph 12 above on the ground that the HUD imposed conditions had been satisfied and on the further ground that the public interest would be served by implementation of the Amended Western Addition Program.

18. In reliance upon the above-described HUD commitment to provide funds for the construction of new housing in the Western Addition Project and by way of discharging its obligations under the Western Addition Program as amended, the Agency has continued and now continues to assist the residents of said A-2 project area to relocate elsewhere, to solicit proposals from prospective sponsors for such units of new housing as have not yet begun construction, and to submit applications to HUD for the construction of said units of housing.

19. On July 15, 1970, the Plaintiffs in the lawsuit referred to in paragraph 9 above again sought a preliminary injunction against continued implementation of the Amended Western Addition Program.

20. On July 30, 1970, HUD reaffirmed its satisfaction with the Amended Western Addition Program. Barbara Bell, as the Director of the Relocation Division of the HUD Regional Office in San Francisco, testified in an affidavit that HUD was satisfied with the Amended Western Addition Program.

21. On December 3, 1970, the United States District Court for the Northern District of California denied the motion for preliminary injunction referred to in paragraph 19 above, making note of HUD's continual expressions of satisfaction with the Amended Western Addition Program.

22. On December 11, 1970, reconsideration of the decision referred to in paragraph 21 above was again sought.

23. On February 12, 1971, the United States District Court for the Northern District of California ordered HUD to report to that Court its findings with respect to a review of the Amended Western Addition Program which HUD had commenced pursuant to 42 U.S.C. Section 1455(c)(3). On April 1, 1971, HUD filed with the United States District Court for the Northern District of California, in Civil Action No. 49053 WTS, its report to the Court. HUD stated in said report that with respect to the 2,583 of the units of subsidized housing for which it had agreed to provide timely funding, funds for 1,711 of such units were doubtful. HUD repudiated its obligation to fund said 1,711 units as sites became available and stated that HUD's allocation for assisted housing units would not enable the Agency to produce housing at the rate originally projected by the Agency and agreed to by HUD in the Amended Western Addition Program. HUD also repudiated its obligation to provide timely funding for 330 units of public housing under the Amended Western Addition Program.

24. Plaintiff is, and at all times mentioned herein was, ready, willing, and able to discharge all of its obligations under the Amended Western Addition Program.

25. The Plaintiff has exhausted its administrative remedies and has no adequate remedy at law.

WHEREFORE: Plaintiff prays this Court to Order, Adjudge, and Decree:

1. That Defendant HUD is obligated to provide funding for the construction of 2,041 units of low and moderate income housing; and

2. Such other and further relief as may be just and proper.

Impounded Funds and Need for Full Funding

Resolution adopted by the U.S. Conference of Mayors, June 16, 1971, Philadelphia, Pennsylvania.

Whereas, the Congress has responded to the needs of the nation's cities by making available certain funds for a number of important urban programs, such as urban renewal, water and sewer, public housing and mass transit; and

Whereas, the President's action in impounding nearly $800 million in fuuds for these four programs for fiscal year 1971 has had disastrous consequences for the viability of the programs nation-wide; and

Whereas, the President has indicated his intention to impound over $200 million in available contract authority for the public housing program in fiscal year 1972; and

Whereas, the United States Conference of Mayors has repeatedly called upon the President to release these vital funds; and

Whereas, the President has refused to request and the Congress has failed to enact appropriations for the full authorizations available for a wide range of other critical urban programs; and

Whereas, the Redevelopment Agency and the Housing Authority of the City and County of San Francisco, by filing appropriate class actions in law and in equity, have raised the serious questions of the constitutionality of Presidential impounding of appropriated funds and line item veto; and

Whereas, existing contract obligations to various cities and Federal agencies are based upon reliance on funding as determined solely by action of the United States Congress; Now, therefore, be it

Resolved, That the United States Conference of Mayors again calls upon the President to respond to the urgent needs of our cities by releasing the impounded urban funds; and be it further

Resolved, That the Conference calls upon the President to request and the Congress to approve full funding for the many critically important urban programs; and be it further

Resolved, That the Conference endorses in principle the issues raised by the class action brought by the Redevelopment Agency and the Housing Authority of the City and County of San Francisco and recommends to Redevelopment Agencies and Housing Authorities throughout the nation that they investigate the feasibility, where appropriate, of joining in the said class action as co-plaintiffs.

NATIONAL GROWTH POLICIES NEEDED

Mr. HUMPHREY. Mr. President, the American people have traditionally looked with great pride at the unparalleled growth of their Nation. Growth in population and growth in industrial and agricultural output have been the essential ingredients in the process of developing and building this Nation.

But as America now prepares for its bicentennial less than 30 years before the year 2000, we are faced with the specter of a great nation being strangled and thrown into social and economic chaos by its own unplanned and largely unrestricted growth patterns.

The Census Bureau estimates that there will likely be between 275 and 300 million Americans in the year 2000.

The 12 major urban areas of the United States are expected to account for almost 85 percent of the net population increase over the next 30 years. The seven metropolitan areas of Los Angeles, New York, Chicago, San Francisco Bay, Detroit, Miami, and Washington will be increasing their population by at least 3 million persons during the final years of this century. These seven areas will alone account for over one-third of the net population growth.

Mr. President, the blessings of growth will soon become the nightmares of environmental pollution, human suffering, and great fiscal waste unless Congress and the executive branch begin to formulate realistic alternatives to the present uncontrolled urban and metropolitan growth patterns.

In an article, written in January 1970 for Urban Land magazine, entitled "Is Dispersal the Answer to Urban Overgrowth?" Mr. Jerome Pickard, an expert in the area of urban land use, reviews some of the alternatives to overgrown and overcrowded cities. The two options which he discusses in depth include regional economic decentralization which encourages the growth of small centers and the development of new towns to further absorb new population growth.

Dr. Pickard also outlines a model for new community development based on a 30 million population growth over the next 30 years. He plans for 272 new communities with an average of 110,000 people although he also envisions much smaller "modular" communities. Since 1947 there have been only 63 large developments and new communities, according to a HUD survey.

In the past, when market and transportation factors were the main determinants of the site of a new town, the social, political, and cultural needs of the community were rarely given adequate consideration.

I strongly agree with Dr. Pickard's evaluation that both private and public bodies must now be concerned with all aspects of life in any newly planned communities.

Mr. President, Congress has a mandate under title IX of the Agricultural Act of 1970 to plan for a "sound balance between rural and urban America." As chairman of the Rural Development Subcommittee of the Committee on Agriculture and Forestry, I am working toward the goals of this title in formulating specific legislation in the area of national growth policies.

A national plan for population distribution as suggested by Dr. Pickard will not provide a total cure for the problems of the cities. But it will begin to fill a great vacuum caused by a lack of rationality and planning in the area of urban and rural development and growth. Once plans have been formulated it will be up to both Congress and the executive branch to provide the necessary incentives and leadership to make them work.

Mr. President, the future quality of life in America can no longer be guaranteed by a continuation of our laissez faire attitude toward how and where this country grows and expands.

I refuse to sit back and watch unplanned national growth devour the very benefits it gives birth to.

I ask unanimous consent that Dr. Pickard's article be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

[From Urban Land magazine, January 1970]

IS DISPERSAL THE ANSWER TO URBAN OVERGROWTH?

(By Jerome P. Pickard)

(NOTE.—Figures referred to not printed in the RECORD.)

PART I. PROJECTIONS OF TOTAL POPULATION OF THE UNITED STATES, 1970–2000

Historical growth of U.S. population

The population of the United States reached 200 million in November, 1967. The 100 million mark was passed in 1915.[1] Thus the population of the United States doubled in 52 years. However, the doubling period was shorter in earlier years of the Republic: 35 years (from 1880 to 1915), and only 28 years (from 1852 to 1880) despite the Civil War. Table 1 shows the doubling periods of U.S. population since 1805.

Looking to the future, uncertainty is the only certain element. To approximate the next doubling period, we could assume that it would be 17 years longer than the most recent one, establishing the year 2036 for the population of the U.S. to reach 400 million.

This lengthening progression of doubling periods implies a reduction in the annual population growth rate, which averaged 3 percent annually in the pre-Civil War period; dropped to 2½ percent annually in the mid-19th century and to 2 percent annually in the period 1880 to 1915. During the most recent doubling period, the mean annual growth rate averaged 1.3 percent, but this varied greatly (1.4 percent in 1926; 0.6 percent in 1933; 1.85 percent in 1947; 1.8 percent in 1956; 1.1 percent in 1967). The long-term trend suggests that the growth rate in the next few decades could be above 1.0 percent annually; dropping to about 1 percent annually by 2000 and below that level afterwards.

Increased urbanization

There is some evidence that with increasing urbanization, population growth rates diminish. Both in North America and Europe, experience indicates a general correlation. Recent U.S. data on fertility and numbers of children under 5 per 1000 women aged 25–29 reveal a significant differential between metropolitan and non-metropolitan areas—in 1968 the national average showed a differential of 11 percent more children in non-metropolitan areas for this age group of women, who are in the peak of childbearing years.[2]

The differences between central cities and suburban rings are even more pronounced: the national average showed 21 percent more children in the suburban areas. This may be caused by the fact that suburban areas have attracted families with children.

In every instance the more "urban" segment of our population had a lower observed fertility rate.

Fertility trends

Many factors, both voluntary and involuntary, appear to govern the establishment of families and population growth through both natural increase and migration. It becomes somewhat conjectural to extend trends any great distance forward in time, since an examination of past performance of fertility levels reveals that these have been notably different for different cohorts of women. Fertility in the U.S. declined generally in the late 1800s and the early 1900s.

The lowest fertility was experienced by the cohort of women born in the period 1905–1910 who were in the peak of childbearing years during the great depression of the 1930s.[3] Subsequent cohorts increased their fertility sharply and it now appears that women born in the period 1935–1940 will have the highest completed fertility of any 5-year cohort of recent vintage.

Later cohorts are dropping in fertility although it is too early to say how extensive this drop will prove to be. This seesaw of fertility rates greatly complicates scientific population forecasting. We can only estimate that, barring any unforeseen catastrophe, the population of the United States in 2000 will approximate 300,000,000 persons, give or take some millions (or perhaps a dozen million) more or less.

PART II. FUTURE GEOGRAPHIC PATTERNS OF U.S. POPULATION GROWTH—1970–2000

Originally, the United States consisted of an Atlantic Seaboard strip with a predominantly agrarian population distributed from Maine to Georgia. From the mid-19th century onward, the opening up of the Far West and the large-scale immigration from Europe accompanied by the industrialization of the older settled regions in the North led to concentrations of population and the growth of large metropolitan areas. In 1900, the North had 62 percent of the national population (see Table 2); the South contained 28 percent, and the West only 6 percent of the total.

By 1968, with a national population of 200 million, these proportions had shifted to: North, 52 percent; South, 31 percent; and West, 17 percent. The West, with the smallest population, has grown most rapidly, while the North, with the greatest concentration of population, has had the *slowest rate* (although the *largest amount*) of growth.

Table 2 shows the growth of total U.S. population by Census Regions over the period from 1800 to 1960 (see Figure 1). For purposes of metropolitan and urban region study, these regions are not suitable, because the Atlantic Seaboard "Megalopolis" has overgrown the boundaries of the North and now extends below the Potomac River into Virginia. Thus, *new* regions based on metropolitan "zones of influence" were developed by the author, and the corresponding major regions are shown in Figure 2. Population data in Table 3 refer to these regions, and show population trends from 1920 to 1960, and projections for 1970 and 2000.

The 1970 Census projection indicates that the North (Figure 2) will contain 56 percent of the U.S. population, the South 27 percent, and the West 17 percent. In the South there are areas of both growth and decline; the West is characterized by extraordinary population growth; in the North population movement is more conservative than for the Nation as a whole, but the North received about one half of the population *increase* in the period 1920–1970 (47 million of a total of 97 million).

With the continuation of past trends to 2000,[4] the national population will grow differentially with the West advancing to 22 percent of the total; the South dipping only slightly to 26 percent; and the North dropping to 52 percent of the total.

It is an open question whether any kind of policy can make drastic changes in these great national trends of population change. In any event every current trend indicates that the regions of the West and South are likely to have greater population increases, relatively, than the major concentrations of population in the North. We have assumed that this will continue to hold true, at least for the next 30 years, in allocating future population growth.

Future growth

The 30-year projection of population growth (conterminous United States) shows an increase of 101.4 million for the period 1970–2000. Projections have been made for the 12 large urban regions of the United States and for the 37 leading metropolitan areas of 1980, and the 30-year growth is shown in Table 4 in detail. Figure 3 shows the geographic extent and location of U.S. urban regions in 1960 and 2000.

All urban regions are projected to gain population. More than ⅓ of the counties of the United States were still showing population decreases in the 1960–66 period, and it should be assumed that the balances of major regions outside of these urban regions have both areas of population growth and areas of decline. Thus, the population changes shown for these balances of the major region (North, South, West) really are net differences between areas of growth and decline.

The 12 major urban regions are projected to account for approximately 85 percent of the entire *net* increase in the nation. Individual metropolitan areas vary in the amount of growth from 11.6 million projected for Los Angeles-Orange-Ventura Counties to only 0.2 million projected for the Pittsburgh area.

The great metropolitan belt of the North is projected to increase its population by some 40 million during this period; however, much more rapid growth rates are projected for the western urban regions and somewhat more rapid growth for the southern urban regions.

Seven metropolitan area complexes: Los Angeles, New York, Chicago, San Francisco Bay, Detroit, Miami, and Washington, are to increase their population by at least 3 million each in the 30-year period. Just these seven areas will account for over *one-third* of net population growth if present trends continue. These areas are among the sixteen largest in the U.S. now (1969), varying from 17 million (New York) to 1.7 million (Miami). Six of the eight largest metropolitan areas of 1969 (excluding only Philadelphia and Boston) are included.

PART III. MASSIVE GROWTH OF METROPOLISES AND FUTURE URBAN GROWTH ALTERNATIVES

The growth of large metropolises to ever-larger sizes has been a world-wide phenomenon of the past two centuries—accompanying the industrial revolution and the enormous expansion of world population. The United States has been no exception to this universal growth; in addition, the widespread ownership and use of motor vehicles has tended to cause the American metropolis to spread horizontally at a staggering rate. Between 1920 and 1970, just the seven large urbanized areas forming the cores of the metropolitan growth areas listed on page 6 increased their geographic extent from under 2,000 square miles to approximately 9,000 square miles. According to our growth projections, these seven urbanized areas will double in the next 30 years to reach approximately 18,000 square miles.[5]

The dimensions of future urban masses are almost unbelievable: both Los Angeles and the New York Region are projected to have urbanization approaching 5,000 square miles each; Chicago and the San Francisco Bay area each about 2,000 square miles; with Detroit, Southeast Florida, and Washington ranging from 1,500 to 1,900 square miles each. In addition, seven other metropolises will easily surpass 1,000 square miles. (See Table 6.)

NEW TOWNS AND COMMUNITIES

Only two basic approaches have been proposed to "cure" problems of urban overgrowth: (1) regional economic decentralization with the deliberate encouragement of the growth of smaller centers in preference to the large metropolises; and (2) satellite "new town" development in the metropolitan region to absorb new growth.

New town planning started in Britain at the turn of the century, under the leadership of Ebenezer Howard. The actual development of new towns has progressed further in the United Kingdom than in any other nation. The purposes, planning, achieve-

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Footnotes at end of article.

ments, and problems of these new towns are amply documented in a recent British volume.[6]

The transfer of new town ideas to the United States took place in the 1920s; planned developments, however, tended to be relatively small in scale. No large "new towns" were built in the United States until after World War II. Some American developments and concepts of new communities are presented in a recent book, *The Community Builders*.[7]

The USSR, with its centralized state economic planning, adopted economic decentralization measures in the 1926–39 period and deliberately planned to restrict the growth of Moscow and Leningrad. During the past 15 years, the Soviet Union has launched an ever-increasing number of satellite "new towns" in locations near larger metropolises. Evidently, economic decentralization alone proved insufficient to "cure" urban growth problems, especially those of Moscow.

The actual planning and development of new communities has spread to at least fifty countries and may now be considered a world-wide movement, occurring in every continent and in less developed as well as highly-developed nations. The greatest numbers of planned new communities are found in the more urbanized nations.

New communities in the United States

A recent list of the Department of Housing and Urban Development enumerates 63 new communities or large developments completed or under construction in the United States since 1947.[8] A study of the distribution of these communities shows that 2 are in Hawaii; 31 in the West; 12 in the South; and 18 in the North (regions as shown in Figure 2). In terms of size, 35 were to have 50,000 population or more and 28 were to be of smaller size. The majority of the new communities (49) are located in metropolitan areas. Although many communities are predominantly residential and commuting in character, some are more independent, either containing extensive industrial developments and other sources of employment or depending largely on retirement income.

Possible distribution pattern

One possible pattern for new community development in the United States is outlined in Table 5. The 30-year population growth (Table 4) has been allocated with approximately 30 percent of new growth going into new communities.[9] Under existing economic trends, it is logical to suppose that the lion's share of new communities would occur in urban regions or near the greatest metropolitan areas. It is precisely in these regions of urban concentration that new communities are critically needed to combat urban sprawl; to protect land, water, and air resources; and to provide in a more orderly way for large-scale population growth.

On the other hand, it may be desirable to disperse population growth away from these concentrated urban regions. There needs to be some effort to establish new communities in outlying regions of the United States and in the orbit of smaller metropolitan areas. These outlying new communities would probably average somewhat smaller in population size than those in urban regions.

Table 5 presents a *possible* model for the geographic distribution of 30 million population growth in new communities in the next 30 years. This is only a suggestive model of distribution and is not to be construed as either a definitive plan or a policy statement. Under the American entrepreneurial system, the actual realization of new communities is likely to depend largely on market, economic, and organizational factors. Federal Government policy has already, of course, leaned in the direction of encouragement of new community developments; most recently in the Housing and Urban Development Act of 1968, Title IV.

Although the growth distribution model allocates 30 percent of *net* national population growth to new communities, the proportion varies regionally: 23 percent in the North; 37 percent in the South; and 32 percent in the West. These differences are conditioned by the slower growth rates of Northern areas and their already highly developed character; the continued expansion of the West; and the extensive resource potentials of the South for urban location. In the South, there are areas of significant population decline, so that the allocation is probably only a little over 30 percent of the *gross* population growth for the future 30-year period.

The *average* population size of the 272 new communities in the model is 110,000—in urban regions, 136,000; in outlying regions, 74,000. "Modular" size categories are used (500, 250, 150, 100, 75, and 50 thousand) for communities; it is not contemplated that each community will be planned for *exactly* that population, but that the group will average at that general size level.

In the North, a large area is engulfed by urban regions. This limits the number of outlying locations somewhat (see Figures 2 and 3). Average new community size is 124,000.

In the South, levels of urbanization are still lagging behind the rest of the Nation, though they have advanced rapidly. There are abundant resources and many locations for development. Only five metropolitan areas or complexes exceed 1 million population at present. The South has the greatest number of potential new communities projected, and the smallest average population size (83,000).

The West is sparsely populated, but has concentrated population clusters. There is a rapid growth potential, but resources, especially water, are selectively located, restricting the choice of locations. The West has the smallest number of new communities projected, but the largest average population size (134,000).

Though many smaller new communities may develop, it should be anticipated that the largest amount of new community population growth would be accommodated in larger communities. Many of the smaller new communities have tended to resemble large subdivision developments in their planning and land use character, though this is not necessarily the future pattern. In the less urbanized regions of the Nation it is very likely that free-standing new communities could be developed of smaller size than those presented in the model.

POLICIES AND PROGRAMS

The most extensive statement of future growth problems of the U.S., and their implications for national policies and development planning, is contained in a report of the Advisory Commission on Intergovernmental Relations.[10] The Commission recommends national policies to deal with urban growth and has suggested governmental structures for policy implementation by the Federal and State governments. A study of report recommendations reveals how far-reaching and broad-ranging such structures would need to be.

Under the best of conditions and governmental organizations, the population growth of the next few decades will be difficult to accommodate, particularly if the public demands that environmental conditions not be permitted to deteriorate but insists that they be somewhat improved over present conditions.

In the persistent quest for better urban communities, there is need for concern not only about the physical plan and environment, but also for the social environment of the urban community. Social, political, and cultural forces within our society need to be considered in the planning of new communities equally with economic and market forces. Under the American entrepreneurial system the actual development of new communities depends most heavily upon market, economic, and organizational factors. Federal government policies are leaning strongly in the direction of encouraging the development of new communities. Under a partnership concept, it is appropriate for both the sponsoring organization and public bodies to be concerned with all aspects of life in planned new communities.

In the future there may be an extremely great variety in the size of new communities—ranging from 5,000 to 500,000 in planned population size (embodying complete physical and social plans)—with diverse land uses blended to achieve the greatest livability of the community.

Urban growth is not new to American experience. Unplanned, randomly scattered, and unattractive urban developments are also no strangers. Stringent efforts, both public and private, to improve the physical arrangement of land uses, the appearance of urban development, and to beautify our cities have been manifold and have achieved varying degrees of success—in the meantime the specter of environmental pollution increases both in terms of its absolute level and in our awareness of its potentially lethal character.

The same technology which has created problems can, if called upon, solve them. The priorities, preferences, and goals relating to the character and quality of life in urban society need to be coordinated and implemented. This is an appropriate role for Government action, but government alone may not exercise enough influence or sufficient control to achieve the desired ends. Thus, the concept of partnership: help should be sought from all sources and all types of organizations—public, private, quasi-public; and from community or individual efforts.

Perhaps the greatest justification for, and potential reward from, the development of new communities may be the opportunity to establish a superior compatibility between new urban development and the natural environment—to make our "new cities" more ecological and less destructive of the natural fabric of life and earth resources than our present ones. If Occidental man is to have a "second chance" in his stewardship of natural resources and the fabric of living organisms and energy systems which make continued human life on the earth possible, the new community could be a significant element in this undertaking.

HUD SURVEY AND ANALYSIS OF LARGE DEVELOPMENTS AND NEW COMMUNITIES—COMPLETED OR UNDER CONSTRUCTION IN THE UNITED STATES SINCE 1947

General

Table 7 is a compilation of large developments and new communities in the United States. Valuable contributions were made by previous studies such as those of *House and Home*, the Department of Agriculture, the Advisory Commission on Intergovernmental Relations (*Urban and Rural America: Policies for Future Growth*), and Eichler and Kaplan (*The Community Builders*).

All the projects listed were completed or under construction between 1947 and 1969. While this list of 63 projects is not exhaustive, it is as complete and up to date as possible without undertaking extensive field surveys.

Inclusion in, or exclusion from, this list does not constitute an official endorsement, or lack thereof, on the part of the U.S. Department of Housing and Urban Development. Data on community characteristics were gathered only for a sample of communities.

Footnotes at end of article.

New communities

The terms "new community", "planned community", "new town" or "new city" have been used extensively by developers, professionals and officials. The concept itself is subject to varied interpretations, and its definition is extremely elusive: a new community is a group of people with a bond of interest, a new developed urban area, with a minimum dependency on other areas and groups.

Certain criteria are generally applied to further define this concept: a new community is developed in accordance with an overall master plan; it consciously follows principles of urban design and preserves and enhances the natural environment; it is sufficiently large to provide social diversity and all urban functions necessary to its residents; and it has some source of primary employment and community revenues. The line between a large development and a new community depends on the degree to which these criteria are met. Since it is not possible to assess a development's conformity to these criteria with any measure of precision, and none of the projects listed fully meets all criteria, the table does not differentiate between them.

Planning

The development of most projects listed is based on a master plan for the entire project area, formulated by the developer and his consultants, prior to construction and sale. The projects cover a wide range of quality in social, economic and physical planning, and in urban design and architecture.

Most projects listed occupy a single land tract, with reasonably regular boundaries and few inholdings. Because of historic land survey practices, project boundaries generally disregard natural terrain. Scattered tracts developed by the same developer within an area were not included in the list.

The approval of the master plan by the local government, a usual prerequisite, is generally an indication of the conformity of the project to the plan for the larger area within the jurisdiction of such government, or the government's agreement to incorporate it in the plan.

Construction

The projects listed were started on land with no or little development initially. Land development (streets, sewer and water systems), other public facilities, and private construction are part of their development program. Not included in this list are land speculation projects based on lot sale with minimal or no development.

Community characteristics

The 63 projects listed are distributed in 18 states, over one third in California alone, and over one half in three states (California, Arizona and Florida), reflecting climatic and recreational attraction. Seventy-eight percent of the projects are within Standard Metropolitan Statistical Areas (49 projects in 25 SMSAs).

Except for one small mining town, the projects listed range in size from 1,200 to 53,800 acres, and in population projections from 4,000 to 270,000 people. The aggregate acreage totals 566,300 acres. Excluding three projects with indefinite population projections, the aggregate ultimate population totals 3,474,000 persons in 1,066,800 dwelling units, or an average of 3.25 persons per dwelling unit, 2.4 dwelling units or 7.8 persons per gross acre.

All the projects listed are primarily residential. They include to a greatly varying extent some provisions for one or more of the following urban functions: industry, business, shopping, professional services, education, religious worship, recreation, and cultural activities.

Of all the projects listed, seven have their own government—city or village—and eleven are within municipal boundaries or were annexed to a city. A number of the remaining projects may be expected to eventually incorporate and be self-governing. Counties, townships, special districts, and citizens' organizations perform some of the necessary public functions in the absence of community government.

With some exceptions (including retirement communities) residents in the projects listed are mostly middle-income, young to middle age, and white. While a certain degree of social diversity exists in some communities, the majority tend toward homogeneity. Relatively few low-cost housing units have been built in these large developments and communities.

FOOTNOTES

[1] Basic data for this statement and for Table 1 derived from U.S. Bureau of the Census, ***Historical Statistics of the United States, Colonial Times to 1957***. Table, Series A.1–3, "Estimated Population of the United States: 1790 to 1957," page 7. Washington: Government Printing Office, 1960.

[2] Data published by U.S. Bureau of the Census, in *Population Characteristics* (Series P–20, No. 184), "Women by Number of Own Children Under 5 Years Old, 1968, and 1967." Washington: U.S. Bureau of the Census, June 16, 1969.

[3] Based on estimated data published by U.S. Bureau of the Census, *Population Estimates* (Series P–25, No. 381, Table A, page 22). Washington: Government Printing Office, December 18, 1967.

Data indicate the general fertility rate for all women of cohort born 1905–1910 was 2.3 children per woman; for cohort born 1935–1940 the indicated rate will be about 3.2 children per woman.

[4] Population growth is projected within the conterminous United States which, until 1959, was the national territory of the United States; Alaska and Hawaii are not included because of their geographic separation from the mainland.

[5] See Pickard, J. P., *Dimensions of Metropolitanism*, and its Appendixes, Tables S–2 through S–6; A–36 through A–53; and Chapter X (pp. 89–91). Published in 1967 by *ULI—the Urban Land Institute*.

[6] Frederic J. Osborn and Arnold Whittick, *The New Towns: The Answer to Megalopolis* (Second Edition). London: Leonard Hill, 1969, 456 pages.

[7] Edward P. Eichler and Marshall Kaplan, *The Community Builders*. Berkeley: University of California Press, 1967, 196 pages.

[8] U.S. Department of Housing and Urban Development, Community Resources Development Administration, New Communities Division, "Survey and Analysis of Large Developments and New Communities Completed or Under Construction in the United States since 1947." [List prepared by David D. Brodeur] February, 1969, 7 pages.

[9] In some other instances, a proportion of 20 percent has been used. The question of *what* proportion of future national population growth should reasonably be allocated to new communities needs a good deal more study and research.

[10] U.S. Advisory Commission on Intergovernmental Relations, *Urban and Rural America: Policies for Future Growth*, Washington: Government Printing Office, 1968. See especially Chapter VI, "Conclusions and Recommendations," pages 123–173.

TABLE 1.—DOUBLING PERIOD OF U.S. POPULATION, 1805–2036, SHOWING MEAN ANNUAL GROWTH RATE

	U.S. total population (millions)	Doubling period (years)	Annual growth rate (percent)
Year:			
1805	6.25		
1829	12.5	>24	3.0
1852	25	>23	3.0
1880	50	>28	2.5
1915	100	>35	2.0
1967	200	>52	1.3
Projection: 2036±	400	>69	1.0

TABLE 2.—GEOGRAPHIC DISTRIBUTION OF POPULATION OF THE UNITED STATES, BY MAJOR CENSUS REGIONS, 1800–1960

[Population data in millions]

	North		South		West[2]	
Year	Population	Percent of United States	Population	Percent of United States	Population	Percent of United States
1800	2.6	50	2.3	43	[1]0.4	7
1850	13.2	57	8.0	34.5	[1]2.0	8.5
1900	47.4	62	24.5	32	4.3	6
1920	63.7	60	33.1	31	9.2	9
1940	76.1	57.5	41.7	31.5	14.4	11
1960	96.3	54	55.0	30.5	28.0	15.5

[1] Definitions of West: In 1800, North Central and South Central regions. In 1850, States west of Mississippi River.

[2] West includes Alaska and Hawaii for the period 1900–1960; thus, population adds to total U.S. population.

TABLE 3.—GEOGRAPHIC DISTRIBUTION OF POPULATION OF CONTERMINOUS UNITDE STATES, BY MAJOR METROPOLITAN REGIONS, 1920–2000

[Population data in millions]

	North		South		West	
Year	Population	Percent of United States	Population	Percent of United States	Population	Percent of United States
1920	66.9	63	29.5	28	9.3	9
1940	80.1	61	37.1	28	14.4	11
1960	103.17	58	47.32	26.5	27.97	15.5
1970	114.2	56	53.8	27	35.2	17
2000	158.5	52	78.2	26	67.9	22

Note: Major metropolitan regions of the United States are shown on the map (fig. 2).

TABLE 4.—30-YEAR POPULATION GROWTH PROJECTIONS, UNITED STATES, AND ITS LARGE URBAN REGIONS AND LARGEST METROPOLITAN AREAS AND COMPLEXES, 1970-2000

[In millions]

Metropolitan area, urban region, or major region	Population		30-year growth 1970–2000
	Estimated 1970	Projected 2000	
New York, Northeast New Jersey, Connecticut [1]	17.2	24.8	+7.6
Delaware Valley [1]	5.7	8.4	+2.7
Boston-Brockton [2]	3.6	4.4	+0.8
Washington	2.9	6.0	+3.1
Baltimore	2.1	3.3	+1.2
Hartford-Tolland County [1]	0.9	1.6	+0.7
Balance of urban region	13.4	18.9	+5.5
Atlantic seaboard	45.8	67.4	+21.6
Chicago-Northwest Indiana [1]	7.6	11.4	+3.8
Detroit-Ann Arbor [1]	4.5	7.6	+3.1
Cleveland-Lorain [1]	2.4	3.7	+1.3
Pittsburgh	2.4	2.6	+0.2
Cincinnati	1.4	2.1	+0.7
Milwaukee	1.4	2.1	+0.7
Buffalo	1.4	1.8	+0.4
Indianapolis	1.1	1.7	+0.6
Columbus, Ohio	0.9	1.6	+0.7
Dayton, Ohio	0.9	1.5	+0.6
Rochester, N.Y	0.9	1.3	+0.4
Balance of urban region	15.5	21.7	+6.2
Lower Great Lakes	40.4	59.1	+18.7
Subtotal, metropolitan belt	86.2	126.5	+40.3
St. Louis	2.4	3.5	+1.1
Minneapolis-St. Paul	1.7	2.4	+0.7
Kansas City	1.3	1.8	+0.5
Balance of North	22.6	24.3	+1.7
Total, Northern regions	114.2	158.5	+44.3
Miami-Fort Lauderdale [1]	1.8	5.0	+3.2
Tampa-St. Petersburg	0.9	2.1	+1.2
Orlando-Cape Kennedy[1]	0.7	1.8	+1.1
Balance of urban region	2.3	4.1	+1.8
Peninsular Florida	5.7	13.0	+7.3
Southern Piedmont	3.3	5.2	+1.9
Houston-Galveston [1]	2.1	4.4	+2.3
Balance of urban region	0.4	0.5	+0.1
Texas-Louisiana Gulf Coast	2.5	4.9	+2.4
New Orleans	1.1	1.8	+.7
Balance of urban region	1.6	2.9	+1.3
Central Gulf Coast	2.7	4.7	+2.0
North Central Texas (Dallas-Fort Worth)	2.2	4.2	+2.0
Atlanta	1.4	2.5	+1.1
Balance of urban region	.4	.6	+.2
North Central Georgia	1.8	3.1	+1.3
Subtotal, urban regions, South	18.2	35.1	+16.9
San Antonio	.9	1.7	+.8
Balance of South	34.7	41.4	+6.7
Total, southern regions	53.8	78.2	+24.4
Los Angeles-Orange-Ventura Counties [1]	9.3	20.9	+11.6
San Francisco Bay [1]	4.5	7.7	+3.2
San Diego	1.3	3.4	+2.1
San Bernardino-Riverside [3]	1.2	3.2	+2.0
Sacramento	.9	2.0	+1.1
Balance of urban region	2.7	5.3	+2.6
California (urban region)	19.9	42.5	+22.6
Seattle-Tacoma	1.8	3.4	+1.6
Balance of urban region	0.3	0.4	+0.1
Puget Sound urban region	2.1	3.8	+1.7
Phoenix	1.0	2.6	+1.6
Balance of urban region	0.3	0.9	+0.6
Metropolitan Arizona	1.3	3.5	+2.2
Denver	1.2	2.3	+1.1
Balance of urban region	0.4	0.9	+0.5
Colorado Piedmont	1.6	3.2	+1.6
Subtotal, urban regions West	24.9	53.0	+28.1
Portland	1.0	1.7	+0.7
Balance of West	9.3	13.2	+3.9
Total, western regions	35.2	67.9	+32.7
Conterminous U.S. total (48 States and District of Columbia)	203.2	304.6	+101.4

[1] Indicates metropolitan complex, made of more than 1 metropolitan area: New York, northeast New Jersey-Connecticut=New York-northeastern New Jersey standard consolidated area plus Fairfield County, Connecticut; Delaware Valley=Philadelphia, Wilmington, Trenton; San Francisco Bay=San Francisco-Oakland, San Jose, Vallejo-Napa; others are indicated by names in title.

[2] Boston-Brockton=Boston SEA (Suffolk, Essex, Middlesex, and Norfolk Counties) and Brockton SEA (Plymouth County).

[3] San Bernardino-Riverside-Ontario is official title; consists of 2 counties.

TABLE 5.—POSSIBLE MODEL OF GEOGRAPHIC DISTRIBUTION OF 30,000,000 POPULATION GROWTH IN NEW COMMUNITIES, 1970–2000

Metropolitan area urban region zone	N.C. population growth, 1970–2000 (millions)	Number total	New communities: by population size (thousands) [1]					
			500	250	150	100	75	50
Atlantic seaboard	+4.2	25	2	5	5	9	4	
Boston region	+.2	2				2		
New York-northern New Jersey-Connecticut	+1.8	6	2	2	2			
Southeastern Pennsylvania-southern New Jersey-northern Delaware	+.7	5		1	1	3		
Baltimore-Washington region	+.9	5		2	2	1		
Virginia urban corridor	+.25	3				1	2	
Balance of urban region	+.35	4				2	2	
Lower Great Lakes	+3.8	28	2	2	4	8	12	
Chicagoland	+1.2	6	1	1	1	3		
Southern Michigan-Toledo	+1.0	6	1		1	2	2	
Northeastern Ohio	+.5	3		1	1	1		
Columbus-Miami Valley	+.4	4			1	1	2	
Central Indiana	+.3	4					4	
Niagara frontier-central New York	+.3	4					4	
Pittsburgh region	+.1	1				1		
St. Louis	+.2	2				2		
Minneapolis-St. Paul	+.2	2				2		
Kansas City	+.1	1				1		
Total, Northern urban regions and metropolitan zones	+8.5	58	4	7	9	22	16	
Outlying northern regions	+1.8	25			2	4	6	13
Northern regions, total	+10.3	83	4	7	11	26	22	13
Peninsular Florida	+2.0	17		2	3	6	6	
South Florida	+1.0	6		2	2	2		
Tampa Bay	+0.3	3			1	1	1	
Orlando-Cape Kennedy	+0.3	3				2	1	
Balance of urban region	+0.4	5				1	4	

Footnotes at end of table.

TABLE 5.—POSSIBLE MODEL OF GEOGRAPHIC DISTRIBUTION OF 30,000,000 POPULATION GROWTH IN NEW COMMUNITIES, 1970-2000—Continued

Metropolitan area urban region zone	N.C. population growth, 1970-2000 (millions)	Number total	New communities: by population size (thousands)[1]					
			500	250	150	100	75	50
Southern Piedmont	+0.4	5				1	4	
Texas-Louisiana Gulf Coast	+0.6	6			1	3	2	
Central Gulf Coast	+0.5	6				2	4	
North Central Texas (Dallas-Fort Worth)	+0.5	4			2	2		
North Central Georgia	+0.3	3			1	1	1	
South Central Texas (San Antonio-Austin)	+0.2	2				1	1	
Total, Southern urban regions	+4.5	43		2	7	16	18	
Outlying southern regions	+4.6	67			3	9	20	15
Southern regions, total	+9.1	110		2	10	25	38	15
California urban region:								
Southern California	+4.95	25	4	4	6	9	2	
Los Angeles-Orange-Ventura- San Bernardino-Riverside-Bakersfield	+4.1	17	4	4	4	5		
San Diego	+0.65	6			2	2	2	
Santa Barbara Southern California Coast	+0.2	2				2		
Central California	+1.9	13	1	1	3	4	4	
San Francisco Bay	+1.0	4	1	1	1	1		
Sacramento	+0.3	3			1	1	1	
Balance of urban region	+0.6	6			1	2	3	
Metropolitan Arizona	+0.7	8			1	1	6	
Puget Sound	+0.5	5			1	2	2	
Colorado Piedmont	+0.5	6				2	4	
Willamette Valley	+0.2	2				1	1	
Total, western urban regions	+8.75	59	5	5	11	19	19	
Outlying western regions	+1.85	20			4	7	5	4
Western regions, total	+10.6	79	5	5	15	26	24	4
United States, grand total	+30.0	272	9	14	36	77	84	52
In urban regions; metropolitan zones	+21.7	160	9	14	27	57	53	
In outlying regions	+8.3	112			9	20	31	52

[1] Population growth shown in millions is the amount allocated to new communities. For total growth, see table 4.

TABLE 6.—FUTURE PROJECTED LAND AREA OF LARGEST URBANIZED AGGLOMERATIONS, 2000, AND AREA OF PREDECESSOR URBANIZED AREAS IN 1970.

[Data in square miles]

Urbanized agglomeration	Total land area		30-year growth	Percent of increase
	2000	1970		
1. Los Angeles Basin	4,921	2,116	+2,805	+133
(Los Angeles)		(1,882)		
(San Bernardino-Riverside)		(234)		
2. New York-N.E. N.J.-Conn	4,662	2,803	+1,859	+66
(New York-N.E. N.J.)		(2,384)		
(Monmouth-Ocean Counties, N.J.)		(180)		
(Stamford-Norwalk-Bridgeport)		(239)		
3. Chicago-Milwaukee	2,853	1,495	+1,358	+91
(Chicago-N.W. Indiana)		(1,139)		
(Kenosha and Racine)		(39)		
(Milwaukee)		(317)		
4. San Francisco Bay	2,104	1,145	+959	+84
5. Detroit-Toledo	1,868	1,018	+850	+83
(Detroit-Pontiac)		(844)		
(Ann Arbor)		(37)		
(Toledo)		(137)		
6. Washington-Baltimore	1,713	796	+917	+115
(Washington)		(523)		
(Baltimore)		(273)		
7. Dallas-Fort Worth	1,611	1,015	+596	+59
(Dallas)		(583)		
(Fort Worth)		(432)		
8. Houston-Galveston	1,530	714	+816	+114
(Houston)		(650)		
(Galveston and Texas City)		(64)		
9. Delaware Valley	1,491	916	+575	+63
10. Southeast Florida	1,486	564	+922	+163
11. Cuyahoga Valley	1,278	750	+528	+70
(Cleveland-Lorain-Elyria)		(581)		
(Akron)		(169)		
12. Atlanta (with Marietta)	1,100	468	+632	+135
13. San Diego	1,063	380	+683	+180
14. Minneapolis-St. Paul	1,047	730	+317	+43
Total, 14 largest areas	28,727	14,910	+13,817	+93

Source: Based on published and unpublished data compiled in Appendixes to Dimensions of Metropolitanism (Research Monograph 14A). Washington: Urban Land Institute, 1968. Tables A-45 through A-53. The 1970 urbanized area data are projected from 1960.

TABLE 7—LARGE DEVELOPMENTS AND NEW COMMUNITIES (COMPLETED OR UNDER CONSTRUCTION IN THE UNITED STATES SINCE 1947)[1]

Name[2]	Location[3]	Acres[4]	Planned dwelling units[4]	Planned population[5]
Arizona:				
Kearny	Pinal County	1,300	1,000	4,000
Lake Havasu City	Mohave County	16,500	20,000	60,000
Litchfield Park	Maricopa County	13,000	22,000	75,000
San Manuel	Pinal County	700	1,500	6,000
Sun City	Maricopa County	10,700	30,000	55,000
Tucson Green Valley	Pima County	2,900	6,000	15,000
California:				
Calabasas Park	Los Angeles and Ventura Counties.	3,000	4,000	15,000
Diamond Bar	Los Angeles County	8,000	20,000	80,000
El Dorado Hills	El Dorado County	9,800	20,000	75,000
Foster City	San Mateo County	2,600	11,000	35,000
Irvine Ranch	Orange County	32,500	80,600	270,000
Janss	Thousand Oaks	11,000	22,000	80,000
Laguna Hills Leisure World	Orange County	2,500	18,000	30,000
Laguna Niguel	Orange County	7,900	22,800	80,000
Lake San Marcos	San Diego County	1,700	3,000	6,000
Mission Viejo	Orange County	11,300	27,000	80,000
Porter Ranch	Los Angeles County	4,100	12,000	43,000
Rancho Bernardo	San Diego	5,400	7,000	26,000
Rancho California	Riverside County	41,100	27,000	80,000
Redwood Shores	Redwood City	4,700	20,000	60,000
Rossmoor	Walnut Creek	2,000	10,000	16,000
San Marin	Novato	2,200	5,000	20,000
San Ramon Village	Alameda and Contra Costa Counties.	4,500	20,000	72,000
Sun City	Riverside County	1,700	8,600	11,000
University Village	Santa Barbara County	4,000	3,500	14,000
Valencia	Los Angeles County	4,000	40,000	250,000
Westlake Village	Los Angeles and Ventura Counties; portion in Thousand Oaks.	12,000	20,000	68,000
Colorado:				
Montbello	Denver	3,000	12,000	35,000
Northglenn	Adams County	2,700	6,500	30,000
Pikes Peak Park	Colorado Springs	4,300	11,500	35,000
Delaware: Pike Creek Valley	New Castle County	1,300	5,000	20,000
Florida:				
Coral Springs	Broward County	10,400	15,000	60,000
Deltona	Volusia County	15,000	32,000	75,000
Lehigh Acres	Lee County	51,800	(6)	(6)
Miami Lakes	Dade County	1,900	6,000	25,000
North Palm Beach[7]	Palm Beach County	9,600	7,100	25,000

Footnotes at end of table.

TABLE 7.—LARGE DEVELOPMENTS AND NEW COMMUNITIES (COMPLETED OR UNDER CONSTRUCTION IN THE UNITED STATES SINCE 1947)[1]—Continued

Name[2]	Location[3]	Acres[4]	Planned dwelling units[4]	Planned population[5]
Florida—Continued				
Palm Beach Gardens[8]	Palm Beach County	6,100	15,000	70,000
Port Charlotte	Charlotte County	53,800	(6)	(6)
Spring Hill	Hernando County	10,000	32,000	75,000
Georgia: Peachtree City	Fayette County	15,000	4,300	15,000
Hawaii:				
Hawaii Kai	Honolulu County	6,000	16,400	56,000
Mililani Town	Honolulu County	3,000	14,000	56,000
Ilinois:				
Elk Grove Village[7]	Cook County	5,800	13,500	58,000
Oak Brook[7]	Du Page County	3,600	7,000	25,000
Park Forest[7]	Cook and Will Counties	2,700	10,000	34,000
Park Forest South[7]	Will County	1,600	15,000	60,000
Louisiana: New Orleans East.	New Orleans	32,000	120,000	250,000
Maryland:				
Columbia	Howard County	14,100	30,000	110,000
Crofton	Anne Arundel County	1,300	3,500	15,000
Joppatowne	Harford County	1,300	3,000	10,000
Montgomery Village	Montgomery County	2,200	10,000	30,000
Massachusetts: New Seabury.	Barnstable County	3,000	3,700	16,000
Minnesota: Jonathan	Chaska	2,300	17,000	50,000
New Jersey: Willingboro	Burlington County	4,500	11,000	50,000
New Mexico: Paradise Hills	Bernalillo County	8,500	20,000	70,000
New York:				
Levittown	Nassau County	5,000	17,500	68,000
Sterling Forest	Orange County	20,000	(6)	(6)
Ohio:				
Forest Park[7]	Hamilton County	4,000	9,000	35,000
Grant Park	Clermont County	7,500	14,500	50,000
Pennsylvania: Levittown	Bucks County	5,500	17,000	70,000
Texas:				
Clear Lake City	Harris County	15,000	57,000	150,000
Sharpstown	Houston	4,000	9,900	35,000
Virginia: Reston	Fairfax County	7,400	25,000	75,000

[1] Compiled by the Division of New Communities, U.S. Department of Housing and Urban Development, Washington, D.C., January, 1969.

[2] Arranged alphabetically by States.

[3] County, or city where annexed.

[4] To the nearest hundred.

[5] To the nearest thousand.

[6] Indefinite.

[7] Incorporated as a village.

[8] Incorporated as a city.

ADMINISTRATION DECISION TO RELEASE FULL FUNDS FOR SUMMER CHILD FEEDING PROGRAM

Mr. CASE. Mr. President, I am very glad to have received a letter from Office of Management and Budget Director George Shultz stating that the Department of Agriculture now intends to fund all of the applications from cities and States for the 1971 summer child feeding program.

In reply to a letter I sent to him on July 2, cosigned by 44 other Senators, Mr. Shultz stated that steps have been initiated by the Office of Management and Budget to insure that the full benefits of the child feeding programs planned by cities and States this summer will be realized.

I am gratified, as I know my colleagues are, that the administration reconsidered this matter and that millions of needy children will be fed this summer as Congress intended and as the Department of Agriculture originally promised.

I ask unanimous consent that the exchange of letters be printed in the RECORD. I also ask that a survey of the known volume of requests for summer feeding funds, conducted by representatives of the city of Detroit in cooperation with the National League of Cities–U.S. Conference of Mayors, be printed in the RECORD.

With respect to the survey, I would point out that it should not be considered as an exhaustive documentation of the needs of cities and States for summer lunch program funds. It is simply a listing of available U.S. Department of Agriculture data, supplemented by additional requests made known to the League of Cities and Conference of Mayors.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

JULY 2, 1971.

Hon. GEORGE P. SHULTZ,
Director, Office of Management and Budget, Executive Office of the President, Washington, D.C.

DEAR MR. SHULTZ: We are writing to ask your immediate reconsideration of the funding being made available for this year's summer child feeding programs. These programs, authorized under the National School Lunch Act, provide nutritious meals for thousands of needy children in our urban areas.

Early this week the Department of Agriculture announced that it would allocate $18.1 million for the summer feeding programs, noting that this represented a threefold increase over last summer. It is a matter of grave concern to us that this figure represents $15.0 million less than what is needed to insure full funding for the summer feeding programs. We are concerned that millions of children in New York and Newark, in San Antonio and Los Angeles, in Minneapolis and Indianapolis, and in many other cities throughout the nation will not be fed this summer, as they had been promised.

The Department of Agriculture has publicly acknowledged that, as of June 18, it had received requests from cities and states for summer feeding programs totalling $26.6 million. However, we believe that this total does not reflect the latest estimates. A more recent survey conducted by the National League of Cities—U.S. Conference of Mayors revealed that summer requests actually total $33.0 million. It is from this second estimate that we derive the need for an additional $15.0 million.

It is not as if our cities and states had acted without Department of Agriculture support or promise of full funding. As you are no doubt aware, the expansion in the summer feeding programs this year is a direct result of Department of Agriculture promotion in cities and states across the nation. Our cities were urged to expand their efforts and were promised that the necessary money would be forthcoming. Programs were planned in full faith that the Department of Agriculture would stand behind its promise of funds. Moreover, when some question arose as to whether sufficient money was indeed available, Congress acted swiftly to provide both the spending authority and funds.

Last week the Congress specifically authorized the Secretary of Agriculture to spend up to $100 million from Section 32 funds (customs receipts) on this year's summer programs, in addition to whatever funds might be included in the Department of Agriculture appropriation bill. As Senator Talmadge, Chairman of the Senate Agriculture Committee, expressed it,

". . . the bill we have reported, authorizes the Secretary of Agriculture to use Section 32 funds in *any* amount (subsequently set at $35 million for FY 1971 and $100 million for FY 1972) necessary to keep this program going beyond June 30. The Committee included this provision because of the practical certainty that the appropriation for the Department of Agriculture for Fiscal Year 1972 will not be passed before July 1, and because of the probability that insufficient funds will be provided by a continuing resolution . . . Given all of these circumstances, there would seem to me to be no basis for the concern now manifested in many city halls about a cut-off of money for the summer nutrition program."

That was the expressed intent of the Senate and the House. We were aware that the regular appropriations process might not be completed in time, and might not—because it began before the funding crisis was made known—provide as much as would be required. It was the firm intent of the Congress that the Secretary of Agriculture be given clear direction as to the use of Section 32 funds with respect to this program.

Congress intended that the summer programs be immediately and fully funded.

This matter is one of the greatest urgency. We respectfully request that full funding of the summer feeding programs be reconsidered in the light of Congressional action.

Sincerely,

Clifford P. Case, Birch Bayh, J. Glenn Beall, Jr., Lloyd Bentsen, Edward W. Brooke, James L. Buckley, Lawton Chiles, Marlow W. Cook, Alan Cranston, Thomas F. Eagleton, Mike Gravel, Fred R. Harris, Philip A. Hart, Vance Hartke.

Mark O. Hatfield, Ernest F. Hollings, Harold E. Hughes, Hubert H. Humphrey, Daniel K. Inouye, Henry N. Jackson, Jacob K. Javits, B. Everett Jordan, Edward M. Kennedy, Warren G. Magnuson, Charles McC. Mathias, Jr., George S. McGovern, Walter F. Mondale, Joseph M. Montoya, Frank E. Moss, Edmund S. Muskie, Gaylord Nelson.

Bob Packwood, John O. Pastore, Claiborne Pell, Charles H. Percy, William Proxmire, Abraham Ribicoff, Richard S. Schweiker, William B. Spong, Jr., Adlai E. Stevenson, III, Stuart Symington, Robert Taft, Jr., John V. Tunney, Lowell P. Weicker, Jr., Harrison A. Williams.

EXECUTIVE OFFICE OF THE PRESIDENT, OFFICE OF MANAGEMENT AND BUDGET,
Washington, D.C., July 8, 1971.

Hon. CLIFFORD P. CASE,
U.S. Senate,
Washington, D.C.

DEAR SENATOR CASE: Thank you for your July 2 letter concerning the summer child feeding program (non-school).

As you know, the President last week signed H.R. 5257, and we have already initiated the steps necessary to fund all of the applications received from cities and states for this program, which as you say amount to some $33 million. We earlier had concurred with the Department of Agriculture in increasing last year's program threefold up to a total of $18.1 million. There is considerable reason to believe on the basis of last year's experience, that many states will not utilize the full amounts available to them, and there is further concern, which the Department of Agriculture has quite properly expressed, that such rapid expansion of a program such as this can lead to abuses of the program. Unfortunately too, the program is not focused, as we believe it should be, so that truly needy children receive the maximum benefits.

Nevertheless, because of the President's very strong feeling that needy children should have fully adequate and nutritious meals, we agree with the Department of Agriculture that the applications from the various cities and states should be accepted and approved, and we are cooperating with the Department of Agriculture to provide the necessary funds, including Section 32 funds, to accomplish this. We will also work closely with the Department to ensure that the program will be administered in accordance with the intent of the Congress, and that abuses are minimized. We also have in mind, as does the Department, the importance of proceeding rapidly, so that the full benefits of the program will be realized this summer as intended.

Sincerely,

George P. Shultz,
Director.

SPECIAL FOOD SERVICE PROGRAM—KNOWN VOLUME OF REQUESTS, JULY 9, 1971

	July-August 1971	Balance of fiscal year 1972	Total need, fiscal year 1972
Northeast Region:			
Connecticut	$52,000	$180,000	$232,000
Delaware	22,400	113,612	136,012
District of Columbia	1,214,000	216,000	1,430,000
Maine	78,180	63,512	141,692
MARYLAND	1,000,000	165,816	1,165,816
Massachusetts	199,507	520,000	719,507
New Hampshire*	7,216	56,512	63,728
NEW JERSEY	1,700,000	408,000	2,108,000
New York	4,147,000	680,000	4,827,000
Pennsylvania	1,305,322	716,388	2,021,710
Rhode Island	26,031	39,232	65,263
Vermont	2,419	57,136	59,555
West Virginia	152,320	132,000	284,320
Regional total	9,906,395	3,348,208	13,254,603
Southeast region:			
Alabama	$545,000	$372,000	$917,000
Florida	590,000	432,112	1,022,112
Georgia*	1,360,000	1,341,024	2,701,024
KENTUCKY	730,784	276,000	[1] 1,066,784
Mississippi	172,931	164,000	336,931
North Carolina	270,000	641,152	911,152
Puerto Rico	0	0	0
South Carolina*	189,984	568,800	758,784
Tennessee*	800,000	712,652	1,512,652
VIRGINIA*	2,500,000	773,504	2,273,504
Virgin Islands*	0	21,084	21,084
Regional total	7,158,699	5,302,328	12,461,027
Midwest region:			
ILLINOIS	2,500,000	321,590	2,821,590
Indiana	75,078	467,448	542,526
Iowa*	90,000	196,800	286,800
MICHIGAN*	1,330,000	346,000	1,676,000
MINNESOTA	[1, 2] 815,512	[1] 1,355,660	[1] 2,171,172
Missouri*	393,148	635,900	1,029,048
Nebraska*	83,732	92,000	175,732
North Dakota*	5,800	36,000	41,800
Ohio*	181,759	896,000	1,077,759
SOUTH DAKOTA	82,000	20,400	102,400
Wisconsin*	84,000	620,000	704,000
Regional total	5,641,029	4,987,798	10,628,827
Southwest region:			
Arkansas*	27,370	236,720	264,090
Colorado	200,000	320,000	520,000
Kansas	11,000	100,000	111,000
LOUISIANA	1,172,900	480,000	1,652,900
New Mexico	45,336	162,520	207,856
OKLAHOMA	588,000	225,200	813,200
TEXAS*	1,265,000	740,000	2,005,000
Regional total	3,309,606	2,264,440	5,574,046
Western region:			
Alaska	0	4,000	4,000
Arizona	46,434	198,000	244,434
CALIFORNIA	7,082,130	459,820	7,541,950
Guam	6,200	7,260	13,460
Hawaii	6,000	28,000	34,000
Idaho*	15,373	58,864	74,237
Montana*	5,236	46,400	51,636
Nevada*	11,857	43,560	55,417
Oregon*	70,500	124,064	194,564
Samoa	0	0	0
Utah	18,500	24,296	42,796
WASHINGTON*	212,200	225,656	437,856
Wyoming	3,050	21,600	24,650
Trust Territories	0	0	0
Regional total	7,477,480	1,241,520	8,719,000
National total	33,493,209	17,144,294	50,637,503

[1] Figures are precise, received from State departments of education.

[2] Figure represents demand for first quarter of fiscal 1972 (i.e., July, August, and September.)

NOTES

Local sponsors in States marked with an asterisk apply for funding directly to USDA Regional Offices; sponsors in unmarked States apply to a State agency (usually the school-lunch division of the State education department), which in turn applies for the State total to the USDA Regional Office. The State handles the program in 30 States; the remaining 20 (asterisked) apply directly.

Due to the administrative arrangements noted in the previous paragraph and limitations of staff, no effort was made to comprehensively canvass the Nation for program requests. Hence, the figures above are conservative. Where estimates were made, lowest reliable figures were used.

States listed in capital letters are those in which information listed differs substantially from USDA figures. Those States in upper- and lower-case letters were not specifically contacted; the information for them comes basically from USDA—though USDA data has been corrected for obvious inconsistencies. For example, where USDA figures showed a higher demand for summer alone than for the entire fiscal year, the fiscal year figure was increased to at least the amount needed for the summer.

WHERE HIGH SCHOOL STUDENTS STAND ON CURRENT ISSUES

Mr. JAVITS. Mr. President, June 30 marks the day of the ratification by the 38th State, Ohio, of the 26th amendment lowering the voting age to 18. It was the most rapidly ratified amendment ever proposed to the Constitution.

As an active proponent of the amendment, I was pleased to have brought to my attention recently a study which gives further evidence of the maturity of interest of our young people, many of whom were in high school last year and will be voting in the presidential and congressional elections next year. Scholastic Magazines, Inc., conducted a series of four polls of high school student opinion on current issues. The questions ranged from international and national issues to less lofty questions such as dress codes. The responses should give heart to those who may be concerned with the thinking of our youth. Their course may not be exactly as we would chart it, but it is a steady and safe one, one which has direction and forward movement.

I ask unanimous consent that the study be printed in the Record.

There being no objection, the study was ordered to be printed in the Record, as follows:

THE NATIONAL INSTITUTE OF STUDENT OPINION POLL NO. 1, SEPTEMBER, 1970

VIETNAM WAR. HOW DO YOU FEEL ABOUT THE WAY THE NIXON ADMINISTRATION IS HANDLING THE VIETNAM WAR?

	Senior (percent)			Junior (percent)		
	Boys	Girls	Total	Boys	Girls	Total
Approve	33	26	29	34	27	31
Disapprove	39	37	38	32	27	30
No opinion	28	37	33	34	46	40

UNITED NATIONS. WHAT PHRASE BEST DESCRIBES YOUR ATTITUDE TOWARD THE U.N.?

	Senior (percent)			Junior (percent)		
	Boys	Girls	Total	Boys	Girls	Total
It is of great importance to world peace	50	54	52	60	59	60
Of little importance	11	6	9	32	35	33
Important to keep until something better is agreed upon	39	40	39	8	6	7

DRESS CODES: HOW DO YOU FEEL ABOUT A CODE OF REGULATIONS REGARDING DRESS IN SCHOOL? FOR SENIOR STUDENTS; THIS QUESTION WAS PUT IN SLIGHTLY DIFFERENT FORM TO JUNIORS. ALTHOUGH PERCENTAGES ARE NOT DIRECTLY COMPARABLE, THE RESULTS ARE THESE:

	Senior (percent)				Junior (percent)		
	Agree strongly	Agree somewhat	Disagree somewhat	Disagree strongly	Boys	Girls	Total
Code should be prepared by a joint student-faculty committee	30	46	14	10	20	22	21
By a joint student-faculty-parent committee	29	33	21	17	17	21	19
By school officers and school board	14	21	26	39	4	4	4
By an elected body of students and enforced by students	37	29	19	15	22	21	21
There should be no code	25	15	19	40	32	29	31
No opinion					5	3	4

THE NATIONAL INSTITUTE OF STUDENT OPINION POLL NO. 1, SEPTEMBER, 1970—Continued

COMMUNITY SERVICE: IT HAS BEEN PROPOSED THAT, TO GRADUATE FROM HIGH SCHOOL, STUDENTS SHOULD BE REQUIRED TO EARN WORK CREDITS FOR SERVICE IN THEIR COMMUNITIES, JUST AS THEY EARN ACADEMIC CREDITS IN SCHOOL. HOW DO YOU FEEL ABOUT THIS PROPOSAL?

	Senior (percent)			Junior (percent)		
	Boys	Girls	Total	Boys	Girls	Total
Favor	18	22	20	29	30	30
Not favor	36	27	32	17	13	15
Favor if released for service during school hours	29	35	32	28	24	26
Not sure	17	16	16	27	33	30

SENIOR ONLY

LOWERING VOTING AGE. DO YOU THINK THAT LOWERING THE VOTING AGE TO 18 IS A GOOD THING?

[In percent]

	Boys	Girls	Total
Yes	75	72	74
No	13	16	15
Not sure	11	12	12

VOLUNTEER CAMPAIGNING. IF YOU WERE 18 AND HAD THE OPPORTUNITY TO VOTE THIS FALL, WOULD YOU VOLUNTEER YOUR SERVICES AS A CAMPAIGN WORKER FOR A POLITICAL PARTY OR CANDIDATE?

[In percent]

	Boys	Girls	Total
Yes	26	36	31
No	45	33	39
Not sure	29	31	30

VOLUNTEER MILITARY SERVICE. IT HAS BEEN PROPOSED THAT THE DRAFT BE ENDED AND PAY RATES FOR VOLUNTARY ENLISTMENT FOR MILITARY SERVICE BE INCREASED. IF THIS WERE DONE, DO YOU THINK YOU WOULD VOLUNTEER FOR 2 YEARS OF MILITARY SERVICE?

[In percent]

	Boys	Girls	Tota
Yes	48	38	43
No	36	42	39
Not sure	17	20	18

AS A CAREER? WOULD YOU CONSIDER MAKING THE MILITARY SERVICE A CAREER?

[In percent]

	Boys	Girls	Total
Yes	17	10	13
No	70	73	71
Yes, until I married	4	9	7
Not sure	9	8	8

CHOICE OF SERVICE. IF YOU DID DECIDE TO ENLIST VOLUNTARILY, WHICH SERVICE WOULD YOU APPLY TO?

[In percent]

	Boys	Girls	Total
Army	18	16	17
Navy	29	36	32
Marines	13	13	13
Air Force	26	25	26
Coast Guard	13	10	12

PARTY CHOICE. WOULD YOU CHOOSE

[In percent]

	Boys	Girls	Total
The Democratic Party	30	30	30
The Republican Party	23	21	22
Other Party	5	3	4
No Party	15	12	13
Not sure	28	34	31

PRESIDENTIAL FAVORITES. IF THE PRESIDENTIAL ELECTION WERE TO BE HELD IN NOVEMBER, WHO WOULD BE YOUR CHOICE?

[In percent]

	Boys	Girls	Total
President Nixon if he were Republican candidate	24	20	22
A Democrat	21	21	21
Someone else	16	15	15
Not sure	39	45	42

THE MIDI. WHAT'S YOUR FEELING ABOUT SKIRT LENGTHS THIS SEASON?

[In percent]

	Boys	Girls	Total
Like midi	14	7	10
Dislike midi	58	59	59
Dislike midi and plan to organize some sort of protest against it	7	3	5
Object to designers' dictating midi as the only fashion, but feel it might be nice once in a while	21	31	26

POLL NO. 2, NOVEMBER 1970

TODAY'S ISSUES—WHAT ARE THE MOST IMPORTANT ISSUES FACING THE UNITED STATES TODAY? CHECK 3 MOST IMPORTANT

[In percent]

	Senior		Junior	
	Boys	Girls	Boys	Girls
Inflation	39	30	27	21
Crime	39	33	30	24
Drug abuse	48	54	56	63
Race relations	24	24	15	16
Vietnam	48	51	45	45
Communism	21	18	18	15
Air, water pollution	63	54	78	72
Hunger and poverty	18	30	30	45

AMERICAN FLAG USE—DO YOU THINK PERSONS SHOULD BE ARRESTED IF THEY DO THE FOLLOWING?

[In person]

	Senior			Junior		
	Boys	Girls	Total	Boys	Girls	Total
Burn the American flag	83	84	84	72	71	72
Use it as an article of clothing	37	40	39	51	54	53
Paint it on a helmet or car	9	10	10	13	13	13
Combine it with other symbols such as the peace symbol	24	20	22	34	33	34
Fail to lower it from a flagpole at night	17	16	16	23	22	23

ELECTORAL COLLEGE. UNDER THE ELECTORAL COLLEGE SYSTEM IN THE U.S. CONSTITUTION IT IS POSSIBLE FOR A CANDIDATE WHO HAS NOT RECEIVED THE MOST POPULAR VOTES TO BE ELECTED PRESIDENT. WHAT DO YOU THINK?

[In percent]

	Senior			Junior		
	Boys	Girls	Total	Boys	Girls	Total
I think the system should be kept as is	26	25	25	32	31	32
I think it should be changed to give the election to the candidate receiving most of the votes	74	75	75	68	69	68

DRUG USE. WHAT ABOUT DRUG USE, INCLUDING MARIHUANA, AMONG TEENAGERS YOU KNOW?

[In percent]

	Senior			Junior		
	Boys	Girls	Total	Boys	Girls	Total
Not now a problem	12	9	11	13	12	12
Drug use is less than it was a year ago	5	5	5	4	4	4
Drug use is growing	67	73	70	65	68	66
Don't know	16	13	14	18	16	17

POLL NO. 2, NOVEMBER 1970

SCHOOL GRADING SYSTEMS. DO YOU FAVOR A CHANGE FROM THE TRADITIONAL LETTER (A, B, C, D, F) OR NUMBER SYSTEM OF GRADING TO A "PASS-FAIL" SYSTEM?

[In percent]

	Senior			Junior		
	Boys	Girls	Total	Boys	Girls	Total
Letter or number	66	71	68	75	83	79
Pass-fail	34	29	32	25	17	21

MOVIE RATINGS. UNDER THE PRESENT MOVIE RATING SYSTEM, YOUTHS UNDER 17 OR 18 MAY NOT ATTEND AN "R" FILM UNLESS ACCOMPANIED BY A PARENT OR GUARDIAN, AND THEY CAN'T ATTEND AN "X" FILM AT ALL. WHAT IS YOUR VIEW?

[In percent]

	Senior			Junior		
	Boys	Girls	Total	Boys	Girls	Total
Should be enforced	26	34	30	41	54	47
Should be dropped	59	51	55	50	39	44
Not enforced in our town	15	15	15	9	8	8

SENIOR ONLY

FREE TRADE VERSUS PROTECTION. FREE TRADE VERSUS PROTECTIVE TARIFFS AND QUOTAS IS AN OLD ISSUE IN MANY NATIONS. FOR MANY YEARS UNITED STATES JOINED OTHER NATIONS TO REDUCE TARIFFS. RECENTLY, U.S. COMPANIES MAKING TEXTILES, SHOES, ETC., COMPLAINED THEY CANNOT COMPETE WITH MERCHANDISE FROM ABROAD PRODUCED WITH LOW-WAGE LABOR. WHAT DO YOU THINK WE SHOULD DO?

[In percent]

	Boys	Girls	Total
Continue to work toward lower tariffs	20	24	22
Protect U.S. industries, although we risk having tariffs raised against U.S. exports	29	21	25
Make no change now	15	13	14
No opinion	36	43	40

SCHOOL-LEAVING AGE. IF YOU WERE A MEMBER OF A STATE LEGISLATURE, WHERE WOULD YOU VOTE TO PUT THE MINIMUM AGE STUDENTS COULD LEAVE SCHOOL?

[In percent]

	Boys	Girls	Total
18 years	37	42	40
16 years	47	45	46
14 years	7	4	5
Other	9	8	9

U.S.-U.S.S.R. RELATIONS. EVER SINCE RUSSIA BECAME COMMUNIST, RELATIONS WITH THE U.S.S.R. HAVE BEEN TROUBLED. WHAT IS YOUR VIEW?

[In percent]

	Boys	Girls	Total
Will eventually solve their differences	17	9	13
Relations will continue to seesaw	36	33	34
Will never get along well as long as U.S.S.R. is communist and U.S. is a democracy	32	37	35
No opinion	15	20	18

JUNIOR ONLY

YOUTH ORGANIZATIONS. WE LIVE IN A WORLD OF ORGANIZATIONS—BOY SCOUTS, 4-H, DANCE COMMITTEES STUDENT COUNCILS, TEAMS, CLUBS, ETC. HOW DO YOU FEEL ABOUT JOINING ORGANIZATIONS? CHECK 1.

[In percent]

	Boys	Girls	Total
Don't belong to any group	20	16	18
Belong only to groups outside school	13	10	12
Take part only in school activities	12	12	12
Take part in both school and outside groups	54	62	58

POLL NO. 3, JANUARY 1971

GUN LICENSING. SHOULD EVERYONE POSSESSING A HANDGUN HAVE TO BE LICENSED?

[In percent]

	Senior			Junior		
	Boys	Girls	Total	Boys	Girls	Total
Yes	62	83	73	71	83	77
No	38	17	27	29	17	23

SST. SHOULD THE U.S. GOVERNMENT CONTINUE TO PUT MILLIONS OF DOLLARS INTO BUILDING THE SST (SUPERSONIC TRANSPORT AIRPLANE) TO TRAVEL 1,500 MILES PER HOUR?

[In percent]

	Senior			Junior		
	Boys	Girls	Total	Boys	Girls	Total
Favor voting funds for SST	31	21	26	31	18	25
Against more funds for SST	52	58	55	53	61	51
No opinion	17	21	19	16	21	19

DRAFT EVADERS—DESERTERS. WHAT SHOULD BE U.S. GOVERNMENT POLICY TOWARD U.S. DRAFT EVADERS OR MILITARY DESERTERS LIVING IN CANADA, SWEDEN, AND OTHER COUNTRIES? CHECK ONE.

[In percent]

	Senior			Junior		
	Boys	Girls	Total	Boys	Girls	Total
Let them return to United States if they agree to do military or public service	27	33	30	31	35	33
Let them return if they agree to stand trial	23	22	25	25	22	23
Revoke their U.S. citizenship [1]	28	22	25	19	14	17
Return without penalty	14	11	10	11	11	11
No opinion	9	11	10	14	18	16

[1] N.B. cannot be done under U.S. laws.

METRIC SYSTEM. CONGRESS WILL SOON CONSIDER ADOPTING THE WORLD METRIC SYSTEM FOR MEASUREMENT IN THE UNITED STATES. LENGTH WOULD BE EXPRESSED IN METERS WEIGHT IN GRAMS, TEMPERATURE IN CENTIGRADE, ETC., AS IS DONE IN MOST OTHER COUNTRIES. WHAT IS YOUR VIEW?

[In percent]

	Senior			Junior		
	Boys	Girls	Total	Boys	Girls	Total
Adopt metric system as soon as possible	8	4	6	7	5	6
Keep the present system of inches, pounds, and Fahrenheit	50	58	54	59	64	61
Adopt the metric system but allow a 5-year period of changeover	31	26	29	23	20	21
No opinion	10	12	11	11	11	11

SENIOR ONLY

INFLATION CONTROL. ONE PROPOSAL TO SLOW DOWN INFLATION IS THAT THE FEDERAL GOVERNMENT BY LAW SHOULD LIMIT PRICE AND WAGE INCREASES. WHAT DO YOU SAY?

[In percent]

	Boys	Girls	Total
I favor Government limitations on prices and wages	54	57	56
I do not favor Government control on prices and wages	31	25	28
No opinion	15	16	16

AFTER HIGH SCHOOL, WHAT? WHAT DO YOU EXPECT TO BE DOING 2 YEARS AFTER YOU LEAVE HIGH SCHOOL?

[In percent]

	Boys	Girls	Total
Getting further education	54	52	54
Working at a paying civilian job	18	27	22
Serving with a social welfare organization (for example, Peace Corps, VISTA, etc.)	3	5	4
Serving in the Armed Forces	16	11	14
Housewife		11	
Other	9	6	7

FAMILY LIVING COURSES. FAMILY LIVING COURSES ARE FREQUENTLY OFFERED IN HIGH SCHOOLS AND USUALLY INCLUDE SEX EDUCATION. SOME FAMILY LIVING COURSES HAVE SEPARATE CLASSES FOR BOYS AND GIRLS. SOME CO-ED COURSES ENROLL BOTH BOYS AND GIRLS. WHAT IS YOUR VIEW?

[In percent]

	Boys	Girls	Total
Boys and girls should separately take family living courses	12	18	15
Family living courses should be co-ed with boys and girls in same class	77	75	76
No opinion	11	6	9

12-MONTH SCHOOL? HOW DO YOU FEEL ABOUT KEEPING SCHOOLS IN SESSION 12 MONTHS OF THE YEAR?

[In percent]

	Boys	Girls	Total
Keep high school open during summer for those students who wish to take courses	36	42	39
Keep schools going for 12 months but arrange for students to take long vacations at different times of the year	12	10	11
Close schools in summertime	49	46	47
No opinion	3	2	2

DEATH PENALTY. WHAT IS YOUR OPINION ON THE DEATH PENALTY FOR CERTAIN CRIMES?

[In percent]

	Boys	Girls	Total
No death penalty for crimes	24	29	26
Death penalty only for the most serious crimes such as treason or murder of a law officer	23	20	22
Death penalty for any premeditated (planned) murder	44	41	42
No opinion	10	10	10

JUNIOR ONLY

PLEDGE OF ALLEGIANCE WORDING. THE PLEDGE NOW ENDS WITH THE PHRASE: ". . . WITH LIBERTY AND JUSTICE FOR ALL." EASTCHESTER, N.Y. STUDENTS PROPOSE THIS BE CHANGED TO "SEEKING LIBERTY AND JUSTICE FOR ALL." HOW DO YOU FEEL?

[In percent]

	Boys	Girls	Total
Keep the Pledge of Allegiance as is	58	56	57
Adopt the proposed change which substitutes "SEEKING" for WITH	32	36	34
No opinion	10	8	9

JUNIOR ONLY

POCKET MONEY. EVERY STUDENT HAS NEED FOR MONEY. WHICH OF THESE PLANS DO YOU THINK MOST FAIR TO BOTH STUDENTS AND PARENTS?

[In percent]

	Boys	Girls	Total
Outright allowance from parents. No requirements on student	11	8	10
Performance of some home duties in order to receive allowance	66	79	72
Student should earn all of his own pocket money by part-time work	23	13	18

SECRET OF SUCCESS. FOR ADVANCEMENT IN ONE'S CHOSEN CAREER, WHICH DO YOU BELIEVE IS MOST IMPORTANT? (CHECK ONE)

[In percent]

	Boys	Girls	Total
Hard work	64	73	68
Brains	20	16	18
Who you know	5	3	4
Luck	4	2	3
No opinion	8	7	7

POLL NO. 4, MARCH 1971

STRIKES BY PUBLIC WORKERS. SHOULD PUBLIC EMPLOYEES, SUCH AS TEACHERS, POLICE, FIREMEN HAVE THE RIGHT TO STRIKE?

[In percent]

	Senior			Junior		
	Boys	Girls	Total	Boys	Girls	Total
Yes	57	56	57	55	52	53
No	32	32	32	30	28	29
Not sure	10	13	12	15	20	18

DRESS FOR SCHOOL. SOME PEOPLE OBJECT TO THE WAY CERTAIN STUDENTS DRESS FOR SCHOOL. WHAT ARE YOUR VIEWS?

[In percent]

	Senior			Junior		
	Boys	Girls	Total	Boys	Girls	Total
Students should be free to dress as they please	67	62	64	61	57	59
Certain standards of dress should be expected of everyone at school	29	35	32	31	38	35
No opinion	4	4	4	7	5	6

JOBS FOR UNEMPLOYED. SHOULD WE CREATE JOBS FOR THE UNEMPLOYED WITH FEDERAL FUNDS, FOR WORKING IN PARKS, HOSPITALS, AND OTHER PLACES?

[In percent]

	Senior			Junior		
	Boys	Girls	Total	Boys	Girls	Total
Yes	84	87	85	78	82	80
No	16	13	15	22	18	20

SPACE PROGRAM. SHOULD WE CONTINUE THE MANNED SPACE PROGRAM?

	Senior (percent)			Junior (percent)		
	Boys	Girls	Total	Boys	Girls	Total
Yes	61	48	54	54	43	48
No	29	39	34	34	40	37
No opinion	10	13	11	13	17	15

NATIONAL HEALTH PROGRAM. CONGRESS IS CONSIDERING A GOVERNMENT-RUN PROGRAM TO MAKE SURE THAT NO CITIZEN WILL BE WITHOUT HEALTH CARE. A NATIONAL HEALTH PROGRAM THAT REACHES EVERYBODY WILL COST AROUND $5,000,000,000 PER YEAR—OR ABOUT $25 A PERSON. WHAT'S YOUR VIEW?

	Senior (percent)			Junior (percent)		
	Boys	Girls	Total	Boys	Girls	Total
Congress should adopt a government-run program	48	54	51	44	47	45
Congress should not adopt a government-run program at this time	29	25	27	26	21	24
No opinion	22	21	22	30	32	31

SENIOR ONLY

COED SPORTS. A 16-YEAR-OLD NEW YORK HIGH SCHOOL TENNIS STAR, PHYLLIS GRABER, BELIEVES SCHOOL TEAMS IN SOME SPORTS SHOULD ADMIT GIRLS. AND NEW YORK CITY SCHOOLS NOW ARE PERMITTING CERTAIN SPORTS TO BE COED. HOW DO YOU FEEL?

	Percent		
	Boys	Girls	Total
I am against coed teams in any sport	10	5	7
I am for coed teams:			
Tennis	33	37	35
Swimming	33	31	32
Track	34	27	26

JUNIOR ONLY

EDUCATION GOALS. WHAT IS THE MOST FORMAL EDUCATION YOU EXPECT TO RECEIVE?

[In percent]

	Boys	Girls	Total
2 years of high school or less	4	2	3
High school diploma	16	18	17
Community college (2-year) or vocation school diploma	11	12	12
4-year college degree	32	33	33
Post-graduate degree (law, engineering, medicine, etc.)	18	13	16
Not sure	19	21	20

VIEWS ON LOCAL POLICE. WHICH OF THE FOLLOWING STATEMENTS BEST DESCRIBES YOUR OPINION OF YOUR LOCAL POLICE FORCE?

[In percent]

	Boys	Girls	Total
Favorable: The great majority of policemen are fair, honest and doing a good job	49	52	51
Mixed: While many policemen are fair, honest, and doing a good job, a large percentage are not	31	33	32
Unfavorable: A majority of the local police are unfair, and/or dishonest, and/or not doing a good job	9	5	7
No opinion	10	10	10

SCHOOL NEWSPAPERS. WHO SHOULD HAVE THE FINAL SAY ABOUT WHAT GOES INTO THE SCHOOL NEWSPAPER?

	Percent		
	Boys	Girls	Total
Student editor	68	68	68
Teacher, adviser/principal	20	22	21
No opinion	12	10	11

REVENUE SHARING. PRESIDENT NIXON ASKS CONGRESS TO VOTE FOR REVENUE SHARING. HE WANTS TO GIVE SOME OF THE TAX MONEY COLLECTED BY THE FEDERAL GOVERNMENT BACK TO THE STATES TO USE AS THEY PLEASE. WHAT'S YOUR VIEW?

	Percent		
	Boys	Girls	Total
I am for revenue sharing	59	59	59
I am for using Federal tax money only for purposes approved by Congress	18	14	16
Not sure	22	26	24

CAMPAIGN FUND LIMITATIONS. SHOULD THE AMOUNTS OF MONEY SPENT FOR NATIONAL ELECTION CAMPAIGNS BE LIMITED BY LAW?

	Percent		
	Boys	Girls	Total
I am against any limits	16	10	13
I would limit only funds for buying time on TV and radio	50	55	53
No opinion	34	35	34

JOB PREFERENCES. IF YOU PLAN TO WORK AFTER LEAVING SCHOOL OR COLLEGE, WHICH ACTIVITY WOULD YOU PREFER?

[In percent]

	Boys	Girls	Total
Work for a small company	15	16	15
Work for a large company	21	18	19
Run your own business	25	9	17
Work in public service	16	33	24
Not sure	24	24	24

COST OF INSTALLMENT BUYING. SUPPOSE YOUR FAMILY WANTS TO BUY A CAR, REFRIGERATOR OR HOUSE BY PAYING PART CASH AND THE REST IN MONTHLY PAYMENTS. WHAT DO YOU THINK THE REAL RATE OF INTEREST ON THE UNPAID BALANCE IS LIKELY TO BE?

[In percent]

	Boys	Girls	Total
From 7 to 11 percent	44	43	43
From 12 to 18 percent	37	38	38
More than 18 percent	18	18	18

Note: Those who checked (1) are almost certainly wrong and (3) would be true for most "big ticket" purchases with "real" interest rates running to 24 percent and higher. Some short-time installment purchase interest rates can come in at slightly under 18 percent.

MINORITIES. ARE MINORITY GROUPS IN THE U.S. GIVEN AN EQUAL CHANCE TO GET A GOOD EDUCATION?

[In percent]

	Boys	Girls	Total
Yes	40	36	38
No	38	41	39
No opinion	22	23	23

NUMBERS FOR PEOPLE. IT HAS BEEN PROPOSED THAT THE FEDERAL GOVERNMENT GIVE EACH CHILD AN "IDENTIFICATION NUMBER" AT BIRTH. WHAT DO YOU THINK?

[In percent]

	Boys	Girls	Total
Yes	29	32	31
No	40	34	37
No opinion	31	34	33

SUMMER VACATION PLANS. HOW DO YOU PLAN TO SPEND THE LARGEST PART OF THIS YEAR'S SUMMER VACATION?

[In percent]

	Boys	Girls	Total
Summer camp	5	5	5
Working for pay	29	12	21
Summer school	2	3	3
Traveling	16	18	17
At home, beach	28	42	30
Don't know	19	21	25

CONSTITUTIONALITY OF THE MASSACHUSETTS NO-FAULT AUTOMOBILE INSURANCE ACT

Mr. HART. Mr. President, on June 29 there was good news from Boston for those concerned about the inhumanity, extravagant waste and inefficiency in America's system for compensating automobile accident victims.

The Supreme Judicial Court of Massachusetts, one of the most respected high State tribunals, decided unanimously in Pinnick against Cleary that the Nation's first compulsory no-fault automobile insurance law is constitutional under both the State and Federal Constitutions.

The decision is no surprise. But it is gratifying that the specter of unconstitutionality has been laid to rest by a respected appellate court. The Massachusetts court concluded that no-fault does not take away any of a citizen's rights to recover for injuries but "merely limits the common law right in the automobile accident situation to obtain money damages on account of unintentionally inflicted pain and suffering and modifies the procedure for obtaining damages."

The Court's opinion was written by one of America's most respected jurists, the Honorable Paul C. Reardon, known to many lawyers and newspaper editors as the chairman of the committee that produced solid guidelines on the issue of fair trial versus free press. Justice Reardon, in his opinion, dwelt on one advantage of no-fault which has not received the attention it deserves. He wrote:

> No one who has for any time been in charge of a trial court system (as was the author of this option for a number of years) can be unfamiliar with the devastating effect upon the administration of justice which the automobile has produced. For years, in the face of countless experiments the trial calendars of this country, particularly in metropolitan areas, have become increasingly clogged wih motor vehicle tort litigation. No one as yet, notwithsanding heroic efforts in this regard, has found a satisfactory method of disentangling this morass.
>
> The problems of society to which the courts have been called no longer permit the luxury of using them as a forum for resolving the ever increasing numbers of automobile accident claims to the extent that has obtained hitherto.
>
> Other non-American court systems, heirs with ourselves of the common law, have managed to solve this problem of the superabundance of motor vehicle tort claims in one way or another. It remains, however, a cancer to be rooted out in American Courts.

Mr. President, to demonstrate just how pervasive this cancer is, I call attention to a chart which I ask unanimous consent to have printed at the conclusion of my remarks. This shows that, as of December 31, 1970, the 10 leading auto insurers alone were defending 359,540 personal injury liability cases filed during the preceding 8 or more years. Most of these cases, of course, involved seriously injured auto accident victims seeking compensation. Yet, 57 percent of the cases filed 3 or more years ago; 40 percent filed 4 or more years ago; and 13 percent were filed 6 or more years ago. Since cases are usually filed sometime after the accident occurred—and State statutes of limitations vary from 1 to 6 years—this data actually understates the period these accident victims must wait for any possible compensation. Prompt compensation and any needed rehabilitation for these victims are indeed dim prospects. It is inhumane to perpetuate a reparations system which permits this.

The opinion of the Massachusetts court also touches upon a choice very relevant in view of the recent Supreme Court Bell and Perez decision. These decisions make financial responsibility automobile insurance laws unworkable, and thus, force us to choose between compulsory liability insurance and compulsory no-fault insurance. Justice Reardon discussed some of the effects of the old Massachusetts law, which provided for compulsory liability insurance:

> We have lived with compulsory liability insurance since January 1, 1927. In that period certain events have occurred which might well have commended themselves to the Legislature as indicia pointing toward the wisdom of change. Eleven years ago, for instance, a special commission found that on the basis of bodily injury claim frequency per 100 cars insured. The average in Massachusetts in the years 1954–1956 was 6.4% as against 5% for Maine, 3.1% for Rhode Island, 2% for Vermont, and 3.3% for Connecticut. in 1959, the year the report was filed, the claim frequency in Boston on a local basis exceeded that in New York City by more than 50%.

While we applaud the success of limited no fault in Massachusetts and salute the unanimous judicial decision on constitutionality, I would like to apprise my colleagues of a major weakness of the law and other State statutes.

First, neither the Massachusetts law, nor the recent automobile insurance statutes enacted in Delaware or Florida, nor the bills passed by the Oregon and Illinois legislatures, will help one bit with the overloaded condition of our Federal courts in these judicial districts. The Federal courts today are required to accept jurisdiction in automobile negligence cases where the parties are of diverse citizenship and the damages claimed, including pain and suffering, exceed $10,000. The State laws eliminate none of these $10,000 cases from the tort system.

Both the President and the Chief Justice spoke of the problem of the courts at the National Conference on the Judiciary last March in Williamsburg, Va. The purpose of the conference was to improve the process of justice.

Chief Justice Burger declared:

> The public has been quiet and patient, sensing on the one hand the need to improve the quality of criminal justice but also experiencing frustration at the inability to vindicate private claims and rights. We are rapidly approaching the point where this segment of Americans will totally lose patience with the cumbersome system that makes people wait two, three, four or more years to dispose of an ordinary civil claim.

The President, himself a lawyer, issued a clarion call for innovation and initiative to improve the process of criminal justice at both the State and Federal level. In defining the urgent need for improvement, Mr. Nixon declared:

> More of the same is not the answer. What is needed now is genuine reform—the kind of change that requires imagination and daring, that demands a focus on ultimate goals.

Similarly, more of the same is not the answer for auto accident reparations. Genuine no-fault reform with the ultimate goal of removing most, if not all, of the auto accident cases from the courts is the answer. That those of us who are sponsoring national no-fault bills to accomplish this goal are not alone can be seen from this recent statement of Chief Justice Burger to the New York Times, July 4, 1971, p. 24:

> Very, very good arguments can be made and have been made for taking automobile and other personal injury cases out of the courts entirely, out of all courts, and disposing of them by other means.

I should like to paraphrase Justice Reardon and apply his reasoning to the Federal courts: The problems of America to which the Federal courts have been called by the American people and the Congress no longer permit the luxury of using them as a forum for resolving automobile accident claims.

The sponsors of national no-fault motor vehicle insurance legislation believe that such a law would relieve the Federal courts of much automobile accident litigation because benefits would be substantially in excess of the $10,000 jurisdictional limitation and tort suits would be eliminated, except in cases of catastrophic harm. That alone is reason to go forward

But there is an even more substantial reason why we in the Congress must not slacken our efforts.

Neither the Massachusetts law—nor those enacted in the other States—are consumer protection laws. They do nothing to ameliorate the difficulties of ensuring fair ratemaking and claims paying by insurance companies; they do not control the possibility of excessive profits by insurers.

Mr. President, I ask that a letter containing the views of the Association of Massachusetts Consumers, Inc., in this regard be printed in the RECORD following my remarks. The association has studied the Massachusetts law in detail. Although it is fully aware of the advantages of no-fault insurance, it never endorsed the bills that became the Massachusetts no-fault law, because the association felt they did not adequately protect the interests of consumers. I am pleased to say that the group has endorsed S. 945 and H.R. 7514.

Mr. President, I ask unanimous consent that a table which compares the principal features of the Massachusetts law and the proposed Federal bills be printed in the RECORD. Also, I ask unanimous consent that the Massachusetts supreme judicial court's opinion in Pinnik against Cleary and accounts of that decision in the Boston Morning and Evening Globe be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

AUTO PERSONAL INJURY LIABILITY CASES PENDING AS OF DEC. 31, 1970, WHICH WERE FILED, AND WHICH WERE BEING DEFENDED BY THE 10 LEADING AUTO INSURERS UNDER POLICIES ISSUED DURING THE PRECEDING 8 OR MORE YEARS

Companies	Years in which policies were issued									
	Prior to 1963	1963	1964	1965	1966	1967	1968	1969	1970	Tota
State Farm	300	363	819	1,915	3,328	6,911	9,788	16,679	7,502	47,605
Allstate	2,326	1,744	2,970	5,487	9,782	16,702	14,454	31,815	14,176	99,456
Aetna Casualty	417	345	918	1,790	3,024	4,616	3,257	7,687	3,232	25,283
Travelers	903	759	1,428	2,512	5,015	8,219	8,137	11,313	4,590	42,878
Nationwide	1,026	833	1,288	1,555	2,634	4,313	5,518	6,731	3,280	27,176
Liberty Mutual	523	407	750	1,225	2,640	4,942	4,546	8,371	3,689	27,096
Hartford Accident	878	600	1,204	1,941	3,307	5,276	4,239	7,159	3,015	27,619
Government Employees	140	195	392	911	2,060	4,206	3,477	7,323	3,583	22,287
INA	588	535	1,079	1,598	2,577	3,611	2,729	3,981	1,517	18,221
Lumbermans Mutual	424	472	750	1,515	2,608	3,791	3,823	5,740	2,796	21,919
Total	7,525	6,253	11,598	20,559	36,975	62,477	59,968	106,805	47,380	359,540

Note: These 10 companies wrote approximately 40 percent of the personal injury liability premiums in 1970.

Source: 1970 annual statements, schedule P, pt. 1, filed with State insurance departments.

MILTON PINNICK VERSUS CARL CLEARY

REARDON, J. This bill for declaratory relief comes to us on a reservation and report from the single justice. It presents a multifaceted attack on the constitutionality of St. 1970, c. 670, which amends in part chapters 90, 175, and 231 of the General Laws, and which establishes a modified system of compensation through their own insurers for victims of automobile accidents regardless of fault.[1] The plaintiff has raised and argued a number of issues which are not presented by what appears in the record. We realize that where questions of pressing public importance are involved we may in our discretion express our opinion on matters fully argued even though they are not essential to disposition of the exact controversy before the court. *School Commn. of Boston* v. *Board of Educ.* 352 Mass. 693, 697. However, such issues raised here by the plaintiff call for interpretation of terms and provisions of c. 670 which are not self-explanatory and which are not called into question at all by the record. It is inevitable that this first legislative attempt at a fundamental alteration and modernization of an important segment of the common law of torts will generate many problems arising out of such provisions. We cannot deal with these problems in the abstract and refrain therefore from dealing with c. 670 in its effects beyond the set of facts before us.

THE FACTS

The facts of the case are not disputed. The plaintiff, a resident of Massachusetts, is the owner of a motor vehicle duly registered under the laws of the Commonwealth and insured under a policy which includes personal injury protection benefits as defined in St. 1970, c. 670. The policy was not subject to the optional deductible endorsement (deductible) provided in c. 670. While he was driving his car on a public way in Boston early on the morning of January 3, 1971, two days after the effective date of that statute, he was involved in an accident which was caused exclusively by the negligence of the defendant. The car the defendant was driving was owned by one Daniel Mack, and was also covered by an insurance policy which included personal injury protection benefits as defined in c. 670.

As a result of the accident, the plaintiff suffered injuries which included a bone contusion of the left lower scapula, a contusion and sprain of lower scapula muscles on both sides, and a severe low back sprain with radiation of pain into the lower right extremity. He incurred $115 in reasonable and necessary medical expenses for treatment of these injuries. Although he had no medical insurance in his own name, he was covered by a policy issued to his wife which provided for reimbursement of his medical expenses over $100. The entire $115 would have been recoverable in a traditional common law tort action against the defendant, as well as $800 for his pain and suffering.

Due to the accident the plaintiff lost in addition seventy-three hours from his position with the United States Post Office. His salary in this position was $176.77 a week, a figure which also represents his average weekly wages for the year preceding the accident. He received his usual salary for the entire period of his absence, however, due to the paid sick leave and annual leave to which he was entitled. His accumulated paid sick leave of forty hours was exhausted in the process, and his paid annual leave was reduced by thirty-three hours.

The plaintiff also held a second job at the time of the accident which paid him at the rate of $96.25 a week. This amount was his average weekly wage for that job for the year preceding the accident. The accident caused him to miss twelve days from this work, for which he was not compensated. In a tort action at common law, on these facts the plaintiff could have recovered $650 from the defendant for loss of earning capacity. His total recovery in tort against the defendant, including general and special damages, would therefore have been $1,565 ($115+$650+$800).

The plaintiff made demand on the defendant for reasonable compensation in accordance with the recoverable elements of dam-

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age at common law as outlined above. The defendant refused, raising as a defence c. 670 which, inter alia, exempts a tortfeasor from liability up to $2,000 to the extent the claimant is entitled to personal injury protection benefits from his own insurer. The defendant also noted that in the circumstances of his case the plaintiff was not entitled to any damages for pain and suffering under c. 670, although he retained his right to sue in tort for other elements of damage not covered by the personal injury protection benefits.

The plaintiff in this bill claims that this operation of c. 670 deprives him unconstitutionally of his right to full recovery in tort. He has supported this claim by an exceedingly prolix brief of 373 pages, the contentions of which are aided by amicus briefs filed with us by the American Trial Lawyers Association, the Massachusetts chapter of that organization, and the Massachusetts Bar Association. Supporting the law we have, in addition to the defendant's brief, arguments in behalf of the constitutionality of c. 670 submitted by the American Mutual Insurance Alliance and American Insurance Association, the Massachusetts Association of Independent Insurance Agents and Brokers, Inc., and the Attorney General acting pursuant to G.L. c. 231A, § 8.

SUMMARY OF CHAPTER 670

The briefs before us, even those aligned on the same side of the case, reveal divergent views on how c. 670 operates. Accordingly, we believe it advisable to summarize the basic structure of the statute. In so doing we will not attempt a comprehensive description of its scope and operation, for much of that, as we have indicated, is irrelevant for our present purposes. We wish rather at this juncture to draw attention first to the difference in the legal position of the injured party under c. 670 from his position at common law, and, secondly, to the practical consequences of the statute on him, taking into consideration the interaction of various forms of compulsory and optional insurance with c. 670.

Those who challenge c. 670 have attributed to it not only a drastic stripping of legal rights but also, in its practical effect, a substantial diminution of the damages which the average non-negligent accident victim may reasonably expect. Analysis demonstrates, on the contrary, that the Legislature has acted with extreme caution in altering prior legal rights, changing in only one respect the elements of damage which are recoverable by the victim. As to the practical effect of c. 670, it appears that the statute affords the citizens the security of prompt and certain recovery to a fixed amount of the most salient elements of his out-of-pocket expenses and an increased flexibility in avoiding duplicate coverage, at double premiums, for the same expenses. In return for this he surrenders the possibly minimal damages for pain and suffering recoverable in cases not marked by serious economic loss or objective indicia of grave injury and the outside chance that through a generous settlement or a liberal award by a judge or jury in such a case he may be able to reap a monetary windfall out of his misfortune.[2]

The key concept embodied in c. 670 is that of personal injury protection insurance which is required of all owners of motor vehicles registered in Massachusetts. Under this coverage, personal injury protection benefits are paid by the insurer, as the expenses they cover accrue, to the insured, members of his household, authorized operators or passengers of his motor vehicle including guest occupants, and any pedestrians struck by him, regardless of fault in the causation of the accident.[3] Limited in amount to $2,000, the benefits cover largely the same items of medical expense covered before by optional medical payments insurance, with the exception that expenses incurred within two years of the accident are included as opposed to the one year period generally covered in optional insurance. Personal injury protection covers in addition, however, two other types of out-of-pocket expenses. The first and less significant of these is "payments in fact made to others, not members of the injured person's household and reasonably incurred in obtaining from those others ordinary and necessary services in lieu of those that, had he not been injured, the injured person would have performed not for income but for the benefit of himself and/or members of his household." The second is seventy-five percent of the actual lost wages of the injured party, calculated on the basis of his average weekly wage during the year preceding the accident. If the victim was unemployed, he is entitled to the same percentage of wages he can prove he would have received from work he would have had had he not been injured.

Benefits allocable to medical expenses are paid regardless of any other insurance covering the same costs. However, to avoid duplicate recovery and reduce the expense of insurance, c. 670 provides the option to elect a deductible, binding on the insured or on the members of the insured's household. These policies, for a reduced premium, provide that an amount from the first $250 up to the entire $2,000 otherwise recoverable as personal injury protection benefits shall not be paid by the insurer.

Benefits allocable to lost wages, on the other hand, are reduced by any amounts received under a wage continuation plan or its equivalent. The victim, however, may incur (within a year of the payment of the last benefit) a later injury for which he would be entitled to payments under the wage continuation plan. If the amount then available to the victim to meet lost wages caused by the later injury has been reduced by reason of the payments under the plan attributable to the earlier accident then the insurer shall be responsible to the extent of the reduction.

Thus under c. 670 the accident victim, with a few minor exceptions, is entitled to immediate payment of his most pressing items of cost: medical expenses. In addition, he receives a major portion of his lost wages not covered by a wage continuation plan, and certain consequential expenses. These amounts, to a total of $2,000, are due from his own insurer, not from an adversary insurance company, and without the necessity for assignment of fault or the temptation on either side to bargain in the light of considerations which are often extraneous to the amount of expense incurred.

In exchange for the protection extended by c. 670, the accident victim loses his right to recover in tort to the extent he is eligible for personal injury protection benefits. Because the exemption of the tortfeasor is exactly matched to the availability of personal injury protection benefits to the plaintiff, the plaintiff loses nothing by it.[4] With one restriction to be discussed below, the potential plaintiff retains in addition his common law action against the tortfeasor for any elements of damage not recovered as personal injury protection benefits. These would include any expenses in excess of $2,000 which would otherwise have been covered by personal injury protection and the difference between his diminished earning capacity, as measured at common law, and the substitute percentage of actual lost wages reduced by amounts received under any wage continuation plan recoverable under c. 670. Since the new law has retained the previous requirements of compulsory liability insurance under G.L. c. 90, § 34A, the victim who chooses to sue has the same assurance of at least limited recovery if he can prove negligence as he had before the passage of c. 670.

The plaintiff stresses that the residual tort action left after the payment of personal injury protection benefits is reduced in value inasmuch as the potential plaintiff must consider the extent to which legal fees will reduce his net recovery. However, legal fees are not a new burden imposed by c. 670; they have long been a factor to be considered in prosecuting any claim, including a tort action for personal injury instituted before the passage of c. 670.

The only limitation imposed by c. 670 on the potential plaintiff's prior right of recovery at common law is the elimination of damages for "pain and suffering, including mental suffering associated with . . . injury" except in certain specified categories of cases. Section 5 of c. 670 provides generally that the reasonable and necessary medical expenses incurred by a plaintiff in the treatment of his injuries must be over $500 to permit recovery for pain and suffering. However, recognizing that certain types of injuries could entail considerable pain and suffering which would warrant monetary compensation regardless of medical expense incurred, the Legislature provided by way of exception to the general rule that damages for pain and suffering could be sought in all cases involving five designated types of injuries. These are a fracture, injury causing death, injury consisting in whole or in part of loss of a body member, permanent and serious disfigurement, and injury resulting in loss of sight or hearing as elsewhere defined in the General Laws. The victim whose injury falls outside these categories and whose medical expenses are less than $500 cannot recover at all for pain and suffering.[5] However, it is still possible for the person who desires to assure for himself recovery in excess of his out-of-pocket costs to do so. Just as he may elect a deductible if he has medical payments insurance to avoid duplicate recovery for medical expenses, so he may choose to keep both forms of insurance in full precisely to allow himself double recovery of these expenses.[6] Other forms of duplicate coverage are equally possible. It is true that the amount of excess he will receive thereby will bear no necessary relation to the value of his pain and suffering as arbitrarily set by a jury but, on the other hand, he is assured of some profit over out-of-pocket expenses in every motor vehicle accident. This certainty he was never afforded by his prior "right" to recovery for pain and suffering in a suitable case, which in order to be realized even in such a case had to be actively pursued at considerable expense.

The preceding discussion is not intended as a holding or ruling on any part of the statute, but only to permit a better understanding of that which follows.

NATURE OF RIGHTS AFFECTED

In approaching the numerous issues before us, it is advisable to dispose first of a contention which the plaintiff has argued vigorously and at some length, for if we accepted it, it would require a somewhat different approach to the attacks leveled at the statute than that we feel appropriate. The plaintiff claims that c. 670 has impaired a cause of action which is on a higher, more sacrosanct level than the "ordinary" common law cause of action. Two alternative reasons are advanced in support of this contention: first, that the tort action has the status of a "vested property right," and, second, that the function of the cause of action is to safeguard the fundamental "right of personal

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Footnotes at end of article.

security and bodily integrity" which, although not mentioned in the Bill of Rights of the United States Constitution, is nonetheless protected by it. We find both grounds unpersuasive.

In arguing that the cause of action affected by c. 670 constitutes a vested property right, the plaintiff seems to ignore the distinction between a cause of action which has accrued and the expectation which every citizen has if a legal wrong should occur to find redress according to the rules of statutory and common law applicable at that time. The Legislature is admittedly restricted in the extent to which it can retroactively affect common law rights of redress which has already accrued. However, there is authority in abundance for the propostion that "[n]o person has a vested interest in any rule of law entitling him to insist that it shall remain unchanged for his benefit." *New York Cent. R.R.* v. *White,* 243 U.S. 188 198. *Munn* v. *Illinois,* 94 U.S. 113, 134. And, as we shall demonstrate in more detail below, legislative actions based on this principle, prospectively modifying or abrogating common law causes of action, have been judicially upheld both in this Commonwealth and elsewhere on numerous occasions. The citizen may find that events occurring after passage of such a statute place him in a different position legally from that which he would have occupied had they occurred before passage of the statute. He has no cause, however, to complain solely because his rights are not now what they would have been before.

The applicability of this principle to the rights affected by c. 670 is not in any way changed by Part II, c. 6, art. 6, of the Constitution of Massachusetts, or by art. 11 of its Declaration of Rights, on both of which the plaintiff seems to rely. Article 6 provides for the continuation in the Commonwealth of the great body of the common law as amended by statute prior to the colonial immigration. *Commonwealth* v. *Churchill,* 2 Met. 118, 123. *Crocker* v. *Justices of the Superior Court,* 208 Mass. 162, 717. It explicitly contemplates the ". . . [alteration] or . . . [repeal] by the legislature" of such prior existing law, as indeed it would have to in order to avoid freezing outmoded rules of law into our jurisprudence by placing them beyond the reach of the Legislature. See *Holden* v. *Pioneer Bdcst. Co.* 228 Ore. 405, 411–412.

Article 11 of the Declaration of Rights guarantees "a certain remedy, by having recourse to the laws, for all injuries or wrongs which . . . [one] may receive. . . ." The article is clearly directed toward the preservation of procedural rights and has been so construed. See, e.g., *Cressey* v. *Erie R.R.* 278 Mass. 284, 291; *Universal Adjustment Corp.* v. *Midland Bank, Ltd.* 281 Mass. 303, 302; *Commonwealth* v. *Hanley,* 337 Mass. 384, 387. The only intimation which has been cited to us that it might have ramifications in the area of substantive rights is a dictum in *Commonwealth* v. *Boston Transcript Co.* 249 Mass. 477, 482, that the Legislature might be precluded under art. 11 from abolishing an action for libel is certain circumstances as it had purported to do.[7] However, changes in prior law are necessary in any ordered society, and to argue that art. 11 prohibits alterations of common law rights as such, especially in the face of the specific provision to the contrary in art. 6, flies in the face of all reason and precedent. To the extent that the dictum in the *Boston Transscript* case is to the contrary we decline to follow it.

We are baffled by the plaintiff's further attempt to find in c. 670, in so far as it affects the tort action for bodily injury, an impairment of some fundamental right protected by the first ten amendments to the Federal Constitution. The plaintiff lays emphasis on Mr. Justice Goldberg's concurring opinion in *Griswold* v. *Connecticut,* 381 U.S. 479, 486. In that case a Connecticut law banning the use of contraceptives was held to violate the right of privacy as contained in the first ten amendments. Any supposed analogy of the present case to the *Griswold* case is inapposite and does nothing to advance the plaintiff's argument. Whatever may be the fundamental "right of personal security and bodily integrity" to which the plaintiff refers, it is not affected by c. 670. That chapter merely limits the common law right in the automobile accident situation to obtain money damages on account of unintentionally inflicted pain and suffering and modifies the procedure for obtaining damages according to the common law measure for all other elements of recovery. See *Dandridge* v. *Williams,* 397 U.S. 471, 484.

We thus perceive no basis for treating a legislative alteration of the tort action for personal injuries differently from an alteration of any other preexisting rule of the common law. Hence we may summarily dispose of several of the plaintiff's arguments which are founded on the contrary premise. There is no cause here for application of the "compelling state interest" test, which is employed where a statute impairs fundamental rights protected by the Constitution. Nor, for the same reason, can the statute be struck down on the ground that it sweeps unnecessarily broadly in the face of a less restrictive alternative which would achieve the same ends. See *National Assoc. for the Advancement of Colored People* v. *Alabama ex rel. Flowers,* 377 U.S. 288, 307–308; *Aptheker* v. *Secretary of State,* 378 U.S. 500, 514. With respect to this latter test, we have noted that it has been applied in the past not only to "constitutionally sheltered activity" but also to "regulations affecting interstate commerce . . . and economic regulations." *Commonwealth* v. *Leis,* 355 Mass. 189, 195–196. However, no argument has been presented to us to show that c. 670 either in purpose or effect is discriminatory against interstate commerce; therefore, the less restrictive alternative test is not applicable to it as a regulation affecting interstate commerce. *Dean Milk Co.* v. *Madison,* 340 U.S. 349, 354. Nor is c. 670 a total prohibition of a hitherto lawful economic activity of the sort to which the less restrictive alternative test has been applied in the economic sphere. *Weaver* v. *Palmer Bros. Co.,* 270 U.S. 402, 414–415. Furthermore, even this limited use of the test in this context is doubtful in the light of subsequent decisions according wide discretion to the Legislature in setting social and economic regulations according to its perception of the public interest. *Olsen* v. *Nebraska ex rel. Western Reference & Bond Assn. Inc.,* 313 U.S. 236, 246–247. *Staten Island Loaders* v. *Waterfront Comm. of New York Harbor,* 117 F. Supp. 308, 310–311 (S.D. N.Y.).

We conclude that the principles by which c. 670 should be judged are those generally applied when economic and social regulations enacted under the police power are attacked as a violation of due process and equal protection of the laws. The two grounds of attack although similar are sufficiently distinct to warrant separate treatment, to which we now proceed.

DUE PROCESS ISSUES

A. *Applicable Principles.* We will deal first with the propriety of c. 670 under the due process clause. The overall test under this clause is whether the statute bears a reasonable relation to a permissible legislative objective.[8] *Howes Bros. Co.* v. *Unemployment Compensation Comm.* 296 Mass. 275, 283–284. *Merit Oil Co.* v. *Director of the Div. on the Necessaries of Life,* 319 Mass. 301, 306. *West Coast Hotel Co.* v. *Parrish,* 300 U.S. 379, 391. In the application of this test, the statute is accorded a presumption of constitutionality (*Howes Bros. Co.* v. *Unemployment Compensation Comm., supra,* at 284; *Merit Oil Co.* v. *Director of the Div. or the Necessaries of Life, supra,* at 305; *Commonwealth* v. *Finnigan,* 326 Mass. 378, 379), a corollary of which is that if a state of facts could exist which would justify the legislation, it must be presumed to have existed when the statute was passed. *Munn* v. *Illinois,* 94 U.S. 113, 132. *United States* v. *Carolene Prods. Co.* 302 U.S. 144, 152–153. *McGowan* v. *Maryland,* 366 U.S. 420, 426–427.

In dealing with an alteration of the preexisting common law, we are guided also by cases which have dealt specifically with due process attacks on this kind of statute. Here we do not need to reach the difficult question of when the Legislature may abrogate a common law right of recovery without providing a substitute remedy. Such actions in other contexts have been sustained because it was felt that the Legislature was acting to attain a permissible legislative object." *Silver* v. *Silver,* 280 U.S. 117, 122 ("guest statute," taking away right of gratuitous passenger in automobile to sue driver on account of mere negligence). *Hanfgarn* v. *Mark,* 274 N.Y. 22, appeal dismissed 302 U.S. 641 (abolition of actions for breach of promise, seduction, alienation of affections, and criminal conversation—no substantial Federal question presented on appeal to Supreme Court). We have never had the occasion to pass on comparable statutes enacted by our Legislature, although we have noted their existence and effect (*Thibault* v. *Lalumiere,* 318 Mass. 72, 75), and recognized generally the power of the Legislature to act in this regard. *Opinion of the Justices,* 309 Mass. 571, 598.

In the instant case, however, the Legislature has not attempted to abolish the preexisting right of tort recovery and leave the automobile accident victim without redress. On the contrary, as was pointed out above, the statute has affected his substantive rights of recovery only in one respect and has simply altered his method of enforcing them in all others. Therefore, c. 670 may be judged by the stricter test which the plaintiff urges upon us and for which there is considerable authority in workmen's compensation cases: whether the statute provides an adequate and reasonable substitute for preexisting rights. *New York Cent. R.R.* v. *White,* 243 U.S. 188, 201 (New York workmen's compensation statute). See *Mountain Timber Co.* v. *Washington,* 243 U.S. 219, 240–241 (Washington workmen's compensation statute). The similarity between c. 670 and the workmen's compensation statutes, in the nature of their purposes and the means chosen to achieve them, also leads us to conclude that the reasonable and adequate substitute test is appropriate to apply here even if its application is not constitutionally required.[9] We will, therefore, consider c. 670 in the light of a twofold test: the general test required by the due process clause of whether it bears a rational relation to a legitimate legislative objective, and the more particularized test for which the plaintif argues—whether it provides a reasonable substitute for preexisting rights.

B. *Does c. 670 bear a rational relation to a legitimate legislative objective?* The ills against which c. 670 is aimed are obvious. One of the most prominent of these will be found in a brief consideration of the impact of the automobile on the burden of litigation carried by courts in general and Massa-

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chusetts courts in particular. No one who has for any time been in charge of a trial court system (as was the author of this opinion for a number of years) can be unfamiliar with the devastating effect upon the administration of justice which the automobile has produced. For years, in the face of countless experiments, the trial calendars of this country, particularly in metropolitan areas, have become increasingly clogged with motor vehicle tort litigation. No one as yet, notwithstanding heroic efforts in this regard, has found a satisfactory method of disentangling this morass. Indeed, the problem intensifies as American courts are increasingly called upon to deal with complexities of our society not evident when the motor vehicle first appeared on the national scene and to broaden the scope of their activities into areas not traditionally subject to judicial cognizance. The courts with their scarce resource of time simply cannot respond to new challenges or meet the new requirements imposed on them in criminal matters as long as their time continues to be consumed to the extent it has been by motor vehicle accident cases. The problems of society to which the courts have been called no longer permit the luxury of using them as a forum for resolving the ever increasing numbers of automobile accident claims to the extent that has obtained hitherto.

These observations are nowhere more applicable than in Massachusetts. We have lived with compulsory liability insurance since January 1, 1927. In that period certain events have occurred which might well have commended themselves to the Legislature as indicia pointing toward the wisdom of change. Eleven years ago, for instance, a special commission found that on the basis of bodily injury claim frequency per hundred cars insured, the average in Massachusetts in the years 1954–1956 was 6.4% as against 2% for Maine, 3.1% for Rhode Island, 2% for Vermont, and 3.3% for Connecticut. In 1959, the year the report was filed, the claim frequency in Boston on a local basis exceeded that in New York City by more than 50%.[10] The seriousness of the problem insofar as it relates to current Massachusetts civil trial dockets can be seen in the following figures related to the Superior Court.

Total law entries of which there were *Total Motor Vehicle entries:*[11]

1967	34, 730	23, 279
1968	33, 558	22, 289
1969	34, 381	22, 598
1970	35, 155	22, 690

When it is recognized that many of these automobile entries represent multiple party suits, the weight which this type of litigation places on Massachusetts courts is evident.

Less obvious is the burden on the clerks' offices, lawyers and litigants which follows this proliferation of entries of motor cases, currently at the rate of almost 2,000 a month in the Superior Court and more than 3,200 a month in the District Courts. Every paper submitted must be filed and docketed, and each entry prompts an avalanche of them. In addition to the writ, declaration, answer and appearance slips; interrogatories by parties on both sides, applications to nonsuit or default for failure to answer interrogatories, motions to extend time for answering or to remove nonsuit or default for not answering interrogatories, motions to strike answers to interrogatories and to answer over or further, motions for specifications, and demands to admit facts are only a few of the papers that follow as of course in almost every motor tort case entered. Court personnel are additionally burdened by the need to give notice to counsel or parties of every order of the court entered during these lengthy pre-trial proceedings. The time of the court consumed in this preliminary war of nerves between counsel, or between claimant and insurer, is almost impossible to estimate, but probably far exceeds that spent in the trial of the small percentage of all entries which must be tried.

Both in the pre-trial and later stages, claims for small amounts possess, of course, the same capability of clogging the judicial system as their larger brothers. They must be dealt with either on the Superior Court level where they do not belong or in the District Courts, from which removal or retransfer to the Superior Court will often occur. And, unfortunately, it cannot be concluded that the bulk of automobile accident claims in the Superior Court represents causes of great value. For many years the secretary of the Judicial Council maintained a record of the amount of jury verdicts.[12] This tabular count was discontinued in 1956. In the year immediately prior to its discontinuance the following interesting statistics were compiled:

Amount of Jury Verdict for Plaintiff and Percentage of Cases Which Were Automobile Accident Claims:

Less than $200—80.3% (53 out of 66).
$200–$500—61.4% (70 out of 114).
$500–$1,000—59.3% (92 out of 155).
$1,000–$2,000—59.8% (100 out of 167).
$2,000–$3,000—39.4% (28 out of 71).
$3,000–$4,000—56.2% (27 out of 48).
$4,000–$5,000—56.7% (21 out of 37).
$5,000–$10,000—53.7% (57 out of 106).
Over $10,000—47.8% (44 out of 92).

We recognize these statistics are dated and in any event not determinative. The percentages indicate in general, however, that with the increase in size of the verdict the likelihood that it was rendered in an automobile accident case steadily decreased. In addition it should be noted that in absolute numbers there were far more verdicts in automobile accident cases in the 0 to $2,000 range (315) than in the $2,000 and up range (177). Even accounting for the decrease in the value of money since 1956, this statistic still indicates that a great many, if not the majority of, claims which before were taken to court could be handled under c. 670 with approximately the same monetary return to the claimant, since personal injury protection benefits provide for compensation up to $2,000 of all elements of damage for which tort recovery was before possible except pain and suffering and twenty-five per cent of lost wages. Finally, these statistics should be considered in light of two further facts. First, at the time they were compiled, the minimum cost of a jury trial was estimated at $750 a day, a figure which has since undergone a great increase, and, secondly, the figures do not reflect at all those cases in which a verdict for the defendant was returned.[13]

Other non-American court systems, heirs with ourselves of the common law, have managed to solve this problem of the superabundance of motor vehicle tort claims in one way or another. It remains, however, a cancer to be rooted out in American courts. Presumably the Legislature had this in mind. Chapter 670, in providing for limited recovery without the necessity for adversary proceedings in automobile accident cases, was an appropriate step to alleviate this problem which defied more conservative solutions.[14]

Nor was court congestion the only problem at which c. 670 might have been aimed. The high cost of automobile insurance in Massachusetts was a present fact of which the Legislature did not need to be reminded. It might have suspected that there was a correlation between this high cost and the inefficiencies and administrative expense involved in running the traditional system, contributed to heavily by the prevalence of the elaborate pre-trial proceedings detailed above. That any such suspicion would have been well founded was confirmed by a report of the United States Department of Transportation released in March of this year entitled, "Motor Vehicle Crash Losses and their Compensation in the United States; a Report to the Congress and the President." The report concluded on this subject that "[t]he automobile accident tort liability insurance system would appear to possess the highly dubious distinction of having probably the highest cost/benefit ratio of any major compensation system currently in operation in this country. As has been shown, for every dollar of net benefits that it provides to victims, it consumes about a dollar." P. 95.

Finally, and not to be discounted among the evils associated with automobiles which c. 670 might have been designed to cure, are the inequities which have been visited upon claimants. In this regard the Legislature might have felt, as expressed in the Department of Transportation Report, that "[t]he present tort liability reparations system allocates benefits very unevenly among the limited number of victims that it purports to serve." P. 94.[15] The Legislature was also presumably aware of the long delays in getting financial aid to the injured person, confronted with medical and subsistence bills during a period of no employment for him and want for his family. The time spent in investigation, the time required for proof of negligence, the exaggerated claims, the all too common suspicion of perjured testimony, the horse and buggy approach to a twentieth century dilemma—all of this might well have influenced the Legislature, recognizing the right and need of all accident victims to simple and speedy justice, toward reform.

It cannot be seriously argued that it was beyond legislative competence to assess this situation and to effect the necessary statutory repair. What we have discussed are evils which it was within the province of the Legislature to consider and which it endeavored to correct or eliminate. We do not intimate that the legislative determination which is c. 670 was the only answer or solution to the problem, but it cannot be successfully maintained that its salient provisions, as outlined above, are not a rational approach to the solution of these patent inefficiencies and inequities.

C. *Does c. 670 provide a reasonable substitution for prior rights?* We are urged to apply a test derived largely from the suggestion in *New York Cent. R.R.* v. *White*, 243 U.S. 188, 201, that a State might not have the power under the due process clause "suddenly [to] set aside all common-law rules respecting liability as between employer and employee, without providing a reasonably just substitute. . . . [I]t perhaps may be doubted whether the State could abolish all rights of action on the one hand, or all defenses on the other, without setting up something adequate in their stead." The proposed test may best be considered and understood, therefore, in the light of the facts before the court in that case.[16]

The Workmen's Compensation Act dealt with in the *White* case substituted an administrative system of compensation for the common law rights of employees engaged in hazardous employments. The new system was compulsory on both employers and employees. The employee injured or killed in the course of his employment was entitled to a fixed compensation according to a prescribed schedule without regard to fault in almost every case. At common law the employee's rights against his employer were consider-

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Footnotes at end of article.

ably circumscribed in fact by certain defences available to the employer. Where he could succeed in making out a case, however, the employee stood to gain a great deal more from a jury than he would receive under workmen's compensation. Viewing the overall operation and effect of the statute on both parties affected by it, the court indicated that the exchange of rights was adequate. With respect to the statute's effect on employees, it gave the following reasons: "If the employee is no longer able to recover as much as before in case of being injured through the employer's negligence, he is entitled to moderate compensation in all cases of injury, and has a certain and speedy remedy without the difficulty and expense of establishing negligence or proving the amount of the damages." P. 201.

It is immediately apparent that c. 670 alters prior legal rights to a much less drastic extent than did the act involved in the *White* case. However, the overall difference in status quo effected by c. 670 may be described in part in much the same terms as those used by the court in the *White* case.

In considering the effect of c. 670, we cannot view it from the point of view of plaintiffs and defendants, for these are not preexisting categories as are the employers and employees affected by a workmen's compensation act. Every driver is a potential plaintiff and, equally, a potential defendant. The desired effect of c. 670 on all motorists alike is initially to make available to them compulsory insurance at lower rates due to the savings to insurance companies in administrative expenses and total payments which are expected to follow from c. 670. If injury occurs on the road, motorists are assured of the probability of quick and efficient payment of the first $2,000 of defined losses incurred. In cases of accidents in which the motorist was not negligent, he avoids the uncertainty, delay and cost of a tort proceeding. He still retains the option of recovering more by litigation if he so wishes and the facts so warrant. Although c. 670 may also have the effect of depriving him of his damages for pain and suffering in such an instance, the exchange of rights involved with respect to the driver in an accident in which he was not negligent bears considerable resemblance to that effected by the statute in the *White* case with respect to employees.

This exchange of rights cannot be viewed in isolation, however, for non-negligent drivers are not a distinct class. To it must be added the effect of c. 670 on the driver in a case where he has been negligent or where negligence cannot be determined. In this situation, rather than no compensation for his own injuries, c. 670 accords him the same benefits he would have if he were non-negligent.[17] In addition, he is afforded immuntiy from liability to the extent other injured parties are eligible for benefits. And, just as his right to sue for pain and suffering is limited when he is non-negligent, so he is protected from comparable claims where he has been negligent. The effect of c. 670 on Massachusetts motorists thus is to provide benefits in return for affected rights at least as adequate as those provided to New York employers and employees in return for rights taken by the act in the *White* case.

It may be argued that c. 670 affects a second distinct class of persons, the pedestrian, and that the exchange of rights effected on this this class must be considered separately from its effect on drivers. It is obvious, that all drivers are at some moment in time pedestrians. With this realization, the class of pedestrians as distinct from drivers is sharply reduced. Whether or not we define the class to include pedestrians who also drive, however, the effect of c. 670 on that class is no different from its effect on drivers. Pedestrians, too, may be negligent or non-negligent; they, too, are therefore afforded the certainty of prompt recovery of a limited amount and limited exemption from liability instead of the necessity of tort proceedings or no compensation at all and liability to an unlimited amount. The fact that the non-car owner is not advantageously affected by lower insurance premiums by no means vitiates the adequacy of the exchange of rights as it operates on him. A similar analysis may be applied to any other nonmotorist who in a given instance happens to come within the scope of c. 670.

D. *Do specific provisions of c. 670 violate due process?* Having answered the plaintiff's claim that the operation and effect of c. 670 as a whole is violative of due process, we turn to several other challenges based likewise on the due process clause which focus on specific provisions of c. 670. The same general test of reasonableness in relation to a proper legislative objective is applicable to these narrower attacks. However, since they are unrelated to the fact that c. 670 as a whole alters prior rights, the reasonably just substitute test which we also discussed in considering the statute as a whole is not material here.

The plaintiff argues that c. 670 deprives him of due process inasmuch as it forces him to insure against loss or injury to himself through a private, profit-making corporation. There is no constitutional infirmity, however, in the self-insurance feature of c. 670. First, contrary to the plaintiff's claim, it is not required. Every motor vehicle owner has the option under c. 670 of electing a deductible which will exclude him entirely from personal injury protection benefits. Even if the self-insurance were compulsory, however, it would create no constitutional problems. Any doubts as to the power of the Legislature to require the citizen, for the good of the public as a whole, to take measures for his own benefit have long since been settled in a series of cases sustaining such statutes. The fact that in many of these cases this feature of the act was not even attacked indicates the lack of gravity of the objection. *Howes Bros. Co.* v. *Unemployment Compensation Commn.* 296 Mass. 275, 286 (unemployment compensation act, requiring contributions from employees as well as employers). *Commonwealth* v. *Howie,* 354 Mass. 769 (statute requiring motorcyclists to purchase protective headgear). *Carmichael* v. *Southern Coal & Coke Co.* 301 U.S. 495, 505–506 (Alabama Unemployment Compensation Act, requiring contributions from employees as well as employers). *Helvering* v. *Davis,* 301 U.S. 619, 634–635 (Social Security Act setting up "Federal Old-Age Benefits," requiring contributions from employees through a special income tax deducted from their wages).

Nor can the plaintiff complain because the medium through which the optional self-protection must be obtained is a private, profit-making corporation, as opposed to some kind of governmentally managed pool. A virtually indistinguishable mechanism was provided by the Legislature when it first required compulsory liability insurance for motor vehicles, and we sustained it. *Opinion of the Justice*, 251 Mass. 569. In addition insurers are, of course, subject to State regulation both in the setting of premiums and in the conduct of their business. We see no distinction for due process purposes between the requirement of private insurance for self-protection and for the protection of others. It is an incidental and completely nonobjectionable concomitant of many regulatory statutes that citizens are required thereby to enter into transactions for their own benefit with private corporations, G.L. c. 90, § 7 (motorcyclists' protective headgear). G. L. c. 90, § 7A (motor vehicle inspection by private garages).

It is asserted secondly that since premiums under c. 670 are set according to the same basis used for premiums under the preexisting compulsory liability insurance there is a violation of due process in that each owner in a territory or class pays the same unallocated, undifferentiated premium for this total compulsory insurance. It is argued that the insured, by virtue of the amount of his wages or the extent of his wage continuation program, may be forced to pay for a program of benefits not available to him to the same extent that it may be to another paying the same premium. There is no substance in the argument. First, it is doubtful whether it may properly be raised in this proceeding. The premiums for personal injury protection coverage are fixed by the Commissioner of Insurance under G.L. c. 175, § 113B, which also provides for review of the rates so set at the request of any person or company aggrieved thereby. Assuming the issue may be raised here, the plaintiff ignores the deductible option, which allows each person to tailor his coverage to his collateral sources of recovery. Secondly, the ultimate allocation of costs under c. 670 is made to territories and classifications of risks essentially as prior to January 1, 1971. As mentioned in fn. 14, the insurer is subrogated to the extent that it pays personal injury protection benefits to the rights of the recipient thereof. It is entitled to reimbursement of the benefits it paid from the insurer of the party who would have been liable in tort but for the exemption from liability contained in c. 670. For these two reasons, therefore, the objection is largely misplaced.

In any event, there is authority in abundance sustaining fixed rates even though they fall unequally on some, where a more precise calculation would be administratively unfeasible. *Brest* v. *Commissioner of Ins.* 270 Mass. 7, 14–15. *Schlabach* v. *Commissioner of Ins.* 290 Mass. 585. This is the case here, where the basis for premiums suggested by the plaintiff is dependent on wages, other forms of insurance, and participation in a wage continuation plan, all of which are subject to change at any time. The burden is not on the Legislature to prove that an alternative method is not feasible. It has wide discretion in this area and we see no basis for holding that it has abused it here. *Howes Bros. Co.* v. *Unemployment Compensation Commn.* 296 Mass. 275, 286 (unemployment fund contributions need not be apportioned according to industries' relative unemployment rates). *Lowell Co-op Bank* v. *Co-operative Cent. Bank,* 287 Mass. 338, 347 (insurance levy on banks need not be fixed according to their financial condition). See *Carmichael* v. *Southern Coal & Coke Co.* 301 U.S. 495, 520–521 (benefits paid under Unemployment Compensation Act of Alabama need not be related in every case to persons taxed and amount of tax they pay).

The plaintiff objects to the requirement that the insured look first to a wage continuation plan before he may receive benefits for lost wages under c. 670. He cites no authority for his objection, and under applicable constitutional principles the Legislature could properly limit double reimbursement for the same loss. In any event, c. 670 in no way prevents him from obtaining such double recovery through his residual tort action. In addition, it provides for automatic subsequent reimbursement by the insurer

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Footnotes at end of article.

of prior reductions in benefits due to a wage continuation plan in certain circumstances.

Two final due process objections which have been raised do not involve the facts of this case. The first is directed at the provision that a policyholder may elect a deductible applicable not only to himself but to members of his household. The second is the claim that the extension of personal injury protection benefits in lieu of damages to the "pure pedestrian," who neither owns a car nor is a member of a household which owns one, is a deprivation to him of due process. We treat with neither pursuant to our statement at the outset of this opinion that we could confine ourselves to issues raised on the facts.

EQUAL PROTECTION ISSUES

A. *Applicable principles*. The plaintiff has leveled two attacks against c. 670 based on a denial of equal protection of the laws, both directed at the classification in § 5 of cases for which pain and suffering are recoverable. Again it is helpful to state at the outset the general principles which are applicable under the equal protection clause. A principle analogous to that we applied to due process issues is likewise applicable where a legislative classification is attacked as a violation of equal protection: if the legislative difference in treatment is reasonably related to a legitimate public purpose, it is permissible. *McQuade* v. *New York Cent. R.R.* 320 Mass. 35, 38. *Maher* v. *Brookline,* 339 Mass. 209, 213. *Hall-Omar Baking Co.* v. *Commissioner of Labor and Indus.* 344 Mass. 695, 700. *Watson* v. *Maryland,* 218 U.S. 173, 178. *McGowan* v. *Maryland,* 366 U.S. 420, 425–426. *McDonald* v. *Board of Election Commrs.* 394 U.S. 802, 809. The same subsidiary presumption of constitutionality is present in this context also, as is the required use of any reasonably conceivable set of facts to justify the classification. *McGowan v. Maryland, supra,* at 426. There is no requirement that there be any legislative record or findings in support of the classification. *Marshal House, Inc.* v. *Rent Control Bd. of Brookline,* — Mass. —, —.[9] The equal protection clause thus limits legislative discretion in delineating classifications only to the extent of forbidding "arbitrary or irrational" classifications (*Opinion of the Justices,* 251 Mass, 569, 601), or discrimination which is "invidious." *Williamson* v. *Lee Optical of Oklahoma, Inc.* 348 U.S. 483, 489.

B. *Does the classification in § 5 of c. 670 bear a rational relationship to a proper legislative objective?* The plaintiff claims that the criteria delineating when pain and suffering are recoverable are arbitrary and unreasonable. The pupose of the Legislatue in limiting recovery in this way was clearly to eliminate minor claims for pain and suffering. We have already described the crisis faced by the courts of the Commonwealth and the part played by the abundance of personal injury claims in contributing to it. The Legislature could reasonably have thought that the number of such cases was largely attributable to speculative and exaggerated claims for pain and suffering in instances of relatively minor injury. As is well known, the subjective complaint of pain and suffering defies accurate monetary appraisal. In addition, the time and expense necessary to investigate these claims might well have been perceived to be a burden both on the insurance industry and ultimately on the motoring public. Minor "nuisance" claims were often overpaid by insurers in order to avoid the expense of defending them, and the common knowledge of this practice only served to perpetuate them. It was clearly proper for the Legislature to conclude that the benefits of compensating an injured person for relatively minor pain and suffering, which as such entails no monetary loss, did not warrant continuation of the practice when balanced against the evils it had spawned.

A necessary corollary of this decision was that the minor claims had to be eliminated according to objective, easily applicable rules. If the rules were themselves subjective—for instance, keyed to the dollar amount of pain and suffering involved—the perceived evils would continue. Courts might well be clogged with claimants alleging damages over the required figure, and there would remain the incentive for the injured party to exaggerate his claim in order to prompt a generous settlement from an insurer which did not feel the claim was worth the expense of a contest.

The only question that remains, therefore, is whether the objective criteria the Legislature chose are rationally related to their purpose of eliminating minor claims for pain and suffering. We think there can be no doubt that they are. The plaintiff's attack is leveled chiefly at the general rule that reasonable and necessary medical expenses must be over $500 to allow recovery for pain and suffering. There is no objection to the mitigation of this rule by the criteria of death, loss of a body member, permanent and serious disfigurement, or loss of sight or hearing. Our attention has been drawn, however, to the contrast between the comparatively minor pain and suffering which may result from a minor fracture and the serious and long-continued pain and suffering which may result in cases for which the statute denies recovery. It is argued that the $500 limit will exclude many sizable claims for pain and suffering which do not at the same time fall within the five other categories. No doubt this is so. Nor do we doubt that relatively minor claims for pain and suffering may be permitted in some cases, particularly in the fracture category. But fracture, like the $500 limit and the other four criteria based on the type of injury, is susceptible of objective and reasonably certain verification. In addition, many cases of fracture, perhaps most, are likely to involve susbtantial pain and suffering. "The problems of government are practical ones and may justify, if they do not require, rough accommodations—illogical, it may be, and unscientific." *Metropolis Theatre Co.* v. *Chicago,* 228 U.S. 61, 69–70. Some inequality in result is not enough to vitiate a legislative classification grounded in reason. *Lindsley* v. *National Carbonic Gas Co.,* 220 U.S. 61, 79. It seems to us that the Legislature has employed criteria rationally related to seriousness of injury in general, and thereby to seriousness of pain and suffering. Whether fracture should be included as a category, at the risk of allowing some minor claims for pain and suffering, is within the permissible range of judgment.

As to the amount of reasonable and necessary medical expenses, it is constitutionally irrelevant that the actual point of demarcation had necessarily to be arbitrary. As was stated by Mr. Justice Holmes in *Louisville Gas & Elec. Co.* v. *Coleman,* 277 U.S. 32, 41, "When a legal distinction is determined, as no one doubts that it may be, between night and day, childhood and maturity, or any other extremes, a point has to be fixed or a line has to be drawn, or gradually picked out by successive decisions, to mark where the change takes place. Looked at by itself without regard to the necessity behind it the line or point seems arbitrary. It might as well or nearly as well be a little more to one side or the other. But when it is seen that a line or point there must be, and that there is no mathematical or logical way of fixing it precisely, the decision of the legislature must be accepted unless we can say that it is very wide of any reasonable mark." Such distinctions of degree expressed in terms of differences in number have been particularly subject to attack. However, they have been just as widely upheld as a determination which was "peculiarly a question for legislative decision." *St. Louis Consol. Coal Co.* v. *Illinois,* 185 U.S. 203, 207 (coal mines employing five or more persons subject to inspection). *McLean* v. *Arkansas,* 211 U.S. 539, 551–552 (mines employing ten or more persons required to measure coal for payment of wages before screening). *Jeffrey Mfg. Co.* v. *Blagg,* 235 U.S. 571, 576–577. *Booth* v. *Indiana,* 237 U.S. 391, 397–398 (mines required to supply wash-houses upon demand of twenty employees). *Middleton* v. *Texas Power & Light Co.* 249 U.S. 152, 159 (employers of five or more persons included within workmen's compensation act). *Carmichael* v. *Southern Coal & Coke Co.* 301 U.S. 495, 510–512 (exemption of employers of less than eight persons from the Unemployment Compensation Act). It is clear that the $500 figure chosen here by the Legislature, although no more nor less reasonable than a higher or lower figure within a substantial range, is not subject to constitutional attack.

It is alleged in addition that the $500 limit operates as an invidious discrimination against the poor because they are charged less than others for medical care. Passing over the plaintiff's lack of standing to make this argument, it may be briefly dismissed on the ground that the plaintiff has failed to come forward with any evidence that this is in fact the case. See *Merit Oil Co.* v. *Director of the Div. on the Necessaries of Life,* 319 Mass. 301, 305.

CONCLUSION

Finally, argument has been made to us that c. 670 violates art. 11 (remedies by recourse to the law to be free, complete and prompt), art. 15 (right to trial by jury sacred), and art. 30 (separation of executive, judicial and legislative departments), all of which articles are contained in the Declaration of Rights of the Massachusetts Constitution, and Part II, c. 1, § 1, art. 4, which sets forth various powers of the Legislature. We see no necessity for a discussion of c. 670 in the light of these constitutional provisions. It is entirely clear that the statute violates none of them.

A decree is to enter in the county court declaring (1) that St. 1970, c. 670 and c. 744, as applied to the plaintiff are constitutional under both Federal and State Constitution, and (2) that the defendant is not liable to the plaintiff for pain and suffering or for any damages covered by the personal injury protection benefits to which the plaintiff is entitled under his own motor vehicle liability policy as defined in G.L. c. 90, § 34A.

So ordered.

(Tauro, C. J. concurred as to the result in a separate opinion.)

Footnotes at end of article.

FOOTNOTES

[1] The bill also questions the constitutionality of St. 1970, c. 744. Chapter 744 amends the provisions of c. 670 dealing with the renewal and cancellation of policies, and provides also for the contingency that parts of c. 670 might be held unconstitutional. It raises no separate issues. If c. 670 is held constitutional, a fortiori c. 744 will likewise be constitutional. We thus do not discuss it further.

[2] We note that the agreement of the parties in this case that the plaintiff would have recovered the sum of $800 for pain and suffering is at best an estimate and a questionable figure.

[3] There are only three exceptions to this no-fault rule. If the injured party otherwise entitled to benefits was injured while driving under the influence of alcohol or narcotics as

defined in G. L. c. 94, § 197, while committing a felony or seeking to avoid arrest, or while intentionally trying to injure himself or others, he may be excluded from benefits by the insurer. In addition, one injured in circumstances which entitle him to workmen's compensation is not eligible for benefits.

[4] The sole exception is the accident victim who receives benefits in a reduced amount because he chose a deductible. The exemption of the tortfeasor includes the amount of benefits which the victim would have received but for the deductible.

[5] In the case at bar, the plaintiff cannot recover the $800 which was the agreed amount of damages allocable to his pain and suffering. However, as the above analysis shows, the rest of the $1,565 recoverable by him before at common law is still payable under c. 670. That part not covered by personal injury protection benefits, in this case attributable only to the difference between his diminished earning capacity and the amount recoverable for lost wages under c. 670, may be recovered by him in a tort action against the defendant, who is not immune from this liability.

[6] We recognize that certain policies of insurance exclude the possibility of double recovery.

[7] We note that much the same effect has since been achieved as the result of recent constitutional limitations imposed on the law of libel. See *New York Times Co.* v. *Sullivan*, 376 U.S. 254; *Rosenbloom* v. *Metromedia, Inc.* U.S. ([June 8, 1971] 39 U.S. L. Week 4694).

[8] Part II, c. 1, § 1, art. 4, of the Massachusetts Constitution, and arts. 1, 10 and 12 of its Declaration of Rights, are the provisions in our Constitution comparable to the due process clause of the Federal Constitution. They raise no distinct issues in dealing with this kind of statute and do not, therefore, warrant separate discussion. *Lowell Co-op. Bank* v. *Co-operative Cent. Bank.*, 287 Mass. 338, 343–344. *Lowell Gas Co.* v. *Department of Pub. Util.* 324 Mass. 80, 87–88. *Compare Coffee-Rich, Inc.* v. *Commissioner of Pub. Health*, 348 Mass. 414, 421.

[9] The nature and direction of the opposition to c. 670 and similar acts in other jurisdictions is highly reminiscent of that which attended passage of the first workmen's compensation acts. See Locke, Workmen's Compensation, Boston Law Book Co. (1968) §§ 22 et seq.

[10] Report of Special Commission relative to the Motor Vehicle Laws and the Insurance Laws as they Relate to Motor Vehicles and Certain Related Matters, 1959 Senate Doc. No. 466.

[11] Figures compiled by the Executive Secretary of the Supreme Judicial Court.

[12] We confine our statistics to cases tried by jury because of the increased time and expense a jury trial necessitates and because most motor vehicle torts brought to trial are in fact tried by jury. In the year covered by the table, for example, 1,205 motor vehicle torts were tried by jury and 214 to a judge.

[13] We note that in 1956, 422 out of 579 jury verdicts for the defendant were in motor vehicle torts.

[14] The relief to the courts thus provided is not vitiated by the further provision that insurers who pay personal injury protection benefits are subrogated to the rights of their insured and may seek reimbursement from the tortfeasor's insurer. This ultimate adjustment of costs is to be reached through agreement, or arbitration which must precede recourse to the courts. This feature of c. 670 in fact gives added support to the reasonableness of the legislative effort to resolve a pressing court problem.

[15] This report was not, of course, available to the Legislature when it considered c. 670, but its conclusions are hardly new ones. See e.g., Keeton and O'Connell, Basic Protection for the Traffic Victim, a report published in 1965 which cited the flaws in the operation of the traditional system and proposed a system based on no-fault which was the genesis of c. 670.

[16] We intimate no opinion as to whether, and if so in what circumstances, the application of this test is constitutionally required.

[17] The day has long since passed when legal negligence in the automobile accident situation could be equated with moral culpability. The whole concept of negligence has in fact become something of a fiction, since in many cases fault cannot meaningfully be placed on any one of the parties more than on another. The new comparative negligence statute is a recognition of this inherent difficulty of assigning fault to one party only. The legally negligent driver is therefore morally as entitled to compensation as the other parties. It should be noted in addition that in defined cases where he is clearly culpable, the injured party is denied benefits under c. 670.

[a] Mass. Adv. Sh. (1971) 161, 167.

ASSOCIATION OF MASSACHUSETTS
CONSUMERS, INC.
Boston, Mass., June 9, 1971.

Hon. PHILIP HART,
United States Senate,
Washington, D.C.

Statement Re: Hart-Magnuson No-Fault Automobile Insurance S. 945

DEAR SENATOR HART: The Association of Massachusetts Consumers, Inc., composed of private citizens and interested persons in the consumer movement has long considered the problems of automobile insurance. We have avoided taking a public position on the various proposals dealing with No-Fault Auto Insurance, since serious objection was raised to various parts of all proposals which have been considered heretofore.

We have examined the experience in Massachusetts from its adoption of the variation of no-fault auto insurance. Based upon the preliminary figures, it would appear that a substantial reduction in personal injury claims will result from the adoption of the limited version of no-fault automobile insurance and ultimately, if properly enforced would lead quickly to substantial reduction in automobile insurance premiums.

There is serious criticism of the Massachusetts version arising from the following deficiencies:

First, the version of no-fault automobile insurance adopted in Massachusetts has not provided for any change in the setting of rates for premiums and, therefore, could result in a lengthy deferral of savings to the consumers of Massachusetts of reduced personal injury claims experience.

Second, the plan, in its limited scope has failed to include no-fault property damage coverage, which could result in even greater savings than personal injuries.

Many critics of no-fault have argued that the system is new and has not been fully considered. I have been interested to discover that in Volume 39, No. 1, The Massachusetts Law Quarterly, April 19, 1954, there is a discussion of various remedies for the traffic jams in the Courts, among which there is a discussion, beginning at page 6, of proposals for a no-fault system. Reference is there made to a report by Arthur Ballantine, discussed by the Massachusetts Judicial Council in 1932, in its Eighth Report (18 M. L. Q. No. 1, November 1932, pages 23–33), in which a recommendation was made for the adoption of the system similar to that of workmen's compensation. The matter was taken under advisement by the Judicial Council for further study in 1932, and again in 1933 and surfaced again in the discussion in the 1954 Massachusetts Law Quarterly. The solution is not novel. The problem has existed for many years. The time has come for decision.

Having considered the various problems presented and being interested in the reduction of premiums to the consumers, as well as affording the consumers adequate protection for recovery of damages suffered in automobile accidents, the Association of Massachusetts Consumers, Inc., has voted to support and endorse S. 945, the Hart-Magnuson No-Fault Bill and H.R. 7514, the Moss Bill and recommends that such legislation include the provision for the coverage of property damage. The reasons for this action are based on the considerations set forth above.

The Hart-Magnuson approach would eliminate confusion between the state by adopting a uniform system of automobile insurance. By transferring control to the Federal Government, we could eliminate many of the unfair trade practices resulting from the present patchwork of State legislation. One of these could be the availability of insurance coverage on a group basis. The present system has failed to provide protection for a large segment of the public, as a result of inadequate insurance coverage, or lack of any coverage whatsoever.

Along with other complaints, Massachusetts consumers have suffered one of the highest automobile insurance rates in the country, a condition which afflicts primarily the urban dweller and is one of the causes for the distrust of state regulation.

The states have proved unable or unwilling to regulate the automobile insurance industry so as to effect savings of a substantial nature to those requiring automobile insurance coverage. Whether Federal legislation can do so depends on the system adopted.

The requirements of automobile insurance coverage are two-fold: First, to protect the owner-operator of an automobile vehicle from damage suits; and Secondly, to provide adequate compensation to those who may be injured as a result of the occasion of an automobile or motor vehicle collision or accident.

At the present time, because of the adoption of the common law system of negligence as the criterion for the payment of injury claims, large segments of the public, who are injured as a result of motor vehicle accidents are left without the possibility of recovery whatsoever because of the theories of contributory or comparative negligence. A second segment, which does recover, is penalized by long delays as a result of a costly and inefficient judicial system for the determination of liability, resulting in a reduction in benefits to those who ultimately recover. Only a minority may recover a greater amount of damage than is suffered.

As a result, the common law system fails to include within it the elements of recovery necessary to make the injured party whole for injuries suffered as a result of lost wages, medical expenses, and the economic damage which results from the motor vehicle collision or accident.

The inclusion of property damage within the no-fault concept is much more readily susceptible of coverage and should result in substantial savings to the motoring public, which is now required to carry both collision coverage for the protection of the owner of the vehicle and property damage coverage for the protection of others with whose property his vehicle may come in contact, thus requiring essentially two systems of insurance for the same damage. The elimination of a dual system of coverage and the imposition of premium levels based upon the value of the vehicle which the operator, chooses to place upon the highway as his standard for the payment of premium should result in a substantial reduction in premium for the vast majority of consumers. The elimination of the fault concept in the recovery of property damage claims would also serve to mitigate the increasing dependence upon Court action to determine the values of recovery. The cost of adjustment could therefore be reduced by providing merely for the evaluation of the damage, rather than the investigation of the liabilities involved in each situation.

The Association of Massachusetts Consumers recommends the adoption of S. 945, as it may be amended to include property damage, as a means of eliminating local jurisdictional questions of regulation; the varying standards applied by state regulatory agencies; and to provide, by federal regulation, a meaningful and comprehensive statistical service for the determination of adequate premium rates to benefit all consumers in the purchase of automobile insurance.

The fact that persons are injured in automobile accidents has become a fact of life in modern times and the elimination of the concept of negligence from the determination of the damages would serve to integrate automobile insurance with group health and accident coverages and wage continuation plans so as to provide a comprehensive program for the individual, rather than the patchwork of multiple lines of coverage, each with its own overhead, each with its own administrative costs, each with its own regulatory problems and allocations.

The Association of Massachusetts Consumers, Inc., therefore, wishes to be recorded as supporting the Hart-Magnuson Bill and urges the inclusion of property damage within the scope of such legislation.

Very truly yours,

Nathan S. Paven,
Vice-President, Legislative.

Comparison of Massachusetts Limited No-Fault Law With Proposed Federal No-Fault Acts

	FEATURES	
No-Fault Benefits	Massachusetts (*Act of 1970, c.670 and 774*)	Federal Acts (*S. 945 and H.R. 7514*)
1. Rehabilitation.	Only for cost of prosthetic devices.	*All* such expenses reasonably and necessarily incurred.
2. Medical, Surgical Hospital and Nursing.	To a maximum limit of $2,000* (must be incurred within 2 years of accident).	*All* such expenses reasonably and necessarily incurred (no time limitation).
3. Lost wages and earnings.	75% to a maximum limit of $2,000*.	$1,000 a month, or 85%, whichever is lesser, up to 30 months (36 months-H.R. 7514).
4. Services victim would have performed for himself and family.	To a maximum limit of $2,000*.	*All* such expenses reasonably and necessarily incurred.
	(*An over-all limitation of $2,000, i.e., recovery is limited to $2,000 of expenses for *all three* benefits together).	
Exemption from Tort Liability.	Cases in which hospital and medical expenses are *less* than $500.	For all cases *except* "catastrophic harm", i.e., permanent and total disability, permanent and partial disability of 70% or more, permanent, irreparable and severe disfigurement, and death cases.
Subrogation Permitted.	Yes.	No.
	CONSUMER SAFEGUARDS	
1. Payment of benefits-protection in case of violation.	Benefits paid as loss accrues, but insurer may agree to a lump sum discharging all future liability. If unpaid for more than 30 days, claimant may sue insurer in contract.	Payments made as loss is incurred. If unpaid within 30 days, insurer must also pay claimant 2% interest per month. (If insurer fails to pay benefits and claimant sues, in court's discretion, insurer may have to pay claimant's lawyers' fees and court costs—H.R. 7514).
2. Availability of Insurance.	Subject to exceptions, policies of those 65 or older, and of those under 65, entitled to merit rating discount, must be renewed.	Policy cannot be canceled, must be renewed and must be sold unless insured or applicant has no valid operator's license or has failed to pay premiums.
3. Rate regulation and policyholder classifications and policy standards.	No change.	States to continue regulating rates *except* that DOT, with industry and States, will set policyholder classifications and policy standards.
4. Price and Claims Practice Disclosure.	None required.	All insurers must disclose under a uniform statistical plan, data on claims and loss experience and price of policies. DOT to make analysis and make information available once every six months.

Sources: Association of Massachusetts Consumers, Inc.; U.S. Senate Antitrust and Monopoly Subcommittee.

[From the Boston Evening Globe, June 29, 1971]

Supreme Court Upholds No Fault Auto Insurance

(By Joseph M. Harvey)

The Massachusetts Supreme Judicial Court today upheld as constitutional the state's first-in-the-nation no fault automobile insurance law.

The court's decision was unanimous. Chief Justice G. Joseph Tauro filed a 16-page concurring opinion with the 46-page majority decision written by Justice Paul C. Reardon.

The court said the law is valid under both the state and Federal constitutions. The court made its decision in a suit brought by Milton Pinnick of Sharon, a government employe who, with his wife, was involved in an accident last Jan. 3 on Blue Hill avenue, Dorchester. Their automobile was struck from the rear while they were stopped at a traffic light. Mr. and Mrs. Pinnick claimed the new insurance law took away their rights to recover for all their injuries including pain and suffering.

The no-fault law limits motorists to recovering their damages from their own insurer to the amount of their medical bills unless they sustain serious injuries such as a fracture. The new law also places a ceiling of $2000 on the amount that can be recovered in accident damages unless the motorist has medical bills in excess of $500. Pinnick and his wife had medical bills of $115.

Pinnick also claimed the new law prevents him from recovering wages he lost while absent from work recovering from the accident injuries.

The Supreme Court rejected on all points Pinnick's claims that the new law violates his constitutional rights to recover all of his alleged losses resulting from the accident.

The high court said that the no-fault law does not take away any of a citizen's rights to recover for his injuries. The law, the court said, "merely limits the common law right in the automobile accident situation to obtain money damages on account of unintentionally inflicted pain and suffering and modifies the procedure for obtaining damages."

Among the "ills" which the no-fault law was designed to remedy, the court said, is "the devastating effect upon the administration of justice which the automobile has produced."

"The problems of society to which the courts have been called no longer permit the luxury of using them as a forum for resolving the ever increasing numbers of automobile accident claims to the extent that has obtained hitherto," the court said.

The automobile accident cases, the court said, have clogged the courts, particularly in metropolitan areas "notwithstanding heroic efforts" to find a satisfactory method for disentangling the court from "this morass."

Justice Reardon noted that while he was chief justice of the Superior court he had to try and cope with the backlog of trials caused in large part by the flood of motor vehicle accident cases. He also noted that the bulk of the automobile claims cases in the Superior Court do not "represent cases of great value." He listed statistics showing that in about 80 percent of jury trials in such cases, the verdicts for plaintiffs was less than $200.

The Supreme Court said the Legislature, in passing the no fault law, could properly have concluded that the high cost of automobile insurance in the state had some relation to the "inefficiencies and administrative expense involved in running the traditional system" for handling claims.

"The legislature was also presumably aware of the long delays in getting financial aid to the injured persons, confronted with medical and subsistence bills during a period of no employment for him and want for his family" the Supreme Court said.

State Insurance Comr. C. Eugene Farnam, discussing the Massachusetts no-fault law before the convention of the American Assn. of Motor Vehicle Administrators at Falmouth when the decision was released, said the Bay State no-fault plan "could now prove a model for the entire nation."

Congress is currently considering a national no-fault law and is expected to enact legislation with local-option provisions permitting each state to determine whether to implement it.

The new law, the court said, treats each motorist alike by making available to him initially "compulsory insurance at lower rates due to the savings to insurance companies in administrative expenses and total payments" which are expected to follow from the new law.

Motorists who are injured in accidents "are assured of the probability of quick and efficient payment of the first $200 of defined losses incurred" the court pointed out.

Drivers give up some of their right to seek total recovery of all damages in return for a system which provides them with reasonably quick payment for damages to the limits set by no-fault, the court said. Such an exchange of rights is a sufficient consideration to support the changes made in the no-fault law.

FARNAM SEES 25 PERCENT CUT IN 1972 AUTO INSURANCE

(By Robert Hanron)

FALMOUTH.—State Insurance Comr. C. Eugene Farnam predicted today that Massachusetts' compulsory automobile insurance rates for next year will be reduced "by 25 percent or more" under the limited no-fault law.

He made this prediction at the 50th annual conference of the American Assn. of Motor Vehicle Administrators.

Farnam also said that a projection on statistics for the first half of 1971 indicates that the predicted increase in the number of property damage claims has failed to materialize.

In short, said Farnam, "we are on the verge of making history in Massachusetts." It had been predicted that with the ceiling on no-fault injury payments property damage claims (for damage to cars) would jump significantly. Farnam said this has not happened.

He said there is "accumulating evidence" that the injured are pleased and satisfied with the way claims are now being processed.

The prediction of a 25-percent cut in compulsory rates was hinted at by Gov. Sargent in April after the initial three months of experience under the first no-fault auto insurance law in the nation.

Farnam said this experience, as recorded by department actuaries, is standing up for the second quarter of 1971.

If this holds for the rest of the year, it appears virtually certain there will be reduction in auto insurance premium rates next year, he said.

Opponents of no-fault predicted chaos and unconstitutionality.

Farnam said "they have been found wrong in each case and are left to protest that it has worked and has cut costs but that has been done by cheapening the product.

Farnam said the no-fault critics are in one sense correct.

But the product they say has been cheapened has up to now been overpriced because it was thought that it had to include elements of coverage that the driving public as a whole really didn't need.

"Taking those unneeded elements of cost out of the system and treating accident victims is what no-fault auto insurance is really all about," the commissioner said.

Farnam said that in Massachusetts "we have restricted the right of some injured persons to recover damages for pain and suffering.

"We have done it without in any way precluding anyone who wants excess dollars if he is injured from buying voluntary coverage to give him that. In Massachusetts we have given drivers a chance to save money by choosing deductible options that may do away with their rights after an injury to recover duplicate benefits for a single cost.

"This may be cheapening the insurance product, but it is cheapening it in a way that the consuming public will accept."

AETNA LAUDS COURT RULING ON NO-FAULT

The Bay State's third largest auto insurer today applauded the Massachusetts Supreme Court's unanimous decision upholding the constitutionality of the nation's first no-fault insurance law.

Aetna Life and Casualty senior vice president William O. Bailey said, "Being the first state to advance a no-fault plan and by confirming its constitutionality, Massachusetts emerges as a pace-setter in the growing effort to bring much needed reform of the auto insurance system throughout the country.

"The Supreme Court's decision testifies to the foresight and judgement of Gov. Francis Sargent, Insurance Com. Farnam, the Legislature's Insurance Committee, and the many other individuals and organizations whose commitment to this new approach to auto insurance helped no-fault become a reality."

Aetna is pleased to have played a leading role in this pioneering effort in which in 1971 alone is saving Massachusetts motorists $76 million on the cost of their insurance premiums. Besides the monetary savings, Massachusetts motorists are benefiting from a system that now is providing prompt equitable and automatic payments of losses to auto accident victims.

"With mounting public support for no fault, and with the obvious early success it is achieving in Massachusetts, we look for its early adoption in other states. And we pledge to Massachusetts motorists Aetna's desire to work for those improvements and refinements which experience shows can make no fault serve the motoring public even better."

[From the Boston Globe, June 30, 1971]

HIGH COURT UPHOLDS NO-FAULT LAW

(By Joseph M. Harvey)

The no-fault insurance law passed its first legal test yesterday as the state Supreme Judicial Court unanimously upheld the constitutionality of the 1970 act.

The law, which has been in effect since Jan. 1, is valid under both the Federal and state constitutions, Justice Paul C. Reardon said in a 46-page majority opinion.

Chief Justice G. Joseph Tauro, in a separate 16-page concurring opinion, warned that the law faces "additional constitutional challenges."

The majority of the seven justices called the law a proper and valid legislative attempt to solve a public, social evil arising out of the huge number of automobile accident claims.

It said the high cost of automobile insurance, the delays and inefficiencies in paying exaggerated claims could have been considered by the Legislature in deciding to do away with "the horse-and-buggy approach to a 20th century dilemma."

The court rejected the argument that the law amounted to a drastic stripping of legal rights and a substantial reduction in the right to recovery for injuries in automobile accidents.

As a practical matter, it said, the legislation gives a claimant the security of prompt and certain recovery of his more important damages and immediate payment of his most pressing item of cost—medical expenses.

Tauro, although agreeing in the final result, criticized the majority view for failure to subject the legal principles underlying the no-fault insurance law to more severe and objective critical analysis.

He said the court did not have presented to it sufficient facts to give a blanket approval and endorsement of the social policy in dispute.

He said he would have preferred to send the case back to Superior Court for a full evidentiary trial to establish the facts upon which the radical changes in motor vehicle insurance law were based.

"In my view," he said, "the court is not presently in a position to form a proper judgment as to the wisdom or desirability of the no-fault statutes."

The majority decision rejected all of the arguments raised against the statute in the case before the court. That case involved a claim by Milton Pinnick of Sharon, a post office worker.

Pinnick was injured in an automobile accident Jan. 3 on Blue Hill avenue in Roxbury. He and his wife were stopped in their car at a traffic light when they were hit from behind by one driven by Carl Cleary of Roxbury.

Pinnick, through lawyers Robert Cohen and Alexander Cella, brought the test case when an insurance company rejected his damage claims. Pinnick, as he would have had a right to do under the former legal method of handling such claims, demanded payment of $1,565.

This covered his $115 in medical bills, $650 for wages he lost while recovering from injuries and $800 for his pain and suffering from the accident.

Under the no-fault law, he was entitled to receive only $348. This amounted to payment of his medical expense, 75 percent of wages lost and nothing for pain and suffering. Under the no-fault law, since Pinnick's medical expenses were less than $500 and he suffered no major injury such as a fracture, he could not make any claim for pain and suffering.

The taking away of the pain and suffering claim and limitation up to a maximum total recovery of $2,000 under no-fault, his lawyers argued, amounted to an unconstitutional taking of property without due process. They argued also that the law unconstitutionally took away Pinnick's right to seek a jury trial.

The majority decision said that, while the no-fault law did take such items away from a highway accident victim, that loss was balanced by what he gained, namely the guarantee of certain payments, promptly. The court also noted that the new law provides payments irrespective of whether a driver or pedestrian was at fault or careless so as to have contributed to the accident.

The ills at which the no-fault law was aimed "are obvious," the majority opinion said. One of the most important of these, it said, is "the devastating effect upon the administration of justice which the automobile has produced."

The court said trial calendars are clogged; the clerks offices are buried under an avalanche of papers filed in a "war of nerves" among lawyers, claimants and defendants, and automobile cases pour in at the rate of 2000 a month in the superior court and 3200 a month in district courts.

Despite "heroic efforts," the court said no one has found "a satisfactory method of disentangling this morass." It added that, with the new challenges facing the courts," the problems of society to which the courts have been called no longer permit the luxury of using them as a forum for resolving the ever-increasing numbers of automobile accident claims.

Tauro disputed the majority's conclusion that automobile accident claims have become "a cancer to be rooted out in American courts." He said that "to single out the cancer of motor vehicle torts as the cause of congestion and delay in the superior court is to ignore facts." Superior Court judges spend only 13 percent of their time on such cases, and the majority of court time goes to criminal cases, he said.

The majority opinion also upheld the act in outlawing claims for pain and suffering except in cases involving major injuries and medical expenses over $500. A survey showed, it said, that about 80 percent of jury verdicts in the superior court amounted to $200 or less in automobile accident cases.

THE LATE COLONEL GEORGE W. GILLETTE (U.S. ARMY CORPS OF ENGINEERS, RETIRED)

Mr. JORDAN of North Carolina. Mr. President, it is with deep sorrow and regret that I report to the Senate the death of an outstanding and distinguished American, Col. George W. Gillette, a retired colonel in the Corps of Engineers from Wilmington, N.C.

It was my privilege on April 14 to bring to the attention of this body a citation Colonel Gillette had received from the National Rivers and Harbors Congress in recognition of his more than 50 years of public service.

That tribute took detailed note of the tremendous contributions he had made to the advance of engineering and water resource development in this country and in other areas of the world and of a brilliant military record dating back to the Mexican border campaign of 1916.

In addition to evidence of his personal heroism in that campaign and in World War I, that record includes significant contributions he made to national defense and security planning during the early years of the Second World War.

No words of mine could add luster to that record which speaks so eloquently for him.

I would today only add my personal tribute to a man whom I was privileged to know both as a dear friend and a great patriot, who has left a rich heritage to his State and Nation in the fruits of his dedicated service to them.

EFFECTS OF DRUG ADVERTISING ON YOUNG CHILDREN

Mr. McINTYRE. Mr. President, on June 28, Commissioner Thomas J. Houser of the Federal Communications Commission delivered a speech to the Idaho Association of Broadcasters concerning the commercialism of children's television. The Commissioner particularly focused his attention and concern on the effects of drug advertising on young audiences. He remarked:

> The tube is a virtual electronic hypochondriac—hammering home the theme that for all of life's problems and situations, there is a pill that can be popped.

Quoting from testimony given by the president of the American Pharmaceutical Association, Mr. James Bicket, before Senator NELSON's Monopoly Subcommittee of the Small Business Committee, of which I am a member, he added:

> Over-the-counter drug advertising is out of control, and has (itself) become a major public health problem.

Much of the material in Commissioner Houser's speech is derived from testimony on the effect of the promotion of over-the-counter drugs before Senator NELSON': subcommittee. I commend the Senator's continued scrutiny of the pharmaceutical industry. Through his efforts, the public has been made aware of this industry's contribution to our national drug abuse problem. The July hearings of the Monopoly Subcommittee on the promotion of "mood" drugs should provide the public with expert opinions on the relation of drug advertising to drug abuse.

Many experts have already claimed that there is a positive correlation between advertising and abuse. The FCC Commissioner noted in his speech that as a result of being bombarded by ads which promote the use of drugs for situations heretofore deemed normal, young people are becoming de-sensitized to the dangers of drug taking. A study conducted by the FCC revealed that parents, also, are well-aware of the hazardous nature of the advertising aired before their children.

The Commissioner pointed out that, for the most part, the industry's own code of advertising ethics has failed as a means of regulation. Citing a report by the 1970 White House Conference on Children entitled "Child Development and the Mass Media," the Commissioner stated:

> The enforcement of truth in advertising and standards in broadcasting (can) no longer be left to the advertisers and broadcasters.

Mr. President, this is a strong and timely speech on a subject crucial to the development of future generations of American citizens. If we want our children to be capable of dealing with the problems of modern life, we must see that steps are taken to restrict the airing of promotional material which claims that a drug-induced euphoria is a better response to unpleasant or tense situations than a mature and rational facing of such problems. I ask unanimous consent that the Commissioner's speech be printed in the RECORD.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

INTO THE MOUTHS OF BABES

(Address by Commissioner Thomas J. Houser before the Idaho Association of Broadcasters, June 28, 1971)

Ladies and gentlemen: I appreciate your kind invitation to speak with you today. I particularly enjoy the occasions on which I have the opportunity to meet with local broadcasters. It is at these times that we have an extended opportunity to discuss matters of special mutual concern. Today I hope I can provide you with some insights on a problem of current Commission consideration. This afternoon I would like to discuss a matter which has been on my mind for a number of years and then has been brought into clearer focus during my term as Commissioner—namely—the emergence of a drug oriented society and the special effects of this new culture on our children. The subject affects many of you as parents and each of you as broadcasters. I hope you will listen to and consider my observations as a concerned public servant as opposed to a knowledgeable expert.

The subject of children's television has provoked considerable comment in the past decade. In 1961, Newton Minow, then Chairman of the FCC, said about children's television, "Children will watch anything, and when a broadcaster uses crime and violence and other shoddy devices to monopolize a child's attention, it's worse than taking candy from a baby, it is taking precious time from the process of growing up." Ten years later, Chairman Dean Burch characterized children's television as "chewing gum for the eyes." In 1960, the White House conference on Children and Health said, "We demand that high quality books, music, cultural attractions, radio and television programs, and libraries be widely available, and that mass media take the responsibility for informing and educating youth, as well as adults." Ten years later, the White House conference on Children said, "those demands remain unmet."

And in those ten years, while we—the educators, the psychologists, the regulators, and the industry—were constantly articulating the problem, those kids were growing up, and, many would allege, growing up somewhat cynical and disillusioned. The 1970 White House Conference on Children and Media characterized the existing situation in these words: "Present programming . . . tends to perpetuate a certain narrow and distorted version of human behavior. This version is based on a theoretical group of idealized human beings who appear to be able to cope easily with the hazards of human existence and even to transcend common difficulties. Media content which reinforces this idealized view of human behavior is adverse to healthy development. It tends to destroy a child's perception of the distinction between his inner feelings and the external reality of his situation and surroundings. His sense of his own worth in the world tends to be distorted, and he views his failures as an aberration of behavior, never questioning the validity of the myth."

The critics are getting louder and larger in numbers, and they are calling on the government to regulate an industry they feel cannot regulate itself. The FTC, the FCC, Congress and the White House are responding. The FCC has issued a notice of inquiry and proposed rule making on children's television, and to date, there have been over 80,000 responses. A brief review of the pleadings in that inquiry show that most often parents are concerned about the commercial matter on children's programs.

Therefore, today, I will address myself to the problem of commercialization in general and to the promotion of drugs to children in particular.

Fifteen million youngsters from the age of 2 through 11 watch Saturday morning television. They see as much as 16 minutes of commercials per hour, as opposed to 8 minutes during adult prime time hours. This children's advertising represents $20 million in network sales for Saturday morning alone. Parents resent this exploitation of their children and are beginning to vocalize their deep seated resentment to such things as:

The permissible lie—the dancing doll shown dancing alone, which, in fact, doesn't.

The excessive puffing—the exaggerated performance of model racing cars through slow motion and trick photography.

The persistent urgings to get Mommy "to buy"—in order to maintain or improve the child's peer group status.

Much of children's advertising today utilizes fear, threats and ridicule to persuade children of the benefits of the grossest kinds of consumption. I am genuinely distressed that we are in the process of creating a junk culture—food advertising based on sweets and prizes, rather than offering valid conceptions about nutrition and product quality. Many of us are concerned that children are learning that satisfaction comes not from activity, but the passive possession and consumption of things, not from listening, thinking or understanding; these phony portrayals of life inhibit children from developing their own unique and individual self.

Certainly I don't agree with all the critics and all their criticisms—children's television has improved substantially in the last year, and new fall schedules show even greater promise—CBS, according to a recent ad, thinks children's programming is so important that "we're putting our best man on it—Walter Cronkite." James Duffy—president of ABC—last week held a seminar on children's television which could make a valuable contribution to understanding and upgrading children's television. Many advertising executives are aware of the problems and are constantly proposing changes. In addition, numbers of local broadcasters have expressed to me their personal commitments to seek broadcast reform. I recognize that, to a large measure, individual broadcasters have often been ill equipped to embark upon a unilateral crusade in this area. Many of you have been the unwilling recipients of program and product materials furnished by national advertising agencies and their clients, and I am cognizant of the economic facts of life which play a role in your decision-making process. But today you sit as a group, with the potential power to offer constructive input and affect the direction of broadcasting in the decade to come.

Today I urge you to consider one aspect of the children's programming problem—the exposure of children to drug advertising. It is estimated that there are presently in excess of 200,000 over the counter drugs (those drugs for which a prescription is not required), which have been formulated from only 200 active ingredients, designed to remedy only 30 recognized symptoms. A portion of these drugs are advertised to children as "playful pals." Let us look at some of these advertisements which are either directed at children or are available for their viewing on a regular basis.

The following specific examples do not reflect an attempt to embarrass or harass manufacturers of individual products. Rather, it seems necessary to give some examples to appropriately illustrate the technique and impact of much drug advertising.

Fletcher's Castoria claims it's "better than prunes" and is "specially made for children." A cough medicine ad shows a sick child getting motherly love with every spoonful and is assured that he will feel better because "you like its wild berry taste." "When you are coming down with the yu-uk or need to feel brighter or act brighter, take Vivarin—it gives you a quick lift." "When a sick child brings on simple nervous tension, take Compoz—that little gentle blue pill for simple nervous tension." "Tonight let someone you love slip you some Sleep-eeze—you'll both feel better in the morning." "Take Sominex tonight and sleep, sleep, sleep." "M. O.—the feel young laxative." Tuesdee Testa, female jockey, successful wife and mother, when she wants more than extra strength products . . . she uses Vanquish." "Leave your feeling of tension behind and slip into a quiet world. You'll feel calmer, more relaxed with Quiet World. The new modern calmative." And what of the multitude of children's vitamin commercials that use cartoon characters to carry our children into a pill popping fantasyland? The list goes on and on—the tube is a virtual electronic hypochondriac—hammering home the theme that for all of life's problems and situations, there is a pill that can be popped. It is not unusual for a drug manufacturer to spend as much as 26 cents of its revenue dollar on advertising. $289 million dollars was spent to advertise these products on television last year. Can we, as adults, evade such a hard sell? Can our children? We show signs of being a nation of junkies.

While some in the industry claim that there is no relation between drug abuse and drug advertising, Congress hears from experts who think differently. This month, Senator Gaylord Nelson held hearings on drug advertising. James Bicket—President of the American Pharmaceutical Association, testifying before Nelson's committee, said, "We feel over the counter drug advertising is out of control and has become a major public health problem. It is often erroneous, it exaggerates claims, and it even attempts to convince people that they have non-existent diseases.

Most critically, we feel over the counter drug advertising contributes substantially to the drug orientation of our culture, and we believe something must be done about promotion of drug products in animated cartoon characters or as tasting like candy geared to creating demand by children as especially deplorable." Dr. Charles Edwards—Director of the Food and Drug Administration, also testified, "It seems to me that one of the most urgent issues in over the counter drug advertising is too often basically good products with long and useful histories are being altered, added to, reformulated, and reshaped with no purpose but promotional advantage. . . . Drugs involve serious public health consequences and questions, yet they are treated as merchandise like tires."

Other experts testified that, although consumers assume drug claims are true, there is practically no documentation of their efficacy. Many of these offensive ads—some bordering on the ridiculous—violate a broadcaster's own code of standards. It is this kind of industry irresponsibility that gives credibility to the critics and makes all within that industry vulnerable.

An FCC Commissioner has recently proposed a ban on all drug advertising, suggesting that the public interest requires that drugs not be advertised on television. As yet, my thinking has not reached this point; the problem, how ever, cannot be avoided. In a 1970 marketing study done by the Harvard Business School, junior and senior high school students were asked to name the best and worst ads. Cigarette ads were mentioned most with drug ads running a close second. But while cigarettes were mentioned because they were the worst ads (73%–27%), drug ads were mentioned because they were thought to be the best (58%–42%), with acceptance slightly higher among senior high school students (60%–40%). Acceptance of the ad would suggest at least some acceptance of the product, would it not? And wouldn't such acceptance tend to demonstrate that our young people are being desensitized to the dangers of drug taking, and that they are rapidly being initiated into a pill-oriented society?

What is the government presently doing to meet the public outcry—remembering that this is a new and rapidly changing public—more aware, more demanding and somewhat more cynical about the alleged hollow efforts at self regulation and traditional watered down standards of quality control? The Federal Trade Commission has announced hearings in the fall on the effect of advertising on children. The FTC has also recently announced plans to require advertisers to substantiate claims contained in their announcements, and to require public corrections for advertisements found to be deceptive.

On Capitol Hill, Senator Nelson is holding hearings on drug advertising, and Congressman Dingell is taking testimony on the pros and cons of self regulation in advertising. Senator Moss has been outspoken on the drug advertising question and has proposed a government financed institute to study the problem. The White House has just released an extremely critical report on children's television which recommends among other things that the "Federal Trade Commission and the Federal Communications Commission give notice to broadcasters and advertisers that current commercial television practice which transmits over public airwaves material intended to influence children is a privilege that must be earned and reearned by a strong emphasis on accurate presentation and by the maintenance of acceptable standards for appeal to so vulnerable an audience." The report also states that "the enforcement of truth in advertising and standards in broadcasting no longer be left to the advertisers and broadcasters." And, finally, the Federal Communications Commission has begun a full inquiry into the area of children's television which will include consideration of advertising directed to youthful audiences.

It seems to me that Federal intervention is a most undesirable alternative; yet other existing options are becoming more remote. Surely the most appropriate resolution of the problem rests in an awakening of the affected industries to the current situation and a concerted and meaningful effort towards self regulation. It is for this reason that I have been particularly impressed by the self regulation proposal advanced by Victor Elting, Chairman of the American Advertising Federation, and Vice President of Quaker Oats Company. Mr. Elting, a man of uncommon insight, has called on his colleagues to redirect their emphasis and the millions of dollars spent in advertising, towards goals of higher social consciousness. His proposal contemplates the creation of a new Advertising Division within the Council of Better Business Bureaus designed to receive complaints from industry and the public. In addition, the division staff will engage in monitoring existing advertising to uncover possible abuses. It is also proposed that this group will issue advisory opinions on advertising content prior to its actual use in an effort to resolve problems before they occur. If such an advance procedure is unsuccessful, and a complaint is initiated, an appeal procedure is suggested. An independent National Advertising Review Board, composed of 50 members, representing advertisers (60%), advertising agencies (20%), and members of the public (20%), would take final administrative action. If such an action remains unacceptable to the advertiser, the NARB would make a public announcement of the complaint and their findings, and the entire matter would be referred to the appropriate governmental agency. The two most important and essential elements in this program, and those which distinguish it from past attempts at self regulation, are public representation in the Board structure itself, and enforcement machinery with, as Colgate would say, "tough teeth." It is now up to you, the individual broadcaster, to support his plan—its mandate and machinery. It is imperative that it succeed, or by default, you will have chosen the more frustrating and costly option of total government regulation.

I recommend this plan for your active consideration, and if you feel, as I do, that this proposal represents a sound step in the right direction—let your voices be heard. In addition, I call on you to keep abreast of the actions taken by your national association and participate in demands for more aggressive development and application of its standards. Finally, I urge you, as local broadcasters, to continue to test the pulse of your viewers—I think you will find that, in this area, their pressures are mounting; and the public, in the last analysis, will judge all of broadcasting, by what they view on your stations.

I'd like to close with a comment I cribbed from E. B. Weiss—a vice president of Doyle, Dane, Bernbach ad agency in New York. "Advertising cannot be expected to evolve and enforce its new social patterns without government participation. But it is still not too late for advertising to construct a new partnership with government that will better serve the advertiser. Moreover, in that new partnership, the advertising industry can become the dominant factor—if the leadership of advertising executives such as Victor Elting of Quaker Oats is followed. I hope. I hope. I hope."

DECLARATION OF WHAT?

Mr. PROXMIRE. Mr. President, it was 20 years ago last week that a reporter on the Capital Times of Madison, Wis., tried to get citizens to sign a "petition," which actually was portions of the Declaration of Independence and the Bill of Rights. Only one out of 112 would sign, and he recognized the quotations. The solicitation was made on July 4, 1951.

It is intriguing that 20 persons wanted to know if the reporter was a Communist. Some people then believed that the quotations from the Declaration and the Constitution were radical. But it is more astonishing that today those documents might get the same reaction under similar circumstances.

Another revelation of how little times change—of how little we learn—can be found in two paragraphs from reporter John Hunter's story:

> Several of the persons asked to sign the "petition" mistook it for a mimeographed pamphlet that was distributed throughout the city Wednesday by the Madison chapter of the American Peace Crusade.
>
> The "Peace Crusade" pamphlet asked for removal of American troops from Korea and asked that congress make "no more laws taxing the workingman to pay for the rich man's war in Korea."

Change Korea to Vietnam and nothing has changed.

Nor has anything changed in attitudes toward university students. One man was quoted as saying:

> Why is it that here in Madison, every time there is a holiday we have to be subjected to a gang of dangerous radicals from the university.

The Declaration of Independence and the Constitution were radical documents when they were written. Twenty years ago, it would seem from the newspaper article, they were still considered radical—by the very people the documents were protecting. They are still protecting us today. Yet they probably are still considered radical. They are radical in the sense that they get to the root of what freedom is all about. It is about time we get back to those roots.

Mr. President, I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

FOURTH OF JULY CELEBRANTS AFRAID TO SIGN THE "DECLARATION" AND BILL OF RIGHTS

(This article first appeared in The Capital Times as a news story on July 5, 1951. The discovery that people would not sign the Declaration of Independence was widely reprinted around the world.)

(By John Hunter)

Out of 112 persons interviewed at Madison's Fourth of July celebrations Wednesday, only one man had the "courage" to sign a "petition" which consisted exclusively of sections from the Declaration of Independence and the Bill of Rights.

Fear of the "consequences" of putting their names on paper was the reason given by the majority of those approached while they celebrated their "independence." Many of them said they were afraid to sign any petitions.

Twenty of those asked to sign the document asked the reporter if he was a Communist.

"You can't get me to sign that—I'm trying to get loyalty clearance for a government job," was the comment of the first person asked to sign.

A Vilas park picnicker, who said he was a lawyer, read the document carefully, handed it back to the reporter, and said, "You're trying to pull something—that isn't in the constitution."

The lone signer was Wentworth A. Millar, 806 University Ave., an insurance salesman for the Mutual Service Insurance Co.

"Sure I'll sign the Declaration of Independence and the Bill of Rights—we were never closer to losing the things that they stand for than we are today," Millar said.

"Get the hell out of here with that Communist stuff," another Fourth of July picnicker said bluntly.

"I can't sign that paper because I work for civil service," a young woman declared.

Several of the persons asked to sign the "petition" mistook it for a mimeographed pamphlet that was distributed throughout the city Wednesday by the Madison chapter of the American Peace Crusade.

The "Peace Crusade" pamphlet asked for removal of American troops from Korea and asked that congress make "no more laws taxing the workingman to pay for the rich man's war in Korea."

One woman, who said she was waiting for the fireworks at Vilas park, read the petition carefully and refused to sign it.

"Young man," she said, "are you trying to tell me that this is a copy of the Declaration of Independence?"

She read aloud the section of the preamble which says, "That whenever any form of government becomes destructive of these ends, it is the right of the people to alter or abolish it, and to institute new government, laying its foundation on such principles and organizing its powers in such forms, as to them shall seem most likely to effect their safety and happiness . . ."

"That may be the Russian Declaration of Independence, but you can't tell me that it is ours," she said hotly.

The "petition" that so many stoutly refused to sign contained the preamble to the Declaration of Independence, six of the first 10 amendments to the constitution—the so-called Bill of Rights—and the 15th amendment to the constitution.

The "petition" concluded with the pledge with which Thomas Jefferson ended the Declaration of Independence . . . "For, the support of this Declaration, with a firm reliance on the protection of Divine Providence, we mutually pledge to each other our Lives, our Fortunes, and our sacred Honor."

"I see you are using an old Commie trick putting God's name on a radical petition," an elderly man said after he had read the petition.

"Just go away and leave us alone—we want to eat our dinner," another said.

"Why is it that here in Madison, every time there is a holiday we have to be subjected to a gang of dangerous radicals from the university?" he added testily.

"I'd sign it in a minute, but I'd be off the job tomorrow," another said.

Darkness called off the search for other signatures.

EMPTY HOSPITAL BEDS

Mr. KENNEDY. Mr. President, for the past 25 years, hospitals around the country have had to juggle their beds in order to find enough space for their patients. In the brief period of one year, however, it appears that this trend has been dramatically reversed. Inflation, unemployment, and the lasped health insurance policies of the jobless are mainly responsible for this development. The plight of the "walking sick" is becoming a major new aspect of the health issue, as the tens of thousands of Americans go without needed health care, or defer surgery, because they cannot afford the cost.

Mr. Victor Cohn in the July 11 publication of the Washington Post, describes the financial crisis which empty beds are causing in many hospitals across the country. An empty hospital bed costs two-thirds as much to maintain as a full one. If present occupancy rates stay where they are, the hospitals stand to lose 3.6 billion for this year alone. Medicare, medicaid, and private health plans will pay the bulk of this sum in higher rates for the remaining beds that are occupied.

The new trend of hospital occupancy demonstrates even more urgently the need for better community hospital planning. Only 10 States presently have laws forbiding unneeded, new hospitals. In the other States, anyone who can raise the money can build a new hospital. And, Government and private health insurance plans pay the bills as hospital costs continue to rise.

Mr. Cohn's article clearly demonstrates this serious new aspect of our health crisis, and I ask unanimous consent that it be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

MANY HOSPITAL BEDS SUDDENLY EMPTY; RECESSION TREND HURTS SICK, INSURERS

(By Victor Cohn)

In a sudden reversal of the trend of the last 25 years, hospital beds in many cities across the country are now empty—costing the government and health insurers millions of dollars.

Recession, unemployment and the lapsed health insurance policies of the jobless are mainly responsible for the development.

Hospital overbuilding in many places and drastically changing ways of medical care are also part of the picture. Federal pressure to get or keep patients out of expensive beds has been increasingly heavy. Such action is believed essential to hold down runaway Medicare and Medicaid costs and prepare for broad national health insurance.

Hospitals in Boston, San Francisco, Los Angeles, Minneapolis, Seattle and Denver—and to some extent Washington—are among those most affected.

On an average day in 1970, 186,560 U.S. hospital beds were unoccupied, 6,784 beds more per day than in 1969, according to American Hospital Association figures. More than one bed in five is now standing empty.

Because an unoccupied bed costs two-thirds as much to maintain as a full one (again by AHA calculation), the bill for these vacant beds is now running more than $10 million a day or $3.6 billion a year. The federal government and Blue Cross and other health plans pay the bulk of this sum in high rates for remaining patients.

As another result, thousands of Americans are what doctors call "walking sick," either avoiding care for lack of funds or being given care in less expensive ways. Both factors, it is felt, could build up pressure from consumers for broader health insurance, the subject of several bills now more or less stalled in congressional committees.

Demand for nurses and other hospital workers has also dropped in affected cities. Some nurses are unemployed for the first time in years, and some new graduates are having trouble finding jobs after being exhorted to "help solve the nursing shortage."

The new trend is not universal. New York, Chicago and several other cities continue to report heavy hospital use and nurse shortages.

PLANNING NEED

But the overall trend demonstrates an urgent need for stronger community hospital planning, says Robert P. Janes, director of area health planning in the Department of Health, Education and Welfare. Such planning, he adds, needs to be backed by state "certificate of need" or licensure or franchising laws, laws that forbid unneeded hospitals.

Only New York, New Jersey, Connecticut, Rhode Island, Massachusetts, Minnesota, North Dakota, South Carolina, California and Maryland now have such laws.

Several, including Maryland's, are new ones that have hardly taken effect after years in which anyone who could raise the money could build a hospital. Selling high-interest bonds or borrowing from banks is easy in a market in which the government and insurors guarantee payment, no matter what the bill, for almost every patient.

The District of Columbia and Virginia are among jurisdictions that lack any such laws. A D.C. commercial group is now planning a 200-bed hospital in a proposed McLean Gardens development, through the Metropolitan Washington Health Facilities Planning Council calls it unneeded.

AREA RATE FALLS

Metropolitan area hospital occupancy fell from 82.4 per cent in 1969 to 81.9 in 1970. It rose slightly in Maryland hospitals in the area, but dropped by more than 2 per cent in Virginia.

Occupancy of District medical-surgical beds dropped most severely, from 86.2 to 81.4 per cent.

"We think of 85 per cent filled as a good healthy figure," said an area planning council official.

"Hospital use in this area is actually going up," he added. But increases in new beds, especially in Virginia's Fairfax County, resulted in more empty beds overall.

Nationwide, said the American Hospital Association, hospital occupancy is running around 78 per cent, the same as in 1970—down eight-tenths of one per cent from 1969. Hospital admissions are running about the same as 1970's.

But average length of stay is down from 8.3 days in 1969 to about eight. "A few-tenths of a point may not sound like a lot," said Dr. Bernard Ferber. AHA research director in Chicago. "But when that's happening in 5,859 hospitals, it affects a lot of people and money."

CALIFORNIA DROP

In California, Gov. Ronald Reagan's "Medical" (California Medicaid) cutbacks have helped reduce hospital use. In much of California, as well as Minneapolis-St. Paul, doctors' and hospitals, new "utilization review" procedures—spurred by the Medicare law and federal prodding—have been highly effective.

Many patients are now being cared for as hospital out-patients as a result, or in nursing homes, or at home as Medicare increasingly refuses to authorize "extended care."

In summer, hospital occupancy is always down. But in San Francisco in early May, more than 1,500 of some 5,600 medical-surgical beds stood empty, double 1960's figure.

Some San Francisco hospitals closed wings after occupancy dropped to 70 per cent. Mount Zion Hospital there expects a $750,000 1971 deficit.

By last April, Boston bed occupancy had been dropping for six months. "Gradually," said Charles T. Wood, director of the Massachusetts Eye and Ear Infirmary, "it began to dawn on me that it could be the recession."

Unemployment in Boston is running some 8 percent.

"When you lose your job," said Carl N. Platou, head of Minneapolis' Fairview Hospitals, "you automatically lose your health insurance. You have to look at individual subscriber policies, and they're very thin in what they cover and very expensive."

Average length of stay in Minneapolis and St. Paul hospitals is down by a full day. "Economic conditions," says the Twin Cities Hospital Association, "have caused the public to delay hospital visits whenever possible."

"After all," said another administrator, "the majority of surgery in the average hospital is elective—gall bladders, cysts, cataracts, tonsils."

In both Minnesota and Ohio, said the American Nurses' Association, there are few jobs for nurses, though on a national basis there is still huge unfilled demand.

In Seattle, hit by aerospace unemployment, individual hospital occupancies have varied from 57 to 87 percent for two years. Those that are regional centers remain crowded.

But some have gone to a four-day nurses' work week to avoid layoffs. In Renton—a Seattle suburb heavily populated by Boeing workers—a new Valley General Hospital expanded a few years ago from 90 to 250 beds. It is now averaging 130 patients daily.

"Denver, Phoenix and Albuquerque hospitals are having a tough time," a regional hospital official reported. Like reports are made by some hospitals in Cleveland and Cincinnati.

Almost everyplace, the hospitals are trying to save money by cutting equipment purchases. "But most dollars are in people," said Boston's Wood. "You have to save a lot of cotton balls to equal salaries."

THE 25TH ANNIVERSARY

In Washington, the Department of Health, Education and Welfare is about to mark the 25th anniversary of the huge federal Hill-Burton hospital building program. It has put $3.6 billion in U.S. funds into hospitals approved by state planning bodies as "needed."

Adding local contributions, this resulted in $12.6 billion in all being spent for 1,693 new hospitals with 106,000 beds, plus many more units replaced or remodeled.

"The Hill-Burton has been a great program," said one HEW official. "If we had stayed someplace near the number of hospitals it provided, we would not have one bed in five empty."

The problem was that Hill-Burton had no teeth. And other groups—local governments, nonprofit associations, profit-making firms—put $18.6 million into hospital-building to satisfy their own or doctors' or local citizenries' demands.

Some health authorities are now beginning to ask: If after 25 years only 10 states have enacted hospital franchising laws to prevent unneeded building, is it now time for the federal government to act?

NUCLEAR ARMS FOR JAPAN

Mr. BAYH. Mr. President, I am greatly disturbed by recent accounts of Secretary of Defense Laird's visit to Japan. While U.S. negotiators in Vienna explore new initiatives to limit nuclear arms, Defense Department officials have apparently been busy proposing an expansion of Japanese military power that they have hinted might well include the acquisition of nuclear weapons.

The suggestion of a Japanese nuclear capability made, presumably at Secretary Laird's behest, clashes directly with Japan's deeply held national credo, born of the horrible experience of Hiroshima and Nagasaki, that she should and will abjure all nuclear armament.

The proposal brings the United States into direct conflict with the Sato government and its policy of complete and total abstinence in the nuclear field. It could cause increased unrest within Japan and new demonstrations of violent anti-Americanism. It could complicate the delicate Okinawa transition, exacerbate already difficult trade, and finance issues and embarrass the newly reorganized Sato cabinet.

Furthermore, there is deep concern among Japan's Asian neighbors about the possibility of future Japanese domination—economic and otherwise. They have felt the effects of Japanese militarism in the too-recent past to view with equanimity the prospect of Japan fully remilitarized—and armed with nuclear weapons. Surely, if we genuinely seek a stable and developed Asia, and envision as essential constructive Japanese leadership, it makes little sense to stimulate the fears and suspicions that will hamper that development.

I am concerned, too, about the impact that the publicizing of such ideas could have on our relations with Peking, just at a time when increasing contacts indicate the possibility for some improvement.

In addition there is the effect of this irresponsible suggestion on the Nonproliferation Treaty. Our encouragement of Japanese nuclear armament would gravely damage our efforts to persuade the Indians or the Pakistanis, the Egyptians or the Israelis—and others—to abjure nuclear aspirations.

Beyond that there is the real possibility that a Japanese nuclear arsenal would reawaken and create a precedent for atomic weapons in the Federal Republic of Germany. Given Soviet fears of German "revanchism," this could seriously endanger the future of the SALT talks.

For more than 10 years now we have pursued the elusive goal of arms limitation. Each agreement, each link in this painfully forged chain of progress, has provided the basis for subsequent discussion. To show so little regard for the Nonproliferation Treaty as the suggestion in Tokyo does could undermine the fragile foundation of the Helsinki talks and blight the chances of further arms limitation.

Mr. President, I ask unanimous consent to have printed in the Record several articles pertinent to my comments.

There being no objection, the articles were ordered to be printed in the Record, as follows:

Laird, Japanese Official Meet on Asian Security

(By Selig S. Harrison)

Tokyo, July 5.—Defense Secretary Melvin Laird conferred with retiring Defense chief Yasuhiro Nakasone today in the first of a week-long series of meetings here on Japanese-American military cooperation in Asia.

Laird reportedly expressed the general hope that Japan "would do more" to assist in strengthening Asian security but avoided specific suggestions in his 65-minute exchange with Nakasone on the defense chief's last day in office.

Nakasone relinquished his post in a cabinet reshuffle today and was named chairman of the executive board of the ruling Democratic Party.

Defense officials here are acutely sensitive to the view often expressed in the Pentagon that Japan should make some form of contribution to Asian security commensurate with its new economic strength and thus help reduce U.S. military outlays in the region.

When Nakasone visited Washington, these officials state, Laird stressed that it would not be enough for Japan to assume increasing responsibility for its own conventional defense as presently planned and to give economic aid to developing countries in Asia.

Nakasone responded that the Japanese government is constitutionally barred from sending troops abroad and still faces strong public opposition to the export of weaponry as a result of the pacifist legacy left by World War II.

The exchange reportedly ended with vague references to the possibility of "indirect military aid" as a compromise approach, and this was regarded as the point of departure for the meetings this week.

Defense officials underline the pledge made by Prime Minister Sato to the Diet (parliament) that Japan would not export arms to countries engaged in military combat. They point to a variety of ways in which indirect military assistance might be given.

ECONOMIC AID

One would be economic aid implicitly provided in order to free other funds for defense spending. Another would be the sale of trucks or hydrofoil boats on easy credit for nominally civilian uses without asking whether the trucks are intended for transfer to the armed forces, or whether the boats will be turned over to the Navy for use as torpedo boats and equipped with guns purchased elsewhere.

Both of these methods would be politically easier to handle here than any aid given directly to a military agency or a police establishment.

But assistance to police forces in the name of "internal security" or "social stabilization" is viewed as a realistic political possibility within the next year or two by defense officials. This could include communications equipment, helicopters and vehicles, but not weaponry.

The most substantial request to Japan for economic aid obviously intended to underwrite military expenditures has come recently from South Korea.

When Sato visited Seoul for the inauguration of President Chung Hee Park last week, Park asked for a new $300-million loan over and above $160 million already promised and $80 million in commercial credits for a new Seoul subway system just announced.

KOREAN FORCES

Japanese leaders view the new Korean request against the background of emerging U.S. efforts to get the Koreans to pay for the maintenance of their defense forces out of their own budget rather than through U.S. military aid.

The Japanese appear cool to the request and are nervously watching to see whether Laird puts in a word for Seoul.

An illustration of the sensitivity of military aid for the Japanese government can be seen in a hush-hush program undertaken partly at the behest of the United States to help Indonesia get spare parts on easy terms for military equipment supplied by the Soviet Union during the Sukarno regime.

Rather than use official aid credits of reportedly arranged for the parts to be made by Mitsubishi Heavy Industries Nippon Seiko and other companies on special order and routed indirectly to Indonesia through intermediary U.S. firms, with payment on a barter basis in the form of industrial raw materials.

Should the Indonesian issue arise in the Diet, defense officials are expected to reply that is all strictly commercial and that only "parts" such as blades and bolts have been made in Japan as distinct from "components" such as propellers and engines. The distinction as viewed here lies in the fact that components might have clearly identifiable military uses while parts could be for a variety of purposes.

URANIUM MANUFACTURE

It is understood that Nakasone did not raise the controversial issue of U.S. help in the manufacture of enriched uranium here during his meeting with Laird today.

The uranium issue dominated Nakasone's visit to Washington but has temporarily subsided as a result of Japanese negotiations with Australia and Canada looking to a joint uranium enrichment facility in one of the two countries.

The proposed joint facility could receive U.S. technical help and would involve less security problems in the protection of secret technology than would be the case in a venture solely controlled by Japan or any other single country.

Laird is scheduled to meet Prime Minister Sato and newly named Foreign Minister Takeo Fukuda on Friday. A two-hour working session followed by lunch has also been planned for Saturday with new defense chief Keikichi Masuhara.

Sato rescheduled the cabinet reshuffle, originally set for July 20 at the time Laird's visit was first planned, to coincide with an astrologically favorable "Taian" or "lucky day" on the lunar calendar. Laird is visiting Japan in response to an invitation extended when Nakasone came to Washington last September.

Laird is scheduled to inspect a dress parade of the only fully mechanized division of the Japanese ground self-defense forces Tuesday in Hokkaido. On Thursday, he will watch jet acrobatics at the Hamamatsu Air Base, followed by dinner at a geisha restaurant in Kyoto's elegant Gion district.

With a grand total of 20 in the touring U.S. party including six wives, the total cost of the dinner at 20,000 yen ($55) per head is estimated to exceed $1100.

A-Arms Foreseen for Japan; Shift Linked to Diminished American Role

(By Selig S. Harrison)

Tokyo, July 7.—Chinese missile progress and constraints on the U.S. nuclear posture resulting from arms control agreements with Moscow might lead Japan to deploy defensive nuclear weapons in the early 1980s, American officials predicted here today.

Discussing the current visit of Defense Secretary Melvin R. Laird, officials said that forthcoming talks between Laird and Japanese leaders would touch on the possible impact of the current U.S.-Soviet strategic arms limitation negotiations on Japanese and American military planning in Asia.

Since Peking is not a party to those talks, these sources pointed out, a Moscow-Washington agreement would leave a non-nuclear Japan exposed to a growing Chinese nuclear capability while at the same time permitting a reduction in anti-Soviet U.S. nuclear deployments.

Laird reportedly believes that the indefinite continuance of the U.S. nuclear umbrella in its present form could not necessarily be taken for granted by Japan under such circumstances.

In addition to the possibility that curbs on the U.S. nuclear posture might be directly built into an agreement with the Russians, this view holds, the U.S. will not feel threatened by Peking for several decades and might thus be unwilling to continue bearing the costs of nuclear deterrence in the Pacific alone.

Officials speculated that Japan might decide to develop shipborne antiballistic missiles in the early 1980s as a supplement to U.S. nuclear protection.

It was not clear whether Laird had discussed the impact of the arms limitation talks in his initial meeting here Monday with retiring Defense Minister Yasuhiro Nakasone. The Nakasone meeting coincided with a cabinet reshuffle and a more intensive working session has been scheduled with newly appointed defense chief Keikichi Masuhara Saturday. Laird will meet Prime Minister Sato and Foreign Minister Takeo Fukuda Friday.

Officials of the Bureau of International Security Affairs in the Pentagon are accompanying the secretary and are holding parallel talks with Japanese defense planners.

Sources conversant with his thinking said that Laird sees a direct meaning for Japan in continuing U.S.-Soviet exploration of restrictions on military aid. Should the arms talks result in restraints on the provision of military equipment to smaller powers, these officials declared, the United States would look to Tokyo to fill a role in Asia currently assumed by Washington as a central element in the Nixon doctrine.

It is understood that Laird is resisting Japanese pressures to set up public verification procedure demontrating the removal of nuclear weapons from Okinawa at the time of the reversion of the island. Newspapers and opposition leaders are demanding that the government insist on some form of verification, and outgoing defense chief Nakasone assured the Diet (Parliament) in March that the Japanese self-defense forces would ask the United States for the right to inspect nuclear removal operations. But American officials said that Laird would stress the need to keep potential enemies guessing on the whereabouts of nuclear weapons as essential to deterrence.

He also reportedly emphasizes that the Japanese public should recognize the need for nuclear-powered and nuclear-equipped U.S. ships and submarines to use Japanese ports.

Informed sources said that Laird devoted much of his session with Nakasone to an explanation of his "total force" strategy, a concept in which the forces of the United States and its allies are viewed as a consolidated whole. While he did not question Japan's fourth defense plan, ending in 1976, Laird reportedly suggested in general terms that Japan should "do more" and implied that the fifth plan might go beyond the presently contemplated ceiling fixing one per cent of gross national product as the maximum to be spent on defense.

With the seventh fleet facing future cutbacks as a result of rocketing costs, officials suggested, Japan might contribute to Asian security through its shipbuilding. But it was not clear whether Laird favors an enlargement of the Japanese maritime self-defense forces to cover reductions in the 7th Fleet or is more anxious as a short-term objective to see Japanese shipyards build military vessels for Asian neighbors such as the Koreans.

JAPAN'S NEW FOREIGN CHIEF STRESSES U.S. TIE

(By Takashi Oka)

TOKYO, July 8.—Takeo Fukuda, Japan's new Foreign Minister, said today that the adjustment of economic relations with the United States was the most urgent problem the Japanese Government faced in the next six months.

Japan must take speedy * * * base her relations with the United States on "mutual benefit and equality," the Foreign Minister said. Otherwise, there is great danger that "a fissure will develop between the Japanese and American people, a fissure that could have tragic consequences not only for our two countries but for the entire free world," he declared.

The 66-year-old Mr. Fukuda, formerly the Finance Minister, was named Foreign Minister three days ago when Premier Eisaku Sato carried out an extensive reorganization of his conservative Government and the leadership of the Liberal-Democratic party. Mr. Fukuda is a close associate of the 70-year-old Premier and a leading contender to succeed him when his current, and avowedly final, term ends in October, 1972.

Among the measures Mr. Fukuda said he was contemplating are a final solution of the textile dispute between Japan and the United States and a significant Japanese gesture such as liberalizing the import of computers and opening the domestic computer industry to foreign investment.

STEPS DEBATED AMONG OFFICIALS

Both proposed steps have been subjects of debate within the Government for months. However, until now, no minister has suggested either the opening up of the Japanese market to foreign computers or going beyond the "voluntary self-restraints" the Japanese textile industry has been imposing on exports to the United States since July 1.

Mr. Fukuda, who is about to undergo an operation for the removal of a gallstone, received this reporter at 7:45 A.M. at his comfortable Japanese-style home in the western suburbs of Tokyo. Twenty pairs of shoes were lined up in his entrance hall and a former cabinet minister was being ushered out.

"I must have had 50 visitors so far this morning," Mr. Fukuda said jovially. "I keep an open-door policy."

In Japan, a politician's status can be measured by the number of shoes in his entrance hall in the early hours of the morning—the only time he is usually free to receive visitors before starting his daily rounds.

ACCORD ON SECURITY SEEN

The basic facts of the Japanese-American relationship, as Mr. Fukuda sees them, are as follows:

There is no clash between the United States and Japan in the most important area of their relationship—security. The forthcoming return of Okinawa to Japanese rule is the best symbol of Japanese-American friendship in this area.

But there is sharp disagreement, in the economic field, with textiles the major example. The disagreement, at this point, is mainly between financial and political circles on both sides—legislators and businessmen. But if it is allowed to continue, this could engage the national feelings of both Americans and Japanese, at which point the dispute could begin to affect the two countries' security relationship as well.

It is urgently necessary for Japan to adjust her economic relations with the United States before national feelings reach such an explosive stage, Mr. Fukuda declared.

At present, Japan continues to pump exports into the American market at a steadily rising rate, while restricting American exports to Japan, both of capital and of goods. Almost every Japanese businessman or official who has recently gone to the United States has come back telling the same story: that American political and economic circles are extremely irritated over what they regard as the unfairness of Japan's position.

On June 4, the former Sato Cabinet announced an eight-point program to deal with complaints coming in about Japanese practices, not only from the United States but from many other countries.

The program called for easing of restrictions on imports, specially reduced tariffs for imports from developing countries, tariff cuts, liberalization of foreign capital investment in Japan, removal of nontariff barriers, increased economic aid to underdeveloped countries, orderly marketing of exports abroad and flexible manipulation of fiscal and monetary policies to stimulate domestic demand.

"The Americans said, in effect: 'You have a fine program. But what we want is action.' I agree with them, and action is what we are going to have," Mr. Fukuda said.

As many of the eight points as possible will be carried out during July and August, while others that require legislative action will be submitted to the Diet (Parliament) this fall. Mr. Fukuda looks upon the annual Cabinet-level consultations with United States officials, scheduled for Washington in September, as a good occasion on which to tell his American colleagues about progress already made and further steps to follow.

Specifically, on textiles, Mr. Fukuda said he did not regard Japan's long dispute with the United States as having been resolved by the Japanese industry's recent imposition of "voluntary self-restraints." He thus is the first Japanese minister to assert that he contemplated steps going beyond "self-restraints" as a means of settling the issue, which is basically one of curbing Japanese exports at a time when the American textile industry is in deep economic difficulties.

Mr. Fukuda would not commit himself to seeking a Government-to-Government agreement, which is what Washington desires, saying this was a matter of method and detail to be worked out. But he expressed hoped that within two months at least the outline of a settlement could emerge.

One area where Japan should not hesitate to speak out, Mr. Fukuda said, is that of defense. "Our Constitution allows us to concentrate exclusively on our own self-defense," he declared. "Therefore we cannot contribute to world peace in the area of military power. The United States must recognize this fact."

JAPAN SAYS LAIRD PLEDGES ARMS AID; PROMISE OF HELP TO IMPROVE OUTDATED EQUIPMENT FOR FORCES IS REPORTED

(By Takashi Oka)

TOKYO, July 10.—A Japanese Defense Agency spokesman said today that Defense Secretary Melvin R. Laird had pledged to help the Japanese improve their military equipment.

The pledge reportely came when Mr. Laird met with Keikichi Masuhara, the new Japanese minister in charge of the agency.

Mr. Laird was said to have promised to effectively maintain the securtiy treaty system under which the United States helps with Japan's defense and Japan permits United States bases on her territory.

The Defense Secretary also pledged to work for approval in the United States Senate of the agreement to return the Ryukyu Islands to Japanese rule some time next year. Mr. Laird made a similar pledge to Premier Eisaku Sato yesterday.

During his visit to Self-Defense Force units, the Secretary is reported to have been struck by the use of outdated equipment.

Much of this equipment was originally supplied by the United States. As the equipment became older, the Japanese replaced it, not with American war goods, but with equipment of their own development and design.

Some defense experts in this country charged that in so doing, the Self-Defense Force sacrificed the efficiency and economy of buying proven equipment abroad, for the sake of developing a more advanced Japanese technology.

Mr. Laird has not entered openly into this controversy. But observers here note that for years the Finance Ministry has resisted Defense Agency efforts to increase the proportion of homemade equipment on the ground that it would be cheaper to buy tested equipment from abroad.

The Secretary of Defense leaves tomorrow for South Korea after eight days in Japan.

CONTROVERSIES AVOIDED

Mr. Laird's meetings with Mr. Masuhara today and with Mr. Sato yesterday were described as cordial. Both the Secretary and his Japanese hosts seem anxious to avoid such controversial subjects as the possible acquisition of nuclear weapons by Japan. Earlier, a member of Mr. Laird's party had intimated that American defense planners were not averse to seeing Japan "go nuclear" in the late nineteen-seventies or early nineteen-eighties. The statement was made during a briefing described as an expression of Mr. Laird's own views.

News reports of the briefing caused a furor in this country, where the Government's declared policy is neither to possess nuclear weapons, made them or allow them into the country.

The United States State Department issued a statement following the news reports that it knew "of no responsible body of opinion in Japan or the United States that advocates possession of nuclear weapons by Japan or foresees such a necessity or possibility."

This uproar over what Japan might or might not do has obscured what is of more immediate interest to Japanese and American defense planners: the quality of the Japanese Self-Defense Force and its 260,000 men in land, sea, and air force. Under Japan's constitution, the Self-Defense Force cannot serve overseas, nor can it acquire purely offensive weapons. The political reality in Japan is such that these restrictions are unlikely to be removed soon.

WORKING WITHIN FRAMEWORK

Therefore, some defense planners of both nations believe it is more fruitful for the United States to seek maximum effectiveness of the Self-Defense Force within its present framework.

It is impractical, for instance, the planners believe, for Japan to think in terms of replacing the United States Seventh Fleet—task forces grouped around carriers and including one-third of a battle-ready Marine division at sea.

But limited submarine activity, such as defense, a function of the fleet, is already being carried out by the Japanese without violating their Constitution. Any strengthening of the Japanese antisubmarine role would be the kind of military burden sharing the Nixon doctrine calls for, at least in this one area.

Japan has begun to develop fixed underwater electronic submarine detection devices and an airborne early warning system also is planned.

Both systems rely exclusively on Japanese technology. For the airborne system, for instance, $33-million is budgeted for research and development over five years. Some experts see this as a waste of money, considering that the best such system could be obtained from the United States.

LAIRD IN THE CHINA SHOP

(By Joseph Kraft)

The Nixon Administration is rightly proud of the way it has managed the approach to better relations with China. But Secretary of Defense Melvin Laird seems not to have been let in on the secret.

In Tokyo the other day he casually played bull in the Japan shop with an issue that could undo all the careful preparatory work done by the administration so far. That issue, the key to American relations with China, is the issue of nuclear weapons for Japan.

So far the administration has concentrated on two aspects of improved relations with mainland China. One concerns the issue of Chinese representation at the United Nations.

At his press conference on June 7, President Nixon observed that "a significant change has taken place at the United Nations on the issue of the admission of mainland China."

That statement sounds innocuous. It says nothing about a one-China policy or a two-China policy or anything of the sort. But it announces that the administration is prepared to adjust its own position to the prevailing consensus at the U.N. It opens up the avenue to a one-China policy, or a two-China policy, or whatever else Mr. Nixon feels is sensible.

The second approach to Peking has been on bilateral relations. There has been a steady dismantling of restrictions on trade, travel and cultural exchange. That progress toward normalization can continue for a long time to come.

The feature common to both approaches is gradualism. As he moves forward, the President can get the feel of public opinion in this country, and reaction in China and the rest of the world, including the Soviet Union. And he can vary the pace of what he does as these various factors dictate.

But this cautious approach, while basically sound, has as a necessary difficulty that it does not offer much to Peking. The Chinese know that on both international representation and bilateral relations they have time on their side. Eventually, they are going to get both and there is no need to pay a price now—the more so as neither international representation nor trade with the United States is apt to be all that important to Peking.

What really does matter to the Chinese now is the threat of Japan, and particularly the threat of a nuclear Japan. Judging by Peking's recent comment, Tokyo has replaced Washington as the big bad wolf of international relations.

Richard Moorsteen and Morton Abramowitz point out in their study, "Remaking China Policy," that "Japanese rearmament, including Japanese nuclear acquisition, has shot upward in Peking's publicly expressed concerns."

They cite among other things an editorial in the Peking Review charging that "Japanese militarism aims at nuclear threat and nuclear blackmail."

In these circumstances, the eventual point of harmony between this country and China lies in the nuclear field. Specifically, there is a joint interest in not having Japan go nuclear. At some point down the road, Washington will want to link good relations with China to a non-nuclear Japan whose defense is underwritten by the American deterrent.

But all this seems to have been lost on Secretary Laird. During a visit to Tokyo last week he left Japanese officials with the clear impression that the United States expected them to play a much larger role in their own defense. As part of that role, he indicated that Washington, in flat defiance of this country's commitment to the nonproliferation treaty, did not mind if Tokyo developed nuclear weapons.

Mr. Laird's gaffe can, of course, be undone. As Ambassador Nobuhiko Ushiba pointed out in a remarkable speech Friday night, a nuclear Japan is "neither probable nor practical." But undoing the damage is not so easy.

Mr. Laird has set in motion in Japanese politics currents very difficult to arrest—especially now that Japanese-American relations are already aggravated by conflicts of economic interest. He has built suspicions in Peking that will be also hard to dissipate.

These troubles are all unnecessary. But they suggest the urgent need for bringing the Secretary of Defense into the delicate policy Mr. Nixon is trying, so rightly, to follow.

LAIRD CONFUSES JAPAN ON A-ARMS ISSUE

(By Selig S. Harrison)

TOKYO, July 13.—Defense Secretary Melvin R. Laird's studied ambiguity on the issue of nuclear weapons for Japan during his recent visit here has left behind a trail of confusion, uneasiness and agitated debate concerning his possible motives.

When a Japanese reporter asked how the United States would react if Japan developed tactical nuclear weapons, Laird suggested at his farewell news conference that Japanese defense planners should give "higher priority" to upgrading conventional military capabilities, adding that "President Nixon and our government will continue to provide the nuclear umbrella."

The secretary coupled this response with an assurance that he sees "no role for Japan as far as the nuclear deterrent is concerned during the periods of the 1970s and beyond." But he spoke of the issue casually as one of "priorities" three times in the course of his reply, and the inference drawn by most Japanese observers was that he does not necessarily rule out the future desirability or inevitability of nuclear arms after the conventional buildup now programmed here has been completed in 1980.

What Laird said with cautious indirection in the open forum of a press conference confirmed the worst Japanese fears generated by more direct statements coming out of an earlier background briefing given by U.S. defense planners authorized to discuss the secretary's thinking.

The principal spokesman at this briefing pointed to a series of developments which might lead Japan to deploy defensive nuclear weapons in the early 1980s—possibly "ABMs (antiballistic missiles) on ships," he said, since a country with Japan's population density would be doomed if enemy missiles ever came close to the big population centers.

The most critical development pushing Japan toward the nuclear option, it was suggested, would be a U.S.-Soviet agreement in the strategic arms limitation talks resulting in a reduced U.S. nuclear posture in the Pacific.

Peking is not taking part in the negotiations and would still be free to develop its missile strength unchecked.

This would pose a growing threat to Japan at a time when the intercontinental ballistic missile threat to the United States from Peking would still be "decades" away, and when the United States would feel less directly endangered than ever before by Moscow.

Even if the strategic arms talks did not have a direct impact on the U.S. nuclear presence in the Pacific, the spokesman reasoned, Washington might be increasingly unwilling to bear the costs of maintaining the nuclear deterrent alone. No longer would Japan be an indirect beneficiary of an anti-Soviet strategic posture that the United States maintained basically for its own sake.

CHANGED SETTING

In this changed strategic setting, Tokyo could choose to acknowledge its new position as the immediate beneficiary of the deterrent and actively help the United States to maintain it. Or Japan might begin to worry about U.S. reliability and decide instead to develop its own defensive nuclear weapons as a supplement to the U.S. strategic umbrella.

The point of it all was not so much that the United States should directly encourage Japan to go nuclear, but rather that the Japanese should begin to pay a greater price for U.S. nuclear protection. By implying that the U.S. nuclear shield can no longer be taken for granted and that the United States is not afraid to see Japan go nuclear, Laird apparently hoped to change the bidding in the overall bargaining relationship between the two countries.

Laird astonished the Japanese press and delighted hawkish elements in the military here with an uncompromising refusal to permit a public verification procedure demonstrating the removal of nuclear weapons from Okinawa.

He seemed impatient on finding that the

"nuclear allergy" is still dominant here 25 years after Hiroshima but did not let this deter him from asking for free access by nuclear-armed and nuclear-powered U.S. ships, submarines and aircraft as a logical corollary to receiving U.S. nuclear protection.

MOTHER PORT

It is understood that Laird also asked for semipermanent arrangements permitting the 7th Fleet to make Japan a "mother-port" as a way for Tokyo to help support the nuclear deterent and the U.S. naval presence in a more general sense. At present, U.S. vessels, including aircraft carriers with nuclear-capable aircraft, operate out of the huge San Diego, Calif., naval station as home base, using Yokosuka and Sasebo in Japan only for port calls and repairs.

One of the most interesting items on Laird's agenda here was a proposal for the reversal of an earlier decision to return Yokosuka and, more importantly, for the establishment of a major residential complex for the wives and children of naval personnel on Okinawa. This would be a political hot potato for the Japanese government but was urged by Laird as a way to save substantial sums on steaming costs back and forth between San Diego and the western Pacific.

The timing of the controversial nuclear briefing on the day before the scheduled opening of the strategic arms talks has led to a widespread suspicion that the real motive behind the exercise may have been a desire to influence the Helsinki talks by projecting the specter of a nuclear Japan. Whether or not this is justified, it is clear that the settlement currently proposed by the Soviet Union in Europe could eventually have an impact on the U.S. nuclear posture in the Pacific and thus on Japanese nuclear plans.

BAN SOUGHT

Moscow wants tactical nuclear weapons in western Europe capable of reaching Soviet territory to be banned, along with intercontinental missiles, as one of the preconditions of a strategic arms agreement.

Should the United States ever agree to this, some Japanese and U.S. officials argue, Moscow and Peking could point to this as a precedent for demanding a pullback of U.S. nuclear weapons in the Pacific for a comparable distance from their shores.

This could lead to pressures for the withdrawal of nuclear bombs for use by carrier-based aircraft from storage vessels in the western Pacific, and it could make it all but impossible, politically speaking, for nuclear-armed ships, submarines or aircraft to call at Japanese ports.

In assessing the weight of accident and design in the Laird visit, it is instructive to recall the secretary's long preoccupation with the role of nuclear weapons in the hands of U.S. allies as an essential element in the U.S. strategy. Laird's 1962 book, "America's Strategy Gap,'" advocated "defensive nuclear weapons with proper controls" for NATO partners, citing approvingly a statement that "military establishments which do not have nuclear weapons are little more than oversized gendarmeries."

REFERENCE NOTED

Japanese readers have been quick to note the reference to "proper controls," implying a two-key arrangement, as well as another passage made in the NATO context with a striking applicability to the current Japan-U.S. dialogue initiated by Laird. "The nuclear deterrent in the hands of the allied powers would be a great help to us," Laird wrote, "since it would provide us with a bargaining vehicle for insisting, in turn, that they meet their conventional force requirements."

The alarmed antinuclear forces here see the Laird visit as renewed proof of collusion between Japanese and American hawks and as a partial vindication of the Chinese propaganda line warning of the revival of Japanese militarism.

"Smoke does not arise when there is no fire whatsoever," said the newspaper Asahi in a comment on the State Department disclaimer issued following the briefing here.

Yomiuri recalled the Defense Agency white paper last October arguing that "small-scale, tactical, purely defensive nuclear weapons" would be legally permissible under the U.S. imposed "no war" constitution.

"These press reports are trial balloons intended for American and Japanese public opinion," Yomiuri observed.

EFFECTIVE FIREARMS CONTROL

Mr. KENNEDY. Mr. President, I recommend to the attention of the Senate two separately prepared treatments on the subject of effective firearms control.

The first presentation is entitled "The Failure of Federal Gun Controls." It was written by Carl Bakal and appears in the current—July 3—issue of the Saturday Review.

Anne Lapidus Lerner is the author of the second treatment that appeared in the New York Times on Monday, July 5. Under the startling headline "Make Mine Semiautomatic," Anne Lerner brilliantly satirizes what could become our real-life approach to the increasing surge for more guns to defend ourselves from all those other folks who have guns. While Bakal, who also authored the expert documentary "No Right To Bear Arms," tells the sad and shameful litany of the loopholes in our current firearms laws—Anne Lerner's treatise should jolt every reasoning American into a full realization of where we will all end up if we persist in the giddiness of the gun mystique. At that point, human rights will be granted through the muzzle of a gun barrel. And personal freedoms will be guaranteed not by the blessings of the Constitution, but by the fastest gun.

I was impressed with Carl Bakal's expression of our failure to implement effective controls. He clearly sees that existing statutes on firearms exist, not to control crime or to resist the abuse of guns—but, rather, existing laws play on the national lipservice to needed controls, while actually avoiding the provision of effective controls or screening to prevent high risk users from gaining access to weapons use. Thus, although the letter of the law—the 1968 Gun Control Act—prohibits the mail order sale of guns of all types, including cheap handguns, there are no Federal restrictions on gun shipments between licensed dealers in different States. So, as Bakal properly points out, a person who lives in one State and wishes to buy a gun available in another State can order it through a federally licensed dealer in his home State. The dealer who has the gun then sends it to the dealer in the purchaser's State of residence. The purchaser can then pick up the gun from the dealer in his home State. Loopholes like this one enforce the adamancy of gun control critics who believe gun laws would not halt gun crimes. To that phrase, I submit that "weak and insincere" laws will not halt gun crimes. What is needed is meaningful legislation that is realistically designed to screen potential licensees and deny gun possession to high risk persons. At the same time, procedures must provide for testing and monitoring the proficiency of the shooter's ability. If you do not prove to be a high risk to society and you can thoroughly prove your proficiency with weapons, there is no reason to deny you a gun. But, the reason why Mr. Bakal calls us to task is simply that this Nation has not yet made the commitment to end our bloody firearms assault upon our fellow Americans.

Anne Lerner reminds us that unless we do enact effective controls, every citizen will find that his firearm is more vital than his automobile.

Before we fall to that level, I expect, Mr. President, that we can resurrect with a thread of sanity, some of the rising demands for adequate firearms protection from ourselves.

I ask unanimous consent that the article be printed in the Record.

There being no objection, the articles were ordered to be printed in the Record, as follows:

The Failure of Federal Gun Control

(By Carl Bakal)

In the wake of the assassinations of Martin Luther King and Robert F. Kennedy, Congress enacted the Gun Control Act of 1968 to "provide for better control of the interstate traffic in firearms." Signed by President Lyndon B. Johnson on October 22, 1968, and dated to take effect on December 16, the landmark measure was the first federal gun control legislation of any consequence passed in three decades.

The new law virtually bans the interstate and mail-order shipment of firearms to individuals and forbids over-the-counter gun sales to minors. It also prohibits the possession of guns by convicted criminals and certain undesirables, and bars the importation of those cheap, concealable foreign handguns responsible for so much murder and mayhem in this country.

Yet, it is scarcely more difficult to get a gun today than it was before the new law went into effect two and a half years ago. Almost anyone—even a murderer, a madman, an addict, an alcoholic, or another potential assassin—can still easily buy some sort of gun, including a $265.85 Remington deer rifle of the type used to kill the Reverend Dr. King and a $6 Iver Johnson pistol like the one involved in the murder of Senator Kennedy.

In fact, during recent years, there has been a sharp increase in the sale of guns and particularly handguns, which, though comprising only about a quarter of the roughly ninety million privately owned firearms thought to be in this country (some authorities put the figure as high as 200 million), now account for half of all our homicides and three-quarters of all firearms homicides. Whereas the annual sale of shotguns and rifles has doubled since 1963, the sale of handguns, few of which are usable for sporting purposes, has quadrupled, according to the National Commission on the Causes and Prevention of Violence, which notes that drastic increases in gun purchases occur in areas that have experienced civil disorders. With twenty-four million handguns already in private hands, an additional two and a half million are being manufactured domestically or imported every year. Today, one new handgun is sold in the United States every thirteen seconds, and used handguns are being traded at the rate of more than two a minute.

In Dallas, gun dealers say their handgun sales have more than doubled since the Gun Control Act of 1968 went into effect. "Before the gun law was passed, we were selling seventy-five to one hundred guns a month," says one dealer. "Now we average two hundred and fifty to three hundred sales a month." And Dallas District Attorney Henry Wade says, "If the gun law is having any effect, I can't tell what it is."

"I don't think that the gun law has cut down the availability any," says Jamie Moore, chief of police in Birmingham, Alabama, a state in which one dealer alone reported that his sales had tripled during the first six months the law was in effect.

Inevitably, crimes committed with guns across the nation have also shown a sharp increase. Armed robbery with guns increased from 99,000 in 1968 to 115,000 in 1969; aggravated assaults by gun increased from 65,000 to 73,000 and murder by gun from 8,900 to 9,400. Coincidentally, our 9,400 firearms homicides in 1969 equaled exactly the number of Americans killed in combat in Vietnam that year. When you add the nearly 3,000 annual domestic fatal victims of firearms accidents and the 10,500 gun suicides here the total of our annual home-front firearms fatalities now amounts to 23,000—or, in a *single* year, more than one-half of all the combat deaths the U.S. military has suffered during our entire decade in Vietnam.

What is the reason for all this? What has happened to the law that was supposed to curtail this growing glut of guns and to "provide support to federal, state, and local law enforcement officials in their fight against crime and violence"?

The fact is that the Gun Control Act of 1968, although well-intended and widely heralded as a major step forward, is a sadly inadequate compromise law, one riddled with as many holes as a marksman's target. For example, a provision of the act did indeed stop the importation of the snubnosed pistols and revolvers known as "Saturday night specials"—cheap, concealable guns of the kind that no sportsman and few police officers would want. Retailing for anywhere from $30 to $15 or even less, they had been coming into the United States (largely from West Germany, Italy, and Spain) at the rate of 750,000 a year, and were a favorite of the criminal, being used in no less than 50 per cent of all crimes involving guns, according to the National Commission on Violence.

However, the new law, while banning the importation of these guns, did not prohibit the importation of their *parts*. Hence, thanks to Yankee ingenuity, a quaint new "cottage industry" has sprung up in this country. Enterprising former importers have been assembling Saturday night specials here using parts from abroad and cheap local labor—in Miami, Cuban refugees are paid about $1.90 an hour—working in makeshift factories such as converted garages and even a church. In addition, some domestic manufacturers are producing these cheap handguns from parts made exclusively in the United States. As a result, total domestic production of these guns during 1970 was estimated to be about one million—or far more than the annual flow of foreign guns that the 1968 law was supposed to stop.

In any number of specialized gun magazines or newspapers sold by subscription or on newsstands you can see mail-order advertisements for these guns, which therefore soon find their way to almost every part of our country.

But doesn't the Gun Control Act prohibit the interstate mail-order sale of these and other guns? Yes, an individual on his own cannot purchase or sell a gun across state lines. But there are no federal restrictions on gun shipments between licensed *dealers* in different states. Hence, if a person who lives in one state wishes to buy a gun available in another state, he can place an order for it through a federally licensed dealer in his home state. The dealer who has the gun then sends it to the dealer in the purchaser's state of residence. The purchaser can then pick up the gun from the dealer in his home state.

Under the act, any resident of a state can purchase a gun anywhere in his state provided he meets specified minimum age requirements (twenty-one for handguns and eighteen for long guns) and is not under indictment or has not been convicted of a crime punishable by more than a year's imprisonment. Nor can he be a fugitive from justice, a narcotics addict or unlawful user of drugs, an adjudged or committed mental incompetent, or anyone else otherwise disqualified from gun ownership by state or local law. However, the federal law provides no foolproof way for gun dealers to check on the background of a would-be purchaser or, for that matter, even to determine whether the person they are selling to is just who he says he is. A driver's license is usually considered sufficient identification to establish a person's name, address, and age. And so, any proscribed person can easily get a gun, as well as ammunition for it by presenting false credentials or by simply lying. Another gaping loophole in the 1968 law is that any legal purchaser of a gun can, with virtually no risk of federal prosecution, resell or give it in his own state to virtually any other individual—a friend, a neighbor, even a total stranger, no matter how unsavory his background.

Aren't there state laws to screen out such persons? Unfortunately, most state gun laws are inadequate, nonexistent, or unenforceable. No states have any licensing laws that really restrict the purchase and possession of rifles or shotguns, and few states have any meaningful laws that apply to handguns. In fact, eight states have no law against felons buying firearms, and in thirty-five states lunatics can legally own guns. The National Commission on Violence rated New York, Massachusetts, and perhaps New Jersey as the only states with restrictive handgun licensing laws that are strictly enforced. The commission also noted that of the estimated twenty-four million handguns in this country, only about three to five million were covered by records maintained by the states. Yet, the new federal law has left it largely to the states to carry the burden of dealing with the menace of the handgun.

To safeguard themselves against the shortcomings of our ineffectual federal and state laws, a number of municipalities, during the past few years, have enacted laws of their own aimed at restricting the sale of firearms and ammunition to their residents. For example, in 1965 Philadelphia passed an ordinance much stricter than the permissive Pennsylvania handgun licensing law. The tolerant state law imposed on would-be handgun purchasers only the minor inconvenience of having to wait forty-eight hours for delivery after filling out a perfunctory application form. But applicants were not required to furnish fingerprints or photographs; thus, no meaningful check could be made for a criminal record. On the other hand, under the city ordinance, those wishing to purchase any type of gun—shotguns and rifles as well as handguns—would have to apply for a police permit, furnishing fingerprints, photographs, and the firearm's serial number.

What effect has the ordinance had? From 1965 to 1969, criminal homicides in Philadelphia increased 32 per cent. However, this was far below the 47 per cent rise across the nation as a whole during the same period. Significantly, only 44 per cent of Philadelphia's murders in 1969 involved guns, slightly above the 43 per cent in 1965, whereas the average for the nation increased from 57 per cent in 1965 to 65 per cent in 1969. Perhaps even more noteworthy is the fact that during the six years the ordinance has been in effect permits have been denied to 779 persons out of a total of 27,858 would-be gun purchasers. Among the 779 prevented from purchasing guns locally have been 123 burglars, 48 robbers, 121 persons with convictions for aggravated assault and battery, 16 rapists, 7 habitual drunks, 15 narcotics addicts, 96 people with previous records for illegally carrying concealed and deadly weapons, 27 persons convicted of intent to kill—and 12 murderers.

The experience of Toledo, Ohio, has been equally dramatic. Only a few years ago, that city of 375,000 was known as the gun capital of the Midwest. Firearms of all kinds could be bought there not only at gun shops but at jewelry stores, supermarkets, and gasoline stations—with no questions asked—in contrast to the situation in Michigan, which requires a permit of sorts for the purchase of handguns. It is no wonder that the great majority of the guns used in the 1967 Detroit riots came from nearly cities in such neighboring states as Ohio; indeed, many of the guns came from Toledo, only an hour away. A 1968 survey showed that of the 13,000 handguns sold by one Toledo dealer during a nine-month period no fewer than 5,448 went to Michigan residents.

In spite of repeated appeals from Toledo officials, the Ohio Legislature for years refused to enact a law that would control the unrestricted traffic in firearms. Finally, in August 1968, the Toledo City Council enacted an ordinance of its own that had been drafted by the city's chief counsel, John J. Burkhart. Aimed especially at the Saturday night specials, the ordinance requires anyone in the city who owns or wishes to obtain a handgun to have an ID card (cost: $3). The cards, which are valid for three years, are issued to all applicants except minors under twenty-one, known fugitives, certified mental cases, narcotics addicts, habitual drunkards, and those with serious felony records.

In the twelve-month period prior to the passage of the ordinance, thirty-four murders were commited in Toledo, twenty-two of them, or 61 per cent, with handguns. Two years later, during the twelve-month period ending July 1970, the number of murders had dropped to twenty-six, fourteen of them, or 53 per cent, with handguns, this in the face of a sharp increase in the number of murders across the nation. Robberies and aggravated assaults involving handguns showed an equally dramatic drop. While crediting these decreases to all of the city's recently intensified efforts to reduce crime, Chief Counsel Burkhart, noting that half the gun outlets in town have gone out of business, observes, "The new gun law and the resultant greater unavailability of guns locally cannot help but be a big factor."

Since Louisville, Kentucky, enacted its ordinance requiring an eight-day waiting period to buy a handgun, armed robberies in that city have declined 9.5 per cent and assaults with firearms have also decreased. However, in other cities—such as Washington, D.C., New York, Chicago, San Francisco, and Miami Beach—that have also enacted firearms ordinances of various kinds during the past few years, the effect of the laws is not yet so readily apparent, for one thing, because of the absence of equally stringent laws in surrounding or other nearby jurisdictions. For example, in commenting on Washington's strict law, which requires the registration of all firearms and limits ammunition purchases only to holders of registration certificates, Chief of Police Jerry V. Wilson says, "The only effect that this ordinance has had is that it has forced people to buy firearms in the suburbs."

Evidence to this effect comes from a 1969 Senate Juvenile Delinquency Subcommittee study of 177 sales of ammunition to District of Columbia residents—by gun dealers in nearby Maryland. An FBI check showed that at least sixty-six, or 37 per cent, of the ammunition purchasers had criminal arrest records. The study showed that ammunition was sold to persons convicted of such crimes as murder, armed robbery, assault, assault with a dangerous weapon, grand larceny, rape, and housebreaking, as well as to persons with a total of 203 arrests for misdemeanors—136 of them drunk charges.

Speaking for New York, Mayor John V. Lindsay says, "Our city is proud of its significant role in enacting firearms control legislation. But we are only one city, and the problem of gun trafficking is one that cuts across city and state boundaries." And a New York City police captain comments, "Hell, you can drive to Virginia, only two hundred and fifty miles away, and see signs in hardware shores that say 'Hand-guns for sale; no restrictions.'"

In New York City, 83 per cent of a sample of handguns confiscated by the police were found to have been acquired outside the state. Similarly, in Massachusetts, where there are also strict gun controls, a ten-year study by the state police traced 87 per cent of the guns used in crimes in that state to purchases in other states.

Even today, it is quite simple for a Toledo resident—or anyone who *says* he is a Toledo resident—to circumvent his city's ordinance. To prove this for myself, I recently visited a large shopping center just one mile outside of Toledo's city limits. On display there, in addition to the customary food, clothing, furniture, and other usual household sundries, was a showcase filled with an array of glittering handguns. I selected a Harrington & Richardson Model 622 six-shot revolver, which was priced at $32.82. Before writing up the sale, the clerk, in accordance with the requirements of the 1968 federal law, asked me to show identification establishing that I was an Ohio resident and over twenty-one. I pulled out a driver's license that I had borrowed from a Toledo friend. (It could just as well have been stolen.) The physical description on it bore no resemblance whatever to me. Had I decided to complete the transaction, I could have walked out and performed whatever mischief I wished.

Yet, it is reasonable to assume that any law, no matter how limited in scope, that prevents or makes it more difficult for dangerous or potentially dangerous persons to acquire firearms must have at least *some* effect. Belying charges, too, that gun laws are generally ineffective because criminals who want guns badly enough will go outside the law to get them anyway is the experience not only of Philadelphia but of New Jersey, which, in August 1966, enacted a unique statewide law comparable to the Philadelphia ordinance. During the first two years the New Jersey law was in effect, approximately 7 per cent of the applicants for permits were found to have criminal records. In California, in a single year, police checks of gun dealer records thwarted 806 would-be purchasers—697 of them ex-convicts, seventy-four narcotics addicts, twenty-seven aliens, and eight minors.

Every reliable study indicates that where gun control laws are most stringent, the murder rate, as well as the percentage of murders involving firearms, is lower than in areas where gun laws are weak or nonexistent and which, hence, have a greater number of guns per capita. Contrary to popular belief, New York City, despite its rising incidence of crime, actually ranked only tenth among the nation's fifteen largest metropolitan areas in 1969 in number of homicides per 100,000 population, according to FBI data. Philadelphia, also with a strict gun law, ranked eleventh, and Chicago seventh. Even the District of Columbia ranked as far down as sixth. At a rate of 9.4 violent deaths per 100,000 inhabitants, New York stood far behind Houston's 16.8, St. Louis's 14.3, Cleveland's 13.8, Baltimore's 13.4, and the 13.0 rate for Detroit—all cities with weak, if any, gun laws.

There is a similar correlation between state gun laws and homicides. New York, Massachusetts, and New Jersey, which have the strictest gun laws in the nation, are also among our most densely populated states (ranking among the top five) and have a high ethnic mix as well as other of the factors that, according to the FBI, should make for a high incidence of crime. Yet, in terms of murder rates, all three states rank fairly low, New York twenty-third in the nation. As to the percentage of murders committed by firearms, the three states are among the five lowest of our fifty states. On the other hand, Alaska, our most sparsely populated state and with no controls on the purchase of guns, has the nation's highest murder rate. Nevada, Alabama, Mississippi, Texas, Georgia, and South Carolina—all with a minimum of controls—are among the ten states with the highest murder rate and also have a relatively high percentage of murders committed with firearms. In Alaska and Texas, for example, the percentages are 71.4 and 68.7 respectively, compared to 31.8 in New York.

In spite of its shortcomings, even the federal 1968 Gun Control Act has had some salutary effects. During the first eighteen months the act was in force, the Internal Revenue Service, which polices the act, made 2,522 arrests for violations of it—more than four times the 599 arrests made during the previous eighteen months under the old and weaker federal firearms laws. Many of the violations were for failing to disclose criminal records or for using fictitious names when purchasing a gun.

Limited as it is, the new federal law also was responsible for the indictment of Angela Davis—until recently, one of the nation's ten "most wanted" fugitives—on charges of murder and kidnaping in connection with the celebrated San Rafael, California, courthouse shoot-out last August that took the lives of four persons, including a judge. Through records required by the Gun Control Act, four of the guns used in the shoot-out were traced to purchases made by Miss Davis.

With the number of federal prosecutions for violations of the law having tripled since 1968, even the Justice Department has conceded the usefulness of the new federal statute in bringing various offenders to book. Clearly, the inescapable conclusion again is that gun legislation that makes it easier to charge violations of the law must play a role in the prevention and detection of crime.

Who could possibly object to such legislation? Strangely enough, among those who do is none other than the administration itself, in spite of its vaunted concern over law and order and crime in the streets. The administration has hardly bothered to conceal its distaste for the 1968 statute—not because it is too weak, but rather because of the fanciful notion that it is too strong. Consequently, the administration has proposed no legislation whatever to plug the many loopholes in the law, not even the obviously needed measure to prohibit the escalating manufacture and sale of the cheap domestically produced handguns of the sort that, if foreign-made, would not meet the statute's present standards for importation.

In opposing gun registration and persisting in the fiction that gun control should be left a matter primarily for local and state regulation, President Nixon and Attorney General Mitchell are apparently still of the view that their administration's political strength lies where the guns are: 59 per cent of Southerners own guns (which accounts for 72 per cent of their region's homicides), whereas only 34 per cent of Easterners are gun owners.

Thus, in April, at the centennial convention of the National Rifle Association, where the featured speaker was Senator Barry Goldwater, it was not surprising to hear NRA President Woodson Scott tell the assemblage that the NRA had been assured by "important members of the administration" that there would be no increased effort to curb the traffic in guns. This assurance presumably stemmed from a little-publicized mid-January White House meeting at which three top NRA officials met with administration staff members and various representatives of the gun lobby in a room across from President Nixon's office.

The gun lobby's ability to reach into the halls of the high and mighty is also indicated by the fact that a gun club, affiliated with the NRA, now operates right out of Defense Secretary Melvin Laird's office, which, among other things, also serves as a focal point in the nation's capital for lobbying against gun controls.

Indeed, the administration has played a not inconsequential role in the relentless efforts of the gun lobby to emasculate the 1968 act through the stratagem of having its provisions repealed bit by bit. So successful have these efforts been that in November 1969—less than a year after the act went into effect—Congress, in a move supported by the administration and without a minute of hearings, repealed the act's requirement that a person buying shotgun shells and high-power rifle ammunition go through the minor inconvenience of furnishing the dealer with his name, address, age, and verifying identification. In protesting the repeal, Representative Emanuel Celler of Brooklyn, who had guided the act through the House, noted that, in the previous year, shotgun and rifle ammunition had been responsible for the murder of 1,600 Americans. Also pointed out was the fact that ammunition controls had been included in the act only after thirty-five days of public hearings at which 154 witnesses had appeared, and that the full Senate had approved the controls after six weeks of debate.

The campaign this year is to exempt .22 caliber rim-fire ammunition, too, with no fewer than seventeen bills already introduced in the 92nd Congress to this effect. This is in spite of the fact that millions of revolvers and pistols, including many of the Saturday night specials, as well as most rifles, use this kind of ammunition, which accounts for about 70 per cent of the ammunition produced and sold in America, yet is rarely used for hunting. On the other hand, it is the most criminally abused ammunition, the kind most often used in armed robberies, as well as in no less than 3,300 murders in 1968, one of the victims having been Senator Robert F. Kennedy. At least half a dozen bills have also been introduced in the 92nd Congress to repeal the 1968 act entirely.

In contrast to these efforts to nibble the 1968 act to death, none of the many bills introduced during the past few years to strengthen the federal law has met with any success, although repeated polls have shown that an overwhelming majority of the public favors a law far more stringent. Two-thirds to 81 per cent of the American people, according to the Harris and the Gallup polls, approve of the registration of all firearms and the licensing of all gun owners. The majority polled by Gallup is also in favor of a law requiring a person to obtain a police permit before he or she may buy a gun.

Provisions of this sort have been incorporated into a bill by Senator Edward M. Kennedy that would require the registration of all firearms and the licensing of all gun owners. In addition, the bill would ban the domestic production, sale, and possession of all handguns not designed for sporting use—that is, the kind commonly used in holdups and other crimes. Going even further, a bill introduced by Representative Abner J. Mikva of Illinois would ban handguns of any kind for virtually all but law enforcement officers and the military.

Essentially, the same proposals have been included in the various recommendations of a procession of four prestigious Presidential commissions in the past four years. Serving on or heading up these commissions has been a bipartisan array of some of the nation's most distinguished and knowledgeable citizens, including two Attorneys General under Presidents Eisenhower and Johnson, and Dr. Milton S. Eisenhower, brother of the late President and president emeritus of Johns Hopkins University. However, the findings of the commissions have been generally ignored. Last November Dr. Eisenhower, who headed the National Commission on Violence, declared that the United States held "the distinction of being the clear leader in violent crime among modern stable nations," as well as of having the highest gun-to-population ratio in the world, and stated, "I continue to be perplexed by the blind, emotional resistance that greets any proposal to bring this senseless excess under control." And as recently as May 26, 1971, he warned a Senate subcommittee that "there are arsenals being built up by the extreme Right and the extreme Left," and sadly concluded, "but from the Executive Branch, which brought us [the commission] into being, there has been almost total silence."

The hypocritical attitude of the administration was exemplified by the White House conference of law enforcement officers held on June 3 to discuss means of coping with the recent rash of killings of policemen. Conspicuously missing from the invitation list, which included police chiefs and sheriffs from such places as Brighton, Colorado, Toms River, New Jersey, and Oneida, New York, was the head of the nation's largest police force, New York City Police Commissioner Patrick V. Murphy, although of the fifty-one policemen killed so far this year, most of them with handguns, seven were on the New York force. As a frequent and outspoken advocate of strong federal gun control legislation, Murphy by his vigorous presence would have been embarrassing to President Nixon and Attorney General Mitchell, who at the meeting reiterated their opposition to further gun controls and, as their only solution to the problem of police killings, called for legislation to provide $50,000 to the family of any policeman unfortunate enough as to be slain in the future.

Certainly, there can be no question that the overwhelming public majorities that say they favor strict firearms controls, of the sort long in practice in twenty-nine European countries, also seem unwilling to compel the national commitment necessary to implement such controls via political pressure and ultimately the ballot. As David Steinberg, executive director of the National Council for a Responsible Firearms Policy, has put it, "They seem to be waiting for a White House initiative that will not come soon—or another shock to the national conscience."

Make Mine Semiautomatic

(By Anne Lapidus Lerner)

The gentlemen of the Building Inspectors Union are to be congratulated on their demand to be allowed to carry guns in the pursuance of their duties. The rapid escalation of the number of groups allowed this privilege has made obvious to the average citizen of New York that his only alternative to a planned withdrawal from the city is the widespread deployment of defensive arms. If building inspectors need guns to enter buildings, their residents certainly do. A firearm has become the *sine qua non* of the continued existence of the individual in our large urban centers. Once this fact is recognized, careful consideration must be given to its ramifications.

A standard hand-gun of U.S. manufacture should be issued every voting registrant in New York City. This will certainly do much to increase the voting rolls and to encourage every citizen to fulfill his patriotic obligations. It will also further maintain the constitutional right to bear arms. Needless to say, it will serve as a shot in the arm for the ailing weapons industry and help redress the dollar drain by giving away guns made here, thus reducing purchases of foreign-made guns. Courses in the use of fire arms could be offered as part of a program of Continuing Education for Living in the Modern Urban Environment. Gun education would start in the second grade of all schools receiving public funds. The cost would be high, but the expansion of the gun industry and the growth of training programs would cut into welfare and unemployment expense. We have always known that just because our society is free, it is not cheap.

One immediate benefit of this proposal would be the resolution of the commuter tax issue. In the midst of an armed citizenry the commuter would best be armed and upon payment to the city of a sum equal to 24.1 per cent of his Federal income tax would be granted a gun. A commuter (other than the Governor) whose business losses exceeded his income or who, for any other reason, paid no Federal taxes, would be given a gun for the fee of $241.57. In light of the provision that no other guns would be allowed, commuters will jump at the chance.

Avoidance of this heavy tax would offer an incentive to encourage members of the uniformed services to live in the city. Those who did not live here and opted not to live in the city would have no guns—with the exception of policemen actually on duty. As this would apply equally to all commuters, it would eliminate the constitutional issue involved in forcing or encouraging only members of the uniformed services fully to participate in the pleasures of Fun City.

Finally, the tragic killing of policemen would be reduced as a result of this proposal. The police have become a major target of gunfire because they are the only fair target—the only ones who are known to have guns. Once everyone is armed, everyone will be a fair target and bear his fair share of the bullets.

THE HIGH COST OF DRUGS

Mr. McINTYRE. Mr. President, on June 28, the Washington Post published an article entitled "20 U.S. Drugs Cost Less in Eight Other Nations," written by its distinguished reporter Morton Mintz. The facts presented in this article show that Americans pay significantly higher prices for many types of drugs, even as much as four times greater than the lowest foreign price. In the majority of examples cited by Mr. Mintz, the prices charged in the United States are the highest prices among those countries surveyed.

What causes or sustains this situation, which deplorably costs the Government over $1.4 billion in HEW-sponsored programs and which painfully consumes a large part of every citizens budget? The pharmaceutical industry claims that the high price of drugs is the cost which we Americans must pay for superior health care. Let me point out, Mr. President, that this is not necessarily a true statement. In foreign countries, such as Great Britain and Sweden, which have national health plans, not only is the quality of health care at least as good if not better than that in the United States, but the price of drugs is lower. Nor can the industry continually justify their high prices with claims that they are involved in high-risk ventures or that they spend large amounts on research and development.

Testimony before the Small Business Committee's Monopoly Subcommittee presided over by Senator Nelson, and of which I am a member, has shown that the "high-risk" claim has been grossly overemphasized. The drug companies know that their products are necessities, the demand for which is unresponsive to changes in price. Other witnesses have shown that the research and development claim is also a false screen for the most part. Most major drug discoveries have not been made in the industry's laboratories but have been made in labs funded by the Government or in European laboratories.

The Task Force on Prescription Drugs reported in 1968 that—

> The exceptionally high rate of profit which generally marks the drug industry is not accompanied by any peculiar degree of risks, or by any unique difficulties in obtaining growth capital and that industry profits have not been significantly reduced by new governmental regulations concerning drug safety, drug efficacy, or drug advertising.

What the cause of high drug prices comes down to is this: Pharmaceutical companies seek to maximize their profits and, to this end, charge what the traffic will bear. This continuous maximization has yielded rates of profit which since the first investigation of the pharmaceutical industry by the late Senator Estes Kefauver, have remained significantly higher than most other major American industries.

There seems to be no convincing justification for high drug prices in the United States. The then president of CIBA, Charles T. Silloway, said before Senator Nelson's monopoly subcommittee in July 1967 that the price of drugs must "be judged in relationship to the standard of living, and manufacturing wages paid." But I see little difference, in fact, between this assertion and Senator Nelson's charge, which Mr. Silloway denied, that pharmaceutical manufacturers charge what the traffic will bear.

The key factor which allows such practice to continue is, of course, the absence of any real competition among major drug companies in the United States. The countries in which drug prices are lower either have a national health plan or have more competition ready to meet U.S. companies entering their markets. An additional factor which contributes to the lack of competition in this country is the industry's collective and costly campaign against generic prescribing. Their efforts insure continued monopolies over differentiated products.

Mr. Mintz' article should dismay and anger every U.S. citizen, especially our elderly citizens who live on fixed incomes and spend a large portion of their money on drugs. I ask unanimous consent that the article be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Twenty U.S. Drugs Cost Less in Eight Other Nations

(By Morton Mintz)

A new government study shows that manufacturers of 20 popular prescription drugs charge druggists in the United States much higher prices, generally, than they charge pharmacists in eight other countries.

In the case of Darvon, a painkiller that

American doctors prescribed more often than any other drug in the years 1967 through 1969, the price was more than four times higher here than it was in Ireland.

Similarly, American druggists pay more than three times as much as their Irish counterparts for: Elavil, a Merck antidepressant; tolbutamide, an oral antidiabetes pill Upjohn sells as Orinase; Librium, a Hoffman-LaRoche tranquilizer/sedative: chlorpromazine and trifluoperazine, antidepressants that Smith Kline & French sells as Thorazine and Stelazine, respectively; meprobamate, a sedative/tranquilizer Wyeth Laboratories trade names Equanil; Doriden, a CIBA sedative and a penicillin that Lilly sells here as V-Cillin K.

In other cases, the lowest prices among the eight countries were found in Brazil, Sweden and the United Kingdom, but never in the United States. The highest prices for 12 of the 20 drugs were those charged in this country; three each were higher priced in Canada and Italy, and one each in Brazil and Sweden. Other countries in the survey were Australia and New Zealand.

Edmond M. Jacoby and Dennis L. Hefner, who did the study for the Division of Health Insurance Studies of the Social Security Administration, point out that Ireland, along with New Zealand and the United Kingdom, negotiate with pharmaceutical firms for lower drug prices.

Italy and Brazil actually set drug prices, and Sweden regulates them. Australia considers the price of a medicine in deciding whether to include it on the list of drugs for which the government provides reimbursement.

The authors, whose report was published in the May Social Security Bulletin, also note that the United States grants drug manufacturers 17-year patent monopolies, not only on production processes, but on products, as well.

Brazil and Italy grant no patents at all on pharmaceuticals, Jacoby and Hefner say. Sweden grants them on processes alone. The other countries in the study issue patents on processes and products, as does the United States.

Jacoby and Hefner say their data does not reveal the extent to which price variations are caused by "real economic factors," such as differences in labor costs and sizes of markets.

But, they say, "General knowledge of the problem suggests that it would be unwise to assume that price discrimination exercised by drug producers is a minor factor." They go on to say:

"The study shows that prices in the United States for these (the 20) drugs are generally higher than in any other country studied. The lowest price for any drug was usually about one-fourth the highest price.

"Although certain countries exhibited tendencies toward a high or low level of prices, these levels were not consistent for all products. For one category of drugs—tranquilizers—U.S. prices were highest in every case.

"Yet for Achromycin-V, an antibiotic, the U.S. price was among the lowest observed."

The authors did not note that this product, which is tetracycline, is highly competitive in price because a patent monopoly was broken in court.

The authors continued:

"The price for Polycillin (an antibiotic) was much higher in Brazil than in any other country, yet for five drugs Brazil had the lowest price.

"Australia, Ireland and Sweden pay part of the retail price of prescription medicines. In Sweden, payment is for one-half of that portion of the price between $1 and $3 and for everything over $3.

"In Ireland, payment depends on the patient's income; in Australia, payment is for everything except a nominal co-payment fee.

"For medicines to treat certain chronic diseases all three countries pay the total price.

"The United Kingdom and Italy pay the full retail price for medicines. New Zealand pays for the least expensive brand of a drug.

"These six governments therefore have a direct interest in the prices at which pharmaceutical items are sold."

The study grew out of an earlier investigation by the Task Force on Prescription Drugs, which the Department of Health, Education, and Welfare created in the Johnson Administration.

In the fiscal year now ending, "pharmaceutical services" in HEW-sponsored health care programs will amount to about $1.4 billion, out of a national total of more than $7 billion, the study says.

About a decade ago, the late Sen. Estes Kefauver (D-Tenn.), as chairman of the Senate antitrust subcommittee, established that pharmaceutical houses freqeuntly were charging American druggists more than druggists in countries as distant as New Zealand, even for medicines manufactured in the United States and shipped abroad.

In 1967, Sen. Gaylord Nelson (D-Wis.), chairman of the Senate Monopoly Subcommittee, established that such pricing disparities were persisting.

He brought out, for example, that CIBA's price to druggists for 100 0.25-mg. tablets of Serpasil, its brand of reserpine, which often is used to lower blood pressure, was $4.50 in the United States—but $1.05 in Bonn, $1.19 in London, $1.24 in Bern, $1.56 in Vienna, $1.52 in Rome, and in Mexico City, $3.00.

Pressed to explain, Charles T. Silloway, then president of the Swiss firm's United States subsidiary, testified about such things as "differing economics" in various countries and "local circumstances."

Nelson said, however, "In every single instance where competition occurs the price is far lower." He also emphasized that the United States grants patent monopolies on both processes and products, while many other nations do not.

Here, in U.S. dollars, is a summary of specific prices to pharmacists for 100 tablets or capsules, as found by Jacoby and Hefner in January, 1970:

ANALGESIC

Darvon (propoxyphene hydrochloride) or HCL; Lilly sells it abroad as Doloxene; U.S. price for 65 miligram capsules, $7.02; highest price, $7.86, Italy; lowest, $1.66, Ireland.

ANTIBIOTICS

Polycillin (ampicillin); Beecham holds original British patent but licenses Bristol in the United States and other countries, and in still other nations; Aesculapius; U.S. price for 250-mg. capsules, $21.84; highest price, $41.95, Bristol, Brazil; lowest, $8.23, Beecham's Penbritin, United Kingdom.

Declomycin (demethylchlortetracycline); sold in all nine study countries by Lederle Laboratories or its corporate parent, American Cyanamid; highest price for 150-mg. capsules, $19.70, United States; lowest, Brazil, where tradename is Ledermicina, $4.93.

Erythrocin (erythromycin); sold in all nine nations by Abbott Laboratories; highest price for 250-mg. capsules, $26.12, United States; lowest, $8.56, Ireland.

Terramycin (oxytetracycline); sold by Pfizer in all eight nations; highest price for 250-mg. capsules, $20.48, United States; lowest, $4.63, Brazil.

V-Cillin-K (potassium phenoxymethylpenicillin); sold by Lilly, under various tradenames in seven of the nine nations (data not available for Italy and Sweden); U.S. price for 250-mg. capsules, $8.95; highest price, $10.69, Canada; lowest, $2.40, United Kingdom.

Achromycin-V (tetracycline HCL); sold by Lederle or Cyanamid in all nine nations; U.S. price for 250-mg. capsules; $5.34; highest price, $13.89, Sweden; lowest, $3.42, Ireland.

ANTIDEPRESSANT

Elavil (amitriptyline HCL); sold by Merck in all nine nations, sometimes as Tryptanol or Triptzol or Tryptizol; highest price for 25 mg. tablets, $8.55, United States; lowest, $2.26, Ireland.

ANTIDIABETIC

Orinase (tolbutamide); sold by Upjohn here and by Hoechst elsewhere as Rastinon or Orinase; highest price for 500 mg. tablets, $8.23, United States; lowest $2.22, Ireland.

ANTIHISTAMINE

Benadryl (diphenhydramine HLC); sold in all nine countries by Parks-Davis; U.S. price for 50-mg. capsules, $2.22; highest price, $2.77, Canada; lowest, 81 cents, Brazil.

TRANQUILIZER SEDATIVES

Librium (chlordiazepoxide); sold in all nine nations by Roche; highest price for 10 mg. capsules, $6.40, United States; lowest, $2.05, Ireland.

Valium (diazepam); sold in all eight nations by Roche; highest price for 5 mg. capsules, $8.03, United States; lowest, $2.46, Ireland.

Equanil (meprobamate); sold in eight countries by the Wyeth Laboratories division of American Home Products, and in Sweden by Ferrosan; highest price for 400 mg. tablets, $7.06, United States; lowest, $1.67, Sweden; lowest Wyeth price, $1.74, United Kingdom.

"HEAVY" TRANQUILIZERS

Thorazine (chlorpromazine HCL); Rhone-Poulenc, of France, licensed Smith Kline & French to produce and sell this drug in the United States but is, in turn, controlled by Farmitalia of Italy; however, Rhone-Poluenc owns the two firms that sells the product in Australia, Brazil, Ireland, Sweden and the United Kingdom; highest price for 10 mg. tablets, $6.60, United States; lowest, $1.68, United Kingdom.

Campazine (prochlorperazine maleate); SKF sells 10 mg. tablets for $7.86 in the United States, the highest price among the nine nations, and for $3.04 in the United Kingdom; the lowest price, $2.28, is charged in Sweden by another manufacturer; SKF is a licensee, as described under Thorazine.

Stelazine (trifluoperazine HCL); SKF sells this in all of the nine nations except Italy and Sweden; highest price for 5 mg. tablets, $9.75, United States; lowest, $2.42, Brazil.

CARDIOVASCULAR

Lanoxin (digoxin); sold in all nine countries by Burroughs-Wellcome; U.S. price for 0.25 mg. tablets, $1.03; highest price, $1.73, Italy; lowest, 38 cents, United Kingdom.

ORAL CONTRACEPTIVE

Ovulen 21 (ethinodiol diacetate with mestraol); sold in all of the nine countries by Searle; U.S. price for a 6-month supply, $7.38; highest price, Italy, $8.20; lowest, $3.59, Ireland.

SEDATIVE

Doriden (glutethimide); sold by CIBA in all nine nations; highest price for 250 mg. tablets, $3, United States; lowest, 92 cents, Ireland.

SULFA ANTI-INFECTIVE

Gantrisin (sulfisoxazole); sold by Roche in all nine countries; U.S. price for 500 mg. tablets, $2.49; highest price, $3.06, Canada; lowest, $1.51, Brazil.

ORGANIZING FOR THE CONQUEST OF CANCER

Mr. KENNEDY. Mr. President, last week by an overwhelming margin, the Senate passed a bill authorizing the creation of a new, independent National

Cancer Authority to direct the nationwide effort to conquer this dread disease. This landmark legislation represents the best thinking of the Health Subcommittee, the Labor and Public Welfare Committee, and the distinguished panel of consultants on the conquest of cancer on how to develop the most effective organizational framework to find a cancer cure at the earliest possible date.

Seymour S. Cohen, American Cancer Society professor of biochemistry, University of Pennsylvania, has written a highly informative article in the June issue of Science magazine. In his article, he makes a proposal, analogous to the mechanism adopted in the Senate bill, describing the importance of a sound organizational and administrative base to direct the comprehensive national plan for the conquest of cancer, and the kind of coordinated approach necessary to achieve rapid, significant progress toward this goal. I ask unanimous consent that the article be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Cancer Research and the Scientific Community

(By Seymour S. Cohen)

The expression of governmental intent to increase the application of national resources to the study and control of disease must be considered as encouraging to the development of medical science. In this spirit, therefore, the introduction in the Senate of the Conquest of Cancer Bill by former Senator Ralph Yarborough (D-Tex.) in December 1970 and the emphasis given to the increased financial support to cancer research by President Nixon in his State of the Union message and in more recent statements should be welcomed by the entire scientific community. This is true even if we are very much concerned about the specific manner in which these resources will be used. For example, the proposal to merge the National Cancer Institute in a National Cancer Authority separated administratively from the National Institutes of Health has led the discussion into a much-publicized battle over a single administrative form. The reporting of this matter has done nothing at this time to clarify the need for improvements in the organization of cancer research, a need which in fact led the consultants to the Yarborough committee to their legislative proposal. Nor does this discussion seem to point to the real need for more funds in this area and how they should be spent. Nevertheless, it is already clear that more money will become available to medical science; a healthy ferment has been stirred in the National Institutes of Health and the scientific community generally, and opportunities for proposal, counterproposal, and new directions have become available.

At this point I will take the position that I really do not care whether the financial and administrative support given to cancer research is mediated through a National Institutes of Health or a National Cancer Authority, if it can be shown that the form is best adapted to the needs of the problems and does not distort our national needs in other medical and scientific areas. However, it should be clear that I do not consider that the present forms have provided the intellectual and monetary support currently needed. Furthermore, I do not see how an appropriate administrative form can in fact be chosen in the absence of well-defined goals, programs, and priorities. It is precisely for this reason that the scientists must get into the act and must participate at every stage in order to facilitate the development of a suitable administrative form. If we do not participate in this chore, our programs and priorities will be set, as they have been in the past, by the administrators who are already fighting for the power and the bodies, which include us.

The scientists seem at the present time unable to describe their needs in an integrated and effective way. Probably few among them have seriously thought of the various needs of a set of problems which range from the nature of a cancer cell to treating malignant disease in a complex patient. Furthermore, it may well be that fundamental information may not be sufficient for the development of a detailed program of experiments and priorities. Nevertheless, many of my colleagues are certain, as a result of startling progress in cell biology in the recent past, that we are on the verge of important advances. Therefore, at the least, we must affirm the sense of excitement and promise with which new resources will be greeted. Also we should attempt to assess our scientific position as a step in the effective use of the material opportunities that are promised. It is one of the purposes of this article to ask the scientists (i) to join the discussion, (ii) to inform the public, the legislators, and the administrators of the important opportunities afforded by the past three decades of growth of biological science, and (iii) to determine how to integrate our efforts to solve problems. I have several suggestions concerning the last objectives, which seem somewhat unreasonable to conjure visions of 1984 to many of my colleagues. However, the major point of this article, perhaps, is to indicate the nature of our present disarray.

Within this context we may ask if the current discussions of these problems in *Science* and *Nature* have been helpful. Staff reporters in both journals have failed to provide a serious analysis of the development and deficiencies of the varied structures within which cancer research takes place. Both journals have stressed the battle between the forces eager to administer the proposed expanded funding. The journals have neglected the scientists, who must make the discoveries that will be possible only when they are given the necessary resources. The public, which supplies the patients (one in four) that make this enterprise so urgent, is never mentioned. If one is to read the article by R. J. Bazell [*Science* 171, 877 (1971)] the concept of improving cancer research as developed by the consultants to the Yarborough committee, is a "disease" spread by "conspirators," whose leader is a Madame Roland type, adept in "both familiar and novel political maneuvers" which have been used to engineer "the establishment of a commission, filled with friendly faces." Despite the fear of being hoodwinked, which is engendered by this article, I must shamefacedly admit that I share the point of view of this hardworking, public-spirited body of consultants who have said that cancer is important and that we must improve our approaches to dealing with it.

It is my opinion that, although we are far from understanding in detail all the major scientific features of our problems, a major impediment to the solution or solutions of cancer lies in the organization of science itself. This suggests that, unless serious changes are made in this organization, research progress in this field will be unnecessarily slow and inadequate. In speaking of "the organization of science," I am referring to the entire complex of educational institutions, cancer institutes, industrial organizations, and government and private funding agencies involved in cancer research in the United States. I will endeavor to indicate that we do need a more appropriate national scientific organization with ample funds and administrative support that can define critical research areas on a short- and long-term basis and point to a stepwise solution of these defined problems. It will be stated that existing organizations have in fact failed to cope with the historic, scientific, and administrative exigencies of the special basic and clinical problems in clarifying and handling cancer. A survey of our present shortcomings and opportunities is presented below.

RECENT HISTORY OF MEDICAL ADVANCE

Chemotherapy and the magic bullet. The dramatic discovery in the late 1930's and the 1940's of effective chemotherapy for many bacterial diseases by sulfa drugs and antibiotics led to the hope that virus diseases and cancer might be conquered similarly in the not too distant future. However, it became clear by the mid-1950's that the biochemical bases of antibiotic action on bacteria, rather than on the hosts they infect, reside in the special qualities of structure and function of bacteria with respect to cell walls, membranes, and ribosomes. The biochemical differences among virus-infected cells, tumor cells, and normal cells are far more subtle; although there are differences, they are more difficult to establish and to exploit by chemical inhibitors. We are now in a position to approach these problems more realistically.

Making better rifles and bullets. The observation that antibacterial agents were not useful against viruses and tumors led to more sophisticated efforts to design compounds against these entities. An empirical methodology designed to discover antibiotics for bacteria was adapted to the detection of natural or synthetic compounds that could act against viruses, virus-infected cells, and tumor cells. Simultaneously, an improved knowledge of cellular and virus structure and function also facilitated the design of possible chemical inhibitors. Despite much serious effort, chemical inhibitors so detected have been found to be inactive or only partially effective against tumors in animals or in man. However, the results have not been wholly negative, and indeed about a dozen agents have been significantly helpful for certain types of tumors and sufficiently promising to warrant continuing work.

Some of these compounds have been nucleic acid analogs, and these have found their way into a therapeutic armamentarium. We are left with the following major problems: Why are partly effective compounds not more effective, and how can we make partially effective compounds more efficacious?

Our knowledge of the target. For many reasons, the major advances in our knowledge of cellular biology after World War II began in virology and bacteriology. The fruits of these disciplines in the 1960's have been the development of molecular genetics and great progress in the clarification of cellular growth and multiplication in microorganisms and in higher cells. Cellular biology is a sophisticated discipline, as well as the center of much experimental work and progress. Since cancer is a disease beginning with the transformation and development of individual cells, we have only recently attained the ability to explore the origin, development, and cure of cancer in a scientific way.

The foregoing sections state, therefore, that:

(1) Hopeful misconceptions concerning the efficacy of empirically detected antibiotics have been eliminated and clarified in the past 20 years.

(2) Promising leads for therapeutic agents exist but have been revealed to be far from perfect or even adequate in the treatment of cancer.

(3) For the first time scientific progress in cellular biology has made the study of cancer

and cancer cells an appropriate subject of detailed analysis.

ORGANIZATION OF CANCER RESEARCH

Universities after World War II. The great increase of medical scientists doing research in medical schools after World War II was in most instances an unplanned phenomenon. In addition to the expansion of personnel into individual departments on so-called hard money, there was a new soft money contingent of workers funded by the new types of research support that developed in the 1950's. In very few instances did such expansions consist of integrated efforts in cell biology, although occasional departments active in cancer research, such as those at the University of Wisconsin and Yale University, were organized. In the immediate postwar period, the principles underlying the acceptance of individuals into biological research in universities were personal creativity, and minimum cost to the university in funds, space, and equipment. It is clear, therefore, that the selection of medical scientists tended to concentrate work on small problems that did not involve collaborative work or extensive facilities.

Furthermore, since cellular biology is a relatively new discipline, studies within this discipline in medical schools were effected within essentially all preclinical departments, with the possible exception of organ-oriented departments such as physiology departments or many pharmacology departments. Thus in any single school, cellular biology has been a fragmented discipline studied in many departments, with resulting duplication of efforts, personnel, equipment, and facilities. Despite this duplication, in most schools the centuries-old departmental organization has prevented the integrated teaching of cellular biology, which we have defined as the core of the fundamental aspects of cancer research. Also, even fewer schools have learned how to merge the frequently numerous fragments of strength in cancer research within the school into a curriculum of instruction on cancer, a curriculum which spans both fundamental and clinical knowledge.

Briefly then, cancer as a problem in cellular biology, which spans many preclinical and clinical departments, lacks scientific and administrative interest and centralization in most universities and medical schools. These institutions rest on traditions of scholarship, faculty promotion, and support of research which in fact pulverize efforts toward collaborative work in cell biology and human biology. As now constituted and organized, they are not suitable instruments for the development of cancer research or even for instruction in cancer biology. Although cancer research permeates medical schools, very few medical schools have attempted to integrate their efforts in oncology.

Cancer institutes. There are numerous private and governmental institutes whose ostensible aims are to perform research on cancer. Coming into existence or expanding largely after World War II, when much less was known about cancer, virology, or cell biology, the institutes rarely had systematic programs. They stressed that, since cancer was a largely unknown entity, any research on growth would help to clarify the cancer problem. This position was emphasized to attract scientists mostly interested in biological problems other than that of cancer and to facilitate obtaining financial support for these workers. As a result, cancer institutes now contain many investigators who are only secondarily interested in cancer. The institutes have frequently obtained associations with universities and have used similar tenure regulations, which now handicap reorganization of these institutes. It is clear that, even as in the universities, research in these institutes is fragmented and lacks a serious program and direction.

I do not feel qualified to discuss the National Cancer Institute (NCI) and the National Institutes of Health (NIH). The former has emerged as the major funding unit in government support of cancer research. It would be instructive to know how much work directly related to cancer is undertaken in the NIH outside of the NCI and the extent and nature of the integration of efforts among the various institutes in ths area. It is probable that the threat thought to be posed to the NIH by the Yarborough bill has compelled extensive discussion of this matter within the NIH. The results of such discussions within the NIH should be made known to the scientists, who may have some constructive idea of their own. The relation of the research actually carried out within the NCI to the nature of the financial support given to cancer research also warrants a great deal of discussion.

The NIH has undoubtedly noted that the increasing bypass of a critical peer review system of grant funding by the NCI in favor of a less well monitored contract system has considerably disturbed some of their panelists and much of the scientific community. This subject also should be discussed openly, or scientists will view it as increasing evidence of an administrative rather than a scientific determination of research goals and priorities.

Pharmaceutical companies. In theory these companies are efficiently integrated, compentent aggregates of all the skills necessary to solve major biological problems. Such skills have been applied to the discovery, test, and development of numerous antibiotics which can kill pathogenic microorganisms (or arrest their development) in man. However, cancer does not provide a financial incentive for a large-scale attack by such companies, which have just barely begun to make serious advances in the study of virus disease. In my limited view, the lack of a critical mass of excellent biologists and biochemists in any one company and the lack of a scientifically knowledgeable administrative core have all helped to prevent such companies from effecting more than serious screening operations.

American Cancer Society. This Society, whose science advisers give considerable time and effort to the screening of proposals for cancer research, does not usually identify critical problems and attempt to obtain work to solve such problems. However, the Society does not, in principle, deny an obligation to identify and attack scientific problems, and it has established its Council for Analysis and Protection, which may develop such activities. Nevertheless despite the numerous achievements of the Society in education and mobilization of public support, this basic weakness, as well as the relative dearth of funds, prevents the Society from approaching rapid solutions of various cancer problems.

A PROPOSAL

I think that the work of the National Foundation for Infantile Paralysis in the identification and solution of specific critical problems may present a useful model for activity which should be adopted by the American Cancer Society and possibly by the entire cancer research enterprise. The Foundation set up a kind of general staff of distinguished scientists, who determined the state of the problems of poliomyelitis and how these might be approached. It should be noted that although poliomyelitis has been virtually eliminated in the United States, in large part through the efforts of the Foundation, all of the scientific problems connected with the disease have not been solved.

In the period of my contact with the Foundation between 1940 and 1955, the scientific general staff pointed to a need for chemists, virologists, and immunologists, and developed fellowship programs to that end. Among many other programs, they recommended support of work on bacteriophage and courses and symposia in virology; they also facilitated the transformation of phage workers and others into animal virologists, a movement which began in 1953. It is my belief that this record proves that a broad and continuing examination, assessment, and recommendation of research programs by a scientific general staff can be beneficial to the development of a science and need not evolve into one more stifling bureaucracy.

This group was also not above recommending support of specific work on particular problems, for example, the typing of viral strains, essential to the next practical advance. They sought capable scientists who were engaged in these activities and offered to help them to do it more completely. I do not consider such seductions to be an affront to science or to personal dignity.

Cancer problems are unquestionably more complex than the polio problem, and perhaps we will need several staffs for specific areas, such as cancer virology, chemical carcinogenesis, and chemotherapy. Perhaps we will also need a general staff to integrate these separate and overlapping efforts, but, in effect, the panels established by the NIH and the American Cancer Society now include the kinds of individuals and structure capable of providing these types of senior leadership. I wish to suggest that these panels, expanded and reorganized if necessary, should be identifying problems, suggesting programs, establishing priorities, and seeking answers, in addition to their present roles of evaluating research proposals.

CONCLUSION

In sum there is no organization on the national or international scene which can easily facilitate the solution of the numerous large and identifiable problems in cellular and virus biology, drug design, and clinical pharmacology as a rational exercise in scientific effort and collaboration. We are at the stage in biological science wherein the problems are ripe for the many excellent investigators now available. Nevertheless the structure and finances of sciences, as well as our scientific institutions and their leaders, are not geared to organized study and application to a disease which kills one of every six people in a painful and ugly way. I believe that it would be relatively easy to mobilize many outstanding biological scientists to aid in an organized attack on this group of diseases. Such an attack must be designed in large part by the scientists themselves.

LOUIS "SATCHMO" ARMSTRONG

Mr. MANSFIELD. Mr. President, against the noise of modern, industrial society one sound stood out from the rest. That sound came from Louis "Satchmo" Armstrong, a jesting, fun-making, emotion-provoking performer who loved people and brought joy everywhere. Capable of translating emotion and thought into the quick notes of his trumpet or the raspy musical chords of his voice, he was a great contributor to America and all humanity; he will be missed. I have a feeling that when the saints go marching in, it will be to the joyful sounds of his trumpet.

I ask unanimous consent that an editorial published in the Washington Post of Friday, July 9, be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

LOUIS "SATCHMO" ARMSTRONG

He played the sweetest trumpet in the world, he sang in a voice that came on like a melodic cement mixer, he made wry cracks to kings and popes, but most of all, Louis Armstrong made his audiences feel alive. That sounds simple enough, but Americans are not a feeling people who naturally show—much less pour out—their emotions. Yet a Louis Armstrong concert, where his jazz trumpet wrung out the deepest emotions and let them drip onto the listeners' dried-up feelings, was a means of liberation. Get loose, you cats, said his songs—whether played or sung—let it all come out, feel the notes, feel the rhythm, feel life.

The path that Louis Armstrong took from back alley poverty in New Orleans to fame nearly everywhere is well known. Unlike many who traveled this route, Mr. Armstrong did not leave behind the baggage of his earlier life-style. Even in the most formal settings, he showboated, stomped and mugged, and came across as if he were cutting up in a backroom jam session. Yet, whether pleasing the crowd with an old one like "Muskrat Ramble" or pleasing himself by cutting loose with a solo swing, Mr. Armstrong was the disciplined craftsman whose art worked because he worked at his art. He played notes that other trumpeters only had dreams about.

Criticized by some as a white man's black, Louis Armstrong paid no mind. He had suffered the pains of racism and was not so softened by fame to forget them. For a long time, he refused to play in his segregated hometown of New Orleans, only going back after passage of the 1965 Civil Rights Act; at that time, he performed with an integrated band before an integrated throng. Abroad, whether in Africa—"I'm African-descended down to the bone," he once said—Europe or eastern Europe, often no more than a sign or billboard saying "Louis" was needed to get out a crowd.

Because the best in any craft are always mourned the most, Louis Armstrong's death is a true national loss. No doubt, when the saints go marching in, it will be to the trumpet of Satchmo. Make ready.

SENATOR MILLER SPEAKS ON GOVERNMENT AND THE PRESS

Mr. GRIFFIN. Mr. President, former Secretary of State Dean Acheson, writing in the July 7 issue of the New York Times, said that—

> Far-reaching improvement of public health in the relations between press and government is called for.

His statement goes to the heart of what the senior Senator from Iowa (Mr. MILLER) has been saying for some time. Senator MILLER believes the time has come for serious soul searching on the part of both the press and the Government, to insure that the public's right to know is being served fully and accurately.

Senator MILLER strongly believes that the public wants and expects neither press abuse of freedom of the press nor Government censorship.

Because his comments are so pertinent to the national debate now going on, I ask unanimous consent that a speech delivered recently by Senator MILLER and published in "Vital Speeches of the Day" be printed in the RECORD.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

ETHICAL CONSIDERATIONS IN PUBLIC RELATIONS: THE GOVERNMENT AND THE PRESS

(By JACK MILLER, U.S. Senator from Iowa, delivered to the Government Information Organization, George Washington Alumni Club, Washington, D.C., April 2, 1971)

I very much appreciate the invitation to speak before this most important group. I selected the subject, Ethical Considerations in Public Relations," because I know you are interested in what people outside of your membership think about the kind of job you should be doing. Is there a credibility gap? What should be done about it?

Your last speaker laid down a sharp challenge when he said: "There is something wrong when the American People have to rely on C.B.S.—the *New York Times* and Reuters for information concerning the war in Southeast Asia—instead of looking to their government." Needless to say, that speaker was not the Vice President.

Let me begin my analysis by referring to what columnist-reporter David Broder had to say in a book published early in 1970.

". . . the skepticism about government and the skepticism about the press," he wrote, "has now reached a degree in this country where I think it has become—if you view a free press and a representative government as worthwhile institutions to protect—a source of concern. How do you mediate the conflict? Are ground rules possible? If they are going to be found, they can only be found if we shift our perspective from a two-sided conflict or engagement or relationship between press and government, between politician and reporter, and look at both of them in terms of the essential third party in mistransaction, which is the public. No government official in a country that operates on the theory that ours does, has a right to rule by fear, in secrecy and private. Similarly, no newspaper reporter as an individual has any personal right—it seems to me—to simply make himself a public nuisance on the thing. If either of them has to be judged, he has to be judged in terms of how well his behavior conforms to and assists the model that exists in our country, which is a representative government resting on—in some meaningful sense and not just a fictitious sense—the consent and the understanding of the governed. . . . Both have an obligation which they have to remember. They must inform the public, so as to arm the public with the essential information that makes public policy decision a meaningful process. And that is an obligation which neither the politician nor the reporter can fulfill alone."

Let me hasten to add that I have not always agreed with Mr. Broder, although I feel he has matured considerably and I respect his concern, which I have had for a long time that both the government and the press live up to their shared responsibility to keep the public informed.

In the book, Mr. Broder confesses that "I am personally much more concerned about the ratings and the distortions of the press than I am about the bias of politicians."

He could well have had in mind the admonition of Thomas Jefferson that for the great American experiment in self-government to succeed, the will of the majority is a necessary condition; but it is not a sufficient condition. The will of the enlightened majority," he said, "is the necessary and sufficient condition." And he underscored this by observing that "Whenever the people are well-informed they can be trusted with their own government."

The founding fathers carefully avoided establishing an official information system. Instead, they left the business of informing the public to the press—and, with it, the responsibility of helping make our democracy work. Certainly they did not wish the press to play Pollyanna, but most certainly they expected the press to cover fully the policies and activities of the government—and the results, good or bad, of those policies and activities.

At the same time, they expected government officials to keep the public informed, through the press, of what their government is doing. In carrying out this role, which is peculiarly yours, it will not do to issue only the good news and to withhold the unfavorable news, much less to mislead. A credibility gap is not conducive to self-government; and even if there is no credibility gap, in fact, if the people *think* there is, the seeds of destruction of our system of government are being sown.

Similarly, if a judge engages in improprieties, such as deciding a case in a manner reflecting his personal interest, this tends to destroy the confidence of the people in our system of justice. But even if he does not, in fact, let his decision be influenced by his personal interest, if that personal interest is there—if there is a conflict of interest—then the public can be expected to *think* he was so influenced—and that is conducive to loss of confidence in our system of justice. It is significant, I believe, that the Supreme Court has condemned not only impropriety but the appearance of impropriety on the part of a judge.

It seems to me that your duty is to be as open as possible—short of endangering our national interest. And by "national interest" I do not mean self-interest or self-preservation of any Administration or any official. Government action or, for that matter, government inaction has a far-reaching impact on the general welfare. Accordingly, the members of our society have a right to know the bad news as well as the good news. There may be occasions when their right to know must be denied, or, at least postponed, for compelling reasons of national security. In such a case, however, I do not believe many of us agree with Arthur Sylvester's "right to lie" approach.

I do not believe the public's right to know is satisfied when a public information office merely provides information—through the press—which exclusively or primarily reinforces the ideas of those who happen to be managing the government at the moment. In short, you do not have the right to see only what you wish to see. If you do, the public will not be served—although you may think you are serving your superiors or the Administration in power. Such practices also lay a foundation for retaliation by the press.

All of us—elected and appointed public officals, and members of the press—must bear in mind the ethical considerations which are the foundation of the professions of politics and journalism. You have this responsibility in disseminating the news; the press in reporting it.

George Bernard Shaw once remarked that every profession is a conspiracy against the public.

I would interpret this to imply that the members of every profession are so deeply involved in the institutional rigidities of their particular field that they overlook their first responsibility to society.

Although the great playwright overstated his case, as he quite frequently did, he did have a point.

I believe it is necessary for all professions—and this especially includes the professionals in government, whether elected or not—to take the time and make the effort to periodically re-examine their contribution to society and their own professional standards of conduct by which the public will measure its trust and confidence in them—and to make this re-examination with unsparing frankness.

They should ask themselves whether they are living up to the code of ethics—written—which governs their professions; and whether, in fact, that code is all it should be.

They should ask whether they are, perhaps, spending a little too much time in self-commendation, in promoting their own self-interest.

They should ask what difference to society it would make if their profession went out of existence or were taken over by another profession. (Parenthetically, I might add that there are some on the Hill and in the press who question the need for appropriations for government information activities.)

They should ask whether they are temporizing with a problem that really calls for quick, decisive action.

And, every once in a while, I think the professions should invite outside critics to work with them in a no-holds-barred appraisal of how well they are doing. I think this is especially necessary when professionals are a part of the government, for some of them tend to consider themselves above the public, rather than servants of the public.

I can assure you that those of us in the political profession do not have to invite criticism. That is a built-in feature of our profession, and, when it is knowledgeable and constructive, it helps to keep us on our toes—to do a better job.

But no profession, especially in government, should be exempt from constructive criticism—nor think that it should be exempt. And I emphasize this, because a common characteristic among all the professions—including yours—is a responsibility to the public which needs and supports their services.

All of us in government, both elected and appointed, should periodically review our Code of Ethics to see how well we are living up to it.

On March 22, 1968, the Senate adopted this resolution:

"Resolved, it is declared to be the policy of the Senate that—

"(a) The ideal concept of public office, expressed by the words 'A public office is a public trust,' signifies that the officer has been entrusted with public power by the people; that the officer holds this power in trust to be used only for their benefit and never for the benefit of himself or a few; and that the officer must never conduct his own affairs so as to infringe on the public interest. All official conduct of Members of the Senate shall be guided by this paramount concept of public office.

"(b) These rules, as the written expression of certain standards of conduct, complement the body of unwritten but generally accepted standards that continue to apply to the Senate."

One of the unwritten standards has always been that no member of the Senate shall engage in activities which impair the dignity and the good reputation of the Senate. Resolutions of Censure contain language referring to this standard as having been violated.

It may be that there are some in this audience who have never read the Code of Ethics for those in federal government service. It is a part of the federal statutes, with the force of law as of July 11, 1958. Its provisions include the following:

"Any person in Government service should:

"Put loyalty to the highest moral principles and to country above loyalty to persons, party, or Government department.

"Never discriminate unfairly by the dispensing of special favors or privileges to anyone, whether for remuneratiton, or not; and never accept, for himself, or his family, favors or benefits under circumstances which might be construed by reasonable persons as influencing the performance of his governmental duties.

"Never use any information coming to him confidentially in the performance of governmental duties as a means of making private profit.

"Expose corruption wherever discovered.

"Uphold these principles, ever conscious that a public office is a public trust."

Your Code, as an employee of the Federal government, and mine, as a Senator, exist for the purpose of insuring the highest standards of conduct and, at the same time, reassuring the public—often a cynical public—that their confidence in our integrity is well placed.

The most influential judges of a Member of Congress are his constituents, who have an opportunity to render their judgment when election time comes around. But there are occasions when a Member is called to judgment by his peers—the McCarthy and Dodd cases being the most recent examples.

What the late President Kennedy said in 1961 to federal employees is worth recalling:

"No responsibility of Government," he said, "is more fundamental than the responsibility of maintaining the highest standards of ethical behavior by those who conduct the public business. There can be no dissent from the principle that all officials must act with unwavering integrity, absolute impartiality, and complete devotion to the public interest. This principle must be followed not only in reality but in appearance. For the basis of effective Government is public confidence, and that confidence is endangered when ethical standards falter or appear to falter."

Note his emphasis on the need to avoid the "appearance" of impropriety as a means of assuring public trust and confidence. Of course, the President was not talking about public trust and confidence which has been shaken by untruths and innuendoes; he was referring to activities of a public official himself which have the appearance of impropriety before the general public.

Let me turn now to the press.

Writing in February 1970, Stewart Macdonald, executive director of the American Newspaper Publishers Association Foundation, commented that "few subjects receive more public discussion, arouse more argument and raise more tempers than the press."

And the distinguished columnist, Crosby Noyes of the *Washington Star*, had this to say just last month:

"An independent press does not necessarily impose systematic opposition as a necessary ingredient of good government.

"Yet opposition has in fact become an axiom in American journalism today. On some papers, it affects everybody from the editor down to the copyboys. Everyone, it seems, enters the profession these days to promote his personal views of how the country should be run. And if, in the process, it makes it a good deal more difficult to run the country at all—why, that's the way the ball bounces.

"Reporters, of course, can and should give public officials a hard time when it comes to the problem of finding out what's going on. All administrations have things that they would rather not talk about, and it is a rare politician who will explain himself in a less than favorable light.

"Yet insisting on the people's right to know is not exactly the same thing as insisting on a God-given right to frustrate, hamstring and, if possible, destroy the elected leadership of the country. The obligation of newspapers to inform their readers does not necessarily imply an obligation to inform them that their government is being run by a pack of fools.

"For when this is done systematically and as a matter of principle, reality has a way of getting bent out of shape and the public can wind up being very badly misinformed about many things. Which is, withal, a fairly dubious contribution to good government or good journalism."

The American Society of Newspaper Editors, at its annual convention in 1925, adopted a code of ethics; and Sigma Delta Chi, the professional journalistic society which includes members of all the media, adopted these the following year. All have stood the test of time, and some are worth repeating:

"I. The right of a newspaper to attract and hold readers is restricted by nothing but consideration of public welfare. . . . A journalist who uses his power for any selfish or otherwise unworthy purpose is faithless to a high trust.

III. Freedom from all obligations except that of fidelity to the public interest is vital.

1. Promotion of any private interest contrary to the general welfare, for whatever reason, is not compatible with honest journalism.

2. Partisanship, in editorial comment, which knowingly departs from the truth, does violence to the best spirit of American journalism; in the news columns, it is subversive of a fundamental principle of the profession.

IV. Good faith with the reader is the foundation of all journalism worthy of the name. . . . It is not to be excused for lack of thoroughness of accuracy within its control. . . . Headlines should be fully warranted by the contents of the articles which they surmount.

V. News reports should be free from opinion or bias of any kind."

I doubt that any of us could find fault with these canons of ethics. The trouble seems to be with the failure of some members of the journalism profession to live up to them, and as a result, an entire profession suffers a loss of public confidence. A Gallup Poll taken in late 1970 disclosed, for example, that 45 per cent of those polled thought the news from Washington was slanted.

In the face of this lack of trust and confidence on the part of a substantial segment of the public, it does little good for an offending journalist to say that the danger from press abuse of freedom of the press is nothing compared to the danger of government censorship and control.

The people want and expect neither. All they ask is that journalists live up to their canons of ethics. In short, they don't want unethical journalists any more than they want unethical politicians, unethical lawyers, unethical doctors, unethical ministers, unethical government officials, or unethical members of any other profession which proclaims its responsibilities to the public.

It is rare that one hears about downright falsehoods being printed or broadcast. Those who would violate the canons of ethics of journalism find subtler ways of dealing with the "facts" to support their own prejudices: the half-truth; reporting only the news that is favorable to their point of view; or reporting only news that is unfavorable to the other side; or reporting both sides, with twice as much copy going to the side they favor; or putting what they like on page one and what they don't like on page twelve; or the so-called "silent treatment"—just not reporting any news about the other side at all.

There has been a growing concern on the part of the public over the decisions by some journalists regarding what is really "news." Is it "news," or is it front-page "news" when, for perhaps the fiftieth time, some Member of Congress—possibly even one who thinks he has been ordained to be President—engages in negative criticism of the President? Is it prime time "news" to devote a third of a newscast to the rantings of a self-proclaimed revolutionary who couldn't lead a corporal's guard?

I am sure it is very frustrating when these things occur—frustrating to the public which wants and needs balanced reporting of the facts in order to be well-informed, and terribly frustrating to public officials, most of whom are more than willing to take their chances with a well-informed public.

What do you do if your office, your agency, or the officials you work for are the victims of unethical conduct on the part of some of the press? Well, first of all, I would recommend a good deal of soul-searching to make sure your own skirts are clean. Unethical conduct should not breed unethical conduct, but it does. If you are free to cast stones, then I would strongly urge that you resist the temptation to offset unethical conduct by unethical conduct. It might be well to have a talk with an offending journalist and try to reach an understanding. If that fails a personal visit with his superior might be helpful. After three strikes, perhaps he would be out—his superior advised that he is persona non grata and to send someone else in the future. Other situations may require an agency head or even the President, himself, to hold a press conference or make a statement to command the public attention needed to offset the misinformation or misimpressions that have been given the public.

It can be very helpful to enlist the aid of fair-minded members of the press to help put the matter in perspective before the public. And there are fair-minded Members of Congress on both sides of the aisle who are willing to speak out against abuses that are brought to their attention.

I believe it is generally recognized that this Administration is up against a more unfriendly press than that encountered by the two previous Administrations. However, all three of the Administrations I have served with shared a common fault—"euphoric press-agentry" is what Iowan Hugh Sidey recently called it in LIFE Magazine. This may have been effective 25 years ago, he said, "but it is nothing short of a poison today."

What he was warning is that the American people have for too long listened to good news from succeeding Administrations, only to be disappointed and frustrated over the failure of deeds to match the promises. They have become cynical and distrustful—both of their government and of the press. As the *Washington Evening Star* editorial for March 27 said:

> "Perhaps the most serious charge that can be leveled against all government information services . . . is that they are largely a waste of the taxpayers' money. They do not do an effective job of providing the public, through the media, the serious information on which to base intelligent opinions on questions of great national importance. And the news media, we regret to say, have reacted with an ingrained hostility to the entire establishment which threatens to alienate the average citizen from his government. . . . It is a state of affairs, withal, that could stand improvement."

I strongly believe that the American people will not respond unfavorably to unfavorable news—if they have not been subjected to "euphoric press-agentry" and, instead, have been frankly told that our problems may be tougher to solve than we would hope. I can still remember the understanding with which the people received President Kennedy's warning that things would get worse before they got better. After all, most people don't expect miracles. Many times I have heard the comment that President Nixon is doing the best he can with some terribly difficult problems that he inherited.

I have already talked too long, and I haven't even got to the problem of press photographers and cartoonists. If any of them are worrying you, I'm sorry. There is nothing you can do about them.

ADLAI E. STEVENSON

Mr. CRANSTON. Mr. President, I rise to pay tribute to the memory of a very special man who contributed so much to American politics by lending to it his own unique brand of wit, honor, and dignity. I refer to the late Adlai E. Stevenson who died 6 years ago today.

I first met Adlai during World War II, and it was my pleasure to know him over the years that followed. It was my privilege to play a role in the two presidential contests waged by him in 1952 and 1956. I know that Adlai Stevenson and his compassion for mankind has strongly influenced many fine young men and women today whether they work in Government or in the private sector.

Governor Stevenson was an inspiration to us all.

As we reflect upon his words and deeds we cannot help honoring him as one of the great men in the Nation's history.

HELPING OLDER PEOPLE

Mr. TUNNEY. Mr. President, there exists in the United States today a crisis of great magnitude and scope, which undeniably affects us all and undeniably is ignored or glossed over by most Americans. This "unnoticed crisis," as it has been aptly called, is the plight of older Americans, now numbered in the 20 millions and recognized by this decade's census as the fastest growing segment of our population.

Today, I wish to express my personal commitment, and I call for that same commitment from all Senators, to face and deal with the hard and unattractive fact that being a senior citizen in America is synonymous with being a second-class citizen. I ask, before it is too late, that we do not continue to neglect a valuable and deserving human resource. It is true that we have devoted hours and dollars of effort to extend the life expectancy of the American man and woman. But what kind of extended life do we offer those who have contributed to the maintenance and direction of our country when in their prime? I say that we offer inadequate retirement income, prohibitive housing costs, half-way measures for dealing with illness and its skyrocketing costs, ever decreasing opportunities for meaningful employment—compensated or volunteered. As a result of these failures, we have created for the elderly, lives filled with anxieties over loneliness and poverty. Is this our Nation-wide plan for thanking our recent forefathers?

The end-of-decade statistics showed that as of 1969, one-half of the families with a head age of 65 or over had incomes of less than $4,803 a year; the median income for older people who lived alone, or with no relatives, was only $1,855 a year; of 20 million older Americans, nearly 5 million lived in poverty. Moreover, recent data indicates that after a decade of decline, the number of older people living in poverty is rising again. And demographers tell us that not only will the number of aged rise, but that the aged as a proportion of the population will continue to rise for several decades. For example, my own State of California has approximately 1.7 million persons 65 and over, more than one-quarter of whom either live in poverty or are threatened by it. It is estimated that the elderly population in California will reach 2.7 million by 1985 and the number living in poverty will be a larger percentage if the current trend continues.

All of these problems of aging have been recognized and accounted for in the impressive volume of public laws enacted for senior citizens. But, as with most legislation, it must be adequately funded and properly administered to fulfill its purpose. The older American has become relatively easy to ignore by every level of Government. The administration budget for fiscal year 1972, for example, cut funds for programs under title III of the Older Americans Act. This cut-back in title III funds for community grants for programs to serve and involve senior citizens will result in a 35 percent cut in funds for State of California projects. It is of great concern to me that the administration has not coordinated the census figures and census projections for senior citizens in California with its determination to cut title III funds.

The administration cutbacks in title III programs could seriously hamper the proven success and widespread beneficial effects of these endeavors. The scope of these programs, and hence, the scope of debilitating cutbacks, is clear. The California Commission on Aging has reported that since 1965 there has been a total of 98 title III projects in California which have reached over 350,000 seniors with some type of direct service. They have served as examples to hundreds of California communities and have given these thousands of seniors a new life with which they help themselves by helping others. Title III projects and their programs have been defined as the greatest single deterrent to loneliness, loneliness which can lead to physical and mental breakdown, and eventually institutionalization. Title III, whose results cannot be measured because it deals in preventive-type services, is a savings at any price.

Has the purpose of the Social Security Act been fulfilled? Can the older American retire in health, honor, and dignity after years of contribution to the economy? The 10-percent increase in social security benefits has not and will not accomplish the larger goal of "social security" for the elderly. Many permanent changes need to be incorporated into the Social Security Act to make it the Nation's No. 1 comprehensive retirement program. The House has reported a bill, H.R. 1, that would make significant changes in the program. Among the changes is a 5-percent benefit increase effective for June 1972 and an automatic cost-of-living increase thereafter, when the cost of living rises by 3 percent or more. In addition, the special needs of widows for additional income is recognized by a provision that would increase widows benefits to 100 percent of her husband's retirement benefits instead of the 82½ percent she now receives. Another part of the proposed amendments would liberalize the retirement test so that beneficiaries could earn more without losing their social security benefits. Under the bill, the amount a person could earn and still get all his benefits would be raised from $1,680 to $2,000 a year. In addition, benefits would be reduced by $1 for each $2 of all earnings above $2,000. This would be a change from the present law which provides a $1 for $2 reduction for the first $1,200 above the exempt amount and for a $1 for $1 reduction for all additional earnings. I support and will work actively in the Senate for additional benefits for senior citizens:

First. A 20-percent increase in benefits at this time with a provision for an automatic cost-of-living escalator which would be a backup to assure that if Congress should fail to act, benefits would not lag behind rises in the cost of living.

Second. Computation of benefits as of age 62 instead of 65 for men, as is presently done for women.

Third, An increase from $1,680 to $3,600 of the present earning limitation for social security recipients to enable them to rise from the poverty level.

Fourth. Payment of out-of-hospital prescription drug costs under medicare as provided for in Senator MONTOYA's bill, S. 936, of which I am a cosponsor.

The lack of a Federal mechanism to help meet the cost of out-of-hospital prescription drugs has been called one of the most critical shortcomings of medicare. All the available data supports the conclusion reached by such diverse groups as the DHEW Task Force on Prescription Drugs, the AFL–CIO and the President's Task Force on Aging, that there is a clear need for covering prescription drugs under medicare and that such coverage is feasible. There is a significant sentiment in this body and in the other body for legislation such as S. 936, which would provide reimbursement under medicare for out-of-hospital drug costs. This is an issue that is as old as the medicare issue that dominated the debates of the 1960's and I should hope that it will not remain a dominant issue for the 1970's.

Fifth. An expansion of the types of medical and therapeutic services covered by medicare and a strict control over the escalating fees for subscription to medicare insurance.

Sixth. Medicare coverage for disabled persons under age 65 who are receiving social security benefits.

Seventh. Benefits of former working women to be continued in addition to those benefits to which they are entitled which were earned by their deceased spouses.

Eighth. Increased special benefits for certain people age 72 and over who have not worked long enough to qualify for regular benefits; and increase from $48.30 for one person and $72.50 for a couple to the regular minimum.

In our zeal to take care of the large groups, we sometimes neglect the smaller ones. Therefore, I would remind the Senate of the special needs of blind people. On a number of occasions, we have passed, only to lose it in conference, legislation that would make it easier for blind people to get social security benefits. In addition, we must not lose sight of the advantages to be gained from the bill, S. 1030, which the Senior Senator from West Virginia, JENNINGS RANDOLPH, introduced and I cosponsored which provided rehabilitation services for older blind persons. Figures published by the National Center for Health Statistics of the U.S. Public Health Service indicated that an estimated 1.1 million older people have severe visual impairments. According to the National Eye Institute, glaucoma, senile cataracts, and diabetic retinopathy, cause 42.5 percent of all blindness in this country. Each of these conditions strikes primarily older people. Specialized programs to help these older people function effectively and efficiently need to be designed. Thus, S. 1030 would provide Federal financial assistance to appropriate State and local agencies and to institutions of higher education for the purpose of establishing the needed specialized services for training additional personnel and for conducting appropriate research and demonstration projects.

I believe that the guidelines for effective housing programs for the elderly should be directed toward a two-pronged effort: First, to supply housing at carefully determined construction, rental, and purchase costs and second, to design housing with the recognition of the special problems of older people—loss of mobility, and hence of regular social contracts; long-term illness, widowhood; declining energy; and the large amount of time spent indoors and within the housing facility.

Key to the housing problem is the adverse effect of escalating real estate taxes on senior citizens who are homeowners. At the present time, property taxes in our State are extremely high, falling hardest on older Californians. I believe that a comprehensive State, local, and Federal study should be made to find a way of reducing this burden. Another alternative is to allow appropriate Federal income tax relief for property taxes which senior citizens must pay. I will shortly be introducing legislation which would provide a property tax credit for senior citizens.

Among the myths perpetrated about the satisfied, comfortable and invisible lives of older Americans is that of the nursing home. Only 10 percent of our nursing homes are nonprofit institutions, with the nursing home profiteers collecting government funds from the two out of the three patients in homes for the aged whose ability to pay the often exorbitant fees is afforded by Federal or federally-assisted programs. Part of the myth is that these homes are strictly licensed, regularly and thoroughly inspected, and staffed by competent personnel. This, in fact, is untrue; the National Fire Prevention Association lists nursing homes at the head of the unsafe places to live. And proper medical care for the aged residents is pitifully inadequate. It has been estimated that Federal standards are being enforced in only one-third of the country's medicare-certified homes. Nursing homes under the medicaid program are in such widespread violation that full compliance is probably nonexistent. I call for a program of nursing home reform including standards for nursing homes that will assure the safety, health, and well-being of the residents as well as involvement of the elderly on citizen review boards to check enforcement standards. Of great importance to the elderly is peer group contact and a sense of belonging and community. Being crowded into old age homes for the rejected and relegated, is not what this affluent, yet selfish Nation of middle-aged, self-content Americans can and should offer to their older folks.

The problems of older persons with regard to transportation affect both their opportunities for social contacts to enrich their lives and employment possibilities to enhance their standard of living. Serious problems of isolation affect 5 million of the elderly and this number cannot be ignored. Many senior citizens are no longer able to drive their own automobiles due to reasons of health, finances, or safety. They are then faced with the dismal prospect of attempting to use public transportation that, is either non-existent, nearly inaccessible or too expensive. Older pedestrians must cope with the hazards of a vehicular traffic system designed for the benefit of the harried and hurried suburban commuters—short traffic light cycles, broad streets, and high curbs. The State of California has taken positive steps in the enforcement of strict pedestrian courtesy laws; however, the high rate of death and crippling injuries of older Americans causes me to believe that sufficient steps have not been taken to assure their total freedom of movement even as pedestrians.

The goal of providing worthwhile and satisfying employment of senior citizens has been promulgated in the Older Americans Act and its amendments, but implementation of programs to reach the goal face a problem today as middle-aged Americans find themselves in stiff competition with each other for the scarce positions in the many fields which have been so adversely affected by the economic recession. I believe, therefore, that the necessity has arisen for the creation of a Federal-State clearing-house of possibilities of volunteer and compensated employment for the elderly which would not compete with those positions available for unemployed heads of young households. Although the Economic Opportunity Act Amendments of 1967 provided for participation of senior citizens in community action programs and in VISTA, a referral bureau of far greater scope and coverage specifically for senior citizens needs to be implemented on this volunteer level to utilize one of our major resources of knowledge and expertise—the senior citizens.

We need to do something about the deplorable nutritional standards of these elderly people and to this end I have cosponsored a bill, S. 1163 introduced by Senator KENNEDY, which I hope will be favorably considered in this session. This bill would establish a nutritional program for the elderly by amending the Older Americans Act to provide grants to the States for operating and expanding programs which would provide low-cost, nutritional meals to older people under conditions which would broaden their social contacts. Under such a program, older persons could eat their meals in the company of their friends while at the same time have a proper diet. Such a program would also provide employment for elderly persons in the preparation of the meals and in educational programs where individuals can learn about adequate nutrition.

I am opposed to the proposed cutback in appropriations for the foster grandparent program, one of the most successful and rewarding programs developed under the Older Americans Act of 1965. I will join in the legislative effort in the Senate to restore the full appropriation for a program which was designed to grow with its intended $25 million authorization in 1959 rather than be emasculated with a $7.5 million administration budget request for fiscal 1972. All of the people employed as foster grandparents are from the poverty level income bracket, and as such, can qualify for old age assistance. It seems senseless to deprive older Americans a meaningful service to our society and to force them to go on welfare assistance for approximately the same amount of money they could productively earn as a foster grandparent. The seniors lose the opportunity to engage in worthwhile employment; they are forced to take welfare from society rather than to contribute an invaluable and personal service to that society and its neglected children. Our Nation and our communities lose the benefit of their service to the children for whom they are foster grandparents.

This program ought to be expanded rather than cut back. There are 68 foster grandparent programs in the United States and Puerto Rico, employing 4,093 persons. This number appears insignificant when compared to the more than 8 million people over 60 years of age who live in poverty, or 40 percent of their total. If only 1 percent of the 8 million were able to participate, 80,000 seniors would find themselves in positions of self-respect and removed from the Nation's dole. Howard Parks, program director of the Stockton, Calif., foster grandparents program, reports that the number of employment applications in the Stockton files are equivalent to 3 percent of local senior citizens who are receiving public assistance payments; these applications to join the foster grandparents program serving the Northern California Youth Center were all received without solicitation by the Stockton office. The Stockton program is unique in this country in its personal involvement of the foster grandparents with juvenile delinquents from the Northern California Youth Center and it has been lauded around the Nation for its great success in benefitting both the young men and the seniors in their need for meaningful human relationships.

I am concerned about the direction which the White House Conference on Aging will take when it meets in November of this year. The advice of older people and particularly of organizations most closely identified with their problems must be sought by those planning the Conference on Aging. It is the fear of many senior citizen spokesmen that wisdom of the needs, desires, and hopes of older people is being sought, instead from specialists and providers of services.

The elderly are not just another American minority crying out for fair treatment and recognition of their needs. They are the least recognized because their form and manner of protest and appeal is most easily ignored. They have been quietly and nonviolently asking their children for the ability to live out their lives in an honorable, healthy, and decent way. With a trillion dollar gross national product, our affluent nation has seen fit to contribute only a total of $26 million for special service programs for the elderly in a year when DOD cost overruns for research and development of weaponry systems total $33 billion. The administration failed to support a national program of federally funded community service training and employment which would have been provided under the vetoed Manpower Training Act. In their plans for executive reorganization, the Administration on Aging would be stripped of its primary function of administering the senior citizens programs with the RSVP—retired senior volunteer program—and foster grandparent program to be engulfed by the huge new Federal volunteer agency and the research and development and demonstration programs to be transferred to the Social Rehabilitation Service. I believe that as a Nation that prides itself in the advancement of human dignity, we cannot allow our senior citizens to die the slow death of poverty, ill health, uselessness, and loneliness.

GAO STUDY OF VIETNAM PACIFICATION PROGRAM SPENDING AND THE PENTAGON REPLY

Mr. PERCY. Mr. President, in 1970 auditors of the General Accounting Office stationed in Vietnam studied the pacification program operated jointly by the United States and the Government of South Vietnam—the program known as CORDS—Civil Operations and Rural Development Support. On July 1, 1971, GAO referred its study to the Secretary of Defense and appropriate House and Senate Committee Chairmen, and on July 10 the New York Times reported one of the findings of the study—that of $2,077.6 million authorized for expenditures in 3 fiscal years, GAO could not find documentation obligating the spending of $1.7 billion.

The GAO study was provided by the Comptroller General to the Government Operations Committee of which I am acting ranking Republican member, and to the Chairmen of the House Foreign Affairs, the Senate Foreign Relations, and the Senate and House Armed Services Committees. It is an extremely valuable document. Titled "Background Information on United States Participation in Pacification and Development Programs in Vietnam," it raises very serious questions about the uses and controls on hundreds of millions of U.S. funds spent for pacification programs, and on the effectiveness of the programs themselves. The study deserves full disclosure and Congressional action, to assure at the very minimum, immediate use of proper accounting and auditing procedures.

As a result of the Times report I called for congressional study of the document, and yesterday, after reviewing the GAO study, I wrote Secretary Laird requesting that the study be declassified and be made public.

The Defense Department made available to the press yesterday a document responding to the July 10 Times report. This document asserts that the $1.7 billion can be fully accounted for by obligational data not available in Vietnam. It said that about $1.3 billion was budgeted for hardware and other commodities and that this amount can be completely accounted for because it was supplied to units in Vietnam through the logistical systems of the U.S. armed services. The Defense Department may be correct in asserting that it can support with records the disposition of the goods costing $1.3 billion. But this does not address my point, or the point being made by GAO.

The CORDS is a central, joint command that oversees the operations of eight pacification programs operating throughout Vietnam. Logically, CORDS should have a complete accounting of the amounts of funds being spent for each program. The GAO says that neither CORDS nor the Military Assistance Command Vietnam—MACV—in Saigon has such an accounting. That is because much of the goods used in pacification programs flow directly from supply depots and logistics centers in each of the three armed services directly to field units in Vietnam. CORDS has no way of knowing about the uses of these materials as the system currently operates. As the GAO study indicated, in an unclassified paragraph:

> During our survey, we received incorrect and conflicting figures from the CORDS directorates. We also found that many of the responsible officials in the directorates were unaware of the amounts obligated under their programs, and in some instances did not know the amounts in their budgets.

There is a reason too for the current method of operation. In 1967, when the CORDS program was set up, combat was at its highest point. It would have been too time consuming to demand strict accountability of field commanders for all materials requisitioned. The open-ended supply system established then still exists now, although combat has been sharply reduced.

I suggest that it is now time to impose a more logical system on the dispersal of U.S. funds and materials for pacification programs in Vietnam. The Defense Department paper does not reassure me that the system now operates adequately; it is not responsive to the GAO staff study. Because we are dealing with hundreds of millions of dollars, I think we have a right to insist on a much more thorough investigation of this problem.

Without violating the secret classification affixed to the GAO study by the Defense Department, I will try to summarize briefly the nature of the CORDS pacification programs and the GAO's findings on the funding and effectiveness of these programs.

The CORDS program was begun in 1967 after the United States convinced the Government of South Vietnam that a pacification program would be useful. The CORDS effort has been implemented through eight specific programs for territorial security, people's self-defense forces, establishment of local governments, economic prosperity, national unity, protection from terrorism—Phoenix—public information, and refugees. CORDS itself can be described as an effort to provide coordinated management of programs and money contributed by various agencies of the U.S. Government and the Government of Vietnam.

Funds for these eight CORDS programs come from three sources:

First, U.S. dollar contributions made by the Department of Defense, AID, and the CIA:

Second, counterpart funds in Vietnam currency—piasters—and

Third, Vietnam Government funds also in piasters.

The total amounts of CORDS funds for 3 fiscal years, 1968, 1969, and 1970, converted to dollars, was slightly less than $4 billion. In their study of the CORDS programs the GAO analysts focused on the first item, contributions of dollars directly by agencies of the U.S. Government to the pacification programs through CORDS, and on the uses of these funds. The GAO study deals with all eight elements of the CORDS pacification programs, and serves two important purposes. It analyzes the effectiveness of the pacification programs operated under CORDS, cites shortcomings, and makes recommendations for improvement. Second, it addresses the cost aspects of these programs from the point of view of the amounts authorized compared to amounts obligated, and the amounts not spent and "reprogramed."

It is the latter aspect of the GAO study that the New York Times reported on July 10. The Times reported that, of the slightly more than $2 billion contributed to the CORDS programs by DOD, AID, and CIA in fiscal years 1968, 1969, and 1970 the GAO was unable to obtain obligations or documented expenditure records for $1.7 billion. GAO officials have subsequently explained that this does not mean that the money was in fact fraudulently spent or lost. GAO is careful to point out that this means that its auditors, working from records available in Vietnam, were unable to find documents obligating the funds. Of the money totaling $339.2 million that GAO did find obligations for, $65.5 million was not spent and was returned to the contributing agencies for reprograming.

Mr. President, the GAO study has raised a number of important issues and questions about the use of American dollars in Vietnam. I prefer not to explore these questions here without determining first whether the Defense Department will declassify the study. It is regrettable that the entire 159-page document is classified "secret." Though portions of it are marked "secret," and other portions "confidential," portions of the study are unclassified.

The secret classification is required by the Department of Defense. Although the GAO gathered the material and made the report, the material use is from Defense documents and the classifications reflect the classifications of the original documents. Senior GAO officers agree that much of the report should be declassified and made public.

In my view the secret classification is unnecessary and large portions of the study should be declassified and published. Here is another example of the practice so well demonstrated in the case of the Pentagon papers, of unnecessary use of confidential and secret classifications. Wholesale and indiscriminate use of these classifications actually weakens the entire documents security system and encourages casual treatment and violations of security. In my view, the national interest requires not that the study be hidden, but that it be made publicly available.

For these reasons I asked the Secretary of Defense to declassify the GAO study to the greatest possible extent, in particular, the full section relating to U.S. expenditures for CORDS programs and the accounting and auditing procedures applying to them.

The GAO study raises issues about the costs of the war, the uses of American dollars spent to support it, and the Government's accountability to the people. These issues cry out for the closest inspection. The GAO is to be commended highly for initiating this study in its own right, and for taking the initiative to refer it to key congressional committees, as well as to the Secretary of Defense.

Now it is our responsibility to investigate these findings further and act on them. Admittedly, they are incomplete; the General Accounting Office has been quite candid in telling me that this study was preliminary and should be used as background to guide further studies. It is our responsibility to help direct the GAO's efforts and guide it in establishing a system that will provide tight accountability and audit procedures for uses of U.S. funds in CORDS programs.

The GAO's findings on the disposition of U.S. funds for the CORDS program falls squarely within the jurisdiction of the Government Operations Committee, which is to study budget and accounting matters other than appropriations, to receive and examine reports of the Comptroller General of the United States, and to submit recommendations to the Senate as necessary in connection with such reports. The GAO's findings provide ample material, and suggest several courses of action to immediately correct an untenable situation. The study's findings on the effectiveness of the pacification program should be given equally thorough scrutiny by the Foreign Relations and Armed Services Committees.

Declassification of the GAO study, particularly the entire section relating to funding, is essential. Also essential is further investigation of the study's findings. Thus I have formulated questions based on the study to refer to the Comptroller General and his staff. Hopefully in these ways we can spur adoption of proper accounting and auditing procedures. I am much encouraged that the GAO now plans to pursue its investigations in this area and I feel confident, based on my past personal dealings with the Defense Department, that we shall have its complete and necessary cooperation.

NEW YORK'S FIRST YEAR WITH LEGALIZED ABORTION

Mr. PACKWOOD. Mr. President, when New York State legalized abortion last year, there were grave predictions of death and devastation, of women being maimed and murdered, or unwilling doctors and nurses forced to violate their religious and ethical convictions. Opponents of abortion reform warned that the legalization of abortion would create havoc in New York City's hospitals—where it could be assumed a large majority of the abortions would be performed—characterized by severely overcrowded hospitals and desperate shortages of health personnel. Not only is abortion reform undesirable in religious and ethical terms, they argued, but the legalization of abortion would place such a heavy burden on New York as to render the law—for all practical purposes—unworkable.

Well, Mr. President, the facts and the figures on the first year of New York's abortion law are now in. I know abortion supporters and opponents alike will be pleased and relieved to know that none of last year's dire predictions have come true. As Mr. Gordon Chase, New York City's health administrator, recently reported:

> The catastrophe many foresaw a year ago failed to materialize.

Not only is New York now serving as a resource for women from all over the country, it is, as Mr. Chase stated, serving women safely. The first year's record shows continuing declines in the rate of complications from abortions, declines in both the infant and maternal mortality rates, and in the rate of out-of-wedlock births. Yet another cause for optimism is the continuing increase in the number of early abortions, which are much safer than later abortions. Over 75 percent of all abortions in New York are now being performed prior to 12 weeks gestation.

Mr. President, because of the far-reaching nature of this first year's record, I ask unanimous consent to have the entire text of Mr. Chase's June 29 statement, and documentary tables, printed in the RECORD.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

GORDON CHASE CITES SUCCESS OF NEW YORK'S NEW ABORTION LAW

In the first year of the new abortion law, close to 165,000 abortions will have been performed in New York City, Gordon Chase, Health Services Administrator, announced today. Under the liberalized New York State abortion law which took effect on July 1, 1970, over 150,000 abortions were performed in the City by May 31, with an additional 14,000 estimated for the month of June.

"New York City has accounted for the lion's share of abortions in the State and has been a resource for women all over the country," Mr. Chase said. "Nevertheless, the catastrophe many foresaw a year ago failed to materalize: we have been able to serve our residents as well as substantial numbers of out-of-State women, and, most important, we are serving women safely."

There have been no abortion-associated deaths reported in the past four months; the last reported death occurred in February. "We have a remarkable record of safety," Chase said, "compared to that of other countries, like Great Britain, where the rate was 17 per 100,000 in the first year of its abortion law, or Scandinavia, where the rate was 40 per 100,000."

There have been seven deaths here following abortions performed in hospitals and eight following abortions outside of hospitals, including one in a doctor's office before Article 42 of the N.Y.C. Health Code was enacted. The Code virtually prohibits abortions in doctors' offices. Calculating, as other countries do, on the basis of abortions performed under legal auspices, there were 8 deaths in over 150,000 abortions during the first eleven months, a rate of 5.3 per 100,000.

Another index of increasing safety, Chase said, is the continuing decline in the rate of reported complications from abortions. In the first six months (through December 31, 1970), the overall rate was 12.4 per 1,000 abortions; by the end of March (nine months) this rate had declined to 10.0 per 1,000; and the most recent report (through June 11, 1971—see table attached) is down to 8.7 per 1,000.

"The safety record is improving, probably because doctors are gaining experience with the procedure, and certainly because the proportion of first trimester abortions (those within the first twelve weeks of pregnancy) has been increasing," Chase said. "Complications are decreasing steadily in both early and later abortions, but there is no question that early abortions are much, much safer. The complication rate for late abortions is almost six times as high as the first trimester abortions.

"Our most important educational task is to get across the message that early abortions carry much less risk," Chase said, "and we have evidence that we are succeeding." Analysis of certificates of termination-of-pregnancy for ten months (through April 30, 1971) reveals that 74.7% of abortions were performed in the first trimester. Trend data show that early abortions are increasing: they were 68.6% of the total in July and August; 70.8% in September and October; 73.7% in November and December; 77.3% in January and February; and 77.2% in March and April.

Similarly, very late abortions—those done after 20 weeks—are declining. Such abortions were 4.4% of the total for the first six months (through December 31), but 3.5% in January and February, and 3.6% in March and April. They are 3.9% of the cumulative total through April.

"We will be watching these trends closely as we go into the second round of an intensive public education campaign utilizing all the media, Chase said. "We hope to duplicate or better experience in Japan where after ten years first-trimester abortions represent 94% of all the procedures."

Chase noted that although it is too early to reach definitive conclusions, there is evidence that the abortion law may be having a favorable effect on maternal and infant mortality, and numbers of out-of-wedlock births.

"Data analysis has to be undertaken cautiously," he said, "since it must be remembered that the first three months under the new law don't really count in looking at birth data; women whose pregnancies were advanced would not have had abortion as an available option in that period. Nevertheless, we see some hopeful signs." He cited the following evidence:

Maternal mortality, inclusive of abortion-related deaths, has been declining steadily in the City over the past five years, due in part to the increased impact of family planning services. For a six-month period from October 1, 1968 through March, 1969, the rate was 5.4 maternal deaths per 10,000 live births; during October–March 1969–1970, the rate was 5.3; during October–March 1970–1971, with the new abortion law in effect, the rate dropped sharply to 2.6, an all-time low.

Infant mortality has also dropped to a new low of 22.0 deaths per 1,000 live births from January 1 through April 30, 1971, compared to 22.5 for the same period in 1970; 25.2 during January–April 1969; and 24.5 during January–April 1968. Access to abortion "on demand" may account for some of this result, since abortion is now available to those women who are at greatest risk of giving birth to infants who may die: namely, very young women, unwed mothers (who generally get poorer pre-natal care), and women who have had many previously births and pregnancies, as well as women with medical handicaps.

Out-of-wedlock births had shown a fairly steady increase over the years but, for the first time, there may be a decline in the actual numbers of these births. From January 1, 1970 through March 31, 1970, before the law was passed, there were 7,764 out-of-wedlock births, from January 1 through March 31, 1971, after the law, there were 7,581 such births. HSA will continue to watch closely to see if the figures constitute a meaningful trend for the future.

"Incomplete" abortions—those cases that hospitals see after an abortion has begun elsewhere—seem to be declining, a possible indication that the abortion law is reducing the incidence of criminal abortions. In ten municipal hospitals taken together, incomplete and spontaneous abortions averaged 480 per month from July 1 through December 31, 9710. In January, the average was 391; in Ferbuary, 415; in March, 396; in April, 342; and in May, 323. Since there is reason to believe that most of this decline is due to fewer "incompletes" rather than fewer spontaneous abortions, it would appear that criminal abortions may be on the wane.

"When we started out, the greatest fear in the community was that we would not be able to serve the poor—and it is very gratifying to note that this simply has not happened," Chase said. "According to analysis of pregnancy termination certificates for the first ten months, 34.7% of City residents were served at municipal hospitals and 16.7% were patients in ward services of voluntary hospitals—the traditional sources of care for low-income women."

Chase stressed once more that at the municipal hospitals, no woman is turned away because she is unable to pay, even if she is not eligible for Medicaid. Medicaid-reimbursable abortions constitute an estimated 31% of the procedures for City residents, based on data from the first 9 months, and a recent court decision ruled that abortion will continue to be a reimbursable medical procedure.

"By and large, the proprietary (profit-making) hospitals and the out-of-hospital abortion clinics are the facilities that tend to serve out-of-State residents. 79.4% of the proprietary caseload through April consisted of out-of-State women, as did 86.9% of the non-hospital clinic caseload." 82.4% of out-of-State residents were served in these facilities.

Of the estimated year-end projection of over 164,000 abortions, based on weekly reports from hospitals and clinics (see table attached), 26,000 will be at municipal hospitals; 40,000 at voluntary hospitals; 50,000 at proprietary hospitals; and 48,000 at out-of-hospital clinics.

At present, there are 18 out-of-hospital abortion clinics known to be operating in New York City. Under Article 42 of the N.Y.C. Health Code, which was adopted on October 19, 1970, abortions are restricted either to hospitals, or to clinics affiliated with and located very close to hospitals that can provide emergency services if needed, or to free-standing clinics that are equipped to handle their own emergencies and are, in effect "mini-hospitals."

The Board of Health proposed on June 24 a new amendment to Article 42 which would require all abortion clinics to register with the Department of Health, which inspects them and assists them in complying with the medical provisions of the Code. Under this amendment, if adopted, a clinic could be shut down on 48-hour notice if it failed to register or if it violated the Code so as to endanger the life or health of its patients, in the judgment of the Health Department. This proposed amendment will be published in the City Record this week, with public comment requested.

"There is no question," Chase said, "that New York City has proved this year that legal abortion on demand is feasible. While there are always going to be individual problems in initiating any massive new program such as this, the essential fact is that we have been able to provide prompt, dignified, and—most important—safe care to vast numbers of women who have sought this procedure. The success of the new law is due in great measure to the splendid cooperation of all sectors of the health care system in the City, and especially to the high standards of performance of the medical profession."

Mr. Chase particularly singled out for praise the Family Planning Information Service, the free counseling and referral agency operated on behalf of the City by Planned Parenthood of New York City, Inc., and the Health Department Abortion Clearing House which serves over 40 hospitals, enabling them to refer their patients quickly to other hospitals if they cannot meet the demand at a particular moment.

RATES OF COMPLICATIONS PER 1,000 ABORTIONS (BASED ON WEEKLY REPORTS CUMULATIVE FROM JULY 1, 1970, THROUGH JUNE 11, 1971)

Type	Gestation and method used																	
	Total						12 weeks and under						Over 12 weeks					
	Total	D&C	Suct.	Saline	Hyst.	Other	Total	D&C	Suct.	Saline	Hyst.	Other	Total	D&C	Suct.	Saline	Hyst.	Other
Hemorrhage	1.5	1.4	0.8	4.8	4.0	1.3	0.8	1.1	0.7		10.6		4.5	4.4	5.0	4.8	2.5	1.5
Infection	2.0	1.1	.8	7.8	14.1	2.6	1.0	1.2	.9		10.6		6.4	.9		7.9	14.9	3.0
Perf. uterus	1.5	2.0	1.6	.1	7.1	.6	1.6	1.6	1.5		37.2		1.1	6.1	4.4	.1		.7
Anesthesia	.1	.1	.1	.2	1.0		.1	.1	.1				.2	.4		.2	1.2	
Shock	.1	.1	(1)	.3	1.0		(1)	(1)	(1)				.3	.4		.3	1.2	
Retained tissue	2.2	.5	.5	13.1	2.0	.6	.5	.5	.5		5.3		9.7	.9	.6	13.2	1.2	.7
Failure	.6	(1)	.1	3.9			.1	(1)	.1				2.8		.6	3.9		
Lacerated cervix	.2	.3	.2	.1	1.0	.6	.2	.2	.2			4.6	.3	.9	.6	.1	1.2	
Other	.5	.4	.4	1.0	4.0	1.3	.4	.4	.4			9.3	1.0	1.3		1.0	5.0	
Unspecified	.1	.2		.2		.6	.1	.2				4.6	.1			.2		
Total	8.7	6.1	4.5	31.4	34.3	7.7	4.7	5.3	4.3		63.8	18.5	26.5	15.4	11.0	31.6	27.4	6.0

[1] Less than 0.05.

ESTIMATED TOTAL ABORTIONS, JULY 1, 1970 TO MAY 31, 1971, NUMBER OF ABORTIONS PERFORMED

Category of provider	Estimated total	Number reported on weekly forms	Estimated number reported on weekly forms	Projected estimate, July 1, 1970, to June 30, 1971
Municipal	23,738	[1] 23,738		25,896
Voluntary	36,864	31,206	[2] 5,658	40,215
Proprietary	45,811	39,968	[2] 5,843	49,976
Other	44,216	33,087	[2] 11,129	48,236
Total	150,629	127,999	22,630	164,323

[1] Municipal hospital figures are compiled from daily reports by the Health and Hospital Corp. This figure excludes 4,900+ spontaneous and incomplete abortions.

[2] Source: Analysis of data from weekly abortion reports.

DEMOGRAPHIC DATA BASED ON TERMINATION-OF-PREGNANCY CERTIFICATES—10 MONTHS FROM JULY 1, 1970, TO APR. 30, 1971 (TOTAL OF 98-457 CERTIFICATES)

[Period of gestation (percent) [1]]

Category	12 weeks and under	13 to 15 weeks	16 to 18 weeks	19 to 20 weeks	21 to 23 weeks	24 weeks and over
Municipal	57.9	9.5	13.9	9.4	5.9	2.2
Voluntary	70.6	8.6	8.8	5.9	4.0	1.4
Proprietary	72.5	10.4	7.9	5.8	2.3	.8
Other	95.1	3.6	.3	.1	.1	.6
Total	74.7	8.3	7.4	5.1	2.8	1.1

[1] Estimates are based on date of patient's last reported menstrual period, which is not always an accurate reflection of weeks of gestation.

PREGNANCY ORDER (PERCENT)

Category	1st	2d	3d	4th	5th	6th or more	Not stated
Municipal	37.8	20.3	16.0	10.5	6.9	6.7	1.8
Voluntary	49.7	14.0	14.0	9.7	5.9	5.6	1.3
Proprietary	66.0	10.7	9.4	6.7	3.6	3.1	.5
Other	66.3	12.3	8.7	5.8	3.5	2.7	.7
Total	57.3	13.4	11.5	7.9	4.7	4.3	1.0

METHOD OF TERMINATION OF PREGNANCY (PERCENT)

Category	D. & C.	Suction	Saline	Hysterotomy
Municipal	31.2	34.3	32.4	2.1
Voluntary	33.1	45.0	20.0	1.9
Proprietary	45.1	39.0	15.4	.5
Other	3.6	96.1	.3	(1)
Total	30.7	52.4	15.8	1.0

(1) Less than 0.05.

PLACE OF RESIDENCE

[In percent]

Category of provider	New York City residents	New York State	Out of State	Residence not stated
Municipal	95.0	0.6	0.9	3.6
Voluntary	61.9	5.4	30.3	2.4
Proprietary	16.7	2.8	79.4	1.1
Other	8.2	3.1	86.9	1.8
Total	39.2	3.3	55.5	2.0
				Total percent
Ethnic group:				
White				—73.8
Nonwhite				—21.9
Puerto Rican				—4.3
New York City residents:				
White				—47.7
Nonwhite				—42.3
Puerto Rican				—10.0
Age:				
Under 15				0.2
15 to 19				23.4
20 to 24				37.3
25 to 29				18.2
30 to 34				11.1
35 to 39				6.7
40 plus				2.7
Not stated				.5

ABORTIONS TO OUT-OF-STATE RESIDENTS

Nine-month cumulative total, from July 1, 1970, through March 31, 1971, based on analysis of certificates of termination-of-pregnancy

State	*Number*
Canada and other countries	1,518
Alabama	217
Alaska	2
Arkansas	82
Arizona	38
California	94
Colorado	148
Connecticut	1,862
Delaware	108
Dist. of Col	189
Florida	2,665
Hawaii	2
Idaho	16
Indiana	1,198
Iowa	457
Louisiana	314
Maine	345
Maryland	452
Massachusetts	3,142
Michigan	3,279
Minnesota	731
Mississippi	171
Montana	27
Nebraska	176
Nevada	12
New Hampshire	320
New Jersey	6,080
New Mexico	15
North Carolina	180
North Dakota	62
Ohio	3,585
Oklahoma	204
Oregon	3
Pennsylvania	2,844
Rhode Island	484
South Carolina	268
South Dakota	41
Tennessee	536
Utah	22
Vermont	158
Washington	21
West Virginia	287
Wisconsin	705
Wyoming	24
Georgia	838
Illinois	3,532
Kansas	52
Kentucky	526
Missouri	449
Texas	728
Virginia	986
Total	40,498

RECESS

Mr. BYRD of West Virginia. Mr. President, I move that the Senate stand in recess, with the understanding that the recess not extend beyond 1 o'clock p.m. today.

The ACTING PRESIDENT pro tempore. Would the Senator clarify as to whether he wants that to be a recess until 1 p.m. or a recess subject to the call of the Chair not to extend beyond 1 p.m.?

Mr. BYRD of West Virginia. I thank the Chair.

I move that the Senate stand in recess, subject to the call of the Chair, with the understanding that the recess not extend beyond 1 o'clock p.m. today.

The motion was agreed to, and at 12:37 p.m. the Senate took a recess subject to the call of the Chair.

The Senate reassembled at 1 p.m., when called to order by the Presiding Officer (Mr. EAGLETON).

PUBLIC WORKS ACCELERATION BILL—VETO

The PRESIDING OFFICER (Mr. EAGLETON). Pursuant to the unanimous consent agreement, the Chair now lays before the Senate the President's veto message on S. 575, the public works acceleration bill, which the clerk will state.

The legislative clerk read as follows:

A veto message on S. 575, the public works acceleration bill.

(For President's veto message, see page 22817 of the CONGRESSIONAL RECORD of June 29, 1971).

The Senate proceeded to consider the bill.

The PRESIDING OFFICER. The question is, Shall the bill pass, the objections of the President of the United States to the contrary notwithstanding? The Constitution requires that the vote shall be determined by yeas and nays.

Under the agreement, time for debate is limited to 2 hours, to be equally divided and controlled by the distinguished Senator from West Virginia (Mr. RANDOLPH) and the distinguished Senator from Kentucky (Mr. COOPER).

The distinguished Senator from New Mexico (Mr. MONTOYA) is recognized.

Mr. MONTOYA. Mr. President, I yield myself such time as I may require.

The PRESIDING OFFICER. On the time of the Senator from West Virginia?

Mr. MONTOYA. Yes.

The PRESIDING OFFICER. The Senator from New Mexico may proceed.

PRIVILEGE OF THE FLOOR

Mr. MONTOYA. Mr. President, I ask unanimous consent that the following members of the staff of the Public Works Committee, and a member of my staff, be permitted to remain in the Chamber during consideration of this legislation. They are: M. Barry Meyer, Philip T. Cummings, David Sandoval, John Yago, Bailey Guard, Judy Parente, Richard E. Herod, and J. B. Huyett, Jr.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MONTOYA. Mr. President, the Senate is asked today to disagree with the judgment of the President of the

United States concerning legislation directly affecting the lives and welfare of millions of Americans. We are asked to once again affirm our earlier votes on this legislation as a positive and beneficial response to the continuing high levels of unemployment that are causing distress throughout our country.

I find it personally distasteful that we are forced to vote on overriding the President's veto of S. 575. I say this because the severity of the situation faced in our country today should be apparent to the executive branch as it is to the legislative arm of our Government. It appears, however, that there is substantial disagreement between the Congress and the President and his advisers. This veto also is additional evidence that the administration is reluctant to recognize the extent and seriousness of unemployment or to even attempt to alleviate it through positive action.

S. 575 was introduced on February 3. At that time it was a proposal only to continue the very successful work of the Appalachian Regional Development program. On the floor of the Senate it was amended to provide for an extension of the Public Works and Economic Development Act of 1965. The bill was further amended in the House of Representatives to reactivate the Public Works Acceleration Act of 1962 as yet another weapon in the battle against unemployment.

As it emerged from the Senate-House conference, S. 575 was a comprehensive legislative response to a broad spectrum of economic problems and goals.

In his veto message on S. 575, President Nixon once again expressed his support for the Appalachian program and the activities carried out by the Public Works and Economic Development Act of 1965. I am gratified that he recognized the contribution these two programs have made toward strengthening the American economy. I am, however, baffled at his rejection of the accelerated public works program and making it the grounds for vetoing the entire bill.

The President has endorsed the Emergency Employment Act of 1971 which was recently passed by Congress. This legislation offers one approach to unemployment by authorizing the creation of thousands of public service jobs. It is the height of inconsistency, though, for the administration to sign this bill and almost simultaneously reject the concept of accelerated public works. It is not as if one or the other of these approaches is the answer to unemployment. Both are needed because they are aimed at resolving different aspects of the larger problem. Even together, I harbor no illusions that unemployment would be reduced to an acceptable level, whatever that level might be.

The fact is, that with 5.5 million Americans unemployed in all segments of our society, a number of responses are needed. The Congress has responded positively by passing legislation dealing with public service unemployment and accelerated public works as well as giving the President authority to innovate wage and price controls.

Accelerated public works, the issue with which we are concerned today, is aimed at stimulating activity in the construction industry, one of the most seriously depressed segments of the American economy. There are now officially and conservatively estimated to be 354,000 unemployed construction workers in this country or 10.4 percent of the total. This is nearly double the rate of unemployment for the country as a whole and comes during the season when construction activity is normally at its peak. Among certain parts of the construction industry the situation is even bleaker. The position of construction laborers, for instance, has deteriorated rapidly. In June 1969, 6.4 percent of our construction laborers were unemployed. By June 1970 the rate was 12 percent and last month, it had climbed to 15 percent, again during what should be the peak season. Last February, the unemployment rate for construction laborers was 29.3 percent and I do not even like to think what it will be 6 months from now if we do not act and act immediately.

Recent experience indicates that unless we do act and act immediately we can expect the situation to be markedly worse next winter with as many as one of every three construction laborers without a job. The situation is already serious enough. In California for example 51,000 construction workers are without jobs. Unemployment among construction workers in Cleveland is the highest in 20 years and many of these have exhausted their unemployment compensation. One-third of all New Orleans carpenters were out of work last month and 1,000 carpenters in Miami alone were unemployed. There are some States in which 40 percent of the membership of a particular craft union were unemployed.

In opposing accelerated public works, is has been charged that this program benefits only those in the construction industry. This is inadequate reasoning and simply obscures the real issues. Of course construction workers would benefit and why should they not? But that is only part of the story. Our experience with the 1962 act demonstrates that its impact was widespread. In the first year after its enactment the expenditures of $850 mililon of Federal money on a 50 to 50 matching basis created 45,000 on-site jobs or another 63,000 jobs.

This experience leads us to anticipate that the accelerated public works measure now before us would directly result in the creation of at least 200,000 jobs. Of the off-site employment generated by this stepped up construction program, at least one-half can be expected to be in manufacturing industries.

It has been argued that accelerated public works provides employment at high cost per job. This does not take into account the many thousands of off-site and nonconstruction jobs that would result from the program. Considering the jobs provided both on and off-site, the cost is only approximately $10,000 per worker under this program. This argument furthermore fails to consider the value to communities of the new public works facilities that would be developed, facilities which themselves would provide some permanent jobs.

Mr. President, if anyone doubts that this country is afflicted with prolonged economic stagnation, it is only necessary to look at recent statistics. Unemployment for many workers is not just a temporary inconvenience but is quickly becoming a semipermanent state for many thousands. The average duration has lengthened until it is now 12.7 weeks. We now have 580,000 who have been unemployed for at least 27 weeks. Jobs are scarce at all levels of society. We all know stories of highly trained scientists who are without incomes. And we also know that the young, the disadvantaged and the minorities are suffering under abnormal high unemployment rates. Added to this are the estimated 400,000 Vietnam veterans who have returned from serving their country to find no place in the job world.

The distinguished Speaker of the House of Representatives called attention to the serious situation that faces us in testimony last week to the Joint Economic Committee. At that time, he said:

> Approximately 1.1 million more individuals fell below the poverty line in 1970 after ten consecutive years of intensive and successful efforts to reduce the number of poor. More than 25.5 million Americans are now in this category. That a record high of 14.4 million Americans were forced to rely on welfare assistance in March, with 20 percent of the increase for the month attributed to prolonged unemployment.

Mr. President, I have recited many statistics today and I think they amply show the need for action. But the real story of unemployment cannot be told in figures for it is a personal tale of misery of our fellow citizens who are suffering unnecessarily. Hunger, deprivation and the emotional agonies that accompany joblessness are all too prevalent in our country. We live in a time that we see inflation continuing unchecked, despite the insistence of the administration that the situation is improving. Concurrently, we are told we should not enact job producing legislation because it is inflationary. I suggest that it would be difficult to sell this argument to the man walking the streets in search of work or standing in line to receive his subsistence welfare payment.

I concede that our problems are many and difficult, but I think it is intolerable to ask the poor to bear the burden of fighting inflation by not working.

It is equally incomprehensible that the men who should be leading us out of this economic quagmire are counseling us to reject legislation that would relieve the hardships with which many thousands of our people live.

Mr. President, this is faulty advice based on faulty assumptions, and it must not be heeded. I urge the Senate to join with me in providing a new hope for our jobless by voting overwhelmingly to override this veto.

The PRESIDING OFFICER (Mr. EAGLETON). Who yields time?

Mr. COOPER. Mr. President, I yield myself 10 minutes.

The PRESIDING OFFICER. The Senator from Kentucky is recognized for 10 minutes.

Mr. COOPER. Mr. President, I shall vote to sustain the President's veto of S. 575, the bill extending the Appalachian Regional Development Act, and the Public Works and Economic Development Act.

The bill includes title I, which had been added by the House, the Accelerated Public Works Act.

The Senator from West Virginia (Mr. RANDOLPH) and I introduced the original Appalachian Regional Development bill in 1965. We joined together this year with many other Senators in introducing S. 575, extending the act for 4 years. The act affects Kentucky and 12 other States, and has brought significant progress to underdeveloped areas of the States.

Perhaps more importantly, the Appalachian program has been an outstanding example of Federal-State relations. It could serve as the model for a more balanced federal system. I am sure that the President will continue to support the extension of the Appalachian Act. If the veto is sustained, I will reintroduce a bill to continue the Appalachian program, and the Public Works and Economic Development Act.

I support also title 2 of S. 575, the 2-year extension of the Public Works and Economic Development Act. The Senate Public Works Committee is committed, under the leadership of the chairman of the Economic Development Subcommittee, the able Senator from New Mexico (Mr. MONTOYA), and the ranking minority member, the Senator from Tennessee (Mr. BAKER), to make this program more effective.

Title I, the Accelerated Public Works Act, was added to S. 575 by the other body. In conference the Senate conferees were not permitted to make amendments of a substantive nature which would have improved title I and made it effective in assisting those areas of our country which are experiencing high rates of unemployment, amendments which could have established jobs for all segments of the unemployed population—those highly skilled, the professional, the semiskilled, the displaced older workers, the returning veterans, and the untrained young workers.

Title I would undoubtedly provide some jobs, but it would primarily reach the construction and allied industries. It is today a high cost industry and those who work in the construction industry have received high pay increases and I have no fault to find with that. However, they are for the most part skilled workers. It is true that there are areas of high unemployment in the construction industry and I want their unemployed workers to be benefited. But I emphasize again that title I would not help effectively and selectively the areas of the highest unemployment and that it would not reach the neediest, especially the minority groups—the black, the Mexican-Americans, the Puerto Ricans—the poor.

As I have said, title I would go chiefly to the construction industry. I realize that there are affiliated industries which would secure employment, but in the main it would go to skilled workers throughout the country. I want them to have an opportunity for employment also. But by its terms, the $2 billion in title I would be allocated throughout the country, some in areas where it is needed and some where it is not needed. It would mitigate against those who are the worst affected and the poorest in this country.

I would like to speak of some of the steps that are being taken by the administration to relieve unemployment. The President, on Monday of this week, signed the Emergency Employment Act of 1971. This act authorizes $2.2 billion and will provide, according to the best estimates, 150,000 jobs for the first year and 200,000 jobs for the second year. It has the virtue of meeting the objectives I have cited above. Public service jobs can be provided quickly and they can be tailored to meet specific unemployment needs in each community. They can be used to provide employment for the most professional workers who are unemployed, as well as for the skilled workers, the semiskilled, the unskilled, the returning veterans, and the poorest segments of our population.

There is, in fact, a special provision in the bill to give preference to those veterans who are returning home from duty in Vietnam and other areas of the world—all who are discharged from service.

Further, other employment programs are underway or proposed which would provide employment. The welfare reform program, popularly known as the family assistance plan, includes provision for manpower training and support for 200,000 public service jobs.

These two proposals would provide over $1.3 billion for jobs and job training. The administration has initiated administratively a program to provide 674,000 temporary summer jobs for teenagers and is working with the National Alliance of Businessmen to find 150,000 more summer jobs. The Congress has before it the President's proposed Manpower Special Revenue Sharing. This bill would provide $2 billion in the first year to States and communities for job training and job development.

Mr. President, I wish to point out and I would like this to be remembered, that Congress now has under consideration the Federal Water Quality Amendments of 1971. That bill is before the Committee on Public Works in the Senate. We have conducted hearings and we are in the process now of developing and marking up the bill.

This bill will provide at minimum, the administration's recommendation, for the construction of waste treatment facilities costing $10 billion, with $4 billion in Federal funds.

This is one of the primary needs of the country and this would reach the construction industry in great part. So the present title I is not needed.

It is possible that our Public Works Committee may enlarge the Federal share, and reduce the percentage to be paid by States and local governments. Projects funded under this bill, which will be enacted this year, can get underway as quickly as those under title I of S. 575.

We are all concerned about unemployment and the phenomenon of accompanying inflation. The President has embarked upon a program to challenge both of these serious problems. When they appear together, it is necessary to work toward the solution of these conflicting problems at the same time. The rather slow impact of these programs has disturbed us and is resulting in calls for additional stimulus to the economy. I believe progress is being made.

I think we should give these programs an opportunity to work before embarking on a new program authorizing $2 billion when it will not provide the kind of jobs needed for specific areas and reach areas of high unemployment.

I take no happiness in saying that one of the reasons for inflation in the economy in the last half of the 1960's is the war in Vietnam. With armed forces in Vietnam expanded to 550,000 men; with the Government entering into the marketplace for war materiels, competing with the needs of the domestic economy; with expenditures for the war growing to $30 billion annually; and with no offsetting budgetary or Federal reserve policy to tighten things up; we created the textbook conditions for inflation.

Now, in the seventies, the administration is trying to reverse the war policies and return to a peacetime economy, and of course difficult adjustments must be made. And as I stated before, I believe that progress is being made.

I know that the veto concerns the people in the Appalachian areas and the areas served by the Economic Development Act. These programs have provided assistance and development to these areas over the past years and the need for them is even greater today. I have supported the program fully. I can only assert my deep and similar interest and assurance that these will be extended and my own determination to do all I can to secure immediate extension. My mind is open also on economic and employment measures which will provide employment and speedy employment for those who need it most.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. COOPER. Mr. President, I yield myself 1 additional minute.

The PRESIDING OFFICER. The Senator is recognized for 1 additional minute.

Mr. COOPER. Mr. President, my mind is open also to the development of a public works program, such as we tried to work out in the Committee on Public Works, by agreement of the minority and the majority. We were refused the opportunity to present it in the Senate-House conference. The Senate never had its chance; it never had a voice in the development of title I, and yet we are called upon to accept it because the House forced it upon us over our objection. I say, if for no other reason, we should give the Senate, as an equal body, a chance to help develop a proper public works program.

Mr. President, I wish to place in the RECORD some figures on inflation and unemployment during the last 11 years and the money expended on the military budget.

I ask unanimous consent that the material to which I have referred may be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

Unemployment rate—Percent of civilian labor force

1960	5.5
1961	6.7
1962	5.5
1963	5.7
1964	5.2
1965	4.5
1966	3.8
1967	3.8
1968	3.6
1969	3.5
1970	4.9
1971—6 months to June (annual rate)	6.0

Data supplied by Department of Labor.

Human resource programs—Percent of total Federal budget

1965	29.9
1966	31.0
1967	32.0
1968	32.1
1969	34.4
1970	37.0
1971	41.7
1972 (proposed)	41.9

National defense expenditures as percent of total Federal budget outlays

[In percent]

1961	48.4
1962	47.8
1963	46.9
1964	45.2
1965	41.9
1966	42.2
1967	44.3
1968	45.0
1969	44.0
1970	40.8
1971 (estimate)	35.9
1972 (estimate)	33.8

Figures supplied by Office of Management and Budget.

Rate of inflation 1960–71

[In percent]

1960	1.6
1961	1.0
1962	1.1
1963	1.2
1964	1.3
1965	1.7
1966	2.8
1967	2.9
1968	4.2
1969	5.4
1970	5.9
1971 annual rate (first 5 months)	3.6

Figures supplied by Department of Labor.

Mr. COOPER. Mr. President, if we are to have a public works bill I plead with the Senate to give our Public Works Committee the chance to develop a bill that is fair and equitable and a bill that will help all segments of workers. For this reason I urge the Senate to sustain the veto.

Mr. BAKER. Mr. President, will the Senator yield to me for 5 minutes?

Mr. COOPER. Mr. President, I yield to the Senator from Tennessee such time as he may require.

The PRESIDING OFFICER. The Senator from Tennessee is recognized.

Mr. BAKER. Mr. President, I concur in the remarks made by the distinguished senior Senator from Kentucky. It is, in my view, a shame that this body has not had an opportunity to give serious and deliberate attention to the most expensive and pervasive aspect of this bill, title I, the so-called accelerated public works section.

As the distinguished senior Senator from Kentucky correctly pointed out, the Committee on Public Works reported the Appalachian and EDA titles to the Senate by the unanimous bipartisan vote of that committee, and under the distinguished leadership of the Senator from West Virginia (Mr. RANDOLPH) and the Senator from New Mexico (Mr. MONTOYA). The bill was passed by this body and sent to the House where a $2 billion tag was added to it, known now as APW. Through a series of procedural maneuvers we have been denied the opportunity to consider the so-called accelerated public works on its merits.

I submit that APW was not a success in 1962 and would not be a success now. I respectfully submit it would cost about $20,000 a job if implemented and I sincerely feel most people who are the intended beneficiaries of this program would be far happier with the $20,000 than with the results of accelerated public works.

The program would be too little, too late, and too costly. The jobs would come not earlier than 1 year from now, and, based on the 1962 experience, later than that.

Most of all, I suggest that APW, as it has been vetoed by the President, the matter to which we are now turning our attention, has held hostage Appalachia and EDA, very popular, efficient, and effective programs, and is a very unsound legislative proposal.

It is a proposal with poor record during its previous tenure in 1962. If we had APW before the Senate as a separate and independent measure to authorize $2 billion for public works of this type, to build courthouses, city halls, and monuments around the country indiscriminately, without regard to need in particular areas, I doubt very much that on its own merits it would pass.

However, it has been coupled with EDA and Appalachia, so, in effect, they are being held hostage to what I call very bad legislation, the APW program. I am sorry and unhappy about that.

I, too, come from an Appalachian State, a State that has been in the vanguard with respect to the range of services and assistance that the Appalachian region has to offer and that EDA has to offer. Tennessee has a great deal at stake. The Appalachian Commission profited from the efforts of many Tennesseans in this body, in the House, and on the Commission itself, in the formulation of its policies. I doubt anyone would question where I stand on the continuation of the Appalachian program, but I want the country to know where I stand in connection with APW. I oppose it.

It seems to me that we have this course of action open to us: To accept the hostage status of Appalachia and to override this veto; or, in the alternative, to sustain this veto and then to proceed as soon as possible to report a clean bill for Appalachia and EDA and pass it overwhelmingly in this body.

It is my hope that if we choose the latter course—and I hope we will—the House of Representatives will do the same and that the bill as thus enacted would be placed on the President's desk immediately and that the EDA and Appalachia would be disencumbered of this bad legislative proposal.

This final thought: Title I of APW, it seems to me, has demonstrated its lack of relevance and effectiveness at this point and juncture in time. I do, however, recognize the general agreement in this body and elsewhere over the need for unemployment countermeasures. I do recognize that it is our opportunity, and in fact our obligation, to try to do something about it.

The Senate conferees offered, in conference with the House of Representatives, a substitute for that proposal.

If this veto is sustained, and if we report to the Senate an Appalachia and EDA bill, free of the emcumbrance of the APW, I would be most pleased to join with others in supporting a separate bill in the Senate similar to the substitute offered in conference.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. BAKER. Mr. President, will the Senator from Kentucky yield me 2 minutes?

Mr. COOPER. I will yield 5 minutes to my colleague.

Mr. BAKER. I thank the Senator.

I intend to offer the same program, or a substantially similar program, that was offered by me and others in the conference with the House of Representatives, which we referred to variously as an Economic Disaster Relief Act or as Accelerated Assistance for Emergency Areas Act.

The point of the matter is we can do far better than the present title I. We can do a much better job than that program which has been offered to us by the House, and which we had no opportunity to consider. We can do a much better job, as I think we did in conference, than APW.

I would point out to my colleagues in the Senate that the Economic Disaster Relief Act proposed as a substitute in conference with the House was supported unanimously, without dissent, by all Senate conferees, Republican and Democratic. I believe we could have such widespread support now if we had that bill up separately, and I intend to introduce such a bill. I intend to do it because I am convinced that such a program would permit the President and the Congress to concentrate our available resources and techniques on areas of acute unemployment, instead of spreading city halls and courthouses all over the landscape regardless of the need and merit.

Mr. RANDOLPH. Mr. President, will the Senator yield?

Mr. BAKER. I see my distinguished chairman rising to ask me to yield, and I am pleased to yield to him.

Mr. RANDOLPH. My colleague from Tennessee is very gracious. The argument he is now making, he made on the conference bill when we considered it several weeks ago—namely, the building of courthouses all over the country. I believe he inadvertently has brought emphasis to that type of approach, which is not anticipated under the accelerated public works effort. Nor was it, indeed, under the Accelerated Public Works Act of 1962. There were very, very few such projects, and there would be very, very few under this proposal.

Mr. BAKER. Mr. President, I thank the distinguished chairman of the full committee for his observation. I took it on myself in the last week or so, to examine some of the attitudes and opinions of our local officials in Tennessee on what they would do with APW. I am not in any way trying to be cynical with respect to our very diligent local officials in Tennessee, who state that while they do not agree with this program, nevertheless, if it is passed and $2 billion is appropriated, they will be first with hat in hand to get their share. When I pressed them on what they would do with the money, they said they were not quite sure, in many instances, but they were sure that they will come up with something. I admire the resourcefulness of the local officials in my State of Tennessee, and it may be that they will build something other than courthouses.

Let me hasten to state that I think if we spend $1 billion or $5 billion or $500 million to alleviate acute, dreadful unemployment, we should concentrate our efforts in the area where there is the most need.

I wish I could claim credit this morning for the Economic Disaster Relief Act, but I cannot. I must say, as I have publicly acclaimed before, that in subcommittee hearings, presided over by the Senator from New Mexico (Mr. MONTOYA) held in Seattle, the distinguished Governor of the State of Washington, Governor Evans, first testified on the proposal to model a program of economic relief and economic assistance after the standing statutes for natural disaster relief, in order to extend unemployment compensation, mortgage subsidy payments, and other assistance programs in the areas of the greatest, most acute unemployment. I believe it is infinitely superior to the present program.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. BAKER. May I have 1 minute?

Mr. COOPER. I yield 1 minute to the Senator.

Mr. BAKER. Two popular programs, Appalachia and EDA, are being held hostage to unwise legislation. I believe the Senate has now the opportunity to work its will on this program. I think the President was well advised to veto this package. The Senate has an opportunity to sustain that veto so we can vote on Appalachia and EDA, and it should not be held hostage to this legislation, so that we can move on, in a rational, intelligent way to devise a program of economic relief.

Mr. President, it is apparent from the development of S. 575 that while there is general agreement over the need for unemployment countermeasures, the best solution or approach to this problem is in dispute. Many of my colleagues in the Senate have expressed support for the accelerated public works provisions of title I of S. 575 which was added by the House during the development of this bill. I cannot help but feel that the impetus for this support was the frustration and desperation which the unemployment problem has generated.

I experienced this desperation and agony firsthand in the voices of those out of work in Seattle during recent hearings on the situation as it exists there held by the Senate Subcommittee on Economic Development of the Public Works Committee. I am familiar with the problem and I share the deep concern which has given rise to the extended debate on S. 575. But, I do not now nor have I ever seen accelerated public works as the answer to the unemployment problem.

Accelerated public works is not a jobs-intensive program—it is bricks and mortar intensive—monuments intensive. Its jobs impact is diluted by extraneous project costs and long startup times. Experience with the 1962 version of the bill showed that it was a slow and expensive and inefficient program taking 2 years to have a minimal impact on the jobs problem and at a cost of almost $20,000 per job.

On the other hand, the public service jobs bill, S. 31, which the President advocated in his veto message and which he signed into law on Monday is a jobs intensive program and will provide a far better response to the immediate problem of unemployment than accelerated public works. I want to commend Senators JAVITS, NELSON, and the other Members of the Senate Committee on Labor and Public Welfare for their excellent work in developing this piece of legislation. I feel that it supplies the deficiency of Federal economic programs to respond to emergency unemployment situations which was the alleged target of the accelerated public works bill.

It is my intention to vote against the motion to override the President's veto of S. 575. I am genuinely disappointed that the bill has followed the course that it has. It is disconcerting and deeply frustrating to have important legislation such as the Appalachian program become the vehicle for questionable programs. I am relieved that the prospects for freeing the Appalachian program of its burden are brightened by the President's action in vetoing this bill. I hope that I can now see the end of the struggle to legislatively disencumber the important programs embodied in title 2 and 3 of S. 575 from the albatross which the House has appended in the form of title I.

I do not conceive my vote to sustain the President's veto to be any threat to the continuation of the Appalachian and EDA programs embodied in title II and title III of S. 575. With the passage of the general appropriations extending resolution the Congress has provided itself until August 6, 1971—ample time—to reintroduce and pass the extensions of these important programs. The President in his veto message carefully pointed out his support for the Appalachian regional development program, the Congress has continually expressed its support for this excellent program and the Appalachian Regional Commission has consistently reinforced that faith in the administration of its responsibilities. I firmly believe that the sustaining of the President's veto will be but the first step in the passage of the extensions of this program and the EDA program which originally had constituted the Senate version of S. 575.

Further, following the vote today it is my intention to introduce as a separate piece of legislation the proposal which I submitted in conference as an alternative to title I of S. 575. It is my opinion that this proposal is not unnecessarily duplicative of assistance afforded under the public services job bill and will provide badly needed Federal assistance to areas of critical unemployment due to the loss of a major source or sources of employment. It is my hope that this proposal will be studied carefully by the Committee on Public Works to determine its impact on the problem and to best coordinate it with existing programs so that aid to areas of critical unemployment will be adequate, expediently administered on an emergency basis and addressed to the problems as they exist in the areas to which assistance is addressed.

I am encouraged by the deep concern, which I have found much in evidence on the part of my colleagues with regard to the unemployment problem, that we will develop an effective and efficient unemployment countermeasure. I am eager to get the extensions of Appalachia and EDA enacted so that we might turn our full attention to this problem.

Mr. MONTOYA. Mr. President, I yield 15 minutes to the Senator from West Virginia (Mr. RANDOLPH).

The PRESIDING OFFICER. The Senator from West Virginia is recognized for 15 minutes.

Mr. RANDOLPH. Mr. President, we talk about jobs this afternoon. We talk about projects to strengthen America this afternoon. We talk about the conditions that make necessary the implementation of a broad program of public works to benefit the people of America who need our assistance.

I comment very briefly again upon the remarks of my able colleague who has just taken his seat. I think that we look upon an accelerated public works program now envisaged based on what was done in the Accelerated Public Works Act of 1962 which came from the Senate Public Works Committee. In that connection I remind my colleagues—and I wish that the Senate Chamber were filled this afternoon with Members of the Senate who would hear the arguments both pro and con—that in the 1962 public works program there were 5,100 waste treatment plants constructed in this country—in Tennessee and throughout the Nation. There were 1,250 water supply projects, which were urgently needed for the health of the people and the use of industry, constructed in Tennessee and throughout the country. Three hundred hospitals were constructed under that program in Tennessee and throughout the country.

That was the thrust of the program of 1962, and that will be the thrust of the program of 1971 if the Senate, in its judgment, overrides the Presidential veto on the pending legislation.

Mr. COOPER. Mr. President, will the Senator yield at that point?

Mr. RANDOLPH. I yield.

Mr. COOPER. I do not want to interrupt the trend of the Senator's thought, but, referring to the statement of the

Senator from Tennessee, I do not know, but it could be that he made the statement on the same ground that I would have made it; because, curiously enough, just after the passage of the bill in the House—and I am speaking on my own time, Mr. President—with title I, which, as I have said, we were never permitted to act upon in any way, certain officials were already speaking to our county officials, and telling them about the courthouses and jails and other things which have been mentioned.

I am not against building a courthouse or a jail where it is necessary, where there is unemployment, but I did wish to point out that this provision had been used to draw support. I hope the Senator will address himself to the point as I am sure he will, that title I would provide funds indiscriminately throughout the country, whether for areas of high employment, low employment, or whatever.

I thank the Senator.

Mr. RANDOLPH. Mr. President, I have a very sincere regard for a factual presentation by my colleague from Kentucky, because he always attempts to speak to the facts.

But now pointing out, as I did in 1962, when courthouses were not built throughout the country under the Accelerated Public Works Act, I remind my colleagues that under this program there will be approximately 1,100 areas throughout the 50 States with high unemployment that would qualify under the provisions of the proposal. There are 3,800 waste treatment facility applications, now ready for processing, that need funds; there are 850 water facility applications that need funding; there are 1,900 hospital and public center applications on file that are meritorious.

I think these should be matters of concern to all of us, whether we agree on the Presidential veto or not, as we consider this matter today. The projects are there, the projects are ready for processing, and the projects are necessary for the strengthening and sustaining of this country.

Mr. President, I regret the conditions of economic turmoil in which our country finds itself today. Frankly, we flounder in this country—not nationwide, perhaps, but we do flounder in regions of this country with heavy unemployment.

This is no new experience for me. I remember when I was first elected, in 1932. That was during the great depression in this country. We were plunged into the depths of a depression which I do not want to see repeated in this Nation. We remember that there were millions of people in this country then who were without jobs. We know that the economy had come to a virtual standstill. We know that extreme hardship was endured by millions of our fellow citizens.

I think we were fortunate in those days that we had an administration—and I do not speak politically—that recognized the depression for what it was. It was here, it was real, and we attempted to correct a deplorable condition in our country. The executive and legislative branches worked together for a common purpose, and it is now a part of history that we broke important new ground in those days and succeeded in sending the national economy upward.

Again in 1971 we are beset by economic troubles of great magnitude. Again millions are out of work.

Perhaps the figures are not just the same today, but the figures continue to mount, which indicates that we are in grave economic difficulty in our country. The magnitude of the problem today, I am sure, frightens millions of persons who are faced with underemployment and unemployment in our country.

Again, the powerful American industrial and business machine does not operate efficiently. It sputters, and it is operating at about three-quarters capacity. Although I am sure there is every reason for us to believe that the problem today is not equal in severity to that of 1932 and those years, for individuals who are out of work, with continuing inflation and unemployment, it is difficult to appreciate the difference.

There is one notable difference in what I believe to be, I say respectfully, the attitude of the executive branch of the Government, which in effect refuses to acknowledge the seriousness of the situation and to attack it with the vigor and determination which are absolutely necessary.

I am not an obstructionist to the President of the United States. I stand in this hall often and speak for his proposals. I have supported the administration in many of its efforts, and that is a matter of record.

A similar set of circumstances was encountered in the early 1960's in this country. The Senator from Kentucky was aware of the conditions then. We had, perhaps not a depression, but we did have a recession, and it struck with severe impact throughout this country.

That time we responded, in Congress, with an accelerated public works effort. to which the Senator from Kentucky offered his valuable support, to put men to work providing needed public facilities. We realized then that there was a need for such a program. We also provided tax incentives to spur job-creating business activity in the country, and we extended unemployment compensation to help those who were unable to secure jobs.

All of these efforts were positive in nature. They were not negative. They were actions that had a beneficial effect, and certainly the United States vigorously pulled out of that recession in the 1960's. Now, as we attempt to provide a similar package, if I may call it that, it will be tailored to the particular problems of the present, not those of the past.

I remind my colleagues that last year Congress gave the President standby authority to impose wage and price controls in this country. Though the President has not used this authority given to him by Congress, I think he should have used it, and I believe had it been used, the inflationary forces would be much less today.

Just a few days ago, the President of our country signed the Emergency Employment Act to create, I believe, an estimated 180,000 public service jobs in this country. He has, however, vetoed legislation which would provide a similar number of jobs by reactivating the accelerated public works program, which remains on the statute books. The Committee on Public Works, on which I am privileged to work with the Senator from Kentucky (Mr. COOPER), the Senator from Tennessee (Mr. BAKER), and other Senators, also hopes to develop legislation to provide permanent authority for coping with the economic disasters which sweep across this country. The Senator from Tennessee has appropriately mentioned that legislation upon which we shall act in the committee.

That legislation, I think, is needed to make our response complete, and it is a part of the package which I am discussing today.

Discouraging as it is, I am afraid that we must always expect economic fluctuations which will periodically produce situations such as that in which we find ourselves now.

So we should have permanent responses ready to be brought into action as quickly as possible. We have developed in recent months legislation for the Emergency Employment Act and accelerated public works. Both of these constitute what I call the integral parts of this response which should be well rounded.

I am certain—and I say this with conviction—that accelerated public works, the program to which we direct our attention today, will be—has proved itself to be—an effective mechanism for placing the unemployed back to work on worthwhile jobs that increase the strength of our communities and the well-being of the people nationwide in these perilous times.

This program has been criticized as involving only one segment of our economy, the construction industry. I believe that this is a wrong criticism, when we consider that unemployment in the construction industry is much higher than the national average. The argument fails to take into account the fact that this program is geared to providing such urgently needed community facilities as sewer and water systems and hospitals, which will, of course, improve the lives of millions of our people.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. RANDOLPH. How much time have I consumed?

The PRESIDING OFFICER. Fifteen minutes have expired.

The Senator from New Mexico has 32 minutes remaining, and the Senator from Kentucky has 36 minutes remaining.

Mr. MONTOYA. Mr. President, I yield 2 additional minutes to the Senator from West Virginia.

Mr. RANDOLPH. Mr. President, the argument also discounts the stimulating effect that this work would have on other industries besides the construction industry. The result would be a significant impact on the 5.6-percent unemployment as reported to us in June of this year.

I invite attention to the continued withholding by the administration of huge amounts of money that should be channeled immediately and directly into additional job-producing public works development activities. Impounded today is approximately $12 billion. Approximately $6 billion of this is highway funds and could be a powerful stimulator for the economy if released to the States.

Past experience has shown that spending delays only result in higher costs in the long run and that withholding has not slowed inflation as intended.

It has been argued, further, that construction tends to be an inflationary industry, with rising pay scales of labor. This need not be so if the President would use the wage and price control authority which has been given to him by Congress. I know that rampant inflation is unhealthy for the economy. But I am convinced that a controlled inflation is not nearly so injurious as continuing unemployment and its effect on our people.

By refusing to take positive action, the administration is actually forcing people out of the labor market and onto welfare rolls. Must we continue this practice of deliberately wiping out any hope for productive employment by restraining the enormous resources of the Federal Government?

That the American economy needs a boost is, I believe, beyond question.

The Federal deficit for the 1971 fiscal year will exceed $23.3 billion, and this huge deficit is due almost exclusively to a shortfall in Government revenues. Income, in turn, was deficient because of slackened economic activity resulting from the severe recession the administration declines to recognize. Federal expenditures actually represent a neutral fiscal policy when counterrecessionary measures are needed.

The lack of confidence in the economy is shown in the abnormally high levels of deposits in savings accounts. People have lost faith in the future and are holding on to their money as insurance against the uncertainties about what tomorrow holds for them.

The $2.5 billion provided under the Emergency Employment Act, the $2 billion authorized for accelerated public works and the billions provided but impounded by the administration together would prime the economic pump to an unprecedented degree, providing not only jobs for our people but deficit-reducing tax revenues for the Government.

Unemployment today reaches into every corner of our society. People in every walk of life are suffering because of lack of jobs. But there is perhaps no more tragic situation than that involving 400,000 Vietnam veterans who have returned from fighting a war in a far-off land to find they are unwanted in the job market. These young men have risked their lives and certainly deserve more than to be faced by a "no help wanted" sign.

Mr. President, while we are principally concerned today with the issue of accelerated public works, I must call attention to two other important programs that are affected by S. 575.

The President has again enunciated his support for the Appalachian Regional Development Program and the Public Works and Economic Development Act, both of which are extended in this bill.

I appreciate his endorsement of these programs. Vetoing this bill because of accelerated public works, however, has placed the continuance of these two successful programs in jeopardy. Through the appropriations process we have authorized them to continue functioning but that authority expires on August 6.

These programs cannot operate effectively on a temporary basis. Their need for long-run authorization or why the questions we consider today must be resolved immediately.

The essence of what the Senate must decide is whether we are committed to doing everything within our power to help create jobs, jobs that will produce incomes with which to buy food, shelter, and clothing for millions of Americans.

There is no single solution to the problem of unemployment. Neither accelerated public works, nor public service employment, nor any other individual program can or will do the job alone. We must attack this enemy to our national well-being on several fronts with a variety of weapons.

The Senate today has the opportunity to restate its conviction that a vigorous public works program is an essential part of the total effort. I urge my colleagues to override the veto. I believe it will be in the interest of the people of the United States.

I need say only this: The Senate to restate here the conviction of Congress that we need a vigorous upswing in the economy of this Nation. The overriding of the veto will help us to bring about new jobs, worthwhile projects, and the building of a better country.

Yesterday, the able Senator from Alaska (Mr. STEVENS) joined me in sending a letter to all Members of the Senate. This letter discussed the principal issues before us on this question, and I ask unanimous consent that it be included in the RECORD at this point.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, D.C., July 13, 1971.

DEAR COLLEAGUE: Tomorrow afternoon, July 14, the Senate will consider and vote on the President's veto of S. 575, a bill to extend the Public Works Acceleration Act, the Public Works and Economic Development Act of 1965 and the Appalachian Regional Development Act of 1965.

Disagreement with the judgment of the President is a serious matter. It is our view, however, that your presence and vote to affirm the action of Congress is important to the Nation and the five and one-half million unemployed Americans. While this authorization bill itself will not provide jobs for all of the unemployed, *it will go a long way toward reducing the substantial unemployment in the construction field where there currently are between 350,000 and 450,000 unemployed workers.* Many of these would be given work instead of welfare. Taken together with the Public Service Employment Act which will provide approximately 200,000 jobs, the Public Works Acceleration Program will help set the stage for a much needed resurgence in our economy.

Arguments against the acceleration program include the so-called high cost per job—a figure of $20,000 per job has been used. Based on the experience of the 1962 Act, the cost to the Federal Government for each job created was approximately $8,000. More importantly, the argument assigns all of the costs incurred by the program to job creation when, in fact, *the program results in the construction of necessary and vital public facilities.*

Under the bill pending before the Senate, *the funds available will be used primarily for basic public works with heavy emphasis on water storage, treatment, purification and distribution, and sewage treatment and sewage facilities.* The urgency of need for such public facilities is, we believe, apparent to all Senators. Not only will the construction of these facilities provide jobs but their placement will add to the betterment of the lives of our citizens and provide a substantial number of continuing jobs in their operation and maintenance. It also will help alleviate the financial burdens of many communities at a time when bonds to finance these projects are being rejected by the electorate.

Enactment of this bill also would allow the regional economic development programs under the Appalachian Regional Commission and Economic Development Administration to continue without interruption.

It is our genuine hope that you will join with us on Wednesday afternoon to approve this bill.

With appreciation for your consideration of our appeal, we are,

Truly,

TED STEVENS.
JENNINGS RANDOLPH.

The PRESIDING OFFICER. Who yields time?

Mr. BAKER. Mr. President, will the Senator from Kentucky yield me 5 minutes?

Mr. COOPER. I yield 5 minutes to the Senator from Tennessee.

Mr. BAKER. Mr. President, the distinguished senior Senator from West Virginia has, in his usual and eloquent way, made reference to his concern for unemployment in the country and his view that the program now under consideration, accelerated public works, is modeled after the 1962 program and is the needed remedy in 1971.

Obviously, from his remarks and the remarks I made previous to his remarks, we disagree on that point; and I will not burden the Senate with further elaboration on that point. However, the Senator from West Virginia made a number of references to worthwhile projects that could be or should be undertaken in Tennessee and in other States if APW were enacted. Obviously, I am aware of that. I am also aware of the fact that these projects need not be undertaken just under APW but can be undertaken in many ways.

The Senator from West Virginia expressed some concern for my allegation—perhaps the figure of speech was generous, but I think not excessively generous—that the passage of APW might result in the building of courthouses and city halls all over the country. I do not know how many courthouses or city halls were built between 1962 and 1964. I know that there are approximately 3,000 counties in the country. I note that the compilation I have shows that administrative and other buildings constructed under APW total almost 900.

Of course, we have to bear in mind that APW was only funded at something under a billion dollars in 1962, and this is a proposal for $2 billion.

I have no idea how many courthouses

or city halls will be built, but my effort in choosing these symbolic structures was to point out that they are not necessarily labor intensive. They are masonry, bricks, and mortar intensive, and they may or may not fit the requirements for a program for the alleviation of unemployment in a particular area.

It seems to me that if we are going to spend a substantial amount of money, we need to do it on some basis other than the casual happenstance that these funds will provide relief for unemployment.

Mr. President, the matter of APW was debated at some length in the House of Representatives, and I note certain excerpts from the December 11, 1970, CONGRESSIONAL RECORD, in which former Representative William C. Cramer referred to the per job cost for APW in the 1962–64 period.

Former Representative Cramer, for example, pointed out that one project in California, the Pinnacle Recreation Facility, took $564,000 to provide one man-year of work under the APW program. I am sure that it will be of particular interest to my distinguished committee chairman that in Moundsville, W. Va., the cost was $766,000 of APW funds to provide one man-year of work on storm drainage in that particular community.

I have no quarrel with storm drainage in Moundsville, W. Va., or any place else. But I do submit that we have an opportunity to see and examine and understand a program for the alleviation of unemployment more effectively than a shotgun approach, and that is precisely what APW amounts to.

Mr. RANDOLPH. Mr. President, may I have 30 seconds?

Mr. MONTOYA. I yield 1 minute to the Senator from West Virginia.

Mr. RANDOLPH. I understand the thrust of the Senator's argument. I think he rather casually dismisses the fact that approximately 350,000 construction workers in this country are unemployed. I think this is a very important item. Frankly, we did not have it in the early 60's in this country.

Of course, the costs of construction are now more than they were then, and they will be more than 10 years from now.

I think we must confront ourselves with the fact of unemployment and the need for jobs that will be used on productive projects. The thrust of this accelerated public works effort will be on water treatment plants, sewage treatment plants, and hospital facilities. These are very necessary to strengthen our economy at home.

Mr. PROXMIRE. Mr. President, I ask unanimous consent for the distinguished manager of the bill to yield me 5 minutes.

Mr. MONTOYA. I am happy to yield 5 minutes to the Senator from Wisconsin.

The PRESIDING OFFICER (Mr. EAGLETON). The Senator from Wisconsin is recognized for 5 minutes.

Mr. PROXMIRE. Mr. President, I was, I think, the only Democrat to vote against the public works acceleration bill when it last came before the Senate. I have troubled over that vote. It was a hard vote for me to cast.

I have changed my mind. In the first place, I recognize the many weaknesses in the public works program. It was tried before, in 1962. All the testimony by competent economists was that this was not the most effective way to put people to work, that it would take 3 or 4 years to move into it. In the second place, the testimony was overwhelming that the Government is already obligated to the programing now on the books so that we will use up every bit of the full employment revenues through 1974. That means if we adopt a $2 billion public works program, we will not be able to find health and education programs for which there is a crying need.

Second, I was concerned because I have never been in favor of many public works programs. I feel that they are, in the main, a wasteful allocation of our resources.

But I have changed my mind on this public works problem and I have done so with considerable emphasis and feeling. There is no question that we are faced with the fact of heavy unemployment today. More people are out of work than have been out of work for 10 years—5½ million people are out of work.

There are a number of elements in the economy that could cause further unemployment. The Federal reserve has increased the money supply for the first 6 months at a 10 percent rate. Of course that has been, a stimulating force. But we may now expect a sharp reduction in the rate of money supply increase. The Federal reserve has indicated exactly this. That means that interest rates will continue to go up as they have for the past 6 weeks—which means less housing, less jobs, less construction. That means that the economy could be in for a dfficult time. I asked the chairman of the Council of Economic Advisers about this and when he testified before the Joint Economic Committee about this, he agreed that this was the likely situation.

On January 1, we will have the biggest social security tax increase in the history of the country. That will be depressing. That will take money out of the economy.

We have had a period of 4 or 5 months now in the stockpiling of steel, and we face the prospect of a strike in the steel industry. The inventories will have to be worked off. That means more unemployment.

I was hopeful, when we acted before on the public works bill, that the administration would come in with an economic program. They have not done so. Secretary of the Treasury Connally was clear in saying that the administration does not intend to take any further steps to stimulate the economy, that they are against an income tax reduction and against taking any other stimulative actions. The chairman of the Economic Council of Advisers who testified before the committee only 3 days ago confirmed this.

Mr. President, idle manpower is a terrible personal tragedy. The effect on the man who is unemployed, and his family, is something we should do everything we can do to prevent and avoid.

As I have stated, public works, in my view, are not the best way to solve the problem. It is one way, and not a bad way.

For these reasons, and with some reluctance, I want to announce that I shall vote to override the President's veto.

Mr. RANDOLPH. Mr. President, will the Senator from Wisconsin yield?

Mr. PROXMIRE. I am happy to yield to the Senator from West Virginia, who has been a great champion of public works and whom I greatly admire, although occasionally we have disagreed on this subject.

Mr. RANDOLPH. I recognize the thoroughness with which the Senator from Wisconsin (Mr. PROXMIRE) goes into any area of public works, because, frankly, he has not supported such programs in the past. It is important, while we are speaking of heavy unemployment, to indicate that not only is unemployment in the construction industry almost 12 percent; because it has been mentioned earlier that the so-called minority groups were not given attention in such a program, that 25 percent of the unskilled workers in the construction industry are unemployed. These are the very people that we will be helping.

Mr. PROXMIRE. I thank the Senator from West Virginia. That is an excellent point. What the program will do will be to provide jobs for those out of work. It will not be inflationary, or affect labor resources in short supply.

Mr. President, I yield the floor.

Mr. MONTOYA. Mr. President, I yield 5 minutes to the Senator from Connecticut (Mr. WEICKER).

The PRESIDING OFFICER. The Senator from Connecticut is recognized for 5 minutes.

Mr. WEICKER. I thank the Senator from New Mexico for yielding me this time.

Mr. President, let me say to the Senator from Wisconsin that I was one of many Senators who voted against the bill. Today, I intend to vote to override the President's veto. Quite frankly, I do not think the reasons for having voted against the bill have changed that much.

Mr. PROXMIRE. If the Senator would yield right there so that I may correct that, my position is the same as that of the Senator from Connecticut. I voted against the bill to begin with and I, too, am going to vote to override the President's veto.

Mr. WEICKER. I understand that. The reasons for having voted against the bill, as to the bill's content, I do not think have changed. There are weaknesses in it. I do not believe it is as broad-based as it should be. The Senate took that action with regard to emergency public service employment.

I have my doubts as to whether the money will get through the pipeline in time. So I do not think any of those reasons have changed that much.

But there is one thing that has changed and changed dramatically. Today, at noon time, in the State of Connecticut, the latest unemployment figures for the week in July, or this portion of July, were released, and the rate in Connecticut now stands at 10.1 percent unemployed.

This puts Connecticut in third place in

the unemployment sweepstakes, behind Alaska and Washington.

As we go down the figures of some of the towns in Connecticut, we can lead off with Bristol with 24.5 percent unemployed. Ansonia with 16.6 unemployed. New Britain with 14.8 percent unemployed.

Certainly I am willing to stand by and listen to the arguments of the economists with their economic game plan, but I came to the Senate primarily to represent reality. Reality today is 10.1 percent unemployed in my State of Connecticut.

Mr. President, the continuing increase in unemployment in Connecticut and many other portions of this Nation is totally unacceptable by any criteria of human understanding. I will not associate myself with any economic game plan that has as one of its ingredients a level of 10.1 percent unemployed.

Time has been given, certainly, and time enough, to those who have tried their economic theories. Just how do we explain some sort of economic theory which we do not mind sitting and listening to in the Senate or in committee, but how do we explain it to the one man out of 10 who is unemployed in the State of Connecticut, to the one man out of four who is unemployed in the city of Bristol, or to the one man out of six who is unemployed in Ansonia?

It would just be great if the Members of this body could go to the various towns of Connecticut, and outside in other States, and try to explain to a man who is attempting to provide the bare essentials of life for his family, some economic theory that, hopefully, will work.

I think that the full attention of this Government and of the subcommittee must be applied to what is our No. 1 priority in the Nation today; namely, the problem of unemployment.

There are those who have indicated that by use of the term "public works," it is some sort of "pork barrel" arrangement. It is not. The projects of sewage treatment and water treatment are essential in my State. We were promised these facilities, quite frankly, during the Johnson years. Along came the war, and that all came to an end, for the most part. We do not have adequate funding to solve the problem of sewage treatment and other problems for at least 6 years. I say that it is fine if we want to catch up. Let us do it. It is a great way to put our money to use.

In conclusion, I want to point out that Connecticut is certainly willing to shoulder its share of the burden in the fight against inflation. However, a despairing labor force that is preoccupied with providing just the bare essentials for their loved ones could hardly make a contribution to the Nation as a whole. That is exactly where the labor force sits in the country today. On this occasion, I choose their plight as my priority in the pending issue.

Mr. President, I yield back the remainder of my time.

Mr. COOPER. Mr. President, I appreciate very much the very fine statement by the Senator from Connecticut and also that by the Senator from Wisconsin. Nevertheless, despite the statements that have been made, I think that we must address ourselves to the true problem and issues we are facing. The real issue is whether the accelerated public works program described in title I, is one which will help quickly those who are unemployed? Is it a program that will help throughout the country the different groups of unemployed or will it be directed chiefly to one group? We must answer these questions. Is it the best program to relieve unemployment?

I usually agree with our chairman, the Senator from West Virginia, respecting all matters concerning public works and also on many other legislative subjects. He has referred to the depression of the 1930's I point out that the second political office I held was that of a county judge in Kentucky. Day after day I talked with people who were out of work, without money. They needed clothes. They needed food. I believe that it was perhaps the most useful job I ever had in my life.

The WPA program had the virtue of helping those who needed help, not in one particular group, but all groups, whether they were schoolteachers, bankers out of work, laborers, and farmers.

I was in the Senate in 1962. I voted for the Public Works Acceleration Act which this bill would renew. I appreciated the efforts of President John Kennedy, a man with whom we served and a man whom we loved. He was attempting to help the people. However, unfortunately the record shows that the accelerated public works bill did not reduce unemployment.

I have the record from the Department of Labor. In 1962 the percentage of the labor force unemployed was 5.5 percent. One year after the bill was enacted into law, the unemployment rate was 5.7 percent. Two years later, it was 5.2 percent. There was a 0.3 percent reduction in the unemployment rate 2 years after we enacted the bill.

There never was any considerable reduction in the rate of unemployment until 1965, when we began to move massively into Vietnam and began to incur the great budget deficits which are still a major cause of the inflation we suffer from today.

The Senator from Wisconsin with his great knowledge as the chairman of the Joint Economic Committee, and one who has always been interested in the economic problems, said that he voted against the conference report because all of the testimony before the committee was that it would be at least 24 months before title I could become effective. That statement is borne out by the record. It took from 1962 to 1964 before there was a reduction in the unemployment rate under the prior bill.

We have already enacted into law a public service bill which would provide 150,000 jobs, and very quickly. If we are to enact a public works bill, why do we not have a chance to act upon the one which was proposed to the Senate by the Senator from Tennessee (Mr. BAKER). That bill had the support of almost every member of the Public Works Committee, I believe. It is a proposal which we tried to fight for in the conference.

If the veto is sustained, we will have an Appalachian act, and we can have a better public works bill than the bill we are acting upon today.

The real issue is whether we should have a bill designed to meet the economic needs of the unemployed where they are the most severe and meet the needs of every class of worker in the country—professional, skilled, unskilled, young, old, minority groups equitably and quickly.

Mr. RANDOLPH. Mr. President, will the Senator yield for a question?

Mr. COOPER. I yield.

Mr. RANDOLPH. Mr. President, is it not true that all of these programs, from the WPA days until the present, contributed employment to those who were without jobs? Have not the projects also contributed to the strengthening of the communities and to the uplifting of the economy and the betterment of the Nation? Is it not worthwhile for expenditures to be made here at home, contrasting them with the huge expenditures which are constantly made in many areas around the world? Is it not time for us to realize that even though these programs are not panaceas and will not work miracles, they are constructive programs and will contribute something toward the relief of those who are unemployed and will contribute to the betterment of the people?

Mr. COOPER. Mr. President, the Senator is asking me a leading question and I will, of course, answer yes. In my opening statement I said that the program would supply some jobs. However, we do not have an unlimited amount of money. We in the Congress have contributed to the large budget deficits. We must face the consequences. We have to decide what program can best meet the need and at an appropriate cost. I think that is a question that we must answer.

We could increase the amount to $5 billion, using the same logic, and of course provide for more jobs. But we do not have unlimited resources.

Mr. President, I thank the Senator from West Virginia.

Mr. MONTOYA. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER (Mr. WEICKER). The Senator from New Mexico has 18 minutes remaining.

Mr. MONTOYA. Mr. President, how much time remains to the other side?

The PRESIDING OFFICER. Twenty-four minutes remain to the Senator from Kentucky.

QUORUM CALL

Mr. COOPER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. Whose time is the quorum to be charged to?

Mr. COOPER. It may be taken from my time.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. COOPER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MONTOYA. Mr. President, I yield myself 5 minutes.

The PRESIDING OFFICER. The Senator is recognized for 5 minutes.

Mr. MONTOYA. Mr. President, I have listened to the arguments made this afternoon on the part of the Senator from Kentucky and the Senator from Tennessee in support of the President's action. At the outset I wish to say I respect these gentlemen very highly and I hold them in high esteem.

However, I want to say by way of preface that I have examined the unemployment statistics in the State of Kentucky as well as the State of Tennessee and, while any unemployment statistic is something that should surprise anyone and alarm anyone, especially anyone who represents a constituency in a particular State, the statistics for those States are not as grave as unemployment statistics that prevail in the rest of the country because there is a median of 4 percent to 4.5 percent in both States.

Those of us who come from States where unemployment is really high do express grave concern about the President's action. There has been some indication about the action of the House in adding title I to the Senate bill, title I being known as the extension of the Accelerated Public Works Act of 1962. In conference we considered this matter and I was in favor of the Accelerated Public Works Act Extension.

With respect to those Senators who plan to sustain the action of the President in the belief that there will be an automatic passage of the Economic Development Act, which is another title in the bill, and the Appalachian Regional Development Act, I think there is room here for very serious discussion. I think we are mistaken in that belief.

The hard and disquieting truth is that many Members of the House need more than just the bare extension of EDA and the Appalachian Act and the title V commissions because these do not encompass the districts or constituencies of many Members of the House where high unemployment exists.

That is why we are going to face serious opposition from the House if we just come out of committee with a bare extension of Appalachia, the Appalachian Regional Commission, EDA, and the title 5 commissions.

Conversations with leaders in the House clearly indicate they will not be satisfied because too many Members are concerned with the plight of their constituencies. They are insisting that we provide in this legislation something meaningful that will cover the entire landscape of America.

Quite a few things have been said about how the accelerated public works program would only help a few people. Well, granted, but let us review briefly the situation in 1961 with which President Kennedy was confronted after the recession of 1960.

The Accelerated Public Works Act was passed in 1962, but there were other actions taken by the President, and they all constituted a package, they all constituted vital ingredients in the main thrust to try to end unemployment and to try to end the recession that had set in, in late 1960.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. MONTOYA. Mr. President, I yield myself 5 minutes more.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. MONTOYA. I think it is interesting to note what President Kennedy did at that time. One of his first actions was to open up the food warehouses where surplus food was stored by our Government. He issued an edict or proclamation to the Secretary of Agriculture to feed the poor of this country, the unemployed. Yes, and he sent to Congress a special message to enact unemployment compensation legislation, because, for many workers, the unemployment compensation that they were entitled to under such laws had expired, but under the Federal extension, 13 weeks of unemployment compensation was provided.

Then it was proposed that interest rates under FHA should be reduced, to try to stir up the housing industry. Yes, Congress reduced interest rates prescribed under FHA legislation from 7.5 percent to 5.25 percent. That triggered a housing construction boom in this country and created employment for many people.

Yes, and he sent to the Congress another message to do something about capital outlays for business. He asked Congress to enact a 7-percent tax credit. It was done in 1961, and the law was enacted in 1962.

Then we provided, through congressional enactment, the fast writeoff and depreciation for business. That set off more capital outlay purchases on the part of business and new construction all across this vast landscape of ours.

Then the 1962 Accelerated Public Works Act was enacted. Yes, many cities and counties came in to try to do something about such works, such as sewage collection systems, water systems, hospitals, and many other worthy projects.

When we speak of so many people being placed at work with almost $1 billion for accelerated public works, let us also mention that we have standing today as monuments to the foresight of those years sewage collection plants, municipal plants, hospitals, clinics, and many other capital outlays that are serving humanity today. These are matters that are not mentioned in the arguments.

Yes, and then, too, we did something for the farmers, because the President wanted more ingredients in this thrust. He ordered advanced farm payments made to farmers.

Yes, and the Federal Reserve was "jawboned" into providing more money and keeping interest rates down.

All these constitute vital ingredients, but where do we have the ingredients today to say that we do not need accelerated public works? Where do we have the foresight of 1961 to try to take care of unemployment? That is what we are arguing about. I am not trying to be partisan. I am trying to exhort my colleagues on the other side of the aisle and I am trying to exhort the President of the United States to do the things we did in 1961, 1962, and 1963, because they worked then. Let us do it now, in a bipartisan fashion. Let us do it for the unemployed in this country. Let us try to provide, through legislation, and through cooperative action between the President and the Congress of the United States, legislation that is meaningful, that will take care of the unemployed right now.

The argument is made, What are we going to do? How soon are these people going to go to work? I say right now they can go to work if the administration, pursuant to the enactment of this legislation, puts out the money. We in the Congress are ready to provide that money.

Let me point out that today there are 3,800 sewage disposal facilities awaiting funding. Eight hundred water projects are awaiting funding. Nineteen hundred hospital and health center projects are awaiting funding. Two hundred thousand jobs can be provided to start that kind of program.

That is what is at stake. That is what is at stake before the Congress and the United States today. Let us move forward.

Mr. JACKSON. Mr. President, will the Senator yield 2 minutes to me?

Mr. MONTOYA. Mr. President, I yield 2 minutes to the Senator from Washington.

I will defer yielding at the present time and wait to see whether the other side will yield any of its time to any Senator who wishes to speak on that side.

Mr. COOPER. Not at this time.

Mr. BAKER. Mr. President, would the Senator yield me 3 minutes?

Mr. COOPER. I yield 3 minutes to my colleague.

Mr. BAKER. Mr. President, I have already spoken previously on the range of the issues that are before the Senate, and I shall not go over them again except to say that I am genuinely sorry that we find Appalachia and EDA held hostage to APW.

I do not think anyone is arguing against concern for the great areas of unemployment. The question is, How do we implement programs to alleviate those conditions?

I make this additional point, and I make it especially with respect to the very eloquent and cogent remarks of the junior Senator from Connecticut. I conceive it as our responsibility to use our resources as wisely as we can and as effectively as we can. I submit that the accelerated public works program as represented in title I of this bill is uniformly directed over virtually every section of the country, but that the proposal which was offered in conference for an economic disaster relief bill would concentrate the same type of funding in those areas where it is most needed.

Therefore, I submit that, according to my figures, the five States having most critical unemployment and which would most substantially benefit would be Alaska, the State of Washington, Connecticut, Michigan, Maine, as well as the District of Columbia, if we substituted an economic disaster relief program for APW. These States and the District would receive in that even a far, far greater share of the total available resources.

This obviously is an "iffy" situation.

That is why I am so sorry we are in this parliamentary situation now. It is "iffy" because it means that we can sustain the veto, and if we do, we can proceed to consider Appalachia and EDA, and if we have an opportunity to consider an economic disaster relief act on its own merits, I think it can pass, and I think it should. But I do not believe a program initiated in 1962, which was not successful then, and which saw an increase in unemployment for 2 years after it was enacted, is the answer to our problem in 1971.

Mr. MONTOYA. Mr. President, I yield 2 minutes to the Senator from Washington (Mr. JACKSON).

Mr. JACKSON. Mr. President, I rise in support of the motion to override the veto of the President of the United States. I want to compliment the chairman of the Public Works Committee, the distinguished Senator from West Virginia (Mr. RANDOLPH), for his leadership in bringing about this legislation. I compliment the chairman of the subcommittee, the distinguished junior Senator from New Mexico (Mr. MONTOYA), who held field hearings throughout the United States in connection with the pending legislation.

I would point out that the Public Works Committee went into this matter very carefully, very thoughtfully. This is not haphazard legislation. The committee had an opportunity to obtain, at first hand, some of the vital statistics in connection with the economic hardship that we face in the United States.

In my own State of Washington, we have an unemployment rate in the Seattle-Everett area of 15.7 percent, probably the highest in the United States. We know that generally throughout the country the nature of our unemployment this time is different than it has been in the past. In addition to the unskilled workers without jobs, we have the highest percentage of highly skilled and highly trained white collar and blue collar workers unemployed in our history. I am referring to the scientist, the engineer, the machinist, the toolmaker, the diemaker, the highly skilled construction operator, and so on.

This legislation would make it possible to employ the highly skilled as well as the unskilled. It seems to me that it is only a matter of prudence that Congress once again take the action that we have previously taken by overriding the veto.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. JACKSON. I ask for 1 more minute.

Mr. MONTOYA. I yield the Senator 1 additional minute.

Mr. JACKSON. I would observe that this program is a part of a larger economic package. Obviously, an accelerated public works program alone will not do the job; but it is late, and this work of the Public Works Committee is an integral part of the effort for economic recovery.

As to saving money, I would observe that the time to get good competitive bids is during the lean years, when many contractors do not have the business that they would normally have. I submit that the cost of these jobs will be considerably less now than they will be later. That is just common sense. I join the able Senator from New Mexico in saying there is nothing partisan in what I say. The wise thing for Republicans and Democrats alike is to see to it that this measure does become law by overriding the veto, so that we can make this legislation part of a sound program from economic recovery.

The PRESIDING OFFICER. Who yields time?

Mr. COOPER. Mr. President, I yield 2 minutes to the Senator from New York.

Mr. JAVITS. Mr. President, this is a hard program to argue against, but we are not given to easy decisions. I need not protest my liberal credentials; they have been well-established in this body and in the country.

This is a difficult question because there is unemployment, and there is no doubt about it. And the difficulty is that the Government must help to meet the problem. I understand this and I was among those whose efforts produced the public service jobs bill which the President has signed.

The question is how best to spend our money. The amount involved here is $2 billion. How can we use it best?

I believe this measure is really inadequate to the occasion. I believe the best use of funds to meet the problem of unemployment is, first, public service employment; second, manpower training; and third, a backup to our family assistance plan, which has already passed the House and which provides for 200,000 public employment jobs.

Certainly the employment situation in the country at this time is bad; unemployment has hovered around the 6 percent mark and only recently though did we see a sharp drop to 5.6 percent, the actual number of people unemployed rose to 5.5 million. Thus, while the recent trend may be down, unemployment still remains a serious problem. Unfortunately, enactment of S. 575 is not the way effectively to solve that problem.

The accelerated public works program which was first initiated in 1962 to stimulate employment and the general economy had a very spotty record. No compilation of actual accomplishments was ever made of the Accelerated Public Works Act of 1962. It is not known exactly how many direct and indirect jobs were created by the program. But we know that by June 30, of 1964 it was estimated that approximately 45,500 workers were employed on site under the program. This was a result of expenditures of $860 million in Federal funds, and additional expenditures of local matching funds which brought the total to $1.7 billion. Thus, it can be argued that each job cost a minimum of $20,000 or even closer to $40,000 when total spending is taken into account. Therefore by almost any estimate, the cost of producing jobs under this type of legislation is staggering. Finally, it is very speculative how many jobs will actually be produced by S. 575 with no accurate statistical data available to substantiate estimates made on either side of the question. The Senate held no hearings on this program and the House hearings did not thoroughly review this aspect of the legislation.

A further drawback to this legislation is that it will provide little help for many areas of high unemployment, especially urban areas; and will not help directly those unemployed in aerospace, defense and technical industries. The unemployment problems throughout the country are not uniform and indiscriminate Federal spending on construction of public works projects will not directly alleviate the unemployment problem in many critical areas.

Another important point is that the construction projects provided for in S. 575 will not provide new jobs in the immediate future when they are so desperately needed. Significant employment gains under the previous Public Works Acceleration Act did not occur until 9 months after its enactment. This time lapse resulted from administrative and planning delays in getting the program into operation. In fact, we could anticipate even more delays today because of environmental impact statements which must be filed, and possible local opposition to specific public works projects. Thus, it is extremely doubtful whether jobs could be made available in the near future and most likely that it would be at least 1 year before any measurable gains could be seen from this program.

I believe that measures must be taken to directly affect employment as soon as possible. Thus, I led the fight, together with Senator NELSON and others, to pass a $2 billion public service jobs bill which was signed into law by the President on Monday. This bill will provide 150,000 public service jobs very quickly in areas of greatest need. I understand the President has sent up a budget request for $1 billion the full authorized amount for this year. The money will be spent directly for jobs and not in large part for materials as is the case under this legislation, and it is important to note that.

Besides the public service jobs provided in the recently enacted law, an additional 200,000 public service jobs are provided for in the welfare legislation which has passed the House and is pending in the Senate Finance Committee. It is quite likely that these jobs will be available no later than any job that might be created by the accelerated public works program and at much less cost.

Finally, I am working very closely with Senator NELSON and others on a comprehensive manpower bill which we hope will be enacted by the end of this year. This bill will also contain additional public service jobs thereby creating even more employment.

Thus, I believe that the public service jobs bill signed into law and the other public service jobs which will be created by the welfare legislation and the manpower legislation are important steps toward solving the unemployment problem in an effective way. There are other steps that can also be taken to alleviate unemployment both in the Nation and in particular industries. Imposition of wage and price guidelines, for example, would go a long way to help the state of the economy generally and conversion of defense and space technology to domestic uses such as mass transit, aviation needs, and other crucial needs of our cities, would help with the serious unemployment problems in particular technical industries. However, I do not believe it helps the situation to approve legislation which will not effectively solve the unemployment problem and which has many drawbacks in terms of creating jobs in a timely matter and in critical areas of unemployment.

I am not trying to say I have the last word on the subject, but for all the reasons I have stated, and after a careful review of the merits of S. 575 and of the many opinions received from my constituents, I shall vote to sustain the President's veto.

The PRESIDING OFFICER. Who yields time?

Mr. MONTOYA. Mr. President, I yield 1 minute to the Senator from West Virginia.

Mr. RANDOLPH. Mr. President, I value the opinion and convictions of my colleague from New York. However, he has given a figure of 45,000 as the number of jobs that were created under the accelerated public works program of 1962. In reality, it was 110,000 to 115,000 jobs. I think the RECORD must be made on that point.

The PRESIDING OFFICER. Who yields time?

Mr. COOPER. Mr. President, I have agreed to yield 2 minutes to the distinguished Senator from Alaska.

Mr. STEVENS. Mr. President, the Senator from Kentucky, with his usual fairness, has allocated me some of his time, although he knows I shall vote to override the President's veto, primarily because I think the argument so far misses the great need. The great need is really in the area of sewer and water facilities and public works facilities, which the State and local governments cannot finance now because of the decline in the economy. I have had prepared a series of tables to illustrate this point, which I ask unanimous consent to have printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. STEVENS. But I would point out just one significant fact: For the first quarter of this year, for the first time, only 57.1 percent of the bond issues placed before the people by State and local governments were approved, and the reason the others were not approved was because the people know they do not have the money to take on those obligations on the local level.

On the other hand, the statistics show that the need for water and sewer facilities in particular, and storm sewer and waste treatment plants, has risen at such a dramatic rate, because of the great increase of environmental concern in this country, that needed water and sewer facilities alone would cost $11 billion if we could proceed with them right now.

That is just a portion of the need. I firmly agree with the Senator from New Mexico and the Senator from Washington that this is not a political issue. It is an issue as to which I would hope we could get away from politics. Anyone trying to play politics on it is out in left field, because the basic issue is, can we meet this need, and, in meeting it, can we help unemployment?

Mr. President, I think we can do both.

EXHIBIT 1

I. Issued and Approved Local Government Bonds for Water and Sewage Facilities—1970.

A. Actual Bond Sales:

1. Dollar Volume—$2,241,000,000.

2. Number of Issues—1,086.

B. Water and Sewage Bonds Approved—Based on Election Results:

1. Dollar Volume Approved by Voters—$1,222,000,000.

2. Approved Ratio—84.1%.

II. Issued and Approved Local Government Bonds for Water and Sewage Facilities—First Quarter of 1971.

A. Actual Bond Sales:

1. Dollar Volume—$902 million.

2. Number of Issues—306.

B. Water and Sewage Bonds Approved—Based on Election Results:

1. Dollar Volume—$117 million.

2. Number of Issues—44.

C. Approval Rate—57.1%.

III. 1968 Approval Rate Based on # of Issues—83.6%.

IV. 1969 Approval Rate Based on # of Issues—86.6%.

I. Estimates from Joint Economic Committee Publication: "State and Local Public Facility Needs and Financing" Vol. 1. Dec. 1966:

	Estimates for 1970
State and local	$5,450,000,000
Total outlay	7,340,000,000
	Estimates for 1975
State and local	$6,840,000,000
Total outlay	9,170,000,000

(Figures include regional, rural, and public water supply systems, sanitary and storm sewer systems, and waste treatment.)

II. EPA figures. Need through 1975 would be $12 billion—State and local governments would pay 50%.

III. Farmers Home Administration—Community Services Division. Based on a nation wide survey as of July 30, 1970.

Total communities needing assistance:	
Water systems	51,743
Sewage systems	30,179
Estimated cost:	
Water	$4,161,513,000
Sewage	7,121,767,000
Total	11,283,280,000

Mr. WILLIAMS. Mr. President, today the Senate is voting to override a Presidential veto, the first such veto of the 92d Congress. I deeply regret the necessity of voting to override the President on this issue, for it is one on which there should be no disagreement. The President has claimed to be committed to reducing unemployment and has also, through his statement on October 15, 1970, announced that a special effort would be made to provide jobs for the over one million servicemen and women who will be returning to civilian life from the Armed Forces this year. The President has emphasized this program in commendable terms, and has launched a campaign to convince employers that they should provide veterans with widened job and training opportunities.

But when it comes down to actual job opportunities, this glowing rhetoric of the President's has not been matched by action. In fact, the veto of the Public Works Acceleration Act, Public Works and Economic Development Act, and Appalachian Regional Development Act Extensions, demonstrated quite visibly the shallowness of the administration's commitment. This measure would provide $4 billion in Federal funds to finance public works projects in areas of high unemployment, and would also direct these funds to areas having a high rate of unemployment of Vietnam veterans. This is a measure badly needed in our Nation and in my State of New Jersey in particular, where the seasonally adjusted unemployment rate rose in May to 7.2 percent. I estimate that, based on previous Federal funding levels, New Jersey would probably receive about $200 million under this legislation, money which would go into badly needed public works programs and, simultaneously, create thousands of desperately needed jobs for our unemployed.

At this moment, more than 5.5 million Americans cannot find jobs. These are people who are capable of working, who want to work, and who are ready to go to work; but, there is no work for them.

The President's criticism of this bill comes to very little when measured against the urgent needs of these 5.5 million Americans. That is why I plan to vote to override the President on this issue, and why I fervently hope the Senate will act to nullify a veto which came as a cruel blow to the unemployed of our Nation.

Mr. TOWER. Mr. President, I intend to give my support to the President's veto of S. 575, the Appalachian Regional Development Act Amendments of 1971.

I concur with the reasons set forth by the President in his veto message. The President vetoed S. 575 because it contained the so-called accelerated public works program at a cost of $2 billion. I believe that this would be the wrong method for attacking the Nation's unemployment problem. This program would create permanent federally subsidized jobs at low-paying salaries. Furthermore, the establishment of public works job-placement programs require long leadtime, thereby negating any immediate effect the program might have on current economic conditions.

In addition, the public works plan is geared strictly toward an already inflation-ridden construction industry. The program's narrow scope would have little effect on such unemployed categories as Vietnam veterans, who in many instances need training assistance, and the aerospace industry workers who would find little incentive for becoming involved in the program.

Mr. President, I objected to the conference report on this bill because the House of Representatives had attached this public works program to the original proposal. I believed that the House overstepped the boundaries of germaneness in taking this action, and I continue to hold the position that this body should not consider the accelerated public works program until the Senate holds full hearings on this matter.

The Senate has approved the proper formula for public service employment by passing S. 31, the Emergency Employment Act of 1971. I only supported this measure after the conference committee had formulated a plan that is strictly transitional in nature and is geared toward a much broader group of potential jobholders. The bill is limited to 2 years and would only be triggered when the Nation's unemployment rate reaches 4.5 percent. Furthermore, I am pleased that the conferees were able to include a section in the bill making special consideration for returning Vietnam veterans.

Mr. President, I have long been philosophically opposed to the idea of direct federally subsidized public service employment. I only supported S. 31 because it has the potential to offer immediate assistance and will be terminated in 2 years. However, I will continue to oppose measures that would create permanent cadres of subsidized individuals with little benefit to our economy except to promote a sense of false security for the American people.

It is particularly unfortunate that the accelerated public works program was added to S. 575 because smooth continuation of many public works projects and the implementation of many others is now jeopardized. These public works projects are vital to the many local communities affected by the Appalachian Regional Development Act and the Public Works and Economic Development Act which S. 575 would extend. I believe the President recognizes the need to extend these two acts but was forced to veto the bill because of the inclusion of the accelerated public works provision.

Mr. President, I would hope that the Senate will uphold the President's action. Furthermore, I would hope that we are able to resume consideration of the Appalachian Regional Development Act amendments in the near future and pass it without this costly and poorly conceived accelerated public works program. By taking this action, the Congress would be acting in the national interest.

Mr. MUSKIE. Mr. President, the Public Works Acceleration Act Amendments of 1971 is a good means of attacking the present stagnant economy resulting in high unemployment and meeting pressing social and environmental needs.

Today our economy is characterized by high unemployment and inflation. The American public has been promised that the economy will improve as soon as unemployment reaches a high enough rate. The economic policy followed today is based on the belief that inflation is caused, in part, by the maximum use of resources and that inflation could be abetted by increased unemployment and economic slack. I believe that this economic policy is not only socially unjust but also economically faulty.

I believe that full employment and full production are the best way of combating inflation. Economic history supports this belief. In the 1952–55 period the country had both high employment and substantial economic growth and yet prices remained relatively stable, averaging an annual increase of only .3 percent for consumer prices. Later, in the 1956–58 recessionary period, there was slow economic growth, raising unemployment from 3.8 to 6.8 percent, and substantial price inflation, raising 10 times the average rate of the 1952–55 period.

Soon after he took office in 1969, President Nixon announced that the United States would pursue a policy designed to halt inflation by cutting back Government spending and raising interest rates. I question the wisdom of such a course of action when so many prices are administered rather than allowed to fluctuate in the free market. Instead, I believe that President Nixon should have followed a policy encouraging the maximum use of our resources.

How is this to be done? I believe that there are several ways to stimulate the American economy. We should immediately put into effect already enacted personal income tax cuts. Also, we should implement a meaningful income policy to control inflation. Recently, Congress responded to the present intolerable levels of unemployment by passing the Emergency Employment Act of 1971.

Despite these measures more can be done. The accelerated public works program is a valid response to inadequate public works and high unemployment in certain areas and industries. Congress should carry through its initiative and commitment by overriding President Nixon's veto.

The Public Works Acceleration Act of 1971 is designed to provide money for a backlog of public works projects. Estimates indicate that this act will create about 170,000 onsite construction jobs in an industry hard hit by unemployment. The total effect of this bill would be to create as many as 420,000 jobs. These jobs are not contrived but are jobs on public projects vital to the welfare of our Nation.

The President believes that this bill will not work because of the long lead times required to get the projects underway. What the President does not consider, though, is the backlog of projects already planned and ready, awaiting only funds. There are 3,000 applications for Federal approval of waste treatment plants, 800 applications for water and sewage plants, and 1,900 applications for hospitals. Many of these projects can be started right away.

The President also says that this legislation will not solve the problems of some of the segments of the labor market. I agree that the direct effect of the bill may not encompass the entire economy. Yet, this legislation will help the economy. A Vietnam veteran may not be employed on a construction site but he may be employed in a job created in a secondary industry.

In his veto message President Nixon singles out the construction workers as a major contributary cause of inflation. That argument uses the construction worker as a scapegoat for our general economic problems.

President Nixon vetoed this bill because he believes that this bill might be environmentally damaging. This bill, however, is designed, in part, to meet the environmental needs of our communities.

For these reasons, I urge that the veto of the Public Works Acceleration Amendments of 1971 be overridden. I believe that this bill is a good sound measure designed to aid the economy, to provide jobs for unemployed citizens.

Mr. MAGNUSON. Mr. President, I support the effort being made today to override the President's veto of S. 575. This veto has dealt a tragic blow to the effort to revitalize our Nation's economy. Surely the country, by any measure, is in a serious recession. The President, by vetoing the Accelerated Public Works Act, S. 575, has continued to ignore the basic economic needs of the people.

In Washington State, the actual unemployment rate is over 15 percent. Twenty-five thousand workers have exhausted extended unemployment compensation benefits in the first 6 months of 1971. Thirty-nine thousand five hundred workers have exhausted their regular unemployment compensation benefits in the first 4 months of 1971. For the first time in 30 years, serious hunger and malnutrition problems exist throughout Washington State. An accelerated public works program is needed in Washington State today in order to begin economic recovery and I urge Members of the Senate to override this unwise veto.

It means that the 256 accelerated public works projects in the State of Washington, worth $715 million, which would have created 710,895 man-days of employment in our State, will be delayed for years, unless this veto is overridden.

This veto, if sustained, will mean the loss of 142,179 man-days of employment in the Seattle area alone.

Mr. President, the 5,500,000 unemployed American working men and working women are waiting to see if the Senate will have the courage to override this veto and I hope we will not let them down.

EXPANDED JOB OPPORTUNITIES

Mr. DOLE. Mr. President, the problem of unemployment is of concern to all Americans, and in response to this concern the President and the Congress have taken action to expand job opportunities. But because of the selective nature of unemployment, much of it related directly or indirectly to industries adversely affected by defense cutbacks, it has been difficult to devise a comprehensive approach to the problem, especially since a high percentage of the unemployed have professional or highly skilled backgrounds.

EMERGENCY EMPLOYMENT ACT

In an effort to put people to work in the shortest possible time, on Monday, President Nixon signed into law the Emergency Employment Act of 1971, which provides authority to create 150,000 to 200,000 public service jobs to bring men and women back into the labor force.

HOUSE ACTION

At the time the President announced he would sign the Emergency Employment Act, he also announced his veto of S. 575, because one provision contained in that bill provided a $2 billion accelerated public works program. To understand the President's reasons for this veto, it must be realized that when S. 575 originated in the Senate Public Works Committee and when it was passed by the full Senate, it was designed only to extend the Appalachian Regional Development Act and the Public Works and Economic Development Act. Unfortunately, the House of Representatives added the accelerated public works program, and the Senate was forced to accept that provision in the Senate-House conference on the bill. At no time during the legislative process has there been adequate consideration of the lack of value of the accelerated public works approach in expeditiously providing jobs for the unemployed.

ACCELERATED PUBLIC WORKS NO SOLUTION

The accelerated public works approach would not really solve our unemployment program. Certainly some communities would benefit from new waste treatment plants, water and sewer projects, school buildings and other construction projects which they have not been able to fund under other Federal programs. But this approach would do nothing to help the unemployed aerospace technician in Wichita, Seattle, or southern California or other highly skilled workers who are the unique feature of this employment crisis. In addition, construction projects have long lead times, and past experience demonstrates such programs would not be fully effective for at least 18 months. The construction industry, which would be the major beneficiary of an accelerated public works program, is showing considerable strength in today's economy, and we would be increasing the inflationary pressures on that industry by devoting additional funds to construction of public works projects.

Earlier this year, the Economic Development Subcommittee of the Senate Public Works Committee held a series of hearings around the country as part of its review of Federal economic development programs. I presided over one hearing in Wichita, Kans., where we took testimony from unemployed aerospace technicians. I specifically asked whether an accelerated public works program would be an answer to their problems. The witnesses replied that it would not be an answer because they were not trained as construction workers.

SUPPORT FOR ECONOMIC DEVELOPMENT ACT

I want to emphasize that my objection is not to title II, the Public Works and Economic Development Act of 1965, or to title III, the Appalachian Regional Development Act of 1965. The Economic Development Administration has been helpful to Kansas and title II, as amended, will be of even greater assistance to the rural areas of Kansas, which have been suffering from out-migration during the past 10 years. But the benefits of these programs could not offset the cost and ineffectiveness of the accelerated public works program. Hopefully, the President's veto will not be overridden and the Congress will act quickly to pass legislation containing the Appalachian Redevelopment Act and the Economic Development Act.

A NATIONAL INCOMES POLICY

Mr. **HUMPHREY**. Mr. President, I propose for prompt action an 11-point program headed by a national incomes policy to cool inflation, to build confidence in the dollar, and to stimulate a growing, balanced economy.

As part of the national incomes policy, I call for a National Economics Stabilization Board—a wage-price-profits board to add extra strength to the powers of Presidential persuasion to moderate excessive wage and price increases. I also call for the establishment of local and regional productivity councils to help control the wage-price spiral.

An anti-inflationary monetary and fiscal policy.

Renewed authority to impose credit controls in an economic emergency.

Establishment by the President of a National Economic Policy Council to maintain a continuous review of the domestic and international economy.

Expanded retraining programs for the unemployed.

Restoration of the Accelerated Public Works Act by overriding the President's veto.

Implementation of the Emergency Employment Act of 1971.

Restoration of the 7-percent investment tax credit.

Our economy is faltering badly.

It does not produce jobs—it produces unemployment.

It does not produce stability—it produces inflation.

And, despite all the signs, despite all the people out of work, despite advice from his own Chairman of the Federal Reserve Board, despite the concerted judgment of three former chairmen of the Council of Economic Advisers, the administration's economic game plan remains the same—do nothing and maybe the problems will go away.

But, the problems are real and they do not go away.

Inflation has increased food cost about 3 percent; housing is up 4.2 percent; transportation is up 6 percent; medical cost has increased 7 percent; clothing costs are up 3.9 percent, and recreation has increased 5.4 percent.

The Consumer Price Index rose in May at an annual rate of 7.2 percent.

Unemployment is increasing. Construction workers confront an unemployment rate of 11.2 percent. Among blacks, the jobless rate reached 10.5 percent—the highest since 1963. Some 17.3 percent of those between ages of 16 and 19 are out of work. Black teenage unemployment has reached 31.8 percent. Vietnam veterans face a similar no-job situation with 14.6 percent looking for work.

Nationally, there is an unemployment rate of 5.6 percent. But, such a high level of unemployment actually hits many more people than the 5.5 million represented by that percentage.

It hits the families of the unemployed.

It means that about 3.5 million will be forced to work part time. It means that 1.5 million skilled workers will be forced into lower paying jobs.

And, it means that throughout the year about 17.5 million people will be without a job sometime during 1971.

The administration's regressive economic philosophy has no other consequences: Plant capacity is presently 25 percent underused—further decreasing production and increasing unemployment. Interest rates are high, consumer spending is slow, and the national balance of payments continues to be unfavorable.

I believe it is time to reverse this policy and adopt a plan of action that will restore price stability while at the same time improving the rate of economic expansion.

We can no longer continue with a high rate of unemployment, with high interest rates, with climbing inflation, and sluggish economic growth.

There is clear and strong evidence that we can no longer rely on monetary and budget controls as substitutes for a comprehensive national incomes policy.

We can and must reverse the trend that is producing the largest deficit since World War II, that does alarming damage to our balance of payments, and that provides no relief for inflation.

We must have positive leadership from the highest levels of government. And we must have a program to match the leadership.

I propose an 11-point program of action to cool inflation, to build confidence in the dollar, and to stimulate a growing, balanced economy:

First, we must have a national incomes policy. Authorities from all points of the economic philosophic spectrum have called for an incomes policy. Most recently, Federal Reserve Chairman Arthur Burns said in testimony before the Joint Economic Committee:

> If we are to restore price stability with high employment in our economy, I see no immediate alternate to a cogent incomes policy.

Second, as part of this incomes policy I call for the establishment of a National Economics Stabilization Board—a wage price-profits board to add extra strength to the powers of presidential persuasion.

This Board could conduct economic reviews, analysis, and evaluations and bring to bear the persuasive prestige and actions of the executive branch in order to moderate excessive wage and price increases.

The Board could also make recommendations to the President concerning the authority Congress has already provided to temporarily freeze wages, prices, and profits.

Third, we need to establish local and regional productivity councils, composed of management and labor to help implement reasonable and economically sound wage, price, and profit policies.

Fourth, we must have a monetary and fiscal policy that is anti-inflationary.

Fifth, we should renew authority to impose credit controls but we should use them only in the case of a dire emergency.

Sixth, the President should establish a National Economic Policy Council to maintain a continuous review of the economy, both domestic and international, and advise the President and Congress of changes and recommendations in legislation and policy.

This Council should contain the economic powers of the Government—the Director of Office of Management and Budget, the Commerce Secretary, the

Treasury Secretary, the Secretary of Labor, the chairmen of the Federal Reserve Board, and Council of Economic Advisers, and the top congressional leadership of both Houses.

Seventh, in conjunction with the National Economic Policy Council, the President should establish a National Economic Advisory Council, composed of representatives of labor, management, agriculture, and the consumer, to offer independent analysis on the state of the economy.

Eighth, we should expand the retraining programs for out of work skilled employees—we should have additional programs that reorient aerospace scientists for jobs in local government, in environmental control, in the building of new towns.

Ninth, the Congress should override the President's unnecessary and insensitive veto of the Accelerated Public Works Act. This legislation was a decisive action by Congress to expand job opportunities. By his actions, the President has shown a callous disregard for the unemployed millions of this Nation.

Tenth, the President should quickly sign and implement the Emergency Employment Act of 1971—legislation to provide some 200,000 public service jobs.

Finally, we should restore the 7 percent investment tax credit.

These 11 points can be a start toward economic recovery.

They can give the psychological boost so necessary to an effective economic climate.

And they can do more.

They can provide the foundation for solid growth, for decreasing the rate of inflation, for increasing employment, and stimulating economic expansion.

The PRESIDING OFFICER. Who yields time?

Mr. MONTOYA. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator from New Mexico has 3 minutes remaining.

Mr. MONTOYA. Mr. President, I just want to mention a few of the highlights we ought to consider in reaching a decision on this vital issue which we are facing at this time.

Mr. President, the economic picture confronting the Nation today is harsh in the extreme. No matter how many platitudes and press releases are used as band aids, the cancer beneath continues to fester and grow. Unemployment is rapidly becoming a national scourge.

We already have depression-size jobless figures among teenagers and in almost all of our inner cities.

We know that at least 5.5 million Americans are walking the streets without any work whatsoever.

We know that men and women with doctor's degrees are pumping gas and selling merchandise door to door.

We know that approximately half a million returned veterans are without any work.

We know that the Armed Forces of the Nation are discharging personnel at the staggering rate of 100,000 people monthly.

We know that millions of college and high school graduates have spilled out into the labor market, and have been totally unable to find any work.

We know that the summer job situation is an ongoing disaster.

We know that several States now have jobless levels exceeding 10 percent, notably Washington and Connecticut.

We know that for every four people who are listed as unemployed, there is at least one other person who does not register on the rolls because he or she has given up the struggle as impossible.

We know that those who have used up their jobless benefits—and they are growing daily—are a silent mass of misery.

We know that basic industries, such as construction and steel, are turning into unemployment disaster areas, pulling other areas of the economy down with them.

We know that 53 of the 150 largest metropolitan areas in the Nation are laboring under the burden of 6 percent unemployment or worse.

We know that bitterness and hatred are festering in the hearts of so many of these people who only seek a job.

We also know that the Manpower Training Act of last year was vetoed by the President as an anti-inflationary measure.

We also are aware of the fact that inflation rages on unchecked.

In light of all these facts, the veto of this measure we are considering today is hard to justify.

Press releases telling the Nation that every day in every way we are getting better and better just will not wash.

Muzzling the Bureau of Labor Statistics and the professionals at the Department of Labor is a fruitless exercise in futility. Cutting off their monthly press conference has only served to highlight the attempts at duplicity that have been employed.

The time has come for straight talk and absolute honesty. The American people deserve no less.

For this reason, as well as the fact that the cumulative information and facts are so damning, we should override this veto.

Mr. President, I sincerely urge Senators to override the President's veto.

The PRESIDING OFFICER. Who yields time?

Mr. COOPER. I yield myself 3 minutes.

Mr. President, I have listened to the summary of the Senator from New Mexico. I think all of us are aware of the problems our country faces with respect to the economy, inflation, and unemployment. But these things just did not happen by chance. I quoted the statistics, which I will place in the RECORD, which show that inflation began about 1965, when this country plunged into an escalation of the war, and the rising military expenditures had to encourage inflation and provide nearly full employment.

We have to be correct about this. Since President Nixon's policy of withdrawal of troops from Vietnam, military expenditures have gone down from approximately $30 billion a year to $15 or $16 billion. Men have come home to seek work. Military industries have been closed or their workers have been reduced. The aerospace industry has been reduced. I do not think we want to go back to a war economy. I think we want to go forward with this program of getting out of the war economy.

Everyone who is old enough recalls the problems we had after the end of other wars. These problems are difficult. But I do not think we can solve the problems of inflation and unemployment except by working on them together. We cannot expend vast sums of money where the benefits may be doubtful and expect inflation to decrease.

The statistics which I will place in the RECORD show that inflation has been reduced somewhat this year and that the rate of unemployment has been at least stilled.

The point I have made throughout this debate is simply that, while this is a bill which will give some employment, without question, we think there can be a better use of the funds and provide more jobs.

With great respect, as I indicated a few moments ago, to the work of Congress in 1962, the actual statistics show what the unemployment rolls were 2 years after that bill was enacted, and it was not until 24 months later, at the beginning of the expansion of the war, that unemployment was reduced.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. COOPER. I yield myself 1 additional minute.

We on this side of the aisle have pledged ourselves, if this veto is sustained, to work for a better work bill, to work for one which will reach more quickly the neediest sections of the country and the neediest people. I have some sorrow in the position we take today, but I think our position, under all these circumstances, is one we can justify.

The PRESIDING OFFICER. Who yields time?

Mr. MONTOYA. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator from New Mexico has 1 minute remaining.

Mr. BAKER. Mr. President, will the Senator from Kentucky yield me 2 minutes?

Mr. COOPER. I yield 2 minutes to the distinguished Senator from Tennessee.

Mr. BAKER. Mr. President, I rise to underscore in agreement the remark by the distinguished senior Senator from Kentucky to the effect that those of us on this side of the aisle will work for a better work bill if this veto is sustained.

I would hope that the Economic Disaster Relief Act, patterned after the Natural Disaster Relief Act, might be passed, to concentrate the available resources and assistance of the Federal Government in those areas of most critical unemployment in Washington, in Maine, in Connecticut, in the District of Columbia, in Michigan, and in other States of high unemployment, rather than all over the country.

I would hope that such a proposal would provide for emergency supplemental funds so that the local share in matching share programs might be waived in favor of a 100-percent Federal financing in certain cases.

I would hope that such a proposal

would include an accelerated public works section, but that those accelerated public works provisions would have application in those areas of high and critical unemployment.

I would hope that there would be a provision dealing with loan guarantees to public and private corporations where there is an opportunity to create employment, especially for white-collar and blue-collar employees, where it is difficult to find employment for these highly skilled people.

I would hope that there would be an extension of unemployment benefits out of a 100-percent Federal funding for those areas where many people are about to exhaust their State unemployment benefits.

I would hope that there would be emergency and rent payment assistance to people in these areas of critical and high unemployment.

I would hope there would be a system of income maintenance loans, low interest subsidized loans, for not to exceed 1 year, up to 75 percent of the income of those unemployed persons, so that they could continue some semblance of their standard of living.

I would hope that there would be assistance for educational opportunity in the case of federally guaranteed scholarship loans so that the children of the unemployed could continue in their education.

This is the sort of effort that should be concentrated in the areas of high unemployment, and we have a chance to do it only if we dispose of APW by sustaining this veto.

The PRESIDING OFFICER. Who yields time?

Mr. MONTOYA. I yield 1 minute to the Senator from West Virginia.

Mr. RANDOLPH. Mr. President, do I correctly understand that the Senator from New Mexico has yielded 1 minute to me?

Mr. COOPER. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator from Kentucky has 2 minutes remaining.

Mr. COOPER. I yield 2 minutes to the Senator.

Mr. RANDOLPH. Mr. President, I must use a portion of this time in what might be called pleasantry; but it is not so intended.

The Public Works Committee is fortunate in having men with the understanding and knowledge of legislation and the character and integrity of good men in the Senate such as Senator Cooper, Senator Baker, and others.

We have attempted always to bring to this body measures that are well considered. Once again, today, in this debate, they have kept the matter at that level, discussing the issues, not allowing the subject matter in anywise to shift from the facts as they see them.

I do not believe it is inflationary in any sense to take the unemployed off welfare rolls and place them in gainful employment that develops needed projects in the United States.

The Senator from New York, for whom I have a very high regard, helped to fashion 150,000 jobs under the public service program, and I joined him in that effort. This program would give us not only 150,000 jobs; it would give us 200,000-plus jobs. They would not be the type of public service jobs created in that bill; although I am in agreement with that legislation. These jobs would put men to work—skilled and unskilled workers—constructing water and sewage treatment plants, hospitals, and other projects which are needed in the United States during this period of high unemployment.

I cannot believe that the Senate will fail to override the veto this afternoon. But if that is the result, we shall look at an earlier rollcall vote in which the Senate, by a substantial majority, said that this is a necessary program. I trust that the two-thirds of Senators present and voting will give us this legislative tool, a part of the package to give people jobs and to construct worthy projects and to strengthen the economy of America and restore the faith of our people.

The PRESIDING OFFICER (Mr. Weicker). The hour of 3 o'clock having arrived, and in accordance with the previous order, the Senate will now proceed to vote on the question, Shall the bill pass, the objections of the President of the United States to the contrary notwithstanding?

Under the Constitution, the yeas and nays are mandatory.

Mr. COOPER. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Kentucky will state it.

Mr. COOPER. What will the vote be if we vote to sustain the veto, nay?

The PRESIDING OFFICER. A yea vote is to override; a nay vote is to sustain.

Mr. COOPER. I thank the Chair.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll.

Mr. BYRD of West Virginia. I announce that the Senator from Oklahoma (Mr. Harris) and the Senator from Missouri (Mr. Symington) are necessarily absent.

I further announce that the Senator from Idaho (Mr. Church) is absent on official business.

I further announce that, if present and voting, the Senator from Oklahoma (Mr. Harris) would vote "yea".

On this vote, the Senators from Idaho (Mr. Church) and Missouri (Mr. Symington) are paired with the Senator from South Carolina (Mr. Thurmond). If present and voting, the Senators from Idaho and Missouri would both vote "yea" and the Senator from South Carolina would vote "nay."

Mr. GRIFFIN. I announce that the Senator from Massachusetts (Mr. Brooke) and the Senator from South Dakota (Mr. Mundt) are absent because of illness.

The Senator from Oregon (Mr. Hatfield) and the Senator from South Carolina (Mr. Thurmond) are absent on official business.

If present and voting, the Senator from Oregon (Mr. Hatfield) and the Senator from South Dakota (Mr. Mundt) would each vote "nay."

On this vote, the Senator from South Carolina (Mr. Thurmond) is paired with the Senator from Missouri (Mr. Symington) and the Senator from Idaho (Mr. Church). If present and voting, the Senator from South Carolina would vote "nay" and the Senator from Missouri and the Senator from Idaho would each vote "yea."

The yeas and nays resulted—yeas 57, nays 36, as follows:

[No. 138 Leg.]

YEAS—57

Allen
Anderson
Bayh
Bentsen
Bible
Burdick
Byrd, W. Va.
Cannon
Case
Chiles
Cranston
Eagleton
Eastland
Ellender
Ervin
Fulbright
Gambrell
Gravel
Gurney
Hart
Hartke
Hollings
Hughes
Humphrey
Inouye
Jackson
Jordan, N.C.
Kennedy
Long
Magnuson
Mansfield
McClellan
McGee
McGovern
McIntyre
Metcalf
Mondale
Montoya
Moss
Muskie
Nelson
Pastore
Pell
Proxmire
Randolph
Ribicoff
Saxbe
Schweiker
Sparkman
Spong
Stennis
Stevens
Stevenson
Talmadge
Tunney
Weicker
Williams

NAYS—36

Aiken
Allott
Baker
Beall
Bellmon
Bennett
Boggs
Brock
Buckley
Byrd, Va.
Cook
Cooper
Cotton
Curtis
Dole
Dominick
Fannin
Fong
Goldwater
Griffin
Hansen
Hruska
Javits
Jordan, Idaho
Mathias
Miller
Packwood
Pearson
Percy
Prouty
Roth
Scott
Smith
Taft
Tower
Young

NOT VOTING—7

Brooke
Church
Harris
Hatfield
Mundt
Symington
Thurmond

The PRESIDING OFFICER (Mr. Weicker). On this vote the yeas are 57 and the nays are 36. Two-thirds of the Senators present and voting not having vote in the affirmative, on reconsideration, the bill fails of passage.

Mr. MANSFIELD. Mr. President, the vote on the overriding of the President's veto of the Accelerated Public Works Act demonstrates the division of opinion in the Senate on how best the Government should proceed in meeting the urgent economic problems confronting the Nation.

I wish to pay particular commendation to the junior Senator from New Mexico (Mr. Montoya) for the outstanding contribution he made in leading the debate on this issue and to the distinguished senior Senator from Kentucky (Mr. Cooper), the ranking member of the Public Works Committee, for his contribution to the dialog. As always, the chairman of the committee, the senior Senator from West Virginia (Mr. Randolph) should be commended for his leadership and contribution.

Again I wish to thank the Senate as a whole for the cooperation it has given the joint leadership in expediting this measure.

Mr. TAFT. Mr. President, I voted to sustain the President's veto of the Appalachian accelerated public works bill.

While I am deeply concerned with the level of unemployment in the country, S. 575 deals with the job problem in the wrong way.

Had it passed, it would have increased inflation, raised costs in the construction industry, and cost an average of $20,000 per job created.

I supported the Emergency Employment Act of 1971, a law which by contrast will provide 150,000–200,000 new public service jobs favoring returning veterans and unskilled teenagers.

The President and congressional leaders have assured me that the Appalachian program, included in the bill, will be brought up separately for extension in the immediate future. I have long supported that plan and welcome the President's concern for its continuation.

HEALTH PROFESSIONS EDUCATIONAL ASSISTANCE AMENDMENTS OF 1971

The PRESIDING OFFICER (Mr. BEALL). Pursuant to the previous order, the Chair lays before the Senate S. 934, which the clerk will state.

The legislative clerk read as follows:

A bill (S. 934) to amend title VII of the Public Health Service Act to expand and improve our Nation's resources for the training of physicians, dentists, optometrists, pharmacists, podiatrists, veterinarians, and professional public health personnel, and for other purposes.

The Senate proceeded to consider the bill, which had been reported from the Committee on Labor and Public Welfare with an amendment to strike out all after the enacting clause and insert:

SHORT TITLE

SECTION 1. This Act may be cited as the "Health Professions Educational Assistance Amendments of 1971".

TITLE I—HEALTH PROFESSIONS TRAINING

"PART A—HEALTH MANPOWER RESEARCH, AND LIBRARY FACILITIES CONSTRUCTION ASSISTANCE

SEC. 101. Part A of title VII of the Public Health Service Act is amended to read as follows:

"PART A—HEALTH MANPOWER RESEARCH, AND LIBRARY FACILITIES CONSTRUCTION ASSISTANCE

"AUTHORIZATION FOR APPROPRIATIONS

"SEC. 701. There are authorized to be appropriated $200,000,000 for the fiscal year ending June 30, 1972, $225,000,000 for the fiscal year ending June 30, 1973, $250,000,000 for the fiscal year ending June 30, 1974, $275,000,000 for the fiscal year ending June 30, 1975, and $300,000,000 for the fiscal year ending June 30, 1976, to be available for grants to assist in the construction of teaching facilities (including interim faclities), facilities for advanced or continuing education, medical library facilities, or facilities for the conduct of research in the sciences related to health. Sums appropriated for construction grants for any fiscal year shall remain available for obligation until expended.

"DEFINITIONS

"SEC. 702. (a) For the purposes of this part, the term 'construction', when used with respect to any project, includes the construction of new buildings, and the acquisition, expansion, remodeling, renovation, rehabilitation, and alteration of existing buildings, and equipping new and existing buildings (whether or not expanded, remodeled, renovated, rehabilitated; or altered) including, in the case of medical libraries, provision of automatic data processing equipment but not books, pamphlets, or related material; and the term 'cost of construction' includes architect's fees in connection with any construction as well as the cost of the acquisition of land, but does not include the cost of construction of so much of any facility as is used or is to be used for sectarian instruction or as a place for religious worship.

"(b) For the purposes of this part, the term 'teaching facilities' means areas dedicated for use by students, faculty, administrative, or maintenance personnel for clinical purposes, research activities, libraries, classrooms, offices, auditoriums, dining areas, student activities, or other related purposes necessary for, and appropriate to, the conduct of comprehensive programs of education, but does not include off-site improvements or living quarters.

"(c) For the purposes of this part and part E, the term 'nonprofit', as applied to any agency, organization, or institution, or combination thereof, means an agency, organization, or institution, or combination thereof, which is owned or operated by one or more corporations or associations, no part of the net earnings of which inures, or may lawfully inure, to the benefit of any private shareholder or individual, and a 'combination' of agencies, organizations, or institutions means a consortium or other cooperative arrangements between or among such agencies, organizations, or institutions.

"(d) For the purposes of this part, the term 'sciences related to health' includes medicine, osteopathy, dentistry, pharmacy, optometry, veterinary medicine, podiatry, and public health, and fundamental and applied sciences when related thereto.

"(e) For the purposes of this part, the terms 'affiliated hospital' or 'outpatient facility' means a hospital or outpatient facility as defined in section 645, which is not owned by, but is affiliated (to the extent and in the manner determined in accordance with regulations) with, any school, agency, organization, or institution, or combination thereof, which meets the eligibility conditions for assistance under this part.

"(f) For the purposes of this part, part E, and part F, the terms 'school of medicine', 'school of dentistry', 'school of osteopathy', 'school of pharmacy', 'school of optometry', 'school of podiatry', 'school of veterinary medicine', and 'school of public health' mean a school which provides training leading, respectively, to a degree of doctor of medicine, a degree of doctor of dentistry or an equivalent degree, a degree of doctor of osteopathy, a degree of bachelor of science in pharmacy or an equivalent degree, a degree of doctor of optometry or an equivalent degree, a degree of doctor of podiatry or an equivalent degree, a degree of doctor of veterinary medicine or an equivalent degree, and a graduate degree in public health, and including advanced training related to such training provided by any such school.

"(g) For the purposes of this part, the term 'interim facilities' means teaching facilities designed to provide teaching space on a short-term (less than ten years) basis while facilities of a more permanent nature are being planned and constructed.

"(h) For the purposes of this part, the term 'medical library' means a library related to the sciences related to health.

"AUTHORITY TO MAKE CONSTRUCTION GRANTS

"SEC. 703. The Secretary is authorized to make grants with respect to the cost of construction of projects for public or nonprofit private—

"(1) schools of medicine, osteopathy, dentistry, pharmacy, optometry, podiatry, veterinary medicine, or public health, or combinations thereof, which are accredited by a recognized body or bodies approved for such purpose by the Commissioner of Education, or which provide reasonable assurance that the applicable accreditation standards will be met within a reasonable time, and which provide a program of education leading to the first professional degree in such discipline;

"(2) agencies, organizations, and institutions, and combinations thereof, which the Secretary determines need teaching facilities for the support of any health-personnel educational program;

"(3) agencies, organizations, and institutions, and combinations thereof, which are determined by the Secretary to be competent to engage in the type of health research for which a facility is to be constructed; and

"(4) affiliated hospitals and outpatient facilities with applications which are approved by the health professions schools, agencies, organizations, or institutions with which such hospitals are affiliated and which otherwise comply with the requirements of this part.

"AUTHORIZATION FOR LOAN GUARANTEES

"SEC. 704. In order to assist nonprofit private schools, agencies, organizations, and institutions, and combinations thereof, specified in section 703, to carry out needed projects which have been approved under this section for the construction of such facilities as are specified in section 701, the Secretary, during the period beginning July 1, 1971, and ending with the close of June 30, 1976, may guarantee in accordance with this section, to non-Federal lenders making loans to such schools, agencies, organizations, and institutions, and combinations thereof, for such projects, payment when due of the principal of and interest on loans for construction of the projects. The Secretary is also authorized to make commitments, on behalf of the United States, to make such guarantees prior to the making of such loans. No such loan guarantee may, except under such special circumstances and under such conditions as are prescribed by regulations, apply to any amount which, when added to any grant under this or any other law of the United States, exceeds 90 per centum of the cost of construction of the project; nor may any such guarantee apply to more than 90 per centum of the loss of principal of and interest on the loan.

"AUTHORIZATION FOR PAYMENT OF INTEREST SUBSIDY

"SEC. 705. In order to assist nonprofit private schools, agencies, organizations, and institutions, and combinations thereof, specified in section 703, to carry out needed projects for the construction of facilities specified in section 701, the Secretary, during the period beginning July 1, 1971, and ending with the close of June 30, 1976, may pay, to the holder of any loan guaranteed under section 704, or any loan which would be eligible for such guarantee but for section 706(a)(8), for and on behalf of such school, agency, organization, or institution, or combination thereof, amounts sufficient to reduce by not to exceed 3 per centum per annum the net effective interest rate otherwise payable on such loan.

"APPROVAL OF APPLICATIONS FOR ASSISTANCE

"SEC. 706. (a) The Secretary may from time to time set dates (not earlier than the fiscal year preceding the year for which assistance under this section is sought) by which an application therefor must be filed, except that no such application may be approved unless it is submitted to the Secretary prior to July 1, 1976. Assistance applied for under this section may be provided only if the application therefor is approved by the Secretary upon his determination that—

"(1) the applicant is among the schools, agencies, organizations, or institutions, or combinations thereof, which are eligible for the assistance applied for;

"(2) the application contains or is supported by reasonable assurances that (A) for not less than twenty years after completion of construction (or such shorter period as the Secretary may specify in the case of an interim facility), the facility will be used for the purposes for which it is to be constructed, and will not be used for sectarian instruction or as a place for religious worship, (B) sufficient funds will be available to meet the non-Federal share of the cost of constructing the facility, and (C) sufficient funds will be available, when construction is completed, for effective use of the facility for the time specified in clause (A) for the purpose for which it is being constructed;

"(3) the plans and specifications are in accordance with regulations relating to minimum standards of construction and equipment;

"(4) the application contains or is supported by adequate assurance that any laborer or mechanic employed by any contractor or subcontractor in the performance of work on the construction of the facility will be paid wages at rates not less than those prevailing on similar construction in the locality as determined by the Secretary of Labor in accordance with the Davis-Bacon Act, as amended (40 U.S.C. 276a–276a5); and the Secretary of Labor shall have, with respect to the labor standards specified in this paragraph, the authority and functions set forth in Reorganization Plan Numbered 14 of 1950 (15 F.R. 3176; 64 Stat. 1267), and section 2 of the Act of June 13, 1934, as amended (40 U.S.C. 276c);

"(5) in the case of an application for assistance under this part in the construction of a facility intended, at least in part, for the provision of health services, an opportunity has been provided for comment on the project by (A) the State comprehensive health planning agency (designated by the State as required by section 314(a)(2)(A), and (B) the public or nonprofit private agency or organization responsible for the plan or plans referred to in section 314(b) and covering the area in which such project is to be located or if there is no such agency, such other public or nonprofit private agency or organization (if any) as performs, as determined in accordance with criteria of the Secretary, similar functions;

"(6) the application contains adequate assurances that the applicant will keep such records, and afford such access thereto, and make such reports, in such form and containing such information as the Secretary may reasonably require;

"(7) in the case of an application for a loan guarantee or interest subsidy payment, the terms, conditions, security (if any), any schedule and amount of repayments with respect to the loan are sufficient to protect the financial interest of the United States and are otherwise reasonable, including a determination that the rate of interest does not exceed such per centum per annum on the principal obligation outstanding as the Secretary determines to be reasonable, taking into account the range of interest rates prevailing in the private market for similar loans and the risks assumed by the United States; and

"(8) in the case of an application for a loan guarantee, the loan would not be available on reasonable terms and conditions without the guarantee under this section.

"(b) Within such aggregate monetary limit as the Secretary may prescribe, applications which (solely by reason of the inability of the applicants to give the assurance required by subsection (a)(2)(B)) fail to meet the requirements for approval set forth in this subsection may be approved upon condition that the applicants give the assurance required by subsection (a)(2)(B) within a reasonable time and upon such other reasonable terms and conditions as are prescribed by the Secretary.

"AMOUNT OF GRANT; PAYMENTS

"Sec. 707. (a)(1) Except as provided in paragraph (2), the amount of any grant under this part shall not exceed 75 per centum of the necessary cost of construction of the project with respect to which the grant is sought.

"(2) The Secretary may, when he determines that unusual circumstances make necessary a grant exceeding 75 per centum of the necessary cost of construction of the project with respect to which the grant is sought, make a grant exceeding 75 per centum (but not 85 per centum) of the cost of construction of the project with respect to which the grant is sought.

"(b) In determining the amount of any grant under this part, there shall be excluded from the cost of construction an amount equal to the sum of (1) the amount of any other Federal grant which the applicant has obtained, or is assured of obtaining, with respect to the construction of any project which is to be financed in part by a grant under this part, and (2) the amount of any non-Federal funds required to be expended as a condition of such other Federal grant.

"(c) Except as otherwise provided in subsection (d), upon approval of any application for a grant under this part, the Secretary may reserve from any appropriation therefor the amount of such grant as determined pursuant to the preceding provisions of this section; and the amount so reserved may be paid in advance or by way of reimbursement, and in such installments consistent with construction progress, as the Secretary may determine. The Secretary's reservation of any amount under this subsection may be amended by him either upon approval of an amendment of the application or upon revision of the estimated cost of construction of the facility. Amendment of an approved application shall be subject to approval in the same manner as an original application.

"(d)(1) Upon award of a grant under this part during the fiscal year ending June 30, 1972, or during either of the next two fiscal years, under any application for such grant pursuant to this part, the Secretary shall enter into an agreement for the full amount of such grant and shall estimate the period which will be required for completion of construction of the project with respect to which such grant is awarded.

"(2) If the Secretary estimates that construction of any such project will be completed in the fiscal year in which the grant with respect to such project is awarded, he shall in the fiscal year in which such grant is awarded, reserve (from any appropriation available for grants under this part for such fiscal year) an amount equal to 100 per centum of such grant.

"(3) If the Secretary estimates that construction of any such project will be completed in the fiscal year following the fiscal year in which the grant with respect to such project is awarded, he shall—

"(A) in the fiscal year in which such grant is awarded, reserve (from funds appropriated for grants under this part for such fiscal year) an amount equal to 50 per centum of such grant; and

"(B) in the fiscal year following the fiscal year in which such grant is awarded, reserve (from funds appropriated for grants under this part for such fiscal year, and subject to the appropriation of such funds) an amount equal to so much of such grant as has not been reserved under clause (A).

"(4) If the Secretary estimates that construction of any such project will not be completed until after the fiscal year following the fiscal year in which the grant with respect to such project is awarded, he shall—

"(A) in the fiscal year in which such grant is awarded, reserve (from funds appropriated for grants under this part for such fiscal year) an amount equal to 33⅓ per centum of such grant;

"(B) in the fiscal year following the fiscal year in which such grant is awarded, reserve (from funds appropriated for grants under this part for such fiscal year, and subject to the appropriation of such funds) an amount equal to 50 per centum of so much of such grant as has not been reserved under clause (A), and

"(C) in the second fiscal year following the fiscal year in which such grant is awarded, reserve (from funds appropriated for grants under this part for such fiscal year, and subject to the appropriation of such funds) an amount equal to so much of such grant as has not been reserved under clauses (A) and (B).

"(5) The Secretary, in reserving amounts for grants under this section from funds appropriated therefor for any fiscal year, shall first reserve amounts for grants with respect to which amounts have (in accordance with the preceding provisions of this subsection) been reserved from funds appropriated therefor in a preceding fiscal year.

"RECAPTURE OF ASSISTANCE PAYMENTS

"Sec. 708. (a) If, within twenty years (or the shorter period specified by the Secretary pursuant to section 706(a)(2), in the case of construction of interim facilities) after completion of any construction for which a grant has been paid under this part—

"(1) the applicant or other owner of the facility shall cease to be an eligible school, agency, organization, or institution, or combination thereof, under this part, or

"(2) the facility shall cease to be used for the purposes for which it was constructed (unless the Secretary determines, in accordance with regulations, that there is good cause for releasing the applicant or other owner from the obligation to do so), or

"(3) the facility is used for sectarian instruction or as a place for religious worship, the United States shall be entitled to recover from the applicant or other owner of the facility the amount bearing the same ratio to the then value (as determined by agreement of the parties or by action brought in the United States district court for the district in which such facility is situated) of the facility, as the amount of the Federal participation bore to the cost of construction of such facility.

"(b)(1) The United States shall be entitled to recover from the applicant for a loan guarantee under this part the amount of any payment made pursuant to such guarantee, unless the Secretary for good cause waives such right of recovery, and, upon making any such payment, the United States shall be subrogated to all the rights of the recipient of the payments with respect to which the guarantee was made.

"(2) To the extent permitted by paragraph (3), any terms and conditions applicable to a loan guarantee under this part may be modified by the Secretary to the extent he determines it to be consistent with the financial interest of the United States.

"(3) Any loan guarantee made by the Secretary pursuant to this part shall be incontestable in the hands of an applicant on whose behalf such guarantee is made, and as to any person who makes or contracts to make a loan to such applicant in reliance thereon, except for fraud or misrepresentation on the part of such applicant or such other person.

"LIMITATIONS ON GUARANTEED LOANS

"Sec. 709. (a) The cumulative total of the principal of the loans outstanding at any time with respect to which guarantees have been issued under this part may not exceed such limitations as may be specified in appropriation Acts.

"(b) In any fiscal year no loan guarantee may be made and no agreement to make interest subsidy payments may be entered into under this part if the making of such guarantee or the entering into of such agreement would cause the cumulative total of—

"(1) the principal of the loans guaranteed under this part in such fiscal year, and

"(2) the principal of the loans for which no guarantee has been made and with respect to which an agreement to make interest subsidy payments under this part is entered into in such fiscal year,

to exceed the amount of grant funds obligated under this part in such fiscal year; except that this subsection shall not apply if the amount of grant funds obligated under this part in such fiscal year equals the sums appropriated for such fiscal year for construction grants.

"LOAN GUARANTEE AND INTEREST SUBSIDY FUND

"SEC. 710. (a) There is hereby established in the Treasury a loan guarantee and interest subsidy fund (hereinafter in this section referred to as the 'fund') which shall be available to the Secretary without fiscal year limitation, in such amounts as may be specified from time to time in appropriation Acts, (1) to enable him to discharge his responsibilities under guarantees issued by him under this part, and (2) for payment of interest authorized by section 704. There are authorized to be appropriated from time to time such amounts as may be necessary to provide the sums required for the fund; except that the amount appropriated for interest subsidy payments may not exceed $8,000,000 in the fiscal year ending June 30, 1972, $16,000,000 in the fiscal year ending June 30, 1973, $24,000,000 in the fiscal year ending June 30, 1974, $32,000,000 in the fiscal year ending June 30, 1975, and $40,000,000 in the fiscal year ending June 30, 1976. There shall be deposited in the fund amounts received by the Secretary or other property or assets derived by him from his operations under this section, including any money derived from the sale of assets.

"(b) If any time the sums in the fund are insufficient (1) to enable the Secretary to discharge his responsibilities under guarantees issued by him under this part or (2) to make payments of interest authorized by section 704, he is authorized to issue to the Secretary of the Treasury notes or other obligations in such forms and denominations, bearing such maturities, and subject to such terms and conditions, as may be prescribed by the Secretary with the approval of the Secretary of the Treasury, but only in such amounts as may be specified from time to time in appropriation Acts. Such notes or other obligations shall bear interest at a rate determined by the Secretary of the Treasury, taking into consideration the current average market yield on outstanding marketable obligations of the United States of comparable maturities during the month preceding the issuance of the notes or other obligations. The Secretary of the Treasury is authorized and directed to purchase any notes and other obligations issued hereunder and for that purpose he is authorized to use as a public debt transaction the proceeds from the sale of any securities issued under the Second Liberty Bond Act, as amended, and the purposes for which the securities may be issued under that Act, as amended, are extended to include any purchase of such notes and obligations. The Secretary of the Treasury may at any time sell any of the notes or other obligations acquired by him under this subsection. All redemptions, purchases, and sales by the Secretary of the Treasury of such notes or other obligations shall be treated as public debt transactions of the United States. Sums borrowed under this paragraph shall be deposited in the fund and redemption of such notes and obligations shall be made by the Secretary from such funds.

"TECHNICAL ASSISTANCE

"SEC. 711. The Secretary is authorized to provide technical assistance (1) to applicants under this part and other public or nonprofit private schools, agencies, organizations, and institutions, and combinations thereof, in designing and planning the construction of any facility for which financial assistance may be provided under this part, and (2) to State or interstate planning agencies established to plan programs for relieving shortages of training capacity for health personnel."

PART B—STUDENT LOANS

AMENDMENTS TO THE PUBLIC SERVICE ACT

SEC. 102. (a) Section 741 of the Public Health Service Act (42 U.S.C. 294a) is amended in subsection (a) by striking out "$2,500" and inserting in lieu thereof "$3,500".

(b) Section 742(a) of such Act is amended to read as follows:

"SEC. 742. (a) There are hereby authorized to be appropriated to the Secretary to carry out this part $60,000,000 for the fiscal year ending June 30, 1972, $65,000,000 for the fiscal year ending June 30, 1973, $70,000,000 for the fiscal year ending June 30, 1974, $75,000,000 for the fiscal year ending June 30, 1975, and $80,000,000 for the fiscal year ending June 30, 1976. There are further authorized to be appropriated to the Secretary such sums for the fiscal year ending June 30, 1977, and each of the two succeeding fiscal years as may be necessary to enable students who have received a loan under this part for any academic year ending before July 1, 1976, to continue or complete their education. Sums appropriated under this section for the fiscal year ending June 30, 1967, or any subsequent year shall be available to the Secretary (1) for payments into the fund established by section 744(d), (2) for making Federal capital contributions into loan funds under this part, and (3) for transfers pursuant to section 746."

(c) Subsection 741(f) of such Act is amended by striking out "optometry" and inserting in lieu thereof "optometry, pharmacy, podiatry, veterinary medicine", by striking out "optometrist" each time it appears and inserting in lieu thereof "optometrists, pharmacists, podiatrists, veterinarians" and by striking out "or optometrist" and inserting in lieu thereof "optometrist, pharmacist, podiatrist, or veterinarian".

(d) Section 743 of such Act is amended by striking out "1975" each place it appears therein and inserting in lieu thereof "1979"

(e) Subsection (d) of section 741 of the Public Health Service Act is amended—

(1) by inserting "(1)" immediately after "(d)"; and

(2) by inserting at the end thereof the following new paragraph:

"(2) Upon application by a person who received, and is under an obligation to repay, any such loan, the Secretary shall undertake to cancel (without liability to the applicant) all or any part of such loan, and any interest or portion thereof outstanding thereon, upon his determination, pursuant to regulations of the Secretary establishing criteria therefor, that the applicant—

"(A) failed to complete such studies leading to his first professional degree;

"(B) is in exceptionally needy circumstances;

"(C) is from a low-income or disadvantaged family as those terms may be defined by such regulations; and

"(D) has not resumed, or cannot reasonably be expected to resume, the study of medicine, osteopathy, dentistry, optometry, podiatry, veterinary medicine, or pharmacy, within two years following the date upon which he terminated such studies."

(f) Subsection (f) of section 741 of the Public Health Service Act (as amended by subsection (c) of this section) is further amended—

(1) by inserting "(1)" immediately after "(f)",

(2) by redesignating clauses (1) and (2) thereof as clauses (A) and (B); and

(3) by adding at the end thereof the following new paragraph:

"(2)(A) If any person who, after June 30, 1971, obtained one or more loans from a loan fund established under this part (i) engages in the practice of general, family, internal, or pediatric medicine, or, if the Secretary by regulation shall so provide, in the practice of any other aspect of medicine, osteopathy, or dentistry or in the practice of pharmacy, podiatry, optometry, or veterinary medicine, and (ii) does so in an area designated by the Secretary as a medically underserved area, then $5,000 or 50 per centum (whichever is greater) of the total of such loan or loans to any such persons, plus accrued interest thereon, which is unpaid as of the date that such practice begins shall be canceled thereafter by the Secretary for each completed year of such practice. The Secretary shall make the designations of areas under the preceding sentence only after providing an opportunity for comment thereon to (iii) the appropriate State comprehensive health planning agency or agencies (designated by the State or States as required by section 314(a)(2)(A)), and (iv) the local area health planning agency responsible for the plan or plans referred in section 314(b) for the area involved or, if there is no such agency, such other public or nonprofit private agency or organization (if any) as performs, as determined in accordance with criteria of the Secretary, similar functions.

"(B) The Secretary shall, on or before the due date thereof, cancel any loan or loan installment which may fall due within any year for which the borrower, at the completion thereof, would be eligible to have such loan or installment canceled as provided in this paragraph, upon the declaration of such borrower, at such times and in such manner as the Secretary may prescribe (and supported by such other evidence as the Secretary may reasonably require), that the borrower is then engaged as described by subparagraph (A), and that he will continue to be so engaged for the period required (in the absence of this subparagraph) to entitle him to receive the cancellation of payments provided by this paragraph for such year. A borrower who fails to become eligible for the cancellation of payments provided by subparagraph (A) for such year shall be liable to reimburse the Secretary for any payments canceled pursuant to this subparagraph."

AMENDMENTS TO THE HIGHER EDUCATION ACT TO PROVIDE FEDERALLY INSURED LOANS TO HEALTH PROFESSIONS STUDENTS

SEC. 103. (a) Subsection (b) of section 423 of the Higher Education Act of 1965 (limiting the issuance of Federal loan insurance certificates in States where the Commissioner of Education determines that all eligible educational institutions have access to non-Federal loan insurance programs) is amended by striking out the period at the end of such subsection and inserting ", or" in lieu thereof, and by adding thereafter the following:

"(3) for insurance of a loan made to a health professions student, without regard to any determination made pursuant to subsection (a)."

(b)(1) Section 435 of such Act is amended by adding at the end thereof the following new subsection:

"(i) The term 'health professions student' means a student pursuing a full-time course of study, at an institution of higher education, leading to a degree of doctor of medicine, doctor of dentistry or an equivalent degree, doctor of osteopathy, bachelor of science in pharmacy or an equivalent degree, doctor of podiatry, doctor of optometry or an equivalent degree, doctor of veterinary medicine or an equivalent degree."

(2)(A) Such section is further amended by inserting at the end of subsection (b) thereof the following: "The term 'institution of higher education' means, also, a public or nonprofit private school of medicine, osteopathy, dentistry, pharmacy, podiatry, optometry or veterinary medicine which is accredited as provided in section 703(1), section 774(b)(2), or section 84c(f) of the Public Health Service Act, or subsection (f) of this section."

AMENDMENTS TO HIGHER EDUCATION ACT TO PROVIDE INCREASE IN MAXIMUM AMOUNTS OF INDIVIDUAL INSURED LOANS TO HEALTH PROFESSIONS STUDENTS

SEC. 104. (a) Subsection (a) of section 425 of the Higher Education Act of 1965 (limiting the size of individual federally insured loans) is amended by inserting "(other than a health professions student)" after "student" where it appears in the first and second sentences of such subsection; by inserting "(1)" after "(a)"; and by adding at the end thereof the following new paragraph:

"(2) The total of the loans made to a health professions student in any academic year or its equivalent (as determined under regulations of the Commission) which may be covered by Federal loan insurance under this part may not exceed $3,500. Amounts so covered shall be included in computing the aggregate insured unpaid principal amount of insured loans to a student for purposes of the preceding paragraph, but the limitation upon such aggregate imposed by that paragraph shall not apply to a health professions student."

(b) Clause (A) of section 428(b)(1) of such Act is amended (1) by inserting after "loans to any individual student" the following: "(other than a health professions student), and not less than $1,000 nor more than $3,500 in loans to any individual health professions student"; (2) by inserting after "insured loans made to any student" the following: "(other than a health professions student)"; and (3) by inserting before the semicolon at the end thereof the following: ", in the computation of which there shall be included any amount loaned to such student while he was a health professions student".

AMENDMENTS TO THE HIGHER EDUCATION ACT TO PROVIDE FOR EXTENSION OF REPAYMENT PERIOD FOR HEALTH PROFESSIONS STUDENTS

SEC. 105. (a) Clause (B) of section 427(a)(2) of the Higher Education Act of 1965 is amended (1) by inserting after "nor more than ten years" the following: "(or, in the case of a healthy professions student, may not exceed twenty years)"; and (2) by inserting after "the period of the loan may not exceed fifteen years" the following: "(or, in the case of a health professions student, may not exceed twenty-five years)".

(b)(1) Clause (B) of section 428(b)(1) of such Act is amended by inserting after "at least six academic years of study" the following: "(and at least four additional academic years of study by any such student as a health professions student)".

(2) Clause (D) of such section is amended by inserting after "nor more than ten years" the following: "(or, in the case of a health professions student, nor more than twenty years)".

AMENDMENTS TO THE HIGHER EDUCATION ACT TO PROVIDE FOR DEFERRAL OF REPAYMENT DURING PERIODS OF ADVANCED HEALTH TRAINING

SEC. 106. (a) Clause (C) of section 427(a)(2) of the Higher Education Act of 1965 is amended by striking out "or" before "(iv)", and by inserting after "1964," the following: "or (v) not in excess of five years, with respect to loans made to health professions students, of advanced professional training in health, including internships and residences,".

(b) Paragraph (1) of section 428(b) of such Act is amedned (1) by striking out "and" at the end of clause (J) thereof, (2) by striking out the period at the end of clause (K) and inserting "; and" in lieu thereof, and (3) by adding at the end of such paragraph the following new clause:

"(L) provides, with respect to loans to health professions students, that periodic installments of principal need not be paid, but interest shall accrue and be paid, during period, not in excess of five years, of advanced professional training in health, including internships and residences."

(c) Paragraph (A) of section 428(a)(2) of such Act is amended by inserting "(b)(1)(L) or subsection" after "described in subsection".

AMENDMENTS TO HIGHER EDUCATION ACT TO PROVIDE FOR FEDERAL ASSUMPTION OF REPAYMENT OBLIGATION OF STUDENTS OF DESIGNATED HEALTH PROFESSIONS WHO PROVIDE PRIMARY CARE OR OTHERWISE PRACTICE IN MEDICALLY UNDERSERVED AREAS

SEC. 107. (a) Part B of title IV of the Higher Education Act of 1965 is amended by adding at the end thereof the following new section:

"REPAYMENT BY COMMISSIONER OF LOANS TO STUDENTS OF DESIGNATED HEALTH PROFESSIONS WHO PROVIDE PRIMARY CARE OR OTHERWISE PRACTICE IN MEDICALLY UNDERSERVED AREAS

"SEC. 438. (a) If any person who, after June 30, 1971, received a loan or loans as a health professions student insured under this part (1) engages in the practice of general, family, internal, or pediatric medicine, or, if the Secretary by regulation shall so provide, in the practice of any other aspect of medicine, osteopathy, or dentistry or in the practice of pharmacy, podiatry, optometry, or veterinary medicine, and (2) does so in an area designated by the Secretary as a medically underserved area, then $5,000 or 50 per centum (whichever is greater) of the total of such loan or loans to any such person, plus accrued interest thereon, which is unpaid as of the date that such practice begins shall be paid thereafter by the Commissioner for each completed year of such practice. The Secretary shall make the designations of areas under the preceding sentence only after providing an opportunity for comment thereon to (A) the appropriate State comprehensive health planning agency or agencies (designated by the State or States as required by section 314(a)(2)(A) of the Public Health Service Act), and (B) the local area health planning agency responsible for the plan or plans referred to in section 3144(b) of such Act for the area involved or, if there is no such agency, such other public or nonprofit private agency or organization (if any) as performs, as determined in accordance with criteria of the Secretary, similar functions.

"(b) The Commissioner shall, on or before the due date thereof, pay any loan or loan installment which may fall due within any year for which the borrower, at the completion thereof, would be eligible to have such loan or installment paid as provided in this section, upon the declaration of such borrower, at such times in such manner as the Commissioner may prescribe (and supported by such other evidence as the Commissioner may reasonably require), that the borrower is then engaged as described by subsection (a), and that he will continue to be so engaged for the period required (in the absence of this subsection) to entitle him to have made the payments provided by this section for such year. A borrower who fails to become eligible to have made the payments provided by subsection (a) for such year shall be liable to reimburse the Commissioner for any payments made pursuant to this subsection."

(b) Clause (2) of section 421(b) of such Act is amended by inserting "and section 438" after "section 437".

(c)(1) Clause (E) of section 427(a)(2) of such Act is amended (A) by striking out "portion of the interest on the note which is payable by the Commissioner" and inserting in lieu thereof "portion of the principal or interest on the note which is payable by the Commissioner"; and (B) by inserting before the comma at the end of the clause "or section 438".

(2) Clause (B) of section 428(b)(2) of such Act is amended by striking out "for the purpose of section 437" and inserting in lieu thereof "for the purpose of section 437 or section 438".

AMENDMENTS TO HIGHER EDUCATION ACT TO PROVIDE FOR FEDERAL ASSUMPTION OF REPAYMENT OBLIGATION OF HEALTH PROFESSIONS STUDENTS IN EXCEPTIONAL NEED WHO ARE UNABLE TO COMPLETE THEIR STUDIES

SEC. 108. (a) Part B of title IV of the Higher Education Act of 1965, as amended by the foregoing provisions of this Act, is further amended by adding at the end thereof the following new section:

"REPAYMENT BY COMMISSIONER OF LOANS TO HEALTH PROFESSIONS STUDENTS IN EXCEPTIONAL NEED WHO ARE UNABLE TO COMPLETE THEIR STUDIES

"SEC. 439. Upon application by a person who received, and is under an obligation to repay, any loan insured under this part, which loan was made to such person as a health profession student to enable him to study medicine, osteopathy, dentistry, podiatry, optometry, veterinary medicine, or pharmacy, the Commissioner shall undertake to repay (without liability to the applicant) all or any part of such loan, and any interest or portion thereof outstanding thereon, upon his determination, pursuant to regulations of the Secretary establishing criteria therefor, that the applicant—

"(1) failed to complete such studies leading to his first professional degree;

"(2) is in exceptionally needy circumstances;

"(3) is from a low-income or disadvantaged family as those terms may be defined by such regulations; and

"(4) has not resumed, or cannot reasonably be expected to resume, the study of medicine, osteopathy, dentistry, podiatry, optometry, veterinary medicine, and pharmacy, within two years following the date upon which he terminated such studies."

(b) Clause (2) of section 421(b) of such Act, as amended by the foregoing provisions of this Act, is further amended by striking out "and section 438" as that phrase appears in such clause (as so amended) and inserting in lieu thereof ", section 438, and section 439".

(c) Clause (E) of section 427(a)(2) and clause (B) of section 428(b)(2) of such Act, as amended by the foregoing provisions of this Act, are further amended by striking out "or section 438" as that phrase appears in each such clause (as so amended) and inserting in lieu thereof ", section 438, or section 439".

LIMITATION ON LOAN GUARANTEES TO HEALTH PROFESSIONS STUDENTS UNDER HIGHER EDUCATION ACT

SEC. 109. Part B of title IV of the Higher Education Act of 1965 (as amended by the preceding provisions of this Act) is further amended by adding at the end thereof the following new section:

"SEC. 140. In any fiscal year no loan guarantee may be made to health professions students under part B of title IV of the Higher Education Act of 1965 (as defined in section 435(i) of such Act) if the making of such guarantee would cause the total of the principal of the loans guaranteed in such fiscal year to exceed the amount of direct loan funds obligated under section 741 of the Public Health Service Act in such fiscal year; except that this paragraph shall not apply if the amount of direct loan funds obligated under this part in such fiscal year equals the sums appropriated for such fiscal year for direct loans."

Part C—Institutional and Special Project Grants for Training Health Professions Personnel

Sec. 120. The title of part E of title VII of the Public Health Service Act is amended by striking out "AND PODIATRY" and inserting in lieu thereof "PODIATRY, PHARMACY, AND VETERINARY MEDICINE".

Sec. 121. Sections 770 and 771 of the Public Health Service Act (42 U.S.C. 295f and 295f–1) are amended to read as follows:

"INSTITUTIONAL SUPPORT

"Sec. 770. (a) The Secretary shall make grants in the fiscal year ending June 30, 1972, and in each of the four succeeding fiscal years as provided in this section to each public or other nonprofit school of medicine, osteopathy, dentistry, optometry, pharmacy, podiatry, or veterinary medicine which is accredited as provided in section 703(1) for the support of the education programs of such schools. It is the Congress intent that the criteria established under subsection (b) for determining the amount of the grants to which such schools will be entitled provide approximately one-third of the costs incurred by such schools (based on average costs of all such schools in the Nation) in providing such education programs, if such schools make satisfactory progress in increasing enrollment and reducing the time period required for the completion of studies by students enrolled therein. The Secretary's determination of the amount of such grant shall be final and conclusive and, notwithstanding the provisions of chapter 7 of title 5, United States Code, or any other law, shall not be subject to judicial review in any court of the United States.

(b)(1) The amount of the annual grant under subsection (a) to each such school with an approval application shall be equal to $50,000, plus—

"(A) the product obtained by multiplying the number of full-time students enrolled in such school (or the equivalent thereof, as determined by the Secretary) by—

"(i) in the case of schools of medicine, osteopathy, and dentistry, $4,000;

"(ii) in the case of schools of optometry, $1,000;

"(iii) in the case of schools of pharmacy $600;

"(iv) in the case of schools of podiatry $900;

"(v) in the case of schools of veterinary medicine $2,000; and

"(B) in the case of schools of medicine, osteopathy, and dentistry, the product obtained by multiplying $6,000 by the number of students of such school who graduate during such year under a program of such school under which students complete their studies in a period consisting of not more than three years, if the Secretary (after consultation with the appropriate accreditation body or bodies (is satisfied that there is reasonable assurance that such program will meet the accreditation standards of such body or bodies; and

"(C) in the case of schools of medicine, osteopathy, and dentistry, the product obtained by multiplying $1,350 by the number of full-time students (or the equivalent thereof, as determined by the Secretary) who are enrolled in a program of such school for the training of physicians' assistants or dentists' assistants; and

"(D) in the case of any such school, the product obtained by multiplying—

"(i) $2,000 in the case of schools of medicine, osteopathy, and dentistry;

"(ii) $400, in the case of schools of optometry;

"(iii) $300, in the case of schools of pharmacy;

"(iv) $400, in the case of schools of podiatry;

"(v) $1,000, in the case of schools of veterinary medicine;

by the number of first-year enrollment bonus students (as defined in paragraph (2)) enrolled in such school for such year.

"(2) For purposes of paragraph (1)(D), a student enrolled in any school referred to in such paragraph shall be deemed to be a first-year enrollment bonus student of such school for any year, if for the year in which such student is or was a first-year student in such school the first year enrollment for such school exceeded the first-year enrollment for such school for—

"(A) the preceding school-year by not less than 5 per centum, or by not less than five students, whichever is the greater; or

"(B) the second preceding school-year by not less than 10 per centum, or by not less than ten students, whichever is the greater; or

"(C) the third preceding school-year by not less than 15 per centum, or by not less than fifteen students, whichever is the greater.

"(3) Notwithstanding any other provision of this section, if for any year after the fiscal year ending June 30, 1972, any school of pharmacy has failed, for the preceding year, to carry out its plan required under section 771(d)(3)(G), such school shall be deemed not to have any first-year enrollment bonus students for such year.

"(c)(1) Notwithstanding any other provision of this section, the amount of the grant to which any school would (except for this subsection) be entitled for any year, as determined under subsection (a), shall be reduced as provided in this subsection if—

"(A) for the preceding year such school received a grant under this section, and

"(B) the Secretary determines, after notice and opportunity for a hearing to such school (as provided under subchapter II of chapter 5 of title 5, United States Code), that there has been a failure on the part of such school, during such preceding year, satisfactorily to carry out specific programs or projects in at least three of the categories (as specified in section 771(d)(3)) contained in the plan submitted by such school under such section for the preceding year.

"(2) If such failure is with respect to—

"(A) all of the categories contained in such plan, the reduction under this subsection shall be equal to 30 per centum of the amount of such grant (as determined under subsection (a));

"(B) all but two of the categories contained in such plan, the reduction under this subsection shall be equal to 10 per centum of the amount of such grant (as determined under subsection (a)); and

"(C) all but one of the categories contained in such plan, the reduction under this subsection shall be equal to 20 per centum of the amount of such grant (as determined under subsection (a)).

"(3) The Secretary may waive the reduction provided by the preceding provisions of this subsection in the case of any school if he determines that the imposition of such reduction would work a dire financial hardship on such school; except that the Secretary shall not waive such reduction in the case of any school for any year if, during the preceding five-year period, such school has received a waiver under this paragraph.

"(4) The Secretary may make site visits to any school, or require such other reasonable assurances from a school, receiving a grant under this section to determine if such school is satisfactorily carrying out the specific programs or projects (as specified in sections 771(c)(3)(D)) contained in the plan submitted by such school in connection with its application for a grant under this section.

"(d) There are authorized to be appropriated to the Secretary for grants under (a) of this section—

"(1) for the fiscal year ending June 30, 1972, for—

"(A) schools of medicine, $262,000,000;
"(B) schools of osteopathy, $14,000,000;
"(C) schools of dentistry, $106,000,000;
"(D) schools of optometry, $5,000,000;
"(E) schools of pharmacy, $20,500,000;
"(F) schools of podiatry, $2,000,000; and
"(G) schools of veterinary medicine, $16,500,000.

"(2) for the fiscal year ending June 30, 1973, for—

"(A) schools of medicine, $268,500,000;
"(B) schools of osteopathy, $15,500,000;
"(C) schools of dentistry, $110,500,000;
"(D) schools of optometry, $5,000,000;
"(E) schools of pharmacy, $21,000,000;
"(F) schools of podiatry, $2,000,000; and
"(G) schools of veterinary medicine, $17,000,000.

"(3) for the fiscal year ending June 30, 1974, for—

"(A) schools of medicine, $284,000,000;
"(B) schools of osteopathy, $17,000,000;
"(C) schools of dentistry, $115,000,000;
"(D) schools of optometry, $5,500,000;
"(E) schools of pharmacy, $21,000,000;
"(F) schools of podiatry, $2,000,000; and
"(G) schools of veterinary medicine, $18,000,000.

"(4) for the fiscal year ending June 30, 1975, for—

"(A) schools of medicine, $300,000,000;
"(B) schools of osteopathy, $18,500,000;
"(C) schools of dentistry, $120,000,000;
"(D) schools of optometry, $5,500,000;
"(E) schools of pharmacy, $21,500,000;
"(F) schools of podiatry, $2,500,000; and
"(G) schools of veterinary medicine, $18,500,000.

"(5) for the fiscal year ending June 30, 1976, for—

"(A) schools of medicine, $319,000,000;
"(B) schools of osteopathy, $20,500,000;
"(C) schools of dentistry, $125,000,000;
"(D) schools of optometry, $5,500,000;
"(E) schools of pharmacy, $22,000,000;
"(F) schools of podiatry, $2,500,000; and
"(G) schools of veterinary medicine, $19,000,000.

"(e)(1) Upon application, filed with the Secretary in such form and containing such information as he shall by regulation prescribe, including a finding that the proposed school will be affiliated with an accredited hospital, by any public or nonprofit school of basic medical science which desires to become a school of medicine, the Secretary shall make a grant to such school to assist it in becoming a school of medicine.

"(2) The amount of the grant to which any school of basic medical science is entitled under this subsection shall be equal to the product of $50,000 multiplied by the number of third-year students which will be enrolled in such school (as determined by the Secretary) in the year in which such grant is made.

"(3) No school shall be entitled to a grant under this subsection if it has previously received a grant under this subsection.

"(4) The provisions of section 771 shall not be applicable to applications for grants under this subsection.

"(5) Nothing in this subsection shall be construed to preclude any school which receives a grant hereunder in any fiscal year from receiving any grant to which it is otherwise entitled under other provisions of this section.

"(f)(1) Each new school of medicine, osteopathy, or dentistry with an approved application under this subsection shall, in addition to any other grant to which it is or may be entitled under this section, be entitled to a grant of $300,000 for each year that it is a new school.

"(2) For purposes of paragraph (1), any school of medicine, osteopathy, or dentistry shall be deemed to be a new school for any year if such year is—

"(A) the year preceding the year in which such school first has students enrolled therein; or

"(B) a year after the year referred to in clause (A) but before whichever of the following first occurs: (i) the year in which such school first has a graduating class or (ii) the year in which such school would, if it were a four-year school, have a graduating class.

"(3)' No grant may be made under this section unless an application therefore has been submitted to, and approved by, the Secretary. Such application shall be in such form, submitted in such manner, and contain such information as the Secretary shall by regulation prescribe.

"(4) There are authorized to be appropriated to carry out this subsection $10,000,000 for the fiscal year ending June 30, 1972, and a like amount for each of the next four fiscal years. Sums appropriated under this subsection shall remain available until expended.

"APPLICATIONS FOR INSTITUTIONAL GRANTS

"SEC. 771. (a) The Secretary may from time to time set dates (not earlier than the fiscal year preceding the year for which a grant is sought) by which applications for grants under section 770 for any fiscal year must be filed.

"(b) To be eligible for a grant under section 770, the applicant must (1) be a public or other nonprofit school, (2) be a school of medicine, osteopathy, dentistry, optometry, pharmacy, podiatry, or veterinary medicine, and (3) be accredited by a recognized body or bodies approved for such purpose by the Commissioner of Education, except that the requirement of this clause (3) shall be deemed to be satisfied if, (A) in the case of a school which by reason of no, or an insufficient, period of operation is not, at the time of application for a grant under section 770 eligible for accreditation, the Commissioner finds, after consultation with the appropriate accreditation body or bodies, that there is reasonable assurance that the school will meet the accreditation standards of such body or bodies prior to the beginning of the academic year following the normal graduation date of students who are in their first year of instruction at such school during the fiscal year in which the Secretary makes a final determination as to approval of the application, or (B) in the case of any other school, the Commissioner finds after consultation with the Secretary that there is reasonable ground to expect that, with the aid of a grant or grants under this part, having regard for the purposes of the grant sought, such school will meet such accreditation standards within a reasonable time.

"(c) The Secretary shall not approve or disapprove any application for a grant under section 770 except after consultation with the National Advisory Council on Health Professions Educational Assistance.

"(d) A grant under section 770 may be made only if the application therefor—

"(1) is approved by the Secretary upon his determination that the applicant meets the eligibility conditions set forth in subsection (b) of this section;

"(2) provides for such fiscal control and accounting procedures, and access to the records of the applicant, as the Secretary may require to assure proper disbursement of and accounting for Federal funds paid to the applicant under section 770;

"(3) contains a plan, approved by the Secretary, to carry out or to establish and carry out, by the end of the school year with respect to which such application relates, specific programs or projects in at least three of the following categories (including, in the case of a school of pharmacy, category (G)):

"(A) to effect significant improvements in the curriculums of such school (including shortening of the length of the time required to complete training programs provided by such schools);

"(B) to establish cooperative interdisciplinary training among schools of medicine, dentistry, osteopathy, optometry, podiatry, pharmacy, veterinary medicine, nursing, public health, and allied health, including training for the use of the team approach to the provision of health services;

"(C) to train for new roles, types, or levels of health personnel, including programs for the training of physicians' assistants, dentists' assistants, and other health professions' assistants, and nurses practitioners, in cooperation with appropriate academic institutions and hospitals;

"(D) to make innovative modifications of existing programs of education in the health professions, including the teaching of the organization, provision, financing, or evaluation, of health care;

"(E) to assist in significantly increasing the supply of adequately trained personnel in the health professions needed to meet the health needs of the Nation;

"(F) to establish, at schools of medicine, osteopathy, or dentistry, increased emphasis on, and training in, the science of clinical pharmacology, diagnosis, treatment, and prevention of drug and alcohol use and abuse, the assessment of the efficiency of various therapeutic regimens, and, in the case of schools of medicine and osteopathy, the science of nutrition:

"(G) to provide, at schools of pharmacy, for increased emphasis on, and training in, clinical pharmacy, drug use and abuse, and where appropriate, clinical pharmacology;

"(H) to increase admissions to, and enrollment and retention in, such schools of qualified individuals who, due to socioeconomic factors, are financially or educationally disadvantaged; and

"(I) to train and educate primary care health professionals with particular emphasis (in the case of schools of medicine, osteopathy, and dentistry) upon the establishment of new, or expansion of existing, programs for training in family medicine;

"(4) contains or is supported by assurances satisfactory to the Secretary that the applicant will expend for the support of its teaching programs, for the fiscal year with respect to which the application is filed, an amount from State, local, or other non-Federal sources that is not less, in the aggregate, than the amount expended from such sources for such programs for the preceding fiscal year, and that any grant paid under section 770 will be used to supplement and, to the extent practicable, to increase the level of non-Federal funds that would otherwise be made available for such programs, and will not supplant such non-Federal funds; and

(5) contains such additional information as the Secretary may require to make the determination required of him and such assurances as he may find necessary.

"(e) For the purposes of parts E and F, the term 'fulltime students' (whether such term is used by itself or in connection with a particular class year) means students pursuing a full-time course of study leading to a degree of doctor of medicine, doctor of osteopathy, bachelor of science in pharmacy, or doctor of pharmacy or an equivalent degree, doctor of optometry or an equivalent degree, doctor of veterinary medicine or an equivalent degree, doctor of dentistry or an equivalent degree, or doctor of podiatry or an equivalent degree.

"(f) None of the funds appropriated under this Act may be used for the purposes described in section 770 save only the funds authorized and appropriated under section 770."

SPECIAL PROJECT GRANTS AND MANPOWER INITIATIVE AWARDS

SEC. 122. (a) Section 772 of the Public Health Service Act is amended to read as follows:

"SPECIAL PROJECT GRANTS

"SEC. 722. (a) There are authorized to be appropriated $150,000,000 for the fiscal year ending June 30, 1972, $165,000,000 for the fiscal year ending June 30, 1973, $180,000,000 for the fiscal year ending June 30, 1974, $195,000,000 for the fiscal year ending June 30, 1975, and $210,000,000 for the fiscal year ending June 30, 1976, for project grants to improve the distribution, supply, quality, utilization, and efficiency of health personnel and the health services delivery system. The Secretary is authorized to make grants to public or nonprofit private schools, agencies, organizations, and institutions, and combinations thereof, and to make contracts with public or private schools, agencies, organizations, and institutions, and combinations thereof, for programs or projects (including programs or projects to assist State, local, or other regional arrangements among schools and related organizations and institutions to carry out the objectives of this section) to—

"(1) plan, develop, and establish new programs or modifications of existing programs of education in health professions;

"(2) provide for significant expansions in enrollments and graduates at existing schools in such health professions;

"(3) increase the supply of well-qualified faculty members in such health professions schools;

"(4) plan, develop, or establish projects to effect significant curriculum improvement and expand research in fields related to education in such health professions;

"(5) develop training programs for, and to train, new levels or types of health professions personnel; or

"(6) encourage the establishment and maintenance of programs to alleviate shortages of health personnel in areas designated by the Secretary through training or retraining such personnel in facilities located in such areas or to otherwise improve the distribution of health personnel by area or by specialty group;

"(7) utilize health personnel more efficiently, through the use of computer technology and otherwise;

"(8) initiate new types and patterns or improve existing patterns of training, retraining, continuing education, and advanced training of health personnel, including teachers, administrators, specialists, and paraprofessionals (particularly physician's and dentist's assistants and pediatric nurse practitioners);

"(9) encourage new or more effective approaches to the organization and delivery of health services through use of the team approach to delivery of health services and the utilization of computer technology to process biomedical information in the provision of health services; and

"(10) establish and operate programs at schools of medicine or osteopathy and where applicable at other health profession schools, providing increased emphasis on, and training in, the prevention, diagnosis, treatment, and rehabilitation of alcoholism and drug dependence, and the assessment of the efficacy of various therapeutic regimens for alcoholism and drug dependence."

Grants and contracts under this section may also be made for the discovery, collection, development, or confirmation of information for, the planning, development, demonstration, establishment, or maintenance of, or the alteration or renovation of existing facilities for, any of such programs or projects.

(b) Subsection (d) of section 773 of the Public Health Service Act is amended to read as follows:

"(d) A grant under this section may be made only if the application therefor—

"(1) is approved by the Secretary upon his determination that the applicant meets the eligibility conditions set forth in subsection (b) of this section, in the case of a health professions school;

"(2) contains such additional information as the Secretary may require to make the determination required for him under this part and such assurances as he may find necessary to carry out the purposes of this part; and

"(3) provides for such fiscal control and accounting procedures and reports, and access to the records of the applicant, as the Secretary may require to assure proper disbursement of and accounting for Federal funds paid to an applicant under this part."

Part D—Scholarship Grants

Sec. 130. Section 780 of the Public Health Service Act (42 U.S.C. 295g) is amended to read as follows:

"Sec. 780. (a) The Secretary shall make grants as provided in this part to each public or other nonprofit school for medicine, osteopathy, dentistry, optometry, podiatry, pharmacy, or veterinary medicine which is accredited as provided in section 703(1), for scholarships to be awarded annually by such school to students thereof.

"(b) The amount of the grant under subsection (a) to each such school shall be equal to $3,000 multiplied by one-tenth of the number of full-time students of such school in each of the fiscal years that end on June 30, 1972, June 30, 1973, June 30, 1974, June 30, 1975, and June 30, 1976, plus $3,000 multiplied by the number of economically or educationally disadvantaged full-time students of such school in each of the fiscal years that end on June 30, 1974, June 30, 1975, and June 30, 1976. For the fiscal year ending June 30, 1977, and for each of the two succeeding fiscal years, the grant under subsection (a) shall be such amount as may be necessary to enable such school to continue making payments under scholarship awards to students who initially received such awards out of grants made to the school for fiscal years ending prior to July 1, 1976.

"(c) Scholarships from grants under subsection (a) for any school year shall be awarded only to students of exceptional financial need and students from low-income or economically disadvantaged families (as determined under regulations of the Secretary), and who need such financial assistance to pursue a course of study at the school for such year. Any such scholarship awarded for a school year shall cover such portion of the student's tuition, fees, books, equipment, and living expenses at the school making the award, but not to exceed $3,500 for any year, as such school may determine the student needs for such year on the basis of his requirements and financial resources.

"(d) In the fiscal year ending June 30, 1977, and the two succeeding fiscal years no scholarships under subsection (a) may be awarded to individuals who did not receive such support from such appropriations for the fiscal year ending June 30, 1976.

"(e) Grants under subsection (a) shall be made in accordance with regulations prescribed by the Secretary after consultation with the National Advisory Council on Health Professions Educational Assistance.

"(f) Grants under subsection (a) may be paid in advance or by way of reimbursement, and at such intervals as the Secretary may find necessary; and with appropriate adjustments on account of overpayments or underpayments previously made."

Part E—Relief for Health Professions Schools Which Are in Financial Distress

Sec. 14C. Part B of title VII of the Public Health Service Act is amended to read as follows:

"Part B—Specialized Assistance for Health Professions Education

"GRANTS TO ASSIST SCHOOLS TO MEET ACCREDITATION REQUIREMENTS

"Sec. 720. (a) There are hereby authorized to be appropriated to the Secretary to carry out this section $50,000,000 for the fiscal year ending June 30, 1972, $40,000,000 for the fiscal year ending June 30, 1973, $30,000,000 for the fiscal year ending June 30, 1974, $20,000,000 for the fiscal year ending June 30, 1975, and $10,000,000 for the fiscal year ending June 30, 1976.

"(b) Grants may be made, from appropriations under this section for any fiscal year, to assist any school of medicine, osteopathy, dentistry, pharmacy, optometry, podiatry, or veterinary medicine which is in serious financial straits to meet its costs of operation or which has special need for financial assistance to meet accreditation requirements. Any such grant may be made upon such terms and conditions as the Secretary determines to be reasonable and necessary, including requirements that the school agree (1) to disclose any financial information or data deemed by the Secretary to be necessary to determine the sources or causes of that school's financial distress, (2) to conduct a comprehensive cost analysis study in cooperation with the Secretary, and (3) to carry out appropriate operational and financial reforms on the basis of information obtained in the course of the comprehensive cost analysis study or on the basis of other relevant information."

TITLE II—MISCELLANEOUS PROVISIONS

GRANTS FOR SUPPORT OF GRADUATE TRAINING PROGRAMS FOR PHYSICIANS AND DENTISTS

Sec. 201. Part B of title VII of the Public Health Service Act (as amended by section 140 of this Act) is further amended by adding at the end thereof the following new sections:

"GRANTS FOR SUPPORT OF POSTGRADUATE TRAINING PROGRAMS FOR PHYSICIANS AND DENTISTS

"Sec. 721. (a) (1) There are hereby authorized to be appropriated $15,000,000 for the fiscal year ending June 30, 1973, $30,000,000 for the fiscal year ending June 30, 1974, $45,000,000 for the fiscal year ending June 30, 1975, $50,000,000 for the fiscal year ending June 30, 1976, for the Secretary to make grants to—

"(A) public or private nonprofit schools of medicine, osteopathy, or dentistry, which are accredited as provided in section 70c(1), and

"(B) public or private nonprofit hospitals, not affiliated with an accredited school of medicine, osteopathy, or dentistry, which conduct graduate training programs approved by the Secretary as provided in subsection (b),

for the support of the educational costs of graduate training programs in the practice of medicine, osteopathy or dentistry,

"(2) The Secretary shall make an annual grant under subsection (a) to each such school or hospital equal to the product of the number of physicians or dentists in full-time graduate training programs in clinical facilities, including area health education centers, with which such school has a written agreement of affiliation, or in nonaffiliated hospitals which conduct such training programs approved by the Secretary in accordance with criteria prescribed under subsection (b) (3) (E), multiplied by—

"(A) $3,000 in the case of physicians and dentists who are enrolled in approved graduate training programs in the area of primary health care or any other shortage area designated by the Secretary pursuant to subsection (b) (2) (B);

"(B) $1,500 in the case of physicians and dentists who are enrolled in all other graduate training programs.

"(3) In determining the amount of the grant under paragraph (2) the Secretary shall count only—

"(A) the number of first-year physicians and dentists in full-time graduate training programs for the fiscal year ending June 30, 1973;

"(B) the number of first- and second-year physicians and dentists in full-time graduate training programs for the fiscal year ending June 30, 1974; and

"(C) the number of first-, second-, and third-year physicians and dentists in full-time graduate training programs for the fiscal year ending June 30, 1975, and June 30, 1976.

No physician or dentists shall be counted for more than three years as enrolled in a graduate training program for the purpose of calculating grants under this subsection.

"(b) (1) The Secretary may from time to time set dates (not earlier than the fiscal year preceding the year for which a grant is sought) by which applicants for grants under subsection (a) for any fiscal year must be filed.

"(2) A grant under subsection (a) may be made only if the application therefor—

"(A) is approved by the Secretary upon his determination that the applicant meets the eligibility conditions set forth in subsection (a) (1);

"(B) contains a specific program or programs which such applicant has undertaken to encourage physicians and dentists to enroll in graduate training programs in the area of primary health care or in other shortage areas to be designated pursuant to paragraph (3);

"(C) contains or is supported by assurances that such applicant will increase the number of graduate training positions open to physicians and dentists in the area of primary health care, or in other shortage areas to be designated pursuant to paragraph (3), under guidelines to be established by the Secretary pursuant to such paragraph;

"(D) provides for such fiscal control and accounting procedures, and access to the records of the applicants, as the Secretary may require to assure proper disbursement of and accounting for any such grants;

"(E) contains a statement, in such detail as the Secretary may determine necessary, describing the manner in which any grant made pursuant to subsection (a) will be applied to meet the educational costs of the graduate training program, including any payments proposed to be made by the applicant from the proceeds of the grant to any clinical facility which participates in such training program under a written agreement of affiliation with the applicant and which shares in the payment of the educational costs of such program; and

"(F) contains such additional information as the Secretary may require to make the determinations required of him and such assurances as he may find necessary.

"(3) The Secretary—

"(A) shall not approve or disapprove any application for a grant under subsection (a) except after consultation with the National Advisory Council on Education for Health Professions;

"(B) shall define, in consultation with such Council, those health care fields included within the term 'primary health care' and shall designate any other health areas in which there is a shortage of qualified physicians and dentists; and

"(C) shall, on an annual basis, establish guidelines specifying the absolute or percentage increases in the numbers of physicians or dentists receiving full-time graduate training which any applicant receiving a grant under subsection (a) shall be required to meet as a condition of such a grant.

"(D) shall define those items of cost included within the term 'educational costs', but which shall not include costs relating primarily to patient care;

"(E) shall, by regulation, prescribe criteria for the approval of graduate training programs conducted by public or private nonprofit hospitals not affiliated with an accredited school of medicine, osteopathy, or dentistry."

FAMILY MEDICINE

SEC. 202. Part B of title VII of the Public Health Service Act (as amended by the preceding provision of this Act) is further amended by adding after section 721 the following new section:

"GRANTS TO SCHOOLS OF MEDICINE, SCHOOLS OF OSTEOPATHY, OR HOSPITALS FOR EDUCATION, TRAINING, TRAINEESHIPS, AND FELLOWSHIPS IN FAMILY MEDICINE

"SEC. 722. There are authorized to be appropriated $25,000,000 for the fiscal year ending June 30, 1972, $40,000,000 for the fiscal year ending June 30, 1973, and $55,000,000 for the fiscal year ending June 30, 1974, $70,000,000 for the fiscal year ending June 30, 1975, and $85,000,000 for the fiscal year ending June 30, 1976, for grants by the Secretary to any public or private nonprofit hospital or school of medicine or school of osteopathy—

"(1) to plan, develop, and operate a professional educational or training program (including continuing education and approved residents programs in family practice) in the field of family medicine for medical students, interns, residents, or practicing physicians;

"(2) to provide financial assistance (in the form of traineeships and fellowships) to medical students, interns, residents, practicing physicians, or other medical personnel, who are in need thereof, who are participants in a program of such school of medicine, osteopathy, or hospital which provides professional training in the field of family medicine, and who plan to specialize or work in the practice of family medicine; and

"(3) to plan, develop, and operate, or participate in, other training programs in the field of family medicine."

COMPUTER TECHNOLOGY

SEC. 203. Part B of title VII of the Public Health Service Act (as amended by the preceding provision of this Act) is further amended by adding after section 722 the following new section:

"GRANTS FOR COMPUTER TECHNOLOGY HEALTH CARE DEMONSTRATION PROGRAMS

"SEC. 723. There are authorized to be appropriated for the fiscal year ending June 30, 1972, and each of the next four fiscal years, $25,000,000 for grants by the Secretary to public or nonprofit private schools, agencies, organizations and institutions, and combinations thereof, to—

"(1) plan and develop free-standing or university-based computer laboratories which would establish computer-based systems, including compatible languages, standard terminologies, communication networks, and decisionmaking strategies, to enable the utilization of modern computer technologies by physicians and other health personnel for the processing of biomedical information in the provision of health services; and

"(2) research through computer technology the functions performed by physicians to determine which functions could be approximately transferred and performed by other properly trained personnel."

FULL UTILIZATION OF EDUCATIONAL TALENT

SEC. 204. Part B of title VII of the Public Health Service Act (as amended by the preceding provisions of this Act) is further amended by adding after section 723 the following new section:

"GRANTS AND CONTRACTS TO ENCOURAGE FULL UTILIZATION OF EDUCATIONAL TALENT FOR THE HEALTH PROFESSIONS

"SEC. 724. (a) To assist in meeting the need for additional professional personnel in the health professions, the Secretary is authorized to make grants to State or local educational agencies or other public or nonprofit private agencies, institutions, and organizations, or enter into contracts (without regard to section 3709 of the Revised Statutes (41 U.S.C. (5)) for the purpose of—

"(1) identifying individuals with a potential for education or training in the health professions (including veterans of the Armed Forces of the United States with training or experience in the health field) who due to socioeconomic factors are financially or educationally disadvantaged, and encouraging and assisting them (A) to enroll in a school of medicine, dentistry, osteopathy, pharmacy, optometry, podiatry, veterinary medicine, or public health which is accredited as provided in section 703(1); or (B) if they are not qualified to enroll in such a school, to undertake such postsecondary education or training as may be required to qualify them to enroll in such a school;

"(2) publicizing existing sources of financial aid available to persons enrolled in any such school or who are undertaking training necessary to qualify them to enroll in any such school; or

"(3) establishing such programs as the Secretary determines will enhance and facilitate the enrollment, pursuit, and completion of study by individuals referred to in clause (1) in schools referred to in clause (1)(A).

"(b) For the purpose of carrying out the provisions of this part, there is authorized to be appropriated $5,000,000 for the fiscal year ending June 30, 1972; $7,000,000 for the fiscal year ending June 30, 1973; $9,000,000 for the fiscal year ending June 30, 1974; $10,000,000 for the fiscal year ending June 30, 1975; and $10,000,000 for the fiscal year ending June 30, 1976."

STUDY OF COSTS OF EDUCATING STUDENTS OF THE VARIOUS HEALTH PROFESSIONS

SEC. 205. (a)(1)(A) The Secretary of Health, Education, and Welfare (hereinafter in this section referred to as "Secretary") shall arrange for the conduct of a study to determine the national average annual per student cost of schools of medicine, osteopathy, dentistry, optometry, pharmacy, podiatry, veterinary medicine, and nursing in providing education programs which lead, respectively, to a degree of doctor of medicine, a degree of doctor of osteopathy, a degree of doctor of dentistry (or an equivalent degree), a degree of doctor of optometry (or an equivalent degree), a degree of bachelor of science in pharmacy (or an equivalent degree), a degree of doctor of podiatry (or an equivalent degree), a degree of doctor of veterinary medicine (or an equivalent degree), a certificate of degree or other appropriate evidence of completion of a course of training for physicians or dentists' assistants, or a certificate of degree certifying completion of nurse training.

(B) Such study shall include suggested national uniform standards for determining such annual per-student costs by health professions schools in the future.

(C)(i) The Secretary shall, at the earliest practicable date after he has had an opportunity to review the suggested national uniform standards referred to in subparagraph (B), prescribe national uniform standards for determining average per student costs of the provision by health professions schools of the health professions training (as referred to in subparagraph (A)).

(ii) After the Secretary has prescribed the national uniform standards required by clause (i), he shall require, as a condition of approval of any application of any health professions school for any grant under the Public Health Service Act, that such school supply cost-of-education data determined in accordance with such national uniform standards.

(2) Such study shall be completed and a report thereon submitted not later than January 1, 1973, to the Secretary, the Committee on Labor and Public Welfare of the Senate, and the Committee on Commerce of the House of Representatives.

(3) The data employed for the conduct of such study shall be the most recent data available at the time such study is being conducted.

(b)(1) The Secretary shall request the National Academy of Sciences to conduct such study under an arrangement under which the actual expenses incurred by such Academy in conducting such study will be paid by the Secretary. If the National Academy of Sciences is willing to do so, the Secretary shall enter into such an arrangement with such Academy for the conduct of such study.

(2) If the National Academy of Sciences is unwilling to conduct such study under such an arrangement, then the Secretary shall enter into a similar arrangement with any other appropriate nonprofit private group or association under which such group or association will conduct such study and prepare and submit the reports thereon as provided in subsection (a)(2).

(c) There are hereby authorized to be appropriated to the Secretary such sums as may be necessary for the conduct of the study authorized by this section.

PHYSICIAN SHORTAGE AREA SCHOLARSHIP PROGRAM

SEC. 206. Title VII of the Public Health Service Act is amended by adding at the end thereof the following new part:

"PART H—PHYSICIAN SHORTAGE AREA SCHOLARSHIP PROGRAM

"SCHOLARSHIP GRANTS

"SEC. 799D. (a) In order to promote the more adequate provision of medical care for persons who—

"(A) reside in a physician shortage area (as determined pursuant to section 799G);

"(B) are migratory agricultural workers or members of the families of such workers; the Secretary is authorized, in accordance with the provisions of this part, to make scholarship grants to individuals who are medical students and who agree, after completion of their professional training, to engage in the practice of primary care (i) in a physician shortage area, or (ii) at such place or places, such facility or facilities, and in such manner, as may be necessary to assure that, of the patients receiving medical care in such practice, a substantial portion will consist of persons referred to in clause (B).

"(b)(1) Scholarship grants under this part shall be made with respect to academic years.

"(2) The amount of any medical student scholarship grant under this part to any individual for any full academic year shall not exceed $5,000.

"(3) The Secretary shall, in awarding medical student scholarship grants under this part, accord priority to applicants as follows—

"(A) first, to any applicant who (i) is from a low-income family, (ii) resides in a physician shortage area, and (iii) agrees that, upon completion of his professional training, he will return to such area and will engage in such area in the practice of primary care;

"(B) second, to any applicant who meets

all the criteria set forth in subparagraph (A) except that prescribed in clause (i);

"(C) third, to any applicant who meets the criterion set forth in clause (i); and

"(D) fourth, to any other applicant.

"(c) (1) Any medical student scholarship grant awarded to any individual under this part shall be awarded upon the condition that such individual will, upon completion of his professional training, engage in the practice of primary care medicine—

"(A) in the case of any individual who, in applying for a medical student scholarship grant under this part, met the criteria set forth in subparagraph (A) or (B) of subsection (b) (3), in the physician shortage area in which he agreed (pursuant to such subparagraph) to engage in such practice; and

"(B) in the case of any individual who did not agree (pursuant to such subparagraph (A) or (B)) to engage in such practice in any particular physician shortage area or has been waived (pursuant to paragraph (4)) to engage in such practice in any particular physician shortage area—

"(i) in any physician shortage area, or

"(ii) at such place or places, in such facility or facilities, and in such manner, as may be necessary to assure that, of the patients receiving medical care provided by such individual, a substantial portion will consist of persons who are migratory agricultural workers or are members of the families of such workers;

for a twelve-month period for each full academic year with respect to which he receives such a scholarship grant. For purposes of the preceding sentence, any individual, who has received a medical student scholarship grant under this part for four full academic years, shall be deemed to have received such a grant for only three full academic years if such individual serves all of his internship or residency in a public or private hospital, which is located in a physician shortage area, or a substantial portion of the patients of which consists of persons who are migratory agricultural workers (or are members of the families of such workers) and, if, while so serving, such individual receives training or professional experience designed to prepare him to engage in the practice of primary care.

"(2) The condition imposed by paragraph (1) shall be complied with by any individual to whom it applies within such reasonable period of time, after the completion of such individual's professional training, as the Secretary shall by regulations prescribe.

"(3) If any individual to whom the condition referred to in paragraph (1) is applicable fails, within the period prescribed by paragraph (2), to comply with such condition for the full number of months with respect to which such condition is applicable, the United States shall be entitled to recover from such individual—

"(A) an amount which bears the same ratio to the aggregate of (i) the amounts of the medical student scholarship grant or grants (as the case may be) made to such individual under this part plus (ii) the amount of interest which would be payable on such amounts if such amounts had been loans bearing an interest fixed by the Secretary of the Treasury, after taking into consideration private consumer rates of interest for consumer credit prevailing at the time the scholarships were awarded, and the interest thereon had been compounded annually, as

"(B) (i) the number obtained by subtracting from the number of months to which such condition is applicable a number equal to one-half of the number of months with respect to which compliance by such individual with such condition was made, bears to (ii) the number of months with respect to which such condition is applicable. Any amount to which the United States is entitled to recover under this provision shall be paid to the United States with interest on the unpaid balance at the rate used to determine the amount of such entitlement under the preceding sentence within five years of the date of the determination of such entitlement.

"(4) (A) Any obligation of any individual to comply with the condition applicable to him under the preceding provisions of this subsection shall be canceled upon the death of such individual.

"(B) The Secretary shall by regulations provide for the waiver or suspension of any such obligation applicable to any individual whenever compliance by such individual is impossible or would involve extreme hardship to such individual and if enforcement of such obligation with respect to any individual would be against equity and good conscience.

"ADMINISTRATION; CONTRACTUAL ARRANGEMENTS

"SEC. 799E. The Secretary may, in the administration of this part, enter into agreements with schools of medicine, hospitals, or other appropriate public or nonprofit private agencies under which such schools, hospitals, or other agencies will, as agents of the Secretary, perform such administrative functions as the Secretary may specify. Any such agreement with any school, hospital, or other agency may provide for payment by the Secretary of amounts equal to the expenses actually and necessarily incurred by such school, hospital, or other agency in carrying out such agreement.

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 799F. For the purpose of making medical student scholarship grants under this part, there is authorized to be appropriated $2,500,000 for the fiscal year ending June 30, 1972, $3,000,000 for the fiscal year ending June 30, 1973, $3,500,000 for the fiscal year ending June 30, 1974, $4,000,000 for the fiscal year ending June 30, 1975, and $4,500,000 for the fiscal year ending June 30, 1976 and for each succeeding fiscal year, such sums as may be necessary to continue to make such grants to students who (prior to July 1, 1976) have received such a grant and who are eligible for such a grant under this part during such succeeding fiscal year.

"DEFINITION OF PHYSICIAN SHORTAGE AREA

"SEC. 799G. (a) The term 'physician shortage area' when used in this part refers to an area designated by the Secretary as a medically underserved area pursuant to section 741(f)."

NATIONAL HEALTH MANPOWER CLEARINGHOUSE

SEC. 207. (a) There is established in the Department of Health, Education, and Welfare a National Health Manpower Shortage Clearinghouse. It shall be the function of the Clearinghouse to provide information to, and maintain listings of, (1) communities and areas with health professional needs, and (2) prospective health workers interested in such opportunities.

(b) Information and listing service performed by the Clearinghouse shall be provided free of charge to all interested health professionals and to all communities and groups within medically underserved areas designated as such by the Secretary pursuant to section 741(f).

(c) There are hereby authorized to be appropriated such sums as are necessary to establish, operate, and maintain the Clearinghouse created by subsection (a).

STUDY OF FEDERAL HEALTH FACILITIES CONSTRUCTION COSTS

SEC. 208. The Comptroller General shall conduct a study of health facilities construction costs. Such study shall include consideration of the feasibility of reducing the cost of constructing federally supported health facilities, particularly with respect to innovative techniques, new materials, and the possible waiver of unnecessarily costly Federal standards. The study shall be completed, and a report shall be submitted to the Congress, within one year after the date of enactment of this Act.

ASSIGNMENT OF PUBLIC HEALTH SERVICE PHYSICIANS TO CERTAIN COUNTIES

SEC. 209. (a) The Secretary shall use his best efforts to provide, to each county certified by him to be without the services of a physician physically residing within such county, at least one physician in the Public Health Service, except for counties so sparsely populated as not to require such a physician. Such physicians shall be assigned so that each such county shall have a residing physician within one year from the date of enactment of this Act.

(b) Within one year from the date of enactment of this Act the Secretary shall report to the Congress with respect to his implementation of this section.

TECHNICAL AND CONFORMING AMENDMENTS

SEC. 210. (a) (1) Section 390 of the Public Health Service Act (42 U.S.C. 280b) is amended by striking out clause (1) of subsection (b) thereof; by redesignating clauses (2), (3), (4), (5), (6), and (7) as clauses (1, (2), (3), (4), (5), and (6), respectively; and by striking out "facilities" in the clause herein redesignated as clause (5) and inserting in lieu thereof "resources and services".

(2) Section 391 of such Act (42 U.S.C. 280z-1) is amended—

(a) by inserting "and" at the end of clause (2) thereof;

(B) by striking out clause (3) thereof; and

(C) by redesignating clause (4) thereof as clause (3).

(3) Section 392(b) of such Act is amended to read as follows:

"(b) The Board shall advise and assist the Secretary in the preparation of general regulations and with respect to policy matters arising in the administration of this part."

(4) Title II of such Act is further amended by striking out section 393 and redesignating section 394, 395, 396, 397, 398, 399, and 399a, as sections 393, 394, 395, 396, 397, 398, and 399, respectively.

(5) Subsection (a) of the section of such Act herein redesignated as section 393 (42 U.S.C. 280b-4) is amended by striking out "390(b) (2)" in subsection (a) and inserting in lieu thereof "390(b) (1)".

(6) The section of such Act herein redesignated as section 394 (42 U.S.C. 280b-5) is amended by striking out "390(b) (3)" and inserting in lieu thereof "390(b) (2)" in subsection (a) and by striking out "390(b) (4)" and inserting in lieu thereof "390(b) (3)" in subsection (b).

(7) Subsection (a) of the section of such Act herein redesignated as section 395 (42 U.S.C. 280b-6) is amended by striking out "390(b) (5)" and inserting in lieu thereof "390(b) (4)".

(8) The section of such Act herein redesignated as section 396 (42 U.S.C. 280b-8) is amended—

(A) in subsection (a) thereof, by striking out "390(b) (6)", and inserting in lieu thereof "390(b) (5)"; and

(B) in subsection (b) thereof, by—

(i) striking out clause (6);

(ii) striking out "; and" at the end of clause

(5) and inserting in lieu thereof a period; and

(iii) inserting "and" immediately after the semicolon at the end of clause (4); and

(C) in subsection (d) thereof, by striking out the first sentence.

(9) Subsection (a) of the section of such Act herein redesignated as section 397 (42 U.S.C. 280b-9) is amended by striking out "390(b) (7)" and inserting in lieu thereof "390(b) (6)".

(10) Section 773(e) (2) of title VII of the Public Health Service Act is hereby repealed.

Mr. KENNEDY. Mr. President, I ask for the yeas and nays on final passage of the bill.

The yeas and nays were ordered.

Mr. KENNEDY. Mr. President, may we have order?

The PRESIDING OFFICER. The Senate will be in order.

Mr. KENNEDY. Mr. President, I understand there is a time limitation on the bill.

The PRESIDING OFFICER. The Senator is correct.

Mr. KENNEDY. Will the Chair state the time limitation?

The PRESIDING OFFICER. There are 2 hours and 15 minutes on the bill, 1 hour and 15 minutes to the Senator from Massachusetts and 1 hour to the Senator from Colorado (Mr. DOMINICK).

Who yields time?

Mr. BYRD of West Virginia. Mr. President, the Senate is not in order. The galleries are not in order.

The PRESIDING OFFICER. The Senate will be in order. Senators will please take their seats or retire from the Chamber.

PRIVILEGE OF THE FLOOR

Mr. KENNEDY. Mr. President, I ask unanimous consent that a total of eight staff members of the Subcommittee on Health, representing the majority and the minority be permitted on the floor during the discussion of the two pieces of legislation that we are about to consider.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KENNEDY. Mr. President, we have a mounting health care crisis in this country. The signs of this crisis are evident to all of us in the skyrocketing costs of health care, the difficulty in getting health care, and the uneven quality of the health care we do get. The crisis affects all of us. Although, as is frequently the case, it causes the greatest and most obvious suffering among the poor, every American is hurt by rising health insurance premiums, rising doctor and hospital bills, difficulty in finding the right specialist for the right problem at the right time, and long waiting lines. More and more Americans are personally familiar with cases of financial disaster or personal tragedy growing out of the inadequacies of our health care system.

What is wrong in our health care system? There are many different answers to that question, and there are just as many proposals for improving the system.

As you know, Mr. President, I am personally convinced that basic changes must be made in the financing of health care—and I have introduced the health security program—S. 3— in an attempt to effect far reaching changes in how we finance health care.

However, there is one element of the health care crisis on which all parties are agreed. We badly need more doctors, more dentists, more nurses, and more of almost every type of health professionals.

The Carnegie Commission on Higher Education in its authoritative report, Higher Education and the Nation's Health, emphasized the Nation's need for more health professionals—as well as for new modes of educating these personnel, and new patterns of health service delivery that improve the distribution of personnel throughout the country. Other authorities have testified before our subcommittee to the same needs. (Appendix I to this statement describes our manpower status.)

Mr. President, we are in a position to act with considerable consensus on this key area of the crisis—and we are obliged to act. For a number of years, this body has been authorizing Federal funds to enable Americans to purchase health care. Medicare and medicaid are two of our most successful efforts in this regard. During this period, however, we have failed to take adequate measures to increase the capacity of the health care system. We have increased the demand for health care services while doing nothing to increase the supply. This imbalance has most certainly contributed to the rapid inflation in costs and the long waiting lines. Most authorities agree that this imbalance is a major contributor to the problems.

The Senate must act to change this imbalance—and it must act in the one area of health care resources where we are all agreed there is a clear and critical need—the area of Health Professions Education Assistance.

It is important also that we act decisively enough that our authorization is turned into action. While everyone agrees, including the administration, that resources for health services must be increased, when it comes to the crunch of tight budgets and tough implementation decisions, the machinery slows down. The administration's proposed health budget for fiscal year 1972 increases by 8 percent the Federal outlays for buying services through medicare, medicaid, and other programs. By comparison, Federal outlays in fiscal year 1972 for development of health resources will increase barely 7 percent. I might add that the 8-percent increase in medicare and medicaid amounts to $4.2 billion, while the 7-percent increase in funds for resource development amounts to only $38 million. Actually, the increase of $4.2 billion in outlays for services is conservative, because it presumes cost reducing changes in the medicare and medicaid programs which have not yet been implemented. One of these changes the administration calls a "cost sharing feature" whereby the beneficiary pays a larger share of his hospitalization.

We cannot afford to further aggrevate the health crisis in this country by further increasing the demand, while delaying again a major investment in resources to provide care. Nor should we institute measures such as "cost sharing" which basically save money by discouraging the sick from getting care. The health crisis is real and pressing both in economic terms, and in terms of human suffering. I do not believe we can delay any longer in responding to this crisis.

The Health Professions Education Assistance Amendments of 1971, Senate bill S. 934, provides major new resources for producing more and better health manpower, and for extending the capacity and outreach of existing health manpower. These resources are provided to medical schools and other health professions schools.

Unfortunately, Mr. President, at exactly the time when our Nation needs aggressive expansion and innovative programs from these schools—many are on the verge of financial disaster. Most have serious financial difficulties that force them into a defensive financial posture and discourage them from responding to the national need. In recent years, funds authorized for innovative educational programs and for relief of financial distress have been all but depleted by financial distress awards alone. Some 60 schools of medicine and osteopathy and 22 schools of dentistry have received substantial Federal assistance because of their severe financial straits.

Educational programs in the health professions have become more complex and costly due to more sophisticated medical practices and higher costs for equipment and supplies, as well as wages and salaries. The percentage of the cost of education covered by tuition has steadily declined. It is increasingly clear that the gap between what the student can reasonably pay and the cost of educating him cannot be filled with erratic contributions from the private sector or "disaster grants" from the Federal Government. Most institutions are experiencing a relative decline in endowments and other non-tuition income. This situation has brought many great medical educational institutions to the point of bankruptcy.

It is my conviction that the current financial crisis among health professions educational institutions precludes effective action on their part in response to our national needs. These institutions can respond to these needs only if they are assured of a predictable amount of Federal funds sufficient to stabilize their finances, and to insure that education remains within financial reach of the student without forcing the school to the point of financial disaster.

The extraordinary national need for health services, and the extraordinary costs of education in the health professions justifies extraordinary action by the Federal Government to underwrite the costs of health professions educational institutions. If, as a nation, we are serious about effectively grappling with the massive health care crisis that besets us, then we must be willing to pay the price of assuring enough of the right kinds of health manpower to do the job.

The bill before the Senate is deliberately fashioned to set forth an explicit and coherent set of public policies with regard to the support of the education of health manpower. With this bill and its companion, S. 1747, which deals with nursing education, we will set in motion a series of events, which over time will assure this country a preeminence in health delivery analogous to this Nation's unexcelled leadership in research. Actions by Congress on behalf of the American people have resulted in relentless pressure upon the frontiers of the unknown in the biomedical sciences. Without question that pressure needs to be maintained, even increased. However, for a country with this potential to not have sufficient numbers and kinds of health service personnel is unconscionable. The bill will result in major progress in closing the gap between what we know in medicine and what we do in medicine.

By balancing public policy on research with policy on education for health services, moreover, we will better balance the efforts of our medical, dental, and other schools. The Carnegie Commission reported that the time is ripe for such a rebalancing, and that this new balance in the orientation of health professional schools will add to our capability to respond to the Nation's urgent needs for health care. (Appendix II is an excerpt from the Commission's report describing his rebalancing in medical school orientation.)

The bill before us provides basic underlying support for health professions schools, and builds on top of that base, incentives and funding for critical expansion, innovation, and change as recommended by the Carnegie Commission.

Let me review some of the major elements of the bill.

I. INSTITUTIONAL ASSISTANCE AWARDS

The underlying support is provided through a program of institutional assistance awards.

The bill entitles each educational institution to an award intended to cover approximately one-third of the average per student educational costs incurred nationally by such institutions if the institution makes a reasonable effort to respond to the national need by increasing enrollments, reducing the time period required for the completion of study, and by improving and expanding educational programs.

The committee construes this award as an entitlement consistent with eligibility requirements set forth in the bill. Only as an entitlement can such an award provide the requisite stability to educational institutions who are responsive to national needs.

This one-third entitlement, consists of capitation payments for: First, all enrollees; second, all enrollees who were in expanded entering classes; and third, all enrollees who complete a shortened curriculum.

The committee fully recognizes that the schools derive their resources to carry out their responsibilities from a variety of sources including State and local funds, private sources, philanthropy, tuition, and fees for services, as well as Federal grants. Expenditures of the schools and the costs attributable to the education of students vary among the different schools within a discipline and among the disciplines.

In providing formulas for assisting the schools of the health professions, the committee has taken cognizance of the variations and differences among the disciplines. It recognizes also, that the information about expenditures and costs to the schools for education of students in the health professions is rudimentary; and that expenditures for education reported by one school may not be comparable to those reported by another. The committee feels, however, that the education of increased numbers of able practitioners of the health professions is urgent, and that the Nation cannot await further refinements of cost data before committing the Federal Government to a significantly increased role in maintaining the health professional schools. The bill, therefore, provides this mechanism of institutional support for the schools of the health professions that recognizes an increased Federal responsibility for the support of these institutions. The bill also assures that these institutions may not supplant non-Federal funds with Federal funds. The committee intends to assure that these institutions maintain a wide variety of sources of financial support.

Each element of the institutional capitation award is explained in more detail in appendix III to this statement.

Let me offer here a brief example of an institutional award for an average medical school of 400 enrollees. Assuming the institution in fiscal year 1972 had for the first time increased the size of its entering class from 95 to 100, and graduated 50 of its third-year students at the end of that third year and 50 at the end of the customary fourth year, the institution would receive a fiscal year 1972 institutional assistance award of:

Basic enrollment	$1,600,000
Increased enrollment bonus	200,000
Early graduation bonus	300,000
Total award	2,100,000

With the substantial institutional support provided in this legislation for schools of the health professions, the committee intends that these schools make every effort to develop programs responsive to national need in various areas. Realizing that the schools will vary in their competencies and readiness, the bill does not mandate identical requirements for all institutions but provides alternatives among which the schools can choose in order to satisfy the requirements of the plan.

The bill requires that a school can receive a grant for institutional support only if its application contains a plan, approved by the Secretary, to continue to carry out, or establish and carry out satisfactorily by the end of the school year to which the application relates, specific programs or projects in at least three of several areas described in the bill as options. Failure to carry out the plan results in a 10 to 30 percent cut in the succeeding years award.

II. SPECIAL PROJECT GRANTS AND MANPOWER INITIATIVE AWARDS

The committee intends that the basic institutional assistance awards be used to stabilize the finances of education institutions. These awards are not adequate alone for undertaking new initiatives.

To encourage such initiatives in curriculum reform, enrollment expansion, retraining, and other important areas, the bill continues a special projects grant authority. The bill extends the types of projects that may be covered, incorporating certain of the projects proposed by the administratiton as manpower initiative awards.

In the past, funds set aside for these purposes have been largely drained off as "financial distress" grants. These purposes are too important for the funds to be diverted to basic institutional assistance. Ultimately, the institutional assistance awards authorized by this bill should relieve the need for such "financial distress" grants. However, to insure that such grants do not divert special project funds in the initial years of institutional assistance, the committee has eliminated the authority to make financial distress grants from funds authorized for special projects and manpower initiative awards. A separate authorization with decreasing authorization levels has been established for financial distress grants.

What we actually are doing is reducing over a period of 5 years the funds that will be available to medical schools for financial distress. Hopefully, the institutional awards and special grants programs in the bill will be able to put the medical schools on a sound financial footing, and the financial distress grants will not be necessary in the future. So we actually have reduced the amount of money that will be authorized for financial distress in future years.

III. CONSTRUCTION GRANTS AND GUARANTEED LOANS

One of the primary goals of this legislation is to accelerate output in critically needed health disciplines. Adequate space and well-equipped facilities are indispensable to producing the greater numbers of well-trained health professionals that our expanding population requires, and that our national health crisis demands.

The bill, section 101, provides for a single, consolidated construction assistance authority which would replace several separate authorities in existing law for construction of health professions teaching facilities, medical library facilities, and health research facilities. This consolidation was part of the administration's proposal. It will allow more efficient and better coordinated support of construction of a facility as a whole. Schools planning to build facilities to serve a variety of functions will not be forced to deal with several authorities with several different review procedures and priorities. This is particularly important for those institutions that are building health science complexes involving a number of health manpower disciplines and related medical library and research facilities.

Consolidation of authorities would encourage schools to move toward construction of multipurpose facilities serving a number of interrelated disciplines with related education, research, and library facilities.

The new authority would also include "outpatient facilities," among the affiliated clinical facilities in which teaching space could be constructed. The outpatient facility of tomorrow may bear little resemblance to that of today. Teaching space in connection with such facilities must be provided to emphasize prevention, diagnosis, and treatment on an ambulatory basis in out-of-hospital settings which may be more efficient, less costly, and more directed to maintenance of health.

The bill provides both a grant and a loan guarantee/interest subsidy program in support of construction. The grant authorization allows grants up to 75 percent of the costs of construction, except in unusual circumstances when up to 85 percent Federal participation is authorized.

In order that these grant funds be utilized to initiate as many backlogged projects as possible, the committee has authorized in section 707 that the Federal Government shall spread the support of large construction projects over several successive fiscal years, once having made a Federal commitment to support a project.

Section 707 requires no increased expenditures—it simply provides a more efficient mechanism for using each year's appropriations, and it permits earlier initiation of construction of more teaching facilities that we must have to educate tomorrow's doctors, dentists, and other health personnel.

To further assist in funding construction projects, the bill would also add new authority for the Federal guaranteeing of loans made by non-Federal lenders to private nonprofit institutions with approved construction projects. New authority would also be provided for interest subsidies. These provisions are included at the suggestion of the administration. However, loan guarantee and interest subsidies have yet to prove their effectiveness for stimulating construction of these nonincome producing facilities. Testimony raised serious questions concerning the possibility of obtaining commercial loans for such facilities and, more importantly, the hardship that the loan program would work on the institutions involved. For these reasons, the committee considers it essential to continue a major grant program for construction.

Loan guarantees and interest subsidies should be made available over the next 5 years, however, to extend the reach of Federal assistance beyond grants where loans can be negotiated, and to test the feasibility of this mechanism.

Under no circumstances is the committee prepared at present to supplant or restrict the grant program with a loan guarantee program. To this end, section 709 of the bill limits the amount of guaranteed loans to an amount equal to grants—such limitation to be removed only if all appropriated grant funds are obligated.

IV. STUDENT LOANS AND SCHOLARSHIPS

The rising expense of health professions education in recent years has placed an increasingly heavy financial burden on the students and their families. Many highly motivated and qualified students have not been able to afford such training. The more economically disadvantaged the student, the less feasible his opportunity to enter the higher education process unless aid is provided. For too long, the doors of medical schools have been open to only the children of the affluent. Such a situation is intolerable. The longer the educational process, the more imperative some form of aid becomes. Few families in minority groups can provide the financial help essential to meet the high cost of and preparation for education in the health professions.

It is in the national interest to assure expanding enrollments in health professional schools and to assure that all economic levels are represented in such schools. To these ends the bill offers a variety of student assistance ranging from scholarships, through direct loans, to loan guarantees. The school and student are in a position to select the form and amount of assistance best suited to the student's needs.

To encourage students with financial difficulty and students from low-income families to begin or continue their education, they are given priority for scholarship funds and are offered forgiveness and cancellation of direct or guaranteed loans in the event they are forced to leave school.

Frequently, students with low-income backgrounds are from the physician-shortage areas in rural or urban America. The committee is convinced that physician recruitment for rural and other shortage areas would be greatly enhanced if more young people who come from rural or urban physician-shortage areas, were encouraged to enter the medical profession. According to an AMA survey published in 1970, 45 percent of the physicians were practicing in or around the town in which they were raised.

To insure that students who are financially or educationally disadvantaged understand the opportunities open to them in the health professions by virtue of these and other provisions, the bill offers grants and contracts for publicizing these areas and identifying, counseling, and supporting students for entrance into and pursuit of health professional degrees.

To the same end, all students, regardless of economic background, are offered loan forgiveness if they practice in an underserved area. Once a physician establishes a practice, he is not likely to move. The same AMA survey showed that 63 percent of physicians had not moved from their original practice or location. Encouraging physicians to begin their practices in shortage areas could make real impact on improving the distribution of health care.

Among today's college students there appears to be a great desire and interest to serve mankind. These measures would capitalize on this idealism, and encourage young men and women to enter medical school. They, in return for the expense to the Nation of their education, would serve in physician shortage areas to make quality medical care available to all of our citizens.

V. GRANTS FOR SUPPORT OF POSTGRADUATE TRAINING PROGRAMS FOR PHYSICIANS AND DENTISTS

The costs of educating graduate students of medicine and dentistry have long been assumed by schools, hospitals, and by those whom they treat, the patient.

The committee, like the Carnegie Commission, feels that a portion of the costs of these programs should be borne nationally, rather than by the people who use the hospital—or the benefactors of the medical school.

To this end, the bill adds new authority for annual grants to schools of medicine, dentistry, or osteopathy, and to those public or nonprofit, private hospitals not affiliated with a school of medicine, osteopathy, or dentistry that conduct graduate training programs approved by the Secretary of Health, Education, and Welfare. The grants support educational costs of graduate training programs in medicine and dentistry.

Schools or hospitals with approved applications would be entitled to receive $3,000 for each full-time intern or resident in primary health care, or any other shortage area designated by the Secretary, and $1,500 for each physician or dentist in any other graduate training program.

The intent of this provision is to encourage specialization in fields in which shortages exist. A 3-year limitation on the assistance is designed to encourage reduction in the duration of residency training programs.

Other provisions of this bill sustain undergraduate health professions students. What we intend to do with this particular provision is to provide a program of support for the education of interns and residents. It is a natural extension of our efforts. This provision was added in the committee, and I think it is a valuable program.

VI. FAMILY MEDICINE

The bill includes new special authority for grants for development and maintenance of special training programs in family medicine, including continuing education of practicing physicians and approved residencies in family practice.

Senators are aware that last year, the Senate passed family practice legislation, which was vetoed by the President. Some of the features that were objectionable to the President have been eliminated.

There is a tremendous need to encourage young people to enter family practice; we have addressed ourselves to that particular problem in this legislation.

Primary care provided by physicians to individuals and families is of the utmost importance in maintaining the health of persons and in detecting and dealing with illness and disease when they occur. The availability of primary and continuing care has declined for many families. Families find it increasingly difficult to find a continuing relationship with a physician who can help them maintain their health, treat most of the family's illnesses and make appropriate referrals. The decrease in this mode of practice means for a growing number of rural and urban communities, that medical care is at best difficult to secure and at worst, unavailable.

Particular stimulus at this time is needed to encourage medical schools and hospitals to provide training programs in primary health care—family medicine. This bill is designed to provide that stimulus.

VII. COMPUTER TECHNOLOGY

The bill establishes a program of grants to develop computer technology for application in the health services area.

The committee was impressed by testimony it received of the potential of computer technology for the improvement of health services. Computer technology has the potential for increasing the quantity and improving the quality and efficiency of medical and other health care services, and for making possible improved distribution of services of high quality through communications networks and computerized medical information and diagnostic aids.

It is particularly desirable in these times, when the expectations and demands for health services have so far outstripped the capabilities of scarce resources to deliver them, that the many potential uses of computer technology be explored, tested, and more widely applied.

VIII. STUDY OF COST OF EDUCATING STUDENTS OF THE VARIOUS HEALTH PROFESSIONS

The heart of this bill is the concept of placing health professional schools on a stable financial footing. In calculating the capitation levels, the committee intended to supply approximately one-third of the costs of educating students. The committee members, to a man, were alarmed to find how primitive and inaccurate HEW's figures are in the area of educational costs. We were forced to arrive at rough estimates based on several different sources of data.

Mr. President, we have HEW estimates of the costs of educating students in the various health professions. The costs of medical education vary extensively from one medical school to another, from approximately $117,000 to about $5,000 or $6,000. The Carnegie Commission estimates medical school costs vary anywhere from $15,000 to $25,000. We see comparable variation in the estimates of the costs of denistry, and other health professions. Because of this enormous diversity, the committee feels it imperative that we get the latest and best cost data possible. We hope this new study directed by the bill will provide Members of Congress with the information needed for responsible judgments in the future.

If the Federal Government is to assume the basic supportive role in health education envisioned by this bill, we must obtain better figures for our future use. To this end, the committee has directed HEW to undertake a special study by an independent agency to determine by January 1, 1973, the average per-student cost of education in the various health professions, and to describe uniform standards for defining and reporting such costs in the future.

The committee feels that the National Academy of Sciences and within it the newly created Institute of Medicine has the breadth of scientific, medical, and health services expertise, plus the respected independent status required, to objectively and systematically undertake such a study. The bill, therefore, directs the Secretary to request the NAS to undertake the study. If the NAS cannot undertake such a study, the Secretary may arrange for the study to be done by another appropriate nonprofit, private group or association. The committee urges the NAS to undertake this important effort.

Mr. President, this is an expensive bill. An appendix to this statement gives the costs of the bill's various programs in some detail.

The costs are relative, however. The extent of the health crisis not only justifies but demands this extensive action. I call upon this body to pass this landmark legislation.

I have only briefly mentioned in this statement some sections of the bill that deserve further comment—others I have not dealt with at all. I am confident the committee members who sponsored these provisions will elaborate on them in more detail.

The PRESIDING OFFICER. Without objection, the appendixes will be printed in the RECORD, as follows:

APPENDIX I—STATUS OF HEALTH MANPOWER

Rising personal expectations and shifting social forces have heightened the need for health manpower. The shortage of all types of health manpower is especially acute for millions of Americans living in rural and inner-city areas.

On the average, there is now one physician for every 630 persons in America. In over one-third of the Nation's counties, there is only one physician for each 1,800 people. In more than 130 counties, which represent more than 8 percent of the Nation's land area, there are no private physicians at all; and the number of such counties is growing.

In our inner cities there is a similar problem. In some parts of New York, for example, there is one private physician for every 200 residents, but in other areas the ratio is one to 12,000. Chicago's inner-city neighborhoods have 1,700 fewer physicians today than they did a decade ago.

The scarcity is aggravated by the growth of the Nation's population, an increase of approximately 27 million during the 1970's. A disproportionate amount of the population increase will consist of senior citizens and young children, two groups that are heavy users of health services.

Higher incomes enable Americans to demand more and better health services. By 1975, according to one estimate, higher incomes will have increased the demand for physicians' services by one-eighth and for dental services by one-fourth.

In view of the rising demand for services, how adequate is the supply of health manpower? There are many varying opinions as to the precise magnitude of the shortage, but there is a National consensus that there is a severe shortage of health manpower that cannot be solved merely by redistributing existing resources. Each category of health professionals has its peculiar problems.

The ratio of practicing physicians per 100,000 U.S. residents has risen over the past two decades, from 141 in 1950 to 155 in 1970. There were about 325,000 practicing physicians in the country last year, compared to 219,900 in 1950.

A marked increase in the number of practicing physicians has occurred since 1964, when there were 280,500 practicing physicians (142 per 100,000 residents). Today about one physician in six is a foreign graduate, and the proportion is rising. One of every four newly licensed physicians is a foreign graduate. One of every three interns and residents in U.S. hospitals in 1968–69 was a foreign graduate. This Nation should not be an importer of medical manpower. Indeed, the reverse situation should obtain.

The shortage of physicians in the United States is currently estimated at 50,000.

A recent trend in medical education is the rise of the specialist and the decline of the general practitioner. Until recent years, most physicians were general practitioners or "family doctors," who traditionally provided basic health care for Americans. In 1931 there were about 101 general practitioners per 100,000 residents. The figure dropped to 79 in 1949, 38 in 1963, and 28 in 1970. As retiring general practitioners are replaced by newly graduated specialists, the ratio will drop even lower.

With mounting demands for comprehensive care, there is a pressing need to insure that a sufficient supply of highly trained primary-care physicians be available to meet the health care needs of the population.

The ratio of practicing dentists per 100,000 U.S. residents has fallen below the level of two decades ago. There were 50 practicing dentists per 100,000 residents in 1969 (latest figure) compared to 51 in 1950. More than 101,000 dentists were practicing in this country in 1969, most of them general practitioners.

Like physicians, dentists are distributed unevenly throughout the country. Metropolitan areas have several times as many dentists proportionately as counties with small central cities.

Foreign dental graduates, unlike foreign medical graduates, do not constitute a ready manpower resource for this country.

Efforts are being made to increase the number and productivity of dentists. Productivity is being increased by the training and use of such allied workers as dental hygienists, chairside assistants, and laboratory technicians. It is unlikely, however, that auxiliaries can be employed in numbers sufficient to reduce dental manpower shortages by the end of this decade.

There were about 125,000 pharmacists practicing in this country in 1969. By 1978, it is estimated, pharmacists will fill about three billion prescriptions a year. Pharmacists are increasingly concerned with developing drug profiles of individuals. They have been encouraged to use their establishments as health information centers.

There were about 18,100 practicing optometrists in 1969, most of them in private practice. The scope of optometric services has expanded, and the demand for such services is rising rapidly. Enrollments in schools of optometry have doubled in the past decade.

Most of the 25,000 veterinarians active in 1969 were in private practice, but about 35 percent were engaged in teaching, research, and regulatory activities. Veterinarians have responsibilities in public health. The primary objectives of the public health veterinarian are to prevent human illness derived from animals and to protect the health of animals.

There were about 7,700 practicing podiatrists in 1969. Most were in private practice in large cities. Enrollments in schools of podiatry have increased by over 100 percent since 1965.

The supply of health manpower has increased in recent years, but the need for their services has climbed even more sharply. Between 1960 and 1970, employment in the health occupations increased from 2 million (3 percent of the labor force) to about 3.2 million (4 percent of the labor force). If trends continue, about 4.4 million persons will be employed in the health professions by 1980. Persons counted in the health occupations include physicians, dentists, nurses, allied professional and technical workers, and aides.

The Committee is convinced that the prospect is for a more severe shortage of health manpower unless Congress acts now. The bill would increase the number of practitioners, improve their effectiveness, and encourage them to practice in underserved areas by stabilizing and supporting the institutions which educate the Nation's health manpower. The Nation's health needs, already considered critical by many, will become even more acute unless the Federal effort to increase manpower resources is strengthened substantially.

5 YEAR PROJECTION OF ENROLLMENT IN HEALTH PROFESSIONS SCHOOLS

Professions	1971–72	1972–73	1973–74	1974–75	1975–76
Medicine [1]	42,800	43,930	46,548	49,122	52,286
Osteopathy	2,291	2,514	2,779	3,053	3,342
Dental	17,209	17,978	18,745	19,534	20,325
Optometry	3,093	3,209	3,366	3,542	3,542
Podiatry	1,230	1,335	1,497	1,605	1,605
Veterinary	5,180	5,339	5,709	5,891	6,087
Pharmacy	18,643	19,016	19,396	19,784	20,180

[1] Except for 1971–72, determined by adding 1,889 to original combined totals for medicine and osteopathy and subtracting osteopathy.

APPENDIX II—EXCERPTS FROM HIGHER EDUCATION AND THE NATION'S HEALTH

(The Carnegie Commission on Higher Education)

The Flexner model based on Johns Hopkins, Harvard, and, before them, German medical education, called for emphasis on biological research. Science was to be at the base of medical education. The Flexner model has been the sole fully accepted model in the United States since 1910. Some schools have fulfilled its promise brilliantly; others have been pale imitations; but all have tried to follow it. It has led to great strides forward in the quality of research and the quality of individual medical practitioners. The Flexner, or *research* model, however, looked inward to science in the medical school itself. It is a self-contained approach. Consequently, it has two weaknesses in modern times: (1) it largely ignores health care delivery outside the medical school and its own hospital, and (2) it sets science in the medical school apart from science on the general campus with resulting duplication of effort. This second weakness is now being highlighted by the extenson of medical concerns beyond science into economics, sociology, engineering, and many other fields. Medical schools have had their own departments of biochemistry, but to add their own departments of economics and sociology and engineering would accentuate the problem of duplication of faculty and equipment. Also, the better economists would rather be in a department of economics on a general campus than separated from their colleagues in a department of medical economics: members of other disciplines would have similar preferences. The self-contained Flexner model thus leads to expensive duplication and can lead to some loss in quality.

Two new models are arising: (1) the *health care delivery* model, where the medical school, in addition to training, does research in health care delivery, advises local hospitals and health authorities, works with community colleges and comprehensive colleges on the training of allied health personnel, carries on continuing education for health personnel, and generally orients itself to external service; and (2) the *integrated science* model, where most or all of the basic science (and social science) instruction is carried on within the main campus (or other general campuses) and not duplicated in the medical school, which provides mainly clinical instruction. In this model (as in England), the medical school may be, essentially, a teaching hospital; but this is not necessary—it may, rather, carry on all its "Flexner" functions except the traditional first one or two years of science education.

Mixtures are of course possible and are occurring among these "pure" types. The research and health care delivery models may be combined, as is being done at Harvard and Johns Hopkins; the research and integrated science models may be combined, as is being proposed at Michigan and for the new Harvard-MIT endeavor; and the health care delivery and integrated science models may be combined, as at the new medical schools of the University of Illinois. All three, of course, could also be combined.

We believe that the new interests in health care delivery and in the integration of science and other disciplinary efforts are wise. The simple Flexner research model is no longer adequate as the sole model. A few schools, and many parts of schools, will, and should, stay with the Flexner model, but we believe that the nation will be better served as many schools move in different directions. A diversity of models and mixtures of models is now desirable. Not only can the developing and new schools experiment; but as existing schools expand, they can direct their expansion in new directions so that there can be diversity *within* schools—for example, the next group of 40 additional students admitted might be asked to take their science on the main campus of the parent university. The "cluster-college" approach of changing and diversifying—rather than just duplicating on a larger scale—when expanding a general campus can be undertaken also in a health science center.

Pacesetter schools, such as those noted above, are moving toward health care delivery, or the integration of science, or both. We support these directions of movement. The nation has a sufficiency of the pure research model type of school. New developments should be toward greater integration with social needs, or toward greater integration with the general campus, or both.

APPENDIX III—DETAILED EXPLANATION OF S. 934: INSTITUTIONAL ASSISTANCE AWARD CAPITATIONS

BASIC ENROLLMENT CAPITATIONS

Under the bill each eligible school which submits an approved application for an institutional grant would be entitled to receive $50,000, plus an amount for each full-time enrolled student (or equivalent thereof) in the respective discipline, as follows:

Schools of medicine, osteopathy, and dentistry: $4,000.

Schools of optometry: $1,000.

Schools of pharmacy: $600.

Schools of podiatry: $900.

Schools of veterinary medicine: $2,000.

BONUS CAPITATION FOR ENROLLMENT INCREASE

As a means of encouraging schools of the respective health professions to expand their enrollments and to provide additional resources to the eligible schools for such enrollment increases, the bill would provide funds for "bonus" students enrolled in the schools. The awards will be made for each year in which the "bonus" students are enrolled in their course of study. Schools of the respective disciplines would be entitled to receive the following amounts for each "bonus" student.

Schools of medicine, osteopathy, and dentistry: $2,000.

Schools of optometry: $400.

Schools of pharmacy: $300.

Schools of podiatry: $400.

Schools of veterinary medicine: $1,000.

A "bonus" student is defined as a student enrolled in any of the eligible schools if, for the year in which the student is or was a first-year student in the school, (a) the first-year enrollment for that school exceeded its first-year enrollment for the preceding school year by not less than 5% or not less than 5 students, whichever is greater, or (b) for the second preceding year by not less than 10% or not less than 10 students, whichever is greater, or (c) for the third preceding year by not less than 15% or not less than 15 students, whichever is greater. The bonus capitation has been designed as a continuing incentive for the schools to systematically increase their enrollments.

To avoid placing insurmountable blocks in the way of health professional schools unable to increase their enrollment incrementally each year, and to avoid imposing special hardships on those schools which have already undergone exceptional growth in class size in recent years (specifically beginning in school year 1968–69—the grandfather situation), health professions schools are given the option of spreading increases over a period of three years rather than being required to increase at a set percentage or number each year.

Thus, a school could have a substantial increase in one year preceded or followed by a year in which the increase is smaller without losing its eligibility for a bonus for increased enrollment. However, requirements for eligibility would be met only if the medical school achieved over each three year period an increase in its first year students of 15% or 15, whichever is greater.

The Committee wishes to make clear its general intent that in the future schools would increase enrollments from year to year or at least would not reduce enrollments in any particular future year.

INCENTIVE CAPITATION TO SCHOOLS OF MEDICINE, OSTEOPATHY, AND DENTISTRY FOR SHORTENING CURRICULUM

In order to encourage schools to graduate physicians, osteopaths, and dentists as rapidly as possible, a special incentive has been provided for schools of medicine, osteopathy, and dentistry which have programs in which students can complete their course of study in three years, rather than the traditional four years or longer.

For each student graduating under a three-year program, a school would be entitled to receive $6,000—an amount equivalent to a $4,000 payment for a fourth year, plus a $2,000 bonus. A number of schools of medicine have inaugurated experimental programs to shorten the period of study for some of the students enrolled. Other schools of medicine, as well as those of osteopathy and dentistry, are currently considering shortening the period of education of their students. The proposed provision will assure that for these programs, federal resources would be provided, comparable to those provided for the longer period of training, plus a $2,000 bonus intended as an additional incentive.

PHYSICIAN ASSISTANTS CAPITATION

The bill provides funds to schools of medicine, osteopathy, and dentistry for the training by those schools of physicians' assistants, dentist's assistants, or other health professions assistants so that the training of such assistants could be provided in the same educational milieu in which physicians and dentists receive their education. A school would be entitled to receive $1,350 for each full-time student (or the equivalent thereof) who is enrolled in a program offered by a school of medicine, osteopathy, or dentistry to train such assistants.

Since the Committee recognizes these programs are still in the developmental stage, no attempt was made to define legislatively the scope of duties of a physicians' or dentists' assistant nor the duration of his training. Their intention is to cover both the short term training (one year or less) such as in the Medex program at the University of Washington, and the longer term (two year) such as at Duke or the four year program, such as at Alderson Broaddus. The Committee notes with interest and approval the definition of physicians' assistants divided into three categories in the report of the Board on Medicine of the National Academy of Sciences. These are the Type A Assistant, distinguished by his ability to integrate and interpret findings on the basis of general medical knowledge and to exercise a degree of independent judgment, the Type B Assistant, highly specialized in one clinical procedure, and the Type C Assistant, who is generally proficient in medical procedures but without the ability to use independent judgment to the degree of the Type A Assistant. Over 50 programs are being developed throughout the nation producing support personnel in these three categories. The costs vary depending on the degree of training, and the previous experience of the student, but in general, costs are in the range of the training of other health professionals.

APPENDIX IV

COST OF THE LEGISLATION—COMMITTEE ESTIMATES

[In millions of dollars]

	1971	1973	1974	1975	1976	Total
Construction grants	200.0	225.0	250.0	275.0	300.0	1,250.0
Guarantees	8.0	16.0	24.0	32.0	40.0	120.0
Student loans	60.0	65.0	70.0	75.0	80.0	350.0
Institutional support	426.0	439.5	462.5	486.5	513.5	2,328.0
Conversion of 2-year schools	[1] 22.5					22.5
New school awards	10.0	10.0	10.0	10.0	10.0	50.0
Special project and manpower initiative awards	150.0	165.0	180.0	195.0	210.0	900.0
Scholarships	[1] 40.0	[1] 41.0	[1] 45.0	[1] 46.0	[1] 48.0	220.0
Financial distress	50.0	40.0	30.0	20.0	10.0	150.0
Post graduate education		15.0	30.0	45.0	50.0	140.0
Family medicine	25.0	40.0	55.0	70.0	85.0	275.0
Computer technology	25.0	25.0	25.0	25.0	25.0	125.0
Shortage area scholarships	2.5	3.0	3.5	4.0	4.5	17.5
Total	1,019.0	1,084.5	1,185.0	1,283.5	1,376.0	5,948.0

[1] Estimates based on best available information on numbers of schools and entering class sizes.

Note: No estimates of the costs of the bill were submitted by Federal agencies.

Mr. KENNEDY. Mr. President, that is a brief summary of the principal features of the legislation and, at this time, I am prepared to yield to the distinguished Senator from New York.

Mr. JAVITS. Mr. President, our Nation faces a deepening health care crisis. We must have larger numbers of the right kind of health manpower personnel, located in the right places, and utilized in the right way, to give health services to the people who need them. To put the Federal Government in the forefront of efforts to meet these needs for health personnel requires legislation that provides flexibility and innovation and I urge my colleagues to support the Health Professions Educational Assistance Amendments of 1971, S. 934.

I would call to the attention of my more than 20 colleagues who cosponsored S. 1183, which I introduced on behalf of the administration to implement the President's recommendations relating to health manpower training, that S. 934 incorporates many of the provisions in S. 1183.

Mr. President, I ask unanimous consent that the text of S. 1183, together with the list of sponsors be printed in the record at the conclusion of my remarks.

The **PRESIDING OFFICER.** Without objection it is so ordered.

(See exhibit 1.)

Mr. JAVITS. Mr. President, in essence, these provisions are:

Consolidate, extend, and increase the scope of grants for construction of health research, education, and library facilities; and establish an additional program of loan guarantees and interest subsidies for such construction. A consolidated construction assistance authority would provide flexible legislative authority for the construction of health manpower facilities without regard to categorical restraints and offer grantees the opportunity to design and construct facilities that can serve a variety of functions and disciplines. Consolidation of authorities would encourage schools to move toward construction of multipurpose facilities serving a number of interrelated disciplines and related research and library facilities and allow greater efficiency in administration. There are authorized for these purposes: $200 million in fiscal year 1972 and annual $25 million increments for next 4 years.

I am very enthusiastic about the new loan guarantee and interest subsidies program would extend the reach of Federal assistance beyond grants, where loans can be negotiated. I would emphasize that it is the purpose of this guaranteed loan and interest subsidy provision to supplement the existing grant program, not to supplant it. In the face of more than $600 million of approved but unfunded grant applications, I believe we can no longer rely solely upon the grant mechanism to meet our schools' needs. We must take this innovative step of guaranteed loans and interest subsidies to overcome the substantial unmet needs; $8 million maximum authorized to pay interest subsidies in fiscal year 1972, with annual $8 million increments for 4 additional years.

Mr. President, it is a matter of the greatest interest to me that we can combine the utility of the public and private sectors in an intelligent way so that they will be of very great use and it will relieve the strain on the grant section of the bill.

Extend and increase the maximum level of student scholarships which is estimated to cost $40 million in fiscal year 1972—and rising to $48 million in fiscal year 1976—add a program of loan guarantees and have all student assistance programs include incentives for practice in medically underserved areas. It is particularly important at this time to have liberal forgiveness authority to encourage distribution by specialty, as well as geographic area. This is of particular importance to the improvement and distribution of health care.

Incentive capitation grant authority—in addition to other institutional support programs based on enrollment—which would pay $6,000 for each student of a school of medicine, osteopathy, and dentistry for graduating under a 3-year program, rather than the traditional 4 years or longer. A number of schools of medicine have inaugurated experimental programs to shorten the period of study for some of the students enrolled. Other schools of medicine, as well as those of osteopathy and dentistry, are currently considering shortening the period of education of their students. The proposed provision will assure that for these innovative programs, Federal resources would be provided comparable to those provided for the longer period of training plus a $2,000 bonus intended as an additional incentive. The total institutional support authorization, based on capitation, is $426 million for fiscal year 1972 and rises to $516.5 million in fiscal year 1976.

Extend and broaden project grant authority to authorize health manpower initiative awards directed toward solution of critical health manpower problems; and several other programs aimed at bringing manpower to medically underserved areas. This program offers an enormous opportunity for improving the numbers and distribution of health personnel and for relating health manpower more directly to changing patterns of health care. The authority is flexible so that efforts thereunder can be responsive to health manpower needs as they arise. These efforts can encourage experiments and breakthroughs which show particular promise of contributing to the solution of health manpower problems, including those in given geographic areas and those relating to new approaches to health care and health manpower training; $150 million for fiscal year 1972 is authorized with annual $15 million increments for 4 additional years.

The rising expense of health professions education in recent years has placed an increasingly heavy financial burden on the students and their families. Many highly motivated and qualified students have not been able to afford such training. To those ends the bill offers a variety of student assistance ranging from scholarships, through direct loans, to loan guarantees. The school and student together are in the best position to select the form and amount of assistance best suited to the student's need. All students, regardless of economic background, are offered loan forgiveness if they practice in an underserved area. Once a physician establishes a practice, he is not likely to move. A survey showed that 63 percent of physicians had not moved from the original practice or location. Encouraging physicians to begin their practices in shortage areas could make real impact on improving the distribution of health care.

Encourage students with financial difficulty and from low-income families to begin or continue their education by giving a priority for scholarship funds and offer forgiveness and cancellation of direct or guaranteed loans in the event they are forced to leave school.

INSTITUTIONAL CAPITATION SUPPORT

The bill we are considering today is designed to establish an explicit Federal role concerning the support of health manpower. Thus, it provides to each educational institution an award intended to cover approximately one-third of the average per student educational costs incurred nationally by such institutions, if the institution meets eligibility requirements set forth in the bill. We do not go as far as we would like to, but we do cover one-third of the cost.

Although the individual institutional support award is deemed an "entitlement," this was done to set forth national funding priorities and stimulate the institutions to seek to persuade the Congress to provide sufficient levels of appropriations to meet such entitlements. However, the legislation is not intended to confer any legally enforceable right upon any school. The bill specifically provides—section 770(a)—as follows:

> The Secretary's determination of the amount of such grant shall be final and conclusive and, notwithstanding the provisions of chapter 7 of title 5, United States Code, or any other law, shall not be subject to judicial review in any court of the United States.

FINANCIAL DISASTER RELIEF

The financial burdens of health-professions schools have become so great that a number of existing schools today are considering closing their doors. It was for that reason that I introduced a bill in the 91st Congress to provide $100,000,000 in disaster relief to medical and dental schools, which passed the Senate but was modified in conference.

Although the substantially increased capitation grant program provided by this bill should alleviate the financial distress in schools of the health professions, a number of these schools may need temporary financial assistance before their fiscal problems can be solved. Therefore, the bill establishes a special separate authority for grants to assist schools in financial distress, but the authorization level of $50 million in fiscal year 1972 decreases with each year as the institutional assistance awards stabilize the finances of these institutions, to a level of $10 million in fiscal year 1976.

As I proposed in my bill in the 91st Congress, the grants would be made on special terms and conditions, including requirements that the school agree to disclose any financial information or data deemed by the Secretary to be necessary to determine the sources or causes of that school's financial distress, and require the school to carry out appropriate operational and financial reforms on the basis of information obtained.

COMPUTER TECHNOLOGY

It is particularly desirable in these times, when the expectations and demands for health services have so far outstripped the capabilities of scarce resources to deliver them, that the many potential uses of computer technology be explored, tested, and more widely applied. I commend to the attention of my colleagues the bill's provision adding a program of grants to plan and develop freestanding or university-based computer laboratories to enable the utilization of modern computer technologies by physicians and other health personnel in the provision of health services. Twenty-five million dollars is authorized for each year of the bill.

Computer technology has the potential for increasing the quantity and improving the quality and efficiency of medical and other health care services, and for making possible improved distribution of services of high quality through communication networks and computerized medical information and diagnostic aids, as well as research the functions performed by physicians to determine which functions could more appropriately be performed by other personnel.

Although the computers' introduction into the health industry is very recent, enormous strides have already occurred and computer technology can provide the strategy for effective health care delivery. A computer-assisted doctor is freed to concern himself with care more uniquely human, such as managing the emotional aspects of illness, applying bedside skills, and exercising judgment in the nonquantifiable areas of clinical cure. He no longer will need to store vast amounts of technical information in his mind, but rather he can rely on the computer as an intellectual adjunct to provide him with instantaneous information. Frequent dialog with the computer will allow him the opportunity to receive the most probable diagnosis and extract the suggested course of treatment.

Mr. President, I believe the Health Professions Educational Assistance Amendments of 1971 would make possible an expanded Federal health manpower training program designed to produce the manpower resources essential to achieving national health care objectives.

I urge my colleagues to support the enactment of this legislation and provide the health manpower required to meet national needs for health and medical care.

EXHIBIT 1

S. 1183

A bill to amend the Public Health Service Act so as to provide for new health manpower educational initiatives, increase the level of financial assistance to health professions schools and other institutions training health personnel, improve the distribution and increase the supply of health personnel, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Health Manpower Assistance Act of 1971".

INSTITUTIONAL GRANTS

SEC. 2. (a) The heading of part E of title VII of the Public Health Service Act is amended to read as follows:

"PART E.—INSTITUTIONAL GRANTS TO IMPROVE THE PRODUCTIVITY AND QUALITY OF HEALTH EDUCATION"

(b) Subsection (a) of section 770 of such Act (42 U.S.C. 295f) is amended to read as follows:

"(a) There are authorized to be appropriated such sums as may be necessary for the fiscal year ending June 30, 1972, and for each of the two succeeding fiscal years, for special project grants to schools of medicine, dentistry, and osteopathy under subsection (a) of section 772, for special project grants to schools of pharmacy, optometry, podiatry, or veterinary medicine under subsection (b) of such section, and for financial distress special project grants to health professions schools under subsection (c) of such section, and for manpower educational initiative awards under section 773. For the fiscal year ending June 30, 1975, and the succeeding fiscal year, there are authorized to be appropriated such sums as may be necessary to make grants and carry out contracts for continuation of projects, programs, or activities for which a grant has been made or a contract entered into under section 773, for a fiscal year ending prior to July 1, 1974."

CAPITATION GRANTS

SEC. 3 (a) The heading of section 771 of such Act (42 U.S.C. 295f–1) is amended by striking out "INSTITUTIONAL GRANTS" and inserting in lieu thereof "CAPITATION GRANTS".

(b) Subsection (a) of such section is amended to read as follows:

"(a) (1) Except as provided in paragraphs (3) (b) and (4), any school of medicine, dentistry, or osteopathy with an application approved under section 774 shall be entitled, for any fiscal year ending prior to July 1, 1974, to an amount equal to $6,000 multiplied by the number of students of such school who will graduate (as determined by the Secretary in accordance with the provisions of subsection (b) (1)) from such school in such year.

"(2) Any such school with such an application for a fiscal year ending prior to July 1, 1974, which will not graduate any students in such year shall be entitled, for such fiscal year, to an amount equal to—

"(A) $2,000 multiplied by the number of full-time, first- and second-year students pursuing a course of study leading to a degree in three years, or

(B) $1,500 multiplied by the number of full-time first-, second-, and third-year students pursuing a course of study leading to a degree in four years or longer, or

"(C) $1,500 multiplied by the number of full-time first- and second-year students pursuing a two-year course of study or its equivalent,

who will graduate (as determined by the Secretary in accordance with the provisions of subsection (b) (1) of this section) in a subsequent year from a school of medicine, dentistry, or osteopathy.

"(3) (A) Any school of medicine, dentistry, or osteopathy with such an application for a fiscal year ending prior to July 1, 1974, shall also be entitled, for such fiscal year, to an amount equal to—

"(i) $2,000 in the case of a school with a course of study leading to a degree in three years, or

"(ii) $1,500 in the case of a school with a course of study leading to a degree in four years or more,

multiplied by the number of students who are enrolled in any year class preceding the class which will graduate in such year; who are in excess of the number of students in the year class which will graduate in such year; and who will graduate from such school (as determined by the Secretary in accordance with the provisions of subsection (b) (1)).

"(B) In no event shall any school be entitled under this subsection to an amount which exceeds $6,000 for any student during his entire course of study in such school (and the school, if any, from which he transferred).

"(4) The amount which any school shall be entitled to be paid under paragraph (1) for any year may be reduced for any student who will graduate in such year if a portion of his medical, dental, or osteopathic training was acquired at another school. The amount of such reduction shall be determined by the Secretary on the basis of the relative period of training received by such student in each school and such other factors as he deems appropriate."

(c) Such section is further amended by striking out subsection (b) and redesignating subsections (c) and (d) thereof as subsections (b) and (c), respectively.

(d) Paragraph (2) of the subsection of such section herein redesignated as subsection (b) is amended by striking out everything after "doctor of dentistry," and inserting in lieu thereof "or an equivalent degree, or doctor of osteopathy (and for purposes of part F, such term also means students pursuing a full-time course of study leading to a degree of bachelor of science in pharmacy or doctor of pharmacy, doctor of optometry or an equivalent degree, doctor of veterinary medicine or an equivalent degree, or doctor of podiatry or an equivalent degree."

(e) The subsection of such section herein redesignated as subsection (c) is amended to read as follows:

"(c) Any new school of medicine, dentistry, or osteopathy with an approved application under section 774 shall be entitled, for the fiscal year preceding the fiscal year in which it will admit its first class, to an amount equal to $2,000 multiplied by the number of full-time students who the Secretary determines, on the basis of assurances provided by the school, will be enrolled in the school in the fiscal year after the fiscal year for which the grant is made."

SPECIAL PROJECT GRANTS

SEC. 4. Section 772 of such Act (42 U.S.C. 295f–2) is amended to read as follows:

"SEC. 772. (a) Grants may be made, from sums available therefor from appropriations under section 770, to assist schools of medicine, dentistry, and osteopathy, and combinations thereof, in meeting the cost of special projects to plan, develop, or establish new programs or modifications of existing programs of education in such health professions, including projects to effect significant curriculum improvements, to conduct research in the various fields related to education in such health professions, to develop training for, and to train, new levels or types of health service personnel, including physician's and dentist's assistants, to plan experimental teaching programs or facilities, to increase educational opportunities for disadvantaged students, to train students and other groups to use a team approach to the delivery of health services; projects to otherwise strengthen, improve, or expand programs to train personnel in such health professions or help to increase the supply, or improve the distribution by area or specialty group, of adequately trained personnel in such health professions necessary to meet the health needs of the Nation; and projects to provide traineeships (including costs of training and fees, stipends, and allowances for the students, including travel and subsistence expenses) for full-time students to secure part of their education under a preceptor in family practice, pediatrics, internal medicine, or other health fields designated by the Secretary.

"(b) Grants may be made from sums available therefor from appropriations under section 770, to assist schools of pharmacy, optometry, podiatry, and veterinary medicine, and combinations thereof, in meeting the cost of special projects to plan, develop, or establish new programs or modifications of existing programs of education in such health professions, including projects to effect significant curriculum improvements, to develop training for, and to train, new levels or types of health service personnel, to plan experimental teaching programs or facilities, to expand educational opportunities for disadvantaged students, and to promote preventive medicine; and projects to otherwise strengthen, improve, or expand programs to train personnel in such health professions or help to increase the supply, or improve the distribution by area or by specialty group, of adequately trained personnel in such health professions necessary to meet the health needs of the Nation. In determining eligibility of any such school to receive a grant under this subsection and in determining the amount of such grant, the Secretary shall consider the particular needs of such school, the nature and scope of the Nation's health personnel needs, and the relative capability of alternative programs for helping to fill those needs.

"(c) Grants may also be made, from sums available therefor from appropriations under section 770 for any fiscal year, to assist any school of medicine, osteopathy, dentistry, pharmacy, optometry, podiatry, or veterinary medicine which is in serious financial straits to meet its costs of operation or which has special need for financial assistance to meet accreditation requirements. Any such grant may be made upon such terms and conditions as the Secretary determines to be reasonable and necessary, including requirements that the school agree (1) to disclose any financial information or data deemed by the Secretary to be necessary to determine the sources or causes of that school's financial distress, (2) to conduct a comprehensive cost analysis study in cooperation with the Secretary, and (3) to implement any operational and financial reforms recommended by the Secretary on the basis of information obtained in the course of the comprehensive cost analysis study or on the basis of other relevant information."

HEALTH MANPOWER EDUCATIONAL INITIATIVE AWARDS

SEC. 5. Part E of title VII of such Act is amended by redesignating sections 773 and 774 as sections 774 and 775, respectively, and by inserting after section 772 the following new section:

"HEALTH MANPOWER EDUCATION INITIATIVE AWARDS

"SEC. 773. (a) In order to improve the distribution, supply, quality, utilization, and efficiency of health personnel and the health services delivery system, the Secretary is authorized to make grants to public or nonprofit private schools, agencies, organizations, and institutions, and combinations thereof, and to make contracts with public or private schools, agencies, organizations, and institutions, and combinations thereof, for programs or projects (including programs or projects to assist State, local, or other regional arrangements among schools and related organizations and institutions to carry out the objectives of this section)—

"(1) to encourage the establishment and maintenance of programs to alleviate shortages of health personnel in areas designated by the Secretary through training or retraining such personnel in facilities located in such areas or to otherwise improve the distribution of health personnel by area or by specialty group;

"(2) to utilize health personnel more efficiently through use of health maintenance organizations and otherwise;

"(3) to initiate new types and patterns, or improve existing patterns of training, retraining, continuing education, and advanced training of health personnel, including teachers, administrators, specialists, and paraprofessionals (particularly physician's and dentist's assistants and pediatric nurse practitioners), and including establishment of area health education centers and other new organizational units for this purpose;

"(4) to encourage new or more effective approaches to the organization and delivery of health services through use of the team approach to delivery of health services, use of health maintenance organizations, and otherwise; and

"(5) to otherwise help solve the Nation's health personnel or delivery of health services problems.

Grants and contracts under this section may also be made for the discovery, collection, development, or confirmation of information for, the planning, development, demonstration, establishment, or maintenance of, or the alteration or renovation of existing facilities for, any of such programs or projects.

"(b) The Secretary is authorized, during the period beginning January 1, 1972, and ending with the close of June 30, 1974, to make grants to, or to enter into contracts with, any school of medicine or osteopathy, which is accredited as provided in section 701(a) (3) (A) or section 774(b) (2), to assist such school in developing or operating a health maintenance organization, or in utilizing the facilities and personnel of a health maintenance organization, in providing training for its students and for other health personnel. The amount of any grant or contract made pursuant to this subsection may not exceed the additional cost which the Secretary determines to be reasonably necessary to enable the school to utilize the facilities and personnel of a health maintenance organization (whether or not developed or operated by the school) to provide training.

APPLICATIONS FOR GRANTS

SEC. 6. (a) Subsection (a) of the section of such Act herein redesignated as section 744 (42 U.S.C. 295f–3) is amended by striking out "Surgeon General" after "The" and inserting in lieu thereof "Secretary"; and by striking out "771 or 772" after "section" and inserting in lieu thereof "771, 772, or 773".

(b) Subsection (b) of such section is amended by striking out "Surgeon General" wherever it appears therein and inserting in lieu thereof "Secretary".

(c) Such section is further amended by striking out subsection (c) thereof; redesignating subsection (d) as subsection (c); and by striking out subsection (e) thereof.

(d) The subsection herein redesignated as subsection (c) of such section is amended to read:

"(c) A grant under this part may be made only if the application therefor—

"(1) is approved by the Secretary upon his determination that the applicant meets the eligibility conditions set forth in subsection (b) of this section, in the case of a health professions school;

"(2) contains or is supported by assurances satisfactory to the Secretary that the applicant will expend in carrying out its functions as a school of medicine, dentistry, or osteopathy, as the case may be, during the fiscal year for which such grant is sought, an amount of funds (other than funds for construction as determined by the Secretary) from non-Federal sources which are at least as great as the amount of funds expended by such applicant for such purpose (excluding expenditures of a nonrecurring nature) in the fiscal year immediately preceding the fiscal year for which such grant is sought, in the case of an application for a grant under section 771, except that this clause shall not apply in the case of Howard University;

"(3) contains such additional information as the Secretary may require to make the determination required of him under this part and such assurances as he may find necessary to carry out the purposes of this part; and

"(4) provides for such fiscal control and accounting procedures and reports, and access to the records of the applicant, as the Secretary may require to assure proper disbursement of and accounting for Federal funds paid to an applicant under this part."

NATIONAL ADVISORY COUNCIL

SEC. 7. Effective July 1, 1971, the section of such Act herein redesignated as section 775 (42 U.S.C. 295f–4) is repealed.

HEALTH MANPOWER, RESEARCH, AND LIBRARY FACILITIES CONSTRUCTION ASSISTANCE

SEC. 8. Part A of title VII of the Public Health Service Act is amended to read as follows:

"PART A—HEALTH MANPOWER, RESEARCH, AND LIBRARY FACILITIES CONSTRUCTION ASSISTANCE

"CONSTRUCTION ASSISTANCE

"SEC. 701. (a) (1) There are authorized to be appropriated for the fiscal year ending June 30, 1972, and for each of the next two fiscal years, such sums as may be necessary for grants under paragraph (3) to assist in the construction of teaching facilities (including interim facilities), facilities for advanced or continuing education, medical library facilities, or facilities for the conduct of research in the sciences related to health. Sums appropriated for construction grants for a fiscal year shall remain available for obligation until expended.

"(2) (A) For the purposes of this part, 'construction' with respect to any project means the construction of new buildings, and the acquisition, expansion, remodeling, renovation, rehabilitation, and alteration of existing buildings; equipping new and existing buildings (whether or not expanded, remodeled, renovated, rehabilitated, or altered) including, in the case of medical libraries, provision of automatic data processing equipment but not books, pamphlets, or related material; and the 'cost of construction' includes architect's fees in connection with any construction but shall not include the cost of the acquisition of land (except in the case of acquisition of an existing building), nor the cost of construction of so much of any facility as is used or is to be used for sectarian instruction or as a place for religious worship;

"(B) For the purposes of this part, 'teaching facilities' means areas dedicated for use by students, faculty, administrative, or maintenance personnel for clinical purposes, research activities, libraries, classrooms, offices, auditoriums, dining areas, student activities, or other related purposes necessary for, and appropriate to, the conduct of comprehensive programs of education, but shall not include off-site improvements or living quarters;

"(C) For the purposes of this part and part E, 'nonprofit' as applied to any agency, organization, or institution, or combination thereof, means an agency, organization, or institution, or combination thereof, which is owned or operated by one or more corporations or associations, no part of the net earnings of which inures, or may lawfully inure, to the benefit of any private shareholder or individual, and a 'combination' of agencies, organizations, or institutions means a consortium or other cooperative arrangement between or among such agencies, organizations, or institutions;

"(D) For the purposes of this part, 'sciences related to health' includes medicine, osteopathy, dentistry, and public health, and fundamental and applied sciences when related thereto;

"(E) For the purposes of this part, 'affiliated hospital' means a hospital as defined in section 645, which is not owned by, but is affiliated (to the extent and in the manner determined in accordance with regulations) with, any school, agency, organization, or institution, or combination thereof, which meets the eligibility conditions for assistance under this subsection;

"(F) For the purposes of this part, part E, and part F, 'school of medicine', 'school of dentistry', 'school of osteopathy', 'school of pharmacy', 'school of optometry', 'school of podiatry', 'school of veterinary medicine', and 'school of public health' mean a school which provides training leading, respectively, to a degree of doctor of medicine, a degree of doctor of dentistry or an equivalent degree, a degree of doctor of osteopathy, a degree of bachelor of science in pharmacy or an equivalent degree, a degree of doctor of optometry or an equivalent degree, a degree of doctor of podiatry, a degree of doctor of veterinary medicine or an equivalent degree, and a graduate degree in public health, and including advanced training related to such training provided by any such school;

"(G) For the purposes of this part and part B, 'school of nursing' means a collegiate, associate degree, or diploma school of nursing, as defined in subsections (c), (d), and (e), respectively, of section 843, or a graduate school of nursing;

"(H) For the purposes of this part, 'interim facilities' means teaching facilities designed to provide teaching space on a short-term (less than 10 years) basis while facilities of a more permanent nature are being planned and constructed; and

"(I) For the purposes of this part, 'medical library' means a library related to the sciences related to health.

"(3) The Secretary is authorized to make grants in amounts not to exceed 67 per centum of the cost of construction of projects for public or nonprofit private—

"(A) schools of medicine, osteopathy, dentistry, pharmacy, optometry, podiatry, veterinary medicine, or public health, or combinations thereof, which are accredited by a recognized body or bodies approved for such purpose by the Commissioner of Education, or which provide reasonable assurance that the applicable accreditation standards will be met within a reasonable time, and which provide a program of education leading to the first professional degree in such discipline;

"(B) graduate, collegiate, associate degree, or diploma schools of nursing;

"(C) agencies, organizations, and institutions, and combinations thereof, which are accredited by a recognized body or bodies approved for such purpose by the Commissioner of Education, or which provide reasonable assurance that the applicable accreditation standards will be met within a reasonable time, and which provide one or more programs of education in an allied health field specified by regulations of the Secretary;

"(D) agencies, organizations, and institutions, and combinations thereof, which the Secretary determines need teaching facilities for the support of any health personnel educational program;

"(E) agencies, organizations, and institutions, and combinations thereof, which are determined by the Secretary to be competent to engage in the type of health research for which a facility is to be constructed; and

"(F) affiliated hospitals with applications which are approved by the schools, agencies, organizations, or institutions with which such hospitals are affiliated and which otherwise comply with the requirements of this section.

"(4) In order to assist nonprofit private schools, agencies, organizations, and institutions, and combinations thereof, specified in paragraph (3), to carry out needed projects which have been approved under this section for the construction of such facilities as are specified in paragraph (1), the Secretary, during the period beginning July 1, 1971, and ending with the close of June 30, 1974, may guarantee in accordance with this section, to non-Federal lenders making loans to such schools, agencies, organizations, and institutions, and combinations thereof, for such projects, payment when due of the principal of and interest on loans for construction of the projects. The Secretary is also authorized to make commitments, on behalf of the United States, to make such guarantees prior to the making of such loans. No such loan guarantee may, except under such special circumstances and under such conditions as are prescribed by regulations, apply to any amount which, when added to any grant under this or any other law of the United States, exceeds 90 per centum of the cost of construction of the project; nor may any such guarantee apply to more than 90 per centum of the loss of principal of and interest on the loan.

"(5) In order to assist nonprofit private schools, agencies, organizations, and institutions, and combinations thereof, specified in paragraph (3), to carry out needed projects for the construction of facilities specified in paragraph (1), the Secretary, during the period beginning July 1, 1971, and ending with the close of June 30, 1974, may pay, to the holder of any loan guaranteed under paragraph (4) for and on behalf of such school, agency, organization, or institution, or combination thereof, amounts sufficient to reduce by not to exceed 3 per centum per annum the net effective interest rate otherwise payable on such loan. Each holder of a loan guaranteed under this section shall have a contractual right to receive from the United States interest payments required by the preceding sentence.

"(b) (1) The Secretary may from time to time set dates (not earlier than the fiscal year preceding the year for which assistance under this section is sought) by which an application therefor must be filed, except that no such application may be approved unless it is submitted to the Secretary prior to July 1, 1974. Assistance applied for under this section may be provided only if the application therefor is approved by the Secretary upon his determination that—

"(A) the applicant is among the schools, agencies, organizations, or institutions, or combinations thereof, which are eligible for the assistance applied for;

"(B) the application contains or is supported by reasonable assurances that (i) for not less than 20 years after completion of construction (or such shorter period as the Secretary may specify in the case of an interim facility), the facility will be used for the purposes for which it is to be constructed, and will not be used for sectarian instruction or as a place for religious worship, (ii) sufficient funds will be available to meet the non-Federal share of the cost of constructing the facility, and (iii) sufficient funds will be available, when construction is completed, for effective use of the facility for the time specified in clause (i) for the purpose for which it is being constructed;

"(C) the plans and specifications are in accordance with regulations relating to minimum standards of construction and equipment;

"(D) the application contains or is supported by adequate assurance that any laborer or mechanic employed by any contractor or subcontractor in the performance of work on the construction of the facility will be paid wages at rates not less than those prevailing on similar construction in the locality as determined by the Secretary of Labor in accordance with the Davis-Bacon Act, as amended (40 U.S.C. 276a–276a5); and the Secretary of Labor shall have, with respect to the labor standards specified in this subparagraph, the authority and functions set forth in Reorganization Plan Numbered 14 of 1950 (15 F.R. 3176; 64 Stat. 1267), and section 2 of the Act of June 13, 1934, as amended (40 U.S.C. 276c);

"(E) in the case of an application for assistance under this section in the construction of a facility intended, at least in part, for the provision of health services, an opportunity has been provided for comment on the project by (i) the State comprehensive health planning agency (designated by the State as required by section 314(a) (2) (A), and (ii) the public or nonprofit private agency or organization responsible for the plan or plans referred to in section 314(b) and covering the area in which such project is to be located or, if there is no such agency, such other public or nonprofit private agency or organization (if any) as performs, as determined in accordance with criteria of the Secretary, similar functions;

"(F) contains adequate assurances that the applicant will keep such records, and afford such access thereto, and make such reports, in such form and containing such information as the Secretary may reasonably require;

"(G) in the case of an application for a loan guarantee or interest subsidy payment, the terms, conditions, security (if any), and schedule and amount of repayments with respect to the loan are sufficient to protect the financial interest of the United States and are otherwise reasonable, including a determination that the rate of interest does not exceed such per centum per annum on the principal obligation outstanding as the Secretary determines to be reasonable, taking into account the range of interest rates prevailing in the private market for similar loans and the risks assumed by the United States; and

"(H) in the case of an application for a loan guarantee, the loan would not be available on reasonable terms and conditions without the guarantee under this section.

"(2) Within such aggregate monetary limit as the Secretary may prescribe, applications which (solely by reason of the inability of the applicants to give the assurance required by clause (B)(ii) of paragraph (1) of this subsection) fail to meet the requirements for approval set forth in this subsection may be approved upon condition that the applicants give the assurance required by such clause (B)(ii) within a reasonable time and upon such other reasonable terms and conditions as are prescribed by the Secretary.

"(c)(1) Upon approval of any application for a grant under this section, the Secretary may reserve from any appropriation therefor the amount of such grant as determined pursuant to paragraph (3) of subsection (a); and the amount so reserved may be paid in advance or by way of reimbursement, and in such installments consistent with construction progress, as the Secretary may determine. The Secretary's reservation of any amount under this subsection may be amended by him either upon approval of an amendment of the application or upon revision of the estimated cost of construction of the facility. Amendment of an approved application shall be subject to approval in the same manner as an original application.

"(2) In determining the amount of any grant under this section there shall be excluded from the cost of construction an amount equal to the sum of (A) the amount of any other Federal grant which the applicant has obtained, or is assured of obtaining, with respect to the construction which is to be financed in part by the grant under this section, and (B) the amount of any non-Federal funds required to be expended as a condition of such other Federal grant.

"(3) If, within twenty years (or the shorter period specified by the Secretary pursuant to section 701(b)(1), in the case of construction of interim facilities) after completion of any construction for which a grant has been paid under this subsection—

"(A) the applicant or other owner of the facility shall cease to be an eligible school, agency, organization, or institution, or combination thereof, under subsection (a), or

"(B) the facility shall cease to be used for the purposes for which it was constructed (unless the Secretary determines, in accordance with regulations, that there is good cause for releasing the applicant or other owner from the obligation to do so), or

"(C) the facility is used for sectarian instruction or as a place for religious worship, the United States shall be entitled to recover from the applicant or other owner of the facility the amount bearing the same ratio to the then value (as determined by agreement of the parties or by action brought in the United States district court for the district in which such facility is situated) of the facility, as the amount of the Federal participation bore to the cost of construction of such facility.

"(4)(A) The United States shall be entitled to recover from the applicant for a loan guarantee under paragraph (4) of subsection (a) the amount of any payment made pursuant to such guarantee, unless the Secretary for good cause waives such right of recovery, and, upon making any such payment, the United States shall be subrogated to all of the rights of the recipient of the payments with respect to which the guarantee was made.

"(B) To the extent permitted by paragraph (5), any terms and conditions applicable to a loan guarantee under this section may be modified by the Secretary to the extent he determines it to be consistent with the financial interest of the United States.

"(5) Any loan guarantee made by the Secretary pursuant to this section shall be incontestable in the hands of an applicant on whose behalf such guarantee is made, and as to any person who makes or contracts to make a loan to such applicant in reliance thereon, except for fraud or misrepresentation on the part of such applicant or such other person.

"(6) The cumulative total of the principal of the loans outstanding at any time with respect to which guarantees have been issued under this section may not exceed such limitations as may be specified in appropriations Acts.

"(7) There is hereby established in the Treasury a loan guarantee and interest subsidy fund (hereinafter in this section referred to as the 'fund') which shall be available to the Secretary without fiscal year limitation, in such amounts as may be specified from time to time in appropriations acts, (i) to enable him to discharge his responsibilities under guarantees issued by him under this section and (ii) for payment of interest authorized by subsection (a)(5). There are authorized to be appropriated from time to time such amounts as may be necessary to provide the sums required for the fund. There shall be deposited in the fund amounts received by the Secretary or other property or assets derived by him from his operations under this section, including any money derived from the sale of assets. If at any time the sums in the fund are insufficient (i) to enable the Secretary to discharge his responsibilities under guarantees issued by him under this section or (ii) to make payments of interest authorized by subsection (a)(5), he is authorized to issue to the Secretary of the Treasury notes or other obligations in such forms and denominations, bearing such maturities, and subject to such terms and conditions, as may be prescribed by the Secretary with the approval of the Secretary of the Treasury, but only in such amounts as may be specified from time to time in appropriation acts. Such notes or other obligations shall bear interest at a rate determined by the Secretary of the Treasury, taking into consideration the current average market yield on outstanding marketable obligation of the United States of comparable maturities during the month preceding the issuance of the notes or other obligations. The Secretary of the Treasury is authorized and directed to purchase any notes and other obligations issued hereunder and for that purpose he is authorized to use as a public debt transaction the proceeds from the sale of any securities issued under the Second Liberty Bond Act, as amended, and the purposes for which the securities may be issued under that Act, as amended, are extended to include any purchase of such notes and obligations. The Secretary of the Treasury may at any time sell any of the notes or other obligations acquired by him under this subsection. All redemptions, purchases, and sales by the Secretary of the Treasury of such notes or other obligations shall be treated as public debt transactions of the United States. Sums borrowed under this paragraph shall be deposited in the fund and redemption of such notes and obligations shall be made by the Secretary from such fund.

"(8) The Secretary is authorized to provide technical assistance (A) to applicants under this section and other public or nonprofit private schools, agencies, organizations, and institutions, and combinations thereof, in designing and planning the construction of any facility for which financial assistance may be provided under this section, and (B) to State of interstate planning agencies established to plan programs for relieving shortages of training capacity for health personnel."

NURSE TRAINING GRANTS AND CONTRACTS

SEC. 9. (a) Subsection (a) of section 805 of the Public Health Service Act (42 U.S.C. 296–296g) is amended by striking out "808" after "section" and inserting in lieu thereof "803"; by striking out "for the fiscal year ending June 30, 1970, and the next fiscal year" and inserting in lieu thereof "for the fiscal year ending June 30, 1972, and the next two fiscal years"; by inserting "or to develop training for, or to train, new levels or types of nursing or related health personnel," after "fields of nursing education," and by inserting "or to promote the full utilization of nursing skills" after "adequately trained nursing personnel".

(b) Subsection (b) of such section is amended to read:

"(b) The Secretary is authorized to enter into contracts with any public or private agency, organization, or institution, or combination thereof, for any of the purposes specified in subsection (a)."

(c) Such section is further amended by inserting after subsection (b) the following new subsection:

"(c) Any grants under subsection (a) to assist schools of nursing which are in serious financial straits to meet their costs of operation, or to assist schools of nursing which have special need for financial assistance to meet accreditation requirements, may be made upon such terms and conditions as the Secretary determines to be reasonable and necessary, including requirements that the school agree (1) to disclose any financial information or data deemed by the Secretary to be necessary to determine the sources or causes of that school's financial distress, (2) to conduct a comprehensive cost analysis study in cooperation with the Secretary, and (3) to implement operational and financial reforms recommended by the Secretary on the basis of information obtained in the course of the comprehensive cost analysis study or on the basis of other relevant information."

(d)(1) Part A of title VIII of such Act is further amended by striking out sections 801, 802, 803, 804, and 806 of such Act and redesignating sections 805, 807, and 808 as sections 801, 802, and 803, respectively.

(2) The section of such Act herein redesignated as section 802 (42 U.S.C. 296f) is amended by striking out "805 or 806" and inserting in lieu thereof "801" in subsections (a) and (c) thereof; by striking out "805" in clause (1) of subsection (c) and inserting in lieu thereof "801"; and by striking out subsection (b) and redesignating subsection (c) as subsection (b).

(3) The section of such Act herein redesignated as section 803 (42 U.S.C. 296g) is amended by striking out "(a)" after "803."; by striking out subsection (b) thereof; by inserting "and such sums as may be

necessary for the fiscal year ending June 30, 1972, and for each of the next two fiscal years," after "1971"; and by striking out "under section 805 and institutional grants under section 806" and inserting in lieu thereof "under section 801".

(e) Section 841 of such Act is repealed.

(f) Section 843 of such Act (42 U.S.C. 298b) is amended by inserting "and for the purposes of title VII," after "(c)", "(d)", and "(e)".

(g) Section 860(d) of such Act is amended by striking out "after consultation with the National Advisory Council on Nurse Training".

(h) Section 868 of such Act (42 U.S.C. 298c–7) is amended by striking out "enter into contracts, not to exceed $100,000 per year, with" and inserting in lieu thereof "make grants to, or enter into contracts with," in subsection (a) thereof; by striking out "organizations" and inserting in lieu thereof "agencies, organizations," in such subsection; and by striking out all in clause (1) thereof before "training in the field of nursing," and inserting in lieu thereof "identifying potential nursing candidates and encouraging them to undertake training, retraining, or education which is a prerequisite for, or part of, educational".

(i) (1) Subsection (a) of section 821 of such Act is amended to read:

"(a) There are authorized to be appropriated for the fiscal year ending June 30, 1972, and for each of the next two fiscal years, such sums as may be necessary to cover the cost of traineeships for the training of professional nurses to teach in the various fields of nurse training (including practical nurse training), to serve in administrative or supervisory capacities, or to serve in other professional nursing specialties determined by the Secretary to require advanced training."

(2) Subsections (b) and (c) of such section are amended by striking out "Surgeon General" and inserting in lieu thereof "Secretary" wherever it appears therein.

FEDERALLY INSURED LOANS TO HEALTH PROFESSIONS STUDENTS

SEC. 10. (a) Subsection (b) of section 423 of the Higher Education Act of 1965 (limiting the issuance of Federal loan insurance certificates in States where the Commissioner of Education determines that all eligible educational institutions have access to non-Federal loan insurance programs) is amended by striking out the period at the end of such subsection and inserting ", or" in lieu thereof, and by adding thereafter the following:

"(3) for insurance of a loan made to a health professions student, without regard to any determination made pursuant to subsection (a)."

(b) (1) Section 435 of such Act is amended by adding at the end thereof the following new subsection:

"(i) The term 'health professions student' means a student pursuing a full-time course of study, at an institution of higher education, leading to a degree of doctor of medicine, doctor of dentistry or an equivalent degree, doctor of osteopathy, bachelor of science in pharmacy or an equivalent degree, doctor of podiatry, doctor of optometry or an equivalent degree, doctor of veterinary medicine or an equivalent degree, or a degree or diploma in nursing or an equivalent degree."

(2) (A) Such section is further amended by inserting at the end of subsection (b) thereof the following: "The term 'institution of higher education' means, also, a public or nonprofit private school of medicine, osteopathy, dentistry, pharmacy, podiatry, optometry, veterinary medicine or nursing which is located in a State and is accredited as provided in section 701(a) (3) (A), section 774(b) (2), or section 843(f) of the Public Health Service Act, or subsection (f) of this section."

(B) Subsection (b) is further amended in the second sentence thereof by striking out "any public or other nonprofit collegiate or associate degree school of nursing and".

(3) (A) Subsection (d) of section 435 is amended to read as follows:

"(d) The term 'school of nursing' means a collegiate, associate degree, or diploma school of nursing."

(B) Subsection (e) of section 435 is amended to read as follows:

"(e) (1) The term 'collegiate school of nursing' means a department, division, or other administrative unit in a college or university which provides primarily or exclusively a program of education in professional nursing and allied subjects leading to the degree of bachelor of arts, bachelor of science, bachelor of nursing, or to an equivalent degree, or to a graduate degree in nursing, and including advanced training related to such program of education provided by such school, but only if such program, or such unit, college, or university is accredited.

"(2) The term 'associate degree school of nursing' means a department, division, or other administrative unit in a junior college, community college, college, or university which provides primarily or exclusively a two-year program of education in professional nursing and allied subjects leading to an associate degree in nursing or to an equivalent degree, but only if such program, or such unit, college, or university is accredited.

"(3) The term 'diploma school of nursing' means a school affiliated with a hospital or university, or an independent school, which provides primarily or exclusively a program of education in professional nursing and allied subjects leading to a diploma or to equivalent indicia that such program has been satisfactorily completed, but only if such program, or such affiliated school or such hospital or university or such independent school is accredited."

INCREASE IN MAXIMUM AMOUNTS OF INDIVIDUAL INSURED LOANS TO HEALTH PROFESSIONS STUDENTS

SEC. 11. (a) Subsection (a) of section 425 of the Higher Education Act of 1965 (limiting the size of individual federally insured loans) is amended by inserting "(other than a health professions student)" after "student" where it appears in the first and second sentences of such subsection; by inserting "(1)" after "(a)"; and by adding at the end thereof the following new paragraph:

"(2) The total of the loans made to a health professions student in any academic year or its equivalent (as determined under regulations of the Commissioner) which may be covered by Federal loan insurance under this part may not exceed $5,000 (or, in the case of a nursing student $2,500). Amounts so covered shall be included in computing the aggregate insured unpaid principal amount of insured loans to a student for purposes of the preceding paragraph, but the limitation upon such aggregate imposed by that paragraph shall not apply to a health professions student."

(b) Clause (A) of section 428(b) (1) of such Act is amended (1) by inserting after "loans to any individual student" the following: "(other than a health professions student), and not less than $1,000 nor more than $5,000 in loans to any individual health professions student (except that such loan may not exceed $2,500 to any nursing student),"; (2) by inserting after "insured loans made to any student" the following: "(other than a health professions student)"; and (3) by inserting before the semicolon at the end thereof the following: ", in the computation of which there shall be included any amount loaned to such student while he was a health professions student".

EXTENSION OF REPAYMENT PERIOD FOR HEALTH PROFESSIONS STUDENTS

SEC. 12. (a) Clause (B) of section 427 (2) of the Higher Education Act of 1965 is amended (1) by inserting after "nor more than ten years" the following: "(or, in the case of a health professions students, may not exceed twenty years)"; and (2) by inserting after "the period of the loan may not exceed fifteen years" the following: "(or, in the case of a health professions student, may not exceed twenty-five years)".

(b) (1) Clause (B) of section 428(b) (1) is amended by inserting after "at least six academic years of study" the following: "(and at least four additional academic years of study by any such student as a health professions student)".

(2) Clause (D) of such section is amended by inserting after "nor more than ten years" the following: "(or, in the case of a health professions student, nor more than twenty years)".

DEFERRAL OF REPAYMENT DURING PERIODS OF ADVANCED HEALTH TRAINING

SEC. 13 (a) Clause (C) of section 427(a) (2) is amended by striking out "or" before "(iv)", and by inserting after "1964," the following: "or (v) not in excess of five years, with respect to loans made to health professions students, of advanced professional training in health, including internships and residences,".

(b) Paragraph (1) of section 428(b) is amended (1) by striking out "and" at the end of clause (J) thereof, (2) by striking out the period at the end of clause (K) and inserting "; and" in lieu thereof, and (3) by adding at the end of such paragraph the following new clause:

"(L) provides, with respect to loans to health professions students, that periodic installments of principal need not be paid, but interest shall accrue and be paid, during any period, not in excess of five years, of advanced professional training in health, including internships and residences."

(c) Paragraph (A) of section 428(a) (2) is amended by inserting "(b) (1) (L) or subsection" after "described in subsection".

FEDERAL ASSUMPTION OF REPAYMENT OBLIGATION OF STUDENTS OF DESIGNATED HEALTH PROFESSIONS WHO PROVIDE PRIMARY CARE OR OTHERWISE PRACTICE IN MEDICALLY UNDERSERVED AREAS

SEC. 14. (a) Part B of title IV of the Higher Education Act of 1965 is amended by adding at the end thereof the following new section:

"REPAYMENT BY COMMISSIONER OF LOANS TO STUDENTS OF DESIGNATED HEALTH PROFESSIONS WHO PROVIDE PRIMARY CARE OR OTHERWISE PRACTICE IN MEDICALLY UNDERSERVED AREAS

"SEC. 438. (a) If any person who, after June 30, 1971, received a loan or loans as a health professions student insured under this part (1) engages in the practice of general, family, internal, or pediatric medicine, or nursing or, if the Secretary by regulation shall so provide, in the practice of any other aspect of medicine, osteopathy, or dentistry or in the practice of pharmacy, podiatry, optometry, or veterinary medicine, and (2) does so in an area designated by the Secretary as a medically underserved area, then $5,000 (or 25 per centum in the case of a nurse) of the total of such loan or loans to any such person, plus accrued interest thereon, which is unpaid as of the date that such practice begins shall be paid thereafter by the Commissioner for each completed year of such practice. The Secretary shall make the designations of areas under the preceding sentence only after providing an opportunity for comment thereon to (A) the appropriate State comprehensive health planning agency or agencies (designated by the State or States as required by section 314(a)(2)(A) of the Public Health Service Act), and (B) the local area health planning agency responsible for the plan or plans referred to in section 314(b) of such Act for the area involved or, if there is no such agency, such other public or nonprofit private agency or organization (if any) as performs, as determined in accordance with criteria of the Secretary, similar functions.

"(b) The Commissioner shall, on or before the due date thereof, pay any loan or loan installment which may fall due within any year for which the borrower, at the completion thereof, would be eligible to have such loan or installment paid as provided in this section, upon the declaration of such borrower, at such times and in such manner as the Commissioner may prescribe (and supported by such other evidence as the Commissioner may reasonably require), that the borrower is then engaged as described by subsection (a), and that he will continue to be so engaged for the period required (in the absence of this subsection) to entitle him to have made the payments provided by this section for such year. A borrower who fails to become eligible to have made the payments provided by subsection (a) for such year shall be liable to reimburse the Commissioner for any payments made pursuant to this subsection."

(b) Clause (2) of section 421(b) is amended by inserting "and section 438" after "section 437".

(c)(1) Clause (E) of section 427(a)(2) of such Act is amended (A) by striking out "portion of the interest on the note which is payable by the Commissioner" and inserting in lieu thereof "portion of the principal or interest on the note which is payable by the Commissioner": and (B) by inserting before the comma at the end of the clause "or section 438".

(2) Clause (B) of section 428(b)(2) is amended by striking out "for the purpose of section 437" and inserting in lieu thereof "for the purpose of section 437 or section 438".

FEDERAL ASSUMPTION OF REPAYMENT OBLIGATION OF HEALTH PROFESSIONS STUDENTS IN EXCEPTIONAL NEED WHO ARE UNABLE TO COMPLETE THEIR STUDIES

SEC. 15. (a) Part B of title IV of the Higher Education Act of 1965, as amended by the foregoing provisions of this Act, is further amended by adding at the end thereof the following new section:

"REPAYMENT BY COMMISSIONER OF LOANS TO HEALTH PROFESSIONS STUDENTS IN EXCEPTIONAL NEED WHO ARE UNABLE TO COMPLETE THEIR STUDIES

SEC. 439. Upon application by a person who received, and is under an obligation to repay, any loan insured under this part, which loan was made to such person as a health professions student to enable him to study medicine, osteopathy, dentistry, or nursing, the Commissioner shall undertake to repay (without liability to the applicant) all or any part of such loan, and any interest or portion thereof outstanding thereon, upon his determination, pursuant to regulations of the Secretary establishing criteria therefor, that the applicant—

"(1) failed to complete such studies leading to his first professional degree;

"(2) is in exceptionally needy circumstances;

"(3) is from a low-income or disadvantaged family as those terms may be defined by such regulations; and

"(4) has not resumed, or cannot reasonably be expected to resume, the study of medicine, osteopathy, dentistry, or nursing, within two years following the date upon which he terminated such studies."

(b) Clause (2) of section 421(b), as Act, is further amended by striking out "and amended by the foregoing provisions of this section 438" as that phrase appears in such clause (as so amended) and inserting in lieu thereof ", section 438, and section 439".

(c) Clause (E) of section 427(a)(2) and clause (B) of section 428(b)(2), as amended by the foregoing provisions of this Act, are further amended by striking out "or section 438" as that phrase appears in each such clause (as so amended) and inserting in lieu thereof ", section 438, or section 439".

HEALTH PROFESSIONS AND NURSING SCHOLARSHIP AMENDMENTS

Discretionary Scholarship Grants to Schools of Optometry, Podiatry, Pharmacy, and Veterinary Medicine in Lieu of Present Entitlement

SEC. 16. (a) (1) Subsection (a) of section 780 of the Public Health Service Act is amended to read as follows:

"(a) The Secretary shall make grants as provided in this part to each public or other nonprofit school of medicine, osteopathy, and dentistry which is accredited as provided in section 701(a)(3)(A) or section 774(b)(2), for scholarships to be awarded annually by such school to students thereof. The Secretary may also make grants provided in this part to any public or other nonprofit school of optometry, podiatry, pharmacy, or veterinary medicine, so accredited, for such scholarships, upon his determination that such grant will help fill a national need for practitioners of optometry, podiatry, pharmacy, or veterinary medicine."

(2) Subsection (d) of such section is amended by adding at the end thereof the following: "Such regulations shall prescribe the priorities to be followed in making grants authorized by subsection (a) to schools of optometry, podiatry, pharmacy, and veterinary medicine; and may include provisions for the apportionment of scholarships from such grant, including the limitation of scholarships to one or more classes (by year) of the grantee.".

Amount of Health Professions Scholarship Grant and Scholarship Award

(b)(1) Subsection (b) of such section is amended by striking out "The amount of the grant under subsection (a) to each such school shall be equal to $2,000" and inserting in lieu thereof: "The amount of the grant under the first sentence of subsection (a) to each such school shall be equal to, and the amount of the grant under the second sentence of subsection (a) to each such school shall not exceed, $3,000".

(2) Subsection (c)(2) of such section is amended by striking out "$2,500" and inserting "$3,000" in lieu thereof.

Scholarship Grant Determined by Number of Disadvantaged Students Enrolled at Eligible Institutions; Eligibility of Disadvantaged Students for Scholarship Award; Extension of Program

(c)(1) Subsection (b) of such section is further amended by striking out "and" before "(4)" and by inserting before the period at the end of the first sentence thereof the following; "; and (5) for the fiscal year ending June 30, 1972, and each of the next two fiscal years, by the number of full-time students of such school who are from low-income or disadvantaged families as determined under regulations of the Secretary".

(2) Subsection (b) is amended by adding after the second sentence thereof the following: "For the fiscal year ending June 30, 1975, and for each of the two succeeding fiscal years, the grant under subsection (a) shall be such amount as may be necessary to enable such school to continue making payments under scholarship awards to students who initially received such awards out of grants made to the school for fiscal years ending after June 30, 1971, but prior to July 1, 1974.".

(3)(A) Clause (D) of subsection (c)(1) of such section is amended by striking out "next two fiscal years" and inserting "next five fiscal years" in lieu thereof.

(B) Clause (E) of subsection (c)(1) is amended by striking out "July 1, 1971" and "June 30, 1972" and respectively inserting in lieu thereof "July 1, 1974" and "June 30, 1975".

(4) The first sentence of subsection (c)(2) of such section is amended to read as follows: "Scholarships from grants under subsection (a) for any school year shall be awarded only to students of exceptional financial need who are from low-income or disadvantaged families as determined under regulations of the Secretary, and who need such financial assistance to pursue a course of study at the school for such year, except that scholarships from such grants may be awarded to any student of exceptional need to enable him to pursue such course of study if he has received such a scholarship for a school year ending prior to July 1, 1971."

Repeal of Transfer to Student Loan Funds

(d) Section 781 is repealed.

Extension of Nursing Scholarship Program

(e) (1) Subsection (b) of section 860 is amended in the first sentence by striking out "the next fiscal year" and inserting in lieu thereof "the next four fiscal years".

(2) The second sentence of such subsection is amended by striking out "1972" and "1971" and inserting, respectively, "1975" and "1974" in lieu thereof.

(3)(A) Clause (A) of subsection (c)(1) is amended by striking out "the next fiscal year" and inserting in lieu thereof "the next four fiscal years".

(B) Clause (B) of such subsection is amended by striking out "1971" and "1972" and inserting, respectively, "1974" and "1975" in lieu thereof.

ADVANCE FUNDING OF PROGRAMS

SEC. 17. There is added after section 869 of the Public Health Service Act the following new section:

"ADVANCE OBLIGATIONAL AUTHORITY

"SEC. 870. To the end of affording adequate notice of available Federal financial assistance under title VII and this title, the Secretary may award, after January 1 of any fiscal year, grants, loans, or other payments under title VII, section 306 or 309, or this title for the first quarter of the next fiscal year, in amounts that shall not exceed amounts awarded for the fiscal year in which such award is made. Amounts so awarded shall be charged to the appropriation for that purpose for the fiscal year for which made."

TECHNICAL AND CONFORMING AMENDMENTS

SEC. 18. (a)(1) Section 390 of the Public Health Service Act (42 U.S.C. 280b) is amended by striking out clause (1) of subsection (b) thereof; by redesignating clauses (2), (3), (4), (5), (6), and (7) as clauses (1), (2), (3), (4), (5), and (6), respectively; and by striking out "facilities" in the clause herein redesignated as clause (5) and inserting in lieu thereof "resources and services".

(2) Section 391 of such Act (42 U.S.C. 280b–1) is amended by inserting ", which shall, in addition to its functions prescribed under section 373, serve as the National Medical Libraries Assistance Advisory Board" after "Act" in clause (2) thereof; and by striking out clause (3) thereof and redesignating clause (4) as clause (3).

(3) Title III of such Act is further amended by striking out sections 392 and 393 and redesignating sections 394, 395, 396, 397, 398, 399, and 399a as sections 392, 393, 394, 395, 396, 397, and 398, respectively.

(4) Subsection (a) of the section of such Act herein redesignated as section 392 (42 U.S.C. 280b–4) is amended by striking out "390(b)(2)" in subsection (a) and inserting in lieu thereof "390(b)(1)".

(5) The section of such Act herein redesignated as section 393 (42 U.S.C. 280b–5) is amended by striking out "390(b)(3)" and

inserting in lieu thereof "390(b)(2)" in subsection (a) and by striking out "390(b)(4)" and inserting in lieu thereof "390(b)(3)" in subsection (a).

(6) Subsection (a) of the section of such Act herein redesignated as section 394 (42 U.S.C. 280b–6) is amended by striking out "390(b)(5)" and inserting in lieu thereof "390(b)(4)".

(7) The section of such Act herein redesignated as section 395 (42 U.S.C. 280b–7) is amended by striking out "390(b)(6)" and inserting in lieu thereof "390(b)(5)" in subsection (a); by striking out clause (5) in subsection (b); by striking out "and" at the end of clause (4) of such subsection and inserting "and" at the end of clause (3); and by striking out subsection (d) and redesignating subsection (e) as subsection (d).

(8) Subsection (a) of the section of such Act herein redesignated as section 396 (42 U.S.C. 280b–8) is amended by striking out "390(b)(7)" and inserting in lieu thereof "390(b)(6)".

(b)(1) The heading of part B of title VII of the Public Health Service Act is amended to read:

"PART B—TRAINING IN THE ALLIED HEALTH PROFESSIONS"

(2) Part G of title VII of such Act is amended by striking out "PART G—TRAINING IN THE ALLIED HEALTH PROFESSIONS"; by striking out section 791 and clause (4) of section 795 and redesignating clause (5) of such section as clause (4); and by redesignating sections 792–799A, and all references thereto, as sections 721–729, respectively.

(c)(1) Subsection (a) of section 740 of such Act (42 U.S.C.) is amended by striking out "721(b)(1)(B)" and inserting in lieu thereof "701(a)(3)(A)".

(2) Subsection (a) of section 744 of such Act (42 U.S.C.) is amended by striking out "721(b)(1)(B)" and inserting in lieu thereof "701(a)(3)(A)".

EFFECTIVE DATE

SEC. 19. (a) The amendments made by sections 2 through 6, and sections 8 and 9 of this Act shall apply with respect to appropriations for fiscal years ending after June 30, 1971.

(b) Sections 10 through 16 of this Act shall become effective on July 1, 1971.

Mr. TOWER. Mr. President, I call up my amendment.

Mr. DOMINICK. Mr. President, who has time?

The PRESIDING OFFICER. The Senator from Texas has the right to offer an amendment from the floor.

Mr. DOMINICK. Mr. President, I suggest the absence of a quorum and I ask that the time be charged to my side.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. TOWER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 237

Mr. TOWER. Mr. President, I call up my amendment No. 237, which I send to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk proceeded to read the amendment.

Mr. TOWER. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered; and, without objection, the amendment will be printed in the RECORD.

The amendment, ordered to be printed in the RECORD, is as follows:

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On page 86, between lines 17 and 18, insert the following:

"TAX INCENTIVES TO ENCOURAGE PHYSICIANS TO PRACTICE MEDICINE IN PHYSICIAN SHORTAGE AREAS

"SEC. 211. Part III of subchapter B of chapter 1 of the Internal Revenue Code of 1954 (relating to items specifically excluded from gross income) is amended by—

"(1) redesignating section 124 as section 125; and

"(2) inserting after section 123 the following new section:

"SEC. 124. PHYSICIANS ESTABLISHING PRACTICE IN PHYSICIAN SHORTAGE AREAS.

"'(a) IN GENERAL.—In the case of a physician who engages in a medical practice in a physician shortage area, gross income does not include, at the election of the taxpayer, adjusted gross medical income from such medical practice in such area to the extent of—

"'(A) $20,000 during the first taxable year of such practice;

"'(B) $15,000 during the second taxable year of such practice;

"'(C) $10,000 during the third taxable year of such practice;

"'(D) $7,500 during the fourth taxable year of such practice; and

"'(E) $5,000 during the fifth taxable year of such practice.

"'(b) LIMITATIONS.—

"'(1) TWO-YEAR PRACTICE REQUIREMENT.—The provisions of subsection (a) shall apply to a physician with respect to a medical practice in a physician shortage area only if he continuously engages in such practice for at least 2 years, commencing with the day on which he first engages in such practice. The preceding sentence shall not apply—

"'(A) to a physician who dies during such 2-year period, or

"'(B) with respect to any period of disability during such 2-year period.

"'(2) PROVISIONS TO APPLY ONLY ONCE.—The provisions of subsection (a) shall apply to engaging in a practice of medicine in a physician shortage area only once for any physician.

"'(c) ELECTION.—

"'(1) IN GENERAL.—An election to have the provisions of subsection (a) apply shall be made at such time and in such manner as the Secretary or his delegate prescribes by regulations. Such election may not be revoked except with the consent of the Secretary or his delegate and subject to such terms and conditions as the Secretary or his delegate prescribes.

"'(2) DESIGNATION OF FIRST TAXABLE YEAR.—At the time of making an election under paragraph (1), a physician shall designate his first taxable year of a medical practice in a physician shortage area, for purposes of applying the provisions of subsection (a), as—

"'(A) the taxable year in which he first engages in a medical practice in such area, or

"'(B) the succeeding taxable year.

"'(d) DEFINITIONS.—For purposes of this section—

"'(1) the term "adjusted gross medical income" means gross income from the practice of medicine less any deductions arising out of such practice; and

"'(2) the term "physician shortage area" means any area within a State certified to the Secretary by the Secretary of Health, Education, and Welfare as an area in which there are an insufficient number of physicians practicing medicine to meet the need for medical care of the population of such area.

"'(e) CERTIFICATIONS BY SECRETARY OF HEALTH, EDUCATION, AND WELFARE.—

"'(1) IN GENERAL.—The Secretary of Health, Education, and Welfare shall on or before November 1 of each year (beginning with 1971) certify the physician shortage areas (if any) in each State for the following calendar year.

"'(2) CERTIFICATIONS PURSUANT TO STATE AGENCY RECOMMENDATIONS.—In making certifications of physician shortage areas for purposes of this section, the Secretary of Health, Education, and Welfare shall accept the determination as to the number and location of physician shortage areas in a State recommended to him by—

"'(A) the State planning agency for such State (as designated pursuant to section 314(a)(2)(A) of the Public Health Service Act); or

"'(B) if in such State there is no such agency, or if such agency fails to make a recommended determination within a reasonable time prescribed by him, by such other agency of such State as he finds to be qualified to make such a recommended determination and as the Governor of such State shall have designated to make such a recommended determination;

but only if the agency, in making such recommended determination, has sought the advice and assistance of the State medical societies for such State; and

"'(C) the Secretary of Health, Education, and Welfare is satisfied with the adequacy of the criteria employed by the agency as the basis upon which such recommended determination was made.

"'(3) OTHER CERTIFICATIONS.—If, in the case of any State, the Secretary of Health, Education, and Welfare does not receive (within such reasonable time as he shall prescribe) a recommended determination with respect to such State which meets the requirements of paragraph (1), he shall (after seeking the advice and assistance of the State medical societies for such State) certify the number and location of the physician shortage areas (if any) of such State on the basis of the most current and appropriate data available to him.

"'(4) EFFECTIVE PERIOD OF CERTIFICATION.—A certification by the Secretary of Health, Education, and Welfare under paragraph (1) of physician shortage areas in a State shall remain in effect for the calendar year for which it is made. With respect to a physician who engages in a medical practice in an area so certified during his taxable year beginning in such calendar year and who makes an election under subsection (c) to have the provisions of subsection (a) apply, such certification (A) shall remain in effect for succeeding calendar years, and (B) shall be treated as having been in effect for prior calendar years for purposes of determining the number of taxable years of his medical practice in such area.

"'(e) REGULATIONS.—The Secretary or his delegate shall prescribe such regulations as may be necessary to carry out the purposes of this section.'

"(b) The table of sections for part III of subchapter B of chapter 1 of such Code is amended by striking out the item relating to section 124 and inserting in lieu thereof the following:

"'Sec. 124. Physicians establishing practice in physician shortage areas.

"'Sec. 125. Cross references to other Acts.'

"(c) The amendments made by this section shall apply to taxable years beginning after December 31, 1971."

On page 86, line 19, strike "SEC. 211", and insert in lieu thereof "SEC. 212".

Mr. TOWER. Mr. President, this amendment is identical to S. 576, which I introduced on February 3 of this year. Thirteen Senators have joined me in cosponsoring this bill. While the bill pertains strictly to matters of health manpower which are normally considered by the Senator Labor and Public Welfare Committee, it was referred to the Senate Finance Committee because of its relationship to our existing system of tax law. Primarily because of the committee's heavy schedule, hearings were not held on S. 576. I have also been informed that hearings are not expected to be held on the bill in the near future.

Mr. President, the pending bill attempts to address itself to what many have called the Nation's "health care crisis," I feel that in general this bill brings vast improvement to our health care system.

I have introduced the pending amendment to strengthen the bill's provisions as they relate to the physician shortage problem. The Committee on Labor and Public Welfare has certainly recognized the problems of many localities in our Nation which have inadequate supply of medical manpower. The bill provides for a revised loan forgiveness formula which can give up to $5,000 assistance to physicians for every year spent in a physician shortage area. Another provision of the bill allocates funds for special project grant authority to establish training programs for medical personnel to improve the health care system in shortage areas.

I am also extremely pleased that the committee has included as an amendment to S. 934 the physician shortage area scholarship program which my distinguished colleague from Maryland, Senator Beall, had introduced in a modified form earlier this year. I was an original cosponsor of this proposal, and I strongly believe it will contribute positively toward solving the physician maldistribution problem.

Mr. President, my amendment is intended to complement these fine provisions. I believe it is necessary for the simple reason that the physician maldistribution problem is the greatest single medical manpower problem we face. A white paper entitled "Towards a Comprehensive Health Policy for the 1970's," issued in May 1971, by the Department of Health, Education, and Welfare made a strong reference to the physician maldistribution situation:

> As in the measures of health status, the aggregate measures of health care resources hide more than they reveal.
>
> There are, for example, large geographic variations in the ratio of physicians to population. There are 82 active physicians per 100,000 people in Mississippi, but 228 in New York. A study of 1,500 cities and towns in the upper midwest in 1965 found 1,000 without any physicians and 200 others had only one. Large metropolitan areas average 185 physicians per 100,000 people, while the average is only 76 in non-metropolitan areas. Cities, particularly the ghettos, fare far worse than the suburbs in the ratio of physicians to population. In nine out of ten Appalachian states, there are substantially fewer physicians in relation to population in the less wealthy (and generally rural) counties than there are in the wealthier counties. And the same disparity between the wealthy and poor counties, urban and rural, occurs elsewhere in the Nation.
>
> Another part of the health care crisis then results from the large disparities in the geographic location of resources. Too many people simply lack convenient access to the services of physicians; too many communities are unable to attract physicians to practice there. Without physicians, or with relatively few physicians, hospital facilities are unused or are under-used.

Mr. President, the bill we are now considering intends to close the physician manpower gap that most reliable sources place at 50,000. While we are doing this we should be making every possible effort to improve the maldistribution problem.

I am confident that this legislation will meet its objective of completely erasing the 50,000-man shortage. However, there is a distinct possibility that even should this be accomplished, little improvement will be forthcoming in reshaping the maldistribution problem. In other words, the same areas of the Nation that now lack the kind of medical expertise needed to provide adequate health care will still lack that kind of personnel. It is a little known fact that we as a Nation are producing physicians at a rate faster than our population growth. The HEW white paper clearly documented this fact:

> The supply of physicians has also been increasing faster than the growth in population. Between 1950 and 1966, the supply of physicians increased by 34 percent (against 29 percent growth in population), and between 1966 and 1970, the supply of active physicians grew at twice the population rate, yielding a change in ratios of physicians to population from 141 per 100,000 in 1967 to 155 per 100,000 last year.

So we are making consistent progress in meeting our numerical needs. Yet there still exists 134 counties in the United States without a practicing physician. I am distressed that 24 of these 134 counties are in my State of Texas. These counties, according to 1970 census figures, have a total population of 56,753. I ask unanimous consent to have printed in the Record at this point a listing of those counties in Texas which do not have a practicing physician.

There being no objection, the list was ordered to be printed in the Record, as follows:

Counties in Texas Without Doctors and Populations of Counties According to 1970 Census

Borden	888
Briscoe	2,794
Carson	6,358
Glasscock	1,155
Hartley	2,782
Hudspeth	2,392
Irion	1,070
Jeff Davis	1,527
Kenedy	678
Kent	1,434
King	464
Kinney	2,006
Lipscomb	3,486
Loving	164
McMullen	1,095
Martin	4,774
Oldham	2,258
Rains	3,752
Real	2,013
Roberts	967
San Jacinto	6,702
Sherman	3,657
Stonewall	2,397
Terrell	1,940
Total	56,753

Mr. TOWER. Medical officials in my State are extremely pessimistic about recruiting physicians for these counties despite the fact that improvement is being made in the physician-population ratio and that the number of medical schools is being doubled. Yet, they are in agreement that their effort should continue and that the Government should encourage physicians to practice in shortage areas by offering meaningful incentives.

Briefly, my amendment proposed that the first $20,000 of a physician's adjusted gross income from medical sources be tax-exempt for the first taxable year of practice in an established physician shortage area. This tax incentive would continue for 5 years on a downward sliding scale. The bill requires that a doctor practice in the physician shortage area for at least 2 years. Designation of physician shortage areas would be made by the Secretary of Health, Education, and Welfare with the advice of appropriate State agencies.

As I stated earlier, I support the changes the bill makes for making the loan forgiveness provisions more lucrative. Yet, I remain unconvinced that loan forgiveness alone will solve this problem. Since 1965, when the loan forgiveness was introduced, only nine physicians have applied for it. By supplementing my amendment to the bill's increased loan forgiveness provision, there will be a much better chance that adequate health care can be made available to those Americans who have so long lacked any access to such services enjoyed by the great majority of our citizens.

I cannot promise this body that financial rewards will provide enough incentives to redirect our health care resources to the many localities which are in such dire need of them. However, I do believe that we have an obligation as legislators to make the attempt to meet this objective. If not one single physician takes advantage of this amendment, the Federal Treasury will not lose one single cent. The tax incentive concept creates financial incentives for physicians to practice in an area where they can do the most good. However, it in no way dictates where a physician should establish his practice.

Furthermore, my proposal would use existing governmental mechanisms. It will not require the establishment of yet another bureaucracy to carry out yet another program.

It is apparent to all of us that rural areas and metropolitan core areas make up the great majority of physician shortage areas. It is also understandable that these areas would be the ones most in need even if the shortage did not exist.

Conditions in these areas both explain why the services are so greatly needed and also why they are the least lucrative for physicians to establish practice. Incomes of Americans populating these areas are generally below the national average. Social conditions are such that the average physician would not actively seek to establish his practice there. The citizens of rural America suffer twice the amount of chronic illnesses as their urban counterparts.

Despite the fact that the nationwide physician-population ratio is improving, the number of physicians serving rural areas has declined six times faster than the population has decreased in those areas.

Rising health care costs have resulted in a greater demand on the part of the American people for better health care services. I, for one, believe that this Nation has the best health care delivery system in the world. Yet, a minority of our citizens have been left out of this system through no fault of their own.

I hope that the manager of this bill, the distinguished chairman of the Senate Health Subcommittee, Mr. Kennedy and other members of that subcommittee share my thoughts on this matter. I hope that they agree with my contention that this is a priority problem in our health care system and that while the Federal Government appropriates billions of dollars for institutional support to medical schools, it should also do everything possible to encourage graduates of those schools to practice in areas where they are most urgently needed. By failing to do this we will certainly not get the full return on these large Government expenditures.

I ask unanimous consent that I may enter into the Record at this point a statement by the Senator from South Carolina (Mr. Thurmond) in support of my amendment. He was unable to be present.

There being no objection, the statement was ordered to be printed in the Record, as follows:

Statement by Senator Thurmond

Mr. President, recently there has been an increasing interest in health care in this country. One obvious inadequacy in this area is the medical manpower gap in certain geographical areas of our nation.

Over the past several decades the population shifts in this country have given rise to an urban rather than a rural society. People have been leaving farms and moving into metropolitan areas.

Mr. President, along with this change in America's living pattern there has become an alarming decrease in the proportion of physicians to people in rural areas. Young doctors finish their internship in hospitals in urban areas and remain there. There are few incentives to lure physicians into rural areas even though these areas are the most hard-pressed in terms of available medical manpower.

Mr. President, for these reasons I support the amendment by the distinguished Senator from Texas. This amendment would provide tax incentives for physicians who begin practicing in medical manpower shortage areas. By providing a declining exemption of taxable income for the first five years of practice young physicians will have a reasonable enticement to practice in these medical shortage areas.

This tax incentive is applied only for the first five years of practice and would have no application thereafter. It would therefore work only as an incentive to begin a practice in a shortage area. After the five year period, the incentive to remain in these areas would come from sources other than tax relief. I believe that after a physician begins a practice in a rural area there will be adequate incentives for him to remain. The present problem is not that physicians are leaving these medical manpower shortage areas, but rather that young physicians are not going to these areas to begin a practice. This amendment would go a long way in alleviating this problem and I urge that it be adopted.

NARROWING THE MEDICAL MANPOWER GAP

Mr. DOLE. Mr. President, as a cosponsor of S. 579, now amendment No. 237 to the Health Manpower bill S. 934, I urge the Senate to pass this legislation to narrow the gap between the medical manpower needs of our country and the resources at our disposal to meet them.

The maldistribution of our physician resources is probably the greatest single medical manpower problem we face. The disparity in the geographic distribution of health manpower is acutely evident in both the ratios found between rural and urban areas and between the inner-city and the suburbs. In the Borough of the Bronx in New York City, the physician-to-patient ratio is 1 to 700. But in the areas served by an OEO neighborhood medical care demonstration project, the ratio is 1 to 10,000.

Although about 30 percent of the U.S. population is still rural, only about 12 percent of physicians, 18 percent of nurses, 14 percent of pharmacists, 8 percent of pediatricians, and less than 4 percent of psychiatrists live and work in rural areas.

There are 134 counties in the United States without a single practicing physician. Two of these counties, Elk and Stanton, are in Kansas. Since the number of physicians serving rural areas has declined six times faster than the population has decreased in those areas, Kansas has been greatly affected.

Many metropolitan core areas are facing doctor shortages far in excess of the rest of the country. The evidence of these shortages is everywhere. We see it in crushing workloads, rising incomes for health professionals, a quadrupling of the hospital emergency room caseload in the past 15 years, and in our increasing dependence on foreign-trained manpower. Graduates of foreign medical schools now constitute one of every three interns and residents; one of every four newly developing countries: thus, on top of our own difficulties, we create "brain drain" problems for countries with medical service shortages even more grave than our own.

Since the American population will increase by some 17 percent in the next decade, the demand for health services will continue to increase. Greater mobility and influx into central cities will add to the pressure. The profile of population distribution and that of existing health-care facilities will, increasingly, diverge, and with that divergence there will be underutilization along with overdemand. In some cases, it will be the wrong kind of demand: For example, patient insistence on treatment in an acute care facility, even though out-patient clinic care would be appropriate. There will also be duplication of services along with severe shortages.

It is not enough merely to train additional doctors; we must encourage trained personnel to practice their skills in the service setting and geographic areas where they are needed most and where they can make the greatest contribution to the health care of the Nation. This amendment provides incentives to physicians to practice in areas of the country where doctors are in the shortest supply. Those in rural and inner city areas all across the country would thereby receive the medical attention which they deserve and the gap between supply and demand of medical manpower would be erased.

The enactment of this amendment would provide a balance of our medical resources in an inter-related manner which would help in reducing or eliminating the serious health manpower shortage and maldistribution problem now faced by the entire Nation. I am pleased to cosponsor this proposed legislation and urge the Senate to approve it.

Mr. GURNEY. Mr. President, will the Senator yield me some time?

Mr. TOWER. Mr. President, I yield 5 minutes to the Senator from Florida.

Mr. GURNEY. Mr. President, I would like to voice my wholehearted support for amendment 237 submitted by my distinguished colleague, the Senator from Texas (Mr. Tower) to S. 934, the health Professions Educational Assistance Act of 1971.

Certainly we all realize the tremendous need this country has for physicians. The public health service estimates that manpower needs exceed the supply of physicians by some 48,000 doctors. The difference between available doctors and the number actually needed is even greater in certain geographical areas: specifically, inner cities and rural areas where per capita income is lowest. This amendment is designed to ease the doctor shortage in these areas where the delivery of basic health care services has become a critical need.

I strongly believe this amendment offers the best method for solving the problem. Through the incentive principle, it would encourage physicians to take up practice in areas of the country where physicians are in the shortest supply. It proposes that the first $20,000 of physician's adjusted income from medical sources be exempt from Federal income tax for the first taxable year of practice in a physician shortage area, as designated by the Department of Health, Education, and Welfare, with the advice of the appropriate State agencies. The tax incentive would continue on a downward sliding scale for 5 years. The amendment requires that a doctor practice in the area for a minimum of 2 years. The amendment, while setting forth the areas most in need of physicians, and offering a considerable incentive for physicians to practice in these areas, in no way dictates where a physician may establish his practice.

The proposal uses existing governmental mechanisms: It requires no further bureaucracy and no building funds. It can work with other programs in both the private and public sector, and can only benefit the health manpower provisions set forth in S. 934.

Senator Tower's amendment would make the practice of medicine in these extreme shortage areas a financially attractive investment, both for the young physician and for the Nation as a whole. Most important, it will help ease the terrific burden of those for whom adequate health care is now only a dream.

The efforts of the Health Subcommittee to bring about a more efficient distribution of the Nation's physician manpower are to be commended. I feel the addition of Senator Tower's amendment would strengthen this effort, and I urge it be adopted.

I yield back the remainder of my time.

Mr. TOWER. Mr. President, I thank my distinguished friend from Florida for his remarks.

I am aware that this is a revenue measure and therefore it is out of order to offer it to a substantive legislative measure such as this. I did, however, want to call the attention of the Senate to the plight of maldistribution and this measure as a very constructive way to resolve it.

I yield back my time and withdraw my amendment.

The PRESIDING OFFICER. The Senator withdraws his amendment.

Mr. KENNEDY. Mr. President, I yield 2 minutes to the Senator from Connecticut (Mr. Ribicoff).

Mr. RIBICOFF. Mr. President, the health manpower legislation now being considered by the Senate is a crucial first step toward providing a health delivery system capable of providing comprehensive health services for all Americans. Prior to the establishment of any national health insurance program, we must develop a program which will revitalize and expand our array of medical services, facilities, and personnel.

S. 934, the Health Professions Educational Assistance Amendments of 1971, would provide an extension of existing legislative authority to aid our medical, dental, osteopathic, podiatry, pharmaceutical, optometric, and veterinary schools.

As medical education costs have risen, tuition and fees are increasingly insufficient to meet educational costs. Last year a substantial number of medical schools were on the brink of financial ruin and survived only because of emergency Federal assistance.

S. 934 would provide our medical training institutions with funds to operate and incentives to expand medical school enrollments.

This legislation would do more, however, than merely extend the Health Professional Educational Assistance Act. The bill, following the recommendations of the Carnegie Commission on Higher Education and the Association of American Medical Colleges, includes an innovative "first dollar" funding approach which has been suggested by President Nixon as well as by the distinguished Senator from Massachusetts (Mr. Kennedy).

Under this new approach medical schools would receive increased financial assistance for each additional student graduated in excess of the previous year's graduating class size. Such a plan, if adequately funded, would encourage medical schools to expand enrollment and shorten the time it takes to receive a medical education. Most experts agree that a medical school education could and should be restricted to make it a 3-year rather than a 4-year program without any loss in quality of education.

The legislation also provides urgently needed authorization for construction grant assistance for the health professions, broadened student scholarship and loan programs and institutional and project grant support for the health professional schools.

In my own State of Connecticut, this legislation will be invaluable, both to Yale, one of the finest medical schools in the country, and to the new and promising University of Connecticut Medical School, which will grant its first M.D. and D.M.D. degrees in June of 1972.

The new University of Connecticut Medical School, with adequate financing, will be enabled to initiate many of its proposed innovative concepts to restructure medical education and the delivery of health care services, including pioneer programs in general practice medicine, crisis and poverty medicine, and delivery of health services through existing medical facilities.

The Federal Government has already demonstrated its confidence in the University of Connecticut's projects and plans by providing more than $30 million in construction grants for the University Health Center, almost 95 percent of what the project was eligible for. The university has also taken over responsibility for running the McCook Hospital for the city of Hartford. The university has already spent close to $1 million for renovation of this facility and is planning to spend at least $300,000 more. The success of this renovation program for McCook is partially indicated by the university's selection by the U.S. Public Health Service as one of 95 laboratories across the country that set the standards for thousands of other medical laboratories in the United States.

We are all aware that there is no such thing as a bargain-basement medical education, yet medical schools across the Nation are being forced to cut back on substantive programs and services because of budgetary restraints, and survive from crisis to crisis through emergency relief.

S. 934 should alleviate this crisis existence and pave the way for an orderly expansion of the medial profession to meet the growing health care needs of this Nation.

This vital legislation also reognizes and deals with the severe geographic and specialty maldistribution of physicians. While it is generally believed that there is an overall shortage of some 50,000 doctors, the real problem is specialty and geographic imbalance.

In both rural and inner-city areas the ratio of physicians to population is declining. New doctors are not replacing those who retire from practice in these areas.

In over one-third of the Nation's counties there is only one physician for every 1,800 people, and at least 130 counties have no physicians at all. S. 934 attempts to alleviate this geographic maldistribution of physicians by providing an incentive to practice in "physician-shortage areas." Scholarships of up to $5,000 would be made available to medical students who agree to engage in primary care medical practice in a physician-shortage area, or any type of practice, a substantial portion of which services migratory agricultural workers. One year of service would be required for each year of scholarship aid.

In addition to the severe geographic imbalance of physicians there is an increasing trend away from primary general practice medicine toward specialization. Of the 270,737 physicians engaged in direct patient care, only 57,845 physicians or 21.4 percent were engaged in general practice at the end of 1969.

Between 1963 and 1969 every State in the Union except Nevada had a decrease in general practitioners. I ask unanimous consent that the following charts demonstrating this trend be inserted in the Record at the conclusion of my remarks.

In Connecticut, for example, the number of general practice physicians declined 27.4 percent from 933 to 677. In 1967 in Connecticut, 37 of the 169 towns had no general practice physician. The 1969 Connecticut Governor's study committee on the family doctor shortage pointed out that the median age of the family doctor in Connecticut was approximately 58 years, while the median age of all physicians was only 47 years.

S. 934 would provide special grant authority to initiate medical school training programs in family medicine, including continuing education. This will be of special value to the new Unversity of Connecticut Medical School which is now developing a family practice specialty program.

If we do not encourage family practice medicine as a component of our health care system, we will continue to move closer to a hospital emergency room health care system which reacts only to crisis. America should not be limited to health care which provides only a "pound of cure" and ignores the "ounce of prevention."

I ask unanimous consent to include in the Record a series of tables and statistics.

There being no objection, the tables and statistics were ordered to be printed in the Record, as follows:

STATISTICS PINPOINT NEED FOR MORE FAMILY PHYSICIANS IN CONNECTICUT

1967 DISTRIBUTION AND AGE CHART OF CONNECTICUT PHYSICIANS[1]

	State	Hartford County	New Haven County	Fairfield County	New London County	Litchfield County	Middlesex County	Windham County	Tolland County
Ratio of all physicians in private practice to the total number of people in Connecticut:									
Number of M.D.'s	1	1	1	1	1	1	1	1	1
Number of people	860	787	833	760	1,214	1,034	1,055	1,316	2,867
Number of towns and total population with no physicians:									
Number of towns	37	2	2	0	9	6	3	8	7
Total population	87,210	4,300	7,200	0	19,200	10,780	8,500	14,490	22,704
Number of towns and total population with 1 physician per town:									
Number of towns	10	2	0	1	0	4	2	0	1
Total population	26,430	5,000	0	4,400	0	8,230	6,800	0	2,000
Number of towns and total population with 2 physicians per town:									
Number of towns	10	2	1	0	1	1	1	3	1
Total population	67,100	23,000	9,690	0	5,500	1,900	6,400	13,100	7,600
Number of towns and total population with 3 physicians per town:									
Number of towns	15	1	0	3	5	5	1	0	0
Total population	90,520	5,500	0	16,220	46,400	18,300	4,100	0	0
Medium age of all Connecticut Academy of General Practice members[2]	51	55	51	49	48	52	56	51	40
Anticipated decline in the number of academy members in the next 15 years based on the experience and records of the past 5 years (percent)	37	61	38	29	32	43	46	50	25

[1] Compiled from State Health Department, AMA and CAGP records.

[2] Medium age of all physicians in Connecticut according to AMA records is between 40 and 44.

DISTRIBUTION OF NON-FEDERAL GENERAL PRACTITIONERS, BY STATE, 1963, 1967, AND 1969

State	1963	1967	1969	Percent change between 1963 and 1969
Alabama	942	868	742	−21.2
Alaska	66	64	61	−7.6
Arizona	502	509	501	−.2
Arkansas	748	667	574	−23.3
California	8,124	7,819	7,023	−13.6
Canal Zone	9	8	4	−55.6
Colorado	704	675	608	−13.6
Connecticut	933	859	677	−27.4
Delaware	161	148	131	−18.6
District of Columbia	352	295	220	−37.5
Florida	1,505	1,590	1,432	−4.9
Georgia	1,148	1,046	889	−22.6
Hawaii	221	217	197	−10.9
Idaho	293	278	251	−14.3
Illinois	4,270	3,903	3,142	−26.4
Indiana	1,898	1,791	1,654	−12.9
Iowa	1,160	1,071	905	−22.0
Kansas	850	781	658	−22.6
Kentucky	1,035	965	889	−14.1
Louisiana	1,012	948	856	−15.4
Maine	359	333	268	−25.3
Maryland	1,018	972	802	−21.2
Massachusetts	2,218	1,977	1,460	−34.2
Michigan	2,382	2,227	1,831	−23.1
Minnesota	1,412	1,326	1,212	−14.2
Mississippi	775	691	595	−23.2
Missouri	1,252	1,126	904	−27.8
Montana	282	261	234	−17.0
Nebraska	621	593	517	−16.7
Nevada	116	128	134	+15.5
New Hampshire	281	269	234	−16.7
New Jersey	2,448	2,241	1,775	−27.5
New Mexico	228	213	202	−11.4
New York	7,993	6,950	5,168	−35.3
North Carolina	1,321	1,222	1,112	−15.8
North Dakota	216	214	190	−12.0
Ohio	3,642	3,374	2,786	−23.5
Oklahoma	852	783	649	−23.8
Oregon	743	674	625	−15.9
Pennsylvania	4,622	4,263	3,437	−25.6
Puerto Rico	544	579	533	−2.0
Rhode Island	302	283	204	−32.5
South Carolina	749	724	662	−11.8
South Dakota	258	243	212	−17.5
Tennessee	1,128	1,000	874	−22.2
Texas	3,403	3,266	2,919	−14.6
Utah	313	292	260	−16.9
Vermont	186	162	137	−26.3
Virginia	1,312	1,250	1,117	−14.9
Virgin Islands	10	14	8	−20.0
Washington	1,184	1,178	1,082	−8.6
West Virginia	599	520	447	−25.4
Wisconsin	1,541	1,412	1,207	−21.7
Wyoming	153	157	121	−20.9
Pacific Islands	9	11	9	0
Total	70,405	65,430	55,341	−21.4

Mr. EAGLETON. Mr. President, I am pleased to join in supporting S. 934, the Health Professions Educational Assistance Amendments of 1971. In my judgment, this bill will be viewed in retrospect as a landmark Federal commitment to the health care of all Americans.

Improvement of the Nation's health care system has become a dominant objective of this Congress. There has been an unprecedented focus of interest on proposed Federal legislation that would work fundamental changes in the existing structure through which health services are delivered.

It is far too early to predict what will emerge from this legislative ferment, but it almost certainly portends some substantial alterations in our health care system. We have all heard the conclusions of very responsible and very respectable medical authorities that America is experiencing a crisis in health care. By definition, a crisis is a turning point—things are either going to improve or they will deteriorate. It is a point at which change is inevitable.

It is equally certain that the most ingenious plan, the most elaborate mechanism, the most refined blueprint will be of little value without an adequate supply of trained health manpower to implement it. There will be no significant improvement—indeed, deterioration is the more likely prospect—if we fail to increase the numbers, and rectify the maldistribution, of health personnel in the United States.

This lack of manpower is felt in all of the health professions. The shortage of doctors and dentists is not the greatest in absolute numbers—it is estimated that we need something in the neighborhood of 150,000 more nurses as compared to about 50,000 doctors and 20,000 dentists—but it is the shortage most acutely felt, because of the central role that physicians and dentists play in meeting health needs.

It is clear that a substantial and growing number of the Nation's medical and dental schools are in desperate financial straits. Many of them are engaged in a year-to-year battle to avoid being pushed into bankruptcy.

A number of schools, particularly the private schools, have literally begun to feed off themselves. Some have begun to exploit their endowments in order to meet on-going operating costs. Others have been forced to seek short-term loans at high interest rates in order to remain solvent. Clearly, these actions represent a slow sacrifice of the integrity of the institution. They can be sustained for only a brief period of time before the onset of deep financial crisis.

The success achieved under the present Health Professions Educational Assistance Act—despite its limited scope and even more limited appropriations, as compared with authorizations—demonstrates the significant contributions which the Federal Government can make in preserving existing schools and expanding the Nation's capacity for training in the health professions.

It has had a major impact on the education of physicians. In 1963, at the time of the passage of the HPEA Act, there were 87 U.S. medical schools with 8,772 entering students annually, a total enrollment of 32,001 M.D. candidates, and 7,335 total graduates. In 1970–71, 8 years later, the Nation has 102 medical schools admitting students—an increase of 15, with 12 more schools in development—first-year classes totaling 11,660—an increase of 2,588—a total M.D. student body of 40,333—an increase of 8,332—and a graduating class estimated to be 8,996—an increase of 1,661.

The other health professions covered by the HPEA program—dentistry, optometry, pharmacy, podiatry, veterinary medicine, and public health—have also received financial assistance and have increased their training capacity and output.

The expiration of the Health Professions Education Assistance Act has offered us the opportunity to improve and expand on this program to meet future needs. I believe that the bill we are considering today is well designed to accomplish that end.

It expands and improves the construction grants programs for new and expanded teaching facilities for the health professions.

It greatly improves the student assistance programs and increases the maximum levels of such assistance. Students who agree to practice in medically unserved areas following graduation may have their loans forgiven. I am very pleased that the committee has recommended, in accordance with my suggestion, that the rate of forgiveness be 50 percent a year of the outstanding principal or $5,000, whichever is greater.

Most importantly, the bill establishes a program of predictable support for payment of operating costs of health professions schools at an adequate level of authorized funding.

There are a number of other aspects of this bill, Mr. President, which are worthy of comment but in the interest of brevity I will address myself to two principal provisions which were included as a result of amendments offered by the distinguished junior Senator from Maine (Mr. MUSKIE) and myself.

The first, now contained in section 707 of the bill, is designed to deal with the enormous backlog of approved but unfunded construction projects for teaching facilities for the health professions. There are 56 schools—16 of them entirely new schools—with approved but unfunded construction projects that would create 2,464 additional first-year places for students of the health professions.

Under present law, the Secretary of Health, Education, and Welfare is required to obligate the entire amount of a construction grant out of funds appropriated for the year in which the grant is awarded—even though the funds are normally paid out over a period of years, depending upon the pace of construction. Under section 707 of S. 934, the Secretary would continue to make an award for the full Federal share of an approved project, but only a portion—at least one-third—of the total amount of the grant would be obligated in the year in which the grant is awarded. The balance of the grant would be obligated out of funds appropriated for ensuing years.

Hence, construction could be begun at an earlier date, hastening the completion of vitally needed facilities without any increased expenditures by either the Federal Government or the project sponsor. Indeed, costs would be reduced since inflation now adds to the cost of construction projects at an average rate of about 1 percent per month.

The other major amendment offered by Senator MUSKIE and me is contained in section 201 of the bill, which authorizes grants for graduate education of physicians and dentists. These educational costs are now usually paid indirectly by patients at teaching institutions, even though they are in addition to normal patient care expenses. Other sections of S. 934 provide institutional support to medical, dental, and other schools of health professions to help pay for undergraduate training. In the case of most physicians and some dentists, a period of graduate training as interns and residents is equally as essential as undergraduate training before they qualify to practice. The committee has followed the recommendation of the Carnegie Commission in adopting our amendment to provide assistance to teaching institutions to help meet the additional costs involved in providing such training.

Mr. President, many members of the Committee on Labor and Public Welfare worked long and hard on this bill and its excellence is a result of their efforts. I do want to single out especially the chairman of the Health Subcommittee, Mr. KENNEDY, whose thoughtful concern for the health needs of all Americans and whose dedicated energy played a major part in the development of this legislation. Similarly, the distinguished committee chairman, Mr. WILLIAMS, and the ranking members of the Health Subcommittee and the full committee, Mr. DOMINICK and Mr. JAVITS, respectively, made major contributions to the bill.

I am pleased to have had an opportunity to be a part of this endeavor, Mr. President, and I strongly commend the bill to the Senate and urge its adoption.

Mr. WILLIAMS. Mr. President, we are all acutely aware of the shortages of all types of health manpower in the United States.

In 1970, it is estimated that the shortage of physicians was almost 50,000. During that same year we needed 18,000 more dentists, 8,700 more optometrists, 13,000 more podiatrists, and 10,000 veterinarians.

Not only do we have a critical deficiency in numbers of health personnel but we are faced with growing problems of maldistribution. In more than one-third of the counties of the United States there is only one doctor for each 1,800 persons. Hundreds of counties have no physician at all. And the number of health professionals in the inner-cities has been on the decline during the last decade.

Physician to population ratios also serve to illustrate the net shortage of health manpower and the uneven distribution of existing manpower. In 1965, according to the World Health Organization, the United States had 148 doctors for every 100,000 persons. Yet, eight nations of the world had better physician/population ratios, including Israel, the Soviet Union, Italy, Germany, and Argentina.

What are the reasons for this growing problem?

The increase in the Nation's population has certainly aggravated the scarcity. Higher incomes enable us to demand more and better services. Medicare and medicaid programs have spurred increased calls upon existing medical personnel. And there are many other causes which could be cited as contributing to the need for more health manpower.

Over the past 8 years the Federal Government has recognized a clear obligation to provide assistance to meet these needs. In 1963, the Health Professions Educational Assistance Act was enacted into law to provide the assistance necessary to the education of health professionals in medicine, osteopathy, dentistry, optometry, podiatry, pharmacy, and veterinary medicine. From an authorization of $30.1 million in fiscal year 1964 the HPEA has grown to an authorization of $435 million and appropriations of $296.5 million for fiscal year 1971 in the form of grants for the construction of teaching facilities, grants for institutional and special projects to improve and expand teaching programs, and loans and scholarships for students in financial need in the health professions.

Since this program was begun we have witnessed its significant impact in helping to meet our demand for health personnel. During that time the number of graduating physicians has increased by more than 23 percent. Graduates from dental schools has risen by 18 percent. Sixteen new schools of medicine and osteopathy opened in the 1960's as compared with six in the 1950's and only two in the 1940's. And this is only a partial list of the many accomplishments under this legislation.

Earlier this year, Senator KENNEDY and I introduced legislation to substantially expand and improve the Health Professions Educational Assistance Act which expired on June 30 of this year. After 3 days of hearings and extensive work on the part of the Labor and Public Welfare Committee the bill is before the Senate today. This legislation is designed to establish a coherent and comprehensive Federal role with regard to the education of health manpower in the United States. The committee has set a goal of increasing the supply of health professions personnel, developing new kinds of health personnel, encouraging new modes of practice to broaden the capacity of existing types of health manpower, and improving the distribution of health professionals while at the same time assuring the preservation and financial stabilization of one of our precious national resources—the schools of the health professions.

The bill—

Consolidates, extends, and increases the scope of grants for construction of health research, education, and library facilities; and establishes an additional program of loan guarantees and interest subsidies for such construction;

Extends and increases the maximum level of direct student loans, and student scholarships, and adds a program of loan guarantees. All student assistance includes incentives for practice in medically underserved areas;

Establishes awards based on enrollment to which health professions educational institutions are entitled. The award is intended to stabilize the institutions financial status while offering incentives for increased enrollments and shortened curriculums:

Adds "new start" grants for schools of medicine, dentistry, and osteopath, and grants for the conversion of existing 2-year medical schools to offer courses of study leading to the M.D. degree;

Extends and broadens project grant authority to authorize health manpower initiative awards directed toward solution of critical health manpower problems;

Establishes a separate authority for grants to schools in financial distress;

Establishes awards based on enrollment for postgraduate medical and dental education;

Adds a new program of grants to hospitals and other health or educational entities for training in family medicine;

Adds a new program of grants to capitalize on the potential of computer technology for extending health manpower capability;

Adds several programs aimed at bringing manpower to medically underserved areas; and

Directs studies of the costs of educational institutions and hospital construction.

There are numerous important new provisions contained in this bill. Each one of these strengthens existing programs or provides innovative approaches to improve the quality of health manpower education. But perhaps the most vital section of this legislation deals with grants to the educational institutions themselves.

In recent years 60 schools of medicine and 22 schools of dentistry have received substantial support on the basis of financial distress. The programs offered by all the health professions schools have become more complex and more costly due to more sophisticated medical practices and higher costs of equipment and supplies. Overall almost 50 percent of medical schools' expenditures are supported by Federal research grants and yet in recent years these awards have declined or have been growing at a pace slower than the rate of inflation. Most institutions are experiencing a relative decline in endowments and other nontuition income. And this situation has brought a great many schools to the point of bankruptcy.

At the same time that the financial crisis has been growing, so too has the need for increased numbers and kinds of health services personnel. Thus the health professions schools will only be able to respond to the demand if they are assured a predictable level of Federal financial support. This assistance must be adequate to permit the schools to stabilize their financial situations while assuring that education remains within the students' ability to pay for their education.

No health program in the United States can ignore the fact that we must have the manpower necesasry to make the system work. With the crisis in health care which we face we must be willing to pay the price to get the job done.

To meet the need this bill entitles each institution to an award of approximately one-third the average costs per student incurred nationally by the institutions. Concommitantly, the schools should be willing to make a reasonable effort to respond to the crisis by increasing enrollments, reducing the time necessary to complete a course of study, and taking other steps to increase the supply of health services personnel and by improving, expanding, and modernizing educational programs. This is both a responsible and necessary approach to a critical problem.

There are other important sections of this bill which also bear on the question of institutional support and incentives for establishing creative educational programs. There is a separate authorization in the legislation which is designed to provide assistance to those schools which are finding it increasingly difficult to meet their costs of operation. This authority is premised on the expectation that the institutional support formula will eventually put health professional schools on sound financial ground, but until such time they must be bailed out while their fiscal problems are being solved. In addition, we have provided for special project and manpower initiative awards which will furnish the opportunity for improving the distribution of health personnel and develop new kinds of manpower needed for changing patterns of health care. Significantly, this program will for the first time be available solely for encouraging productive changes we all seek in health education rather than using the funds for schools in financial distress, as in the past.

Two other programs in this bill are worthy of specific mention. The first is an institutional support payment to schools which undertake programs to train physician's assistants, dentist's assistants, and other professions assistants in the same educational mileu in which physicians and dentists receive their education. Over 50 of these programs are being developed throughout the United States and I think that providing a support program for this kind of training is in the highest interests of developing a more efficient and effective health system.

The second program implements a Carnegie Commission recommendation that the Federal Government assume a portion of the costs of postgraduate medical and dental education. The costs of educating these graduate students—our interns and residents—have too long been assumed by schools and hospitals and even by the patients themselves. It is my view that because this is an integral part of the education of doctors and dentists the costs should in part be borne by the Federal Government rather than solely by the patients in our hospitals or the contributors to the schools.

Mr. President, it has taken a great deal of energy and imagination to fashion this landmark bill. And every member of the Labor and Public Welfare Committee spent many hours giving thoughtful consideration to the new directions embodied in the Health Professions Educational Assistance Amendments of 1971. I have the highest praise for the work of Senator KENNEDY, chairman of the Health Subcommittee, whose insight and diligence resulted in the expeditious disposition of the legislation. The passage of this bill will be a great tribute to his pioneering efforts in bringing quality health care to every citizen in America. Senator CRANSTON'S fine work must also be complimented for it was his creativity which helped the committee resolve how to best handle the difficult problem of providing a responsible institutional aid formula. And, of course, Senator JAVITS and Senator DOMINICK deserve our thanks for their splendid contributions in the committee's consideration of this measure.

There is general agreement that we face a crisis in health care in the United States. When the Chinese write the word "crisis" they do so in two characters—one meaning danger, the other, opportunity.

Certainly we are in danger of not being able to fulfill the health manpower needs of the Nation. But, with the enactment of this bill today, we will have the opportunity to assure that America's system of health 'care is the best in the world.

Mr. McINTYRE. Mr. President, I shall vote with enthusiasm for S. 934, the Health Professions Educational Assistance Amendments of 1971." I am confident that passage of this legislation will result in a significant expansion of our health manpower.

As you know, Mr. President, I have developed a deep interest in the current health care crisis. On April 5, I introduced my National Health Care Act of 1971 which is directed at improving both the financing and delivery of health care. I believe comprehensive legislation of this kind is necessary if we are to guarantee quality health care to all Americans. As all of you are aware, a number of alternative proposals have been offered on national health insurance—by the administration, Senator KENNEDY, and others. I welcome the current debate on the merits of various aproaches and I feel confident that some form of national health insurance will emerge in the near future.

The legislation before us bears an important relationship to national health insurance. It is clear that any national health insurance plan will have the effect of greatly increasing the demand for health services as more and more people are given access to comprehensive health care. In view of the current shortages of health manpower, I do not believe the system will be capable of meeting this new demand. Unless we take steps now to fill in the gaps in health manpower, our health resources will be strained to the breaking point. The unfortunate experience we encountered after medicare was enacted will be repeated, only on a much larger scale. The expectations of insurance beneficiaries will not be met and an unprecedented escalation in medical costs will occur.

To prevent this eventuality, I recommended in my National Health Care Act an expenditure of over a billion dollars in the first 2 years to "beef up" our health resources However, I certainly support beginning this "beefing up" process immediately so that when national health insurance is enacted, the health care system will be ready and able to welcome its new clients. S. 934 makes an important contribution toward this effort.

I am especially pleased to see that this legislation incorporates my recommendations for encouraging medical personnel to practice in rural or medically deprived areas.

In March of this year, I introduced the Community Health Act which authorized the Federal Government to repay in full the educational debt of any physician who agreed to practice for 3 years in an area designated by the Secretary of HEW as having a physician shortage. S. 934 approximates this legislation by providing a 50-percent loan forgiveness to a physician who agrees to practice in a shortage area for 1 year and a full loan forgiveness if he practices in a deprived area for 2 years. S. 934 contains a number of other features which promise to relieve the critical problem in rural or ghetto areas.

Mr. President, while we may honestly debate whether or not there is a physician shortage in this country, we cannot dispute the fact that there is severe maldistribution. Large geographic variations exist in the ratio of physicians to population.

There are 82 active physicians per 100,000 people in Mississippi, but 228 in New York. A study of 1,500 cities and towns in the upper Midwest in 1965 found 1,000 without any physician, and 200 others had only one. Large metropolitan areas average 185 physicians per 100,000 people, while the aveage is only 76 in nonmetropolitan areas. Cities, particularly the ghettos, fare far worse than the suburbs in the ratio of physicians to population. In nine out of 10 Appalachian States, there are substantially fewer physicians in relation to population in the less wealthy—and generally rural—counties than there are in the wealthier counties. And the same disparity between wealthy and poor counties, urban and rural, occurs elsewhere in the Nation.

I feel I can speak with authority on the problem because my own State of New Hampshire is severely affected. In 1959, there was one doctor for every 720 people in New Hampshire; in 1960, there was one for every 755 people, and today there is only one doctor for every 826 people. Even with this poor ratio, the doctors we do have are not well distributed throughout the State. The New Hampshire Medical Society reported not long ago that member doctors now are located in only 97 of the State's 235 communities. And I quote the society to the effect that this means there are 138 communities with no resident doctor, as contrasted with 1922 when there were 90 such communities.

I ask unanimous consent to have printed in the RECORD a table illustrating the discrepancies among States so far as the number of physicians relative to population is concerned.

There being no objection, the table is ordered to be printed in the RECORD, as follows:

RATIO OF PHYSICIANS TO POPULATION, INTERSTATE COMPARISONS

PHYSICIANS PER 100,000 POPULATION

New York	219
Massachusetts	199
Connecticut	178
Colorado	177
California	173
Vermont	170
Maryland	169
Rhode Island	155
Pennsylvania	154
Minnesota	143
Missouri	142
Michigan	141
Washington	141
New Jersey	139
Oregon	139
Ohio	136
Delaware	135
Hawaii	135
Illinois	133
Florida	132
Arizona	129
Utah	129
New Hampshire	126
Wisconsin	119
Maine	116
Nebraska	114
Iowa	113
Kansas	113
Texas	113
Virginia	113
Oklahoma	111
Tennessee	111
Louisiana	109
Nevada	103
North Carolina	100
Georgia	99
Indiana	99
Montana	99
West Virginia	98
New Mexico	97
Kentucky	96
Wyoming	96
Idaho	91
North Dakota	91
Arkansas	81
South Dakota	81
Alabama	79
South Carolina	77
Mississippi	73
Alaska	71

The contrast is most striking when we compare New York with a ratio of 219 physicians per 100,000 people with Alaska where the ratio is 71 doctors for every 100,000 people.

I want to emphasize that while this chart does reflect the differences among States, it does not indicate the disparities existing within States. In 1969, for example, there were 134 counties in this country with no active physician. In poor parts of New York City, the ratio of physician to population is as bad and occasionally worse than in rural Mississippi.

Chilling statistics exist to document the effects of these doctor shortages. There is a slum neighborhood in Boston where infant mortality exceeds the level of the Biblical plague inflicted on ancient Egypt, when every 10th newborn child died. The infant death rate of 111.1 per 1,000 live births, or one out of every nine, in this section is five times greater than the national average, more than four times the average for the city of Boston as a whole and more than 15 times the average for a nearby affluent suburban community which has only 7.2 infant deaths for every 1,000 births.

The prematurity rate, a major consequence of inadequate prenatal care and a leading cause of death shortly after birth, is 75 percent higher for the south end of Boston than for the city as a whole. The death rate from tuberculosis, which with proper treatment is now generally curable is more than seven times as high.

I recognize that a physician shortage is only one aspect of the health problem facing poorer areas. Even where good health care is available, the poor are often closed out of the system either because they cannot pay, or, equally significant, because of cultural and psychological fears.

I believe these barriers must be broken down. My own National Healthcare Act would remove the greatest obstacle—the financial one—and would make quality health insurance available to the poor at no cost and to the near poor at a cost they can afford.

But I also believe that relieving the physician shortage in medically deprived areas should be a first order of business. Helping people pay for more care does little good unless more care is available. S. 934 makes important provision toward insuring the availability of this care. Therefore, I urge all of my colleagues to join with me in approving this bill.

Mr. BEALL. Mr. President, I am pleased to cosponsor and support S. 934, the Health Professions Educational Assistance Amendments of 1971.

National attention has rightly focused on the health care crisis in the country. While there is much that is right about our medical system, there is also much that is wrong. Almost 2 years ago, President Nixon warned that the American health care system faced a "massive crisis." In his health message submitted in February of this year, the President reiterated that warning and added that the "crisis has deepened."

The crisis can be seen in the spiraling medical costs, the manpower shortages and their maldistribution, the uneven distribution of medical services among various sectors of our society, and the gap between available medical knowledge and its delivery to the patient. Providing quality health care to our citizens wherever they live and at a price they can afford is a challenge facing the health care system, Congress, and the Nation.

I believe that we will be solving the financing part of the health care crisis either in this Congress or certainly in the next Congress, at the latest. The result will be that greater demand will be made on our medical services. That is why we need to take action now to assure adequate manpower and facilities to meet the increased demands. This will be true no matter what decision we reach with respect to the method of financing health care. While medicare has been a blessing to many senior citizens, it nevertheless demonstrates the need to increase the supply of medical manpower when we add significantly to the demand side. A decision on the financing of health care will obviously do that. It is incumbent upon Congress to take those steps necessary to make certain that we do not repeat the mistakes we made when we enacted the medicare program.

MANPOWER SHORTAGES

Mr. President, there exists in this country today a great gap between the medical manpower needed and the manpower available. For example, it is estimated that today the Nation is short 50,000 medical doctors. Shortages also exist in other health professions areas. The aim of this measure is to provide the Nation with an adequate supply of doctors, dentists, osteopaths, pharmacists, optometrists, podiatrists, and veterinarians.

Nurses also are a vital part of the health team and we have handled the nurse manpower situation in another bill, S. 1747, "Nurses Training Amendments of 1971," which I also cosponsored, and which will be considered by the Senate also.

The health professional is the key to improving health care in this country. Without them, no system will work properly. That is why the bill is so important and why it is being considered first.

BILL'S PROVISIONS

The comprehensive bill before the Senate today authorizes matching grants and loan guarantees for the construction of medical facilities; provides substantially increased institutional support to the health profession schools, authorizes incentives for the shortening education programs and for increased enrollment; creates a program to encourage family medicine; encourages greater utilization of computer technology; authorizes special project grants for programs to improve manpower distribution, brings about curriculum reform, encourages greater utilization of paramedical personnel, and for new approaches in health care organization and delivery; and extends and improves the health profession student loan and scholarship programs, including the incorporation of a bill, S. 790, "the physician shortage area scholarship program" which I introduced in the Senate earlier this year.

Since the other provisions of this bill will be discussed in detail by the bill's manager, and my other colleagues on the committee, I want to discuss this provision at some length.

BEALL AMENDMENT INCLUDED

S. 790 was introduced by me on February 17 of this year and was cosponsored by Senator DOMINICK and approximately one-quarter of the Senate membership. As incorporated into S. 934, the physician shortage area scholarship program is substantially the same as the original bill with the major exception being the deletion of the fellowship program. I ask unanimous consent that at the conclusion of my remarks the text of the physician shortage area scholarship program be printed in full in the RECORD.

Under this program, 3,500 scholarships, up to $5,000 each, are authorized over a 5-year period to young men and women who agree to serve in physician shortage areas. Five hundred such scholarships will be available in the first year, increasing to 900 by the fifth year. This area may be in rural Appalachia, in a urban poverty area, or among migrant farmworkers. For each year of the scholarship, 1 year of service in a shortage area is required. A student, participating in the scholarship program, who subsequently does all of his postgraduate work in a medical scarcity area, is relieved of 1 year of his service obligation.

If a scholarship recipient fails to honor his commitment, the scholarship is in effect converted to a loan and the individual is required to repay to the Government the value of the scholarship plus interest at the commercial market rate. If the program works, we will have taken important action in helping to solve the maldistribution problem; if it does not, the Government will not lose a cent.

The physician maldistribution problem is one of the most serious problems confronting the country and it is one of the most difficult to solve. That is why I believe that this program, which is specifically designed to respond to this problem, is so important. For the many doctor-shortage areas of the Nation, I believe it is imperative that this program be retained in the final bill. As I mentioned earlier, we need 50,000 doctors in the United States today. This gross national statistic does not adequately convey the gravity of the situation in many rural and urban areas of this country. A 1970 AMA study of the distribution of physicians indicated that there were 134 counties in this country lacking a single physician. While no Maryland county was on that list, there are many Maryland counties which are in dire need of additional physicians.

Obviously there are many more communities than counties in the country without a single physician or without an adequate number of doctors. Although there is not a great deal of information available on individual communities lacking doctors, research that is available indicates that a great need exists. For example, a 1960 survey of over 1,600 towns and cities in Minnesota, North Dakota, South Dakota and Montana identified 1,000 towns as not having a single physician, and an additional 224 towns with only one physician.

One physician counties or communities are likely to become no-physician towns or counties unless action is taken. This is true because the age of physicians in these rural communities tends to be higher. For example, in rural Appalachia 65 percent of the physicians are over 50 years of age. In West Virginia over the last 10 years approximately 60 communities of a population of less than 10,000 have been left without a doctor as rural practitioners retire and younger doctors are not found to replace them. Thus, there is a need for providing incentives for young physicians to go into these communities.

Just as this program is direly needed by rural America, it is also needed by the inner-city area. A 1970 study of the metropolitan area of Baltimore identified 16 census tracks in the inner city which were totally lacking in primary care physicians. These census areas served approximately 174,000 people, most of whom were economically disadvantaged. I believe that the bill, which is incorporated into S. 934, will effectively respond to the maldistribution problem in both the rural and urban shortage areas. The program establishes a unique priority system for selecting students for the scholarship program.

PRIORITIES FOR SCHOLARSHIPS

The first priority is granted to individuals from lower income families who live in a physician-shortage area and who agree to return and practice in such area.

The second priority is given to individuals who reside in a physician-shortage area who agree to return and practice in such area.

The third priority is allocated to individuals from lower income families who, although residing in an area where there is not a physician shortage agree to practice in any physician-shortage area.

The final priority would go to individuals, not lower income, who do not come from an area of physician shortages, but who agree to practice in any physician-shortage area.

Mr. President, there are two primary purposes for the system of priorities for selecting eligible students for scholarships under the bill.

First, the evidence supports, what commonsense tell us, the hypothesis that persons from physician-shortage areas are more likely to return to and remain in such areas and practice medicine.

The results of an American Medical Association's survey published in 1970, questioning physicians on the factors that influence their decision to practice in a certain area gives support to the bill's priorities. This survey found that over 45 percent of the physicians indicated that they were practicing in or around the town in which they were raised. The survey also revealed that 49 percent of the physicians raised in small towns were practicing in communities of 2,500 or less. An equal percentage of doctors raised in nonmetropolitan communities of 25,000 or more were practicing in cities of that size. The AMA survey confirmed previous studies which had indicated that:

> Physicians who practice in small towns are more likely to have a rural than urban background.

The AMA study concluded that:

> Physicians recruitment for rural areas would be enhanced if more young men with rural backgrounds were encouraged to enter the medical profession.

Continuing, the report had this to say about the influence of a doctor's origins or his place of practice:

> Physicians who practice in small towns are more likely to have rural rather than urban backgrounds . . . rural physicians have predominantly rural backgrounds and metropolitan physicians generally had urban locations during their youth.

If we can persuade young men and women to practice in physician-shortage areas, the evidence indicates that most are likely to remain. The AMA study on this point states that:

> Once a physician establishes a practice he is not likely to move.

This survey found:

> At least 63% of the physicians had not moved from their original practice location. This percentage was consistent regardless of the community size. A more detailed breakdown of the area showed that about one-fourth of the physicians in non-metropolitan areas had practiced twenty years or more in the same place.

This measure is then drafted to give priorities to lower income and other individuals from physician-shortage areas because it is felt that these individuals are more likely to return and remain in the areas in which they were reared.

The second advantage of the priorities established by the bill would be that it would have the effect of attracting and making it possible for more minority and lower income individuals to go to medical school. Across the country there has been a concern over the poor representation of the minority groups in our medical schools. Only recently the University of Maryland took steps to enlarge their minority representation among its medical students.

Another important feature of the legislation is that it would encourage students to practice primary care, including family medicine. In 1931, three out of four of the Nation's doctors were engaged in famly practice. In 1967 only one out of five were in general practice. In Baltimore City, only 9 percent of the practicing physicians are in family practice. Indications are that this trend toward specalization and away from general practice is continuing. The Millis report found only 15 percent of the medical students graduates planning to enter general practice.

Steps taken in recent years show some promise of reversing this trend away from general practice. For example, the American Board of Family Practice has been created. In addition, there is included in this bill provisions to encourage family medicine. I believe that these actions will be a further incentive for medical students to specialize in the practice of family medicine and should encourage medical schools to focus anew on the family physician.

Mr. President, much has been written regarding the idealism of today's young men and women. The medical student is no exception. We are told that the new breed of medical students wants the opportunity to serve their fellow citizen. My program would provide them with this opportunity. In addition, the priority scheme will not only give them an opportunity to serve but it will provide them the chance to serve and minister to the health needs of citizens, often their friends and neighbors, in the physician shortage area wherein they grew up.

I know the Appalachia area of my State well. It is my home area. I know the young men and women who live there and, I believe, they, as well as similarly motivated students from other areas of my State and the Nation, will confirm my faith in them by making this program work.

I am convinced that this proposal is the most important provision in the legislation to deal with the Nation's maldistribution problem. By granting priorities to individuals from the shortage areas to accept the scholarship conditioned on their making a commitment to serve in such areas, I am convinced that the probability of its success is good.

Mr. President, to solve the health care crisis we must expand our medical manpower and encourage doctors to locate in shortage areas. For if we fail to solve this problem, our goal of quality health care to all Americans, wherever they live, and at a price they can afford, will elude us. As Dr. Egeberg has warned.

> I don't care what Congress does with medical care, Medicaid, and all the other programs, nothing is going to improve the country's medical system until we get more doctors.

In summary, I believe my proposal will significantly respond to some of our medical manpower problems. It will encourage primary care, including family medicine. It responds to the maldistribution problem. It will make it possible for more lower income minority individuals to enter our medical schools.

Mr. President, I believe that S. 934 will provide us with the key, the necessary medical manpower, for improvement in our medical system. The passage of this medical manpower measure does not end legislative action in the health area; but, it will make possible the objectives of other health proposals which will follow. I urge its enactment.

Mr. President, I ask unanimous consent that a summary of the provision of S. 934 be printed in the RECORD.

There being no objection, the summary was ordered to be printed in the RECORD, as follows:

SUMMARY OF S. 934

1. Authorizes $200 million for fiscal year 1972 for grants to 75% (85% in unusual circumstances) for the construction of facilities for teaching, continuing, or advanced education, medical libraries, and for research facilities in the sciences-related to health. Amount authorized increased $25 million each year until by the end of the 5th year, $300 million is available for such purposes.

2. Authorizes Federal loan guarantees up to 90% of the principle plus interest for medical facilities. In addition, the bill authorizes interest subsidies to reduce by not to exceed 3% a year the net effective interest rate on the loan.

3. Authorizes student loans up to $3,500 annually with a provision for cancellation of up to 50% or $5,000 whichever is greater, for service in medically underserved areas.

4. Authorizes general institutional support of varying amounts to the health professional schools. The formula for allocating such assistance provides for basic $50,000 grant plus the amount obtained by multiplying the number of students enrolled times $4,000 for medical schools, dental and osteopathic, $1,000 for schools of optometry, $600 for schools of pharmacy, $900 for schools of podiatry, and $2,000 for schools of veterinarians.

A bonus is provided for increased enrollment. In addition, the bill provides the incentives to shorten the education program of schools of medicine, osteopathy and dentistry. The bill also authorizes capitation grants for physicians, dental and other health professions assistants.

5. Authorizes $150 million for fiscal year 1972 for special projects grants. This amount is increased by $15 million yearly until by fiscal year 1976, $200 million is authorized. These grants are for the improvement of the distribution, supply, and quality of health professionals, and for better utilization and greater efficiency of health personnel in the health delivery system. Grants would be for such purposes as to develop new education programs in health professions; for significant enrollment expansions; curriculum reform; training paramedical personnel; computer technology; new approaches in health care delivery; and programs emphasizing preventive medicine at medical and other health professional schools.

6. Authorizes scholarship grants to health profession schools for students from low income families or students in exceptional financial need.

7. Continues the emergency financial distress provisions for medical schools experiencing "severe financial stress".

8. Authorizes $25 million in the initial year for grants to schools of medicine and osteopathy for training and fellowships in family medicine. For this purpose $15 million is authorized the first year and the sum is increased each year until by the 5th year $85 million is authorized.

9. Authorizes $25 million annually for a 5 year period for computer technology demonstration programs.

10. Establishes a National Health Manpower Clearing House to match the medical manpower with community needs.

11. Directs Secretary of HEW to use his best efforts to assign public health service physicians to counties lacking a single doctor.

12. Authorizes the "Physician Shortage Area Scholarship Program," authored by Senator Beall, which provides for 3500 scholarships over a five year period to young men and women who agree to serve in physician-shortage areas.

Mr. BYRD of West Virginia. Mr. President, Senator SYMINGTON, who is in Sibley Hospital where surgery was performed successfully yesterday on a tendon in his right hand, will return to the Senate tomorrow or Friday. Senator SYMINGTON had prepared remarks in support of the pending health manpower bills and I ask unanimous consent that his comments be printed in the RECORD at this point.

There being no objection, the statement by Senator SYMINGTON was ordered to be printed in the RECORD, as follows:

STATEMENT BY SENATOR STUART SYMINGTON: INCREASE IN HEALTH MANPOWER ESSENTIAL FOR IMPROVED MEDICAL SERVICES

Mr. President, in the long run, the legislation the Senate considers today can have a major impact on efforts to meet the health and dental care needs of Americans. Although the ratio of practicing physicians to population has risen from 141 for every 100,000 American residents in 1950 to 155 in 1970, still there is an estimated shortage of 50,000 physicians. Many small towns, rural and inner-city areas in severe need of medical manpower services.

Dentists too are unevenly distributed throughout the United States and their ratio to population has fallen in the last twenty years.

Without a steady resolve and a firm commitment, financial and otherwise, to train a sufficient number of doctors, dentists, and other health professionals, our nation cannot hope to cope in narrowing the dimensions of the health care needs of our expanded and expanding population.

It naturally follows that to realize that goal, medical, dental, and other health educational systems should be strengthened so as, in some cases to assure survival for some schools and eventually to assure that enrollments can and will be expanded in all schools.

Already in Missouri we have lost the dental school of Saint Louis University and that has been a loss to our State as well as to the nation. Twenty-two states presently have no fully operating dental school so we are fortunate to some degree in having two remaining dental schools—the University of Missouri at Kansas City and Washington University School of Dentistry in Saint Louis.

Currently the latter school has been on a trial period with its parent university to determine whether it will be permitted to continue and it now receives no financial contributions from Washington University but operates on the basis of gifts, clinical fees, and the financial assistance furnished by federal government. I am advised that without the continuance of the federal financial support as provided in S. 934, inevitably the School of Dentistry would be phased out.

Through federal assistance, the University of Missouri School of Dentistry has been able to increase its enrollment to 150 students entering the first year class. Federal assistance now amounts to about 18% of the school's operating income. Without these federal funds, the quality of education provided by the University of Missouri School of Dentistry would deteriorate.

The legislation to extend and expand the scope of the Health Professions Educational assistance program provides a basic grant of $50,000 to eligible schools of medicine, osteopathy, dentistry, optometry, pharmacy, podiatry and veterinary medicine. In addition, each eligible school would receive further funds based on the number of full-time enrolled students. To encourage expanded enrollments bonus awards are made for the schools that increase the number of their students. Incentive grants are made also to schools of medicine, osteopathy, and dentistry that have programs to accelerate the completion of studies in a three-year period.

For the purposes of these institutional grants, the bill authorizes appropriations of $426 million for fiscal year 1972 with incremental annual increases reaching $513 million in 1976. Construction funds are also provided.

I support also the funds authorized in the bill for medical student loans and scholarship grants. Because professional health education is highly expensive, if qualified students from middle income and minority families are to become doctors and dentists, it is essential that student loans and grants be made available.

The legislation also recognizes and seeks to change the uneven distribution of medical manpower by providing for special scholarships and partial forgiveness of loans to those students agreeing to practice in those rural and inner-city areas where there are acute shortages of medical manpower.

The separate bill, S. 1747, to provide a new program of similar institutional grants to schools of nursing and to extend and broaden the authority for nursing scholarships for students in need also has my support.

By strengthening our health educational systems, by providing assistance for students in medical and allied health fields, this legislation marks an important step towards increasing health manpower so that the rising demand for medical services may better be met.

Mr. MATHIAS. Mr. President, I send an amendment to the desk, which I offer on behalf of myself and the Senator from Michigan (Mr. HART), and ask to have it stated.

The PRESIDING OFFICER. The amendment will be read.

The second assistant legislative clerk read the amendment, as follows:

At the end of the bill, add the following new section:

PROHIBITION AGAINST DISCRIMINATION BY SCHOOLS ON THE BASIS OF SEX

SEC. 212. Title VII of the Public Health Service Act is amended by adding after part H thereof (as added by section 207 of this Act) the following new part:

"PART I—GENERAL PROVISIONS

"PROHIBITION AGAINST DISCRIMINATION BY SCHOOLS ON THE BASIS OF SEX

"SEC. 799K. The Secretary may not make a grant, loan guarantee, or interest subsidy payment under this title to, or for the benefit of, any school of medicine, osteopathy, dentistry, veterinary medicine, optometry, pharmacy, podiatry, or public health or any training center for allied health personnel unless the application for the grant, loan guarantee, or interest subsidy payment contains assurances satisfactory to the Secretary that the school or training center will not discriminate on the basis of sex in the admission of individuals to its training programs. The Secretary may not enter into a contract under this title with any such school or training center unless the school or training center furnishes assurances satisfactory to the Secretary that it will not discriminate on the basis of sex in the admission of individuals to its training programs."

Mr. MATHIAS. Mr. President, I ask unanimous consent that the names of the Senator from Kentucky (Mr. COOK), the Senator from South Dakota (Mr. McGOVERN), and the Senator from Indiana (Mr. BAYH) be added as cosponsors of the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MATHIAS. Mr. President, I am pleased to join the distinguished Senator from Michigan (Mr. HART) in sponsoring amendments to the health manpower training bills, with the goal of assuring qualified persons greater opportunities to enter medical professions regardless of sex. The amendments, recently passed by the House of Representatives, are designed to prohibit discrimination on the basis of sex in the admission of medical training programs conducted by institutions receiving Federal grants.

At a time when Congress is responding to the urgent need for more medical personnel, a question we are considering today, we should also lay to rest the restrictive notions that medicine is a man's profession and that nursing is a woman's role. While over 50 percent of our entire population is female, less than 7 percent of the doctors in this country are women. We should recognize the vital role that women physicians could and should be playing, but up to now have been denied, due to apparent discriminatory practices of some of our medical schools. We should also look to the future. We can anticipate a marked increase in male applicants to nursing training programs, as corpsmen and other medically experienced veterans return from Vietnam. With a critical shortage of nurses, these men should be encouraged to enter the nursing profession, and the financial imperatives of their situations should be recognized and their needs met.

I am pleased that one of my constituents, Dr. Frances Norris of Chevy Chase, president of the Maryland chapter of the Women's Equity Action League and chairman of its national committee on medical education, has played an instrumental role in focusing attention on this problem. In hearings last year before the House Special Subcommittee on Education on discrimination against women, Dr. Norris offered ample evidence, citing studies and statistics, which indicated that women have been and continue to be discriminated against in many educational institutions, particularly in certain medical schools.

For example, Dr. Norris related that while women applicants to medical schools have increased by 300 percent in 36 years, the number of male applicants has increased only 29 percent. Yet, the proportion of women accepted over this period has declined rather than increased.

American Medical Association figures for 1968 showed that out of 91 medical schools, 51 accepted less than 10 percent women in entering classes and 11 of these schools accepted 3 percent or less. Another AMA study comparing male and female applicants to medical schools between 1960 and 1968 showed that the total percentage of women entering has been limited in the last decade to between 7 and 10 percent, and that figure is decreasing.

According to testimony, a basic reason for this imbalance is that women applicants are not judged on an equal competitive basis with men according to qualification. Rather, applicants are arbitrarily separated into categories based solely on sex and equal proportions from each category are then accepted and rejected, despite the huge disparity in numbers of applicants of each sex. In most cases, the ability of women applicants is as good as or better than the men accepted. Yet because of the "sex quota" many are rejected. According to interviews with admissions officers in northeastern medical schools, women are required to have demonstrably superior qualifications showing special justification in order to gain admission to a medical school. Because of these discouraging facts, many qualified women do not even bother to apply.

The attitude and treatment of women by medical schools seems to be based on the belief that a woman is likely not to graduate or to practice once she does graduate, thereby wasting the time and resources of the medical school.

Figures given in testimony indicate that 84 percent of female medical students do graduate from medical school—as compared with 91 percent men—and that only 7 percent of the women graduated from schools since 1933 are not employed. Although half of the inactive physicians between 30 and 49 years are women, women physicians tend to practice longer past 60 years of age than men.

The situation in America compares remarkably unfavorably with that in other countries. For example, 75 percent of Russia's physicians are women. Most European countries have more advanced practices in this regard. America ranks third from the bottom in the proportion of women doctors among the developed nations.

This amendment is an attempt to abolish the artificial and unfair criteria of sex employed in admissions to medical schools, and to allow us to make the maximum use of all human resources toward meeting the rising demand for greater numbers of qualified medical personnel. The amendment calls on the Secretary of Health, Education, and Welfare to play a central role in guaranteeing unbiased and nondiscriminatory admissions policies in medical institutions by requiring that each institution give some sort of assurance that it is taking positive steps to insure nondiscrimination.

I believe that my distinguished cosponsor, the Senator from Michigan (Mr. HART), will discuss why these amendments are necessary, which is basically because title VII of the Civil Rights Act of 1964 does not cover any educational institutions.

If the Senator from Michigan would care to comment on that point at this time, I shall be happy to yield to him.

Mr. HART. Mr. President, if I may, first I commend the Senator from Maryland for giving leadership in this effort to eliminate discrimination with respect to the admission of women to medical schools and facilities.

The PRESIDING OFFICER. How much time does the Senator from Maryland yield to the Senator from Michigan?

Mr. MATHIAS. I yield the Senator from Michigan such time as he may require.

Mr. HART. I take the first minute,

then, to congratulate the Senator from Maryland for raising this question by his amendment, which I hope very much the Senate will support.

I am pleased to join with Senators MATHIAS, McGOVERN, and BAYH in offering this amendment to the Health Manpower Training Act, S. 934. The committee has done an outstanding job of preparing this bill and bringing it to the floor. I want to congratulate the distinguished chairman and all of the committee members for their dedicated efforts.

The need for this legislation is clear and immediate. We are told there is a shortage of 50,000 doctors and that the other health professions face similar shortages. The measure before us today can help turn the tide of the Nation's mounting health care crisis by assisting in the training of many more qualified personnel and encouraging them to practice their healing arts in areas which most need their services. The aim to increase the number of such professionals and specialists will open countless new opportunities for talented young people at the same time that it offers new hope to the sick.

To make certain that these hopes and dreams are realized, we must have solid assurances that young men and women enlisted into the rapidly growing health professions are the best qualified for the job, in terms of brainpower, ability, motivation—whatever their race, color, national origin or sex. This guarantee is especially pertinent in the area of health care, a central factor in our strength and well-being as a people and a Nation.

Presently, there is a gap in the civil rights protections under the law as they apply to admission to educational institutions. The law bars discrimination on the basis of race, color or national origin, but not on the basis of sex. One might think that civil rights laws already on the books would cover admission to professional schools, but we find this is not so.

Many of us, I think, assumed that in the Civil Rights Act of 1964 we had safeguarded against discrimination against women, at least as to their admission to professional schools. The truth is that we have not, and the need for the amendment now offered arises from that omission. Title VII of the 1964 Civil Rights Act does not cover educational institutions, although it does prohibit discrimination based upon sex. Title VI of the 1964 act bars discrimination on the basis of race, color, or national origin, but not on the basis of sex. Some have thought that Executive Order 11246 would remedy this situation by adding religion and sex to the types of discrimination which are prohibited, but it has been ruled that that Executive order does not pertain to school admissions.

The amendment offered by the Senator from Maryland and joined in by several of us seeks to fill this void and to assure genuine equal opportunity for those seeking training in the field of health care. Incidentally, we intend to offer a similar amendment to the Nurses' Training Act, S. 1747, when it comes before the Senate for consideration, I would anticipate later this afternoon. Schools or training programs applying for assistance to the Secretary of Health, Education, and Welfare would be required to present firm assurances that there would be no discrimination on the basis of sex, in the admission of candidates to their health training programs. The House passed identical amendments to the health manpower and nurse training bills on July 1.

As the Senator from Maryland has outlined, there is convincing evidence to establish that discrimination against women is the rule in a substantial number of medical educational institutions. Testimony before congressional committees has indicated that medical schools and other health professions schools widely, and often openly, discriminate against women applicants, setting very limited quotas for women, accepting only the most exceptional candidates who demonstrate marked superiority.

According to the testimony there is, in all likelihood, greater discrimination against women attempting to enter the health professions than in other professional fields. Comparative figures show that between 1956 and 1965 the number of doctoral degrees awarded to women in all fields more than doubled, while the number of degrees in medicine and osteopathy granted to women had increased by only about one-third—34.8 percent—and those granted to women in dentistry had actually declined by 32.4 percent.

The Senator has made the additional point that women in the medical profession tend to serve in their profession longer than do men.

I have received word that a number of prominent women's organizations have indicated their strong support of the amendments we propose today, including the American Association of University Women, the National Organization of Women, and the National Federation of Business and Professional Women's Organizations.

Certainly we can all agree that denying any qualified individual an opportunity to pursue his or her chosen career because of race, color, national origin, or sex is patently unfair and alien to the principles of a just and free society. Particularly in the field of health care, unfair discrimination does a terrible injustice to the person seeking a career of service in the field, and perhaps an even greater injustice to the rest of us, who in time of sickness need the help and compassion of the best trained and dedicated professionals.

Given the shortage, given the increasing costs, reflecting in part the shortage, and given the general inadequacy of our medical delivery system, clearly Congress should take this step to make certain that, to the extent that discrimination based on sex is contributing to our failure to deliver medical care at a price within reach of the average American, no longer shall it exist as a bar. I hope very much, Mr. President, that the Senate will see the wisdom of accepting this amendment.

The PRESIDING OFFICER. Who yields time?

Mr. MATHIAS. Mr. President, I thank the Senator from Michigan for his help in this regard, and the leadership he has exercised.

I yield 3 minutes to the Senator from Illinois.

Mr. PERCY. Mr. President, I should like to speak briefly to commend the Senator from Michigan (Mr. HART) and the Senator from Maryland (Mr. MATHIAS). Their amendment would prohibit discrimination on the basis of sex in the admission of individuals to the training programs authorized under these two bills.

I feel very deeply on this subject. I have had a great deal of experience in eliminating discrimination against women executives, and was very pleased one of my last years in business, to receive what they call the "Top Hat Award" from the leading women's professional organization for having more women executives than any other company of similar size, in America. Many of Bell & Howell's department heads were women, and I found them proficient and diligent. With the exception of occasional pregnancies, which is certainly an understandable excuse for absence, their performance was outstanding.

I have just looked up the figures to make certain we are giving equal attention to women in my Senate office, and I find that my Washington office has 10 female professionals as compared with 16 men professionals and 29 women nonprofessionals. Moreover, my Chicago office, which oversees 14 out of the 24 congressional districts in my State, is headed by an extremely competent woman executive.

I would also like to ask any of my colleagues in the Senate whether they have noted any difference in the performance of our wonderful girl pages, who, I think, are performing admirably. Many of the fears and concerns that were expressed before their admission to the Senate floor have already been proven false.

So I commend my distinguished colleagues, I support their amendment, I feel there is no basis for discrimination in the medical field and I trust that the amendment will be accepted.

The PRESIDING OFFICER. Who yields time?

Mr. KENNEDY. Mr. President, I wish to say that this amendment would be a welcome addition to the legislation. As I understand the amendment, the Secretary would have to be assured that the various schools that are making application for grants were not discriminating on the basis of sex. I think this is a very worthwhile and valuable amendment, and I see no objection to it. I can see many reasons for it.

It has been our experience that there have been a great many more men who have made application to the various medical schools than women, and I do not know whether the sponsors of the amendment have been able to properly weigh that factor. As I understand it, if these schools receive 1,000 applications from young men and 100 from women, there is no suggested formula included in the amendment at present on what would constitute nondiscrimination in admissions. The Secretary would have to have absolute assurance on some basis, however, that there was no discrimination against women on the basis of sex.

I think the amendment is a valuable addition, and I hope that the Senate will accept it.

The PRESIDING OFFICER. Do Senators yield back the remainder of their time?

Mr. MATHIAS. I yield back the remainder of my time.

Mr. KENNEDY. I yield back the remainder of my time.

The PRESIDING OFFICER. All remaining time having been yielded back, the question is on agreeing to the amendment of the Senator from Maryland.

The amendment was agreed to.

Mr. PELL. Mr. President, I send to the desk an amendment, and ask that the reading of the amendment be waived.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PELL's amendment is as follows:

At the end of section 102 of the bill, add the following new subsection:

The heading to part C of title VII of the Public Health Service Act is amended by inserting immediately below "PART C—STUDENT LOAN", the following: "SUBPART I—LOANS TO STUDENTS STUDYING IN THE UNITED STATES".

(B) Sections 740, 741, 742, 743, 744, 745, and 746 of such Act are each amended by striking out "this part" each place it appears therein and inserting in lieu thereof "this subpart".

(2) Part C of title VII of such Act (as amended by the preceding provisions of this section) is further amended by adding after section 746 the following:

"SUBPART II—STUDENT LOANS BY THE SECRETARY TO CITIZENS OF THE UNITED STATES WHO ARE FULL-TIME STUDENTS IN SCHOOLS OF MEDICINE LOCATED OUTSIDE THE UNITED STATES

"STUDENT LOANS

"SEC. 747. (a) From the amounts appropriated to carry out this subpart, the Secretary is authorized to make, in accordance with this subpart, loans to citizens of the United States who are full-time students in schools of medicine which are located outside the United States.

"(b) Except as otherwise provided in this subpart, loans made under this subpart shall (to the extent feasible) be made on the same terms and conditions as are required with respect to loans made to students of medicine under the program established by subpart I.

"(c) (1) No loan under this subpart shall be made to any student unless—

"(A) prior to the date such student files application for such loan—

"(i) he has made application for admission as a student in a school of medicine which is located in the United States;

"(ii) he has, in connection with the making of such application for admission to such school, undergone a written examination to determine his qualifications for admission as a student in such school; and

"(B) such student furnishes to the Secretary a certification from such school that—

"(i) such student is qualified for admission as a student in such school, and

"(ii) such student was denied admission as a student in such school solely because, for the school year for which such student applied for admission to such school, the number of qualified applicants for admission to such school exceeded the maximum number of students (as determined by such school) which such school was prepared to accept for admission for such year.

"(2) No loan under this subpart shall be made to any student who has completed three years as a student in a school of medicine, unless—

"(A) such student has passed an examination which—

"(i) is prepared by a national association of American medical colleges which the Secretary recognizes as being qualified to prepare such an examination, and

"(ii) is designed to determine the qualifications of students in schools of medicine which are located outside the United States for admission (as transfer students) in schools of medicine which are located in the United States; and

"(B) such student has made application with a transfer center (sponsored by such a national association) for admission (as a transfer student) to a school of medicine which is located in the United States.

"(d) To carry out the provisions of this subpart, there is authorized to be appropriated for each fiscal year (commencing with the fiscal year ending June 30, 1972) the sum of $1,750,000."

Immediately after section 130 of the bill, add the following new section:

SCHOLARSHIP GRANTS TO CITIZENS OF THE UNITED STATES WHO ARE FULL-TIME STUDENTS IN SCHOOLS OF MEDICINE LOCATED OUTSIDE THE UNITED STATES

SEC. 131. (a) (1) Immediately after and below the heading to part F of title VII of the Public Health Service Act, insert the following new heading:

"SUBPART I—GRANTS FOR SCHOLARSHIPS TO STUDENTS IN SCHOOLS LOCATED IN THE UNITED STATES"

(2) (A) Section 780 of such Act (as amended by section 130 of this Act) is further amended by striking out "this part", each place it appears therein, and inserting in lieu thereof "this subpart".

(B) Section 781 of such Act is amended by striking out "this part" and inserting in lieu thereof "this subpart".

(b) Immediately after section 781 of such Act, add the following new subpart:

"SUBPART II—SCHOLARSHIP BY THE SECRETARY TO CITIZENS OF THE UNITED STATES WHO ARE FULL-TIME STUDENTS IN SCHOOLS OF MEDICINE LOCATED OUTSIDE THE UNITED STATES

"SCHOLARSHIP GRANTS

"SEC. 785. (a) From the amounts made available to the Secretary under subsection (b), the Secretary is authorized to make, in accordance with this subpart, scholarship grants to citizens of the United States who are full-time students in schools of medicine which are located outside the United States.

"(b) The amounts which shall be available to the Secretary for the purpose of making scholarship grants under this subpart shall be—

"(1) in the case of the fiscal year ending June 30, 1972 and each of the next four fiscal years thereafter—

"(A) an amount equal to the amount obtained by multiplying $3,000 by a number equal to one-tenth of the number of citizens of the United States who, in such fiscal year, are full-time students in schools of medicine which are located outside the United States; plus

"(B) in the case of the fiscal year ending June 30, 1974 and each of the next two fiscal years thereafter, an amount equal to the amount obtained by multiplying $3,000 by the number of citizens of the United States who, in such fiscal year, are economically or educationally disadvantaged and are full-time students in schools of medicine which are located outside the United States; and

"(2) in the case of the fiscal year ending June 30, 1977 and each of the next two fiscal years thereafter, such amount as may be necessary to enable the Secretary to continue to make scholarship grants to students who received such grants under this subpart from funds made available to the Secretary for such purpose for the fiscal year ending June 30, 1976.

"(c) Scholarship grants under this subpart shall be awarded for any school year only to students of exceptional financial need and students from low-income or economically disadvantaged families (as determined under regulations of the Secretary), and who need such financial assistance to pursue a course of study at a school of medicine for such year. Any such scholarship for a school year shall cover such portion of the student's tuition, fees, books, equipment, and living expenses at the school of medicine in which he is enrolled, but not to exceed $3,500 for any year, as the Secretary may determine the student needs for such year on the basis of the requirements and financial resources of the student.

"(d) Grants under this subpart shall be made in accordance with regulations prescribed by the Secretary after consultation with the National Advisory Council on Health Professions Educational Assistance.

"(e) (1) No scholarship grant under this subpart shall be made to any student unless—

"(A) prior to the date such student files application for such grant—

"(i) he has made application for admission as a student in a school of medicine which is located in the United States;

"(ii) he has, in connection with the making of such application for admission to such school, undergone a written examination to determine his qualifications for admission as a student in such school; and "(B) such student furnishes to the Secretary a certification from such school that—

"(i) such student is qualified for admission as a student in such school, and

"(ii) such student was denied admission as a student in such school solely because for the school year for which such student applied for admission to such school, the number of qualified applicants for admission to such school exceeded the maximum number of students (as determined by such school) which such school was prepared to accept for admission for such year.

"(2) No scholarship grant under this subpart shall be made to any student who has completed three years as a student in a school of medicine, unless—

"(A) such student has passed an examination which—

"(i) is prepared by a national association of American medical colleges which the Secretary recognizes as being qualified to prepare such an examination, and

"(ii) is designed to determine the qualifications of students in schools of medicine which are located outside the United States for admission (as transfer students) in schools of medicine which are located in the United States; and

"(B) such student has made application with a transfer center (sponsored by such a national association) for admission (as a transfer student) to a school of medicine which is located in the United States.

"AUTHORIZATION OF APPROPRIATION

"SEC. 786. To carry out the provisions of this subpart, there is authorized to be appropriated for each fiscal year (commencing with the fiscal year ending June 30, 1972) the sum of $150,000."

Mr. PELL. Mr. President, we face a problem, in my State and in the country as a whole, of having many young men going abroad to study in medical schools who are qualified to enter American medical schools, but there is certainly not room for them. What this amendment would do is make available to those young men the same scholarship and loan assistance that is made available to young men in the United States.

Mr. President, I do not believe I need to elaborate on the problem of the shortage of physicians in the country today. Although there may be some disagreement as to the extent of that shortage, there is no disagreement that the country needs more docors and the Congress should take steps to encourage our schools of medicine to increase the numbers of medical students they educate.

The bill before us today, S. 934, "The Health Professions Educational Assistance Amendments of 1971," provides some very generous incentives for increasing the numbers of medical students in this country. However, despite the fine provisions of this bill and despite the efforts being made by American schools of medicine to expand, I do not believe that we can expect, in the short-run, that all qualified applicants for medical doctorate degrees will find places in American medical schools.

For example, last year, despite the fact that the 103 American medical schools increased their places by 5 percent, only 10,547 persons of the 24,465 applicants were accepted for admission; and it has been estimated that at least 7,000 of these 14,000 students rejected were qualified for admission to a medical school.

Mr. President, until American schools are able to admit all the qualified medical students, I believe we must look to alternative ways of educating qualified American students. In this regard, I believe we must analyze the role of medical schools in foreign states. I believe those schools may be able to provide some assistance to us in reducing our shortage of doctors and increasing the numbers of students being educated for a medical degree.

An estimated 500 of those students for whom a place could not be found in American medical schools have been able each year to find places in foreign medical schools. Presently, there are an estimated 3,000 to 4,000 American nationals attending foreign medical schools. Of those students, approximately 150 are Rhode Island residents.

I would also note at this point that in my own State of Rhode Island, 41 percent of the doctors licensed in the past 5 years have been educated in foreign medical schools.

Recently I received a communication from three Rhode Island students attending foreign medical schools. In this letter my fellow Rhode Islanders outlined what they considered to be an unfair discrimination in the Health Professions Act with regard to American nationals studying in foreign medical schools.

American nationals studying in foreign medical schools are not eligible for any of the scholarship and direct loan assistance provided, under the Public Health Service Act, for which similar students attending medical schools in the United States are eligible.

I ask unanimous consent that this letter from these three American students studying abroad in foreign medical schools, and an article by Henry R. Mason entitled "Foreign Medical Schools as a Resource for Americans" appearing in the Journal of the National Association of College Admissions Counselors, be printed in the RECORD at this point.

There being no objection, the letter and article were ordered to be printed in the RECORD, as follows:

DEAR SENATOR PELL: Within the past few years there has been a sharp increase in the demand for qualified physicians in the U.S. As is well known, there has not been a corresponding enlargement of the facilities for training physicians in this country. In fact, we read in the Providence Evening Bulletin, 6/28/71: "The medical schools in this country last year admitted only about 10,000 of the 25,000 applicants and the A.M.A. acknowledges that at least 7,000 of those rejected were fully qualified.

In view of the inability of educational facilities in this country to meet the rising demand for physicians; in particular, in view of their inability to accomodate large numbers of qualified applicants, it is not surprising to find that large numbers of students are attempting to obtain medical degrees in foreign countries with the intention of returning to the U.S. to practice. We also read in the aforementioned Providence Bulletin article: "Estimates of the Americans now forced to seek their medical education abroad because of inability to gain admission into medical schools in this country range all the way from 4,000 to 8,000. There are currently 1,046 American medical students, a bigger number than in any medical school in the U.S., in a single Mexican school, the University of Guadalajara."

Moreover a large number of American medical students can be found at Italian medical schools:

University of Bologna—850;
University of Rome—200; and
University of Padova—50.

We point out that there are approximately 150 R. I. residents studying in foreign medical schools. Consequently, in view of the above, there are a variety of difficulties to overcome, if they are to become practicing physicians in the U.S. A foreign language must be learned inasmuch as lectures, examinations, reading materials, etc. are in the native tongue. The student must adapt himself to a foreign culture. Further, the course of study is generally of 6-years duration as opposed to 4 years in the U.S.

We wish to emphasize here that these students face severe financial problems. The only form of financial assistance available is the Higher Education Loan Plan under which a student may borrow up to $1500 per year for not more than 5 years.

There are no scholarships or other such outright grants of money available to these students. Contrary to popular belief, the cost-of-living in some foreign countries, such as Italy, is quite high and has been rising sharply in the past few years. A married student with one child requires an excess of $4500 per school year; a single student—$3,000.

As there are no jobs available to foreigns it is necessary to return to the States in search of summer employment. Externships, although extremely valuable to the prospective physician must be ruled out in view of the meager salaries allotted to such jobs. The student must, therefore, seek the highest-paying jobs and sacrifice clinical experience.

We would like to recommend the following to ease the burden of the American medical student studying in a foreign country: First, increase the amount borrowed under the HELP loan and also extend it to cover 6 years.

Second, make available grants and scholarships on the same basis as those given to Americans studying in the U.S.

For example: a bill has been introduced to the House and proposes to give $1200 to the student with added funds to the college a particular student attends. We suggest that a sum of $2,000 be given to a qualified student as U.S. government funds cannot be given to a foreign government school. This would enable the student to cover all educational expenses.

We believe that there exists discrimination against the American student studying medicine in a foreign country. We hope now that the barriers placed before us will be overcome with the assistance and understanding of our government.

Christos H. Erinakes, (University of Padova), 32 Ashwood Circle, Warwick, Rhode Island, 739-0206.

Stephen D'Amato, (University of Padova), Cranston, Rhode Island, 942-4443.

Alphonse Cardi, (University of Padova), Cranston, Rhode Island.

[From the Journal of the National Association of College Admissions Counselors, November 1970]

FOREIGN MEDICAL SCHOOLS AS A RESOURCE FOR AMERICANS

(By Henry R. Mason)

Last year there were 24,000 applicants to U.S. medical schools,[1] and because of the increasing number of students now going to college, it may be anticipated that the number will rise to 30,000 in the next few years. (Table 1)

Eleven thousand two hundred students were admitted to medical schools in September, 1970. Although this is 25 percent greater than it was just five years ago, and may well reach 15,000 in the next five years, there will still be a substantial number of applicants turned down by U.S. medical schools in the foreseeable future.

Many of these students rejected by the medical schools are likely to continue to turn to the foreign schools where it is estimated U.S. students are matriculating at a rate of 500 per year.[2] However, less than half of the estimated number of Americans going to foreign medical schools return to this country as qualified physicians.[3] This attrition has been discussed with a number of American students and faculty in foreign schools and its causes have been generally determined.

The largest number of Americans who opt out of foreign medical schools do so during their first year. This is the main reason why the schools that have been admitting large numbers of Americans over the years are now expecting them to enter their first year of medical school. For the Americans, this means that general biology, chemistry, and physics must be repeated. However, there is no better way for the Americans to learn the basic scientific language in French, Spanish, Italian, or German. At the European medical schools, where most examinations are oral the foreign student's greatest weakness is his inability to express himself in the language of instruction.

TABLE 1.—*Summary of Application Activity for U.S. Medical Schools Over the Past 20 Years*[1]

	Applicants	*Number admitted*
1950	22,279	7,254
1955	14,937	7,969
1960	14,397	8,550
1965	18,703	9,012
1968	21,118	9,823

[1] "Medical Education in the United States," *Journal of American Medical Association*, Vol. 210, Nov. 24, 1969, Page 1480.

The language handicap is undoubtedly the principal reason why the greatest attrition of American students in foreign schools occurs during the first year. This is often referred to as "cultural shock". The best way to visualize the experience of "cultural shock" is to picture a 23-year-old American medical student sitting in a small restaurant in Salamanca, Spain, or Bologna, Italy, having his dinner. He has been in the country long enough to be homesick, but not quite long enough to grasp native conversation. Everyone about him is engaged in lively talk; and it might as well be Greek for he doesn't understand any of it. This can only serve to reinforce his homesickness. Imagine having to return to one's lonely room and delve into scientific study, first in English, then in the local language. Only an unusually motivated person can surmount this extreme feeling of loneliness and concentrate on his work.

A student who survives the first year improves his chances of lasting the entire medical course considerably, for after that first year, the dropout rate dips substantially. In the Swiss schools, students are permitted to repeat an examination in a given subject three times before they are finally dropped. In Italy, they have six chances; in Spain, five. Therefore, some of the more tenacious students may take as many as eight years to complete a six-year course.

After earning their degree from a foreign school, some students have not been able to pass the qualifying examination that all foreign medical graduates must take to permit them to practice in the U.S. or even take an internship or residency in a U.S. hospital. This is known as the ECFMG examination which is given in cities throughout the world two times a year. There is no limit to the number of times that a physician is permitted to take it, some having taken ECFMG as many as ten times.

Therefore, in any given year, the largest number of Americans may be found in the entering class of all foreign medical schools. During that first year, as many as 25 percent of newly enrolled Americans may drop out of a foreign school. It is not until after this first year that Americans drop out for reasons of academic failure.

As a result of research in 1968 which showed that Americans who had transferred in advanced standing to a handful of U.S. medical schools after attending a foreign school for two to five years had performed as well as their American classmates, the Division of Student Affairs of the Association of American Medical Colleges has instituted a coordinated transfer center (COTRANS).[4] Americans attending foreign schools who register with COTRANS are permitted to take Part I of the National Board of Medical Examiners (consisting of the basic sciences ordinarily taken in the first two years of U.S. medical schools) and receive a list of U.S. medical schools which have declared an interest in admitting these students to their sophomore and junior classes. A student who passes this examination stands a good chance of being admitted to a U.S. school.

The following is a brief description of 16 medical schools in Mexico, and four countries in Europe attended by over 2,300 Americans (Table 2). The information was gathered by the author during an eight-week visit to these schools in October-November, 1969 on a WHO fellowship.

MEXICO

Universidad Autonoma de Guadalajara

This is the only medical school in Mexico which seems to be interested in taking American students nowadays. The basic admission requirement is graduation from college with courses in biology, chemistry, and physics as required by most U.S. medical schools. Didactic work is currently on a four-year schedule, but a year of internship and a year of social service (employment in a rural community) are essential ingredients for a final degree.

All course-work and conversation with instructors are in Spanish. Americans are required to take special language instruction and must pass a language examination at the end of the first year to be eligible to sit for their course finals. Spanish translations of most of the well-known English textbooks are available. Americans find that they must master the course-work in two languages: first, in English, then in Spanish.

First-semester classes begin about August 15th and end in time for a three-week Christmas vacation. The second semester starts about the middle of January and ends May 15th. Presently, students are admitted at the beginning of either semester. The weather in Gudalajara is ideal almost year-round. It does get hot in May and June, but always cools off at night.

Tuition at the medical school is $800 per semester. There is no dormitory housing available. Some students live in apartments, but most find it more pleasant sharing the rental of very attractive three- and four-bedroom homes. Unmarried students can live comfortably for less than $200 a month; married students with a wife and one or two children, easily get by on $300 a month. Except for a few modest teaching positions, employment for student wives is practically impossible.

Classes at the medical school are scheduled through most of the day except between the hours of one and four in the afternoon. For instruction of preclinical courses during the first two years, classes are generally divided into groups of about 50 students. With a modest number of faculty members in each department, teaching staffs are overloaded and overworked and have no time for research. This inevitably has an effect on the quality of the teaching at Guadalajara.

University officials have been most cooperative in helping to get American students back into the mainstream of American medicine with minimum delay, first by reducing the period of didactic training from six to four years and then by permitting Americans to serve an internship in U.S. hospitals upon completing the four years of didactic education. However, this provides little consolation for Americans because they currently have no way of serving an approved internship in a U.S. hospital. They are not eligible to take the ECFMG examination until they fulfill all of the requirements for medical licensure in Mexico. This is the way the ECFMG eligibility rule is stated The Commission on Foreign Medical Graduates is currently engaged in trying to provide an alternative for Americans completing four years of study at the *Universidad Autonoma de Guadalajara.*

SPAIN

University of Barcelona

Many American and Puerto Rican students are attending the University of Barcelona. From an American educator's point of view, this antiquated school is a difficult facility for sound teaching. It is still operating under the former rule which compelled all publicly sponsored schools of higher education to enroll every applicant who met the minimum qualifications for admission. Lecture rooms and classrooms are constantly overcrowded and the archaic facilities are taxed far beyond their capacity. The fact is that one finds very few Americans in the upper classes at the University of Barcelona.

Barcelona is a fine modern city with many beautiful art treasures and many attractive sites in and outside the city. Tuition at Spain's government medical schools (Barcelona, Madrid, Salamanca) is less than $100 a year. Living expenses in Barcelona are about one-third less than they are in the United States, and one may live for even less if he chooses. The University has not yet adopted the Spanish reform for medical education and therefore improvements in the program are less likely to occur for some time to come at Barcelona.

University of Salamanca

In contrast, the smaller city of Salamanca has preserved much of the medieval flavor, although there are some modern sectors. While the medical school buildings at the University of Salamanca are antiquated, they have a certain congeniality which is lacking at the Universities of Madrid and Barcelona. In Spanish medical circles, Salamanca has had a reputation of being an "easy school," but this may not be true for Americans. There is less English spoken among faculty and townspeople than in Barcelona and Madrid. There are no special allowances nor special courses provided for Americans.

In small communities like Salamanca, a student can live comfortably for $125 a month. Most American students rent two and three bedroom apartments, hire cooks and housekeepers for a modest wage, and enjoy many modern comforts.

The University has adopted the reform plan which means that Americans are encouraged to enter the first year of medical school which now includes integral calculus as well as biology, chemistry, and physics. It is part of the intention of the reform plan to screen out a large percentage of the class following the first year and thereby reduce considerably the number of students entering the anatomy, physiology, and biochemistry sequence.

University of Madrid

The reform plan is also in effect at the University of Madrid where there has been a 75 percent attrition of students following the first year of medical school. This past year, there were less than 200 students in the anatomy-physiology course sequence because of the large number of students who failed to pass the first year.

Madrid, the large, attractive capital of Spain, has many cultural and historical landmarks and museums. Cost of living is likely to be higher than Barcelona, and certainly any of the other cities of Spain.

Leaders of medical education in Spain are starting new medical schools in the larger cities hoping to bypass the inbred nature and archaic customs of the old established government schools. While the University of Pamplona in the Province of Navarro is the only truly private school in Spain, two new others have taken students within the past two years and one other new school is in the offing. The principal criteria upon which these schools are to operate are (1) limited enrollment, (2) more intimate and small-classroom teaching, (3) curriculum planning by a faculty committee in contrast to the autonomous and isolated departmental structure of the government schools.

ITALY

Like Spain, the principal characteristics of the preclinical course-work in government medical schools is the over-crowded classrooms and over-worked faculty. Americans who were formerly allowed to enter medical school in the second year are hereafter going to be asked to start at the very beginning with all Italian students. This is likely to be a very discouraging experience for Americans for a new law in Italy forces the universities to admit all applicants regardless of their qualification beyond high school graduation. Americans applying to Italian medical schools are screened at the Consulate Office in New York and, if accepted, may attend any one of the medical schools in the country.

University of Rome

There are somewhat more than 100 American students at the University of Rome. During the past few years, the school has been closed for several weeks at a time because of the student rioting. Classes run from November 20th to June 15th, examinations being held between June 15th and July

15th, October 15th to November 15th, and again late in January. These examinations are all oral and open to public observation. Students are generally permitted to take an examination in a given subject twice a year.

Most Americans at the University of Rome have little difficulty academically until they reach the third and fourth years when pathology and pharmacology are offered. These courses seem to be a formidable stumbling block for many American students.

Tuition charges at Italian medical schools are somewhat less than $100 per year, but the cost of living in most of the large cities such as Rome has gone up considerably. One should anticipate that while housing costs may be one-third less than most U.S. cities, food costs would be about the same.

University of Bologna

There are currently 630 Americans studying medicine at the University of Bologna, which is about 200 miles north of Rome. Bologna is one of the oldest universities in the western world, having been founded in 1129. The main reason so many more Americans go to Bologna in preference to other Italian schools is that there are no "obstacle" courses at this school, and word has gotten around that at Bologna, it is a matter of putting in the time to complete the courses required for a degree. Moreover, with the gathering of increasing numbers since World War II, American students at Bologna have organized a very active American student association which provides a number of services and special courses to assist the membership in bridging the social and academic gap between Italy and the United States. About one-fourth of the Americans at the medical school prefer not to be part of an "American society," in Bologna and, therefore, do not join in the association.

A new law in Italy requires all physicians to serve a year of internship to be eligible for licensure. The inclination of Italian educators to require Americans to start medical school in Italy at the very beginning, makes the course at Italian schools of seven years duration. This extension of the length of program may not be all bad for Americans, for an increasing number have not been passing the ECFMG examination until after two or three tries. Evidence indicates that the majority will stand to lose less than the added two years if they can pass ECFMG the first time rather than the second or third time.

University of Padua

The University of Padua, where there are about 60 Americans in medical school, has much to offer the student who wants to take the full "Italian treatment." The University is very closely identified with this middle-sized industrial community less than 50 miles west of Venice and about 70 miles south of Milan. The city is very conscious of its educational and intellectual heritage, and the physical setting is conducive to perpetuating the high ideals of a proud culture. The largest community institution is an indoor and outdoor tavern located in the center of town and bequeathed to the city to foster social and intellectual dialogue. The terms of the legacy specified that no one occupying a table should ever feel obliged to order food or drink, that there should be no limit to such occupation, and the waiters had to provide pencil and paper without charge to anyone asking for it.

As the historical homeground of human anatomy, this department of the medical school has the best facilities, and still receives inordinate emphasis in the teaching program.

As yet, there is no organized assistance for foreign students who may have difficulty in mastering the language. However, some of the basic science professors (not anatomy or microbiology) speak English quite well and are very willing to help the Americans weather the language adjustment. Like Rome and unlike Bologna, the University of Padua has a reputation among the students of being a "stiff school." It is not unusual for Americans to transfer to the University of Bologna after three years at Padua.

SWITZERLAND

As in Spain and Italy, Swiss medical schools had formerly admitted Americans who were graduates of premedical programs in U.S. colleges into their second year of medical school. However, they too have found it advisable to counsel Americans into starting at the very beginning primarily to learn the vocabulary of biology, physics, and chemistry in their language of instruction.

In the ten-year history of the ECFMG examination, graduates of Swiss and Belgian medical schools have performed well above the average of the 40 percent international passing rate for each examination. On the other hand, graduates of Spanish, French, Italian, and German schools have usually performed below that passing rate.

Universities of Zurich, Basel, and Bern

The language of instruction at the Universities of Zurich, Basel, and Bern is German. Very few Americans have been admitted to these schools in the last few years for two reasons: 1) There has been pressure from the Ministry of Education in Switzerland to admit more native Swiss students; 2) The caliber of American students enrolled in Swiss medical schools in the early 60's had dropped, resulting in these schools deciding to admit a larger percentage of foreign students from other countries.

In the past, undergraduate medical students had little or no contact with patients in the teaching hospitals. However, medical educators have come to recognize this deficiency, and are now providing some opportunities for clinical clerkships in the *kanton* (county) hospitals.

The medical school in Zurich is adjacent to the greater university campus in a cultural and residential section of the city less than two miles from downtown Zurich. The medical school buildings surround a large teaching hospital which houses the clinical departments of the school.

Tuition at Swiss medical schools is about $150 a year, and the cost of living is somewhat less than it is in the United States. Opportunties for recreation are many and varied. Numerous theaters play English-speaking movies with titles in French, German, and even Italian.

Basel is more of an industrial community than Zurich, although the medical school is situated in a pleasant residential section of the city fairly close to downtown. Basel is the home of some of the world's largest drug companies, most of which have branches in the U.S.

Less than a mile from downtown Basel, one can take the bridge across the Rhine to Germany; and a mile farther to the West, one finds himself in France. Medical school buildings are conveniently situated adjacent to the teaching hospitals.

The University of Bern is located in this interesting capital city of Switzerland. The medical school buildings are not as close to one another as they are at Zurich and Basel, but they are on the periphery of the downtown section of Bern. This city is a shopper's paradise as hundreds of little shops abound in the downtown sections.

Universities of Lausanne and Geneva

The home of the University of Lausanne is without doubt the most attractive university city in Switzerland. It is located on the northern edge of Lake Geneva and faces the Italian Alps, which skirt the southern shores of the lake. The city is actually one large hill whose public transportation is a subway which runs from the lake straight up the mountain intersecting the center of the city. The medical school, whose language of instruction is French, is located adjacent to the *kanton* hospital near the top of the hill. The school buildings are reasonably compact: nevertheless, to get from one to the other, one cannot avoid walking up or down a hill.

The University of Lausanne has admitted more Americans in the past few years than all of the other Swiss medical schools combined. Lausanne may join the other schools in refusing admission to Americans because their recent experience with American students has been worse than ever. Basic science professors claim to have extended themselves to assist U.S. students with their course work much more than usual; but they observe that the present group of American students have derived little benefit from this special effort.

The University of Geneva which also teaches in French has continued to admit a few Americans. The University buildings are somewhat scattered, but like Bern, the anatomy, physiology, and biochemistry departments are at least together. The other departments are likely to be closer to the *kanton* hospital buildings, for some are involved in providing services to hospital patients.

Most of the Swiss medical schools have outstanding pathology departments, and if a student has difficulty passing his anatomy, physiology, and biochemistry examinations, he is almost certain to have more trouble passing pathology.

BELGIUM

Universities of Brussels and Louvain

While the Universities of Brussels and Louvain are listed as two schools, actually they are four schools. Like many things in Belgium, the language separation and the cultural division which is parallel with the language separation has resulted in a doubling up of many institutions and services in Belgium. For the past few years, each university has had a French branch and a Flemish branch in each of which the language of instruction is completely French or completely Flemish. There is little interchange of faculty between the branches of each school but, for the time being, there is some use of the same laboratories.

It is possible for an American with a good background in German to attend the Flemish branch but generally most Americans are enrolled in the French branches of each school. Americans are not discouraged from applying to these medical schools and must take a placement examination to determine whether they start at the very beginning of medical school or can bypass the first year. In recent years, more than 90 percent of the Americans have had to start at the very beginning. After six years of didactic work a student must also serve a year of internship in order to receive a medical degree.

Tuition at Belgian schools is about $150 a year and living expenses are likely to be somewhat higher in Brussels than they are in Louvain. Brussels is a large metropolitan city with many fine museums and restaurants. Louvain, which is approximately 35 miles east of Brussels, is a rather old medieval-type city in typically Flemish countryside. Like the Swiss, graduates of Belgian schools have some of the best records on the ECFMG examination. A large number of Americans pass the examination for the first time and the percentage of passing grades in any single examination is usually over 50 percent.

Other Foreign Schools

There are a handful of American students attending a scattered number of medical schools throughout Germany, the Netherlands and France and a lesser number of Americans studying at English-speaking schools such as the Universities of Edinburgh, London, and Dublin. Most of the Americans attending the English-speaking schools are people who have transferred from other departments of the University to the medical schools. Generally, though, for the past few years, medical schools in United Kingdom countries have not been accepting applications from Americans. The only other English-speaking school in the world where Americans are apparently welcome is the University of the Philippines in Manila. A few Americans are also admitted to the University of Beirut in Lebanon.

Summary

Foreign medical schools have been reviewed as resources for American students who have not been able to gain admission to American schools. As one may expect, the student who is well-versed in a second language has the best chance of gaining an education which is comparable to that in American schools and, at the same time, benefit from the experience of living in a foreign country.

An American student who is qualified for admission to an American medical school may expect to graduate from a foreign school that he has decided to attend, or he may qualify at the end of three years at a foreign school to transfer in advanced standing to an American medical school. However, one should not lose sight of the fact that 50 percent of the Americans who start their medical education at foreign schools do not complete it; and it is usually the students who are not considered acceptable applicants in American schools, or are not strongly motivated to medicine, that fail to make the grade. Hopefully, an increasing number of the latter will realize that they have little to gain by enrolling at a foreign medical school and will choose an alternate career.

TABLE 2.—ESTIMATED NUMBER OF AMERICANS ENROLLED IN 16 MEDICAL SCHOOLS IN MEXICO AND EUROPE—OCTOBER 1969

Country	Number of schools	Number of students in admitting class		Number of Americans in all medical schools	Graduates, 1969	
		Total	Americans only		Total	Americans only
Mexico [1]	1	1, 030	270	572	158	11
Spain [1]	4	2, 695	170	486	1, 016	14
Italy	3	3, 317	175	821	946	86
Switzerland	5	[2] 823	29	210	775	30
Belgium	3	1, 502	99	254	445	19
Total	16	9, 367	743	2, 343	3, 130	162

[1] Does not include at least 500 Puerto Ricans attending Mexican and especially Spanish schools.

[2] Because of manner in which Swiss schools keep records, this is not the entering class, but class completing the anatomy-physiology course sequence (i.e. equivalent to sophomore class in U.S. schools).

Mr. PELL. Mr. President, I believe the points raised by these Rhode Island medical students and by Mr. Mason in his article on American nationals in foreign medical schools deserve our consideration.

It seems to me that, if an American student is qualified to attend an American medical school, but his application turned down because of lack of room, and if he is willing to undertake the very arduous task of learning a foreign language and enduring the other hardships of attending a foreign medical school in order to return to the United States for the practice of medicine, then I do not think that our Federal legislation should discriminate against such an American student in a foreign medical school.

I would think it would be more consonant with the purposes of this bill—which is to encourage the education of more doctors—if we make allowances in the Public Health Service Act for qualified American nationals in foreign medical schools to be made eligible on the same basis as their fellow students in American medical schools for federal scholarship and direct loan assistance.

While I would agree that it would be more desirable if all qualified American students could be educated in American medical schools, the fact of the matter is that this is just not possible. Despite the shortage of nearly 50,000 doctors in this country, 7,000 qualified students were denied admission to American medical schools for lack of sufficient places.

Mr. President, I, therefore, introduce an amendment to S. 934 to allow scholarships and direct loans to be made at the discretion of the Secretary of the Department of Health, Education, and Welfare under limited conditions to American nationals studying in foreign medical schools.

I would ask unanimous consent that this amendment and an explanation of this amendment be printed in the Record at this point.

There being no objection, the amendment and explanation were ordered to be printed in the Record, as follows:

At the end of section 102 of the bill, add the following new subsection:

(g) (1) (A) The heading to part C of title VII of the Public Health Service Act is amended by inserting immediately below "PART C—STUDENT LOANS", the following: "SUBPART I—LOANS TO STUDENTS STUDYING IN THE UNITED STATES".

(B) Sections 740, 741, 742, 743, 744, 745, and 746 of such Act are each amended by striking out "this part" each place it appears therein and inserting in lieu thereof "this subpart".

(2) Part C of title VII of such Act (as amended by the preceding provisions of this section) is further amended by adding after section 746 the following:

"SUBPART II—STUDENT LOANS BY THE SECRETARY TO CITIZENS OF THE UNITED STATES WHO ARE FULL-TIME STUDENTS IN SCHOOLS OF MEDICINE LOCATED OUTSIDE THE UNITED STATES

"STUDENT LOANS

"Sec. 747. (a) From the amounts appropriated to carry out this subpart, the Secretary is authorized to make, in accordance with this subpart, loans to citizens of the United States who are full-time students in schools of medicine which are located outside the United States.

"(b) Except as otherwise provided in this subpart, loans made under this subpart shall (to the extent feasible) be made on the same terms and conditions as are required with respect to loans made to students of medicine under the program established by subpart I.

"(c) (1) No loan under this subpart shall be made to any student unless—

"(A) prior to the date such student files application for such loan—

"(i) he has made application for admission as a student in a school of medicine which is located in the United States;

"(ii) he has, in connection with the making of such application for admission to such school, undergone a written examination to determine his qualifications for admission as a student in such school; and

"(B) such student furnishes to the Secretary a certification from such school that—

"(i) such student is qualified for admission as a student in such school, and

"(ii) such student was denied admission as a student in such school solely because, for the school year for which such student applied for admission to such school, the number of qualified applicants for admission to such school exceeded the maximum number of students (as determined by such school) which such school was prepared to accept for admission for such year.

"(2) No loan under this subpart shall be made to any student who has completed three years as a student in a school of medicine, unless—

"(A) such Student has passed an examination which—

"(i) is prepared by a national association of American medical colleges which the Secretary recognizes as being qualified to prepare such an examination, and

"(ii) is designed to determine the qualifications of students in schools of medicine which are located outside the United States for admission (as transfer students) in schools of medicine which are located in the United States; and

"(B) such student has made application with a transfer center (sponsored by such a national association) for admission (as a transfer student) to a school of medicine which is located in the United States.

"(d) To carry out the provisions of this subpart, there is authorized to be appropriated for each fiscal year (commencing with the fiscal year ending June 30, 1972) the sum of $1,750,000."

Immediately after section 130 of the bill, add the following new section:

SCHOLARSHIP GRANTS TO CITIZENS OF THE UNITED STATES WHO ARE FULL-TIME STUDENTS IN SCHOOLS OF MEDICINE LOCATED OUTSIDE THE UNITED STATES

Sec. 131. (a) (1) Immediately after and below the heading to part F of title VII of the Public Health Service Act, insert the following new heading:

"SUBPART I—GRANTS FOR SCHOLARSHIPS TO STUDENTS IN SCHOOLS LOCATED IN THE UNITED STATES".

(2) (A) Section 780 of such Act (as amended by section 130 of this Act) is further amended by striking out "this part", each place it appears therein, and inserting in lieu thereof "this subpart".

(B) Section 781 of such Act is amended by striking out "this part" and inserting in lieu thereof "this subpart".

(b) Immediately after section 781 of such Act, add the following new subpart:

"SUBPART II—SCHOLARSHIP BY THE SECRETARY TO CITIZENS OF THE UNITED STATES WHO ARE FULL-TIME STUDENTS IN SCHOOLS OF MEDICINE LOCATED OUTSIDE THE UNITED STATES

"SCHOLARSHIP GRANTS

"Sec. 785. (a) From the amounts made available to the Secretary under subsection (b), the Secretary is authorized to make, in accordance with this subpart, scholarship grants to citizens of the United States who are full-time students in schools of medicine which are located outside the United States.

"(b) The amounts which shall be available to the Secretary for the purpose of making scholarship grants under this subpart shall be—

"(1) in the case of the fiscal year ending June 30, 1972, and each of the next four fiscal years thereafter—

"(A) an amount equal to the amount obtained by multiplying $3,000 by a number equal to one-tenth of the number of citizens of the United States who, in such fiscal year, are full-time students in schools of medicine which are located outside the United States; plus

"(B) in the case of the fiscal year ending June 30, 1974, and each of the next two fiscal years thereafter, an amount equal to the amount obtained by multiplying $3,000 by the number of citizens of the United States who, in such fiscal year, are economically or educationally disadvantaged and are full-time students in schools of medicine which are located outside the United States; and

"(2) in the case of the fiscal year ending June 30, 1977 and each of the next two fiscal years thereafter, such amount as may be necessary to enable the Secretary to continue to make scholarship grants to students who received such grants under this subpart from funds made available to the Secretary for such purpose for the fiscal year ending June 30, 1976.

"(c) Scholarship grants under this subpart shall be awarded for any school year only to students of exceptional financial need and students from low-income or economically disadvantaged families (as determined under regulations of the Secretary), and who need such financial assistance to pursue a course of study at a school of medicine for such year. Any such scholarship for a school year shall cover such portion of the student's tuition, fees, books, equipment, and living expenses at the school of medicine in which he is enrolled, but not to exceed $3,500 for any year, as the Secretary may determine the student needs for such year on the basis of the requirements and financial resources of the student.

"(d) Grants under this subpart shall be made in accordance with regulations prescribed by the Secretary after consultation with the National Advisory Council on Health Professions Educational Assistance.

"(e) (1) No scholarship grant under this subpart shall be made to any student unless—

"(A) prior to the date such student files application for such grant—

"(i) he has made application for admission as a student in a school of medicine which is located in the United States;

"(ii) he has, in connection with the making of such application for admission to such school, undergone a written examination to determine his qualifications for admission as a student in such school; and

"(B) such student furnishes to the Secretary a certification from such school that—

"(i) such student is qualified for admission as a student in such school, and

"(ii) such student was denied admission as a student in such school solely because, for the school year for which such student applied for admission to such school, the number of qualified applicants for admission to such school exceeded the maximum number of students (as determined by such school) which such school was prepared to accept for admission for such year.

"(2) No scholarship grant under this subpart shall be made to any student who has completed three years as a student in a school of medicine, unless—

"(A) such student has passed an examination which—

"(i) is prepared by a national association of American medical colleges which the Secretary recognizes as being qualified to prepare such an examination, and

"(ii) is designed to determine the qualifications of students in schools of medicine which are located outside the United States for admission (as transfer students) in schools of medicine which are located in the United States; and

"(B) such student has made application with a transfer center (sponsored by such a national association) for admission (as a transfer student) to a school of medicine which is located in the United States.

"AUTHORIZATION OF APPROPRIATION

"SEC. 786. To carry out the provisions of this subpart, there is authorized to be appropriated for each fiscal year (commencing with the fiscal year ending June 30, 1972) the sum of $150,000."

FACT SHEET: ELIGIBILITY AMENDMENTS FOR AMERICANS IN FOREIGN MEDICAL SCHOOLS

1. *What is the Purpose of the Amendment?*

The purpose of the amendment is to allow certain American students attending foreign schools of medicine to become eligible for the same type of scholarship and direct loan assistance for which Americans studying in American medical schools are eligible.

2. *What is the Need for the Amendment?*

(A) Many qualified American medical students are forced to pursue their medical degree program in a foreign medical school *due to the lack of adequate spaces in American medical schools* for them. *Although many possess the same qualifications as their American counterparts, they are not eligible for PHS scholarships or direct loans.*

For example, in 1970, only 10,547 persons of the 24,465 applicants were accepted for medical school admission. The AMA has estimated that at least 7,000 of those 14,000 students rejected were qualified for admission to American medical schools. 500 American students enroll each year in foreign medical schools. 3000 Americans are now studying in foreign medical schools.

(B) Since American medical schools are incapable of admitting all qualified applicants and eliminating the shortage of doctors, the use of foreign medical schools by qualified American students should not be discouraged by making them ineligible for the same assistance for which their American counterparts are eligible. In the short-run, until American schools are expanded, American graduates of foreign medical schools can help reduce the physician shortage in the U.S.

3. *How Does the Amendment Work?*

In order to insure that only qualified medical students receive aid, HEW can only use its discretionary authority to provide scholarships and direct loans: (1) if the American nationals have a letter from an American medical school stating that they were qualified for admission but were not admitted due to lack of space; (2) if, after their third year, American nationals register for the AAMC's transfer program for return to an American medical school and pass Part 1 of the U.S. National Board of Examiner's examination; and (3) if they meet the same scholarship and direct loan requirements as students in American medical schools.

A separate annual authorization of $150,000 is provided for scholarships and a separate annual authorization of $1.75 million is provided for direct loans.

Mr. PELL. Mr. President, I realize there are some very proper concerns about the quality of medical education provided in foreign medical schools and that there may be some concern that in some cases the Federal Government might be aiding the education of American medical students who might not achieve the level of competence necessary to practice in American hospitals. It is for this reason that I have made the authority provided to the Secretary under the amendment discretionary and subject to two basic prerequisites.

First, before an American student can become eligible for a direct loan or scholarship under the Public Health Service Act, he must provide a letter from an American school of medicine stating that he was qualified for admission, but due to the lack of space, the American school of medicine was unable to accept his application. This requirement would do two things: first, it would prevent underqualified American students, who would not be likely to be successful in a foreign medical program, from receiving aid, and second, it would prohibit aid to those students who may be attending a foreign medical school for a frivolous reason.

American medical students studying abroad often spend their first year taking courses they have already taken in America so that they can learn their medical, biological and chemical terms in that foreign language. Their next 2 years are basically spent in the study of the same basic science courses taken in American medical schools. Thus, after 3 years most American nationals are in the same position as their counterparts in American medical schools. At this point medical students are eligible to take part 1 of the national board of medical examiner's examination on the basic medical sciences.

The Association of American Medical Colleges has recently established a program to place in American medical schools, American nationals who have studied in foreign medical schools and who have passed part 1 of the national boards. This program, called COTRANS—the Coordinated Transfer Service—placed an estimated 70 of the 90 American nationals who passed part 1 of the national boards in American medical schools. Approximately 43 of the 103 American medical schools participate in this placement program for American nationals.

I mention this program in order that it might be easier to understand the second prerequisite for receiving Federal aid while attending a foreign medical school.

In order for an American national to maintain his eligibility for assistance after 3 years in a foreign medical school he must pass part 1 of the examination of the board of national examiners and he must register for the COTRANS program which could place him in an American medical school for his final 2 years of clinical training.

If a student passes part 1 of the national boards and is unable to obtain placement in an American medical school, he would then remain eligible for continued scholarship or direct loan assistance from the Federal Government.

This requirement serves a number of purposes. First, it encourages students to continue their medical education in an American medical school; I would note here that American nationals studying in foreign medical schools, who have passed part 1 of the national boards and who have been placed in American medical schools, have been reported to have done well. Second, this requirement insures that Federal aid given after 3 years to American nationals studying in a foreign medical school is given to students who are more likely to be qualified to return to practice medicine in the United States.

Mr. President, I believe that this carefully drafted amendment provides the necessary balance between our need to increase the supply of doctors and our responsibility to provide highly qualified medical doctors to serve our citizens. I would also note that this legislation is not in a completely new area. American nationals in foreign medical schools are eligible for guaranteed loans under the higher education loan program.

I would note also that 2 years ago the Senate passed a measure offered by Senators JAVITS, PROUTY, and Yarborough to allow direct loans to American nationals studying in foreign medical schools. Unfortunately, this provision was lost in conference. Reportedly, the conference committee did not accept Senator JAVITS' provision because it required the Department of Health, Education, and Welfare to judge the quality of foreign medical schools as a prerequisite—an overwhelming task which the Department of Health, Education, and Welfare was unwilling to assume. I would note my amendment does not take this approach. Instead of the focus being upon the quality of the foreign medical schools, my amendment focuses upon the quality of the American student in the foreign medical school as determined by American schools of medicine and as determined by part 1 of the national board of examiner's examination.

Mr. President, my staff has consulted with officials in the Association of American Medical Colleges and in the Bureau of Health Manpower in the Department of Health, Education, and Welfare, and I understand that this amendment meets the major concerns of those officials concerned with protecting the quality of medical education for which the Federal Government provides assistance.

Mr. President, I believe that this is a reasoned amendment designed to eliminate an unneeded inequity and designed to increase the numbers of doctors available to serve our American people.

I would hope that I have your support.

As background for my amendment, I ask unanimous consent that the following materials be printed in the RECORD: Exhibit I, an article that appeared in the Providence Evening Bulletin entitled "Students Sue AMA For Equal Treatment"; Exhibit II, results from examinations taken by American medical students in foreign medical schools; Exhibit III, general background materials on foreign medical education as developed by Dr. Thomas D. Dublin of the National Institutes of Health; Exhibit IV, study of U.S. medical school applicants 1969–70.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Providence (R.I.) Evening Bulletin, June 28, 1971]

STUDENTS SUE AMA FOR EQUAL TREATMENT

(By Selig Greenberg)

The North American Students Association, which is reported to include more than 100 Rhode Islanders studying medicine abroad, has instituted legal action charging the American Medical Association with discriminating against its members and blocking their entry into the medical profession.

A suit filed in federal court in New York challenges the standards established by the AMA's Council on Medical Education which Americans trained in foreign medical schools are required to meet before they can qualify for hospital internships that are a prerequisite for licensing to practice medicine.

Under these standards, those, including American nationals, who receive their medical education abroad must meet two requirements before they can obtain internships in American hospitals.

They must qualify to practice medicine in the country where they have studied. This means, in the case of a number of countries, that they not only have to complete their medical school education but have to serve at least one year of internship.

They then are required to take an examination given by the Educational Council on Foreign Medical Graduates (ECFMG) before being allowed to serve an internship in this country.

A large proportion of the foreign-trained medical students fails to pass the ECFMG test, which U.S.-educated medical students do not have to take, and some of them have to take it several times. According to AMA figures, only 32.8 per cent of the foreign-educated doctors who took the test last February passed. Of the 422 Americans who took it at that time, only 125, or 29.6 per cent, passed.

Estimates of the Americans now forced to seek their medical education abroad because of inability to gain admission into medical schools in this country range all the way from 4,000 to 8,000. There are currently 1,046 American medical students, a bigger enrollment than in any medical school in the United States, in a single Mexican school, the University of Guadalajara. Medical students in Mexico must serve a one-year internship and another year of social service to qualify to practice.

Most Rhode Islanders studying medicine abroad go to Italy, notably to the University of Bologna. Graduates of Italian medical schools are now required to complete a one-year internship before they can obtain their M. D. degrees.

Charging that the AMA's regulations deprive its members of their constitutional rights to pursue their chosen profession, the suit brought by the North American Students Association seeks the removal of both requirements for the admission of foreign-trained American nationals to hospital internships in this country.

The suit alleges that the AMA rules are unjustified and arbitrary in that they force American nationals educated abroad to spend as much as two years more in training than graduates of American medical schools.

The legal action is reported to be financed by the Parents League of American Students of Medicine Abroad (PLASMA), which charged in a recent statement that the "medical establishment" consisting of the AMA, the Association of American Medical Colleges and the American Hospital Association is intentionally blocking "an immediate source of doctors."

Despite the acute shortage of medical manpower, the PLASMA statement asserts, "the ECFMG has devised a set of arbitrary regulations which deter Americans from studying medicine and delay the entry of American nationals into the medical profesison."

Americans educated abroad are not only forced to duplicate the internship before they become eligible for state licensing, the statement says, but are required to take an examination which fails to take into account differences in foreign standards of training.

The action in federal court in New York is now moving through pretrial proceedings. Pending is a ruling on a motion by the AMA for a change of venus to Chicago, where its headquarters is.

The AMA maintains that the existing regulations for foreign-trained physicians are essential to the preservation of quality standards. PLASMA has retorted that such standards are protected by the state license examinations which all physicians are required to take before they can go into practice.

"We're really talking about preserving our high standards of health care," Dr. C. H. William Ruhe, director of the AMA's medical education division, has said. "This dispute could reduce our system of medical education to a chaotic shambles."

G. Halsey Hunt, the director of the ECFMG program, has explained that varying medical education standards abroad have made necessary the rule that foreign-trained physicians meet the requirement for licensing in the country where they have studied before they could take the examination qualifying them for internship here. "The only alternative," he has said, "would be for us to try to rate all of the world's medical schools."

Aside from bringing the court action, the North American Students Association and PLASMA have been lobbying in several state capitals for legislation modifying the ECFMG rules.

A law which makes it possible to bypass the ECFMG requirements was recently enacted in New Jersey. But hospitals in that state and in Toledo, Ohio, where three hospitals have independently decided to ignore some of the ECFMG regulations, face the threat of losing their accreditation for filling their internships with "unqualified" graduates.

The inability of American medical schools to accommodate even half of the applicants for admission is increasingly forcing Americans to seek their medical education abroad, with the added expense involved and the need for study in a foreign language which makes the complexities of medicine all the more difficult.

The medical schools in this country last year admitted only about 10,000 of the 25,000 applicants, and the AMA acknowledges that at least 7,000 of those rejected were fully qualified.

Foreign-educated physicians last year made up nearly one-third of the newly-licensed doctors in the United States. The proportion is even higher in Rhode Island. Fully 41 per cent of the physicians licensed for practice in this state in the last five years have been educated abroad.

A special effort to accommodate American nationals trained in foreign medical schools has been made in the last few years at Rhode Island Hospital.

In the year starting July 1, Rhode Island Hospital—the only one in the state where graduates of American medical schools make up the great majority of the house staff—will have 12 residents and two interns who are graduates of the University of Bologna.

The annual requests of hospitals for house staff are filled through the national intern and resident matching program under which hospital preferences for candidates are matched against the preferences of new medical school graduates. The extent of the competition by hospitals for American-trained doctors is shown by the fact that 16,575 openings for internships and residencies had to be matched this year with only 8,598 candidates.

Rhode Island Hospital this year sought 32 interns and got 30 American graduates through the matching program. Left unfilled were two internships in pediatrics for which two Providence-born graduates of the University of Bologna who have fulfilled all of the ECFMG requirements have been accepted.

Rhode Island Hospital has 133 residents in 16 specialty programs, and of these only 17 are graduates of foreign medical schools.

"We've had 22 house staff members from the University of Bologna in the last 10 years," said Dr. William J. H. Fischer Jr., the director of medical education at Rhode Island Hospital. "Of these, 20 were American-born and two were foreign-born and later acquired American citizenship. Eleven of these graduates of the University of Bologna later have been appointed to our attending staff."

Rhode Island Hospital also has a program under which medical students spend their summer vacation there to further their knowledge. In the last five years 15 students from the University of Bologna and eight other Americans studying in foreign medical schools have served as such "externs" at the hospital.

"Our figures for recent years indicate," Dr. Fischer said, "that the Rhode Island Hospital educational program is promoting the concept of accepting into our medical care system American-born doctors trained abroad who have the proper qualifications."

ECFMG EXAMINATIONS—UNITED STATES CITIZEN CANDIDATE PERFORMANCE

(By Aims C. McGuinness, M.D.)

Henry R. Mason, in studies conducted in the fall of 1969, reported in a written communication (Feb. 6, 1970) that an estimated 2,843 US citizens (including approximately 500 Puerto Ricans) were attending medical school in 16 medical schools visited by him in Belgium, Italy, Mexico, Spain, and Switzerland. While the largest numbers of American citizens attending medical schools abroad attend those visited by Mason, a lesser number of Americans attend medical schools in other European countries. Although precise figures are not presently available, the total number of Americans studying medicine abroad may be in the range of 3,500 to 4,000.

Beginning in 1969, the Educational Council for Foreign Medical Graduates has published in the Annual State Board Number of the *Journal of the American Medical Association* (now known as the Medical Licensure Number)[1, 2] a tabulation showing the number of candidates from each medical school who took the examinations of the ECFMG in the preceding calendar year, and the number who passed the medical portion of the examinations. These tabulations have included all candidates irrespective of citizenship.

Because of the current interest in US citizens attending medical school outside of the United States and Canada, the Tables that follow show the distribution of US citizen candidates from Mexico and nine European countries (Austria, Belgium, France, Germany, Ireland, Italy, Netherlands, Spain, and Switzerland) who have taken one or more of the four ECFMG examinations given between September 1968 and February 1970. Table 1 shows the total number of examinations taken during the two-year period by US citizen candidates, and the number of examinations passed, for all of the medical schools with US citizen candidates in each of the countries. That Table also shows the number of examinations taken and passed for each medical school having a total of 50 or more US citizen candidates taking the four examinations studied. For comparison, companion results are shown for candidates other than US citizens.

Table 2 shows the results by country and by medical school for the 22 medical schools showing a total of ten or more examinations taken by US citizen candidates in the two-year period. The results of examinations taken by candidates other than United States Citizens from these schools are shown for comparison.

Care must be exercised in evaluating the data presented. One must keep in mind that the students and physicians who take the ECFMG examination are a self-selected group who may or may not represent a true cross-section of the graduates of the medical schools they attend, and their performance on the ECFMG examination does not necessarily reflect the quality of the teaching programs in these schools. Care in evaluation becomes particularly important when the number of candidates is small.

SUMMARY

American citizens attending medical school outside of the United States or Canada for the most part attend 22 medical schools located in Austria, Belgium, France, Germany, Italy, Mexico, Spain, and Switzerland. A small number attend schools in the Republic of Ireland and in the Netherlands. This study shows the results from 1,162 examinations taken by US citizens, including 132 Puerto Ricans, who received their medical education in these ten countries, on the four ECFMG examination dates in the period between September 1968 and February 1970. The results are shown by country, and by each individual medical school with ten or more candidates. For comparison, companion results are shown for candidates other than US citizens who received their medical education in the same schools.

See table 2 next page.

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[1] Medical licensure statistics for 1968. *JAMA* 208:2148–2152, 1969.

[2] Medical licensure statistics for 1969. *JAMA* 212:1940–1947, 1970.

TABLE 1.—RESULTS OBTAINED BY U.S. CITIZENS AND ALL OTHER CANDIDATES BY COUNTRY OF MEDICAL SCHOOL[1]

	All candidates other than U.S. citizens			U.S. citizens		
Country	Total number	Number passing	Passing (percent)	Total number	Number passing	Passing (percent)
Austria	198	61	30.8	30	5	16.7
Belgium	183	100	54.6	109	62	56.9
Louvain	(90)	(48)	(53.3)	(71)	(47)	(66.2)
France	231	100	43.3	26	11	42.3
West Germany	1,326	661	49.8	109	31	28.4
Heidelberg	(212)	(96)	(45.3)	(52)	(13)	(25.0)
Ireland	740	408	55.1	31	16	51.6
Italy	395	115	28.8	426	114	27.0
Bologna	(70)	(13)	(18.6)	(329)	(82)	(24.9)
Rome	(83)	(23)	(27.6)	(53)	(21)	(38.0)
Mexico	1,174	227	19.3	140	36	25.7
Guadalajara	(70)	(10)	(14.3)	(63)	(18)	(28.6)
Netherlands	182	125	68.7	14	3	21.4
Spain	894	218	24.4	199	33	16.6
Salamanca				(54)	(8)	(14.8)
Other than Puerto Ricans:						
Spain				76	17	22.4
Salamanca				(28)	(5)	(17.9)
Puerto Ricans:						
Spain				123	16	13.0
Salamanca				(26)	(3)	(11.5)
Switzerland	697	513	73.6	81	37	45.7
Total	6,020	2,528	42.0	1,165	348	29.9
Other than Puerto Ricans				042	332	32.0
Puerto Ricans				123	16	13.0

[1] Schools and results in parentheses are those with 50 or more U.S. citizens taking the 4 examinations.

EXHIBIT III

FOREIGN MEDICAL EDUCATION RELATED TO THE U.S. HEALTH-CARE SYSTEM

(By Thomas D. Dublin, M.D.)

Foreign medical graduates comprise a significant fraction (18.4 percent) of our domestic supply of physicians yet the uneven quality of their professional preparation, the increasing numbers of such physicians seeking entrance to this country, largely for economic reasons, and particularly from lesser developed countries with shortages more serious than our own, have created serious national (and international) policy issues which warrant careful and extensive study. These issues received serious attention by the National Advisory Commission on Health Manpower (1967) and are currently under intensive consideration by a special non-Federal Commission on Foreign Medical Graduates. This latter body is being sponsored by the American Medical Association, the American Hospital Association, the Federation of State Medical Licensure Boards, the Association of American Medical Colleges and the Educational Council for Foreign Medical Graduates. The recommendations of this Commission should be issued later this year.

Three groups of foreign trained physicians must be considered separately: (1) American nationals receiving their training abroad—a minor category in terms of numbers; (2) Permanent immigrant physicians—largely from developing countries, predominantly from the Philippines and other Southeast Asian countries; and (3) Exchange-visitor physicians coming to this country for graduate professional training—also largely from Southeast Asian countries.

U.S. nationals seek training opportunities in medicine abroad either because of insufficient places in our domestic schools or because they do not meet the educational requirements for such training in U.S. schools. The numbers are not large (in the range of 2800–3000 total enrollment) compared with the total of approximately 40,000 students enrolled in U.S. schools. About 500–600 start such training each year; these students suffer a high attrition rate and only about one quarter that number actually complete their training over a five to six year curriculum to return to the United States. On their return they do poorly on qualifying examinations for U.S. internships and residencies (ECFMG examination) or for licensure.

TABLE 2.—ECFMG EXAMINATIONS, SEPTEMBER 1968–FEBRUARY 1970[1]

Country and medical school	All candidates other than U.S. citizens[2]		U.S. citizens[2]	
	Number taking	Number passing	Number taking	Number passing
Austria:				
Innsbruck	39	13	10	4
Vienna	132	39	18	1
Belgium:				
Brussels	57	23	33	12
Louvain	90	48	71	47
France: Montpellier	33	11	11	5
Germany (Federal Republic):				
Heidelberg	212	96	52	13
Mainz	45	27	10	2
Munich	281	145	11	0
Ireland[3]				
Italy:				
Bologna	70	13	329	82
Naples	45	12	12	1
Rome	83	23	53	21
Mexico:				
Guadalajara	70	10	63	18
Mexico City	736	155	33	11
Nuevo Leon	198	24	34	7
Netherlands[3]				
Spain:				
Barcelona	108	35	5 (21)	2 (2)
Madrid	431	97	20 (29)	7 (3)
Salamanca	110	18	28 (26)	5 (3)
Santiago de Compostela	49	14	6 (17)	1 (3)
Zaragoza	35	9	6 (10)	0 (1)
Switzerland:				
Basel	125	90	19	10
Geneva	85	62	29	13
Lausanne	105	75	22	10

[1] Results obtained by U.S. citizens and all other candidates from those medical schools with a total of 10 or more U.S. citizen candidates taking the 4 examinations.

[2] Numbers in parentheses indicate Puerto Ricans.

[3] No school with 10 or more U.S. citizen candidates.

This record reflects a number of factors including the low educational standards in the medical schools in the three major countries which accept significant numbers of U.S. students—Italy, Spain, and Mexico. U.S. students do attend medical schools in other European countries but do so in smaller numbers due to national policies in those countries limiting foreign enrollment predominantly to nationals of countries without medical schools of their own. It might be noted that shortages of physicians in most of these countries are greater than our own. The current physician-population ratio in the U.S. is 15 physicians per 10,000 population. Comparable figures are: Ireland, 10.5; Sweden, 11.0; United Kingdom, 11.5; France, 12.1; Belgium, 13.0. Current efforts to increase enrollment in the U.S. schools (including the opening of additional medical schools) should further accelerate the already evident decline in U.S. nationals seeking educational opportunities abroad. Also, a newly instituted program (COTRANS), sponsored by the Association of American Medical Colleges, has made possible the transfer of significant numbers of American nationals studying medicine abroad to advanced standing in U.S. medical schools thus accelerating their reentry into the mainstream of American medical education and American medical practice.

The significant increase in foreign physicians seeking admission to the United States as permanent immigrants is a far more complex problem involving as it does our international policies and immigration laws. Since about 1965–67 immigration of physicians from Northern European countries—where educational standards are high and more compatible with our own—has diminished relatively. This has been due in part to deliberate policies of many of these countries to combat the "brain drain" of scientifically trained manpower and to overcome their own recognized shortages of physicians to provide more adequate health care services to their own populations.

On the other hand the emigration of physicians from Southeast Asian countries to both the United States and Europe has increased both relatively and absolutely. Many Philippine, Indian, Korean, etc., physicians are leaving their own countries to attempt to establish themselves in the U.S.—largely for economic reasons—in spite of the tremendous shortages of health personnel in their native land. In India the ratio of physicians to population is 2 per 10,000; Korea, 3.7; Republic of Vietnam, 0.3; Pakistan, 1.6; the Philippines, 7.5. In contrast the present ratio in the United States is 15. Moreover, most of these physicians, in addition to serious problems of language and cultural differences were exposed to an educational system extremely different and possibly inferior to U.S. educational standards, fail to qualify for additional U.S. training and also perform very poorly on the U.S. licensure examinations. These problems are among those being studied intensively by the Commission on Foreign Medical Graduates.

Exchange visitor physicians have also increased significantly in recent years. Ostensibly these physicians come to the United States to receive graduate professional training in American hospitals and then to return to their own homeland to practice there. However, shortages of U.S. trained physicians to fill internship and residency positions in U.S. hospitals tend to keep these foreign trained physicians in the U.S. longer than was originally contemplated and very recent changes in United States immigration laws are clearly aggravating this situation. Moreover, there are serious questions regarding the type of training exchange visitor physicians receive in the United States as it is designed to train for U.S. institutionalized practice rather than the type of practice possible in their own countries. Again, these problems are being investigated actively by the new Commission on Foreign Medical Graduates.

Summary: The problems associated with the integration of Foreign Medical Education into our domestic health care system are multiple and complex. Many of these problems have been under study for some time and at least one national non-governmental body, the Commission on Foreign Medical Graduates, is expected to issue recommendations for the solution of some of them in the near future. Implementation of satisfactory solutions will require coordinated and planned, long-term effort of many non-governmental agencies and organizations as well as of responsible agencies of government including the Departments of Health, Education, and Welfare, State, Labor and Justice (Immigration and Naturalization Service).

APPENDIX

Foreign medical graduates

Because of the large number of foreign medical schools whose graduates come to the United States either to enter practice or to obtain graduate medical training and experience, it is difficult to generalize on the professional qualifications of such foreign medical graduates. Widely differing admissions requirements, equally disparate standards and content of educational programs and basic differences in cultural and social systems in the various countries of the world whose medical graduates come to the U.S. further compound the difficulties of comparison of foreign trained physicians with graduates of domestic medical schools.

Foreign medical graduates fare less well than domestically trained physicians on U.S. licensure or other qualifying examinations. For example, in 1969, about 96 percent of the 4,627 graduates of 84 approved U.S. medical schools passed their licensure examinations; about 94 percent of the 526 graduates of five U.S. schools of osteopathy were similarly successful and so were 84 percent of the 96 graduates of 12 Canadian schools. However, only 65 percent of the 4,975 graduates of 342 medical schools in other countries who took these same examinations were able to meet the requisite passing grade for licensure. When one looks at each of the countries whose medical graduates took one or more licensure examinations in 1969 in our separate States, rather marked differences can be noted. For example, of 57 graduates of English medical schools, 49 (or 86 percent) passed; 58 percent of 985 Philippine physicians were also successful; 77 percent of 270 Indian physicians received passing grades as did 62 percent of 172 Italian, 63 percent of Korean and 48 percent of 161 Mexican physician graduates.[1]

It should be noted, however, that those eligible for such licensure examinations are in essence a select group as they have already met other qualifying requirements including successfully meeting the requirements of the Educational Council for Foreign Medical Graduates and had received one or more years of graduate medical training as an intern or resident in an approved U.S. Hospital. In this connection the ECFMG reports that only 60 percent of candidates taking its examination, a prerequisite for an appointment to an approved U.S. hospital internship or residency, receive a passing grade on its tests which are given both in the U.S. and abroad.[2]

In 1969, approximately 10,000 physicians were licensed for the first time in the 50 States, the District of Columbia and U.S. Territories. Of these additions to the practicing medical professions 2,468 (including 161 Canadian graduates) or almost 25 percent received their basic medical training in other than domestic medical schools.[3]

According to data provided by the Immigration and Naturalizaton Service, Department of Justice, the largest numbers of foreign medical graduates (permanent immigrants and exchange visitor physicians combined) entering the United States in the three year period, FY 1963–1970, came from the following five countries: the Philippines (3547), India (2730), Canada (1867), the United Kingdom (1220), and Korea (959). Other data indicate that many of the physicians entering the U.S. from Canada and the United Kingdom are natives of and received their training in other countries, primarily those in South East Asia. Also, it is not possible at this time to indicate how many of these physicians have gained licensure or will ultimately be licensed to practice medicine in the United States.

Foreign medical graduates

As of December 31, 1969, the date of the latest American Medical Association census of physicians in the United States, there were 59,711 graduates of foreign medical schools (18.4 percent, or almost one in five) out of a total 324,942 M.D.'s listed by the Physicians Records Service.[4] In a similar survey made by the Public Health Service in 1959, ten and one-half years earlier, only 8.6 percent (one in twelve) of the 241,036 physicians in this country were graduates of non-U.S. medical schools.[5] Thus, in this interval the total supply of M.D.'s in the United States has increased by 35 percent and the proportion of physicians receiving their basic medical training outside of the U.S. has more than doubled.

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[1] Medical Licensure Statistics for 1969, Medical Licensure Number of the Journal of the American Medical Association 212: 1871–1950, June 15, 1970.

[2] Ibid.

[3] Ibid.

[4] Reference: American Medical Association, Center for Health Services Research and Development, personal communication, Feb. 15, 1971.

[5] Health Manpower Source Book, Section 11, Medical School Alumni, PHS Publication 263, U.S. Dept. HEW, 1961.

From data obtained from the Immigration and Naturalization Service of the Department of Justice, 8,166 physicians *of foreign nationality* entered the United States in FY 1970. Of these 3,158 entered on permanent immigrant visas and 5,008 on exchange visitor visas to receive graduate medical training as interns and residents in U.S. hospitals and then to return to their own countries, predominantly the developing countries of the world. During the last nine years there has been a general upward trend of both permanent immigrant physicians and exchange visitor physicians coming to the United States, and both groups are heavily weighted with physicians who are natives of countries in South East Asia.

No accurate data are available on U.S. citizens who go abroad for their medical education and then return to practice in this country. It has been estimated that between 500 and 600 Americans enter foreign medical schools each year. A recent survey (1969) identifies 2,343 Americans enrolled in 16 such medical schools (usually a six-year course) and 162 Americans graduated from those schools that year. Italian, Mexican and Spanish medical schools appear to be the most frequently selected by Americans seeking medical education abroad.[6] There is some evidence to suggest that the number of U.S. citizens completing medical training abroad and then entering domestic practice has diminished slightly in recent years.

EXHIBIT IV

[From the Journal of Medical Education, Official Publication of the Association of American Medical Colleges]

STUDY OF U.S. MEDICAL SCHOOL APPLICANTS, 1969–70

(By Frank T. Stritter, Ph. D., Jack G. Hutton, Jr., Ph. D., and W. F. Dube, M.A.)

(NOTE.—Dr. Stritter is associate director, AAMC Division of Student Affairs. Dr. Hutton is assistant director, AAMC Division of Educational Measurement and Research. Mrs. Dube is student records program director, AAMC Division of Student Affairs.)

(NOTE.—Tables not printed in the RECORD.)

The annual applicant study has presented medical school application activity for classes entering U.S. medical schools since 1926 annually in the Journal of Medical Education and its predecessors. The purpose of the 1969–70 study is to discuss application activity for the class beginning medical school during the 1969–70 academic year.

OVER VIEW

The number of applications submitted, the number of aplicants, and the number of available places in first-year medical school classes for 1969–70 all established record highs. For that year, 10,422 places were available in first-year classes, representing an increase of 5.4 percent over the previous year (Table 7). Of those places, 153, or 1.5 percent, were filled by students repeating the year or re-entering after previously being enrolled, and 10,269, or 98.5 percent, were held by students entering medical schools for the first time. To fill available places, 10,547 individuals were offered admission to one or more U.S. medical schools. Of that total, 278 or 2.6 percent, chose not to enter medical school at that time. (Table 1). It is significant that the number of nonmatriculants has been steadily decreasing since 1962–63, when a total of 6.3 percent of all accepted applicants chose not to enter medical school. It should be emphasized that there were no vacant places in first year classes; schools offered admission to individuals on their alternate lists.

The number of applicants for 1969–70 rose to 24,465, a 15 percent increase over the previous year (Table 2). Possible causes for this rise are the increasing number of individuals receiving baccalaureate degrees each year and greater numbers of students interested in careers in biological science and the health professions. Also significant was the greater number of applications submitted. There were 133,822 applications reported for 1969–70, 19 percent more than the number reported for 1968–69. The average medical student applied to 5.5 medical schools, up from the 5.3 average of 1968–69 (Table 2). This national average was greatly exceeded by applicants in some parts of the far west.

SUMMARY OF MCAT PERFORMANCE

Of the 24,465 applicants for admission to 1969–70 first-year medical classes, 23,632, or 96.6 percent, took the Medical College Admission Test (MCAT). As presently constituted, the test consists of four subtests and provides separate scores in the areas of "Verbal Ability," "Quantitative Ability," "General Information," and "Science" achievement. Over the years, there has been a rather consistent trend of higher scores and, presumably, better prepared candidates. This trend is shown in Table 3 by the gradually increasing mean of average scores for the total applicant pool on all four subtests. It is evident that the trend continued for 1969–70, as three of the four means for the total applicant group increased a few points. As was pointed out in "The Study of Applicants, 1966–67", small score increases from one year to the next must be interpreted with caution, although there would appear to be little question but that the upward trend over the years is both statistically and practically significant. What proportion of the increase can be attributed to improved premedical preparation as opposed to increased "test-wiseness," or test-taking ability, on the part of the examinees is, of course, open to conjecture. Mean scores for the accepted applicant group increased a few points from 1968–69 to 1969–70 on two subtests, "Verbal" and "Quantitative"; however, the means for the nonaccepted applicants increased a bit more on these same subtests, increased a few points on the "General Information" subtest, and increased 12 points on the "Science" subtest as well. The particularly noticeable increase on the "Science" subtest of the 1968–69 accepted applicant group over the previous year did not recur, as the 1969–70 mean score remained at 577.

Discussion

Number of applicants

Stritter, et al predicted that the number of applicants would reach 25,000 by the early 1970's; and in view of the 1969–70 total of 24,465, it now appears that that assessment was correct.[1] This upward trend has been documented in previous AAMC studies and is reflected in the tables included in the appendix to this paper.

For 1969–70, the number of applicants rose 15 percent over the previous year; the number of applications submitted increased 19 percent while the number of available first-year places rose only 5 percent. Medical schools are making serious efforts to enlarge their enrollments in line with recommendations made by the American Medical Association, the Association of American Medical Colleges, and the federal government. However, additional places are not being made available at a rate commensurate with the growing interest in medicine as a career and the expanding proportion of 22-year-olds in the population currently receiving baccalaureate degrees.

In 1961–62, approximately 16.8 percent of the 22-year-olds in the population received baccalaureate degrees, while 3.8 percent of that number actually applied to medical school. This assumes that the vast majority of those individuals receiving baccalaureate degrees were 22-year-olds and also that a similarly large majority entering medical school had received baccalaureate degrees. (Figure 1). In the same year, 60.4 percent of all applicants received one or more acceptances. In 1969–70, on the other hand, 20.7 percent of all 22-year-olds received baccalaureate degrees, with 3.2 percent of those individuals applying to medical school. (Figure 1). It is significant to note that for 1969–70, the percentage of applicants receiving one or more acceptances had decreased to 43.1 percent after a steady decline over the preceding 10-year period. A major factor that may be responsible for this lower acceptance rate is the large increase in the birth rate between 1946 and 1947, commonly referred to as the post-World War II "baby boom." Indicative of this increase is the change in the number of 22-year-olds in the population, a figure which grew steadily from 2,238,000 in 1960 to 2,800,000 in 1968 before rising sharply to 3,635,000 in 1969.

Less obvious but equally significant is the decrease in percentage of baccalaureate degree recipients applying to medical school over that same 10-year period. Several possible causes for this are: (*a*) the temporary emphasis on physical sciences during the post-Sputnik era of the 1960's; (*b*) the proliferation of new, attractive scientific curricula during the decade, drawing many students away from the health sciences; (*c*) the addition of professional and other baccalaureate degree programs which do not ordinarily furnish medical school applicants; and (*d*) student awareness of the greater competition for admission. Potthoff has provided convincing evidence for the fourth point in his research.[2]

The AAMC continued to urge medical schools to increase their enrollment for 1969–70 to produce additional physician manpower. At a second joint meeting of the Executive Council of the AAMC and the AMA Board of Trustees in June 1968, the two groups continued to emphasize the necessity of expanding enrollments. A published statement urged that "increased emphasis be given to support of the educational component of academic medical center activities with the intent that the production of physicians and other health personnel by such centers be assigned the highest possible priority."[3] In addition, at its 1968 annual meeting in Houston, Texas, the AAMC Assembly adopted a recommendation of the 1968 Workshop on Medical School Curriculum which read as follows: "Medical schools must increase their output of physicians. All schools should immediately increase the number of entering students, accelerating expansion by redistributing temporarily the use of existing resources."[3]

The U.S. Office of Education predicts that the number of individuals receiving baccalaureate degrees will expand from 754,000 in 1969 to more than 900,000 by 1975 and 1,000,000 by 1980.[4] If these estimates are accurate, the number of individuals applying to medical schools might well increase to approximately 28,000 by 1975 and to 34,000 by 1980.

Number of Applications

A new high was reached in the total number of applications received by American medical schools. A total of 133,822 applications reflected a 19 percent increase over 1968–69. Applicants submitted an average of 5.5 applications per individual, compared with the 5.3 per individual for 1968–69.

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[6] Mason, Henry R., Foreign Medical Schools as a Resource for Americans, Journal of the National Association of College Admission Counselors 15:16–20, November, 1970.

Footnotes at end of article.

It is apparent that the decreasing percentage of individuals receiving one or more acceptances generates serious concern in the mind of the applicant, stimulating him to initiate a greater number of applications.

As applicants and applications continue to increase, the AAMC has developed the American Medical Colleges Application Service (AMCAS), under the auspices of its Group on Student Affairs. AMCAS has been designed to assist in solving problems created by increasing applicant and application rates. This service became available for all applicants applying to 56 schools electing to participate for the class entering in September 1971. As the program continues to be modified and improved, the AAMC has expressed the hope that many more schools will enter the program in the near future.

Available Places

For 1969–70, two new schools (Louisiana State University at Shreveport and the Medical College of Ohio at Toledo) accepted their first classes. These schools added a total of 65 students to the number entering first-year medical school classes. In addition, existing schools increased their class sizes by 464 individuals, resulting in a total of 529 new places for the 1969–70 academic year. There were 68 schools which increased the number of students entering their first-year classes for the first time. Of that group, 38 schools reported increases of more than 5 students with 20 adding 10 or more. Those schools that added 10 or more include Albany, Bowman-Gray, University of Chicago, Colorado, Emory, Georgia, Illinois, Michigan, Nebraska, North Carolina, Ohio State, Oklahoma, Pennsylvania, Penn State, Puerto Rico, and Southern California. Noticeably larger increases were achieved by the following schools: Arizona, 33; Miami, 20; South Carolina, 27; and Texas-San Antonio, 48.

For 1970–71, the University of Massachusetts has begun operation, adding 16 students to the first year total. Moreover, the Physician Augmentation Program, funded by the federal government through the Department of Health, Education, and Welfare, and administered by the National Institutes of Health, has begun to provide important grants which should permit several existing medical schools to increase significantly the size of their 1970–71 entering classes.

Minority student enrollment has also expanded slightly as previously reported by Dove.[5] The number of Black Americans in first-year classes rose from 266 (2.7 percent) in 1968–69 to 440 (4.2 percent) in 1969–70. Comparable increases were from 3 to 7 for Indian-Americans, 20 to 44 for Mexican-Americans, 121 to 140 for Oriental-Americans, and 87 to 96 for Puerto Ricans. The total enrollment change in the above groups of students rose from 497 in 1968–69 to 727 in 1969–70, an increase of 230 or 46 percent.

It should be noted, however, that the above minority student growth of 230 entrants was accompanied by a total rise in first-year enrollees of 529. Thus 1969–70 ran an absolute increase in medical school matriculants from both the minority and the majority group population.

MCAT Examiners

There were 26,562 individuals taking the MCAT in 1968: 14,663 in May and 11,899 in October. This was an increase of 4,274, or 19 percent, over the 22,288 persons tested the previous year. As indicated previously, 24,465 individuals submitted one or more applications to U.S. medical schools for the fall of 1969—considerably above the 23,000 figure estimated in last year's study.[1] A total of 23,632 of these applicants took the MCAT either in 1968 or earlier, while the remaining 833 persons applied for admission to the 1969–70 freshman class without having taken the test.

In 1969, the total number of MCAT administrations rose to 28,896, although this was accompanied by a significant increase in the number of individuals taking the test for a second time. This increase in MCAT repeaters coincides with the release of scores to examinees initiated in 1968 and makes comparisons with past figures somewhat misleading. For this reason, future studies will break down the yearly examinee population into initial testing versus repeater groups.

The number of Canadian examinees continues to rise: 2,099 in 1969, compared with 1,687 in 1968 and 1,303 in 1967. Canadians comprised 5.8 percent of the total MCAT examinee population in 1967, 6.4 percent in 1968, and 7.0 percent of the total population in 1969—a steady increase.

All persons taking the MCAT during 1968 and 1969 completed a four-page questionnaire at the time of testing. Data resulting from the questionnaire are being analyzed and, when complete, will provide a rather comprehensive description of the total examinee population.

Female Applicants

In each of the years during the decade of the 1960's, between 40 and 45 percent of all individuals receiving baccalaureate degrees in U.S. colleges and universities were female. Of the total number of women graduating, less than 1 percent applied to medical school each year, compared with an average of 5 percent of all male graduates. The figures also disclose that less than 10 percent of the total medical school applicant pool in each of the years reviewed were women. In 1969–70, 2,289 women applied for places, constituting 9.4 percent of the applicant pool; 1,011 women, or 9.6 percent, of the total accepted group were offered one or more acceptances, while 929 actually matriculated, constituting 9.1 percent of all students entering medical school.

Many reasons have been suggested for this tremendous difference between the percentage of female college graduates and the percentage of female medical school applicants. In her book, *Women in Medicine,* Carol Lopate indicates that motivation is probably the greatest reason for the failure of women to be interested in medicine as a career. Women tend to be intimidated if they feel less than a total commitment to their career choice and elect not to follow a natural inclination to pursue medical careers. Women also tend to be counseled away from careers in medicine by high school counselors, parents, and college premedical advisers in many instances. Women tend not to be motivated to the same degree as men in such areas as earning a large income or being the head of a household. In the past, Mrs. Lopate speculates, the female egos were consumed with having children and running the family, thus leading them away from the long periods of training and service to the community which a career in medicine demands.[6]

Applicants by State of Residence

New York State contributed the largest number of applicants (3,350) to the 1969–70 total, constituting 14 percent of the applicant pool. This trend parallels the percentage reported for both 1967–68 and 1968–69. In contrast, Alaska once again contributed the smallest number of applicants (14). The same two states also demonstrate the extremes in number of applicants accepted. Alaska having 8 successful applicants and New York 1,439.

In 1969–70, only 12 states achieved applicant acceptance rates of 50 percent or better (Table 10), with only 5 states obtaining rates of more than 55 percent. Those 5 most successful states were Alaska, 57 percent (8 accepted applicants); Hawaii, 58 percent (52 acceptees); North Dakota, 62 percent (43 acceptees); South Carolina, 58 percent (149 acceptees); and Vermont, 64 percent (32 acceptees). In 1967–68, 32 states had acceptance rates of 50 percent or better; and in 1968–69, 22 states had similar rates. States having applicant acceptance rates of less than 40 percent numbered 12 in 1969–70, compared with 6 states in 1968–69 and 3 in 1967–68. The 1969–70 states in this category were California, 35 percent; Delaware, 38 percent; Florida, 38 percent; Idaho, 35 percent; Montana, 32 percent; Nevada, 25 percent; New Hampshire, 33 percent; Pennsylvania, 40 percent; Rhode Island, 38 percent; Utah, 28 percent; Wyoming, 34 percent, and Puerto Rico, 37 percent. Of those states, Florida will have two new state medical schools opening in 1971 (Florida State University and the University of South Florida), and Nevada will open a new institution in the same year (The University of Nevada). Of the other states with less than 40 percent acceptance rates, six have no state schools: Wyoming, Rhode Island, New Hampshire, Montana, Idaho, and Delaware. Although Rhode Island has Brown University and New Hampshire has Dartmouth University, both of these schools are private and attract students from a national applicant pool.

FOREIGN STUDENTS

First year acceptances of foreign students to U.S. medical schools for the 1969–70 academic year reached a total of 157, or 1.5 percent of the total entering class, the highest number ever recorded by the AAMC (13 Canadian entrants are not included in the total). The largest contributing geographic areas and countries for the past four years are summarized in Table 8. Whenever equal numbers were reported from two countries, both are identified. While foreign first-year acceptances recorded for 1966 and 1967 remained level (136 and 138 respectively), they declined sharply in 1968 to 110 and subsequently rose to a new plateau with 157 in 1969. Since the opening of new medical schools did not account for increases in foreign enrollment in the past, it may be reasonable to assume that the overall expansion of class sizes is responsible for the admission of more foreign medical students.

Repeating the trend of previous years, in 1969–70 the most frequently reported nationalities were from the Americas, with 26 from the West Indies, 14 from Cuba, 7 from Central America, and 7 from South America, amounting to 54, or 34.4 percent of the foreign total.

Asia followed with 46 students, of whom 18 were from Nationalist China, 9 from Hong Kong, 4 each from the Philippines and Thailand, plus others from Burma, India, Japan, Korea, Singapore, and Viet Nam.

Europe for the second time in 1969 contributed more students than Africa. Of the 28 European medical students, 11 were from England, 2 each from France, Germany, Greece, Hungary, and the Netherlands, and 1 each from Bulgaria, Czechoslovakia, Ireland, Poland, Rumania, Spain, and Sweden.

Although the figures for Africa indicate that accepted Nigerian nationals represent more than half of other accepted African nationals, the total of 8 is still far below the 14 enrolled in 1967. Cameroon and Rhodesia were represented by 3 students each; Ghana, 2; and Ethiopia, Kenya, Kuwait, Togo, and Zambia, 1 each.

Admissions from Middle Eastern nations remained at the 1968 level of seven accepted students. Iran accounts for three of the total, while 1 student each came from Iraq, Israel, Jordan, and Turkey.

From this data, it can be concluded that although most totals for the various geographical areas are somewhat higher than those established for previous years, the proportions of the major contributors differ only in the West Indies and Europe.

Footnotes at end of article.

Summary

This paper analyzes application activity for classes entering U.S. medical schools in 1969–70.

The most noteworthy finding that emerged upon examination of the data confirms not only that the percentage of applicants offered one or more acceptances continued to decline, but also that last year's percentage was the lowest recorded to date. The number of first-year places exceeded the total for the previous year, but the number of applicants and applications submitted rose markedly.

Other data summarized include the sex distribution of the applicant pool; MCAT score means; statistics by region; medical school and state of residence; and enrollment of foreign nationals.

ACKNOWLEDGEMENTS

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FOOTNOTES

[1] Stritter, F. T., Hutton, J. G., and Dube, W. F., Study of U.S. Medical School Applicants, 1968–69. *J. Med. Educ.*, 45:195–209, 1970.

[2] Potthoff, E. F. The Future Supply of Medical Students in the United States. *J. Med. Educ.*, 35:223–237, 1960.

[3] American Medical Association and Association of American Medical Colleges, Joint Statement on Health Manpower. *J. Med. Educ.*, 43:1009, 1968.

[4] Association of American Medical Colleges, Proceedings for 1968. *J. Med. Educ.*, 44:361, 1969.

[5] *Projections for Educational Statistics to 1977–78.* U.S. Office of Education, National Center for Educational Statistics. Washington, D.C.: U.S. Government Printing Office, 1969, P. 31.

[6] Dove, D. Minority Enrollment in U.S. Medical Schools, 1969–70 Compared to 1968–69. *J. Med. Educ.*, 45:179, 1970.

[7] Lopate, C. *Women in Medicine.* Baltimore, Maryland: The Johns Hopkins Press, 1968, Pp. 25–42.

TABLE 1.—COMPARISON OF ACCEPTED APPLICANTS, NONMATRICULANTS, AND ENROLLED 1ST-YEAR STUDENTS, 1962-63 THROUGH 1969-70

1st-year class	Total accepted applicant	Enrolled in 1st-year class						
		Nonmatriculants		New entrants		Others[1]		
		Number	Percentage	Number	Percentage	Number	Percentage	Total enrolled
1962-63	8,959	565	6.3	8,394	97.1	248	2.9	8,642
1963-64	9,063	498	5.5	8,565	96.9	277	3.1	8,842
1964-65	9,043	456	5.0	8,587	97.2	249	2.8	8,836
1965-66	9,012	458	5.1	8,554	97.6	206	2.4	8,760
1966-67	9,123	348	3.8	8,775	97.6	216	2.4	8,991
1967-68	9,702	385	4.0	9,314	98.3	159	1.7	9,473
1968-69	10,092	352	3.5	9,740	98.7	123	1.3	9,863
1969-70	10,547	278	2.6	10,269	98.5	153	1.5	10,422

[1] 1st-year students repeating the year or reentering after previously being enrolled.

TABLE 2.—SUMMARY OF APPLICATION ACTIVITY, 1961-62 THROUGH 1969-70

1st-year class	Number of applicants	Number of applications	Applications per individual	Accepted applicants	Number of applicants per acceptance	Percentage of total applicants accepted
1961-62	14,381	53,834	3.7	8,682	1.66	60.4
1962-63	15,847	59,054	3.7	8,959	1.77	56.5
1963-64	17,668	70,063	4.0	9,063	1.95	51.3
1964-65	19,168	84,571	4.4	9,043	2.12	47.2
1965-66	18,703	87,111	4.7	9,012	2.08	48.2
1966-67	18,250	87,627	4.8	9,123	2.00	50.0
1967-68	18,724	93,332	5.0	9,702	1.93	51.8
1968-69	21,118	112,195	5.3	10,092	2.09	47.9
1969-70	24,465	133,822	5.5	10,547	2.30	43.1

TABLE 3.—MEAN MCAT SCORES OF ACCEPTED, NONACCEPTED, AND TOTAL APPLICANTS 1960-61 THROUGH 1969-70

1st-year class	Mean MCAT scores				Number taking MCAT	Percentage of total applicants	Total applicants
	Verbal ability	Quantitative ability	General information	Science			
Accepted applicants:							
1960-61	527	533	527	533	8,500	99.3	8,560
1961-62	533	538	522	537	8,633	99.4	8,682
1962-63	544	537	541	545	8,920	99.6	8,959
1963-64	537	[1]552	549	545	9,021	99.5	9,063
1964-65	540	[1]567	561	556	9,015	99.7	9,043
1965-66	541	583	565	549	8,983	99.7	9,012
1966-67	549	584	566	550	9,109	99.8	9,123
1967-68	554	596	566	565	9,676	99.7	9,702
1968-69	556	600	570	577	10,010	99.2	10,092
1969-70	562	603	569	577	10,493	99.5	10,547
Nonaccepted applicants:[2]							
1960-61	464	453	473	449	5,462	93.6	5,837
1961-62	469	465	469	458	5,340	93.7	5,699
1962-63	475	464	485	460	6,515	94.6	6,888
1963-64	484	[1]476	501	467	8,247	95.8	8,605
1964-65	481	[1]492	509	473	9,802	96.8	10,125
1965-66	473	502	511	466	9,324	96.2	9,691
1966-67	488	510	516	478	8,781	96.2	9,127
1967-68	496	514	514	485	8,580	95.1	9,022
1968-69	497	526	519	495	10,433	94.6	11,026
1969-70	506	536	524	507	13,139	94.4	13,918
Total applicants:							
1960-61	503	501	506	500	13,962	97.0	14,397
1961-62	509	510	501	507	13,973	97.2	14,381
1962-63	515	506	517	509	15,435	97.4	15,847
1963-64	511	[1]516	526	508	17,268	97.7	17,688
1964-65	509	[1]528	534	513	18,817	98.2	19,168
1965-66	507	542	538	507	18,307	97.9	18,703
1966-67	519	548	541	515	17,890	98.0	18,250
1967-68	527	558	542	527	18,256	97.5	18,724
1968-69	526	562	544	535	20,443	96.8	21,118
1969-70	531	566	544	538	23,632	96.6	24,465

[1] Figure has been adjusted. See Hutchins, E. B., and Wallace, W. L. "The Effect of Practice in Norming the Quantitative Ability Section of the Medical College Admission Test," AAMC Office of Basic Research Technical report Number M662, 1966 (mimeographed).

[2] Figures include those who withdrew before any action was taken on any of their applications.

TABLE 4.—CLASSIFICATION OF U.S. MEDICAL SCHOOLS BY GEOGRAPHIC REGION AS OF JULY, 1970

Northeast:
- Albany
- Boston
- Brown
- Columbia
- Connecticut
- Cornell
- Dartmouth
- Einstein
- Hahnemann
- Harvard
- Jefferson
- Massachusetts[1]
- Mount Sinai
- New Jersey
- New York Medical
- New York University
- Pennsylvania
- Pennsylvania State
- Pittsburgh
- Rochester
- Rutgers
- SUNY-Buffalo
- SUNY-Downstate
- SUNY-Stony Brook[2]
- SUNY-Upstate
- Temple
- Tufts
- Vermont
- Medical College of Pennsylvania
- Yale

Southeast:
- Bowman Gray
- Duke
- Emory
- Florida
- Florida State[2]
- George Washington
- Georgetown
- Georgia
- Howard
- Johns Hopkins
- Maryland
- Miami
- North Carolina
- South Carolina
- South Florida[2]
- Virginia Medical
- Virginia, U. of
- West Virginia

North Central:
- Case Western Reserve
- Chicago Medical
- Chicago, U. of (Pritzker)
- Cincinnati
- Creighton
- Illinois
- Indiana
- Iowa
- Kansas
- Loyola (Stritch)
- Medical College of Wisconsin
- Michigan
- Michigan State
- Minnesota
- Missouri-Columbia
- Missouri-Kansas City[3]
- Nebraska
- North Dakota
- Northwestern
- Ohio State
- Rush[3]
- St. Louis
- South Dakota
- Southern Illinois[3]
- Washington-St. Louis
- Wayne State
- Wisconsin

South Central:
- Alabama
- Arkansas
- Baylor
- Kentucky
- Louisiana-New Orleans
- Louisiana-Shreveport
- Louisville
- Meharry
- Mississippi
- Oklahoma
- Tennessee
- Texas-Galveston
- Texas-Houston[3]
- Texas-San Antonio
- Texas-Southwestern
- Tulane
- Vanderbilt

West:
- Arizona
- California-Davis
- California-Irvine
- California-Los Angeles
- California-San Francisco
- California-San Diego
- Colorado
- Hawaii
- Loma Linda
- Nevada[3]
- New Mexico
- Oregon
- Southern California
- Stanford
- Utah
- Washington-Seattle

[1] New medical school which accepted its initial first-year class in the fall of 1970.

[2] New medical schools which will accept their initial first-year class in the fall of 1971.

[3] New medical school in planning state for which deans or program directors have been assigned.

TABLE 5.—GEOGRAPHICAL LOCATION OF ENROLLED MEDICAL STUDENTS, 1969–70

Region of medical school	Region of residence enrollee						
	North-east	South-east	North Central	South Central	West	U.S. possessions Canada and foreign	Total
Northeast	2,288	136	168	53	84	24	2,753
Southeast	322	1,057	92	47	60	12	1,590
North Central	317	41	2,271	60	189	14	2,892
South Central	83	97	87	1,358	49	9	1,683
West	78	39	110	42	966	22	1,257
Puerto Rico	4	3			1	86	94
Total	3,092	1,373	2,728	1,560	1,349	167	10,269

TABLE 6.—COMPARATIVE ADMISSIONS DATA FOR MEN AND WOMEN APPLICANTS, 1961–62 THROUGH 1969–70

1st-year class	Men			Women			Women as percentage of total accepted
	Number applicants	Number accepted	Percentage accepted	Number applicants	Number accepted	Percentage accepted	
1961–62	13,215	7,946	60.1	1,166	736	63.2	8.5
1962–63	14,646	8,242	56.3	1,201	717	59.7	8.0
1963–64	16,236	8,305	51.2	1,432	758	52.9	8.4
1964–65	17,437	8,219	47.1	1,731	824	47.6	9.1
1965–66	17,027	8,213	48.2	1,676	799	47.7	8.9
1966–67	16,554	8,267	49.9	1,696	856	50.5	9.5
1967–68	16,773	8,718	51.9	1,951	984	50.4	10.1
1968–69	19,021	9,116	47.9	2,097	976	46.5	9.7
1969–70	22,176	9,536	403.0	2,289	1,011	44.2	9.6

TABLE 7.—SUMMARY OF ACTIVITY TO INCREASE FIRST-YEAR MEDICAL SCHOOL ENROLLMENTS, 1960–61 THROUGH 1969–70

Year	Total number of new schools	Total number of new places in new schools	Total number of existing schools	Total number of new places in existing schools	Total number of 1-year places [1]	Percentage of increase
1960–61	1	40	84	46	8,069	1.1
1961–62	0		85	74	8,143	.9
1962–63	1	94	85	5	8,242	1.2
1963–64	0		86	323	8,565	3.9
1964–65	1	23	86	−1	8,587	.3
1965–66	0		87	−33	8,554	−.4
1966–67	2	40	87	181	8,775	2.6
1967–68	4	114	89	425	9,314	6.1
1968–69	5	219	94	207	9,740	4.6
1969–70	2	65	99	464	10,269	5.4

[1] 1-time entrants only.

TABLE 8.—SUMMARY OF GEOGRAPHICAL ORIGINS OF ENROLLED FOREIGN MEDICAL STUDENTS, 1966–67 TO 1969–70

Geographical area	1966–67		1967–68		1968–69		1969–70	
	Country	Number	Country	Number	Country	Number	Country	Number
Africa (largest contributors)	Nigeria	14	Nigeria	10	Nigeria	3	Nigeria	8
	Other	10	Other	14	Other	6	Other	13
	Total	27	Total	24	Total	9	Total	21
Americas (largest contributors)	West Indies	14	Cuba	15	Cuba	19	West Indies	26
	Other	24	Other	27	Other	33	Other	28
	Total	38	Total	42	Total	52	Total	54
Asia (largest contributors)	China inc. Hong Kong.	24	China inc. Hong Kong.	24	China inc. Hong Kong.	16	China inc. Hong Kong.	27
	Other	11	Other	14	Other	11	Other	19
	Total	35	Total	38	Total	27	Total	46
Europe (largest contributors)	Germany	9	England	3	England	3	England	11
			Germany	3	Hungary	3		
	Other	16	Other	14	Other	9	Other	17
	Total	25	Total	20	Total	15	Total	28
Middle East (largest contributors)	Iran	3	Iran	3	Israel	3	Iran	3
			Israel	3				
	Other	6	Other	5	Other	4	Other	4
	Total	9	Total	11	Total	7	Total	7
Oceania	Fiji	1	Australia	1			Fiji	1
			Micronesia	1				
			Total	2				
Stateless		1		1		0		0
Annual total		136		138		110		157

TABLE 9.—NEW 1ST-YEAR ENTRANTS AND APPLICATION ACTIVITY OF APPLICANTS TO EACH SCHOOL, 1969–70

Name of school	Total, 1st year, including repeaters	New entrants to 1st year class			Change from previous year	Total number of applicants to each school			Total applications by each school applicants	Average number of applications by each schoo applicants
		Male	Female	Total		Male	Female	Total		
Alabama	100	96	4	100	+9	609	41	650	5,340	8.2
Albany	81	73	6	79	+11	1,677	135	1,812	24,472	13.5
Arizona	65	57	8	65	+33	574	53	627	6,249	10.0
Arkansas	113	106	3	109	−1	514	28	542	3,687	6.8
Baylor	92	87	4	91	+6	1,227	88	1,315	11,784	9.0
Boston	97	78	15	93	+5	1,637	200	1,837	23,152	13.0
Bowman Gray	79	73	3	76	+15	1,519	73	1,592	18,013	11.3
Brown	14	12	2	14	+7	61	12	73	465	6.4
California-Davis	52	46	6	52	+4	949	93	1,042	10,557	10.1
California (Los Angeles)	129	124	3	127	0	1,341	136	1,477	14,298	9.7
California (Irvine)	65	59	9	64	0	1,226	113	1,339	13,005	9.7
California (San Diego)	54	48	6	54	+7	1,470	139	1,609	15,921	9.9
California (San Francisco)	132	112	19	131	+3	597	77	674	5,750	8.5
Case Western Reserve	88	75	13	88	−12	1,852	206	2,058	21,662	10.5
Chicago Medical	85	81	2	83	+1	1,737	73	1,810	22,860	12.6
University of Chicago (Pritzker)	90	78	12	90	+11	1,404	118	1,522	16,315	10.7

TABLE 9.—NEW 1ST-YEAR ENTRANTS AND APPLICATION ACTIVITY OF APPLICANTS TO EACH SCHOOL, 1969-70—Continued

Name of school	Total, 1st year, including repeaters	New entrants to 1st year class			Change from previous year	Total number of applicants to each school			Total applications by each school applicants	Average number of applications by each school applicants
		Male	Female	Total		Male	Female	Total		
Cincinnati	113	102	6	108	+2	1,595	79	1,674	19,151	11.4
Colorado	115	103	12	115	+11	1,468	137	1,605	14,825	9.2
Columbia	136	116	15	131	−2	1,479	193	1,672	17,542	10.5
Connecticut	32	27	5	32	0	1,237	148	1,385	18,215	13.2
Cornell	89	83	5	88	−2	1,471	179	1,650	18,433	11.2
Creighton	89	83	2	85	+3	2,108	90	2,198	23,670	10.8
Dartmouth	55	47	6	53	+1	788	65	853	10,326	12.1
Duke	86	81	4	85	−1	1,551	137	1,688	16,538	9.8
Einstein	109	95	14	109	+8	1,437	180	1,617	19,961	12.3
Emory	96	89	7	96	+15	1,214	65	1,279	12,209	9.5
Florida	64	57	5	62	−1	933	66	999	9,135	9.1
George Washington	117	104	11	115	+1	2,142	159	2,301	28,724	12.5
Georgetown	122	109	12	121	+1	2,057	170	2,227	27,530	12.4
Georgia	120	111	8	119	+15	391	25	416	1,506	3.6
Hahnemann	115	106	9	115	0	2,437	192	2,629	30,547	11.6
Harvard	140	127	11	138	+5	1,369	158	1,527	13,337	8.7
Hawaii	40	36	4	40	+7	106	12	118	898	7.6
Howard	90	75	15	90	−9	757	93	850	7,859	9.2
Illinois	216	196	20	216	+11	1,008	101	1,109	8,141	7.3
Indiana	227	208	19	227	+1	1,153	98	1,251	9,484	7.6
Iowa	131	117	13	130	+3	426	40	466	2,716	5.8
Jefferson	193	171	19	190	−2	2,796	248	3,044	33,404	11.0
Johns Hopkins	98	88	10	98	+5	1,071	127	1,198	11,324	9.5
Kansas	126	118	8	126	+1	701	60	761	6,656	8.7
Kentucky	89	77	11	88	+8	1,041	83	1,124	11,378	10.1
Loma Linda	108	97	11	108	+5	768	65	833	8,613	10.3
Louisiana (New Orleans)	144	135	5	140	0	445	30	475	2,021	4.3
Louisiana (Shreveport)	33	32	1	33	(33)	426	18	444	3,886	8.8
Louisville	100	92	7	99	+1	2,107	92	2,199	23,125	10.5
Loyola (Stritch)	109	99	10	109	+1	1,843	104	1,947	19,902	10.2
Medical College of Wisconsin	110	102	8	110	+1	2,276	125	2,401	26,729	11.1
Maryland	139	122	16	138	+3	936	96	1,032	11,105	10.8
Meharry	78	62	10	72	−10	951	68	1,019	10,880	10.7
Miami	105	97	6	103	+20	676	40	716	6,276	8.8
Michigan	228	208	17	225	+18	1,284	128	1,412	11,551	8.2
Michigan State	30	25	5	30	+4	597	55	652	5,443	8.3
Minnesota	164	142	20	162	−2	742	93	835	5,780	6.9
Mississippi	91	86	4	90	+4	470	31	501	3,461	6.9
Missouri	104	93	7	100	0	1,017	77	1,094	10,694	9.8
Mount Sinai	39	34	5	39	+3	1,207	190	1,397	18,827	13.5
Nebraska	115	107	5	112	+15	616	43	659	6,087	9.2
New Jersey	85	78	5	83	+3	1,370	131	1,501	19,307	12.9
New Mexico	36	32	4	36	0	248	19	267	2,279	8.5
New York Medical	142	130	8	138	+5	2,615	255	2,870	37,068	12.9
New York University	136	112	23	125	−1	1,839	254	2,093	25,052	12.0
North Carolina	85	78	7	85	+10	1,129	90	1,219	11,616	9.5
North Dakota	55	52	2	54	+8	143	7	150	994	6.6
Northwestern	144	130	14	144	+8	2,234	178	2,412	23,525	9.8
Ohio State	175	165	10	175	+16	1,007	55	1,062	8,212	7.7
Ohio at Toledo	32	29	3	32	(32)	366	20	386	3,880	10.1
Oklahoma	126	121	5	126	+16	656	40	696	5,881	8.4
Oregon	91	85	5	90	−2	706	52	758	6,508	8.6
Pennsylvania	153	136	14	150	+19	2,051	226	2,277	23,346	10.3
Pennsylvania State	65	57	6	63	+15	1,950	220	2,170	20,538	9.5
Pittsburgh	109	104	4	108	+5	1,771	147	1,918	23,406	12.2
Puerto Rico	91	71	19	90	+10	261	71	332	1,358	4.1
Rochester	79	69	8	77	0	1,315	131	1,446	17,074	11.8
Rutgers	16	14	2	16	0	640	86	726	9,493	13.1
St. Louis	134	131	2	133	+3	2,565	129	2,694	30,524	11.3
South Carolina	123	112	7	119	+27	510	30	540	3,678	6.8
South Dakota	50	49	1	50	+2	700	30	730	7,160	9.8
Southern California	86	68	16	84	+11	1,753	178	1,931	20,427	10.6
Stanford	73	71	2	73	+6	1,442	146	1,588	14,473	9.1
SUNY (Buffalo)	106	96	10	106	+1	1,876	201	2,077	25,965	12.5
SUNY (downstate)	202	180	20	200	+3	2,417	272	2,689	33,853	12.6
SUNY (upstate)	107	94	11	105	0	1,114	118	1,232	15,013	12.2
Temple	146	131	13	144	0	2,254	228	2,482	26,328	10.6
Tennessee	210	180	13	193	−11	1,027	39	1,066	6,293	5.9
Texas Galveston	169	145	19	164	+2	974	92	1,066	6,765	6.3
Texas San Antonio	105	94	10	104	+48	1,010	78	1,088	7,195	6.6
Texas Southwestern	107	97	8	105	+2	1,009	102	1,111	7,638	6.9
Tufts	122	107	13	120	+1	1,525	181	1,706	20,266	11.9
Tulane	141	123	14	137	+1	2,307	117	2,424	24,281	10.1
Utah	65	62	3	65	−1	545	25	570	5,634	9.9
Vanderbilt	60	60	0	60	+1	1,283	85	1,368	14,162	10.4
Vermont	76	72	3	75	0	1,413	120	1,533	18,294	11.9
Virginia Medical College	135	121	12	133	+6	1,411	94	1,505	16,366	10.9
Virginia, University of	89	85	3	88	+4	1,219	87	1,306	13,574	10.4
Washington (St. Louis)	102	89	9	98	+4	1,920	125	2,045	21,721	0.6
Washington (Seattle)	84	81	3	84	0	585	45	630	5,209	8.3
Wayne State	131	119	11	130	−5	1,665	123	1,788	19,067	10.7
West Virginia	73	64	9	73	+5	310	37	347	2,545	7.3
Wisconsin	107	98	6	104	−1	831	87	918	8,558	9.3
Medical College of Pennsylvania	69	2	66	68	+2	1	297	298	2,584	8.7
Yale	89	82	7	89	−2	1,417	154	1,571	15,203	9.7
Total	10,422	9,340	929	10,269		122,875	10,947	133,822		5.5

TABLE 10.—ACCEPTANCE DATA ON APPLICANTS TO U.S. MEDICAL SCHOOLS BY STATE OF RESIDENCE, 1969–70

	Applicants receiving 1 or more acceptances				Applicants not accepted			Total number of applicants	Total number of applications
State of residence	Male	Female	Total	Percentage	Male	Female	Total		
Alabama	122	7	129	46.6	136	13	149	278	931
Alaska	8	0	8	57.1	6	0	6	14	75
Arizona	76	8	84	41.0	108	13	121	205	1,040
Arkansas	90	3	93	45.8	104	6	110	203	403
California	665	65	730	35.2	1,202	144	1,346	2,076	13,581
Colorado	82	7	89	45.9	95	10	105	194	737
Connecticut	143	25	168	42.5	200	27	227	395	3,140
Delaware	19	2	21	37.5	35	0	35	56	310
District of Columbia	67	10	77	44.5	77	19	96	173	723
Florida	225	21	246	38.1	377	22	399	645	3,087
Georgia	184	16	200	40.9	270	19	289	489	1,563
Hawaii	49	3	52	58.4	34	3	37	89	469
Idaho	25	0	25	35.2	43	3	46	71	331
Illinois	536	55	591	45.5	653	55	708	1,299	7,160
Indiana	253	23	276	45.3	305	28	333	609	1,936
Iowa	132	15	147	49.3	137	14	151	298	1,015
Kansas	127	16	143	48.2	144	10	154	297	964
Kentucky	178	19	197	52.3	167	13	180	377	1,182
Louisiana	198	13	211	52.2	180	13	193	404	1,048
Maine	29	0	29	47.5	28	4	32	61	371
Maryland	216	32	248	49.8	223	27	250	498	2,611
Massachusetts	259	34	293	40.3	375	59	434	727	6,223
Michigan	351	36	387	41.2	507	45	552	939	3,909
Minnesota	188	25	213	47.4	210	26	236	449	1,691
Mississippi	110	12	122	50.4	113	7	120	242	565
Missouri	166	10	176	45.4	197	15	212	388	1,738
Montana	25	2	27	31.8	54	4	58	85	452
Nebraska	130	9	139	53.9	113	6	119	258	670
Nevada	9	0	9	25.0	26	1	27	36	215
New Hampshire	16	0	16	33.3	30	2	32	48	281
New Jersey	430	45	475	40.6	623	73	696	1,171	9,035
New Mexico	43	7	50	50.0	49	1	50	100	356
New York	1,275	164	1,439	43.0	1,725	186	1,911	3,350	30,649
North Carolina	157	18	175	46.9	185	13	198	373	1,460
North Dakota	39	4	43	62.3	24	2	26	69	154
Ohio	436	37	473	42.8	597	34	631	1,104	5,758
Oklahoma	137	9	146	43.7	177	11	188	334	1,142
Oregon	95	9	104	52.5	85	9	94	198	871
Pennsylvania	620	82	702	39.5	968	106	1,074	1,776	10,232
Rhode Island	27	6	33	38.4	47	6	53	86	661
South Carolina	139	10	149	58.2	100	7	107	256	666
South Dakota	36	1	37	50.0	32	5	37	74	210
Tennessee	210	18	228	54.6	176	14	190	418	1,131
Texas	435	51	486	46.8	509	43	552	1,038	4,264
Utah	60	2	62	28.3	154	3	157	219	1,168
Vermont	30	2	32	64.0	13	5	18	50	142
Virginia	185	17	202	47.1	211	16	227	429	1,804
Washington	112	7	119	40.9	161	11	172	291	1,317
West Virginia	78	12	90	49.2	77	16	93	183	578
Wisconsin	186	15	201	46.2	211	23	234	435	2,073
Wyoming	10	2	12	34.3	21	2	23	35	201
Puerto Rico	73	18	91	37.0	102	53	155	246	408
U.S. possessions	4	0	4	57.1	2	1	3	7	23
Canada	7	2	9	6.9	106	15	121	130	367
Foreign	32	6	38	20.0	135	17	152	190	731
Total	9,534	1,012	10,546	43.1	12,639	1,280	13,919	24,465	133,822

Mr. PELL. Mr. President, I believe that my amendment is actually a rather cheap way of increasing the number of doctors in the United States and keeping up the very high standards.

The problem is acute. For example, in my own State, 41 percent of the doctors licensed to practice in the last 5 years were trained abroad. We need doctors, no matter where they are trained, and I would hope that this amendment, which is a small amendment—not a controversial one nor an expensive one—might be accepted by the managers of the bill and that it would survive in the conference.

Mr. JAVITS. Mr. President, would the Senator give the Senate some comparison figures—I know what they are, but I think it would be useful to have them in the RECORD—of American nationals studying in foreign medical schools as contrasted with foreign nationals studying in American medical schools?

Mr. PELL. We have at this time 3,000 to 4,000 American citizens attending foreign medical schools, of whom 150 come from my State. This bill would help these students.

Mr. JAVITS. What about foreign medical students studying in American schools?

Mr. PELL. I do not know the answer.

Mr. JAVITS. Mr. President, we will seek to supply the answer for the RECORD. My recollection is that a very much larger number of Americans are studying abroad, simply because of the crowded conditions, the very difficult competition for places in the U.S. medical schools.

I introduced a similar measure in the 90th Congress, and the Senate passed the bill, but we lost it in conference.

I think this is a useful addition to the measure, and I hope very much that Senator KENNEDY might concur in that point.

Mr. PELL. The greatest compliment in the world is plagiarism, and I did not realize that I had unwittingly plagiarized my colleague.

Mr. JAVITS. The Senator has not plagiarized at all. I had my "shot" at it.

Mr. PELL. It shows that all sensible people think alike, I suppose.

I hope the amendment will be accepted and will survive the hurdle of the conference.

Mr. KENNEDY. Mr. President, will the Senator yield for a question?

Mr. PELL. I yield.

Mr. KENNEDY. As I understand the amendment, for an individual to be able to qualify for the various scholarship or other assistance programs, he would have to get some certification from a medical school that, based upon his academic record, he would have been accepted into a medical school, but because of the lack of available space, he was not admitted, and therefore attends a foreign university. Is my understanding correct?

Mr. PELL. The Senator is absolutely correct.

The amendment would provide a requirement of a letter from the medical school to the effect that a student met the standards of that school but was not admitted for lack of space.

Mr. KENNEDY. So that we would not be opening up these loan and scholarship funds to young people who may want to go to a nondescript medical school in a foreign country for frivolous reasons or because he was not qualified for a school in this country. As I understand the amendment of the Senator from Rhode Island, he has provided this requirement prior to the time the student would be eligible for obtaining the assistance of the Government. Is my understanding correct?

Mr. PELL. That is correct. He would have to receive a letter of certification from an accredited medical school in the United States if he wished to be eligible for American aid while at a foreign school. This would insure that the student had ability and that a student going abroad for a frivolous reason would not receive aid.

Mr. **KENNEDY**. So we try to meet the problem of utilizing the features of the proposed legislation for frivolous purposes.

Second, do I correctly understand that after 2 years in which this student attends a foreign university, he would be required to take and pass the national boards?

Mr. **PELL**. That is correct. It would be after 3 years, actually, and he would be required to take the examination that is called part 1 of the board of national examiners; and he would also have to register for the coordinated transfer service of Association of American Medical Colleges.

Mr. **KENNEDY**. Then, if he failed to pass the boards, this would, in effect, terminate future assistance?

Mr. **PELL**. The Senator is correct. The legislative history should show that. The bill also sets it forth. Unless he met both of these requirements—the certification from the accredited medical school and, after 3 years, the passage of the part 1 examination—he would not be eligible to receive any assistance.

Mr. **COOK**. Mr. President, will the Senator yield?

Mr. **PELL**. I yield.

Mr. **COOK**. I commend the Senator from Rhode Island for his amendment.

I do want to bring up some problems that I think will present themselves, and I invite the attention of manager of the bill, and the Senator from New York to these problems.

One of the problems I see in this matter is the situation I was involved in during a discussion with medical students not too long ago at the University of Guadalajara, Mexico. The tuition there for students from the United States is astronomical in relation to the tuition of the Mexican nationals. As a matter of fact, one of the greatest parts of their budget is the fact that approximately 1,000 of the students in the medical facilities there are Americans.

Another problem is that their wives cannot seek employment in Mexico because they are there on tourist visas.

I would suggest to the members of the Committee on Foreign Relations that they might seriously consider this in relation to extending loan guarantees to students in foreign countries.

Some method could conceivably be worked out to resolve this problem; because, if in fact we are going to guarantee these loans—again I commend the Senator—obviously, we are going to keep these tuitions at a tremendously high rate.

As Senators well know, the other problem we face is that even though the student may take his examination on what is considered the part 1 examination, he still faces the situation that, as a medical student of a very fine qualified medical school in North America, he must do a complete residency in Mexico, and he must then do a complete residency in the United States, before he can qualify to take his examination.

So I think we face many problems in this field. I believe that the involvement of Congress in this field, to show its ability to extend loan guarantees to the students in other countries who are well qualified to attend American medical schools, opens the door for us in the future to face these other problems and sit down and come to a conclusion as to how we can solve the other problems—first, that there is no opportunity for his wife to seek employment; second, that he must, pursuant to the regulations as they presently exist in this country, do a complete residency in that country and then qualify there, and then come to this country and do a complete residency, before he is qualified to practice medicine.

So I again commend the Senator from Rhode Island, because I think that, in fact, this constitutes the first step in solving many of the problems that plague students who find themselves with a strong desire to go to medical school.

For example, one of the problems that the students related to me down there was that they were in their late twenties, and they said there was hardly a medical school in the United States that would accept them because of their age. Yet, they had a strong and absolute desire to became physicians and were well qualified to do so.

I am very glad that the Senator from Rhode Island has opened up this door and I hope that in the future we may open that door further so that we can solve more of these problems.

Mr. **PELL**. I appreciate the comments of the Senator from Kentucky very much. I was not aware of the discriminatory treatment in Mexico, but I am aware that in the Universities of Columbia in Portugal and Bologna in Italy, where many of my students go, they are treated in an equal way. Since discretionary power will be left with the Secretary, perhaps he could utilize regulations which could lighten some of this type of burden put upon our young students, or perhaps we could take an amendment to the foreign aid bill in the future which would deal with a country that engages in these practices.

Mr. **COOK**. Believe me, that would solve many of their problems.

I thank the Senator from Rhode Island very much.

Mr. **KENNEDY**. Mr. President, I would hope that we would accept the amendment.

Mr. **PELL**. I thank the Senator from Massachusetts.

Mr. **KENNEDY**. Mr. President, I yield back the remainder of my time.

Mr. **PELL**. Mr. President, I yield back the remainder of my time.

The **PRESIDING OFFICER** (Mr. Gambrell). All time having expired on the amendment, the question is on agreeing to the amendment of the Senator from Rhode Island.

The amendment was agreed to.

Mr. **GRIFFIN**. Mr. President, I send an amendment to the desk and I ask that it be stated.

The **PRESIDING OFFICER**. The amendment will be stated.

The legislative clerk proceeded to read the amendment.

Mr. **GRIFFIN**. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The **PRESIDING OFFICER**. Without objection it is so ordered, and the amendment will be printed in the Record as requested.

The text of the amendment is as follows:

On page 83, between lines and 3 and 4 insert the following new section and renumber succeeding sections accordingly.

Sec. 208. Section 6(a) of the Military Selective Service Act of 1967, as amended, is amended by adding at the end thereof a new paragraph as follows:

"(3) Doctors of medicine and osteopathy who agree, in accordance with such regulations as the President may prescribe, to engage in the practice of medicine for a period of not less than four years in physician-shortage areas of the United States, as defined by the Secretary of Health, Education, and Welfare, shall be relieved from liability for training and service under section 4 of this Act if they comply with the terms of an agreement entered into under this paragraph with the Secretary of Health, Education, and Welfare. No person shall be relieved of liability for training and service by virtue of this paragraph after a declaration of war or national emergency made by the Congress after the date of enactment of this paragraph."

Mr. **GRIFFIN**. Mr. President, I am very much pleased to note that the committee, in reporting the bill, has paid particular attention to the problem that exists in some areas of the country where there is a desperate shortage of physicians. That is true in many rural communities, as well as in the ghetto areas of the inner cities.

It will be recalled that when the draft bill was before the Senate, I offered an amendment providing for the exemption of doctors of medicine and osteopathic physicians who were willing to make a 4-year commitment, under regulations promulgated by the President of the United States, to practice in physician-shortage areas to be designated by the Secretary of HEW.

I pointed out that the President is the Commander in Chief of the Armed Forces, so he obviously will see to it that the armed services are adequately provided for in trying to strike the balance needed between the domestic shortage of physicians and the shortage of physicians in the Armed Forces.

This matter, of course, is just as important, and just as relevant in the legislation before us as it was to the draft legislation. We know that even though the conference committee has not reported yet, the committee has agreed on all provisions of the draft bill with the exception of the Mansfield amendment.

It is also known to me that the conference committee did not retain the pending amendment in that bill. Thus, I offer it again. I will not repeat the argument that was made earlier. The argument, I think is strong. It is a good amendment. The Senate adopted it before. I would urge the Senate to adopt it and make it a part of this particular legislation and take it to conference and see if the conferees handling this particular bill may have better luck.

Mr. KENNEDY. Mr. President, the efforts of the distinguished Senator from Michigan (Mr. GRIFFIN), to correct the maldistribution of doctors is extremely commendable. One of the serious reservations I have had about this amendment on other occasions is that it might provide an opportunity for those interested in pursuing a medical profession to avoid the draft completely by obtaining a medical degree, and then serving in the urban or rural areas of the country. I am sure that there are other Members of this body that would say, that, as a matter of public policy, this would be satisfactory to them. I do not support that concept because I think that as long as we have a shooting involvement in Southeast Asia, all young people should be subjected to the same kind of risk. That is why I have supported the random selection system.

As I understand it—and I wish to be corrected by the Senator from Michigan if I am wrong—the Selective Service Act that passed the Senate and is now in conference provides that when a student's number comes up, he no longer is able to continue his educational deferment, and goes into the Armed Forces. If he goes into the Armed Forces and then continues his education in medical school, he is no longer subject to the draft. I believe I am correct on that. However, if his number does not come up and he completes medical school, he may, at this time, be subject to a doctor's draft. This means in effect that those who go into the medical profession are in double jeopardy. I believe that is a correct interpretation of the Selective Service Act as it will operate, if and when it is passed.

In light of this double jeopardy it seems to me that the issue of the fairness and equity of allowing physicians to serve in shortage areas in lieu of the draft is well resolved. It eliminates my major reservations about the amendment.

The sponsor of the amendment mentions doctors of medicine and osteopathy. As I understand it, we also draft dentists as well. I am not sure what others are drafted. Does the Senator have any information on that?

Mr. GRIFFIN. I would say to the distinguished manager of the bill that some say this amendment should include dentists. I think a good case could be made for expanding it; but, I think, on the basis of the information I have, the most acute need is for doctors. There are many small communities where there is no doctor at all to serve the population. In other areas the only doctor they have may be up in years and the people could be left without any medical care at all unless they travel 50 or 75 miles. Of course, there are large cities where there is a desperate shortage in the innercity areas so far as doctors are concerned. I certainly would not oppose the extension of this plan to dentists. But I believe this would be an appropriate beginning. I think the justification is very clear in the case of doctors to consider at some point the inclusion of dentists.

Mr. KENNEDY. Mr. President, there is a shortage of dentists in this country at this time. Perhaps it is not as severe a shortage as in other fields. However, there is an unquestionable shortage.

Mr. GRIFFIN. Mr. President, if the manager of the bill wants to include dentists, I would be willing to accept that as an amendment.

Mr. KENNEDY. Mr. President, I would like to have the amendment modified to include dentists as well.

Mr. GRIFFIN. Mr. President, the Senator's subcommittee has held hearings on this matter, the Senator is very well equipped, I think, to make that kind of judgment.

Mr. KENNEDY. Mr. President, although I really do not have an objection to the amendment, and there are many features which I think are commendable in it, I do realize that it is a matter which was taken up on the floor, and that it very directly affects the Armed Forces of our country. Before moving to action on the matter, I think in fairness to the chairman of the Armed Services Committee that he ought to be notified. I would hope that we might have an opportunity to get his views on the matter, not that they will necessarily prevail. However, since he did have very strong views about it, I think that his views ought to be solicited.

I therefore ask unanimous consent that we set the amendment aside temporarily and I suggest the absence of a quorum.

Mr. PERCY. Mr. President, would the Senator yield for a moment before we set the amendment aside?

Mr. KENNEDY. I yield.

Mr. PERCY. Mr. President, I support the amendment and hope that it can be accepted. The distinguished Senator from Michigan is absolutely right. There are large ghetto and rural areas that are very short of doctors.

For example, on the south side of Chicago, an area that is some 30 square miles, we have 2,000 fewer doctor working and living there than we had in 1930 when the population was much smaller. And there are towns in Illinois with populations of 7,000 or 8,000 people that for years have been trying without success to get doctors to practice there. I think the amendment is a great step forward.

Mr. President, I also support the Pell amendment and am pleased that it has been accepted.

When I was in Brussels this year, I met with many medical students. Some told me that they could not afford to stay there, but that they also could not get into American medical schools because of a lack of space even though they qualified.

We need a many-faceted program as we expand our medical schools. This amendment would certainly help as a stopgap measure.

Mr. GRIFFIN. Mr. President, if I might point out, it should not be assumed that, if the amendment is agreed to, all graduates of medical schools will automatically go into the smaller communities and ghetto areas and practice there for 4 years. They will be free to exercise an option. They would be able to go in the military service for 2 years. Service in the military is good training for many young medical graduates. Many of them would prefer to do that. So there is that check in terms of possible abuse. However, beyond that there is the fact that this would apply only under the regulations to be promulgated by the President of the United States. There is every safeguard that it will not be abused.

Mr. PERCY. Mr. President, the Senator might be interested in this amusing, but very human and real story which I heard in Alviso, Calif., while I was visiting a newly dedicated neighborhood health center.

I asked them where they got their two doctors. They told me they had a very understanding judge who had indicted two doctors for income tax evasion. The judge gave them the choice of going to prison or moving into this Mexican-American community which desperately needed doctors to practice there. This was how Alviso got its doctors and solved its doctor shortage problem.

Mr. KENNEDY. Mr. President, I suggest the absence of a quorum and ask unanimous consent that the time not be charged to either side.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Massachusetts? The Chair hears none, and it is so ordered.

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. KENNEDY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRIFFIN. Mr. President, is there a time limitation on each amendment?

The PRESIDING OFFICER. There is a 30-minute limitation on each amendment.

Mr. GRIFFIN. Mr. President, how much time remains on the amendment?

The PRESIDING OFFICER. Six minutes remain to the Senator from Michigan, and 8 minutes remain to the Senator from Massachusetts.

Mr. GRIFFIN. Mr. President, I thank the Chair.

Mr. KENNEDY. Mr. President, I ask unanimous consent that the amendment of the Senator from Michigan (Mr. GRIFFIN) be temporarily laid aside.

The PRESIDING OFFICER. Is there objection?

Mr. GRIFFIN. Mr. President, reserving the right to object, am I correct in stating that when the amendment is again made the pending business, the limitation of time indicated by the Chair would then apply?

The PRESIDING OFFICER. The unused time would then be available on the amendment.

Is there objection to the request of the Senator from Massachusetts to lay aside temporarily the amendment of the Senator from Michigan? The Chair hears none, and it is so ordered.

Who yields time?

Mr. PERCY. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk proceeded to read as follows:

> The Senator from Illinois (Mr. Percy) proposes an amendment as follows:
>
> On page 61, line 5, strike out "and".
>
> On page 61, line 12, strike out the period and insert in lieu thereof "; and".
>
> On page 61, between lines 12 and 13, insert the following:
>
> "(11) establish and operate programs at schools of medicine and osteopathy and where applicable at other health professions schools, providing increased emphasis on, and training and research in, the science of human nutrition and the application of such science to human health.

Mr. PERCY. Mr. President, I yield myself 3 minutes.

The PRESIDING OFFICER. The Senator from Illinois is recognized for 3 minutes.

Mr. PERCY. Mr. President, first I wish to commend the manager of the bill, the distinguished chairman of the subcommittee, for an excellent job, and I particularly wish to commend our ranking minority member of the full committee, the senior Senator from New York (Mr. Javits) for his fine work through the years in nutrition education, a field of particular interest to me.

As I have said before, one critical aspect of our health crisis is the shortage and maldistribution of our health personnel. The unavailability of health care, particularly in certain geographic areas, is critical. Although the Middle Atlantic States have 190 physicians per 100,000 people, the East-South Central region has only 95 physicians per 100,000 people. And more than 130 counties have no private physicians at all.

To compound the problem, the majority of the Nation's medical schools are in critical financial condition. Of the Nation's 103 medical schools, 61 were so financially distressed last year that they had to request emergency grants from the National Institutes of Health. In 32 cases, the continued operation and accreditation of the schools were even threatened. There is no question that the subcommittee and full committee have done an outstanding job and deserve commendation for bringing forth legislation that would significantly improve our present health manpower situation and the financial status of our medical schools. However, on examining the bill, there seems to have been an oversight. Nowhere in either bill is there any mention of nutrition education.

The White House Conference on Food, Nutrition and Health had found the teaching of nutrition in medical schools to be most inadequate. In some schools it is almost nonexistent. Only a few schools have a separate division or department of nutrition, and there is generally little correlation between medical disciplines and nutrition when it is taught in our medical schools. Many medical students only learn about malnutrition when they take electives involving health problems in other countries. Confirming the White House Conference's finding, many medical schools have readily acknowledged the overriding need for the improvement of nutrition teaching in America.

Therefore, at this time I would like to offer an amendment to S. 934, the Health Professions Educational Assistance Amendment of 1971, to enable medical schools to develop curricula, to establish and operate training programs to deal with the science and application of human nutrition. This amendment would stimulate an expansion of nutrition education opportunities, give the positive role of good nutrition in the well-being of individuals of all ages its deserved emphasis, include nutrition science as an integral part of all health education programs, recognizing that nutritional care should be an integral part of total medical services.

Mr. President, I yield 2 minutes to the distinguished Senator from Kentucky.

The PRESIDING OFFICER. The Senator from Kentucky is recognized.

Mr. COOK. Mr. President, I want to go on record in support of the Percy amendment to S. 934. In addition, I want to commend the distinguished Senator from Illinois for this very important piece of legislation in nutrition education. Much congressional energy has been lent toward eliminating hunger and poor nutrition in America. But, unfortunately, little emphasis has been placed on nutrition education which I feel is an essential force in the fight against hunger and poor nutrition in this country. For many years now, we have known the crucial role which nutrition plays in proper physical development and good health. However, there has been a gross lack of training in basic nutrition to physicians, dentists, and other health personnel within the educational curriculum.

Medical schools across the country have acknowledged for some time the need for nutrition education and have criticized the absence of such training in the medical field, but these same schools have never really incorporated the teaching of nutrition as a meaningful component of their curriculum. America is known to be progressive in the field of medical science. However, we are backward in our training of medical professionals when one considers this lack within the school curriculums.

Without the Percy amendment, S. 934 cannot be truly considered a complete bill in the education assistance to health professionals, due to the fact that nutrition is an integral part of the total medical system.

I commend the Senator for his amendment.

Mr. PERCY. I thank my distinguished colleague who, together with the senior Senator from New York (Mr. Javits) and the senior Senator from Massachusetts (Mr. Kennedy), served with me on the Select Committee on Nutrition and Human Needs.

We all recall the testimony given by Margaret Mead before the committee when she revealed that we have regressed in one area of knowledge while progressing in most other areas of knowledge. Before World War II the people of this country knew more about nutrition and were more conscious of nutrition than they are today. We are uninformed and unconcerned today compared with the 1940's when we made a conscious effort to seek out food of the highest nutritional quality. We need a renewed emphasis on nutrition education so that Americans will not have to suffer malnutrition from a lack of knowledge about nutrition.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. PERCY. I am happy to yield to the Senator whatever time he may require.

Mr. JAVITS. I shall only need 1 minute.

The PRESIDING OFFICER. The Senator from New York is recognized.

Mr. JAVITS. Mr. President, I hope the amendment is accepted because it represents the fruit of what we learned in the Special Committee on Nutrition and Human Needs.

Preventive medicine is one of the most sought after and desirable programs we have in health care It is absolutely amazing to me, as it is to all who are knowledgeable in the field, how little the concept of diet enters into the gaining of health, the keeping of health, and the regaining of health. For all of those reasons, and also for reasons directly related to poverty, because malnutrition comes from ignorance as well as absence of medical assistance in respect to nutrition, I hope the Chairman will see fit to join with us in the amendment.

Mr. KENNEDY. Mr. President, I yield myself 2 minutes.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

Mr. KENNEDY. Mr. President, I think this is a commendable addition to the legislation.

Under special project grants in the legislation we mention approximately 10 different areas where grants to improve education may be made.

Certainly this amendment is consistent with those aims and I welcome this addition to the legislation. I hope it will be included in the legislation.

I yield back the remainder of my time.

Mr. PERCY. I yield back the remainder of my time.

The PRESIDING OFFICER. all time having been yielded back the question is on agreeing to the amendment of the Senator from Illinois.

The amendment was agreed to.

Mr. JAVITS. Mr. President, if the

Senator from Michigan is not ready to proceed I send an amendment to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The amendment was read, as follows:

At the end of title I of the bill, add the following new section:

ADVANCE FUNDING OF PROGRAMS

SEC. 211. Title VII of the Public Health Service Act is further amended by adding after section 799 the following new section and renumbering section 799A as 799B.

"ADVANCE OBLIGATIONAL AUTHORITY

"SEC. 799A. To the end of affording adequate notice of available Federal financial assistance under sections 306 and 309 of title III, title VII and this title, the Secretary may award, after January 1 of any fiscal year, grants, loans, or other payments under sections 306 and 309 of title III, title VII or this title, for the first quarter of the next fiscal year, in amounts that shall not exceed amounts awarded for the fiscal year in which such award is made. Amounts so awarded shall be charged to the appropriation for that purpose for the fiscal year for which made."

Mr. JAVITS. Mr. President, for the past several years the Department of Health, Education, and Welfare has requested as part of its annual appropriation request the authority for advanced funding for student assistance programs under the Health Professions Educational Assistance Act, the Nurse Training Act, the Allied Health Professions Personnel Training Act, and the authorities for public health training under sections 306 and 309 of the Public Health Service Act. This advanced funding authority is necessary, because schools must know by April or May the funds that will be available for student assistance in September. As we all know, the appropriations are frequently not made available to the Department of Health, Education, and Welfare until after September. Consequently, there is an urgent need to make funds available to the health manpower schools for student assistance early in the calendar year.

S. 1183, that I introduced on behalf of the administration to extend the authorities for the training of health manpower, included a provision in section 17 that authorized advanced obligational authority for grants, loans, and other payments for health manpower training under titles 3, 7, and 8 of the Public Health Service Act. The amendment I propose today would make permanent the authority for the advanced funding of student assistance for the training of health manpower. The legislation is identical to the proposal to the Department of Health, Education, and Welfare under S. 1183.

The amendment has the support of the American Public Health Association, the Association of Schools of Public Health, the Association of American Medical Colleges, the American Nursing Association, the American Dental Association, and the Association of American Dental Schools. One of the disciplines to be affected by this amendment is the schools of public health. I ask unanimous consent that a document entitled "Information on Graduate Schools of Public Health in U.S. Universities," describing the important role played by these schools in the field of health manpower, be inserted in the RECORD at the conclusion of my remarks.

There being no objection, the information was ordered to be printed in the RECORD, as follows:

INFORMATION ON GRADUATE SCHOOLS OF PUBLIC HEALTH IN U.S. UNIVERSITIES

One of the least publicized yet most important elements in the health structure of this country is comprehensive graduate public health education, which is conducted exclusively in the 17 schools of public health in 14 States and Puerto Rico.[1]

FEDERAL DEPENDENCE—AS ON MILITARY ACADEMIES

The graduate schools of public health are unique in higher education both as to mission and to makeup. The Nation's dependence upon them is complete. They constitute the only source of comprehensively trained professional personnel for key leadership in public and voluntary health agencies at all levels: for cities, counties, states, territories, and numerous Federal agencies. Without these university schools, the Federal Government would have to create and maintain a National Academy of Public Health equivalent to the military establishments at West Point, Annapolis and Colorado Springs.

MULTIDISCIPLINARY APPROACH

Public health evolved from the early combination of medical science and engineering for the control of environmental hazards to man's health. It has grown to embrace various facets of the biological, physical and social sciences as community aspects of health problems have become more complex and demanding.

Public health now depends upon the skills and knowledge of members of several professions. The role of the graduate schools of public health of today is to prepare individuals who will be concerned with health problems which lie outside the scope of any single discipline.

Only in the graduate schools of public health is it possible to find the faculties, the students, and the special curricula representative of the several disciplines and sciences relevant to the solution of today's health problems. Not only are physicians, dentists, nurses, and other basically trained health professionals involved, but also engineers, economists, statisticians, administrators, lawyers, urban planners and other experts representing the natural and social sciences.

A NEW KIND OF EXPERT

As sources of comprehensively trained public health *manpower,* the graduate schools of public health are indispensable to the Nation, but they also have another attribute to importance. They provide the best mechanism for development of the *brainpower* now urgently needed in devising and applying effective techniques for the mass prevention of disease and the provision of medical care for the population as a whole. The planning of satisfactory health services is difficult and changing circumstances calls for a new kind of expert—an expert who can adapt well-established principles to local situations and, equally important, an expert who has the spark of innovation—the capacity to find solutions to problems never before encountered. Such individuals are most likely to emerge from among the highly motivated, bright young physicians (and advanced degree holders from other professions) who elect careers in public health and who obtain the comprehensive preparation provided by the graduate schools of public health.

FINANCING TRAINING FOR PUBLIC SERVICE

Federal sharing in the cost of comprehensive public health training in university graduate schools of public health is essential because of their national character and function. Students in the 17 schools in 14 states are predominantly from out-of-State, the majority of them sponsored by the Federal Government. Only 25% of the graduates work in the States where they attended the school of public health. To the extent that the schools (or parent universities or supporting States) bear the cost of training Federally sponsored students, such institutions are subsidizing training for Federal service. Nearly all of the graduates enter public service.

HILL-RHODES FORMULA GRANTS

Congress in 1958 recognized the national contribution of the graduate schools of public health and the Federal responsibility to them. The Hill-Rhodes Act was sponsored in the House by Congressman George M. Rhodes (D., Pa.) and co-sponsored in the Senate by Senators Lister Hill (D., Ala.), John F. Kennedy (D., Mass.), Pat McNamara (D., Mich.), Irving Ives (R., N.Y.), and John Sherman Cooper (R., Ky.). It passed both legislative branches unanimously and was signed into law by President Eisenhower.

The Hill-Rhodes program, which has been continued with bi-partisan congressional support, provides formula grants "for comprehensive professional training in accredited schools of public health" . . . giving "primary consideration to the number of Federally sponsored students attending each school in the allocation of the funds."

Under the formula, one-third of each annual appropriation is allocated equally among the schools; two-thirds is allocated in proportion to the number of Federally sponsored students in the respective schools.

UNRESTRICTED FUNDS FOR TEACHING

Hill-Rhodes funds have met less than one-sixth of the schools' total costs for teaching and basic operations.

Hill-Rhodes grants have not kept pace with increases in teaching costs and in student enrollment, including the enrollment of Federally sponsored students.

Nevertheless, this unrestricted Federal money for teaching purposes has been of tremendous assistance in:

(a) Supplementing other funds for Faculty salaries.

(b) Providing seed money for new developments in the teaching program.

(c) Filling gaps appearing unexpectedly in the teaching budget.

(d) Fully supporting some teaching activities, otherwise impossible to conduct.

RETURNS FROM FEDERAL INVESTMENT

During the 11 years from 1958 to 1969, some $24 million in Hill-Rhodes funds were allocated to the schools of public health.

Currently, grants range from $644,900 to one school down to $112,000 for the lowest in enrollment of Federally sponsored students.

Average grant for the 15 schools this year is $281,812.

The returns from this investment are remarkable in terms of gains during the 11-year *post* Hill-Rhodes period compared to the previous decade. These include:

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[1] Located at: Private universities: Columbia, Harvard, Johns Hopkins, Loma Linda, Pittsburgh, Tulane, and Yale.

Public universities: California (Berkeley), California (Los Angeles), Hawaii, Illinois (to be opened in 1971–72), Michigan, Minnesota, North Carolina, Oklahoma, Puerto Rico, Texas, and Washington.

An 82% increase in the number of students enrolled (19,860 compared with 10,805).

A 59% increase in the number of graduate degrees awarded (10,250 compared with 6,454).

525 new faculty positions made possible by formula funds—an increase of 50% while total faculty positions increased from 721 to 1,777 over the 1958–69 period.

A 300% increase in Federally sponsored students; presently 2,115 or about two-thirds of total enrollment in the 17 schools.

Addition of hundreds of courses in fields not adequately represented in several of the schools—notably in medical care administration, environmental health and population problems.

An increase from 11 to 17 in the number of schools of public health accredited to provide comprehensive graduate training.

PUBLIC HEALTH TRAINEESHIPS FOR STUDENTS

The impressive increases in enrollment in schools of public health in recent years are due, not only to Federal funds for physical facilities and project and formula grants for teaching, but also to the availability of Public Health Traineeships providing tuition and living stipends to physicians and other graduate students in public health. Despite young physicians' growing interest in the community aspects of medicine, there is strong evidence that relatively few would take graduate training for public health careers, if traineeships were not available.

Only 25% of 1,800 students currently holding traineeships would have enrolled without such financial assistance, according to a recent survey. An overwhelming proportion—97%—are preparing for public service, rather than the more remunerative practice of medicine.

The typical student, requiring a traineeship as for graduate public health education, is already heavily in debt for college and medical education, has a dependent family and foresees the relatively modest salaries in public and private health agencies.

MUTUAL DEPENDENCE

Just as the Federal government depends exclusively upon the schools of public health for comprehensively trained health manpower, so do the schools depend upon the Federal government for a vital portion of the cost of such training of personnel for public service. Cessation of such support would force the schools to drop substantial numbers of Faculty members and courses, to curtail enrollment and to abandon plans for expansion and improvement of teaching programs. Results would be fatal to at least one school, the dean of which has stated:

"If (Hill-Rhodes) funds ceased during one month, the school would have to close down the following month."

Mr. PASTORE. Mr. President, will the Senator yield for a question?

Mr. JAVITS. I yield.

Mr. PASTORE. Has any thought been given to better utilization of the medics in the Army who have been released after doing a tremendous job? They have been doing a marvelous job, and all they would need is some training in our hospitals to be of great assistance to our doctors. Has any thought been given to that?

Mr. JAVITS. We have expressly dealt with that in the bill. There is provision for institutional support to schools of medicine, osteopathy, and dentistry to deal exactly with that subject. In addition, in another bill going through the legislative mill, we are doing our utmost to develop a pilot plant operation to encourage schools to consider the establishment of assistant doctors for a given specialty. That especially refers to medical corpsmen, because we believe today that such a man has the choice of being either a doctor or an orderly, and that does not lend dignity to an individual. We are trying to develop a system which would slot him into a position with more dignity as a result of the training he received in the Armed Forces—not merely as an orderly or as a doctor. We believe there is a potential in the 30,000 who are annually discharged from all our Armed Forces with training and experience in providing health care.

So I can assure the Senator that the Senator from Massachusetts and I, and all of our committee, are really deeply interested in that subject and are putting it into legislation.

Mr. PASTORE. I am happy to hear that.

Mr. JAVITS. It will require a change in the licensure requirements in various States, again with the idea of seeing where we can slot these particular men into.

Mr. PASTORE. I am very happy to hear that, because it has been established that these young men are well trained and are doing a magnificent job in the field, taking care of their comrades, and it would be a waste to have that training go to no use, unless we can have an avenue of pursuit by making it gainful.

Mr. JAVITS. I would like to draw the Senator's attention to page 19 of the report on the bill. I ask unanimous consent to have printed at this point in the RECORD the paragraph headed "Physician Assistants Capitation."

There being no objection, the extract was ordered to be printed in the RECORD, as follows:

PHYSICIAN ASSISTANTS CAPITATION

The bill provides funds to schools of medicine, osteopathy, and dentistry for the training by those schools of physician's assistants, dentist's assistants, or other health professions assistants so that the training of such assistants could be provided in the same educational milieu in which physicians and dentists receive their education. A school would be entitled to receive $1,350 for each full-time student (or the equivalent thereof) who is enrolled in a program offered by a school of medicine, osteopathy, or dentistry to train such assistants.

Since the Committee recognizes these programs are still in the developmental stage, no attempt was made to define legislatively the scope of duties of a physicians' or dentists' assistant nor the duration of his training. Their intention is to cover both the short term training (one year or less) such as in the Medex program at the University of Washington, and the longer term (two year) such as at Duke or the four year program, such as at Alderson Broaddus. The Committee notes with interest and approval the definition of physicians' assistants divided into three categories in the report of the Board on Medicine of the National Academy of Sciences. These are the Type A Assistant, distinguished by his ability to integrate and interpret findings on the basis of general medical knowledge and to exercise a degree of independent judgment, the Type B Assistant, highly specialized in one clinical procedure, and the Type C Assistant, who is generally proficient in medical procedures but without the ability to use independent judgment to the degree of the Type A Assistant. Over 50 programs are being developed throughout the nation producing support personnel in these three categories. The costs vary depending on the degree of training, and the previous experience of the student, but in general, costs are in the range of the training of other health professionals.

Mr. KENNEDY. Mr. President, as a comment on the amendment of the Senator from New York, there is a most interesting program at the State University of Washington. It is one of the first universities that has developed such a program. It was done at the instigation of the medical society. The medical society should be commended for this—we have frequently enough criticized medical societies. The university has developed an extremely imaginative program. One hundred and sixty men have received training. At one point there were 3,000 applications for 65 positions, which indicates the interest of many corpsmen in wanting to continue in the field of medicine. It has been a small program, but it has been very imaginative in matching the particular backgrounds of medical corpsmen to their training. For example, if a corpsman was needed in a city hospital, they would take one who had actually been involved in a combat situation. If they were looking for one to go into a rural area, they might take a corpsman who had been stationed at a remote radar installation. I have had an opportunity to talk with corpsmen, and they are extremely interested in this program.

We should have similar programs for dental assistants. We are losing the services of 1,000 a year of these men who had been trained in the armed services.

Mr. PASTORE. And this bill provides for it?

Mr. KENNEDY. We have a number of relevant provisions as indicated by the Senator from New York. I think many things will have to be done in addition to these grants. There will have to be licensing changes, and we will need the cooperation of the medical society much more than we have had it. This bill makes an important start. I think the Senator's point is very well taken.

Mr. PASTORE. I read an interesting story not long ago which had to do with such a program in the State of Washington. The general practitioner was almost on the verge of a state of collapse and a nervous breakdown from exhaustion. He was so busy that he could not cope with it. He was on the verge of giving up his practice. Another doctor recommended a medic, and as a result that first doctor can now take a little vacation and it has made him happy and it is serving the people.

I think we ought to use these men where we can. I know there has been a great inhibition on the part of States in granting licenses, and I think that should be cured, too.

Mr. KENNEDY. Mr. President, with

respect to the amendment offered by the Senator from New York, it is useful legislation and has been endorsed by the administration. It has been supported by many organizations in the medical field, and was included in the Allied Health Professions Act. I think it is a welcome addition and I hope the amendment will be adopted. I commend the Senator from New York.

Mr. JAVITS. Mr. President, I yield back my time on the amendment.

Mr. KENNEDY. Mr. President, I yield back my time.

The PRESIDING OFFICER. All time on the amendment having been yielded back, the question is on agreeing to the amendment of the Senator from New York.

The amendment was agreed to.

Mr. GRIFFIN. Mr. President, earlier we laid temporarily aside the amendment which I had called up, in order to give the distinguished Senator from Mississippi, chairman of the Armed Services Committee, an opportunity to come to the floor.

Now I ask that the amendment be called up again.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRIFFIN. Mr. President, how much time remains on the amendment?

The PRESIDING OFFICER. Six minutes to the Senator from Michigan and 8 minutes to the Senator from Massachusetts.

Who yields time?

Mr. GRIFFIN. Mr. President, I suggest the absence of a quorum, without the time being charged to either side.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered, and the clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GRIFFIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRIFFIN. I yield the distinguished Senator from West Virginia (Mr. BYRD), the majority whip, 1 minute.

Mr. BYRD of West Virginia. I thank the Senator.

AUTHORIZATION OF APPROPRIATIONS FOR ATOMIC ENERGY COMMISSION — UNANIMOUS-CONSENT AGREEMENT

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent, with respect to the AEC authorization bill, which will be considered on next Tuesday, that time on each of the four amendments which are to be offered by the distinguished Senator from Alaska (Mr. GRAVEL) to be limited to 1 hour, the time to be equally divided between the mover of the amendment (Mr. GRAVEL) and the manager of the bill (Mr. PASTORE).

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

ORDER THAT IT BE IN ORDER TO ORDER THE YEAS AND NAYS ON H.R. 9417

Mr. BYRD of West Virginia. I ask unanimous consent that it be in order to order the yeas and nays at any time on H.R. 9417, the Department of Interior appropriation bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

HEALTH PROFESSIONS EDUCATIONAL ASSISTANCE AMENDMENTS OF 1971

The Senate continued with the consideration of the bill (S. 934) to amend title VII of the Public Health Service Act to expand and improve our Nation's resources for the training of physicians, dentists, optometrists, pharmacists, podiatrists, veterinarians, and professional public health personnel, and for other purposes.

The PRESIDING OFFICER. Who yields time?

Mr. GRIFFIN. Mr. President, how much time remains?

Mr. KENNEDY. How much time remains, Mr. President?

The PRESIDING OFFICER. Five minutes to the Senator from Michigan, 8 minutes to the Senator from Massachusetts.

Mr. KENNEDY. And how much time on the bill, Mr. President?

The PRESIDING OFFICER. On the bill, 29 minutes to the Senator from Massachusetts and 48 minutes to the Senator from Colorado.

Mr. GRIFFIN. Mr. President, I yield 3 of the 5 minutes I have remaining to the Senator from Mississippi.

Mr. KENNEDY. I am glad, from the time remaining on the bill, to yield 15 minutes to the Senator from Mississippi.

Mr. STENNIS. I thank the Senator.

Mr. President, let me say this to the Senate: I think this is a very dangerous matter we are taking up here. It involves a legal situation, and I did not know anything about this amendment, frankly, until a few minutes ago, when I was called out of a committee meeting. I appreciate the time now given me, but I have had no time for preparation.

This amendment would exempt from the draft a doctor who was otherwise going to be drafted for military service upon his serving 4 years in a physician-needy area. That is a very laudable purpose, but—and I ask the attention of the Senate, and request quiet of those who are not Senators—here is what is involved:

Doctors and dentists are the only professional groups that are drafted as such. Everyone else takes his chances in the general draft, but they are drafted because of their skills and their professions. Such a draft has been upheld by the Supreme Court of the United States in the face of very sharp challenge. That is for military service, and that is the only basis for it, under our law, that has been determined so far.

Now this amendment would turn around and say "No, we are not drafting you for military service; that is not true. We are putting you under the gun of the draft, though, to get you to serve over yonder in some place that is not of your choice."

It seems to me, to be fully fair about it to the doctors and fair to everyone else, that we just have a bill brought in here providing that we draft doctors, not for military service—because that is not what is sought here—but to serve in areas that do not have enough doctors to serve the people.

I do not believe that will get very many votes. It would probably get mine, but I do not believe that it would get anything like a majority of the votes of this body, until there has been a survey of what the facts are, how many doctors are needed, and so forth.

Now we are coming in here with something that is a military draft in disguise. We jerk the doctor up as a member of the only group that could be called. Called for what? For service in the military. That is the only handle we have on him. Then, after using that device, we would turn around and say, "Well, if you do not want to serve in the military, go serve in Community X, and that will be in lieu of the military."

I say we are violating a basic principle here. Furthermore, we are just throwing out of all manageability the program for the calling of doctors for military service. Many of these men—I do not know how many—they get into the medical schools on a special basis, and there are certain Federal funds that go toward their education. It is all mixed up in there.

Moreover, how would the draft boards know, if they need a thousand doctors, how many to call, and how would they know where they were with reference to any of these matters, how many they were going to get and how many were going to qualify to be exempt? Perhaps the facts would be such that they could all qualify to be excused. No one knows. As far as I know, there have been no hearings here, and there has been no determination of it. This is a matter of principle that violates the rights of these doctors, just brought up here on the floor of the Senate as a floor amendment. Nobody knows what it would mean to them, nor what it would mean to the military. I suppose we are going to pass it anyway, because it is popular, and there are many communities that do need additional doctors. I will go as far as anyone in trying to meet that need, but this is basically wrong.

The President has a right to grant deferments, as far as that is concerned, on a skill and professional basis, and I do not know what he might do with reference to deferring some of the doctors on that basis, but that would be a more reasonable and more scientific and practical way of getting at it. I just do not know whether that would work, because this has not been worked out. It has not been studied.

I warn the Senate against tampering with the idea that we are going to call men for military service, and then say to them, "We do not mean it after all; it is not military doctors we are after. We just want to get our hooks on you, and then, if you will go into something else we want you to do, we will excuse you from the military."

I think that is just downright false, in dealing with a man, to act as though you want him for the military and then give him some kind of an alternative not connected with the military. I hope the amendment will be overwhelmingly defeated, and that the good faith authors of it will start in a more proper way to meet this problem. I hope they will not try to draft men for the military and then put them to something else.

Our committee will work with them as to our part of the problem, and others can work with them as to the other parts of the problem, and we will see how we can get some doctors for these areas that need them; but I am really very much concerned about this matter of people being drafted for military service and then turned into something else. I hope there will be a good, sound, second thought, Mr. President, and that the Senate will reject the idea that we are going to have something good and easy for everyone, which is not going to solve the problem.

I thank the Senator for yielding.

Mr. GRIFFIN. Mr. President, I yield myself my remaining 2 minutes.

This amendment reflects a very deep concern about the dire shortage that we have in the small rural communities and the ghettos of the inner cities of doctors and dentists, as the amendment will be modified.

As much as I respect the distinguished chairman of the Committee on Armed Services, I disagree with his view of this amendment. It does not automatically relieve doctors of military obligation. There still would be the requirement of 2 years' service in the military, and many medical graduates would opt for that choice. They would go into the military and take 2 years perhaps because the training in the military in many cases is valuable to a young doctor. But this would also give them the option, if they want to take it, of making a 4-year—not a 2-year—commitment to serve in a doctor shortage area designated by the Secretary of Health, Education, and Welfare.

I think the national interest is being served here and that an appropriate balance between the requirements at the domestic level will be balanced against the requirements of the military, because, as I have pointed out, this amendment will operate under regulations to be promulgated by the President of the United States.

So this is not going to be abused. It is a good policy, and I think the amendment should be adopted.

Mr. President, since the yeas and nays have not been ordered and I have the opportunity to modify this amendment, I want to modify it to include the amendment suggested by the manager of the bill, to make it apply to dentists as well as doctors of medicine and osteopathy. I send the modification to the desk.

Mr. STENNIS. Mr. President, will the Senator yield for a question?

Mr. GRIFFIN. I yield, if I have time.

Mr. STENNIS. Does not the Senator know—if he does not know, I am putting it in the form of a question—that the Selective Service law provides that every person inducted shall be given proper and adequate medical care? Under the Senator's amendment, that turns them loose. How is every man in the service going to be guaranteed that he will be given medical care, without having doctors to do it? That is why doctors are drafted. That is why the Supreme Court said they were subject to draft, as a group.

Now we are going to draft them and turn them loose for something else. How are we going to get any doctors to serve if they all happen to wish to serve in some other way? That is literally cutting the heart out of the guarantee to a man that he will be given proper medical care.

The Senator is flirting with a dangerous situation, and if his amendment is adopted and it is taken advantage of, there will be no way in the world to carry out the mandate of this law.

I think the Senator had better go the other route. I respectfully suggest that he go the other route on this problem.

Mr. GRIFFIN. Mr. President, may the ruling on the modification of my amendment be made?

The PRESIDING OFFICER. The amendment is so modified.

The amendment, as modified, reads as follows:

> On page 83, between lines 3 and 4 insert the following new section and renumber succeeding sections accordingly.
>
> SEC. 208. Section 6(a) of the Military Selective Service Act of 1967, as amended, is amended by adding at the end thereof a new paragraph as follows:
>
> "(3) Doctors of medicine and osteopathy and dentists who agree, in accordance with such regulations as the President may prescribe, to engage in the practice of medicine or dentistry for a period of not less than four years in physician-shortage or dentist-shortage areas of the United States, as defined by the Secretary of Health, Education, and Welfare, shall be relieved from liability for training and service under section 4 of this Act if they comply with the terms of an agreement entered into under this paragraph with the Secretary of Health, Education, and Welfare. No person shall be relieved of liability for training and service by virtue of this paragraph after a declaration of war or national emergency made by the Congress after the date of enactment of this paragraph."

Mr. GRIFFIN. Mr. President, I ask unanimous consent that the name of the Senator from New Hampshire (Mr. COTTON) be added as a cosponsor of the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOMINICK. Mr. President, what is the time situation on the amendment? How much time do I have remaining on the bill?

The PRESIDING OFFICER. The Senator from Michigan has 1 minute on the amendment. The Senator from Massachusetts has 8 minutes on the amendment.

The time remaining on the bill is 48 minutes for the Senator from Colorado and 21 minutes for the Senator from Massachusetts.

Mr. DOMINICK. Mr. President, will the Senator from Massachusetts yield me 2 minutes?

Mr. KENNEDY. I yield 2 minutes to the Senator from Colorado.

Mr. DOMINICK. If the Senator from Michigan would like more time, I can give him some of my time on the bill.

Mr. President, because of conflicting committee meetings and other meetings, I have not had the opportunity to comment on the bill itself. Since I was given some of the time on the bill, as the ranking member of the subcommittee, I think I should speak briefly on Senator GRIFFIN's amendment.

I do not know of anyone for whom I have higher respect. He has courage and brains and imagination. But I must confess that I am opposed to this amendment.

I think it is extremely difficult at this point for us to take a position, in a health manpower bill, to say that we are going to provide a method of exemption from the draft for doctors and dentists, when we have already decided that we are not going to give occupational deferments to policemen, firemen, Peace Corps members, VISTA members and other groups which are performing services of great value to the public. To single out at this point just one or two of them, without doing anything in the way of hearings as to what effect this might create, and without having hearings as to why these occupations should be selected as opposed to other very important and necessary occupations, is, I think, a mistake.

So I shared the opposition expressed by the Senator from Mississippi, and I hope that the amendment will be rejected.

The PRESIDING OFFICER. Who yields time?

Mr. KENNEDY. Mr. President, I am prepared to yield back the remainder of my time.

Mr. DOMINICK. Mr. President, I yield 2 minutes on the bill to the Senator from New York.

Mr. JAVITS. Mr. President, I think we are all impressed by the arguments of both distinguished Senators, and I should like to make this suggestion.

I will support the amendment which Senator GRIFFIN has offered. I supported it before. But I should like to assure Senator STENNIS that as one Senator—I will be a conferee—I take his views extremely seriously. I believe that it is possible to give the President the necessary authority to see that this matter is not abused. I assure the Senator that even if the amendment is adopted, I will do my utmost to work it out in conference, to try to work out a practical solution which will result in vesting the fundamental authority in the President, so that our armed services will not be prejudiced, and that if they are, they will have the priority; but if they are not prejudiced, that this plan then may have a chance to show whether it has any usefulness.

The PRESIDING OFFICER. Who yields time?

Mr. KENNEDY. Mr. President, I am prepared to yield back the remainder of my time.

Mr. GRIFFIN. I yield back the remainder of my time, if I have any.

The PRESIDING OFFICER. All time on the amendment has been yielded back. The question is on agreeing to the amendment of the Senator from Michigan. All those in favor will signify by saying "Aye." All those opposed will signify by saying "No."

The ayes appear to have it. The ayes have it and the amendment is agreed to.

The PRESIDING OFFICER. Who yields time?

Mr. GRIFFIN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. On whose time?

Mr. GRIFFIN. I ask unanimous consent that the time be charged equally against both sides on the bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. KENNEDY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KENNEDY. I ask for third reading, Mr. President.

HEALTH MANPOWER PROGRAMS WILL BRING TRAINED PEOPLE INTO MEDICAL SERVICE

Mr. RANDOLPH. Mr. President, the bill before the Senate is one step of many that need to be taken if this Nation is to face its responsibility to create a condition of health that matches its wealth.

As a cosponsor of S. 934, and as a fervent supporter of all it seeks to do, it is my duty and privilege to urge my Senate colleagues to cast an "aye" vote for this measure.

The underlying reasons for this legislation, as I see it, are to bring more people into the medical and allied health professions, and to accelerate the teaching process so that more professionals can get into practice earlier than is now the case. Such programs as the shortening of curricula and reducing the period of time required for internships and residencies should help accomplish this acceleration as well as allowing more students to use the same educational facilities.

As the able floor manager of S. 934 (Senator KENNEDY) has explained, the bill authorizes grants of $200 million in the first year for the construction of health teaching, research and library facilities, as well as loan guarantees and interest subsidy. Student loans of $60 million in the first year are provided for most of the health professions, and there are provisions for deferral of loan repayment. There is also forgiveness of loans for those who practice primary care in medically underserved areas. Institutional support for medical, dental, osteopathic and other schools is provided on a capitation basis in the total amount of $426 million the first year. Such support is keyed to innovations such as curriculum improvement, development of training methods to facilitate team health care delivery, and the training of new types of health personnel such as physician assistants. Special project grants of $150 million the first year are also authorized, again for the purpose of providing incentives for innovation in the health care field.

The training of physician assistants and nurse practitioners has deep significance for rural areas such as are prevalent in our State of West Virginia. It is my belief that these personnel, if turned out in significant numbers, will have a favorable impact on the existing health personnel shortage. Another provision authorizes scholarship grants of up to $5,000 per student per year for those who agree to practice in a physican shortage area.

The health personnel shortage is the factor behind two of my three amendments to S. 934 that were accepted by the Committee on Labor and Public Welfare, and incorporated into the bill.

The first of these, section 208, establishes a National Health Manpower Clearinghouse. There is not now in existence any central facility which provides an information exchange between communities and groups which need health professionals and professionals seeking employment in shortage areas. My amendment requires the Secretary of Health, Education, and Welfare to establish such a facility.

My second amendment will, if implemented by the Secretary, plug a shameful gap in the delivery of health care, particularly to rural areas. According to the American Medical Association there are 134 counties in the country which do not have a single resident physician. There is reason to believe that this estimate is low. Section 210 requires the Secretary of HEW to use his best efforts to place Public Heath Service doctors in counties without them. The Secretary is to fully act on this essential project within 1 year and is to report to Congress within that same period, concerning implementation of this provision.

It is contemplated that only a shortage of PHS doctors, resulting from the essential nature of their work on ongoing projects within the Service, would in any degree relieve the Secretary from his responsibility to give these needy counties their only doctor. Further, the fact that currently employed PHS doctors are working on essential projects should not deter the Secretary from hiring new physicians in order to comply with this section.

My third amendment, bill section 209, should save the Federal Government and the taxpayers a substantial amount of money. It would require the Comptroller General to make a study of construction costs for federally supported health facilities. It has been brought to my attention that, were innovative techniques and new materials used in such construction, and if certain unnecessarily stringent Federal standards were waived or eliminated, construction costs might in many cases be reduced by as much as 50 percent.

Mr. President, S. 934, if enacted, will be of enormous benefit to the Nation's health, and well worth every cent we provide to support the bill's programs.

Mr. JAVITS. Mr. President, I seek recognition.

The PRESIDING OFFICER. Who yields time?

Mr. DOMINICK. Mr. President, I send an amendment to the desk and ask that it be stated.

The assistant legislative clerk read the amendment, as follows:

On page 86, line 17, insert the following new section:

"SEC. 211. Section 4(4)(B) of the Federal Employees Health Benefits Act of 1959, P.L. 86–382, 5 U.S.C., sec. 8903, is amended by striking out ', and which plans are offered by organizations which have successfully operated similar plans before approval by the Commission of the plan in which employees may enroll' ".

Mr. DOMINICK. Mr. President, I yield myself 5 minutes.

The PRESIDING OFFICER. The Senator from Colorado is recognized for 5 minutes.

Mr. DOMINICK. Mr. President, I hope that the chairman of the subcommittee, the manager of the bill, will accept this amendment.

Section 4 of the Federal Employees Health Benefits Act describes four basic types of health benefit plans for which the Civil Service Commission may contract to provide medical coverage for Federal employees: First, services benefit plans; second, indemnity benefit plans; third, employee organization plans; and fourth, comprehensive medical plans. Two types of "comprehensive medical plans" are authorized—group practice prepayment plans and individual practice prepayment plans.

The difference between the two is, of course, whether it is a closed panel or an open panel.

With respect to individual practice prepayment plans, the act limits the organizations which may contract with the Civil Service Commission to those which have "successfully operated similar plans." This "successful experience" requirement applies only to individual practice prepayment plans. It does not apply to group practice prepayment plans.

The Civil Service Commission has construed the "successful experience" requirement to require 1 year of prior experience with a plan where first, individual physicians agree to accept payments on a prepaid basis as full payment for covered services, and second, the individual physicians bear the risk in the event that the costs of providing covered medical services exceed the prepayments. Thus, organizations with experience operating plans underwritten by insurance companies have been ruled ineligible by the Commission on the ground that this second criterion was not met.

To my knowledge, only the Government requires that the participating physicians themselves bear the risk that costs of medical services covered by an individual practice prepayment plan may exceed prepayments. For that reason, most non-Government individual practice prepayment-type plans are underwritten by insurance companies, so that the individual physicians do not bear this risk. The result is that few organizations are able to meet the experience requirement of the statute as construed by the Civil Service Commission.

This amendment would put individual practice plans on an equal basis with group practice plans by eliminating the experience requirement. In addition to removing a seeming discrimination against individual practice-type plans, I think the amendment would stimulate innovation in methods of delivering good health care at minimum cost. Aside from possible increased administrative costs to the Civil Service Commission, this amendment would have no effect on the Federal budget.

I sincerely hope that the chairman of the subcommittee will accept the amendment.

Mr. JAVITS. Mr. President, will the Senator from Colorado yield?

Mr. DOMINICK. I yield.

Mr. JAVITS. There is some difficulty in getting an exact understanding of what the Senator has in mind and I should like to ask him a few questions.

By an individual physician plan, does the Senator mean an individual physician has a roster of patients who are Government employees and they subscribe to a plan to which the Government makes certain contributions in terms of premiums.

Mr. DOMINICK. No. What I am really talking about is a prepaid comprehensive program where the person who accepts it can go to the individual doctor of his choice.

Mr. JAVITS. Exactly, but does the individual person buy a plan from an insurance company or does he contract only with that individual doctor.

Mr. DOMINICK. The individual practice plan, or foundation, contracts with the Civil Service Commission to provide comprehensive medical coverage to Federal employees. The employees subscribe to the plan, and pay a fixed fee in advance for medical coverage.

Mr. JAVITS. So that it is really, in a sense, a cooperative rather than a group practice unit, which does the same thing.

Mr. DOMINICK. That is correct.

Mr. JAVITS. And he buys services from a nonprofit organization.

Mr. DOMINICK. That is correct.

Mr. JAVITS. Now the experience factor would not then obtain in respect of that particular entity and the reason I gather for that is, it is an artificial standard and the Senator feels that the doctors have been long established and feel qualified to render the services which are being contracted for.

Mr. DOMINICK. The Senator is correct. Initially, the bill came out in 1959 with a 5-year "successful experience" requirement which applied to both individual and group practice type plans.

Between then and the time it got to the floor, the 5-year prepractice experience ratio was dropped insofar as group practice plans concerned, but left insofar as individual practice plans were concerned.

This change was not discussed on the floor. As a matter of fact, none of the legislative history indicates why the "successful experience" requirements were originally in the bill. The only relevant discussion indicates that there was no intent to distinguish between individual and group practice type plans in that regard, and that competition between the various types of plans was to be encouraged. My amendment would encourage such competition by eliminating the unexplained discrimination against individual practice plans.

Mr. JAVITS. This is a practice which has developed in the Senator's State of Colorado.

Mr. DOMINICK. True, but it is not restricted to us. There are medical foundations and individual practice plan all over the United States.

Mr. JAVITS. I understand that. It may be a very good idea to be adopted by other States. The Senator wants to strike the shackles from its wrists, so to speak.

Mr. DOMINICK. That is right. They would have the same opportunity as group practice plans have.

Mr. JAVITS. Neither the manager of the bill nor I fully understood exactly what the Senator was after by this amendment, so we have had—at least I have had—no opportunity, really, to run it down. Personally, I will be willing to take it to conference. The Senator will himself be a conferee. So that, with the understanding that if it creates any complications which we do not see now, the Senator will be right there and will not feel that we are fixed in concrete on this particular amendment.

Mr. DOMINICK. I would be perfectly willing to accept that because I am positive that it will stand up on its merits.

One of the things people have been talking about is the question of whether individual doctors would still bear the risk in the event the cost of covered medical services exceeded the amount of the premiums paid. They would, under this. As I understand it, they would have to in order to meet the criteria of the Civil Service Commission. My amendment would not affect that. The only thing it eliminates, is the "successful experience" requirement established for some unknown reason about 11 or 12 years ago.

Mr. JAVITS. For myself, as the ranking Republican on the Labor and Public Welfare Committee, I would be willing to take it to conference, with the understanding that as we have not had the opportunity to check it out even with the appropriate departments, the Senator would understand that we will do our best to hold it, but it will be subject to checking out with all concerned.

Mr. DOMINICK. I appreciate that.

Mr. KENNEDY. Mr. President, I would be glad to take the amendment to conference. The Senator from Colorado has expressed what the impact of this amendment would be in terms of Colorado. As the Senator from New York has pointed out, it is not completely clear what the impact might be in other parts of the country, but it is worthwhile to take the amendment to conference and I would urge that the amendment be agreed to.

Mr. DOMINICK. I thank the Senator from Massachusetts. I want to say that although this originally was brought to my attention by the Metropolitan Denver Foundation in Colorado which administers comprehensive prepaid plans, the pending amendments, if adopted, will apply equally around the country.

Mr. President, I yield back the remainder of my time.

Mr. KENNEDY. Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER (Mr. GAMBRELL). All time on the amendment has now been yielded back. The question is on agreeing to the amendment of the Senator from Colorado.

The amendment was agreed to.

Mr. MUSKIE. Mr. President, the health care crisis in America has only recently emerged into the public consciousness. We have begun to realize that our health care system does not do an adequate job of keeping Americans healthy. The health crisis affects every American. For those who are very poor, health care is unavailable because of cost. For those who live in our inner cities or in our rural areas, health services are too far away. For the average American family, health care is a problem because costs are rising at alarming rates; routine health care drains our pocketbooks, and serious health care can mean economic catastrophe to a family

These are some of the stark facts:

Between 1966 and 1980, the number of workers who cannot work due to illness will climb from 13 million to 21 million.

Seventy-five thousand newborn babies die in the United States each year.

The number of general practitioners has declined 35 percent since 1957—and foreign physicians now constitute more than 25 percent of our Nation's doctors.

One hundred fifty counties across the country have absolutely no health professionals of any kind. In most central cities, the situation is as bad—or just a little better. In the Kenwood section of Chicago, there are only two physicians for 46,000 people.

The cost of medical care has skyrocketed to over $60 billion annually. At the same time, the health insurance industry has used its actuarial studies to exclude segment after segment of our society from access to medical protection. The poor are abandoned to uneven and often inhuman public health services. And the average family is caught squarely in the middle—too well off to qualify for government help—too pressured to help themselves with comprehensive insurance.

In the end, millions of Americans go without adequate medical care. They cannot afford it. They are afraid it will break them. Or they cannot find a doctor. Some of them die. Others are left destitute. And most of them fall victim to needless pain and needless suffering. They are our parents—our children—our friends and our fellow citizens.

As chairman of the Health Care Subcommittee of the Senate Committee on Aging, I held hearings in California during May to see what kind of health care our older citizens are receiving under the medicare and medicaid programs. The hearing clearly demonstrated that because of rising costs and because of poorly designed systems, literally tens of thousands of older Americans receive poor health care or no health care at all. Part of this is due to cutbacks in medicare and medicaid that put even the most basic health care beyond the reach of our elderly citizens. Part of this is a result of rigid and short-sighted regulations of the medicare and medicaid programs.

But the hearing made clear that even if the regulations were changed and finances made available, we still would not be able to have decent health care for our older Americans because we do not have the institutions that can deliver it. In minority communities, there are not enough doctors nor clinics. There are not the kind of people who can communicate with the community and earn their sense of trust. There are no means for getting older people to the doctors or, even better, the doctors to the older people.

To remedy this health crisis we need a medical bill of rights for all Americans.

The first medical right of all Americans is care within their means. Admission to a hospital or a doctor's office should depend on the state of an individual's health, not the size of his wallet. And we cannot depend upon reform by halfway measures and halfhearted compromise. A right to medical care which left the burden of cost on the poor and the near poor would mock its own purpose. The only sure security is federally funded universal health insurance. That is our best hope for the future—and a priority goal in 1971.

Senator KENNEDY is leading the battle for this legislation and I support his efforts in every way. National health insurance will mean that all Americans, no matter what their means, no matter what their needs, can afford quality health care. When this legislation is passed, it will be a landmark in the history of social justice in our Nation.

The second medical right of all Americans is care within their reach. For even if we guaranteed the payment of health costs, millions of our citizens could not find sufficient medical services. The system is not only inequitable—it is also undermanned and inefficient. It is on the verge of collapse. The Nation must now respond with Federal financial incentives that will insure real reform.

So health insurance alone is not enough. We need enough doctors and related medical personnel to treat those who will be able to afford decent health care under national health insurance. And we must provide the institutions to bring that health care to every American. We will need special health clinics and out-reach efforts for our inner cities. In rural areas, different systems for health care delivery must be developed. For the aged, we must create home health care teams that can move doctors to the elderly, when the elderly cannot move to the doctors. And we must devise the techniques to insure that every family in America can and will utilize health care facilities for its children.

Finally, the third medical right is health care on a regular basis so that everyone can receive the benefits of preventive medicine. We must provide enough health education, supervision, and periodic checkups so that health problems are caught in the beginning, when they can be cured, rather than in the end, when it is too late for cure. Not only is this health care maintenance approach vastly more economical than our system today, but it is also the only humane way to provide for health care treatment.

These tasks will require great changes. They will require great imagination. They will require great resources. But they must be done, if we are to guarantee to every American a healthy life. I plan to contribute to this effort by offering various proposals to increase our health manpower and to create new institutions for health care delivery. Today the Senate is considering legislation that will allow us to overcome some of these health manpower problems.

First, we need more doctors and more medical personnel. By 1980 our estimated shortage of doctors will be 26,000, of dentists 56,000, of nurses 210,000, and of allied health manpower 432,000. We simply do not have enough people being trained today to provide the health care for America tomorrow. In fact, we are losing ground, because the increase in the number of medical personnel has not kept up with the increase in our population.

Second, we must reorient our medical training so that doctors are trained in those types of medical practice where we have critical manpower shortages. The largest such category is the "primary care" area. This includes the practice of family medicine—a new kind of general practitioner—internal medicine, pediatrics, obstetrics, and gynecology. An estimated 90 percent of the health care needs of Americans can be handled by these doctors. It is only the unusual case, on a statistical basis, that requires the medical specialist. Yet, only one-third of medical students are now being trained in these areas. It does not make sense to train only one-third of our new medical personnel to take responsibility for about 90 percent of our health care needs.

Third, as I mentioned above, we must directly focus on the problem of training medical personnel to work in our inner cities and rural areas.

Fourth, we must take immediate steps to train ancillary medical personnel. These physicians' assistants and nurses should be trained to assume the routine tasks of examination and medical practice so that doctors will be free to spend more time to use their special skills. If we don't use our doctors more efficiently, we will never be able to provide decent health care for everyone.

Fifth, we must begin to introduce into our medical schools more training for interdisciplinary care and the health team approach. The physician and the supporting personnel must be prepared to work together effectively on a single health problem so that we can break down the fractured, disjointed approach to the health care of particular individuals that too often prevails today.

Finally, we must increase the number of minority and disadvantaged group members into medical training at all levels. Without these people we will never be able to fully serve the communities from which they come. Only they can establish the trust and communication with medical consumers which will introduce health care into many of our communities.

The legislation now being considered in the Senate begins to remedy many of these problems. I support this legislation. Last month, Senator Eagleton and I offered an amendment containing proposals that we both felt would substantially improve the bill now under consideration. The Health Subcommittee and the Labor and Public Welfare Committee adopted these proposals.

These proposals now in the bill provide for:

First. Construction Grants:

Under Part B of Title VII of the Public Health Services Act for the construction of new health teaching facilities, Section 722(b) requires that all the funds needed to complete each construction project will be held in reserve from the funds available in the first year that the grant for construction is awarded. This means that a project that will take three or four years to complete takes three or four times the amount of money out of the appropriated funds than is actually spent.

Since the program began in 1965 only about 40 percent of the appropriated funds have actually been spent. As a result there is now a backlog of 79 approved but unfunded construction projects. Of these projects, 19 already have local matching funds—usually 40 percent to 50 percent of the cost of the project—ready and waiting.

To reduce this backlog, our provision changes section 722(b) to require the Secretary of HEW to reserve only a portion of the funds appropriated for the construction of health education facilities. This will allow us to immediately begin construction of health teaching facilities that are needed today and that will be even more desperately needed tomorrow.

Second. Grants for resident training.

The program for training medical residents needs help. The quality of education provided to residents in various institutions varies tremendously. We need good educational programs, programs that take time and money in additions to the already fine practice of medicine in these hospitals. Now the cost of educating these residents is borne either by medical schools or by the patients in the hospitals involved. This is unfair. All Americans should help pay for the decent education for the next generation of practitioners.

We also have the problem of balance between training in primary care and in specialities, that I spoke of above. It must be remedied by balanced training of residents. Finally, postgraduate training in medicine is too long. The development of shorter training for our doctors must be encouraged.

Our provision tries to remedy these problems by authorizing per capita grants to public and private accredited schools for payment of the educational costs of approved resident postgraduate training. This will set a baseline for quality education and relieve some of the burden of this training for the hospitals and patients involved.

The bill provides for a grant to such institutions of $3,000 for each full-time resident being trained in primary health care or in any other speciality in which there is a shortage of physicians. A grant of $1,500 is provided for other residents. In this way, we will help correct the serious imbalance of health manpower training. In addition, institutions applying for grants must also undertake a program to encourage doctors to enroll in training in primary health care and must assure the Secretary that they will increase the number of resident training slots in that area.

Finally, no training institution will receive such grants for residency training for more than 3 years. This will encourage the movement to shorten the years of postgraduate medical training consistent with recent initiatives by organized medicine.

I believe these sections of the bill are solid contributions to the remaking of our health care system. They will allow us to begin building more medical schools at once, expanding the pipeline that supplies tomorrow's doctors. They will upgrade our residency programs. And they will help more doctors into those fields where we now have severe shortages. I believe that the sections of the health manpower bill will be a good start in curing the shortage and imbalance in our health manpower training.

S. 934: STABILITY AND PROGRESS IN HEALTH PROFESSIONS EDUCATION

Mr. CRANSTON. Mr. President, the distinguished chairman of the Labor and Public Welfare Committee (Mr. WILLIAMS) and the distinguished chairman of the Subcommittee on Health (Mr. KENNEDY) are deserving of great praise for the substantial contributions they have made both in terms of initiative and leadership, to the development of the Health Professions Educational Assistance Amendments of 1971 as reported from the committee.

The ranking minority members of the committee (Mr. JAVITS) and the subcommittee (Mr. DOMINICK) also made significant contributions to this legislation and showed outstanding bipartisan cooperation during our deliberations.

As a member of the Subcommittee on Health, I participated in the deliberations on this bill in both subcommittee and in full committee. I believe that through the direction and flexibility of the respective chairmen, we have produced a bill which will enable this Nation to take steps essential to meeting one of the major problems facing our health system: the shortage, maldistribution, and to a certain extent, poor utilization of health professionals.

There are three major provisions in this bill, which I would like to comment on in particular: First, the system for institutional support, second, the programs for increased student financial assistance, and third, the provisions for recruitment and retention of minority and disadvantaged students in schools of the health professions. I am extremely gratified that the bill contains amendments I offered in each of these areas.

INSTITUTIONAL SUPPORT

The bill extends authorities for programs to support health professions education, with major modifications. I feel we have produced an approach to institutional support which will encourage medical schools and other schools of the health professions to undertake steady expansions in enrollments, to improve curriculums, and to undertake innovative educational programs. The method to achieve this end embodies an amendment I offered in subcommittee to condition capitation payments—per student institutional entitlements—on enrollment expansion, curriculum improvement, educational innovations, shortened curriculums, and other priority areas.

Most medical schools and other health professions institutions are undergoing a serious financial crisis, costs are rising at a rate far beyond the amount which can be met by individual student tuition, endowments, and other nontuition income. At the same time, it is evident that national needs for the health professionals trained by these institutions are so critical that some form of Federal subsidization is essential. This conclusion was also reached by the Carnegie Commission on Higher Education in its special report, "Higher Education and the Nation's Health."

With present levels of institutional support, institutions are experiencing great difficulty in increasing the numbers of students they train, reforming curricula, and improving training, all essential to the graduation of health professionals and new types of health personnel capable of meeting the greater and increasingly complex demands being made on them today. Such improvement and reform could include additional training in the prevention and treatment of drug abuse, narcotics addiction, alcoholism, and training in the family practice of medicine, as well as new methods of rendering health services, such as the team concept, among others.

To meet these problems, my amendment, which is included in the institutional grants provisions of the proposed new sections 770 and 771 of the Public Health Service Act, would provide for a basic institutional capitation award consisting of $50,000 for each institution plus three types of capitation grants or bonuses as follows: a capitation grant for each full-time enrolled student or equivalent thereof, a bonus capitation for first-year enrollment increases, and an incentive capitation grant for each 3-year graduate.

The committee determined that the national interest is deeply involved in the ability of these institutions to meet the demands placed upon them, and determined that a reasonable Federal degree of support should be equivalent to roughly one-third of the average per student cost incurred nationally by such institutions.

This one-third support would be met through the utilization of the capitation procedure I have outlined:

BASIC ENROLLMENT CAPITATION

This grant would consist of $50,000 plus a specified amount for each enrolled student—or equivalent—in the several disciplines as follows: schools of medicine, osteopathy, and dentistry, $4,000; schools of optometry $1,000; schools of pharmacy $600; schools of podiatry $900; and schools of veterinary medicine $2,000.

BONUS CAPITATION FOR ENROLLMENT INCREASE

As a means of encouraging schools of the health professions to increase enrollment and at the same time maintain or improve their standards of excellence, the bill would provide bonus awards for each member of certain expanded first-year classes for each year such class is enrolled at the school. Schools of the respective disciplines would be entitled to the following amounts for each student in such a "bonus" class: Schools of medicine, osteopathy, and dentistry: $2,000; schools of optometry: $400; schools of pharmacy: $300; schools of podiatry: $400; and schools of veterinary medicine: $1,000. These bonus awards would be provided if the school increased according to a steady progression or a fixed number spread over a 3-year period.

To avoid placing insurmountable barriers in the way of schools unable to increase their enrollment incrementally each year, and to avoid imposing special hardships on those schools which have already undergone exceptional growth in class size in recent years, schools are given the option of spreading excellent increases backward either to years now past or to future "past" years over a period of 2 or 3 years rather than being required to increase at a set percentage of number each year. Thus, a school could have a substantial increase in 1 year preceded or followed by a year in which the increase is smaller without losing its eligibility for a bonus for increased enrollment.

However, requirements for eligibility would be met only if the school achieved over each 3-year period an increase in its first year places of 15 percent or 15 students, whichever is greater—or an increase of 10 percent or 10 students over a 2-year period. Our intent is also that in the future, schools would increase their enrollment from year to year or at least not reduce enrollments in any particular year when using the spread-back provision.

INCENTIVE CAPITATION TO SHORTEN CURRICULUM

This bonus would offer incentives to shortening the education and training period of students at schools of medicine, osteopathy, or dentistry by making a payment of $6,000 for each third year graduate, $2,000 more than the $4,000 the school would have received if that student had continued into the fourth year.

SUBMISSION OF A PLAN

With this very substantial financial support offered health professions schools, I felt it essential that the schools should also make every effort possible to develop programs responsive to other national needs and priorities. For this reason, I proposed that before a school could be eligible for any institutional—$50,000 per school—or capitation award, it must submit a plan to the Secretary of Health, Education, and Welfare setting forth the manner in which the school intends to continue, expand, or initiate improvements in at least three areas of recognized national need.

CAPITATION CONDITIONS

Nine categories of recognized national need are listed in the legislation to health manpower training expansion and improvement. They are similar to the categories in the special project and initiative grant categories in section 122 of the bill—new section 772 of the Public Health Service Act—which are designed to support larger scale innovations. The capitation condition categories themselves are largely self-explanatory in terms of their aims: First, curriculum improvements and shortening; second, interdisciplinary training; third, training for new roles, types, and levels of health personnel; fourth, teaching organization and provision of health care; fifth, increasing the supply of health professionals; sixth, training in clinical pharmacology and drug and alcohol abuse; seventh, in pharmacy, stress on clinical pharmacy; eighth, increases in minority group enrollment and retention; and ninth, special emphasis on training in primary care and family practice.

CAPITATION PENALTIES

I would like to draw particular attention to the fact that three of the capitation condition categories are identical to the situation for which capitation bonus incentives payments are awarded: increased enrollment, curriculum shortening, and the training for new roles, types, and levels of health personnel—thereby giving health professions institutions a double incentive to establish such priority programs.

My amendment put teeth into the plan requirement by requiring the institution to carry out satisfactorily the three programs included in its plan in order to receive the next year's full capitation to which it would otherwise be entitled. Penalties would be levied in the form of a 10- to 30-percent reduction in the years subsequent to the year in which the award was made for those institutions which, by failing satisfactorily to carry out their plans, indicate a lack of response to the national needs.

This reduction would be made at the rate of 10 percent for each failure to institute or carry out satisfactorily one of the three programs specified in the plan submitted by the institution. Thus, an institution which met the basic prerequisite of submitting a qualifying plan would receive its entitlement for the next year. It would also be guaranteed a minimum grant representing approximately 70 percent of the potential amount to which it would be entitled in the following year. Upon satisfactorily carrying out at least the three capitation condition programs in the plan, the school would be entitled to the full 100 percent capitation award for the next year. As I have indicated, any reductions—up to 30 percent—necessitated by failure to carry out the minimum number of capitation condition programs would be made in the subsequent year's award. No repayment of the award already made for the current school year would be required. A special provision permits the Secretary to waive recovery in extreme hardship cases—once every 5 years per school—but I would hope this provision would be used sparingly.

INCENTIVES TO ESTABLISH TRAINING PROGRAMS FOR CLINICAL PHARMACISTS

I would like to draw particular attention to the special emphasis which has been placed on the need to train clinical pharmacists in schools of pharmacy. The bill provides that each school of pharmacy, in order to receive 100 percent of its capitation award, must include in its plan and carry out a program for emphasizing such training among its three planned capitation condition programs. In addition, the bill provides that failure to carry out such a program would result in the school's ineligibility to qualify for the first-year enrollment increase bonus, which I described previously.

As the number and complexity of available prescription and nonprescription drug products increases, and the use, abuse, misuse, and overuse of drugs is also on the rise, the need for additional supportive personnel in the field of clinical pharmacy is becoming more apparent. Clinical pharmacy training prepares the pharmacist for greater responsibility in direct relationships with the patient in drug misuse, abuse, toxicity and nonprescription drug advice as well as in closer working relationships with physicians, dentists, and other health professionals. For example, a community pharmacist is the first contact in the health system for many patients simply because the patients come to him first.

The specialized training of the clinical pharmacist will enable him to relieve a great many of the demands made upon the health professional, as well as providing an alternative to the possible misuse of emergency health facilities.

Dr. Margaret McCarron, associate professor of medicine and pharmacy at the University of Southern California, has written an excellent paper on the education of the patient-oriented pharmacist. Mr. President, I ask unanimous consent that this paper be set forth in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. There being no objection, it is so ordered.

(See exhibit 1.)

I believe Dr. McCarron dramatizes the potential contribution of the fully utilized clinical pharmacist to the provisions of health care when he functions as a fully recognized member of the medical community. I feel she explains cogently the reasons for the special incentives in my amendment for clinical pharmacy—and pharmacology, where appropriate—training at pharmacy schools.

CAPITATION AWARD FOR TRAINING OF PHYSICIANS' OR DENTISTS' ASSISTANTS

There is one additional capitation award which I would like to highlight—the procedure whereby each school of medicine, osteopathy, and dentistry having a program for the training of physicians' or dentists' assistants would receive an award of $1,350 for each full-time student enrolled in such a program. I offered this amendment to encourage the training of these individuals in the same educational setting as physicians and dentists, thereby, as an additional benefit, to foster the development of the health team training concept as well.

The role of the physicians' and dentists' assistants in the provision of health care is one of the most promising developments on the horizon in alleviating the severe shortages of health manpower. This well-trained new type of health professional extends the ability of the physician or dentist to provide the highly skilled treatment for which he has been trained to more individuals, saving him the precious time which can be consumed by routine tasks in the care of patients.

Where physicians' assistants have been functioning in a clinical situation, or in a doctor's office, they have had a high degree of acceptance by patients. In many cases, the patients have, on returning to the clinic or office, asked for appointments with the physician's assistant rather than the physician. These assistants have been extremely adept at establishing a relationship of trust with the patient, enabling the assistants, in many cases, to develop a history of the patient's illness and its contributing factors in more depth than had been possible where a patient felt reticent about monopolizing a busy doctor's time or was unable to identify with a doctor to the extent possible with a physician's assistant.

Since I recognize these training programs are still in the developmental stage, no attempt was made in the legislation to define either the scope of duties of a physician's or dentist's assistant, or the duration of his training, in order to cover both the short-term training—1 year or less—such as in the Medex program at the University of Washington, the Charles Drew Post Graduate School of Medicine at the Martin Luther King Hospital in Los Angeles—incidentally, the only current application of the Medex program to an urban situation—and the University of Alabama, among others, and the longer term—2 years—such as at Duke University, or the 4-year program, such as at Alderson Broaddus.

I feel all three categories of physicians' assistants described in the report of the Board on Medicine of the National Academy of Sciences should be covered. These are: the type A assistant, distinguished by his ability to integrate and interpret findings on the basis of general medical knowledge and to exercise a degree of independent judgment; the type B assistant, highly specialized in one clinical procedure; and the type C assistant, who is generally proficient in medical procedures, but without the ability to use independent judgment to the degree of the type A assistant.

Over 50 physicians' assistants programs are being developed throughout the Nation producing support personnel in these three categories. The costs vary, depending on the degree of training and the previous experience required of the student, but in general, costs are not out of line with the costs of training health professionals. I would expect that the requirement I suggested in the bill for a systematic program for retrieving all facts and figures regarding actual physicians' assistants program costs will provide much needed valuable information, not now available.

STUDENT SCHOLARSHIPS AND LOANS

In the bill's provisions for student scholarships and loans, I was pleased that so many of the recommendations of S. 372, the Health Professions Assistance Amendments of 1971, which I introduced with the bipartisan cosponsorship of Senators WILLIAMS, KENNEDY, JAVITS, HUGHES, EAGLETON, and NELSON, were adopted in S. 934. The purposes of these amendments were to make important improvements in the health professions student loan and scholarship programs, to encourage greater representation of the educationally and economically disadvantaged in the health professions, and to provide incentives for health professionals to practice in urban and rural poverty areas.

I am particularly pleased with the expansion of the scholarship and loan provisions contained in S. 934. As I proposed in S. 372, the bill extends for 5 years present authorities for the student loan programs and raises the amount a student may borrow in any year from $2,500 to $3,500.

In addition, provision is made for special consideration for guaranteed loans to students of the health professions under the guaranteed loan program of the Higher Education Act. Benefits of the guaranteed loan program may not be readily available to many students who have difficulty in obtaining loans from private sources. However, I believe the committee is wise in making this source of financial support available, although I share in the reservations expressed in the committee report with respect to the danger of permitting too much reliance on this form of financial aid to meet the needs of students, especially the disadvantaged.

Another provision which I believe offers a partial solution to the problem of maldistribution of health professionals is the new authority provided for forgiveness of loans for certain kinds of service in shortage areas. The types of service encouraged by this incentive would be general, family, internal, or pediatric medicine, as well as those areas of practice the Secretary by regulation may determine to be essential in certain geographical shortage areas. This provision parallels the forgiveness provision I proposed in S. 372, and I am delighted that the committee accepted my amendment, with Senator EAGLETON, to increase annual forgiveness to 50 percent of the total loan, which should benefit those students with the greatest loan.

Whereas, currently, extra loan forgiveness is provided for service only in a rural area, the bill reported from committee adopts my S. 372 proposal to expand extra loan forgiveness for practice in urban areas with severely inadequate medical service.

In addition, as in S. 372, the bill amends the scholarship program to extend its authority for 5 years and raise the maximum scholarship amount available per student from $2,500 to $3,500. Scholarships would be limited to students of exceptional financial need and to students from low-income or economically disadvantaged families who need such financial assistance to pursue a course of study.

Furthermore, the schools would receive a substantial increase in the amount of scholarship funds available to them. The present formula provides schools $200 for each student enrolled; S. 934 would change the formula so that this amount would be equivalent to $300 per student.

Moreover, as an incentive to the enrollment of students from economically or educationally disadvantaged environments, the bill includes an amendment I offered—based on my S. 372—to add $3,000 to a school's scholarship fund for each such student enrolled in fiscal years 1974, 1975, and 1976.

FULL UTILIZATION OF EDUCATIONAL TALENT FOR THE HEALTH PROFESSIONS

This brings me to the third major change made by this legislation which I wish to emphasize—the recruitment and retention of minority and disadvantaged students in medical and other health professions schools.

I am delighted the committee adopted my amendment containing this new program in virtually the same form I proposed it last Congress and again this year in S. 372. The only difference from my original proposal is a slight reduction in the authorization of appropriations in the last 2 years.

Mr. President, this new outreach program when combined with a number of the important changes in the health professions loan and scholarship programs, which I described earlier, would provide long overdue special assistance to disadvantaged students to enter the health professions. In addition, to provide special encouragement to students from low-income or otherwise disadvantaged families to enter the health professions, and to help alleviate their concern that a loan might be an impossible burden if they should not complete their course of study, the bill would also authorize the Secretary to cancel loans, in whole or in part, in such situations.

An important facet of the overall shortage of health professionals is the disproportionately low representation of minority groups in such professions; their representation falls far short of the proportions which such groups represent in the population as a whole. For example, although blacks make up 11.2 percent of our population, only 2 percent of the medical profession is black. There are only 6,000 black physicians in the entire Nation; one out of every 560 whites is a physician while the rate for blacks is one out of every 3,800. Although comparable nationwide data is not available, and representation of Chicanos, Indians, and those of oriental descent is estimated to be even lower proportionately. For example, although the most recent estimates indicate that Chicanos comprise approximately 13 percent of the total population in the southwestern States, Chicanos comprise only 1 percent of the medical student bodies in those States.

An October 1970 report by the Carnegie Commission on Higher Education stresses the need to train minority group health professionals:

> The need to train more minority-group physicians and dentists is crucial. They can play a leadership role in stimulating more emphasis on adequate health care services and health education for minority groups, and they can undoubtedly relate to patients of their own races more effectively than white practitioners.

I feel the unequal representation of minority students in the health professions is due in large part to two things: the lack of effective counseling to encourage and assist minority students to enter the health professions, and the inadequacy of existing financial aid programs to provide assistance at levels which would enable the disadvantaged to meet the enormous, exploding costs of undergraduate and graduate education in the health professions.

It is my opinion that S. 934 meets both these major impediments to the enrollment of minority and disadvantaged students.

First, the bill would add a new section 724 to title VII of the Public Health Service Act to provide for grants and contracts to schools and other public or nonprofit organizations for the purpose of identifying, encouraging, and assisting disadvantaged individuals with a potential for education or training in the health professions. Specifically included are those returning veterans with training or experience in the health field. Individuals would be assisted in enrolling, or in qualifying to enroll, in postsecondary education or training, including health professions schools. The Outreach program would also provide for broad dissemination of information on sources of financial aid available for such postgraduate or postsecondary education and training.

To this extent, the bill's outreach provisions are similar to those contained in section 204 of the Health Training Improvement Act of 1970, Public Law 91–519, enacted November 2, 1970. However, my provision goes further and specifically would authorize the Secretary to fund such other programs as he determines would enhance the enrollment, pursuit, and completion of study by such disadvantaged persons once they are enrolled in medical and other health professions schools.

Mr. President, in closing, I would like to pay special tribute to the generosity of both Dr. Philip Lee, chancellor of the University of California Medical Center in San Francisco, and Dr. Edward Rosinski, vice-chancellor there, who devoted a considerable portion of their valuable time and talent to providing me with expert advice and guidance in the preparation of my amendments to this bill and the nursing education bill, S. 1747.

Mr. President, I believe the Labor and Public Welfare Committee has produced an excellent bill.

I again congratulate Senator Kennedy for his leadership and effectiveness as the new Health Subcommittee chairman, and I wish to thank his highly able staff and that of the minority for their cooperation in working with me to perfect my amendments to this bill and S. 1747, which we are scheduled to take up next this afternoon. I urge all my colleagues to support this measure.

Exhibit 1

An Approach to the Education of Patient-Oriented Pharmacists

(By Margaret M. McCarron, M.D.)

The curriculum at the University of Southern California School of Pharmacy has been changed recently to emphasize the application of drug knowledge to the care of patients—or the study of clinical pharmacy. In this sense clinical pharmacy is not a course or a clinical experience but a new direction in pharmaceutical education. The aim of the program is to educate "patient-oriented" drug specialists to assume meaningful roles in the delivery of health care.

We believe that the traditional roles of the pharmacists should be upgraded, that professional responsibility and judgment should be increased, and that time consuming mechanical tasks should be delegated to assistants. New roles should be developed as patient needs are demonstrated; these roles should be logical in terms of utilizing the pharmacist's full potential as a drug specialist, practical so there is an immediate benefit from his services, and economically feasible. The activity will vary with variations in the clinical setting. The validity of each role should be judged according to the pharmacist's contribution toward supplying health care or improving its quality.

There is a need for the pharmacist to be the first contact in the health care delivery system simply because many patients come to him first. For years patients have been consulting retail pharmacists regarding drug treatment. This role of the pharmacist has been largely neglected in schools of pharmacy and ignored or criticized by physicians. As a consequence, pharmacists are not adequately trained to assess the patient's symptoms and advise him regarding further care. A very important part of the clinical pharmacy program at U.S.C. is devoted to teaching the pharmacist to understand the patient's problems. The pharmacy student is taught mechanisms of disease and combinations of symptoms that represent serious problems requiring medical care so that he may be able to function in a screening capacity. He is trained to detect and to recognize disease states based on gross symptomatology and then, when appropriate, supply advice and over-the-counter medication, or if indicated, to direct the patient further into the health care system. Under present circumstances then, a well-trained pharmacist could handle many problems in the community pharmacy rather than referring patients with minor problems to crowded emergency rooms in hospitals or to over-burdened physicians.

A "patient-oriented" pharmacist should be concerned with the consequences of drug therapy. He should be aware of drug related problems and make an effort to solve them. The following are a few of these problems and the approach we have taken in an effort to solve them.

1. The error rate in drug administration in hospitals is very high. Several studies (1,2,3) have shown that from 2 per cent to 8 per cent of all drug doses given in hospitals are in error. This is only including errors related to wrong drug, wrong dose, wrong route of administration, wrong patient, or prescribed drug not given. Errors in time of administration and prescribed dosing intervals add significantly to the error rate. The present drug distribution systems in hospitals are not only inadequate but depend on nursing staffs that are undermanned. The pharmacist could improve the quality of patient care and contribute significantly to the health manpower pool by assuming complete responsibility for drug administration in hospitals, from receiving the physician's order to supervising technicians in administration and charting of medications.

2. Adverse drug reactions account for a significant number of patient admissions to hospitals, (4) and an unknown number of serious adverse reactions—many of them preventable—occur while patients are hospitalized (5,6,7). It appears that "drug-induced illness" is in itself a major problem—this is exclusive of illegal and legal drug abuse.

Many adverse drug reactions are not recognized and often the symptoms and findings of drug reactions mimic a change in the patient's disease. Although we do not teach our students to diagnose patient illnesses, we do teach them to diagnose adverse drug reactions, to document them clinically, to report them promptly to the physician, and to be able to advise the physician regarding the specific treatment of the reaction and alternate therapy if indicated. These reactions are reported in writing by the student and become a permanent part of the patient's record to protect the patient from further insult from that drug or similar compounds.

3. Drug Interactions. Drugs may be physically, chemically, or biologically incompatible with each other, with the patient's diet, or with changes in the patient's body chemistry. They can accumulate to toxic levels or be inactivated when their absorption, metabolism, distribution, or excretion are effected by disease processes.

The problem of drug incompatability in I.V. admixtures is just beginning to be appreciated. Drug interactions (8,9) and drug interference with proper evaluation of clinical laboratory tests are new problems which are being studied now. How many patients suffer increased morbidity or mortality because of these factors is unknown.

In order to use modern potent therapeutic agents properly with a minimum of risk to the patient, knowledge of the inter-relationships between the chemical and physical properties of drugs, the biological effects of drugs, and the effects of disease or metabolic disorders on the fate of drugs is needed. We teach the pharmacy student biopharmaceutics and pathophysiology of the organ systems involved with pharmacokinetics. The student is taught to apply this knowledge in recognizing actual or potential drug interactions, to determine if the interaction is clinically significant, and to take corrective action.

4. Evaluation and interpretation of drug information. Although many sources of drug information are available, practicing physicians in this country receive most of their knowledge regarding drugs from pharmaceutical salesmen and various forms of drug advertising (10). Assuming that the quality of the individual items of information is acceptable, the physician would have to contact representatives of each drug company in order to get a comprehensive view of available drugs. This is a time-consuming and inefficient system which often results in incomplete information.

Many pharmacists have been trained to accumulate, retrieve, and communicate drug information through drug information centers. This is a real contribution to patient care. Evaluating and interpreting drug information, especially in view of the patient's clinical condition, is a function that has been traditionally reserved for the physician. A pharmacist who has been trained in biological and clinical application of drug therapy as well as in the chemical and physical properties of drugs, has the potential for contributing vital health care information to the physician. If the pharmacist is working closely with the physician and helping to monitor the patient's response to drug treatment, the flow of information is facilitated.

We are not training the pharmacist to be a second-class physician or to be a physician's assistant. We are also not training the undergraduate pharmacy student to be a therapeutic consultant to the physician specialist—the U.S.C. School of Pharmacy is developing a graduate program leading to a Ph.D. in clinical pharmacology for students with an M.D. or Pharm. D. degree who want to pursue this role—we are training our students to be able to speak the physician's language and to communicate with him as a colleague.

5. Patient Education. Patients have remarkably little insight regarding the proper use of drugs. They medicate themselves according to the latest T.V. ad, or a recommendation of a friend. Wives take medication prescribed for their husbands, and vice versa; and people give medicines that have helped them to their friends who seem to have a similar need.

Patients obtain prescriptions from physicians, ask the pharmacist how much each item costs, and readjust their therapy by buying some of the prescribed drugs and not others. Even when patients have all of their prescriptions filled, they often do not comply with the instructions for using them. Some patients buy medicine and do not use it—medicine cabinets throughout the country contain unused prescription drugs; others use up a month's supply in a few days. Also many patients do not know how to administer drugs properly. They often misuse certain preparations such as inhalers, nose drops and suppositories.

Medications are not stored adequately or safely at home—thousands of cases of poisoning by drugs occur each year in children who have ingested their parent's medication. Improperly stored or outdated drugs deteriorate and toxic products may be formed.

We believe that the pharmacist should be concerned about the patient's use of drugs. He should tell the patient what the drug is for, using judgment so he will not frighten the patient, and the importance of its use. Instructions should be clear and understandable. They should not be so simple that the patient misinterprets them.

We attempt to teach the pharmacy students how to communicate with patients, to give intelligent clear instructions, and to determine that they are understood. The students are required to take a behavioral science course which provides for an understanding of human behavior at the pharmacist/patient interface and also at the pharmacist/health team interface. It is intended that this course should also provide the pharmacy student with an understanding of the pervasive and significant inter-relationships between the disease state and its treatment, the social environment and the behavioral responses of the patient.

The courses required in our new curriculum are not treated as isolated fragments of knowledge. Their design is intended to create a coordinated learning process whereby theory, fact, skill and clinical application will be integrated, for and by the student, within and between disciplines, and implemented in practice at the patient care level.

An example of the change in course content and presentation, let me cite the microbiology course at our school which is taught in the second year, using the team teaching approach. The student studies the organisms, the mechanisms by which they produce disease, the clinical manifestations of the diseases they cause, and the pharmacology of the drugs used to treat them. The chemistry of the anti-microbial agents and their structure-action relationships as well as the immune responses and the use of biological products in the prevention and treatment of infectious disease, is taught in this course.

The patient-contact portion of our program is taught by specially trained clinical pharmacy instructors and by physicians and nurses. The clinical pharmacy instructors, who are not preceptors but are full time faculty members, are responsible for supervising the student's activities on the wards and for teaching the medical principles the students must know. The faculty members show the students how to evaluate the clinical cases and how to apply principles of pharmacy, pharmacology, and pharmacokinetics to the assessment of drug therapy.

A portion of the student's time is then spent in working as a clinical pharmacist on the wards. His duties are:

(a) To determine through patient interviews, patient compliance in taking prescribed medication, the patient's use of over-the-counter drugs, known allergies, and other important aspects of the patient's drug history, and any important social or behavioral problems that are important to the patient's drug therapy.

(b) To accept drug orders from physicians; to evaluate the order for correct dosage, route of administration, incompatabilities, or possible interaction with other therapy or diet.

(c) To evaluate possible alterations in drug absorption, metabolism, and excretion due to the patient's clinical condition.

(d) To evaluate the patient's response to drug therapy and monitor for adverse drug reactions.

(e) To prepare I.V. admixtures.

(f) To provide and interpret drug information.

The students work closely with the patient's physician and report all of their observations and suggestions to him. They also work closely with the ward nursing staff, medical students, and nursing students.

Our education department and the curriculum planning council of the U.S.C. School of Pharmacy are hard at work determining where we are, where we are going, and what paths to take to get there. We will know that we have arrived when our students are recognized as first-class pharmacists who are vital and indispensible members of the health care team.

The PRESIDING OFFICER. The bill is open to further amendment. If there are no further amendments, the question is on the committee amendment.

Mr. MAGNUSON. Mr. President——

Mr. KENNEDY. I yield 2 minutes to the Senator from Washington.

The PRESIDING OFFICER. The Senator from Washington is recognized for 2 minutes.

Mr. MAGNUSON. Mr. President, I join the several Senators, particularly the members of my Subcommittee on Appropriations on HEW, in complimenting the subcommittee on reporting this bill.

I have some statements here which I shall shortly ask unanimous consent to have printed in the RECORD and merely want to say that if there is a health crisis in the United States, it is the failure to deliver health care to the people who need it. That means manpower. That means training. That means all of the aspects contained in the pending legislation.

We are very short of meeting the needs for solving the health problems of this Nation and transferring to them the benefits of all kinds of good research today.

I am optimistic about our research in health. I think that we have been pressing a lot of buttons. However, I think that delivery is another matter. That is what the pending bill is intended to do.

During our hearings, in which we are now in the process of hearing testimony on the health portion of the HEW bill, no one fact came out stronger than the need for the types of manpower to do the job that should be done. Preventive medicine is most important.

This morning we had testimony concerning the incidence of measles and rubella. Rubella occurs amongst the poor people and the blacks something like 500 percent times the incidence of the disease in other parts of the country that do not have many members of the minorities or people committed to the ghetto centers.

This means more trainees. This means a help program for the returning veterans. We are trying to get orderlies to continue in this work.

We are short 50,000 doctors and many thousands of dentists and nurses. We will never catch up unless we can transfer some auxiliaries or assistants to this type of job. In that fine institution that is mentioned, in Chicago, we do not have the people that are necessary.

Mr. President, I wish to join in complimenting the members of the Senate Labor and Public Welfare Committee—especially those on the Health Subcommittee—for the excellent job they have done in recommending these two bills that will help to meet the health manpower needs of our Nation.

There is no more important single domestic area of concern nor one that is more complicated than this. I am well aware of the serious questions that were posed by the various recommendations before them, and they have presented the Senate with a package I feel we can all support.

There are any number of problems in the health field. Many that approach such proportions and that are of such magnitude that they can justifiably be called a crisis. To me, the real crisis in health is our lack of being able to deliver the best in health care and treatment to all of those in need.

The reason this is true is that we do not have sufficient numbers of trained people who can do all that could now be done to deliver quality health care to the American people.

This shortage is a national problem that requires a coordinated national plan, but not one that is so rigid that it will not allow us to meet new needs, requirements and challenges as they might develop along the line. This is a national problem that requires a substantial Federal contribution, but not a Federal "take over" and dictation.

These two bills, which cover all of the health professions—allied health, public health, paraprofessionals, and nursing—chart a sound course for meeting these shortages of highly skilled people. They do this without imposing upon the individuality and freedoms, academic and otherwise, that have been the hallmark of these institutions.

For a number of years, the Federal Government has participated in these efforts to increase the supply of health manpower, to improve the number and quality of teaching programs, to build the necessary facilities, and assist qualified applicants in these programs meet their personal costs in being "students" in what is often a very costly and lengthy educational program.

Although the Federal expenditures have helped to meet these goals and have been substantial over the past 8 years, they have not been reliable. These Federal expenditures have accomplished a great deal: buildings have been constructed for multiple purposes of teaching, research, care, treatment, and the continuing educational activities of all the health professions, nursing and allied health; thousands of students have been assisted through loans and scholarships; hundreds of faculty members have been brought along to help staff new schools and colleges, and expand existing training programs.

All this and more has been accomplished, but it has not been enough. More importantly, that Federal support has not been reliable. These institutions that are on the front lines of this national effort to increase the numbers of highly trained and qualified men and women for the health fields have not been able to rely upon past Federal programs. Performance has not equaled promise.

These two bills are improvements over past legislation because they do provide for greater reliability upon continuing Federal expenditures for these programs. The establishment of "entitlements" under institutional grants will go a long ways toward meeting this requirement. I hasten to add, this will still require current and future Presidents, administrations, and Congresses to be more responsive to meeting these needs in annual appropriations and budgets.

These measures provide far better ways and means of providing institutional support for all these health related programs. It is increasingly clear that the gap between what the students can reasonably pay and the costs of education and training, cannot be filled with erratic contributions from the private sector or disaster grants from the Federal Government.

The recommended levels of support for the various training and educational programs involved appear to be reasonable. I use that word "appear" as even the committee recognizes the complexities involved in the operation of these schools and the highly complicated fiscal arrangements within these institutions.

Although the Congress has requested formally, and many of us have called informally, for detailed studies of these problems, we have yet to have such reliable information available to us. S. 934 again calls for a "cost of education" study and recommends that the National Academy of Sciences, Institute of Medicine be called upon to conduct that review. I hope that they will accept this challenge and fill this void that makes it impossible for us to proceed with greater certainty.

Bricks and mortar are equally important if program support is to be effective. The construction support programs called for in this legislation are a great improvement over past measures because the complex needs involved are more adequately and realistically recognized. Not only the dollar levels of authorizations are increased, but greater flexibility is allowed.

Flexibility in construction programs, whether for renovation or replacement, new or major expansion is needed. Equally important, past distinctions between health manpower teaching facilities, research and medical library facilities have been discarded. Under these bills, the multipurpose needs and requirements of these institutions can be met.

New types of facilities could also be supported, and the comprehensive health manpower teaching facilities for interdisciplinary training, or for the particular needs of a given geographic area could be met. Perhaps we were too specific in past legislation. If so, we must allow for greater flexibility and these bills do just that.

Eligibility for assistance under these institutional support and construction programs is dependent upon a definition of the role, and acceptance of that role by the individual institutions, of the part they are to play within the total health resources of our Nation. Board goals and objectives have been set forth, without being too specific. Only those institutions, colleges and schools that are conducting educational and training programs for health personnel can help reduce these shortages. Only they can improve the quality of their programs and in turn graduate more highly skilled and qualified people.

Under the flexible provisions of these measures, all of those schools are left the responsibility of charting their individual courses of action. They will be required to chart such a course. They will be held responsible to follow their plans, and they will be held responsible if they fail to meet their self-established goals.

I feel this is only right and fair. These institutions, all of the schools and colleges involved in health training and education programs are national resources. At the same time they are primarily supported by State, local, and private resources, or combinations thereof, and the Federal contribution in the past has been that of a "junior" partner. Although that Federal contribution must become more significant, we must not attempt to become a "managing' partner. We should require all parties to be more responsible partners.

These bills do require all concerned to be more responsible, and they will help to achieve greater levels of financial support for all of these programs from the Federal Government. They will help achieve that without the assumption of control and direction at the Federal level that could prove to be fatal. We have not established here, in some Federal agency, a super board of regents that is going to attempt to dictate the curriculum, the teaching methods of procedures, the research directions, or anything else that should be followed.

While we need far more men and women in those traditional white coats who are able to deliver quality health care, we don't want them turned out in stereotype with straitjacket minds.

We must retain the diversity of programs that have helped to foster all of the improvements in health care that are now possible. More people who might wear some distinctive uniform in a hospital, clinic, laboratory, classroom or outpatient facility is our goal—not uniformity, or conformity to some standard of mediocrity.

Student financial aid is just as vital as institutional assistance, and these bills recognize those needs. The package of student assistance programs contained in these bills is most important if we are going to allow the participating institutions to have a truly "open door" policy for all qualified applicants.

Today, far too many admissions committees are being forced to consider the personal financial ability of applicants to pay ever-increasing student fees and tuition. Today, few institutions can actually admit all of those qualified students, from low income families, who seek entrance into health education and training programs. Today, far too many graduates who would prefer to go out into rural areas, or into an urban/suburban depressed area are being forced to forgo such a commitment because they must immediately start to repay their personal indebtedness.

For student financial aid, this legislation is preferable to some recommendations I've seen because it again is not too specific and it is flexible. As my Appropriations Subcommittee pointed up in our report on the Office of Education Appropriations last month, it was our conviction that middle income families were fast becoming the forgotten Americans.

The Department of Health, Education, and Welfare, through regulations, guidelines and advisory letters, have redirected student aid funds in a totally unrealistic manner. Gross family income more often than not has no relationship to what might be available to assist a son or daughter embarked upon a costly educational program. What might be a reasonable formula today, becomes an impossible restriction due to inflation or changing circumstances within a family tomorrow. Student financial aid officers, who can best make these determinations of actual need upon an individual basis, are presently denied such discretion, and too often only delegated the job of attempting to explain why there are no funds available to assist worthy students.

The controlling factors in student financial aid must always be first, a qualified student with the ability and desire to participate in a demanding educational program. Then, if he or she is in financial need, taking into account other financial resources that are actually available to them on an individual basis, and the determination that they could not participate in the given educational program because of financial need, a program of adequate assistance must be available. I personally feel that such programs are best administered by the participating educational institutions, and these measures provide more ample support for those types of programs.

In the past, students and institutions have not been able to rely upon these programs of student financial aid. We have documented cases where second and third year medical students were forced to withdraw from schools because they were unable to secure financial assistance. Again, this legislation provides for greater reliability in these programs. I would repeat: this carries with it the challenge that future Presidents, administrations, and Congresses must see that annual appropriations are truly adequate to meet these needs.

I am pleased this legislation recognizes the important role that could be played by the Public Health Service and hospitals in achieving these goals. I hope that the Secretary and others will see to it that this potential is not dissipated and that we more fully utilize these valuable resources.

I will not detail all my reasons for supporting these bills, but again I compliment the Labor and Public Welfare Committee for presenting us with an excellent package that will help to meet these complex needs.

If, as a nation, we are truly serious about taking effective action to meet the massive health care crisis that besets us, then we must be willing to pay the costs of assuring enough of the right kinds of health manpower to do the job.

These bills will assure us that the educational and training programs are developed; that they receive basic support from the Federal Government; that we will help stimulate the production of new types of health personnel needed; that new schools and programs are developed and supported; and that qualified students will find an open door.

These measures must be enacted by the Congress, and then all of us must see that future appropriations and actual expenditures more adequately meet these needs.

Mr. KENNEDY. Mr. President, I yield 2 minutes to the Senator from Illinois.

The PRESIDING OFFICER. The Senator from Illinois is recognized for 2 minutes.

Mr. PERCY. Mr. President, I do not want to delay the Senate. However, I want to ask one brief question. I have been privileged to have served as a member of the subcommittee of the Senator from Washington. I have sat through hearings. I am deeply impressed with the need for this legislation.

The thought occurred to me some time ago that we have a surplus of 30,000 or 40,000 engineers today because of cutbacks in the space program, the military programs, and the aviation programs.

We have a shortage of 50,000 doctors, 20,000 dentists, and 10,000 nurses.

I wondered if it were not possible, particularly with young men who come out of engineering school and are unable to find employment, if an accelerated program could be worked out so that these young engineers could be trained for some sort of medical work, such as radiology.

Mr. MAGNUSON. Also bioengineering, which will help to develop all the devices so vital to quality health care.

Mr. PERCY. The Senator is correct. I put that question to the dean of a university in Chicago. I was told that an engineer, having been trained to the engineering discipline, could be trained much more rapidly to be a radiologist and would find immediate employment. I wondered whether there was a provision that could be developed to place special emphasis on relieving the hardship among the unemployed and having them serve in the medical profession.

Mr. MAGNUSON. The bill is broad enough to cover that subject.

Mr. KENNEDY. The Senator is correct. There is a special provision to provide special project grants and manpower initiative awards to cover this situation. It is included in the bill. It has also been described in the report.

The PRESIDING OFFICER. The bill is open to further amendment.

Mr. DOMINICK. Mr. President, I yield myself 5 minutes on the bill.

The PRESIDING OFFICER. The Senator from Colorado is recognized for 5 minutes.

Mr. DOMINICK. Mr. President, I have had an opportunity to travel with members of the subcommittee, including the chairman, and discuss the problems throughout the country concerning the distribution of health care. It has become perfectly obvious that we have problems in the urban and in the rural areas. It has become a matter of a choice as to where the doctors, the dentists, and the veterinarians want to work and live. It is a very difficult problem to solve. I think we have taken a pretty good step in the direction of solving the problem by trying to increase the numbers and provide incentives to move into the areas of need. However, I do not want to pretend that this is all a matter of beer and skittles.

I think we ought to keep in mind the fact that we are dealing with a bill that will spend, if the full amount is appropriated, some $6 billion over the next few years. That is a lot of money. A good deal of it goes into the medical schools and institutions. In addition our committee is presently considering a bill which contains almost $21 billion for higher education. So, we are dealing with enormous figures and many programs which have not really been fully tested.

I will not object to the pending bill for that reason. However, I think it is wise to keep these points in mind when we are considering authorizations and later on appropriations.

We have an entitlement with respect to capitation grants. The entitlement language, in effect, tries to supersede the judgment and the discretion of the Appropriations Committee which will be ruling on how much money will be appropriated within the authorizations provided here.

We did try to get some language in with respect to pro rata reductions in the event the full appropriations were not made. The committee as a whole decided that it would prefer to stick with the entitlement language.

The Senator from New York was able to get in the bill an amendment which would indicate that if the Secretary were to make less of a grant than the money authorized, he would be subject to suit.

So, we have that as a safeguard against suits by institutions eligible for capitation grants. However, what we are trying to do is to dictate in an authorization bill how much must be appropriated, and the executive department to spend the entire amount.

I am not sure that we have the legal right to do that. But we will probably find out before we are through.

We have the basic capitation grant for the health professions schools of about one-third of the actual educational costs. The difficulty, as explained by the administration when they came up to testify at the hearings, is that we do not have uniform accounting procedures. Therefore, we do not have reliable cost data, and do not know what the actual educational costs are.

I bring this up, Mr. President, simply because I believe that over the next year or the next year and a half we will have to develop methods by which we can judge what the costs are that the Federal Government should become involved in by way of participating in the sharing of those overall costs.

Furthermore, Mr. President, we have not taken into account, as far as I can see, the normal attrition involved. The normal attrition in any university exceeds 54 percent of the total students enrolled. In the first or second year of college, 54 percent do not finish. They transfer to another school or go to another job or do something different.

In like manner, I doubt that we have considered this rate of attrition in determining what the proper grants ought to be to the various schools. I think we will have to exercise a good deal of oversight on that. We have not included in the bill the administration's proposals for area health education centers which I personally thought were extremely valuable, because of their potential for improving health care delivery and distribution, and the continuing education features which would enable the medical profession to keep abreast of medical technology. That was omitted.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. DOMINICK. I yield myself 2 additional minutes.

Mr. President, we have a few other things of concern, but I am not going to dwell on them at length.

I am saying we are dealing with a major impact in a field of extraordinary significance and sensitivity to the American public. It behooves us on the Subcommittee on Health for the next 2 years to do a great deal of monitoring to make sure that whatever bill comes from conference actually operates to fulfill whatever is deemed to be the need of the country in terms of improving health care.

This is a start. It is not necessarily the right start. We have to follow this through to make sure we do not go too far down a path that proves unfruitful.

The PRESIDING OFFICER. The bill is open to further amendment. If there be no further amendment to be proposed, the question is on agreeing to the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The PRESIDING OFFICER. The question is on the engrossment and third reading of the bill.

The bill (S. 934) was ordered to be engrossed for a third reading and was read the third time.

Mr. KENNEDY. Mr. President, I ask that the Chair lay before the Senate a message from the House of Representatives on H.R. 8629.

The PRESIDING OFFICER laid before the Senate H.R. 8629, to amend title VII of the Public Health Service Act to provide the increased manpower for the health professions, and for other purposes, which was read twice by its title.

Mr. KENNEDY. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 8629.

The PRESIDING OFFICER. Without objection, the Senate will proceed to the consideration of the bill (H.R. 8629).

Mr. KENNEDY. Mr. President, I move to strike out all after the enacting clause of H.R. 8629, and to insert in lieu thereof the language of S. 934, as amended.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Massachusetts.

The motion was agreed to.

ORDER FOR YEAS AND NAYS ON S. 1747

Mr. JAVITS. Mr. President, will the Senator yield for 1 minute so I may ask a question?

Mr. KENNEDY. I yield.

Mr. JAVITS. We have another bill after this, the nursing bill. If the Senator is going to ask for a rollcall vote I suggest he make it now so that Senators will know the schedule.

Mr. KENNEDY. Yes, I hope we have a rollcall vote.

Mr. JAVITS. Mr. President, I ask that it be in order——

Mr. BYRD of West Virginia. That request has been made already.

Mr. KENNEDY. Mr. President, I ask for the yeas and nays on the nursing bill.

The yeas and nays were ordered.

AMENDMENT OF TITLE VII OF THE PUBLIC HEALTH SERVICE ACT TO PROVIDE INCREASED MANPOWER FOR THE HEALTH PROFESSIONS

The Senate continued with the consideration of H.R. 8629.

Mr. KENNEDY. Mr. President, I ask for the yeas and nays on the pending bill.

The yeas and nays were ordered.

Mr. KENNEDY. I yield back the remainder of my time.

Mr. DOMINICK. I yield back the remainder of my time on S. 934.

The PRESIDING OFFICER. All time has been yielded back.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the previous order for the yeas and nays on S. 934 be vacated.

The PRESIDING OFFICER. Without objection, it is so ordered.

The question is on the engrossment of the amendment and third reading of the bill.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time.

The PRESIDING OFFICER. The question is on the final passage of H.R. 8629. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. BYRD of West Virginia. I announce that the Senator from Indiana (Mr. BAYH), the Senator from Oklahoma (Mr. HARRIS), the Senator from Wyoming (Mr. MCGEE), and the Senator from Missouri (Mr. SYMINGTON) are necessarily absent.

I further announce that the Senator from Idaho (Mr. CHURCH) is absent on official business.

I further announce that, if present and voting, the Senator from Indiana (Mr. BAYH) and the Senator from Missouri (Mr. SYMINGTON) would each vote "yea."

Mr. GRIFFIN. I announce that the Senator from Massachusetts (Mr. BROOKE) and the Senator from South Dakota (Mr. MUNDT) are absent because of illness.

The Senator from Idaho (Mr. JORDAN), the Senator from Oregon (Mr. HATFIELD), and the Senator from South Carolina (Mr. THURMOND) are absent on official business.

The Senator from New York (Mr. BUCKLEY) and the Senator from Texas (Mr. TOWER) are necessarily absent.

If present and voting, the Senator from Oregon (Mr. HATFIELD), the Senator from Idaho (Mr. JORDAN), the Senator from South Carolina (Mr. THURMOND), and the Senator from Texas (Mr. TOWER) would each vote "yea."

The result was announced—yeas 88, nays 0, as follows:

[No. 139 Leg.]

YEAS—88

Aiken
Allen
Allott
Anderson
Baker
Beall
Bellmon
Bennett
Bentsen
Bible
Boggs
Brock
Burdick
Byrd, Va.
Byrd, W. Va.
Cannon
Case
Chiles
Cook
Cooper
Cotton
Cranston
Curtis
Dole
Dominick
Eagleton
Eastland
Ellender
Ervin
Fannin
Fong
Fulbright
Gambrell
Goldwater
Gravel
Griffin
Gurney
Hansen
Hart
Hartke
Hollings
Hruska
Hughes
Humphrey
Inouye
Jackson
Javits
Jordan, N.C.
Kennedy
Long
Magnuson
Mansfield
Mathias
McClellan
McGovern
McIntyre
Metcalf
Miller
Mondale
Montoya
Moss
Muskie
Nelson
Packwood
Pastore
Pearson
Pell
Percy
Prouty
Proxmire
Randolph
Ribicoff
Roth
Saxbe
Schweiker
Scott
Smith
Sparkman
Spong
Stennis
Stevens
Stevenson
Taft
Talmadge
Tunney
Weicker
Williams
Young

NAYS—0

NOT VOTING—12

Bayh
Brooke
Buckley
Church
Harris
Hatfield
Jordan, Idaho
McGee
Mundt
Symington
Thurmond
Tower

So the bill (H.R. 8629) was passed.

Mr. JAVITS. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. KENNEDY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. KENNEDY. Mr. President, I ask unanimous consent to indefinitely postpone S. 934.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KENNEDY. Mr. President, I move that the Senate insist upon its amendment to H.R. 8629, and request a conference with the House, and that the Chair be authorized to appoint the conferees on the part of the Senate.

The motion was agreed to; and the Chair appointed Mr. KENNEDY, Mr. WILLIAMS, Mr. NELSON, Mr. EAGLETON, Mr. CRANSTON, Mr. HUGHES, Mr. PELL, Mr. MONDALE, Mr. DOMINICK, Mr. JAVITS, Mr. PROUTY, Mr. SCHWEIKER, Mr. PACKWOOD, and Mr. BEALL conferees on the part of the Senate.

Mr. MATHIAS. Mr. President, I wish to commend the Senate Labor and Public Welfare Committee and particularly the distinguished members of its Health Subcommittee for reporting out such enlightened and far-reaching health manpower legislation. The proposals we have before us today will go a long way toward alleviating the desperate financial crisis which, for some time now, has confronted many of our Nation's medical schools. The production of greatly increased numbers of doctors, dentists, nurses, and other health personnel cannot be accomplished unless the Congress is prepared to unleash vastly increased amounts of Federal support.

Equally in need of expansion, Mr. President, are the present Federal arrangements for student assistance—both loans and scholarships. Since earlier in this Congress I made a proposal relating to forgiveness of health study loans, I am particularly pleased with this legislation's treatment of loan cancellation. The very attractive provisions we have before us today go so far in fact that they obviate the need for me to introduce now my own proposal. The legislation passed by the House on this point, however, is far from satisfactory and, for this reason, I call upon my Senate colleagues to stand firm on these and indeed all the other fine provisions of this legislation.

In recommending these new loan cancelation provisions, the committee has demonstrated a great awareness and appreciation of the need to stimulate changes in the distribution—as well as the absolute numbers—of health personnel. The Nation's health manpower, we all know, are distributed very unevenly throughout the country. There are striking differences among the States. For example, New York has a ratio of 219 active—non-Federal—physicians per 100,000 population, while South Dakota has only 77. Even those States with a relatively good supply of physicians often have serious shortages in inner cities and in rural areas.

In my own State of Maryland, the medical society estimates that, at the very least, an additional 200 physicians are needed. In Baltimore there are communities of up to 30,000 people without a single doctor. And well over half the counties in Maryland are listed by the Department of Health, Education, and Welfare as doctor shortage areas.

Real and viable incentives are thus needed to get graduating doctors and other health professionals to take up service in these areas of acute shortage. The necessity of repaying educational debts, often at high commercial rates of interest, has for too long eclipsed the idealism of our young medical graduates. Service in shortage areas must be made financially as well as philosophically attractive. Adoption of the provisions in this legislation would, for the first time, make it economically feasible for young medical personnel to give vent to their burgeoning sense of social commitment, to move into the inner city or out into rural areas—to break through the cycle of poverty and illness which year after year continues to submerge millions of Americans in an almost subhuman plight.

The legislation before us should provide the framework for a critical new release of health care energy into those areas where it is most desperately needed.

The loan forgiveness provision, of course, aims at alleviating only one aspect of the Nation's mounting health crisis—the maldistribution of medical manpower. Many other remedies are required. The manpower legislation we have before us today contains many of those remedies. Again, I commend its authors and urge its prompt passage.

NURSE TRAINING AMENDMENTS OF 1971

The PRESIDING OFFICER (Mr. BYRD of Virginia). Pursant to the previous order, the Chair lays before the Senate S. 1747, which the clerk will state.

The assistant legislative clerk read as follows:

The bill (S. 1747) to amend title VIII of the Public Health Service Act to extend, expand, and improve the various programs thereunder relating to nurse training, and for other purposes.

The Senate proceeded to consider the bill, which had been reported by the Committee on Labor and Public Welfare with an amendment to strike out all after the enacting clause and insert:

SHORT TITLE

SECTION 1. This Act may be cited as the "Nurse Training Amendments of 1971".

TITLE I—AMENDMENTS TO TITLE VIII OF THE PUBLIC HEALTH SERVICE ACT

GRANTS FOR CONSTRUCTION OF SCHOOLS OF NURSING

SEC. 101. (a) The heading to part A of title VIII of the Public Health Service Act is amended to read as follows:

"PART A—GRANTS, LOANS, AND INTEREST SUBSIDY PAYMENTS FOR SCHOOLS OF NURSING

"SUBPART I—CONSTRUCTION GRANTS TO SCHOOLS OF NURSING"

(b) Section 801(a) of such Act is amended (A) by striking out "and" after "1970", and (B) by inserting immediately before the period at the end thereof the following: ", $40,000,000 for the fiscal year ending June 30, 1972, $45,000,000 for the fiscal year ending June 30, 1973, and $50,000,000 for the fiscal year ending June 30, 1974".

(c)(1) Section 802(a) of such Act is amended—

(A) by striking out "Surgeon General" and inserting in lieu thereof "Secretary"; and

(B) by striking out "1970" and inserting in lieu thereof "1973."

(2) Subsections (b) and (c) of section 802 of such Act are each amended by striking out "Surgeon General" wherever it appears therein and inserting in lieu thereof "Secretary".

(3) Section 802 of such Act is further amended by striking out "this part" wherever it appears therein and inserting in lieu thereof "this subpart".

(d) Subsection (a) of section 803 of such Act is amended by striking out "66⅔ per centum" wherever it appears therein and inserting in lieu thereof "75 per centum".

(e) Sections 803 and 804 of such Act are each amended—

(1) by striking out "this part" wherever it appears therein and inserting in lieu thereof "this subpart"; and

(2) by striking out "Surgeon General" wherever it appears therein and inserting in lieu thereof "Secretary".

CONSTRUCTION LOAN GUARANTEES AND INTEREST SUBSIDY PAYMENTS

SEC. 102. Part A of title VIII of such Act is further amended (1) by striking out sections 805, 806, 807, and 808, and (2) by inserting immediately after section 804 the following:

"SUBPART II—CONSTRUCTION LOAN GUARANTEES AND INTEREST SUBSIDY PAYMENTS

"Loan Guarantees

"SEC. 805. (a) In order to assist public and non-profit private schools of nursing to carry out needed projects for the modernization of construction of facilities for such schools, the Secretary, during the period commencing July 1, 1971, and ending June 30, 1974, may, in accordance with the provisions of this subpart, guarantee to non-Federal lenders making loans to such schools for such projects, payment of principal of an interest on loans, made by such lenders, which are approved under this subpart. The Secretary is also authorized to make commitments on behalf of the United States to make such guarantees prior to the making of such loans.

"(b) No loan guarantee under this subpart, with respect to any modernization or construction project may apply to so much of the principal amount thereof as, when added to the amount of any grant under subpart I with respect to such project, exceeds 90 per centum of the cost of such project.

"(c) The Secretary, with the consent of the Secretary of Housing and Urban Development, shall obtain from the Department of Housing and Urban Development such assistance with respect to the administration of this subpart as will promote efficiency and economy thereof.

"Applications for Loan Guarantees

"SEC. 806. (a) For each project for which the guarantee of a loan to a public or nonprofit private school of nursing is sought under this subpart, there shall be submitted to the Secretary an application by such school. Such application shall (1) set forth all of the data and information and contain or be supported by all the assurances required under section 802 with respect to applications for grants under subpart I of this part, and (2) contain such other information as the Secretary may require to carry out the purposes of this subpart.

"(b) The Secretary may approve such application only if—

"(1) he makes the findings which are required by clauses (1) through (5) of section 802(b) for the approval of projects under subpart I of this part;

"(2) he obtains assurances that the applicant will keep such records, and afford such access thereto, and make such reports, in such form and containing such information, as the Secretary may reasonably require; and

"(3) he also determines that the terms, conditions, maturity, security (if any), and schedule and amounts of repayments with respect to the loan for which a guarantee is sought are sufficient to protect the financial interests of the United States and are otherwise reasonable and in accord with regulations, including a determination that the rate of interest does not exceed such per centum per annum on the principal obligation outstanding as the Secretary determines to be reasonable, taking into account the range of interest rates prevailing in the private market for similar loans and the risks assumed by the United States.

"(c) Amendment of an approved application shall be subject to approval in the same manner as an original application.

"(d)(1) In the case of any loan to a school of nursing under this subpart, the United States shall be entitled to recover from the applicant the amount of any payments made pursuant to any guarantee of such loan under this subpart, unless the Secretary for good cause waives its right of recovery, and upon making any such payment, the United States shall be subrogated to all of the rights of the recipient of the payments with respect to which the guarantee was made.

"(2) Guarantees of loans to schools of nursing under this subpart shall be subject to such further terms and conditions as the Secretary determines to be necessary to assure that the purposes of this subpart will be achieved, and, to the extent permitted by subsection (e), any of such terms and conditions may be modified by the Secretary to the extent determined by him to be necessary or proper by him for the protection of the financial interests of the United States.

"(e) Any guarantee of a loan to a school of nursing made by the Secretary pursuant to this subpart shall be incontestable in the hands of the applicant on whose behalf such guarantee is made, and as to any person who makes or contracts to make a loan to such applicant in reliance thereon, except for fraud or misrepresentation on the part of such applicant or such other person.

"PAYMENT OF INTEREST SUBSIDY ON LOANS

"SEC. 807. (a) Subject to the provisions of subsection (b), in the case of a guarantee of any loan to a school of nursing under this subpart with the respect to any project, the Secretary shall pay, to the holder of such loan and for and on behalf of such school amounts sufficient to reduce by 3 per centum per annum the net effective interest rate otherwise payable on such loan. The Secretary is also authorized to pay such an interest subsidy with respect to a loan (which is not a guaranteed loan) but which would be eligible (except for section 808) to be guaranteed under this subpart.

"(b) Contracts to make the payments provided for in this section shall not carry an aggregate amount greater than such amount as may be provided in appropriation Acts.

"LIMITATION ON AMOUNT OF LOANS GUARANTEED

"SEC. 808. (a) The cumulative total of the principal of the loans outstanding at any time with respect to which guarantees have been issued under this part may not exceed such limitations as may be specified in appropriation Acts.

"(b) In any fiscal year no loan guarantee may be made and no agreement to make interest subsidy payments may be entered into under this part if the making of such guarantee or the entering into of such agreement would cause the cumulative total of—

(1) the principal of the loans guaranteed under this part in such fiscal year, and

(2) the principal of the loans for which no guarantee has been made and with respect to which an agreement to make interest subsidy payments under this part is entered into in such fiscal year,

to exceed the amount of grant funds obligated under this part in such fiscal year; except that this subsection shall not apply if the amount of grant funds obligated under this part in such fiscal year equals the sums appropriated for such fiscal year for construction grants.

"LOAN GUARANTEE FUND

"SEC. 809. (a) There is hereby established in the Treasury a loan guarantee fund (hereinafter in this section referred to as the 'fund') which shall be available to the Secretary without fiscal year limitation, in such amounts as may be specified from time to time in appropriation Acts, (i) to enable him to discharge its responsibilities under guarantees issued by him under this subpart, and (ii) for payment of interest subsidy on loans pursuant to section 807. There are authorized to be appropriated to the fund from time to time such amounts as may be necessary to provide capital required for the fund. To the extent authorized from time to time in appropriation Acts, there shall be deposited in the fund amounts received by the Secretary any moneys, property, or assets derived by him from his operations under this subpart, including any moneys derived from the sale of assets.

"(b) If at any time the moneys in the fund are insufficient to enable the Secretary to discharge his responsibilities under this subpart—

"(i) to make payments of interest subsidy on loans to schools of nursing; and

"(ii) otherwise to comply with guarantees issued by him under this subpart;

he is authorized to issue to the Secretary of the Treasury, but only in such amounts as such forms and denominations, bearing such maturities, and subject to such terms and conditions, as may be prescribed by the Secretary with the approval of the Secretary of the Treasury notes or other obligations in may be specified from time to time in appropriation Acts. Such notes or other obligations shall bear interest at a rate determined by The Secretary of the Treasury, taking into consideration the current average market yield on outstanding maturities of the United States of comparable marketable securities during the month preceding the month of the issuance of such notes or other obligations. The Secretary of the Treasury is authorized and directed to purchase any notes and other obligations issued hereunder and for that purpose he is authorized to use as a public debt transaction the proceeds from the sale of any securities issued under the Second Liberty Bond Act, as amended, and the purposes for which securities may be issued under that Act, as amended, are extended to include any purchase of such notes and obligations. The Secretary of the Treasury may at any time sell any of the notes or other obligations acquired by him under this subsection. All redemptions, purchases, and sales by the Secretary of the Treasury of such notes or other obligations shall be treated as public debt transactions of the United States. Sums borrowed under this subsection shall be deposited in the fund and redemption of such notes and obligations shall be made by the Secretary from such fund.".

SPECIAL PROJECT GRANTS

SEC. 103. (a) Part A of title VIII of the Public Health Service Act is further amended by adding after section 809 (as added by section 102 of this Act) the following:

"SUBPART III—SPECIAL PROJECT GRANTS; INSTITUTIONAL GRANTS; AND FINANCIAL DISTRESS GRANTS

"SPECIAL PROJECT GRANTS

"SEC. 810. (a) From appropriations under subsection (d) the Secretary is authorized to make grants to assist public schools of nursing and other public or nonprofit private agencies, organizations, and institutions, and combinations thereof, and to make contracts with public or private schools, agencies, organizations, and institutions, and combinations thereof, for programs or projects (including programs or projects to assist State, local, or other regional arrangements among schools and related organizations and institutions to carry out the objectives of this section), (A) to plan, develop, or establish new programs or modifications of existing programs of nursing, (B) to effect significant improvements in curriculums of any such schools, (C) for research in the various fields related to nursing education, (D) to develop training programs, and train for new roles, types, or levels of nursing personnel, including programs for the training of pediatric nurse practitioners or other types of nurse practitioners, (E) to assist such schools of nursing which have special need for financial assistance to meet accreditation requirements, (F) to assist any such schools to meet the costs of planning experimental teaching facilities or experimental design thereof, (G) to increase educational opportunities for disadvantaged students, (H) to provide continuing education for nurses, (I) to provide appropriate retraining opportunities for nurses who (after periods of professional inactivity) desire again actively to engage in the nursing profession, (J) otherwise strengthen, improve or expand programs to train nursing personnel, or (K) to help to increase the supply or improve the distribution by geographic area or by specialty group of adequately trained nursing personnel needed to meet the health needs of the Nation, including the need to increase the availability of personal health services and the need to promote preventive health care. In determining eligibility of any such school to receive a grant under this section and the amount of such grant, the Secretary shall consider the individual needs of such school, the nature and scope of the Nation's health manpower needs, and the relative capability of alternative programs for helping to fill these needs.

"(b) The Secretary may from time to time set dates (not earlier than in the fiscal year preceding the year for which a grant is sought) by which applications for grants under this section for any fiscal year must be filed.

"(c) A grant under this section may be made only if the application therefor—

"(1) is from a public or nonprofit private school of nursing, or a public or nonprofit private agency, organization, or institution;

"(2) in the case such application is for a grant to a school of nursing, contains or is supported by assurances satisfactory to the Secretary that the applicant will expend in carrying out its functions as a school of nursing during the fiscal year for which such grant is sought, an amount of funds (other than funds for construction as determined by the Secretary) from non-Federal sources which are at least as great as the average amount of funds expended by such applicant for such purpose (excluding expenditures of a nonrecurring nature) in the three fiscal years immediately preceding the fiscal year for which such grant is sought;

"(3) contains such additional information as the Secretary may require to make the determination required of him under this section and such assurances as he may find necessary to carry out the purposes of this section; and

"(4) provides for such fiscal control and accounting procedures and reports, and access to the records of the applicant, as the Secretary may reasonably require to assure proper disbursement of and accounting for Federal funds paid to the applicant under this section.

"(d) There are authorized to be appropriated, for special project grants under this section, $20,000,000 for the year ending June 30, 1973, and $30,000,000 for the fiscal year ending June 30, 1974.

"(e) Contracts may be entered into under this subsection without regard to sections 3648 and 3709 of the Revised Statutes (31 U.S.C. 529; 41 U.S.C. 5)."

(b) The amendments made by subsection (a) of this section shall be effective with respect to grants from appropriations for fiscal years ending after June 30, 1971.

CAPITATION GRANTS TO INSTITUTIONS

SEC. 104. (a) Part A of title VIII of the Public Health Service Act is further amended by adding after section 810 (as added by section 103 of this Act) the following:

"CAPITATION GRANTS TO INSTITUTIONS

"SEC. 811. (a)(1) It is the intent of the Congress that the criteria established under this subsection for determining the amount of the grants to which schools of nursing will be entitled under this section provide approximately one-third of the costs incurred by such schools (based on average costs of all such schools in the Nation) in providing nursing education programs, if such schools make satisfactory progress in increasing enrollment and in reducing the time period required for the completion of studies by students enrolled therein (or in providing nursing specialty training). The sums appropriated under subsection (e) for any fiscal year shall be distributed to schools with approved applications as follows: Each school shall receive $20,000, plus—

"(A) the product obtained by multiplying the number of full-time students enrolled in such school (or the equivalent thereof, as determined by the Secretary) in the school year beginning in such fiscal year by $550; and

"(B) the product obtained by multiplying—

"(i) $250 by the number of students of such school who graduate during such school year under a program of such school under which students complete their studies in a period consisting of not more than two years, if the Secretary (after consultation with the appropriate accreditation body or bodies) is satisfied that there is reasonable assurance that such program will meet the accreditation standards of such body or bodies; and

"(ii) $750 by the number of students of such school who graduate during such school year under a program of such school under which students complete their studies in a period consisting of more than two years, if, under such program, there is included training in a nursing specialty or as a nurse practitioner; and

"(iii) $250 by the number of first-year enrollment bonus students (as defined in paragraph (2)) enrolled in such school for such year.

"(2) For purposes of paragraph (1)(B)(iii), a student enrolled in any school shall be deemed to be a first-year bonus student of such school for any year, if for the year in which such student is or was a first-year student in such school, the first-year enrollment for such school exceeded the first-year enrollment for such school for—

"(A) the preceding school-year by not less than 5 per centum, or by not less than five students, whichever is the greater; or

"(B) the second preceding school-year by not less than 10 per centum, or by not less than ten students, whichever is the greater; or

"(C) the third preceding school-year by not less than 15 per centum, or by not less than fifteen students, whichever is the greater.

"(b)(1) For the purposes of this section regulations of the Secretary shall include provisions relating to determination of the number of students enrolled in a school, or in a particular school year, or in a particular year-class in a school, or the number of graduates in a particular year-class in a school, or the number of graduates from a school, as the case may be, on the basis of estimates, or on the basis of the number of students who were enrolled in a school, or in a particular school year, or in a particular year-class in a school, or were graduates from a school in earlier years, as the case may be, or on such basis as he deems appropriate for making such determination, and shall include methods of making such determination when a school or a year-class was not in existence in an earlier year at a school.

"(2) For purposes of this section, and part D, the term 'full-time students' (whether such term is used by itself or in connection with a particular year-class) means students pursuing a full-time course of study in an accredited program in a school of nursing.

"(c)(1) Notwithstanding any other provision of this section, the amount of the grant to which any school would (except for this subsection) be entitled for any year, as determined under subsection (a), shall be reduced as provided in this subsection if—

"(A) for the preceding year such school received a grant under this section, and

"(B) the Secretary determines, after notice and opportunity for a hearing to such school (as provided under subchapter II of chapter 5 of title 5, United States Code), that there has been a failure on the part of such school, during such preceding year, satisfactorily to carry out the specific programs or projects in at least three of the categories (as specified in subsection (d)(3)(D)) contained in the plan submitted by such school under such subsection in connection with its application for a grant under this section for the preceding school year.

"(2) If such failure is with respect to—

"(A) all of the categories contained in such plan, the reduction under this section shall be equal to 30 per centum of the amount of such grant (as determined under subsection (a));

"(B) all but one of the categories contained in such plan, the reduction under this subsection shall be equal to 20 per centum of the amount of such grant (as determined under subsection (a)); or

"(C) all but two of the categories contained in such plan, the reduction under this subsection shall be equal to 10 per centum of the amount of such grant as determined under subsection (a)).

"(3) The Secretary may waive all (or any part of) the reduction provided by the preceding provisions of this subsection in the case of any school, if he determines that the imposition of such reduction would work a dire financial hardship on such school; except that the Secretary shall not waive such reduction in the case of any school for any year if, during the preceding five-year period, such school has received a waiver under this paragraph.

"(4) In order to determine whether any school which has received a grant under this section is satisfactorily carrying out the specific programs or projects contained in the plan submitted by such school (pursuant to subsection (d)(3)(D)) in connection with its application for a grant under this section, the Secretary is authorized to the extent deemed necessary by him, to conduct on-site inspections of such school, or to require that such school provide him with appropriate assurances, or furnish him with appropriate information, relating to such programs or projects.

"(d) (1) The Secretary may from time to time set dates (not earlier than in the fiscal year preceding the year for which a grant is sought) by which applications under this section for any fiscal year must be filed.

"(2) The Secretary shall not approve or disapprove any application for a grant under this section except after consultation with the National Advisory Council on Nurse Training.

"(3) A grant under this section may be made only if the application therefor—

"(A) is from a public or nonprofit private school of nursing;

"(B) contains or is supported by assurances satisfactory to the Secretary that the applicant will expend in carrying out its functions as a school of nursing, during the fiscal year for which such grant is sought, an amount of funds (other than funds for construction as determined by the Secretary) from non-Federal sources which are at least as great as the average amount of funds expended by such applicant for such purpose (excluding expenditures for a nonrecurring nature) in the three fiscal years immediately preceding the fiscal year for which such grant is sought;

"(C) contains or is supported by assurances satisfactory to the Secretary that the applicant will expend for the support of its teaching programs, for the fiscal year with respect to which the application is filed, an amount from State, local, or other non-Federal sources that is not less, in the aggregate, than the amount expended from such sources for such programs for the preceding fiscal year; and that any grant paid under this section will be used to supplement and, to the extent practicable, to increase the level of non-Federal funds that would otherwise be made available for such programs, and will not supplant such non-Federal funds;

"(D) contains a plan, approved by the Secretary, to carry out or to establish and carry out, by the end of the school year with respect to which such application relates, specific programs or projects in at least three of the following categories:

"(i) to assist in—

"(I) mergers between hospital training programs or between hospital training programs and academic institutions, or

"(II) affiliation agreements with hospitals or academic institutions, leading to the establishment of nurse training programs;

"(ii) to train, for new roles, types, or levels of nursing personnel, including programs for the training of pediatric nurse practitioners or other types of nurse practitioners, in cooperation with schools of medicine, osteopathy, or dentistry;

"(iii) to establish cooperative intradisciplinary training among schools of nursing with a view toward establishment of interchangeable curriculum;

"(iv) to establish cooperative interdisciplinary training between schools of nursing and schools of allied health, medicine, dentistry, osteopathy, optometry, podiatry, pharmacy, public health, or veterinary medicine, including training for the use of the team approach to the delivery of health services;

"(v) to assist in increasing the supply of adequately trained nursing personnel and to promote the full utilization of nursing skills;

"(vi) to effect significant improvements in the curriculums of schools of nursing with a view toward the assumption of greater patient care responsibilities;

"(vii) to provide in-service and other training and education to upgrade the skills of licensed vocational or licensed practical nurses, nursing assistants, and aides, and other paraprofessional nursing personnel; or

"(viii) to increase admissions to, and enrollment and retention in, such schools of qualified individuals who, due to socioeconomic factors, are financially or educationally disadvantaged.

"(E) contains such additional information as the Secretary may require to make the determinations required of him under this section and such assurances as he may find necessary to carry out the purposes of this section; and

"(F) provides for such fiscal control and accounting procedures and reports, and access to the records of the applicant, as the Secretary may reasonably require to assure the proper disbursement of and accounting for Federal funds paid to the applicant under this section.

"(e) (1) There are authorized to be appropriated, for grants under this section, $157,200,000 for the fiscal year ending June 30, 1972, $160,400,000 for the fiscal year ending June 30, 1973, and $164,400,000 for the fiscal year ending June 30, 1974.

"(2) There are hereby authorized to be appropriated for each fiscal year to the Secretary such sums (which shall be in addition to the sums authorized to be appropriated under paragraph (1)) as may be necessary for administration purposes in connection with grants under this section.

"(f) (1) Each new public or nonprofit private school of nursing with an approved application under this subsection shall, in addition to any other grant to which it is or may be entitled under this section, be entitled to a grant of $40,000 for each year that it is a new school.

"(2) For purposes of paragraph (1), a school of nursing shall be deemed to be a new school for any year if such year is—

"(A) the year preceding the year in which such school first has students enrolled therein; or

"(B) a year after the year referred to in clause (A) but before whichever of the following first occurs: (i) the year in which such school first has a graduating class, or (ii) the year in which such school would, if it were a four-year school, first have a graduating class.

"(3) No grant may be made under this subsection unless application therefor has been submitted to, and approved by the Secretary. Such application shall be in such form, submitted in such manner, and contain such information, as the Secretary shall by regulation prescribe.

"(4) There are authorized to be appropriated to carry out this subsection $4,000,000 for the fiscal year ending June 30, 1972, and a like amount for each of the next two fiscal years. Sums appropriated under this paragraph shall remain available until expended."

(b) The amendments made by subsection (a) of this section shall be effective with respect to grants from appropriations for fiscal years ending after June 30, 1971.

FINANCIAL DISTRESS GRANTS

SEC. 105. Part A of title VIII of the Public Health Service Act (as amended by the preceding sections of this Act) is further amended by adding after section 811 (as added by section 104 of this Act) the following new section:

"FINANCIAL DISTRESS GRANTS

"SEC. 812. (a) There are authorized to be appropriated $30,000,000 for the fiscal year ending June 30, 1972, $20,000,000 for the fiscal year ending June 30, 1973, and $10,000,000 for the fiscal year ending June 30, 1974, for grants under this section to assist any schools of nursing which are in serious financial straits to meet their costs of operation.

"(b) Any such grant may be made upon such terms and conditions as the Secretary determines to be reasonable and necessary, including requirements that the school agree (1) to disclose any financial information or data deemed by the Secretary to be necessary to determine the sources or causes of that school's financial distress and to conduct a comprehensive cost analysis study in cooperation with the Department of Health, Education, and Welfare, and (2) to carry out appropriate operational and financial reforms on the basis of information obtained in the course of the comprehensive cost analysis study or other relevant information."

TRAINEESHIPS FOR ADVANCED TRAINING OF PROFESSIONAL NURSES

SEC. 106. (a) Section 821(a) of the Public Health Service Act is amended by striking out the matter beginning with "the fiscal year ending June 30, 1970" and ending with "to cover the cost of traineeships" and inserting in lieu of the matter stricken the following: "the fiscal year ending June 30, 1970, $19,000,000 for the fiscal year ending June 30, 1971, $20,000,000 for the fiscal year ending June 30, 1971, $20,000,000 for the fiscal year ending June 30, 1972, $22,000,000 for the fiscal year ending June 30, 1973, and $24,000,000 for the fiscal year ending June 30, 1974, to cover the cost of traineeships".

(b) Subsections (b) and (c) of section 821 of the Public Health Service Act are amended by striking out the words "Surgeon General" wherever they appear and inserting in lieu thereof the word "Secretary".

NURSING STUDENT LOANS

SEC. 107. (a) (1) Effective with respect, to academic years (or their equivalent as determined under regulations of the Secretary of Health, Education, and Welfare under section 823 of the Public Health Service Act) beginning after the date of enactment of this Act, subsection (a) of such section is amended by striking out "$1,500" and inserting in lieu thereof "$2,500".

(2) Section 823(a) of such Act is amended by striking out "$6,000" and inserting in lieu thereof "$10,000".

(b) Effective with respect to any year of service ending after the date of the enactment of this Act for which cancellation of all or part of a loan made under part B of title VIII of the Public Health Service Act is authorized under section 823(b)(3) of such Act, such section is amended to read as follows:

"(3) an amount up to 100 per centum of any such loan (plus interest thereon) shall be canceled for full-time employment as a professional nurse (including teaching in any of the fields of nurse training and service as an administrator, supervisor, or consultant in any of the fields of nursing) in any public or nonprofit private agency, institution, or organization (including neighborhood health centers), at the rate of 20 per centum of the amount of such loan (plus interest) unpaid on the first day of such service, for each complete year of such service, except that the rate shall be 33⅓ per centum for each complete year of service for any person who engages in the practice of nursing or any specialized aspect thereof in an area in a State determined in accordance with regulations of the Secretary prescribing criteria for such determinations by such agency or organization as the Secretary may designate, to have a shortage of and need for the practice in which he engages and such designated agency or organization certifies in such manner and at such time or times as the Secretary may prescribe that such practice helps to meet the shortage of and need for such practice in the area where the practice occurs.

(c) The first sentence of section 824 of such Act is amended by striking out "and $21,000,000" and all that follows up to, and including, the word "education", and inserting in lieu of the matter stricken the following: $21,000,000 for the fiscal year ending June 30, 1971, $25,000,000 for the fiscal year ending June 30, 1972, $30,000,000 for the fiscal year ending June 30, 1973, and $35,000,000 for the fiscal year ending June 30, 1974, and such sums for the fiscal year ending June 30, 1975, and each of the two succeeding fiscal years as may be necessary to enable students who have received a loan for any academic year ending before July 1, 1974, to continue or complete their education".

(d) Section 826 of such Act is amended by striking out "1975" each place it occurs and inserting in lieu thereof "1977".

(e) The first sentence of section 827(a) (1) of such Act is amended by striking out "next four fiscal years" and inserting in lieu thereof "next six fiscal years"

NURSING SCHOLARSHIP GRANTS

SEC. 108. (a) Effective with respect to scholarship grants made under subsection (a) of section 860 of the Public Health Service Act for fiscal years beginning after June 30, 1971, subsection (b) of such section is amended to read as follows:

"(b) The amount of the grant under subsection (a) for the fiscal year ending June 30, 1972, and for each of the next two fiscal years to each such school shall be equal to $3,000 multiplied by one-tenth of the number of full-time students of such school. For the fiscal year ending June 30, 1975, and for each of the two succeeding fiscal years, the grant under subsection (a) shall be such amount as may be necessary to enable such school to continue making payments under scholarship awards to students who initially received such awards out of grants made to the school for fiscal years ending before July 1, 1974."

(b) Effective with respect to scholarship grants made under subsection (a) of section 860 of the Public Health Service Act for fiscal years beginning after June 30, 1971, subsection (c) (1) of such section is amended (A) by striking out "1970, and the next two fiscal years" in clause (A) and inserting in lieu thereof "1972 and the next two fiscal years", (B) by striking out "1972" in clause (B) and inserting in lieu thereof "1974", and (C) by striking out "1973 and each of the three" in such clause and inserting in lieu thereof "1975, and each of the two."

FEDERAL ASSUMPTION OF REPAYMENT OF OBLIGATIONS OF NURSING STUDENTS IN EXCEPTIONAL NEED WHO ARE UNABLE TO COMPLETE THEIR STUDIES

SEC. 109. Part B of title VIII of the Public Health Service Act is further amended by adding after section 829 thereof the following new section:

"REPAYMENT BY SECRETARY OF LOANS TO NURSING STUDENTS IN EXCEPTIONAL NEED WHO ARE UNABLE TO COMPLETE THEIR STUDIES

"SEC. 830. (a) Upon application by any person who received, and is under an obligation to repay, any loan made by a school of nursing from loan funds established pursuant to this part, the Secretary shall undertake to repay (without liability to the applicant) all or any part of such loan, and any interest or portion thereof outstanding thereon, upon his determination, pursuant to regulations prescribed by him establishing criteria therefor, that the applicant—

"(1) failed to complete the nursing studies with respect to which such loan was made;

"(2) is in exceptionally needy circumstances;

"(3) is from a low-income or disadvantaged family as those terms are defined by regulations of the Secretary; and

"(4) has not resumed, or cannot reasonably be expected to resume, such nursing studies within two years following the date upon which the applicant terminated the nursing studies with respect to which such loan was made.

"(b) There are hereby authorized to be appropriated for each fiscal year, beginning with the fiscal year ending June 30, 1972, such funds as may be necessary to carry out the provisions of this section."

GRANTS AND CONTRACTS TO ENCOURAGE FULL UTILIZATION OF EDUCATIONAL TALENT FOR THE NURSING PROFESSION

SEC. 110. Section 868 of the Public Health Service Act (together with the heading thereto) is amended to read as follows:

"GRANTS AND CONTRACTS TO ENCOURAGE FULL UTILIZATION OF EDUCATIONAL TALENT FOR THE NURSING PROFESSION

"SEC. 868 (a) To assist in meeting the need for additional professional personnel in the nursing professions, the Secretary is authorized to make grants to State or local educational agencies or other public or nonprofit private agencies, institutions, and organizations, or enter into contracts (without regard to section 3709 of the Revised Statutes (41 U.S.C. (5)) for the purpose of—

"(1) identifying individuals with a potential for education or training in the nursing profession (including veterans of the Armed Forces of the United States with training or experience in the health field, particularly those who due to socioeconomic factors are financially or educationally disadvantaged) and encouraging and assisting them (A) to enroll in a school of nursing which is accredited as defined in section 843(f); or (B) if they are not qualified to enroll in such a school to undertake such postsecondary education or training as may be required to qualify them to enroll in such a school;

"(2) publicizing especially to licensed vocational nurses existing sources of financial aid available to persons enrolled in any such school or who are undertaking training necessary to qualify them to enroll in any such school; or

"(3) establishing such programs as the Secretary determines will enhance and facilitate the enrollment pursuit and completion of study by individuals referred to in clause (1) in such schools.

"(b) For the purposes of carrying out the provisions of this section, there is authorized to be appropriated $5,000,000 for the fiscal year ending June 30, 1972; $7,000,000 for the fiscal year ending June 30, 1973; and $9,000,000 for the fiscal year ending June 30, 1974.

TITLE II—AMENDMENTS TO THE HIGHER EDUCATION ACT OF 1965

INCREASE IN MAXIMUM AMOUNTS OF INDIVIDUAL INSURED LOANS TO NURSING STUDENTS

SEC. 201. (a) Section 425(a) of the Higher Education Act of 1965 is amended (1) by inserting "(1)" after "(a)", (2) by inserting "(other than a student at a public or other nonprofit school of nursing (as defined in section 843(b) of the Public Health Service Act))" after the word "student" where it appears in the first and second sentences of such subsection, and (3) by adding at the end thereof the following new paragraph:

"(2) The total of the loans made to a student at a public or other nonprofit school of nursing as defined in section 843(b) of the Public Health Service Act in any academic year or its equivalent (as determined under regulations of the Commissioner) which may be covered by Federal loan insurance under this part may not exceed $2,500. Amounts so covered shall be included in computing the aggregate insured unpaid principal amount of insured loans to a student for purposes of the preceding paragraph, but the limitation upon such aggregate imposed by that paragraph shall not apply to a nursing student."

(c) Clause (A) of section 428(b) (1) of such Act is amended by inserting after "loans to any individual student" the following: "(other than a student at a public or other nonprofit school of nursing, as defined in section 843(b) of the Public Health Service Act), and not less than $1,000 nor more than $2,500 in loans to any individual student at a public or other nonprofit school of nursing (as so defined),".

(c) Clause (A) of section 328(b) (1) of such Act is amended (1) by inserting after "insured loans made to any student" the following: "(other than a student at a public or other nonprofit school of nursing, as defined in section 843(b) of the Public Health Service Act)", and (2) by inserting before the semicolon at the end thereof the following: ", in the computation of which there shall be included any amount loaned to such student while he was a student at a public or other nonprofit school of nursing (as defined in section 843(b) of the Public Health Service Act)"

EXTENSION OF REPAYMENT PERIOD FOR NURSING STUDENTS

SEC. 202. (a) Clause (B) of section 427(a) (2) of the Higher Education Act of 1965 is amended (1) by inserting after "nor more than ten years" the following: "(or, in the case of a student at a public or other nonprofit school of nursing, as defined in section 843(b) of the Public Health Service, nor more than twenty years)"; and (2) by inserting after "the period of the loan may not exceed fifteen years" the following: "(or, in the case of a student at a public or other nonprofit school of nursing, as defined in section 843(b) of the Public Health Service Act, may not exceed twenty-five years)".

(b) (1) Clause (B) of section 428(b) (1) of such Act is amended by inserting after "at least six academic years of 'study'" the following: "(or, in the case of a student at a public or other nonprofit school of nursing, as defined in section 843(b) of the Public Health Service Act, at least eight academic years of study)".

(2) Clause (D) of section 428(b) (1) of such Act is amended by inserting after "nor more than ten years" the following: "(or, in the case of a student at a public or other nonprofit school of nursing, as defined in section 843(b) of the Public Health Service Act, nor more than twenty years)".

FEDERAL ASSUMPTION OF REPAYMENT OBLIGATION OF NURSING STUDENTS WHO PRACTICE IN HEALTH CARE SHORTAGE AREAS

SEC. 203. (a) Part B of title IV of the Higher Education Act of 1965 is amended by adding at the end thereof the following new section:

"REPAYMENT BY COMMISSIONER OF LOANS TO NURSING STUDENTS WHO PRACTICE IN HEALTH CARE SHORTAGE AREAS

"SEC. 438. (a) If any person who, after June 30, 1971, received any loan insured under this part—

"(1) engages in the practice of nursing, or any specialized aspect thereof, in an area in a State determined, in accordance with regulations of the Secretary prescribing criteria for such determinations by such agency or organization as the Secretary may designate, to have a shortage of and need for the practice in which he engages; and

"(2) such designated agency or organization certifies in such manner and at such time or times as the Secretary may prescribe that such practice helps to meet the shortage of and need for such practice in the area where the practice occurs;

then 33⅓ per centum of the total of such loan or loans, plus accrued interest on such amount, which are unpaid as of the date that such practice begins, shall be paid thereafter by the Commissioner for each year of such practice, up to a total of 100 per centum of such total, plus accrued interest thereon.

"(b) If any person who, after June 30, 1971, received a loan insured under this part, engages in full-time employment as a professional nurse (including teaching in any of the fields of nurse training and service as an administrator, supervisor or consultant in any of the fields of nursing) in any public or nonprofit private institution or agency (including neighborhood health centers) then 20 per centum of the total of such loan or loans, plus accrued interest on such amount, which are unpaid as of the date such employment begins, shall be paid thereafter by the Commissioner for each year of such employment, not to exceed a total of 100 per centum of such principal, plus accrued interest thereon.

"(c) The Commissioner shall, on or before the due date thereof, pay any loan or loan installment which may fall due within any year for which the borrower, at the completion thereof, would be eligible to have such loan or installment paid under subsection (a) or (b) of this section, upon the declaration of such borrower, at such times and in such manner as the Commissioner may prescribe (and supported by such other evidence as the Commissioner may reasonably require), that the borrower is then engaged as described in paragraphs (1) and (2) of subsection (a) or by subsection (b), and that he will continue to be so engaged for the period required (in the absence of this subsection) to entitle him to have made the payments provided by subsection (a) or (b) for such year. A borrower who fails to become eligible to have made the payments provided by subsection (a) or (b) for such year shall be liable to reimburse the Commissioner for any payments made pursuant to this subsection".

(b) Clause (2) of section 421(b) of such Act is amended by inserting "and section 438" after "section 437".

(c) Clause (E) of section 427(a)(2) of such Act is amended (A) by striking out "portion of the interest on the note which is payable by the Commissioner" and inserting in lieu thereof, "portion of the principal or interest on the note which is payable by the Commissioner"; and (B) by inserting before the comma at the end of the clause "or section 438".

(d) Clause (B) of section 428(b)(2) of such Act is amended by striking out "for the purpose of section 437" and inserting in lieu thereof "for the purpose of section 437 or section 438".

FEDERAL ASSUMPTION OF REPAYMENT OBLIGATION OF NURSING STUDENTS IN EXCEPTIONAL NEED WHO ARE UNABLE TO COMPLETE THEIR STUDIES

SEC. 204. (a) Part B of title I of the Higher Education Act of 1965, as amended by this Act, is further amended by adding at the end thereof the following new section:

"REPAYMENT BY COMMISSIONER OF LOANS TO NURSING STUDENTS IN EXCEPTIONAL NEED WHO ARE UNABLE TO COMPLETE THEIR STUDIES

"SEC. 439. Upon application by a person who received, and is under an obligation to repay, any loan insured under this part, which loan was made to such person as a student at a public or other nonprofit school of nursing (as defined in section 843(b) of the Public Health Service Act to enable him to study nursing, the Commissioner shall undertake to repay (without liability to the applicant) all or any part of such loan and any interest or portion thereof outstanding thereon, upon his determination, pursuant to regulations of the Secretary establishing criteria therefor, that the applicant—

"(1) failed to complete such studies;

"(2) is in exceptionally needy circumstances;

"(3) is from a low-income or disadvantaged family as those terms may be defined by such regulations; and

"(4) has not resumed, or cannot reasonably be expected to resume, the study of nursing within one year following the date upon which he terminated such study."

(b) Clause (2) of section 421(b) of such Act, as amended by this Act, is further amended by striking out "and section 438" and inserting in lieu thereof a comma and "section 438, and section 439".

(c) Clause (E) of section 427(a)(2) of such Act, as amended by the foregoing provisions of this Act, is further amended by striking out "or section 438" and inserting in lieu thereof a comma and "section 438 or section 439".

(d) Clause (B) of section 428(b)(2) of such Act, as amended by this Act, is further amended by striking out "section 438" and inserting in lieu thereof a comma and "section 438 or section 439"

"DIRECT LOANS TO NURSING STUDENTS

SEC. 205. Part B of title IV of the Higher Education Act of 1965, as amended by this Act, is further amended by adding at the end thereof the following new section:

DIRECT LOANS TO NURSING STUDENTS

"SEC. 440. (a) The Commissioner may make a direct loan to any student who would be eligible for an insured loan for study at a public or other nonprofit school of nursing (as defined in section 843(b) of the Public Health Service Act) under this section if (1) in the particular area in which such student resides, loans which are insurable under this Act are not available at the rate of interest prescribed by the Secretary pursuant to clause (D) of section 427(a)(2) for such area, or (2) the particular student has been unable to obtain an insured loan at a rate of interest which does not exceed such rate prescribed by the Secretary.

"(b) Loans made under this section shall bear interest at the rate prescribed by the Secretary under clause (D) of section 427(a)(2) for the area where the student resides, and shall be made on such other terms and conditions as the Secretary shall prescribe, which shall conform as nearly as practicable to the terms and conditions of loans insured under this Act.

"(c) There are authorized to be appropriated such sums as may be necessary for the fiscal year ending June 30, 1972, and for the two succeeding fiscal years, to carry out this section."

LIMITATION ON LOAN GUARANTEES TO NURSING STUDENTS UNDER HIGHER EDUCATION ACT

SEC. 206. Part B of title IV of the Higher Education Act of 1965, as amended by the foregoing provisions of this Act, is further amended by adding at the end thereof the following new section:

"LIMITATION ON LOAN GUARANTEES TO NURSING STUDENTS UNDER HIGHER EDUCATION ACT

"SEC. 441. In any fiscal year no loan guarantee may be made to nursing students under part B of title IV of the Higher Education Act of 1965 if the making of such guarantee would cause the total of the principal of the loans guaranteed in such fiscal year to exceed the amount of direct loan funds obligated under section 823 of the Public Health Service Act in such fiscal year; except that this paragraph shall not apply if the amount of direct loan funds obligated under this part in such fiscal year equals the sums appropriated for such fiscal year for direct loans."

Mr. KENNEDY. I ask the Chair to lay before the Senate a message from the House of Representatives on H.R. 8630.

The PRESIDING OFFICER laid before the Senate H.R. 8630, an act to amend title VIII of the Public Health Service Act to provide for training increased numbers of nurses, which was read twice by its title.

Mr. KENNEDY. I ask unanimous consent that the Senate proceed to consider the bill.

The PRESIDING OFFICER. Without objection, the Senate will proceed to its consideration.

Mr. KENNEDY. Mr. President, I ask unanimous consent to substitute the language of S. 1747 as reported by the Committee on Labor and Public Welfare for the language of the pending House bill.

Mr. JAVITS. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. JAVITS. Does that cut off any amendments to the measure which has now been substituted for the House bill?

Mr. KENNEDY. Mr. President, could I ask unanimous consent that it be considered as original text for the purpose of further amendment?

The PRESIDING OFFICER. The Senator may so request. Is that the Senator's request?

Mr. KENNEDY. Yes.

The PRESIDING OFFICER. Without objection, the text of S. 1747, as reported from the committee with an amendment in the nature of a substitute, will be substituted for the text of H.R. 8630, and the bill as thus amended will be open to amendment.

Mr. JAVITS. Mr. President, the Senator from Massachusetts has, I think, one amendment.

Mr. KENNEDY. Mr. President, for the benefit of the membership, I think we probably ought to be able to vote on this measure in 5 or 6 minutes. There are only one or two amendments. One will be offered by the Senator from Maryland and the Senator from Michigan which follows the pattern of the amendment we accepted to the Health Manpower Act, and the other will be a technical amendment, and then I think we will be ready to vote on passage.

Have the yeas and nays been ordered?

The PRESIDING OFFICER. The yeas and nays were ordered on the Senate bill, but not on the House bill.

Mr. KENNEDY. I ask for the yeas and nays on H.R. 8630.

The PRESIDING OFFICER. The yeas and nays were ordered.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the yeas and nays on S. 1747 be vacated.

The PRESIDING OFFICER. Without objection, it is so ordered.

Who yields time?

Mr. KENNEDY. Mr. President, I yield myself 3 minutes.

Mr. President, I have the honor of acting as floor manager for another major piece of legislation, which is the product of the Labor and Public Welfare Committee; S. 1747, the Nurse Training Amendments of 1971.

The health crisis, of which I have spoken earlier, is further aggravated by a marked shortage of trained nurses to staff our hospitals, outpatient clinics, and health centers. There is an estimated shortage of nurses amounting to 150,000 at the present time—a shortage which will grow to 300,000 by 1975 if we are unable to increase the rate at which we train these nurses. There is a great need for public health nurses, specialized nurse practitioners, and other types of nurse specialists.

Well-trained nurses can relieve much of the burden currently being placed upon physicians by working in cooperation with doctors to increase their efficiency. The shortage has been made more severe by relative as well as absolute changes in the requirement for nurses.

First of all, our population has increased rapidly in this country—with a higher proportion of people at either extreme of the age scale—very young people as well as very old people.

Each of these groups requires greater amounts of nursing care then those in the middle-age range. Expectations for adequate health care by the American people have been rising at an accelerating rate over the past several years this was clear from our health care hearings all across the country. Nursing skills have increased in capacity over the past few years—new types of nursing training are required—intensive care nurses, cardiac care nurses, specialized new types of operating room nurses, public health nurses, pediatric nurse practitioners, home health nurses, and so on.

All of these skills require an increase in the number of nurses and in the training received by each nurse. But this type of specialization pays off in terms of a broadly expanded role of and value of the nursing profession.

This type of capability requires resources, both human and financial. S. 1747 contains provisions which will help to stimulate both types of resources.

Mr. President, if we in the Federal Government do not act decisively, the already overburdened schools of nursing will be unable to respond to national need by producing sufficient numbers cf nurses of adequately high quality. The shortage in nursing talent is already of crisis proportions, and will grow worse if we do not act. During our field hearings, we saw wards at Lincoln Hospital in New York which had 25 or 30 patients—without a single nurse all night.

We saw operating rooms which could not be kept open because of a shortage of nurses, while the patients lined up outside. We saw a beautiful new hospital, constructed with Hill-Burton funds, in Kingwood, W. Va., which could not operate above 30 percent capacity because of inadequate staff. We saw orthopedic wards a block long at Cook County Hospital with only one nurse on night duty for 50 or 60 patients.

Mr. President, the crisis is real and it is now. I believe this bill will provide a step in the right direction toward alleviating some of the problems in nurse training.

Mr. President, the Nurse Training Amendments of 1971 amend title VIII of the Public Health Service Act to extend, expand, and improve the various programs thereunder relating to nurse training.

Definition.—The term "school of nursing" as used throughout this report means a collegiate, associate degree, or diploma school of nursing.

CONSTRUCTION OF TEACHING FACILITIES

If high quality nursing education is to be provided, if enrollments are to be maintained and increased, and if new programs are to be established, there must be renovation and replacement of current inadequate teaching facilities and construction of new facilities to accommodate the larger number of students and the new technology in education.

Thus far in the program, existing schools of nursing have received the largest proportion of construction grant funds mainly for replacement of obsolete facilities. Almost half of the Federal money expended was used for replacement; about one-quarter of the funds were for major and minor expansion of enrollment and another quarter were expended for new schools. During the fiscal years 1966–71 a total of 145 construction grants totaling $88,727,772 were awarded to schools of nursing. Forty of these grants were for new schools.

In a recent DHEW study schools of nursing were surveyed to determine the existing conditions of teaching facilities and the needs for renovation, replacement and new construction. Of those surveyed, 1081 responded to a question on need for construction; 50 percent indicated a need for new buildings, additional space, major repairs and improvements in all areas, and 31 percent indicated a need for teaching space.

Federal grants are imperative for existing schools of nursing to enable them to replace old, unsafe and inadequate facilities in order to maintain current enrollments or to undertake major expansion of enrollments; they are also needed to enable new schools to open in areas where there is demonstrated need for the program, potential for recruitment, academic resources, and community interest but, which lacks physical facilities for a new nursing education program.

The committee is aware that both public and private schools have had difficulty in obtaining funds. This fact, plus escalating costs, and the time lag before funds become available all impose great hardships on schools undertaking renovation or new construction.

The bill, therefore, provides authority for a Federal share of up to 75 percent of the costs of new school construction and for major expansion of existing schools or in unusual circumstances for other construction. The committee believes that these provisions will measurably improve this assistance to schools.

In addition to the authority for direct grants, the bill also provides new authority for Federal guarantee of loans by non-Federal lenders and for the payment of interest subsidies. The combination of grants plus loans can equal up to 90 percent of the cost of a construction project. In combination, these financing mechanisms should permit substantial increases in the construction of these badly needed nursing education facilities.

SPECIAL PROJECT GRANTS

The committee intends that the basic institutional assistance awards to nursing schools be used to stabilize the finances of educational institutions. These awards alone are not adequate for undertaking new initiatives.

To encourage such initiatives in curriculum reform, retraining, development of and training in more efficient patterns of care, and in other important areas, this bill broadens the types of special projects that may be covered.

In the past, funds set aside for purposes of special projects have been largely drained off as "financial distress" grants. Special projects are too important for their funds to be diverted to basic institutional assistance. Ultimately, the Institutional Assistance Awards authorized by this bill should relieve the need for such "financial distress" grants. However, to insure that such grants do not divert special project funds in the initial years of institutional assistance, the committee has eliminated the authority to make such grants from funds authorized for Special Projects and Manpower Initiative Awards. A separate authorization with decreasing levels has been established for financial distress grants.

The Special Project Grants for Improvement in Nurse Training have been useful in carrying out the objectives of the nurse training legislation. Grants for projects awarded thus far to schools and other public and nonprofit private institutions and agencies have assisted with the planning and development of new nursing education programs, the development of programs for special groups and for career mobility, and the strengthening of curriculum; the latter often incorporating new educational technology. They have also demonstrated how effectively a number of programs of the same and different types can participate in a single project and extend the benefits of the Federal grant to many nursing students who would not otherwise have the opportunity to be exposed to these educational improvements.

There is need for continued improvement, for revision of nursing curriculum to reflect the changes in care and in the delivery of health services, and for the development of programs to prepare nurses to assume new and expanded functions and responsibilities in the provision of health care.

S. 1747 extends the present improvement grant authority and gives special emphasis to training new types, roles, or levels of nursing personnel, including pediatric and other types of nurse practitioners; planning of experimental teaching facilities; increasing educational opportunities for disadvantaged students; providing continuing education and retraining for nurses; and improving the supply and distribution, by geographical area or specialty group, of adequately trained nursing personnel to meet the Nation's health needs, including those to increase availability of personal health services and promote preventive health care.

In recent years there have been significant changes in care patterns, and in the duties and responsibilities of the registered nurse and all members of the health team. Only those institutions with knowledgeable staff and resources have been able to experiment, to initiate and implement changes or to adapt findings and improvements to their own situations. Changes in nursing curriculum have not always kept pace with developments and improvements in practice.

Through special projects, the most effective combinations of the skills of registered nurses with variously prepared assistant nursing personnel, physicians, and other members of the health team, including recently developed specialists can be identified. These grants enable nursing education programs to work with hospitals and health agencies to develop and provide the specialized graduate education for nurses and the training, retraining and continuing education programs needed for the various members of the nursing care team. This assistance should significantly improve nursing care through better preparation and utilization of nursing personnel resources.

The effectiveness of interdisciplinary training programs has been a strength of other health professions schools. This ability needs to be extended to schools of nursing. Nursing also needs to demonstrate and evaluate the effectiveness of new and improved teaching methods and/or curricula in the practice setting. The efficacy of training different levels of nursing personnel and nursing assistants together should be tested. This should improve ultimate working relationships, reduce inservice orientation, and identify content and methods to foster career mobility.

Educational and service institutions and agencies should be encouraged to undertake broader and more comprehensive training and service projects, particularly in developing means to assist the registered nurse in new ways and equipping the nurse with additional knowledge and skills to assume different responsibilities in the total health care environment.

Developing core curricula for all nursing personnel would provide more opportunity for mobility, and provide a sounder basis for demonstrating and establishing interrelations among institutions to facilitate training, retraining, or greater utilization of nurse manpower.

Nursing education cannot undertake these studies, demonstrations and training activities without substantial assistance. The grants authorized by this bill are designed to provide that assistance.

INSTITUTIONAL SUPPORT

Currently, legislation authorizes combined appropriations for special project grant support and institutional (formula) grant support with the additional requirement that the first $15 million appropriated each year be awarded for special project grants. Since appropriations in 1970 and 1971 were less than $15 million each year, there has been no opportunity to award formula grants to nursing schools in these years.

At the same time, the costs of nursing education have risen, as have the costs of all other health professions training. Nursing schools are particularly affected by their inability to budget adequate funds for faculty. This in turn, limits their ability to increase enrollment to a level which can meet projected needs or to make other reforms in curricula such as training for new roles, types and levels of nursing personnel, effecting significant improvements in the curricula with a view to nurses assuming greater patient care responsibilities, as well as providing training to utilize and upgrade the skills of paraprofessional nursing personnel.

It is the committee's conviction that the current financial crisis among nursing schools precludes effective action on their part in response to national needs. These institutions can respond to these needs only if they are assured of a predictable amount of Federal funds sufficient to stabilize their finances—and assured that education remains within the financial reach of the student without forcing the school to the point of financial disaster.

The committee feels that the national need for health services and the extraordinary costs of education in nursing justifies decisive action by the Federal Government to underwrite the costs of training for nursing schools and nurse training institutions.

The bill therefore entitles each school of nursing and nurse training institution to an award intended to cover approximately one-third of the average per student cost incurred nationally by such institutions if the institution makes a reasonable effort to respond to the national need by increasing enrollments, and improving educational programs.

The committee construes this award as an "entitlement"—consistent with eligibility requirements set forth in the bill and not contingent on the amounts authorized or appropriated by Congress or obligated by the executive branch. Only as an "entitlement" can such an award provide the requisite stability to educational institutions which are responsive to national needs. However it is the committee's intent and understanding that nothing in this section shall be construed as conferring any legally enforceable right upon any school to funds appropriated under this section.

This one-third entitlement consists of capitation payments for (1) all enrollees in schools which submit a plan setting forth their intention of carrying out three programs of national need; (2) all graduates of 2-year programs; (3) all graduates of programs of more than 2 years' duration provided the schools in question include in their program training in a nursing specialty. The committee intends by this breakdown of capitation payments to provide incentives to institutions to respond to national needs while providing assurance of basic support to schools making a reasonable effort to respond to the national need to increase the supply and improve the distribution of nursing personnel.

Further incentives are provided by requiring the institution to carry out satisfactorily the three programs included in its required plan in order to receive the full capitation to which it would be entitled. Penalties would be levied in the form of a 10- to 30-percent reduction in the years subsequent to the year in which the award was made for those institutions which have failed satisfactorily to carry out their plans. The reduction would be made at the rate of ten percent for each failure to institute or continue to carry out one of at least three programs specified in the plan submitted by the institution. Thus, an institution which met the basic requirement of submitting a plan would be guaranteed a minimum grant representing approximately 70% of the potential amount to which it would be entitled. Upon satisfactorily carrying out at least three programs described in the plan, the school would be entitled to the full 100% capitation award. It should be noted, however, that any reductions (up to 30%) necessitated by failure to carry out the minimum number of capitation condition programs would be made in the subsequent year's award, not by requiring repayment of the award already made for the current school year.

Each element of the capitation award is explained in more detail below.

BASIC ENROLLMENT CAPITATIONS

Under the bill each eligible school which submits an approved application (including a capitation condition plan) for a capitation grant would be entitled to receive $20,000, plus $550 for each full time enrolled student (or equivalent thereof).

INCENTIVE CAPITATION FOR TWO-YEAR GRADUATION

In addition, in the case of a school in which students complete their training in a period of not more than 2 years, the school would be awarded $250 for each graduate.

The intent of this provision is to provide an incentive to two-year graduation (A.A. degree) of students trained with the basic skills of registered nurses.

INCENTIVE CAPITATION FOR INCLUDING TRAINING IN A NURSING SPECIALTY OR AS A NURSE PRACTITIONER IN CURRICULUM

In the case of schools in which students complete their training in a period of more than 2 years, $750 would be awarded for each graduate if the school satisfied the following requirement. The school would be entitled to this payment only if its nursing program included training in a nursing specialty.

The committee recognizes that many specialty programs, including that of nurse practitioner, are offered in post graduate training. However, many schools offer courses which are preparatory to these advanced programs, and the committee wishes to encourage more schools to do so.

This provision is intended to insure that funds from these health training grants are spent for health programs rather than for general educational development, and that the nursing student in a 3- or 4-year program will have optimum access to a greater degree of specialized training than the 2-year graduate.

BONUS CAPITATION FOR ENROLLMENT INCREASE

As a means of encouraging schools of nursing to expand their enrollments and to provide additional resources to the eligible schools for such enrollment increases, the bill would provide funds for "bonus" students enrolled in the schools. An award of $250 will be made for each year in which the "bonus" students are enrolled in their course.

A "bonus" student is defined as a student enrolled in any of the eligible schools if, for the year in which the student is or was a first-year student in the school, (a) the first-year enrollment for that school exceeded its first-year enrollment for the preceding school year by not less than 5% or not less than five students, whichever is greater, or (b) the first year enrollment for that school exceeds enrollment at that school for the second preceding year by not less than 10% or not less than 10 students, whichever is greater, or (c) the first year enrollment for that school exceeds enrollment at that school for the third preceding year by not less than 15% or not less than 15 students, whichever is greater.

This provision ensures that the school would continue to receive a financial benefit from an increase in a first year class' enrollment for the life of that particular class in the school. To avoid placing insurmountable barriers in the way of nursing schools unable to increase their enrollment incrementally each year, and to avoid imposing special hardships on those schools which have already undergone exceptional growth in class size in recent years, nursing schools are given the option of spreading increases over a period of 2 or 3 years rather than being required to increase at a set percentage or number each year.

Thus, a school could have a substantial increase in 1 year preceded or followed by a year in which the increase is smaller without losing its eligibility for a bonus for increased enrollment. However, requirements for eligibility would be met only if the school achieved over each 3-year period an increase in its first year places of 15% or 15 students, whichever is greater (or an increase of 10% or 10 students over a 2-year period).

For example, a school which adds 10 students to its first-year student enrollment of 50 students would satisfy the formula and would receive for the first year a $15,000 bonus payment (60 students x $250) and a comparable amount for each year that class is enrolled (based on the number of students enrolled each particular year.) If the school finds it cannot increase its enrollment the following year, it would have the alternative of maintaining the entering class at the same size (which would satisfy the formula with respect to the second preceding year) thereby entitling it to bonus payments for the entering class, or of increasing at a rate of five students rather than the 10 of the preceding year. Thus, a school would be encouraged to increase enrollment in 1 year above the minimum increase level since the excess will carry over toward meeting its 3-year enrollment increase quota of 15% or 15 students (or 2-year enrollment increase quota of 10% or 10 students), whichever is greater.

PLAN REQUIRED AS A CONDITION FOR INSTITUTIONAL GRANTS

With the substantial institutional support provided in this legislation for schools of nursing, the Committee intends that these schools make every effort to develop programs responsive to national needs. Realizing that the schools will vary in their competencies and readiness, the Committee has not mandated identical requirements for all institutions alike, but has provided alternatives among which the schools can choose.

In order to receive capitation grants, any nursing school would be required to submit a plan which must be approved by the Secretary of HEW, showing how the school will continue to carry out, or establish and carry out, by the end of the school year to which the application relates, at least three innovative approaches (capitation conditions) in educating nurses from among eight approaches listed in the bill.

If the school, as determined by the Secretary, has not satisfactorily carried out at least three of the capitation conditions outlined in its plan during the previous academic year, its capitation for the next year would be reduced by 10 percent for each of the minimum number not carried out. These capitation conditions are designed to encourage expansion of nurse training programs and innovations in educational curricula. Two of these eight capitation condition categories are identical to the situation for which special capitation payments are awarded—increased enrollment, and training for new roles, types and levels of health personnel—thereby giving schools a double incentive to establish such priority programs. The eight capitation conditions are:

1. Merged and cooperative training with hospitals and other academic institutions;

2. Training for new roles, types or levels of nursing personnel including programs for the training of pediatric nurse practitioners or other types of nurse practitioners in cooperation with schools of medicine, osteopathy, or dentistry;

3. Establishment of cooperative interdisciplinary training among schools of nursing with a view toward establishment of interchangeable curricula;

4. Establishment of cooperative interdisciplinary training between schools of nursing and schools of allied health, medicine, dentistry, osteopathy, optometry, podiatry, pharmacy, public health, or veterinary medicine, including training for the use of the team approach to the delivery of health services;

5. Assisting in increasing the supply of adequately trained nursing personnel and promoting the full utilization of nursing skills;

6. Effecting significant improvements in the curricula of schools of nursing with a view toward the assumption of greater patient care responsibilities;

7. Providing in-service and other training and education to upgrade the skills of licensed vocational or licensed practical nurses, nursing assistants, and aides, and other paraprofessional nursing personnel; and

8. Increasing admissions to, and enrollment and retention in, such schools of qualified individuals who, due to socioeconomic factors, are financially or educationally disadvantaged.

It is the view of the committee that substantial efforts should be made to increase the compatibility of associate degree, diploma, and baccalaureate nursing programs, and clarify their relationships to one another. In the opinion of the committee, the Department of Health, Education, and Welfare would be the most appropriate agency to sponsor such efforts, through conferences and other mechanisms.

FAILURE TO CARRY OUT PLAN SATISFACTORILY

If the Secretary determines, after due notice to the school and an opportunity for a hearing, that a school has failed during the preceding school year to satisfactorily carry out specific programs or projects in the capitation condition categories that it has submitted in its plan for the preceding year, then the amount of the total capitation grant in the subsequent year shall be reduced in proportion to the degree to which the school has failed to comply with the plan it has submitted as follows:

(a) if the school fails to carry out all the categories contained in its approved plan, then the reduction shall be 30 percent of the amount of the grant;

(b) if the school fails to carry out all but one of the categories contained in its approved plan, then the amount of the grant shall be reduced by 20 percent;

(c) if the school fails to carry out all but two of the categories in its approved plan, then the grant shall be reduced by 10 percent.

CAREER ADVANCEMENT AND MOBILITY FOR NURSING PERSONNEL

Another priority given special emphasis is that of career mobility in nursing and in other careers related to nursing. Career mobility will be available to the R.N. through programs of specialized advanced training such as the pediatric nurse practitioner, family nurse practitioner, as well as through advanced training in clinical specialties.

Career mobility will be available to the licensed vocational or licensed practical nurse, nursing assistants and aides, and other paraprofessional nursing personnel through programs in schools of nursing to upgrade their skills. Many of the clerical and routine duties related to patient care now performed by the R.N. could be assumed by the paraprofessional, permitting the R.N. more time to devote to skilled patient care, and providing the paraprofessional greater motivation and incentive to enter a field which promised advancement and full utilization of an individual's ability.

These students will also benefit from the provisions of the bill relating to grants and contracts to encourage full utilization of educational talent in the nursing professions (added by section 110 of the bill). Under these provisions, individuals would be identified who have a potential for such training and would be offered encouragement to undertake it.

While these provisions are intended to apply particularly to the individual who is financially or educationally disadvantaged due to socio-economic factors, the Committee recognizes that the need for nurses and nursing support personnel is a critical one. The need for 1980 is now estimated at 1,100,000 registered nurses, 675,000 licensed practical nurses, and 550,000 aides. For this reason, the bill does not limit applicability of these outreach and dissemination of information provisions solely to those who are disadvantaged, but provides for applicability to *any* individual showing a potential for training in these careers. At the same time special efforts would be made to acquaint these students with all sources of financial aid available to them with particular emphasis on providing opportunities for the upgrading of licensed vocational nurses (licensed practical nurses) nursing assistants and paraprofessional nursing personnel.

WAIVER

The bill authorizes the Secretary to waive the reduction in the amount of the grant if he determines that the imposition of such a reduction would work a dire financial hardship on the school, but he shall not grant a waiver to such reduction to any school that has received a waiver from the Secretary in the preceding five years. The Committee does not intend to so constrain schools of nursing that they are damaged financially or otherwise—and therefore allows this waiver discretion to the Secretary, but wishes it to be exercised sparingly.

DEFINITION—NURSE PRACTITIONER

The committee considers the term "nurse practitioner" to include an expanded nursing role in which the nurse would be responsible for physical assessment (examinations) as well as primary care and be capable of using a greater degree of independent judgment and functioning with greater autonomy from the direction of a physician than the registered nurse at present. A prototype is the pediatric nurse practitioner who is able to function with children in a normal situation in the prevention, diagnosis and treatment of usual childhood diseases.

RELIEF FOR NURSING SCHOOLS WHICH ARE IN FINANCIAL DISTRESS

Schools of nursing are finding it increasingly difficult to meet their costs of operation.

Although the Committee fully expects that the more liberal and substantially increased capitation grant program will alleviate the financial distress in schools of the health professions, a number of these schools may need temporary financial assistance before their fiscal problems can be solved.

The bill would establish a special separate authority for grants to assist schools of nursing which are in financial distress to meet their costs of operation, or to meet accreditation requirements. The authorization level decreases with each year as the institutional assistance awards stabilize the finances of these institutions.

Grants would be made on special terms and conditions, including requirements that the school agree to disclose any financial information or data deemed by the Secretary to be necessary to determine the sources or causes of that school's financial distress, to conduct a comprehensive cost analysis study on cooperation with the Secretary, and to carry out appropriate operational and financial reforms on the basis of information obtained in the course of the comprehensive cost analysis study or on the basis of other relevant information.

TRAINEESHIPS FOR ADVANCED TRAINING

The Professional Nurse Traineeship Program provides funds for registered nurses to undertake advanced training for positions as teachers, administrators, supervisors and clinical specialists. It has significantly improved the preparation of nurses in these leadership positions. The Committee recognizes the essentiality of this training for nursing education and for nursing practices.

Nursing schools are currently operating with insufficient faculty; in many institutions this factor is limiting or preventing increases in enrollment. Other provisions of this bill will aid the development of new educational programs, and projects for the preparation of nurse practitioners and specialists, and for expanded nurse roles and team nursing among other things. All of these will require additional teachers and clinical specialists. More administrators of nursing services must be available if new nurse graduates from the programs of various types and levels are to be effectively and efficiently used to extend the availability of health care and services.

The bill extends the traineeships for advanced training of professional nurses for three years and because of the critical need for these personnel increases the level of appropriation authorizations to $20 million for fiscal year 1972, $22 million for fiscal year 1973, and $24 million for fiscal year 1974.

NURSING STUDENT LOANS, SCHOLARSHIPS

The rising expense of health professions education in recent years has placed an increasingly heavy financial burden on the students and their families. Many highly motivated and qualified students have not been able to afford such training. The more economically disadvantaged the student, the less feasible his opportunity to enter the higher educational process unless aid is provided. The longer the educational process, the more imperative that aid becomes. Few families in minority groups can provide the financial help essential to meet the high cost of and preparation for education in the health professions.

Nursing students have particular need for financial assistance. Fifty percent of nursing students come from families with incomes under $10,000, many considerably less. The nursing profession has recruited students from minority and economically disadvantaged groups and these students often need total financial support in order to attend nursing schools.

Many students would not even consider a nursing education program and many more would not be able to enroll without financial aid. It is therefore important that there be adequate and sustained support for nursing students to complete their education.

It is in the national interest to assure expanding enrollments in health professional schools and to assure that all economic levels are represented in such schools. To these ends the bill offers a variety of student assistance ranging from scholarships, through direct loans, to loan guarantees. The school and student are in a position to select the form and amount of assistance best suited to the student's need.

To encourage students with financial difficulty and students from low-income families to begin or continue their education, they are given priority for scholarship funds and are offered forgiveness and cancellation of direct or guaranteed loans in the event they are forced to leave school.

NURSING SCHOLARSHIPS

The program of scholarship grants is essential to attract and retain in school nursing students of exceptional financial need. The bill extends for 3 years the present authority for nursing scholarship grants. In view of the rising costs of education and the increasing number of exceptionally needy students, it increases the formula for distributing the funds among the participating school from $2,000 to $3,000 times one tenth the number of full-time students. The maximum amount of a scholarship is $1,500.

NURSING STUDENT LOANS

The bill continues for 3 years the present authority for nursing student loans. It raises the maximum loan for any one year from $1,500 to $2,500 and the maximum aggregate for all years from $6,000 to $10,000. These are more realistic levels of support considering the cost of a nursing education program to the student.

All students regardless of economic background are offered loan forgiveness if they practice in an underserved area.

The bill revises the present cancellation provisions to authorize cancellation of up to 100 percent of any loan plus interest for full-time employment as a registered nurse in any public or nonprofit private agency or institution (including neighborhood health centers) at the rate of 20 percent per year; or at the rate of 33⅓ percent per year if the nursing practice is in an area determined by the Secretary to have a shortage of and need for the practice in which the nurse engages. The bill also authorizes repayment by the Secretary of loans of nursing students in exceptional need who are unable to complete their studies.

GUARANTEED LOANS FOR NURSING STUDENTS

In view of the financial requirements of nursing students the Committee recognizes the need for another source of loan funds to insure the availability of adequate financial aid. S. 1747 amends Part B of Title IV of the Higher Education Act of 1965 to increase to $2,500 the maximum annual amount of an insured loan for a nursing student. It would also authorize the Commissioner of Education to forgive these insured loans for the same reasons and at the same rates as those proposed for cancellation of the Nursing Student Loans. It is most important to note that the bill would also authorize the Commissioner to make direct loans to nursing students unable to secure a guaranteed loan.

GRANTS AND CONTRACTS TO ENCOURAGE FULL UTILIZATION OF EDUCATIONAL TALENT FOR THE NURSING PROFESSION

In 1966 this Committee added to the nurse training provisions authority to award contracts for identifying qualified needy youth and encouraging them to undertake training in the field of nursing. This recruitment approach has proved highly successful in attracting into nursing economically disadvantaged minority groups.

The committee recognizes the need to broaden this type of recruitment and assistance to include efforts with other groups, such as older people, men, those with some training or experience in the health field (including veterans) and other nursing personnel, and particularly those who are financially or educationally disadvantaged. The bill extends and amends this authority so that persons with interest and potential can be identified and assisted in achieving careers as registered nurses. This assistance will increase the numbers entering the field of nursing, provide career opportunities for the individual students, and will result in more varied nurse population—one that is more representative of the population served. This broad recruitment authority will require support for institutions as they develop more flexible curricula and means of crediting knowledge and skills gained outside formal academic settings and, in some instances, will require support in the form of training costs and income replacement for students as well. The bill authorizes grants as well as contracts to provide greater flexibility in accomplishing the objectives.

Another given special emphasis is that of career mobility in nursing and in careers related to nursing. Career mobility will be enhanced for the registered nurse through programs of specialized advanced training such as pediatric nurse practitioner programs, as well as through advance training in clinical specialties.

Career mobility will be available to the licensed vocational or licensed practical nurse, nursing assistants and aides, and other paraprofessional nursing personnel through programs in schools of nursing designed to upgrade their skills. Many of the clerical and routine duties related to patient care now performed by the registered nurse could be assumed by the paraprofessional, permitting the registered nurse more time to devote to skilled patient care, and providing the paraprofessional greater motivation and incentive to enter a field which promised advancement and full utilization of their abilities.

Mr. President, the committee strongly recommends passage of this badly needed legislation. It is absolutely necessary if we are to meet the health needs of the American people over the years which lie ahead.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. KENNEDY. I yield.

Mr. JAVITS. Mr. President, the Senator from Massachusetts has stated the matter accurately as to the minority. Generally speaking, we are in agreement on this bill. The primary amendments have already been made to the preceding bill, including some which by reference will fit into this bill as well.

Mr. President, I commend to the Senate S. 1747, the Nurse Training Amendments of 1971, which incorporates many provisions of the Nursing Education Act of 1971, S. 1614, which I introduced with Senator PROUTY and 13 other cosponsors. Many of the concepts were also proposed in the administration's Health Manpower Assistance Act of 1971, S. 1183, which I introduced.

To fulfill the goal of providing quality health care to the American people, we need a balanced program of support to nursing schools and nursing students.

We should not require them only to share in the block funding available to all other health professional schools or we will not have enough nurses to meet the growing demands essential for quality health care. That is why the committee has deemed it appropriate to report a separate nursing bill.

Mr. President, the Nation's need for health manpower is critical both in qualitative and quantitative terms. If we are to move closer to the goal of affording adequate health care for every American and at the same time, if we are to fulfill the idea expressed by President Nixon in his state of the Union message that America must become "the healthiest Nation in the world," we must have the skilled health personnel to provide essential health services.

Health care systems cannot operate—let alone expand and improve—unless the supply of such key well-prepared "manpower" is increased.

There is a critical present shortage of 150,000, among the total of 850,000 nurses, now needed. In 1980, it is projected we will need 220,000 more nurses than are available according to the statistics furnished Congress by the Health Manpower Bureau of NIH. This compares with similar figures for doctors of 48,000 presently and a projected need in 1980 of 26,000.

Nursing is the most universally used aspect of health manpower and is required on a more intensive basis over a longer period of time than any other single kind of health service. While our Nation's population during the last decade increased from 180 to 204 million, the demand for nursing services has also increased but at a much greater rate, since nursing care is primarily focused on the patient and his needs and it is the very young and the very old who have the greatest need for nursing care.

Existing law has done much to increase the nurse supply and its distribution, and to improve and expand our nursing schools, but more needs to be done. The future health of the Nation and the quality of life of its people will depend in large measure on decisions made now. The future availability of nurses who provide continuity for a patient's care will be a critical factor in the successful operation of the health care system.

The committee bill includes provisions of S. 1614 and S. 1183 which seeks to achieve these goals by providing:

First, extended and broadened authority for special project grants for nursing schools, also for agencies, organizations, and institutions to achieve national priority goals, such as encouraging curriculum reform, increasing education opportunities for disadvantaged students or increasing the availability of personal health services in an effort to promote preventive health care. Priority is given to applications for special project grants solely on the basis of the merit of the proposed project. There is also new authority to support projects to develop programs for cooperation interdisciplinary training among schools of nursing and schools of allied health, medicine, and other disciplines and would also encourage the development of training programs across disciplinary lines—including among the respective levels of nurse training—licensed practical nurses, nursemaids, et cetera—for training of students for the use of the team approach to the delivery of health services. Twenty million dollars is authorized for fiscal year 1972; $25 million for fiscal year 1973; and $30 million for fiscal year 1974.

Second, extended and broadened construction grant authority to include guaranteed loans and interest subsidy programs. The loan guarantees and interest subsidies program would extend the reach of Federal assistance beyond grants, where loans can be negotiated. I would emphasize that it is the purpose of this guaranteed loan and interest subsidy provision to supplement the existing grant program, not supplant it. In the face of more than $46 million of approved but unfunded grant applications, I believe we can no longer rely solely upon the grant mechanism to meet our schools' needs. We must take this innovative step of guaranteed loans and interest subsidies to overcome the substantial unmet needs. Forty million dollars is authorized for fiscal year 1972; $45 million for fiscal year 1973; $50 million for fiscal year 1974.

Third, extended authority for meeting the critical need for additional financial relief due to unexpected accreditation or other program requirements by authorizing financial disaster relief grants to schools of nursing in decreasing annual $10 million amounts, beginning with $30 million in fiscal year 1972. Although the substantially increased capitation grant program provided by this bill should alleviate the financial distress in schools of nursing a number of these schools may need temporary financial assistance before their fiscal problems can be solved.

Fourth, extended and broadened authority to meet the increasing demand for student assistance and the need for alternative avenues of financial aid. The existing nursing student assistance programs are liberalized both in respect to student loans through schools under title

VIII of the Public Health Service Act and in respect to guaranteed student loans under title IV of the Higher Education Act. The maximum yearly loan to a nursing student is increased from $1,500 to $2,500 while the aggregate loan to any such borrower goes from $6,000 to $10,000.

Forgiveness for nursing student loans is authorized at a rate of 20 percent per year up to the maximum amount of the loan for full-time employment in a public or nonprofit private agency or institution, including neighborhood health centers. The forgiveness rate is increased to 33⅓ percent per year for full-time employment in a health care shortage area.

Also, the Commissioner of Education is authorized to make direct loans to nursing students where they are unable to secure a guaranteed loan under the Higher Education Act of 1965.

Finally, Federal repayment of both guaranteed and direct nursing student loans where the student is in exceptional financial need and unable to complete his studies.

The total student loan assistance authorization is $25 million in fiscal year 1972, $30 million in fiscal year 1973, and $35 million in fiscal year 1974.

Fifth, extended and broadened authority for the present nurse talent search program, which I authored and which was enacted in 1966 as an amendment to the Nurse Training Act, to include potential nursing candidates regardless of age, experience, education, or financial need.

I understand that contracts awarded thus far under the program have demonstrated the effectiveness of this kind of effort and support in identifying potential nursing candidates among disadvantaged youth previously untapped source and enrolling them in nursing education. I believe this type of recruitment could be equally successful with other groups to broaden the nurse population. This provision is similar to a bill I introduced in the 91st Congress, S. 1540, to encourage and assist older people and members of other cultural, educational, and occupational groups—including inactive or retired nursing personnel totaling 282,000 under 65—to undertake a second career in nursing. To achieve these goals $5 million, in fiscal year 1972, $7 million in fiscal year 1973, and $9 million in fiscal year 1974, is authorized.

Sixth, extends authority for the present program of traineeships for advanced training of professional nursing.

Seventh, extended and broadened authority for the existing nursing student scholarship program for 3 years with the formula for distribution of scholarship money among eligible schools increased from $2,000 to $3,000 times one-tenth of the number of full-time students. Estimated at $55 million in fiscal year 1972, $58 million in fiscal year 1973, and $59 million in fiscal year 1974.

INSTITUTIONAL CAPITATION SUPPORT

Mr. President, the basis of any effort at increasing the supply of health personnel, in this case, nursing personnel, must involve a massive commitment to institutional support for such schools. This bill would establish an explicit Federal role concerning the support of schools of nursing and departed from the traditional formula grant approach and adopted on entitlement concept for capitation awards based partially upon the enrollment of full-time students and on the number who graduate. One hundred and fifty-seven dollars is authorized for fiscal year 1972; $160.4 million in fiscal year 1973; and $164.4 million in fiscal 1974. The bill provides to each school of nursing—baccalaureate, diploma or associate degree—an award intended to cover approximately one-third of the average per student educational costs incurred nationally by such institutions if the institution meets eligibility requirements set forth in the bill.

Although the individual institutional support award is deemed an entitlement, this was done to set forth national funding priorities and to stimulate the institutions to seek to challenge the Congress to provide sufficient levels of appropriations to meet such entitlements. However, the legislation is not intended to confer any legally enforceable right upon any school. The bill specifically provides in section 104 that—

> The Secretary's determination of the amount of such grant shall be final and conclusive and, notwithstanding the provisions of chapter 7 of title 5, United States Code, or any other law, shall not be subject to judicial review in any court of the United States.

Mr. President, when we think of America's health care it calls to mind the famous Charles Dickens quotation:

> It was the best of times. It was the worst of times.

While we can all be proud of America's medical achievements—we know that America can and does provide some of the finest medical treatment on earth for those who can get to it and who can afford it—we also are seeing deficiencies of America's health system to meet the needs of many of our people.

There can be no doubt that our national resources must be allocated and our national priorities reordered by a Congress determined to improve the Nation's health. The issue of adequate and accessible health care is an imperative of social justice. The right to a decent standard of health care is a basic human right; to deny this right is to deny the right to life, liberty, and the pursuit of happiness.

Mr. President, I strongly urge my colleagues to support this bill as they have its companion measure, S. 934, the Health Manpower Assistance Act. Just as the Civil Rights Act assured equal access to medical facilities no matter what the color of a patient's skin; just as the medicare and medicaid acts brought medical care to the sick who were either very poor or very old, so too when people look back upon the efforts of the 92d Congress they will realize that enactment of these two measures will represent a major step forward in the effort to assure all Americans that we have the requisite skilled health personnel to provide quality health care.

Mr. DOMINICK. Mr. President, will the Senator from Massachusetts yield me 2 minutes?

Mr. KENNEDY. I yield 2 minutes to the Senator from Colorado.

Mr. DOMINICK. Mr. President, having been the author of the amendment in the House, in 1961, of the Medical Facilities Act, to add nursing schools in the Medical Facilities Act, I was happy to see this bill continued and the progress it has made.

We need nothing more than a continuing and increasing supply of nurses. This is going to have a big impact in this respect. We still have the same problem in this bill insofar as capitation entitlement is concerned: I am afraid the legislative committee has tried to impose its will on the Appropriation Committee and on the executive, and that fight still will have to be resolved.

We do not know what is going to happen eventually on this, and it is probably part of the oversight we are going to have to exercise.

All things considered, and on balance, it seemed to me that this is a great step forward.

Mr. MATHIAS. Mr. President, I send an amendment to the desk, and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

> At the end of the bill, add the following new section:
>
> PROHIBITION AGAINST DISCRIMINATION BY SCHOOLS ON THE BASIS OF SEX
>
> SEC. 212. Title VII of the Public Health Service Act is amended by adding after part H thereof (as added by section 207 of this Act) the following new part:
>
> "PART I—GENERAL PROVISIONS
>
> "PROHIBITION AGAINST DISCRIMINATION BY SCHOOLS ON THE BASIS OF SEX
>
> "SEC. 799K. The Secretary may not make a grant, loan guarantee, or interest subsidy payment under this title to, or for the benefit of, any school of medicine, osteopathy, dentistry, veterinary medicine, optometry, pharmacy, podiatry, or public health or any training center for allied health personnel unless the application for the grant, loan guarantee, or interest subsidy payment contains assurances satisfactory to the Secretary that the school or training center will not discriminate on the basis of sex in the admission of individuals to its training programs. The Secretary may not enter into a contract under this title with any such school or training center unless the school or training center furnishes assurances satisfactory to the Secretary that it will not discriminate on the basis of sex in the admission of individuals to its training programs."

Mr. MATHIAS. Mr. President, I offer this amendment on behalf of the distinguished Senator from Michigan (Mr. HART), the distinguished Senator from Kentucky (Mr. COOK), the distinguished Senator from Indiana (Mr. BAYH), and the distinguished Senator from South Dakota (Mr. MCGOVERN).

In essence, this is the same amendment we offered to the previous bill which prevents the use of Federal funds to support institutions of medical education which discriminate on account of sex.

I do not believe that a further or more extensive explanation is really necessary at this point, unless the distinguished cosponsor of the amendment, the Senator from Michigan, cares to offer any further advice on the subject.

Mr. HART. Mr. President, this amendment is identical to the one we offered to and was just added to the Health Manpower Training Act, S. 934. It is identical to the amendment which the other body approved when voting on the Nurses Training Act.

For the reasons that were persuasive in adding it to the health manpower bill, there is clear need for the Senate to take similar action on this nurses training bill, and I urge adoption of the amendment.

Mr. MATHIAS. Mr. President, I move the adoption of the amendment.

Mr. KENNEDY. I support the amendment, Mr. President.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. KENNEDY. Mr. President, I send to the desk a technical amendment.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk proceeded to read the amendment.

Mr. KENNEDY. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered; and, without objection, the amendment will be printed in the Record.

The amendment is as follows:

On page 36, line 9, insert the following after the period thereon:

"The Secretary's determination of the amount of such grant shall be final and conclusive and, notwithstanding the provisions of chapter 7 of title 5, United States Code, or any other law, shall not be subject to judicial review in any court of the United States.

Mr. KENNEDY. This amendment is designed to protect the Secretary of Health, Education, and Welfare from certain legal actions. It is a technical amendment.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. KENNEDY. I yield.

Mr. JAVITS. This amendment was omitted by inadvertence. In fact, it is in the star print, and the Senator is seeking to perfect the bill as it is passed.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. WILLIAMS. Mr. President, the grave crisis which our Nation is experiencing in the availability and delivery of vital health services is of prime concern to us all.

Solutions to these problems are neither simple or easy. Manpower, facilities, economics, and geography must all be considered as we move toward providing a better system.

During the past several months we have heard a great deal about the need for more doctors and dentists. And to help provide the means for training these and other health professionals the Senate has just passed legislation which Senator Kennedy and I originally introduced to amend and expand the Health Professions Education Assistance Act so that our current needs in this area can be met.

But along with the need for more doctors, dentists, and the other health professionals covered by HPEA there is a similar need for more nurses. Today, there are some 70,000 practicing registered nurses in the United States and it is estimated that this represents a present shortage of more than 150,000. By 1975 it is projected that we will need 300,000 more nurses than are currently available unless we take some dramatic steps to fill the demand.

In September of 1964, during the 88th Congress, title VIII, the nurse training section of the Public Health Service Act was passed and signed into law. It was amended in the 90th Congress which extended the program for 2 fiscal years.

As presently written the nurse training authorizes grants in aid to collegiate, associate degree, or diploma schools of nursing. It provides for traineeships for the advanced training of nurses and allocates money for loans to undergraduate nursing students. And, in addition, it provides construction funds for the building of facilities for nurse training.

Since the time the original legislation took effect there has been a substantial increase in the number of nurses who were prepared by the Nation's schools of nursing. In 1964 prior to the enactment of the nurse training provisions of the PHS Act there were 129,269 students enrolled in schools of nursing. Six years later after the nurse training act, in 1970, there were 163,743 students enrolled—a 26.6 percent increase. Had it not been for this law, we might have had a greater shortage of nurses than currently exists.

But we have found that we still lack the adequate resources. Several nursing schools are in severe financial distress. Some State university programs have had to restrict enrollment because they do not have enough money to continue at present levels. And so if we are to come close to meeting the goal of 1 million nurses by 1975, nursing schools and their students must receive more vigorous and more ample Federal support than ever before.

During the past several months three bills were introduced to expand current programs. On March 23 of this year I offered S. 1331 which was designed to overcome the critical shortage of nurses by increasing and restructuring Federal support for the training of nurses. The heart of the bill is the recognition that our institutions for the education of nurses are a precious national resource and, as such, they deserve the protection provided by a predictable and substantial commitment of Federal financial assistance.

On April 22 of this year Senator Javits introduced his version of this legislation and on May 3 Senator Kennedy introduced a bill which was an amalgam of my bill and Senator Javits' bill.

We have before us today, S. 1747 which combines the best features of all the proposals offered to the Labor and Public Welfare Committee combined with some additional provisions which were the product of extensive study and analysis by the committee members.

As reported, S. 1747 would, for the 3 fiscal years 1972 through 1974:

Extend and broaden the program of construction grants for nursing education facilities and add authority for loan guarantees and interest subsidies to assist in financing this construction;

Extend and broaden the authority for special project grants for improvement in nurse training;

Authorize a new program of capitation grants to schools of nursing to replace the present formula grant authority. Additional amounts will be available for increases in enrollment; for new schools; and for specialized training if graduation is after more than 2 years of school; incentives for the establishment of innovative programs and for recruitment of disadvantaged students are included in the legislation;

Authorize financial distress grants on terms and conditions established by the Secretary;

Extend the traineeships for advanced training of professional nurses;

Extend and broaden the authority for nursing scholarships for needy students;

Extend and broaden the authority to encourage full utilization of educational talent for the nursing profession;

Continue the authority for nursing student loans, increasing the maximum annual loan to $2,500, and modifying the cancellation provisions. The legislation would also authorize repayment of loans to students in exceptional need and unable to complete their studies;

Amend part B of the Higher Education Act of 1965 to authorize increased amounts for loans to nursing students under the guaranteed student loan program, and add special provisions for repayment by the Commissioner of such loans in certain circumstances. This title also provides for direct loans to students eligible for but unable to obtain, insured loans under the guaranteed student loan program.

As in the case of S. 934, the health manpower amendments which we just passed, there are numerous provisions of this bill which make it a giant step forward in the Federal Government's role in increasing the Nation's supply of professional health personnel. Of particular importance is the section in the bill authorizing a predictable level of Federal support to the schools of nursing to meet their financial needs and to provide the necessary incentives for the schools to expand their enrollments and undertake innovative programs in the training of nurses in the United States.

Just as S. 934, this bill also establishes a special fund for Federal assistance to schools in severe financial distress so that other programs created in the legislation will be diluted and used for this purpose.

In addition, a special capitation provision of $750 per student is included so that the schools would be induced to undertake programs of training of nurse practitioners. Such specialists have proven extremely successful in assisting doctors and other health professionals to more efficiently and effectively carry on their practices.

And, of course, we have increased the levels of student support which were previously available in the form of loans and scholarships putting special emphasis on attracting and retaining nursing students from disadvantaged backgrounds and in exceptional financial need.

Mr. President, we were all dismayed and disappointed when we learned that the President's fiscal year 1972 budget for nursing education had been cut by $6.6 million from the fiscal year 1971 level. This is indeed difficult for me to understand since the administration has proposed a $90 million increase for educating other health professionals.

In addition to augmenting the number of nurses in the United States, we must make it possible for them to function at their optimum level. They must be prepared to help provide primary health care to families, to screen and refer those in need of special health services, and they must be trained to decide when a physician needs to see a patient. But we cannot increase the quality of nursing care unless we are willing to make a substantial investment in the training of these personnel.

Mr. President, I have great praise for the extensive work done by the Labor and Public Welfare Committee in fashioning this innovative and responsible legislation. Senator KENNEDY, chairman of the Health Subcommittee has once again demonstrated his knowledge of and sensitivity for the needs of the nursing profession. This bill is a fine example of his commitment to the cause of better health care for all Americans. Senators JAVITS and DOMINICK also deserve the thanks of the Senate and the Nation for their diligence and understanding of the crisis facing us all.

At a time when it is acknowledged by the President, by the Congress, and by the people of this Nation that our health care system is in jeopardy, we must proceed without hesitation to expand and support our nurse training facilities and to allow for the distribution of these nurses in the areas where they are most critically needed. The bill we are considering today provides us with the opportunity to reach this goal. In my judgment we can afford to do no less.

EXPANSION OF NURSE MANPOWER IS ESSENTIAL

Mr. McINTYRE. Mr. President, as I indicated in my earlier statement on S. 934, I believe it is of primary importance that we take steps now to increase the supply of health manpower.

The shortage we face is especially serious with respect to nurse manpower. It is estimated that 700,000 nurses are in active practice today and that 150,000 more are needed. By 1980, it is expected that we will need 1,100,000 nurses.

It is clear from these statistics that major efforts are needed to close the gap. The legislation before us makes an important contribution toward this effort. S. 1747, authorizing an expenditure of $1 billion over a 3-year period, continues and expands existing programs of assistance to schools of nursing and students at those schools.

An important new program is created by S. 1747 to assist nursing schools which face the prospect of closing because of lack of funds. This program of financial assistance would provide capitation grants in the amount of $550 for each student plus $750 for each graduate. S. 1747 also continues and expands existing grant programs for construction of new facilities and for special projects; for traineeships to teachers of nursing, and loans and scholarships for nursing students.

I think it is clear that if we are to solve the health crisis in our country, we must not merely finance a more expensive medical system, but we must organize a more efficient one. One step that should be taken in that direction is to free our physicians from routine tasks so that they may concentrate on specialized duties and have additional time to see more patients. Nurses will play a major role in this process by assuming more of the task which previously had been the sole province of physicians, taking patients' medical histories, giving inoculations, and making house calls to mildly ill persons.

In short, nurses will be called upon to utilize more of their professional skills. I welcome this trend, and I believe that it demands from us a stronger commitment to the education and training of nurses. According to the best judgments of experts, the quality of nursing care is directly related to the quality of preparation of nursing personnel and to relative proportions of the various levels of nursing expertise in a care situation. I feel confident that S. 1747 can make a significant contribution to the broadening and improvement of nursing education.

I am expecially pleased to see that this legislation incorporates my recommendations for encouraging medical personnel to practice in rural or medically deprived areas.

In March of this year, I introduced the Community Health Act, which authorized the Federal Government to repay in full the educational debt of medical personnel, including nurses, who agree to practice for 3 years in an area designated by the Secretary of Health, Education, and Welfare as having a shortage of medical personnel. S. 1747 closely approximates this legislation by providing loan forgiveness at a rate of 33⅓ percent a year to any nurse who agrees to practice in a shortage area. I think it is essential that we build these incentives into the system to relieve the severe maldistribution problem.

I hope all Senators will recognize the merits of this provision as well as other important features of S. 1747 and join with me in giving it favorable passage today.

Mr. BEALL. Mr. President, the Senate just passed S. 934, the Health Professions Educational Assistance Amendment of 1971. It has now turned its attention to S. 1747, the Nurse Training Amendment of 1971. As a member of the Health Subcommittee I am pleased to cosponsor both of these measures and I strongly urge the enactment of the pending nurse training amendment.

As reported to the full Senate, S. 1747 would—

Extend and broaden the program of construction grants for nursing education facilities and add authority for loan guarantees and interest subsidies to assist in financing this construction.

Extend and broaden the authority for special project grants for improvement in nurse training.

Authorize a new program of capitation grants to schools of nursing to replace the present formula grant authority. Additional amounts will be available for increases in enrollment; for new schools; and for specialized training if graduation is after more than two years of school; incentives for the establishment of innovative programs and for recruitment of disadvantaged students are included in the legislation.

Authorize financial distress grants on terms and conditions established by the Secretary.

Extend the traineeships for advanced training of professional nurses.

Extend and broaden the authority for nursing scholarships for needy students.

Extend and broaden the authority to encourage full utilization of educational talent for the nursing profession.

Continue the authority for nursing student loans, increasing the maximum annual loan to $2,500, and modifying the cancellation provisions. The legislation would also authorize repayment of loans to students in exceptional need and unable to complete their studies.

Amend Part B of Title IV of the Higher Education Act of 1965 to authorize increased amounts for loans to nursing students under the Guaranteed Student Loan Program, and add special provisions for repayment by the Commissioner of such loans in certain circumstances. This title also provides for direct loans to students eligible for but unable to obtain, insured loans under the Guaranteed Student loan program.

As the committee report observes, nursing care is crucial to the providing of adequate health care for every American. It is the most widely used of the health manpower services. We know that severe shortages do exist in areas of the country. A 1969 study of the health manpower needs of the State of Maryland through the 1980's identified 1,000 unfilled positions for registered nurses that were budgeted for hospitals in my State. The study was optimistic with respect to the State being able to meet the overall shortages of professional nurses by 1980. The legislation before the Senate today will help to assure such will be the case.

Earlier this year I introduced S. 1614, and I am pleased that many provisions of that measure are incorporated into S. 1747. I believe this measure is a good one, and I urge its passage.

S. 1747: A NEW SOLUTION TO PROBLEMS IN THE TRAINING OF NURSES

Mr. CRANSTON. Mr. President, the critical need for additional nurses, and the further need to fully utilize the skills of these highly trained professionals, are major problems, which I feel the Committee on Labor and Public Welfare, under the outstanding chairmanship of Senator WILLIAMS, and with the special dedication of Senator KENNEDY, as chairman of the Subcommittee on Health, have met in S. 1747, as reported from committee. The ranking minority members of the committee (Mr. JAVITS) and (Mr. DOMINICK) also deserve great credit for their contributions and bipartisan cooperation.

I would like to stress in particular the support afforded schools of nursing through the basic capitation institutional support grants and provisions for career development of both registered nurses, and licensed vocational nurses, as well as nursing assistants. These are provisions which are based largely on amendments I offered subcommittee and full committee deliberations on the bills.

CAPITATION INSTITUTIONAL SUPPORT

As in the legislation extending the authorities for programs in the health professions education field—S. 934, which the Senate has just adopted unanimously—the committee has adopted an approach of combined institutional capitation grants with special incentives for improvement in training and curriculum development and for increased enrollment in nursing schools.

Through this combination of grants and incentives I believe we can make major inroads into the critical shortage of nurses, and can also encourage the fuller utilization of these valuable members of the health professional team.

Because of restrictions in current law there has been no opportunity to award basic institutional support in the form of formula grants to nursing schools for the past two years. This has come at a time when nursing costs, as all other costs have risen drastically. Nursing schools have been caught in a particularly vicious circle by their inability to budget adequate funds for faculty, or for improvements and innovations in their teaching programs. In turn, these restrictions limit their ability to increase enrollment, or upgrade the skills of paraprofessional nursing personnel, who might be able to lessen the routine demands made upon nurses, permitting them more time for direct patient care.

We felt that the national need for health services and the extraordinary costs of education in nursing justify decisive action by the Federal Government to underwrite the costs of training for nursing schools and nurse training institutions.

For that reason, the bill entitles each school of nursing and nurse training institution to an award intended to cover approximately one-third of the average per student cost incurred nationally by these institutions. These awards would be made only if the institutions make a reasonable effort to respond to the national need through increased enrollments and by improving educational programs in accordance with provisions contained in amendments I offered in committee.

We felt that only as an "entitlement" could such an award provide the requisite stability to nursing educational institutions which through their programs are responsive to national needs. This one-third entitlement provides for a basic institutional capitation award consisting of $20,000 per school plus a capitation grant for, first, all enrollees in a school which submits a plan setting forth its intention of carrying out at least three programs of national need; second, all graduates of 2-year programs; third, all graduates of programs of more than 2 years' duration provided the school in question includes in its program training in a nursing specialty or as a nurse practitioner; and, fourth, each student in a class whose first-year enrollment increased significantly.

My amendment puts teeth into the plan requirement by requiring the institution to carry out satisfactorily three programs included in its plan in order to receive the next year's full capitation to which it would otherwise be entitled. Penalties would be levied in the form of a 10- to 30-percent reduction in the years subsequent to the year in which the award was made for those institutions, which by failing satisfactorily to carry out their plans, indicate a lack of response to national needs.

I would like to take a moment to explain each element of the capitation award.

BASIC ENROLLMENT CAPITATIONS

This basic capitation award would be provided each eligible school which submits an approved application—including an acceptable capitation condition plan—for a capitation grant and would entitle it to receive $20,000 plus $550 for each full-time enrolled student—or the equivalent thereof.

INCENTIVE CAPITATION FOR 2-YEAR GRADUATION

In addition, in the case of a school in which nursing students complete their training in a period of not more than 2 years, the school would be awarded $250 for each graduate.

The intention of this provision is to provide an incentive to 2-year graduation—A.A. degree—of students trained with the basic skills of Registered Nurses.

INCENTIVE CAPITATION FOR INCLUDING IN CURRICULUM TRAINING IN A NURSING SPECIALTY OR AS A NURSE PRACTITIONER

In the case of schools in which students complete their training in a period of more than 2 years, $750 would be awarded for each graduate if the schools nursing program included training in a nursing specialty or as a nurse practitioner. While I recognize that many specialty programs, including that of nurse practitioner, are offered in post graduate training, many schools currently offer courses which are preparatory to these advanced programs, and my intent in introducing this amendment was to encourage more schools to do so.

The intent of this provision is to insure that funds from these Federal health training grants are spent for health programs rather than for general educational development, and that in addition, the nursing student in a 3 or 4 year program will have optimum access to a greater degree of specialized training that is provided in a 2-year program.

I would like to clarify the term "nurse practitioner" as used in this bill and S. 934. The members of the committee considers this term to include an expanded nursing role, in which the nurse would be responsible for physical assessment (examinations) as well as primary care and would be capable of using a greater degree of independent judgment and functioning with greater autonomy from the direction of a physician than can the registered nurse at present. A prototype is the pediatric nurse practitioner who is able to function with children in a normal situation in the prevention, diagnosis, and treatment of usual childhood diseases.

BONUS CAPITATION FOR ENROLLMENT INCREASE

As a means of encouraging schools of nursing to expand their enrollments and to provide additional resources to the eligible schools for such enrollment increases, the bill would provide funds for "bonus" students enrolled in the schools. An award of $250 will be made for each year in which the "bonus" students are enrolled in their course. This method insures that the school would continue to receive a financial benefit from an increase in a first-year class' enrollment for the life of that particular class in the school.

To avoid placing insurmountable barriers in the way of nursing schools unable to increase their enrollment incrementally each year, and to avoid imposing special hardships on those schools which have already undergone exceptional growth in class size in recent years, nursing schools are given the option of spreading—backward to now past years or to future "past" years—increases over a period of 2 or 3 years rather than being required to increase at a set percentage or number each year.

Thus, a school could have a substantial increase in 1 year preceded or followed by a year in which the increase is smaller without losing its eligibility for a bonus for increased enrollment. However, requirements for eligibility would be met only if the school achieved over each 3-year period an increase in its first-year places of 15 percent or 15 students, whichever is greater—or an increase of 10 percent or 10 students over a 2-year period.

For example, a school which adds 10 students to its first-year student enrollment of 50 students would satisfy the formula and would receive for the first year a $15,000 bonus payment—60 students times $250—and a comparable amount for each year that class is enrolled—based on the number of students enrolled each particular year. If the school finds it cannot increase its enrollment the following year, it would have the alternative, first, of maintaining the entering class at the same size—which would satisfy the formula with respect to the second preceding year—thereby entitling it to bonus payments for the entering class, or second, of increasing at a rate of five students rather than the 10 of the preceding year. Thus, a school would be encouraged to increase enrollment in 1 year above the minimum increase level since the excess will carry over toward meeting its 3-year enrollment increase quota of 15 percent or 15 students—or 2-year enrollment increase quota of 10 percent or 10 students, whichever is greater.

PLAN REQUIRED AS A CONDITION FOR INSTITUTIONAL GRANTS

With the substantial institutional support provided in this legislation for schools of nursing, I felt it essential that these schools make every effort to develop programs responsive to national needs. Realizing that the schools will vary in their competencies and readiness to undertake new programs—as with my similar amendment adopted in S. 934 for the other health professions—my amendment provided alternatives among which the nursing schools can choose.

In order to receive capitation awards, a nursing school would be required to submit a plan which must be approved by the Secretary of Health, Education, and Welfare, showing how the school will continue to carry out, or establish and carry out, by the end of the school year at least three innovative approaches—capitation conditions—in educating nurses from among eight approaches specified in the bill.

If the Secretary determines that the school has not satisfactorily carried out at least three of the capitation conditions outlined in its plan during the previous academic year, its capitation for the next year would be reduced by 10 percent for each failure to institute or continue to carry out satisfactorily one of the three programs specified in the plan submitted by the institution. Thus, an institution which submitted an acceptable plan would receive 100 percent of its capitation entitlement for the first year as well as be guaranteed a minimum grant representing approximately 70 percent of the potential amount to which it would be otherwise entitled for the next year. Upon satisfactorily carrying out at least three capitation condition programs in the plan, the school would be entitled to the full 100 percent capitation award for the next year. It should be noted, however, that any reductions—up to 30 percent—necessitated by failure to carry out the minimum number of capitation condition programs would be made in the subsequent year's award, not by requiring repayment of the award already made for the current school year.

These capitation conditions are designed to encourage expansion of nurse training programs and innovations in educational curricula and are similar to the special project grants in the bill.

Two of these eight capitation condition categories I proposed are identical to the situation for which capitation bonus incentive payments are awarded—increased enrollment and training for new roles, types and levels of health personnel—thereby giving schools a double incentive to establish such priority programs.

The eight capitation conditions are:

First, merged and cooperative training with hospitals and other academic institutions;

Second, training for new roles, types of levels of nursing personnel including programs for the training of pediatric nurse practitioners or other types of nurse practitioners in cooperation with schools of medicine, osteopathy, or dentistry;

Third, establishment of cooperative interdisciplinary training among schools of nursing with a view toward establishment of interchangeable curricula;

Fourth, establishment of cooperative interdisciplinary training between schools of nursing and schools of allied health, medicine, dentistry, osteopathy, optometry, podiatry, pharmacy, or public health, including training for the use of the team approach to the delivery of health services;

Fifth, assisting in increasing the supply of adequately trained nursing personnel and promoting the full utilization of nursing skills;

Sixth, effecting significant improvements in the curricula of schools of nursing with a view toward the assumption of greater patient care responsibilities;

Seventh, providing in-service and other training and education to upgrade the skills of licensed vocational or licensed practical nurses, nursing assistants, and aides, and other paraprofessional nursing personnel; and

Eighth, increasing admissions to, and enrollment and retention in, such schools of qualified individuals who, due to socioeconomic factors, are financially or educationally disadvantaged.

These are all innovative programs of critical need and I feel if they are initiated by the schools of nursing, in the reasonable way suggested by this bill, major steps toward alleviating inadequacies of our current educational system to meet the nursing needs of the Nation will have been taken.

WAIVER

The bill authorizes the Secretary to waive the reduction in the amount of the grant if he determines that the imposition of such a reduction would work a dire financial hardship on the school, but that a waiver for any school is limited to no more than once each 5 years. My intention as not to so constrain schools of nursing that they would be damaged financially or otherwise. My amendment therefore allowed this waiver discretion to the Secretary, with the expectation that it be exercised sparingly.

There is one other basic subject area in the bill, which resulted from amendments I proposed in committee—those which provide for career advancement and career mobility of nursing personnel and full utilization of educational talent for the nursing profession. I would like to say a few words about these provisions.

CAREER ADVANCEMENT AND MOBILITY FOR NURSING PERSONNEL

Career mobility will be available to the RN through programs of specialized advanced training such as the pediatric nurse practitioner or family nurse practitioner, as well as through advanced training in clinical specialties.

Career mobility will be available to the licensed vocational or licensed practical nurse, nursing assistants and aides, and other paraprofessional nursing personnel through the programs in schools of nursing to upgrade their skills included as one of the capitation condition categories. Many of the clerical and routine duties related to patient care now performed by the R.N. could be assumed by the paraprofessional, permitting the R.N. more time to devote to skilled patient care, and providing the paraprofessional greater motivation and incentive to enter a field promising advancement and full utilization of an individual's ability full utilization of educational potential for the nursing professions.

FULL UTILIZATION OF EDUCATIONAL POTENTIAL FOR THE NURSING PROFESSIONS

These students will also benefit from the provisions of the bill relating to grants and contracts to encourge full utilization of educational potential in the nursing professions—added by section 110 of the bill—as a result of an amendment I offered. Under these provisions—which are similar to those included in S. 934 for the other health professions—individuals would be identified who have a potential for such training and would be offered encouragement to undertake it.

While these provisions are intended to apply particularly to the individual who is financially or educationally disadvantaged due to socioeconomic factors, I recognize that the need for nurses and nursing support personnel is a critical one. The need for 1980 is now estimated at 1,100,000 registered nurses, 675,000 licensed practical nurses, and 550,000 aides. Because of this staggering need, as proposed by Senator JAVITS, the bill does not limit applicability of these outreach and dissemination of information provisions solely to those who are disadvantaged, but provides for applicability to any individual showing a potential for training in these careers.

At the same time, my amendment encourages schools to make special efforts to acquaint these students with all sources of financial aid available to them, with particular emphasis on providing opportunities for the upgrading of licensed vocational nurses—licensed practical nurses—nursing assistants and paraprofessional nursing personnel.

Mr. Chairman, there are many other excellent provisions included in the Nurse Training Amendments of 1971, which I have not discussed. I think this is legislation which this Congress will be proud of and which will meet one of the most critical needs facing us today—the shortage and more effective utilization of nurses and nurse support personnel.

I urge all my colleagues to support S. 1747 and once more congratulate Senators WILLIAMS, KENNEDY, JAVITS, and DOMINICK for their outstanding bipartisan efforts in bringing this bill so expeditiously through committee.

The **PRESIDING OFFICER**. The bill is open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment of the amendments and the third reading of the bill.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time.

The **PRESIDING OFFICER**. The bill having been read the third time, the question is, Shall it pass? On this question the yeas and the nays have been ordered and the clerk will call the roll.

The second assistant legislative clerk called the roll.

Mr. BYRD of West Virginia. I announce that the Senator from New Mexico (Mr. ANDERSON), the Senator from Indiana (Mr. BAYH), the Senator from Oklahoma (Mr. HARRIS), the Senator from Washington (Mr. JACKSON), the Senator from Wyoming (Mr. MCGEE), the Senator from Mississippi (Mr. STENNIS), and the Senator from Missouri (Mr. SYMINGTON) are necessarily absent.

I further announce that the Senator from Idaho (Mr. CHURCH) is absent on official business.

I further announce that, if present and voting, the Senator from Indiana (Mr. BAYH), the Senator from Washington (Mr. JACKSON), and the Senator from

Missouri (Mr. Symington) would each vote "yea."

Mr. GRIFFIN. I announce that the Senator from Massachusetts (Mr. Brooke) and the Senator from South Dakota (Mr. Mundt) are absent because of illness.

The Senator from Vermont (Mr. Aiken), the Senator from Oregon (Mr. Hatfield), the Senator from Arizona (Mr. Goldwater), the Senator from Idaho (Mr. Jordan), and the Senator from South Carolina (Mr. Thurmond) are absent on official business.

The Senator from New York (Mr. Buckley), the Senator from New Hampshire (Mr. Cotton), the Senator from Texas (Mr. Tower) and the Senator from Connecticut (Mr. Weicker) are necessarily absent.

If present and voting, the Senator from Vermont (Mr. Aiken), the Senator from New Hampshire (Mr. Cotton), the Senator from Arizona (Mr. Goldwater), the Senator from Oregon (Mr. Hatfield), the Senator from Idaho (Mr. Jordan), the Senator from South Carolina (Mr. Thurmond), and the Senator from Texas (Mr. Tower) would each vote "yea."

The result was announced—yeas 81, nays 0, as follows:

[No. 140 Leg.]

YEAS—81

Allen
Allott
Baker
Beall
Bellmon
Bennett
Bentsen
Bible
Boggs
Brock
Burdick
Byrd, Va.
Byrd, W. Va.
Cannon
Case
Chiles
Cook
Cooper
Cranston
Curtis
Dole
Dominick
Eagleton
Eastland
Ellender
Ervin
Fannin
Fong
Fulbright
Gambrell
Gravel
Griffin
Gurney
Hansen
Hart
Hartke
Hollings
Hruska
Hughes
Humphrey
Inouye
Javits
Jordan, N.C.
Kennedy
Long
Magnuson
Mansfield
Mathias
McClellan
McGovern
McIntyre
Metcalf
Miller
Mondale
Montoya
Moss
Muskie
Nelson
Packwood
Pastore
Pearson
Pell
Percy
Prouty
Proxmire
Randolph
Ribicoff
Roth
Saxbe
Schweiker
Scott
Smith
Sparkman
Spong
Stevens
Stevenson
Taft
Talmadge
Tunney
Williams
Young

NAYS—0

NOT VOTING—19

Aiken
Anderson
Bayh
Brooke
Buckley
Church
Cotton
Goldwater
Harris
Hatfield
Jackson
Jordan, Idaho
McGee
Mundt
Stennis
Symington
Thurmond
Tower
Weicker

So the bill (H.R. 8630) was passed.

Mr. JAVITS. Mr. President, I move to reconsider the vote by which the bill passed.

Mr. KENNEDY. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed.

Mr. KENNEDY. Mr. President, I move that the Senate insist upon its amendment to H.R. 8630 and request a conference with the House, and that the Chair be authorized to appoint the conferees on the part of the Senate.

The motion was agreed to; and the Chair appointed Mr. Kennedy, Mr. Williams, Mr. Nelson, Mr. Eagleton, Mr. Cranston, Mr. Hughes, Mr. Pell, Mr. Mondale, Mr. Dominick, Mr. Javits, Mr. Prouty, Mr. Schweiker, Mr. Packwood, and Mr. Beall conferees on the part of the Senate.

Mr. KENNEDY. Mr. President, I ask unanimous consent to indefinitely postpone S. 1747.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KENNEDY. Mr. President, I express my very sincere and deep appreciation to the ranking minority member of the Health Subcommittee, the Senator from Colorado (Mr. Dominick), for the work he did in the development of this legislation. I also thank the ranking minority member of the full committee, the Senator from New York (Mr. Javits).

Both of these Senators were extremely diligent with respect to the consideration of the legislation. Both Senators have provided significant additions and improvements, thus strengthening the legislation. Both were extremely accommodating in terms of arranging hearings and meetings and consideration of the legislation.

I commend them both.

Mr. President, this legislation also bears the imprint of the chairman of the full committee, the Senator from New Jersey (Mr. Williams). He has been extremely interested in the development of health manpower legislation for a number of years.

He has introduced many pieces of legislation covering these various areas and his interest in our committee work provided great assistance to our committee in the final product.

I also wish to thank the majority staff—Lee Goldman, Director, Stan Jones, and Dr. Phil Caper, Mr. Murphy, Mr. Negle, Mr. Edes, Mr. Steinberg, Mr. McKenna, Miss Rosenwald, and Miss Robinson. I think we were extremely fortunate in the Subcommittee on Health to have men of this quality. All of them have distinguished backgrounds and varied experience, and all of them were enormously active in the legislation.

As to minority staff members, I pay tribute to J. Roy Cutler, Marty Klein, Carol Crawford, Chuck Woodruff, of Senator Dominick's staff, Mr. Hand, Mr. Jasper, Mr. Carter, and Mr. Honeycutt, all of whom spent a great deal of time on this matter.

Since I have been in the Senate I have served on the Committee on Labor and Public Welfare and the Committee on the Judiciary. We have had marvelous cooperation from the majority staff and the minority staff, and that is particularly true in this case. Their work has been of great value to me as chairman.

Mr. MANSFIELD. Mr. President, joining with Senator Kennedy, I wish to commend the senior Senator from New York (Mr. Javits), for his excellent contributions. As always, his contributions are thorough and meaningful and his leadership never found wanting.

To those that made significant contributions, the Senator from Colorado (Mr. Dominick), the Senator from Michigan (Mr. Hart), the Senator from Maryland (Mr. Mathias), the Senator from Michigan (Mr. Griffin), and the Senator from Mississippi (Mr. Stennis), the leadership extends its thanks for their cooperation and their contribution in these achievements.

Mr. President, the passage this afternoon by the Senate of these two Public Health Service acts demonstrates anew the Senate's commitment to expand complete and adequate medical services to a greater segment of the population by increasing the number of medical personnel.

Under the brilliant leadership of the senior Senator from Massachusetts (Mr. Kennedy), the Nation is becoming more aware that the medical needs of the entire population are not being met and that a greater part of the Nation's resources must be directed to provide these vital services to all Americans. These measures today demonstrate that he not only can lead in bringing the issue to the forefront of the American agenda but can fulfill these commitments with results. These are just the first two measures we look forward to coming from his committee in the field of health services.

AGRICULTURE - ENVIRONMENTAL AND CONSUMER PROTECTION PROGRAM APPROPRIATIONS, 1972

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of H.R. 9270, that it be laid before the Senate and made the pending business.

The PRESIDING OFFICER. The bill will be stated by title for the information of the Senate.

The Legislative Clerk. A bill—H.R. 9270—making appropriations for Agriculture-Environmental and Consumer Protection Programs for the fiscal year ending June 30, 1972, and for other purposes.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that time on the bill not begin running until tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE U.S. NAVY

Mr. GOLDWATER. Mr. President, earlier in the session a number of our colleagues discussed the deteriorating state of the U.S. Navy. I would like to join with them.

Since history began Russia has been attempting to build herself into a naval power. She has been unsuccessful in this down through the years but now we are watching her build a navy which, if not already superior to our Navy, will be superior in a short time. This has great implications.

We have our 6th Fleet in the Mediterranean. If the Russians build a fleet of sufficient strength they can force us out of that most important area of the world.

It is my firm belief that if the Soviets wanted to do so they could control the Suez Canal. She has no interest in helping the Arabs but in helping herself in getting control. She is sure of taking over the Indian Ocean and will control the Straits of Malacca and the Straits of Gibraltar. When that happens she can deny use of the open seas to any country she cares to.

The average life of a U.S. naval vessel today is 23 years and we retire them at 25 years. The average life of a Soviet vessel is 10 years, and she is building more modern, faster, and better equipment, even though lighter than we have. Her rate of submarine construction is far superior to ours. I am referring to the nuclear submarines.

I wish to join Senators who rose today to speak in defense of a stronger U.S. Navy. Unless we do something about this situation in the immediate future, I am afraid many of us will live to see the United States a second-rate power.

PHANTOM JETS FOR ISRAEL

Mr. BAYH. Mr. President, on June 30 U.S, deliveries of Phantom jets to Israel ended—with none in the pipeline. July therefore, is the first month since the Johnson administration agreed to sell Phantoms to Israel in which none will be delivered. Despite a number of longstanding Israeli requests, the Nixon administration has yet to act.

If this hiatus had resulted from a diplomatic breakthrough for peace in the Middle East it would be understandable. If it reflected an agreement—specific or tacit—among the great powers to limit arms shipments to the Middle East, it would be commendable.

Unfortunately, it is neither. Nothing that we know, either about continued delivery of Soviet aircraft to the Arabs or about the current stalemated state of negotiations, justifies a suspension of our deliveries to Israel.

In fact, the New York Times and Washington Post have reported in the last 2 days that Soviet aircraft deliveries were continuing at an accelerated rate to both Egypt and Syria. American intelligence sources have indicated that, whereas Egypt received 90 Mig-21's from June 1967 to the middle of last year, since last September they have received nearly 100. In the past 3 months alone, Syria has obtained 21 Mig–21's. Both countries are continuing to receive various other fighters, fighter bombers and military helicopters. Furthermore, in recent days Mig–23's, presumably piloted by some of the 15,000 to 20,000 Soviet military personnel in Egypt have been seen in the air over that country.

Disturbingly, too, a State Department spokesman was noticeably hesitant in his Monday morning briefing in answering questions about whether the recent influx of Soviet arms to the Arabs had tipped the precarious military balance of power in the Middle East.

Mr. President, in the absence of Soviet restraint in arms shipments we must maintain the military balance of power in the Middle East by continuing the delivery of these Phantom jets on which Israel's security so heavily depends. I am not urging that Soviet aircraft deliveries to the Arabs be matched one for one. In the past, for example, we have supplied such aircraft at a ratio of one to every two or three delivered by the Soviets—or less. But plainly with Soviet deliveries to the Arabs accelerating, now is not the time to cut off our shipments to Israel.

Like the arms shipment situation, moreover, the current status of the political negotiations is unpromising. Only recently the Egyptians hardened—not softened—their terms for an interim settlement. For the last month they have been insisting that Israeli forces must be withdrawn from all occupied territory before the Suez Canal will be reopened. They are insisting, too, that any ceasefire be only for a period of 6 months and that during that time Israel must agree to a full withdrawal back to the lines that prevailed before June 1967.

Against this background the earlier reports that the Nixon administration may be willing to withhold further delivery of warplanes to push Israel toward accepting negotiating positions she might not otherwise accept were particularly disturbing.

Mr. President, clearly such a policy would not be in the best interests of efforts to secure a peace in the Middle East. It would not be in the best interest of peace because it could upset the military balance, undermining Israeli confidence in their own security. Such confidence is essential to encourage Israeli flexibility.

I urge the administration not resort to such tactics—either out of desperation or out of a misguided sense of realpolitik. A harsh or clumsy attempt to force Israel to accept arrangements about which she is correctly skeptical would be counterproductive. It could not only reverse the process of accommodation on the Israeli side, but it might also reawaken Egyptian hopes of avoiding serious negotiation. And it is serious negotiation among the parties themselves that is the only sound path to a genuine and lasting peace in the Middle East.

The Washington Post report today that Secretary Sisco is returning to Jerusalem is, indeed, a welcome sign. I am hopeful that he is carrying a Nixon administration go-ahead to negotiate a Phantom jet sale—immediately. We have delayed a favorable decision on these vital planes too long already.

Mr. GOLDWATER. I wish to reply to the statement made by the Senator from Indiana just now.

The major reason there has been a slowdown is that the Phantom line is practically ended. I think it would be proper for those Senators who are interested in supplying the Phantoms to Israel to introduce an amendment to the authorization or appropriation bill to keep the line going. We are having a most difficult time supplying our own needs for the Air Force and the Navy. All of us want to see the continuation of supplies to Israel, because the Russians are supplying Egypt with Mig 23's, which is a better plane, I might say, than anything we have. That is the major reason why we do not have enough of the planes. I thought I would offer that suggestion.

THE MILITARY BALANCE IN THE MIDDLE EAST

Mr. JACKSON. Mr. President, it has become increasingly clear that American policy in the Middle East imperils not only the security of Israel, but the peace of the world. The administration continues to acquiesce before a massive buildup of Soviet military equipment in Egypt and Syria while it remains blind to the threat to our own security that this misguided diplomacy encourages.

By consistently pressuring our Israeli allies into accepting a dangerous and unstable accommodation we have emboldened the Soviet Union and driven certain Arab States even more deeply under Russian influence or even control. By our weakness and vacillation we have raised doubts in the Arab world as to American willingness to stand up and protect our interests. The inevitable and predictable result has been an aggressive round of Soviet entrenchment culminating recently in a 15-year treaty with Egypt. The overeager—sometimes frantic—maneuvering of the Secretary of State has helped to make the Soviet Union a major Middle Eastern power. We have played into the hands of the totalitarians at the expense of our democratic friends.

The situation in recent days and weeks has grown extremely grave. While the administration has been withholding from Israel the arms she requires to defend herself, the Soviet Union has poured vast quantities of weapons into Egypt, including extremely sophisticated aircraft that are not yet widely available even within the Russian Air Force. Reports strongly suggest that it was our failure to stand up and insist upon Soviet and Egyptian compliance with the terms of the standstill cease-fire of last August that has encouraged the ever-increasing flow of arms from Moscow to Cairo. By countenancing the cynical violation of that agreement by the Soviets and Egyptians, we set the stage for the developments that have followed.

Today, there are nearly 100 Russian officers of general or admiral rank in Egypt. Owing to the unremitting flow of supersonic military aircraft to Egypt from the Soviet Union, there are now in excess of 300 such military planes stationed on Egyptian airfields. Moreover, there are close to 200 fully trained Russian combat pilots permanently based in the United Arab Republic. And if one adds the numerous squadrons of such aircraft based in Syria and Iraq it comes to a total of nearly 600. Against this very considerable force must be set the much smaller Israeli Air Force which, owing substantially to the shortsighted policies of this administration, is outnumbered by 5 or 6 to 1 in the supersonic aircraft.

The diplomacy that has accompanied this policy of degrading the Israeli defense capability has added to the danger that we have been courting in allowing the military balance in the Middle East to deteriorate. We have been practicing in the Middle East a carrot and stick diplomacy in which the Soviet Union and the Arab States are offered the carrot while Israel gets the stick. The time to end this foolishness is long past.

Last year, on September 1, the Senate passed by an overwhelming 87 to 7 margin my amendment to the Defense Procurement Act authorizing credits for Israel for "such aircraft—and other equipment—as may be necessary to counteract any past, present, or future increased military assistance provided to other countries of the Middle East." Allied with this authority in the act, which is now section 501 of Public Law 91-441, was an expression by the Congress of . . . "grave concern at the deepening involvement of the Soviet Union in the Middle East and the clear and present danger to world peace resulting from such involvement." The act went on to declare that Soviet involvement in the Middle East "cannot be ignored by the United States."

After passage in the Senate, my amendment was accepted in conference with the House of Representatives and sent to the President for signature. Late last fall it was signed. Subsequent to its passage some $500 million in credits was made available to Israel.

The point I wish to emphasize is that we have been aware of the importance of providing for a stable balance of power in the Middle East for some time. We have acted in the Congress to provide the authority necessary to assist Israel with military credits. I have no doubt that Israel can defend herself in conflict with her neighbors. Our task must be to give adequate support to the policy expressed in my amendment in order to deter the Soviet Union and in order to assure that Israel has the means with which to provide for her own defense.

We must speak clearly and unequivocally of our determination that Israel must remain secure. Ambiguity in dealing with the Soviet Union invites miscalculation of the sort that could have catastrophic consequences. The flow of much-needed military equipment to Israel is essential to the military balance in the Middle East and a crucial element of the message that we must communicate to the Soviets.

I cannot conclude without commenting upon the need to keep America strong—a need that is never so clearly understood than when we think about the situation of our friends around the world whose survival is threatened. I cannot understand the logic of those who share my concern for the security of Israel—which is in the frontline of Western defense in the Middle East—and yet would cut back on our defenses and our alliance responsibilities to the point where Israel would be hopelessly vulnerable to the ambitions of the Soviet Union in the Middle East.

I am confident that we will continue to provide for a national security posture that will enable this country to protect its vital interests and to work with its friends and allies in the common cause of freedom and national independence.

SELECT COMMITTEE ON STANDARDS AND CONDUCT—APPOINTMENT BY THE VICE PRESIDENT

The PRESIDING OFFICER. The Chair, on behalf of the Vice President, pursuant to Senate Resolution 338, 88th Congress, second session, appoints the Senator from Virginia (Mr. Spong), to fill the vacancy, to the Select Committee on Standards and Conduct.

U.S. DEPENDENCE UPON THE SOVIET UNION FOR CHROME ORE

Mr. BYRD of Virginia. Mr. President, on March 29 I introduced S. 1404, a bill designed to end the dependence of the United States upon the Soviet Union for chrome ore—a material vital to the defense of this country.

Mr. President, I ask unanimous consent that the text of S. 1404 may be printed in the Record at this point.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 1404

A bill to amend the United Nations Participation Act of 1945 to prevent the imposition thereunder of any prohibition on the importation into the United States of any strategic and critical material from any free world country for so long as the importation of like material from any Communist country is not prohibited by law

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 5(a) of the United Nations Participation Act of 1945 (22 U.S.C. 287c(a)) is amended by adding at the end thereof the following new sentence: "On or after the effective date of this sentence, the President may not prohibit or regulate the importation into the United States pursuant to this section of any material determined to be strategic and critical pursuant to section 2 of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98a), which is the product of any foreign country or area not listed as a Communist-dominated country or area in general headnote 3(d) of the Tariff Schedules of the United States (19 U.S.C. 1202), for so long as the importation into the United States of material of that kind which is the product of such Communist-dominated countries or areas is not prohibited by any provision of law."

Mr. BYRD of Virginia. Mr. President, the United States today faces an imminent and serious shortage of chrome. This material is essential in the manufacture of such critical defense items as jet aircraft, missiles, and nuclear submarines.

Moreover, chrome is vital to many products used in the communication and transportation networks which must back up any defense effort.

My legislation is simple in structure. It would amend the United Nations Participation Act of 1945 to provide that the President could not prohibit imports of a strategic material from a free world country as long as the importation of the same material is permitted from a Communist-dominated country.

Late in 1966 the United Nations Security Council imposed selective sanctions on Rhodesia. The embargo later was made complete.

After the action by the Security Council, President Johnson ordered an embargo on trade between the United States and Rhodesia. This was done by unilateral executive action, without consulting the Congress.

Prior to the sanctions, Rhodesia was the largest single source of metallurgical chrome ore imported into the United States.

There is no domestic production of this commodity, so our country now has become dependent on the next largest supplier, the Soviet Union, for about 60 percent of its chrome ore.

I believe that this is a dangerous situation. I believe it is vital that the Senate have the opportunity to vote on this important issue.

My legislation, S. 1404, was referred to the Senate Committee on Foreign Relations. Last week—on July 7 and July 8—hearings were held on my bill by the African Affairs Subcommittee of the Foreign Relations Committee.

Witnesses appearing at the hearings included former Secretary of State Dean Acheson, representatives of the metallurgical industry and myself, in support of the bill; and Representative Charles C. Diggs, Jr., of Michigan and officials of the State Department, in opposition to the bill.

Immediately following the hearings, the chairman of the African Affairs Subcommittee, the senior Senator from Wyoming (Mr. McGee), told newspaper reporters that he would recommend that the full Foreign Relations Committee take no action on S. 1404.

I ask unanimous consent that at the conclusion of my remarks, the text of prepared statements submitted to the subcommittee on my legislation be placed in the Record, together with the text of the Washington Post article reporting the remarks of Senator McGee.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibits 1 through 6.)

Mr. BYRD of Virginia. Mr. President, in view of the expressed opinion of the Senator from Wyoming, the chairman of the subcommittee, I feel it is my duty to try to see that the Senate is given the opportunity to vote on S. 1404.

The Senator who is undoubtedly the best informed member of the Senate on the subject of strategic materials, Senator Cannon of Nevada, stated on the floor of the Senate on April 29 that the chrome ore problem is one which "we cannot continue to ignore."

Senator Cannon is chairman of the Subcommittee on National Stockpile and Naval Petroleum Reserves of the Committee on Armed Services. His subcommittee has held hearings on the chrome stockpile situation, and his opinion is based on a thorough familiarity with the problem.

I ask unanimous consent that following the subcommittee testimony of July 7 and 8 and the article from the Washington Post, the text of Senator Cannon's remarks of April 29 be printed in the Record.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 7.)

Mr. BYRD of Virginia. Mr. President, at this point I want to note that Senator CANNON pointed out in his statement that the United States now relies upon Russia for 60 percent of its chrome ore.

In the same statement, Senator CANNON pointed out that since becoming the prime source of chrome ore for the United States, the Soviet Union has increased the price per ton of this ore from $25 to $72. This is an increase of about 188 percent.

The increase in price is a disadvantage to the United States, but what concerns me most—and what prompted me to introduce S. 1404—is that the United States has placed itself in a position of dependence upon Russia for a strategic commodity. To me, this is illogical and dangerous.

Senator CANNON stated the matter very well in this remarks on the floor on April 29:

> Mr. President, I strongly urge that the Committee on Foreign Relations, to which was referred the bill—S. 1404—introduced by the senior Senator from Virginia, take prompt action on the measure, mindful that it raises a serious problem for this Nation, which, unfortunately, we cannot continue to ignore.

I think it is important to review briefly the background of the present policy of the United Nations and the United States toward Rhodesia.

In my view, the imposition of sanctions on Rhodesia by the United Nations Security Council was not justified. The principal reasons given for the sanctions policy were three in number: First, Rhodesian government failed to provide Rhodesia unilaterally declared her independence from Great Britain; second, the Rhodesian government failed to provide for "an orderly transition to majority rule"; and third, Rhodesia represents "a threat to international peace and security."

As to the first point, the declaration of independence, that is rightly a matter to be settled between Great Britain and Rhodesia. It is not properly the business of the United Nations or of the United States.

The second charge is positively ludicrous. If the United Nations Security Council were to impose economic sanctions on every country ruled by a minority, it would have to begin with one of the most prominent members of the Council itself—the Soviet Union, where 240 million people are ruled by a tiny handful of Communist party leaders.

The third charge made by the United Nations Security Council—namely, that Rhodesia threatens world peace—is obviously absurd. No one actually believes that Rhodesia threatens the peace.

The policy of the United Nations Security Council toward Rhodesia is rooted in falsehood and injustice. Yet, the United States has actively supported this policy.

It should be noted that the sanctions policy is not only unjust, but is also ineffective. The Secretary General of the United Nations has written to all member states requesting information on actions taken by the several governments to assure compliance with the sanctions against Rhodesia.

As of the latest available Security Council reports, replies had been received from 104 of the 127 members of the United Nations. This means that 23 members have not even answered the inquiry of the Secretary General.

Of the nations which have replied, at least six—Zambia, Botswana, Portugal, Malawi, South Africa, and Switzerland—have indicated that they are unwilling or unable to comply with the United Nations policy. And of the 95 countries that have definitely indicated compliance, many never had any trade with Rhodesia in the first place. This fact was specifically noted in replies from 13-member countries.

Furthermore, enforcement of the boycott has not been successful. Last year a special United Nations committee on enforcement of the sanctions reported that 60 reports of violations were received during 1969. Since then, additional complaints have been received. I understand the total is now over 100.

I am now and have been from the outset opposed to the policy of sanctions against Rhodesia as being unjust and contrary to the interests of the United States.

However, my legislation would not require that the United States abandon all sanctions against Rhodesia—much as I wish that this be done.

The only commodity affected by S. 1404 would be chrome ore.

The reason for singling out this commodity is clear and simple: It is the one item which could and should be imported from Rhodesia that is vital to the national security of the United States.

At the present time, there is pending in the Senate Armed Services Committee legislation supported by the administration which would authorize withdrawal from the national stockpile of approximately 30 percent of this Nation's strategic reserve of chrome ore. Release of this amount—approximately 1.3 million tons—would provide a short-range solution for the problems faced by American industry because of the present chrome shortage.

However, withdrawal from the stockpile clearly leaves the long-range problem unsolved. If the present rate of consumption of chrome ore continues, the amount to be disposed of would supply our requirements for less than 2 years. Obviously, we cannot go on reducing the stockpile indefinitely without jeopardizing national security.

Furthermore, withdrawals from the stockpile do nothing toward eliminating our dependence upon the Soviet Union for a large portion of the chrome needed for industry and defense.

I do not believe that it is logical for the United States to continue to be dependent on Communist Russia for a material vital to our national defense.

We are spending billions of dollars for weaponry as a protection against possible Russian aggression.

Russia is the No. 1 reason—and indeed almost the sole reason—for our huge defense expenditures.

In summary, my legislation does one thing and one thing only: It simply provides that the President could not prohibit imports of a strategic material from a free world country if importation of the same material is permitted from a Communist-dominated country.

I have spoken out on this subject today, and placed the background information in the RECORD—including arguments both for and against my position—so that every Senator will have the opportunity to study this issue.

I believe it is vital that this question come to a vote in the full Senate. I shall try to insure that the Senate is given the chance to register its will on this vital question.

EXHIBIT 1

STATEMENT OF DAVID D. NEWSOM, ASSISTANT SECRETARY OF STATE FOR AFRICAN AFFAIRS, BEFORE THE SUBCOMMITTEE ON AFRICA OF THE SENATE FOREIGN RELATIONS COMMITTEE, JULY 7, 1971

Thank you, Mr. Chairman. It is a pleasure to be here with you today and to share with you and members of your subcommittee my thoughts on the difficult question of Rhodesia. Because this is my first appearance before your subcommittee, I should like to take a few moments to sketch in the broad outlines of our policy.

I welcome, particularly, this opportunity to present our views to you on the Southern Rhodesian situation. As in all international problems in which men differ, there is justifiable concern on both sides. There is, occasionally emotion on both sides. The Southern Rhodesian regime in this country as elsewhere, seeks to advance its cause.

I should like, therefore, first to put the problem in perspective. What we are dealing with here is essentially an international problem, one involving the highly charged issues of race and colonialism. It is a problem without analogies, either to our history or to other world situations. It is one which must be approached on its merits, with our own national interests in mind, but with the objective of preventing a continuing unresolved and provocative situation in the heart of Africa. Such a situation would not be helpful to us or to our friends.

To illustrate what the problem is, let me first touch on the history.

Just as Rhodesia today occupies a pivotal position in south central Africa, so it earlier occupied the key role in the former Federation of the Rhodesias and Nyasaland. The Federation, organized in 1953, represented an effort by the British and the settlers and Africans in the area to link the three territories economically on a multi-racial basis. But, despite the 1961 Federation Constitution, which provided for procedures which would eventually lead to African majority rule, concern grew on the part of the Africans at the dominant role played in Federation politics by the white Southern Rhodesians. The Federation finally broke up in 1963 at the insistence of the two northern territories and with the reluctant acquiescence of the British, who granted independence to Zambia and Malawi the following year.

The British, while they also contemplated independence for Southern Rhodesia, continued to insist that it could only be granted after establishment of a legimately multiracial system within which the African population could aspire to eventual majority rule. Negotiations between the British and the Rhodesians on this crucial point continued intermittently for almost two years, but the white minority, determined to maintain its economic and political dominance, refused to concede it. Finally, on November 11, 1965, Ian Smith annouced Rhodesia's unilateral declaration of independence from the United Kingdom.

In the face of this act of defiance, and given the sense of outrage and betrayal expressed by Rhodesian nationalist leaders and independent African nations, there were strong demands for the use of force. The British Government, then and now the legal sovereign authority over Rhodesia, sought UN assistance in bringing the rebellion to an end. The British Government decided against the use of military force—a decision which we supported, but sought in sanctions an effective alternative.

Our policy since then, jointly with the British and other United Nations member states, has been to support measures other than the use of force designed to hasten an acceptable solution to this problem. We have actively supported the various UN measures to that end. We supported the Security Council resolution of November 12, 1965, condemning the Smith regime. We supported the December 1966 Security Council resolution imposing selective mandatory sanctions, and equally strongly supported the resolution of 1968 making the sanctions comprehensive.

The sanctions do not have a punitive intent. They are intended, not to cause hardship for actions already taken, but, in the hope that the sanctions, combined with other efforts, will influence the regime to change its policies and adopt as a basis for international acceptance the fundamental principle of eventual majority rule for the over 95% of the population which is African.

Under the United Nations Participation Act of 1945 which provides authority for domestic enforcement of UN sanctions, President Johnson gave effect to these measures with Executive Orders in 1967 and 1968. Barring a significant change in the Rhodesian situation, it remains our policy to endorse and support the economic sanctions now in force. The President and the Secretary of State reaffirmed this policy earlier this year.

While we have supported sanctions, enforced them vigorously ourselves, and worked to insure compliance by other nations, we have from the beginning opposed the use of force, either as a solution to the Rhodesian problem or the broader problems which affect southern Africa of which the Rhodesian problem is an integral part. On March 17 of last year, the same day we closed our Consulate General in Salisbury, we vetoed a Security Council resolution which advocated the total isolation of Rhodesia and implied advocacy of the use of force. Measures of this kind which would go further than sanctions, in our judgment, would only exacerbate the problems already existing in that part of the world and would contribute nothing toward their solution. Despite pressures from some quarters, we will continue to oppose such measures.

It is a fact that sanctions have been less than fully effective. And they have thus far not brought about their principal objective: a change in policy by the Smith regime and a willingness on the part of that regime to reach a satisfactory negotiated settlement with Great Britain. A major cause has been the outright refusal of Portugal and South Africa to adhere to sanctions. A secondary cause has been the apparent inability of some other governments to enforce sanctions where their own nationals are concerned. We continue to cooperate with the UN Sanctions Committee in its efforts to bring about more uniform compliance with sanctions and are currently looking at possible ways of helping the Committee perform its difficult job more effectively. For your information, there are now 110 cases of reported sanctions violations now before the Sanctions Committee, including 32 which deal with chrome ore.

Having noted some of the shortcomings of the sanctions program, and the fact that it has not yet achieved its goal, it must be quickly added that sanctions continue to impose very serious constraints upon the Salisbury regime, limit its options, and cause it continuing economic difficulties, despite obvious and understandable efforts on the part of the Rhodesians to portray it otherwise. Imports and exports are well below pre-sanctions levels. Foreign exchange is extremely limited and the authorities announced last September that foreign exchange allocation controls, already tight, would be tightened still further. Deprived of many necessary imports, Rhodesia has had to improvise by setting up costly substitution industries—constituting a major drain on foreign exchange. Lack of foreign exchange has also made it extremely difficult for the Rhodesian regime to obtain spare parts and necessary equipment replacements to support industry, agriculture, and transportation facilities, and this is, of course, one aspect of sanctions which has a cumulative effect over time. As a result, the railways and airline are suffering. Agriculture has also been hurt by sanctions. Over-all agricultural production has declined since 1965. Deprived of the traditional British market for tobacco, now largely pre-empted by American competition, Rhodesia has been forced to subsidize the tobacco industry, to diversify its agricultural sector, and to seek new markets for new crops in violation of sanctions. It has been a costly process.

Rhodesia has had relatively greater success in the mining and minerals sector of the economy, but, in assessing the over-all impact of sanctions, it is well to remember that exports from this sector accounted in 1965—the last year before sanctions—for only one-fifth of the total value of Rhodesia's exports.

Mr. Chairman, having reviewed the background to our Rhodesian policy, I would like to turn to the bill now under consideration. This proposed amendment to the United Nations Participation Act, whatever its intent, would have the effect of invalidation the existing embargo on chrome ore imports from Southern Rhodesia so long as such imports are not prohibited from the Soviet Union or other communist countries. Other than chrome ore, or chromite, to use the technical term, there is no other product or commodity, traditionally supplied us from Rhodesia, which would be affected by the proposed amendment.

This proposal is contrary to United States policy interests. It would while providing relief with regard to one commodity—a commodity for which, I might add, relief can be justified not on the basis of national security interests but on the basis of relative price considerations—call into serious question our will to fulfill our international obligations.

We are not unmindful of the national interest which concerns those who propose this legislation. Were the chrome situation indeed critical, we, too, would seek measures of relief. We do not, however, consider it such; for us the overriding considerations are our international obligations and our desire to do nothing which would undermine movement toward an acceptable solution to the Rhodesian problem.

The matter of chrome ore supply is kept under constant review within the Executive Branch. Our studies indicate that adequate supplies of chrome are available to American industry at the present time. Inventories of American industry increased last year, and imports and domestic consumption were virtually in balance.

Some months prior to the adoption of Rhodesian sanctions, the U.S. Government commenced the disposal of chrome ore and its equivalents from the stockpiles which had been found in excess of U.S. needs. Disposals of 885,000 short dry tons were authorized by the Congress in Public Law 89–415 of May 11, 1966, and are continuing. The Congress is now considering a bill, S. 773, which would authorize the release of an additional 1.3 million tons of chrome ore over the next three years. The Administration, including the Office of Emergency Preparedness which is responsible for maintaining and reviewing stockpile requirements, supports this bill on the grounds that our current stockpiles of chrome ore do in fact exceed our national security requirements.

With respect to U.S. imports of Soviet chrome ore, American purchases from the USSR long predated Rhodesian sanctions; nor is the Soviet Union the sole supplier now. In the years immediately prior to sanctions, Rhodesia and the USSR each accounted for about one-third of U.S. imports of metallurgical grade chromite. In the period 1967–70, the U.S. has purchased a larger proportion of its supplies from the USSR but has also increased purchases from other producers such as Turkey and South Africa.

Soviet and Rhodesian ore prices are not suspectible to comparison. Since Rhodesian chromite is not traded freely, no current Rhodesian price is ascertainable, and it would be misleading to compare 1971 Soviet prices with pre-sanction Rhodesian prices. While prices for Soviet chromite have doubled since 1966, lower quality chromite from other sources has also increased in price more or less proportionately to that for Soviet ore. The overall rise in market prices does reflect to some extent the impact of sanctions, but it also reflects other factors such as inflation and world-wide demand, which have caused increases in the prices of most raw materials over the same period.

Were this bill to become law, it would put the United States in clear violation of the international treaty obligations it freely undertook when the UN Charter was ratified. Under Article 25 of the Charter, the United States is obligated to "accept and carry out the decisions of the Security Council." The Security Council has taken such decisions in the form of sanctions against Southern Rhodesia which it is empowered to impose under Chapter VII of the Charter. The United States participated in and supported the resolutions in question in 1966 and again in 1968.

United States adherence to sanctions, by virtue of the UN Participation Act, has the effect of law, and the Act itself was designed to cover just such issues as Rhodesian sanctions. Section 5 of the Act, as amended, empowers the President to take appropriate action when Article 41 of the Charter is invoked. It is precisely that provision of the Charter that was invoked, in 1966 and again in 1968, in the sanctions resolutions.

I might note parenthetically here that the Senate Foreign Relations Committee, in its original reports on the UN Participation Act, took specific note of the extent to which authority was thereby granted to the President, and approved those provisions as being consistent with our acceptance of the UN Charter and in our national interest.

It has been charged that the United Nations, through the Security Council, acted illegally in intervening in the domestic affairs of a sovereign state. Such charges cannot be sustained. Rhodesia is not a state, and this fact is most dramatically reflected in the failure of the Salisbury regime, 5½ years after the illegal declaration of independence from Britain, to have gained diplomatic recognition by a single government in the world. Not only Great Britain, not only the United States, but the international community as a whole, continues to regard Rhodesia as a dependent territory of the United Kingdom. It thus involves, in the first instance, the international responsibility of the United Kingdom, which brought the matter to the United Nations to seek that body's assistance in restoring legality and assuring all the citizens of Rhodesia their right to self-determination.

The UN's response, in the form of economic sanctions, invoked Chapter VII of the UN Charter. I would like to note here that, while Article 2, Paragraph 7 of the Charter prohibits the United Nations from interfering in the internal affairs of a state—which, as I have explained, Rhodesia is not—Article 2 in any case makes it clear that this prohibition would not apply to the adoption of measures under Chapter VII.

While the legal basis for the UN action is clear, I do not wish to stress it at the expense of some of the more fundamental facts of the Rhodesian case. Our policy has from the first been based on our support for eventual majority rule and basic human rights for the five million black citizens of Rhodesia who comprise over 95% of that territory's population. The present regime, not only by law but by constitutional provision, has excluded the vast majority of its citizens from any meaningful role in the political process for the indefinite future and determined that African majority may never—I stress the word never—aspire to a majority role within Rhodesia. The present regime has, by the Land Tenure Act, divided the land on what has been called an "equal" basis—half for the tiny white minority, half for the African majority, with the most desirable lands in the first category. The present regime has introduced a "Property Owners' Protection Act," with the purpose of "protecting" property by a rigid system of legally enforced racial separation, aimed initially at Africans but now directed as well at the approximately 25,000 Asian and "colored" residents of Rhodesia. Although education has been called the means whereby all can advance within Rhodesian society, the regime spends about 10 times as much, per capita, on white students as it does on black ones. Through the constitution promulgated last year and other measures, the regime has strengthened white minority rule and moved toward the kind of rigidly institutionalized system of racial segregation and "separate development" characteristic of South Africa.

Quite apart from our own views about the kind of system now prevailing in Rhodesia, we believe that its denial of self-determination and majority rule, in the present African context, is a legitimate subject for international concern. The course which Rhodesia has followed since 1965 has contributed toward a heightening of the black-white confrontation in southern Africa. The situation there, while it may provide the short-run illusion of internal stability, is in our judgment seriously prejudicial to the longer-run stability of Africa and of Rhodesia itself. We do not think it likely that a minority of 230,000 whites can reasonably expect to maintain political domination indefinitely over an African population 21 times as numerous—a population which every 17 months increases by an amount equal to the entire white population. And we are concerned that its efforts to do so, over time, will have serious implications for the peace and security of the entire region.

In this connection, it is our impression that the South African and Portuguese governments themselves are not happy with the course of Rhodesian developments and would prefer to see a Rhodesian situation more acceptable to the world community. We believe that these misgivings have contributed in part to the refusal of either to recognize the Smith regime.

The British Government and the Rhodesian authorities are now engaged in preliminary discussions which, if a sufficiently broad basis of agreement can be found, could lead to substantive negotiations. We have consistently supported British efforts to obtain a satisfactory settlement and none are more anxious than I to see such a settlement reached. We are not now in a position to speculate about either the duration or outcome of this current round of talks. But, pending their outcome, it is important that we seek to avoid any action which would lessen their chances of success.

The legislation now under consideration would have exactly this effect. It would encourage the Rhodesian authorities in their determination to maintain a situation which we consider neither practically tenable except in the short run nor morally defensible at all. Its enactment would make it clear that the United States, in return for better access to chrome ore at lower prices, is prepared formally and unilaterally to renounce a freely assumed treaty obligation; we would be the first nation to do so over the Rhodesian sanctions issue. We would damage our standing in almost all of Africa and in those other nations of the world that see the Rhodesian issue as a test of our commitment to our international obligations. We would strengthen the arguments of those who maintain that the only possible solution in southern Africa is a violent solution. We would weaken the hand of the British in their efforts to bring about a negotiated settlement. We would undermine the UN effort to enforce sanctions, which we have thus far sought to uphold and, wherever possible, to strengthen. And we would open to question the long-term credibility of the United States Government with regard to its treaty obligations and commitments.

EXHIBIT 2

STATEMENT OF DEAN ACHESON

I am happy to respond to your request to appear and testify on S. 1404, introduced by Senator Byrd. I heartily approve of this bill and urge the subcommittee to recommend that it be approved. I also agree entirely with every statement made by Senator Byrd in his speech in the Senate on March 30, 1971, introducing this bill. Similarly I am in accord with the remarks of Senator Cannon in the Senate on April 29, 1971, in support of S. 1404.

1. Basis of Sanctions Against Rhodesia.

As stated by Mr. John A. Armitage on June 17, 1971, on behalf of the State Department before a subcommittee of the House Foreign Affairs Committee regarding proposals similar to S. 1404:

"Our policy with regard to Southern Rhodesia is based primarily on that regime's action to deny an effective voice to its African majority in the determination of Rhodesia's future . . . This is abhorrent to this country."

Whether or not this is a correct statement of the purpose or intent of Rhodesia's Unilateral Declaration of Independence or its constitution—and I very much doubt that it is—our Supreme Court's decision in *Baker* v *Carr*, requiring universal suffrage, is not incorporated in the U.N. Charter, nor is U.S. national policy to enforce it throughout the world. Furthermore, the fact that a foreign country's domestic policy may be abhorrent to us—as, for instance, that in effect in the Soviet Union—has not heretofore led us to declare economic warfare (which to the State Department is a peaceful means of noting displeasure) against that country.

Mr. Armitage further told the House subcommittee that the United States is committed to continue sanctions by Article 25 of the Charter requiring members "to accept and carry out the decisions of the Security Council in accordance with the present charter." To be sure, in quoting the article, Mr. Armitage conveniently omitted the concluding phrase. This makes quite a difference.

The decisions of the Security Council which members agree in the Charter to carry out are to relate to threats to the peace, breaches of the peace, or acts of aggression. None have occurred. The threats have all been made and aggressions originated by others. Rhodesia has merely declared its independence, though without the acquiescence that Britain has granted to her other once connected territories. Rhodesia has threatened no one.

The complaint is over Rhodesia's internal matters in which the United Nations may not intervene by Article 2, Section 7 of the Charter. The answer to this, says the State Department, is that Great Britain has invited intervention and that Rhodesia is not a state because no other state has recognized it as such. The essence of sovereignty is the will and ability to exercise it. Britain has neither in regard to Rhodesia; and has had neither for five years. I venture to say that nothing could induce the British Government to take over responsibility of conducting the internal affairs of Rhodesia, which it has not had for fifty years, if ever. A state comes into being not by form—external recognition (else how did the first state come into being?)—but by taking over, exercising, and maintaining the powers of sovereignty.

The sanctions resolution is a nullity. Furthermore, it is a failure; to continue to comply with it will injure our national interests; and the only way to get rid of it is to disregard it.

2. Sanctions Against Rhodesia Are a Failure.

After five years Mr. Armitage found it necessary to inform the House subcommittee that "the U.N. Sanctions program has not yet achieved its goal." In fact, it has been an abject failure. Many nations have ignored it altogether. In 1969 Rhodesia's rate of growth in gross national product exceeded that of the U.S.A. Last year was much less successful due to a bad crop year—what lawyears call "an act of God"—rather than due to the United Nations. "A reduced rate of growth of Rhodesian economy" in that year principally affected employment of black Rhodesians in primary products.

Economic sanctions cannot be expected to force a people to action which they believe contrary to their vital national interests. During World II, I represented the State Department in our effort to weaken our enemies in Europe by reducing the dealing of the European neutrals with the Axis Powers. Although we and our allies controlled all overseas imports to Europe, I have written of the net effect of these "sanctions":

"A good case can be made for the argument that economic measures resulted in stopping important exports for military needs from Sweden to Germany about six months before military measures would have done so. Exports from Switzerland and the Iberian Peninsula probably moved in minimum necessary quantities until military measures stopped them."

The conclusion is inescapable that sanctions against Rhodesia have failed and must continue to fail. The State Department will, I suppose, argue that we are the prisoners of the U.N. Security Council and cannot escape from the serious harm being caused our national security unless and until the Security Council repeals sanctions. This it cannot do over the veto of the Soviet Union. The USSR is unlikely to permit the repeal of sanctions, which we have made so profitable to them. Later, perhaps, the Communist Chinese, whom Ping-Pong diplomacy is working hard to get onto the Security Council will have another veto.

3. Sanctions Are Hurting U.S. National Security

Chromium is a strategic mineral essential to the production of steel. It is not produced in the United States. A few figures will tell the story of our folly. Senator Cannon, Chairman of the Stockpile Subcommittee of the Senate Armed Services Committee, has supplied them.

In 1965 Rhodesia supplied about 40% of our national requirements of metallurgical chromite. The USSR provided slightly less. Turkey and South Africa made up most of the balance. In 1970, with Rhodesia eliminated by sanctions, the USSR supplied about 60% of our needs. The Soviet price increased from $25 per ton to $72 per ton in 1971, a 188% increase. Yet imports fell in 1970 20% short of consumption. Senator Cannon tells of a pending bill, S. 773, to authorize disposal of 1,313,600 short tons of metallurgical grade chromium from the government stockpile, which constitutes 30% of the total stockpile. "Testimony before my subcommittee," said Senator Cannon to the Senate on April 29, 1971, "left it unmistakably clear that, while the amount of the material to be released could be readily absorbed by the consuming industry and might serve the temporary expediency of holding world chrome ore prices in line, the relief would be shortlived."

The State Department has succeeded in putting the country's head in the bear's mouth and seems to think nothing of it. The country, however, is less complacent.

The problem that has been raised, as Senator Cannon puts it, "We cannot continue to ignore."

4. Broader Aspects of the Sanctions Policy.

Even less can we continue to ignore the broader menace threatened by the emotional and reformist intervention we are supporting, not only in Rhodesia but throughout southern Africa. Problems in all of Africa are enormous. Even to mitigate them will require all the help that mature cultures can give and more primitive ones will accept. In southern Africa there are indigenous white societies quite as established and rooted as their black neighbors. They are willing to help the welfare of the areas far more than overseas countries or the United Nations can do. Those who are not such ideological and mathematical democrats as to be willing to weigh heads as well as count them will further this development. To continue meddling in the internal affairs of Rhodesia, South Africa, and Portuguese Angola will not bring the U.N.'s stated goal of international peace and security, but, on the contrary, the bloodiest warfare and insecurity. S. 1404 is a step, and an important one, back to sanity and good will.

Exhibit 3

Statement of L. G. Bliss

I am L. G. Bliss, Chairman of the Board, Foote Mineral Company, Exton, Pa. My Company is a producer of ferroalloys and high purity metals for the steel, aluminum and other metal producing industries.

It has now been over four years since the United States joined in economic embargoes against Rhodesia. At the time this action was taken, Great Britain was predicting the capitulation of the Smith regime within four months. Today, failure of the sanctions is acknowledged by both Great Britain and the United Nations, and we are no closer to a settlement than we were four years ago. Instead, the United States is faced with a problem of increasing severity with regard to the supply of a critical and strategic material—chromium. This shortage has affected not only the ferroalloy industry, but the steel industry which we serve.

Aside from iron ore itself, most of the elements which are needed to produce high performance properties in steel are introduced into the steelmaking process in the form of ferroalloys. The ferroalloys themselves are produced through the conversion of metallic ores—most of which, such as chromite and manganese ore, are not to be found within the United States in commercially acceptable deposits.

Specific to chromium, this element is vital to the production of stainless steel, tool steel, structural steel, high temperature alloys and other alloys, the use of which include an impressive list of defense applications ranging from jet aircraft and nuclear submarines to traditional armaments. During World War II, according to Albert Speer, author of *Inside the Third Reich*, the shortage of chrome ore, as a result of being shut off from Turkish supplies, signaled the doom of Germany even before its military defeat was decisive.

The United States is not only the largest producer of chromium-containing steels, it is also the largest user. Steels of foreign origin, however, have cut sharply into domestic markets with the result that 22% of the stainless steel market is now lost to foreign competition. The prices and availability of chromium are thus significant factors to a large segment of our steel industry and affect its worldwide competitive position.

As a representative of industry, my orientation is admittedly toward the economic and national security aspects of the problem which was generated when this country agreed to support economic sanctions against Rhodesia. The basic information relating to the economics involved is given in a series of attachments (Table I to IX), which I will review as briefly as possible.

Table I shows world reserves of chromium ore worldwide, and demonstrates that Rhodesia commands 2/3 of the reserves of high grade metallurgical ore. South Africa, while owning some 22.5% of world reserves, has a lower assay ore which currently has limited use in ferroalloy manufacture, and hence cannot make up for the loss of Rhodesian ore. Turkish ore, while suitable in quality, has both limited reserves and limited production capacity. Russia—the largest supplier—has less than a tenth of the reserves of Rhodesia. There is reason, therefore, to question our present heavy dependence upon Russia.

The history of U.S. imports of chromium ore and the rise of the Soviet Union as our principal supplier are given in Table II, and the prices of ore—pre- and post-sanction—are shown in Table III. The increase in Russian prices from about $25/ton to $72/ton is documented. Prices of ores from other suppliers available to U.S. producers rose proportionately. Shipments from Government stockpiles are shown in Table IV, indicating that almost one million tons of ore have been shipped or committed from these stockpiles since 1966. In addition, a bill (S. 773) has been introduced in the Congress which would authorize the release of approximately one-third of the present U.S. stockpile of chromium. Thus, world prices of chromium ore have increased drastically, while U.S. reserves are dwindling.

In answer to the allegation that Russian ore price increases are the result of normal inflation, Wholesale Price Indexes for the period 1965–1971 are given in Table V. Table VI calculates the effect of inflation on ore prices, using the Wholesale Price Index for Metals and Metal Products. It is seen that about $2.20/ton of the present price can be attributed to inflation, while the forces of short supply account for about $40.55/ton.

Table VII presents a history of manganese ore prices from 1960–1971, as an example of a critical ore which is traded freely on open markets. Table VIII shows prices of major raw materials in 1958 vs. 1971 and suggests that increases such as have been witnessed in the case of Russian chrome are far from normal. Table IX is a calculation which shows the costs to U.S. producers of increases in world ore prices year by year up to the present time.

According to United Nations figures, U.S. owners of mining properties have a total investment of $56 million in Rhodesia. Since they are denied use of their investment, they are forfeiting earnings of approximately $2.8 million per year (based on a hypothetical 5% return on investment). This—added to the estimated annual loss of $16.3 million due to higher ore costs—brings annual losses to over $19 million.

These calculations do not include all ores purchased, nor do they include the production losses which result from any substantial change from normal ore feed stocks. These may differ from one producer to another, but my Company estimates that the loss of profits due strictly to sanctions runs well into the high six figures.

The ferroalloy industry is constantly threatened by new waves of low-priced imports and consequent loss of markets. That some of our world competitors are enjoying the advantages of lower cost Rhodesian ore while we pay Russian prices is now a foregone conclusion. The Bureau of Mines estimates that Rhodesian chrome ore production for 1967, 1968 and 1969 was 350,000; 420,000; and 400,000 short tons respectively—despite sanctions. Recent reports describe Rhodesian chrome mines as being "sold out". U.N. reports carry long lists of suspected infractions involving chrome ore, while newspaper reports list almost every industrial nation—except U.S. and Great Britain—as possible purchasers.

Certainly there would be chaos if one quarter of the free world's supply of metallurgical grade chrome were removed from the market place and we would not favor this. Since we are without reserves of our own, any reduction in the world supply of available ore could prove disastrous. Today, however, we are not privileged to purchase our own ore as such. Yet it still comes back to haunt us in the form of low-priced ferrochrome and stainless steel.

From a strategic standpoint, we are making a grievous error if we permit ourselves to lose access to the world's largest reserves of high grade chrome ore—the demand for which, worldwide, can only be expected to increase. Yet with each passing day we divorce ourselves further from the possibility of resuming a prominent position among Rhodesia's customers.

In this context, I would suggest that the first obligation of any government is to establish and maintain a viable economy. Bankrupt governments have short lives.

Its second obligation, I would think, would be to protect the integrity of its own borders, which is impossible without economic viability.

All governments acknowledge these two basic obligations—as does the United Nations itself. In the specific matter of the Rhodesian sanctions, it recognizes the necessity for Zambia to be exempt from certain trading restrictions because that country's economy and national security would be severely damaged were it to shut itself off completely from Rhodesian coal, power and transportation. Exceptions to the sanctions are thus permissible until it can accommodate these needs through other means—including the completion of a railroad being built for Zambia by the Communist Chinese. It would seem that the U.S. should be granted a similar privilege until it finds a method of producing corrosion-resistant metal without chrome.

As we have seen, other countries—members of the United Nations—have excepted themselves from the sanctions without formal acknowledgement—through the simple expedience of ignoring them. Had they not have done so, chaos would have prevailed—our stockpiles notwithstanding.

It seems rather unnecessary to state that we should not intentionally injure our economy or impair our national defense—*as a matter of policy*. The basic reflex of man is to avoid injury.

As we note the rapid deterioration of our trade balance, we should become aware of the necessity for maintaining a competitive position in world markets for vital raw materials and fuels. Only in this way can our industrial sector survive as a major factor in world markets.

The Byrd bill (S. 1404), I believe, is a necessity if we are to break out of our present impasse and should even be welcomed by those who see need for positive action but choose not to assume the responsibility for it. Since to date the United Nations has not moved to dissolve the sanctions, the United States should take steps—overtly and honorably—to exempt itself from embargoes on Rhodesian chromium ore. Since chrome ore exports represent only about 2% of Rhodesia's presanction exports, it cannot be claimed that we have destroyed the sanctions, undermined the United Nations or broken faith with Great Britain. I believe the Byrd bill represents an eminently sound solution to a vicious problem and Foote Mineral recommends a favorable finding by the Committee.

TABLE I.—CHROMIUM RESERVES OF THE WORLD

[In thousands of short tons]

	As chromite		As metal		As high Cr chromite	
	Short tons	Percent	Short tons	Percent	Short tons	Percent
Republic of South Africa	2,200,000	74.0	575,000	74.2	110,000	22.5
Southern Rhodesia	660,000	22.2	175,000	22.5	330,000	67.4
Turkey	11,000	.4	3,000	.4	9,900	2.0
United States	8,800	.3	2,000	.3	440	.1
Philippines	8,250	.3	1,000	.1	1,650	.3
Finland	8,250	.3	2,000	.3		
Canada	5,500	.2	1,000	.1		
Other	12,485	.4	1,000	.1	8,983	1.8
Total free world	2,913,285	98.1	760,000	98.0	460,973	94.1
U.S.S.R.	55,000	1.8	15,000	2.0	27,500	5.6
Albania	1,650	.1	800	.1	1,650	.3
World total	2,969,935	100.0	775,800	100.1	490,973	100.0

TABLE II.—IMPORTS OF METALLURGICAL GRADE CHROMITE FOR DOMESTIC CONSUMPTION (46 OR OVER Cr_2O_3)

[In thousands of short tons]

	1960	Percent	1961	Percent	1962	Percent	1963	Percent	1964	Percent	1965	Percent	1966	Percent	1967	Percent	1968	Percent	1969	Percent	1970	Percent	1971 [1]	Percent
Rhodesia	307	57	218	48	234	41	144	37	259	37	329	37	219	24	147	22	1						14	41
Russia	7	1	20	4	36	6	192	49	275	42	242	27	302	33	299	45	335	59	299	57	409	58	198	58
Turkey	123	23	150	33	171	30	40	10	38	6	164	19	186	20	108	16	151	27	74	14	135	19	75	22
South Africa	80	15	54	12	101	17	18	5	64	5	115	13	184	20	95	14	74	13	143	27	97	14	31	9
Other	24	4	10	3	35	6	0	0	25	4	34	4	22	2	11	2	6	1	13	2	62	9	23	7
Total	541		452		577		394		661		884		913		660		567		529		703		341	

[1] January to April.

Source: Bureau of Mines Data 1970 Unpublished.

TABLE III.—PRICE QUOTATIONS OF VARIOUS GRADES OF FOREIGN CHROMITE (DELIVERED U.S. PORTS)

	1965	1966	1967	1968	1969	1970	1971
Rhodesia: 48 percent Cr_2O_3, 3:1 Cr/Fe ratio	$31 to $35	$31 to $35	$31 to $35	Not applicable	Not applicable	Not applicable	Not applicable.
Turkey: 48 percent Cr_2O_3, 3:1 Cr/Fe ratio	$29.50 to $31.50	$29.50 to $31.50	$32.50 to $33.50	$34.50 to $35.50	$37.60 to $38.50	$47.50 to $48.50	$56 to $60.
South Africa: 44 percent Cr_2O_3	$20 to $21.50	$20 to $21.50	$18 to $21.50	$19 to $21.50	$19 to $21.50	$26	$30.
U.S.S.R.:[1] 54 percent Cr_2O_3, 4:1 Cr/Fe ratio	$25	$29.25	$30.40	$34.10	$44	$58	$72.

[1] Actual prices to Foote Mineral Co. f.o.b. Burnside

Source: U.S. Bureau of Mines.

TABLE IV.—SHIPMENTS OF METALLURGICAL GRADE CHROME ORE FROM GOVERNMENT STOCKPILES TO INDUSTRY

	Short dry tons		Short dry tons
1966	115,000	Total shipped	724,000
1967	71,000	Sold, unshipped	258,000
1968	135,000		
1969	243,000	Total committed	982,000
1970	160,000		

Source: From reports of the Joint Committee on Reduction of Federal Expenditures—Federal stockpile inventories.

TABLE V.—WHOLESALE PRICE INDEXES (1965–71)

	1965	1966	1967	1968	1969	1970	[1] 1971
All commodities	102.5	105.6	106.1	108.8	113.0	110.4	113.0
Metals and metal products	105.7	108.3	109.6	112.4	118.9	116.7	116.5
Iron and steel	101.4	102.3	103.6	105.5	111.0	115.1	118.2
Nonferrous metal	115.2	120.9	120.9	125.3	137.4	125.0	113.7

[1] March.

Source: Dept. of Labor, Bureau of labor Statistics, "Wholesale Prices and Price Indexes" and "Monthly Labor Review."

TABLE VI.—METALLURGICAL GRADE CHROMIUM ORE PRICE IF AFFECTED BY INFLATION ALONE (BASIS, 1966 PRICES)

[Dollar amounts per net ton]

	Rhodesian		Turkish		South African		Russian	
	Cost	Difference	Cost	Difference	Cost	Difference	Cost	Difference
1966	33.00		30.50		20.75		29.25	
1967	33.40	−0.40	30.80	+2.20	21.00	−1.25	20.60	+0.80
1968			31.65	+3.35	21.55	−.80	30.40	+3.70
1969			33.50	+4.50	22.80	−2.05	32.10	+11.90
1970			32.80	+15.20	22.35	+3.65	31.50	+26.50
1971			32.75	+25.25	22.30	+7.70	31.45	+40.55

Note: Second column in each case represents difference between calculated cost and real cost. Negative sign means an "undercharge." Positive sign is an "overcharge."

TABLE VII.—PRICE OF MANGANESE ORE (1960 TO 1971)

	Price range 46 to 48 percent ore (cents) (long-ton unit)	Consumption
1960	87–90	1,946,349
1961	87–90	1,717,805
1962	80–85	1,737,694
1963	60–65	1,683,450
1964	68–72	2,241,756
1965	73–78	2,872,720
1966	73–74	2,370,516
1967	60–64	2,383,984
1968	59–63	2,228,412
1969	49–53	2,270,221
1970	50–58	
1971	61–63	

Source: U.S. Bureau of Mines.

TABLE VIII.—MAJOR RAW MATERIALS MARKET PRICES

Material	Unit	1958[1]	1971[2]	Percent change
Aluminum	ST	$494.00	$580.00	+17
Copper	ST	580.00	1,035.00	+78
Lead	ST	260.00	266.00	+2
Antimony, metal	ST	580.00	1,200.00	+107
Beryl ore	ST	346.50	396.00	+14
Bismuth	Lb	2.25	6.00	+167
Cadmium	Lb	1.45	2.25	+55
Cobalt	Lb	2.04	2.20	+8
Columbite	Lb	1.14	1.15	+1
Magnesium	ST	720.00	725.00	+.7
Manganese ore, metal grade	SDT	38.61	28.52	(−26)
Mercury	FL	220.00	266.50	+21
Molybdenum	Lb	1.25	1.72	+38
Nickel	Lb	.74	1.33	+80
Platinum	TrOz	53.00	114.00	+115
Tantalite	Lb	4.63	7.17	+55
Tungsten	Lb	1.32	4.50	+240
Zinc	ST	240.00	320.00	+33

[1] As of Dec. 31, 1958—Source: Office of Emergency Preparedness.

[2] As of May 1971—Metals Week.

TABLE IX.—CALCULATION OF EXCESSIVE ORE COSTS DISCOUNTING INFLATION

1967:	
108,000 tons of 48 percent Turkish ore at $2.20	$114,000
299,000 tons of 55 percent Russian ore at $.80	132,000
Subtotal	246,000
1968:	
151,000 tons of 48 percent Turkish ore at $3.35	242,000
355,000 tons of 55 percent Russian ore at $3.70	722,000
Subtotal	964,000
1969:	
74,000 tons of 48 percent Turkish ore at $4.50	160,000
299,000 tons of 55 percent Russian ore at $11.90	1,960,000
Subtotal	2,210,000
1970:	
135,000 tons of 48 percent Turkish ore at $15.20	984,000
97,000 tons of 48 percent South African ore at $3.65	170,000
409,000 tons of 55 percent Russian ore at $26,50	5,970,000
Subtotal	7,124,000
1971:	
75,000 tons of 48 percent Turkish ore at $25.25	910,000
31,000 tons of 48 percent South African ore at $7.70	[1] 115,000
198,000 tons of 55 percent Russian ore at $40.55	4,420,000
Subtotal	5,445,000 ×3
1971 projected cost	16,335,000

Calculation: Tons imported × percent Cr_2O_3 × overcharge (from previous table) = Excessive ore cost.

Cumulative cost	$246,000
	964,000
	2,120,000
	7,124,000
	5,445,000
Total	15,899,000

[1] 4 months.

EXHIBIT 4

PRESENTATION OF E. F. ANDREWS

Mr. CHAIRMAN: My name is E. F. Andrews, I am Vice President—Purchases, Allegheny Ludlum Industries, Inc. One of our member companies, Allegheny Ludlum Steel Corporation, is a major producer of stainless and specialty steels. I also represent the Tool and Stainless Steel Industry Committee and am chairman of the Critical Materials Supply Committee of the American Iron and Steel Institute. We appreciate this opportunity to speak in favor of S. 1404.

As one who spends a major portion of his waking hours concerned with the problems of materials supplies for this country, I am quite naturally interested in any legislation that has as its purpose the protection of such supplies.

The United States is very much a negative nation in regards to the availability of strategic raw materials. It has been reported that, of the 30 strategic metals, so defined by the Office of Emergency Preparedness, 25 must be imported by the United States in order to supply the needs of important American industries. For this reason, we strongly supported the Boggs' Amendment establishing a Materials Policy Commission so that we, as a nation, could start officially addressing ourselves to the long-range problems of critical material shortages and hopefully adopt laws and enunciate policies that will protect and provide for the nation's future material needs. S. 1404 is in harmony with the purpose of that commission in that it would be established to prevent the unilateral action of one segment of government from interrupting the flow of vital and strategic materials to our shores regardless of how meritorious the intent of such action may be. It reduces the danger of unwise and unnecessary injury to this country while not preventing support of the issues involved.

It already has been said in these hearings that the Rhodesian sanctions and their effect on the chrome situation are a perfect case in point. As a major consumer of chrome, we are quite familiar with the effects of those sanctions on the economy of the United States, the Specialty Steel Industry, and its employees.

The importance of chrome to industrial America cannot be overstated. While *steel* remains the most useful, most versatile, and most reasonably priced metal in modern industrial civilization, *specialty steels*—developed and manufactured by a large group of relatively small companies in the United States—not only have those three principal characteristics but, in addition, in their latest forms and new specifications, have made possible not only our nation's aerospace program but also its advanced communications, improved power generation and distribution, its growing Chemical Industry, greater comfort and efficiency at home and at work, and continuing progress in such advancing sciences as oceanology, ecology, surgery, medicine and health care, and atomic particle physics. From the last named will come not only new sources of energy but great new strides in scientific progress in virtually every field.

Thus, gentlemen, when we speak of alloying elements—and chrome of course is an important one of these—we are talking about no *ordinary* commodity. It goes to the root of our industrial civilization. In fact, by definition, stainless steel is a corrosion resistant, ferrous alloy containing 11% chrome or more. In other words, broadly speaking, there is no substitute for chromium insofar as corrosion resistant or stainless steel is concerned.

Nearly 70% of the world's known metallurgical chrome reserves (see Attachment 1) are found in Rhodesia. To our knowledge, there has not been a new find of chrome reserves since World War II, and there are no known competitive deposits in the Western Hemisphere. Prior to sanctions, Rhodesia was our largest supplier of metallurgical, high-grade chrome ore. Due to the sanctions, this has diminished to zero, with the main benefactor of this attractive and profitable volume of business being the Soviet Union. In fact, according to the United States Bureau of Mines' data, in 1970, of the 363,840 short tons of chromium *contained* in ore, with a chrome content of 46% or better, 224,877 short tons, or better than 60%, were imported from the Soviet Union.

In spite of the fact that the world price of chrome ore had dropped from 1956 through 1966, the Russians, acting in a highly "capitalistic" manner, increased their price to us more than 100% since the sanctions were imposed (see Attachment 2). As evidence of the fact that this rise is substantially greater than inflation during this period of time, when one examines the years 1967 through 1970, we cite the following cost increases which were incurred for various commodities consumed by the Steel Industry:

	Percent
Grinding wheels	21
Graphite electrodes	14
Refractories	20
Bearings	15
Ingot molds	16
Mill rolls	16
Coke	50
Fuel oil	31
Manganese ore	−15
75% ferrosilicon	19
Vanadium	42
APT tungsten	57
Nickel	56
Cobalt	10
Fluorspar	10
Magnesium	5

But now, looking at the impact of the rise in chrome ore prices during this time, we see ferrochrome silicon up 80% and high carbon ferrochrome up 67%. In fact, if we examine Attachment 4, the dotted line shows the price rise of silicon in ferrochrome silicon over the past four years, and the solid line shows the rise in the cost of chrome contained in this product over the same period of time.

The situation would undoubtedly have

been worse had it not been for sizable disposals from the Federal Government stockpile during this time. It is estimated that, during 1969, 31% of the metallurgical chrome consumed in this country came from the stockpile, and something over 20% in 1970. In order to provide this material to industry, the O.E.P. has seen fit to continually drop the stockpile objectives, thus making material available. This action is deemed by some members of the Congress as being unwise because of chrome's strategic importance and the zero production in the United States. Over 900,000 tons of material have been sold out of the stockpile since 1966. However, the availability of high-grade, metallurgical chrome ore from this source will someday run out; therefore, we must not count upon this as a long-range answer to our problems. Reduction to the new objective of 1,500,000 tons of ore will take us to below a two-year supply.

As we said earlier, Russia has been the major source of supply; but if you will look again at Attachment 1, you will see that the Bureau of Mines estimates that Russia possesses only 5.6% of the world's supply of chrome—yet this is now our major source. Russia is now selling us chromite limited to 450,000 tons per year at ever-increasing prices. It is our understanding that they are now requesting customers to take one ton of fines with each ton of good material. Is this, by policy, to hold up the price or is it all they have to sell us? We are at the bottom of this barrel also. One could rightfully ask the question—are we buying Russian material at inflated prices while they supply their needs with Rhodesian material at lower prices?

As stated above, the stockpile is our second source. This will also run out in time, and good grade metallurgical lump is low at this time. In fact, a large part of the Government's stockpile is unsuitable for metallurgical use.

Turkey is our third source. According to the United States Bureau of Mines, Turkey has only 2% of the world supply. Turkish output of ore is just under 500,000 tons per year, of which approximately 250,000 tons per year are exported, almost entirely to the United States.

According to the April 12, 1971, issue of *Metals Week*, the Japanese have just completed an arrangement with the Turkish producers to take 100,000 tons of this material per year on a long-term contract.

Thus, our three sources—Russia, 50–60% of our needs; the stockpile, 20–30%; and Turkey, 10–15%—present a bleak picture of our major sources of supply. The outlook for chrome can only be for tightening availability and rising prices, so long as we deny ourselves access to the 70% of the world's supply in Rhodesia.

South Africa is a fourth source and is limited in its metallurgical suitability. But even here, there are those who desire to extend the sanctions to that country.

While denying ourselves this major and vital raw material, one needs only to visit Southern Rhodesia to realize that its chrome ore has been finding its way into the world markets. There is little ore seen above ground although they work the mines seven days a week. As we know, they were unable to ship but a mere 15% of the 150,000 tons approved many months ago for import. The United Nations has itself offered the best evidence of the sanctions' failure. In the third report of the United Nations Security Council Sanctions Committee, published in June, 1970, it was estimated that Rhodesian exports were running at approximately 70% of their pre-sanctions levels. Twenty-one complaints of violations were investigated by the U.N. involving chrome ore from Rhodesia to France, Japan, Netherlands, Italy, Spain, and West Germany. It is generally admitted that we and Britain are the only ones seriously abiding by the sanctions.

We realize that the Government has made a noble effort to try and prove conclusively that this material is flowing into the hands of members of the United Nations in the free world. Indications are that it is not flowing directly from Rhodesia to these nations but is probably being trans-shipped when repackaged. This we do know—the mines are operating in Rhodesia, and there is no ore being stockpiled there. The free world would probably have run out of chrome a long time ago if the major supplies from Rhodesia were totally cut off from the free world market.

Thus, many reliable sources indicate that substantial quantities of this material are flowing into the hands of foreign specialty steel producers, undoubtedly substantially aiding foreign producers of specialty steels in moving into and capturing large segments of the American market for specialty steels, producing a chaotic price situation here, bringing about unemployment and affecting the profitability of small American companies to the point where there is serious question about their economic viability. A question has been raised as to the impact of the cost of chrome on stainless steel. Neither time nor space here will permit complete detail of the effect on all the multiple grades of specialty steels produced, but let us suggest the following example that would cover the majority of the tonnage.

There are approximately 400 pounds of chrome contained per ton of 18–8 stainless steel. Thus, a 1¢ price increase in chrome would increase the cost per ingot ton by $4.00. With a 50% yield factor, the cost per finished product would thus be $8.00 per ton. Since the Rhodesian embargoes, the cost of low carbon ferrochrome, for example, has risen 14¢. Thus, the cost per ton of stainless steel would be $112 per ton. Last year, approximately 900,000 tons were produced. Thus, the industry impact would have been a $100 million cost increase. Also, markets have been sufficiently encroached upon that we are beginning to see cutbacks in vital programs. Foreign producers of specialty steel, who are beneficiaries of the Rhodesian sanctions, have penetrated the American market for specialty steels, at the end of four months of 1971, at an all-time high, exceeding 22%.

For individual specialty steel products, the penetration is even greater: some 35% of stainless steel cold rolled sheets; 68% of the market for stainless steel wire rod; 54% of the market for stainless steel wire. One can rightfully ask how much embargoed Rhodesian ore is contained in this imported stainless steel coming into this country, adding insult to the injury of the unemployed or about-to-be-unemployed American steelworker. We are able to identify Rhodesian chrome ore coming into this country as ore, but there is no known way to identify it if it is contained in stainless steel sheet.

I am sure that the unemployed steelworker wonders who is being helped and who is being hurt by these sanctions. *Fortune* magazine reported in April that the Rhodesian growth in real GNP was better than 4% per year, substantially more solid than either the United States or Britain. France, Japan, and Germany are reportedly continuing to trade. A visit to Rhodesia reveals a very stable, busy, growing country, with Toyotas and Renaults very much in evidence.

Chrome is but one example of what could happen in many other vital materials if similar unilateral actions are taken. For example, there was a proposal before the United Nations to extend these sanctions to Portugal and South Africa. To have extended them to South Africa would have cut us off from 90% of the world's metallurgical chrome. It would have also placed us in an emergency situation with regard to vanadium supplies. A similar sanction against the Congo would cut off our cobalt; against Canada, our nickel; against Mexico, our fluorspar; and against Brazil, our iron ore. Were it not for the substantial American stockpile, we would now be dependent upon Red China for tungsten.

The list could go on and on. S–1404, we believe, is designed to permit us to support those political and social issues throughout the world that have merit and deserve our support without injuring ourselves economically and militarily more than the one we bring such action against. We therefore urge your immediate and enthusiastic support of this resolution. Thank you very much, Mr. Chairman.

CHROMIUM RESERVES OF THE WORLD

[Thousands of short tons]

	As chromite	Percent	As metal	Percent	As high Cr chromite	Percent
Republic of South Africa	2,200,000	74.5	575,000	74.2	110,000	22.5
Southern Rhodesia	660,000	22.2	175,000	22.5	330,000	67.4
Turkey	11,000	.4	3,000	.4	2,900	2.0
United States	8,800	.3	2,000	.3	440	.1
Philippines	8,250	.3	1,000	.1	1,650	.3
Finland	8,250	.3	2,000	.3		
Canada	5,500	.2	1,000	.1		
Other	12,485	.4	1,000	.1	8,983	1.8
Total free world	2,913,285	98.1	760,000	98.0	460,973	94.1
U.S.S.R	55,000	1.8	15,000	2.0	27,500	5.6
Albania	1,650	.1	800	.1	1,650	.3
World total	2,969,935	100.0	775,800	100.1	490,973	100.0

Source: U.S. Bureau of Mines—best estimate.

PRICE QUOTATIONS OF VARIOUS GRADES OF FOREIGN CHROMITE

	1965	1966	1967	1968	1969	1970	1971
Rhodesia: ——— percent Cr_2O_3, 3:1 Cr/Fe ratio	$31 to $35	$31 to $35	$31 to $35	Not available	Not available	Not available	Not available.
Turkey: 43 percent Cr_2O_3, 3:1 Cr/Fe ratio	$29.50 to $31.50	$29.50 to $31.50	$32.50 to $33.50	$34.50 to $35.50	$37.50 to $38.50	$47.50 to $48.50	$56.
South Africa: 44 percent Cr_2O_3	$20 to $21.50	$20 to $21.50	$18 to $21.50	$19 to $21.50	$19 to $21.50	$26	$30.
U.S.S.R.[1]: 55 percent Cr_2O_3, 4:1 Cr/Fe ratio	$25	$29.25	$30.40	$34.10	$44	$58	$72.

Source: U.S. Bureau of Mines.

EXHIBIT 5

STATEMENT OF REPRESENTATIVE CHARLES C. DIGGS, JR.

Mr. Chairman, I appreciate the opportunity to appear before your Subcommittee.

Mr. Chairman, the bill we are considering today S. 1404 is cast only in general terms—to prevent the imposition of import sanctions under section 5 of the UN Participation Act on any material designated as strategic or critical under the Stock Piling Act, unless its importation from communist countries is also prohibited. The bill's sponsor, however, Senator Byrd, candidly acknowledge that the sole effect of the bill would be to end the embargo against importation of chrome from Southern Rhodesia.

I am appearing here today, Mr. Chairman, to emphasize that this bill would not only place us in violation of our international legal obligations under the Charter of the United Nations, but it would be disastrous to our foreign policy interests in Black Africa. What is at stake here is, to be certain, our dedication to the principles of human rights, of self-determination, and to the principle of fundamental freedoms for all without regard to race and color. But, more importantly, and I stress, more urgently, what is at stake here is the possibility of our reneging on the one fairly solid instance where our pronouncements of such dedication have been accompanied by some concrete measures towards the demonstration of these principles. And I wish to underscore that the puzzle of this proposed bill is the unsubstantiated assertion, which is evidently its foundation, that the U.S. is facing a serious shortage of a strategic material. This assumption certainly appears to be negated by the very fact that the United States Government has, upon revision of chrome ore objectives, an excess in our present stockpile of chrome are of some two million two hundred fifty thousand (2,250,000) short dry tons.

Before examining these points in greater detail, I would like to review the situation in Southern Rhodesia, for an understanding of this is essential to a full comprehension of the principles of humanity and justice involved here.

The ratio of whites to Africans in Rhodesia is a striking phenomenon, it is 21 to 1, that is 95 of every 100 persons in Rhodesia is African. Further, half of the tiny white population, totaling 234,000 as compared to 4,930,000 Africans, is new to the area and has only come since World War II. May I emphasize that the stark disparity of these population facts, where a bare handful of one group is entrenching their repressive control against an overwhelming majority, is unique to Rhodesia.

It is against that background that we should review the five principles which the British have established as the basis for any settlement. These are:

Maintaining the principle of unimpeded progress towards majority rule.

Guarantees against retrogressive amendment of the constitution.

Immediate improvement in the political status of the African population.

Progress toward ending racial discrimination.

That the proposed basis for independence be acceptable to the people of Rhodesia as a whole.

(And the sixth principle, added later), the need to ensure that, regardless of race, there be no oppression of the majority by the minority or the mincrity by the majority.

These principles appear elementary and basic to any concept of a just and ordered society.

But the Constitution which the Smith regime purported to implement in March of last year was a categorical rejection of these principles. It is no wonder that no nation has conferred recognition upon Rhodesia as a state or as a government. Under the provisions of the constitution majority rule will never be possible. Further, it is only theoretically possible, in the foreseeable future, for the Africans to obtain even parity of representation, because under the constitution, Africans who pay less than 1% of the income tax now, must pay an income tax equal to that of the whites in order to obtain an equal number of seats in the House of Assembly.

The constitution further provided for the entrenchment of the Land Tenure Act which divides the land in Rhodesia equally between the whites and the Africans, so that the almost 5 million Africans have the same amount of land as the 234,000 whites, with the whites being allocated the cities and the developed farm and mineral land. The act provides that generally Africans "shall not own, lease or occupy land in the European area". Africans are only permitted to live in urban areas if they are employed there. This Act also makes special provisions for the Tribal Trust Lands. In the development of these areas, there are wholesale removals by administrative fiat of African communities from European designated areas, and without their livestock. This Act has a direct adverse effect upon the property of the churches in Rhodesia and their ability to function as it prohibits the multi-racial use of land and thus might force the closure of mission schools and hospitals in tribal areas.

There is presently pending the Property Owners Residential Protection Bill. This infamous measure is aimed at preventing racial friction and would permit the President upon application of 15 anonymous whites, on grounds of endangering of racial harmony or loss of property values, to declare a whole area to be an exclusive white area.

The Smith regime spends almost 10 times as much on the education of the white child as on the African child, or $196 per white child as compared to $20 per African child. A recent report on secondary school statistics in 44 black African countries showed that 31 of these had a higher percentage of secondary school students and only 8 had a lower percentage than Rhodesia.

With regard to what we consider basic liberties and fundamental rights, the constitution itself provides for a Declaration of Rights. But it adds that the Declaration itself is to authorize preventive detention. The Declaration of Rights, such as it is however, is mere pious pronouncements, for it is non-justiciable and no court can inquire into the validity of any law on the ground that it is inconsistent with the Declaration of Rights.

I might mention that notwithstanding the repressive laws, the situation in Rhodesia is not completely quiescent. Although the law bans demonstrations and permits indefinite detention without charges or trial, there are wire service reports of a demonstration last week, July 1, by 250 Salisbury University students, mostly black. The demonstrating students were arrested. The students had declared July 1 "an annual day of mourning until Africans are given an equal place in Rhodesian society."

It is not necessary for me to review the UN international legal obligations under the Charter with respect to Chapter VII, decisions of the Security Council. These were discussed by the Department of State witnesses yesterday. But I would like to underscore the congressional authorization to the President in section 5 of the UN Particpation Act, empowering him to apply economic sanctions in accordance with such Security Council decisions under Article 41 of the Charter. It was Mr. Acheson, as Under Secretary of State, who presented to the House Foreign Affairs Committee the explanation of the various sections of the UN Participation Act. He stated that, by virtue of section 5 "the President has the authority to do what we have by international treaty agreed to do". (Hearing, House Committee on Foreign Affairs, Dec. 7, 1945, 79th Congress, 1st session, p. 21).

The Senate report notes that "the basic decision in this regard was made when the Charter was ratified . . ." (S. Report No. 717, 79th Congress, 1st session.) Any declaration here that the President in issuing the Executive Orders to carry out the mandatory decisions of the Security Council was acting unilaterally is unfounded.

It should be emphasized that our obligation not to permit the importation of any chrome for whatever reasons, is absolute. Security Council Res. 232 of December 16, 1966, which the US supported specifically prohibited the importation of chrome. S.C. Res. 253 of May 29, 1968, which we supported, calls upon all states to prevent the importation into the territories of all commodities and products originating in Southern Rhodesia. In S.C. Res. 277 of March 17, 1970, we supported the call upon Member States to take more stringent measures to prevent any circumvention of these resolutions. Any importation of chrome is in fact a violation of our legal obligations and I stress that the Administration's decision to permit Union Carbide to import chrome allegedly bought and paid for before the effective date of the Executive Order, couched though it was in hardship policy niceties, obviously represented a relaxation in our adherence to the express language of the resolution, under which such importation is prohibited. But the present bill would be a clear, calculated denial of our legal obligations and of our duty as a UN Member State to carry out the decisions of the Security Council.

I do not believe it necessary to elaborate beyond what was said yesterday on U.S. interests in a vital United Nations, in supporting its mandatory decisions and actions with respect to Rhodesia, and in our interest vis-a-vis Black Africa. Mr. Chairman, in my visits to 38 of the 41 Arican countries, I have had the opportunity for personal, frank and open talks with their leaders and their people. And, in connection with the United States, nothing gives greater concern than our position of mere mouth service against the evils of apartheid and minority rule. Our position with regard to Rhodesia, however short of the goal which the African states would seek, has nevertheless been concretely demonstrated by our support of and adherence to sanctions. We must not abandon our resolve and our charter obligations to adhere to sanctions.

I would now like to comment on our situation with regard to chrome. Obviously, I am no expert at all in our needs in this area. But the Office of Emergency Preparedness with the concurrence of the interested departments and agencies, including the Department of Defense, is strongly recommending the passage of S. 773 which would authorize the disposal of 1,313,699 short dry tons of excess metallurgical grade chrome from the national and supplemental stockpiles. OEP reported that, in establishing new and reduced stockpile objectives, for this ore, "ample allowance was made for any contingency that might arise in an emergency." I reiterate that without any specialized knowledge or information at all in this area, I would think that this disposes of the argument that there is a shortage of chrome critical to the defense needs of the country. Further, I understand that only 10% of the domestic consumption of chrome is used for defense purposes. Thus, it would appear that U.S. needs in the event of a national emergency are presently provided for.

With respect to any inference that the present high price of Russian chrome is the sole result of sanctions, I have several comments. First, information requested on Major Raw Materials Market Prices of Mr. Bliss during the hearings of the House Subcommittee on Africa on "Rhodesia and U.S. Foreign Policy" showed that from 1958 onwards the prices of these ores generally were rising. Of the 22 commodities only manganese, cobalt and vanadium did not go up in price. 19 rose in price. And if we look more specifically at the pre-sanctions and sanctions, prices of several ferrous alloys, we find that the price of such ores was generally going up both before and during sanctions. The following price comparisons were made in deflated dollars, that is the prices have been deflated so that they are truly comparable. The price of antimony increased 45% in the pre-sanctions period and 209% from 1967–70. Nickel increased 3% pre-sanctions and 13% from 1967–70. Vanadium, on the other hand, dropped 20% pre-sanctions, but increased 73% from 69–70. Similarly, Turkish metallurgical chrome prices fell by 17% in the 1960–66 period, but rose by 45% 67-70. (This 45% is in inflated dollars). Thus, although sanctions are no doubt a factor in the price situation, the picture of rising prices for these ores is obviously due to many different factors and cannot be attributed in the case of chrome to sanctions alone.

Several minor points should also be mentioned on the price of Russian chrome. Although we do not doubt these figures, the prices we have been given, a $25 to $72 rise, should be supported by invoices or transaction sheets, or by giving the base year for the $25 quotation, since I understand prior to 1965 there were no published prices for chrome. Secondly, taking the 25 to 72 increase, we have a 188% increase, not a 288% as suggested yesterday. Finally, a valid comparison would require use of deflated dollars.

Obviously, with respect to the impact of sanctions, sanctions have not had the result foreseen. On the other hand, frank acknowledgement of this should not obscure our realization of the very real impact which sanctions have had and are increasingly effecting on the economy of Rhodesia. Mr. Newsom has detailed some of them, the shortage of rolling stock, of modern machinery, of spare parts and of imported equipment. In addition to a significant slowdown in the growth rate, Rhodesia is in the throes of a serious foreign exchange shortage. Obviously, we cannot say how acute the shortage is and we cannot predict its possibilities for influencing the bargaining situation. Frankly, Mr. Chairman, I am not at all optimistic about a satisfactory settlement being reached. But I do acknowledge that, although unknown variables, the critical exchange supply, the economic situation, and the concern of the business community with respect to sanctions and Smith's programs are all factors which may have a bearing on the prospects for settlement.

In conclusion, Mr. Chairman, I urge that US interests dictate unequivocally that the United States continue to adhere to its international obligations and its enforcement of UN sanctions against Rhodesia and that for broad policy reasons we must reject any inroads on our support of the United Nations in its effort to secure for the people of Rhodesia basic human rights, self-determination and fundamental freedoms for all without regard to race.

EXHIBIT 6

[From the Washington Post, July 9, 1971]

CHROME EMBARGO

A move to end a U.S. embargo on importing chrome ore from Rhodesia appeared doomed when Sen. Gale McGee (D-Wyo.), chairman of the Foreign Relations Subcommittee on African Affairs, disclosed his opposition.

After his panel ended two days of hearings on a bill to lift the embargo, McGee told reporters that in view of revived British talks with the Ian Smith government in Rhodesia "this is not an opportune moment" to act.

He said he would recommend that the full committee not take any action at this time on the bill, which is supported by some American business firms and conservative political groups.

EXHIBIT 7

EXEMPTION OF CHROME ORE FROM LIST OF MATERIALS SUBJECT TO RHODESIAN EMBARGO

Mr. CANNON. Mr. President, on March 29, the distinguished senior Senator from Virginia (Mr. BYRD), introduced the bill S. 1404 which, if enacted, will exempt chrome ore from the list of materials subject to the Rhodesian embargo and thus end our dependency upon the Soviet Union for this highly important commodity.

Under the Byrd proposal, the President could not ban the importation of a strategic material from a free world country if the importation of the same material is permitted from a Communist-dominated country. The importance of this proposed measure was brought forcibly to my attention within the past few days. My Subcommittee on the National Stockpile and Naval Petroleum Reserves currently has under consideration some 28 administration proposals to release excess materials from the national and supplemental stockpiles. One of these—S. 773—if approved, would permit the disposal of 1,313,600 short dry tons of metallurgical grade chromium—chrome ore equivalent—from the Government stockpiles. This constitutes about 30 percent of this material we now have on hand to assure an adequate supply in case of emergency.

Mr. President, this proposal creates somewhat of a problem. There is no domestic production of the type of material in question and we are dependent upon foreign sources to supply our requirements. Based upon the present rate of consumption, the amount to be disposed of would supply our total requirements for a period of less than 2 years. Testimony before my subcommittee left it unmistakably clear that while the amount of the material to be released could be readily absorbed by the consuming industry and might serve the temporary expediency of holding world chrome ore prices in line, the relief would be shortlived. The principal importation sources in calendar year 1970 in descending order, were the U.S.S.R., Turkey, and South Africa, with the Soviet Union supplying about 60 percent of our needs. Rhodesia was formerly a prime source of supply, providing about 40 percent of our annual requirements. However, as you know, United States imports are currently banned in conformity with the United States observance of the mandatory U.N. sanctions against Rhodesia.

To further illustrate the shifting of our dependency upon the Soviet Republic as a source of supply, in calendar year 1965 and prior to imposing sanctions against Rhodesia, 36 percent of our imports came from Rhodesia and about an equal amount from the Soviet Republic. As might be expected prices have risen accordingly. The price per ton of ore imported from the U.S.S.R. in 1965 was $25 as opposed to $72 in calendar year 1971. This is an increase of about 288 percent. It is apparent therefore that while the release of the metallurgical grade chromite covered by the bill S. 773 would serve a temporary expediency, there can be no permanent relief until the importation of chrome ore from Rhodesia can be resumed.

Mr. President, I strongly urge that the Committee on Foreign Relations, to which was referred the bill—S. 1404—introduced by the senior Senator from Virginia, take prompt action on the measure, mindful that it raises a serious problem for this Nation, which, unfortunately, we cannot continue to ignore.

ORDER FOR RECOGNITION OF SENATOR BROCK TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that tomorrow, immediately following the recognition of the two leaders under the standing order, the distinguished junior Senator from Tennessee (Mr. BROCK) be recognized for not to exceed 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR PERIOD FOR TRANSACTION OF ROUTINE MORNING BUSINESS TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that at the conclusion of the remarks by the distinguished Senator from Tennessee (Mr. BROCK) tomorrow, there be a period for the transaction of routine morning business, with statements therein limited to 3 minutes and with the period not to exceed 30 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR BAYH AMENDMENT TO BE LAID BEFORE THE SENATE TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that tomorrow when the Chair lays before the Senate the unfinished business, which will be done immediately at the close of the period for the transaction of routine morning business, the amendment by the Senator from Indiana (Mr. BAYH) dealing with a limitation on subsidies be made the pending question.

The PRESIDING OFFICER. Without objection, it is so ordered.

QUORUM CALL

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

RESCISSION OF ORDER TO MAKE BAYH AMENDMENT PENDING QUESTION TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order making the amendment by the Senator from Indiana (Mr. BAYH) the pending question on tomorrow at the time the unfinished business is laid before the Senate be vacated.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF SENATOR BAYH TOMORROW TO CALL UP HIS AMENDMENT

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that on tomorrow, at such time as amendments may be in order from the floor—with respect to H.R. 9270, the Department of Agriculture appropriation bill—the distinguished Senator from Indiana (Mr. BAYH) be recognized for the purpose of calling up his amendment.

Mr. GRIFFIN. Mr. President, reserving the right to object, first of all I want to express my appreciation for the cooperation of the majority whip.

I have not had an opportunity to confer with the ranking Member on our side who will handle this bill, the Senator from Nebraska (Mr. HRUSKA), and I find I cannot get in touch with him at this time. Without his consent, I do not believe I can agree to this unanimous consent request. So temporarily I will have to object, but perhaps it could be done tomorrow.

The PRESIDING OFFICER. Objection is heard.

Mr. BYRD of West Virginia. I thank the distinguished assistant Republican leader. I appreciate his explanation and his reasons, under the circumstances, for objecting to the request, and I certainly understand his position. I also understand that this is not with prejudice to the junior Senator from Indiana, who, on tomorrow, at such time as amendments to the bill may be offered, may be present to offer his amendment, or it may be that some agreement can be worked out tomorrow on the matter.

HOUSING AND URBAN DEVELOPMENT APPROPRIATIONS, 1972—UNANIMOUS - CONSENT AGREEMENT

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent with respect to H.R. 9382, the Housing and Urban Development appropriation bill, Senators in control of the time on the bill may yield time therefrom to any Senator on any amendment, motion, or appeal, with the exception of a motion to lay on the table.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum. I assume this will be the last quorum call today.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. BYRD of West Virginia. Mr. President, if the distinguished minority whip has no statement or question at this time, I shall proceed to state the program for tomorrow.

Mr. President, the program for tomorrow is as follows:

The Senate will convene at 10 o'clock a.m.

After recognition of the two leaders under the standing order, the distinguished Senator from Tennessee (Mr. BROCK) will be recognized for not to exceed 15 minutes, following which there will be a period for the transaction of routine morning business, with statements limited therein to 3 minutes, the period not to exceed 30 minutes.

At the close of the period for the transaction of routine morning business, the Chair will lay before the Senate the unfinished business, H.R. 9270, the Department of Agriculture appropriation bill.

Time thereon is limited, under the agreement, to 2 hours. Time on amendments will be limited to 30 minutes on any amendment with the exception of amendments dealing with a ceiling on subsidies, in which case there will be a time limitation of 1 hour, with the further exception that 2 hours will be allotted on an amendment to be offered by the Senator from Indiana (Mr. BAYH).

Rollcall votes are expected on amendments, and, in accordance with usual practice, there will be a rollcall vote on passage of the appropriation bill.

I have been requested by the majority leader to remind Senators of the program for Friday, in connection with which rollcall votes are expected.

On Friday, at the conclusion of the period for the transaction of routine morning business, the Senate will proceed, under the order previously entered, to consider H.R. 9417, the Department of the Interior appropriation bill. A rollcall vote is expected on passage of that bill, following which the Senate is expected to proceed to the consideration of the bill making appropriations for the Departments of State, Justice, and Commerce, and a rollcall vote is expected on passage of that measure, with possible rollcall votes, of course, on any amendments thereto. So a busy day is in the offing for Friday.

ADJOURNMENT UNTIL 10 A.M.

Mr. BYRD of West Virginia. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in adjournment until 10 a.m. tomorrow.

The motion was agreed to; and (at 7 o'clock and 41 minutes p.m.) the Senate adjourned until tomorrow, Thursday July 15, 1971, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate July 14, 1971:

DEPARTMENT OF JUSTICE

David Luke Norman, of the District of Columbia, to be an Assistant Attorney General, vice Jerris Leonard.

U.S. DISTRICT COURTS

C. Stanley Blair, of Maryland, to be a U.S. district judge for the district of Maryland, vice a new position created by Public Law 91–272, approved June 2, 1970.

U.S. PATENT OFFICE

Rodney Doane Bennett, Jr., of Maryland, to be an examiner in chief, U.S. Patent Office, vice Isaac G. Stone, resigned.

IN THE AIR FORCE

The following officer to be placed on the retired list, in the grade of lieutenant general, under the provisions of section 8962, title 10, of the United States Code:

Lt. Gen. Selmon W. Wells, 013–32–0866FR (major general, Regular Air Force), U.S. Air Force.

The following officer to be assigned to a position of importance and responsibility designated by the President, in the grade of lieutenant general, under the provisions of section 8066, title 10, of the United States Code:

Maj. Gen. Louis L. Wilson, Jr., 234–16–0846FR (major general, Regular Air Force), U.S. Air Force.

IN THE NAVY

Vice Adm. Thomas F. Connolly, U.S. Navy, for appointment to the grade of vice admiral, when retired, pursuant to the provisions of title 10, United States Code, section 5233.

IN THE ARMY

The following-named persons for appointment in the Regular Army of the United States, in the grades specified, under the provisions of title 10, United States Code, sections 3283 through 3294 and 3311:

To be lieutenant colonel

Sherwood, Robert W., [redacted].

To be major

Choice, Fred D., Jr., [redacted].
Dubois, Raymond E., [redacted].
Dunne, William A., [redacted].
Malloy, John F., Jr., [redacted].
Mosley, Lavaughn C., Jr., [redacted].
Smith, Luther S., [redacted].

To be captain

Boynton, Robert E., [redacted].
Bulger, Dennis B., [redacted].
Council, Robert L., [redacted].
Damron, Donald W., [redacted].
Davis, Warner A., [redacted].
Davison, Max A., [redacted].
Eaton, Frederick A., [redacted].
Ellithorp, Herman A., [redacted].
Everett, Harry L., III, [redacted].
Foust, Edward D., [redacted].
Fryar, Harold D., [redacted].
Gabriel, Dale C., [redacted].
Gardner, Elijah H., [redacted].
Gibbs, James M., [redacted].
Grimshaw, James M., [redacted].
Inman, Ralph E., [redacted].

Ivanhoe, John R., [redacted].
Kurnick, John E., [redacted].
Langston, John W., [redacted].
Lemieux, Robert E., [redacted].
Mannschreck, Dannen D., [redacted].
McLean, William F., [redacted].
Melton, Sam E., Jr., [redacted].
Merrill. Bruce W., [redacted].
Mock, Robert L., [redacted].
Nelson, James M., [redacted].
Ness, Leroy T., [redacted].
Nurnberg, Richard A., [redacted].
Oakes, Bobby R., [redacted].
Pfetsch, John J., [redacted].
Porst, Edward A., [redacted].
Quash, Joseph A., [redacted].
Rea, Paul W., [redacted].
Reddy, Thomas G., [redacted].
Reiber, Curtis B., [redacted].
Remy, James E., [redacted].
Reynolds, James B., [redacted].
Robnett, Gary B., [redacted].
Roque, Francis X., [redacted].
Ruple, Charles W., [redacted].
Sangster, James H., [redacted].
Schilley, George R., [redacted].
Scott, Linda N., [redacted].
Spine, Mary L., [redacted].
Stanton, Gary A., [redacted].
St. Onge, Roland J., Jr., [redacted].
Taylor, Dell W., [redacted].
Waller Benjamin F., [redacted].
Washington, Bernard W., [redacted].

To be first lieutenant

Ahlers, Robert C., [redacted].
Ashmore, Lee E., [redacted].
Beeson, Frank J., [redacted].
Bolton, John D., [redacted].
Bouknight, Glenn E., [redacted].
Brown, Lynn B., [redacted].
Bruno, Robert A., [redacted].
Byce, Mills M., [redacted].
Cadorette, Raymond P., [redacted].
Cameron, Alexander W., [redacted].
Carey, John L., [redacted].
Carter, William G., [redacted].
Chapin, Gale W., [redacted].
Colonna, Delio G., Jr., [redacted].
Copeland, Guy L., [redacted].
Cumper, James W., Jr., [redacted].
Davies, Thomas E., [redacted].
Dellert, Bette A., [redacted].
De Spain, Richard C., [redacted].
Dickens, William P., Jr., [redacted].
Durr, David R., [redacted].
Forester, Jesse P., Jr., [redacted].
Fricas, John, [redacted].
Gorski, Raymond J., Jr., [redacted].
Gresdo, Dennis J., [redacted].
Gutzwiller, Donald J., [redacted].
Halcrow Charles M., [redacted].
Harris, Robert F., [redacted].
Hawkins, William E., [redacted].
Hogg, Alexander III, [redacted].
Judd, Curtis E., [redacted].
Kelly, Shelley H., [redacted].
Kesling, Peter R., [redacted].
Klumph, Forest A., [redacted].
Krantz, Thomas L., [redacted].
Lagarde, Douglas C., [redacted].
Leassear, Leonard A., [redacted].
Leonhard, John F., [redacted].
Little, Michael E., [redacted].
Lutz, James E., [redacted].
McCurdy, James R., [redacted].
McGovern, Patrick M., [redacted].
McLaughlin, Ronald M., [redacted].
McWard, Robert G., [redacted].
Miller, Billy J., [redacted].
Miller, John D., Jr., [redacted].
Missroon, James B., [redacted].
Morris, Linda L., [redacted].
Moss, Larry W., [redacted].
Mullek, Paul J., [redacted].
Northington, Edward F., [redacted].
O'Connell, David L., [redacted].
O'Connor, James L., [redacted].
Oleskevich, James M., [redacted].
Osborne, Timothy W., [redacted].
O'Sullivan, Joseph M., [redacted].
Pair, David E., [redacted].
Parr, Neal M., [redacted].
Perkin, Joe C., [redacted].
Pritchett, James L., [redacted].
Randall, Amos, [redacted].
Rawls, Richard W., [redacted].
Sanderson, David E., [redacted].
Saugstad, Edward S., [redacted].
Sherry, James F., [redacted].
Silcox, Franklin H., [redacted].
Smeeks, Frank C., Jr., [redacted].
Sullivan, Daniel W., [redacted].
Sullivan, Max D., [redacted].
Taylor, John M., [redacted].
Tesch, Thomas N., [redacted].
Vass, James E., Jr., [redacted].
Waddell, Edgar C., Jr., [redacted].
White, Edward D., Jr., [redacted].
Williams, James A., [redacted].
Williams, Robert H., [redacted].
Wishik, Jeffrey L., [redacted].
Wright, Thomas J., [redacted].
Zimmerman, Matthew A., [redacted].

To be second lieutenant

Allen, Roy J., Jr., [redacted].
Alley, Claude R., [redacted].
Bresnan, Frederick J., [redacted].
Conn, Joseph N., [redacted].
Dale, Thomas D., [redacted].
Dye, Robert J., [redacted].
Eargle, Francis L., [redacted].
Elias, Thomas E., [redacted].
Fucci, Joseph A., [redacted].
Helmick, John C., Jr., [redacted].
Jobe, Jerry L., [redacted].
Littlejohn, Edward H. III, [redacted].
Mattina, John C., [redacted].
Mickley, Brian T., [redacted].
Miller, William J., Jr., [redacted].
O'Halloran, Peter F., [redacted].
Raupp, Lloyd N., [redacted].
Rennie, Donald S., [redacted].
Sayre, Richard G., [redacted].
Sydow, John H., [redacted].
Thornton, Dale E., [redacted].
White, Lance M., [redacted].
Whitten, Arthur R., [redacted].
Yount, Everett R., Jr., [redacted].

The following-named distinguished military students for appointment in the Regular Army of the United States, in the grade of second lieutenant, under provisions of title 10, United States Code, sections 2106, 3283, 3284, 3286, 3287, 3288, and 3290:

Arndt, Kenneth R., [redacted].
Barnhart, John D., [redacted].
Bendall, Robert W., [redacted].
Bilyj, Myron, [redacted].
Christopher, Charles D., [redacted].
Crosson, Thomas E., [redacted].
Deppe, David C., [redacted].
Dueweke, Michael J., [redacted].
Enos, Gary W., [redacted].
Fox, Jimmy T., [redacted].
Gorby, John C., [redacted].
Haagenson, Robert S., [redacted].
Hagan, William R., [redacted].
Harpole, Jan H., [redacted].
Heinemann, Warren F., [redacted].
Hilliard, David W., [redacted].
Isom, James H., [redacted].
Johnson, Berner R., Jr., [redacted].
Juskowiak, Gary L., [redacted].
Kerins, James W., [redacted].
McGavic, David W., [redacted].
McGhee, Raymond Y., Jr., [redacted].
Morris, Jeffrey B., [redacted].
Morrison, Gary A., [redacted].
Oberholtzer, William I., [redacted].
Plagemann, David J., [redacted].
Powers, Keith P., [redacted].
Reed, James T., Jr., [redacted].
Rodriguez, Robert W., [redacted].
Shott, George C., Jr., [redacted].
Simonsen, Peter C., [redacted].
Stone, Larry Z., [redacted].
Strebel, Paul J., [redacted].
Sutcliffe, Peter C., [redacted].
Williams, Thomas D., [redacted].
Wong, Chadwick W., [redacted].

The following-named scholarship students for appointment in the Regular Army of the United States in the grade of second lieutenant, under provisions of title 10, United States Code, sections 2107, 3283, 3284, 3286, 3287, 3288, and 3290:

Flanagan, Stephen A., [redacted].
Johnson, Terry L., [redacted].
Kleinkauf, Richard T., [redacted].
McMurdo, Strathmore K., Jr., [redacted].

IN THE NAVY

Doyle E. Campbell, Medical Corps, U.S. Navy, for temporary promotion to the grade of commander in the Medical Corps, subject to qualification therefor as provided by law.

The following-named officers of the U.S. Navy for temporary promotion to the grade of lieutenant commander in the Medical Corps, subject to qualification therefor as provided by law:

Daly, Richard G.
Hardy, John S., Jr.
Malinovsky, Michael R.
Mullen, John O.
Rohren, Charles H.
Vasquez, Guillermo A.
Ellsworth, Robert M.
Harris, Clarence M.
McCarthy, John J.
Prutsok, Leonard G.
Rhyne, Dennis A.

The following-named officers of the U.S. Navy for temporary promotion to the grade of lieutenant in the line, subject to qualification therefor as provided by law:

Currivan, John D.
Smethers, James R.
Krasik, Steven L.
Taylor, Kent D.

George H. Huban, Jr., U.S. Navy, for temporary promotion to the grade of lieutenant in the Supply Corps, subject to qualification therefor as provided by law.

John F. Anderson, Supply Corps, U.S. Navy, for permanent promotion to the grade of lieutenant in the Supply Corps, subject to qualification therefor as provided by law.

William D. Cohen, Judge Advocate General's Corps, U.S. Navy, for permanent promotion to the grade of lieutenant in the Judge Advocate General's Corps, subject to qualification therefor as provided by law.

David W. Anderson, Supply Corps, U.S. Navy, for transfer to and appointment in the line, not restricted in the performance of duty, in the permanent grade of ensign.

Thomas F. House, Jr., Civil Engineer Corps, U.S. Navy, for transfer to and appointment in the Supply Corps in the permanent grade of ensign.

James P. Lawton, U.S. Navy, for transfer to and appointment in the Supply Corps in the permanent grade of ensign.

George C. Leland, U.S. Navy, for temporary promotion to the grade of lieutenant and for permanent promotion to the grade of lieutenant (junior grade) in the line, subject to qualification therefor as provided by law.

The following-named Naval Reserve Officers' Training Corps candidates to be permanent ensigns in the line or staff corps of the Navy, subject to qualification therefor as provided by law:

Kasica, James A.
Long, Robert H.

The following-named officers of the U.S. Navy for promotion to the grade of lieutenant (junior grade) in the line and staff corps, as indicated, subject to qualification therefor as provided by law:

LINE

Acre, Clifton H.
Anderson, Merlin F.
Ator, Roy E.
Banister, Robert L.
Beck, Allen E.
Anderson, Charles E.
Ashlock, Edward L.
Aycock, Joe E.
Beagle, Charles B.
Bennett, James P.
Berry, Jack W.
Boor, Leo J.
Brackett, John W.
Brown, David A.
Cameron, Robert M.
Campbell, Leonard M.
Carter, John G.
Comeau, Thomas A.
Creel, Cecil D.
Currie, Henry T.
Dallman, Rogert A., Sr.
Davis, Neil C.
Desantis, Armand J.
Dill, Mylnor A.
Dresbach, Melvin L.

Dunning, James L.
Fairchild, John O.
Finfrock, Patrick
Fisher, John S.
Folkers, Dale C.
Frantz, James A.
Garrahan, Richard
Glover, Thomas J.
Graham, Dennis L.
Gregory, James A.
Halliday, Alvin L.
Hand, John M.
Harris, Harold D.
Hartman, David L.
Hawtin, David R.
Hennegan, Dennis S.
Hillman, Lester R.
Holiway, Weldon Y.
Howell, Robert D., Sr.
Hughes, Charles E.
Hulsey, William D., Jr.
Jeffcoat, James J.
Kayler, Robert S.
Kloke, Carl H.
Lane, Richard D.
Lardner, Thomas P.
Londot, Jack L.
Mansfield, John A.
Martin, David F.
May, Harlin C.
McGee, Thomas E.
McKay, Russell L.
Melton, William G.
Miller, Richard S.
Moen Rodney C.
Mueller, Robert A.
Myrick, Jerry E.
Northrup, Donald J.
Oliver, Richard H.
Propst, Edward R.
Rasmussen, Anker M.
Renwick, David
Rice, Charles O.
Rigg, Donald A.
Romito, Vincent A.
Russell, George W., Jr.
Russell, Richard L.
Schier, Robert M.
Sears, James A.
Sherrill, James D.
Shaw, Larry R.
Southerland, Macy J.
Stanford, Edmund H.
Sullivan, James S.
Tessier, Harley D.
Thompson, James E.
Toomey, Thomas P.
Turk, Joseph
Turney, Jack E.
VanDyne, Leroy T.
Blackmon, Joe L.
Bowers, William E.
Brasil, Robert F.
Bunch, Duane W.
Campbell, Cager W.
Carroll, John H.
Chisholm, Leonard M.
Coons, Bard S.
Critser, Arthur E.
Curry, Samuel G., II
Daughton, Gary L.
Deffenbaugh, Dale C.
Detwiler, Donald V.
Dorsey, Edward B.
Duke, Arnold L.
Espy, Ira J.
Feuerbacher, August A.
Fischer, Henry A.
Flanders, Mack H.
Foster, Charles L.
Garner, James H.
Giles, James
Goodrum, Daniel J.
Green, William L., Jr.
Hale, Charles A.
Hammond, Riley G.
Harris, Bobby L.
Harter, Larry L.
Haver, Richard I.
Hendricks, Jerry F.
Hight, Harvey B.
Holder, "J" "D"
Howard, John D.
Hudson, James E.
Hughes, James
Huszar, Martin W.
Kay, Raymond E.
Kearns, Thomas O.
Krygier, Thomas J.
Lappin, Thomas L.
Larsen, Raymond H.
Losli, Gerald G.
Marino, Raffaele
Matthews, Dale M.
McCullough, Harvey T., Jr.
McGrath, Daniel J.
McLean, Angus L., Jr.
Mercer, Laurice W.
Millspice, Edgar J., Jr.
Morales, Vicente
Mullen, George A.
Nolin, Robert
Nowling, Clyde J.
Pirozzoli, David P.
Quinn, Richard A.
Renshaw, James A.
Reuter, Kenneth E.
Ridener, Linville L.
Rockwood, Donald J., Jr.
Rumer, William H.
Russell, Perry B.
Schelin, Theodore C.
Schmid, Walter A.
Shelton, Lynn D.
Shreve, Julius G.
Smith, David W.
Spence, Herbert, Jr.
Sturgill, Cleveland H.
Taylor, Douglas K.
Thomas, Gordon J.
Thomson, Bruce L.
Toon, Norbert L.
Turley, Brian D.
Twombly, Bennett C.
Walsh, Myles E.
Werling, Robert
Williams, Alton L.
Wilson, Philip B.
Yott, George J.
Wheeler, Sidney W.
Wilson, Jerrold B.
Yavorosky, Vincent M.

SUPPLY CORPS

Bishop, Charles R.
Frial, Ernesto F.
Kyser, Harold H.
Lord, Don
Platt, Larry D.
Verbic, Alan R.
Elkins, Franklin D.
Kuzel, Norman E.
Lockey, Donald L.
Mitchell, Donald R.
Sutton, Morris L.

CIVIL ENGINEER CORPS

Blake, Joseph A., Jr.
Ferguson, Carl E.
Davis, William L.

MEDICAL SERVICE CORPS

Auld, John N.
Boyce, Richard
Chapman, Raymond N., Jr.
Cooper, James M.
Davis, Leslie A.
Figura, Richard T.
Fowler, David W.
Grisham, Onis H.
Harrington, Gary R.
Janoski, Thomas J.
Johnson, John L., Jr.
Knight, James D.
Kubal, John L.
Lauver, David J.
Lindsay, Richard J.
McClintock, Thomas W.
Nelson, Lee D.
Pakowski, Lawrence P.
Powers, James M.
Renish, John F.
Ryder, Richard G.
Shibley, David R.
Simmons, Larry O.
Sparks, Buddy T.
Strnad, William R.
Vrabel, John W.
Wayland, Marshall W., Jr.
Welch, Richard R.
Wiggins, Michael C.
Yates, Ronald R.
Benson, Milton J.
Carroll, Norman E.
Collins, Jimmy R.
Cox, Peter T.
English, Jerry W.
Foro, Bradley R.
Glover, Wayne P.
Guilliams, Lewis W.
Helley, John A.
Jay, George W.
Johnson, Wesley J.
Knight, Paul L.
Land, Clarence E.
Laverick, George R.
Masterson, Francis W., Jr.
McKee, Roland E.
Oaks, Wendell M., Jr.
Peterman, Eugene A.
Prucino, Joseph F.
Rinard, Lanny A.
Sciarrini, Dominic E.
Shockley, Richard S.
Smith, James T.
Storment, John H.
Suttle, Douglas
Waddington, Gregory
Weeks, William E., Jr.
White, William L.
Williamson, Robert L.

In the Marine Corps

The following named (platoon leaders class) graduates for permanent appointment to the grade of second lieutenant in the Marine Corps, subject to qualifications therefor as provided by law:

Ahrens, Paul R.
Battaglini, James R.
Blazanin, Michael C.
Blose, Robert B.
Bowman, Denham W.
Boyer, David R.
Brinkley, Clyde S., Jr.
Carney, James T.
Chambless, Ronald W.
Conry, Kevin A.
Craig, Stewart I.
Crayton, Louis B.
Davis, Douglas R.
Durham, Jan M.
Edwards, Michael E.
Farmer, Jackie L.
Foss, Charles C., II
Fremin, John P.
Fry, David R.
Goodchild, Robert G.
Hagain, Emory J.
Hamilton, Phillip T.
Heinz, John H.
Hibbens, Steven C.
Himes, John
Howald, Russell J.
Huck, Richard A.
Kossey, Michael E.
Mahoney, Roger E.
Mc Hale, Kevin J.
Mc Mahon, John F.
Mead, Marshall
Meisenback, William K.
Meng, Ronald L.
Moore, Steven B.
Moore, Timothy B.
Morstatt, George J.
Mott, Charles L., Jr.
Musella, Martin L.
Najjar, Joseph A.
Napoleon, Henry, Jr.
Nicoletti, Thomas E.
Pardo, Cruz
Petro, Gregory P.
Pitner, Robert P.
Pittman, Lonny D.
Queen, Harold E., II
Randall, Bruce A.
Rerucha, John W.
Rueger, Ronald L.
Russo, Joseph L.
Scott, George R.
Seitz, Peter A.
Shi, James S.
Sultenfuss, Frank W.
Thurston, Arleigh E.
Tourney, Michael R.
Treleaven, Peter L.
Vogel, Robert C.
Vontungeln, Michael
Vonwald, Gregory J.
Walker, Sheldon E., Jr.
Young, Stephen M.
Younkins, James M.

The following-named Army Reserve Officers' Training Corps graduate for permanent appointment to the grade of second lieutenant in the Marine Corps, subject to qualifications therefor as provided by law:

Knapp, John W.

The following-named Naval Reserve Officers' Training Corps graduates for permanent appointment to the grade of second lieutenant in the Marine Corps, subject to the qualifications therefor as provided by law:

Ramsey, Donald W.
Brown, Dennis L.

The following-named staff noncommissioned officer for temporary appointment to the grade of second lieutenant in the Marine Corps, subject to the qualifications therefor as provided by law:

Shivers, Stephen L.

CONFIRMATION

Executive nominations confirmed by the Senate July 14, 1971:

Department of the Interior

Richard Stockwell Bodman, of California, to be an Assistant Secretary of the Interior.

EXTENSIONS OF REMARKS

CONQUEST OF CANCER ACT

HON. ROBERT P. GRIFFIN

OF MICHIGAN

IN THE SENATE OF THE UNITED STATES

Wednesday, July 14, 1971

Mr. GRIFFIN. Mr. President, I was pleased to cast my vote with the majority in the Senate in favor of S. 1828, the Conquest of Cancer Act. When this bill was first introduced in the Senate on May 11, 1971, I was one of its cosponsors.

Mr. President, this legislation will now be considered by the Committee on Interstate and Foreign Commerce of the House of Representatives.

Mr. President, there is no health concern more important than the deep concern of millions of Americans about cancer. A 1966 poll revealed that 62 percent of all the people of America fear cancer more than any other disease. This concern is warranted, for of the 200 million Americans alive today, 50 million will develop some form of cancer and 34 million will die of cancer if better methods of prevention and treatment are not discovered.

Cancer strikes without regard to age, race, or economic level. It kills the old and the young. Of the deaths from cancer, half will occur after the age of 65. Among children and young people cancer will cause more deaths than any other disease.

The cost of this disease to our Nation is staggering. The number of cancer deaths last year—in one year—was eight times the number of lives lost in 6 years in Vietnam, 5½ times the number killed in automobile accidents' and more than the number of Americans killed in battle in all 4 years of World War II.

Also, as any who has lost a loved one to this dread disease can attest, cancer is an ugly disease. It strikes as harshly at human dignity as it does at human life. In addition, more often than not, it represents financial catastrophe for the family which it strikes.

But, while this dread disease continues, there is strong evidence that we in our generation may be on the verge of making some significant headway in the battle. Recently there has been a broad and powerful wave of advances in cancer research. Our continuing support of biochemical research has yielded advances in cell biology, in chemical carcinogenesis, in virology and immunology, in diagnosis, in chemotherapy and radiotherapy and in combination treatments which have produced optimism in the scientific community. Distinguished scientists agree that the time is ripe for intensifying our war on cancer.

This bill, S. 1828, reflects the intense sense of urgency which is felt in Congress and throughout the Nation about the need to expand cancer research.

As reported, this bill was supported unanimously by the Senate Committee on Labor and Public Welfare, and it is supported by President Nixon, by the chairman of the Senate Health Subcommittee, Mr. KENNEDY, and by scientists who have devoted their lives to fighting this devastating disease.

S. 1828 is designed to launch an expanded, intensified and coordinated war on cancer. To wage this extraordinary battle, the bill will create an independent Conquest of Cancer Agency within the National Institutes of Health. Under the bill, the Director of the Agency will report directly to the President, and this provision serves to emphasize the very high priority assigned by the administration to the fight against cancer. At the same time, placing the agency within the NIH recognizes that cancer research can benefit from the critically important relationship already established with other biomedical research being conducted at NIH.

It is important to note that we have assurance that this new Conquest of Cancer Agency will receive the financial resources necessary to carry out its programs. The President's request for $100 million in supplemental funds, which has passed Congress, brings to $332,234,000 the budget authority for the agency in fiscal year 1972.

On May 11, when this legislation was proposed, the President said:

> I feel confident that with such funding as I have proposed, with such organizations as we are developing, with the dedicated efforts of thousands of men and women from many disciplines, and with the cooperation of the Congress and the people of the United States, we can make great strides against this terrible enemy, bringing new hope for all Americans—and indeed new hope for all the world.

I hope now that the House of Representatives will act swiftly to approve this legislation in order that this hope can soon become a reality.

THE KENT STATE MURDERS—JUSTICE DELAYED IS JUSTICE DENIED

HON. BELLA S. ABZUG

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 14, 1971

Mrs. ABZUG. Mr. Speaker, more than a year ago, on May 4, 1970, four students were killed by National Guard fire at Kent State University. An FBI investigation determined that the National Guardsmen were in no danger from the student demonstrators, and all the evidence indicates that there was no justification for the shooting. In fact, the Guardsmen seem to have taken it upon themselves to inflict summary punishment on the demonstrators. Since that time there have been numerous calls on the Justice Department to bring the matter before a Federal grand jury for the indictment of those responsible. The Justice Department has repeatedly stalled in making its decision, though we have seen in the case of Daniel Ellsberg how fast they can move when they want to.

On May 13, 1971, 20 Members, including myself, wrote to Attorney General Mitchell requesting action on this matter; most recently, the Justice Department stated on June 21 that it would announce a decision within a month of that time.

In Saturday's Washington Post, there appeared a most moving letter from Arthur Krause, father of one of the slain students. At this point, Mr. Speaker, I am including in the RECORD Mr. Krause's letter:

THE KENT STATE KILLINGS: "HOW WOULD YOU EXPLAIN TO PEOPLE . . . ?"

In your argument with the U.S. Department of Justice many vital questions have been raised. Our judicial system has moved swiftly to resolve the impasse and the outcome will have far reaching consequences for our future as a democracy. In my argument with the U.S. Department of Justice many questions have been raised and, to some Americans, they are equally as vital to the nation's future because they involve life and death and the right of a citizen to due process of law. However, in my case the Department of Justice is preventing the judicial system from resolving the questions raised in the killing of my daughter and three other students at Kent State University.

I shall not burden you with all the obvious reasons why a federal grand jury should investigate the circumstances surrounding the shooting of May 4th last year. Rather I will let the following quotations speak for themselves in conveying to you the urgent need for justice to be allowed to review this tragedy.

"As a lawyer, I am conversant, and I suppose most people who follow the courts are conversant, with the fact that where there is no premeditation but simply an over-response in the heat of anger that results in a killing, it's murder. It's not premeditated, but it's murder, and certainly can't be condoned."—Vice President Agnew, May 7, 1970.

"We have some reason to believe that the claim by the National Guard that their lives were endangered by the students was fabricated subsequent to the event . . . Aside entirely from any questions of specific intent on the part of the Guardsmen or a predisposition to use their weapons, we do not know what started the shooting."—Justice Department Summary of the FBI investigation, July, 1970.

"In light of the new documentation of the FBI's findings of 'fabrication' and other facts that shatter the stage grand jury's primitive, prejudiced version of events, clear questions arise. Will the Justice Department initiate federal proceedings? Or will the results of the FBI's labors be buried in J. Edgar Hoover's vaults? And if so will the media let the suppression stand?"—James Wechsler, New York Post, October 28, 1970.

"I was in the office of the Deputy Guard Commander, Brigadier General Robert Canterbury, when I overheard him say on the telephone, referring to the chaplain, Major John Simons, 'We've got to shut him up. This could be fatal,' "—Mr. Schakne, CBS–TV News, Nov. 3, 1970.

"Because of the involvement of the National Guard, which is an arm of the federal defense establishment, and because of the possibility that an infrigement of federal civil rights laws may be involved, presentation of evidence to a federal grand jury becomes necessary."—Akron Beacon Journal editorial, Nov. 5, 1970.

"The Justice Department has an unpaid debt to the victims of the shootings and their families to initiate its own proceedings, making full use of the FBI findings that J. Edgar Hoover has tried to bury. The central thrust of those findings was that nothing happened at Kent State that justified the killings."—New York Post editorial, Jan. 29, 1971.

"I think a federal grand jury investigation is both necessary and proper." —Former Pennsylvania Governor William F. Scranton, June 22, 1971.

"Law enforcement officers should use only the minimum force necessary in dealing with disorders when they arise. A human life—the life of a student, soldier or police officer—is a precious thing, and the taking of a life can be justified only as a necessary and last resort." —President Nixon, December 10, 1970.

"The public has a right to know whether the force exercised in its name has been rightly exercised. The families of those who died have a right to know why they were killed . . . None of the investigations has afforded the injured parties—and society—an accounting from those responsible for these (Kent and Jackson) exercises of official violence. They may be able to justify their actions, but they have not yet been obliged to do so in a forum where their explanation is subject to cross examination and the rules of evidence." —National Council of Churches and other religious groups, May 3, 1971.

"The results of the Ohio State grand jury have been seriously questioned by the FBI and the Scranton Commission report, serving to create more doubt. Only a federal grand jury can provide the kind of information necessary to satisfy the many doubts that surround the tragic event which occurred at Kent State."—Congressmen Moorhead and Vanik and others, May 19, 1971.

"Washington can move fast enough when it chooses. A federal grand jury is already at work on the 'leak' of the Pentagon papers. It will be difficult for most Americans to understand why the violent deaths of four students have evoked no comparable priority." —New York Post editorial, June 25, 1971.

"An Ohio grand jury absolved the Kent State Guard of any guilt in the deaths of four students, even though they indubitably killed them." —The London Times, Jan. 31, 1971.

"Justice delayed is not only justice denied, it is justice circumvented, justice mocked, and the system of justice undermined."—President Nixon, March 11, 1971.

"The total silence and inactivity of the administration in the face of a Presidential Commission's clear conclusion that grievous acts which resulted in the loss of human life were apparently committed by identifiable individuals makes its evident contempt for our more general recommendations pale into comparative insignificance. It is inconceivable that the Department of Justice would refuse to convene a federal grand jury in Ohio on the basis of the Commission's conclusions supplemented by evidence developed by the FBI and the obvious miscarriages of justice occurring on the state level.—James F. Ahern, June 22, 1971.

"They (the four killed at Kent State) and their brothers at Jackson State and Orangeburg, were killed by the conscious deliberate acts of other men."—James F. Ahern, May 4. 1971.

"There were two guardsmen who committed second degree murder. The FBI knows about these two guardsmen, but it wasn't brought before the (state) grand jury."—Joseph Rhodes Jr., Nov. 30, 1970.

Gentlemen, I am one of those Americans who find it extremely difficult to understand why the deliberate killing of my child and the three who died with her evokes no "comparable priority." And in despair I ask you how it is that so many hints that the shooting was a "conscious deliberate act" can be so cynically and callously ignored?

I will conclude by saying that this letter was prompted by the following item in this week's issue of Time Magazine concerning your legal conflict with the Justice Department:

"The White House insisted, with much justification, that it must take action when it feels that a law has been violated. 'How would you explain to people that you elected not to enforce the law?' asked one presidential aide."

ARTHUR S. KRAUSE.

PITTSBURGH.

Mr. Speaker, Attorney General Mitchell claims to stand for "law and order." Here is a chance for him to demonstrate that. Certainly, if the administration refuses to act in the face of strong evidence that the crime of murder has been committed, we have neither law nor order. We must not allow the tragic events of Kent State to be repeated, and to help prevent this those responsible must be held to account. If the Justice Department fails to act, they will be showing the world that America is a nation of liberty and justice not for all, but for some.

MOTOR CARRIER INDUSTRY LOSES EFFECTIVE SPOKESMAN IN DEATH OF JOHN V. LAWRENCE

HON. JENNINGS RANDOLPH

OF WEST VIRGINIA

IN THE SENATE OF THE UNITED STATES

Wednesday, July 14, 1971

Mr. RANDOLPH. Mr. President, it saddens me to report to the Senate the death yesterday of John V. Lawrence, a founder and first managing director of the American Trucking Associations.

I knew Mr. Lawrence for many years, both as a friend and as a responsible, articulate spokesman for his industry. Many Members of the Senate and House of Representatives came into frequent contact with him during his career and came to respect him as a man of character who made many contributions to the development of the American transportation system as we know it today.

For 31 years, until his retirement in 1964, Mr. Lawrence was associated with the trucking associations and during that time performed a major role in the building of the Nation's motor carriers. He joined the associations in 1933 as assistant general manager. He became general manager in 1935 and in 1943 was named managing director, a position he held until his retirement.

Mr. Lawrence was concerned primarily with policy matters of the motor carrier industry and represented it before the Congress and Federal regulatory agencies. He continued to serve the ATA as a consultant following his retirement.

Throughout his career, Mr. Lawrence was an admirer of the American legislative process. He believed in the integrity of the Congress and was sincerely dedicated to helping it work for the general welfare of all citizens. His dealings with the Congress were always straightforward and he stressed to the members of his organization the importance of honest, open relationships with the legislative branch of Government. The result, I believe, was an industry-Congress understanding and good faith.

Mr. Lawrence helped to organize the American Trucking Associations at a time when the industry was coming under widespread Government regulation and helped it become accustomed to this new regulation.

During World War II, he helped marshal the trucking industry's contribution to the war effort. He was one of those who helped to organize the Army Transportation Corps, and he provided other valuable assistance during the war.

Mr. President, the work of Congress is facilitated by the presence in Washington of men like John Lawrence as representatives of industry. He knew his industry well, and he knew and was able to meet the requirements of Congress.

His loss is not only that of a spokesman for an important segment of our national economy but of an admirable human being and an associate in worthwhile endeavors.

ARTS AND HUMANITIES—THE NATION'S FUTURE

HON. JOHN V. TUNNEY

OF CALIFORNIA

IN THE SENATE OF THE UNITED STATES

Wednesday, July 14, 1971

Mr. TUNNEY. Mr. President, it has been said that the level of artistic development and the quality of urban environment are two critical measures by which a society can be ranked on the scale of civilization, and that it is by our art that we will be remembered in the future, long after political, economic, and social institutions have changed beyond recognition. With the many urgent and pressing problems facing all of us in our daily lives it is easy to forget or to relegate to an inferior position an area such as the arts. But the arts can be a vital and significant contribution to the improvement of our lives and can aid us in solving some of the problems which confront us. It is for this reason, as well as for the cultural betterment of our society that we must aid the arts in our communities, in our States, and here in Congress.

In 1963 the legislature of the State of California enacted a law to create the California Arts Commission in the belief that the general welfare of the people of California would be promoted by "giving further recognition to the arts as a vital part of our culture and heritage and as an important means of expanding the scope of our educational program." The legislature had found that many Californians lacked the opportunity to view, enjoy, or participate in musical concerts, operas, dance and ballet recitals, are exhibits, live theatrical performances, and the performing and visual arts generally.

California was just one example of what was taking place across the United States in the field of art and culture at this time. It was society in America generally which had failed to accord the arts a respected and honorable place in the everyday life of all citizens. In a study of the California Arts Commission by Mel Scott, published this year by the Institute of Governmental Studies, the problems and potential of the artist in society are discussed. The study explains that increased interest in the arts on all levels could "provide more employment for artists, and expanded activities in the arts would assure more jobs for many other citizens: architects and designers of theaters, concert halls, and museums; building trades workers, impresarios, publicists, stage hands, and janitors, curators and docents. In addition, legions of motel and hotel managers, clerks, and culinary workers would be needed to serve the 'many visitors' attracted by California's cultural offerings. Thus the entire economy of the state would benefit."

Following the lead of such States as New York and California, the U.S. Congress took action in 1965 to help support the arts and the humanities throughout the country by means of a broadly conceived policy of a National Foundation on the Arts and the Humanities—Public Law 89–209. The Foundation consists of a National Endowment for the Arts and a National Endowment for the Humanities, and a Federal Council on the Arts and the Humanities to insure coordination of the two Endowments.

The purpose of the National Endowment for the Arts is the establishment of a program of grants-in-aid or contracts with individuals, non-profit or public groups, and the States in order to aid the development of the arts and artists. The administration of the National Endowment for the Arts is carried on by an advisory council and a chairman. The council is composed of private citizens appointed by the President who advise the Chairman of the Endowment on policies and programs and review the applications for financial assistance.

In addition to having the Endowment administered by private citizens, another safeguard against any possible risks of Government control or censorship of the arts is included in the wording of the law itself which expressly forbids any "direction, supervision, or control over the policy determination, personnel, or curriculum, or the administration or operation of any non-Federal agency, institution, orangization, or association" in the administration of the National Foundation.

The National Endowment for the Arts is the major vehicle through which Federal money is channeled to the States, organizations, and individuals concerned with the performing or visual arts. There are other Federal programs under which money for specific arts projects can be applied for which are smaller in scale than the National Endowment. Examples of these Federal programs include the incorporation of fine arts in the design and construction of new Federal public buildings; performing artists in Job Corps programs; chamber music concerts at the Library of Congress—free to the public—commissions to composers by the Library of Congress; National Gallery of Art fellowships; Bureau of Reclamation art program; and the development of Indian arts and crafts administered by the Department of the Interior.

The National Foundation on the Arts and the Humanities has requested a total budget of $63,431,000 for fiscal year 1972, with each Endowment receiving about one-half of the total figure. If the Congress should approve appropriations for this amount, the arts would be greatly aided. The National Endowment for the Arts would receive $30,000,000 from the Federal Government, and in addition would be the money from matching State grants under a Federal/State partnership. According to Nancy Hanks, chairman of the National Endowment for the Arts, every Federal dollar generates from $3 to $4 more, which would be an extra boost to artists and cultural organizations.

It is the purpose of a recently formed private group, Partnership for the Arts, to call public attention to the plight of the arts nationwide. They urge full funding of the fiscal 1972 authorization for the National Arts Endowment, further contributions by the State governments, and an expansion of county, city, corporate, and individual participation.

The goal of the Partnership for the Arts, chaired by Mr. Amyas Ames, is to raise the level of Federal funding to $200 million, which would be 13 times the current appropriation of the National Endowment. Mr. Ames says that this is necessary in order to realize the full value of the arts as one of our country's most previous natural resources. One of the prime purposes of Federal support for the arts is to challenge the States, counties, cities, corporations and individuals to greatly increase their share and work together with the Federal Government in keeping the arts alive and healthy and enabling them to grow.

The Partnership for the Arts believes that funding of the arts at the $200 million level would display at vitally needed public commitment to support the arts and would place the United States more in perspective with other nations of Western Europe and Canada in the amounts expended per person on the arts. It is argued that at present the U.S. Government annually contributes 7½ cents a person to the arts; while in comparison, the Austrian Government with a population of 7 million spends $2 a person, and the Canadian Government with a population of 20 million spends $1.40 a person. The partnership hopes to generate enough bipartisan support to revitalize the arts.

In light of the laudable eventual goal of the Partnership for the Arts, the current request by the National Endowment for the Arts and for the Humanities for $63,431,000 appears especially reasonable.

The importance of art and the role of the artist in our society must not be overlooked in our impatience to solve the many domestic and international problems facing us today. Art and those who can create or interpret art have a vital place in the betterment of our Nation, and one of the most moving and poignant reminders of this is contained in the remarks of the late President John F. Kennedy upon receiving an honorary degree at Amherst College in October 1963:

> If sometimes our great artists have been the most critical of our society, it is because their sensitivity and their concern for justice, which must motivate any true artist, makes him aware that our Nation falls short of its highest potential. I see little of more importance to the future of our country and our civilization than full recognition of the place of the artist.
>
> If art is to nourish the roots of our culture, society must set the artist free to follow his vision wherever it takes him. We must never forget that art is not a form of propaganda; it is a form of truth . . . .
>
> In serving his vision of the truth, the artist best serves his nation. And the nation which disdains the mission of art invites the fate of Robert Frost's hired man, the fate of having "nothing to look backward to with pride, and nothing to look forward to with hope."
>
> I look forward to a great future for America, a future in which our country will match its military strength with our moral restraint, its wealth with our wisdom, its power with our purpose. I look forward to an America which will not be afraid of grace and beauty, which will protect the beauty of our natural environment, which will preserve the great old American houses and squares and parks of our national past, and which will build handsome and balanced cities for our future.
>
> I look forward to an America which will reward achievement in the arts as we reward achievement in business or statecraft. I look forward to an America which will steadily raise the standards of artistic accomplishment and which will steadily enlarge cultural opportunities for all of our citizens. And I look forward to an America which commands respect throughout the world not only for its strength but for its civilization as well. And I look forward to a world which will be safe not only for democracy and diversity but also for personal distinction.

It has been almost 10 years since these words were spoken and we have done a great deal to raise the standards of artistic accomplishment and enlarge the cultural opportunities for all of our citizens. But we have much further to go. With the combined effort of Members of Congress, the arts councils of our 50 States, and the many individuals across the Nation who are concerned and willing to devote the time and effort needed to bring the arts into a focal point of American life, with the aid of these citizens perhaps we can someday know an America which commands respect throughout the world for its civilization.

INTERNATIONAL YOUTH CONFERENCE ON THE HUMAN ENVIRONMENT

HON. JOHN BRADEMAS

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 14, 1971

Mr. BRADEMAS. Mr. Speaker, as sponsor of the Environmental Education Act of 1970, I rise to call attention to the forthcoming International Youth Conference on the Human Environment, which will be held at McMaster University in Hamilton, Ontario from August 20 through August 30, 1971.

WORLD YOUTH TO ASK QUESTIONS

Young people from all over the world—from developed and developing nations alike—will gather in Canada to discuss environmental problems including overpopulation, the depletion of natural resources, hunger and environmental pollution. Their concern is the deteriorating condition of our planet. Their theme is "Youth and Environmental Action."

Mr. Speaker, the delegates to this conference will be asking such questions as what are the limits of the earth's ability to support mankind's population growth and what should nations, individual citizens and young people in particular be doing to protect the environment of which we are a part?

Hopefully, Mr. Speaker, some of the answers to these and other questions will begin to emerge as the conference participants pursue their fourfold objectives: First, to focus the attention of young people around the world on the condition and problems of the human environment; second, to review the present activities undertaken by young people and assess their role in coping with future environmental problems; third, to prepare the basis of an international action program by young people for the rational use and conservation of the human environment; and fourth, to consider the involvement of youth in the formulation of international action plans and agreements to be discussed at the United Nations conference on the Environment to be held in Stockholm in 1972, as well as to facilitate the participation of young people in the resulting programs of the United Nations and other international organizations.

IDEA ORIGINATED AT NOTRE DAME

Mr. Speaker, I am proud to report that the concept for such a broad-based and constructive conference originated through the efforts of a group of graduate and undergraduate students at the University of Notre Dame, located in my own Third Congressional District of Indiana. A non-profit organization, the Environic Foundation International, was formed by these students to receive and administer funds and to serve as an organizational base for the Ontario conference. I am pleased to compliment this imaginative and energetic effort.

UNITED NATIONS SUPPORTS CONFERENCE

Mr. Speaker, the conference in Canada is being jointly sponsored by the Secretariat for the United Nations Conference on the Human Environment, The International Youth Federatiton for Environmental Studies and Conservation, the International Union for the Conservation of Nature and Natural Resources and the Environic Foundation International. Cooperation and assistance are being provided by the Canadian government and the Youth Division of UNESCO. The planning committee for the 1972 United Nations Conference deserves credit for its efforts to involve young people in seeking solutions to the global problems described above.

Spokesmen will be chosen in Ontario to present the recommendations of the Youth Conference to the 1972 United Nations meetings in Stockholm and a delegation representing international youth groups will participate as observers in the workings of the committees at the United Nations Conference.

It is now clear, Mr. Speaker, that destructive environmental conditions pay as little respect to international political boundaries as they do to our own state borders. It is also perfectly clear that today's young people will inevitably inherit the environmental disasters that we leave unsolved.

Therefore, Mr. Speaker, I think it wise that we, Members of the Congress of the United States, encourage to the greatest extent possible the maximum participation of young people throughout the world in solving the environmental crisis that is already upon us. Protecting what Adlai Stevenson called "our fragile little Spaceship Earth" is an enterprise worthy of our wholehearted support. The serious consequences of failure seem sufficent to justify the efforts of all agencies, organizations and individuals in support of such events as the International Youth Conference on the Human Environment.

FOUR PENNSYLVANIANS ATTEND INTERNATIONAL EDUCATIONAL SEMINAR

HON. RICHARD S. SCHWEIKER

OF PENNSYLVANIA

IN THE SENATE OF THE UNITED STATES

Wednesday, July 14, 1971

Mr. SCHWEIKER. Mr. President, four outstanding Pennsylvanians have been selected to be participants in the 1971 International Educational Seminar on International Education. They are Mrs. William A. Chapman, R.F.D. 1, Christiana, Pa., board member of the Octorara Area School District; Mr. Ray A. Kurtz, Orwigsburg, Pa., superintendent of schools, Blue Mountain School District; Mr. M. Edward Northam, 373 Roberts Avenue, Glenside, Pa., principal, Abington Junior High School, and Raymond R. Troxell, Jr., superintendent of schools of the West York Area School District, York, Pa. and visiting professor of educational administration at Western Maryland College have been selected to be participants in the 1971 International Educational Seminar on International Education.

The educational seminar is sponsored by the Comparative and International Education Society, the National School Boards Association, Phi Delta Kappa, professional educational fraternity, and the U.S. Research Center for Education.

Educators from 31 States and seven Provinces of Canada have been selected to take part in the international seminar and field study tour, of "Education in Eastern Europe and Siberia."

The educational seminar will point up contracts and problems in educational institutions—elementary, secondary, higher education—and survey trends and problems in Budapest, Hungary; Bucharest, Rumania; Moscow, Russia; Siberia, and Warsaw, Poland. The outstanding feature of this educational seminar will be the visit to Academic City in Novosibirsk, Siberia. There are gathered the leading scientists and scholars of the Soviet Union with the experimental model schools specializing in mathematics and science.

I congratulate these four individuals for their selection to this conference, and am confident that they will represent the State of Pennsylvania, and the United States with great skill and interest.

HAWAII CITIZEN POINTS OUT DANGERS IN "OPERATION CANNIKIN" NUCLEAR BLAST

HON. SPARK M. MATSUNAGA

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 14, 1971

Mr. MATSUNAGA. Mr. Speaker, tomorrow the House is scheduled to consider H.R. 9388, a bill to authorize fiscal year 1972 appropriations for the Atomic Energy Commission.

Although that bill contains funding for many important and necessary projects, it also contains money with which to conduct a 5-megaton underground nuclear test next fall on Amchitka Island, in the Aleutians.

As many of us are aware, Mr. Speaker, my distinguished colleague from Hawaii (Mrs. MINK) will, at the appropriate time, offer an amendment to delete all funds for the Amchitka blast, nicknamed "Operation Cannikin." I intend to lend my strongest possible support to that amendment.

In the past several weeks, I have brought to the attention of the House and the public evidence of concern among experts who foresee the possibility of earthquakes and tsunamis, or tidal waves, resulting from the planned test.

Recently, however, the Honolulu Advertiser carried a guest editorial by a concerned citizen, Mr. David R. Grieg, which set forth quite capably the reasons why Operation Cannikin should be discontinued. So that my colleagues and other readers of the RECORD might have the benefit of Mr. Grieg's fresh thinking before tomorrow's vote, I include the complete text of his article:

AMCHITKA BLAST COULD BE DISASTER

(By David R. Grieg)

The proposed blast on Amchitka Island in August should be of grave concern to every person living on low-lying land around the whole North Pacific basin, and in fact, to every citizen of the United States.

The schedule blast is to have the power of five megatons of dynamite. At best this is a loose definition of the force being developed as there are many strengths available in commercial dynamite. This is determined by the percentage of nitro-glycerine by weight used in the manufacture of the dynamite.

Defined this way, by megatons of dynamite, a blast of five megatons does not sound like much. One megaton equals one million tons of dynamite. So five megatons equals five million tons of dynamite. Multiply this by 2,000 pounds per ton and you get the staggering figure of 10 billion pounds of dynamite. This is quite an explosion to set off instantaneously.

For normal dry land blasting, common practice is to use one half pound to one pound of dynamite for every cubic yard of material to be displaced. In big normal blasts, the blast is controlled by delay-firing caps to reduce the shock, and to get better results in breakage.

With the normal usage of dynamite five megatons of explosive would displace 10 to 20 billion cubic yards of material. This is a volume of about three cubic miles.

An article states that in excavating the vertical shaft, water has been encountered. This would indicate that the island, at least below sea level, is saturated with water. In underwater blasts the effective strength of dynamite is almost doubled, due to the noncompressibility of water. This means that you could almost double the quantity of displaced material for a dry land blast. This would also double the shock wave generated.

There is no way of knowing the amount of material which will be blown free of the island of Amchitka, to be spread over the ocean and nearby islands. As the blast is uncontrolled and instantaneous, I would guess at about five billion cubic yards. This would be determined by the type of material encountered.

Some of the disastrous results of this blast could be:

Total loss of a portion of the island of Amchitka, or at least loss of all wild life on the island and neighboring islands for an undetermined length of time.

In an article by Thomas O'Toole, the people in charge of the blast state that the atomic waste and pollution may seep out of the island in a span of three years to 1,000 years.

This is a loose guess. An island with water in the shaft presently being excavated, probably has fissures and crevasses connecting to the ocean now. When this blast occurs, the island will probably be so shattered that the atomic wastes and pollution will wash out of the cavity with every tide. This pollution will be augmented by the polluted material which is blown into the ocean.

These polluted wastes will be carried by the Japanese Current around the whole perimeter of the North Pacific basin, hitting Canada and the Western United States first.

There is certain to be a tremendous cloud of contaminated vapor rising thousands of feet into the air. This will contaminate many square miles of ocean, and if the wind is right, could settle on Alaska or Siberia.

A blast this size, in the location of a known geological fault seems reckless, foolhardy, irresponsible, and totally indifferent to the possible consequences. The shock could set off a chain reaction and damage cities along the coast of Alaska, Canada, the United States, as well as the Western Pacific Nations.

The blast could generate a tsunami affecting the whole Northern Pacific basin. The last tsunami which did so much damage to the coast of California, was caused by a settlement of a portion of the ocean floor, of unknown quantity.

The actual tsunami, as I understand it, was caused by the backwash of water rushing into the cavity caused by the settlement. In this case there was no actual shock wave which caused the tsunami. This blast could cause two tsunamis. One from the initial shock of the blast, and the second by the backwash of the water rushing to fill the cavity caused by the blast. If the tsunami is generated in the Bering Sea, with a small surface area, it could wipe out every town on the coasts.

The people who have dreamed up and plan to execute this blast, seem to have no concern or responsibility for whatever may happen. They are obviously not sure of the results themselves. They do know, however, that whatever happens the United States will protect them and pay all the bills for damages. These people are ignoring possibilities of disasters which could very well happen, causing loss of life, property, industry, resources, ecology and other factors which could affect the whole North Pacific basin, with a device which is obsolete.

Several years ago the AEC wanted to blast a harbor in Alaska, with atomic explosives. At that time, the idea was killed. I hope the people can kill this idea. The blast to excavate a harbor in Alaska would probably have been about one-tenth the power of this blast.

The AEC has given no indication to the public of the purpose of this blast, with an obsolete type of weapon. They have set off enough smaller blasts so that they should be able to calculate the results of any size of blast. Perhaps if there was a good reason, worth great gamble with the possible results, the public would be more understanding.

With no known logical facts to justify this blast, I think the people should demand that the $113 million cost so far, should be written off as a horrible mistake, and forget the whole fireworks display entirely.

PERSONAL EXPLANATION

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 14, 1971

Mr. CONYERS. Mr. Speaker, on rollcall No. 226, the motion to recommit the proposed contempt of Congress citation against Dr. Frank Stanton, president of the Columbia Broadcasting System, I was unavoidably absent. If present and voting, I would have voted "yea."

HOUSE OF REPRESENTATIVES—*Thursday, July 15, 1971*

The House met at 12 o'clock noon.

The Reverend Allen W. Singh, St. John Christian Methodist Episcopal Church, Washington, D.C., offered the following prayer:

Eternal God, we thank Thee for calling these great men and women for Thy service. As they begin their day's work, we beseech Thee to shower Thy blessings upon them.

Make Thy purpose and will known to them. Enlighten their hearts and minds so that they may become sensitive to the needs and aspirations of Thy children. May all of them become aware of their solemn duties and obligations. Bestow upon them the courage and strength to face all the difficulties and hardships which may come in their way. Grant them the wisdom to see that which is true, good, and beautiful. Fill their hearts with love that they may be able to establish justice and righteousness. Help them to lead this great Nation in such a way that it may become a source of blessings to all people; and this world may become a better place to live.

Be with us and hear our prayer.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Without objection, the Journal stands approved.

There was no objection.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate proceeded to reconsider the bill (S. 575) entitled "An act to extend the Public Works Acceleration Act, the Public Works and Economic Development Act of 1965, and the Appalachian Regional Development Act of 1965," returned by the President of the United States with his objections, to the Senate, in which it originated.

The message further announced that the said bill did not pass, two-thirds of the Senators present not having voted in the affirmative.

The message also announced that the Senate agrees to the amendments of the House with amendments to the bill (S. 991) entitled "An act to authorize the Secretary of the Interior to continue a program of research, development, and demonstration of processes for the conversion of saline and other chemically contaminated water for beneficial use and for the treatment of saline and other chemically contaminated waste water to maintain or improve the quality of natural waters, and for other purposes," in which concurrence of the House is requested.

The message also announced that the Senate disagrees to the amendments of the House to the bill (S. 581) entitled "An act to amend the Export-Import Bank Act of 1945, as amended, to allow for greater expansion of the export trade of the United States, to exclude Bank receipts and disbursements from the budget of the U.S. Government, to extend for 3 years the period within which the Bank is authorized to exercise its functions, to increase the Bank's lending authority and its authority to issue, against fractional reserves and against full reserves, insurance and guarantees, to authorize the Bank to issue for purchase by any purchaser its obligations maturing subsequent to June 30, 1976, and for other purposes," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. SPARKMAN, Mr. WILLIAMS, Mr. MONDALE, Mr. PACKWOOD, and Mr. BENNETT to be the conferees on the part of the Senate.

APPOINTMENT OF CONFEREES ON S. 581, EXPORT EXPANSION FINANCE ACT OF 1971

Mr. PATMAN. Mr. Speaker, I ask unanimous consent that the House insist on its amendments to the bill (S. 581) to amend the Export-Import Bank Act of 1945, as amended, to allow for greater expansion of the export trade of the United States, to exclude Bank receipts and disbursements from the budget of the U.S. Government, to extend for 3 years the period within which the Bank is authorized to exercise its functions, to increase the Bank's lending authority and its authority to issue, against fractional reserves and against full reserves insurance and guarantees, to authorize the Bank to issue for purchase by any purchaser its obligations maturing subsequent to June 30, 1976, and for other purposes, and agree to the conference asked by the Senate.

The SPEAKER. Is there objection to the request of the gentleman from Texas? The Chair hears none, and appoints the following conferees: Messrs. PATMAN and BARRETT, Mrs. SULLIVAN, Messrs. REUSS, ASHLEY, MOORHEAD, WIDNALL, J. WILLIAM STANTON, BLACKBURN, and BROWN of Michigan.

ANNOUNCEMENT OF HEARINGS ON THE ROLE OF THE FEDERAL GOVERNMENT IN COMMUNITY RELATIONS

(Mr. EDWARDS of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. EDWARDS of California. Mr. Speaker, I would like to announce that the Civil Rights Oversight Subcommittee of the Committee on the Judiciary will hold a series of public hearings on the role of the Federal Government in community relations. These hearings will commence with testimony from the U.S. Department of Justice on July 28, and from the U.S. Commission on Civil Rights on July 29, 1971, at 10 a.m. each day in room 2141 of the Rayburn House Office Building. Public witnesses will be scheduled to testify at later dates.

Those wishing to testify or to submit statements for the record should address their requests to the Committee on the Judiciary, House of Representatives, room 2137, Rayburn House Office Building, Washington, D.C. 20515.

REFERRAL OF BILL TO PRIVATE CALENDAR

Mr. COLLIER. Mr. Speaker, I ask unanimous consent that the signed withdrawals of objection to H.R. 6666 by my colleagues Mr. HAYS and Mr. STANTON be entered in the RECORD and that the bill accordingly be permitted to be placed on the next Private Calendar subject to the approval of the Committee on the Judiciary.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

TWO OUTSTANDING EVENTS TO BE HELD IN SIOUX CITY, IOWA, DURING THE NEXT WEEK

(Mr. MAYNE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MAYNE. Mr. Speaker, I wish to call attention of my colleagues to two outstanding events which will be held in my home city of Sioux City, Iowa, during the next week. The Midwest Governors' Conference will take place in Sioux City and its neighboring community of South Sioux City, Nebr., from July 18 through July 20, with Gov. Robert Ray of Iowa and Gov. J. J. Exon of Nebraska acting as host Governors. Then on Wednesday, July 21, the Eighth Annual Sioux City Rivercade will begin and run through July 25. This great celebration which each year dramatizes the importance of the mighty Missouri River to our Nation will present a varied program of events including boat and land parades, Huck Finn fishing derby, boat races, athletic events, and musical and theatrical entertainment. The central theme will again be the need for continued development of the Missouri's resources consistent with full preservation of the ecology of the region. I want to commend Commodore Toby C. Dellamano and his staff for planning what promises to be the most successful rivercade in history and to congratulate the queen of the river, Miss Cindy Irwin, who has reigned with such distinction during the past 12 months.

It is with great pleasure that I now invite all Members of the House of Representatives and the other body to attend this year's rivercade. Commodore Dellamano assures me that a warm welcome will await you as honored guests in Sioux City.

AMENDMENT TO BE OFFERED BY REPRESENTATIVE SKUBITZ TO DELETE THE LYONS, KANS., RADIOACTIVE WASTE REPOSITORY FROM THE ATOMIC ENERGY COMMISSION BILL

(Mr. SKUBITZ asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SKUBITZ. Mr. Speaker, during the course of the debate today on the Atomic Energy Commission authorization bill I intend to submit an amendment to strike the $3.5 million for land acquisition and construction of a waste disposal plant in Lyons, Kans.

Mr. Speaker, I just want the body to know the position of the State of Kansas and the Governor on this project.

Yesterday there was delivered to my office a copy of a letter which the Governor of Kansas has sent to the chairman of the Joint Committee on Atomic Energy.

The Governor says:

> The AEC contends that it must have the site and the facilities before it can conduct these additional tests. Kansas scientists disagree; they believe these additional tests can be conducted in laboratories.
>
> I appreciate these attempts to compromise opposition to the Lyons project, but I cannot accept them.

Then, Mr. Speaker, he ends up his letter with this statement:

> As Governor, I am going to use all the authority of the Kansas Governor's office to prevent the AEC from forcing this potentially dangerous project on the people of Kansas.
>
> If Congress approves the AEC project, Kansas Attorney General Vern Miller is making preparations to file a lawsuit to halt the project; I will support him in legal action.

PERMISSION FOR COMMITTEE ON RULES TO FILE REPORTS

Mr. YOUNG of Texas. Mr. Speaker, I ask unanimous consent that the Committee on Rules may have until midnight tonight to file certain privileged reports.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

PROVIDING FOR CONSIDERATION OF H.R. 9388, TO AUTHORIZE APPROPRIATIONS FOR THE ATOMIC ENERGY COMMISSION, 1972

Mr. YOUNG of Texas. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 528 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. Res. 528

> *Resolved*, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 9388) to authorize appropriations to the Atomic Energy Commission in accordance with section 261 of the Atomic Energy Act of 1954, as amended, and for other purposes. After general debate, which shall be confined to the bill and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Joint Committee on Atomic Energy, the bill shall be read for amendment under the five-minute rule. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

The SPEAKER. The gentleman from Texas (Mr. YOUNG) is recognized for 1 hour.

Mr. YOUNG of Texas. Mr. Speaker, I yield 30 minutes to the gentleman from Illinois (Mr. ANDERSON) pending which I yield myself such time as I may consume.

Mr. Speaker, House Resolution 528 provides an open rule with 1 hour of general debate for consideration of H.R. 9388, the purpose of which is to authorize appropriations for the Atomic Energy Commission for fiscal year 1972.

The bill authorizes appropriations to the AEC totaling $2,321,187,000—$2,025,571,000 for operating expenses and $295,616,000 for plant and capital equipment.

Approximately 50 percent of the authorization is for civilian applications of nuclear energy and the balance is for military purposes. The sum of $116.4 million is for the high-energy physics program for which the AEC acts as principal funding agent for the entire Government.

The bill was reported by the Joint Committee without a dissenting vote.

Mr. Speaker, I urge the adoption of the rule in order that the bill may be considered.

Mr. ANDERSON of Illinois. Mr. Speaker, I would only like to add a short comment to the excellent statement by my distinguished colleague the gentleman from Texas (Mr. YOUNG) in connection with the rule we are asking for on the bill, H.R. 9388. I am making these remarks as a member of the Committee on Rules, and also as one who is privileged to serve as a member of the Joint Committee on Atomic Energy.

In this authorization bill the Joint Committee has looked very carefully at the twin goals of improving the environment and meeting the growing energy needs of our Nation. The Joint Committee strongly supports the President's goal of achieving the demonstration of a breeder reactor by 1980. This bill does just that. I might add that one of the reasons this bill has been delayed was to make sure we included the necessary provisions of the June 4 Presidential message on energy.

The committee also applauds and supports the goal of developing the breeder reactor as a key element in the national fight against air and water pollution.

The purpose of the bill is to authorize fiscal 1972 funding for the Atomic Energy Commission. The total authorization is for $2,321,187,000. This figure is $37,210,000 above the administration's request. The authorization is broken down into two main categories:

Operating expenses	$2,025,571,000
Plant and capital equipment	295,616,000

The two major increases are for space nuclear propulsion, $37 million, and the cascade improvement program for the AEC's uranium enrichment plants, $35 million. These increases are offset by decreases in programs with less priority or where funds could not be effectively spent in fiscal year 1972.

Mr. Speaker, this is an excellent bill. The Joint Committee has put many long hours into its deliberation on this important piece of legislation. I know of no objection to the granting of the rule, and I urge the adoption of the rule.

Mr. Speaker, I reserve the balance of my time.

Mr. YOUNG of Texas. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

SALINE WATER CONVERSION ACT OF 1971

Mr. ASPINALL. Mr. Speaker, I ask unanimous consent to take from the

Speaker's desk the bill (S. 991), to authorize the Secretary of the Interior to continue a program of research, development, and demonstration of processes for the conversion of saline and other chemically contaminated water for beneficial use and for the treatment of saline and other chemically contaminated waste water to maintain or improve the quality of natural waters, and for other purposes, with Senate amendments to the House amendments thereto, and concur in the Senate amendments to the House amendments.

The Clerk read the title of the bill.

The Clerk read the Senate amendments to the House amendments, as follows:

Page 7, of the House engrossed amendments, strike out lines 11 to 16, inclusive, and insert:

"(b) The Secretary will cooperate with the Administrator of the Environmental Protection Agency to insure that research and development work performed under this Act makes the fullest possible contribution to the improvement of processes and techniques for the treatment of saline and other chemically contaminated waters and to avoid the duplication of the experience, expertise, and data regarding desalting technologies which have been acquired in the performance of the Saline Water Conversion Act."

Page 9, line 2, of the House engrossed amendments, strike out "2" and insert "3".

Page 9, line 5, of the House engrossed amendments, strike out "subsection (a) of this section" and insert "subsection 10(b) of this Act".

Page 9, line 7, of the House engrossed amendments, strike out "subsection 2(e) and section 3" and insert "subsection 3(e) and section 4".

Page 9, of the House engrossed amendments, strike out lines 17 to 22, inclusive, and insert:

"(c) the term 'other chemically contaminated water' refers to waters which contain chemicals susceptible to removal by desalting processes;".

Resolved, That the Senate agree to the amendment of the House of Representatives to the title of the above-entitled bill.

The SPEAKER. Is there objection to the request of the gentleman from Colorado?

Mr. HALL. Mr. Speaker, reserving the right to object, do I understand that the amendments of the other body are purely technical, as the gentleman has indicated to me, and that there is no increase in the cost of the bill?

Mr. ASPINALL. Mr. Speaker, will the gentleman yield?

Mr. HALL. I am glad to yield to their gentleman.

Mr. ASPINALL. Mr. Speaker, the Senate amendments to the amendment of the House to S. 991 to expand and extend the desalting program being conducted by the Secretary of the Interior, and for other purposes, are of two categories. First, there are three technical amendments to correct certain internal cross references in the House amendment.

Second, there are two amendments which deal with language changes. The other body feels that these two amendments are necessary to preserve the agreement on language between the Senate Interior Committee and the Senate Public Works Committee. The first of these substitutes a new subsection 6(b) having to do with coordination between the Secretary of the Interior and the Administrator of the Environmental Protection Agency. This amendment makes no real change in the central thrust of the language in subsection 6(b) of the House amendment. It merely makes explicit that which was already implicit; to wit, that the saline water conversion research program and the water quality research program be coordinated in the interest of avoiding duplication and waste.

The second language change effected by the Senate amendments is found at subsection 8(c) where a substitution is made in the definition of the term "other chemically contaminated water." The Senate amendment defines this term to refer to waters which contain chemicals susceptible to removal by desalting processes. This is a somewhat more precise definition than that in the House amendment to S. 991 which enumerated a number but not all sources of potential chemical contamination.

Mr. Speaker, these amendments do not weaken or alter the central objectives sought by the House in its amendment to S. 991. If anything, they provide a more explicit expression of the House's intentions in this area; namely that these two programs—saline water conversion research and water quality enhancement research—be conducted in such a way as to be mutually supporting with a minimum of duplication of effort and expense.

Accordingly, I urge the House to agree to the amendments to the Senate to the amendment of the House to the bill S. 991.

Mr. Speaker, may I assure my colleague, the gentleman from Missouri, that the amendments are germane. They make certain language more explicit and they are in accordance with the rules of the House. The majority and minority members of the committee of which I am the chairman are in support of these amendments.

Mr. HALL. The gentleman's answer to my question is that there is no increase in the cost?

Mr. ASPINALL. The gentleman is correct.

Mr. HALL. Mr. Speaker, I withdraw my reservation of objection.

Mr. HOSMER. Mr. Speaker, reserving the right to object, I wish to state on behalf of the minority, we have examined the motion being made and find it in accordance with the intent and purposes of the legislation.

Therefore, Mr. Speaker, I withdraw my reservation.

The SPEAKER. Is there objection to the request of the gentleman from Colorado (Mr. Aspinall)?

There was no objection.

The Senate amendments to the House amendments were concurred in.

A motion to reconsider was laid on the table.

U.N. PARTICIPATION ACT

(Mr. HORTON asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. HORTON. Mr. Speaker, through inadvertent error, I am listed as a cosponsor of H.R. 6589, a bill to amend the United Nations Participation Act of 1945 to prevent the imposition thereunder of any prohibition on the importation into the United States of any strategic and critical material from any free world country for so long as the importation of like material from any Communist country is not prohibited by law. I wish at this time to withdraw my cosponsorship of this proposed legislation.

CALL OF THE HOUSE

Mr. SCHERLE. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. BOGGS. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 191]

Abourezk
Adams
Alexander
Blanton
Brasco
Carey, N.Y.
Clark
Clay
Daniel, Va.
Danielson
Davis, Ga.
Dellums
Donohue
Dow
Edwards, La.
Eshleman
Flynt
Foley
Fraser
Gray
Hanna
Hansen, Wash.
Hawkins
Hébert
Hicks, Wash.
Holifield
Kastenmeier
Landrum
Long, La.
McCloskey
McCormack
McCulloch
Meeds
Melcher
Metcalfe
Mills, Ark.
Mollohan
Pelly
Pepper
Pettis
Rees
Reid, N.Y.
Saylor
Scheuer
Steed
Steiger, Ariz.
Stephens
Stuckey
Teague, Tex.
Thompson, Ga.
Tiernan
Van Deerlin
Whitten
Wilson, Charles H.
Wright
Zwach

The SPEAKER. On this rollcall, 377 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

AUTHORIZING APPROPRIATIONS FOR THE ATOMIC ENERGY COMMISSION, 1972

Mr. PRICE of Illinois. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 9388) to authorize appropriations to the Atomic Energy Commission in accordance with section 261 of the Atomic Energy Act of 1954, as amended, and for other purposes.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 9388, with Mr. Burke of Massachusetts in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the rule, the gentleman from Illinois (Mr. Price) will be recognized for one-half hour, and the gentleman from California (Mr. Hosmer) will be recognized for one-half hour.

The Chair recognizes the gentleman from Illinois (Mr. Price).

Mr. PRICE of Illinois. Mr. Chairman, I yield myself 10 minutes.

Mr. Chairman, this will be the first time in 25 years that this legislation will have been presented to the House by anyone other than our esteemed colleague, the gentleman from California (Mr. HOLIFIELD). Unfortunately, Mr. HOLIFIELD is not able to be with us today since it was necessary for him to return to California because of a death in his family.

This authorization bill is the product of many days of hearings by the Joint Committee on Atomic Energy, searching questions by our committee and its staff, and several months of careful consideration by the committee after which the committee reached unanimous agreement.

I regret that we have not been able to bring this bill before you until today. However, the administration submitted two amendments to its requested authorization bill, the last of which was received by the Joint Committee on June 11. These amendments delayed by about 2 months final committee action on the bill.

Last year and the year before when our distinguished former chairman, CHET HOLIFIELD, had the privilege of seeking favorable action in the House on the AEC authorization bill for fiscal years 1970 and 1971, he pointed out that each bill was one of the most austere fiscal measures reported out by the Joint Committee in recent years. The bill now before you is, in many respects, even more stringent, especially considering the inflationary trends which exist today.

This bill would authorize appropriations to the Atomic Energy Commission totaling $2,321,187,000. This amount includes both operating expenses and plant and capital equipment costs. This total dollar amount is essentially the same as for fiscal year 1971. However, a more precise comparison would show a reduction in purchasing power of 5.9 percent because of the cost-of-living increase that has occurred in the past year. In terms of constant dollars, H.R. 9388 contains the lowest dollar amount authorized in the last 6 fiscal years.

Section 101(a) of H.R. 9388 would authorize appropriations of $2,025,571,000 for operating expenses of the Atomic Energy Commission, including the addition of $50 million for the liquid metal fast breeder reactor demonstration program set forth in section 105(d). Sections 101(b) and 105 of the bill would authorize appropriations of $295,616,000 for plant and capital equipment. Tables summarizing the authorization amounts for the AEC's major programs are set forth on pages 3 and 55 of the Joint Committee's report accompanying the bill. These tables show the changes which the Joint Committee has recommended in relation to the amounts requested. These changes reflect the committee's judgment concerning the funding necessary to achieve the Commission's high-priority program goals.

Just over 50 percent of the total program costs reflected in the Joint Committee's recommended authorization bill would be applied to the civilian applications of atomic energy. The majority of the program costs associated with the AEC authorization for the past 3 years has been for military applications. The committee hopes that the program will continue to be predominantly civilian oriented. Of course, we recognize that the funds for military applications must be sufficient to meet our vital national security needs.

Turning now to the most significant items in this bill.

URANIUM ENRICHMENT

I am pleased to report that progress is planned in the coming fiscal year toward providing the necessary uranium enrichment capacity needed to meet the rapidly growing civilian demand for nuclear fuel. The administration has released the impounded $16.1 million appropriated for fiscal year 1971 to begin a Cascade improvement program—CIP. The CIP ultimately will modernize and expand by more than 25 percent the capacity of our Nation's only three uranium enrichment plants.

Also very significant is the fact that the President asserted in his June 4 Energy Message to the Congress:

> The Government must carry out its responsibility to ensure that our enrichment capacity expands at a rate consistent with expected demands.

For several years the present and previous administrations have moved far more slowly in implementing the CIP than, in the judgment of the Joint Committee, the need for additional enrichment capacity demands. For 3 successive years the Atomic Energy Commission has recommended that substantial funds for CIP be requested in the Presidential budget. However, the fiscal 1971 budget request contained only $5 million for architect-engineering work and the fiscal 1972 budget request contained no funds at all.

Therefore, the Joint Committee has responded this year as it did last year when $16.1 million was added. This year the committee is recommending the addition of $35 million in construction funds for the CIP in fiscal 1972 and it strongly urged that the Congress authorize and appropriate this full amount.

NUCLEAR REACTOR, HANFORD, WASH.

H.R. 9388 contains funds to bring back on line this month the dual purpose nuclear reactor at Hanford, Wash. The administration had decided in January to cut back on plutonium production by shutting down that reactor in the hope of saving budget dollars. Reconsideration of the plutonium production picture, the impact on the community of the proposed action, and the actual financial benefit to the Government from such action led to a reversal of that decision by the President.

Under a new agreement to keep the facility operating for 3 years the Washington Public Power Supply System will pay up to $20 million per year for the availability of nuclear reactor steam to produce electric power.

WEAPONS

This year, the Joint Committee examined the AEC weapons program budget with particular care and in great detail. The committee concluded that the request for operating funds was in consonance with the stated aims of assuring that the Nation's current and future security requirements are met. The full AEC request of $848.6 million is recommended for authorization.

Within this amount is $19.7 million for project Cannikin, an underground nuclear test to be conducted during fiscal 1972 at Amchitka Island, Alaska. A total of over $165 million has been spent to date on the Amchitka Island program.

An earlier 1 megaton nuclear underground test—Milrow—was conducted at Amchitka to determine the feasibility of conducting the Cannikin nuclear test, which will be less than 5 megatons. The AEC and the Department of Defense have indicated that this underground test is necessary for the defense and security of the Nation.

CIVILIAN NUCLEAR POWER

During the past several years voltage reductions, scheduled interruptions of service to local areas, and unusual arrangements for wheeling electric power over extreme distances have made the general public increasingly aware of the seriousness of electric power shortages. Delays in getting new plants on the line—both fossil and nuclear fueled—have caused a narrowing of capacity reserve margins in a number of regions throughout the country. Compounding this situation is the scramble by utilities to find and contract for the limited supplies of low-sulfur content coal and oil in order to meet newly imposed air quality standards. Meanwhile, supplies of natural gas, one of the cleanest energy sources, are being consumed at an ever increasing rate. Moreover, in recent years, for the first time in our history, consumption of natural gas has substantially exceeded additions to reserves.

The Joint Committee endorses and fully supports the movement within this Nation to achieve an environment which is both esthetically pleasing and healthful to the general populace. But we must not lose sight of the fact that the availability of electricity is a vital factor in our everyday life. It affects our health and general welfare both directly and indirectly. New arrangements at both Federal and State level are being considered to assure that full consideration is given to the potential environmental impact resulting from the siting and operation of electric powerplants. The committee is hopeful that procedures for considering and approving sites and operating characteristics of steam powerplants will be developed and utilized in a manner which will provide for full consideration of all significant environmental factors without undue delay in processing.

FAST BREEDER REACTORS

In his June 4, 1971, message to the Congress concerning the need for and the means of achieving an abundant supply of clean energy, President Nixon announced a national commitment to the successful demonstration of the liquid metal fast breeder reactor by 1980. Additional to the AEC budget in furtherance of that message included $27 million for base technology under the civilian power reactor program and LMFBR-related efforts in general reactor technology and nuclear safety. An additional $50 million for direct assistance in the demonstration program also was requested. This brings the total amount of AEC support to $130 million for the LMFBR demonstration plant. The Joint Committee has recommended authorization of these funds.

The Joint Committee believes that it would be appropriate for the administration to carefully consider the advisability of building at least two breeder demonstration plants. Additional demonstration plants not only would provide a broader technological base for the emerging LMFBR industry, but also would add the element of true competition to the development and contribute significantly to assuring timely achievement of the goal the President has set.

I want to call attention to two features of this program mentioned specifically in the committee's report. The committee has recommended authorization of $1 million less than the amount requested by the Commission for modifications to the Liquid Metal Engineering Center facility and $1 million less than the amount requested for modifications to existing AEC reactors, critical assemblies, and major test facilities for the reactor development program. The Joint Committee did not intend by that action to obstruct in any way the progress in the overall LMFBR program which is absolutely mandatory if the President's announced goal for demonstration of the breeder is to be achieved.

With respect to these two items, it is the intent of the committee that the Commission should proceed with modifications to the LMEC and other vital test facilities as soon as the scope and estimated costs of the necessary construction projects have been identified and the necessary funding authorized. Sufficient funds might not be available in fiscal 1972 to accomplish the necessary modifications and improvements at LMEC. The committee expects that any additional funds needed for LMEC, as well as reactor modifications, will be included in the AEC's fiscal 1973 budget request.

With respect to both of these line items, the committee encourages the Commission to use its existing authority to do advance architect-engineering work on projects which would qualify under line items of this nature in fiscal 1973.

Also in connection with the breeder reactor program, section 107 of H.R. 9388 would authorize the Commission to enter into an arrangement, for a period not to exceed 7 years, for the continued operation of Enrico Fermi Atomic Power Plant Unit 1 using fuel materials to be leased by the AEC with fuel use charges waived up to a total amount of $9.1 million subject to future adjustment for any AEC changes in fuel prices or use charges. The arrangement also is to provide for research and development activities of programmatic interest to the AEC.

DESALTING

During its public hearings on the civilian nuclear power program, the Joint Committee expressed special interest in Commission studies which have been conducted under the budget categories of desalting program and other processes and general research and development. The committee has recommended the addition of $1.5 million to the amount requested for civilian nuclear power which is intended to restore to last year's level of $4 million the funds for general research and development. The added funds would be available for desalting studies.

RADIOACTIVE WASTE REPOSITORY

The bill reported by the Joint Committee contains $3.5 million in construction funds for site acquisition and design of the proposed radioactive waste repository to be located at Lyons, Kans. The administration had requested the full authorization of $25 million for the project.

Questions and objections have been raised concerning the desirability of moving forward on the repository, particularly before research has been completed on such factors as three dimensional studies on heat transfer at a salt-shale interface, areal hydrology and geology, possible environmental damage, the transportation of the waste to the salt mine, and waste retrieval after burial. The Joint Committee believes that these areas can be explored while further steps are taken.

The committee explored these issues in 2 days of public hearings. The AEC has indicated that many questions cannot be answered until small amounts of high-level radioactive waste, to be supplied from Government sources, are actually deposited in the salt mine to demonstrate the feasibility of using this facility for its intended purpose. The Joint Committee agrees that such research should be done but also completely agrees that all reasonable questions raised must by answered from the standpoint of satisfying Kansas and Federal officials before the Lyons facility is put into operation as a Federal repository for industrial wastes.

Sufficient operating funds of $1.85 million are being recommended for further research and development related to the Lyons project to obtain additional data deemed desirable before full project authorization.

The Joint Committee is fully cognizant of the concern about this program expressed by Members of the Kansas congressional delegation and the Governor of Kansas. The committee has recommended that the Council on Environmental Quality or the Environmental Protection Agency take the initiative to establish an advisory council to render advice to the executive and congressional branches of the Government. Such an advisory council should include representatives of those two agencies, the AEC, and the State of Kansas.

SPACE NUCLEAR PROPULSION

The Joint Committee has recommended that a total of $52 million in operating funds be authorized for AEC's research, development, engineering, and test efforts on space propulsion systems, an increase of $37 million over the amount included in the President's fiscal year 1972 budget, but the same as requested by AEC in its budget submission to the Office of Management and Budget. The primary effort within that program is the development of a nuclear engine for rocket vehicle application—the NERVA program.

The Joint Committee has long supported the efforts of the Commission and the National Aeronautics and Space Administration—NASA—to develop a reusable and refuelable space nuclear propulsion system which would be uniquely qualified for a multitude of space missions planned as part of the U.S. space program for the late 1970's and 1980's. The reduction in effort proposed by the administration would decimate this program.

It is necessary that the AEC funded portion of the NERVA nuclear subsystem be continued while NASA is proceeding toward construction of the first ground test reactor and engine. Moreover, it is imperative that the total NERVA program move along with harmony and synchronization among the many facets involved, since disproportionate levels of effort by either NASA or the AEC would cause unacceptable and expensive delays on the overall program. Therefore, the Joint Committee has recommended increases for the AEC program to bring it up to the level of the AEC's request to OMB and comparable to the authorization of funding for NASA approved by both bodies.

NAVAL NUCLEAR PROPULSION

The Joint Committee has recommended authorization of $140 million—the amount requested by AEC—for the operating costs of the naval propulsion program. These funds will enable the Commission to proceed with its advanced development program for naval propulsion reactors. The unprecedented challenge from Soviet nuclear submarines makes imperative the retention of the U.S. technological advantage in this field. In the past year the United States lost its lead in numbers of nuclear submarines. In addition the total submarine force level of the United States is only one-third the size of the total Soviet submarine fleet.

Because of the Joint Committee's deep concern over the impact on national security of recent decisions of the Defense Department concerning nuclear-powered warships, the committee has directed its Military Applications Subcommittee to investigate Defense Department and Navy plans for application of nuclear propulsion to surface warships and submarines.

The Joint Committee expects that this investigation will assemble all the facts needed by the Congress to evaluate the appropriate level of continued development and application of nuclear propulsion to surface warships and submarines.

CONTROLLED THERMONUCLEAR RESEARCH

H.R. 9388 contains nearly $30 million in authorization of operating costs for the controlled thermonuclear research program, the full amount requested by the AEC.

This program holds great promise for the development of an unlimited and clean source of electric power. However, three benchmarks—scientific, technical, and economic feasibility—must be achieved in order to bring this technology to commercial realization. The final benchmark possibly could be reached sometime between the years 1995 and 2005 if all goes well.

The Joint Committee has followed the CTR program closely since its inception in the early 1950's. To date, the Congress has authorized and appropriated more than $400 million for research in CTR. It will take more funds and more time to ascertain even fundamental feasibility. This most likely will be accomplished, but our Nation can ill-afford to place total reliance on so great an uncertainty for a major portion of known power needs in the near future.

EFFECT OF RADIATION EXPOSURES ON MAN

The Joint Committee has recommended authorization of additional funds—$770,000—for the AEC's biology and medicine program to assure that maximum scientific knowledge is gained from the examination of certain unfortunate humans exposed to high radiation doses during the first third of the 20th century through radium painting of watch dials and medical applications of radiation.

This work is conducted at the Center for Human Radiobiology, Argonne National Laboratory, Illinois. Failure to take full advantage of the opportunity to derive this rare data would likely forever deny our having this information, because our improved knowledge and safety precautions today render remote the possibility of such exposures.

The committee also has been following closely the study of mortality of atomic energy workers being conducted by the University of Pittsburgh under contract with the AEC. The population under study includes personnel who have worked and lived in the vicinity of nuclear reactors from the early days of the atomic energy program. Only tentative conclusions can be drawn at this early stage of the project. The committee has been informed, however, that when compared against suitable controls, no health differences appear between the atomic energy workers examined thus far and the control groups.

The Joint Committee is ever conscious of the need to obtain the best scientific data available on human exposure resulting from the uptake of radionuclides and human exposure from radiation sources. This has been a matter of prime responsibility and of special interest by the committee for 25 years.

CAPITAL EQUIPMENT

Included in H.R. 9388 is authorization of $153.3 million for capital equipment not related to construction. The committee has reiterated its urging of last year that the Commission continue to increase its standards for assuring maximum use of existing equipment and reducing procurement of new equipment to a minimum. Accordingly, the committee made a general reduction of $7 million.

TITLE II

Section 201 of the bill amends sections 31 and 33 of the Atomic Energy Act of 1954 without adding any costs to the AEC program. The amendments broaden the authority of the AEC to conduct environmental and energy-related research for others or under its own programs in areas other than those related strictly to nuclear missions. The dual need for protecting the environment and supplying adequate sources of clean electric power, and research and development programs to meet that need, were stressed by the President in his energy message to the Congress. The amendments in section 201 would provide additional authority for AEC to use the talent and resources of its national laboratories to facilitate research and development for clean energy from all energy sources.

CONCLUSION

The Joint Committee believes H.R. 9388 provides the minimum authorization for the continuation of the major programs and activities of the Atomic Energy Commission in an economic manner. The effect of all the careful adjustments made by the committee in relation to the administration's request to the Congress is that $44.8 million was added by the committee to the total amount for operating expenses, and $7.6 million was subtracted by the committee from the total amount for plant and capital equipment. In total net effect, the committee added $37.2 million to the overall budget, or a net increase of 0.2 percent over the amount authorized for fiscal 1971.

The Joint Committee on Atomic Energy unanimously urges the enactment of H.R. 9388 as reported by our committee.

Mr. HOSMER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I commend the distinguished vice chairman of the Joint Committee on Atomic Energy on his excellent summary of the principal features of H.R. 9388, and I am pleased to rise with him to urge passage of this bill.

The report on this bill is complete and it shows that every effort has been made by the Joint Committee to obtain the maximum value for each dollar included in this bill. Thus, despite the Joint Committee's addition of $37 million to the operating costs of space nuclear propulsion program, and its addition of $35 million for the necessary improvements to our gaseous diffusion plants, the total amount recommended by the Joint Committee is only 0.2 percent higher than the amount authorized by the Congress for fiscal year 1971. In reality, considering the effect of inflation, the total amount to be authorized by H.R. 9388 is more than 5 percent less in purchasing power than was authorized for fiscal year 1971.

While our able vice chairman has mentioned the major features of the bill, there are a few programs that I should like to touch upon briefly. The first is the AEC's source materials program. December 31, 1970, marked the end of the AEC procurement of uranium concentrate and the financial support which that procurement provided to the uranium industry. That program was exceptionally successful in bringing the United States from a position of total dependence on foreign uranium sources of supply in 1942 to our present status of world leadership in uranium production. The domestic uranium mining industry is a vigorous, up-to-date industry with every indication of being fully capable of responding to the anticipated future demands. This represents yet another phase of our Nation's nuclear program which has become completely self-sufficient.

Another program which I feel warrants special comment is the plowshare program—the peaceful uses of nuclear explosives. The Joint Committee has recommended an increase of $3.1 million in operating funds for this program. This additional amount consists of $2.6 million to embark on a 5-year program to provide nuclear stimulated natural gas in consumer pipelines and $0.5 million to initiate efforts to resolve the major technical questions relative to nuclear stimulation of geothermal heat sources. A feasibility study on nuclear-geothermal potential has been conducted jointly by industry and the Government, and these funds will be used to address some of the technical issues generated through that study. These two energy sources—natural gas and geothermal heat—can be of significant aid in solving our energy needs in an environmentally acceptable manner.

Mr. Chairman, once again, I want to commend President Nixon for the commitment he made in his June 4 energy message to the Congress to begin work on modernization and expansion of our uranium enrichment capacity at a rate consistent with expected demands. We now know that, within just a few short years, the capacity of our uranium enrichment plants will not be sufficient to meet the demand for nuclear fuel. Quite naturally, the President's budget planners seek to postpone the investment of funds in this needed capacity expansion as long as possible. Unfortunately, by doing so, they are forcing all of us to take an increasing risk of a nuclear fuel shortage near the end of this decade. The Joint Committee's recommendation of $35 million for the Cascade improvement program will enable the AEC to move forward in expanding this Nation's uranium enrichment capacity at a rate which the committee deems absolutely essential.

There are, of course, many other aspects of this total program too numerous to comment upon in detail. I shall attempt to answer any questions my colleagues may wish to ask about the bill or the accompanying report.

As noted by the gentleman from Illinois, Vice Chairman Price, this bill represents the results of thorough inquiry and careful consideration by the members of the Joint Committee and the report before you was filed without dissent. The bill has the committee's unanimous support and I commend it to you for your favorable consideration.

Mr. PRICE of Illinois. Mr. Chairman, I yield 5 minutes to the gentleman from Colorado (Mr. Aspinall).

Mr. ASPINALL. Mr. Chairman and members of the committee, I support the purposes and aims of H.R. 9388.

I wish to commend the vice chairman of the Joint Committee on Atomic Energy and also the ranking minority member of the committee on the House side for the work they have done on this legislation.

The funds to be authorized by H.R. 9388 include an additional $2.2 million for the new plutonium recovery facility at the Atomic Energy Commission's Rocky Flats weapons production plant near Golden, Colo. That amount is $12.8 million less than the $15 million requested by the AEC as part of its line item construction project 71-9, the so-called fire, safety, and adequacy of operating conditions projects, various locations.

For fiscal year 1971, the Congress authorized and appropriated $9.9 million to begin the preliminary work on the new plutonium recovery facility and to permit renovation of the existing recovery facility. The total cost of this project, including renovation of the existing facility, could range as high as $63 million. The Joint Committee fully supports the prompt completion of the new plutonium recovery facility. The committee was advised, however, that certain preliminary design work for this facility is several months behind schedule and that title I design will not be completed until May or June 1972.

The total cost of title I and title II design and renovation of the existing plutonium recovery facility is estimated by the AEC at $12.1 million, which will be provided by the $2.2 million recommended for authorization for fiscal 1972 plus the $9.9 million authorized and appropriated for fiscal 1971. The additional $12.8 million included in the AEC's fiscal 1972 request, but not recommended for authorization, would have provided part of the funds to construct the new facility. In view of the delay in the design of the project, the Joint Committee deleted the $12.8 million from the bill. The deletion represents merely a deferral of the funding until fiscal year 1973 and the Joint Committee in its report has urged the AEC to request the full amount needed for construction of the plutonium recovery facility in its fiscal 1973 budget submission.

BACKGROUND

In May 1969 a fire caused extensive damage at the Rocky Flats nuclear weapons plant. Thereafter, the AEC made a thorough fire and safety review of all its facilities to be certain that the latest in improved materials and procedures were being fully implemented. An extensive review was conducted by the AEC staff and its contractor personnel, and by two well-qualified insurance consultants—the Factory Insurance Association and the Factory Mutual Research Corp.

After making provision to utilize available resources, such as general plant project funds, the Commission identified a number of high-priority construction projects to be undertaken which required additional authorization and appropriation of funds. These are the facilities to be funded under project 71-9. One of these is the new plutonium recovery facility at Rocky Flats.

Let me say at this point that the Joint Committee obtained assurance from the AEC in December 1970, when the supplemental authorization to begin these projects was reported, that no existing AEC plant—including the Rocky Flats plant—is operating in an unsafe manner. On the contrary, the objective of these improvements is to provide maximum assurance that a major accident, such as the Rocky Flats fire of May 1969, will not occur.

In the case of the existing plutonium recovery facility, the AEC had developed a number of alternatives for its replacement, including construction of a new facility in various configurations above and/or below ground, or complete renovation of the existing facility. Also, the AEC proposed certain improvements in the recovery building currently in use. Implementation of these improvements is now underway.

The first step toward construction of the new plutonium recovery facility was a study of the various alternatives under consideration. The AEC advised the Joint Committee in December 1970, that about 6 months would be needed to complete preliminary design work on the projects to be funded under 71-9, including the plutonium recovery facility. However, it was not until the first of May 1971, that an architect-engineering firm for the plutonium recovery facility was selected to perform the study of the various alternatives and a letter contract was signed between it and the AEC.

The preliminary study of alternatives is now scheduled to be completed in September or October of this year. Upon completion, the AEC will furnish to the Joint Committee and the appropriations committees of the House and Senate the results of the preliminary study in accordance with the desire of the Senate Appropriations Committee expressed in its report on the 1971 supplemental appropriation bill.

Upon selection of an agreed-upon alternative for construction of the new facility, title I design work will be initiated. The title I design is expected to be completed about May or June 1972, after which the detailed—title II—design will be undertaken. A contract for full construction conceivably could be awarded at about the time title I design work is completed but that contract more likely will be awarded and construction undertaken when title II design work is well underway or nearing completion. In the meantime, the AEC may need to contract for some long-lead time equipment or initiate construction such as excavation and placement of foundations for the new recovery facility. The Joint Committee has been advised that AEC has the flexibility to use any of the total of $45.7 million in funds for project 71-9 recommended for authorization and appropriation through fiscal 1972 which is not otherwise obligated to accomplish these objectives if warranted.

In conclusion, the deletion of the $12.8 million requested by the AEC for partial funding of construction of the new plutonium recovery facility will not interfere with the prompt completion of that facility. Also, it will give the Joint Committee the opportunity to recommend authorization of the entire project with the knowledge of the information to be developed in the coming months and after selection of the construction alternative which best suits the future needs of the Commission's weapons production complex.

Mr. HOSMER. Mr. Chairman, I yield such time as he may consume to the gentleman from Illinois (Mr. ANDERSON).

Mr. ANDERSON of Illinois. Mr. Chairman, I have often had occasion in connection with our consideration of the annual authorization bill for the Atomic Energy Commission to make the observation that I think this committee is singularly blessed in having Members like the two men from California, my colleague on this side of the aisle, Mr. HOSMER, and our absent chairman, CHET HOLIFIELD of California, as well as the gentleman from Colorado (Mr. ASPINALL) the gentleman from Illinois (Mr. PRICE) and others who have for as long as a quarter of a century in some cases been dealing with some of the rather abstruse, difficult, and complex problems which are involved in the work of this committee.

This afternoon I certainly want to pay tribute to them again for their diligent efforts and the expertise which they have contributed to the work of the committee on this authorization bill. It makes the job of some of us who are a little more junior in our service on the Joint Committee on Atomic Energy less onerous than it otherwise would be.

Mr. Chairman, I rise today in enthusiastic support of this legislation.

I realize that in the hour to come when the bill is read for amendment under the 5-minute rule, objections may be raised to certain authorizations or portions of this bill. I can only suggest to the Members of the House and the members of the committee that they should bear in mind these matters have had a very searching analysis and thorough scrutiny by the full Joint Committee on Atomic Energy. Many hours of hearings have been held. All of those with contrary points of view I think would agree that they have been given every courtesy and opportuinty to state and present their points of view and that the deliberations and the decisions made by the committee have been made carefully and in the light of all the arguments that have been offered for the record.

Let me also say that I am particularly proud of this bill today because of the impetus it is going to give to the breeder reactor program. I spoke very briefly of that when I addressed the House prior to the adoption of the rule.

Without being unduly repetitious and taking a great deal of time, let me again refer to the message of the President on the 4th of June which did lay the foundations, I believe, for the kind of concerted national effort that we are now making through a process of research and development which will ultimately conclude and culminate with the construction of a commercially feasible breeder reactor and the kind of a program that will solve the kind of energy crisis which threatens to overwhelm us. It will enable us to meet our energy needs in a way which is compatible with our best interests and compatible with the war that we are waging at home against the enemies of pollution both of our air and water.

Mr. Chairman, let me also emphasize,

however, with all due deference to the executive branch, that this is not a new program insofar as this committee is concerned. It is one to which we have given attention for a number of years.

The fundamental research and development has gone forward in years past that will make the added funding and the support that we now get from the executive branch more meaningful because the preparatory work has been done. I think with this additional support, however, we can hopefully look forward to the successful conclusion of this program within the time frame suggested.

Mr. Chairman, the bill does provide for an increase in the amount of funding that has already been authorized for a cooperative industry fast breeder demonstration project. We want, we need, and we expect to have the cooperation of private industry in developing this particular source of energy.

Last year our committee recommended and the Congress authorized $50 million in direct cost as the Government's share in this cooperative venture between industry and the Federal Government. As a consequence of the President's message of last June, a request has been received to increase that amount to $100 million—to double it—and that is provided for in the bill that is now before us.

So, Mr. Chairman, in conclusion let me urge the House to give its support this afternoon to this particular program and this particular cooperative venture in the development of the breeder reactor.

Let me also urge you, as we consider under the 5-minute rule the amendments that may be offered to this bill, that the members of the committee will find themselves in unanimous opposition for the reasons that these matters have been thoroughly and carefully studied. On the basis of the record of the hearings and the report, I think you will agree that we have brought you a good and acceptable piece of legislation for which you can vote with pride.

Mr. PRICE of Illinois. Mr. Chairman, I yield 3 minutes to the gentleman from Texas (Mr. YOUNG).

Mr. YOUNG of Texas. Mr. Chairman, I want to associate myself with the remarks which have been made by my distinguished colleague from Illinois on the Joint Committee on Atomic Energy, particularly with reference to what he said about the unique and distinguished leadership on which we pride ourselves on the Joint Committee.

Mr. Chairman, as a junior member of the Joint Committee on Atomic Energy, and as the distinguished gentleman from Illinois pointed out, it certainly makes it so much less burdensome when we have such competent leadership.

Mr. Chairman, controlled thermonuclear research—CTR—is directed toward the creation of a major new source of energy using the process of the stars and our sun—the fusion of elements. Fusion fuel should be relatively inexpensive and of limitless supply since it could consist of heavy hydrogen from the sea. The fusion power sources—the reactors—will be inherently safe. There should be minimal interaction with the environment, because of high thermal efficiency and less waste heat per megawatt of power generated. It might be possible and practical to build energy sources that directly convert thermonuclear plasma to electricity without going to steam first.

SUPPORT BY CONGRESS

The Joint Committee on Atomic Energy and the Congress have supported this program since the mid-1950's and have appropriated over $400 million through fiscal year 1971. The fiscal year 1972 recommendation is for $29.8 million.

FUSION RESEARCH FINANCING FACTS

In its fiscal year 1972 estimate of what could be profitably spent, the CTR branch of AEC's Research Division requested $34.3 million. This request was reduced by AEC to $29.8 million, which OMB approved for the budget. It is clear that the executive branch recognizes the value of CTR research

It should be abundantly clear that doubling or tripling the CTR budget would be the height of fiscal irresponsibility when those in charge of the program only requested 15 percent more than they received. Furthermore, CTR was the only program in the AEC's physical research category which received a substantial increase over fiscal year 1971, $1.8 million. Five other programs were reduced substantially and one was increased $60,000.

FUSION RESEARCH STATUS

Fusion research is at a critical point. For the past 25 years, research has been directed toward experiments to produce, to heat, and to study thermonuclear plasmas. Many approaches and devices have been under study. Among these are magnetic mirror systems, steady state toroidal systems, pulsed high-beta pinch systems, and laser initiated systems.

All the approaches have one factor in common—to initiate a true thermonuclear reaction by fusing the hydrogen atoms in the plasma. This means temperatures of between 50 and 100 million degrees and a plasma density that approaches currents of millions of amperes. Once the plasma is generated, it must be confined for a significant fraction of a second.

SCIENTIFIC FEASIBILITY

Fusion research is close to achieving the three above-mentioned requirements simultaneously. Each of the three—temperature, density, containment—has been obtained separately and some in pairs. It is expected that when several new devices are completed, the milestone called scientific feasibility will be reached. This should be by about 1975, or earlier.

TECHNICAL FEASIBILITY

At that time, and only at that time, can CTR research be directed toward what then appears to be the most promising route. At that time plans will be developed to build two or perhaps three different reactors to demonstrate the attainment of technical feasibility. Technical feasibility will be demonstrated by a net output of energy. Another major factor which needs to be learned will be an indication of "start-up" energy. Any reactor system that requires thousands of megawatts to go into operation could prove impractical. Materials testing for specific systems could also be accomplished in these demonstration reactors.

The top researchers in the CTR field give a best estimate of about 1985 for technical feasibility to be demonstrated.

ECONOMIC FEASIBILITY

Economic feasibility must follow technical feasibility like day follows night. A fusion system that cannot compete economically will not be built. It will take about two demonstration reactors, considerably more sophisticated than those built to demonstrate technical feasibility to ascertain the economics of fusion. We can expect such a demonstration in the period from 1995 to 2005.

MISPLACED RELIANCE ON FUSION

To summarize, those who cry "fusion now," are either unaware of the facts concerning CTR or for some inexplicable reason are deliberately misleading the public.

If the liquid metal fast breeder reactor is not ready for commercial operation by 1980, from what other source will the United States derive the electrical energy necessary to meet requirements conservatively estimated to be at least twice the demand today?

Those who are opposing all present generation nuclear reactors today, under the guise of protecting the environment, probably can be expected to be heard from again when fusion approaches reality. What then?

Without responsible consideration of the available alternatives, a misguided vote on this crucial energy question could doom our Nation; without adequate power we shall have no economic vitality, no jobs, no recognizable standard of living and no improvement in our environmental quality.

Mr. HOSMER. Mr. Chairman, I yield such time as he may consume to the gentleman from Texas (Mr. PRICE).

Mr. PRICE of Texas. Mr. Chairman, I rise today in support of H.R. 9388, and in particular the proposed authorization of $120 million for the liquid metal fast breeder reactor—MLFBR—program.

I have a particular interest in this program because of a study presently being carried out by Texas A. & M. University. The acronym for this program is Nuplex. Nuplex is defined as a very large complex consisting of a nuclear power reactor, electric production, water desalination, chemical processing and production, agriculture, and associated activities—a new and much larger dimension in totally interrelated enterprises based on low-cost, abundant electricity and water.

The purpose of the Nuplex study is to explore the potentialities for the State of Texas of new and very large concentrated sources of electric power, desalted sea water, and the many chemicals which can be produced in associated operations.

The unprecedented size of such energy centers together with a vastly upgraded technology in desalting and in nuclear energy generation allows one to project lower costs and unusual methods for using the plant output. Some of these are closely related to possible solutions for the great problems of our time: efficient food production and distribution, wise utilization of the environment, and more social and economic opportunity for large groups of people.

The university is challenged by the many questions raised by such a concept and the opportunity of service through research and education in the several areas in which the institution has a proven capability.

Phase I of the Nuplex study seeks to identify those areas in which additional research is needed to provide basic design criteria for the Nuplex. The work of phase I has been divided into eight technical areas:

First. Nuclear energy.

Second. Electric power production.

Third. Desalination and chemical engineering.

Fourth. Crop production and crop ecology.

Fifth. Water resources.

Sixth. Byproducts and ecology.

Seventh. Socioeconomic considerations.

Eighth. Systems management and engineering.

I. NUCLEAR ENERGY

Unique among energy resources are uranium and thorium which have only one major use: the production of energy. All other energy resources have other value as raw materials for manufactured products. The Nuplex concept is a natural result of the growth and evolution, over the past 20 years, of nuclear energy as a prime energy source. As a consequence, many of the problems that are basic to the Nuplex have been, or will eventually be, solved in order to satisfy future electrical energy requirements. There is every reason to believe that today's nuclear reactors can be scaled up to Nuplex size with decreased unit energy cost. The nuclear reactor design and type selected for a Nuplex will depend on the temperature required in the Nuplex electrically, water desalting and chemical production systems.

The potential reduction in unit energy cost possible with the scale-up of current nuclear reactor plants concepts makes it desirable to consider nuclear energy as the prime energy source in the Nuplex. Present estimates indicate that near-term nuclear reactor powerplant outputs may be increased considerably by simply increasing present reactor sizes. A considerable development effort in the United States and abroad is already underway toward achieving lower electricity costs via "scale-up" of near-term reactors and the long-term development of new reactor concepts for single purpose electric utility plants. It should be noted that the design problems are relatively insensitive to the ultimate use of the generated power or steam, except as to the temperature of the delivered steam.

In considering a dual purpose reactor for a Nuplex, the choice of the reactor type, near term or far term, will largely depend on the desired ratio between electricity and water. That is, the potential for higher temperatures in developmental reactors might not have as large an economical advantage as a reactor with a long-lived nuclear fuel operating at a lower temperature, if the electricity to water ratio is low.

This generalization must be tempered with two basic considerations: First, far-term technology reactors offer more potential for operating at high steam plant temperatures with attendant electric generation efficiency improvements, and undoubtedly, this will be the direction of the main thrust of the nuclear industry; second, far-term technology reactors may offer inherent cost advantages over the present near-term reactors.

Finally, current feasibility studies of nuclear powered plants, considering both single and dual purpose desalination, lead to the conclusion that the nuclear reactor, far term or near term, should be of the indirect cycle type with a heat exchanger or steam boiler between the nuclear reactor and the electric evaporator complex. This is extremely important from an operational point of view, since the steam generator acts as a buffer between the reactor and the generator or desalting plant. Relatively simple control systems, already developed, will be satisfactory.

II. ELECTRIC POWER PRODUCTION

The scale-up of present day reactors and the development of advanced concepts for power generation and the predicted low energy costs would make a Nuplex type project profitable. However, equally important is the plant factor of the Nuplex loads. The highest possible plant factor—0.90 or better—can only be achieved through careful planning of the Nuplex industrial mix, the irrigation procedures, and the appropriate assurances of the continuity of supply of power, water, and steam. Reliability analysis of alternative system arrangements is of the utmost importance.

The feasibility of operation of dual purpose plants to accommodate variations in demand is another area where investigations will be of value.

The growing demand for electric power and the addition of new generating capacity to meet the increase is a continuous process. Electric power demand has been increasing at the rate of about 8 percent per year, a doubling every 10 years.

Generating unit sizes have also continuously increased over the years. A 200-megawatt electrical generator was the average size in 1963, while 1,300-megawatt electrical units are now under construction at the Tennessee Valley Authority Cumberland plant.

Typical of the increasing trend of replacing the conventional steam generators by nuclear steam supply systems, the Cumberland plant uses two boiling water reactors as its heat source. This trend has been enhanced by the increase in fossil fuel costs and a decrease in the unit capital costs of nuclear plants, as well as by the relative abundance of nuclear fuels as compared with fossil fuel reserves. Further, fossil fuels have alternate uses as chemical bases while nuclear fuels do not. In 1967, nuclear power accounted for nearly half of the total capacity on order in the United States. Present day reactor technology is based on light water types producing saturated steam at about 500 to 550 degrees Fahrenheit—as described in the preceding section.

SEA WATER DESALINATION PLANTS

Desalting sea water to provide new freshwater resources for the arid regions of the world has been receiving a great deal of interest since the beginning of this decade.

Among the processes investigated, evaporation has been found to be the most practical. Multistage flash evaporation plants have been designed to use low-grade steam at about 250 degrees Fahrenheit, the limitation on temperature being imposed by the necessity of scale and corrosion prevention.

More recently, multieffect—multistage flash evaporation and combination vertical-tube—multistage flash evaporation designs seem to be promising as a means for large-scale sea-water desalting. This technology is described in greater detail in chapter III.

DUAL-PURPOSE POWER/WATER PLANTS

Comparing the steam conditions required for power production and for sea-water desalting, it seems that a powerplant receiving steam at 500–550 degrees Fahrenheit and exhausting it at 250 degrees Fahrenheit to a sea water evaporator would combine the production of both commodities in one plant. Such a dual-purpose plant has definite economic advantages over separate power and water plants of the same production capacities.

NUPLEX TYPE POWER/WATER PLANT

Economic advantages could be obtained from establishing a Nuplex as a regional development project. The power, water, and steam requirements of the Nuplex can only be determined after the sizes and types of industries have been selected, but it is clear that the electrical requirements will probably be larger than 2,000 megawatts electrical.

PLANT CYCLE

The Nuplex's power and water requirements would then determine whether or not the electrical power could be produced by a back-pressure turbine exhausting low-pressure steam to the desalting plant for the production of fresh water. If additional power is required without a corresponding increase in water output, a condensing turbine could be used to generate the additional power. If, however, it is desired to produce additional fresh water while maintaining the constant electric power output, a high-pressure steam bypass to the desalting plant could be utilized to produce the additional fresh water.

III. DESALINATION AND CHEMICAL ENGINEERING

The Nuplex concept is based on the premise that considerable economy can be realized by the wedding of four usually independent functions, nuclear electric power, agriculture, sea water desalination and industry.

In spite of over 15 years of rather extensive research, there is still no method that competes seriously with the various forms of evaporation for sea water desalination on a large scale. Freezing processes cannot be scaled readily to large sizes. Reverse osmosis cannot now produce potable water from sea water in a single stage, and even if it could, it does not benefit greatly in cost per unit of size by scale up to very large capacities.

Evaporation equipment, consisting almost entirely of vessels and heat transfer equipment, can be scaled to large size with considerable confidence and with great reduction in investment per unit of production.

The operating cost of a large evaporation plant consists principally of heat and capital costs. Considerable question surrounds the figures of 20 to 30 cents per thousand gallons often quoted for very large plants. These costs depend greatly on what price one places on the heat taken from the powerplant. In general, the higher the temperature of steam fed to the desalination plant the greater its value. Capital costs are also open to question in that very optimistic values for the cost of money have been assumed. Even so, for desalted water to become extremely attractive for agricultural use, its cost must be reduced substantially.

The largest single capital cost is in heat transfer surface, and the main opportunity for reducing this investment is by finding cheaper heat transfer materials or in finding a more rapid way to transfer heat. Limiting factors in all such considerations are the corrosive nature of sea water and its tendency to deposit scale on heat transfer surfaces.

One very promising approach, that has not been extensively developed, is the use of direct contact heat transfer. Several variations have been proposed and others are possible, but all employ an immiscible liquid, such as a hydrocarbon, to transfer heat. The advantages are obvious. With no metallic heat transfer, surface scale and corrosion are virtually eliminated. The equipment, then, consists almost entirely of vessels. Furthermore, heat transfer rates are greatly increased. The principal limitation seems to be that no one knows how to design such equipment on a large scale.

In considering nuclear desalination systems of this size, one cannot ignore the interactions with the environment. Careful study must be made of concentrated brine disposal and heat dissipation. Is is more economical to produce a slightly concentrated brine and dilute this with even larger volumes of sea water prior to disposal, or is it more economical to produce a much smaller volume of highly concentrated brine which, incidentally, could serve as feed to certain processes in the industrial complex?

No plants built thus far have greatly concentrated the feed water, though it may turn out this is the optimum way to operate. It is interesting that variations in the direct contact systems mentioned above could easily produce saturated brine.

Heat dissipation might not be a problem in the winter, but in the summer some problem would almost certainly exist. A possible solution would be to form a checkerboard pattern of cooling ponds and agricultural areas. This would have the effect of favorably modifying the temperature in both winter and summer. These ponds must be sealed to prevent saline contamination of the agricultural areas. Serious consideration must also be given to water intakes to prevent undue disturbance of the inlet areas and also to prevent contamination of the feed water.

IV. CROP PRODUCTION AND CROP ECOLOGY

Inexpensive, abundant energy is the foundation of efficient food production in agriculture. The Nuplex concept suggests how energy can be produced and used to achieve such a goal. But, agricultural research has not concentrated on the technical and scientific questions that come up in connection with highly organized, energy-rich, futuristic methods for growing food plants. How to use the desalinized water in the most efficient way, how to create an ideal environment for plants, and how to utilize byproducts and waste heat in crop production are relevant sample questions which are considered in detail as research challenges. Also, we find that food production research in general can be modernized to match the level of technology represented by the energy production in a Nuplex.

The Nuplex concept and its study open up a new world of ideas and possibilities that must be explored quantitatively, by prediction and modeling, preferably by computer methods. For many students, particularly in agriculture and in applied biology, this is still a novelty. By participating in the Nuplex research, students will learn about computer simulation of cropping systems. This would be a much needed step forward in the opportunities the university now affords in the area of crop ecology and production.

The size and complexity of the proposed Nuplex agricultural system require not only simulation on paper but also realistic tests of the model results. These tests are best done in an artificial but controlled environment with stands of real plants. Conventional growth chambers, greenhouses, and field plots cannot fill this need. Agricultural production research at the university would acquire a new dimension if an environmental facility, comparable in sophistication to those used in engineering research, were to be built as part of the Nuplex research effort.

The Nuplex idea, with its very high capital and technology input, forces us to conceive and specify the optimum environment for plant growth and food production, in contrast to the adaptive approach that now characterizes much research in agronomy. It also stimulates the conception of unconventional methods of environment control.

SPECIFIC RESEARCH TOPICS

Controlled delivery of water or nutrient solutions to plants without waste.

It is an error to accept statements that water derived from desalination is just another source of irrigation water. Salt-free water, free of particulate matter and other trash, could be used in water delivery systems that are much more efficient than those generally used in conventional irrigation.

There are two attractive possibilities. The first is trickle irrigation, in which a small-bore perforated pipe is laid in a furrow to deliver water uniformly and frequently, perhaps even continuously. The delivery can be regulated to match plant requirements almost exactly, thus eliminating waste by seepage and maintaining an optimum condition for the growth of plants. The distilled water remains in closed conduits until it reaches the roots and it can be fortified with nutrients if required. A great advantage of a trickle system is that it could also be used to enrich the atmosphere around the leaves with carbon dioxide. Trickle irrigation is novel, but data from Israel reported in 1969 show a doubling of crop yields with less water use than usual.

Trickle irrigation still results in some waste of water by surface evaporation. This loss can be avoided by subirrigation, in which a perforated or porous tube is buried and water delivered under pressure. Salt accumulation above the tube and clogging have made this method impractical up to now. Studies in the Lubbock, Tex., area showed that water requirements could be reduced by 40 percent, when subirrigation was used in cotton production. Also, more recent work there demonstrates that there are ways to avoid clogging. A large and constant supply of desalted water gives a new look to this old problem.

In both cases we need to study the problem in depth to provide design criteria for the dimensions of the tubing and its grid and for the optimization of the water conditions in the root zone. These findings should then be verified in experiments with plants to document both plant response and water use, so that we can determine how much potential increase in plant production can be obtained from a given supply of pure water.

Humidification of the above-ground environment plants.

Engineers and plant scientists have known for some time that watering the roots of plants does not necessarily insure the most favorable environment for the rest of the plant. In sunny, warm weather the volume of water evaporated by a crop is so great that a partial drying of the plant occurs, so that growth is slowed down during the better part of the day.

In conventional, irrigated agriculture this is accepted as a fact of life. With the availability of piped pure water we can look into alternatives such as dispersing water in the leaf canopy in the form of mist, fog or foam. This must be done without cutting off the essential flow of light to the leaves. Little is known about the possibilities of misting, fogging or foaming, but at least one report shows a 120-percent increase in tomato yield.

V. WATER RESOURCES

The economic and population growth of Texas depends to a large extent on the use of natural resources, especially water. Evidence clearly establishes that the use of fresh water supplies is proceeding at a greater rate than they are being replaced by natural processes. The concept of the Nuplex offers the interesting possibility of considering saline water sources as potentially large, new and unrestricted fresh water resources.

A Nuplex which produces distilled water may be a realistic alternative for conventional water supplies, particularly for water resources developed by importation. Water developed by the Nuplex could be considered new water and would not have the historical and legal claims associated with present water resources. In some respects, the Nuplex water may be more desirable, and, therefore, more valuable than water of natural origin.

The study of the Nuplex concept, and the choices it offers, provide faculty and students with a real opportunity to explore how important natural resources, such as water, can be used, altered or managed to the maximum benefit of mankind.

SPECIFIC RESEARCH TOPICS

Four research areas in water resources development have been identified as follows:

An economic comparison of the Nuplex water production with other water sources should be made. For example, in water development plans for south and west Texas, diversions from east Texas or from the lower Mississippi were suggested. These sources and proposals for water development should be compared to the Nuplex and the desalted water it produces. In this research the goals would be to: First, identify water developments and water qualities which would provide, in south Texas the amounts of water equivalent to those producible in a Nuplex; second, measure the cost of developing these alternative water supplies and compare them with costs of producing water in the Nuplex, and third, determine the values-in-use of the water supplies for all possible Nuplex and off-site purposes, agricultural, municipal, and industrial.

The construction and testing of models and systems for handling the large volume of water that the Nuplex produces is an additional significant research opportunity.

Water problems stem from the fact that water is usually not available at the time or in the quantity or quality demanded. Water resource planning has as its aim the resolution of conflicts with regard to the quantitative and qualitative availability of water, which usually includes the specification of required structures and necessary operating rules. The water planning aspects of the Nuplex would, thus, be a research effort in itself. In this aspect of the research, system models would be developed which would permit the analyst to consider the alternative uses of the various center components and to identify those components which contribute most significantly to the total costs and benefits.

An interesting example of such research is the possibility of providing municipal water for the El Paso area. The Nuplex project could supply water directly to El Paso, using electrical energy for pumping water, or the Nuplex could deliver water to the lower Rio Grande, allowing El Paso to draw greater quantities of water from the upper part of the river under existing treaties. A systematic method for resolving such questions would be a key research objective.

There are, of course, detailed questions concerning the operation of the total water system that would need to be resolved. Models which simulate the demands, the pipelines, the valves and pumps must be made and used to minimize the total cost of operation, and to maximize its flexibility and efficiency.

Use of relatively pure water from a Nuplex for municipal and industrial use creates special opportunities and perhaps some problems. Research is needed to establish the economic benefit of reasonably pure water, and the cost as a function of purity must be compared to the benefits to laundering and food processing operations, for example.

There are also potential problems. Research must show whether Nuplex water may be deficient in mineral content for consumption by humans or animals, and what measure must be taken to overcome these problems. We suggest a study of the suitability for drinking purposes of processed water, not omitting the possible presence of any toxic or harmful compounds that may result from the heating of sea water or any other aspect of its preparation.

There will be research questions associated with the storage of Nuplex water. It will be necessary first of all to determine the storage capacity which will be needed for the successful operation of the system. Storage will be required for flow regulation when the output from the plant varies and when use and output do not coincide. Storage may also be required to provide backup hydroelectric power for the powerplant in case of nuclear or primary electric powerplant failure. Storage capacity for the agricultural enterprise would be particularly large, perhaps as much as 30 billion gallons.

VI. BYPRODUCTS AND ECOLOGY

The basic byproducts resulting from the power-potable water units of the Nuplex are heat and concentrated sea water. Research approaches related to the recovery of a larger number of chemical elements from the concentrated sea water have been suggested. A study on the use of the concentrated brine for brine shrimp culture is presented. The interface between the Nuplex and the ecology of the area influenced by the Nuplex is discussed. It is suggested that the cooling water effluent from the Nuplex, after proper cooling, could possibly be used to purge a bay area and thereby create a more stable and cleaner environment for the biota, plant, and animal life of the bay. Food processing with the power, steam, and water produced by the Nuplex has been recognized as a potential adjunct to the agricultural systems of the Nuplex.

The basic raw materials needed by the power generation and potable water production units of the Nuplex are sea water and uranium. Sea water is used both as cooling water and as a source of potable water through evaporation and subsequent condensation. About 7×10^9 gallons of sea water will be required daily by the Nuplex. Of this volume, 5×10^9 gallons will be used as cooling water, 1×10^9 gallons will become potable water and 1×10^9 gallons will become concentrated sea water, containing approximately 70 parts per thousand dissolved solids.

The site selected for the intake of this large volume of sea water is important both to the ecology of the sea, at and adjacent to the pumping site, and to the quality of the water obtained. Shallow bays would result in more polluted water than the open sea. Likewise, the ecology of shallow bays of limited volume would be adversely influenced by the daily removal of 7×10^9 gallons of water.

The two chief byproducts of the Nuplex are concentrated sea water and heat. The heat must either be utilized by the other components of the Nuplex or discharged to the environment without adversely influencing the ecology of the environment coming under the influence of the Nuplex.

The concentrated brine contains a host of chemicals and, therefore, has potential economic value. The residues of the concentrated brine will eventually have to be returned to the sea. However, such a process must be controlled so as not to destroy or severely damage the biota of the area receiving the concentrated sea water.

VII. SOCIOECONOMIC CONSIDERATIONS

The availability of large quantities of electricity and water provided by a Nuplex would cause monumental socioeconomic changes to take place in the geographical location of the facility. Those new agricultural and industrial activities that are dependent on energy or water resources would gravitate to the area. This new economic pull of energy and water with new and different types of agricultural and industrial activities would change the entire economy of the area and would be responsible for creating agricultural and industrial enterprises that do not presently exist. A major impact would be made in the direction of upgrading the lives and productivity of the people influenced by the Nuplex.

It is in the nature of reality of economic interdependencies that any new developable resource added to an economic system, region, or area will have repercussions which directly and indirectly influence every aspect of the economic system and of the society which depends on the economic system. When the new "exogenous influence" is in the nature of such a profoundly important industrial and consumer input as a new source of power and a major new source of clean fresh water, the impact on the entire economic system in which this occurs can be used to change the economic and social characteristics of the selected area.

The desirable effects will be all those associated with the greater availability and lower cost of higher quality inputs. These forces will tend to result in higher wages, better living conditions, greater returns on investment, and a general expansion of the economy.

The actual, real impact on the economy which would result from the development of a Nuplex in any area or region would depend on the extent of the alteration of the previously existing input and output cost factors in that region. The actual economic impact of the Nuplex will depend upon the relative prices of what it has to offer in power, water, minerals from the sea, and a myriad of other industrial inputs as compared with the prices of the same things available through conventional means and conventional markets. This conclusion, however, assumes that social benefits and private market conditions virtually reflect each other but this is not always the case. Consideration will also be given to the potentialities of the Nuplex from the point of view of the public or social benefit point of view, in addition to the point of view of the private economy at relative prices.

VIII. SYSTEMS ENGINEERING AND MANAGEMENT

Nuplex is a mammoth project and a highly complex system. From a systems management and engineering standpoint, nothing of comparable size and complexity has been planned, designed, implemented, and operated as an integrated system previously. The systems management possibilities in such widely diverse areas as economic development, resource management, regional analysis, process control, and urban and environmental planning are almost limitless.

If effective research is to be conducted at Texas A. & M. University on the development of a Nuplex, it will be beneficial to the overall research effort to develop analytical models which characterize the salient features of the entire system. The advantages gained from these models are many. The research on Nuplex will be conducted by a number of technical groups, each of which will explore an individual area in detail. During the early research phases, the availability of analytical models representing the entire system will permit evaluating the relative importance and priority of research on various components of the system, measuring the success in research objectives, and establishing the time scale on which decisions should be made.

Mr. Chairman, this is but a small sampling of a very ambitious program planned by Texas A. & M. University.

With fresh water supplies all but depleted in my congressional district and much of Texas and the Southwest, I see this program as our possible salvation. I urge my colleagues to adopt this authorization and to fund the program fully in order that our Nation may have the full benefits which will be derived from nuclear energy.

Mr. HOSMER. Mr. Chairman, I yield 5 minutes to the gentleman from Idaho (Mr. HANSEN).

Mr. HANSEN of Idaho. Mr. Chairman, this is the first time I have had the privilege to appear in support of the annual Atomic Energy Commission authorization bill since my assignment earlier this year to the Joint Committee on Atomic Energy.

I would like to take this opportunity to underscore the comments made by my colleague, the gentleman from Illinois (Mr. ANDERSON), and to join him in paying tribute to the leadership role that this committee has played in the Congress and the country over nearly a quarter of a century.

On August 2 of this year, the Joint Committee on Atomic Energy will observe its 25th birthday. It is important and significant to note also that among its present membership are two of our colleagues who were appointed to the committee when it was first organized on August 2, 1946, the gentleman from California (Mr. HOLIFIELD) and the gentleman from Illinois (Mr. PRICE).

I would commend them for their leadership over the quarter of a century that the committee has so effectively carried the important and awesome burden of shaping our Nation's nuclear energy programs.

NUCLEAR SAFETY

Mr. Chairman, among the important and, I would say, high-priority programs covered in the bill before us is the authorization that it contains $42,940,000 for research and development in the field of nuclear safety. This includes work on light water reactor safety, fast breeder reactor safety, and techniques for long-term storage of radioactive wastes. A great deal of the important work in the water reactor safety research is being performed at the National Reactor Testing Station located in Idaho in the district I have the privilege of representing in Congress.

The initial budget request in this program was for $35,940,000, the same amount as estimated for the previous fiscal year. Subsequently, by amendment to the request, the amount was increased by $7,000,000, $4,000,000 of which was a direct consequence of President Nixon's energy message of June 4 and was identified specifically to supplement planned work in the field of fast breeder reactor safety.

Another portion of the increase requested was identified for research and development related to the proposed national radioactive waste repository to be located at Lyons, Kans., more than doubling research and development funds for long-term storage of radioactive wastes. The initial amount of $850,000 was increased to $1,850,000.

The Joint Committee fully endorses this increase in funding.

During fiscal year 1971, experimental data were developed in the light water safety research program relative to emergency core cooling in a small test model. A special task force was appointed within the regulatory staff to study the applicability of these data to the safety of reactors in operation, under construction, and those undergoing licensing review. As a consequence of the review, interim criteria were developed by the AEC regulatory staff for the evaluation of the adequacy of the design of emergency core cooling systems for these reactors.

The committee report comments upon this development and I shall not discuss it in detail at this time. I would like to emphasize, however, that the Commission has been conducting analytical and experimental light water safety research over a period of years, in fact, since the beginning of the civilian nuclear power program in the 1950's.

The results of these research and development programs as they become available are added to the overall body of information which forms the basis for assessing the margins of safety in reactor designs. Conservatism in interpreting such data has been a characteristic of AEC licensing evaluations. This approach, coupled with redundancy and diversity of safety-related components, has resulted in the enviable safety record of the nuclear power industry—no member of the public has ever been injured as a consequence of the operation of a civilian power reactor since the beginning of the program.

I would only add that the Joint Committee reviews both the AEC's safety research program and its licensing program. We have always insisted that safety is the paramount consideration in the nuclear power program and we believe the Commission is carrying out that mandate.

IMPLEMENTATION OF THE NATIONAL ENVIRONMENTAL POLICY ACT (NEPA) (PUBLIC LAW 91-190)

Once NEPA became law on January 1, 1970, there remained the practical problem of developing the administrative procedures for its effective implementation on a Government-wide basis and within each agency. The President issued Executive Order 11514 in March of 1970 setting forth agency responsibilities including the development of procedures to insure timely public information on Federal plans and programs with environmental impact. It also set forth the responsibilities of the Council on Environmental Quality—CEO.

Certainly the most important duty, from the standpoint of implementation of the law, was that of preparing and issuing guidelines to the Federal agencies for the preparation of detailed environmental statements required by section 102(2)(C) on major Federal actions and recommendations or reports on legislation significantly affecting the human environment. Less than a month later, on April 2, the AEC issued a statement of policy on implementing the new law relative to its regulatory functions.

In May 1970, the CEO published its interim guidelines for the benefit of Federal agencies and again, within a month, the AEC issued interim procedures for AEC operations a revised policy on regulations to reflect not only those guidelines but the provisions of the Water Quality Improvement Act of 1970 which had become law on April 3, 1970, the day after AEC's initial policy statement. AEC also published, on June 11, 1970, interim procedures for implementing NEPA in its regulatory functions. These were further refined in January 1971.

After lengthy consideration of comments on its interim guidelines, the CEO published proposed revised guidelines on January 22, 1971, again inviting comment. The final guidelines were adopted on April 21, 1971. AEC has recently further amended both its regulations and internal procedures in the light of these final guidelines.

An analysis of the record will reveal that the AEC has been assiduous in its efforts to assure compliance with the intent of NEPA and conformity with the guidance provided by the CEQ in its internal operations and in the regulated activities of others. In its first review of the administration of this act, the House Merchant Marine and Fisheries Committee pointed out that the AEC interpreted the Executive order of March 1970 as requiring public availability of draft environmental reports while other agencies did not. The CEO interim guidelines published in April 1970 contained no such provision and even the final guidelines proposed in January 1970 and adopted in April 1971, provide only that such draft statements must be available at least 90 days before agency action.

The final guidelines specifically exclude recommendations and proposals on legislation from that requirement. Instead, they provide that statements relative to legislative proposals are to be made available to the public when presented to the Congress. The AEC has consistently followed the more liberal policy of making such statements publicly available in draft form when circulated among agencies for comment—often as much as a year before legislative action and 6 months before the legislation is even submitted to the Congress. It is, therefore, somewhat difficult to understand the criticism voiced about the way the AEC has acted to comply with NEPA. One might wonder aloud, "What more could an agency do?"

NEPA—THE ROLE OF CONGRESS

There has been raised the issue of compliance with the National Environmental Policy Act of 1969—Public Law 91-190, NEPA. A similar issue was raised last year relative to the SST. It appears we shall be hearing much about the requirements imposed by that act.

This then is an issue of major significance for this body and, indeed, for the entire Nation, for the course we chart now will be the path for those who follow. And we are talking about essentially every single piece of legislation which will come before us—certainly almost every money bill. If one should have any doubt about the truth of that statement, I invite his attention to the report issued last month by the Committee on Merchant Marine and Fisheries—of the other body—on administration of the Environmental Policy Act.

The basic question before us then is what do we see as the role of the Congress in performing its legislative function relative to assuring compliance with NEPA. In particular, it is section 102(2)(C) of the act, which requires preparation of environmental impact statements, that should be the focus of our attention.

There is absolutely no doubt that the legislation and the history surrounding it reflect the unqualified intention of the Congress to assign this responsibility for review of environmental effects of government programs and licensed activities to the executive branch. Requiring executive agencies to prepare statements assessing potential environmental consequences of governmental acts is intended to assure the appropriate consideration of environmental effects sufficiently in advance of those governmental actions to protect our natural resources and to develop an environmentally sensitive bureaucratic decisionmaking process.

The act placed the duty for the preparation of detailed environmental statements on the responsible official to be designated by the various Federal agencies. It also requires consultation among the various agencies with appropriate expertise on the issue at hand and the obtaining of comments thereon by such agencies—Federal, State, and local—to assure the best and most thorough consideration of environmental questions. The act further established a new entity—the Council on Environmental Quality—to oversee and coordinate these efforts and provide the necessary direction by way of guidelines for administering this statute. This has been done over the past 18 months and, as could be anticipated, it has been a complicated growing and learning process. One cannot impose an overriding new requirement on essentially the entire governmental decisionmaking process and expect no problems.

What the Policy Act and the entire history surrounding it do not reveal is the intended role, if any, for the Congress once the Executive has complied with the requirements for an environmental review and a detailed statement has been prepared with appropriate consultations and consideration of comments by others. I submit that the Congress certainly should satisfy itself that the procedures have been compiled with, but that it would be unwise for us to attempt to second-guess each of the substantive conclusions reached through that thorough review by specialists in these fields. Basically, this "102 statement" is another source of information—a major source—upon which we can rely in reaching our conclusions as to how we cast our votes. We can accept or reject that information. I hasten to add that this is no call for abdication by the Congress of its responsibility to assure itself that the right decision will be made on the basis of the best facts.

It seems clear to me that the responsibility for the environmental evaluation was deliberately and wisely placed by the Congress upon the executive branch, where the expertise lay, or is more readily available. The system adopted insures against preemptory action by any single agency through the agency consultation-comment provisions, public awareness and the oversight of the President's Council on Environmental Quality. Inadequacy of performance of those duties constitutes violation of the law, subject to judicial correction—a remedy to which several of our courts have been and are presently addressing their attention. If we in the Congress are to continue to function at all in carrying out our legislative role, we simply cannot afford the luxury of conducting a de-novo review—either in committee or in Chamber—of each of these technical issues. I can think of no more effective way to paralyze the Congress.

This is not to say Congress has no role in assuring compliance with the act. Surely each committee with jurisdiction over the activities of any agency can assure that such agency is performing its responsibilities under NEPA in an appropriate manner. The Joint Committee on Atomic Energy has been doing essentially this kind of review for 25 years. Most recently, during the past 2 years, starting before NEPA became law, we conducted hearings on the environmental effects of producing electric power. The 4-volume, 3,200 page record is being used as a text in several university courses on environmental protection. This is just an example. Other committees have been equally responsible in carrying out their oversight functions.

In addition, by providing the essential resources, the Congress can assure adequate staffing of the Council on Environmental Quality which is charged with the difficult task of formulating and recommending national environmental policies, including administration of the entire Federal establishment. By making that central executive entity administratively and technologically strong, we can do much to assure compliance with the congressional intent in enacting NEPA.

As indicated at page 49 of the report, the committee is recommending an additional $660,000 for community support at Richland, Wash. This action is in keeping with the spirit of the Atomic Energy Community Act of 1955 under which the AEC is to provide just and reasonable support to its former community.

The addition is needed because of the severe economic distress in that area which was exacerbated this year by the closing down of the K-east production reactor by the AEC. High unemployment has resulted in a reduced bond issue for schools and the defaulting of pledges to sustain the community hospital. The recommended additional funds will be allocated for these two activities as well as for municipal operations. The Richland School District would receive assistance payments totaling $350,000, the hospital would receive, through the city of Richland, $200,000 and $110,000 would be made available for municipal operations.

Mr. SKUBITZ. Mr. Chairman, only yesterday a copy of a letter was hand delivered to me which was addressed to the Chairman of the AEC, sent by Governor Docking, dated July 13. I quote from the letter:

> The Joint Committee on Atomic Energy staff office has informed me your Committee has voted to authorize the funds for the AEC plans to proceed with construction of the AEC waste depository over the objections of Kansas. I also am asking you to support opposing the Lyons project if the bill should reach the Senate floor.
>
> If the Congress approves the AEC project, the Kansas Attorney General Vern Miller is making preparations to file a lawsuit to halt the project; I will support him in legal action.

That was signed by Governor Docking.

Mr. WOLFF. Mr. Chairman, will the gentleman yield?

Mr. SKUBITZ. I yield to the gentleman from New York.

Mr. WOLFF. The gentleman, I would say, makes a very good case in support of his position. I feel very strongly that this is another case that illustrates that the powers of the Atomic Energy Commission as both the promotor of nuclear power and the regulator of nuclear power are in conflict.

Mr. SKUBITZ. I thank the gentleman for his comments.

Mr. LEGGETT. Mr. Chairman, several of our colleagues on the Atomic Energy Committee recently circulated a letter urging us to vote against the Mink amendment. It said,

> Arms control agreements being considered at SALT call for ABM to protect national command centers. One of two U.S. warheads

> essential for this purpose cannot be developed without Cannikin data. Dropping Cannikin could roadblock SALT progress.

I must respectfully suggest that my colleagues are mistaken. The basic Spartan missile, which is the vehicle for which this warhead is intended, would be useful only in an anti-Chinese defense, which has been disowned by President Nixon. The basic Spartan contributes nothing to national command center defense, nor to any other kind of anti-Russian defense.

Obviously, if the Spartan is of no use against a Russian attack, it is not worth very much as a bargaining counter in arms limitation talks with the Russians.

It is a known fact that Spartan is only useful against a small unsophisticated attack. A heavy sophisticated attack, which is the only kind the Soviets would ever send against us, would cut through a Spartan defense like a blowtorch through oleomargarine. That is why we have Sprint missiles.

The Russians can penetrate a Spartan defense in any one of a number of ways. They can use chaff to blind the radar that guides Spartan. They can use light decoys such as balloons to confuse the radar. They can use precursor warheads to blind the radar. Any one of these would do the job, and we can be sure the Soviet attack plans call for the use of all three at once.

In addition, the huge Spartan warhead itself will tend to black out its own radar.

The only ABM that has any hope of success is the Sprint missile, which intercepts at low altitudes where decoys do not work and blackout is ineffective. Sprint still has the problem of physical vulnerability of its radar, but that is not the problem before us today.

The point is, Sprint is the only ABM that has any hope of working, and it does not need this test. It does not use a five-megaton warhead; it uses a warhead about one-thousandth that size.

It as been said that Cannikin will cause undesirable environmental effects. I am not qualified to pass on this. But I can tell you from a national security standpoint that this test is a waste of money. We do not need this warhead and we do not need this missile. In the words of Dr. Herbert York, a former Presidential science adviser, Cannikin is a "pointless experiment in search of an unnecessary weapon."

Mr. McCLORY. Mr. Chairman, I am particularly interested in the bill, H.R. 9388, which authorizes appropriations to the Atomic Energy Commission. The development of a large nuclear energy generating plant at Zion, Ill., in my congressional district, has raised serious questions regarding the effect of this facility on the environment.

Mr. Chairman, many persons have recommended the installation of cooling towers in connection with this facility on the assumption that this would prevent any degradation of the water or marine life of Lake Michigan in the area near the new generating plant.

Mr. Chairman, I am pleased to note that the committee has recognized the dangers which may be inherent in the effluents from such a nuclear generating system. As a partial avoidance of this threat, the committee appears to feel that a gas-cooled reactor program might be preferable. I am hopeful that such a program will be successful to the end that thermal effects may be avoided in future systems.

Mr. Chairman, I am also encouraged by the research agenda which the committee has undertaken as indicated on page 28 of the report of the Joint Committee on Atomic Energy where the committee states flatly that it is supporting:

> The development of new and improved techniques for the control of effluents from nuclear facilities (which) will lead to enhanced ability of nuclear power plants and related facilities to operate with minimum adverse impact upon the environment.

Mr. Chairman, I am not satisfied that cooling towers are the answer for the Zion nuclear generating plant. I dread the prospect of cooling towers which might reach to a height of 500 feet and emit a cloud of steam with its adverse thermal effects on the atmosphere—let alone the adverse physical appearance and esthetic degradation of the area which such a cooling system would produce.

Mr. Chairman, the committee has indicated its full awareness of the environmental impact produced by nuclear energy generating systems. Notwithstanding the completion of the Zion plant, I would expect that any new techniques which are developed would be adopted which would reduce thermal or other types of pollution.

Mr. Chairman, the need for additional sources of electrical energy are tremendous. The committee—and the Members of this House—by their votes today are manifesting their determination to provide for the needs of the people while, at the same time, protecting this and future generations against any adverse effects on the human environment. I commend the committee on bringing this bill (H.R. 9388) to the floor, and I am pleased to give it my support.

Mr. McCORMACK. Mr. Chairman, the authorization bill for the Atomic Energy Committee approved by the Joint Committee includes operating costs of $27.6 million, offset by estimated revenues of $17.5 million, for the dual-purpose new production reactor at Hanford, Wash. The authorization of these funds was requested by the administration in its May 6 amendment to the AEC authorization bill. This reversed the earlier administration decision to shut down the N reactor at the AEC's Hanford plant. The request for funds to restart the N reactor, effective July 1, 1971, was made pursuant to an agreement concluded in April 1971 between the executive branch and the Bonneville Power Administration and the Washington Public Power Supply System that the N reactor would be operated by the AEC for 3 years—fiscal 1972 to 1974—provided that the Washington Public Power Supply System—WPPSS—will pay the AEC up to $20 million a year for the availability of the N reactor to produce steam in an amount equivalent to 4 billion kilowatt hours a year.

The N reactor is a dual-purpose reactor in that it is used for the production of plutonium for weapons and other purposes and also to supply steam to generate 800,000 kilowatts of electricity for the Pacific Northwest.

The Joint Committee strongly supports the continued operation of this reactor. First and foremost it will augment the supply of plutonium available to meet national defense requirements—without the N reactor there would be no contingency supply available to meet any need other than known firm requirements. The N reactor will be immediately available during the next 3 years to meet unforeseen plutonium requirements precluding a delay of many months for start-up of a single-purpose reactor and initial production.

This action also results in a substantial reduction in threatened job cutbacks in an already severely depressed area of the State of Washington. And it will enhance the supply of electric power in the Pacific Northwest of which—even with the N reactor operating—there will be an increasing shortage in the next 2 years. In addition, efforts to move forward on diversification of industry in the Hanford area will be significantly enhanced.

The Atomic Energy Commission advised the Joint Committee on January 28, 1971, of the decision to shut down the two Hanford reactors which was made following an examination of requirements for reactor products. The Commission advised that the three production reactors remaining in operation at its Savannah River, S.C., plant were more versatile for the production of the several reactor products for which there were defined military and civilian requirements. The AEC said that the three Savannah River reactors were sufficient to meet "established requirements."

The K-East and N reactors were to have been shut down immediately as well as related fuel element fabrication and supporting research and development activities at Hanford and Fernald, Ohio The separation facilities at Hanford associated with fuel processing and plutonium handling were to have been discontinued at a later date. Thousands of AEC contractor employees were to have been terminated.

Following strong protests from the people of the Hanford area and the State of Washington, the Washington congressional delegation, other Members of Congress, and the Governor of Washington State, the President ordered the shutdown of the N reactor suspended. A special administration task force was appointed to study the matter. Letters were exchanged and conferences were held between administration officials, the joint committee, Members of Congress, and a task force led by Governor Evans. New facts were brought to light, some of which I discussed earlier, which demonstrated that the projected budget savings were much smaller than originally thought and that the adverse impact of the reactor shutdown would have been very great. Finally, the administration agreed in April to restart the N reactor and requested the necessary additional funds in May.

I wish to commend the executive

branch for reversing its decision to close down the only operating dual-purpose reactor. The President and his assistants demonstrated a willingness to listen and to consider the factors pointed out by others from both political parties who were interested only in assuring that the full story was known before final action was taken.

The Congress must now follow through in the same bipartisan spirit by enacting the necessary authorization and appropriation of funds for continued operation of the N reactor.

I insert at this point in the Record a February letter from Senator Jackson to the President which explains in greater detail the reasons why the N reactor should continue in operation, and also the Office of Management and Budget letter to Governor Evans outlining the agreement to continue operation of that reactor.

The letters follow:

U.S. Senate,
Washington, D.C., February 8, 1971.

The President
The White House
Washington, D.C.

My Dear Mr. President: The Administration's decision to shut down the K EAST and New Production Reactors at Hanford, Washington, involves a fundamental change in a long-standing national defense policy and will cause serious and direct adverse consequences to the economy of the West, as well as indirect national effects. These very significant points were brought out during the hearings (executive session) held by the Joint Committee on Atomic Energy on February 4, 1971. I would like to summarize for your personal attention, certain of the facts in the hearing record:

1. Closure of these two reactors will mean that, for the first time in the history of the Atomic Energy Commission, this Nation will not have a capability to supply plutonium beyond currently known requirements of the Department of Defense. There would be no existing capacity to deal promptly with contingencies, because of the lead-time (approximately three years) in getting closed production reactors back on the line. It is my understanding that the Department of Defense desires some production flexibility to deal with contingencies and took that position during the decision-making process. There is no explanation of the considerations which warrant such a drastic change in the national defense posture.

2. The New Production Reactor (NPR) is a dual-purpose reactor, which is used for the production of weapons plutonium and also to supply 800,000 kilowatts of electricty. For perspective, the NPR is the Nation's only dual-purpose reactor; most of the U.S.S.R.'s plutonium producing reactors are dual-purpose. Thus, the Soviets apparently do not have the long-lead time problem which is inherently associated with the reactiviation of single purpose plutonium production reactors.

3. The 800,000 kilowatts of electricity from the NPR is supplied to the Pacific Northwest under arrangements between the Atomic Energy Commission, the Bonneville Power Administration (BPA) and the Washington Public Power Supply System. The Pacific Northwest and the Southwest need the power from the NPR. Indeed, Mr. Richmond, the Administrator of Bonneville Power, testified that BPA, because of the lack of power sources, had not contracted to supply power to any industrial user since 1966. He further testified that there is no established replacement for the NPR power, and indeed, that unavailability of NPR power may force BPA to cancel or curtail some of its contractual commitments. The loss of NPR power occurs at a time when there is an existing disparity between electrical power supply and demand in the Pacific Northwest, and, indeed, in the Nation. That disparity is increasing almost daily because of the increasing demand for power which is accompanied by the increasing difficulties encountered by the producers of power. One example of the many difficulties associated with the lag in the power supply is the environmental problems associated with certain low sulfur fossil fuels, particularly in the Los Angeles area. There are no easy and immediate solutions to these problems. The lead-time necessary to construct and put into operation a nuclear reactor or any other power plant which would replace the NPR output is from 5 to 7 years. In short, the unavailability of NPR power could well result in economic chaos.

This Government viewed the NPR as a distinct national asset when it was authorized in 1961, both economically and for national defense purposes. In my view, the record shows that the NPR continues to be such an asset. Continued operation of the NPR can contribute beneficially in each of the foregoing areas of national concern (plutonium production supply contingency and electrical power), and, I might add, with minimum environmental impact.

4. The Hanford, Washington, area is the only known example of a Government-industry program initiated during the 1960's at the time of earlier production cutbacks, which resulted in a conversion from a military defense war requirement to a peacetime requirement. This conversion was essentially accomplished by commitments by AEC contractors at Hanford to create a diversified economic base which would not completely depend on AEC activities at Richland. The latest shutdown, because of the severe direct and indirect economic consequences, could well result in a complete unravelling of the various economic diversification programs which are either completed or are near completion at Hanford.

It is my understanding that a task force has been appointed by the White House to reconsider the closing of these two reactors. Incidentally, I have suggested that the task force include a representative of the Department of Defense because, as stated previously, the question of current and future plutonium needs is involved. The record made at the February 4, 1971, hearing contains additional information which bears directly on the important duty to be performed by the task force. It will, of course, be made available to the task force, as well as any other additional information which may be helpful. For that purpose, Mr. Edward J. Bauser, the staff's Executive Director, will contact the task force.

The points which I have summarized are of nationwide significance. I would sincerely hope that the Administration will decide to at least ameliorate the consequences of the announced shutdowns by budgeting funds for continued operation of the NPR.

Sincerely yours,
Henry M. Jackson,
Chairman, Subcommittee on Military Applications, Joint Committee on Atomic Energy.

Office of Management and Budget,
Washington D.C., April 2, 1971.

Hon. Daniel J. Evans,
Governor of Washington,
Olympia, Washington

Dear Governor Evans: This is to confirm our telephone conversation of today in which we agreed on a revised proposal, as outlined below, for continued operation of the Hanford N Reactor.

Representatives of the Washington State task force met with representatives from OMB, the AEC and the Department of the Interior on March 30, and 31, 1971, to review the details behind the N Reactor proposal transmitted to you on March 11, 1971. As a result of this joint review, we have been able to isolate the differences between the data your task force has been using and that on which our proposal was based. While the differences have been identified some of them remain judgmental and could only be resolved through actual experience.

The major issue involves the net cost to the Federal Government for operating the N Reactor. In reviewing the details it was recognized that our estimated annual average net operating cost of $31 million should be adjusted downward. Your task force and we agree that a downward adjustment of $3 million should be made to reflect federal revenues that would be lost if the N reactor were shut down. We further agree that additional downward reductions, of an unkown and unresolved amount, should be made to reflect economies that could be achieved by optimum scheduling and operations.

In recognition of this uncertainty about the necessary level of costs, and taking account of all of the non-budget factors which bear on this problem, the administration is prepared, subject to the necessary Congressional authorizations and appropriations, to continue operating the N Reactor for the next three fiscal years (July 1, 1971, to June 30, 1974) provided that the WPPSS will pay the AEC a maximum of $20 million per year for availability of the reactor to produce steam in an amount equivalent to 4 billion kwh per year. This payment would be based upon availability of the reactor to produce steam, not upon the amount of steam actually produced and used by the utilities from that availability. This payment level would begin July 1, 1971.

In order that the reactor and associated facilities can be operated at the lowest possible cost consistent with safe operations and AEC's plutonium production objectives, future scheduling and methods of operation should be jointly developed in a good faith effort by the AEC and the WPPSS. Any reductions achieved in net operating costs, after allowing for plutonium credit, below $20 million per year, will be used to reduce the costs to the utilities for steam availability.

We do not insist that as a condition to this proposal that the Bonneville Power Administration increase their current contract rates but strongly urge that all efforts be made to recover full costs as early as possible.

The Washington Public Power Supply System must reach a conclusion by June 30, 1972, regarding exercising the contractual provision to assume full responsibility for the operation of the Hanford N Reactor not later than July 1, 1974.

In order that we may proceed with contractual arrangements, would you please indicate your endorsement of this agreement by signing and returning a copy of this letter.

Sincerely,
Donald B. Rice,
Assistant Director.

Mr. Chairman, I wish to also comment on the necessity for AEC support for the city of Richland, Wash.

As indicated at page 49 of the report, the committee is recommending an additional $660,000 for community support for this community. This action is in keeping with the spirit of the Atomic Energy Community Act of 1955 under which the AEC is to provide just and reasonable support to its former community.

The addition is needed because of the severe economic distress in that area which was exacerbated this year by the closing down of the K-east production reactor by the AEC. High unemployment has resulted in a reduced bond issue for schools and the defaulting of pledges to sustain the community hospital. The recommended additional funds will be allocated for these two activities as well as for municipal operations. The Richland School District would receive assistance payments totaling $350,000; the hospital would receive, through the city of Richland, $200,000; and $110,000 would be made available for municipal operations.

Mr. FULTON of Tennessee. Mr. Chairman, I speak in support of the entire amendment being offered by the distinguished gentleman from New York. However, I would like to direct my remarks particularly to that portion which will provide additional funding in the amount of $2.3 million for the very necessary work which remains and must be done to insure the safety of the emergency core cooling system.

At a time when we appear to be staking so much in nuclear power as our possible prime energy source of the future, we should look at both sides of the coin. Reactor technology offers great hope for the future. However, it also gives rise to potential dangers of the most profound magnitude.

This is particularly true in the case of the liquid metal fast breeder reactor. There is in this authorization $164,300,000 for civilian power reactors which is, in the words of our committee:

> Largely directed toward the development of the Liquid Metal Fast Breeder Reactor, an objective which has and deserves the highest priority in the AEC's civilian power reactor development program.

Certainly, this is a view which we all can support.

The amendment we are considering does not relate directly to the LMFBR but, indirectly, has a very important relationship.

The recent tests by the AEC on the reliability of the emergency core cooling system for the current generation of reactors simply have not demonstrated that the technology we possess today is sufficient to guarantee the safety of these potentially very lethal power producers.

Some of the potential problems associated with our present reactor technology, both from a scientific and administrative aspect, have been raised in an article in the July 1971 edition of "Not Man Apart," which is published for Friends of the Earth, John Muir Institute for Environmental Studies and the League of Conservation Voters. It is entitled "New Evidence: Nuclear Plants Are Unsafe," and is written by Mr. Wilson Clark. I do not purport to speak for its authenticity, though I can state that Mr. Clark is considered highly competent in this field. Time will not permit me to read the article, but I would like to include it in the Record at this point and commend it to the consideration of my colleagues.

New Evidence—Nuclear Plants Are Unsafe

(By Wilson Clark)

Last May 3, the Congressional Joint Committee on Atomic Energy (JCAE) held a secret hearing on the subject of nuclear power plant safety. In the ensuing days, rumors of the impact of this closed hearing were confirmed by sources within the Atomic Energy Commission (AEC). On May 10, unexpectedly, the text of a communique to the JCAE by AEC Chairman Glenn Seaborg was leaked to the press.

Seaborg's startling letter reveals that the results of a series of experiments conducted for the AEC at its National Reactor Testing Station in Idaho and "problems . . . encountered during construction, preoperational testing and early operations (of nuclear power plants) . . . indicate the need for a more rigorous effort in this area (safety program)." Seaborg announced that a four-man AEC staff committee "is conducting an extensive evaluation of all the information on ECCS performance" (Emergency Core Cooling Systems) and that "pending completion of this review, we anticipate that there will be delays in the licensing of some plants now under consideration."

The key phrase in Seaborg's letter is "ECCS performance." This refers to the essential back-up system in huge nuclear power plants that provides for emergency cooling water to be supplied to the fuel core of the reactor in situations where the deadly radioactive fuel (such as uranium or plutomium) is melted down, triggering a reactor disaster. Such a fuel melt-down could cause a breach in the "containment" of the reactor, meaning that some or all of the 100 tons of lethal radioactive material contained in large power plants would be released to the environment, contaminating massive amounts of land and wounding or killing individuals exposed to the destructive path of runaway poisons.

The recent Idaho experiments on Emergency Core Cooling Systems are part of a long series of episodes involving nuclear power plant safety within the AEC; for years, pressure has built up in the AEC and its advisory committees for increased spending on reactor safety. Much of this interest has been based on fears of the inadequacy of such critical power plant engineering components as the cooling systems. A brief history of the AEC's efforts in this area indicate little progress.

In 1967, a select group of nuclear scientists reported to the AEC on the status of ECCS and overall reactor safety research. In their 226-page document, they clearly indicate that "if emergency core cooling systems do not function and melt-down of a substantial part of an irradiated core occurs, the current state of knowledge regarding the sequence of events and the consequences of the melt-down is insufficient to conclude with certainty that integrity of containments . . . will be maintained." The 1967 report details a grim sequence of events recently summarized in *Science* magazine (May 28, 1971) as follows:

The report "depicts the 250-ton core of a large reactor as dripping and finally slumping into a molten pool at the bottom of the reactor vessel within an hour after the reactor has lost its coolant." Subsequent events would be more than enough to allow the core to melt through the steel reactor vessel, and to carry it through tons of concrete beneath, within an hour or so. Beyond this point, nuclear engineers speak, half tongue-in-cheek, of the "Chinese Syndrome," a term derived from the presumption that the core would continue melting its way into the earth, in the general direction of Asia.

In February 1968, the AEC's select safety advisory group, the Advisory Committee on Reactor Safeguards (ACRS), reported that the 1967 reactor safety study constituted a "valuable service," and the ACRS agreed that nuclear power plant containment safety meant little without guarantees of cooling system effectiveness. The ACRS report "strongly recommends that a positive approach be adopted toward studying the workability of protective measures to cope with core melt-down." The ACRS argued that additional experiments were necessary and that an "additional design and development effort be aimed at means for providing protection" against this sort of major accident. The ACRS concluded its comment with the admonition that "these matters be pursued vigorously."

After the issuance of the 1967 independent report and the ensuing comment by the ACRS, it was clear to the AEC that something would have to be done to resolve the major questions about core cooling and related questions of reactor safety. However, no special safety research programs were pressed by the AEC in response to the recommendations of its advisors. By spring 1969, the situation had become critical. Joseph Hendrie, chairman of the ACRS, wrote to the AEC's general manager, Robert Hollingsworth, that changes in the types of large reactors being constructed required "studies . . . to develop reactor design concepts providing additional inherent safety, or, possibly, new safety features to deal with very low probability accidents involving primary system rupture followed by a functional failure of the emergency core cooling system."

By this time, other committees at the AEC were getting into the act. One document that surfaced in Washington a few weeks ago was written by a select group of consultants to the AEC's Division of Regulation in 1969. It is a study called "Internal Study Group Report of June, 1969," headed by Howard Mangelsdorf, who is also a member of the ACRS. This study states the problems with no uncertainty: "The large number of construction permits for these power reactors which have been issued in the last several years does not imply there is a decreasing need for water reactor safety research. Rather, because these construction permits were issued on the basis that the planned research programs would resolve certain safety questions related to these reactors and because new questions have resulted from the increases in reactor power level and power density, there is an increasing need for safety research."

Mangelsdorf's team might as well not have wasted its time and effort calling attention to the research problem. The AEC failed to act. Chairman Hendrie of the Advisory Committee on Reactor Safeguards was forced to write letters to AEC chairman Seaborg and the AEC's general manager in November 1969 explaining that two-year projections of funding for reactor safety research "will be considerably below the AEC estimates of need . . . As a consequence, many safety research activities have not been initiated, have been slowed, or have been terminated." Hendrie's letter ended with a plea for funds to rectify the "urgent need for additional research and development."

Even this letter from the ACRS failed to prompt further development of the AEC's reactor safety program. In fact, funds spent on reactor safety in the last two years have decreased; the AEC spent $37.1 million in fiscal year 1970 on reactor safety, but only $35.9 million this year. In addition to the overall question of adequate funding to provide public protection, the AEC admitted last year before the Joint Committee on Atomic Energy that the safety project at the Idaho facility had been woefully mismanaged. Milton Shaw, director of the AEC's Division of Reactor Development and Technology, told the JCAE on March 11, 1970: "For one reason or another, we were unable to get from Phillips (Petroleum Co.) the management talent necessary to get the LOFT and PBF projects done." The acronyms refer to reactor testing programs: Loss of Fluid Test Facility (LOFT) and Power Burst Facility (PBF). Presumably, the AEC is working this out with Phillips Petroleum, the contractors for this important project. Nothing further has been officially said about the management problem.

On the technical level, plenty has been said about the importance of the LOFT program, in which the core cooling experiments are being conducted. A July 1970 memorandum from scientists in charge of the ECCS experiments in Idaho emphasized that "the highest priority issues which are currently unresolved . . . include . . . (the) urgent need . . . for blowdown test data from a system having simulated (reactor) core heat, ECC injection, and a geometry representative of power reactions."

This report indicates the importance of the tests that were conducted last November and December. The "priority issues" are still "unsolved," since the test results indicate that the vital core cooling systems do not work. Here's what happened. A series of six experiments was conducted by the Idaho research team on a miniature, nine-inch model of a reactor pressure vessel such as that used in a nuclear power plant of the pressurized water type. (Nine large plants of this type now operate in the U.S.) The experiments were designed to test the adequacy of the cooling system, which functions in an emergency to flood the reactor core with water to prevent a runaway melt-down. All six tries to get emergency cooling water into the simulated reactor vessel failed; only 10 percent of the emergency water reached the "core" on the reactor model.

So, after years of AEC promises about the postulated safety of the giant reactors going up all over the country, the one set of key experiments indicates that this basic emergency system does not work. Not wishing to get caught with their pants down, AEC officials in Washington responded in typical fashion—Keep It Quiet! According to informed Washington sources, even the members of the pro-nuclear Joint Committee on Atomic Energy were not informed until AEC chairman Glenn Seaborg wrote the committee explaining that "there will be delays" in licensing new nuclear plants. Since the word leaked out last month, the AEC has consistently played down the importance of the tests to the public. On May 27, the AEC officially announced that the tests "were not designed to represent the response of an actual operating nuclear power plant to a loss-of-coolant accident. . . . This is not the type of problem requiring the shutdown of operating plants." On the contrary, this is precisely the type of problem that should require closing nuclear powerplants, or at least require the modification of existing plants to provide emergency systems that do work. In private, the AEC admits this—but not to the public. The *Washington Post* reported on May 28 that the AEC is seriously considering issuing an order to utilities requiring that power levels be cut down 20 percent on all currently operating nuclear power plants. An AEC source was quoted: "It's only one of several possible things we might do if we find we have a design problem in our emergency core cooling system."

The unnamed official was evidently afraid to admit that such a design problem has been found. In fact, as of this writing, fears of honesty concerning this issue abound at the AEC. An article in the nuclear-industry-oriented newsletter, *Nucleonics Week* (May 20), quoted a Washington lawyer representing a reactor manufacturer: "Unless this is dealt with openly, the critics of nuclear power are going to spread it around that the AEC is trying to do something underhanded. . . ."

Both the AEC and the JCAE, however, seem dead set against bringing the issue into the open. A phone call to the JCAE brought only the response that "the issue is nothing to worry about." The JCAE also told us that a transcript of the secret hearing of May 3 "is not available to the public."

In their own way, the nuclear buffs of the AEC and its Congressional office, the Joint Committee, are very worried. The JCAE held a special session on May 3 to get additional funding for the AEC's inadequate safety budget. The AEC's assistant general manager for reactors, George Kavanaugh, told the Joint Committee that $2 million was needed to beef up the safety program. He said the AEC needed the money to "help resolve significant technical issues." When pressed under questioning by Senator Howard Baker (R-Tenn.), though, Kavanaugh admitted that a $2 million figure was inadequate and that he really thought the safety research program needed $30 to $40 million more. Kavanaugh said that the Idaho experiment results came out worse than he anticipated, adding: "If it were better, we might not have been allowed to come up here asking for money."

A number of important issues are raised by the whole sequence of events leading up to the final, belated admission by AEC officials that the problem exists.

1. The AEC has at least one foot to stand on. As its official statement confirms, the emergency cooling experiments were conducted on a tiny model that does not actually duplicate a real reactor. There's a big difference btween a nine-inch piece of laboratory equipment and a 65-foot-high reactor vessel in a nuclear power plant. In the LOFT experiments at Idaho, tests on a working reactor—still much smaller than the power plant reactors—will not be initiated for four years. This means quite simply that the AEC, the environmentalists, and the public will not know whether nuclear power plants are safe until after 1975, possibly—when perhaps 10 to 20 percent of electricity generated in the US will be nuclear. The scores of reactors either operating or going into operation cannot be presumed safe until the evidence is in. What do we do in the interim?

Two modes of action include support of an immediate moratorium on further operation and construction of nuclear power plants and support of Senator Mike Gravel's (D-Alaska) bill to end government financing of insurance for nuclear power plants under the Price-Anderson Act (S. 1855). If this bill were passed, ending federal subsidization of reactor insurance against massive disasters, it is widely believed that utilities would not be able to acquire private insurance in order to continue operating reactors (or to build new ones).

2. The manner in which this information on nuclear power safety has been handled by the AEC and the JCAE clearly indicates that changes are necessary. It must be made clear to legislators and public leaders across the country that reactor safety has nothing to do with "classified" or secret matters; rather, this issue is one of public health and safety, as AEC chairman Seaborg seems to recognize. The rule of secrecy being perpetuated by the Joint Committee on Atomic Energy under the chairmanship of Senator John Pastore (D-Rhode Island) must end. No more secret hearings on our welfare, thank you!

3. The Atomic Energy Commission should be dismembered, if not abolished. The AEC's dual role—its regulation *and promotion* of nuclear power—is clearly against the public interest and could well result in a radioactive Armageddon.

Mr. Chairman, this article may appear to be critical of our committee. If this is interpreted to be the case by some, let me hasten to add I have no desire to support such criticism, rather I commend the committee and its most distinguished chairman for the effort which has gone into the bill we have before us.

The point here can be simply stated: We are not certain of the efficacy of our present emergency core cooling system for the nuclear powerplants we have today. This system is based on the use of water. The emergency core cooling system for the liquid metal fast breeder reactors will be far more complicated and difficult to design because, it is my understanding, it will be based on the use of liquid sodium.

Mr. Chairman, when we are faced with the possibility of hundreds of nuclear plants being in operation within a few short years, we must be absolutely certain of their safety because their potential for danger far outweighs any other manmade machine or device for peaceful purposes past or present.

I urge adoption of the amendment.

Mr. DELLUMS. Mr. Chairman, I join with my colleagues in opposing funds for Cannikin tests, and I commend the efforts of the gentlewoman from Hawaii in her attempts to alert the Congress and the Nation of the dangers inherent in nuclear weapons testing.

I believe that if America is going to try and convince the world that we are indeed dedicated to peace and justice, that we must take some bold steps.

One such step would be for the United States to halt testing of systems such as Cannikin.

On one hand the administration talks of its initiatives toward limiting nuclear arms and arms tests; on the other hand, the Defense Establishment pushes hard for programs like Cannikin.

The world judges America by our actions, and I cannot see how Cannikin—or any other of the myriad nuclear and conventional arms systems—are bringing the world toward peace.

It used to be said that if the military is given a weapon, that they will do everything possible to utilize it. Nowadays, that thesis should be changed: Once the Military Establishment has an idea about some new gimmick or scheme, it never will let go.

Given unlimited resources, I really can find little wrong—usually—with the military going around and playing games.

But, $20 million is no trifle. Measured against the impact that same $20 million could make in education, health, job training, and other critical areas, I think it is a tragic waste to "spend" it on Cannikin.

A final note: with almost 42 percent of its budget in weapons, I wonder if we should not retitle the AEC the "Atomic Weapons Commission." I am interested in peace, not war, and so I find it impossible to vote for this bill.

Mr. FRASER. Mr. Chairman, we are offered, at the purchasing price of $19.7 million, a weapons test of at best minimal value and great risk to the environment and human life. I ask that we accept Mrs. Mink's amendment to the authorization for fiscal year 1972 funds for the Atomic Energy Commission.

The risks involved in the proposed weapons test at Amchitka are well established. They are even acknowledged by the Atomic Energy Commission's own environmental impact statement. The AEC report admits these three dangers of Cannikin:

First, the Aleutian Island chain is a region of intense seismic activity, and the possibility of Cannikin's causing premature release of an earthquake cannot be absolutely ruled out.

Second, there is reason to believe that this test could unleash a destructive tsunami, a wave similar to a tidal wave. The report cites the case in 1964 of the Prince William Sound earthquake, which spawned a tsunami which killed 12 and left hundreds homeless in Crescent City, Calif., 2,000 miles away.

Third, the danger of released radioactivity is discussed at length in the report. Longshot, a 1965 test of a much smaller yield, resulted in seepage of tritium, a radioactive isotope of hydrogen. And while the AEC assures us that the Cannikin site is designed to assure containment of radioactive explosion products, similar assurances in regard to the Project Baneberry test of last year in Nevada proved incorrect. Certainly there is even more ground for uncertainty at Amchitka, where geologic conditions are even less familiar than in Nevada.

In addition, there is little evidence that the importance of this test can outweigh these risks to the environment.

The AEC impact report states in vague, unexplained terms that Cannikin is a vital part of the U.S. weapons development program. The test was at its inception required for the development of a high yield Spartan ABM for defense against nuclear attack by China. This requirement seems to have lost its urgency in light of the Defense Department policy established in 1969 of using the Spartan to protect our own offensive missile sites; the Defense Department's intention is now to develop an improved Spartan with much lower yield.

Surely $19.7 million can be put to better use than Cannikin. I urge again that we accept the amendment offered by Mrs. Mink.

Mr. WOLFF. Mr. Chairman, I wish to express my concern over a number of questions raised by H.R. 9388.

As I have indicated many times in the past, my primary concern with regard to all AEC programs stems from the agency's dual mission—that is, the promotion and regulation of the atomic energy industry. At the proper time, I will offer an amendment to add a new title III to H.R. 9388 to transfer the AEC's licensing authority to the Department of Health, Education, and Welfare. As I will explain in more detail when the amendment is offered, I feel that a transfer of this kind would do much to add needed checks and balances to our system for licensing nuclear powerplants, and would also lead to stronger nuclear safety standards.

With regard to the bill before us today, I am particularly concerned by two provisions—the small amount of money available for nuclear safety programs and the emphasis on development of a fast breeder reactor, at the expense of the fusion research program. The authorization for nuclear safety programs in this bill is only $42.9 million—which is 8 percent of the total authorization for programs associated with reactor development by the AEC in the coming year. I feel that this apportionment of funds shows a shocking lack of regard for the safety of the American people, and particularly those who live near operating reactors.

As my colleagues know, there is only one vital safety capability protecting the public from catastrophic contamination should a nuclear plant develop a cooling problem. That is the ability to cool the core of the plant under emergency conditions. Despite this fact, however, there has never been a large scale test of the emergency core cooling system in a real reactor situation, and the AEC's request for $5 million for this program in fiscal 1972 was cut by the Office of Management and Budget to $2.7 million. The $2.7 million request was approved and included in the bill reported by the joint committee, but it is my understanding that an amendment will be offered to provide the full $5 million originally requested by the AEC for testing of the emergency core cooling system. I will support that amendment.

With regard to the fission and fusion research programs, the committee bill contains only $30 million for research on a new fusion reactor, compared with substantial sums being invested in the fission research programs, and particularly development of the liquid metal fast breeder reactor. In view of the fact that the fusion reactor seems to be the best future hope for safer, more efficient, and less damaging energy from the standpoint of radioactive emissions, I will support an amendment to increase funding for the fusion research program.

I am also concerned over the implications of Cannikin, the underground nuclear test planned for Amchitka in October. It is my understanding that the test is not needed for any planned weapons defense system and that there are risks of possible earthquakes, tsunamis, radiation leaks, and national wildlife refuge damage resulting from the test. I will therefore support efforts to delete funding for this test from the bill.

Mr. PICKLE. Mr. Chairman, one item in this bill that I am particularly pleased to see is the full $29.8 million recommended by the AEC for research in thermonuclear power—or fusion power as it is more commonly called.

No one has yet harnessed the energy caused when two atoms fuse long enough to derive controlled power from it—even though the time needed is only 250 microseconds. But that day may well be not far off. In a laboratory buried under the Physics-Math building at the University of Texas, Dr. Bill Drummond and his team of scientists think they may reach that breakthrough as early as this year. Using a new and modified version of a $1 million doughnut-shaped aluminum bottle called the Texas Tokamak, they are making steady progress toward that all important first breakthrough toward useful fusion power.

Mr. Chairman, even though this process is not yet a scientific feasibility, the progress toward making it one is too real, and our energy needs too great not to continue to give fusion research our full and continued support.

In a search for resources from which to derive power, fusion uses the plasma made from the plentiful supplies of heavy hydrogen in our oceans. In the search for a source of power which will not take more away from the environment that it gives to it, fusion power is clean.

There are a few other centers across this land where fusion research is going on at the present time, each one trying its own route. They deserve our support. They deserve our encouragement. I am glad to see them getting some. In the future, I hope we can give them even more.

Mr. PRICE of Illinois. Mr. Chairman, I have no further requests for time.

Mr. HOSMER. Mr. Chairman, I have no further requests for time.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Sec. 101. There is hereby authorized to be appropriated to the Atomic Energy Commission in accordance with the provisions of section 261 of the Atomic Energy Act of 1954, as amended:

(a) For "Operating expenses," $2,025,571,000, not to exceed $116,400,000 in operating costs for the High Energy Physics program category.

(b) For "Plant and capital equipment," including construction, acquisition, or modification of facilities, including land acquisition; and acquisition and fabrication of capital equipment not related to construction, a sum of dollars equal to the total of the following:

(1) Nuclear Materials.—

Project 72–1–a, electrical system modifications for higher power operation of gaseous diffusion plant, Paducah, Kentucky, $2,000,000.

Project 72–1–b, cooling water system modifications for higher power operation of gaseous diffusion plant, Paducah, Kentucky, $2,800,000.

Project 72–1–c, replacement of direct buried radioactive waste transfer lines, Richland, Washington, $2,300,000.

Project 72–1–d, irradiated fuel storage facility, National Reactor Testing Station, Idaho, $2,500,000.

Project 72–1–e, improvements in radioactive waste management and supporting facilities, multiple sites, $5,000,000.

Project 72–1–f, component preparation laboratories, multiple sites, $3,000,000.

Project 72–1–g, facilities for integrated operation of chemical separations plants, Richland, Washington, $1,500,000.

Project 72–1–h, air filter for laboratory facilities, Savannah River, South Carolina, $2,500,000.

(2) Atomic Weapons.—

Project 72–2–a, weapons production, development, and test installations, $10,000,000.

Project 72–2–b, weapons neutron research facility (AE only), Los Alamos Scientific Laboratory, New Mexico, $585,000.

(3) Reactor Development.—

Project 723a, liquid metal engineering center facility modifications, Santa Susana, California, $1,000,000.

Project 72-3-b, national radioactive waste repository, Lyons, Kansas, $3,500,000.

Project 72-3-c, analytical support facility, Mound Laboratory, Miamisburg, Ohio, $850,000.

Project 72-3-d, research and development test plants, Project Rover, Los Alamos Scientific Laboratory, New Mexico, and Nevada Test Site, Nevada, $1,000,000.

(4) Physical Research.—

Project 72-4-a, accelerator improvements, zero gradient synchrotron, Argonne National Laboratory, Illinois, $225,000.

Project 72-4-b, accelerator and reactor additions and modifications, Brookhaven National Laboratory, Illinois, $225,000.

Project 72-4-b, accelerator and reactor additions and modifications, Brookhaven National Laboratory, New York, $280,000.

Project 72-4-c, accelerator improvements, Cambridge Electron Accelerator, Massachusetts, $75,000.

Project 72-4-d, accelerator improvements, Lawrence Radiation Laboratory, Berkeley, California, $180,000.

Project 72-4-e, accelerator and reactor improvements, medium and low energy physics, $400,000.

(5) Biology and Medicine.—

Project 72-5-a, radiobiology and therapy research facility (AE only), Los Alamos Scientific Laboratory, New Mexico, $345,000.

(6) General Plant Projects.—$41,080,000.

(7) Capital Equipment.—Acquisition and fabrication of capital equipment not related to construction, $153,296,000.

Sec. 102. Limitations.—(a) The Commission is authorized to start any project set forth in subsections 101(b) (1), (2), (3), (4), and (5) only if the current estimated cost of that project does not exceed by more than 25 per centum the estimated cost set forth that project.

(b) The Commission is authorized to start any project under subsection 101(b)(6) only if it is in accordance with the following:

(1) The maximum currently estimated cost of any project shall be $500,000 and the maximum currently estimated cost of any building included in such project shall be $100,000 provided that the building cost limitation may be exceeded if the Commission determines that it is necessary in the interest of efficiency and economy.

(2) The total cost of all projects, undertaken under subsection 101(b)(6) shall not exceed the estimated cost set forth in that subsection by more than 10 per centum.

Sec. 103. The Commission is authorized to perform construction design services for any Commission construction project whenever (1) such construction project has been included in a proposed authorization bill transmitted to the Congress by the Commission and (2) the Commission determines that the project is of such urgency that construction of the project should be initiated promptly upon enactment of legislation appropriating funds for its construction.

Sec. 104. When so specified in an appropriation Act, transfers of amounts between "Operating expenses" and "Plant and capital equipment" may be made as provided in such appropriation Act.

Sec. 105. Amendment of Prior Year Acts.—(a) Section 101 of Public Law 89-32, as amended, is further amended by (1) striking therefrom the figure "$2,658,821,000", and substituting therefor the figure "$2,664,521,000"; (2) striking from subsection (b) thereof the figure "$398,045,000", and substituting therefor the figure "$403,745,000"; and (3) striking from subsection (b)(4) for project 66-4-a, sodium pump test facility, the words "for design and Phase I construction," and further striking the figure "$6,800,000" and submitting therefor the figure "$12,500,000".

(b) Section 101 of Public Law 91-44, as amended, is further amended by striking from subsection (b)(5) thereof the figure "$560,000" for project 70-5-a, conversion of heating plant to natural gas, Argonne National Laboratory, Illinois, and substituting therefor the figure "$860,000".

(c) Section 101 of Public Law 91-273, as amended, is further amended by (1) striking from subsection (b)(1) thereof the figure "$14,700,000" for project 71-1-e, gaseous diffusion production support facilities, and substituting therefor the figure "45,700,000"; (2) striking from subsection (b)(1) thereof the figure "$6,400,000" for project 71-1-f, process equipment modifications, gaseous diffusion plants, and substituting therefor the figure "$10,400,000"; and (3) striking from subsection (b)(9) thereof the figure "$25,500,000" for project 71-9, fire, safety, and adequacy of operating conditions projects, various locations, and substituting therefor the figure "$45,700,000."

(d) Section 106 of Public Law 91-273, as amended, is amended by striking from subsection (a) thereof the figure "$50,000,000", wherever it appears therein, and substituting therefor the figure "$100,000,000."

Sec. 106. Recission.—Public Law 90-56, as amended, is further amended by rescinding therefrom authorization for a project, except heretofore obligated, as follows:

Project 63-3-b, isotopic space systems facility, Sandia Base, New Mexico, $2,250,000.

Sec. 107. Liquid Metal Fast Breeder Reactor Base Program Project.—As part of the Commission's liquid metal fast breeder reactor base program, the Commission is hereby authorized to enter into a definitive arrangement, for a term not exceeding seven years, for the conduct in the Enrico Fermi Atomic Power Plant of a program of plant operation, and research and development of programmatic interest to the Commission; and the Commission is further authorized as part of such arrangement, and without regard to the provisions of section 169 of the Atomic Energy Act of 1954, as amended, to waive use charges for special nuclear material, up to a total amount of $9,100,000, and to distribute special nuclear material by lease during the term of the arrangement.

TITLE II

Sec. 201. (a) Subsection a. of section 31 of the Atomic Energy Act of 1954, as amended, is amended by (1) striking the word "and" from the end of paragraph (4) thereof; (2) striking from the end of paragraph (5) thereof the period and substituting therefor "; and" and (3) by adding thereto a new paragraph (6) to read as follows:

"(6) the preservation and enhancement of a viable environment by developing more efficient methods to meet the Nation's energy needs."

(b) The first sentence of section 33 of the Atomic Energy Act of 1954, as amended, is amended to read as follows: "Where the Commission finds private facilities or laboratories are inadequate for the purpose, it is authorized to conduct for other persons, through its own facilities, such of those activities and studies of the types specified in section 31 as it deems appropriate to the development of energy."

Mr. PRICE of Illinois (during the reading). Mr. Chairman, I ask unanimous consent that the bill be considered as read, printed in the Record, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois?

There was no objection.

AMENDMENT OFFERED BY MRS. MINK

Mrs. MINK. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mrs. Mink: On the first page, line 7, strike out "$2,025,571,000," and insert in lieu thereof "$2,005,871,000,".

Mrs. MINK. Mr. Chairman, I urge this committee to support my amendment to delete $19.7 million from this Atomic Energy Commission authorization bill which has been provided for in this legislation to supplement $165 million which has already been spent on Project Cannikin.

Project Cannikin was planned 5 or 6 years ago by the AEC to test a five-megaton nuclear warhead. In 1969 Project Milrow tested a one-megaton warhead. This is a continuation of that experiment.

On April 20, 1971, Dr. Harold Agnew, director of the Los Alamos Scientific Laboratory testified to the Senate Committee on Armed Services that the ABM Spartan warhead will be tested in Alaska. This was the first clear statement made by a Government official as to the reasons for this test of a weapon of this magnitude.

Cannikin as with Milrow, is to be staged in Alaska, on the island of Amchitka where a 6,000-foot hole has been dug in which this five-megaton bomb is to be exploded.

Only one result of the explosion is certain; that it will blow out an underground cavity the length of two football fields in which dangerous radioactive water and gases from the explosion will remain for thousands of years.

All other consequences are admittedly speculative, but are sufficiently ominous to cause reasonable men to ask whether this test is necessary in view of the risks involved.

The Presidential Ad Hoc Panel on the Safety of Underground Testing chaired by Dr. Kenneth Pitzer, former president of Stanford University, made the following points in their report:

> There does not now appear to be a basis for eliminating the possibility that a large test explosion might induce, either immediately or after a period of time, a severe earthquake of sufficiently large magnitude to cause serious damage well beyond the limits of the test site. This possibility is more serious for tests of greater than a megaton, since the larger initial explosion would lead to greater alteration of the regional stress pattern. Further it has recently been suggested that the great earthquakes (magnitude 8.5) are actually composed of a rapid succession of earthquakes of magnitudes 6.5 to 7.0. Since the Amchitka area in Alaska is still more active seismically, the hazard of inducing an earthquake must be considered to be greater at that location than at either Nevada sites. Amchitka is more seismic than Nevada by at least an order of magnitude . . . if the triggered earthquake were a large one (magnitude greater than 8) and the rupture propagated to the east where the population density increases, there could be damage due to ground vibration as well as tidal waves.

The people of the State of Hawaii are deeply worried and apprehensive and with good justification. In 1946 an

Aleutian earthquake triggered a tidal wave—tsunami—which rolled across the Pacific and killed 173 persons in Hawaii, and destroyed $25 million worth of property. This happened again in 1957 doing $3 million worth of damage in Hawaii. In 1964, a similar earthquake in Alaska touched off another tidal wave which killed 12 persons in Crescent City, Calif., and left 400 families homeless.

The risks to the people of Hawaii, as well as California and Alaska is undeniable. Even the AEC admits this; however it argues that the risk is small and when balanced against the importance of the test to our national security that this risk is acceptable.

The Federation of American Scientists Executive Board made up of eminent scientists like Dr. Jeremy Stone, Dr. Herbert York, Dr. Marvin L. Goldberger, and Dr. Herbert Scoville, have all urged the cancellation of this test. They argue that the test is unnecessary in view of the changes in our nuclear defense strategy. They agree with Wolfgang K. H. Panofsky that—

> The protection offered by Safeguard for the Minuteman force is negligible. Even if Safeguard functions perfectly it offers significant protection to Minuteman only over a very narrow band of threats; if the threat continues to grow as rapidly as it is at present, Safeguard is obsolete before deployed; if the threat levels off, Safeguard is not needed.

Dr. Jeremy Stone, in testimony presented to the AEC at Anchorage, Alaska, on May 28, 1971, stated:

> Those who reject Safeguard reject the necessity for Cannikin.
>
> Those who reject the necessity for Spartans in Safeguard reject the necessity for Cannikin.
>
> Those who reject the necessity for Basic Spartans in Safeguard reject the necessity for Cannikin.
>
> And even those who want Basic Spartan in Safeguard still reject the necessity for Cannikin unless they insist on proof-testing it at great financial expense and at the environmental risks described previously.
>
> Under these circumstances who can possibly call Cannikin a compelling necessity?
>
> Basically, Cannikin is a bureaucratic oversight . . . an experiment that has been waiting to be cancelled since, in early 1969, the President changed the rationale for the U.S. ABM away from the anti-Chinese defense.

No underground nuclear device of the size of Cannikin has ever before been exploded in the United States. All the tests in Nevada were of the 1-megaton size.

I am not a scientist, but I am sufficiently aware of the hazards of radioactive contamination of our environment to repeat the warnings of many who are scientists and who have studied the cumulative effects of our pollution of the ocean by radioactive fallout, of the pollution of our agricultural crops from fallout, of the pollution of the effluents from our nuclear powerplants and the dangerous correlation between this and deaths of fetuses and new born children.

The further contamination of our oceans will seriously damage our fisheries. The prospect of this contamination is a possibility in the Cannikin test.

Despite all the expertise possessed by AEC on December 18, 1970, radioactive materials were leaked into the atmosphere through a crack during an underground test in Nevada. Baneberry radioactive counts doubled 2,000 miles away in Canada.

No one can give the assurance that such spillage of radioactive materials will not occur from a test five times in magnitude, in the air through cracks in the earth, in the ocean through similar cracks nor can anyone give any positive assurance that the aftershocks will not be of such a magnitude as to trigger a tidal wave which could sweep over Hawaii, and parts of the west coast.

These are enormous risks. And what for? For a test of a weapon which experts tell us is not now necessary for the defense of our country in view of new technological developments in weaponry.

I urge my colleagues in this House to support my amendment.

The material follows:

THE COALITION TO STOP THE ALASKA NUCLEAR BLAST

WASHINGTON, D.C., *July 12, 1971.*

DEAR CONGRESSMAN: This Thursday morning the Atomic Energy Commission authorization bill for FY 1972 is scheduled for floor action. The bill contains $19.7 million for the 5 megaton nuclear test called Cannikin scheduled for Amchitka Island in early October.

The Coalition to Stop the Alaska Nuclear Blast is composed of conservation, peace, and scientific organizations opposed to the test. We maintain that Cannikin is purposeless since it is not needed for any planned weapons defense system and that the risks of possible earthquakes, tsunamis, radiation leaks, and National Wildlife Refuge damage—each with grave environmental consequences—cannot be avoided. Recently the following eight national organizations wrote the President asking for Cannikin's cancellation: Committee for Nuclear Responsibility, Federation of American Scientists, Friends of the Earth, Natural Resources Defense Council, SANE, Sierra Club, The Wilderness Society, and World Federalist.

Representative Patsy Mink will offer an amendment to delete the funds for the test from the AEC authorization bill. We urge you to support this action.

Please contact us if we can be of any help.

Sincerely,

RICHARD LAHN,
Coordinator.

A CRITIQUE OF THE AEC'S CANNIKIN ENVIRONMENTAL STATEMENT

The National Environmental Policy Act (NEPA) of 1969 requires all federal agencies to file an Environmental Impact Statement before embarking on programs that significantly affect the environment. The Impact Statement must cover the following points:

(i) the environmental impact of the proposed action;

(ii) any adverse environmental effects which cannot be avoided should the proposal be implemented;

(iii) alternates to the proposed action;

(iv) the relationship between local short-term uses of man's environment and the maintenance and enhancement of long-term productivity;

(v) any irreversible and irretrievable commitments of resources which would be involved in the proposed action should it be implemented.

The act requires a total disclosure of all information so that it is possible to evaluate the benefits of a project against the risks of environmental damage. It was expected that by requiring a factually detailed study open to hard public scrutiny, the public interest would be served and the environment would be protected.

Though the thought of an environmental impact statement for a 5-megaton nuclear bomb is somewhat incomprehensible (this is the test of a device which is designed to destroy the environment), it is still required, since the experiment is a project of a federal agency, the Atomic Energy Commission, and the test is unquestionably of major environmental significance.

The AEC has filed its final NEPA statement with the Council of Environmental Quality but, unfortunately, the statement provides no basis for making a credible evaluation of the project. There is neither an explanation of the benefits of the test nor a determination of the effect on the environment if everything were to go wrong.

BACKGROUND

Since the 1969 NEPA law went into effect, there has never been an impact statement filed for an individual nuclear test. A Draft Statement was written in November 1970 for the total underground nuclear program carried out in Nevada.

The Cannikin test was originally scheduled for October 1970 and a Draft Statement was issued in June 1970. This statement was severely criticized in Congress, and the $20 million needed to continue the project was not appropriated. Senator Edmund Muskie said that the funds were withheld and the project stopped "because the Atomic Energy Commission failed to file a satisfactory statement on such test's environmental effects."

The test was rescheduled for autumn 1971, and a Redraft Statement was issued at the end of April 1971. Eighteen senators, in a letter to William Ruckelshaus, Administrator of the Environmental Protection Agency; Glenn T. Seaborg, Chairman of the AEC; and Russell E. Train, Chairman of the Council on Environmental Quality; urged that the AEC conduct public hearings "to permit a thorough public review of the benefits and risks involved."

Under Senate pressure, and at the request of Governor Egan of Alaska, AEC hearings were conducted on May 26, 1971, in Juneau and on May 28 and 29 in Anchorage. Besides the large amount of public testimony, Hearing Examiner Robert Miller of the AEC heard the same three hours of statements from the same ten AEC witnesses in both Juneau and Anchorage.

At the end of June 1971, the AEC issued the Final Impact Statement, supposedly improving and refining its previous draft statements, based on inputs from the public and other government agencies. The Statement is fifty-nine pages long, and contains a ten-page bibliography as well as an annex of federal agency comments and AEC responses. It may be obtained by writing Mr. John A. Erlewine, Assistant General Manager for Operations. The Atomic Energy Commission, Washington, D.C. 20545.

There are three main areas of environmental impact that are the crux of the issue: 1) effects on Amchitka; 2) radiation leaking into the surrounding water and venting into the air; and 3) earthquakes and tsunamis. (NOTE: Page numbers in parentheses refer to Final Impact Statement, unless specified.)

EFFECTS ON AMCHITKA

The AEC states that the effects of the explosion will be localized with little long-term damage. "The principal environmental effects of Cannikin are those resulting from occupation of Amchitka by a work force of some hundreds of men." (page 1)

Item: There are forty-four bird species that inhabit Amchitka Island. Fifty-five pairs of bald eagles and nineteen pairs of peregrine falcons nested during 1970. Within four miles of ground zero are eight bald eagle nests and two peregrine falcon nests.

AEC states: In the worst case, nests within four miles could be destroyed resulting from the occurrence of rock and earthslides along the coastal areas. Milrow (the megaton test conducted in 1969 on Amchitka) dislocated 14,000 cubic yards of rock and peat and it is expected that Cannikin will dislocate more. "Extrapolation from Milrow experience indicates that Cannikin may damage one or two eagle or falcon nesting sites so severely that they would be unsuitable as future nesting locations. This amount of damage to nesting sites would not affect the reproduction potential or populations of their species, nor should there be any measurable effects on population density or reproduction potential of the other avian species as a result of the Cannikin test." (page 34)

Point: Dr. Clayton White of Brigham Young University calls Amchitka's falcon population the "most dense in the world right now." Any detrimental effects upon the island's peregrine population would only bring this already endangered species closer to extinction. It is mentioned that the timing of the test is such that hatching will already have occurred, but it is overlooked that the nesting eagles and peregrines will have young in the nest at that time. This fact could compound the population damage.

Throughout the document, the AEC extrapolates from Milrow in the manner of the above AEC quotation. Since there is no reason to believe that a linear or any other simple relation exists (i.e. since Milrow was about one megaton and since Cannikin will be about five megatons, then Cannikin will be five times as destructive as Milrow) between the two, it is therefore not credible to extrapolate from one point.

AEC states: In the worst case, some small scrapfish (three spine stickleback) ranging in number up to a few thousand would be killed. It is possible that some fish in the closest streams will be injured or killed by shock effects, but at worst would affect only a small fraction (one to ten per cent depending on species) of the total island population. Changes of plankton levels in nearby ponds may occur and the draining of one or two ponds is possible.

Note: The shock of the immediate impact causes water in the streams and ponds near ground zero to be "thrown into the air." (page 52) In Milrow, this resulted in stranding on land some of the stickleback fish population. The motion also creates a momentary sharp rise and fall in pressure in the lakes and along the sea coast. This effect killed stickleback in two ponds near Milrow.

AEC states: The Battelle Columbus Laboratory, under contract with the AEC Nevada Operations Office, initiated ecological studies on Amchitka in 1967. A short-term and long-term post-shot program has been established to document the environmental effects of Cannikin.

Point: Despite contracted studies, Wallace Noerenberg, Commissioner of Alaska Department of Fish and Game, testifying in Juneau on May 26, 1971, had to correct AEC figures. "Both impact statements (Draft and Redraft) use the figure 2500 to represent the total sea otter population on Amchitka. Recent surveys reveal that the population is in excess of 4000 animals. . . . Both reports use the figure 200 otters as residing within the four mile 'impact zone.' Recent surveys indicate a population approaching 600 animals." The June AEC statement reflects the Fish and Game Department's corrections of late May.

AEC states: "Overpressures greater than 100 pounds per square inch may rupture otter tympanic membranes (eardrums) which ultimately can be expected to cause death in otters so affected if they are unable to dive for food." Twenty to 100 sea otters may be killed. (page 36) It is estimated that ten to fifteen per cent of the population will be affected.

Point: Commissioner Noerenberg made several other points concerning the otters. 1) Otters tend to segregate by sex, with sexually active males generally concentrating in "male areas." Two such "male areas" near the blast may be affected; the ensuing loss of mature males will have a much larger effect on the population than a random death pattern of the same number. 2) The ground shock of the blast will affect the large number of otters resting on rocks with possible results of bruising, internal injuries, rib or skull fractures or leg injuries—the effect on pregnant females might also be significant.

AEC states: "The Amchitka sea lion and harbor seal populations are not expected to be affected by Cannikin." (pages 36)

Point: Commissioner Noerenberg states that there is great concern for the seal and sea lion population (estimated at 350 and 750 respectively) off Amchitka. "We are of the opinion that pressure effects would be as serious on these animals as on otters, and that the AEC should consider this impact as well."

AEC states: "Bioenvironmental program scientists are confident that populations of commercial fish and shellfish species will not be endangered from Cannikin." There is the unlikely possibility "that casualities may include: hundreds of fish in the near-shore area such as Pacific cod and dusky rockfish; a few salmon in deeper offshore water; hundreds of fish such as Atka, mackerel, lantern fish, rockfish and smelt in mid-water, offshore areas; and thousands of rockfish and Pacific cod in offshore bottom areas." (page 37)

Point: The Alaska Fish and Game Department is much more concerned about the effects of radioactivity leaks than the ground shocks affecting commercial fish. The worth of the Alaska fishing industry is categorized in the report, *Commercial Fisheries Related to Amchitka Island,* by Abrams, Kemp and Kerkwood. Total income of Pacific salmon fisheries in 1970 was $60,034,000; King crab was $13,919,000; shrimp was $2,935,402; Tanner crab was $1,399,918; Dungeness crab was $1,050,194; and scallops was $1,131,254.

Commissioner Noerenberg states, "The 'ownership' of salmon passing Amchitka is international in scope and the consequences of any contamination of these animals would be worldwide in regard to marketing and human consumption problems."

The Alaska Sportsmen's Council, in a letter to the Governor of Alaska, dated June 2, 1969, stated, "In short, a food supply system that feeds a large part of the world—a supply and fishery resource which has never been fully developed—would likely be ruined. How far the contamination might spread with the assistance of the Japanese current is unkown. One thing is certain: If there is any chance whatsoever that the blast will vent, it is too great a risk. The AEC has made no such guarantee. It cannot."

RADIATION LEAKING INTO THE WATER AND VENTING INTO THE AIR

AEC states: "Scientists and engineers do not conceive of any process by which a venting of radioactive material could occur. However, if those experts were completely wrong, the greatest conceivable venting would be a few percent of the total radioactivity produced by this equipment." (page 2)

Point: The AEC has never planned an underground test and expected it to vent radiation and, since 1963 limited test ban treaty, nations have been prohibited from violating international boundaries with radiation fallout. However, the AEC record of preventing leakage is not good. From 1963 to the end of 1970 "there were 230 announced U.S. underground nuclear explosions at the Nevada Test Site and elsewhere, including five Plowshare cratering tests. Of the non-Plowshare tests, seventeen inadvertently leaked radioactivity detectable off-site." (page 17) In a letter dated March 11, 1971, from Dr. Glenn T. Seaborg, chairman of the AEC, to Senator Gravel, it is stated that "there were approximately forty tests in which some radioactivity was detected only in the immediate vicinity of the firing point."

Point: The AEC's worst case of a few percent venting must be further explained. A percent of the radioactive inventory of the largest underground test in U.S. history certainly deserves a detailed discussion with an exhaustive look at the effects on the environment. A small percentage of a large number is still a large number—and cannot be disregarded by a wave of the AEC's hand.

AEC states: The extensive Nevada containment experience "has contributed to the development of sound test containment procedures. . . . Each time a leak of radioactivity has occurred, there has been careful investigation in an effort to learn the cause so that leaks from similar causes can be avoided."

Point: Judging by the leaks that have occurred and continue to occur (the largest one ever occurred last December), it may be concluded that either the AEC has not done a proper job in studying past failures or that each test is unique in the combination of characteristics such as tonnage exploded, geology, hydrology, climatic conditions, etc., and so the outcome is unpredictable.

The last failure, Baneberry, was exploded December 18, 1970, in Yucca Flats at the Nevada Test Site. The test was less than twenty kilotons and was reported to have leaked radiation over thirteen states and contaminated the clothing of 900 test site workers. "The final total release estimate for Baneberry is approximately three megacuries (3.000.000), reference to R (Release time) plus 12 hours." (Seaborg to Gravel letter, March 11, 1971)

AEC states: "Geological and physical data obtained during two earlier successful low-yield tests very near to the Baneberry site (one had been 2,000 feet to the north and the other about the same distance to the east) had indicated the suitability of the Baneberry site."

Point: How much confidence, then, can be placed in the geological and physical studies that have justified, to the AEC's satisfaction, the Cannikin site? In this light, do the Milrow explosion results have any significance in predicting the outcome of Cannikin? The AEC constantly refers to Milrow in estimating the Cannikin results.

AEC states: "In order to assure containment of radioactivity, it is necessary to (be) . . . (an) adequate distance from faults. . . . The Cannikin site is 3,300 feet south of the Teal Creek Fault and 2,800 feet north of a suspected fault . . ." (page 19)

Point: It should be noted that the Baneberry leak did not occur through a fault. According to AEC reports, the 910-foot deep test split the earth with its own pressure which exceeded expectations because "the earth around the explosive device was more saturated with water than had been expected." If Baneberry (less than twenty kilotons) had enough power to "force gas through the ground to the surface" and to open up a "fissure 315 feet long," why can't Cannikin, in water-saturated rock, push gas 2800 feet to the suspected fault?

AEC stated: No one is likely to know where every single fault is located, but the big ones are known. (This point emerged in a meeting of Fred R. Tesche, AEC Deputy Director, and Senator Gravel's staff.)

Point: The February 1971 quake in Los Angeles occurred along the Soledad Fault, which was considered too insignificant to put on seismic fault maps.

AEC states: "Most of the radioactive material associated with the detonation will be incorporated into and trapped in rock melt, or will be adsorbed onto the surfaces of rock material. Most material will therefore be essentially retained in the bottom of the explosion zone. The volatile fission products and tritium are exceptions." (page 22)

Point: There is no documentation supporting the AEC statement that the radioactive materials will be incorporated into, trapped in, or adsorbed onto rather than go into solution under the conditions of salinity, high pressure, and very high temperature.

AEC states: "Those radionuclides not trapped in the solidified rock melt will be susceptible to migration in ground water. Only an insignificant fraction of the trapped radionuclides will be slowly leached from the surfaces of the fused rock." (page 23)

Questions: How much of what radionuclides are there? What is the insignificant fraction? Without knowing how much of what is involved it is not possible to talk about environmental impact.

AEC states: "Tritium in water is of more concern than other radioactive materials since it will migrate at nearly the velocity as the natural ground water." (page 23) Three mechanisms are described whereby tritiated water can migrate to the sea: Mechanism 1 is described as "most likely" and the "migration would take a thousand years or more." Mechanism 2 "is estimated to take over a hundred years." The third mechanism is described as very unlikely and the "contaminated water would reach the sea in about two or three years . . . This would introduce tritiated water into the ocean with an initial concentration about 1,200 times that of the RCG (Radioactivity Concentration Guide) for water . . . The assumptions of this model also imply a sharp reduction in adsorption surface and, therefore, at some later time other radionuclides such as strontium, cesium, ruthenium, and antimony would also be introduced into the ocean in concentrations higher than the RCG." (pages 23–25.)

Points: No support is given as to why one model is more probable than any other. All proof is embodied in the credibility of the terms "most likely", "less probable", and "very unlikely".

Long Shot (the 80 kiloton test on Amchitka on October 29, 1965, at the time billed as first and last test on the island) released tritium "about one month after the test." It was "detected in three small ponds on the north edge of the surface zero pad and in drainage ditches from those ponds." (page 14.)

AEC states: "No leakage of tritium or radioactive noble gases is expected for Cannikin; behavior comparable to Milrow is likely." (page 15)

Point: Assuming the worst Cannikin case of leaking tritium in 2 to 3 years and applying this case to Milrow, we would not see any tritium from Milrow yet because it has been less than two years since Milrow. The Milrow experience with tritium can not be used for predicting Cannikin.

AEC states: Even if the extreme tritium migration model were true "dilution of that water by the sea water would take place rapidly . . . there would be an effective dilution factor of above 100,000 within a few hours." (page 25)

Points: Commissioner Noerenberg stated, "Concerning the one known radioactive element that has leaked on Amchitka, tritium, little is known of its impact on fish. However, a recent paper given by Erickson (from the University of Washington Radiation Laboratory) at the Third National Radio-ecology Symposium, discusses the impact of both low and high level concentrations of tritium on guppies. His conclusions are that even low levels affect the germ plasm causing changes in growth, sex ratio, ability to withstand stress and courting behavior.

"It is reported in two papers that Silver Salmon fry held in cooled affluent from the pile area at Hanford suffered 100 per cent mortality in eight weeks. Even at dilutions of 1:50 increased mortalities were evident."

Polikarpov, in his book "Radioecology of Aquatic Organisms" (1966, Reinhold Book Div, New York) states among his conclusions: (page 260) a.) "The frequency of occurrence of abnormalities in the larvae of sea fishes has been shown to be increased at strontium-90-yytrium-90 concentrations of a trillionth of curie per liter and above, i.e. at levels that have already been reached in the Pacific Ocean and in the Irish Sea." b.) "It has been shown that further radioactive contamination of the seas and oceans is inadmissible, because it entails great risk of a) producing irreversible changes in the hydrobiosphere, b) disrupting the resources upon which fisheries depend and c) producing dangerous levels of contamination in the marine organisms consumed by man."

AEC states: "It is not conceivable that Cannikin would cause release of underground radioactivity from the cavities which remain from the earlier Milrow and Long Shot tests." (page 2)

Point: The above statement contains the entire discussion by the AEC about this subject. There are no references, studies, or even explanations as to why this possibility is "not conceivable."

EARTHQUAKES AND TSUNAMIS

AEC stated in the Draft Environmental Statement (June 1970), "experience gained by observation of past nuclear detonations and earthquakes combine to provide extremely positive assurance that the Cannikin explosion cannot of itself cause a severe earthquake." (page A–4)

Point: In a letter dated July 21, 1970 to the AEC, Louis Rousselot, the Deputy Assistant Secretary of the Department of Defense commented, "Substitute for ". . . provide extremely positive assurance . . ." the phrase "indicate that it is highly unlikely." "The AEC complied.

AEC states: ". . . it is highly unlikely that the Cannikin explosion can, of itself, trigger a severe earthquake. Furthermore, the possibility of the Cannikin explosion or an earthquake causing a damaging tsunami (seismic sea wave) is even more unlikely." (page 3)

Point: The Presidential Ad Hoc Panel on the Safety of Underground Testing chaired by Dr. Kenneth Pitzer, former President of Stanford University, made the following points in their November 27, 1968 Report which was withheld for some time by the Atomic Energy Commission: ". . . there does not now appear to be a basis for eliminating the possibility that a large test explosion might induce, either immediately or after a period of time, a severe earthquake of sufficiently large magnitude to cause serious damage well beyond the limits of the test site. This possibility is more serious for tests of greater than a megaton since the larger initial explosion would lead to greater alteration of the regional stress pattern. Further, it has recently been suggested that the great earthquakes (magnitude 8.5) are actually composed of a rapid succession of earthquakes of magnitude 6.5 to 7.0."

Point: The terms "highly unlikely" and "even more unlikely" as used for earthquakes and tsunamis respectively do not rule out an occurrence of the event. Assuming the worst case that an earthquake and a tsunami do occur there must be a discussion of what will happen. There is none. Therefore the environmental impact cannot be judged and so this Impact Statement is deficient and delinquent.

AEC states: There is "almost one chance in 100 that there will be an earthquake as big as or bigger than Cannikin in the vicinity of Amchitka in any two-week period. For the whole of the Aleutian Islands and Alaskan Peninsula, the probability is higher, more like one in 20." (page 53)

Point: What would happen in the worst possible case if the Cannikin shock of about 7.0 richter scale occurred coincidental to a natural earthquake of 7.0 or greater? What would be the resulting earthquake magnitude? Would this be large enough to set off a tsunami?

AEC states: "Most existing experience is from large underground explosions in Nevada." (page 55)

Point: The Pitzer Report states, "Since the Amchitka area in Alaska is still more active seismically, the hazard of inducing an earthquake must be considered to be greater at that location than at either Nevada site . . . Amchitka is more seismic than Nevada by at least an order of magnitude."

AEC states: "It is expected that the only observable effect from Cannikin will, again (meaning like Milrow), be a cluster of small aftershocks in the vicinity of the explosion site." (page 55)

Point: The Pitzer Report states that "it would appear that safety can be achieved in the proposed central Nevada and Alaskan test sites only by gradually increasing the yield and thus developing the necessary experience during the test program." Going from 1 megaton to 5 megatons doesn't meet the definition of gradually increasing.

Pitzer Report states: ". . . there is good evidence that great earthquakes consist of a superposition of smaller (magnitude 6 to 7) events triggered in succession." And, ". . . if the triggered earthquake were a large one (magnitude greater than 8) and the rupture propagated to the east where the population density increases, there could be damage due to ground vibration as well as tidal waves."

BENEFITS

AEC states: The test is necessary for "the development of nuclear weapons technology of prime significance to our national security requirements." (p 46)

Point: On April 20, 1971 Dr. Harold Agnew, Director of Los Alamos Scientific Laboratory, testified to the Senate Committee on Armed Services that 1) the ABM Spartan warhead will be tested in Alaska, and 2) the Spartan warhead "would be useful in a limited way" in high altitude attacks against very large-yield Soviet weapons. To justify the risks in undertaking the test there must be a full discussion of the ABM Spartan system. To hide behind the phrase national security when the ABM system has been vociferously attacked in public for many years is to imply that the test can't be justified.

Point: Dr. Jeremy Stone, executive director of the Federation of American Scientists, a military weapons expert, stated, "Basically, Cannikin is a bureaucratic oversight—an experiment that has been waiting to be cancelled since, in early 1969, the President changed the rationale for the U.S. ABM away from the anti-Chinese defense." Other scientists like Drs. Rathjens and Scoville have called the Spartan an "obsolete" weapon. If the public is to bear the risks the AEC must justify the benefits of this weapon.

CONCLUSIONS

There are few federal projects that have the magnitude and the possible grave environmental consequences as Cannikin. The explosion of a 5 megaton bomb is surely one of the greatest unnatural acts man can perform. The prediction and evaluation of the possible outcomes requires a rigorous scientific discussion (whether laymen can understand it is irrelevant). Such a discourse is required for the Cannikin Environmental Impact Statement.

Unfortunately, the AEC's Impact Statement is more of a public relations type press release than a scientific document. It appears it was written to allay fears instead of to present information.

Some specific faults—

Though the Table of Contents seems to indicate a certain organization to the document this is misleading since the small quantity of information per subject that is contained is scattered in random disarray throughout the statement. It seems that many different people wrote the document and didn't know what the others were doing.

There are statements that are made in the summary that are nowhere else supported or referenced in the text.

The statement covers insignificant, irrelevant points in great detail and fails to provide any information or credible answers to the questions of greatest magnitude.

The statement does not provide enough data or discussion to determine the environmental impact of the Cannikin project. It therefore does not comply with the intent and the letter of the National Environmental Policy Act.

[FROM HEARING BEFORE THE COMMITTEE ON FOREIGN RELATIONS, U.S. SENATE, 91ST CONG., 1ST SESS., ON S.J. RES. 155—TO PROVIDE FOR A STUDY AND EVALUATION OF THE INTERNATIONAL AND OTHER FOREIGN POLICY ASPECTS OF UNDERGROUND WEAPONS TESTING, SEPT. 29, 1969]

EXHIBIT A.—SOME SIGNIFICANT MILITARY TESTS

[1 kiloton=1,000 tons of TNT; 20 kilotons=Hiroshima bomb; 1,000 kilotons=1 megaton]

Remarks	Name	Date	Location	Depth/rock	Yield
1st test in Nevada	"Able"	Jan. 27, 1951	Nevada test site	1,060 feet in air	1 kt.
World's 1st H-bomb test	"Mike"	Oct. 31, 1952	Eniwetok	Surface	10.4 meg.
Our biggest H-bomb test	"Bravo"	Feb. 28, 1954	Bikini	do	15 meg.
1st underground test	"Ranier"	Sept. 19, 1957	Nevada test site	790 feet in tuff	1.7 kt.
Voluntary test moratorium, late 1958 to September 1961					
Test suggests triggered quakes	"Hardhat"	Feb. 15, 1962	Nevada test site	943 feet in granite	5.9 kt.
Limited test ban treaty signed Aug. 5, 1963					
1st test to rock Las Vagas	"Bilby"	Sept. 13, 1963	Nevada test site	2,413 feet in tuff	200 plus kt.
Biggest leak: million curies	Data unavailable	Mar. 13, 1964			
Vela detection test	"Salmon"	Oct. 22, 1964	Mississippi	Cavity in salt	5 kt.
1st test in Alaska; radiation leaked; seismic mag.=6.2	"Longshot"	Oct. 29, 1965	Amchitka	2,300 feet in andesite	80 kt.
Las Vegas rolls again	"Greeley"	Dec. 20, 1966	Nevada test site	Data unavailable	850 kt.
Las Vegas swings, Salt Lake City jolted, San Francisco rolls; earth splits, rises 15 feet at ground-zero; giant cracks extend 3 miles; earthquakes of mag. 4-5 followed. 1st test at new site. Holes to accommodate multimegaton tests being drilled.	"Faultless"	Jan. 19, 1968	Central Nevada	3,200 feet	800 kt.
1st underground megaton blast; seismic mag.=6.4; fault displaced by 3 feet; faulting for 5 miles, triggers thousands of aftershocks.	"Boxcar"	Apr. 26, 1968	Nevada test site	3,800 feet	1.2 meg.
Deeper megaton test; approximately same effects as "Boxcar." Until it went off, AEC did not know if it would be larger or smaller than "Boxcar."	"Benham"	Dec. 19, 1968	do	4,600 feet in porous volcanic tuff	1.1 meg.
3d megaton test	"Jorum"	Sept. 16, 1969	do	3,800 feet	A meg.
Calibration test for multimegaton tests at Amchitka	"Milrow"	Oct. 2, 1969	Amchitka	4,000 feet	A meg.

EXHIBIT B

EARTHQUAKES AND THEIR MAGNITUDES

The magnitude of an earthquake measures the energy of its seismic waves. For convenience a logarithmic scale is used: that is, magnitude 4.0 is ten times the energy of magnitude 3.0; magnitude 5.0 is ten times the energy of magnitude 4.0; and so on.

Underground explosions, which also produce seismic waves, can be assigned magnitudes just like earthquakes. Underground nuclear explosions seem to put about 0.1% of their energy into seismic form. An underground nuclear blast of 1 kiloton would have a magnitude of slightly less than 5.0. A one-megaton explosion produces a magnitude of about 6.5. However, the seismic magnitude of underground explosions varies widly, depending upon the kind of surrounding rocks. Soft rock attenuates seismic energy far more rapidly than a hard rock like granite.

SOME HISTORIC EARTHQUAKES OF INTEREST

Date	Place	Magnitude	Depth in miles	Estimated deaths	Pro perty damage
1737	Calcutta, India			300, 000	
1906	San Francisco	8.3		700	$800 million.
1920	Konsu, China			180, 000	
1923	Japan	8.3		100, 000	Vast.
1933	Long Beach, Calif	6.3	5 to 6	120	$60 million.
1960	Chile	8.4		1, 000	$600 million.
1960	Agadir	5.7	[1]1 to 2	12, 000	Total at Kasbah.
1962	Iran	7.5		12, 000	
1964	Skopje, Yugoslavia	5.4	8	1, 000	
1964	Alaska	[2]8.4	12	125	$311 million.
1964	Nigata, Japan	7.5	24	25	$800 million.
1965	Seattle	5.75	35	6	$800, 000.
1965 [3]	Amchitka	7.5 to 8.0			
1969 [4]	do	6.6			

[1] Comparable in depth to planned multimegaton tests in Nevada and Alaska.

[2] This quake began with a shock of 6.5—which is the direct seismic punch delivered by a 1-meg. bomb—and snowballed to magnitude 8.4.

[3] Largest earthquake in the world during 1965.

[4] Sept. 11, 1969: began with quake of magnitude 5.2, triggering up to 6.6.

THE COMING ATOMIC BLAST IN ALASKA

(By Paul Jacobs)

Even on good days, which are very infrequent, Amchitka Island is depressing. Located 1,400 miles from the coast of Alaska and only 800 miles away from Siberia, this island, which is part of Alaska, is forty-two miles long and less than five miles wide. The only access to it is by air. It is cold, wet, barren, windy, treeless, surrounded by stormy and treacherous seas, and normally uninhabited, except for arctic birds and sea otters who live on the offshore rocks. But since 1964, men have been on the island: Amchitka is a site for underground testing of nuclear bombs by the Atomic Energy Commission and the Department of Defense.

In late September or early October, the most powerful and potentially destructive man-made explosion in history is scheduled to be set off at the bottom of a 6,000-foot hole drilled below the surface of Amchitka. The explosion, which is referred to as Operation Cannikin, will be caused by a five-megaton nuclear bomb, with the destructive power of approximately 10 billion pounds of TNT. The devastating effects of that amount of nuclear energy are far beyond comprehension, especially when one remembers that the bombs that wiped out Hiroshima and Nagasaki were only 20 kilotons each, the equivalent of only 40 million pounds of TNT.

Only one result of the explosion seems certain: instantaneously, the explosion will blow out an underground cavity the length of two football fields in which, says the AEC, all the dangerous radioactive water and gas from the explosion will remain for at least a thousand years. About all other effects of the bomb bitter controversy rages.

On one side are scientists, conservationists, and peace groups, in addition to political figures from Alaska, California, Hawaii, Canada, Japan, and other countries, either on the Pacific Rim or bordering the polar regions. All these individuals and groups oppose the test; only the Atomic Energy Commission and the Department of Defense support it. Much of the opposition to Cannikin comes from those scientists and environmentalists who insist that it may trigger, either immediately or later, a huge earthquake which could do very serious damage far beyond Amchitka and Alaska.

There are other dangers. The explosion may cause tidal waves; moreover dangerous radioactivity, in the sea or air or even both, may result, and if that happens, the fallout could easily drift over Canada and to many other parts of the world. Cannikin contains other potential environmental perils: the explosion could kill birds, fish, and animals in the area; it may also drastically disrupt, and for a long time, the delicate ecological balance of life in the Arctic North.

Commission officials insist that the predicted dangers are exaggerated and that Cannikin will have "no major impact on the environment." But the AEC hedges on Cannikin's effects: according to the director of the AEC's Weapons Development Division, Major General Edward B. Giller, the agency's panel of consultants has *not* said that "there will be zero possibility of some consequences." In fact, when it was charged that Cannikin could cause an earthquake, the AEC admitted that "because the understanding of earthquake mechanisms is still developing and is not yet sufficient for exact calculations, the possibility of such an occurrence cannot be ruled out."

If the possibility of an earthquake cannot be ruled out, how then can the AEC justify taking such a risk? Well, the Commission says, although it's true that large-scale underground explosions invariably cause earthquakes, such an occurrence in Cannikin's case might be an advantage. That advantage, so the logic goes, is that if a natural earthquake is now building up there anyway, Cannikin would release some of the pent-up energy prematurely, thus cutting down on what might be a much more serious disaster.

An "unlikely possibility" also exists, the AEC concedes, that the radioactive water and gas created by the explosion wouldn't just remain quietly inside the huge cavity 6,000 feet below the ground. Instead, it might flow up to the surface, in two or three years, through the fractured rocks and chimney system which the blast will create, and then mix with the ocean water. If that happens, the water will be 1,200 times more radioactive than what is considered safe and the process will continue for an estimated 130 years.

How unlikely is the AEC's "unlikely possibility"? In view of its past track record, no one can have much confidence in the Agency's ability to predict what happens in underground explosions. Prior to Operation Gnome, held in a New Mexico cave in 1962, the AEC insisted there was "zero possibility" that the test could vent radioactivity into the atmosphere. Nevertheless it did, only moments after the shot. Project Long Shot, conducted at Amchitka in 1965, was not expected to leak radioactivity for hundreds of years. Nevertheless it did, only a few months later.

Moreover, 10 percent of the underground tests conducted at the AEC's Nevada Test Site have caused radioactivity; none was predicted. Project Baneberry, for example, which was detonated in Nevada in December, 1970, vented so much unexpected radioactivity into the atmosphere that the workers near the test site had to be decontaminated immediately and then evacuated from their homes, which remained unoccupied for months because of dangerously high radioactivity counts. A group of these workers have just filed a $500,000 damage suit against the AEC, claiming their health has been damaged by their sudden exposure.

All these underground detonations were much, much smaller than Cannikin. Indeed it is not possible to have any data whatever about the effects of an underground explosion of as huge a scale as this. The AEC picked Amchitka Island as a test site largely because it could not experiment with such powerful bombs at the Nevada Test Site for fear of adverse effects on the surrounding population.

The first time the AEC tried to use Alaska for an alternate test site was in 1960, when the Commission proposed blowing up a huge chunk of the state's isolated coast line in order to make a harbor. But nobody in Alaska wanted a harbor there so that project, named Chariot, was converted into an excavation of a large, useless hole in the ground. Chariot was stopped by determined opposition from a few scientists who fought the AEC, and finally won. The uncompleted Chariot cost the AEC $2 million.

But Chariot, unlike Cannikin, had no ostensible military purpose and so could not be defended as in the interest of "national security." In the mid-1960s, the AEC returned to Alaska to carry out Project Long Shot, a small underground detonation on Amchitka, claiming that this was only a one-shot test, not the first in a series of experiments. Nevertheless, within two years, the AEC was making plans to convert Amchitka into a full-scale test site. In 1969, a one-megaton bomb was exploded underground on Amchitka.

By that time, many Alaskans were becoming suspicious of the AEC and its claims. One of the more wary was the newly elected U.S. Senator from Alaska, Mike Gravel, who discovered in 1969 that a Presidential Commission, headed by Dr. Kenneth Pitzer, then president of Stanford University, had been appointed to investigate the safety of such underground tests. To Gravel's surprise, he discovered that he couldn't even get a copy of the Pitzer Report because it had been classified. Only after he threatened to open a full-scale attack on the Commission at a hearing of the Foreign Relations Committee was the report finally released. Among other things, it contained warnings of severe earthquakes which might follow large test explosions.

Since then, Gravel has been critical of many AEC policies—he has attacked the Agency's method of setting standards for radiation protection at nuclear reactors, and the manner in which the AEC uses its public information program for what the senator has described as AEC propaganda. For example, the AEC recently flew sixteen Alaskans to its Nevada Test Site on an all-expense-paid trip to convince them of the AEC's virtue. Seventeen other U.S. senators joined Gravel in demanding that the AEC hold public hearings and file a statement on the potential effect on the environment, as required by the Environmental Protection Agency. Finally, at the end of May, the AEC held a three-day hearing in Alaska, partly in Juneau and partly in Anchorage.

In addition to AEC officials, thirty-five other witnesses, including some from Canada, appeared at the hearings. Of the thirty-five, only one spoke in favor of the test and he is an AEC contractor. All the others, including scientists, Alaskan state government officials, California legislators, conservationists, and Canadian representatives, were vigorously opposed to Cannikin. A few days after the hearing, the Alaska State Bar Association Convention recommended that the state attorney general file a lawsuit, if necessary, to prevent the AEC from carrying out the tests.

The final decision about whether Cannikin will be carried out as scheduled rests with the White House. A committee of undersecretaries from all the government departments connected with the test is now studying Cannikin. The committee's confidential report to the President will be made in early July and the President will have to act upon it quickly for, if the test is going to be made, it will take a month or more to lower the bomb to the bottom of the 6,000-foot hole and connect up all the complex machinery required.

The political risks to Nixon are great. At this writing, protests against the test have come from the governments of Japan, Canada, and Finland. Certainly, the test will affect the SALT talks. And if Nixon decides to allow the test, he will face the kind of determined domestic opposition he encountered in the SST controversy: a working coalition of the groups and individuals opposing the test has been established, ready to begin work at once in Washington. They include the Friends of the Earth, the Committee for Nuclear Responsibility, the Federation of American Scientists, the Sierra Club, and SANE, among others. Those interested in this effort should contact the coordinator of the coalition, Richard Lahn, at 235 Massachusetts Avenue, N.E., Washington, D.C. 20002.

Lawsuits to prevent the test have been prepared in New York, Washington, and Alaska. Legislators in most Western states, as well as Hawaii, are prepared to challenge the action locally: one California state senator has already scheduled hearings on the test. Pacifist groups are preparing to send small ships into the area around Amchitka. All these advance preparations are being made openly and the White House staff is aware of them. The strategy of the opposition is to keep cool, at the moment, rather than open up a large-scale, widespread, and vocal fight against the tests: the theory being that Nixon may decide to cancel the test, on his own, but might resist taking such an action if too much public pressure is brought to bear. But a campaign is ready if he decides to permit the test.

It is obvious that the President faces still another, greater, personal risk if he decides in favor of Cannikin: it could conceivably go wrong and trigger some kind of disaster. And if that happens, the political fallout on the career of Richard Nixon may be as great as the radioactive fallout on the population.

The AEC and the Department of Defense justify Cannikin by conjuring up the "interests of national security" and maintain that, therefore, the small risks of tidal waves, earthquakes, and radioactivity must be taken. Normally, the phrase "in the interests of national security" has a special aura, bringing an automatic response, but in the case of Cannikin, the air of sanctity seems to have disappeared. It has disappeared because the AEC no longer is so sacrosanct as it once was. It is no longer above criticism; its budget requests are now being challenged. For the past few years, the AEC's credibility has been widely questioned and it has been forced to engage in controversies with its critics, and has, often, defended itself very badly. And while the post of the AEC Chairman was once considered a rare prize, Glenn Seaborg, the present Agency head, is reportedly seeking a way of leaving it gracefully.

The Department of Defense, too, no longer has automatic approval for its actions as it once had. Few people believe what is said in Washington. Ironically, in the case of Cannikin, the AEC and the DOD cannot muster even a very strong military case; the five-megaton bomb they want to test was designed for use in a specific type of Spartan missile, but, according to an impressive number of arms experts, that missile is obsolete. Dr. Harold M. Agnew, director of the AEC's Los Alamos Scientific Laboratory, told a Senate hearing last April that the Spartan system, of which the Cannikin bomb is to be a part, would only "be useful in a limited way."

That "limited way" is evidently enough for the AEC and the DOD to warrant their going ahead with the test. After all they reason, we've built the bomb, invested $20 million in Cannikin, so how else can such vast expenditures be justified except by detonating the bomb? Besides, if you were an AEC or DOD official, wouldn't you want to find out if the damn thing actually works?

[From the Wall Street Journal, June 24, 1971]

Blasting the Blast: AEC's Plan to Stage Atom Test in Alaska Brings Sharp Dissent; Critics Fear Quakes, Waves, Harm to U.S.-Soviet Ties; No Danger Seen by Agency; But Is This Test Necessary?

(By James E. Bylin)

Anchorage, Alaska.—It sounds like the governmental agency for all seasons.

Here in Alaska, it's transplanting sea otter, rescued from the edge of extinction, to build new herds in their old habitats. It maintains archeological digs that have shed new light on the arrival of man in North America. It helps in air and sea rescues. Forty-five percent of its work force are minority-group members.

But it also has a scheme that, many Alaskans and non-Alaskans fear, could produce a catalog of catastrophes, including earthquakes, tidal waves, radioactive poisoning and even a rupture in delicate U.S.-Soviet relations.

The agency is the Atomic Energy Commission, and it has embarked on what promises to be one of its most controversial campaigns since the days of atmospheric nuclear testing a decade ago. This fall, probably in October, the AEC plans to detonate the biggest underground nuclear test in U.S. history on isolated Amchitka Island in Alaska's Aleutian Islands. Code-named Cannikin (the AEC says its code names have no meaning), it would be nearly five times larger than any underground blast ever undertaken by the U.S. The test would be a five megaton "event," to use an AEC term, equal to five million tons of TNT and 250 times larger than the bomb dropped on Hiroshima in 1945.

A REPLY

The AEC says the test should be perfectly safe. But it is being questioned and criticized by Alaska officials as well as conservationists and scientists nationally. The opposition is spearheaded by Mike Gravel, a U.S. Senator from Alaska, who argues that the test should "be canceled and the island fully restored and that the AEC count Amchitka and Alaska out of any future plans for the detonation of atomic bombs." Meanwhile, Aleuts, the natives who inhabit the Aleutians (though not Amchitka) are threatening to go to court to block the test.

In a sense, the dispute is a replay. The AEC tested a nuclear device on Amchitka in October 1969 amid vociferous protests. This time, though, the stakes are much higher. That was a one-megaton explosion, about as large as any set off in the AEC's southern Nevada testing grounds, to determine whether the Amchitka site could safely handle bigger tests. The AEC's conclusion: it could.

At first glance, Amchitka would seem the ideal site for underground tests. The treeless, 42-mile-long island is utterly remote from large population centers. It is 1,400 miles west-southwest of Anchorage and 2,500 miles west-northwest of Seattle. Nearly 10,000 troops were stationed on the island during World War II, leaving behind a system of airstrips and roads. Today, rats are the only land mammals on Amchitka besides AEC personnel.

The island, however, happens to straddle one of the world's most active earthquake zones, raising the concern that the blast, which itself is expected to register 7.0 on the Richter seismic scale, could trigger a giant temblor and perhaps even a tidal wave. (Scientists prefer "seismic wave" or the Japanese term, tsunami, to the misnamed tidal wave.) And Alaskans have reason to worry about earthquakes. Much of the state was devastated by the Good Friday quake in 1964.

THE AEC'S POSITION

That quake, Sen. Gravel says, began with a shock of about 6.5 and triggered itself to a peak of 8.4. (The recent San Fernando Valley quake was 6.6.) Referring to Cannikin, Sen. Gravel says, "what type of energy can be released with that kind of trigger? No one knows. Would Cannikin's 7.0 Richter scale reading, combined with a 7.0 natural earthquake, remain a harmless 7.0 event? The odds shift markedly against such an eventuality occurring without some toll."

The AEC's claims the chances it would set off a quake are remote, but it does acknowledge that "because the understanding of earthquake mechanisms is still developing and is not yet sufficient for exact calculations, the possiblity of such an occurrence cannot be ruled out."

One AEC scientist says that earthquake country may be a "good place" for underground testing and that if an earthquake happened to be triggered it might actually be beneficial, in a manner of speaking. Exploding a bomb in a site like Amchitka, he says, would "represent much less a departure than in another place where quakes aren't common." And in the unlikelihood a quake is triggered, it would undoubtedly have been "ready to go" anyway and its force could be less than if mother nature hadn't been preempted, he reasons. Also, he claims, any quake would be localized, little different from what occurs frequently there.

RADIOACTIVITY IS FEARED

The 1964 Alaskan quake unleashed a massive seismic wave that smashed coastal areas throughout the Pacific Ocean basin; 27 blocks of downtown Crescent City in northern California were leveled by the wave, for instance. Cannikin's chances of duplicating this disaster are "negligible," according to the AEC. William G. Van Dorn, a Scripps Institute of Oceanography seismologist working for the AEC, says that "no large tsunami has originated in recorded history" in the western Aleutians, where Amchitka is located. In 1965, Mr. Van Dorn says, a 7.5 magnitude quake only 20 miles from Amchitka "produced only a small, local tsunami." The key reason, he explains, appears to be that tsunamis tend to happen where quakes produce vertical ground motions. Unlike in the eastern Aleutians, the motions are horizontal in the western Aleutians, he adds.

For many critics, the earthquake-seismic wave questions are secondary. "These threats are real, but more real is the threat of radioactive contamination as the result of an accidental venting because these have happened with remarkable regularity," charges Earl J. Bell, a spokesman for the National Audubon Society, which opposes the test.

Since the signing of the limited test ban treaty in 1963, the AEC has exploded 230 underground devices, of which 17 "leaked radioactivity detectable offsite," the AEC admits. The one leak Cannikin opponents won't let the AEC forget occurred last December in Nevada, causing the AEC to suspend tests. Project Baneberry, a 20-kiloton device (equal to 20,000 tons of TNT) was detonated at a depth of 910 feet. Though the AEC thought it was fully familiar with the area's geology because it had conducted other tests nearby, the earth's surface suddenly cracked and radioactivity was spewed over several states. The AEC now blames unexpectedly high water content at the test depth for the accident. It exploded its first post-Baneberry device in Nevada June 16 and said the explosion didn't cause any radiation leakage. So, the AEC says, "we will be conducting other tests in the relatively near future." But it can't test in Nevada devices as big as that planned for Amchitka because of the effect on high-rise buildings in Las Vegas.

James E. Carothers, the AEC's assistant director for nuclear testing, claims that the bigger the test's yield, the safer it is as far as radioactivity is concerned. Two factors cause this phenomenon, according to Mr. Carothers: The bigger devices are buried deeper, thus placing more layers of rock between the device and the surface, and the bigger detonation tends to melt more of the rock about it, sealing off the cavity. Cannikin would be detonated at a depth of 5,875 feet.

Alaskans are particularly concerned over the possibility of another kind of radioactive contamination: seepage into the Bering Sea. The Aleutians are the crossroads for the spawning migrations of Pacific salmon. "Should contamination of these salmon occur, the economic disaster to one of Alaska's largest industries would be of very large magnitude," warns Wallace H. Noerenberg, commissioner of the Alaska Department of Fish and Game. In 1970, Alaska fishermen hauled in $60 million worth of salmon.

A DISAGREEMENT ON DILUTION

After Cannikin is detonated, the explosion-formed cavity is expected to collapse, creating a rubble-filled "chimney" to the surface; it should fill with water within 150 to 500 days. Leonard M. Gard, the AEC's supervisory geologist from the U.S. Geological Survey, says radioactive water shouldn't reach the surface of this sink. What is most likely to occur, Mr. Gard says, is for the radioactivity to be trapped underground, seeping out to the Bering Sea in about 1,000 years, at which time it would be harmless. The "very unlikely" alternative would be for the radioactive water to reach the Bering Sea in two or three years at about 1,200 times safe levels and continue to be discharged for 130 years, he says.

"In this unlikely event, the mixing with ocean waters in longshore currents would introduce an effective dilution factor," Mr. Gard says confidently.

But Jerold Lowenstein, a radiation expert at the University of California Medical Center in San Francisco, scoffs at the "magic of dilution" and says low levels of radioactivity can accumulate and be reconcentrated in the food cycle. Sen. Gravel adds, "In these days when the nation is deeply concerned about mercury poisoning and the market for seafood products has fallen off sharply, even the suspicion that radioactive water is leaking to the surface could devastate the market for all fishery species of the North Pacific."

Conservationists are especially enraged because the Aleutian Islands, including Amchitka, are a national wildlife refuge. But when he established the refuge in 1913, President Taft provided that Amchitka could be used for military purposes. Says the Audubon Society's Mr. Bell, "I think it is perfectly clear that coaling stations and the like were the kind of military purpose that President Taft considered commensurate with wildlife refuge status. It is obvious that he could not have conceivably imagined that this might include testing five-megaton nuclear weapons."

"NO ENVIRONMENTAL IMPACT"

Cannikin, the AEC claims, will cause "no significant environmental impact" on Amchitka. The island is home to the endangered sea otter, which the AEC has been helping transplant to other habitats in an effort to expand its ranks. Perhaps as many as 20 sea otters "could suffer measurable physiological effects" from the test, the AEC says, but the overall impact will be "negligible." The AEC adds that "a few fish of commercially important species may be killed by the shock."

As far as the Aleuts are concerned, the Aleutians should belong to them under a complex Alaskan native land claims settlement now pending before Congress. Iliodor Philemonof, president of the Aleut League, which is threatening a lawsuit, says the Aleuts "were and are entitled to the protection of provisions of the Constitution. Property should not be taken without due process." The proposed explosion, he alleges, is another example of the white man subjecting Aleuts to "mistreatment and misfortune."

But the overriding issue in the controversy may be whether the test is actually necessary. Officially, the AEC hasn't disclosed the precise purpose of the $160 million project except that "the test is considered of vital importance to national security." In testimony to a Senate committee in April, an AEC official admitted Cannikin will be to test the warhead for the Spartan antiballistic missile.

If that's the case, some scientists allege, then Cannikin is pointless, Jeremy J. Stone, director of the 2,000-member Federation of American Scientists, claims Cannikin was conceived by the AEC in 1966 under President Johnson to test the Spartan missile, an anti-Chinese missile defense system. However, Mr. Stone contends, the Nixon administration in early 1969 revised the ABM program to have the defense of Minuteman ICBM's against a Soviet threat as its primary purpose, with the defense of cities from a China attack as a supplemental program. "There now is ample reason to believe that a majority of the U.S. Senate will not support an anti-Chinese ABM," he says, adding that the Spartan missile isn't necessary in the ICBM defense system.

"Basically," Mr. Stone argues, "Cannikin is a bureaucratic oversight—an experiment that has been waiting to be canceled."

The final green light for Cannikin must be flashed by President Nixon. The Anchorage Daily Times, quotes "reliable sources" in Washington as saying the administration may cancel Cannikin because of its "potential political risk" in the wake of the recent agreement with the Soviet Union at the Strategic Arms Limitation Talks to negotiate limits on defensive ABS systems. (One AEC official grumbles that the Russians earlier this year set off a six-megaton test on an Arctic Island and "you didn't hear too much talk about that.")

Like its smaller Amchitka predecessor in 1969, Cannikin is generating much international ill will, especially in Canada and Japan, two fishing nations. Patrick Moore, a Canadian conservationist, points out that Japan, Canada and even the Soviet Union (which is 800 miles from Amchitka) are closer to the blast site than is the contiguous U.S., and thus "exposed to a more serious threat" His suggestion: If the U.S. wants "to indulge" itself in the test, explode it in the geographic center of the U.S. in central Kansas.

Mr. PRICE of Illinois. Mr. Chairman, I rise in opposition to the amendment offered by the gentlewoman from Hawaii.

Mr. Chairman, as the gentlewoman from Hawaii stated, this test has been in the making for quite a few years. As a matter of fact, it is only one of a series that has been going on for at least a half a dozen years, although it is one of the most important ones in that series.

However, I do not share the gentlewoman's fears or misgivings as to the possible effect of this test on the area involved. The test will give a seismic shock equivalent to the magnitude of about seven. This test has been announced for quite a long time. In a letter dated July 7, 1971, from Dr. Seaborg to Senator PASTORE, chairman of the Joint Committee on Atomic Energy, it was stated that—

> This test must be conducted on a timely basis for many reasons.

This is only one of a series. It is hoped it could be the final one, and if the results are a success, perhaps it will be the final one in this particular series.

The idea that the tests are unnecessary apparently originated with persons who did not have security clearance and have never been involved in a weapons program and who know nothing about forthcoming weapons systems. There simply is no factual basis for such an assertion. The Under Secretary's committee of the National Security Council has approved the preparations for the test which have been underway since 1966 and will make the final review of all possible environmental effects prior to the execution date. The Under Secretary's committee is chaired by the Under Secretary of State, and members are the Deputy Secretary of Defense, the Chairman of the Joint Chiefs of Staff, and the Director of the CIA. The Interior and Commerce Departments will probably participate in it.

The President will give final approval for the conduct of the test.

Detonations are to take place in a room 50 feet in diameter and 6,000 below the surface, as the gentlewoman from Hawaii has described, at the end of a 54-inch cased shaft. About $165 million, as was stated, already has been spent on the test.

There has been a suit filed in the Federal District Court in this city to enjoin the test, so it is a controversial matter. Basically the public and a coalition of environmental groups allege that the Atomic Energy Commission has failed to comply with the requirements of the National Environmental Policy Act of 1969. I could cite a detailed chronological series of actions taken by the AEC on this program which meet and which indeed go even further than the requirements of that act and the appropriate guidelines published by the Council of Environmental Quality.

CHRONOLOGICAL HISTORY

In 1966: Initial briefings of Governor of Alaska and Alaskan congressional delegation.

February 1967: AEC officials met separately in Alaska with the Governor and State officials, representatives of the U.S. Bureau of Sports Fisheries and Wildlife, Federal Interior Field Committee, Alaska Federation of Native Associations, Bureau of Land Management, Commander in Chief of Military Forces, Alaska, news media and conservationist organizations. Response was generally friendly.

July 1967: Two Seattle reporters escorted on visit to Amchitka.

August 1967: Commander in Chief, Military Forces, Alaska, briefed.

January 1968: Conference in Seattle with Alaska Commissioner of Fish and Game to arrange cooperation on sea otter transplant.

June 1968: Representatives of Audubon magazine, Reuters News Agency, and Anchorage newspapers were escorted on visit to Amchitka.

September 1968: Trip arranged for Alaska Fish and Game Department employee to cover and photograph sea otter transplant activities on Amchitka.

September 1968: National Geographic writer-photographer team escorted to Amchitka.

September 1968: Meeting in Washington with Panel on Biological and Medical Sciences, Committee on Polar Research, National Academy of Sciences, to brief on Amchitka bioenvironmental program.

February 1969: NVO and EPA officials met with Alaska health and welfare officials for discussion of Amchitka activities and impact on Alaska.

May 1969: CBS television crew escorted to Amchitka.

May 1969: NVC representatives visited news media and conservationist organizations in Fairbanks.

June 1969: AEC top management team—Commissioner Costagliola and others—visited Governor Miller at Juneau and held public meetings in Juneau, Anchorage, Fairbanks, and Kodiak. Response generally favorable, except for some opposition in Kodiak.

June 1969: Amchitka visit by member of Oregon Nuclear Coordinating Committee and reporter from New York Times.

July 1969: NVOO information officer opened Alaska information office in Anchorage.

July 1969: Three meetings in Washington with: Department of the Interior—including Under Secretary Train, Assistant Secretary Klein, and Fish and Wildlife Commissioner Meacham; staff of Alaska congressional delegation; and staffs of eight national conservation organizations. Provided details of predicted effects and scientific program planned on Milrow.

July–October 1969: Continuing contacts with Alaska news media, talks and film showings to civic and women's organizations, visits to other Alaskan cities and towns.

July 1969: Dr. Ogle, test division leader of LASL, visited State officials in Juneau.

August 1969: Escorted group of 15 Alaska news media reporters and photographers to Amchitka.

August 1969: Meeting at Washington with Canadian Government scientists on seismic and tsunami concerns.

August 1969: NVO representatives met with Congressman Pollock to discuss Amchitka activities.

September 1969: AEC exhibit during 10-day Alaska State Fair at Palmer, distributing thousands of copies of AEC literature, showing sea otter transplant and "Amchitka Revisited" films, and talking with public.

September 1969: Amchitka visit by official of National Wildlife Federation, Dr. W. Burr of Division of Biology and Medicine/AEC/HQ and representative of White House Office of Science and Technology.

September 1969: Amchitka visit by Congressmen GOODLING of Pennsylvania and DINGELL of Michigan.

September 1969: Sixty-six Alaska legislative representatives, civic and conservationist leaders, reporters, and photographers ere escorted on a 1-day visit to Amchitka via chartered plane.

September 1969: Alaska Legislative Council briefed in Anchorage on Milrow safety precautions, and predicted effects. Five representatives of Hawaiian Legislature and Governor's office attended the briefing.

September 1969: Hearings before the Senate Foreign Relations Committee on Senate Joint Resolution 155.

September–October 1969: Maintained Information Center, open to public, in Anchorage Westward Hotel for 1 week prior to Milrow. Exhibits, motion picture showings, and briefings. Approximately 100 invited Government and civic leaders "observed" the Milrow event on October 2, with direct line telephone reports from Amchitka. Response—excellent.

October 1969: Milrow "open file" of technical information established at three universities and the State museum.

November 1969: Hearings before the Muskie Commission on S. 3042.

December 1969: Briefed Governor's cabinet in Juneau and his Amchitka panel in Anchorage on Milrow results. Latter meeting open to public and press.

February 1970: Two Hawaiian scientists, advisers to the Governor, visited Los Alamos and the Nevada test site.

April 1970: Three Alaskan news reporters accompanied to Amchitka.

April 1970: NBC–TV team escorted to Amchitka Island to obtain material on environmental subjects.

April 1970: Briefings by AEC in Juneau for members of the Alaska Legislature following hearings by the Joint Staff Affairs Committees of the Alaska Senate and House of Representatives on Representative Moses' resolution against testing on Amchitka; open to public.

Plans made for AEC cooperation with Department of the Interior and State of Alaska to trap and transplant sea otters to Washington and Oregon.

NV provided slides and script showing the Milrow event to the Washington State Civil Defense Organization.

May 1970: Governor of Hawaii, Speaker of the Hawaii House of Representatives and Speaker of the Hawaii Senate were briefed on Milrow results and Cannikin plans.

Sea otter trapping and transplant operation public announcement. Arrangements made for news media to cover operation.

June 1970: Routine activities.

July 1970: Sea otter trapping and transplant operation conducted, accompanied by reporters from the Oregon Journal, Portland, and Bill Burrid Productions, Hollywood, to Amchitka.

August 1970: Kojo Tanaka, Japanese wildlife photographer, and Bob Stevens, freelance writer, visited Amchitka to do story on wildlife.

September 1970: Routine activities.

October 1970: Routine activities.

November 1970: Routine activities.

December 1970: R. E. Miller letter to Alaska Governor Egan offering to conduct briefing on Cannikin.

January 1971: Alaska Senator TED STEVENS and staff visit Amchitka for briefing and tour of Cannikin site.

NV Information Officer David G. Jackson interviewed on University of Alaska forum radio program in Fairbanks.

Briefed commercial fishing industry leaders at a Seattle meeting.

February 1971: Routine activities.

March 1971: Resolution introduced in Alaska Legislature to require AEC to comply with Environmental Policy Act of 1969. AEC replies that requirements have been met. Arrangements made for AEC officials to brief Alaskan Governor and Legislature leaders.

Aleutian Canada geese transplanted to Amchitka by Department of the Interior with cooperation of AEC. National Geographic Society reporter accompanied the geese to the island.

April 1971: AEC group briefs Alaska Governor and Legislature leaders in Juneau. Governor Egan requests public hearings on Cannikin be held in Alaska. Plans made for Alaskan legislators and representatives of the Governor's office to visit NV and NTS.

April 1971: Sea otter trapping and transplanting operation announced. Animals will be sent to Oregon.

Senator BAKER and part of his staff, two members of the committee on public works, and a Senator GRAVEL staff member visited Amchitka.

May 1971: Members of the Alaska Legislature and Governor's staff visit NV and NTS for briefing and tour.

Canadian and Japanese Embassies briefed on May 24 and 26, respectively.

Alaska hearings on Cannikin were held in Juneau on May 26 and Anchorage on May 28. NV Deputy Manager briefed Governors of Hawaii, California, and Washington.

Canadians and Japanese presented testimony at hearings.

June 1971: Members of the press—Alaskan State and national media—escorted on visit to Amchitka June 7–9.

Amchitka program movie released and made available for distribution in Washington, D.C., Nevada, and Alaska.

Sea otter transplant announced in April completed.

July 1971: Briefed new Alaskan Commissioner, Department of Environmental Conservation, at Juneau on July 1.

Press tour to Amchitka on July 5–7 for New York Times and ABC–TV.

Department of the Interior briefed on Cannikin progress and effects evaluation July 6. National Wildlife Federation and National Resources Council briefed July 7.

This matter is before the court. I submit that if there has been any violation of the law, the court will supply the appropriate remedy.

Mr. Chairman, our task with this test is to help assure the national defense. We shall not meet that responsibility by casting a vote which will be tantamount to the first step down the ladder of unilateral disarmament, and that is precisely the reason for the providing of these funds for this particular test which is so essential for the protection of our national security.

Mr. Chairman, we cannot rely upon untested equipment in our arsenal to assure our national defense.

And, Mr. Chairman, I would like to point out that environmental effects have been touched on which are something that I think and I wish I had the time to read the chronological history of this so that every Member would have the assurance that full consideration has been given to all of these matters and that in our opinion, after months of study, the committee feels that this test should go on.

CANNIKIN—AEC ACTIONS UNDER THE NATIONAL ENVIRONMENTAL POLICY ACT OF 1969

June 17, 1970: Draft issued to Federal and State agencies including the Council on Environmental Quality and the States of Alaska and Hawaii.

June 19, 1970: Draft submitted to JCAE and appropriations committees.

June 20, 1970: Notice of availability of draft published in Federal Register—more than 300 copies sent to public upon request.

April 27, 1971: Revised statement sent to JCAE taking into consideration agency comments prior to that date.

May 26, 28, 29, 1971: Public hearings by AEC in Juneau and Anchorage.

June 21, 1971: Final statement sent to JCAE.

June 23, 1971: Final statement published. Copies were furnished to the Council on Environmental Quality and the Environmental Protection Agency.

Mr. ANDERSON of Illinois. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I think it is important to make the point at the very outset of the debate on the amendment which has been offered by the distinguished gentlewoman from Hawaii that when the gentlewoman speaks of experts and when she quoted the names of some people who admittedly are very distinguished scientists in our country, she was quoting very largely the names of those individuals and people who have announced their opposition to any kind of ABM—antiballistic missile program—who are opposed to that program and would like to kill it.

If you are totally opposed to any kind of an antiballistic missile program, I suppose you would have some justification for saying let us not concern ourselves at all about completing a test project for which preparations have gone on for a period of 6 years.

But, Mr. Chairman, I think we have a higher duty this afternoon to examine the arguments which have been raised against this particular project.

In this age of environmental and ecological concern it is entirely proper that we do address ourselves to the concern that has been expressed and presumably will be expressed by others, that the shot will have deleterious effects that will degrade the environment, that the release of tritium will poison the atmosphere, will kill the seals, and have otherwise adverse consequences on the ecology.

I would like to point to a statement that appears in the final environmental statement that was made on this particular subject. They said the principal environmental effects are those resulting from construction on Amchitka and by the work force of some hundreds of men.

That, in effect, is I think the answer to the argument that we are doing great violence to the environment by conducting this test.

Let me remind you that this device is going to be placed at the bottom of a 54-inch encased hole 6,000 feet—more than a mile—below the surface of the earth. The effect of the explosion is going to cause the overburden to collapse into this hole where this device has been placed and exploded. In other words, you will have the barrier of all that earth and rock against any venting of noxious fusion products into the atmosphere.

Mr. Chairman, the question has been raised by some that we have to worry about tritium and is there a possibility of tritium being released as a result of this explosion.

I think most of you know that this is a radioactive substance. Tritium is a radioactive isotope of hydrogen with a half life of 12.3 years.

The scientific testimony which was presented before the committee was to the effect that no tritiated water is expected to reach the Cannikin subsidence pool at ground zero, since after 22 months none has reached the Milrow subsidence pool from the shot point 4,000 feet below the surface. That is the shot that took place in October 1961.

The testimony before the committee went on to point out that the most probable route for any water from this cavity at 6,000 feet to reach the surface is to percolate, in about 1,000 years, to some point between the shoreline and one-quarter of a mile into the Bering Sea. In that time, of course, the radioactivity would have decayed to a minuscule amount.

And so I suggest there is no danger, on the basis of the evidence adduced before the committee, that you have to worry about this radioactive substance tritium being released into the surrounding water and poisoning the atmosphere.

So I hope very much that in our concern for the environment—and it is a proper concern—I submit that we do not ignore the clear facts that are in the record here and delay the shot and the project which has been in preparation for many years which the very distinguished Chairman of the Atomic Energy Commission, Dr. Glenn Seaborg, has said is necessary to the security of our country.

Mr. Chairman, I ask for the rejection of the amendment.

Mr. ADAMS. Mr. Chairman, I move to strike the necessary number of words. I support the amendment offered by the gentlewoman from Hawaii (Mrs. MINK).

Mr. Chairman, my remarks will not involve the environmental aspects of the matter, but instead will involve the ABM characteristics of the Spartan-Sprint system, which apparently is the basis for needing this test.

The reason that I do this is for some time in the past we have been required in the Seattle area to study the Spartan-Sprint system, and I was deeply involved in producing technical papers with a number of scientists at the University of Washington who later testified, and presented papers on this system. The key issues were the type of system and whether or not it was necessary.

I want to point out that I think there is a balancing between national security and the environmental interest in conducting these dangerous tests. I think the environmental interests have been well discussed by the gentleman from Illinois and by the other members of the committee. But with regard to the military requirement, the committee report says it is necessary and indicates that this will be really a device for a warhead of approximately 5 megatons, on page 18 of the report.

Dr. Jeremy Stone, who testified on this in Alaska, is the director of the Federation of American Scientists, confirmed in his testimony in Anchorage—and it is in the CONGRESSIONAL RECORD of June 4—that this would be about a 5 megaton weapon—which means a device to create the basic Spartan, as opposed to the improved Spartan, is being tested.

To those of you who have not been involved——

Mr. PRICE of Illinois. Mr. Chairman, would the gentleman yield?

Mr. ADAMS. I yield to the gentleman from Illinois.

Mr. PRICE of Illinois. Mr. Chairman, I would point out to the gentleman from Washington that we are not talking about a weapon, we are talking about a research and development program, testing scientific theory that possibly, in the future, might have something to do with warheads. But we are not talking about a 5-megaton warhead as a weapon.

Mr. ADAMS. I thank the gentleman from Illinois for his statement on that.

The point that I wish to make is that the size of the test is based, in terms of military matters, on what its potential use might be.

Now, when Dr. Stone issued this statement, and so that your understand that we are not talking about people who have no knowledge or security clearance, but instead some of our most distinguished scientists. Dr. Stone's statement was approved by the members of the Council of the Federation of American Scientists, one of whom, for example, is Herbert F. York, who was the Director of Defense Research and Engineering of the Department of Defense under Presidents Eisenhower and Kennedy, and Herbert Scoville, who was Deputy Director of the CIA under the same two Presidents, and Dr. Marvin Goldberger, who was a member of President Kennedy's and Johnson's Scientific Advisory Committee—all of whom have top security clearances and all of whom have indicated that this is a 5-megaton type test which would be used potentially, in the military for the so-called "basic" Spartan, missile. The "basic" Spartan is part of a system that started with Sentinel and Safeguard and involved a very large explosion whereby the radiation from the explosion occurring in outer space would release neutrons and would in effect kill an incoming warhead. And again, this is not classified material. We have now changed this system and the reason for the change, of course, which was predicted by some of us when we had the prior debate on the ABM, is that a 5-megaton warhead exploding in the atmosphere, or possibly out of it, would effectively blank out the overall system radar for 15 minutes. This is why people such as Dr. Norval Fortson, associate professor of physics at the University of Washington, have indicated that we must use a smaller type weapon. That is why we have had statement from scientific people such as Dr. York, who have said "This is a pointless experiment in search of a useless weapon."

The only reason that I bring this forth at this time—and I have tried to avoid repeating the environmental arguments because they will be presented by others—is so that the Members will be aware of the fact that we are in this case faced with a lack of information of why this is necessary. The more detailed explanation is classified information, but we should know before we approve this whether it is an experiment to develop a weapon we may never ever deploy—in fact the information indicates that we probably never will deploy it because we will soon have a new and improved type missile system which will involve a much smaller warhead of the type that can be tested in Nevada.

That is why I have taken the floor for these few minutes to discuss the purpose of this test and raise the question of whether it is necessary at all.

I certainly have great respect for the chairman of the committee, and for the gentleman from Illinois, both of whom have spoken on this subject.

Of course, I do not pretend to second guess all of the knowledge that these men have. But I am trying to present to the Members the viewpoint of a distinguished group of American scientists who have indicated the military necessity for this test is of much lower priority than has been indicated, in the debate. If this is true then on balance the environmental arguments become more weighty and have a greater balancing effect against conducting these tests.

Mr. MIKVA. Mr. Chairman, I move to strike out the last word and rise in support of the amendment.

Mr. PRICE of Illinois. Mr. Chairman, will the gentleman yield?

Mr. MIKVA. I yield to my distinguished colleague.

Mr. PRICE of Illinois. Mr. Chairman, I think the impression seems to be that this is the largest underground test that has ever been attempted, and from the statement I have just heard some may have that impression. But this is not the case.

The Soviet Union in October of last year detonated a nuclear device—and I say "device" because these are not weapons—they are test devices, and they are in consonance with the series of underground tests that the Soviet Union and the United States have been conducting ever since the moratorium on atmospheric tests. But nevertheless the Soviet Union has detonated a nuclear device that had an estimated yield of up to 6 megatons. Ours will be below 5. It usually has been stated as 5 but ours will be below 5.

Mr. MIKVA. Mr. Chairman, I am reluctant to disagree with my distinguished colleague, the gentleman from Illinois, but I cannot be persuaded that simply because the Russians are doing their bit to despoil the environment that we ought to keep up with them or feel comforted that we are a little bit behind them in our despoliation.

The fact of the matter is, aside from all the other reasons that my other colleagues are talking about, there has been no evidence brought forward to indicate that this test can be conducted safely so far as the environment is concerned.

I would hope that in the latter third of this 20th century we would finally reverse the presumption that we can go ahead and take chances with our environment as long as somebody cannot prove the harm in specific, quantitative terms.

I feel that we do not have a limitless amount of air and water so that we can go ahead and dump everything in it and do everything to it and not suffer the consequences.

Mr. ANDERSON of Illinois. Mr. Chairman, will the gentleman yield?

Mr. MIKVA. I yield to the gentleman.

Mr. ANDERSON of Illinois. Mr. Chairman, I am constrained to ask the gentleman to yield because of the statement that he just made that there is absolutely no evidence that this will not have an adverse reaction on the environment.

I am reading now from the statement that was submitted by the commission in the environmental statement where it clearly says and I quote:

> No significant environmental impact can be expected from the seismic activity caused by the cannikin test.

This is in the statement submitted under the law. How can the gentleman say that there is no evidence?

Mr. MIKVA. As against that, my colleague is aware, there have been countless instances of experts who have come forward, and they are scientists in the main, who have objected to the test. Who has come up with the answer as to what is going to happen to all the energy released by the concussion and heat and power?

Can anyone guarantee—and who is going to underwrite the guarantee—as to what will be the total atmospheric effects?

I am not comforted by the fact that my distinguished colleague, the gentleman from Illinois, finds generally and through collateral evidence that this is something that will not happen in a thousand years.

It seems to me if it only remains contained for 100 years, we will not be able to hold him to these statements and my great grandchildren will suffer the consequences.

So I would say a very thin case has been presented—very, very thin because this environmental evidence is certainly not the kind, I think, we would want to stand on before the bar of history and say, "We did what we had to."

I am not at all comforted by the fact that this is a smaller bomb or a smaller device than the Russians set off. I am not at all comforted by the fact that some say we can anticipate no consequences, because there again we are back to the old presumption, and that is that it is up to those who oppose changes in the environment to prove their case. It is on that very basis that we have fouled up all of our lakes, our rivers, and the air around our big cities.

I would hope that, if nothing else, we have reached the point of wisdom to say that we would like those who want to change the natural course of things to make their case before we go ahead and explode 5 megatons of material, even in a constricted area.

Mr. ANDERSON of Illinois. Mr. Chairman, will the gentleman yield?

Mr. MIKVA. I yield to the gentleman from Illinois.

Mr. ANDERSON of Illinois. The gentleman, as always, is extremely eloquent, but he has not presented us with a scintilla of evidence of how the adverse consequences of which he complains might occur. When the question involves the security of our Nation then I think it is incumbent upon the gentleman to come forward with more than mere conjecture or hypothesis as to what might or could occur.

Mr. MIKVA. I believe my colleague has joined the issue. The question is, "Who has the burden of proof?" If those of us who oppose the development have the burden, then I agree with the gentleman. But I would suggest at this point that when someone proposes to put 5 megatons of explosives into effect, they ought to have the burden, and on that distinction I rest.

Mr. HOSMER. Mr. Chairman, I move to strike the requisite number of words.

In reply to the gentleman from Illinois who just spoke let me say that the evidence he requested was furnished amply in 1969 at this very same site, Amchitka, when the Milrow shot went off at 6.5 on the Richter scale. Despite all the moaning and the groaning and the dire prophecies that preceded that shot, nothing happened to the environment. There were no earthquakes or radiation consequences to anyone or tsunamis; absolutely not one adverse thing happened that these people got up and told you was going to happen and alleged would hurt everybody so much. There is 0.5 difference on the Richter scale between those two shots, Milrow and Cannikin. I think that that is ample evidence for anybody who does not choose to be unreasonable that this shot can be carried on without anymore consequences than Milrow; that is, none.

Let me say something to the gentleman from Illinois, who gave us a lecture on anti-ballistic-missile systems. Unfortunately the lecture he gave us stops somewhere between Sentinel and Safeguard. Sentinel, you will remember, was the Spartan-Sprite combination that the Johnson administration was going to have installed as an overall, big universal antimissile umbrella. Then along came Safeguard as successor to Sentinel, where you envisaged an outer umbrella and an inner umbrella. I suppose the gentleman was not listening when the last enunciations were made from the SALT negotiations, when both sides got up and said, "We are going to have a treaty; we are going to have an arms limitation treaty, and a part of that treaty is going to be an ABM system, a system which will be limited on each side to one installation to protect the national command centers, respectively, of the United States and the Soviet Union."

Now, my friend, if you want to have a SALT treaty, if you want to have some arms control limitations, how in the world are you going to negotiate a stable treaty between the two superpowers if one of them unilaterally takes out of its arsenal the capability, the opportunity to build a symmetrical ABM system on both sides when you get down to winning peace. My friends, I suggest that you actually understand what these two superpowers are after, for each has an ample sufficiency under even strike conditions to wipe out the other.

What they are trying to do is to stabilize the situation so that mutual deterrence will continue and not be dissipated. I submit the only way we can do that is to go ahead and finish off this test.

Now, what about all these alleged dangers? Nobody has shown how much risk is involved in any of these radiological or ecological allegations. Some small risk is one thing; a large risk is something else. The degree of risk is certainly a relevant consideration. I submit there is one kind of risk which is silly: the sort of risk involved if we put enough monkeys together on enough typewriters so that somehow sooner or later they will somewhere produce a document that wins the Pulitzer Prize for novels. That is a pretty slim risk.

Nothing has been done in alleging these dangers except to say we have not proven positively that no consequence whatever will occur. How in the world are we going to produce a ghost for someone to see as evidence that ghosts do not exist? That is what is being asked.

On the other hand our Government is simply asking to proceed with the protection of the United States against its potential enemy in a fashion and in a manner that the authorities of the U.S. Government—and most, I might add, of the scientific community—agree is sane and sensible from military as well as other standpoints.

Mrs. ABZUG. Mr. Chairman, I rise in support of the amendment.

This test was first planned 5 years ago as part of the development of the Spartan system for protecting cities against a possible light Chinese attack. For this purpose they planned a missile which would explode at high altitudes with great force. Now the mission of the system has been changed to protecting hardened missile sites. For this new purpose it is not necessary to intercept the missiles as high up, and it is unnecessary to use the very large warheads which the Cannikin project is to test. Since the planning of the test, the Defense Department has begun development of an improved version of the Spartan system which uses smaller warheads aimed more accurately.

These warheads have already been tested.

Another reason given for the high-altitude, high-yield warhead was that 12 planned ABM sites needed to be protected, and the explosion had to occur at a high altitude in order to protect all the sites. But progress of the SALT talks seems to indicate that the United States is seeking to negotiate an agreement with the Russians which would limit its ABM installations to the two presently under construction and the ones around Moscow. If this takes place, it is obvious we would not need a four- or five-megaton warhead, since what we are talking about protecting would be an ABM only one-sixth of the size now contemplated. Under these circumstances, how can we consider spending many millions of dollars on a bomb test which is unnecessary and potentially hazardous both to human health and to the environment?

This amendment would eliminate from the AEC appropriation fund for the project code-named Cannikin. The Cannikin project would involve an underground nuclear explosion five times the size of our largest previous test. The explosion is too large to be carried out at the AEC's usual testing grounds in Nevada, because it would cause dangerous ground shaking as far away as Las Vegas.

The shock wave would be equivalent to an earthquake of seven on the Richter scale. Instead of the Nevada site, the AEC proposes ot use Amchitka Island in the Aleutians. This site is in a geologically active area, between two large fault lines. There is considerable concern about the danger of earthquakes or tidal waves resulting from the blast. The existence of this risk was affirmed by the Pitzer Commission, a high-level group set up in 1968 to evaluate dangers of underground testing. With the present state of knowledge in geology we just do not know what could result from such a massive underground explosion until we try it—notwithstanding the AEC's reassurances.

Another cause of concern is accidental "venting"—escape of radioactive matter from the test site. The AEC says this is unlikely, but they have been wrong before about such things. After Project Baneberry in Nevada last December, radioactivity spilled out from a fissure near the test site. In response to a query of mine dated April 13, the AEC stated in a letter to me this week that—

> The presence of the radioactive material was detected in environmental samples from central and northern Nevada and in most of the western United States.

The AEC's letter also states that over the past 8 years, 17 underground tests in Nevada have caused radioactive fallout beyond the limits of the test site.

The AEC claims that if any radioactive material leaked from the test site, it would be quickly diluted by sea water. We once thought there was nothing to worry about from relatively small concentrations of mercury in the ocean, drained there from factory waste and mining operations. After it was too late, we found out otherwise. Many marine organisms can concentrate such substances in their bodies. As large organisms eat smaller ones, the substance becomes more concentrated until a tiny concentration of mercury in the water leads to a tuna or swordfish too poisonous to be eaten.

Radioactive isotopes can be concentrated in the same way. Some aquatic organisms can concentrate radioactive zinc or cobalt in their bodies by factors of a hundred thousand to a million. One of the most dangerous byproducts of atomic explosions is strontium-90. This long-lasting isotope concentrates in bones, and in extremely tiny concentrations has been shown to damage the development of fish eggs. Amchitka Island is part of a wildlife refuge and the area is an extremely valuable fishing ground, providing livelihood for the native Aleutian population. It is time that we stop thinking we can dump whatever we want in the ocean and forget about it. It is one of the more frightening developments of our time that we have finally poisoned even the ocean—and if we continue to allow such nuclear tests without regard for their consequences, we will wind up poisoning all mankind.

It is also to be noted that any radioactive leak which reaches foreign territory would violate the nuclear test ban treaty. The Canadians have officially indicated their concern with the dangers of leakage in a note to the State Department asking us to cancel the test, because any fallout could be carried by prevailing west winds to the Vancouver and Seattle areas due east.

I should like to call attention to the testimony of Dr. Richard Fineberg of the University of Alaska with respect to another serious danger. He has information that several thousand tons of mustard gas were dumped near Amchitka in 1946. These gases, if they are there, are in drums of half-inch steel, each containing about 2 tons when full. It is possible that the explosion could rupture any such containers, releasing this deadly material over a wide area with who knows what effect on ocean or human life.

I should like to say that the kind of security we are seeking by this kind of nuclear one-upmanship is a false security. I believe it is time for us to stop. The way to peace is not through further extending our capacity for overkill. I think 20 or 30 or 40 times over is enough.

The idea that either we or our enemy can successfully be defended from a full-scale nuclear attack by an ABM system or by any system is simply an illusion. Rather than improving our security, such projects rob us of the resources to solve our problems at home.

I think that instead of carrying out the biggest and potentially most dangerous underground nuclear test to date, the administration should be proposing the extension of the partial nuclear test ban to a comprehensive ban. I think we are at the stage when this particular test is certainly both technically unnecessary and very seriously dangerous.

I urge the adoption of this amendment.

Mr. MITCHELL. Mr. Chairman, I rise in support of the amendment. I shall be very brief. I have no intention of prolonging the debate.

I rise in support of the amendment primarily because I care so desperately about achieving international peace and primarily because I believe human life is so sacred that this body must ever be on guard against any kind of act which would mutilate, destroy, or in any way threaten human life.

I listened carefully as my colleagues on this side advanced their arguments, and I have listened with care to the arguments on the other side.

It seems to me there are three compelling and cogent arguments to which we must address ourselves.

The first was spoken to by my colleague from Illinois (Mr. Mikva). Do we have a guarantee—can any Member of the Committee, can any Member of this House, can any member of the Atomic Energy Commission guarantee—against pollution if we go through with this test? I believe, I know the answer is "No."

The second compelling and cogent argument is with reference to the SALT talks now ongoing. Time and time again I have heard every Member of this body say how deeply he was committed to peace. It seems to me that if we take this action in approving funds for the test at Amchitka what we are doing is tipping that very delicate balance we have arrived at in terms of achieving some kind of deescalation in the arms race.

The third compelling and cogent argument lies in the fact that our neighbors, other countries, are all afraid of what will happen to them in the event we go ahead with this test. We have heard the position of Canada. We know the concern of Japan. We know the concern of other nations.

As we attempt to regain our international leadership it would seem to me the international implications of this test vis-a-vis our relationships with friends and neighbors ought to be considered.

The planned 5-megaton blast would be the largest underground test ever conducted by the United States in addition to being one of the most expensive. The Congress withheld funds for this project last year. In the interim the AEC has failed to present adequate refutation to the near unanimous contentions of environmental experts concerning the harm that would result from this project. Diplomatic activity in the meantime has also served to heighten the need to eliminate the funding authorization for this test.

The 5-megaton warhead to be tested is an obsolete one. Present plans for an ABM system to protect missile sites call for a warhead of 1 megaton. The 5-megaton device to be tested at Amchitka was designed for use on the ABM system which has been discarded by the Nixon administration. Yet no one in the Pentagon or the AEC has come to the obvious conclusion that this modification has made the Amchitka test an unnecessary one.

Moreover, to proceed with the Cannikin test at this juncture in the SALT talks can only do damage to those delicate negotiations. An enforceable ban on underground tests is within reach at Geneva. To detonate such a blast at this juncture could ruin the chances for an agreement on this question. There is also a substantial probability that radioactive debris from the test would travel outside the territorial limits of the United States in violation of the 1963 nuclear test ban treaty.

If military and diplomatic justifications for calling off the test were not present, the environmental considerations surrounding the project would be sufficient cause for termination. Nearly 30 percent of the underground tests we have conducted at Nevada have resulted in leaks. Since 1963 one out of every dozen explosions conducted by this country has led to detectable radioactivity away from the site of the blast. Leakage at Amchitka would result in pollution of the Bering Sea and the Alaska salmon found there.

The site for Cannikin is one of the most seismic regions in the world. A disturbance of the magnitude of this test could set off a large earthquake and natural quakes in this area have caused tidal waves or tsunamis. Hawaii, Alaska, and California would suffer the consequences of a tidal wave caused by this test.

An 80-kiloton test at Amchitka in 1965 leaked radiation. That test was then termed the last to be held near the Aleutian Islands. Both the Canadian and Japanese Governments protested that blast as they have protested the current Cannikin test.

I urge that we join in that protest by voting to delete the $19.7 million authorization for the test from H.R. 9388.

Mr. DRINAN. Mr. Chairman, I support the amendment of my very distinguished colleague from Hawaii (Mrs. MINK) to delete funds for the Amchitka underground nuclear test. Until the Atomic Energy Commission or the Department of Defense can provide us with a more frank and compelling rationale than the one they have so far chosen to reveal; namely, that the test is necessary because it is necessary, we should provide no funds for this nuclear test which many believe bodes disaster.

Apart from the momentous environmental issues, the most troubling aspect of this matter for me has been the refusal of the AEC and the Defense Department to provide the Congress with any concrete explanation of the nature of the benefits supposedly to be derived from this experiment.

We are asked to approve funds for the largest underground nuclear explosion ever planned by the Atomic Energy Commission. Were it not for the extensive newspaper coverage of the ABM debate during the past 5 years, the Congress would be ill-equipped to cope with this situation on any basis other than an act of faith.

I would like first to note some examples of unresponsiveness on the part of the Defense Department and the AEC which I consider most telling and serious. Then I shall state some of the principal environmental consequences of the test which have led me to conclude that we must prevent this explosion.

Under the Environmental Policy Act of 1969, the Atomic Energy Commission is required to file an "impact statement" that includes a description of possible ecological consequences and of alternatives to any proposed test. Other Government agencies, among them the Department of Defense, are then expected to comment on the impact statement. The AEC neglected even to comply at first with this requirement. They finally prepared a "draft" statement only after the Disarmament Issues Committee of the United Nations Association intervened, in alarm, and in May of 1970 brought the matter to the attention of the Public Works Subcommittee of the Senate Committee on Appropriations.

The resulting AEC statement of June 1970 proved manifestly incomplete and inadequate, with the consequence that the Appropriations Committee deleted the Cannikin test from the AEC's 1971 appropriations. Yet this insistence by Congress on its responsibility to legislate upon an informed basis has apparently not moved the AEC, since what it offers us this year is no more informative on the central questions, of the purpose and effects of the Cannikin test.

The required statement, in the AEC's report, of possible alternatives to the test is a deplorable but quite representative example of the agency's general approach. The statement begins by assuring us that "a number of alternatives were considered," asserts that "the need for the Cannikin test has been stated as vital to the U.S. weapons development program," then reports, without foundation, that four alternatives were "carefully examined":

> 1. Not Testing this Particular Device—This alternative would severely hamper the development of nuclear weapons technology of prime significance to our national security requirements.

We are not told that any technological development would be made impossible. We are not told why or how such development might be "hampered," whatever "hampered" means. There is no discussion or even reference to any specific security requirements. Nor is there even a pro forma attempt to explain why we cannot be more fully informed.

> 2. Testing the Device at Another Location—Other sites in the U.S. were considered. Two were evaluated in detail; one in Central Nevada, the other in northwestern Alaska. Amchitka was chosen because of its location, reasonable accessibility, and because tests to be executed there could be expected to have minimal impact on the environment.

Without any explanation of the standard of "minimal impact" we have no basis for making the critical judgment as to the relative environmental risks posed by a test at this particular site.

> 3. Testing a Smaller Yield Device—This alternative would not obtain the information needed from the Cannikin test.

An accurate restatement would be: This alternative is unacceptable because it is unacceptable.

> 4. Delaying the Cannikin Test for More Study of Environmental Matters.—Amchitka environmental matters have been studied since early 1967 and all of the planned pre-test investigations have been completed to determine the adequacy of the Amchitka site and the anticipated environmental impact. To delay Cannikin would serve no useful purpose and would impede an important weapon development program.

Or, more compactly—"we cannot delay because we do not think we need to delay."

Another occasion when the AEC might have stated its reason for the test was supplied by the AEC hearings held in Anchorage, Alaska, on May 28, 1971. In his prepared statement, Maj. Gen. Edward Giller, the AEC Assistant General Manager for Military Application, said:

> In short, only through technological advancement can we provide an effective nuclear force to counter potential actions by others. Accordingly, testing is essential for providing these technological advances—from the testing of new concepts to the testing of finished weapons.

The statement is typical of the AEC stance in that it assumes without proof the very conclusion which the agency is legally required to justify; that is, whether this particular test is necessary for an effective nuclear force.

Consistent with General Giller's assertion is the perfunctory letter which the Department of Defense submitted as its comment on the AEC impact statement. For example:

> At large ranges or teleseismic distances the explosion will produce shocks like those from an earthquake with little probable effect on animals. At close ranges the shocks will have accelerations and displacements which could break legs. It is noted that there will probably be no animals near ground zero at shot time.

The Defense Department letter also recommends the following changes in the AEC statements concerning possible earthquakes:

> Substitute for ". . . provide extremely positive assurance" the phrase "indicate that it is highly unlikely."

The letter concludes:

> It seems clear that Amchitka is, on balance, the best available site for conduct of the test and that the alternative of not testing is unacceptable on important grounds of national security.

This sentence, like the letter itself and also like the AEC report which it in theory addresses is nebulous, conclusory, and, therefore, meaningless.

Mr. Chairman, this comprehensively evasive response to a legal requirement for discussion of important environmental issues is just not acceptable. It is also, I believe, offensive to the constitutional responsibilities of the Congress.

Of late it appears that the relation between the urgency of the congressional need to know and the substantive value of what we are told is precisely inverse.

Mr. Chairman, because of the importance of the whole question of disclosure and candor on the part of Government agencies, I insert in the Record at this point a statement by Dr. Jeremy Stone, director of the Federation of American Scientists. The statement was approved by the executive board of the federation, among whose members are Dr. Herbert Scoville, Jr., former Deputy Director of the Central Intelligence Agency under Presidents Eisenhower and Kennedy, and Assistant Director of the Arms Control and Disarmament Agency under President Johnson; Dr. Herbert F. York, President Eisenhower's Director of Defense Research and Engineering; and Dr. Marvin L. Goldberger, chairman of the Department of Physics of Princeton University.

The statement follows:

II. The Purpose of the Cannikin Nuclear Test Is [Deleted]

(By Dr. Jeremy J. Stone, Director, Federation of American Scientists)

The purpose of the underground nuclear test Cannikin, scheduled for October in the Aleutians, has been widely described in the American press, is evidently well-known to the Soviet Union, and is a *sine qua non* for sensible public debate over this test. Nevertheless, it remains highly classified. Specifically, the purpose of the Cannikin multi-megaton explosion—to test the warhead of the Spartan ABM warhead—has been described in such publications as the Washington Post, the Wall Street Journal, Science Magazine, and many others. Indeed, the Director of the Los Alamos secret weapons laboratory, unmistakably indicated to the Senate Armed Services Committee in public session on April 20 that the test for the Spartan interceptor warhead was to be carried out in the Cannikin detonation. Meanwhile, the Department of Defense and the AEC refuse direct inquiries on this subject.

Further, the test will register on Soviet seismographs as an unprecedently large underground nuclear test, making it evident that the explosion can only be for ABM weapons to be used outside the atmosphere—hence as a warhead for the Spartan interceptor.

Nevertheless, the United States Atomic Energy Commission last week released a fifty page Environmental Impact Statement on this subject without disclosing the purpose of the test. As required by the National Environmental Policy Act this impact statement must discuss all aspects of the environmental effecting action—including alternatives to the action. But the AEC said only that the alternative of not testing the device would "severely hamper the development of nuclear weapons technology of prime significance to our national security requirement." How can the public weigh the risks of the test against national security imperatives unless the purpose of the test is more clearly specified? Public debate is emasculated unless this purpose is provided. And the AEC would be effectively in violation of the Environmental Policy Act if—for no overriding security reason—it refuses to provide this critical factual item.

The classification of the purpose of this test can only serve the bureaucratic interests of those who fear exposure of the fact that the purpose of the test has essentially vanished. This is because the Cannikin underground test was first planned in 1966 when the United States was considering an anti-Chinese defense of American cities—requiring very large warheads on its interceptors. Today, America is building an ABM system to protect our land-based missiles; this Safeguard ABM system requires, for the most part, much smaller interceptors with smaller warheads. Advances with the Improved Spartan warhead have further diminished the need for explosion of the Basic Spartan warhead.[1]

As Dr. Stone testified in the AEC Alaska hearings of May 28, 1971:

> Basically, Cannikin is a bureaucratic oversight—an experiment that has been waiting to be cancelled since, in early 1969, the President changed the rationale for the U.S. ABM away from the anti-Chinese defense.

If there is very little justification for this 5-megaton missile, there is, I am persuaded, great peril to the environment in the proposed test.

The three types of threatened environmental impact are: First, effects on Amchitka, second, effects of radiation leaking into the surrounding water and venting into the air, third, effects of possible quakes and tidal waves.

Amchitka happens to be a national wildlife preserve, containing rare and endangered species. Among these are two magnificent birds, the bald eagle and the peregrine falcon. Within 4 miles of ground zero are eight bald eagle nests and two peregrine falcon nests. These nesting places could be destroyed by rock and earthslides produced by the underground blast. A 1-megaton test conducted in 1969 on Amchitka dislocated 14,000 cubic yards of rock and peat. Since Cannikin is a 5-megaton weapon, it is expected to dislocate more.

Of even greater concern are the possible consequences of radioactive leakage from the cavern formed by the explosion. In 1970, the Alaskan fishing industry was worth approximately $80 million. In the Alaska AEC hearings, Wallace Noerenberg, commissioner of the Alaska Department of Fish and Game, testified as follows:

> The "ownership" of salmon passing Amchitka is international in scope and the consequences of any contamination of these animals would be worldwide in regard to marketing and human consumption problems.

The Amchitka detonation is expected to produce instantly a cavern the size of two football fields. The AEC states in its impact report that the worst conceivable venting out of this cavern would be a few percent of the total radioactivity produced by the experiment. However, the AEC has a poor record of preventing just such radiation leakage. There have been 230 announced U.S. underground explosions since 1963. In a letter to Senator Gravel, dated March 11, 1971, Dr. Glenn T. Seaborg, Chairman of the AEC, stated:

> There were approximately forty tests in which some radioactivity was detected only in the immediate vicinity of the firing point.

The most recent leak, and the largest one ever, occurred in an underground explosion on December 18, 1970, at Yucca Flats, Nev. That test was reported to have leaked radiation over 13 States and to have contaminated the clothing of 900 test site workers.

With respect to possible earthquakes, the AEC draft environmental statement concluded:

> Experience gained by observation of past nuclear detonations and earthquakes combine to provide extremely positive assurance that the Cannikin explosion cannot of itself cause a severe earthquake.

Nevertheless, as I have pointed out, the Department of Defense comment on this judgment was:

> Substitute for "provide extremely positive assurance" the phrase "indicate that it is highly unlikely."

The AEC complied.

To summarize, the AEC conclusions pertaining to environmental threats to Amchitka's wildlife, the Alaskan fishing industry, and the inhabitants of Alaska and Hawaii remain a catalog of such not wholly reassuring phrases as "highly unlikely" and "even more unlikely"—phrases which do not and could not rule out catastrophic environmental effects.

Moreover, since the AEC impact statement repeatedly offers us ambiguous maneuvering at exactly the points where specific discussion would be most pertinent, I hope that we shall emphatically decline the terrible risks which this project entails, and I therefore urge my colleagues to support this amendment.

Mr. BEGICH. Mr. Chairman, I rise in support of the amendment offered by the gentlewoman from Hawaii (Mrs. Mink). This amendment, in my view, is a reflection of the growing awareness of and concern over what will be the largest underground nuclear test ever staged in this country. In fact, it will be nearly five times larger than any previous test.

This test will occur, if we permit it to proceed, in my home State of Alaska. When I speak today, then, I am speaking for the people who face on a first-hand basis the risks inherent in this test, no matter how insignificant the Atomic Energy Commission predicts those risks may be. I share the concern expressed by my able colleague from Hawaii and the west coast, because we all represent people who are genuinely alarmed at the dangers and the meaning of the test.

During recent hearings held in Juneau and Anchorage by the AEC concerning the Cannikin test, numbers of Alaskan fishermen, natives, States officials and concerned citizens testified, and scarcely was heard a favorable word about the test. At those same hearings, a volume of scientific testimony was also produced that indicated that the concerns of these Alaskan residents were not unjustified.

At those same hearings, I stated that the test should not proceed until all questions were answered, and the fullest possible information was developed concerning possible adverse effects of the tests. I will include some of the questions I asked at that time for the Record at this point:

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[1] A complete discussion of this situation can be found in the testimony provided by the Federation on May 28, 1971 before the Atomic Energy Agency Commission in Anchorage, Alaska. This statement can be found in the *Congressional Record* of June 4 (pg. S8200) .together with much other relevant information about this test.

Questions From A.E.C. Hearing on Project Cannikin—Anchorage, Alaska (May 28, 1971)

(Explanation: "statement" or "impact statement" refers to the draft environment impact statement for Project Cannikin available at the time.)

1. The statement indicates the yield of the test as "less than five megatons.

(a) Is the reason for the omission of the exact yield that it cannot be reliably predicted?

(b) Have past nuclear detonations by the A.E.C. demonstrated that the yield can substantially surpass expectations?

(c) If the yield is 4.9 to 5 megatons, is this not five times larger than any previous underground nuclear test in the United States?

(d) If the yield is five times greater than the MILROW test of one megaton, can the predictable results be derived by assuming that they also will be five times greater, or will they be more than five times greater, or possibly less?

2. The statement makes a number of wide-ranging predictions concerning Cannikin based on the experience of the MILROW test. Considering the risks involved, does the A.E.C. believe that the results of a single pre-test provide sufficient data for an underground nuclear detonation five times greater than any previously attempted?

3. Regarding the seismic force of the Cannikin test, the A.E.C. predicts that it will be "a few tenths of a point higher than the 6.5 value assigned for Milrow."

(a) While this sounds like very little, isn't it true that this reading is on a logarithmic scale which means that a few tenths of a point may mean that the force could be as much as five or six times greater?

(b) It is my understanding that the 6.5 reading for Milrow was in excess of pre-shot expectations. Is this under-estimate also a possibility for Cannikin?

(c) Although I realize that the question of this blast acting as a "trigger" for a larger earthquake is one subject to differences, is it not the case that this test will provide a triggering force substantially larger than any previous test?

4. Regarding the possible venting of this explosion, and the escape of radioactive material into either the atmosphere or the ocean:

(a) "Adequate distance from faults," is listed by the A.E.C. as a requirement for the containment of radioactivity, but the Cannikin site is within 3,300 feet of one fault and within 2,800 feet of another suspected fault. Since the zone of "cracking" around the blast will extend, according to the A.E.C., for a radius of 2,500 feet, might it be advisable to take further time for study of these nearby faults, or others presently unknown?

(b) I understand that the Banebury test in Nevada in December, 1970 vented without a fault, by simply splitting the earth with its own pressure. If Banebury can do this at a yield of 20 kilotons, is it not a realistic fear with Cannikin having a yield of five megatons with identified faults nearby?

5. One of my greatest concerns regarding the chance of venting is the possible escape of radioactive material into the nearby ocean, which supports a commercial fishery of tremendous value. Although Amchitka is an isolated area, it is one which is familiar to Alaskan fisherman. No risk to these fisheries resources can be allowed.

(a) The A.E.C. has stated that the migration of water having harmful radioactivity is so slow as to be of little concern. Is the period of less than two years since the Milrow test sufficient to judge this process in the water migration medium which is present on Amchitka, or is additional time desirable?

(b) All descriptions of "safe" contamination levels are given by the A.E.C. in terms of freshwater, yet greater concern for Cannikin would apply to seawater. Are "safe" contamination levels also agreed upon and available for seawater?

(c) The A.E.C. impact statement minimizes the danger of water contamination from the bomb by citing a dilution factor of one in 100,000 parts. Does our Nation's experience with D.D.T. or mercury pollution apply to cast doubts on the safety of dilution in the case of Cannikin's radioactive pollution?

6. In the case of every possible effect of an extremely serious nature (earthquake, tidal wave, immediate venting into the air or water, or the rapid migration of contaminated water), the impact statement assessed the chances of such incidents as "remote" or "extremely unlikely." Following such judgments, no statement indicates what the environmental impact of such extreme effects would be. In the feeling that even the *worst possible* effects should be publicly known, I would ask if such information is available or if it can be made available?

(Note.—These and a number of other questions were asked; and in the intervening period, some of them were answered.)

But in spite of the most courteous and best efforts of officials of the A.E.C. in the intervening period, I must tell you that, in my opinion, a number of these important questions remain unanswered about the potential effects of the test. Because these questions remain, I must stand opposed to the test on behalf of Alaska's citizens.

This element of risk becomes even more determinative when one considers the other questionable aspect of the test which is its *necessity*. In support of allegations of necessity, I find only a one sentence pronouncement by the A.E.C. in its final environmental impact statement that it is necessary. Without explanation, this same sentence provides the only argument for necessity in the committee report on this appropriation.

I think Congress and the public deserve more. Disputing the necessity of the test at this time is not difficult. The improved Spartan Missile for which this device is certainly intended as a warhead, is now under serious reconsideration both from defense and foreign relations viewpoints. And, if I might quote from my earlier testimony in Anchorage: "The question is this: At a time when these important debates are in progress and unsolved, and at a time when only a few days ago the President assured the nation that significant arms and testing limitation agreements with the Soviet Union were more possible than in several years, is it the best part of wisdom to terminate the debates and the hopes by undertaking the largest underground nuclear test ever in the United States? I think not."

Mr. Chairman, on that day I said "I think not," and I feel the same today. If I were convinced that the fiber of our national defense was dependent upon this underground test, then I would be among the very first to rise in its support. No reasonable decision must be stayed at the expense of true defense needs. But this is not the case here, and my judgment that it is not is based on the actions and words of the Administration itself in reconsidering our missile defenses and in placing much deserved emphasis on the SALT talks.

The final point I would make very clear to my colleagues today is that the $19.7 million being deleted by this amendment is money intended for the test and its logistics. In discussions with the A.E.C. this morning, I gained the following breakdown of the $19.7 million:

	Million
For field construction at test site ______	$3.5
For technical support (including timing & firing, ground motion studies and many other incidents of the test) ______	6.0
For logistic support (Transportation) _	3.2
For maintenance and operations _____	7.0

Finally, I believe the most important statement is one made by an A.E.C. Representative as part of the budget breakdown. In effect, the statement was that if the A.E.C. were to be told today to cancel the test, to clean up and pack up, $8.0 million of this $19.7 million would be saved.

Mr. Chairman, I believe that this savings is a wise one, especially when it can be effected at the same time that a nuclear test which is unnecessary and risky will be cancelled.

In conclusion, let me repeat that my interest as Alaska's Representative to this body is perhaps a deeper and more personal interest in this issue than others may feel. Alaskans are concerned deeply about this test, and I feel I cannot do otherwise than cast my vote in support of the Mink amendment.

The fishing grounds of Bristol Bay and the Gulf of Alaska, the communities of the Aleutian Islands, the lands on which Native Alaskans have lived for decades, and the other undeniably valuable human and physical resources of Alaska add a mighty weight to the scale. This weight cannot, in my opinion, be offset by brief claims of necessity and incompletely answered questions regarding the potential adverse effects of this test. I ask that you join me in supporting this amendment.

Thank you.

Mr. HOSMER. Mr. Chairman, will the gentleman yield?

Mr. BEGICH. I yield to the gentleman from California.

Mr. HOSMER. I think it ought to be pointed out that although the gentleman from Alaska states that these risks are being taken on a firsthand basis by the citizens of his State, the citizens of the population centers of his State are as distant from Amchitka as is Denver, Colo., from Washington, D.C.

Mr. DON H. CLAUSEN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I am very much concerned about this matter and this amendment. I am torn between concern over our Nation's security and the need for this testing and concern for my constituents who live on the north coast of California and their security from tsunami tidal wave action caused by earthquakes or possible earth movements.

In 1964, as my colleagues will recall, the Anchorage, Alaska, earthquake set in motion the tsunami that wiped out my hometown of Crescent City and caused the loss of 12 lives and left hundreds homeless.

Santa Rosa, Calif., had its downtown area destroyed by an earthquake something over a year ago, so I hope my colleagues can understand my reasoning for expressing concern.

I feel an obligation to bring this to the attention of the Members present on the floor today on behalf of the people I represent.

Also, I have done some research on some of the implications of this proposed test shot and will include some of my findings in order to have a more complete record.

As Mr. HOSMER had stated, there was a great deal of concern expressed and many questions asked prior to the first test shot in this area of Alaska. At that time, I directed a number of questions to the AEC and other agencies of Government. I was assured that no problems would occur and as Mr. HOSMER accurately stated, there were no earthquakes or tidal waves set in motion as a result of that test explosion. This was, indeed, reassuring.

Further information brought to my attention by experts in the atomic energy field are that concern has been expressed by the Canadians, Japanese, and Russians over the possibility that the Cannikin event could cause earthquakes or tsunamis and contaminate ocean waters and fishing grounds. A possible adverse impact on the SALT negotiations has also been suggested by some opponents here at home.

The Canadians, Japanese, Russians, and those U.S. citizens interested in unilateral disarmament for the United States raised essentially identical objections to the Milrow event—one megaton, equivalent to seismic magnitude 6.5—which was conducted in October 1969. These were the effects noted at the time of detonation and up to now:

> No radiation releases, with leakage or seepage, to the biosphere. The local (Amchitka) aftershock was less than magnitude 3 indicating little if any energy coupling to the deep fault zone near Amchitka.
>
> The Cannikin event is expected to have a seismic magnitude of about 7.

Since no sea wave of any significance has ever been caused by an event of seismic magnitude 7, it would require that Cannikin caused a secondary shock much greater than the original seismic magnitude. In the history of testing by both the United States and the Soviet Union, there has never been recorded a secondary shock that was larger than one-fiftieth the original shock. As a matter of fact, secondary shocks are generally no larger than one-one hundredth the original.

It is essentially impossible for a magnitude 7 shock to create a tsunami. Since records have been kept of earthquakes in the Aleutians chain—since 1900—no tsunami from an earthquake in the Rat Islands group—which includes Amchitka—has been registered beyond the local area. As an example, the Rat Island quake of February 4, 1969, had a magnitude of 7.5 and a local area runup of about 10 feet. The maximum runup was recorded at Shemya Island very close to the epicenter of the quake.

The national ocean survey of the National Oceanic and Atmospheric Administration, in commenting on the draft Cannikin environmental statement, stated:

> Before Milrow it was predicted that the only possibility of producing a damaging tsunami was by virtue of an earthquake being triggered of magnitude considerably greater than the magnitude of the seismic effects attributable to Milrow itself. Permanent daming of the ground surface at or around surface zero and/or displacements on faults of one to three feet would probably produce waves of several inches height locally but would probably not be detected at Adak or Shemya, the next nearest population points. The results from Milrow show that no larger aftershocks occurred and the local ground motions which were on the order of a half foot at the shore line did not cause measurable waves.

Those U.S. citizens who are concerned that the yield of the Cannikin detonation might affect the SALT negotiations, apparently are unaware of the fact that the Soviet Union conducted the largest underground test to date, nearly 6 megatons, on November 14, 1970, on Noyaya Zemlya Island. That test had no detectable effects on disarmament negotiations.

Mr. MATSUNAGA. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in strong support of the pending amendment, offered by my colleague from Hawaii (Mrs. MINK) to delete from H.R. 9388 the $19.7 million designated for conducting the Cannikan underground nuclear test at Amchitka, in the Aleutian Islands.

Cannikin is supposed to test a nuclear warhead of a force equal to 5 million tons of TNT. That is approximately 250 times more powerful than the bomb dropped on Hiroshima. It will be the largest underground test ever tried.

I submit, Mr. Chairman, that this explosion is not essential to our national defense. Furthermore, it is likely to jeopardize progress at the SALT—Strategic Arms Limitations—talks, and it could well prove to be an ecological disaster.

The justification for Cannikin, according to the AEC, is to supply a nuclear warhead of this size "for a special purpose important to national security." Recent hearings have revealed that this "special purpose" is to provide a warhead for the Spartan ABM system. This system, as now planned, does not require a 5 megaton warhead. It appears, therefore, that the original purpose of Cannikin has evaporated since the AEC first undertook the project in 1966.

As for the SALT talks, the President has indicated recently that there is movement toward a possible agreement on halting the expensive and dangerous nuclear arms race, specifically with respect to antiballistic missiles. A decision to postpone the Amchitka blast pending the outcome of the SALT talks could do nothing but brighten the prospect for such an agreement.

But perhaps the most dramatic liability involved in Cannikin, Mr. Chairman, is the running of undetermined environmental risks.

One possibility of ecological damage is leakage of radioactive material into the air and into the ocean. While the AEC's safety record is generally good, according to its own announcement 17 underground tests have leaked radiation in one form or another.

The choice of Amchitka as a nuclear test site has long worried the people of Hawaii. Amchitka lies at the crux of a major earth fault, which extends down the Pacific coast to California, the site of a disastrous earthquake earlier this year. Although there is no certainty in these matters, Cannikin could cause an earthquake, with the possibility of tragic consequences.

The shock from a nuclear explosion-caused earthquake might seriously affect Amchitka's wildlife. The island, which has been a National Wildlife Refuge for nearly 60 years will then be lost for this purpose.

There is another definite threat to the people of Hawaii, California, Alaska, and other Pacific coastal areas. An earthquake caused by the nuclear blast could well trigger a tidal wave, or tsunami, which could sweep across the Pacific Ocean.

Since 1819, 15 such tidal waves have struck Hawaii; more than half of those were caused by earthquakes originating in the Aleutians. I vividly recall the series of seven tsunamis which tore into Hawaii in 1946, killing 173 people and causing more than $25 million in property damage.

In 1960, an earthquake that originated in Chile triggered a tsunami which claimed the lives of 61 people in Hawaii.

No one can honestly deny, Mr. Chairman, that a 5-megaton nuclear explosion could produce an earthquake and trigger a tidal wave that would bring untold disaster to Hawaii, Alaska, or California. Even the AEC admits the risk that is being taken. I submit, Mr. Chairman, that it is an unjustifiable risk. The proposed enhancement to our national security attributable to Cannikin is, at best, arguable. In the final analysis, there is nothing to be lost, and much to be gained, from at least a postponement of the planned October 1971 blast date for Cannikin.

That can be accomplished by adopting the pending amendment, and I urge its adoption.

Mr. Chairman, I rise in support of the Mink amendment.

Mr. SEIBERLING. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the amendment which has been offered by the gentlewoman from Hawaii (Mrs. MINK).

Mr. Chairman, this is not one of those simple decisions where the situation is black or white. There is much to be said either way. However, on the whole, after weighing all of the arguments, pro and con, it seems to me quite clear that the balance is in favor of postponing this test.

The Atomic Energy Commission declines to give any guarantees that there will not be venting of radioactivity from the test or that the explosion will not trigger an earthquake or a tidal wave.

The Commission does not give any such guarantees because it cannot.

If there should be a venting of radioactivity, it could be carried all around the world. They can cross into Canada and immediately put us in violation of the nuclear test ban treaty.

If there is a tidal wave, is the Government of the United States or the Atomic Energy Committee proposing to idemnify the citizens of Alaska, Hawaii, and the west coast of this continent? Of course not. And yet this is a distinct possibility.

If the test is so safe, why do they not conduct it at the regular Nevada testing grounds? Obviously because it is not that safe.

Now, there is another aspect here—and I am going to be very brief—we have heard the argument that the Russians have been reasonable in the SALT talks partly because we went ahead with the ABM. Well, maybe that is so, but is it not time, ladies and gentlemen, for the kind of initiative that the late President Kennedy put forth in his speech, in June 1963, at American University that broke the deadlock on the test ban treaty? Supposing we said, and gave the administration time to say, to the Russians that we believe the SALT talks can produce results, that, as a gesture of confidence based on the progress already made in the talks, we are going to suspend this test believing that it will help create a better atmosphere for making further progress. It seems to me we need that kind of new approach, that kind of a change from the dismal routine we have been going through for most of the years of the strategic weapons race.

For all of these reasons, Mr. Chairman, I support the amendment offered by the gentlewoman from Hawaii (Mrs. MINK) and urge that a delay in the test be supported by the House.

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from Hawaii (Mrs. MINK).

The question was taken; and on a division (demanded by Mrs. MINK) there were—ayes 27, noes 70.

So the amendment was rejected.

AMENDMENT OFFERED BY MR. WOLFF

Mr. WOLFF. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. WOLFF: On page 8, after line 7, add a new title to the bill, as follows:

TITLE III

SEC. 301. (a) All functions, powers, and duties of the Atomic Energy Commission (hereinafter referred to as the "Commission") under chapter 10 of the Atomic Energy Act of 1954, relating to the issuance and review of licenses for the transfer, receipt, manufacture, production, acquisition, possession, use, import, or export of utilization and production facilities, are transferred to and vested in the Secretary of Health, Education, and Welfare (hereinafter referred to as the "Secretary") to be exercised by him in accordance with subsection (b).

(b) The functions, powers, and duties transferred by subsection (a) shall be exercised and carried out by the Secretary through the facilities and personnel of the Public Health Service: except that from and after the transfer (1) no license shall be issued with respect to a utilization facility if the Federal Power Commission determines (and notifies the Secretary) that the issuance of such license would be contrary to or inconsistent with the national power policies of the United States, and (2) no license shall be issued with respect to a utilization or production facility if the Secretary of the Interior determines (and notifies the Secretary) that the issuance of such license would be contrary to or inconsistent with the conservation of natural resources in the area involved or with the national conservation policies of the United States.

SEC. 302. So much of the positions, personnel, assets, liabilities, contracts, property, records, and unexpended balances of authorizations, allocations, and other funds of the Commission as were employed, held, used, or available for use in connection with the functions, powers, and duties.

SEC. 303. The Director of the Office of Management and Budget shall prescribe such regulations (including regulations establishing the procedures to be followed by the agencies involved in carrying out section 301(b) and governing the transfers referred to in section 302) as may be necessary to carry out this title.

Mr. WOLFF. Mr. Chairman, the amendment I am proposing to the bill before us, H.R. 9388, would add a new title III to the bill. The new title would amend chapter 10 of the Atomic Energy Act of 1954 to transfer licensing authority relating to commercial, civilian uses of nuclear power from the Atomic Energy Commission to the Department of Health, Education, and Welfare.

The language of my amendment is similar to the language of H.R. 1197, a bill I introduced at the beginning of this Congress and on which I testified before the Joint Committee on Atomic Energy on June 23. I have, however, eliminated from the amendment the language in H.R. 1197 which would have required a finding of practical value for industrial or commercial purposes before a utilization facility could be licensed. That requirement was eliminated from the Atomic Energy Act of 1954 by Public Law 91-560, approved December 19, 1970, and I will not attempt to reverse that congressional policy decision at this time.

My amendment would retain the thrust of my bill, and that is to reduce the AEC's authority and add checks and balances to our present system for licensing nuclear facilities. The AEC and the Joint Committee have expressed opposition to such efforts in the past, because the transfer of licensing responsibility to another agency would weaken the AEC. In my judgment, that is precisely what we need to do.

As currently constituted, the AEC is responsible for promoting, licensing, and, for the most part, regulating the atomic energy industry. The checks and balances which are a fundamental safeguard throughout the American system seem to have been ignored when the Atomic Energy Commission was created. This has produced a serious danger of imbalance in the agency in favor of expansion—at the expense of objective regulation, licensing, and protection.

In recent months there have been reports of two issues in which the present imbalanced system led to weak regulations. In the first case, that surrounding the maximum permissible limit of radiation which may be emitted from nuclear powerplants, the AEC has finally moved to lower those standards to 1 percent of the present levels. Mind you 1 percent of what has been permitted up to now. In lowering the standards, the Commission acknowledged that there is no safe threshold where radiation exposure is concerned—a fact which the Commission had effectively ignored in enforcing the higher standards for many years. Even at the new lower levels, there is no guarantee of safety for the public.

In addition to the radiation standards, emergency core cooling system criteria have been toughened within the past month. Had there been adequate checks and balances in the licensing of reactors, the stronger criteria might have been issued long ago.

I believe that a shift of the AEC's licensing responsibilities to HEW, with a concomitant shift of personnel, records, and funds to HEW, might have led to stronger core cooling system criteria and lower limits for radiation exposure years ago. Certainly such a shift now would result in careful reexamination of nuclear reactor licensing procedures and might lead to a strengthening of standards in many phases of the licensing process.

When I appeared before the Joint Committee recently the gentleman from California (Mr. HOLIFIELD) raised certain questions about the need for this legislation and about my position regarding atomic energy. I would say to the gentleman that I am aware of the fact that we are constantly exposed to background radiation and that we get radiation from X-rays and other modern inventions. But I must also say to the gentleman that we do not get X-rays every day. Nor can we ignore the linear or cumulative effect of radiation. It is fact that there is no safe level of radiation and it is fact that the effects of radiation—from all sources—can build up over an extended period of time. Some low level radiation has a half life of over 1,000 years. Think of the cumulative effects to man today. Think of the genetic effects upon our children or grandchildren.

I would also say to the gentleman that the issue here is not our contrasting views of the danger of radiation but the fundamental question of whether the AEC, or any regulatory body, can have too much power. To permit the present situation to continue would be to ignore the basic fact that the AEC cannot responsibly fulfill its mission because of the very contradictory nature of its assignments.

I urge support of my amendment.

Mr. ANDERSON of Illinois. Mr. Chairman, will the gentleman yield?

Mr. WOLFF. I yield to the gentleman from Illinois.

Mr. ANDERSON of Illinois. I am curious as to why in your amendment you would seek to transfer licensing to the Department of Health, Education, and Welfare. They have no background of expertise or knowledge in the licensing of atomic facilities. If the gentleman had suggested the Environmental Protection Agency, I might have seen some logic to the suggestion, although I would still be opposed, frankly. But I am bemused by your suggestion that we transfer this responsibility to the Department of Health, Education, and Welfare.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. PRICE of Illinois. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN. The gentleman from Illinois is recognized.

Mr. PRICE of Illinois. Mr. Chairman, the bills to which the gentleman from New York has referred, including one that he himself has introduced, have been referred to the Joint Committee on Atomic Energy. In recent weeks—on June 22 and 23 and July 13 and 14—in public hearings, we heard testimony on these bills. Mr. WOLFF himself appeared before the committee. He and others who have introduced similar bills have had an opportunity to testify before the committee. The hearing is still going on. We are in recess at the present time awaiting additional views on the legislation that is before the committee.

But the proposed amendments are under consideration, and I think that this would be an improper way to deal with these bills. I, therefore, urge defeat of the amendment.

Mr. HOSMER. Mr. Chairman, will the gentleman yield?

Mr. PRICE of Illinois. I yield to the gentleman from California.

Mr. HOSMER. Although the bills before the committee are still under consideration, I would like to point out that this is the same proposal to transfer the licensing and regulatory authority of the AEC to the unwelcomed and unwelcoming nest of HEW whose reports last year universally were rejected, turned down, and so far the reports on the gentleman's legislation this year have also all been in the negative. Therefore, I also urge that the amendment be rejected.

Mr. PRICE of Illinois. The gentleman is correct.

Mr. BINGHAM. Mr. Chairman, I move to strike the requisite number of words.

The CHAIRMAN. The gentleman from New York is recognized.

Mr. BINGHAM. Mr. Chairman, I shall not take the 5 minutes. I would merely like to say that I agree very emphatically with the general principle that lies behind the amendment offered by my colleague from New York (Mr. WOLFF), namely, that the AEC should not have the dual responsibility of promoting nuclear power and at the same time regulating it. I feel that way not because I question the ability of the Atomic Energy Commission to lay down adequate safeguards, but because I question whether the public is ever going to have confidence in the safety work of the AEC while it has these two conflicting responsibilities.

As far as the question of which agency should have this responsibility, I originally, last year and early this year, felt as does Mr. WOLFF, that it should go to HEW.

Since the creation of the Environmental Protection Agency and since a number of trained personnel have already been transferred there, I now feel that the transfer, if it were made, should be to the Environmental Protection Agency. I hope that the Joint Committee will give favorable consideration to that recommendation which I made to it in testimony yesterday.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York (Mr. WOLFF).

The amendment was rejected.

AMENDMENT OFFERED BY MR. SKUBITZ

Mr. SKUBITZ. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

> Amendment offered by Mr. SKUBITZ: Page 3, lines 9 and 10, after the word "$1,000,000" on line 8, strike out all of lines 9 and 10, the words: "Project 72-3-b, national radioactive waste repository, Lyons, Kansas, $3,500,000."

Mr. SKUBITZ. Mr. Chairman, nearly 30 years of my life have been spent on Capitol Hill. I have as a staff member prepared committee reports, and I have participated with agencies in preparing these reports. I am aware of the cant and the ambiguities and the sophistries that on occasion can be found in these reports. So in the time I have available to me, I would like briefly to touch on justifications cited in the committee report for the authorization of funds to purchase lands in Kansas to store these deadly wastes.

On page 28 of the report, the Joint Committee notes:

> Questions and objections were raised concerning the desirability of moving forward on the repository, particularly before research has been completed on such factors as three dimensional studies on heat transfer at a salt-shale interface, areal hydrology and geology, possible environmental damage, the transportation of the waste to the salt mine, and waste retrieval after burial.

Members of the committee, this happens to summarize the very problems raised by the Department of the Interior and by the 40 scientists that met in Kansas on April 5 to confer with the AEC referendum.

AEC has stated that many questions cannot be answered until small amounts of high level radioactive waste are actually deposited in the salt mine to demonstrate the feasibility of using this facility for its intended purpose.

Mr. Chairman, this is the contention which is vigorously opposed by the Governor's scientific advisers. They work under contract with the AEC as advisers and consultants on the waste project. They tell the Governor this:

> Most of the work requires intensive laboratory investigation that should provide a sound basis for on-site demonstration.

This is the very heart of the controversy between the State of Kansas and the AEC. Obviously, Kansas does not have faith in the AEC, nor trust its promises—and neither do I. This is why the Governor has written the President of the United States, the chairman of the Joint Committee on Atomic Energy, and the chairman of the Appropriations Committee, urging that no funds for land acquisition be authorized or appropriated until Kansas can be sure that the project is safe.

I was not impressed with the statement of the gentleman from Illinois, when he said:

> The Joint Committee strongly feels that all reasonable questions raised must be answered from the standpoint of satisfying Kansas and Federal officials before the Lyons facility is put into operation as a repository for industrial wastes.

Mr. Chairman, if the English language means anything, this means that both Kansas officials and Federal officials must be satisfied. I do not know about the Federal officials, but I do know, and I can tell the Members, the officials of Kansas are not satisfied.

But the report really does not care about Kansas officials, because it adds that important qualifying clause, that italicized clause, which, in effect, makes it clear that no matter what Kansas feels, it is all right to go ahead, burying high level waste so long as we do not bury industrial waste.

Mr. Chairman, let us talk about this industrial waste from privately owned plants. The AEC does not plan to ship large quantities of waste into Kansas tomorrow. There is no great pressure on the AEC to get the facility ready immediately. Big quantities of industrial wastes are not sitting around waiting to be buried in Kansas. What concerns the Kansas scientific community about is that the AEC plans to bury deadly waste to carry on experiments on the site—before it completes its laboratory tests.

Now, the gentleman from Illinois (Mr. PRICE) tells us that the committee will, as a part of its justification for this project, establish an advisory council on which representatives from Kansas, from the AEC and from the executive department will sit.

I suppose this is to placate the Governor of Kansas, the members of the delegation, and the people of Kansas.

Mr. Chairman, who is being fooled by this device? It is a Mother Hubbard, designed to cover up, to hide something, while the basic problems raised by competent scientific minds remain untouched. I, for one, would not be a party to such bare-faced deception. Nor, I predict, will it fool Governor Docking and his scientific consultants.

The CHAIRMAN. The time of the gentleman from Kansas has expired.

(By unanimous consent, Mr. SKUBITZ was allowed to proceed for 4 additional minutes.)

Mr. SKUBITZ. Mr. Chairman, we come finally to the report's assurance on page 62 that if anything goes wrong the project will be abandoned. The Joint Committee tells us that in its 25-year history it has not hesitated to cancel and rescind projects that went wrong. It says that if the research and demonstration program at the salt mine does not meet reasonable standards before commercial operation is begun the project will be canceled.

How comforting. A clear case of nailing the barn door shut after the horse is stolen. How can the project be safely terminated, as the report puts it, when the AEC does not have the means to retrieve the dangerous wastes?

Mr. Chairman, if the Kansas scientists are wrong in insisting that further laboratory research is necessary, all that will have been lost is a small amount of time—perhaps a year, at most two. But if the AEC is wrong, as evidence indicates it is, Kansas and its people will live with that error—if indeed life is possible—for the next half million years. That is how long these wastes will be deadly to mankind.

I want to add one other point.

My three colleagues who serve on the committee, circulated a letter asking Members to vote "no" on this amendment. They admit it is not necessary to have ownership immediately. They say and I quote—

> Ownership authority now is almost essential—

"Almost essential"—

> for the purpose of conducting R & D vital to safe storage of existing and future atomic wastes.

Here is where we differ. We say the tests should be resolved in the laboratory first, before they begin burying waste.

Mr. WINN. Mr. Chairman, will the gentleman yield?

Mr. SKUBITZ. I yield to my colleague from Kansas.

Mr. WINN. I appreciate the gentleman from Kansas yielding to me. I rise in support of his amendment.

I was just preparing to point out that the "dear colleague" letter sent out yesterday did say that ownership authority "almost essential," as the gentleman just pointed out.

I feel sure the gentleman in his earlier remarks, in reference to the rule, pointed out the documents and information sent to us by the Governor of our State, in which the Governor said if Congress approves the AEC project the Kansas attorney general is making preparations for filing a lawsuit to halt the project, and the Governor would support him.

Did the gentleman point that out in his earlier remarks?

Mr. SKUBITZ. I did point out that particular point.

Only 2 days ago this body voted against proceeding with a contempt citation. Why? It was because it did not want a confrontation in the Supreme Court of the United States. Here we are today voting on a project that may bring about a legal action between Kansas and the AEC.

Mr. WINN. Is it true that there is now a lease on the property, and that the experiments can go ahead without the purchase of the property?

I pointed out that they have been operating on a lease for a number of years in the State of Kansas on this project. The only reason the AEC could possibly want for insisting on ownership at this time is to escape legal actions for damages to land and life if its experiments go awry.

Mr. HOSMER. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, we have heard a lot about salt mines from the gentleman from Kansas.

As it started out on its tortuous route through the Congress a request for $25 million in construction money was before us. In deference to the gentleman's fears and alarms and so on, that request was scaled down in the authorization of $3.5 million. Of the $850,000 operating money that was requested for research and development in respect to the salt mine, in another portion of the bill, we added $1 million to it, making a total of $1,850,000.

What this authority seeks to do here is simply to permit the AEC to acquire this property so that the research and development can continue to determine whether ultimately, in fact, it will be safe for all time to store this high level radioactive material in this particular place. If so, the title to the property will be secure and the storage can proceed then, not now, but then.

The gentleman from Kansas quotes a Dr. Hambleton who says the work that has to be done is largely laboratory work and you do not have to have the salt mine itself in order to do that work. The fact is that the scientists and the experts hired by the Atomic Energy Commission dispute this and say that an important segment of this R. & D. can be done only at the site. When you put these high-level wastes anywhere inside the earth, even in the experimental quantities, temporarily and only in order to make sure that it can be done safely for all time, you cannot put them into leased property, but it has to be on Government-owned property. That is why it is essential now to acquire title to the land.

I heard the words quoted I had used in a letter that it was "almost essential" to acquire title. I think indeed I will say to the gentleman from Kansas that that "almost" probably is a better phraseology to use.

We could eventually acquire title later after the feasibility for the use of the salt mine was established and proved beyond any reasonable doubt. Yes, we could do that. But the reason why it is "almost essential" that we get title before is that if we wait until that time, the salt mine will cost us so much money that there might not be enough left in the U.S. Treasury to buy it. The real estate speculators will boost the price. There is no option to buy it at a price certain. I submit that when you get into this emotional type of thing that is before us, which is going on with respect to this salt mine, a sort of semantic witch hunt going on and on forever, then I tend to suspect the reasons behind it. I do not suspect the gentleman's motives at all, but I do know that in connection with all of these other fine areas in this Nation that we have tried to set aside for use as national parks, when we said, yes, we will set them aside and have them used for national parks, but did not make sure of the title first, we found that we do not have enough money to buy the land later. Up went the price. This is exactly what the U.S. Government will run the risk of here if it is not permitted to acquire title before the value of the property is established at a high sum as a suitable permanent radioactive waste disposal site.

Let us not place the Government of the United States in a corner where it can be held up and robbed.

Mr. SKUBITZ. Mr. Chairman, will the gentleman yield?

Mr. HOSMER. I yield to the gentleman from Kansas.

Mr. SKUBITZ. Does the gentleman admit that this is an abandoned salt mine and has been abandoned for about 50 years?

Mr. HOSMER. I do admit that it has been in existence for over 50 years.

Mr. SKUBITZ. Mr. Chairman, if the gentleman will yield further, I am talking about an abandoned salt mine and not one that is in operation.

Does the gentleman know of any area where abandoned salt mines bring a high price?

Mr. HOSMER. We are talking about big hunks of salt underneath the surface of the earth which have been determined to be very useful for the storage of radioactive waste material and when you do that the price goes sky high.

Mr. SKUBITZ. The gentleman's own report says that there are 10,000 to 12,000 miles of salt in Kansas.

The CHAIRMAN. The time of the gentleman from California has expired.

Mr. ROY. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the amendment by my distinguished colleague, the gentleman from Kansas (Mr. SKUBITZ). I congratulate him on his excellent presentation before this Committee.

As Mr. SKUBITZ indicated, the purpose of this amendment is to delay the purchase of this site in central Kansas for the purpose of long-term storage of high-level and low-level atomic waste material until completion of tests indicating, as far as is scientifically possible, the safety of this proposed repository.

This bill authorizes moneys under section 101(a) for such research to determine the safety of this repository. We do not oppose these studies. In fact, we support funds for research because our foremost interest is the safety of the people and the quality of the environment of our State and our Nation.

But such tests have not been completed. Some have not even begun. Safety has not been assured.

But the AEC proposes to go ahead with site purchase, construction of storage facilities, and perhaps even storage while simultaneously conducting safety tests.

Gov. Robert Docking and the Kansas scientific community, especially the Kansas Geological Survey, have worked closely with the AEC. But they have insisted and continue to insist that safety tests and studies can and must be conducted before the AEC purchases land for the site.

The position of Governor Docking and the Kansas scientific community is expressed in summary in a letter of July 13, 1971, last Tuesday, to the chairman of the Joint Committee on Atomic Energy. It is as follows:

> I repeatedly have asked government officials and members of congressional committees to delay the AEC's plans to proceed with the Lyons project until further scientific research can be conducted in the area to determine the safety of the project. I believe this to be a reasonable request.

The Joint Committee report also made the following statement: "The Joint Committee reiterates, with regard to this program, what has been its traditional posture throughout its 25-year history, namely, that if the research and demonstration program at the salt mine in Kansas does not meet reasonable standards before commercial operations begin, the project will be cancelled and appropriate steps will be taken to safely terminate any activities undertaken prior to that decision." I fully appreciate the sincerity of the committee members in making this statement; and I sincerely believe the committee members intend to stand by it. Under more normal circumstances, this statement perhaps would dismiss many of the fears I have concerning the proposed Lyons project. But based on our experiences with the "bulldozer" tactics of the AEC in the past few months, I cannot accept this statement and then blindly follow the lead of the AEC.

The AEC has treated the concerns of Kansans as trivial when in fact our concerns are quite real and should not be dismissed by AEC officials working and living, 1,500 miles from Kansas. An example of the tactics of the AEC can be found in the AEC's new environmental statement. The AEC environmental statement does not respond to specific comments and criticisms, which often are met with the response that these comments and criticisms call for information and answers which cannot be included in an environmental statement.

Dr. William Hambleton, director of the Kansas Geological Survey at the University of Kansas, summarized the AEC statement: "Seemingly, the document is designed to convince the reader that all problems will be addressed (1) during the design and development phase of the project, or (2) will be treated in a Design and Safety Analysis, or (3) will be verified during the demonstrational phase of the facility operation.

If this environmental statement is to serve as a model for other environmental statements, every agency will request approval with respect to environmental impact on the basis of preliminary conceptual plans, explaining that all problems will be solved during a design phase of the project, wherein all adverse environmental consequences will be eliminated. *In effect, environmental statements will be no more than expressions of faith and requests for trust.*

Dr. Hambleton concluded: "Contrary to the benigh expressions of the Atomic Energy Commission, I do not agree that investigation of the environmental impact of this project must be investigated during the design and demonstrational phase of the storage site. Most of the work requires intensive laboratory investigation that should provide a sound basis for on-site demonstration."

We in Kansas realize our great national energy needs. We are aware that there are and will be great amounts of highly dangerous atomic waste material which has not been placed and will need to be placed in long-term storage sites. We are aware that the salt mines of our State may be the most satisfactory site available.

But, my colleagues, we are talking about truly perpetual care, about 500,000 years, 10 times the history of man on earth, and we are only asking that such long-term storage be preceded by as much assurance of safety as it is scientifically possible to provide.

If we permit purchase of these lands by the AEC, we are irretrievably giving up all State control of safety provisions.

The people of Kansas, the Governor of Kansas, and all members of our Kansas congressional delegation oppose site purchase before completion and evaluation of tests that may or may not find Kansas salt mines to be a safe site for storage of atomic waste materials.

In fact, Gov. Robert Docking states in a letter to me dated July 13, 1971:

> If Congress approves the AEC project, Attorney General Vern Miller is making preparations to file a lawsuit to halt the project; I will support him in legal action.

I ask support of the amendment to delete funds for purchase of the site for an atomic waste repository at Lyons, Kans.

To defy the reasoned and measured wishes of the State of Kansas is an improper action for this Federal body.

I would like to take the balance of my time and direct a question to the gentleman from California who preceded me.

I hope we are not being told that there is only 1,000 acres of abandoned salt mines in the United States that might be possible repository sites for high-level and low-level atomic waste materials. When you speak of the possible inflation which will result if these 1,000 acres are not purchased, is it not true that there are many other abandoned salt mines?

Mr. HOSMER. Mr. Chairman, if the gentleman will yield, there are some sites, alternate sites such as in Michigan and in New York State, but those salt mines do not have the depth of formation that those in Kansas do, and therefore with an overabundance of caution these in Kansas seem to be the wisest choice to continue with in our guarantee to make certain that it will be safe to use these for these purposes.

Mr. ROY. But when the gentleman speaks of the inflation that will occur, is it not true that there are thousands and thousands of acres of these salt mines, and not just this one small, specific area about which we are speaking?

Mr. HOSMER. There are many thousands of acres, but there are not many thousands of acres of suitable salt mines.

Mr. SKUBITZ. If the gentleman will yield, the abandoned salt mine that my colleague talks about is in Kansas and it has been there for 50 years. There has been no big rush to buy it. The committee report shows that one of the reasons the AEC wants the Kansas site is because there are approximately 12,000 miles of salt in the vicinity of the proposed site. Do not let anybody kid you about this being a demonstration project; this is going to be the atomic waste dump. This is why the Governor wants the safety tests made first.

Mr. SHRIVER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the amendment offered by my colleague, the gentleman from Kansas (Mr. SKUBITZ). This amendment would delete $3.5 million in the AEC authorization bill for construction of a proposed national radioactive waste repository near Lyons, Kans. These funds would be used for site acquisition, architect-engineering services and design of the national repository for nuclear wastes.

When the Atomic Energy Commission first informed me of its decision to establish the salt mine repository at Lyons on June 18, 1970, I emphasized in a public statement that before the Congress acts on the AEC request for fiscal year 1972 it is essential that State public health and geological authorities determine the long-range safety of this project.

Today as we debate this AEC authorization, more than a year after the decision was announced, the permanent safety of this project still is at issue. In fact, there is widespread opposition to the construction phase of the repository at this time.

The Governor of Kansas has been in communication with the Joint Committee, the Public Works Appropriations Subcommittee, the Atomic Energy Commission, members of the Kansas congressional delegation, and the President, requesting that funding of the project be deferred until safety of the project is assured.

While many of the responsible leaders of the city of Lyons support the establishment of the AEC repository near their community, I feel the Congress has no other recourse but should abide by the request of the Governor of the State who is acting upon counsel of acknowledged geological, scientific and public health authorities of Kansas.

On July 7, 1971, Gov. Robert Docking, of Kansas, wrote to Mr. John A. Erlewine, assistant general manager for operations, Atomic Energy Commission, in response to the final environmental statement of AEC on the proposed radioactive repository. Governor Docking concluded his letter stating:

> The final statement as prepared by the Atomic Energy Commission offers no scientific proof of the safety of the proposed Lyons project. It offers only pledges to have faith in the AEC. Our experiences with the officials of the AEC in the past few months have given us ample reasons not to have faith in the AEC.
>
> You are ignoring the wishes of a great many Kansans when you propose—as you do in this final statement—to continue to press for construction of the repository without first conducting further tests.
>
> Your final statement, which leaves many, many questions unanswered, only reassures me that my position regarding the Lyons project is the right one: That instead of continuing with plans to build the repository, the AEC should defer requests for Federal funds to purchase land and construct the repository until scientific tests can be completed and the safety of the project can be determined to the satisfaction of the citizens of Kansas, scientists and elected officials.

The Environmental Protection Agency also has submitted an environmental impact review of this project as proposed by the Atomic Energy Commission. The Environmental Protection Agency has pointed out the need for further review of the environmental and safety implication of the project.

The report agreed that salt formations appear currently to offer the most satisfactory storage environment for nuclear wastes. But it suggested that the commission should develop:

First. The various factors relating to the long-term integrity of the salt formation and its ability to adequately contain the deposited radioactive material and to prevent contamination of terrestrial and hydrologic environments.

Second. The need for contingency

plans to recover the deposited material should this be required.

Third. The demonstrated nature of the project and the Commission's plans to evaluate periodically the technical progress of the project relative to actual environmental impact or geological changes that may occur.

Fourth. The extent and nature of the long-term environmental studies and a determination as to who will conduct such studies to assess discharges that might occur and their environmental effects.

The Joint Committee obviously has recognized the need for additional research and development associated with this project by recommending $1,850,000 to give top prioritly to the research required by both State and AEC scientists.

Let me emphasize that these studies can go forward under the present lease arrangements. AEC has been so experimenting there for years.

I doubt that the AEC nuclear waste storage program will be impeded by the deferral this year of acquisition of the Lyons site while research to assure the permanent safety of the project moves ahead.

In view of the opposition of the Governor and other health and geological experts in Kansas, as well as the safety questions raised by the Environmental Protection Agency, I urge my colleagues in the House to respect the concerns expressed and vote in favor of the amendment by my colleague, the gentleman from Kansas (Mr. Skubitz).

Mr. SEBELIUS. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, I appreciate this opportunity to make these remarks regarding H.R. 9388, legislation authorizing appropriations for the Atomic Energy Commission.

My concern, of course, is in regard to the project involving authorization of $3.5 million for acquisition of lands to establish a national radioactive waste repository near Lyons, Kans. Due to reapportionment by the Kansas State Legislature, the community of Lyons and Rice County will be in the congressional district I am now privileged to represent.

In a statement before the Joint Committee on Atomic Energy March 16 of this year, I joined my good friend and colleague, the Honorable Garner Shriver of the Fourth Congressional District in a statement that said:

> We believe the people of Kansas and the Congress must have complete assurance of the unquestioned permanent safety of this project before any nuclear wastes are buried in the Lyons salt mine.

Mr. Chairman, the Governor of the State of Kansas, the Honorable Robert Docking, has informed the Joint Committee on Atomic Energy of opposition by the State of Kansas to funding this project at this time. The Governor has joined my colleague, the Honorable Joe Skubitz of the Fifth Congressional District of Kansas requesting that funding of the project be deferred until safety of the project is assured.

In addition, the Environmental Protection Agency has issued an environmental impact report which points out the need for further review of the environmental and safety implications of this project.

There is no question that before any decision is made to locate this repository in Kansas, State, public health and geological authorities, under direct supervision of the Governor, should determine the long-range safety of the project and be satisfied with the results. In effect, Kansas should have the right to determine whether or not the project should be located in Kansas. At present, the Governor of my State, as well as State health and geological experts oppose this authorization. While I personally feel that ultimately we will never be able to determine the safety of such a project until additional and extensive on-site scientific tests can be conducted, I concur that this authorization of $3.5 million for acquisition of land should be deferred until scientific tests can be completed and the safety of the project be determined to the satisfaction of the citizens of Kansas.

I would also like to point out that in personal conversations with many of the citizens of the community of Lyons, many of the community leaders support the establishment of this repository by the Atomic Energy Commission. However, I share Congressman Shriver's belief that Congress has no other recourse but to abide by the decision of Governor Docking and by State geological and public health authorities.

It should also be pointed out the committee has included $1.8 million for additional research and development associated with this project. I am most hopeful this will allow the scientists from the Atomic Energy Commission to work with and cooperate with Kansas State authorities in determining the safety of this project.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Kansas (Mr. Skubitz).

The question was taken; and on a division (demanded by Mr. Skubitz) there were—ayes 36, noes 30.

TELLER VOTE WITH CLERKS

Mr. HOSMER. Mr. Chairman, I demand tellers.

Tellers were ordered.

Mr. HOSMER. Mr. Chairman, I demand tellers with clerks.

Tellers with clerks were ordered; and the Chairman appointed as tellers Messrs. Skubitz, Price of Illinois, Roy, and Hosmer.

The Committee divided, and the tellers reported that there were—ayes 162, noes 207, not voting 64, as follows:

[Roll No. 192]

[Recorded Teller Vote]

AYES—162

Abernethy
Abourezk
Abzug
Addabbo
Anderson, Calif.
Andrews, N. Dak.
Ashbrook
Badillo
Begich
Belcher
Bergland
Betts
Biaggi
Biester
Bingham
Blatnik
Bow
Brademas
Bray
Brinkley
Broomfield
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Burton
Byrnes, Wis.
Caffery
Camp
Carney
Carter
Chisholm
Clausen, Don H.
Clay
Cleveland
Collier
Collins, Tex.
Conte
Culver
Dellums
Dennis
Devine
Dingell
Drinan
Dwyer
Eckhardt
Eilberg
Fascell
Findley
Flynt
Ford, William D.
Frey
Fulton, Pa.
Fulton, Tenn.
Fuqua
Gettys
Grasso
Green, Oreg.
Green, Pa.
Griffin
Griffiths
Gross
Grover
Gude
Haley
Hall
Hammerschmidt
Hanley
Harrington
Harsha
Hechler, W. Va.
Heckler, Mass.
Hogan
Howard
Hungate
Hutchinson
Jacobs
Jarman
Kastenmeier
Koch
Kuykendall
Kyros
Landrum
Leggett
Link
McCloskey
McKay
McKevitt
Martin
Mathis, Ga.
Matsunaga
Mazzoli
Melcher
Mikva
Miller, Ohio
Mink
Mitchell
Mizell
Morse
Murphy, N.Y.
Myers
Natcher
Nelsen
Obey
O'Konski
Pike
Podell
Poff
Price, Tex.
Quie
Randall
Rangel
Reid, Ill.
Reid, N.Y.
Riegle
Roberts
Roe
Rogers
Roncalio
Roy
Roybal
Ruppe
Ryan
Sarbanes
Saylor
Scheuer
Schmitz
Schneebeli
Schwengel
Sebelius
Seiberling
Shriver
Skubitz
Smith, Calif.
Smith, N.Y.
Snyder
Springer
Stafford
Stanton, J. William
Stanton, James V.
Steiger, Ariz.
Steiger, Wis.
Stephens
Stokes
Stratton
Taylor
Teague, Tex.
Terry
Thompson, N J
Thone
Ullman
Vander Jagt
Vanik
Waldie
Wampler
Watts
Whalen
White
Whitten
Widnall
Winn
Wyman
Young, Fla.

NOES—207

Abbitt
Adams
Alexander
Anderson, Ill.
Anderson, Tenn.
Andrews, Ala.
Annunzio
Archer
Ashley
Aspin
Aspinall
Baker
Barrett
Bell
Bennett
Bevill
Blackburn
Blanton
Boland
Brasco
Brooks
Brown, Mich.
Burke, Fla.
Burke, Mass.
Burleson, Tex.
Burlison, Mo.
Byrne, Pa.
Byron
Cabell
Carey, N.Y.
Casey, Tex.
Cederberg
Chamberlain
Chappell
Clancy
Clark
Clawson, Del
Collins, Ill.
Colmer
Corman
Cotter
Crane
Daniels, N.J.
Davis, S.C.
Davis, Wis.
de la Garza
Delaney
Dellenback
Denholm
Derwinski
Dickinson
Dorn
Dowdy
Downing
Dulski
Duncan
du Pont
Edwards, Calif.
Erlenborn
Esch
Fish
Fisher
Flood
Flowers
Foley
Ford, Gerald R.
Forsythe
Fountain
Fraser
Frelinghuysen
Frenzel
Galifianakis
Garmatz
Gaydos
Giaimo
Gibbons
Goldwater
Gonzalez
Goodling
Gray
Hagan
Hamilton
Hansen, Idaho
Harvey
Hathaway
Hays
Helstoski
Henderson
Hicks, Mass.
Hicks, Wash.
Horton
Hosmer
Hull
Hunt
Johnson, Calif.
Johnson, Pa.
Jonas
Jones, Ala.
Jones, N.C.
Jones, Tenn.
Karth
Kazen
Keating
Keith
Kemp
King
Kyl
Latta
Lennon
Lent
Lloyd
Long, Md.
Lujan
McClory
McClure
McCollister
McCormack
McDonald, Mich.
McEwen
McFall
McKinney
McMillan
Madden
Mahon
Mailliard
Mann
Mathias, Calif.
Mayne
Meeds
Metcalfe
Michel
Miller, Calif.
Mills, Md.
Minish
Moorhead
Morgan
Mosher
Moss
Murphy, Ill.
Nedzi
Nichols
Nix
O'Hara
O'Neill
Passman
Patman
Patten
Pelly
Perkins
Peyser
Pirnie
Poage
Powell
Preyer, N.C.
Price, Ill.
Pryor, Ark.
Pucinski
Quillen
Railsback
Rarick
Rees
Reuss
Rhodes
Robinson, Va.
Robison, N.Y.
Rodino
Rooney, N.Y.
Rooney, Pa.
Rosenthal
Rostenkowski
Roush
Rousselot
Runnels
Ruth
Sandman
Satterfield
Scherle
Scott
Sisk
Slack
Smith, Iowa

Spence
Steed
Steele
Stubblefield
Stuckey
Sullivan
Teague, Calif.
Thomson, Wis.
Udall
Veysey
Vigorito
Waggonner
Ware
Whalley
Whitehurst
Wiggins
Williams
Wilson, Bob
Wyatt
Wydler
Wylie
Yates
Yatron
Young, Tex.
Zablocki
Zion

NOT VOTING—64

Arends
Baring
Boggs
Bolling
Brotzman
Buchanan
Celler
Conable
Conyers
Coughlin
Daniel, Va.
Danielson
Davis, Ga.
Dent
Diggs
Donohue
Dow
Edmondson
Edwards, Ala.
Edwards, La.
Eshleman
Evans, Colo.
Evins, Tenn.
Gallagher
Gubser
Halpern
Hanna
Hansen, Wash.
Hastings
Hawkins
Hébert
Hillis
Holifield
Ichord
Kee
Kluczynski
Landgrebe
Long, La.
McCulloch
McDade
Macdonald, Mass.
Mills, Ark.
Minshall
Mollohan
Monagan
Montgomery
Pepper
Pettis
Pickle
Purcell
St Germain
Shipley
Shoup
Sikes
Staggers
Symington
Talcott
Thompson, Ga.
Tiernan
Van Deerlin
Wilson, Charles H.
Wolff
Wright
Zwach

So the amendment was rejected.

AMENDMENT OFFERED BY MR. BINGHAM

Mr. BINGHAM. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. BINGHAM: On page 1, line 7, strike out "$2,025,571,000" and insert "$2,030,972,500".

Mr. BINGHAM. Mr. Chairman, the effect of this amendment would be to make two additions to the provision in the bill for safety research for nuclear reactors, $2.3-million for nuclear safety research, and an additional $3.1-million for the purposes of fusion research, which is a long-range program.

I would like to address my remarks, first of all, to the need for additional funds for nuclear safety research.

The principal danger that exists in the nuclear reactors that are being built in the country today is the danger of a failure of the cooling system. This is recognized by the Joint Committee, it is recognized by the Commission, and it is recognized by all who are concerned with existing and planned commercial fission plants.

At the very center of a nuclear reactor are about 9 million thimble-size pellets of uranium fuel. The center of these pellets is raised to a temperature of 4,100° Fahrenheit producing a near molten condition, thereby mandating that a flow of water under high pressure be continuously circulated to act as a coolant. Any interruption of the cooling process would result in disastrous consequences. It is, therefore, imperative that every reactor be equipped with a reliable emergency core cooling system—ECCS—which could guarantee the input of a coolant in the event of a loss of the normal coolant flow. The mere breaking of any water conduit would result in such a loss of coolant accident.

What disastrous consequences would result should a reactor lose its flow of coolant? Within seconds the core temperature commences an irreversible climb upwards causing the breaking of containment within minutes. In light of the fact that a 1,000 megawatt nuclear reactor produces as much long-lived radioactivity every year as would the explosion of about 1,000 Hiroshima bombs, plus enough plutonium to give 500 billion people the maximum permissible plutonium dose, we clearly must be able to guarantee the containment in the core of all radioactive poisons. In a loss of coolant accident where ECCS failed to function, however, containment certainly would be breached and radioactive poisons would be released into the environment involving lethal implications for the surrounding population. ECCS is, therefore, the vital engineering safeguards which stand between the public and immense quantities of radioactive poison inside a nuclear power plant.

A system has been designed for these reactors for emergency cooling, but it has never been tested in practice. Some small-scale tests have been recently conducted which did not confirm the ability of the system to perform effectively. If one of these systems were to fail and if there were no ability to stop the overheating of one of numerous operating nuclear plants, the consequences would be very severe indeed. There is no question about that.

The Commission has recognized the serious need to do more research on the development and testing of a proper emergency core cooling system and at a late stage during the year requested an additional $5 million for this purpose. This request was trimmed by $2.3 million by the Administration in the Office of Budget and Management. It is this trimming which I seek to restore in large part in my amendment.

Mr. Chairman, I believe that the Commission's original $5-million request for emergency core cooling safety research should be sustained by the House.

I would like to quote from the hearings where Dr. Kavanagh of the Commission indicated the lack of satisfaction that the Commission feels with reference to the present degree of testing of the cooling systems and his indication that more money was needed.

He stated at one point, when asked for his personal opinion, that an additional $30 million could well be used. When asked for further specifications as to what he meant by an additional need for $30 million, he gave a list of projects that totaled up to some $5 million. It is the $5 million figure which I support, which the Commission supports, but which was cut down by the Office of Budget and Management, and which I submit is a very small price indeed to pay for the kind of research that is needed for the safety of nuclear reactors and in order to make them secure against a breakdown in the cooling system.

The second part of my amendment has to do with further funds for fusion research. I think all agree in this field that down the road somewhere near the end of the century it will be fusion that will be the source of our nuclear energy and not fission. There is no doubt about the question that down the road fusion can be the answer to our nuclear power problems. It will be efficient and it will be pollution free. The late AEC Commissioner Theos Thompson underlined the need for accelerated research in this field when he said, in 1970, not long before his death:

> Assume, if you will, a world population by the year 2000 of 7 billion . . . and assume also a per capita consumption of electrical energy equal to twice that of today's U.S. consumption . . . Then, 1% of the deuterium in the world's water, even if we burn it with only 10% efficiency, would provide the world with enough energy for over 3 million years. One can thus recognize the truly dramatic promise which fusion power holds.

Think of it. The potential pay-off from successful fusion research and development is unlimited electrical energy, safe and virtually pollution-free, plus a fusion torch which could convert garbage and other solid waste back into its constituent atoms for re-use. Fusion would produce little or no radioactivity.

The Soviets are concentrating on fusion power rather than on fission power. They are doing very little in the way of developing the type plant on which we have been working. They are concentrating on the long-range development of fusion power, and are currently spending three times more on it than we are.

While money will not guarantee successful fusion research, lack of money will guarantee failure. How does it happen that a poorer nation—Russia—is devoting three times more manpower to fusion than we are? How does it happen that Russia is in the front car in the train toward fusion power while we sit in the caboose?

AEC funding for fusion research has remained basically static for the past 10 years.

The committee has recommended $29.8 million for research in this field. I am recommending a small increase of 10 percent in that figure, a small increase which would represent only a little more than an increase in the cost of doing business during the past year.

This program has been statistically funded; it has not been allowed to grow as it should grow. Last June the Appropriations Committee said:

> The Committee has long been concerned at the slow pace of the development of this (fusion) program which, if successful, could be the answer to the energy problems facing the nation and the world . . . The Committee hopes that future budget submissions will make more adequate provisions for acceleration of this research and development effort.

The Chairman of the Atomic Energy Commission has indicated that further funds are needed for this purpose. I quote Dr. Seaborg:

> We ought to increase fusion funding on the possibility that we might be able to bring it in faster than some here testified. Nobody knows whether this can be done more rapidly, but the effort could be made if we are to proceed now to keep up with the work being done in the Soviet Union, if we are to proceed now to develop the kind of nuclear

power for the later years of this century that would be pollution free, and that would be efficient.

It may be charged that the people are not available, they do not know what they would be doing if these additional small funds were recommended. I submit that a small increase of 10 percent in this vitally important research field is certainly something with which they can accomplish essential work with. Dr. Seaborg has indicated that they could well use the funds. It is something that would indicate the desire of this Congress, and the feeling of the Congress, that additional emphasis should be put on the development of research in the fusion power field, and it would provide an incentive to the scientists engaged in this vital area to continue their work with renewed determination.

I am not suggesting that the Commission neglect its work in the fast breeder reactor, which is the next step down the road, and on which the committee and the President have suggested we now concentrate, but I am suggesting that the Commission be given the funds to accelerate work in the field of fusion as well.

Mr. Chairman, the complexity of the issues discussed here has made a brief and informative discussion difficult. I trust, however, that each Member has been alerted to the urgency of this amendment. Our vote today on this amendment could clearly reflect to this Nation our concern that atomic energy development proceed with more attention to basic safety questions and with the necessary attention to fusion research whose promise includes safer, more efficient, and ecologically sound energy in unlimited quantity for the future. I urge each of you to vote yes on this amendment.

In summary, Mr. Chairman, let me repeat: the amendment I am now proposing would provide a small increase of $2.3 million in the core cooling research funds, and an increase of $3.1 million in fusion research funds.

Mr. Chairman, I yield back the balance of my time.

Mr. PRICE of Illinois. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, the Joint Committee on Atomic Energy has given particular consideration to the matter of increasing funds for the fusion program. As a matter of fact, the committee has given an increase of $1.4 million over last year that the Commission itself had requested. So there is in the bill $1.4 million above the last fiscal year budget for the fusion program.

We considered a higher amount of $35 million. That was discussed within the committee, but we rejected the idea because the committee sought information from those who know most about the fusion program, and they could not advise us where they could use any amount above what is requested in this bill.

We also looked at the Commission's recommendation on the other item that the gentleman from New York (Mr. BINGHAM), seeks to amend. I would point out that the committee is usually sympathetic to any requests for increased funds for research and development, but the Commission itself did not seek any above the amount approved by the Office of Management and Budget, and they made no request from the committee to go above the OMBs' approved amount.

We feel that the nuclear safety research and development funds can be applied wherever the Commission seeks to apply them, and in view of the lack of any request on the part of the Commission we just did not approve anything above the budgeted items.

So, Mr. Chairman, I ask that both of these amendments be rejected.

Mr. HOSMER. Mr. Chairman, will the gentleman yield?

Mr. PRICE of Illinois. I yield to the gentleman from California.

Mr. HOSMER. Mr. Chairman, I join the gentleman from Illinois in his objection to the pending amendment.

We are certainly trying to do what needs to be done with what is available today and how fast it should be done with respect to research.

We think the bill offers that and there is within the Atomic Energy Commission authority to reprogram it if anything has to be done that comes up later.

Therefore, Mr. Chairman, I urge the defeat of the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York.

The amendment was rejected.

AMENDMENT OFFERED BY MR. ECKHARDT

Mr. ECKHARDT. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. ECKHARDT: On page 7, after lines 16, add the following:

SEC. 108. None of the funds authorized by this Act are authorized for appropriation, obligation, or expenditure, directly or indirectly, to pay any part of the cost of the testing (under, on, or above ground) by detonation or otherwise, of any nuclear bomb, warhead, or other device on, or in the vicinity of, the Aleutian Island of Amchitka, Alaska unless and until an independent body of scientists, knowledgeable in the fields of nuclear energy and in the field of environmental control and not otherwise connected with a governmental agency, have at the invitation of the Atomic Energy Commission, examined the effect of any such test and certified to the Commission that such test will not be detrimental to environmental quality.

Mr. ECKHARDT. Mr. Chairman, this is an amendment which does not go early as far as the Mink amendment. But you will recall the debate on the Mink amendment in which it was pointed out that such a distinguished scientist as Dr. Kenneth Pitzer stated that:

> The largest of the observed associated after-shocks have been between one and two magnitudes less than the explosion itself. However, there does not now appear to be a basis for eliminating the possibility that a large test explosion might induce, either immediately or after a period of time, a severe earthquake of sufficiently large magnitude to cause serious damage well beyond the limits of the test site.

I know that Dr. Pitzer, who was president of Rice University and who is a very distinguished scientist who has engaged in advice to governmental agencies over a great number of years and who was later president of Stanford and only recently resigned—he is certainly not one of those who goes off halfcocked with respect to matters such as these. Some recognition of the same dangers was pointed out by Dr. Jeremy Stone, executive director of the Federation of Scientists.

Now this amendment does not strike out the appropriation for the Cannikin experiment. It does not in any way inhibit that experiment. It could be conducted in October under my amendment. The only thing it would do is to call on the AEC itself to ask for advice from neutrals, that is from the academic community, from people who do not have a stake in it.

Now you may say, and many of you will say on my side of the aisle, this is not nearly strong enough, because the Atomic Energy Commission has control and it will just appoint people who will agree with the Commission.

Well, that is the way I want it. I do not want to limit them. The only thing I want to do is to provide some means by which men of good will may have an opportunity to take a second look at the matter.

Now I would suggest this—there are times when a governmental agency gets itself so far along the road toward a conceived project that it cannot turn around. If you bore a hole in the ground a mile deep and 4½ feet across, it is awfully hard to crawl out of that hole and fill it up.

It seems to me we ought to take a second look at this program when distinguished scientists say that we have not shown with any degree of certainty that an explosion here in the magnitude of 5 megatons will not set off earthquakes that could be most disastrous. What is wrong with taking a little time to ask again of neutral sources whether this might happen? If we do that, and if we let the Atomic Energy Commission appoint them, how would we restrain their authority? All we ask in this amendment is that men of good faith, men like the members of the Commission, ought to go and ask for just a little further advice by those they choose to advise them. This is an extremely mild and limited amendment which will not inhibit them.

But I for one I am not willing to let this opportunity go by without an effort, at least, to examine further the possibility of earthquake. Would I not be most presumptious, on my single judgment, and even on that of you Members, to say that these scientists who question the wisdom of this action are necessarily wrong?

Let us look into it a little more deeply or at least let us provide that opportunity.

Mr. ANDERSON of Illinois. Mr. Chairman, will the gentleman yield?

Mr. ECKHARDT. I yield to the gentleman from Illinois.

Mr. ANDERSON of Illinois. The gentleman certainly seems to make a reasonable request when he suggests that the House has an obligation of calling upon independent scientific authority to examine the possible consequences of Project Cannikin.

I hold in my hand part 4 of the hearings for the authorizing legislation that we held this year, and at pages 2794, 2795, and 2796 there are 25 different separate items in the bibliography that show the list of the scientific studies that have already been made on all of the safety aspects from the environmental standpoint on this particular shot.

I submit that the information the gentleman asks for is already here in the record.

Mr. ECKHARDT. I say once more the danger and the doubt still exist.

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. PRICE of Illinois. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN. The gentleman from Illinois is recognized.

Mr. PRICE of Illinois. Mr. Chairman, the gentleman from Illinois (Mr. ANDERSON) has made a very fine point. This program has been studied for several years by many organizations and groups independent as far as relationship to AEC is concerned. I would like to read a list of them: The U.S. Geological Survey; the National Oceanic Survey, formerly the U.S. Coast and Geodetic Survey; Air Resources Laboratory; the National Oceanic and Atmospheric Administration, formerly ESSA; and the Environmental Protection Agency.

It has also been considered by a panel of consultants as well as special consultants, made up of individuals and such organizations and institutions as the Geological Survey, the University of California, the University of Illinois, St. Louis University, the University of Nevada, Washington State University, University of Michigan, Columbia University, California Institute of Technology, Palo Alto Medical Clinic, Scripps Institute of Oceanography, Sheppard T. Powell & Associates, Shannon & Wilson. They represent such disciplines and subdisciplines as radiobiology, soil mechanics, structural mechanics, geophysics, hydroradiation medicine, oceanography, seismology, and hydrology. It has been well studied.

Let me point out to the House that every day of delay while another independent group makes some kind of study on this subject—and I do not know what kind of study that could be made that has not been made—would cost the taxpayers $65,000 a day.

In addition to that, if the studies should run as much as a year, it would cost almost as much as we have funds in this bill to continue this. It would cost $18 million, and we have only $19.7 million for the conduct of the test.

I urge the House to reject the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas (Mr. ECKHARDT).

The amendment was rejected.

AMENDMENT OFFERED BY MR. HOSMER

Mr. HOSMER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. HOSMER: Page 6, line 18, strike out subsection (d), lines 18 through 21, and insert in lieu thereof the following:

"(d) Section 106 of Public Law 91–273, as amended, is amended by (1) striking from subsection (a) thereof the figure "$50,000,000", wherever it appears therein, and substituting therefor the figure "$100,000,000"; (2) striking from subsection (a) thereof the phrase "up to a total amount of $20,000,000"; and (3) adding the following after the words "civilian base program" "*Provided*, That such assistance shall not include the furnishing of end capital items of this demonstration plant excluding items which the Commission may deem necessary for research, development, or testing in light of its liquid metal fast breeder reactor base program: *And provided further*, That such assistance which the Commission undertakes specifically for this demonstration plant shall not exceed 50% of the estimated capital cost of such plant: *And*".

Mr. HOSMER. Mr. Chairman, the joint committee has recently received reports that are not encouraging for arriving at Government-industry arrangement to construct a demonstration breeder reactor even with the increase from $50 million to $100 million of the amount of monetary assistance which AEC would be authorized to provide.

The total estimated funding for the demonstration plant is in the $450–$550 million range.

Under the authorization bill as reported, AEC's share of the $450–$550 million would consist of the $100 million in funds, referred to above, plus $20 million in services or use of facilities or equipment otherwise available to or planned by the Commission under its base research and development program, plus $10 million in waiver of use charges.

The $20 million limitation on Comission assistance in the form of services, et cetera which are otherwise available to or planned by the Commission under its base research and development program is obviously too restrictive. As now written in the law—the total research and development effort which the Commission can provide would be subject to the $20 million ceiling. The complete unreasonableness of this ceiling is evidenced by the fact that it would be absorbed entirely by making available for the demonstration plant the research and development results from the FFTF plant. Such a restriction is not at all compatible with the objective of the base research and development program which is to provide research and development data for the demonstration plant. The $20 million ceiling could be a reason for the currently estimated cost of $450–$550 million for the plant since, if it is to remain, research and development work would have to be duplicated by the private participants for the demonstration plant.

In short, the $20 million ceiling in the present statute imposes a restriction on use of AEC's base research and development program which is unrealistic, contrary to the purpose of that program, contrary to a viable cooperative LMFBR demonstration program under which it is reasonable to expect the large share of the massive research and development effort to be borne by the Government, and is completely unnecessary.

Accordingly, I am proposing this amendment to this section which would: first delete the $20 million ceiling; second, prohibit the use of research and development base program assistance for any and capital items in the demonstration plant; and third, provide that research and development assistance which is undertaken by the Commission specifically for the demonstration plant shall in no event exceed 50 percent of the estimated capital costs of the plant.

It should be noted that the amendment does not increase the authorization for the breeder program; the amendment simply lifts the restriction on the maximum amount of the base research and development work authorized for the breeder program which can be utilized on the demonstration power reactor plant.

Mr. ANDERSON of Illinois. Mr. Chairman, I strongly support the amendment offered by my distinguished colleague. President Nixon, in his message of June 4 to the Congress, recognized the great national need for a comprehensive energy program, and the very first item mentioned in the President's energy program was—and I quote.

> A commitment to complete the successful demonstration of the liquid metal fast breeder reactor by 1980.

I fully subscribe to the urgency and intrinsic importance of this commitment which must start with a cooperative arrangement for the first demonstration plant, authorized by the Congress last year.

It makes absolutely good sense to provide the added flexibility the amendment would enable.

The Argonne National Laboratory is heavily engaged in AEC's base LMFBR program. There is no reason why AEC should not be able, as part of a cooperative arrangement, to agree that the results of the laboratory's efforts in that base program—such as basic physics studies, experimental activities pertaining to its critical facilities, core analyses, experimental work in safety areas, or other R. & D. functions—would be available for the demonstration plant.

The authorizing statute, Public Law 91–273, provides that before the AEC enters into a cooperative arrangement, the basis for the arrangement must be submitted to and lie before the Joint Committee on Atomic Energy. Thus, AEC's proposed utilization of its permitted areas of assistance will be fully identified, and it will be carefully reviewed and evaluated by the joint committee, before any commitments are made.

I urge approval of the amendment.

Mr. GROSS. Mr. Chairman, I move to strike the necessary number of words.

Mr. Chairman, I had not intended to speak on this bill, but do I understand this amendment would increase the expenditure under this bill, which is already above last year's appropriation? Am I informed correctly?

Mr. PRICE of Illinois. Mr. Chairman, if the gentleman will yield, this is not above the amount of last year.

Mr. GROSS. It is above the appropriations for last year.

Mr. PRICE of Illinois. Perhaps it is above the appropriations.

Mr. GROSS. Is that not what counts?

Mr. PRICE of Illinois. The authorizations are usually above the appropriations.

Mr. GROSS. Is that because authorizations are all bloated out of shape?

Mr. PRICE of Illinois. That is because the authorization committee does a good job, and the Appropriations Committee does a good job.

Mr. GROSS. I assume most members understand authorizations are always on the high side so that if they are cut somewhere along the line there will still be more to spend. This is sometimes called elbow room in which to operate. But I do not care to pursue that point. The fact is that this bill as it now stands, and before the pending amendment was offered, was some $13 million above the appropriations for the same purposes last year. Do I understand that this amendment will increase the expenditure and, if so, by how much?

Mr. PRICE of Illinois. This amendment will not increase the authorization in the bill. This money is already in the bill. This permits the commission to have discretion in the use of that money, previously limited to $20 million, on the research and development related to the demonstration plant. It is already in the bill. It does not increase the amount of money already in the bill.

Mr. GROSS. I thank the gentleman.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California (Mr. HOSMER).

The amendment was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. BURKE of Massachusetts, Chairman of the Committee of the Whole House on the State of the Union, reported that that committee having had under consideration the bill (H.R. 9388) to authorize appropriations to the Atomic Energy Commission in accordance with section 261 of the Atomic Energy Act of 1954, as amended, and for other purposes; pursuant to House Resolution 528, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER. Under the rule, the previous question is ordered.

The question is on the amendment.

The amendment was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the bill.

The bill was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. PRICE of Illinois. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on the bill just passed, and to include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

LEGISLATIVE PROGRAM

(Mr. GERALD R. FORD asked and was given permission to address the House for 1 minute.)

Mr. GERALD R. FORD. Mr. Speaker, I take this time for the purpose of asking the distinguished majority whip the program for the remainder of this week, if any, and the schedule for next week.

Mr. O'NEILL. Mr. Speaker, will the gentleman yield?

Mr. GERALD R. FORD. I yield to the gentleman from Massachusetts.

Mr. O'NEILL. Mr. Speaker, the program for the House of Representatives for the week of July 19, 1971, is as follows:

Monday is Consent Calendar day.

There are nine measures to be considered under the suspension of the rules procedure, as follows:

H.R. 9265, Veterans Drug Treatment Act;

House Joint Resolution 748, VA Medical School Assistance Act;

H.R. 4762, VA Medical Information Exchange;

Senate Joint Resolution 111, Mary McLeod Bethune Memorial authorization;

H.R. 6239, maritime lien bill:

H.R. 6724, senior ROTC subsistence allowance;

H.R. 4729, ROTC scholarships;

H.R. 4606, Armed Forces judge advocates and law specialists; and

H.R. 6723, Marine Corps Officer Candidate subsistence allowance.

Tuesday is Private Calendar day. Also on Tuesday House Joint Resolution 3, Joint Committee on Environment, and H.R. 9020, Egg Products Inspection Act Amendment, subject to a rule being granted.

On Wednesday S. 699, radiotelephones on certain vessels, and H.R. 4354, motor bus width limit on Interstate System, both subject to rules being granted.

For Thursday and the balance of the week, military construction authorization, also subject to a rule being granted.

Of course, there is the usual reservation that conference reports may be brought up at any time, and any further program will be announced later.

It is understood at the present time there are six bills pending in the committees of conference.

ADJOURNMENT OVER TO MONDAY, JULY 19

Mr. O'NEILL. Mr. Speaker, I ask unanimous consent that when the House adjourns today it adjourn to meet on Monday next.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

Mr. GROSS. Mr. Speaker, reserving the right to object, I am not clear on how many of those bills do not have rules. Do any of them have rules for next week?

Mr. O'NEILL. Well, of course, on Monday there are nine suspensions.

Mr. GROSS. Yes. I understand that. But let us take the bills that are subject to being considered under rules.

Mr. O'NEILL. There are four bills subject to rules.

Mr. GROSS. Four bills subject to rules. And how many of those have rules now? How many of them are subject to consideration now?

Mr. O'NEILL. There is one. At the present time the Joint Committee on the Environment is the only one.

Mr. GROSS. I ask the gentleman further, when has he programed the so-called bus width bill? For what day is that scheduled?

Mr. O'NEILL. For Wednesday.

Mr. GROSS. And that still does not have a rule. Is that correct?

Mr. O'NEILL. That is correct.

Mr. GROSS. I thank the gentleman.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

DISPENSING WITH BUSINESS IN ORDER ON CALENDAR WEDNESDAY NEXT

Mr. O'NEILL. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

Mr. SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

THE CRITICAL BALANCE-OF-PAYMENTS PROBLEM AND THE RELATIONSHIP OF THE FOREIGN INVESTMENTS TO THE TRANSFER OF OKINAWA

(Mr. VANIK asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. VANIK. Mr. Speaker, yesterday I was shocked to learn that the General Motors Corp. agreed to pay $56.3 million for a 34.2-percent interest in Isuzu Motors Ltd. of Japan.

This agreement, which calls for an exportation of $56 million combined with the proposal of the Chrysler Corp. to acquire 35 percent of the Mitsubishi Motor Corp., constitutes a tremendous outflow of American capital at a time when this Nation is faced with an unprecedented balance-of-payments deficit.

In reviewing the law, I am discouraged and dismayed with the failure of the interest equalization tax to reach a transaction of this type. At the time that the interest equalization tax was considered by the Ways and Means Committee, of which I am a member, it was determined that the tax would not be made to apply to capital investments in excess of 10 percent of the value of the foreign acquisition for the reason that such investments would be monitored and controlled by the direct investments program administered by the Department of Commerce.

It was my understanding that the Department of Commerce would establish rules and regulations which would control the outflow of American investment in foreign acquisitions in a manner to safeguard the limited supplies of American capital and preserve a healthy balance of trade.

In my judgment, the exportation of American capital in this way operates to the detriment of jobs and the productivity of the United States. Our European experiences have indicated that our multinational corporate investments have resulted in exportation of American jobs as well as American dollars.

The announcement of the Isuzu Motors agreement with General Motors and the Chrysler Corp. proposal to purchase 35 percent of the Mitsubishi Motor Corp. come at such proximity to the conclusion of negotiations of the transfer of Okinawa to Japan to lead me to believe that the Japanese approval of the American capital investment was in some way related to the transfer of Okinawa to the Government of Japan.

If this is so, it would be a shameful arrangement which would provide for the transfer of Okinawa to the Japanese Government contingent upon the development of capital investment opportunities for certain American corporations. The tax dollars and the blood of Americans were not spent to deliver special financial advantages to American corporations.

I have directed this matter to the attention of Secretary of Commerce Maurice H. Stans to determine the effect—if any—on the critical balance-of-payments problem and the relationship of the foreign investments to the transfer of Okinawa.

CAMPAIGN SPENDING II—FULL AND COMPLETE DISCLOSURE

(Mr. STAFFORD asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. STAFFORD. Mr. Speaker, last week I made some general, introductory remarks on the Campaign Expenditure Disclosure Act of 1971, H.R. 7299, which I have introduced. It is presently being considered by the Committee on Standards of Official Conduct, of which I am a member. Today, I would like to outline the provision in the bill which requires full and complete disclosure of any and all campaign contributions which exceed $10.

During the various discussions of this issue, I have heard of the establishment of unreported campaign funds and I have heard of unreported campaign committees set up to aid candidates. This is not to say that what may have been done is illegal. Loopholes in archaic laws make such actions possible. It does not take much imagination to see the difficulty the general public has in discerning how much candidates are spending to win elections. They just do not have any way of telling what the truth is. There is no public record to help them.

Mr. Speaker, I propose a public record.

My bill would require each candidate as a condition precedent to filing as a candidate, to name one campaign depository. It would further stipulate that all funds received by the candidate shall be deposited in the bank by a single campaign treasurer within 3 days after their receipt. Accompanying each deposit, the treasurer will prepare a statement showing the names and addresses of each person or organization contributing more than $10.

Final reports, including all contributions and expenditures, would be required to be filed not later than noon of the 10th day before, for everything as of the 14th day before each election, and the 28th day after each election, for the remainder of the contributions and expenditures. These records would be deposited with, and maintained by, a registrar, attached to the General Accounting Office. This registrar will be the subject of a further discussion.

Each campaign would have three sets of complete records: First, with the Registrar; second, with the candidate; and third, with the single bank. Thus, there would be—on record—full and complete disclosure and records of contributions and expenditures for each campaign.

Mr. Speaker, I don't contend that full and complete disclosure, by itself, will slow the incredible increases in the costs of campaigning we have seen in the last decade, but I do think it will be a large step in the right direction. Therefore, to follow this up, my bill contains two other important provisions. First, it would establish a registry of election finance, mentioned briefly above. Second, the bill would place a limit of $100,000 on the amount any candidate may spend in a general election.

I will discuss these two provisions next week.

THE SHARPSTOWN FOLLIES—XV

(Mr. GONZALEZ asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. GONZALEZ. Mr. Speaker, the judge who sentenced Frank Sharp should have disqualified himself because he was a good friend of Frank Sharp's.

What else could explain the sentence that the judge handed Sharp?

Judge Singleton says that he never personally represented Sharp. He does not say that he never knew Sharp, because he knows that it would be a lie if he did. On June 28 or 29, Judge Singleton merely said that he had never met Sharp while employed at a law firm back in 1954. What about the rest?

The truth is that Singleton knew Sharp very well, and was very closely acquainted with many of Sharp's very good friends. In the court record itself, when Singleton sentenced Sharp, Singleton said:

> The court has known you and know of you for quite some time. You are and have been an experienced businessman . . . Because of your position in the community and because of the stature that you have gained in the community as an astute businessman, as a leader in the community, your affairs have been the subject of considerable recent publicity. Most of it could be probably characterized as adverse.

The judge was talking to an old friend. He was completely sympathetic to Sharp because he was an old friend.

Indeed Judge Singleton was so solicitous of Sharp that he inquired whether the hour for sentencing would be convenient. The court, speaking to Sharp, said:

> I will just sentence you this afternoon at 2:00 o'clock, if that is all right with you, Mr. Sharp.

The judge was well acquainted with at least two out of the three character witnesses produced by Sharp. How could he be expected to render an impartial judgement on an old friend, and before his other friends at that? The judge should have disqualified himself.

Had Singleton not known Sharp, Sharp would have gotten the kind of treatment that another banker got in a different Houston court, on the same crime Sharp pled guilty to.

In that case, the court of Judge Allan Hannay sentenced Jack Henderson to the maximum sentence allowed by law for the crime of making a false entry in his bank's books. This was the same crime Sharp pled guilty to before Singleton.

Look at the difference. Same crime, but different judges: Hannay finds Henderson has "betrayed everyone, including his family."

Hannay finds that Henderson violated his trust. For that, for making a false entry of $17,600 on his bank books, Hannay assessed a 5-year prison sentence and a $5,000 fine on Henderson.

But Singleton, in sentencing Sharp on a false entry charge of $535,532.91—a considerably larger amount—treated his defendant quite differently. Singleton did not find that this was a betrayal of public trust, no—just that it involved "complicated business transactions." Indeed, just to be found guilty of abusing his position, the Judge said, was plenty of punishment for a great man like Sharp. And so Singleton sentenced Sharp to a fine of $2,500 on the false entry count, and 1½ years under probation.

Together with the other crime to which Sharp entered a plea of guilty, the total sentence was 3 years on probation and a fine of $5,000.

If Singleton had not been a good friend of Sharp's he would not have been so solicitous. The judge should have owned up to all of this. He should have disqualified himself. Certainly he had a responsibility here—not to the defendant, but to the court itself, to protect its integrity.

Was Sharp just guilty of some technical fault in a "complicated business transaction." Or was he guilty of a betrayal of his public trust, just as the other fellow was? It was the same crime. But in Sharp's case the judge was his friend, and one man's betrayal was another man's little old technical violation.

TRUTH IN NEWS BROADCASTING AND PUBLIC AFFAIRS PROGRAMING

(Mr. KEITH asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. KEITH. Mr. Speaker, today, I am introducing my bill to assure that freedom of owners and operators of radio and television networks and stations to continue to do everything they have been doing in the interest of "the people's right to know."

It, will however, require them to advise their audiences when an apparent "news happening" really is a staged happening; when an apparent "spontaneous, unrehearsed interview" really is not; and when a taped or filmed interview has been altered.

My bill differs from proposed legislation previously submitted on this problem in that it holds networks, which the Federal Communications Commission does not license, just as responsible for truth in broadcasting and public affairs programing as it holds individual stations, which the FCC does license.

Thus, my bill goes directly to the source of the problem which, in a couple of blatant instances, one national network has created for the entire broadcasting industry, for the public, and for the Congress.

This is most unfortunate, for this Nation has the finest, most dedicated, communications media in the world. It possesses outstanding and dedicated newsmen. In electronic journalism, however, the newsman's work is sometimes distorted or mutilated by sales-oriented corporate executives and sensation-seeking producers.

These distortions are as unfair to working newsmen in radio and television as it would be to their newspaper counterparts should editing and publishing responsibility be assigned to printshop, pressroom, or sales personnel.

My bill would protect the integrity of radio-TV newsmen and their interview and discussion guests. It would protect the right of their audiences to know when presentations have been altered from original form. It would protect the owners and operators of network affiliate stations who, with FCC licenses at stake, have, on occasion, become innocent, but damaged third parties caught between an offended public and an offending network.

This bill does not impinge upon freedom of speech nor press. It fortifies those freedoms by requiring radio and television executives to protect the public's "right to know" when it is being misinformed, deceived, or lied to.

The Congress has decided, and the Courts have agreed, that the airways belong to the public and that broadcasters must be federally licensed and regulated. In this bill, in the consumer interest, we adopt the same philosophy that we have for the past few years with other agencies, their constituent parts, and the public.

We have the Securities and Exchange Commission and the act which requires full and complete disclosure. We have the Federal Trade Commission and the act which requires truth in advertising. We have the Federal Reserve System and the act which requires truth in lending.

In concept and purpose, my "Truth in News Broadcasting and Public Affairs Programing Bill" is not different from these "consumer" acts. It simply protects the consuming public against willful deceit and fraud.

INTRODUCTION OF RESOLUTION ON INDOCHINA WITHDRAWAL

(Mrs. ABZUG asked and was given permission to address the House for 1 minute, to revise and extend her remarks, and to include a copy of a resolution.)

Mrs. ABZUG. Mr. Speaker, the "light at the end of the tunnel" is now as clear as broad daylight. Under the basic terms of the new North Vietnamese peace proposal made recently in Paris, we can insure the safe and speedy return of our prisoners of war and of all our troops from Vietnam. We can end our involvement there by the end of this year.

I believe that the offer, which proposes that the repatriation operation and the withdrawal operation "will begin on the same date and will end on the same date," provides an excellent basis for our Government to negotiate a settlement terminating American participation in the longest, most controversial, and most unpopular war in our history.

I also note that the North Vietnamese have specified that their proposal is not contingent on a political settlement in South Vietnam. The United States can, in good conscience, no longer leave in the hands of the Thieu Government the power to determine when American troops should leave Vietnam. The scheduled October elections appear to offer no hope that any startlingly democratic transformation will occur in an essentially autocratic regime. It is time that we stop interfering in the internal politics of Indochina and leave the people there free to work out their own future.

Two weeks have elapsed and although the White House has described the new proposal as containing some positive elements, I am concerned that still another opportunity for ending the war may be talked away and lost in rhetoric.

Each passing day prolongs the anguish of American prisoners of war and their families. Each passing day exposes American soldiers to needless danger of death or injury.

In an effort to have our body assume a role in pointing the way toward peace, I am today introducing a sense of the House resolution similar to that introduced in the Senate by Senators MONDALE and EAGLETON. It calls upon the administration to pursue in good faith the proposals made by the North Vietnamese. It suggests that the administration's sole consideration in negotiating these proposals be that an agreement be reached providing for repatriation of American prisoners simultaneously with the safe withdrawal of American forces. It provides that no agreement arising out of the negotiations on this proposal be contingent upon, or delayed until, the completion of the South Vietnamese elections scheduled for this fall.

Our responsibility is to the American people. They want us to get out of Vietnam and to get our prisoners home safely. We now can do both, and I urgently appeal to you to act promptly and affirmatively on this resolution.

The full text of the resolution is as follows:

RESOLUTION

Whereas the overwhelming majority of the American people desire the earliest possible return of our prisoners and withdrawal of all our forces from Indochina, conditioned only upon the safety of our men;

And whereas the President has stated as a purpose of his policy in Indochina the prompt return of prisoners of war and the safe and orderly return of U.S. forces;

And whereas, the current negotiating proposals of the North Vietnamese and Viet Cong delegations in Paris may permit a negotiated agreement for repatriation of prisoners and prompt and secure withdrawal of U.S. forces independent of a political settlement in South Vietnam;

Now, therefore, be it resolved, that it is the sense of the House of Representatives that:

(1) the highest urgency of this administration shall be to pursue promptly, with good faith, and with the full resources at its disposal, the current proposals made by the North Vietnamese and Viet Cong delegations in Paris.

(2) the sole consideration in negotiating these proposals be that an agreement be reached which provides for repatriation of all U.S. prisoners simultaneously with the safe withdrawal of all U.S. forces, and

(3) under no circumstances should such agreement be contingent upon, or delayed until, the completion of South Vietnamese elections in October 1917, or any other South Vietnamese elections or political events.

THE NEED FOR EMERGENCY STRIKE LEGISLATION

The SPEAKER pro tempore (Mr. DE LA GARZA). Under a previous order of the House the gentleman from Michigan (Mr. HARVEY) is recognized for 30 minutes.

(Mr. HARVEY asked and was given permission to revise and extend his remarks and to include extraneous matter.)

Mr. HARVEY. Mr. Speaker, again this Friday, as so many times in the past, the Nation will be confronted with a strike in the railroad industry. In recent years, the outcome of a rail strike has been fairly predictable: The threat of a complete stoppage of rail transportation forces the President to turn the matter over to the Congress. There the substantive details of the individual dispute are settled, in whole or in part, on the floor of the House and the Senate, the unions are required to resume their jobs, and the Nation's railroads again operate.

This time, however, the circumstances are somewhat different. The Supreme Court, by refusing to overturn a district court ruling, has affirmed the right of the railroad unions to selectively strike. This means, that after national bargaining between the union and all of the carriers has broken down, and all provisions of the Railway Labor Act have been exhausted, the union may elect to strike one or more of those carriers; it is no longer required to shut down all of the Nation's carriers simultaneously. The presumption here is that, since a major part of the rail transportation system would still be operating, there would be no national emergency and no need to involve the Congress in order to terminate the strike. Eventually, a settlement arrived at between the disputing parties themselves would bring the selective strike to an end.

There is much to be said for this approach to settlement of rail industry labor disputes, particularly if current labor-management procedures and precedents in other industries are used as the norm. It has been the advent of national bargaining and a presumption that all carriers had to be struck, together with a public antipathy to such nationwide strikes, that has led to the unique situation in which the rail industry finds itself. Any possible remedies, such as the judicial ruling for selective strikes which will preserve the benefits of national bargaining without inducing the national strikes—congressional settlement syndrome should by all means be given serious consideration.

The public interest, however, may still not be met under the present, new selective strike situation. That is, the resulting economic impact on business and commerce, as well as the general disruption of public affairs, may still be such that public opinion will not permit the administration and the Congress to stand idly by. In addition, under present law and judicial rulings, any selective strike is very apt to escalate to a full, nationwide strike. This could occur either as a result of careful move and countermove by the carriers and union managements, or uncontrollably through individual carrier lockouts or wildcat strikes as the situation deteriorates across the country.

Now it must be admitted that the concept of public interest is one which has never been, and may never be, satisfactorily defined. For example, a major auto manufacturing strike such as we recently experienced, or a shutdown of the steel industry, may well be fundamentally more disruptive of the country's well-being than would stopping the Nation's trains. Whether any one of these is to be considered a national emergency, however, depends on many factors, including the decisions of the Chief Executive, as well as the mood of the public.

Consequently, we can never hope to see laws written which will specify exactly to what degree a union can strike, or precisely when management is justified in a lockout. It may be that some day we will, in fact, proceed beyond the today's acceptance of the strike and lockout as tools of legitimized economic warfare in the settlement of questions of working conditions. But until that new day dawns, we need somehow to find a balance between three contending rights: that of the individual to work only under conditions acceptable to him, that of management to operate its business in an efficient and profitable manner, and that of the public to be protected from undue disruption of its affairs due to conflicts between the first two rights.

I believe that there are solutions to the problem. Certainly, the present law covering the railroad industry has not worked, as evidenced by the number of times the Congress has been required to intervene. And the recent interpretation of the right to strike selectively cannot be the final answer, since escalation to a national shutdown is highly probable. What is needed is twofold. First, a revision of law which will restore the incentive to the parties to undertake serious collective bargaining and to reach settlements without, each time, resorting to Congress. Second, a revision of the law which will enable the President, when negotiations have failed, to take administrative actions until a resolution of the conflict is achieved.

With regard to this latter point, a key requirement is flexibility. Certainly, no one administrative procedure will be appropriate for all of the different situations and the wide variety of substantive issues which will arise in the future. The President must, therefore, be provided with a variety of tools with which to work. And, if these tools are in fact sufficient, he must be given the power—indeed, he must be required—to use them judiciously but inexorably until the dispute at hand is settled.

But this very flexibility, which is so necessary when finally needed, is also the key element to avoiding the need for its use in the first place. For almost every knowledgeable observer agrees that it has been the certainty of governmental action which has, in the past, contributed most to the failure of collective bargaining. A situation is needed in which neither party can foresee that the Government will intervene to their potential advantage. Then, and only then, can the usual procedures of collective bargaining move forward fruitfully.

What administrative options should be given to the President to achieve this doubly effective flexibility? Probably there are many which might be effective one time or another. Some would recommend that one option be to allow unlimited strikes, arguing that no permanent harm would result. Others would argue for governmental seizure and operation of the railroads, arguing that nothing less would prevent irreparable harm to the Nation.

I would reject these particular positions as being extreme, and because I feel that other, less drastic, measures will suffice to resolve the conflicting demands of labor, of management, and of the public. First, I would suggest that selective strikes be permitted by the President unless he finds, in a particular instance, that this would cause immediate imperilment of the national health and safety. However, this option must be circumscribed with appropriate safeguards to insure that the resulting shutdown of transportation does not result in, nor escalate to, a situation which the public refuses to countenance.

Second, I would, of course, permit the President to call for additional time at the bargaining table. Many instances will arise where the vagaries of calendars and of argument will require only more time to resolve.

Third, I would adopt the novel suggestion put forward by the administration under the title of Final Offer Selection. This process, not yet tried anywhere to my knowledge, holds the promise of eliminating the divisiveness of compulsory arbitration while providing an extremely strong impetus to collective bargaining, and an assurance to the pubIc that a peaceful resolution of the dispute will be achieved. What this proposal provides is that, after the parties have bargained to their best ability, each puts forward a final offer which constitutes a complete and binding agreement. Then one and only one of these offers will be selected, complete and intact, by a board composed of public members. The essence of this procedure is that each party is induced, first, to resolve as many issues as possible during bargaining and, second, to make the most reasonable possible final bid on all outstanding issues. For the selection board, which is charged with the public interest, will select that final offer which they find to be most reasonable in view of the facts of the situation.

In addition, I imagine that there are other options which might be given to the President to increase the flexibility of his response. However, the important point is that the administration must be given the power to deal with labor disputes which threaten the Nation, to deal with them fairly, and firmly, so that Congress does not have to be involved in each individual dispute, and so that the public interest will be protected.

The three major points that I have just mentioned are embodied in legislation which I first introduced on May 13, 1971, as H.R. 8385. I am, of course, extremely pleased that 54 other Members of this House, from both sides of the aisle, have since joined in cosponsorship of this legislation. These additional bills include H.R. 9088 and H.R. 9089, introduced on June 14; H.R. 9571, introduced on July 1; and three additional cosponsors on the bill dropped into the hopper today.

I believe this legislative proposal has gained broader support from this body than any other. Naturally, I am delighted that our House Committee on Interstate and Foreign Commerce will begin hearings on this important subject on July 27. The interests of all the people will be best served by productive, successful hearings leading to sound legislation.

Mr. McKEVITT. Mr. Speaker, I am pleased to be among the cosponsors of this emergency strike legislation. So far, a total of 55 Members representing 23 States have joined in cosponsoring this legislation which is aimed at preventing crippling nationwide transportation strikes.

This legislation has wide bipartisan support. It is simply designed to offer solutions to labor-management disputes within the transportation industry without the need for congressional intervention.

Briefly, the legislation allows for a 30-day cooling off period, selective strikes in any of the three rail regions of the Nation, and final offer selection, all at the option of the President.

The appealing part of this legislation is that it is a compromise, one that includes the best and more realistic provisions of the various measures that have been referred to the involved House committee.

I believe this is good legislation.

GENERAL LEAVE

Mr. HARVEY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days during which to extend their remarks on the subject of my special order today with reference to the need for emergency strike legislation.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

REPEAL OF AUTOMOBILE EXCISE TAX

The SPEAKER. Under a previous order of the House, the gentleman from Michigan (Mr. CHAMBERLAIN) is recognized for 15 minutes.

Mr. CHAMBERLAIN. Mr. Speaker, today the entire Michigan congressional delegation, both Democrats and Republicans, has jointly introduced legislation to repeal the 7-percent Federal excise tax on passenger automobiles. A companion bill is also being introduced today in the other body by Senators ROBERT P. GRIFFIN and PHILIP A. HART.

This united action reflects the belief that to end this tax now would serve to stimulate the economy, spur employment, help check inflationary pressures by keeping prices down, and aid in making American cars competitive with foreign imports.

It has been said that when the automobile industry sneezes, the economy catches cold, and this is generally true. The automobile is truly the bellwether for the economy. This is apparent when you consider that one out of every six businesses is automotive related.

Last December, it will be recalled, in one of its final actions, the 91st Congress passed the Excise Estate and Gift Tax Adjustment Act of 1970, Public Law 91-614, which among other things provided for a gradual phase out of this tax beginning on January 1, 1973, with total repeal coming on January 1, 1982. While encouraged by this action, I nevertheless opposed this plan for such a drawn out means of ending what Congress has repeatedly branded as an unfair tax.

Last year, in the report accompanying H.R. 19868, my colleague, the distinguished gentlewoman of Michigan (Mrs. GRIFFITHS), and I joined in submitting separate views urging that scheduled reductions in the auto excise tax should not be postponed. At that time we argued:

> Reduction and repeal of the auto tax would provide needed stimulus to the auto manufacturing industry and to the entire economy which is now operating at depressed levels . . . Allowing the reductions in the auto tax to take effect as scheduled would prove of inestimable value in sustaining the economy in producing dynamic growth, more jobs, and higher corporate profits. This in turn would add to government tax revenues over the long run.
>
> The weight of evidence therefore is strongly against the postponement of the scheduled reductions in the auto tax. These reductions should be permitted to take place on schedule. The modest immediate loss of revenue involved would be far outbalanced by the equity advantages to consumers, the economic gains of getting the economy to move ahead and the overt sign that the Congress intends to honor its tax pledges.

Today, these views remain equally valid, and, in fact, the economic situation prompts us to urge that the entire 7 percent tax be removed effective today, July 15, 1971.

The only justification offered in recent years for the continuance of this tax has been the urgent need for Federal revenues. No one questions the need for tax revenues, but it is also true that there will never be a time when the Government is not going to need more money. Although this tax is expected to bring in approximately $1.9 billion during fiscal 1972, it is certain the added economic stimulus that would flow from the repeal of this tax would generate additional tax revenues so that the net loss would be considerably less than that.

Another factor to be considered is that the repeal of this tax would help hold down auto price increases that are certain to come and would therefore be counterinflationary. New Federal regulations and equipment mandated to promote safety and control pollution are adding to new car costs. The repeal of this tax would cushion the inflationary impact of these new requirements. In terms of the consumer, this is no academic question since excise taxes are known to be especially burdensome to low-and middle-income groups.

Mr. Speaker, as ways are sought to help the economy, I submit that the long promised, long postponed repeal of the auto excise tax should be among the very first items of consideration, both out of fairness and because of the important impact that such action would have on the well-being of the entire Nation.

Now, Mr. Speaker, I would like to take this occasion to bring to the attention of the House another matter deserving of the most thoughtful consideration of the Congress and the Nation. That is, in my opinion, it is time we reconsider a single, 6-year term for the President of the United States.

Mr. Speaker, recently I have become persuaded that we would be well advised to amend the Constitution to limit our Presidents to a single, nonrenewable 6-year term in office. You will recall that in 1947 Congress passed the 22d amendment, ratified in 1951, to limit our Presidents to being twice elected to that office. I believe passage of that amendment was wise, both for the sake of representative democracy and for the well-being of the man who must shoulder the burdens of that office. Yet, our experience of the past 20 years suggests to me, and others as well, that we need to go further.

One of the popular ways of viewing the President is to think of him as a leader who wears many hats: That of leader of all the people, that of administrative head of the Government, that of legislative leader, that of chief foreign policymaker, that of Commander in Chief, and that of party leader. In considering these multifarious areas of responsibility, which directly affect world peace and the domestic well-being of every American citizen, the legitimate question has been raised as to whether a President can devote the fullest measure of his time and talent to the pressing duties of state if he must be preoccupied with the concerns of reelection. The problem has been well stated by former Presidential Assistant Jack Valenti, who has written:

> The man who holds that office has to deal with problems so monstrous, so disruptive, so resistant to permanent solution that the re-election process is no longer suitable. The President cannot be allowed to be diverted from his hard duties and even harder decisions by the so-called normalcies of politics and re-election.

While the demands on the modern Presidency make the need for a change in election procedure that much more pressing, interest in a 6-year term for the Chief Executive actually dates back to the early days of our Republic. Considerable discussion of a 6-year term took place at the Constitutional Convention in 1787, and well over 100 amendments have been offered to achieve that purpose since the Constitution became operative. During his Presidency, Thomas Jefferson declared himself in favor of a single 8-year term, while Presidents Jackson, Polk, William Henry Harrison, Andrew Johnson, Cleveland, and Taft, at one time or another, advocated the 6-year, nonrenewable term.

In 1912, the House Committee on the Judiciary reported a resolution to amend the Constitution to provide for a single, 6-year term. In its report to the House, the committee stated:

> The President should be ineligible to a second term, because being ineligible there will be no temptation improperly to use the powers and patronage of that exalted office.

And further:

> It will make the President the Chief Executive of the whole people and not the leader of a mere faction or the chief of a political party.

Considering 4 years an inadequate period of time in which a President may act to realize the goals of the platform on which he was elected, the committee felt that "6 years coupled with the freedom from anxiety for reelection, would give sufficient opportunity to the President to properly organize his administration and to bring about real accomplishments within the bounds of his duties and powers under the Constitution." In conclusion the committee wrote:

> This amendment, if submitted and ratified, will increase the efficiency of the administration of the President; will remove the temptation to build up a political machine by the abuse of patronage and power; and will save the President from the humiliating necessity of going to the stump to repel assaults made upon him.

It is equally interesting to note that in 1913, the Senate actually approved a proposed constitutional amendment for a 6-year term, but since President Woodrow Wilson objected, the measure died in the House Judiciary Committee.

With the passage of time, the powers and responsibilities of the Presidency have, of course, increased dramatically. If there were reason and justification for considering such a course of action almost 60 years ago, how much more justified are we in proposing a 6-year term today when the burdens of that high office have multiplied to previously unimagined complexity? As Washington Columnist Marquis Childs has written:

> The difficulties facing a President today are so enormous, so complex, so riddled with partisanship that no Chief Executive can emerge at the end of four years with the prospect of a majority of the electorate.

I think that judgment to be a sound one. The reality of it suggests that the President would be better able to direct his energies both toward the administration of the Government and the implementation of his programs were he accorded a longer term and relieved of the partisan political concerns involving reelection to office. The pressures on a President are tremendous. I do not suggest that the office of the Presidency be made immune to the legitimate problems of state, but I do think that removal of the concern over reelection would permit a President to act more efficiently in terms of what is best for the country.

I fully realize that the proposal for a 6-year term for the President is not without risk or reasons for doubt, and certainly there are pertinent questions to be considered with respect to any new limitations placed upon that office. But we have already accepted a time limitation with the passage of the 22d amendment, and arguments against creating a "lame duck" Presidency lose much of their validity when we realize that a President is already a "lame duck" for his entire second term of 4 years.

Mr. Speaker, the 6-year term is no panacea, for there are none. However, after reflecting on the matter for some time I am satisfied that on balance it has much to recommend it. Consequently, I am introducing a proposed constitutional amendment providing for a single 6-year Presidential term, and urge that this proposal be reconsidered by the Congress:

JOINT RESOLUTION

Proposing an amendment to the Constitution of the United States relating to the term of office of President and Vice President of the United States

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States:

SECTION 1. The term of office of the President and the Vice President of the United States shall be six years. No person shall be eligible for election for more than one term as President or Vice President. A person who has been elected as Vice President for any term shall be eligible for election as President for a later term. A person who has been elected as Vice President for any term, and who during that term has succeeded to the office of President, shall be eligible for election as President for a later term.

SEC. 2. This article shall take effect on the 1st day of February following its ratification, except that this article shall not affect the duration of the term of office of President and Vice President in which such day occurs.

SEC. 3. This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by the legislatures of three-fourths of the States within seven years from the date of its submission to the States by the Congress.

TAKE PRIDE IN AMERICA

The SPEAKER. Under a previous order of the House, the gentleman from Ohio (Mr. MILLER) is recognized for 5 minutes.

Mr. MILLER of Ohio. Mr. Speaker, today we should take note of America's great accomplishments and in so doing renew our faith and confidence in ourselves as individuals and as a nation. The first Rotary Club was founded in February 1905 by Paul Harris, a Chicago lawyer with just three members and developed into Rotary International in 1922. Today Rotary Clubs are found throughout the United States and the world promoting understanding between the business world.

JOINT COMMITTEE ON THE ENVIRONMENT

The SPEAKER. Under a previous order of the House, the gentleman from New York (Mr. KEMP) is recognized for 5 minutes.

Mr. KEMP. Mr. Speaker, I am a cosponsor of House Resolution 59 to create a standing committee to be known as the Committee on the Environment. However, I will support House Joint Resolution 3—Joint Committee on the Environment—for I feel that Congress has a vital role to play in this area, and the problems are of sufficient weight to require, initially, joint consideration by both bodies of Congress.

Eventually, a standing committee of the House—matched, I would hope, by an equivalent standing committee in the other body of Congress—will be sorely needed to forge some of the legislation providing delivery systems which will be needed in the decades ahead.

I am not thinking in terms of a few years or even a decade of environmental therapy, Mr. Speaker, it may well take many years of research and applied science to restore clean air, with a proper balance of carbon dioxide and oxygen. Or to rescue bodies of water such as Lake Erie, San Francisco Bay, and the Potomac River from their current status and return them to a state when they will be clean enough to swim in. Or to learn how to dispose of our solid wastes and our chemical and radiological poisons without having them turn up to bedevil our children and grandchildren like Biblical plagues. Or to learn how to control insect and plant pests without killing our wildlife and upsetting our ecological balances.

Because of the magnitude of these problems, eventually I believe that a single, action-oriented standing committee will be needed if Congress is to take a leadership role in salvaging our natural environment. As a matter of fact, the initial step for a joint committee failed last year when conferences for the two bodies could not even resolve their differences on a resolution to establish a joint committee.

Mr. Speaker, if this situation should develop again, the House should be prepared to organize itself for the task.

There are historians who believe that the 20th century will be recalled primarily as the dawn of the nuclear age. Others believe it will be noteworthy as that point in time when man was first able to break the fetters of gravity and travel to the stars. Still others are of the opinion that future generations will regard genetic and medical discoveries as the greatest contribution of our generation to the mainstream of civilization.

However, Mr. Speaker, I believe we have the opportunity to initiate, in this Congress, a distinction which would be more important to the future of mankind than any of these noble tasks.

We can become that generation in which the men, for the first time, are wise enough to leave the earth, its waters, and its atmosphere in better condition than we found it.

THE PENTAGON'S RESPONSE TO THE GAO STUDY ON FUNDS FOR VIETNAMIZATION

The SPEAKER. Under a previous order of the House, the gentleman from Wisconsin (Mr. ASPIN) is recognized for 20 minutes.

Mr. ASPIN. Mr. Speaker, yesterday the Pentagon responded to a still secret GAO study, reported originally in the New York Times, which stated that the GAO had been unable to account for $1.7 billion, meant for the Vietnamization program over the last 3 fiscal years. The Pentagon's response all but admitted that Congress does not have sufficient data to rationally determine the progress of the Vietnamization program on which the withdrawal rate of U.S. forces partly depends.

By the Defense Department's own admissions it does not know the total amount spent for pacification by the responsible agency—Civil Operations and Rural Developments Support—CORDS—during the 3-year period, or the amount spent on specific programs, or who got the money or even what we got for our money.

The reason for this is because the auditing for these programs was not done within CORDS, but was done by each service independently and was thus lost within their overall accounting systems. What is so tragic about this incredible auditing procedure is that the money spent under CORDS is an integral part of our whole Vietnamization policy. Our rate of withdrawal from Vietnam is based in part on the success of our Vietnamization program. Yet, because of the Pentagon's auditing procedures we are simply unable to adequately evaluate the effectiveness of over $2 billion spent for these Vietnamization programs.

Because of these auditing procedures the Defense Department could not answer such basic questions as how much money was spent for training programs for Vietnamese National Police, or how much it cost to provide security to a village and the surrounding countryside.

Knowing how much money was spent, by whom, and for what purposes is the most fundamental prerequisite for effective management in any operation. The question now becomes what we can and should do to correct this obviously undesirable and unnecessary situation.

Much of the problem stems from the fact that most of the security assistance to Vietnam is military assistance, service funded—MASF. In fiscal year 1972, about $2 billion of a total $2.5 billion program is funded in the military service budgets. The principal reason for transferring military assistance to Vietnam—and Laos and Thailand—from the military assistance appropriations to the military functions appropriations was to provide the flexibility needed to respond to combat conditions in Southeast Asia. It afforded the advantages of common budgeting where large numbers of U.S. forces were engaged and the savings resulting from a common logistics system.

As part of the service budgets, the separate identity of funds for Vietnamese and other free world forces was lost. In response to a question raised in the hearings on the 1972 authorization bill, the Defense Department responded that "no separate formal accounting system exists for free world forces support funds in the military functions appropriations, nor is it feasible to establish such a system under conditions that have existed and exist today."

Without separate accounting for Vietnamization, it is difficult if not impossible to evaluate the results of previous expenditures and determine future funding requirements. Moreover, there is no internal management discipline to assure that these funds are responsive to program objectives and that there is no waste and graft.

It is time for Congress to assert its control of the funding for Vietnamization, which has a direct impact on U.S. security objectives in Southeast Asia and, perhaps most important, on the timing of troop withdrawals. The administration's Vietnamization program should no longer be allowed to avoid the scrutiny of Congress. This can be accomplished in two ways:

First, the Armed Services Committees should hold special hearings on the progress of the Vietnamization program, to include a critical examination of past expenditures and results, and plans for further improvements of Vietnam's armed forces. These hearings should not be limited to the portion of the program funded to date by the Department of Defense but should include the total program regardless of how it is funded.

Second, GAO should conduct an audit of the entire program to date and make specific recommendations for improving the management of the Vietnamization program.

These steps will permit the Congress to obtain the visibility, accountability and control needed to assure that the billions spent on Vietnamization are not wasted and are best designed to enable the Vietnamese to assume the full burden of their own security.

REVENUE SHARING AND GOVERNMENTAL REFORM

The SPEAKER pro tempore. Under a previous order of the House the gentleman from Indiana (Mr. HAMILTON) is recognized for 60 minutes.

Mr. HAMILTON. Mr. Speaker, the American people are disturbed about the present state of their Nation. They are worried about things that Americans for many generations assumed were present: national unity and political stability. They are no longer confident of the Nation's steady progress, and many feel that the United States has slid backward in recent years.

They are losing confidence in the ability of their government to govern and their leaders to lead. They wonder if their Nation can marshal the will and the way to meet the challenge before it.

They doubt whether their government—in Columbus, Ind., or in Washington, D.C.—is responsive, whether they can make a difference in the decisionmaking process, whether government can meet its problems before they occur or merely react to crises after they occur.

America's federal system is on trial as never before. The challenge is to make government work better to make it more responsive, more efficient, less costly, less confusing.

The challenge to the federal system is to search for solutions to its problems through cooperation among levels of government, while avoiding poor administration, waste, confusion, ineffectiveness, and lessening of individual freedom.

The plain fact is that the problems are too complex to be solved by any one level of government. This is why the central domestic concern of the Congress this year has been to find ways and means to reinvigorate the federal system. Everyone knows that this system is not working as well as it should.

A distinguishing feature of the federal system has been a remarkable capacity to adapt to changing circumstances. The rate of change today is so swift that we face a totally different magnitude of problems. The old policies and practices, that suited the modest requirements of earlier decades, are grossly unsuited to cope with the urgent challenges before us. The dogmas of the quiet past are clearly inadequate for the stormy future.

I believe it is no exaggeration to say that the fate of the American federal system hangs on our ability to change the system so that it can deal with our problems. Without such changes, the federal system's ability to meet its problems will remain in doubt.

THE FEDERAL IMBALANCE

A fundamental cause of governmental crisis is an imbalance in the federal system. The Federal Government has most of the resources and the cities and States have most of the problems. This imbalance must be righted if our political system is to prosper.

The imbalance is both economic and political.

A. ECONOMIC

The fiscal base of the Federal Government, which places primary reliance on individual and corporate income taxes, is strong and will continue to grow as the economy expands. The fiscal base of State and local governments, however, depends principally upon property and sales taxes to finance their programs; this base does not have the same strength or capacity for growth.

Statistics on this fiscal imbalance abound and are alarming:

First. State and local expenditures are rising at a rate faster than the rate of growth of our national economy. For example, from 1955 to 1969, State-local expenditures rose from $39 billion to $134 billion, a 244-percent increase, while our gross national product, or the total of U.S. goods and services produced, was rising about 200 percent.

Second. In the two decades from 1950 to 1970, State-local outlays as a percentage of GNP almost doubled, while Federal outlays as a percentage of GNP rose less than 40 percent.

Third. During the period 1959 to 1969, total State and local government debt more than doubled, increasing from $64 billion to $133 billion, while the public or national debt increased less than 30 percent.

While State and local governments' expenditures have been leaping upward, tax revenues needed to make ends meet have been hard to obtain. Each year, four-fifths of the States enact a tax increase of some sort. There have been 450 such increases since 1959. In 1971, Governors brought the biggest volume of tax increase proposals in history—over $6 billion before their State legislatures.

Even so, 17 States still lack one or more of the leading revenue raisers: A general sales tax, an individual income tax, or a corporate income tax. Moreover, the Congressional Joint Committee on Internal Revenue Taxation has estimated that if all States raised revenue in relation to their personal income at the same rate as the 10 States which are making the greatest revenue effort, they would raise an additional $18.6 billion in revenues.

The tax revenue situation of the Federal Government is just the opposite of what State and local governments have experienced. Since the Korean war, the Federal Government has cut its income tax five times; the latest cut was in the form of a $4 billion business tax reduction through liberalized depreciation rules enacted by the President earlier this year. These five cuts have resulted in an estimated $35 billion in tax revenues foregone.

As Walter Heller, former chairman of the President's Council of Economic Advisers, has so aptly put it:

> Five income tax cuts in 17 years versus thousands of property, sales, excise and income tax increases at State and local levels in those same years. Does one need and further evidence of the fiscal mismatch in our Federalism today?

B. POLITICAL

The political imbalance in our federal system stems from the fact that power has gradually become centralized in Washington, D.C., to the detriment of effective State and local governments. As President Nixon has stated in his last state of the Union address:

> The fact is that we have made the Federal Government so strong it grows muscle-bound

and the States and localities so weak they approach impotence.

We need to return to the system purposefully designed by our Founding Fathers, one that did not concentrate all power and responsibility at one level. At present, Federal aids to State and local governments weave a web of complexity and regulations that places those governments in a straitjacket. In the past decade, the number of Federal grant authorizations to States and localities has tripled, while the amount involved has more than quadrupled—from $7.1 billion in fiscal year 1961 to $30 billion in fiscal year 1971. These grants have provided many benefits for the States, but at the cost of profoundly reducing the ability of those States to solve their problems independent from Federal intervention. Governors and mayors have inadequate administrative authority with which to handle their own needs.

They have sought for solutions from within the present system of centralized government. But because of the political framework in which they work, they are forced to follow the complex tangle of Federal guidelines and regulations, rather than themselves making the important decisions which affect the futures of their States and cities.

WHAT TO DO ABOUT THE IMBALANCE

The primary domestic concern of this Congress should be to enact a remedy for the pervasive imbalance that now threatens our Federal system. The United States cannot be run soley from Washington, D.C. More emphasis must be placed on local initiative and local solutions to local problems; the increasing centralization of governmental power, and the unequal distribution of resources among Federal, State, and local governments must be prevented. The burdens of governing are simply too large and too complex for any single level of government to handle effectively alone.

Various remedies for righting the imbalance of power and resources have been proposed. They are not mutually exclusive, however, and the task at hand is to find the right "mix" that will best invigorate and improve State and local governments.

Several remedies have been discussed:

EXPAND CATEGORICAL GRANTS

The primary vehicle for Federal aids to State and local governments is categorical grants in aid. They are the instrument which enables the Federal Government to carry out essential national goals through distribution of funds—$30 billion in fiscal 1971—to local administrators working under the direction of the parent agency in Washington.

These grants are proliferating at a rapid rate. According to the President's Advisory Council on Executive Reorganization, there are now more than 1,000 cataloged activities administered by 57 Federal departments and agencies. There are so many of these programs that they have to be listed in large catalogs, and there are so many catalogs that a special catalog of catalogs had to be published.

Though they assist in the meeting of national economic and social goals, grant programs have several limitations, recently brought out in congressional testimony by Walter Heller and Secretary of the Treasury John Connally:

First. They support narrow functions—education, health, highways—rather than general State and local enterprise. Yet, a general strengthening of that enterprise is important to the health of our federal system.

Second. Rigorous Federal standards associated with grants have improved the quality of State and local government, but not its vitality and decision-making capacity.

Third. Partly because Federal aids are selective in their impact, they have led to distinct disparities in the quality of different services, evidenced by our excellent highways system and our poor garbage collection facilities.

Fourth. They require a cumbersome Federal approval process, which rewards recipients who learn to manipulate the Federal bureaucracy rather than those who most need the money.

Fifth. Under categorical grants, State and local priorities can easily be distorted, especially by the provision which requires the use of local money to match Federal grants.

Sixth. They make it difficult for the electorate to hold specific local officials accountable for the success or failure of a given project.

Seventh. Finally, the Advisory Comsion on Intergovernmental Relations has concluded in a study of grant expenditures that they have had an insignificant impact on equalizing the striking differences in both needs and revenue-gathering capacities between various units of government.

Merely to expand the categorical point system, as some advocate, would exacerbate an approach which is not working as well as it should, needs reform and restructuring, and imposes too much Federal control.

Rather than a bundle of good intentions wrapped up in a ball of bureaucratic redtape, what is needed is an improved delivery system which insures that grant administration achieves the following: Promotion of better administration and more effective planning, improved program coordination, elimination of overlapping and duplication of programs, and the promotion of economy and efficiency to the fullest extent consistent with the achievement of program goals.

Any effort to right the present imbalance in the federal systems should recognize the important role of Federal categorical grants. The danger is to rely exclusively on them. We have reached the point where many think that the solution to every problem is a categorical grant program. What we need is a better "mix" of Federal assistance programs.

FEDERALIZATION OF WELFARE

Assisting States and localities by absorbing their welfare cost burden is another proposal mentioned by those trying to right the imbalance in our federal system.

The concept of federalizing welfare is not very clearly defined. In its simplest form, federalization would mean that the Federal Government would take over State and local welfare programs and absorb their total costs, thus saving State and local governments $4.7 billion in assistance payments plus another $0.4 billion which is their share of the cost of administering present programs.

As a practical matter, however, it appears unlikely that such a simple Federal takeover of present welfare programs could occur. Though welfare guidelines are spelled out in Federal legislation, benefit levels and eligibility requirements are still largely a matter of State determination. So Federal takeover would require the operation of a collection of diverse programs which have been designed by individual States. In addition, it might be difficult to justify full Federal funding of programs providing widely divergent assistance levels not necessarily consistent with actual variations in living costs from State to State.

Federalization of welfare, however, can also mean some type of restructuring of present welfare programs which would increase the Federal involvement and result in some savings to State and local governments. Such is the case in the welfare reform measure, H.R. 1, that recently passed the House. It contains a "hold harmless" provision whereby a State's welfare expenditures after 1971, should it desire to supplement Federal benefits in order to maintain present assistance levels, would not exceed the 1971 level because the Federal Government would pay for the supplement. In addition, all States could save the full amount of their current administrative costs since the Federal Government would, if the State wished, administrate State supplemental payments without charging the States any part of the administrative costs involved. Enactment of this welfare reform measure is estimated to result in State and local savings on welfare expenditures of $1.64 billion in fiscal 1973, including $8.6 million in Indiana.

This method of welfare federalization does have its shortcomings, however.

First. Such a means of providing fiscal relief for State and local governments would be an ineffective, uneconomical way of achieving that end. It would seem necessary that a Federalized welfare program introduce some measure of uniformity into the levels of assistance provided in different States.

If a uniform level is established at a relatively low point, the amount of fiscal relief achieved is minimal since most States would be required to provide substantial supplementation in order to maintain recipients at current assistance levels. If a relatively high uniform Federal assistance level is established, most of current State costs will be assumed by the Federal Government, but the total Federal cost will far exceed the amount of fiscal relief since substantial expenditures will be involved in making the higher assistance payments in States which now provide low or moderate levels of assistance. For example, under the House-passed measure, $3.4 billion in Federal money would be spent to achieve fiscal relief to State and local governments of only $1.2 billion. This is an expensive way to provide only a modest amount of fiscal relief.

Second. Welfare federalization does not necessarily result in providing fiscal relief to those States which are most in need of it. Benefits to the States would be unevenly distributed and would not match population distribution, welfare caseload distribution, or distribution of Federal welfare payments under current law. As Secretary Connally pointed out in recent testimony before the Ways and Means Committee:

> a. "58 percent of the money would go to the 10 richest states, with 33 percent of the population, and only 6 percent of the money would go to the 10 poorest states, with 15 percent of the population.
>
> b. New York and California alone would receive 40 percent of the assistance, yet they have only about 19 percent of all the people in the country."

Third. The Nation's cities, which are often considered to be most in need of funds, would be helped very little under welfare federalization. County and city governments absorb only about one-tenth of State and local welfare costs, and only six of the Nation's 43 largest cities would receive any fiscal relief from this proposal.

Regardless of these shortcomings, it is becoming increasingly apparent that Congress will move in the direction of partial federalization combined with welfare reform. H.R. 1 is a step in this direction, and one that I support. Federalization of welfare costs could enable States and localities to direct their scarce financial resources toward other pressing needs and protect them against future increases in welfare costs which might offset the benefits to be derived from more direct forms of fiscal relief.

TAX CREDITS

Another proposed aid to our cities and States would allow taxpayers to credit some portion of their State and local income taxes against their Federal income tax.

This proposal must be rejected, largely because of its perverse distributional effects, both between States and between States and localities.

The major purpose of the tax credit approach is to encourage the maximum use of personal and progressive income tax systems at the State and local levels. Eleven States currently do not have such a system, and others make minimal use of it.

Contrary to the stated intention, however, the impact of such a tax credit would not be to augment State and local treasuries, but would merely provide tax relief to individuals from the payment of existing State and local income taxes.

The distribution of this relief would be quite inequitable. There would be no relief whatever to individuals living in States which do not, or in some cases constitutionally cannot, impose a progressive income tax. For those individuals who would be able to take advantage of such a credit, greater benefits would be realized by high-income individuals, frequently living in richer States, whereas lower income individuals would receive very little relief. The administration has calculated that over 42 percent of the fiscal relief from such a plan would go to the 10 richest States and only about 9 percent to the 10 poorest States.

An additional disadvantage of the tax credit approach is that it would, with existing tax structures, channel 90 percent of the aid to States, leaving 10 percent for local governments. Even assuming State legislatures do take actions imposing State income taxes or increasing existing levies, it is not known whether State officials would pass on any portion of their increased revenues to needy urban and county governmental units. Moreover, it would be difficult for localities to ever receive substantial assistance from tax credits because of their infrequent use of an income tax and their dependence on sales and property taxes.

FEDERAL TAX REDUCTION

A reduction in Federal taxes would, like a tax credit, supposedly make more of the country's tax base available for State and local governments to tap.

This proposal is subject to many of the same criticisms that apply to the tax credit scheme, especially because of its bias in favor of the wealthy States, where citizens would gain more from a percentage reduction in their Federal tax load than would poorer States.

Furthermore, the tax cut would only compound the structural problem underlying much of the current fiscal crisis of local and State government. For, in effect, it would cut back the flow of revenue from the efficient, growth-sensitive Federal income tax system with no real assurances that State and local levies would be increased. If they were increased, it would be apt to be in the direction of increased dependence on inefficient sales and property taxes, a dependency that should be reduced. Those jurisdictions unable to implement higher taxes would not, of course, receive any direct assistance from this approach.

AID TO CITIES AND COUNTIES ONLY

Two proposals directed toward relief of the cities' financial plight have recently been put forward.

Chairman Wilbur Mills of the House Ways and Means Committee is preparing a 3- to 7-year, $3.5 billion plan of aid to cities and counties to assist them in meeting their regular expenses. Its major features, though not yet clearly defined, are identified in a National Journal article of July 10:

> 1. Aid would be funneled directly to eligible units of local governments. States would not be assisted under the justification that they will be the primary beneficiaries of the welfare reform plan just passed by the House.
>
> 2. Communities would have to show a need for the additional Federal aid. "Need" could be determined by the number of low-income residents.
>
> 3. All the new aid would be funneled into specific purposes such as law enforcement and sanitation. Use of the funds for other purposes, such as capital construction and reduction of the municipal debt, would be prohibited.
>
> 4. The plan would be funded annually at a level set by Congress.

A related effort to aid municipalities only is the Urban Development Bank—Urbank. Urbank would be a Government-aided private institution which would lend to all municipalities at one rate for all borrowers, regardless of their size and credit rating. The loan would be tax exempt and the rate lower than the municipalities would have to pay in current markets, where they receive second-class treatment relative to corporate borrowers. U.S. Treasury losses would be avoided through annual congressional appropriations and taxes on the Urbank bonds.

The Urbank proposal suffers from the disadvantage that the total cost of the facilities desired and constructed would be greater than under a form of fiscal relief not involving loans, because of the interest cost on the loans.

The Mills plan has the possible defect that, if the aid allocation is based only on the number of low-income residents, the central cities tax efforts will not be given the consideration they deserve. Since central cities have a tax effort that is three and a half times greater, on the average, than the more affluent communities, its inclusion in a "need" formula would seem to be a prerequisite for efficient distribution of funds.

Both the Mills and the Urbank proposals share additional faults:

First. The manner in which fiscal relief is offered is not unlike the present categorical grant programs, whose deficiencies have been discussed earlier.

Second. They are both stopgap measures that do not offer comprehensive, long-term plans for fiscal relief. Yet, a totally new structure of Federal assistance is needed, one that rests on a coordinated effort at all levels of government and on an agreement to divide revenues equitably on an automatic, rather than annually reviewed, basis.

Third. State governments are frozen out of both proposals. If the Federal Government is to be reconstituted, however, the States have to be involved in some way. Otherwise, the Federal Government is going to be dealing with thousands of units of local government, a gargantuan and inefficient practice.

Fourth. They discriminate against the nonurban poor, perhaps under the mistaken belief that most or even a good portion of the poor reside in central cities. This is not the case. Of the 24 million Americans below the poverty line in 1969, only 33 percent lived in central cities and almost 50 percent in nonmetropolitan towns and rural areas, where their contribution to the tax base used by State and local governments was minor.

GENERAL REVENUE SHARING

Finally, there is the proposal for righting the imbalance in the Federal system by a program of general revenue sharing. It would operate in this manner:

First. A modest portion of the Federal income tax base would be earmarked for general aid to State and local governments. The portion would be about 1 percent of the tax base, or about $5 billion, and would increase in dollar amount as the economy grows, thus causing tax receipts to grow.

Second. The revenues so shared would be distributed to each State, city, and county in as fair and equitable a manner as is possible. The allocation would be made according to precise formulas based on revenue effort, contained in the Federal statute. Each State and locality would receive revenue-sharing money in addition to any benefits it is now obtaining from the Government.

Third. The States and localities receiving the money would make the decisions as to which purposes the funds should be directed toward.

Fourth. Financial reporting to the Treasury would be required merely to assure that the money is being spent for a lawful governmental purpose and in a nondiscriminatory manner.

Revenue sharing, supported by 77 percent of the public in a recent Gallop poll, is superior to any of the other remedies presented because it offers more than just fiscal relief. By shifting decisionmaking authority to State and localities, it combines economic resources, in the form of the shared revenues, with political authority, thus taking a significant step toward correcting the political imbalance that currently plagues our federal system. It offers a return to federalism as it was envisaged by our Founding Fathers.

Its additional advantages are these:

First. It ties the future development of State and local revenues to economic growth, something tax credits and tax reductions do not do. It taps the greatest actual and potential source of governmental revenue: The individual income tax.

Second. It complements categorical aids by strengthening the whole level of State and local government, rather than just specific services they provide. Through local decisionmaking, it enables local officials to improve social services such as street lighting and fire protection that do not qualify for Federal aid.

Third. It can be an effective instrument for reducing fiscal disparities among the States, a problem not resolved by remedies such as Urbank and categorical grants. The disparities are great: Per capita incomes and revenues in the five richest States are about twice what they are in the five poorest States. Yet, as a percentage of income, tax revenues averaged only 30 percent more in the five highest than in the five lowest States, leading to the conclusion that the poor States are getting a far leaner diet of governmental services for their tax pains.

Under a revenue-sharing formula of per capita distribution based on State population and revenue effort, these disparities would be significantly reduced. Moreover, the ratio of Federal aid to fiscal relief for the States would be 1:1 or $5 billion to $5 billion, a far better ratio than would be the case under federalization of welfare, where $1 of Federal aid does not mean $1 of fiscal relief.

Fourth. Revenue sharing responds to the plight of our central cities, while not excluding aid to our suburban and rural areas. According to economist Walter Heller, distribution of the local revenue share on the basis of a locality's revenue effort has been shown to result in a larger per capita share to the core cities than to other local units.

Fifth. Adoption of general revenue sharing would serve the interests of a progressive tax system. It would put the claims of State and local government on the growth of a progressive income tax ahead of the claims for further tax reductions. Additionally, a revenue-sharing plan should provide, as most of those plans circulating now do, for an incentive for the States to make greater use of a progressive income tax system, thus reducing their use of inequitable sales and property taxes.

Revenue sharing has not been universally welcomed. Chairman Mills has referred to it as "the most dangerous proposal that has ever been invented." Some of its alleged "dangers" are these:

First. It separates the responsibility for taxing from the act of spending, thereby dismantling the present fiscal control system.

This charge belies the fact that the decision to share Federal revenue is itself a spending decision. Regardless of this issue, however, it should be realized that fiscal controls would be sharper at the local budgetary level, where elected officials would be accountable for use of the revenues, than they are now under the categorical grant system, with its 1,000 spigots of Federal funds. The control factor would be merely shifted, not lost.

Second. There are more pressing expenditure requirements. Furthermore, there is no revenue to share.

As the Advisory Commission on Intergovernmental Relations pointed out last year, revenue sharing rates a top budgetary priority since it both deals with national problems and serves to strengthen the State and local governments that must handle them. Moreover, the national interest in a renewed federalism exists independent from the state of the Federal budget, and is not contingent on the presence or absence of a fiscal dividend.

Third. Revenue sharing will expand the influence of the Federal Government over State and local governments.

The present aid system already involves extensive Federal influence, with its myriad regulations and restrictions. Besides, political realities will hold the revenue-sharing level far below that necessary to free State and local officials from dependence on their own resources. One of my colleagues has estimated that shared Federal revenues, under any of the proposed plans, would not amount to more than 8 percent of local revenues.

Fourth. State and local modernization should be required before Federal revenues are gratuitously distributed.

There is no denying that much remains to be done in this area, and I shall touch upon this issue later in my statement. It would be counterproductive to the cause of improved federalism, however, if every State was required to put its house in perfect order before it received a penny of shared revenues. The primary goal of revenue sharing is the redressing of the fiscal and political imbalance between the Federal Government and the 50 State-local fiscal systems, and it should not be expected to cure all the ills of our federal system.

Fifth. Revenue sharing is a haphazard allocation of assistance to everyone regardless of need.

The allocation of funds under all of the various revenue-sharing plans is to be according to a carefully established formula, reflecting differences in need. The only automatic feature of many of the proposals, including those of the administration and Senator MUSKIE, is the total sum involved, since it is geared to a certain percentage of tax income from Federal tax returns. This approach removes revenue sharing from the uncertainties of the annual congressional appropriations process, an insulation that is critically needed if State and local officials are to be able to plan in advance for resource use.

Additional safeguards and incentives should be combined with revenue sharing to assure its maximum impact and effectiveness. Added qualifications are present in the proposal of Senator MUSKIE and the bill jointly drafted by Congressman REUSS and Senator HUMPHREY, and should be present in any revenue-sharing bill enacted. Some of them are these:

Nondiscrimination safeguards. Use of the shared revenues to perpetuate discriminatory practices should be prohibited. In addition to using the sanctions in Federal civil rights legislation, States should be required to set forth State and local spending plans and to certify their compliance with Federal statutes in advance of receipt of funds each year. Individuals should also have the right to bring suit for noncompliance.

Local pass-through formula. A State should get a 10-percent bonus in its portion of the revenue-sharing pot if it sits down and negotiates an agreement with a representative number of county and city governments determining the share of funds to be passed through to localities and the local distribution of these funds.

State income tax incentive. A State's income taxes should either be counted twice in the national distribution formula after a certain date—July 1, 1974, in the Humphrey-Reuss bill, or, a State's yearly revenue-sharing allocation should be increased by 10 percent of the amount it collected in income taxes the preceding year.

Federal collection of State income taxes. A further incentive to a State's adoption of an income tax should be authorization for Federal collection of those taxes, thus saving the States the considerable administrative burden and cost of collection. If Federal collection was authorized on the condition that State taxes be set at a "piggyback" percentage of the Federal tax liability, the interests of State fiscal relief and progressive tax systems would be served at one and the same time.

General revenue sharing is the best means of improving the economic and political plight of our States and localities. But it is not a panacea, and it must be combined with categorical grants and other techniques if it is to succeed in achieving its goals of fiscal relief and improved federalism.

REFORM OF STATE AND LOCAL GOVERNMENTS

It must also be combined with a thorough reform of State and local governments. Without reform, revenue sharing will only underwrite political systems badly in need of change and revitalization. The illogical and complex structure of State and local governments confuses most citizens. Local officials and State executives enter office with high hopes and sweeping aspirations. But, once they have taken office, they discover their power to provide effective leadership is often inadequate.

Despite their abilities and aspirations, which are often commendable, they lack the proper tools for responsive and efficient government. The Congress must encourage the States to provide the effective tools of government.

Evidence of the need for these tools abounds. Regarding State governments, the Committee for Economic Development—CED—compiled in 1967 a list of outmoded structures that has changed little:

> Only a handful of states have adopted new constitutions since 1945, including recently admitted Alaska and Hawaii. Most were drafted in the 19th century, including Indiana's.
>
> Over half the legislatures still meet in regular session only once every two years, and time limits of 40 to 195 days are imposed in two-thirds of the states.
>
> Many legislatures are unwieldly in size. Less than half of the lower chambers have fewer than 100 members.
>
> Only half a dozen states give their governors the means for exercising administrative authority commensurate with their responsibility.
>
> Independent departments, agencies, boards, and commissions abound, inhibiting most governors.
>
> Almost half the states deny their governors a second or third consecutive term, reducing gubernatorial ability to provide political as well as administrative leadership.
>
> Staff assistance, both gubernatorial and legislative, is usually inadequate and occasionally non-existent.

Local governments are plagued by both poorly functioning State governments as well as their own inefficiencies. Most of the metropolitan problems are soluble only with the help of State action: Restrictions upon the debt and taxing capacities of local government, annexation procedures, zoning powers, building and housing codes, to name a few.

Local governments' own problems have recently been described by journalist Max Frankel:

> There are more than 80,000 units of local government in the United States—21,000 of them juggling the affairs of the major metropolitan areas that house 80 percent of the population. That works out to an average of 91 governments for the typical metropolitan area, . . . including 12 school districts, 12 municipalities, 7 townships and 16 special districts that run the water supply, treat the sewage or provide some other service.
>
> Counties and school districts in this tangle exercise powers delegated to them by the states and therefore dovetail across the map in jigsaw pattern. All the other units of local government have sprung up in random and overlapping profusion.
>
> Local office holders can rarely find enough money or authority in their slender jurisdictions to fill even the most elementary needs of the citizens. Most of the thousands of local governments can neither attract nor afford the expertise and administrative skills they so plainly lack.

These brief descriptions of the handicaps under which State and local governments operate show the need for Federal incentives to reform these procedures. Otherwise, revenue sharing could become a constant flow of money out of the Federal Treasury that would not buy anything for the national interest. The Federal Government has the same obligation to help provide them as it does to establish standards for pollution control, social security, and welfare. In all these areas, including governmental reform, the well-being of the American people is at stake.

The Federal revenue-sharing dollar should be used, then, to induce structural reform at the State and local levels of government, above all, reforms that would produce a genuine and democratic sharing of burdens. Such an inducement is contained in a revenue-sharing bill I have introduced, whereby States qualify for the funds, in the second and subsequent years of the program, by preparing a master plan and timetable for modernizing State and local government. A suggested "checklist" of reforms is a part of the bill and is attached at the end of my statement.

CONCLUSION

If the crucial question of the relationship between our central government and the State and local governments is to be resolved, it will have to involve cooperative and concentrated action at all three of these levels. The Federal Government alone cannot resolve this issue by the mere pumping of additional billions of dollars into the pipeline via general revenue sharing or increased categorical grants. Reform in our federal system must "bubble up" as well as "trickle down." Fiscal relief to our State and local governments must be combined with modernization of their administrative procedures, if the relief itself is to have maximum impact.

Using revenue sharing as a catalyst, rather than a crutch, for State and local action is the most desirable means by which federalism can be strengthened. Revenue sharing is needed, but in a form that offers State and local governments the best chance for them to solve their own problems.

The enactment of revenue sharing, coupled with measures to encourage reform of State and local government would, at a time of increasing doubts about the federal system, be a vote of confidence in the basic system, and reaffirm our confidence that it can, with alterations, be made to work effectively to meet the challenges that threaten its existence.

The checklist of reforms follows:

Sec. 3. Qualifications for Block Grants.—In order to qualify for block grants in the first and subsequent fiscal years, each State shall, within a specified period prior to the first quarterly payment each year, do one of the following: (a) enact and file with the President a local government distribution law (which may from time to time be amended) pursuant to section 2(c)(2) of this Act; or (b) enact and file with the President a State-local apportionment agreement (which may from time to time be amended) pursuant to section 2(d)(1) of this Act. In order to qualify in the second and subsequent fiscal years, a State's chief executive officer shall prepare and file with the President (and may from time to time amend) a master plan and timetable for modernizing and revitalizing State and local governments, by methods (where appropriate) such as those on the following illustrative checklist—

(1) Interstate.—Proposed arrangements, by interstate compact or otherwise, for dealing with interstate regional problems, including those of metropolitan areas which overlap State lines, and for regional cooperation in such areas as health, education, welfare, conservation, resource development, transportation, recreation, housing.

(2) State Direct Action.—Proposed strengthening and modernizing of State governments (by constitutional, statutory, and administrative changes), including recommendations concerning the short ballot; longer terms for constitutional officers; annual legislative sessions; adequately paid officers and legislators; modernized State borrowing powers; improved tax systems (including an income tax of at least moderate progressiveness); rationalized boards and commissions; increased assistance to local governments; revising the terms of State aids and shared taxes so as to encourage modern local governments and to compensate for differences in total local fiscal capacity; State assumption of direct fiscal responsibility for basic functions; and modern personnel systems.

(3) State Action Affecting Localities.—Proposed strengthening and modernizing by the State of local, rural, urban, and metropolitan governments (by constitutional, statutory, and administrative changes), including—

(A) changes designed to make local government more efficient and economical, as by—

(i) reducing the number of, or eliminating local governments too small to provide efficient administration or possessing inadequate fiscal resources, and special districts not subject to democratic controls;

(ii) restricting local popular elections to policymakers (the short ballot);

(iii) concentrating on a single responsible executive for each local unit;

(iv) reform of personnel practices;

(v) granting adequate home rule powers to local governments of sufficient size and scope;

(vi) improving local property tax administration;

(vii) authorizing local governments to utilize nonproperty taxes, coordinated at the State or regional level;

(viii) easing restrictions on the borrowing and taxing powers of local governments;

(ix) encouraging the formation of multicounty and regional bodies.

(B) changes designed to strengthen local government in metropolitan areas, as by—

(i) liberalizing municipal annexation of unincorporated areas;

(ii) discouraging new incorporations not meeting minimum standards of total population and population density;

(iii) authorizing city-county consolidation, or transfers of specified functions between municipalities and counties;

(iv) authorizing intergovernmental contracts for the provision of services;

(v) authorizing the municipalities to exercise extraterritorial planning, zoning, and subdivision control over unincorporated areas not subject to effective county regulation;

(vi) restricting zoning authority in metropolitan areas to metropolitan units, to larger municipalities, to counties, or to the State, in order to prevent zoning by smaller muncipalities which excludes housing for lower income families;

(vii) authorizing the formation of metropolitan councils of government and other regional governing bodies;

(viii) authorizing the establishment by the State, by local governmental bodies or by the voters of the area directly, of metropolitan area study commissions to develop proposals to improve and coordinate local governmental structure and services, to permit side-by-side areawide and local governments, or to permit consolidation of municipalities; and to present to the voters of the area such proposals;

(ix) authorizing the formation of metropolitan planning agencies to make recommendations to local governments concerning such matters as land use, zoning, building regulations, and capital improvements; and

(x) furnishing State financial and technical assistance to metropolitan areas for such matters as planning, building codes, urban renewal, consolidation, and local government and finance.

(C) changes designed to make local government more responsive and democratic by decentralizing power and functions back to the neighborhood wherever possible.

AFL-CIO CONFERENCE ON JOBS

The SPEAKER pro tempore. Under a previous order of the House the gentleman from Massachusetts (Mr. BURKE) is recognized for 10 minutes.

Mr. BURKE of Massachusetts. Mr. Speaker, on Monday of this week the AFL-CIO sponsored a most important conference in Washington, a conference on jobs. Considerable publicity was given by the press to the speakers of the morning session on the problems of unemployment and inflation that hang over all our heads today. The afternoon saw the conference divide itself into several discussion groups focusing on specific aspects of the unemployment problem. One of these sessions was devoted to a discussion of job losses resulting from foreign trade. The importance of this session should not be missed on anyone. It constituted something of a milestone in the long history of organized labor in this country. It was a followup to the historic decision in Atlanta in May which put the AFL-CIO on record as favoring a whole legislative package to tackle the problem of increased flooding of our domestic markets by cheap foreign imports. Anyone who attended Monday's session had to be impressed by the testimony of union leader after union leader documenting firsthand the loss of jobs and work that our present trade policies have resulted in. I regret that more Members of Congress could not have been present. The close to 4 hours of testimony had to make a profound impression on anyone within hearing range, whatever their philosophies, on entering the room. The weeks and months ahead are going to witness an increase in pressure from millions of workers across this country on their Congressmen to act on trade legislation. No one should be surprised about this development; it has been coming for some time. Plenty of warning has been given; action is demanded and demanded now.

At this point, I would like to have included in the RECORD a copy of my speech on that important occasion and would only add it is moderate in comparison to most of the other speeches delivered on that occasion:

ADDRESS OF CONGRESSMAN JAMES A. BURKE

Let me begin by saying how much I appreciate the honor which has been given me in being invited to participate in this session on foreign trade and American jobs here today. I think the timing is perfect and I think that the AFL-CIO is to be congratulated on sponsoring the session. The unemployment figures only seem to be able to drop these days because of statistical flukes. How else do you explain the curious fact that the Nation has a million more unemployed but the adjusted rate registers a decline. The foreign trade figures for the past two months are just about as alarming as the unemployment figures. For the first time since before the Korean war, the United States has registered for two successive months trading deficits. It has long been my conviction that these two statistics are interconnected and the fact that both of them have been bad news recently is no accident or coincidence. While it is true that the whole economy is still in the midst of a recession and that things will probably improve in the months ahead—certainly before the election—it is clear that we are faced with the prospect of a residue of high unemployment which is not cyclical, but which is directly attributable to the long-range trend we have been experiencing these past few years of rising unemployment in pockets of this country's manufacturing industries. Most notable examples of this study decline and increasing unemployment are of course the shoe and textile industries, the consumer electronics industry, the specialty steel and glass industries.

I am also aware that everyone here can give firsthand evidence of just how many other industries in this country are experiencing the pains of facing increased flooding of their markets by cheap foreign imports. As I have said on many occasions. I've grown accustomed to the role in Congress, predicting doom if this country does not reexamine its present trade policies soon. I have also felt at times as though I was a voice crying in the wilderness where foreign trade is concerned. I wouldn't be a realist if I wasn't aware that what we are up against is one of the most powerful, well-financed lobbies in this country—the free trade lobby. I'm aware that economics, as it is taught in our colleges and universities throughout the country inculcates all the values and virtues of free trade theory in each generation of college students.

I am also aware that I am attacking one of the fattest sacred cows in our society. I know that it is difficult to admit that for the last twenty years we may well have been pursuing the wrong policies for the wrong times. I know it is difficult for our bureaucrats and trade negotiators to admit that they have been hoodwinked and had, at the conference table, in negotiating tariff reductions and international trade agreements. I'm not surprised that the free trade advocates are finding it difficult to adjust to the grim figures and are finding it difficult to take on a hard-nosed approach to foreign trade, but facts are facts and they can't be ignored forever. This conference here today is an example of growing impatience in the labor movement with existing policies. After all, it is jobs that are being exported, not dividends. The shareholders still collect handsome profits from foreign operations. The worker, meanwhile, is left to survive off the crumbs of trade adjustment assistance, unemployment benefits, and welfare. Needless to say, it was bound to be the workers and their unions that would first develop serious reservations about the system of continued laissez-faire where foreign trade is concerned. Normally, one would expect that management wouldn't be far behind. Experience in the footwear industry and the textile industry demonstrates a remarkable unanimity of opinion on the need of remedial legislation.

As I see it, the major reason that other industries have not developed a unified front on the subject is that other industries are dominated by multinational firms who have opted for foreign investments increasingly, when faced with the possibility of declining domestic profits. The cases that get the publicity have involved the closing down of whole plants and relocating them overseas. But, these are but the most dramatic examples. Every time a decision is made to invest in a foreign subsidiary, capital and capital goods, and with them jobs, are being exported from this country and resulting in increased imports into this country. I must confess that Congress has been napping while the multi-national corporation have grown like topsy in the last decade or so. Any re-examination of this nation's trade policies must of necessity deal with these giants of the international community.

I know that we will be confronted with opposition in all of this. Already the free trade press is revving up its smear campaign against us. They are getting their brushes ready to smear and tar us with the label of protectionists and trying to paint us as the lineal descendants of Smoot-Hawley. But this should not deter us: our proposals are not as inflexible as high tariff walls. The international world of today is too sophisticated, is changed too much from the days of Smoot-Hawley to make that ham-fisted approach either relevant or tempting. Accusations that we are in danger of setting off a foreign trade war which will end up building walls of isolationism are too exaggerated for words. Unfortunately, such fears understandably cause people to pause.

However, I am convinced once they realize that there is little retaliation left to the foreigners in the absence of much in the way of reciprocity from such markets as the Common Market and Japan, then we will be able to proceed with the task before us. What we are trying to do is to restore some sense of balance to our trading picture. We are trying to substitute orderly growth for runaway flooding and that is an imminently reasonable objective, as far as I am concerned. My only regret is that the time it will take for the public and Congress to realize this will be bought at a high price indeed. The cost will continue to be paid in the form of additional jobs lost and whole communities disrupted and possibly destroyed. Anything we can do here today to shorten this time lag will be the single most important contribution this conference can make.

CAUTION; RIDING IN A BUS MAY BE HAZARDOUS TO YOUR HEALTH

The SPEAKER pro tempore. Under a previous order of the House the gentleman from Pennsylvania (Mr. ROONEY) is recognized for 60 minutes.

Mr. ROONEY of Pennsylvania. Mr. Speaker, exactly 1 year ago today a chartered bus carrying a group of students and adults from a New York school traveled west on rainswept U.S. Route 22 in my congressional district. A short distance west of Allentown, as the bus passed the small rural community of New Smithville, it skidded from the highway and plunged 50 feet down an embankment.

Seven of its young passengers died in the crash and the driver and 51 passengers were injured, some critically. In the days that followed, the incident was marked by further tragedy when the bus driver's wife collapsed and died at the hospital where she had gone to visit her husband.

The toll of deaths and injuries ranked this accident as the most serious of 40 motor vehicle accidents which have occurred along a sector of U.S. Route 22 in New Smithville within a span of 42 months. The mishap was declared a major highway tragedy by the National Transportation Safety Board which set out immediately to investigate and to schedule a formal Federal hearing. News media nationwide focused on the crash, its toll and the ensuing flurry of reports of possible safety violations and inadequate controls.

Because the laws and regulations of two States and the authority of several Federal agencies were enmeshed in the circumstances surrounding the accident, I urged formal investigation at the Federal level and set out on my own to gather information which could help me determine what corrective or preventive steps might be initiated administratively or through legislative action.

As a Member of Congress, I had no authority nor any intention to pinpoint responsibility or blame. It was my intention to identify evidence of safety regulation inadequacies, enforcement flaws or other circumstances which may have played some role in this accident or may signal weaknesses in programs to prevent or minimize future accidents. The information gathered in my study is considered in the following report:

CAUTION: RIDING IN A BUS MAY BE HAZARDOUS TO YOUR HEALTH

The American traveler is being lured to "take a bus—and leave the driving to us." Few bus riders recognize that the current state of Federal safety enforcement programs leave much of the responsibility for bus safety, as well as bus driving, in the hands of the bus operators, whether public or private.

Those mandatory safety regulations which apply to bus transportation are weakened by inadequate inspection efforts, cumbersome enforcement procedures, and an apathetic attitude toward expeditious handling of apparent safety violations. One case involving thousands of alleged violations dating to the early 1960's against a major interstate carrier remains unsettled today.

Many Federal efforts to achieve bus safety are based solely on voluntary adoption of minimum standards by the individual States—an approach which has met with only marginal success and which fails to resolve the wide discrepancies between the safety standards of bordering States.

A yearlong review of regulations relating to motor carriers, including several efforts to prod Federal agencies to exercise existing authority to correct apparent safety deficiencies, served to point up the inadequacies of existing laws. Statutes are vague and sometimes contradictory. Authority and responsibility are almost hopelessly divided between agencies which have obviously conflicting attitudes toward safety. Uncertainty and confusion abound as to what regulations apply, who is responsible for enforcing those that do apply, and how effective are they in safeguarding the public.

Motor carrier safety regulations are found in two separate titles—title 23, section 402, and title 49, sections 1651 to 1659—of the United States Code.

In title 23, the Federal Government uses the carrot and stick approach to effect highway safety. This means that the standards are voluntary and, if a State adopts them, then that State is entitled to receive Federal funds to carry out its approved safety programs. If the State does not present to the U.S. Secretary of Transportation an acceptable safety program, then the Federal Government can reduce Federal highway funds apportioned to that State by 10 percent, and this reduction shall continue until an acceptable program is implemented. As of this week, the Federal Government has yet to withhold any highway funds to force a State to adopt title 23 safety standards despite the fact they have been fully adopted by only 17 States.

Title 49 of the United States Code also established minimum standards for motor carrier regulations, except that these minimum standards are mandatory only for carriers operating in interstate commerce, and penalties can be imposed upon the motor carriers for noncompliance with the safety regulations.

Under existing Federal statutes, motor carrier regulatory authority is split between the Interstate Commerce Commission and the Department of Transportation. The ICC administers economic regulations including rates, tariff classifications, and licensing of carriers to provide service while DOT administers applicable safety regulations. Although the act creating the Department of Transportation transferred responsibility for enforcement of safety laws pertaining to interstate bus and trucking operations from the ICC to the Secretary of Transportation, the Secretary was not given authority to suspend or revoke operating rights for violation of safety regulations. This authority remained with the ICC and today represents one of the most significant flaws in effective enforcement of motor carrier safety. My bill, the Motor Carrier Safety Enforcement Act, H.R. 12, would place that necessary enforcement tool in the hands of the Secretary of Transportation.

Not only is the division of authority confusing to the researcher attempting to trace lines of responsibility for enforcement of various regulations pertaining to motor carriers, or in attempting to determine if specific regulations apply to one situation or another, but it also has become evident in this study of existing bus safety regulations that there is at best some confusion within the responsible agencies as to what regulations apply when and how to whom. For example, it was not until 60 days after the tragic bus crash near Allentown that the ICC concluded the ill-fated tour bus was being operated without necessary ICC authority when it plunged off U.S. Route 22. Much of the confusion regarding ICC authority in that instance resulted from an uncertainty whether the chartered bus was serving as a schoolbus at the time of the tragedy, thereby being exempt from compliance with ICC regulations.

The "schoolbus" designation applies to a bus used to transport students to and from school, or on school-related trips, and is accorded special status under Federal statutes. This special status must be recognized and understood, because it is this status which lifts an interstate schoolbus operation out of the hands of the Interstate Commerce Commission and, in most instances, places the schoolbus out of reach of existing Federal safety regulation.

It is this special status which permits a local school system to take one of its yellow-painted, poorly constructed cheesebox type buses which are designed primarily for low-cost, low-speed local transportation, fill the bus with a school athletic team or band, and send it off at high speeds on interstate highways where a similarly constructed commercial bus would be prohibited from traveling. Under such circumstances, the safety of the student passengers is exploited solely in the interest of economics. Last summer, reporting on two schoolbus crashes in Alabama, the National Transportation Safety Board pointed out that the common yellow school buses are assembled in such a manner that they "keep out weather or hold insulation in place" but provide little safety protection for the children they transport.

The special status of the school bus derives from its automatic "exemption" from motor carrier economic regulations under section 303, of part II, Interstate Commerce Act of 1935. It is there the ambiguities begin. Upon first reading section 303 one would believe that school buses were exempt only from the economic regulations imposed upon motor carriers. In fact, members of my staff repeatedly were assured that the school bus "exemption" applied only to economic regulations of the ICC and that in no way did the exemptions extend to safety standards. The fact is, the only school bus which is required to meet any Federal safety standards is a chartered bus which transports students interstate.

The common yellow school bus, owned by a local school or school system, may transport students from one State to another without meeting any of the Federally imposed safety standards.

The common school bus is not subject to the mandatory safety standards of title 49 because those apply only to chartered school buses. It is not subject even to the minimum safety standards defined in title 23 unless those standards have been adopted voluntarily by the state in which its school or school system is located. Only 17 States, Pennsylvania among them, have adopted those standards. Minimum structural standards for school buses and standards for school bus operation are developed by the National Conference on School Transportation of the National Education Association, but they, too, are merely recommendations which may or may not be adopted voluntarily by the individual schools or school districts which buy and operate school buses.

It is with the above distinctions in mind, that one can begin to comprehend the problems and difficulties in regulating bus transportation. Only by discerning the problems can one attempt to find solutions.

A growing controversy over the effectiveness of bus safety legislation has emerged since the multiple tragedy near Allentown on July 15, 1970. In the interim, the Department of Transportation and several Congressmen, myself included, have promised tougher safety laws. But what laws does one strengthen?

One clue to the identity of laws requiring strengthening generally can be derived from data pertaining to accidents. Presently, most States record sufficient accident data relating to the owner and make of the bus, time of the accident, road conditions, and so forth, but there is little information available about the nature and specific causes to bus accidents, or in the case of schoolbus crashes there is no significant information compiled regarding the number of standees, the location of injured pupils within the vehicle at the time of the crash, or the precise cause of their injuries.

A 1966 study of schoolbus accidents in Indiana concluded that the bus driver was at fault in 203 out of 381 accidents studied. Such conclusions reflect a need not only for better training of bus drivers but also for more stringent and uniform driver qualification standards. Minimum standards of driver qualifications are imposed by the Federal Government now only for operators of motor carriers that travel interstate and are registered with the ICC.

Usually, the driver of a schoolbus is employed only part-time, and his prime qualification for driving is his willingness to do so. Each individual State established the physical and mental requirements, age limitations, and character standards for its schoolbus drivers. The result of individual State control is that 35 States set no maximum age limit for schoolbus drivers, four have set age 70 as the maximum, while 11 others specify 65 as the age limit. A driver can qualify to operate a schoolbus at age 16 in nine States, at age 17 in five States, and at age 18 in 12 States. Only 19 States set 21 as the minimum age for bus drivers, although age 21 is the Federal minimum for drivers of interstate motor carriers, included buses.

Even if an individual's age and driving experience were considered unimportant, provided he was subjected to an intense training program to qualify as a schoolbus driver, further examination of State laws would identify only four States in which classroom instruction is required, and only six others which require any specific training in the operation of a bus. Seven States do not even recommend any form of training for bus drivers.

When a parent considers that the busdriver who will take his children to school this September may never have operated a bus until he pulls up in front of your house the day school opens, that parent might be inclined to agree there is too little being done to equip the driver with the training and practical experience to safeguard the children he transports. Clearly, the low minimum age requirement for busdrivers precludes their having even a reasonable amount of automobile driving experience before the steering wheel of a bus and the lives of fifty or more children are placed in their hands. Clearly, there has not been sufficient incentive until now to compel the States to remedy this readily apparent flaw.

Another product of nationwide neglect can be found in the physical condition of the 250,000 buses which, during the school year, daily transport over 17 million children, and which, on nonschool days, often are pressed into service transporting school and school-related groups to athletic events, on field trips or on other outings.

The National Transportation Safety Board, in a report released on August 27, 1970, indicated it regards the inadequate structural quality of common schoolbuses an injustice to the children who ride them. Basing its report on several schoolbus crashes in which the light weight vehicles were literally torn apart at the seams upon impact, the Board blamed inadequate fastening of exterior metal panels to the bus frame. Because the exterior panels of intercity-type buses are better fastened to the bus frame the result is an "integrated structure able to resist impact damage."

The influence of cost upon the structural integrity of school buses is reflected in the following excerpt from the Safety Board report:

> Schoolchildren can be carried on longer distance excursions, including intercity trips, either by a school bus or by chartered buses of the intercity type. Long distance trips by school bus are often authorized by local school boards in the interest of direct cost savings. It costs less to operate a light school bus. School buses are also sometimes used by the military services for other than local service in preference to the intercity type of bus, again on an apparent direct cost saving basis. The school bus type of construction, however, does not appear to be designed for continuous high-speed, over-the-road service. Most school bus usage involves local service, speeds below top highway speeds and short duration of passenger occupancy. It may be that some school bus manufacturers have adopted the methods of minimal joining under the assumption that school bus crashes will occur at low speeds. If that is the case, the occupants of school buses exposed to long, high-speed travel may be exposed to greater risks than are occupants of typical intercity buses. The generally low fatality rate in typical local school bus service may not apply when the same buses are used for intercity service.

Beyond the inadequate exterior structure of the common school bus, further safety hazards are readily apparent when one views the interior of the bus. Unlike the heavily padded interior of the family car, the interior of a school bus is likely to have exposed steel bracing, steel-edged seat backs and other hard or sharp objects or edges to injure a child who is jostled or thrown about by a crash impact. The absence of interior padding, like the inadequate fastening of exterior panels to the frame, are products of cost-cutting on school transportation programs.

Aside from structural features, the safe operation of a school bus is primarily dependent upon the condition of the vehicle's equipment ranging from tires to lights and brakes. The serviceability and safety of such equipment is checked; inspections monthly or quarterly, 11 specify three inspections per year, 14 require semiannual inspections and nine require only one inspection per year. By no means does the existence of a schoolbus inspection law in 42 States imply that the buses are subjected to uniform inspection standards. It is apparent that a bus which would be ordered off the road in one State for safety deficiencies might exceed minimum safety standards in a neighboring State.

In a report, "Bus Safety Program," issued by the "Committee of Concerned Community Parents," of School District No. 14, Hewlett and Woodmere, N.Y., it was estimated that private inspection stations charge approximately $24 per bus for an inspection requiring one and a half to two hours to complete. The committee of parents, including the parents of some of the children who were killed or injured in the bus accident near Allentown, Pa., concluded that such a cost was insignificant in relation to the safety benefit derived, particularly when divided among the large number of students transported in each schoolbus.

The results of two "crash" bus inspection programs, one conducted in Los Angeles and the other in Kansas, illustrated clearly that a high percentage of school buses in operation were defective or experienced malfunctions which impaired their safety. The Los Angeles study showed that 362 of 587 buses inspected had malfunctions. The Kansas inspection rejected 1,210 out of 2,690 buses as unsafe.

Further, under the laws of 31 States, children being transported on schoolbuses are permitted to stand in the aisle—indeed are forced to stand in the aisle because greater numbers of students than the schoolbus can accommodate are assigned to it, again chiefly for economic reasons. If standees were not permitted on schoolbuses, many school districts would have to buy additional buses or reschedule school starting times to accommodate the students being transported. There is little regard shown the fact that upon the impact of a crash, children standing in the aisle are in danger of being thrown the length of the aisle or of being dashed against seatbacks or other obstacles within the bus.

The January 1970 issue of Pediatrics magazine cites the State of New Jersey for its solution of the standee problem. The magazine reported:

> Instead of two rows of seats of equal width, the seats (of schoolbuses in New Jersey) are 45 inches and 30 inches wide, respectively, seating five (three and two) pupils in every row, thereby giving ample seating accommodations of 15 inches to each pupil.

As mentioned previously, a cursory

reading of the Interstate Commerce Act of 1935 would seem to indicate that schoolbuses are subject to mandatory safety regulations now administered by the Department of Transportation while being exempted from the ICC's economic regulations. Only after careful checking and crosschecking of the act's vague and involved text does it become clear that specific references to schoolbuses in the act are totally meaningless.

The exclusion of schoolbuses from compliance with safety regulations imposed upon interstate motor carriers, including minimum standards for driver qualification, vehicle inspections and maintenance, hours and service of drivers and the reporting of accidents, derives from the omission of a definition of "private carrier of passengers" in the 1935 act.

Section 303(b)1 specifically exempts schoolbuses from economic regulation by the ICC but goes on to clarify that the exemption does not extend to the safety provisions of section 304. However, examination of section 304 shows clearly that the act applies, by definition, only to three classes of motor carriers: First, common carriers which include scheduled interstate bus service operated for compensation; second, contract carriers, which include chartered buses operating interstate for compensation; and, third, private carriers of property.

The ICC, over the years, has come to regard schoolbuses as "private carriers of passengers," a class of carrier not defined in the act, and, consequently, not subject to the act's safety regulations. Through evolution, the term, "private carrier of passengers," has come to mean a carrier whose transport of passengers is incidental to the carrier's primary function. Thus, a school or school district which provides bus transportation for its students does so in a manner incidental to its primary function of education.

As previously stated, the Government has several ways to establish minimum standards. The effect of voluntary and mandatory standards must be judged separately.

Under the mandatory standards, no person shall drive any motor vehicle under Federal jurisdiction unless he meets the specified minimum qualifications. Some of the more important mandatory qualifications that relate to these drivers are: First, he must have a minimum of 1 year's driving experience; second, he must be 21 years old; and, third, he must have an original physical examination, and is subject to a periodic physical examination at least once every 36 months.

One mandatory requirement that relates to the safety of passengers specifies that no motor carrier shall permit any driver to drive more than 70 hours in any period of 8 consecutive days.

Other Federal requirements apply to inspection and maintenance. These regulations state that every motor carrier under Federal jurisdiction shall systematically inspect and maintain all motor vehicles subject to its control, and insure that such motor vehicles are safe. Accurate records of this systematic inspection and maintenance program shall be maintained for each motor vehicle, and the burden of inspecting and of determining the fitness of the bus is placed upon the motor carrier himself. In short, he inspects his own buses.

Although these regulations are a start, experience has shown they do not solve the major problems or, in many instances, even offer enough stimulus to the accident investigator to find out how the accident occurred. Part 294 of the motor carrier regulations requires the motor carrier to file the same accident report prescribed for their own use. This report must contain the usual data—name of driver, place of accident, and number and types of injuries but, as pointed out earlier, this report does not explore the causes of the accident. Therefore, these reports are usually of no aid in determining what causative factors should be corrected by future safety regulations.

SAFEWAY TRAILS CASE STILL PENDING

Federal regulations governing hours of service of drivers seem to be equally useless not because the regulations are insufficiently detailed but because even when violations are discovered, the responsible Federal agencies are slow to levy appropriate penalties upon the violators.

The prime example can be found in the case, still unresolved by the Interstate Commerce Commission, known as *Federal Highway Administration* v. *Safeway Trails, Inc.*, docket No. MC–C–6434, involving charges of thousands of hours of service violations by Safeway Trails drivers dating back to the early 1960's. The case has its roots in some 3,000 hours of service violations which the ICC determined had taken place in 1960 and January of 1961. On the basis of those violations, the ICC issued a cease and desist order directing Safeway to end such practices.

Safeway drivers, however, continued to register hours of service violations until 1968. Then, on June 25, 1969, the Federal Highway Administration initiated proceedings against Safeway. Hearings were held by an ICC examiner in September, October and December of 1969. In February of 1970 the National Association of Motor Bus Operators filed a petition seeking to intervene in the proceedings, and in March of 1970 NAMBO was granted permission to intervene.

By July 1970, when the Allentown bus tragedy focused national attention on bus safety, the case against Safeway still was awaiting decision by the hearing examiner. During a meeting of members of my staff with officials of the Bureau of Motor Carrier Safety to review bus safety laws several days after the Alltentown tragedy, the Federal safety officials lamented their inability to prod the ICC rule in the Safeway case. Immediately following that meeting my office began making inquiries with the ICC, as did representatives of the news media and within only a few days—on July 28, 1970—the hearing examiner ruled that Safeway had willfully violated the hours of service regulations more than 5,000 times since 1964 and recommended that Safeway's operating certificate should be revoked for 20 days.

Now, almost a year has passed since the hearing examiner recommended the 20-day suspension of Safeway's operating authority, still without any action by the ICC to impose even that seemingly moderate penalty for such a blatant record of safety regulation abuse.

Under date of February 18, 1971, I again contacted the ICC about both the Safeway Trails case and another long-pending proceeding known as Ex parte No. MC–78, Vehicles Employed Solely in Transporting School Children and Teachers—the latter discussed in detail later in this report.

ICC Chairman George M. Stafford responded on February 24, 1971, advising that—

> Because of budgetary difficulties which have brought about a drastic reduction in staff, the Commission has not been able to process these and other proceedings as speedily as it would have liked. Both proceedings are, however, under active consideration at the present time and every effort will be made to expedite their handling so that decisions in both proceedings can be rendered as soon as possible.

Then, under date of June 28, 1971, consumer advocate Ralph Nader entered the Safeway Trails picture by filing a petition to press the ICC to reach a decision and issue an order in the case. Nader's letter to Chairman Stafford read as follows:

> Examination of the record in *Federal Highway Administration* v. *Safeway Trails, Inc.*, MC–C–6434, indicates that the hearing examiner filed his report and findings in July, 1970, and exceptions and replies were submitted by October. The examiner found Safeway in flagrant and repeated violation of the Bureau of Motor Carrier Safety seventy-hour rule for bus drivers, endangering bus drivers, passengers, other motorists, and the general public. In light of Safeway's arrogance toward past disciplinary proceedings related to violation of the seventy-hour rule, detailed in the discharge petition attached, he recommended the penalty of a 20-day suspension of Safeway's operating authority.
>
> It is our understanding that after eight months the Commission still has not acted on this recommended order. I would appreciate your explanation of this inaction. Non-enforcement of the law in the face of specific findings by an impartial examiner adversely affects the confidence of the public in the integrity of the government and invites continued lawlessness. Such conduct contradicts the Commissioners' oath of office and their Code of Employee Responsibilities and Conduct, Section 735.201 a (f). Does the Commission wish to wait until another bus tragedy occurs like the one last summer near Allentown, Pennsylvania, when a chartered bus carrying 59 children went skidding on its bald tires over a 50-foot embankment, killing 7 and injuring 53 others?
>
> The only "explanation" for the delay on the record appears in your reply to an inquiry about the Safeway Trails Case from Congressman Rooney of Pennsylvania in February, 1971. Your reply complained of "budgetary difficulties" which prevented the Commission from proceeding "as speedily as it would have liked." This is patently absurd, particularly since the Commission is engaged in few enforcement actions of this dimension. Does your statement to Mr. Rooney mean that the Commission has no personnel to pass on an examiner's findings? Does this mean that existing personnel are working overtime to conduct such essential duties?

On July 2, Stafford replied that the draft report in the Safeway case was circulated last month "and I anticipate that the decision will be rendered shortly." The decision is still awaited.

FEDERAL SPOT CHECKS REVEAL BUS INSPECTION PLANS

Probably the most significant and immediate contribution to the safety of bus passengers to result from the multiple fatalities in the Allentown bus accident, and subsequent revelations about apparent safety faults associated with that chartered tour bus, was the motivation it provided for an inspection crackdown by Federal inspectors.

Department of Transportation reports show that during calendar year 1969, Federal inspectors routinely inspected only 397 of the thousands upon thousands of buses transporting passengers on the Nation's highways. Of those 397 buses, the Federal inspectors found that 47, or 11.8 percent, were in such unsafe operating condition that they were ordered out of service until appropriate repairs were made.

In the wake of the Allentown crash it was immediately clear that Federal inspectors of motor carriers were almost exclusively concerned with the inspection of trucks rather than buses. During the meeting with top officials of the Bureau of Motor Carrier Safety soon after that crash, members of my staff proposed that the Department of Transportation immediately begin a crash program of surprise bus inspections in the interest of passenger safety. By mid-August, Secretary of Transportation John Volpe announced plans to initiate just such an inspection program with a goal of 5,000 bus inspections by September 30, 1970. However, Volpe's original decision limited those surprise inspections only to chartered tour buses and dd not propose to include scheduled interstate buses.

On August 18, 1970, I wrote to Secretary Volpe to ask that scheduled interstate buses be included. I recognized that such inspections would cause some public inconvenience, including missed connections with other commercial transportation and extended traveltime when defective buses were ordered out of service and substitute buses had to be placed in service. The most important consideration, however, was the ultimate safety of the passengers, as well as other motorists who might encounter the defective bus on the Nation's highways. Further, it seemed apparent that if bus operators realized their vehicles were likely to be stopped en route by Federal inspectors and ordered off the road if defects were found, that knowledge would provide the impetus to apply an extra ounce of prevention before dispatching their vehicles.

Secretary Volpe's response was favorable. He wrote:

> This is in further reference to your letter . . . suggesting that additionally unannounced inspections be made upon buses in regular route service.
>
> I believe this is an excellent idea, and have directed the Federal Highway Administration to include in the Bureau of Motor Carrier Safety's expanded inspection program now in progress, a representative number of buses in line operation.
>
> As you are aware, we have as a part of our regular surveillance program, inspected regular route buses, and the current effort will be broadened to include such vehicles. By inspecting the regular route bus at origin, destination or intermediate terminals, we can maximize coverage and minimize inconvenience to passengers.

The accelerated program of bus inspections produced positive results. During calendar year 1970, Federal inspectors examined 5,902 buses—15 times the number inspected the previous year—and ordered 688 of those, or 11.6 percent, out of service.

The alarming fact is that one out of every 10 buses, which interstate bus operators were willing to fill with passengers and dispatch at high speeds along the Nation's interstate highways, was found to have such significant defects as to warrant that bus' immediate removal from service. This statistic illustrates clearly that existing law, which places responsibility for inspection and maintenance of buses and trucks upon the carriers, themselves, leaves much to be desired in terms of insuring that the vehicles those carriers put into service are really in safe operating condition.

Even more alarming are the inspection statistics relating to numbers of defects found. During the 5,902 bus inspections, Federal inspectors recorded a total of 11,726 defects, or an average of 198.1 defects per 100 buses.

The inspection data reveals still other enlightening information. For example, by mid-September of 1970, or less than a month after the crash inspection program was inaugurated, the Department reported that 2,000 inspections had been made and that one of every eight buses inspected had been ordered out of service immediately. Thus, the fact that the overall inspection program resulted in only one of every 10 buses being ordered out of service indicates that as the inspection program progressed, the inspectors found fewer serious safety defects. It can be assumed that the bus operators, faced with the threat of faulty buses being ordered out of service, improved their own inspection and maintenance efforts as the unannounced inspections continued. This would seem to indicate that the Federal statute which places inspection and maintenance responsibility upon the carriers themselves is significantly more effective when the carriers know the law is being actively enforced, than when Federal inspectors carry out only a few token inspections as they did in 1969.

Unfortunately, the accelerated inspection program ordered by Secretary Volpe last August was short lived. While finishing touches were being applied to this report yesterday, I learned that the Department of Transportation has reverted to the old policy of only making token bus inspections in 1971. I immediately dispatched another appeal to Secretary Volpe to reinstate the accelerated inspection program in view of the favorable impact it had in 1970 to safeguard bus travelers.

One unsafe bus in every 10 rolling along interstate highways at 60 or 70 miles an hour is a potential mass killer. It is too much of a risk to take to allow that 10th bus access to our highways. Yet, if the carriers will not keep that bus off the highways out of a personal commitment to provide safe bus service, the only alternative is a stiff Federal enforcement program that involves many thousands of surprise inspections, not a few hundred. Or, perhaps better still, complete Federal takeover of the inspection role for all carriers of passengers.

UNITED STATES OVERLOOKS STATE FAILURE TO ADOPT TITLE 23 SAFETY PROGRAMS

The Department of Transportation has the authority to force States to enact the "voluntary" safety regulations spelled out in title 23 of the United States Code. But despite the fact that only 17 States have adopted the standards in full, that authority has not been used. The clout is contained in the provision allowing the Secretary of Transportation to reduce Federal allocations of highway construction money to the individual States by 10 percent for any State which does not adopt the safety regulations.

Title 23 contains such features as guidelines for driver selection, training and bus maintenance that, supposedly, must be observed by the States wishing to receive Federal funds toward financing of highway safety programs. It also includes standards for periodic motor vehicle inspections and motor vehicle registration, requirements for the issuance of a drivers license, physical requirements for driving, and guidelines for State recordkeeping. If universally adopted, these standards would be somewhat more effective even than title 49 requirements in that they would require periodic inspection of all motor vehicles to be performed by competent personnel who are trained to perform their duties and certified by the respective States.

The driver licensing provisions would insure that only persons physically and mentally qualified will be licensed to operate motor vehicles on any highway of the State. The advantage of these provisions, especially for licensing and vehicle inspections, is their application to all interstate and intrastate vehicles, including private carriers of passengers—including schoolbuses. In addition to the 17 States which have adopted the minimum standards of title 23, another 14 States have adopted parts of the uniform standards for State highway safety. In total, 42 States now have some form of vehicle inspection, ranging from independent examiners inspecting motor carriers to having the carriers inspect their own vehicles as allowed by the Bureau of Motor Carrier Safety under title 49 of the United States Code. Eleven States have not adopted any of the safety regulations under title 23.

Such diverse policies preclude standardization of school bus safety regulations, without additional and more forceful legislation.

The net result is that throughout the United States there are almost as many different approaches to motor vehicle safety as there are States. The mandatory Federal standards of title 49, because they apply only to selective groups of vehicles in interstate commerce, and because they are inadequately enforced, contribute little to produce uniformity of safety standards across the country.

TITLE 49 ENFORCEMENT REQUIRES PROOF OF INTENT

Inadequate Federal enforcement is as much or more the result of unworkable penalty provisions as it is the result of apathy involving understaffing and underfunding and extraordinary processing delays.

Even after a violation of the title 49 safety standards is committed, the Government cannot readily apply the penalties provided. It must first prove that the violation was committed knowingly and willfully by the motor carrier. If the Government can merely establish that the violation occurred, but not that it was known by the carrier and occurred willfully, it cannot achieve a conviction.

This stems from the fact that such violations can be prosecuted only in criminal court where a case must be made that the violation represented an act conscious and intentional, deliberate, and voluntary, and not one characterized by negligence. Not even acts of gross negligence can be sucessfully prosecuted under the penalty provisions of existing law.

In those infrequent instances when intent can be proved, and a conviction secured, then a fine of not less than $100 nor more than $500 for the first offense and not less than $200 nor more than $500 for subsequent offenses may be levied. Each day shall constitute a separate offense. Of course, these penalties apply only to carriers in interstate commerce.

Precisely because intent is virtually impossible to establish in many instances, I introduced last July a bill known as the Motor Carrier Safety Enforcement Act. It not only increases the allowable fines but it also simplifies successful prosecution by permitting the Department of Transportation to prosecute violators in civil proceedings, as well as criminal proceedings, and provides that in a civil prosecution the commission of any violation is sufficient evidence to establish proof of guilt. Thus, if any violation occurs, intentionally or as the result of negligence, the responsible carrier could be penalized. This bill, reintroduced in the current 92d Congress as H.R. 12, will be discussed in more detail later in this report.

The difficulties encountered in achieving successful prosecution of alleged safety violators is further demonstrated in the dismissal by a Lehigh County, Pa., judge of charges of involuntary manslaughter which had been brought against the driver of the ill-fated tour bus which crashed west of Allentown, as well as the two representatives of the Tedesco Bus Co., which owned the bus. In that instance Judge Henry V. Scheirer dismissed the charges, contending that the Commonwealth had failed to show a definite cause for the accident.

District Attorney George Joseph, indicating an appeal would be considered, contended:

> We do feel strongly that evidence at the trial clearly showed that seven children were killed in a mechanically defective bus which shouldn't have been on the road, and was operated in a grossly negligent manner. You have to consider speed, the curve of the road and the wet surface.

Such factors as evidence the bus had various defects including several bald tires, or that the driver had eight previous motor violations including driving while his license was suspended did not enter into the decision to dismiss.

Still pending, however, are charges being brought by the Interstate Commerce Commission alleging 17 counts of unauthorized travel by the Tedesco Bus Co. The ICC charges that the bus was chartered and traveling interstate at the time of the crash, that because both the bus and driver were supplied by the company the firm was providing transportation for hire, and consequently the trip should have been registered with the ICC.

That case was only recently rescheduled for hearing beginning tomorrow. None of the 17 counts alleges a safety violation. All 17 represent alleged violations of the ICC's economic regulations. Understandably, if the Federal Government were to prosecute Tedesco for safety violations it would have to prove knowledge and intent to violate the law. The burden of proof upon the Government in regard to the other counts alleging Tedesco's failure to register interstate bus operations with the ICC is significantly less ominous, and conviction could result in loss of Tedesco's operations privileges. Nevertheless, it is sadly ironic that the main issue in the case will not involve safety but rather administrative procedures based on economic considerations when the impetus for the charges was a crash in which seven children died. But this seems typical of the state of bus safety enforcement in the United States today.

The tragedy at Allentown serves to point up, too, the unwieldy division of authority which resulted from the creation of the Department of Transportation. This is not to say DOT should not have been created. To the contrary, it is intended to stress that DOT was shortchanged of authority necessary to revoke or suspend operating privileges for violations of safety laws assigned it for enforcement.

Nevertheless, it is difficult, if not impossible, to understand the failure of DOT to pursue apparent safety deficiencies associated with the crash at Allentown, in view of the provisions of parts 291.13 and 296.2 of title 49's safety regulations. One of these parts places the burden upon the motor carrier to review the driver's past driving record. Why were eight previous driving violations overlooked? Why were several tires on the bus bald or near-bald after a systematic inspection of the vehicle? And why, if proper inspections were made by the carrier, did the New Jersey Public Utility Commission order 11 of the first 35 Tedesco buses it inspected "out of service" because of their extremely dangerous condition? Does self-inspection of motor vehicles by the carriers themselves provide the level of safety protection for bus passengers this Nation deems necessary?

ICC RULING UNDERMINES DOT STANDARD FOR SCHOOL BUS SAFETY

Seldom do two Federal agencies, supposedly with common goals, take such decidedly opposite points of view as is apparent in recent separate actions of the ICC and DOT.

The ICC, in a ruling May 12, 1971, declared that commercial buses which double as school buses during peak school transportation hours need not be equipped with the safety features characteristic of common school buses in a growing number of States. The ruling is at direct odds with the position taken by DOT's National Highway Traffic Safety Administration in the proposed new "Standard 17" code of safety regulations for school buses. Standard 17 would require commercial buses which serve as school buses to be painted national school bus yellow and be equipped with all of the safety features—flashing red lights, mirrors, and school bus markings—which the standard proposes for ordinary school buses nationwide.

On the basis of the ICC ruling in the case identified as 'Ex Parte No. MC-78, Vehicles Employed Solely in Transporting School Children and Teachers," I can only conclude that the ICC has allowed its economic responsibilities to take total precedence over its seemingly more compelling responsibilities to facilitate safety, particularly in regard to the transportation of schoolchildren. In light of this ruling, I can better understand the shocking comment in a letter from ICC Chairman Stafford responding to my letter asking the ICC's assistance in the preparation of legislation to discontinue automatic exemptions from ICC regulation for school buses traveling in interstate commerce. My obvious purpose was to keep light-weight school buses, which I am convinced are totally unsafe for high speed interstate travel, off the Nation's interstate highways solely to protect the children who today are being transported interstate in just such unsafe vehicles.

I was startled to read the following sentence in Chairman Stafford's response a few weeks later:

> You appear to be concerned primarily with the safety of the passengers involved . . .

It was as if to imply that economic considerations—dollars and cents—were more important than the safety of passengers, indeed child passengers.

That one line in the ICC Chairman's letter did more than anything else I have found during this past year of studying bus safety regulations to convince me that the ICC should be totally stripped of all responsibility it still has in regard to motor vehicle safety.

To elaborate on the ICC ruling in MC-78, the Commission's decision permits commercial buses that are used "exclusively" in the transportation of school children "to and from school" or on trips related to school activities to fall within the purview of the school bus exemption section 303(b)(1) of the Interstate Commerce Act.

The Commission further decided that these commercial buses would not lose their economic exemption—which excuses them from compliance with ICC regulations governing rates, tariff classifications and licensing of carriers—if used for routine commercial bus transportation when not transporting school pupils.

The ICC's reason for permitting such dual usage of commercial buses is to maximize the utility and efficiency of the bus company's fleet of vehicles in order for the company to realize its greatest economic potential. The ICC ruling indicates that it is economically advantageous to the bus company to serve this dual role.

If money making were the sole consideration, and if safety were not involved, the ICC ruling might not be subject to challenge. But safety is a very pressing issue and, consequently the ICC ruling must be challenged.

Clearly, if an intercity bus, without special identifying features such as standard 17 proposed to make uniform nationwide, is permitted to transport schoolchildren, there is no way for an approaching motorist to identify that intercity bus as a schoolbus. On the other hand, if that intercity bus is required to be painted national school bus yellow, to be equipped with flashing red lights and special mirrors, and is labeled "school bus" as standard 17 proposes, then that bus will be readily identified as a schoolbus by approaching motorists and the safety of its student passengers will be significantly enhanced. Because the identification factor would be lost if "yellow buses" were permitted to serve any purpose other than transportation of schoolchildren, standard 17 would prohibit use of a "yellow school bus" for commercial transportation purposes at other times of the day.

Despite standard 17's obvious weakness due to the fact that it is a voluntary standard, it offers real hope that uniform bus safety regulations can be achieved on a nationwide basis. But that hope is dashed, if unmarked commercial buses are permitted to double as school buses on a part-time basis.

It is disappointing that so little coordination exists between the ICC and DOT, as to permit two such diametrically opposite policies to undermine such an important purpose as protecting the safety of the Nation's schoolchildren.

This conflict serves as an open invitation to all those motor carriers which fill the dual roles of transporting commercial and school passengers to lobby within their respective States against the standard 17 safety proposal which would force those same commercial carriers to serve one purpose or the other, but not both.

If the ICC ruling in MC–78 is permitted to stand unchallenged, DOT's efforts to achieve safety in school bus operations will be frustrated.

STANDARD 17

The latest proposal to improve safety standards applicable to school buses takes the form of a series of regulations known as "standard 17" proposed by the National Highway Traffic Safety Administration division of the Department of Transportation.

These regulations, again, are not mandatory. They simply are a series of standards which the individual States may adopt totally or partially or not at all, on a voluntary basis. They do, however, have the potential to achieve uniformity of State safety laws applicable to school buses if they were adopted by each of the 50 States.

Standard 17 currently is in the hands of Congress where it has been sent for a required 90-day period. During this time, House and Senate committees are afforded an opportunity to review the proposed standards and offer comments to the Department of Transportation.

The review period will expire September 1, 1971. At that time, if there have been no serious objections raised by Congress against the proposed rule, it will become effective immediately. Of course, additional time will pass before the individual States have had an opportunity to review the proposed standard and consider adoption of its features.

Viewed as an important first step in nationalizing school bus transportation safety laws, its objective is to improve State transportation programs by setting uniform requirements for safe and proper equipment, maintenance of equipment, and the selection, training, and supervision of drivers and maintenance personnel. The standard intends to eliminate danger of death and injury to passenger pupils while riding to and from school. The standard does not as yet provide uniform regulations for the transport of pupils on routes other than to and from school.

The amendment has been sent to all States and other concerned parties for comment and criticism. The National Highway Safety Advisory Committee has published a list of suggestions on improving the amendment; these are being carefully considered at the moment.

Under the standard a State agency will be set up, staffed full time by a professional whose sole responsibility will lie with pupil transportation. The agency will be expected to develop its own system for collecting and imparting information regarding the safety of school vehicle operations in accordance with safety program standard No. 10, "Traffic Records."

Specifically, under the standards, the following safety regulations would be enacted:

"Type I school vehicles" (any motor vehicle with motor power, except a trailer, designed primarily to transport more than 16 pupils to and from school, not including buses operated by common carriers in urban transportation of school pupils must abide by the following regulations:

(1) The words "School Bus" must be printed in letters not less than 8 inches high between the warning signal lamps as high as possible without impairing visibility of the lettering from front or rear view. No other lettering may be on the front or rear of the bus.

(2) The bus must be painted National School Bus Glossy Yellow, Color 13432. The hood may be painted lustreless black, Color 37038.

(3) The bumpers must be glossy black, Color 17038 unless covered with retro-flective material.

(4) The bus must be equipped with a system of signal lamps that conforms to the school bus requirements of Federal Motor Vehicle Safety Standard 108, 49 CFR 571.21.

(5) The bus must be equipped with a system of mirrors that will give the driver a view of the roadway to each side of the bus, and of the area directly in front of the bumper.

(6) The red flashing lights on the bus will control all traffic around a loading or unloading zone for children.

(7) All school bus drivers must hold a valid state drivers license.

(8) The states shall prohibit by statute all other vehicles from carrying the words School Bus.

(9) All student standee's must be eliminated.

(10) All school buses must be inspected at least semi-annually.

(11) Bus drivers must perform a pre-trip inspection before each trip and the driver must put the defects in writing.

It will be the responsibility of the State agency to see that these regulations are carried out. The agency will also be expected to see to it that all drivers meet physical, mental, and moral standards set up by the agency. It will also see to it that regular inspections and emergency evacuation drills are conducted, and each State shall also develop a plan for selecting, training, and supervising persons whose duties involve transporting schoolchildren.

The standard also provides regulations for seating in the school buses, procedure for stopping and starting the buses en route. The State programs will be evaluated annually by the National Highway Traffic Safety Administration, assuming the standard is accepted by the State, and a written summary will be made of the State experience with the standard and these summaries will be submitted to the National Highway Administration.

The most significant shortcoming of these regulations is their voluntary nature. They will contribute to the safety of school bus operations only if they are adopted by the States and effectively enforced. Like the other voluntary safety regulations discussed earlier in this report, these, too, fall under title 23. The track record for State adoption of title 23 voluntary regulations already has been discussed, and while the results are not totally discouraging the objective of uniform safety regulations is a long way from realization.

My own reactions to standard 17 provisions already have been reported in writing to the Department of Transportation. Certainly, the series of regulations has considerable merit, but that merit will be realized only if they are widely adopted. In several aspects, I believe, standard 17 does not go far enough. My comments, sent to the Acting Administrator of the National Highway Traffic Safety Bureau, were as follows:

I heartily support most of Standard 17, with the exception of the exemption from compliance to school bus standards in the case of transit buses being used in the operation of transporting school children. I agree with the objections to this provision raised by Mr. William Reynolds, Executive Director of the National Association of School Bus Contract Operators before the Subcommittee on Public Roads on May 13.

A double standard has been created, in which students riding on the common urban carriers that double as school buses during peak school transportation hours, do not benefit from the many life-saving signs of identification and safety features that those riding in the common yellow school buses do.

If common urban carriers are to be used in transporting school children due to the lack of available yellow school buses, they should be equipped with flashing yellow lights,

> marked with the words School Bus, and most importantly, painted National School Bus Yellow. When urban carriers are used and marked only with the words School Bus, the motorist has great difficulty in identifying them, and consequently might attempt to pass them, greatly endangering the lives of those children in them or crossing the street nearby.
>
> Living in the Lehigh Valley where urban carriers are used to carry school children I have, on occasion, seen motorists who, not recognizing that they were following a school bus, attempted to pass one of these pseudo school buses and nearly injure pupils who were unloading and crossing the street. Similar instances have been reported to me by constituents.
>
> Therefore, I heartily urge you to require that all school buses or urban buses used to transport school children be painted with National School Bus Yellow, and be marked with the other signs of identification that make school buses identifiable to the motorist.
>
> In addition to the above-mentioned reconsideration of the use of urban carriers, I would also like to mention two other suggestions that I would have that might merit inclusion in the final draft of Standard 17.
>
> The first of these, would be to require the Secretary, in conjunction with the representatives of the responsible state agencies to attempt to draw up uniform school bus passing laws. Since, many of the accidents involving school buses occur on highways, one cannot be sure how many might be prevented if out-of-state motorists, unfamiliar with the bus passing laws of the state in which they were travelling, were aware of school bus passing laws that were national, or at least regional in nature.
>
> Furthermore, when school buses are transporting small children it is difficult for motorists to know whether the bus is empty or not. Consequently, the use of low beams on a bus whenever it is transporting children would be an extra signal to motorists that they should proceed with caution when following a bus with its lights on. I have seen this practice in a number of communities and appreciated the additional alert so that I knew that the bus was not merely heading back to the garage, but that it actually contained a number of school children.

Under date of July 2, 1971, Douglas W. Toms, the Bureau's Acting Administrator, advised that my proposal regarding the use of low beam lights when buses are carrying children is under study and that the "double standard" to which I had objected has been corrected. His response follows:

> The problem of the double standard referred to by Mr. Reynolds of the National Association of School Bus Contract Operators, has been corrected and vehicles operated by common carriers to carry school children and school personnel exclusively, must comply with the requirements of Standard 17. (See III. Definitions)
>
> Standard 17 takes a big step toward providing uniformity in bus passing laws. Item IIIC3a (5) provides for only one signal, the flashing red warning lights, to control traffic around a loading or unloading school bus. Traffic must stop when this warning signal is operating and may proceed when it is deactivated. With all school buses being uniformly identified by color, the words "SCHOOL BUS," and the red warning lights, an educational program, national in scope, can be mounted to alert the motoring public to its obligation upon meeting or overtaking a school bus which is loading or unloading children. In our congested urban areas it is often safer to load and unload children on the residence side of the street without trying to control the large volume of vehicles around the bus. Traffic engineers have given strong support to the option granted to the States that the red warning lights do not have to be used every time the school bus stops to load or unload children. Where loading can be done in a driveway, at the curb or in an off-street loading area or loading zone, it is better to let the traffic move past the bus without stopping.
>
> Your suggestion about using the low beam headlights when children are aboard is appreciated. I have asked appropriate staff to look into this special use of headlights.

Since my comments originally were submitted to the National Highway Traffic Safety Administration, I have continued my study of the proposed standard 17 and have discovered one additional feature I feel should be revised. I am preparing now to submit comment on that proposal in writing.

Briefly, subsection (b) (3) of the standard 17 proposal would require that a schoolbus driver qualify as a driver under the title 49 motor carrier safety regulations only if he or his employer is subject to those regulations as a common carrier or contract carrier. I believe this subsection should be revised to require that all schoolbus drivers be compelled to qualify as a driver under the comparatively stiff provisions of title 49, whether or not he or his employer now is subject to those driver regulations.

WHAT NEEDS TO BE DONE?

The avenues to correct flaws in the Nation's motor carrier safety laws are virtually unlimited in terms of possibilities. The alternatives are considerably narrowed, however, when viewed in terms of probability.

Schoolbuses could be made vastly safer, for example, if schools or school districts were included to pay a higher price for a schoolbus. Cost-consciousness has been the chief obstacle to the improvement of bus design. Similarly, if schools and school districts substituted better-built intercity-type buses for common schoolbuses to transport school groups to distant athletic events, on school outings or school trips, the transported pupils would be better safeguarded against harm in the event of an accident. But again, cost-consciousness dictates that a cheaper, lightweight bus be the transporting vehicle. It is difficult to justify a local tax increase to the satisfaction of the average taxpayer, even if that increase is the result of higher costs to buy safer schoolbuses.

Many other possible approaches to achieving maximum levels of safety for bus passengers interstate or intrastate run into immediate obstacles associated with practicality or cost. The best approach then, seems to dictate a start with the tools now available and to take steps which will make those tools more effective.

A first step, it seems, is to improve enforcement of the safety regulations which now apply to motor carriers in interstate commerce. A bill I introduced in the 91st Congress and reintroduced in the 92d Congress, H.R. 12, is known as the Motor Carrier Safety Enforcement Act. It has several basic objectives:

It gives the Secretary of Transportation, in addition to the ICC, authority to revoke or suspend the operating privileges of motor carriers for safety violations.

It applies substantially stiffer fines as penalties for safety violations, to make it economically impractical for motor carriers to risk placing unsafe trucks or buses on the highways.

It relieves DOT of the difficult task to prove "willful intent" in prosecuting safety violations, by allowing DOT to file civil charges in which commission of the violation is sufficient evidence to convict.

Existing fines of $100 to $500 for a first offense would be increased to a range of $250 to $1,000 while existing fines of $200 to $500 for a second offense would be increased to $500 to $2,000. Clearly, these fines would make the risk of operating unsafe motor vehicles an expensive one.

Stronger penalties and a transfer of the powers to enforce these penalties or the power to enforce or revoke licenses will not, of themselves, guarantee safety on the highways, but they will help in regulating and enforcing present safety standards. What is needed for the future are uniform and more precise laws that govern all States. Uniform laws can be more easily enforced since all Federal, State, and local enforcement agencies will be enforcing the same standards.

The above concept has been the basic idea of title 23 of the United States Code. The basic weakness of title 23 is that the States have the option of adopting or rejecting the DOT safety regulations.

This basic weakness can be overcome readily, if the Secretary of Transportation were to exercise his authority to cut off 10 percent of the highway construction funds allocation to any State which does not submit to the Secretary an acceptable highway safety program. Clearly, what constitutes an "acceptable highway safety program" should be dictated by the provisions of title 23. Simple exercise of that enforcement tool has the potential to make title 23's provisions the uniform safety code of the Nation, rather than the code of only one-third of the States.

Further, because the title 23 safety standards do apply to local school buses, while the title 49 standards do not, the technique of withholding 10 percent of Federal highway fund allocations to the individual States to force States to adopt title 23 standards would have the additional effect of achieving uniform school bus safety standards nationwide.

Another step which needs to be taken, I believe, is to narrow the ICC interpretation of the words "solely to and from school" to limit common school bus transportation to mean precisely that—"to and from school"—and to exclude the broader interpretation which allows common school buses to travel interstate for school-related activities. This simple change of definition could be accomplished by a ruling of the ICC and without any legislative action. This could occur during reconsideration of the ICC's ruling in Ex Parte No. MC–78 which is discussed below.

In addition, I believe the 1935 Interstate Commerce Act should be amended to make subject to its safety of operation provisions all carriers of 10 or more passengers except private, personally owned and personally operated automobiles. By so doing, the act's provisions would be made applicable to all manner of private carriers such as schoolbuses, carriers that transport migrant workers, and vehicles used by the military services to transport military personnel. It seems inexcusable that the U.S. Government should transport service personnel in the same lightweight buses which commonly serve as schoolbuses.

This, incidentally, also would subject the Volkswagen bus, when used as a school transportation vehicle, under the act's safety of operation provisions. Consumers Reports announced yesterday that it has rated both the Ford and VW bus wagons as "not acceptable" because they provide "grossly inadequate" crash protection.

As discussed in a separate section of this report, the ICC ruling in Ex Parte No. MC–78 threatens to undermine the new DOT-proposed standard 17 code of safety regulations for schoolbuses. My staff is working now to develop a petition to be filed with the ICC during reconsideration of the MC–78 ruling. The objective of the petition will be to point out how the schoolbus safety functions of DOT will be frustrated if the ruling is allowed to stand.

I expect to ask that the ICC prohibit the use of any bus as a schoolbus unless that bus conforms fully to the safety requirements of standard 17, including its requirements for identifying color, markings, and safety equipment and also to require that schoolbuses register under the convenience and necessity provisions of the ICC act. By so doing, commercial carriers that operate as schoolbuses will find no advantage in urging the individual States to reject portions of standard 17.

In addition, the use of common school buses for high-speed interstate travel would be halted except in those instances when a school or school system can demonstrate that their bus service is a convenience and a necessity which is not available through other bus services. The net effect will be to restrict the lightweight school bus to local transportation of children on local roads at relatively low speeds.

Another desirable change in present law would expand the applicability of DOT safety regulations to cover all motor carriers of passengers that go interstate, except personally owned vehicles that are used for personal transportation. This added authority would allow DOT to regulate all carriers of passengers in interstate commerce, and promulgate mandatory safety standards under title 49 for all carriers of passengers that travel interstate.

My review of the scope and impact of safety regulations during the past year served to point up a number of specific safety standards which, if strengthened, could make significant contributions to the achievement of highway safety. Among these are qualifications for drivers' licenses, inspections standards, a more-detailed accident reporting system and establishment of safety performance standards to achieve uniformity of vehicle inspections. One approach to the latter need would be to license all inspection and repair facilities to insure a high level of competence.

Obviously, the ultimate objective of uniform safety standards and uniform inspection standards is to achieve a situation in which a vehicle inspection conducted anywhere in the country would satisfy the safety standards in any other part of the country. To achieve that objective, the existing practice of permitting carriers to inspect their own vehicles must be discontinued.

During the course of this study it became apparent that authority now exists for the Department of Transportation to institute licensing of all drivers who operate trucks or buses interstate. Officials of the Bureau of Motor Carrier Safety indicated that it is impractical now to attempt to license the more than 2 million bus and truck drivers in that category. As an alternative, I proposed several months ago that DOT initiate licensing only for some 30,000 bus drivers who transport passengers interstate. Although the DOT response rejected the proposal, I intend to explore further what I still am convinced is a real need for such a licensing program.

In conclusion, I do not propose to hold up this report as a cure-all for the problems associated with unsafe drivers operating unsafe vehicles over unsafe roads at unsafe speeds. I do hope, however, that it and the steps I plan to take in the weeks ahead will serve to prompt far greater consideration of unmet safety needs.

If we are to continue to make positive advances to achieve greater safety on our highways, we cannot do so if appropriations adequate to the task are not provided. The recent $12 million cut of the appropriation requested for the National Highway Traffic Safety Administration in fiscal 1972 is not an answer. Instead, it is part of the problem.

ANDREW JACKSON DAY IN PENSACOLA

(Mr. SIKES asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. SIKES. Mr. Speaker, Pensacola, always a source of rich and interesting historic data, will observe a very important date on July 17th. It is Florida's sesquicentennial as a part of the United States. Ceremonies lasting throughout the weekend will commemorate the date a century and a half ago when Andrew Jackson accepted the transfer of the sovereignty of Florida from Spain to the United States in Ferdinand Plaza.

Planning for the program is under the able direction of Pat Dodson. He is chairman of a committee composed of interested citizens from historical groups, education, government and civic organizations. Mr. Dodson has a long and outstanding record of leadership contributions to Pensacola and Florida.

When General Jackson's American troops hoisted the 23-star emblem of the budding American union, it marked the beginning of General Jackson's career as governor of the new territory with Pensacola as the territorial capital. He had demonstrated great leadership in public office and in war. His exciting victory over the British in New Orleans had set him well on the course which was to make him President within a few short years. He was not new in Pensacola. Twice before he had been there as the leader of victorious forces once when he was en route to New Orleans, and once in his campaign against the Indians. He had continued to play a significant part in the steps which finally led to the acquisition of Florida by the United States for the sum of $5 million. We did not pay Spain any money—we just gave them credit for what we claimed they owed us. It was probably the best real estate deal in history.

Andrew Jackson's time in Pensacola was short, but it linked him for all time with this exciting and growing part of the Nation. It is very appropriate that the events of the weekend culminate on July 17th in the Jackson Day program. Pensacola's 150th anniversary as a territorial capital is the story of a rich and appropriately rewarding chapter in our Nation's progress.

It is interesting to recount some of the stories which have come down to us about Florida at the period when it became a part of the United States. At that time, Florida had a population of less than 8,000, including Negro slaves. Pensacola was one of the outstanding cities of the area, but by American standards was clearly of the frontier variety, in the nature of Dodge City, Laramie, Cheyenne, and other Western outposts of a later day. During the War of 1812, Pensacola was entered in force by British agents, Indians, and runaway Negro slaves working for the British. Raiding parties operating out of Pensacola warred against American outposts in southern Georgia, until Gen. Andrew Jackson led a force against the city in November, 1814, at which point the British withdrew. Operating without British assistance, Indians and Negroes continued to raid the Georgia hinterlands until 1818, when Jackson once again descended on Pensacola, seizing the place, and establishing a military government.

Severe criticism was directed at General Jackson for invading the territory of a nation with which the American Government was at peace. But Spain was told that West Florida would be returned when sufficient Spanish troops were sent to insure law and order and the end to filibuster operations. This was arranged in 1819 and the province was surrendered. In 1821, with the transfer of Florida to the United States, Andrew Jackson became provisional governor of the territory.

As Governor, Jackson has been described as a man of "active and vigorous mind, anxious to promote the prosperity of the province—his urbanity and other amiable qualities render him accessible to the meanest individual, and justice is sure to follow an appeal to his decision."

In support of the garrison and civil officials were the mercantile establishments, inns, and taverns of the town; the gardeners, hunters, and fishers who brought in produce for sale; and the planters and ranchers of the outlying areas. A visitor to St. Augustine in 1819 wrote:

> The whole of this society is extremely courteous to strangers: they form one family, and those little jealousies, animosities and bickerings, so disgraceful to our small English communities, do not sully their meetings of friendly chitchat, called as in Spain *turtulias*. The women are deservedly celebrated for their charms; their lovely black eyes have a vast deal of expression, their complexions a clear brunette; much attention is paid to the arrangement of their hair; at mass they are always well dressed in black silk *basquinas* (petticoats) with the little mantilla over their heads; the men in military costumes: good order and temperance are their characteristic virtues.

Dancing was a favorite amusement. Balls were frequent, and were generally opened with minuets by the older couples, "succeeded by the younger couples displaying their handsome light figures in Spanish dances." At carnival times the residents received masqueraders in their homes, and balls were in progress over the town.

Probably a less popular amusement, at least to the parties concerned, were the "Sherivarees of idle people, who dress themselves in grotesque masquerade, whenever a widow or widower are married. They often parade about the streets, and play buffoon tricks for 2 or 3 days, haunting the residence of the new married pair, with noise and riot, until they can be bought off with money or whiskey."

As in many Latin communities with a military flavor, games of chance were popular. Considerable time was whiled away and countless wagers were settled after battles of game cocks in the cock pit. Dog fights, bull baiting, and bull fighting were other sports that attracted the soldiers and townspeople. A visitor to Cowford, in 1819, stopped at a "grog shop, were we met several graziers—farmers—and woodsmen gambling and drinking. This rencontre was rather agreeable than otherwise. The night was passed in noisy mirth, drinking, and gambling, vices too prevalent."

Hunting and fishing, besides providing additional variety for the table, were also popular as pastimes. Referring to the life of the planter, a traveler noted:

> If he is fond of hunting, he has game in profusion; does he shoot, the woods abound with wild fowl of various descriptions, and the alligators . . . afford the finest amusement for his adroitness with the rifle.

Pensacola, with its heritage of both Spanish and French influences, suffered from government waste and inefficiency in a way that we can easily sympathize with today. A French traveler wrote that the 500 soldiers stationed there were:

> So far from being effective, they do not in reality amount to more than 200.

As at St. Augustine, the employees included treasurers in the commissaries, storekeepers, and many subalternate officers whose principal function was to receive their pay. The traveler complained:

> One pays customs officers who have nothing to visit and nothing to register; carpenters, joiners, caulkers, ironwrights, and the whole equipage of a navy even to a port lanter, and the navy of the governor consists of a single sloop without a deck. In the government stores, the employees are kept busy by moving the things out and then replacing them—the perquisites are even more than the salary; these abuses are so ordinary they do not take the trouble to hide them.

On the morning of July 17, 1821, General Jackson and his escort rode into Pensacola to the strains of a military band. Passing between Spanish and American guards drawn up in the square, the party entered the Government House, where the formal transfer took place. Then, in the words of Mrs. Jackson:

> His Catholic majesty's flag was lowered, and the American hoisted high in air, not less than a hundred feet.

Mrs. Jackson noted sympathetically that many of the old Spanish residents burst into tears as their flag came down. But the good lady had been so shocked by the way in which the Sabbath was profaned with gambling, dancing, and fiddling that she added, "Really a change was necessary." To please his lady, one of the general's first official acts was the issuance of an ordinance to insure a more decorous observance of the Sabbath.

Jackson set about the real business of organizing the government with characteristic energy. He divided Florida into two counties, Escambia and St. Johns with the Suwannee River as the dividing line, provided for the naturalization of foreigners, published ordinances for the government of Pensacola and St. Augustine, and appointed their mayors and aldermen.

However, Jackson's days in Florida were numbered. Disappointment in the failure of President Monroe to approve his recommendations of friends for subordinate offices in the Government, poor health, and a series of tumultuous quarrels with former Spanish officials over land and property claims, led the general to call the Florida sojourn "a wild goose chase." On October 5, 1821, just 8 months after his triumphal entry into Pensacola, General Jackson wrote to inform the President of his resignation. He left, however, a prophecy, which has been fulfilled today beyond his wildest dreams.

He wrote:

> Pensacola is crowded and it is impossible under existing circumstances that any business can be profitable, altho I have no doubt Pensacola will rise into notice as a commercial city faster than any other place in the United States, but it will take time for the necessary capital to concentrate there; and many in the first instance will go off dissatisfied. A great field is now open to the real capitalist, and real property well situated must in a few years become very valuable.

Surely his vision included the whole of our great State, whose territorial heritage with its rich combination of frontier, plantation, and elegant colonial influences comes down to us today.

It is interesting to note that many descendants of the families who lived in the Pensacola area 150 years ago still reside there and take an active part in civic and business enterprises. Heirs of the original families will be presented medals during the ceremonies of July 17. Among the families identified as having been established in Pensacola before the American flag was raised there include Bobe, Bonifay, Brosnaham, Caro, De la Rua, Farinas, Fernandez, Gomez, Gonzalez, Hernandez, Maura, Morena, Quina, Riera, Rosique, Touart, Villeneuve, and Yniestra. Many have had prominent roles in city and State governments. Andrew Jackson was a guest in Pensacola in the Brosnaham and Gonzalez homes. A member of one of these families, Ashton Brosnaham, is well known as the postmaster at Pensacola and as a successful businessman.

SALE OF MILITARY EQUIPMENT TO ISRAEL

(Mr. WALDIE asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. WALDIE. Mr. Speaker, I am very concerned over the possibility that the delay in approval of an agreement for the sale of military equipment, presumably Phantom jets, to Israel is being delayed in an effort to force her to agree to a peace settlement which is not in her best interests.

Although I hope such allegations are false, I cannot help but be concerned by the possibility that there is more than a grain of truth in those statements.

I not only believe there should be no "imposed peace" in the Middle East, I, also, believe it is unwise and against all we purport to have by a way of friendship with our most staunch ally in that part of the world, to withhold the military equipment necessary for her survival in exchange for our brand of peace. I, also, believe it is presumptuous on our part to think we know better than does Israel as to what constitutes grounds for a lasting peace.

We are certainly not furthering the cause of peace by allowing Israel's enemies to grow stronger daily with arms shipments from the Soviet Union while we blackmail her into submission. I have sent the following letter to President Nixon urging his approval of an agreement to provide Israel with all she deems necessary for her defense. I urge my colleagues who feel as I do to follow suit.

HOUSE OF REPRESENTATIVES,
Washington, D.C., July 13, 1971.

The PRESIDENT
The White House
Washington, D.C.

DEAR MR. PRESIDENT: I have been extremely concerned and disturbed by the delay in approval of an agreement for the sale of military equipment to Israel.

I have been especially concerned since recent allegations claim that this delay is deliberate in order to pressure Israel into accepting a peace settlement she might otherwise deem not in her best interests to enter.

I strongly protest any further delay in this matter and urge that you direct the approval of any supply of military equipment Israel may request as necessary for her defense and security.

My position is based on three assumptions with which I believe you will agree.

First, Israel is the best judge of what is necessary to maintain her defenses and to deter the growing military strength of her surrounding Arab enemies.

Second, the usual long lag between the time an agreement is finally reached and armaments are delivered will add to Israel's danger and enhance the chances for renewed hostilities.

Third, the security of the United States and the Free World are inextricably involved with the security and survival of Israel.

I, therefore, urge your immediate and personal attention to the prompt approval of aid to our staunchest ally in the Middle East as the course of action in the best interests of the United States.

Sincerely,

Jerome R. Waldie,
United States Congressman.

TAX DEDUCTION FOR BLOOD DONATIONS

(Mr. WALDIE asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. WALDIE. Mr. Speaker, I have today sponsored legislation to allow a $25 tax deduction for blood donations to encourage the public to donate blood to nonprofit blood collecting organizations.

At present, the Internal Revenue Service recognizes blood donations as a "service" which is not deductible, rather than "property" which is. While someone can take a tax deduction for a $25 monetary contribution to the American Red Cross he cannot take a deduction for the pint of blood he gives them. I view this as inconsistent with the purpose of the charitable provision in our tax code which encourages contributions to nonprofit organizations serving the public interest.

Another need for this legislation is to prevent the proliferation of commercial blood banks which attract persons who do not meet the minimal health standards but which are flourishing because of a shortage of whole blood and voluntary donors.

This bill would, therefore, not only increase the quantity and improve the quality of available blood, but also give a tax deduction to public-minded citizens who donate blood and thereby contribute to the public welfare.

The text of the bill follows:

H.R. 9860

A bill to amend the Internal Revenue Code of 1954 to provide that blood donations shall be considered as charitable contributions deductible from gross income

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 170 of the Internal Revenue Code of 1954 (relating to deduction for charitable, etc., contributions and gifts) is amended by redesignating subsections (i) and (j) as subsections (j) and (k), respectively, and by inserting after subsection (h) the following new subsection:

"(i) Blood Donations.—

"(1) In general.—For purposes of this section, a donation by an individual of his own blood to an organization described in subsection (c) shall be considered to be a 'charitable contribution' of such individual in an amount equal to $25 for each pint donated.

"(2) Limitation.—The aggregate amount of any individual's charitable contributions described in paragraph (1) which may be taken into account in determining the deduction allowed a taxpayer under this section for any taxable year shall not exceed $125."

Sec. 2. Section 62 of the Internal Revenue Code of 1954 (relating to the definition of adjusted gross income in the case of an individual) is amended by adding after paragraph (9) the following new paragraph:

"(10) the deduction allowed by section 170, to the extent attributable to charitable contributions of the type described in subsection (i) thereof."

Sec. 3. The amendments made by this Act shall apply only wih respect to blood donated on or after the date of the enactment of this Act.

TAX STATUS OF CHARITABLE ORGANIZATIONS

(Mr. WALDIE asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. WALDIE. Mr. Speaker, I am today introducing legislation to amend the Internal Revenue Code to allow charitable organizations to present their views to Congress without losing their tax-exempt status.

Under a 1962 amendment, business associations may carry on lobbying activities and remain tax exempt. But charitable and public interest groups become subject to taxation for "carrying on propaganda or otherwise attempting to influence legislation." This bill would tend to equalize the taxation factor by giving public-interest groups the same lobbying privileges as business associations.

It would permit certain charitable and educational organizations which qualify as tax exempt under section 501(c)(3) to communicate directly with the Congress and with State legislatures to effect legislation of direct interest to the organization.

The bill would not, however, allow tax exemptions for lobbying the public or for participation in political campaigns. It does not affect private foundations or change their status as defined in the Tax Reform Act of 1969.

This proposal is necessary if we are to have adequate information to evaluate legislative proposals. We must have equal access to the views of all associations legitimately concerned with the matters we are called upon to decide, whether they be from the business or labor community, ecology groups, groups promoting health programs and research, education groups, and any other charitable, public service organization.

The groups are among the most valuable sources of information and opinion that a Congressman has. They are often intimately aware of the implications of the legislation in their particular field. It is unreasonable that Congress be expected not to have the benefit of their views.

Senator Muskie, who introduced this legislation in the other body, received a letter from the Indian Rights Association which commends him for this proposal. I include this letter in the Record, along with a text of the bill:

Indian Rights Association,
Philadelphia, Pa., June 7, 1971.
Senator Edmund S. Muskie,
The Senate Office Building,
Washington, D.C.

Dear Senator Muskie: As President of a tax-exempt organization whose purpose is to defend the rights of a minority people, I wish to express my great appreciation to you and the other sponsors of Bill S–1408.

Under present restrictions Indian people on reservations whose whole way of life is governed by Federal legislation, are denied the aid of such organizations as The Indian Rights Association in the halls of Congress in their efforts against the powers of big business and organized groups whose objectives are generally ones of obtaining sanctions for personal gain at the expense of the rights and welfare of the Indians.

This proposal of yours involves one of the fundamental principles of democracy: all citizens and all groups of citizens should have an equal chance to be heard in the Councils of Congress.

I wish you well in forwarding this bill and hope you will let us know if we can assist you in any proper way—in attaining the passage of this bill.

Sincerely yours,

Thomas Wistar, Jr.,
President.

H.R. 9837

A bill to amend the Internal Revenue Code of 1954 so as to permit certain tax exempt organizations to engage in communications with legislative bodies, and committees and members thereof

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 501 of the Internal Revenue Code of 1954 is amended by redesignating subsection (f) as subsection (g) and inserting after subsection (e) the following new subsection:

"(f) Appearances, Etc., With Respect to Legislation.—

"(1) In general. In the case of an organization described in section 509(a) (1), (2), or (3), none of the following activities shall be deemed 'carrying on propaganda, or otherwise attempting, to influence legislation':

"(A) appearances before, submission of statements to, or sending communications to, the committees, or individual Members, of Congress or of any legislative body of a State, a possession of the United States, or a political subdivision of any of the foregoing with respect to legislation or proposed legislation of direct interest to the organization; or

"(B) communication of information between the organization and its members or contributors with respect to legislation or proposed legislation of direct interest to the organization.

"(2) Matters of direct interest.—For purposes of paragraph (1), matters of direct interest to the organization are those directly affecting any purpose for which it is organized and operated.

"(3) Limitation.—Paragraph (1) shall not apply to any attempt to influence the general public, or segments thereof, with respect to legislative matters, elections, or referendums."

Sec. 2. Section 170(c) of such Code is amended by adding the following new sentence at the end thereof: "As used in subparagraph (D) of paragraph (2), the phrase 'carrying on propaganda, or otherwise attempting, to influence legislation shall be subject to the exception set forth in section 501(f)."

Sec. 3. Section 2055(a) of such Code is amended by adding the following new sentence at the end thereof: "As used in paragraphs (2) and (3), the phrase 'carrying on propaganda, or otherwise attempting, to influence legislation' shall be subject to the exception set forth in section 501(f)."

Sec. 4. Section 2106(a)(2)(A) of such Code is amended by adding the following new sentence at the end thereof: "As used in clauses (ii) and (iii), the phrase 'carrying on propaganda, or otherwise attempting, to influence legislation' shall be subject to the exception set forth in section 501(f).".

Sec. 5. Section 2522 of such Code is amended by redesignating subsections (c) and (d) as subsections (d) and (e) and inserting after subsection (b) the following new subsection:

"(c) Carrying on Propaganda, or Otherwise Attempting, to Influence Legislation.—As used in paragraph (2) of subsection (a) and in paragraph (2) and (3) of subsection (b), the phrase 'carrying on propaganda, or otherwise attempting, to influence legislation' shall be subject to the exception set forth in section 501(f)."

Sec. 6. These amendments shall be applicable to taxable years beginning after the date of enactment thereof and to estates of decedents dying after the date of enactment thereof.

CHAPTER XIII—CHILDREN AND YOUTH AND MATERNAL AND INFANT CARE PROGRAMS

(Mr. KOCH asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. KOCH. Mr. Speaker, this is the 13th in a series of articles on children and youth and maternal and infant care programs. Support for H.R. 7657, as amended, is increasing. The bill which would extend for an additional 5 years the children and youth and maternal and infant care programs which are now slated for oblivion as of June 30, 1972, has at this time 87 cosponsors in the House and 17 in the Senate.

There are at present 59 regional children and youth programs with additional satellites and 56 maternal and infant care programs in existence delivering comprehensive health care to almost half a million children and youth of lower socioeconomic levels in central cities and rural areas. These projects represent one of the major reservoirs of experience in comprehensive health care today, especially to the poor children of the country.

I have received from the directors of these programs descriptions of the programs in their community and what it would mean if their particular program were terminated. To give our colleagues an insight into these programs, I am placing in the Record descriptions of six children and youth programs.

The material follows:

Children and Youth Project No. 624, Denver, Colo.

Extension of federal legislation authorizing and funding Children and Youth Projects is vital to a health care delivery system in Denver. This system—Denver's Neighborhood Health Program—is bringing comprehensive, continuous health care to more than 100,000 of the city's low income people, 45,000 of whom are children and youth.

The Neighborhood Health Program consists of a network of 10 decentralized facilities, a new general hospital, a public health department and a visiting nurse service which are making quality health care easily accessible and available for the first time to residents of the city's low income areas. The program is supported by a variety of federal grants, with the $945,000 Children and Youth grant representing a significant share of the total resources.

Emphasis in the Denver health program has been on providing family-centered, comprehensive health care for patients of all ages. However, the importance of pediatric care in the program is indicated by the fact that 45,000 of the 104,000 patients are under the age of 16.

Although episodes of acute illness usually are the initial impetus which prompt mothers to bring their children to the health program for care, services provided for the children constitute a comprehensive program of health maintenance. Pediatric patients receive well-child check-ups, which include history taking, complete physical examination, immunizations, urinalysis, blood tests for anemia, dental screening, hearing tests, vision tests and developmental screening.

Children requiring more complex and specialized treatment than that economically available in neighborhood facilities are referred to pediatric specialty clinics at Denver General Hospital, which is an integral unit of the Denver Department of Health and Hospitals, the administrating agency of the Neighborhood Health Program. Dental services are available at the two neighborhood health centers and at Denver General. Nutritionists are stationed at all facilities for consultation with families of any child who has a dietary problem. Services of a social worker and family health counselor are utilized in cases where an adverse family environment is hampering the child's health or development.

Children with serious developmental problems are referred to the Development Evaluation Center in the Denver General complex. This center, funded directly from the Department's Children and Youth grant, offers services of a multi-discipline team which seeks to pinpoint the cause or causes for a child's developmental difficulties and, if the cause cannot be resolved, to recommend a training or teaching program to fit the child's abilities.

In addition to these health care functions, Neighborhood Health Program staff members also are participating in a number of group activities designed to improve the quality of life for target area children. The groups range, according to the needs of the neighborhood, from a class in which nurses teach mothers how to enjoy their babies to a recreational group for small children with learning and perceptual problems to teen clinics where young adolescents can receive advice about drugs and other problems as well as direct medical care.

The Denver Neighborhood Health Program has served as a proving ground for a new nursing role which will have significance in health care throughout the country. Public health nurses who have completed four-month postgraduate courses at the University of Colorado Medical Center work as pediatric nurse specialists in program facilities, relieving pediatricians of time-consuming duties of history taking, physical evaluation and anticipatory guidance for mothers.

Effect of the Denver Program on health conditions in the city's low income areas is perhaps best illustrated by the marked decrease in the target area infant mortality rate. In 1964, before the health program started, the infant mortality rate in the city's lowest socio-economic census tracts was 34.2 deaths per thousand live births. By 1969, the rate had declined to 21.5—a figure no longer statistically different from the rate in more affluent parts of town.

Denver's Neighborhood Health Program, a health maintenance organization in all respects, is making a significant impact on the health conditions which traditionally plague low income urban neighborhoods. Continued federal support for projects such as the Children and Youth Programs is essential to the continued success of this unique health care delivery system. Because loss of the Children and Youth grant would have a negative impact on Denver's ability to deal with the health problems of its low income citizens, we urge the extension to 1977 of federal jurisdiction over Children and Youth projects.

Children and Youth Project No. 645, New York, N.Y.

Since 1968, the program has been attempting to meet the health needs of the children and youth of the west mid-town area of Manhattan (42nd to 86th streets and from 5th Avenue to the Hudson River).

Our primary responsibility is to the 15,000 children residing in our area of responsibility, as well as to the 10,000 children attending school in our area, but not living here.

In order to accomplish this task, the following working hypothesis was proposed:

1. The multidisciplinary health team approach would be the most effective method of deliverying comprehensive health care to our population.

2. It would be feasible and efficient to train and utilize community residents to serve as allied health workers (paraprofessionals) on these health teams—both intra and extra clinic.

3. A scheduled *one* visit total health assessment or reassessment would offer the most efficient and patient-acceptable means of assessing the health needs of our total population.

4. The application of modern EDP methods to the following ambulatory care functions would seem appropriate:

a. A method of patient scheduling

b. A complete patient profile—instantly retrievable

c. The capability to generate the mandated quarterly reports

d. To support program planning and research with retrievable epidemiologic and demographic data.

Our goal was to complete a total health assessment and reassessment on all 15,000 patients by 1972.

A final major objective was to establish a viable Home Care Program, specifically designed to:

A. Decrease the period of hospitalization of those patients that could convalesce in the home rather than the hospital.

B. To prevent the hospitalization of those patients identified in our ambulatory service that could have their acute illness cared for in the home with reasonable safety. This service required the use of a station wagon, a full-time driver, one full-time public health nurse, and one half-time physician.

A major group of high risk patients, that had not been identified in our original demographic survey, has required a significant allocation of our limited resources. These are groups of families, usually welfare recipients, that are being "temporarily" housed under the most unsafe, unsanitary and unwholesome conditions. This disgrace is now being exposed in the mass media as the "Welfare Hotel" crisis. There are 13 such hotels in our district. This population represents approximately 1,100 children, mostly A.F.D.C. Although these facilities are said to be transient, many families remain in them for over a year. Although the average length of residence is four months, quite commonly these people move from one hotel to another. Given our present resources, we will be hard-pressed to continue even the minimal service we are now delivering to this high risk population.

The statistics are most encouraging. In the three years, 1968, 1969, 1970, our total visits have increased from 18,336 in 1968, to 30,986 in 1969, to 37,654 in 1970. It is predicted that in 1971 visits will be in excess of 50,000 visits. Another interesting statistic is that our teeth filled figure is four times our teeth extracted figure, pointing up the fact that preventive dentistry is a fact of life for our patients. Previously, before the C&Y's, the child and youth population of this socio-economic group had more teeth extracted than were filled.

In summary, the commitment to deliver comprehensive health care to eligible children and youths in our area entails a commitment to the health care of their total families. Thus, our outreach activities have a significant impact on the other services of the hospital. The critical issue at this time is our ability to cope with the increasing demands for our services due to the deteriorating and unstable economic situation in our community. The rising welfare rolls will cause many families who previously could afford private care, to seek an alternative, and in many instances, our program is their choice. Of course, the urgency of the situation is that this demand is rising at a time when our fiscal resources are dwindling.

Children and Youth Project No. 602–3, Allston, Mass.

C&Y Project 602–3 comprises the entire health services provided by St. Elizabeth's Neighborhood Health Center operated at Storrow School in Allston. At the hospital itself in Brighton, C&Y pediatric services are provided under the direction of the Storrow School operation and maternity services are provided separately under the Maternity and Infant Care program.

Multidisciplinary pediatric care, including medical, social, nutritional, and psychologic, is provided for at both Storrow School and the hospital. It is presently planned to add dental care in the near future. Services provided are family-oriented with consideration given to community social and economic factors. While the population served is low-income, it is not poverty-stricken. It is presently 80 to 85% white, which majority seems to be evidencing a slight but steady increase in non-English speaking immigrants, including Greek, French, and Spanish-speaking.

Current total registration in Project 602–3 is 2,228 of a potential target population of 18,000 children 0 to 21 years old (1960 census). While the registration continues to increase steadily at an average rate of about 200 to 250 new registrants per quarter, the limited funding for Project 602–3 precludes the possibility of more significant expansion. Nevertheless, loss of C&Y services would represent a serious hardship to the several hundred families presently participating in the program. Progress has been made in developing the understanding of preventive and comprehensive health care and appreciation of the value of such health concepts over the traditional concept of crisis intervention afforded by hospital out-patient departments and emergency rooms, to which our families would have to revert for their health care should they lose C&Y.

Children and Youth Project No. 609, Baltimore, Md.

This Project, at Johns Hopkins Hospital covering an estimated 19,000 population in East Baltimore from birth through 18 years of age, operates on a yearly budget of $1,938,900 ($1.4 million federal funds, $496,000 local match). As can be seen from this summary, 17,000 children have been enrolled into a system of comprehensive health care during the 3½ years of project operations.

The most significant and salient features of this Project as contrasted to Title XIX Medicaid Programs are:

1. A fixed predictable cost per year set by the granting agency.

2. Particular emphasis on upgrading and maintaining health status in an entire population rather than concentrating on the treatment of acute and episodic illnesses.

3. Measurable, and accountable, objectives related to preventative services (immunizations, nutrition education, TB surveillance); and related to screening procedures for detection of specific disorders (tuberculin testing, lead poisoning screening, vision screening, hearing screening, screening for anemias, and for silent urinary tract infections).

4. Large efforts directed toward bringing the patient into the health service system; and the system to the patient (so-called outreach activities).

5. Provision of services designed to coordinate and optimize other local activities in health related areas (recreation, education opportunities, employment opportunities, improved housing).

6. The opportunity to develop and evaluate new roles for health professionals and paraprofessionals so that health services may be adequately distributed in the face of an increasing man power shortage.

It has been the experience in our Project, as in others, that as time is gained in this type of health delivery model, the individual Projects become progressively more efficient in the utilization of personnel and other resources. This has allowed, up to certain critical points, for increased patient enrollment to take place without increased grant expenditures.

It is obvious that health services of this comprehensive pattern directed to poverty areas cannot, no matter how efficient they become, be supported by the buying power base of the recipient population. Such Programs will have to be funded through governmental, most probably Federal, resources. In the forthcoming discussions relative to the amount and form of Federal support for health programs for *all* age groups, we earnestly urge your consideration of the Children and Youth Project Model as an instrument of health service which is economically sound and acceptable to both the recipients and the providers. Certainly the principles can be applied to the population over 18 years of age.

Children and Youth Project No. 604, Kansas City, Mo.

The Children and Youth Project No. 604 of Children's Mercy Hospital was established in 1966. Consistent with the legislation for the project, it was designed to extend services to the disadvantaged children of the Inner-City of Kansas City. We feel it has made a substantial impact in meeting the objectives and purposes of the legislation in making services to disadvantaged children more available, accessible, and continuous.

Since its inception, our Children and Youth Project has identified, treated, and given comprehensive care to over 24,000 new children in the Inner-City area, who had no firm relationship with personal health services, prior to our project.

The Children and Youth Project has provided not only extended emergency services, and out-patient clinic services at the Children's Hospital, but has provided an important linkage in coordination of health services in the Inner-City, relating to the Visiting Nurse Association, School Health Programs, and the establishment of a neighborhood health clinic. Over 83,000 screening procedures have been instituted in the Inner-City schools each year, which had not been known to them previously. These included vision, and hearing test, as well as general health assessments, and up dating of immunizations.

Significant data has been revealed by this project. During the first eighteen months of the project, one out of four children needed further diagnosis and treatment as an out-patient. One out of eight children needed hospitalization for medical or surgical illness. Over the past five years (through appropriate coordination and extended services, with emphasis on preventive care) the ratio of children needing hospitalization has changed from one in eight (originally) to one in seventeen. This certainly suggests a positive impact in providing comprehensive care, with special emphasis on early diagnosis and *prevention.*

We feel the Children and Youth Project in Kansas City, is *essential* to continue to provide a most important service for disadvantaged children and youth. While personal health services include medical, surgical, and dental care, the children and youth project also includes important paraprofessional and disciplines, that were previously not available. These include Public Health Nursing, Nutrition, and Social Service. Many specific projects have been developed as an out-growth of the services, which include Toxicology services and poison prevention, as well as treatment of children with emotional disturbances, and rehabilitation programs related to speech and hearing.

Loss of our Children and Youth Project would be a severe blow to the Kansas City community and specifically to the children. We feel that this project, as well as children and youth projects throughout the country, have demonstrated a very effective means in delivering comprehensive health care. We are very hopeful, that the Congress will see fit to extend the authorization to continue these important programs.

Children and Youth Project No. 628, Brooklyn, N.Y.

The name "C.A.T.C.H." is an acronym which stands for Comprehensive Approach to Child Health. It was funded in February 1967 by a grant to The Jewish Hospital and Medical Center of Brooklyn from the Children's Bureau of Health, Education and Welfare under Title V of the Amendments to the 1965 Social Security Act.

C.A.T.C.H. is located in the Bedford-Stuyvesant section of Brooklyn, New York, an area in which over 450,000 people live and where there are fewer than 100 practicing private physicians. It is a neighborhood chiefly populated by Blacks and Puerto Ricans and approximately 60% of the population receives some form of Social assistance.

The health-care facilities for the children in Bedford-Stuyvesant were limited to Health Department Well Baby Stations, hospital Emergency rooms and Clinics which provide episodic care. The establishment of a C&Y Program was intended to give a full spectrum of Comprehensive Child Care Service to families who are considered to be "high risk" because of the poverty and dire social circumstances in which they live.

Comprehensive care is defined by our project as a "continuous and multi-disciplinary care system involving Pediatrics, Dental Services, Mental Health, Public Health Nursing, Social Services, Nutrition, Speech and Hearing, Special Education, Community Organization, and Recreation. It is our aim to help children to reach and maintain their optimal level of health and to that end, we involve ourselves in all of the facets of their lives which could affect their health.

Continuity of care is accomplished by assigning a health team to each family. The team consists of a Doctor, Public Health Nurse, Social Workers, Aide, and other disciplines which are appropriate for the problems of the family. Thus each family is familiar with the members of the team and each team member is involved in the family's problems. This provides a personal relationship with Doctors, Nurses, which most of our families have not had previously.

Emphasis is placed on preventive medicine and education as well as acute and long term care. Each visit includes a parent-public health nurse conference which serves to point out the advantages of preventive health care and to teach the mother the means of accomplishing these aims. Great stress is laid on interpersonal relationships between the staff and the community. Each patient is treated with respect, dignity and concern.

Seventy percent of our patients have never been to a dentist and extensive dental care is required by almost all of our registered children. This, as well as all types of medical care, including specialty services, is furnished without charge.

Each child receives a complete health assessment which includes vision, hearing and speech testing and screening for Sickle-Cell disease, lead poisoning and tuberculosis.

During the year 1970, there were 33,150 patients visits to C.A.T.C.H. 145 children were hospitalized for a total of 1,882 patient-hospital days. In the early months of C.A.T.C.H. Program, a Community Health Committee was formed by parents of C.A.T.C.H. Registrants and other interested community residents. From this committee we have learned of the needs and desires of the residents and we have also used it as a forum for seminars, round table discussions and lectures on health problems. Members of the committee attend the C.A.T.C.H. bi-weekly Department Head Meetings and participate in policy making decisions and discussion of all problems. The community has whole heartedly participated in such activities as the Annla Health Fair, Play Street Supervision, writing letters to Congress in Support of the C&Y Programs etc.

At present there are 4,500 children in 1,700 families registered in the C.A.T.C.H. Program. They have expressed their enthusiasm for the program in unsolicited letters and in their overwhelming approval as shown by their response to an anonymous questionnaire requesting their opinions and attitudes on the Health Care given to their children by C.A.T.C.H. If the C&Y Programs were to be discontinued, they would be deprived of the comprehensive, continuous and personalized health care on which they have come to depend, and which they so sorely need.

TAX EQUITY FOR SINGLE TAXPAYERS

(Mr. KOCH asked and was given permission to extend his remarks at this point in the Record.)

Mr. KOCH. Mr. Speaker, today 11 of our colleagues are becoming cosponsors of H.R. 850, my bill to give tax equity to unmarried taxpayers. This brings the total House sponsorship to 133 Members. The bill also has been introduced in the Senate by Senator Ribicoff, Humphrey, and Nelson.

I am pleased to be able to add that hearings are expected on H.R. 850 by the House Ways and Means Committee in the first week in August.

It is essential that we establish a uniform rate structure for all taxpayers and end the tax penalty imposed on the unmarried taxpayer. H.R. 850 establishes one tax table applicable to all.

Enactment of H.R. 850 will benefit over 30 million taxpayers who are now unjustly discriminated against because they are not married. Single taxpayers have been taxed up to 42 percent more than married persons with the same taxable income. While the Tax Reform Act of 1969 reduced this gap, it still left a differential of 20 percent.

Let us look for a moment at what the penalty on single taxpayers comes to in dollars. In 1970 a single person with a taxable income—after deductions—of $12,000, for instance, paid $2,830; a married person with the same taxable income paid $2,260. Thus, the single taxpayer was penalized $570 and these figures do not even include the additional surtax. Furthermore, a single person with a $12,000 taxable income reached the 36 percent tax bracket while the married taxpayer with that income reached only the 25 percent bracket. The Tax Reform Act reduces the single taxpayer's burden this year to $2,630, but still leaves a penalty of $370.

It is inequitable and simply arbitrary that one group of taxpayers should be subjected to taxes that are higher than another group after deductions are taken. Married taxpayers with children should be assisted with an increase in the exemptions for dependents. Under present law that exemption will be $750 by 1973; I have introduced a bill to increase it to $1,200 immediately.

Today's higher rates for unmarried taxpayers lead to the ridiculous situation whereby a divorced or widowed taxpayer, with say three children, using the head of household schedule, pays taxes at a higher rate than a married couple with no children. It is through an adequate exemption for dependents that family responsibilities can be most effectively reflected—not through different tax rates.

Taxation must be fair if it is to be borne, if not willingly, at least without resentment. The existing discrimination against the single taxpayer is not fair and must be ended.

EQUAL RIGHTS FOR WOMEN

(Mr. KOCH asked and was given permission to extend his remarks at this point in the Record.)

Mr. KOCH. Mr. Speaker, yesterday the Judiciary Committee reported to the House the equal rights amendment, House Joint Resolution 208, as amended.

Women have been working for nearly 50 years to secure the adoption of an amendment to the Constitution guaranteeing equal rights for women in this country. Last year the amendment was passed by the House by an overwhelming vote of 350 to 15.

This constitutional amendment is long overdue. Thus, it is particularly distressing that the House Judiciary Committee should have reported out a measure that has been crippled by two amendments—one to exempt women from the draft and the other to allow so called "protective health and safety laws" in the States. These provisions simply destroy the very purpose of the amendment which is to have written into our Constitution a guarantee that women shall share equally with men all responsibilities and rights. Who is to be drafted into the Army is not to be decided on the basis of sex but on ability to serve. Furthermore, to exempt from the amendment's coverage so-called protective State laws is to perpetuate one of the instruments by which employers and male chauvinists discriminate against women.

The need for the amendment without crippling provisions is demonstrated each day in this country. Just a few weeks ago, I attended a meeting with representatives of New York City universities on the matter of a promotion for Dr. Anna Babey-Brooke, a member of the Brooklyn College faculty. The Department of Health, Education, and Welfare had found that Brooklyn College had discriminated against her on the basis of sex and recommended that she immediately be promoted to the rank of full professor with a commensurate salary increase retroactive to October 13, 1968. At this meeting, in which the university officials were critical of the Government's intervention in this matter of sex discrimination, I supported Dr. Babey-Brooke's position.

On July 1, the House accepted an amendment offered by our colleague from Oregon (Mrs. Green) to the Comprehensive Health Manpower Training Act of 1971. This amendment bars discrimination on the basis of sex in admission to courses conducted by colleges receiving Federal assistance under this law. As necessary as this amendment is, however, it provides only a piecemeal remedy to the problem. What is needed is the passage of the equal rights amendment to the Constitution, unencumbered by weakening provisions, that in one stroke can remove sex discrimination from State and Federal laws.

Mr. Speaker, I hope this amendment will be brought to the floor before the recess. It is essential that House Joint Resolution 208 be restored to its original unadulterated form and passed. It is long overdue.

VIETNAM AND THE POW'S

(Mr. HELSTOSKI asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. HELSTOSKI. Mr. Speaker, 7 years and 111 days ago, on March 26, 1964, Capt. Floyd Thompson was captured in South Vietnam and became the first American prisoner of war in Southeast Asia.

There are now more than 1,500 American servicemen who are legally considered "missing" in Southeast Asia and who may be in the hands of North Vietnam or its Vietcong allies. But since the other side does not wish to provide us with a list acknowledging all the men who are captured, the total number of men who may be prisoners of war is at this date still not known. From time to time we have learned from various sources that men previously known to be missing have, in fact, been captured. And unfortunately, some of the men who we believe have been captured and are prisoners of war have not survived the inhumane treatment of their captors. It is my hope that the number of families who will receive this crushing news will be very small.

Americans care very deeply about the well-being of all our men captured in

Vietnam. Each day in captivity, these men face particular hardships, endure separation from family and friends, and live in physically and psychologically weakening conditions. They face the prospects of no early return to their own country. Americans of all levels of society, of all faiths, of all economic levels support these brave men. I wish to join in this support.

It is tragic that these brave men must suffer the consequences of a war that is not a declared war, a war both illegal and immoral. We must take every initiative to end this conflict and bring back these unfortunate men who have endured so much.

I look forward to the day when these men who have been imprisoned may be returned home. It can come sooner predicated on our withdrawal.

Mr. Speaker, it appears that there has been some break in the Paris peace talks that would tend to indicate the resolution of the war in Vietnam. It is time for Congress, the President, and the American people to join together in ending American participation in the hostilities.

While there still may be some disagreement on the particulars, there is no question about the country's common concern and support of the men who are captive and our joint determination to bring them just treatment and releasing them to return them to their families for the long awaited reunion.

HISTORY OF THE TEANECK PUBLIC LIBRARY

(Mr. HELSTOSKI asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. HELSTOSKI. Mr. Speaker, all of us are aware of the outstanding services provided by our local libraries, but I do not expect it is generally known that it took great dedication and work to bring them into being and to develop them as cultural and information centers of a community.

Thus, on this occasion I would like to place in the RECORD the "History of the Teaneck Public Library," which graphically sets forth the many steps taken to establish and develop one of New Jersey's outstanding public libraries.

The services given by the Teaneck Public Library to the residents of its area are many and I commend those who are responsible for its present-day operations and those who preceded them for their excellent work and outstanding dedication. Significantly, the Teaneck Library Association observed its 50th year of incorporation yesterday.

The history follows:

HISTORY OF THE TEANECK PUBLIC LIBRARY

The Teaneck Public Library began when an enthusiastic group of women volunteers opened a library in a sun parlor with a small personal collection of books. The story is one of private initiative and of public-spirited trustees and municipal officials who supported and encouraged library services in the community.

Prior to World War I, these civic-minded volunteers first conducted a library in a private home and then in a store on West Englewood Avenue. Books were purchased with funds raised from food and cake sales. This collection was augmented by gifts and by books borrowed from the Library Commission in Trenton.

The "library ladies" soon realized that larger quarters were needed. They incorporated on July 14, 1921, and formed the Teaneck Library Association. Their first act was to purchase for $2,000 the cabin located at 1279 Teaneck Road. This cabin, popularly known as the "old slave house," was supposed to have housed slaves who served in the mansion across the road. How the money was raised for the mortgage and for the renovation and operation of the library makes a colorful tale.

Four years later, these devoted women sold this property at a profit of $15,000 and offered the sum to the Township Committee for a municipal library.

A public referendum authorized the erection of a $20,000 white-pillared brick building. This building was dedicated on November 20, 1927, as a tax-supported library with a $5,000 budget for the year 1928.

Public response was so eager that need for expansion was soon felt. Conferences and public discussions concerning plans were held throughout the depression years. In December, 1936, two wings, financed with P.W.A. funds at a cost of $66,000, were opened to the public. These additions included a separate children's room, an auditorium, and larger reading and stack areas.

During and after World War II, as the use of the library increased even more rapidly than the fast-growing population, the need for a larger building was given constant publicity.

On May 6, 1952, the Council appropriated $237,000 for two more wings, which were opened in December, 1953. Among the special features of this expansion were a larger children's room and separate rooms for reference, young adults and music.

Today the library has 125,000 volumes, a remarkable development from its humble beginning in a sun parlor with 200 books. Five years ago, Teaneck became the second library in New Jersey to be open seven days a week.

The Circulation Department, where the public first meets the library, is the natural center of activity. Hundreds of books, periodicals, records and pamphlets flow in and out every day, and the desk acts as a clearing house for the registration of borrowers, telephone inquiries, and general information.

"Who was Cheops? What is collage? What effect has the United States had upon the socio-economic development of Japan since World War II? Who is the public relations director of U. S. Steel? How did World War I influence the American novel? Who lifts the bride's veil after the wedding ceremony?" These are examples of the questions asked in the Reference Room whose staff answers an average of 150 questions daily. Students of the public and private schools and of near-by colleges also use the reference resources of the library. The book collection is supplemented by periodicals and a pamphlet file.

Leading business services (e. g. Moody's Financial Reports, New Jersey Industrial Directory, Standard Advertising Register, etc.) are available in the business area of the Reference Room in addition to books, financial periodicals, and corporation reports. In the Fall of 1971 a separate room for business services will be opened.

The Children's Room, which has shown an enormous increase in use each year, is a complete library for children through the seventh grade. The department is widely used for school assignments. The librarians also promote and encourage an interest in recreational reading. Among the activities scheduled for the younger residents of the community are pre-school story hours, story times for elementary school children, class and group visits, film programs, exhibits, and the Library-in-the-Park.

Other services offered by the library are: displays, art exhibitions, circulating collections of original graphics and framed reproductions, book delivery for shutins, circulating records and casettes, microfilm readers, photo duplicating facilities, in addition to which the library conducts programs for high school students and adults featuring films, music, and talks by writers.

Today, as it has been through the past fifty years, the library is a leader in the cultural, educational, and recreational life of Teaneck.

A BILL TO EXTEND AND IMPROVE THE VOCATIONAL REHABILITATION ACT

(Mr. BRADEMAS asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. BRADEMAS. Mr. Speaker, I am introducing today a bill to amend the Vocational Rehabilitation Act in order to extend and improve rehabilitation services for handicapped individuals.

As my colleagues know, I have long been interested in programs to provide our handicapped citizens with the necessary training and opportunities to earn their own living and make their way in life as do their nonhandicapped fellow citizens. On May 13, 1971, therefore, I was pleased to join as a cosponsor of H.R. 8395, a bill which makes comprehensive changes in the Vocational Rehabilitation Act. The bill I introduce today is designed to strengthen the basic Federal-State program under this act to assure more effective services for severely handicapped individuals of optimum employable age.

EXTENSION OF ACT

The Vocational Rehabilitation Act is scheduled to expire on June 30, 1972, following the 1-year extension enacted at the very end of the 91st Congress. The current Congress should, therefore, extend the act once again; and I am particularly anxious that the Committee on Education and Labor have before it all available recommendations for improving this vital program.

EFFECTS OF H.R. 1

Our action this year in seeking to strengthen the effectiveness of rehabilitation services to the Nation's handicapped is more essential than ever in the light of the provisions of H.R. 1, the Social Security Amendments of 1971, passed by this body on June 22.

As we know, Mr. Speaker, the new federalized welfare programs under H.R. 1 provide for mandatory referral of all handicapped welfare recipients under 65 years of age to State vocational rehabilitation agencies for rehabilitation services. Although the cost of these services will be fully paid by the Federal Government from welfare funds, it is urgent that Congress act promptly to strengthen the programs under the Vocational Rehabilitation Act if State vocational rehabilitation agencies are to meet the unprecedented demand for services over the next 5 years.

The concept of restoring the handicapped to useful, normal lives and to gainful employment is now accepted, well established, and of proven practicality. But this was not always so. The program under the Vocational Rehabilitation Act of 1920 was small and practically dormant until the improvements made by amendments in 1943, 1954, 1965, 1967, and 1968.

NEED TO ASSURE SERVICES TO HANDICAPPED

Mr. Speaker, it is time for us to take another look at ways substantially to improve the Vocational Rehabilitation Act, not only in the light of the great demand for service which will be made by welfare recipients who are severely disabled in other ways, but also in the light of assuring effective services to handicapped individuals who will become welfare recipients otherwise.

We still have a long way to go to make sure that every handicapped person, particularly those who have severe handicaps, is assured of adequate service. Too many severely handicapped individuals are not being served at all. Too many with a real potential for competitive employment are still being placed in sheltered workshops when more intensive efforts by rehabilitation workers could open better job opportunities for them.

We need to expand greatly the total rehabilitation program; and in that expanded program, we need to refocus priorities to make sure that the blind, deaf, deaf-blind, mentally retarded, cerebral palsied, multiple amputees, paraplegics, and others with severe handicaps are given the services they need.

We must make sure that the rehabilitation specialists who work with these individuals are given the time needed to provide proper services.

OBJECTIVES

Mr. Speaker, the bill I introduce today is designed to accomplish these objectives. It would amend the Vocational Rehabilitation Act as follows:

First. Increase the authorization of appropriations for the basic programs of grants to the States for vocational rehabilitation to $825,000,000 for fiscal 1973; $1,250,000,000 for fiscal 1974; and $1,500,000,000 for fiscal 1975.

Second. Continue the existing authorization of appropriations for grants to the States for innovation programs under section 3 of the act at $10,000,000 for fiscal 1973 and each of the 2 succeeding fiscal years.

Third. Increase the authorization of appropriations for research and training under section 4 of the act to $150,000,000 for fiscal 1973; $175,000,000 for fiscal 1974; and $195,000,000 for fiscal 1975.

Fourth. Add "and other severely handicapped" to the text of section 4 of the act to emphasize that special project grants for research, demonstration, and training should be focused on the needs of these disability groups as well as the mentally retarded.

Fifth. Strengthen State plan requirements under section 5 of the act to assure a priority in provision of vocational rehabilitation services to severely handicapped individuals; eliminate financial need as a criterion of eligibility for services to such individuals; provide for periodic review of the status of such individuals in extended or terminal employment in workshops for determining the feasibility of their employment in the competitive labor market; and provide for a fair hearing mechanism, including arbitration, for aggrieved handicapped individuals requesting or receiving services.

Sixth. Require the Secretary of Health, Education, and Welfare to disapprove a State plan which denies severely handicapped individuals a preference in goods and services.

Seventh. Authorize judicial review for handicapped individuals dissatisfied with the action taken as a result of the fair hearing procedure or arbitration.

Eighth. Authorize applicants for or recipients of services under the act to utilize individuals or organizations as claims representatives.

Ninth. Establish in the Department of Health, Education, and Welfare or any successor agency administering the Vocational Rehabilitation Act, a Division for the Severely Handicapped to administer at the Federal level all aspects of the program relating to severely handicapped individuals.

Tenth. Establish a National Advisory Council on the Severely Handicapped in the Department of Health, Education, and Welfare to advise the Secretary on project grants and on the planning, delivery, and evaluation of services for the severely handicapped under the act.

Eleventh. Provide for improved statistical reporting on the vocational rehabilitation program to the Congress.

Twelfth. Add "outreach, referral, and advocacy" to the definition of rehabilitation services in section 11 of the act.

Thirteenth. Exempt the severely handicapped from financial restrictions related to provision of physical restoration and certain other goods and services.

Fourteenth. Authorize preventive, restorative, and other services which would eliminate or diminish the need of any severely handicapped individuals of any age for rehabilitation services under the act.

Fifteenth. Foster the utilization of public and private vocational and technical schools for training handicapped individuals in contrast to the use of sheltered workshops for this purpose.

Sixteenth. Authorize 100 percent Federal financing of vocational rehabilitation services for severely handicapped individuals while leaving the Federal share at the current 80 percent for services to other handicapped individuals.

Seventeenth. Extend the authorization of appropriations for construction of rehabilitation facilities under section 12 of the act and for rehabilitation facility improvement under section 13 through the fiscal year ending June 30, 1975, at the current annual level of $30,000,000 for each and include compliance with occupational health standards specified by the Secretary of Labor as a condition for grants under both sections.

Eighteenth. Extend the authorization of appropriations for vocational evaluation and work adjustment programs for the disadvantaged under section 15 of the act through the fiscal year ending June 30, 1975, at the current annual level of $100,000,000; authorize the State agency for the blind to administer the State plan for blind persons as they are now doing for the basic program under section 2; and require that preference in evaluation and work adjustment programs be given to severely handicapped individuals.

Nineteenth. Require workshops and rehabilitation facilities receiving grants or contracts under the act to assure all their employees, including handicapped individuals, of compliance with accepted conditions and benefits of employment.

Mr. Speaker, in addition, section 11 of the bill would require the Secretary of Health, Education, and Welfare to obtain congressional approval for reorganizations within the Department. The Secretary may now make major reorganizations affecting the administration of vital services—and has done so in the recent past—without concerned individuals and organizations outside of the Government being the opportunity to express their views. Frequently, the first notice interested organizations have of a reorganization directly affecting their clients is publication of revised structure and function in the Federal Register as an accomplished fact. Unfortunately, we in the Congress usually are not aware of there reorganizations and their implications until we begin to receive letters of protest from constituents. Proper administration of programs directly affecting millions of people is the key to effectiveness of those programs. Requiring prior congressional approval of reorganizations would be a valuable adjunct to the congressional oversight function and provide the interested public with an opportunity to express their views through the hearing mechanism.

SUMMARY

In summary, Mr. Speaker, this bill would expand our Federal-State program of vocational rehabilitation of the handicapped to enable it to reach and serve many more disabled individuals. In addition, it would substantially improve the effectiveness of the program for the severely handicapped. It provides the means for converting disability to ability and dependence to independence.

DEVELOPMENT OF PROPOSAL

Mr. Speaker, in developing the provisions of this bill, I have consulted with the representatives of major national organizations for the handicapped. They support its provisions and are particularly pleased that the bill will give new impetus to reaching and serving the severely handicapped.

Mr. Speaker, I include both the text and a section-by-section analysis of the Vocational Rehabilitation Act amendments at this point in these remarks:

H.R. 9847

A bill to amend the Vocational Rehabilitation Act in order to extend and improve rehabilitation services for handicapped individuals, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

AUTHORIZATION OF APPROPRIATIONS

SECTION 1. (a) Section 1(b)(1) of the Vocational Rehabilitation Act (29 U.S.C. 31 *et seq.*), as amended, is amended by striking out "and" and by inserting before the period at the end thereof the following: ", for the fiscal year ending June 30, 1973, the sum of $825,000,000, for the fiscal year ending June 30, 1974, the sum of $1,250,000,000, and for the fiscal year ending June 30, 1975, the sum of $1,500,000,000".

(b) Section 1(b)(2) of such Act is amended by striking out "and" and by inserting before the period at the end thereof the following: ", and for the fiscal year ending June 30, 1973 and each of the two succeeding fiscal years, the sum of $10,000,000".

(c) Section 1(b)(3) of such Act is amended by striking out "and" where it appears after "$115,000,000" and by inserting before the period at the end thereof the following: ", for the fiscal year ending June 30, 1973, the sum of $150,000,000, for the fiscal year ending June 30, 1974, the sum of $175,000,000, and for the fiscal year ending June 30, 1975, the sum of $195,000,000".

(d) Section 1(b)(4) of such Act is amended by striking out "1973" and inserting in lieu thereof "1976".

SPECIAL PROJECT GRANTS FOR THE SEVERELY HANDICAPPED

Sec. 2. (a) Section 4(a) of the Vocational Rehabilitation Act is amended by inserting in the first sentence thereof after "the mentally retarded" the following: ", and other severely handicapped".

(b) Section 4(a) is further amended by inserting before the period at the end of the second sentence thereof: ", and other severely handicapped".

STRENGTHENING STATE PLAN REQUIREMENTS

Sec. 3. (a) Section 5(a)(4) of the Vocational Rehabilitation Act is amended to read as follows:

"(4) show the plan, policies, and methods to be followed in carrying out the work under the State plan and in its administration and supervision; specify that all severely handicapped individuals shall be provided vocational rehabilitation services prior to provision of similar services to other individuals who are not otherwise severely handicapped; and, in case vocational rehabilitation services cannot be provided all other individuals who apply for such services, show the order to be followed in selecting those to whom vocational rehabilitation services will be provided;"

(b) Section 5(a) of such Act is further amended by renumbering paragraphs (5) through (14) as paragraphs (8) through (17) and inserting after paragraph (4) the following new paragraphs:

"(5) provide that the financial condition of a severely handicapped individual or his family shall not be a factor in determining his eligibility to receive any vocational rehabilitation service;

"(6) provide for granting an opportunity for a fair hearing before the State agency to any individual whose application for goods and services is denied or is not acted upon with reasonable promptness, including arbitration by three persons consisting of one person designated by the head of the State agency, one person designated by the individual, and a third person selected by the two, who shall serve as chairman;

"(7) provide for periodic review and reevaluation of the status of other severely handicapped individuals placed in extended or terminal employment in a rehabilitation facility to determine the feasibility of their employment in the competitive labor market;"

(c) Section 5(b) is amended by adding at the end thereof: "However, the Secretary shall not approve any plan which fails to provide for preference in goods and services to severely handicapped individuals or which denies such individuals their right to such services."

(d) Section 5 is further amended by adding the following new subsections at the end thereof:

"(e) If any individual is dissatisfied with the action taken pursuant to the provisions of paragraph (6) of subsection (a) of this section, such individual shall be entitled to and shall have standing for judicial review thereof.

"(f) Any applicant for or recipient of any rehabilitation service shall be entitled to obtain and utilize the services of any person or organization of his choice at any time in the preparation, presentation, or prosecution of his claim or application for services, including informal negotiations, hearings, arbitration and judicial proceedings."

ESTABLISHMENT OF THE DIVISION FOR SEVERELY HANDICAPPED

Sec. 4. (a) Section 7(e) of the Vocational Rehabilitation Act is amended by adding at the end thereof the following: "Such evaluation shall be made with a view to determining the effectiveness of programs in serving the severely handicapped."

(b) Section 7 of such Act is further amended by changing subsections (d) and (e) to subsections (f) and (g), respectively, and inserting the following new subsections:

"(d) The Secretary shall establish at the earliest practicable date not later than July 1, 1972, and maintain within the Department of Health, Education, and Welfare or any agency, establishment, or other entity created within the Government of the United States to administer the Vocational Rehabilitation Act, a Division for the Severely Handicapped which shall be the principal agency in the Department of Health, Education, and Welfare, or any agency, establishment, or other entity created within the Government of the United States to administer the Vocational Rehabilitation Act, for administering and carrying out programs and projects relating to vocational rehabilitation and related services for the severely handicapped, including programs and projects for the training of specialized personnel needed in rehabilitation programs for the severely handicapped and for research in such rehabilitation and related services. In carrying out the functions of this Division, the Secretary shall develop appropriate methods to facilitate client participation in the formulation of program objectives within the Division and at the State agency or other grantee level.

"(e)(1) There is hereby established in the Department of Health, Education, and Welfare a National Advisory Council on the severely Handicapped consisting of the Secretary, or his designee, who shall be chairman, and eight members appointed without regard to civil service laws by the Secretary. Two of the eight appointed members shall represent national organizations of the blind and deaf-blind; two shall represent national organizations for the severely handicapped; two shall represent State agencies for the handicapped; one shall represent organized labor; and one shall represent commerce or industry. Each appointed member of the Council shall hold office for a term of four years, except that any member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor is appointed shall be appointed for the remainder of such term and except that, of the members first appointed, two shall hold office for a term of three years, two shall hold office for a term of two years, and two shall hold office for a term of one year, as designated by the Secretary at the time of appointment. None of such eight members shall be eligible for reappointment until a year has elapsed after the end of his preceding term.

"(2) The Council is authorized to review applications for special projects submitted to the Secretary under this Act of any projects initiated by it which it believes show promise of making valuable contributions to the vocational rehabilitation of severely handicaped individuals. The Council is further authorized to advise and consult with the Secretary on the planning, delivery, and evaluation of services under this Act for the severely handicapped. The Secretary is authorized to utilize the services of any member or members of the Council in connection with matters relating to the administration of this Act, for such periods, in addition to conference periods, as he may determine.

"(3) Appointed members of the Council, while attending meetings or conferences thereof or otherwise serving on business of the Council or at the request of the Secretary, shall be entitled to receive compensation at rates fixed by the Secretary, but not exceeding $100 per day, including travel time, and while so serving away from their homes or regular places of business they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for persons in the Government service employed intermittently."

REPORTS

Sec. 5. Section 9 of the Vocational Rehabilitation Act is amended to read as follows:

"Sec. 9. Annual reports shall be made to the Congress by the Secretary as to the administration of this Act. Such annual reports shall include statistical data reflecting vocational rehabilitation services provided each handicapped individual during the preceding fiscal year and shall specifically distinguish between rehabilitation closures attributable to physical restoration, placement in competitive employment, extended or terminal employment in a sheltered workshop or rehabilitation facility, employment as a homemaker or unpaid family worker, and provision of supplementary services."

CLARIFICATION OF DEFINITIONS

Sec. 6. (a) Section 11(a)(1)(B) of the Vocational Rehabilitation Act is amended to read as follows:

"(B) counseling, guidance, and placement services for handicapped individuals, including on the job training and followup services to assist such individuals to maintain their employment;"

(b) Section 11(a)(1) of such Act is amended by changing the period at the end of subparagraph (E) to a semicolon and adding the following new subparagraph:

"(F) outreach, referral, and advocacy."

(c) Section 11(a)(2) of such Act is amended by inserting after "and insurance," and before "the following": "except for severely handicapped individuals designated by the Secretary".

(d) Section 11(a)(2) of such Act is further amended by striking "and" at the end of subparagraph (G), changing the period after subparagraph (H) to a semicolon, and adding the following new subparagraph:

"(I) preventive, restorative and other services which would preclude or diminish the present or prospective need of any severely handicapped individual (irrespective of his age) for any or all the foregoing rehabilitation services listed in this subparagraph or subparagraph (1) of this subsection."

(e) Section 11(a) is further amended by adding the following new paragraph:

"(3) Vocational rehabilitation services also include services provided in a sheltered workshop or rehabilitation facility but only to the extent that such services are not readily available on an adequate basis from public or other vocational or technical training facilities or other appropriate resources in the community."

(f) Section 11(h) of such Act is amended by inserting the numeral "(1)" after "except that", changing the period at the end thereof to a comma, and adding the following:

"and (2) with respect to vocational rehabilitation services to the severely handicapped as designated for this purpose by the Secretary, the Federal share shall be 100 per centum for the fiscal year ending June 30, 1972, and succeeding fiscal years."

GRANTS FOR CONSTRUCTION AND STAFFING OF REHABILITATION FACILITIES

SEC. 7. (a) Section 12(b)(2) of the Vocational Rehabilitation Act is amended by inserting after "relating to" and before "safety standards" the words "occupational health and".

(b) Section 12(i) of such Act is amended by striking out the "and" where it appears before "$30,000,000" and inserting before the semicolon after "1972" the following: ", $30,000,000 for the fiscal years ending June 30, 1973, June 30, 1974, and June 30, 1975".

(c) Section 12(i) is further amended by striking "1974" and inserting in lieu thereof "1977".

REHABILITATION FACILITY IMPROVEMENT

SEC. 8. (a) Section 13(e) of the Vocational Rehabilitation Act is amended by inserting after "comply with" and before "safety standards" the words "occupational health and".

(b) Section 13(f) of such Act is amended by striking out "and" where it appears before "$30,000,000" and inserting after "June 30, 1972," the following: "and $30,000,000 for the fiscal years ending June 30, 1973, June 30, 1974, and June 30, 1975,".

IMPROVEMENT OF VOCATIONAL EVALUATION AND WORK ADJUSTMENT PROGRAMS FOR THE SEVERELY HANDICAPPED

SEC. 9. (a) Section 15(a)(2) of the Vocational Rehabilitation Act is amended by inserting after the comma following "1972" the following: "$100,000,000 for the fiscal years ending June 30, 1973, June 30, 1974, and June 30, 1975,".

(b) Section 15(c)(1) of such Act is amended by striking "(other than the State blind commission or other agency providing assistance or services to the adult blind)."

(c) Section 15(c)(3) of such Act is amended to read as follows:

"(3) Shows the plan policies, and methods to be followed in providing services under the State evaluation and work adjustment plan and in its administration and supervision; specifies that all severely handicapped individuals shall be provided evaluation and work adjustment services prior to provision of similar services to disadvantaged individuals who are not severely handicapped; and, in case evaluation and work adjustment services cannot be provided all other individuals who apply for such services, shows the order to be followed in selecting those to whom evaluaton and work adjustment services will be provided."

PROTECTION OF EMPLOYEES

SEC. 10. The Vocational Rehabilitation Act is amended by renumbering Sections 14 through 18 as Sections 15 through 19 and inserting the following new section:

"ASSURANCE OF CONDITIONS AND BENEFITS OF EMPLOYMENT

"SEC. 14. It is hereby declared to be the policy and intent of Congress that workshops and rehabilitation facilities receiving grants or contracts under this Act for construction; renovation; staffing; use as a diagnostic, evaluation, or training facility; or for any other purpose authorized by this Act shall assure their employees, including handicapped individuals, the following:

"(1) Compliance with occupational health and safety standards prescribed by the Secretary of Labor;

"(2) Wages at rates not less than those prevailing for similar occupations in the locality as determined by the Secretary of Labor under Section 6 of the Fair Labor Standards Act;

"(3) Coverage for old age, survivors, disability, and health insurance benefits under Title II and XVIII of the Social Security Act;

"(4) Coverage for unemployment compensation benefits under applicable state law, the Social Security Act, and the Federal-State Extended Unemployment Compensation Act of 1970;

"(5) Coverage for workmen's compensation benefits;

"(6) Participation in any retirement or pension plan;

"(7) Applicability of the provisions of 29 U.S.C. 401 (73 Stat. 519)."

REORGANIZATION OF THE DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

SEC. 11. Notwithstanding any other provision of law, the Secretary of Health, Education, and Welfare, shall not, on or after July 1, 1971, without prior approval of Congress, abolish or consolidate any board, bureau, division, service, office, officer, authority, administration or other establishment within his Department.

SECTION-BY-SECTION ANALYSIS OF VOCATIONAL REHABILITATION ACT AMENDMENTS

A bill to amend the Vocational Rehabilitation Act, in order to extend and improve rehabilitation services for severely handicapped individuals

Section 1. Authorization of appropriations

Section 1(a) of the bill amends Section 1(b)(1) of the Vocational Rehabilitation Act to extend and increase the authorization of appropriations for grants to the states for vocational rehabilitation under Section 2 of the Act. It would authorize appropriations of $825,000,000 for the fiscal year ending June 30, 1973; $1,250,000,000 for the fiscal year ending June 30, 1974; and $1,500,000,000 for the fiscal year ending June 30, 1975. The authorization for the current fiscal year is $700,000,000. The Congress extended the Act through June 30, 1972, with existing authorizations late in December 1970.

Section 1(b) extends the authorization of appropriations under Section 1(b)(2) of the Act for innovation grants to the states under Section 3 at $10,000,000 for the fiscal year ending June 30, 1973, and each of the two succeeding fiscal years.

Section 1(c) of the bill increases the authorization of appropriations in Section 1(b)(3) of the Act for special project grants for research, demonstration, and training of personnel under Section 4 to $150,000,000 for the fiscal year ending June 30, 1973; $175,000,000 for the fiscal year ending June 30, 1974; and $195,000,000 for the fiscal year ending June 30, 1975.

Section 1(d) amends Section 1(b)(4) of the Act to require Congressional authorization of appropriations for the three grant programs under Sections 2, 3, and 4 of the Act for the fiscal year ending June 30, 1976, and each succeeding fiscal year.

Section 2. Special project grants for the severely handicapped

Section 2 of the bill amends Section 4(a) of the Act to insert "and other severely handicapped" to emphasize that priority be given to financing special projects for research, demonstration, and personnel training to improve rehabilitation techniques and services for such individuals.

Section 3. Strengthening State plan requirements

Section 3(a) of the bill amends Section 5(a)(4) of the Act to provide that a priority be specified in state plan requirements for rehabilitation services for the severely handicapped.

Section 3(b) of the bill renumbers paragraphs (5) through (14) of Section 5(a) of the Act as paragraphs (8) through (17) and inserts three new paragraphs in the state plan requirements. The new paragraph (5) prohibits consideration of the financial condition of a severely handicapped person or his family as a criterion of eligibility for services. The new paragraph (6) would require state vocational rehabilitation whose application for goods and services under the Act is denied or not acted upon with reasonable promptness. It would also provide an arbitration procedure as an extension of the fair hearing mechanism. The new paragraph (7) specifies that state plan requirements provide for periodic review and reevaluation of the status of severely handicapped individuals placed in extended or terminal employment in a rehabilitation facility which is a sheltered workshop to determine the feasibility of their employment in the competitive labor market.

Section 3(c) of the bill amends Section 5(b) of the Act to specify that the Secretary of Health, Education, and Welfare shall not approve a state plan which fails to provide preference in goods and services under the Act to severely handicapped individuals, or which denies such individuals their right to such services.

Section 3(d) adds two new subsections to Section 5 of the Act. The new Section 5(e) authorizes judicial review of decisions made as a result of the fair hearing and arbitration procedure. The new Section 5(f) authorizes an applicant for or recipient of any rehabilitation service under the Act to designate an individual or organization to represent him on any aspect of a claim for service.

Section 4. Establishment of the Division for the Severely Handicapped

Section 4(a) of the bill amends Section 7(e) of the Act to provide that evaluation of the effectiveness of rehabilitation services by the Secretary shall specifically focus on their effectiveness in serving the severely handicapped.

Section 4(b) of the bill changes the present subsections (d) and (e) of Section 7 of the Act to subsections (f) and (g) and adds two new subsections (d) and (e). The new Section 7(d) requires the Secretary to establish by July 1, 1972, and maintain in the Department of Health, Education, and Welfare, or any successor agency assigned administration of the Vocational Rehabilitation Act, a Division for the Severely Handicapped. Section 7(d) also provides that the Division shall be the principal agency in the Department or its successor for administering and carrying out programs and projects relating to vocational rehabilitation and related services for the severely handicapped including personnel training and research. The new subsection (d) also directs the Secretary to facilitate client participation in the formulation of program objectives in the Division and at state agency or other grantee level.

The new Secton 7(e) establishes in the Department of Health, Education, and Welfare a National Advisory Council on the Severely Handicapped, consisting of the Secretary (or his designee) who shall serve as chairman and eight members appointed by him for four year terms. The membership of the Council is to be as follows: two persons representing national organizations of the blind and half-blind, two representing national organizations for the severely handicapped, two representing state agencies for the handicapped, one representing organized labor, and one representing commerce or industry. The terms of six of the Council members first appointed by the Secretary will be for less than four years in order to provide for desirable continuity of old and newly appointed members. The Council is authorized to review applications for special projects relating to the vocational rehabilitation of the severely handicapped and to advise and consult with the Secretary on the planning, delivery, and evaluation of services for the severely handicapped. Members of the Council are authorized to be paid a per diem allowance of up to $100 and travel expenses while serving during conference periods or special assignment.

Section 5. Reports

Section 5 of the bill amends Section 9 of the Act regarding annual reports to the Congress by the Secretary on the vocational rehabilitation program. The revised Section 9 specifies that these reports shall include statistical data reflecting vocational rehabilitation services provided each individual during the preceding fiscal year, including specific distinction between the various types of rehabilitation closures.

Section 6. Clarification of definitions

Section 6(a) of the bill amends Section 11(a)(1)(b) of the Act to specifically include "on the job training" in the list of rehabilitation services to emphasize the desirability of utilizing this type of training.

Section 6(b) of the bill adds a new subparagraph (f) to the list of rehabilitation services specified in Section 11(a)(1) of the Act to specifically provide that "outreach, referral, and advocacy" shall be services provided handicapped persons by state vocational rehabilitation agencies.

Section 6(c) of the bill amends Section 11(a)(2) of the Act to except the severely handicapped from the provision that pension, compensation, and insurance benefits be taken into account in determining eligibility for services specified in Section 11(a)(2) of the Act.

Section 6(d) of the bill adds a new subparagraph (I) to Section 11(a)(2) of the Act providing for preventive and other services designed to eliminate or lessen the present or prospective need of a severely handicapped individual irrespective of his age for other rehabilitation services under the Act. The effect of this amendment would be to improve preventive and restorative services in order to minimize the handicapping effects of many conditions and lessen the need for a wide variety of vocational rehabilitation services. It would be particularly helpful for children, who are not now covered by the Act.

Section 6(e) of the bill adds a new paragraph (3) to Section 11(a) of the Act to provide for maximum utilization of adequate public or private vocational or technical training resources in the community for vocational rehabilitation services for the handicapped before using a sheltered workshop or rehabilitation facility for providing such services.

Section 6(f) of the bill amends Section 11(h) of the Act to provide that the Federal share of the cost of rehabilitation services for the severely handicapped designated by the Secretary under the basic grants to the states program provided for in Section 2 shall be 100% for the fiscal year ending June 30, 1972, and succeeding fiscal years.

Section 7. Grants for construction and staffing of rehabilitation facilities

Section 7(a) of the bill amends Section 12(b)(2) of the Act to require compliance with occupational health standards specified by the Secretary of Labor by workshops and rehabilitation facilities receiving grants for construction or staffing.

Section 7(b) of the bill amends Section 12(i) of the Act to extend the authorization of appropriations for construction and staffing of workshops and rehabilitation facilities through the fiscal year ending June 30, 1975, at the current annual authorization of $30,000,000.

Section 7(c) of the bill amends Section 12(i) of the Act to require that sums appropriated for construction and staffing shall remain available until July 1, 1977.

Section 8. Rehabilitation facility improvement

Section 8(a) of the bill amends Section 13(e) of the Act to require compliance by rehabilitation facilities receiving grants under this section with occupational health standards specified by the Secretary of Labor.

Section 8(b) amends Section 13(f) of the Act to extend the authorization of appropriations for rehabilitation facility improvement through June 30, 1975, at the current annual authorization of $30,000,000.

Section 9. Improvement of vocational evaluation and work adjustment programs for the severely handicapped

Section 9(a) of the bill amends Section 15(a)(2) of the Act by extending the authorization of appropriations through June 30, 1975, at the current annual authorization of $100,000,000.

Section 9(b) of the bill amends Section 15(c)(1) of the Act by eliminating the wording which prevents state agencies for the blind from receiving grants to administer the vocational evaluation and work adjustment program for blind persons. This will make the position of state agencies for the blind in receiving Federal funds the same as it is under the basic program for vocational rehabilitation services to blind persons.

Section 9(c) of the bill amends Section 15(c)(3) of the Act to provide that state plans must specify that all severely handicapped individuals must receive evaluation and work adjustment services prior to provision of such services to disadvantaged individuals who are not otherwise severely handicapped.

Section 10. Protection of employees

Section 10 of the bill renumbers Sections 14 through 18 of the Act as Sections 15 through 19 and adds a new Section 14 to the Act entitled "Assurance of Conditions and Benefits of Employment".

The new Section 14 declares it to be the policy and intent of the Congress that workshops and rehabilitation facilities receiving grants under the Vocational Rehabilitation Act for construction; renovation; staffing; use as a diagnostic, evaluation, or training facility; or for any other purpose authorized by the Act shall assure their employees, including handicapped individuals, of the ordinary protection and benefits of employment required of most employers. These are: compliance with occupational health and safety standards prescribed by the Secretary of Labor; wages at rates not less than those prevailing for similar occupations in the locality as determined by the Secretary of Labor under Section 6 of the Fair Labor Standards Act; coverage for old age, survivors, disability, and health insurance under the Social Security Act; coverage for unemployment compensation; coverage for workmen's compensation; participation in any retirement or pension plan; applicability of 29 U.S.C. 401 to assure collective bargaining rights under the National Labor Relations Act.

Section 11. Reorganizations of the Department of Health, Education, and Welfare

Section 11 of the bill provides that on or after July 1, 1971, the Secretary of Health, Education, and Welfare shall obtain the prior approval of the Congress before abolishing or consolidating any board, bureau, division, service, office, officer, authority, administration, or other establishment within his Department.

FRED G. LITSINGER—CIVIC LEADER AND HUMANITARIAN

(Mr. ANNUNZIO asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. ANNUNZIO. Mr. Speaker, as the Congressman who represents the Seventh Illinois Congressional District, where my good friend of many, many years, Fred G. Litsinger, has maintained at 1200 West Washington Boulevard his Ford and Lincoln-Mercury dealerships for 50 years, it gives me great pleasure to extend to him my warmest congratulations as he celebrates his golden anniversary.

At a luncheon yesterday at the Downtown Holiday Inn in Chicago, attended by distinguished city officials, as well as representatives from the Ford Motor Co., including John Naughton, general manager, and H. C. Ramsey, assistant director of dealer affairs, and other dignitaries, Fred Litsinger was honored by the Ford Motor Co. for his 50 years in business and for being the oldest Ford dealership in metropolitan Chicago.

Fred Litsinger has been not only one of Chicago's outstanding businessmen, but one of its eminent civic leaders, as well. He has participated in countless humanitarian activities, giving generously of his time, his money, and his efforts. The West Central Association, the Business Opportunities for the Blind, the Chicago Foundlings Home, the Henry Horner Boys Club, and the Goodwill Industries of Chicago all have benefited from his outstanding leadership.

Mr. Speaker, I would like to take this opportunity to express my sincere appreciation, and indeed, the gratitude of all Chicago residents for the tremendous contribution Fred Litsinger has made over the years toward the betterment and well-being of our community. Again, I congratulate him on his golden anniversary in business and I extend to him my best wishes for abundant good health and continuing success in his worthy endeavors.

An article which appeared in the July 14 edition of the Chicago Tribune about the luncheon celebraton in honor of Fred Litsinger follows:

HONOR FRED LITSINGER

(By James Mateja)

Fred Litsinger has weathered the Depression, World War II, and the Edsel, and after 50 years in business you would think he'd be ready to slow down, but there's little doubt he will.

Many car dealers complain of all their hard times while on the way to their weekend home in the Bahamas. Litsinger, who has been selling Fords and Lincolns and Mercurys before many of his fellow dealers were born, is usually too busy to complain.

His list of accomplishments and civic activities over the last five decades would fill scrap books from floor to ceiling. His activities include past president and director of the West Central Association; president of Business Opportunities for the Blind, Inc.; trustee, Chicago Foundlings Home; director, Henry Horner Boy's Club; and Director Goodwill Industries of Chicago.

PRESIDENT OF SEVERAL FIRMS

Litsinger is president of several firms that bear his name at 1200 W. Washington Blvd., the primary ones being his Ford and Lincoln-Mercury dealerships.

He has lost one dealership, though. In 1958 he was awarded an Edsel franchise. "The timing and the price weren't right," Litsinger explains. "Some of the Edsel models were in the $4,000 to $5,000 price range and at the time the public was very economy minded." The Edsel franchise lasted one year, the Edsel a little longer.

While there are episodes he likes to forget, Litsinger still recalls the first sale he made, "a Model T Roadster for $300 to Rocko Greco, a west side resident." Since then there have been about 200,000 other cars sold through his dealerships.

Litsinger will get a chance to pause from his busy schedule this week to take time out to be honored by Ford Motor Co. for his 50 years in business, and the oldest Ford dealership in metropolitan Chicago.

DIGNITARIES ATTEND

Heading the Ford dignitaries from Detroit who will honor Litsinger at a luncheon today are John Naughton, Ford's general manager, and H. C. Ramsey, assistant director of dealer affairs.

City officials, including Mayor Daley, will be at the luncheon, which also will mark 50 years in business by several other Chicago firms.

After the luncheon Litsinger will have to get back to work. He just purchased 20,000 square feet of land on Racine Avenue opposite the present service entrance in order to expand operations.

It would seem unlikely that Litsinger could mark another 50 years, but no one is taking bets on it.

CAPTIVE NATIONS WEEK

(Mr. ANNUNZIO asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. ANNUNZIO. Mr. Speaker, the period of July 18–24 marks the 13th observance of Captive Nations Week. It is at this time each year since 1959 that we have reaffirmed our dedication to the cause of freedom in all nations. It is at this time that we again remember there are millions of enslaved people throughout the world who are deprived of rights and freedoms which we in the United States consider essential.

This observance is a reminder to the people of the captive nations, the American people, and the people of the world. It recalls the historical development of conditions of tyranny and foreign domination within formerly free countries. It recalls the loss of freedom and individual rights among the people of these nations. It is a reminder that these conditions still exist and that there are nations where individual liberties are still denied.

The list of captive nations is long and today includes the following countries: Armenia, Azerbaijan, Byelorussia, Cossackia, Georgia, Idel-Ural, North Caucasia, Ukraine, Far Eastern Republic, Turkestan, Mongolian People's Republic, Estonia, Latvia, Lithuania, Albania, Bulgaria, Siberia, Croatia, Slovenia, and so forth in Yugoslavia, Poland, Rumania, Czechoslovakia, North Korea, Hungary, East Germany, Mainland China, Tibet, North Vietnam, and Cuba.

Some of these countries have found themselves under foreign domination for the past centuries and others regained their liberty for a few years only to have it brutally taken away again. The list is, indeed, tragic, but it would be an even greater tragedy if we, as Americans, were to forget the plight of these once-free people.

The prospects confronting these Communist-dominated countries are depressing; yet there is hope, for the Communist dictatorships have never been able to enslave the minds and hearts of the people in the captive nations. Just 7 months ago, resistance to Communist domination appeared in Poland. In December of 1970 Polish workers took to the streets in open protest against the economic policies of the Gomulka regime which put an intolerable burden on the living standards of the Polish people. This demonstration by the Polish people is another manifestation of the continuing resistance by captive nations against their Communist dominators. This continuing resistance by the captive nations shows beyond a doubt that those who desire freedom will not forever be denied that freedom.

Each year our outstanding mayor of Chicago, Hon. Richard J. Daley, proclaims Captive Nations Week for the city of Chicago. At this point in the Record I would like to include the mayor's 1971 Captive Nations Week proclamation, as well as the State of Illinois House Resolution No. 235 which supports the cause of freedom for the captive nations:

CITY OF CHICAGO PROCLAMATION

Whereas, the imperialistic policies of Russian Communists have led, through direct and indirect aggression, to the subjugation and enslavement of the peoples of Poland, Hungary, Lithuania, Ukraine, Czecho-Slovakia, Latvia, Estonia, White Ruthenia, Rumania, East Germany, Bulgaria, Mainland China, Armenia, Azerbaijan, Georgia, North Korea, Albania, Idel-Ural, Serbia, Croatia, Slovenia, Tibet, Cossackia, Turkestan, Slovakia, North Viet Nam, Cuba and others; and

Whereas, the Congress of the United States by unanimous vote passed Public Law 86–90 establishing the third week in July each year as Captive Nations Week and inviting the people of the United States to observe this week with appropriate prayers, ceremonies and activities expressing their sympathy with and support for the just aspirations of captive peoples for freedom and independence; and

Whereas, the City of Chicago, is closely linked to these captive nations through the bonds of family, since numbered among the people of Chicago are hundreds of thousands of our citizens who, through nativity or ancestry, treasure the heritage which is theirs; and

Whereas, these nations have been made captive by the imperialistic, aggressive and heartless policies of communism; and

Whereas, the peoples of these communist-dominated nations have been deprived of their national independence and their individual liberties; and

Whereas, it is appropriate and proper to demonstrate to the peoples of the captive nations the support of the people of the City of Chicago for their just aspirations for freedom and national independence; and

Whereas, the people of Chicago, as do all the people of the United States, want for the people of the world the same freedom and justice which is theirs:

Now, therefore, I, Richard J. Daley, Mayor of the City of Chicago, do hereby proclaim July 12 through July 17 as Captive Nations Week in Chicago.

I urge the people of Chicago to join the programs arranged for the observance of this occasion and especially encourage everyone to concretely demonstrate their interest in the imprisoned people of the captive nations by their attendance at or participation in the parade to be held on State Street on Saturday afternoon, July 17 at 12 noon.

STATE OF ILLINOIS HOUSE RESOLUTION

No. 235

Whereas, Since 1918 the forces of communism have, through direct and indirect aggression, subjugated the national independence of Hungary, Poland, Ukraine, Slovakia, Czechoslovakia, Lithuania, Latvia, Estonia, Rumania, White Ruthenia, Bulgaria, East Germany, mainland China, Armenia, Azerbaijan, Georgia, North Korea, Albania, Idel-Ural, Tibet, Cossackia, Turkestan, North Viet-Nam Serbia, Slovenia, Croatia and others; and

Whereas, These captive nations have been forcibly deprived of the right of self determination which is a basic right of all free men; and

Whereas, In 1959, the United States Congress and President Dwight David Eisenhower, recognizing the importance of keeping world attention focused on the plight of these peoples, designated the third week in July as Captive Nations Week; and

Whereas, 1971 marks the 12th Anniversary of Captive Nations Week; therefore, be it

Resolved, By the House of Representatives of the Seventy-seventh General Assembly of the State of Illinois, that we support those people of the captive nations in their unending quest for liberation; that we commend those in the free world who are striving so that others may also enjoy the blessings of freedom and democracy; and that this resolution be spread upon the Journal of this House as a reminder that no man is free until all men are free; and, be it

Further resolved, That a suitable copy of this preamble and resolution be forwarded to Mr. Viktors Viksnins, Chairman of the Captive Nations Committee.

During this Captive Nations Week we solemnly reaffirm our sympathy for those people now living under Communist domination, and once again, we assure them they are not forgotten by those of us fortunate enough to be living in the free world.

It is appropriate that on this occasion we recall the injustice being done to the captive nations and the oppression of our fellow men and women living in these subjugated countries. Today let us reaffirm the hope that soon these Communist-dominated countries will once again become members of a free world community.

FDA–FTC LIAISON: TEAMWORK THAT PAYS OFF

(Mr. DINGELL asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. DINGELL. Mr. Speaker, the House Small Business Subcommittee on Activities of Regulatory Agencies Relating to Small Business, of which I am chairman, recently completed hearings on advertising. The hearings considered various aspects of advertising and its relationship to small business, and one topic of particular interest was the liaison arrangements established between the various Federal regulatory agencies.

It appears that while in some instances Federal regulatory agencies have excellent liaison agreements, other agencies apparently have none at all, or if they exist, are not effective.

Two agencies that appear to have developed a close working liaison arrangement are the Food and Drug Administration and the Federal Trade Commission. Mr. R. Joel Slomoff, Special Assistant to the Associate Commissioner for Compliance of the Food and Drug Administration, and Mr. Robert E. Freer, Jr., Assistant to the General Counsel and Liaison Officer of the Federal Trade Commission, have recently written an excellent article appearing in the April 1971 edition of FDA Papers, describing the close working relationship between those two agencies.

For the information of the Members, it is requested that this article appear in the Record at this point.

FDA–FTC Liaison: Teamwork That Pays Off

(By R. Joel Slomoff and Robert E. Freer, Jr.)

The Federal Food, Drug, and Cosmetic Act makes illegal any food, drug, device, or cosmetic product that is adulterated or misbranded when introduced into or while in interstate commerce or when held for sale after shipment in interstate commerce. When the surveillance and investigative work of the Food and Drug Administration discloses a serious violation, the facts are reported to the Department of Justice with a recommendation for seizure, criminal prosecution, or injunction actions in the Federal courts. Under the statute each of the four commodities covered is deemed to be misbranded "if its labeling is false or misleading in any particular."

In addition to this general misbranding provision, the FDC Act defines a number of other circumstances under which a food, drug, device, or cosmetic shall be deemed to be misbranded—some of these definitions of misbranding applying specifically to foods, drugs, devices, or cosmetics as the case may be. Among the definitions of misbranding specific to drugs or devices is failure of the labeling to bear (1) adequate directions for use, (2) adequate warnings against use in certain pathological conditions or by children where use may be dangerous to health, and (3) adequate warnings against unsafe dosage or methods of duration of administration or application to the extent necessary for the protection of users.

The Federal Trade Commission enforces the Federal Trade Commission Act, which prohibits unfair competition and unfair or deceptive acts and practices in commerce. The Wheeler-Lea Amendment to the FTC Act specifically declares false advertising of foods, drugs, devices, or cosmetics to be an unfair or deceptive act or practice. This amendment defines the term "false advertisement" as applied to foods, drugs, devices, and cosmetics to mean an advertisement, other than labeling, which is misleading in a material respect. In determining whether any advertisement is misleading, consideration is given not only to representations made or suggested by statement, word, design, device, sound, or any combination of these, but also to the extent the advertisement fails to reveal material facts, or consequences that may result from the use of the commodity.

Preventing deception of the public in the marketplace by misrepresentations of foods, drugs, devices, or cosmetics is the common objective of both agencies. The Food and Drug Administration strives to prevent misrepresentations that may occur as a result of false or misleading statements made in labeling or by the omission of certain information required in labeling. Other than prescription drugs, which are entirely the province of the Food and Drug Administration, the Federal Trade Commission seeks to prevent misrepresentation resulting from false or misleading statements in advertisements or the omission of certain necessary statements from advertising.

Although the definition of false advertising of a food, drug, device, or cosmetic, as contained in Section 15 of the FTC Act, specifically excludes labeling, it is well established that written, printed, or graphic matter descriptive of a food, drug, device, or cosmetic may at one time be used as advertising, and at another time may accompany the article and thereby become labeling. Concurrent jurisdiction by both agencies is not uncommon.

The FDC Act's requirement that drugs or devices bear adequate directions for use has been judicially interpreted as including directions for the use of the drug or device for those purposes for which it is prescribed, recommended, or suggested in advertising.

Although the responsibilities of the two agencies thus are closely related in many respects, significant differences in procedure and in the nature and effect of sanctions are inherent in the statutes and regulations governing the two agencies. The close relationship of the objectives of the two agencies as outlined in the foregoing, however, is now recognized as requiring a more effective liaison to eliminate any duplication of effort.

To provide for the exchange of complete information so that both agencies can most effectively serve the public interest, each agency has designated a liaison officer responsible directly to the chief operating official of his own agency to serve as a primary source of contact with the other agency. Since 1954 the existence of these liaison officers has been a point of formal agreement between the two agencies. But it was not until recently that full value has been realized from the liaison agreement.

Although in prior years the liaison meetings had been taking place on a frequent basis, they had not been at the high level anticipated by the original agreement. In the 1970's through direct contact between former FTC Chairman Caspar W. Weinberger and his successor Chairman Miles W. Kirkpatrick with Commissioner of Food and Drugs Charles C. Edwards, M.D., the full intent of the liaison agreement has been achieved. Representing the Food and Drug Administration is Sam D. Fine, associate commissioner for compliance, and his special assistant. To represent the Federal Trade Commission, Chairman Kirkpatrick has designated the Commission's liaison officer, who is also assistant to the general counsel. The three meet formally at least once a month, in turn at the Food and Drug Administration or the Federal Trade Commission. To fully inform each other on matters of current interest, they invite the appropriate senior officials of the two agencies, insuring that discussions will take place at a policy-determining level.

During the year that the liaison arrangement between the Federal Trade Commission and the Food and Drug Administration has been conducted in this fashion, marked progress in the coordination of joint activity has been noted within government and by key officials in the private sector. Among the subjects of greatest current interest to both agencies have been enzyme detergents with their appurtenant safety and efficacy issues, the current controversy over mouthwash efficacy, polyunsaturated fat labeling, toy safety, nutritional labeling, cents-off regulations, and the advertising of drugs which were reviewed for efficacy by the National Academy of Sciences/National Research Council.

Possibly the most outstanding example of interagency cooperation during the past year has been the joint effort in the enzyme safety area. A series of meetings betweèn the agencies and on occasion with industry and representatives of the Soap and Detergent Association has not only utilized the medical knowledge of the Food and Drug Administration and the advertising regulatory and market expertise of the Federal Trade Commission, but also has fostered a better understanding of the issues by industry. In the employment of new methods to serve the public interest, this stands out as an example of agency innovation through the liaison procedure.

The cooperation that has existed between the agencies on the question of enzyme safety has been exhibited as well in the other, previously mentioned areas. Interagency briefing sessions at the highest levels have assured consistency in regulating affairs and in formulating constructive responses by informed Federal officials.

Commissioner Edwards, making known his support of the FDA–FTC Liaison arrangement, said recently:

"Meeting the consumer protection issues which face this agency is truly a management challenge. I strongly believe that sound communication through our liaison agreement with other government agencies contributes not only to our effectiveness but enhances the scientific and regulatory capabilities of our system. The FDA–FTC Liaison is providing this communication."

FTC Chairman Kirkpatrick, in commenting on the new liaison procedures, has commended the good working arrangement that now prevails, and has said that he personally has found the briefing conferences and his meetings with Dr. Edwards to be most fruitful. Both Dr. Edwards and Chairman Kirkpatrick concluded their comments by expressing hope that the current profitable relations between these two agencies may serve as a model for liaison of a similar nature between other Federal agencies.

TRAGIC SHOOTING OF SILVER SPRING MAN

(Mr. DINGELL asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. DINGELL. Mr. Speaker, a disagreeable odor is arising in the aftermath of the tragic shooting of a 28-year-old Silver Spring, Md., man by a pack of overzealous Federal agents and police in hippie clothes who smashed their way into his home to execute a search warrant.

On Monday, the agents of the Alcohol, Tobacco and Firearms Division of the Internal Revenue Service, who conducted this Gestapo-style "raid" June 7 on the apartment of Mr. Kenyon F. Ballew, revealed their true character.

After more than a month of insisting they "did nothing extraordinary, nothing reckless, nothing culpable, nothing wrong," the ATFD agents refused to testify before a grand jury without first being granted immunity from criminal prosecution.

According to newspaper accounts, court sources indicated the ATFD agents feared possible indictment for a variety of offenses ranging from "maliciously obtaining a search warrant without probable cause," to manslaughter or murder if Mr. Ballew should die.

Mr. Speaker, this incident is of nationwide importance. If these deplorable tactics by Federal agents are not brought to an immediate halt, no citizen—no matter who he is, what his reputation is, or where he lives—will be safe in his home.

The evidence suggests that this escapade was ill conceived, recklessly executed, and stupidly justified. Last June 14, I wrote to the Secretary of the Treasury, Mr. Connally—who I would like to believe has some control over the ATFD, since the Internal Revenue Service is a subordinate branch of the Treasury Department—urging him to make a full, thorough and searching investigation of this travesty to bring those directly responsible to account, and to prevent any recurrence.

I regret to inform the House that I still have not received a substantive reply.

In the meantime, however, those connected with the raid have been rushing wildly about—often with conflicting accounts—trying to exonerate themselves and assuring the public that all was proper, regular and normal. Meanwhile, they seek to prevent a full public inquiry.

Thus we saw the U.S. attorney hastily calling the raid "letter perfect" and now—as more evidence comes to light—evidently declining to justify the raid any further.

Then we saw the superintendent of police of Montgomery County insist that his officers—wearing beards and looking like thugs—went along on the raid only at the request of, and under the direction of, the Federal agents—a very shabby explanation for a most unwise appearance and behavior.

Now we see the chief executive of Montgomery County, Mr. James P. Gleason, trying to whitewash the outrageous affair with the assertion: "There isn't anything that could have been done differently." One may only ask in sadness and horror if raiders costumed as hippies and the overeager agents smashing down doors, dishonoring women, terrorizing and shooting innocent citizens are to be regarded as normal and proper law enforcement.

Ultimately, the responsibility for this tragedy lies with the Secretary of the Treasury. Mr. Connally has it in his power to see that justice is done and the citizenry protected from law enforcement run amok. He has not yet spoken on the issue. I sincerely hope he will not fall into line with the others so callously attempting to whitewash this incident.

I commend to my colleagues several newspaper articles relating to this sorry affair:

[From the Washington Daily News, July 13, 1971]

FEDERAL AGENTS MUM AT GRAND JURY

(By Diane Bauer)

Federal agents have refused to testify before a Montgomery County grand jury investigating a June 7 raid on a Silver Spring home that left the apartment's occupant partially paralyzed with a bullet in his brain, court sources told The Washington Daily News.

The treasury agents, who joined with county police in raiding the home of Kenyon F. Ballew, 1014 Quebec Terrace, in search of illegal firearms, refused to testify when the grand jury refused to grant them immunity from possible prosecution, the sources said.

The refusal came despite statements by State's Atty. Andrew L. Sonner that he did not expect any charges to be placed against any member of the approximately 20-man raiding party.

"I don't expect anything to come out of that grand jury," Mr. Sonner said.

County police did agree to testify, the sources said.

BEARDS AND HIPPIE CLOTHES

The raiders, some bearded and in hippie clothing, forced their way into the Ballew apartment with an 85-pound battering ram, shot Mr. Ballew who leaped from the bathtub and grabbed a gun when he heard the noise.

Although they had a search warrant for illegal hand grenades, the raiders found only empty souvenir grenade castings, a part of Mr. Ballew's legal gun collection.

Montgomery County Executive James P. Gleason is scheduled to hold a press conference on the matter today. He had previously accepted a report from Montgomery Police Chief Kenneth Watkins who said the raid was satisfactory police procedure.

A Treasury Department report obtained by The Washington Daily News 10 days ago, however, failed to support police accounts of the raid.

NAMES WITHHELD

Both Mr. Gleason and Col. Watkins have so far refused to reveal even the names of the officers involved in the raid, who was in charge of Montgomery police and who authorized participation of both Montgomery and Prince Georges police on a federal warrant.

George Beall, U.S. attorney for Maryland, who immediately after the raid announced that an investigation had revealed the warrant was properly executed, has made no further public statements.

Mr. Ballew, who is completely paralyzed on his right side, unable to speak and can breathe only by means of a tube inserted in his throat, is at Washington Sanitarium.

Surgeons say that his condition is inoperable because the bullet could not be removed without further brain damage.

POSSIBLE CHARGES

Court sources said federal officials are concerned that charges could be made against the federal government against "maliciously obtaining a warrant without probable cause," because it was obtained on only hearsay evidence relayed by an unidentified informer to a Prince Georges County policeman who told federal agents.

Other possible charges include using "unnecessary severity" in executing the warrant and a possible manslaughter or murder charge if Mr. Ballew should die.

The Montgomery Coalition Against Racism is scheduled to appear today before the Maryland State Human Relations Commission to demand an official investigation of police brutality in the incident.

The coalition includes members of the American Civil Liberties Union, National Welfare Rights Organization, Citizens Against Repression, Compeers, the Peoples Organization of Montgomery County, Concerned Citizens Emory Grove and SANE.

The grand jury continues its investigation today.

[From the Washington Post, July 14, 1971]

"OPEN UP! FEDERAL AGENTS!"

(By Nicholas von Hoffman)

In the reports filed by the law officers, local and federal, the couple are referred to as "white female" and "white male." Since about 9 o'clock on the evening of June 7, the white male has been in the hospital with a hole, slightly smaller than a quarter, in his forehead and the remains of a police dum-dum bullet in the back of the left side of his brain.

The white male's lawyer, John T. Bonner of Silver Spring, Md., reports that his client can't talk, mostly paralyzed but can indicate yes and no by small motions. Bonner also says the doctors don't see how the white male has lived this long or how he is going to go on living, the tissue damage being so great that the wound is inoperable.

The white male was reduced to these pitiable circumstances as a result of a raid pulled on his apartment in the town of Silver Spring by four county police officers and seven members of the Alcohol, Tobacco and Firearms Division of the United States Treasury Department. They came to the white male's door with a search warrant sworn out on the basis of a report by an unnamed source that a man named Ken had a lot of firearms in his apartment and had been seen playing with hand grenades around the building.

That's all they knew about him, that his name was Ken and that he drove a white Jeep. They didn't do any shoe leather detective work to find out more. On the search warrant, all they could put was Apartment 2 because they didn't know Kenyon Ballew's last name. They did nothing to dispel the gossip going around that their source was a police informant who makes his living selling stolen merchandise. If the gossip is correct, the informant had turned in the white male because Ballew, a 27-year-old printer, had refused to buy stolen merchandise from him.

That's the rumor, but it conforms to the known facts as well as the police story, which is outlandishly incomprehensible and possibly at variance with the physical evidence.

For some reason, not explained, the law officers chose to enter the Ballew apartment through a heavy, metal door using a battering ram. They could have announced themselves at the other entrance to the apartment, which has a window in it, so that the white male who was in the bath tub or his wife, who was naked except for a pair of panties, could have peeked around the corner and seen that they were cops. Or, better yet, if they'd done their homework, they could have posted a man at both doors and phoned the white male, explaining they had a warrant to search the premises. Since the victim had no prior criminal record, this would not have been an unreasonable step.

Instead, according to police officer Louis P. Ciamillo, Treasury Agent William H. Seals, "who had possession of the warrant knocked on the door and shouted, 'Open up! Federal agents!' I was able to hear a response from inside the apartment, but was unable to determine what was said." Federal Agent Donald R. Sloan agrees: "We waited for what seemed about a minute. I thought I heard some scuffling inside the apartment and a female yelling something I could not understand."

You would think it would have occurred to these hawkshaws that if they couldn't understand somebody yelling inside the apartment, that the same somebody in the apartment wouldn't be able to hear them identify themselves as police officers.

They come smashing in, literally with a battering ram, and doing this after waiting no more than a minute according to their own written statements. Once inside they are met by a naked, wet, white male who has leapt out of the tub because the white female is screaming that the place is being attacked by "hippies" or "racketeers" (Mrs. Ballew claims the first officers through the door wore beards and sweatshirts. The authorities say that Sloan came in first followed by the weirdo cops, but Sloan was wearing not a uniform but a business suit. In fact, only two of 11 lawmen were wearing uniforms and could be easily identified.

The white male is a gun collector. With the white female screaming at him to defend their home, he snatches an 1847 cap and ball antique revolver to do it with.

He fails. According to Bonner he is hit before he can get off a shot. The lawyer claims the white male's museum piece discharged as he was falling, inflicting a powder burn in his own leg. The ball itself traveled through a paperback book called "Chinese Mask" and embedded itself in the wall.

The book, along with a Belson accordion, a clock-radio, a sewing machine and a Coleman gas lantern were carted off by the authorities. At least seven other shots were fired, and if Bonner's reconstruction of the physical evidence is correct, they were fired at the white male after he was already unconscious on the floor.

Next, Officer Ciamillo states, "A white female exited from the bedroom and told us the occupant was shot and lying on the floor. We then moved to the doorway of the occupant's bedroom and found him lying on the floor with a gun in his right hand. The white female became hysterical at this point and stated that she knew he had a gun and that she had one, too."

Federal Agent Marcus J. Davis concurs: "A white female emerged from the bedroom area shouting and screaming . . . the female was in such a condition that she failed to understand her rights, and so stated. She was shortly removed from the apartment by the Montgomery County Police."

And the hand grenades? They turned out to be duds, if a Treasury Department memo sent to the U.S. District Attorney in Baltimore is to be believed. None of them had powder in them. One was a practice grenade that couldn't have hurt anyone if it had been functional. Three were smoke or gas grenades, and the last was just empty.

This kind of thing is enough to make you join the firearms lobby to protect your home. The other night a couple of reporters knocked late on the door of the home of Warren Burger, the Chief Justice of the United States. Like many another householder at that hour, the judge met them at the door with a gun in his hand. Is he going to get the same treatment as the white male if the Treasury Department gets a tip from some stumble bum that the Chief Justice has a BB gun in the basement?

This white male and white female were not a couple of dangerous Black Panthers. There was no reason to act with such stupidity, fright and arrogance. Local cops can perhaps be forgiven, but those Treasury men ought to throw in their badges and go pump gas for a living. To say that is not cop baiting, but demanding that policemen, especially federal policemen, live up to some reasonably civilized standard of conduct.

Because the white male wasn't a member of any political group, wasn't part of any organized anything, there will be nobody and no money to keep his case alive. Even if the white male doesn't die, his case will. Nobody will have time for him, not the reformers, and not Secretary Connally, the agents' boss. His time is taken up sovietizing Lockheed Aircraft and running for Vice President.

Maybe they'll give the white female her accordion back.

[From the Evening Star (D.C.), July 14, 1971]

Gleason Calls Raid on Ballew Proper

(By William Taaffe)

Montgomery County and federal officers who conducted a Silver Spring weapons raid last month in which gun collector Kenyon F. Ballew was shot in the head acted properly, County Executive James P. Gleason says.

"I have asked myself if there is anything that could've been done differently and I just have to answer that there was not," Gleason declared yesterday.

His statement followed a refusal Monday by the 12 federal Internal Revenue Service agents involved to testify in a grand jury investigation of the raid.

According to Assistant U.S. Atty. Charles Bernstein, they otherwise would have been forced to sign waivers of immunity from prosecution, making them liable for possible indictment. Ballew, 28, of 1914 Quebec Ter., was shot June 7 when five of the raiders, armed with a warrant for illegal handgrenades, broke into his apartment while he was taking a bath.

Meanwhile, a spokesman for the IRS said the federal agents were prepared, and willing, to testify before the grand jury. But, he said, they were "confused" about the waiver of immunity which they were asked to sign.

The waiver, the spokesman said, was "different from the one which they were accustomed to," so the agents did not sign it.

William H. Seals, the only federal agent who entered the apartment, indicated in a confidential report within hours of the shooting that he fired first when Ballew confronted him with a gun.

Saraluise Ballew, the gun collector's wife who was present at the time, said her husband thought the raiders, only one of whom was in uniform, were robbers invading the apartment.

Gleason yesterday released a 20-page report prepared by his chief administrative aide, Elisha C. Freedman, and based on interviews with the raiders and Mrs. Ballew's attorney, John T. Bonner.

Noting that Seals subsequently maintained that he fired only after hearing an unidentified initial shot, Freedman said it remains unclear who fired first. Ballew still is hospitalized with a bullet in his brain.

"Events happened in split seconds and it is probable that any law enforcement officer, however clad, would have fired at a man with a raised gun before either one considered another course of action," the report concluded.

In his only dissent from the report, Gleason said he felt "the probabilities are that (Ballew's) gun went off after he was hit." He said it was "entirely possible" that Ballew and his wife mistook the officers for thieves and delayed in opening the apartment since both were undressed.

The report noted that a U.S. magistrate issued the warrant partly on the basis of police intelligence reports that a resident of the apartments, who police have declined to identify, planned to ambush officers when they responded to a call.

Gleason has directed police to apologize and compensate occupants of a second Quebec Terrace apartment, where a door was rammed open by mistake in a simultaneous raid. No one was injured in that incident.

Bonner yesterday termed the investigation a "whitewash" and charged that the federal agents refuse to testify because "There's no way in God's world they could've gotten their statements to add up to the same thing."

[From the Washington Daily News, July 14, 1971]

Silver Spring Gun Collector Shot—Human Relations Unit To Probe Raid

(By Diane Bauer)

The Maryland State Human Relations Commission by unanimous vote yesterday ordered a full staff investigation of the complaints of Montgomery County citizens groups about "police discrimination and brutality."

After hearing testimony in Baltimore about a June 7 police raid at Quebec Terrace, Silver Spring, and of massive police patrols in another predominantly black area, Berlin Apartments in Rockville, the commission agreed that tension between police and residents of black areas have become "grave" in Montgomery County.

Kenyon F. Ballew, a white Quebec Terrace resident who was critically injured in the June police and Treasury Agent raid of his apartment, may have been the victim of a police attitude that "they can do anything they please" in poor and black areas in the county, the commission was told by Nancy Young of the National Welfare Rights Organization and John Dillingham of the American Civil Liberties Union, spokesman for the Montgomery Coalition Against Racism.

Montgomery County Executive James P. Gleason, asked yesterday if he would think police had taken proper precautions if the raid had taken place in his neighborhood, said "you are comparing two different situations—in the neighborhood that I would live in—and a different kind of neighborhood."

Earlier yesterday in Rockville, Mr. Gleason released a report approving police procedures in the Quebec Terrace raid.

He called police procedures "adequate and correct," and noted, "In my judgment there isn't anything that could have been done differently by the officers . . ."

At the same time he admitted that facts about police behavior during the incident were obtained only from the police and Treasury Agent raiders and not from neighbors and other residents in Quebec Terrace who witnessed the battering ram entry into two apartments there that night.

The raiders, some bearded and in hippie clothing, forced their way into the Ballew apartment with an 85 pound battering ram. Mr. Ballew, who had leaped from the bathtub and grabbed a gun when he heard the banging at his door, was shot in the head.

Although they had a search warrant for illegal hand grenades the raiders found only empty souvenir grenade casings, a part of Mr. Ballew's legal gun collection.

Mr. Gleason said that a bull horn was not used in an attempt to gain a peaceable entry to the Ballew apartment because we "did not want to get the neighborhood involved in the situation; people go to the bullfights to see the Matador killed."

Mr. Gleason said that he was "not convinced that the Ballews were in the wrong."

Mr. Ballew is at Washington Sanitarium with a bullet in his brain, partially paralyzed and unable to speak.

Mr. Gleason said that "in my judgment there isn't anything that could have been done differently by officers who took part in the raid."

[From the Washington Post, July 14, 1971]

Apartment Raid "Justifiable," County Study of Shooting Claims

(By LaBarbara Bowman)

Montgomery County Executive James P. Gleason said yesterday that the actions of police during a June 7 raid on the Silver Spring apartment of a collector of antique guns were "justifiable."

In a press conference at which Gleason released a report giving the county's version of the incident, he said that "when you take all the circumstances of the case, it was justifiable." He said that "there isn't anything that could have been done differently; it was a dangerous situation."

Kenyon F. Ballew, 28, the gun collector, was shot in the head by plainclothes Internal Revenue Service agents and Montgomery County policemen who broke into Ballew's apartment at 1014 Quebec Ter. to execute a warrant for unregistered hand grenades.

The bullet is still in Ballew's head but he was reported in good condition yesterday at Washington Sanitarium and Hospital.

Gleason's report on the incident apparently closes the county government's investigation, though it leaves many inconsistencies unresolved.

The county grand jury continued yesterday to look into the matter.

A spokesman for IRS said yesterday that 12 agents from that department who took part in the raid refused to testify before the grand jury because they were asked to waive their immunity from prosecution and did not want to do so.

Saraluise Ballew, 35, wife of the wounded man, has said she refused to open the door to the raiding party because she did not know the men were policemen.

When they started to enter the apartment and she saw they were dressed in casual clothes and bearded, she and her husband armed themselves, she said.

Gleason said there are "different recollections about who shot first," Ballew or the police. But he also said he believed Ballew's gun went off "accidentally" after he had been wounded and that he was not firing at police.

Gleason's statement contradicted earlier statements by Kenneth Watkins, county acting police superintendent, that Ballew and police fired "simultaneously" and that Ballew was aiming at the policemen.

The 10-page report to Gleason, prepared by Elisha C. Freedman, county chief administrative officer stated that the federal and county officers incorrectly raided a second apartment, the same night as the raid on the Ballew apartment.

Federal officers, acting on information from Prince George's and Montgomery County police, given by an informant, had obtained search warrants—one for the Ballew apartment and one for the apartment directly above, number 102, in the same building. Both warants were for illegal firearms.

The agents searched apartment 102 but the man they were looking for actually lived next door in apartment 103, the report states. "Apologies should be in order and payment should be made for the broken door," the report states. Josephine Murphy lives in the apartment with her two daughters.

In the past three years county police have made approximately 30 raids where "at least" one uniformed officer was present. Federal agents are "always concerned about the plainsclothes problem and mistaken identity," the report states, and situations "keep cropping up" where one officer will mistake another for a felon, the report said.

In the Ballew raid six of the 13 Montgomery policemen present were in uniform but the first ones to enter the apartment were dressed in "scruffy" clothes and wearing beards, because they are undercover men. Mrs. Ballew said she thought they were "hippies" or "racketeers."

The 27 police officers, in the raiding party including at least one from Prince George's county, were "extremely wary and concerned for their safety" at Quebec Terrace, Freedman reports. An informant had told them that police would receive a false call from the apartments one day and would be shot when they responded.

Gleason added that police receive more calls from Quebec Terrace, a low- and moderate-income apartment complex near Prince George's county line, than from any other single neighborhood in the county.

He also spoke of recent shootings of police officers and "the breakdown of law and order" as justification for police action the night of the raid.

The report also points up discrepancies between police accounts given the night of the raid from accounts of police officers when interviewed later.

For example IRS agent William H. Seals, in a statement made the night of the raid said he saw a man later identified as Ballew "aiming a revolver at me. At this time, I fired one round from my pistol at him and yelled, 'He's got a gun.' "

In a later interview Seals said he "heard a shot first and then fired at someone holding a gun."

The IRS spokesman said the agents "were willing to testify" before the grand jury and stayed outside the hearing room in the county courthouse all day. They did not sign the waiver because they were "different" from the waivers they usually sign, the spokesman said.

The spokesman did not know what the difference was, if the grand jury would allow testimony without the waivers and why the question was not resolved Monday. The grand jury will reconvene on the case July 20.

State Set To Probe Montgomery Police on Bias Complaint

(By Joy Aschenbach)

BALTIMORE.—The Maryland State Human Relations Commission has ordered a preliminary investigation of the Montgomery County Police Department's treatment of blacks and other minorities.

The commission acted yesterday after a group of Montgomery County citizens. led by John C. Dillingham of the American Civil Liberties Union complained that county police "harassed, terrorized and abused" persons living in predominantly black neighborhoods.

The citizens criticized police tactics which they said were used in recent raids in the Quebec Terrace area of Silver Spring and patrolling procedures allegedly carried on around the Berlin apartments in Rockville.

PEOPLE "TERRORIZED"

Dillingham told the commission that police raids in the Quebec Terrace area "terrorized the people and terrorized the neighborhoods." He and the others contended that the methods used by county police and U.S. Treasury agents June 7 in breaking into the apartment of Kenyon F. Ballew, a white gun collector, would not have been employed if he did not live in the heavily black Quebec Terrace section.

Ballew, 28, of 1014 Quebec Ter., was shot in the head when the raiders, armed with a warrant to search for illegal hand grenades, broke into his apartment. Mrs. Ballew has said her husband thought robbers were invading the apartment. Ballew is partially paralyzed as a result of the shooting.

"Ballew, even though he is white, was the victim of the police's racist attitude," Nancy Young, co-chairman of the Montgomery County Welfare Rights Organization, told the commission. "People on Quebec Terrace are treated as suspects. To live there is to be suspect."

AUTHORITIES EXONERATED

In separate reports yesterday, the Treasury Department and County Executive James P. Gleason exonerated federal agents and county police for their handling of the raid on the Ballew apartment. Meanwhile, a Montgomery County grand jury is continuing its investigation of the incident.

Dillingham said that the failure of county officials to act in this and other similar cases brought him to the state commission. He requested a formal investigative hearing on police practices no later than September.

The commission initially agreed to have its staff conduct a preliminary investigation of the police department and make recommendations on what further investigation, if any, is necessary.

A spokesman for the Montgomery County Human Relations Commission said that the Ballew incident was not investigated at the local level because it did not involve a black citizen. The official county investigation was conducted through the county executive's office.

PROHIBITIVE MEDICAL COSTS

(Mr. GUDE asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. GUDE. Mr. Speaker, one of the primary topics of concern among our constituents, and one being given an increasing amount of attention in Congress, is the skyrocketing costs of medical care throughout the country. Though we cannot pin down the cause to any one factor, I am confident that the deteriorating situation in malpractice insurance for physicians contributes to the problem.

As a result of the fantastically high awards given to claimants in malpractice cases, the cost of malpractice insurance has risen precipitously to unacceptable levels—within the past year the cost of some physicians' insurance has gone up nearly 200 percent. Doctors in California, New York, and Hawaii pay as much as $6,000 per year.

I receive mail every day, as I am sure you all do too, about the increasing cost of medical care. The prohibitive cost of malpractice insurance for physicians has left them few alternatives, other than to pass on their increased costs to their patients. The problem has become a vicious one, and the effect on health care cost is disturbing to providers and recipients of health care alike.

What is even more disturbing, however, is that increased malpractice premium costs are only part of the overall problem. As President Nixon remarked in his health message:

> The climate of fear which is created by the growing menace of malpractice suits also affects the quality of medical treatment. Often it forces doctors to practice inefficient, defensive medicine . . . ordering unnecessary tests and treatments solely for the sake of appearance. It discourages the use of physicians' assistants, inhibits that free discussion of cases which can contribute so much to better care, and makes it harder to establish a relationship of trust between doctors and patients.

I want to commend the administration's initiative in dealing with this problem. The President has directed the the Secretary of Health, Education, and Welfare to promptly set up a Commission on Medical Malpractice to begin "an intensive program of research and analysis" in this area. The Commission is scheduled to report back with specific recommendations by March 1, 1972.

In addition, I have been meeting with a group of doctors, representing the medical profession in my district, and they have voiced great concern about this issue. As a result I have been studying this problem myself, and I am working on legislation for the District, which I am hopeful will be a first step for other areas to follow.

PERSONAL ANNOUNCEMENT

(Mr. DULSKI asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. DULSKI. Mr. Speaker, I missed rollcall No. 185. Had I been present and voting, I would have voted "yea."

AMBASSADOR AVERELL HARRIMAN COMMENTS UPON THE PEACE PROPOSALS—AND A REASONABLE CHANCE

(Mr. RYAN asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. RYAN. Mr. Speaker, for a decade this Nation has sent her young men to die in a senseless and tragic war in Southeast Asia. The price for this tragic venture has been incalculably high—in terms of lives lost and blood shed, in terms of treasure squandered and opportunities lost, in terms of the erosion of our position in the world community and the disaffection of our people at home.

Yet the war drags on. Despite the peace promises of the Nixon administration, the killing continues. The administration's policy is a vehicle to substitute Asian blood for American. The death is not going to stop. The destruction is not going to halt. The misery of the Vietnamese, and Laotians and Cambodians will persist. The vaunted policy of Vietnamization means the outfitting of client armies sustained by American air and logistical support.

The presentation of the seven-point proposal at the Paris negotiations offers the possibility of negotiating an end to this seemingly unending conflict.

W. Averell Harriman has long been one of this Nation's most astute and concerned analysts of American involvement in Vietnam. And as the chief negotiator on Vietnam under the Johnson administration he has a unique understanding of the possibilities of ending this war through diplomatic means. Governor Harriman has written a thoughtful article, which appeared in the July 15 New York Times, analyzing the situation in regard to the present opportunities for negotiations at Paris.

As Governor Harriman says, the President should explain what he meant in his April 7 address on Vietnam when he said that his plan would provide the South Vietnamese "a reasonable chance to survive as a free people." Is the President insisting upon the survival of the Thieu-Ky regime or is he finally prepared to instruct our negotiators in Paris to seek a political settlement?

I commend the following article to my colleagues:

"A Reasonable Chance": Mrs. Binh's Peace Proposal Provides an Opportunity for the Administration To Exploit Present Moods in Southeast Asia

(By W. Averell Harriman)

Washington.—Publication of the Pentagon Papers has increased a widespread feeling that the public has not been adequately informed of United States intentions in Vietnam. The credibility of the Government was already at low point. To restore confidence it is essential that the Administration now clarify its aims in Vietnam.

The Administration has previously justified its refusal to negotiate a definite date for withdrawal of all American forces on three grounds—the safety of our forces, the release of our prisoners of war and giving the South Vietnamese "a reasonable chance."

Mrs. Binh's seven-point proposal satisfies the first two reasons. The Administration should now explain what it means by giving South Vietnam "a reasonable chance," and what American vital interests are involved. There are certain factors that already appear clear.

One that should be understood is that we have been fighting North Vietnam, a strongly nationalist Communist state which does not want to be dominated by China. It is supported, of course, by both China and the Soviet Union. During my months of talks in Paris, Hanoi's historic desire for Independence was apparent. They were gratified that they were able to establish normal relations with the French and wished to have similar relations with us. Like Tito, they understand to avoid domination by the Communist giants they must have relations with the West and particularly the United States. We must recognize this and no longer blindly follow the concept that we are fighting Communist China.

Another factor is that the majority of the South Vietnamese clearly desire peace and prefer a non-Vietcong-controlled government. During recent years we have helped strengthen the Saigon Government militarily to Vietnnamize the war, but not politically to expand its base to permit negotiations for a compromise settlement and to succeed in the political competition which would ensue. A political settlement worked out by the South Vietnamese themselves could give a "chance" for the South Vietnamese while experience indicates continued attempts to achieve a military solution can only mean endless fighting [with no settlement in sight].

In South Vietnam there are no effective political parties but there are groups representing the non-Communist elements in the country—Buddhists, Catholics, Cao Dai, Hao Hao, and the labor unions. It is not too late for President Thieu to rally these forces and bring their representatives into a peace cabinet or a negotiating committee. Conditions must be agreed to with the National Liberation Front under which a national election can be held from which would evolve a new constitution and a new government. As the front has proposed, provision should be made for guarantees against reprisals, and release of political prisoners.

There is increasing evidence that the other side would agree to an independent neutral South Vietnam for a period of years. The front, made up of people who are themselves southerners, evidently wants the South to be independent of the North until such time as a merger can be negotiated between equals.

Evidence indicates a willingness to agree to a non-Communist South. In fact Le Duc Tho has stated this in a New York Times interview. Furthermore, the Chinese for the first time are not publicly supporting a peaceful settlement, and speak of the four countries of Indochina, including both North and South Vietnam. They may wish to keep Indochina Balkanized and not unified under Hanoi.

After the settlement Hanoi must be induced to leave its neighbors alone and that can best be done by long-term cooperative arrangements for the reconstruction and development of North and South Vietnam, Laos, Cambodia and Thailand. The United States should be generous in its financial contribution but must leave the management to an international agency.

I can see only further confusion by awaiting the October elections in South Vietnam. Senator Tran Van Don has succinctly pointed out in a recent speech that President Thieu controls (1) the administrative, military, police and intelligence apparatus, (2) the mass media, and (3) large financial resources. Senator Don concluded that control of any one of the three factors would be sufficient to elect President Thieu, and he also has a fourth "decisive" factor—U.S. support.

Under these circumstances there is no reason to delay negotiations until the election which can hardly be a meaningful democratic expression. Moreover, the frustration pervading our country requires negotiations for our prompt withdrawal from the war.

LEAVES OF ABSENCE

By unanimous consent, leave of absence was granted as follows:

To Mr. Shoup (at the request of Mr. Gerald R. Ford), for today, and the balance of the week, on account of official committee business.

To Mr. Kyros, for July 19 through July 26, on account of official business.

To Mr. Adams, for July 19 through July 26, on account of business.

To Mr. Pettis (at the request of Mr. Gerald R. Ford), on account of official business pertaining to airport matters in district.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. du Pont) and to revise and extend their remarks and include extraneous matter:)

Mr. Harvey, for 30 minutes, today.

Mr. Chamberlain, for 15 minutes, today.

Mr. Kemp, for 5 minutes, today.

Mrs. Heckler of Massachusetts, for 5 minutes, today.

(The following Members (at the request of Mr. Mathis of Georgia), to revise and extend their remarks and to include extraneous matter:)

Mr. Aspin, today, for 20 minutes.

Mr. Hamilton, today, for 60 minutes.

Mr. Burke of Massachusetts, today, for 10 minutes.

Mr. Gonzalez, today, for 10 minutes.

Mr. Rooney of Pennsylvania, today, for 60 minutes.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. McKevitt to follow the remarks of Mr. Harvey during his special order today.

Mrs. Mink to include extraneous matter with her remarks made today in the Committee of the Whole on H.R. 9388.

(The following Members (at the request of Mr. du Pont) and to include extraneous matter:)

Mr. Buchanan.
Mr. Harvey.
Mr. Hosmer in two instances.
Mr. McClory in three instances.
Mr. Thompson of Georgia.
Mr. Schwengel in two instances.
Mr. Chamberlain.
Mr. Carter in two instances.
Mr. Thomson of Wisconsin.
Mr. Derwinski in two instances.
Mr. Miller of Ohio.
Mr. McKevitt.
Mr. Bob Wilson.
Mr. Cleveland in two instances.

(The following Members (at the request of Mr. Mathis of Georgia), and to include extraneous matter:)

Mrs. Hicks of Massachusetts in two instances.
Mr. Jacobs.
Mr. Wolff in three instances.

Mr. Rodino in three instances.
Mr. Matsunaga.
Mr. Badillo in five instances.
Mr. Waldie in three instances.
Mr. Gonzalez in two instances.
Mr. Evins of Tennessee in two instances.
Mr. Drinan in three instances.
Mr. Ryan in three instances.
Mr. Cabell in two instances.
Mr. Aspin in two instances.
Mr. Mazzoli in three instances.
Mr. Rarick in three instances.
Mr. Hungate in six instances.
Mr. Rosenthal in five instances.
Mr. Abourezk.
Mr. Metcalfe in two instances.
Mr. O'Neill in two instances.
Mr. Gaydos in eight instances.
Mr. Dingell in two instances.
Mr. White in two instances.
Mr. Brinkley in two instances.
Mr. Fulton of Tennessee in two instances.
Mr. Eilberg.
Mr. Scheuer in three instances.
Mr. Vanik in two instances.
Mr. Bennett.
Mr. Griffin.

SENATE ENROLLED JOINT RESOLUTION SIGNED

The SPEAKER announced his signature to an enrolled joint resolution of the Senate of the following title:

S.J. Res. 101. Joint resolution to authorize and request the President to issue a proclamation designating July 20, 1971, as "National Moon Walk Day."

ADJOURNMENT

Mr. MATHIS of Georgia. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 16 minutes p.m.), under its previous order, the House adjourned until Monday, July 19, 1971, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

966. A letter from the Deputy Secretary of Defense, transmitting a report on the impact of the railroad work stoppage of May 17 and 18, 1971, on the movement of goods vital to the national defense, the extent to which rail traffic was diverted to other means of transportation, and the status of plans to provide for the movement of defense articles in the event of a railroad work stoppage or lockout, pursuant to Public Law 92–17; to the Committee on Interstate and Foreign Commerce.

967. A letter from the Chairman, Administrative Conference of the United States, transmitting the report of the activities of the Conference for the period from January 1970, through June 1971; to the Committee on the Judiciary.

968. A letter from the Comptroller General of the United States, transmitting a report on the need of improved administration of the Davis-Bacon Act, Department of Labor; to the Committee on Government Operations.

969. A letter from the Comptroller General of the United States, transmitting a report on the potential for improved effectiveness of scientific and technical information dissemination activities, Atomic Energy Commission; to the Committee on Government Operations.

REPORT OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. GARMATZ: Committee on Merchant Marine and Fisheries. H.R. 9727. A bill to regulate the dumping of material in the oceans, coastal, and other waters, and for other purposes; with an amendment (Rept. No. 92–361). Referred to the Committee of the Whole House on the State of the Union.

Mr. MADDEN: Committee on Rules. House Resolution 542, a resolution providing for the consideration of H.R. 1746. A bill to further promote equal employment opportunities for American workers (Rep. No. 92–360). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ASPIN:

H.R. 9813. A bill to amend title 23, United States Code, to authorize the collection of tolls on the Interstate System; to the Committee on Public Works.

By Mr. CARNEY:

H.R. 9814. A bill to provide annual quotas on imports of footwear articles; to the Committee on Ways and Means.

By Mr. CEDERBERG:

H.R. 9815. A bill to provide that the fiscal year of the United States shall coincide with the calendar year; to the Committee on Government Operations.

By Mr. CHAMBERLAIN (for himself, Mr. Broomfield, Mr. Brown of Michigan, Mr. Cederberg, Mr. Conyers, Mr. Diggs, Mr. Dingell, Mr. Esch, Mr. Gerald R. Ford, Mr. William D. Ford, Mrs. Griffiths, Mr. Harvey, Mr. Hutchinson, Mr. McDonald of Michigan, Mr. Nedzi, Mr. O'Hara, Mr. Riegle, Mr. Ruppe, and Mr. Vander Jagt):

H.R. 9816. A bill to repeal the Federal excise tax on passenger automobiles; to the Committee on Ways and Means.

By Mr. DEVINE:

H.R. 9817. A bill to prohibit the broadcasting of deceptive news and public affairs programs; to the Committee on Interstate and Foreign Commerce.

By Mr. FASCELL:

H.R. 9818. A bill to regulate the dumping of material in the oceans, coastal, and other waters, and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. FULTON of Pennsylvania:

H.R. 9819. A bill to increase the contribution by the Federal Government to the costs of employees' health benefits insurance; to the Committee on Post Office and Civil Service.

By Mr. HARVEY (for himself, Mr. Burke of Florida, Mr. Collier, and Mr. McKevitt):

H.R. 9820. A bill to amend the Railway Labor Act to provide more effective means for protecting the public interest in national emergency disputes involving the railroad and airline transportation industries, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. HELSTOSKI:

H.R. 9821. A bill to amend the Federal Food, Drug, and Comestic Act to require the labels on all foods to disclose each of their ingredients; to the Committee on Interstate and Foreign Commerce.

H.R. 9822. A bill to prevent a decrease in the dependency and indemnity compensation of any dependent parent of a deceased veteran or in the pension of any veteran or widow of a veteran as the result of the increase in social security benefits provided by Public Law 92–5 or by any increase in railroad retirement benefits during the calendar year 1971; to the Committee on Veterans' Affairs.

H.R. 9823. A bill to provide equitable treatment of veterans enrolled in vocational education courses; to the Committee on Veterans' Affairs.

H.R. 9824. A bill to amend chapter 34 of title 38, United States Code, to provide additional educational benefits to veterans who have served in the Indochina theater of operations during the Vietnam era; to the Committee on Veterans' Affairs.

By Mr. KOCH (for himself, Mr. Anderson of Tennessee, Mr. Bergland, Mr. Biaggi, Mr. Burke of Florida, Mr. Crane, Mr. William D. Ford, Mr. Hanley, Mr. Keating, Mr. Long of Maryland, Mr. Long of Louisiana, and Mr. Stokes):

H.R. 9825. A bill to extend to all unmarried individuals the full tax benefits of income splitting now enjoyed by married individuals filing joint returns; to the Committee on Ways and Means.

By Mr. MINISH:

H.R. 9826. A bill to amend the act of September 5, 1962, to authorize the acquisition of land for the Edison National Historic Site in the State of New Jersey, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. PEYSER (for himself, Mr. Burke of Florida, Mr. Begich, Mr. Celler, Mr. Donohue, Mr. Fish, Mr. Forsythe, Mr. Fraser, Mr. Fulton of Tennessee, Mr. Córdova, Mr. Fulton of Pennsylvania, Mr. Frenzel, Mr. Harrington, Mr. Hastings, Mr. Koch, Mr. Lent, Mr. McKinney, Mr. Mazzoli, Mr. Morse, Mr. Rangel, Mr. Rodino, Mr. Roe, Mr. Stokes, and Mr. Veysey):

H.R. 9827. A bill to provide additional Federal assistance for State programs of treatment and rehabilitation of drug addicts; to the Committee on Interstate and Foreign Commerce.

By Mr. PEYSER (for himself, Mr. Wydler, Mrs. Abzug, and Mr. Biaggi):

H.R. 9828. A bill to provide additional Federal assistance for State programs of treatment and rehabilitation of drug addicts; to the Committee on Interstate and Foreign Commerce.

By Mr. PIRNIE:

H.R. 9829. A bill to amend title 10, United States Code, to provide for the investigation of accidents involving aircraft of an armed force, and to clarify the use of reports of those investigations; to the Committee on Armed Services.

H.R. 9830. A bill to authorize the involuntary recall of the Coast Guard Reserve to duty in time of natural disaster; to the Committee on Merchant Marine and Fisheries.

By Mr. QUILLEN:

H.R. 9831. A bill to extend to all unmarried indivduals the full tax benefits of income splitting now enjoyed by married individuals filing joint returns; to the Committee on Ways and Means.

By Mr. RUPPE:

H.R. 9832. A bill to provide for payments to compensate county governments for the tax immunity of Federal lands within their boundaries; to the Committee on Interior and Insular Affairs.

By Mr. STEED:

H.R. 9833. A bill to amend the Agricultural Adjustment Act of 1938 with respect to the computation of payments for the production of cotton in any drought year, and for other purposes; to the Committee of Agriculture.

H.R. 9834. A bill to authorize the Seminole Nation of Oklahoma to elect its principal officer as provided by its constitution; to the Committee on Interior and Insular Affairs.

By Mrs. SULLIVAN (for herself, Mr. Grover, Mr. Downing, Mr. Bray, Mr. Stubblefield, Mr. McDonald of Michigan, Mr. Jones of North Carolina, Mr. Snyder, Mr. Leggett, Mr. Steele, Mr. James V. Stanton, and Mr. Frey):

H.R. 9835. A bill to regulate the dumping of material in the oceans, coastal, and other waters, and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. THONE:

H.R. 9836. A bill to amend title 38 of the United States Code to provide specially adapted housing benefits to veterans suffering the loss, or loss of use, of both arms; to the Committee on Veterans' Affairs.

By Mr. WALDIE:

H.R. 9837. A bill to amend the Internal Revenue Code of 1954 so as to permit certain tax-exempt organizations to engage in communications with legislative bodies, and committees and members thereof; to the Committee on Ways and Means.

By Mr. WHALLEY:

H.R. 9838. A bill to limit the sale or distribution of mailing lists by Federal agencies; to the Committee on Government Operations.

H.R. 9839. A bill to make use of a firearm to commit a felony a Federal crime where such use violates State law, and for other purposes; to the Committee on the Judiciary.

H.R. 9840. A bill to amend the Fish and Wildlife Act of 1956 to provide a criminal penalty for shooting at certain birds, fish, and other animals from an aircraft; to the Committee on Merchant Marine and Fisheries.

By Mr. WHITE:

H.R. 9841. A bill to include certain officers and employees of the Department of Agriculture performing functions under the laws administered by that Department within the provisions of section 1114 of title 18 of the United States Code, relating to homicides of Federal officers in the discharge of their duties; to the Committee on the Judiciary.

By Mr. WINN (for himself, Mr. Duncan, Mr. Thone, Mr. Morse, Mr. Perkins, Mr. Halpern, Mr. Thompson of Georgia, Mr. Johnson of Pennsylvania, Mr. Shriver, Mr. Hechler of West Virginia, Mr. Derwinski, Mr. Anderson of Illinois, Mr. Forsythe, Mr. Pepper, Mr. Collier, Mr. Vander Jagt, Mr. Matsunaga, Mr. Sebelius, Mr. Camp, Mr. Burke of Massachusetts, Mr. Landgrebe, Mr. Fulton of Pennsylvania, Mr. Mikva, Mr. Scherle, and Mr. Baker):

H.R. 9842. A bill to establish a national environmental bank, to authorize the issuance of U.S. environmental savings bonds, and to establish an environmental trust fund; to the Committee on Banking and Currency.

By Mr. WYATT:

H.R. 9843. A bill to amend the Federal Aviation Act of 1958 and the Interstate Commerce Act to authorize reduced-fare transportation on a space-available basis for persons who are 65 years of age or older; to the Committee on Interstate and Foreign Commerce.

By Mr. HEBERT (for himself and Mr. Arends) (by request):

H.R. 9844. A bill to authorize certain construction at military installations, and for other purposes; to the Committee on Armed Services.

By Mr. ABBITT:

H.R. 9845. A bill to amend the Federal Meat Inspection Act with respect to Federal and State cooperation, and for other purposes; to the Committee on Agriculture.

By Mr. ABOUREZK (for himself, Mr. Anderson of Tennessee, Mr. Begich, Mr. Blanton, Mr. Brinkley, Mr. Culver, Mr. Evins of Tennessee, Mr. Leggett, Mr. Link, Mr. Mazzoli, Mr. Obey, Mr. O'Konski, Mr. Roy, Mr. Sarbanes, Mr. Stephens, Mr. Waldie, and Mr. Seiberling):

H.R. 9846. A bill: Consolidated Farm and Rural Development Act; to the Committee on Agriculture.

By Mr. BRADEMAS:

H.R. 9847. A bill to amend the Vocational Rehabilitation Act in order to extend and improve rehabilitation services for handicapped individuals, and for other purposes; to the Committee on Education and Labor.

By Mr. CHAPPELL (for himself and Mr. Haley) (by request):

H.R. 9848. A bill to amend the Agricultural Marketing Agreement Act of 1937, as amended, to include citrus for freezing and canning and the products thereof among the commodities which may be regulated; to the Committee on Agriculture.

By Mr. DORN:

H.R. 9849. A bill to amend the act of June 27, 1960 (74 Stat. 220), relating to the preservation of historical and archeological data; to the Committee on Interior and Insular Affairs.

By Mr. EDMONDSON (for himself, Mr. Belcher, Mr. Camp, Mr. Jarman, and Mr. Steed):

H.R. 9850. A bill to provide for compensation to the Cherokee Nation for certain lands; to the Committee on Interior and Insular Affairs.

By Mr. HANSEN of Idaho:

H.R. 9851. A bill to amend the Soil Conservation and Domestic Allotment Act, as amended, to permit sharing the cost of agriculture-related pollution prevention and abatement measures; to the Committee on Agriculture.

H.R. 9852. A bill to preserve the domestic gold mining industry and to increase the domestic production of gold; to the Committee on Interior and Insular Affairs.

By Mr. HÉBERT (for himself and Mr. Arends):

H.R. 9853. A bill to amend the National Security Act of 1947 to provide for a continuing review and study of measures that should be taken with respect to the designation and protection of information within the Department of Defense and certain other agencies which affects the national security; to the Committee on Armed Services.

By Mr. HUNT (for himself, Mr. Saylor, Mr. Waggonner, Mr. King, Mr. Rhodes, Mr. Pelly, Mr. Sandman, Mr. Horton, and Mr. Young of Florida):

H.R. 9854. A bill to authorize the involuntary recall of the Coast Guard Reserve to duty in time of natural disaster; to the Committee on Merchant Marine and Fisheries.

By Mr. KEITH (for himself, Mr. Zwach, Mr. Duncan, Mr. Kuykendall, Mr. Steiger of Arizona, Mr. Young of Florida, Mr. Collins of Texas, Mr. Taylor, and Mr. Morse):

H.R. 9855. A bill to encourage truth in newscasting and public affairs broadcasting; to the Committee on Interstate and Foreign Commerce.

By Mr. KOCH (for himself, Mr. Aspin, Mr. Begich, Mr. Brademas, Mr. Conyers, Mr. Dingell, Mr. Drinan, Mr. Edwards of California, Mr. Fulton of Tennessee, Mr. Helstoski, Mr. Horton, Mr. Link, Mrs. Mink, Mr. Obey, Mr. Price of Illinois, Mr. Rees, Mr. Roe, Mr. Runnels, and Mr. Yatron):

H.R. 9856. A bill to amend title V of the Social Security Act to extend for 5 years (until June 30, 1977) the period within which certain special project grants may be made thereunder; to the Committee on Ways and Means.

By Mr. PATTEN:

H.R. 9857. A bill to control the generation and transmission of noise detrimental to the human environment, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. STRATTON:

H.R. 9858. A bill to amend title 5, United States Code, to correct certain inequities in the crediting of National Guard technician service in connection with civil service retirement, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. STUCKEY:

H.R. 9859. A bill to establish the Cumberland Island National Seashore in the State of Georgia, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. WALDIE:

H.R. 9860. A bill to amend the Internal Revenue Code of 1954 to provide that blood donations shall be considered as charitable contributions deductible from gross income; to the Committee on Ways and Means.

By Mr. BOW (for himself, Mrs. Hansen of Washington, Mr. Brademas, and Mr. Nedzi):

H.J. Res. 782. Joint resolution to authorize the President of the United States to issue a proclamation to announce the occasion of the celebration of the 125th anniversary of the establishment of the Smithsonian Institution and to designate and to set aside September 26, 1971, as a special day to honor the scientific and cultural achievements of the Institution; to the Committee on the Judiciary.

By Mr. CHAMBERLAIN:

H.J. Res. 783. Joint resolution proposing an amendment to the Constitution of the United States relating to the term of office of President and Vice President of the United States; to the Committee on the Judiciary.

By Mr. DORN:

H.J. Res. 784. Joint resolution proposing an amendment to the Constitution relating to the continuance in office of judges of the Supreme Court and of inferior courts; to the Committee on the Judiciary.

By Mr. FISH:

H.J. Res. 785. Joint resolution authorizing the President to proclaim Sunday, October 17, 1971, as "Vietnam Veterans Day"; to the Committee on the Judiciary.

By Mr. CELLER:

H. Con. Res. 365. Concurrent resolution to print as a House document the Constitution of the United States; to the Committee on House Administration.

By Mr. HUNGATE (for himself and Mr. Drinan):

H. Con. Res. 366. Concurrent resolution urging review of the United Nations Charter; to the Committee on Foreign Affairs.

By Mrs. ABZUG:

H. Res. 543. Resolution expressing the sense of the House that administration pursual of current proposals at peace talks in Paris is a matter of utmost urgency; to the Committee on Foreign Affairs.

By Mr. FULTON of Pennsylvania:

H. Res. 544. Resolution to express the sense of the House of Representatives that the United States maintain its sovereignty and jurisdiction over the Panama Canal Zone; to the Committee on Foreign Affairs.

By Mr. MORSE:

H. Res. 545. Resolution providing for the appointment of a select committee to observe the 1971 presidential elections in South Vietnam; to the Committee on Rules.

SENATE—*Thursday, July 15, 1971*

The Senate met at 10 a.m. and was called to order by the President pro tempore (Mr. ELLENDER).

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

Eternal Father, as the new day lies before us we pause to consecrate our work to Thee. Give us clean hands and pure hearts fit for high service to our fellow citizens. Cleanse us of petty sins. Rid us of devotion to trivial concerns. Deliver us from the little evils which obstruct Thy guidance and blight the character. Sweep away all cowardice and all unworthy compromises. Ever keep us reconciled to Thee and to our fellow workers. Spare us from wanting Thy kingdom everywhere but in our own lives where it ought to begin. Keep us from wanting our own way when it is Thy way we need to know and to follow.

Give us grace to welcome the new and better age though it may come through the efforts of others and not as the result of our own striving.

O Lord, guide by Thy spirit all who bear the burdens of high office, that their service may please Thee and benefit all mankind. Amen.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Wednesday, July 14, 1971, be dispensed with.

The PRESIDENT pro tempore. Without objection, it is so ordered.

EXECUTIVE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate go into executive session to consider nominations on the executive calendar, beginning with new reports.

There being no objection, the Senate proceeded to the consideration of executive business.

The PRESIDENT pro tempore. The nominations on the executive calendar, beginning with new reports, will be stated.

NATIONAL COMMISSION ON LIBRARIES AND INFORMATION SCIENCE

The second assistant legislative clerk proceeded to read sundry nominations in the National Commission on Libraries and Information Science.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the nominations be considered en bloc.

The PRESIDENT pro tempore. Without objection, the nominations are considered and confirmed en bloc.

FEDERAL METAL AND NONMETALLIC MINE SAFETY BOARD OF REVIEW

The second assistant legislative clerk proceeded to read sundry nominations in the Federal Metal and Nonmetallic Mine Safety Board of Review.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the nominations be considered en bloc.

The PRESIDENT pro tempore. Without objection, the nominations are considered and confirmed en bloc.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the President be immediately notified of the confirmation of these nominations.

The PRESIDENT pro tempore. Without objection, it is so ordered.

LEGISLATIVE SESSION

Mr. MANSFIELD. Mr. President, I move that the Senate resume the consideration of legislative business.

The motion was agreed to, and the Senate resumed the consideration of legislative business.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that all committees be authorized to meet during the session of the Senate today.

The PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER OF BUSINESS

Mr. SCOTT. Mr. President, I yield back my time.

VACATING OF ORDER FOR SENATOR BROCK TO SPEAK THIS MORNING

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order granted to the distinguished Senator from Tennessee (Mr. BROCK) to speak this morning be vacated.

The PRESIDENT pro tempore. Without objection, it is so ordered.

TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. MANSFIELD. Mr. President, any time I have I yield back. We are now in the period for transaction of morning business, and I suggest the absence of a quorum.

The PRESIDENT pro tempore. Under the previous order the Senate will now proceed to the transaction of routine morning business, the period not to exceed 30 minutes, with statements therein limited to 3 minutes.

The clerk will call the roll.

The second assistant legislative clerk proceeded to call the role.

Mr. TAFT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDENT pro tempore. Without objection, it is so ordered. The Senator from Ohio is recognized for 3 minutes.

PRESIDENT NIXON'S ECONOMIC POLICIES

Mr. TAFT. Mr. President, in recent days, several prophets of economic doom have charged the administration with a do-nothing policy which will neither reduce unemployment nor dampen the fires of inflation. They are wrong. In the next few days, up-to-date figures on the gross national product, industrial production, housing starts, and personal income will be released. I am confident they will show, as, by and large, they have shown consistently over the last 6 months, that the economy is expanding and inflation is being reduced.

It is easy to sit on the sidelines and call signals on an economy for which one is not responsible. It is quite another matter to have to solve the economic crisis left by the previous administration without reigniting either renewed inflation or massive unemployment. President Nixon is faced with the latter problem. And he has handled it so well that the current economic recovery appears likely to be remembered as the most rapid in history.

President Nixon's program is providing stimulus to the economy to reduce unemployment. The budget deficit for the last 2 years has been very substantial. Secretary Connally has indicated that this year's will run significantly in excess of the $18 billion that had been anticipated. As a part of this activity, special efforts have been made to target aid to the unemployed. Only the other day, the President signed legislation to create 150,000 public service jobs.

President Nixon's efforts to reduce unemployment have started to be successful. The June figures showed the largest drop in unemployment in 20 years—from 6.2 percent to 5.6 percent. Many signs point to continued drops in the months ahead. How much more rapid a reaction can we expect?

When President Nixon assumed office, he was faced with the twin challenge of cooling the fires of inflation and managing the switch from a wartime economy to a peacetime economy. By itself, each of these tasks is overwhelming. In the past, each has led to unemployment far in excess of present levels. The plain fact is that President Nixon, in only two and a half years, has dramatically turned the corner on both fronts without causing a serious dislocation of the economy.

Housing starts are now running at an impressive 1.9 million rate per year, and this figure does not include 400,000 mobile homes which are expected to be sold this year. Retail sales are very high, around $32 billion. Industrial production has turned upward. At the same time, as the recent wholesale price index figures showed, the increase in the rate of inflation has slowed consistently.

Why is it that President Nixon's critics never concede that fully one-half of those who have become unemployed since 1969—1.2 million people—became unemployed directly because of the decrease in defense spending—either by being dismissed from the service or through layoffs at defense production plants?

Why is it that President Nixon's critics cannot concede that this country was faced, in January 1969, with what was probably the most serious, prolonged period of inflation in its history? Foreign governments were doubting the stability of the dollar. Many at home were finding their incomes seriously reduced by the never-ending round of price increases.

It has not been easy to meet the rightful demands of both the unemployed for jobs and the employed for stable prices. President Nixon, the economic indicators show, is meeting both demands. Unemployment is declining. Inflation is slowing.

There may be legitimate differences one can take with President Nixon's economic policies. But it is time those who take them acknowledge the progress that has been made and the price that would be paid—either through inflation or unemployment—for the policies they advocate.

QUORUM CALL

Mr. TAFT. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. TAFT). Without objection, it is so ordered.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Berry, one of its reading clerks, announced that the House had passed, without amendment, the joint resolution (S.J. Res. 101) to authorize and request the President to issue a proclamation designating July 20, 1971, as "National Moon Walk Day."

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

The PRESIDENT pro tempore laid before the Senate the following letter, which was referred as indicated:

REPORT OF COMPTROLLER GENERAL

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on Potential For Improved Effectiveness of Scientific and Technical Information Dissemination Activities, Atomic Energy Commission, dated July 15, 1971 (with an accompanying report); to the Committee on Government Operations.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. McCLELLAN, from the Committee on Appropriations, with amendments:

H.R. 9272. An act making appropriations for the Department of State, Justice, and Commerce, the Judiciary, and related agencies for the fiscal year ending June 30, 1972, and for other purposes (Rept. No. 92-265).

By Mr. PASTORE, from the Committee on Appropriations, with amendments:

H.R. 9382. An act making appropriations for the Department of Housing and Urban Development; for space, science, veterans, and certain independent executive agencies, boards, commissions, corporations, and offices for the fiscal year ending June 30, 1972, and for other purposes (Rept. No. 92-264).

By Mr. BIBLE, from the Committee on Appropriations, with amendments:

H.R. 9417. An act making appropriations for the Department of the Interior and related agencies for the fiscal year ending June 30, 1972, and for other purposes (Rept. No. 92-263).

By Mr. MANSFIELD, for Mr. ALLOTT, from the Committee on Interior and Insular Affairs, with amendments:

S. 635. A bill to amend the Mining and Minerals Policy Act of 1970 (Rept. No. 92-266).

EXECUTIVE REPORTS OF COMMITTEES

As in executive session, the following favorable reports of nominations were submitted:

By Mr. MAGNUSON, from the Committee on Commerce:

Douglas W. Toms, of Washington, to be Administrator of the National Highway Traffic Safety Administration.

Mrs. SMITH. Mr. President, as in executive session, from the Committee on Armed Services, I report favorably the following nominations:

Charles L. Ill, of Maryland, to be an Assistant Secretary of the Navy,

Richard S. Wilbur, of Illinois, to be an Assistant Secretary of Defense, and the appointment of 19 officers to the grade of major general and brigadier general in the Air Force Reserve.

I ask that these names be printed on the Executive Calendar.

The PRESIDING OFFICER (Mr. COOK). Without objection, it is so ordered.

Mr. BYRD of Virginia. Mr. President, as in executive session, from the Committee on Armed Services I report favorably the nomination of Maj. Gen. Francis S. Greenlief for appointment as Chief, National Guard Bureau; the nominations of 14 officers for promotion to the grade of brigadier general and major general as Reserve commissioned officers of the Army; and the nomination of Vice Adm. Lloyd M. Mustin for appointment to the grade of vice admiral when retired.

I ask that these names be printed on the Executive Calendar.

In addition, I report favorably the nominations of 101 officers for appointment to the grade of first and second lieutenant in the Army. Since these names have already been printed in the CONGRESSIONAL RECORD, I ask unanimous consent that they be ordered to lie on the Secretary's desk for the information of any Senator.

The PRESIDING OFFICER (Mr. PROXMIRE). Without objection, it is so ordered.

(The nominations ordered to lie on the Secretary's desk were printed at the end of the Senate proceedings on June 24, 1971.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first time and, by unanimous consent, the second time, and referred as indicated:

By Mr. GRIFFIN (for himself and Mr. HART):

S. 2285. A bill to repeal the Federal excise tax on passenger automobiles. Referred to the Committee on Finance.

By Mr. GRIFFIN:

S. 2286. A bill to amend title 5, United States Code, to authorize the payment of increased annuities to secretaries of justices and judges of the United States. Referred to the Committee on Post Office and Civil Service.

By Mr. BELLMON (for himself and Mr. HARRIS):

S. 2287. A bill to provide for the disposition of funds appropriated to pay judgments in favor of the Miami Tribe of Oklahoma and the Miami Indians of Indiana in Indian Claims Commission docket Nos. 131 and 253, and of funds appropriated to pay a judgment in favor of the Miami Tribe of Oklahoma in the Commission's docket No. 251-A, and for other purposes. Referred to the Committee on Interior and Insular Affairs.

By Mr. HARTKE (for himself, Mr. THURMOND, and Mr. CRANSTON):

S. 2288. A bill to amend section 5055 of title 38, United States Code, in order to extend the authority of the Administrator of Veterans' Affairs to establish and carry out a program of exchange of medical information. Referred to the Committee on Veterans' Affairs.

By Mr. HARTKE:

S. 2289. A bill to amend certain provisions of title IV of the Federal Coal Mine Health and Safety Act of 1969 relating to the total disability of certain miners suffering from pneumoconiosis. Referred to the Committee on Labor and Public Welfare.

By Mr. HUMPHREY:

S. 2290. A bill to establish a Joint Committee on National Security. Referred to the Committee on Armed Services.

By Mr. McCLELLAN:

S. 2291. A bill to facilitate representation of persons having claims against the United States by legal counsel of their own choosing Referred to the Committee on the Judiciary.

By Mr. BURDICK (for himself and Mr. COOK):

S. 2292. A bill relating to minimum and maximum limits of age within which original appointments may be made to positions as correctional officers in the Bureau of Prisons, and for other purposes. Referred to the Committee on the Judiciary.

By Mr. BURDICK (for himself, Mr. COOK, and Mr. BAYH):

S. 2293. A bill to amend title 18, United States Code, relating to assaults on U.S. probation officers. Referred to the Committee on the Judiciary.

By Mr. EASTLAND (for himself and Mr. HRUSKA):

S. 2294. A bill to amend the Subversive Activities Control Act of 1950, as amended. Referred to the Committee on the Judiciary.

By Mr. FULBRIGHT:

S. 2295. A bill to amend the Foreign Assistance Act of 1961, and for other purposes. Referred to the Committee on Foreign Relations.

By Mr. McCLELLAN:

S.J. Res. 132. A joint resolution extending the duration of copyright protection in certain cases. Referred to the Committee on the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. GRIFFIN (for himself and Mr. Hart):

S. 2285. A bill to repeal the Federal excise tax on passenger automobiles. Referred to the Committee on Finance.

REPEAL OF THE FEDERAL EXCISE TAX ON AUTOMOBILES

Mr. GRIFFIN. Mr. President, for myself and my senior colleague from Michigan (Mr. Hart), I send to the desk for appropriate reference a bill to repeal the Federal excise tax on passenger automobiles.

Mr. President, this bill would repeal, once and for all, the unjust and discriminatory excise tax on automobiles.

The present excise tax on passenger automobiles is 7 percent of the manufacturers' sales price. Under present law, the rate would be reduced over a period of time until gradually it would be eliminated in 1982.

But, Mr. President, this so-called temporary tax has been with us too long as far as the automobile industry is concerned. It first went on the statute books in 1917. At that time the rate of the excise tax was 3 percent. Since then, that so-called temporary tax has been restored or extended more than 20 times.

In 1965, with the enactment of the Excise Tax Reduction Act, it appeared that Congress finally had decided to do away with this discriminatory tax, along with other similar taxes, which placed an unfair burden on the consumer. This is what the House report had to say about this selective excise tax:

> Consumers of the taxed products where the tax is passed forward must pay a premium, over and above the market price, for the taxed items, which consumers of untaxed items do not pay. These selective excise taxes tend to reduce sales and therefore reduce incomes and jobs in the industries which produce the taxed goods. In these ways selective excise taxation results in arbitrary and undesirable distortions in the allocation of resources and in this manner interferes with the free play of our competitive market.

The only reason given for the repeated extension of the automobile excise tax has been that the Government cannot afford the revenue loss. But no one has ever explained, at least to this Senator, why the automobile industry alone has been singled out as the only nonregulated industry in the United States to bear the burden of this Federal sales tax.

Mr. President, this arbitrary and discriminatory tax against the automobile industry has restrained unjustly an industry which is a very important segment of the whole economy. There are 800,000 independent businesses in the United States dealing with the manufacture, distribution, sales, and servicing of automobiles. Of all retail sales in the United States 24 percent are related to the automobile industry; 13 million people in this country are engaged in automotive-related employment; and 18 States have automobile assembly plants.

So, Mr. President, at a time when the economy is in some trouble, it seems to me that it is timely, it is legitimate, and it is justified finally to remove the excise tax which has been levied for so long against automobiles.

If the administration and Congress would see fit to act favorably on this measure, there is no question but that it would be a major step in restoring to the economy a confidence that is needed today. It would, of course, stimulate automobile sales but, in turn, it would be a very important stimulus to the entire economy.

We still have an excise tax on telephones, of course, but that is a tax against services. There is an excise tax on tires, and that tax, as I understand it, goes into the Highway Trust Fund. But, as far as I know, the only excise tax that still remains against a manufactured product, the revenues from which go into the general treasury, is the tax against automobiles.

When one considers the problem of competing today with foreign-made automobiles, the additional burden which the Government has imposed because of costly regulations relating to antipollution devices, and, as well, safety regulations that are imposed on automobiles and the automobile industry, it should be apparent that it is time to end this discriminatory tax. It is not only unfair to the consumer but also to the workers in the automobile industry as well as the automobile companies.

So I hope that the introduction of this bill today by the senior Senator from Michigan and myself, in which we are joined by all of the members of the House delegation from Michigan, will not be an idle gesture. We know that it has been introduced and argued before, but at this particular time it seems to me that action is called for—and justified. I hope that our voices will be heard at the other end of Pennsylvania Avenue as well as throughout both Houses of Congress.

Mr. President, I ask that the text of the bill be printed at this point in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 2285

A bill to repeal the Federal excise tax on passenger automobiles

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 4061(a)(2)(A) of the Internal Revenue Code of 1954 (relating to tax on passenger automobiles, etc.) is amended to read as follows:

"(A) Articles enumerated in subparagraph (B) are taxable at 7 percent if sold before July 15, 1971. The tax imposed by this subsection shall not apply with respect to articles enumerated in subparagraph (B) which are sold by the manufacturer, producer, or importer after July 14, 1971."

Sec. 2. Section 6412(a)(1) of the Internal Revenue Code of 1954 (relating to the floor stocks refunds on passenger automobiles, etc.) is amended by striking out "January 1 of 1973, 1974, 1978, 1979, 1980, 1981, or 1982" and inserting in lieu thereof "or July 15, 1971".

Sec. 3. Refunds with Respect to Passenger Car Purchases.—

(a) In general.—Where, after July 14, 1971, and before the date after the date of enactment of this Act, a new automotive item subject to the tax imposed by section 4061(a)(2) of the Internal Revenue Code of 1954 has been sold to an ultimate purchaser, there shall be credited or refunded (without interest) to the manufacturer, producer, or importer of such item an amount equal to the difference between the tax paid by such manufacturer, producer, or importer on his sale of the item, and the tax made applicable to the item on such day, if—

(1) claim for such credit or refund is filed with the Secretary of the Treasury or his delegate on or before March 10, 1972, based on information submitted to the manufacturer, producer, or importer before February 1, 1972, by the person who sold the item (in respect to which the credit or refund is claimed) to the ultimate purchaser;

and

(2) on or before March 10, 1972, reimbursement has been made to the ultimate purchaser for the tax reduction on the item.

(b) Limitation on Eligibility for Credit or Refund.—No manufacturer, producer, or importer shall be entitled to a credit or refund under subsection (a) with respect to a new automobile item unless he has in his possession such evidence of the sale of the item to the ultimate purchaser, and of the reimbursement of the tax to such purchaser, as may be required by regulations prescribed by the Secretary of the Treasury or his delegate under this subsection.

(c) Other Laws Applicable.—All provisions of law including penalties, applicable with respect to the taxes imposed by section 4061(a)(2) of the Internal Revenue Code of 1954 which, insofar as is applicable and not inconsistent with subsections (a) and (b) of this section apply in respect of the credits and refunds provided for in subsection (a) to the same extent as if the credits or refunds constituted overpayments of the tax.

Mr. GRIFFIN. Mr. President, in connection with my remarks I also ask unanimous consent that an excellent statement made several years ago by Representative Martha Griffiths, a Democrat, and Representative Charles Chamberlain, a Republican—both from Michigan—be printed in the Record.

There being no objection, the statement was ordered to be printed in the Record, as follows:

Views of Congresswoman Griffiths and Congressman Chamberlain on the Postponement of the Scheduled Excise Reductions Under H.R. 19868

The action taken by this bill in postponing for 2 years scheduled reductions in the manufacturers excise tax on automobiles is most unwise. It unjustly singles out one particular group of consumers—car purchasers—and one particular industry—the automotive industry—to bear through a heavy and regressive tax more than their fair share of the tax burden. It also reflects adversely on the credibility of the Congress by adding to a long list of failures to fulfill repeated pledges, incorporated in successive Acts, to reduce the auto tax on specified dates. In legislation as recent as the Tax Reform Act of 1969, the Congress pledged that the 7-percent tax rate on automobiles would drop to 5 percent in 1971, 3 percent in 1972, 1 percent in 1973, and be repealed completely in 1974. As a matter of simple justice, this congressional pledge should be redeemed now by permitting the first step of these reductions to take place on schedule.

The auto tax is an anachronism. It stems from the time when people erroneously had the idea that an auto is generally a luxury.

This is obviously not true at the present time of the vast majority of cars which serve as an essential means of transportation for people at all income levels. In addition, the auto tax was originally moved up to high levels only as a temporary emergency measure to restrain the demand for cars in a period of wartime shortages. The time when such tax could be justified on this basis has long since passed.

The Congress on many occasions has shown clearly that it recognizes that the auto tax is not a good tax by adopting legislation for the phased reduction and repeal of this tax. However, as a matter of expediency, these scheduled reductions in the tax have generally not been put into effect but have been postponed repeatedly from year to year. As a result, the legislative history of the auto tax over the past two decades or so is a sorry one indeed. In large measure, it is a history of broken promises on the part of the Congress to reduce the tax. For example, when the Revenue Act of 1951 raised the tax from 7 to 10 percent, it provided that the tax was to go back to 7 percent on April 1, 1954. Actually, the 10-percent rate was extended by 11 successive acts and it was not until June 22, 1965, that the 7-percent rate was restored.

In May of 1965, President Johnson recommended a phased reduction of the automobile tax from 10 percent to 5 percent by January 1, 1967. However, in its report on the Excise Reduction Act of 1965, the Ways and Means Committee specifically indicated that it could not justify leaving a 5-percent tax on passenger autos as a permanent part of the tax structure. Accordingly, in the 1965 act, the Congress again showed its good intentions by providing for a 7-percent manufacturers sales tax on autos effective June 22, 1965, with scheduled reductions to bring the tax down to 1 percent by 1969. The tax was in fact reduced to 6 percent on January 1, 1966; but this reduction lasted only a few months—Public Law 89–368 restored the tax to 7 percent on and after March 16, 1966, through March 31, 1968.

The Revenue and Expenditure Control Act of 1968 provided a new schedule for reducing the 7-percent tax on autos in stages, with complete repeal in 1973. However, the sad fact is that to this day, none of these scheduled reductions have been permitted to take effect. The most recent extension of the 7-percent rate was provided under the Tax Reform Act of 1969 which postponed the rate reduction schedule for an additional year.

As if this record were not sufficient, H.R. 19868 calls on the Congress to fail still another time to honor its commitment to permit the auto tax reductions to take place on schedule. The Treasury argues that the postponement is necessary in order to raise revenue and to combat inflation. These arguments, however, do not stand the test of analysis. If additional revenue is needed for budgetary reasons, it should be secured in a fair way and not through a discriminatory and regressive tax which falls most heavily on those who can least afford to pay it. The current 7-percent tax places an additional burden of $190, on the average, on each new car purchaser. This burden falls to a substantial extent on individuals in the low and medium income brackets as is shown by the fact that in 1968, 10 percent of all new cars were purchased by families with incomes under $5,000 and 43 percent by families with incomes under $10,000. In addition, the burden of the tax is considerably higher in relation to income at the low income levels than at higher income levels. For example, the $190 average tax amounts to over 6 percent of income for a car purchaser at the $3,000 level and 4 percent at the $5,000 level; however, it amounts to 1.9 percent at the $10,000 income level and declines to 1.3 percent at the $15,000 income level.

Moreover, the auto tax is more regressive than even these figures suggest. This is because a substantial portion of new car purchases is made for business purposes with the result that the auto excise tax is incorporated in business costs and generally passed on to consumers in the form of higher prices without regard to ability to pay.

Finally, although the auto excise tax is levied only on new car purchases, it has the disadvantage of raising used car prices as well as new car prices. This is because in view of the intimate relationship between the prices of new and used cars, used car prices reflect tax burdens placed on new cars. How widespread the resulting burdens are can be seen from the fact that in 1968 close to 80 percent of all families owned at least one car, including two-thirds of all families with incomes of $3,000 and $4,000 a year, and 80 percent of families with incomes between $5,000 and $6,000 a year.

The major reason why the extension of the present auto tax rate is being advocated now despite the glaring defects of the auto tax is that, as a practical matter, it is easy to secure the revenue from this tax. In large measure, this is because the tax is hidden. The car purchaser may know in a general way that there is a Federal tax on the car, but he does not know the precise amount of the extra burden that he is called upon to pay. Consequently, his resistance to the tax is greatly muted. This is why the auto tax is such easy prey whenever there is need for additional Government revenue. Needless to say, it is not a good reason for keeping the tax.

To be sure that the purchaser of a car is specifically aware of the burden of the excise tax which he pays, an amendment was added to H.R. 19868 to require that the new car labels, presently required by the Automobile Information Disclosure Act, also show on the label, the fact that a Federal manufacturers excise tax is imposed on the car and the applicable rate of such a tax. We believe that this is a desirable change and will aid in making purchasers of automobiles aware of the unfair tax burden which they now bear.

The Treasury Department has supported its recommendation of postponing the scheduled excise tax reductions by estimating that these reductions would cost $360 million in fiscal 1971 and $630 million in fiscal 1972. Actually, however, these figures far overstate the actual revenue effect of the scheduled tax reductions because they do not take into account the offsetting revenue that would be secured from the greater economic activity that would result if the rates were permitted to decline on schedule. In the present setting, it is reasonable to assume that a reduction in the auto tax would stimulate car sales so that for each dollar of excise tax reduction, the gross national product would increase by $3. Furthermore, the Government would recapture in Federal income taxes of all kinds about 20 cents on each additional dollar of GNP so generated. On these assumptions, the Federal Government would recoup 60 cents on each dollar of reduction in the automobile excise. In other words, the revenue loss involved in permitting the reductions in the auto tax to take effect as scheduled would be only 40 percent as large as the figures cited by the Treasury or $144 million in fiscal 1971 and $252 million in fiscal 1972.

Accordingly, the case for postponing the scheduled reductions in the auto tax on the ground that there is a pressing need for revenue in the immediate future is a poor one indeed. In the circumstances in which we find ourselves, it is highly likely that there will always be a need for revenue and if we wait for a time when we do not need revenue in all probability we will never be able to fulfill our commitment to phase out the auto tax. The 10-percent surcharge on individual and corporate income taxes was phased out and permitted to expire completely on June 30 of this year despite the fact that it produced $12.7 billion annually or over seven times the yield of the present auto tax. This surcharge was permitted to expire because it was not a desirable tax for the long run. The scheduled reduction in the auto tax should have been allowed to take place for the same reasons.

Because of our awareness of the continuing need for revenues, we believe that as a pragmatic matter the scheduling of the reduction in very small steps of one percentage point a year is desirable. Reductions of this size should be of such minimal amounts that the administration will permit them to take place depsite their overall need for revenues. We believe it is unforunate, however, that the rate reduction for autos was held at the 5-percent level for a period of 4 years merely to permit the scheduled reduction of the communications tax to catch up.

It should be made clear that the administration's claim that retention of the present auto excise tax rate is necessary to combat inflation is not borne out by the facts. On the contrary, the scheduled reductions in the auto tax would help to keep auto prices down and, therefore, would be counterinflationary. Since the auto tax, on the average, amounts to $27 a percentage point, a reduction in the tax from its present level of 7 to 5 percent would, taken by itself, permit prices to be about $54 below the levels that would otherwise prevail. This would help offset any increase in auto prices made necessary by emission and safety improvements required by Government standards. Since there is a close correspondence between the prices of new and used cars, this beneficial effect of new car prices would be apt to be reflected in the prices of used cars as well, thus making a significant contribution to reducing the cost of living.

Finally, reduction and repeal of the auto tax would provide needed stimulus to the auto manufacturing industry and to the entire economy which is now operating at depressed levels. According to the most recent available data, our economy is now operating at an annual rate of about $40 billion below its potential; manufacturing plants are operating at less than 80 percent of their capacity; and the unemployment rate is now 5.6 percent. Allowing the reductions in the auto tax to take effect as scheduled would prove of inestimable value in sustaining the economy in producing dynamic growth, more jobs, and higher corporate profits. This in turn would add to government tax revenues over the long run.

The weight of evidence therefore is strongly against the postponement of the scheduled reductions in the auto tax. These reductions should be permitted to take place on schedule. The modest immediate loss of revenue involved would be far outbalanced by the equity advantages to consumers, the economic gains of getting the economy to move ahead and the overt sign that the Congress intends to honor its tax pledges.

Mr. TAFT. Mr. President, I have listened with great interest to the remarks of the distinguished minority whip, the Senator from Michigan. I wish to second and endorse the comments which he has made.

The automobile industry is a tremendously important part of our economy. At this particular time in our history, with the present state of our economy, I think the measure that he has introduced today should receive the most serious consideration, particularly in the light of statistics which I have reviewed recently, which indicate that on the West Coast of the United States as much as 20 percent of the automobile market is presently being taken up by imports from Japan.

I think for too long, in the United States, we have failed to see the necessity, insofar as our position in international trade is concerned, of integrating our approach toward revenue measures and the overall plan for our economy. There can be no question but that in Japan, and indeed with our other major industrial competitors, the governments do, in setting their tax policies and their overall economic policies, take into account the position of the nation with regard to international trade. As I say, this has definitely happened in Japan. There is a correlation between the tariff laws, the tax laws, and the overall financing of guarantees and encouraging subsidies by the Federal Government with respect to the overall situation of Japan in international trade.

I recently put into the RECORD a statement made by a distinguished representative of our State Department, in which he reported a study of the comparative position of Japan in this regard, and showed how there had been an intentional and very effective upgrading of Japanese industry in areas involving great skill such as auto production. I think that we, in our tax policies at this point, should take note of this. I have long advocated and continue to advocate that we take another look at restoring the tax credit, or putting back into our revenue system some recognition of the necessity of getting America's plant up to date. We permit the writeoff of new equipment at a rate far slower than that of any of our industrial competitors. We are far less forward looking in our thinking on revenue matters than in our overall thinking on international trade. I think we had better wake up before it is too late. This proposal is a step in that direction, and I think it is timely.

Mr. GRIFFIN. I thank the Senator.

By Mr. HARTKE (for himself, Mr. THURMOND, and Mr. CRANSTON):

S. 2288. A bill to amend section 5055 of title 38, United States Code, in order to extend the authority of the Administrator of Veterans' Affairs to establish and carry out a program of exchange of medical information. Referred to the Committee on Veterans' Affairs.

Mr. HARTKE. Mr. President, today I introduce legislation to extend the authority of the Administrator of the Veterans' Administration to establish and carry out a program of exchange of medical information. I am pleased to be joined in this bipartisan effort by the distinguished Senator from South Carolina (Mr. THURMOND), and by the distinguished chairman of the Subcommittee of Health and Hospitals of the Veterans' Affairs Committee, the Senator from California (Mr. CRANSTON). This program, which was put into effect in 1966, provides a valuable educational tool both to the medical community at large and to the personel of the Veterans' Administration. Under this bill, the Administrator may enter into agreements with medical schools, hospitals, medical centers and individual members of the medical profession for the free exchange of medical information and techniques. Utilizing closed circuit television and other advanced methods of teaching instruction this program has resulted in increased medical knowledge throughout the United States. Although its cost is small, something under $2 million a year, the information that we gain from this program helps the Veterans' Administration supply the finest medical care to our deserving veterans. Since authority for this bill expired the beginning of this fiscal year, I hope that we can have prompt action in the next week so that this program may be continued.

By Mr. HARTKE:

S. 2289. A bill to amend certain provisions of title IV of the Federal Coal Mine Health and Safety Act of 1969 relating to the total disability of certain miners suffering from pneumoconiosis. Referred to the Committee on Labor and Public Welfare.

BLACK LUNG DISABILITY BENEFITS

Mr. HARTKE. Mr. President, almost 2 years ago Congress passed the Federal Coal Mine Health and Safety Act, thereby establishing disability compensation for our Nation's miners suffering from pneumoconiosis, a crippling respiratory ailment commonly known as black lung disease. That law authorizes the Secretary of Health, Education, and Welfare to prescribe standards for determining total disability. While those standards may not be more restrictive than those under the general disability program of the Social Security Act, Congress assumed that the standards would be devised so that they would relate to the dilemma of disabled miners.

Unfortunately, the brief history of this worthy program has proved otherwise. For many of the applicants for disability compensation under the Federal Coal Mine Health and Safety Act, the application process has been fraught with frustration and disappointment. One of the causes of this frustration is the definition which is used to determine total disability. Under the present interpretation, no compensation will be granted if—theoretically—the miner is able to hold some job, some place.

The records of the Social Security Administration show that 32.2 percent of the 286,100 claims for black lung benefits which were filed through April 30, 1971, were denied because pneumoconiosis was not disabling. All too many of these miners find that the denial of their claim amounts to a sentence of poverty. Unable to get black lung benefits, they return to the mines only to discover that their nondisabling disease disqualifies them from further work. These are men who have worked 20, 30, and even 40 years in underground mines. They know no other skills. They are unable to qualify for any other employment.

Obviously, there is injustice in the present definition of total disability under title 4 of the Federal Coal Mine Health and Safety Act. It is too strict, and it is subverting the intent of Congress. Men who have worked in the mines for decades and have contracted pneumoconiosis are not receiving the compensation we intended them to have.

The legislation I am offering today would require the Department of Health, Education, and Welfare to adopt more realistic criteria for determining the eligibility of a miner for black lung disability benefits. Specifically, my proposal defines "total disability" to mean inability by reason of pneumoconiosis to engage in substantial gainful activity requiring skills or abilities comparable to those of any gainful activity in which the miner has previously engaged with some regularity and over a substantial period of time.

The clear intent of this legislation is to treat as totally disabled any miner who, by virtue of pneumoconiosis, is medically unfit to return to the mines for work. At the present time, miners who are experiencing the early stages of pneumoconiosis are literally forced to work in the mines until their health has completely deteriorated. Others whose disease cannot be termed "complicated" pneumoconiosis find that their former employers consider their disease to be more disabling than the Department of Health, Education, and Welfare. Because they know no other skills, or because no other work is available to them, they must remain unemployed and in poverty.

Mr. President, not many weeks ago, more than a dozen underground coal miners paid a visit to my office. The sight of these men—all of whom had worked for at least 25 years in the mines—made a highly vivid impression. These men asked only simple justice. Their concern was not only for themselves, but for their wives and children. While their complaints were many and varied, all of them indicated a total lack of trust in those who administer the black lung disability benefit program. We owe it to these men, and to the thousands of miners they represent, to assure that they receive the benefits Congress intended.

The 120,000 claims that have been approved since enactment of the 1969 law represent only about one-half of the total number of claims which have been filed. In my own State of Indiana, of the 5,317 claims filed as of May 7, 1971; 3,979 have been processed. Of those processed, only 1,368 have been allowed. On a national basis, only 39 percent of the claims actually have been paid to date. While it is true that over 200,000 disabled miners, widows and dependents are now receiving monthly black lung benefits, I believe that this number should be increased significantly.

There is much that we do not yet know about the experience under title 4 of the Federal Coal Mine Health and Safety Act, and I am pleased to learn that the General Accounting Office is conducting an investigation which may shed light on this program. For the moment, however, it is clear that we can take action to assure that the purpose of Congress in establishing title 4 will not be subverted.

Miners work hard to supply our Nation with the coal which is used to generate power. Theirs is a dangerous profession, and many of those fortunate enough to survive die slowly of pneumoconiosis—the occupational disease that slowly incapacitates and finally kills. The proposal I introduce today is intended to insure that these men receive the disability payments they deserve.

By Mr. HUMPHREY:

S. 2290. A bill to establish a Joint Committee on National Security. Referred to the Committee on Armed Services.

JOINT COMMITTEE ON NATIONAL SECURITY

Mr. HUMPHREY. Mr. President, I am introducing a bill today which would establish a permanent Joint Congressional Committee on National Security.

I believe this committee will enable Congress to address itself in a more comprehensive way than ever before to a thorough and ongoing analysis and evaluation of our national security policies and goals.

I propose that the committee have these main functions:

First, to study and make recommendations on all issues concerning national security. This would include review of the President's report on the state of the world, the defense budget and foreign assistance programs as they relate to national security goals, and U.S. disarmament policies as a part of our defense considerations.

Second, to review, study and evaluate the "Vietnam papers," and other documents, whether published heretofore or not, covering U.S. involvement in Vietnam.

Third, to study and make recommendations on Government practices of classification and declassification of documents.

Fourth, to conduct a continuing review of the operations of the Central Intelligence Agency, the Departments of Defense and State, and other agencies intimately involved with our foreign policy.

For too many years, the Congress has had inadequate information on matters concerning national security. We in the Congress have had to accept partial information, often in limited context, and as a result have been unable to weigh the total picture.

It is often difficult for Congress to obtain adequate disclosure of Government documents. On several important occasions heads of the Defense and State Departments and members of the National Security Council have claimed executive privilege and have refused to answer congressional inquiries on matters concerning our national security.

While the President and key Government officials meet occasionally with the leaders of the Senate and the House of Representatives on an informal basis, there is no forum for a regular and frank exchange between the Congress and the executive branches on the vital issues affecting our national security. I am particularly sensitive to this missing link, having had the special experience of serving as a U.S. Senator for 16 years and as Vice President for 4 years.

The Joint Committee on National Security would provide that link.

It would function in the national security field in a manner comparable to the Joint Economic Committee, which conducts a systematic review and analysis of the President's annual economic report.

Its unique feature would be the composition of its membership. It would have representation from those individual and committee jurisdictions that have primary responsibility in military, foreign relations and congressional leadership.

It would include the President pro tempore of the Senate; the Speaker of the House; the majority and minority leaders of both Houses, and the chairmen and ranking minority members of the Committees on Appropriations, Foreign Relations, and Armed Services, and the Joint Committee on Atomic Energy.

It would not usurp the legislative or investigative functions of any present committees, but supplement and coordinate their efforts in a more comprehensive framework.

Nor is it designed to usurp the President's historic role as Commander in Chief, or to put the Congress in an adversary relationship with the executive branch.

It is, rather, a new body, to be composed of members of both parties and both Houses of Congress, that will make possible closer consultation and cooperation between the President and the Congress.

In recent years, we have seen a gradual isolation and insulation of power within the executive branch. The Constitution, I suggest, intended something quite different when it called for a separation of powers.

I believe the divisiveness and the search for scapegoats generated by publication of the "Vietnam papers," is at least in part a result of this isolation.

We have not had the mechanism in our national security apparatus for adequate consultation between the two branches in the formulation of national security policy.

This point is illustrated very convincingly in Mr. Stephen Rosenfeld's article which appeared July 9 in the Washington Post.

Mr. President, I would like to quote from that article as it relates to the point I have been discussing and ask unanimous consent that the entire article be printed in the Record.

In discussing our Vietnam experience, Mr. Rosenfeld suggests that "national security is too important to be left to the national security apparatus."

The remedy he offers is in line with my own thinking. We must have an amount of institutional change "by public demand and if necessary by legislation, the executive branch must be required to share some part of the special information and to surrender some part of the initiative which it now commands in the conduct of foreign affairs."

There are reasons for the concentration of power which has developed within the executive branch which are quite understandable considering our experience in World War II and afterward. But times change, and so must our institutions and responses.

In an article in Foreign Affairs, July 1959, I expressed my concern over this development. I noted that the Congress "with its power of the purse, and through the right to investigate, to criticize, and to advocate—does exert a significant influence on the quality and direction of U.S. foreign policy."

I found that the Congress must have its own vehicle for educating itself and expressing ideas on this question and the more general issue of national security.

> Such independent expertise is absolutely necessary if the House and Senate are to fulfill their Constitutional responsibility of surveillance and initiative. Without competent independent sources of fact and wisdom they cannot make discriminating judgments between alternative programs and proposals.

I, therefore, suggested that "the Congress prompt the executive to put its house in order by itself creating a Joint Committee on National Strategy, to include the chairmen and ranking minority members of the major committees of the House and the Senate."

Such a committee's purpose would be to look at our total national strategy—military, political, economic and ideological. This committee would not usurp the functions of any of the present committees, but supplement them by endowing their work with a larger frame of reference.

> The Chairmen of the Committees represented would come away from the meeting of the new Joint Committee with a greater appreciation, for instance, of the relationship between fiscal policy and national productivity and how both factors relate to our defense posture and our negotiating position. Responsible statesmanship consists precisely in the capacity to see complex relationships in a perspective as broad as the national purpose itself.

Mr. President, I made that proposal in 1959. Had it been adopted, perhaps the history of the past 12 years might have been different. I cannot help but believe that if we had shared more fully in momentous decisions, like those in Vietnam, we would be less divided as a nation by the bitterness and hatreds that confront us today.

But I submit, Mr. President, that now is not the time for regrets. It is a time for careful and responsible decision; it it a time to adapt our institutions to change; above all, it is a time to act.

It is not enough for the Congress to insist upon its prerogatives if it is not prepared to cope with its responsibilities.

The executive branch, recognizing the deep interrelationships between issues of foreign affairs, military policy, and some crucial domestic issues prepared itself to fulfill its responsibilities to the Constitution by forming a National Security Council.

It is fitting, therefore, that the Congress adopt a similar, parallel and counterpart mechanism: a Joint Congressional Committee on National Security, which could draw on the experience and expertise of legislative leaders in various national security areas.

Our existing congressional committees lack coordination. The joint committee would not, under my proposal, usurp any of the functions of these committees of the two Houses, but would address itself to the broad-gaged issues that overlap their jurisdictions and thereby assist the congressional and executive decisionmaking process.

Issues of defense, arms control, foreign development and security assistance, national priorities, foreign policies, the development of a global concept for our national interests, and a simultaneous evaluation of our security interests, classification and declassification procedures—all these and many more issues require coordination and a broad focus.

The joint committee I am proposing would concentrate on these and other topics. Let me summarize why I believe such a committee is desirable:

First, it would provide for a total analysis and evaluation of national security jointly by both Houses of Congress.

Second, it would permit closer consultation and cooperation in national security planning with the executive branch than is now possible. This, I believe, would help restore the intended balance of power between the two branches and strengthen the decisionmaking process.

Third, it would permit a comprehensive review and analysis of our Vietnam involvement and help heal the divisiveness in our country that has resulted from secrecy and fragmented decisionmaking.

Fourth, the committee will have the power to review and simplify classification procedures and to declassify documents whose contents should not be withheld from the public. Thus, we can achieve greater understanding, support, and public participation in the establishment of our objectives and policies.

The composition of the joint committee can be summarized as the following:

The Joint Committee—

First. There will be 25 members with fully bipartisan representation. The majority party will have three members more than the minority party.

Second. The experienced authority of the Congress would be fully represented on the joint committee.

Third. Each House also would have the opportunity to be represented by outstanding members who are not chairmen or elected leaders through the provision for membership of two majority and one minority Member from each House.

For a more complete description of the functions and composition of this committee, I ask, Mr. President, unanimous consent that the bill to establish a Joint Committee on National Security be printed at this point in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 2290

A bill to establish a Joint Committee on National Security

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Congress declares that—

(1) it has been vested with responsibility under the Constitution to assist in the formulation of the foreign, domestic, and military policies of the United States;

(2) such policies are directly related to the security of the United States;

(3) the integration of such policies promotes our national security; and

(4) the National Security Council was established by the National Security Act of 1947 as a means of integrating such policies and furthering the national security.

Sec. 2. (a) In order to enable the Congress to more effectively carry out its constitutional responsibility in the formulation of foreign, domestic, and military policies of the United States and in order to provide the Congress with an improved means for formulating legislation and providing for the integration of such policies which will further promote the security of the United States, there is established a joint committee of the Congress which shall be known as the Joint Committee on National Security (hereafter referred to as the "joint committee"). The joint committee shall be composed of 25 Members of Congress as follows:

(1) the Speaker of the House of Representatives;

(2) the majority and minority leaders of the Senate and the House of Representatives;

(3) the chairmen and ranking minority members of the Senate Committee on Appropriations, the Senate Committee on Armed Services, the Senate Committee on Foreign Relations, and the Joint Committee on Atomic Energy;

(4) the chairmen and ranking minority members of the House Appropriations Committee, the House Armed Services Committee, and the House Foreign Affairs Committee;

(5) three Members of the Senate appointed by the President of the Senate, two of whom shall be members of the majority party and one of whom shall be a member of the minority party;

(6) three Members of the House of Representatives appointed by the Speaker, two of whom shall be members of the majority party and one of whom shall be a member of the minority party.

(b) The joint committee shall select a chairman and a vice chairman from among its members.

(c) Vacancies in the membership of the joint committee shall not affect the power of the remaining members to execute the functions of the joint committee and shall be filled in the same manner as in the case of the original appointment.

Sec. 3. (a) The joint committee shall have the following functions:

(1) to make a continuing study of the foreign, domestic, and military policies of the United States with a view to determining whether and the extent to which such policies are being appropriately integrated in furtherance of the national security; and

(2) to make a continuing study of the recommendations and activities of the National Security Council relating to such policies, with particular emphasis upon reviewing the goals, strategies, and alternatives of such foreign policy considered by the Council; and

(3) to make a continuing study of government practices and recommendations with respect to the classification and declassification of documents, and to recommend certain procedures to be implemented for the classification and declassification of such material.

(b) The joint committee shall make reports from time to time (but not less than once each year) to the Senate and the House of Representatives with respect to its studies. The reports shall contain such findings, statements, and recommendations as the joint committee considers appropriate.

Sec. 4. (a) The joint committee, or any subcommittee thereof, is authorized, in its discretion (1) to make expenditures, (2) to employ personnel, (3) to adopt rules respecting its organization and procedures, (4) to hold hearings, (5) to sit and act at any time or place, (6) to subpena witnesses and documents, (7) with the prior consent of the agency concerned, to use on a reimbursable basis the services of personnel, information, and facilities of any such agency, (8) to procure printing and binding, (9) to procure the temporary services (not in excess of one year) or intermittent services of individual consultants, or organizations thereof, and to provide assistance for the training of its professional staff, in the same manner and under the same conditions as a standing committee of the Senate may procure such services and provide such assistance under subsections (i) and (j), respectively, of section 202 of the Legislative Reorganization Act of 1946, and (10) to take depositions and other testimony. No rule shall be adopted by the joint committee under clause (3) providing that a finding, statement, recommendation, or report may be made by other than a majority of the members of the joint committee then holding office.

(b) Subpenas may be issued over the signature of the chairman of the joint committee or by any member designated by him or the joint committee, and may be served by such person as may be designated by such chairman or member. The chairman of the joint committee or any member thereof may administer oaths to witnesses. The provisions of sections 102–104 of the Revised Statutes (2 U.S.C. 192–194) shall apply in the case of any failure of any witness to comply with a subpena or to testify when summoned under authority of this section.

(c) With the consent of any standing, select, or special committee of the Senate or House, or any subcommittee, the joint committee may utilize the services of any staff member of such House or Senate committee or subcommittee whenever the chairman of the joint committee determines that such services are necessary and appropriate.

(d) The expenses of the joint committee shall be paid from the contingent fund of the Senate from funds appropriated for the joint committee, upon vouchers signed by the chairman of the joint committee or by any member of the joint committee authorized by the chairman.

(e) Members of the joint committee, and its personnel, experts, and consultants, while traveling on official business for the joint committee within or outside the United States, may receive either the per diem allowance authorized to be paid to Members of the Congress or its employees, or their actual and necessary expenses if an itemized statement of such expenses is attached to the voucher.

Mr. HUMPHREY. With the establishment of the committee, Mr. President, we will be bringing this Republic closer to Mr. Lincoln's ideal of government "of the people, by the people, (and) for the people."

We will be establishing a framework for the formulation of national security policy that can bring us closer to the ideal we all share for lasting peace.

Mr. President, I would like to bring to the attention of my colleagues two excellent articles which appeared in the New York Times and the Washington Post. I ask unanimous consent that they be printed in the Record. These articles underline the need to have the kind of institutional reform I am proposing today.

There being no objection, the articles were ordered to be printed in the Record, as follows:

[From the New York Times, July 13, 1971]

FREE PRESS, FREE PEOPLE

(By OGDEN R. REID)

Our democracy does not work well in secret. The Pentagon Papers illuminate the arrogance of those in high places and the serious erosion, if not breakdown, of our constitutional system of checks and balances.

At least two Administrations, if not three, believed that they were not accountable to the Congress and the American people for watershed decisions taken about Indochina.

The present Administration has gone even further and launched the most serious attack on the press in our history: subpoenaing reporters' notes, threatening reprisals against television and radio stations under the power to license, and, for the first time nationally, invoking prior restraint against the right to publish.

This precensorship was claimed to be justified because of an "immediate grave threat to national security." Critical national security touching our very survival is not in fact at issue here—nor is cryptographic intelligence.

While the Kennedy and particularly the Johnson Administrations' failure to inform Congress is a shocking example of unilateral executive decision-making, the attempted effort by the Nixon Administration to prevent what is essentially past history reaching Congress or being published is hardly more reassuring.

After six days of hearings before the Government Information Subcommittee of the House of Representatives, certain remedies are clearly called for if the Congress is to reassert its constitutional role.

First, the Congress must enact a new statute governing classified documents. This law must sharply limit that which should be labeled secret and it must provide for automatic declassification and Congressional oversight. If a matter should remain secret after a stated period, there should be an affirmative, positive finding as to why continued secrecy is necessary.

The Congress should explicitly reserve the right to make public material improperly classified by the executive contrary to statute when its classification is not a matter of national security and is simply a device to avoid governmental embarrassment. Equally, no Executive order on classification should be issued that subverts the intent of the Congress. Above all, there must be a vast reduction in the corps of 8,000 Defense Department officers who now have authority to originate top secret and secret designations.

Second, the Freedom of Information Act should be tightened in two respects. The types of information now permitted to be withheld must be sharply limited, and time permitted for Government response to a court suit must be reduced from the present 60 days.

Third, the Congress must come to grips with executive privilege. Here we are dealing with a collision between the executive and the Congress that has been going on since George Washington assumed office. It should be subject to accommodation, but that will never happen if the Congress does not assert the powers and responsibilities given to it by the Constitution.

Fourth, legislation may well be required to protect the Fourth Estate. The press often serves as a coordinate branch of our democracy, especially when a breakdown occurs between the other three. Specifically, we need a national Newsmen's Privilege Act—now law in six states—protecting the confidentiality of sources, absent a threat to human life, espionage, or foreign aggression. Legislation should be enacted to prohibit the issuance by the courts of injunctions against publication, thereby removing prior restraint from the reach of the executive.

Congressional legislation and assertion of appropriate initiatives can help redress the current situation. If need be, the power of the purse can be more resolutely used vis-a-vis an unresponsive executive. But more fundamentally, what we need is government with faith in the American people and in their right to participate in the great decisions. If we do not see this now, after the Bay of Pigs, the Dominican Republic intervention and the whole tragic history of Indochina, then as a nation we do not really understand democracy.

A DEADLINE FOR DECLASSIFICATION?

(By Henry Owen)

The current furor over secret Vietnam documents fits into a familiar pattern. The public's view of the origins of each major conflict (save Hitler's war) in the last century has been marked by three successive phases: Phase I, when the wartime official view was readily accepted; Phase II, when a spate of memoirs and other secret documents persuaded people that it was largely the fault of their own wartime leaders; and Phase III, in which professional historians showed the truth to be a lot more complicated than any of these "devil" theories would suggest. We are now in Phase II on Vietnam; the need for moving as soon as possible to Phase III can be better understood if we look to past experience.

CASE ONE: In 1914–18, the view that the Kaiser had single handedly brought on the war was universal outside Germany. Then came postwar memoirs and the publication of Austrian, German and Russian secret documents; this led such revisionists as the late Harry Elmer Barnes to suggest that the war was largely the fault of Poincare and the Russian military. Finally, serious historians got to work. While they differed among themselves in distributing the blame, a succession of professional studies—culminating in Albertini's definitive three-volume history published in the 1940s—suggested that both the wartime and revisionist theories were at fault. None of the statesmen involved had wanted a general war; there were divided counsels in each government; and there was a large amount of miscalculation and at least as much incompetence as criminal intent all around.

CASE TWO: On December 8, 1941, most Americans were fairly clear that Hirohito had attacked a peaceful America out of the blue. After the war smoldering hostility toward President Roosevelt exploded in a burst of revisionist commentary, which suggested that he had tempted and provoked Japan into firing the first shot. The U.S. Government, in a burst of candor, gave two eminent scholars—William Langer and Everett Gleason—the run of its archives and invited them to form and write their own view. Phase III, which began with their two-volume work in the early 1950s, has been reflected in a succession of scholarly studies ever since. These studies have reached varying conclusions, but no one who reads all of them is likely to return to the simplistic theories of the 1940s: The failures of last-minute U.S. and Japanese efforts to avert war are, as John Toland points out in his recent work, too tragic and complicated a business to be explained by seeking out heroes and villains.

On Vietnam, we are now in Phase II. Secret documents have been revealed; wartime leaders are being discredited. But the revealed documents are inevitably a partial record: They do not include White House files; and they do not indicate either the context in which, or the tactical purposes for which, the memoranda they cite were written. They cannot fully reflect the doubts and torments of officials reaching for decision—which are, by the very nature of the government's operations, rarely committed to paper. The authors who analyzed these papers were not able to conduct interviews with the participants; as indicated in these volumes' preface, they sometimes lacked the research experience required to assess evidence which was necessarily, as a Washington Post editorial has pointed out, neither complete nor balanced. These are some of the reasons why such men as George Ball and Averell Harriman have warned against trying to draw sweeping conclusions from these documents.

One remedy was suggested by three noted historians before the current storm broke. In 1969 Professor Ernest May of Harvard proposed that all classified government records, except for those few whose disclosures would directly, surely, and powerfully prejudice national security, be opened after a fixed period to qualified professional historians. Professor James McGregor Burns of Williams followed with a similar, if more general, proposal and suggested that the waiting period be fixed at eight years. In light of recent events, this period might well be shortened. The proposal was promptly endorsed by Professor Langer, who pointed out that "systematic declassification is patently impossible: the records are so voluminous that it would take large teams of highly qualified personnel years to complete the assignment."

Professor May had in mind that a group of these historians, based in universities, would then launch a major effort to produce scholarly histories of U.S. postwar foreign policy—perhaps under a foundation grant, which might be managed by an appropriate professional association or by a group of these associations. Outlining the advantages of such a historical program in persuasive terms, Professor May concluded: "Policymakers and their staffs would possess more reliable knowledge about events which they use as trend gauges and action indicators . . . Legislators, journalists, and others commenting on current actions would have less excuse for basing comparisons on legend rather than reality . . . and students would leave the classroom with somewhat more awareness than now seems common that the world is a complicated place and that the color of truth is often gray."

At the time these professors' proposals were made, they attracted scant atention. In light of current events, they warrant serious exploration. The President might appoint a mixed commission of eminent American historians and government officials to study the matter and report back to him with specific recommendations. This would be a different operation from the inter-agency study on declassification which is already underway in the U.S. Government.

In the meantime, private studies can make a modest contribution in pointing the way. Leslie Gelb, who coordinated the compilation of Pentagon documents, is embarked on a three-year analytical history for the Brookings Institution of how five successive U.S. administrations perceived and acted on U.S. interests in Indochina from 1940 to 1965. His object is not to figure out who struck whom and why, but to show the inter-relation between official decisions and the international and domestic environment in which they were taken. His research is based on public sources: the first published results, published recently in Foreign Policy and the "Outlook" section of The Washington Post, suggest that his conclusions will be both more balanced and perceptive than those now being widely drawn from the Pentagon documents often by people who haven't even read them, but have heard of them at second or third hand.

Whatever may be the verdict of history in Vietnam, one thing is sure: It will differ from many of the verdicts now being pronounced with such speed and enthusiasm on the basis of scattered and incomplete returns.

By Mr. McCLELLAN:

S. 2291. A bill to facilitate representation of persons having claims against the United States by legal counsel of their own choosing. Referred to the Committee on the Judiciary.

Mr. McCLELLAN. Mr. President, I introduce, for appropriate reference, a bill to facilitate representation of persons having claims against the United States by legal counsel of their own choosing.

In both the 89th and 90th Congresses the Senate unanimously passed bills—S. 1522 of the 89th Congress and S. 1073 of the 90th Congress—introduced by me for the removal of arbitrary limitations upon attorneys' fees for services rendered in proceedings before administrative agencies of the United States. No final action on either of these bills was taken by the House of Representatives. The bill which I am introducing today is substantially the measure reported by the House Judiciary Committee in the 90th Congress and identical to S. 2387 of the 91st Congress.

Section 1 of the bill provides for the repeal of section 2678 of title 28 of the United States Code, which is the section of the Code which presently limits attorneys' fees in Federal tort claims cases. This section would remove the fixed limits now in the law so that the attorneys' fees will be fixed in the same manner as it is in tort litigation between private parties.

Section 2 of the bill provides a standard procedure for supervising and approving attorneys' fees for services rendered in connection with claims before specified agencies and departments of the Federal Government. These new procedures for determining attorneys' fees would apply to: first, the Secretary of Health, Education, and Welfare under title II or title XVIII of the Social Security Act; second, the Administrator of Veterans' Affairs under title 38 of the United States Code; third, the Foreign Claims Settlement Commission under any provision of law administered by that Commission; fourth, the Secretary of Labor with respect to the Federal employees compensation provisions of title 5 of the United States Code; fifth, the Railroad Retirement Board under the Railroad Unemployment Insurance Act; and sixth, the President or his delegate under the Trading With the Enemy Act.

The procedures in this bill for agency review of reported fees provides that a fee may be questioned if an agency "finds cause to inquire as to whether a fee is excessive" or improperly reported. After the attorney has had an opportunity to supply additional data and confer with agency representatives, the agency may determine a "maximum" fee.

Section 3 of the bill contains provisions relating to the review and enforcement of limitations on attorney's fees. These include provisions concerning jurisdiction in the Federal district courts, venue, actions for determination of reasonable attorneys' fees, the form of evidence to be considered by the court, and judgment by the court in such actions.

Sections 4 through 11 of the bill amend existing law so as to incorporate the new procedures specified in this legislation.

Section 6 preserves the existing $10 limitation on "original claims" for Veterans' Administration benefits. Attorneys could be retained at fees subject to Veterans' Administration review, as provided in Section 2 of the bill, only after a claim had been disallowed by that agency. In normal circumstances, there is no necessity for an attorney at the first stage of a claim for Veterans' Administration benefits. However, once a claim has been disallowed an attorney may be desired by the claimant in appealing the denial of a claim for benefits. It should be stressed that this bill does not seek to affect in any way the present system of representation of veterans by the various veterans organizations. The legislation would merely make it possible to obtain counsel in those cases where it appears to the claimant that legal counsel would be helpful or desirable.

When I originally introduced legislation on this subject in the 89th Congress I stated that I did so "to correct what I consider to be inequities in the allowance of attorneys' fees in proceedings before certain administrative agencies. Many of the existing limitations are a direct outgrowth of the depression years. The maximum amount now allowable reflects the general attitude of that time." I have worked closely with the American Bar Association in the preparation of the successive versions of this legislation. I believe that the bill effects a proper balance of the interests of all parties concerned, namely, the individual claimant under a Federal statute, his private lawyer, and the Government. I hope that final action on this legislation can be taken during this Congress.

By Mr. BURDICK (for himself and Mr. Cook):

S. 2292. A bill relating to minimum and maximum limits of age within which original appointments may be made to positions as correctional officers in the Bureau of Prisons, and for other purposes. Referred to the Committee on the Judiciary.

Mr. BURDICK. Mr. President, I am introducing for myself and Mr. Cook today, the Correctional Officer Act of 1971.

As my colleagues are undoubtedly aware, one of the improvements in our efforts to bring about the rehabilitation of public offenders is the utilization of correctional officers in a paraprofessional role as agents of changing the behavior of those in custody. The U.S. Bureau of Prisons is today providing leadership for the Nation in this field through the unique training program which it has established for new correctional officer employees. The first of what I hope will be a series of staff training centers is located at El Reno, Okla. Although it was only formally dedicated on March 25 of this year, the concepts involved in this staff training program are already being adopted by State and local jurisdictions in the preparation of their correctional employees.

The legislation which I introduce today is intended to be a further step in enhancing the professional role of Federal correctional officers, so that they will continue to represent the high standards necessary to fulfill their role as agents of change.

In the day-in, day-out operation of a correctional institution, it is the line correctional officers who have continual contact with the offenders. Because of this, these correctional officers stand in a unique place from which they can influence the future behavior of those in custody.

First, the legislation which I introduce recognizes the declining average age of the offenders in the population of the Federal institutions, which has gone from approximately 30 years to approximately 28 years of age.

The ability to set maximum age limits for recruitments would insure that the Bureau of Prisons is able to maintain a young and vital complement of correctional officers who can understand offenders and who can work with them.

Second, this legislation further recognizes the professional nature of this work by eliminating the requirement that a correctional officer who has reached age 50 and has completed 20 years of service must be declared to be "no longer capable of carrying on efficiently" in his job in order to gain the annuity benefits which Congress has already provided in recognition of the dangerous nature of the work. I believe that making these annuity benefits available upon application will be a significant factor in improving the morale of the correctional officers who man the institutions of the Bureau of Prisons, and will make these jobs more attractive to those individuals who are best able to perform this role as an agent of change.

I ask unanimous consent that the bill and analysis be printed in full at this point in the Record.

There being no objection, the bill and analysis were ordered to be printed in the Record, as follows:

S. 2292

A bill relating to minimum and maximum limits of age within which original appointments may be made to positions as correctional officers in the Bureau of Prisons, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 3307 of title 5, United States Code, is amended by designating the existing text of such section as subsection (a), and by adding at the end thereof the following new subsection:

"(b) Notwithstanding the provisions of subsection (a) of this section, the Attorney General, with the concurrence of such agent as the President may designate, is authorized to determine and fix the minimum and maximum limits of age within which original appointments may be made to positions as correctional officers in the Bureau of Prisons, Department of Justice."

Sec. 2. Subsection (c) of section 8336 of title 5, United States Code, is amended by inserting immediately before the period at the end of the first sentence thereof a comma and the following: "except that in the case of an employee the duties of whose position are primarily the detention of such individuals and who is so separated from the service, such employee shall be entitled to an annuity without such recommendation and approval".

Major Provisions of the Correctional Officer Act of 1971

Sec. 1. Provides authority for the setting of maximum and minimum ages for recruitment of correctional officers to be employed by the Bureau of Prisons.

Sec. 2. Eliminates the necessity provided in statute and regulation that the Director of the Bureau of Prisons and the Civil Service Commission be required to make a determination of fact that an individual seeking retirement at age 50 with 20 years of hazardous duty is no longer capable of carrying on efficiently as a correctional officer.

By Mr. BURDICK (for himself, Mr. Cook, and Mr. Bayh):

S. 2293. A bill to amend title 18, United States Code, relating to assaults on United States probation officers. Referred to the Committee on the Judiciary.

Mr. BURDICK. Mr. President, I am introducing for myself, Mr. Cook and Mr. Bayh today, legislation that would extend to U.S. probation officers the provisions of the criminal code which make assault or murder of all other categories of Federal law enforcement officers a Federal crime.

Section 1114 of title 18, United States Code, now provides that whoever kills any of certain designated officers or employees of the United States while engaged in, or on account of, the performance of official duties shall be punished as provided in section 1111 and section 1112 of the code relating to murder and manslaughter. A related provision, section 111 of title 18, United States Code, applies sanctions to anyone who forcibly assaults, resists, opposes, impedes, intimidates, or interferes with any person designated in section 1114 while engaged in, or on account of, the performance of official duties. The legislation that is being introduced today would extend these provisions to all probation officers of the United States.

In performing their primary duties of supervising Federal offenders placed on probation or on parole from penal institutions, or preparing presentencing investigation reports for the courts, U.S. probation officers are subject to personal hazards above those faced by ordinary government officers. By the nature of their work, they continually risk the danger of assault, which could result in injury or death at the hands of the parolees, probationers, and persons from whom they seek information.

Congress has in previous years provided such protection to agents of such agencies as the Federal Bureau of Investigation, Bureau of Narcotics and Dangerous Drugs, Customs, Immigration, Bureau of Prisons, and others involved in field activities on various public lands.

I believe that such legislation extending these two sections of this statute to cover U.S. probation officers would be an appropriate recognition of the dangerous nature of their work. Enactment of similar legislation has been recommended by the Committee on Probation of the Judicial Conference.

I ask unanimous consent that the bill be printed in full at this point in the Record.

S. 2293

A bill to amend title 18, United States Code, relating to assaults on United States probation officers

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 1114 of title 18, United States Code, is amended by inserting immediately after the words "judge of the United States," the words "any United States probation officer."

By Mr. EASTLAND (for himself and Mr. Hruska):

S. 2294. A bill to amend the Subversive Activities Control Act of 1950, as amended. Referred to the Committee on the Judiciary.

Mr. EASTLAND. Mr. President, on behalf of the Senator from Nebraska (Mr. Hruska) and myself, I send to the desk for appropriate reference a bill to amend the Subversive Activities Control Act of 1950, and ask that it may be appropriately referred.

This is a bill which was transmitted to the two Houses of the Congress, in draft form by the Attorney General of the United States. The purpose of the bill is to facilitate the performance by the Subversive Activities Control Board of new responsibilities which it must deal with under the President's amendment of Executive Order 10450, on July 7 of this year.

As I am sure Senators know, the amended Executive order will permit the Board to deal with and make appropriate determinations with regard to violent, action-oriented organizations, whether or not such organizations are Communists in nature.

In performing these new functions, the Board will need to exercise, in proper case the power of subpena, and to hold hearings and to take testimony and keep a stenographic record of its proceedings. These functions are now authorized by statute with respect to the responsibilities imposed upon the Board by the Subversive Activities Control Act; and the bill I have just sent forward will provide authority for the exercise of these necessary functions in connection with the Board's new responsibilities.

The bill will also provide for changing the name of the Board to the "Federal Internal Security Board". I feel this is a desirable step, for the fact is the Board has never been greatly concerned with controls, but rather with the quasi-judicial adjudication of questions with respect to the nature of subversive organizations.

Mr. President, I ask that the text of the letter transmitting this bill to the Vice President, as the presiding officer of the Senate, may be printed in the Record at this point as a part of my remarks, together with the full text of the bill.

There being no objection, the letter and bill were ordered to be printed in the Record, as follows:

Office of the Attorney General,
Washington, D.C., July 7, 1971.

The Vice President,
United States Senate,
Washington, D.C.

Dear Mr. Vice President: There is attached for your consideration and appropriate reference a draft bill to amend the Subversive Activities Control Act of 1950, as amended.

In order to update the list of organizations which have been designated by the Attorney General, the President in accordance with his constitutional and statutory powers, has amended Sections 8 and 12 of Executive Order 10450, to permit the Attorney General to petition the Subversive Activities Control Board to conduct appropriate hearings to determine *inter alia* whether an organization is one which seeks to overthrow the Government of the United States or any state or sub-division thereof by unlawful means or unlawfully advocates the commission of acts of force or violence to deny others their rights under the Constitution or laws of the United States or of any state. This would permit the Board to make an appropriate determination with respect to violent-action oriented organizations.

The proposed legislation would amend Section 12 of the Subversive Activities Control Act of 1950, by renaming the Subversive Activities Control Board the Federal Internal Security Board. In addition the draft bill provides that subsections (c) and (d) (1), (2) and (3) of Section 13 and Section 14, of the Subversive Activities Control Act of 1950, as amended, shall apply to proceedings conducted pursuant to Section 12 of Executive Order 10450, as amended.

Misbehavior in the Board's presence is a punishable offense under Section 13(d)(3). Section 13(c) provides the Board with the power of subpoena. Section 13(d)(1) assures certain respondent rights by requiring public hearings, an accurate stenographic record, the right to counsel, and the right to cross examination. In addition to these "due process" features, Section 14 specifically provides that an aggrieved party shall have the right to petition the United States Court of Appeals for the District of Columbia to have the Board's findings set aside. The findings of the Board must be supported by the preponderance of the evidence.

The enactment of this legislation will also provide a sounder basis for updating the Attorney General's list of organizations designated pursuant to Executive Order 10450. The last consolidated list of such organizations was issued on November 1, 1955 and many of the organizations listed thereon are currently defunct.

The early enactment of this legislation is recommended as a necessary complement to the recently issued amendment to Executive Order 10450 mentioned above, since the Executive Order cannot confer subpoena or contempt powers on the Board.

The Office of Management and Budget has advised that enactment of this legislation is consistent with the objectives of this Administration.

Sincerely,

John W. Mitchell,
Attorney General.

S. 2294

A bill to amend the Subversive Activities Control Act of 1950, as amended

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) Section 3(11) of the Subversive Activities Control Act of 1950 is amended by deleting the words "Subversive Activities Control Board" and inserting in lieu thereof the words "Federal Internal Security Board."

(b) Section 12(a) of the Subversive Activities Control Act is amended by deleting the words "Subversive Activities Control Board" and inserting in lieu thereof the words "Federal Internal Security Board."

(c) The caption to Section 12 of the Subversive Activities Control Act of 1950 is amended to read "Federal Internal Security Board."

Sec. 2. The provisions of subsections (c) and (d) (1), (2) and (3) of Section 13, and Section 14 of the Subversive Activities Control Act of 1950, as amended, shall apply to proceedings conducted pursuant to Section 12 of Executive Order 10450, as amended.

Mr. HRUSKA. Mr. President, I am very pleased to join with my distinguished colleague from Mississippi, the chairman of the Committee on the Judiciary, in introducing a bill to amend the Subversive Activities Control Act of 1950. This legislation is designed to complement contemporaneous amendments to Executive Order 10450, the Government's personnel security program which was originally enacted in 1947.

The amendments to Executive Order 10450, signed by President Nixon on July 2, provide an effective mechanism for the updating of the Attorney General's list of organizations designated pursuant to the Executive order and will expedite the elimination of those organizations which consists of over 90 percent which are now inactive or for other appropriate reasons should not be on the list.

Prior to the recent amendment to the Executive order, the Attorney General was charged with the sole responsibility for both the factfinding and designating functions in connection with the Government's personnel security program. This placed the Attorney General in the unfortunate posture of prosecutor, judge, and jury in determining whether any organization should be designated as a subversive organization. That is, there was no independent hearing or independent consideration other than that made by the Attorney General or officials within his own department before an organization could be so designated. Prior to amendment, the Executive order did not recognize the revolutionary terrorist organizations which have developed since the order was last amended.

Under the new amendment to the order, the Subversive Activities Control Board will be authorized, upon petition of the Attorney General, to hear cases and make findings involving organizations which are alleged to fall within the following criteria: Totalitarian, Fascist, Communist, or subversive, or as having adopted a policy of unlawfully advocating the commission of acts of force or violence to deny others their rights under the Constitution or laws of the United States, or of any State, or which seeks to overthrow the Government of the United States, or of any State or subdivision thereof, by unlawful means. The above criteria are substantially the same as those prescribed by Executive Order 9835 dated March 21, 1947, and continued in Executive Order 10450, dated April 27, 1953. The amended Executive order provides definitions for each one of the categories of organizations listed in the present Executive order and, as noted, provides for a new class of organization and a definition of that class in recognition of recent history.

The amended Executive order also provides that the Board may determine, after consideration of the evidence, whether those organizations previously designated have ceased to exist, or upon petition of the Attorney General or any cited organization, that such organization does not currently meet the standards for designation. In short, an additional purpose will be to update the list where needed and to eliminate listed organizations which no longer exist or do not meet the criteria established.

The Executive order thus separates the hearing function from the Department of Justice by transferring those functions to the Subversive Activities Control Board. It provides for a due process hearing before an independent body with the Attorney General making his decisions based upon the recommendations and findings of that body.

It must be stressed that the objectives of Executive Order 10450, as amended, relate to the continuing vitality of the Federal employee security program. It should be pointed out that under Executive Order 10450, membership in the designated organizations is but one factor to be considered in implementation of the Federal personnel security program.

The need to provide for the integrity of Government employees is, of course, as old as the Government itself. The present security programs were set out in Executive Order 9835 of March 1947, and confirmed by the present Executive Order 10450 in April 1953. The new amendments are designed to guarantee the continued vitality of the program in light of current circumstances and to provide additional procedural safeguards.

The purpose of the bill we are introducing today is to apply the further constitutional safeguards of the Subversive Activities Control Act of 1950 and to extend presently existing powers of the Board to hearings conducted pursuant to the recent amendment to Executive Order 10450. Specifically, it would include the holding of public hearings with all of the customary due process procedures attendant to administrate hearings under the Federal Administrative Procedures Act.

Other provisions of the Subversive Activities Control Act of 1950 which this legislation would apply to hearings under Executive Order 10450 include those providing that the party proceeded against shall have the right to present its case with the assistance of counsel, to offer oral and documentary evidence, to submit rebuttal evidence, and to conduct such cross-examination as may be required for a full and fair disclosure of all relevant facts. An accurate stenographic transcript must also be taken of the testimony of each witness, and a transcript filed in the office of the Board.

In addition to these "due process" features, an aggrieved party shall have the right of appeal to the U.S. Court of Appeals for the District of Columbia Circuit.

This legislation will also change the name of the SACB to the Federal Internal Security Board.

I feel that these provisions of the Subversive Activities Control Act of 1950 are necessary to provide all the safeguards of a judicial hearing for organizations proceeded against under Executive Order 10450 while providing the Government with the necessary tools to make certain that these hearings are conducted in a judicious manner.

I thus urge the Senate to enact this legislation at its earliest possible convenience.

Mr. President, at the present time there are 283 organizations maintained on the Attorney General's list. This number has held steady since 1955 when the last review and updating of the list took place. The Justice Department now believes that as many as 263 of these 283 organizations are no longer active or in existence. Under the jurisdiction granted by the amendments to EO-10450 and the procedures contained in this bill now being introduced, the SACB will have the responsibility for making a determination that these 263 organizations should be removed from the Attorney General's list. In addition there are as many as 25 additional organizations which the Justice Department has reason to believe should be put on the list. The SACB would also be given authority to conduct hearings and make determination concerning these additional organizations.

These new responsibilities will mean that the Board will have a great deal of activity with which to remain occupied throughout the coming year. At the end of that time we can reexamine this entire question to see what the role of the SACB should be in future years.

I ask unanimous consent to have printed at the conclusion of my remarks and those of the Senator from Mississippi (Mr. EASTLAND) Executive order signed by President Eisenhower in 1953—(EO-10450)—with later amendments, the text of the amendments to this order signed by President Nixon on July 2, 1971.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

EXECUTIVE ORDER 10450

SECURITY REQUIREMENTS FOR GOVERNMENT EMPLOYMENT

Whereas the interests of the national security require that all persons privileged to be employed in the departments and agencies of the Government shall be reliable, trustworthy, of good conduct and character, and of complete and unswerving loyalty to the United States; and

Whereas the American tradition that all persons should receive fair, impartial, and equitable treatment at the hands of the Government requires that all persons seeking the privilege of employment or privileged to be employed in the departments and agencies of the Government be adjudged by mutually consistent and no less than minimum standards and procedures among the departments and agencies governing the employment and retention in employment of persons in the Federal service:

Now, therefore, by virtue of the authority vested in me by the Constitution and statutes of the United States, including section 1753 of the Revised Statutes of the United States (5 U.S.C. 631); the Civil Service Act of 1883 (22 Stat. 403; 5 U.S.C. 632, *et seq.*); section 9A of the Act of August 2, 1939, 53 Stat. 1148 (5 U.S.C. 118j); and the Act of August 26, 1950, 64 Stat. 476 (5 U.S.C. 22-1, *et seq.*), and as President of the United States, and deeming such action necessary in the best interests of the national security, it is hereby ordered as follows:

Section 1. In addition to the departments and agencies specified in the said act of August 26, 1950, and Executive Order No. 10237 of April 26, 1951, the provisions of that act shall apply to all other departments and agencies of the Government.

Section 2. The head of each department and agency of the Government shall be responsible for establishing and maintaining within his department or agency an effective program to insure that the employment and retention in employment of any civilian officer or employee within the department or agency is clearly consistent with the interests of the national security.

Section 3. (a) The appointment of each civilian officer or employee in any department or agency of the Government shall be made subject to investigation. The scope of the investigation shall be determined in the first instance according to the degree of adverse effect the occupant of the position sought to be filled could bring about, by virtue of the nature of the position, on the national security, but in no event shall the investigation include less than a national agency check (including a check of the fingerprint files of the Federal Bureau of Investigation), and written inquiries to appropriate local law-enforcement agencies, former employers and supervisors, references, and schools attended by the person under investigation: *Provided*, that upon request of the head of the department or agency concerned, the Civil Service Commission may, in its discretion, authorize such less investigation as may meet the requirements of the national security with respect to per-diem, intermittent, temporary, or seasonal employees, or aliens employed outside the United States. Should there develop at any stage of investigation information indicating that the employment of any such person may not be clearly consistent with the interests of the national security, there shall be conducted with respect to such person a full field investigation, or such less investigation as shall be sufficient to enable the head of the department or agency concerned to determine whether retention of such person is clearly consistent with the interests of the national security.

(b) The head of any department or agency shall designate, or cause to be designated, any position within his department or agency the occupant of which could bring about, by virtue of the nature of the position, a material adverse effect on the national security as a sensitive position. Any position so designated shall be filled or occupied only by a person with respect to whom a full field investigation has been conducted: *Provided*, that a person occupying a sensitive position at the time it is designated as such may continue to occupy such position pending the completion of a full field investigation, subject to the other provisions of this order: *And provided further*, that in case of emergency a sensitive position may be filled for a limited period by a person with respect to whom a full field pre-appointment investigation has not been completed if the head of the department or agency concerned finds that such action is necessary in the national interest, which finding shall be made a part of the records of such department or agency.

Section 4. The head of each department and agency shall review, or cause to be reviewed, the cases of all civilian officers and employees with respect to whom there has been conducted a full field investigation under Executive Order No. 9835 of March 21, 1947, and, after such further investigation as may be appropriate, shall re-adjudicate, or cause to be re-adjudicated, in accordance with the said act of August 26, 1950, such of those cases as have not been adjudicated under a security standard commensurate with that established under this order.

Section 5. Whenever there is developed or received by any department or agency information indicating that the retention in employment of any officer or employee of the Government may not be clearly consistent with the interests of the national security, such information shall be forwarded to the head of the employing department or agency or his representative, who, after such investigation as may be appropriate, shall review, or cause to be reviewed, and, where necessary, re-adjudicate, or cause to be re-adjudicated, in accordance with the said act of August 26, 1950, the case of such officer or employee.

Section 6. Should there develop at any stage of investigation information indicating that the employment of any officer or employee of the Government may not be clearly consistent with the interests of the national security, the head of the department or agency concerned or his representative shall immediately suspend the employment of the person involved if he deems such suspension necessary in the interests of the national security and, following such investigation and review as he deems necessary, the head of the department or agency concerned shall terminate the employment of such suspended officer or employee whenever he shall determine such termination necessary or advisable in the interests of the national security, in accordance with the said act of August 26, 1950.

Section 7. Any person whose employment is suspended or terminated under the authority granted to heads of departments and agencies by or in accordance with the said act of August 26, 1950, or pursuant to the said Executive Order No. 9835 or any other security or loyalty program relating to officers or employees of the Government, shall not be reinstated or restored to duty or reemployed in the same department or agency, and shall not be reemployed in any other department or agency, unless the head of the department or agency concerned finds that such reinstatement, restoration, or reemployment is clearly consistent with the interests of the national security, which finding shall be made a part of the records of such department or agency: *Provided*, that no person whose employment has been terminated under such authority thereafter may be employed by any other department or agency except after a determination by the Civil Service Commission that such person is eligible for such employment.

Section 8(a) The investigations conducted pursuant to this order shall be designed to develop information as to whether the employment or retention in employment in the Federal service of the person being investigated is clearly consistent with the interests of the national security. Such information shall relate, but shall not be limited, to the following:

(1) Depending on the relation of the Government employment to the national security:

(i) Any behavior, activities, or associations which tend to show that the individual is not reliable or trustworthy.

(ii) Any deliberate misrepresentations, or omission of material facts.

(iii) Any criminal, infamous, dishonest, immoral, or notoriously disgraceful conduct, habitual use of intoxicants to excess, drug addiction, or sexual perversion.

(iv) An adjudication of insanity, or treatment for serious mental or neurological disorder without satisfactory evidence of cure.

(v) Any facts which furnish reason to believe that the individual may be subjected to coercion, influence, or pressure which may cause him to act contrary to the best interests of the national security.

(2) Commission of any act of sabotage, espionage, treason, or sedition, or attempts thereat or preparation therefor, or conspiring with, or aiding or abetting, another to commit or attempt to commit any act of sabotage, espionage, treason, or sedition.

(3) Establishing or continuing a sympathetic association with a saboteur, spy, traitor, seditionist, anarchist, or revolutionist, or with an espionage or other secret agent or representative of a foreign nation, or any representative of a foreign nation whose interests may be inimical to the interests of the United States, or with any person who advocates the use of force or violence to overthrow the government of the United States or the alteration of the form of government of the United States by unconstitutional means.

(4) Advocacy of use of force or violence to overthrow the government of the United States, or of the alteration of the form of government of the United States by unconstitutional means.

(5) Membership in, or affiliation or sympathetic association with, any foreign or domestic organization, association, movement, group, or combination of persons which is totalitarian, Fascist, Communist, or subversive, or which has adopted, or shows, a policy of advocating or approving the commission of acts of force or violence to deny other persons their rights under the Constitution of the United States, or which seeks to alter the form of government of the United States by unconstitutional means.

(6) Intentional, unauthorized disclosure to any person of security information, or of other information disclosure of which is prohibited by law, or willful violation or disregard of security regulations.

(7) Performing or attempting to perform his duties, or otherwise acting, so as to serve the interests of another government in preference to the interests of the United States.

(b) The investigation of persons entering or employed in the competitive service shall primarily be the responsibility of the Civil Service Commission, except in cases in which the head of a department or agency assumes that responsibility pursuant to law or by agreement with the Commission. The Commission shall furnish a full investigative report to the department or agency concerned.

(c) The investigation of persons (including consultants, however employed), entering employment of, or employed by, the Government other than in the competitive service shall primarily be the responsibility of the employing department or agency. Departments and agencies without investigative facilities may use the investigative facilities of the Civil Service Commission, and other departments and agencies may use such facilities under agreement with the Commission.

(d) There shall be referred promptly to the Federal Bureau of Investigation all investigations being conducted by any other agencies which develop information indicating that an individual may have been subjected to coercion, influence, or pressure to act contrary to the interests of the national security, or information relating to any of the matters described in subdivisions (2) through (7) of subsection (a) of this section. In cases so referred to it, the Federal Bureau of Investigation shall make a full field investigation.

Section 9. (a) There shall be established and maintained in the Civil Service Commission a security-investigations index covering all persons as to whom security investigations have been conducted by any department or agency of the Government under this order. The central index established and maintained by the Commission under Executive Order No. 9835 of March 21, 1947, shall be made a part of the security investigations index. The security-investigations index shall contain the name of each person investigated, adequate identifying information concerning each such person, and a reference to each department and agency which has conducted an investigation concerning the person involved or has suspended or terminated the employment of such person under the authority granted to heads of departments and agencies by or in accordance with the said act of August 26, 1950.

(b) The heads of all departments and agencies shall furnish promptly to the Civil Service Commission information appropriate for the establishment and maintenance of the security-investigations index.

(c) The reports and other investigative material and information developed by investigations conducted pursuant to any statute, order, or program described in section 7 of this order shall remain the property of the investigative agencies conducting the investigations, but may, subject to consideration of the national security, be retained by the department or agency concerned. Such reports and other investigative material and information shall be maintained in confidence, and no access shall be given thereto except, with the consent of the investigative agency concerned, to other departments and agencies conducting security programs under the authority granted by or in accordance with the said act of August 26, 1950, as may be required for the efficient conduct of Government business.

Section 10. Nothing in this order shall be construed as eliminating or modifying in any way the requirement for any investigation or any determination as to security which may be required by law.

Section 11. On and after the effective date of this order the Loyalty Review Board established by Executive Order No. 9835 of March 21, 1947, shall not accept agency findings for review, upon appeal or otherwise. Appeals pending before the Loyalty Review Board on such date shall be heard to final determination in accordance with the provisions of the said Executive Order No. 9835, as amended. Agency determinations favorable to the officer or employee concerned pending before the Loyalty Review Board on such date shall be acted upon by such Board, and whenever the Board is not in agreement with such favorable determination the case shall be remanded to the department or agency concerned for determination in accordance with the standards and procedures established pursuant to this order. Cases pending before the regional loyalty boards of the Civil Service Commission on which hearings have not been initiated on such date shall be referred to the department or agency concerned. Cases being heard by regional loyalty boards on such date shall be heard to conclusion, and the determination of the board shall be forwarded to the head of the department or agency concerned: *Provided*, that if no specific department or agency is involved, the case shall be dismissed without prejudice to the applicant. Investigations pending in the Federal Bureau of Investigation or the Civil Service Commission on such date shall be completed, and the reports thereon shall be made to the appropriate department or agency.

Section 12. Executive Order No. 9835 of March 21, 1947, as amended, is hereby revoked. For the purposes described in section 11 hereof the Loyalty Review Board and the regional loyalty boards of the Civil Service Commission shall continue to exist and function for a period of one hundred and twenty days from the effective date of this order, and the Department of Justice shall continue to furnish the information described in paragraph 3 of Part III of the said Executive Order No. 9835, but directly to the head of each department and agency.

Section 13. The Attorney General is requested to render to the heads of departments and agencies such advice as may be requisite to enable them to establish and maintain an appropriate employee-security program.

Section 14. (a) The Civil Service Commission, with the continuing advise and collaboration of representatives of such departments and agencies as the National Security Council may designate, shall make a continuing study of the manner in which this order is being implemented by the departments and agencies of the Government for the purpose of determining:

(1) Deficiencies in the department and agency security programs established under this order which are inconsistent with the interests of, or directly or indirectly weaken, the national security.

(2) Tendencies in such programs to deny to individual employees fair, impartial, and equitable treatment at the hands of the Government, or rights under the Constitution and laws of the United States or this order.

Information affecting any department or agency developed or received during the course of such continuing study shall be furnished immediately to the head of the department or agency concerned. The Civil Service Commission shall report to the National Security Council, at least semiannually, on the results of such study, and shall recommend means to correct any such deficiencies or tendencies.

(b) All departments and agencies of the Government are directed to cooperate with the Civil Service Commission to facilitate the accomplishment of the responsibilities assigned to it by subsection (a) of this section.

Section 15. This order shall become effective thirty days after the date thereof.

DWIGHT D. EISENHOWER.

THE WHITE HOUSE, *April 27, 1953*.

EXECUTIVE ORDER 10491

AMENDMENT OF EXECUTIVE ORDER NO. 10450 OF APRIL 27, 1953, RELATING TO SECURITY REQUIREMENTS FOR GOVERNMENT EMPLOYMENT

By virtue of the authority vested in me by the Constitution and statutes of the United States, including section 1753 of the Revised Statutes of the United States (5 U.S.C. 631); the Civil Service Act of 1883 (22 Stat. 403; 5 U.S.C. 632, *et seq.*); section 9A of the act of August 2, 1939, 53 Stat. 1148 (5 U.S.C. 118j); and the act of August 26, 1950, 64 Stat. 476 (5 U.S.C. 22–1, *et seq.*), and as President of the United States, and finding such action necessary in the best interests of the national security, it is hereby ordered as follows:

Subsection (a) of section 8 of Executive Order No. 10450 of April 27, 1953, relating to security requirements for Government employment, is hereby amended by adding thereto at the end thereof paragraph (8) as follows:

"(8) Refusal by the individual, upon the ground of constitutional privilege against self-incrimination, to testify before a congressional committee regarding charges of his alleged disloyalty or other misconduct."

DWIGHT D. EISENHOWER.

THE WHITE HOUSE, *October 13, 1953*.

EXECUTIVE ORDER 10531

AMENDMENT OF EXECUTIVE ORDER NO. 10450[1] OF APRIL 27, 1953, AS AMENDED, RELATING TO SECURITY REQUIREMENTS FOR GOVERNMENT EMPLOYMENT

By virtue of the authority vested in me by the Constitution and statutes of the United States, including section 1753 of the Revised Statutes of the United States (5 U.S.C. 631); the Civil Service Act of 1883 (22 Stat. 403; 5 U.S.C. 632, *et seq.*); section 9A of the act of August 2, 1939, 53 Stat. 1148 (5 U.S.C. 118 j); and the act of August 26, 1950, 64 Stat. 476 (5 U.S.C. 22–1, *et seq.*), and as President of the United States, and finding such action necessary in the best interests of the national security, it is hereby ordered as follows:

Subsection (d) of section 8 of Executive Order No. 10450 of April 27, 1953, as amended by Executive Order No. 10491 of October 13, 1953, relating to security requirements for Government employment is hereby amended by striking out after the words "subdivisions (2)" the words "through (7)" and substituting the words "through (8)" so that the last clause of the first sentence of that section will read as follows:

"or information relating to any of the matters described in subdivisions (2) through (8) of subsection (a) of this section."

DWIGHT D. EISENHOWER.

THE WHITE HOUSE, *May 27, 1954*.

[F.R. Doc. 54–4202; Filed, May 27, 1954; 11:00 a.m.]

EXECUTIVE ORDER 10550

AMENDMENT OF EXECUTIVE ORDER NO. 10450 OF APRIL 27, 1953, RELATING TO SECURITY REQUIREMENTS FOR GOVERNMENT EMPLOYMENT

By virtue of the authority vested in me by the Constitution and statutes of the United States, including section 1753 of the Revised Statutes of the United States (5 U.S.C. 631), the Civil Service Act of 1883 (22 Stat. 403; 5 U.S.C. 632, *et seq.*); section 9A of the act of August 2, 1939, 53 Stat. 1148 (5 U.S.C. 118 j); and the act of August 26, 1950, 64 Stat. 476 (5 U.S.C. 22–1, *et seq.*), and as President of the United States, and finding such action necessary in the best interests of the national security, it is hereby ordered as follows:

Section 14 of Executive Order No. 10450 of April 27, 1953, relating to security requirements for Government employment is hereby amended as follows:

1. The last sentence of subsection (a) thereof is amended to read:

"The Civil Service Commission shall report to the National Security Council, at least semiannually, on the results of such study, shall recommend means to correct any such deficiencies or tendencies, and shall inform the National Security Council immediately of any deficiency which is deemed to be of major importance."

2. The following subsection is added at the end thereof:

"(c) To assist the Civil Service Commission in discharging its responsibilities under this order, the head of each department and agency shall, as soon as possible and in no event later than ninety days after receipt of the final investigative report on a civilian officer or employee subject to a full field investigation under the provisions of this order, advise the Commission as to the action taken with respect to such officer or employee. The information furnished by the heads of the departments and agencies pursuant to this section shall be included in the reports which the Civil Service Commission is required to submit to the National Security Council in accordance with subsection (a) of this section. Such reports shall set forth any deficiencies on the part of the heads of departments and agencies in taking timely action under this order, and shall mention specifically any instances of noncompliance with this subsection.

DWIGHT D. EISENHOWER.

THE WHITE HOUSE, *August 5, 1954*.

EXECUTIVE ORDER 10548

AMENDMENT OF EXECUTIVE ORDER NO. 10450 OF APRIL 27, 1953, RELATING TO SECURITY REQUIREMENTS FOR GOVERNMENT EMPLOYMENT

By virtue of the authority vested in me by the Constitution and statutes of the United States, including section 1753 of the Revised Statutes of the United States (5 U.S.C. 631); the Civil Service Act of 1883 (22 Stat. 403; 5 U.S.C. 632, *et seq.*); section 9A of the act of August 2, 1939, 53 Stat. 1148 (5 U.S.C. 118j); and the act of August 26, 1950, 64 Stat. 476 (5 U.S.C. 22–1, *et seq.*), and as President of the United States, and finding such action necessary in the best interests of the national security, it is ordered as follows:

Subsection (a)(1)(iv) of section 8 of Executive Order No. 10450 of April 27, 1953, relating to security requirements for Government employment, is hereby amended to read as follows:

"(iv) Any illness, including any mental condition, of a nature which in the opinion of competent medical authority may cause significant defect in the judgment of reliability of the employee, with due regard to the transient or continuing effect of the illness and the medical findings in such case."

DWIGHT D. EISENHOWER.

THE WHITE HOUSE, *August 2, 1954.*

EXECUTIVE ORDER

AMENDMENT OF EXECUTIVE ORDER NO. 10450 OF APRIL 27, 1953, RELATING TO SECURITY REQUIREMENTS FOR GOVERNMENT EMPLOYMENT

By virtue of the authority vested in me by the Constitution and statutes of the United States including 5 U.S.C. Sections 1101 *et seq.*, 3301, 3571, 7301, 7313, 7501(c), 7512, 7532 and 7533; and as President of the United States, and finding such action necessary in the best interests of national security, it is hereby ordered that Executive Order No. 10450 of April 27, 1953, as amended, is hereby further amended as follows:

1. Paragraph (5) of Section 8(a) shall read:

"(5) Knowing membership in, or affiliation or sympathetic association with, any foreign or domestic organization, association, movement, group, or combination of persons (hereinafter referred to as organization) which is totalitarian, fascist, communist, subversive, or which has adopted a policy of unlawfully advocating the commission of acts of force or violence to deny others their rights under the Constitution or laws of the United States or of any State, or which seeks to overthrow the government of the United States or any State or subdivision thereof by unlawful means.

2. Section 12 shall read:

"(a) Executive Order No. 9835 of March 21, 1947, as amended is hereby revoked.

"(b) The head of each department and agency shall be furnished by the Attorney General with the name of each organization which shall be or has been heretofore designated under this order. Except as specifically provided hereafter, nothing contained herein shall be construed in any way to affect previous designations made pursuant to Executive Order No. 10450, as amended.

"(c) The Subversive Activities Control Board shall, upon petition of the Attorney General, conduct appropriate hearings to determine whether any organization is totalitarian, fascist, communist, subversive, or whether it has adopted a policy of unlawfully advocating the commission of acts of force or violence to deny others their rights under the Constitution or laws or the United States or of any State, or which seeks to overthrow the government of the United States or any State or subdivision thereof by unlawful means.

"(d) The Board may determine that an organization has adopted a policy of unlawfully advocating the commission of acts of force or violence to deny others their constitutional or statutory rights or that an organization seeks to overthrow the government of the United States or any State or subdivision thereof by unlawful means if it is found that such group engages in, unlawfully advocates, or has among its purposes or objectives, or adopts as a means of obtaining any of its purposes or objectives,

(1) The commission of acts of force or violence or other unlawful acts to deny others their rights or benefits guaranteed by the Constitution or laws of the United States or of the several States or political subdivisions thereof; or

(2) The unlawful damage or destruction of property; or injury to persons; or

(3) The overthrow or destruction of the government of the United States or the government of any State, Territory, district, or possession thereof, or the government of any political subdivision therein, by unlawful means; or

(4) The commission of acts which violate laws pertaining to treason, rebellion or insurrection, riots or civil disorders, seditious conspiracy, sabotage, trading with the enemy, obstruction of the recruiting and enlistment service of the United States, impeding officers of the United States, or related crimes or offenses.

"(e) The Board may determine an organization to be 'totalitarian' if it is found that such organization engages in activities which seek by unlawful means the establishment of a system of government in the United States which is autocratic and in which control is centered in a single individual, group, or political party, allowing no effective representation to opposing individuals, groups, or parties and providing no practical opportunity for dissent.

"(f) The Board may determine an organization to be 'fascist' if it is found that such organization engages in activities which seek by unlawful means the establishment of a system of government in the United States which is characterized by rigid one-party dictatorship, forcible suppression of the opposition, ownership of the means of production under centralized governmental control and which fosters racism.

"(g) The Board may determine an organization to be 'communist' if it is found that such organization engages in activities which seek by unlawful means the establishment of a government in the United States which is based upon the revolutionary principles of Marxism-Leninism, which interprets history as a relentless class war aimed at the destruction of the existing society and the establishment of the dictatorship of the proletariat, the government ownership of the means of production and distribution of property, and the establishment of a single authoritarian party.

"(h) The Board may determine an organization to be 'subversive' if it is found that such organization engages in activities which seek the abolition or destruction by unlawful means of the government of the United States or any State, or subdivision thereof.

"(i) The Board may further determine, after consideration of the evidence, that an organization has ceased to exist. Upon petition of the Attorney General or upon petition of any organization which has been designated pursuant to this section the Board after appropriate hearings may determine that such organization does not currently meet the standards for designation. The Attorney General shall appropriately revise or modify the information furnished to departments and agencies consistent with the determinations of the Board.

"(j) The Board shall issue appropriate regulations for the implementation of this section."

RICHARD NIXON.

THE WHITE HOUSE, July 2, 1971.

By Mr. FULBRIGHT:

S. 2295. A bill to amend the Foreign Assistance Act of 1961, and for other purposes. Referred to the Committee on Foreign Relations.

FOREIGN AID AUTHORIZATION BILL

Mr. FULBRIGHT. Mr. President, I introduce a foreign aid authorization bill identical except for leaving the money items blank, to H.R. 8961, which was introduced by the chairman of the House Foreign Affairs Committee, Congressman THOMAS E. MORGAN, on June 7, 1971.

In an effort to simplify the handling of the authorization legislation for the fiscal year 1972 foreign aid program, the Committee on Foreign Relations had planned to await House action on an authorization bill before beginning its markup sessions. However, in view of the growing uncertainty as to when a foreign aid bill may come over from the House and the short time remaining before the August recess, I am introducing the text of the House bill in order to bring a bill before the committee for consideration.

I wish to make it clear, however, that I am introducing this bill only for the purpose of simplifying the legislative process. I, of course, reserve my right to vote against the bill or any part of it and to offer or support amendments to it.

By Mr. McCLELLAN:

S.J. Res. 132. A joint resolution extending the duration of copyright protection in certain cases. Referred to the Committee on the Judiciary.

Mr. McCLELLAN. Mr. President, as chairman of the Subcommittee on Patents, Trademarks and Copyrights of the Committee on the Judiciary, I introduce, for appropriate reference, a joint resolution extending the duration of copyright protection in certain cases.

The purpose of this legislation is to continue until December 31, 1972, the renewal term of any copyright subsisting on the date of approval of this resolution, or the term as previously extended by Public Law 87–668, by Public Law 89–142, by Public Law 90–141, by Public Law 90–416, by Public Law 91–147, or by Public Law 91–555. The objective of this resolution, as well as the preceding interim extensions, is to temporarily continue the renewal term of copyright pending the enactment by the Congress of a general revision of the copyright law, including a proposed increase in the term of copyright.

It is apparent that the Congress cannot complete action during this session on the legislation for general revision of the copyright law. The copyright revision bill has been delayed for several years principally because of the cable television controversy. More recently the Congress has been awaiting action by the Federal Communications Commission on the necessarily related communications aspects of CATV. The Congress has now been advised by the Chairman of the Federal Communications Commission that the Commission anticipates completing its current CATV rule-making proceedings before the start of the summer recess of the Congress. Clearly, however, adequate time will not remain for action on the revision bill and, therefore, it is necessary to consider another temporary extension of copyrights.

The Senate on April 29 passed S. 646 to provide for the creation of a limited copyright in sound recordings for the purpose of protecting against the unauthorized duplication and piracy of such records. A subcommittee of the House Judiciary Committee on July 1 reported this legislation with an amendment providing that the grant of copyright protection in recordings shall expire on December 31, 1973. I am not personally acquainted with the reasons for this amendment, but it appears that the purpose of the amendment is to relate the piracy bill to progress on the general copyright bill.

The House subcommittee is best qualified to estimate how much time will be required in that body to process any revision bill that may be passed by the Senate. If it is the opinion of the other body that a revision bill cannot be processed through both Houses prior to 1973, then it would appear appropriate to amend this resolution to provide for a temporary extension until December 31, 1973.

ADDITIONAL COSPONSORS OF BILLS AND JOINT RESOLUTIONS

S. 509

At the request of Mr. MONDALE, the Senator from South Carolina (Mr. HOLLINGS) was added as a cosponsor of S. 509, the International Opium Control Act.

S. 635

At the request of Mr. MANSFIELD, the Senator from Wyoming (Mr. HANSEN) and the Senator from North Dakota (Mr. BURDICK) were added as cosponsors of S. 635, a bill to amend the Mining and Minerals Policy Act of 1970.

S. 659

At the request of Mr. PELL, the Senator from New York (Mr. JAVITS), the Senator from Vermont (Mr. PROUTY), the Senator from Colorado (Mr. DOMINICK), the Senator from Pennsylvania (Mr. SCHWEIKER), the Senator from Oregon (Mr. PACKWOOD), the Senator from Ohio (Mr. TAFT), and the Senator from Maryland (Mr. BEALL) were added as cosponsors of S. 659, a bill to amend the Higher Education Act of 1965 and the Vocational Education Act of 1963, and for other purposes.

S. 1216

At the request of Mr. MCGEE, for Mr. JACKSON, the Senator from Oklahoma (Mr. BELLMON) was added as a cosponsor of S. 1216, a bill to amend the National Environmental Policy Act of 1969 to fund and establish a nonprofit Environmental Policy Institute, and for other purposes.

S. 1305

At the request of Mr. MONDALE, the Senator from Georgia (Mr. GAMBRELL) was added as a cosponsor of S. 1305, a bill to establish a National Legal Services Corporation.

S. 1311

At the request of Mr. PEARSON, the Senator from Arkansas (Mr. FULBRIGHT) was added as a cosponsor of S. 1311, the Newsmen's Privilege Act.

S. 1477

At the request of Mr. MONDALE, the Senator from Minnesota (Mr. HUMPHREY) was added as a cosponsor of S. 1477, a bill to designate the Kettle River as part of the Wild and Scenic Rivers System.

S. 1483

At the request of Mr. TALMADGE, the Senator from Oregon (Mr. HATFIELD) was added as a cosponsor of S. 1483, a bill to further provide for the farmer-owned cooperative system of making credit available to farmers and ranchers and their cooperatives, for rural residents, and to associations and other entities upon which farming operations are dependent, to provide for an adequate and flexible flow of money into rural areas, and to modernize the consolidated existing farm credit law to meet current and future rural credit needs, and for other purposes.

S. 1508

At the request of Mr. MONDALE, the Senator from Minnesota (Mr. HUMPHREY) was added as a cosponsor of S. 1508, a bill to designate the Big Fork River as part of the Wild and Scenic Rivers System.

S. 1814

At the request of Mr. HARTKE, the Senator from Kansas (Mr. PEARSON) was added as a cosponsor of S. 1814, a bill to authorize the Administrator of Veterans' Affairs to sell at prices which he determines to be reasonable under prevailing mortgage market conditions direct loans made to veterans under chapter 37, title 38, United States Code.

S. 1844

At the request of Mr. GOLDWATER, the Senator from Wyoming (Mr. HANSEN) was added as a cosponsor of S. 1844, a bill to amend the National Labor Relations Act to further secure and protect the constitutional guarantee of free speech belonging to employers and employees.

S. 2134

At the request of Mr. HARTKE, the Senator from Alaska (Mr. GRAVEL) was added as a cosponsor of S. 2134, the Office of Constituent Assistance Act.

S. 2212

At the request of Mr. HUMPHREY, the Senator from Oklahoma (Mr. BELLMON), the Senator from North Dakota (Mr. BURDICK), the Senator from Georgia (Mr. GAMBRELL), the Senator from Oklahoma (Mr. HARRIS), the Senator from Michigan (Mr. HART), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Washington (Mr. MAGNUSON), the Senator from South DAKOTA (Mr. MCGOVERN), the Senator from Montana (Mr. METCALF), the Senator from Minnesota (Mr. MONDALE), the Senator from Wisconsin (Mr. NELSON), and the Senator from California (Mr. TUNNEY) were added as cosponsors of S. 2212, a bill to provide insurance coverage on the basis of cost of investment in the production of crops.

SENATE JOINT RESOLUTION 79

At the request of Mr. HARTKE, the Senator from Delaware (Mr. BOGGS) and the Senator from Ohio (Mr. TAFT) were added as cosponsors of Senate Joint Resolution 79, the equal rights amendment.

SENATE RESOLUTION 152—SUBMISSION OF A RESOLUTION RELATING TO PRINTING OF HEARINGS ON ORGANIZED CRIME

(Referred to the Committee on Rules and Administration.)

Mr. McCLELLAN submitted the following resolution:

SENATE RESOLUTION 152

Resolved, That there be printed for the use of the Committee on Government Operations one thousand six hundred additional copies of Part 1 of the hearings before its Permanent Subcommittee on Investigations during the Ninety-second Congress, first session, entitled "Qrganized Crime."

ADDITIONAL COSPONSOR OF A RESOLUTION

SENATE RESOLUTION 148

At the request of Mr. MONDALE, the Senator from South Dakota (Mr. MCGOVERN) was added as a cosponsor of Senate Resolution 148, relating to peace talks contingent upon elections in South Vietnam.

ADDITIONAL COSPONSORS OF CONCURRENT RESOLUTIONS

SENATE CONCURRENT RESOLUTION 4

At the request of Mr. CHILES, the Senator from Maine (Mr. MUSKIE) was added as a cosponsor of Senate Concurrent Resolution 4, expressing the sense of Congress on the expanded use of the model cities program for developing and demonstrating a nationwide system to recruit, place, and train on the job out-of-work aerospace individuals and homewardbound servicemen and place them in vacant positions in State and local governments.

SENATE CONCURRENT RESOLUTION 21

At the request of Mr. CASE, the Senator from Alaska (Mr. STEVENS) was added as a cosponsor of Senate Concurrent Resolution 21, calling for suspension of military assistance to Pakistan until the present conflict in that country is resolved.

AUTHORIZATION OF APPROPRIATIONS TO ATOMIC ENERGY COMMISSION—AMENDMENTS

AMENDMENTS NOS. 247, 249, 250, 251

(Ordered to be printed and to lie on the table.)

Mr. GRAVEL submitted four amendments, intended to be proposed by him, to the bill (H.R. 9388) to authorize appropriations to the Atomic Energy Commission in accordance with section 261 of the Atomic Energy Act of 1954, as amended, and for other purposes.

AMENDMENT NO. 248

(Ordered to be printed and to lie on the table.)

Mr. INOUYE. Mr. President, the Senate will shortly be considering the authorization bill for the Atomic Energy Commission. Contained in this measure is $19.7 million for a five-megaton underground nuclear test called Cannikin, to be detonated on Amchitka in the Aleutian Islands sometime this fall. I am offering this amendment to delete the $19.7 million for the Cannikin test, because I do not believe that this test can be conducted with adequate assurances of safety not only for the environment but more importantly for the residents of the Pacific Basin.

In October of 1969, the Atomic Energy Commission detonated a one-megaton nuclear test on Amchitka. Prior to that time, I became increasingly concerned that that test activtity could trigger an earthquake which could cause a disastrous tidal wave or tsunami. In an attempt to evaluate all the available data on the possibility of triggering earthquakes as a result of multi-megaton explosions and the possible resulting destructive tsunamis, I have gathered and studied the available information on this subject. In the course of my study I learned that a sizeable body of scientific opinion had presented data linking underground nuclear tests with measurable seismic activity. This material was first presented at an April 1969 meeting of the American Geophysical Union held in Washington, D.C. It is granted that some have discounted this theory. However, others have asserted that it is likely that with a high yield test such as the five-megaton Cannikin blast, seismic activity will also increase.

It has long been established that a portion of the Aleutian chain of which Amchitka is part, is an area of great seismic activity. As you know it is considered one of the earth's most seismically active areas. As I have stated, a number of scientists believe that nuclear underground tests can trigger earthquakes. As you are aware, tidal waves or tsunamis are principally caused by underwater earthquakes with vertical ground movement. While tsunamis in the open sea may be only a few feet high, upon approaching a coastline they assume formidable proportions with waves reaching 30, 40, and sometimes 50 feet. My State of Hawaii is particularly aware of the dangers of such tsunamis. A 1946 earthquake in the Aleutians produced a tidal wave which upon reaching Hawaii produced waves measuring 45 and 55 feet. This tsunami took the lives of 159 men, women, and children with property damage estimated at $25 million. Tidal waves also hit Hawaii in 1952 and 1957. Luckily no lives were lost; however, the damage resulting from these two waves was estimated at $800,000 and $3 million respectively. Another tidal wave which hit the shore of Hawaii in 1960, although it was created from an earthquake in Chile, caused the loss of 61 lives with damage estimated at $25 million. It is, therefore, evident that even the remote possibility of a tsunami being triggered by an underground nuclear test is of grave concern to the people of my State.

The Atomic Energy Commission's "Environmental Impact Statement" has done little to allay my original fears concerning the possibility of this nuclear blast triggering an earthquake which could result in a tidal wave. The portion of the statement entitled "Tsunamis" which appears specifically designed to quiet such fears states:

> Although the possibility of Cannikin's causing a premature release of a large quake cannot be absolutely ruled out, it is extremely unlikely.

The environmental impact statement also reports that—

> The risk of a tsunami damage consequent upon the Cannikin test appears to be negligible.

From the AEC's environmental impact statement and other scientific studies it appears to me that earthquake mechanisms are not completely understood and no absolute statement can be made about the possibility of triggering an earthquake of large magnitude from an underground nuclear test. The multi-megaton nature of the Cannikin blast and the fact that underwater earthquakes are a principal natural cause of tsunamis, offers little comfort to the people in the Pacific area.

The location of Amchitka in one of the most seismically active regions of the world, the past history of disastrous tsunamis originating in the Aleutians, which have severely damaged parts of Hawaii, California, and Alaska and the inability of scientists to determine if earthquakes can be triggered by multimegaton tests; all these factors have caused me grave concern. In addition, the Atomic Energy Commission's own environmental impact statement uses words such as "appear to be negligible" and "extremely unlikely" in describing the possibility of Cannikin contributing to the generation of a tidal wave. These statements indicate that the possibility of a tidal wave resulting from Cannikin does exist. As long as this dangerous possibility exists I, as an elected representative of the people of Hawaii, must make every effort to halt this test.

In addition to my obvious concern for the citizens of my State, I believe that other considerations also point to and strongly supplement my effort to delete the $19.7 million in the AEC's authorization bill.

It has come to light that Cannikin was conceived 5 or 6 years ago and it appears that this test is being conducted to test a warhead for the ABM missile system. In any event, it is arguable as to the current value of the ABM system as it is currently conceived. If the system is not already technically obsolete, the hopeful statements coming from the SALT talks concerning a possible agreement on the ABM system, would indicate a strong likelihood that the ABM system will never be used. In light of these factors, it would be most unfortunate if such a large multimegaton blast would be permitted to proceed as planned on Amchitka in light of the possible disastrous results this test could create for the people living on the coastlines of the Pacific, Hawaii, California, Alaska, Japan, and Canada.

Other factors to be weighed concerning the impact of the Cannikin blast is the effect of this test on the surrounding surface and undersea areas of Amchitka where the blast is expected to be conducted. Amchitka is the home of rare and endangered species of wildlife such as the bald eagle and peregrine falcon. It is also the home of sea otters, seals and sea lions. It is clear that these species will suffer ill effects from the blast, despite the Atomic Energy Commission's best efforts to mitigate the effects of the blast. Also the blast could possibly leak some radioactivity into the surrounding ocean. Like the section of the environmental impact statement on the possibility of triggering a tsunami, the AEC states that probability of the venting of "underground radioactivity is extremely unlikely." However, in the event that radioactivity should find its way into the ocean shortly after the blast, there is little question that it would contaminate the marine life of the area and possibly have dire consequences for marine life beyond the immediate area. While the amount of contamination is presumed to be slight, the further pollution of the ocean is not necessary particularly in my view of the questionable need for this particular test to be conducted in the first place.

The environmental effects of the test, the probable obsolescence of the device to be tested, the multimegaton nature of the explosion, the possibility of triggering a tsunami from the blast which could have a disastrous impact on citizens in Hawaii, California, Alaska, Japan, and Canada, in my judgment, all point to the need to cancel this test. The possible doubts as to the safety factor alone should be sufficient to cancel this test in light of the apparent obsolescence of device to be tested. My amendment would delete the funds contained in the AEC authorization bill and would provide that no other moneys contained in the bill could be used for a such a purpose.

I am aware that the President and other officials of the administration are now conducting an additional review as to the need and advisability of proceeding with the Cannikin blast. I have been advised that the Undersecretaries Committee of the National Security Council, which is conducting this review, composed of Presidential Assistant Henry Kissinger and representatives of the Department of State, Joint Chiefs of Staff, and Central Intelligence Agency, has or will in the near future submit to the President its recommendations on whether the United States should proceed with Cannikin. Therefore, the amendment I am introducing today may hopefully be unnecessary and moot at the time when the Atomic Energy Commission's authorization bill is considered. Although I hope for the best, I want to take this opportunity to once again through the RECORD of the U.S. Senate convey to our Chief Executive the concern of the people of Hawaii and others residing in the Pacific area with the Cannikin test. If the recommendation to proceed with the test is made, or the decision has not been made at the time the AEC authorization bill is considered, I will call upon my colleagues for their serious, and hopefully, favorable consideration of my amendment.

ANNOUNCEMENT OF PUBLIC HEARING ON NOMINATION

Mr. BYRD of West Virginia. Mr. President, I announce for the information of the Senate and the public that on Friday, July 23, at 10 a.m., the Committee on Interior and Insular Affairs will hold an open, public hearing on the nomination by President Nixon of John W. Larson to be Assistant Secretary of Interior for Programs.

Any Member of the Senate or of the general public who wishes to testify at this hearing should so advise the committee staff. The hearing will begin at 10 a.m. in room 3110, New Senate Office Building.

Mr. President, I ask unanimous consent that biographical data concerning this nominee be printed in the RECORD.

There being no objection, the biography was ordered to be printed in the RECORD, as follows:

BIOGRAPHY OF JOHN W. LARSON

John W. Larson, 36, San Francisco, has been nominated by the President for the position of Assistant Secretary of the Interior for Programs. His duties will include a review and analysis of current and proposed projects of the Department and the coordination of the Department's interagency and interdisciplinary programs.

Mr. Larson is currently a partner in the law firm of Brobeck, Phleger & Harrison, the second largest law firm in San Francisco. He is engaged in corporate law. In the course of his practice, he has had broad experience with legal, business and financial planning. Mr. Larson is currently a member of the Board of Directors of several companies which are clients of the firm. He is a member of the American Bar Association, the California Bar Association and the faculty of the Practicing Law Institute.

Mr. Larson was born in Detroit, Michigan and was raised in Phoenix, Arizona. He received a B.A. degree with distinction in economics from Stanford University and an LLB from Stanford Law School. While in law school, Mr. Larson served as an officer of the Stanford Law Review and upon graduation was elected to the Order of the Coif, a scholastic, legal honorary society. Since graduation from law school, he has practiced with his firm in San Francisco and currently resides in Ross, California.

He is married to the former Pamela Wren. They have one daughter, Jennifer, age 7.

NOTICE OF HEARINGS ON EXECUTIVE PRIVILEGE

Mr. ERVIN. Mr. President, the Judiciary Subcommittee on Separation of Powers, of which I am honored to serve as chairman, will conduct hearings on Executive privilege—the power of the President to withhold information from the Congress and the American people—on July 27, 28, and 29, in room 2228 of the New Senate Office Building.

The hearings will concentrate on S. 1125, a bill introduced by Senator Fulbright which would require a statement signed personally by the President in order for any employee of the executive branch of the Government to exert Executive privilege, whether by refusing to testify or produce documents.

The subcommittee has been contemplating holding hearings on Executive privilege for the past 4 years, and such an inquiry has been made extremely timely by the recent controversy surrounding publication of the so-called Pentagon papers.

While our hearings will not be focused exclusively on the case of the "Pentagon papers," this controversy has rekindled several grave questions about the Executive's power to withhold information. Personally, I think that the executive branch has abused this power during the past several years, and S. 1125 offers an excellent vehicle by which to examine the entire concept of Executive privilege and the constitutional basis for it.

The subcommittee will search for answers to the following questions:

First. To what extent does a constitutional power or privilege actually exist?

Second. Who may exercise it and under what circumstances?

Third. To what extent may it properly be invoked by officials in the so-called independent regulatory agencies?

Fourth. How does information become classified and declassified?

The Congress has from time to time during the past 20 years sought answers to these questions, but the recent controversy tends to indicate that answers have not yet been found which are satisfactory to the Congress and to the great traditions that made our people free.

Since the question of whether the President or any employee of the executive branch may withhold information from the Congress has never been adjudicated, I think it is entirely appropriate that the Subcommittee on Separation of Powers undertake a comprehensive study of this most important issue.

A few weeks ago I wrote every Senator and requested that the subcommittee be notified of any examples of the Executive invoking privilege and refusing to supply information to the Congress. I reiterate this request today, for it will be very helpful to our inquiry if the subcommittee is notified of such examples.

ANNOUNCEMENT OF HEARINGS AND EXECUTIVE SESSION

Mr. EAGLETON. Mr. President, I announce that the Subcommittee on Aging of the Committee on Labor and Public Welfare has scheduled an executive session at 2 p.m. on July 28, 1971, in room 4232, New Senate Office Building, to consider S. 1163, a bill to amend the Older American Act of 1965 to provide grants to States for the establishment, maintenance, operation, and expansion of low-cost meal programs, nutrition training and education programs, opportunity for social contacts, and for other purposes.

I also announce, Mr. President, that the Subcommittee on Aging will hold hearings on July 29 and 30, 1971, on the subject of employment opportunities for middle-aged and older workers. Bills to be considered are S. 555 (Mr. Kennedy), S. 1307 (Mr. Randolph), and S. 1580 (Mr. Percy).

The hearings will begin at 9:30 a.m. on each day and will be held in room 4232, New Senate Office Building.

ADDITIONAL STATEMENTS

"THE SELLING OF THE PENTAGON"

Mr. ALLEN. Mr. President, it seems to me that most published commentaries on the CBS documentary, "The Selling of the Pentagon," have disproportionately reflected attitudes of the media. One can understand this, for the media apparently feels that its prerogatives are being challenged. Under the circumstances, a defensive reaction is not surprising.

On the other hand, many concerned citizens view the controversy from a broader perspective. It seems to me that their viewpoints and opinions have received less public attention than they deserve.

From the perspective of an objective television viewer, the production entitled "The Selling of the Pentagon" was but a single episode in a serial of so-called documentaries. Many of these presentations are characterized by the questionable virtue of an "evil eye." Time after time, in dreary sequence, vast, and complex social problems of our Nation are isolated, magnified, doctored, and orchestrated with verbal harping, nitpicking, and other criticisms which demean our Nation. In the aggregate, they reflect attitudes on the part of producers which are disturbing.

Mr. President, Mr. Samuel Brown, a distinguished business and civic leader of Mobile, Ala., has written a persuasive letter to Dr. Frank Stanton, president of CBS, in which he challenges Dr. Stanton with constructive questions and a constructive suggestion which I commend to the attention of Members of the Senate and to the public. Among other things, Mr. Brown makes this observation:

> The greatest nation the world has ever produced being constantly put in the character of the villain has become a serious threat to stability at home and to our image abroad.

Mr. President, I am grateful to Mr. Brown for sending me a copy of his thought-provoking letter to Dr. Stanton, and I ask unanimous consent that it be printed in the Record.

There being no objection, the letter was ordered to be printed in the Record, as follows:

MOBILE, ALA.,
June 25, 1971.

Dr. Frank Stanton,
President, Columbia Broadcasting System,
New York, N.Y.

Dear Dr. Stanton: Over years past I have corresponded occasionally with you and with Dick Salant, often after our mutual friend, Kenneth Giddens and I have discussed some phase of the then current socio-economic and/or political climate.

Several questions have surfaced in my thinking recently and I would be most appreciative of your views:

(1) Why is it proper for officials of the Columbia Broadcasting System to refuse the Congress of the United States the right to examine documents and papers relating to certain of its activities, while concurrently taking the position that responsible Government officials do not have the right to protect the National interest in the same manner when they feel that disclosure is detrimental to the National welfare and/or safety.

(2) Is it good news reporting to concentrate on one topic for days, weeks or even months, when this selective process hides from the public quantities of "other" news which is censored by omission in the name of time limitation?

(3) Does not the public interest deserve a documentary, the purpose of which would be to compare the USA to its neighbors in the Western Hemisphere, to Western Europe, to Eastern Europe, to Asia and to all of Africa? Such an unbiased documentary done in depth and comparing the political and human freedom available to the average citizen of the USA, the living standards of those at the top and the bottom of the economic ladder, and the protected rights of the minorities within the Society, would be an education to millions. The fact that the documentary would put our Nation in a favorable light, which it certainly would, will be beneficial to the citizenry of the USA, and to all of the World. (The greatest Nation the World has ever produced being constantly put in the character of the villain has become a serious threat to stability at home and to our image abroad).

Yours very truly,

SAMUEL BROWN.

THE PRESERVATION OF OUR INDEPENDENCE

Mr. FANNIN. Mr. President, when politicians talk about the need for reordering national priorities, it generally means that they think top billing should be given to their pet program for curing the problems of our Nation.

Throughout the history of our Nation there has been one national priority that ranks above all else—the preservation of our independence. In other words, national defense necessarily has been the overriding concern of our Government.

Unless our Government is strong and free, it cannot possibly guarantee freedom for our people or for the peoples of other democratic nations that look to the United States for protection.

Mr. President, I ask for unanimous consent to have printed in the Record a letter to the editor which was published in the Phoenix Gazette of June 28, 1971. It was written by Burdette A. Johnson, of Phoenix.

There being no objection, the letter was ordered to be printed in the Record, as follows:

Freedom Well Worth Being Militarily Strong

To the Editor of The Gazette:

To defend and secure our beloved homeland, in the present-day conflicts of resisting the encroachment of our internal and external enemies, is of utmost importance to the well-being of the citizens of the United States.

By the grace of God, our nation, through the efforts of our forefathers and their descendants, was born, grew and prospered beyond the expectations of other countries, and became known as "the land of the free and the home of the brave." Because of these divine blessings, it was the envy of all those who, on the surface, at times, appeared to be friendly, but had ulterior motives regarding the United States.

It becomes apparent that the defense and security of our homeland, spiritually, resourcefully and at peak efficiency militarily, is the responsibility of the sovereign government of the people, by the people, for the people.

Maintenance of a strong military defense system, prepared to meet any element of surprise used by our enemies, is a matter of our own desire, depending on the value we place upon the privilege of being a "free people."

Charles Cotesworth Pinckney in 1797 declared: "Millions for defense, but not one cent for tribute."

Webster defines tribute: Any forced payment.

Our realistic and possible future tribute: Enslavement of our nation, with its corresponding loss of religious freedom and speech, plus absolute control of the press, in exchange for a lack of preparedness, and the desire for "peace at any price."

Before World War II, Neville Chamberlain, the Briton, attempted to appease Hitler, but failed. Unexpectedly, with great speed, the Nazi blitzkrieg was set in motion.

Despite so-called arms-reduction meetings, the present buildup pattern is similar—different identifying names, varied approaches (however, a leopard doesn't change his spots), the same goal, namely conquest and undisputed power.

Are the current, somewhat friendly attitudes of our enemies their "Trojan horse," to lull us to sleep?

Almighty God stresses the value of preparedness thus:

"But know this, that if the goodman of the house had known in what watch the thief would come, he would have watched, and would not have suffered his house to be broken up." Matthew 24: 43.

Burdette A. Johnson.

STATEMENT ON VOTE TO OVERRIDE PRESIDENT'S VETO OF S. 575

Mr. CHILES. Mr. President, for some time, now, we have been getting a lot of rhetoric from the administration about the problems of pollution, jobs, and the economy. My vote to override the President's veto represents my feeling that what we need right now is less talk and more action regarding these problems.

The purpose of the legislation is twofold: To provide badly needed facilities at the community level and at the same time to boost employment and the economy.

It is not make-work legislation; it would meet the needs of local citizens, providing for work that needs to be done. Right now, there is a backlog of requests from communities for help to build over 6,000 waste treatment plants, water and sewage facilities, hospitals, nursing homes, and public health centers.

My vote recognized that the need for these projects is now, the need to deal with unemployment is now, and the need for help with the economy is now.

"INDOCHINA: DISENGAGING"

Mr. FULBRIGHT. Mr. President, the latest issue of the magazine, Foreign Affairs, contains a most interesting article by Gen. Matthew B. Ridgway entitled "Indochina: Disengaging." As my distinguished colleagues know, General Ridgway was Army Chief of Staff in 1953–55; Supreme Commander for Allied Powers Europe, 1952–3; Commander in Chief Far East Command, 1951–2; and Commanding General Eighth Army, Korea, 1950.

Perhaps a brief summary of this perceptive article will stimulate others to read it in its entirety.

General Ridgway begins by referring to the two kinds of statements now emanating from authoritative governmental sources—those assuring us that we are "winding down the war" and that "our involvement is nearing its end" and those, emanating from equally authoritative sources, stating that "American forces will remain in South Vietnam until all U.S. prisoners are released, and until the present Government of South Vietnam has 'at least a reasonable chance to survive' on its own." General Ridgway observes that "in the light of our announced intention that residual forces, including but not limited to American airpower, will remain" in Vietnam until an agreement to terminate the war is reached and captives released, it is difficult "to reconcile these statements with the promise that the war is nearing its end." General Ridgway, himself, concludes that as long as U.S. Armed Forces remain on the mainland of South Vietnam they will be attacked and will counterattack and that, as a result, "the war will drag on, not end."

General Ridgway then passes on to a review of the steps leading to our involvement in Vietnam, the major policy decisions taken and the numerous definitions of our objectives. He tells the story of the meeting of a group of men, of which he was a member, with President Johnson in March 1968, and reproduces, for the first time, the memorandum he read aloud to the group in which he gave his judgment that "within a maximum of 2 years" we could supply the necessary weapons and training to enable South Vietnam to maintain "its political independence on its own" if the necessary leadership and determination at the top of the South Vietnamese Government was present. He then comments on the points in his memorandum in the light of subsequent developments, in the course of which he states that he believes that it is "at least conceivable" that an offer to the North Vietnamese in which we would agree "to the complete withdrawal from the mainland of all U.S. Armed Forces personnel by a stated date in return for the release unharmed of every captive American now held" would be accepted.

General Ridgway ends his article by trying to point out some lessons which he believes "stand out in the series of faulty judgments by our Federal authorities for which they, as well as we who put them in office, are responsible." He writes:

> For the present, I believe, we should accept the judgment of those civilian authorities possessed of the fullest information, as reflected in the President's current decisions.

But he then goes on to say that by the phrase "for the present" he intends "to mean for a very limited time, say no more than another 6 to 9 months." General Ridgway concludes:

> At the end of that time, regardless of developments . . . we should proceed with our phasedown forthwith and carry it through expeditiously to completion—that is, until *all* U.S. Army, Navy, Marine Corps and Air Force personnel, except Embassy guards, are out of Vietnam, continuing by every reasonable means to bring about the release of captive personnel in hostile hands until that goal has been attained.

Without further comment, I ask unanimous consent that the full text of the article by General Ridgway be printed in the Record at this point.

There being no objection, the article was ordered to be printed in the Record, as follows:

Indochina: Disengaging

(By Gen. Matthew B. Ridgway)

The war in Vietnam has lasted longer than any armed conflict outside our borders in which we have been engaged in the nearly two centuries of our independent existence, and disengagement and complete withdrawal are still a question mark. The conflict has engendered divided opinions, manifested in bitter and potentially dangerous confrontations among our people, and we still are uncertain what it was we sought and why, where we should now proceed, and what courses of action would best serve our national interests.

Out of the ever-changing verbal explanations of purpose, boasts of successes attained, and justification for our actions which for more than a decade now have emanated from authoritative governmental sources, we are currently assured that we are "winding down the war," that our involvement is nearing its end, that there is a plan to accomplish this, and that that plan will be carried out. We are even assured that no further explanation of the word "end" is needed.

Concurrently come other quite different statements from equally authoritative sources that American forces will remain in South Vietnam until all U.S. prisoners are released, and until the present government of South Vietnam has "at least a reasonable chance to survive" on its own.

It is difficult to see how a war can be ended unless all participants agree to terminate it. And in the light of our announced intention that residual forces, including but not limited to American airpower, will remain until such agreement is reached and captives are released, it is still more difficult to reconcile these statements with the promise that the war is nearing its end.

For my part I must conclude that so long as U.S. armed forces remain on the mainland of South Vietnam, that so long as we retain a residual force there, if only to provide logistical support for the South Vietnamese Army (ARVN), our men will be mortared, shelled or otherwise attacked; and that so long as they are attacked they will counterattack with fire and movement, and the war will drag on, not end.

If this be true—and I perceive nothing in the record of North Vietnam and Vietcong announced intentions and proven determination to refute it—then we should, I think, review again the whole record of our involvement.

With no thought of faultfinding or of seeking scapegoats, and uninfluenced by partisan political motives or special interests, we should seek answers to such questions as: What were the basic purposes behind our major policy decisions? What did we seek to accomplish? Were these purposes and objectives clearly in our vital interests? What have we actually accomplished to date? What can we expect to accomplish? What courses of action will best serve our interests?

In the course of this reexamination we may perhaps conclude that the decisions were justified, that our vital interests were at stake and were best served under the debatable thesis of the "domino theory," which continues to be of doubtful worth and which many persons have never accepted as a validating justification for our policy decisions. Some day history may throw light on these issues, but it is unlikely that it will ever be able to demonstrate conclusively that our decisions were either right or wrong.

So it serves no useful purpose to label all those decisions as mistakes, however loud the voices of those who do so. Right or wrong, the decisions were made in good faith in accordance with our constitutional procedures by civilian authority. They were long supported by a clear majority of our people, and the responsibility for them is national. Now the cold inescapable fact is that the decisions having been made, we must live with the results and choose such courses of action as will best serve our interests in the years ahead.

Emerson, once criticized for inconsistency, is said to have asked: "Must I always drag the dead body of consistency after me?" Must we? Can we not manfully bury this dead body of Vietnam and decide now that we will not permit it to continue any longer to poison the air, as it is doing; to delay rectification of acknowledged domestic conditions which cry for action, as it is doing; and to adjust to major changes in the world situation, when much graver potential dangers elsewhere loom ominously on the horizons of the free world?

To review the steps leading to our involvement, let us start at the beginning, sometime prior to V-E Day and with World War II still in progress.

II

President Roosevelt had made known his position with respect to the future of Indochina: France must not be permitted to reestablish her former colonial power there. In his view China would eventually extend some degree of control over the area, as it had done for prolonged periods in the past.

Then, following Roosevelt's death, policymakers in Washington either lost sight of that decision, or regarded it as no longer valid. France's support was deemed necessary in other regions of major concern to us, and gradually, beginning with financial assistance, we moved to a role of supporting French efforts to restore their prior position in the Indochina peninsula. It is here necessary only to adumbrate the successive steps taken along the tortuous path we chose. All are matters of historical record, amply publicized.

These successive steps were, in general: the forging of a network of mutual security treaties, including the South-East Asia Treaty Organization (SEATO), aimed primarily at containing communism, including communist Chinese territorial expansion; President Eisenhower's refusal to yield to the powerful urging of others to intervene with U.S. armed force, accompanied by his offer to President Diem after the Geneva Conference of 1954 "to assist the Government of Vietnam in developing and maintaining a strong, viable state;" Eisenhower's refusal to agree to general elections in Vietnam in 1956 as promised by the signatories to the Geneva Convention; our gradual takeover from the French of the military assistance program in training South Vietnamese forces until the number of our military advisers in President Kennedy's Administration exceeded 16,000; the 1964 incident of the two U.S. destroyers *Turner Joy* and *Maddox*, followed by the Congressional blank check, drawn in favor of the Executive, to take whatever measures it saw fit; and, finally, the introduction of U.S. combat ground forces and their subsequent reinforcement, until by 1968–69 their total exceeded half a million.

Parenthetically, it should be here noted by those who fault our military leaders for getting us into Vietnam and for their inability either to achieve a military solution or to extricate us, that each and every one of these policy decisions was made, *not* by the military, but by duly elected or lawfully appointed civilian authorities. In the single case ten years earlier where we might have become embroiled with airpower (including the use of the A-bomb to raise the seige of Dien Bien Phu) and ground combat units, had the personal urging of the influential views of the Chairman of the Joint Chiefs of Staff at that time been approved, it was civilian authority in the person of President Eisenhower which, to his everlasting credit, aborted that proposed intervention.

Those were the major policy decisions. Their authors and the dates when they were made are well known and need no repetition; but we do need, I think, to review the reasoning announced at or shortly after each decision was taken.

Numerous definitions of our objectives issuing from authoritative sources and from individuals both in and out of government included: to contain communism; to halt aggression; to prove to communist leaders that aggression cannot be made to pay; to support "the right of a people to choose their own government;" to help the South Vietnamese realize their desire "to live in the way they prefer," to assist a helpless people "to advance toward economic prosperity and social advancement." I used these phrases as long ago as 1966 in an article in *Look*.

When these wore thin, as they did, we turned to broader generalities: our vital interests were at stake—just what interests and how was not spelled out. We were a Pacific power, which no one in his right senses would deny. We were a world power, an obvious truth even to children. And our national security was threatened, which strained the credulity of the most naïve believer.

These stated objectives were theoretically noble, realistically disingenuous and pragmatically fallacious. Had we really believed in the principles which this rhetoric proclaimed, would we not have taken up arms for the Hungarian people in 1956? And for the Czechoslovaks in 1968? And if our national security was indeed threatened and a vital interest was at stake, would not our people have wholeheartedly supported this war as they did when the designs of Imperial Germany became clear in 1917, and as they did even more resoundingly when Hitler, Mussolini and the Japanese militarists made their bid for world conquest?

III

Now, a decade later, these objectives have been condensed. Our government states that we have but two objectives: to secure the release of our prisoners in hostile hands, and to provide the government of South Vietnam "a reasonable chance to survive" without our continued armed support.

Still we cling, apparently, to the concept that our will can be imposed on our opponents by force, or the threat of the use of force. But we have concluded, it would seem, that Western, and particularly American inborn impatience is no match for Oriental patience; we do not intend "to stay the course," as we so often bragged we would; we are not going "to bring home the coonskin and nail it on the wall;" and we will not continue combat operations in Indochina "however long that may take."

When President Johnson faced up to his crisis of conscience in March 1968, he decided to assemble a group of men, only one of whom was then active in government and whose collective experience covered the whole spectrum of our foreign entanglements of recent years. With the Secretary of State presiding, the group was extensively briefed on the existing situation, based on the best available evaluated intelligence on enemy capabilities and intentions and on the forecasts of our intended operations and their anticipated results. Each individual was invited to express his views. Each did so with utmost frankness.

The substance of most of those views is a matter of record, though I think my own, presented first in writing and then read aloud before the entire group, have not been published. At the final session, with the President present, one of the group, acting as rapporteur, briefed the President orally on the substance of the view of each of the others.

I now present my views, precisely as then stated, not to claim any slightest personal credit or to shrink from criticism. Perhaps, as the history of this unfortunate involvement is finally unfolded, these views will prove to have been faulty, as have the views of so many others. But whether faulty or not, the present course we have followed for the past two years coincides very closely with those views. For that reason the statement of them here may make some little incremental contribution to a better understanding of the present situation as it is slowly evolving.

The following was the memorandum prepared in my hotel room following the briefings we received on the evening of March 25, 1968. I read it aloud toward the conclusion of the rather lengthy meeting of the entire group the forenoon of the following day, March 26.

RANDOM THOUGHTS ON VIETNAM

MARCH 26, 1968.

(1) The prime objective we seek, is, I assume, the development of a viable, friendly government in South Vietnam capable of maintaining its political independence on its own.

(2) The *sine qua non* for that is a defense establishment capable of defending that political independence.

(3) The essentials for creating such a defense establishment are leadership, weapons and training, and in that order of importance, for without leadership from the top down the other two factors will be nullified.

(4) It seems to be the view of our political and military leaders on the ground in Vietnam, and to some extent here in Washington, that Vietnamese leadership can be developed. If so, the supply of weapons and attainment of adequate training levels within a reasonably short time would present no insuperable problems for us.

(5) Given the leadership and determination at top South Vietnamese Government levels, then within a *maximum* of two years we could supply the weapons and insure the training.

(6) The foregoing might require some modest augmentation of U.S. ground forces to man the training establishment which we would have to organize and supervise.

(7) Beyond that, I would be opposed to further U.S. troop increases.

(8) Perhaps the serving of notice on the South Vietnamese Government that we will give it a maximum of two years to accomplish this, at the end of which time we begin a phasedown of our forces, would serve as an adequate stimulus.

M. B. RIDGWAY.

IV

I wish now to comment on the foregoing, in the light of subsequent developments.

First, until some time subsequent to President Johnson's historic announcement of March 31, 1968—and just when the change occurred I do not know—U.S. forces continued to bear an overwhelming share of the burden of combat, and no major effort was undertaken to equip and train ARVN units for eventual takeover of responsibility.

In Korea such an effort was undertaken at the earliest date that the level of combat permitted us to withdraw Korean Army (ROK) divisions from the forward zone and put them through a rigorous training cycle under expert U.S. instructors from the squad to the division level. The training program then set up under General Van Fleet's direct supervision was of the same high caliber as we had long employed with our own troops at home, and the benefits were quickly and strikingly demonstrated in battle. From then on the ROK Army steadily improved and today it is of high professional competence—an army of which its people should be and are proud, as we who trained it are.

A further reason for the success in Korea, when I had both the U.S. Eighth Army and the ROK Army under my command authority, was that I was fortunate in having a strong-willed, courageous and determined foe of communism in the President, Syngman Rhee. Working always with our splendid, forceful and courageous Ambassador, John Muccio, I obtained Rhee's full support in every measure affecting his army leaders and the civilian populace which I found it necessary to request during those dark days of December 1950 and the succeeding three months when the changeover from a dispirited shaken force to a superb, confident, offensive-minded, well-trained combined force of Eighth Army and ROK Army was being made.

Second, the leadership I had in mind when I wrote the above memorandum had to begin with the South Vietnamese President. Only if there was a sufficiently strong and determined man in that office, could there be any hope, in my view, of indoctrinating his top army and air force commanders and holding their support behind the government, and of securing the political support of the various sects and groupings whose activities and ambitions had long militated against strong centralized authority.

Third, what then—March 1968—constituted "a reasonably short time" (the phrase used in paragraph 4 above) within which the ARVN could attain adequate training levels, could be no more than an estimate. In fact, in amplifying my comments before the group at that time, I remarked that there was nothing precise or sacrosanct about the "two years" which I had suggested as probably being sufficient. If three or four years proved necessary, I said, that could be accepted, provided progress appeared adequate and determination remained unshaken, as judged primarily by our thoroughly competent professional military leaders on the ground.

Fourth and finally, whether the wise course at that time was to inform the government of South Vietnam of our plan, if such a plan were adopted, and if adopted to convey this information to the South Vietnam government publicly, or to the Head of State privately, were decisions for our civilian authorities, not for our military leaders.

Now, in May 1971, only three years later, we appear to be far along toward the attainment of just such an objective as that plan contemplated, with one disquieting exception. The disquieting factor to me is the openly expressed threat of the use of force in an attempt to compel release of captive U.S. personnel. The recovery of these men demands and deserves, of course, unceasing effort on the part of our government. We owe them and their families and kin no less, and no less can serve the nation's honor. But whether stepped-up bombing of North Vietnam targets, including population centers, will accomplish that result is open to serious question.

There is further uncertainty in our present course which gravely concerns many of our people. How can we reconcile retention of a "residual force," of which the Secretary of Defense speaks, with "complete withdrawal" to which the President is publicly committed? And does "complete withdrawal" mean exactly that—the removal of all ground, naval and air forces? There are solid reasons, I believe, for not announcing a date by which withdrawal will be complete, if indeed a date has been fixed. There is an immense amount of equipment and supplies in South Vietnam, and we should draw down as much as we can to restore our inventories at home with consequent substantial dollar savings. There is also the possibility that secret diplomatic moves may now as I write, early in May, be in an advanced stage. If so, any publicity at this time might wreck any hopes there may be of a successful outcome.

The prisoner question is a torturing one, which should be examined from every angle, as I have no doubt is being done constantly. It is at least conceivable that an offer to Hanoi, made under the tightest possible cloak of secrecy, that we would agree to the complete withdrawal from the mainland of all U.S. armed forces personnel by a stated date, in return for the release unharmed of every captive American now held, would be accepted. This need not cause any change in the current level and character of our operations while awaiting a response. Even if accepted, it could well be that communist duplicity would seek to blackmail us into other concessions by withholding some or all captives until their demands were met; but we know enough of communist negotiating practices and should be able to enlist sufficient support from other governments to circumvent such tactics.

If this obstacle can be surmounted, then the complete withdrawal promised, the removal of every U.S. uniform from the mainland of Vietnam, except Embassy guards, will indeed be in sight, and our government will have extricated us on acceptable terms, as it is certainly aiming to do.

V

Let me conclude by trying to point out some lessons which to me stand out in the series of faulty judgments by our federal authorities for which they, as well as we who put them in office, are responsible.

In the field of foreign relations, each and every one of our major political objectives should be seen to lie clearly within the zone of our vital national interests.

In each case the military objectives should be in conformity with and subordinate to the political objective.

Vietnam was, in my opinion, a case which violated both these prescriptions. The stated political objectives were numerous, tenuous and by no means clearly within the zone of our vital interests, while the military objectives were not subordinate to the political but at one stage, at least, rather tended to dictate the political objectives.

It should not have taken great vision to perceive that a mountainous, jungled area such as Vietnam, devoid of the territorial and electrical communications essential for the operations of a modern army, and with a population bitterly divided and in large part existing under near-primitive conditions, would be a morass into which we could endlessly and futilely pour our human and material resources; that you cannot kill an idea with bullet and bomb; that no truly vital U.S. interest was present to threaten our national security; and that commitment to a major effort there was a monumental blunder (now hopefully in process of correction), when in other areas of the world challenges to our unquestioned vital interests could quickly develop.

As far as hindsight can reveal I doubt that those in authority in our government who took us into Vietnam perceived where we would end up once we decided to commit armed forces. It should be clear now that neither partisan political influences nor chauvinistic clamor, to which segments of our society not infrequently give voice, should be allowed to sway those responsible for major decisions in the field of foreign policy, above all for those decisions which involve resort to the use of armed force.

For the present, I believe we should accept the judgment of those civilian authorities possessed of the fullest information, as reflected in the President's current decisions. The two prime elements in those decisions are the timing to complete our withdrawal, and insistence on continued efforts to recover our prisoners. Both are questions of judgment.

I use the phrase "for the present." I intend it to mean for a very limited time, say no more than another six to nine months. By that time the ARVN will have had ample time to attain adequate training levels, if it is ever going to do so, and we will have had time to supply all necessary equipment.

At the end of that time, regardless of developments, but sooner if visible progress has been made toward meeting both of the conditions stated by the President, I believe we should proceed with our phasedown forthwith and carry it through expeditiously to completion—that is, until all U.S. Army, Navy, Marine Corps and Air Force personnel, except Embassy guards, are out of Vietnam, continuing by every reasonable means to bring about the release of captive personnel in hostile hands until that goal has been attained.

IMPROVED ECONOMIC OUTLOOK

Mr. BROCK. Mr. President, I marvel at Monday morning quarterbacks who consistently downplay the progress President Nixon has made in bringing about economic stability without inflation. The near-hysterical rantings we have heard in recent days from those who were so intimately involved in creating the economic crisis left in the lap for President Nixon when he took office are ill advised and misleading.

When President Nixon entered the White House, he was faced with two critical economic problems. One, he had to reduce the rate of inflation which was swallowing up the income of families, retirees, cities, and the poor. Two, he had to manage the switch from a wartime to a peacetime economy without causing massive unemployment.

By itself, each of these tasks was monumental. Decreases in military spending and troop levels have caused 1.2 million to become unemployed since January 1969. In other words, the majority of those who have lost work in the past 2 years became unemployed directly because of decreases in defense spending.

At the same time, inflation had to be reduced. Foreign governments were doubting the stability of the dollar. Many at home—particularly older people on pensions—were finding it increasingly difficult to pay their debts. The problem was that history has recorded no inflation which has not required a slowdown of the economy to be reduced.

President Nixon had to both reduce inflation and manage the switch to a peacetime economy without causing massive unemployment. To accomplish this, he has had two very large budget deficits for the last 2 years. This year's, Secretary Connally has informed us, will be in excess of the $18 billion predicted earlier this year. Who can doubt the stimulative effect of such a budget? And who could responsibly advocate spending much in excess of that level?

The statistics show that the spending level President Nixon adopted has been right on target. The June unemployment rate recorded the largest single drop in unemployment in 20 years—a drop from 6.2 percent unemployment to 5.6 percent.

Now the way seems clear to further drops in unemployment over the next year. Housing starts are running at an impressive 1.9 million rate, the highest of the past several years. Retail sales are running at an excellent level. Industrial production is up significantly.

Over the next few days, new figures on the economy will come out—new figures on the gross national product, personal income, housing starts, and industrial production. I am confident they will show, as they have shown consistently over the last half year, that the economy is well on its way to complete recovery.

I hope the news analysts and experts, who have been so vociferous in their criticisms of President Nixon's handling of the economic ball, and who were so strangely silent during the creation of this problem during prior administrations, will examine these figures closely. I hope, instead of carping from the sidelines, they will use their new-found knowledge to help President Nixon improve these figures without causing either large-scale unemployment or heightened inflation.

But if all they have to offer is more of the same impatient rantings, I hope they will decide to remain silent. At the present rate, history will record the economic recovery we are now enjoying as the most rapid in our Nation's history.

The President, I believe, has courageously resisted the politically tempting alternative of giving up the Nation's fight against inflation. I urge him to continue to do so and pledge to him my full support.

DENIAL OF EXIT PERMITS BY SOVIET UNION

Mr. PELL. Mr. President, we in the United States traditionally have guarded and cherished the right of individuals to travel, not only within our country, but to leave the country if they wish. Internationally, the right to leave any country was recognized in the International Declaration of Human Rights adopted 23 years ago by the General Assembly of the United Nations.

It is a right, unfortunately, that is not universally observed. Indeed, we have heard many appeals in recent months here in the Senate on behalf of persons who have not been permitted to leave the Soviet Union.

Today I present another such appeal, and one which I believe carries a special force—an appeal for the release of United States citizens, among them former residents of my own State of Rhode Island, who are unable to obtain Soviet exit permits to return to the United States.

I refer specifically to men and women, born in this country of Armenian parents who, after World War II took them back to their "homeland" in Soviet Armenia. These children were born and spent their formative years in America. For many of them, Armenia was not the "homeland," but an alien land to which, as teenaged Americans, they dutifully went with their parents.

Now, in their mature years, many of these native-born American citizens yearn to return to the United States—the country of their birth. But the Soviet Government, I am informed, does not recognize their United States citizenship.

In fairness, we must recognize that the Soviet Government has in fact permitted a substantial number of these American Armenians to emigrate. But many, who have applied for exit permits, remain in the Soviet Union.

The issuance or denial of exit permits for these people by the Soviet Government appears to be purely capricious and arbitrary—families are divided, and no reason is given for the arbitrary act that can condemn these Americans to live their lives far from their true "homeland" against their will.

The Soviet refusal to recognize the claims of these people to United States citizenship is illegal. But beyond that, the capricious denial of emigration is a denial of the most elementary human rights, and an affront to the spirit of reasonableness on which we must hope to build a more secure world in the future.

I believe the executive branch of our Government should make strong and urgent representations to the Soviet Government on behalf of these people. I have written to the Secretary of State asking for a full report on what the State Department is doing and proposes to do to assist these Americans to return to their native land.

I have asked particularly about the case of Mr. Victor Derderian, a former resident of Rhode Island, and of the wife and daughter of Mr. Apkar Lefian, who was fortunate enough to be granted permission to leave but whose family so far has been unable to join him.

Mr. President, there have been newspaper accounts recently of the plight of these U.S. citizens in Soviet Armenia. I ask unanimous consent that an article from the Providence Evening Bulletin of June 10, 1971, and an article from the Washington Post of June 3, 1971, be printed in the RECORD at the conclusion of my remarks. Both of these articles are excellent examples of the kind of enterprising journalism which can cast light upon human tragedy in the shadow of bureaucratic indifference.

I hope, Mr. President, that this appeal and appropriate action by the executive branch may persuade those with authority in the Soviet Union to remedy this cruel situation. I intend, on my part, to do all I can to see that these citizens of the United States are permitted to leave the Soviet Union and to return to their true homeland.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

PROVIDENCE LOOKS GOOD FROM ARMENIA

(By George Popkin)

Victor Derderian sits in his two-room apartment on Obyekt Street in Erevan, capital of modern Armenia, and he dreams of America the Beautiful.

He still can hear the sound of childish voices in a Smith Hill classroom. "My country, 'tis of thee, sweet land of liberty, of thee I sing."

He sees himself strolling down Smith Street or Douglas Avenue in Providence again. It is warm and he is in his shirtsleeves. He is having a Coke, that great national drink, and checking the baseball scores with cronies.

But he can't get permission to leave for "home."

Mr. Derderian's dilemma recently was publicized in the national press.

Others may talk of crime and disorder, of discrimination and alienation. To Mr. Derderian and others like him, Rhode Island is a lost paradise.

His best friend, Ara M. Lefian, made it back several years ago and now lives in a yellow ranch house next door to the North Providence High School with his wife and two children.

Although Ara's younger brother, Apkar, was able to return and now lives in Providence, authorities will not permit his wife and daughter to leave Armenia and join him. He is a distraught man who lives on hope.

These are the stories of men and women of Armenian descent who immigrated to the new Armenia and found their roots in this country to be too deep for happiness there.

In the years immediately following World War II, thousands of Armenian families, which had been scattered throughout the world by unspeakable persecution, returned to what had become the Armenian Soviet Socialist Republic.

A number of Rhode Islanders were among those who went back to the homeland of this ancient people. They often found disappointment and a longing to return to America.

The young people—most of them born here—went because of their parents' wishes. The elders had been captivated by the thought of living in an authentic Armenian culture in a land so often under an oppressor's heel. Others hoped to locate relatives unheard from since the massacres during World War II.

Some were idealists who felt a more just society, one based on a non-profit system and brotherhood, was being built. And they wanted to be part of the rebirth.

The disillusion of some of the latter was tragic.

The father of Mrs. Leflan, for example, was sentenced to 15 years in Siberia (during the Stalin era) because he wanted to return to this country. He eventually managed to reach the United States, a broken man, in time to die.

Mr. Leflan wanted it understood that great physical progress has been made in Armenia since World War II. It is a way of life, however, he said, which anyone who grew up here is not likely to find congenial.

As Mr. and Mrs. Leflan spoke of their experiences (they met in Armenia), some insight was given into what it can be like for an expatriate who has moved into another social and economic world.

Mrs. Leflan, for example, was permitted to go to work at the age of 11 when her father was exiled to Siberia so that she could help support her family. This was considered a humanitarian gesture.

Mr. Leflan, short, husky, with alert brown eyes, his black hair flecked by grey, told how it had been. Now a stonecutter in the jewelry trade, he had played football for Mt. Pleasant High School before his graduation in 1948.

"I was 18 then," he said. "I wouldn't go against my parents' wishes. We weren't brought up that way. We left on Jan. 21, 1949. My brother Apkar, my older brother, Harry, and my parents.

"Victor Derderian was my chum, we grew up together. He was 18 then. His family had decided to go too.

"We had grown up together. He on Bernon Street, and I on Goddard Street. I had wanted to go to college and study engineering—We used to hang around Berman's Variety Store on Douglas Avenue or go down to Kessler's Bakery on Arms Street."

That phrase "those were the days" could almost be heard echoing as Mr. Leflan fell silent in contemplation.

Mr. Leflan glanced out of a window in his pleasant home at 35 Beach St. in North Providence. He searched beyond the green foliage glistening after a shower, as if reaching out for his friend.

"We correspond frequently," he said. "I was godfather for one of his boys. He married a girl who had come there from Watertown, Katherine Asadourian. His mother died before Victor left for Armenia. His father passed away over there."

Right now the inability of his brother's family to join him here disturbs Ara Leflan even more.

The reason given by authorities for the separation: Apkar was single when he first applied for repatriation and the permission granted does not apply to the woman he since married and to their child.

"Can you imagine refusing her outright?" he remarked with emotion. "How can you refuse them being united in this day and age?"

Then he fell into a reverie, reconstructing the first years after his arrival in Armenia. He smiled wistfully. "I used to treasure any of Dick Reynolds' clippings on schoolboy sports when I could get them," Mr. Leflan said.

"I missed everything. Oh, I missed all American sports. I missed pizza and chewing gum. And peanut butter. It was tough. We were just able to survive, we had no luxuries. Five people in a two-room apartment. . . .

"We had no water or toilet facilities then. In 1957 we finally got water and steam heat and a toilet. The pace of life was slow. First I enrolled to train as a physical education instructor but I dropped out and became an apprentice carpenter.

"Later on jewelry plants were started by repatriates and eventually I went to work in a factory where I learned stonecutting. There had been some resentment against newcomers at first and you couldn't get a responsible position. And yet all the young people are crazy about the West, they listen to the Voice of America all the time."

Mr. and Mrs. Leflan returned here in November of 1965. A thaw ensued after the death of Stalin which made migration easier. But, said Mr. Leflan, "there has been a clamp down recently" and Mr. Derderian and his family were frozen.

Said Mr. Leflan of his friend Victor, "He's a very intelligent, stable, devoted family man. He was in electronics research, working with computers, and he left the job, thinking that perhaps the position was keeping him from permission to leave. Now he's a toolmaker. When we left, it was fairly lenient—now it's different."

Mrs. Leflan, a lively outgoing woman, broke in with her story. The former Christine Karibian had emigrated with her parents and a brother from Detroit. Her mother, not of Armenian descent, could not speak the language.

"I was only nine then," she said. "I was working at 11 and my brother from 14. When my father was sent to Siberia—he was pardoned after Stalin died—we kept selling all our appliances and our clothing, in order to live.

"I became an office girl. A nine-year old office girl! I delivered documents and answered the phone. I went to night school. I adapted better because I was younger and I learned to speak Russian and Armenian fluently."

Mrs. Leflan continued: "My father was in a lumber camp for eight years in Siberia. He told us he had to steal to survive. My parents were able to get back in March of 1965—my father didn't live long after that.

Mrs. Leflan, who now works for the American Mathematical Society, for a time taught English privately in Armenia.

Mr. Leflan's father, Nazaret, once a chipper at the Brown & Sharpe Mfg. Co., is a World War I veteran and now 72. He is enjoying retirement, with his wife at his side.

Among their joys are their grandchildren, including Ara's two offspring, Roseanne, 14, and Larry, 13. Both made the transition to teenage life in this country "very easily."

Mr. Leflan considered two things before deciding to talk about his family's experiences. He didn't want to harm his friend Victor Derderian and his brother's wife and child still awaiting exit clearance.

He also said, "I have no resentment against anyone and I've always declined invitations to talk about my experiences. I didn't want to stir up any controversy.

"You have to understand, there may be some people here who don't want to hear anything bad. They've had no personal contact and they don't like to see any eyewitness who says it wasn't peaches and cream.

"They mean well and I have no quarrel with them. An awful lot has been done in the last 20 years in Armenia. There's progress, new apartments and the like. Movies and the opera are cheap. But it's just that no one who has lived here is going to find it very hard. It's a restricted society.

As for any risk to friends and relatives still trying to get out, Mr. Leflan said: "I think the attitudes are a little more reasonable today. But sometimes you feel, 'Go for broke.' Maybe this will help them."

There are no mountains in North Providence. Mr. Leflan glanced at the brick walls of the high school building. He said he didn't mind the exchange of scenery at all, even if the "kids get a little noisy at times."

"It's hard to believe," he said. "I'm back. It's like a dream."

AMERICANS IN ARMENIA YEARN FOR HOME

(By Harry Trimborn)

YEREVAN, SOVIET UNION.—Victor Derderian lies on a daybed in his two-room apartment on Obyekt Street nursing a broken leg and daydreaming of Providence, R.I.

"It's funny," he said in a soft, Down East accent, "but I keep seeing myself as a kid walking along Smith Street in my shirtsleeves during a summer shower.

"Or I think of the handball we used to play . . . the cops chasing us off the streets. ". . . That's home . . . that's really home . . . silly, isn't it?"

Perhaps. But Voskan Manoogian, who lives with his wife and two small children in an apartment above a bakery near Lenin Square in the center of this capital of Soviet Armenia, would understand.

His thoughts, too, often wander across Asia Minor and the Atlantic to the United States. Only he thinks of his hometown of Boston and baseball.

And up on the crest of a hill overlooking the city, Soren Kadekian sits at a table in his apartment in one of the new housing blocks rising everywhere in Yerevan and reminisces about the "old days" in New York City. His accent is straight from Manhattan.

Diminutive and olive-complexioned, the three men seem little different than the rest of the 2.5 million inhabitants of the Soviet Union's smallest republic.

But their English flows easily, and it's spiced with the slang and inflections that wouldn't be learned in a language school.

Small wonder. For they are Americans who had spent their childhood and adolescence in the United States. Derderian left the United States at 18, Manoogian at 19 and Kadekian at 16.

For each of them, their American heritage has not been erased in nearly a quarter of a century of living in Soviet Armenia.

They live in what they feel is an alien land. They yearn to go home again, but they can't. The Soviets won't let them, despite their appeals over the years to be allowed to go. The government considers them Soviet citizens, a designation they had neither wanted nor sought.

The three men are among about 40 Armenian-Americans still in Armenia from a group of 322 that came to the Soviet Union in 1947 and 1949.

They were brought by their parents who, like today's Jews, sought to return to what they consider their homeland. In all, about 100,000 overseas Armenians have returned since World War II.

The parents and their children were survivors of an explosion of barbarity. It occurred during World War I when Turkey sought to solve its "Armenian question."

At the time, Turkey, as one of the central powers fighting Russia and her allies, considered the 1.8 million Armenians living in West (Turkish) Armenia a dangerous foreign element.

Many Armenians in East (Russian) Armenia were in the Czarist forces fighting against the Turks.

In the Armenian massacres, more than 1 million men, women and children were killed and another 600,000 were driven into the deserts to die of starvation and other hardships. The remaining 200,000 scattered throughout the world.

Thousands eventually made their way to the United States. While the vast majority settled into the mainstream of American life, a few yearned to return to their homeland. The Soviets fed this yearning through propaganda lures of opportunities in Soviet Armenia.

The parents succumbed to the lures, but their Americanized children had difficulties from the beginning.

Many didn't know the language; they learned it after they arrived. Their "foreign" accents and manners set them apart from the other inhabitants of this ancient city of 800,000.

Although there is little open discrimination against the American-Armenians, some of the native inhabitants consider them "traitors" for wanting to leave.

"But that's the whole thing," said Derderian's wife, Catherine, who was born and raised in Watertown, Mass. "We don't feel this is our country. We never have. We never wanted to come here."

As dutiful children, they came because their parents wished it. But some were tricked into coming. Like Anna Cholokian Barbarian, whose widowed father had told her and her two sisters that they were going to California.

Mrs. Barbarian, the other three men and Walter Kazerian are among five families here that have formally applied to return to the United States.

In addition, Kadekian's brother, John, and his family who live in Riva, want to return to the United States. Four other American-Armenians from the original group of repatriates are also believed to want to go back.

The rest, generally pensioners, are content to spend their remaining days in Armenia.

Of the original two groups that came, about 150 have died. In the past 13 years, the Soviets have permitted about 100 of the Armenian-Americans and their families to return.

The first to leave was Tom Muradia, who had left his parents in the United States. That was in 1958 when Muradia, according to the repatriates here, caught a Soviet official in a lie.

Muradia reportedly had been told by the official that the U.S. government refuses to accept the return of any of the repatriates.

To find out for himself, Muradia managed to slip past a Soviet guard at the American Embassy in Moscow where he was told what consular officials have told all the American-Armenians: The only thing preventing their return is the Soviet government's refusal to issue an exit visa.

Muradia confronted the Soviets with the American explanation, and embarrased officials ordered him out of the country in 24 hours.

The remaining Armenian-Americans say they are mystified why the government won't let them go. They say there is no common denominator among the remaining families to hint at why they have been refused permission to leave.

Yet it is obvious that the American-Armenians are being used as political pawns. They note that while they are being denied permission to return, many Armenian repatriates from Bulgaria, Greece and elsewhere are being permitted to go to the United States. They are leaving under the sponsorship of relatives who are American citizens.

Despite the fact that all but Kadekian (who was born in Cuba and taken to the United States when he was six months old) are American citizens, they, too, have applied to return under sponsorship of a relative.

They find it deeply ironical that they, as native-born Americans, must secure a sponsor to apply for permission to leave. But they say the U.S. embassy has advised them to take this course, because the Soviets become infuriated at their professions of U.S. citizenship and long residency in the United States. The Soviet government does not recognize dual citizenship.

RETIREMENT OF COL. JOSEPH E. O'LEARY

Mr. FANNIN. Mr. President, I concur in the comments of Senators who have praised Col. Joseph E. O'Leary for his service to our Nation.

He has performed his duties with great devotion and competence as is witnessed by the many citations he has received. In war and in peace he has carried on for 29 years in the best of Army tradition.

Colonel O'Leary will leave his post as Chief of the Senate Liaison Division on July 31, when he retires. I wish him the best in his future endeavors.

FLIGHT FROM CHILDREN

Mr. FULBRIGHT. Mr. President, Mr. William V. Shannon in the New York Times of today has written a sensitive and perceptive analysis of one of the most distressing and difficult problems growing out of our urban industrial society.

I believe it is of interest to my colleagues and ask unanimous consent to have it printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

FLIGHT FROM CHILDREN

(By William V. Shannon)

WASHINGTON, July 14.—It could almost have been predicted that the delegates to the National Women's Political Caucus in Washington last weekend would boo and heckle Dr. Benjamin Spock as a "sexist."

Dr. Spock has taken up radical politics, but the delegates accurately perceived him much more in a cultural than in a political role. As a cultural figure, Dr. Spock is a profoundly conservative force, the implications of his work being deeply hostile to the rationale of the feminist movement.

Dr. Spock has to be the target of their wrath because he has criticized middle-class mothers of preschool children who work when economic necessity does not compel them to do so. He has written that even the best day-care center is no substitute for the one-to-one relationship of a devoted mother to her child. He has pointed out that child care is not inherently boring: "I myself would say it is much more creative to rear and shape the personality of a fine, live child than it is to work in an office or even to carve a statue."

But for mothers and fathers to have this high conception of their role, they have to believe they can shape their children's future lives. Like an artist, they have to have an image of what it is they are trying to create. They need goals and standards. To see a child fulfill those ideals is a parent's most satisfying pleasure.

Middle-class Americans and many in the working class who aspired to a better life once had a clear set of values which they believed in and tried to live by—thrift, self-discipline, hard work, a willingess to deny oneself comforts today for the sake of greater gains tomorrow, a concern with material acquisition and with one's status.

For various reasons, many Americans in recent decades have lost confidence in these values. Thus, inflation has robbed thrift of its meaning. Half-repressed anxieties about nuclear warfare may make sacrificing for the future seem less sensible. Prolonged affluence has taken the edge off the drive for material acquisition. After the freezer and the color television and air-conditioned automobile, what next? Yet no new code emerged to replace the old.

The first evidence of the loss of whistle to call an occasional "foul," parents adopted a live-and-let-live policy.

But there is no intellectual or moral challenge in this laissez- faire approach to parenthood. Any competent substitute, even a day-care center can wash and feed a child and see that he does not come to any physical harm. Having no clear idea what values they wanted to transmit or what goals they wanted their children to reach, intelligent women found motherhood just a boring set of repetitive tasks. They began to flee from their confidence in traditional beliefs was the failure of many middle-class parents to transmit them to their young. While continuing to observe most of the old values themselves, they did not instill them in their children.

They did not impose discipline, demand courtesy and obedience, insist upon an education that impaired specific knowledge, or extol ambition and family pride.

Instead, many parents adopted a referee's attitude, as if their children were players in a game. They saw to it that their children were fed, kept in good physical condition and did not harm one another.

So far, this flight from children is only a minority trend in our culture. But it is the function of advanced groups like the professional feminists to articulate what is only implicit in the behavior of a much larger group. That is the inner logic of their downgrading of women's biological role, their angry deprecation of motherhood, their insistence on every mother's "right" to park her baby in a day-care center, and hurry off to work even when financial circumstances do not require her to do so.

To diminish the importance of motherhood and to deny its unique responsibilities is only to generate more guilt and confusion. Rather than exile the mother from the home, the effort should be to draw the father into it and into a more active family role.

We can refuse to have children. But if we do have them, we cannot abdicate our role in shaping their future. We cannot evade a crisis in adult values by adopting a laissez-faire attitude toward the young. Our flight from children is but a flight from ourselves and our moral confusion. Their unhappiness is the mirror of our own.

SERMON BY DR. FELTHAM S. JAMES, CHAPLAIN, DEPARTMENT OF SOUTH CAROLINA, THE AMERICAN LEGION

Mr. THURMOND. Mr. President, recently Dr. Feltham S. James, chaplain, Department of South Carolina of the American Legion and pastor of St. John's United Methodist Church, Aiken, S.C., delivered a sermon entitled "Source of Greatness."

The importance of God to the United States and in turn to the American Legion is emphasized. Dr. James, in his sermon, briefly traces the importance of God throughout the history of the United States. He further sets out the goal of the American Legion in instilling in our youth the spirit of service to God and to country. The sermon entitled "Source of Greatness" sets out the above principles thoroughly and establishes the need of the United States to remain strong in order to protect our great heritage.

Mr. President, I ask unanimous consent that the sermon entitled "Source of Greatness" which was delivered by Dr. Feltham S. James, pastor of St. John's United Methodist Church, Aiken, S.C., to the South Carolina Department of the American Legion on June 27, 1971, in Greenville, S.C., be printed in the RECORD.

There being no objection, the sermon was ordered to be printed in the RECORD, as follows:

SOURCE OF GREATNESS

(By Dr. Feltham S. James)

"For God and Country we associate ourselves together"—thus begins the Preamble of the Constitution of The American Legion.

As you know, The American Legion is a Lay Organization, dedicated to patriotism and Americanism—but even so, God comes first in its statement of principles. Not for Country and God—but for God and Country. It could not be otherwise, in that all that is uniquely American rests upon the basic premise of the Declaration of Independence—that men are endowed by their Creator with certain unalienable rights, and that government exists only to secure to men rights that are God-given. The founders of The American Legion, realizing this, set forth the recognition of God as the basic principle of the organization.

To deny God is to deny America. American history has no meaning without God. Should America lose its religious faith and its reliance on spiritual guidance, it would lose itself. Faith in God has a special and priceless meaning to Americans. It is at this point that the battlements are being attacked today by the totalitarian states, who can tolerate no higher authority than themselves. They know that if they can make the peoples of America deny God, or be prevented from knowing God, they will have it made—for then there will be an end to a belief in God-given rights.

It is no wonder or mystery that, as a patriotic organization, The American Legion could not, and did not, dedicate itself to America without first dedicating itself to God. It is no wonder or mystery that, although it is a lay organization, The American Legion emphasizes increasingly that Americans, of whatever faith, must know their God; that they must keep Him in their thoughts and know Him to be the Author of their being on earth and the Creator of the rights of the least of them. A free people rule themselves with God's authority, and to be fit to rule themselves they need the guidance which is found only in the teachings of religion.

In our nation's history our people have always acknowledged the authority of God, and our dependence on Him; gratefully we have thanked Him for His Blessings; and invoked His Divine guidance. We have believed that our nation is built on faith in Almighty God and that our rights are given us by the Creator Himself.

Where we have succeeded as a Nation we have honored the sacred trust in God; Where we have faltered we have failed it. We ought to know, if we don't, that faith in God is the only sure basis for faith in country and faith in our fellowmen. Respect for the rights of others is the key to self-respect. Ours is not a blind allegiance to our country because of fear of reprisal such as we find in Communist dominated countries today. Ours is an allegiance that results from our faith in the source of all rights.

In recent years there has been a concentrated effort in the part of those who would destroy our way of life to lead us away from our belief in the Creator. To wit: the "God is dead" philosophy. They seek to sap our spiritual and moral strength, and to substitute for it a spirit of materialism and indifference. Can you think of a better way to destroy America? Lift even the mighty oak from the source of its strength in the good earth and it will die. Lift America from the source of its strength in God and it will surely die.

America is not immortal and weakness begats weakness. We have but to look about us to see signs in American life of deterioration in things of the spirit. When we see evidences of how home life has disintegrated, how parental responsibility is being shamefully shirked, how shockingly juvenile delinquency has incredibly increased, we can look into our own hearts and ask ourselves if the fruit of hard American planting is not beginning to decay. Each of us must also ask ourselves what part am I playing in this deterioration of things of the spirit. What part am I playing in the destruction of America?

The walls of China stood for five thousand years without ever being breached from the outside. But today's history reveals that they have not only been breached but they have been crumbled into dust by subversive and evil forces on the inside. American defenses may be strong enough to resist outside forces but they can be destroyed by subversive and evil forces on the inside.

I offer that the first defense of America must be spiritual. America came to her mighty greatness through a conscious dedication of our fathers to religious principles—for they knew that unless the Lord built the city—they labor in vain who built it.

We believe, as American Legionnaires, that we must intensify our religious life as a people. We must restore to our home life some measure of that love *for* and trust *in* God which our forefathers bequeathed to us. We must give the children of today that sense of responsibility that will give strength to their characters and direction to their lives.

We must intensify our youth program, our Americanism program, our "Service to God and Country" program—all of which emphasize religious and moral values. All of which seek to give our Nation's youth a vital interest in the things which brought our Country to greatness.

I would hope that The American Legion will have some part in leading America back to that faith in God proclaimed by our Founding Fathers. I would hope that it will set an example for the youth of the Nation, will in the sanctuary of our homes honor and bless our God, will provide, in conjunction with the church and synagogue, religious instruction of our children. I would emphasize right here that the Legion Posts in South Carolina devote more effort this year to the spiritual needs of their communities and to work for the youth of their communities. Certainly there is no finer community service.

The training of youth and the preparation of our young Americans to take up tomorrow's responsibilities *is* the concern of The American Legion. Of course, the Legion cannot do it alone but it can be an essential part of the community's effort. We must remember that this is not just providing refreshments for a social. It is becoming involved *with* youth in the planning. We are giving our 18 year olds the right to vote. This means that our youth must be trained to accept the responsibilities as well as the rights of citizenship.

In vain we have sacrificed our American blood in the maelstrom of war unless we instill in our youth the spirit of building and preserving their American heritage. Not only must we get subversion out of our schools, but we must generate in our youth a spirit of positive Americanism. Frankly, I do not know how it is to be done but I do know, if our American heritage is to be preserved, it must be done. Self-discipline and self-reliance, the ideals of loyalty, honesty and personal responsibility to God and fellowman must be woven into their character. We must find some way for youth to discover for themselves the spirit of service. The historic question that Americans have asked themselves has been—"How can I serve?" Today the first question in many minds is "How can I avoid serving?"

The American Veteran has always been interested in youth and from its earliest history, our American Legion has carried on a vigorous program of child welfare. We have sponsored Boy Scouts, oratorical contests, junior baseball, Boys State and Boys Nation. We have reached out to lend a helping hand to the orphans; we have interested ourselves in providing scholarships for deserving boys and girls. In these efforts lies the challenge of The American Legion to muster its forces to instill in our youth the spirit of service *to* God and *for* Country. There is no better way to preserve our American heritage than by teaching youth to love and be willing to serve America. Because of the complacency and failure of the past generation, it will be a long hard battle—but it must be won.

Right here—the challenge focuses on us—We, ourselves, as American Legionnaires, must set the pace. Before today's youth we must place our own example of unselfish citizenship. Words and pious phrases and high sounding resolutions turn youth off. They must see in us, not just old soldiers, sailors and marines who once sacrificed for America in war, but citizens now willing to work for our community, our state, our Nation. We must interest ourselves in the problems of the day, stand guard over our heritage, exercise our right to vote and provide vigorous and untiring leadership.

We must not be lulled to sleep by recent projections of peaceful co-existence with the Communistic world. How can there be peaceful co-existence with men whose charted course is the destruction of American ideals?

This does not mean that we want war. The idea abroad that because we are veterans we want war is a deliberate lie planted in the minds of youth by subversive elements let loose in America. We want peace. Yes, we want peace with freedom and justice. We of The American Legion, veterans of four wars, who have seen the blood of our buddies crimson the soil of many continents and the waters of the seas of the worlds; we who have known the hell of war and the cost of war in the dead, the disabled, the widowed and the orphaned, we want peace above all others. Not only that, but we pray that our children and the children of tomorrow will be spared the scourge of war.

But peace cannot be won and preserved by wishful thinking or by protest rallies and marches. It must be worked for and prayed for. We must lead the vanguard for peace in our times. Let us reaffirm once again our faith in God and our faith in the righteousness of the principles upon which our nation was founded. Let us pledge that, with God helping us, we will keep faith with those who threw to us the torch of peace. Please God—may we hold it high.

THE VIETCONG SEVEN POINT PROPOSAL

Mr. ALLOTT. Mr. President, the National Student Coordinating Committee for Freedom in Vietnam and Southeast Asia is a bipartisan group of young people who are supporting the President's program of prudent disengagement from the fighting in Vietnam.

This group has prepared an interesting analysis of the most recent Communist peace proposal.

Mr. President, so that all Senators can examine the thinking of this fine group of young Americans, I ask unanimous consent for it to be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

OFFICIAL STATEMENT ON THE VIETCONG'S SEVEN POINT PROPOSAL

The Viet Cong's seven-point proposal for peace in Vietnam is a most important document because it serves as an indicator of how the other side views its political prospects. There is little doubt that militarily the North Vietnamese effort in South Vietnam has suffered tremendous setbacks.

Reams of documents captured during the last dry season, which ended in May, ordered an all-out nation-wide offensive. But though "attack" was the order of the day, the enemy was unable to stage any significant and coordinated offensives nor was he able to inflict major setbacks on the pacification program as he had hoped to.

Constant communication with many Vietnamese make it clear to us that in general the military effort of the enemy will now cease to be his choice avenue to victory. North Vietnam had concluded that unless it can shatter the social fiber of South Vietnam and the morale of the population it cannot win the war in the South. COSVN (Central Command for the war in the South) Resolution 14, for example, clearly states that the enemy's primary task is now to protext and expand Communist controlled areas from the advances of pacification.

The North Vietnamese are very much aware of the fact that the tide has turned against them and, more importantly, that the population also judges the tide to have turned. Under these circumstances it becomes extremely difficult for the North Vietnamese to extract passive cooperation from the population. Taxation quotas had to be cut by 75%. Impressment into Viet Cong forces has so markedly decreased that most units are composed mostly of North Vietnamese fillers. Local Viet Cong government has had to move out of populated areas and into the jungles from where it operates in gangster-like fashion.

On the other hand, the pacification program is making major advances in security and social welfare. Despite the inflationary pressures on the urban economy the rural economy thrives. Peasants who are now being given land under the radical rural reform program of the government realize that the government gives while the Viet Cong only takes away.

In an effort to engage personal commitment from the population the Saigon Government is concentrating on building up local and regional self-defense forces. The regular army, modelled after our own, proves to be very much of a problem. Despite great improvements it still does not meet the security needs of the population. The real backbone of the pacification (i.e. Vietnamization) program is this local defense structure.

In light of this background we can better understand the position of the other side. On the whole, the seven-point proposal is identical to the eight-point proposal put forward by the Viet Cong in September, 1970. The order in which the points are made betrays the game plan of the Viet Cong for the total takeover of South Vietnam.

The first point deals with the most important issue—U.S. troop withdrawal.

Regarding the deadline for the total withdrawal of U.S. forces.

The U.S. Government must put an end to its war of aggression in Vietnam, stop the policy of "Vietnamization" of the war, withdraw from South Vietnam all troops, military personnel, weapons, and war materials of the United States and of the other foreign countries in the U.S. camp, and dismantle all U.S. bases in South Vietnam, without posing any conditions whatsoever.

The U.S. Government must set a terminal date for withdrawal from South Vietnam in 1971 of the totality of U.S. forces and those of the other foreign countries in the U.S. camp, the parties will at the same time agree on the modalities:

A. Of the withdrawal in safety from South Vietnam of the totality of U.S. forces and those of the other foreign countries in the U.S. camp.

B. Of the release of the totality of military men of all parties and the civilians captured in the war (including American pilots captured in North Vietnam), so that they may all rapidly return to their homes.

These two operations will begin on the same date and will end on the same date.

A cease-fire will be observed between the South Vietnam People's Liberation Armed Forces and the armed forces of the United States and of the other foreign countries in the United States camp, as soon as the parties reach agreement on the withdrawal from South Vietnam of the totality of United States forces and those of the other foreign countries in the United States camp.

Point one of last year's eight-point proposal dealt with the same matter but even advocates of withdrawal found it unacceptable because in exchange for the announcement of an American withdrawal date before June 1971, the other side only offered "to discuss" the return of POW's and the safety of our withdrawing troops. In reviewing North Vietnamese and Viet Cong press conferences, broadcast, etc. we find that at no time were they willing to do more than "discuss" the release of our POW's in exchange for the announcement of total, unconditional, and unilateral U.S. troop withdrawal before June 1971. This is not to say that Clark Clifford and the other Americans who contacted Hanoi on this matter are lying, but rather that what Hanoi says in private to individual political figures is not what it is willing to acknowledge in public. Even if one were saturated with good faith toward Hanoi, one could not help but feel that something said in private to anti-Vietnam Americans cannot be much to go on. It appears that Hanoi wanted to have its cake and eat it too. On the one hand it heightens the activities of the anti-Vietnam politicians who expect to break President Nixon with the POW issue, while on the other it makes no commitment to which they may be held accountable. Indeed, on excess of zeal on the part of these politicians may be clouding their sense of perspective, causing them to appear more trusting of the North Vietnamese than of their own government.

Has the Hanoi position on the release of POW's changed?

Point One of the new seven-point proposal not only demands that we withdraw, but also that we stop Vietnamization and disarm the South Vietnamese. As soon as we announce a date within 1971 for the disarming of the South Vietnamese the two sides will "agree on the modalities by which the POW's will be released. Unlike the eight-point proposal this new approach has lumped in "civilians captured in the war." Fitting under this category are all the Viet Cong infrastructure personnel captured in the pacification program.

We are thus in effect asked to underwrite the destruction of South Vietnam in exchange for a change of phraseology from "will discuss" to "will agree on the modalities." It seems to us that one would need to really stretch the English language in order to regard "will agree on the modalities" as a firm commitment to immediately release POW's or indeed as very different from "will discuss".

According to this proposal release of our POW's will begin and end at the same time as total disarmament of the South Vietnamese and liberation of captured Viet Cong. There would be no total cease-fire in Vietnam, only between our forces and the Communists. Thus the war would go on around our men as they retreat.

Point Two demands that we stop backing the present government in Saigon and stop the up-coming elections. The Communist call for the use of "various means" to establish a coalition of "political social and religious forces aspiring to peace and national concord."

It is noteworthy that though the Viet Cong have called for such a coalition since 1967, they have to date refused to name any group or individuals outside the NLF who qualify as "forces aspiring to peace and national concord."

This government would "see that the people's conditions of living are stabilized and gradually improved, create conditions allowing everyone to contribute his talents and efforts to heal the war wounds and rebuild the country." It is most important to remember that this is how the Viet Minh described its task in the North when it moved to collectivization at the end of the war with the French. The Viet Cong proposal goes on to say that a full cease-fire will only come about once this Viet Cong dominated government is in power.

Point Three states that only "the Vietnamese parties" will settle the question of "Vietnamese armed forces in South Vietnam . . . without foreign intereference," thus completely dropping the question of North Vietnamese aggression on the South, leaving it to be settled by Hanoi and its puppet Viet Cong dominated government "without any foreign interference," i.e. supervision.

Point Four states that reunification will come about in a step by step manner through negotiations between Hanoi and its Viet Cong controlled puppet government. Again "without foreign interference"! Note that the Communists have now substituted "negotiated reunification" for the "reunification elections" they had called for in the past.

Point Five in effect says that South Vietnam under Communist rule will take money from anyone.

Point Six says that the U.S. must pay war reparations to both Vietnams. To date the Communist have refused to separate the reparation issue from the release of POWs.

Last but not least, the Viet Cong's Seventh Point says that "the parties will find agreement on the forms of respect and international guarantee of the accords that will be concluded." Having ruled out any "foreign interference" on the coalition government issue and the problem of North Vietnamese forces in the South one can only wonder what is left for international supervision or for that matter what form it might take.

Vagueness has always been a tool of the Communists, precision a defense. The Viet Cong in its seven point proposal is very precise in what it wants of us and very vague on what it will do in return.

In summary, we are asked to disarm and disband a popularly elected government, to force it to release all its captured enemy cadres, to force it to cancel its forthcoming elections and to abandon it to the mercies of a coalition government Communist style in exchange for a twisted phrase not much different from that which we rejected earlier.

At the third Lao Dong (Vietnamese Communist) Party Congress in Hanoi in 1960, when North Vietnam first announced its plans to wage a "war of liberation on South Vietnam, Le Duan precisely stated the strategy by which the Communists planned to take over the South. It is exaclty what we are asked to accept in the form of this seven point proposal. One cannot help but wonder why after over a decade of hard fighting, with 55,000 Americans dead, 200,000 wounded and nearly a million South Vietnamese dead or wounded Hanoi should expect us to accept lock, stock, and barrel the very blue-print for victory it announced back at the beginning—particulary in light of the Communists' weak position in South Vietnam.

Only now can we appreciate the full meaning of North Vietnam's Premier Pham Van Dong's words—"Our victory will be won not in Vietnam but in America." Hanoi has full faith that we will now in an election period turn against our allies and ourselves. Such a reading only comes from its faith in the "degenerate nature of capitalist society." After all the blunders we made in Vietnam, a whole world watches us, judging our character and our greatness as a world leader by the way we make up for our mistakes.

Short-sighted personal political objectives can go a long way in their long term effects. It is incumbent on our nation's political figures to act as statesmen and not politicians. We cannot permit some to forever smudge and blot the pages of our nation's history just so that they may be noticed today. The future holds dire consequences. What we now need is sober contemplation not hysterical platitudes. We believe that only irresponsible thoughtlessness could permit anyone to see this Seven Point Proposal as anything less than a diplomatic insult to America's will to prevail.

POPULATION REDISTRIBUTION AND NEW COMMUNITIES AS POLICY ISSUES

Mr. HUMPHREY. Mr. President, Dr. Edward L. McLean of Clemson University has written an interesting and informative paper on the possibility and problems of new communities. Dr. McLean points out four alternatives to the decline of our cities:

First. To do nothing, to ignore density, congestion, and other problems of the urban area.

Second. To mount a massive and costly rehabilitation program for the central cities.

Third. To encourage migration to rural communities.

Fourth. To build new communities.

Dr. McLean examines this last alternative, noting the complexities of financing and the likelihood of getting lower economic families to move to these new communities.

Dr. McLean concludes that Government will likely accept subsidized population redistribution. And, he believes that if appropriate programs are initiated within these new communities, then harmony of varying life styles can and will prevail.

Mr. President, I ask unanimous consent that Dr. McLean's full article be printed at this point in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Population Redistribution and New Communities as Policy Issues

(By Edward L. McLean)

The process of population redistribution and the potential for new communities are topics currently being discussed as viable policy issues. It is postulated, in this paper, that rationale for consideration of these phenomena is based upon the generalization that population density in the large metropolitan areas of North America should not increase because high population density is a causal variable with respect to problematic phenomena. Some of the frequently emphasized problematics associated with metropolitan areas center around congestion and a complex array of social problems. No consensus exists, however, as to what should be done about these problematics. Four alternative approaches shall be listed in the following paragraphs with respect to the future of metropolitan centers in North America.

One alternative is to not do anything or ignore density, congestion, and other problems associated with metropolitan areas, much as we have in the past. This laissez-faire approach, actually not a solution, is not likely to be accepted because consensus exists that the status quo can no longer be perpetuated.

A second alternative, much the opposite of the first, is that of a massive and costly rehabilitation program for metropolitan areas, concentrating on housing, physical environment, employment, education, welfare, political institutions, and political representation. This alternative is frequently mentioned in a wide range of literature and public pronouncements, but is probably unrealistic because of current anti-urban and pro-suburban value orientations of electorates and elected representatives (particularly on state levels in the United States). These orientations are, of course, changing and support could conceivably shift toward metropolitan rehabilitation in the future. The tremendous monetary cost of this alternative will continue to be an impediment to this approach, however.

The third and fourth alternatives are similarly related and are also orientated to preventing increasing density (prohibit greater population density) in our large cities. One referrent for the third alternative is the 1967 proposal by former U.S. Secretary of Agriculture, Orville Freeman, that migration to small communities be encouraged. Similar proposals have been made in recent months (1970) by current U.S. Secretary of Agriculture, Clifford Hardin. Such a program could also aid metropolitan areas by reducing future population density and general congestion and would aid some static small communities by bolstering their population and economic base. If this proposal was adopted, the resulting communities would be vastly different after the migrants moved to them. These communities may actually be termed "new communities," consequently.

The fourth alternative is that of completely new communities. A new community is defined as a self-sufficient population concentration that is originated where no such human settlement previously existed (Eichler and Kaplan, 1967). The physical structures are built and the social environment is based upon the natural and man-made environments that the in-migrants adapt to when they move to the new community. Another recent referent for both the third and fourth alternatives concerns the fact that, in the U.S., several federal entities, including the President's Council on Urban Affairs, are seriously discussing population redistribution as a means to prevent increases in metropolitan population density. Such population redistribution could involve migration to previously established communities or to new communities; it is unlikely that it would involve redistribution of population within our present metropolitan areas. This alternative also affords opportunities for social planning in our society toward democratic ideals, particularly in regard to class and ethnic structures.

The author of this paper considers widespread advocacy of the previously discussed first two alternatives unlikely. Electorates and elected officials realize that situations and events associated with our metropolitan areas do need correcting, but are unlikely (in early 1970's) to allocate or authorize sufficient resources essential for total rehabilitation of metropolitan centers.

With respect to the third and fourth alternatives, it is not known if these proposals would be widely accepted, and if they were accepted, how successful they would be. These questions will be explored in this paper; i.e., could public policy, directed toward population redistribution and new community programs achieve public and political approval in the United States? Would people participate in such programs if they were approved and sanctioned?

Prior to consideration of these policy issues, four basic assumptions must be stated regarding analyses of population redistribution and new communities. Forthcoming discussion suggests that privately financed new communities are not economically feasible in North America; government money, more than likely from the federal government in the United States (perhaps channeled through state governments) would therefore be necessary at least for initial financing. Secondly, we may briefly assess the notion of who would actually participate in the programs. If well educated, skilled workers participated, this would create a disequilibrium in both communities of origin and destination. Potential wage earners who have received little and poor quality education, are untrained and unskilled, and un- or underemployed. Thus, to improve community conditions, a range of socioeconomic levels must participate, and many of the lower socioeconomic group must also be retained in order to accept meaningful employment and community roles. The third assumption concerns another population base for migration. It is assumed in this paper that *families*, with appropriate incentives, would participate in population redistribution. The family institution would not be altered appreciably by these proposals, particularly in light of current mobility norms (Kenkel, 1965). The fourth assumption is concerned with the economic and political (particularly economic) institutions and structures in our society. Political leaders and academicians have recently emphasized that population redistribution and government subsidized new communities may occur with no basic changes in the economic and political institutions and structures (Eichler and Kaplan, 1967; Stein, 1967). Moreover, these processes may take place within the normal functioning of our established economic institutional structures.

POPULATION REDISTRIBUTION AND NEW COMMUNITY EXPERIENCES

In searching for examples of population redistribution, we have many situations and events within the United States to point to. Members of the military and their families move a great deal, around the nation and around the world. This is actually population redistribution; the family moved or the wage earner must drop out of the military. Furthermore, each year several million families migrate because the heads of the households, employed by private firms, were transferred to another city branch office, or subsidiary; in this case the family moves or the wage earner does not get promoted or perhaps demoted. Involuntary population redistribution is thus a norm and necessity, with occupation or work providing the stimulus.

Past and present experience with new communities shall be discussed. Truly self-sufficient new communities are not numerous in the United States, particularly when we limit our examples to recent (World War II) developments. The most noteable examples are those residential communities that have a federal economic base; military and other governmental installations, when they are initially located in a non-densely settled area, create the need for a new community. Other examples of new communities are associated with large, private employing firms which locate in non-densely settled areas. Several new communities have recently been originated by private developers with objectives of making a profit, or at least of not losing money. Two notable examples in the United States are Reston, Virginia, and Clear Lake, Texas, and both are notable for not making money. These are upper-middle to upper socioeconomic level communities, also; the evidence *at this time* consequently, indicates that it would be economically unwise to include plans for lower socioeconomic residents in a privately financed new community.

New, self-sufficient communities are more numerous in other parts of the world. New communities have been built in Brazil, Denmark, England, the Netherlands, Sweden, the Soviet Union, and in other nations since World War II. In these nations, the economic base or employment opportunities, dwelling units, and institutional facilities are established concomitantly, and then the inhabitants move in. These experiments have generally been successful; all are not perfect, of course, but none have failed completely (Broady, 1967; Gutheim, 1967; Osburn, 1967). It is worthwhile to note that institutions in these nations vary somewhat from those in North America, particularly, the United States. We may, however, utilize experiences in Northwest European nations as basis for revaluation. In these countries, industry and other employment opportunities are subsidized by the governments to locate in new communities and contracts are let for housing and all other facilities by the government. Employees and their families are more likely to volunteer to move to a new community to improve housing and working conditions, also, in these nations. The author of this paper believes that much can be learned from the new community and population redistribution experiences of these societies. There are more universal norms and values, with regard to economic and political systems, among these societies than dissimilar norms and values. The chief lesson to be learned is that new, self-sufficient communities can be successful in Western societies.

PUBLIC AND POLITICAL ACCEPTANCE

To reiterate, the first basic issue concerns the acceptance of government subsidized population redistribution and new community policy by electorates and elected representatives in North America. Population redistribution (migration) to new towns and to previously established communities shall be considered together in this section. The author of this paper realizes that the issue of acceptance depends upon perceived severity of central city problems, projected benefits of alternative programs, projected negative consequences, and previously discussed details such as who will move where. The prime criteria for this evaluation are the ideological, value, and normative orientations.

A historical review of public policy that is generally similar to population redistribution will provide bases for evaluating this topic. During the Great Depression in the United States, general welfare policy was formulated that set guidelines for subsequent national action. Some of these programs are: social security, unemployment compensation, child labor laws, aid to dependent children, aid to the elderly, and public housing. Since the 1930's, we have seen an expansion of social security *and* establishment of medicare, minimum wage laws, federal aid to education, and most recently President Nixon has proposed a welfare program that is more comprehensive than any past program. Consequently, if we assume past welfare experience to be generally similar to population redistribution and subsidized new communities, the latter notions could achieve acceptance.

The concept of government subsidies is also a base for evaluating potential acceptance of population redistribution and new communities. Economic subsidies, financed by the federal government, have been and are currently in force to many activity and industry categories in the United States. Some of the most notable are: agriculture, airlines, petroleum, and railroads. Consequently, if we assume past subsidy experience to be generally similar to population redistribution and new communities, the latter notions could again receive subsidies and acceptance.

The past experience with population redistribution is also a base for evaluating future acceptance of this notion. It was pointed out in previous discussion that millions of families in our society involuntarily migrate each year, in military situations, because of job transfers, or for other reasons. Based upon ths norm of forced migration, population redistribution could gain rapid acceptance.

Just one position has been discussed up to this point; why government subsidized population redistribution and new community programs *would be approved* by electorates and elected officials in the United States. But, we have to be skeptical on all these points. First of all, although many public programs similar to population redistribution and new communities are part of our way of life, this notion is "different"; i.e., it has not been practices as such up to now, nor has it even been seriously considered. New ideas, as such are destined to be opposed.

Secondly, with regard to government financed subsidy programs, the money traditionally goes to "established" causes; i.e., there is support for the program in terms of need, pressure groups, or power structures. There is no such "establishment" in existence at the present time to support population redistribution and new community programs. High population densities in our central cities and metropolitan areas, although termed as crises, have failed to gain universal commitments. Furthermore, it has been proposed in this paper, that lower socioeconomic families would participate in the program, and this notion, as a subsidy, would certainly be opposed. Finally, although population redistribution and similar welfare and subsidy programs are accepted, the combined notions of new communities and population redistribution is authoritarian and "big-brotherish." Opposition to the program could certanly be expected on these grounds.

The author of this paper will attempt to evaluate the pluses and minuses for and against public policy directed toward population redistribution and new community programs. It is suggested that the pluses slightly outweigh the minuses, and that these notions will be accepted by electorates and elected representatives in the United States. This acceptance will not be rapid or unanimous, of course; it will probably take many years, and be wrought with skepticism, much like the issue of medicare in the United States. Furthermore, a massive program is unlikely; pilot, experimental and demonstration programs are likely to evolve, much like model cities and rural poverty programs.

PUBLIC PARTICIPATION

The second major issue to be analyzed is that of participation; i.e., will people move to new communities as part of population redistribution programs and would the original residents of the areas of destination accept the in-migrants? In this analysis, value and normative orientations and past experience will again be evaluated.

It has been stated in this paper that mobility is a norm; in fact, on an average, about one-fifth of all households in the United States change their residence each and every year (Lansing and Mueller, 1967). But our non intra-city mobile population is substantially in the middle and upper-middle socioeconomic levels (Lansing and Mueller, 1967). These families would be very likely to move to new communities if employment, facilities, and other services were favorable; but this is the precise group that we do not want to move from the central cities. Most families of intermediate socioeconomic levels have already migrated from the metropolitan central cities to the suburbs.

Looking at examples from Europe briefly, most of the in-migrants to European new cities were of upper and lower socioeconomic levels; upper for white collar jobs and lower for the remaining jobs. The upper socioeconomic families were happy to move because of increased prestige and status in the new community; the lower socioeconomic families were happy to move because of improved housing and general living conditions (Broady, 1967). The European new communities consequently have no intermediate levels; in North America, the intermediate socioeconomic level would be most likely to accept population redistribution and new community programs.

The author of this paper does envision a problem in encouraging lower socioeconomic families to move to new communities. First, social origins of the poor are characterized as provincial communities with respect to social interaction and visiting patterns between relatives and friends. These families are hesitant to leave a community that they are familiar with and in which they are socially secure. Fear of the unknown, particularly among the poor, often prohibits beneficial migration. Second, many families reject the idea of moving to a community smaller than the one they currently inhabit. This would be an impediment if movement from metropolitan cities to new communities is desired. People become accustomed to the institutional, economic, social, and cultural amenities of metropolitan areas, and would not be immediately (perhaps never) happy in a community of less than 50 thousand inhabitants (Kenkel, 1965).

But, it is believed that resistance to migration can be overcome. Provision of vocational training, adult education programs, adequate housing, employment security, and in general an aesthetically pleasing manmade and physical environment in the new community, could (given time, money, and energy), insure that families will migrate.

The situation regarding original residents in areas of in-migration (regions) surrounding new communities is not so easily rationalized. Literature, based upon European experience, generally indicates that original residents do not accept in-migrants and inmigrants do not accept original residents (Broady, 1967). Whether it be migrants to new communities or to previously established communities, the original residents consider the migrants as invaders and new residents consider the old timers as iconoclasts who attempt to stifle contemporary life. More specifically, evidence indicates that the majority of residents of cities desire to prohibit substantial inmigration into their communities (Choldin, 1965). This problem is not irreconcilable, however, because adult education programs have been successful in conditioning toward accommodation and cooperation. Social action programs are based upon the premise that people can be informed of the inevitability of change and how to prepare for it.

To summarize this section, the author of this paper concludes that people, lower as well as middle socioeconomic families can be convinced to migrate to new communities. Furthermore, with appropriate training and preparation, accommodation and cooperation will take place between groups with varying life styles in their new communities.

IMPLICATIONS

Brief discussion will be devoted to the role that sociologists can play in proposed public policy associated with population redistribution and new community programs. For one reason or another, sociologists have played minor roles in past reform and rehabilitative social and welfare programs. This situation could be different with respect to potential programs designed to lessen population density and other central city problems and to prevent future cumulative problematics. Sociologists must take the initiative and design research that will provide information toward clarifying the issues presented in this paper. Research priorities must include the following topics: (1) decision to initiate new communities or build on the presently so-called dying communities; (2) decisions dealing with economic bases of the new communities, (3) decisions regarding the physical and man-made environments of the communities, (4) decisions concerning the institutional, economic, social and cultural services, (5) decisions concerning housing, (6) decisions concerning who should be encouraged to move, (7) programs to educate and retrain potential migrants, (8) details of the physical moves, (9) programs to educate original residents, (10) programs to insure accommodation and cooperation between groups in communities; etc.

Communication and dissemination of these research results is essential. Other social scientists may then play active roles in the planning of the new communities and population redistribution, and still others may participate in the implementation of the programs into reality.

CONCLUSIONS

It may be concluded from previous sections of this paper that the prospects for public policy oriented to population redistribution and new communities in the United States are good; not in any massive programs in the new future, but on the basis of pilot, experimental, or demonstration programs. Some form of population redistribution policy is desirable, when contrasted to continued increasing concentration of lower-socioeconomic families in our metropolitan central cities.

Two central issues were discussed in this paper; the first is concerned with acceptance of government subsidized population redistribution and new community programs. It is concluded that these notions will probably gain approval, because many welfare and subsidy programs have been adopted in our society in recent years. The second issue is concerned with the actual movement of families to new communities, and with harmony between groups (particularly regarding old residents and new residents) in the new communities. It is concluded that if appropriate programs are initiated within the communities, harmony between those of varying life styles will prevail.

Finally, a plea is made for social scientists to become inolved in public policy formulation in researching the basic issues associated with population redistribution and new communities, and to aid in planning and implementation of the actual programs.

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NEED FOR ECONOMIC SANITY IN FEDERAL BUDGETING

Mr. FANNIN. Mr. President, earlier this week I introduced Senate Joint Resolution 129 which is intended to return economic sanity to Federal budgeting. My proposal requires a constitutional amendment, which is a time-consuming process. I would hope that Congress would take steps in the meantime to improve the current practice of spending without regard for the eventual disastrous consequences.

One such step would be the passage of Senate Joint Resolution 114 which the Senator from Nebraska (Mr. CURTIS) introduced on June 14, 1971. This is the Stable Purchasing Power Act of 1971.

The act will make available to committees of the Congress, on request, advice indicating the anticipated offset of money authorization bills.

Congress must take action to stop the terrible inflation which was initiated by unwise Government fiscal policy in the 1965–68 guns and butter era.

If we do not soon stop spending like there is no tomorrow, there will be no tomorrow for the America that we have known. There will only be an economic shambles or worse.

We must stabilize the value of the dollar for the sake of our citizens who suffer from inflation and for the sake of our commercial standing in the world.

Mr. President, I am pleased to join with Senator CURTIS in cosponsoring Senate Joint Resolution 114.

U.N. CONVENTION ON FORCED LABOR

Mr. PROXMIRE. Mr. President, the U.N. Convention Concerning the Abolition of Forced Labor is awaiting ratification by the Senate.

The Convention on Forced Labor is aimed at preventing the use of forced labor as a means of political punishment, coercion, or labor discipline. Specifically the treaty states in articles I and II:

> I.
>
> Each Member of the International Labor Organization which ratifies this Convention undertakes to suppress and not to make use of any form of forced or compulsory labor:
>
> (a) as a means of political coercion or education or as a punishment for holding or expressing political views or views ideologically opposed to the established political social or economic system;
>
> (b) as a method of mobilizing and using labor for purposes of economic development;
>
> (c) as a means of labor discipline;
>
> (d) as a punishment for having participated in strikes;
>
> (e) as a means of racial, social, national, or religious discrimination.
>
> II.
>
> Each Member of the International Labor Organization which ratifies this Convention undertakes to take effective measures to secure the immediate and complete abolition of forced or compulsory labor as specified in Article I of this Convention.

Mr. President, most of us recall the mass deportations to slave labor camps in the Soviet Union during the great terror. The most recent and most eloquent description of this has been by the Nobel laureate, Alexander Solzhenitsyn, himself a veteran of the Stalinist camps. Literally millions of people, guilty and innocent alike, were shipped to the wastelands of Siberia and the Urals to carry out extremely dangerous tasks under the guns of the Soviet secret police. The secret police had so much power through this vast free manpower that it became one of the largest industrial concerns in Russia. Trade unionists, plant managers, free thinkers, and innovators of all kinds were shipped off to labor camps at Stalin's whim.

This was the most significant example of forced labor in recent times, but by no means the only one. It was and is a clear violation of human rights and one that we must condemn.

Mr. President, there is nothing in the Convention Concerning the Abolition of Forced Labor which would threaten in any way the American system of jurisprudence. As Secretary of State Dean Rusk reported to President Kennedy in 1963 in reference to this question:

> After extensive additional review of the convention and the technical legal problems involved, the interested departments of the Government have expressed their coordinated view . . . that the subject matter of convention no. 105 is wholly within the Federal competence under the 13th amendment to the Constitution of the United States . . .

We have no reason to delay acting on ratification. Other nations today wonder why we have not made a formal commitment to oppose forced labor. We must act now to reaffirm our beliefs.

OPPORTUNITY FUNDING CORPORATION

Mr. JAVITS. Mr. President, I invite the attention of the Senate to two important new economic development programs which have been undertaken by Opportunity Funding Corporation.

Opportunity Funding Corporation is a nonprofit organization funded by the Office of Economic Opportunity. It was formed for the purpose of conducting activities designed to demonstrate and test the effectiveness of various incentive techniques in attracting private resources to areas characterized by low incomes and unemployment. OFC constitute an important experimental effort to determine to what extent, and in what ways, the vast resources of the private sector can be brought to bear on the problems of urban and rural poverty and underdevelopment. I believe, therefore, that OFC represents both a purpose and an effort to which all of us in Congress can give our fullest support, for it has become clear that public spending alone, without the commitment and participation of the private sector, cannot solve the massive problems we now face.

The two new programs announced by OFC are a minority bank deposit program, designed to strengthen local financial institutions in poverty impacted areas, and a bonding program to assist construction contractors from such areas. Through these programs banks representative of such minorities will be granted the use of $4 million in deposits, the interest on which will be used to provide management development training for the bank employees, and an additional $1 million will be used to enable contractors from the minorities to bid on and perform construction contracts in poverty impacted communities.

These new initiatives are described in a statement by Dr. David B. Hertz, chairman of the board of governors of Opportunity Funding Corporation. I ask unanimous consent that his statement be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT BY DAVID B. HERTZ

OPPORTUNITY FUNDING CORPORATION, WED., JUNE 2, 1971

First, permit me to thank the members of the press for joining us this morning and point out that we appreciate the opportunity that the Administration, through OEO, has given us to try to assist in demonstrating an approach to poverty and minority economic problems that will be of benefit to the entire U.S.

The programs which OFC is announcing today mark the real beginning of a series of demonstration programs through which we hope to show that, with the use of carefully designed risk-reduction measures, private capital can be made available for vital economic development efforts in the urban and rural poverty areas of our nation. Our objective is to use every possible mechanism to release and channel private capital into areas that have long needed it and can utilize it for growth and ownership and income.

The broadly based Board, with in-depth experience in finance and community economic development, is convinced that only by creating expanded opportunities for ownership and full-scale participation in our economy for millions of poor and disadvantaged Americans traditionally by-passed by the system can those Americans be brought to believe that they have a stake in the system; that the system can work for them. To do this, however, requires that substantial amounts of loan and equity capital must be made available for investment in the economic development of poverty communities.

The experience of the past decade shows clearly that government programs alone cannot meet this need. As has been said by the President's Advisory Council on Minority Business Enterprise, the private sector "must assume the role of joint partner with the government" in this effort. Federal resources, then, can most effectively be used to provide various kinds of financial incentives to motivate the private sector and bring to bear the large amounts of loan and equity capital needed for the creation and growth of large-scale ventures. We must overcome the problems that are created because purely social program oriented officials, concerned with poverty problems in various agencies, have had little experience in broad-scale, private-public financing. For this reason our progress in moving this new creative attempt to release private capital through financial mechanisms has, in part, been impeded up to this point in time.

An important conviction of this Board is that the economic revitalization of our poverty communities depends upon the existence in those communities of viable financial institutions which are responsive to the efforts of the poor to improve their economic conditions. For this reason we are especially pleased to announce this morning the first phase of a multi-phase program to assist poverty area banks.

The first element of this program involves the deposit of $4 million in OFC funds in approximately 30 poverty area banks in various parts of the country. The purpose of these deposits will be to demonstrate that with increased resources these banks can become significant instruments of economic development in their communities. We recognize, however, that merely increasing the deposits of these banks is not enough. Thus, OFC will use interest earned on our deposits to fund management development programs for officers of these banks. These training programs will be especially keyed to sharpening the skills of loan officers and sensitizing them to the special problems of doing business with community groups and others who often are new to business and are inexperienced in preparing financial statements, cash flows and other data generally required by financing sources.

We also recognize that many of these banks need help in strengthening their capital bases and increasing their liquidity. Future OFC bank programs will experiment with a variety of techniques for addressing these problems.

The area of bonding for poverty area construction contractors is one which has received widespread attention over recent years. Yet minority contractors, in particular, continue to experience great difficulties in obtaining bonding, especially for projects of significant size. By joining efforts with the Minority Contractors Assistance Project, Inc. (MCAP) and other such groups, OFC hopes to surround these contractors with an array of supports—including technical assistance, working capital and longer-term loan guarantees—which will enable many of them to undertake and obtain bonding for larger contracts, both as general and sub-contractors.

Both the bonding and banking programs are intended to support the basic OFC objective of demonstrating ways to unlock private sector resources. In the bonding program we believe that OFC's $1 million will open the door to at least $10 million in construction bonds. This, in turn, will create greatly expanded entrepreneurial opportunities as well as expanded employment for residents of poverty communities.

Through the bank deposit program, OFC hopes to give impetus to already existent efforts to expand the deposits of poverty area banks. A major portion of OFC's deposits, for example, will be in minority banks which are participants in the National Bankers Association's $100 Million Deposit Solicitation Program. In carrying out its other guarantee, discounting and incentive programs, OFC will use its own direct deposit program to induce private sector groups with whom OFC will be cooperating to add further to the deposits of the large banks. As an important first step in this direction, the Presbyterian Economic Development Corporation PEDCO) has agreed to maintain substantial deposits in various OFC target banks.

We expect these bank programs to assist the economic development of poverty communities in two ways. First, a condition for deposit of OFC funds in the target banks is that those banks must make a maximum effort to use at least 60% of the monies deposited to assist projects designed to improve the economic conditions of poor people. Secondly, in those areas where OEO-funded community development corporations exist, we will expect that, wherever possible, the banks will assist projects sponsored by those organizations.

In the near future, we will be announcing ather OFC programs including a consumer credit program, a program to provide automatic loan guarantees, a real estate development program and a program to make increased amounts of SBA loan money available for plant and facilities loans in poverty communities. A major objective of each of these programs will be to use OFC funds to catalyze much larger amounts from other private and public sector sources.

It is the hope of this Board that OFC's experimental programs will provide models for legislative and institutional change which will permit the mobilization of at least $500 million of private sector capital for investment in projects to expand opportunities for ownership, income and employment among the poor—for we believe that only a commitment of that magnitude will be sufficient to make a real beginning in the task of restoring hope among the poor and disadvantaged citizens of our country.

ADDRESS BY LEON SULLIVAN

Mr. HUMPHREY. Mr. President, on July 6, 1971, the Reverend Leon H. Sullivan gave an outstanding address, entitled "Steps We Must Take," before the 62d annual convention of the National Association for the Advancement of Colored People, held in Minneapolis, Minn. Dr. Sullivan's remarks were in response to his being awarded the Spingarn Medal, a high honor which he richly merited.

It is impossible to describe adequately the major accomplishments of Leon Sullivan who, as founder and chairman of the board of opportunities industrialization centers, has given thousands upon thousands of people lives of hope and purpose and dignity. From their inception at an abandoned jailhouse in Philadelphia in 1964, OIC's have spread across America, training and placing in jobs over 75,000 men and women, now earning $400 million a year. The OIC goal for the present decade is job training and placement for 1 million people in urban areas and the rural South, adding $20 billion in wages alone to the economy of our Nation.

The OIC's have depended upon private support and close working relationships with business and industry. Federal assistance has been scattered and totally inadequate, and it is my strong hope that this Congress will take decisive action to guarantee Federal funding for opportunities industrialization centers throughout the country. The OIC program is so innovative and important that it must be made a central part of the Federal manpower effort, especially in this critical time of record unemployment.

Dr. Sullivan adopted the slogan, "we help ourselves." And the OIC's have done just that. At a comparatively low cost, they have trained unemployed and underemployed persons in skills that were needed, helping them to strengthen their own opportunities. But most important, the OIC program reaches the whole man, helping him understand all the hard and subtle realities of economic competition and winning, holding, and advancing in a job. The program embraces the entire training process—from going out and finding the man who would be discouraged by the impersonality and form-filling routine of the employment service office, and on through character and aptitude development, to guidance and job followthrough.

The very success of this program, and the limited accomplishments of Federal manpower programs costing much more, demand that Congress wholeheartedly endorse the OIC program and Dr. Sullivan's request for Federal assistance amounting to at least $100 million per year, over four times the present level of Government aid. Helping people to help themselves; focusing Federal help on the generation of job skills in a constantly changing labor market; enabling the expansion of a program that assures the generation of billions of dollars in the national economy and a cost return to the Federal Government many times over in tax revenues—for all these reasons, and more, the OIC's should receive what Dr. Sullivan has termed rightly a "fair share" in Federal manpower dollars.

In his address at the NAACP convention, Dr. Sullivan identified job training oriented to present and future skill demands as one of four next steps to achieving full emancipation, equal opportunity, and first-class citizenship for black people. But he also called for an end to rhetoric and political "gamesmanship" about poverty that strikes black, brown, red, and white without discrimination. And he so rightly stated:

> If America really wants to do something about poverty, it can. . . . If America can put a man on the moon in outer space, then America can help put a man on his feet in Mississippi.

Dr. Sullivan also called for an extensive self-help program of economic development, where black people can become producers, rather than be limited to the role of consumer. He proposed the development of new methods for capitalization and management training which deserve careful consideration: cooperative savings and investment groups, and self-help community and entrepreneurial training centers. In this connection he discussed the "10–36" plan started by members of his church in Philadelphia, where 6,000 investors now put in $10 a month for 36 months to construct housing developments and a shopping center, help black businessmen, and start factories and an inner city food store chain, among other enterprises.

And I hope American corporations will give close attention to Dr. Sullivan's appeal that they provide technical resources, subcontracts, and support to minority owned and managed business to meet this great need for economic development. The concentration of economic power in America ought to be of serious concern to all American business and industry, as it is for those who have for too long been denied the opportunity to participate in our free enterprise system.

Perhaps Leon Sullivan's most moving appeal in this remarkable address was for "humanity, brotherhood, group respect, and togetherness among our own people." For people struggling to achieve equal opportunity and self-dignity, that is a lesson in basic wisdom. There can be no place for divisiveness that undermines efforts to achieve constructive development and hope. But it ought also to be a lesson for all Americans. We must come together, now, to focus all our efforts and resources on meeting the critical needs of our people, developing a nation of promise and opportunity and decency, and demanding an end to war and the further escalation of the nuclear arms race.

Mr. President, I ask unanimous consent that the text of the address by the Reverend Leon H. Sullivan before the 62d annual NAACP convention, be printed at this point in the Record.

There being no objection, the address was ordered to be printed in the Record, as follows:

Steps We Must Take

First, let me thank you for this Award. I am aware this is among the highest honors a Black man can receive. I want to thank you for considering me and for this presentation.

One hundred years ago the Black man began the journey towards full emancipation in America. The journey has been long and hard. A full century has gone by, and three generations have passed off the scene since the journey began, but we still have not reached our goal. The attainment of full emancipation, equal opportunity and first class citizenship is still a distance away.

To be sure, giant strides have been made. Never in the history of the world have a people, starting with so little, gone so far. The road has been rocky and rigorous. As James Weldon Johnson put it in that stirring anthem: Lift Every Voice and Sing.

"We have come over a way that with tears
has been watered,
We have come treading our path thro' the
blood of the slaughtered."

Somehow, though, in spite of it all, with God's help, we have survived. We have endured. We have come this far.

Now, the question is: Where do we go from here? What steps must we take now, at this time, in this journey that continues on? What steps taken now, today, can more appropriately, wisely, and solidly help us on our way?

This evening, on this high occasion for me, I should like to discuss some "Steps We Must Take" that I believe will get us closer to our goal. These may not be giant steps, but I think they are steps headed in the right direction.

First, the Black man must take a step in the direction of training and skill preparation. Even to this day, no less than 90% of the work being performed by the African American is in the non-skilled scope of employment. This would not have been so disturbing to me 30 years ago, when the majority of the work being done in America fell in non-skilled classifications. But it is disturbing to me, now, because I know that by the year 2000, just 29 years hence, one-half of all the non-skilled jobs being performed today, will not even exist. New jobs, requiring some minimal technical ability and skill, will have taken their places. This means if the Black man does not, on a massive scale, begin to develop skills that will qualify him for the new kind of jobs that are sure to come along in the years that lie ahead, that more and more of our families will have to depend upon doles and relief for our survival.

I am not against assistance to a family that needs the help. In fact, I support the efforts of welfare organizations that are striving to secure sufficient income for families that are struggling to survive. So many of our families fall in that number. But I know, too, that the Black man must never permit himself to get into the position of having to depend upon the government or anyone else to sustain and support him all his years. As long as the government supports a man, the government will be able to control a man, and even destroy a man. The ultimate freedom of the Black man in America depends upon his ability to develop self-dignity, self-pride and self-dependency. As long as our people have to crawl and beg for a few crumbs from the table, so long will our people be pushed around, and kicked around, and treated like second-class citizens. I don't want to see this happen to a Black man; I don't want to see this happen to a Chicano; I don't want to see this happen to a Puerto Rican. I want to see Black men and women stand proud, self-sufficient and free. I want to see a Black man be able to make his own way and stand on his own feet.

It was for this reason that 7 years ago, the first OIC, Opportunities Industralization Center was begun. We wanted to reach our Brothers and Sisters and help them in programs of training and preparation, that they might be motivated to self-improvement. Our slogan became: "We Help Ourselves."

The OIC recruited, and took in men and women from every stratum of life. The average age of an OIC trainee was 27, and the average grade attainment was the 10th grade. One-third of those who came to us were on relief, and 80% of those who came had incomes beneath the poverty line. Most of the men were hostile towards society and most all of the men and women who came were hopeless. OIC began to turn that hopelessness into Hope. OIC began to teach that genius was color blind; and OIC began to teach that it was not important where a man came from, but where he was going that counted; OIC taught that a man is like a balloon, it is not his color that makes him rise, but what he has inside of him.

Beginning thus, in an old abandoned jail house, OIC began to train by the hundreds, and then by the thousands, men and women into useful skills, making salaries that most never dreamed of making in their lives. In Philadelphia, OIC trained 10,000 men and women into useful skills for jobs and added more than $100 million to the economy of the City of Philadelphia.

From Philadelphia, OIC spread to 10 cities, and then to 20 cities and now OICs are established in 100 cities across America, including Minneapolis and St. Paul. And now, also, OICs are in Nigeria and Ghana, and developing in Kenya, Ethiopia and the Dominican Republic and British Honduras. Indeed, there are inquiries for the establishment of OICs throughout the Black world, as well as throughout South America and Asia.

All together, OICs have trained and placed in jobs these past few years, around America, 75,000 men and women, now earning $400 million dollars a year. It is the goal of OIC in the decade of the seventies, to train and place in jobs, one million men and women out of the concentrated communities of America, and out of the rural south. If we reach our goal, OIC will add 20 billion dollars in wages to the economy of the country, and considering the economic multiplier of money generated as the result of dollars earned, the sum total of money that will be added to the gross national product of the country, will exceed $100 billion. And most important of all, this money will be turned over and over again where it is needed most; among Black and Brown and Red men, and Orientals in the concentrated communities of America and in the rural Southland. This kind of money could begin to help stand our communities on their feet.

Significantly, too, OICs are administered, supervised and led for the most part by Blacks at every level of the organization. Perhaps, more Black men and women are serving as administrators and executives and supervisors of large scale manpower programs, than ever before in the history of the world. Too, in many respects, OIC is an on-job training program for Black management and executive workers. Already, many are finding new employment opportunities in government, private enterprise, and other areas of professional employment.

I do not look upon OIC as any cure-all, but I do see it as a "step" in the direction I think the race has to go. We must continue to fight for integration, as I have fought for integration. It was I who created and initiated and led great boycotts in the early sixties, that opened jobs to Blacks in Philadelphia and other parts of America. I shall continue to fight for integration in employment opportunities as long as I live, because I know as long as the White man can keep us back in job opportunities, that the Black man will always be kept down. But I know too that, "Integration without preparation is frustration;" and that to the same extent that I must fight for job opportunities for my people, I must also work to train my people to go through those doors when they are opened. "We've gotten the man on the bus. Now we want to be sure he can do something when he gets off."

Some may say: "Leave it to the Government." Well . . . the Government is not going to take the initiative to train Black men to do the kinds of jobs I am talking about. The Government will do no more than it has to do in this matter. They seem to have some idea in Washington that training for Black men and women means training for "stop-gap", "dead-end", "going no place in a hurry" jobs; or emergency jobs of some kind that will keep the summer cool. Therefore, much that will have to be done in the field of training and re-training, for the kinds of jobs we "want" and "need", must be done out of our own efforts and persuasions. Either we will do it ourselves, with the cooperation of private industry, and persuade the government to provide maximum resources to help us help ourselves, or our people will not get the help that they need in job training opportunities.

We have in the past, and we shall continue to appeal to the Congress of the United States, and to the President of the United States, for more funds to support the OIC work. All OIC programs are initiated out of the pockets and the efforts of Black and Brown men and women, or other minority citizens, who believe in the philosophy of OIC, and in what we are trying to do. We also secure significant support and help from the industrial community of the nation. And although the government helps us some, OIC receives only a pittance compared with the large sums of money spent on Manpower programs in the nation, most of which have fallen on their faces. We contend that OIC should get a "fair share" of all Manpower dollars being spent in the nation, particularly since so much of it is supposed to be going to help the Brothers. If the government can pour billions into Manpower programs that don't work, we say it is time now for the government to put some of this money into something like OIC that does work. Therefore, the OICs of America are appealing to the President and to the Congress to help OIC. We have 25 million dollars to work with now and we thank the Department of Labor for that kind of help, because at least it is something, but we need at least 100 million dollars a year to begin to do the job that we can do to help our people. This will help OIC to train and place 100 thousand men and women a year, in jobs and therefore reach our goal of one million men and women trained and re-trained into useful, good paying jobs in the decade of the Seventies, and we believe OIC can get $100 million.

But, we are not concerned just with OIC, we are disturbed generally about the inaction of the government relative to the needs of the nation's poor. There are 30 million poor: Black, Brown, Red and White in this country, but the Federal Government, meaning the President and the Congress, have been playing political "tiddly-winks" with the needs of the poverty stricken. The policy of both the President and the Congress seems to be: Like "tiddly-winks." Don't disturb them, "Take a few off the top, but don't upset those on the bottom." The only thing that has come out of this government these last 3 years on measures affecting the poor has been "Hot Air" and "Vetoes"! Speeches in Washington get longer and longer; and the poor get poorer and poorer. It is time now for the President and the Congress to stop playing petty politics with the poor. And I am talking about Republicans and Democrats both, because neither are doing much for Black people, or we would not be in the mess we are in all over the country today. They are playing games with us in the national government and in the cities and its time to end this game playing.

It is time that America should take the billions of dollars being spent meaninglessly in Vietnam, and some of the billions of dollars being spent in space, and put that money to work eliminating poverty from among the poor people of this nation. If America really wants to do something about poverty, it can. We can do what we want to do! All we need to do is do it!

"If America can put a man on the moon in outer space, then America can help put a man on his feet in Mississippi."

So, we want some meaningful legislation out of Washington to help people with jobs, and training, and hope. And we can't wait for 1972 for something to happen. We might all be wiped out by 1972. We need the President and the Congress to get together to provide some meaningful help now, in 1971. We want funds to help us develop OICs in 100 cities, and in the Rural South and on Reservations. We want to help Blacks and Chicanos and Puerto Ricans and Appalachian Whites and Red Men who want a decent job. It is time a program to help the poor; founded, developed and run by Black people got a part of the action.

The second step the Black man must take, is in economic development. Now I do mean Black Capitalism. I do not know why, when or where that term was ever started, or by whom. Because there is no such thing as Black Capitalism. Capital is not Black—it is green. What Black people want is: some green money, in order that we might be able to buy what we want to buy, live where we want to live, and do what we want to do. It is not Black Capitalism the Black man wants, but some Green Capitalism. "We just want some money!" Don't we?

In this respect, there is a need, therefore, for Black men to develop enterprises so that we might become producers, rather than just consumers. We have a long way to go in this respect. We have so little. If we were to take all the businesses owned by all the Black people in America, and put them together, the sum total would not be worth the value of one building on Fifth Avenue: The Empire State Building.

We must, therefore, take a step in the direction of economic development so that we might become economically emancipated in the market places of the nation and the world.

Now . . . the world of economics is a hard world. It is a cold world. It is a concise world. It deals with balance sheets, profit and loss statements, and hard management practices. The three main factors in this kind of world are: Cost, Quality and Time. We cannot deal in this kind of world as we have dealt with other matters. In this world of economics, either "you make it" or "you lose it." In the next 30 years it will be necessary for us to develop at least 50,000 new businesses, operated by Blacks, but selling to everybody, in order for us to just get a foot in the door.

Several weeks ago, I looked at the listing of Fortune's top 1,000 industrial enterprises in America, and in going through all 1,000 there was not a single Black-owned enterprise on the list, not even 999th. Something can, and must be done about it.

To move in this direction, new methods will have to be devised for capitalization and management training; including cooperative savings, and investment groups, and self-help community and entrepreneurial training centers. We must collectively utilize our resources that we might be able to compete with individual wealth. That is to say, that we must cooperativize to industrialize. Our economic future must be built on the collective unity and the collective savings and investments of our people. We may not have a Rockefeller in the Race, but 5,000 of us together can make one; and 100,000 of us can make a Ford Foundation. In many ways I am a Black American Patriot. I believe in America. For those who say "If you don't like America why don't you leave," I say "When the last Indian leaves, I will be right behind him." I just want to see America and Free Enterprise work for Black people like it works for White people. If America is to be America, then let it be America for everyone. The 10–36 plan is one example of the kind of thing that can be done.

The 10–36 Plan in Philadelphia was initiated by 200 members of my church a few years ago, and has since grown to 6,000 investors who invest $10 a month for 36 months, demonstrating what can be done when people collectively share and invest their resources for mutual goals. This 10–36 group has built housing developments, constructed a shopping center, initiated factories, developed an inner city food store chain, secured office buildings, started entrepreneurial training center programs, and created a lending enterprise for aspiring Black businessmen. I long to see this kind of example duplicated in other communities wherever our people live. It works; and it can be done anywhere.

A Black couple went to rent an apartment and were told they couldn't live there because of other color. They came to us and we went back and bought the apartment building.

And every industry and every company of the first 1,000 in America should assist in the development of Black owned businesses, as cooperating companies; much as the General Electric Company provided technical resources, subcontracts and support to a totally minority owned and managed, successful multimillion dollar enterprise in Philadelphia, called Progress Aerospace Enterprises. Similarly, every large industry and company in the nation could provide that same technical resource, sub-contracts and management support to developing Black owned enterprises. And the larger the company the more it should do.

Economic emancipation is the top priority of the race; in job preparation and in the creation of productive enterprises. Not until the race begins to produce will the world stop seeing us as beggars.

The third step we must take is in the area of group respect and togetherness: It is imperative that we establish a new standard of humanity, brotherhood, group respect and togetherness among our own people.

Today, more and more, we are turned against ourselves. Black men are turned against Black men. We fight each other. We curse each other. We kill each other. This condition is seen throughout the Black community. During the same time span of the present war, Black men have killed more Black men in arguments with each other, *here in America,* than all the Black men that have been killed by the Viet Cong during the entire Vietnam War. We have let our conditions make us turn against ourselves. Somehow, this must be stopped, or our divisions and self-conflict will halt our progress.

There is nothing the enemy of Black progress wants more than to see us divided and fighting among ourselves. We need a national crusade for group respect and togetherness in the race. This kind of group respect and togetherness is needed among individuals, and our organizations as well. We spend so much time in our organizations, vying with each other, that we don't have time left to fight the enemy. We are all in the struggle together. We rise together, or we fall together.

Make no mistake about it; we need each other, and we had better start working together, as individuals, and as organizations, or our cause will be lost.

Rivers flow from many sources to arrive at the same goal. So with the race. Some of us are conservative, some of us are militant, some of us are quiet, some of us are loud, some of us wear dashikis, and some of us wear sport jackets, but we must let the world know that whatever we wear or however we look we all intend to arrive at the same goal; *and that goal is freedom for our people!* We must not let the White man divide us any longer; and we must not divide ourselves. The emphasis of the future must be: Together! Together! Together!

Like Fingers on a Hand: Strike a man with fingers divided and you hurt the Hand—Strike a man with fingers united and you hurt the Man.

So . . . strike discrimination with the race divided and no good will be done—but strike discrimination with the race united and *Victories* will be won.

Whether we be Conservative, Moderate or Militant: Whether we be NAACP, Urban League, Southern Christian Leadership Conference, the Muslims, the Panthers, or OIC, or whatever we may be, we must let the Nation know that we are in this struggle Together . . . Together . . . Together!

If anyone wants to know who the leader in America is in Civil Rights—"The National Association for the Advancement of Colored People" is the leader. If anyone wants to know who is the main speaker for Black people, tell them to call Roy Wilkins. (applause) And the NAACP will stay the leader until Freedom comes!

We must all help to make the NAACP stronger, stronger and stronger—for the strength of the NAACP in America is the strength of the Black man in America.

The OIC Board has passed a resolution to buy a life membership in the NAACP. And another resolution was passed calling upon every OIC in the country to support the NAACP. That's really going to be something when OIC and the NAACP start rolling together!

Then there is the fourth step that we must take; of Black International awareness. For wherever Black men are in the world, our fates are tied together. *Black men will not be free anywhere until Black men are free everywhere!* Therefore, we must be concerned with the suffering of our Brothers and our Sisters wherever they may be: in Angola and in Rhodesia and in the Union of South Africa, where the most ruthless system of discrimination practices in the world today are perpetrated against the Black man. My friends, *Apartheid must come to an end!* There are those who say to me, "Be silent on this matter," but that has been the trouble already. We have been silent too long. I shall not be silent. I shall not be silent until Apartheid comes to an end in the Union of South Africa. And we must do whatever is necessary to see that it comes to an end. If it means a United States economic embargo against the Union of South Africa, then we must fight for that; if it means the removal of American based plants and industry out of the Union of South Africa, then we must fight for that. Whatever is necessary to be done to help our Black brothers in the Union of South Africa and to rid the world of Apartheid must be done. For I repeat, *Black men will not be free anywhere until they are free everywhere.* And it is not necessary for the plants to be moved if some fundamental thing are done.

To resolve the situation in the Union of South Africa, let the Black man be recognized as a full human being and not a subspecie to the White man, with full citizenship rights in his own country and with the right to vote, and the freedom to go and live where he pleases without discrimination. And let the Black man have the right to equal wages for the same job done as received by the White man. Though I be a voice in the wilderness, I shall not be silent until progress is made in this direction. We must be . . . Together . . . Together . . . Together!

I know there are other steps that must be taken that you, the NAACP, do better than anyone else I know: Political education, integrated housing, improvement of public education, and more.

I have given you these steps: Training, Economic Development, Togetherness and a concern for our Brothers across the seas. They may not be giant steps, but they are steps in the right direction. And, I believe, if we take these steps, the day will come when we shall, with the help of God, reach our goal of full emancipation and equal opportunity, and freedom for the Black man in America, and around the world.

Let us move on Together . . . Together . . . Together!

Thank you for this great honor. I hope in the years ahead it can be proved that I merited it.

Incidentally, domestically, General Motors is doing a *little* better these days. Right on!

OPPOSITION TO SUSPENSION OF CERTAIN AIRLINE SERVICES TO WILMINGTON, DEL.

Mr. ROTH. Mr. President, I wish to address myself today to a matter of grave concern to the citizens of Delaware, especially to those living in the Wilmington area. The Civil Aeronautics Board is currently reviewing the petitions for reconsideration filed by Eastern Air Lines, and Allegheny Airlines, Inc., for suspension of service at Wilmington, Del. The CAB denied an earlier application by Allegheny and Eastern for authority to temporarily suspend service at Wilmington with its order 70–9–104, dated September 21, 1970.

A brief look at the history of this controversy indicates that the Civil Aeronautics Board has acted in the public interest by denying the airlines' request to suspend service to Wilmington.

In 1947, American and TWA were certified to service Wilmington and were followed by Eastern and Allegheny in 1948.

TWA and American were authorized by the Civil Aeronautics Board to suspend service in 1953 and 1959 respectively.

In addition, Allegheny's east-west service was eliminated as a result of litigation between 1962 and 1967.

In 1965, the CAB denied Eastern Air Lines' request to terminate its service at Wilmington.

Moreover, in 1967, the CAB found that Allegheny's north-south service to Wilmington, in partial competition with Eastern, should be renewed on a permanent basis.

More recently, representatives of the Wilmington, Del., communities have been resisting efforts of Eastern and Allegheny since March 1970, to eliminate their service at Wilmington.

Finally, just last week, Eastern discontinued its flight 195, which departed at 8 a.m. for Washington and Miami, and its flight 566, which arrived at 9:55 p.m. from Dallas, Atlanta, Greenville/Spartanburg, and Washington. This last development is truly shocking when we consider that 19 of Eastern's stations, or one-quarter of Eastern's total of 76 stations, generate the same or less traffic per flight than the Wilmington flights which Eastern canceled on July 1, 1971. Altair Airlines, a small passenger air company, based in Philadelphia, has scheduled flights to provide some of the lost service for Wilmington. However, this service with small passenger aircraft cannot be considered the substitute for services of a major carrier, such as Eastern.

The Greater Wilmington Airport is the closest trunkline carrier for a 10-county area of almost a million people. Moreover, of the 512 points in the United States that receive certificated air service, Wilmington generates more traffic for Eastern and Allegheny than 244 such points, or 48 percent of the total certificated points in the country. In addition, Greater Wilmington Airport is the only airport in Delaware served by a major carrier on a scheduled basis. It also serves as a reliever airport to the already overcrowded Philadelphia Airport.

Finally, Wilmington Airport is a vital part of this major industrial area and facilitates the transportation of passengers, cargo, and mail to the region.

Recently, on July 8, the Civil Aeronautics Board initiated informal discussions with airlines certified for service into Greater Wilmington Airport and those not currently serving the Philadelphia area for substituted service into Wilmington. These discussions by the Board are in the interest of the people of Wilmington and its surrounding area and I am hopeful of positive results. However, if there is failure to find an airline willing to service Greater Wilmington with equal or improved service than is currently being provided by Eastern and Allegheny airlines, I call upon the Civil Aeronautics Board to deny the latter's request for reconsideration in this matter.

RECOGNITION FOR MR. ANELLO

Mr. PROXMIRE. Mr. President, the National Association of Counties has designated Milwaukee County for its

"New County Achievement Award" because of the county's cultural affairs program.

The man largely responsible for Milwaukee County's achievement is John-David Anello, director of cultural activities for the county.

One of the highlights of the county's program is a series of musical programs, which have been presented free of charge for the last several years.

Milwaukee County has one of the finest park systems in the country. Its Music Under the Stars series is just one indication of its efforts to be beyond merely providing green space and a respite from daily routine for more than a million people in the metropolitan area.

I believe Mr. Anello is completely deserving of the recognition he and Milwaukee County are receiving from the National Association of Counties.

U.S. MILITARY STRENGTH

Mr. ALLOTT. Mr. President, yesterday the distinguished junior Senator from New York delivered a very important address to the National Press Club.

The title of his address asks this question: "The Erosion of U.S. Military Strength: Can There Be Peace Without Power?" Senator BUCKLEY answers the question in this way:

> Military forces are not a luxury but a necessity. So long as we live in a world in which some nations feel a compulsion to dominate others, we have no choice but to maintain those levels of defense which are essential to our survival. Great nations are not allowed the luxury of retiring from the world. For such nations, there can be no peace unless they have the power and the will to defend it.

Mr. President, the distinguished junior Senator from New York has undertaken a thorough survey of the U.S. military position. He reports:

> It has therefore been with deep concern that I have found my investigation confirming those recently published stories which conclude that we will soon find ourselves in a position where our deterrent capacity will no longer be sufficiently plausible to cause the Soviet Union to back away from future confrontations involving interests vital to the West. What this means quite simply, is that we are rapidly approaching a point where no American President will be able to emerge from a political confrontation with the Soviet Union with our foreign policy objectives intact, whether that confrontation takes place in the Middle East or Western Europe or even in the Caribbean.
>
> Since 1965, the Soviet Union has launched and sustained a truly extraordinary drive to increase and modernize every sector of her strategic and conventional forces. As a result, the Soviet Union now has a payload capacity in her intercontinental and submarine-launched ballistic missiles which is capable of delivering eight times as many nuclear warheads as the United States. This buildup so far exceeds any plausible requirements for a policy of deterrence that we can only conclude that the Soviet Union has developed this extraordinary capacity for use in support of her own diplomacy, a diplomacy whose historic goals have always been aggressive.

Senator BUCKLEY's remarks regarding the SALT talks are very wise:

> I submit that if we are to provide adequately for our own defense, and if we wish at the same time to create the conditions best calculated to assure ultimate success in the SALT negotiations, then we must move on an urgent basis to restore the balance of forces which existed at the outset of the SALT talks, to restore the minimum requirements for effective deterrence. We must accelerate existing programs for the deployment of advanced strategic offensive weapons, namely the Air Force B-1A Bomber and the Navy's undersea long-range missile systems; and at the same time, we must broaden the scope of our research and development of new and more exotic weapons. We simply cannot afford any longer to ignore the fact that the Soviet Union is currently spending $3 billion per year more than we are on military and space R&D, and that she is expanding these expenditures at the rate of 13 percent per annum while ours have been declining. For us to continue to fall behind in this critical area is to invite a technological Pearl Harbor. And further, we must devote a significant portion of this research to developing ways of reducing United States vulnerability to strategic attack.

Mr. President, Senator BUCKLEY also calls attention to the ominous situation in the Middle East:

> The Soviet Union, for example, has recently introduced the MIG-23 Foxbat into Egypt's already formidable arsenal.
>
> This is an aircraft which can outshoot and outmaneuver anything the Israelis have, and we can do nothing about it because we simply have nothing in our existing military inventory which can challenge the Foxbat. And this of course applies to the primary aircraft utilized by the sixth fleet to its own defense and for support of ground operations.
>
> I speak of the F-4 Phanton which until recently the Israelis had also counted upon to maintain their air superiority. Yet it is typical of the blinders worn by so many in and out of the Congress today that there are active attempts to scuttle the F-14 Tomcat which is the only aircraft competitive with the Foxbat which we are in a position to deliver to the Navy at a reasonably early date.
>
> But this isn't the only problem now facing the sixth fleet. The growing obsolescence of its Combat Vessels, the abandonment of Nato, bases along North Africa, the rapid expansion of modern Soviet Naval Forces in the Mediterranean, and the deployment of Soviet fighter, bomber and reconnaissance squadrons at air bases in Egypt, Libya and Algeria are reducing to the vanishing point the effectiveness of the Sixth Fleet as an instrument of American Policy.
>
> Because the simple, quite inescapable fact is that unless action is taken to modernize and reinforce the Sixth Fleet; and unless we are able to develop and deliver to Israeli weapons which can challenge those which the Soviets can provide to the Arab States, we will find our Mideast options foreclosed. If our compulsive antimilitarism is not soon brought to heel, we will find that American Foreign Policy objectives will have become irrelevant because we will be without the means of implementing them. It will be irrelevant that the United States is committed to the survival of the State of Israel, or that the United States opposes a Russian hegemony in the Middle East, because in a showdown the United States will have no choice but to back down.

Mr. President, I commend the distinguished junior Senator from New York for his able analysis of the most grave problem confronting this Nation; namely, the shifting balance of military power. So that all Senators can examine this analysis, I ask unanimous consent for it to be printed in the RECORD.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

THE EROSION OF U.S. MILITARY STRENGTH: CAN THERE BE PEACE WITHOUT POWER?

(By Senator JAMES L. BUCKLEY)

I would like to talk about the urgent need to *re-reorder* our priorities.

In simpler times, when it was somehow easier to maintain touch with reality than it is today, it was understood that the first priority of any society was to provide for its own survival. This fundamental principle ought to be as self-evident today as it ever has been in the past. Yet for some time now we have been on an anti-military binge which has forced drastic cutbacks in large categories of defense spending which are essential to our security. As a result we are not only falling critically behind in the necessary business of military research and development, but we have allowed our existing forces to deteriorate to a point where the ability of the President of the United States to assure the defense of vital national interests may be in jeopardy.

Because of the attrition caused by inflation, these cutbacks have been far more severe than would appear on the basis of dollar figures alone. We have not simply cut the fat out of military budgets, we have been hacking away at the sinews and muscles as well. By way of illustration, because of inflation and because payroll costs have risen from 40 per cent of the defense budget for fiscal 1964 to 60 percent of the defense budget submitted for fiscal 1972, in the coming year we will be purchasing 40 percent less in military research and hardware than we did eight years ago before we became actively involved in the Vietnam war. These same figures have forced us, over the same eight-year period, to reduce the number of our Navy carrier wings from 24 to 15, the number of our tactical Air Force squadrons from 119 to 105, and to reduce by almost 30 percent the number of our active naval vessels, from 932 vessels to 658.

I take no pelasure in reciting these figures. I have never had a consuming interest in military affairs, but because of the responsibilities of my office and because of the growing evidence of America's rapidly deteriorating defenses, I have found it necessary to seek out the facts. And the facts that I have been able to determine and their implications are so very serious that I feel I must do what I can to contribute to a better public understanding of what is at stake. We simply cannot any longer afford the blind attacks on just about every program for military research or military procurement which continue to be made in the name of an overriding need to reorder our priorities. Because in the words of Hanson W. Baldwin, "For the United States . . . the eleventh hour is here."

Now admittedly, there is no inherent virtue in maintaining extensive and costly military forces or in developing increasingly sophisticated weapons. No nation with peaceful intentions requires or can justify a defense establishment which is larger than that which is necessary to meet the needs of her own security. But the adequacy or inadequacy of a nation's defenses is not determined by considerations of domestic priorities, but by the power relationships within which it must operate. And we must keep in mind that in the real world, no country can conduct an effective foreign policy without a military capability which is appropriate to its responsibilities.

In our case, our responsibilities since World War II have necessarily been international in scope as they have concerned themselves primarily with the need to contain the aggressive outward thrust of the Communist powers. These are responsibilities which we did not seek, but which we cannot escape as the only free world power capable of facing up to the Russian challenge. In the past we have succeeded time and again—witness, for example, the Berlin and Cuban crises—in causing the Soviets to back away from confrontations which might have ignited a Third World War precisely because we had the military power to back the positions we had to take. The Soviets simply could not risk a test of strength. Our military might, in other words, has been the critical factor in our ability to maintain the tenuous peace which by and large has existed since the end of the Second World War.

While the effectiveness of our foreign policy has ultimately rested on our power to unleash nuclear devastation on any enemy, it has long been an accepted fact at home and abroad that it is unthinkable that the United States should ever initiate an atomic strike. Therefore, the whole fabric of our defense policy has depended on our having sufficient strategic weapons survive any attack launched by an enemy to assure us the ability to deliver a retaliatory strike which would inflict unacceptable losses. This is what our policy of nuclear deterrence has been all about. This is what has been called the balance of terror.

It has therefore been with deep concern that I have found my investigation confirming those recently published stories which conclude that we will soon find ourselves in a position where our deterrent capacity will no longer be sufficiently plausible to cause the Soviet Union to back away from future confrontations involving interests vital to the West. What this means, quite simply, is that we are rapidly approaching a point where no American President will be able to emerge from a political confrontation with the Soviet Union with our foreign policy objectives intact, whether that confrontation takes place in the Middle East or Western Europe or even in the Caribbean.

Since 1965, the Soviet Union has launched and sustained a truly extraordinary drive to increase and modernize every sector of her strategic and conventional forces. As a result, the Soviet Union now has a payload capacity in her intercontinental and submarine-launched ballistic missiles which is capable of delivering eight times as many nuclear warheads as the United States. This buildup so far exceeds any plausible requirement for a policy of deterrence that we can only conclude that the Soviet Union has developed this extraordinary capacity for use in support of her own diplomacy, a diplomacy whose historic goals have always been aggressive.

The conventional wisdom states that any development of nuclear warheads beyond a certain point, whether by the United States or the Soviet Union, is simply superfluous—the disparity in warheads representing merely an "overkill" capacity. I suggest, however, that there is no evidence whatever that the Russians buy this analysis.

For an insight into what may be the Russian view, let us consider what might plausibly be the result of a hypothetical "first strike" attack by the Soviets on our strategic forces. If we assume that Russia's production line technology is equal to our own—and we must—then the existing three hundred Soviet SS–9's could each be equipped with between three and six independently targeted warheads, having a yield of from two to five megatons each. This would give their SS–9's the present capacity to deliver between 900 and 1800 warheads, each capable of attacking and destroying one of our Minutemen ICBM's. If we assume further that the Russians employ guidance systems equivalent to those available to us for our Minutemen III and Poseidon missiles, then a "first strike" attack by their SS–9's could destroy on the ground or in port about 90 per cent of our land based ICBM's, 50 per cent of our aging B–52 bombers, and one-third of our Polaris submarines before we could even consider a retaliatory strike. And this destruction of our deterrent force could be significantly increased by advances in guidance technology which our own research has already shown to be feasible.

Assuming such an attack, the Soviets would have left over sufficient forces-in-being to pose a continuing threat to our remaining strategic forces and to our cities. This remaining capacity would include over 900 SS–11's, over 400 submarine launched ballistic missiles, and nearly 200 bombers. We would, as of the present, still have the suicidal capacity to inflict devastation on those Russian cities not protected by ABM systems, but this remaining deterrence could soon be taken from us by an expansion of Russia's ABM defenses.

There are many, of course, who are pinning their hopes on the strategic arms limitation treaty negotiations which are now taking place between the United States and the Soviet Union. In a sensible, rational, truly peace-seeking world, we could have high hopes for the success of these discussions, and the optimist in me believes that such success may in fact be possible, but only if the Soviets are satisfied that we will not deal away our strength in exchange for unenforceable promises. One thing which ought to be clear is that we cannot hope for success if we hide from the cold realities of life, if we let ourselves be carried away by euphoria at every small concession. Let us keep in mind that the SALT talks are now in their second year, and that we have experienced powerful pressures here at home to defer any buildup of our forces or of our purely defensive systems pending the outcome of these talks. Yet since the SALT negotiations began in early 1969, the Soviets have deployed 700 additional ICBM's, thus doubling the number which were deployed in late 1968.

In my judgment, we can no longer afford to defer further development of our strategic offensive and defensive capabilities in the hope that successful negotiations will have made the expenditures unnecessary. And we must take particular care that any agreement reached with the Russians will not have the effect of freezing them in a position of decisive superiority. We must also keep in mind that unless we are prepared to place the future of the free world at the mercy of Russian bona fides, we will have to insist on inspection procedures more rigorous than any previously suggested. We will need, quite literally, the right to inspect her anti-aircraft weapons, missile by missile and radar site by radar site to make sure that weapons now deployed are not converted into effective anti-ballistic missiles which would destroy our remaining deterrent power in a manner which cannot possibly be monitored by satellite surveillance.

In expressing these doubts about our ability to achieve in the near-term the overall objectives of the SALT negotiations, I do not want to suggest that I consider them to be futile. All that I ask is that we understand what we are about, and that we seek to maintain a strategic capability which will not leave us defenseless should negotiations fail. And in the meantime, if the talks continue as I hope they will, any number of understandings, formal and informal, could be worked out to our mutual advantage to reduce the likelihood of the outbreak of war, or should it occur, to mitigate its consequences.

I submit that if we are to provide adequately for our own defense, and if we wish at the same time to create the conditions best calculated to assure ultimate success in the SALT negotiations, then we must move on an urgent basis to restore the balance of forces which existed at the outset of the SALT talks, to restore the minimum requirements for effective deterrence. We must accelerate existing programs for the deployment of advanced strategic offensive weapons, namely the Air Force B–1A bomber and the Navy's undersea long-range missile systems; and at the same time, we must broaden the scope of our research and development of new and more exotic weapons. We simply cannot afford any longer to ignore the fact that the Soviet Union is currently spending $3 billion per year more than we are on military and space R&D, and that she is expanding these expenditures at the rate of 13 per cent per annum while ours have been declining. For us to continue to fall behind in this critical area is to invite a technological Pearl Harbor.

And further, we must devote a significant portion of this research to developing ways of reducing United States vulnerability to strategic attack. Specifically, we must capitalize on the promising advances which have been made in the once maligned Safeguard program, advances which indicate that major gains in effectiveness can be achieved within the next several years.

This, of course, suggests the need for a major shift in the U.S. strategic philosophy which dominated our planning during the Kennedy and Johnson administrations, and which still limits the options available to the Nixon administration. I speak of the theory known as "assured destruction." This doctrine, in brief, holds that our security is best maintained if we make certain that sufficient Russian and American missiles will survive any first attack to guarantee mutual suicide. This requires that each side maintain the vulnerability of its respective populations to nuclear annihilation. Thus, as a result of this involuted reasoning, it became the official policy of McNamara's defense department to make certain that our citizens were exposed to maximum danger. Our failure to deploy defensive ballistic missiles around our major centers of population has resulted in the grotesque implication that U.S. policy prefers dead Russians to live Americans.

Now the trouble with this doctrine is that the Russians have evidently refused to play the game in accordance with the McNamara rules. Since 1964, they have been deploying ballistic missile defenses around their major population center, Moscow; and this system, which is constantly being improved, now offers some measure of protection for 15 per cent of the Soviet population. And as I mentioned earlier, the Russians have expanded their offensive capabilities far beyond the limits required by a philosophy of "assured destruction." Under the circumstances, I cannot see how we can afford to delay any longer those measures within our capabilities which will assure some measure of protection to our major population centers; and I cannot view with equanimity any agreements which might be arrived at in the SALT discussions which would have the effect of preventing us from developing such defenses while preserving for the Soviet Union her current offensive advantage.

Our strategic posture, of course, is only part of the story. Under any philosophy of strategic defense, the objective has been to assure a balance of forces which will preclude a resort to nuclear warfare. But while the maintenance of such a balance might avert the horror of an atomic holocaust, it does nothing to eliminate recourse to more conventional forms of warfare; and to the extent that nuclear warfare becomes unthinkable, to that extent must we make certain that we maintain the conventional strength essential to our needs. But here again, while we have allowed our position to deteriorate, the Soviets have been overtaking us with astonishing determination and speed, with consequences which are far from academic.

Let me illustrate the significance of these developments by focusing on one area in which it is generally conceded that the West has strategic interests of critical importance. I speak of the Middle East.

Because of the extreme danger to the interests and security of the West which is posed by Soviet expansionism in the Middle East, and because Israel sits athwart Soviet ambitions, we have had a special interest in Israel's continuing independence. American policy, therefore, has sought to assure Israel of the weapons required for her defense against her Arab neighbors, while at the same time we have sought to dissuade the Russians from the kind of adventurism which might escalate Arab-Israeli hostilities into an American-Soviet confrontation. To the latter end, we have relied on the United States Sixth Fleet to provide the credible threat required to deter the Soviets from any temptation to intervene on the side of the Arabs in an all-out attempt at a military conquest of Israel.

In the past, the United States has been able to achieve these twin objectives, and as a result she has helped to keep the Middle East from blowing apart. She has been able to avert, in other words, a crisis of the kind which might have triggered a third world war. But as a result of the persistent cuts in research and procurement which have been imposed on our military in recent years, it is no longer at all certain that the United States will continue to have the capability of meeting these objectives in the future.

The Soviet Union, for example, has recently introduced the MIG–23 Foxbat into Egypt's already formidable arsenal. This is an aircraft which can outshoot and outmaneuver anything the Israelis have, and we can do nothing about it because we simply have nothing in our existing military inventory which can challenge the Foxbat. And this of course applies to the primary aircraft utilized by the Sixth Fleet for its own defense and for support of ground operations. I speak of the F–4 Phantom which until recently the Israelis had also counted upon to maintain their air superiority. Yet it is typical of the blinders worn by so many in and out of the Congress today that there are active attempts to scuttle the F–14 Tomcat which is the only aircraft competitive with the Foxbat which we are in a position to deliver to the Navy at a reasonably early date.

But this isn't the only problem now facing the Sixth Fleet. The growing obsolescence of its combat vessels, the abandonment of NATO bases along North Africa, the rapid expansion of modern Soviet naval forces in the Mediterranean, and the deployment of Soviet fighter, bomber and reconnaissance squadrons at air bases in Egypt, Libya and Algeria are reducing to the vanishing point the effectiveness of the Sixth Fleet as an instrument of American policy.

Because the simple, quite inescapable fact is that unless action is taken to modernize and reinforce the Sixth Fleet; and unless we are able to develop and deliver to Israel weapons which can challenge those which the Soviets can provide to the Arab states, we will find our Mideast options foreclosed. If our compulsive antimilitarism is not soon brought to heel, we will find that American foreign policy objectives will have become irrelevant because we will be without the means of implementing them. It will be irrelevant that the United States is committed to the survival of the State of Israel, or that the United States opposes a Russian hegemony in the Middle East, because in a showdown the United States will have no choice but to back down.

And once we begin backing down under pressure here and there around the globe, we will court the disaster of a third world war. Because aggressive nations seem inevitably to overestimate the readiness of free men to retreat. This was the lesson of the first and second world wars. It is a lesson which we will forget at our mortal peril.

Military forces are not a luxury but a necessity. So long as we live in a world in which some nations feel a compulsion to dominate others, we have no choice but to maintain those levels of defense which are essential to our survival. Great nations are not allowed the luxury of retiring from the world. For such nations, there can be no peace unless they have the power and the will to defend it.

RECYCLING

Mr. MOSS. Mr. President, the July issue of Environmental Science and Technology contained a fascinating and important article on the subject of recycling—fascinating, because so much is being done in this field; important, because recycling is the wave of the future in conserving our resources and protecting our environment.

The figures in the article document what is already a well-known fact: we throw away a staggering amount of resources that could potentially be recovered. It also tells about some surprising and exciting technological breakthroughs that will enable us greatly to increase our capacity for recycling. We will soon be able to recycle more different kinds of materials than ever before, and do it far more economically. The returns, both environmental and economic, will be enormous. The Bureau of Mines certainly deserves our commendation for its outstanding research in this field.

At this point I ask unanimous consent that the text of this article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

SOLID WASTE—RESOURCES OUT OF PLACE

(By Charles B. Kenahan, U.S. Bureau of Mines)

The constant increase in per capita generation of solid waste, stimulated by production growth and coupled with a rapidly increasing population concentrated in urban areas, is responsible for the nation's present environmental crisis. Increased demand and the increased production to meet it are the basic causes of increased pollution. This is confirmed by the fact that the real output of goods and services in the U.S. has grown as much since 1950 as it grew in the entire period from the landing of the Pilgrims up to 1950.

To add fuel to the fire—or waste to the pile—consider that a similar growth period is predicted between 1970 and 1980, which can easily be translated into more junk cars, cans, bottles, plastics, fly ash, and paper products. If the present production of solid waste is not managed what of the future?

SOLID WASTE

The terminology and characteristics of this solid waste that is causing such a furor must be examined. Where does it come from? How much of it is there? Where is its final resting place? And, what is being done about it?

Solid waste falls into three major source categories. The first is urban refuse, which includes domestic, commercial, municipal, and industrial waste products; the second category contains the mineral waste which results from mining and mineral processing operations; and the last, agricultural waste, includes farming, animal, and crop waste.

A further breakdown of urban refuse shows that the nation generates about 400 million tons each year. This includes 60 billion cans, 36 billion bottles, 58 million tons of paper and paper products, 4 million tons of plastic, over 1 million abandoned automobiles, mountains of demolition debris, 180 million tires, and countless millions of tons of refrigerators, stoves, TV sets, and like items. The cost to collect and dispose of urban solid waste alone is about $6 billion annually. Where does it all go? About half is burned in some manner, and the other half is buried in landfills and dumps, with the values it contains lost forever.

The second category, mineral waste, is large—about 1.7 billion tons each year. The production of 1 ton of copper results in about 500 tons of waste earth and rock. Additionally, a past accumulation of about 23 billion tons of mineral waste is scattered across the nation.

The final category, agricultural waste, is even more awesome—over 2 billion tons annually—including farming, slaughterhouse, and animal waste. An average-sized steer generates about 10 tons of solid waste each year.

Furthermore, over 100 lb of solid waste daily is generated for every man, woman, and child in the country. By 1980, this is expected to increase to 150 lb per day.

The importance of secondary metals—which represent the only growing metal resources—can best be assessed by comparing the gross production of major metals with quantities reclaimed from secondary sources. According to production estimates (on an annual basis), over 50% of the lead, 40% of the copper, 45% of the iron and steel, and 25% of the zinc and aluminum made available for new products last year were derived from secondary sources. Equally important are the estimated quantities of these metals accumulating in the "in-use" channels of the economy. Nearly 40 million tons of copper, over 3.5 million tons of lead, and about 4 million tons of zinc are presently in the category, which represents a constantly growing man-made mine of future raw materials.

These figures are indeed impressive, but the amounts of metals still being wasted are equally impressive. Annually discarded in municipal dumps are 11 million tons of ferrous metals and over 1 million tons of nonferrous metals, including copper, aluminum, tin, lead, and zinc. An estimated 12 million junk cars still remain to be reclaimed from auto graveyards across the nation. In addition, automotive scrappage has now reached a rate that can provide over 10 million tons of ferrous and a half million tons of nonferrous metals annually. Nearly 400,000 tons of aluminum was used for manufacturing cans, lids, and caps in 1970; only a small percentage of this was reclaimed. Thrown away each year in city dumps is 25,000 tons of tin in tin-coated steel cans, which is equivalent to the amount of tin salvaged from all other secondary sources. These are just a few opportunities.

BU MINES RESEARCH

The Department of the Interior's Bureau of Mines has always considered waste products and scrap generated by the mineral and metals industry and the consuming public as potential resources. In the business of reclaiming values from metal and mineral-based by-products for over 30 years, the bureau has been a pioneer in the field of secondary metals recovery and solid waste research. The authority and responsibility for conducting research on separation, recovery, and recycling of metal, mineral, and energy-based by-products, however generated, are inherent in the Organic Act of May 16, 1910, as amended in 1913, which established the Bureau of Mines. Congress assigned a major role to the Department of the Interior in the Solid Waste Disposal Act of 1965, and more recently in the Resource Recovery Act of 1970.

Under the original Solid Waste Act, the Department of the Interior was authorized $32.3 million over a 3-year period for research relating to metal and mineral waste. Only $11 million was appropriated to the Bureau of Mines under this law. The Resource Recovery Act of 1970 authorizes funding of $8.75 million for fiscal year (FY) 1971, $20 million for FY 1972, and $22.5 million for FY 1973 to the Department of the Interior.

The bureau's Metallurgy Research Activity, equipped for metal and mineral waste problems, includes the Divisions of Metallurgy and Solid Wastes with 777 full-time employees at eight research centers across the country. About half are professionally trained in metallurgy, chemical engineering, chemistry and physics, and mineral engineering. The bureau's coal and petroleum research activities also deal with solid waste problems relating to energy recovery.

The bureau has already laid valuable groundwork in several solid waste research areas, including urban refuse, junk cars, mining and processing waste, and industrial waste products.

For over a year the bureau has operated a pilot plant at the College Park (Md.) Metallurgy Research Center which separates and recovers, in much the same way the minerals are separated from their ores, the major metal and mineral values contained in municipal incinerator residues. The process, which employs conventional mineral engineering equipment such as magnetic separation, screening, grinding, and shredding procedures, separates the ferrous and nonferrous metals and glass from the burned refuse on a continuous basis. The plant, which can process one-half ton of residues per hour, is sophisticated enough to separate glass into clear and colored components. Based on the engineering data developed from the pilot-plant operation, estimates for capital and operating costs for a 1,000-ton-per-day plant show a cost of about $2 per ton of residue. Each ton of residue processed through the plant yields 700 lb of iron, 40 lb of nonferrous metals including aluminum, copper, lead, tin, and zinc, small amounts of silver, and a half ton of glass. The total value is $10 to $12 per ton of residues. The remainder is finely powdered ash, which makes excellent fill material and also has agricultural nutrient value. The values contained in 1 ton of municipal incinerator residues are depicted in the photograph above. Not printed in the RECORD.

An air classification system to recover the metal and mineral values from raw, unburned refuse is also being investigated. The bureau has developed an experimental, simple, horizontal air classifier with a feed rate of over 1 ton per hour, which produces a concentrate from shredded municipal refuse assaying 65% metal and 85% paper, with high metal and paper recovery. Potential uses for the paper and plastics are also being examined.

Significant progress has also been made in developing processes for refining ferrous and nonferrous products reclaimed from refuse. High-purity zinc and an aluminum alloy having utility in the secondary aluminum industry have been produced in the laboratory. Tin cans and other iron products can be used for precipitating copper from waste copper dump leach solutions, which is an established practice, or used as feed material for steelmaking after removing deleterious contaminants.

The bureau has been successful in producing standard bricks from various grades of glass recovered from refuse. The bricks, made by dry pressing or extruding mixes of 70% glass and 30% clay and firing at 1,000° C., meet or exceed ASTM specifications for severe weathering, FBS brick.

Another use for glass from refuse is mineral wool production. By fusing glass with about 50% dolomite and blowing, an excellent grade of colorless glass wool, having a bulk density of 2.5 lb per ft^3 and an average fiber diameter of $6\ \mu$, is produced. The fibers are shorter and softer than typical commercial slag wools tested.

Another development that could significantly affect the disposal or utilization of urban solid waste is a process recently developed by the bureau's Pittsburgh Coal Research Center for converting garbage and waste paper into crude petroleum. In the process, the combustible material from refuse, including garbage, is hydrogenated by reaction with carbon monoxide and steam at 500 psi. The resulting product is a heavy paraffinic oil, that is low in sulfur. It is estimated that each ton of dry refuse would yield over two barrels of this crude petroleum. The same process has been applied to wood by-products, sewage sludge, and animal manure to yield a crude oil. Based on current generated domestic refuse and animal manures, this represents a potential equivalent to 2 billion barrels of oil annually.

Other research has demonstrated that organic fractions of wastes can be pyrolyzed thermally (destructive distillation in the absence of oxygen) to yield liquid and gaseous hydrocarbons, tar, and valuable chemicals. Worn-out rubber tires, for example, are a nationwide waste product that can be disposed of by pyrolysis.

About 180 million tires containing nearly 2 million tons of rubber are scrapped yearly. Tire disposal by burning causes serious air pollution by the billowing, acrid, black smoke produced. Disposal in landfills or open dumps is less than desirable because tires are difficult to compact and are essentially not biodegradable. Bureau research on pyrolysis of tires has shown that 1500 ft^3 of high-quality gas (800 to 1200 Btu per ft^3) and 140 gallons of hydrocarbon liquid oil can be produced per ton of tires treated. The Firestone Tire and Rubber Co. has constructed a pilot plant to prove out the technical and economic feasibility of the bureau-developed process. In other research, the pyrolysis process has been applied successfully on a laboratory scale to urban refuse, wood bark and sawdust, plastics, and discarded battery cases to produce a variety of useful products.

The bureau is also investigating vortex incineration to solve problems encountered in conventional furnaces. The vortex incinerator is more compact, has a lower capital cost, and greater potential for cleaner effluents that the conventional grate-type incinerator commonly used to burn refuse. A pilot-scale vortex unit, incinerating combustible solids ranging from high-moisture-content sludge to industrial and domestic refuse, is currently under evaluation at the bureau's Coal Research Center in Pittsburgh.

Bureau of Mines researchers at the Twin Cities Metallurgy Research Center in Minneapolis, Minn., have found another novel use for the mounting avalanche of trash from this affluent society. The refuse, traditionally posing a costly disposal problem to every municipality, has proved to be an effective reductant for converting nonmagnetic taconite ore (a waste product of iron ore mining) into high-quality magnetic iron ore in a reduction-roasting process developed by the bureau. The average composition of raw refuse includes about 8% metallic, 42% paper, and 22% other combustible rubbish such as wood, rags, rubber, grass, leaves, and plastics. These supply both fuel and metal for the reduction process. The nonmagnetic taconite ore, containing about 30% iron, is roasted with the refuse in a large rotary kiln furnace at 1000°C. The final recovered product analyzes 70% iron—a high-grade iron ore suitable for smelting in the blast furnace.

JUNK CARS

Another problem to which the bureau's Salt Lake City, Utah, research center has been devoting a considerable research effort is junk cars. Although discarded auto hulks constitute only a small fraction of the waste disposal problem in terms of tonnage, they are higher in metal values than most waste materials.

As a result of recent research by the bureau, practical and economic methods have been developed for dismantling junk automobiles to produce high-quality scrap. All components of 15 scrap automobiles procurred from auto-wrecking yards, scrap processors, and insurance salvage firms—cars manufactured between 1954 and 1965—were dismantled, separated into various components, and analyzed. Alternative means and methods of stripping and dismantling the cars were employed to determine the fastest and most practical technique. Derived from the information obtained, a representative junk automobile weighing 3600 lb could yield approximately 2500 lb of steel, 500 lb of cast iron, 32 lb of copper, 54 lb of zinc, 51 lb of aluminum, and 20 lb of lead. The remaining 400 lb consisted of nonmetallics.

The bureau conducted time and motion studies on the 15 scrap cars using various dismantling procedures (cutting torches, hand-stripping, and cutoff saws) and found that a typical vehicle could be economically burned in a smokeless incinerator and hand-dismantled, and the steel could be baled into a high-quality bundle containing less than 0.1% copper. A cost evaluation study showed that such an operation could provide an annual return rate on investment of 25%.

In a cooperative effort with the Wasatch Metal and Salvage Co. (Salt Lake City, Utah), the bureau developed, constructed, and is presently operating a practical, smokeless junk car incinerator. It is relatively inexpensive and can efficiently process as many as 80 cars in an eight-hour period. Also, the combustion gases are smokeless and meet or exceed most clean air standards.

The new incinerator's principal attraction is its $22,000 construction cost (roughly one-tenth the cost of smokeless models now commercially available) and a relatively low operating cost of about $2 per car. The incinerator has stimulated wide interest among scrap processors whose open-air burning practices are being increasingly restricted. At least nine scrap car processors are constructing auto incinerators which are based on the bureau design.

Bureau engineers are also working on the problem of upgrading the nonmetallic and nonferrous rejects from junk car shredding operations. Such rejects are currently being generated at the rate of about 1 million tons annually. Aluminum, copper, zinc, and lead constitute over 30% of this reject For the most part, these valuable nonferrous metals are being wasted because no practical method has been devised to separate and recover them.

Recently, the bureau's Salt Lake City research center developed an air separation method that yields a concentrate of the metallic constituents from this residue. This air classifier has a 16-ton-per-hour capacity for shredded residue. The concentrate, which is 84% metal, contains 97% of the nonferrous content of the residue. This metallic concentrate can be refined into some of its constituent parts by physical concentration methods and pyrometallurgical processing.

Other bureau research aimed at developing a continuous process for steelmaking in the electric furnace promises to have an impact on automotive scrap consumption that makes an ideal feed for such a process. Test results to date indicate that the steel produced will be suitable for teeming into ingots and rolling into a variety of finished structural products.

A relatively simple technique was developed at the Twin Cities, Minn., research center, for recovering copper from starters, generators, armatures, and similar high-copper automotive components. This process may offer the solution to a troublesome and time-consuming problem for scrap processors. In this process, copper-containing scrap is dipped in a molten salt (calcium chloride) and agitated briefly. The bath does not affect the iron and steel scrap but quickly melts the copper, even in inaccessible small holes and crevices. The molten copper collects in the bottom of the vessel and can easily be tapped off. About 99% of the copper can be reclaimed in this manner. The process is economical because the salt is cheap and can be reused.

Bureau research on utilization of auto scrap as a reductant for converting currently nonexploitable, nonmagnetic taconite ores to a commercially attractive iron resource has been given much attention. In this process, the nonmagnetic taconites, rejected as waste during mining and benefication of the magnetic taconites and analyzing about 30% iron, are mixed with unburned auto scrap. This material is heated in a rotary kiln at 1000°C to reduce simultaneously the nonmagnetic oxide iron in the ore to the magnetic form and oxidize the scrap iron to the magnetic oxide. The final product is a high-grade ore that analyzes about 70% iron. Tin cans, borings and turnings, and other low-grade ferrous scrap are also ideal raw materials for this process.

MINERAL WASTE

The bureau has also been active in reclaiming values from mining, metallurgical, chemical, and industrial processing operations. This work not only includes salvage and reuse, but also stabilizing nonusable mineral waste.

A large-scale effort has been made to stabilize the waste tailing piles from mining operations that have no mineral or utilization values. These wastes are often air, water, and land pollution sources. Successful chemical and vegetative techniques have been demonstrated on copper and uranium-mill tailing piles.

Thirty-four acres of uranium leach plant residues, located on the Navajo Indian Reservation in Arizona, has been effectively stabilized against wind erosion using a low-cost chemical method developed by bureau scientists. In Durango, Colo., another 13-acre plot of waste uranium tailings was stabilized by a vegetative cover under bureau supervision. The procedure has been so successful that a stalk of wheat grown on the waste pile, where formerly nothing would germinate, won second prize in a local flower and garden show.

Engineers have also demonstrated that mineral waste such as copper and gold mill tailings, coal washer rejects, and power plant bottom and fly ash can be converted into useful finished products.

The bureau also initiated a modest contract and grant program under authority of the Solid Waste Disposal Act of 1965. Under the contract and grant program, the University of Utah made significant progress producing crystallized glass and ceramic tile and pipe from copper tailings, fabricating a promising refractory and tile from asbestos tailing waste, and producing high-quality ferrites from mill scale.

West Virginia University, under a bureau grant, developed a process producing rock wool insulation from coal ash slag, a waste product from coal-fired central power plants. Commercially competitive structural concrete blocks also have been fabricated from the power plant fly ash. Stanford University researchers, under another bureau grant, demonstrated the technical and economic feasibility of producing steam-cured, calcium-silicate bricks from California gold mine waste. A preliminary report indicates that the calcium silicate bricks can be produced from the tailings and delivered to the market areas at costs below the existing lowest quoted selling price of standard clay bricks.

Research conducted by the IIT Research Institute, Chicago, Ill., on red mud has shown that this waste material can be fabricated into a variety of potentially useful commercial products. Red mud is a slimy, high-iron content reject resulting from processing bauxite to produce alumina for making aluminum. Ceramic articles such as tile pipe, wall and floor tile, and lightweight building blocks have been fabricated from the mud which otherwise poses an acute disposal and impounding problem.

Processes have been developed by bureau scientists to convert asbestos mining waste, phosphorus furnace slags, and mine and mill tailings into raw materials for manufacture of wall tile and bricks.

INDUSTRIAL WASTE

In the industrial waste area, the bureau has developed several promising methods to convert waste materials into useful resources. A unique method for claiming valuable cobalt from sintered carbide scrap was developed at the research center in Rolla, Mo. The process involves the use of molten zinc, which forms an alloy with the cobalt binder. The zinc is then recovered by distillation techniques. Over 99% of the tungsten carbide and over 98% of the cobalt can be recovered and reused. Virtually all of the zinc is recovered and can be reused to reclaim additional scrap. The process yields products that are directly reusable without further treatment. Evaluating the products made from recycled material shows that there is no difference between the properties of those made from used material and those made from virgin sources. The treatment is unique in that virtually all components of the process are recovered and can be reused. The technique is believed to be a breakthrough in the recycling of cemented carbides, which is a $250 million business nationally. The Wendt-Sonis United Greenfield Division of TRW Inc. is presently testing the bureau process on a pilot-size scale.

Other research has focused on developing methods that may alleviate serious water pollution problems for the nearly 20,000 metal-plating and coating facilities across the nation. Electroplating and metal-finishing wastes are significant stream pollutants—either directly, owing to their content of toxic and corrosive materials such as cyanide, acids, and metals, or indirectly, owing to the deleterious effect of these components on sewage treatment systems. Bureau scientists have shown that reducing an organic-cyanide electroplating waste with formaldehyde will cause metallic copper and silver to coprecipitate while destroying all of the poisonous cyanides. Another method, which is even more promising, employs two plating waste solutions to recover metals and chemicals and leaves behind a harmless liquid free of toxic metal ions and hazardous cyanides.

Bureau researchers have developed processes for recovering expensive metals from cuttings and grindings left over when "superalloy" jet engine parts are machined. Such scrap, containing nickel, cobalt, molybdenum, and chromium, has a metal content worth nearly $1000 per ton. It is regularly sold to overseas markets for far less, because of the high cost of separating and recovering the metals by methods now available in the United States.

Remelting the material for reuse as alloy is impractical because oil, rags, abrasive grit, and other contaminants are mixed with the alloy, and its alloying metals content is not uniform. In the bureau process, the scrap is cleaned by screening, burning, and magnetic separation, and dissolved in hot acid. Molybdenum, cobalt, chromium, and nickel are removed from the hot acid solution in successive operations by solvent extraction, followed by selective precipitation of the valuable metals.

The bureau is working on recovering and reusing waste materials that are being ejected in the stack gases generated by the minerals and metal industries during smelting and chemical processing. Good progress is being made by removing these waste materials in a form that will permit their recycling and reuse. For example, fluorine liberated in processing phosphate rock to phosphoric acid has been converted to synthetic fluorite or calcium fluoride, which is a raw material in short supply for steel and aluminum manufacturing.

There has been exceptional success in developing a process for removing sulfur dioxide from copper and other base-metal smelter gases. The process not only effectively removes all of the sulfur dioxide from the gases but converts the sulfur dioxide to elemental sulfur that can be stored for indefinite periods or easily shipped over long distances to consumer points. Currently, a major copper producer is constructing a pilot plant at a smelter in Arizona to test the process and obtain detailed operating and cost figures preparatory to design and construction of a full-sized facility.

These are some of the uses the bureau has found for solid wastes. Several of the processes developed have already attracted wide interest by the industrial sector and probably will be adopted.

It is not inconceivable that the present-day mine tailing dumps, municipal landfills, and junk car graveyards may be looked upon in the future as "man-made mines" for minerals whose natural ores have been completed or remain in deposits that can be mined only at greater cost than required for recycling waste. The Bureau of Mines considers solid waste as resources out of place—and is simply trying to put it back where it belongs.

THE ILLINOIS DRUG ABUSE PROGRAM

Mr. PERCY. Mr. President, in connection with the drug crisis which we, as a Nation, are now experiencing, I have introduced S. 2097—and am joined in that bipartisan effort by 24 of my colleagues—to establish a Special Action Office for Drug Abuse Prevention within the Executive Office of the President.

I am pleased to report that hearings are well underway before joint sessions of the Subcommittee on Executive Reorganization and the Subcommittee on Intergovernmental Relations, which are presided over, respectively, by the Senator from Connecticut (Mr. RIBICOFF) and the Senator from Maine (Mr. MUSKIE). I am hopeful that, upon completion of these hearings next week, our committees can work together to report out a bill which reflects the best thinking of all of us with respect to the treatment and prevention of drug abuse and which will represent a significant step forward in combating the drug contagion which is afflicting our society.

One of our witnesses next week will be Dr. Jerome H. Jaffe, the man President Nixon has selected to head this highest priority effort at the White House level. Dr. Jaffe is in Vietnam this week surveying the drug problem amongst our G.I.'s there and will be reporting to the President his personal observations with respect to drug conditions in Vietnam. He will then communicate these same findings to our jointly convened subcommittee.

Because Dr. Jaffe's outstanding efforts in this area are so little known outside the professional community, I would like to familiarize my colleagues with the program he has developed for the State of Illinois. The Illinois drug abuse program began in June 1968 with one patient, one bottle of methadone and one office. Today, 2,002 individuals are under treatment—15 percent in residence and 85 percent outpatients—in 24 facilities.

Of these 2,002 individuals, 1,673 are receiving methadone; 329 are drug free; 157 of whom are in abstinent residential communities; and 172 of whom had gone through withdrawal and were receiving care in clinics. Also, 118 young nonheroin drug users were receiving treatment.

Although it is too early to completely evaluate the Illinois drug abuse program, several criteria preliminarily point up the effect of treatment; namely, a decrease in cost to the community as a result of decreased antisocial activity on the part of patients, an increase in the number of patients employed, and a reduction in illicit drug usage.

Followup study of outpatients indicates that arrest rates have fallen dramatically; that about two-thirds of those who are medically able to work are gainfully employed; and that in any given week, use of illicit drugs—as determined by analysis of urine samples—is limited to less than 20 percent of all outpatients and less than 10 percent of all patients in treatment.

I ask unanimous consent to have printed in the Record a more complete description of the Illinois drug abuse program prepared by officials administering that program. I would also ask that a report emanating from that effort, "The Epidemiology of Heroin Addiction in Chicago," prepared by Dr. Patrick Hughes, director of epidemiology for the Illinois drug abuse program, be printed in the Record. Both documents may well provide the information and impetus that other States seek in dealing with the national drug emergency that we currently face.

There being no objection, the items were ordered to be printed in the Record, as follows:

THE ILLINOIS DRUG ABUSE PROGRAM

The Illinois Drug Abuse Program is a carefully designed system of interlocking components that offers treatment and rehabilitation to drug abusers.

At present the program is largely for persons addicted to heroin, although components for young people who abuse other drugs have recently been initiated.

The program is geared primarily for voluntary patients; however, it also accepts individuals under court pressure.

A variety of methods are used and patients are allowed to move from one method to another until each finds the one that works best for him. All methods are continuously examined to determine their value.

Attention is paid not only to the patients' medical needs through treatment methods and general medical services but also to their larger social needs through counseling, legal, vocational, and recreational services and work activities.

Financing for the program is through the Illinois Department of Mental Health and by a five-year grant from the National Institute of Mental Health to the University of Chicago.

The program is operated by the Illinois Department of Mental Health in cooperation with the University of Chicago Department of Psychiatry. The State bears the primary responsibility for the delivery of treatment and rehabilitation services; the University provides for evaluation, research, and training.

BACKGROUND

The present program was planned over a two-year period beginning in 1966 when Illinois was faced with a growing drug abuse problem. At that time narcotics (e.g., heroin and cocaine) and other dangerous drugs were being abused with increasing frequency. To add to the seriousness of the problem, treatment resources in Illinois were scarce.

Advice was sorely needed as to the course to be followed in coping with this problem. To obtain this advice, the State Legislature established a council—the Illinois Narcotics Advisory Council. The Council was made up of legislators, concerned citizens, and (by statute) members of various city and state agencies whose functions touched on the drug abuse problem. The Council was to study the problem, consider programs being developed in other states to cope with their drug abuse problems, and make recommendations to the State Legislature.

The Chairman of the Council, Dr. Harold Visotsky, who was also Director of the Illinois Department of Mental Health, sought advice from Dr. Daniel X. Freedman, Chairman of the Department of Psychiatry at the University of Chicago. Dr. Freedman recruited Dr. Jerome H. Jaffe, who joined the Psychiatry Department and served as chief consultant to the Council.

In 1967, after studying the problem, considering the conflicting claims about the effectiveness of programs throughout the nation, and entertaining the suggestions of its chief consultant, the Council developed this set of premises and principles:

1. Narcotics abuse was only one part of the general drug abuse problem and, from a social viewpoint, perhaps not the most significant part.

But, due to the social conditions surrounding the use of narcotics and the high degree of damaging effects following from narcotics use, it would be appropriate for Illinois to begin with a treatment program focusing on narcotics users.

2. Since those who made up the narcotics-using population had different reasons for starting drug use, presented different patterns of drug use, fell back into drug use for different reasons, and had widely differing experiences as a result of their narcotics-using behavior, it would be reasonable to expect that more than one treatment and rehabilitative method might be required.

3. Since there was then no reliable way to predict what types of narcotics users would respond best to what methods, it would be necessary to carry out research to determine which the methods would be most helpful to the citizens of Illinois.

4. Goals had to be clearly stated before any meaningful conclusions could be drawn concerning the outcome of the various methods.

Accordingly, the Council stated that ideally every method should attempt to help all compulsive narcotics users become law-abiding, productive, drug-free, and emotionally mature members of society, who require no additional medical or social support to maintain this ideal status.

However, the Council felt that no single program could realistically expect all patients to reach all items in the ideal set of goals.

The Council rejected the view that being drug free must be the sole or even the most important standard.

Instead, it held that in the program to be proposed the minimum expectation would be that all patients become law-abiding citizens—even if they did not become productive, drug free or mature.

At the next level, patients would be law-abiding, gainfully employed, and drug free.

Still closer to the ideal would be the stage where patients were law-abiding, productive, drug free, and beginning to make some progress toward emotional stability.

5. A program receiving public support had to be prepared to show objectively just how much the public (including the drug-using population) was getting for its money.

Closely related to this was the view that a large program for any given community should be built on the basis of objective data from a smaller program and that any program component which did not achieve substantial movement toward the described goals should be abandoned.

As a result of these premises and principles and related considerations, the Council recommended to the State Legislature that a singly administered pilot program be developed, designed to eliminate duplication of effort, facilitate patient movement, and permit uniform evaluation. The program was to focus on a limited geographic area in Chicago with a relatively high occurrence in the use of narcotics—specifically heroin.

Since it was not possible to predict which of the several treatments employed elsewhere in the country would be most effective with this as-yet-unstudied Chicago population. the Council recommended that the pilot program develop, use, carefully evaluate and compare several different treatment methods. As a minimum, the specific methods were to be:

1. Standard periods of hospitalization for withdrawal from narcotics followed by group therapy in the outpatient community. Additionally, patients here were to be able to volunteer for the use of cyclazocine, a drug that blocks the effects of heroin.

2. Use of oral methadone, a substance that prevents withdrawal symptoms and eliminates the hunger for heroin.

3. Residence in long-term drug-free communities.

Within this entire context, the word "pilot" implied that the structure be flexible enough to be taken apart completely should none of the specific treatment methods prove helpful, yet sturdy enough to provide a framework on which a full state-wide program could be built, should any or all of the treatment methods prove valuable.

INCEPTION AND GROWTH

On January 1, 1968, after requisite legislation and appropriations were signed into law, the pilot program became operational under the name of the Illinois Drug Abuse Program with the Council's chief consultant, Dr. Jaffe, as the first Director.

Starting with one patient, one bottle of methadone and one office in the University of Chicago's Billings Hospital, the program began the process of developing and using all the methods outlined by the Council's recommendations.

The program grew quickly.

By July 1, 1968, there were 108 individuals in treatment—all outpatients—and 2 facilities.

On July 1, 1969, there were 301 individuals in treatment—30% in residence and 70% outpatients—and 7 facilities.

By September, 1969, it had been recommended that steps be considered to transform the "pilot" concept into a fully operational program offering a wider range of services to a larger number of drug users.

As a result, on July 1, 1970, there were 912 individuals in treatment—82% in residence and 78% outpatients—and 15 facilities throughout the State.

In addition, there were 956 people waiting to enter treatment for the first time and 92 people seeking readmission.

CURRENT STATUS—TREATMENT

By July 1, 1971, there were 2,002 individuals in treatment—15% in residence, and 35%outpatients—and to geographically distinct facilities. Of these 2,002 individuals, 329 were drug free. 1673 individuals were receiving oral methadone. 157 were residents in long-term drug-free communities.

No individuals were being treated with cyclazocine, but the possibility of using such an agent remained—pending the development of a longer-acting substance. Additionally, there were 118 young non-heroin drug users.

Patients entered these treatment settings via a centralized intake procedure initially conducted at one location but now conducted at several locations—in an attempt to permit more people to enter the program.

Although the recommended treatment methods remain intact (with the exception of replacing hospital-based withdrawal with residential-based withdrawal), the program has moved from having individual units using only one treatment method to having some units which use all methods.

For example, units may have methadone patients, as well as drug-free patients, and possibly cyclazocine patients.

Units can be further subdivided into entirely in-residence units, units that have both a residential and outpatient capacity, and units that are outpatient only.

Treatment units

A more specific description of the types of current treatment units includes:

Pre-treatment or holding pattern. This unit, at present a research effort, is a dispensary offering no rehabilitative services other than methadone medication.

Its main function is to determine whether medication alone can help a patient avoid criminal activity while awaiting entry into a more comprehensive treatment program.

If it proves to be helpful, the holding pattern concept will permit the program to serve the large number of heroin-addicted individuals waiting to get into a regular treatment unit.

The long waiting list, a problem the program has faced since inception, presently means a wait of four to five months before treatment can be entered. Pre-treatment patients receive oral methadone daily under supervision. As in all units, urine testing is done to check for the use of unauthorized drugs, and weekly a certain amount of information about the individual's activities is collected.

Outpatient methadone clinics. These clinics supply their members with methadone support for an indefinite length of time. Weekly group therapy is an essential part of the treatment process and other services are provided when needed.

When members decide that they wish to become drug-free from all drugs, they may be withdrawn from methadone either on an outpatient basis or in one of the residential facilities of the program.

Although they have withdrawn, these patients can remain in their original treatment unit to take part in other services. There are presently four of these clinics. There are also four facilities that represent modifications on the general concept of such clinics.

The in-residence multimethod centers. These are the most complex of the program's operations. They accept methadone-support patients who need a temporary, but highly structured, treatment setting.

These centers also accept cyclazocine patients. They serve as emergency or crisis centers for members of the program and ex-members who are back in the community.

Members of these units may start out as residents stabilized on methadone, or they may be individuals who elect immediate withdrawal from drugs and who remain in the facilities as drug free members.

There is no separation of members on the basis of whether they choose methadone stabilization or withdrawal, nor are there any other differences in the treatment process.

The length of stay in these facilities is usually not more than six months.

One such unit has outpatients who return from work or training to participate in group therapy with the residents. Some of the outpatients are on methadone; others are drug free. In other respects, the environment is similar to that of residential long-term drug-free communities. At present, the programs have two of these multimethod units.

Halfway house. This unit is for patients from the various treatment settings who, after a period of residential care, have effectively come to grips with their heroin problem. It operates on an outpatient and in-residence basis. There is less emphasis on group therapy, because patients learn to operate effectively outside a group atmosphere as they must do in the society to which they are returning.

It is here that patients, without skilled training or any work history, prepare themselves for dealing with ordinary situations, such as filling out an employment application.

The in-residence, long-term drug free communities. These facilities emphasize abstinence and restructuring of character and accept heroin as well as non-heroin patients.

At present, there are three such units operated by Gateway Houses Foundation, a not-for-profit corporation originally established under the aegis of the program. Now operating semi-autonomously under a contract with the program, Gateway Houses Foundation is able to receive additional support from private sources.

The same data are collected on Gateway residents as on every other patient in the program. As a result, once admitted to a Gateway facility, patients may be transferred to other units within the program.

Residents in Gateway Houses are required to remain drug-free in a highly structured setting wherein group therapy, often in its more intense aspects, is used. The stay, from one to two years, is devided into stages which involve living and working in and out of the in-residence community.

Re-entry clinic. This clinic serves heroin-addicted persons who were members of other treatment units in the program and who left either voluntarily or involuntarily before treatment was completed. Methadone is dispensed; group therapy is mandatory; and social, vocational, and legal services are provided when necessary.

The clinic staff is specially alerted to the problems that caused the patients to do poorly in their earlier attempts at treatment.

Non-heroin treatment units. At the program's first multimethod center, opened July 1, 1969, treatment for young non-heroin drug users was made available on a residential basis.

Later, as an extension into the community, the program opened its first outpatient treatment unit for such drug users. This unit, primarily concerned with offering emergency and regular services, employs abstinence, group therapy, and phone therapy, and has a temporary residential capacity. At present, this unit is considered experimental in nature and its final structure has not yet been clearly defined.

While treatment units are initially concentrated on the south side of Chicago (where the immediate need was greatest), there are now units on the north side and the far south side of Chicago.

In addition, several units have been established in the northern suburbs and in Peoria and Rockford. These units operate via a contractual arrangement which places them under the close supervision of the program, but they are actually run by local agencies.

Wherever possible, these units have been located for the convenience of patients and are either within walking distance or easily accessible by public transportation.

These units are designed to provide a structure for productively supplying the patients with new activities, new associates, and new patterns of speech and behavior. They are also designed to be comfortable and to foster the feeling that they belong to the patients.

The notion of belonging is particularly important since optimum program effectiveness requires the generation of involvement in the treatment process.

The size of the patient population at any given unit is kept small enough to permit a sense of group identity.

To better implement the delivery of services, certain units are grouped into regions. There are currently three regions.

Each region has or will have a Central Clinic fully staffed to provide immediate backup services, crisis intervention and residential facilities to each of its outpatient clinics.

Five additional units are available to provide continuing supportive service to the present regions. They are the Medical Services unit, the Social Services and Vocational Rehabilitation unit, the Legal Services unit, the Community Organization unit and the Pharmacy. The Gateway Houses and certain other contractual operations and the Pre-treatment unit are considered non-regional.

The treatment manpower that supports this current effort totals 106 persons, 59% of which are formerly addicted persons performing more than ably in many areas of crucial importance to the program.

Working side-by-side with such people, but in collaborative and supportive capacities, are doctors, nurses, pharmacists, social workers, psychologists, and a toxicologist.

CURRENT STATUS—GENERAL

Training

The program has a training project through which capable persons interested in working in the areas of treatment are identified and trained, creating a source of manpower to respond to narcotic abuse as well as non-narcotic abuse.

The training cycle, lasting for four months, seeks to develop staff who influence not only patients in the program but also people in the greater community. This offers a potential counter-force, not only to the symptoms of drug abuse but also to the psychosocial cause of such dehumanizing symptoms.

Pharmacy

The program operates a special pharmacy which, through mechanized and automated procedures, mixes methadone, and then fills and labels bottles of this medication for patients. Currently, over 5,000 bottles of methadone are being so prepared weekly for over 700 patients.

Because of the special problems attendant upon the use of methadone, considerable attention is paid to recordkeeping, security, and adherence to the general protocol under which the methadone components operate.

Additionally, general non-methadone medication (e.g., vitamins) is maintained and dispersed by the pharmacy for use by the program's patient population.

Toxicology laboratory

The program also operates a laboratory where urine specimens are tested to determine whether patients have been using unauthorized drugs. The test can detect the presence of heroin and other related drugs as well as amphetamines, barbiturates and cocaine. In addition, this laboratory is seeking to develop new and better testing procedures for the detection of drugs.

At present, more than 1,200 specimens are tested for heroin and related drugs each week. Several hundred of these specimens are also tested for amphetamines, barbiturates and other drugs.

Evaluation and research

Built into the program from inception was the capacity to evaluate the effectiveness of treatment methods and, hence, help to insure that changes in treatment policy would be based on solid evidence rather than conjecture.

Such evaluation continues and currently involves the active manipulation of treatment procedures in an attempt to maximize treatment success.

Closely aligned to such evaluative activities are the program's research activities. These concern, for example, analyses of what factors may help to identify patients who do well under one method as compared to another, and the development of new treatment methods.

Included here is research which seeks to: determine drug use trends in a drug distribution setting; examine the social structure that exists among addicted persons in such a setting; and measure the impact of the program's activities on drug addiction in that setting.

Additionally, such research (termed epidemiological research) is used (in its exploratory capacity, for the planning of new facilities.

There is also animal research which, among other tasks concerns itself with the testing of different drugs to determine their abuse potential.

As a logical result of this research, writings have accrued. Some of the publications that have emerged are:

Jaffe, Jerome H.; Zaks, W.; and Washington, E. "Experience with the use of methadone in a multimodality program for the treatment of narcotics users." *International Journal of the Addictions, 4* (3), 481–490, 1969.

Jaffe, Jerome H.; Schuster, Charles R.; Smith, B.; and Blachly, P. "A Comparison of dl-Alpha-Acetylmethadol and Methadone in the treatment of chronic heroin users: a pilot study." *JAMA,* 211 (11), 1834–1836, 1970.

Hughes, Patrick H.; and Jaffe, Jerome H. "An approach for estimating true prevailance of heroin addiction in the urban community." *Abstracts of the 29th International Congress on Alcoholism and Drug Dependence,* Sydney, Australia (February, 1970) page 25 (Abs.).

The computer

Where possible, the program makes use of computer techniques to merge, store, and print out—on a weekly basis—data utilized in the care of patients and modification of treatment procedures.

One print-out includes the current status of each patient along certain parameters: program type, self-reported drug use, laboratory reports of drug use, vocational status, income information, housing, medication being prescribed by the program, and the dose of medication prescribed.

Another print-out includes a list of all patients ever in treatment, all patients now in treatment, which patients are in which treatment units and how low each has been in a particular unit, new patients entering each unit and patients leaving each unit. The age, race, sex, and legal pressure (if any) are also recorded for each patient.

Such techniques assure that basic descriptions of the patient load are always immediately available. This feedback helps to spot small difficulties in the program before they become large problems.

Information

The program seeks to respond to the information needs of the public. In responding to needs for information on drug abuse education, the program provides speakers, seminars, and written as well as audiovisual materials. Also, developmental work is being done for a major drug exhibit to be housed in the Museum of Science and Industry.

In responding to needs for information about the program, tours and written as well as audiovisual materials are provided.

Visitors to the program come from a public which consists of people in drug abuse work, legislators, police, the news media and interested citizens.

They come from all over the United States, and from places as far as the Netherlands, Switzerland, and Australia—averaging about 70 per month and appearing to be on the increase.

THE STAFF

The program, in all of its aspects, has a basic flavor of sincerity and commitment.

Undoubtedly, much of this is afforded by people who had heroin addiction problems, but who faced and overcame them. These people are now invaluable assets strenuously working in some way to help others face and overcome their own addiction problems.

For example, there is B.R., who seemingly had no contribution to make to society but who now participates steadily and dependably in the delivery of treatment services.

There is B.F., who with many past convictions for drug charges, now works with patients to develop constructive attitudes.

There is also K.M., who had a long history of drug abuse before entering the program. Now a productive and active model change agent, K. M. recently earned a high school diploma in preparation for future college work.

There is W.M., who started with the program as a patient and actively advanced to becoming a nationally recognized treatment professional, administrator, and developer.

There is S.R., who prior to entering the program had numerous arrests on drug charges. Now actively engaged in the program's rehabilitation effort, S.R. has received commendation from the Chicago Police Department for such work.

Then, there is J.L. who before entering the program had abused drugs for years and had never been continuously employed. Recently, after steady employment in an area critically important to the program, J.L. obtained a sizeable bank loan upon a complete credit check.

Such persons now represent 39.4% of the program's total staff of 160.

The flavor of sincerity and commitment is also afforded by the work of people called SQUARES, or people who were never addicted. Such persons comprise 60.6% of the program's entire staff.

They are the office workers, pharmacists, lawyers, psychologists, doctors, nurses, systems engineers, psychiatrists, researchers, technicians, administrators, and many other dedicated employees.

Such people, taken together, are the Illinois Drug Abuse Program and it is in this respect that the program represents a repository of cooperation of the highest level.

GENERAL

The Illinois Drug Abuse Program has developed on schedule from a standpoint of services being delivered to patients, research designs around which the program is structured, and other ingredients necessarily connected to the work of the program.

Very importantly, the program has shown:

1. That it is possible to develop a multimethod treatment system within a single administrative structure.

2. That such a system can reduce or eliminate much of the inefficiency and destructive rivalry which often characterizes the operations of single-method treatment programs in other communities.

3. That where vested interests have not developed and treatment of narcotic users has not become politicized, people with widely different philosophies can not only talk together but can actively cooperate.

Although it is too early to completely evaluate the effectiveness of the program, there are several criteria that can be used *preliminarily* to examine treatments, viz.; the decrease in cost to the community as a result of decreased antisocial activity on the part of the patients; the change in productivity (tax paying employment status) of patients; and the reduction in unauthorized drug usage.

Research on outpatients indicates that arrest rates for such groups have fallen dramatically; that approximately two-thirds of the outpatients medically able to work are gainfully employed; and that on any given week the use of unauthorized drugs—as determined by analysis of urine specimens—is less than 20% of the total outpatients and less than 10% of all patients in treatment.

FOR THE FUTURE

The program expects to expand into other communities of the state as funds and trained staff become available, so that no one need be turned away to wait on the streets and wonder whether death or the police will come before a place in the program.

THE EPIDEMIOLOGY OF HEROIN ADDICTION IN CHICAGO

(By Patrick Hughes, M.D.)

Our epidemiology research unit had its beginnings a little less than three years ago, receiving funds from the Illinois Drug Abuse Program. We were able to expand our effort a year ago under a National Institute of Mental Health grant so that at the present time our staff consists of myself, four social science researchers, and five part-time ex-addict fieldworkers.

Epidemiology can be defined as the study of the antecedants, spread, and maintenance of a disorder in a given population. Although epidemiologists carry out a variety of research activities, one of their basic functions is estimating the prevalence and incidence of particular disorders in defined communities. Prevalence is usually thought of as the number or proportion of a population who have a particular disorder such as heroin addiction. Therefore it is a measure of the scope or extent of the disorder. Incidence usually refers to the rate or number of new cases and is therefore a measure of disease spread.

Generally speaking, there have been two major types of epidemiologic studies in the drug abuse field. The first involves the development of a narcotics or a drug abuse registry, in other words, the compilation of statistical information obtained from agencies having formal contact with drug users, such as police, courts, hospitals and treatment programs. The New York City Narcotics Registry and the Federal Bureau of Narcotics and Dangerous Drugs Registry are examples of this approach. Although these systems collect only a small amount of information on a large number of people, they are very important in estimating the extent of the disease and the characteristics of drug users. In the past three and one half years, the Illinois Drug Abuse Program has accumulated information on approximately 4,000 treatment applicants so that we have the beginnings of such a registry.

Our efforts have been largely directed at carrying out the other major type of epidemiologic activity, that is, research in natural settings such as places where drug users spend their time. We spend a good deal of time on the street observing and talking to drug users, and conducting field surveys of selected populations.

As an organizing principle in our research, we have borrowed heavily from the conceptual framework and field methods developed by public health agencies to erradicate certain infectious diseases. Our first task was to develop an epidemiologic field team that could carry out case finding, research, and treatment intake functions. Our fieldworkers are methadone maintained ex-addicts assigned to the neighborhoods where they are known and trusted by the majority of heroin addicts. The fieldworkers are accompanied by members of our research staff to validate their observations, collect additional data, and periodically involve active addicts in special projects.

PROJECTS DESIGNED TO MEASURE AND, REDUCE PREVALANCE

Our second goal was to determine if we could monitor the prevalence of active heroin addiction in given neighborhoods. We found that the majority of active heroin addicts in our community are already organized in a way that permits us to carry out such monitoring. The majority of addicts in Chicago visit stable drug distribution sites called street "copping areas" on a daily basis to obtain heroin and thereby relieve the discomfort of withdrawal. By stationing our field teams at these drug distribution sites, then, we can continuously monitor the number of addicts meeting there. It appears to be much more efficient to carry out case finding activities where addicts come to you rather than having to seek them out. Because of heavy police pressure at these distribution sites, however, we have had to demonstrate that our observations will not result in their arrest and that our mission is primarily to study and help them. We have done this by bringing samples of the population under study into treatment. Through this approach, we have been able to go beyond simple head counts of active addicts meeting at a given location. We are able to study the complex social system developed by heroin addicts to protect themselves from arrest. The roles elaborated by these local distribution networks are substantially more complex than the usual dichotomy of "user" and "pusher". The dealer cannot stand on the street corner with bags of heroin in his pocket because of heavy police pressure at these sites. In one Black copping community observed for a period of one year, we found that 125 different heroin addicts regularly bought or sold drugs there. We found that 6% occupied the role of "big dealer" or local wholesaler, 6% were street dealers, 15% were part-time dealers who sold only enough to support their own habits, and 6% were bag followers or touts who carried out liaison functions to protect dealers from direct exposure to the consumer and risk of arrest. A third of this distribution network, or copping community, maintained their heroin habits by performing dealership functions. Two-thirds were consumers, 38% being hustlers (usually thieves or prostitutes) and the remaining 28% held at least part-time legitimate jobs. The data are interesting in several respects. For example, of the 34% occuping dealer roles we found only 2 non-addicted dealers motivated purely by profit.

We have also been able to study the natural events affecting copping communities, causing them to flourish at certain times and to decline or disappear at others. For example; we have observed the dispersal of copping community members from their regular copping areas when these sites were brought under extensive police or gang pressure. The net result of such dramatic assaults on the copping area may or may not be beneficial since they tend to disperse the membership to other locations. When the pressure is removed, the copping area usually begins to flourish again, and the original members may return.

Our third aim has been to determine whether a treatment program can have significant impact on these disease maintenance systems. For example, in one study we were able to demonstrate that we could involve in treatment 60% of one copping community's members who had not already sought treatment in the Illinois Drug Abuse Program. We also found that these less motivated patients were as successful in treatment as those who actively seek help. We are currently carrying out projects in four Chicago neighborhoods where we hope to demonstrate that approximately ¾ of representative samples of active street addicts can be shifted from the status of active heroin addiction to methadone out-patient.

PROJECTS DESIGNED TO MEASURE AND REDUCE INCIDENCE

Research designed to measure incidence or spread of heroin addiction is inherently more difficult than that designed to measure prevalence. By visiting street copping areas, we are able to observe diseased individuals at any time of the day and in many parts of the city. First use of heroin (our definition of incidence) occurs only once for each addict and is therefore almost impossible to observe. Consequently, we must rely on retrospective accounts of this event. We have carried out several different studies in order to clarify the factors involved in the spread of heroin.

Our first project was designed to determine whether an epidemiologic field team could monitor incidence of heroin addiction at the neighborhood level. We found this could be accomplished (see attachments) through interviewing street addicts in a given neighborhood and administering survey cards in the field. Through our field team, then, we can determine whether a neighborhood is experiencing an outbreak of new heroin users or whether the majority of addicts meeting at that copping area are chronic cases—in other words, whether the disease is endemic or contagious.

Our second project was a retrospective study designed to clarify the parameters of a tragic heroin epidemic in Chicago primarily affecting Negro youth following World War II. A major finding was that this epidemic reached a peak in 1949 and thereafter showed a rapid decline in the number of new cases. Despite the twenty years intervening between the epidemic and our opportunity to study it, we have been able to identify a number of the factors associated with its decline, such as the dramatic increase in cost and decrease in quality of heroin available to Chicago addicts and an increasing arrest rate for narcotic violations.

A number of questions still remain unanswered, for example, the preventative effect of increased awareness among youth, and the general public of the dangers of heroin addiction. The major import of this study for us, however, was that we obtained data suggesting that heroin addiction does occur in massive epidemics similar to other contagious diseases and that the factors involved in spread and control can be empirically studied.

A third concern of ours has been the process of heroin spread in the Chicago area at the present time. Our field observations and interviews with young heroin addicts suggest that heroin spreads in three general patterns: macro-epidemics, involving 50 or more new young heroin addicts in particular neighborhoods, micro-epidemics usually 15 or fewer new addicts in a given neighborhood or area, and finally, single cases, where spread is confined to isolated individuals. We are aware of four macro-epidemics occurring in the Chicago area within the past two years. The first to come to our attention was in a Puerto Rican neighborhood; it now appears to be contained. The other three are in Negro neighborhoods and two of these are not yet contained. We have identified more than ten micro-epidemics of heroin addiction and numerous single cases in neighborhoods of all ethnic groups, including Whites. The major objective of this study is to describe the natural history of such outbreaks with a specific focus on the events that bring these epidemics to a halt, or limit their size to no more than 10 or 15 individuals.

Although this study is not yet completed, I can talk about some of our impressions. Micro-epidemics, which can occur in any type of community, tend to involve members of adolescent friendship groups already heavily into drugs prior to the introduction of heroin. While all group members do not become addicted, most do try heroin at least once. The only significant discriminator we can find is the types of neighborhoods in which they occur. The four macro-epidemics all occurred in neighborhoods that had recently undergone rapid population changes leading to a breakdown in both community stability and established mechanisms of social control. In other words, not only did heroin addiction become rampant in these neighborhoods but other forms of deviant activities as well.

Currently we are examining the effects of police intervention on the course of these epidemics. It appears to be much more difficult for narcotics enforcement personnel to penetrate deviant groups in neighborhoods undergoing rapid social change than in relatively stable neighborhoods. For example, we note that even in long established ghetto neighborhoods where heroin addiction is endemic, we do not see macro-epidemics. This may be related to our observation that local police have had time to penetrate these addict communities, so that new users soon come under investigation and outbreaks are rapidly contained. Single cases of heroin addiction usually do not result in further spread because they commonly involve the sibling or spouse of an addict who is not part of a drug-using friendship group.

In studying the course of these outbreaks, we find that neighborhoods experiencing macro-epidemics usually evolve their own street copping areas and that heroin addiction then becomes endemic to the neighborhood. Neighborhoods experiencing micro-epidemics where no copping area exists, are dependent on the center city for their drug supply. Most commonly one or two people from the neighborhood collect "cop" money in advance and then travel to an established copping area to buy drugs for themselves and others. Center city copping areas also serve as the distribution sites for the new heroin users in the surrounding suburban areas.

We are now in the initial stage of an intervention project designed to test a public health response to contain macro-epidemics in a manner similar to the way infectious diseases are contained by the use of public health field teams which bring treatment quickly and effectively to individuals involved in new outbreaks. If our efforts prove successful, we will have a strong argument for a public health oriented control system for narcotic addiction.

RECOMMENDATIONS

(1) We were extremely gratified to read a week ago that agreements have been formalized with the Turkish government to control illegal heroin distribution. Because our data suggest that the cost and quality of heroin available in local communities is related to heroin spread, we recommend that an all-out effort be made to reduce availability. Our own interviews with young heroin users suggest that it is not fair to force the curious 15 or 16 year old drug user to make the choice of whether or not he will try heroin, for we know that all too frequently he does—with tragic results. Over and over we hear young addicts say, "I knew I wouldn't get strung out if I just took off once. I figured I could handle it." It sounds almost too simplistic to say that if this drug were not available, we would not have to launch massive rehabilitation programs and imprison thousands of young people who were only curious.

(2) The pilot findings of our field intervention project suggest that epidemiologic field teams can remove active heroin addicts from the community and might enable us to contain new outbreaks of heroin addiction. Therefore, we suggest that comprehensive drug programs contain epidemiologic units with field intervention teams. To be maximally effective, however, as we have learned through our own mistakes, considerable training and experience are necessary to develop effective field teams, and most outreach efforts will need careful evaluation and feedback. Thus, it is advisable that these

units be tied into a university or other research setting.

(3) Although we find that heroin spreads through drug using friendship groups, this does not mean that all such groups will eventually experiment with heroin. However, we do need to develop effective treatment approaches for this drug abuse population; and we would suggest that the potential of epidemiologic field teams be explored. Programs without this important element may provide needed services, but they will not incorporate the element of control that seems to us to be necessary.

(4) Our finding that spread of heroin addiction follows the pattern of other contagious diseases has several implications for program planning. Because incidence and prevalence of an infectious disease may vary greatly from community to community and from year to year in the same community, program development, personnel and funding needs do not remain stable. Control of heroin outbreaks, then, requires that programs be rapidly established in areas of need and then phased out as the need diminishes.

(5) Although we have had some success in carrying out our research under current laws, we constantly meet with resistance from addicts and other drug users who naturally fear that we might use information to bring about their arrest. In practice, we must tailor our research design around the assumption that many of our subjects will remain suspicious regardless of our assurances. There is a need for broad legislation to protect the confidentiality of drug use surveys and other epidemiologic studies carried out by legitimate rehabilitation programs, educational or research groups. Although it is now possible to obtain special permission from federal agencies guaranteeing confidentiality of records, the procedures involved are unnecessarily cumbersome and restrictive. In this vein, I must say that we have never had any pressure from local narcotics enforcement agencies for information obtained from our research. Nevertheless, we are not able to completely convince our subjects that we do not represent a threat.

(6) We are just beginning to collect information concerning the development of primary prevention programs, and as yet have not reported on this topic. We have, however, recently surveyed 14,000 students in six suburban high schools with an eye to developing alternatives to drug abuse, and effective educational and counselling programs.

INDIANA DUNES NATIONAL LAKESHORE

Mr. STEVENSON. Mr. President, the Committee on Appropriations has reported the Department of the Interior appropriations bill and has included in it $572,000 for the planning and development of the Indiana Dunes National Lakeshore in fiscal year 1972.

This is indeed an important moment for the recreational interests of some 10 million residents of northern Illinois and Indiana. With House passage of $455,000 in planning funds for fiscal year 1972 several weeks ago, and an affirmative Senate vote on the Department of the Interior appropriations bill tomorrow, the long-awaited development of our Nation's first urban national park can begin.

I urge support for the Department of the Interior appropriations bill, including that $572,000 for Dunes development, so that this unique resource and much needed recreation area, first suggested in 1886 and fought for many times over the years until its creation some 80 years later, in 1966, can finally become a reality for those park starved millions it was created to serve.

ADVANCING THE ARTS THE AMERICAN WAY

Mr. GOLDWATER. Mr. President, on June 29, the House of Representatives approved a $30 million appropriation for the National Endowment for the Arts. Tomorrow, the Senate will be asked to consider a similar request, and I would like to go on record here and now as giving my complete endorsement to the appropriation of the full amount of money requested by President Nixon for this program.

Mr. President, the appropriation which will be coming before us is designed to fulfill a commitment made by Congress 1 year ago when it resoundingly approved legislation extending the life of the National Foundation on the Arts and the Humanities and increasing the authorization of funds which could be appropriated to the Foundation. At that time, I expressed my strong satisfaction in the accomplishments which could then be traced directly to the arts endowment. I was particularly happy with its proven ability to stimulate the development of artistic activities throughout the United States without in any way reducing local initiative or private participation in the arts. In fact, far from imposing a regulatory hand over arts development in the United States, I observed the National Foundation had aroused, inspired, and sustained local activity and involvement in the arts to its highest peak in American history.

Mr. President, I am happy to be able to repeat again this year that in its short history, the National Endowment for the Arts has proven to be a constant stimulus to the individual State art councils and thousands of local cultural endeavors. This has been possible through congressionally mandated funds earmarked specifically for the State councils and through a spirit of cooperation that has been generated between State and local groups and the National Endowment.

According to a study made by the U.S. Office of Education at the time of the passage of the National Foundation of the Arts and Humanities Act of 1965, there were art councils in existence in only 24 States. Even then, there were only four art councils for which funds had been appropriated in excess of $10,000 a year.

By the summer of 1970, there were art councils in each of the 50 States and in the District of Columbia, Puerto Rico, Guam, and the Virgin Islands as well. Not only has the number of State councils more than doubled during the brief existence of the national endowment, but the overall quality, effectiveness, and responsibilities of the State groups have increased. Proof of this is seen in the recognition given to the State councils by a majority of the State legislatures themselves. By last year, 32 State legislatures had appropriated funds for their art commissions which were actually in excess of the Federal contribution to the councils for that year. In other words, while in 1965, there were only four State councils whose own States had given them more than $10,000 a year; in 1970 there were 32 councils who received State appropriations of more than $36,000 annually.

Mr. President, this is one indication of what I mean by the ability of the National Foundation to cultivate action in the arts at the local level to its highest point in our history. But there is more. It should also be noted that the national endowment has conducted a very successful matching-grant program. By this I mean the endowment has money set aside in a special fund which can be released only when matching amounts are donated from private sources. The program has received enormous support from the public. In one period of 4 weeks, the National Foundation received more than $1,400,000 in checks and pledges from private sources. In all, I am told, for every dollar of Federal money spent under the matching grant program, $3 of private donations have been generated to support art programs.

But if we are to have a complete picture of what the true meaning of the arts endowment has been to the cultural climate of our Nation, we must take a look at the immense and thriving activities which have sprouted up all over the country in small towns and villages as well as in metropolitan communities where live concerts, live art shows, and live theater have been presented on a scale never before witnessed in these areas. The best way I can think of to bring home the great things going on at the State and local level since the Foundation began its operations is to review what has happened in my own State of Arizona.

I summarized some of the new projects underway in Arizona when I made a speech on the Senate floor in February of 1970 endorsing the proposals for an extension of the art endowment's term and an increase of its authorized funds. Now I would like to carry that summary forward by briefly reviewing a few of the self-initiated programs developed in Arizona during the last year.

Mr. President, first I might mention the pioneering work Arizona is doing in developing art which is aimed at the Spanish-speaking people of the Southwest. It is not often realized, but there are over 200,000 Spanish-speaking persons in the southern and central part of Arizona who, until recently, had no theater in Spanish to serve their needs.

This was changed in 1970 when a bilingual theater, El Teatro del Pueblo, was established in Tucson in order to provide a source of cultural identity for Spanish-speaking citizens. In order to get started, El Teatro del Pueblo had asked the Arizona Commission for the Arts and Humanities for a $1,000 grant. When the Arizona Commission surveyed the needs and potential of El Teatro del Pueblo, however, it decided that much more could be done for the Spanish-speaking people of the State. Accordingly, the State commission assisted the Tucson group in obtaining a $10,000 grant from the national endowment. As a result, the group will be able to stage the best possible plays from Spanish, Mexican, and Mexican-American authors.

Its first play was quite a success. Actors, stagehands, and workers from the immediate community pitched in on the performance of "El Color de Nuestra Piel"—"The Color of Our Skin"—by Celestino Grostiza. This year, the group plans to tour the State with at least four productions which will bring the theater to a community of citizens who has not formerly had a cultural outlet to express itself.

Turning to another area, Mr. President, I would like to point to Yuma, Ariz., which recently experienced a unique kind of cultural potpourri in the Garces Celebration of the Arts. This is a cultural festival centered around an Indian chapel outside of Yuma where Father Garces died. The festival is of Indian origin, but is now acclaimed by the entire Southwest. Included among its events are a southwestern film festival, a sidewalk art sale, a symphony concert, an Indian dance theater, a black theater, a bilingual Spanish theater, a children's theater, and a culminating tribute to Father Garces.

Mr. President, I should mention the National Endowment for the Arts granted $3,000 for the Garces celebration and the matching funds raised by local citizens far exceeded this amount.

One of the major programs that the Arizona Commission underwrites is the Flagstaff summer festival. This occasion is acclaimed not only in the music capitals of the United States, but has been mentioned in the French, Swiss, and Austrian press. Over 200,000 people attended the festival last summer and many more are expected this year. Concerts were given in 1970 by the Flagstaff Festival Orchestra, the Beaux Arts Trio of New York, the Flagstaff Festival Chamber Orchestra, and the Indianapolis Woodwind Quintet. In addition, the Pacific Ballet put on several performances with nationally known artists.

Of particular interest to my message today, Mr. President, is the fact that financial backing for this festival was entirely a State and local endeavor. The money contributed by the Arizona Commission on the Arts and Humanities, however, came largely as a result of the individual State arts grant program of the National Endowment for the Arts.

Also, I should mention we have a very successful program situated in my hometown, Phoenix. Compas, the Combined Metropolitan Phoenix Arts, is the name of this project. In short, it is a new concept for raising funds for cultural organizations through which large numbers of local citizens may participate.

The original COMPAS program was born in 1967, and has flourished ever since through devoted and dedicated volunteer help. The idea behind COMPAS is a simple one; various businesses, professions, and people donate a variety of goods and services. These goods and services are then auctioned to the highest bidder at two fun-auction parties. The result: COMPAS II, which was held on February 13 and 14 of 1970, raised $320,000 in support of Phoenix art groups. This is a sum that is higher than the entire arts grant which the National Endowment will make to each State under the appropriation which the Senate will have before it tomorrow.

Mr. President, there is a very similiar fundraising program in Tucson called FOCUS. In 1969, $110,000 was raised in a drive which was highlighted by a 24-hour television auction. FOCUS II is now being organized for the fall of 1971, and a goal of $118,000 has been set.

Along with the two combined fundraising efforts in Phoenix and Tucson, where the donations are allotted to the several participating arts members, Arizona has many individual efforts. For example, there is the Phoenix Symphony, the Tucson Symphony, the Flagstaff Symphony, the Yuma Symphony, the Phoenix Art Museum, the Phoenix Chamber Music Society, the Tucson Art Museum, the Tucson Festival, and the Arizona Civic Theater among many others.

What it all adds up to, Mr. President, is this; the arts are important in Arizona. The individual citizens of our State and of every State want to experience the arts. They will support the arts if they are brought to them. They do have an interest in things other than the worldly materialistic values of our everyday competitive life.

Mr. President, my brief résumé of activities in Arizona is, I believe, representative of what is occurring within the States and communities throughout this nation. The people of our country in numbers greater than ever are revealing a deep interest in enjoying, participating in, and supporting cultural events. The experience of Arizona plainly puts to lie the blind fears raised by some that the presence of a Federal Arts Endowment would stifle the development of local activities or discourage private countributions. What the National Endowment for the Arts has done is to awaken an interest in the arts where it was dormant, to permit the sprouting and growth of an enormous diversity of cultural activities in any community or area of our nation which wanted this to happen, and in general, to nurture the cultural resources of our nation.

Mr. President, I can see nothing wrong with this. In fact, I believe the arts are an important aspect of American life. They are deserving of support by the richest nation in the world and their development will bring out the best in us as a people. I commend the National Endowment for the Arts for its unobtrusive contribution to uplifting the Nation's cultural awareness and hope the Senate will give its solid approval to the full appropriation sought in its 1972 fiscal year budget.

WHAT TO DO IN PARIS

Mr. BAYH. Mr. President, I ask unanimous consent to have printed in the Record two excellent articles on the Paris peace talks.

One is a "guest privilege" editorial in Life magazine by Leslie H. Gelb, director of the "Pentagon Papers" study, and Morton H. Halperin who was also involved in that project and served on President Nixon's National Security Council staff. This article urges an immediate and positive response to the Vietcong proposal of a POW release and U.S. troop withdrawals. It suggests we set a terminal data for our withdrawals, dependent on the return of our prisoners, and thereby test the validity of Mme. Binh's offer. It warns that otherwise the Nixon policy could lead to not one but two residual forces in Vietnam: one on the ground in South Vietnam fighting and dying to protect itself and the Thieu regime; the other based in Thailand and on aircraft carriers to continue the air war. That air war has had a devastating effect on the land and people of Vietnam but has been utterly indecisive in affecting the outcome of the war.

Messrs. Gelb and Halperin warn, too, that continuation by the administration along the current path, avoiding a clear indication of when and how our Vietnam mistake will end, could break "the fragile link of trust between the President and the people." That, I contend, is too high a price to pay when there is so little to be gained by staying a few more months or more in Vietnam.

The other article is an op-ed piece in today's New York Times by Averell Harriman, who was U.S. chief negotiator in Paris from May 1968 to January 1969. Governor Harriman analyzes the current North Vietnamese and Vietcong positions on a settlement in Vietnam and projects the kind of political arrangements which might be possible there. He describes why he believes the forthcoming elections in Vietnam cannot be a fair and free test of the South Vietnamese. He emphasizes the need for immediate negotiations for our prompt withdrawal from the war and the return of our prisoners.

Mr. President, it is unfortunate for all of us that the counsel of this wise and vastly experienced statesman has not yet been heeded by the administration. I urge that Senators and those in the executive branch who are involved in the making of Vietnam policy give his views—and those of Dr. Gelb and Dr. Halperin—serious consideration.

There being no objection, the articles were ordered to be printed in the Record, as follows:

What Chance Is "Reasonable" in Vietnam

With presidential adviser Henry A. Kissinger coming home from a "fact-finding" trip to Saigon and Paris, the Nixon administration is in the midst of yet another reappraisal of American Vietnam policy. The Pentagon papers indicate that such reevaluations are episodic. As in the past, the public can only be dimly aware of what options are being seriously debated. The President's choice involves as much what he decides to tell the American people as what he decides to do.

We believe that only an unambiguous public gesture can now end the divisions in our country. The Senate for the first time has gone on record in favor of a complete withdrawal within nine months. The publication of the Pentagon papers has intensified the debate about governmental credibility. And, in the midst of this, the Vietcong on July 1 put forward another in a long line of peace proposals.

This new seven-point proposal, like its predecessors, is a construct of Marxist rhetoric and Talmudic precision. The Vietnamese Communists use words very carefully to state their position in a way that raises hopes without giving anything away. They present a familiar list of noral imperatives that the United States "must" do in order to bring peace to Vietnam: ending "Vietnamization," dismantling all bases, withdrawing "all troops, military personnel, weapons, war materials," bringing about a coalition government.

But in the following paragraph, which enunciates their conditions for action, as distinguished from the moral imperatives, they simply state: "If the U.S. sets a terminal date for the withdrawal from South Vietnam in 1971 of the totality of U.S. forces [and Allied forces], the parties will at the same time agree on" 1) safe withdrawal and 2) the release of American POWs, beginning and ending with the withdrawal of U.S. forces.

The message seems to be this: if we set a 1971 terminal date, there will be a cease-fire against American forces, a concurrent release of prisoners, and ostensibly no prohibitions on future American military and economic assistance to the Saigon regime. This interpretation is supported by North Vietnam's Le Duc Tho in his press interview of July 6.

We cannot be certain that this is really Hanoi's meaning. In the past, when we asked them what such and such a phrase meant, they only would say that we should look at the totality of their proposal. Thus we can only learn what they mean by putting forward a concrete proposal of our own which includes a terminal date for our presence and simultaneous release of prisoners.

Of course, if release of our POWs alone were our basic goal, the President would have every reason to accept the Hanoi position. But the real issue is, as it has always been, how important a non-Communist Vietnam is to American security. In this regard, everything that the President has *said* indicates that his Vietnam policy is not much different from that of each of his post-World War II predecessors. His stated goal is, as their goal was, a non-Communist South Vietnam. For President Truman, that meant beginning a program of military assistance to enable the French to fight the Vietminh. For President Eisenhower, it meant massive aid totaling 80 percent of the French effort in 1954 and, after the Geneva Conference, the introduction of an American military mission. For President Kennedy, it meant sending 15,000 American advisers to Vietnam and meddling in South Vietnamese domestic politics. For President Johnson, it meant Americanization of the war. For President Nixon, it is Vietnamization with phased withdrawal of American troops, along with invasions of Laos and Cambodia. The American policy in Vietnam is now described by President Nixon as assuring a "reasonable chance" for survival of the Saigon government. The difficulty is not with the phrase but with what meaning it is given. In fact, "reasonable chance" reasonably defined could provide a basis for uniting the American people.

So far, however, "reasonable chance" seems to add up to an ambiguous holding action: it has meant withdrawing most of the American forces in order to cut American casualties and costs, thereby, the President hopes, maintaining domestic support for the war. It has meant withdrawing slowly enough with hawkish enough rhetoric to reduce the chances of what the President has called "a nightmare of recrimination"—the right-wing reaction.

It seems to portend keeping two American residual forces in the battle as long as necessary: one on the ground in Vietnam providing assistance to the South Vietnamese and defending itself, and the other in Thailand and offshore on carriers conducting bombing raids throughout Indochina. It surely will mean continuing large-scale military and economic assistance to the South Vietnamese government.

While these actions can be interpreted in various ways, they are consistent with the notion that the President is doing everything that our domestic politics will permit to support the current Saigon government for the indefinite future.

Many would argue that we have long since given the Saigon government a "reasonable chance." We have fought their war for them for six years, killing many of the best enemy troops. At least for the past three years, we have given top priority to the equipping and training of South Vietnamese forces. The Saigon government has an army larger than its opponents, and it can draw ample recruits from the population under its control. These facts do not mean that the Saigon government would survive a complete American withdrawal. The simple truth is that we do not understand much more about South Vietnam today than we did in 1946, and we just do not know whether the Saigon government can survive or not.

President Nixon is really asking for continued American support for the war—for what everyone, including the President himself, seems to concede is only a marginal improvement of an uncertain chance that the current Saigon government will indeed be able to survive.

What the President hopes to gain is surely more than overbalanced by what he risks in continuing the war.

First, whatever Hanoi's current terms are, they are almost certain to increase as the size of our force diminishes. When 50,000 or fewer American troops are left in South Vietnam, Hanoi might demand that the United States also cease aid to Saigon and perhaps even change that government in return for the release of the prisoners.

A second risk is that if Hanoi does step up military pressure against this shrunken American force, the President might feel that he had no alternative than to respond by what he has called "decisive escalation" against North Vietnam. Most observers would say that the President simply cannot afford the domestic political repercussions of escalation now. But most of them were saying that before Laos and Cambodia. Indeed, most U.S. escalations of the war were preceded by predictions that they would not occur.

Beyond these two risks lies a third: namely, the risk of breaking the fragile link of trust between the President and the people. Presidents always want to keep open their options and retain their flexibility. But when the issue in Vietnam today, the President's desire for ambiguity must give way to the public's right to clarity.

President Nixon seems prepared to run these risks for two reasons. He still believes what most Southeast Asian specialists, including those within the government, have long since ceased to believe: that prospects for a "generation of peace" depend on the outcome in Vietnam.

The President also fears the growth of radicalism at home. Such a domestic reaction is indeed something to worry about. The political left has started calling for war crimes trials. Their goal seems to be to establish wide-ranging individual, if not national, guilt. The Calley trial sparked the political right. Their goal will be to find out who is to blame for America's not winning this war. This emerging "scapegoatism" is frightening. President Nixon is on the mark here.

It is now the President's obligation to unite the country by stating an unambiguous policy. The new NLF proposal opens the way for doing so by apparently allowing the President to define "reasonable chance" as an American withdrawal with the Saigon government free to receive American military and economic aid. If President Nixon were to define "reasonable chance" in these terms, few here would quarrel with that decision, and it would almost certainly open the way at last to one end to our military involvement in Indochina.

It may well be the only way to give ourselves—these United States—a reasonable chance.

A Reasonable Chance

(By W. Averell Harriman)

WASHINGTON.—Publication of the Pentagon Papers has increased a widespread feeling that the public has not been adequately informed of United States intentions in Vietnam. The credibility of the Government was already at low point. To restore confidence it is essential that the Administration now clarify its aims in Vietnam.

The Administration has previously justified its refusal to negotiate a definite date for withdrawal of all American forces on three grounds—the safety of our forces, the release of our prisoners of war and giving the South Vietnamese "a reasonable chance."

Mrs. Binh's seven-point proposal satisfies the first two reasons. The Administration should now explain what it means by giving South Vietnam "a reasonable chance," and what American vital interests are involved. There are certain factors that already appear clear.

One that should be understood is that we have been fighting North Vietnam, a strongly nationalist Communist state which does not want to be dominated by China. It is supported, of course, by both China and the Soviet Union. During my months of talks in Paris, Hanoi's historic desire for independence was apparent. They were gratified that they were able to establish normal relations with the French and wished to have similar relations with us. Like Tito, they understand to avoid domination by the Communist giants they must have relations with the West and particularly the United States. We must recognize this and no longer blindly follow the concept that we are fighting Communist China.

Another factor is that the majority of the South Vietnamese clearly desire peace and prefer a non-Vietcong-controlled government. During recent years we have helped strengthen the Saigon Government militarily to Vietnamize the war, but not politically to expand its base to permit negotiations for a compromise settlement and to succeed in the political competition which would ensue. A political settlement worked out by the South Vietnamese themselves could give a "chance" for the South Vietnamese while experience indicates continued attempts to achieve a military solution can only mean endless fighting with no settlement in sight.

In South Vietnam there are no effective political parties but there are groups representing the non-Communist elements in the country—Buddhists, Catholics, Cao Dai, Hoa Hao, and the labor unions. It is not too late for President Thieu to rally these forces and bring their representatives into a peace cabinet or a negotiating committee. Conditions must be agreed to with the National Liberation Front under which a national election can be held from which would evolve a new constitution and a new government. As the front has proposed, provision should be made for guarantees against reprisals, and release of political prisoners.

There is increasing evidence that the other side would agree to an independent neutral South Vietnam for a period of years. The front, made up of people who are themselves southerners, evidently wants the South to be independent of the North until such time as a merger can be negotiated between equals.

Evidence indicates a willingness to agree to a non-Communist South. In fact Le Duc Tho has stated this in a New York Times interview. Furthermore, the Chinese, for the first time are now publicly supporting a peaceful settlement, and speak of the four countries of Indochina, including both North and South Vietnam. They may wish to keep Indochina Balkanized and not unified under Hanoi.

After the settlement Hanoi must be induced to leave its neighbors alone and that can best be done by long-term cooperative arrangements for the reconstruction and development of North and South Vietnam, Laos, Cambodia and Thailand. The United States should be generous in its financial contribution but must leave the management to an international agency.

I can see only further confusion by awaiting the October elections in South Vietnam. Senator Tran Van Don has succinctly pointed out in a recent speech that President Thieu controls (1) the administrative, military, police and intelligence apparatus, (2) the mass media, and (3) large financial resources. Senator Don concluded that control of any one of the three factors would be sufficient to elect President Thieu, and he also has a fourth "decisive" factor—U.S. support.

Under these circumstances there is no reason to delay negotiations until the election which can hardly be a meaningful democratic expression. Moreover, the frustration pervading our country requires negotiations for our prompt withdrawal from the war.

NATIONAL LIBERATION FRONT PROPOSALS

Mr. MOSS. Mr. President, over the past few weeks I have watched with great interest and hope the unfolding events at the Paris talks. After a careful analysis of the materials made public concerning the recent National Liberation Front peace initiative, I have concluded it represents a significant peace overture apparently made in good faith. There well may be unacceptable elements and inadequacies in the proposal. There may be long days of negotiations ahead. Nevertheless, because the NLF initiative offers some hope for a genuine breakthrough in the now stalled talks, the President should call for an immediate cease fire while we negotiate the proposals.

Recent NLF proposals emphasize two issues of paramount importance to the Communists: First, the setting of a date for the total withdrawal of all U.S. Forces, and second, the creation of a provisional coalition government. The peace plan put forward on July 1, keeps these two points intact, and at the same time appears to make significant concessions on those issues which, in my opinion, are most important to our disengagement from Vietnam.

On July 1, Madame Binh publically stated in announcing the NLF plan that if we will set a date for the total withdrawal of our forces then the NLF will agree to release our prisoners of war, and insure the safety of our withdrawing troops. According to the plan the "modalities" for implementing these operations are to be worked out when the withdrawal date is set. Le Doc Tho, Hanoi's chief representative at Paris, further clarified point one of the plan on July 6 when he said that the question of prisoner release and troop withdrawals could be decided independently of a political settlement in South Vietnam. Madame Binh has also stated that the NLF proposal was not intended on a take-it or leave-it basis. These statements demonstrate the increased flexibility in the NLF's new negotiating position which allows the United States to capitalize on the recent NLF peace overture by agreeing to those portions of the proposal which are acceptable and negotiating on those which are not.

Moreover, these concessions by the NLF make it imperative that President Nixon test their offer by announcing a withdrawal date. The peace plan provides the President with his long sought guarantee that our prisoners of war will be released. With such public assurance, it seems incongruous for the administration to continue withdrawing troops and receive nothing in return. Latest Defense Department estimates project that over 400 American prisoners are now being held by Communist forces in North and South Vietnam. Assuming that these POW's would be released in direct proportion to our troop withdrawals, we can now return approximately 30 of our prisoners to their families for every 25,000 troops we withdraw. If problems arise in agreeing upon the modalities for troop withdrawal and prisoner release, the President, should he deem it appropriate, could withdraw his commitment to withdraw by a specific date.

The National Liberation Front also has consistently held that a coalition government is the key to a peaceful settlement. The peace plan of July 1 reiterates this view in point two:

> By various means the political, social, and religious forces in South Vietnam aspiring to peace and national concord will form in Saigon a new administration declaring itself for peace, independence, neutrality, and democracy.

In calling for the creation of a provisional coalition government the recent NLF proposal appears not to require the violent overthrow of the existing Saigon regime. The proposal does require that the United States Government cease its backing of Nguyen Van Thieu. Recent interviews with NLF officials suggest that if President Thieu were defeated in the upcoming elections, then negotiations for a peaceful settlement might begin.

I believe the United States should not impose any specific government on the people of South Vietnam; neither should we be expected to underwrite indefinitely the political future of the Thieu government. We have invested almost $200 billion in our attempt to achieve a stable political environment in South Vietnam. We have fulfilled our commitment in blood and treasure.

The recent peace proposal attempts to provide for a mechanism to prevent a blood bath from occurring. Point 2 declares that one of the questions to be settled in the negotiations state is:

> To take concrete measures with the required guarantees so as to prohibit all acts of terror, reprisal and discrimination against persons having collaborated with one or the other part . . .

Point 7 of the peace proposal indicates that the aforementioned guarantees could be buttressed by international guarantees.

During his April 29 press conference, the President stated:

> As far as any action on our part of ending American involvement completely—and that means a total withdrawal is concerned—that will have to be delayed until we get, not just the promise to discuss the release of our prisoners, but a commitment to release our prisoners.

The recent NLF peace plan offers that commitment.

Later in that same press conference President Nixon added:

> I see no gain from our standpoint to set a troop withdrawal date by the end of 1972 or the end of 1973, or the middle of 1972 when we get nothing for it.

The NFL peace proposal gives us the hope that by setting such a date we will get in return what we have been seeking for so long—the return of American POW's and an end to our involvement in this tragic war.

The United States has a responsibility to respond positively and creatively to the NLF peace plan and actively to explore the possibilities of a settlement based on this new concession. We owe it to ourselves and to the world to do no less.

A LITTLE LIGHT IN THE TUNNEL ON OIL

Mr. McINTYRE. Mr. President, today I wish to acknowledge an announced decline in the price of heavy industrial fuel oil by Humble Oil & Refining Co. This follows a long period of steadily rising prices that have had a profound impact on consumers across the United States, particularly those in New England.

I commend Humble for this move, which I believe is long overdue. I sincerely hope that others in the oil industry will follow suit and provide widespread relief to a large number of citizens.

Beyond the initial announcement, however, the oil industry has given us little to be grateful for. This decrease does not include low-sulfur-content fuel oils, and yet only the low-sulfur-content fuels meet the recently stated air pollution standards. The price of the environmentally acceptable fuel therefore remains high.

There has also been no movement to lower prices in the area of No. 2 homeheating oil. New England citizens know that the cruel hardships that the oil import quota system and the high prices charged by the integrated oil companies remains unchanged. Over 80 percent of the homes in New England consume homeheating oil but the cost of heating those homes next winter is going to remain sky high.

Mr. President, as a Senator from New England, I will not be satisfied that the oil companies have done all they can to alleviate the current fuel price problem until action has been taken to curtail the heavyhanded quota system that cripples New England. When that kind of action is taken New England consumers and homeowners will have reason to applaud the action of the oil industry, but not until.

INTERNATIONAL DRUG CRISIS

Mr. MONDALE. Mr. President, this past 4th of July, a series of three articles appeared in the St. Paul Pioneer Press, each portraying an important aspect of the international drug crisis. This series reveals both the unremitting danger of abundant heroin supply and the many pitfalls in present narcotics control policy.

"It's Harvest Time in Turkey" focuses on the incentives and mechanisms for Turkish opium farmers to evade present opium control laws. I should like to add that despite restrictions on acreage authorized for poppy cultivation the illicit production in Turkey reportedly doubled last year.

Another article, by Leon Daniel, traces the invidious network of heroin supply from Southeast Asian producers through Thailand and Laos ultimately to American troops in Vietnam. It captures the incredible irony of our position in Southeast Asia—after 10 years, 50,000 lives, and more than $100 billion spent in Vietnam, we now reap the bitter harvest of tens of thousands of GI's returning from Indochina as heroin addicts.

According to this article, our own embassy in Thailand—Thailand is a key heroin supplier—refuses to talk with news reporters about drugs for fear of "embarrassing" the Thai Government.

Our Government is undoubtedly more embarrassed that we continue to finance our own destruction, by allowing recipients of massive American aid to kill us with drugs.

Finally, in a third article, we hear from Director Ingersoll of the Bureau of Narcotics and Dangerous Drugs that even with all the heroin seizures and arrests in this country, there has been not a ripple in the plentiful supply of heroin pouring into the United States.

Early this year, I introduced a bill which incorporates the essential aspects of an effective international narcotics law. It would eliminate the terrible confusion and inconsistency of present policies by spelling out the high priority solving the drug crisis must command.

To offset attractive cash earnings for opium farmers, my bill would provide substantial assistance for the implementation of intensive, modern agricultural methods. Equally important, it would provide assistance for strict narcotics law enforcement.

But for those nations unwilling to stop the terrible human devastation caused by heroin, my bill would end the absurdity of continued foreign aid.

I would like to submit for the consideration of Senators these three worthy articles from the Pioneer Press. Mr. President, I ask unanimous consent that they be printed in the Record.

There being no objection, the articles were ordered to be printed in the Record, as follows:

[From St. Paul (Minn.) Sunday Pioneer Press, July 4, 1971]

Heroin From Turkey, Asia "Plentiful"

(By Mark Brown)

Washington (AP).—Despite recent large seizures here and abroad, the supply of heroin is still plentiful, says the United States' top narcotics law enforcer.

John E. Ingersoll, director of the Bureau of Narcotics and Dangerous Drugs, said most of the heroin entering the country is processed in France from Turkish opium, but an increasing amount is coming from Southeast Asia.

At least three narcotics rings are involved in the smuggling from Southeast Asia, Ingersoll said in an interview, and American servicemen are "amply represented" among all three.

Ingersoll, who returned recently from an inspection visit to Southeast Asia, said that if heroin use persists among U.S. troops in Vietnam, American soldiers should be "isolated from the civilian population."

The interview took place before President Nixon announced an agreement by Turkey to stop growing the opium poppy by July 1972.

The White House said narcotics negotiations are continuing with six other countries where the poppy seed is grown.

The questions and answers:

Q. At a White House seminar on drugs, Mr. Finlator (asst. BNDD director) mentioned the narcotics systems that you are trying to crack. Could you describe the makeup of these nine systems and how they operate?

A. Well there are 10, and it's kind of hard to describe them in general terms because each of them are distinct kinds of operations. One involves people scattered all over the world who deal principally in heroin, or opium derivatives.

Another one was exemplified by what we called Operation Flanker, with the arrest of a number of organized crime figures last February and a number of arrests since then. Another one was Operation Eagle, where most participants were of Cuban extraction.

Another one involves the clandestine production of dangerous drugs in the United States. We've made some significant inroads there. We haven't publicized much of what we've done or brought it together, but I guess the attorney general will mark an announcement of this at his next press conference.

Q. Operation Flanker disclosed that the Mafia is involved with narcotics. Isn't that something they hadn't dealt in extensively?

A. Well, their announced policy since 1956 has been not to be involved, but there are deviations from that policy at fairly high levels and there's been nothing done, apparently to enforce it. There are significant traffickers.

Q. Who are some of the other groups?

A. There's the Cuban group, Eagle; although their main product was cocaine, they were also bringing heroin in. Presently there's a good deal of heroin being transshipped through various South American countries.

Q. Does most of the heroin coming into this country come from the Middle East through France?

A. Most of the heroin that is used in this country is derived from opium that is diverted in Turkey. Turkey is a legal opium producer and exporter for medical purposes. But large quantities every year have been diverted into illicit channels.

Q. At the House committee the other day, you mentioned that you had had some negotiations with President Thieu. Is the Thieu government showing sufficient concern over trafficking in heroin?

A. Ambassador Bunker told me he has never seen the Thieu government respond to any other issue as it has on this one. There has been an immediate and a very strong response. Whether they're doing enough, I think, remains to be seen.

They've done a lot. They've shaken up their customs operations; they've changed the leadership in their national police activity on this project and President Thieu has taken a personal interest in what's happening.

Q. Is heroin any less easy to get for the American troops over there now than it was two or three months ago?

A. No, I haven't seen any sign of that yet. But I do know that some of the people who were moving it in that direction have now, temporarily at least, stopped to look at the situation . . . believing that South Vietnam has been shut off.

Q. How would heroin get from Southeast Asia to the United States? Is there yet another system?

A. Yes. There are at least three different groups, we think, that are moving heroin into the United States from Southeast Asia.

Q. In getting their supplies, are they dealing with people like the Laotian general that you mentioned in testimony before the House committee?

A. No. The heroin manufacture itself appears, at any rate, to be conducted basically by ethnic Chinese living in these areas.

The heroin that's moving into the United States appears to be coming from Hong Kong or Bangkok, primarily. Some of it is coming straight from Vietnam through the mail, belongings of servicemen and so on.

Q. Have there been any significant seizures of heroin coming into the United States from Southeast Asia?

A. Yes, just the other day eight pounds were seized here in Washington, D.C., and about a month or so ago there was a little over seven pounds, I think, seized at Fort Monmouth, N.J., in the mail. And we have some others, all in the last year or so.

Q. The number of seizures here have gone up. Have these seizures at all put a dent in the heroin supply?

A. No. There's still a lot of it around. There appears to be a sufficient supply of heroin available on the streets, and the price hasn't fluctuated significantly or noticeably.

It's Harvest Time in Turkey

(By William Tuohy)

Afyon, Turkey.—It's harvest time here, and the carpet of white and purple poppy blossoms are losing their petals, exposing the green, plum-sized opium pods to ripen in the sun.

This year's harvest on the 4,000-foot high Anatolian Plateau is excepted to be a bumper crop.

It also might possibly be the last.

Turkey, leading source of the opium derivative, heroin, channeling illegally into the United States, agreed Thursday to eradicate totally the production of poppies by late next year.

But the 75,000 farm families of central Turkey, to whom opium is their cash crop, their livelihood may never understand, even though U.S. dollar subsidies are pledged to them.

"OUR LIFE is built on growing poppies," said 40-year-old Lutfi Yeldiz, in the nearby village of Kumartas. "We produce our opium and sell it to the government. They say they use it for medicine . . . We have heard in the newspapers that America is against opium, but we do not know why. I don't understand what you mean by drug addiction."

As Yeldiz says, legally produced opium is sold through government agencies to world wide pharmaceutical firms which convert it to morphine and codeine to help the sick and injured.

But the same raw opium, illegally trafficked and refined into heroin, eventually finds its way into the veins of countless thousands of addicts. President Nixon said more than 60 per cent of the heroin peddled in the United States comes from Turkey.

Unlike the growing of wheat or barley, the opium plant is enormously rewarding to the dirt-poor farmers of Afyon.

In addition to gathering the raw opium,

the farmers use the leaves for salad greens. They eat or bake bread with poppy seeds. They press the rest of the seeds into cooking oil. Then they use the residue for animal feed. They cut the stalks for firewood. And they ship the husks of the pod to Holland and Germany where more opium gum is extracted, and the rest used for pressed board.

Thus, the opium crop is at least three times as profitable as anything else the farmers could grow in the hard-scrabble country of central Anatolia—without intensive, modern farming methods.

This year's legal crop—estimated at perhaps 100 metric tons—is taken by the farmers to government purchasing offices where they receive about $4 a pound for raw opium—depending on the quality. This is the product sold to legitimate foreign drug firms.

But at least an equal amount, according to informed estimates, and perhaps more is funneled off into the illicit trade to be smuggled out of Turkey.

Each year, farmers officially estimate how much opium gum they will produce, but these estimates are invariably thought to be on the low side. Other farmers produce opium in illegal fields.

The surplus illegal opium is purchased—usually in advance—at four times the legal price by "commission men" from Istanbul and Ismir, who are often themselves farmers who have prospered in the opium trade. They usually pay the opium farmer in advance for his illegal production—which is a keen incentive to the cash-short growers.

Asian Supply Filters Through Cambodia

(By Leon Daniel)

Bangkok.—Despite, or perhaps because of, America's investment of blood and treasure in Southeast Asia, one of the region's most successful commercial ventures is the illegal production and sale of heroin.

Compounding this tragic irony is the fact that virtually all of the heroin smoked, snorted and injected by American GI's in Vietnam is smuggled through Thailand, a staunch American ally in the Indochina war.

Thailand also is the conduit for an increasing amount of illicit heroin entering the United States.

Spurred by President Nixon, the U.S. government has now turned more of its attention to trying to solve the problem that may ultimately prove to have more staying power than the war itself.

The practice of the American diplomats in Bangkok was to meet queries from newsmen about Thailand's opium-heroin traffic with reactions ranging from boredom to hostility.

Newsmen were told they could not interview for the record American officials here on the subject.

The explanation was that news stories about the opium-heroin traffic would damage relations between the United States and Thailand.

While the diplomats were trying to keep a lid on the embarrassing situation, agents from the U.S. Bureau of Narcotics and Dangerous Drugs were working against great odds to stem the opium-heroin tide through Thailand.

It took a couple of U.S. representatives, armed with congressional investigative powers, to spell out publicly Thailand's role as a passageway in the opium-heroin traffic.

Reps. Morgan Murphy, an Illinois Democrat who represents Chicago's drug-troubled south side, and Robert Steele, a Connecticut Republican, came up with some recommendations.

They said the U.S. mission in Thiland "should be more forceful" in convincing the Thai government that the United States not only needs, but expects, rapidly increasing action to stop the illegal traffic in opium and its derivatives.

Most of the heroin used by GI's in Vietnam is produced from poppies grown in mountainous areas of Burma, Laos, Thailand and parts of Yunnan Province in Communist China.

Murphy and Steele, a former Central Intelligency Agency (CIA) agent, charged that in Laos "government armed forces are major wholesalers of opium and heroin and have been directly involved in large-scale smuggling activities."

They also said for the record that most of the opium produced in Southeast Asia is smuggled through Thailand.

U.S. narcotics agents here told the two congressmen enough to finally get a startling story before the public. Here is the story that emerged:

Some of the Southeast Asia opium is processed into heroin which is smuggled to the United States by couriers on commercial and military aircraft. Some is mailed to the United States by U.S. military personnel, using both commercial and military postal services.

Most of the heroin is smuggled into South Vietnam through Thailand and Laos.

American citizens, mostly former servicemen, recently have moved to Thailand and have gotten into the business of smuggling heroin.

U.S. agents told the congressmen that bar patrons are recruited as heroin couriers to the United States and that U.S. military personnel on active duty are recruited to ship heroin to the United States through the military postal system.

(On April 5, the Bureau of Customs seized 17 pounds of heroin in a piece of military mail from Bangkok. The package, seized at Fort Monmouth, N.J., contained heroin with an estimated street-sale value of $1.75 million.)

Some of the heroin smuggled into South Vietnam is carried in commercial aircraft and planes of the Laotian-Thai and South Vietnamese air forces.

The congressmen also said that heroin has been smuggled in planes of Air America, a private airline financed by the CIA, "although there is no evidence that any official of a U.S. agency has ever been involved in the smuggling of heroin into South Vietnam."

RECYCLING PAPER AND WASTE OIL

Mr. MOSS. Mr. President, recycling was in the news again yesterday. I invite the attention of Senators to two articles published yesterday in the Washington Post. The subject of the first article is a report by the Prince George's County Committee of the Maryland Environmental Trust. After citing some statistics to demonstrate the need for increased recycling of paper in the Washington area, the report makes several recommendations. Among them: that the Government Printing Office and the General Service Administration make substantial use of recycled paper. This recommendation is in line with two bills I have recently introduced into the Senate.

The other article describes a proposal that the State of Maryland establish a $1 million pilot project for the collection and rerefining of waste oil.

These proposals are worthwhile, and thoroughly consistent with bills that I and other Senators have introduced on the subject of recycling. Because I believe these articles to be of general interest, I ask unanimous consent that they be printed in the Record.

There being no objection, the articles were ordered to be printed in the Record, as follows:

Read and Recycle—and Save Our Trees

About 300,000 tons of newsprint are used yearly in the Washington area, but only 21,000 tons of that is recycled. The difference means a lot of trees cut down.

The matter of trees has become an issue of great concern to the Prince George's County Committee of the Maryland Environmental Trust, which has issued a report calling for a broader program of recycling waste paper.

Their target: 280,000 tons of solid waste which, they say, could be put to good use.

The 7 per cent of newsprint that is currently being recycled annually saves 420,000 medium sized trees, according to the committee report. In addition, the recycling reduces papermill pollution and garbage collection problems, the committee said.

Japan today leads the world by recycling 50 per cent of its paper. If the metropolitan Washington area did the same, according to the committee report, three million trees could be saved annually.

Adding to the problem, the committee said, is the fact that national newsprint consumption—now at 9,545,000 tons yearly—will double by 1985.

Difficulties are also increasing currently, the report said, because of a depression in the wastepaper dealers market. Dealers now pay $6 a ton, and sell it for an average of $17 a ton, but the profit is only $2–3 because of increased costs for processing and freight.

The recycling process is not new. It's been used for 50 years, and currently about 25 firms handle and recycle fiber, the committee said. The Garden State Paper Company of Garfield, N.J., one of the early pioneers, was the first to find a way to remove ink from old papers and to build a papermaking machine for recycled newsprint.

The Bergstrom Paper Company of Neenah, Wisconsin, has recently made significant advances, according to the report, in processing recycled fibers into suitable office writing and business paper. By including the inks, resins, and clays in the paper, this process leaves a residue of about three pounds of waste per 100 pounds of reclaimed paper, as opposed to 20 or 35 pounds in other methods.

The result, the report said, is that one ton of recycled fibers saves 20 live trees and one ton of unclaimed polluted waste.

Bergstrom's local agent, Wilcox-Walter-Furlong Paper Co., has been promoting recycled/100 bond and offset printing paper. In addition, one Metro-area retail grocery outlet has recently introduced recycled bathroom tissues and towels.

But what can other people do? The committee report had some answers.

First, the waste from lumber mills, shops and yards, municipally condemned trees, and the clearing of lands by construction, contractors, could all be shipped by rail to woodpulp mills for making paper.

Recently, the report said, one area city could not find a source to dispose of 600 tons of diseased and storm damaged trees. That waste could have been used.

Both business and government, the report said, could help the problem by using recycled paper. The committee suggested that the U.S. Government Printing Office and General Services Administration, both very large buyers and users of newsprint and office stationery, could use totally recycled paper and specify that bidders on contracts use a percentage also.

The committee also urged that business firms, which the report said contribute to the solid waste problem, should aid the recycling system financially. In addition, newspapers were urged to use, and publicize use of, recycled products.

The committee's report was printed on recycled paper.

PLAN PROPOSED TO RECYCLE WASTE OIL IN MARYLAND

Maryland should establish a $1 million pilot project of collecting and recycling waste oil for reuse as fuel in state buildings and lubricants for state-owned vehicles, two public health engineers have recommended.

Even if the program only breaks even, they suggested, it would demonstrate how a state can significantly reduce ecological problems resulting from waste oil.

The proposal was set forth in a preliminary report by Wilfred H. Shields Jr., chief of the solid-waste services of the Maryland Environmental Service, and Walter A. Miles, head of monitoring-surveillance for the State Department of Health and Mental Hygiene.

He said that the 13.5 million gallons of waste oil produced annually in Maryland could be refined to its original quality.

"The resulting product is a lubricating oil which is identical in every respect . . . to the original product itself," the engineers wrote.

They noted that contaminants must be removed from crude oil just as they are removed from waste oil during a recycling process.

Rerefined waste oil was widely marketed commercially before a 1964 Federal Trade Commission requirement that such products sold interstate carry clear labels that they are reprocessed oil, according to the report.

"The labeling requirement of the FTC knocked the bottom out of the re-refined oil market, not because of low quality . . . but because the label suggests low quality," Shields and Miles wrote.

"This label . . . has no bearing on the quality of the product," they said.

The report said that waste automotive and industrial oils are disposed of in a variety of ways in Maryland—some is used again, some is burned for heat recovery and some simply dumped into the ground. The engineers noted, however, there have been "numerous incidents" in western Maryland where dumped oil has seeped into drinking water wells.

The State Department of Water Resources has warned that underground water supplies throughout the state are being polluted by waste oil seepage, the report said.

"The hazard is increased every time oil is dumped onto the ground," it warned.

The report suggested spending $1 million for the construction of a small recycling refinery, purchase of 10 small trucks, one large tanker and operation of the facility for a year in the Baltimore-Washington area.

The report said the state is not interested in competing with oil suppliers.

"It's sole aims are to protect the state environment, to conserve and preserve the natural resources of the world and to accomplish these aims at considerable savings to the taxpayers of Maryland by using these refined oils in state-owned vehicles and facilities."

CHANGING PRIORITIES—THE UAW PROPOSAL FOR OCCUPATIONAL SAFETY

Mr. PROXMIRE. Mr. President, often it seems that politicians traffick in ambiguous codes; we speak in phrases and slogans which lose their sharp edges from the wear of constant use.

This can have an adverse impact on the public policymaking process. If our words on a given issue suggest a thousand meanings to a thousand people, then any public debate on that issue is certain to be confused and frustrated. And a confused public cannot be very conducive to the making of a sensible, coherent public policy.

I am sure that every Member of the Senate and the House can think of some issue on which he has accused his opposition, or has been accused, of being overly simplistic or unrealistic. In my own case I have tried to give special attention to the problem of shifting national priorities. "We must change our Nation's priorities," I might say, or one of my colleagues might say, and any subsequent proposals for specific changes are likely to be drowned in the applause for the initial statement.

Change to what? This is a legitimate question. To what specific concerns shall we turn our Nation's abundant energies?

I would like to draw attention to one possible alternative: the need of our working men and women for safer conditions at their place of work.

Workers recognize the need. A Labor Department survey completed this year shows that health and safety hazards on the job rank second among 19 common sources of job discontent among all workers.

Congress recognizes the need. Last year Congress passed Public Law 91–596, the Occupational Safety and Health Act, which empowers the Federal Government to improve the working conditions of 57 million Americans at 4.1 million working places.

But the administration has requested only $50 million to fund the inspection of working places under this law in fiscal 1972—less than $1 of coverage per worker. Surely the working people of our country deserve better protection against the hazards of their jobs.

The United Automobile, Aerospace and Agricultural Implement Workers of America have proposed that $150 should be appropriated for inspections against occupational hazards in the coming fiscal year. It is estimated that this would provide for 3,000 inspectors (compared to the administration's 1,000), and 6,000 inspections in a year (compared to the administration's proposed 2,000).

If the UAW proposal were adopted by Congress, the result would be increased protection for the working people of America. I think this course of action is better advised than the misappropriation of taxpayers' dollars to a Defense Department or private corporation which cannot keep track of its money, to an "intelligence" agency which refuses to publicly disclose how it spends taxpayers' money, or for the prolongation of a war in Indochina which has spawned more miseries than can be documented here.

To those who ask for viable alternatives to present priorities, I would raise the issue of work safety protection.

Mr. President, I think that this proposal deserves the consideration of all Members of Congress. Therefore, I would like to insert at this point in the RECORD the recent testimony of UAW vice president Nelson Jack Edwards before the Senate Appropriations Subcommittee on the Labor-HEW budget.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT OF NELSON JACK EDWARDS, VICE PRESIDENT, UNITED AUTOMOBILE, AEROSPACE, AND AGRICULTURAL IMPLEMENT WORKERS OF AMERICA (UAW)

The UAW is here today to ask that Congress approve at least three times the money which the Administration is asking to implement the Occupational Safety and Health Act of 1970 for Fiscal 1972.

There is no other law on the books today which more directly affects the lives of working Americans than does Public Law 91–596, which covers 57 million workers at 4.1 million workplaces. This law has properly been described as a new magna charta for working men and women. But the law—as promising as it is—will be reduced to harmless bits of paper if Congress does not vote enough money for the law to be carried out.

The Administration's request of $50 million for Fiscal '72 is shortsighted and cruel. We ask that Congress approve no less than $150 million for occupational safety and health during the upcoming fiscal year. Ultimately we favor an even bigger level of spending. The Administration is asking for $1 per worker. We are asking here for $3 per worker. We suggest that the Gordon Counterbudget of $4 and ultimately $10 per worker are the kinds of realistic expenditures for worker health and safety which the Congress must reckon with during the next five years.

Health and safety hazards on the job were the number two complaint in a U.S. Department of Labor survey completed this year. On a scale of 19 sources of job discontent, some 38 percent of all workers said that health and safety hazards ranked as the second highest problem. We ask that the pertinent sections of that survey as described in the Monthly Labor Review (April, 1971) be made part of this hearing record. (Appendix I)

In a U.S. Public Health Service study of 1 million workers in the Chicago area, it was found in 1968 that 46.2 percent of those workers were exposed to serious and urgent health hazards on their jobs. We ask that a table prepared form that study also be made part of the record today. (Appendix II)

These two government studies show very clearly, if documented proof is needed, that occupational safety and health is a sorely neglected area of national concern. It is not enough to say that the problem be solved by collective bargaining. Many of the health and safety problems suffered by workers today are too subtle, too technical, and too complex to be settled by contract language between labor and management. And only 20 million of the 57 million workers under the protection of the law have the added protection of collective bargaining agreements. Thus the role of the federal government is crucial. We need more research, more training, and more inspectors so that the American workplace can be safer and healthier.

The National Safety Council has estimated that the nation loses at least $20 billion each year from unsafe and unhealthy jobs. The entire nation will be the gainer if the new law is fully and fairly implemented—workers will live longer and in better health, industry will have more productivity, and the gross national product of our country will expand. Obviously, it will not happen overnight. But if the Congress will support this law with adequate money, we can make significant headway toward the goal of a humane work environment.

We estimated that only 1,000 inspectors can be hired, trained and put into operation toward the end of Fiscal 1972 if Congress supports the Administration's request for $25 million for the Department of Labor. Nobody can accurately measure the output of a safety and health inspector, but it is unlikely that any one inspector can make more than 200 inspections at the very most—which means that only 200,000 inspections can be made during the first year of this law. This is, in our judgment, a travesty upon the American working man and woman. Every one of the 4.1 million workplaces ought to have at least one inspection, if not more. We realize that some of these are very small establishments. Three million of the workplaces have seven or less workers. We ask that a table describing the size and kind of establishments as prepared by the Department of Labor be made part of the record here. (Appendix III)

We estimate that under our proposal the federal government could hire, train, and put into the field a minimum of 3,000 inspectors which could provide at least 600,000 inspections during the year.

By beefing up money for the Institute for Occupational Safety and Health under the HEW budget for Fiscal '72, Congress will be providing money for basic research and training which is vitally needed to make this new law real in the lives of working people. Only one out of every three Americans today is in the workforce. We in the UAW have enthusiastically supported programs for the poor, the elderly, the young, and the handicapped. We gladly support research programs which study how to nourish the young, help the poor and elderly—but there are few basic research projects underway today to minimize noise, the grime, the drudgery, and hazards of the American workplace. We think that the federal research arm of the Department of Health, Education and Welfare can do far, far better than it has for the person who works long and hard hours at his job, often at great peril to his very life. If Congress approves the $25 million for HEW which the Administration is asking, it will be a rude slap in the face to millions upon millions of our fellow Americans.

There are training and education programs promised by PL 91–596 which will not get off the drawing board if the Department of Labor gets only the $25 million asked by the Administration.

Finally, the 50 states have $80 million pending in requests to implement their state plans. DOL is asking for only $13 million for the states. We hasten to say that the federal law was passed because the states had failed. But if we accept the Administration's rhetoric that the states get more money, that 13 million barely scratches the surface of what the states are asking for.

We indicated in our testimony before the House Appropriations Subcommittee for Labor/HEW that we welcome the suggestion of Dr. Jerome Gordon for a five year $2.2 billion outlay for occupational safety and health expenditures. Half of that money is income from a 5 percent tax on workmen's compensation. A smaller tax of this kind works now in Michigan and Oklahoma and is fed back to the state safety and health programs. We are not at this time recommending such a tax on workmen's compensation, but we certainly approve Dr. Gordon's proposal for a more comprehensive and larger attack on the job safety and health problems of American working people. We attach his proposal and ask that it be part of this record. (Appendix IV)

The Administration's entire approach to funding for PL 91–596 is a nickles and dimes approach which ill behooves a nation with a trillion dollar gross national product. The noise, the dust, the fumes, the gas, and the physical hazards which face millions of workers every day of the year can be reduced and in time eliminated if the nation will dedicate more of its resources and talents to making the workplace safe and healthful. But it will only happen if the Congress takes the initiative.

Chairman Dan Flood of the House subcommittee asked what will happen if Congress votes the money and the President refuses to spend it. A fair question, since $12 billion of approved money is unspent. We are confident that the moral imperative, in this instance, will compel the Administration to implement the law if Congress provides the strong level of funding we are asking for here.

The money we are asking for here is money which goes directly to help the people who are the muscle and backbone of America. In terms of the demands upon the U.S. Treasury the mere $150 million we ask for here is very small. It is less than $1 per citizen, but it does represent $3 per worker and is, therefore, fully justified by the promise and requirements of the new job safety and health law.

[Excerpts from Monthly Labor Review, April 1971]

The Working Conditions Survey as a Source of Social Indicators

(By Neal Q. Herrick and Robert P. Quinn)

"It is a good general rule that governments only begin to do something about problems when they learn to measure them."[1]

Social legislation often has been inspired by failures of the system. The depression of the 1930's produced the Social Security Act. Some widely publicized scandals of the 1950's resulted in legislation governing the finances of labor unions. The deaths of 78 workers in a Farmington, W. Va., mining tragedy in November 1968 helped bring about the Coal Mine Health and Safety Act.

Some failures, however, are fragmented in time and space and are, therefore, not as easily recognized. For example, the economic and emotional impacts of disabling accidents to persons not covered by workmen's compensation are felt mainly by the injured workers and their families. Despite the tragic dimensions of this problem and the length of time it has existed, about a half million families a year are now left without income as a result of disabling occupational accidents. To make a bad situation worse, many of those compensated receive far less in proportion to their incomes than was the case 40 years ago. And so, at least partially because of an information system that leans heavily upon dramatic and publicized disasters to stimulate governmental action, workmen's compensation in America remains inadequate.

Responsible government must assure that headline-making failures of the system are not the sole prerequisites of action. There are other, more accurate ways of assessing the magnitude of problems than by their suitability for news coverage. As economic indicators are used to formulate fiscal and monetary policy, so should working conditions indicators be developed to help shape laws and programs to meet workers' needs.

An information system is required to help policymakers evaluate working conditions. Three components are essential to such a system: (1) Objective data relating to working conditions problems (such as occupational safety statistics); (2) the considered judgments of specialists in these problems; and (3) data reflecting a view of working conditions through the eyes of the American worker.

The first two elements have been available in some degree for years. There remains an urgent need to develop and use continuing measures of working conditions problems as experienced and evaluated by the workers themselves, thus providing much-needed worker participation in this field of social change.

This was the Department of Labor's intent in 1968 when it contracted with the University of Michigan's Survey Research Center to conduct the first in a proposed series of triennial nationwide surveys of employed persons. The Department recognized two major possibilities: First, that the proportion of its resources allocated to existing programs might not reflect the actual importance of these programs to workers, and second, that its traditional labor standards programs might be ignoring other important problems confronting workers.

The survey was conducted in November and December of 1969, using a national probability sample of 1,533 employed persons 16 years of age and older who worked 20 hours a week or more. It inquired into the extrinsic and intrinsic elements of work and attempted to relate these elements to workers' satisfaction with their jobs. The extrinsic elements were the traditional labor standards, such as occupational safety and workmen's compensation. The intrinsic elements related to what had been described by a previous Secretary of Labor[2] as being as great a problem in our time as unemployment was in the 1930's. Human fulfillment through work.

This article reports some of the preliminary findings of the survey as a preview of other, more detailed reports. Analysis of the data has so far been confined largely to the compilation of simple descriptive statistics and bivariate frequency tables. Additional analyses are currently underway at the Survey Research Center, the Department of Labor, and the W. E. Upjohn Insttiute for Employment Research. Other qualified researchers are invited to make use of the data file.[3] Until such analyses are completed, only qualified conclusions can be drawn. For example, workers who received many paid vacation days reported generally high job satisfaction. However, they tended to be cencentrated in certain occupations or income levels. Hence, it cannot be concluded that paid vacation days by themselves contributed to job satisfaction.

LABOR STANDARDS PROBLEMS

Special emphasis was devoted to investigating the problems faced by workers in the 19 labor standards areas listed in table 1. These problem areas range from such enduring concerns as adequacy of income to more recent concerns such as transportation problems and the invasion of a worker's privacy by his employer. Data were collected regarding the frequency with which these problems occurred, their severity as judged by the workers who experienced them, and the extent to which workers indicated they wanted to be protected against the occurrence of such problems by "government, a union (their) employer, or someone else."

According to these criteria, the labor standards areas that were most important to workers were those relating principally to the general area of health and safety (including health and safety hazards, unpleas-

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Footnotes at end of article.

ant physical working conditions, work-related illness or injury, and wage loss following a work-related illness or injury) and, secondarily, to the general area of income (including inadequate income, inadequate fringe benefits, and wage loss through either garnishment or an employer's withholding of wages). (See able 1.) Looked at individually, however, the importance of more specific labor standards areas depends somewhat upon the criterion of importance employed. For example, although problems with inadequate fringe benefits were very frequent, relatively few workers considered protection from such problems as "very important" when such problems were compared to other labor standards problems. Transportation difficulties and problems with inconvenient or excessive hours although occurring frequently, were of comparatively low severity, and relatively few workers felt it very important that they be protected against such problems. The occurrence that workers most wanted to be protected against—a work-related illness or injury—was neither the most frequent nor most severe type of problem reported. Mistreatment by employment agencies and problems with unions were among the most severe types of problems reported, yet their incidences were comparatively modest. The least frequently occurring problem, wage garnishment or assignment, was nevertheless the most severe problem. The withholding or delaying of wages by employers occurred in frequently, and when it did it was not generally reported by workers as very severe; however, a large percentage of workers regarded protection against incidences of wage loss or delay as very important to them.

TABLE 1.—RANKINGS OF LABOR STANDARDS PROBLEM AREAS

[Percent distribution]

Problem area	Percentage of all workers reporting one problem or more in each area [1]	Percentage of those reporting the problem who regarded it as sizable or great	Percentage of all workers considering protection against the problem as very important
Inadequate fringe benefits	[2] 39	43	43
Health and safety hazards	38	51	64
Transportation to and from work	35	39	39
Unpleasant physical working conditions	33	38	51
Inconvenient or excessive hours	30	38	39
Inadequate income	26	62	68
Work-related illness or injury	13	56	71
Unsteady employment	10	37	59
Occupational handicaps	9	39	39
Invasion of privacy by employer	[3] 8	28	48
Mistreatment by employment agencies (within past 3 years)	[4] 7	68	50
How democratically one's union is run	[5] 6	58	56
How well one's union is managed	[6] 5	58	56
Failure to receive wages or salary due (within past 3 years)	[7] 5	43	68
Age discrimination	5	35	48
Inadequate expense coverage during work-related illness or injury (within past 3 years)	[8] 4	39	69
Race or national origin discrimination	[9] 3	53	47
Sex discrimination	[10] 3	42	38
Wage garnishment or assignment (within past 3 years)	[11] 2	72	57

[1] The first percentages in this column are based on the full sample. Those in footnotes are based on all workers eligible to experience the problem.

[2] 45 percent of wage-and-salary workers only.

[3] 9 percent of wage-and-salary workers only.

[4] 47 percent of those who had dealt with an agency in past 3 years.

[5] 18 percent of union members only.

[6] 18 percent of union members only.

[7] 6 percent of those who at some time in past 3 years had worked for wages or salary.

[8] 68 percent of those who at some time in past 3 years had been away from work for 2 weeks or more due to a work-related illness or injury.

[9] 17 percent of blacks.

[10] 8 percent of women.

[11] 2 percent of those who at some time in past 3 years had worked for wages or salary.

OCCUPATIONAL SAFETY AND HEALTH

The high priority assigned to occupational safety and health problems by workers supports the need for vigorous administration of the Occupational Health and Safety Act. Workers reported "becoming ill or injured" as the labor standards problem against which they most wanted to be protected and "health and safety hazards" as the area involving some of their most frequent and severe difficulties. In addition, 33 percent reported working under physical conditions they felt were not necessarily hazardous, but were unpleasant or irritating. Workers reporting problems with such unpleasant physical working conditions principally complained about difficulties with heat (or lack of heat), overcrowding, unclean conditions, and inadequate, antiquated, or uncomfortable furnishings. Finally, a full 13 percent of the workers interviewed reported that they had actually experienced a work-related injury or illness in the last 3 years. Of these, 42 percent reported that the injury had kept them off work for 2 weeks or more. Furthermore, two-thirds of the latter group indicated that they had trouble meeting medical or living expenses during this period.

Not unexpectedly, more men than women (45 percent compared with 26 percent) and more blue-collar than white-collar workers (50 percent versus 25 percent) reported facing occupational hazards. More interesting, however, is the large absolute percentage of white-collar and women workers who reported occupational hazards. An examination of workers' descriptions of the hazards they faced indicated that many were respectors of neither sex nor collar color. These included physical violence or abuse from other people, communicable diseases, extremes of temperature or humidity, exposure to the elements, and dangers to which the worker was exposed while traveling as part of his job. The data suggest that increased attention should be paid to health and safety hazards occurring outside factories or other blue-collar working environments.

NEW DIRECTIONS

The survey data are still in the early stages of analysis. However, several tentative conclusions can be drawn about the problems confronting workers. These conclusions, and some of their possible implications for new directions in policies and programs, follow.

Safety and health

Occupational safety and health hazards ranked first among those problems workers wished to be protected against. Further, safety and health problems were among those most frequently reported and, when reported, workers believed they were among the most severe of all labor standards difficulties. The survey data strongly support the need for full and complete utilization of the provisions of the Federal Occupational Safety and Health Act, effective April 28, 1971.

Workmen's compensation

The labor standards problems against which most workers wanted protection were work-related illness or injury and inadequate expense coverage for such illness or injury. The need for improved protection is further substantiated by the fact that, among the workers who reported an occupational disability of 2 weeks or more, 68 percent had problems in making ends meet during disability.

About 20 percent of American workers fall outside the scope of workmen's compensation laws and, of those who are covered, few receive payments as high in protection to income as their fathers and grandfathers received. This problem is compounded by changes in our consumer credit structure—the increased availability and use of loans for the purchase of major consumer items (homes, automobiles, appliances)—which have made it increasingly difficult for workers to reduce their living expenses on short notice. Because disabled workers cannot effectively represent their own interests, our workmen's compensation system (or lack of it) has been an easy problem to dismiss. The time has come to face this issue.

No long term planning designed to improve the conditions under which people work can avoid such issues without being justifiably accused of constituting only a partial assault on the problems of the American worker. Government programs have too long avoided grappling with the less tangible aspects of working conditions, which nevertheless have a significant impact upon workers' job satisfaction, mental health, and self-development.

The difficulties entailed in the solution of such problems are immense. However, the content of workers' jobs and its impact upon their development and well being is an area too important to be ignored simply because there are too few mechanisms now available for dealing with it.

Increased attention should be directed toward two basic human concerns in the workplace: (1) Satisfaction of people with the economic and tangible returns from their efforts; and (2) self-fulfillment of individuals through their work. Although considerable progress has been made in solving the first problem, the importance of the second has barely begun to be recognized. The health of the economy is still measured solely in terms of the efficiency with which it can produce large quantities of consumer goods. A second measure—and concern—is needed: One which considers the contribution work is making to the quality of life and to the growth and happiness of the worker. Since the worker himself is the best source for such a measure, continuing surveys of the worker's attitudes will be needed.

FOOTNOTES

[1] Daniel P. Moynihan, in the Statement of of the Counsellor to the President in *Toward Balanced Growth: Quantity With Quality*, July 4, 1970, p. 9.

[2] Then Labor Secretary Willard Wirtz made this point at a 1967 meeting of State Labor Commissioners.

[3] Inquiries should be addressed either to the Workplace Standards Administration of the U.S. Department of Labor, Washington, D.C., or to Drs. Robert Quinn, Stanley Seashore, or Robert Kahn at the Survey Research Center of The University of Michigan.

[4] Alvin Bauman, "Measuring Employee Compensation in U.S. Industry," *Monthly Labor Review*, October 1970, pp. 17–24.

[5] For a discussion of some recent experimentation and a useful bibliography, see Fred K. Foulkes, *Creating More Meaningful Work* (New York, American Management Association, 1969).

TABLE II.—NATURE AND EXTENT OF ANY POTENTIAL HEALTH HAZARDS TO WHICH WORKERS WERE EXPOSED IN CHICAGO, ILL., 1968, PROJECTED FROM SURVEY

Nature of potential hazard [1]	Plants: Percent surveyed	Plants: Projected number	Inplant workers at risk: Percent surveyed	Inplant workers at risk: Projected number
Urgent	6.3	922	10.6	111,200
Serious	21.8	3,154	35.6	373,627
Well controlled	45.0	6,510	40.3	422,570
None	26.7	3,873	13.4	141,001
Total	99.8	[2] 14,459	99.9	[2] 1,048,398

[1] Urgent—Plant needs immediate industrial hygiene evaluation on survey. Serious—Plant needs visit within 1 year. Well controlled—Plant needs visit within 3 years. None—Plant does not require visit within 3 years.

[2] Totals of these columns vary from other tables due to truncation.

[From safety standards, March-April 1971]

TABLE I.—ESTIMATED NUMBER OF ESTABLISHMENTS, BY SIZE GROUP AND BY INDUSTRY; SUBJECT TO THE PROVISIONS OF THE OCCUPATIONAL SAFETY AND HEALTH ACT OF 1970 [1]

[In thousands]

Industry	Total	1–3	4–7	8–19	20–49	50–99	100 and over
	Estimated number of establishments						
Total United States	4,152.4	2,167.4	942.5	621.0	269.3	81.8	70.4
Agriculture, forestry, and fisheries (excluding farms)	31.5	19.0	6.7	4.1	1.3	0.3	0.1
Farms	417.0	240.0	158.0	[2] 19.0			
Contract construction	308.0	157.1	65.5	51.9	22.8	6.9	3.8
Manufacturing	299.2	70.3	47.7	66.0	52.2	26.7	36.3
Transportation	44.9	15.1	8.6	10.3	5.8	2.5	2.6
Wholesale-trade	298.4	113.6	67.3	71.3	33.5	8.7	4.0
Retail trade	1,197.5	597.3	293.4	199.4	83.9	16.5	7.0
Finance, insurance, and real estate	395.1	242.6	75.4	53.5	15.8	4.4	3.4
Services	1,073.0	652.8	204.3	135.7	51.2	15.8	13.2
Unclassified	87.8	59.6	15.6	9.8	2.8		

[1] Data relate to March 1969.

[2] The 19,000 farms shown in the 8–19 size group actually extend through the 100 and over size group.

Source: U.S. Department of Labor.

TABLE II.—ESTIMATED NUMBER OF EMPLOYEES, BY ESTABLISHMENT SIZE GROUP AND BY INDUSTRY, SUBJECT TO THE PROVISIONS OF THE OCCUPATIONAL SAFETY AND HEALTH ACT OF 1970 [1]

[In thousands]

Industry	Total	1–3	4–7	8–19	20–49	50–99	100 and over
	Estimated number of employees						
Total, United States	57,011	3,715	4,955	7,673	8,393	5,766	26,509
Agriculture, forestry, and fisheries (excluding farms)	228	40	42	58	45	21	22
Farms	1,315	300	750	[2] 265			
Contract construction	3,500	299	373	677	756	514	881
Manufacturing	19,512	126	245	799	1,583	1,795	14,964
Transportation	2,166	28	47	131	184	175	1,601
Wholesale trade	3,869	203	351	852	992	580	891
Retail trade	11,067	1,127	1,569	2,414	2,552	1,149	2,256
Finance, insurance, and real estate	3,695	423	432	709	539	338	1,254
Services	11,659	1,169	1,146	1,768	1,742	1,194	4,640

[1] Data relate to September 1970.

[2] The 256,000 farm employees in 8–10 size group actually extend through the 100 and over group.

Source: U.S. Department of Labor.

Note: These tables exclude certain industry groups and their employees, pending final determination of the extent of coverage of the act.

APPENDIX IV: STATEMENT OF JEROME B. GORDON, EXECUTIVE VICE PRESIDENT, HALDI ASSOCIATES, INC.

INTRODUCTION

On April 28, 1971, the Occupational Safety and Health Act of 1970 went into effect with less than $11 Million in appropriated funds to implement it. Both the House and Senate Labor Committees and the Nixon Administration were caught completely unprepared with strong fiscal counter-proposals with which to present to both the House Appropriations and Senate Finance Committees. As a result, the programs at both H.E.W. and Labor, as well as those in the states are crippled and workers are unprotected.

In order that all parties concerned might be better prepared for the current appropriations hearings on the Act for Fiscal Year 1972, I have prepared a five year program budget to meet the basic goals of the Act: protecting those on the job and cleaning up the nation's industrial environment. The proposed budget is motivated by the following facts unearthed during the tumultous debates that led to the Act's passage:

15,000 lives lost on the job.

Half a million workers disabled by occupational diseases.

25 million serious injuries sustained by American workers annually.

16 million workers with serious hearing loss resulting from the ravages of industrial noise.

8 to 10 million workers with no protection under the law.

If we can resolve to spend $40 billion to reach the moon; $1.1 billion annually to clean up our rivers and streams, then we can spend $2.2 billion to clean up the nation's workplaces and cease the unseemly toll of human lives and misery.

PROGRAM BUDGET OBJECTIVES

To assure clean and healthful workplaces for all workers covered under PL 91–596 by 1976.

To enforce PL 91–596 through a unified national system of federal and state compliance and technical assistance.

To accelerate development of federal standards for effective enforcement of PL 91–596.

To monitor and determine the extent of hazards in the nation's industrial environment and the health status of workers on the job.

To acquire basic knowledge about the hazards of the work environment and translate it into systems and devices for combatting and correcting them.

To develop the basic human resources through the nation's universities, research centers, industrial and labor organizations to man occupational safety and health programs.

To procure the pre-requisite facilities, systems and devices to protect the workers on the job.

THE BUDGET IN BRIEF

To meet the primary objective of assuring clean and healthful workplaces for all workers by 1976 will require the cumulative expenditure of over $2.2 billion dollars over the next five fiscal years. The breakdown by major program is as follows:

Program	Cumulative 5 year spending (amounts in mils. of constant dollars)	Percent distribution
Standards development	$116	5.2
Compliance and technical assistance	838	37.9
Hazard and health surveillance	60	2.7
Research and development	344	15.6
Resource development	119	5.4
Procurement	733	33.2
Total	2,210	100.0

Slightly less than two-fifths (37.6 percent or $833 Million) of the budget is allocated to mandated state programs and projects requiring 100 percent federal funding. The U.S. Departments of Labor and Health, Education and Welfare receive, respectively, 24.4 percent or $536.0 Millions and 37.6 percent or $841.0 Millions over the five year budget period.

At its peak, fiscal year 1976, an average of over $10.27 per worker would be expended to provide program services for an estimated 63.1 million covered by the Act.

Almost half of the cost of the proposed program ($980 Millions) could be financed through the establishment of a 5% levy on employer workmen's compensation premiums. The yield would be earmarked for application to the complete support of national, regional and state compliance and technical assistance and related program operations. This simple, yet equitable system of taxation is already used by such states as Michigan and Oklahoma in funding occupational safety and health programs. To adopt this useful measure for the nation would require an amendment of PL 91-596.

Among some of the applications of the proposed budget among major programs are:

Production of an estimated backlog of over 20,000 new and revised occupational safety and health standards required by the Act.

Establishment of a unified national occupational safety and health service comprised of a federal and state compliance and technical assistance field force of over 17,000 specialists in safety engineering, industrial hygiene, industrial medicine and other disciplines.

Construction of a national network of regional occupational safety and health laboratories.

Providing institutional grants to implement training for production of professional and technical manpower to man the program in both government and industry.

Establishing training programs for the development of "in-plant monitoring" personnel.

Conduct of an annual national survey of worker health.

Funding systems development competitions for the design, construction and operation of less hazardous industrial processes, machinery, chemicals and facilities.

Tables 1 and 2 display the time phasing and relative distribution of the cost of the program over the next five fiscal years. Table 3 depicts the relative federal and state shares of the program budget. Table 4 contains the estimated annual yield from the proposed 5% levy on workmen's compensation premiums.

PROGRAM DETAILS

The following is a description of the major activities and outputs of each program category:

Standards development

Development and production of an estimated backlog of 10-12,000 new and revised job "system" safety standards.

Development and production of an estimated backlog of 8-10,000 occupational health standards and Threshold Limit Values (TLVs).

Initiating and Completing the activities of the mandated National Workmen's Compensation Commission to establish a uniform national system.

Compliance and technical assistance

Creation of up to 7,000 national and regional field force positions.

Creation and funding of up to 10,000 state field force positions.

Hazard and health surveillance

Expansion and Operation of the National Survey of Work Injury by the U.S.B.L.S. and co-operating states.

Expansion and funding of the National Occupational Safety and Health Hazards Survey of in plant conditions by U.S. H.E.W. and co-operating states.

Creation and funding of a National Survey of Worker Health to be operated by U.S. H.E.W.

Research and development

Establishment and funding of the basic program of the National Institute of Occupational Safety and Health (N.I.O.S.H.) mandated by the Act.

Establishment and funding of a contract and grant program of Basic Research and Systems Development to acquire basic knowledge and hardware for controlling and abating job safety and health hazards.

Resource development

Creation of a continuing program of institutional grants for the production of industrial hygienists, safety engineers, industrial physicians and for conversion of underemployed aerospace industry professionals to these disciplines.

Creation of continuing program of grants and contracts for training of in-plant monitoring personnel.

Procurement

Construction of up to 40 regional and satellite occupational safety and health laboratories.

Procurement of work hazard detection and monitoring devices and systems.

System procurement of less hazardous industrial machinery, processes, chemicals and facilities.

$2.2 Billion is a cheap investment in the best form of preventive health care—eliminating the health hazards and diseases that daily ravage 80 million workingmen and women each year. How can we do less than this over the next five years, when the cost of not controlling the workplace environment is over $20 Billions each year.

TABLE 1.—A 5-YEAR PROGRAM BUDGET FOR OCCUPATIONAL SAFETY AND HEALTH

[Millions of constant dollars]

Program	Fiscal year— 1972	1973	1974	1975	1976
Standards development	$14.0	$26.0	$30.0	$24.0	$22.0
Compliance and technical assistance	98.0	131.0	168.0	203.0	238.0
Hazard and health surveillance	6.0	9.0	15.0	15.0	15.0
Research and development	41.0	54.0	68.0	83.0	98.0
Resource development	7.0	14.0	28.0	35.0	35.0
Procurement	70.0	100.0	138.0	185.0	240.0
Total	236.0	334.0	447.0	545.0	648.0
Cost per worker	4.22	5.77	7.51	8.89	10.27
Covered employment (in millions)	56.0	57.8	59.5	61.3	63.1

TABLE 2.—5-YEAR PROGRAM BUDGET FOR OCCUPATIONAL SAFETY AND HEALTH

[Percent distribution]

Program	Fiscal year— 1972	1973	1974	1975	1976
Standards development	5.9	7.8	6.7	4.4	3.4
Compliance and technical assistance	41.5	39.2	37.6	37.2	36.8
Hazard and health surveillance	2.5	2.7	3.4	2.8	2.3
Research and development	17.4	16.2	15.2	15.2	15.3
Resource development	3.0	4.2	6.3	6.4	5.4
Procurement	29.7	29.9	30.8	34.0	36.8
Total	100.0	100.0	100.0	100.0	100.0

TABLE 3.—5-YEAR PROGRAM BUDGET FOR OCCUPATIONAL SAFETY AND HEALTH—FEDERAL/STATE SHARES

	Percent distribution 1972	1973	1974	1975	1976
Federal:					
Health, Education, and Welfare	42.8	40.3	37.6	36.5	36.6
Department of Labor	22.5	23.2	24.4	24.8	25.2
Total	65.3	63.5	62.0	61.3	61.8
State	34.7	36.5	38.0	38.7	38.2
Total	100.0	100.0	100.0	100.0	100.0

TABLE 4.—ESTIMATED YIELD FROM 5-PERCENT TAX ON WORKMEN'S COMPENSATION PREMIUMS

Fiscal year	Estimated national workmen's compensation premiums (in billions)	Tax yield (in millions)
1972	$3.2	$160
1973	3.5	175
1974	3.9	195
1975	4.3	215
1976	4.7	235

SACB: A 20-YEAR EXERCISE IN FUTILITY

Mr. PROXMIRE. Mr. President, on Monday the Senate will take up the State-Justice-Commerce appropriations bill, H.R. 9272. Included within that bill is an appropriation of $450,000 for the Subversive Activities Control Board. I intend to offer an amendment to delete this appropriation, and will discuss my reasons in detail at that time.

However, so that my colleagues may have an opportunity to appraise for themselves in advance the history of futility and do-nothingness that this Board represents, I offer for the RECORD now a 20-year summary of all of the Board's activities. This summary was compiled from the 20 annual reports that the Board is required to submit pursuant to title 50, United States Code, section 791(c).

The total number of registrations resulting from the SACB's orders—individuals or organizations—is zero. The total number of final orders determining an individual to be a member of a Communist action organization is zero. The total number of final orders determining an organization to be a Communist infiltrated organization is zero. In exactly one case, the Board succeeded in determining an organization to be a Communist-action organization. And finally, there have been a grand total of 7 cases in which final orders were issued determining organizations to be Communist fronts. In neither of these last two categories, of course, did the Board ever succeed in having the organizations register.

The total cost of all this pencil pushing and paper shuffling: $5,958,000. And what do we have to show for it?

Mr. President, I ask unanimous consent that the summary of SACB Action, 1950-70 be printed in the RECORD.

There being no objection, the summary was ordered to be printed in the RECORD, as follows:

Summary of SACB action, 1950-70

Number of final orders determining an organization to be a Communist-action organization	1
Number of final orders determining an organization to be a Communist front	7
Number of final orders determining individuals to be members of a Communist action organization (such determination declared unconstitutional by the Supreme Court)	0
Number of final orders determining an organization to be a Communist-infiltrated organization	0
Number of registrations resulting from SACB's orders	0

Yearly expenditures	
Fiscal year 1951	$160,000
Fiscal year 1952	204,000
Fiscal year 1953	229,000
Fiscal year 1954	236,000
Fiscal year 1955	269,000
Fiscal year 1956	279,000
Fiscal year 1957	315,000
Fiscal year 1958	$325,000
Fiscal year 1959	325,000
Fiscal year 1960	285,000
Fiscal year 1961	320,000
Fiscal year 1962	339,000
Fiscal year 1963	336,000
Fiscal year 1964	325,000
Fiscal year 1965	409,000
Fiscal year 1966	$426,000
Fiscal year 1967	280,000
Fiscal year 1968	247,000
Fiscal year 1969	274,000
Fiscal year 1970	375,000
Total	5,958,000

SUBVERSIVE ACTIVITIES CONTROL BOARD, 1950–71

Fiscal year	Attorney General action	Subsequent Board action	Final Board determination
1951	Nov. 22, 1950: Petition that Board determine Communist Party of the United States a Communist-action organization and require it to register.	Apr. 23, 1951: Hearings commenced	None.
1952	Communist Party case carried over	June 9, 1952: Hearings concluded	Found that the Communist Party is a Communist-action organization within the meaning of the act and ordered it to register with the Attorney General. (The Communist Party never registered.)
1953	Apr. 22, 1953: Petition that the Board determine the following organizations Communist fronts and require them to register: American Committee for Protection of Foreign Born. American Slav Congress. Civil Rights Congress. Committee for a Democratic Far Eastern Policy. Council on African Affairs, Inc. International Workers Orders, Inc. Jefferson School of Social Science. Joint Anti-Fascist Refugee Committee. Labor Youth League. National Council of American-Soviet Friendship, Inc. United May Day Committee. Veterans of the Abraham Lincoln Brigade.	Board ruled that all motions from organizations be filed by June 8, 1953.	None.
1954	Consideration of cases carried over	(a) Nov. 25 1953–June 15 1954: Hearings on Jefferson School of Social Science.	Do.
		(b) Nov. 30 1953–Apr. 9 1954: Hearings on Labor Youth League.	Do.
		(c) May 10 1954: Hearings commenced on National Council of American-Soviet Friendship Inc.	Do.
		(d) May 3 1954: Hearings commenced on Veterans of the Abraham Lincoln Brigade.	Do.
		(e) January 14 1954: Representatives of International Workers Orders Inc. failed to appear at hearing.	Do.
1955	do	(a) Dropped case against International Workers Orders, Inc.	
		(b) Dropped case against American Slav Congress	
		(c) Dropped case against Committee for a Democratic Far Eastern Policy.	
		(d) Dropped case against Joint Anti-Fascist Refugee Committee.	
		(e) Hearings on Veterans of the Abraham Lincoln Brigade	Do.
		(f) Hearings on Civil Rights Congress	Do.
	Petition that Board determine the following organizations Communist front organizations: Washington Pension Union California Labor School, Inc.	None	Do.
1956	Consideration of cases carried over	(a) Considered recommendation of presiding member concerning hearings on Veterans of the Abraham Lincoln Brigade, National Council of American-Soviet Friendship, and United May Day Committee.	Ordered that organizations register as Communist fronts. (The organizations never registered. In fiscal year 1963 the U.S. Court of Appeals ordered the Board to vacate its order in respect to the National Council of American-Soviet Friendship, ruling that evidence presented by the Government was not proved by sufficient objective criteria. On Apr. 20, 1966, the Board also vacated its order against Veterans of the Abraham Lincoln Brigade.)
		(b) Dropped case against Council on African Affairs, Inc.	
	Petition that Board determine the following organizations Communist fronts: American Peace Crusade National Negro Labor Council	Hearings on American Peace Crusade	None.
	Petition that Board determine the following organizations Communist-infiltrated: International Union of Mine, Mill, and Smelter Workers of America. United Electrical, Radio, and Machine Workers of America.	None	Do.
1957	Consideration of cases carried over	(a) Adopted recommendation of presiding member in hearings on California Labor School, Inc.	Ordered organization to register as a Communist front. (Organization never registered.)
		(b) Hearings commenced on International Union of Mine, Mill, and Smelter Workers and United Electrical, Radio, and Machine Workers of America.	None.
	Petition that Board determine the following organizations Communist fronts: Colorado Committee to Protect Civil Liberties. Connecticut Volunteers for Civil Rights. Save our Sons Committee. California Emergency Defense Committee. Committee To End Sedition Laws.	Hearings on California Emergency Defense Committee and Connecticut Volunteers for Civil Rights.	Do.
1958	Consideration of cases carried over	a. Determined that Civil Rights Congress and American Peace Crusade were Communist fronts.	Ordered both organizations to register with Attorney General. (Organizations never registered.)
		b. Dropped cases against Save Our Sons Committee, National Negro Labor Council, and Committee to End Sedition Laws.	
		c. Hearings on American Committee for Protection of Foreign Born, California Emergency Defense Committee, Colorado Committee to Protect Civil Liberties, Connecticut Volunteers for Civil Rights, and Washington Pension Union.	None.
		d. Hearings commenced on International Union of Mine, Mill, and Smelter Workers, United Electrical, Radio, and Machine Workers of America, and Communist Party (2d remand).	Do.
1959		a. Dropped case against United Electrical, Radio, and Machine Workers.	
		b. Reconsideration of Communist Party case	Do.

SUBVERSIVE ACTIVITIES CONTROL BOARD, 1950–71—Continued

Fiscal year	Attorney General action	Subsequent Board action	Final Board determination
1960		(a) Feb. 9, 1959: Issued report affirming its earlier determination in Communist Party case.	
		(b) Concluded hearings on American Committee for Protection of Foreign Born.	Ordered organization to register as Communist front. (Organization never registered. On Apr. 6, 1966, the Board ordered this registration order vacated and the petition dismissed.)
		(c) Hearings continued on International Union of Mine, Mill, and Smelter Workers.	None.
1961		Concluded hearings on International Mine, Mill, and Smelter Workers.	Do.
1962	Petition that Board deliver an order to register as provided by the Subversive Activities Control Act to 10 individuals.	(a) May 4, 1962: Issued report determining International Union of Mine, Mill, and Smelter Workers a Communist-infiltrated organization.	Do.
		(b) Issued notice of a prehearing conference to 10 individuals	Do.
		(c) Hearings to determine whether following organizations had undergone alleged dissolution: American Peace Crusade. California Labor School, Inc. Civil Rights Congress. Colorado Commission to Protect Civil Liberties. Jefferson School of Social Science. Labor Youth League. Washington Pension Union.	Do.
1963	Carry over of individual Party membership cases; petition filed for additional 17 individuals.	(a) Heard 19 individuals' case to determine whether or not they were Communist.	Board determined that 14 individuals were members of party and should register. (Individuals never registered; order was later declared unconstitutional.)
		(b) Hearings to determine whether following organizations had undergone alleged dissolution: Civil Rights Congress. American Peace Crusade. Connecticut Committee to Protect Civil Liberties.	Board determined that Civil Rights Congress did not meet burden of proof; that the APC had truly dissolved; and that the Connecticut Committee should take its appeal to court.
		(c) Hearings on request for removal of International Union of Mine, Mill, and Smelter Workers from Communist-infiltrated organization list.	None.
	Jan. 10, 1963: Petition that Board determine Advance an Organization of Progressive Youth a Communist-front organization	Set and then granted postponement for hearing date on Advance.	Do.
1964	Carryover of previous cases	22 evidentiary hearings on alleged members of Communist party.	14 individuals were determined to be Communists and ordered to register. (The individuals never registered; order was later declared unconstitutional.)
		Evidentiary hearing on advance	None.
		Reviewed International Union of Mine, Mill, and Smelter Workers request to be removed from Communist-infiltrated organization list.	Denied petition. On June 13, 1966, however, the Board vacated its determination as to the Union and dismissed the original petition.
1965	do	Evidentiary hearings on 16 individuals alleged to be Communists.	7 individuals were determined to be Communists and ordered to register. (Individuals never registered; order was later declared unconstitutional.)
		Hearing concluded on advance	None.
1966	Mar. 4, 1966: Petition that Board determine WEB DuBois Clubs of America a Communist front organization and order it to register.	None	None.
1967		do	Do.
1968		do	Do.
1969	Petition that Board determine 12 individuals members of a Communist action organization.	Evidentiary hearings held on 8 of these individuals	4 individuals were determined to be members of the Communist Party. (This determination was vacated after the Supreme Court ruled it unconstitutional.)
1970	Petition that Board determine 10 individuals members of the Communist party.	Evidentiary hearings held on 5 individuals	5 individuals were determined to be members of the Communist Party. (The order making this determination was vacated after the Supreme Court ruled it unconstitutional.)
		Board dismissed all individual membership petitions pending before it.	
1971	Petition that Board determine Center for Marxist Studies and Young Workers Liberation League Communist front organizations.	Evidentiary hearings	

BIRTHDAY OF CONGRESSMAN JACK KEMP

Mr. THURMOND. Mr. President, I would like to take this opportunity to wish a happy birthday to Congressman JACK KEMP. This former outstanding quarterback now represents the 39th District of New York, having been elected as a nominee of the Republican and Conservative Parties. This distinguished young man is president of the 92d Club which consists of the 23 freshman Republican Congressmen. He also serves on the President's Conference on Physical Fitness and Sports.

I would call to the attention of my colleagues the fact that Mr. KEMP will appear on national television Friday, July 16, at 8:30 p.m. He will meet Congressman PAUL MCCLOSKEY on the David Frost Show in a debate on the President's Vietnam program.

Congressman KEMP already has demonstrated a deep insight and understanding of our foreign affairs, and he is to be commended for representing the President's program before this national audience.

WELFARE REFORM

Mr. BAYH. Mr. President, the House of Representatives passed H.R. 1 on June 22, 1971. Approval of this measure, which is similar in many ways to President Nixon's original family assistance plan, would establish an income floor of $2,400 a year for a family of four. By any standard, the $2,400 floor is grossly inadequate, particularly when viewed as the keystone of so-called welfare reform.

A Federal floor of $2,400 is far short of what is necessary to provide the basic needs of a family of four. The minimum adequate income for a nonfarm family of four, according to recent Labor Department figures, is $6,963.

H.R. 1 is not completely without merit but many repressive features remain. Rather than being an incentive for work, it is quite possible that, without revision, the bill could serve as an incentive for family breakup and reduction or termination of benefits for many recipients, including the working poor.

Additionally, H.R. 1 does not provide minimum wage protection; mothers of children age 3 and over will be forced out of the home; and recipient heads of households will be forced to accept employment without regard to suitability of working conditions.

On December 8, 1971, during the Senate debate on the original welfare reform proposal, I offered an amendment to set up a test program of income adequacy. The test would have utilized, as one measure, a minimum income of $5,500 for a family of four. This figure was chosen in the belief that "reform" based on inadequacy is a cruel hoax.

On May 13, 1971, I presented a resolution before the Democratic Policy Council which called for a national policy of welfare reform based on an adequate level of income.

The resolution, as adopted, would provide an immediate benefit floor at the prevailing poverty level, increasing over time to the adequate standard of living level as defined by the Department of Labor. It recommended Federal assumption and total responsibility for the costs and administration of welfare. This policy would insure that able-bodied men are engaged in productive work and guarantee that those who do work receive higher benefits payments than those who do not. This policy would provide proper work incentives including compensation at no less than the prevailing or minimum wage and would offer opportunities for improving work skills. Mothers of young children would retain an option regarding employment, and comprehensive child care facilities would be provided to serve all children, the poor and nonpoor alike.

Clearly, the basic purpose of such a national policy is the elimination of hunger, poverty, and demeaning dependency.

Mr. President, it is my intention to attempt to remedy these inadequacies when the bill comes before the Senate.

I ask unanimous consent that the text of the resolution adopted by the Democratic Policy Council on May 13, 1971, be printed in the RECORD. Additionally, I ask that a timely article by Tom Wicker entitled "The Price of Reform" be printed in the RECORD following the text of my resolution.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

RESOLUTION BY SENATOR BIRCH BAYH CONCERNING WELFARE REFORM, DEMOCRATIC POLICY COUNCIL, MAY 13, 1971

Whereas the present welfare system is totally inadequate and a tragic failure:

(a) it requires recipient families to exist on benefits substantially below the poverty level,

(b) it excludes nearly half of the needy,

(c) it discourages recipients from working by discriminating against the "working poor,"

(d) it encourages the dissolution of the family unit,

(e) it demeans the individual and perpetuates his dependency on welfare,

(f) it permits exceedingly wide variations in benefit payments,

(g) it results in a tremendous financial burden on some states and cities, creating intolerable increases in the property tax and other regressive taxes.

Whereas the President's proposed Family Assistance Plan perpetuates the problems of the present welfare system and fails to meet basic human needs,

Whereas the Administration has consistently distorted the characteristics of the problem by stressing the popular myths of welfare while ignoring the need to provide adequate assistance for the children, aged and infirm who comprise 86% of present welfare recipients.

Whereas economic conditions in the country have resulted in 5.2 million unemployed and have been primarily responsible for the increased intensity of the welfare problem.

Whereas the President has vetoed the efforts of Congress to strengthen the economy by providing public service employment so that able-bodied citizens—on or off the welfare roles—have a real opportunity to work and earn their own way.

Therefore, be it resolved by the Policy Council of the Democratic National Committee:

(1) That the present welfare system should be replaced by an income maintenance plan,

(2) That the ultimate goal of such a plan should be to eliminate hunger and poverty in the United States,

(3) That in order to meet the basic human needs of those who are unable to provide for themselves, the income maintenance plan should provide an immediate minimum benefit floor at the prevailing poverty level, increasing over time to the adequate standard of living level,

(4) That the federal government should assume total responsibility for the costs and administration of the income maintenance plan,

(5) That the income maintenance plan should be structured so as to insure that able-bodied men are engaged in productive work, to guarantee that those who do work receive higher benefit payments than those who do not, to provide proper work incentives including compensation at no less than the prevailing or minimum wage, and to offer opportunities for improving work skills.

(6) That under such a plan the mothers of young children should retain an option regarding employment,

(7) That under such a plan it is essential that comprehensive child care facilities be provided for all children, and

(8) That in order to relieve such an income maintenance system of the burdens of growing numbers of unemployed who have exhausted their unemployment compensation benefits, the economy should be stimulated and additional employment created:

(a) by the release of $12 billion in federal funds, vitally needed for urban and social programs, but impounded by the Administration,

(b) by the immediate acceleration of important public works construction,

(c) by the passage of emergency public service employment legislation, vetoed by the President in 1970, providing immediate employment opportunities for at least 500,000 workers, and

(d) by providing an additional 13 weeks of federally financed unemployment compensation for workers who have exhausted their benefits.

THE PRICE OF REFORM

(By Tom Wicker)

WASHINGTON.—The price of reform in America has always been high, frequently so high that it costs more than it is worth. Powerful interests, impregnable institutions, entrenched members of Congress—by the time all have exacted their concessions and protected their positions, the most powerful reform movements in the worthiest causes are likely to find themselves with less than half a loaf of stale bread.

That may not be precisely the case with H.R. 1, the welfare reform bill that has passed the House under the joint stewardship of the Nixon Administration and Representative Wilbur D. Mills. Still, this is a measure that yields so much in return for the reform it seeks that it has to be asked whether the price is not too high.

The basic reforms pursued by H.R. 1 are highly laudable. It would establish an income floor of $2,400 a year for dependent families of four, extend this aid to the "working poor" as well as the indigent, and provide some financial relief for hard-pressed states.

But aside from the fact that $2,400 is grossly inadequate in most areas, H.R. 1 has been pushed through the House Ways and Means Committee and the House itself only at considerable cost. For instance:

Forty-five states and the District of Columbia now provide more than $2,400 a year in cash and food stamps (which will not be available to recipients under H.R. 1) and 22 states pay more than $2,400 in cash. Yet, there is nothing in H.R. 1 that would require states to supplement the Federal payment so that no recipient would lose money or benefits, and no Federal incentive to lure states into such supplementation.

H.R. 1 also would impose more stringent work requirements on welfare recipients, including the mothers of fatherless children, without adequate provision for their day care. It would force these persons to accept work at $1.20 an hour instead of at the legal minimum wage, a provision that makes it all too likely that well-intended welfare reform might in some cases be warped into a source of cheap forced labor.

At the same time, where are the jobs for the adults among the 10.6 million current recipients of aid for dependent children? Unemployment is already at about 6 per cent, and Mr. Nixon has just vetoed a public works bill that was intended to provide emergency jobs. Are the 200,000 temporary public service jobs to be provided by H.R. 1 and the 200,000 more to be provided by a separate emergency employment act sufficient even for welfare recipients, let alone the other unemployed?

H.R. 1 also would stiffen eligibility requirements, notably by disqualifying any person who during the previous nine months had earned an amount of income that, if earned regularly, would make him ineligible for assistance. For many persons otherwise eligible, this will impose a nine-month waiting period for aid—in contrast to the "current need" standard of assistance that now prevails. Other persons—many seasonal and migrant workers, for instance—will be made permanently ineligible by this provision.

H.R. 1 also would impose numerous harassing regulations—for instance, one that would discourage recipients from seeking a hearing before their grants could be terminated, even though in 1970 the Supreme Court ruled that recipients were entitled to such hearings. The bill also would rule out any system of certifying eligibility by the prospective recipient's affidavit of need and force an investigation of all applicants.

Such provisions as these tend to negate two of the major aims of most welfare reformers—to permit a higher degree of dignity and privacy to poor people who need help, and to reduce the vast, costly bureaucratic machinery now needed to administer and "police" the program.

There are those who argue resignedly that this is only the price that has to be paid for serious welfare reform. But the real question is whether there can be serious welfare reform when provisions such as these are imposed upon it; for "income maintenance" and "aid to the working poor" become only a different, perhaps marginally better, means of doing what we are already doing if welfare continues to be demeaning to its recipients, inadequate to their needs, bogged down in red tape and suspicion, punitive in spirit and insufficient to break the cycle of dependency.

Those are qualities that will have to be eliminated by any welfare reform worthy of the name, and worthy of the supposed generosity of the American people. Unfortunately, the Senate Finance Committee, to which H.R. 1 now has been delivered, turns a meaner eye and a flintier heart on the poor than does the Ways and Means Committee, if that is possible; so the likelihood is that an even higher price will yet be exacted for the sad remnants of reform.

TIME FOR AN EXPLANATION

Mr. EAGLETON. Mr. President, in today's New York Times, Ambassador Averell Harriman, the former U.S. negotiator in Paris, wrote of the need to seriously consider the recent Paris peace proposal.

Mr. Harriman correctly states that—

> The Administration has previously justified its refusal to negotiate a definite date for withdrawal of all American forces on three grounds—the safety of our faces, the release of our prisoners of war and giving the South Vietnamese "a reasonable chance."
>
> Mrs. Binh's seven point proposal satisfies the first two reasons. The Administration should now explain what it means by giving

South Vietnam "a reasoinable chance" and what American vital interests are involved.

Mr. President, I could not agree more with Ambassador Harriman. The American people deserve an explanation of why American boys continue to die in Vietnam.

Ambassador Harriman concludes, as the Mondale-Eagleton resolution does, that—

> There is no reason to delay negotiations until the election (the South Vietnamese Presidential Election in October) which can hardly be a meaningful democratic expression. Moreover, the frustration pervading our country requires negotiations for our prompt withdrawal from the war.

Mr. President, I ask unanimous consent that Ambassador Harriman's article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the New York Times, July 15, 1971]

A REASONABLE CHANCE

(By W. Averell Harriman)

WASHINGTON.—Publication of the Pentagon Papers has increased a widespread feeling that the public has not been adequately informed of United States intentions in Vietnam. The credibility of the Government was already at low point. To restore confidence it is essential that the Administration now clarify its aims in Vietnam.

The Administration has previously justified its refusal to negotiate a definite date for withdrawal of all American forces on three grounds—the safety of our faces, the release of our prisoners of war and giving the South Vietnamese "a reasonable chance."

Mrs. Binh's seven-point proposal satisfies the first two reasons. The Administration should now explain what it means by giving South Vietnam "a reasonable chance," and what American vital interests are involved. There are certain factors that already appear clear.

One that should be understood is that we have been fighting North Vietnam, a strongly nationalist Communist state which does not want to be dominated by China. It is supported, of course, by both China and the Soviet Union. During my months of talks in Paris, Hanoi's historic desire for independence was apparent. They were gratified that they were able to establish normal relations with the French and wished to have similar relations with us. Like Tito, they understand to avoid domination by the Communist giants they must have relations with the West and particularly the United States. We must recognize this and no longer blindly follow the concept that we are fighting Communist China.

Another factor is that the majority of the South Vietnamese clearly desire peace and prefer a non-Vietcong-controlled government. During recent years we have helped strengthen the Saigon Government militarily to Vietnamize the war, but not politically to expand its base to permit negotiations for a compromise settlement and to succeed in the political competition which would ensue. A political settlement worked out by the South Vietnamese themselves could give a "chance" for the South Vietnamese while experience indicates continued attempts to achieve a military solution can only mean endless fighting [with no settlement in sight].

In South Vietnam there are no effective political parties but there are groups representing the non-Communist elements in the country—Buddhists, Catholics, Cao Dai, Hoa Hao, and the labor unions. It is not too late for President Thieu to rally these forces and bring their representatives into a peace cabinet or a negotiating committee. Conditions must be agreed to with the National Liberation Front under which a national election can be held from which would evolve a new constitution and a new government. As the front has proposed, provision should be made for guarantees against reprisals, and release of political prisoners.

There is increasing evidence that the other side would agree to an independent neutral South Vietnam for a period of years. The front, made up of people who are themselves southerners, evidently wants the South to be independent of the North until such time as a merger can be negotiated between equals.

Evidence indicates a willingness to agree to a non-Communist South. In fact Le Duc Tho has stated this in a New York Times interview. Furthermore, the Chinese, for the first time are not publicly supporting a peaceful settlement, and speak of the four countries of Indochina, including both North and South Vietnam. They may wish to keep Indochina Balkanized and not unified under Hanoi.

After the settlement Hanoi must be induced to leave its neighbors alone and that can best be done by long-term cooperative arrangements for the reconstruction and development of North and South Vietnam, Laos, Cambodia and Thailand. The United States should be generous in its financial contribution but must leave the management to an international agency.

Under these circumstances there is no reason to delay negotiations until the election which can hardly be a meaningful democratic expression. Moreover, the frustration pervading our country requires negotiations for our prompt withdrawal from the war.

CURRENT JUDICIAL PROBLEMS—AN ANALYSIS

Mr. BURDICK. Mr. President, many of the bills introduced thus far in this session of Congress and referred to the Judiciary Committee propose one solution or another to some of the current problems with which our courts, both Federal and State, must contend. The problem areas, without attempting to exhaust the subject, may be listed as follows: Crowded calendars, increase in the number of criminal trials, increased filings of new cases, judicial ethics and disqualification, and delays before and during trial.

The Judges' Journal for July 1971, published by the American Bar Association, carried a short article by one of our distinguished Federal judges, Judge Irving R. Kaufman, of the U.S. Court of Appeals, Second Circuit, which in my judgment expresses a brief, but well-stated, analysis of some of these current problems. This article merits the thoughtful attention of all Members of Congress who are concerned with what many in the media call a crisis in our courts. I do not personally subscribe to the crisis theory but I do believe that many of these problems of our courts must receive attention by this Congress.

I ask unanimous consent that Judge Kaufman's article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

COURT CRISIS: A MATTER OF VOLUME AND OF MONEY

(By Judge Irving R. Kaufman)

We have recently witnessed a series of harsh attacks on the judiciary, and some equally strident replies. At the risk of appearing in the self-serving role of the sick patient offering a cure for his own disease, I suggest that frustrations over the failure to solve serious problems in the administration of justice are grievously displaced when they are expressed primarily in hostility against judges.

The present tendency to visit the sins of an antiquated system on the heads of the judges who inherited that system looks more toward the ancient practice of abusing the bearer of bad tidings than toward constructive reform.

What happens, of course, is that the public sees the system laboring and tends to blame the character and dedication of judges rather than the system under which they work. If judges are not dishonest, then they are in all events lazy.

The major premise—that ethics and industry are twin pillars of swift, even-handed justice—is not open to dispute. It is too easy to delude oneself, however, into believing that the problems will disappear if judges work 20 hours a day under ethical standards that would test the probity of a saint.

That is not to say that we may avoid meeting the task of insuring dedication and high moral purpose in the judiciary. The American Bar Assn. Special Committee on Judicial Standards, of which the writer is a member, has been entrusted with the task of redrafting the 50-year-old Canons of Judicial Ethics.

Since the subsidence of the furore over the resignation of former Associate Justice Abe Fortas, we have had a year's time to deliberate and reflect. I hope that the new departures we have suggested, such as filing of extra-judicial compensation and requiring compulsory disqualification for any interest of a judge in a case that comes before him for adjudication, will not divert the public eye from what I view as the primary goal of any set of judicial canons: to maintain the impartiality of the judiciary, certainly, but to do so without sacrificing its independence.

We shall seek to draft ethical precepts that will contribute to a dialog between the moral sense of a good judge and a perceived level of community standards.

If we are to secure judicial independence against misguided pressure, however, it is imperative that responsible officials take more seriously their obligation to elucidate and inform the public about the nature of what has rightly been termed the "crisis" in judicial administration.

Those familiar with the encrustations that cause our system of justice to groan so audibly will not in good conscience blame court delays on the occasionally lazy judge. The unhappy plight of the courts did not suddenly come about. The conditions resulting in delays have been chronic.

Legislators, federal and state, and other officials holding the purse strings have been most profligate in their condemnation of delay but they tend to be rather penurious when it comes to providing the funds and facilities necessary to sustain first-class justice to all.

We have the Chief Justice, Warren Burger, to credit for the instructive comparison that the entire cost of the federal judicial system, about $128 million last year, would have paid two-thirds the price of a single C–5A airplane. An eminent lawyer—and former jurist—Bernard Botein, observes that between 1965 and 1967 the federal government distributed $20.6 million to aid state and local governments under the Law Enforcement Assistance Program. Of this sum, about one-quarter of one percent, or $50,000, trickled into court administration.

We must do better for justice than that. The growth in the volume of business surging into the federal district courts, for example, seems, like inflation to some economists, to be increasing at an accelerating rate. Criminal filings in those courts in fiscal 1970 showed the greatest one-year increase since the mid 1950's.

The total number of such filings exceeded two-and-one-half times the figure of a decade ago. In the federal courts of appeals, the volume of cases filed has tripled in that same brief span.

Each year more criminal defendants quite properly insist on exercising the full panoply of their constitutionally guaranteed rights by not pleading guilty to criminal charges lodged against them and instead electing to be tried by jury. To administer a criminal jury trial takes at least two-and-one-half times as long, at more than 10 times the cost, than to process a defendant who pleads guilty.

Similarly availing themselves of newly recognized federal rights, 27% more state prisoners demanded federal court review of the legality of their imprisonment last year than did the year before. These cases now comprise a startling 20% of all civil cases that enter the federal district courts, as compared with 4% in 1963. Their number has increased more than six times since 1950.

Courts cannot do the same justice to fundamental rights if society continues to expect them to handle the same or a greater volume of "traffic accident" litigation and the like as in the past with the same tools. Nor can we as a nation afford to dispose of messy and embarrassing breakdowns of social or individual order—narcotics addiction, alcoholism and prostitution are prime examples—by dumping them onto staggering criminal dockets as we have sewage into the rivers and oceans.

On the civil side, if we wish to rely heavily on the courts to help redress the ecological imbalance or encourage social programs like the proposed class actions in federal courts for consumers cheated by sellers, we must be prepared to devote the resources and tax dollars that will be necessary to meet the inevitable increase in judicial business, or remove something from already overburdened courts.

We must remember that the judicial system has its ecological balance too. The "externalities" of otherwise desirable social programs in terms of their impact on the judicial system will fall on all who seek efficient justice—the consumer himself, as well as the indigent and oppressed—unless we face squarely that the volume of cases, criminal and civil, pouring into the courts annually is just too great to handle as the 51 court systems are now constituted.

Some seem to forget in the current debate that we *are* talking about justice. If we are concerned with true and equal justice for all, we must either increase the capacity of the judicial machinery, or lighten its load so that the process can be working in an atmosphere that appears to be fundamentally fair.

Few speak of that essential ingredient of adjudication without which justice miscarries. I refer to the time for reflection *before* the judge makes his decision. Assembly-line operation is the antithesis of a fair hearing and a considered judgment.

As one of many needed reforms, I have suggested the appointment of para-judges to deal with the enormous mass of pretrial hearings, motions and administration of court calendars, all of which now take a major portion of a judge's time. Other professions—medicine and teaching come quickly to mind—have discovered that applying modern management techniques and employing para-professionals or technicians wherever possible, can bring real gains in improving services.

A heart surgeon should not have to take his patient's temperature during surgery. I submit that a well-trained para-professional will cope with calendar control, not merely as well, but perhaps better than a judge who is highly trained to apply and interpret the law, but not trained to employ flow charts or systems analyses to eliminate bottlenecks.

If we do not radically revise our assumptions and expectations about the proper functions and capacities of our courts; if we do not introduce our judicial system to the cybernetic age; if we do not confront the crises of the 1980's today; if we insist on scapegoating, I foresee a bleak future for our independent judiciary.

Like liberty, we may not know its worth until we have lost it, and then it may never be regained.

UNDERGROUND NUCLEAR EXPLOSIONS

Mr. COOPER. Mr. President, since early this year, the Senate has benefited from efforts by Senator Case to obtain the full facts pertaining to recent scientific advances in the detection and identification of underground nuclear explosions and to make the conclusions available to the public. The Senator from New Jersey (Mr. Case) has maintained that this information is of extreme importance in view of its bearing upon the feasibility of an underground nuclear test ban, a subject which will be the subject of hearings by the Arms Control Subcommittee of the Senate Foreign Relations Committee on July 22 and 23.

I ask unanimous consent that the Washington Post article of June 13, 1971, which spurred Senator Case to go into a detailed study of the available scientific evidence, and subsequent articles on the feasibility of an underground nuclear test ban be printed in the Record.

There being no objection, the items were ordered to be printed in the Record, as follows:

[From the Washington Post, June 13, 1971]

U.S. Softens Claims on A-Detection

(By Marilyn Berger)

The Pentagon has rewritten the summary of a scientific paper which reported substantial improvements in the ability to differentiate between underground nuclear tests and earthquakes. The effect of the change is to weaken the report's conclusions.

The findings of the original report appeared virtually to eliminate the need for on-site inspection to check suspicious earth vibrations and therefore to improve significantly the prospects for negotiating a ban on underground nuclear testing, given a political decision to do so. The revised summary in effect undercuts the scientific strides that had been reported less definitive.

The original report stated that with appropriate instrumentation, earthquakes registering 4 on the Richter Scale could be differentiated with accuracy from underground nuclear tests of an equivalent magnitude—meaning as low as one to two kilotons. That would cover just about every weapons test by the Soviet Union and the United States since atmospheric testing was banned in 1963.

The revised summary says it is only possible to distinguish earthquakes from underground tests below a Richter magnitude of 4.5.

That is equivalent to approximately 5 to 10 kilotons.

The original report grew out of a conference held at Woods Hole last summer, sponsored by the Pentagon's Advanced Research Projects Agency (ARPA). A scientist in ARPA explained the revisions in the report's summary by saying the original failed to reflect a "consensus" of the conference but instead represented the views of only one unnamed man.

BASED ON MEASUREMENTS

The technique for discriminating between earthquakes and underground tests discussed at the conference was based on measurements of two kinds of waves that are produced both by explosions and earthquakes: those that pass along the surface (surface ban on the underground nuclear . . . through the body of the earth (body waves).

In more than 400 seismic events measured, it had been observed that at least down to a certain level of magnitude, an earthquake will almost always produce substantially more surface waves relative to its body waves than will a nuclear explosion.

The original report showed a 20-fold gain over what scientists were able to do five years ago in differentiating explosions from earthquakes. When the question of a ban on underground nuclear testing was discussed 10 years ago U.S. scientists could detect underground tests in the Soviet Union equivalent in earthquake force to 4.75 on the Richter scale, which is about equal to a 20-kiloton explosion.

Since many tests were below this magnitude the United States felt on-site inspections were necessary for an underground test ban to be reliable. The Soviet Union rejected on-site inspection, although at one point offered to accept three inspections annually.

Sen. Clifford P. Case (R-N.J.) said recently that the gains reported in the ARPA paper should make it possible to monitor a ban on underground testing with the number of inspections Moscow was at one time prepared to accept.

WITHIN COMPETENCE

And former arms control director William C. Foster said last February that "it is fully within our scientific competence to monitor adequately . . . a total test ban."

While there are a number of differences between the original summary in the ARPA report and the newly revised summary that was cleared for publication on May 24, the critical divergence is in the magnitude of explosion that may be differentiated by the seismic discrimination technique.

When The Washington Post on April 11 carried an article on the scientific findings based on the full two-volume report and the original summary, a number of senators and foreign embassies requested copies from the Pentagon.

The Pentagon's sensitivity to the report was apparent to Case, who said that the volumes he received had the summary ripped out. Only after he sent a telegram to Defense Secretary Melvin R. Laird did he get the original summary. He later received the revised summary.

One diplomat from a country allied with the United States says he got a run-a-round from the Pentagon and even had one man tell him that the report did not exist. When he finally got the two hefty volumes he received a copy of the revised summary. When reached Friday he said he was unaware that an earlier version existed.

CALLED INCOMPLETED

A Pentagon spokesman, asked about the alterations in the summary, said: "The original summary had not been cleared for open publication. Apparently, the original summary was done by a man who had chaired only about half of the meeting so it was not complete."

The spokesman said the revised summary

contains "everything that is essential" in the original summary plus the substance of another summary from the person who chaired the other half of the meeting.

Informed that the whole thrust of the revised summary was different from the original, the spokesman allowed a scientist for ARPA to try to explain the discrepancies.

This scientist, who declined to be identified, essentially repeated the spokesman's words but added that the new summary reflects the "consensus" of the entire meeting while the original reflected the views of one man. He declined to say whether that one man was on the staff of ARPA.

The scientist acknowledge that the major difference was in the ability to discriminate explosions of a magnitude as low as 4 as in the original or 4.5 as in the revised summary.

The ARPA scientist said: "The difference between 4 and 4.5 is the difference between an enthusiastic scientific sort of feeling and a considered Department of Defense opinion that reflects what we think is possible in real world conditions. Everything we can do in the laboratory can't be done in real life."

400 QUAKES COVERED

The report, however, showed that experiments were carried on in the last four years in the "real world." According to the report, seismometer arrays in Norway and in four States in the United States were used to study the seismic motions of more than 400 earthquakes, many of them outside the United States and at least 20 of them inside the Soviet Union.

At the same time, the seismometers measured more than 50 underground explosions at all five United States and Soviet sites, the two in Nevada, one at Amchitka Island in Alaska, at Semipalitinski in Siberia and Novaya Zemlya Island in the Arctic Ocean.

When the existence of the report was disclosed, Sen. Edmund S. Muskie (D-Maine), chairman of the Senate subcommittee on arms control, said he would schedule hearings on the matter. Case said it should now be possible to enter into a treaty prohibiting all nuclear tests.

[From the Washington Post, June 29, 1971]

Underground Test Results Manipulated, Case Claims

(By Marilyn Burger)

Charging that the Pentagon is manipulating and suppressing scientific data showing significant gains in the ability to detect underground nuclear tests Sen. Clifford P. Case (R–N.J.) is releasing letters from six seismologists which he says "clearly underscore the advances which have been made."

In a speech prepared for delivery before the Senate today, Case said that he was concerned not only because the Pentagon's Advanced Research Projects Agency (ARPA) had suppressed scientific data, but because ARPA's director would be on the U.S. delegation to the disarmament talks starting Wednesday in Geneva. "I am concerned that the U.S. representatives . . . might not be as forthcoming as they might be," Case said.

His allegations grow out of the disclosure that ARPA rewrote the summary of a report on a mid-1970 conference at Woods Hole, Mass., where seismologists discussed the ability to distinguish underground tests from earthquakes. The new version substantially undercut the reported scientific strides discussed at the ARPA-sponsored symposium.

In the advance text of his spech Case said, "It has come to my attention that ARPA is explicitly representing its version of the summary as reflecting the judgment of the scientists who attended the conference. In a Washington Post article of June 13, an ARPA representative, attempting to explain his agency's actions, stated that the original summary failed to reflect a 'consensus' of the conference but, instead, represented the views of only one unnamed man."

He added: "This I have confirmed to be simply not true. ARPA apparently did not even bother to get in touch with the Woods Hole participants before issuing its own version of the proceedings."

The original summary had stated that with appropriate instrumentation, earthquakes registering 4 on the Richter scale could be accurately distinguished from underground nuclear tests of an equivalent magnitude, meaning as small as one or two kilotons. The revised version which the Pentagon cleared for release says it is possible to differentiate "below" a Richter magnitude of 4.5 equivalent to about 5 to 10 kilotons.

In a letter Case has released, three seismologists from the University of California at San Diego, who saw both summaries, said, "We feel that the original summary more adequately represents our views as to the present status of the discrimination problem."

They continued, "One paragraph in the modified statement with which we strongly disagree is the statement that 'a major result of the meeting was a clear impression that much research has yet to be done . . .' On the contrary, we feel that the discrimination problem has essentially been solved down to magnitude 4.0 . . ."

The letter was signed by Professors Barry Block, James Brune and Freeman Gilbert. Another letter from three seismologists at the Lamont-Doherty Observatory at Columbia University who contributed papers to the Woods Hole symposium, said: "Our reaction to the original summary was that it adequately reported the many recent advances in seismic techniques for detection and discrimination and that it expressed our impression of what was said at Woods Hole." It was signed by Peter Molnar, Peter L. Ward and Max Wyss.

Case noted that it is "not an uncommon occurrence for scientific findings to be strongly resisted by government bureaucracies, especially when such findings conflict with entrenched interests or cause the government embarrassment. When such bureaucratic resistance is translated into overt manipulation or suppression of the frank opinion of scientists, however, it becomes an abuse of authority which cannot be tolerated "

[From the New York Times, June 29, 1971]

A Pentagon Curb Charged by Case—Opinion of Seismic Data Suppressed, He Says

WASHINGTON.—Senator Clifford P. Case accused the Pentagon today of manipulation and suppression of scientific opinion on the feasibility of detecting underground nuclear explosions.

The charge by the New Jersey Republican prompted by a revised summary that the Pentagon's Advanced Research Projects Agency had attached to a report on a scientific conference on test detection held at Woods Hole, Mass., in July 1970.

The original summary said the conference, in which leading seismologists took part had come to the conclusion that scientific advances had greatly eased the problem of detecting underground explosions and distinguishing them from earthquakes.

As a result of these advances, the summary said, it should now be possible to identify underground tests down to 4 on the Richter scale, which is the seismic magnitude of a one- or two-kiloton explosion in granite. A kiloton explosion is equivalent to 1,000 tons of TNT.

AGENCY REVISED SUMMARY

On the basis of that summary, Senator Case, a member of the Senate Foreign Relations Subcommittee on Disarmament, raised the possibility that it might now be possible to enter into a treaty banning underground tests without requiring the on-site inspections that the United States has sought—a demand that has blocked such a treaty in the past.

Subsequent to that statement by Mr. Case, the Advanced Research Project Agency, which sponsored the conference, decided it disagreed with the summary and proceeded to write its own summary of the findings of the conference.

The revised summary concluded that it was only possible to distinguish explosions from earthquakes down to 4.5 on the Richter scale, which is the equivalent of about a 20-kiloton explosion in hard rock. The new summary also found that "a major result of the metering was a clear impression that much research has yet to be done to resolve the discrimination problems" between explosions and earthquakes.

A Defense Department spokesman said that the Advance Research Projects Agency had decided to do its own summary because the unidentified scientist who prepared the original summary had been "so far off base scientifically" and did not reflect the consensus of the conference.

As a result, he said, the agency drafted a summary "which reflected a true consensus rather than consensus presented originally, which was based on just a few of the papers."

In rebuttal, Senator Case made public letters from six seismologists who attended the conference stating in effect that the original summary accurately had reflected the views of the conference and disagreeing with the conclusions in the new summary.

Senator Case suggested in a statement that the "management" of scientific opinions was part of "bureaucratic resistance" to extending the treaty banning nuclear test in the air, underwater and in space to cover underground.

Senator Case also complained that agency, rather than issuing a separate statement in disagreement with the original findings, "withdrew" the original summary from publication and "classified this previously unclassified product of an unclassified 'for official use only'."

A New Test Ban Treaty?

If the globally threatening arms race is ever to be halted, an essential step will be an agreement between the United States and the Soviet Union to cease underground nuclear tests, as well as the atmospheric, space and underwater tests which were banned by a 1963 treaty.

On the eve of Senate disarmament subcommittee hearings on possible arms control steps, Senator Clifford P. Case of New Jersey, the ranking Republican in the group, has revealed that scientists at a conference sponsored by the Defense Department last year concluded that so much progress had been made in identifying seismic disturbances that it is now much easier than in 1963 to distinguish earthquakes from underground nuclear explosions. Senator Case thinks it should now be possible to monitor a ban on underground tests with two or three onsite inspections a year, as the Russians proposed in 1962.

Although the Russians are now saying it should be possible to police a ban wholly through detection systems operated by each country, progress in seismic technology suggests that the subject of a total ban on tests should be reopened, with each country being given a chance to re-examine its position.

[From the Hackensack (N.J.) Record, May 17, 1971]

Why From Senator Case?

It is alarming that Sen. Case of New Jersey is the source of word that scientists can now distinguish so well between earthquakes and underground nuclear tests that a ban of all such testing has become feasible.

And it is further alarming that persons at the Pentagon ripped out of the report submitted to Sen. Case a section dealing with these advances in seismic detection. The report concerned a conference last summer at Woods Hole, Mass., called by the Pentagon's Advanced Research Projects Agency. Mr. Case consulted some of the authorities who attended the conference, and he was able to get the sense of the elided portion of the report.

One would have hoped that the Pentagon would have welcomed such a finding, would have publicized it, and would have used it to re-examine the United States position in relation to nuclear testing. Nothing of the kind has taken place. President Nixon stands exactly where President Johnson and President Kennedy stood before the new technology was developed.

Sen. Case says that the new discoveries make possible an agreement calling for only two or three on-site inspections a year, which was the proposal of the Soviet Union before the 1963 ban on nuclear tests in the atmosphere. The United States then demanded seven inspections a year.

The Soviet Union has since withdrawn its proposal for two or three inspections, but certainly the subject should be reopened and carefully explored.

The Senate Foreign Relations subcommittee on disarmament is about to begin hearings that will include the possibility of a comprehensive test ban treaty. The hearings and the subcommittee's later report should help to create pressure that President Nixon will find himself able to respond to. Nuclear war is nothing to play politics with. The national advantage of every nation and the individual advantage of every person in the world depends on eliminating any possibility of it from human affairs.

[From the Hackensack (N.J.) Record, July 6, 1971]

DON'T TELL OURSELVES

(By William A. Caldwell)

Even as the courts were still trying to make up their mind whether the government has a right to withhold the truth from the people, the superbly cantankerous Sen. Case of New Jersey hauled into the public domain a grotesque new question involving a further dimension of the right to know:

Does the government have a right to lie to the government?

The information being withheld this time is esoteric. It has to do with the detection of underground nuclear tests.

But it is relevant to the United Nations conference on disarmament which began yesterday in Geneva. It is relevant to the survival of mankind. It is relevant to the government's pledge to pursue disarmament negotiations in good faith and to President Nixon's noblest aspiration—to bring about a generation at least of peace in the world.

Clifford P. Case's exasperation is understandable.

Like the rest of us, he has grown accustomed to government bureaucracies' resistance to the dissemination of findings that are inconvenient to entrenched interests or embarrassing to the government.

"When such bureaucratic resistance is translated into overt manipulation or suppression of the frank opinion of scientists, however," he said in a statement his office distributed Tuesday, "it becomes an abuse of authority which cannot be tolerated."

See for yourself whether it's tolerable.

For 20 years the hang-up in nuclear disarmament negotiations has been this country's insistence that compliance be policed through on-site inspection and the Soviet Union's somewhat neurotic insistence that it will never consent to what it considers a form of espionage.

Early this year Mr. Case heard that at a conference of American seismologists at Woods Hole, evidence had been presented of a twentyfold gain in our ability to detect and evaluate underground nuclear explosions inside the Soviet Union. The technology is sensitive enough to identify tests involving one- or two-kiloton devices. The Model T bomb used on Hiroshima yielded 20 kilotons. To Sen. Case it looked as if the United States could go into negotiations without prerequiring on-site inspection. He asked the Advanced Research Projects Agency in the Department of Defense for a copy of the Woods Hole report. The agency had sponsored the conference.

When he received the report in April he found its summary, the only part of it comprehensible to a layman like him, had been ripped out. He asked why. ARPA replied that it disagreed with the summary and would write its own version of what the scientists had reported.

Not content with merely preventing him from seeing the scientists' own summary, the Defense agency thereupon withdrew it from circulation in any form and classified "For Official Use Only" this thitherto unclassified report from an unclassified conference.

Then, not content with this impudence, ARPA is letting it leak out that the summary is being suppressed because it represented the opinion of but one man and is being supplanted because the ARPA version reflects the judgment of all the other scientists who attended the conference.

"This I have confirmed to be simply not true," says Sen. Case. "ARPA apparently did not even bother to get in touch with the Woods Hole participants before issuing its own version of the proceedings."

He released letters from scientists who were at Woods Hole, among them Peter L. Ward of Sparkhill and Max Wyss of Valley Cottage, vehemently contradicting the bureaucrats' doctored summary as a misrepresentation and reaffirming the accuracy of the summary now being suppressed. Three of the researchers objected specifically to the doctored version's conclusion that further study must be done before teleseismic instrumentation can be relied on.

If the publication thus far of the Pentagon papers proved anything more than the increasing distance between government and the consent of the governed, what it proved was that the decision makers in government itself are very often the captives of their sources of information. The possibility that the United States delegation at Geneva will insist now on inspection rights the national security doesn't need is what concerns Sen. Case.

He is confident that the Nixon administration want to do serious disarmament business.

"But even stated national policy can be thwarted by bureaucratic resistance," he says, and he points out coldly that the director of ARPA, the agency that disemboweled the scientists' finding of fact, will be a member of the United States delegation at the Geneva meeting.

Mr. Case has asked for hearings on the prospects, as amended, for a comprehensive nuclear test ban. Sen. Muskie of Maine, chairman of the arms control subcommittee in the Foreign Relations Committee, has scheduled hearings to start in the middle of this month. The Senators should be encouraged to go deep into the way in which governments kid themselves, in which bureaucrat A manipulates and manages the information on which bureaucrat B bases his decisions. It doesn't look as if he needs encouragement. And it doesn't look as if anybody can get a court order enjoining him to cease and desist from rocking the boat.

[From the New York Times, July 4, 1971]

THE AMCHITKA AFFAIR

Amchitka is a remote, uninhabited island more than a thousand miles west of Anchorage, Alaska. It is the site chosen by the Atomic Energy Commission for this country's biggest underground nuclear test. Intended to be the warhead for the Spartan antiballistic missile, the nuclear device when detonated will set off an explosion with the force of five million tons of TNT. That is approximately 250 times more powerful than the bomb dropped on Hiroshima.

This explosion, now scheduled for October, is potentially an ecological catastrophe. During the underground testing which the A.E.C. has conducted since the partial nuclear test ban treaty of 1963, about one in every dozen explosions accidentally produces some radioactivity which is detectable in the air away from the test site. Although the Amchitka device is to be exploded in rock at a depth of nearly 6,000 feet, there is a small but unavoidable risk that accidental venting may occur.

There is a larger and more ominous risk that radioactivity may seep through rock beneath the island's surface and reach the Bering Sea. Since the fear of mercury poisoning has already driven swordfish off the market, it would be a devastating blow to the nation's seafood industry if Alaska salmon were to become contaminated with radioactivity.

Amchitka lies in an area of the North Pacific where earthquakes frequently occur, as Alaska and Japan have learned to their sorrow. Senator Gravel of Alaska has articulated the widespread concern in his state that the nuclear explosion, which in itself will have the force equivalent to a major earthquake, will in turn "trigger" a natural earthquake with incalculable consequences.

It is not easy for laymen to weigh the ecological risks against the contention of the A.E.C. and the Defense Department that the nuclear test is necessary for national security. But there are scientific developments which argue strongly that the Amchitka tests should at least be postponed.

AND ARMS CONTROL

The consensus of scientists at a conference on test detection at Woods Hole, Mass., a year ago was that improved scientific methods now make it possible to distinguish all but the smallest underground explosions from natural earthquake activity. If that is true, the United States no longer has to insist upon on-site inspections and the way is open for a treaty banning underground nuclear tests. That would make the Amchitka test unnecessary and would close the major gap in the partial nuclear test ban treaty of 1963.

However, the Advanced Research Projects Agency of the Defense Department, which sponsored the Woods Hole conference, is reluctant to agree with this scientific judgment. The agency withdrew from publication the original summary of this meeting and subsequently issued a much more negative summary of its own which concluded that "much research has yet to be done to resolve the discrimination problems" between explosions and earthquakes.

Senator Case of New Jersey has now released letters from six leading seismologists who participated in the conference asserting that the original summary was accurate and rebutting the Defense Department's interpretation. Senator Case accuses the Pentagon bureaucracy of trying to manage and censor scientific opinion which goes counter to existing policy.

The critically important Strategic Arms Limitation Talks (SALT) with the Soviet Union are designed to bring a halt to the expensive and dangerous nuclear arms race, specifically with regard to antiballistic missiles. It would be irresponsible to run the ecological risks involved in the Amchitka test if improved scientific methods of detection put an enforceable ban on underground explosions within reach of the SALT negotiators. Such a ban would contribute far more to the security of all mankind than any

successful weapons test. A decision by President Nixon to defer the Amchitka test pending the outcome of the SALT talk would be an act of environmental as well as diplomatic prudence.

EQUAL RIGHTS FOR WOMEN

Mr. McGOVERN. Mr. President, discrimination against women is morally wrong and socially wasteful. We should move now to insure, not just encourage, equal status for women.

There are some facts that we must make known to every American. There are still too many of both sexes whose response is "I don't believe it."

The following figures are a national disgrace:

Women hold 42 percent of the jobs, but the only economic category they lead in is poverty.

A male college graduate earns about $12,000 a woman, about $7,000—about the same as a man with an 8th grade education. This, even though she may have stood higher in the class than he did.

Of those in the work force, twice as many women as men are unemployed. This figure does not take into account those who are discouraged from ever entering the work force.

For every $100 a man earns, a woman gets $60. Most shocking: compared with men, women are making less today than they did in 1955. The gap is widening.

In 1968 women were:

Nine percent of all full professors.

Seven percent of all physicians.

Three percent of all lawyers.

One percent of Federal judges.

One percent of the U.S. Senate.

In the face of facts like these, how is it that so many still say "I don't believe it?"

The barrier that restricts a woman's life is invisible, based on unspoken assumptions. It is like a glass wall. First grade readers show boys making things while their sisters watch helplessly but admiringly. Studies of the three major readers show they mention 144 adult careers for a boy to dream of, and only 24 for a girl. By the time a girl reaches the working world, she may accept that it is quite reasonable that a Phi Beta Kappa graduate of Barnard College must take a typing test to get a job. And it often does not occur to the man who hires her to consider her for the jobs that he is trying to find men to fill.

What can we do?

There are some symbolic actions one can take. For example, the coveted membership in the Gridiron Club is limited to 50 distinguished journalists, all male. It excludes all the distinguished members of the Washington Press Corps who are women. On these grounds, and at the request of many members of the press, I declined to attend their annual dinner.

However, we must take action that is more than symbolic, action that will bring measurable change to women who are not getting an equal chance.

Imagine the desperation Mrs. Ida Phillips of Orlando, Fla., must feel. She was refused an assembly trainee job by the Martin Marietta Co. because she was a woman with young children to support—which, of course, is why she needed a job. When she went to court, Judge G. Harold Carswell found in favor of Martin-Marietta. Her case is being appealed, but the burden of seeking justice is still on her. Two changes would make cases like Mrs. Phillips' obsolete.

Title VII of the 1964 Civil Rights Act forbids discrimination in employment on the basis of race, color, national origin and sex. The Equal Employment Opportunity Commission is empowered to enforce the law in respect to race, but only to advise on cases of discrimination in respect to sex.

The Equal Employment Commission must be empowered to enforce the law. A cease-and-desist order is the only way to make manifest that title VII is not to be evaded. No one should have to fight for the right to support her children.

A problem related to Mrs. Phillips' is the conflict between State laws that permit sex discrimination and the Federal law which prohibits it. Passage of the Equal Rights Amendment to the Constitution would eliminate this problem. I am a cosponsor of the amendment, and I will continue to work for its passage in the Senate. We must eliminate the bewilderment of a woman who thinks she is protected by Federal law, only to find herself stymied by her State's legislation.

And we must live up to the Constitution. Women have life, but they do not truly have freedom, and their pursuit of happiness is blocked at every turn, if they do not concede happiness to be limited to the "little woman" role.

I am concerned about another double squeeze a working woman feels. Even though she may be paid less than a man with the same job, she knows she may claim only partial tax deductions for the care of her children while she is at work Anyone below a certain income level, male or female, who must pay for child care in order to work, should be able to deduct from gross income the full cost of a housekeeper or school for preschool children. If taxis and martinis are legitimate expenses, so is the care of children.

And when a woman goes to work, she wants to know her children will get the finest care, the most enriching experience possible. I am a cosponsor of the Comprehensive Child Development Act of 1971. This bill maintains Headstart's priority on economically disadvantaged children, but expands its health, educational, nutritional, and social services to include children from families of other economic levels, especially the children of working mothers and single parents of either sex.

And how many people realize that a woman's social security benefits are 80 percent of a man's, though she has paid the same premiums? She may come out better taking benefits as a widow than as a worker. If she does that she gets nothing at all back from all the premiums she herself has paid over the years. And her family gets far less than a man's in death or disablement compensation, if something happens to her. These inequities must go.

In the middle of April, when college acceptances were mailed out, many girls were turned down. And perhaps this was the first time they had run against the glass wall. Perhaps they did not even realize how much better their chances would have been if they had been boys. And imagine the frustration of well-qualified women, who find themselves bypassed for promotion. I believe that Federal funds should not go to any institution that discriminates against women; not in admissions, not in hiring, not in promotion, not in salary.

When President Nixon took office, he commissioned the Task Force on Women's Rights and Responsibilities. Its report, rightly called "A Matter of Simple Justice," has been ignored. I am pleased to cosponsor S. 2185, the Women's Equality Act, which would implement many of the task force recommendations.

Mr. Nixon claims he is proud of his record of bringing women into his administration. In 1968, women held 1.03 percent of the Federal jobs paying over $30,000. Now they occupy 1.04 percent. It is obvious that the President has no concept of the seriousness of this problem.

But he has instructed his staff to give me any recommendations they possibly can that will bring qualified women into Government.

This reiteration of the phrase "qualified women" shows how far behind the times he is. It implies that a qualified woman is hard to find, an assumption that is not only offensive, but wrong. And it further implies that if no woman is appointed, it is because none is qualified. Certainly no one is suggesting he hire unqualified women.

There should be no glass walls in America. There should be women in the Cabinet. I see no reason why the Secretary of State, the Secretary of Defense, the Secretary of the Interior must be male. Never again should our affairs of state be an allmale concern.

There should be women in the National Security Council. Never again should the question of war or peace be an allmale decision.

There should be women on the Supreme Court. Perhaps one of you has a daughter graduating at the top of her law school class this month. It must no longer be true that she cannot rise to the top of her profession. If justice is a woman, let some of the nine Justices be women.

And beyond our Nation's boundaries, America must be represented by more women. More Ambassadors to major countries should be female. And the Ambassador to the United Nations should be a woman. We must make it clear that we are not so far behind Israel and India in recognizing what a woman can do for world peace.

All of this is not mere lip service. I had the honor of serving as chairman of the Democratic Commission on Party Structure and Delegate Selection. Under my direction, the commission has specified that a delegation must reflect the population of the State. Obviously, this means about half should be women. In 1968, as you know, 13 percent were women. Only one of the 55 delegations had a woman as chairman.

America needs every brain, every talent, every energy. And an enormous fund of that energy is lying behind the glass wall unused. Discrimination has kept women who should be executives as clerks, who should be lawyers and judges, as legal aide volunteers, and has kept many out of the work force entirely.

America needs women to make our cities safe for the unprotected, exciting for the young and curious, beautiful for us all.

America needs women to bring justice to the poor, health to the sick, learning to every eager mind.

America needs women to clean up the politics as well as the rivers, to make the system respond, so that every American can take full part in the riches of the Nation.

ANALYSIS TECHNOLOGY

Mr. HOLLINGS. Mr. President, the Washington Post of July 13 carried a most perceptive article on its editorial page by Joseph A. Califano, Jr., entitled, "The Separate But Unequal Branch: Congress Has Been Bypassed in Analysis Technology." Mr. Califano speaks from a substantial background of experience in the relationship between the executive and legislative branches and his observations are of significance.

His general theme is that Congress lacks the technical facilities for independent factfinding and analysis in many areas of national policy, and. therefore, finds itself heavily dependent on the executive branch for the raw materials of its decisions. Each of us knows examples of this practice as it affects our various spheres of interest and activity and as it tends to do violence to the constitutional concept of separate but equal bodies.

Nobody, including Mr. Califano, is attempting to assign blame for this state of affairs. Certainly, there is no suggestion that the able staff which serves the Senate performs anything less than dedicated service in the face of great limitations. One circumstance which holds part of the explanation, I believe, is that the decentralization of the legislative branch simply has not lent itself readily to some of the more sophisticated techniques of current management practices and decisionmaking.

This does not mean that nothing can be done to adapt new techniques to the special needs of Congress, including the utilization of computer technology where and when it is justified. The Committee on Rules and Administration under the chairmanship of the distinguished Senator from North Carolina (Mr. JORDAN) I know is taking steps to further the Senate's utilization of new technology in this important field. The Subcommittee on Legislative Appropriations of which I am chairman is also giving very serious consideration to this matter.

The initial efforts involve a concentration on updating the internal management of Senate services so that the efforts of Senators will be facilitated in carrying on their principal responsibilities of legislating. I am pleased to note that just this week the joint leadership has given considerable thought to this problem, particularly as it involves new Members of the Senate. The Secretary of the Senate is moving in the direction of modernizing certain procedures in the central management of the Senate. These include the automation of payroll and personnel records in the disbursing office and preliminary work on the automation of the Senate's legislative recordkeeping.

So the groundwork is being laid. There is much to be done and the process will require the thoughtful consideration of all Members on both sides of the aisle. For this reason, I commend Mr. Califano's article to the Senate, and ask unanimous consent that it be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE SEPARATE BUT UNEQUAL BRANCH—CONGRESS HAS BEEN BYPASSED IN ANALYSIS TECHNOLOGY

(By Joseph A. Califano, Jr.)

The Congress is presently the separate but unequal branch of the federal government. Discussion in the press and on the Hill about this sorry condition has centered on the revelations in the Pentagon papers and the role of the Congress in foreign affairs. Senators rise on the floor to place blame on the Executive branch for withholding information or intentionally misleading the Congress.

The basic reason for the decline in congressional effectiveness and status, however, lies not with the Executive branch or some federal bureaucrats whose concern is often for the approbation of constituencies independent of the President or the Congress. Responsibility for its separate but unequal status rests largely with the Congress itself.

The judgments of the 535 members of the Congress, like anyone else's, can hardly be better than the information on which those judgments are based. The Congress is dependent upon the Executive branch for most of its information, with an occasional and too often superficial assist from outside experts. Of the three branches of the government, the Congress is the most inadequately staffed and least efficiently organized.

The Congress has a Legislative Reference Service which can put into statutory language virtually any idea any congressman wants drafted into a bill he desires to introduce. The General Accounting Office serves as an investigatory arm to expose waste in government contracts or office furnishings excessively luxurious for federal employees. Both organizations serve all congressmen well on their spheres of operation. Moreover, there are an increasing number of bright young staffers working on the Hill, particularly on the Senate side and in some key House committees.

But the Congress has ignored the revolution in analytical technology. As Representative John Culver of Iowa has pointed out, the Congress has only three or four computers, and those computers operate in large measure on payrolls and housekeeping matters. It has no central system analysis staff and only a scattering of such analysts among its committee staffs, many of whom left the Executive branch after the change in administrations in 1969 and have every intention of returning to the Executive should the Democrats assume control of the White House in 1973.

Contrast the Executive branch, which now has some 4,000 computers working almost entirely on substantive policy issues. Analysts and programmers of increasing sophistication hold key staff positions not only in the Office of Management and Budget and the Department of Defense, but increasingly in the domestic departments of the government. Shrewd and brilliant a legislator as he is, Chairman Mills must turn to the Department of Health, Education and Welfare and its computers (or a systems-oriented research center like the Urban Institute which is largely dependent on Executive branch contracts) when he wants detailed information on the financial impact of various welfare reform alternatives. The Pentagon, both within its own walls, as well as in its think tanks like Rand and the Institute for Defense Analysis, can war-game any number of strategic or budgetary alternatives, while the Armed Services and Foreign Affairs Committees still base most of their decisions on the work of small staffs and the gut reactions and empirical idiosyncrasies of committee members.

The impact of this congressional failure to staff itself adequately and to take advantage of the analytical tools of modern technology is at least as responsible for the second class citizenship of the Congress among the three branches of government as the seniority system or the antediluvian committee structure.

The Executive branch is by far the most significant force in the conception, development and enactment into legislation of new substantive programs. The stark fact is that neither the Congress nor any of its committees has the consistent capability—without almost total reliance on the informational and analytical resources of the Executive branch—of developing coherent, large-scale Federal programs.

When President Lyndon Johnson decided in 1967 to develop a program to close the housing gap in the United States as rapidly as possible without distorting the capital markets of the country or putting too much pressure on the construction labor force, months of computer runs and analytical work by the Council of Economic Advisers and the Department of Housing and Urban Development were necessary, first to determine the size of the gap and then to produce the 10-year program for closing it. When the Housing Act of 1968 was sent to the Congress, there was little discussion of the validity of the data base of the Executive branch or its statistical and analytical projections. The Congress and its committee staffs were simply not equipped to analyze the program intelligently in these terms. Most of the discussion in the Congress involved the parochial rivalries of interest groups that had been jousting for decades in the housing arena. The congressional debate essentially constituted a search for some means to balance the relatively narrow interests of banks, homebuilders, real estate brokers and trade unions. Congress, of course, is the proper forum for such interests to make their views known on a legislative program proposed by the Executive. But the Congress should also be a forum where Executive branch analyses and programs can be independently evaluated.

On the military side of the budget, the situation reached a point in the 1960s where the Pentagon would analyze and make decisions on the basis of program packages related to the capabilities of combination of forces from all three services to meet potential threats to our national security. This is the context in which Secretary of Defense Robert McNamara would present his annual posture statements. Yet, for appropriations purposes, largely because of the way the Congress is organized, the limited capability of congressional staffs and its old-fashioned appropriations procedures, these program packages would be retranslated into budgetary line items.

The lack of adequate staffing and analytical capability results in the kind of meat-ax approach that so often characterizes efforts to cut the defense budget. The success of a few senators in 1969 and 1970 when they focused with sophisticated specificity on selected programs, like Sen. Walter F. Mondale's sucessful attack on the nuclear carrier program of the Navy, was in no small measure due to the expertise of former Pentagon and Budget Bureau analysts who were willing to assist the senators on the Hill and provide the data and analysis appropriate to the use of a scalpel instead of an ax on the defense budget.

The Joint Economic Committee does a remarkable job particularly when it is realized that virtually all its basic data comes from the statistical offices of the Commerce and Labor Departments, the Council of Economic Advisers and the Federal Reserve Board. Yet, think for a moment what the situation might be if that committee had the statistical and analytical capability to do their own computer runs, their own independent basic analyses and projections. I am not speaking here of duplicating the capability that exists in the Bureau of Labor Statistics or the Commerce Department's Office of Business Economics, but simply the kind of capability that exists in most of the large banks and corporations of our nation. Many of the more sophisticated members of the Joint Economic Committee, like Senator William Proxmire and Congressman Henry Reuss, were convinced at an early stage on the basis of personal experience and shrewed perception that inflation was getting out of hand in the Johnson administration and that the Nixon economic game plan would go away. But their conviction was essentially a gut reaction. Their ability to develop their own projections and economic scenarios supported by detailed analyses and statistics, was sharply limited because they lacked the staff and the computer technology to do their own analytical thing.

Finally, and this is perhaps the most difficult and sensitive area in which to urge the Congress to engage in cold self-examination, the committee structure no longer conforms to the realities of American life. Committee jurisdictional problems are a major inhibition to a functional, problem oriented analysis of our national problems. Senator Humphrey's proposal for a National Security Committee recognizes this in the foreign policy, military affairs and foreign aid area. But there is no visible recognition of this in the domestic area.

This issue is crisply drawn between the Executive branch and the Congress as a result of the President's reorganization proposals. The President has suggested that the domestic program side of the Executive branch be organized into four basic departments: Human Resources, Community Development, Economic Development and Natural Resources. The difficulties the reorganization faces stem not simply from narrow private interest groups like agriculture or business or labor, who wish to retain constituency-oriented departments. Even more important—as almost any congressman or senator will admit privately—is the impact of that reorganization on congressional committee jurisdiction. The rhetorical level of debate is filled with concerns about our farmers or our businessmen or our workingmen. The tough arguments in the Congress are more often concerned with what committees of the President's reorganization proposals. The most serious hurdle these Executive Branch reorganization proposals face may be the essentially retrogressive and parochial attitudes of substantive committees of the Congress.

In its struggle to stay abreast of the Executive Branch, the Congress may retard more efficient Executive reorganization, rather than pursue its own reorganization to come to terms with the reality of American society and its problems in the 1970s. Thus, one can hear comments that if the President's Department of Natural Resources is enacted into law, arrangements must be made to maintain the portions of the new department formerly in the Agriculture Department within the jurisdiction of the Senate and House Agriculture Committees and the portions presently in the Interior Department within the jurisdiction of the Senate and House Interior and Insular Affairs Committees—or indeed to grant both committees jurisdiction over certain areas. This is something akin to those stagecoach owners who first refused to transport rail tracks and later added a brace of stallions to the coach to compete with the railroads.

Most large institutions, like most governments, are more likely to deteriorate and crumble from within rather than without institutions, like people, tend to bring their problems on themselves. As the Congress thrashes out in frustration at its separate but unequal status among the branches of government, it must realize that its houses are made of glass. Before its members throw too many stones, they might recognize that they hold in their own hands the power to vote themselves the staff and analytical capability they need, to establish a central systems analysis and program evaluation office, to reorganize their committees and thus to assume their constitutional role as the most effective and responsive representative legislature in the history of mankind.

TRIBUTE TO MRS. HELEN VON KOLNITZ HYER

Mr. THURMOND. Mr. President, the literary accomplishments of Mrs. Helen Von Kolnitz Hyer of Charleston, S.C., is a matter in which everyone in my State, as well as throughout the country, can take great pride.

This charming lady has added to her list of achievements with the recent publication of "Danger Never Sleeps," a book of poems which reflects the wealth of experiences Mrs. Hyer has accumulated over her years of almost unparalleled adventure.

Sampling nearly 50 years work, the current volume includes many works in which the story element is foremost—brief historical romances in traditional verse forms, descriptive recreations of a religious or patriotic nature, poetic commentary on political and social events, and some pensive, tongue-in-cheek recollections of life in her native low country.

Mr. President, this talented writer was born in Charleston, S.C., where she now lives. She attended various schools there before enrolling in Ashley Hall, one of Scuth Carolina's finest schools for women. At Ashley Hall, Mrs. Hyer wrote the school song, "Pearls and Amethyst." She was one of the founders and a charter member of the Poetry Society of South Carolina. She has just been renominated for a second term as president of this society.

Her poems and stories have appeared in many different publications over the years, and children will remember her award-winning fairy tale, "The Wimp and the Woodle." Her other published works include two volumes of poetry, "Santee Songs," and "Wine Dark Sea"; two juvenile fiction books, "Hurricane Harbor," and "The Magnificent Squeak"; and two nature study supplementary readers, "On Shiny Wings," and "Stories by Seasons."

Mr. President, several newspapers carried accounts of the recent publication of "Danger Never Sleeps." One appeared in the June 24 issue of the Savannah Evening Press of Savannah, Ga.; one in the April 2 publication of the Charleston Evening Post, of Charleston, S.C.; another in June 17 issue of the Beaufort Gazette, of Beaufort, S.C.; and an article which appeared in the Moultrie News, of Mount Pleasant, S.C., on May 27.

Mr. President, I ask unanimous consent that these articles and a biographical sketch of Mrs. Hyer, which appears on the jacket cover of her new book, be printed in the Record.

There being no objection, the items were ordered to be printed in the Record, as follows:

[From the Savannah (Ga.) Evening Press, June 24, 1971]

Grandmother—and Poet—Likes Writings of Many "Long-Hairs"

Beaufort, S.C.—"My book contains poems about good things I have seen or written about in the past," said Mrs. Helen Von Kolnitz Hyer, a pretty grandmother and poet from Charleston.

An autograph party honoring Mrs. Hyer author of "Danger Never Sleeps," will be held here this afternoon from 3 to 6 p.m. at the Bank of Beaufort Historic Foundation House.

"Four decades of writing are tied up in my latest book of poetry," said Mrs. Hyer.

"I get so disturbed when I read some of the filth and the bad language that is written into poetry today. Some of this is written by adults and some by our young people.

"But just in the past year I have been amazed at some of the good poetry that is being written by our young people," said Mrs. Hyer, who is president of the South Carolina Poetry Society. "During the past year we have sponsored many forums and contests.

"When some of the long-haired and bearded young people come to our meetings to read their poems many of the members object," she continued. "But I think many of our young people have good things to say and I feel that they should be given a chance to present what they have written.

"This will be one of my main projects this year—to encourage more young people to come into our society and assist them any way we can," she added.

The author was born in Charleston and attended Ashley Hall, where she wrote the song "Pearls and Amethyst." She was one of the founders of the Poetry Society of South Carolina. Her poems have appeared in many different publications over the years and many children will remember her award-winning fairy tale "The Wimp and the Woodle."

Her new book contains several references to Beaufort in poems such as "Prologue to Freedom" and "Water Festival—Beaufort 1964".

Mrs. Hyer's daughter, Mrs. Ray Kearns, and family reside in Beaufort.

[From the Charleston (S.C.) Evening Post, April 2, 1971]

Local Poet's Work Spans 4 Decades

(By Jack Leland)

Danger Never Sleeps, by Helen Von Kolnitz Hyer. Wing Publications, Inc. 154 pages, $6.50.

There are four decades of writing tied up in this book of poetry by one of Charleston's great ladies of verse and yet, the more recent ones are as full of the joie de vivre as are those written when the author was just beginning her literary career.

She is a grand story teller and her longer narrative poems obviously were meant to be read aloud so that the full sweep of action and the music of language can best be tested.

Many a youngster will remember Mrs. Hyer's delightfully adventurous book "Hurricane Harbor," with Mount Pleasant and Charleston Harbor as its locale. Her earlier volumes of poetry were "Santee Songs" and "Wine Dark Sea." In addition she has published other fiction for young readers, two nature study readers and a collection of short stories.

These poems are serious, humorous, blythe, sad, energetic, lethargic, satirical and factual. There are literally poems for every mood and every taste, reflections of a versatile and exploring mind. They make a grand addition to both lovers of poetry and collectors of Caroliniana.

[From the Beaufort (S.C.) Gazette,
June 17, 1971]

AUTOGRAPH PARTY TO HONOR MOTHER OF LOCAL WOMAN

An autograph party honoring Helen von Kolnitz Hyer, author of a new book of poems entitled "Danger Never Sleeps", will be held on June 24 from 3 to 6 p.m. at the Bank of Beaufort Historic Foundation House. The party will be sponsored by the Beaufort Book Shop.

Four decades of writing are tied up in the new book of poetry. Mrs. Hyer is a grand story teller and her poems are serious humorous, blythe, sad, energetic, lethargic, satirical and factual. There are poems for every mood and taste.

The author was born in Charleston and attended small private schools in Charleston and Ashley Hall, where she wrote the school song, "Pearls and Amethyst." She was one of the founders and a charter member of the Poetry Society of South Carolina, and after serving this past year as its president has been re-nominated for a second term. Her poems and stories have appeared in many different publications over the years and children will remember her award-winning fairy tale "The Whimp and the Woodle."

The new book contains reference to Beaufort in poems about the drama "Prologue To Freedom" and "Water Festival—Beaufort, 1964."

Mrs. Hyer's daughter and son-in-law, Dr. R. Ray Kearns, and grandchildren, Connie, a rising sophomore at the Beaufort Regional Campus of the University of South Carolina, Ray, Jr. a sophomore in high school, and Holly who is in the sixth grade, reside in Beaufort.

[From the Moultrie (S.C.) News,
May 27, 1971]

AUTHOR PUBLISHES POETIC EFFORT OF 50 YEARS

Helen von Kolnitz Hyer, president of the Poetry Society of South Carolina and a familiar figure in Mt. Pleasant, has published a new book of poems, titled "Danger Never Sleeps."

Mrs. Hyer, whose son-in-law operates a nursery on the outskirts of Mt. Pleasant, is a writer of long standing. Her previously published books include two volumes of poetry—"Santee Songs" and "Wine Dark Sea", two juvenile fiction books, "Hurricane Harbor" and "The Magnificent Squeak", two nature study supplementary readers, "On Shiny Wings" and "Stories by Seasons", and an award-winning fairy tale, "The Wimp and Woodle," which served as the title story of a collection.

First in Charleston, then in Michigan, and now in Charleston again, Mrs. Hyer's poems and stories have appeared in many different publications. The present volume, put out by Wing Publications in Columbia, is a collection of poems encompassing her entire career to date, stretching from a classic ode to the Confederate dead recited at Magnolia Cemetery on Memorial Day, 1921, to a thought-provoking discussion of UFOs called "Bermuda Triangle," one of the poems which merited her being invited to the last two S.C. Tricentennial Writer's Conferences.

Sampling nearly fifty years work, the current volume includes many works in which the story element is foremost—brief historical romances in traditional verse forms, descriptive recreations of a religious or patriotic nature, poetic commentary on political and social events, and some pensive, tongue-in-cheek recollections of life in her native Lowcountry.

Underlying them all is Mrs. Hyer's unquenchable zest for life, her spirit of adventure, and her tender perception of love revealed and disguised. Distilling the experiences of life and literature and translating them into musical poetry, Mrs. Hyer has produced in her new book a fitting crown for her half-century of poetic endeavor.

HELEN VON KOLNITZ HYER

Helen von Kolnitz Hyer was born in Charleston, S.C. She was the daughter of Judge George Frederick von Kolnitz of Austrian descent and Sarah Conover Holmes, whose father was Francis Simmons Holmes, Professor of Geology at the College of Charleston and Chief of the Bureau of Mines for the Confederacy. In the ante-bellum years, Professor Holmes had gathered the scattered scientific collections of the city and formed the Charleston Museum about 1850.

Her early summers were spent at their vacation home on Mount Pleasant in Charleston Harbor, sailing, swimming and fishing, listening to stories from her negro fishermen neighbors and spending afternoons at her father's cotton plantation, Ryefield, to watch the weighing of the Sea Island cotton and to explore the huge, dusky workings of the cotton gin-house.

After several small private schools, she attended Ashley Hall and was graduated in the first class to complete the Upper School. While there she played tennis and basketball, took part in school plays and founded "Cerberus," the school magazine, being its first business manager and its second editor. She also wrote the school song, "Pearl and Amethyst."

As a freshman at Simmons College in Boston, she won the Poetry Prize, made the varsity basketball team and scored a running broad jump record that lasted for 20 years. She was also allowed to take advanced Junior and Senior English classes as she had had one year above college entrance requirements. World War I intervened and she chose to return to Charleston, take a business course, and then be Statistician for the War Savings Stamp Service. Incidentally, that winter she organized a Community Club for 125 University of Michigan student-sailors sent to build a Naval Rifle Range at Mount Pleasant. Here she learned to make fair scores with a rifle.

After the war, because of her inherited interest in museum work, she accepted a position as Curator of Public Instruction under Dr. Paul Rea, Director of the Charleston Museum and a year or so later, as a charter member, helped to organize the Poetry Society of South Carolina. Also for two summers she went back to Simmons for Library Science courses and visited many northern museums and classes in story-telling at the Fine Arts Museum in Boston.

In 1921 she married Edward Allen Hyer, who was also in museum work and in 1924 they moved to Grand Rapids where he made groups of large Michigan mammals and she became Associate Curator of Education at the Kent Scientific Museum, a member of the Michigan Authors Association and several literary groups and a frequent contributor of dramatic narrative verse to Adventure Magazine, then the leading man's magazine in the adventure field.

In 1929 her husband accepted a position with the Michigan Conservation Department and they moved to Lansing. Five years of interesting conservation field trips in lakes and forests followed, which resulted in a number of Michigan adventure poems.

Her published books include two volumes of poetry, "Santee Songs," and "Wine Dark Sea;" two juvenile fiction books, "Hurricane Harbor," and "The Magnificient Squeak;" two nature study supplementary readers, "On Shiny Wings," and "Stories by Seasons," and Her award-winning fairy tale "The Wimp and the Woodle," is the title story of a collection published by the Julia Ellsworth Ford Foundation for Better Juvenile Literature.

Her poetry, stories and articles have appeared in many newspapers and religious and national magazines, also in several anthologies. She has read her poem before many school groups and women's clubs.

While in Lansing she spent two and one-half years in the Department of State in Michigan and 13 months as statistician at the Michigan State Police Headquarters, (her most interesting assignment).

In 1940–41 she was Secretary to the Director of the Cranbrook Institute of Science, Bloomfield Hills, Michigan. In all three of her museum positions she worked as a lecturer and story-teller, researching and preparing exhibits and writing all newspaper publicity.

The family returned to Charleston in the fall of 1941 and during World War II she was with the Post Engineers, U.S. Army, Fort Moultrie, Sullivan's Island, S.C., in charge of payrolls and personnel for 495 per hour and 125 per annum Civil Service Employees. There, for nearly three years, she lived in the last house on the front beach behind nightly black-out curtains with a machine-gun nest in her front yard sand dune, an anti-aircraft Battery B across the road, watching convoys sail for Africa, Europe and the Pacific and occasionally the distant flames of a torpedoed tanker or a damaged aircraft carrier being towed in for repairs.

1945 found her in New York for a year, where she watched the Gripsholm bring released prisoners of war home from Japan and the Victory Parade.

Because of an invalid son this rigorous winter was followed by two years in Florida, and a return to Charleston in the fall of 1947. There for several years, because of her son, she did practically no writing. After her divorce in 1958 she was a surgical secretary for several years until her retirement, which now, she says, gives her time to start writing again.

She has four married daughters and enjoys helping with their numerous progeny.

She now claims to be Junior Partner in the Landscaping, Greenhouse, Nursery of one of her sons-in-law and her chief interests are her families, poetry, archeology, adventure stories, "UFOs" and embroidering elaborate ecclesiastical paraments.

THE AMALGAMATED'S HILTON E. HANNA

Mr. McGOVERN. Mr. President, Hilton Hanna, executive assistant to the Amalgamated Meat Cutters and Butcher Workmen of North America, long a fighter for the rights of labor and minority groups, has been featured in Butcher Workman, the publication of the Amalgamated Meat Cutters and Butcher Workmen of North America.

An international spokesman for labor's cause, he was prominent in the successful campaign in the 1950's for Federal inspection of the poultry industry to protect the consumer. Also, Mr. Hanna has recently been very active in the peace movement, serving on the national steering committee of the recent April 24 nonviolent march on Washington which called for Congress to end the war in Indochina.

Primarily, however, Mr. Hanna is known for his exceptional work in the trade union movement in this Nation. His efforts for labor have been in the great tradition of union leaders who have been responsive to the needs of their membership, and responsive toward the interests of the entire Nation.

Mr. President, I ask unanimous consent that the article entitled "The Amalgamated's Hilton E. Hanna," published in the Butcher Workman of May/June 1971, be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE AMALGAMATED'S HILTON E. HANNA

The cover page of this issue of The Butcher Workman is a very good likeness of the Amalgamated's Hilton Hanna, the Executive Assistant to the principal officers of the International Union. He is becoming nationally known as one of the most able representatives of the trade union movement. He is in demand in all sections of the nation as a keynote speaker for many worthy causes.

THE FIRST

As a member of our Madison, Wisconsin, Local 538, a quarter of a century ago when Secretary Gorman was attending a meeting of the local union he recognized Hanna as having exceptional ability. He was asked to take a position with the International Union, and after careful consideration, he accepted. He was the first black man to hold the position of executive assistant in the history of the organization. Whatever assignment is given, Hilton Hanna does it in a commendable way. His educational background is outstanding.

Hilton first saw the light of day in 1907 on the Island of Inagua in the Bahamas. He became a naturalized American citizen. His thirst for knowledge was exceptionally keen. He graduated from Tuskegee Institute, Talladega College, and received his M.A. degree in Economics from the University of Wisconsin, where he also served as an instructor in the university's famed School for Workers.

AUTHOR

In addition to his speaking capabilities, he has authored many articles dealing with the problems of labor. In cooperation with our International Vice President Joseph Belsky, he wrote PICKET AND THE PEN—"The 'Pat' Gorman Story," an opus of some 400 pages which was completed in 1960. Many considered that this history of the International Union is perhaps the best of any published; and there were many. "Picket and the Pen" has reached more than 200 libraries in the United States and is still being used in a number of schools, colleges, and universities as a reference book in labor history and trade union administration.

Hilton's articles appearing in The Butcher Workman expressing the filth that existed in the poultry industry in the United States in the mid-fifties had considerable influence in the passage of the *Federal compulsory inspection* law for wholesomeness in poultry. To him was assigned responsibility for the research work and pamphleteering for this nationwide project of the International Union.

A HUMANITARIAN

The Amalgamated's Hanna is a humanitarian. He resents bigotry wherever it may be found. In the peace movement he is nationally known and, the recent April 24, peace march on Washington, where more than 300,000 reached our Nations Capital without incident petitioned Congress to end the war now and left without incident, is a tribute at least in part, to his exceptional organizing abilities. He was a member of the national steering committee for the event. He is a disciple of Norman Thomas, the great Socialist successor to Eugene V. Debs. He, to an extent, has patterned his life after Mahatma Gandhi and his non-violent approach to the adjustment of social problems, is nationally recognized.

ABHORS OPPRESSION

He abhors oppression and domination, whether by one individual over another, or by a government against the peoples of other lands. He continues to be found in the forefront of those working socially for bread, peace, and dignity for all regardless of creed, color, sex or national origin.

He was a close friend of Whitney Young and wept when he learned of the sudden passing of this great man far from his native land. He is a member of the Urban League and Madison Branch of the NAACP. He is Vice President of the Eugene V. Debs Foundation, and a member of the American Civil Liberties Union. The Immigrants Service League of the Travellers Aid Society several years ago designated him "Labor Man of The Year."

FAMILY MAN

A dedicated family man, Hanna was grievously affected by the death of his wife of thirty-one years, the former Lillian Elizabeth McKinney on March 20, 1969. He has two daughters. . . . Betty Ann, is the wife of Eugene A. Coats, a Professor in the School of Pharmacy at the University of Cincinnati, and Mary Kathryn, who is married to Eulogio Ortiz, a commercial artist. They reside in New York City. Betty Ann was awarded her Master's Degree in Child Development four years ago at the University of Kansas, and Mary Kathryn is completing work for her Master's Degree in Urban Planning at New York University. His special pride and joy are his grandchildren, Deborah and Christopher Coats, four and two years of age respectively.

A thoroughly union man, on several occasions Hilton has rejected offers, even from government agencies for positions outside the Amalgamated. He was once overheard saying to a "recruiter," "If I have any contribution to make to society I would like to do it as a member of the labor movement."

NINETY-FIRST BIRTHDAY OF DAVID KOHN

Mr. THURMOND. Mr. President, on July 16, 1971, an old friend and fellow alumnus of Clemson University, Mr. David Kohn, of Washington, D.C., will celebrate his 91st birthday.

David Kohn is well known throughout the country as one of the Nation's foremost stamp collectors. He was born in Orangeburg, S.C., on July 16, 1880, the son of Cpl. Theodore Kohn of the Edisto Rifles. He began collecting Confederate Covers many years ago and he has long been active in the Confederate Stamp Alliance, serving in a variety of capacities, including the presidency, and has won trophies at many stamp shows with his exhibits.

Mr. Kohn formerly lived in Greenville, S.C., and he has never missed an alumni reunion since his graduation from Clemson Agricultural College in 1902. He is also a Shriner and the oldest living member of the Hejaz Temple.

Mr. President, David Kohn has a reputation for outstanding accomplishments as a good citizen, neighbor, and member of his community. I salute him for a life full of activity and achievements and wish for him many more years of good health and happiness.

NEEDED: ANOTHER "MANHATTAN" PROJECT TO SOLVE NATION'S DRUG PROBLEM

Mr. McGOVERN. Mr. President, the problem of narcotics addiction and drug abuse commands the attention of this Nation. Our men in arms, our public and private employees, and our children in both affluent and underprivileged circumstances have all been subjected to the powerful allure and often-damaging effects of hard drugs.

An editorial by Mr. Jerry Finkelstein, publisher of the New York Law Journal, calls for a national effort on drugs equal to the "Manhattan" project efforts during World War II to unlock the power of the atom.

As Mr. Finkelstein points out, the essential concept in any evaluation of the public response to drug abuse is ignorance. For Government has ignored the problem far too long, and the society is still too ignorant about its physical and social aspects to insure serious, effective action to curtail drug abuse.

We need a great deal more knowledge about drugs than we now have about their effects, the reasons for their use, and the ways to combat their spread. And we need a firm commitment to rehabilitation of present addicts and education of those who might otherwise become future addicts.

I hope that our Nation will soon pay heed to those like Mr. Finkelstein who call for the massive Government and private effort to fight drug abuse which is the only answer to our present drug crisis.

Mr. President, I ask unanimous consent that the editorial entitled "Needed: Another 'Manhattan' Project To Solve Nation's Drug Problem," published in the New York Law Journal of July 6, 1971, be printed in the RECORD at this point.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

NEEDED: ANOTHER "MANHATTAN" PROJECT TO SOLVE NATION'S DRUG PROBLEM

(By Jerry Finkelstein)

Attention: President Nixon, All Leaders of Government and the Bar.

During World War II a secret project whose code name was "Manhattan" tackled every conceivable angle so that the United States could produce the atom bomb. After the war, Congress established the Atomic Energy Commission whose sole function is to study and develop new uses for the atom—and these studies have been conducted on an all-encompassing basis by all academic disciplines.

Similarly, when the United States embarked upon its space program, the National Aeronautics and Space Administration was set up to oversee the program. It was charged with every aspect of the nation's program, using not only engineers, but astronomers and historians, manufacturers and others who could contribute to every minute area of study.

Drug abuse has long since become a scourge that threatens the national character and fabric. No segment of our society is immune from the impact of this deadly plague. Our children at all levels of school have been infected. It is the major cause of soaring crime rates that undermine security in our homes and streets and parks. It has corroded the morale and discipline of our armed forces in Vietnam. It takes a huge toll out of the business activity in terms of absenteeism and poor employee performance. It clogs our court calendars.

It is tragic that a crisis of such magnitude has not stimulated a national response on the level of the "Manhattan Project" or NASA. If we had recognized the need for this approach three years ago, or five years ago, or ten years ago, perhaps there might not be a drug problem today. If the best brains of the nation were used to study the drug abuse problem—not only chemists, but educators, physicians, psychologists and psychiatrists, sociologists, clergy, attorneys and judges, legal enforcement agents and any other conceivable group that could shed light on the subject, perhaps today we might know whether marijuana is safe to use or not, or if it leads to the "hard stuff." If the nation had undertaken the massive response to the drug problem as it did to the atom and space, perhaps today there would not be a debate as to whether or not marijuana should be legalized. Nothing less, in our judgment, but this massive undertaking will put an end to drug addiction.

This same observation can be applied to methadone and other aspects of the drug abuse problem. Programs for treatment and rehabilitation of addicts and education programs to prevent addiction are inadequately financed and uncoordinated. But more important, we are full of half-truths and ignorance in our nimble approaches to solving the problem.

What is urgently needed is a strongly financed, well-coordinated mobilization of the nation's resources to develop a comprehensive program to put an end to this national disaster and disgrace. Such a program should accelerate our research, to telescope the work which has not been done in the past five years or ten years, so we may save our people and our nation.

The United States has attacked so many difficult problems—from polio to the atom—and found solutions through massive injections of money and talent. Drug abuse is more of a problem and should be approached in the same manner—not through some piecemeal program with miniscule funding. It requires a broad scope—from legislation to treaties with other nations—so no stone is left unturned.

The drug problem is a challenge which must be faced by the members of the American Bar Association. Drug and drug-related cases jam the courts and impede the legal profession's work. As civic and community leaders, members of the Bar can play a decisive role in prodding into action the White House, Congress, Governors and Legislatures to provide the initiative and financing needed to put an end to this major threat to our nation.

It is true that the White House has recognized the problem, and called the nation's attention to the dimensions of the national tragedy, but it has not attacked drug abuse in depth.

It is equally surprising that no "Mr. Anti-Narcotics" has emerged like a Nader in the consumer protection field.

The time is long since past for us to talk about drugs, and hope it will blow away. It won't! It could eventually lead to the destruction of the civilization we have built and come to know.

Leadership taken by the Bar in mobilizing our national resources in this effort would be in the noblest traditions of the profession.

THE ADMINISTRATION'S HOUSING POLICY

Mr. BAYH. Mr. President, the recently announced policy of the Nixon administration on housing discrimination is totally unrealistic—and administratively irresponsible—because it fails to recognize that we cannot end racial segregation in housing by continuing to ignore the impact of so-called economic segregation.

The administration has declared that it has no legal authority over "economic" exclusion in the housing field. Furthermore, it has suggested as a matter of policy that it is improper for the Federal Government to interfere with local ordinances and regulatory procedures that vitally affect the building and location of housing facilities.

During the past decade there has been much rhetoric about the need to develop housing opportunities for all of our citizens accompanied by quality education and access to meaningful employment. Eighty percent of the new jobs developed throughout the country during the past decades were developed in suburban areas. I am sure that the President would readily admit that a job is the most crucial "economic" factor in the life of a person who is physically and mentally able to be gainfully employed.

Additionally, it has been clearly demonstrated that the accessibility of employment is a key factor in both the willingness to seek employment and the ability to retain it once secured. The "economic" combination of adequate mass transportation, education, housing facilities for every income level, and of course, adequate opportunity for employment should be the balanced goal of the administration. Instead the administration pursues a policy which denies that a successful and lasting solution to our racial problems must involve the surburban areas that circle our cities.

In fact it is the "economic" determinants of continued racial exploitation and isolation that must be faced squarely by those who administer the affairs of our communities. It is my opinion that the President should pursue a policy that reflects this reality and results in programs that embrace the diversities of metropolitan America and guarantee full access to all of our citizens.

I ask unanimous consent that an article on this subject be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

RIGHTS LEADERS ASSAIL NIXON'S HOUSING POLICY

(By Peter Braestrup)

Civil rights leaders yesterday condemned as inadequate President Nixon's announced policy of ending "racial discrimination" in neighborhoods without forcing "economic discrimination."

Presenting the first public analysis by the 126-organization Leadership Conference on Civil Rights, Bayard Rustin, conference chairman, declared that the President had "diagnosed a cancer and prescribed aspirin as the remedy" in his long-awaited June 11 message on housing discrimination.

At the same time, Rustin said the Conference had written to Democratic presidential aspirants and Congressional leaders, asking them for on-the-record reactions to the Nixon policy.

"There has been almost total lack of reaction from people in elected political office," observed William Taylor, former Civil Rights Commission director, who joined Rustin yesterday to discuss the civil rights coalition's 13-page analysis.

"These people do not want to declare themselves on this issue," Rustin said, attributing the liberal politicians' "strange silence" to worries over a white voter backlash at the polls in 1972.

In essence, Rustin and Taylor and the Leadership coalition analysis took issue with the President's overall policy of relying on the "carrot" instead of the "carrot and stick" in opening up the suburbs and other communities to low-income housing for blacks and whites alike.

Echoing a resolution passed by the U.S. Conference of Mayors last month, the Leadership coalition urged that the administration require communities to provide for low-income housing needs or lose all federal aid, not just housing or urban renewal money.

The coalition urged that the Justice Department challenge any local zoning that barred the poor and minorities.

Richard Van Dusen, undersecretary of housing and urban development, last night echoed the administration view that Congress had yet to give the President that broad authority. Van Dusen said he saw no need for the extra power, but that the place to seek it was in Congress.

The coalition took less issue with the proposed HUD guidelines to implement the President's policy—covering housing project "site selection", "affirmative marketing", and related procedures.

The coalition argued, however, that under the HUD procedures. Black Jack, Mo., a St. Louis suburb being sued by Justice Department for allegedly racially discriminatory zoning, would not be automatically ineligible for a federal water and sewer grant.

HUD officials said this was theoretically true, but in practice that any community with a bad HUD rating on housing would find it difficult to compete with "better" communities for scarce HUD water and sewer money.

Even as the coalition assailed the President's "limited view" of his role in fighting housing discrimination, Taylor said local civil rights groups would take advantage of new HUD guidelines (under old executive orders) providing monthly data on local federally aided housing projects to all who request them.

"We will take advantage of any little bit of daylight," he said. "Our complaint is that there is not enough daylight."

Despite its attack on the President's "self-imposed limitations" the coalition statement said civil rights leaders were "not bereft of hope".

NAACP AIMS AT SUBURBAN HOUSING

(By Robert C. Maynard)

MINNEAPOLIS, July 5.—The chairman of the board of the NAACP declared tonight that the suburban housing posture of the Nixon administration has become a major target of the largest civil rights organization in the country.

Bishop Stephen G. Spottswood of Washington told the 62d convention of the association that the administration is wrong in framing its policies on housing discrimination in the surburbs so that a distinction is made between economic and racial bias.

"We will agitate and persuade, use our voting power locally and nationally—and even cuss a little—to get the Nixon administration to join us in nailing this bias in housing for what it is, a pure skin color kick," said Mr. Spottswood, Bishop of the AME Zion Church.

In its housing policy statement in early June, the administration drew a distinction between "economic" discrimination and "racial" discrimination, saying it had no legal authority over "economic" exclusion in the housing field.

"We intend to press," Mr. Spottswood told the 2,500 delegates in his keynote address, "until the federal government recognizes that in 99.44 per cent of the cases, when local governments use zoning restrictions to bar low-income housing, the reason is racial, not economic."

Mr. Spottswood noted the administration has moved in some housing discrimination cases, notably in Blackjack, Mo. The St. Louis suburbs' zoning ordinance, which excludes federally financed low-income housing, is now the target of a civil rights suit by the U.S. Department of Justice.

The NAACP's board chairman, in citing the Blackjack case, echoed statements made Sunday by Roy Wilkins, executive director of the 461,000-member organization. Wilkins said the racial stand of the administration shows "a ray of hope" since a year ago.

Regarding the administration he labeled as "anti-Negro" a year ago, Mr. Spottswood said tonight:

"The racial sky is not exactly light and clear. But it is not as murky and dark as it was a year ago. We shall continue to call the shots as we see them. . . .

"The administration", Mr. Spottswood said, "has taken certain steps and has announced policies in certain phases of the civil rights issue which have earned cautious and limited approval among black Americans."

He cited as one example the positive reaction of Defense Secretary Melvin R. Laird to NAACP proposals for easing racial tensions in the armed services.

Regarding housing, he said he was uncertain of the ultimate result, but felt encouraged to suggest that the administration's efforts may result in time in improved access to housing for blacks.

Despite these bright signs, he said:

"We need clear, positive leadership for civil rights from 1600 Pennsylvania Avenue. Twenty-three million black Americans and an unestimated number of white Americans look to the President to provide this leadership."

One clear indication of the improved relations between the Nixon administration and the NAACP is that a member of the Cabinet will appear at an association convention for the first time in two years. Secretary of Commerce Maurice Stans appeared here tonight to present an award to the association for the cooperation of its chapters in the gathering of data for the 1970 census.

Mr. Spottswood, elected Bishop of the AME Zion Church in 1952 after serving as a pastor for 34 years, came down hard in his keynote address on those who seek to achieve their political ends by establishing exclusive groups.

In remarks clearly aimed at black nationalists, Mr. Spottswood said:

"If you listen to this line of talk long enough, you will realize that what is being said is, 'I don't actually want to get together with anyone but myself, because nobody else is old enough, or young enough, or white enough, or black enough for me—except me.'"

CONSTITUTIONALITY OF THE MASSACHUSETTS NO-FAULT AUTOMOBILE INSURANCE ACT

Mr. HART. Mr. President, on June 29 there was good news from Boston for those concerned about the inhumanity, extravagant waste, and inefficiency in America's system for compensating automobile accident victims.

The Supreme Judicial Court of Massachusetts, one of the most respected high State tribunals, decided unanimously in Pinnick against Cleary that the Nation's first compulsory no-fault automobile insurance law is constitutional under both the State and Federal Constitutions.

The decision is no surprise. But it is gratifying that the specter of unconstitutionality has been laid to rest by a respected appellate court. The Massachusetts court concluded that no-fault does not take away any of a citizen's rights to recover for injuries but "merely limits the common law right in the automobile accident situation to obtain money damages on account of unintentionally inflicted pain and suffering and modifies the procedure for obtaining damages."

The court's opinion was written by one of America's most respected jurists, the Honorable Paul C. Reardon, known to many lawyers and newspaper editors as the chairman of the committees that produced solid guidelines on the issue of "Fair Trial vs. Free Press." Justice Reardon, in his opinion, dwelt on one advantage of no-fault which has not received the attention it deserves.

He wrote:

> No one who has for any time been in charge of a trial court system (as was the author of this opinion for a number of years) can be unfamiliar with the devastating effect upon the administration of justice which the automobile has produced. For years, in the face of countless experiments the trial calendars of this country, particularly in metropolitan areas, have become increasingly clogged with motor vehicle tort litigation. No one as yet, notwithstanding heroic efforts in this regard, has found a satisfactory method of disentangling this morass. . . . .
>
> The problems of society to which the courts have been called no longer permit the luxury of using them as a forum for resolving the ever increasing numbers of automobile accident claims to the extent that has obtained hitherto. . . .
>
> Other non-American court systems, heirs with ourselves of the common law, have managed to solve this problem of the superabundance of motor vehicle tort claims in one way or another. It remains, however, a cancer to be rooted out in American Courts.

Mr. President, to demonstrate just how pervasive this cancer is, I call attention to a chart which I ask unanimous consent to have printed at the conclusion of my remarks. This shows that, as of December 31, 1970, the 10 leading auto insurers alone were defending 359,540 personal injury liability cases filed during the preceding 8 or more years. Most of these cases, of course, involved seriously injured auto accident victims seeking compensation. Yet, 57 percent of the cases filed 3 or more years ago; 40 percent filed 4 or more years ago; and 13 percent were filed 6 or more years ago. Since cases are usually filed sometime after the accident occurred—and State statutes of limitations vary from 1 to 6 years—this data actually understates the period these accident victims must wait for any possible compensation. Prompt compensation and any needed rehabilitation for these victims are indeed dim prospects. It is inhumane to perpetuate a reparations system which permits this.

The opinion of the Massachusetts court also touches upon a choice very relevant in view of the recent Supreme Court Bell and Perez decisions. These decisions make financial responsibility automobile insurance laws unworkable, and thus, force us to choose between compulsory liability insurance and compulsory no-fault insurance. Justice Reardon discussed some of the effects of the old Massachusetts law, which provided for compulsory liability insurance:

> We have lived with compulsory liability insurance since January 1, 1927. In that period certain events have occurred which might well have commended themselves to the Legislature as indicia pointing toward the wisdom of change. Eleven years ago, for instance, a special commission found that on the basis of bodily injury claim frequency per 100 cars insured, the average in Massachusetts in the years 1954–1956 was 6.4% as against 5% for Maine, 3.1% for Rhode Island, 2% for Vermont, and 3.3% for Connecticut. In 1959, the year the report was filed, the claim frequently in Boston on a local basis exceeded that in New York City by more than 50%.

While we applaud the success of limited nofault in Massachusetts and salute the unanimous judicial decision on constitutionality, I would like to apprise my colleagues of a major weakness of the law and other State statutes.

First, neither the Massachusetts law, nor the recent automobile insurance statutes enacted in Delaware or Florida, nor the bills passed by the Oregon and Illinois Legislatures, will help one bit with the overloaded condition of our Federal courts in these judicial districts. The Federal courts today are required to accept jurisdiction in automobile negligence cases where the parties are of diverse citizenship and the damages claimed, including pain and suffering, exceed $10,000. The State laws eliminate none of these $10,000 cases from the tort system.

Both the President and the Chief Justice spoke of the problem of the courts at the National Conference on the Judiciary last March in Williamsburg, Va. The purpose of the conference was to "improve the process of justice."

Chief Justice Burger declared:

> The public has been quiet and patient, sensing on the one hand the need to improve the quality of criminal justice but also experiencing frustration at the inability to vindicate private claims and rights. We are rapidly approaching the point where this segment of Americans will totally lose patience with the cumbersome system that makes people wait two, three, four or more years to dispose of an ordinary civil claim.

The President, himself a lawyer, issued a clarion call for innovation and initiative to improve the process of criminal justice at "both the State and Federal level." In defining "the urgent need" for improvement, Mr. Nixon declared:

> More of the same is not the answer. What is needed now is genuine reform—the kind of change that requires imagination and daring, that demands a focus on ultimate goals.

Similarly, more of the same is not the answer for auto accident reparations. Genuine no-fault reform with the ultimate goal of removing most, if not all, of the auto accident cases from the courts is the answer. That those of us who are sponsoring national no-fault bills to accomplish this goal are not alone can be seen from this recent statement of Chief

Justice Burger to the New York Times (July 4, 1971, p. 24):

> Very, very good arguments can be made and have been made for taking automobile and other personal injury cases out of the courts entirely, out of all courts, and disposing of them by other means.

I should like to paraphrase Justice Reardon and apply his reasoning to the Federal courts: The problems of America to which the Federal courts have been called by the American people and the Congress no longer permit the luxury of using them as a forum for resolving automobile accident claims.

The sponsors of national nofault motor vehicle insurance legislation believe that such a law would relieve the Federal courts of much automobile accident litigation because benefits would be substantially in excess of the $10,000 jurisdictional limitation and tort suits would be eliminated, except in cases of "catastrophic harm." That alone is reason to go forward.

But there is an even more substantial reason why we in the Congress must not slacken our efforts.

Neither the Massachusetts law—nor those enacted on the other States—are consumer protection laws. They do nothing to ameliorate the difficulties of insuring fair ratemaking and claims paying by insurance companies; they do not control the possibility of excessive profits by insurers.

Mr. President, I ask that a letter containing the views of the Association of Massachusetts Consumers, Inc., in this regard be printed in the RECORD following my remarks. The Association has studied the Massachusetts law in detail. Although it is fully aware of the advantages of nofault insurance, it never endorsed the bills that became the Massachusetts no-fault law, because the association felt they did not adequately protect the interests of consumers. I am pleased to say that the group has endorsed S. 945 and H.R. 7514.

Mr. President, I ask unanimous consent that a chart, which compares the principal features of the Massachusetts law and the proposed Federal bills, be printed in the RECORD following my remarks. I ask also, Mr. President, that the Massachusetts Supreme Judicial Court's opinion in Pinnick against Cleary, and accounts of that decision in the Boston Morning and Evening Globe be included in the RECORD following my remarks.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

AUTO PERSONAL INJURY LIABILITY CASES PENDING AS OF DEC. 31, 1970, WHICH WERE FILED, AND WHICH WERE BEING DEFENDED BY THE 10 LEADING AUTO INSURERS UNDER POLICIES ISSUED DURING THE PRECEDING 8 OR MORE YEARS

Companies	Years in which policies were issued									
	Prior to 1963	1963	1964	1965	1966	1967	1968	1969	1970	Total
State Farm	300	363	819	1,915	3,328	6,911	9,788	16,679	7,502	47,605
Allstate	2,326	1,744	2,970	5,487	9,782	16,702	14,454	31,815	14,176	99,456
Aetna Casualty	417	345	918	1,790	3,024	4,616	3,257	7,687	3,232	25,286
Travelers	903	759	1,428	2,512	5,015	8,219	8,137	11,313	4,590	42,876
Nationwide	1,026	833	1,288	1,555	2,634	4,313	5,518	6,731	3,280	27,178
Liberty Mutual	523	407	750	1,225	2,640	4,942	4,546	8,371	3,689	27,093
Hartford Accident	878	600	1,204	1,941	3,307	5,276	4,239	7,159	3,015	27,619
Government Employees	140	195	392	911	2,060	4,206	3,477	7,323	3,583	22,287
INA	588	535	1,079	1,598	2,577	3,611	2,729	3,987	1,517	18,221
Lumbermans Mutual	424	472	750	1,515	2,608	3,791	3,823	5,740	2,796	21,919
Total	7,525	6,253	11,598	20,559	36,975	62,477	59,968	106,805	47,380	359,540

Note: These 10 companies wrote approximately 40% of the personal injury liability premiums in 1970.

Source: 1970 annual statements, schedule P, part 1, filed with State insurance departments.

COMPARISON OF MASSACHUSETTS LIMITED NO-FAULT LAW WITH PROPOSED FEDERAL NO-FAULT ACTS

FEATURES

No-Fault Benefits	Massachusetts (Act of 1970, c.670 and 774)	Federal Acts (S. 945 and H.R. 7514)
1. Rehabilitation.	Only for cost of prosthetic devices.	All such expenses reasonably and necessarily incurred.
2. Medical, Surgical Hospital and Nursing.	To a maximum limit of $2,000* (must be incurred within 2 years of accident).	All such expenses reasonably and necessarily incurred (no time limitation).
3. Lost wages and earnings.	75% to a maximum limit of $2,000*.	$1,000 a month, or 85%, whichever is lesser, up to 30 months (36 months-H.R. 7514).
4. Services victim would have performed for himself and family.	To a maximum limit of $2,000*. (*An over-all limitation of $2,000, i.e., recovery is limited to $2,000 of expenses for all three benefits together).	All such expenses reasonably and necessarily incurred.
Exemption from Tort Liability.	Cases in which hospital and medical expenses are less than $500.	For all cases except "catastrophic harm", i.e., permanent and total disability, permanent and partial disability of 70% or more, permanent, irreparable and severe disfigurement, and death cases.
Subrogation Permitted	Yes.	No.
	CONSUMER SAFEGUARDS	
1. Payment of benefits-protection in case of violation.	Benefits paid as loss accrues, but insurer may agree to a lump sum discharging all future liability. If unpaid for more than 30 days, claimant may sue insurer in contract.	Payments made as loss is incurred. If unpaid within 30 days, insurer must also pay claimant 2% interest per month. (If insurer fails to pay benefits and claimant sues, in court's discretion, insurer may have to pay claimant's lawyers' fees and court costs—H.R. 7514).
2. Availability of insurance.	Subject to exceptions, policies of those 65 or older, and of those under 65, entitled to merit rating discount, must be renewed.	Policy cannot be canceled, must be renewed and must be sold unless insured or applicant has no valid operator's license or has failed to pay premiums.
3. Rate regulation and policyholder classifications and policy standards.	No change.	States to continue regulating rates except that DOT, with industry and States, will set policyholder classifications and policy standards.
4. Price and Claims Practice Disclosure.	None required.	All insurers must disclose under a uniform statistical plan, data on claims and loss experience and price of policies. DOT to make analysis and make information available once every six months.

Sources: Association of Massachusetts Consumers, Inc.; U.S. Senate Antitrust and Monopoly Subcommittee

Association of Massachusetts
Consumers, Inc.,
Boston, Mass., June 9, 1971.

Statement Re: Hart-Magnuson No-Fault Automobile Insurance, S. 945.

Hon. Philip Hart,
Senate Office Building,
U.S. Senate,
Washington, D.C.

Dear Senator Hart: The Association of Massachusetts Consumers, Inc., composed of private citizens and interested persons in the consumer movement has long considered the problems of automobile insurance. We have avoided taking a public position on the various proposals dealing with No-Fault Auto Insurance, since serious objection was raised to various parts of all proposals which have been considered heretofore.

We have examined the experience in Massachusetts from its adoption of the variation of no-fault auto insurance. Based upon the preliminary figures, it would appear that a substantial reduction in personal injury claims will result from the adoption of the limited version of no-fault automobile insurance and ultimately, if properly enforced would lead quickly to substantial reduction in automobile insurance premiums.

There is serious criticism of the Massachusetts version arising from the following deficiencies:

First, the version of no-fault automobile insurance adopted in Massachusetts has not provided for any change in the setting of rates for premiums and, therefore, could result in a lengthy deferral of savings to the consumers of Massachusetts of reduced personal injury claims experience.

Second, the plan, in its limited scope has failed to include no-fault property damage coverage, which could result in even greater savings than personal injuries.

Many critics of no-fault have argued that the system is new and has not been fully considered. I have been interested to discover that in Volume 39, No. 1, The Massachusetts Law Quarterly, April 19, 1954, there is a discussion of various remedies for the traffic jams in the Courts, among which there is a discussion, beginning at page 6, of proposals for a no-fault system. Reference is there made to a report by Arthur Ballantine, discussed by the Massachusetts Judicial Council in 1932, in its Eighth Report, (18 M.L.Q. No. 1, November 1932, pages 23–33), in which a recommendation was made for the adoption of the system similar to that of workmen's compensation. The matter was taken under advisement by the Judicial Council for further study in 1932, and again in 1933 and surfaced again in the discussion in the 1954 Massachusetts Law Quarterly. The solution is not novel. The problem has existed for many years. The time has come for decision.

Having considered the various problems presented and being interested in the reduction of premiums to the consumers, as well as affording the consumers adequate protection for recovery of damages suffered in automobile accidents, the Association of Massachusetts Consumers, Inc. has voted to support and endorse S. 945, the Hart-Magnuson No-Fault Bill and H.R. 7514, the Moss Bill and recommends that such legislation include the provision for the coverage of property damage. The reasons for this action are based on the considerations set forth above.

The Hart-Magnuson approach would eliminate confusion between the states by adopting a uniform system of automobile insurance. By transferring control to the Federal Government, we could eliminate many of the unfair trade practices resulting from the present patchwork of State legislation. One of these could be the availability of insurance coverage on a group basis. The present system has failed to provide protection for a large segment of the public, as a result of inadequate insurance coverage, or lack of any coverage whatsoever.

Along with other complaints, Massachusetts consumers have suffered one of the highest automobile insurance rates in the country, a condition which afflicts primarily the urban dweller and is one of the causes for the distrust of state regulation.

The states have proved unable or unwilling to regulate the automobile insurance industry so as to effect savings of a substantial nature to those requiring automobile insurance coverage. Whether Federal legislation can do so depends on the system adopted.

The requirements of automobile insurance coverage are two-fold: First, to protect the owner-operator of an automobile vehicle from damage suits; and Secondly, to provide adequate compensation to those who may be injured as a result of the occasion of an automobile or motor vehicle collision or accident.

At the present time, because of the adoption of the common law system of negligence as the criterion for the payment of injury claims, large segments of the public, who are injured as a result of motor vehicle accidents are left without the possibility of recovery whatsoever because of the theories of contributory or comparative negligence. A second segment, which does recover, is penalized by long delays as a result of a costly and inefficient judicial system for the determination of liability, resulting in a reduction in benefits to those who ultimately recover. Only a minority may recover a greater amount of damage than is suffered.

As a result, the common law system fails to include within it the elements of recovery necessary to make the injured party whole for injuries suffered as a result of lost wages, medical expenses, and the economic damage which results from the motor vehicle collision or accident.

The inclusion of property damage within the no-fault concept is much more readily susceptible of coverage and should result in substantial savings to the motoring public, which is now required to carry both collision coverage for the protection of the owner of the vehicle and property damage coverage for the protection of others with whose property his vehicle may come in contact, thus requiring essentially two systems of insurance for the same damage. The elimination of a dual system of coverage and the imposition of premium levels based upon the value of the vehicle which the operator, chooses to place upon the highway as his standard for the payment of premium should result in a substantial reduction in premium for the vast majority of consumers. The elimination of the fault concept in the recovery of property damage claims would also serve to mitigate the increasing dependence upon Court action to determine the values of recovery. The cost of adjustment could therefore be reduced by providing merely for the evaluation of the damage, rather than the investigation of the liabilities involved in each situation.

The Association of Massachusetts Consumers recommends the adoption of S. 945, as it may be amended to include property damage, as a means of eliminating local jurisdictional questions of regulation; the varying standards applied by State regulatory agencies; and to provide, by Federal regulations, a meaningful and comprehensive statistical service for the determination of adequate premium rates to benefit all consumers in the purchase of automobile insurance.

The fact that persons are injured in automobile accidents has become a fact of life in modern times and the elimination of the concept of negligence from the determination of the damages would serve to integrate automobile insurance with group health and accident coverage and wage continuation plans so as to provide a comprehensive program for the individual, rather than the patchwork of multiple lines of coverage, each with its own overhead, each with its administrative costs, each with its own regulatory problems and allocations.

The Association of Massachusetts Consumers, Inc., therefore, wishes to be recorded as supporting the Hart-Magnuson Bill and urges the inclusion of property damage within the scope of such legislation.

Very truly yours,
Nathan S. Paven,
Vice-President, Legislative.

Supreme Court Upholds No Fault Auto Insurance

(By Joseph M. Harvey, Globe Staff)

The Massachusetts Supreme Judicial Court today upheld as constitutional the state's first-in-the-nation no fault automobile insurance law.

The court's decision was unanimous. Chief Justice G. Joseph Tauro filed a 16-page concurring opinion with the 46-page majority decision written by Justice Paul C. Reardon.

The court said the law is valid under both the state and Federal constitutions. The court made its decision in a suit brought by Milton Pinnick of Sharon, a government employee who, with his wife, was involved in an accident last Jan. 3 on Blue Hill avenue, Dorchester. Their automobile was struck from the rear while they were stopped at a traffic light. Mr. and Mrs. Pinnick claimed the new insurance law took away their rights to recover for all their injuries including pain and suffering.

The no-fault law limits motorists to recovering their damages from their own insurer to the amount of their medical bills unless they sustain serious injuries such as a fracture. The new law also places a ceiling of $2000 on the amount that can be recovered in accident damages unless the motorist has medical bills in excess of $500. Pinnick and his wife had medical bills of $115.

Pinnick also claimed the new law prevents him from recovering wages he lost while absent from work recovering from the accident injuries.

The Supreme Court rejected on all points Pinnick's claims that the new law violates his constitutional rights to recover all of his alleged losses resulting from the accident.

The high court said that the nofault law does not take away any citizen's rights to recover for injuries. The law, the court says "merely limits the common law right in the automobile accident situation to obtain money damages on account of unintentionally inflicted pain and suffering and modifies the proceedure for obtaining damages."

Among the "ills" which the no-fault law was designed to remedy, the court said, is "the devastating effect upon the administration of justice which the automobile has produced."

"The problems of society to which the courts have been called no longer permit the luxury of using them as a forum for resolving the ever increasing numbers of automobile accident claims to the extent that has obtained hitherto," the court said.

The automobile accident cases, the court said, have clogged the courts, particularly in metropolitan areas "notwithstanding heroic efforts" to find a satisfactory method for disentangling the court from "this morass."

Justice Reardon noted that while he was chief justice of the Superior Court he had to try and cope with the backlog of trials caused in large part by the floor of motor vehicle accident cases. He also noted that the bulk of the automobile claims cases in the Superior Court do not "represent cases of great value." He listed statistics showing that in about 80 percent of jury trials in such cases, the verdicts for plaintiffs was less than $200.

The Supreme Court said the Legislature, in passing the no-fault law, could properly have concluded that the high cost of automobile insurance in the state had some relation to the "inefficiencies and administrative expense involved in running the traditional system" for handling claims.

"The legislature was also presumably aware of the long delays in getting financial aid to the injured persons, confronted with medical and subsistence bills during a period of no employment for him and want for his family" the Supreme Court said.

State Insurance Comr. C. Eugene Farnam, discussing the Massachusetts no-fault law before the convention of the American Assn. of Motor Vehicle Administrators at Falmouth when the decision was released, said the Bay State no-fault plan "could now prove a model for the entire nation."

Congress is currently considering a national no-fault law and is expected to enact legislation with local-option provisions permitting each state to determine whether to implement it.

FARNAM SEES 25 PERCENT CUT IN 1972 AUTO INSURANCE

(By Robert Hanron)

FALMOUTH.—State Insurance Comr. C. Eugene Farnam predicted today that Massachusetts' compulsory automobile insurance rates for next year will be reduced "by 25 percent or more" under the limited no-fault law.

He made this prediction at the 50th annual conference of the American Assn. of Motor Vehicle Administrators.

Farnam also said that a projection on statistics for the first half of 1971 indicates that the predicted increase in the number of property damage claims has failed to materialize.

In short, said Farnam, "we are on the verge of making history in Massachusetts." It had been predicted that with the ceiling on no-fault injury payments property damage claims (for damage to cars) would jump significantly. Farnam said this has not happened.

He said there is "accumulating evidence" that the injured are pleased and satisfied with the way claims are now being processed.

The prediction of a 25-percent cut in compulsory rates was hinted at by Gov. Sargent in April after the initial three months of experience under the first no-fault auto insurance law in the nation.

Farnam said his experience, as recorded by department actuaries, is standing up for the second quarter of 1971.

If this holds for the rest of the year, it appears virtually certain there will be reduction in auto insurance premium rates next year, he said.

Opponents of no-fault predicted chaos and unconstitutionality.

Farnam said "they have been found wrong in each case and are left to protest that it has worked and has cut costs but that has been done by cheapening the product.

Farnam said the no-fault critics are in one sense correct.

But the product they say has been cheapened has up to now been overpriced because it was thought that it had to include elements of coverage that the driving public as a whole really didn't need.

"Taking those unneeded elements of cost out of the system and treating accident victims is what no-fault auto insurance is really all about," the commissioner said.

Farnam said that in Massachusetts "we have restricted the right of some injured persons to recover damages for pain and suffering.

"We have done it without in any way precluding anyone who wants excess dollars if he is injured from buying voluntary coverage to give him that. In Massachusetts we have given drivers a chance to save money by choosing deductible options that may do away with their rights after an injury to recover duplicate benefits for a single cost.

"This may be cheapening the insurance product, but it is cheapening it in a way that the consuming public will accept."

AETNA LAUDS COURT RULING ON NO-FAULT

The Bay State's third largest auto insurer today applauded the Massachusetts Supreme Court's unanimous decision upholding the constitutionality of the nation's first no-fault insurance law.

Aetna Life and Casualty senior vice president William O. Bailey said, "Being the first state to advance a no-fault plan and by confirming its constitutionality, Massachusetts emerges as a pacesetter in the growing effort to bring much needed reform of the auto insurance system throughout the country.

"The Supreme Court's decision testifies to the foresight and judgment of Gov. Francis Sargent, Insurance Com. Farnam, the Legislature's Insurance Committee, and the many other individuals and organizations whose commitment to this new approach to auto insurance helped no-fault become a reality."

Aetna is pleased to have played a leading role in this pioneering effort in which in 1971 alone is saving Massachusetts motorists $76 million on the cost of their insurance premiums. Besides the monetary savings, Massachusetts motorists are benefiting from a system that now is providing prompt equitable and automatic payments of losses to auto accident victims.

"With mounting public support for no fault, and with the obvious early success it is achieving in Massachusetts, we look for its early adoption in other states. And we pledge to Massachusetts motorists Aetna's desire to work for those improvements and refinements which experience shows can make no fault serve the motoring public even better."

WHY AMERICA NEEDS LAND REFORM

Mr. McGOVERN. Mr. President, more than ever before, the Nation is beginning to recognize the folly of forcing farmers to leave the land because of low farm prices. We are now aware that these migrants come to the city ill prepared to compete in an evaporating job market. A recent study showed that a large number of the residents of our urban slums came from rural America. These rural migrants in the slums represented a greater part of the total slum residents than persons who had been born in the slums.

Because of tax provisions, large corporations are finding it exceedingly profitable to invest in agricultural land, improve it and sell out and realize huge profits under capital gains provisions. At the same time, the primary producer in this country, the family farmer, is being forced off the land at an unprecedented pace.

He is the victim of ever-increasing costs for his supplies and falling prices for his products. He is the most efficient producer the world has ever known and the best custodian of the soil. Yet his honest effort and outstanding results have been his downfall. We are losing not only an efficient form of production, but a valued and valuable way of living. The alternative is a corporate takeover of American agriculture which will not only cause food prices to skyrocket, but will destroy a valuable social fabric.

Unfortunately, the administration has failed to recognize the problems presented by the changing role of American agriculture. It has turned a deaf ear on the needs of the family farmer and succeeded in killing a measure which I authored which had the support of a majority of the Nation's farmers.

Similarly, the administration has made no meaningful provisions to halt the corporate onrush into American agriculture.

Recently, Peter Barnes wrote a series of articles in the New Republic which explained many of the problems of American agriculture. Part of this series was later printed in the Washington Post of July 11. Because these articles point to so many of the problems we as a Nation will face until we recognize the need for a sound agricultural policy, I ask unanimous consent that one article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

PROBLEMS OF AMERICAN AGRICULTURE

(By Peter Barnes)

It is hard for people in cities to appreciate the need for land reform in the United States. Most of us have been so cut off from the land that, through ignorance, we accept present landholding patterns as desirable or inevitable. They are neither.

What are the advantages of giving land to the few instead of the many? Efficiency is supposed to be the main one: big farms, we're told by agribusiness spokesmen, can produce more food at less cost and thus save the consumer money.

That same thinking underlies Soviet collectives. What is overlooked is that in societies where tractors are relatively inexpensive to own or rent, economies of scale contribute to agricultural abundance only marginally. Beyond a certain point, there is nothing gained by having one vast farm in place of several smaller ones. In fact, small farms are often more productive per acre because their owners work harder and take better care of the soil.

Large farms in America are efficient at some things—they excel at tapping the federal treasury and exploiting hired labor. Take away these privileges and the small farmer looks extremely good. As for saving the consumer money, the chief reason food prices have remained relatively low is not large-scale efficiency—it is intense competition. Allow a handful of agribusiness giants to gain control of the market and prices will assuredly rise a lot more than they have.

There is, furthermore, the question of how much efficiency, and what kind, is desirable. American agriculture is, if anything, too efficient; its chronic problem is not underproduction but surpluses; it is the only industry where people are paid not to produce. The argument that ever-increasing agricultural efficiency is a desirable national goal is, therefore, unsound.

Moreover, what kind of efficiency are we talking about? When a large grower increases his profit margin by replacing farm workers with a fancy new machine, he's not doing anybody but himself a favor. The farm workers, now unemployed, drift to already overcrowded cities, where no jobs await them either. Welfare rolls and social tensions rise—transferring to society at large the ultimate cost of "efficiency" on the large farm.

COST OF ABSENTEEISM

The vitality of community life in rural America has also suffered because of maldistributed land. Main Street businesses are not appreciably aided by large absentee landowners who purchase their supplies in distant cities, or by underpaid migrants who buy nothing, or by sharecroppers forced to shop at the company store.

A study in the 1940s by Walter Goldschmidt, a California sociologist, found that communities in small-farm areas have a more sizable middle class, more stable income patterns, better schools and more active civic groups than do communities where large landholdings predominate. A recent incident in Mendota, Calif.—a town surrounded by large farms—helps explain why. A group of citizens wanted to establish a special taxing district for construction of a hospital, the nearest one being 40 miles away. Three agribusiness giants that owned more than half the land in the proposed district opposed the plan, and killed it. Two of the companies were based in other California cities, and the third—Anderson Clayton—was headquartered in Houston.

Protection of the environment also tends to be less of a concern to large corporations than to small farmers who live on their land. Companies farming for tax or speculative reasons, for example, seek to maximize earnings over the short run. They can milk the soil, deplete the underground water supply or poison the land with pesticides, knowing full well that they will eventually sell. Resident farmers who hope to pass on their land to their offspring cannot be so careless with nature's gifts. Moreover, small-scale farming lends itself much more readily than does large-scale monoculture to biological pest control—a technique that must increasingly be adopted if we are to avoid ecological disaster.

If there's little to be said for large landholdings on social or environmental grounds, neither can it be said that they are inevitable. Land concentration in America, particularly in the South and West, is not the result of inscrutable historical forces, but of a long train of government policies, sometimes in the form of action, often of inaction.

English grants to large landholders in the colonial South, and Mexican grants in the West, could have been broken up at several convenient historical moments, but were allowed to remain intact. Vast expanses of public lands were given away in large chunks to speculators, rather than in small parcels to settlers. Tax and labor laws, reclamation projects and government-financed research, have encouraged large-scale corporate agriculture, to the detriment of independent small farmers and landless farmworkers. On top of all this have come the government's ultimate reward to big landholders: cash subsidies, mainly for being big.

Why, then, do we need land reform in America? About the only thing that can be said for large landholdings is that they exist, and in the spirit of free enterprise ought to be left untouched. This is the strongest argument in favor of leaving things as they are.

Land, however, is not like other forms of wealth in our economy, which we allow to be accumulated without limit: It is a public resource, it is finite, and it is where people live and work. Free enterprise does not merely imply the right to be big. It also implies the right to start. As corporate farms become increasingly integrated with processors and distributors, as they advance toward the technological millennium in which 10-mile-long fields are sowed and harvested by computer-controlled machines, the right to get a start in agriculture will be obliterated—as it almost is today.

Americans must decide whether they want the rich to get richer or the poor to have a chance. Agriculture is one of the few places where the poor *can* have a chance. If it is closed off, if the profits of the few are given precedence over the needs of the many, the consequences can only be unpleasant.

There are additional reasons why it's time to reform landholding patterns in the United States. Frederick Jackson Turned talked 70 years ago of the frontier as a "safety valve" for urban discontent. If ever the cities needed a safety valve, it is now. Urban problems are virtually insoluble; city residents seem on the verge of a mass psychic breakdown. The exodus from the countryside must not only be stopped, it must be dramatically reversed.

A RURAL REVIVAL

One approach to the problem of population dispersal is to build new communities on rural lands now owned by speculators. This will undoubtedly happen, but it's far from enough. It is much more important to revive existing rural communities, and to do so by enabling greater numbers of people to live decently off the land. There is no shortage of people who want to remain on the land, or return to it, if they could do so at higher than a subsistence level. Many Mexican-Americans, blacks and Indians would be among them. So would many whites who have become drained, physically and spiritually, by city living. The difficulty is that the frontier is long gone. That's why reform, as opposed to the giving away of unsettled lands, is essential.

Land reform is also needed to increase the number of people in the United States who are free. This may sound silly in a country that presumes to be a breeder of free men. Yet ever-increasing numbers of Americans are not really free to assume responsibilities or to make major decisions affecting their lives. They work for large corporations or government bureaucracies or on assembly lines. They are not their own bosses, not proud of their work, and not motivated to exercise their full rights as citizens.

Farming has traditionally been a bastion of the independent small businessman who won't take guff from anybody and who prides himself on the quality of his work. But now farming, too, is becoming computerized and corporatized. Its executives wear silk ties and share the attitudes of other wealthy executives; its workers are powerless, dispensable hirelings. If agriculture goes the way of the auto industry, where will our independent citizens come from?

American land policy should have as it highest priority the building of a society in which human beings can achieve dignity. This includes the easing of present social ills, both rural and urban, and the creation of a lasting economic base for democracy. A second priority should be to preserve the beauty of the land. Production of abundant food should be a third goal, but it need not be paramount and is not, in any case, a problem.

CHANGING THE RULES

To achieve these goals a multitude of reforms should be carried out. First and most importantly, small-scale farming must be made economically viable, so that present small farmers can survive and new ones get started. Unless it is done, there is no point in changing landholding patterns to favor smaller units.

There's no secret to making small-scale farming viable; it can be accomplished by eliminating the favors bestowed upon large farms. Federal tax laws that encourage corporate farming for tax-loss and speculative purposes should be changed, even if this means closing the capital gains loophole. Labor laws should guarantee a minimum wage to farmworkers equal to that of the other workers, and should make the knowing employment of illegal aliens a crime punishable by imprisonment. This would put an end to one of the large landholders' major competitive advantages—their ability to exploit great numbers of poor people—and allow self-employed farmers to derive more value from their own labor.

Subsidy programs, too, should be revised to the disadvantage of big growers. When farm subsidies began during the New Deal, they were intended to help the impovished small farmer. But because they were pegged to total marketings and total acreage rather than to personal income, they wound up lining the pockets of the wealthy.

If farm subsidies are continued—as they should be in order to stabilize farm income—they ought to be strongly weighted in favor of smallness. No farmer should receive subsidies for crops grown (or not grown) on land in excess of a certain acreage, and payments should be graduated downward, somewhat like an income tax in reverse. Alternatively, subsidies could be completely detached from crops and related to income instead. Farmers could sell on the open market, with federal payments making up the difference, if any, between earnings and a minimum livable income.

Also essential to the future viability of small-scale farming is some protection against conglomerates. There is no way a small farmer can compete against an oil company, or against a vertically integrated giant like Tenneco which not only farms tens of thousands of acres but also makes its own farm machinery and chemicals, and processes, packages and distributes its own foods. Such conglomerates aren't hurt by a low price for crops; what they lose in farming they can pick up in processing or distributing or, for that matter, in oil.

The small farmer, on the other hand, has no outside income and no tolerance for soft spots. What he needs is legislation that would prohibit corporations or individuals with more than $50,000, say, in nonfarming income from engaging in farming—in effect, a forceful antitrust policy for agriculture.

A HUMAN SCALE

Once small scale farming is made viable, the second major area for change involves redistribution of land—the kind of peaceful social restructuring that the United States imposed upon Japan after World War II and has urged upon dozens of other nations in Asia and Latin America.

The guiding principles behind redistribution are that land should belong to those who work and live on it, and that holdings should be of reasonable, not feudal proportions. These are not revolutionary concepts; America recognized them in the Pre-emption, Homestead and Reclamation Acts, and is merely being asked to renew that recognition.

A convenient place to start is with enforcement of the Reclamation Act of 1902, which provides that large landholders in the West who accept subsidized water must agree to sell their federally irrigated holdings in excess of 160 acres at pre-water prices within 10 years.

The Reclamation Act has never been properly enforced for a variety of reasons. One is that, through one stratagem or another, large landholders have escaped having to sell their excess lands. Another is that even in the few cases where large landowners have agreed to sell, their prices have been so high, and terms so stiff, that only the wealthy could afford to buy. Occasionally, as in parts of the San Joaquin Valley at the moment, prewater prices as approved by the Bureau of Reclamation are so out of line—higher, in fact, than prevailing market prices—that even wealthy persons have not seen fit to purchase excess lands put up for sale under the law.

To assure not only the sale of excess landholdings, but also their availability at prices that persons of limited means can afford, Reps. Robert Kastenmeier (D-Wis.), Jerome Waldie (D-Calif.) and others have introduced legislation that would authorize the federal government itself to buy up all properties in reclamation areas that are either too big or owned by absentees. The government would then resell some of these lands, at reasonable prices and on liberal terms, to small resident farmers, and retain others as sites for new cities or as undeveloped open space.

The plan would actually earn money for the government, since the lands would be purchased at true pre-water prices and resold at a slight markup. The money thus earned could be used for education, conservation or other purposes.

Of course, land redistribution should go beyond the Western areas served by federal reclamation projects; in particular, it should reach into the South.

DISCOURAGING DEVELOPERS

Another objective toward which new policies should be directed is preserving the beauty of the land. Reforms in this area are fully consistent with a restructuring of landholding patterns. Thus, a change in local tax laws so that land is assessed in accordance with its use would benefit small farmers and penalize developers. Zoning rural land for specific uses, such as agriculture or now towns, would similarly help contain suburban sprawl and ease the pressure on small farmers to sell to developers or speculators. If as a result of new zoning laws the value of a farmer's land was decreased, he would be compensated for that loss.

An indefinite moratorium should also be placed on further reclamation projects, at least until the 160-acre and residency requirements are enforced, and even then, they ought to be closely examined for environmental impact. Schemes are kicking about to bring more water to Southern California and the Southwest from Northern California, the Columbia River and even Alaska. These plans ought to be shelved. Federal revenues that would be spent on damming America's last wild rivers could, in most cases, be more fruitfully devoted to such purposes as redistributing croplands.

Policy changes in other areas should complement the major reforms outlined above. Existing farm loan programs, for example, should be greatly expanded so that new farmers can get started in agriculture. Farming cooperatives, which can be a starting point for workers unable to afford an entire farm, should be encouraged through tax laws and credit programs. Research funds spent on developing machinery for large-scale farming should be rechanneled into extension programs for small farmers and co-ops.

A GROWING AWARENESS

It won't be easy to enact any of these reforms. Friends of large-scale agribusiness are strategically scattered throughout the Agriculture, Interior and Appropriations committees of Congress, and are equally well ensconced within the Nixon administration. Small farmer associations like the Grange, the National Farmers Union and the National Farmers Organization don't have nearly the clout of the American Farm Bureau Federation, the big grower associations and the giant corporations themselves.

Nevertheless, there are some grounds for optimism. Many citizens and public officials are coming to realize that rural America ought to be revived, cities salvaged, welfare rolls reduced, and they see that present policies aimed at achieving these objectives are now working. Environmentalists who for years have pointed to the dangers of intensive agriculture and the need for prudent rural land use, are finally getting an audience. The list of organizations that have recently urged vigorous enforcement of the 160-acre limitation includes the AFL–CIO, the Sierra Club, Common Cause, the National Education Association, the Grange and the National Farmers Union. That's not enough to sweep Congress off its feet, but it's a good start.

The ultimate political appeal of land reforms is that it places both the burden and opportunity of self-improvement upon the people themselves. It can give hundreds of thousands of Americans a place to plant roots, and a chance to work with dignity. Can we deny them that chance?

NATIONAL PETROLEUM COUNCIL

Mr. HANSEN. Mr. President, the National Petroleum Council, which was organized by President Truman to serve as an advisory group to the Federal Government, has rendered a service that has been both useful and highly objective over the past quarter century.

Currently, the Council is engaged in a study—at request of the Department of Interior—which may be its most significant to date. I refer to its continuing long-range study on the U.S. energy outlook which is scheduled to be completed in July 1972. The Council today is meeting in Washington, and at the midpoint of this significant study it has released an "initial appraisal" of the energy outlook that brings into sharp focus the urgent need for a better economic climate to stimulate development of adequate domestic supplies of oil and natural gas.

These conclusions are reinforced by the recent reprint of U.S. Bureau of Mines Bulletin 650 which estimated that oil recoverable from domestic resources is "more than enough" to meet the high range of projected demand through the year 2000. It is pertinent that the Bulletin calls attention to the fact that—

> Estimates of proved and ultimate reserves of the United States are of less significance than the technological and economic factors that influence discovery of resources and conversion into proved reserves.

The domestic producing industry has the ability to assure adequate U.S. supplies of oil and natural gas. Increased prices will be required but the "cost" to the consuming public will be far less than intolerable dependency on insecure foreign sources. As recognized by the Chairman of the President's Council of Economic Advisers, energy has been "more and more a bargain relative to the prices of goods and services generally." Oil and gas will continue to be a "bargain," after reasonable price adjustments that are necessary to restore domestic petroleum exploration to adequate levels.

Any potential "gap" between future U.S. energy demands and domestic supplies would be eliminated by changes in prices which would bring supply and demand into equilibrium. The time has come—and in fact is overdue—to "let the domestic marketplace work." To make it work effectively, new incentives are needed including a peril point beyond which the Nation should not go on depending on foreign petroleum sources, and improved tax treatment to encourage domestic exploration.

It is apparent that, given a chance, the domestic oil and gas producing industry will provide at low and reasonable cost the supplies of these fuels needed to prevent overdependence on foreign supply that has been forecast only recently. This fact is made clear by the NPC's initial appraisal of the U.S. energy outlook, and this is reassuring to those of us concerned with maintaining the Nation's essential strength as to energy supplies.

ADM. THOMAS C. HART, NAVAL LEADER AND U.S. SENATOR

Mr. THURMOND. Mr. President, many distinguished men have served in the U.S. Senate but it is exceptional that an eminent naval officer who rose to high position in the regular Armed Forces should be a Senator. One such example was Adm. Thomas C. Hart who was appointed as a Senator from Connecticut on the death of Francis T. Maloney and served from February 15, 1945, to November 5, 1946. Thus only six members of the present Senate served with him.

Admiral Hart had a most distinguished naval career. He was a great patriot and deserves a prominent place among the annals of World War II. It was Admiral Hart who had the foresight to observe the gathering strength of the Japanese in 1941 and who was well aware of the import of the Japanese buildup. Just as today many people refuse to assess correctly the buildup of the Soviet strategic forces, so, too, Admiral Hart's analysis of Japanese strength was downgraded. But as a result of his precautions the subsequent history of the war in the Pacific was changed.

His service with the General Board of the Navy following return from the Southwest Pacific in 1942 was during the period when that body studied the modernization of the Panama Canal, urged the abandonment of the idea of a sea level canal across the Isthmus and recommended the full support of the Navy Department for what is known as the Terminal Lake—Third Locks Plan. He was an active participant in the formulation of that recommendation which won the approval of President Franklin D. Roosevelt as a post war project.

Mr. President, the New York Times printed a full account of this great American's rich career. It will be of interest to all Senators who knew Admiral Hart, and merits a place in the permanent Record of this body. Mr. President, I ask unanimous consent that the obituary of Adm. Thomas C. Hart be printed in the Record.

There being no objection, the obituary was ordered to be printed in the Record, as follows:

Adm. Thomas C. Hart Is Dead at 94

Sharon, Conn., July 4.—Adm. Thomas C. Hart, U.S.N., retired, Commander in Chief of the Asiatic Fleet at the time of Pearl Harbor and a former United States Senator, died today in his home at the age of 94.

Held a Top Command

(By Farnsworth Fowle)

Admiral Hart, who entered the United States Naval Academy in 1893 and retired in 1945 to serve for two years as an appointed Senator from Connecticut, filling a vacancy, was one of the senior commanders in World War II.

He was sent to Shanghai in 1939 to take command of the Asiatic Fleet and in December, 1941, braced his small force for the Japanese onslaught on the Philippines, Dutch East Indies and Malaya. Called to Washington in February, 1942, he resumed a seat he had held on the Navy's General Board and was entrusted with compiling the Navy's report on the Pearl Harbor disaster that had beset less vigilant commanders at the Hawaiian base.

About two weeks before the aerial attack on Dec. 7, 1941, Admiral Hart, without consulting Washington, had ordered his PBY–2 (Catalina) long-range flying boats to maintain a discreet surveillance on Camranh Bay on the southeast coast of Vietnam.

They found a massing of Japanese vessels in that anchorage as a portent of Japanese readiness to strike south. Admiral Hart relayed this to Washington and felt no great surprise when Washington sent a "war warning" message calling for "defensive deployment" to him and to the Pacific Fleet commander at Pearl Harbor a day or two later.

ISSUED ATTACK ORDER

Before the week-long battle of the Macassar Straits, Admiral Hart issued an order to attack that said "no vessel will leave the scene of action until it is sunk or its ammunition is exhausted."

On his return, President Franklin D. Roosevelt added a second gold star to his Distinguished Service Medal. The citation praised the admiral's "sound judgment and marked resourcefulness in dealing with the difficult military and diplomatic situation" on the eve of conflict, and for handling his fleet as well as could be done in combat.

Born in Davidson, Mich., on June 12, 1877, he was finishing his second year at Flint High School when he learned that a competitive examination for a Naval Academy appointment was being arranged by his Representative. He took the exam, came out first, and then, though just 16, passed the entrance examinations by cram studying.

As a midshipman he was coxswain of crew, at a time when he was getting his first taste of deep-sea sailing on the frigate Constellation, a sister-ship of the Constitution.

GRADUATED IN 1897

He graduated with the class of 1897, which included such future admirals as Henry E. Yarnell, Arthur J. Hepburn and William D. Leahy.

The young officer had his first taste of combat in the Spanish-American War, on the battleship Massachusetts and the ex-yacht Vixen. He ran messages from Navy to Army headquarters and occasionally accompanied Col. Theodore Roosevelt of the Rough Rider regiment when the future President came to the Vixen in search of good dinner in the officers' mess.

In World War I, Admiral Hart commanded submarine units in British and Azores waters, emerging a captain with his first Distinguished Service Medal. His work with submarine forces was credited with "making them tick" in World War II.

He commanded the battleship Mississippi for two years, but later, to the surprise of many, turned down an invitation to command the Navy's battleships, a prize post before Pearl Harbor, in favor of the challenge of the more lightly armed but speedier heavy cruisers.

Shore duties between wars included Naval War College and the course at the Army War College, where he spent a second year by Army request as an instructor in amphibious war. From 1931 to 1934 he returned to Annapolis as Superintendent. Cadets of those years remember him as strict but fair, and that he made an attempt to broaden the curriculum.

His first tour on the Navy's General Board was from 1936 to 1939, when he was sent to Shanghai with the four stars of a full admiral to command the Asiatic Fleet, of which he said: "All my ships were old enough to vote."

Reading the signs of coming conflict, he moved his headquarters to Manila. He was credited with dispositions that saved all his surface ships and more than 200,000 tons of merchant vessels in the initial Japanese attack.

In February, 1942, he was ordered home, turning over command of his fleet to the Netherlands commander of the Allied fleet. Though a year overdue for retirement, he was immediately recalled to active duty and a seat on the General Board, while Congress voted him permanent four-star rank.

One of his wartime duties was to collect depositions for the Navy's inquiry into the Pearl Harbor disaster, before memories faded. For this, he traveled extensively through the combat theaters and also spoke and wrote at home to publicize the Navy's war effort.

Admiral Hart had made the King house, a historic mansion in Sharon, Conn., his family home since 1924. In February, 1945, he accepted appointment by Gov. Raymond E. Baldwin, a Republican, as Senator to fill the vacancy caused by the death of Francis T. Maloney. It was at that time that he stepped down from the General Board.

As a Republican Senator he maintained that he was not a Navy spokesman and subsequently declined service on the Naval Affairs Committee, although he later agreed to serve on the Military Affairs Committee after being assured that the Army would welcome his presence.

He was an opponent of the merger of the armed services into a single Department of Defense. He contended that a separate Air Force would combine with the Army to diminish the Navy's role—and he also thought that the combination of air and surface forces in a single branch, as in the Navy, was more effective militarily than their separation.

Admiral Hart did not seek election in 1946.

In October, 1947, he warned that Korea probably would become the 17th Soviet Republic. "A Sovietized Eastern Asia," he said, "is fully as menacing to us as would be a Sovietized Western Europe, and the probability that it may happen is decidedly greater."

He regretted in the light of later events that the United States had sought Russian entrance into the war against Japan, saying that "Japan's China army gave up, the Russian troops were not needed at all and the estimate was wrong."

Last November, he welcomed the election of his Sharon neighbor, James L. Buckley, as Conservative Senator from New York. "I always knew Jimmy had the stuff," he said.

In Sharon, he was active in such civic enterprises as the reforestation of Sharon Mountain, the Sharon Hospital, and in establishing the Sharon Historical Museum to which he gave his collection of firearms.

Admiral Hart is survived by his widow, the former Caroline Brownson, daughter of an admiral; a son, Roswell R. of Sharon; 3 daughters, Mrs. LaVerne Baldwin of Taconic, Conn., Mrs. Dana Bergh of Rochester, and Mrs. Francis B. Sayre Jr. of Washington; 13 grandchildren and a great-grandchild.

A funeral service will be held Wednesday at noon in the First Church of Christ, Congregational, in Sharon. Burial will be in Arlington National Cemetery following a service in the chapel at Fort Myers in Arlington, Va., on Thursday at 10 A.M.

EDITOR OF CHICAGO TRIBUNE CLARIFIES NEWSPAPER'S WORLD WAR II ROLE

Mr. PERCY. Mr. President, the recent controversy which surrounded the publication of the Pentagon papers by the New York Times, the Washington Post, and other newspapers was not the first time that a national debate has been generated by a clash between the constitutional right of freedom of the press and the Government's desire to keep certain information from being publicly disclosed.

Almost 30 years ago, just prior to this country's entry into World War II in December of 1941, and later in mid-1942, the Chicago Tribune was involved in two incidents which raised issues similar to those which surfaced during the furor over the publication of the Pentagon papers.

In an article which was printed on the opposite editorial page of the New York Times on July 9, Clayton Kirkpatrick, the editor of the Tribune, reviewed the history of these incidents and eloquently defended his newspaper's right to print the controversial stories.

Mr. President, I believe Mr. Kirkpatrick's article would be of particular interest at this time; therefore, I ask unanimous consent that it be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE CHICAGO TRIBUNE

(By Clayton Kirkpatrick)

CHICAGO.—Thirty years from now historians may be recounting the story of how The New York Times obtained and printed secret Pentagon documents describing the background of the war in Vietnam.

How accurately will they tell it? More accurately, Times editors may hope, than historian Arthur Schlesinger Jr. told the story (Op-Ed page, June 24) of the Chicago Tribune's involvent in similar situations in 1941 and 1942.

The gist of this commentary is (1) that The Tribune, on Dec. 4, 1941—three days before the Pearl Harbor attack that launched the United States into World War II—printed the substance and much of the text of the U.S. plan for waging the war, and (2) that on June 7, 1942, it printed a story that disclosed that the U.S. had broken Japan's secret communications codes.

The controversy involving The Tribune was colored by the intense hostility between Col. Robert R. McCormick, editor and publisher, and President Franklin D. Roosevelt. The Tribune had bitterly opposed American participation in the war which broke out in Europe in 1939. It charged that Mr. Roosevelt was maneuvering secretly to get the United States into the war while promising publicly not to send Americans to die on foreign battlefields.

Schlesinger comments: "These were disclosures that might well have caused irreparable injury to the defense interests of the United States." Schlesinger argues that "the Roosevelt Administration could have made quite a case against The Tribune thirty years ago but in the end declined to do so. The question is what sort of case the Nixon Administration, in these far less stringent and perilous days, can bring against The Times."

Two basic assumptions underlying these assertions are unworthy of any scholar or historian:

The Tribune would knowingly print material of great strategic and military sensitivity that would put the country in danger.

The offenses were forgiven by a generous President and his Federal hierarchy.

Take the first assumption. The story published on Dec. 4, 1941, was written by Chesly Manly, a Washington correspondent now dead. In the first paragraph the story identifies the war plan report as "a confidential report," not "the secret" report as Schlesinger describes it.

Later it was identified as one of several contingency reports drafted by the Department of the Army. The planned action it described was scheduled to begin on July 1, 1943—more than 18 months away from the date of publication and of the actual entry of the U.S. into the war.

The essential substance of the story was mentioned in a Senate speech by Senator Burton K. Wheeler on Nov. 4, a month before the story appeared.

Stephen T. Early, Presidential press secretary, rolled with the punch.

"Your right to print the news, is I think, unchallenged and unquestioned," Mr. Early told reporters. "It depends entirely on the decision of the publisher and editor whether publication is patriotic or treasonable."

The executive branch reacted much more violently to The Tribune story of June 7, 1942. This story reported in considerable detail the ships that comprised the Japanese fleet at the Battle of Midway.

Information for the story was supplied by Stanley Johnston, a war correspondent who had covered the earlier battle of the Coral Sea and had returned to Chicago to write that story.

Johnston's deductions were remarkably accurate—so accurate that Navy intelligence, which had broken the Japanese code, suspected that the Japanese would realize their messages had been decoded when they read the story.

The day after the story was printed the Bureau of Censorship notified Arthur Sears Henning, The Tribune's Washington bureau chief, that The Tribune was cited for violating censorship. He replied in writing and within hours was told that the bureau "had no further quarrel with The Tribune in this matter."

The matter rested until Aug. 7 when Attorney General Francis Biddle announced in Washington that a Federal grand jury in Chicago would investigate charges that The Tribune had published confidential information.

The grand jury met and heard the evidence including testimony from Johnston, Wayne Thomis, and J. Loy Maloney, managing editor. The jury refused to indict on Aug. 20.

The best evidence that The Tribune's story had not breached U.S. security was that the Japanese continued to use the broken code after the June 7 story.

The Tribune commented editorially that the entire episode was an attempt to attack The Tribune politically.

The Tribune has never wavered in its conviction that the controversial stories violated no law and that publication was consistent with a newspaper's privileges under the First Amendment. Only a distortion of history could support the insinuations that the newspaper violated national interests.

WOMEN IN MEDICAL EDUCATION

Mr. McGOVERN. Mr. President, I was gratified that the amendment I cosponsored with Senator Hart and Senator Mathias designed to prohibit discrimination by medical schools on the basis of sex was yesterday incorporated in the Public Health Service Act amendments which passed the Senate.

There are two grave ills that are rectified by this legislation.

The first is that of discrimination. One-half of our populace is systematically excluded from a medical education. Many medical schools are quite overt in their policy of refusing admission to women unless they are extraordinarily highly qualified, most classes being about 10 percent female. It is entirely wrong that a young woman of intelligence and compassion should live with the knowledge that she will be unable to use these qualities in the pursuit of a medical career because of her sex.

Further, this bill will open the nursing profession to men. Many veterans, returning from Vietnam with battlefield nursing experience, should be able to use this hard-won training for peace and health, rather than only under conditions of war and destruction. It is all too easy to forget that sex discrimination is a double-edged sword, limiting men as well as women.

The second is that of waste. America needs the best possible medical care. It is a disgraceful fact, for instance, that we rank 14th among the nations of the world in infant mortality. We cannot afford to have this bill pay for the education of second-rank applicants, chosen only because they are male. We must use all our most talented people; many of these are female.

The amendment provides that no medical school shall receive Federal funds under this program without first proving assurance satisfactory to the Secretary of HEW that it will not discriminate on the basis of sex in admission of individuals to its training programs. I understand this to mean that each school will outline the specific actions it is taking to end any previous discrimination against women. Further, it is the responsibility of the Secretary to outline rigorous requirements so that no school shall be in doubt as to the standards expected of it. In addition to training the finest possible medical personnel, it will be a part of the battle to rectify the ancient injustice done women in preventing them from developing their fullest potential, in not accepting each individual at full value. Every American schoolboy is taught that his opportunity is limited only by his ability. The axiom must be made true for schoolgirls as well. As we limit our women, so do we limit our Nation.

THIRTIETH ANNIVERSARY OF THE ACT OF PROCLAMATION OF THE RESTORATION OF THE UKRAINIAN STATE

Mr. THURMOND. Mr. President, we have recently celebrated the anniversary of independence in the United States. We are so accustomed to being a strong and independent Nation that we sometimes forget the significance of what it means to be free and to live under a government of your own choosing.

In 1941, the Ukrainian nation similarly declared their own independence. In the disarray which followed upon the Nazi invasion of the Soviet empire, the people of the Ukraine attempted to seize the initiative and form a free and independent state. This was on June 30, 1941. The independence was shortlived, however, for the Soviets soon moved in to crush the provisional government. By July 12, the government had been destroyed and the members of the government arrested. The spirit of freedom however, has not yet died. In recalling this historic event, the Women's Association for the Defense of Four Freedoms for Ukraine, Inc., released a statement summarizing the events of that 2-week period. The women's association has been vigorously keeping alive the memory of this battle and is constantly looking forward to the time when the Ukrainian state may be restored to liberty.

Mr. President, I ask unanimous consent that the statement by the Women's Association for the Defense of Four Freedoms for Ukraine be printed in the Record.

There being no objection, the statement was ordered to be printed in the Record, as follows:

STATEMENT BY MRS. ULANA CELEWYCH, PRESIDENT

On the occasion of the 30th Anniversary of the Act of Proclamation of the Restoration of the Ukrainian State, June 30, 1941, a short review of its history is warranted as a lesson to other free nations, including the United States:

The first Ukrainian National Republic flourished from 1917 until 1920, when Russia invaded the Ukraine once again, this time wearing the Red mask of Communism. Manmade famine followed during the early 1930's, along with mass murders, purges and deportations.

Thus it was that in June of 1941, when the Soviet-German war broke out, Ukraine (still under Russian occupation) again found itself a battleground. When the Reds surrendered Lviv, the capital of Western Ukraine, to the Nazis, the people took advantage of the situation to set up their own provisional government.

The Organization of Ukrainian Nationalists (OUN), a respected underground organization which had carried the brunt of the struggle for Ukrainian independence for many years, authorized the Honorable Yaroslav Stetsko to proclaim the Act of Restoration of the Ukrainian State, in Lviv, June 30, 1941, as follows:

1. By the will of the Ukrainian people, the Organization of Ukrainian Nationalists under the leadership of Stepan Bandera proclaims the restoration of the Ukrainian State, for which entire generations of the best sons of Ukraine have given their lives.

The Organization of Ukrainian Nationalists, which under the direction of its creator and leader Evhen Konovalets during the past decades of blood-stained Russian Bolshevik subjugation carried on a stubborn struggle for freedom, calls upon the entire Ukrainian people not to lay down its arms until a Sovereign Ukrainian State is formed in all the Ukrainian lands.

The sovereign Ukrainian government assures the Ukrainian people of law and order, multi-sided development of all its forces, and satisfaction of its demands.

2. In the western lands of Ukraine, a Ukrainian government is created which will be subordinated to a Ukrainian national administration to be created in the capital of Ukraine, Kiev.

3. The Ukrainian national-revolutionary army, which is being created on Ukrainian soil, will continue to fight against the Russian occupation for a Sovereign All-Ukrainian State and a new, just order in the whole world.

Long live the Sovereign Ukrainian State!

Long live the Organization of Ukrainian Nationalists!

Long live the leader of the Organization of Ukrainian Nationalists—Stepan Bandera!

The City of Lviv, June 30, 1941, 8 p.m.; Head of the National Assembly; Yarosalv Stetsko.

The Proclamation was unanimously approved by the Assembly, consisting of leading representatives of political, cultural and religious life, including His Eminence Bishop Joseph Slipyj (who later spent 18 years in Russian concentration camps before release in 1963). Both Metropolitan Andrew Sheptitsky, leader of the Ukrainian Catholic Church, and His Excellency Metropolitan Polikarp of the Ukrainian Orthodox Church also recognized the Proclamation and gave the Lviv government with its new Prime Minister, Yaroslav Stetsko, their blessing.

The country's leaders realized that the

consequences would be mass arrests and the creation of a second front against Ukraine by the Nazis-conquerors. Many members of the new government were arrested and imprisoned, including Yaroslav Stetsko and Stepan Bandera. During this Gestapo wave of terror, the OUN established the Ukrainian Insurgent Army (UPA) under the leadership and command of General Taras Chuprynka in 1942.

Hitler's brutal command to Himmler to "establish order" in the Ukraine, destroyed all possibility of future cooperation. This action was one of the deciding factors that lost the war for Germany in Eastern Europe. (Three years later, Hitler realized his error and tried to collaborate with Stetsko and Bandera for an independent Ukraine, but it was too late.)

UPA waged war against both Russia and Germany. The Ukrainian Red Cross (independent of the International Red Cross because of wartime conditions), performed near-miracles in the line of duty and deserves the highest honors. Many of its courageous women volunteers have now been in Soviet slave camps for 26 years!

In keeping with the spirit of the Proclamation contact was made with neighboring nations in their common cause. Thus in 1943 the first international conference of representatives of other captive nations was held in the Volyn Province of Ukraine. At its conclusion the international organization of the Anti-Bolshevik Bloc of Nations was founded. This vital group adapted a liberation program which remains in force today:

1. Liberation by the peoples' own forces.
2. A common front of all enslaved nations with coordinated strategy and actions.
3. Disintegration of the Russian Empire and restoration of freedom to the enslaved nations.

This 30th Anniversary of the Restoration of the Ukrainian State finds their spirits still strong. The young generation of Ukrainians who have witnessed the example of brave parents, find the slogan "An Independent Ukraine" mobilizing them to action. Workers' strikes, demonstrations, clashes with Russian forces in various cities, protests against imprisonment of intellectuals, etc. are expressions of their restlessness.

Today, around the world, Ukrainians are unified in the knowledge that for them, no price is too high and no fight too long in the cause of the final restoration of the Ukrainian Sovereign State and the guaranty of liberty and human rights once more to the people of Ukraine.

CATOCTIN IRON FURNACE

Mr. MATHIAS. Mr. President, throughout our land we are constantly faced with the danger that 20th century progress will erase important elements of our past. In Frederick County, Md., is the ruin of Catoctin Iron Furnace, a colonial ironworks which continued to operate into the 20th century. Now, the need for an improved highway through this area has raised the question of the future of what is left of Catoctin Furnance.

The dilemma presented by such a situation has been presented by an article published in the Washington Sunday Star. I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Sunday Star, June 20, 1971]

CATOCTIN FURNACE IS THREATENED

(By Joy Aschenbach)

Catoctin Iron Furnace, a towering stone structure that supplied cannon shells for the Revolutionary War, has withstood two centuries of civilization.

It was the only Colonial ironworks in Maryland that continued to operate in the 20th century, closing down in the early 1900s. The last of its furnaces, a section of a massive stone retaining wall and two mine pits still can be found hidden off U.S. Route 15, about 10 miles north of Frederick.

Clustered nearby is the tiny community of stone and log houses where the ironworkers used to live. The historical marker says that Gov. Thomas Johnson and his brothers owned the ironworks and that 100 tons of shells used at the Battle of Yorktown were cast there.

ARCHEOLOGICAL STUDY

Now, Rte. 15 is moving in, and some people fear the highway expansion will endanger what is left of Catoctin Furnace. After a public hearing last month, the State Roads Commission called for what officials say is the first archeological study of a highway construction site in Maryland.

As planned, the 20-mile stretch of Rte. 15 from Frederick north to the Maryland line will be widened from a two-lane road to a dual highway.

At Catoctin Furnace, both the 76-foot-wide median and the second set of lanes are scheduled to go east of the existing roadway, eliminating the two mine pits and coming within 50 feet of the old ironworks.

Among those who want the highway relocated are Frank Mentzer, superintendent of the federal Catoctin Mountain Park, who spoke at the hearing, and the Catoctin Mountain Tourist Council.

"It will destroy the ore pits and come perilously close to the furnace ruins," Mentzer said. "The vibrations from the construction equipment alone will threaten the furnaces and the heavy truck traffic on the highway may destroy them."

The route's opponents also contend that the proximity of the highway will interfere with future efforts to restore the ironworks, which is now owned by the state, and open it as an official tourist center. The Maryland Historical Trust is considering having the furnace ruins and the nearby community declared a historic district.

The Roads Commission's study, being conducted by a private archeologist, was commissioned because "everyone today is conscious about the possible destruction of our heritage and we want to make sure we are on solid ground before going ahead," according to Paul Mylash, of the special services division.

ONLY LIMESTONE PITS?

A point of dispute, Mylash said, is whether the mine pits actually are ore pits that served the ironworks, as some claim, or whether they simply are limestone pits. This will be a factor in determining where the highway will go, he added.

The only option available in relocating the roadway, he said, is narrowing the grass median. Federal highway regulations require a minimum width of 40 feet for the median, which could enable the roadway to be moved 36 feet more from the ironworks, he said.

Once the state decides what to do, after the study is completed early next month, the Federal Highway Administration also must determine whether the location of the roadway endangers a historic site.

PANAMANIAN GOALS IN NEGOTIATIONS

Mr. THURMOND. Mr. President, on June 26, 1967, the Presidents of the United States and Panama jointly announced the completion of negotiations for three proposed new Panama Canal treaties to replace the 1903, 1936, and 1955 treaties. One proposed convention concerned the operations and management of the existing canal, a second the construction of a new canal of so-called sea-level design, and the third their defense.

That White House announcement evoked sharp reactions against the proposed treaties in Panama as well as in the United States and the Congress. Through the journalistic initiative of the Chicago Tribune, the texts of the three proposed agreements, which had been secret, were ferreted out and published. I had these texts printed in the CONGRESSIONAL RECORD of July 17, 21, and 27, 1967, Robert B. Anderson, a former Secretary of the Treasury, was the chief U.S. negotiator for them. Because of the strong opposition that developed in both Panama and the United States after their provisions became known, they were never signed.

Four years have now passed and representatives of Panama and the United States are again engaged in negotiations in Washington for new canal treaties with the same type of secrecy in the United States that prevailed for the discredited 1967 treaties, with Robert B. Anderson again serving as chief U.S. negotiator, John C. Mundt as his deputy, and Col. John P. Sheffey, former executive director of the 1964–70 sea level canal studies, and their active supporters in the State Department.

The negotiations for the proposed 1967 treaties were originated by the State Department as the result of the January 9–12, 1954, Red-led Panamanian mob assaults on the Canal Zone, which resulted in the loss of both United States and Panamanian lives and an appalling destruction of North American owned property in Panamanian territory. The present negotiations are apparently being started because of the desire of the current revolutionary government of Panama to remain in power by means of a dramatic success in wresting control of the U.S. owned Canal Zone from the United States.

The mass news media of our country has failed to present the current situation on the Isthmus in its stark realities but the Panamanian press, under the strict control of the revolutionary government, published nothing except that approved by the revolutionary government. Consequently, all the publications in Panama are devoted to aggressive propaganda of the strongest character against the United States in support of the revolutionary policy of driving the United States from the Isthmus and bringing about the surrender of the Canal Zone to Panama.

On the eve of the departure of the Panamanian envoys for Washington, the Panama Star and Herald, a leading Panama newspaper revealed their diplomatic objectives and instructions as follows:

Removal of the United States from sovereignty and jurisdiction over the Canal Zone.

Refusal to sign any treaty that does not surrender control over the Zone to Panama.

Taking over by Panama of all civil governmental functions of the Canal

Zone government, including the police, courts, port officers, sanitation, customs houses, schools, hospitals, commissaries, and municipal engineering.

Termination of the perpetuity clause in the present canal treaty.

Use of the Canal Zone territory by Panama for its own development.

Removal of the "causes of conflict" described as the "overwhelming presence of the United States" and having a "government within a government," and securing a larger distribution of "benefits" to Panama.

Mr. President, I ask unanimous consent that the texts of two articles from the Star and Herald be printed in the RECORD at the conclusion of my remarks as follows: "Dissatisfied Panama Seeks Zone Control," June 20, 1971; and "No Jurisdiction, No Treaty, R. P. Negotiators Say," June 26, 1971.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. THURMOND. Mr. President, as regards the complete sovereignty and jurisdiction in perpetuity over the Canal Zone now held by the United States, our country could not, and would not, have constructed the Panama Canal and subsequently maintained and operated it without the power thus to act. This power in perpetuity is not a one-sided grant but an obligation on the United States in perpetuity that assures by U.S. presence in the zone territory its continued Panamanian independence and prevention of a Communist takeover of Panama that otherwise could take place overnight and lead to U.S.S.R. dominance of all of Latin America. Furthermore, a treaty with a revolutionary government that ignores all the realities involved and is based upon false premises may prove not worth the paper on which it is written. Nor should it be overlooked that the Panama Canal forms a part of the coast line of the United States and that its protection is probably just as vital to national security as is the defense of New York harbor or of our great transportation systems.

Mr. President, through a series of foreign policy failures over the past decade, the United States has tarnished its image of greatness abroad and is now viewed as confused and vacillating. The Panama Canal is not merely a tremendous construction project but one of the world's most vital strategic centers. The entire world is watching to see what we do there. I can think of no better way to start returning our rightful image of great leadership, especially in Latin America, than to stand firm at Panama as called for by many pending resolutions in the House opposing any surrender there.

To drive the United States from the Isthmus when Cuba is under Soviet dominance and missile equipped Soviet submarines are infesting the Caribbean ready to strike in support of long sustained Soviet policy for gaining control of the Panama Canal, is a stark reality that can be disregarded only at our peril. What is taking place on the Isthmus, in which the Panama Canal is the prime objective, is just as much a part of Soviet global strategy as were the Near East and Korea, and now Vietnam.

The news stories in the Star and Herald emphasize that if unable to obtain the surrender of the Zone territory to Panama, Panama's representatives stated that they will return home without a treaty and explain the reasons why, but that they would not predict the "reactions of the Panamanian people." This, Mr. President, is political blackmail under the implied threat of violence that no respected government can accept.

In this general connection, it should be noted that since the revolutionary government of Panama retains power by the support of its National Guard under the command of Brigadier General Torrijos, he may be displaced at any time by counter revolutionaries who would discard any treaty made by his government. In any event, it is highly unwise for our administration to negotiate any treaty except with a constitutionally elected government of Panama.

That country has had many constitutional presidents and some had excellent records in their administrations. One of the most outstanding was Dr. Belisario Porras, who was elected three times and proved himself a friend of the canal enterprise and passed into history as one of the outstanding statesmen of all of Latin America.

An interesting point in one of the news stories is that Panama is prepared to negotiate only concerning the present lock-type canal. As current treaty provisions allow for expansion of existing facilities and new construction in the Canal Zone, there is nothing to negotiate on this point.

The 1939 third locks project was authorized under treaty provisions. More than $76,000,000 was expended on it before construction was suspended in May 1942, largely for excavating lock sites for larger locks for larger vessels at Gatun and Miraflores. These excavations are usable.

Current bills for the major modernization of the existing Panama Canal, S. 734, which I have introduced, and the companion bill in the House, H.R. 712 introduced by Representative DANIEL J. FLOOD, require no negotiations for the work contemplated. When enacted they will quickly end all uncertainty over the future of the Panama Canal and thus bring tranquility to the Isthmus by means of a great construction project that in the opinion of competent authorities would provide the best operational canal practicable of achievement at least cost. In view of this, such action by the Congress would win the acclaim of all major users of the canal as well as preserve and expand the economy of Panama.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Star & Herald, Panama, R.P., June 20, 1971]

DISSATISFIED PANAMA SEEKS ZONE CONTROL

(EDITOR'S NOTE.—Charles Green, Chief of the Mexico Bureau of The Associated Press was in Panama recently. He wrote the following story on Panama-United States treaty negotiations.)

(By Charles Green)

PANAMA, June 19.—The United States will soon have to begin negotiating with this dissatisfied country on a new Panama Canal treaty.

The waterway, which cuts Panama in two, is a constant source of irritation for Panamanians who resent U.S. control of the areas adjacent to the Canal—the so-called "Zone."

Signing of a new treaty to give Panama jurisdictional control over the Canal Zone has become a current strengthening nationalism in this country.

The 1903 treaty, still in force, gives the United States jurisdiction over a strip on both sides of the waterway. Reclamation of this area gave rise to riots in 1964 which compelled the United States to agree to negotiate a new treaty to put an end to the conflict.

In 1967, a draft of a new treaty was ready but was not ratified by either government. In August last, strongman Omar Torrijos shelved this draft arguing that the main source of conflict—control of the "Zone"—was not modified.

"We must eliminate the basic cause of conflict—United States jurisdiction over the Canal Zone," Foreign Minister Juan Antonio Tack recently told a group of students. The proposed new treaty at the same time would eliminate the clause giving control of the Canal Zone in perpetuity to the United States.

Torrijos' revolutionary government has publicly adopted a hard-line for negotiations—a line which some conservative American elements in the Zone think might lead again to serious anti-U.S. feelings.

Tack and the three Panamanian negotiators—former Foreign Minister Carlos Lopez Guevara, former Minister of Commerce and Industry Fernando Manfredo and Ambassador to the U.S. Jose Antonio de la Ossa—have held a series of meetings with businessmen, workers and students, aimed at making public Panama's position in the negotiations.

Their position at those meetings has been that Panama will demand that the 1903 treaty be cancelled and Panama recover jurisdiction over the Canal Zone, with the premise that the United States would be permitted to operate the Canal under Panamanian supervision.

ASKING TOO MUCH

There are some in the Zone who believe that Torrijos' government may be asking for something the United States is not willing to grant and that it might return from Washington to Panama with something less than the people expect.

This frustration, it is said, could be explained by anti-United States elements to create a problem similar to that of 1964. One of Panama's main arguments is that the Canal Zone is the product of colonialism and that it also violates Article 103 of the Charter of the United Nations.

The United Nations Charter, Dr. Lopez Guevara says, has precedence over the 1903 treaty.

"The 1903 treaty provides that the Canal Zone must be neutral," Lopez Guevara told students, "but we have official documents showing that the United States is using its military bases in the Canal Zone as part of its strategic defense system."

"In addition, they are violating the neutrality clause of the 1903 treaty and we have the right to denounce that treaty because of that violation," he added.

"We will negotiate with the support of the people," Tack said. "This not only will be a revision of the existing treaty but negotiations to give Panama a brand new treaty with sovereignty and total jurisdiction for Panama."

JOINT CONTROL?

The position of the United States negotiators, Robert Anderson and John Mundt, has not been made public here, but they are expected to propose some kind of joint control over the Canal Zone with U.S. majority on the controlling agency.

The Panamanian proposal would leave operation of the Canal in the hands of the Panama Canal Company, but would make of the Canal Zone an integral part of Panamanian territory, subject to the laws and courts of Panama.

The people of Panama have received many promises from the government that something will be done about the 1903 treaty, so that the revolutionary government's pledges are taken calmly by many. But nationalism is intense. Students and leftist commentators are adopting hard positions and urging the government not to back down on the question of jurisdiction.

A new treaty must be ratified by the U.S. Senate. How Panama would ratify it is a matter for debate, since Torrijos abolished the legislature when he overthrew the constitutional government of Arnulfo Arias in October, 1968.

One way could be a national plebiscite, giving the citizens the right to accept or reject the contents of the treaty.

If the negotiations fail, Tack told the students, "we will go before public opinion."' Lopez Guevara said the first step probably would be an appeal before the Organization of American States and if this too failed, then an appeal before the United Nations.

[From the Star & Herald, Panama, R.P., June 26, 1971]

NO JURISDICTION, NO TREATY, R.P. NEGOTIATORS SAY

Panama's treaty negotiators will not sign a treaty with the United States that does not give back to this country jurisdiction over the Canal Zone, now under United States control.

At a press meeting on the eve of their departure Sunday for Washington, they said if a just treaty for Panama cannot be obtained "we will return without a treaty" to tell the people why the negotiations failed.

"I cannot predict what the reaction of the Panamanian people will be," Dr. Alfredo López Guevara said. He and Fernando Manfredo will join the third member of the Panamanian negotiating team, Ambassador José Antonio de la Ossa, in Washington.

López Guevara and Manfredo reiterated at the 2-hour press conference Thursday night at the Casa del Periodista that Panama's paramount objective in the coming round of talks is full jurisdiction over the Canal Zone and that they have clear instructions to that effect. They said Panama is prepared to grant the United States administrative rights to assure the safe and efficient passage of ships through the waterway and to participate jointly with the United States in providing adequate protection to the vital installations of the waterway.

JURISDICTION FOREMOST

They stressed the question of Panamanian jurisdiction will be foremost.

Negotiator Manfredo said there has been an exchange of agendas between the two countries and that there are indications there is sufficient ground to come to an understanding. He said the United States realizes it cannot live in tranquility in the Canal Zone under the present system of American control which dates back to 1903.

On the question of jurisdiction, Dr. López Guevara recalled that until 1911, Panamanian laws were enforced in the Canal Zone through Panamanian courts. In that year, the United States unilaterally changed the system to enforce its own laws through its own courts.

Today, Manfredo pointed out, 5,500 American personnel and dependents from the Canal Zone live in Panama, under Panamanian laws, without any problem.

POLITICAL DECISION

With respect to military bases in the Zone, the negotiators said that by the United States's own admission, these are for national and hemispheric defense, not for the protection of the Panama Canal. They cited training in the Canal Zone for American military personnel assigned to Vietnam. This, they added, is a violation of the 1903 provisions on the neutrality of the canal and gives Panama grounds for denouncing the 1903 treaty. Denunciation, however, is a political decision which Panama has not yet exercised, they added.

If negotiations fail, according to Dr. López Guevara, Panama is committed with the United States before the Organization of American States to seek a peaceful solution for their conflicts and Panama would still have available such recources as denouncing the 1903 treaty or seeking its nullification.

In answer to a newsman's question, the negotiators said Panama has not withdrawn the complaint of aggression lodged against the United States with the United Nations in connection with the armed clashes between Panamanian civilians and U.S. Army troops. The 1964 crisis, they pointed out, led to the present negotiations.

CANAL IS ONLY AIM

Panama is going into these negotiations prepared to discuss only the present lock canal, but if the United States raises other questions such as a new canal, Panama will analyze the proposals, the negotiators said.

The objective of the negotiations is to eliminate the causes of conflict between the two countries—and the over-all cause is the "overwhelming presence" of the United States, the negotiators said. The immediate objective is to reduce that presence; the long-range goal is a Panamanian canal run by Panama and the complete elimination of the Canal Zone, they added.

"This will not be a revision," Dr. López Guevara said. "This will be a new treaty. We're starting from scratch."

In his opening remarks, Manfredo told newsmen Panama will seek to provide all services to the population of the Canal Zone. Revenues from taxes and from the operation of commercial activities, he added, would enable Panama to maintain the present standard of such services.

Manfredo termed Panama's position one of "fair equilibrium."

Disclosing that Panama's negotiators have toured the Canal Zone and the Panama Canal with the full cooperation of officials there, Manfredo declared he is more convinced than ever that Panama can take over responsibility for civilian activities of the Canal.

BEGAN IN 1903

Dr. López Guevara said in his opening remarks that the series of conflicts between Panama and the United States arise from the manner in which the present treaty was signed in 1903 and from the unilateral interpretation of the instrument by the United States since 1904.

As an example of the unilateral interpretation of the treaty, Dr. Guevara called attention to Article 1 of the 1903 Treaty, granting to the United States rights on a strip of land 5 miles on either side of the Canal but excluding the cities of Panama and Colon. The United States, he said, by unilateral interpretation took away La Boca and the harbor from Panama Panama City, depriving this country of its port.

He said the negotiators are leaving now for the United States for the first round of talks but will return to Panama for other discussions, for the two countries have agreed to conduct negotiations in the United States and in Panama and "wherever else it may be convenient."

POLICY CHANGE SEEN

Dr. López Guevara expressed optimism regarding a change for the better in U.S. international policy citing these recent developments:

Abrogation of the Bryan-Chamorro treaty between the United States and Nicaragua concerning a Nicaraguan canal.

The return of Okinawa to Japan.

(A newsman later challenged these two examples, saying the Nicaraguan canal never was built and that the Japanese people are unhappy because the United States will keep military bases in Okinawa.)

Pointing out that Japan fought against the United States in the last war, Dr. López Guevara remarked: "We have far more reasons than Japan to expect that we will receive justice."

He appealed for national unity and expressed confidence that students would keep high the torch in the struggle to return the Canal Zone to Panamanian jurisdiction.

Here are the answers the two negotiators gave to questions from the floor.

NEUTRALITY PROVISIONS

The United States by its own admission, has used the Panama Canal as a logistical support for their own military operations, regard the military bases in the Canal Zone as part of the national and hemisphere defense systems, and have used such bases to train American military personnel for duty in Vietnam. This is a clear violation of the neutrality provisions in the 1903 treaty of the Panama Canal, and gives the right to Panama to denounce the treaty (as the United States did with respect to the Clayton-Bulwer Treaty). Denouncing a treaty, however, is a political decision up to the government and not to the negotiators.

The 1967 treaty drafts (on the present canal, the sea-level canal and defense of the waterway) have been rejected by this government because they are not entirely fair to Panama. But there are some good provisions in those drafts. The trouble with the 1967 drafts is that they were negotiated with a revisionist mentality.

Now Panama seeks a brand new treaty that will eliminate the sources of conflict and provide a fair share of the benefits to each country, on the basis of what each furnished for the construction of the waterway—the United States, money; Panama, the land, geographical position and cheap labor.

The causes of conflict that must be eliminated are "a government within a government," the overwhelming presence of the United States, the present unfair disposition of benefits, and the perpetuity clause. Some provisions of the new treaty will be similar to those of the 1967 drafts.

TO ELIMINATE CONFLICT

The actual negotiations have not begun. There have been preliminary contacts. Panama has received an agenda proposed by the United States and in turn has proposed its own agenda. Indications are that there is sufficient ground to arrive at an understanding. This team of negotiators has clear instructions that the paramount objective for Panama is the reacquisitions of jurisdiction over the Canal Zone—meaning the enforcement of Panamanian laws through Panamanian courts.

The coming negotiators are intended to eliminate the causes of conflict originating from the present canal and the Panamanian negotiators have been instructed to limit discussions to the present waterway. The question of a new canal does not come into the present picture.

While Panama is a signatory to the 1947 hemisphere defense treaty, it has signed no treaty with any country authorizing bases in its territory for hemisphere defense.

The Panamanian complaint of aggression against the United States, lodged with the United Nations in 1964, has not been withdrawn.

TOO MUCH IDLE LAND

Panama's objective is to put an end to the perpetuity of the present canal arrangements. The immediate goal is to reduce the physical area of the Canal Zone. There is too much land in the Canal Zone that lies idle and which Panama needs for its own development; thus, the final goal is the elimination of the Canal Zone. There is a great economic potential for Panama on the banks of the canal. The present Canal Zone area of 97,000 hectares above water must be reduced to a minimum.

There is no deadline for completing the negotiations. The 1903 treaty still is in force; Panama has not exercised so far the political decision to denounce the treaty or to invoke its nullification. Panama has an undertaking now to negotiate; if the negotiations fail, Panama can denounce the 1903 treaty or declare its nullification or pursue other steps. Panama sees full jurisdiction over the Zone, that is, that all activities there—hospitals, schools, commercial operations, etc.—now conducted by the United States government for the community be provided by Panama, either by the government or by authorized concessionaires; in other words, reducing the overwhelming presence of the United States.

PLEBISCITE FOR TREATY

Panama wants sole jurisdiction in the Canal Zone, just as it existed until 1911. Gov. George Goethals, in his 1911 annual report, praised the Panamanian laws that governed the Canal Zone then. In the years immediately following the 1903 treaty, Panamanian courts operated in the Canal Zone. Today, there are 5,500 American personnel and their dependents from the Canal Zone living in Panama, under Panamanian laws. Do they live in terror of Panamanian laws? Of course not. American residents of the Canal Zone are not prisoners there—they came into Panama daily. Every day, Americans appear before Panamian courts. There is no valid argument against the enforcement of Panamanian laws in the Canal Zone.

Any decision to break relations with the United States if the negotiations fail is a political decision outside the province of the negotiators. Panama is entering into the negotiations as a peaceful means of solving conflicts. If the direct negotiations fail, there are still other recourses under international law. We are duty-bound to exhaust those recourses.

While there is no deadline on the negotiations, this doesn't mean that Panama will be negotiating perpetually. Actually, the current round of talks goes back to 1964 and the people of Panama have shown excessive patience in awaiting results. While the negotiators are optimistic they are not losing sight of the fact that the United States has been denying Panama's aspirations since 1903. But the United States has realized now that it cannot continue with the 1903 system and live in tranquillity in the Canal Zone.

Panama is prepared to negotiate only on the present lock canal. The United States, however, may purpose discussions on other issues; if so, Panama will study such proposals.

The 1903 treaty was drafted only in English. The new treaty will be drafted in English and Spanish and each text will be equally valid, so that if any discrepancy of interpretation should arise, both texts would have to be taken into account.

WHAT IS RIGHT WITH OUR NATION?—ONE YOUTH'S VIEW

Mr. MATHIAS. Mr. President, we live in a time when one hears a great deal about what is wrong in America. Often, it might seem, we forget about what is going right.

A 13-year-old Marylander, Randall Hartman, of Hagerstown, has put down on paper his view of what is right with America, and I would like to commend it to the Senate for its consideration.

I ask unanimous consent that young Mr. Hartman's essay be printed in the RECORD.

There being no objection, the essay was ordered to be printed in the RECORD, as follows:

WHAT'S RIGHT WITH OUR NATION?

What's right with our nation? To me, just about everything that can be said is right with our nation. First, and just about the most important aspect of our nation, is that we live in a democracy, with all the freedoms. We have a Constitution, a set of laws to live by, and we are free from foreign control, unlike many other countries in the world.

Secondly, we are a much more civilized and developed country, and are very privileged in having good homes, a place to go to school and get an education so we may continue to carry on this democracy. We are also granted the medical knowledge to be able to find cures for the many diseases present today, and to bring this knowledge to the other countries in the world that have these diseases but do not have the equipment or the know how to cure or prevent these diseases in their country. We are also bringing food with this medical care to overpopulated countries that have millions that are starving.

Thirdly, we have the freedoms. These freedoms involve the ability to worship as we please, if we are suspected of a crime, we are entitled to a fair trial, we may go into business independently or go into a firm or corporation to work, and when we work in these places, we are paid an amount according to how much work we have done. Other freedoms are the freedoms of speech, of the press, and many other freedoms that all lead to our democracy and a better society.

Another thing, people are talking so much about pollution, and making it sound like the world is made up of entirely smog and chemicals. There is a great deal of pollution, but if they could see all the beautiful mountains and fields that are in our nation, I am positive some attitudes would be changed. For instance, in the Blue Ridge Mountains, the Skyline Drive runs for one-hundred five beautiful miles, offering scenic views and many trails for hiking. Also, the many National Parks of our nation is another example of how our government has been able to preserve many beautiful areas of America.

Another example of an unpolluted area in our own state of Maryland near Hagerstown is the Catoctin Mountains. This area is almost entirely wooded, and is glorious in Autumn during the changing of the leaves. Many sixth graders are given the chance to enjoy these mountains each year at Camp Misty Mount. Here many activities are planned including hikes each day. Also, a lesson in astronomy is taught.

Lastly, we have our homes and families. In these families, unlike many other countries, we can enjoy the many good things that we have: a shelter from the weather, good food, and warm clothing. Also, many of us are privileged in having some major appliances, such as washers and dryers, refrigerators, stoves, and maybe a sewing machine. And then come what you might call "pleasure" appliances: a television, a radio, or a phonograph.

All of these we greatly, but after a while, we take then for granted. When they become this way, we should think of the millions of people who have none of these, who have to wash on boards in rivers, and live in "run-down" shacks or tents. These people would give greatly, if they had something to give, for food to feed their families. This is why we are trying to help the underdeveloped countries of the world, so all may have the pleasures that we have and enjoy every day.

In conclusion, if the people in America that are always complaining about how horrible our nation is, had to live as many of the people of the world live, then they would be glad to live in America as good loyal citizens, striving to help make the other countries as prosperous as we are, and trying to give all people the chances of a good life as we have it today.

CONCLUSION OF MORNING BUSINESS

Mr. MANSFIELD. Mr. President, is there further morning business?

The PRESIDING OFFICER. Is there further morning business? If not, morning business is closed.

DEPARTMENT OF AGRICULTURE—ENVIRONMENTAL AND CONSUMER PROTECTION APPROPRIATIONS, 1972

The PRESIDING OFFICER. Under the previous unanimous-consent agreement, the Senate will proceed to the consideration of the Department of Agriculture—Environmental and Consumer Protection Appropriations Act of 1972, which the clerk will read by title.

The second assistant legislative clerk read the bill by title, as follows:

A bill (H.R. 9270) making appropriations for Agriculture—Environmental and Consumer programs for the fiscal year ending June 30, 1972, and for other purposes.

The Senate proceeded to consider the bill, which had been reported from the Committee on Appropriations with amendments.

PRIVILEGE OF THE FLOOR

Mr. TOWER. Mr. President, I ask unanimous consent that I may have two legislative assistants on the floor during the consideration of H.R. 9270.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The Chair will inquire on whose time.

Mr. MANSFIELD. The time not to be taken out of either side.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. GRIFFIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

EXTENSION OF PERIOD FOR TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. GRIFFIN. Mr. President, I ask unanimous consent that the pending business be temporarily laid aside and that the Senate proceed with routine morning business for a period not to exceed 10 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

(The remarks of Mr. GRIFFIN when he introduced S. 2285 are printed in the RECORD under "Statements on Introduced Bills and Joint Resolutions.")

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States submitting a nomination was communicated to the Senate by Mr. Leonard, one of his secretaries.

EXECUTIVE MESSAGE REFERRED

As in executive session, the Presiding Officer (Mr. TAFT) laid before the Senate a message from the President of the United States submitting the nomination of Howard P. Mace, of Ohio, a Foreign Service Officer of class one, to the Ambassador Extraordinary and Plenipotentiary to Sierra Leone, which was referred to the Committee on Foreign Relations.

QUORUM CALL

Mr. GRIFFIN. Mr. President, I suggest the absence of a quorum, without the time being charged to either side.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

LEGISLATIVE PROGRAM

Mr. MANSFIELD. Mr. President, I ask unanimous consent that I be recognized outside of the time allotted to the bill.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. MANSFIELD. Mr. President, because of complications which have arisen, it will not be possible to take up the appropriations bill having to do with the Departments of State, Justice, and Commerce tomorrow. It was stated that it would be taken up and that there would be possibly a rollcall vote on it. There certainly will be. But not tomorrow.

UNANIMOUS-CONSENT AGREEMENT

Mr. MANSFIELD. Mr. President, at this time, I ask unanimous consent that after the conclusion of the morning business on Monday next, the State, Justice, and Commerce appropriations bill be laid before the Senate and made the pending business.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that there be 2 hours on the bill, one-half hour on all amendments thereto, with the exception of the Proxmire amendment on which there will be 1 hour, and that the agreement be in the usual form.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, may I say for the information of the Senate that in 3 weeks the Senate will embark on a recess which will last about a month. We will endeavor to complete as much business as possible in the meantime. It would be the purpose of the joint leadership that, where any possible inconveniences are caused, the Senators will give the leadership of the Senate the benefit of the doubt, remain present and allow the Senate to carry on its functions in the way in which it was intended. In that way the Senate will attend to the business of the people.

As for the State, Justice, and Commerce bill, it is the only measure presently scheduled for Monday. Furthermore, it is quite possible that tomorrow, in addition to the Interior appropriations bill already scheduled, the Senate will take up Senate Resolution 100, at the request of the Veterans' Committee. This resolution has been approved by the Committee on Rules and Administration. Because of possible controversy, there very likely will be a rollcall vote on this resolution.

Mr. SCOTT. Mr. President, will the Senator yield?

Mr. MANSFIELD. I yield.

Mr. SCOTT. That is Senate Resolution 100.

Mr. MANSFIELD. The Senator is correct.

Mr. SCOTT. Mr. President, I go along for the simple reason that there is no other business. If Senators are generally incommoded because they may wish to be heard or have amendments to offer, I would respectfully suggest that they have some other Senator protect their interests and offer the amendments.

If we do not bring up this matter and bring up other measures when they are available and ready, because we have no other measures ready, then we might as well not be meeting on Mondays and Fridays. I think we might have to go ahead even though individual Senators may wish otherwise.

Mr. MANSFIELD. Mr. President, I agree with the distinguished minority leader.

To recapitulate, the order of business on tomorrow will be H.R. 9417, the Department of Interior appropriation bill. A rollcall vote is expected on the passage of that bill.

That is to be followed by Senate Resolution 100, a resolution having to do with funds for the Veterans' Affairs Committee. That very likely will precipitate a rollcall vote as well.

On Monday, on the State, Justice, and Commerce, there will be a rollcall vote on amendments and on the final passage on the basis of the information which I have at this time.

The atomic energy bill will come up on Tuesday, after the Senate disposes of the HUD-independent offices appropriations measure.

Mr. SCOTT. Mr. President, I thank the Senator.

The unanimous-consent agreement reads as follows:

Ordered, That on Monday, July 19, 1971, following the transaction of routine morning business, the Chair lays before the Senate H.R. 9272, State, Justice, Commerce, judiciary appropriations bill for 1972, and that debate on the bill be limited to 2 hours to be equally divided and controlled by the Majority and Minority Leaders or their designees and that time on all amendments thereto be limited to 30 minutes to be equally divided and controlled by the mover of the amendment and the manager of the bill, with the exception of the amendment to be offered by the Senator from Wisconsin (Mr. PROXMIRE) on which there will be 1 hour. *Provided, further*, That time on the bill may be allotted to any amendment, motion or appeal, except a motion to table.

DEPARTMENT OF AGRICULTURE-ENVIRONMENTAL AND CONSUMER PROTECTION APPROPRIATIONS, 1972

The Senate continued with the consideration of the bill (H.R. 9270) making appropriations for the agriculture-environmental and consumer protection programs for the fiscal year ending June 30, 1972, and for other purposes.

The PRESIDING OFFICER. The Senator from Wyoming is recognized. How much time does the Senator yield himself?

Mr. McGEE. Mr. President, I yield myself such time as my remarks may require.

Mr. President, I ask unanimous consent that the committee amendments be agreed to en bloc and that the bill as thus amended be regarded for the purpose of amendment as original text, providing that no point of order shall be waived by reason of agreement to this request.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Wyoming? The Chair hears none, and it is so ordered.

The amendments agreed to en bloc, are as follows:

On page 2, line 11, after "5 U.S.C. 3109", strike out "$6,932,000" and insert "$6,912,000".

On page 3, line 6, after "5 U.S.C. 3109", strike out "$14,054,000" and insert "$14,354,000".

On page 5, line 25, after "$100", strike out "$169,532,000" and insert "$179,683,000"; and, on page 6, line 7, after "Public Law 89–502", insert a comma and "and $950,000 shall remain available until expended for plans, construction, and improvement of facilities without regard to limitations contained herein".

On page 9, at the beginning of line 15, strike out "$11,600,000" and insert "$13,350,000"; at the beginning of line 18, strike out "$1,000,000" and insert "$2,750,000"; and, on page 10, line 5, after the word "all", strike out "$82,034,000" and insert "$83,784,000".

On page 10, at the beginning of line 22, strike out "$1,000,000" and insert "$2,850,000"; after the amendment just above stated, insert "payments for special cotton cost-cutting education work under section 3(d) of the Act, $1,000,000;"; and, on page 11, line 4, after the word "all", strike out "$163,568,000" and insert "$166,418,000".

On page 12 line 14, after the word "laws", strike out "$20,500,000" and insert "$21,430,000".

On page 13, line 14, after the word "products", strike out "$16,500,000" and insert "$16,252,000".

On page 15, line 6, after "(7 U.S.C. 1766)", strike out "$25,036,000" and insert "$26,036,000".

On page 17, line 9, after the word "regulations", strike out the colon and "*And provided further,* That none of the funds appropriated by this Act shall be used during the fiscal year ending June 30, 1972, to formulate or carry out any single 1972 crop year price support program (other than for sugar and wool) under which the total amount of payments to a person under any such program would be in excess of $20,000."

On page 19, line 19, after "(15 U.S.C. 713a–11, 713a—12)". strike out "$3,613,331,000" and insert "$4,213,331,000".

On page 21, line 16, after "(16 U.S.C. 590a–f)", strike out "$15,691,000" and insert "$25,421,000".

On page 22, line 8, after "(7 U.S.C. 901–824;", insert "Public Law 92–12".

On page 22, line 21, after the word "program", strike out "$118,200,000" and insert "$130,000,000".

On page 28, line 12, after the word "members", strike out "$425,100,000" and insert "$448,900,000".

On page 29, line 11, strike out "$50,000" and insert "$500,000".

On page 30, line 9, after the word "expended", strike out "$150,146,000" and insert "$154,734,000".

On page 32, line 13, after the word "Watershed", strike out "And Flood Prevention Operations" and insert "Works of Improvement"; in line 22, after "(16 U.S.C. 590 a–f)", strike out "and in accordance with the provisions of laws relating to the activities of the Department,"; in line 24, after the word "expended", strike out "$132,099,000 (of which not less than $26,688,000 shall be available for the watersheds authorized under the Flood Control Act, approved June 22, 1936 (33 U.S.C. 701–799, 16 U.S.C. 1006a), as amended and supplemented)," and insert "$105,411,000"; on page 33, line 5, after the word "protection", strike out "and flood prevention"; in line 9, after the word "exceed", strike out "$200,000" and insert "$100,000"; and, in line 11, after the word "That", strike out "$5,400,000" and insert "$5,000,000".

After line 13, insert:

"FLOOD PREVENTION

"For necessary expenses, in accordance with the Flood Control Act, approved June 22, 1936 (33 U.S.C. 701–709, 16 U.S.C. 1006a), as amended and supplemented, and in accordance with the provisions of laws relating to the activities of the Department, to perform works of improvement, including funds for field employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $100,000 for employment under 5 U.S.C. 3109, to remain available until expended: $22,188,000, with which shall be merged the unexpended balances of funds heretofore appropriated or transferred to the Department for flood prevention purposes: *Provided,* That $400,000 of funds in the direct loan account of the Farmers Home Administration shall be available until expended for loans."

On page 34, line 10, after "(16 U.S.C. 590p)", strike out "$16,229,000" and insert "$19,998,000".

On page 35, at the beginning of line 22, insert "(5,000 in the case of practices for the abatement of pollution by animal waste)".

On page 38, line 7, after "1971", strike out "$1,400,000, of which $450,000 shall be transferred to the Consumer Products Information Coordinating Center for necessary expenses, including services authorized by 5 U.S.C. 3109" and insert "$950,000".

On page 38, after line 10, insert:

"GENERAL SERVICES ADMINISTRATION

"SALARIES AND EXPENSES, OFFICE OF THE ADMINISTRATOR

"For expenses of a Consumer Product Information Coordinating Center, $450,000."

On page 43, line 16, after the word "journals", insert "payment of salaries and expenses for services as authorized by 5 U.S.C. 3109 but at rates for individuals not to exceed the per diem rate equivalent to the rate for GS–18;".

On page 45, at the beginning of line 24, insert "Sec. 508."; and, on page 46, line 1, after the word "who", strike out "knowingly grow or permit to be grown" and insert "harvest or permit to be harvested for illegal use".

Mr. McGEE. Mr. President, H.R. 9270, the Department of Agriculture, environmental and consumer protection appropriation bill for fiscal year 1972, as reported to the Senate by the Appropriations Committee provides for $13,090,266,050 in new obligational authority. This represents an increase of $985,452,200 over the budget estimates and is $666,370,000 more than provided by the other body.

Each Senator has available to him a copy of the Senate committee report which discusses the several items in this bill in some detail and for that reason I shall not go into all of these matters in detail in my remarks today. However, some general comments are in order.

Before proceeding to a discussion of the bill, I would like to pay special tribute to the senior Senator from Nebraska and the ranking minority member of this subcommittee, Senator HRUSKA. Throughout the course of our deliberations on this bill, he has been most helpful and cooperative, and I want the Senator and the entire Senate to know that I personally appreciate his spendid assistance and cooperation. He was most diligent in both his attendance and participation during the hearing stages of our proceedings. His contributions here were invaluable. During the course of our deliberations in subcommittee and full committee following the hearings, Senator HRUSKA's expertise and knowledge—both in the fields of agriculture and fiscal matters—were extremely helpful and productive. With his efforts and cooperation, we are reporting a bill which I believe is responsive to the needs of the Nation and one which is realistic in view of the many problems and challenges facing the Nation today.

I want the entire Senate to know that the wealth of accumulative resource information and his sense of direction built up over the years has made possible wiser decisions in regard to particular measures, and now on this appropriations measure. Because this is my first year as the head of the subcommittee, it would be impossible to exaggerate how important it was to be hitched up to the experience that the Senator from Nebraska represents.

As Members of this body are aware, the jurisdiction of the Apppropriations Subcommittee, previously referred to as the Department of Agriculture and Related Agencies, was greatly expanded as a result of reorganization of subcommittee assignments and jurisdiction. In addition to those agencies which were previously funded under the Department of Agriculture and Related Agencies bill, this subcommittee assumed jurisdiction of most of the environmental and consumer protection agencies and commissions. These include the Environmental Protection Agency, the Cffice and Council on Environmental Quality, the National Commission on Materials Policy, grants for basic water and sewer facilities in the Department of Housing and Urban Development, Office of Consumer Affairs, the Consumer Product Information Coordinating Center in the General Services Administration, National Commission on Consumer Finance, Food and Drug Administration, and the Federal Trade Commission. With this additional jurisdiction, the subcommittee now is most appropriately referred to as the Subcommittee for the Department of Agriculture, Environmental and Consumer Protection, which reflects more adequately the jurisdiction and responsibility of the subcommittee.

Also, with this additional jurisdiction, the bill is broken down into five separate titles as follows:

I.—Agriculture Programs.
II.—Rural Development.
III.—Environmental Protection.
IV.—Consumer Protection and Services.
V.—General Provisions.

A further breakdown and subdivisions under these titles are contained in both the bill and the accompanying report.

By way of summary, however, the bill as recommended by the committee contains the following amount for each of the major titles:

Title I. Agriculture programs	$5, 877, 484, 050
Title II. Rural development	954, 397, 000
Title III. Environmental protection	3, 495, 362, 000
Title IV. Consumer protection and services	2, 763, 023, 000
Total	13, 090, 266, 050

I think it is important to separate the money items in the bill. For all too long the farmers have been blamed for very large total sums that are attribtued to the Department of Agriculture or agriculture programs and the man in the street wonders why the farmer receives sums of that magnitude. Lest the total appropriation of something over $13 billion be wrongfully reassigned to the various programs in agriculture, I will take the time to break it down. Of the $13 billion plus, less than one-half or $5.8 billion is devoted to agriculture programs; a little less than $1 million goes to rural development; almost $3.5 billion goes to environmental protection; and $2.7 billion goes to consumer protection and services.

In a bill of this magnitude, involving many, varied and complex programs, the breakdown as set forth above is not and cannot be a matter of precise or definite determination. Some judgment is necessarily involved. This breakdown, however, will provide the public with some general understanding of the Federal financial resources which are being directed to the major programs and efforts which are the subject matter of this bill.

With reference to the bill itself, I would like to comment briefly on some of the major items and some of the major changes recommended by the Senate Appropriations Committee. As I indicated earlier, the Senate has recommended $666,370,000 more than the House. This results primarily from the action recommended by the committee in reference to one item—the full restoration of losses incurred by the Commodity Credit Corporation. The budget estimate to restore these losses in full through fiscal year 1970—or through June 30, 1970—was $4,213,331,000. The other body reduced this figure by $600,000,000 to $3,613,331,000. For many years the Senate and my predecessor as chairman of the Agriculture Appropriations Subcommittee, Senator HOLLAND, strived to bring the restoration of these losses to a current basis.

We have worked long and hard toward catching up with the obligations moneywise due the Commodity Credit Corporation. Rather than letting those obligations fall behind by several billion dollars, knowing that each in turn had to be paid, and in order to keep the books honestly and in order to represent the obligations of this body and the Government in a straightforward manner, we thought it was wise over the years to work up to the full responsibility on this account. A year ago we achieved that result. We achieved it always minus 1 year because it is never possible to tabulate the current fiscal year until the end of the year so we necessarily lag behind 1 year. But that is in contrast to the many years that this achievement was not characteristic of the past.

It would be temporarily shrewd politics to knock out the sum from year to year, pretending we were saving money but the fact is the obligation is there and we believe it is more forthright to meet that obligation by placing it directly and fully in the budget.

Thus, the Senate restored the $600 million stricken from the account by the other body.

For grants for basic water and sewer facilities, under the Department of Housing and Urban Development, the committee recommends $700,000,000 the same as provided in the House bill. No new funds were requested for this program for 1972. $350,000,000 was provided in 1971, and of this amount the Department carried over $200,000,000 for use in 1972. The House committee recommended an appropriation of $150,000,000 in addition to the $200,000,000 carryover funds, resulting in total funds available in 1972 of $350,000,000—the same amount as was available in 1971.

Mr. AIKEN. Mr. President, will the Senator yield?

Mr. McGEE. I yield.

Mr. AIKEN. Was the amount impounded for rural water and sewage programs carried over because there was no need for it or was the expenditure enjoined by the administration?

Mr. McGEE. Those were funds that were frozen by administrative decision downtown.

Mr. AIKEN. Was there a need for these funds?

Mr. McGEE. There was a need for them. The funds were waiting to be used. The Department was waiting to use the funds but the budgetary decision in the Bureau of Management and Budget froze those funds. They are now proposing to carry that $200 million over and apply those funds in the coming year.

Mr. AIKEN. Is it agreeable to use this money, which was withheld, during the coming year?

Mr. McGEE. We had no indication from the Bureau that this was the case; that is, whether they decided to unfreeze the funds.

Mr. AIKEN. Would the liberation of these funds have any effect on the employment situation in the United States?

Mr. McGEE. I would think it would have considerable impact because it was money that was to go into several thousand relatively small communities for water and sewer facilities.

I suppose the Senator's experience has been the same as mine. We have had a great many communications and expressions at the real grass root level about the cutting off of the funds for water and sewer purposes.

Mr. AIKEN. I would say that in cutting off these funds the administration has committed a gorgeous political error, which we will probably hear more about during the next 14 months.

Mr. McGEE. Let us say it was also a grievous error in equity because of the great assistance these funds would have made possible.

Mr. AIKEN. These funds would have been multiplied many, many times over in the economic situation of this country had the work been permitted to go on as it could have gone on. I think the Senator from Wyoming knows that a dollar spent in the rural areas is turned over several times over before it comes to rest, whereas funds spent in other areas immediately disappear from the atmosphere or, at most, will be multiplied only two or three times over.

Mr. McGEE. Funds in the small areas turn over 32 times, I have been advised.

Mr. AIKEN. It has been one of the more ridiculous errors made by the administration.

Mr. McGEE. I agree.

Mr. AIKEN. I refer to withholding the money which would create so many jobs in towns and rural areas. I certainly hope they make use of the hindsight which is available to them and correct this error in the near future.

Mr. McGEE. I thank the Senator for his comments. The Senator is the ranking member of the Agriculture Committee of the Senate and his many years of wrestling with agriculture problems accentuates his judgment.

Mr. AIKEN. The people of this country do not realize that 30 percent of the gainfully employed people in this country are dependent upon agriculture for their jobs. It is true that not so many of them live on the farms, engaged in actual production. At least twice as many people in the towns are engaged in providing equipment and facilities for use on the farms and rural areas as there are people on the farms.

There are at least twice as many people engaged in processing and handling the products of the farm and rural areas as there are on the farms themselves. People just forget this. Agriculture is far and away the most important industry of this country and the whole world today.

While we hear that we must give a few hundred million dollars to this pet corporation or that pet corporation, the same people who recommend that simply forget, or are ignorant of the fact, that a small part of the money which they would like to give away to their favorite beneficiaries, if it were spent in the rural areas on soil and water programs and other programs affecting American agriculture, would result in this country being in a much better situation economically than it is today.

Mr. ERVIN. Mr. President, will the Senator yield for a question apropos what the Senator has just said?

Mr. McGEE. I yield.

Mr. ERVIN. Is it not true that a most substantial part of all the work of our industries and our industrial organizations is in processing agricultural products?

Mr. McGEE. That is true.

Mr. ERVIN. So it is not possible, is it, to overmagnify the importance of agriculture not only to the persons who are actually engaged in growing agricultural products, but also in the economic life of the United States as a whole and the economic life of the people who earn their livelihood in industrial organizations?

Mr. McGEE. The Senator has made an important point. I think we ought to harken back to one of the statements that William Jennings Bryan made very popular when he said:

> You burn down every city in the land, but they would sprout back up because of the richness of the soil and the productivity of the land which created them; but destroy the farm, and all the cities in the land would languish.

We tend to forget that in this technological age, because of the whole emphasis on the technocracy aspects of our production and economy.

Mr. AIKEN. If the Senator will yield further, the public has constantly impressed on it the tremendous importance of the petroleum industry to our economy and the Nation. It is true that it is tremendously important, but what the public is not told is that the greatest consumer of petroleum products in this country is American agriculture.

Mr. McGEE. That is another excellent point. I want to thank my colleague from Vermont for his comments.

Mr. President, I was discussing very quickly the total appropriations for water and sewer. Let me add that the House increased the money in that category to $700 million, including carryover funds, adding $350 million above the moneys that they had originally discussed, and the Senate committee endorses the House action and that figure.

One area that the House acted upon, on the floor and not in its own committee, had to do with the limitation of payments to a person under the programs that would regulate the crop year price supports. The figure that was written in on the floor in the House debate was a $20,000 limitation. As Members of this body may recall, a year ago we held very extensive hearings on the intricacies of imposing ceilings on those payments. They were long hearings. They were in depth. This body, joined ultimately by the other body, fixed for the first time a ceiling on payments. It fixed that ceiling at $55,000. That program was enacted for a period of 3 years.

Thus, the issue that is posed for this body now is what to do with that House action, and the recommendation of the Appropriations Committee is that we rescind the House action limiting the payment to $20,000 and return to the original ceiling of $55,000 as provided in the Agriculture Act of 1970. That ceiling was arrived at deliberately, through many, many days of hearings, and for a period of 3 years, the consequence of which was that loan programs, crop programs, and the expectations in terms of plans made by individual farmers had been geared to the good faith of the enactment of that piece of legislation.

For that reason, the committee felt it would be not only inappropriate to tamper with that legislation in this form at this time, at the end of the first year of the 3-year contractual period, but that it would actually be a breaking of faith in terms of those whose economic survival hinges upon the enactment by this body in the agricultural field. Therefore, our recommendation is that we reject the House limitation.

With reference to one other provision, the House put in language that was designed to cut off payments to any person who was found to be growing marihuana on his land. The problem that this posed—and it is a real one—is that in many parts of our country, particularly the Midwest and the Great Plains, marihuana grows as a weed along highways, railroad rights-of-way, irrigation ditches or riverbeds. It is a nuisance plant, and the problem of keeping it totally down to avoid some prohibitions under the language of the House bill, we were advised by the Department, would be a considerable one. So the Senate sought to tighten the language and to make it more precise in order to make sure that innocent people might not have their payments denied them for matters over which they had no control.

So the language that the Senate committee proposes is that such payments would be denied to anyone who harvests or permits to be harvested marihuana or other objectionable drug-producing plants for an illegal use.

It is our judgment that that language would allow for the realities and still achieve the purpose, the purpose being to make it impossible, hopefully, for individuals deliberately to exploit this circumstance and harvest marihuana and move it into the drug market.

I would like to discuss just two or three other rather limited items in order to keep the record spread before us.

One has to do with moneys appropriated for the Rural Electrification Administration. The House increased the budget request considerably, by more than $200 million, raising the total to $545 million; and the Senate committee concurs in that House action.

We do so because the backlog in loans in the REA will still be very considerable.

The Senate committee also increased the money that was made available for the rural telephone loan program. The House figure was $118,200,000, or thereabouts. We increased it to $130 million. The rural telephone program can use more than that. We have also recently approved a telephone loan bank appropriation for $30 million, but it will take a little while for the activity of this bank to achieve any substantial impact. So to help bridge that gap, so the backlog becomes no worse than it is now, we felt it important that we increase the House appropriation by $11.8 million.

The Senate committee also recommends concurrence with the additional funds provided by the House for the rural environmental assistance program, resulting in a total of $195.5 million.

The Senate also recommends concurrence with the action taken by the House in providing $2,000,000,000 for the construction grants program under the Environmental Protection Agency. This item is subject to enactment of authorizing legislation which expired on June 30, 1971. This authorization, however, has been extended temporarily to September 30, 1971, at an authorized level of $500,000,000. It is expected that the $2 billion program will be authorized between now and that later date, at which time the entire $2,000,000,000 appropriation will become operative.

The House bill also added $104 million for the special school milk program, for which there was no budget request by the administration. The Senate committee recommends that the Senate concur in this item.

Another item of major significance is the food stamp program. The House bill includes $2,001,184,000, which was the full budget estimate, and the committee recommends concurrence with this appropriation. This represents an increase of $331,184,000 in obligational authority over 1971.

The committee has also recommended an increase of $10,151,000 for research within the Agricultural Research Service over the House bill.

For resource conservation and development, the committee recommends an appropriation of $25,421,000, which is $9,730,000 more than provided in the House bill.

The committee also recommends an additional appropriation or the Environmental Protection Agency of $23,800,000 over the amount in the House bill.

There are other modifications in regard to the House bill, but they are spelled out in the report, and are of such nature that they do not require singling out at this time.

Mr. President, may I ask how much time we have consumed of the allotted time interval?

The PRESIDING OFFICER. The Senator has used 28 minutes of his 60.

Mr. TALMADGE. Mr. President, will the Senator from Wyoming yield at this point?

Mr. McGEE. I yield to the Senator for just a minute.

Mr. TALMADGE. Yes, I want merely to express my congratulations to the distinguished senior Senator from Wyoming, the chairman of the Subcommittee on Agriculture, Environmental and Consumer Protection of the Appropriations Committee, on the magnificent job he has done.

I particularly wish to compliment the Senator on the increased funds for the rural electrification and the rural telephone bank programs which are badly needed and highly desirable in all rural areas, and on providing adequate funds for the Child Nutrition Program. I thank him especially for increasing the funds for research at the fruit and nut crop research center at Byron, Ga., which is working on methods of improving production and cutting production costs of crops which are important to vast sections of our country, and especially in my own area.

As an ex-officio member of the subcommittee, I did not have, of course, an opportunity to attend the hearings with great regularity, but I do know that the Senator from Wyoming was diligent, day after day and week after week, in holding hearings and inquiring fully into all requests for funds. He has done an outstanding job, and I compliment him.

Mr. McGEE. Mr. President, I thank the chairman of the legislative committee for the generosity of his remarks. He should have included in his encomiums the ranking minority member of the committee as well; this was a joint operation. We were there together during these long hearings.

Had I anticipated the generosity of the Senator's opening statement, I would not have hesitated or sought to limit the time at all that I was willing to yield for that purpose. We will replay it on my time.

Mr. President, I ask for the yeas and nays on passage of the bill.

The yeas and nays were ordered.

ORDER FOR YEAS AND NAYS ON INTERIOR DEPARTMENT APPROPRIATION BILL

Mr. BIBLE. Mr. President, will the Senator from Wyoming yield to me for just a moment?

Mr. McGEE. I yield.

Mr. BIBLE. Mr. President, I ask for the yeas and nays on passage of H.R. 9417, the Interior Department appropriation bill, which will be the order of business tomorrow. We have just completed our committee action, and I have filed the report and the bill. It will be ready for floor action tomorrow, and I ask for the yeas and nays on passage of the Interior appropriation bill.

The yeas and nays were ordered.

Mr. BIBLE. I thank the Senator for yielding.

DEPARTMENT OF AGRICULTURE-ENVIRONMENTAL AND CONSUMER PROTECTION APPROPRIATIONS, 1972

The Senate continued with the consideration of the bill (H.R. 9270) making appropriations for the agriculture-environmental and consumer protection programs for the fiscal year ending June 30, 1972, and for other purposes.

Mr. HRUSKA. Mr. President, before beginning my comments on this measure, I wish to thank the Senator from Wyoming for his reference to the participation in the exercise of formulating this legislation by this Senator and others on the minority side, including our staffs.

This is the first year that the Senator from Wyoming has undertaken the task that he has performed in succeeding the illustrious and very distinguished former Senator from Florida, Mr. Holland, who served as chairman of this subcommittee for some 5 or 6 years, or perhaps longer—my memory is not entirely sharp on the matter—and the Senator from Wyoming has shown a remarkable capacity for adapting to the disciplines that are required for proper handling of this measure. I might extend that same remark to Mr. Dudley Miles, the new clerk of the subcommittee. He has succeeded Ray Schafer, who for many years performed the job Mr. Miles now has. We were certainly happy, in our respective offices, to observe the fine progress both these gentlemen have made.

As Senators may know, this bill, formerly known as the Agriculture appropriations bill, has undergone a gigantic reorganization and has a broadened base of responsibilities. The new bill is divided into five main titles:

Title I. Agriculture programs;

Title II. Rural development;

Title III. Environmental protection;

Title IV. Consumer Protection and Services; and

Title V. General Provisions.

In my opinion, the new title of the subcommittee, the Agriculture, Environmental and Consumer Protection Subcommittee, reflects the true nature of the Agriculture bill as it is and has been in the past. Even before the addition of agencies such as the Environmental Protection Agency, and "consumer oriented" commissions, the Agriculture bill was in fact an environmental protection and consumer interest bill in many respects.

For many years, several of my colleagues and I have been trying to clear up the misconception held by many that the Agriculture bill is merely a $13 billion "slush" fund which the farmers may dip into at will. Urban consumers have frequently criticized the farm bill as a gigantic subsidy program for the enrichment of the farmer, and at the expense of the rest of the populace.

The fact is the consumer is the one receiving the true subsidy.

A small percentage of the population of the United States is responsible for the production of our food. The consumer is able to go to the store and with very little time and effort buy the most nutritious and healthful food that can be provided by any nation in the world. He does this with a smaller amount of his gross income than the citizens of any other country. In fact, in 1970, only 16.7 percent of an average person's disposable income went to the purchase of food. At the same time the consumer is benefiting by low food prices, the average person on a U.S. farm had only 78.2 percent as much income after taxes as the average nonfarm person. Later in my remarks I will discuss several items of the bill which foster the interests of the consumer.

Another important aspect of the broadened base of this committee is that it will allow for increased cooperation between the agencies of Government which have the responsibility of the production of food and the protection of our environment.

U.S. agriculture has had a long tradition and history of environmental protection and consumer interest. Those activities will now proceed with greater force and efficiency.

Examples of this tradition and history are numerous:

First. The Soil Conservation Service has been one of the main programs protecting the erosion of our soil and the quality of our water. In view of the increased needs in these areas, substantial increases were made to the Soil Conservation Service budget over the 1971 level. Conservation operations were increased nearly $15 million. Conservation works of improvement were increased by $27 million. The Great Plains conservation program has been increased $3.7 million over last year, and resource conservation and development program was increased by more than $10.4 million. While these programs do benefit the farmer, their main thrust is to bring about a more wholesome, less polluted environment; and their long-range fruit is the preservation of our natural resources—land and water.

Second. Another example of a program which provides environmental and consumer protection is the Agricultural Research Service. Last year this Service expended $20 million on improved methods of controlling sedimentation, $5 million on nutrition, $18 million on quarantine inspection, and $20 million on alternative means of pest control, not to mention the millions devoted to the improvement of production and quality of our foods and fibers.

Third. Through the Extension Service, more than $50 million was spent for the nutrition aid program.

Fourth. More than $178 million is spent to implement meat inspection systems so that the consumer will have wholesome meat and poultry products. Since 1969, more than 35 States have had their inspection systems approved as being "equal to" the federal system.

In another area touched upon by the Senator from Wyoming (Mr. MCGEE), in the past 2 years the United States has done more than ever before in the history of mankind to combat hunger and malnutrition among large numbers of people. When the effort was inaugurated in May 1969, with the Presidential "Hunger" message, 6.9 million needy persons were receiving food under programs administered by the Department of Agriculture. At the close of calendar year 1970, the number was 13.2 million. Included in that total are 9.5 million recipients of food stamps compared with 2.9 million in January 1969. Over the same period, the value of food stamp program coupons distributed rose from $18.6 million per month to $128.5 million per month. The total food assistance program for fiscal 1972 equals nearly $3½ billion as compared to $2.9 billion in 1971 and $1.6 billion in 1970. So in the space of 2 to 3 years, there has been, virtually, a doubling of the money amounts.

Other programs benefiting the consumer as well as the farmer include:

First. Full staffing of pesticide laboratories.

The committee agreed with the administration's budget request to fully staff pesticide research laboratories which have been completed and are not yet staffed. To do the essential job of finding healthful, nonharmful methods of controlling pests, the Senate has urged the Department to move as expeditiously as possible in funding this research.

Second. Staffing of other laboratories.

The committee concurred with the House's recommendations to increase staffing at other laboratories to carry out programs of vital interest to the consumer and farmer. Additional staff will provide more in the research in the fields of nutrition and meat production at Grand Forks, N. Dak., and Clay Center, Nebr., to mention only two.

Third. Pork research.

The sum of $1 million has been provided by the committee for research on diseases, reproduction, and quality of pork.

Fourth. Soybean production research.

Soybeans have recently become the best paying crop for the farmer and is one of the most important crops relating to our expert situation. Last year soybean supplies declined for the first time since 1963 due to a 30-percent jump in soybean usage during the 1969–70 marketing year. While usage of soybeans is increasing at a record rate, increases of production per acre are the lowest among all major farm crops. Therefore, the committee has provided $820,000 for soybean production research, in an effort to make progress in production.

Fifth. Storage of high moisture grains.

The sum of $100,000 has been provided for research to reduce losses and find improved ways of storing high-moisture feed grains on a temporary basis. In light of improved methods of harvesting and greater shortages of box cars for rail transportation, this research is essential to minimize the economic loss to farmers who must store grain temporarily while waiting for transportation to processing areas.

Sixth. Multiframe livestock service.

I commend the efforts of the Statistical Reporting Service in implementing a new program of multiframe livestock reporting. Due to the lateness of enacting the Appropriations bill last year, they were unable to have the program in full operation for the entire year. However, it is well underway now and we look forward to the benefits of these reports in the future. Accurate reporting of livestock production is essential to the farmer and the consumer. These reporting programs have already contributed greatly. This program will continue to be funded at last year's level which will provide for the surveys to be carried out in 16 States, containing over one-half of the U.S. cattle inventory. It is hoped that seven more States can be added next year when the results of the first year's operations are fully evaluated. Upon their inclusion, about 80 percent of the inventory will be covered. At present, about 75 percent of the hog and pig inventory is covered.

Seventh. Parity ratio studies.

The committee has provided $1.5 million to carry out a complete survey of prices paid by farm producers to update a survey made in 1955. The initial purpose of this survey is one of making the index credible. Quite aside from the relationship of parity, however, a substantial benefit would accrue from substantiating the estimates of net farm income and providing estimates of costs of agriculture inputs.

Eighth. REAP.

One provision of especial interest is to be found in the rural environmental assistance program dealing with the soil building and soil and water conserving practices, including wildlife conserving practices and pollution abatement practices. Generally speaking, no participant in a pollution abatement practice shall receive more than $25,000 as cost share. However, this limitation is $5,000 in the case of practices for the abatement of pollution by animal waste. This higher limitation would be used on farm livestock feeding operations of larger size. The problem in such cases is of such mass and volume as to require a larger cost share.

Sizable feedlot operations are a substantial cause of pollution in rivers and streams throughout the Middle West especially. Feedlot operators and farmers are willing to spend time and money to improve systems of preventing this type of pollution. A great deal of pressure to control animal waste disposal is being applied by the permit program administered by the Environmental Protection Agency. I feel that the Government has a responsibility by means of programs such as this to help these individuals in their efforts to fight pollution. It is hoped that the REAP program through its reorganization will direct its efforts to these new types of problems.

Ninth. Environmental Protection Agency.

The committee is a strong supporter of this new agency established by the President last December. In this bill, the Senate has provided $2.44 billion for the total activities of the Environmental Protection Agency. This is some $1.1 billion more than last year and indicates our clear recognition of the needs in this area and the high priority accorded them.

Tenth. Rural development.

Nearly $1 billion is included in this bill for rural development. The sum includes loans to provide electricity and telephones to our rural areas and provide operating and homeownership loans through Farmers Home Administration. Certainly, there is no better way to help fight the problems of our overcrowded cities than by revitalizing our rural areas.

There is one other point of major note in this bill that was very adequately commented upon by the Senator from Wyoming, and it has to do with the losses incurred by the Commodity Credit Corporation. The Office of Management and Budget is to be commended for its wisdom in including in its budget estimates the amount of $600 million which is sufficient to restore these losses for 1970, the latest year for which net losses have been finally determined. It has been a long hard fight on the part of the Senate committee over a period of several years to get this account and program on a current basis. This was achieved in last year's bill for Appropriations for Agriculture and related agencies. The bill before us now seeks to maintain current status by providing the $600 million referred to. I am sure we all recall the valiant and persistent efforts of the recently retired Senator from Florida, Mr. HOLLAND, in this regard.

The subject of the limitation of payments has been commented upon by the Senator from Wyoming. He has summarized very carefully and quite adequately the fundamental issue that this amendment really raises. One of these fundamental points is that this is not the time, nor is an appropriation bill the place, in which to effect the type of change which the limitation to $20,000 envisions. It is a legislative matter.

It was acted upon only 7 short months ago. When it was enacted on the basis of a $55,000 limitation per crop, it established a national policy in this area for a period of 3 years.

It seems to many of us that it would be an assault upon the integrity and consistency of Congress in a vast program such as this to try to make a change within the space of 7 short months in a program which involves approximately $3 billion in direct payments to farmers.

It is said that one amount or another will be saved by this amendment. But, Mr. President, the real issue is not so much a limitation or modification of the program as it is the survival of the program. The adoption of any limitation of this kind, hastily contrived and perhaps tinged with a great deal of popularity would operate to impair and to erode the program.

It would be a first step to destroy the entire program of direct price payments. Perhaps they should be dispensed with. Perhaps this is not the wisest course. But if that course is to be changed, it should not be changed in an offhand manner and in a somewhat cavalier fashion by a superficial and a very summary method as this.

It would be unfair to change this program now to the basis of $20,000 to any one participant in the program. It would be unfair and burdensome to the participants, and it would be harsh in its impact and its results because of the plans already made for loans, equipment, planting, and other arrangements that inhere in wise farm planning.

Mr. President, it is my hope that we can proceed on the basis that the committee has recommended, which follows, basically, the recommendations of the other body with such variations as we find necessary to comport with the very fine presentation of a number of Senators, and organizations that appeared before our committee on specific items.

Mr. President, I yield the floor, and I inquire as to how much time has been consumed on this side of the aisle.

The PRESIDING OFFICER. The Senator has used 11 minutes.

Who yields time?

Mr. McGEE. Mr. President, what are the time limitations on the bill?

The PRESIDING OFFICER. Two hours on the bill.

Mr. McGEE. One hour on each side?

The PRESIDING OFFICER. One hour on each side.

Mr. McGEE. And on the amendments?

The PRESIDING OFFICER. The amendments are limited to 30 minutes, except for the subsidy limitation amendments, which are limited to 1 hour, and one specific amendment is limited to 2 hours.

Mr. McGEE. A further inquiry: On the subsidy amendments, is that 2 hours on every subsidy limitation amendment that is offered or on the total question of subsidy limitation?

The PRESIDING OFFICER. It is 1 hour, to be equally divided, on all the subsidy amendments, except for the amendment to be offered by the Senator from Indiana, and that is 2 hours.

Mr. McGEE. The others are 1 hour each?

The PRESIDING OFFICER. That is correct.

Mr. McGEE. So that if there were seven subsidy amendments, we could have 7 hours on the subsidy question.

The PRESIDING OFFICER. That is correct.

Mr. McGEE. I thank the Chair.

Mr. STENNIS. Mr. President, I wish to congratulate the distinguished chairman of the Agriculture Appropriations Subcommittee (Mr. McGEE), the distinguished senior minority member of the subcommittee (Mr. HRUSKA), and the distinguished chairman (Mr. ELLENDER) and senior minority member (Mr. YOUNG) of the full Appropriations Committee, on reporting a fine bill in a very timely manner.

This bill encompasses some very complex problems, and they have been carefully considered, in hearings and at markup, in an exemplary manner. This has involved hard work on the part of the distinguished Senators, and as one member of the subcommittee, I wish to express my admiration for the way the preparation of the bill has been handled.

I also wish to express appreciation for the consideration given by the subcommittee and the committee to a number of matters in which I have taken a special interest, and I will comment briefly on a few of them at this time.

A special 10-year research program in cutting costs in cotton production was authorized in the Agriculture Act of 1964. This program was estimated to cost $10 million a year, and the Department of Agriculture estimates that inflation now has raised the cost of the research to $13,750,000 annually.

In return, however, there is a realistic opportunity to lower the costs of cotton production by as much as 9 cents a pound, and this would eventuate in the savings of hundreds of millions of dollars.

This research program has never received strong support in the budget requests. The Congress has provided the funding, but continued lack of administration support has caused the program to fall far behind the approved rate of funding.

I am extremely pleased that this bill provides a substantial increase in the funding of this research. It still falls well short of the authorized level; but I hope that the difference can be handled next year as a second step, to put this essential research program on the active, healthy basis envisaged by the authorizing legislation. The potential benefits are so great that it is imprudent to forgo them any longer.

I am also gratified that the bill provides additional funds, for the Farmers Home Administration for rural water and waste systems. It will be necessary, however, if the purposes of the bill are to be attained, for the administration to release $56 million in impounded grant funds from fiscal year 1971. The bill provides $44 million more, for a total of $100 million. Also provided is an increase of $70 million in water and sewer insured loan funds, over last year, for a total of $300 million.

Even these sums are entirely inadequate, and they will have to be greatly increased in future years. The requirements of this program are very great, but they must be met at a much more rapid rate than is now the case. Over 30,000 American communities are without water and waste systems, and many others have inadequate systems. In the State of Mississippi alone there are over 200 active applications on hand for rural water and sewer loans and grants, awaiting funds.

To provide the essentials for a revitalized rural America, which would do so much to solve many national problems, the first step is to see that clean water and sanitary systems are provided. I, for one, am determined to do all I can to see that this is done.

Finally, I wish to comment on rural electric loans. This bill provides $545 million, an increase of $216 million over the budget. The amounts provided in the past have created a dangerous, hand-to-mouth situation, where loan applications have been returned in cases where reserves have been available in the amount of 8 percent or more. This is in spite of the fact that it has been well established by the Congress and REA that a proper reserve is 15 percent of the capital investment. The amount provided in the bill will assist in alleviating an unsound condition, though it does not fully alleviate it.

Mr. President, in the bill there are many other items to which I have given particular attention in committee, but I will not take further time to discuss them. I think this is a good bill. I support it, and I urge that my colleagues support it.

AMENDMENT NO. 240—AS MODIFIED

Mr. MOSS addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Utah.

Mr. MOSS. Mr. President, I call up my amendment No. 240 and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

On page 44, line 17, insert the following:

"SEC. 508. None of the funds appropriated by the Act may be expended for the purpose of (1) carrying out a price-support program for tobacco, (2) paying an export subsidy to any person for the export of tobacco, (3) advertising the sale of tobacco, (4) financing the sale of tobacco in any foreign country under the Agricultural Trade Development and Assistance Act of 1954, as amended, or (5) inspecting or grading tobacco.

"This section shall not apply to tobacco planted and in process prior to the date of this Act."

Mr. MOSS. Mr. President, we are under controlled time and I yield myself such time as I may need to explain this amendment.

This is a relatively simple amendment which has a far reaching impact. We have going on in this country, a major effort to combat the effects of cigarette smoking. We spend several hundred thousand dollars to publicize the health hazards of cigarette smoking. We spend several hundred thousand dollars to develop ways to help those who wish to stop smoking. We spend several hundred thousand dollars to create cigarettes which are less hazardous for use by those who wish to quit but find that they are unable to do so. And, we spend millions, and millions and millions of dollars supporting the growth, export, advertising, promotion, and grading of this deadly plant which will result in the deaths of more than 50,000 people during the next year from lung cancer, not to mention heart disease, other cancers, and chronic nonneoplastic lung diseases such as the dreaded crippler emphysema.

How can we face our young people and tell them of the virtues of our form of government, when the left hand and right hand are working at cross purposes?

We in the Congress are no less at fault than the executive branch. For today, we consider the agriculture appropriations bill with some $60 to $70 million which will be spent in support of tobacco, and within the next few weeks we will consider the HEW appropriations bill with some $3 or $5 million to dissuade people from smoking, develop methods to help those who wish to stop smoking, and provide funds for research on smoking.

I have been asked, "How can we terminate assistance to hard-working farmers struggling to make a decent living?" That is an important question and I have prepared amendment 241 as an answer to that problem. But in our consideration of the pending amendment, the questions must not be diverted. We must ask ourselves, "How can we afford to encourage the growth of a crop which will lead to the death of thousands of Americans?"

Now I know the arguments that will be thrown out here. First, there will be the skeptics who will say that there is no scientific evidence of the health hazards brought on by tobacco. Even if it were true, and, of course, that is a completely fallacious argument, the Congress has acted and has declared that cigarettes are a health hazard. The Congress must now go to a second step and cut off the funding for this hazard.

The second argument is that we will deprive the farmers of their livelihood. As I already stated, amendment 241 which we will consider next takes care of that problem. Additionally, I find it strange that those very individuals who decry the poverty of the tobacco farmers are the ones who supported barely 3½ months ago, the amendments to the Agricultural Adjustment Act which effectively eliminated the guaranteed minimum half-acre allotment for burley tobacco. So the poor tobacco farmer held on a pedestal by those who oppose amendment 240, has already been betrayed by his elected representatives.

Mr. President, should the United States spend between $60 and $70 million per year in support of a crop which is one of the major causes of death and disability among the people of the world? Of course not. The time has come to say "enough" and I trust that my colleagues who have the interests of all of the people will join me in support of amendment No. 240 which I introduced together with Senators BROOKE, CRANSTON, HATFIELD, KENNELY, and TUNNEY.

The amendment would preclude the use of any of the funds appropriated under the act for, first, carrying out a price support program; second, paying an export subsidy; third, advertising or promoting the sale of tobacco; fourth, financing the foreign sale of tobacco under the Agricultural Trade Development and Assistance Act of 1954; and fifth, inspecting or grading tobacco.

I think it particularly important to point out to my colleagues that no other crop save cotton is supported with free inspection. It is my understanding that the cost of the cotton inspection is more than paid back to the Government through certain other activities in the Department of Agriculture's handling of that crop.

This is a case, Mr. President, which I have called schizophrenia, in that we look in two directions. If we are taking up a health bill, we of course restrict the use of tobacco and we spend money to educate people not to use tobacco, and we spend money on research on how to deal with the disease caused by tobacco, and we spend money to develop systems to help people who have become addicted to the use of tobacco to break the habit if they wish to do so. We have come a long way down that road and we have made substantial progress.

As a matter of fact, we now prohibit by law the advertising of tobacco on television and radio. We are moving farther along to prohibit advertising in other areas. We are not alone. Canada recently adopted similar restrictions.

Many European countries have them. Tobacco has become known as one of the great killers worldwide and a great cause of disease; yet while we are doing that, we continue to support tobacco prices or to encourage farmers to plant tobacco and cure it with processors to process it in this country.

Admittedly, when the growing of tobacco in this country first began, it was not medically known that tobacco had the harmful effects it does. Therefore; we have a long history of growing tobacco and processing and selling it. But that time has passed. The time now is to withdraw our money from support of tobacco and move that money into an area that will encourage those who make their livelihoods from tobacco to shift over to some other kind of farming, or some other business, where the outcome will not be harmful to the health of the people of this country.

Mr. President, the pending amendment was presented essentially before, last year. It was not adopted. It is being introduced this year. I have made many efforts to have legislative committees consider this matter and have it made a part of authorizing legislation, but I have been unsuccessful. It seems to me that if the Senate is going to deal with this problem, it must deal with it here and now in the appropriations for the Department of Agriculture.

Mr. President, I reserve the remainder of my time.

Mr. COOK. Mr. President, will the Senator from Wyoming yield me time?

Mr. McGEE. I yield 5 minutes to the Senator from Kentucky.

The PRESIDING OFFICER (Mr. BENTSEN). The Senator from Kentucky is recognized for 5 minutes.

Mr. COOK. Mr. President, again, I find myself rising in defense of Kentucky's and the Nation's tobacco industry. For the past two decades, and particularly in my first 2½ years in the Senate, this great and valuable industry has been under a constant and vicious attack by many interests. These attacks, based more on statistical fantasy than hard, scientific fact, have contributed to a growing fear of prohibition in the tobacco States. The vast amount of so-called unequivocal evidence linking cigarette smoking to a multitude of diseases is based upon inferences drawn from statistical data.

It has been widely accepted that if certain diseases are statistically more common among cigarette smokers than nonsmokers, we can assume a cause and effect relationship. There are many ways to demonstrate that this is scientifically unsound. To take just one example, it was once thought that corn caused the disease known as pellagra. Certain population groups that subsisted on corn had an unusually high incidence of the disease. In fact, the more corn that one ate the more likely he was to develop the disease. Then it was discovered that pellagra was caused by a deficiency of niacin in the vitamin B complex. So now we know the cause of pellagra is not what people eat—it is what they do not eat. However, no one suggested abolishing the feed grain program.

This is but one example of a fallacy which results when relying upon statistical correlations as "cause and effect." Since the early 1950's we have seen reports that among men who smoked heavily there was a considerably higher incidence of lung cancer. But more and more we are finding additional factors which are inconsistent with the hypothesis that cigarette smoking causes lung cancer.

Despite the fact that they have been smoking for decades, women have less lung cancer than men, by about 6 to 1. This ratio has persisted for years.

We also see different rates among ethnic and geographical population groups which are inconsistent with smoking habits. For example, the British smoke about as many cigarettes as Americans, but exhibit almost twice the lung cancer rate. British male immigrants to South Africa and New Zealand demonstrate a significantly higher lung cancer rate than native born Caucasians in both these countries despite their cigarette consumptions being similar.

There is also an unexplained difference between urban and rural lung cancer when smoking habits are adjusted. This raises the question of air pollution and its relation to lung cancer. The veterinary literature is showing a surprising rise in the development of lung cancer in domestic and zoo kept animals. Again this suggests that air pollution may be of more importance than the anticigarette group likes to concede.

Additionally, we know from the medical literature that lung cancer was a well-documented entity before anyone smoked cigarettes. There is also sound basis for doubting that the purported rise in lung cancer within the past few decades is as real or dramatic as some claim it to be.

Mr. President, I might suggest that the American Tobacco Co. ran a survey on its employees for a 14-year period. This survey disclosed the smoking rate was about double the average rate. Let us look at their mortality rates: 29 percent below expectancy for all causes; 30 percent below normal expectancy for all forms of cancer; 29 percent below normal expectancy for lung cancer; 25 percent below normal expectancy for cardiovascular disease; 21 percent below normal expectancy for coronary artery disease.

Obviously, these findings are hard to reconcile with the claims against cigarettes. More important upon what basis were the findings purportedly statistically unsound? It could be argued that the population was not representative—it was selected according to occupation. But what could have been a more highly selected group according to occupation than the British doctors?

Concerning the statistics on lung cancer, all of that data is assembled from death certificate registrations. This does not mean that the diagnosis has been confirmed unequivocally by post mortem examination. In fact, in a study from a New York hospital over a 10-year period it was shown that of all the reported lung cancer cases which came to autopsy, 59 percent had been erroneously diagnosed as having originated in the lung. Since only 10 to 15 percent of all deaths within this country are followed by autopsy study, there may well be a significant over diagnosis of the disease. We do know that cancers of the stomach, kidney, and pancreas frequently metastasize or spread to the lung. Hence, it is quite easy to mistake shadows on chest X-rays for primary lung cancer when in fact the primary lesion originated elsewhere.

I could go on hours with other similar examples, but in the interest of time I will not.

Partly because of these antitobacco attacks, in March the Congress passed legislation stabilizing the burley tobacco program changing the quantitative control of burley from an acreage to a poundage system of control. By referendum, an overwhelming majority of burley farmers approved of this plan. And now, just a few months later the Moss amendment attempts to abolish the program completely.

Mr. President, the Congress cannot establish a new program 1 month which raises the hopes of hundreds of thousands and then abolish it the next month. In doing so the Congress not only loses credibility, but the faith of the people as well. Faith in our Government has been the bedrock of our democracy.

Mr. President, I cannot take lightly, nor should any of my colleagues, an amendment which would destroy the tobacco program that my constituents have lived under for over two decades. Tobacco accounts for approximately 40 percent of Kentucky's farm income and produces $400 million annually for some 200,000 farm families. These good, rural families are the backbone of both Kentucky and the Nation. The destruction of the tobacco program—which this amendment will accomplish—will only drive thousands more into our already overcrowded and decaying urban areas.

But, of course, tobacco is not just an asset to Kentucky, but a vital $10 billion industry to the United States. Recently, Mr. Horace Kornegy, president of the Tobacco Institute, in a speech before the Rotary Club of Chicago pointed out the importance of tobacco to the U.S. economy. He said:

> About three million members of farm families earn their principal livelihood from the crop. They live in 22 states and earn about $1.4 billion a year from the leaf.
>
> More than 100,000 workers are gainfully employed in tobacco manufacturing and collect an annual payroll of more than half-a-billion dollars.
>
> There are more than 4,500 wholesale firms that distribute the product to literally hundreds of thousands of retail outlets that depend on cigarette sales for a substantial part of their income.
>
> There are nearly three-quarters of a billion dollars realized from the export of tobacco and tobacco products.
>
> The Federal, State and local governments receive $4.6 billion in taxes from the sale of tobacco products.
>
> In all, there are 329 industries directly or indirectly involved in selling their products to the tobacco industry, ranging from cellophane and advertising to transportation and steel.

I ask unanimous consent that the speech be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. COOK. I might add, Mr. President, that the export of unmanufactured tobacco and tobacco products of $679 million makes a tremendous contribution to our balance-of-payment position. One out of six agricultural dollars earned by export is tobacco. The elimination of the export payment program under the Moss amendment would result in a loss in our tobacco exports.

Despite unreasonable health scares, the demand for tobacco and cigarettes will increase. According to the Department of Agriculture, cigarette consumption in calendar 1971 is expected to total slightly above the previous year's 536 billion. Obviously, the manufacturers will have to satisfy this demand from either U.S. or foreign producers. Contrary to the wishes of some, tobacco is a perfectly legal product. Therefore, our farmers have every right to produce tobacco leaf for the manufacturers and to receive fair prices for their product. They also have every right to expect the continuation of stable market conditions. This amendment, if passed, would destroy our domestic tobacco farmers to the benefit of foreign producers. The Department of Agriculture estimates that the elimination of the price support and adjustment programs would cause a loss of income to farmers of about $400 million per year. It would further cause a loss of about $283 million to the Commodity Credit Corporation on its existing loan stocks of tobacco.

Mr. President, what is at stake today is not just the continuation of our tobacco program—but the continuation of all agricultural commodity programs. I would remind my colleagues from non-tobacco growing States that the passage of this amendment will definitely set a precedent for the rest of the agricultural program. The tobacco program today, your program tomorrow.

EXHIBIT 1

TOBACCO: THE $10 BILLION QUESTION

(By Horace R. Kornegay)

As I travel this land of ours I am growing more and more accustomed to hearing a growing chorus of disenchantment, dissatisfaction and distrust directed at the very foundation of our American way of life. I am not talking about the Hippies and the Yippies. To give them their due, they are open in their determination to bring down society. I am talking about the self-righteous reformers of our social and economic system.

Gentlemen, let us be on guard. While our attention is riveted on the street shenanigans of the Rennie Davises and the Abby Hoffmans, let us not overlook the social and economic crusaders and their destructive work in the state house, the court house, the Congress and the federal regulatory agencies. I speak of the social engineers who would so hamstring industry and business as to virtually destroy the free enterprise system.

You don't have to smoke to see the flames or feel the heat that surrounds the cigarette controversy. It is a burning $10 billion question that no businessman should ignore. For as you contemplate it, you might well say to yourself: "There but for the grace of a zealous crusader, go I and my business."

Tobacco is a very big industry with few defenders. If the vast numbers of people who owe all or part of their living to tobacco were aware of the threat it faces, the outlook might be rosier. For example:

About three million members of farm families earn their principal livelihood from the crop. They live in 22 states and earn about $1.4 billion a year from the leaf.

More than 100,000 workers are gainfully employed in tobacco manufacturing and collect an annual payroll of more than half-a-billion dollars.

There are more than 4,500 wholesale firms that distribute the product to literally hundreds of thousands of retail outlets that depend on cigarette sales for a substantial part of their income.

There are nearly three-quarters of a billion dollars realized from the export of tobacco and tobacco products.

The Federal, State and local governments receive $4.6 billion in taxes from the sale of tobacco products.

In all, there are 329 industries directly or indirectly involved in selling their products to the tobacco industry, ranging from cellophane and advertising to transportation and steel.

Gentlemen, all of that adds up to $10 billion.

But the cigarette controversy is not important to you because of the money involved. It is important to you because of the principle. Do not misunderstand me, please, as our critics do. I am not suggesting that we balance or equate health against dollars. I am simply suggesting to you that we look at the principle and, then, decide what course is just.

And the principle involved in the cigarette controversy is simply this:

Shall we as a nation scrap the historical principle that anybody—an industry as well as an individual—is innocent until proven guilty?

Shall we impose on the business community a cruel and unusual assumption of guilt and force it to prove its innocence of all charges, however irresponsible?

If this new standard is imposed on business then we can say goodbye to the economic system as we know it. We will really see a domino theory in action. First, the tobacco industry, then the auto industry, then the drug industry, then the food industry. Banking, oil, air travel, advertising will also succumb. I can see the legislation marching on. We have had Truth in Lending and Truth in Packaging. Soon we will get Truth in Medicine, Truth in Advertising until we ultimately get the one big omnibus bill—Truth in Misery.

I exaggerate, of course. But what worries me is that I am not at all sure by how much. When the so-called Fairness Doctrine was invoked against cigarette advertising in 1967, we jokingly warned that someone was bound to demand equal time to answer the military recruiting commercial because war is a health hazard. And sure enough, the jest was seriously advanced some time later by an anti-war organization.

Another reason why I am afraid I have not exaggerated is the unrelenting nature of our oppoments—ours today, perhaps yours tomorrow. Let me give you an example.

The cigarette industry volunteered to end the broadcast advertising of its product as the only possible way to avoid reaching young people in the audience.

The cigarette industry volunteered to list the "tar" and nicotine content of the product in print and billboard advertisements.

The cigarette industry volunteered to display in all advertising the side of the package containing the health warning notice required by Congress.

Now, those are three steps recently taken toward self-regulation. They are in the best tradition of informing the public, of not hiding any facts because essentially we have nothing to hide.

But, did that satisfy our leading foe, Senator Moss of Utah? It did not. Last week, speaking to the National Better Business Bureau convention in Miami he was still on the attack. He told representatives of business that the tobacco industry is "a perfect example of self-interest rather than public interest," and cited our "failure to impose self-regulation."

I cannot remain silent when my industry is unfairly abused.

I am shocked at Senator Moss' violent attack on the tobacco industry. He appears to have almost no knowledge of history or the burden of testimony taken from scientific experts in Congressional hearings, showing the controversy about cigarettes.

The tobacco industry mounted its unprecedented smoking and health research support programs ten years before the Senator began talking about action to deal with the health question. Its decision to place the words of the Congressionally authored package warning in all of its advertising is only the latest of a constant series of voluntary actions by the industry in the smoking and health controversy.

Incredibly, within the past month Senator Moss has congratulated the tobacco industry on self-regulation. Yet now, he seems to have forgotten that.

For one who professes to promote self-regulation, Senator Moss is doing a masterful job of kicking it to death. No American industry has attempted to cooperate more with the government, or has taken more far-reaching self-regulatory action than the tobacco industry.

Well, there is a silver lining, after all. It is good for the underground war against tobacco to surface where all can see its vindictiveness.

For sixteen years, the anti-smoking forces have been waging unrelenting and undeclared war against the tobacco industry. We have long known their true intentions—while others doubted it. We have long known their dedication to the elimination of cigarette smoking—while others disbelieved. And we have long resisted their efforts to control the behavior of free citizens—while others hung back.

Now for the first time the war against tobacco is being waged in the open. For the first time the true motives of the anti-smokers have surfaced for all to see. For the first time, the American people are getting a look at its face. And it is not pleasing. The Face of Prohibition never is.

The words that follow are those of prestigious groups and individuals within the opposition ranks; but the spirit is pure Carrie Nation.

Here's what the U.S. Surgeon General said in January: "It is high time to ban smoking from all confined public places such as restaurants, theaters, airplanes, trains, and buses."

Here's what a U.N. group said a month ago: "Public smoking which is a trial for the ex-smoker and a temptation for the non-smoker should be continuously discouraged. Smoking should be an activity limited to consenting adults in private."

Here's what a committee of English doctors demanded recently: "It is necessary to challenge and change the present general acceptance of cigarette smoking . . . Public disapproval of a dangerous habit that upsets many non-smokers must be promoted."

The pattern is clear. It is one of step-by-step coercion, from control of information to actual control of behavior.

At first, the anti-smoking camp was content to inform people about an alleged hazard. Then when the public did not respond, they tried to frighten people into conformity. Still frustrated by an unsheep-like public, they escalated further to vilification, insult, and abuse so as to make smoking—and smokers—socially unacceptable.

Now they are poised on the top rung—or should I say bottom rung—of repression. Today's slogan is "Thou shalt not smoke." It is shouted with the fervor of the fanatic who knows best what is right for his fellowman.

I for one am glad the anti-smoking forces have decided to try to impose this commandment. For it violates another commandment which is deep-rooted in most Americans. And that is: "Thou shalt not push people around."

A refreshing reaction to the Surgeon General's latest attempt to push people around has come from the press. Apparently, there is resistance to his call for a ban on smoking in public places.

A Rhode Island newspaper sees "a touch of hysteria creeping into the smoking issue," and it notes that, "fanaticism often generates a deep reaction unfavorable to the cause."

An Ohio newspaper said it would be impossible to enforce such a ban without having a "virtual army of federal agents busting people for clandestinely lighting up in public places."

A San Francisco newspaper commented that crusaders, like the Surgeon General, "who once taste blood, are not to be denied. They charge on until they fall flat on their faces or on their backsides, depending on whether they slip or are pushed."

A television commentator called the ban "the spirit of compulsion at work. The same crusading zeal that springs from a busybodiness mixed with arrogance.

Fortunately for us all, when human beings start out on a crusade, they always introduce a bit of lunacy into it. Lunacy was compounded recently in New York City when the Surgeon General's ban on public smoking was actually implemented on, of all places, the decks of Staten Island ferries. This moved a New York columnist to lament the fact that "the learned, concerned Surgeon General can't think of anything to do about the waters beneath the ferries, which are an open sewer and a potential typhoid trap, or anything to do about that haze and filth that hangs in the air above our Fun City."

And indeed the learned, concerned surgeon general is strangely reluctanct, or unable, to see any evil in anything but cigarettes. He has determined that smoking is dangerous to health. He has determined that smoking should be prohibited in public, and that it is "a dirty, smelly, foul, chronic form of suicide."

But did you also know that this hardline antismoker is a model of moderation and mildness concerning other alleged hazards? For example:

Mercury, lead, arsenic and other metallic pollution, he has determined, is not a cause for hysteria. "We are not presently faced with widespread, serious human health hazards from these substances," he says.

Herbicides, such as 2,4-D, he has determined, do not as now marketed and under current use present a hazard to public health.

Water pollution, he has determined, would be improved if smoking is reduced, "since there would be fewer cigarette butts to . . . find their way into our water sources."

Air pollution, he has determined, is a minor cause of disease compared to smoking. He makes this statement in the face of the HEW finding that death rates from lung cancer are twice as high in urban areas than in rural areas, *even after making full allowance for smoking*.

Why the hysteria? Why the shouting? Why the crusading?

The explanation, it seems to me, results from the tenacity of the cancer mystery which is a challenge to the entire nation. It is humbling to realize how little real progress has been made in solving the fundamental problem of causation. It is understandable that individuals and organizations which are morally convinced that the elimination of cigarette smoking is the simple solution to a very complex question would feel frustrated by anyone's unwillingness to accept their judgments.

Nevertheless, many eminent scientists who are skilled technicians in the field agree that the question of smoking and health is still very much a question.

And so apparently do millions of Americans who continue to smoke, despite an almost incessant campaign of fear and exhortation. It well may be that smokers have been so bombarded with propaganda that they have become immunized against it. They may be proving Marshall McLuhan right when he observed that "the price of eternal vigilance is indifference."

I look ahead hopefully to the rest of 1971 as a period of sharply reduced noise level which might accelerate the scientific resolution of the smoking and health controversy.

Over a hundred years ago, the English writer William Hazlitt put his finger on the problem. He said: "The origin of all science is in the *desire to know causes;* and the origin of all false science and imposture is in the desire to accept false causes rather than none; or which is the same thing, in the unwillingness to acknowledge our own ignorance."

A crusade is a poor way to get at scientific truth. The American people deserve better.

The American people deserve objective unbiased answers to the controversial questions concerning smoking and health—answers that must ultimately come from further scientific research and new knowledge. And they also deserve full, free, and informed public discussion of both sides of the controversy.

That is why the tobacco industry pledges to contribute to public understanding through public discussions.

That is why the tobacco industry is spending *more* money on scientific research on the smoking and health question than any other source, government or private. And we will continue to do so.

That is why the tobacco industry will continue to live each day in such a way as to meet the four-way test of truth, fairness, goodwill and benefit to all concerned.

Mr. COOK. Mr. President, may I have an additional half minute?

Mr. McGEE. Mr. President, I would be reluctant to yield further to the Senator. We have an overcommitment of the available time. The Senator may put his statement in the Record.

Mr. COOK. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. COOK. Mr. President, the Senator said that amendment No. 241 would be next. I wish to raise a point of order. Would this not be legislating on an appropriation bill?

Mr. McGEE. That point will be raised by the committee at the proper time.

Mr. President, let me raise a parliamentary inquiry. What is the time limitation on the pending amendment?

The PRESIDING OFFICER. There is a time limitation of 1 hour on the pending amendment.

Mr. McGEE. There is a time limitation of 1 hour and not 30 minutes? We have been led to believe that there was a 30-minute limitation.

The PRESIDING OFFICER. Thirty minutes to the side.

Mr. McGEE. Mr. President, in that case I would be glad to yield additional time to the Senator from Kentucky.

Mr. COOK. Mr. President, I merely wanted the additional time to raise the point of order on the amendment which the Senator indicated he would raise. If I may, I will raise the point of order.

The PRESIDING OFFICER. The point of order will not be in order until the Senator from Utah has used his time.

Who yields time?

Mr. MOSS. Mr. President, I yield 2 minutes to the Senator from Illinois.

Mr. PERCY. Mr. President, I am always concerned when I take issue with my friend, the distinguished colleague from the State of Kentucky. He has made an excellent case for his position. However, I tend to think that the time has come when the Federal Government should stop using taxpayers' funds to support projects that are no longer in the public interest. If we are using the full resources that we have available to us to alert the public as to the dangers of smoking or the use of tobacco, and, if representing the people, we desire to bring these hazards to the attention of the American people, we should point out that doctors universally have joined in this cause. I assume that doctors have led the list of those who have given up smoking as a result of the research carried on. I think it is time that we move away from a program in which we subsidize the production of a crop that we have deemed to be injurious to the health of our American citizens.

I therefore commend the distinguished author of the amendment and indicate to him my intention to support it.

I trust that this action will initiate other actions which will be taken to remove inconsistencies in what we do. When we take up a program, it should be consistent all the way through. We should no longer continue old programs that are no longer required.

Mr. President, I thank the Senator for yielding.

Mr. MOSS. Mr. President, I yield myself 3 minutes.

The PRESIDING OFFICER. The Senator from Utah is recognized for 3 minutes.

Mr. MOSS. Mr. President, the Senator from Kentucky repeated many arguments that tobacco and cigarette smoking do not really cause any disease, that we do not know whether it does or not. Those arguments are far out of date. They are the arguments from 1964 when the Surgeon General submitted his first report.

The Senator from Kentucky also made the argument that many people are engaged in growing tobacco and processing tobacco, that a lot of money is invested and a lot of income comes from it and that even a lot of taxes come from it, all of which we freely admit. However, the Senator does not get down to the point. If tobacco is indeed a poisonous substance, should he then say merely because money is invested in it or comes from it that we should go on with its production as compared with our action on pesticide or DDT, substances that are known to be harmful to a crop and causes disease.

Should we go on subsidizing and supporting production of pesticides and other poisonous materials simply because they have an economic overtone to them? If we place a value on the loss of time and illness that comes from the use of the product, we find, without consideration of the human suffering, that the economics argue in favor of the elimination of tobacco and we should not be engaged as a government in appropriating money to encourage the production; we should be placing our money into education against the use of this production.

Mr. President, I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. ERVIN. Mr. President, will the Senator from Wyoming yield to me for 5 minutes?

Mr. McGEE. I yield 5 minutes to the Senator from North Carolina.

Mr. ERVIN. Mr. President, political doctors attack tobacco; many able medical doctors who are concerned with the treatment and elimination of disease say there is no evidence of any causal relation between smoking and disease.

The Encyclopaedia Britannica tells all that everyone knows about the cause of cancer. It states:

> Cancer is an autonomous new growth of tissue of an unknown basic cause.

That is the sum total of the knowledge of political doctors on this subject.

I would like to call attention to the statement of one of the greatest doctors of this Nation, Dr. Joseph Berkson of the Mayo Clinic. He has said on many occasions that there is no evidence whatever of any causal relation between smoking and disease.

Dr. Alvis Green stated before the Senate Committee on Commerce, and this can be duplicated in the testimony of many other doctors:

> My study of lung cancer over the past 50 years as an internist and diagnostician leads me to agree with Dr. Joseph Berkson of the Mayo Clinic that there is no proof of causal relationship between the smoking of cigarettes and lung cancer.
>
> "Without false modesty, and quite frankly, I do not know the cause of cancer. Moreover, I am going to say without the slightest fear of contradiction, that no one else does either."

Mr. President, several years ago I made a speech on this subject in which I referred to its medical aspects. In the interest of time I ask unanimous consent that the speech may be printed in the Record at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. ERVIN. Mr. President, this amendment represents an effort to take food out of the mouths and clothes off the backs of little children of 625,000 farm families in America. It is an effort to destroy the growing of tobacco, and, Mr. President, when you destroy the growing of tobacco you are going to destroy every other farm program in the United States because these thousands of acres which are now devoted to the growing of tobacco will have to be devoted to the growing of sugarcane, sugar beets, cotton, and corn.

If we are going to restrict production of tobacco, on the grounds suggested by the able Senator from Utah, we will have to weigh the deleterious potentialities of other crops.

I do not favor that because I do not believe it is the business of the Government to tell us what we should eat, what we should wear, or what we should drink. I remind Senators that in many cases sugar beets are converted into alcohol, which is used to make intoxicating beverages, and that corn can be made into whiskey. Should we curtail the production of corn in order to take good old bourbon, which is 50 percent corn, off the market?

This amendment is not only an attack on the livelihood of 625,000 farm families, each of which has four or five dependents, but it is also an attack upon the livelihood of 75,000 to 80,000 persons who work in processing tobacco.

It would destroy one of the sources of revenue to the United States. Federal, State, and local governments get over $4.5 billion in taxes from tobacco products, principally cigarettes, each year. The Government gets $3 from taxes on tobacco and its products for every $1 which the growers of tobacco get for their investment and labor.

Not only would this bill have the effect of economic chaos on 625,000 farm families in America, but it is would be well to note that it would disable these farm families to buy automobiles from Michigan, and citrus products from California. The economic impact of the effect of this amendment would be impossible to overmagnify.

Since price supports were established for agricultural products in 1933, the Government has obtained $54 billion in taxes on tobacco and tobacco products, which is more than three times the cost of our price support programs on all agricultural products.

The cost of the tobacco program which paid this $54 billion for the benefit of taxpayers in all these years has been less than $60 million. It represents only one-fourth of 1 percent of the cost for all farm commodity price support operations.

I would like to point out to the Senate that one of the most serious problems confronting the United States today arises out of exports and the resultant deficit in our balance of payments. During the last year approximately $700 million of tobacco and tobacco products were exported to other nations. If it had not been for this we would have had that much larger deficit in our balance of payments.

I hold in my hand a document based upon reports of the Departments of Agriculture entitled "Some Facts About Tobacco." I ask unanimous consent to have the document printed in the Record.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 2.)

Mr. ERVIN. Mr. President, I ask unanimous consent to have printed in the Record another document entitled, "Tobacco—Its Economic Importance."

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 3.)

Mr. ERVIN. These documents illustrate the importance of tobacco and its products in our national economic life.

The PRESIDING OFFICER. The time of the Senator has expired.

Exhibit 1

Ervin Replies to Tobacco Charges, Makes Three-Point Proposal, December 4, 1967

Today, I want to discuss an allegation which is becoming more and more frequent—that smoking is all that stands between men and immortality. This proposition is being paraded before the American people with all of the pomp and certitude of Madame Curie's discovery of radium.

When I hear these arguments, I am reminded of a prominent citizen who lived to be 96 years of age:

"On his 96th birthday the newspapers sent their reporters out to interview him. One of them asked, 'To what do you attribute your long life?'

"The old man replied, 'I attribute it to the fact that I have never taken a drink of an alcoholic beverage or smoked a cigarette in all my days.'

"At that moment they heard a noise in an adjoining room that sounded like a combined earthquake and cyclone. One of the newspaper reporters said, 'Good Lord, what is that?'

"The old man said, 'That is my old daddy in there on one of his periodic drunks.'"

Most recently, all of the assertions in support of the argument that smoking causes cancer were collected in Senator Robert F. Kennedy's address to the World Conference on Smoking and Health. When asked for my reaction to that speech, I declined on the basis that any immediate statement by me without careful study could only be superficial and unfair. Since that time, I have studied carefully the charges made by the prohibitionists.

These charges should not stand unchallenged.

In all fairness to the American people, to the tobacco industry, to hundreds of thousands of farmers and tobacco workers and their families, and to the Members of Congress who must consider proposed legislation on this subject, the record should be set straight.

This is what I propose to do today.

I have always believed in freedom of information, whether the news be good or bad.

I believe the American people have a "right to know," and in this case, they have a right to know that there is no proof that smoking causes lung cancer and heart disease. By the same token, the Government has a duty to see that the people are supplied with all of the information about this vital subject.

Now, I have no pretense to expert knowledge of cancer and its causes. Indeed, I am as lacking in information as the medical profession whose knowledge of the subject is summarized in this quotation from the Encyclopaedia Britannica:

Cancer is an autonomous new growth of tissue of an unknown basic cause.

While I do not profess to have any more knowledge of this subject than is set forth in this statement, I do have considerable experience as a lawyer and a judge in weighing the probative value of medical and scientific evidence.

And I agree with the eminent chest disease specialist, Dr. Alvis Green, who told the Senate Commerce Committee:

"My study of lung cancer over the past 50 years as an internist and diagnostician leads me to agree with Dr. Joseph Berkson of the Mayo Clinic that there is no proof of causal relationship between the smoking of cigarettes and lung cancer."

I would say, as he does—

"Without false modesty, and quite frankly, I do not know the cause of cancer. Moreover, I am going to say without the slightest fear of contradiction, that no one else does either."

I have discussed in the past and will discuss again in the future other relevant matters including the illegality of the so-called Fairness Doctrine regulations of the Federal Trade Commission; the absurdity of labeling cigarettes as harmful, but not, for example, alcohol; and the poverty which cigarette prohibition would bring to thousands of farmers and workers, while at the same time tax income sufficient to pay for the war on poverty would be cut off.

After studying the arguments of the prohibitionists, I am convinced that they contain little more than old platitudes, new hyperbole, and blatant *non sequiturs*—all based on statistics which are either erroneous, irrelevant or statistically meaningless. Nevertheless, these statistics are cited again and again to support the thesis that smoking causes cancer.

The truth of the matter is that these people are relying on statistics, not research. And they do not understand their own figures.

Actually it would be far easier to show statistically that smoking cigarettes prolongs life:

(1) Americans are living 16 years longer today than they did in 1920.

(2) Americans smoke more cigarettes than they did in 1920.

(3) Ergo, cigarettes prolong life.

Or to cite an example: Great Britain has a higher death rate from cancer than we do. Yet, the British smoke less.

Now, this is not to say tobacco is a health food the equivalent of yogurt. What I am saying is that, from such logic as this, no valid conclusions can be drawn.

It is correct that official statistics show a dramatic increase in lung cancer in recent years. But proponents of prohibition do not mention there has been a corresponding decline in stomach cancer. Are we to assume that tobacco has cleansed the stomach while fouling the lungs? Even more strange, incidence of cancer of the larynx has remained relatively constant over the last thirty years. Yet the smoker's larynx comes in contact with the smoke sooner and more often than the lungs.

The full weight of the prohibitionists' logic seems to rest on this one paragraph from Senator Kennedy's speech:

"Death from lung cancer [is] increasing almost geometrically—from 2,500 in 1930, shortly after smoking started becoming a national habit, to 50,000 now."

This information is, of course, not a figment of someone's imagination. It is derived from federal vital statistics. But they fail to take into account changes in reporting methods, improvement in diagnosis and the aging of the population. All these have influenced the increase in numbers of deaths reported from lung cancer.

More important, there is stronger evidence from equally reputable research scientists and statisticians who reject the hypothesis that any relation between cigarette smoking and any disease has been proven. I will place in the Congressional Record expert documentation of this at the conclusion of my statement. For the moment, let me highlight the following facts:

As a "national habit," cigarette smoking among the male population dates not from 1930, but from 1883 when Washington Duke and Sons began mass producing cigarettes near Durham, North Carolina. It is true, however, that it did not become popular for women to smoke until the 1920's; and the number of adult women who smoke has been increasing since that time.

But whether we use 1930 or some earlier date as a base year, it is still clear that a sizable but undeterminable number of cases of lung cancer used to be diagnosed as tuberculosis; and the increase in deaths from lung cancer parallels the decrease in deaths from respiratory tuberculosis and pneumonia. Since 1930 diagnostic techniques and the science of pathology have developed to the point where lung cancer can be easily identified.

Dr. Joseph Berkson of the Mayo Clinic explains the apparent rise in the lung cancer rate and fall in the tuberculosis rate in two ways. He cites the 1961 English study by Dr. Willis to the effect that ". . . so many cases of unrecognized lung cancer [were found] in early records as to warrant the conclusion that there was just as much lung cancer in the past, but it wasn't recognized." Also, according to Dr. Berkson, "persons who in former times would have died at an early age, say from tuberculosis, now live to ages at which they are exposed to death from lung cancer." Incidentally, Dr. Berkson, who the *Cancer Bulletin* calls the dean of American medical statisticians, has said, "Personally, all relevant available facts considered, I think it is very doubtful that smoking causes lung cancer."

But even if we were to accept the validity of the claim of low lung cancer incidence in 1930, the argument of the anti-smoking forces seems self-contradictory on several points.

In the first place, increase in the life expectancy of Americans has gone hand in hand with the increase in cigarette consumption. In 1930 the life expectancy of Americans was 59.7 years; by 1965, it was 70.2 years.

Secondly, some people propose economic sanctions on the industry to force a larger share of the market to lower tar and nicotine cigarettes. These cigarettes already constitute a large proportion of those being sold today; however, back in that golden age of 1930 to which cigarette prohibitionists turn with such nostalgia, higher nicotine and tar content cigarettes composed almost 100% of the market, and filters were nothing more than a gleam in the eye of two of the smaller manufacturers.

In this connection, the Federal Trade Commission last week released even more statistics to confuse the public. For they have proceeded by sometimes rather dubious methods to grade cigarettes by their tar and nicotine content. Yet, there is no proof that these even affect health. Even in 1950, filter cigarettes composed only .06% of total production; ten years later over half the cigarettes manufactured had filters. Further, mention is seldom made of the fact that although cigars and pipe tobacco are held blameless by the prohibitionists, both contain considerably more tar and nicotine than the average cigarette.

Other facts which go unmentioned are far more relevant than the propaganda which is disseminated.

For instance, although the lung cancer rate among women during the last 40 years has increased slightly, it by no means has kept pace with the increase in the number of women who smoke. For reasons which no one can explain, lung cancer remains largely a disease of the male. And, according to Drs. Rosenblatt and Lisa, "If cigarette smoking is a potent carcinogenic agent it should have affected lung cancer mortality by this time, resulting in an equalization of the sex ratio which in 1964 was 6.4:1."

It is interesting that the Encyclopaedia Britannica (1966 edition) in its discussion of percentages of cancer deaths in the United States, reports that 11% of the male deaths were from lung cancer, while only 3.1% of the female cancer deaths were from lung cancer.

Also, Senator Kennedy emphasizes that people are beginning to smoke at an earlier age and are smoking more cigarettes per capita. Yet, the average age at which lung cancer occurs has remained the same. If cigarette smoking produced lung cancer, then a lowering of the age of occurrence would be expected.

It is also passing strange that, as Dr. Rheinhard has said, "The average age at which lung cancer occurs is the same for heavy smokers, light smokers and non-smokers." And Drs. Rosenblatt and Lisa note that lung cancer occurs at approximately the same age "regardless of whether smoking has been started at 6 years or at 41 years of age. Equally significant was the finding that the number of cigarettes smoked daily did not affect the age at onset, in both the light smokers and the heavy smokers the disease had developed during the same decades of life."

These same doctors, whose paper will be placed in the Record, carefully illustrate that lung cancer is primarily a disease of older men, and that cigarettes are therefore not the cause:

"This distinctive age distribution was noted in the nineteenth century in the absence of cigarette smoking and also in recent decades in the era of widespread cigarette consumption. The relation between longevity of the population and the incidence of lung cancer is therefore very significant . . .

"It is very evident that, regardless of any hypothetical etiologic considerations, the total number of potential subjects for lung cancer has increased by many millions during the past half century. The inherent biologic characteristic of the disease to develop in older age groups will therefore result in the occurrence of more cases in future years as proportionately more of the population reaches the later decades of life."

In other words, to reverse the increase in lung cancer, we must either reduce life expectancy or we must find the cause and cure. Cigarette prohibition is no answer.

I would add here that aging is also a primary factor in emphysema, heart disease and most of the other diseases which the prohibitionists cite as byproducts of smoking. In a most important study of male, identical twins, Dr. Ludman and his colleagues concluded that ". . . cigarette smoking is probably not associated with coronary heart disease."

A substantial number of deaths from lung cancer, especially among women, are the result of cancer spreading to the lung but originating elsewhere in the body. These deaths could not be blamed on cigarettes by the most ardent prohibitionist; yet they are counted in the statistics cited by them.

Most conspicuous of all by its absence from public speeches on this subject is any mention of air pollution or other possible factors being studied. Certainly increased pollution, both from industry and from vehicular traffic, has at least kept pace with, if not outstripped, increased cigarette consumption since 1930. In fact, it was shown that on Staten Island, in New York, lung cancer is far more likely to occur in residents where air pollution is highest. And, according to a five-year study published in the *German Journal for Cancer Research*, "The frequency of lung cancer is not influenced by cigarette smoking but there is a significant correlation between the air pollution problem and the bronchial carcinoma rate."

These facts, I believe, are sufficient in themselves to effectively rebut the hypothesis that a causal relation between cigarette smoking and cancer has been proven. I do not feel I can conclude, however, without challenging certain other allegations about tobacco and the tobacco industry.

The first is from a recent speech on the Senate floor in which it was maintained: "Between 4,000 and 5,000 children start to smoke each day." For two months, I have searched for statistics to validate this assertion, and I have failed utterly. My only conclusion is that this number is an exaggeration of an equally dubious statement by the Surgeon General to the effect that 4,000 children begin smoking each day. The Surgeon General's statement in turn rests on a limited survey conducted in 1961 in Newton, Massachusetts. With a control group so small, it is a statistically absurd assertion which never even attempts to define the ages of the children to which it refers.

The Surgeon General and others maintain that their conclusions are based on over 5,000 studies. They do not mention that many of the studies are but rehashes of the others in popular magazines and even letters to the editor. Nor do they mention that many of the studies reached opposite conclusions from those of the Public Health Service. And Senator Kennedy then says, "No responsible health organization which has examined the problem has disagreed with these important facts." For an editorial which clearly refutes this conclusion, I suggest "Etiology by Edict" from the March, 1966, edition of the *Journal of Thoracic and Cardiovascular Surgery*.

I take strong exception to charges that "Cigarettes would have been banned years ago were it not for the tremendous economic power of their producers. . . . Nearly $300 million a year is spent in the United States alone on . . . efforts to start young people smoking and continue others in the habit."

The cigarette industry is less powerful than the liquor interests were in 1918; and prohibition of tobacco would fail as miserably as it did with alcohol. The only effect would be a bonanza for bootleggers dealing in low quality leaf. As for the statement, explicit and implicit, that the industry spends hundreds of millions enticing children to smoke, the charge is patently false.

In the first place, the industry spends no money whatsoever on institutional advertising designed to enlarge its market, as does, for instance, the brewery industry. Yet, beer commercials are as prevalent as cigarette commercials on sports programs; and it is incontrovertible that beer in the hands of an automobile driver can be a killer of young people. Certainly, the cigarette industry has made important strides in self-regulation by voluntarily limiting its advertising during programs aimed at youngsters. In addition, they have voluntarily ended all advertising on college campuses and drafted a code to police its advertising. The truth is that all cigarette advertising is brand advertising and has as its purpose gaining a larger share of the market for the manufacturer; and increasingly this advertising leads to larger markets for the lower tar and nicotine cigarettes. It is clear that human nature being what it is, an absolute ban on advertising is not the answer. In England, television advertising on cigarettes was banned, with the idea that English youth would not be encouraged to smoke. A year after the ban went into effect, however, the percentage of boys 16 to 19 years old who smoke had increased from 51% to 57%. For girls the same age, the proportion of smokers increased from 39% to 47%.

In Italy, all cigarette advertising is banned. And since the ban, cigarette use has risen steadily.

As to a charge heard at the World Conference that "The cigarette companies have demonstrated a total inattention of public responsibility," the industry has contributed $22 million to independent scientific research on health and smoking, $10 million of which has gone to an American Medical Association research project. It has spent even more in its own research. This is not to say that the manufacturers have completely altruistic motives. Indeed, it is in their own interest to discover the relationship, if any, between smoking and lung cancer so that they can eliminate that ingredient, if any, which is responsible for the disease.

In conclusion, I emphasize two points:

First, I make no claim that cigarettes are a wonder drug. I claim only that which K. A. Brownlee has said in his article in the American Statistical Review. That is, at this time the statistics do not show that cigarettes cause human disease. Or, in the language of the North Carolina South Mountains, "Figgers may not lie, but liars sure do figger." And honest men also figger when the crusading spirit burns in their hearts.

Second, it is not my position that Congress should stand idly by in the face of what appears to be mounting deaths from lung cancer. But I do object strenuously to the solutions offered by the prohibitionists. Senator Kennedy, for instance, advocates impossibly strict self-regulation of the industry. In effect, what he asks of the manufacturers is slow suicide until such time as Congress agrees to give the Federal government the tools to administer the final execution.

This course can only lead through a blind alley of economic tragedy; and I'm not talking about the several hundred executives of a few large manufacturers. I'm talking about the several hundred thousand small farmers and tobacco factory workers and their families. Where shall we send them? To the ghettos of New York where it has been estimated even by prohibitionist scientists that residents are breathing heavily-polluted air?

It baffles me that some scientists have taken up the crusade for cigarette prohibition with all the religious fervor of a Carrie Nation. How much further we might be today if all of that combined intelligence, dedication, and energy had gone into research rather than propaganda.

PROPOSALS

Which brings me to my three-point proposal for resolving this controversy.

First, I believe the Federal government should initiate, as soon as possible, a cooperative effort among industry, government, and private, nonprofit organizations to find the cause and cure for lung cancer. Dr. Salk has shown us that there is nothing which is medically impossible. If we can divert all of the financial and human resources now engaged in anti-cigarette propaganda into a coordinated effort, I am confident we could shorten greatly the time until we reach our goal.

Between now and the time Congress reconvenes in January, Representative Galifianakis and I will be discussing plans for a definite program with Senator Jordan and other members of our delegation. It has occurred to me that this may be an excellent opportunity to test Vice President Humphrey's plan to apply computer technology to medical research in order to avoid duplication of research by scientists scattered across the country. A data bank could be set up in the Research Triangle Park in North Carolina which would act as a nation-wide storehouse for all lung cancer research. As support facilities, we already have the Environmental Health Center, an IBM research facility, and the U.S. Data Processing Laboratory of the National Center for Health Statistics located in the Park. There are nationally-recognized medical schools at Duke University and the University of North Carolina at Chapel Hill. And the computer experiments being conducted at these two schools and at North Carolina State University—the three institutions which form the angles of the Triangle—could make a great contribution to the program, as could the research affiliates of the tobacco companies located nearby. Work of this nature in its embryonic stages is already being done in the area, and expansion of it could take place more easily there than at any other place in the nation. I am certain the State of North Carolina would cooperate in every way possible. Our legislature has already appropriated money for a Bio-Dynamics Laboratory at North Carolina State University for agricultural research on tobacco. Much of this research is being devoted to producing better quality leaf with lower tar and nicotine content.

Action along this line is the type which Nick Galifianakis and I feel Congress and the Surgeon General should contemplate.

Second, I urge a renewed and larger assault on air pollution. The Administration is to be congratulated for its work in this area. The landmark Air Pollution Act recently signed into law offers great hope, both in terms of research and in terms of regulation. Still, as President Johnson and Secretary Gardner have recognized, there is more Congress can do. It is true that, as with cigarette smoking, there is no proof that air pollution causes lung cancer. Yet, to the extent it may constitute a health hazard, air pollution is a more insidious threat than smoking. The latter is a voluntary risk, while the former is imposed on everyone against the wishes of everyone. Further, there are esthetic reasons as well as health reasons for an intensified war on air pollution. Until that day when all Americans can once again be assured they can look up in the morning and see the sky and look up at night and see the stars, we need to fight to lift the sick cloud of pollution which hangs so heavy across the face of America. Here again, Representative Galifianakis and I hope to offer some new ideas.

Lastly, if it is ever proven that there is a causal relation between cigarette smoking and lung cancer, then government, industry, and medicine should be prepared to begin immediately a cooperative search for a safe cigarette—not, however, through the coercive economic sanctions which have been proposed to the Senate, but rather through a program of tax incentives and joint government and industry research. Today's scientists are capable of finding better solutions to problems than by shouting them out of existence.

I'll conclude now with an editorial from the Raleigh, North Carolina, News and Observer, which contains more wisdom than all the propaganda of those who would regulate the personal habits of the American people:

"HAZARDS APLENTY

"In connection with the dire and continuous warnings given us about the supposed dangers of cigarette smoking, a physician passed along a little verse from the New England Journal of Medicine. It goes:

"'Cholesterol is poisonous, so never, never eat it.
Sugar, too, may murder you, there's no way to beat it.
Some foods were filled with vitamins till processing destroyed it.
So let your life be ordered by each documented fact
And die of malnutrition with your arteries intact.'

"And warily watch every sunny sky for bolts of lightning."

(Material for inserting in Congressional Record with Senator Ervin's speech on tobacco:)

1. A list of the major points raised by Dr. Milton B. Rosenblatt, Professor of Medicine at New York Medical College, and Dr. James R. Lisa, Consultant Pathologist, in their paper entitled "Biology, Biometry and Bronchogenic Carcinoma" from the August, 1967, edition of Medical Science, followed by the text of that article.

2. An editorial entitled "Etiology by Edict," by Dr. Hiram T. Langston from the Journal of Thoracic and Cardiovascular Surgery of March, 1966.

3. Excerpts from the study entitled "Smoking in Relation to Coronary Heart Disease and Lung Function in Twins; A Co-twin Control Study, Serum Lipids, Smoking, and

Heredity," from Acta Medica Scandinavica, 1966.

4. A news release by the National Research Council of October 26, 1967.

5. An article entitled "Surgeon General's Report is Inconclusive on Cigaret-Cancer Link, Statistician Says," from the December 13, 1965, edition of Advertising Age, and the article on which this news report is based.

6. An article, "The Influence of Cigarette Smoke on Lung Clearance," by Charles W. LaBelle, Ph. D.; Dorothea M. Bevilacqua, M.A.; and Heinrich Brieger, M.D., from the May, 1966, edition of Arch Environ Health.

7. A study, "Distribution of Mortality from Lung Cancer in the County of Los Angeles," from the June 15, 1967, edition of The Bulletin, published by the Los Angeles County Medical Association.

8. A news release entitled "Tobacco Institute Replies to RFK Charge of Industry 'Inattention to Responsibility,' " of September 11, 1967.

9. An address to the Tobacco Growers Information Committee Annual Meeting of November 6, 1967, by Addison Y. Yeaman of the Brown & Williamson Tobacco Corporation.

10. An address to the Burley and Dark Leaf Tobacco Export Association Annual Convention on October 3, 1967, by Paul D. Smith of Philip Morris, Inc.

11. Two editorials from Barron's; the first entitled "The Witch Doctors—Pseudo Science Is a Menace to U.S. Health and Welfare," in the May 9, 1966, edition; and Dangerous Lengths—The Federal Crusade Against Smoking Has Gone Too Far," in the October 2, 1967, edition.

12. A column by James J. Kilpatrick, entitled "Anti-Smoking Figures Look Flimsy," from The Washington Evening Star of September 28, 1967.

13. An article entitled "City Air Pollution Said to Cost $520 Million a Year in Damage," from the June 25, 1965, edition of the New York Times.

14. An article entitled "German Physician Denies Smoking Role in Lung Cancer; Blames Air Pollution," from the August 12, 1964, edition of the Medical Tribune.

15. An article entitled "Germans Dispute Cigaret-Cancer Link," from the March 24, 1964, edition of the Chicago American.

16. An article entitled "Smoking and Lung Cancer: An Untelevised Telecast," by Dr. Joseph Berkson of the Mayo Clinic and professor of Biometry at the University of Minnesota, from the Cancer Bulletin, May–June, 1963.

17. An article entitled "S. I. Deaths Linked to Air Pollution," by Peter Kihas, from the January 12, 1967, edition of the New York Times.

Exhibit 2

Some Facts About Tobacco

In 1969, total U.S. consumption including overseas armed forces was:

Over 529 billion cigarettes

About 7.8 billion domestic and imported cigars and cigarillos

About 64 million pounds of smoking tobacco

Over 70 million pounds of chewing tobacco

About 27.5 million pounds of snuff

The 1969 output of cigarettes from U.S. factories was 557.6 billion.

Of the total output, 18.4 billion cigarettes were shipped to overseas forces, 3.7 billion to Puerto Rico and U.S. Islands and 25 billion to other countries.

Here are some more facts about the agriculture, manufacturing, distribution, taxation, costs and services of the tobacco industry. In the following, all figures are estimates for 1969 unless otherwise stated. Sources are noted in the last page.

TOBACCO PRODUCT EXPENDITURES

In 1969, U.S. expenditures for tobacco products totaled an estimated $10,325,000,000, an increase of $213 million over 1968 and over $1.1 billion more than in 1966.

About $9.2 billion of the total expenditures was for cigarettes, $710 million for cigars and $320 million for smoking and chewing tobacco and snuff.

WORLD TOBACCO PRODUCTION

Total world production of tobacco in 1969 is estimated at about 9.9 billion pounds, down 4.4 percent from the record high in 1967, but over 11 percent above the 5-year average 1960–64 production.

The United States produced 1,808,059,000 pounds of tobacco in 1969. Other major tobacco producing nations are: India (765,437,000 pounds), Brazil (409,202,000 pounds), Pakistan (400,000,000 pounds), Japan (389,328,000 pounds), and Turkey (321,000,000 pounds).

FARMING

Tobacco growers

Tobacco is grown in 25 of the nation's states on 432,000 farms (1966 estimate).[1] There were 530,760 allotments totaling 934,892 acres issued to grow tobacco in the U.S. in 1969. The total tobacco acreage harvested was about 925,525 with a total yield of 1,954 pounds per acre.

Tobacco growing requires a great deal of labor. A farmer and his family, with the aid of hired help, must put in about 400 man-hours of labor to raise one acre of tobacco. It takes about 8 man-hours to raise an acre of wheat.

Crops income

In 1969, tobacco was the fourth largest cash crop in the United States, behind corn, soybeans and wheat. Farmers received $1,296,000,000 for the sales of tobacco crops, representing 2.7 percent of the total for all agricultural commodities in the United States. The estimated 1969 income from tobacco crops in 16 major tobacco states was:

[In millions of dollars]

North Carolina	$516
Kentucky	301
South Carolina	99
Virginia	93
Tennessee	78
Georgia	76
Florida	32
Maryland	23
Connecticut	22
Ohio	14
Pennsylvania	11
Indiana	10
Massachusetts	9
Wisconsin	5
Missouri	3
West Virginia	2

To a lesser extent, tobacco is also grown in Alabama, Arkansas, Delaware, Illinois, Iowa, Kansas, Louisiana, Missouri and New York.

MARKETING

Auctions

95 percent of the nation's tobacco is sold at auction in 175 markets in 12 states. About 5 percent of the nation's tobacco, largely cigar leaf, is sold directly from the farms or by farmer's cooperatives.

In 1969 there were 898 warehouses at the markets in Virginia, North Carolina, South Carolina, Georgia, Florida, Maryland, Kentucky, Tennessee, West Virginia, Ohio, Indiana, and Missouri. They handle 13 types of tobacco leaf.

MANUFACTURING

Factories

In 1969 there were about 300 tobacco products factories. large and small, in 26 states. They held federal permits to manufacture cigarettes or cigars.

There were 177 licensed export warehouses, which store cigarettes, cigars and other tobacco products before shipment to Canada, Mexico and overseas.

North Carolina leads in cigarette production. Other large producers are Virginia and Kentucky.

Employment

Tobacco manufacturers employ about 75,100 men and women.

Employees	*1969 average*
Cigarette	36,000
Cigar	19,000
Chewing, smoking	3,600
Stemming, redrying	15,900

EXPORTS

In calendar 1969, U.S. *exports of leaf tobacco and manufactured products totaled some $696 million.*

Leaf

The United States is the world's leading exporter of tobacco leaf. Exports of unmanufactured tobacco and leaf tobacco in calendar 1969 were 577 million pounds in export weight. Exports in 1968 were 599 million pounds. Value of the 1969 leaf export was $540 million, compared with $524.4 in 1968.

Products

The United States also exported $156 million worth of cigarettes and other tobacco products in calendar 1969.

About 28 billion cigarettes, valued at $129 million went to well over 50 foreign countries in 1969. Among the leading importers were Hong Kong, Spain, Paraguay, Netherlands, Antilles, Kuwait, Panama and West Germany.

Also exported in 1969 were 65 million cigars.

Exports of smoking tobacco in bulk have increased steadily in recent years; the quantity for calendar 1969 was 20.3 million pounds—up 4.4 million from 1967. In addition, the United States exported 1.8 million pounds of packaged smoking tobacco and 33,000 pounds of snuff and chewing tobacco.

TAXES

Total excises

Tobacco taxes for fiscal 1969 totaled about $4,379,390,000 for federal, state and local governments. About 98 percent of that represented taxes on cigarettes—some $4,298,059,000. Taxes on other tobacco products totaled about $81,331,000.

The federal government's share of the tax burden was $2,137,876,000, with cigarette taxes representing 97.4 percent of the total or $2,082,106,000.

State taxes on all tobacco products totaled an estimated $2,182,649,000. Local government tobacco taxes totaled $58,865,000.

In 1969, because of the increased cigarette taxes in many of the 50 states that levied such taxes, smokers paid 9.5 percent more in state cigarette taxes than in 1968.

Sources:

U.S. Department of Agriculture, Annual reports on tobacco statistics.

U.S. Department of Agriculture, The Tobacco Situation, issued quarterly.

U.S. Department of Agriculture, Foreign Agriculture Circular.

U.S. Department of Agriculture, Economic Research Service.

U.S. Department of Labor, Employment and Earnings Statistics for the United States.

U.S. Department of Treasury, IRS Tobacco Division, Alcohol and Tobacco Summary Statistics.

Tobacco Tax Council, 5407 Patterson Avenue, Richmond, Va. 23226. The Tax Burden on Tobacco.

Exhibit 3

Tobacco—Its Economic Importance

The production of tobacco, marketing, sales of raw and manufactured tobacco products, and Federal, state and local taxes derived therefrom constitute a most important part of the American farm and commercial economic foundations. In 1970, $10 billion was channeled through the American economy from this source alone, as illustrated herein. Essential to the tobacco economy since 1940 has been the Commodity Credit Corporation price support program, as promulgated by the Congress in the Agricultural Adjustment Act of 1938, as amended. Through this mechanism price supports have been guaranteed to tobacco growers who, in turn, have accepted marketing quotas designed to stabilize production.

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[1] The number of farms in a USDA estimate based on the 1964 Census of Agriculture. The allotment total is larger than the number of farms because of farms having more than one type of allotment, farms not growing tobacco in a given year and definitional differences.

Tax collections, fiscal 1970

Federal:	
Cigarette	$2,036,101,000
Other tobacco products	58,111,000
Total Federal	2,094,212,000
State excises:	
Cigarette	2,532,818,000
Other tobacco products	31,092,000
Total	2,463,910,000
Local excise:	
Cigarette	66,209,000
Other tobacco products	157,000
Total	66,366,000
Aggregate:	
Cigarette	4,535,128,000
Other tobacco products	89,360,000
Total taxes, fiscal 1970	4,624,488,000

Tobacco grower receipts

	[*In millions*]
1965	$1,186
1966	1,211
1967	1,392
1968	1,173
1969	1,296
1970	1,406

In other words, in 1970, for example, the Federal, State and Municipal governments derived over $3 in taxes for every $1 paid to growers for their labors.

COST OF PRICE SUPPORT PROGRAM

The cost, that the Federal government has sustained in operating the tobacco price support program for tobacco from 1933 to date, has been $59.8 million or ½ of 1% of the cost for all farm commodity price support operations. This small cost is impressive when one takes into consideration the total loan made during that period:

Period: 1933 to date.

Loans to Farmers (million dollars): 3,670.

Balance outstanding February 1971 (mil. dollars): 930.6.

CONSUMER PURCHASES

During calendar year 1969, the latest reported period, U.S. consumers spent $10.3 billion on tobacco products, with taxes representing 43% of consumer expenditure for tobacco products.

EXPORTS

The U.S. is the leading tobacco exporter. In recent years about 35% of the U.S. crop has been exported, representing about ⅓ of world tobacco exports. U.S. exports of raw tobacco and tobacco products were valued at a record $679 million in 1970, thus contributing a substantial favorable trade balance.

GROWERS

About 515,000 farms in the U.S. produce annually almost 2 billion pounds of tobacco on one million acres. On many farms more than one family depends on the income from the tobacco sales. So, about 625,000 farm families share in this cash income.

PRODUCTION STABILIZATION

Over the past several years production per acre has increased markedly due to the introduction of improved fertilizers, pesticides and better production practices adopted by farmers. Cognizant of the problems of maintaining acreage controls under such improved growing conditions, growers of flue-cured tobacco (the largest type grown) adopted a poundage program several years ago which is stabilizing production in that area and maintaining meaningful marketing quotas. Recently, Burley growers have adopted the poundage system by referendum which will be of immeasurable assistance in bringing production of that type into line within a reasonable period of time.

Mr. COOPER. Mr. President, will the Senator yield for 2 minutes?

Mr. McGEE. I yield 2 minutes to the Senator from Kentucky.

Mr. COOPER. Mr. President, I wish to emphasize that this amendment has nothing to do with health. If I may say so, and I speak with thought and consideration, it is fiction as far as health is concerned. The tobacco program is a control program. The domestic and export use of tobacco is calculated and poundage quotas are allotted to individual growers on the basis of domestic and export use, and each grower's history of production. If the amendment of the Senator from Utah should be adopted, withdrawing supports, unlimited production in this country would follow with cheap tobacco for everyone to buy, perhaps at prices of 10 cents a pack for cigarettes. We would be flooded with imported cheap tobacco.

The Senator wants to abolish Government inspection and grading. This service assures fairness to the grower, the manufacturer, the Government, and the consumer.

Mr. President, I calculate the total cost of tobacco programs to the U.S. Government to be $53.6 million for the first 11 months of fiscal year 1971. Compared to the cost, tobacco products accounted for $4.6 billion in taxes in 1970, $2.2 billion paid to the Federal Government, and $2.4 billion to State and local governments. Taxes collected amounted to three times the amount farmers received for tobacco. Compared with the cost, last year tobacco accounted for $467 million exports on the side of our balance of payments.

I would like to compare the figures for the tobacco support program with the support program for beet sugar in Utah. Utah alone received $1.248 million in support of its beets. Support for tobacco for the first 11 months of the fiscal year was $100,000.

This amendment threatens 625,000 farm families. Tobacco growers adopted by a 97-percent vote this year a new poundage program to limit production. They have planted their tobacco. The Senator's amendment, as originally drawn, disregarded this fact and would drive them to the wall eventually.

I say, with high regard for my colleague from Utah, he ought to apply the same reasoning to the products of his State as he does to tobacco States. And, if he is in earnest about stopping cigarette consumption, he should introduce a constitutional amendment to stop the production of tobacco. Of course, he will not do it. Of course, it would not be accepted by the Congress or the States. I can say that I think I know something about the production of tobacco, and tobacco programs, and the amendment is fiction as far as health is concerned.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. McGEE. Mr. President, I yield 2 minutes to the Senator from Virginia (Mr. SPONG).

Mr. SPONG. Mr. President, I thank the Senator from Wyoming.

Tobacco is a major agricultural commodity upon which many thousands of Virginia farm families depend for a substantial part of their livelihood.

The migration of people from the Nation's rural areas to the cities has been causing perplexing problems for years. The pending amendment—to abolish the tobacco program—would accentuate these problems. The amendment is counterproductive. It would harm the economy of the country and of the State I have the privilege to represent, and would have no effect whatsoever on health.

The sale of tobacco is legal, and those who use the commodity are forewarned as to its possible effects. The amendment will not stop the sale of tobacco. It will drive thousands of hard-working rural people off their land and onto already overburdened welfare rolls.

The cost of the tobacco price support program is small, averaging only $4.7 million a year. Taxes collected on tobacco products amounted to $2.2 billion last year. The States collected an additional 2.4 billion. My own State of Virginia realized $13.7 million from State tobacco taxes in 1970.

Mr. President, I opposed this amendment last year, and I shall do so again today. I hope it will be defeated.

Mr. McGEE. Mr. President, I yield 2 minutes to the Senator from Tennessee (Mr. BAKER).

Mr. BAKER. I thank the distinguished manager of the bill for yielding to me so I may make these remarks in opposition to the amendment. This amendment or some variation thereof has been offered in each session since I have been in the Senate.

I think the distinguished senior Senator from Kentucky is correct, as are others who have observed that this amendment certainly has nothing to do or little to do with the health aspects of tobacco.

I would offer, however, one observation that may be at slight variance with that. One of the provisions of the amendment is to eliminate the price support program for tobacco by prohibiting the payment of subsidy prices for the limitations of controls in the tobacco crop. If that is done, it is well to bear in mind that there are two sides to the tobacco support program. One is the payment in subsidies, and one is the limitation of the size of the crop. So if we leave the tobacco support program, in effect we have created a free market situation in tobacco in the United States, and almost certainly three things will happen.

First, the amount of tobacco grown in the United States will greatly increase, because there will no longer be a limitation on the size of the crop.

The second thing is that the price of

tobacco will drop, as will the price of cigarettes, cigars, and all the other products complained of as hazards to one's health. They will be more plentiful and less costly if this amendment is adopted.

The third thing that will happen, in my humble judgment, is that there will be a great influx of tobacco from foreign countries thereby destroying our export market.

So I agree with others who observe that this prohibition has very little to do, if anything, with the health hazards of tobacco. I respecfully suggest that we cannot go about this matter piecemeal. If the Congress of the United States, by statute or by constitutional amendment, seeks to make tobacco contraband and unlawful, that is one thing; but if it does not, and as long as tobacco is lawful, as it is in the United States, it seems to me somewhat of a legislative error for us to destroy the economy of the small farmer.

The PRESIDING OFFICER. The Senator's time has expired.

Who yields time?

Mr. HRUSKA. Mr. President, may I have 2 minutes?

Mr. McGEE. I yield 2 minutes to the Senator from Nebraska.

Mr. HRUSKA. Mr. President, technically this amendment qualifies in that it is not legislation within the meaning of appropriation bills. In a practical sense, it is legislation because of the terrific impact it would have on the complicated, multifaceted problem. If this is a bill for a legislative committee, it should be processed in regular fashion, through hearings and debate directed to the overall tobacco problem. Strange, unanticipated, and undesirable results will follow unless seasoned and thorough consideration is given to the problem. Here are some examples:

The Tobacco Inspection Act of 1935 specifically provides for mandatory inspection of all designated auction markets. The proposed amendment makes no provision for alternately funding tobacco inspection of all designated auction markets. Thus, the proposed amendment would make tobacco inspection inoperative, and certainly, with the continued existence of the tobacco market, we, as a legislative body, would not want to see that result.

A request was made on behalf of the committee for comment on the proposed amendment from the Department of Agriculture. I ask unanimous consent that the text of the memorandum which was furnished by that Department be included in the RECORD at the conclusion of my remarks.

There being no objection, the memorandum was ordered to be printed in the RECORD, as follows:

MEMO FROM DEPARTMENT OF AGRICULTURE ON EFFECT OF MOSS AMENDMENT TO H.R. 9270

The Agricultural Act of 1949 provides mandatory price support for any crop of tobacco for which growers have not disapproved marketing quotas. Growers of most kinds of tobacco have approved marketing quotas for three-year periods with the understanding that they would receive price support. Flue-cured and burley tobacco growers have approved marketing quotas on the 1971, 1972, and 1973 crops. The proposed amendment eliminating the price support program for tobacco would make substantial program changes subsequent to the grower referendums.

The Department inaugurated in 1966 a limited export payment program designed to regain and expand foreign markets for U.S. tobacco by making our tobacco more competitive in world markets. During 1955–59, the U. S. supplied 35 percent of free world tobacco exports. Our share declined to 26 percent in 1965, but recovered to 28 percent in 1970. During the 1970 calendar year exports of U. S. unmanufactured tobacco and tobacco products were valued at $679 million. About 95 percent of these exports were dollar sales making a sizeable contribution to our balance-of-payment position. The elimination of the export payment program as proposed in the amendment would result in a loss in our tobacco exports. In this connection it is well to bear in mind that U.S. tobacco competes in world markets with countries that can offer tobacco at lower prices because of preferential duties, subsidies, bilateral trading arrangements, cheaper land and labor, etc.

The Department spends no money to advertise or promote the use of tobacco in the United States. For a number of years, the Department has been working with U.S. agricultural and trade groups to expand sales to foreign countries of U.S. farm products. For the 1972 fiscal year, the Department authorized expenditures of $160,000 (dollar equivalent in foreign currencies) for cooperative tobacco market development. This program operates only in Thailand and Austria, which have Government monopoly control of the manufacture and distribution of tobacco products. These projects were undertaken at the request of, and in cooperation with, these foreign Governments, and were designed to expand the use of U.S. grown tobacco in the products they manufacture.

Public Law 480, The Agricultural Trade Development and Assistance Act of 1954 states that "The Congress hereby declares it to be the policy of the United States to expand international trade; to develop and expand export markets for United States agricultural commodities." Expenditures for tobacco under Public Law 480 during the 1970 fiscal year totaled $22.5 million, of which $14.2 million represented the sale of leaf tobacco and tobacco products for U.S. dollars on credit terms. The remaining $8.3 million represented sales for local currencies, as no tobacco is donated under Public Law 480. Sales under this program are made to developing countries at the request of the foreign government. If this trade program were discontinued these countries would likely purchase their tobacco requirements from competing sources.

The Tobacco Inspection Act of 1935 specifically provides for free and mandatory inspection on all designated auction markets. This Act makes no provision for otherwise funding tobacco inspection on designated markets. Thus, the proposed amendment would make tobacco inspection inoperative.

Tobacco is a major agricultural commodity that several hundred thousand farm families depend on for most or a significant part of their livelihood. Although tobacco uses only 0.3 percent of the nation's cropland it is usually the 4th or 5th most valuable crop and accounts for about 7 percent of cash receipts from all U.S. crops. Farmers received about $1.4 billion from the sale of the 1970 tobacco crop.

U.S. consumers spent about $11.7 billion on tobacco products during the 1970 calendar year. About $4.7 billion of this expenditure were received by Federal, State, and local governments as excise taxes. The demand for tobacco by many millions of people in this country and abroad will continue even though confronted with health issues and other repressive influences. Manufacturers will obviously strive to satisfy this demand and will obtain their tobacco requirements either from U.S. producers or from suppliers of foreign grown leaf. U.S. producers naturally feel they have every right to continue to earn their livelihood by producing tobacco to supply this demand and to receive fair prices for their product. It is estimated that elimination of government price support and adjustment programs would reduce producer income from tobacco by about $400 million annually and cause a loss of about $283 million to Commodity Credit Corporation on its existing loan stocks of tobacco.

The PRESIDING OFFICER. Who yields time?

Mr. MOSS. Mr. President, I yield myself 5 minutes.

The PRESIDING OFFICER. The Senator from Utah is recognized.

Mr. MOSS. Mr. President, the Senator from Nebraska said that this is a legislative matter in effect, and therefore it should have been presented to a legislative committee; but I must remind this body that this has been a bill put before the legislative committee not only in this Congress but in the previous Congress. Because I could never get the legislative committee even to hold a hearing, even to talk about it, I had to present it last year as an amendment to the appropriation bill. We went to a rollcall vote, and we did not succeed.

This year I introduced it again early, saying we would go the same route. I told them in advance that we were going to have the matter on the floor when the appropriation bill came up for consideration unless the legislative committee held hearings and proceeded to process my legislation. For some reason the legislative committee does not want to act, and therefore we must deal with the proposal in the only logical way left to us, and that is to withhold the funds that are being expended for the promotion of the growing of tobacco.

Some argument was made that this was really a control measure respecting the amount of tobacco that would be grown. It costs us between $60 and $70 million to have that kind of control, if that is the fact, but then the Senator from Virginia said this would not stop the growth of tobacco; as a matter of fact, it might just turn it loose and we might have more grown.

One has to have it one way or the other. If more tobacco is to be grown by farmers, then we are not going to throw them out and impoverish hundreds of thousands of farmers. The Senator from Kentucky said that these farmers are going to be impoverished.

So on one side they say it will take off the controls and we may well have more tobacco grown, and on the other side they say it will impoverish the farmers because they will not get price supports.

It was also asked by the Senator from Kentucky why we just did not have a constitutional amendment to stop the use of tobacco by law. As every Senator in this body well knows, we tried that method on alcohol a number of years ago. By constitutional amendment this country banned possession or use of alcoholic beverages. We went through the prohibition era, great experience of the prohibition era, and out of it we got syndicated crime and more difficulties really than the use of alcohol undoubtedly had caused.

Nobody said that alcohol was good, and nobody has said even to this day that it is good. But we have decided, in this country, that the better way to do is to go through the educational process. So we repealed the 18th amendment, and alcoholic beverages are now legal in almost every part of the country, but the effort still goes on to educate our people against the use of alcohol.

That is the same general tenor of what we are doing on tobacco. The Senator from North Carolina quoted from some medical personages as saying that really tobacco did not cause all these diseases. I have here the reports that have been issued by three successive Surgeons General of the United States, Surgeon General Terry, Surgeon General Stewart, and Surgeon General Steinfeld, and every one, without exception, supports the contrary view. There is no exception and no medical question any longer. As I pointed out earlier, this is true not only for the medical professional generally in the United States, but in European countries, in our neighboring country, Canada, and in fact wherever medical research has been performed on this matter of smoking and health, it has been found that the use of tobacco does indeed enhance the various diseases that we have mentioned, most especially lung cancer and emphysema.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. MOSS. How much time do I have remaining, Mr. President?

The PRESIDING OFFICER. The Senator has 11 minutes remaining.

Mr. MOSS. I shall use only about 3 more minutes, then I shall be glad to yield back my time.

I ask for the yeas and nays on my amendment.

The yeas and nays were ordered.

Mr. MOSS. Mr. President, let me say in summary that we are just trying here to move the next step onward in this area where the Senate has already acted, Congress has already acted, and the President has already acted in the curbing of advertising of cigarettes and in requiring that health warnings be placed on the package; and now the FTC is requiring that the warning be placed on printed advertising as well. We are moving the next step onward, which is to get ourselves out of this contradictory position that we occupy in this country today of spending our money on doing research on the establishment, legislatively, that the smoking of cigarettes is injurious to health, that it costs us a billion dollars a year in lost time and illness to the people who use tobacco, while, on the other hand, under the provisions of this bill we would be paying out $60 million or $70 million to promote the growing and marketing, grading, and advertising of tobacco.

The two positions are inconsistent. For us, as a legislative body, to try to travel both roads, on the one hand to encourage the growth and use of tobacco, and on the other hand to try to inhibit it by restricting various methods of advertising and promoting educational programs, makes the later effort seem a mockery.

So I urge my colleagues to call a halt at this point. As I have pointed out previously, I shall offer another amendment which will have for its purpose the appointment of a commission to aid those who are in the tobacco growing business to make the transition to other crops or occupations. I believe they are entitled to that, and I urge its enactment. I think they ought to have some aid to get transition over. But I firmly believe we ought to get out of the business of encouraging the growth and use of tobacco.

The PRESIDING OFFICER. The Senator's time has expired. Does the Senator from Utah yield back the remainder of his time?

Mr. MOSS. Yes, if the manager of the bill is also willing to do so.

Mr. McGEE. Mr. President, I have promised 1 or 2 minutes to two or three Senators.

Mr. MOSS. Mr. President, I reserve the remainder of my time.

Mr. McGEE. I yield 2 minutes to the Senator from Georgia (Mr. TALMADGE)

Mr. TALMADGE. Mr. President, farm programs have been under attack for a number of years now. Time after time opponents of farm legislation have used every trick in the book to discredit, degrade, and criticize producers of our food and fiber.

And it seems to me, Mr. President, that as the farm population, and number of farms decrease, the shrillness of the opposing voices increases in direct proportion.

Mr. President, the amendment before the Senate now, is the most vicious I have ever seen.

This amendment would abolish the tobacco program. It would prohibit the paying of export subsidies, it would prohibit cooperative government-industry foreign market development programs, it would prohibit sales under Public Law 480, and it would prohibit inspection or grading of tobacco.

All of these purposes are aimed directly at the hearts of tobacco growers.

It would literally destroy a program, and the honest God-fearing people who participate in that program.

It would literally confiscate their property by Government fiat.

It would literally make beggers out of a self-supporting self-reliant people.

And for what?

And for that I have no answer. For I can see no earthly good in this amendment.

The only thing it will accomplish is to make paupers out of tobacco growers, and cause harm to our national economy.

The purpose of tobacco programs is to stabilize production and assure fair prices to growers. If production gets out of line with needs, acreage and poundage allotments are reduced. If programs require legislative action to achieve this end they are supported by producers.

Just this year a new program was approved for burley tobacco along the lines of the Flue-cured program approved several years ago.

At the present time, there are about 515,000 tobacco farms in the United States. About 2 billion pounds of tobacco are produced on about 899,000 acres on these farms.

On many farms more than one family depends upon the income from tobacco sales. So about 625,000 farm families share in the proceeds from tobacco sales.

The average size of a tobacco allotment is 1.68 acres. And yet, tobacco is one of the few crops that can still utilize family labor and provide a reasonable income on a small farm. Thus it represents the strongest bastion of the small family-type concept.

However, if the program is abolished, farm tobacco prices, and land values would drop precipitously. Farm income would become a negative factor in many instances. Production would decrease, while imports would probably increase. Growers would be forced off their farms. Many would go onto welfare rolls to increase the cost of this program. Some would be forced to move to urban areas where problems already exceed resources in many cases.

The whole economy of tobacco producing areas would be adversely affected, disastrously in many instances.

There would be no benefits to anyone if this amendment were adopted.

Of course, the proponents of this amendment will say they saved the Government money because subsidies will be prohibited.

But what is the cost of the tobacco program to the Government?

In fiscal year 1970, the realized cost of the tobacco price support program amounted to only $1.1 million. Export payments on tobacco totaled $29.5 million. And sales under Public Law 480 amounted to $22.5 million, of which $14.2 million was credit sales for dollars. The total cost, even including Public Law 480 and dollar credit sales, amounts to only $53.1 million.

The cost of the tobacco price support program is one of the lowest of all commodities. The average annual cost since the inception of price support programs in 1933 amounts to only $4.7 million.

Compare this with the income to the Federal Government from taxes collected on tobacco products which totaled $2.2 billion in calendar 1970. States collected another $2.4 billion. Thus, total Federal and State taxes collected in 1970 amounted to $4.6 billion.

And, from 1960 to 1970 total Federal and State taxes collected on tobacco products amounted to $40.2 billion.

The limited export payments program for tobacco which the amendment would prohibit is designed to expand foreign markets for U.S. tobacco by making our tobacco more competitive with foreign prices. Last year the subsidy amounted to $29.5 million.

In 1970 export sales of tobacco added $467 million to our balance-of-payments position. Since 1960 our balance-of-payments position has been improved in the amount of $4.6 billion by export sales of tobacco. Therefore, tobacco sales abroad benefit our economy.

We can reduce or eliminate this subsidy to exporters but it will not help this country. Rather it will help all foreign countries which produce tobacco. And believe me they will not go out of business. So to save $29.5 million we are gambling on losing a market that brought into this country $467 million in 1970 and $4.6 billion since 1960.

Maybe this makes good sense to some people but it makes no sense at all to me.

Also, as part of the effort to expand sales of tobacco abroad, we have a rather small but important market development program in several foreign countries. For the fiscal year 1970 about $240,000 equivalent in foreign currencies earned through sales under Public Law 480 was unauthorized for this use.

This is similar to programs we have for wheat, feed grains, soybeans, beef, livestock and a host of other commodities.

We have found that export sales are not made by luck, but require vigorous promotion, market contacts, aggressive selling and a quality product. We must continue this program if we intend to maintain or expand our export sales which are extremely important to our balance-of-payments position.

The amendment would also prohibit sales under Public Law 480, the Agricultural Trade Development and Assistance Act of 1954.

Last year these sales amounted to $22.5 million, of which $14.2 million was credit sales for dollars.

The less developed countries which purchase under Public Law 480 authorizations use the funds generated by the sales for their economic development.

They are also spared the additional drain on their currencies by not having to purchase in world markets.

The opportunity for betterment of their economic position would be denied them by the adoption of this amendment.

I can see no useful purpose being served by cutting off Public Law 480 sales. The people would continue to use tobacco. Purchases would be made from other countries, and the importing country would suffer economic deterioration.

And finally, the amendment would prohibit the use of government funds for inspection and grading services which the Department of Agriculture presently provides. In fiscal year 1970 the cost was only $4.5 million.

The idea, of course, is to make farmers pay for this service. It is a contemptible provision, as are all of the purposes of the amendment.

Mr. President, this amendment would accomplish no good whatsoever.

It will not stop the sale of tobacco.

It will not stop the advertising of tobacco.

It will not make it unlawful to smoke tobacco.

It will not contribute one iota to better health in this Nation, but it will be harmful to the economy of this Nation.

It is designed only to punish the tobacco grower in this country. It has no other purpose.

At the present time there are only 2.9 million farms left in this country, with a farm population of 9.7 million persons, only 4.8 of the total population.

This is not a potent political force or voice as the opponents of farm legislation see it.

Mr. President, true or not, I will not take advantage of a downtrodden people who have literally devoted their lives to furthering the interests of this great Nation.

On the contrary, I will expend every ounce of energy at my command toward defending them.

I have in the past, and will continue to do all in my power toward furthering their interest, and in so doing, furthering the interest of all our people and of our country.

Mr. President, I hope the amendment will be defeated.

Mr. McGEE. Mr. President, I have agreed to yield 1 minute to the Senator from Kentucky (Mr. COOPER).

Mr. COOPER. Mr. President, I favor measures to protect the health of our people. I reside in a major tobacco State, but I voted for the advertising restrictions on cigarettes. But I shall vote against the proposal of the Senator from Utah. It would ruin thousands of farmers for no reason at all.

I simply want to say again that in my judgment, this amendment has nothing to do with health. If the Senator from Utah has measures to educate and inform people I say that is the proper way to go about it.

During my service in the Senate, I have followed the progress of the tobacco price support program each year. In fact, it was my amendment, with Senator Alben Barkley in 1947, which secured a 90-percent price support for tobacco as a permanent provision of law, and with Senator Jordan of North Carolina in 1960, I sponsored the amendment which further stabilized the guarantee of a 90-percent price support for tobacco.

On February 11, of this year, I introduced in the Senate a bill—S. 789—to change production controls for the burley tobacco program from acreage allotments to poundage quotas. I believed a modification in the control mechanism was essential to keep the program sound. The Congress improved and enacted the bill and it is now law. In fact, it was the 10th law enacted by this Congress in this session. I believe the changes will keep the burley price support program on a sound basis and will avoid increased Government stocks or increased cost to the taxpayers.

Burley growers have put their houses in order. And, in 1965, a modified system of production control known as acreage-poundage was adopted for Flue-cured tobacco and, since that time, surplus supplies have been steadily reduced.

Over the years the burley tobacco program has worked well, and every 3 years farmers have expressed their approval by voting in referendum by overwhelming majorities to continue the program. It has operated without large losses to the Government—which has not been characteristic of many other farm commodity programs—because tobacco growers have been willing to abide by the production controls necessary to keep their program sound. No group of farmers in the United States has been more willing or has better demonstrated the ability to limit their own production than the tobacco farmer.

Mr. President, let there be no question of the interest among tobacco farmers in retaining the price support program. On May 4 of this year, burley growers in eight States—where burley tobacco is raised—voted in referendum on whether farmers wish to have a burley tobacco price support program with accompanying poundage production controls for the next 3 years, or no price supports and no controls. The results were clear. Burley growers voted overwhelmingly to retain the price support program—by 96.6 percent of growers who voted. In my own State, Kentucky, the vote was 98.1 percent favoring the price support program.

In the light of the recent action by the Congress and the farmers to alter the tobacco program in order to make its operation more efficient, I believe it would be unfair to suddenly eliminate the program.

Yet, this amendment proposes the destruction of the price support program for tobacco—the farm program that has been one of the least costly of all our farm programs in effect today. In the first 11 months of fiscal year 1971, the net price support program cost for tobacco was only $100,000, compared to almost $2.5 billion for price support programs for other commodities. Over the entire life of the program, the total cost to the Government has been less than $60 million compared to the cost of all commodities of over $27 billion. As I have said, the tobacco program has worked more efficiently—with the least cost to the Government—than any other farm program.

Mr. President, the livelihoods of hundreds of thousands of farm families are at stake today. It is estimated that 625,000 farm families share in the proceeds from tobacco sales. Of these, the vast majority are small farmers who receive a substantial part of their income from a few acres—or less—of tobacco. We are not dealing with big farm operations with thousands of dollars in payments to any individual farmer. The average size of tobacco allotments is 1.68 acres. However, in Kentucky, most tobacco is grown on even smaller allotments of less than 1 acre. In fact, 60 percent of burley farmers obtain a large portion of their livelihood from only one-half acre of tobacco.

There is a sound reason for this support price for tobacco. Today production is controlled and limited. Instead of an increase in the acreage of tobacco in this country, there has been a steady reduction. The first result of eliminating the program would be unlimited production of tobacco and disastrous prices to our farmers.

While tobacco is grown by hundreds of thousands of small farmers, it is purchased by a small number of large buyers. In a market of this type and with unlimited production, it is imperative that there be a fixed price support for otherwise prices would drop to a very low level. Manufacturers of tobacco products would gain a large windfall gain—at the expense of hundreds of thousands of small growers. The amendment would strike at one group; namely, the growers, and impose a penalty on them. I do not believe it is right.

Second, this amendment would eliminate the Department of Agriculture's program for inspecting and grading tobacco. This program provides for Government supervision of grading, which helps to secure quality tobacco instead of cheap, inferior grades of tobacco. It is best for the grower, the manufacturer and Federal and State governments which receive $4.6 billion taxes for tobacco.

I know the Senator from Utah is concerned about the possible health hazards from smoking. His amendment is ineffective in dealing with this problem. Eliminating the price support and inspection programs would flood the country with millions upon millions of pounds of low-quality surplus tobacco produced at cheap prices—with substantial windfall gains to manufacturers of tobacco products. It is possible that the price of a package of cigarettes could be reduced, encouraging people to smoke more. But, in no way, can I see how this amendment would discourage people from smoking. It would destroy the livelihood of tobacco farmers of the country without any effect on health. If it is intended that adopting this amendment would have anything to do with smoking, or the reduction of smoking, it is absolutely a foolish idea.

Third, the amendment would eliminate the export payments program for tobacco. This limited payments program is designed to expand foreign markets for United States tobacco by making our tobacco more competitive with foreign prices. Last year, the payments amounted to only $29.5 million.

Fourth, the amendment would prohibit market development programs. Advertising and sales promotion has been important in maintaining our competitive position in world markets. Eliminating this program would shift tobacco sales to other countries at a time when our balance-of-payments position is in serious difficulty. In 1970, export sales of tobacco added $467 million to our balance of trade account. Given our difficult balance-of-payments situation, I believe the country needs the export payments program and the market development program.

Fifth, the amendment would prohibit tobacco sales under Public Law 480. In fiscal year 1970, tobacco sales under this program amounted to $22.5 million. Eliminating this program would not alter the smoking habits of consumers. It would jeopardize the strength of the currencies of the importing countries, and it would slow down the economic development of these countries.

The author of this amendment—the junior Senator from Utah—has suggested that it is hypocritical for the Government to maintain price support for tobacco when medical authorities contend that smoking is injurious to health. I wonder whether the Senator would say the Government should stop collection of taxes on tobacco products. In calendar year 1970, the Federal Government collected $2.2 billion in taxes. States collected another $2.4 billion, making a total of $4.6 billion, more than three times the amount received by farmers. If it is hypocritical to support small tobacco farmers—whose very livelihood depends on price supports—why should the Government collect billions of dollars a year for taxes on tobacco products?

Mr. President, in conclusion, it is "pennywise and pound foolish" to eliminate the tobacco program which is vitally important to about 625,000 farm families—whose incomes and livelihoods rest upon the program; to jeopardize the economies of 21 tobacco-producing States and, indeed, the country; to endanger the financial positions of the already hard-pressed State and local governments that rely upon revenues from taxes on tobacco products; to risk the currencies, economies, and economic growth of developing countries that participate in the Public Law 480 program; to imperil the balance-of-payments position of the United States. And, what purpose would it serve? Over the entire history of the tobacco price support program, beginning in 1933, the program has cost the Government an average of only $4.6 million a year. It has been one of the most successful farm commodity price support programs, with solid support from farmers and relatively little cost to the Government. It would have no effect on the consumption of tobacco products or the health hazards of smoking. In fact, it could lower the price and quality of tobacco and, perhaps, stimulate consumption.

I ask unanimous consent to place in the RECORD Commodity Credit statistics regarding payments made for the tobacco programs from the Federal Treasury.

There being no objection, the statistics were ordered to be printed in the RECORD, as follows:

COMMODITY CREDIT CORPORATION—COMPARISON OF COSTS OF TOBACCO PROGRAMS WITH TOTAL COSTS OF ALL COMMODITIES FOR SELECTED PROGRAMS

[In millions of dollars]

	Fiscal year 1971 as of May 31, 1971		Cumulative from inception through May 31, 1971	
	Tobacco programs	Total all commodities	Tobacco programs	Total all commodities
Net price support program costs	0.1	2,439.4	59.9	27,278.0
Export payments	25.5	151.2	[1] 144.3	2,633.4
Public Law 480:				
Title I:				
Sales for local currencies	2.2	191.7	405.3	17,553.1
Sales on credit terms	5.3	469.3	56.0	2,752.3
Title II		321.0		3,566.3
Total Public Law 480	17.5	982.0	461.3	23,871.7

[1] Represents export payments under tobacco programs for fiscal year 1967 through 1971. Export payments for all commodities for this period amounted to $426,100,000.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. McGEE. I yield 1 minute to the Senator from North Carolina.

Mr. ERVIN. Mr. President, I think the Senator from Utah corroborates my statement that the doctors who are against tobacco are political doctors. They say tobacco smoking causes emphysema; but the medical doctors out at the National Institutes of Health say nobody knows what causes emphysema. So these political doctors ought to quit politicking for a little while, and listen to what the researchers say on this subject.

Mr. McGEE. I yield 1 minute to the Senator from Vermont.

Mr. AIKEN. Mr. President, if this amendment should be approved, with no restrictions at all upon imports, the result would be either concentration of all tobacco production in this country in the hands of very big companies, to the exclusion of the small producers, or else the exodus of an industry from the United States to other countries which would not be restricted in their sales.

Mr. McGEE. I yield 1 minute to the junior Senator from Kentucky.

Mr. COOK. Mr. President, as to this contention of the junior Senator from Utah that we are all outdated in our references about the health problem, there was a very extensive study published last year of the incidence of coronary heart disease in selected groups of men in seven nations. This project was directed by Dr. Ancel Keys, who is considered by many to be the father of the epidemiology of cardiovascular diseases in this country. In five of these countries cigarette smoking could in no way be implicated as being related to coronary heart disease. Of the seven nations studied, the Japanese group were the heaviest smokers and had the least coronary disease rate—about one-fifth the rate found in American men. In a recent 12-year period the Japanese increased their per capita consumption of cigarettes by about 48 percent and had their coronary heart disease death rate decline by 27 percent.

Mr. THURMOND. Mr. President, I rise to express my opposition to this amendment which would delete tobacco support payments. To enact such a measure would automatically bring about total ruin to a large group of our farmers and a segment of our economy.

Mr. President, merely because the use of tobacco products may be harmful is no reason whatsoever for selling out those farmers who grow tobacco. We, in this country, consume many products and engage in many activities which are not in the best interest of our health. This is no reason for discontinuing price supports to tobacco farmers.

Mr. President, it is very obvious that tobacco products will continue to be used in this country. It makes no sense at all to enact a measure which would deal a death blow to the American tobacco producers. If such would happen, Americans would not cease using tobacco products but would instead depend on tobacco produced outside of this country.

Mr. President, there is as much merit

in eliminating tobacco price supports as there would be to a measure which would eliminate price supports to producers of grain crops merely because these grains are used in the production of alcoholic beverages.

South Carolina is one of but a few States which produce tobacco. Our State is not the largest producer of tobacco, but our tobacco industry is the largest income-producing agricultural commodity we have. The reason tobacco is not produced but in a few States is that this plant can only grow in but a limited type of environment. South Carolina is very lucky to be able to produce tobacco and if its production is eliminated the economy of our State would suffer a serious economic setback.

I urge my colleagues to vote in opposition of this unwarranted amendment to the agricultural appropriations bill of 1971.

Mr. MOSS. I am prepared to yield back the remainder of my time, but I will take 1 minute to reply to the remarks of the last two or three Senators who have spoken.

The Senator from North Carolina has said that our doctors are political doctors, but I would point out that the reports that have been compiled are not even those of the Surgeon General on his research. He has gathered in these reports the research of doctors of the world, the great medical associations. The overwhelming evidence—it is no longer in question; it is beyond doubt now—is that the smoking of tobacco causes the diseases we have talked about and that we lose approximately a billion dollars a year in this country economically from the health aspect.

Much has been said about the economics on the other side—what we get from taxes and other things. But we pay for it in the health of our people. If we were talking here about raising marihuana, perhaps we would have another argument. But here we are talking about encouraging the growth of something that is legal and impairs the health of our people. I think it is incumbent upon this body to adopt this amendment and to withdraw our support of the growing of tobacco in this country.

I yield back the remainder of my time.

Mr. McGEE. I yield back the remainder of my time.

The PRESIDING OFFICER. All time on the amendment has been yielded back.

Mr. McGEE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll. The assistant legislative clerk proceeded to call the roll.

Mr. McGEE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The question is on agreeing to the amendment of the Senator from Utah (No. 240), as modified. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. BYRD of West Virginia. I announce that the Senator from Nevada (Mr. CANNON), the Senator from California (Mr. CRANSTON), the Senator from Oklahoma (Mr. HARRIS), the Senator from Washington (Mr. JACKSON), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Louisiana (Mr. LONG), the Senator from New Hampshire (Mr. MCINTYRE), the Senator from Minnesota (Mr. MONDALE), and the Senator from California (Mr. TUNNEY) are necessarily absent.

I further announce that the Senator from Idaho (Mr. CHURCH) is absent on official business.

I further announce that, if present and voting, the Senator from Washington (Mr. JACKSON) would vote "yea."

Mr. SCOTT. I announce that the Senator from New Jersey (Mr. CASE), the Senator from New York (Mr. BUCKLEY) and the Senator from Vermont (Mr. PROUTY) are necessarily absent.

The Senator from Oregon (Mr. HATFIELD) and the Senator from Idaho (Mr. JORDAN) are absent on official business.

The Senator from Michigan (Mr. GRIFFIN) is absent because of death in his family.

The Senator from Massachusetts (Mr. BROOKE) and the Senator from South Dakota (Mr. MUNDT) are absent because of illness.

The Senator from Arizona (Mr. GOLDWATER) is detained on official business.

If present and voting, the Senator from New Jersey (Mr. CASE) and the Senator from Oregon (Mr. HATFIELD) would each vote "yea."

The result was announced—yeas 10, nays 71, as follows:

[No. 141 Leg.]

YEAS—10

Hart
Javits
Moss
Packwood
Pastore
Pell
Percy
Ribicoff
Roth
Schweiker

NAYS—71

Aiken
Allen
Allott
Anderson
Baker
Bayh
Beall
Bellmon
Bennett
Bentsen
Bible
Boggs
Brock
Burdick
Byrd, Va.
Byrd, W. Va.
Chiles
Cook
Cooper
Cotton
Curtis
Dole
Dominick
Eagleton
Eastland
Ellender
Ervin
Fannin
Fong
Fulbright
Gambrell
Gravel
Gurney
Hansen
Hartke
Hollings
Hruska
Hughes
Humphrey
Inouye
Jordan, N.C.
Magnuson
Mansfield
Mathias
McClellan
McGee
McGovern
Metcalf
Miller
Montoya
Muskie
Nelson
Pearson
Proxmire
Randolph
Saxbe
Scott
Smith
Sparkman
Spong
Stennis
Stevens
Stevenson
Symington
Taft
Talmadge
Thurmond
Tower
Weicker
Williams
Young

NOT VOTING—19

Brooke
Buckley
Cannon
Case
Church
Cranston
Goldwater
Griffin
Harris
Hatfield
Jackson
Jordan, Idaho
Kennedy
Long
McIntyre
Mondale
Mundt
Prouty
Tunney

So. Mr. Moss' amendment (No. 240, as modified) was rejected.

Mr. HRUSKA. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. COOPER. Mr. President, I move to lay that motion on the table.

Mr. COOK. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Berry, one of its reading clerks, announced that the House insisted upon its amendments to the bill (S. 581) to amend the Export-Import Bank Act of 1945, as amended, to allow for greater expansion of the export trade of the United States, to exclude Bank receipts and disbursements from the budget of the U.S. Government, to extend for 3 years the period within which the Bank is authorized to exercise its functions, to increase the Bank's lending authority and its authority to issue against fractional reserves and against full reserves, insurance and guarantees, to authorize the bank to issue for purchase by any purchaser its obligations maturing subsequent to June 30, 1976, and for other purposes, disagreed to by the Senate; agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. PATMAN, Mr. BARRETT, Mrs. SULLIVAN, Mr. REUSS, Mr. ASHLEY, Mr. MOORHEAD, Mr. WIDNALL, Mr. J. WILLIAM STANTON, Mr. BLACKBURN, and Mr. BROWN of Michigan were appointed managers on the part of the House at the conference.

The message also announced that the House had agreed to the amendments of the Senate to the amendments of the House to the bill (S. 991) to authorize the Secretary of the Interior to continue a program of research, development, and demonstration of processes for the conversion of saline and other chemically contaminated water for beneficial use and for the treatment of saline and other chemically contaminated waste water to maintain or improve the quality of natural waters, and for other purposes.

The message further announced that the House had passed the following bill and joint resolutions, in which it requested the concurrence of the Senate:

H.R. 9667. An act making appropriations for the Department of Transportation and related agencies for the fiscal year ending June 30, 1972, and for other purposes;

H.J. Res. 714. A joint resolution designating the week of August 1, 1971, as "American Trial Lawyers Week"; and

H.J. Res. 727. A joint resolution authorizing the President to proclaim the period September 26 through October 2, 1971, as "National Home Fashions Week."

ENROLLED JOINT RESOLUTION SIGNED

The message also announced that the Speaker had affixed his signature to the enrolled joint resolution (S.J. Res. 101) to authorize and request the President to issue a proclamation designating July 20, 1971, as "National Moon Walk Day."

The enrolled joint resolution was subsequently signed by the President pro tempore.

HOUSE BILL AND JOINT RESOLUTIONS REFERRED

The following bill and joint resolutions were severally read twice by their titles and referred, as indicated:

H.R. 9667. An act making appropriations for the Department of Transportation and related agencies for the fiscal year ending June 30, 1972, and for other purposes; to the Committee on Appropriations.

H.J. Res. 714. A joint resolution designating the week of August 1, 1971, as "American Trial Lawyers Week"; and

H.J. Res. 727. A joint resolution authorizing the President to proclaim the period September 26 through October 2, 1971, as "National Home Fashions Week"; to the Committee on the Judiciary.

DEPARTMENT OF AGRICULTURE-ENVIRONMENTAL AND CONSUMER PROTECTION APPROPRIATIONS, 1972

The Senate continued with the consideration of the bill (H.R. 9270) making appropriations for the agriculture-environmental and consumer protection programs for the fiscal year ending June 30, 1972, and for other purposes.

AMENDMENT NO. 241

Mr. MOSS. Mr. President, I call up my amendment No. 241 and ask unanimous consent that I be permitted to explain the amendment rather than having it read in full.

The PRESIDING OFFICER. Without objection, it is so ordered; the amendment will be printed in the RECORD.

The amendment, ordered to be printed in the RECORD, reads as follows:

On page — line —, insert the following:

SEC. 509. (a) There is hereby established a commission to be known as the Commission on Tobacco Adjustment Assistance (thereafter in this section referred to as the "Commission").

(b) The Commission shall consist of fifteen members to be appointed by the President. The members of the Commission shall include representatives of—

(1) growers of tobacco,

(2) manufacturers of cigarettes, cigars, and other tobacco products,

(3) other segments of the economy seriously affected by the elimination or substantial reduction of the use of cigarettes, cigars, and other tobacco products, and

(4) State and local governments.

Not more than three members of the Commission may be officers or employees of the Federal Government.

(c) The President shall appoint one of the members of the Commission to serve as Chairman and one to serve as Vice Chairman.

(d) Seven members of the Commission shall constitute a quorum and a vacancy in the Commission shall not affect its powers.

(e) It shall be the purpose and duty of the Commission to make a full and complete study of—

(1) the probable effect of the termination of price supports for tobacco in achieving the elimination or substantial reduction of the use of cigarettes, cigars, and other tobacco products;

(2) the economic hardships which will result from the elimination or substantial reduction of the use of cigarettes, cigars, and other tobacco products to—

(A) growers of tobacco,

(B) manufacturers of cigarettes, cigars, and tobacco products,

(C) other segments of the economy directly affected; and

(3) the economic hardship to State and local goverments caused by the reduction in revenue resulting from the elimination or substantial reduction of the use of cigarettes, cigars, and other tobacco products.

The Commission may include in such study such other matters as it deems advisable which relate to the effect on the economy of the elimination or substantial reduction of the use of cigarettes, cigars, and other tobacco products.

(f) The Commission shall, within 6 months after the date of the enactment of this Act, report to the President and to the Congress—

(1) the results of the study conducted by it pursuant to subsection (e), and

(2) its recommendations for legislation and administrative action necessary to eliminate or substantially to reduce the use of cigarettes, cigars, and other tobacco products, and to provide assistance to persons described in subsection (e) (2) and to State and local governments in adjusting to such elimination or substantial reduction.

(g) Members of the Commission shall serve without compensation but shall be allowed travel expenses, including per diem in lieu of subsistence as authorized by section 5703 of title 5, United States Code, for persons in the Government service employed intermittently.

(h) The Commission is authorized—

(1) to appoint and fix the compensation of such personnel as may be necessary, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates; and

(2) to obtain the services of experts and consultants, in accordance with the provisions of section 3109 of title 5, United States Code, at rates for individuals not to exceed $100 per day.

(i) The Commission is authorized to request from any department, agency, or independent instrumentality of the Government any information and assistance it deems necessary to carry out its purpose under this section; and each such department, agency, and instrumentality is authorized to cooperate with the Commission and, to the extent permitted by law, to furnish such information and assistance to the Commission upon request made by the Chairman or any other member when acting as Chairman.

(j) The Commission shall cease to exist sixty days after the date of the submission of its report under subsection (f).

Mr. MOSS. Mr. President, I yield myself 10 minutes.

The PRESIDING OFFICER. The Senator from Utah is recognized for 10 minutes.

Mr. MOSS. Mr. President, it is apparent from the vote just concluded on amendment No. 240 that the Senate is not willing to take up the health problem concerned in the use of tobacco. Therefore, I do not intend to press the amendment. However, I would like to explain it and to point out, as I did in my other remarks, that there is indeed something to be considered on the economic side and the matter should be taken care of.

The amendment provides for the appointment of a commission consisting of 15 members to be appointed by the President.

The commission would be charged with the duty of making a full and complete study of:

(1) the probable effect of the termination of price supports for tobacco in achieving the elimination or substantial reduction of the use of cigarettes, cigars, and other tobacco products;

(2) the economic hardships which will result from the elimination or substantial reduction of the use of cigarettes, cigars, and other tobacco products to—

(A) growers of tobacco,

(B) manufacturers of cigarettes, cigars, and tobacco products,

(C) other segments of the economy directly affected; and

(3) the economic hardship to State and local governments caused by the reduction in revenues resulting from the elimination or substantial reduction of the use of cigarettes, cigars, and other tobacco products.

The commission would be required to report within 6 months of the date of the enactment of the act to the President and to the Congress "(1) the results of the study conducted by it pursuant to subsection (e), and (2) its recommendations for legislative and administrative action necessary to eliminate or substantially to reduce the use of cigarettes, cigars, and other tobacco products, and to provide assistance to persons described in subsection (e)(2) and to State and local governments in adjusting to such elimination or substantial reduction."

The purpose of the amendment, of course, would be to give Congress and the Executive the information needed in order to meet the situation if the price supports for tobacco were eliminated and there should be a decline in the use of tobacco products.

We are already engaged in an educational program through advertising in order to educate our people to the fact that tobacco is a dangerous drug. If it just had the label "dangerous drug" on it, the Senate perhaps would grant this legislation and say, "Surely, we do not want any dangerous drugs around. Therefore, we will not pay out this money to encourage their growth and use." However, it has the label "tobacco," and even though it is a dangerous drug, it does not receive the treatment it would if it were labeled as a dangerous drug.

I would hope that we could begin this year—but I will try again next year—to withdraw the money we pay out to promote the growth and use of this dangerous product.

I was ready, through this amendment, to have the means available so that the information could be provided to Congress and the Executive so that we could alleviate the effect of the change if there was to be any great effect.

I do not think under any circumstances that we would have any great abrupt change. I think the change, if it comes, will be gradual, as is now the case in the use of cigarettes per capita. There has been a decline, but because of the increasing population, the total number of cigarettes smoked has not declined.

That was on a comparison and on a per capita basis. I think that the decline will be gradual. Therefore, I think there would be plenty of time to phase into other activities and other types of farming and manufacture. I do not believe there would be any great hardship. However, I wanted to have a commission so that it could report to us and let us know whether there would be any hardship.

Some of the Senators have said that there would be hundreds and thousands of farmers impoverished by this measure. If that were so, certainly we ought to move in some way to provide them with credit, with help, and with expertise of every kind to get them into a position where they would not suffer economic loss because of this change.

Mr. President, because of the fact that the previous amendment was not agreed to and because I understand that this amendment would be subject to a point of order, and it has been indicated that some Senators wish to raise a point of order, I decided not to press it and I hereby withdraw the amendment.

The PRESIDING OFFICER. The amendment is withdrawn.

Mr. TAFT. Mr. President, I send to the desk an amendment and ask that it be stated.

The PRESIDING OFFICER. The amendment will be read.

The amendment was read, as follows:

> On page 46, line 5, insert the following: Section 509. None of the funds appropriated by this Act shall be used for the purpose of making payments (as defined in Section 101(2) of the Agricultural Act of 1970) for each 1972 crop year program (other than for sugar or wool) carried out by the Department of Agriculture, in excess of $55,000 in the aggregate to the owner of any farm or farms.

The PRESIDING OFFICER. Who yields time?

Mr. TAFT. Mr. President, I ask for the yeas and nays on the amendment.

The yeas and nays were ordered.

Mr. TAFT. Mr. President, I yield myself such time as I may require.

The PRESIDING OFFICER. The Senator from Ohio is recognized.

Mr. TAFT. Mr. President, the purpose of this amendment and the only purpose of the amendment is to attempt to tighten up on the provisions presently relating to the $55,000 limitation upon payments made under our various agricultural programs. At the outset I would like to make clear that my intent is only to make it apply to all programs. It is not to change the limitation. Under the wording of my amendment it would only apply to each crop program for the year 1972.

The Department of Agriculture has issued regulations interpreting the word persons as, indeed, they are authorized to do by the authorization legislation passed last year, but in spite of this there have been serious questions raised as to attempts being used to avoid the legislation and to thwart the will of Congress.

In that regard I would like to read from an article written by Tom Wicker, published in the New York Times of today. The article is entitled "Down on the Farm." Mr. Wicker states:

> The latest Government gimmick for those who are already rich turns out to be last year's decision to put a $55,000 limit per crop on the amount any farmer could be paid in agricultural subsidies. As cynics expected all along, the big farming interests and the Department of Agriculture administrators collaborated to turn this limitation into a farce.

I do not necessarily stand by the accusation made in the article that there has been collaboration of any kind, but I think it is unfortunate that apparently the effect described in this article, allowing individuals through the use of multiple corporations and family splitups to avoid the intent and purpose of the legislation, is a problem today.

Mr. Wicker's article goes on to state:

> In fact, only 1,353 farmers received more than $55,000 per crop in 1970, taking down about $142 million in Government subsidies.

I point out that, of course, that year was before the effect of the present limitation, but apparently it is still possible with a good lawyer and distribution of interests among various corporations to avoid any practical effect of the limitation.

Later we may be talking about a $55,000 or $20,000 limitation. The amount does not matter if there is a way around that limitation.

In the amendment I have proposed to add to the present limitation in the authorization act relating to the word "person" a single owner limitation in order to give more power to the Treasury Department in making regulations that will be effective in preventing avoidance of the act, where it should apply to any single owner.

The article goes on to state:

> But millions of smaller farmers were paid the rest of a total of about $3 billion in Federal farm subsidies, and Senator Birch Bayh of Indiana says that about 40 percent of the total, or more than $1.5 billion, went to only five per cent of the nation's farmers.
>
> No wonder the House of Representatives already has voted to reduce the $55,000 ceiling to $20,000 in future years, and Mr. Bayh has announced that he and three other Senators will propose the same reduction in the Senate.
>
> This resolution would affect only 2 per cent of farmers—those who now receive more than $20,000 per crop—but Mr. Bayh says it would save $200 million for the Government and the taxpayers. That is not a lot of money, the way they hand it out around here, but there are surely better ways to spend it than to line the pockets of fat-cat corporate farmers.

Mr. President, the provisions of the present regulations relating to corporations are little more than a sieve. I studied them with some care. I refer to section 795.7 and the definition of a corporation. Section 795.7 states:

> § 795.7 Corporations and stockholders.
>
> A corporation (including a limited partnership) shall be considered as one person, and an individual stockholder of the corporation may be considered as a separate person to the extent that such stockholder is engaged in the production of the crop as a separate producer and otherwise meets the requirements of § 795.3 except that a corporation in which more than 50 percent of the stock is owned by an individual (including the stock owned by the individual's spouse and minor children), or by a legal entity, shall not be considered as a separate person from such individual or legal entity. Where the same two or more individuals or other legal entities own more than 50 percent of the stock in each of two or more corporations, all such corporations shall be considered as one person.

The 50-percent limitation in the regulation is contrary to the recognized control standards applied in numerous other Federal regulations, such as the Securities and Exchange Commission; and it plainly has been used as a method of circumventing the $55,000 limitation.

It has been used by setting up multiple corporations, by varying the interest somewhat below 50 percent, by not saying it is a control position in which the owner has more than an adequate amount of stock to control the corporation and then taking the benefits of each of the corporations he may set up.

I think that in addition to the person limitation as presently defined, the inclusion of the word "owner" would give notice to the Department of Agriculture that they should take another look at this regulation so far as corporations are concerned and they would, I hope, issue new regulations and go to the courts for an interpretation of the word "owner" and "person" which would have a meaningful effect so that the avoidance that has been used could be defeated.

Mr. MILLER. Mr. President, will the Senator yield?

Mr. TAFT. I am glad to yield to the Senator from Iowa.

Mr. MILLER. When the Senator is referring to the word "owner," for the purpose of legislative history would he intend that the regulations of the Department of Agriculture follow the attributes and rules of income tax regulations in determining ownership, wherein stocks held not only by the father but by the mother, sister, or brother are all attributed to the prime taxpayer?

Mr. TAFT. I believe the Senator is correct. This would be a fair method of approach. Some of these provisions with regard to "person" are in the present regulations but they are not nearly so strict or inclusive or effective in preventing avoidance of the obvious meaning of the limitation as are Internal Revenue regulations.

Mr. MILLER. I have a further question. By the word "owner" is the Senator including a lessee? For example, suppose that the Senator from Ohio is the owner of a farm or two farms and because of the size of the operation he is getting $110,000 in payments, and in order to continue to have $110,000 in payments come into the farm enterprise, he leases one of the farms to me. As a lessee for, let us say, a year, or a term of years, I would hope that I could get my $55,000, and he is going to retain his $55,000.

Mr. TAFT. My reply is that if this is a bona fide lease, and not an actually indirect continuation of ownership, the lessee would be equally entitled to his own subsidy or benefit under the program. He would not be included, by any construction I could conceive of, in the word "owner." But if the owner indirectly made false leases that were not leases in the usual legal understanding of the term, he would be entitled to only one payment for himself.

Mr. MILLER. I am not suggesting any fraudulent or fictitious matter; I am suggesting a bona fide lease. The $55,000 limitation in the Senator's amendment refers to the owner of the farm.

Mr. TAFT. Only the owner.

Mr. MILLER. What about the lessee? The Senator could modify his amendment by making it "the owner or lessee" of the farm. That would cover the situation I have just stated. On the other hand, if he leaves it open, it might imply that the $55,000 limitation is applicable only to the owner, but the lessee would be eligible for $65,000, and I doubt that the Senator's intent is that.

Mr. TAFT. Let me say that the lessee would be subject to the current $55,000 limitation on persons. I am in no way affecting that.

Mr. MILLER. If it is as it is currently, he might be able to get $110,000—$55,000 with respect to cotton and $55,000 with respect to wheat.

Mr. TAFT. The Senator is correct.

Mr. MILLER. I was hoping the Senator would not give the lessee a better deal than the owner.

Mr. TAFT. I think the Senator misunderstands the meaning of the amendment. The amendment would still make it possible for the owner of a farm to receive the $55,000 limit on different agricultural payments. It does not limit the overall payment on all programs to $55,000. That is not the intent of the amendment. That might be a proposition we should all look into when we take up substantive legislation, but that is not the purpose of my amendment.

Mr. MILLER. But the intention of the Senator is to treat a bona fide lessee the same way as an owner?

Mr. TAFT. That is correct.

Mr. MILLER. I thank the Senator.

Mr. TAFT. Mr. President, I would like to explain a little more what the word "owner" means in my amendment. By "owner" I mean to include all legal and beneficial interests, including those interests of the spouse, dependents, and the proportionate equity of payments received by corporations.

Under the existing regulations there is attribution of stock interest in corporations only where more than 50 percent of the stock is owned by the individual involved. I do not believe that this is reflective of congressional intent when the 1970 act was passed.

For example, a man with a large holding could break it up into a number of corporations, retaining 49 percent of the stock in each, and have each corporation qualify for a $55,000 subsidy. He could then draw off the entire $55,000 subsidy as salary and thereby circumvent the restriction. This is the type of loophole which my amendment is designed to close. I want the legislative history of this to be perfectly clear.

Mr. President, I reserve the balance of my time.

The PRESIDING OFFICER. Who yields time?

Mr. HRUSKA. Mr. President will the Senator yield me 3 minutes?

Mr. McGEE. I yield 3 minutes to the Senator from Nebraska.

Mr. HRUSKA. Mr. President, I rise in opposition to the amendment that has been proposed by the distinguished Senator from Ohio. This amendment, worded as it is, would cause much confusion, and chaos, in the administration of this program. We are advised by officials of the Department of Agriculture it would be virtually impossible to administer. This amendment is fully as objectionable, and perhaps more so, than a smaller limitation such as that contained in the bill as it was approved by the other body. It would result in abandonment of the program. That would necessarily follow.

On the face of the amendment, it appears that no owner would be able to get more than $55,000. Apparently the limitation would not apply to tenants. Perhaps the first year there might be a reduction in the program, but the second year the owner would have no alternative than refuse to go into the program, which of course would result in impairment and erosion of the program, and eventually its complete collapse.

Only 7 months ago we passed in this Congress, and it became law, a bill which set the national policy on this subject. It is not a simple subject. It is a complicated subject. It has many aspects.

The impact of any change such as this would be very, very great indeed. This was mentioned 8 or 9 or 10 months ago, when consideration was given to the limitation of payment as it is contained in the present law. Every one of those complications and every one of those objections would have to be carefully considered in the light of the changes that would result from this proposed amendment, if adopted.

So the conclusion of the Senator from Nebraska is that the wisdom of making a change of this nature should not be employed at this juncture and in connection with the consideration of an appropriation bill.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. HRUSKA. May I have 2 more minutes?

Mr. McGEE. Mr. President, I am glad to yield as many minutes as the Senator needs.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. HRUSKA. Mr. President, the amendment, just as the amendment contained in the bill approved by the other body, should be considered in a legislative committee. It should be considered in all of its aspects, and I urge the rejection of the amendment.

I yield back the balance of the time allotted to me.

Mr. McGEE. Mr. President, I yield 5 minutes to the Senator from Louisiana (Mr. ELLENDER).

Mr. ELLENDER. Mr. President, as was stated by the distinguished Senator from Nebraska, this matter was thoroughly considered in the authorizing committee in November of 1970, just about 8 months ago when I was serving as chairman of the Agriculture and Forestry Committee. I am very hopeful that the Senate will let the law remain as it is, by rejecting both this amendment, and the one to follow which would lower the payments limitation to the figure of $20,000.

Prior to November there may have been cause for Senators to put in a limitation, for there was no limit on payments at all under the law. But now that the Congress has acted in good faith, now that the law makes it possible to pay no more than $55,000, it strikes me that the law ought to remain as it is.

As I said, I was chairman of the Committee on Agriculture and Forestry when this matter was taken up. I vividly recall the weeks of hearings we held on the subject. Although I voted for a higher payment, the Congress went on record as adopting a limitation of $55,000. That is now the law, and it seems to me that it represents a commitment to our farmers on the part of the Congress.

As Secretary of Agriculture Clifford Hardin said in a recent letter to the Senate Appropriations Committee:

> This subject was thoroughly reviewed by the Congress last year and the Agricultural Act of 1970 established a payment limitation of $55,000. Since that time many farmers have entered into leasing contracts, revised their crop rotation programs and have made arrangements for credit on the assumption that the limitation level of $55,000 would stay in effect for the full three years. A change now would result in difficult problems and would be costly to many farmers.

Frankly, I do not see why it is that Senators and Members of the House of Representatives should be picking on the farmer by trying to create what the Secretary of Agriculture calls "difficult and costly problems." In my book, the cornerstone of our economy is farming. Without that, without providing for a supply of sufficient food and fiber, our great Nation would probably die on the vine. That has happened to other nations in the past. All of our minerals and all of our industrial wealth would be useless to us unless we had food and fiber.

Why Senators should display such a negative attitude toward the farmer I just cannot understand. It is true a few large farmers receive substantial payments but they contribute substantially to the success of the national program. There is no way to avoid that and still do economic justice. In any event, those cases are exceptions to the rule, as becomes clear when we look at the entire picture.

The record shows, for example on cash receipts, that from 1947 to 1970, the total cash receipts of the farmers were $29.6 billion in 1947, as compared to $48.7 billion in 1970. Their production expenses in 1947 were $17 billion, and in 1970 those expenses amounted to $40.4 billion. The net farm income, with almost twice the amount of cash receipts, was $17.1 billion in 1947, with cash receipts of $29 billion, in contrast to $15.8 billion in 1970, with more than $48 billion collected during 1970 in gross income.

That means that while the cash receipts in 1970 were 64.5 percent higher than in 1947, the net farm income decreased by 7.6 percent.

Mr. President, to illustrate the price squeeze to which the farmer is subjected, on commodities such as food grains, the prices received declined 2 percent from 1950 to 1971, while receipts for feed grains and hay increased by 6 percent, cotton decreased 30 percent, oil-bearing crops increased 9 percent, fruit increased 70 percent, and vegetables increased 64 percent, so that the average receipts for all crops increased by only 10 percent.

When we come to the prices paid for

production items, the increase in costs of motor supplies was 35 percent, of motor vehicles 86 percent, of farm machinery 103 percent, of farm supplies 21 percent, and of building materials and fencing 58 percent. At the same time, with respect to living cost, the cost of clothing increased 75 percent, household operation 48 percent, household furnishings 18 percent, homebuilding materials 49 percent, and autos and auto supplies 60 percent.

So the farmer has been in a squeeze all these years, Mr. President. As his gross income increases, his net profits decrease, because the producer is compelled to pay so much more for the things he uses in order to make a crop. I would like to place in the RECORD two tables which clearly indicate this situation I have been describing.

There being no objection, the tables were ordered to be printed in the RECORD, as follows:

CASH RECEIPTS FROM FARM MARKETINGS,[1] PRODUCTION EXPENSES, AND REALIZED NET FARM INCOME, 1947–70

[Dollar amounts in billions]

	1947	1970	Percent change
Cash receipts	$29.6	$48.7	+64.5
Production expenses	17.0	40.4	+103.8
Net farm income	17.1	15.8	−7.6

[1] Cash receipts from farm marketings does not include Government payments, and allowances for value of home consumption and rental value of dwellings.

PERCENT CHANGE IN INDEX NUMBERS OF PRICES RECEIVED AND PRICES PAID BY FARMERS FOR SELECTED GROUPS (1910–14=100)

	Percent change annual 1950 to March 15, 1971
Prices received commodity group:	
Food grains	−2
Feed grains and hay	+6
Cotton	−30
Oil bearing crops	+9
Fruit	+70
Vegetables	+64
All crops	+10
Dairy products	+34
Poultry and eggs	−31
Meat animals	+18
All Livestock and products	+12
Prices paid:	
Production items:	
Motor supplies	+35
Motor vehicles	+86
Farm machinery	+103
Farm supplies	+21
Building and fencing materials	+58
Family living:	
Clothing	+75
Household operation	+48
Household furnishing	+18
Home building materials	+49
Autos and auto supplies	+60

Mr. ELLENDER. Mr. President, I should like at this point to compare the total income of people outside of farming with that of people engaged in farming, for 1950 and 1970.

The total personal income in the United States in 1950 was $228.5 billion. In 1970 it was $801 billion, an increase of 250 percent. Wage and salary disbursements, in 1950, totaled $150.2 billion, and in 1970 $540.1 billion, for an increase of 260 percent.

Business and professional income increased from $23.5 billion to $51.4 billion, for an increase of 119 percent.

Rental income of persons increased from $9 billion to $22.7 billion, or 152 percent.

Dividends increased 174 percent, and personal interest income 533 percent. But listen to this, Mr. President: Farm income, between 1950 and 1970, increased only 16 percent.

I ask unanimous consent that a table containing these figures be placed in the RECORD at this point.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

SOURCES OF INCOME FROM ECONOMIC INDICATORS, JOINT ECONOMIC COMMITTEE, 1950 COMPARED WITH 1970

[Dollar amounts in billions]

	1950	1970	Percent changes
Total personal income	$228.5	$801.0	+250
Wage and salary disbursements	150.2	540.1	+260
Business and professional	23.5	51.4	+119
Rental income of persons	9.0	22.7	+152
Dividends	9.2	25.2	+174
Personal interest income	10.3	65.2	+533
Farm income	14.0	16.2	+16
Corporate profits before taxes	40.6	81.3	+100

Mr. ELLENDER. As I have stated, the most important segment of our economic system is farming, yet this table shows what the farmer is receiving in contrast to other segments of our society. Our farmers are producing today more than they have ever produced in our history, yet many in the Congress seem to appreciate neither their contributions nor their problems. Except for the farm programs that have been on our statute books, I am sure we would not have made the great strides we have made in agriculture. Ill-advised amendments such as those now before us will ultimately undo all the progress we have made.

I ask unanimous consent to have printed in the RECORD at this point two letters, one from Mr. Clarence Palmby of the USDA, which speaks for itself, and one from Secretary Clifford Hardin, who is also opposed to changes in the law, and who speaks for the administration.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

DEPARTMENT OF AGRICULTURE,
Washington, D.C., June 29, 1971.

Hon. ALLEN J. ELLENDER,
U.S. Senate.

DEAR SENATOR ELLENDER: I strongly urge the U.S. Senate to strike the $20,000 payment limitation for the 1972 crops of cotton, wheat and feed grains included by the House of Representatives as a rider to the Department's 1972 Appropriations Bill.

I fear that many farmers will regard this action so soon after the enactment of the Agricultural Act of 1970 as an act of bad faith. Many have already bought land, entered into leasing arrangements, and made farming plans on this basis. Farmers had the right to believe that the $55,000 payment limitation enacted last year after full Congressional debate would be good for the 3-year duration of the new farm law. It would be unfortunate if the Government now reneged. This is not what people expect of the Congress.

The disruption caused by this rider would extend beyond those farmers directly affected. No farmer could plan secure in the belief that the legislative authorization for any program provision would remain unchanged for the life of the law. For example, there are some who favor a limitation as low as $5,000 or $10,000 and the precedent set by this rider would encourage such attempts.

At the time we agreed to the present $55,000 limitation, we indicated that this was as low as we could go and still hope to operate an effective program. At the lower level voted by the House, it will be more difficult to make the programs work. As more farmers are forced out of the program, the greater burden of providing the necessary set-aside will fall on the smaller farmers still able to participate. Further, the limit would be made more restrictive before either the Congress or the Department would have an opportunity to measure the impact of the $55,000 payment limit and thus have the benefits of this experience.

There is little doubt, however, that the payment limit as it goes lower will work against increased farm efficiency. It would be indeed sad for the Congress to enact legislation which would have this unfortunate result at a time when farmers are increasing their efficiency at a rate of roughly 2½ times that of other industry.

It is my strong belief that this rider will be harmful to the farm program operation and to farmers without really benefitting taxpayers. I urge you to oppose it and acquaint your colleagues of its serious consequences in soliciting their support of your position.

Sincerely,

CLARENCE D. PALMBY,
Acting Secretary.

DEPARTMENT OF AGRICULTURE,
Washington, D.C., June 25, 1971.

DEAR SENATOR MCGEE: On June 23 the House of Representatives passed H.R. 9270, the 1972 Department of Agriculture-Environmental and Consumer Protection Appropriation Bill.

The House made four amendments to the bill as reported by the House Committee on Appropriations on which we sent you our comments and recommendations on June 21, 1971.

One of the changes involved an increase of $2.1 million for research in the Agricultural Research Service relating to research abroad on the detection and destruction of narcotics-producing plants. Another change dealt with the earmarking of an additional $11,225,000 for summer nonschool child feeding programs. We have no objections to these two changes.

We strongly urge the Senate to delete the amendment by the House which would have the effect of limiting payments on 1972 crops (other than for sugar and wool) to $20,000 to a person for any single crop. This subject was thoroughly reviewed by the Congress last year and the Agricultural Act of 1970 established a payment limitation of $55,000. Since that time many farmers have entered into leasing contracts, revised their crop rotation programs and have made arrangements for credit on the assumption that the limitation level of $55,000 would stay in effect for the full three years. A change now would result in difficult problems and would be costly to many farmers.

It seems to me that farmers have the right to rely on the provisions of an Act which the Congress debated and passed. I feel that to make such a major change in the rules at this time would be grossly unfair.

The House also added a general provision which would prohibit payments to anyone who grows or permits to be grown marihuana or other prohibited drug-producing plants on his land. Attached is a statement which discusses this matter. While we are not requesting the Senate to delete this provision, we feel that the Congress should be aware that this will likely involve many administrative problems which we cannot now anticipate. It may be necessary to request a revision at a later time.

Sincerely,

CLIFFORD M. HARDIN,
Secretary.

Mr. ELLENDER. Mr. President, I hope the amendment will be defeated.

Mr. TALMADGE. Mr. President, will the Senator from Wyoming yield me 2 minutes?

Mr. McGEE. I yield 2 minutes to the Senator from Georgia.

Mr. TALMADGE. Mr. President, I wish to associate myself with the statements of my former distinguished chairman of the Committee on Agriculture and Forestry, who is now the chairman of the Appropriations Committee, and also the statements of the distinguished Senator from Nebraska, who is the ranking minority member of the Subcommittee on Agricultural Appropriations.

It is easy indeed to kick the farmers around. Why? Because they represent only 4.7 percent of the population of the United States. In many areas of our country there is little or no farming at all. In those areas, it is easy to pick on farmers, and even to advocate free commodities for everyone, that the farmers produce them free and give them away. That has become popular in many quarters of our country in recent years, particularly in the Congress of the United States.

This is a part and parcel of that particular reaction that tries to benefit politically on the woefully small number of farmers we have in America. As the chairman of the Appropriations Committee has said, our committees of the House and the Senate on Agriculture and Forestry last year wrote a farm bill to last for 3 years. We held hearings. We had witnesses from all parts of the country. We tried to devise a farm bill that was fair and equitable not only to the farmers of this country, but also to the consumers and the taxpayers.

In that bill, we arrived at a limitation of $55,000 per crop. That is the law of the United States of America at the present time. Farmers throughout the United States have made their plans in reliance on the law that Congress passed. They have borrowed money. They have purchased land. They have made arrangements for farm equipment. They have mortgaged their farms—all acting in good faith, in reliance on what was the law of the United States of America.

Now comes an amendment, attached as a rider to an Appropriation Committee bill, that is trying to change the fundamental law that the Members of Congress themselves have adopted. I think it is in bad faith with what Congress has heretofore done. I think it comes in bad faith to the farmers of this country. I think it ought to be repudiated overwhelmingly, and I hope my colleagues will refrain from capitalizing on the fact that farmers are so few in number that they make good political targets.

Mr. McGEE. Mr. President, I yield 3 minutes to the Senator from Mississippi.

Mr. STENNIS. Mr. President, I thank the Senator, and I shall be brief.

We have had this battle threshed out on the floor of the Senate many times, but last year, as the Senator from Georgia has stated, in all good faith this matter was thoroughly considered, and the firmly established law of the land is now for these payments to have a limitation, and that limitation is, as he stated, $55,000 per crop.

The Senator from Louisiana was chairman of the Agriculture Committee for many, many years. The Senator from Georgia is now chairman. They and the Senator from Nebraska are all highly competent in this field. I wish to associate myself with their remarks, and to add this point:

Mr. President, the amount paid—and I think this is a major consideration—the amount of money paid out under this plan is a payment, not as a gratuity to the individual as such, but it is a payment to make the system work. The sum is paid to an individual, but it is a payment by the Governor for the system. The individual owns the land and controls it, so the payment goes to him, but it is by the system that will be on the books and be the law. And what is that system? A plan that will insure a continuous adequate yield and flow of food and fibers for the American people.

You walk into any store, and you can see it there. That system eliminates the peaks and the valleys and the bankruptcies that go with those who own and till the land; and it brings to the consumer—and it works—year after year, a steady, adequate supply of the necessary basic foods, the finest in the world. Along with them go many additions. But it brings the basic grains. It brings the same things with reference to the fibers.

So it is the system we are paying for, even though the headline might go to what an individual got. When we destroy that system, we go back to the old order of peaks and valleys and bankrupt farmers and the needs of consumers, without the proper kind of food and fiber.

So it costs something. It is worth a great deal more than it costs.

Mr. TAFT. Mr. President, how much time remains?

The PRESIDING OFFICER. The Senator from Ohio has 15 minutes remaining, and the Senator from Wyoming has 14 minutes remaining.

Mr. TAFT. I thank the Chair. I yield myself 3 minutes.

Mr. President, I think my intention in this amendment—indeed, the very effect of the amendment—is completely misunderstood. First of all, it does not change the $55,000 limitation. That limitation is there, as Congress intended it to be. I accept completely the argument of the committee that farmers should be able to plan on the basis of the 3-year bill to look to that $55,000 limitation. But I do not think certain individual farmers should be able to make a travesty out of the intention of Congress by using various subterfuges to get around the intended provisions and limitations of the bill as passed by Congress.

I do not want to hurt the farmers. I want to help them. I think the country should have notice today, and the farmers of the country should have notice, that if we go along and wink at subterfuge when it does occur in getting around the intended limitation that Congress enacted with regard to farm subsidies, the farmers are the ones who are going to be hurt; because we are going to see passed on this floor—if not this year, next year or the year after that—the $20,000 limitation. The worse the situation gets and the less the Department of Agriculture does to correct its regulations to make them more meaningful, the more danger the farmers are going to be in.

My purpose is to serve notice on the Department of Agriculture and on the agricultural community of this Nation that that is the case and that Congress should not sit by idly and just watch this occur without trying to correct it.

This was recognized by the committee, and I commend the committee for recognizing it. The committee report states on page 19:

> The Committee feels that the farmers have the right to rely on the provisions of a major Act which the Congress debated and passed.

I think they should.

> To make such a major change at this time would be grossly unfair.

They are talking about the change of the $20,000 limitation the House has put in.

> The Committee is aware of the many charges of abuses that have been made against repayment programs, some of which may be valid. For this reason the Committee directs the Department to proceed forthwith with a complete and thorough review of its administration of the payments limitations provided in the Agriculture Act of 1970 and all rules, regulations and policies which have been promulgated thereunder.

All my amendment proposes to do is to give them somewhat more of a weapon and, yes, a little nudge in telling them to take a look at those regulations, to see how they are applied, to try to make them more meaningful, and to comply with the will of Congress. That is the purpose of my amendment, and the only purpose.

The PRESIDING OFFICER. Who yields time?

Mr. McGEE. We have no more requests for time on this side.

Mr. TAFT. I yield back the remainder of my time.

Mr. McGEE. I yield back the remainder of my time.

The PRESIDING OFFICER. All time on the amendment has been yielded back.

The question is on agreeing to the amendment of the Senator from Ohio. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. BYRD of West Virginia. I announce that the Senator from Oklahoma (Mr. HARRIS), the Senator from Washington (Mr. JACKSON), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Louisiana (Mr. LONG), and the Senator from Connecticut (Mr. RIBICOFF) are necessarily absent.

I further announce that the Senator from Idaho (Mr. CHURCH) is absent on official business.

I also announce that, if present and voting, the Senator from Washington (Mr. JACKSON) would vote "nay."

I further announce that, if present and voting, the Senator from Connecticut (Mr. RIBICOFF) would vote "yea."

Mr. SCOTT. I announce that the Senator from New Jersey (Mr. CASE), the

Senator from New York (Mr. Buckley), and the Senator from Vermont (Mr. Prouty) are necessarily absent.

The Senator from Oregon (Mr. Hatfield) and the Senator from Idaho (Mr. Jordan) are absent on official business.

The Senator from Michigan (Mr. Griffin) is absent because of death in his family.

The Senator from Massachusetts (Mr. Brooke) and the Senator from South Dakota (Mr. Mundt) are absent because of illness.

The Senator from Arizona (Mr. Goldwater) is detained on official business.

If present and voting, the Senator from New York (Mr. Buckley), the Senator from New Jersey (Mr. Case), and the Senator from Oregon (Mr. Hatfield), would each vote "yea."

The result was announced—yeas 27, nays 58, as follows:

[No. 142 Leg.]

YEAS—27

Bayh
Boggs
Byrd, Va.
Chiles
Cooper
Cotton
Cranston
Hart
Hughes
Javits
McGovern
McIntyre
Miller
Nelson
Packwood
Pastore
Pell
Percy
Proxmire
Roth
Saxbe
Schweiker
Smith
Stevens
Stevenson
Taft
Tunney

NAYS—58

Aiken
Allen
Allott
Anderson
Baker
Beall
Bellmon
Bennett
Bentsen
Bible
Brock
Burdick
Byrd, W. Va.
Cannon
Cook
Curtis
Dole
Dominick
Eagleton
Eastland
Ellender
Ervin
Fannin
Fong
Fulbright
Gambrell
Gravel
Gurney
Hansen
Hartke
Hollings
Hruska
Humphrey
Inouye
Jordan, N.C.
Magnuson
Mansfield
Mathias
McClellan
McGee
Metcalf
Mondale
Montoya
Moss
Muskie
Pearson
Randolph
Scott
Sparkman
Spong
Stennis
Symington
Talmadge
Thurmond
Tower
Weicker
Williams
Young

NOT VOTING—15

Brooke
Buckley
Case
Church
Goldwater
Griffin
Harris
Hatfield
Jackson
Jordan, Idaho
Kennedy
Long
Mundt
Prouty
Ribicoff

So Mr. Taft's amendment was rejected.

ENROLLED JOINT RESOLUTION PRESENTED

The Secretary of the Senate reported that on today, July 15, 1971, he presented to the President of the United States the enrolled joint resolution (S.J. Res. 101) to authorize and request the President to issue a proclamation designating July 20, 1971, as "National Moon Walk Day."

DEPARTMENT OF AGRICULTURE-ENVIRONMENTAL AND CONSUMER PROTECTION APPROPRIATIONS, 1972

The Senate continued with the consideration of the bill (H.R. 9270) making appropriations for the Agriculture-environmental and consumer protection programs for the fiscal year ending June 30, 1972, and for other purposes.

The PRESIDING OFFICER (Mr. Cook). The bill is open to further amendment.

Mr. HUMPHREY. Mr. President, I call up my amendment at the desk.

The PRESIDING OFFICER. The amendment will be stated.

The Assistant Legislative Clerk. The Senator from Minnesota (Mr. Humphrey) proposes an amendment as follows:

> On page 41, line 11, strike out "$518,594,000" and insert in lieu thereof "$531,594,000".
>
> On page 41, line 15, strike out "$12,000,000" and insert in lieu thereof "$25,000,000".

Mr. HUMPHREY. Mr. President, the school breakfast program authorized by the Congress is now providing much needed nutritious morning meals to over 500,000 children daily in more than 6,000 participating schools.

But the Committee on Agriculture, and the Congress in the authorizing legislation, has found that this only begins to meet the need. There are 7 to 9 million children who could qualify for this assistance. In America no child should be deprived of a good meal with which to start his or her day in this crucially important formative period of life.

The Agriculture committees in both the House and the Senate have agreed that the school breakfast program should be funded at $25 million a year.

But the bill before the Senate carries the same appropriation as last year—$12 million, or less than half the amount authorized.

Mr President, the administration asked for a simple extension of last year's program, which would make the school breakfast operation static at $12 million a year for 2 years.

The Agriculture Committee looked this matter over very carefully, seeking advice from the most knowledgeable people in the country. These witnesses told us the need—that is the money which could be effectively used—was $25 million a year.

The House committee agreed with us on this in conference, and both the Senate and House approved an authorization of $25 million a year

My amendment simply boosts the dollar figure up to match what the Congress has already authorized.

Not long ago, I received a letter from the boys and girls at the Crippled Childrens' Home in Pittsburgh.

It said:

> Dear Senator Humphrey: Even though we don't vote, we hope you will get us a children's advocate in Washington, D.C.

Today, all of us in the Senate have a chance to be children's advocates.

The White House has asked for an appropriation for the school breakfast program of $12 million, the same amount that was spent last year.

That is simply not enough.

The authorizing legislation for the school breakfast program came to our Committee on Agriculture and Forestry earlier this year, and both the House and the Senate agreed:

That the school breakfast program has been operating for 5 years as a pilot program. It has proved itself, and we authorized $25 million to greatly expand this program that currently provides meals to well over 500,000 children daily in more than 6,000 participating schools.

We authorized the Secretary of Agriculture to pay up to 100 percent of the operating costs of this program in cases of severe need. And we made provision for the prepayment of these costs, instead of delayed reimbursement.

In considering the authorization, we found that schools in many cities are unable to get started in the breakfast program for needy children because of high costs of paying salaries to lunchroom workers.

We also found that the Secretary of Agriculture was not using the power the Congress gave him to pay up to 80 percent of these operating costs, despite the fact that many of our school systems face severe financial crises.

Have you ever watched a wilting plant come to life after being watered? If one has, he can visualize a sleepy child coming to life after having had a school breakfast. These are underprivileged children, or those who have to travel extreme distances to get to school. For many of them, breakfast is the first food available to them since their school lunch the day before.

The administration says $12 million is enough, yet we have learned that thousands and thousands of additional children could participate in this program if the money is made available. Think of it. There were 7 to 9 million children in our schools who could qualify—children who are not getting decent meals before they start school each day. We have authorized the expansion of this program to meet some of this need, but now we need the money.

There was some initial resistance to the school breakfast program, but when school administrators found out that listlessness, temper tantrums and stomach aches had their roots in hunger pains, that resistance collapsed.

The principal of a junior high school in Alma, Ga., reports that boys who used to get to school at 9:30 a.m. each day are now waiting for him when he gets to work. They help him unlock the school building. They are hungry and ready for both breakfast and school.

Earlier this year we saw the Department of Agriculture selling the year-round nutrition program and its summer food program to the Nation's cities. They did such a good job that they found around the first of June that there would not be enough money to answer the requests.

A few days after the crisis developed, a spokesman for USDA came to us and said everything was fine. There was no need to increase the funding for the program. There was an immediate reaction of utter disbelief and deep concern from the mayors of cities across America, and somehow the money was found.

Here again, they tell us that we only have to appropriate the same amount as last year for school breakfasts; that there is not any need for more money. And, next year, when the money runs out, or requests for food are not met, the USDA will blame Congress for not appropriating the money.

The Office of Management and the Budget would have us believe that we are dealing with numbers and dollars. It is not true. We are dealing with hungry children.

We have a debt to them. Let us pay it. Let us be children's advocates here today.

Mr. President, I would like to get the comment of the chairman of the subcommittee, the Senator from Wyoming. I have talked with him about it personally, and also with the ranking minority member.

Mr. McGEE. Mr. President, the Senator from Nebraska (Mr. HRUSKA) and I have both visited with the Senator from Minnesota. We gave serious consideration to the matter. It is an amendment which we agreed to accept because we feel the additional money could be utilized efficiently.

This is one case in which the Department can put this additional money to good use, whereas in some programs this might not be the case.

We would be inclined to take it to conference and do the best we can because the need is clearly there.

Mr. HUMPHREY. We have documented the need for the program in the Committee on Agriculture and Forestry and, second, there are applications that will utilize more than the funds requested.

I am very hopeful that the Senator from Wyoming will insist on this particular figure when he goes to conference because it is truly needed and the administrative machinery is there.

Mr. McGEE. We accept it with every serious intent. We sometimes lose one or two in conference.

Mr. HUMPHREY. Mr. President, I take this opportunity to express my deep personal gratification at the action of the Committee on Appropriations to assure that the promises made to hundreds of thousands of underprivileged children in America's cities that they will receive a good, nourishing lunch each day this summer, will not be broken. Correcting a serious bureaucratic mismanagement in the administration that threatened the cancellation of plans by hundreds of cities to expand programs to meet the widespread critical problem of malnutrition among needy children, the committee has provided for funds to meet the full level of requests by our mayors for Federal assistance under the nonschool summer lunch program. I congratulate the distinguished chairmen of the committee and its Subcommittee on Agriculture, the Senator from Louisiana (Mr. ELLENDER) and the Senator from Wyoming (Mr. McGEE), and their committee colleagues, for this decisive action of the highest importance to the welfare of children, and thus to the future and basic moral purposes of the United States.

I have been determined that everything possible be done to correct the serious errors of the administration that has seemed to place dollars above human need, in failing to provide adequate funds for this vital child-feeding program. In this regard, I recently wrote the distinguished chairman of the Appropriations Subcommittee on Agriculture (Mr. McGEE), urging that the school breakfast program and the summer lunch program be funded at their respective full levels of authorizations. I ask unanimous consent that my letter of July 9, 1971, to Senator McGEE be printed at this point in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

JULY 9, 1971.

Hon. GALE W. McGEE
Chairman, Subcommittee on Agriculture, Senate Committee on Appropriations, Washington, D.C.

DEAR MR. CHAIRMAN: Your immediate action in reporting and enabling the enactment of legislation (H.J. Res. 744—P.L. 92-35) providing for emergency appropriations for the summer program of the nonschool child feeding program deserves sincere commendation.

The extensive problem of malnutrition among underprivileged children across the Nation requires that Congress do everything possible to assure the effective provision of Federal assistance for programs of free and reduced-price meals under the National School Lunch and Child Nutrition Acts. I urge your committee to give this vitally important matter the most careful consideration in its deliberations on H.R. 9270, providing for appropriations for agriculture-environmental and consumer protection programs of fiscal 1972.

I am particularly hopeful that the committee will give full recognition to the intent of important changes in the law in the enactment of H.R. 5257, authorization legislation amending the National School Act, as amended. Signed by the President on June 30th (Public Law 92-32), this legislation expands the school breakfast programs, and contains my amendment authorizing the immediate transfer of Section 32 surplus agricultural commodity funds (up to a level of $535 million for fiscal 1971 and $100 million for fiscal 1972) to enable the provision of free and reduced-price meals to children at the increased level of requests by cities and schools across the Nation.

As you know, Public Law 92-32 extends the school breakfast program for two years with an annual appropriation authorization of $25 million. It authorizes the Secretary of Agriculture to pay up to 100 percent of the operating costs of this program in cases of severe need, and would permit the prepayment of these funds, instead of delayed cost reimbursement. Moreover, eligibility requirements for free and reduced-price meals that are currently applied to the school lunch program are also to be adopted for the school breakfast program.

These changes in the law take note of the fact that schools in many cities are unable to undertake a breakfast program for needy children because of high labor costs, and reflect a conclusion that the Secretary of Agriculture has been unduly restrictive in using his present authority to pay up to 80 percent of operating costs in cases of severe need.

The Senate Committee on Agriculture also received testimony that many schools face financial crises, and that thousands upon thousands of poor children are denied participation in this vital program to provide them a good, nutritious meal at the start of the school day.

It is for these reasons that I urge the Senate Committee on Appropriations to provide appropriations at the full level of authorizations of $25 million for the school breakfast program. The success of this program is attested by the fact that it has been providing meals to almost 555,000 children daily in more than 6,000 participating schools. However, the Administration has indicated a position that there is no need for additional funding, for it has requested the same level of appropriations for Fiscal 1972 as for Fiscal 1971—$12 million. Unless this appropriation is increased, the new provisions of P.L. 92-32 will be meaningless, for there can be no expansion of the school breakfast program at this funding level.

It is also essential that the non-school summer lunch program for city children in day care centers and recreation and summer camp programs be expanded to meet the level of urgent requests by our cities. Our cities had been encouraged by the Department of Agriculture to expand their programs to meet the extensive problem of malnutrition among poor children. Commitments were made to the cities which, in turn, made promises to thousands upon thousands of children who would otherwise be denied a good, nourishing meal each day. These commitments and promises were broken when the Department suddenly advised that available funds and anticipated appropriations would be inadequate to meet the assistance requests from our cities both for the remainder of Fiscal 1971 and for the summer program.

Then it was reported that Administration officials, despite their late miscalculation of funding requirements which required rapid corrective action by Congress, would refuse to use the additional funds that had been authorized. This position could only be judged morally reprehensible, when the welfare of children is at stake.

As of June 28th, the Department had received requests from cities across the nation for federal assistance amounting to $27,245,968 for the summer lunch program, and it is estimated that the actual level of need exceeds this figure by over $5 million. Cities in Minnesota have submitted requests totaling $665,512, but the Department allocated only $132,204—the same level of Federal funds applied or transferred to this program in our state last summer.

School, city, and state officials are expressing equal concern that additional federal assistance be provided to meet the great need for adequate special food assistance programs throughout the current fiscal year. In Minnesota, about 50,000 children benefitted from these programs in Fiscal 1971, with federal assistance amounting to $305,000. However, twice this number could have received nutritious meals under the state's total request of $609,000. Plans for both the summer lunch and year-round food assistance programs in Minnesota in Fiscal 1972 call for an anticipated dollar amount of $1.5 million.

This is but one example demonstrating that original reports by the Department of Agriculture of funding requirements for the special food service programs, under the Administration's budget request of $20,775,000, were totally inaccurate. As I have indicated, the requests from our cities for the summer lunch program alone substantially exceed this figure.

In statements on the Senate Floor, in letters to the President and to the Secretary of Agriculture, and in a message to the Director of the Office of Management and Budget, signed jointly with a number of Senate colleagues, I have strongly urged that the critical requirements reported by our cities be met, to provide nourishing meals for hundreds of thousands of needy children who would otherwise be denied an adequate nutritional diet.

The action by the House on the agriculture appropriations bill, and the Administration's subsequent reversal of position in June, both of which would result in the provision for a transfer of $11,225,000 in Section 32 funds beyond the Budget request for all special food service programs, were encouraging. However, recognizing that this additional amount still falls far short of the nationwide need, Administration officials reportedly indicated on July 8th an intention to utilize further Section 32 funds, bringing total federal funds allocated to the summer lunch program up to a level of $33 million, with direct funding of other special food assistance programs set at $15 million.

The fact remains, however, that this end result entailed a great deal of confusion and last-minute position reversals by the Administration. I believe it is essential for Congress to correct these seriously inadequate policy-making and budgetary planning processes by providing for direct appropriations for the special food assistance programs at the full level of authorizations, $32 million. Congress must also reiterate its directive to the Secretary of Agriculture, under the authorization of P.L. 92–32, to use such additional transferred Section 32 funds as may be required to carry out effectively the free and reduced-price meal provisions of the National School Lunch Act.

Sincerely,

HUBERT H. HUMPHREY,
Member of Congress.

Mr. McGEE. We think its merit justifies our accepting it as an addition on page 41.

The PRESIDING OFFICER. Does the Senator from Minnesota yield back his time?

Mr. HUMPHREY. Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. Does the manager of the bill yield back the remainder of his time?

Mr. McGEE. I yield back the remainder of my time.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Minnesota. [Putting the question.]

The amendment was agreed to.

AMENDMENT NO. 242

The PRESIDING OFFICER. The Chair recognizes the Senator from Indiana.

Mr. BAYH. Mr. President, I call up my amendment No. 242 and ask that it be made the pending question.

The PRESIDING OFFICER. The amendment will be stated.

The amendment was read, as follows:

On page 17, line 9 of H.R. 9270, strike out the period and insert in lieu thereof the following:

": *And provided further*, That none of the funds appropriated by this Act shall be used during the fiscal year ending June 30, 1972, to formulate or carry out any single 1972 crop-year price support program (other than for sugar and wool) under which the total amount of payments to a person under any such program would be in excess of $20,000."

Mr. BAYH. Mr. President, I ask for the yeas and nays on the amendment.

The yeas and nays were ordered.

Mr. BAYH. Mr. President, I yield myself 10 minutes.

The PRESIDING OFFICER. The Senator is recognized for 10 minutes.

Mr. BAYH. Mr. President, the amendment which I have just asked to be made the pending business is sponsored by me and Senator BROOKE, Senator CASE, Senator McINTYRE, Senator PERCY, and Senator PROXMIRE. The amendment deals with the question of farm payment limitations, a question which has been before Congress before; it is now before us again.

Once again I wish to state my strong belief that the present farm subsidy program fails to achieve the purpose for which it was originally devised.

Farm subsidies were begun in the 1930's as an effort to protect the very large number of family farmers who were especially vulnerable to an unstable market. The disturbing question today, therefore, is why are we making payments to huge corporate farms and even to nonfarming groups. For instance, in 1969, seven companies were paid more than $1 million each. Fourteen other companies received sums between one-half and $1 million each. And 54 companies or individuals were paid between $250,000 and $500,000 each. I simply cannot support a program which required in 1970 a staggering $4 billion of taxpayers' money—up from $3.5 billion in 1969—when most of that money does not go to maintaining the family farmers for whom it was intended.

In 1969 the situation was so perverse that six banks were paid between $27,000 and $224,000 not to plant on their land. In addition, two State penitentiaries and a large nonfarm corporation were paid a total of $361,842 to limit their crop production. In 1969 simply prohibiting payments of $1 million or more would have saved the Department of Agriculture $16 million, more than enough to allow that same Department of Agriculture to continue without hesitation the summer lunch program this summer and thereby feed 2½ million young children. Certainly it is clear that either the farm payment program is in dire need of reform—or we have lost all sense of national priorities.

Mr. President, as one who has spent a large number of his years on the farm and one who has actively participated in farming activities in a day-to-day sense, I wish to state that I am very much aware of the need for a stable farm program. I do not suggest as some might that the Government should get out of farming; but, as one who is a farmer and one who has rubbed elbows with family farmers of this country, I suggest the program is missing the mark. The amendment is an attempt to try to get us back on the mark and to deal with subsidies in the areas where the money is needed.

The amendment, sponsored by Senators McINTYRE, BROOKE, CASE, PROXMIRE, PERCY, and me is designed to limit farm subsidies to $20,000 per crop. As a farmer myself, I am personally familiar with the question raised by a limitation. There are some very legitimate concerns about the effect of a limitation on supply adjustment. Nevertheless, I strongly recommend it to the Senate as needed reform. Mr. President, after several years of incomplete action on similar amendments, this year seems the most appropriate time for congressional agreement on a realistic and meaningful payments limitation. In 1968 and 1969 the House of Representatives passed amendments placing a $20,000 ceiling on farm subsidies. Unfortunately, similar efforts in the Senate were unsuccessful.

In 1969, I introduced, with Senator Goodell, an amendment to place a $10,000 limit on farm payments in an effort to save $340 million. Despite the fact that in 1968 a careful survey indicated that 85 percent of the farmers favored limiting farm benefits, and despite the common knowledge that most urban dwellers oppose large farm payments, we failed. However, in July of 1970 the Senate did pass by a vote of 40 to 35 an amendment to limit to $20,000 per producer, per year, payments under any farm price support program except sugar. Agreement in the House last year was frustrated by the last-minute insistence of the administration that its own proposal for a $55,000 limit would be meaningful.

However, according to all recent indications, the administration's limit of $55,000 per crop, per year—which was incorporated in the Agriculture Act of 1970—has not been effective at all. On March 9, the Wall Street Journal reported that even Agriculture Department staff members now admit that "the limit will save the United States no more than a few million dollars—if anything at all." Not only have subsidies of less than $55,000 increased so that the new benefits have eaten up any savings which were anticipated in 1970, but the 1970 limitation provision was loosely drafted with the result that evasion of the subsidy payments ceiling has been encouraged through the practices of subdividing legal titles and selling or leasing cotton allotments.

An excellent article by Nick Kotz was published in the Washington Post on July 5. The article explained in some detail how the original intention of the act had been subverted by legal maneuvers designed to increase payments beyond the legal limit.

Unfortunately, it will not be possible to substantially reform the 1970 act this year on this appropriations bill but a $20,000 payments limitation will make evasive legal maneuvers far more difficult and visible. As a result, we might hope for stricter surveillance of these maneuvers by the Department of Agriculture.

Mr. President, I am encouraged by that fact that on June 23 the House of Representatives passed by a vote of 214 to 198 an amendment offered by Mr. CONTE of Massachusetts to reduce maximum annual farm subsidy payments from $55,000 to $20,000 per crop. Unfortunately, the Senate Appropriations Committee deleted the Conte amendment. Therefore, Senator McINTYRE, Senator BROOKE, Senator CASE, Senator PROXMIRE, Senator PERCY, and I have offered this amendment in the hope of giving the full Senate an opportunity to vote on a question that so clearly involves a reordering of our national priorities.

NEED FOR LEGISLATION

The need for this limitation is clear. I am surprised that Secretary Hardin, in response to Congressman CONTE's March 16 request for a progress report on the $55,000 limitation, replied that he would be reluctant to compile such a report for reasons of expense. In spite of the Secretary's reluctance about investigating his own legislative proposals, the recently disclosed information on 1970 farm payments is shocking.

First, despite the ceiling, Federal farm program payments reached nearly $4 billion last year—up another half billion dollars from 1969.

Second, payments totaling nearly $40 million went to only 23 farmers. Those $40 million could totally pay to train 1,000 new doctors a year.

Third, more than $1.5 billion in payments—nearly 40 percent of all subsidies—went to barely 5 percent of the farmers, whereas a full 45 percent of the benefited farmers had to share less than 2 percent of all subsidies. Many of these farmers received less than $500 for the years.

Fourth, over 10,000 producers received checks in excess of $20,000—2½ times the number receiving checks of this size in 1967, an increase of 50 percent over 1968, and an increase of 18 percent over 1969. With a national median farm family income of $5,769 per year, this recent surge in the number of producers receiving checks of over $20,000 is scandalous. As former Secretary of Agriculture John Schnittker put it, we are paying "welfare payments to the wealthy."

We are not seeing that those subsidy payments get to the farmers who are really in a "crunch."

Mr. President, the limitation I am proposing is designed to limit subsidies to large corporate farmers—not deny them to family farmers. What we need to do is find a way to see that the subsidy program is designed to help those farmers who have the greatest degree of trouble competing, and give them an opportunity to compete with some of the large corporate enterprises which now as a result of the technological revolution, threaten to engulf the entire productive agricultural capacity in America. Small family farming has been forced to give way to big business farming, and a system of payments based simply on amounts of production funnels Federal money into the hands of the big producers. Then those farmers turn around and use the money to buy more land, to further consolidate and to then use the additional acreage to qualify for more diversion payments. In the process, more small farms are forced out of business.

Seen from this perspective, my proposal is actually only the beginning of needed reforms. It should be passed to indicate the resolve of Congress to begin that process of reform. It should not be looked at as a proposal which would cast our Nation's farmers into poverty by limiting needed funds. Actually, a $20,000 limit would affect only 11,000 out of about 2.5 million recipients. In other words, of the total number of recipients, only one-half of 1 percent—who are now collecting about 14 percent of total subsidy payments—would receive less money. A ceiling of $20,000 does not appear unfair when compared with the fact that the average recipient received only $1,450 in 1969.

In spite of all the evidence in favor of stricter limitations, there are still some opponents who argue that limitations would disrupt the supply adjustment features of the present commodity programs. Theoretically, present commodity programs are designed to aid the farmer in achieving the precarious balance between supply and the demands of the marketplace by offering direct payments as incentives to withhold acres from planting. Opponents of a payment limitation have argued that a ceiling on payments would destroy these voluntary adjustment programs by removing the incentives for large farmers to participate. In the absence of these payments, it has been said, the large efficient corporate farms would expand production and drive out the smaller farmers.

At first glance, Mr. President, that argument sounds plausible enough, but upon closer examination it fails to hold up. Using the Department of Agriculture's own figures, it appears that more than one third of all payments are really income supplements—payments that merely supplement the incomes of already wealthy landowners—and are not required to achieve desired supply adjustment goals. In short, we are now paying out a great deal more than we need to in order to divert the required number of acres from production.

There is, in addition, the question of whether present commodity programs are the most efficient means for reducing acreage. If taking acres out of production is our sole concern, I believe there is a less costly and more equitable way. That is to expand greatly the Cropland Adjustment Act so that land can be retired on a long-term basis. A fairly recent study of the relative cost effectiveness of the Cropland Adjustment Act and the feed grains program, for example, indicates that it costs about 28 percent less to retire land on a long term basis than it does to divert the same number of acres on a year-to-year basis under the feed grains programs.

Additionally, some opponents of a limitation have said that it would discriminate against cottongrowers. In 1969, 1.4 percent of the cotton farmers received 31.7 percent of all the cotton subsidies. An effort to balance such an overwhelming share of subsidy payments by limiting them to $20,000 per crop simply cannot be called "discrimination." Furthermore, in 1969, only 38 percent of cotton subsidy payments went towards limiting production; 62 percent was in the form of an income supplement or a subsidy for the rich. Today, in fact, the cotton subsidy program is designed, not to limit production, but to increase it. So one can hardly argue that limiting payments would lead to a surplus of cotton.

Cottongrowers may say that the real reason for Government payments is to allow cottongrowers to compete on the world market—to grow cotton for 30 cents a pound but still be able to sell it abroad for 20 cents a pound without losing money. The Government will make up the difference. However, that difference amounted in 1969 to 76 percent of the value of all cotton harvested. As a result, we are paying almost double the sale price of the cotton.

As for the wheat and feed grains programs, the effect of a limitation would be relatively minor simply because exploitation of the subsidy system is less widespread. In 1969, only 1.4 percent of feed grain farmers received more than $20,000 per year. Furthermore, 89 percent of the payments went for limitation of output—just as they were designed to do. For wheat, over half of the payments served to limit production and only 4 percent of the total subsidies were for amounts above $20,000.

There is a final completely spurious argument advanced by the Department of Agriculture to the effect that the $55,000 payments ceiling included in the Agriculture Act of 1970 was intended to last for 3 years—through June of 1973 when the act itself expires. Any adjustments of the ceiling only 1 year later, it is claimed, would disrupt the long-range plans of the farmers and undermine their faith in the farm program. Such an argument is ridiculous. First of all, the only "long-range" plans disrupted would be the various legal ploys designed to multiply corporate farmers' income beyond the set limitation. Actual planting decisions are based on annual price support guarantees from the Government and anticipated market conditions. They are made only 1 year in advance of planting. These decisions would not be disrupted in any way by the payments limitation. Secondly, 85 percent of all American farmers already favor a reasonable payment limitation. It is the large corporate interests which are opposed to further ceilings. No one else would even be affected. I am surprised that the Department of Agriculture would be so obvious in its protection of the corporate farmers at the expense of small farm families.

Mr. President, according to a report by the Department of Agriculture in 1969, payment limits would not destroy the production-control programs and would not lead to new farm surpluses. But they would save money. I urge my colleagues to recognize that the agriculture sector of this country has changed with the result that present Federal policies serve only to hasten the total demise of the historic tradition of small farmers. Unless we wish to destroy the roots of this country's traditions, huge subsidies to rich farmers must end—now.

I would like to point out, in closing my opening remarks, that it is rather strange to me that the Members of this body, almost all of whom are sympathetic to the plight of the farmers, feel that we are in a better position to determine what is good for the farmer than the farmer himself. I repeat that about 85 percent of all the farmers in this country see no reason at all for the exorbitant subsidy payments, and have time and time again voiced their support for reasonable subsidy limitations.

I am concerned that city dwellers—who far outnumber those who still live on the farm—do not realize the importance of a farm program. We are just asking for trouble with stories like the ones which appeared in the Washington Post, the Wall Street Journal, the Des Moines Register, and the New York Times, which state or show that only a handful of farmers are getting all the "gravy" out of the subsidy program. Let us write this program so that we do not have to repeal it outright and destroy the program altogether.

Mr. PERCY. Mr. President, will the Senator yield me about 3 minutes?

Mr. BAYH. I yield 3 minutes to the Senator from Illinois.

Mr. PERCY. Mr. President, the author of this amendment, No. 242, of which I am a cosponsor, has mentioned national priorities. It brought me back to the struggle we had a short while ago in trying to get $1.7 million for a demonstration program for the elderly continued for another year. If we had abandoned that program, it would have cost a great deal in the way of human misery for thousands and thousands of elderly people who are malnourished, who do not have enough money for food for themselves, and yet we almost dropped that program.

Yet when we consider that the potential appropriation for subsidies over $20,000 is over $400 million, we could expand that single program for feeding the elderly by 200 times, and we could put food where food is desperately needed by our abandoned and forgotten population over 65, where poverty is increasing at such an alarming rate.

For these and many other reasons, I fully support amendment No. 242 to H.R. 9270, which would limit farm subsidies to $20,000 per farmer for each crop, rather than the $55,000 figure reported out by the Senate Appropriations Committee.

On June 23, the House of Representatives, by a vote of 214 to 198, passed a $20,000 limitation as part of the agriculture appropriations bill. I believe the Senate should do likewise.

Last year the Government paid $74 million in subsidies to farmers over and above the amount is would have had to pay had the $55,000-per-crop ceiling been the law. When the $55,000 payments limitation was incorporated in the new farm legislation, it was hoped that a substantial portion of this $74 million would be saved this year.

It appears, however, that there will be little or no saving to the taxpayers despite the enactment of the $55,000 per crop limitation. Farmers have employed perfectly legal steps to split up their farms in various ways to avoid losing funds. In some instances, farms have been divided among family members. In other cases, land has been leased out for a fee to other individuals, who were then entitled to the payments. The result of these maneuvers has been to thwart the congressional intent of saving funds through the imposition of the $55,000 limitation.

The amendment we are considering today is the same amendment which passed the House. By lowering the ceiling on payments to $20,000, it should be possible to realize a significant saving in farm program costs, something we have been unable to do with the higher limit, and it should be possible to help plug these loopholes that existed in the law last year.

In 1970, 10,400 farmers and producers received more than $20,000 in subsidies. Total payments to these farmers were $409 million. Passage of a $20,000 limitation would mean an approximate saving of $200 million.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. PERCY. May I have an additional minute?

Mr. BAYH. I yield the Senator 1 additional minute.

Mr. PERCY. Mr. President, I believe that enactment of this amendment not only will save the Government a substantial sum of money, but also will help the small farmer by enabling him to compete on more favorable terms for available cropland in his community, which is now controlled by the large operators. Since it is estimated that a $20,000 limitation will affect fewer than one-half of 1 percent of all American farmers, it is fair to say that passage of this amendment will work no hardship at all on the average farmer.

If we are sincerely dedicated to economy in Government and to assisting the smaller farmer, we must adopt this amendment. I urge my colleagues to join me in support of it.

Certainly the Illinois Agricultural Association is to be applauded for passing overwhelmingly a resolution supporting a $25,000 limitation. This amendment is in the spirit of that resolution.

Mr. McINTYRE. Mr. President, can the distinguished Senator from Indiana yield me 10 minutes?

Mr. BAYH. I yield 10 minutes to the Senator from New Hampshire.

COMMONSENSE AND FARM PAYMENTS

Mr. McINTYRE. Mr. President, I rise to urge my colleagues to support this amendment to limit farm payments to $20,000 per crop, per farm.

The adoption of this amendment—which I was pleased to join in introducing—will go a long way toward restoring sense to the farm program, toward molding it to conform to today's priorities.

Earlier this year, I proposed setting farm payment limits at $10,000. I felt such a limit was justified, was needed, and would still leave us with a viable farm program.

My convictions have not changed, but legislative realities dictate that a $20,000 limit may be a more attainable goal.

I have been around these halls long enough now to appreciate that legislative accomplishment depends, more often than not, on going for the possible whenever the possible is moving in the right direction.

Limiting payments to $20,000 is moving in the right direction. Acceptance of this figure by the House of Representatives would indicate that this may well be a more realistic, a more "possible" goal.

Mr. President, let me make it clear here and now that this is not an "antifarm" amendment, nor is it motivated in any way by antifarm sentiment.

I, for one of many in this Chamber, thoroughly appreciate the tremendous accomplishments and contributions of American agriculture and would do nothing that would hurt its cause.

Indeed, Mr. President, the amendment I speak for today is precisely the opposite of antifarm legislation. It is profarm legislation because it seeks to eliminate a stigma that has marred the image of the great institution of agriculture for far too many years.

It is difficult for many Americans to appreciate, fully appreciate, Mr. President, how our system of agriculture has made us the best fed, best clothed people on earth—and has helped us feed much of a hungry world—when they are constantly buffeted by the seeming paradox that our Government is paying some farmers as much as $4 million a year not to grow crops while there are still hungry people at home and abroad.

Now there are those who will say this is a completely naive attitude, who will wonder why so many Americans do not understand the reason for farm subsidy payments, why they do not appreciate the fact that farmers have to be compensated for not growing crops that would glut the market and destroy the farm economy.

I happen to believe that most Americans can understand the principle of farm payments, Mr. President. It is not that sophisticated a mechanism. But what they cannot understand is why the biggest farmers get the most compensation.

I also happen to believe that they would accept even this situation if they could be convinced that a farm program could not be effective without the lavishly rewarded participation of the factory farms and the mega-farmers.

But in the absence of that convincing evidence, they are going to remain skeptical at best and cynically bitter at worst over a system that pays John Wayne and his corporation farm partners more than $800,000 for not producing crops, that pays a British investor-owned farm in Mississippi another $800,000 for the same reason, when all the while the public needs in education, in health, in housing, and in many other priority areas are going unmet.

A long, long time ago, the farm subsidy payment system was initiated to help the small family farmer make ends meet when he had to curtail production in order to keep supply in line with demand.

But this once justified, indeed admirable, program has grown completely out of hand, for from that modest beginning the farm payment program became a grotesque, lopsided monster gobbling up billions of dollars a year in Federal tax dollars, far too much of which went into the fat coffers of big farmers who were able to use that money to buy up more land to keep out of production and collect even more subsidies.

Nevertheless, Mr. President, I never would have lent my name to a payment limitation plan unless I was convinced that such a plan could work, that enough land could be diverted from production to keep farm prices stable even with payment limits.

I have been convinced. I am certain that we can impose limits and eliminate the scandalous inequities of no limitations, and still preserve the farm economy.

Last year the Congress voted $55,000 limitations, and this has now been in effect for 1 year.

It has not worked, Mr. President. It has not worked, because its intent has been betrayed. Not illegally betrayed, to be sure, but betrayed nevertheless.

What has happened is this: Big farmers, within the law, have divided their farms among members of their families, their friends, or associates, thus making each new owner eligible for subsidy payments.

In some instances, reports indicate that total payments for a given piece of "subdivided" farm property may be slightly less than they were under no payment limitations, but that owners have gone into more production in order to make up the income difference.

This, of course, defeats the purpose of the farm subsidy system for those additional planted acres can flood the market, depress prices, and hurt every grower, small as well as large.

Now I do not contend that dropping the limit from $55,000 to $20,000 is going to completely solve this problem, Mr. President. No doubt some mega-farmers and factory farms will still try to avoid the limitation by dividing ownership to qualify each owner for the maximum $20,000.

But certainly "subdividing" farm ownership to make every new owner eligible for the $20,000 maximum is going to be more difficult than dividing to make each new owner eligible for $50,000. It will simply require that many more "new" owners will make the ruse, if that is what it is, all the more apparent.

Beyond the limits that this amendment imposes, of course, is the directly implied need for the Department of Agriculture to make sure that the principle of limitations is not avoided.

The Department must make sure its regulations are clear enough, strong enough to protect the taxpayer against increased farm payment costs brought about by the splitting up of farms.

The Department must redouble its efforts to check into each proposed farm reorganization to assure it is not being undertaken to avoid the purpose of the law.

Finally, Mr. President, I would like to respond to an objection to dropping farm payment limits from the current $55,000 level to $20,000 at this time.

There are those who say this is unfair to farmers, because the $55,000 limit imposed last year was legislated for a 3-year period and that farmers have made their plans to accommodate that 3-year condition.

Now first of all, let us try to keep this in perspective. There are more than 2 million farmers in America today. But only a few thousand of that 2 million would be affected by lowering the maximum subsidy payment.

Family farmers, the backbone of American agriculture since the birth of our nation, would not be affected because only a very few of them operate farms large enough to qualify for more than $20,000 in payments.

Second, farmers always hope to make their plans for several years in advance but are only rarely able to do so.

The truth is that the market outlook, the need to rotate land use, the availability of farm labor, and many other factors make planning for more than a year at a time extremely difficult.

In summary, then, the proposed imposition of a $20,000 per crop, per farm subsidy limitation, a limit already approved by the other Chamber on June 23, is not an antifarm measure.

It will not affect the vast majority of American farmers, but it will effect a substantial tax savings at the same time that it removes an unsightly blemish from agriculture's otherwise shining image.

By removing that blemish, Mr. President, we will not only make tax dollars available for more worthy purpose than making rich farmers richer, we will clear the way for a renewed, unspoiled public appreciation of the worth and dignity of one of the greatest institutions, one of the most important contributors to health and well-being in the world—American agriculture.

I urge that the Senate act favorably on this proposal.

Mr. BAYH. Mr. President, will the Senator yield briefly, if he has time remaining?

Mr. McINTYRE. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. Two minutes.

Mr. McINTYRE. I am happy to yield to the Senator from Indiana.

Mr. BAYH. I compliment the Senator from New Hampshire for recognizing the possibilities of accomplishing two basic goals. He put them, I thought, in very dramatic perspective. First, by seeking to remove this rather obvious source of controversy from the existing program, we are actually helping, not hindering, the hundreds of thousands of farmers in rural America. We are restoring belief and pride in the integrity of the farm program, while limiting the payments of only 10,000 recipients—is not 10,000 the number of farms who inspire this debate?

Mr. McINTYRE. That is correct.

Mr. BAYH. Second, the Senator expresses, and rightly so, that the money saved from these exorbitant payments can be utilized to meet some of the pressing needs that exist elsewhere in our society. Thus, we would accomplish two important goals by adopting one amendment.

Mr. McINTYRE. I thank the Senator. I am pleased to be able to join him in this amendment. He is the only Senator who can claim to have been brought up and worked on a farm, and he knows the issue of the farmer from the very beginning. I thank him for allowing me to participate in this matter.

Mr. McGEE. Mr. President, I rise as perhaps the only Member of this body who has never been on a farm and does not own even one head of livestock in any form.

But I raise the point that concerned us in the committee, and that was the good faith of Congress. This has been a very difficult question. The Senator from Indiana is correct when he points to its complexities and the issues it raises. Because of that, the Agriculture Committee of this body held extensive hearings a year ago, went to great depth into the ramifications of the problem, and weighed the consequences of a whole range of options that were available; and in the best wisdom they could muster they came up with the judgment that a limitation should be imposed for the first time in history. They arrived at the figure of $55,000.

We might quarrel with that particular figure. But the agreement that was reached committed that program to the crop years of 1971, 1972, and 1973. That still was an adjustment in the whole mechanism of agricultural loans and crop planting schedules and that sort of thing, and those have been undertaken in the good faith that the Government of the United States, particularly Congress, meant what it said when it enacted a law for 3 years with these limitations. In that good faith, these farmers have undertaken their loan commitments, their crop commitments, and their other operational necessities in an attempt to maintain some predictable economic stability in the 2 or 3 years ahead.

For that reason, the members of the Appropriations Committee felt that this was not the way to do this; that not only was it not the way to do it, but it was breaking faith in the process as well. Because it was breaking faith, we felt that we would have to seek a review of the action taken by our friends on the other side of the Hill.

Mr. President, I ask unanimous consent to have printed in the RECORD a letter from the Secretary of Agriculture that we have received on this matter and a letter from the Acting Secretary, Mr. Clarence D. Palmby.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

DEPARTMENT OF AGRICULTURE,
Washington, D.C., June 25, 1961.

DEAR SENATOR McGEE: On June 23 the House of Representatives passed H.R. 9270, the 1972 Department of Agriculture-Environmental and Consumer Protection Appropriation Bill.

The House made four amendments to the bill as reported by the House Committee on Appropriations on which we sent you our comments and recommendations on June 21, 1971.

One of the changes involved an increase of $2.1 million for research in the Agricultural Research Service relating to research abroad on the detection and destruction of narcotics-producing plants. Another change dealt with the earmarking of an additional $11,225,000 for summer nonschool child feeding programs. We have no objections to these two changes.

We strongly urge the Senate to delete the amendment by the House which would have the effect of limiting payments on 1972 crops (other than for sugar and wool) to $20,000 to a person for any single crop. This subject was thoroughly reviewed by the Congress last year and the Agricultural Act of 1970 established a payment limitation of $55,000. Since that time many farmers have entered into leasing contracts, revised their crop rotation programs and have made arrangements for credit on the assumption that the limitation level of $55,000 would stay in effect for the full three years. A change now would result in difficult problems and would be costly to many farmers.

It seems to me that farmers have the right to rely on the provisions of an Act which the

Congress debated and passed. I feel that to make such a major change in the rules at this time would be grossly unfair.

The House also added a general provision which would prohibit payments to anyone who grows or permits to be grown marihuana or other prohibited drug-producing plants on his land. Attached is a statement which discusses this matter. While we are not requesting the Senate to delete this provision, we feel that the Congress should be aware that this will likely involve many administrative problems which we cannot now anticipate. It may be necessary to request a revision at a later time.

Sincerely,

CLIFFORD M. HARDIN,
Secretary.

DEPARTMENT OF AGRICULTURE,
Washington, D.C., June 29, 1971.
Hon. GALE W. MCGEE,
U.S. Senate.

DEAR SENATOR MCGEE: I strongly urge the U. S. Senate to strike the $20,000 payment limitation for the 1972 crops of cotton, wheat and feed grains included by the House of Representatives as a rider to the Department's 1972 Appropriations Bill.

I fear that many farmers will regard this action so soon after the enactment of the Agricultural Act of 1970 as an act of bad faith. Many have already bought land, entered into leasing arrangements, and made farming plans on this basis. Farmers had the right to believe that the $55,000 payment limitation enacted last year after full Congressional debate would be good for the 3-year duration of the new farm law. It would be unfortunate if the Government now reneged. This is not what people expect of the Congress.

The disruption caused by this rider would extend beyond those farmers directly affected. No farmer could plan secure in the belief that the legislative authorization for any program provision would remain unchanged for the life of the law. For example, there are some who favor a limitation as low as $5,000 or $10,000 and the precedent set by this rider would encourage such attempts.

At the time we agreed to the present $55,000 limitation, we indicated that this was as low as we could go and still hope to operate an effective program. At the lower level voted by the House, it will be more difficult to make the programs work. As more farmers are forced out of the program, the greater burden of providing the necessary set-aside acreage will fall on the smaller farmers still able to participate. Further, the limit would be made more restrictive before either the Congress or the Department would have an opportunity to measure the impact of the $55,000 payment limit and thus have the benefits of this experience.

There is little doubt, however, that the payment limit as it goes lower will work against increased farm efficiency. It would be indeed sad for the Congress to enact legislation which would have this unfortunate result at a time when farmers are increasing their efficiency at a rate of roughly 2½ times that of other industry.

It is my strong belief that this rider will be harmful to the farm program operation and to farmers without really benefitting taxpayers. I urge you to oppose it and acquaint your colleagues of its serious consequences in soliciting their support of your position.

Sincerely,

CLARENCE D. PALMBY,
Acting Secretary.

Mr. HRUSKA. Mr. President, will the Senator yield?

Mr. MCGEE. I am glad to yield to the Senator from Nebraska.

Mr. HRUSKA. I read from a letter signed by the sponsors of this amendment:

> According to all available information, the $55,000 ceiling of 1970 has not cut down at all on the huge subsidy payments which are made annually to a few rich farmers. There was an increase in total subsidies from $3.5 billion in 1969 to $4 billion in 1970.

Did I correctly understand the Senator from Wyoming to say that this $55,000 ceiling commenced with the calendar year and crop year of 1971?

Mr. MCGEE. It affects the crop years of 1971, 1972, and 1973.

Mr. HRUSKA. So that when there is an allegation of failure to achieve any savings in calendar year 1970, it is somewhat irrelevant.

Mr. MCGEE. In my opinion, the Senator is correct.

I will take no more time at this time, Mr. President, and I reserve the remainder of my time.

Mr. BAYH. Mr. President, I yield myself 2 minutes, to speak to that particular point.

Representative CONTE has repeatedly tried to obtain information from the Secretary of Agriculture in order to document the numerous indications we have that the $55,000 has not been effective.

I ask unanimous consent that this exchange of letters be printed in the RECORD to show that the Secretary has been far from cooperative on this matter.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

JANUARY 22, 1971.

Hon. CLIFFORD M. HARDIN,
Secretary of Agriculture,
Department of Agriculture,
Washington, D.C.

DEAR MR. SECRETARY: I was deeply disturbed to learn from a recent Report to the Congress by the Comptroller General (B–114824; January 12, 1971) that the objectives of the feed grain program have been subverted because of a number of payments for diversion from production which have actually gone to owners of land devoted to or designated for nonagricultural uses.

Although I was pleased to note that your Department has already taken steps to eliminate these abuses. I am writing to request a detailed report on both the extent of such abuses and the correct measures which have and will be taken to prevent their reoccurrence.

As your Department's initial reply to this report indicates, there is every reason to assure that these abuses have occurred in the wheat and cotton programs, and in many other areas of the nation not covered in this report.

I am sure you are aware of the growing lack of public confidence in the farm program in recent years. As part of the effort to help restore that confidence, I have long fought to place a limitation on farm subsidy payments. I am proud that this administration was the first to support such an effort—support which was critical to the enactment of the first payment ceiling.

As you know, I and many others have been concerned about the likelihood that many program participants will seek to evade the effects of this payment limitation. A vigorous administrative effort at the highest level will be required to prevent unlawful evasions.

This incident reveals a disturbing lack of policy direction over the Department's field operations. Unless this deficiency is corrected promptly I am concerned that confidence in the farm program will diminish further.

I would like to take this opportunity also to request a report on the effort that has been made to date to prevent evasion of the payment ceiling.

Thank you for your consideration of these requests. I look forward to receiving these two reports as soon as conveniently possible, and want to assure you that I will continue to do what I can to support your efforts to develop a more effective and properly administrated farm program.

With best wishes, I am

Cordially yours,

SILVIO O. CONTE,
Member of Congress.

DEPARTMENT OF AGRICULTURE,
Washington, D.C., February 17, 1971.
Hon. SILVIO O. CONTE,
House of Representatives,
Washington, D.C.

DEAR MR. CONTE: This is in response to your letter of January 22 requesting a report on the extent of abuses as disclosed by the Report to the Congress by the Comptroller General (B–114824, dated January 12, 1971) and the corrective measures taken.

Because the subject report does not contain positive identification and location of the reported items, the Agricultural Stabilization and Conservation Service obtained a listing of all farms which were reviewed by the General Accounting Office. The respective State Agricultural Stabilization and Conservation (ASC) committees were furnished a copy of the Comptroller General's report and a copy of the list of all farms. Each of the cases in the list is to be promptly investigated by a State ASC committee representative. Each State ASC committee is to determine which cases are partially or fully ineligible for payment in 1969 and 1970 under the regulations in effect in those years. Collection action will be instituted where applicable.

We have taken the following measures to prevent recurrence of similar deficiencies:

1. Administrative instructions have been issued to all county ASC committees directing them to declare ineligible for program participation those farms which the county committee determines would not normally be operated as grain-producing farms.

2. This instruction also provides, that all farms in predominantly nonagricultural areas be determined ineligible. Producers in such areas would be determined eligible for participation only after they have proved to the county committee that they are currently engaged in an active farming operation.

3. We will establish adequate administrative review procedures to insure that administrative instructions and regulations regarding eligibility of farms for program participation are uniformly and consistently applied by the county ASC committees.

In the Comptroller General's Report to the Congress, it is pointed out that the actions proposed by the Administrator, ASCS, in his letter dated September 23, 1970, commenting on a draft of this report (Appendix I), are responsive to GAO's recommendations.

Enclosed is a copy of the regulations and of the administrative instructions under which we will administer the payment limitation provision.

Sincerely,

CLARENCE D. PALMBY,
Acting Secretary.

DEPARTMENT OF AGRICULTURE,
Washington, D.C., April 15, 1971.
Hon. SILVIO O. CONTE,
House of Representatives.

DEAR MR. CONTE: This replies to your March 16 letter regarding our administration of the Payment Limitation Regulations.

You will be interested in the enclosed statement, "Implementation of Payment Limitation", which was prepared in response to questions on March 22, 1971, by the Agriculture Subcommittee of the House Committee on Appropriations. We believe that this statement makes it clear that changes in farm operations are permitted.

We have taken a number of steps to maintain close control over the State and county ASC committees administering the payment limitation provisions. In addition to the normal day-to-day supervisory activities of our Washington and State offices, we require that a resume of 10 percent of cases decided by State and county offices be sent to the Washington office for review. These cases are in addition to those that, because of their complexity or unusual nature, are sent to the Deputy Administrator for State and County Operations for decision.

Further, we have asked the Department's Inspector General to pay particular attention to the administration of the payment limitation rules in audits of State and county office operations. Selected field auditors and special agents of the Office of the Inspector General have been detailed to Washington for additional training on the subject.

You asked whether we have instructed county committees to require disclosure of stockholders lists where corporations or stockholders may be subject to the payment limitation. As you know, we have instructed county offices to make sure that producers who may be affected by the limitation are furnished full details concerning the limitation. Additionally, counties have been responding to written requests for determinations concerning the application of the payment limitation rules. Producers are requested to make a full disclosure of the stock ownership of corporations and other details of their operations having a bearing on the determination. We have made it clear that where significant facts are hidden from us we will, under our regulations, deny all program payments. Additionally, program payments will be denied where a producer is engaged in purely paper transactions which do not actually represent what the producer is doing.

You inquired about a case in Mississippi mentioned by Mr. Burt Schorr in his March 9, 1971, article in the Wall Street Journal. The Mississippi State ASC Committee, after checking with a number of county offices, is unable to identify such a case in the Delta having a similar family situation with the allotment and 1970 program payments referred to in the article. The article does not contain sufficient information to determine whether the new entities should be regarded as separate persons.

You ask to be furnished a progress report on the effect of the payment limitation as soon as possible after the 1971 sign up is completed in April. Specifically, you ask for a report on the number of producers applying for a reduction in set-aside requirements and preliminary estimate of reduction in payments. Since producers will have until July 1 to request a downward adjustment in the set-aside requirement, this information will become available later in the year. As soon as it is compiled, we will furnish you with a copy.

Additionally, you ask for a report of the changes in leasing, ownership and farming practices in 1971 of all producers who received $55,000 or more in payments under a specific commodity program in 1970, whether or not such producers request a set-aside adjustment. This kind of information will be, of course, available at county locations throughout the country. Such a report would be very expensive to compile and issue and we would be reluctant for this reason to do so.

We are, however, able to furnish you with a list of all producers for whom payments were computed at $55,000 or more under a program in 1970. This list is being sent under separate cover.

We appreciate your interest and concern in the efficient administration of farm programs.

Sincerely,

ANDREW J. MAIR,
Deputy Assistant Secretary for International Affairs and Commodity Programs.

Title I of the Agricultural Act of 1970 imposes a $55,000 limit on each person each year under each of the upland cotton, feed grains and wheat programs. The law directs the Secretary of Agriculture to define the term "person" for purposes of applying the limitation and to prescribe such rules as he finds necessary to assure a "fair and reasonable" application of the limitation.

Since the beginning of discussions on payment limitations, the Department has recognized that this would be a difficult provision to administer. For this reason, even before the Agricultural Act of 1970 was enacted, considerable planning and work was done in order to be able to publish implementing regulations with a minimum of delay. In doing this, valuable consultation was had with field employees from the States most affected. The Department's Office of the General Counsel was fully utilized in this effort. The assistance of the Comptroller General was requested and obtained. The Secretary signed the Payment Limitation Regulations on December 18, 1970, and they were published in the Federal Register on December 22, 1970. Considered in the light of the language in the law and the legislative hearings which preceded enactment of the law, the published regulations comply with the directive to assure a "fair and reasonable" application of the limitation.

Understandably, interest in the limitation by producers potentially affected is intense. These producers have anxiously sought information about the limitation. For this reason, Washington personnel participated in several meetings with ASCS field personnel and interested producers to explain the provisions of the regulations. The first of these meetings was held in California on December 18, 1970. Others followed for Arizona, Texas, Louisiana, Mississippi, and Arkansas—The States most affected by the limitation. In addition, instructions to ASCS county offices provide that ample public and private notice shall be given to assure that every producer potentially affected by the limitation has an opportunity to find out the detailed provisions of the limitation and how his farming operations are likely to be affected. Producers were assured that if a written plan of their operations for 1971 is submitted, we would provide them an answer in writing as to how the limitation would be applied. This was to enable the producer to determine where he stands before committing substantial resources to production of a crop.

Neither the law nor the regulations prohibit bona fide changes in farming operations. Thus, a producer potentially affected by the limitation may sell a part of his farm, lease it to others, make changes in the terms of leasing agreements such as shifting from crop-share to a cash-rental or vice versa, tranfer cotton allotments under the transfer provisions or take other similar actions previously available to him under applicable law and regulations.

While bona fide changes are permitted, fictitious actions which constitute a scheme or device to evade the limitation are not. Concealing relevant information, submitting false information, or creating fictitious entities for the purpose of concealing a true interest in a farming operation, are examples of actions not acceptable in applying the payment limitation.

Many producers who would otherwise be affected by the limitation are restructuring their farming operations so as to avoid the limitation. The economic compulsion, particularly for the cotton and wheat producer, is such that there is no other acceptable alternative. It is likely that these producers will then carry out a reduced or no farming operation insofar as the payment program is concerned and will rely on land rental, crop rental, and lease or sale value of transferred cotton allotment to replace some of the income lost because of the limitation.

Some producers who have carried out a substantial farming operation by leasing land from various owners now find that they must terminate some of the leases thereby turning the farms back to the owners. Such owners are then faced with the problem of finding another tenant, commencing farming operations on their own, or leaving the farm idle.

Most questions arising about the payment limitation can be answered at the local county office. However, the regulations provide that where the local county committee is unable to determine whether certain individuals or entities are to be treated as one or separate persons, the case shall be referred to the State committee for decision. If still unresolved after State committee consideration, the case shall be submitted to the Deputy Administrator for State and County Operations, ASCS, for a determination. This is the official in Washington directly responsible for field administration of the cotton, feed grains and wheat programs. He, after consultation with the Department's General Counsel, has rendered decisions in the most complex cases.

Based on participation in the 1969 programs, it is estimated that 1100 producers would have been affected by the limitation. The number of producers by crops for the States most affected are as follows:

State	Cotton	Feed grains	Wheat
Mississippi	250	0	0
California	226	4	2
Arizona	162	1	0
Texas	140	23	8
Arkansas	65	0	0
Louisiana	20	0	0

CONGRESS OF THE UNITED STATES,
Washington, D.C., May 10, 1971.

Hon. CLIFFORD M. HARDIN,
Secretary of Agriculture,
Department of Agriculture,
Washington, D.C.

DEAR MR. SECRETARY: I appreciate Mr. Mair's letter of April 16, describing the Department's plans for reviewing the decisions of the County ASC Committees in administering the $55,000 payment limitation.

But I must confess I am disappointed with the Department's reluctance to prepare a report on the changes in leasing, ownership, and farming practices (acreages of cotton, wheat, feed grains, and substitute crops) resulting from the limitation on payments to the 1,300 producers who received approximately $69 million in government payments in 1970.

I have difficulty in accepting Mr. Mair's stated reason that, "such a report would be very expensive to compile and issue," as adequate grounds for declining to prepare such a report for the guidance of members of Congress.

Many members believe that lower limits on individual farm-program payments could reduce government expenditures by $100 to $200 million or more without adversely affecting the supply adjustment and price stabilization features of the program.

A few thousand dollars spent in collecting and analyzing information on the changes in cropping and leasing arrangements made in 1971 by the 1,300 producers affected by the $55,000 limitation would appear to be an effective use of a small part of the $7 billion appropriated for the Department of Agriculture.

Perhaps, I should consider offering an amendment to the next appropriations bill earmarking $10,000 for such a report—this would give my colleagues a chance to indicate their interest in such information. Seriously, I do feel this report would be most useful, and I urge you to reconsider my request.

With best wishes, I am,
Cordially yours,
SILVIO O. CONTE,
Member of Congress.

Mr. BAYH. Mr. President, so we are forced to rely on the study that was conducted by the Washington Post, which documented rather well that indeed the limitation has failed. There has been great circumvention of the $55,000 limit; and instead of lessening the number of large subsidy payments, they have increased. The only way one can explain this is that legal loopholes have been taken advantage of by the big corporate farms. It seems to me that we have an obligation to do something about that.

Mr. McGEE. Mr. President, I will take 1 more minute at this time, because it is relevant to what the Senator from Indiana has just said.

We on the committee are not blind to the fact that everybody looks for loopholes. No matter what Congress does, people will try to find loopholes, and we know that such efforts have been made in some limited cases in this program. But the committee has deliberately put in the record the strongest possible language instructing the department to do two things; first, to probe for the loopholes and report back to us; second, to let us know if it takes any additional legislative endeavor in order to plug those loopholes.

We, too, are not interested in providing ways out for somebody to avoid some responsibility. We intend that the program be legitimate and honest. That, again, becomes a legislative matter. We are pressing them with all the thrust we can supply that they plug those loopholes and address themselves to the appropriate legislative committee rather than to the money committee for the beefing up of the enforcement of the existing act, which will be on the books for 2 years.

Mr. President, I yield 6 minutes to the Senator from Texas.

Mr. TOWER. I must oppose any further attempt to limit payments to our Nation's farmers. During the discussion of the 1970 Agricultural Act, it was agreed upon by the U.S. Congress to set a ceiling of $55,000 per crop per farm, and it was the intent of Congress that the new limit remain intact for the duration of 3 full crop years. Any effort to lower this ceiling is a breach of commitment to our Nation's farmers and could render economic havoc for many of our people engaged in agricultural work.

The 1970 farm program marked the start of a new era in the relationship between agriculture and Government. The farmer is no longer paid for not producing a commodity. Under the 1970 act moneys received by the Nation's farmers are used as a subsidy for the actual production of that farm. I hope, as do many of you, that within a few years the farmer will no longer require price subsidy and that the crops he produces will be self-supporting on the open market. Until that time, however, it is imperative that economic balance be sustained for the farm family. Commodity Credit Corporation's stocks are diminishing, and the supply and demand ratio is coming into line with a sound economy. It appears that the new farm program is working, and given a few more years, as we committed to do, perhaps farmers will be independent once again.

There are three basic reasons for retaining the current ceiling for farm payments. The first is that we made a firm commitment on a majority vote less than a year ago, and if we are to merit the confidence of the Nation's farmers, that commitment must be honored.

Second, the farmers, after passage of the 1970 act, made new commitments to their lending institutions. They purchased additional acreage and additional farm equipment. They drilled new irrigation wells and replaced outdated machinery. In today's rapidly changing world the farmer must constantly modernize if he is to remain in business, and this improvement demands capital expenditures which must be repaid from cash crop income. The Nation's farmers started this farm year with plans for a minimum 3-year period. A 3-year planning period is required if the farmer is to reach maximum production. He must practice crop rotation, soil management, fertilization, and other procedures which are imperative to modern farming. These practices do not take full effect in only 1 year.

The Nation's farmers must depend upon their individual initiative. While the farm population drops yearly, to a point now of less than 2.9 million farms in operation, the population of the Nation increases. Approximately 35 million people will be added to the U.S. population by 1980. These statistics even heighten the importance of agriculture. Farming is a major industry and must be treated as such. The financial obligation of America's farmers will run into the millions. A lowered ceiling on farm payments would cause well-justified fear of being unable to repay operating expenses, much less initial capital investment.

Third, not only are we discussing passage of an amendment which might instigate the slow economic death of farmers, but we will also involve ourselves in curtailment of foreign trade. It has been reported that foreign cotton importers are closely watching today's proceedings. If we take away the initiative for profitable farming, then I believe I am safe in saying we also create doubt in our marketplace. Our export trade can be seriously affected as a result of our decision. No man is willing to subject himself to extreme indebtedness with no hope of profitable return. And no farmer will produce a crop knowing his efforts will result in a net loss. If our farmers reduce their cotton, or milo, or wheat production because of the lack of support price at this juncture, then it is only reasonable to say that we will have no idea of the total production expected in the United States next year or the year after. Consequently, our foreign importers will seek other markets in advance resulting in harm to the 1971 market. That crop, gentlemen, is already in the field. Likewise our Nation's textile mills will begin to look elsewhere for fiber, since underproduction of a commodity can be as detrimental as overproduction. Should cotton, for example, not be produced in sufficient quantity to furnish this Nation's own domestic needs, then our textile mills would substitute synthetic fibers and contribute to the decline of farms in the cotton business. If the Congress breaks its farm payments commitment, there will be serious ramifications not only for farmers but also for the Nation as a whole.

Let me say in closing that this Nation enjoys the availability of food at the lowest cost to the consumer of any nation on earth. Our Nation can feed its families and feed them a diet conducive to good health, for less than 16.5 percent of their annual incomes. This is a record to be envied. The Nation's farmers are one of the largest consumers of steel, rubber, and chemicals. The farm ranks among the top in employment of our Nation's work force. Yet farmers have no real course to pursue to acquire better prices for their produce. They have no power to strike and they have none of the fringe benefits afforded to the Nation's nonfarm labor force. Every dollar made available to the farm family by this Government is a dollar invested in a sound economy and in preservation of this Nation. It is not hip-pocket profit for the farmer but a means of putting food on every table in America at the lowest possible price, while at the same time preserving our land which is so rapidly becoming over populated. Our investment in the farmer has paid dividends. I ask that the doors not be shut in the face of American agriculture and that we allow the limit as established in the 1970 farm program to remain intact until the expiration of the program in 1973.

Mr. President, I urge the Senate to reject the amendment offered by the Senator from Indiana.

Mr. McGEE. Mr. President, I yield 5 minutes to the distinguished Senator from Alabama (Mr. ALLEN).

The PRESIDING OFFICER (Mr. TAFT). The Senator from Alabama is recognized for 5 minutes.

Mr. ALLEN. Mr. President, I am deeply concerned over the amendment to reduce the farm payment limitation from the authorized $55,000 level to $20,000. The very livelihoods of thousands of our farm people and the viability of rural America would directly and adversely be affected by the imposition of a $20,000 limit as contemplated by the pending amendment.

Let us consider how this amendment would affect one of the crops covered by the support payments—cotton.

A $20,000 payment limitation could destroy the American cotton industry's ability to respond to current and future opportunities observable in the current market situation. In addition, many of our farmers have already leased cotton allotments pursuant to the $55,000 authorized level in amounts that would put them far over the proposed $20,000 limit. Thus, they have already put cash on the line for allotments they would not be able to use. It would be one more blow to an important industry that is already reeling.

Mr. President, much has been said about payments not to plant crops. Certainly, that is only a portion of the picture. Actually, the payments are made not to refrain from planting but to induce planting of crops. If cotton is not grown in sufficient quantities to meet domestic and world demand, how are our mills to run, how are the people to be employed?

This year, consumption will exceed production by possibly one million bales of cotton. So that if we do not provide the incentive to plant, we will not have the cotton grown. The market price of cotton, say it is in the neighborhood of 25 cents a pound. Statistics show that it takes 33 cents to produce a pound of cotton. Under those circumstances, we are certainly not going to have cotton planted if it costs 33 cents to produce a pound and the sale price of cotton is only 25 cents.

Thus, it is incumbent upon the government to make payments to induce farmers to plant cotton. The statement that all this money goes to the big farmers, the big corporate combines, is far from being correct.

In my State, farmers who do get substantial payments, do not get that money just for themselves. They buy or lease the allotments from widows, from older people who have allotments but are unable to plant. They get the allotments from those people. That is the only way the older people, the small people, can pay their taxes, by selling their allotments. So that this money does not go only to the ultimate planter of the crop, but goes literally to hundreds of small people. So it is not just the large farmers that are getting these payments. They go to rank-and-file citizens.

Adoption of the pending amendment will mean the abandonment of a program that has not yet been tried. The $55,000 limitation was imposed only in December of last year and there has not been a single crop harvested under the $55,000 limit. How do we know that the $55,000 limit is not going to be just exactly the right figure?

As I say, the farmers have gone out and purchased allotments having in mind the commitment of the U.S. Government.

We talk about our commitments abroad, what about our domestic commitments?

These farmers, in good faith, have acquired allotments and they need this limitation at the $55,000 level. That is low enough.

Let me point out that the position of every segment of the cotton industry, particularly the producer, continues to be threatened and harried by rising costs. According to figures furnished me by the U.S. Department of Agriculture, the cost of raising the American cotton crop has increased from 26.6 cents per pound in 1966 to nearly 33 cents per pound in 1970. Let me emphasize that by January of this year, farm income had dropped to 67 percent of the price parity formula. It is an unimpeachable fact that American farmers are suffering from an economic depression unparalleled since the depths of the depression in 1933.

This unhappy fact cannot be regarded as mere statistical data. The current plight of farm income speaks much more, particularly when it is translated into the practical realities of stark tragedy for thousands of men, women, and children whose hopes and aspirations for a decent standard of living are inseparably tied to the soil.

Yes, Mr. President, if we lose our cotton industry, for example, thousands of people now engaged in growing and marketing American cotton obviously will be thrown out of work. Most of these people are in rural areas, where there are already too few job opportunities. This could force many of them into our already overcrowded cities.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. McGEE. Mr. President, I yield 1 additional minute to the Senator from Alabama.

Mr. ALLEN. Mr. President, cotton's demise would also have a serious impact on farmers growing other crops, such as feed grain, wheat and soybeans all over the country. The 12 million acres we now plant to cotton would be used to produce other crops, thus creating other surplus situations, and depressing farm prices. I do not believe our Government can afford to stand idly by and watch this happen. I am convinced that lowering the farm program limitation would cost U.S. taxpayers many millions of dollars in additional farm program expenditures.

The lower-payment limitation would pose an especially serious threat to wheat producers because they have less flexibility than growers of cotton and feed grains. Many wheat growers in the Plains States have no alternate crop they could profitably plant, and no opportunity to make other arrangements under the programs. A lower payment limitation would force these growers out of the programs. They would have to grow wheat for the open market, throwing the full burden of agricultural adjustment onto smaller growers and terribly complicating our farm adjustment policy.

I see no way that the lower payment limit would help our agriculture or our Nation. I can understand the desire of some of my colleagues to eliminate very large payments made to a few producers in the past. But this goal has, in part, already been accomplished through the current payment limitation. I am very much afraid that the present effort to lower the payment limit still further is simply an attempt to make farm programs so unworkable they will have to be abandoned.

Mr. President, a large percentage of the public is unaware that we are facing a farm crisis today which is simmering to a boil and that, as consumers, they have as much at stake in farm problems as the farmers themselves. Yes, because we often see perfidious newspaper headlines or hear sensational radio and television reports about agriculture in general and farmers in particular, expressions such as "farmers are getting rich off the government" seem to be gaining wider acceptance daily.

This seemingly deliberate and concerted attack on agriculture by many of the big city newspapers, national magazines, and radio and television commentators is selfish, reckless, and irresponsible. What the mass news media should be extending to the American farmers is understanding, not indifference; faith, not cynicism.

We should leave the limitation at $55,000. That was a come-down last year from the unlimited payments to $55,000. Let us not cut it below that, certainly not without a trial. We have not had a trial yet. We have not had one crop grown under a $55,000 limitation.

If the amendment passes, I predict that the result will be to throw our most basic industry into utter confusion. I urge the defeat of this amendment.

Mr. President, I call attention to a news release of the United States Department of Agriculture dated July 1 of this year, which contains this very significant statement:

> Total payments for grains and cotton this year are expected to be about $2.7 billion. In 1970, the comparable total was $3.3 billion.

In other words, the cost of the support program for the 1971 year will be $600 million less than last year, according to the figures of the Department of Agriculture.

What other Federal programs will show a saving this year over last year of $600 million? Mr. President, I submit that the amendment seeking a further cut in payments to farmers should be defeated.

I ask unanimous consent that the news release from the Department of Agriculture to which I have referred be printed in the RECORD at this point.

There being no objection, the news release was ordered to be printed in the RECORD, as follows:

EARLY PAYMENT CHECKS IN MAIL TO FARM PROGRAM PARTICIPANTS

WASHINGTON, JULY 1.—Checks totaling $1.13 billion will have been placed in the mail by early next week to nearly 1.5 million wheat, feed grain and cotton farms which have certified compliance in the 1971 set-aside programs, it was announced today by the U.S. Department of Agriculture. The expedited preliminary payments are authorized by the Agricultural Act of 1970.

Payments under the set-aside programs are made to farmers who agree to set aside part of their land from production in order to meet a national objective of balancing supply and demand in certain commodities. These payments help to offset the loss of returns from cropland that otherwise would be used for income-yielding production, and on which the farmer is obliged to continue to pay taxes and apply needed conservation steps, USDA explained. Payments to wheat feed grain and cotton producers are limited to $55,000 per person under the 1970 Act.

Because of a very late spring which delayed planting, as well as drought in some areas, many producers did not certify compliance as early this year as they did in 1970. Remaining preliminary payments can be promptly processed as soon as current crop plantings are certified by participating farms, USDA officials said.

"Of the $1.13 billion, checks totaling $757 million are being received by almost 1 million farmers throughout the Nation today (July 1). It is expected that within the next two weeks most of the farmers participating in the 1971 programs will have received preliminary payments totaling an estimated $2.5 billion. An all-time record 2,034,000 farms are enrolled in the new set-aside programs.

"The expedited farm program payments are made possible by streamlined procedures inaugurated last year by USDA's Agricultural Stabilization and Conservation Service. The ASCS action enabled farmers to receive the entire payment due them in the 1970 program six to eight weeks earlier than ever before. These early payments help many producers reduce their need for long-term credit and cut the amount of interest paid. The flow of cash at this time will again be of major significance to rural communities and the U.S. agricultural economy, USDA officials indicated."

Feed grain producers ultimately will get about $1.1 billion; cotton producers, about $800 million, and wheat producers, about $800 million. Preliminary payments to wheat producers, however, under the Agricultural Act of 1970, are limited to 75 percent of final payments. Feed grain and cotton farmers may or may not get a final payment, depending on market conditions. Total payments for grains and cotton this year are expected to be about $2.7 billion. In 1970, the comparable total was $3.3 billion when prior legislation directed payments to be made for extra acreage diversion on wheat and feed grain farms, and to farms with small cotton and wheat allotments or small feed grain bases. These small units quickly signed up to get payments for diverting their entire eligible acreages.

This year, wheat producers will receive a preliminary payment of $1.20 per bushel on their 1970 crop. This is 75 percent of the estimated face value of the domestic certificates. The final value of the certificates will be the difference between 100 percent of parity on July 1 of this year and the national average wheat price received by farmers from July 1 through November. The remaining payment will be made after Dec. 1, 1971.

Preliminary payment of 32 cents per bushel will be made to corn producers and 29 cents per bushel to sorghum producers, based on this year's 20 percent set-aside requirement. The payment is determined by multiplying the rate per bushel by the yield established for the farm times one-half the corn and grain sorghum base. Producers enrolled in the 1971 feed grain program are guaranteed a national average of $1.35 per bushel on the production from half their corn base and $1.24 per bushel for sorghum.

Cotton producers are due to receive a preliminary payment of 15 cents per pound. Payment is determined by multiplying the acreage of upland cotton planted within the farm base acreage allotment by the payment yield established for the farm. Producers signed up in the 1971 cotton program are guaranteed a national average of the higher of 65 percent of parity or 35 cents per pound.

If feed grain and cotton producers are due final payments as a result of market conditions, they will be made for cotton after Jan. 1, 1972 and for feed grains after March 1, 1972. If the preliminary payment proves to be higher than the full payment due the farmer, a refund will not be required of the producer.

Mr. McGEE. Mr. President, I yield 3 minutes to the Senator from Mississippi.

The PRESIDING OFFICER. The Senator from Mississippi is recognized for 3 minutes.

Mr. STENNIS. Mr. President, I judge that those who voted against the preceding amendment at these levels will vote against this amendment also. However, I repeat very briefly the point I made before, to the effect that this entire matter was brought out last year and in the legislative bill a sound and fair policy was established.

Mr. President, furthermore this payment is not primarily something that is designed for the individual as such. This payment is really a payment for the system regarding these crops and the fiber that comes under the program, and that system is a proven plan that will give a steady, constant, and regular supply year after year of these foods and fibers which are so essential for the American people.

It eliminates the peak years and the valley years and the bankrupt years of starvation for the producers. It gives us a system for a proper balance for needed growth and the supply of food with some storage capacity for the fibers. The one who benefits from the plan is the consumer. This is a plan that is designed for the producer and the consumer. The consumer certainly gets a rightful proportion of the benefits that are paid off in this steady supply of sound, solid, basic foods and fiber to supply our American needs as well as to supply an amount that helps us in our balance-of-payments situation.

Mr. McGEE. Mr. President, I yield 5 minutes to the Senator from California.

The PRESIDING OFFICER. The Senator from California is recognized for 5 minutes.

Mr. CRANSTON. Mr. President, the Agricultural Act of 1970 was signed into law on November 30, 1970, only 8 short months ago. Less than 10 months ago, I spoke in the Senate against an amendment to this Act which would have reduced from $55,000 to $20,000 the total amount payable to any producer of cotton, wheat, or feed grains for the 1971 through 1973 crops. That amendment failed by a vote of 21 yeas to 44 nays on September 15, 1970. Today, I rise again to voice my strong opposition to another attempt to reduce the farm payment limitation to $20,000.

It was my contention on September 15, 1970, and it is my contention today that a $20,000 limitation is a superficial and ill-conceived remedy to the problems associated with our farm programs. To reduce the limitation to $20,000—particularly on an appropriations bill where it is not possible to make compensatory changes in the program such as increasing acreage allotments or providing for more effective production controls—would invite economic chaos in agriculture. It would put many small farmers out of business. And it would be especially disastrous for the agricultural economy of California—even more so than it would have been last year had a $20,000 limitation been imposed. And cotton is a billion dollar industry in my State.

Mr. President, I intend to discuss in some detail the reasons for my consistent opposition to a $20,000 payment limitation. But first, I feel it is necessary to address some of the popular fallacies about our farm program which hamper our ability to recognize the truly complex issues involved in the debate over direct payments to farmers.

This issue is one of the most difficult that I have had to tackle in the U.S. Senate. I have found that my liberal and conservative constituents alike do not understand why I continue to oppose a $20,000 limitation. I believe this fact grows out of a widely shared oversimplified view of the total picture of our farm programs and from a misunderstanding about who benefits from these programs. In addition, it appears that many experience an unfavorable emotional response to the term "subsidy."

One popular misconception about our system of direct payments is that it constitutes a vast Government giveaway to a few wealthy, corporate farmers and that these farmers are paid not to grow crops. In fact, and in spite of this popular fallacy, farmers are paid on the basis of the number of bushels or the number of pounds actually planted, cultivated, harvested and made available for the domestic market! It is true that those with larger plantings of eligible crops receive larger payments because the payments are based on the pounds or bushels produced. Yet is often overlooked that 2,956,104 individual farmers received Government payments in 1970 under the cotton, wheat, and feed grain programs.

We have also been told by the proponents of the $20,000 limitation that huge payments continue to be made to the wealthy few even after the $55,000 limit became law. Yet when we examine their figures, we discover that they are citing payments made in 1970. The $55,000 limitation applies only to the 1971, 1972 and 1973 crops of cotton, wheat, and feed grains.

We have also read accounts that imply "shady deals" and "under-the-table payments" which allow farmers to collect more than $55,000. If there are any illegal dealings involved in the receipt of Federal payments, such cases and evidence should be made available to the appropriate Federal authorities—the USDA and General Accounting Office auditors—so that they can be investigated. And if there are major loopholes in the current law or regulations, we should consider legislation to close these loopholes in order that the intent of Congress can be carried out. But we should not use the examples of the few who may try to "beat the system" to condemn the entire program and jeopardize the livelihood of the majority who are willing to comply with the letter and the spirit of the law.

Cotton is the principal subsidized crop in California. The direct payment in the cotton program is designed to keep the farmer growing cotton, a commodity which is not in surplus. There is not enough cotton. The subsidy is paid to farmers to grow cotton in order to meet the domestic and export demand.

The reason that we must pay farmers in order to get adequate supplies of cotton is simple: it costs considerably more to produce cotton than the price cotton brings on the open market. According to the United States Department of Agriculture, it costs 32.7 cents per pound to produce cotton—and 33 cents in the Western

States—yet the market price in 1970 for middling inch was 20–21 cents per pound. Without Federal assistance, cotton production in California would be reduced to a fraction of the present level.

Under the law the Secretary of Agriculture is required to set a cotton acreage allotment large enough to produce the cotton needed for our domestic and export markets, and he is required to pay not less than 15 cents per pound on the cotton produced on that acreage. The maximum amount payable to any one producer under this program is $55,000.

Now I want to illustrate, as I did last year, that this $55,000 limitation applies to a small, family-sized farm. In California, we get an average of 2 bales for every acre planted in cotton. Each bale weighs approximately 500 pounds. At 15 cents per pound, this comes to a payment of $150 per acre of cotton. With the $55,000 limitation under present law, this means that the maximum payment is reached on only 366 acres of cotton. That is not a large cotton farm in California, a State which has a long history of intensive farming and large landholdings. Now the cotton farmer can plant more cotton if he wishes, but he will not get any Federal loans or payments or assistance of any kind on acreage beyond his 366 acres and his $55,000.

Now using the same figures, we find that imposing a $20,000 limitation means that the maximum cotton acreage is only 133 acres. Thus, the $20,000 limitation does not affect the large, corporate farmer—that goal was accomplished, as we have seen, by imposing a $55,000 limitation. Rather the $20,000 limitation will hit hardest the smaller farmer who plants between 133 and 366 acres of cotton. Many of these small farmers have leased allotments, borrowed money and purchased expensive machinery on the premise that the $55,000 limitation would remain in effect for at least 3 years. To place a new limitation at $20,000 would force these small farmers into bankruptcy. In the last 18 months in the cotton areas of the San Joaquin Valley of California, bankruptcy figures have risen to more than $40 million.

With a $20,000 limitation, no payments could be made for anything over 133 acres of cotton allotment. It has been estimated that this would cripple some 276,000 acres of cotton allotment in California—about half of the total state allotment. The decisions about what to do with this amount of land could have a potentially disastrous impact on other commodities grown in other States as well as in California. It could very likely result in the disruption of the market for many nonsubsidized crops such as tomatoes, melons, plums, olives, safflower, almonds, apricots, grapes, cherries, and pomergranates. I hope that the proponents of a $20,000 limitation are well aware of the indirect adverse impact that may well hit the agricultural economy of their home States.

I think this is the crucial issue. The Agricultural Act of 1970 was enacted for 3 years. The $55,000 limitation applies to the 1971, 1972, and 1973 crops. Farmers, particularly the smaller farmers, have made arrangements on the assumption that this question would not be raised until 1973. They have leased cotton allotments, purchased expensive machinery, and made other financial commitments based on the $55,000 limitation. To impose a $20,000 limitation this year will force small farmers out of business.

Congress provided that the Agricultural Act of 1970 expire after only 3 years because of the question involved in placing a limitation on payments. At the end of the 3 years, we will have a solid basis for determining the efficacy of the $55,000 limitation. I think we might consider seriously at that time the question of direct payments.

But now is not the proper time to raise this question. Farmers have had less than a year to operate under the new program. They have had to make major adjustments in their farming operations. They placed their faith in the U.S. Government and the Congress, and now Congress is turning right around only 8 months after the enactment of a $55,000 limitation and threatening to reduce this limitation to $20,000. And Congress is doing this on an appropriations bill in clear violation of the intent of the 1970 act.

The 1970 act provided that, for the first time, the cotton program is a voluntary one. In order to get more cotton produced for our domestic and export markets, the act allows free production and sale of cotton outside the cotton program, but without benefit of loan or subsidy. Several of the very large cotton growers in California opted to plant outside the program this year. But even with a better price in prospect in 1971, the total amount of cotton produced nationally without subsidy may be less than 15 percent of the total cotton production. There just are not many farmers who can afford to grow cotton without Government assistance.

The 1970 act also provided for an expanded cotton research program. The major thrust of this research effort, most of which is grower-initiated and grower-financed, is toward improving production and marketing costs so that cotton can eventually be produced in sufficient amounts without Government subsidy. The 1970 act allows the cotton industry 3 years to meet this goal. I believe we should give them that chance.

The United States is currently exporting on a dollar basis approximately 4 million bales of cotton per year. Japan and western Europe are our principal markets. As I have pointed out, a $20,000 limitation will curtail the production of cotton and will, therefore, reduce our cotton exports and the dollars received in payment for these exports. I wonder whether my colleagues on the other side of this issue have considered the implications of their position from this point of view.

Finally, a $20,000 limitation will hit the western cotton States—California and Arizona—much harder than it will hit the cotton-belt States or the grain-producing areas of the Midwest. This is because cotton farms in the West must be much larger than those in the South in order to be economical. The cost of water is extremely high in the West, taxes are higher, the land must be irrigated, wells need to be drilled in order to irrigate, cotton machinery has to be shipped from the Midwest, and farm labor wages are considerably higher.

In summary, I would like to reiterate my main points in opposition to a limitation of $20,000.

First, a $20,000 limitation will cause economic chaos in California's agriculture and it will have a very serious adverse impact on the economy as a whole.

Second, it will not affect the large farming operations, as implied by the proponents, but will hit the small- and medium-sized farmer the hardest.

Third, this proposal is offered as an amendment to the agricultural appropriations bill and thus prevents us from making the necessary adjustments in the overall farm program.

Fourth, on the basis of only 8 months of operation under the new law—and a lack of current figures—proponents of the $20,000 limitation are suggesting that the $55,000 figure is set too high. I believe that judgment would be more properly and accurately made when the current law expires in 1973. To do so now, and especially to base one's argument on the previous crop year, is totally unacceptable.

Fifth, a $20,000 limitation discriminates against California and Arizona. It would scarcely affect most of the rain-grown cotton areas of the Old South or the vast acres of grain in the Midwest.

Sixth, a $20,000 limitation on payments will adversely affect our cotton market and the dollars received from these exports.

Seventh, and finally, in the last analysis, a $20,000 limitation is a superficial remedy for the so-called farm problem. If the intent of the 1970 act was to continue to insure the production of sufficient amounts of cotton but also to limit the payments for which any single producer could be eligible, that has been accomplished by the $55,000. If the intent of the 1970 act was to save the Government money, that has only occurred to a small extent. USDA budget estimates place the 1971 cotton payments at approximately $798 million nationally. In 1969 the cotton program cost $828 million and around $820 million in 1970. So there has been some saving, but not much.

The real impact of the $55,000 limitation has been that the large producers were forced to sell or lease some of their cotton allotments to smaller growers. Thus the smaller growers are receiving larger Government payments than they have in previous years. Some have said that a $20,000 limitation would pay the smaller growers an even fairer share of the total cotton payment. But careful studies by the USDA last year revealed that the cotton allotment for which Government payments would be available would tend to be so small that it would not pay to grow cotton even with the Federal payment. As we have seen, the $20,000 limitation would be met on as little as 133 acres of cotton in California.

Mr. President, I think we have to ask

ourselves some hard questions on this issue. We have to determine whether it is proper to attempt this kind of a major change on an appropriations bill only 8 months after the enactment of the 1970 law. We have to ask ourselves whether we can tell farmers that they will have 3 years to operate under a program and then turn around only 8 months later and change the rules of that program. We have to ask ourselves whether a vote for a $20,000 limitation is based on a lack of understanding of its implications—not only for the subsidized crops, but for every agricultural commodity in the Nation. Finally, we have to ask ourselves whether the $20,000 limitation can accomplish the goals which its proponents claim for it—saving the taxpayer money, helping the small farmer, and insuring that ample amounts of cotton, wheat and feed grains are produced to meet our domestic and export requirements.

I submit that the $20,000 does not accomplish any of these aims, and I urge that this amendment be soundly defeated.

Mr. **HRUSKA**. Mr. President, I rise in opposition to the amendment under debate.

It is unfortunate that proponents of lowering the farm program payment limitation to $20,000 have chosen to discredit farmers and the Department of Agriculture because they claim the present $55,000 limitation has failed to result in any great savings.

We have looked into enough cases to know that there will be minimal or no savings in program costs as a result of the $55,000 limitation. The fact is, that we did not expect any great savings this year. My good friend and former chancellor of the University of Nebraska, Secretary of Agriculture Clifford M. Hardin, predicted on March 23, 1970, when he testified before the Committee on Agriculture and Forestry that:

> If limitations were imposed, some large farms would be divided either by sale or lease, and operated as several units.

He added that he did not know how many farms would be affected in this way but clearly warned that any savings and program impact would be affected proportionately by such divisions.

It is ironic that proponents who are working to lower the payment limitation to $20,000 are endangering the 1970 Agricultural Act which offers the first opportunity in years to shift agriculture away from dependence on Government payments and toward greater reliance on the marketplace. Once this transition to a market-oriented agriculture is made then there would be the possibility of real savings. Those advocating the $20,000 limitation—by making farm programs virtually unworkable—thus jeopardize the possibility of achieving the very savings that they themselves advocate.

Let us examine further the suggestion that somehow farmers and the Department of Agriculture have duped the taxpayer and have thwarted the will of Congress relative to enforcing the $55,000 limitation. Neither the law nor the regulations prohibit bona fide changes in farming operations—and that is what has been happening.

Congress itself did not choose to include a definition of "person" in the act which imposes a limit of $55,000 on each person each year under each of the upland cotton, feed grains, and wheat programs. Congress directed the Secretary of Agriculture to define "person" and to prescribe rules necessary to assure a "fair and reasonable" application of the payment limitation. The record shows that Secretary Hardin quickly and efficiently carried out this directive by Congress. The regulations were carefully drafted by the Department of Agriculture with assistance from its Office of General Counsel—OGC. The proposed regulations were also submitted in draft form to the Comptroller General for his comments and suggestions, to further assure that the regulations represented the intent of Congress. If there is still any doubt that the regulations do represent the intent of Congress, let me remind you that the Senate itself last year voted down 44-to-21 the restrictive language of the Smith amendment which specifically prohibited the sale, lease, or transfer of any acreage allotment or base acreage for the purpose of evading payment limitation. Clearly, the regulations published in the Federal Register of December 22, 1970, and now in effect do not circumvent the will of Congress.

These regulations permit a producer to sell a part of his farm, lease it, change the terms of leasing agreements—such as shifting from crop-share to a cash-rental or vice versa—transfer cotton allotments or take other similar actions which were previously available to him under applicable law and regulations. Many producers for perfectly legal economic reasons have restructured their farming operations under the regulations. On the other hand, State and county committees of the Agricultural Stabilization and Conservation Service of USDA carefully examine and review all such adjustments to guard against fradulent actions, schemes, or devices to evade the limitation now in effect.

It is manifestly unfair to describe as evasive the legal, overt, and perfectly understandable economic adjustments of farmers. Equally unfair is the suggestion that conscientious public servants would deliberately create loopholes by writing regulations designed to help farmers thwart the will of Congress.

Notwithstanding all this, the committee in its report on this bill took cognizance of charges made of abuses of this payment limitation. At page 19, the last paragraph reads:

> The Committee is aware of the many charges of abuses that have been made against the payment programs, some of which may be valid. For this reason the Committee directs the Department to proceed forthwith with a complete and thorough review of its administration of the payments limitations provided in the Agriculture Act of 1970 and all rules, regulations and policies which have been promulgated thereunder. The Committee expects the Department to take whatever action is required to insure that the payment program is administered in a fair, impartial and effective manner, and to keep this Committee fully advised of any and all action taken in this regard.

In any event, if changes are found to be desirable, they will not be achieved by this pending amendment. They can be enacted only through regular proceedings in a legislative way; and in a legislative bill—not an appropriation bill.

Mr. President, I would like to read some comments on points raised in July 12 "Dear Colleague" letter:

Point 1. Excerpt from letter:

> According to all available information, the $55,000 limitation of 1970 has not cut down at all on the huge subsidy payments which are made annually to a few rich farmers. There was an increase in total subsidies from $3.5 billion in 1969 to $4 billion in 1970.

There seems to be confusion here as to the effective date of the Agricultural Act of 1970. The provisions of this act, as everyone knows, apply to 1971, 1972, and 1973 crops—not to 1970 crops, which were planted under provisions of the previous farm program. This year's crops will be the first to be affected by the $55,000 limitation.

In addition, the figure "$4 billion," representing 1970 farm program payments, causes further confusion. The actual total for 1970 cotton, wheat, and feed grain payments—the only crops covered by the Agricultural Act of 1970—is $3.3 billion, which indicates a decrease, not an increase, from the previous year.

Point 2. Excerpt from letter:

> The only "long-range" plans disrupted would be the various legal ploys designed to multiply corporate farmers' income beyond the set limitation. Actual planting decisions are based on annual price support guarantees from the Government and are therefore, made only one year in advance of planting. These decisions would not be disrupted by the payments limitation.

Congress has never said anything about limiting "corporate farmers' income." The payment limitation of $55,000 applies only to farm program payments.

The statement "planting decisions are based on annual price support guarantees—and are therefore made only one year in advance of planting" reflects a misunderstanding of the complexities of modern agriculture. With a capital investment in land and machinery of, say $250,000, how could a farmer possibly survive with such haphazard management? With the enactment of the Agricultural Act of 1970, many farmers have made substantial and far-reaching changes in leasing arrangements, equipment investments, and farming plans. Lowering of the limitation to $20,000 would force them to drastically alter their cropping patterns. Some would be unable to plant the crops for which they already have land, equipment and technical know-how. Some of them would be forced to stay out of the progress altogether, which would further alter not only their own plans, but the intricately balanced production patterns of several of our basic commodities. To suggest that farmers base their plans only on Government price supports and only 1 year in advance is not just erroneous; it is frivolous.

Point 3. Excerpt from letter:

> At present there are two major loopholes in the law. One evasive practice is to split legal title among relatives, all of whom are then eligible for separate subsidy payments. Three relatives can thus bring in $165,000 per year for the family. The second loophole allows cotton growers to lease their planting allotments to others for a fee equal to what

they were formerly "earning" from the federal government.

Neither the law nor the regulations prohibit bona fide changes in farming operations. The law and regulations do, however, prohibit "fictitious actions which constitute a science or device to evade the limitation." The Department of Agriculture is strictly enforcing payment limitation regulations. State and county ASC committees have carefully examined and reviewed restructuring of farming operations to guard against fraudulent actions, to evade the limitation. Concealing relevant information, submitting false information, or creating fictitious entities for the purpose of concealing a true interest in a farming operation are examples of such illegal actions.

In reference to the so-called second loophole, the practice of restructuring farming operations is not a "loophole" at all. Congress, in passing the 1970 Agricultural Act, did not include a definition of "person" in the act. As you know, the act imposes a limit of $55,000 on each person each year under each of the upland cotton, feed grains, and wheat programs. Congress directed the Secretary of Agriculture to define "person" and to prescribe rules necessary to assure a fair and reasonable application of the payment limitation. These regulations, which clearly reflect the will of Congress, permit a producer to sell a part of his farm, lease it, change the terms of leasing agreements—such as shifting from crop-share to a cash-rental or vice versa—transfer cotton allotments or take other similar actions which were previously available to him under applicable law and regulations. Many producers for perfectly legal economic reasons have restructured their farming operations under the regulations. No "loophole" is involved.

It is my hope that the amendment will be defeated, thus retaining the limitations contained in the present law.

INTERPARLIAMENTARY UNION MEETING — APPOINTMENTS BY THE VICE PRESIDENT

The PRESIDING OFFICER (Mr. TAFT). The Chair, on behalf of the Vice President, in accordance with Public Law 86–42, appoints the following Senators to attend the Interparliamentary Union Meeting to be held in Paris, France, September 2–11, 1971: the Senator from Montana (Mr. MANSFIELD); the Senator from Alabama (Mr. SPARKMAN); the Senator from North Carolina (Mr. JORDAN); the Senator from New Jersey (Mr. WILLIAMS); the Senator from Indiana (Mr. HARTKE); the Senator from Utah (Mr. MOSS); the Senator from Indiana (Mr. BAYH); the Senator from Wisconsin (Mr. NELSON); the Senator from South Carolina (Mr. HOLLINGS); the Senator from Pennsylvania (Mr. SCOTT); the Senator from Colorado (Mr. ALLOTT); the Senator from New York (Mr. JAVITS); the Senator from Iowa (Mr. MILLER); the Senator from Idaho (Mr. JORDAN); and the Senator from Ohio (Mr. SAXBE).

DEPARTMENT OF AGRICULTURE-ENVIRONMENTAL AND CONSUMER PROTECTION APPROPRIATIONS, 1972

The Senate continued with the consideration of the bill (H.R. 9270) making appropriations for the Agriculture-Environmental and Consumer Protection programs for the fiscal year ending June 30, 1972, and for other purposes.

Mr. McGEE. Mr. President, I yield 5 minutes to the Senator from California.

The PRESIDING OFFICER. The Senator from California is recognized.

Mr. TUNNEY. Mr. President, I thank the Senator for yielding to me so that I may speak on this most important issue affecting the farm areas of our country.

In 1970, I supported the Agricultural Act of 1970 which provided for a $55,000 farm payment limitation for each person for each crop each year under the cotton, feed grains, and wheat programs. At the time I felt very strongly that farm payments should be limited but in a gradual manner which would not create chaos on California's No. 1 industry—agriculture. This legislation runs for 3 years. I do not believe that via an appropriations bill, we should disrupt the industry by making a further—precipitous reduction in payments. When the Agricultural Act of 1970 expires, the Congress will have the opportunity to review the entire farm program and further limit payments at that time.

Some proponents of a $20,000 payment limitation primarily rely upon reports of growers circumventing the limitation, the latest being an article in the Washington Post. However, if a $20,000 limitation is made a part of the fiscal year 1972, agricultural appropriations bill, it probably would be administered under the same regulations as apply to the present $55,000 limitation. Thus lowering the payment limitation at this time will not resolve any problems of "loopholes" or "circumventions." In addition, the recent Washington Post article did not make clear that, under present regulations, it would be illegal for any single grower to receive any more than one $55,000 farm payment for any one crop under the program.

Under the regulations, those who had previously received more than $55,000 would have several alternatives:

First, they could decide not to plant cotton, wheat or feed grains at all and go into other commodities which are now in oversupply such as citrus, or grapes;

Second, they could sell their land which would probably result in depressing land values for large as well as small farms.

Third, they could give away the land and the recipient—not the former owner—would then be eligible for the farm payment.

Fourth, they could sell or lease their excess allotments for the going market rate—the farm payment going to the lessee or purchaser of the allotment. The purchaser or lessee would also be required to set aside the required acreage and otherwise meet the requirements of the Agricultural Act.

Fifth, they could form partnerships with each partner receiving $55,000 each. However, it would have to be shown that it was a partnership in law as well as fact.

In each case, the recipient of the allotment would be eligible for the farm payment—not the owner. Even a husband and a wife could not receive a payment in excess of $55,000 per crop, as the regulations define a husband and a wife as one person. In this instance this is a stricter regulation than the requirements of the Internal Revenue Code.

Fictitious actions which constitute schemes or devices to evade a payment limitation—any payment limitation—should not be tolerated. Concealment of relevant information, submission of false information, or creating fictitious entities for the purpose of concealing a true interest in a farming operation is illegal.

The General Accounting Office is presently conducting an investigation of the agricultural regulations, in order to get answers to the following questions:

First, what has been the effect of the $55,000 payment limitation;

Second, how is the Department of Agriculture administering its regulations;

Third, what types of measures are being used to circumvent the regulations and the payment limitation?

I strongly support this GAO inquiry.

The issue of lowering payment limitations is a different one from the one of circumvention of the law and lowering the limitation would have little effect on the latter.

However, lowering the payment limitation from $55,000 at this time could have an adverse effect on the agricultural economy, particularly in California and will almost certainly cripple many small farmers.

The Agricultural Act of 1970 was enacted as a 3-year program. At the time of the enactment of this legislation, California farmers made commitments relying on the 3-year period. To change the law abruptly, by way of an appropriations bill at this time, would disrupt the California economy even further than it is already.

More important, it is the small farmer who would suffer the most under a $20,000 limit. Smaller farmers have leased allotments, borrowed money, and purchased equipment in reliance upon the 3-year, $55,000 limit. A change now would force many small farmers into bankruptcy. In the San Joaquin Valley of California, for example, bankruptcy figures over the past 18 months total $40 million while unemployment is over 7.7 percent. A further payment limitation at this time would only increase bankruptcies, increase unemployment, and decrease the number of smaller farmers.

Nationally 10,363 growers would be affected by the proposed $20,000 limitation. In California 1,094 growers would be affected and over 250,000 acres—one-half of California's allotment. Many growers would no longer stay within the program resulting in the dumping of thousands of acres of land and increased agricultural products on the market which would depress farm prices, destroy property values, and drive many small farmers out of agriculture. A lower payment limitation would drive the efficient producers out of the program, putting the burden of setting aside land on the small farmer. The large producer would almost certainly grow crops on the land now being set aside. For example, if a cotton farmer in the San Joaquin Valley of California does not participate in the cotton program, he could go into any one of California's more than 200 crops presently grown outside the Federal program—particularly by the smaller farmers. This would upset the entire farm economy.

When the GAO has concluded its investigation, then Congress will be in a better position to press for tightening up regulations and if violations are shown to exist, violators should be subject to prosecution.

When the Agricultural Act of 1970 expires, then the Congress will have the opportunity to consider making further payment limitations, as well as other substantive changes in the farm program.

Mr. McGEE. Mr. President, I yield 5 minutes to the Senator from Minnesota.

The PRESIDING OFFICER. The Senator from Minnesota is recognized.

Mr. HUMPHREY. Mr. President, I am privileged once again to serve on the Committee on Agriculture and Forestry. This is a rare experience and a great opportunity for learning. Agriculture legislation is not simple legislation; it is very complicated. The agricultural economy is likewise an integrated economy and very complicated.

Mr. President, although I was not a Member of the Senate last year when Congress imposed the current $55,000 payment limitation under our Agricultural Act, I wish to go on record at this time as supporting that action by the Congress. Since that time, Mr. President, there have been frequent reports appearing in the press and news media indicating that this $55,000 payment limitation is being administered in such a fashion that it is not as effective as some of us in the Congress had intended. In view of these reports, it seems to me that the Department of Agriculture should be admonished to take whatever steps are necessary to thoroughly review and investigate such charges to insure that the current $55,000 payment limitation is administered fairly, both as it relates to farmers' and taxpayers' interests.

Therefore, Mr. President, I would like to take this occasion to ask that the Department launch such a study immediately and report its findings to the respective agricultural committees of the House and Senate.

If there are loopholes in the law or in the Department's regulations that provide some farmers with undue advantage, the Department should either close those loopholes by administrative regulations or if they do not have the authority to do so, submit proposals to the Congress which will enable them to do so. Mr. President, I believe that before we make any further changes in payment limitation levels under our agricultural programs, we should first provide sufficient time to assess the impact that current limitation will in fact have on the purposes of these programs.

I suggest that we have not had enough time to fully make that assessment. Therefore, in addition to the Department making a careful review of any abuses or circumventions of the current limitation level imposed by Congress, I also would like to recommend that the Department of Agriculture be asked to submit a report to the respective House and Senate Agricultural Committees indicating what impact the current $55,000 payment limitation has in fact had on signups as well as what the anticipated impact might be if the $20,000 payment limitation were imposed.

This report should be submitted to the Congress no later than 60 days following the end of the current crop years for each of the commodities covered under the current act. The report also should identify these factors on a commodity by commodity basis. Until such time as this information is made available to the Congress, I believe it would be unwise to lower the current limitation.

Mr. President, the simple fact is that all of the so-called subsidy payments which are so frequently branded as subsidy payments are designed for one purpose: To improve agriculture income and to do it by trying to help manage the relationship of supply to demand.

Payments are made for whatever crops may be included in a program and not for the purpose of including people within a program. For example, payments are made to wheat farmers if they are willing to sign up on certain planting restrictions limiting the acreage they plant, and that limitation is based on what is considered to be the domestic need of our economy for wheat.

The same is true with respect to feed grains, particularly corn. In my State we are very concerned about corn. If the price of corn falls it generally means the price of cattle falls; if the price of corn falls it generally means the price of hogs goes down. There is a relationship.

What we are really talking about here is not a few cotton farmers. We do not have many of those in Minnesota; we do not have any, I believe.

Mr. President, I have had a study made of the impact of this amendment, if it should be agreed to. If the amendment were agreed to approximately 10 percent of the cropland presently available for planting purposes will come free, so to speak, out of any type production control, and available for any alternative planting for soybeans, wheat, barley, oats, or corn. Mr. President, when the supply is increased anywhere over 3 to 4 percent, we start to get a precipitate drop in prices. So I am not arguing about whether a few cotton farmers will get payments, but I am concerned about thousands of farmers across the Nation who may suffer if there is promiscuous planting where land is taken out of the control program under subsidy payments, and planted free and open with corn, soybeans, oats, wheat, barley, and feedgrains. If that happens, we will have trouble in agriculture the likes of which we have not had for a long time.

I know what it would be popular for me to do, and that would be to vote for the $20,000 limitation. There are hundreds of farms that would be affected by that if one were to look only at the payment, but we produce rye, barley, sorghums, and other feed grains.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. McGEE. Mr. President, I yield the Senator 2 additional minutes.

Mr. HUMPHREY. Mr. President, we had experience before when cropland was taken out and opened up. We saw all kinds of alternative crops being planted, adversely affecting price. Here there may be some abuses in the present program, so it is time for us to take a good look at it.

I am going to offer a resolution which I understand cannot be taken up now because it would be legislation on an appropriation bill. However, this resolution provides:

> Within sixty days after the end of the current individual crop years for each commodity covered under the Agricultural Act of 1970, the Secretary of Agriculture should submit to the Chairman of the Senate and House Agriculture Committees his findings based upon a detailed investigation of the operation and administration of the current $55,000 payment limitation. Such an investigation should be conducted to determine if the payment limitation is being administered in compliance with the intent of Congress and as it relates to the best interests of both farmers and taxpayers alike. Such a study must also include a report detailing the extent to which those participants in the program who previously received in excess of $55,000 annually have reconstituted their farming operations since this limitation was imposed. The Secretary of Agriculture should also provide the House and Senate Agriculture Committee Chairman with his evaluation of the impact of the $55,000 limitation on program sign-ups for the current crop years as well as what he anticipates the impact would be if a $20,000 payment limitation were imposed in subsequent crop years.

It is my understanding that the resolution as now introduced would lie at the desk for 1 day and could be called up for consideration after that, and I shall make it my purpose to do so. I would hope that, despite the fact that it may seem very desirable on the face of the amendment to vote for the $20,000 limitation, it would include in our consideration the total impact on the agricultural economy.

Mr. McGEE. Mr. President, I yield 5 minutes to the Senator from Georgia (Mr. TALMADGE).

Mr. TALMADGE. Mr. President, on November 30, 1970, the President signed into law the Agricultural Act of 1970. Title I of that law established a payment limitation of $55,000 on feed grains, wheat, and cotton.

Now, just 7 months later, an attempt is being made to reduce the limitation to $20,000.

Not a crop is completely harvested, although winter wheat is well underway; we do not even have an estimate of production on the corn and cotton crops; we know nothing at all about farm prices on the crops; we do not know the effect of the $55,000 limitation on production; and yet, some wish to change the rules of the game before it is completed.

Mr. President, it seems to me that last November we made a commitment to farmers by establishing rules for the three crop years, 1971, 1972, and 1973.

In my opinion, it would be a gross injustice to all producers, to the trade, and to consumers if this honorable commitment were negated unilaterally by action of Congress.

No hearings have been held on the proposed change, no opinions sought, no official data has been presented, and no knowledge has been obtained on the effect of such a move.

There are indications that some farmers who received large payments in 1970 and prior years did not participate at all in 1971. If this proves to be the case, these farmers will not receive any payment for 1971.

At the same time, they would not have been required to set aside any of their cropland to conserving uses, nor even maintain their conserving base. These farmers, who dropped out of the programs at the higher $55,000 limit, certainly would not be affected by a further reduction from $55,000 to $20,000.

My friends from parts of the country that grow only corn and soybeans may be tempted to say that a $20,000 limit will not hurt farmers in their States since so few corn farmers are affected and there are no payments for soybeans. Such an assumption would be a serious mistake.

Under the Agricultural Act of 1970 we really do not have separate programs for wheat, feed grains, and cotton. What we have, in effect, is a single, integrated farm program that applies in parallel fashion to major field crops.

A $20,000 limit would affect many wheat farmers in Washington and Montana, many grain sorghum producers in Texas, and many cotton farmers in Mississippi. Land that can grow cotton in Mississippi may grow winter wheat followed by soybeans in a double-cropping system. If efficient farmers are forced out of the program by a low limitation, the additional production of grains and soybeans will be felt across the country in the form of production and price instability.

Mr. President, the principal purpose of the farm program is to regulate agricultural production so that we have plentiful supplies; the consumer pays reasonable prices; the farmer receives a fair return; and our agricultural resources are preserved for the good of all. This regulation is accomplished through payments designed to induce the farmer to produce the amount allotted to him and no more. For excessive production he receives only a low penalty price.

The proposal to limit payments to $20,000 is designed to destroy this program.

It is designed to put the larger farmer out of business, to force him to dispose of his holdings, or to divert to unregulated crops.

It is designed to destroy the balance between supply and demand which the program would achieve.

It is designed to remove the regulatory mechanism and result in boom-and-bust cycles, with shortages and high prices followed by surpluses and low prices.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. TALMADGE. May I have 2 more minutes?

Mr. McGEE. I yield 2 minutes to the Senator from Georgia.

Mr. TALMADGE. Mr. President, it will divide farmers by pitting the interests of large farmers against small farmers. It will result in land reform and uneconomic arrangements as it forces larger farmers to dispose of their holdings to syndicates of investors and others who are in a position to purchase such holdings.

Mr. President, this proposal would destroy the farm program and end its many benefits, but I know of no one that would be benefited by it.

It would save no money. It does not, for instance, make it any cheaper to produce cotton. At present it takes a price of 35 cents per pound to produce an adequate supply of cotton. That price will have to be paid by someone to someone, if the cotton is to be produced. If the Government does not pay, the consumer will have to pay it. If the established farmer does not receive it, somebody else will have to take his place, produce the cotton, and receive the price. By forcing cotton production into uneconomic arrangements, the proposal would increase the cost of producing cotton. It would in no way save money.

It does not help the consumer. The consumer will have to pay higher prices, or face shortages in supply, or in all probability both, since shortages will result in higher prices. The proponents of the $20,000 limitation estimate that if it had been in effect in 1970, it would have prevented payments on cotton equal to $171,051,000. At 15 cents per pound this represents 1,140,340,000 pounds of cotton, which either, first, would probably not be produced, or second, would probably be produced by different producers who would be eligible for the payment. To the extent that the cotton was not produced, shortages would result, and the consumer would pay a higher price for less cotton.

The proposal does not help the small farmer. A program which is designed to put some farmers out of business, result in shortages, and raise prices cannot be justified, and the program would be lost to large and small farmers alike. During the first year the small farmer, in anticipation of shortages and high prices, might be tempted to overextend himself to obtain both the payment and the higher market price; but in taking advantage of the boom part of the cycle he would be likely to make himself more vulnerable to the bust part of the cycle.

Mr. President, this proposal is not designed to do anyone any good. It cannot save money. It does not make cotton any cheaper to produce. It does not provide us with assurance of adequate supplies at cheaper prices. No, it does the very opposite. It harms everyone. It defeats the objective of a Government program. It encourages haphazard land reform and uneconomic arrangements. It will result in higher prices to consumers, and lower prices to producers. It will result in shortages followed by surpluses. It makes no economic sense, and I hope the Senate will reject the amendment.

I thank my distinguished colleague for yielding to me.

The PRESIDING OFFICER. Who yields time?

Mr. McGEE. Mr. President, I yield 2 minutes to the Senator from Vermont (Mr. AIKEN).

Mr. AIKEN. Mr. President, I find on my desk some figures purporting to show the cost of the subsidy to the producers of this country, particularly the cotton producers, but I find the list shows the cost to the cotton producers of $327 million for the year 1970, and not this year. Well, in the year 1970 there were some producers who collected over $1 million each, and so we had no hesitancy in limiting that subsidy maximum to $55,000. What we should have to go by is what the cost is this year.

However, that is not what I rose to speak about. The fact is that the subsidy to the cotton growers is actually a subsidy to the cotton mills. I am advised on good authority that the cost of producing cotton in the southern Arizona-California area is about 30 cents a pound. In the Southeastern United States it is about 35 cents a pound. The market price is about 26 cents a pound at this time. So this subsidy is paid to the producers so they can sell to the mills at anywhere from 5 to 10 cents a pound less than the cost of production, to say nothing of any profit which they might hope to make.

I am sorry to say that the textile industry is leaving this country very fast. Only a week ago I heard that two of our prominent apparel plants are establishing plants in East Asia, where the costs are less.

For a couple of years we charged this subsidy to the cotton mills, but they said they did not like the name of it and they got it transferred back to the producers, where it does not belong. It is really a subsidy to the mills, who in turn might say it is a subsidy to the consumers, because by getting the cotton at 8 or 10 cents a pound less than the cost of production, they could and should pass that saving along to the consumer.

But I think the whole thing has been very badly misrepresented. I believe that if we want to give this subsidy to the mills, we should give it to them openly and not charge it up to the producers.

I was strongly opposed to the $1 million payments which certain companies got last year, but I thought a reduction of from $1 million to a maximum of $55,000 was quite a reduction indeed. We have a 3-year program now. At the end of the 3 years we may not have any textile or apparel industry left in this country at the rate it is leaving us.

I certainly hope we can keep some industries here, but I do not know. I would not be willing to guarantee it at this point.

So I feel that we should keep our agreement which was made last year for a

3-year program, and then look it over, and if it is necessary to continue a subsidy, put that subsidy where it belongs and where the benefit is actually received, on the mills, and not on the producers.

The PRESIDING OFFICER. Who yields time?

Mr. McGEE. I yield 2 minutes to the Senator from Louisiana.

Mr. ELLENDER. Mr. President, I am not sure that anything more can be added to the debate, but I am glad that the Senator from Vermont has raised this point as to payments.

Up until 7 years ago, the farmers received support prices. There were two prices for cotton—one the world price, and the other the support price. That was changed 7 years ago to make it possible for the textile mills of this country to obtain cotton at world prices. The beneficiaries of the present program are the textile mills, because everyone knows that cotton cannot be grown in this country at world prices. The cotton is being sold at world prices to American textile mills, and the difference between the world price and what it costs to produce is about 11 cents. That 11 cents is included in the amount that the farmers are receiving now.

In that same connection, Mr. President, it should not be forgotten that the primary beneficiaries of the payments program are not the cotton-producing States. I went into this thoroughly in the debate on this issue in June of 1970. I will not burden the record by having the lengthy table introduced again at this point, but the fact of the matter is that States in the Midwest, where other commodities are produced, are the recipients of the highest total payments.

I ask unanimous consent that a shortened version of last year's table be printed in the RECORD at this point. It indicates that only eight States received almost half the total program expenditures nationwide, in 1969.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

Total Agricultural Stabilization and Conservation Service payments to producers for selected States, calendar year 1969

	Payments received
Illinois	$195,374,477
California	123,206,394
Iowa	260,351,156
Kansas	234,345,362
Minnesota	171,155,956
Nebraska	199,464,680
Indiana	132,164,369
Ohio	162,308,179
Subtotal	$1,408,470,513
Total payments (all States)	$3,794,996,353

Source: USDA Table, Congressional Record, Vol. 116, pt. 17, pp. 23272–23273.

Mr. ELLENDER. But I would like to conclude by returning to the important point brought out by the Senator from Vermont, that the subsidy is really for the benefit of the textile mills of the country, and not for the farmers.

Mr. HUMPHREY. That is the best argument yet.

The PRESIDING OFFICER. Who yields time?

Mr. McGEE. We have no further requests for time on this side, Mr. President.

Mr. BAYH. Mr. President, how much do I have remaining?

The PRESIDING OFFICER. The Senator from Indiana has 28 minutes remaining.

Mr. BAYH. I have no desire to use that full 28 minutes. I yield myself 10, and I may not use all of that.

The PRESIDING OFFICER. The Senator is recognized for 10 minutes.

Mr. BAYH. I am not oblivious of the array of talent and expertise that is arrayed on the other side of this issue. In fact, it probably does not take a Ph. D. in mathematics to predict the outcome of the impending vote. Nevertheless, as one of the authors of the amendment, I should like to at least rebut some of the points which have been raised.

I concur with the views of some of our colleagues who have suggested that it would be wrong to try to pit one group of farmers against another, such as feed grains against cotton or cotton against wheat. I certainly do not wish to do that. If there are those here who attribute that motive to my proposal, I suggest they are mistaken.

But there have been some inconsistencies between what has been said and the facts, at least as I see them. On the one hand, we are being told that it is important to continue the farm program as passed by the Agriculture Act of 1970 in order to maintain the balance of supply and demand and the production of adequate foodstuffs and fibers. However, I think that if we can vary the farm program in 1970, then we can vary it in 1971 as well. A consistent program would still be maintained since only 2 percent of the farmers would be affected by this small alteration.

It has been argued that the imposition of a $20,000 limitation would drive the cotton farmers off the land. I read back through the arguments on the same matter which were presented last year by my friend and colleague the Senator from Louisiana, who believes everything he says, and is a tremendous advocate. I disagree with his final conclusion, but not at all with his motivation.

The same argument—that any limitation is going to drive the cotton farmers off the land—was made by many with respect to the $55,000 limitation. But if we are to rely on documents from the Department of Agriculture, let me say that estimates contained in this document show that despite the limitation of acreage, there has been an increase of between 5 and 15 percent in the amount of acreage planted for 1971. The figure is 9 percent larger, for example, in the Mississippi Delta area than the year earlier. The acreage for Louisiana increased 15 percent, according to the Department of Agriculture crop planning report, and Mississippi was up 11 percent.

The Senator from California expressed concern that this limitation would drive the cotton farmers out of business in California. Yet, right here in this same U.S. Department of Agriculture document it says that this year, even with the $55,000 limitation, cotton plantings in California are up 7 percent.

So it seems to me that it is only reasonable to suggest that a $20,000 limitation is not going to wreak all the havoc on agriculture that is predicted. Certainly I do not want it to wreak any havoc on cotton or any other crop.

The Senator from Minnesota suggested that 10 percent of the croplands are going to be affected by a $20,000 limitation. I find no statistics at all to verify that. Certainly he believes it, or he would not say it. But I do know that only 2 percent of the producers would be affected. Furthermore, former officials in the Department of Agriculture anticipate that a $20,000 limitation could affect about a million acres of cotton land, at the maximum. Since 100 million acres of land are planted in feed grains and 42.8 million acres in soybeans, the possible adjustment of 1 million cotton acres would not have a dramatic impact.

According to former Under Secretary of Agriculture John Schnittker, who commenced a report back in 1968 which was published in 1969, there would be very little, if any, effect from a $20,000 limitation. The 4-percent increase in this year's cotton production indicates that the $55,000 limitation certainly did not devastate cotton.

I listened to the argument of the senior Senator from California about the number of farmers who would be affected in California. I just pointed out that with a $55,000 limitation in California, production of cotton went up 7 percent.

Once again, I state that we are talking about trying to limit large subsidy payments for relatively few farmers.

In 1969, 883 families in California who grew cotton received subsidies of more than $20,000. Ninety-three families in California who grew feed grains received subsidies of more than $20,000.

Forty-six families in California that grew wheat received subsidies of more than $20,000. That makes a total of 1,022 out of 56,000 farmers in the entire State of California that will be affected by a $20,000 limitation.

Considering the problems we have on the farm and in the cities, I have great difficulty believing in a farm subsidization program which gives tremendously large dollar value subsidies to a handful of farmers. In California, in 1964 there were 22,400 farms—over one-fourth of the total—with sales of farm products of $2,500 or less.

This is what we are talking about. A $20,000 limitation on farm subsidies, compared to the farmers in Shirkieville, Ind., is about 10 or 20 times what the average farmer gets now. I am looking at the big picture, not just the farmers who live around my part of the State or my part of the country. A $20,000 limit would affect 1.7 percent of the producers of cotton, one-tenth of 1 percent of the producers of feed grain, and two-tenths of 1 percent of the producers of wheat. In feed grains, we are talking about 1,395 farmers affected.

I must say that I was impressed with

the argument of the chairman of the subcommittee handling this matter. I agree that we must encourage faith in the U.S. Government; that once we have committed ourselves to farmers, we should not back away from this commitment. I am one who believes in good faith in the relationship between our Government and our citizens.

But I am one who is concerned when an act we have passed is circumvented. What kind of good faith is that? Yet, that is happening now. I am encouraged about the question of good faith. Good faith to whom?

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. BAYH. I yield myself 3 additional minutes.

When we have some 3 million farms in America and some 10,000 of them are going to be affected by a $20,000 limitation, I wonder to whom this Government is responsible—the 10,000 farmers or the 3 million? That is why I can support this amendment and believe that we are not breaking faith.

In fact, I think that if we have a law that is not working effectively, if we are giving a specific advantage to a handful of people, we have a responsibility, if we are to keep faith in this body, to remedy the situation. That is why I have suggested the $20,000 limitation, with my colleagues, for the consideration of the Senate. As the Senate knows, in 1969 former Senator Goodell and I introduced a measure providing for a $10,000 limitation; it seems that a $20,000 limitation should be more acceptable than that.

I am concerned, as one who lives in agriculture and loves it, and makes no apology for it, that we in agriculture are going to be in deep trouble, as our numbers get fewer. And it will be more and more difficult to support a farm policy that gives to a handful of people exorbitant amounts of farm subsidies.

So, in my judgment, it is in the best interests of agriculture and the farm communities and the individual family farmers to do away with this inequity, this extravagant gift of such huge subsidy payments. If we do so, we will be in a much better position to support a going, vigorous, and vital farm program for all farmers, not just for a few.

Mr. President, I think that those of us who live in rural America and are concerned about rural problems have to take into consideration farm subsidy payments as they relate to some of the unfinished business that exists in urban America. We have some 6 million unfit housing units; we have large numbers of our citizens poorly educated, with little or no health facilities. Public hospitals in this country incurred an aggregate operating deficit of almost $75 million last year. There is a great cry on the lips of everybody in this country to reorder priorities. Every Member of this body, at one time or another in the last year, has talked about the need to reorder priorities. Here is a chance to do something positive about it.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. HUMPHREY. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Who yields time?

Mr. McGEE Mr. President, I yield 4 minutes to the Senator from Colorado.

Mr. ALLOTT. Mr President, I rise today to speak in opposition to the measure to impose a $20,000 payment limitation in this appropriation bill. Last year, after a year's debate and consideration by the Agricultural Committees of the House and Senate, through a bipartisan effort, a $55,000 payment limitation was agreed to. I supported their decision. Now a mere 8 months later, we are asked to reject the reasoning of last year's debate. This would be unwise.

The proponents of this amendment in good faith have come to the conclusion that: First the lowering of the payment ceiling will not have deleterious effects on agriculture and that second, this limitation will stop the evasion that they argue is taking place under the present system. Let us look at those arguments.

In today's complex agricultural world, farmers—be they large or small—must plan years in advance. Farmers take stock of their land, machinery, capital and other resources and to adjust cropping patterns. With the enactment of the Agricultural Act of 1970, the Congress said, in effect, that we were rejecting the use of rigid allotments and basis to restrict the production of wheat, feed grains, and cotton. Instead we encourage you to produce more freely for commercial markets. We indicated that to help the farmer make this adjustment to a more efficient operation, aimed at production for the marketplace, we would continue to make payments which would help cushion what would otherwise be a disasterous blow to farm income. Farmers, large and small, have made their long-term plans, accordingly. Farm plans, normally based on a 3-year schedule for adjusting crop patterns, have been made to fit a market oriented program with the assurance that surplus would not be a problem. And now, before the harvest from the first year's operation under the set-aside approach is accomplished, we are asked to alter a major facet of that program. Eliminating the $55,000 limit could bring millions of more acres into production. What we are asked to do is create a surplus which will disrupt the farm market. The profit margin is so slim in farming that more production, driving the prices down, will drive countless farmers out of business. I submit that those who say that this amendment will cause little disruption are only indicating their unfamiliarity with farming.

A second major reason the proponents bring forth is that this will eliminate what they see as wide spread evasion of congressional intent.

The Senate, the great deliberative body, surely cannot approve of this amendment without having subjected its merits to close scrutiny. The House and Senate Agriculture Committees have not considered this amendment; its merits have not been the subject of extension hearings—although such rumors and stories might properly be the basis of a congressional inquiry by an appropriate committee, it should not be the basis of a Senate vote which would completely disrupt a vital national program, approved a short time ago.

The 1970 Agricultural Act is entirely centered around a $55,000 figure. The success of this program depends upon maintenance of that figure. Approval of this amendment will mean lower prices. This will injure the small farmer, perhaps even more than the large farmer we are today asked to vote against. I cannot sanction an ill-conceived move which will disrupt our entire agricultural industry.

Mr. BAYH. Mr. President, I yield 2 minutes to the Senator from New Jersey (Mr. CASE). I know of no one else who wants to speak on this side of the question.

Mr. McGEE. Mr. President, I know of no one else who wishes to speak on our side.

The PRESIDING OFFICER (Mr. TAFT). The Senator from New Jersey is recognized for 5 minutes.

Mr. CASE. Mr. President, I am pleased to join with Senators BAYH, BROOKE, and MCINTYRE in offering an amendment to limit farm subsidy payments to $20,000.

This amendment was approved by the House on June 23 but was not included in the Agriculture appropriations bill reported yesterday.

Last year, both the Senate and the House adopted an amendment to the Agriculture Act of 1970 placing a ceiling of $55,000 per producer per crop on farm subsidy payments. At that time proponents of the $55,000 ceiling argued that the objectives of a subsidy limitation could be met effectively at the higher level, particularly since only three people would be eligible for the overall limitation of $165,000.

We have had nearly a year's experience under the $55,000 limitation. Unfortunately, it now appears that the savings originally anticipated will not be realized. According to recent reports, many of the country's largest farmers have circumvented the will of Congress by splitting up their farms into separate business entities to avoid the subsidy limitation.

As a result, farm subsidy payments have continued to increase and Agriculture Department officials concede there will be virtually no savings under the new ceiling.

An editorial writer put the issue succinctly:

> What would be the reaction of Congress if it passed a law to save $60 million on a poverty program and discovered a year later a group of poor people using clever legalities to pocket the $60 million anyway?

I am sympathetic to the plight of the small farmer for whom the subsidy program was originally intended. However, it is the large, mechanized producer who derives the greatest benefits.

Department of Agriculture figures show that nearly 40 percent of all subsidy payments last year went to 5 percent of the farmers and payments of $40 million went to just 23 farmers.

It is a matter of record that most small farmers believe, as I do, that the Government should get out of the subsidy business altogether and permit farm prices to be determined in the marketplace.

The experience of the past year is sufficient reason, I believe, for Congress to put a more effective limitation on farm subsidy payments.

Obviously, the $55,000 ceiling is not accomplishing what Congress intended. Furthermore, it simply does not make sense to continue paying millions of taxpayers dollars to a very few farmer-businessmen for not growing crops at a time when those dollars are badly needed to create jobs for the Nation's unemployed.

I urge the Senate to support this amendment.

Mr. HUMPHREY. Mr. President, will the Senator from Wyoming yield me 2 minutes?

Mr. McGEE. I yield 1 minute to the distinguished Senator from Minnesota. After careful consideration, I yield 2 minutes to the Senator from Minnesota. [Laughter.]

The PRESIDING OFFICER. The Senator from Minnesota is recognized for 2 minutes.

SENATE RESOLUTION 153—SUBMISSION OF A RESOLUTION RELATING TO PAYMENTS LIMITATION

Mr. HUMPHREY. Mr. President, I want to correct the record with reference to the acreage I mentioned. The report I gave the Senate is from the ASCS office. The number of acres that would be affected by the $20,000 limitation would be 15 million feed and wheat grain acres, and 2 million cotton acres, which represents 10 percent of the total acreage.

In the instance of cotton, it represents about 15 percent of the 13 million acres planted in cotton.

Second, I mentioned a moment ago that I had a resolution, which I now submit and ask for its immediate consideration.

Mr. McGEE. Mr. President, I would have to object to consideration of the resolution in the context of the appropriation bill. We have turned down several such requests so far, and I would have to object.

The PRESIDING OFFICER (Mr. TAFT). Objection having been heard, to the present consideration of the resolution, the resolution will go over, under the rule.

Mr. McGEE. Let me say to my good friend from Minnesota that he understands the basis for my objection.

Mr. HUMPHREY. My understanding is that the resolution will be subject to action prior to the unfinished business on tomorrow; is that correct?

Mr. McGEE. That would be up to the leadership, to make that determination.

The PRESIDING OFFICER. The Chair would ask the Senator from Wyoming to suspend. If the Senate adjourns tonight, at the end of morning business tomorrow, the Chair will lay the resolution before the Senate.

Mr. BAYH. Mr. President, I yield myself 1 minute, unless there are other Senators who wish to speak. I am ready to put the amendment to a vote.

First, I would like to say to the Senator from Minnesota (Mr. HUMPHREY) that I would like to join as a cosponsor of his resolution, and ask unanimous consent that my name be added.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HUMPHREY. I am very much pleased, because I believe the resolution fulfills some of the purposes the Senator from Indiana has in mind.

Mr. BAYH. Mr. President, I want to salute the Senator from Minnesota for his efforts and also I want to compliment the committee. At least we can look forward to stricter surveillance over administration of the farm program by the Department of Agriculture.

I believe there is a great similarity between Senator HUMPHREY's resolution and the enforcement directives on page 19 of the committee report. I support both these efforts to close existing loopholes in the 1970 Agricultural Act but I suggest that this hardly gives us reason not to go ahead with the $20,000 limitation. As I read the act, it is already the responsibility of the Secretary of Agriculture to insure fair administration of the payment program. He should be doing it. When a Member of Congress like the Representative from Massachusetts writes him a letter asking for some facts and figures, the distinguished Representative should not receive an ambiguous reply in which the Secretary says he does not have the facts and figures available. Any Representative should receive proof that the Department is acting to fulfill both the spirit and the letter of the law, as passed by Congress. I hope that such responsibility will be shown from now on.

Mr. FULBRIGHT. Mr. President, I oppose the amendment offered by the distinguished Senator from Indiana (Mr. BAYH) and others. The effect of this proposal would be to reduce from $55,000 to $20,000 the maximum amount any producer could receive under the 1972 crop year price support program. The adoption of such an amendment would be ironic, indeed, since only 10 months ago, during our consideration of the 3-year extension of the farm bill, this body overwhelmingly agreed to an annual limitation of $55,000. The committee report correctly notes the extensive consideration given this question last year. This was the first instance in which the basic law had been changed to provide for any limitation at all, and it was the concerted judgment of Congress, the President, and the Department of Agriculture that such a limitation was a reasonable one. We are now in the midst of the first year of a new farm law and it is not possible at this time to measure the effectiveness of these new programs. They should be given an opportunity to work.

Relying on this law, many farmers have arranged for credit, have entered into other contractural obligations, and have revised their crop rotation programs. Our sense of reasonableness and fairplay should compel us not to disturb this law prematurely.

I believe that the committee has acted wisely in restoring the $55,000 allowance reduced by the House, and I hope that the Senate will sustain the judgment of its committee by rejecting the pending amendment.

Mr. THURMOND. Mr. President, the 1970 agriculture bill contained a crop payment limitation of $55,000. It is the purpose of the amendment now being considered to reduce this limitation to $20,000. Our agricultural community took Congress on its word when we enacted the $55,000 limitation. By this amendment, we are now being asked to break faith with this important segment of our country and go back on our word and enact a $20,000 payment limitation.

Mr. President, our farmers continually absorb the brunt of unlimited hardships. Yet, the food and products they produce are the backbone for the livelihood of this Nation. We are now called upon to invoke yet another economic hardship on our farmers by lowering crop payment limitations to $20,000.

When the $55,000 limitation was enacted into the 1970 farm bill, farmers throughout America had every right to believe that this limitation would be in effect for the 3-year duration of the bill. Our American farmers relying on the 3-year duration of the 1970 farm authorization bill made their plans and investments accordingly. They prepared their land, planted, and borrowed money from banks according to regulations established by the Department of Agriculture based on the 1970 Farm Act.

Mr. President, farming today requires investments of many thousands of dollars in land and equipment for every few dollars of earned profit. Costs to the farmer have soared and at the same time prices he has received for his commodities have risen only slightly. Today's farmer is in a very precarious position and only through careful, diligent planning can he make ends meet.

Mr. President, our farmers have relied on the $55,000 payment limitation believing that it would apply at least through 1973. To turn our backs on these farmers by lowering this limitation to $20,000 would not only be an act of bad faith to the agricultural community but the results of such unwarranted action would be felt in all aspects of the economy of this country. Consumers today are having to use an increasing proportion of their earnings for food, and I would like to add that the increases in food prices are not to any extent being felt in profits to farmers. If, however, we enact this amendment, not only would the farming community receive a serious setback but our entire economy would suffer.

Mr. President, I urge the Senate to defeat this amendment and show our farmers that we are not turning our backs on them again.

Mr. MILLER. Mr. President, I ask unanimous consent that an editorial be placed in the RECORD immediately preceding the vote on amendment 242.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

FARM PAYMENT CEILING

The U.S. House of Representatives once again has passed a $20,000 limit on agricultural payments for cotton, corn and wheat programs. The House passed a $20,000 limit in 1968, 1969 and 1970. In 1968 and 1969, the Senate rejected the ceiling, but in 1970 the Senate also approved a $20,000 limit in one vote later overturned.

In the maneuvering on farm legislation last year, however, the Administration was successful in getting the farm payment ceiling raised to $55,000. This limit affects only about 1,300 farm business firms, all but 50 of these cotton growers, in Mississippi, Texas, California and Arizona.

Originally, the Administration had responded to appeals for some limit on the huge payments going to rich cotton growers by suggesting a sliding scale of payment limitations which resulted in an effective limit of $110,000. Clearly, the Administration has been favoring the cotton South on this payment issue. Its argument that any ceiling as low as $20,000 would "wreck" the farm supply control programs has been proved to be absurd by the Department of Agriculture record of payments.

Few corn and wheat growers would be affected by a $20,000 limit, not enough to make a difference in production adjustment. The cotton acreage "control" program has not had a significant effect on cotton acreage for several years, since market prices have been so low that producers have not planted up to their legal allotments, anyway. Cotton payments are an outright subsidy, and the question is whether the government should subsidize the biggest producers, who have alternatives to cotton growing if they can't make it without large subsidies.

The $55,000 ceiling per crop program is not only ridiculously high but not even effective the way USDA is administering the program. Representative Silvio O. Conte (Rep., Mass.) has pointed out that the department's regulations permit large cotton growers to lease land and allotments and retain most of the subsidies through rental payments. He has calculated that there would be little reduction in total cotton program payments in 1971.

A $20,000 ceiling would save about $200 million in government payments, without reducing the effectiveness of the supply control program and without reducing government payments to farmers, except the largest cotton growers and a few other giant farm businesses. The ceiling passed by the House was in the form of an amendment to an appropriation bill and would be effective only for the year 1972. However, approval by the Senate would establish the principle and it could be made a permanent feature of farm legislation in the next session.

Rather than "wrecking" farm programs, this action by Congress would be a step toward assuring continuation of needed grain adjustment programs, which help balance supply and demand for livestock as well. All farm programs have suffered in public opinion as the result of the exorbitant government checks going to rich cotton producers.

Mr. President, the bad editorial in the Des Moines Register for June 30 stated its approval of the House action in limiting farm program payments to $20,000.

I ask unanimous consent that an analysis of the editorial prepared by the Department of Agriculture, commenting point by point on the editorial, be placed in the RECORD.

There being no objection, the analysis was ordered to be printed in the RECORD, as follows:

ANALYSIS OF DES MOINES REGISTER & TRIBUNE EDITORIAL, TITLED FARM PAYMENT CEILING

PARAGRAPH 1

The U.S. House of Representatives once again has passed a $20,000 limit on agricultural payments for cotton, corn and wheat programs. The House passed a $20,000 limit in 1968, 1969 and 1970. In 1968 and 1969 the Senate rejected the ceiling, but in 1970 the Senate also approved a $20,000 limit in one vote later overturned.

COMMENT

Limitations on farm program benefits have been proposed from time to time and some have been accepted. For example, Congress provided a sliding scale, but no upper limit, for payments under the Sugar Act of 1934. A $2,500 limitation per producer is in effect for Rural Environmental Assistance Program (formerly the Agricultural Conservation Program) payments. There also were payment limitations in the Conservation Reserve Program of the Soil Bank in the 1950's.

Various proposals were made during the 1950's to limit the size of price support loans. During the 1960's efforts were made annually to limit the amount of direct cash payments to individual producers (apart from loans).

In August 1968, the House of Representatives approved an amendment to the proposed Food and Agriculture Act of 1968 which would have limited combined payments to any individual under all the farm programs to $20,000 per year. This amendment was not accepted by the Senate and was deleted by the conference committee.

Again, in 1969, a similar proposal passed the House and was killed in the Senate.

In 1970, the Senate unexpectedly voted 40 to 35 for a $20,000 limit as an amendment to a pending farm appropriation. The amendment was sponsored by Senators Ralph T. Smith of Illinois and John L. Williams of Delaware. Subsequently, the Agricultural Act of 1970 was passed by both Houses with a payment limitation of $55,000. The $20,000 limitation then was deleted from the appropriations measure by the conference committee.

In 1971, the House of Representatives has again attached an amendment to the Agriculture Appropriations bill placing a $20,000 ceiling on farm payments. The Senate has not yet acted on the appropriations bill.

Of concern to many, and conveniently ignored by the writer of the editorial, is the vehicle used by opponents of farm program payments to try to get their views adopted by the Congress. As a rider on an appropriations bill there is no time for reflective study and debate. Properly, substantive issues should come before the Senate, or the House, through the regular channels after careful and exhaustive consideration by the appropriate standing or special committee appointed for that purpose.

PARAGRAPH 2

In the maneuvering on farm legislation last year, however, the Administration was successful in getting the farm payment ceiling raised to $55,000. This limit affects only about 1,300 farm business firms, all but 50 of these are cotton growers in Mississippi, Texas, California and Arizona.

COMMENT

It is not correct to say the Administration got the farm payment ceiling "raised" to $55,000. Prior to enactment of the Agricultural Act of 1970 there was no ceiling on farm payments under the cotton, wheat and feed grain programs.

Secretary of Agriculture Clifford M. Hardin, speaking for the Administration, told the members of Congress that although "we do not believe payment limitations are a very effective way of reducing program costs, we are convinced they will increase public acceptability of a farm program . . ."

The Secretary pointed out that there is a legitimate concern regarding payment limitations. It is the fear that payments might be limited, first to $20,000, then to $10,000, then to $5,000, to $3,000 or even less. Payment limits that are too low would force big operators to go outside the program, would break efficient farms down into a number of less efficient units, would impose excessive acreage cuts on the small farms, and with a given target for acreage reduction, would increase costs rather than reduce them.

At the request of members of Congress, Secretary Hardin developed a graduated scale of payments that would begin at $20,000 and cut off with a maximum payment of $110,000.

When agreement could not be reached on the graduated scale proposal, the Secretary agreed to support a $55,000 proposal, stating: "The payment ceiling of $55,000 represents the minimal level if the Bill's objective of encouraging agriculture is to be met. A lower level would force a group of producers out of the production of cotton. This would be detrimental to the U.S. consumer, the textile industry, and producers of many other agricultural commodities . . ."

The record clearly shows that the Administration did not favor a ceiling on the commodity program payments to farmers, but when it became evident that no farm bill could be enacted without a limitation of some kind, Secretary Hardin cooperated to the fullest extent in helping develop a compromise that was acceptable to the members of Congress and could be administered without jeopardizing the farm program.

The editorial plays to the gallery by implying that only 1,300 farm business firms (as opposed, it is inferred, to the millions of "family operated farms") are affected, and they are chiefly cotton enterprises in Mississippi, Texas, California and Arizona. Fortunately, the financial success of the Des Moines Register and Tribune does not depend on its paid circulation in these areas. It is not likely that a newspaper speaking for any of the major cotton producing areas would agree with the conclusion that a $20,000 limitation would affect so few people.

PARAGRAPH 3

Originally, the Administration had responded to appeals for some limit on the huge payments going to rich cotton growers by suggesting a sliding scale of payment limitations which resulted in an effective limit of $110,000. Clearly the Administration has been favoring the cotton South on this payment issue. Its argument that any ceiling as low as $20,000 would "wreck" the farm supply control programs has been proved absurd by the Department of Agriculture record of payments.

COMMENT

Again, the editorial writer's bias shines through unmistakeably. It is only "rich cotton growers" who receive huge payments.

Certainly, cotton was—and is—much in evidence as we look at the need for farm programs. The rigid allotment and marketing quota system under which we have produced cotton for the past decade has made a new approach imperative. U.S. cotton's share of the total textile market in the U.S. and world is such that we had to decide whether to play "catch up" or play "give up."

The Administration proposal to remedy this long-standing and steadily worsening situation was to move in the direction of greater reliance on individual decision-making and a stronger role for the commercial market. By permitting more efficient use of resources, farmers would be in a better position to reduce production costs. Meanwhile, the payments made under a set-aside program would cushion what would otherwise be a disastrous blow to farm income.

Secretary Hardin said in presenting the Administration's farm proposals to the Senate Committee on Agriculture and Forestry on March 23, 1970, that if the proposal became law, markets grew as expected, and cost-reducing regional shifts in production occurred, payments hopefully could be tapered off.

PARAGRAPH 4

Few corn and wheat growers would be affected by a $20,000 limit, not enough to make a difference in production adjustment. The cotton acreage "control" program has not had a significant effect on cotton acreage for several years, since market prices have been so low that producers have not planted up to their legal allotments, anyway. Cotton payments are an outright subsidy, and the question is whether the Government should subsidize the biggest producers, who have alternatives to cotton growing if they can't make it without large subsidies.

COMMENT

This statement ignores completely the testimony of Kenneth E. Frick, Administrator of the Agricultural Stabilization and Conservation Service, before the Cotton Subcommittee of the House Committee on Agriculture, speaking to the very point raised by the editorial: That few corn and wheat growers would be affected, and that acreage controls were ineffective for cotton.

Mr. Frick said: "We believe that major surgery, not palliatives, is required if this great industry (cotton) is to survive and regain some of its past prosperity.

". . . this Administration is prepared to abandon—permanently—the concept of a one-crop cotton economy. It has been at least a half century since cotton economics and policy could be evaluated without regard to grains, oilseeds, and other major crop and livestock enterprises. Today, cotton is highly integrated into our total agricultural economy. Farms that produce cotton also produce grain sorghums, soybeans, corn, oats, wheat, barley, wool, mohair, cattle, rice, peanuts, tobacco, fruits, vegetables, sugar and other crops.

". . . As to payment limitations, I believe this subject has been explored more exhaustively than any other aspect of the program. In the final analysis it will be for the Committee to decide whether to include a limitation provision. . . . We do feel strongly, however, that if an individual's payments are reduced by a limitation formula, his performance requirement (set-aside) should be reduced proportionately."

When the editorial writer comments that cotton acreage controls are not working, he merely repeats what the Administration documented when it proposed abandonment of the rigid allotment and marketing quota programs not only for cotton, but also for wheat and feed grains.

During the period of debate on the Agricultural Act of 1970 there was more support for program payment limitation from corn belt Congressmen than from the cotton State legislators. This is easily explained. In mid-1970 corn prices were at profitable levels while those of cotton were not. For example, on June 15, 1970, the prices received by farmers for corn averaged $1.21 per bushel or 68 percent of parity. Cotton, on the other hand, brought farmers only 22.4 cents per pound or 45 percent of parity. Also, the feed grain program at that time was entirely voluntary. The cotton program, on the other hand, was mandatory and had acreage controls that restricted the planting of each and every cotton farmer.

PARAGRAPH 5

The $55,000 ceiling per crop program is not only ridiculously high but not even effective the way USDA is administering the program. Representative Silvio O. Conte (Rep. Mass.) has pointed out that the Department's regulations permit large cotton growers to lease land and allotments and retain most of the subsidies through rental payments. He has calculated that there would be little reduction in total cotton program payments in 1971.

COMMENT

The Administration carefully pointed out in testimony before the Congress during hearings on the Agricultural Act of 1970 some of the difficulties associated with administering a payments limitation program effectively. In order to make the limitation administratively feasible, the limitation would need to be applied crop by crop rather than producer by producer. Some farmers produce several supported crops. If the limitation were applied to the farmer instead of to each of his respective crops there would be great difficulty in knowing how the wheat program and how the cotton program should be administered on a particular farm while staying within the total limitation. Secretary Hardin pointed out at that time that if limitations were imposed, some large farms would be divided either by sale or lease, and operated as several units. He called special attention to the fact that savings and program impact would be affected proportionately.

The Agricultural Act of 1970, passed by the Congress, directs the Secretary to prescribe rules necessary to assure a "fair and reasonable" application of the limitation. Regulations to implement the limitation were carefully drafted in the Department's Agricultural Stabilization and Conservation Service (ASCS) with assistance from the Office of the General Counsel (OGC). The regulations, in draft form, were submitted to the Comptroller General for review and his suggestion was incorporated in the final draft. Considered in the light of the language in the law and the related legislative history, the regulations fully comply with the directive to assure a "fair and reasonable" application of the limitation.

Bona fide changes in farming operations have always been legitimate as they have in other business operations. Thus, a producer potentially affected by the limitation is obviously at liberty to sell a part of his farm, lease it to others, make changes in the terms of leasing agreements—such as shifting from crop-share to a cash-rental, or vice versa—transfer cotton allotments under the transfer provisions, or take other similar actions that have been previously available to him under applicable law and regulations.

At the same time, fictitious actions which constitute schemes or devices to evade the limitation are not permitted or tolerated.

PARAGRAPH 6

A $20,000 ceiling would save about $200 million in Government payments, without reducing the effectiveness of the supply control program and without reducing Government payments, except to the largest cotton growers and a few other giant farm businesses. The ceiling passed by the House was in the form of an amendment to an appropriation bill and would be effective only for the year 1972. However, approval by the Senate would establish the principle and it could be made a permanent feature of farm legislation in the next session.

COMMENT

It is presumed that the savings of $200 million is taken from a speech delivered in May 1969 at the symposium on public problems and policies of the Iowa State University Center for Agricultural and Economic Development by Dr. John A. Schnittker, former Under Secretary of Agriculture. The speech was based on a study prepared under Dr. Schnittker's direction in 1968 when he was Under Secretary. In the prepared text, he concluded that a limit of $10,000 per program of $20,000 per farm would yield budget savings of nearly $300 million a year.

There are two points to be made here, which the editorial overlooks.

1. Dr. Schnittker's study is based on an assumption that the rigid allotment and base acreage programs of the Food and Agriculture Act of 1965 would remain in effect.

2. Budget savings are a mere extrapolation of data from a pre-existing condition or situation. There is little, if any, correlation between the potential situation of Dr. Schnittker's study and the realities of the dynamic set-aside program just underway this year and which has not yet been evaluated.

The editorial notes that the ceiling would be effective only for the year 1972 inasmuch as it is attached to an appropriation bill. This is all the more cause for alarm for those farmers who have already made production plans based on a $55,000 payment limitation which was represented to them as part of a 3-year farm program. Most certainly, farmers who have made such adjustments would consider that the Government and the Congress had gone back on their word.

There is the further suspicion that to summarily lower the payment limitation to $20,000 this year by appending a rider to the appropriations bill would most surely encourage those who favor a $10,000, or a $5,000, or $3,000 limit to use this as a precedent next year or the year after. Farmers, processors, traders, the entire agricultural economy would become so severely disrupted because of not knowing how to plan that it would be harmful to the farm program and the Nation.

PARAGRAPH 7

Rather than "wrecking" farm programs, this action by Congress would be a step toward assuring continuation of needed grain adjustment programs, which help balance supply and demand for livestock as well. All farm programs have suffered in public opinion as the result of the exorbitant Government checks going to rich cotton producers.

COMMENT

Prior to the Agricultural Act of 1970, it was argued that the Government paid farmers not to grow crops and that large payments to restrict production result in a drain on the Government Treasury, and enable rich men to get richer.

How much truth there was in the argument before the Act of '70 is a question. Certainly the argument has no validity now.

The set-aside programs of this Administration encourage farmers to produce. They do not restrict his use of cropland, after his set-aside and conserving base requirements are met. With the several options available to farmers under the current programs, many producers who otherwise would be affected by a limitation are restructing their farming operations. Some of them—perhaps all—are doing this to avoid the limitation. But more importantly, they are making basic adjustments in the use of their land, machinery, and other resources so as to produce for commercial markets and not for Government payments.

Such efforts deserve the support and applause of the entire Nation, not unfair aspersions or criticism of a new program that has not completed its first year of operation.

The writer speaks of farm programs suffering in public opinion. It might be well for him to examine the role he plays in shaping that public opinion he cites, and to reflect on the impact his constant theme of "exorbitant" checks to "rich cotton producers" must have on corn belt readers who do not have ready access to an impartial interpretation of the facts.

Mr. ROTH. Mr. President, I am happy to support the distinguished Senator from Indiana (Mr. BAYH) in his efforts to place a firm limit on the amount of subsidies which could be paid to any individual under farm price support programs.

This amendment to limit such payments to $20,000 per year can be expected to result in a saving in excess of $200,000,000 during the present fiscal year. This is no insignificant amount, particularly when we are faced with enormous budget deficits both in the fiscal year just ended and the one we are now beginning.

I have long supported proposals to limit farm subsidy payments and would prefer to see a limit of $10,000 placed on such payments. But I recognize that there is no possibility of having the restriction placed that low. Accordingly, I am happy to support the proposed $20,000 limitation.

Last year Congress did adopt a $55,000 payment limit, which I considered far too high. Since then we have been shocked to read that some large farmers have effectively skirted that limit by breaking up their farms into smaller units and collecting on each one of them. The amendment before us would not only substantially reduce the payment limitation but would, at the same time, eliminate the loophole in existing law.

I am convinced that a lower ceiling on these excessive Government payments to wealthy landowners and corporations not only will reduce Federal spending but will also result in better farming opportunities for smaller farmers. With their subsidies limited, large farmers and corporations will not be able to outbid smaller producers in competing for available cropland in the community to such an extent as in recent years.

I urge the adoption of the amendment.

Mr. McGEE. Mr. President, last year Congress passed the Agricultural Act of 1970 after the most exhaustive review of alternatives in the recent history of farm legislation. This act provides farm programs for the 1971, 1972, and 1973 crop years. One of the most thoroughly discussed features of this bill was a limitation on farm program payments of $55,000 per person for cotton, wheat and feed grains. Several different limits were proposed, some higher and some lower than $55,000. But after long debate, the Congress decided that $55,000 represented an acceptable balance between the desire to reduce huge payments to a few individuals and the need to preserve the world's most efficient agriculture here in the United States.

Farmers took Congress at its word. When the Agricultural Act of 1970 became law, they began laying their plans for the 3 crop years. For many of them, the act meant substantial and far-reaching changes in leasing arrangements, equipment investments, and farming plans.

Now, less than a year later, before we have even had an opportunity to assess the impact of the $55,000 limit, we have before us a new proposal that would lower the payment limit to $20,000.

I find it interesting that this proposal does not come to us as part of a farm bill. It is not sponsored by the Committee on Agriculture and Forestry. No hearings have been held on it. Producers have had no chance to testify on the damage it would do them. It is simply offered as an amendment to the agricultural appropriations bill.

It has always been my understanding that the purpose of an appropriations bill is to fund a program which has been authorized by the Congress. I do not believe an appropriations bill is a proper vehicle for making substantive changes in legislation.

If this proposal should be adopted, what would we say to farmers who have made long-range plans and financial commitments on the basis of a $55,000 limitation—which they had every reason to believe Congress meant to stand for 3 years? The amendment would throw farmers' plans into a cocked hat. Many farmers would have to drastically alter their cropping patterns—unable to plant the crops for which they already have land, equipment and technical know-how. Some of them would be forced to stay out of the programs altogether, which would further drastically alter their plans. Farmers who could stay in the program would have their plans altered, too, since they would have to assume the additional setaside requirement as larger farms were forced out.

Farmers in this country were faced this year with severe problems due to the very late passage of the Agricultural Act of 1970. Now they face the threat of another major change in the provisions of the law just at the time when they are firming up plans for their next crop. Such vacillation on the part of Congress would be inexcusable.

Farming has enough uncertainty already from the vagaries of weather, insects and disease. Farmers this year have been hit by corn blight, drought, hail, floods, and inflation. They do not need, nor can they afford, the additional hazard of last-minute congressional reneging.

Sound economic reasons for staying with the $55,000 level were advanced last year during the development of the Agricultural Act of 1970. These reasons are still valid, but on the basis of good faith alone, the Congress should stand behind its action of last year and retain the payment limit at its present level for the duration of the 1970 act.

Mr. President, I yield back the remainder of my time.

Mr. BAYH. I yield back the remainder of my time.

The PRESIDING OFFICER. All time having been yielded back, the question is on agreeing to the amendment of the Senator from Indiana.

On this question the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. MAGNUSON. On this vote I have a pair with the Senator from Massachusetts (Mr. Kennedy). If present, he would vote "yea." If I were permitted to vote, I would vote "nay." I withhold my vote.

Mr. MANSFIELD (after having voted in the affirmative). On this vote I have a pair with the Senator from Louisiana (Mr. Long). If he were present and voting, he would vote "nay." If I were at liberty to vote, I would vote "yea." Therefore, I withdraw my vote.

Mr. BYRD of West Virginia. I announce that the Senator from Oklahoma (Mr. Harris), the Senator from Washington (Mr. Jackson), the Senator from Massachusetts (Mr. Kennedy), and the Senator from Louisiana (Mr. Long), are necessarily absent.

I further announce that the Senator from Idaho (Mr. Church) is absent on official business.

I further announce that, if present and voting, the Senator from Washington (Mr. Jackson) would vote "yea."

Mr. SCOTT. I announce that the Senator from New York (Mr. Buckley), the Senator from Vermont (Mr. Prouty), and the Senator from Ohio (Mr. Saxbe) are necessarily absent.

The Senator from Oregon (Mr. Hatfield) and the Senator from Idaho (Mr. Jordan) are absent on official business.

The Senator from Michigan (Mr. Griffin) is absent because of death in his family.

The Senator from Massachusetts (Mr. Brooke) and the Senator from South Dakota (Mr. Mundt) are absent because of illness.

On this vote, the Senator from Oregon (Mr. Hatfield) is paired with the Senator from New York (Mr. Buckley). If present and voting, the Senator from Oregon would vote "yea" and the Senator from New York would vote "nay".

On this vote, the Senator from Vermont (Mr. Prouty) is paired with the Senator from South Dakota (Mr. Mundt). If present and voting, the Senator from Vermont would vote "yea" and the Senator from South Dakota would vote "nay".

The result was announced—yeas 29, nays 56, as follows:

[No. 143 Leg.]

YEAS—29

Bayh
Beall
Boggs
Byrd, Va.
Byrd, W. Va.
Case
Chiles
Cotton
Hart
Hartke
Hughes
Javits
Mathias
McIntyre
Nelson
Pastore
Pell
Percy
Proxmire
Randolph
Ribicoff
Roth
Schweiker
Scott
Spong
Stevenson
Taft
Weicker
Williams

NAYS—56

Aiken
Allen
Allott
Anderson
Baker
Bellmon
Bennett
Bentsen
Bible
Brock
Burdick
Cannon
Cook
Cooper
Cranston
Curtis
Dole
Dominick
Eagleton
Eastland
Ellender
Ervin
Fannin
Fong
Fulbright
Gambrell
Goldwater
Gravel
Gurney
Hansen
Hollings
Hruska
Humphrey
Inouye
Jordan, N.C.
McClellan
McGee
McGovern
Metcalf
Miller
Mondale
Montoya
Moss
Muskie
Packwood
Pearson
Smith
Sparkman
Stennis
Stevens
Symington
Talmadge
Thurmond
Tower
Tunney
Young

PRESENT AND GIVING LIVE PAIRS AS PREVIOUSLY RECORDED—2

Magnuson, against.
Mansfield, for.

NOT VOTING—13

Brooke
Buckley
Church
Griffin
Harris
Hatfield
Jackson
Jordan, Idaho
Kennedy
Long
Mundt
Prouty
Saxbe

So Mr. Bayh's amendment (No. 242) was rejected.

Mr. McGEE. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. HRUSKA. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. RANDOLPH. Mr. President, on behalf of myself and Senators Muskie, Cooper, and Byrd of West Virginia, I send an amendment to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

> On page 28, line 12, strike out "$448,900,000" and insert "$458,900,000".

Mr. BYRD of West Virginia. Mr. President, may we have order? We cannot hear the Senator.

The PRESIDING OFFICER. The Senate will be in order. The well of the Senate will be cleared.

ORDER OF BUSINESS

Mr. RANDOLPH. Mr. President, I yield to my colleague from Missouri.

The PRESIDING OFFICER. How much time does the Senator yield?

Mr. McGEE. I yield the Senator 2 minutes on the bill.

The PRESIDING OFFICER. The Senator from Missouri is recognized.

PAKISTAN

Mr. SYMINGTON. Mr. President, recent developments in South Asia, specifically with respect to India and Pakistan, clearly foreshadow future crises in that area. Serious questions have been and are being posed concerning the policy of the United States, incident to the furnishing by this country of military assistance.

In order to bring the Committee on Foreign Relations up to date, an executive session of the Subcommittee on Near Eastern and South Asian Affairs has been called for Monday, July 19, at 10 a.m. The State Department has been requested to provide the subcommittee with a briefing on the details of the current U.S. policy.

It has become increasingly difficult for us to understand just what the United States is or is not giving Pakistan, and this difficulty would appear to arise from the fact that the executive branch seems to be of at least two minds on the question of arms deliveries to that country. On the one hand, the Congress has received categorical assurance that no arms deliveries are being made; on the other hand, we now learn that arms are being shipped; and in any case, we want to know the facts.

We know also that the executive branch is currently asking for an additional $118 million for economic aid to Pakistan, even though the World Bank consortium has refused to grant Pakistan any additional development assistance.

DEPARTMENT OF AGRICULTURE-ENVIRONMENTAL AND CONSUMER PROTECTION APPROPRIATIONS, 1972

The Senate continued with the consideration of the bill (H.R. 9270) making appropriations for the agriculture-environmental and consumer protection programs for the fiscal year ending June 30, 1972, and for other purposes.

STATES NEED FEDERAL FUNDS FOR CLEAN AIR ACT EFFORT

Mr. RANDOLPH. Mr. President, I have offered an amendment to increase the environmental protection appropriation by $10 million. The expressed purpose of this additional amount would be to increase funding for the support of State and local air pollution planning and control programs, under section 105 of the Clean Air Act, as amended.

Under the 1970 amendments to the Clean Air Act, a considerable burden was placed on the resources of State air pollution control agencies. They are required, largely within the balance of this calendar year, to develop comprehensive implementation plans, adequate to bring air quality within the State to the national standard within 3 years. These plans must include specific limitations on every air pollution source within the State, and if the plan is not adequate the Federal Government takes over the responsibility.

There is no way that most States can meet that burden, and prepare that plan adequately to forestall Federal intervention without a substantial influx of money from the Federal Government. The Committee on Public Works, recognizing this fact during the consideration of last year's clean air amendments, asked the administration to help us develop the level of authorization necessary to make this program work.

The committee, both in its report and through statements of members made during debate of the bill, warned that this bold attempt to make America's air safe to breathe by 1975 would not succeed if inadequately funded. We said in the committee report:

> Appropriations for the 1967 Act have been approximately one-half the amount authorized. This lack of funding has lessened the effectiveness of the Air Quality Act. . . . This pattern cannot continue if the Congress and the Federal government are to retain credibility with the American people.

The total authorization in the 1970 clean air amendments was $350 million for fiscal year 1972. This bill, following the administration request, contains only $150,840,000 for air pollution. Once again, this is less than half the amount which just last December the Congress determined was essential to this program.

Mr. President, I have been informed by the West Virginia Air Pollution Control Commission that without Federal funding at the authorized level, West Virginia will be unable to prepare a realistic implementation plan within the statutorily required time. That State is faced with a Federal takeover of their responsibilities.

In recent correspondence with the Committee on Public Works, Carl G. Beard II, director of the West Virginia Air Pollution Control Commission has made this point emphatically:

> In West Virginia's situation, we have been informed by EPA that we will not be granted the total federal monies that we are eligible for. Other promises of contractual assistance funded by the federal government apparently are now being withheld due to lack of funds. Both of the above according to EPA is due to a lack of funds.
>
> West Virginia has more than doubled the appropriation in state funds for FY '72. EPA was aware, over a year ago, that we intended to have a significant increase in state funds for that fiscal year. However, if the information we have received from EPA is correct, the Congress *has not* provided sufficient funds to carry out the programs as planned. The states need monies *now*—not in FY '73.

Mr. President, the States cannot discharge their responsibilities under the Clean Air Act without the extra Federal funds this amendment would provide. If the States fail, the Federal Government must assume the task and the expense anyway, or the goal of health air will be many years away. This small additional sum, invested now in the State programs, is essential to the early attainment of clean air. I urge the adoption of this amendment.

Mr. President, a small amount of money is involved. We have to invest it to assist the States at a time when they are attempting to cooperate with the Federal Government to comply with the clean air amendments of 1970 and help the American people to have a better quality of life through the strengthening of this form of environment need.

Mr. McGEE. Mr. President, the members of the committee weighed this proposal very carefully. The great emphasis in the testimony was to try to move the States more rapidly into this area, which is new to them, as it is to most of us, and it was felt this would help hold down the cost and bring a greater amount of performance.

The committee is willing to take this amendment to conference and see how we come out with it. It is one of those areas where, if the States could move faster, it would serve to implement the rest of the efforts we have already authorized.

Mr. HRUSKA. Mr. President, will the Senator yield?

Mr. McGEE. I yield.

Mr. HRUSKA. Mr. President, I rise to express concurrence with the thoughts expressed by the Senator from Wyoming. It is the type of subject we would be willing to take to conference and do the best we can with it.

Mr. RANDOLPH. Mr. President, I am appreciative of the attitude expressed by the Senators from Wyoming and Nebraska. I know that the chairman of the Appropriations Committee (Mr. ELLENDER) and others feel this is an important subject matter. I realize that there may be some difference of opinion as to the implementation needs of the States, but we do feel, as expressed to our committee, that the information coming to us is that the States want to do this and they need funds with which to make these comprehensive plans.

I hope that in conference with the House of Representatives this amount of money can be retained.

Mr. COOPER. Mr. President, will the Senator yield?

Mr. RANDOLPH. I yield.

Mr. COOPER. Mr. President, I rise to support the amendment offered by Senator RANDOLPH to increase the appropriation to implement the Clean Air Act Amendments of 1970. Most Senators will remember at the time of adoption of the Clean Air Act in September of last year the committee report and the floor manager paid special attention to the fact that the program would have to be funded adequately for implementation, if the American people were not to be misled in the battle to combat air pollution.

The Appropriation Committees on both sides have recommended significant increases in the air pollution budget. The amount, however, does not fully fund the total authorization of the amount necessary to implement the act; an authorization which the Committee on Public Works developed after consultation with the administration. In its report the Appropriation Committee points out that EPA is only several months old and requires a tooling up period. However, the increase asked for by Senator RANDOLPH is for State program assistance—an already ongoing program and should be readily utilized without further manpower demands on EPA.

In addition to requiring performance under some very rigid timetables, the Clean Air Act places great responsibilities on State air pollution control agencies. In fact, these State agencies are the heart of the control program and success will come, or not come, as a result of their activities. Section 105 of the Clean Air Act provides assistance to State air pollution control programs. The purpose of the amendment offered today by Senator RANDOLPH is to increase the amount of assistance available to the States and I support it.

Without markedly increased assistance State programs will not be able to comply with the rigorous requirements placed on them by the act and the public will increasingly demand Federal intervention. I personally believe the matter of air pollution can best be addressed at the field level by the State and local governments. But I recognize that the State and local governments must have resources available for full implementation. This amendment therefore is an extension of the Federal-State partnership created in the Clean Air Act and continued in the amendments of 1970.

I am happy to join with the chairman of my committee, with Senators MUSKIE, BOGGS, and BAKER as a cosponsor of this necessary amendment.

Mr. President, I urge my colleagues to support this amendment.

Mr. RANDOLPH. I thank the Senator from Kentucky, and I yield back the remainder of my time.

The PRESIDING OFFICER (Mr. TAFT). All remaining time having been yielded back, the question is on agreeing to the amendment of the Senator from West Virginia (Mr. RANDOLPH).

The amendment was agreed to.

Mr. TAFT. Mr. President, on Wednesday, June 23, the House passed the agriculture-environmental and consumer protection appropriation bill. It includes $28 million for construction of the environmental health laboratory in Cincinnati, Ohio, to house important antipollution research activities there. The original Public Health Service laboratory for this purpose was the Robert A. Taft Sanitary Engineering Center which has been a world leader in its activities. That facility, now principally dealing with water pollution, has set a proud record for the new facility to supplement.

The city of Cincinnati has already spent some $2.1 million of its $4.5 million commitment to the project. Along with many of my colleagues from Ohio and nationwide, I have worked on this project for many years and urge that the Senate approve it.

Appropriation of this money would make possible a project which will provide invaluable research in an area of increasing concern to all Americans. Cincinnati has traditionally been a leader in the field of environmental health and the addition of this new facility to house new and existing research projects would assure that we will continue our growth in the forefront of this vital field of medical progress.

Mr. McGOVERN. Mr. President, I send to the desk an amendment to increase the funds for facilities for school lunch programs from $16 million to $33 million, and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

On page 41, strike out "$16,110,000" and insert in lieu thereof "$33,000,000".

Mr. MANSFIELD. Mr. President, will the Senator yield so that I may be recognized, with the time being taken out of the bill?

Mr. McGOVERN. I yield.

Mr. MANSFIELD. I ask unanimous consent that there be a time limitation of 10 minutes on the pending amendment and 20 minutes on the amendment to follow, and that the time be equally divided between the sponsor of the amendment and the manager of the bill.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Montana? Without objection, it is so ordered.

Mr. McGOVERN. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

The PRESIDING OFFICER. Who yields time?

Mr. McGOVERN. Mr. President, I yield myself 5 minutes.

The amendment I am offering would increase the funds for facilities for the school lunch prorgams from $16.1 million to $33 million for fiscal year 1972. I realize that $17 million, which is the amount of the increase, seems like a trifle, in view of the fact that we are spending billions of dollars on these food programs generally. But let me point out that the lack of facilities is now the chief obstacle in the way of fulfilling the President's pledge and the commitment of Congress to feed all needy children.

Today, some 23,000 schools are without facilities to run a lunch program, and that forces us, in effect, to ignore the needs of between 1 and 2 million children who are hungry. Congress has already authorized for this program $33 million for ficsal year 1972, and the thrust of my amendment is to provide an appropriation commensurate with the authorized amount.

I urge my colleagues to join me in supporting full funding of the facilities program, so that we may get on with the task of ending what I believe to be inexcusable hunger in our Nation's classrooms. I cannot think of any $17 million investment that we could make in upgrading our school lunch programs that would return any more dividends than this.

Here we have a multibillion dollar program that is effectively denied to children in some 23,000 schools across this country because of the absence of facilities. This amendment, costing some $17 million, would take care of that situation, and I hope my colleagues on both sides of the aisle will join in supporting it.

The PRESIDING OFFICER. Who yields time?

Mr. McGEE. Mr. President, the committee had rather extensive hearings on this question, and the one unresolved part of the problem that gave the committee pause in terms of the amount it would agree to in this category was the difficulty in the logistics of acquiring the necessary information from the 23,000 schools that fell under this category in terms of equipment available for the serving of these meals. The attempt to meet this problem is the thrust of the Senator's proposal.

On the basis of the State's need and further investigation on the part of the Department to determine further needs the appropriation that we approved was the amount that seemed to be closest to reality.

Upon further questioning of those in charge of the program, we further developed that this did not mean that because of the shortage of equipment, the other students would go without food or would go hungry, but that there were alternatives to fill in the gap during the transition period.

We felt, with that understanding, that we were better advised to stick with the figure that the committee recommended, pending justification of further needs based on additional studies by the Department.

I emphasize that we are totally in agreement on the merit of the program, but that we felt the implementation was at a realistic level, without threatening the status of any child in the needy category in terms of the food requirements. Therefore, the committee's position would remain the same, that we believe we ought to stick by the figure that we recommended.

The PRESIDING OFFICER. Who yields time?

Mr. McGEE. Mr. President, I am ready to yield back the remainder of my time.

Mr. McGOVERN. I yield back the remainder of my time.

The PRESIDING OFFICER (Mr. TAFT). All remaining time having been yielded back, the question is on agreeing to the amendment of the Senator from South Dakota (Mr. McGOVERN). On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. BYRD of West Virginia. I announce that the Senator from Indiana (Mr. BAYH), the Senator from Oklahoma (Mr. HARRIS), the Senator from Washington (Mr. JACKSON), the Senator from North Carolina (Mr. JORDAN), the Senator from Massachusetts (Mr. KENNEDY), and the Senator from Louisiana (Mr. LONG) are necessarily absent.

I further announce that the Senator from Idaho (Mr. CHURCH) is absent on official business.

I further announce that, if present and voting, the Senator from Washington (Mr. Jackson) would vote "yea."

Mr. SCOTT. I announce that the Senator from New York (Mr. Buckley), the Senator from Vermont (Mr. Prouty), and the Senator from Ohio (Mr. Saxbe) are necessarily absent.

The Senator from Oregon (Mr. Hatfield) and the Senator from Idaho (Mr. Jordan) are absent on official business.

The Senator from Michigan (Mr. Griffin) is absent because of death in his family.

The Senator from Massachusetts (Mr. Brooke) and the Senator from South Dakota (Mr. Mundt) are absent because of illness.

The Senator from Michigan (Mr. Weicker) is detained on official business.

If present and voting, the Senator from Oregon (Mr. Hatfield) and the Senator from Vermont (Mr. Prouty) would each vote "yea."

The result was announced—yeas 56, nays 28, as follows:

[No. 144 Leg.]

YEAS—56

Aiken
Allott
Anderson
Baker
Beall
Bellmon
Boggs
Burdick
Cannon
Case
Chiles
Cook
Cooper
Cotton
Cranston
Dole
Eagleton
Eastland
Fong
Fulbright
Gravel
Hart
Hartke
Hollings
Hughes
Humphrey
Inouye
Javits
Magnuson
Mathias
McGovern
McIntyre
Metcalf
Mondale
Montoya
Moss
Muskie
Nelson
Packwood
Pastore
Pearson
Pell
Percy
Proxmire
Ribicoff
Roth
Schweiker
Scott
Smith
Spong
Stevens
Stevenson
Symington
Tower
Tunney
Williams

NAYS—28

Allen
Bennett
Bentsen
Bible
Brock
Byrd, Va.
Byrd, W. Va.
Curtis
Dominick
Ellender
Ervin
Fannin
Gambrell
Goldwater
Gurney
Hansen
Hruska
Mansfield
McClellan
McGee
Miller
Randolph
Sparkman
Stennis
Taft
Talmadge
Thurmond
Young

NOT VOTING—16

Bayh
Brooke
Buckley
Church
Griffin
Harris
Hatfield
Jackson
Jordan, N.C.
Jordan, Idaho
Kennedy
Long
Mundt
Prouty
Saxbe
Weicker

So Mr. McGovern's amendment was adopted.

Mr. McGOVERN. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. HUGHES. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. McGOVERN. Mr. President, I have a second amendment at the desk which I ask to be stated.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read the amendment as follows:

On page 42, strike out "$2,001,184,000" and insert in lieu thereof "$2,500,000,000".

Mr. McGOVERN. Mr. President, on this amendment I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. McGOVERN. Mr. President, as chairman of the Senate Select Committee on Nutrition and Human Needs, I have seen firsthand in the last several years the extent of hunger and malnutrition in America. During these years, the Nation has become aroused to the need to solve the problem of hunger and the President himself publicly committed the administration to ending hunger for all time.

The issue we must now address ourselves to, putting it quite simply, is how much money is required to fulfill that commitment. I would like to discuss this issue especially in regard to funding for the food stamp program and the facilities for the school lunch program.

Let me say at the outset, that we all recognize significant progress has been made in expanding both of these programs in the last several years, and the current administration deserves great credit for that expansion. Since December 1968, participation in the food stamp program has more than tripled, from 2.8 million persons to over 10 million.

The administration has requested appropriations in the past several years to keep pace with this growth. Food stamp appropriations have risen from less than $300 million to over $600 million last fiscal year and now almost $1.7 billion this fiscal year. School lunch appropriations for section 11 have increased from $100 to $356 million.

Mr. BYRD of West Virginia. Mr. President, may we have order in the Senate? We are about to vote on appropriating $250 million in the pending amendment. I hope that the Chair would secure order and then maintain it.

The PRESIDING OFFICER. The Senate will be in order. The Senator may proceed.

Mr. McGOVERN. Mr. President, for the next fiscal year, the administration is requesting $2 billion for food stamps, an apparent sizable increase of $300 million over spending this year. I say apparent because, in reality, the $2 billion is actually a standstill figure which will not permit any further expansion in the program. At the end of this fiscal year, there will be about 11 million persons participating in the program. If we project this participation rate over the next year, using a monthly per person cost of $14, then we arrive at a total monthly cost of about $154 million, or an annual cost of $1,848,000,000. In addition, there is the cost of administration which would be in the neighborhood of $100 million, or slightly more than 5 percent of the total. This gives us a new total of $1,948,000,000, or just about what the administration is requesting. Thus, an appropriation of $2 billion during the coming year must inevitably mean that the administration is estimating no further increase in the program.

Yet, recent testimony by the Agriculture Department's Assistant Secretary Richard Lyng, a highly able man, before the Nutrition Committee belies such a no-growth estimate. Secretary Lyng testified that the Department projected participation during the next fiscal year at 12.5 to 13 million persons. Taking this estimate, which I believe to be the most conservative possible, would give us a total cost in the coming year of between $2,200,000,000 and $2,300,000,000. I believe this is a conservative estimate because it falls considerably below the Department's own rate of growth projection used during the past year of three and a half percent monthly. If the program continues to grow in the coming year, as it has in the past, then participation will probably approach 14.5 million persons, raising the cost of the program to around $2.5 billion.

I am aware that the Department argues that its current hold on further geographic expansion of the program, as well as improved economic conditions, will lead to a slower growth rate—thus Secretary Lyng's prediction of 12.5 to 13 million persons participating. Frankly, I question whether economic recovery will take place rapidly enough during the next fiscal year to significantly affect the present unemployment rate of about 6 percent nationally. Given that situation, I believe it is reasonable to project a participation level somewhere between Secretary Lyng's estimate of 13 million and the upper limit of 14.5. The cost, of course, would rise accordingly.

Let me reemphasize that we have been talking only about increases in the program where it currently exists. The Agriculture Department has been forthright in stating that under its appropriation request of $2 billion, it will be impossible to expand the food stamp program into new geographic areas. I think this is quite unfortunate and counter to the administration's commitment to rapidly phase in the food stamp program while eliminating the nutritionally unsatisfactory surplus foods program. At this moment, there are at least 182 counties, and probably many more, who wish to switch to food stamps. In some cases, whole States, such as New York and Florida, have passed legislation requiring counties to switch to food stamps. The lack of adequate funding has forestalled such changeovers.

This inability to change from surplus foods to food stamps is more than just an academic question. For poor people it is a vital question of adequate or inadequate nutrition. I am aware that the Agriculture Department representatives have argued that people not served by food stamps are served by surplus foods, and therefore, the issue of changing over is not of immediate importance. I wish this were the case. But it is not. The Agriculture Department itself has stated in official documents of the White House Conference on Food and Nutrition that the surplus foods program is not primarily designed to provide adequate nutrition for the poor. Dr. Jean Mayer, head of the White House Conference, recently noted the inadequacy of the surplus foods program in the city of Boston where only eight commodities were being made available. The Nutrition Committee recently heard testimony by a Colorado pediatrician that migrant children in Texas were suffering protein malnutrition, a type of deficiency only rarely found before. Upon investigation, the committee learned that the surplus foods program in the area where the children lived only carried 12 items, and milk was not one of them.

The nutritional case against the surplus foods program has been made over and over again. The administration has accepted that case by designating the food stamp program as the primary program for assuring poor Americans an adequate diet. Now is not the time to delay the delivery of that diet by arbitrarily holding back the expansion of the food stamp program into new areas. Funding of the food stamp program at a level of $2.5 billion for the coming fiscal year would permit both the natural expansion where the program currently exists and the inclusion of new areas that need and desire it.

Mr. President, in view of what seems to me to be a very clear-cut question as to whether we want to provide simply enough funds, as the pending bill does, to hold the program to its present size, roughly 11 million persons, or whether we want to accept the language of the pending amendment which would add approximately $500 million to the program and permit the program to continue at its present rate of expansion and add new people, new counties, and new areas that are not now participating is the issue that is at stake.

I wonder if the Senator from Wyoming would not be willing to accept the amendment and, if so, permit us to withdraw our request for a rollcall vote and take the amendment to conference and see if we can get it approved.

Mr. McGEE. Mr. President, we have had a conference on this matter. I say to my friend, the distinguished Senator from South Dakota, who has been a leader in these endeavors, that the committee would be willing to take the amendment to conference and do the very best it could. Further information will be developed between now and the time of the conference which I am certain will be helpful to us in resolving this matter. We will take the amendment to conference and in that way forego the rollcall vote at this time.

Mr. HRUSKA. Mr. President, will the Senator yield?

Mr. McGOVERN. I yield.

Mr. HRUSKA. Mr. President, the Senator from Wyoming and others have conferred on this point. I would be inclined to concur in his suggestion that we take the amendment to conference.

Referring to the Secretary's testimony when the hearings commenced on this particular item, I read from the hearings:

> Our budget estimate for the food stamp program next year is $2 billion. Participation has risen so sharply in recent months that it is evident a supplemental appropriation will be required this year. As soon as we are able to obtain more precise data on the situation, we will furnish this estimate to the committee.

Mr. President, the Senator from South Dakota is correct, that in the tabulation submitted to the committee in which a projection was made to the end of the current fiscal year, the average number of participating people will be 11.5 million. The figure had been projected to June 30 of this year at 8.5 million. However, it actually turned out to be 9.5 million.

Mr. President, I draw attention to these facts to show an awareness on the part of the administration and the Secretary of the sharply increasing number and his willingness to recommend a change as soon as he has more precise data.

It seems to me that if we got the composite judgment of the members of the conference committee on the subject that there would be a reasonable chance that we could come to agreement.

I might state further that if we turn to page 48 of the report, we will note that the food stamp program has done right well in the last 2 years. The total for the food assistance program for the fiscal year 1970 was approximately $1.6 billion. It is now in the present budget as approximately $3.5 billion. That has more than doubled within a 24-month period.

So, it is not a subject that we have been exactly laggard on. We have done well and our disposition is to continue the program as long as there is a need.

Mr. McGOVERN. Mr. President, I agree with the Senator. We have made great progress in this field. I pay tribute to the administration. The intent of the amendment is to see that that progress continues. I am delighted that the chairman and the Senator from Nebraska are willing to take the amendment to conference.

Mr. EAGLETON. Mr. President, would the Senator yield?

Mr. McGOVERN. I yield.

Mr. EAGLETON. Mr. President, would I be correct in stating that unless we expand the program to the amount recommended in the Senator's amendment and if we go the supplemental route, there would not be provision for any counties which are not now participating in the program?

Mr. McGOVERN. The Senator is correct. We have about 182 counties which are not presently involved which have indicated they would like to become involved.

Mr. EAGLETON. The Senator means that there are 182 counties which have applied to get into the program but which have been denied up to now.

Mr. McGOVERN. The Senator is correct.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. McGEE. Mr. President, I yield 2 additional minutes to the Senator from Missouri.

Mr. McGOVERN. Mr. President, the point is well taken. Some States, such as New York and Florida, have passed laws requiring that the county switch over to the food stamp program. They are waiting for funds to come through so that they can switch over to the program. So, we must have more than the amount contained in the appropriations bill.

Mr. EAGLETON. Mr. President, I strongly support the amendment of the Senator from South Dakota to increase appropriations for the food stamp program from the $2 billion sought by the administration and approved by the Appropriations Committee to the $2.5 billion authorized by the Food Stamp Act.

In my State of Missouri, out of 114 counties, only 10 counties and the city of St. Louis are now in the food stamp program.

As of yesterday, 15 additional Missouri counties had applications on file with the Department of Agriculture for inclusion in the program. Department officials have advised me that their proposed $2 billion budget for fiscal 1972 will permit absolutely no expansion of this program to additional counties.

One of the Missouri counties that has applied for food stamps is Jackson County, which includes Kansas City, and is the second most populous county in the State. Approximately 40,000 residents of that county are eligible for, and need, food assistance. In the opinion of the Jackson County court—the administrative body of the county—the needs of these people for food assistance can be met more adequately and efficiently through the food stamp program than through the food distribution program.

Jackson County's application for food stamps was filed in January of this year. But under the $2 billion food stamp budget, Jackson County and Kansas City, as well as the 14 less populous counties, will be denied participation in the program for the foreseeable future.

Mr. President, we pay a lot of lipservice to such causes as the elimination of hunger and malnutrition. Today we have the opportunity to put our money where our words are by providing the full $2.5 billion authorized by law for food stamps in fiscal 1972.

I am very pleased that the Senator from Wyoming has indicated his willingness to take this amendment to conference.

Mr. JAVITS. Mr. President, will the Senator yield 1 minute to me?

Mr. McGEE. Mr. President, I yield 1 minute to the Senator from New York.

Mr. JAVITS. Mr. President, the Senator from South Dakota mentioned the State of New York. I state for the information of the Senate that there is an area, in which no matter how hard we try to reduce the welfare load, we are not succeeding, though there are many things underway, including better facilities for work training and for child day care, which will help.

Here is a most felicitous way of combining the contribution of agriculture, the farmers, and the people of the cities so that the welfare load in a very substantive way, through the use of food, can be substantially lightened.

I join with the Senator from South Dakota in hoping very much that we will move ahead rather than stand pat. His amendment would enable us to move ahead.

The conferees will have in mind what can be a very felicitous addition to the total load we are trying to help carry in an intelligent way in this country.

Mr. PERCY. Mr. President, will the Senator yield?

Mr. McGOVERN. I have no time remaining.

Mr. McGEE. I am glad to yield 1 minute to the Senator from Illinois.

Mr. PERCY. The Senator is most gracious. I accept the 1 minute.

The PRESIDING OFFICER. The Senator from Illinois is recognized.

Mr. PERCY. Mr. President, I wish to reiterate my support of the amendment. As ranking minority member of the Special Committee on Nutrition and Human Needs, I have heard testimony for 3 years as to the need we have for more money for our food programs. This afternoon a witness came in from Seattle saying that a program for feeding the elderly had been shut down because of inadequate funds. I do not see how a country with a trillion-dollar economy can say we do not have the money for a program such as this. I believe it is the best investment we can make.

MISSOURI NEEDS EXPANDED FOOD STAMP APPROPRIATIONS

Mr. SYMINGTON. Mr. President, the Senate has already acknowledged the advantages of the food stamp program and the importance of expanding it by increasing the amount of the authorization and appropriations for that program by over $1 billion between fiscal 1970 and 1971.

The Department of Agriculture has requested, and the Senate committee has approved, a further increase of about $330 million for fiscal 1972; but this increase will not permit the expansion of the food stamp program into new geographical areas.

This situation presents a particular problem for Missouri, which has one of the lowest food stamp participation rates in the country.

Missouri counties have applied to the Department of Agriculture for authorization to operate the food stamp program, but have been advised that no Federal funds are available and the Office of Management and Budget has imposed a freeze on the geographical expansion of the food stamp program. Jackson County, which includes Kansas City, is one of many unsuccessful Missouri county applicants and this is one of only three metropolitan areas in the country without a food stamp program. Jackson County presently assists almost 38,000 needy persons through the commodity distribution program.

A serious situation also exists in 10 other counties which have recently withdrawn from the commodity program due to lack of funds, leaving almost 15,000 needy people without any food assistance at all.

If the Senate approves the McGovern amendment, and the House concurs we would hopefully have funds available to enable some of the seven Missouri counties, and others like it throughout the country, to participate in the food stamp program. In Missouri, this amendment would carry the added advantage of freeing funds now tied to the commodity program in Kansas City and other towns for use in those areas where no food assistance of any kind is available for those in need.

I support the amendment to add $500 million to the food stamp appropriation and urge its adoption by the Senate.

The PRESIDING OFFICER. Who yields time?

Mr. McGEE. I yield to the Senator from South Dakota whatever time he needs to make a request.

Mr. McGOVERN. Mr. President, I ask unanimous consent that the order for the yeas and nays on the amendment be vacated.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McGEE. Mr. President, I yield back whatever time I have remaining.

The PRESIDING OFFICER. All time is yielded back. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. NELSON. Mr. President, I send to the desk an amendment and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The amendment was read, as follows:

On page 6, line 25, strike out the following: "$99,654,650," and insert in lieu thereof "$91,847,750."

On page 7, line 4, beginning with the word *"Provided"*, strike out all down through the word "program" in line 7, and insert in lieu thereof the following: *"Provided*, that none of the funds appropriated by this act may be used to carry out any fire ant control program."

Mr. NELSON. Mr. President, I yield myself 5 minutes.

The PRESIDING OFFICER. The Senator from Wisconsin is recognized.

Mr. NELSON. Mr. President, the amendment I have introduced proposes to delete $7.8 million in funds for the continuation of the Federal Government's massive effort to control the imported fire ant in the South.

Already $40 million in Federal money has been spent since 1957 to deal with this insect whose dangers have been blown all out of proportion, principally by the publicity efforts of the administering agency, the U.S. Department of Agriculture.

The original program involved the application of dieldrin first and after that was discontinued, the use of heptachlor. Heptachlor proved so devastating in wildlife, fish, and domestic animals that the Food and Drug Administration set a zero tolerance level in 1959 on its level in food.

Since 1962, the USDA's key tool against the imported fire ant has been the pesticide Mirex, whose potential environmental and health dangers have become of such concern that the Environmental Protection Agency has canceled the Federal registration for the compound's sale and shipment in interstate commerce. That cancellation is under appeal.

By 1969, the USDA had set its sights on spraying 120 million acres in 9 million Southeastern States three times with 1.25 pounds of Mirex per acre per treatment at a total cost of some $200 million—a Mirex broadside equivalent to 2.22 pounds for every man, woman and child in the United States.

Under a barrage of criticism, the USDA now says it has scaled down the number of acres it intends to spray, although more than 7 million acres are still slated for the Mirex application by the Agriculture Department in this year alone and no totals are available for the supposed new overall objective.

To date, 30 million acres in several Southeastern States have been treated with this poison, primarily through aerial application.

This all-out assault on an insect of limited problems for humans and highly dubious danger to agriculture with a toxic pesticide with even more tenacity in the chain of life than DDT is a classic example of the twisted priorities that have led us from one environmental disaster to the other.

Evidence that the continued widespread use of Mirex poses significant damages that far outweigh any possible benefits is overwhelming and has been recognized by key environmental agencies throughout the Federal Government and by scientific studies across the land.

In comments submitted on the USDA's environmental impact statement prepared this year in defense of the Mirex program, the President's Council on Environmental Quality, the Environmental Protection Agency, the Department of Health, Education, and Welfare, and the Department of the Interior all expressed grave concerns and presented strong objections to the present USDA strategy of broadsiding a whole section of the country with a toxic pesticide to cope with the fire ant.

The evidence against Mirex, which I will cite extensively in this statement, presents a compelling case for an immediate halt to the USDA's widespread application of this pesticide.

In lieu of the current program, we should establish for the short run a program of highly selective application in severely infested agricultural areas and in areas where humans could be highly exposed to the imported fire ants.

For a long-term solution, we should launch independent studies by qualified scientific experts to more precisely pinpoint the actual dangers of the imported fire ant, and to develop the most effective means of control where a hazard, if any, exists. Such studies should include an intensive effort to develop biological controls to eliminate the need for the toxic manmade poisons that have been posing serious domage to the environment and the entire food chain.

I would support Federal funds to achieve these aims.

Reviewing the wide-ranging concerns that have been expressed about the present USDA effort, the Environmental Protection Agency noted in its review that laboratory data have raised substantial questions about the safety of Mirex. This finding prompted the agency to commence an administrative review of the pesticide under the Federal Insecticide, Rodenticide, and Fungicide Act by issuing a notice that the registration of Mirex has been canceled under the act. The cancellation order—which could ultimately take Mirex off the market—has been appealed by the pesticide's manufacturer, Allied Chemical.

This decision alone raises serious questions about the wisdom of continuing to use the pesticide, particularly through mass aerial application, until conclusive findings as to its safety have been made.

HEW pointed out that Mirex has been shown to be strongly persistent and appears to be retained in the body tissues more tenaciously than DDT. The Department also cited a study made by the Bionetics Research Laboratories where Mirex was found to be carcinogenic in two strains of mice, and more recent studies showing residues in food fish which "made it reasonable to conclude that Mirex is beginning to accumulate in the sources of human food."

HEW concluded, in its comments, that Mirex constitutes a possible hazard to human health, noting "that the margin between the dose levels at which Mirex shows serious ill effects on laboratory animals and the current tolerance levels for Mirex in foods has become alarmingly narrow."

Finally, on the basis of these findings, HEW recommended that the Federal Government should do everything possible to find other means to control the fire ant.

The Department of Interior, which has recently restricted the use of Mirex along with 32 other pesticides, on the 70 percent of all Federal landholdings under its management—cite: "Forty-Eight Pesticides Harnessed," Sport Fishing Institute Bulletin, 216:5, 1970—suggested that Federal assistance be provided to individuals and communities with emphasis placed on public education and making available small packages of specifically prepared bait designed for individual mound treatment.

Basing its comments on the USDA's evaluation and supporting documents, the President's environmental council concluded not only that the imported fire ant does not seem to be a significant health hazard, but that it is not a major agricultural pest.

And from the USDA's own evidence, the President's Council concluded that the continued widespread use of the pesticide Mirex raises "a significant possibility of serious adverse effects" that has yet to be eliminated by studies to date.

I ask unanimous consent that the Council's letter to the USDA commenting on the Agriculture Department's environmental impact statement on the program under the requirements of the National Environmental Policy Act be printed in the RECORD at the end of these remarks, along with the comments of the other Federal agencies.

Regarding these comments, there is a total absence of any substantative response in the environmental impact statement. Yet the Agriculture Department makes the unequivocal statement that it has given careful consideration to all comments and relevant data in coming to its conclusion that "the public interest will best be served by the continuation of this restricted cooperative Federal-State fire ant program."

USDA finds justification for the present program in its assessment of the imported fire ant as a serious agricultural pest and a substantial human health hazard which will continue to increase its range of infestation if not brought under control.

Studies on the imported fire ant, which are cited in the appendix of the environmental impact statement, dispute the conclusions of the Department regarding the characteristics of the insect. These studies are barely touched upon in the body of USDA's statement.

Most notably, a study conducted by the National Academy of Sciences in 1967, which was commissioned by the Agricultural Research Service, made the following relevant findings:

Except for some damage to haying and combining machinery, and to pasture lands, agriculture seems little affected by the imported fire ants,

Frequency and intensity of the fire ant sting is no greater than the sting of bees or wasps,

The northern limits of the fire ant's range seems to lie at about latitude 35 degrees which is the northern boundary of Mississippi, Alabama, and Georgia, and

Farmers are, individually, able to control the ant on their property—one estimate set the cost of control at $1.50 per acre.

The study concluded, on the basis of current knowledge, that eradication of the fire ant with Mirex bait is not considered biologically or technically feasible. Mr. President, I request that a copy of this study be inserted in the RECORD.

A 1959 study of the food habits of the imported fire ant, by S. B. and K. L. Hays, published in the Journal of Economic Entomology, demonstrated that the primary dietary items of the ant were insects and other invertebrates such as termites, weevils, and beetles, rather than plant material. This study was conducted by field observations of anthill cross sections.

Regarding the effects of Mirex application on nontarget organisms, the Department of Agriculture concludes that—

> The only non-target organisms known to be directly affected by the bait at this time are a few species of oil-loving ants.

Yet as pointed out by Harvard entomologist, Edward Wilson, elimination of other ant species could well destroy an important component in the ecosystem, creating further environmental imbalances, and could lead to the resurgence of serious agricultural predators such as the Argentine ant. Mirex was the fourth most frequently encountered pesticide residue in 5,000 samples of oysters and shellfish from estuaries on the Atlantic, gulf, and Pacific coasts. The Mirex concentrations were exceeded only by DDT, endrin, and toxaphene.

Furthermore, other continuing studies by the Bureau of Commercial Fisheries have shown that Mirex residues caused mortality increases in juvenile blue crabs, grass shrimp, and fiddler crabs tested in an estuarine-like environment.

The Department of Agriculture justifies its conclusions regarding the characteristics of the fire ant and the long-term effects of Mirex largely on a study conducted by George P. Markin, entomologist in charge at the fire ant research laboratory operated by the Agriculture Research Service at Gulfport, Miss.

Considering the weight of evidence that has been presented contesting the results of this study and the fact that it was conducted by the Department itself, it is my feeling that it does not constitute an adequate evaluation of the significant questions that have been raised concerning the present program.

It seems to me, therefore, that the best approach to this problem is to eliminate the present $7.8 million budget request for the Mirex program and order an in-depth review of the hazard presented by the imported ant and the most environmentally sound and economically feasible way of dealing with whatever hazard exists. Such a review should be conducted by qualified scientists designated by reputable organizations outside the Department of Agriculture. This would assure the credibility of the review and, hopefully, settle once and for all the question of how to best deal with the fire ant.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. NELSON. Mr. President, I yield myself 3 additional minutes.

The PRESIDING OFFICER. The Senator from Wisconsin is recognized.

Mr. NELSON. Mr. President, I ask unanimous consent to have printed in the RECORD a letter from Russell E. Train, head of the Council on Environmental Quality.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

COUNCIL ON ENVIRONMENTAL QUALITY,
Washington, D.C., March 18, 1971.
Hon. CLIFFORD M. HARDIN,
Secretary of Agriculture,
Washington, D.C.

DEAR MR. SECRETARY: The Council on Environmental Quality has carefully reviewed the Department of Agriculture's draft environmental statement on the program to control the imported fire ant. The statement and the supporting documents accompanying it provide a good basis for evaluation of the program, but we disagree with the evaluation of this data and the conclusions drawn by the Department.

The draft states (p. 12) that there have been no confirmed cases of mortality, reproductive effect, or detrimental ecological upset (with the exception of related species of ants) due to the use of mirex. Although there is some dispute over this statement (see comments by the Department of the Interior) it is our view that the failure to observe effects at this point in time should not lead to the conclusion that such effects do not or will not occur. Field research is still in progress to determine whether adverse ecological effects have taken place (draft p. 8). The persistence of mirex and its concentration in the food chain, laboratory tests indicating adverse effects on a variety of species, and the current incomplete state of knowledge concerning the fate of mirex residues in the environment all lead to the conclusion that there is a significant possibility that serious adverse effects will occur in the future. Further data is needed before a firm conclusion on adverse ecological effects can be drawn.

With respect to the possible effects of mirex on human health, data and scientific knowledge is even more lacking. Only a few relevant tests have been conducted, and the interpretation of the results of these tests is subject to many uncertainties. However, we agree with the Mrak report recommendation cited in the draft (p. 14) that the use of mirex should be restricted because of its potential cancer-inducing properties.

The possible adverse effects of mirex must be weighed against the benefits derived from the control program (draft p. 10). The fire ant is a significant nuisance to people in the Southeastern states.

However, it does not seem to be a significant health hazard, despite isolated incidences of severe adverse reactions in a few individuals. The data on the agricultural impact of the ant indicate that it is not a major agricultural pest. The questions raised about the adverse effects of mirex have been sufficiently substantial to warrant the initiation, by the Environmental Protection Agency, of cancellation proceedings against the pesticide.

On the basis of the above considerations, it is our conclusion that the second and third alternatives outlined in the draft statement would be preferable to continuation of the current Federal program.

If the Department of Agriculture should decide to continue the program, the scope of the program and the amounts of mirex used should be kept to the absolute minimum. There also should be provision for close surveillance by the Environmental Protection Agency of the effects of mirex use, and a continuing effort to find substitute methods for control of the fire ant.

Sincerely,

Russell E. Train,
Chairman.

Mr. NELSON. Mr. President, I ask unanimous consent to have printed in the Record comment on the section 102 filed by the Department of Health, Education, and Welfare.

There being no objections, the comments were ordered to be printed in the Record, as follows:

Department of Health, Education, and Welfare Comments on the 102(2)(c) Environmental Impact Statement on the Use of Mirex for the Control of the Imported Fire Ant

This Department has given very careful consideration to the impact statement and the studies reference therein and to the health hazards imposed by the imported fire ant and the pesticide mirex. There is general agreement that the imported fire ant is a pest that adversely affects human health and the agricultural economy in certain States of the South. The U.S. Department of Agriculture has cooperated with State governments in the Southeastern region since 1957 to control the insect. The first treatment using the insecticide heptachlor at a rate of two pounds per acre was made in November 1957. By 1962, mirex (a chlorinated hydrocarbon) had become a standard replacement for the more toxic heptachlor. The safety of mirex use has come into question over the past year. The issue is whether the benefits of the continued use of mirex on the imported fire ant justify possible risk associated with the use of the chemical.

Major considerations: The ant itself: The imported fire ant (solenopsis saevissima) is a small dark-colored ant noted mostly for its potent sting and the conspicuous earthen mounds it builds. The ant entered the United States sometime in the early 1920's, possibly aboard a ship from South America which unloaded at Mobile, Alabama. Since that time, it has become established in an area involving over 120 million acres of land in Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, North Carolina, South Carolina, and Texas.

There is no consensus among entomologists on the eventual range of the insect. If it were to spread into the drylands of west Texas and to California, control and/or eradication would obviously be more costly, both in terms of money required and amount of pesticide used, because of the additional millions of acres to be treated.

A mature community of ants contains 50,000 to 70,000 or more workers and other forms of the ant. They build mounds measuring up to three feet in diameter, 18 inches high and two to three feet underground. In an ideal habitat, 20 to 50 mature mounds will be found in an acre.

Infestation by the imported fire ant interferes considerably with the utilization of land for recreational and agricultural purposes. The ants are known to have invaded lawns, parks, playgrounds, school yards, golf courses and other areas where there are many opportunities to annoy the local population. The ant occasionally may feed on food crops such as grains, potatoes, cabbage, and broccoli. It interferes with harvesting by attacking farm laborers and its mounds can damage mechanized farm equipment.

The imported fire ant attaches itself to the skin of the victim with its jaws and injects venom with its caudally located stinging apparatus, usually at several places around the point of attachment. The seriousness of the attack depends chiefly on the number of stings and on a possible allergic reaction to the venom. The consequences of the sting are limited to immediate burning pain and, within a few hours, the formation of sterile pustules (blisters) at the site of each sting. These usually disappear in about ten days. Serious problems can arise if the pustules become infected or if a large dose of venom has been administered through extensive stings. If the victim is allergic to the venom, the attack may be life-threatening.

Morbidity is difficult to measure since illness resulting from stings by the imported fire ant are not routinely reported to public health authorities. Accordingly, there are no reliable statistics on which to base an estimate of the illness caused specifically by the imported fire ant. In 1963, Henry M. Parrish, M.D., Dr. P.H.; reported an analysis of 460 fatalities from venomous animals in the United States in the period 1950–1959. In that study, 4 deaths (0.8%) were attributed to unspecified ants. By comparison, 124 (27.0%) were caused by bees, 69 (15.0%) by wasps, 22 (4.8%) by yellow jackets and 10 (2.2%) by hornets.

Pesticides: Mirex is a chlorinated hydrocarbon insecticide which has the chemical name dodecachlorooctahydro-1,3,4-metheno-2H-cyclobuta (cd) pentalene. It is a highly chlorinated polycyclic hydrocarbon developed to eradicate the imported fire ant. The chemical is applied in a bait which makes it relatively specific for the imported fire ant and about 6–8 other ant species. Because the oily bait formulation deteriorates in a matter of several days, the mirex does not remain attractive to other wildlife.

The mirex itself is strongly persistent and appears to be retained by body tissues more avidly than DDT. Laboratory studies have developed disturbing evidence of toxicity of mirex. Twenty five (25) parts per million mirex fed to lactating rats resulted in cataracts in foster fed suckling pups; decreased survival of the pups was also noted.

Mirex was also found to be carcinogenic in two strains of mice in the Bionetics Research Laboratories study reported in 1969. It is noteworthy that mirex was fed at a dose of 26 ppm, contrasted to the much higher level of 140 ppm for p,p'-DDT. The animals receiving mirex failed to survive for the entire 18-month period of the test, and even so had a sizeable incidence of liver tumors.

Mirex has been used almost exclusively on the imported fire ant, mostly by or with the cooperation of an agency of the United States Government. Last year, about 60 thousand pounds of mirex were used. By contrast, DDT was applied in the U.S. at a rate of 58 million pounds per year average from 1952 to 1969. Before the development of mirex, heptachlor was the principal insecticide used to control this ant. This chemical was extremely damaging to wildlife. It had to be discontinued as a control measure, primarily because its use resulted in high residues in meat and fish. At this time there is no satisfactory alternative to mirex.

Current tolerances for mirex, established in 1969 by the Food and Drug Administration, are: negligible residues (0.01 ppm) in or on all raw agricultural commodities except that a residue not to exceed 0.1 ppm was established in eggs and the fat of milk, meat, and poultry.

There are recent reports that mirex is having harmful effects on wildlife and that it has appeared in the human food chain.

In the past the Food and Drug Administration's food surveillance program has not specifically analyzed for mirex.

Evidence of the presence of mirex residues in the food web is unsatisfactory in many respects. However, recent studies have determined that mirex was found in cat fish (Charleston area) at 61 ppb., in at least one sample oyster (Savannah area) at 36 ppb., and in milk (Monroe County, Georgia area) at 7.9 ppb. It is reasonable to conclude that mirex is beginning to accumulate in sources of human food.

The Law: Use of pesticides is regulated under the Federal Insecticides, Fungicides and Rodenticides Act (FIFRA), formerly administered by the Department of Agriculture. Under the Food, Drug, and Cosmetic Act, the Food and Drug Administration has had responsibility for establishing tolerances for residues of pesticides in or on raw food commodities and in certain sources of water.

On December 21, 1970, responsibility for administering FIFRA and responsibility for establishing tolerances for residues passed to the Environmental Protection Agency. The Food and Drug Administration retains responsibility for the surveillance of pesticide residues in food and the enforcement of pesticide tolerances in food in the channels of interstate commerce. At present Federal authority for control of use of pesticides depends upon the enforcement of pesticide label registration requirements and pesticide tolerances for residues in food.

CONCLUSIONS

1. The imported fire ant presents a low health hazard to humans in the United States.

2. Exposure to mirex constitutes a possible hazard to human health.

3. There is evidence of harm to wildlife from mirex under experimental conditions; information from exposures under natural conditions is fragmentary. A conclusion of possible hazard is appropriate.

RECOMMENDATIONS

1. The margin between the dose levels at which mirex produced serious ill effects in laboratory animals and the current tolerance levels for mirex in foods has become alarmingly narrow. The current tolerances for mirex should be examined critically in the light of all available toxicological information.

2. Surveillance of appropriate foods for residues should be maintained at a high level in the areas of use and the drainage basins of those areas.

3. Given that the use of mirex ultimately may have to be sharply curtailed or even discontinued for health reasons, DHEW would support for the present that program which would result in the least contamination, in terms of total burden, of the environment by mirex.

4. In order to identify that program, the Federal government must support or conduct scientifically designed studies of the behavior of Mirex in nature and the levels of residues which result from controlled applications in sharply limited areas. This will provide a basis for projecting the impact to be expected from any given level of application of the pesticide.

5. The Federal government should do everything possible to identify alternative means, either chemical or biological, for control or eradication of the imported fire ant.

Mr. NELSON. Mr. President, I ask unanimous consent to have printed in the Record a letter from William D. Ruckelshaus, Administrator of the Environmental Protection Agency, addressed to the Secretary of Agriculture.

There being no objection, the letter was ordered to be printed in the Record, as follows:

Environmental Protection Agency,
Washington, D.C., March 17, 1971.
Hon. Clifford M. Hardin,
Secretary of Agriculture,
Washington, D.C.

Dear Secretary Hardin: This is in reply to Dr. T. C. Byerly's letter of January 15, 1971, requesting our comments on a draft environmental impact statement dealing with the Department's proposed program for control of the imported fire ant. The proposed program involves the aerial use of bait containing the pesticide mirex to control this insect.

As you know, scientists in the various pesticide regulation programs of the Departments of the Interior, Health, Education, and Welfare, and Agriculture (Pesticide Regulation Division), which are now consolidated in the Environmental Protection Agency, have had the pesticide mirex under review for some time. Data have been accumulating primarily from tests in the laboratory, that raise substantial questions about the possible effects of mirex on the health of humans and other forms of life. These data include:

1. Rats fed 26 parts per million of mirex during their lifetime have a high probability of developing tumors.

2. Female rats fed 25 parts per million of mirex for 45 days produce significantly smaller litters and these litters have lower survival rates than control groups. Those young rats which do survive, as well as young rats born of untreated female rats, have a high probability of developing cataracts if they are suckled by female rats which have been fed mirex.

3. Very small amounts of mirex cause high mortality for a number of species, including juvenile crabs and crawfish.

4. Mirex is quite persistent. Once it is absorbed in animal tissue it is purged very slowly.

5. Mirex residues have been detected in some field samples of wildlife and other organisms.

Evidence available to us at this time does not allow us to determine how mirex moves through the environment and whether or not it is tending to accumulate in man and wildlife. In short, we cannot now determine to what extent the laboratory results are translatable to man and wildlife in the environment. Nevertheless, the laboratory data do raise substantial questions about the safety of mirex.

The Federal Insecticide, Rodenticide, and Fungicide Act requires pesticide products to meet certain requirements concerning safety and efficacy in order for them to be registered for distribution in interstate commerce. The registration of a pesticide product must be terminated whenever it is determined that the product no longer meets these statutory requirements. The burden of establishing the safety and efficacy of a product remains with the registrant from the time of initial application through continued registration of the product. In its January 7th decision concerning DDT the D.C. Court of Appeals directed that a determination to terminate the registration of a product must be made openly, permitting a full airing of the scientific and policy issues involved. The Court decreed, therefore, that whenever this Agency finds that there is a "substantial question" concerning whether a pesticide product continues to meet the statutory requirements, we must commence the administrative review process by issuing notices of cancellation. This threshold determination does not operate to remove the product from the market or prevent its use. Instead it calls for the presentation of evidence to aid us in determining whether registration should be continued. It is possible, as the Court explicitly recognized, that after an open discussion of the scientific and policy issues, this Agency might conclude that the particular registration in question is not in violation of the statutory requirements. In yet other cases, restricted patterns of use might be developed so as to minimize the potential for harm to human health and the environment.

We have determined that the laboratory evidence concerning the effect of mirex on animals raises a "substantial question" about the safety of continued use of pesticide products containing mirex. We are therefore initiating the administrative review process by issuing notices of cancellation. We would hope that this administrative review will help us determine to what extent these laboratory results are translatable to the environment and whether or not mirex products should continue to be registered for use.

In light of our decision to begin an administrative review of the registration of products containing mirex, we have the following comments on the Department's proposal to use this chemical in a program to control fire ants. The Department's program is by far the principal use of mirex as a pesticide in this country. As stated above, we have not yet determined whether or not the registered uses of mirex fail to meet the statutory requirements for safety for humans and the environment. We have determined that the use of mirex does not now constitute an imminent hazard to the public. Taking into account the nuisance created by the fire ants, the questions of safety such as those detailed above, and the extent to which the Department can minimize the environmental impact of the program, the Department may very well determine that the public interest is best served by continuing the program. If the Department were to decide to carry out its program, we would take steps to watch the progress of the program and the extent to which it has measurable effects upon the environment. Pursuant to our statutory mandate, should we determine at any time that the program constitutes an imminent hazard to the public, we would take steps to remove pesticide products containing mirex from the marketplace and would request you to discontinue the operation of your program immediately.

If the Department decides to carry out its program, we would also make the following suggestions:

1. The Department should revise its environmental impact statement so that it:

(a) Deals more adequately with the questions of safety as detailed above.

(b) Makes very explicit the precautions which the Department would take to reduce to a minimum the amount of mirex which reaches non-target species.

(c) Discusses fully the alternative approaches available to the Department in terms of the amount of mirex which would be distributed.

2. A complete monitoring program of the areas to be treated should be conducted in order to determine the extent of mirex residues in fish and wildlife both before and after treatment. Special emphasis should be placed on ascertaining how mirex moves through the environment.

3. The Department should be careful to select the exact areas to be treated so as to restrict the acreage covered by your program to the minimum needed and to reduce the possibility that the chemical will reach non-target species. State and local agencies concerned with environmental protection may be of substantial assistance to the Department in this selection process.

4. The Department should make further efforts to develop alternative methods of controlling fire ants.

In addition, we would welcome the assistance of your Department in ensuring that our administrative review has the benefit of all data available to the Department concerning mirex. We would also be glad to have the Department's views concerning the scientific and policy issues to be addressed in that review.

Sincerely yours,
William D. Ruckelshaus,
Administrator.

Mr. NELSON. Mr. President, I ask unanimous consent to have printed in the Record an affidavit filed in the U.S. District Court case of Environmental Defense Fund against Clifford M. Hardin, Civil Action 2319–70, by Edward Osborne Wilson.

There being no objection, the affidavit was ordered to be printed in the Record, as follows:

[In the U.S. District Court for the District of Columbia, Civil No. 2319–70]

Affidavit

Environmental Defense Fund, et al. *v.* Clifford M. Hardin, et al.

State of Massachusetts, County of Essex Middlesex.

The undersigned, Edward Osborne Wilson, being duly sworn, deposes and says:

1. I presently reside at 52 Harding Road, Lexington, Massachusetts 02173.

2. I am a professional entomologist and biologist. I have received the B.S. and M.S. in biology from the University of Alabama (1949, 1950) and the Ph.D. in biology (specialty: entomology) from Harvard University (1955). I have been a member of the Harvard Faculty since 1956 and am currently Professor of Zoology. I am the author of one book and over 100 technical articles on various aspects of biology, mostly entomology. I am a member of the National Academy of Sciences and a Fellow of the American Academy of Arts and Sciences and American Association for the Advancement of Science. The latter organization awarded me the Cleveland Research Prize in 1967 for my work on ants, including the fire ant, the species to be discussed below. I conducted much of the original field work on the imported fire ant in the late 1940's and early 1950's and have used it as a research organism ever since. Most of my research on fire ants is summarized in the following review articles: "The fire ant," *Scientific American*, March 1958; "Chemical communication in the social insects," Science, 149: 1064–1071 (1965).

3. It is my professional opinion that:

United States Department of Agriculture cannot legitimately claim to foresee the impact of mirex applications on the environment, as implied in its Environmental Statement of January 15. Its experimentations, as exemplified by the Cat Island project, have been limited to a small fraction of the habitats and animal species that can be affected by mirex. Consider, for example, the insect fauna that surrounds the fire ant population. The Environmental Statement admits that "An eradication program might also eradicate one or more species of oil-loving ants in the treated area." Aside from the aplomb with which the extinction of one or more native insect species is treated, this is an understatement; the oil-loving ant species of the southern United States includes large numbers of species in *Solenopsis Monomorium, Iridomyrmex, Tapinoma,* and other groups, many of which are dominant elements of the insect fauna. Ants, including the groups just cited, are major predators of other insects. In many, perhaps most habitats, they are responsible for more energy turnover than all the mammals, birds, and other vertebrates combined. They turn as much or more soil and humus than all of the earthworms. In short, to eliminate or even to severely reduce the imported fire ant would certainly perturb a principal component of the terrestrial ecosystem. And this much can be safely said without even further considering the remainder of the terrestrial fauna.

I believe that the USDA should assume a greater responsibility for research on the effect of mirex on the environment. If it proceeds with control on a limited basis, as it proposes in its January 15, 1971, statement, it must move carefully and with far more extensive and deeper ecological analysis. Simultaneously, it should expand its studies of the basic biology of the fire ant in an effort to obtain still better control methods with minimal environmental influence.

The problem with the USDA fire ant program has been, in my view, that research has been too tightly bound to the immediate control effort. The research on basic biology and ecology has been inadequate because it has gone up and down with the vicissitudes of the control program, and has never been sustained at sufficient intensity to achieve its purposes. The USDA has competent scientists willing and able to do this work, including competent scientists willing and able to do this work, including Dr. G. P. Markin and others now associated with the program (who have had to cope on short notice with extremely complex problems during the present controversy). These scientists should be provided with sufficient funds, freedom, and time to build the requisite knowledge of the fire ant and its ecology. Such a decision would take much of the heat from the controversy and, ultimately, achieve goals satisfactory to both the pubic and critics of the current control program.

Mr. NELSON. Mr. President, I ask unanimous consent to have printed in the RECORD an affidavit filed in the U.S. district court case of *Environmental Defense Fund* v. *Clifford M. Hardin*, Civil Action No. 2319–70, by Joseph Charles Headley.

There being no objection, the affidavit was ordered to be printed in the RECORD, as follows:

[In the U.S. District Court for the District of Columbia, Civil No. 2319–70]

AFFIDAVIT

Environmental Defense Fund, et al. versus Clifford M. Hardin, et al., State of Missouri, County of Boone.

The undersigned, Joseph Charles Headley, being duly sworn, deposes and says:

1. I presently reside at 1311 Bradshaw, Columbia, Missouri 65201.

2. I am a professional agricultural economist. My professional credentials and experience are as follows:

(a) Degrees held, B.S., M.S., Ph.D.

(b) Positions held:

Assistant Agricultural Economist, University of Arizona, 1955–57

Associate Specialist, University of California (Davis), 1959–1960

Assistant-Associate Professor, University of Illinois, 1960–1966

Associate Professor, University of Missouri, 1966–Present

(c) I have devoted the last six years of my professional life to the study of the economics of pest control.

(d) Author with J. N. Lewis of the book: *The Pesticide Problem: An Economic Approach to Public Policy*, Resources for the Future, Inc., 1967. I have also authored several papers dealing with the economics of pesticide use at the aggregate level.

(e) Member of the National Academy of Sciences Committee on the Imported Fire Ant, 1967.

(f) Member of the American Association of Agricultural Economics and Sigma Xi, a professional research honorary.

3. In my opinion the expenditure of public funds for eradication of the Imported Fire Ant is not justified as suggested by the U.S.D.A. in its Environmental Statement of January 15, 1971. First, the estimated direct damages of $18,000,000 annually is an extremely loose figure not based on well developed research findings. It is not clear that the damages can amount to that much when disinterested scientists report that the damage from the ant to growing crops and livestock is small. Second, from the standpoint of public investment, the proposed program does not satisfy economic criteria for public investment:

(a) *A program that cannot be handled by individuals.*

The fire ant can be *controlled* by individual actions on farms and homesteads.

(b) *A program providing national benefits.*

There is not sufficient evidence to convince me that the benefits from this program will make a net contribution to national income as conventionally accounted to say nothing of the non-market costs and benefits such as the effects of mirex on wildlife and fish.

(c) *The marginal benefits under a constrained budget must equal or exceed benefits in alternate investments in the economy.*

In my opinion if the costs of this program are accounted in terms of the value of the funds used in alternate employments in the economy, such as education, rural economic development and health care, the benefit-cost ratio for the eradication program proposed by the U.S.D.A. in their statement of January 15, 1971, would be less than one.

JOSEPH CHARLES HEADLEY.

Subscribed and sworn to before me this 20th day of February 1971.

DOROTHY M. JOST,
Notary Public.

My commission expires April 11, 1973.

Mr. NELSON. Mr. President, I ask unanimous consent to have printed in the RECORD comments made by the Department of Interior.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington, D.C. February 19, 1971.

DEAR DR. BYERLY: In reply to your cover letter of January 15 to Mr. Walter W. Dykstr we are herein providing Interior Department comment on your draft P.L. 91–190 Environmental Impact Statement on use of Mirex for the control of imported fire ant.

Unfortunately, the statement leaves much to be desired. We will be pleased to discuss with you or members of your staff our item-by-item reactions to those portions of the statement in which we cannot concur or have specific question. For purposes of general discussion, our areas of disagreement appear to fall into five categories: (1) efficacy and need for the control technique, (2) persistence of the chemical, (3) environmental residue build-up, (4) acute non-target hazard, and (5) biological resistance developed by target organism.

EFFICACY AND NEED FOR THE CONTROL TECHNIQUE

We concur in the statement that the imported fire ant is a nuisance pest that primarily affects man himself rather than his crops or livestock. We question the relative importance USDA places upon controlling this pest in light of the fact that the Florida Division of Health rates the imported fire ant a lesser problem than flies, mosquitos, gnats, dogflies, bees, wasps, chiggers, and other mites.

The assumption that the general public will automatically misuse Mirex if applied on an individual mound basis is overly pessimistic. This problem appears to be one of public education and of developing an individual mound treatment formulaton. Public education could also insure proper timing so that the degree of control achieved by the mound treatment technique would more nearly approximate that reportedly possible by aerial blanketing.

PERSISTENCE OF THE CHEMICAL

Although uncollected bait material loses its attractiveness to the fire ant within a few days as a result of weathering and rancidity, there is evidence to demonstrate that Mirex itself is quite persistent in the environment. The chemical nature of Mirex would lead one to expect this chemical to be strongly resistant to biodegradation, to be difficult to locate in water (since it is insoluble in water), and, with sufficient environmental exposure, to contaminate the food web.

Studies have demonstrated all three expectations. The extent and variety of trophic levels contaminated with Mirex residues further illustrates this chemical's high degree of environmental persistence.

Although Mirex metabolites are not known to be an immediate problem, there is the possibility of future difficulties. A statement relating the occurrence and possible effects of such metabolites would seem to be in order.

ENVIRONMENTAL RESIDUE BUILD-UP

The "Impact Statement" consistently understates the degree to which Mirex concentrates as it moves through various ecosystems. Residues exceeding the 0.1 ppm Federal tolerance for poultry are presently being found in wild birds such as kingfisher, heron, egret, rail, bluejay, robin, blackbird, brown thresher, anhinga, kingbird, quail and turkey. A Mississippi State University study of two standard Mirex applications, 6 months apart, showed residue levels up to 104 ppm in the fat of birds one year after the second application. There are no Federal residue tolerances for Mirex in fish or shellfish; however, the USDA's August 1970 petition (1E1025) for a tolerance of 1.5 ppm illustrates the extent of contamination that can be expected by the shellfish industry and the newly developing fish farming industry of the Southeast. Further, evidence indicates that a similar situation may be found in certain mammals; up to 4.4 ppm Mirex has been found in leg muscles of raccoon.

These high residue levels cannot be brushed aside with the claim that there are no observed adverse effects. We would not expect to observe acute effects from what are considered to be chronic problems. A similar statement regarding observed effects could be made for the first ten years that DDT was used. Our point is simply that there now is sufficient evidence to warrant a more thorough examination of environmental hazard. We are just beginning to learn of this chemical's delayed and sublethal effects within a broad ecological context.

ACUTE NON-TARGET HAZARD

There appears to be some misunderstanding of the purpose for which the Charleston, South Carolina, estuarine study was designed. During the preliminary discussions leading to this contract. Interior representatives explained that residue monitoring studies could not demonstrate biological effects relating to Mirex. Confirmation of bioassay findings was not to be an objective of the study. The study was designed to learn more about the fate and movement of Mirex in an estuarine system.

Any study attempting to determine effects over a 10 to 14-day period of a specific application in an estuary would be fraught with difficulty. An estuary is an extremely active biological system that is further complicated by tidal action which floods and flushes it twice daily. The slightest incapacitation or loss of reflex would spell death to an estuarine organism. We are sure similar difficulties were encountered in the USDA study of Mirex applications on *Cat Island*, off the coast of Mississippi. This study revealed that only one-fifth of the adult crab population remained after exposure to Mirex; of these, 20 percent were dead and 30 percent were paralyzed. Shrimp populations were reduced by 95 percent. Twenty-three days after application one live crab and no shrimp were found.

Since Mirex is a broad spectrum toxicant, we also are concerned about its demonstrated effects on native terrestrial organisms. For example, the populations of 14 species of native ants were reported severely reduced on a treatment area during a fire ant control campaign in Georgia. Following reduction of the native ants there was observed a tremendous population increase of termites with a ubiquitous distribution of kings and queens. Apparently those organisms which preyed on termites were also attracted to an oil bait.

The ecological implications inherent in eradicating or extirpating a consumer niche has ramifications that we are unprepared to predict without more detailed studies of the specific situation.

BIOLOGICAL RESISTANCE DEVELOPED BY THE TARGET ORGANISM

We agree that target resistance is a factor that must be considered in any insect control program. We fail to see the rational supporting the hypothesis that overdosing by mound treatment would result in a low continuing exposure of the insecticide and would lead to possible resistance. It was the opinion of the Committee on the Imported Fire Ant, National Research Council, that the pressure of a large-scale eradication campaign was very likely to develop biological resistance in the target organism.

We suggest the following program alternatives be considered:

1. Continue present imported fire ant quarantine practices.
2. Provide Federal assistance to individuals and communities with emphasis placed on public education and on making available small packages of specially prepared bait designed for individual mound treatment.
3. Conduct this effort through the Extension Service, the Public Health Service and related State and Federal agencies.

Sincerely yours,

JACK O. HORTON,
Assistant to the Secretary.

Mr. NELSON. Mr. President, I just conclude by saying that the Department of Agriculture, contrary to all the scientific evidence that has been produced thus far, is proceeding with a program which has potential for environmental disaster throughout all of the Southeastern States.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. NELSON. I yield myself 2 more minutes.

There is a perfectly rational approach to this problem, and that is to design and carry out a comprehensive study of the environmental effects of Mirex, and, second, carefully applied applications of Mirex by the individual farmer on his own cropland, rather than this massive dosage of Mirex all over 120 million acres of Southeastern United States.

I ask unanimous consent that the comprehensive study of this problem which was done by the National Research Council of the National Academy of Sciences under the direction of a group of distinguished scientists, be printed at this point in the RECORD.

There being no objection, the study was ordered to be printed in the RECORD, as follows:

REPORT OF COMMITTEE ON THE IMPORTED FIRE ANT TO ADMINISTRATOR, AGRICULTURAL RESEARCH SERVICE, U.S. DEPARTMENT OF AGRICULTURE

COMMITTEE ON THE IMPORTED FIRE ANT

Dr. Harlow B. Mills (Chairman), Visiting Professor, Department of Biology, University of Wisconsin, Racine.

Dr. F. S. Arant, Head, Department of Zoology and Entomology, Auburn University, Auburn, Alabama.

Dr. Maurice F. Baker, Research Forester, International Forest and Range Experiment Station, U.S. Department of Agriculture Provo, Utah.

Dr. W. S. Creighton, Professor of Biology (Retired), College of the City of New York.

Dr. J. Charles Headley, Associate Professor, Department of Agricultural Economics, University of Missouri, Columbia, Missouri.

Dr. Alexander C. Hodson, Head, Department of Entomology, University of Minnesota, St. Paul, Minnesota.

Dr. Rodney C. Jung, Director of Health, City of New Orleans.

Dr. Justin W. Leonard, Chairman, Department of Wildlife and Fisheries, University of Michigan, Ann Arbor, Michigan.

Dr. Ralph March, Dean, Graduate Division, University of California, Riverside, California.

Dr. L. D. Newsom, Head, Department of Entomology, Louisiana State University and Agricultural and Mechanical College, Baton Rouge, Louisiana.

Dr. Ray F. Smith, Professor, Department of Entomology and Parasitology, University of California, Berkeley, California.

Dr. Bernard V. Travis, Professor, Department of Entomology, Cornell University, Ithaca, New York.

GENERAL CONCLUSIONS

After considering all available information, the Committee feels that an eradication of the Imported Fire Ant is not now biologically and technically feasible. Further, in view of its conclusions as to the importance of this insect relative to other pest species, and the values to be achieved through its eradication, the Committee has very grave doubts whether an attempt to eradicate it would be justified, even if it were shown to be feasible at a later date.

If additional funds are to be expended for research on the imported fire ant, the Committee feels that efforts toward a better understanding of its biology, ecology, and behavior should be emphasized, although research seeking better methods of control, or refining methods now known, should continue. A fundamental examination of the species, in depth, is essential to really basic answers.

The Committee feels that the Department of Agriculture deserves commendation for its development of the Mirex bait, its investigation of new methods of application, such as the Decca System of aircraft guidance, its interest in undertaking an enlarged research program, and its development of statistical methods for evaluating the success of treatments and for defining the periphery of the infestation.

INTRODUCTION

The history of the imported fire ant (*Solenopsis saevissima*) in the United States is sufficiently well known that it need not be enlarged on here. It was first noted in the port city of Mobile, Alabama, where its introduction may have resulted from the dumping of soil ballast prior to 1928. It seems likely that it may have been introduced as early as 1918, but the first positive identification was not made until 1930.

This imported species was not recognized immediately because of the difficulty in distinguishing it from the native species, *S. qeminata* and *S. xyloni*. This same difficulty complicated early control efforts.

The original form (*richteri*) was dark, with an orange spot on the first gastric segment. In most areas this form has now been replaced by lighter ones; there is at the present time a very large color variation, from dark to light, and a general disappearance of the original form. Thus the trinomial, *S. saevissima richteri*, appears no longer applicable in the United States.

SOURCES OF INFORMATION

The Committee contacted, either directly or through correspondence, a large variety of sources. The United States Department of Agriculture through Dr. Donald R. Shepherd, Acting Director of the Department's Plant Pest Control Division, and Mr. C. C. Fancher, in charge of its Gulfport, Mississippi, laboratory, were called on freely and gave much information. Dr. C. H. Hoffman, Entomology Research Division, and his staff were most helpful. Further information was received from the staff of the Bureau of the Budget and from control officials and agencies in the Southeast. Mr. W. A. Ruffin of the Alabama State Department of Agriculture, Mr. Richard Carlton, State Entomologist of Louisiana and chairman of the Southern Plant Board, and Mr. Phil Campbell, Georgia Commissioner of Agriculture were especially helpful. All of these persons and their colleagues went to great pains to furnish data to the Committee and the Committee expresses is appreciation. Further information was elicited from agronomists, foresters, animal science specialists, departments of conservation, departments of health, agencies responsible for maintenance of levees, soil conservation agencies, recreation officials, and state park administrators. To these the Committee is also much indebted.

The Committee examined available scientific literature pertaining to the imported fire ant.

The Committee met three times to obtain data, to examine these data, and to discuss the problem. The original meeting, on organization and procedure, was held in Racine, Wisconsin, May 14–15. This was followed by a meeting June 22–24 in Auburn, Alabama, to take testimony and make onsite examinations of infested areas. Several of the group then travelled to the Gulfport laboratory, and to Baton Rouge, Louisiana, to study that part of the imported fire ant area and to discuss the issues with various informed individuals associated with the problem. The final meeting was held in Washington, D.C., August 21 and 22. In the interims there was frequent communication between committee members by telephone and letter.

CHANGES IN CONTROL ACTIVITIES

A decade ago, control of the imported fire ant utilized non-selective chlorinated hydrocarbons which were highly effective, providing residual control for several years. There were, however, side effects from these materials which were of concern to many and which militated against their use in areawide control programs. Since that time a new material, called Mirex,[1] has been developed and widely employed. This material is formulated as a bait attractive to the imported fire ant and to some other ant species, and does not entail a number of the problems encountered earlier.

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[1] Decachlorooctahydro-1,3,4-Metheno-2 H-Cyclobut (ed) pentalene; General Chemical Division, Allied Chemical, New York, N.Y.

Mirex approaches many of the requirements for an ideal control chemical for the ant. It is relatively specific as formulated, rather than a broad-spectrum toxicant. It is comparatively nontoxic to vertebrates and to many other animals. It is a highly toxic and advantageously slow-acting stomach poison for the ants, and can be formulated as an attractive bait with potential for low-dosage broadcast in granular form. The chemical itself is exceedingly stable and of low volatility, although present bait formulations do lose their attractiveness and effectiveness in a relatively short period of time.

A new electronic plane guidance system, the Decca system, is now being tried with considerable success in the aerial application of Mirex baits. This system appears to represent a substantial improvement over older methods for directing the flight of planes used to apply insecticides over large areas.

POSSIBLE SPREAD OF THE IMPORTED FIRE ANT INTO NEW TERRITORY

At least two attempts have been made to project the maximum possible spread of the imported fire ant in the United States into territory beyond that presently infested. It is not entirely clear how the details of these estimates were arrived at. Apparently one of them, at least, is based on the fact that the southern limit of the South American range of *S. saevissima* lies at Lat. 42° South. If one assumes a corresponding situation in the northern hemisphere, the northern limits of the ant in the United States might be expected to lie at Lat. 42° North. Such an extrapolation may not be valid, however, for there is no part of South America in the Antarctic Zone and only a very small part of the continent (southern Patagonia and Tierra del Fuego) can be considered subantarctic. The climatic effect of this small area on adjacent areas to the north can hardly be compared to the effect of the extensive arctic and subarctic areas in Canada, Alaska, and Greenland on more southerly areas in North America.

It seems clear that an accurate estimate of the probable range of the imported fire ant in the United States will require careful study of climatic and other ecological factors determining biological parameters in South America.

For instance, it appears that in South America the southern limits of the ant lie close to the July (mid-winter) isotherm of 45° F. and also to the 20-inch isohyet. If it is reasonable to assume that these two factors govern the distribution of this ant in North America, it is unlikely that the ant will in fact occupy substantial portions of the United States which have been proposed as potential areas of infestation.

Despite the rapid spread of the imported fire ant in the United States in the 1950's there seems good reason for believing that in the past decade there has been no significant northern extension of the periphery of the range. Instead, the range appears to have flattened so that its northern boundary now lies along a fairly smooth line south of Lat. 35°. In this connection, it may be noted that although the ant was introduced into North Carolina as early as 1952, it has not entered Virginia during the past 15 years. The Committee finds no persuasive evidence that the slowing down of northern movement is wholly attributable to control measures instituted along the northern periphery, which measures, incidentally, do not appear to have been complete along the whole periphery. It seems equally reasonable, if not more so, that the ant is approaching its northern ecological limits in the United States.

The Committee recognizes that there may be at any time an adaptive change in the present population which could make further spread to the north possible. But unless such a change occurs, the Committee believes that the preponderance of the evidence supports the conclusion that there is now little possibility of the pest extending its range much beyond the present northern limits.

EFFECTS OF IMPORTED FIRE ANTS ON HUMANS AND THEIR ACTIVITIES

Some of the early reports concerning this pest in the United States indicated that it was an important crop pest and that it caused considerable injury to livestock and game animals. Except for damage to haying and combining machinery, and to pasture lands, agriculture seems now to be little affected by imported fire ants, nor is wildlife importantly involved. By all odds the greatest difficulty arises from attacks on people. On the basis of the information obtained by the Committee, the following summary statements appear to express the present concensus concerning the activities of this insect.

Forestry—the imported fire ant is not considered a problem of any magnitude in forest operations, with the possible exception of occasional minor injury to personnel. It may even have some beneficial effects as a predator on certain forest insect pests.

Levee protection—There has been some concern that cattle grazing on levees might be injured and that dikes might leak during periods of high water because of damage by ants. Some years ago there was a real problem in the mowing of ant-infested levees because the mounds interfered with mowing machinery. Similar difficulties arose in the handling of turf areas. These problems are now largely solved by regular applications of insecticides.

Recreation—Reports from infested states vary. Most indicate little difficulty resulting from attacks on visitors to recreational areas, although there appears to be a problem in Louisiana in picnic, playground, and camping sites. Some park officials place this pest at the bottom of a list of arthropods attacking humans in areas under their jurisdiction.

Agriculture—There seem to be few problems with row crops; imported fire ants appear not to maintain colonies successfully in areas where the soil is regularly disturbed.

However, there are still occasional reports of damage to potatoes, and there may be some difficulties encountered in strawberry fields.

The real problems—and these are the aspects wherein the ant most significantly affects agriculture—are in connection with hay fields and meadows. The mounds, which are compact in heavy soils, damage machinery, and there is some reduction in hay yield in infested fields. Bales of hay left in fields overnight become infested with ants which then sting farm laborers handling the bales. It is sometimes difficult to harvest clover seed crops from infested fields.

Animal Husbandry—It has been estimated that, in some regions, as much as three to five percent of the pasture areas are occupied by mounds. Cattle are said by some to avoid mounds, others felt that the animals graze the mounds without regard to the ants. In at least one pasture examined by the Committee, near Auburn, Alabama, mounds were heavily grazed. There is practically no evidence of direct damage to livestock. Animal husbandmen state that while it would be possible for a newly-born animal to be attacked by ants, they have not seen this personally and believe such an event, if it occurs at all, to be exceedingly rare.

Wildlife—Available evidence indicates that the imported fire ant is not a menace to fish and wildlife. It is possible that some hatching ground-nesting birds or newly-born small mammals might be attacked. The concensus of those queried is that this is not a common occurrence and there is no detectable depression of wildlife populations in areas infested by the ant as compared with uninfested areas. There is limited evidence that a few game fish are killed if they consume large numbers of the ants, but fishery experts point out that in areas where this has been observed there is usually an over-population of fish and that the ant-caused losses are not detrimental to the populations.

There is no evidence that Mirex, as used in ant control, has any immediate adverse effects on fish and game. What may be the long term effects, if any, are at present unknown.

Effects on humans—The imported fire ant attacks viciously when disturbed. Typically, the sting causes immediate pain and results in the development of a sterile pustule. After healing takes place, a scar may remain. Persons who are abnormally sensitive (allergic) to components of the venom may develop massive swelling about the lesion, or the lesions may appear as large hemorrhagic blebs. A very small percentage of the population exposed to fire ant stings experiences anaphylactic reactions. This is a critical and life-threatening illness of which the most important symptoms are difficulty in breathing and drop in blood pressure (anaphylactic shock). To date there are two known fatal cases of anaphylaxis due to imported fire ant stings. The frequency of sensitivity to these ant stings is comparable to, and no greater than, the frequency of sensitivity to bee and wasp stings.

The effects of the imported fire ant sting are not generally considered by public health officials to constitute a major public health problem. They are, rather, considered a nuisance, ranking in importance below other biting and stinging insects. The director of the Board of Health in one southeastern state wrote, "It [the imported fire ant] would be rated below mosquitoes, sand flies, dog flies or stable flies, midges, tabanids, and stinging caterpillars as a human nuisance." It is indicative of their lack of concern that some public health officials elected to forward the Committee's request for information to someone in another branch of state or local government for attention and reply.

Clearly, however, the presence of these pests in parks, playgrounds, cemeteries, gardens, and lawns definitely interferes with the normal activities of communities unless control measures are practiced. Even though in some states the actual acreage which is heavily infested is small, such acreages may be in close proximity to large concentrations of people and thus of very real concern.

In areas where the imported fire ant has been abundant for many years the public expresses less concern than in areas where the insect has been numerous for only a few years. Only a very small percentage of persons stung by fire ants seek medical treatment or complain to an official agency about stings, unless such complaints are solicited. The number of persons seeking medical treatment for fire ant stings, in areas where the infestation is of long standing, is less than the comparable number seeking treatment for bee and wasp stings.

RESISTANCE TO PESTICIDES

It appears that neither the officials involved with control nor those concerned with research have considered adequately the possibility of emerging resistance to pesticides. It is the opinion of the Committee that if the imported fire ant is subjected to the pressure of a large scale eradication campaign resistance is very likely to develop. Should this occur, the problem of eradication would become immensely more difficult.

NEEDED RESEARCH

The need for increased and accelerated research on the imported fire ant is recognized by control officials, by research personnel of the United States Department of Agriculture, and by the Committee. The Committee feels, however, that it is unwise to append a research program onto a large action program such that continuation of the first depends upon continuation of the second. Nevertheless, the Department is to be commended for its research interest and for organizing a meeting on this subject at Hyattsville, Maryland, on May 18–19, 1967.

The Committee feels that information is needed on the following subjects, realizing that this list does not exhaust research possibilities and that some data are already available on many of the items.

A. Biology, Ecology, and Behavior [2]:

1. Flight range.

2. Factors affecting initiation of flight.

3. Colony establishment.

4. Colony consolidation.

5. Factors affecting development of alates.

6. Mating habits.

7. Inter-colony competition.

8. Inter-specific competition.

9. Factors limiting:

(a) Colony size.

(b) Distribution.

10. Parasites and Predators.

11. Pheromone production, reception, and function.

B. Genetic Studies:

1. Methods of inheritance.

2. Speed with which characters appear and are assimilliated into the population.

C. Control research:

1. Standardization of bait materials.

2. Development of techniques to prevent application failures.

3. Understanding of possible escape mechanisms.

4. Timing and frequency of applications.

5. Continued improvement of detection systems at low population levels.

6. Precautions needed to prevent spread and reinfestation.

7. Causes of variability in effect of Mirex on different ant colonies or at different seasons.

8. Substitute methods of control.

9. Evaluation of the potential for development of resistance to Mirex.

D. Economic Research:

1. Estimate costs to farmers of imported fire ant control, and returns resulting from such control.

2. Estimate costs of control by municipal or other groups in urban areas and compare with costs to individuals in the same areas.

E. Human behavior:

1. Factors that govern human reactions to the pest.

THE PROBLEM OF ERADICATION

The Committee considered the matter of eradication very carefully and the issue at length not only as it applies to the imported fire ant but as it might apply to any pest. As one southeastern entomologist, who held the view that the imported fire ant should be eradicated, expressed it, "I would, however, like to call your attention to the fact that I would place the eradication of the fire ant in the same category as the eradication of a native insect, since it is now so widely spread."

Although the word *eradication* has from time to time been used with several shades of meaning, it is subject to but one rigorous interpretation. Webster's Third New International Dictionary (1967) defines *eradicate* as "to do away with, root out, destroy completely," and lists as a direct synonym the word *exterminate*. This second word, in turn, is defined as "to drive out or away (as from the boundaries of a country), banish, expel, to get rid of (as by killing), put an end to, root out, eradicate, extirpate, put out of existence, utterly destroy, annihilate."

Within the framework of these definitions, the Committee would define *eradication* as:

The total elimination of a species from an area of its range sufficiently large to preclude its reintroduction into this area by natural means.

This definition would limit the use of the word in this report to the infestation of the fire ant, *Solenopsis saevissima*, in the continental United States only, and not in its entire range.

Efforts to eradicate any pest might be reasonably undertaken if each of the following seven criteria are met:

1. If an eradication program can be devised that is biologically and technically feasible.

2. If the population densities attainable by control measures short of eradication cannot be tolerated.

3. If the costs of eradication are commensurate with the economic and sociological benefits.

4. If eradication would prevent spread into uninfested areas where it can be expected to be an important pest.

5. If there are no significant adverse effects on other organisms as a result of the eradication methods, or from removal of the organism under consideration.

6. If the impact of the species to be eradicated adversely affected broad segments of society.

7. If the likelihood of reintroduction of the pest species is low.

With these guides enunciated and agreed upon, the Committee considered the imported fire ant in relation to each and reached the following conclusions:

Criterion 1: On the basis of current knowledge, eradication of the imported fire ant with Mirex bait is not considered biologically and technically feasible.

Criterion 2: The imported fire ant can be kept at tolerable levels with local control measures now recommended, and by means short of eradication.

Criterion 3: We do not know what the cost of a program would be to effect eradication and therefore cannot take a position on this issue at this time. Since we do not know of a feasible program, we cannot assign a cost figure.

Criterion 4: Without eradication the imported fire ant probably would consolidate its range and in new areas would be a problem about equal to that in adjacent comparable areas. The views of the Committee on the extension of the periphery have been stated earlier in this report. Large expenditures should not be rationalized on the assumption that this pest would, in the absence of an eradication program, move significantly to the north or west.

Criterion 5: Mirex bait treatment has a relatively specific, rather than a broad-spectrum, insecticidal action. Nevertheless, the likelihood of effecting other species is good. It is reported that the Mirex bait may kill 39 other species of ants. From information currently available it is not possible to determine what adverse effects may result, such as a reduction in beneficial predators, and of other species of ants.

Criterion 6: There is evidence that the imported fire ant, where it is currently found, affects certain aspects of agriculture and is a nuisance to both rural and urban people in their daily living. These effects cross county and state borders. Information is not available to permit evaluation of the impact of the ant on industry and populations beyond the infested area.

Criterion 7: The chances of natural reintroduction are virtually nil, but the likelihood of transport by commerce from the ant's natural range in South America to the United States constitutes a continuing threat.

ECONOMIC FACTORS RELATED TO ACTIONS AGAINST THE IMPORTED FIRE ANT

Any public program undertaken to control or eradicate the imported fire ant must, in addition to being biologically and technically feasible, meet certain criteria of economic justification. These criteria are: 1) the extent to which the insect can spread from one decision unit (farm, county, state) to another, due to failure or inability of other decision units to control the pest; 2) the extent to which action by more than one decision unit is required to control the ant; 3) the extent to which damages from the ant or benefits from its control or eradication are realized by decision units removed from the infested area, but required to share the costs of a control or eradication program; and 4) the extent to which all of the benefits of a public control or eradication program exceed the costs of such a program.

Information available to the Committee on fire ant damage, the elimination of which could fairly be considered a benefit attributable to control or eradication of the insect, has been general and somewhat vague. Damages claimed to occur have been categorized. but not quantified. Damages of economic importance may be consolidated as follows:

1. Reduced carrying capacity of pastures.

2. Damage to haying machinery.

3. Possible weight loss in animals or loss of animals themselves.

4. Interference with orderly harvest of crops.

Damage outside of agriculture, commonly mentioned, included:

1. Increased cost of road or levee maintenance.

2. Damage to wildlife values.

3. Danger to persons allergic to venom.

4. Nuisance to humans in yards, parks, campsites, farms, etc.

It should be pointed out that the Committee heard testimony that tended to be conflicting on all damage categories with the exception of 1) damage to haying machinery and loss of some hay, 2) danger to allergic persons, and 3) as nuisances to people. The testimony made it abundantly clear that the imported fire ant was an extremely irksome pest.

Apart from the damages enumerated to the Committee, some evidence was presented that there were certain beneficial aspects, e.g. in situations where the ant appeared to use some forest pests as food, where it preyed measurably on pests of sugar cane, and where it may have depressed populations of Argentine ants and ticks.

Farmers are able to control the ant on their hay and pasture land properties. One estimate set the cost of this control at about $1.50 per acre per year. Home owners can achieve control by repeated applications of insecticides on lawns and adjacent vacant lots. Similar action can be and is taken by appropriate units in parks, school grounds, along roads, and in other public areas where the ant is a nuisance.

The Committee found no compelling quantitative evidence that the imported fire ant is a pest having damage potential and national import equal to the boll weevil, the European corn borer, and other well known pests. That it significantly affects land values, the labor market, agricultural productivity, or national health and welfare was not effectively demonstrated.

Mr. McGEE. Mr. President, may I ask if our friend from Wisconsin is requesting the yeas and nays on this question.

Mr. NELSON. I am.

Mr. McGEE. We should make that request now.

Mr. NELSON. I ask for the yeas and nays.

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[2] A continuation, intensification and enlargement of the research program in these fields, in the part of South America where the *richteri* form is native, is encouraged.

The yeas and nays were ordered.

Mr. McGEE. Mr. President, what is the time limitation on this amendment?

The PRESIDING OFFICER. Fifteen minutes to the side.

Mr. McGEE. Mr. President, the committee would have to oppose this amendment.

The PRESIDING OFFICER. How much time does the Senator yield himself?

Mr. McGEE. I yield myself such time as may be required.

The reason is that the Agriculture Department, through ARS convinced us that they are moving posthaste in their research to find alternatives to present control programs; second, that the existence of the fire ant now is an ongoing problem at this time, not one in the future, as far as some affected sections of our country are concerned. Therefore, we are requesting that this program be speeded up and that the transition be made as rapidly as it can be, given the impact on some of the areas that have been affected by the menace of the fire ant. That is why we are opposed to approaching the problem in this way.

Mr. NELSON. Mr. President, will the Senator yield for a question?

Mr. McGEE. I yield.

Mr. NELSON. I have searched all the reports and have read the National Academy of Science report and all of the statements made by the scientists. Can the Senator tell the Senate what compelling human danger is caused by the fire ant and what crop damage is caused by the fire ant? The Department of Agriculture has not produced any such evidence.

Mr. McGEE. I will yield to the Senator from Mississippi to reply.

Mr. STENNIS. Mr. President, I can certainly answer the Senator's question in part. I come from an area of this country where the fire ant has gotten into the pastures. They are very large ants. They bore holes in the ground and bring out soil in great cones and volume and develop very rapidly and soon destroy the pasture and the soil for immediate use. It is not known how long it takes to restore it. They get into wood lots and do the same thing.

For 20 years, in our part of the country, the counties have been appropriating money and the State has been appropriating money to try to control the situation. The Federal Government came into the program rather slowly, but this committee has been appropriating money for years. It is difficult to get at the problem. If nothing is done to stop them, it can keep going right into the State of Missouri and we do not know how much farther north. We do not know how far north they may go, but it is a menace that must be stopped.

I know the Department of Agriculture people are not lacking in interest for people or lacking in interest of what is best for the country as a whole. They are concerned about this problem and are doing the best they can.

The amendment would say, "Well, it is not perfect. We are going to cut out the money." That is the very wrong way to approach the problem. There is nothing mandatory about the appropriation; it is discretionary with the Department of Agriculture. For goodness' sake, give them a chance and give the areas a chance to continue to combat this problem and try to work out a solution.

I can say there is damage done. I have seen it. I have been out in the fields. I have walked through the land. I know what I am talking about.

I tried to answer the Senator's question as to where the damage is. It is to the land.

Mr. NELSON. I will say to the Senator that none of the studies indicate any danger to the land at all; as a matter of fact, in some respects it is helpful in aerating the land. Scientific studies do not support any allegation of damage.

Mr. STENNIS. Either somebody has misinformed the Senator or it is a joke to say it helps the land. It destroys the land—not totally, we hope, and not forever, we hope, but I have witnessed the damage for a period of years. It goes back to the early 1950's. It is a grave menace—do not doubt that. We cannot be certain of the right method, but do not kill this method. Let us move on with it. We have been trying to get more money. We need more.

Mr. McGEE. Mr. President, I yield 2 minutes to the Senator from Nebraska (Mr. Hruska).

Mr. HRUSKA. Mr. President, through the past several years there have been justifications before our Agriculture Subcommittee on this subject. There is no doubt that the conclusions drawn by the Senator from Mississippi are correct. There is vast danger. It is a real danger. There are even some documented cases of injuries and fatalities to human beings on account of these fire ants.

Mr. ELLENDER. And to cattle.

Mr. HRUSKA. The argument that we can solve the problem by cutting out this money does not make sense.

The argument made by the Senator from Wisconsin is a powerful one. It should travel on its own feet, however, and should be dealt with in terms of harmful use of Mirex, or whatever is being used, and should not go to the point of trying to solve the problem and alleviate the damage being inflicted. We have this comment from the hearings on this problem:

> The environmental controversy over the use of mirex to control the fire ant has increased to such an extent during the past few months that no cooperative control work will be undertaken during the remainder of the fiscal year 1971 by 7 States. New methods of treatment for control must be developed as rapidly as possible through a crash program of research.

How are we going to have that crash program research and get at the problem and get the money for it?

The House did take steps to appropriate $7.7 million, but the House placed in reserve $2 million to await the response to the cooperative efforts by the States.

I highly recommend to the Members of this body that we defeat the amendment and keep the money in there. If there are harmful pesticides to be used, deal with it on that basis, but do not deal with it by shutting one's eyes to reality, because it is a real danger and it is inflicting vast harm and the threat is increasing rapidly. Goodness knows how far north it is going to go.

Mr. AIKEN. Mr. President, I would like to make the suggestion that instead of trying to exterminate the fire ants, why would it not be better for us to appoint a congressional committee to study the ways of the fire ants, because they apparently are much more efficient in the field of self-government and self-protection and looking after themselves than we are and they could undoubtedly teach us their methods. It would be a great advantage to have the committee study the fire ants, instead of trying to exterminate them.

Mr. STENNIS. Mr. President, will the Senator yield me 1 minute?

Mr. McGEE. I am glad to yield 1 minute to the Senator from Mississippi.

Mr. STENNIS. Mr. President, these are not the domesticated ants the Senator from Vermont knows about. These fire ants we are talking about are highly ferocious ants. They pull out the soil into large dunes. I have seen them that high. And they come right on into town; do not think that they stay out in the rural areas. They get in the lawns; they get everywhere.

Mr. AIKEN. Do they have an organization, with a Washington office?

Mr. STENNIS. I would not be surprised. But this is a deadly serious matter. The last thing we should do is try to kill the program. Let us try to improve it.

Mr. MILLER. Mr. President, will the Senator yield?

Mr. McGEE. I yield the Senator from Iowa 1 minute.

Mr. MILLER. Mr. President, I am alarmed at the remarks of the Senator from Mississippi that these fire ants are moving into town. We have a Subcommittee on Rural Development in the Committee on Agriculture and Forestry. I think this matter ought to be referred to that committee. I see that the Senator from Minnesota is very much aware of these fire ants, and is deeply interested in the problem. Perhaps we might be able to keep them from moving into town if the committee will do a good job on it. I see that the Senator from Minnesota agrees.

Mr. HUMPHREY. Yes.

Mr. NELSON. Mr. President, I do not expect to prevail on this issue. But I do predict that 10 years from now, I will not be here, but someone will be on the Senate floor saying, "I told you so," just as happened in the case of DDT.

The program that the Department of Agriculture is following simply does not make sense, and they cannot defend it on any rational basis. The fact is that they have proposed spraying 120 million acres from airplanes with Mirex, three times, at the rate of 1.25 pounds per acre, which is about 450 million pounds.

The first fire ant showed up in Mobile, Ala., in 1919, and the Department of Agriculture has not made a comprehensive study to this day.

Nobody is suggesting that we should not use some kind of careful, pest control procedure, and, when necessary apply Mirex on a careful selective basis, not indiscriminately. It should be applied specifically to those ant hills by the farmer who owns the land. That is the way it should be done.

I have no notion that we will have sense enough around here to halt a very foolish program, to follow what the National Academy of Sciences suggests or to listen to the criticism of HEW, the Department of Interior, the Environmental Protection Agency. We are not about to be that sensible here in the Senate. But I want the rollcall so we will have a record.

Now let us see what the National Academy of Sciences says in the report that they prepared at the request of the Department of Agriculture. This report was prepared in 1967, on a study under the direction of Dr. Harlow Mills. In commenting on this pest and on the danger of this pest, let us see what the National Academy of Sciences said, after about 20 distinguished scientists had studied the fire ant:

> They are, rather, considered a nuisance ranking in importance below other biting and stinging insects. The director of the Board of Health in one southeastern state wrote, "It—the imported fire ant—would be rated below mosquitoes, sand flies, dog flies or stable flies, midges, tabanids, and stinging caterpillars as a human nuisance." It is indicative of their lack of concern that some public health officials elected to forward the Committee's request for information to someone in another branch of state or local government for attention and reply.
>
> Clearly, however, the presence of these pests in parks, playgrounds, cemeteries, gardens, and lawns definitely interferes with the normal activities of communities unless control measures are practiced.

The rational control measure would be to apply the pesticide to the ant hill, and not to fly all over the southeastern United States, 120 million acres, spraying Mirex in an oil mixture out of an airplane, and polluting the soil, rivers, lakes, streams, and the ocean.

I say to the Senate, if you want to go that route, go ahead. Let us just have a rollcall.

Mr. HART. Mr. President, will the Senator yield me 1 minute?

The PRESIDING OFFICER. Who yields time?

Mr. NELSON. Mr. President, if I have time, I yield.

The PRESIDING OFFICER. The Senator has 1 minute remaining. The Senator from Michigan is recognized.

Mr. HART. Mr. President, I suspect that I may be among the majority here, but after having listened to the Senator from Mississippi describe what seemed to be a real live problem, I am disturbed by what the Senator from Wisconsin says with respect to the program that is under way. If his amendment is adopted, would there be available this pesticide for farmers to apply to the ant hills?

Mr. NELSON. The objection is to an appropriation in the bill to the Department of Agriculture to proceed with a program which is irrational. What we ought to do is say, "Fine, we will give"——

Mr. HART. Would it make the pesticide available?

Mr. NELSON. Not in this bill. This would stop the Department of Agriculture from their present Mirex program.

Mr. HART. Would there be a Mirex available to the Senator from Mississippi?

The PRESIDING OFFICER. All time of the Senator from Wisconsin has expired.

Mr. McGEE. Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER (Mr. Proxmire). All remaining time having been yielded back, the question is on agreeing to the amendment of the Senator from Wisconsin (Mr. Nelson). On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. BYRD of West Virginia. I announce that the Senator from Indiana (Mr. Bayh), the Senator from Oklahoma (Mr. Harris), the Senator from Washington (Mr. Jackson), the Senator from North Carolina (Mr. Jordan), the Senator from Massachusetts (Mr. Kennedy), the Senator from Louisiana (Mr. Long), the Senator from South Dakota (Mr. McGovern), the Senator from Alabama (Mr. Sparkman), and the Senator from Illinois (Mr. Stevenson) are necessarily absent.

I further announce that the Senator from Idaho (Mr. Church), is absent on official business.

I also announce that, if present and voting, the Senator from Washington (Mr. Jackson), would vote "nay."

I further announce that, if present and voting, the Senator from Illinois (Mr. Stevenson), would vote "yea."

Mr. SCOTT. I announce that the Senator from New York (Mr. Buckley), the Senator from Vermont (Mr. Prouty), the Senator from Ohio (Mr. Saxbe), and the Senator from Connecticut (Mr. Weicker) are necessarily absent.

The Senator from Oregon (Mr. Hatfield) and the Senator from Idaho (Mr. Jordan) are absent on official business.

The Senator from Michigan (Mr. Griffin) is absent because of death in his family.

The Senator from Massachusetts (Mr. Brooke) and the Senator from South Dakota (Mr. Mundt) are absent because of illness.

On this vote, the Senator from Oregon (Mr. Hatfield) is paired with the Senator from Vermont (Mr. Prouty). If present and voting, the Senator from Oregon would vote "yea" and the Senator from Vermont would vote "nay."

The result was announced—yeas 28, nays 53, as follows:

[No. 145 Leg.]

YEAS—28

Case
Cranston
Dominick
Eagleton
Fulbright
Gravel
Hart
Hartke
Hughes
Humphrey
Javits
Mathias
McIntyre
Metcalf
Miller
Mondale
Moss
Muskie
Nelson
Pell
Percy
Proxmire
Ribicoff
Roth
Schweiker
Taft
Tunney
Williams

NAYS—53

Aiken
Allen
Allott
Anderson
Baker
Beall
Bellmon
Bennett
Bentsen
Bible
Boggs
Brock
Burdick
Byrd, Va.
Byrd, W. Va.
Cannon
Chiles
Cook
Cooper
Cotton
Curtis
Dole
Eastland
Ellender
Ervin
Fannin
Fong
Gambrell
Goldwater
Gurney
Hansen
Hollings
Hruska
Inouye
Magnuson
Mansfield
McClellan
McGee
Montoya
Packwood
Pastore
Pearson
Randolph
Scott
Smith
Spong
Stennis
Stevens
Symington
Talmadge
Thurmond
Tower
Young

NOT VOTING—19

Bayh
Brooke
Buckley
Church
Griffin
Harris
Hatfield
Jackson
Jordan, N.C.
Jordan, Idaho
Kennedy
Long
McGovern
Mundt
Prouty
Saxbe
Sparkman
Stevenson
Weicker

So Mr. Nelson's amendment was rejected.

Mr. MANSFIELD. Mr. President, will the Senator from Wyoming yield me 1 minute on the bill?

Mr. McGEE. I yield 1 minute on the bill to the distinguished Senator from Montana.

The PRESIDING OFFICER. (Mr. Proxmire). The Senator from Montana is recognized for 1 minute.

Mr. MANSFIELD. Mr. President, if I may have the attention of the Senate, it is anticipated that there will be three more amendments on which there will be little or no talk, and they will be disposed of quickly, and then we will get to third reading based on what we know at the present time.

Mr. COOK. Mr. President, on behalf of myself, and Senators Tower, Cooper, Dominick, Bellmon, Brock, Bentsen, Mansfield, Baker, Hollings, Anderson, Allott, Hansen, Stevens, Fannin, Goldwater, Dole, Montoya, Javits, and Ellender, I send an amendment to the desk and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read the amendment as follows:

> On page 6, line 1 delete "$179,683,000" and insert in lieu thereof, "$180,183,000"; and on line 25 of page 6 delete "$99,654,650" and insert in lieu thereof "$100,154,650".

Mr. COOK. Mr. President, this will take a very short period of time to explain. The amendment would increase funds for the Agricultural Research Service by $1 million. The purpose of my amendment is to combat the recent epidemic of Venezuelan equine encephalomyelitis which, as you know, Mr. President, is now running rampant in Texas.

The outbreak of the disease has caused a quarantine of over 400,000 horses in Texas. It has also infected several humans, particularly children, who have been hospitalized with symptoms such as headaches, fever, and chills.

One half of the funds $500,000 that we are asking for will go toward research which would cover three principal areas:

First, to further investigate the live VEE vaccine.

Second, to investigate the potential of a chemically treated (killed) vaccine, because only the present vaccine is live.

Third, research of vector control which would include the behavioral control of mosquitoes.

The other $500,000 would be spent for nationwide control of the present epidemic.

In view of the importance of controlling this disease, which is deadly to horses and does spread to humans, I hope that we may be able to persuade the manager of the bill to accept the amendment.

Mr. McGEE. The amendment is acceptable in view of its urgency.

Mr. COOK. Mr. President, I ask unanimous consent to have printed in the RECORD an article which was published in this morning's Washington Post on this subject and would like now to yield to the distinguished Senator from Texas (Mr. TOWER).

There being no objection, the article was ordered to be printed in the RECORD, as follows:

TEXAS FIGHTS DEADLY VIRUS IN HORSES

(By Tim O'Brien)

An estimated 400,000 horses in Texas were quarantined yesterday as a task force of federal and Texas officials battled to check the spread of a deadly equine sleeping sickness virus.

The disease is moving rapidly up the Texas Gulf Coast toward the rich horse country around Houston and has already killed about 500 horses. The disease, largely borne by mosquitos, is called Venezuelan equine encephalomyelitis—named after the country where it first occurred. It has been sweeping northward for three years. Last month in Mexico the virus killed about 6,000 horses.

The virus can be spread to humans, but it is rarely fatal. Seven persons at Brownsville, Texas, have been hospitalized with symptoms—influenza-like headaches, fever and chills—of the disease. Three remain in hospitals.

Mexican health authorities said about 600 persons contracted symptoms of the disease in the state of San Luis Potosi alone.

The virus can be spread from horses to human beings if a mosquito first bites an infected horse and then bites a human, health authorities said.

The ban against movement of horses between Texas counties and out of state has caused cancellation of rodeos, horse shows and county fairs. Fifty horses in the Ringling Brothers and Barnum and Bailey Circus, playing an engagement in Dallas, were ordered kept in the city. Another Ringling Brothers troupe, carrying 60 horses, left Dallas for Shreveport, La., before the quarantine was imposed.

DEADLY VIRUS PERILS HORSES IN TEXAS AREA

Texas veterinarians are pessimistic about checking the disease quickly.

Dr. J. B. Coulter, president of the Lower Rio Grande Valley Veterinary Medical Association, predicted that more than 2,000 horses could die in the two counties which border Mexico.

John Arnold, a spokesman for the federal-state task force operating in Southern Texas, estimated that "at least" 500 horses had died already. The 90-man task force is a cooperative effort between the U.S. Department of Agriculture, the Texas Agriculture Department, the U.S. Public Health Service and the U.S. Air Force.

In addition to the quarantine, the task force has embarked on a massive vaccination effort. Veterinarians are inoculating horses with an experimental vaccine, TC83 which was developed by the Department of Defense. According to Dr. Robert Jones of the Department of Agriculture staff in Washington, approximately 700,000 doses of the vaccine have been sent to southern Texas, while another 100,000 doses are in Austin.

Air Force planes are spraying the Lower Rio Grande River valley with the insecticide malathion in an attempt to kill the culex and salt water mosquitoes believed to carry the disease.

The spray was used last year to fight the mosquito-breeding effects of Hurricane Beulah and was approved by the U.S. Public Health Service and the Texas State Department of Health for use by the task force in its battle against the sleeping sickness.

Oklahoma, Louisiana, and New Mexico—three states adjacent to Texas—have all banned the movements of Texas horses across their respective borders.

Dr. Frank Wheeler, Louisiana State Veterinarian, said the Texas epidemic poses a great threat to that state's horse population. He said the state would be fighting a losing battle to get Louisiana's 100,000 horses vaccinated.

Noting that the federal government has refused to release the experimental vaccine, Wheeler said: "Trying to get the vaccine out of Texas is a monumental task."

Ranchers in Texas buried horse carcasses where they lay in the fields, while in Mexico workers wearing masks over their faces to escape the stench gathered thousands of horse corpses and burned them in huge piles.

Mr. TOWER. Mr. President, in view of the fact that Venezuelan equine encephalomyelitis, a serious disease affecting all horses, and in some instances human beings, has entered the United States by crossing the Mexican border into south Texas, I strongly urge funding of a study which will investigate preventive methods and medication of VEE.

The USDA, cooperating with Texas officials and U.S. Public Health officials, have begun spraying operations in south Texas and have released an experimental vaccine for use in controlling further spread. Although I feel that the USDA was slow in acting, I am aware of the problems which existed in releasing the vaccine as a result of the lack of information available. I urge the adoption of the amendment.

Mr. BENTSEN. Mr. President, Texas today is ravaged by this dread horse disease, which has spread across the border from Mexico. I have been pressing the Department of Agriculture for weeks now, beginning with urgings of needed action before it reached the United States.

To its credit, the Department of Agriculture joined in a joint program with Mexico in efforts to stop the disease from spreading across the border. However, not enough was done, not enough was known to do the job adequately.

Veterinarians have known of the advance of the disease from South America for months. The big problem is the lack of knowledge of how it is actually transmitted, how it affects horses, and how it affects human beings.

Fortunately, the U.S. Army had a vaccine available, although it had not been fully tested in horses. The vaccine, I am told, was actually developed for use in human beings, and its effect and immunization qualities in horses had not been adequately proven. The reluctance of the Department of Agriculture is understandable, but failure to provide adequate funds for prevention of such an epidemic is inexcusable.

All reports indicate that the vaccine is working, and that horses are being adequately immunized. But there are many questions to be answered, and many tests to be made. There must be better control, better understanding of how it is transmitted, and how rapidly it can move.

We have learned an expensive lesson in Texas. We have lost scores of horses, and face the loss of hundreds or thousands more. The multi-million-dollar horse industry in Texas, and throughout the United States, is threatened. The losses are already counted in the millions.

More important than the threat to horses is the danger to humans. Doctors do not really know the effects. In Mexico, for example, there have been some deaths among human beings due to the disease, to say nothing of the estimated 5,000 to 6,000 horses lost.

This $1 million we ask for it a pittance compared to the loss threatened by the disease. It should be passed, not just for Texas, but for all the States which have a horse industry.

FINDING A CURE FOR EQUINE ENCEPHALITIS

Mr. MONTOYA. Mr. President, in the past few days, a dreaded disease has begun to strike at both human beings and livestock across the Southwest. Equine encephalitis has crossed the border from Mexico, killing animals in significant numbers. It is vital that we move immediately to take measures that will not only halt the spread of this scourge, but to prevent its recurrence.

The key is research. We have the resources and people to cope with this problem. It is, therefore, vital that we bring those resources to bear. One way is thrcugh the amendment offered by my distinguished colleague from Kentucky. He seeks an appropriation of $1 million for such work, and I believe his is a timely and worthy solution.

I am pleased to join him in sponsorship of this amendment to the agriculture appropriation measure. Senators from States where such diseases do not hit with full force should be informed of what it does to the livestock and economies of such areas. Entire counties can lose millions of dollars worth of extremely valuable animals. The suffering of these poor beasts is heart rending.

Worst of all is the fact that such a disease can be transmitted from an animal to a person, and several such cases have already occurred in Texas. Mosquitoes are known to be the bearers of this illness. We must explore all possible means of eradicating them or their breeding places. Perhaps some biological means can be found to prevent their reproduction. Certainly we must seek some method of immunizing people against it. I believe there is no time to lose, as daily it is spreading across the West.

Mr. COOPER. Mr. President, I commend my colleague from Kentucky (Mr. COOK) for his initiative and foresight in offering the pending amendment, which I am glad to cosponsor.

I have talked today with Secretary of

Agriculture Hardin. The Department of Agriculture and the Public Health Service, under the Surgeon General, are working together to contain the epidemic, now very serious in Texas, and to prevent its spread in our country.

Secretary Hardin noted that the disease is dangerous to human beings as well as to horses, and that the live vaccine has not yet been fully proven. He assured me that if the disease spread to other States and threatened Kentucky, immediate steps would be taken to inoculate the horse population of Kentucky and that vaccine would be made available. Senator COOK's amendment will assist in this program, not only for this emergency, but for needed research for protection in the future. I am glad to support the amendment.

The PRESIDING OFFICER. All time is yielded back on the amendment.

The question is on agreeing to the amendment of the Senator from Kentucky.

The amendment was agreed to.

The PRESIDING OFFICER. The bill is open to further amendment.

Mr. BELLMON. Mr. President, I have an amendment at the desk. I ask that it be read.

The assistant legislative clerk read as follows:

On page 26, line 13, strike out "$97,665,000," and insert in lieu thereof "$106,250,000,".

Mr. BELLMON. Mr. President, the purpose of the amendment is to provide an appropriation of $8,585,000 for the Farmers Home Administration, to enable that administration to administer better the vast, expanded program of housing that Congress charged it with, and also to administer funds for the drought program, a program which has made progress in my State and throughout the Southwest.

I believe that the chairman of the subcommittee is agreeable to accepting the amendment.

Mr. McGEE. Yes; I will accept the amendment. I think the ranking minority member of the subcommittee will agree to that.

Mr. HRUSKA. Mr. President, I concur in the Senator's statement. We will take it to conference and do the best we can with it.

The PRESIDING OFFICER. Do the Senators yield back their time?

Mr. BELLMON. I yield back the remainder of my time.

Mr. McGEE. I yield back the rest of my time.

The PRESIDING OFFICER. All the time is yielded back. The question is on agreeing to the amendment of the Senator from Oklahoma.

The amendment was agreed to.

RADIO-TELEVISION CAMPAIGN SPENDING

Mr. SCOTT. Mr. President, will the Senator from Nebraska yield me 1 minute?

Mr. HRUSKA. I yield 1 minute on the bill to the Senator from Pennsylvania

Mr. SCOTT. Mr. President, a news report today reads:

> Declaring the "American voter cannot be bought," five democratic presidential hopefuls have agreed among themselves to limit radio-television spending to a nickel per eligible voter in next year's primaries.

Our friends on the other side of the aisle feel, evidently, that the voter cannot be bought for a dime, but that he can be bought for a nickel.

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. SCOTT. I yield.

Mr. MANSFIELD. Somebody has got to try to get the nickel back into circulation. It used to be a good coin. So in the process, we intend to do something about inflation, hopefully; about unemployment, hopefully; and to bring good cheer, hopefully.

Mr. SCOTT. What the Democrats have done to the nickel over the last 20 years is enough to make Thomas Jefferson turn over in his grave.

Mr. MANSFIELD. Yes; but think of Warren Gamaliel Harding and what happened in his time.

DEPARTMENT OF AGRICULTURE—ENVIRONMENTAL AND CONSUMER PROTECTION APPROPRIATIONS, 1972

The Senate continued with the consideration of the bill (H.R. 9270) making appropriations for the agriculture-environmental and consumer protection programs for the fiscal year ending June 30, 1972, and for other purposes.

A CORRECTION

Mr. McGEE. Mr. President, I ask unanimous consent that the figure on page 38, line 10, of $950,000 be changed to $963,000.

This represents an adjustment to which both managers of the bill have agreed should be made.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. PERCY. Mr. President, I send to the desk an amendment that I believe can be disposed of very quickly.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk proceeded to read as follows:

The Senator from Illinois (Mr. PERCY) proposes an amendment as follows:

On page 40, line 18, delete "of" through line 20 "program;".

Mr. PERCY. Mr. President, I yield myself such time as I might require.

Mr. President, I expressed yesterday in the full session of the Appropriations Committee concern about the ambiguous language in the agricultural appropriations bill of 1971, H.R. 9270. It has been brought to my attention that the Department of Agriculture is apparently interpreting this language in light of comments made by the distinguished Representative from Mississippi, Representative WHITTEN, during debate on the House version of the bill.

The language concerns a possible limitation on the authority of the Secretary of Agriculture to spend any more funds from section 32 that the Congress has elsewhere authorized.

My concern stems from a point raised by Assistant Secretary of Agriculture Lyng, 2 weeks ago, whereby he stated that the House-passed agriculture appropriations bill contained language limiting the use of section 32 funds only to their appropriated amount. In effect, Assistant Secretary Lyng was saying that the appropriations bill overrode H.R. 5257, which became law June 30 (Public Law 92-32) and which permitted the Secretary of Agriculture to use up to $100 million in section 32 funds in fiscal year 1972 for implementing free and reduced-priced meals.

Although H.R. 5257 was an "allocation" measure and simply gave the Secretary authority to use already appropriated and available funds, it did pass both Houses overwhelmingly, and it would be a mistake for the Congress to take away with one hand what it gave with another.

Representative WHITTEN made a statement on the floor of the House when it was considering the agricultural appropriations bill. He said that the $11.2 million to be provided in the committee amendment—for summer feeding programs—"represents a maximum that the Department could use." He did not say that that was a maximum as to summer feeding or all child feeding. Even if it was as to summer feeding only, the Office of the Management and Budget, in announcing an increase of $15 million in available funds, has already exceeded that limitation, if a limitation it actually be.

Mr. President, for that reason the amendment I have offered would make it crystal clear what we actually do mean.

Mr. McGEE. Mr. President, I yield to the Senator from Washington.

Mr. MAGNUSON. Mr. President, I submit an amendment on behalf of myself, Senator JACKSON, and Senator HART as a substitute for the pending amendment.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

On page 41, line 4, insert the following:

"SEC. 5. Nothing in this measure shall be construed to limit the use of Section 32 funds for the implementation of Public Law 92-32."

The PRESIDING OFFICER. The Parliamentarian informs the Chair that the amendment is not in order because it is not a substitute for the amendment of the Senator from Illinois, but pertains to another place in the bill.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum, and ask unanimous consent that the time be taken out of the bill.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. McGEE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PERCY. Mr. President, I have

examined the language of the amendment offered by the distinguished Senator from Washington. The language is perfectly acceptable to me. It accomplishes the same purpose in a very straightforward manner.

I withdraw my amendment on the basis that we will have an opportunity to see whether they will accept the amendment of the distinguished Senator from Washington.

The PRESIDING OFFICER. The amendment is withdrawn.

Mr. MAGNUSON. Mr. President, I submit the amendment.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

On page 41, line 4, insert the following:

"SEC. 5: Nothing in this measure shall be construed to limit the use of Section 32 funds for the implementation of Public Law 92–32."

Mr. MAGNUSON. Mr. President, as the Senator from Illinois well said, the amendment I have offered covers the matter he and I are concerned with. The language merely makes it clear that none of the funds or implied limitations in this appropriation bill, H.R. 9270, would apply to the use of section 32 funds as authorized under Public Law 92–32. That is all it does; it makes it perfectly clear that the Secretary of Agriculture can use section 32 funds for the purposes authorized by Congress in Public Law 92–32. This morning the administration indicated that it would not implement section 6 of Public Law 92–32. This is a terrible mistake because a special commodity distribution program is needed to feed hungry people across the Nation. I hope that this amendment makes it perfectly clear that Congress intends for the Department of Agriculture to use section 32 funds to implement this important hunger program.

Mr. President, I ask unanimous consent to have printed in the RECORD Public Law 92–32, which is involved in this matter; a letter from myself to the Secretary of Agriculture, written on July 9, 1971; a further statement of the background and the need for the amendment; and finally, a news release issued by me today which covers all the reasons and the needs for this amendment.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

PUBLIC LAW 92–32

An act to extend the school breakfast and special food programs

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the National School Lunch Act (42 U.S.C. 1752) is amended by adding at the end of the Act the following new section:

"SEC. 15. (a) In addition to funds appropriated or otherwise available, the Secretary is authorized to use, during the fiscal year ending June 30, 1971, not to exceed $35,000,000 in funds from Section 32 of the Act of August 24, 1935 (7 U.S.C. 612c), to carry out the provisions of this Act, and during the fiscal year ending June 30, 1972, not to exceed $100,000,000 in funds from such section 32 to carry out the provisions of this Act relating to the service of free and reduced-price meals to needy children in schools and service institutions.

"(b) Any funds unexpended under this section at the end of the fiscal year ending June 30, 1971, or at the end of the fiscal year ending June 30, 1972, shall remain available to the Secretary in accordance with the last sentence of section 3 of this Act, as amended."

SEC. 2. The first sentence of section 4(a) of the Child Nutrition Act of 1966 (42 U.S.C. 1773(a)) is amended to read as follows: "There is hereby authorized to be appropriated for each of the fiscal years 1972 and 1973 not to exceed $25,000,000 to carry out a program to assist the States through grants-in-aid and other means to initiate, maintain, or expand nonprofit breakfast programs in schools."

SEC. 3. (a) The first sentence of section 4(c) of such Act (42 U.S.C. 1773(c)) is amended by striking out "to reimburse such schools for the" and inserting "to assist such schools in financing the".

(b) The last sentence of such section 4(c) is amended to read as follows: "In selecting schools for participation, the State educational agency shall, to the extent practicable, give first consideration to those schools drawing attendance from areas in which poor economic conditions exist, to those schools in which a substantial proportion of the children enrolled must travel long distances daily, and to those schools in which there is a special need for improving the nutrition and dietary practices of children of working mothers and children from low-income families.".

SEC. 4. Section 4(d) of the Child Nutrition Act of 1966, is amended by striking out "80 per centum" and inserting "100 per centum".

SEC. 5. Section 4(e) of the Child Nutrition Act of 1966 is amended by striking out the sentence reading "In making such determinations, such local authorities should, to the extent practicable, consult with public welfare and health agencies," and inserting the following: "Such determinations shall be made by local school authorities in accordance with a publicly announced policy and plan applied equitably on the basis of criteria which, as a minimum, shall include the level of family income, including welfare grants, the number in the family unit, and the number of children in the family unit attending school or service institutions; but any child who is a member of a household which has an annual income not above the applicable family size income level set forth in the income poverty guidelines shall be served meals free or at reduced cost. The income poverty guidelines to be used for any fiscal year shall be those prescribed by the Secretary as of July 1 of such year. In providing meals free or at reduced cost to needy children, first priority shall be given to providing free meals to the neediest children. Determination with respect to the annual income of any household shall be made solely on the basis of an affidavit executed in such form as the Secretary may prescribe by an adult member of such household. None of the requirements of this section in respect to eligibility for meals without cost shall apply to nonprofit private schools which participate in the school breakfast program under the provisions of subsection (f) until such time as the Secretary certifies that sufficient funds from sources other than children's payments are available to enable such schools to meet thse requirements."

SEC. 6. In addition to funds appropriated or otherwise available, the Secretary of Agriculture is authorized to use, during the fiscal year ending June 30, 1972, not to exceed $20,000,000 in funds from section 32 of the Act of August 24, 1935 (7 U.S.C. 612c), for the purpose of carrying out in any area of the United States direct distribution or other programs, without regard to whether such area is under the food stamp program or a system of direct distribution, to provide, in the immediate vicinity of their place of permanent residence, either directly or through a State or local welfare agency, an adequate diet to needy children and low-income persons determined by the Secretary of Agriculture to be suffering, through no fault of their own, from general and continued hunger resulting from insufficient food. Food made available to needy children under this section shall be in addition to any food made available to them under the National School Lunch Act or the Child Nutrition Act of 1966. Whenever any program is carried out by the Secretary under authority of the preceding sentence through any State or local welfare agency, he is authorized to pay the administrative costs incurred by such State or local agency in carrying out such program.

SEC. 7. (a) The first sentence of section 13(a)(1) of the National School Lunch Act (42 U.S.C. 1761(a)(1)) is amended to read as follows: "There is authorized to be appropriated $32,000,000 for each of the fiscal years ending June 30, 1972, and June 30, 1973, to enable the Secretary to formulate and carry out a program to assist States through grants-in-aid and other means, to initiate, maintain, or expand nonprofit food service programs for children in service institutions.".

(b) In section 13(c)(2) of the National School Lunch Act (42 U.S.C. 1761(c)(2)) after the first sentence insert: "Non-Federal contributions may be in cash or kind, fairly evaluated, including but not limited to equipment and services.".

U.S. SENATE,
Washington, D.C., July 9, 1971.

Hon. CLIFFORD M. HARDIN,
Secretary, Department of Agriculture,
Washington, D.C.

DEAR MR. SECRETARY: As a co-signer of Senator Case's letter regarding the Summer Lunch Program, I was extremely pleased that the President has decided to use Section 32 in order to provide the necessary funds for this program.

Under Section 6 of recently enacted amendments (P.L. 92–32) to the National School Lunch Act, $20,000,000 in funds is authorized from Section 32 of the Act of August 24, 1935 (7 U.S.C. 612c) to be used for the purpose of:

"* * * carrying out in any area of the United States direct distribution or other programs, without regard to whether such area is under the food stamp program or a system of direct distribution, to provide, in the immediate vicinity of their place of permanent residence, either directly or through a State or local welfare agency, an adequate diet to needy children and low-income persons determined by the Secretary of Agriculture to be suffering, through no fault of their own, from general and continued hunger resulting from insufficient food. Food made available to needy children under this section shall be in addition to any food made available to them under the National School Lunch Act or the Child Nutrition Act of 1966. Whenever any program is carried out by the Secretary under authority of the preceding sentence through any state or local welfare agency, he is authorized to pay the administrative costs incurred by such State or local agency in carrying out such program.

Thus, the language of Section 5 clearly authorizes funds to be used to supplement the existing food stamp program. The most just and fair form of distribution of funds authorized under Section 5 would be according to the need of a particular area and according to the severity of existing economic conditions facing that area. I, therefore, urge you to give first consideration to Washington State which is suffering from economic conditions worse than those experienced during the Great Depression, and the severest rate of unemployment in the United States except for Alaska.

I am writing the Governor of my state urging that Washington State immediately apply for Section 5 funds now that the Administration has made it clear that it will use these funds to implement P.L. 92–32.

Additionally, I am concerned about statements made by the Regional Director of the Department of Agriculture regarding the legality of having both a food stamp and a supplemental feeding program operating at the same time in any single county. Senator Hollings advised me that in Beaufort and Jasper Counties of South Carolina three food programs are in simultaneous operation (food stamps, supplemental feeding and free food stamps).

As previously mentioned, Washington State faces a severe economic emergency and if a three-part program is or will be possible under existing law P.L. 92–32 and P.L. 91–671 or under demonstration or test programs, then I urge that the hardest hit areas in Washington State be considered for such a program.

Your immediate attention to this grave problem facing needy and hungry citizens in Washington State will be most appreciated. I would also welcome, with other members of the Washington State delegation, the opportunity to discuss this matter with you next week or as soon as you have had a chance to review the question raised in this letter.

Sincerely,

WARREN G. MAGNUSON.

THE HUNGER ISSUE IN WASHINGTON STATE

UNEMPLOYMENT

Almost 164,000 people were unemployed in the State in May. That is 11.6% of the total labor force. Over 70,000 persons exhausted their unemployment compensation benefits during 1970.

The King-Snohomish labor market has the worst unemployment of any major labor market in the nation. In June 15.2% of the area's workers were unemployed. That is over 97,000 people.

13.6% of the Pierce County labor force was unemployed in June. That is over 19,000 people.

10.3% of the Spokane area's labor force was unemployed in June. That is over 12,000 people.

20 of the State's 39 counties have had unemployment double the national average since 1970.

FOOD STAMPS

In May, about 91,000 households—over 263,000 people—in the State were receiving Food Stamps.

NEIGHBORS IN NEED PROGRAM

This is the church-feeding program in Kings County. It distributes donated food to anyone who says he is in need. They estimate they are now feeding 8,000 people per week. (They say they could feed 20,000 needy people if they had enough food.) They have served over 170,000 people in seven months.

PUBLIC LAW 92–32, SECTION 6

1. This Section authorizes the expenditure of $20,000,000 of Section 32 funds during F.Y. 72.

2. For a *program* or a *system* of direct distribution, to provide, in the immediate vicinity . . . an adequate diet to needy children and low-income persons determined by the Secretary of Agriculture to be suffering, through no fault of their own, from general and continued hunger resulting from insufficient food. Food made available to needy children under this section shall be in addition to any food made available to them under the National School Lunch Act or the Child Nutrition Act of 1966.

3. This program is authorized to distribute food without regard to whether such area is under the food stamp program or a system of direct distribution.

SENATOR MAGNUSON'S REQUEST TO THE AGRICULTURE DEPARTMENT

1. Since the President has expressed a strong concern for hunger and has approved the use of Section 32 funds for the Summer Lunch Program, the Department should now approve the use of Section 32 funds as authorized under Section 6 of P.L. 92–32.

2. The Department should use these funds in areas suffering under the *worst economic conditions* and in areas that need an additional distribution program or system. Washington State is suffering an economic recession worse than that experienced during the Great Depression and needs an additional distribution program.

3. Congress clearly wanted these funds used in areas hardest hit by current economic conditions.

PRESS RELEASE OF SENATOR MAGNUSON, JULY 15, 1971

The State's congressional delegation, led by Senator Warren G. Magnuson, has pledged redoubled efforts to secure surplus food commodities for needy persons in the State, despite a refusal by the Department of Agriculture to implement such a program. The refusal came today at a meeting with the Washington delegation and key Agriculture officials in Magnuson's office.

"The Delegation will continue its fight for human needs," said Magnuson, "even though the Administration is 'hard-hearted' about hunger."

"A callous disregard of the basic human needs existing throughout the Nation because of a sick economy" is the way Magnuson described the Administration's refusal to implement a key section of the latest Agriculture law. He said the law grants authority for such programs and that $20 million is provided for funding.

"Apparently," said Magnuson, "the Administration does not want to recognize the fact that their economic policies have brought economic disaster and severe hunger to millions of people across the United States. They even told Governor Evans they would do something about the Washington State situation—but, from today's meeting, it would appear they have no intention of fulfilling that promise."

In that meeting, Assistant Secretary Lyng stated flatly that the Department of Agriculture has no intention of implementing a section of the new law which would allow a state to conduct a commodity distribution program at the same time it has a food stamp program.

"Further," said Magnuson, "Secretary Lyng told us that the Department could see no circumstances in which they would utilize the authority anywhere in the United States at this time."

Lyng further told the meeting, according to Magnuson, that his office had surveyed Washington State and that a hunger problem did not exist that couldn't be met by the food stamp program.

Mr. McGEE. Mr. President, we have agreed to accept the amendment.

The PRESIDING OFFICER. Do Senators yield back the remainder of their time?

Mr. McGEE. I yield back the remainder of my time.

Mr. MAGNUSON. I yield back the remainder of my time.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

FUNDING RURAL ELECTRIFICATION LOANS

Mr. PERCY. Mr. President, as a Senator whose State encompasses important elements of all three of our Nation's major economic segments—agriculture, labor, and industry—I wish to call attention to one item in the bill before us which is closely related to the objective of building a better rural-urban balance.

I refer to the item proposing to fund rural electrification loans at the level of $545 million. This is the amount passed by the House and recommended now by the Senate Appropriations Committee.

Although this is considerably higher than the level of recent years, it is my judgment that the results in terms of the public interest will more than justify the increase.

First, the Congress has committed itself to the policy—quoting title IX of the Agricultural Act of 1970—that "the highest priority must be given to the revitalization and development of rural areas." To be realistic, we must ask ourselves what things are essential to the revitalization and development of rural areas, and on any list will be good electric service in rural areas. In today's world, nothing is accomplished without the aid of electricity. We must do our best to see that rural America has good electric service.

Second, Congress has not kept appropriations abreast of the problems experienced by rural electric systems in providing the necessary service, and has permitted a serious shortage of loan capital to develop.

In Illinois, for example, current capital requirements of the rural electric systems far exceed the amounts that the Rural Electrification Administration could make available at the current program level despite the best efforts of Administrator Hamil and his staff to stretch loan funds as far as possible. I consider it one of my important duties to keep in touch with the Illinois rural electric systems individually and through their statewide organization, the Association of Illinois Electric Co-ops. The general manager of that association, Mr. Thomas H. Moore, is particularly helpful in providing technical information and enabling me to gain the facts I need for the discharge of my senatorial duties, and I have heard from representatives of several of the cooperatives as well. I appreciate the no-nonsense approach of the people in the rural electric systems and have a high regard for their integrity. In the course of our interchanges, I have learned that Illinois electric cooperatives at the end of calendar year 1970 were forecasting the need to borrow more than $6 million during the 6 months just ended plus $14 million in the fiscal year that is just beginning—a total of $20¼ million for the 18 months.

Unfortunately, I have not been able to provide encouragement to my constituents in their hopes of borrowing the funds they need. When Administrator Hamil testified before the subcommittee of the Senate Appropriations Subcommittee which handles the agriculture-environmental and consumer protection bill, he stated that REA expected to start the new fiscal year with $360 million in applications on hand and to receive additional applications totaling $450 million during the year. This would make a total of $810 million in applications to be considered during the fiscal year, the Administrator testified. However, the program level of recent years, which would be continued if the Congress were to let the backlog grow, is only $345 million. I repeat: $345 million to apply against applications of $810 million.

Under the system created by the Congress in response to unmet needs of past, REA borrowers have virtually no source of capital other than REA. Congress has said to the rural electric systems, in effect: You provide "area coverage"—service to everyone in your area without special charges to those in remote locations—and we the Congress will see that you have adequate capital. Another reason for the shortage in funds is that REA holds the mortgages; private lenders have not been able to compete, if they had wanted to. I am happy to say that the cooperatives have recently formed their own supplemental financing institution with the expectation of borrowing from private lenders, and REA is arranging to accommodate its liens under proper circumstances so that both the Government and private lenders may have security. However, the new financing institution, CFC, is not able to meet a substantial part of the current need for capital at this time; nor will it be able to do so in the year ahead.

The bill we are considering recommends, as it did last year, that the REA should encourage the borrowing systems to speed up the capitalization of CFC by deferring repayments of principal to REA with the understanding that like amounts be invested in CFC. I endorse this recommendation. We should hasten the progress of CFC. At this time, however, it would be unwise to predict how much CFC will be able to lend in the next few years. Meanwhile, if the burgeoning backlog of demand for capital is allowed to grow, irreparable harm may be done not only to the rural electric systems as business enterprises but, even more important, to the hopes and aspirations of the people of this Nation who need the jobs and business opportunities associated with rural economic development. I would point out again that rural development is dependent upon good rural electric service, and electric service is dependent upon adequate capital.

My third point is the reminder that capital provided for rural electrification, after making its impact on the rural economy and the rural-urban balance, returns to the Treasury of the United States with interest. The repayment record of the REA borrowers is excellent. The loans made to them are, for all practical purposes, no risk loans. The rural electric systems are well run, dependable free enterprise institutions operating under the same principle as that of the Associated Press—providing service to members at cost. The Government costs of administering the rural electrification program are very small in relation to results achieved in the public interest.

In the Agricultural Act of 1970 to which I referred earlier, we stated the following in section 901(a) of title IX:

> The Congress commits itself to a sound balance between rural and urban America. The Congress considers this balance so essential to the peace, prosperity, and welfare of all our citizens that the highest priority must be given to the revitalization and development of rural areas.

I submit that the appropriation of $545 million for loans to rural electric systems is an overdue step toward the fulfillment of this commitment.

Mr. HANSEN. Mr. President, the senior Senator from Oregon (Mr. Hatfield) is away from the Senate today on official business. I know of his strong support for increased assistance to our small towns under the FHA rural water and sewer programs.

Senator Hatfield prepared some remarks in support of the full appropriation for the FHA program in this area, and I ask unanimous consent that his remarks appear at this point in the Record.

There being no objection, Senator Hatfield's statement was ordered to be printed in the Record, as follows:

Statement of Senator Hatfield

Recent years have seen the beginning of a community facilities program for the rural United States, administered by the Farmers Home Administration of the Department of Agriculture.

This program has resulted in about six thousand water and sewage disposal systems for smaller communities and areas of the countryside where modern systems never existed before.

Most of this accomplishment has been achieved in the last five years, with fiscal year 1971 being the high point to date.

In the year just ended, the Farmers Home Administration loaned $260 million to an estimated 1,500 communities, and committed $40 million in grants to 575 communities that could not build their projects with loan financing alone.

Both the Congress and the President took actions during the past year that increased the loan resources for this program.

Congress last winter passed the Byrnes Bill, making it possible to use government loan insurance authority for all loans of this type, and fund them with the money of private investors. That measure added considerable new loan resources to the effort. The President was able to increase FHA's lending authority for the program to the record level of $260 million last year, and to schedule an even higher level in fiscal 1972.

We might congratulate ourselves on this showing, except for two things—

First—at the end of fiscal year 1971, there were more than $95 million worth of approved projects piled up in the Farmers Home Administration's national Finance Office, waiting for money to become available in the new fiscal year so that funds for these projects could be reserved. To provide for those projects, $25 million was needed in the form of grants.

Inasmuch as the proposed 1972 budget calls for a total of only $40 million for grants to match a proposed $300 million loan authority, this year's grant money was more than half gone the moment the year began. Obviously, $40 million is totally inadequate to meet the needs of the coming year.

The committee action in support of the full $100 million limit deserves our complete support.

And as a second point to discourage self-congratulation—at the present rate of progress in this program, it will take about 30 more years to bring water and sanitary services up to minimum adequate standards as a general condition of living in the United States.

We still have far to go. There still are more than 30,000 rural communities that need water systems, and more than 40,000 that need sewer systems before we can say that modern services truly prevail in this country.

Some are being served, but progress remains at a snail's pace for thousands of communities where the people go on, year after year, enduring bad water, bad wells, bad sanitary conditions and suffering all the lag of community development imposed by substandard community facilities.

It is incredible how little is being allocated under the national budget to the need for these water and sewer improvements. They are fundamental to solving the problems of pollution, and to building and restoring communities that will be good and fit places to live. These are among the highest demands of the people today upon their government.

Yet in the fiscal year just ended, we applied only about one five-thousandth of the national budget to grant support for new water and sewer services in rural areas.

Out of the $200 billion mass of federal expenditures we squeezed a scant $40 million for grants to the rural water and sewer program.

This dribble of funding has held the program to a level far short of need and demand.

As an example, my state of Oregon has been able to carry out 85 projects in 10 years—17 last fiscal year, when our share of financial assistance available from the Farmers Home Administration totaled about $1.9 million in loans and $615,000 in grants.

But pending now in Oregon is a backlog of applications for 48 projects carried over into the new fiscal year. They require more than $7 million in loans and $5.6 million in grants. They should be approved and built within the coming year.

In the nation as a whole, applications on hand as the new fiscal year begins total 2,500 projects which represent an immediate, carryover need for $500 million in loans and $100 million in grants.

Moreover, for every application Farmers Home has been able to accept for active status now, some 20 more potential and badly needed projects are in abeyance—this for lack of prospects that funds would be available in the foreseeable future what with the parsimonious rate of budgeting that now prevails.

Oregon's real need as reflected by FHA surveys is for 480 new or improved water systems, each serving one or more rural communities, and 476 new or improved sewer systems in its rural towns. The financing requirement is estimated at $136 million.

The national need as surveyed by FHA indicates that it will require $11.3 billion, over the shortest possible period of years, to accomplish real modernization of the nation's rural water and sewer services in this modern age.

An answer, as we know, to the decline of towns, the flight of people in distress from country to city, where their troubles compound the burdens already borne by our cities, is to revitalize rural communities.

Bring their public services up to a state of adequacy for accommodating new enterprise and modern homes.

Build the same quality into new communities out in the open spaces, which still abound in this country, where people can find decent work and living conditions in a better environment.

Lack of basic facilities such as sewer systems has stopped homebuilding in some developing communities of Oregon. This obstacle is retarding the development of year-round and summer communities on our coast and in the Willamette Valley.

And throughout the country, lack of sewer systems is a major roadblock to homebuilding in the rural areas. New communities, and new subdivisions of existing communities, often cannot be built for lack of central waste disposal systems. In many places, building codes require perhaps half an acre of ground or more, for every house relying on an individual septic waste disposal system. This large and costly site requirement pushes the cost of an adequate home beyond the reach of thousands of families of low or modest income.

It is easy enough to look away from this need, in the towns and countryside if you are sheltered in a Washington office and yourself fully accommodated by modern plumbing.

But you might not want to live or put your industry into a town, or even stop for the night in a motel that lacked the advantage of modern plumbing.

We must support the full $100 appropriation in this area.

In addition, Mr. President, I have introduced in this session, with the co-sponsorship of nearly 30 of my colleagues in the Senate, a bill that would move this program up to a level more commensurate with the need.

This bill, S. 391, would constitute both a declaration by the Congress of its recognition of the need—its high priority in the scale of our spending that must come first in service to the American people—and a strong measure of action to get results.

This bill would double the present authorization of the Farmers Home Administration to make grants, which are necessary to supplement loans, for rural waters and waste disposal systems. The authorization for project construction grants would be raised from $100 million to $200 million a year; and for comprehensive planning of rural water and waste disposal services from $15 million to $30 million a year.

Mr. President, we have the machinery in the Farmers Home Administration to help rural communities move far more of these projects into construction.

I hope and urge that the Senate will give early consideration to this measure, and that action will be forthcoming this year—both from the Congress and budget authorities in the Administration—to bring the rural water and waste facilities program up to a level more in line with what the national interest demands.

I hope others of the Senate will signify their support of this cause by joining us as co-sponsors and as active advocates of this bill.

Mr. HUMPHREY. Mr. President, I am delighted that the Senate Committee on Appropriations acted yesterday to fund the section 702 water and sewer grant program at $700 million. I can think of no more important item in the appropriations legislation before the Senate today. Towns and cities around the country have a desperate need for water and sewer facilities. Although these communities are conscientiously trying to provide adequate water and sewer facilities, they have no source of funds in many cases. In some cases municipalities have been given a deadline for cleaning up their water and sewer systems by the Environmental Protection Agency.

The section 702 program is a good program—it is a program designed to help the Nation's communities meet their urgent needs for improved water and sewer facilities and it is designed to support our national housing goals. Its purpose is to correct the most basic pollution problem in America—the problem of proper disposal of the waste of the Nation's towns and cities.

As chairman of the Rural Development Subcommittee, I have a special interest in seeing that the Nation's small towns are able to finance water and sewer systems. Without an adequate water and sewer system, the small towns of the Nation cannot expect to grow; they cannot expect to hold the rural population which is now migrating to metropolitan areas.

The section 702 program is not aimed at small towns. It is not aimed at large cities. It is aimed at towns, cities, and communities of all sizes. However, 71 percent of the available funds are going to towns of 50,000 and under.

The section 702 program is oriented toward the orderly growth and development of an area. In order to qualify for assistance the grant application must conform to a unified or officially coordinated areawide water and sewer facilities system.

Although the section 702 program has been an excellent one, its funding has been far from adequate. Last year the Congress appropriated $500 million for the program. The President vetoed the appropriation bill, stating that the Congress had appropriated too much money for water and sewer facilities.

When the appropriations legislation went through the Congress again, the figure for section 702 was $350 million. However, the President refused to spend $200 million of this amount. For the water and sewer needs of towns and cities of the Nation, the administration spent only $150 million during the past fiscal year.

In the current budget request the administration asked for no money for the section 702 program for fiscal year 1972. The administration stated that it intended to spend $100 million of last year's appropriation for water and sewer facilities in the first 6 months in fiscal year 1972. On May 13, Secretary Romney testified before the Senate Appropriations Committee and stated that only $100 million would be spent because the administration would merge the section 702 water and sewer grant program into the new urban community development revenue sharing program. The Secretary stated that he did not think that his Department could properly and efficiently spend the money appropriated under section 702 and that it would be better to distribute this money to the States to spend as they wish.

However, 1 month later, on June 14, Secretary Romney wrote to the Chairman of the Agriculture Appropriations Subcommittee and stated that the administration had decided to take the section 702 program out of its urban community development revenue sharing program. He stated that now the administration has decided to utilize in fiscal year 1972 the full $200 million of section 702 money that it refused to spend in fiscal year 1971.

Mr. President, the section 702 water and sewer grant program has proven worth. It has been extremely successful and it is urgently needed by the towns and communities of the Nation. I hope that Secretary Romney will make up his mind as to whether his Department can administer this program and spend the money appropriated by the Congress. I hope that the will of the Congress will not again be frustrated by the administration's refusal to spend money for water and sewer grants.

I would suggest that if the President is really serious about relieving the financial crises of the Nation's communities and towns, that he will allow the expenditure of the money that is so badly needed to meet the water and sewer needs of these towns.

Mr. President, at this point I present for the RECORD a table presented to the House Banking and Currency Committee in June of 1970 by the National Association of Counties. The table gives a State-by-State breakdown of grant applications for water and sewer assistance which were not funded by the Department of Housing and Urban Development.

LOCAL GOVERNMENT GRANT APPLICATIONS FOR WATER AND SEWER ASSISTANCE NOT FUNDED BY DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

State	Number of grant applications	Grant applications amount (millions)	Total project cost (millions)
Alabama	51	$15.68	$33.66
Alaska	15	7.27	17.15
Arizona	31	11.85	26.30
Arkansas	52	20.97	45.57
California	271	158.17	365.25
Colorado	73	19.71	48.62
Connecticut	95	59.82	155.36
Delaware	8	3.30	6.99
Florida	135	69.12	164.03
Georgia	43	19.64	46.39
Hawaii	19	5.78	14.12
Idaho	3	.69	1.39
Illinois	191	89.58	201.96
Indiana	77	48.57	131.00
Iowa	67	20.58	44.89
Kansas	60	13.60	28.89
Kentucky	28	55.89	136.54
Louisiana	107	70.17	158.16
Maine	48	8.31	18.58
Maryland	47	22.44	51.12
Massachusetts	225	93.33	227.23
Michigan	308	331.20	722.95
Minnesota	63	42.49	68.76
Mississippi	29	10.88	28.48
Missouri	104	34.06	80.56
Montana	14	2.47	4.89
Nebraska	45	16.80	48.64
Nevada	16	4.30	11.27
New Hampshire	27	11.84	27.00
New Jersey	163	92.55	209.20
New Mexico	13	2.61	6.83
New York	426	441.50	887.13
North Carolina	48	19.12	51.30
North Dakota	7	2.01	3.51
Ohio	255	204.45	420.62
Oklahoma	51	15.31	36.68
Oregon	47	26.18	65.68
Pennsylvania	317	158.68	343.72
Rhode Island	26	16.93	39.08
South Carolina	44	16.93	48.40
South Dakota	17	3.76	8.07
Tennessee	47	16.33	38.91
Texas	224	55.39	130.52
Utah	60	14.01	33.41
Vermont	33	7.41	16.89
Virginia	55	47.10	101.47
Washington	63	17.06	40.51
West Virginia	36	25.13	35.54
Wisconsin	85	37.79	84.74
Wyoming	5	.37	.79
Puerto Rico	25	5.78	13.81
Virgin Islands	1	.14	.29
National total	4,308	2,496.75	5,538.22

Mr. BOGGS. Mr. President, I should like to comment on that portion of H.R. 9270 which appropriates funds for the activities of the Environmental Protection Agency. The bill calls for expenditures of nearly $2.5 billion for the work of the Environmental Protection Agency during fiscal year 1972. This nearly doubles the sums appropriated in fiscal 1971, when the components of EPA were divided among several agencies.

An increase of this magnitude is vital if we are to carry out effectively the programs for enhancing the quality of our air, our water, and our land.

Late last year, the Congress adopted extensive amendments to the Clean Air Act. To meet the challenge of healthy air quality everywhere by the middle of this decade, more funds must be spent this fiscal year to implement air quality programs. Therefore, this legislation calls for an appropriation for air pollution program totaling $162,114,000 this fiscal year, an increase from the $108,840,000 appropriated in 1971.

Mr. President, I was honored to cosponsor and support the amendment offered by the distinguished Chairman of the Committee on Public Works (Mr. RANDOLPH) increasing the funds available to support air pollution control programs operated by the States.

Current Federal legislation clearly establishes the policy that the primary responsibility for controlling pollution rests with the States. Since the amendments to the Clean Air Act last year imposed heavy new State responsibilities for control of air pollution, I believe we are wise to increase dramatically the program grant funds to the States.

Chairman RANDOLPH's amendment increased these funds in fiscal year 1972 to $52,900,000 from the $42,900,000 proposed in the budget and the $30,200,000 appropriated for this purpose in fiscal year 1971.

To combat water pollution, the bill appropriates $2,151,364,000, an increase from the $1,116,627,000 appropriated last year. The greatest portion of this increase is due to a doubling of the funds for construction of municipal waste treatment facilities. The 1972 fiscal appropriation of $2 billion for these sewage treatment grants matches the President's request. I might point out that a comprehensive study by the Environment Protection Agency charts an existing backlog of approximately $12 billion in needed facilities over the next 3 years to meet the existing water quality standards established on our rivers and lakes.

On other aspects of the water pollution program—program grants to the States, research, enforcement, and so forth—the bill appropriates $151,364,000, an increase from last year's $116,627,000.

This legislation also includes $43,378,000 for programs to combat solid waste pollution, a major increase from the $19,591,000 appropriated last year. While relatively small, this portion of the EPA program is one of the most significant covered by this entire bill. I am referring in particular to the funds in support of section 208 of the Solid Waste Disposal Act, the section authorizes projects to demonstrate resource recovery systems.

The budget requested $4,093,000 for section 208. The Appropriations Committee is recommending to the Senate that $19,093,000 be appropriated for that aspect of the EPA program during fiscal year 1972. I would like to explain the reasons the committee believed it was necessary to increase the funds above the level requested in the budget and approved in the House version of the bill.

Section 208 was a part of the Resource Recovery Act of 1970. This legislation became law on October 26, 1970. This section, I believe, is the most significant aspect of last year's act. It enables the Federal Government to go beyond resource recovery research into a strong program to demonstrate the effectiveness of such systems. This section will move resource recovery out of the laboratory into the marketplace to show what programs are feasible.

The Committee on Public Works, in its report on this legislation—Senate Report 91-1034—observed:

> The nation can no longer afford to await more study and analysis. We must move from the great deal of information presently available to full-scale demonstration of recovery systems.

To move this program forward, the Congress authorized $80 million for section 208 during fiscal year 1972. That $80 million exceeds the sums authorized in fiscal 1972 for all other solid waste programs administered by the Environmental Protection Agency.

The budget seeks $4,093,000 for section 208 this fiscal year. In response to questions during the hearings, EPA indicated that $4 million would enable the agency to initiate two demonstration projects.

I believe that $4,093,000 and two projects is inadequate to the magnitude of the solid waste problem. Americans spend something in the neighborhood of $5 billion each year for the collection, processing, and disposal of municipal trash. And after that money is spent, more square miles of America have been turned into dumps and valuable materials lost to any possible reuse.

Section 208 provides the mechanism for moving technology into the cities and suburbs to halt the trend of rising costs paid by the public for handling solid wastes. It provides the mechanism for saving precious resources.

But recycling will be an answer to the solid waste problem only if the materials recovered from the municipal trashpile can be successfully marketed. Pilot and research programs have demonstrated that many viable technological answers exist to recycling. Only a program of demonstration projects can show if a steady stream of reusable materials can be successfully marketed.

The Appropriations Committee received considerable testimony in support of increased appropriations for section 208. Gov. Russell W. Peterson of Delaware testified most eloquently that resource recovery was the only feasible long-term answer available to a small but well-developed State, like Delaware.

Governor Peterson pointed out the imaginative work begun by the State of Delaware toward the design and construction of a recycling plant in Wilmington. This plant, which could ultimately qualify for a section 208 grant of as much as 75 percent toward the total cost of about $11 million, would take most of the solid wastes from northern Delaware and extract reusable metals, compost, and other materials. Delaware, to demonstrate its commitment, has appropriated $1,000,000 toward design of this plant.

I am informed that several dozen similar recycling plants are under development across the Nation. I believe it would be unwise to initiate only two projects this year. An appropriation of $19 million would enable EPA to find a sufficient number of demonstration projects in order to test a variety of recycling concepts.

The Executive Branch has initiated a state-of-the-art study on resource recovery to assess which types of systems appear most promising for section 208 grants. This study will be completed by the latter part of the summer and the EPA should be in a position to accept official grant applications by September. It is my belief that EPA must have the funds to initiate several section 208 grants in order to find the best answers to the problem of solid waste pollution.

An imaginative section 208 program represents an investment—a start—toward that day when we convert solid wastes from an environmental problem into a resource for our people.

Mr. President, in closing, I would commend the work by the chairman of the subcommittee (Mr. MCGEE) and by the subcommittee's ranking member (Mr. HRUSKA). Their cooperative spirit has been most helpful to me, and I am confident to all members of the Subcommittee on Agriculture, Environment, and Consumer Protection.

Further, I want to commend the excellent work by the subcommittee's staff under the direction of Dudley Miles.

The PRESIDING OFFICER. The bill is open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment of the amendments and third reading of the bill.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill (H.R. 9270) was read the third time.

The PRESIDING OFFICER. Do the Senators yield back the remainder of their time on the bill?

Mr. McGEE. I yield back all remaining time on the bill.

Mr. HRUSKA. I yield back all remaining time on the bill.

The PRESIDING OFFICER. All time has been yielded back. The bill having been read the third time, the question is, Shall it pass?

On this question the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. BYRD of West Virginia. I announce that the Senator from New Mexico (Mr. ANDERSON), the Senator from Indiana (Mr. BAYH), the Senator from Oklahoma (Mr. HARRIS), the Senator from Washington (Mr. JACKSON), the Senator from North Carolina (Mr. JORDAN), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Louisiana (Mr. LONG), the Senator from Alabama (Mr. SPARKMAN), and the Senator from Illinois (Mr. STEVENSON) are necessarily absent.

I further announce that the Senator from Idaho (Mr. CHURCH) is absent on official business.

I further announce that, if present and voting, the Senator from Washington (Mr. JACKSON), the Senator from North Carolina (Mr. JORDAN), and the Senator from Illinois (Mr. STEVENSON) would each vote "yea."

Mr. SCOTT. I announce that the Senator from New York (Mr. BUCKLEY), the Senator from Vermont (Mr. PROUTY), the Senator from Ohio (Mr. SAXBE), and the Senator from Connecticut (Mr. WEICKER) are necessarily absent.

The Senator from Oregon (Mr. HATFIELD) and the Senator from Idaho (Mr. JORDAN) are absent on official business.

The Senator from Michigan (Mr. GRIFFIN) is absent because of death in his family.

The Senator from Massachusetts (Mr. BROOKE) and the Senator from South Dakota (Mr. MUNDT) are absent because of illness.

The Senator from Arizona (Mr. GOLDWATER) is detained on official business.

If present and voting, the Senator from Oregon (Mr. HATFIELD), the Senator from Idaho (Mr. JORDAN), the Senator from Vermont (Mr. PROUTY), and the Senator from Arizona (Mr. GOLDWATER) would each vote "yea."

The result was announced—yeas 78, nays 2, as follows:

[No. 146 Leg.]

YEAS—78

Aiken
Allen
Allott
Baker
Beall
Bellmon
Bennett
Bentsen
Bible
Boggs
Brock
Burdick
Byrd, Va.
Byrd, W. Va.
Cannon
Case
Chiles
Cook
Cooper
Cotton
Cranston
Curtis
Dole
Dominick
Eagleton
Eastland
Ellender
Ervin
Fannin
Fong
Fulbright
Gambrell
Gravel
Gurney
Hansen
Hart
Hartke
Hollings
Hruska
Hughes
Humphrey
Inouye
Javits
Magnuson
Mansfield
Mathias
McClellan
McGee
McGovern
McIntyre
Metcalf
Miller
Mondale
Montoya
Moss
Muskie
Nelson
Packwood
Pastore
Pearson
Pell
Percy
Proxmire
Randolph
Schweiker
Scott
Smith
Spong
Stennis
Stevens
Symington
Taft
Talmadge
Thurmond
Tower
Tunney
Williams
Young

NAYS—2

Ribicoff
Roth

NOT VOTING—20

Anderson
Bayh
Brooke
Buckley
Church
Goldwater
Griffin
Harris
Hatfield
Jackson
Jordan, N.C.
Jordan, Idaho
Kennedy
Long
Mundt
Prouty
Saxbe
Sparkman
Stevenson
Weicker

So the bill (H.R. 9270) was passed.

Mr. McGEE. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. HRUSKA. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. McGEE. Mr. President, I move that the Senate insist on its amendments and request a conference with the House of Representatives thereon, and that the Chair be authorized to appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. McGEE, Mr. STENNIS, Mr. PROXMIRE, Mr. BYRD of West Virginia, Mr. ELLENDER, Mr. TALMADGE, Mr. HRUSKA, Mr. YOUNG, and Mr. FONG conferees on the part of the Senate.

Mr. MANSFIELD. Mr. President, it is with the greatest pleasure that I commend the distinguished senior Senator from Wyoming (Mr. McGEE). His handling of the agriculture appropriation measure was magnificent. His deep devotion and outstanding advocacy were joined by his clear understanding of the farm requirements of the Nation. I believe this is Senator McGEE's first bill since he has become chairman of this subcommittee. With it he has demonstrated already a fine expertise. He has shown beyond question that he is a valuable friend of the Nation's farm population.

Joining Senator McGEE and deserving equal praise was the distinguished Senator from Nebraska (Mr. HRUSKA). He, together with Senator AIKEN, and others, contributed to make this a truly bipartisan effort in behalf of the Nation's farm interests. The Senate is deeply grateful.

Other Senators also deserve commendation. The Senator from Indiana (Mr. BAYH) offered his own strong and sincere views about certain features of the bill. The Senator from South Dakota (Mr. McGOVERN), the Senator from Ohio (Mr. TAFT), the Senator from Utah (Mr. MOSS), and other Senators, did likewise. Among them were the Senator from Minnesota (Mr. HUMPHREY), and the Senator from Wisconsin (Mr. NELSON).

Amendments, as is often the case, were greeted favorably in some instances and not favorably in others. All in all, however, the debate was of the highest caliber. All Senators who participated may take credit.

Personally, I wish to thank the Senate as a whole for the splendid cooperation which assured final disposition of this most important money measure today.

The PRESIDING OFFICER. What is the will of the Senate?

PAYMENTS LIMITATION UNDER THE FEDERAL FARM COMMODITY PROGRAMS—SENATE RESOLUTION 153

Mr. HUMPHREY. Mr. President, I call up my resolution (S. Res. 153) and ask for its immediate consideration. I have modified the resolution, and have sent it to the desk with appropriate amendments.

The PRESIDING OFFICER (Mr. PROXMIRE). Does the Senator ask unanimous consent to proceed to its immediate consideration?

Mr. HUMPHREY. I ask unanimous consent that the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Is there objection?

There being no objection, the Senate proceeded to consider the resolution.

Mr. HUMPHREY. Mr. President, briefly, to save the time of the Senate, the changes in the proposed resolution have been cleared, with the cooperation and assistance of the distinguished ranking minority member of the Committee on Agriculture and Forestry (Mr. MILLER), and I think we are in full agreement. I have discussed the matter with the distinguished chairman of the committee and with other Senators, and I believe we are now in accord.

The PRESIDING OFFICER. The resolution as modified will be stated.

The assistant legislative clerk read the resolution.

Mr. BYRD of West Virginia. Mr. President, will the Senator from Minnesota yield?

Mr. HUMPHREY. I yield to the Senator from West Virginia.

Mr. BYRD of West Virginia. Mr. President, the leadership on both sides of the aisle—the majority leader and the minority leader—have discussed the resolution with the distinguished Senator from Minnesota, and they have no objection to its immediate consideration or to its passage at this time. The matter has also been cleared with the distinguished Senior Senator from Vermont (Mr. AIKEN) and he has no objection, I am told by the majority leader.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

The resolution was agreed to, as follows:

Resolved, That within sixty days after the end of the current individual crop years for each commodity covered under the Agricultural Act of 1970, the Secretary of Agriculture should submit to the Chairman of the Senate and House Agriculture Committees his findings based upon a detailed investigation of the operation and administration of the current $55,000 payment limitation. Such a study should include a report detailing the extent to which those participants in the program who previously received in excess of $55,000 annually have reconstituted or divided their farming operations since this limitation was imposed. The Secretary of Agriculture should also provide the House and Senate Agriculture Committee Chairmen with his evaluation of the impact of the $55,000 limitation on program sign-ups for the current crop years as well as what he anticipates the impact on programs would be if a $20,000 payment limitation were imposed in subsequent crop years.

The preamble was agreed to.

The resolution with its preamble reads as follows:

Whereas the Federal Farm Commodity Programs are designed to benefit both the producers as well as the consumers of farm commodities;

Whereas the effectiveness and merit of these programs have contributed to the basic health, vitality and stability of American agriculture;

Whereas the future viability of this important sector of the economy depends upon the continuation and effective management and administration of these commodity programs;

Whereas the Congress has stated that it does not wish any single individual or corporation to unduly benefit from these programs supported by American taxpayers.

Whereas the Congress has specifically imposed a $55,000 payment limitation in the Agricultural Act of 1970; and

Whereas there have been reported abuses or circumventions of the $55,000 limitation: Now, therefore, be it

Resolved, That within sixty days after the end of the current individual crop years for each commodity covered under the Agricultural Act of 1970, the Secretary of Agriculture should submit to the Chairmen of the Senate and House Agriculture Committees his findings based upon a detailed investigation of the operation and administration of the current $55,000 payment limitation. Such a study should include a report detailing the extent to which those participants in the program who previously received in excess of $55,000 annually have reconstituted or divided their farming operations since this limitation was imposed. The Secretary of Agriculture should also provide the House and Senate Agriculture Committee Chairman with his evaluation of the impact of the $55,000 limitation on program sign-ups for the current crop years as well as what he anticipates the impact on programs would be if a $20,000 payment limitation were imposed in subsequent crop years.

INCREASED AUTHORIZATIONS FOR PLANNING GRANTS

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 247, Senate Joint Resolution 52.

The PRESIDING OFFICER. The joint resolution will be stated by title.

The assistant legislative clerk read as follows:

A joint resolution (S.J. Res. 52) increasing the authorizations for comprehensive planning grants and open-space land grants.

The PRESIDING OFFICER. Is there objection to the present consideration of the joint resolution?

There being no objection the Senate proceeded to consider the joint resolution.

Mr. BYRD of West Virginia. Mr. President, this joint resolution has been cleared on both sides of the aisle. The distinguished senior Senator from Alabama, the chairman of the Committee on Banking, Housing, and Urban Affairs (Mr. SPARKMAN), has discussed it with the leadership. He is very eager to have it passed today.

The PRESIDING OFFICER. The question is on the engrossment and third reading of the joint resolution.

The joint resolution (S.J. Res. 52) was ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the fifth sentence of section 701(b) of the Housing Act of 1954 is amended by striking out "$420,000,000" and inserting in lieu thereof "$470,000,000."

SEC. 2. Section 708 of the Housing Act of 1961 is amended by striking out "$560,000,000" and inserting in lieu thereof "$660,000,000".

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 92-254), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

WHAT THE RESOLUTION WOULD DO

Senate Joint Resolution 52, would authorize the appropriation of an additional $50 million for the comprehensive planning grants (sec. 701(b) of the Housing Act of 1954) and an additional $100 million for the open space land program (sec. 708 of the Housing Act of 1961). This additional authorization would be provided by increasing from $420 million to $470 million the statutory limits on the amounts which may be appropriated for section 701(b) and would increase from $560 million to $660 million the amount which may be appropriated for the open space land program.

The President's budget program for fiscal 1972 proposes an appropriation of $100 million for the section 701 comprehensive planning grant program and an appropriation of $200 million for the open space land program. These program levels, which had not been formulated in time to be submitted during the consideration of the Housing and Urban Development Act of 1970, are an integral and important portion of the Department's activities in providing needed assistance to the communities of this Nation.

As the President indicated in his message of February 8, transmitting a program to save and enhance the environment, appropriations requested for the open space program would be used in connection with the program's new emphasis on the acquisition and development of additional park lands in urban areas, including the provision of facilities such as swimming pools to add to the use and enjoyment of these parks. The additional appropriations requested for the comprehensive planning program would be used to carry out the program's new objectives contemplated for 1972, which are designed to strengthen the executive and managerial capabilities of State and local governments.

Existing authorizations for these programs, as increased by the Housing and Urban Development Act of 1970, will fall short of providing the authority for the requested appropriation by $41 million in the comprehensive planning grant program and $91 million in the open space land program. The $41 million is the authorization needed to meet the President's budget request for the regular section 701 program independent of the approximate $26 million unused earmarked authority for community development districts. Because of the nature of the appropriations process, unless additional authorizations are enacted prior to the time the Appropriations Committee acts, consideration of these two requests would have to be split between the annual appropriation bill and a supplemental appropriation bill.

The committee reports the resolution at this time so that the Independent Offices and Department of Housing and Urban Development appropriations bill before the Senate can include the full amount requested in the President's budget program for fiscal 1972 for both comprehensive planning grant program and the open space land program. It is expected that this appropriation bill will be reported to the Senate within the very near future.

ELIMINATION OF REDTAPE AND DELAYS

In reporting Senate Joint Resolution 52, the committee is mindful of the testimony it has received concerning the delays and large amounts of unnecessary paperwork which has encumbered the program. The committee urges the Department of Housing and Urban Development to put into effect a plan which would drastically reduce paperwork required for 701 applications. To make this effective, the committee recommends that the Department work out self-imposed period of time for the Department to consider an application and to provide an answer to the applicant. One group of witnesses before the committee suggested that a reasonable time for such a period would be 60 days.

SUPPORT FOR STATE AND REGIONAL COUNCILS OF GOVERNMENT

Testimony submitted to the committee documented the increasing needs for 701 funds to assist the Councils of Governments in carrying out their project review and coordination responsibilities under existing law.

The State and regional project review functions are carried out in accordance with the requirements of the Intergovernmental Relations Coordination Act of 1968. The actual review process which a State and regional Council of Governments is requested to follow is contained in the Office of Management and Budget Circular A-95, and the review is known as the A-95 process.

The A-95 review activity has proved extremely valuable in avoiding project duplication and project conflicts at the regional and State level. The Office of Management and Budget has documented that these review activities have, since the inception of the program, netted substantial savings to the government over the last few years. A more recent limited review conducted by the National Service to Regional Councils estimated these savings to be over $300 million. If properly supported, we are convinced that the State and Council of Governments review activities function as required under A-95 can reflect even greater savings to Government. We encourage HUD to use the increased funds to take whatever steps appropriate to help improve the project review process at the State regional level.

PROPOSED LEGISLATION

In urging the Senate to pass this bill, we do not wish to imply that we necessarily support the substance of the proposed title II of S. 1618, which would establish an executive management planning program to replace the existing 701 urban planning assistance program.

While we agree that the executive management planning functions as outlined in S. 1618, which HUD wants at the local mayor and State Governor level is important and is worthy of Federal aid, we do feel that the committee may want to set more refined procedures and objectives for the program when substantive legislation is recommended. HUD has had authority to fund mayors and Governors in this general manner for some time, but in the case of mayors and other elected local executives, the agency has never requested the additional funding required for this purpose.

DESCRIPTION OF THE COMPREHENSIVE PLANNING GRANT PROGRAM

The comprehensive planning grant program is authorized by section 701 of the Housing Act of 1954, as amended. Under this section, the Secretary is authorized to provide comprehensive planning assistance to State, areawide, and local public agencies. * * * for solving planning problems, including those resulting from the increasing concentration of population in metropolitan and other urban areas and the outmigration from and lack of coordinated development of resources and services in rural areas; to facilitate comprehensive planning for urban and rural development, including coordinated transportation systems, on a continuing basis by such governments; and to encourage such governments to establish and improve planning staffs and techniques on an areawide basis * * *.

Grants may be made for up to two-thirds of the total cost of planning work. However, grants may cover up to 75 percent of the planning costs for localities in designated redevelopment areas, in areas facing a substantial reduction in employment because of Federal Government action, in economic development districts (and cities, counties, and municipalities located in such districts) and for regional commissions established by the Appalachian Regional Development Act. The Housing and Urban Development Act of 1970, also authorized grants of not more than 75 percent of the cost of certain activities necessary to the development or implementation of plans and programs in areas whose development has significance for the purposes of national growth and urban development objectives.

The statute clearly sets forth comprehensive planning as a process to assist State and local elected officials in formulating and then implementing policies for growth and development. Comprehensive planning provides a framework for individual development and management decisions spanning a broad range of governmental activities, services, and investments. This framework guides the selection, sequence, and timing of specific functional planning and enhances coordination with comprehensive overall policies and objectives. This comprehensive scope of the program distinguishes it from the other Federal planning assistance programs that are limited to functional interests.

DESCRIPTION OF THE OPEN SPACE LAND-GRANT PROGRAM

The open space land programs were authorized under title VII of the Housing Act of 1961, as amended. The original program elements were: (1) Acquisition and development of undeveloped land; (2) urban parks; (3) urban beautification and improvement; (4) historic preservation; and (5) demonstrations, studies, and publications.

Title IV of the Housing and Urban Development Act of 1970 combined the former program elements, and clarified and broadened statutory authorities. The amended program provides for grants to States and local public bodies to acquire and develop open space land. In addition to providing parks and recreation areas, the program helps curb urban sprawl and prevent the spread of urban blight and deterioration, encourages more economic and desirable urban development, assists in preserving areas and properties of historic or architectural value, and helps provide necessary conservation and scenic areas.

As provided in the HUD Act of 1970, up to 50 percent grants may be made to help finance the acquisition of title or other interest in open space and the development of open space or other public land in urban areas, including development of publicly owned or controlled land. Grants of up to 75 percent may be made for the acquisition if interest in undeveloped or predominantly undeveloped land which would have special significance in helping to shape economic and desirable patterns of urban growth. Up to 50 percent of the non-Federal share of a project may be made up by donations of land or materials. Where appropriate, temporary use of leaseholds, with limited development activities, may be provided through the program. The cost of relocation payments and services shall be made as part of a project involving acquisition.

ORDER FOR RECOGNITION OF SENATORS DOMINICK, BYRD OF VIRGINIA, AND GRAVEL TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that on tomorrow, immediately following the recognition of the two leaders under the standing order, the following Senators be recognized, each for not to exceed 15 minutes, and in the order stated: Messrs. DOMINICK, BYRD of Virginia, and GRAVEL.

The PRESIDING OFFICER. Without objection, it is so ordered.

TRANSACTION OF ROUTINE MORNING BUSINESS TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that upon the completion of the statements tomorrow by the Senators just named, there be a period for the transaction of routine morning business, with statements therein limited to 3 minutes, the period not to exceed 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

SENATE RESOLUTION 100—ADDITIONAL EMPLOYEES, VETERANS' COMMITTEE — UNANIMOUS-CONSENT AGREEMENT

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that at the conclusion of the period for the transaction of routine morning business tomorrow, the Senate proceed to the consideration of the motion to take up the motion to reconsider Senate Resolution 100.

The PRESIDING OFFICER. Is there objection to the request of the Senator from West Virginia? Without objection, it is so ordered.

Mr. BYRD of West Virginia. I ask unanimous consent that time on the motion to proceed to consider the motion to reconsider Senate Resolution 100 be limited to 30 minutes, the time to be equally divided between the distinguished Senator from Indiana (Mr. HARTKE) and the distinguished chairman of the Appropriations Committee (Mr. ELLENDER);

Provided further, that in the event the motion to take up the motion to reconsider is agreed to, there be a time limitation on the motion to reconsider of not to exceed 30 minutes, with the time to be equally divided between the Senator from Indiana (Mr. HARTKE) and the Senator from Louisiana (Mr. ELLENDER), and that a motion to table may be in order at any time;

Provided further, that in the event the motion to reconsider is agreed to the time on the resolution (S. Res. 100) be limited to 30 minutes, to be equally divided between the distinguished Senator from Louisiana (Mr. ELLENDER) and the distinguished Senator from Indiana (Mr. HARTKE), and that time on any amendment thereto be limited to 10 minutes, to be equally divided between the mover of such amendment and the Senator from Louisiana (Mr. ELLENDER).

The PRESIDING OFFICER. Is there objection to the request of the Senator from West Virginia? The Chair hears none, and it is so ordered.

The unanimous-consent agreement reads as follows:

UNANIMOUS-CONSENT AGREEMENT

Ordered, That on Friday, July 16, 1971, following the transaction of routine morning business, the Senate proceed to consideration of the motion to take up the motion to reconsider the vote by which S. Res. 100, additional employees, Veterans Committee, was agreed to, and that the time on that motion be limited to 30 minutes to be equally divided and controlled by the Senator from Louisiana (Mr. ELLENDER) and the Senator from Indiana (Mr. HARTKE).

Provided further, That if the motion to take up the motion to reconsider is agreed to, that debate on the motion to reconsider be limited to 30 minutes to be equally divided and controlled by Senator ELLENDER and Senator HARTKE. *Provided,* That a motion to table the motion to reconsider be in order at any time.

Ordered further, That if the motion to reconsider is agreed to, debate on the resolution be limited to 30 minutes to be equally divided between Senator ELLENDER and Senator HARTKE, and that any amendment to the resolution be limited to 10 minutes to be equally divided between the mover of the amendment and the Senator from Louisiana (Mr. ELLENDER).

ORDER FOR CONSIDERATION OF DEPARTMENT OF THE INTERIOR APPROPRIATIONS

Mr. BYRD of West Virginia. I ask unanimous consent that upon the disposition of Senate Resolution 100, the Senate then proceed to the consideration of H.R. 9417, the bill making appropriations for the Department of the Interior.

The PRESIDING OFFICER. Without objection, it is so ordered.

QUORUM CALL

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum. I presume that this will be the last quorum call of the day.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. BYRD of West Virginia. Mr. President, the program for tomorrow is as follows:

The Senate will convene at 10 a.m. Immediately after the recognition of the two leaders under the standing order, the following Senators will be recognized, each for not to exceed 15 minutes and in the order stated: Messrs. DOMINICK, BYRD of Virginia, and GRAVEL.

Following the recognition of the Senators aforementioned, there will be a period for the transaction of routine morning business for not to exceed 15 minutes, with statements therein limited to 3 minutes.

At the conclusion of the period for the transaction of routine morning business, the Senate will proceed, under a limited time agreement, to the motion to take up the motion to reconsider Senate Resolution 100, to provide additional employees for the Veterans Committee. There may be a yea-and-nay rollcall vote on this.

Upon the disposition of Senate Resolution 100, the Senate will proceed to the consideration of the bill making appropriations for the Department of the Interior, H.R. 9417. A time agreement has been entered into thereon. There will be 2 hours on the bill; there will be 30 minutes on any amendment thereto. The yeas and nays have already been ordered on final passage of that bill. Senators are reminded, therefore, that there will be at least one yea-and-nay vote on tomorrow.

The majority leader has asked me to remind Senators, also, that beginning next week, the Senate may be in session on Saturdays—in view of the fact that the August recess is almost upon us—and the Senate hopes to complete action on a number of important bills and resolutions prior to such recess. Senators are on notice—may I emphasize—that there may be Senate sessions on Saturdays, beginning next week.

ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. BYRD of West Virginia. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in adjournment until 10 a.m. tomorrow.

The motion was agreed to; and (at 6 o'clock and 56 minutes p.m.) the Senate adjourned until tomorrow, Friday, July 16, 1971, at 10 a.m.

NOMINATION

Executive nominations renewed by the Senate July 15, 1971:

DIPLOMATIC AND FOREIGN SERVICE

Howard P. Mace, of Ohio, a Foreign Service officer of class 1, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Sierra Leone.

CONFIRMATIONS

Executive nominations confirmed by the Senate July 15, 1971:

NATIONAL COMMISSION ON LIBRARIES AND INFORMATION SCIENCE

The following-named persons to be members of the National Commission on Libraries and Information Science for the terms indicated:

For a term expiring July 19, 1971:
Andrew A. Aines, of Virginia.
Catherine D. Scott, of the District of Columbia.
For a term expiring July 19, 1972:
Martin Goland, of Texas.
Louis A. Lerner, of Illinois.
Charles A. Perlik, Jr., of Virginia.
For a term expiring July 19, 1973:
John G. Kemeny, of New Hampshire.
Bessie B. Moore, of Arkansas.
Alfred R. Zipf, of California.
For a term expiring July 19, 1974:
Joseph Becker, of Maryland.
Carlos A. Cuadra, of California.
John E. Velde, Jr., of Illinois.
For a term expiring July 19, 1975:
W. O. Baker, of New Jersey.
Frederick Burkhardt, of New York.
Leslie W. Dunlap, of Iowa.

FEDERAL METAL AND NONMETALLIC MINE SAFETY BOARD OF REVIEW

The following-named persons to be members of the Federal Metal and Nonmetallic Mine Safety Board of Review as indicated:

W. W. Little, of Arizona, for the remainder of the term of 5 years expiring September 15, 1971.

Peter J. Bensoni, of Minnesota, for the remainder of the term of 5 years expiring September 15, 1972.

Robert W. McVay, of Missouri, for the remainder of the term of 5 years expiring September 15, 1973.

Charles E. Schwab, of New York, for the remainder of the term of 5 years expiring September 15, 1974.

Howard L. Hartman, of California, for the remainder of the term of 5 years expiring September 15, 1975.

EXTENSIONS OF REMARKS

DISCONTENT WITH DULL WORK IS A GROWING GLOBAL PROBLEM

HON. ROMAN C. PUCINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 14, 1971

Mr. PUCINSKI. Mr. Speaker, in the past week I have read with interest articles in the Washington press dealing with the discontent of today's white- and blue-collar workers with the work they do.

This situation is not wholly related to inflation and wage disparities. For the most part it is directly related to the nature of the work people do to earn their paychecks.

It is a new and apparently growing phenomenon and is not confined to the United States. A large number of British workers also report a dissatisfaction with what they do to earn their living.

The root causes of the problem must be examined at the highest levels of government and industry. We in the Congress are closest to the people and we must concern ourselves with the quality of their lives and their well-being. Management and labor share a grave responsibility for abolishing the creeping anonymity that so characterizes today's skilled and semiskilled crafts.

If in our bigness we have lost sight of the usefulness of one man's individual contribution to society, we have lost something highly significant to all of us.

Today as never before people want, need, and expect jobs that are useful and worth doing. Too much of our planning for that mythical future some decades hence, however, has been an obsession with coping with "masses" of people and "masses" of details.

Instead of concentrating on developing a society where a man's character can expand and grow, too often we have concentrated on expanding our wondrous technology, with no thought of the inevitable consequences.

Whether or not the industrialized nations revise present work standards by making the work there is to be done more enriching or using other methods, such as the 4-day/40-hour week to enable people to enjoy 3 full days to themselves each week, we must begin now to treat this expanding problem with the attention it is demanding and that it deserves.

Mr. Speaker, these thought-provoking articles follow:

JOB ENRICHMENT A WEAPON IN "REVOLUTION": HATRED OF DULL JOBS BREEDS GROWING NATIONAL DISCONTENT

(By Samuel Sharkey, Jr.)

WASHINGTON.—The third revolution in work, centered around employes who hate their jobs, is gathering speed across the nation, and its impact will affect all levels of jobs for years to come.

The heart of the movement is full utilization of manpower, mainly through job enrichment. Recent surveys show that dissatisfaction with all aspects of work, from monotonous jobs to executive compensation, is a major factor in the national tide of discontent.

This third revolution follows two others a century apart—the Industrial Revolution of 1770 and the Scientific Management Revolution of 1870.

The trend is the focus of intense study by government, management, labor and the outside experts who work with all three blocs. Congressional hearings are planned this summer, potentially leading to legislation to redirect the often floundering federal efforts in this field.

WORK MOTIVATION

One of the top corporate experts is Dr. Robert N. Ford, personnel director for manpower utilization at the American Telephone & Telegraph Co., and one of the fathers of the "third revolution in work" concept.

He calls for job enrichment, "the releasing of employes to perform meaningful work."

"The important factor in work motivation," Ford says, is "the work itself. Enrich the job. Don't hope to offset a poor job solely through such factors as benefits, friendly relations and comfortable surroundings. The core item is the job."

At a recent Williamsburg (Va.) conference cosponsored by the Upjohn Institute for Employment Research and the Ford Foundation, the AT&T expert, and other panelists, criticized "Taylorism," named after Frederick Taylor, "the father of job fragmentation."

This concept for years was regarded as a key to improving worker productivity by breaking one job down into many, so each individual function was performed faster. Now it's falling into disrepute.

"FRAGMENTATION" MERGED

AT&T's Ford, for example, cites a dramatic improvement in worker attitudes when 21 separate jobs involved in assembling a phone directory were pulled together under one worker. That worker did the entire job, Ford said, and took pride in the fact that the finished directory was "her book."

While job satisfaction problems exist in the executive suite, the impact is worse at lower job levels. Dr. Harold L. Sheppard, a top social scientist with the Upjohn Institute, warns of the "discontented blue-collar workers."

"There is a prevalent feeling that something has gone wrong for many lower-middle-class Americans," Sheppard declared of the group he calls "workers with the blues."

"Older better-educated workers have the highest proportion with the blues," Sheppard says. As a result, he adds, it is probable that "the greater a person's education achievements, the greater are his life and job aspirations," and the greater his discontent if he fails to achieve those hopes and dreams.

This becomes a potentially grave omen in view of the steadily rising educational levels of the work force, Sheppard warns.

MORE HATE JOBS

The Williamsburg Conference, prompted by concern over growing blue collar alienation, found too many workers regarded their jobs as deadend, dull, boring and degrading.

A United Auto Workers participant commented that "a growing legion of workers hate their jobs and work only for the sheer necessity to pay the family bills." He added that some analysts "think this bitterness toward work is connected with the rise of job absenteeism, vandalism on the job and other acts of alienation by workers."

Conferees disagreed on whether the nation was witnessing the rise of a new breed of workers. But the UAW representative said more and more workers looked upon their jobs as an afterthought.

"They don't build their lives around work," he added, "the job is merely a way to make money, nothing else."

His conclusion: "It behooves policy makers to wake up to the consequences" of changing work attitudes.

That is the crux of the problem of this third revolution in work. The solutions are neither easy nor close at hand. And employers, government and unions will have to do some massive rethinking of attitudes toward workers and jobs before the revolution is ended.

"PSYCHIC WAGE" DEPRECIATING?

(By Alfred Friendly)

LONDON. — Traditionally most middle-class—or in American terms, white collar—workers have been rewarded in part by the "psychic wage," the social and intellectual involvement and personal satisfactions of their work.

But two British University psychologists reported last week that they now see "a swing away" from the former non-monetary commitment to the job among two middle-class groups: those who no longer see in their work "central life interest," and those who, although still deeply involved in their jobs, "are becoming more and more concerned with the relatively low level of their financial rewards." The second group, in consequence, is beginning to turn to more militant trade unionism, after the fashion of the British working-class manual laborers.

Writing in the intellectual journal New Society, Roger Williams and David Guest, lecturers in occupational psychology at Birkbeck College, University of London, note that they are coming across increasing numbers in both categories.

The total of the first may be still small, they say, but "their importance lies in the fact that, certainly among the middle classes, they seem to have been practically unknown over 10 years ago."

As an example they cite a former high-ranking and successful military officer who left the armed forces in his forties to become a milkman. His earnings are much lower now than they might have been, but since his work ends about 2 p.m. he has the leisure to get in a daily game of golf and to engage intensively in village political and administrative activities. He is a happy and contented man.

The second group, the authors believe, are still involved with their work and take satisfaction from it but are "fed up with having to work ludicrous hours for a pittance largely because they were supposed to be dedicated and involved. They willingly accepted the involvement required by their work but do not see why they should sacrifice the rest of their lives to it. Their desire for more time to themselves and more particularly their desire for more money because a major preoccupation at the expense of their work."

Some of the factors that the authors see as engendering the changed attitude toward work:

"Information overload," the amount of new and ever more detailed information relating to some white collar jobs is growing so fast that it takes almost one's whole time to keep up to date. The time and stress of trying to keep informed means that many who once took deep interest in new ideas no longer will put up with the pressure. "It becomes increasingly difficult to maintain full commitment to a profession or skill about which one knows less and less."

Advances in technology depersonalize and drain some jobs of the psychic wage that once could be expected. The scope for personal and intellectual involvement previously to be found in many jobs is diminishing and to find the fulfilment once obtained in work, employes have to look elsewhere. "Some time soon, the coming demands of technical control for efficiency and human control for fulfillment in work seem likely to come into conflict. At some point, the human costs of technical 'progress' may have to be more widely debated."

The lower money reward, tolerable when the psychic wage was high enough, in many cases is not enough to maintain a "life-style" expected of the middle-class workers. And failure to do so may forfeit the respect they once received from society.

"Should they fail to live up to this life style, then their credibility, and their own self-respect may break down. This may have already occurred in the case of teachers and clergymen where, over recent years, some of the financial differentials which play an important part in maintaining their life styles have been almost totally eliminated."

"Another factor in society which may both encourage and facilitate a swing away from work is that there is now probably a greater chance than ever before for the middle classes to make a contribution to society in a non-work capacity."

MIRV IN CONGRESSIONAL TESTIMONY

HON. HUBERT H. HUMPHREY

OF MINNESOTA

IN THE SENATE OF THE UNITED STATES

Wednesday, July 14, 1971

Mr. HUMPHREY. Mr. President, I have submitted today an amendment concerning MIRV. MIRV has a complicated history and many conflicting statements have been made about its purpose, effectiveness, and the impact on Soviet decisions and actions. In order to keep the ensuing discussion of this question on a high level, we should be made fully aware of the variety of opinions and positions of those people who are on top of the issue and have access to important sources of information.

The Federation of American Scientists last year compiled a very useful collection of statements made about "MIRV in Congressional Testimony" with references to that testimony. The federation staff combed through more than 30 volumes of congressional hearings of both House and Senate to produce this invaluable compendium in the interests of a better informed debate, which I would like to commend to the attention of my colleagues.

Mr. President, I ask unanimous consent that the compendium be printed in the Extensions of Remarks.

There being no objection, the compendium was ordered to be printed in the RECORD, as follows:

MIRV IN CONGRESSIONAL TESTIMONY

(By Federation of American Scientists)

MIRV was first mentioned in public congressional testimony in 1968. In anticipation of its discussion in the Senate debate in 1970, the following excerpts from Congressional testimony have been culled from over 30 volumes of hearings of these three years. They represent items felt to be of likely interest. Of course, no claim is made to completeness of coverage. But, in particular, items related directly to the SAFEGUARD ballistic missile defense—designed to defend against Soviet MIRV—are omitted. The Federation of American Scientists has earlier made available selected excerpts on this subject drawn from five recently released volumes of 1970 hearings by the Senate Armed Services and Foreign Relations Committees.

References to volumes are made in the following way. (x, y) denotes reference "x", page "y". (a, b, c) denotes reference "a", volume (or part) "b", and page "c". References are on the last page. These excerpts have been compiled and presented in the interests of a better informed debate by FAS.

U.S. MIRV: HARD TARGET KILLER OR ABM PENETRATOR

In the Spring of 1968, Dr. John Foster testified that "We are beginning—with MIRV—to get a rather effective damage-limiting capability" (see 1,35).

But in the fiscal 1969 posture statement of McNamara—circulating at that same time—McNamara explained that our missiles were now being designed to carry several small warheads because it is the "number of warheads, or objects which appear to be warheads to the defender's radars" that will determine the outcome in a contest with an ABM defense (9,5,2717).

When asked if MIRV was our response to Soviet ABM, John Foster submitted a prepared answer for the record saying: "not entirely". The MIRV concept was "originally generated" to increase our "targeting capability" rather than to penetrate ABM defense. In 1961–62 it was found that the "total number of aim points exceeded the number of Minuteman missiles". MIRV was "originally born" to split up the payload to cover more targets and then it was found that the previously generated MIRV concept could "equally well be used" against ABM (9,4,2310). See also (2,317–318) and (2,201).

The next year Secretary Laird presented a posture statement that argued for improved guidance for Poseidon MIRV saying: "This is an important program since it promises to significantly improve the accuracy of the Poseidon missile thus *enhancing its effectiveness against hard targets*" (italics added, (1,35)).

In explanation of this statement, which received much comment, John Foster argued that an industrial target—as well as a missile silo—could be a "hard target" and that we would "like to have more accuracy" in using Poseidon against industrial targets (1,259). (Ed. note: The reaction of Congressman Fraser to these answers to his questions might best be described as "incredulity"; indeed nowhere in the unclassified strategic literature does there seem to be any allusion whatsoever to the notion of striking industrial targets with strategic ballistic missiles or of calling them "hard" targets).

The official explanation for MIRV in the 1969 hearings was, as John Foster noted, that MIRV "is being developed for two reasons: First, . . . the Soviets will have (deleted) ballistic missile defense interceptors . . . Second, the Tallinn system already has over (deleted) interceptors . . ." (10,1,255).

Foster conceded a page earlier that Tallinn was "generally agreed" to be an air defense system but the Defense Department takes the view that we "can not rule out" the possibility that the Soviets "have given or will give" Tallinn an ABM role (6,6,2181).

Responding to these fears, Marvin Goldberger presented "three brief arguments" pointing out the "implausibility" of this threat. He felt: that the creation of a "makeshift defensive system" ran counter to Soviet military practice; that the technical problems involved in turning a Soviet bomber defense into an ABM system are "perhaps more complex" than those we have been having difficulty dealing with in Safeguard; and that this threat assumed that the Soviets would rely "on such a dubious system to give them a first-strike capability against the United States" (5,531).

Turning to the Soviet ABM rationale, it is conceded by DOD that the Soviet ABM is not under expansion though DOD is "not sure" why (6,1,288). The urgency of deploying MIRV—in order to penetrate a Soviet ABM—seems completely unsupported in Congressional testimony. For example, asked by Senator Brooke to describe the "relative leadtimes" of a "strong" Soviet ABM versus our own ability to deploy MIRV, Herbert F. York said the leadtime on the ABM was "very much longer". J. P. Ruina agreed "completely" and J. F. MacDonald also agreed (2,3,691).

In prepared answers to questions submitted by Senator Thurmond, Foster noted that deployment of MIRV was "important from another standpoint" besides "retaining our assured destruction capability" and uncertainty as to the "true capability of the Tallinn system". If attacked first, he suggested, there would likely be more targets in the Soviet Union than U.S. missiles. MIRV systems, providing more than one warhead on each missile would make it possible to "effectively target" the "remaining survivable forces" (10,4,942). (Ed. note: This is a *second-strike* damage limiting rationale that makes no pretense at the necessity for MIRV as a means of deterring the Soviets. But no evidence in public testimony suggests that DOD even tried to make this argument plausible to Congress).

Asked by Senator Symington why we need "so many thousand long range warheads", DOD asserted another explanation that, in the event our missile force was "unexpectedly and severely" degraded by Soviet pre-emptive action, the increased number of warheads provided by MIRV would "ensure" enough warheads to attack the "essential soft urban industrial targets" in the Soviet Union (6,11,133). (Ed. note: This explanation could, of course, be applied to any deterrent force as an argument for enlarging it. Unfortunately, no evidence has been publicly provided in support of the notion that these "unexpected" events are of sufficient plausibility to be worth protecting against, much less in support of the notion that this is the best means of protection).

In prepared answers to questions of Senator Stennis, Secretary Laird gave still another explanation. He said that a failure to deploy MIRV could, by the mid-1970's, leave the Soviets ahead of us in "total strategic megatonnage, total strategic delivery vehicles, and total strategic weapons". (Ed note: Since the deployment of MIRV *decreases* our strategic megatonnage and leaves constant our total strategic delivery vehicles, two of these points are, at best, irrelevant and the third is, at best, related to psychological advantages) (6,3,2205).

MIRV AND THE ARMS RACE

Herman Kahn noted that if MIRV is "reasonably accurate and flexible" it might easily provide the U.S. with "annihilating first-strike capability" against even one or two thousand Soviet ground-based missiles (4,99). Herbert F. York said much the same thing when he noted that an improvement of "somewhat less" than a factor of 2 in guidance accuracy would "almost certainly" give our planned forces the capability to destroy "virtually all" Soviet silo-based missiles in a surprise attack (2,3,659).

Freeman Dyson, an ABM supporter, was "strongly opposed" to the deployment of MIRV in our Minuteman and Poseidon forces. He argued that the deployment "directly threatened" the Soviet deterrent and "must" be perceived by Soviet decision makers as a "potential U.S. first-strike capability". Calling our announced deployment a "major escalation" of the arms race, that would "compel" a Soviet expansion, Dyson said that many of the evils popularly thought to follow from ABM "will in fact" result from deploying MIRV (8, 12, 1353).

Senator Brooke asked Secretary Laird how the United States proposed to "persuade" the Soviet Union that MIRV "will not evolve into a counterforce weapon" threatening them. DOD said it had "no reason to believe" that the Soviets were worried. Further, the Secretary said that the President, in correspondence with Senator Brooke, had made it "perfectly clear" that we do not "intend to develop" counterforce capabilities which the Soviets "could construe" as having a first strike potential (6, 3, 2172).

But in (5, 61) Herbert F. York notes that accuracy has improved "four-hundred fold in only 25 years". He went on to note that "any conservative Russian planner" considering these figures would have to conclude that "in a relatively short time U.S. technology could improve missile accuracy by another factor of two or four and thus convert not only the Minuteman MIRV but even the Poseidon MIRV into a missile silo destroyer".

Indeed, D. G. Brennan testified that it would be possible to develop MIRV with self-contained guidance that would produce accuracies "in the neighborhood of 50 to 100 feet" (1,113).

In prepared answers, John Foster twice asserted that MIRV on Minuteman III would have a lower kill probability than that of a "single (hence non-MIRV) larger RV carried by the same Minuteman III booster" (6, 3, 2192). However (6, 133) indicates that DOD's final posture statement omitted a sentence of draft statement in which it was said that MIRV "degraded" U.S. ability to destroy hard targets.

In fact, MIRV does not degrade the effectiveness of U.S. ability to destroy hard targets or anything else. In (3, 48), then Deputy Secretary of Defense Paul H. Nitze produced the following chart which showed, he noted, that MIRV's provide "much more effective" payloads by "every relevant criterion" of military effectiveness though they deliver much less total megatonnage.

COMPARATIVE EFFECTIVENESS OF TWO HYPOTHETICAL MISSILE PAYLOADS (NUMBER OF TARGETS DESTROYED)

Type of target destroyed	10 50-kiloton warheads	1 10-megaton warhead
Airfields	10	1.0
Hard missile sites	1.2-1.7	1.0
Cities of 100,000 population	3.5	1.0
Cities of 500,000 population	0.7	1.0
Cities of 2,000,000 population	0.5	.6
Total megatonnage	0.5	10.0

HARDENING MINUTEMAN IS HOPELESS

DOD is "uncertain whether (hardening) is the proper course to take." Concern is that "net gain" in terms of missile survivability may be of "relatively short duration". DOD notes that "The (sic) tenfold increase" in the hardness of a Minuteman silo could be "offset" by a reduction of "something more than ½" in the accuracy (CEP) of the attacking missile (14,1,7118). General Low notes that there could be "substantial cost" in going into the "type of ground" necessary and, if the other side goes to "very very small circular errors" then there is "no such thing, really as 'hard' " (13,3,545). Some hardening of "a fair number" of the present silos is being considered "within the boundaries of the SALT talks" (13,1,593).

Pessimism about the viability of superhardening is amply supported by outside experts. Jack P. Ruina noted that the vulnerability of hard missile silos was really a "race between the technology of hardening and the technology of missile accuracy"—"eventually" accuracies will win out (2,3,651). Herbert F. York agreed that "MIRV-accuracy-yield" combination would win the race against hardening and suggested that Minuteman was "obsolescent" (2,3,674). On the accuracy/hardening race issue, J. F. MacDonald said that he "completely" agreed that a "very very great improvement" could be made in guidance although it would take some years (2,3,674). Later Ruina said that the "greatest improvements" affecting the strategic balance would be improved accuracy by "a factor of 2 or 3, even 50% might be very important". He said "entirely different kinds" of guidance systems giving improvements in accuracy of a factor of 10 would force all to agree that land-based missiles would have "passed their point of usefulness" no matter what hardness provided for them (2,3,679).

BEYOND MIRV

Gordon J. F. MacDonald, now a member of the President's Council on Environmental Quality, noted that beyond MIRV lay missiles which deliver "a large number of weapons, each one of which is guided to its target in real time with the target selected from the course of the battle through a command system perhaps linked by satellite communications" (8,2,1373).

Elsewhere he cautioned that MIRVs are "by no means the ultimate in sophistication" of offensive systems and he warned that these other systems "will be developed unless we reach verifiable agreements with the Soviets" (2,3,655).

WHAT DOES THE SOVIET MIRV PROGRAM MEAN?

Concluding that there is "no basis in the available intelligence" to indicate "intent on the part of the Soviets to consider the SS–9 as a first-strike weapon", W. K. H. Panofsky put the threat in perspective by saying (in 1969):

> Projection of the function of the SS–9 force into the year 1975 requires a number of steps; (1) Evaluation of the technical features of this force as we observe it now; (2) extrapolation of growth in numbers into the mid-1970's; (3) extrapolation of future Soviet MIRV potential from the presently uncertain data available; (4) estimate of the use to which the large payload of these vehicles will be put; and (5) evaluation of intent of the Soviet planners in deploying this force (8,2,1129).

Herbert F. York agreed, stating in his prepared testimony, that it was "difficult" to understand why the Soviets settled for "being such a poor second" so long. He thought it conceivable that the Soviets were reaching for a first strike capability but noted that their actions could be "easily understood without appealing to such a notion" (8,2,1115).

Kistiakowsky notes in mid-1969 that ". . . if what they are doing now is developing MRV's, the non-independently guided multiple warheads for SS–9, this could still be a counter-city weapon . . ." (1,92). Interestingly, in Spring, 1970, Panofsky noted that "further data" of a secret nature suggests that the Soviets are "less likely" to be moving toward a MIRV that would permit SS–9 to destroy more than one Minuteman (6,3,2214).

CONSERVATISM IN CALCULATIONS

In a letter to Senator Stennis, commenting on differences between the calculations of Rathjens and Wohlstetter concerning the survivability of Minuteman, Panofsky argued that these differences had "obscured the main issue". The calculations simply differed in "assumptions" ranging from highly conservative to highly unconservative. He argued that the degree of conservatism adopted by Wohlstetter, Rathjens or Lapp was not so relevant as the degree of conservatism adopted by the Soviets in planning an attack; considering the "always unknown reliability" of their forces, the Soviets would have to be "conservative indeed" (8,2,1453). (This tends to support Rathjens and Lapp).

ADMINISTRATION ATTITUDES TOWARDS MIRV MORATORIUM

Secretary Laird explained his alleged directive to members of DOD not to discuss or imply that MIRV or ABM deployment might be postponed by saying that the United States and the Soviet Union had agreed that "all matters dealing directly with our SALT discussions" are to be private. Therefore, he said, "speculation by Government officials of the possible effects" of various actions could have a "highly deleterious effect upon negotiations (6,3,2171).

Secretary Laird thought a halt to MIRV deployments "inconsistent with the *purpose* of the arms limitation *talks"* though not with the *"spirit* of strategic arms limitation" (his italics). Such actions would "convey to the Soviets the impression that their strategic buildup is tolerable" (6,3,2171).

Asked whether the talks might not suffer from "premature deployment" of MIRV before exploring effective controls, Laird responded that the deployments were "necessary" not "premature". Interestingly, Laird said the problem is "not one of finding an opportunity to explore the possibility for effective controls" but rather is "one of bringing the Soviet buildup to a halt so that any exploration can have realistic meaning". (This seems to suggest that a unilateral Soviet halt is a pre-condition for meaningful negotiations!) (6,3,2171–2172).

Asked by Senator Smith what would happen if a MIRV agreement were reached, Secretary Laird said that if MIRVs were to be eliminated by an arms control agreement, the Minuteman III and Poseidon systems "could revert to a single warhead configuration" (6, 3,2191). Later, he said we would "probably" so deploy Minuteman III in such a case (6,3,2194).

MIRV INSPECTION

Foster writes Senator Brooke (in 5,53) on August 30, 1969 that DOD has so far been unable to determine any "reliable method," using national means only, for verifying "with certainty" Soviet adherence to a MIRV test moratorium. Because DOD cannot devise "any certain verification means" it seems to DOD that the U.S. must "restrict or control" such things as "penetration aids, maneuvering RVs, and multiple RVs." Elsewhere, however, Foster notes that "even collateral flight-test constraints" would have difficulty covering all the flight tests that "might be associated with MIRV development" (1,247). He went on to say, however, that he did believe an arms control agreement involving a mutual ban on MIRVs was "possible"—significantly this does not indicate a ban on MIRV tests or a ban without on-site inspection.

CAN MINUTEMAN BE FIRED?

In fiscal 1969 posture hearings, Senator Young noted that there had been "two failures on silos in North Dakota two years ago" which uncovered "serious electronic problems." Secretary of the Air Force, Harold Brown, said these had been fixed, noted that firing experience from the Vandenberg test site had been satisfactory but conceded that "we want the additional assurance that comes from firing out of operational silos, and we have not yet achieved that." He planned to acquire, and fire from operational silos, missiles with 7-second firing times and to investigate also the possibility of full range test from operational silos (9,5, 2613).

In fiscal 1970 hearings, Senator Young asked what had happened to the "proposed test of the Minuteman II out of the silos?" He was told by Secretary Laird that the Air Force plan for tests from operational silos had not yet been delivered and that the matter was under "current consideration." Senator Young said it had been "for at least two years" (10,6,85).

In fiscal 1971 hearings, asked about plans for a Minuteman operational launch, Secretary of the Air Force Seamans said "we would like to do it soon" (13,1,677). However, General Esposito, in prepared answers to questions of Senator Symington, reported that the Air Force was "anticipating direction" from the Secretary of Defense to proceed and was recommending a schedule calling for launch of a Minuteman II "approximately 19 months after go-ahead". The schedule also included the firing of a Minuteman III, "one year after" the Minuteman II test (6,2,1042).

EXIT PROBLEM

Mendel Rivers asked whether there could be technical interference in which the "high powered radar" of Safeguard interferred with the "electronics system" of Minuteman or the "nuclear shield" of Safeguard prevented Minuteman from "achieving ballistic flight". DOD replied that "a coordination plan" had been developed and approved by the Chiefs. "No potential interference problems" had been found that could not be solved by "operational procedures or, at most, limited fixes" (14,1,7115). This suggests that Minuteman could be pinned down by incoming fire.

General Ryan notes that steps are being taken to improve the ability of Minuteman to "survive launching in a nuclear environment" (6,2,958).

A Wohlstetter argues that a submarine-launched attack could "prevent the launching of Minuteman until a lethal attack of ICBM's arrived" (6,3,2275).

MINUTEMAN PROCUREMENT COSTS

The operational Minuteman force, in April 1970, consisted of 500 Minuteman I and 500 Minuteman II missiles, with 500 Minuteman III missiles scheduled to replace the Minuteman I missiles by the end of 1974. The Minuteman program had absorbed, through fiscal 1970, $13 billion with another $4 billion estimated to be required.

The first Minuteman version with multiple warheads—Minuteman III—was ordered developed in the Spring of 1966, was test flown in August 1968, and was first installed in June 1970. See (14,2,8169–8171).

Minuteman III possesses "improved survivability, penetration capability, payload, and accuracy" over the older Minuteman systems "just over" one-third of the 500 missiles will have been procured in fiscal '69, '70 and '71 (13,1,599).

However, it seems likely that most of this "one-third" is being bought in fiscal 1971; $475 million of $686 million requested for Minuteman procurement is devoted to Minuteman III (13, 1,253). Elsewhere it is said that this sum includes "peculiar Minuteman II equipment" (6,2,977). (But at unit costs of $2.284 million for Minuteman III, more than 200 missiles or 40% or the 500 to be bought, could be purchased. In fiscal '69 and '70 respectively, 68 and 100 Minutemen were bought for a comparable $447 and $457 million (6,2,907). Probably no more than 1/6 of the programmed Minuteman III missiles have been purchased in fiscal '69 and '70).

Somewhat incredibly, total costs "directly and indirectly" associated with MIRV in the fiscal 1971 budget total $1,091.8 million for Poseidon and $713.7 million for Minuteman for a total of almost $2 billion or, 2% of the defense budget (6,3,2190).

Total investment cost for Minuteman II and III through fiscal 1974 is $9.45 billion (7,3,1028). Total development costs for them through 1970 are $3.2 billion (10,4,803). "Development and deployment" costs for Minuteman "do approach" $1 billion per year (6,1,232).

The Minuteman III missile, in a "fly-away sense" excluding "non-recurring costs" and with one re-entry vehicle costs $2.284 million (10,4,414) and (10,4,429). Maintenance and operation costs are approximately $900,000 a missile (10,4,429). Reading through the deletions, and speculating that reference is to a squadron of ten missiles deployed at the end of fiscal 1970, suggests that the average cost of the first ten was $4.3 million, including silo modification and check out (10,4,23). But an estimate of Secretary Laird's for the first 300 Minuteman III gives an (evidently overall) cost of $2.5 billion or $8.3 million each (7,7,375).

HEARINGS ON MIRV

The most thorough-going Congressional investigation into the problem of MIRV was undertaken by the National Security Subcommittee of the House Foreign Affairs Committee in 1969. In 1969 and 1970, the Disarmament Subcommittee of the Senate Foreign Relations Committee held hearings on MIRV in conjunction with investigations into ABM and SALT. The Armed Services and Appropriations Committees hearings in both years refer extensively to MIRV. The fourteen sets of hearings are numbered, as indicated below.

1. Diplomatic and Strategic Impact of Multiple Warhead Missiles; Hearings before the Subcommittee on National Security Policy and Scientific Developments of the Committee on Foreign Affairs, House of Representatives, 91st Congress, 1st session, July-August, 1969.

2. Strategic and Foreign Policy Implications of ABM Systems; Hearings before the Subcommittee on International Organization and Disarmament Affairs of the Committee on Foreign Relations, United States Senate, 91st Congress, 1st session, Volumes 1–3.

3. Scope, Magnitude, and Implications of the United States Anti-Ballistic Missile Program; Hearings before the Subcommittee on Military Applications of the Joint Committee on Atomic Energy, Congress of the United States, 90th Congress, 1st session, November, 1967.

4. Strategy and Science: Toward a National Security Policy for the 1970's; Hearings before the Subcommittee on National Security Policy and Scientific Developments of the Committee on Foreign Affairs, House of Representatives, 91st Congress, 1st session, March, 1969.

5. ABM, MIRV, SALT, and the Nuclear Arms Race; Hearings before the Subcommittee on Arms Control, International Law and Organization of the Committee on Foreign Relations, United States Senate, 91st Congress, 2nd session, March-June, 1970.

6. Senate Hearings on Military Procurement, Research and Development, Fiscal 1971, and Reserve Strength (91st Congress, 2nd session, February-March, 1970). Volumes 1–3, Appendix and Report.

7. House Hearings on Department of Defense Appropriations for Fiscal 1970 (91st Congress, 1st session). Parts 1–6.

8. Senate Hearings on Military Procurement, Research and Development, Fiscal 1970, and Reserve Strength (91st Congress, 1st session).

9. Senate Hearings on Department of Defense Appropriations, Fiscal 1969 (90th Congress, 2nd session, 1968).

10. Senate Hearings on Department of Defense Appropriations, Fiscal 1970 (91st Congress, 1st session, 1969).

11. Status of U.S. Strategic Power; Hearings before the Preparedness Investigating Subcommittee of the Committee on Armed Services, United States Senate, 90th Congress, 2nd session, April-May, 1968. Parts 1–2.

12. Senate Hearings on Military Procurement Authorizations for Fiscal 1968 (90th Congress, 1st session, January-February, 1967).

13. House Hearings on Department of Defense Appropriations for Fiscal 1971 (91st Congress, 2nd session).

14. House Hearings on Military Posture, Fiscal 1971 (91st Congress, 2nd session).

REFLECTIONS ON THE PENTAGON PAPER CASE

HON. JOHN M. ASHBROOK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 14, 1971

Mr. ASHBROOK. Mr. Speaker, now that the furor over the publication of the so-called Pentagon papers has subsided somewhat, at least for the time being, the many ramifications of this issue should be given cool, calm consideration. The veteran columnist, George Todt, recently devoted four columns to various aspects of the case and suggests the possibility of prosecuting the New York Times, the Washington Post, and the Boston Globe for violation of the Espionage Act. Mr. Todt raises the question of the utility of the act in the future if its possible violation by these newspapers is committed with impunity. In addition, Mr. Todt strikes a theme that has not been duly emphasized; namely, that the Vietnam effort has degenerated into the present mess due in large part to the bungling of former Defense Secretary Robert S. McNamara.

The following items by George Todt, appearing in the Van Nuys News of July 1, 2, 4, and 6, 1971, advance some provocative observations on this important issue, and I include them at this point in the Record:

Law Broken by "Secrets Leak"

(By George Todt)

A great many words have been written on the pros and cons regarding the New York Times' publication of the Defense Department's history of American involvement in Vietnam but few writers if any, have touched on the central issue, which is the Espionage Act.

To go quickly to the heart of the controversy, the Espionage Act of the United States makes it a crime to publish secret information and the penalty is 10 years in prison and/or a $10,000 fine.

HAS GOOD REASON

Similar penalties are provided for persons lawfully entitled to see classified documents who make them available to unauthorized persons—and for persons not authorized to see such materials who make it available to others.

The government has a pretty healthy reason to howl about the publication of its classified documents, and this is not based on the old dodge of "censorship" which is almost invariably raised when those guilty of improprieties overstep the bounds and use it as a self-serving alibi.

NOT ALARMED

As a member of the press who holds it in the highest esteem, I do not believe any newspaper has the right to fly in the teeth of the Espionage Act and excuse itself by explaining that it merely did so in order to avoid "censorship" for the public. This is malarkey.

What happened in this controversial matter is that, almost assuredly, the New York Times violated the law—the Espionage Act, specifically—in publishing secret documents on the Vietnam War.

We may be certain they are not alarmed at the prospect of paying a fine of $10,000 for this "scoop," but the prospect of 10 years in prison may be a horse of a different color. And it may just account for the recent mellowing of the Times on the subject, to the extent of even cooperating to some extent with the government now.

From the beginning, it struck me that—at best—the Times was in the position of a "fence" which receives and accepts stolen goods.

WERE TOP SECRET

There is little to acclaim in a newspaper, even with such lofty pretensions as the Times, which breaks national security and reveals the secrets contained in government documents which might compromise us.

It is easy—as well as self-serving—to assert that it really is not harmful to national security by illegally publishing these classified documents. But that is only a matter of personal opinion.

A number of the documents and cables quoted in the Times were originally coded. These dispatches between Washington and Saigon were of the most secret nature. It is conceivable that disclosure in the uncoded form could serve to help Russia, North Vietnam and Red China decipher other messages of that period not yet decoded.

Under what grant from on high does the New York Times, or any other private news medium, take it upon itself to unilaterally declassify government documents stamped "secret" and decide it is part of "all the news fit to print"? Let's read the Espionage Act, gentleman!

Hits Publishing Secret Papers

For its clandestine efforts in obtaining and publishing secret classified material stolen from Department of Defense files, the New York Times, Washington Post and Boston Globe deserve neither praise nor persecution—but prosecution under terms of the Espionage Act of the United States.

"The law clearly provides that secret documents and top secret documents should not become public until they are declassified," stated Secretary of State William Rogers in his June 15 press conference.

The Times, Post, and Globe, influential though they may be, are not above the law of the land. They have no right whatsoever to publish classified government documents according to whim, fancy or the personal opinion of curbstone experts.

NOTE RESPONSIBILITY

The latter were often referred to as "guardhouse lawyers" in service years—for their ability to get those in trouble who took their advice.

"A fundamental responsibility of the press in this democracy," gushed the Times in a recent editorial, "is to publish information that helps the people of the United States to understand the processes of their own government, especially when those processes have been clouded over in a veil of public dissimulation (translation: To feign, pretend, dissemble) and even deception."

VIOLATES ACT

In the first place, the Times was wrong to cal us a democracy when we are a republic. Officially, and for good reason, this nation is called "The Republic of the United States."

In the second place, the self-serving platitudes contained in the Times editorial are correct enough with but one well-known exception—of which the Times is doubtless aware—and that is when such published information referred to violates the Espionage Act of the Republic of the United States.

It is not the province of any newspaper or other portion of the mass communications media to make a unilateral decision of its own to publish secret or top secret documents of the government with impunity. Such agencies are not above the law of the land. Far from it, despite their power to sway mass opinion.

WANTS PERSECUTION

If the New York Times is not to set a dangerous precedent for the rest of the media in this instance, it would seem that much more than a mere investigation is in order.

Those who perpetrated this clandestine and potentially most harmful act—which may reflect dangerously on the American people in the end—ought to be prosecuted for breaking the Espionage Act and, if found guilty in court, should be punished according to the law.

It is true that the publication of the stolen documents now makes for interesting reading, but that is not enough to excuse the error of the original theft. That is indeed the question.

HAVE NO RIGHT

Failure to prosecute the Times and its companions, the Washington Post and Boston Globe, in this matter by the government would almost amount to a unilateral repeal of the Espionage Act—not by act of Congress but by the affected newspapers themselves.

Frankly, they have no right whatsoever to do this action, wishful thinking on their parts to the contrary, merely because it may be said they are not in sympathy with the law in all good conscience.

This is the line we hear from the hippies today. It is sad to find it adhered to by the biggest newspaper in the nation. Very sad!

Actually, the Times is not so privileged it is above trial.

How "Credibility Gap" Got Started

Now that the New York Times, Washington Post and Boston Globe have taken it upon themselves to reveal—I believe illegally—secret information to friend and foe alike concerning the Pentagon studies of the Vietnam War—we may as well benefit from the available information leaked out.

After all, it has been placed already within the willing reach of our enemies on the world stage—including Communist leaders everywhere—so we must take it in stride at this point.

Certainly the public has a right to know and the American people are the best informed in history by their press.

MAKES IT CRIME

But the public is not entitled to know everything, which includes classified information involving national security. And no newspaper, or other member of the mass communications media, has a unilateral right to abridge the law governing such matters.

The Espionage Act of the United States makes it a crime to publish secret information. The penalty is 10 years in prison and/or a $10,000 fine. Similar penalties are provided for persons lawfully entitled to see classified documents who make them available to unauthorized persons—and for persons not authorized to see such material who make it available to others.

DANGERS CITED

If the biggest newspapers in the country are allowed to flaunt this law with impunity, then who can be expected to obey it?

One of the dangers cited in this illegal dispensation of secret information by the Times and is allies is that it will cause a new "credibility gap" for the government. Which government?

Certainly, not the Nixon administration because it was not involved in escalation of the war in Vietnam, which took place under the Kennedy and Johnson administrations from 1961–'69.

The present government, under President Nixon, has been heavily engaged in winding down the war—not stepping it up.

LONE STATEMENT

That fact ought to be readily apparent to all except political opportunists who blind themselves to truth for partisan gain. Or know-nothing types.

This "credibility gap" in government originated in these 1961–'69 years, too. It started massively with the unfortunate statement of a single government official in the Kennedy-Johnson administrations. He was

Arthur Sylvester, assistant to Defense Secretary Robert McNamara.

"The government has a right to lie to save itself" was the blatant statement attributed to Sylvester in his heyday—and nobody in the Kennedy-Johnson administration took issue with him.

QUESTIONS KLEIN

Somebody high up in the Nixon administration has taken issue with Sylvester on this point, however. He is Herbert G. Klein, former editor of the respected San Diego Union, a member of the Copley chain, presently director of communications for the President.

Not long ago in the Anaheim Convention Center, at one of astute John Fisher's notable American Security Council meetings. I queried Herb Klein on the Sylvester statement as it applied now.

"Absolutely out of the question with the Nixon administration," he told me.

"The President insists on absolute honesty in release of government information to the public. Subject to security requirements of national defense, of course. There ought to be no 'credibility gap' with our government today. We are telling the truth."

CULPRIT REVEALED IN SECRET PAPERS

Some of the facts which have been revealed by the surreptitious publication of the secret and top-secret papers of the Department of Defense by the New York Times, Washington Post and Boston Globe are astonishing—others we know already.

It will be a long time before the 45 books and millions of words ordered by former Secretary of Defense Robert McNamara can be placed in proper perspective and fully assessed in value.

INTERPRETS MOVE

There is considerable evidence McNamara accomplished this controversial work at the urging of the late Sen. Robert Kennedy who sought to use it later as a backdrop to discredit the Johnson-Humphrey administration in his intended bid for the Presidency.

Certainly, President Lyndon B. Johnson so interprets this move and spoke out in outraged tones from his home in Texas when the so-called "History of the Vietnam War" was illegally made public.

The former President of the United States, Mr. Johnson, ought to receive much sympathy from the public in this instance. It demonstrates again, only too well, the disloyalty of some of the men around him willing to sell him out for personal gain.

CALLED CULPRIT

Some of these same men, who would not know how to spell the word "loyalty" aided by a Webster Dictionary, are presently up to their old tricks in trying to sell out the present occupant of the White House.

No matter how McNamara's history of the Vietnam War has been written, it is almost certain not to blame the real culprit of this fiasco—who was no less than McNamara, himself.

This high-handed tyrant of the Pentagon refuses to heed the sage advice of a great American military genius, Gen. Douglas MacArthur, who warned against our getting bogged down in a land war in Asia, which might prove fatal. Korean failure emphasized it.

STATES VIEW

There is no question of the correctness of American policy in trying to keep Indo-China out of the Communist orbit at the time. But the worst way we might have done it was the way we did under the tragic guidance of McNamara: involvement of over half a million American ground troops eventually, with their overwhelming expense.

There was another, a better way, it could have been done. And that was the heavy commitment of air-sea power, with less reliance on ground combat as our end of it.

The South Vietnamese have a million men under arms, five times as many as the North Vietnamese and Viet Cong.

They could have done their share from the beginning if we had let them. But nobody is going to do it for themselves if the Americans will do it for them—and pay the entire freight in the bargain.

AIDED BY RUSSIA

The RNV and Viet Cong troops were sustained in the field by approximately $1,000,000,000 worth of war materiel and supplies per year.

About 80% of the total arrived from the Soviet Union through the port of Haiphong. Supplies were stacked 40 feet in the air as far as the eye could reach.

Had these been taken out from the air, the Communist effort would have soon been ended.

Our brilliant admirals and Air Force generals knew this to be true, asked permission several years ago to destroy the military supplies at the port of Haiphong. Request denied by one man: McNamara.

The U.S. Navy could easily have blockaded the harbor, denied access to the Red logistical suppliers. The U.S. Air Force could easily have destroyed the logistics. They were stopped by McNamara.

Despite the ignorant comments of the hippies and draft-dodgers, this is not Richard Nixon's war. In reality, it has been McNamara's defeat.

CONSUMPTION OF NATURAL RESOURCES AND POPULATION GROWTH

HON. WILLIAM B. SPONG, JR.

OF VIRGINIA

IN THE SENATE OF THE UNITED STATES

Wednesday, July 14, 1971

Mr. SPONG. Mr. President, for some time I have been concerned over the effects of population growth and consumption of natural resources upon environmental quality. Mr. Robert A. Willis, in an article published July 12, 1971, in the Roanoke Times, emphasizes that the same technology which has produced a multitude of convenience items must devote an equal amount of energy and research to repair damage done to our surroundings, and to work on preventive measures which encourage progress yet maintain environmental quality.

I discussed these points in a speech on the evening of July 12 before the Ecology Action Group of Winchester. Mr. President, I ask unanimous consent that my remarks at Winchester and Mr. Willis' article be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

REMARKS BY SENATOR WILLIAM B. SPONG, JR.

As this group is well aware, public concern over the degradation of the nation's environment has reached major proportions. The Congress has responded to strong and often highly vocal public expressions on this issue by devoting extensive attention to the task of defining sound national environmental policies and seeking out the best means of implementing and enforcing environment-protection programs at all levels of government.

Pollution, of course, has always been with us. Americans have been altering, re-shaping and exploiting the face of our countryside for many decades. Nevertheless, the increasing speed and variety of change generated by recent trends of population growth, sprawling urbanization and advances in industrial technology—particularly in the energy and chemical industries—have brought us to a new environmental status.

Many witnesses, for example, who have testified at recent congressional hearings have stressed the potential capacity of modern man to destroy the earth's biosphere. It is now possible to alter the environment dramatically through atomic fission and also to modify biological systems irreversibly through chemical action. In thinking about this gloomy prospect, one must consider first how our industrial society is actually pressing against the natural life support system, and second, how far we can go as a nation in changing and modifying the physical environment before our way of living is imminently threatened.

These basic questions are reflected in all forms of environmental pollution, the accumulation of solid wastes, more and more incidents of chemical contamination of fish and other food products, radiation hazards, and increasing ugliness of the landscape around us. It is in connection with these and other specific environmental problems that we must somehow learn to govern and manage our affairs more efficiently and in better harmony with ecological principles.

Recent Congresses have enacted a series of important measures which are addressed directly to the major underlying causes of environmental decline. It has been my privilege to have been actively involved in the development of this legislation, which calls for the establishment of specific standards having to do with amenity and health problems. Air quality standards are one example; others include water quality standards, control of radiation hazards, and noise abatement.

In addition, numerous bills have been enacted that deal with individual components of the total land planning problem. These include new statutes for expanding recreational opportunities by providing more urban open space, and new systems of wild rivers, trails, seashores and wilderness areas.

I anticipate action this year on legislation to establish machinery for the protection of estuaries and the intensively-used shoreline along our entire coast.

Thus, Congress is carving out a major new role for the federal and state governments as guardians of our natural environment. And in the process new relationships are developing with state and local governments through new grant-in-aid programs and the expansion of technical advice-giving.

The environmental challenge, in my view, involves four inter-related social issues.

One issue centers around the effects of economic growth on environmental degradation. In the last two decades we have seen a tremendous increase in the consumption of many commodities and services—tin cans, automobiles, paper, recreation experience, and all the rest. While our Gross National Product has grown at over 3 per cent yearly since the early part of this century, more recently it has risen dramatically. Between the years 1950 and 1970, we witnessed a doubling of GNP, and the prediction is that we will have over three times the current GNP figure by the year 2000.

These statistics are more meaningful when cast in terms of real consumption, for it is within this framework that environmental quality becomes a troublesome factor. To illustrate, U.S. energy consumption has more than doubled since World War II and our present per capita consumption is six times the world average. How long can this rate of growth and consumption continue before it imposes too heavy a demand on our basic resources and the capacity of air, land and water to absorb the waste and other environmental side-effects of production processes?

A second issue at stake is the development of agreement, among scientists and decision-makers, on reasonable standards or yardsticks for environmental clean-up. Until fairly recently the definition of what is meant by the term "environmental quality" has been rather vague. It is all too easy to call for pure air, pristine water and uncontaminated land; it is a much more difficult task to define precisely how much air and water pollution control, prevention and abatement our society is willing and able to pay for in view of the benefits and costs involved. There is no question that pollution causes damages to property, menaces health and reduces aesthetic and recreational opportunities. But one must recognize that waste production is an integral part of the life process.

The goal of clean-up must be tempered with that reality. For example, in terms of air quality, if the decision is made to remove 40 or 50 or 60 per cent of a given pollutant, the costs may be modest. But removal of 80 or 90 or 100 per cent may cost a great deal The bedrock of our pollution control effort must be the protection of public health. Achieving that objective will require a public recognition and acceptance of the cost factors involved.

The third issue is that of developing mechanisms to provide for automatic consideration of environmental influences in all actions undertaken by government agencies—whether the action involves construction, grant giving, support of research, regulation of power-producing industries, land development or any other activity that bears significantly on the quality of our environment. It has been predicted by the National Academy of Sciences that the next 30 years will probably require the construction of additional public works and other facilities in this country equivalent to all those already in existence. If we are to prevent an escalation of damages to air, land and water, environmental factors must be given a position of primary importance in the formulation of government and industry plans for years ahead.

The 91st Congress met this issue by passing action-forcing legislation which affects the decision-making process of all federal agencies. Section 102 of the National Environmental Policy Act of 1969 requires all federal agencies to take full cognizance of their intended actions. Prior to each action, the agency must submit to the President's Council on Environmental Quality a statement which spells out the environmental impact of the proposed action. Indirectly, this process will also affect private industry. For example, if a company action requires a federal permit or there is a contract involved with the federal government, then the federal agency must submit an environmental impact statement. Most of the detailed information for such statements must be provided by the industry involved.

A fourth issue concerns the character of our population growth and its geographic distribution. The problems that are inextricably tied to high population densities include increased air pollution due to automobile congestion, severe concentrations of human and industrial waste matter in waterways near our cities, rising levels of noise, and less opportunities for pleasant outdoor activity—to name only a few.

In the 1960's more than three-fourths of this nation's population growth occurred in metropolitan areas, with suburbs absorbing most of it. If this trend continues we can anticipate the day when most of our people will live in areas with populations exceeding one million. Some experts believe that our major population problems are caused by the affluence and dense concentration of people rather than the growing size of our total population. For example, the Environmental Protection Agency has estimated that of the major increase in water-polluting wastes produced between 1964 and 1968, 77 per cent was caused by the increase in per capita consumption, and only 4 per cent was caused by population increase.

Nevertheless, we must decide, eventually, how large a population this country can safely accommodate in order to create the best possible living conditions for all our people—rich and poor, young and old. And we must learn how best to distribute our people to mitigate many of our environmental concerns. Finally, there is the wrenching question of what patterns of material consumption are environmentally as well as economically and morally sound. It will take time to curb population growth. As the matter rests today, we have a large number of persons entering the child bearing ages. It is reasonable to expect that the average young couple will have at least two children, which means we will probably have a population of about 300 million by the 21st century. In the meantime, environmental problems are being intensified.

In my judgment, there are few issues that are more likely to divide our society than the problems associated with future population growth and dispersal. One of the difficulties is the wide disagreement among experts over the interpretation of "facts." This difficulty is summarized in the recent report of the National Goals Research staff. The report said:

"On the one side of the debate, we find many who view population growth as a problem second only to war in its dangers. A number of population experts have handed mankind a stark choice—population control or race to oblivion . . . Even the National Academy of Sciences has warned that in the very long run, continued growth of the United States population would first become intolerable and then physically impossible.

"On the other side of the debate, there are experts who contend that the country is *not* in the midst of a population crisis and is *not* facing an impending crisis in the sense of having more people than the nation can sustain at a high level of economic and cultural well-being. Thus, Professor Ansley Coale, in his presidential address to the Population Association of America, said: 'Even if our population should rise to a billion, its average density would not be very high by European standards. It seems to me that we must attack the problems of pollution, urban deterioration, juvenile delinquency and the like directly, and if sensible programs are evolved, continued population growth on the order of 1 per cent annually would not make the programs tangibly less effective'."

In 1969, the President sent to the Congress a message which has served to help shape and expand this growing national debate on the population issue. As a result of that message, the Congress established the Commission on Population Growth and the American Future. The Commission was instructed to inquire into and make recommendations in five specific areas:

First, the probable course of population growth, internal and related demographic developments between now and the year 2000.

Second, the resources in the public sector of the economy that will be required to deal with the anticipated growth in population.

Third, ways in which population growth may affect the activties of federal, state and local government.

Fourth, the impact of population growth on environmental pollution, and on the depletion of natural resources.

Fifth, the various means appropriate to the ethical values and principles of this society by which our nation can achieve a population level suited for its environmental, natural resources and other needs.

The Commission has begun its studies—the findings, conclusions and recommendations of which will be submitted to the Congress and the American people early next year.

It is rather interesting, I think, to consider the implication of the tentative positions taken in the Commission's interim report, which was widely distributed in March, 1971.

Let me summarize:

First, the Commission noted that despite the pervasive impact of population growth on every facet of American life, the United States has never developed a deliberate, wellddefined and consistent policy on the subject. Nevertheless, Congress has passed many legislative mandates involving health, taxes, and other areas which either directly or indirectly encourage or discourage population increase.

Second, the Commission observed that our population distribution problem arises largely from the transition of the United States from an agrarian to an industrial and service economy, and from a rural to a metropolitan way of life. There have been major stresses and strains created by these transitions. Some areas have become overcrowded, while others have been seriously depopulated, leaving behind communities of uneconomic and unenviable social status. In the future, if we are to directly influence population dispersal we must understand how this might be done and what incentives are necessary to influence internal migration. As to the role of the federal government, it is clear that such programs as the Federal Interstate Highway System, the New Communities Act and many other federal programs directly affect population distribution. The commission intends to recommend how the programs created by existing legislation might be coordinated to effectively guide future distribution patterns.

Third, the Commission noted the evidence that the elimination of unwanted births in this country would result in fertility levels ultimately commensurate with near-zero population growth. Unwanted childbearing is a problem that can be met head-on if the nation so desires. This can be done through greater emphasis on family planning programs, research and educational programs, and counseling. The implications of pressing forward on this problem are enormous. Simply by enabling all individual couples to achieve their own preferences in having "wanted" babies, the nation would be committing itself to a goal of population stabilization or near-stabilization. This goal poses all sorts of complexities—moral, ethical and economic—which must be thoroughly aired before a firm commitment policy can be made.

These then, are some of the issues which we should all be thinking about and discussing in the months ahead. Population growth is an important issue, but equally important are the implications in terms of our quality of life, the status of our economy, the exercise of freedom of choice, and the need for protecting our physical environment for coming generations of Americans.

[From the Roanoke (Va.) Times, July 12, 1971]

POSTWAR TECHNOLOGY MADE POLLUTION SOAR

(By Robert A. Willis)

It is generally accepted that damage to the U.S. environment has accelerated in recent years due to the pressure of growing population and the rise in American affluence. A number of observers have pointed out that the population of the United States exerts a much greater drain on natural resources than does a like number of people elsewhere in the world.

That may not be all of it, however. Three scientists who have researched the issues find that, on the basis of their statistics, pollution in the United States in the past quarter century has grown much faster than has either population or affluence. There are factors other than numbers of people or rates of consumption, they theorize, that have caused pollution to skyrocket—by rates ranging from 200 to 1,000 per cent from 1945 to the present. They put the blame on faulty technology.

The scientists are Dr. Barry Commoner of Washington University and Michael Corr and Paul Stamler of the American Association for the Advancement of Science. Their findings are summed up in an article in the April issue of Environment, the excellent monthy magazine of the non-profit Committee for Environmental Information in St. Louis.

"Faulty technology" covers a multitude of sins. The scientists concentrated their research on the period 1946–68, a time during which many changes in production techniques were introduced. Use of certain raw materials was reduced or discontinued; other raw materials were substituted. Old methods were phased out; new ways of making or processing were begun. Total production of the goods involved did not always increase, nor did consumption. But in a great many instances, pollution did—because of the change in technology.

For example, Americans did not drink appreciably more beer per person in 1968 than in 1946. But they drank much more of it from non-returnable beer bottles (production of those bottles went up 3,700 per cent during the period); the result was a mounting solid waste and pollution problem.

Other substitutions cited by the authors are "plastics for lumber; detergents for soap; truck and air freight for railroad freight; motor vehicles for work animals." Some of these swaps, in themselves damaging to the environment, triggered still other technological changes that had bad results. The move from rail to truck traffic meant more pavement had to be laid, and production of cement—whose plants often saturate the air with dust and which need much electric power—therefore rose.

The trend spotted by the scientists was the substitution of synthetic organic products for natural ones. Per capita, Americans buy no more clothes today than 25 years ago. But rather than garments of cotton, wool or other natural fabric, they are wearing those made from synthetic fibers, whose production shot up by 1,792 per cent in 1950–68. Unlike cotton, processing synthetics requires large amounts of electricity to reshape their molecular structure. And when synthetics—fabrics, containers, etc.—are discarded, they do not readily decompose like their natural counterparts containing cellulose.

The list of unfortunate technological changes is a long one, ranging from increased use of nitrogen fertilizer and synthetic chemicals to greater output of chlorine gas and aluminum. Take just one change that has lately commanded worldwide attention, the growth in the use of mercury in the chemical process industries.

"Mercury," say the scientists, "is unique in combining certain valuable chemical properties with a capacity to conduct electricity. This led, for example, to the introduction in the United States about 20 years ago of a much improved process for producing caustic soda and chlorine.

". . . Both of these substances are very widely used in the manufacture of the numerous synthetic chemical compounds that have been massively produced in the last 30 years . . . Moreover, several major plastics are produced by processes catalyzed by mercury." And for the most part, the mercury wastes from such processes have, callously, been dumped into our streams and gone thence to aquatic life and human bodies—sometimes in fatal or nerve-damaging concentrations.

In sum, the scientists declare, "Nearly all of the production activities that fall into the class exhibiting striking changes in per capita production turn out to be important causes of pollution. Thus wood pulp production and related paper-making activities are responsible for a very considerable part of the pollution of surface waters with organic wastes, sulphite, and, until several years ago, mercury. Vehicles driven by the internal combustion engine are responsible for a major part of total air pollution . . . Much of the remaining air pollution is due to electric power generation, another member of this group." And so on.

The scientists offer methods for production that square with sound ecology: "Sewage disposal systems which return organic matter to the soil; vehicle engines which operate at low pressure and temperature and therefore do not produce smog-triggering nitrogen oxides; reliance on natural products rather than energy-consumptive synthetic substitutes; closed production systems that prevent environmental release of toxic substances."

In brief, they contend, industries (which include transportation and power generation) ought to operate in ways that make less impact on the environment. Population is growing but per capita consumption is slowing down. The burden of change in order to repair our heavy damage to nature seems to fall on technology.

WRIGHT PATMAN RECEIVES HONORARY DEGREE

HON. JACK BROOKS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 14, 1971

Mr. BROOKS. Mr. Speaker, thousands of Texas youth have been able to further their education through the Lone Star State's excellent network of junior colleges.

The State of Texas has been a leader in the establishment of these 2-year schools and this has meant much to the educational opportunities in our region. That is why I was so interested in noting that the dean of the Texas delegation in the House, the Honorable Wright Patman of the first district, was given an honorary degree at the commencement exercises of the Paris Junior College recently.

Mr. Patman has always prided himself on being a "people's representative" and it was very fitting for a junior college—which epitomizes "people's education"—to award this particular degree. It says much for Paris Junior College and the great work of our colleague from Texarkana.

Mr. Speaker, Congressman Patman, in accepting this degree, delivered an outstanding address to the graduating class and it contains much significant information about the junior college program as well as some pointed advice to the youth of America who are entering the mainstream of our society.

Mr. Speaker, I place a copy of this address in the Record.

I also place in the record copies of articles from the Paris, Tex., News of Friday, May 21, 1971, and the Lamar County, Tex., Echo of Thursday, May 27, 1971, describing the awarding of the honorary degree to Mr. Patman:

Address of the Honorable Wright Patman

Mr. President and Regents, members of the Faculty, honored guests and friends, and distinguished members of this year's graduating class of Paris Junior College:

Paris Junior College is a symbol of opportunity—the kind of opportunity that has nurtured the leadership role of the State of Texas.

Each of you graduates has benefited from that opportunity. As the years roll by you will benefit more and more—both intellectually and economically—from your days here at Paris. You have been given the tools with which to structure your careers and your lives.

Texas has been far ahead of most states in its efforts to bring higher education to its youth. In too many areas of the nation, higher education has—for all practical purposes—been reserved for the affluent. In some sections of the country, tuition and other expenses price thousands of young people out of the education market even at state-supported institutions.

This concept of higher education for the elite is becoming discredited, and more and more, the nation is recognizing the importance of broadening its educational opportunities. You graduates of Paris Junior College must help with that recognition. You must work to broaden educational opportunities for all people.

The system of junior colleges and community colleges has been one of the most effective means of bringing true democracy to higher education. Texas has been a pioneer in the establishment and development of junior colleges. The rest of the nation is beginning to catch on to the tremendous benefits that these two-year colleges can bring to its people.

In discussions about broadening the junior college concept around the nation, I am sure that the name of Paris Junior College crops up often. Since the establishment of this school in 1924, it has been one of the real leaders. The academic reputation of this Junior College has always been extremely high. The Paris Junior College students who have gone on to senior colleges have established outstanding academic records.

In addition, your school is now expanding its technical and vocational ability and this will increase your importance to Paris, Lamar County, and the entire region. It is wonderful that you now have a one million dollar technical-vocational building on the drawing board. This, of course, was a joint effort between the Federal Government and the local community.

In coming years, I hope we are going to see a great expansion of two-year colleges. We don't mind a bit if the rest of the nation borrows from our Texas success story. The trend is obvious already. Back in 1960, the Nation had only 521 two-year colleges. Ten years later—in the fall of 1970—the figure had grown to 891—an increase of 71% in a decade.

Last year, one million, eight hundred thousand young people entered college for the first time. And at least one-third of this number enrolled at two-year colleges. So the contribution of junior colleges to higher education is tremendous. Unfortunately, the importance of these schools is not widely known and as a result, they do not receive their fair share of attention and funding when educational appropriations come up in the Congress and the various state legislatures.

Junior colleges provide this Nation the greatest potential to give everyone an opportunity for a college education. I would like to see this opportunity broadened and I think this must mean more emphasis on junior colleges located close to the students and close to the communities which they are designed to serve.

In fact, this Nation is powerful enough—and it has the resources—to provide this kind of opportunity for every single high school graduate. Education is so important to the future of this nation that I would like to see free public junior colleges established in every section of the country. I would like to see these junior colleges modeled after your school with a proper balance between academic and vocational subjects. As Lamar County has learned, these institutions would be more than simply colleges. They would be an important part of the community and they would help provide a vital new element to many small and medium-sized towns around the Nation.

Such a system of free public junior colleges would pay for itself over the years. The students who emerge from these institutions are better equipped to take on the essential and productive jobs in society. The students who emerge from these junior colleges will—for the most part—be able to obtain jobs at higher income levels than would have been otherwise possible. And this, of course, means that as the income levels rise, these students will be paying more taxes, and will—in effect—be repaying the funds that went into the construction and development of these public institutions.

But the important thing is that this nation—if it is to remain a world leader and if it is to meet its basic domestic economic needs—must have a trained and educated youth. The neglect of education today could have disastrous effects on the United States a decade or two in the future. We must realize that we do not have a monopoly on education and that other nations around the world—including many which we now regard as underdeveloped—are making giant strides in broadening educational opportunities. As the world's Number One democracy, we cannot afford to fall back in this area.

Although an exceedingly small percentage of their students reach college, the number of those completing college in the Soviet Union increased 119% in the last decade. And there are other nations around the world moving toward broader educational opportunities.

But the need for broader opportunities certainly does not begin or end at the college level. This nation was built on the concept of open opportunities and there are times when I feel that we are forgetting this important fact. Throughout my years in the Congress, I have fought for economic legislation which would keep open the doors of opportunity in the American free enterprise system.

Not only do I want to see more young people go to college, but I also want to make sure that when they emerge, there are chances for them to use their education. I don't want to see an economic system controlled by a few, choking off opportunities and dictating policies to the American people.

That is why I have always fought for measures to eliminate monopolies, to control the giant chain stores and to prevent a handful of banking institutions—far removed from the people—from determining the future of this nation. Nothing—in my opinion—is more important than spreading out the benefits of the free enterprise system and allowing everyone possible a chance to participate.

Today, many of the experts—and many in the Congress—are ignoring the concentration of economic power. They are ignoring the fact that monopoly—and I include in this the giant banking corporations of Wall Street—can choke off the very things that made this nation great. I hope this apathy about economic concentration can be overcome so that the young people in this audience and the young people to follow will always have opportunities open to them.

I am concerned when I look at figures that show that less than one-half of one per cent of the manufacturing corporations control nearly half of the nation's manufacturing assets . . . and even more of the profits. Today, no more than 200 of the largest industrial corporations control more than 60% of the total assets of all manufacturing concerns. In the financial community, there are 13,500 commercial banks, and only 100 of these hold half of the nation's bank deposits.

This kind of concentration cannot help but stifle opportunity and development. It's the kind of tight control that holds back whole regions of the nation and makes it difficult for areas like East Texas to share in the full prosperity of the nation. These giant interlocked banks and corporations—insulated from the rest of the nation—simply cannot and do not grasp the need for broadening opportunities.

The actions of a handful of important corporate and banking directors can make or wreck corporations and destroy development opportunities for many local communities. Back in 1969, the decisions of a handful of big money center banks drove interest rates up to the highest levels in the history of this nation. These were arbitrary decisions which affected every single citizen in the nation.

These interest rate increases shut off opportunity for millions of Americans. Small businessmen—operating legitimate and needed enterprises—were cut off from credit, and some went into bankruptcy. Homebuyers were turned away; farmers were stuck with impossible credit terms; and thousands of college students were denied education loans or were forced to pay usurious charges.

Today, the end result of these policies—imposed by a tightly-concentrated banking industry—is rising unemployment with nearly 5 million persons standing in the jobless lines.

So you see, my friends, there is much to be done to bring opportunity to everyone in this great nation. Educational opportunity and economic opportunity as well. We have the greatest democracy the world has ever known—but we must never lose the chance to make it greater. Each of you has that chance—to help improve our nation—largely because of the opportunities you have been given by your family, your college, your government. You young people who are graduating here today have the character, the knowledge, and the vitality to do your full share by striving to give that same opportunity to others. I feel sure you will.

I would like to add a special word of appreciation for your great president, Mr. Louis Williams. I have known this fine gentleman for many years, even before he assumed the presidency of Paris Junior College in 1968, and it is seldom that an educational institution is able to enlist the services of an individual with so many capabilities. Your president has the sensitivity of a born educator, the sound judgment of a successful businessman, and the engaging magnetism of a public relations expert—in short, all the leadership qualities that have combined in the person of Louis B. Williams to make him undoubtedly one of the most modest, unassuming, and successful presidents of any junior college in the nation. In addition he's as bright as a brain surgeon and as cool as a lion tamer.

In referring to education, the people of this senatorial district is blessed with the services of one of the greatest friends of education in all the 50 states, the Honorable A. M. Aiken of Paris. Few men in our nation have been such a devoted friend to education as this wonderful Senator. We are all proud of Senator Aiken—and recognize the great good that he has done in all his years of public service to the outstanding cause of education.

Again, thank you very much for inviting me here to your commencement—I shall never forget your wonderful hospitality and the great honor you have bestowed upon me. I wish you all the very best of everything and please do not forget—you have a good friend in Washington—please call on me if I can be of assistance.

[From the Paris News, May 21, 1971]

Patman Given Honorary Degree

Highlights of the spring commencement ceremonies at Paris Junior College Thursday night were the bestowal of an Honorary Associate of Arts Degree upon the Hon. Wright Patman, United States Representative from this district.

The Honorary Associate of Arts Degree, presented to a citizen who renders outstanding service to his fellowman, was awarded to Rep. Patman by Dr. Harold Hunt, president of the PJC Board of Regents.

A member of the U.S. House of Representatives since 1929, Patman is dean of the Texas delegation and chairman of the powerful 33-member House Banking and Currency Committee as well as other committees and subcommittees. In his more than 42 years as a U.S. representative, Patman has been identified with laws helping veterans, farmers, the aged, workers, small and independent business, full employment, housing, hospital facilities and education.

Since his own youthful days in Hughes Springs, Cass County, where he was graduated from high school, Congressman Patman has had an interest in and awareness of the development of youth. "The concept of higher education for the elite is becoming discredited," Patman said Thursday night when he spoke to the 82 PJC graduates, "and more and more, the nation is recognizing the importance of broadening its educational opportunities. You graduates of Paris Junior College must help with that recognition. You must work to broaden educational opportunities for all people."

In his commencement address, Patman noted that "the system of junior colleges and community colleges has been one of the most effective means of bringing true democracy to higher education." He explained that since Paris Junior College was established in 1924, "it has been one of the real leaders" and that its "academic reputation has always been extremely high."

The speaker noted that the expansion of the technical and vocational programs "will increase your importance to Paris, Lamar County and the entire region," referring to the new Technical-Vocational Center on the drawing board.

Patman, who holds a law degree from Cumberland University, further stressed the importance of education to the future of this nation and said that this nation is powerful enough and has the resources to provide opportunity for every high school graduate.

"Junior colleges provide this nation the greatest potential to give everyone an opportunity for a college education. I would like to see this opportunity broadened and I think this must mean more emphasis of junior colleges located close to the students and close to the communities which they are designed to serve."

The speaker explained that he would like to see free public junior colleges established throughout the country. "I would like to see these junior colleges modeled after your school with a proper balance between academic and vocational subjects," Mr. Patman said, noting that such a system would pay for itself over the years as students would have higher incomes and pay more taxes.

"But the important thing is that this nation—if it is to remain a world leader and if it is to meet its basic domestic economic needs—must have a trained and educated youth." The representative went on to discuss the importance of economic opportunity as well as educational opportunity before telling the graduates: "Each of you has a chance to help improve our nation, largely because of the opportunities you have been given by your family, your college, your government. You young people who are graduating here tonight have the character, the knowledge and the vitality to do your full share by striving to give that same opportunity to others. I feel sure you will."

[From the Lamar County Echo, May 27 1971]

Patman Honored at PJC Commencement

Highlights of the spring commencement ceremonies at Paris Junior College Thursday night (May 20) were the bestowal of an Honorary Associate of Arts Degree upon the Hon. Wright Patman, United States representative from this district, and the recognition of Carol Black of Honey Grove and Judy Kay Crain of Paris as the two top students of the 1971 graduating class. Miss Black was graduated summa cum laude, highest honors, and Miss Crain was graduated magna cum laude, second highest honors.

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Miss Black, the summa cum laude graduate this year, is the daughter of Mr. and Mrs. D. R. Black of Honey Grove. She is a member of Phi Theta Kappa, honorary society, and was named to Who's Who Among Students in American Junior Colleges. At the annual awards night, she was named outstanding English student and received an award in journalism. Miss Black, whose ambition is to become a teacher, was on the staff of The Bat, PJC student newspaper. Her hobbies are sewing and reading.

A graduate of Paris High School, Miss Crain is the daughter of Mrs. Jimmie Crain, 1803 Neathery. This past year, she served as accompanist for the PJCingers and provided music for several of the musical productions. Miss Crain is listed in Who's Who Among Students in American Junior Colleges and was the year's recipient of the J. Emory Shaw Scholarship presented by the Paris Music Club to a PJC student. The magna cum laude graduate is accompanist and organist at Belmont Baptist Church.

The students who were graduated Thursday night are Rebecca L. Adams, Honey Grove; Charles Edward Beachley III, Paris; Becky Jo Biard, Paris; Carol Black, Honey Grove; Lora Sue Brown, David L. Brumley, Jan Bryan, all of Paris, Ewell O. Byred, Pattonville; Cheryl Ann Caldwell, Deborah Kay Caldwell, Phil Carter, Rea Cathryn Crabtree, Judy Kay Crain, and Deborah Kay Crews, all of Paris.

Others are Linda Kay Crutchfield, Brookston; Joan Gordon Cuningham, Johnny Chris Cunningham, Thomas H. Daniels, Larry Lee Dicken, all of Paris; Marshel (Buddy) Dodson, Ector; David Earl Evans, Robert H. Finch, Jr., Gary Fodge, all of Paris; Ronald D. Gandy, Talco; Marcie Anne Griffin, Paris; Mackey Wayne Guest, Detroit; Roy J. Hall, Commerce.

Also, Peggy Hanke, Paris; John Y. Harbison, Clarksville; Dennis R. Hood, Leesburg; Berney Ray Huddleston, Bogata; Mary Alice Jackson, Retha M. Joyce, Marion D. Kershaw, all of Paris; Flora Kathryn Knight, Petty; James E. Lassister, Brookston; Linda Carol Risinger Locke, Paris; Ouida Lynn Lovell, Dallas; William Gary Lynch, Clarksville; Bobby Lee McAfee, Steve H. McFadden, Jr., C. Duncan McMillan, James R. Morton, all of Paris.

John Allen Nickerson, Pittsburg; Linda Kay Osborne, Dudley Wayne Parks, F. T. Pratt, Jr., Larry E. Pratt, Gay F. Puchi, Melba Jo Pye, all of Paris; Judy Kathleen Rittenberry, Honey Grove; Donna Shannon, Sue Simpkins, Gary Douglas Smith, all of Paris; Mary Lee Susan Snell, Roxton.

Others are Edith Gwinnell Snowton, Arthur City, Patricia Ann Sparks, Paris; David H. Stephenson, Austin; Carolyn Joyce Stewart, Deport; Jocelyn Ramona Stone, Dallas; Jack D. Strickland, Albert Lee Thielman, Nancy M. Tidwell, all of Paris; Chris L. Waddell, Talco; Myrtle L. Waters, Paris; Benny L. Westbrooks, Powderly; Claudia Smith Williams, Paris.

August graduates in the Department of Associate Degree Nursing are Harry J. Allen, Rosebud Rodgers Barrett, Betty P. Moore Bolton, all of Paris; Sandra J. Chadwick, Powderly; Pamela Sue Wills Chatham, Paris; Bobbie France Crowson, Commerce; Linda Brooks Cupit, Broken Bow, Oklahoma; Kay Lavelle Kinslow Harber, Clarksville; Lou Ann Horchem, Cooper; Mary L. Hudgens, Paris; Thelia Skeen Jones, Paris; Kay Talley Oglesby, Commerce; Josephine Townsend Payne, Idabel, Oklahoma; Brenda Sue Stanford, Honey Grove; and Jenny Lynn White, Sulphur Springs.

CONTROL OF THE SEA LAMPREY IN THE GREAT LAKES

HON. ROBERT P. GRIFFIN

OF MICHIGAN

IN THE SENATE OF THE UNITED STATES

Wednesday, July 14, 1971

Mr. GRIFFIN. Mr. President, on Monday, July 12, 1971, I presented to a subcommittee of the Senate Committee on Appropriations a statement urging an increase of $400,000 in the amount to be appropriated for the control and eventual elimination of the sea lamprey in the Great Lakes.

I ask unanimous consent that a copy of my statement as well as a letter which I addressed to the Honorable GEORGE H. MAHON, chairman of the House Committee on Appropriations, a letter from Dr. Robert W. Saalfeld, executive secretary of the Great Lakes Fishery Commission, dated June 7, 1971; and an article entitled "Sea Lamprey in the Great Lakes," be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

CONTROL OF THE SEA LAMPREY IN THE GREAT LAKES

(Statement by Senator ROBERT P. GRIFFIN)

"Although the sea lamprey is not solely responsible for the scarcity of valuable fish in the Upper Great Lakes, it must bear a major share of the blame, and its control is basic to restoration of an ecological balance and rehabilitation of the sport and commercial fisheries."—Norman S. Baldwin (former Executive Secretary of the Great Lakes Fishery Commission).

Mr. Chairman, control of the sea lamprey in the Great Lakes has not yet been achieved despite 23 years of effort by Federal, state, provincial, and international agencies.

According to Dr. Robert W. Saalfeld, Executive Secretary of the Great Lakes Fishery Commission, the international organization charged with sea lamprey control:

"The difficulty of establishing a fully effective program of sea lamprey control simultaneously on four of the five Great Lakes (sea lamprey are no threat to the fisheries of Lake Erie) stems mainly from the failure of the Commission to obtain the funds it believes are required to accomplish the job."

The purpose of this statement is to urge increased funding for the control and eventual elimination of the sea lamprey as a threat to Great Lakes fish.

Mr. Chairman, I ask that the following documents be printed in the record of these hearings immediately following my statement:

(1) A copy of my letter to the Honorable George H. Mahon, Chairman of the House Committee on Appropriations, dated June 11, 1971.

(2) A copy of a letter from Robert W. Saalfeld, Executive Secretary of the Great Lakes Fishery Commission, dated June 7, 1971.

(3) A copy of an article entitled "Sea Lamprey in the Great Lakes" by Norman S. Baldwin, former Executive Secretary of the Great Lakes Fishery Commission, which appeared in the Fall 1968 issue of Limnos magazine.

The lamprey has been a chronic menace to large fish in the Great Lakes—especially the lake trout—ever since it first appeared in Lake Huron in 1938.

A parasite, the lamprey survives by attaching itself to a large fish, sucking the life from it, and then moving on to its next victim.

Dr. Baldwin's description is vivid:

"A parasitic lamprey is equipped with a sucker-like mouth rimmed by horney teeth for attachment, a horney tongue for rasping a hole in the skin of its prey, and a set of glands which discharge a secretion into the wound made by the tongue. This secretion prevents coagulation of the prey's blood and breaks down the flesh. On a diet of blood and bits of flesh the adult lamprey grows from 7 to 18 inches in 12 to 20 months. . . . Judging from laboratory feeding studies, a lamprey can destroy 35 to 40 pounds of fish during its adult parasitic life."

By 1960 the sea lamprey had demolished the commercial fishing industry in Lake

Huron, Lake Michigan, and Lake Superior. Fishermen who once made an annual catch of 16 million pounds worth $7.5 million are now forbidden by State authorities to fish for lake trout.

Although commercial fishing is dormant, progress has been made in the fight against the lamprey, largely due to the efforts of the Great Lakes Fishery Commission, an international agency created in 1956.

Today the lamprey population in the Upper Great Lakes is estimated to be 10–15 per cent of the 1960–1961 peak.

This impressive reduction has come about largely through treatment of breeding grounds with a chemical lampricide called 3-trifluoromethyl-4-mitrophenal (TFM). TFM, when deposited in precisely measured concentrations in streams where lampreys breed, is lethal to sea lamprey larvae but has no effect on other fish.

Even though the sea lamprey has been reduced to 10–15 per cent of its former population, the lake trout has not yet returned in significant numbers, despite an extensive planting program. Scientists estimate that in order to achieve a self-reproducing stock of lake trout it will be necessary to reduce the lamprey population to 5 per cent of its 1960–1961 peak. This would result in restoration of 85 per cent of the pre-lamprey population of lake trout—a viable self-sustaining fishery. Dr. Saalfeld states:

"If current lamprey abundance could be reduced another order of magnitude (or about 5 per cent of their abundance before control measures took effect) by intensification of the chemical control program it would trigger a rapid development of a spawning lake trout stock."

Such an intensified program requires additional funding.

When the Commission made its initial budget request for fiscal year 1972, it asked for $1.788 million. This request was trimmed by $400,000 by the Office of Management and Budget. Subsequently, the Commission learned that an additional $200,000 would be required to test the lampricide, TFM, in order to comply with pesticide regulations of the Environmental Protection Agency.

This additional $200,000 (actually $225,000 to meet the cost of inflation) was approved by OMB and by the House of Representatives, bringing the total appropriation in H.R. 9272 to $1.613 million. It should be emphasized, however, that this additional $225,000 is for an unforeseen expense and cannot be used for intensification of the lamprey control program.

Therefore, I strongly urge that $400,000 in additional funds be appropriated for the lamprey program. This figure corresponds with the initial request made by the Commission and would enable the Commission to intensify its control program in the upper three lakes and to extend its program to the United States side of Lake Ontario.

Mr. Chairman, recent appropriations for the Great Lakes Fishery Commission have been sufficient only to permit the Commission to establish a maintenance operation. The lamprey program is now at a point where a concerned effort by the Commission can tip the balance in favor of the lake trout. Presently the sea lamprey is holding its own.

A 1968 study by the Commission estimated that restoration of a viable lake trout fishery in the Great Lakes could result in a *net* annual benefit of $1.5 million to U.S. commercial and sports fishing interests alone.

Clearly, an additional $400,000 appropriated now means economy in the long run.

Mr. Chairman, I hope that your Subcommittee and the Congress will see fit in 1971 to enable the Great Lakes Fishery Commission to move to finish the job it started in 1956.

Let's give the fish—and the fishermen—a chance.

U.S. SENATE,
Washington, D.C., June 11, 1971.
Hon. GEORGE H. MAHON,
Chairman, Committee on Appropriations, U.S. House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: The purpose of this letter is to urge increased funding for the control and eventual elimination of the sea lamprey in the Great Lakes.

I have enclosed a copy of a letter from Robert W. Saalfeld, Executive Secretary of the Great Lakes Fishery Commission, which I believe clearly documents the need for additional funding.

As you know, the lamprey has been a chronic menace to large fish in the Great Lakes—especially the lake trout—ever since it first appeared in Lake Huron in 1938.

By 1960 commercial fishermen who had made an annual catch of 16 million pounds of lake trout in previous years were out of business. Today, due to the efforts of the Great Lakes Fishery Commission, the lamprey population has been reduced to 10–15 per cent of the 1960–1961 peak.

But the lake trout has not returned in significant numbers, and commercial fishing in the upper Great Lakes has yet to be reestablished.

Recent appropriations for the Great Lakes Fishery Commission have been sufficient only to permit the Commission to establish a maintenance operation. The lamprey program is now at a point where a concerted effort by the Commission can tip the balance in favor of the lake trout. Presently, the lamprey is holding its own, as the enclosed correspondence clearly indicates.

It is my understanding that the Subcommittee on the Departments of State, Justice, Commerce and the Judiciary has reported to the full Committee a bill that would appropriate $1,613,000 for the Great Lakes Fishery Commission.

I strongly urge that $400,000 in additional funds be appropriated for the lamprey program. This figure corresponds with the initial request made by the Commission and would enable the Commission to intensify its control program in the upper three Lakes and to extend its program to the United States side of Lake Ontario.

More money now can enable the Commission to take the necessary steps to assure eventual elimination of the lamprey as a threat to Great Lakes fish.

This, of course, means economy in the long run, a goal I share with every member of your Committee.

With best wishes, I am
Sincerely,
ROBERT P. GRIFFIN,
U.S. Senator.

GREAT LAKES FISHERIES COMMISSION,
Ann Arbor, Mich., June 7, 1971.
Hon. ROBERT P. GRIFFIN,
U.S. Senate,
Washington, D.C.

DEAR SENATOR GRIFFIN: In response to a request from your office, I am pleased to provide the following capsule version of the sea lamprey control program on the Great Lakes.

When the sea lamprey entered the Great Lakes above Niagara Falls through the Welland Canal about 1921, conditions were ideal for its explosive increase. Lake trout were in abundance in Lakes Huron, Michigan, and Superior and their habits matched those of the sea lamprey admirably. The exclusively parasitic lampreys soon reduced the lake trout to virtual extinction in these lakes by sucking blood from wounds made by rasping teeth. Between 1938 and 1947, Lake Huron trout production dropped from 5.0 million pounds to less than 400,000 pounds and the fishery collapsed. In Lake Michigan, commercial production dropped from 6.5 million pounds in 1944 to 50,000 pounds in 1950. Lampreys encountered some trouble negotiating the locks in St. Marys River to reach Lake Superior, but by 1947 enough of them had made it to establish a rapidly growing population. Lake trout production in Lake Superior dropped from an average of 4.4 million pounds per year to less than 0.5 million pounds in 1960. Commercial fishermen in these 3 upper lakes, therefore, lost a combined annual income of more than 7.5 million dollars. Losses to other channels in the trade and to the sport fisheries are inestimable.

The sea lampreys spawn in the gravel riffles of streams during the spring and early summer. When the eggs hatch the larvae drift to areas of softer bottom where they burrow and spend 2 to 10 years of their larval existence. After their larval existence they metamorphose or transform into the adult parasitic form and migrate to the Great Lakes during the fall or spring months. The next 12 to 20 months are spent feeding on fish in the lakes. During this period they grow from about 7 to 17 inches. At the end of this period the adult lamprey enters a stream to spawn and dies.

Sea lamprey control is carried out under the direction of the Great Lakes Fishery Commission, an international organization created by treaty between the United States and Canada. The Fish and Wildlife Service is the contracting agent for the United States and the Department of Fisheries and Forestry is the agent for Canada.

The principle method of control involves the application of a selective toxicant "lampricide (TFM)" to streams to destroy larval sea lampreys. It has become abundantly clear over the past few years that the control program is basic to the redevelopment and re-establishment of the Great Lakes fisheries, and it is gratifying to know that a substantial degree of control has been achieved in Lake Superior, Lake Michigan, and Lake Huron by periodic chemical treatment of lamprey-producing streams. At the present level of intensity the program is holding the lamprey in Lakes Superior and Michigan at about 10–15 percent of their abundance before control measures took effect; and a similar decline of lampreys is already evident in Lake Huron where first-round chemical treatments will be completed this year.

Coupled with sea lamprey control is the trout-salmon rehabilitation program which involves intensive annual plantings of hatchery-reared fish. This program carried out cooperatively by State, Federal, and Provincial agencies has involved plantings totalling 28.4 million lake trout, 2.4 million coho, and 0.4 million chinook salmon in Lake Superior since 1958; 11.3 million lake trout, 10.8 million coho, and 6.2 million chinook salmon in Lake Michigan since 1965; and 2.8 million coho and 2.1 million chinook in Lake Huron since 1968. As the sea lamprey have yielded to control, these planted fish have survived and grown exceptionally well on the forage fish available; and their presence in the lakes has been responsible for the development of significant sport fisheries in the upper three lakes. In Michigan waters alone, preliminary studies indicate that an estimated 180,000 anglers spent 2 million days of sport fishing in 1970. The catch of salmon and trout was estimated at 1.0 million fish and the net value of the resource between 5 to 7 million dollars.

Currently, the major problem of sea lamprey control is the difficulty of reducing the lamprey population to a level which does not hinder the development of a self-reproducing stock of lake trout—the primary objective of the program. Unfortunately, lake trout do not mature and reproduce until they reach 7 years of age and about 28 inches in length, and since lamprey prefer to attack larger fish, even a remnant population can inflict heavy losses on lake trout for about 3 to 4 years before they spawn for the first time. Scientists studying lake trout in Lake Superior have provided evidence that lamprey predation is the major source of mortality of lake trout over 25 inches in length.

They believe that if current lamprey abundance could be reduced another order of magnitude (or about 5 percent of their abundance before control measures took effect) by intensification of the chemical control program it would trigger a rapid development of a spawning lake trout stock.

The difficulty of establishing a fully effective program of sea lamprey control simultaneously on four of the five Great Lakes (sea lamprey are no threat to the fisheries of Lake Erie) stems mainly from the failure of the Commission to obtain the funds it believes are required to accomplish the job. As a matter of fact, the differential gap between the funds requested by the Commission and those received from the two governments has grown wider in the last few years. The financial problem is compounded by the fact when the United States Government is unable to provide the funds requested, the Canadian contribution must be automatically lowered to meet a cost sharing formula which calls for the U.S. to contribute 69 percent and Canada 31 percent of total program expenses.

To illustrate the problem specifically, in July 1970 the Commission submitted to the two governments a sea lamprey control and research program for fiscal year 1972 which provided for intensification of lamprey control in the 3 upper lakes and an extension of chemical control to Lake Ontario lamprey streams. The program called for a total expenditure of 2.613 million dollars—U.S. contribution of $1.788 million dollars and Canadian contribution of $0.825 million dollars. Later in 1970, the Commission was advised by the U.S. Government that its contribution would have to be limited to $1.388 million dollars rather than the $1.788 million requested. At the same time, the Commission received the distressing news that in order to obtain continuing clearance for its registration of lampricide (TFM) by the Pesticide Regulation Division of the Environmental Protection Agency (EPA) it would be necessary to carry out a wide range of toxicology and residue chemistry studies that would eventually yield the data needed to establish tolerance limits in water, fish, and food or food stuffs. The estimated cost of this registration-oriented research on TFM in fiscal year 1972 alone was $290,000.

In January 1971, the Commission held an emergency meeting to determine what revisions in the fiscal year 1972 program were needed to include research on TFM and stay within a budget limitation established by a U.S. contribution of $1.388 million dollars. An immediate decision was to defer intensification of control in the 3 upper lakes and an extension of chemical control to lamprey streams on the U.S. side of Lake Ontario. If the Commission was forced to absorb the costs of TFM research in its operational control program, it would also be necessary to curtail chemical control on the U.S. side of Lake Huron and carry out only a "maintenance" program on Lake Michigan and Lake Superior. Recognizing that the two governments might be sympathetic to these problems, the Commission requested an increase in contributions for fiscal year 1972 amounting to $200,000 in the U.S. and $90,000 in Canada to cover the cost of TFM registration-oriented research. The request is now being considered favorably by the U.S. Congress and the House of Commons in Canada. If these additional funds are obtained, the Commission would then be able to carry out in fiscal year 1972 the TFM research, conduct a maintenance control program on the 3 upper lakes, and extend chemical operations to the Canadian lamprey streams of Lake Ontario.

It is hoped that the foregoing is sufficient to bring you abreast of the progress made and some of the biological and fiscal problems confronting sea lamprey control in the Great Lakes.

Respectfully yours,
ROBERT W. SAALFELD,
Executive Secretary.

SEA LAMPREY IN THE GREAT LAKES

(By Norman S. Baldwin)

Movement of sea lamprey (*Petromyzon marinus*) from Lake Ontario to Lake Erie through the Welland Canal about 1920, and their susbequent establishment in the Upper Great Lakes, initiated a series of biological changes which have extended beyond the fish directly attacked by this parasite. The initial impact was borne by the large, cold-water fish such as lake trout (*Salvelinus namaycush*), burbot (*Lota lota*), whitefish (*Coregonus clupeaformis*), and rainbow trout (*Salmo gairdneri*). The catch of these species dropped sharply and one, the lake trout, was almost completely eliminated in Lake Huron and Lake Michigan. Smaller cold-water species which became abundant in the absence of lake trout have recently been displaced in Lake Michigan by the alewife (*Alosa pseudoharengus*). Alewives have become so numerous that certain plankton species which they prefer for food have now become scarce.

Although the sea lamprey is not solely responsible for the scarcity of valuable fish in the Upper Great Lakes, it must bear a major share of the blame, and its control is basic to restoration of an ecological balance and rehabilitation of the sport and commercial fisheries.

The threat posed by the sea lamprey was not generally recognized until it was well established in all the lakes and had seriously affected the commercial fisheries in Lake Huron and Lake Michgan. Control by federal, state, and provincial agencies began in 1948, and in 1956 was made one of the responsibilities of the Great Lakes Fishery Commission, an international agency established by the United States and Canada for the conservation and development of Great Lakes fishery resources.

Early steps to control lamprey were too little and too late to prevent the parasite from becoming firmly established in all of the lakes; screens placed in streams to block lamprey from spawning grounds were repeatedly washed out and were soon replaced by electrical barriers. These devices consisted of a series of electrodes which, when charged with line or generator power, produced an electrical field in the waters that lamprey and fish moving upstream could not penetrate. These electrical barriers were not fully effective in some large rivers during severe flooding, although they rarely washed out.

It was not until 1958, after more than 6 years of experimentation by the U.S. Bureau of Commercial Fisheries, that a chemical method to reduce lamprey was perfected and applied, first on Lake Superior, then on Lake Michigan, and recently on Lake Huron, paving the way for the restoration of lake trout, rainbow trout, whitefish, the introduction of Pacific salmon, and a return to a more balanced ecological situation.

The sea lamprey might seem an unlikely candidate for the role of "spoiler" on the Great Lakes. In the ocean, attacks on fish have been reported but there is little evidence that the parasite causes serious losses to important species. Furthermore, in Lake Ontario and the Finger Lakes of New York, landlocked sea lamprey and lake trout have co-existed for at least 100 years and possibly since the retreat of the glaciers thousands of years ago. It should be pointed out, however, that in these lakes trout survival appears relatively low and the populations are in a precarious position when exposed to fishing pressure. A significant fishery appears to require the support of hatchery plantings.

It may be surprising to some to learn that in addition to the sea lamprey, the Great Lakes contain four native species of lamprey—two non-parasitic and two parasitic. The northern brook lamprey (*Ichthyomyzon fossor*) and the American brook lamprey (*Lampetra lamottei*) remain in streams during their entire life without parasitizing fish. The silver lamprey (*Ichthyomyzon unicuspis*) and chestnut lamprey (*Ichthyomyzon castaneus*) on the other hand are parasitic for about a year before they spawn and die. The silver lamprey was reportedly abundant in Lake Erie during the last century but is rarely encountered now. It appears to prefer warmer water than the sea lamprey and its distribution in the colder lakes is restricted. The chestnut lamprey generally remains in rivers and is abundant in several including the Manistee in Michigan where it causes significant damage to brown trout.

Although no fish in the Great Lakes, except the very small species, are immune to sea lamprey attack, lake trout are by far the most vulnerable. They inhabit the cooler water preferred by sea lamprey and are perhaps attacked more successfully because they present a large "target." More importantly, they mature at a relatively large size and advanced age and are exposed to sea lamprey for several years before they spawn. Lake trout planted where lamprey are abundant show good survival until they reach about 20 inches at which time they come under heavy attack with few reaching 24 inches.

The key to controlling a species is usually found only after a careful study has been made of its habits and behavior. The sea lamprey is no exception and during the early years was closely studied. Despite the collection of much information these studies are continuing so that control methods can be improved.

The sea lamprey in the Great Lakes spawn in the gravel riffles of streams during the spring and early summer. The eggs are deposited in depressions made by moving stones. On hatching, the larvae burrow into the bottom mud where they spend from 3 to 9 years depending on growing conditions. During this time they are called ammocetes. These larvae are seldom seen since they move only occasionally and usually at night. They feed on small organisms filtered from the water which they pump into their burrows for respiration. Growth is typically slow but in a few streams may be fast enough to bring about transformation of a small proportion of a hatch in 3 years. Generally, larvae remain in streams for about 5 years and reach a length of 7 inches before assuming parasitic characteristics (transforming) and migrating to the lake to feed on fish. A parasitic lamprey is equipped with a sucker-like mouth rimmed by horny teeth for attachment, a horny tongue for rasping a hole in the skin of its prey, and a set of glands which discharge a secretion into the wound made by the tongue. This secretion prevents coagulation of the prey's blood and breaks down the flesh. On a diet of blood and bits of flesh the adult lamprey grows from 7 to 18 inches in 12 to 20 months. At the end of this period, the adult lamprey enters a stream, spawns, and dies. Judging from laboratory feeding studies, a lamprey can destroy 35 to 40 pounds of fish during its adult parasitic life. On the other hand, the capture of fish with healed wounds indicates that not all victims succumb. However, attacks which perforate the body cavity, exposing the internal organs, invariably prove fatal. Simultaneous attacks by two heavily feeding lamprey must be lethal to all but the largest fish.

Attempts to control lamprey have been aimed at preventing reproduction by blocking spawning streams with mechanical or electrical barriers or destroying the larvae during their prolonged stay in streams. The first method was abandoned in 1960 when it became apparent that the chemical treatment of streams which had begun in 1958 was proving more effective. Electrical barriers are still operated on certain streams, but only to follow changes in lamprey abundance. These installations are fenced and booms placed above and below to safeguard the public.

The application of chemical control methods in 1958 on Lake Superior was preceded by almost 7 years of intensive research to find a chemical that could be used in lamprey streams without seriously affecting other fish species. Out of some 6,000 chemicals screened one has emerged as the best of several which are selectively toxic to lamprey. The chemical, which has no known use outside the lamprey control program, is 3-trifluoromethyl-4-nitrophenol and is referred to as TFM.

Exposure to a concentration of TFM from 1 to 6 parts per million for a period of 8 hours is lethal to sea lamprey larvae in most streams. In a few streams where the concentration of dissolved substances is high, 14 ppm TFM may be required. At these concentrations there is no danger to humans or animals drinking the water. Fish display varying degrees of resistance to the lampricide. Of 11 species tested, smallmouth bass (*Micropterus dolomieu*) were least susceptible, requiring about 8 times the concentration required to kill lamprey. Rainbow trout and coho salmon (*Oncorhynohus kisutch*) require about 3.6 times the concentration needed to kill lamprey. Walleye (*Stizotedion vitreum*) are almost as susceptible as lamprey and particular care must be taken to maintain precise concentrations in rivers where these fish are present. The condition of fish also affects resistance to TFM; individuals that have spawned or are heavily diseased are likely to succumb while healthy individuals show no ill effects from exposure.

The way in which TFM acts to kill larval lamprey is not clear. Death appears to be due to a combination of circulatory and respiratory failure. Inhibition of certain enzymes and irreversible blockage of oxygen uptake by the blood are also suspected.

Further investigation of chemicals led recently to the discovery that TFM could be synergized with a molluscicide 5,2'-dichloro-4'-nitrosalicylanalide which, when added in small amounts (2 percent by weight) doubled TFM toxicity without reducing its selectivity. The synergist has a low solubility and precise concentrations are hard to achieve in certain streams. Therefore, it is not used where susceptible species may be endangered.

A stream treatment requires a considerable amount of information before it can be properly carried out. First, a survey is made with portable electric-shocking equipment to locate the sections of the stream inhabited by young lamprey, for it is necessary to know what tributaries of the main stream need to be treated and how far upstream the chemical must be introduced to destroy all the ammocetes. The survey crews move electrodes on poles over the stream bottom creating an electrical current which causes the ammocetes, hidden in the mud, to emerge. These are collected and identified, for it is necessary to distinguish sea lamprey larvae from one or other of the native species usually present.

The molluscicide used to synergize TFM has also been used as a survey tool in water where electro-shocking is not always effective. Sand granules impregnated with the synergist are spread over the surface and sink to the bottom where they slowly release the chemical. Lamprey then emerge in about 30 minutes and can be easily collected.

Before treatment begins, a test of the effectiveness of TFM with and without the synergist is made at each stream to determine the concentration required. This is necessary because subtle changes in water chemistry modify the action of the lampricide. It is not unusual to find that the required concentration varies widely in neighboring streams, or in the same stream from season to season. In the trailer laboratory set up on the stream to be treated lamprey ammocetes and fish are placed in jars filled with water from the stream and different amounts of chemical are added to expose the fish and lamprey to a wide range of concentrations. In this way the lowest concentration required to kill lamprey and the highest concentration tolerated by fish are determined. A suitable concentration between these limits is selected for the actual treatment.

In streams with numerous branches, chemical feeding must be carried out on a schedule which will allow the treated water in a side branch to reach the main stream as the main mass of treated water arrives. Dilution of the lampricide to sub-lethal concentrations is thereby avoided. Dyes such as fluorescin are used beforehand to estimate the time it will take treated water to move down the stream system.

The lampricide is fed to the stream at the pre-determined rate by a pump which accurately delivers the required amount of chemical through a perforated plastic hose placed across the stream above the upper limits of lamprey distribution. Adjustments in the rate and period of chemical feedings are generally necessary, and the pump operator is in radio contact with the field headquarters where water samples from downstream are periodically analysed. After about 2 hours' exposure to the chemical, ammocetes begin to emerge from the bottom in a helpless state and, after 12 to 18 hours, large numbers of dead larvae can be seen on the bottom. The stream is re-surveyed later with electric shockers for surviving ammocetes to check on the effectiveness of the treatment.

Approximately one-tenth of the 3,000 tributaries entering the upper three Great Lakes have been found to contain lamprey larvae; 113 in Lake Superior, 98 in Lake Michigan, and 83 in Lake Huron. Surveys in the lower lakes, still to be completed, have located 12 lamprey streams on Lake Erie and 22 on Lake Ontario.

Chemical treatment of streams began in 1958 on Lake Superior where lake trout, although declining rapidly, were still present in fair numbers. By 1961, the main lamprey streams had been treated and results were beginning to show. In the fall of that year, the proportion of lake trout with lamprey wounds dropped sharply and in the following spring the catch of spawning lamprey at barriers fell to one-fifth of the average catch of the preceding five years. In order to maintain control, it was necessary in 1962 to begin the re-treatment of streams in which larval lamprey had become reestablished following the initial treatment. By the end of the second round of treatments in 1966, the catch of spawning lamprey had fallen to one-tenth of the precontrol level.

Before control measures could take effect, however, sea lamprey had so reduced lake trout in inshore waters of Lake Superior that natural reproduction had essentially ceased by 1959. These inshore stocks have been re-established by an extensive planting program and trout in these areas are now mainly of hatchery origin. Natural reproduction resumed in 1964 on major spawning grounds in Wisconsin waters and naturally produced trout are appearing in greater numbers each year. Isolated populations of lake trout on offshore grounds which suffered less from lamprey are now almost fully recovered.

Chemical treatments were extended to Lake Michigan and Lake Huron in 1960 but suspended in the latter lake when it became apparent that funds would not be available to establish control on these two lakes simultaneously while maintaining control on Lake Superior. The first round of stream treatments was completed on Lake Michigan in 1966. It also produced a decline in the catch of spawning lamprey at barriers on 3 streams from 12,885 in 1962 to 1,168 in 1966, and an increase in the commercial catch of whitefish from 226,000 lb. to 1,422,000 lb. The angler catch of lake-run rainbow trout or steelhead in 1967 was reportedly the largest ever taken by the sport fishery.

Although the treatment of some 24 streams on Lake Huron in the period 1960 to 1962 brought about a temporary improvement in whitefish and rainbow trout abundance in the areas covered, recovery was quickly suppressed when the control program could not be continued and the streams re-treated. In 1966, however, when it became evident that the cost of maintaining control on Lake Superior and Lake Michigan would be significantly less than expected, the program on Lake Huron was reactivated. More than half its lamprey streams have now been treated and the remaining streams will all be disposed of by the summer of 1970 if requested funds are made available.

The success of the lamprey control program must ultimately be judged on its ability to hold predation losses from lamprey at such low levels that populations of lake trout, rainbow trout, and whitefish will maintain themselves without the aid of planting and still provide a significant sport and commercial fishery. Rainbow trout, lake trout and whitefish populations have responded favorably to the reduction in lamprey. Spawning has resumed in Lake Superior and young naturally-produced lake trout are beginning to show among the hatchery fish that make up most of the stock in inshore waters. It has been estimated that if lamprey in Lake Superior can be held at 5 per cent of the pre-control level, the potential harvest of lake trout by the sport and commercial fisheries will be 4 million pounds by 1976, roughly 85 per cent of "normal" production. The annual net benefit forecast for these fisheries is $2,100,000 while the estimated cost of lamprey control is $400,000. In recent years, the lamprey population has been about 10 per cent of the pre-control abundance.

Even greater benefit may be realized in Lake Michigan and Lake Huron with a major expansion of sport fishing for coho salmon. The effect of sea lamprey on this new species cannot be predicted as yet but it may be less vulnerable than rainbow trout or steelhead. The latter persisted in Lake Michigan during high lamprey abundance but did not provide good fishing until the parasite was reduced.

Finally, the control of alewife populations by lake trout, coho, and rainbow trout, may be the most important by-product of lamprey control particularly in Lake Michigan.

In order to maintain control, streams which produce lamprey must be re-treated periodically to destroy re-established larvae before they can become parasitic and move to the lakes. In Lake Superior and Lake Michigan, roughly half the streams which at one time produced lamprey become reinfested after each treatment and require re-treatment usually within 4 years. These treatments will probably have to be continued indefinitely.

The greatest benefits from sea lamprey control will be realized in the Upper Great Lakes where the parasite has been particularly destructive. However, extension of the control program to Lake Erie and particularly Lake Ontario will also bring rewards. Sea lamprey have never been abundant in Lake Erie and have not had a detectable effect on the warm-water fishes that are now dominant in that lake. Larvae have been found in only 12 streams, mainly at the eastern end. Control of these populations should not be difficult.

In Lake Ontario, where lamprey have been present since the earliest records of the fishery, there is evidence that the parasite is taking a significant toll of whitefish and rainbow trout and has contributed to the poor survival of planted lake trout. There is also a growing conviction among fishery scientists that the historically poor fish production of Lake Ontario may be partly due to the presence of sea lamprey and alewife. The establishment of predatory species in Lake Ontario would give tremendous impetus to the sport fishery.

It is expected that lamprey control will be well established on all three of the Upper Great Lakes by 1970. It will then be possible to begin treating streams on Lake Erie and Lake Ontario. Preliminary surveys have not been completed on the south shores but it appears that there may be about 15 lamprey streams in Lake Erie and roughly 30 in Lake Ontario.

It is tempting but dangerous to view lamprey control as a routine operation, for the residual sea lamprey may adapt in a number of ways to the pressure now placed on them. The sea lamprey must, therefore, continue to be closely studied and control methods modified to compensate for changes in the habits of the parasite. The research which led first to the development of a control method must be continued to keep it effective.

STATEMENT OF CONVICTION, MORALITY AND TRUTH—ADDRESSED TO A DRAFT BOARD

HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 14, 1971

Mr. WALDIE. Mr. Speaker, I was privileged recently to read a moving account of moral development and conviction in a statement to his draft board by a young Californian, Paul Moser.

Mr. Moser has beautifully expressed a commitment he has which I believe many young people share. I earnestly request the attention of this body to his letter as I am certain it will aid in understanding the attitudes of this generation.

The letter follows:

TO A DRAFT BOARD

The model of all good with which I have grown up is Jesus Christ. I have been trained in the Roman Catholic faith, and have now come to what I think is a full acceptance of that faith. But in coming to that acceptance of faith, I discovered its basis—that conscience must rule in matters which cannot be generally dealt with by the Church, and on which the Church takes no official stand.

This was the stumbling block in my thoughts; that, since grade school, the Church had supplied all the answers to all the questions of morality, and I felt adrift when it had no answers here. But I have been trained well enough, I believe, to know right from wrong. And I believe it is wrong to exhibit physical anger and violence, to do bodily harm to another even if it costs the life of someone I love, or my own life. It must be made clear that this belief is thoroughly subjective, and is the result, the fusion of Catholic teachings, and the ideal of Christ which was presented to me by my parents and teachers. These two factors were integrated in my early years, before I separated them in my own mind. I hadn't understood, until relatively recently, that these two do not contradict each other, but that the Catholic doctrine not only allows but encourages individual, conscientious decisions on the questions of war and non-violence.

I must say further that I have no right to judge another, or to kill someone else who doesn't see the value of my belief, even if he will kill me. The reason is that human life is so sacred and so unique to me as to defy description, and that, as a result of their sanctity and uniqueness, these lives are completely in the hands of God, the One who created them. I could never bring myself to "play God" and raise my hand against one of His creatures. I do regret to say that I am not always successful in containing my temper in smaller, everyday matters, but that is more an index to my humanity than anything else.

As regards my country, I can say that I appreciate the United States for what it is, and for what it has done for me personally, but I cannot believe that killing to preserve something so impersonal and ambiguous is good. If what the United States represents is truly valuable to mankind, then that essence will be preserved in any case. Christ submitted Himself to death without a struggle because He knew that what He represented was beyond destruction and would remain alive among men simply on its own merit.

I believe these things strongly enough that I will accept imprisonment in the case that my views are misunderstood.

Both of my parents are Catholic (my mother was converted from the Mormon faith soon after she married my father), and I attended Catholic schools for 14 of my 16 years of formal education. I would like to divide my experiences into groupings according to schools, i.e., 1) 8 years at St. Elisabeth's School in Van Nuys, Calif.; 2) 4 years at Loyola High School in Los Angeles; 3) 2 years at Georgetown University in Washington, D.C.; 4) 2 years at Stanford University, Stanford, Calif.

(1) The grammar school years can be dealt with more as a basis of faith than for the realization of it, since my thoughts and feelings about non-violence didn't reach any level of precision during this time.

What is important to mention is the basic Christian guidance of my parents, reinforced by the stories of Christ's life which were told by the teachers at St. Elisabeth's during the 30 minute religion period, which took place every day. Christ really came alive for me through these stories as a powerful personality, yet "power" in Christ was always separated from, and never translated to "force and violence" for me.

When I think back to these years, I remember noticing, and being troubled by, the difference in attitude between the religion period and the history period, for instance, wherein we would read about a war engaged in by the United States, and there would seem to be general approval of it. I never really delved into that question very deeply during this time, because I imagined that the Church would supply the answers when I could understand them better. This was told to us about such things as "having babies", etc., and I liked to include the riddle of war in that category. I actually believed I would be told never to resort to violence, since Christ told Peter to put away his sword in the Garden of Gethsemane, and all of the martyrs went to their deaths joyfully, without any thought of resort to force. These stories, along with my parents and teachers who endorsed them, were the only bases I had in making this decision at this time.

(2) High school (also the last two years of grammar school) was a period in which I did little thinking about the problem of violence, since other problems were much more overwhelming, i.e., sexual adjustment, puberty, etc. I became aware of other views of war and non-violence from my peer group, the media, and other such sources, but these views were more confusing and vague than they were illuminating. And since it remained a very theoretical question in my mind, I made no effort to pin myself down and concretize my views. Of great help to me then was Fr. Bernard Brannon, S.J., who is currently teaching at Bellarmine Preparatory in San Jose. His advice helped me over the rough spots in the area of sexual adjustment, and in 1970, toward the end of my first year at Stanford, discussion with him helped me further solidify my views on non-violence.

(3) My two years at Georgetown were quite important, especially since I spent the first one in ROTC. I had been told both good and bad things about ROTC, but I basically thought of it as something that "made a man out of you", and was "good for you." The idea of joining a drill team (which I did) was especially attractive, since I had heard that there were drill teams in the regular army (e.g., at Fort Belvoir, Va.) which were open to ex-ROTC cadets who were particularly good at drill. If I joined, I wouldn't have to worry about the question of violence at all. But during that year, I found out how incompatible with army ways I really was. I found out how authoritarian it was by nature, and how the individual conscience had no place in a "good soldier".

The ultimate example of my discovery of ROTC took place on the day of a big intercollegiate drill tournament, involving ROTC units from all over the country. About 3 hours before, our cadet lieutenant came in and told us all to get our hair cut and our heads shaved with a razor. I realized at that moment that I was involved in an effort to *escape* my decision on violence, and that the effort had backfired. What if I wasn't able to work with a regular drill team like the one at Fort Belvoir? And what if the issue were not a skinhead, but an order to shoot? I refused to get my hair cut, and quit ROTC.

I was extremely bitter. I read a copy of the Conscientious Objection form, and became more bitter, thinking that the "religious training and belief" had to be strictly along the lines of Catholic teaching specifically stated. Since there is no official line, I felt trapped, and I confused and blurred my own personal stand because I feared the possibility that I was not conforming with Church teaching. I was ignoring the important, real meaning of the word "belief" in the CO form, and also the fact that the Church very much respects conscientious decisions in this area.

I did my best, as I think a good number of male college students do, to bury myself in work and activity; and of course there was no immediacy to spur me to any action.

From June '68 to June '69, I divided my time between Los Angeles and Washington, D.C. I had some discussions with my parents and with some old friends of the family who are Jesuit priests at Loyola University in Los Angeles, including Fr. George Lucy, S.J. They showed great concern and did a good deal to help me reconcile my conscience with the Church, making the fusion of my beliefs and the Catholicism which was really quite consistent with them all along.

Things were looking brighter also because I was offered the chance to go on a tour of the army bases in Germany and Italy with an Armed Forces Professional Entertainment Overseas (AFPEO) show that summer ('69), and I believed that I would then see the real army, not just the ROTC, and that things would be different, perhaps. They weren't. We did over 90 shows, and after every one there seemed to be a GI telling me about how many "VC" he had "wasted", and I was pretty horrified.

(4) I came back from the tour to a different school—Stanford. I lived alone for the first quarter of the '69–'70 year, and thought a good deal about what I had seen, about the subjects of non-violence, Catholicism, and conscription. At Christmas, I announced to my family that I could no longer keep my II–S deferment, because I felt I was taking part in a perpetuation of violence. They tried to persuade me to use "the system" and the CO form, but I was not convinced. When I went back to Stanford in January, '70, 3 things happened:

(a) I moved in with three other students, one of whom (Gary Reid) now is classified I–O.

(b) I began to read some of the thought of Mohandas Gandhi, such as *Non-Violent Resistance*, compiled by Satyagraha.

(c) I sent in a letter to the draft board asking how long it would be, approximately, before my hearing came up if I turned in my draft card. The response was that I *could not* turn in my card as long as I was a student.

In April and May of 1970, things came to a head for me and for Stanford. When the invasion of Cambodia was announced on April 28, I think, the lid blew off the university. The worst rioting in the school's history took place that night. I sat in our house with Gary Reid and felt very helpless as we listened to the radio reports. The next day, April 29, I spent a good deal of time talking to Gary about Gandhi's ideas of non-cooperation and civil disobedience, and about the basic Christianity in those ideas. We decided to try to form a "peace brigade," modeled on the Berkeley group, who would put themselves between the police and the rioters to stop the violence. It would be a non-political group—no sides taken, just stop the violence. We canvassed approximately 550 students ourselves, and identified our aims with other students canvassing for the same purpose—to get a group to meet that night and stop the violence if possible, since the rioters promised more of the same for the night of the 29th. 400 people showed up, and we sat on the lawn of the administration building; police on one side, rioters on the other. We moved, with arms linked, all around the campus, breaking between the two groups when we could. As I look back on this action, I am not so convinced that it was all that effective, but I was glad to be doing something to stop the trouble. We did the same thing on the night of the 30th, with fewer people.

At this point, I felt that it would be good to get my CO application and fill it out, since I had sharpened my views on non-violence. When I received it, too much had happened to allow me to fill it out in the 30 day period allotted to me.

I am speaking of my arrest. The situation on the afternoon of May 1st at Stanford was this: The rioters let it be known that more damage would be done that night. There was a non-violent student strike proposed, but unless it was obviously successful in pre-empting the rioters, violence would continue. We in the Non-Violent Group thought we had an alternative for those who wanted to protest the Cambodian invasion.

To make the strike work, many students sat in the doorways of the buildings to block them. I cannot speak for all groups, but our group, sitting in the main doorway of Encina Hall (the administration building) strictly adhered to Gandhian principles. Gary Reid, my room mate, was sitting beside me, and about 20 others were packed around when Capt. Rosa of the Santa Clara County Sheriffs arrived. He approached the door with one of the employees, and said that the man had business inside, and that we should let him go in. I explained that we would not forcibly keep him out; I invited, I pleaded with the man three times to walk on my legs to get in, simply saying that we were doing the only thing left to us to prevent further violence, i.e., putting our bodies on the line, but that we would force no one. If he really wanted to get into the building, and not just see some arrests, he would walk on our legs. The Captain's response was to arrest me and one other student. The others went untouched. I walked to the patrol car, not resisting in any way, and I exhorted the people around to "keep cool". The crowd of students sat down all around the patrol car and refused to let the police take me away, but they remained completely non-violent throughout the incident, chanting "we love you" even when the tac-squad slugged its way through their ranks with 4-foot billy clubs.

I was quickly bailed out of jail by my friends, but the repercussions at home and at school (which included one anonymous, telephoned threat on my life) didn't permit me to put my thoughts down on paper. So I sent the form back, resolved to send for it again only at the end of my last year, so that there would be sufficient time for reflection and writing, and no possibility of procrastination. I visited Fr. Bernard Brannon at this point, and we discussed my feelings and ideas. I spoke to 4 or 5 of his religion classes at Bellarmine Prep, too, which helped be get my thoughts in order.

I spent 6 months in Europe, from September '70 to March '71, which was something I had planned to do before the disturbances, but also something which was thought to be a good idea by my parents and the police, in view of the telephoned threat. The trip gave me a good perspective on how things have developed—and that brings me up to the present. I think that the experiences of the last few years have strengthened my faith; given me a clearer view of Catholicism, and the fact that each Catholic has a personality, a temperment, and a set of experiences which inevitably become part and parcel of his beliefs. These realizations have allowed me to fill out this form.

I feel restricted from ministering to the sick and injured of the military because my beliefs would not allow me to care for men who would simply go out once again and kill and be killed. The reference to *civilian* sick and injured has puzzled me slightly, since care of these constitutes alternate service, as long as I were not part of the military.

The reason that I could not take part in the military in even a noncombatant capacity is that I would be supplying direct or indirect logistical support of an organized effort to kill human beings, which might also be seen as my taking the place of a man who would then be free to pick up a weapon and destroy life. This means that if the position I would fill in caring for even civilians is otherwise filled by a regular member of the armed forces, I could not take that position.

SANCTIONS AGAINST RHODESIA

HON. HARRY F. BYRD, JR.

OF VIRGINIA

IN THE SENATE OF THE UNITED STATES

Wednesday, July 14, 1971

Mr. BYRD of Virginia. Mr. President, the Roanoke Times of July 13 contains an excellent editorial on the subject of sanctions against Rhodesia.

Participation by the United States in the trade embargo imposed on Rhodesia by the U.N. Security Council has resulted in a situation where this country is dependent upon the Soviet Union for chrome ore, a strategic commodity.

The editorial makes the point that the entire program of sanctions has been a failure and that it should now be abandoned.

I have introduced a bill which would end U.S. dependency on Russia chrome by lifting the U.S. embargo on that particular commodity from Rhodesia. While this would not end the sanctions policy, it would represent an important step toward a more sensible policy.

I ask unanimous consent that the text of the editorial, entitled "Time To End Rhodesian Sanction," be printed in the Extensions of Remarks.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

TIME TO END RHODESIAN SANCTIONS

Repugnant as is white Rhodesians' intent to keep blacks from a rightful role in their government, there is little justification for the United States to continue economic sanctions against that African country.

Sanctions—in this case limits on trade voted by the United Nations Security Council—seldom bring an offender around. Often, they make him more recalcitrant. One sure effect, it would seem, of putting pressure on an oppressive government is that the government will contrive to pass on the discomfort to the people it is oppressing. Put another way, if any Rhodesians suffer from limits on trade, it will be blacks sooner than whites.

Sen. Harry F. Byrd Jr. is trying by legislation to relax U.S. participation in the sanctions. He is focusing on chromite, which the United States once bought from Rhodesia but now gets from the Soviet Union. Byrd's bill, supported by former Secretary of State Dean Acheson, would prohibit the President from blocking imports of a strategic material from a "free world" country if it can be imported from a Communist-run country.

"I do not believe," says Mr. Byrd, "that it is logical for the United States to continue to be dependent on Communist Russia for a material vital to our national defense."

The senator acknowledges he is going the long way around to get to his goal, which is not so much bolstering security as weakening support for the sanctions. Most people will read it that way anyhow, and the ill effect is that enactment of the bill would look like a gesture of U.S. sympathy for apartheid.

Abandoning mistaken policies usually involves some inconvenience and embarrassment, though. And this policy, adopted in 1966, has been a mistake; it has not achieved its ends of forcing Rhodesia to change its ways, but has further isolated her. It is time to try the soft sell, and getting off sanctions is the first step.

KENNEDY'S WAR

HON. ROBERT H. MICHEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 14, 1971

Mr. MICHEL. Mr. Speaker, in trying to keep up with the flood of words that have been written and spoken since the Pentagon Papers became the topic of discussion all over the country, I came across an editorial appearing in the July 10, 1971, edition of the Peoria Journal Star entitled "Kennedy's War" and I include it in the RECORD at this point:

KENNEDY'S WAR

People who read the New York Times' "Pentagon Papers" soon to be put out in paperback, will rediscover that the really important decisions regarding American involvement in Vietnam were made by President Kennedy.

The big decision that Kennedy made was, of course, to send American troops to fight alongside the South Vietnamese in their battle with the Viet Cong.

That decision was made ten years ago and there was nothing secret about it. In fact, it was May 4, 1961, that Senator Fulbright after meeting with President Kennedy told the press that he (Fulbright) supported sending U.S. combat troops to South Vietnam because they were willing to defend themselves against Communism.

Nor was it any secret that such words were being backed by deeds when the press reported that a ship full of American helicopters and men docked in Saigon on Dec. 11, 1961. Nine days later the New York Times was reporting we had 2,000 troops "operating in battle areas with South Vietnamese troops."

At the outset of our involvement, the Kennedy administration was not guilty of confusing the American public about Vietnam. This fact is clear when you compare the "Pentagon Papers" with various news reports during 1961 and 1962.

However, in 1963 when Kennedy's plans for a "limited war" were being shattered by both the Viet Cong and inept South Vietnamese leadership, Kennedy began trying to keep secrets from the American public.

The role of our troops in Vietnam, originally made very plain, was consistently fogged in administration statements which passed them off only as "advisors." And while Kennedy was announcing plans to bring 1,000 men home, the Pentagon Papers now confirm that their replacements were being sent without announcement.

The big blow to the American public's trust came when President Ngo Dinh Diem was assassinated and our government tried to act like it had nothing to do with the associated plot to overthrow his government.

"The Pentagon Papers" show in brutal detail the involvement of Kennedy and the CIA in the affair, but this is not really news today. It was news at the time of the assassination when Journal Star Associate Editor Tom Pugh and other alert newsmen wrote stories pointing out the American duplicity.

While the sequence in which the Times published its "disclosures" has led most of the recriminations over Vietnam to be directed at President Johnson, a balanced examination of what the Times has revealed clearly will hurt President Kennedy more.

People who want to know what went wrong are going to discover that it was the Kennedy administration which failed to calculate that a limited war could go on for an unlimited length of time.

People who want to know what eroded public confidence in our goals in Vietnam are going to discover that it was the Kennedy administration that talked out of both sides of its mouth so much that neither President Johnson nor President Nixon ever could regain public confidence as they continued to fight Kennedy's war.

None of this is news to people who have paid attention to the war for all of its ten years, but for those who haven't the "Pentagon Papers" may put Kennedy in perspective.

PROFESSOR WEI OF DELAWARE EVALUATES "FUTURE PROSPECTS FOR ENERGY"

HON. J. CALEB BOGGS

OF DELAWARE

IN THE SENATE OF THE UNITED STATES

Wednesday, July 14, 1971

Mr. BOGGS. Mr. President, Prof. James Wei earlier this year gave a very interesting lecture entitled "Future Prospects for Energy—Sources and Uses."

Dr. Wei, a distinguished professor of chemical engineering at the University of Delaware, presented his views and analysis at the 16th meeting of the Delaware Valley Section of the American Institute of Chemical Engineers. In his address, he evaluated the present costs of various types of energy and the opportunities that exist for developing new energy sources in the future.

. Professor Wei's views should be studied with care by everyone who is evaluating the world's energy needs for the future. I ask unanimous consent that his lecture be printed in the Extensions of Remarks.

There being no objection, the lecture was ordered to be printed in the RECORD, as follows:

FUTURE PROSPECTS FOR ENERGY—SOURCES AND USES

(By James Wei)

I. ENERGY IS THE ULTIMATE RAW MATERIAL

The civilization and way of life we know today are supported by a steady supply of low cost raw materials drawn from the farms and forests, from the mines and wells, and from the air and water. In history when a raw material runs low in supply and when there is no substitute in sight, people wonder whether civilization can survive. William Crooks observed in 1898 that intensive farming depended on the nitrate mines in Chile, and the eventual exhaustion would bring world wide famine[1]. This did not take place as the great chemist Haber and the chemical engineer Bosch rose to the challenge and solved the problem of nitrogen fixation from air and water via ammonia synthesis.

As the skills of the chemists and chemical engineers gradually increase, almost any natural raw material can be synthesized or substituted for. Outside of hydrogen, the chemical elements are hardly ever lost from planet earth[2]. There is no such thing as "nonrenewable minerals" even if rich deposits are exhaustible. Everything that is "used up" is still with us, but in altered and diluted form. In this closed system of earth, we can and will recycle everything. Given enough energy, or thermodynamic free energy, we can separate and concentrate any materials and recombine them chemically to form synthetic raw material. All the precious material contained in the refuse of our civilization collects on our lands, floats in our air, or runs off into the oceans. They can all be recovered with sufficient expenditure of energy. We are already recovering from the ocean freshwater, magnesium, bromine—it would be even easier if we could develop organisms that concentrate some elements. We realize that *energy is the ultimate raw material* and can be used to make food, water, other raw material—as well as warming and cooling our homes and operating all our machinery.

II. ENERGY USES IN THE PAST

The United States has always been blessed with an abundance of cheap energy to augment human and animal muscles: from the swift flowing rivers providing water power, and great forests providing fire wood, down to the modern coal mines and oil gas fields. Today, this underpinning of our entire economy and way of life consumes only 3 percent of our gross national product. Energy cost forms only 3½ percent of the cost of average industrial products ranging from 8 percent for chemicals to 0.3 percent for apparel manufacturing[3]. The consumer cost of energy can be divided into three shares: production cost under the supervision of engineers, transportation and distribution costs under the supervision of marketers, and federal and local taxes. Table 1 gives the approximate current prices. Only a small part of the cost of refined fuel is in the province of engineers[4, 5, 6].

TABLE 1.—CURRENT ENERGY COSTS

	Production cost	Consumer cost
Gasoline, regular—cents per gallon	12.0	36.0
Natural gas—cents per thousand cubic feet	16.0	148.0
Fuel oil, No. 2—cents per gallon	11.0	20.0
Electricity—cents per kilowatt-hour	.7	2.8

Note: Consumer cost equals production cost plus distribution and transportation cost plus Federal and local tax.

We use a great deal of energy because it is very cheap. Our tax laws are already designed to make energy more expensive. For instance, automotive transportation requires three ingredients: vehicle, fuel and road. The last item belongs to the public sector and is financed mostly from taxes collected from fuel. The excise and sales tax on a vehicle is less than 10 percent of the manufactured cost, but on gasoline it is equal to manufactured cost.[7] Despite this fact, the capital and maintenance cost of a piece of energy-using equipment is usually 15 to 20 times the annual cost of fuel, for automobiles, air conditioners, and electric power plants[5, 7]. As long as fuel is cheap and equipment dear, we burn it up prodigiously. When prices go up, we complain but go on burning without a pause. Past investment in equipment is very expensive and cannot be changed readily. When copper is expensive, we can shift to aluminum; when butlers are too expensive, we phase them out; but when energy is more expensive, we have neither alternative nor can we do without. If it were not for the fact that engineers continue to improve equipment to save fuel, our use of energy would be even more prodigious. For instance, in 1925 it took 25,000 BTU to make a KWH of electricity but today it takes only 9,000 BTU[8].

Historically, the principal determinants of energy use have been number of people and scale of affluence[9]. Figure 1 (not reproduced) shows the per capita gross national product of various nations against per capita energy use in 1961[10]. It can pass as a fairly straight line, the richer one is, the more energy he burns up. If you look at such curves long enough, you can begin to see an S-curve. As you get richer you will buy more information and service, which require less energy than hardware. U.S. commercial energy use is about 120 times the human intake of food energy; while in India it is about 3 times—for all manufacturing, farming and transport. Figure 2 (not reproduced) shows the historical U.S. GNP growth in constant 1958 dollars (where the effect of inflation is taken out) and energy consumption in Quads (a Quad is a quadrillion BTU, or a million times a billion BTU)[11]. It appears that of late, energy growth lags a little behind GNP growth. An increase in affluence without corresponding increase in energy use has never been achieved in the past and is difficult to see in the future.

There may be frivolous uses of energy, such as the electric toothbrush; but the bulk is necessary to our way of life: home fires should be kept warm, people have to get to work, food must be delivered to the local supermarket, and the wheels of industry have to turn. The pattern of sources and uses of energy today, together with a government forecast for the year 2000, is given in Table 2.[12]

Oil and gas have been capturing markets steadily from coal for the last thirty years, since they are cleaner, more convenient and cheaper. Nuclear power will rise to capture markets from oil and gas in the future. In the use side, electricity generation has been the fastest growing segment and will continue to be.

TABLE 2.—U.S. SOURCES AND USES OF ENERGY AS PERCENT OF TOTAL

	1970	Projected 2000
Sources:		
Oil	43	32
Gas	31	26
Coal	21	16
Hydro	4	3
Nuclear	1	23
Uses:		
Residence-commerce	22	13
Transportation	25	23
Industry	31	20
Electricity generation	22	44

III. THE TWO NEW CRISES

In recent years, the use of energy suddenly faces two new crises: shortage and environment. Hardly a day goes by without a black eye for energy in the mass media: Delmarva Power and Light refusing new customers in natural gas, a blackout of electricity in the eastern seaboard, birds dying in oil spilled at Santa Barbara, trip mining in W. Virginia opposed, scientists predicting that the polar ice cap will melt and flood all coastal cities due to too much carbon dioxide in air, scientists predicting combustion dusts will black out sun light and cause a new ice age, and a Wall Street Journal article declaring that planet Earth is approaching an energy

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Footnotes at end of article.

ceiling[13, 14]. A year ago, Daniel Patrick Moynihan asked, "When would this insane increase in energy use stop?" It may seem that the only way out is to use less energy in the future, save the irreplaceable resources for our grandchildren, and repair the damaged environment.

I would like to advance the thesis that there is no inevitable collision course between more energy use and better environment: a cleaner environment would mean much more use of energy. The main flaw of ecologists prophesizing doom is their failure to appreciate the ingenuity of scientists and engineers in inventing technological alternatives.

A cleaner automobile means more use of fuel, to produce hotter and cleaner exhaust and to overcome pressure drop in afterburners. Taking lead out of gasoline would mean a lower compression ratio and less efficient engine, which means more fuel. Cleaner smoke stacks in power plants mean either cleaner fuel by more refining of oil and coal, or stack gas scrubbing and dust removal, all requiring more energy. The Biological Oxygen Demand (or BOD) discharged into rivers and lakes by residential-industrial-agricultural activities would require more sewage treatment and dissolving more oxygen into water, which means more energy. The recycling of solid wastes means more energy use. Provided that society will face the facts and give the engineers the resources and time, all the pollutants can be reduced to any required level by sufficient expenditure of energy—and a necessary increase in prices, which will decline as experience grows.

At the end, energy is used to remove all other pollutants and a vast quantity of waste heat becomes the ultimate pollutant. So far, this is a local dispersal problem rather than global problem. The fishes are hot in the outlet of a power plant, and New York City is three degrees hotter than the countryside in the winter. But the man-made waste heat rejection is currently only 50 ppm of the earth's heat budget, or the quantity of solar radiation that the earth receives and sends back into space.[15]

The supply of some forms of energy is short and prices are increasing. The oil price increase is due to the demands of oil exporting countries in the Middle East, Libya, and Venezuela, plus a shortage of tankers; the natural gas shortage is due to the industry's unwillingness to explore and to lay pipelines under the low existing government regulated prices; the coal shortage is due to earlier forecasts of its demise, and consequent underinvestment in opening new mines and manufacturing railway hopper cars; the nuclear power shortage is due to unforeseen difficulties in construction. All of these are short-term problems, many due to past underinvestment in R & D and plants, that can be solved later.

The mining and extraction cost of a fuel is divided into two parts: the technology and rent costs.[16] The technology costs are managed by the geologists and engineers in exploration and drilling holes—these costs reflect the bounty of earth and our present state of technology and cannot be changed except by innovations in technology or by new discoveries. The rent cost includes royalty and bonuses to the land owners, production and severance taxes, federal income taxes, and windfalls for the lucky wildcatters—this cost is negotiable and represents the bargaining position of various parties and can be changed suddenly. We read that in the Persian Gulf, the technology cost of a barrel of oil is only 10 cents, but the rent cost is $1.60 and going up. Despite the engineers' effort to cut cost every year, the rent costs can go up much faster. To an affluent nation such as Japan and U.S., this cost increase is an unwelcomed burden but, to less developed nations such as India, this cost increase is a serious blow.

TABLE 3.—FUEL PRICES

	Cost	Equivalent cost[1]
Electricity	0.8 cents per kilowatt-hour.	2.34
Gasoline	12 cents per gallon	1.00
No. 6 fuel oil (1% S)	$4 per barrel	.69
Bituminous coal	$10 per ton	.46
No. 6 fuel oil (high S)	$2.50 per ton	.43
Natural gas	40 cents per thousand cubic feet.	.40

[1] Dollars per million B.t.u.

Note: East coast wholesale, without tax.

Since the Arabs have more than two-thirds of the free world oil, can they obtain indefinite increases in prices? We know that North America contains vast fuel resources in coal, oil shale and tar sand—many times greater than all the oil in the Middle East. Laboratory and pilot plant runs show that they can be turned into oil and gas. Given enough money and time to do research and development, the chemists and engineers will find out how this could be done in great scales economically, and without damage to environment. Present guesses on synthetic crude oil prices are in the range of $4–$6 a barrel from these solid fuels, while small projects such as the Sun Oil process in tar sand in Alberta is almost competitive at present prices.[17] These vast resources can form a price ceiling to oil and other energy sources for many years to come. The public and our government need to learn the facts, debate the issues, and pass rules on their exploitation. We do not know how to do the mining-extracting-refining yet in the most economical manner, and without damage to the environment. If the engineers are given the job and the resources, they will rise to the occasion.

The approximate current wholesale prices of the more important fuels are shown in Table 3.[4] The clean and convenient natural gas seems under-priced in this table. Lower sulfur fuel oils are naturally more expensive than high sulfur fuel oils. Electricity is the cleanest to the consumer, totally available to do useful work, and the most expensive.

IV. FUTURE ENERGY USES

The large-scale generation of electricity at remotely located nuclear plants and by burning coal at the mine mouth would remove much danger and pollution from great concentrations of population. Distance certainly lends enchantment here. The increased cost of electricity transmission could be decreased by new developments, such as cryogenic cables that are super-conducting. I am afraid that after the engineers did their jobs well in cutting technology costs, the dominant cost in electricity transmission would turn out to be a rent cost again, paid to land owners to acquire the right of way.

Radiation hazards in nuclear plants can be minimized to any desired level by spending more money. The final radioactive hot wastes are being stored in caves now. Eventually, they will be disposed of by some other means, such as being sent into the sun by rockets. The sun is exceedingly radioactive now—a little bit more would not hurt—and it can be our *ultimate garbage dump*.[18]

When it comes to transportation, oil is the dominant fuel. Outside of a few electric trains and bicycles, almost everything else moves by oil on the land, in the sea, or in the air. Its dominance is due to its ease in use as a liquid, as well as high power density and low cost. Nature appears to have arrived at the same solution for transportation fuel much earlier. When nature prepares something for a long journey, such as a walnut for dispersion, a cocoanut for ocean voyage, a salmon traveling upstream to spawn, or a goose migrating to South America, the body carbohydrates are converted into lipid or fat.[19] These fats differ from petroleum only by the presence of a little oxygen. In fact, some geochemists believe that petroleum originates in animal fat buried in the rocks for eons, and that the oxygen is removed by catalytic action of bacteria or the clay. Table 4 gives the comparative power density of a number of fuels and batteries.[7] It may be a bit unfair to compare gasoline to a battery in power density, since the battery carries both fuel and oxidizer, but the oxidizer of gasoline is ubiquitous air that is always available except in space and under water.

TABLE 4. ENERGY DENSITY IN STORAGE

	Chemical energy		Electric-mechanical energy watt-hour/pound (20 percent heat efficiency)
	KCAL	GM	
Gasoline	11.0		1,150
Lipid		9.3	
Methanol	5.2		550
Ammonia	4.8		510
Carbohydrate		4.1	
Protein		4.1	
Sodium-sulfur battery			385
Conceptual superflywheel			200
Lead acid battery			85
Super flywheel			40
Rubber band			1

For intercity traffic on land, and for long distance travel in the air or in the seas, it is difficult to see how oil can be replaced. For center city stop-and-go traffic, it would be well to switch to vehicles with stored energy that is less heat generating. The rubber band is an obvious energy storage device, but rather low in capacity. The flywheel was tried in buses in Switzerland and is capable of tremendous improvements. One can conceive of a rotor with an exceedingly high speed of revolution, kept inside a high vacuum to minimize friction, and made of composite material of carbon filaments in epoxy resin to withstand the tremendous centrifugal forces.

There is a great technological innovation on the way that can greatly influence the future pattern of population distribution and transportation needs: the videophone. People live in great metropolitan regions for the ease of contacting many other people and to use common facilities. These great concentrations lead to crowded cities and tremendous transportation problems. With a technically advanced videophone, one can have vivid and direct communications without leaving his home. Managers and white-collar workers, scientists and artists can live anywhere they choose and do all their work at home and by videophone; housewives can shop by videophone; students can talk to their professors by videophone. There is no need for people to get together except when they want to have fun together. People would only travel for pleasure then. This could result in a great dispersion of people back to the countryside.

V. FUTURE SUPPLY OF ENERGY

The recoverable resources of energy in the world are quite large. The solid fuels are much geater in quantity than the liquid and gaseous petroleums, as shown in Table 5, based on a study by King Hubbert.[20] The quantities are measured in Quints, where a Quint is a thousand Quad, or a billion times a billion BTU. We know they are available, but we do not yet have the technology or agreed-upon ground rules for their exploitation. Before these tremendous resources can be touched, there must be research and development, environmental regulations, and ownership and profit rules established.

Footnotes at end of article.

TABLE 5. ESTIMATED WORLD ENERGY RESOURCES

[Q equals 10^{18} B.T.U.]

	Recoverable quantity	Energy in Q
Oil	2,500,000,000,000 barrels	15
Natural gas	12,000,000,000,000,000 cubic feet	12
Oil shale	2,000,000,000 barrels	12
Tar sand	300,000,000,000 barrels	2
Coal	7,600,000,000,000 tons	190
Total		231
Uranium	1,300,000 tons	100
Lithium 6	670,000 tons	230
Deuterium	50×10^6 million tons	12×10^9
Photosynthesis on earth		[1] 1
Solar energy on earth		[1] 4,000
Total solar output		[1] 13×10^{12}

[1] Q per year.

For the nuclear fuels, a dependence on uranium oxide ores of $10/lb would mean a rather limited future in comparison with coal, based on the assumption that the breeder reactor is already developed. There may be much more uranium to be discovered. If we are willing to pay more, we can use a great deal of low grade uranium and thorium, such as Chattanooga shale and the Conway Granite in New Hampshire, at about 60 ppm. The so-called unlimited resources of fusion power center on the deuterium-tritium reaction. The source of tritium is lithium 6, which is only 7.4 percent of naturally occurring lithium and is limited in supply. The deuterium-deuterium reaction requires much higher initiation temperature and density, and is rated a much more remote target. Deuterium exists as 25 ppm in the ocean and is truly unlimited. Future energy supplies will be plentiful but not necessarily cheap. But we must plan ahead!

For comparison, we see the truly overwhelming solar energy in yearly flux, and it is the ultimate energy source when all else is gone. A most imaginative use of solar energy was proposed by Peter Glaser of Arthur D. Little.[21] He envisioned synchronous satellites that constantly hover overhead at orbits 22,000 miles away, with solar cells 25 square miles in area. The electricity collected from the sun is beamed to earth at a safe intensity on 10 cm microwave and collected on giant antennas. This is available night and day, and goes through mist and driving rain with less than 5 percent absorption loss. This idea is not far from today's technological capabilities.

For a trial balance, let the world energy demand increase by 4 percent a year, compounded, based on modest population-GNP growth. The reserve needed is then equal to cumulative past production plus ten times the current annual production rate. With fossil fuel alone, we may be in trouble after 2050; adding cheap uranium, we are in trouble after 2070. After 2100, man made energy release is 1 percent of natural solar influx and the waste heat disposal problems have to be solved.

VI. SUMMARY

There is no inevitable collision course between high energy use and good environment. The public should be informed that there are *technological alternatives*. We read that after 150 years of fog, when sulfur containing coal is replaced by clean natural gas, winter sunshine is returning to London.

Scientists and engineers can solve nearly all environmental problems when they are given the task, the resources and the time. Any combustion waste can be cleaned up; radioactive wastes can be sent into the sun; phosphates can be removed by tertiary sewage treatments; hot fishes near power plants can be saved by dry air cooling towers; solid wastes can be reduced to ashes, and the remains recovered and recycled. Many of these solutions are within today's technological capabilities. We are only holding back to see which is the best solution, and who should pay, before vast investment programs begin. Even the waste heat disposal problem for earth may eventually succumb to the ingenuities of our scientists and engineers, just as the spectre of world famine forecasted by William Crooks was dispelled by Haber and Bosch.

All of these may not be cheap, and the cost of using energy may have to go up. But let us tell everyone that a clean and adequate energy supply can be managed if we give the chemists and chemical engineers a chance, but we must plan ahead and may have to pay a higher price.

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BRISTOL LABORATORIES SEEK ANSWERS TO DRUG ABUSE

HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 14, 1971

Mr. WALDIE. Mr. Speaker, I would like to enter in the RECORD a letter which Representative CLAUDE PEPPER, chairman of the Select Committee on Crime, received from Dr. Irwin Pachter, vice-president of Bristol Laboratories, Bristol-Meyer Co.

Dr. Pachter's letter focuses on the activities of private industry in the field of drug abuse and drug dependency. It includes a description of the specific activities and accomplishments of Bristol Laboratories in this area of research.

Particularly noteworthy are Dr. Pachter's comments on the forces motivating drug research by private industry and his claims that Government support of industries' internal research is nonessential.

The letter follows:

BRISTOL LABORATORIES,
Syracuse, N.Y., June 21, 1971.

Hon. CLAUDE PEPPER,
Chairman, Select Committee on Crime, House of Representatives, Washington, D.C.

DEAR CONGRESSMAN PEPPER: It was with great interest that I read your letter of June 14, 1971, describing your thoughts on the subject of drug abuse and approaches to its treatment. You are certainly correct when you speak of "encouragement of the private drug industry to work cooperatively with the Federal Government" as being one of the best ways of making substantial progress in this critical area. On the other hand, your information "that only a very minimal amount of research in this direction is ongoing currently" is not accurate. In this letter I would like to answer your questions, describe some of the activities of the Bristol Laboratories Division of the Bristol-Myers Company in the area of drug abuse and make some suggestions as to where we feel the Government could be more helpful.

Bristol Laboratories decided some fifteen months ago that the problems associated with drug abuse and drug dependence had reached such staggering proportions in our country that it was time for a major industrial pharmaceutical firm to tackle research in this area with an all-out effort. We were fortunate that we could number among our research and executive scientific personnel people who had synthesized and developed naloxone, compounds of the cyclazocine family of drugs and compounds of the cyclorphan series of narcotic antagonists. Our staff for this research, which is carried out in our laboratories in both the United States and Canada, has grown to where it presently includes nine chemists and biologists at the Ph.D. level and eleven at the M.S. and B.S. level. These scientists are synthesizing and testing new narcotic antagonists and blocking agents in the laboratory. In addition, other personnel in toxicology are evaluating the safety of the new compounds in animals before introduction to human study; pharmaceutical development personnel are preparing safe, stable dosage forms; and our staff of medical doctors is in the process of setting up appropriate clinical studies with top U.S. research doctors in this field. We are working in close consultation with Dr. Nathan Eddy and have benefitted from advice of the Committee on Problems of Drug Dependence. Dr. William Martin of the Addiction Research Center at Lexington, Kentucky, has scheduled studies to aid our research and, thus far, we have received every encouragement from the FDA.

We expect that our expenditures may approach one million dollars per year. Although the Canadian Government, through its programs in support of industrial research, has encouraged some of our work in the area of drug abuse, the great bulk of our expense is borne by our own company research budget. We do not seek Federal Government support and look forward to the recovery of part of our expense once a useful drug has been developed and made available for sale. Although our prime motivation for this research comes from an acute awareness of the great need of society for drugs of this kind, you must undoubtedly be aware of the fact that compounds analogous to naloxone and cyclazocine have been found to be useful, non-addicting analgetic drugs. Our research therefore has the potential of providing us with additional fall-out in the form of new non-addicting synthetic agents for the relief of pain and cough discomfort. We think that our commitment to research in the drug abuse area is not atypical of our research in general. It is all undertaken with an understanding and weighing of the financial risks involved, the hope of discovering superior drugs which will satisfy important medical needs and the hope for products which will provide financial return for our company. We see adequate incentive for conducting research of the kind described in your letter and do not consider it necessary for the Federal Government to offer us support for working in this important field.

To get down to specifics, our activities to date have resulted in progress in two important areas. We asked ourselves how we could prevent the abuse by injection of narcotic drugs which, like methadone, Darvon, Demerol, etc., are intended for legitimate oral administration. We discovered that naloxone, which is very potent by injection but very weak orally, can be added to *all* narcotic drugs intended for oral administration. With naloxone present, the drugs are fully effective when used as intended but cannot be abused by needle. We submitted the attached report on our findings to the Committee on Problems of Drug Dependence and are working together with FDA, Lexington and the methadone programs to prevent diversion of legitimate drugs by making them worthless as drugs of abuse.

The larger part of our effort has gone into the preparation and evaluation of new narcotic antagonist blocking agents which are not addictive themselves. We realized immediately that we needed new synthetic methods. Our chemists did an excellent job and devised ways to prepare a host of new agents for evaluation. The first of these, BC 2605, is much longer acting than naloxone, more potent than cyclazocine and fully synthetic so that supplies are not derived from opium. This compound is being studied for safety in animals and should be ready for human trials later this summer. BC 2605 may be useful in the "immunization" approach to treatment of heroin dependence. Several other equally promising materials are in earlier stages of laboratory evaluation. We reviewed our research program recently with Dr. Nathan Eddy and he was amazed that we had gotten so far in just a year's time.

Earlier in my letter I offered to make suggestions as to where Government could be more helpful. Most critical, I believe, is the funding of the Addiction Research Center at Lexington, Kentucky. Although Drs. Martin and Jasinski have been most cooperative, their limited facilities constitute a bottleneck. All new narcotics antagonists and analgetics are funnelled through this laboratory for safety and abuse evaluation in addicts. With their present budget and staff they can handle only about three new compounds per year. We believe that the output of new agents by Bristol Laboratories alone will more than overwhelm their limited facilities. We would like to urge, very strongly, that addiction research in man at Lexington, Kentucky, be doubled or tripled as fast as possible.

A second appropriate area for Government funding would be in the wider clinical evaluation of new antagonists as therapeutic agents. Although industry is perfectly capable of supporting its own internal research, increased Government support for external clinical studies would be very welcome and would help attract more competent clinical investigators to narcotic antagonist evaluation research.

I would be pleased to answer additional questions if you should require some clarification of the foregoing comments.

Your interest is appreciated.

Yours sincerely,

———— ————.

THE UNITED MINE WORKERS AND THE LANDRUM-GRIFFIN ACT

HON. ROBERT P. GRIFFIN

OF MICHIGAN

IN THE SENATE OF THE UNITED STATES

Wednesday, July 14, 1971

Mr. GRIFFIN. Mr. President, yesterday I testified before the Senate Subcommittee on Labor, presided over by the distinguished Senator from New Jersey (Mr. Williams), in connection with the subcommittee's investigation of certain activities of the United Mine Workers of America.

I ask unanimous consent that my statement before the subcommittee be printed in the Record.

There being no objection, the statement was ordered to be printed in the Record, as follows:

Statement by U.S. Senator Robert P. Griffin, Before the Labor Subcommittee of the Committee on Labor and Public Welfare, July 13, 1971

Mr. Chairman: I appreciate the opportunity to appear before the Committee this morning to make a statement.

Ever since the enactment of the Labor-Management Reporting and Disclosure Act of 1959 (commonly referred to as Landrum-Griffin), needless to say, I have followed the course of its administration and enforcement with interest and concern—and, I must say, with growing dismay.

As a general observation, I am compelled to say that, not only have the courts given the letter and spirit of Landrum-Griffin far too narrow and restricted a construction, but over the past 12 years under four Administrations the Labor Department has generally been timid and reluctant to give Landrum-Griffin the vigorous implementation and strict enforcement that Congress expected.

I must confess that when I asked to be scheduled to appear this morning I was concerned, and under the impression, that the committee was about to close down shop and quit its investigation of the United Mine Workers.

Since then—(in fact, it was yesterday)—The Chairman (Senator Williams) has indicated, and I quote him: "We are continuing our inquiry in order to fulfill our responsibilities to ensure that the great principles of union democracy live and breathe within the ranks of the Nation's coal miners."

I hail that statement of commitment by the Chairman, but I hasten to add that if the great principles of union democracy are to live and breathe within the ranks of the UMW, this committee—and the Congress—have a great deal of work yet to do.

As you know, the Landrum-Griffin Act came into existence following a thorough and extensive investigation in 1958 and 1959, of scandals in the labor movement, particularly in the Teamsters Union.

That investigation was conducted by a select committee of the Senate—composed of 4 Democrats and 4 Republicans—headed by Senator McClellan. Many do not realize that the McClellan Select Committee of those days went out of existence when it finished that assignment. The McClellan Committee we hear about today is, of course, a Subcommittee of the Government Operations Committee.

Very frankly, when the Yablonski murders raised such serious questions, I advocated that a full and complete investigation of the UMW and the need generally for reform of our labor laws be undertaken by another Select Committee of the Senate—similar to the old McClellan Committee.

I must state candidly that I was disappointed when the Senate did not follow my advice. However, I was glad that this Committee recognized a responsibility and did undertake the task. I must say, however, that I will not be satisfied until and unless this committee performs and achieves the goal set forth in that lofty statement of commitment by the Chairman.

Without taking too much of the Committee's time, I should like to focus upon some of the matters that trouble me deeply.

1. One important concern that led to the 1959 Act involved the abuse of the trusteeship device by some unions as a means of depriving and denying democratic principles to the rank and file. Title III of Landrum-Griffin was the product of that Congressional concern and it contains provisions which are supposed to severely restrict the use of trusteeships. In December of 1964, the Labor Department initiated a suit here in the Federal Court in the District of Columbia seeking to abolish some UMW trusteeships so as to restore to the workers their right to vote for their district officers. Incredibly, as I appear before you this morning, that case still has *not* come to trial. I believe this committee ought to do some inquiring: how is it possible that an effort to dissolve trusteeships could be delayed for 79 months, thus depriving workers *in 19 of the 23 UMW districts* of their right to vote for district officials? I *am* pleased to note that, finally, the case has been scheduled for trial this week. But nonetheless this extraordinary delay, and the attendant loss by workers of basic rights, for six and one-half years, ought to be carefully scrutinized. The committee should fix blame for such a scandalous situation, and should recommend and report reforms in the law, if needed, to assure that this situation will not be repeated.

2. Another subject that troubled Congress and the country in 1959 was the failure on the part of some unions to keep adequate records concerning the handling of funds.

Evidencing that concern, Title II of Landrum-Griffin provides not only for recordkeeping and reporting to the Secretary of Labor but makes it a federal criminal offense to willfully violate these requirements.

It was apparent for a long time that UMW reports to the Labor Department were not in compliance with the requirements of Title II. Yet the Labor Department in prior Administrations took no action to compel compliance. Finally, eleven years after enactment of the Landrum-Griffin Act, the Department moved to require proper recordkeeping as a part of the suit brought in 1971 to upset the 1969 election. Recently, Federal District Judge Bryant issued an order requiring the UMW to keep adequate records. But it seems to me that the Committee has a responsibility to go back and scrutinize UMW records for prior years to determine whether and to what extent the requirements of the law were ignored.

3. During Mr. Yablonski's effort to win the Presidency of the UMW in 1969, the reform movement within the union pleaded with the Labor Department for an investigation of circumstances surrounding the campaign. The documented pleas of the group are set forth in the hearings of this Subcommittee. The response of the Labor Department was that it always had been the policy of the Department not to investigate during the course of an election.

To be sure, the Labor Department under this Administration correctly restated the restrictive and limited interpretation placed on the law by previous Administrations. But I am not so sure that such a policy by the Department was necessary or in the public interest.

Section 601(a) of Landrum-Griffin clearly states:

"The Secretary shall have power when he believes it necessary in order to determine whether any person has violated *or is about to violate* any provision of this Act . . . to make an investigation and in connection therewith he may enter such places and inspect such records and accounts and question such persons as he may deem necessary to enable him to determine the facts relative thereto."

I can understand that the Department would want to exercise its discretion prudently and with some restraint. I further understand the need to balance objectives of Title IV against the objectives of Title VI. But I submit that it is difficult to imagine a case which more clearly justified exercise of the authority conferred by the Act upon the Department—authority recognized by the Supreme Court when it said:

"The Secretary's authority under Section 601, 29 U.S.C. Section 521, both supplements his investigative mandate under Section 402 (b) and authorizes inquiry without regard to the filing of a complaint by a union member." *Laborers'* case 389 U.S. 477, 483.

4. Yesterday this Subcommittee heard testimony from a miners' reform group which refers to itself as Miners for Democracy, concerning an election in December 1970 in District 5 of the UMWA. The testimony sets forth allegations of corruption, tyranny and unfair practices that sound like a familiar record—like the Yablonski allegations of 1969 all over again. According to the testimony you heard yesterday, it was a repeat performance.

Once again, however, the response of the Department of Labor has been less than vigorous, to say the least. I understand that the Labor Department waiver of the Title IV requirement that an action be brought by the Department within 60 days after the filing of the complaint, means that the two principal officers of District 5, both convicted in Federal court of keeping false books and records, can continue to remain in office. Surely, this is a matter that the committee ought to explore thoroughly. If the present law is not adequate as written to prevent abuses such as those alleged, then the committee ought to recommend and report revisions to make the law meaningful.

5. The basic purpose of Title IV—to assure free and fair elections—is subverted when court suits to set aside elections are not disposed of promptly. Consider the difficult position of a reform group within a union while and during the period that an invalid election has not yet been set aside. During the interim the incumbents remain in office and can continue to use their positions of power and influence to further undercut the strength of the challenging group.

The Boyle-Yablonski election was held over a year and a half ago; still there has been no trial of the suit to set aside the election—and those who are accused, in the meantime, remain in office.

I commend this Subcommittee on its work in uncovering the fact that funds were illegally used by incumbents in that UMW election, and I urge now that the committee seek to determine just why it has taken so long to move this case to trial.

6. I was disappointed when the Labor Department considered it necessary to oppose an effort by the reform group to intervene in the Department's suit to set aside the 1969 election. Even though Congress gave exclusive authority to the Secretary of Labor to *initiate* such suits, I am aware of no clear requirement that complaining parties must be excluded once legal proceedings have been initiated. Once again it seems to me, doubts have been resolved against the worker and in favor of the entrenched union hierarchy.

7. Two issues which the reform group sought unsuccessfully to inject into the suit concerning the 1969 election merit full investigation by this Subcommittee. First, I refer to Mr. Boyle's conduct as a trustee of the UMW Welfare and Retirement Fund when, allegedly, pension benefits were increased during the Boyle-Yablonski campaign for the purpose of influencing the election.

As the committee knows, Mr. Boyle has been removed as trustee of the pension fund; and when he took that action, Federal District Judge Gerhard A. Gesell said (and I quote):

"Boyle, however, violated his duty as trustee in several particulars. His actions in forcing through the pension increase, partly by misrepresentation, in haste and without consulting the neutral trustee, reflect an insensitivity to fiduciary standards."

It appears to me that Judge Gesell's findings contradict testimony by Mr. Boyle before this Subcommittee in March of 1970. Particularly in light of that development, I don't see how the Committee can let the matter drop.

8. Another circumstance surrounding the election which ought to be investigated involves the allegation that there are some 600 local unions, each of which has a membership of less than 10 active miners and is composed largely of pensioners. Questions have been raised as to the legality of these pensioner locals under the constitution of the United Mine Workers, and whether they are a subterfuge for maintaining and perpetuating incumbent officials in office.

I believe the situation is particularly serious with respect to those pensioner locals which have *no* working miners as members because, as I understand it, the Labor Department requires no record-keeping or reporting whatever of those locals. Clearly, the alleged use and abuse of such pensioner locals is a subject that the Subcommittee ought to examine most carefully.

9. The kind and extent of difficulties experienced by a slate of candidates which dares to challenge incumbent union officers was illustrated by the efforts of the Miners for Democracy—the UMW reform group—to communicate with the membership of the union. A cursory review of almost any issue of the United Mine Workers Journal—and it is not much different from the publications of other labor organizations—leaves little doubt that it has, and is being used, as a political propaganda organ for incumbent union officers. During the 1969 election campaign, the situation got so bad that the reform group was able to obtain an injunction against the continued use of the Journal as campaign literature for the incumbent president. But, once the election was over, the UMW officers went back to the customary practice of using the Journal for the benefit and promotion of incumbent officers.

When it takes so long to get action on a complaint to set aside an election, the advantage left in the hands of incumbents charged with violations of the Act is unconscionable.

Once again, there is an obvious need to reform the Act—one way would be to have and require government supervision of every election of union officers (or perhaps those cases when a timely request is filed by say 10 percent of the membership, much like the way the NLRB now conducts and supervises every representation election).

10. It seems to me that the Committee ought to look into allegations that pensioners have been forced to maintain their UMW membership in order to receive their pensions after retirement. Judge Gesell found that applicants for pensions were misled into believing that continued Union membership was a prerequisite for eligibility to receive a pension—when in fact there is no such legal requirement.

This situation raises a question whether incumbent control over the UMW has been maintained by forcing pensioners to continue their membership in the union, then voting them as a block for the incumbents, thus depriving the working miners of their fair say as to who should govern the union to which they are required to belong for their livelihood.

11. I have read the interchange of correspondence between the Miners for Democracy group and the Labor Department on the question of whether a monitorship should be established over the UMW until the case is decided and a new election can be held (this correspondence appears in the Congressional Record for June 2, 1971). Once again, it appears to me that the Labor Department is very reticent about protecting the rights and interests of the rank and file.

Section 402 of the Act states that in an election suit, "The court shall have power to take such action as it deems proper to preserve the assets of the labor organization."

Since misuse of UMW assets has already been established, and the incumbent President has been removed as a trustee of the pension fund, there can be little question concerning the court's power to act. It seems to me that we indeed have a strange and unusual situation, to say the least, when Mr. Boyle, who has been removed as a director of the National Bank of Washington because he was indicted for embezzlement, continues, while his election is being challenged, to head this giant labor organization, which controls a bank of which he cannot be a director—as well as a pension fund of which he cannot be a trustee.

12. Needless to say, a primary aim of Landrum-Griffin was to protect the rights of individual workers within a union—to protect such rights as the right of free speech and the right to run for office and to campaign for candidates who dare to challenge incumbents. Yet, I am told, and I believe that the members of the Miners for Democracy, the reform group, feel threatened by reprisals because of their activity. This cloud of fear, which has hung over the UMW, particularly since the Yablonski murders, deserves the most searching and determined inquiry by this Subcommittee.

Mr. Chairman, it is essential that the members of this committee recognize that they are dealing with a subject and with issues that cannot be swept under a rug and cannot be brushed aside. The public simply will not allow that to happen. The public demands that every allegation of any substance concerning the conduct of UMW officials be thoroughly investigated until the whole truth is laid bare.

Only if such a thorough-going investigation is pursued will Congress be able to determine the extent and nature of amendments to Landrum-Griffin which may be needed. If tougher enforcement of the law by the Labor Department can be secured, some amendments may be unnecessary. But the situation probably requires a combination of both stronger enforcement *and* changes in the law.

If at any point, for any reason, this Committee determines that it will not follow through with the searching vigorous investigation that is needed, then I hope the Committee will join me in recommending appointment of a Select Committee—like the old McClellan Committee—to carry on the work which this Committee has started.

In 1959, Congress passed a law which was designed to guarantee democracy and to prevent corruption, violence and tyranny within unions. While the 1959 Act has been most helpful to millions of workers, I am compelled to say that it has fallen short of its aims—at least as it has been interpreted and administered over the years by the courts and the Labor Department.

Now, reform of the law is needed—and this Subcommittee of this Committee has the primary jurisdiction over such legislation in the Senate of the United States.

It happens to be an interesting circumstance that the major labor laws on the statute books of our country have been enacted after intervals of 12 years.

In 1935, Congress passed the Wagner Act, hailed as labor's Magna Carta. Subsequently, in 1947—twelve years later—Taft-Hartley was enacted into law.

Then, twelve years later, in 1959, Congress passed the Landrum-Griffin Act.

Now, twelve years later, in 1971, the need for major reform is obvious once again.

This Committee has a solemn and a sacred obligation to the American people—but particularly to the workers of this nation. I hope and trust that the Committee will fulfill that obligation.

YOUTH CAMP SAFETY

HON. DOMINICK V. DANIELS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 14, 1971

Mr. DANIELS of New Jersey. Mr. Speaker, the Washington Post recently carried an article concerning the death of a young boy in a Federal recreational area. His death was not only senseless but could have been prevented if sufficient safety standards had been implemented. Our national parks and summer camps operated on a profit and semiprofit basis are the scene of death and injury to many children because of inadequate supervision and poor safety standards. Recreational safety is an area to which we in the Congress have devoted little attention while every summer hundreds die or are seriously injured in camping accidents.

Last year, I introduced a bill on youth camp safety which failed to pass the House of Representatives. However, this year I have introduced stronger legislation designed to establish health and safety standards in youth camps. Hearings are scheduled for this bill, H.R. 1264, on July 21 and 22 and testimony will be heard from various organizations representing campaign associations, safety councils, and crippled and disadvantaged children's groups. The summer has almost passed and it is urgent that we act now so that next summer there is not a recurrence of such tragedies.

The article follows:

Measures

(By Jean Heller)

On June 28, 1970, James and Amy Hecht stood amid the natural wonders of Yellowstone National Park and watched in horror as their nine-year-old son Andy was killed accidentally.

The Hechts, of Richmond, Va., had just seen Old Faithful erupt and had strolled with a crowd of other tourists to one of Yellowstone's famous thermal basins where pools of water boil up from the depths of the earth.

As Andy stepped onto the circular wooden boardwalk around the rim of Crested Pool, a wind gust blew a cloud of steam into his face. Momentarily blinded, he stumbled off the boardwalk and into the pool.

The water temperature in Crested Pool was over 200 degrees. Andy died in seconds.

The youngster was one of 165 park visitors killed last year. The figure was down from the high of 182 in 1969—it illustrates a growing problem as increasing numbers of Americans jam the national parks for summer vacations.

If this is a typical year, 175 vacationeers will die in accidents, and another 5,000 will be seriously injured.

The Park Service, while moving to improve safety measures, notes that the death and injury figures last year were but a fraction of the 167 million visitors. Still it concedes major defects in its safety program, most of which have been called to public attention by James Hecht, a research chemist, who has pursued an unrelenting campaign for park safety since the death of his son.

A Park Service study done after Andy's death showed that wind currents frequently blew steam clouds over the Crested Pool boardwalk. Yet there were no guardrails and the only warning was a sign which read, "Stay on Walk," a warning that Andy observed.

Andy's father insists that had he known the thermal area was so dangerous he would have taken strict precautions of his own.

The Park Service concedes that park visitors often encounter hazards they do not understand which are not forcefully communicated to them. One of the better known park dangers is from wildlife, yet every year several hundred park visitors are injured in brushes with park animals, particularly bears.

The Park Service all but ended bear maulings in the Smokey Mountains by imposing heavy fines on anyone caught feeding or molesting the animals. When people stopped feeding the bears, the bears stopped approaching the people.

"We have not fully tried it in other parks," said John Hast, chief Park Service safety officer. "Our biggest problem is in Yellowstone and we've talked to the park people out there about it. We intend to bring about stricter enforcement in Yellowstone in particular and in other parks where we have the problem beginning this summer."

After Andy Hecht's death and injuries to several other persons in thermal pools last year, the Park Service erected guardrails around some pools in Yellowstone. Warning signs were changed from "Stay on Walk," to "Hazardous Thermal Area. Boiling water. Unstable ground. For your protection stay on designated trails." But most of Yellowstone's 10,000 thermal pools, mud pots and geysers remain unguarded. Scenic mountain overlooks with inadequate safety railings are danger areas at Yellowstone and elsewhere.

Along the Grand Canyon rim, some railings have gaps large enough for a child to crawl through.

"When you invite somebody to an overlook, I agree, we have a responsibility to make that overlook as safe as we possibly can," said Hast. "Unfortunately, in many cases where potential deadly problems exist, we don't know they exist."

The service doesn't know because Hast is its only full-time safety officer.

Among steps taken or contemplated to improve safety:

The Park Service has requested Congress to authorize funds for six additional full-time safety officers, one for each park region. A House Appropriations subcommittee has approved the request and, in addition, has told the Park Service to take $125,000 from some other section of its fiscal 1972 budget and apply the money to improving park safety.

A committee has been established to review publications and literature available to the public to determine, among other things, if they provide adequate warnings of park hazards.

Safety programs are to be reviewed and updated by the Park Service and the National Safety Council under a Park Service contract. In the interim, sightseers are crowding the national parks at a rate that is expected to push visitations this year to the 184 million mark, up nearly 17 million from 1970.

In 1959 the Park Service brochure for Yellowstone had strongly worded warnings that began on the cover and continued through the pamphlet, often illustrated by graphic photographs.

All that's left of those warnings in the 1971 brochures are a few mild sentences buried in hundreds of words of park publicity.

In other park brochures, now called minifolders, there are no warnings. The hazards of Death Valley for example are not spelled out.

This summer the Park Service began printing a new brochure which clearly details park dangers, but only 2.5 million of them were produced, barely enough for nine parks to begin their heavy tourist season.

THE CONNECTICUT INTERN PROGRAM

HON. LOWELL P. WEICKER, JR.

OF CONNECTICUT

IN THE SENATE OF THE UNITED STATES

Wednesday, July 14, 1971

Mr. WEICKER. Mr. President, Representative Stuart McKinney, Representative Robert Steele, and I, as I mentioned on Thursday, June 17, 1971, are currently sponsoring a unique intern program for young people throughout the State of Connecticut. For each of 9 weeks during the summer we are bringing about 50 students, all under the age of 21, to Washington to view all aspects of their Government first hand. I have asked each of the students to write a brief essay on their experiences. I have previously submitted two of these essays for the Record.

Mr. President, I again ask unanimous consent that two additional essays be submitted for the Record.

There being no objection, the essays were ordered to be printed in the Record, as follows:

The New Role of Teenagers in Government

(By Mary N. Young of Roxbury, Conn.)

In the past, the role a teenager could play in politics was very well defined: one could lick stamps for campaign brochures, one could put bumper stickers on cars, or perhaps stand on street corners and hand out literature.

This paper is intended to discuss the new place for young people in politics and government. There has been a revolution in this area, and teenagers today have more and more opinions about more and more issues.

There are several reasons for this revolution. The most obvious reason is the increasing interest brought about by the acceptance of the 18 year old vote. Another reason is the Vietnam conflict, which has provided an issue in which all Americans have a stake. Due to this issue, young people have become more interested in the prospect of having a part in the resolution of the war. Many are willing to work for a candidate who offers a reasonably sound hypothesis for this end.

This activity in campaigning and other political areas by younger people, has forced politicians to take a good look at their programs and attitudes concerning young people. The clientele of a member of Congress has become more diverse with the addition of 18 to 21 year olds, and he must begin to think about how he will help make these young people useful members of the populus and responsible voters as well.

The primary step in meeting this challenge is to properly educate the new voters. Leaders of our country must now create more opportunities for young people to learn about their government. The best way to learn about the government is to be there and watch it in action, or even better, to take part in it. Programs designed to achieve either of these ends are in existence today under the label of "internships". These programs provide valuable education which will be discussed presently.

As a participant in the Connecticut Intern Program, which consisted of one week of constant review of the government and its system of checks and balances, I found myself analyzing my role in government to a degree that I had never done before. The relationships between the representative and the constituents also became more clear, and helped in the understanding of the representative democracy that exists in the United States.

Through the internship program, one can see new hope for many young people. The government must continually be revised and modernized, and there is no reason why interested young people cannot take part in this process up to a certain point. As the younger generation matures, young people must be ready to assume the responsibilities of government.

Politicians must now sit up and take note of the new power that 18 to 21 year olds have with the vote. Young people tend to disregard politicians that deliberately duck questions and refuse comment. Such tactics seem to encroach upon the public's right to know. As a result, most politicians are quite open with young audiences.

The new trend of openly educating young people in government practices will probably prove to be of ultimate importance in the future. A better educated populus will undoubtedly elect better public officials that will do the governmental system some good.

I believe that an intern program must be viewed as a part of a much larger picture. It is only a small segment of the education that a person may choose to help himself become a more responsible citizen through better understanding of the government and its operation.

AN ESSAY

(By Diane McDonald of Fairfield, Conn.)

Today the United States is facing what looks like uncountable and unsolvable problems. Our seeming failure to resolve crisis after crisis has led in recent years to a sense of bewilderment and frustration among some Americans, especially the young. Many of these people have abandoned any conviction that our system of government is a viable institution. Unfortunately, such actions and attitudes themselves are helping to worsen a deteriorating situation.

For this reason, the week-long intern program sponsored by Senator Weicker and Congressmen Steele and McKinney, is crucially important and valuable. During the past week we have seen the federal government at work. The programs have given us a thorough and balanced feel for the business of Washington.

Thanks to this opportunity, I am convinced that the aims and ideals of the men who began this experiment in 1789 remains relevant and viable today. Any feelings of cynicism, anger or contempt soon vanish with first-hand observation. What we usually regard as cliches about America, simply express a great truth: The United States of America has the ideals, and is attaining, free government equality and justice for all. America faces great trials today. Our institutons of government will not fall before them. Future generations should not look back on the history of this republic and conclude that our ideals were false, our hopes empty. Our attempt to build a free society, with a free government, has not been in vain.

That is the lesson of this week's experience.

ALCATRAZ—A SYMBOL FOR AMERICAN INDIANS

HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 14, 1971

Mr. WALDIE. Mr. Speaker, last month, the Federal Government removed the last 15 Indians from Alcatraz Island in the San Francisco Bay. For the past 2 years the island has been occupied by any number of Indians. This number fluctuated off and on, but numbers became meaningless. The "Rock" had become a symbol for the Indians, a symbol of unity and strength in their somewhat dreary existence. It was a rallying point, a place of pride in Indian heritage and ideals.

A San Francisco television station, KPIX, recently gave an editorial that dealt with the end result of this occupation. It illustrated the ultimate "victory" the Indians had gained by their stay at Alcatraz.

The hope generated by that occupation woke up a slumbering nation, once oblivious to the Indians' plight. Alcatraz will forever be a symbol of Indian pride. The Congress must not forget this courageous stand and continuing crusade. For these purposes, I enter the following:

ALCATRAZ VICTORY

Visitors to the Bay Area, looking toward Alcatraz, invariably ask, "Are there any Indians still there?" Many Bay Area residents became uncertain during the last few months. But the government reminded us all in a show of force and now the Indians have a fresh chance to influence public opinion and raise support.

One could argue that their take-over of the island was legal or illegal. Did they vandalize the island? Or were they forced to loot for their own survival when the government cut off their water, electricity and the free exchange of visitors?

But there is one thing which should not be forgotten. Before Alcatraz, the Indians were, for the most part an invisible people, divided among themselves, short on pride, unfamiliar with their own history and culture, and suffering from political and economic deprivation.

Alcatraz was a dramatic symbol. Since the take over, the Taos Indians have recovered the Blue Lakes, 45,000 acres of their sacred territory. Indians have started a new University, Deganawidah-Quetzalcoatl (Day-gana-wee'-da Ket'-sul-kwa-tul) University near Davis. And the Bureau of Indian Affairs has moved from *managing* Indians to *serving* them.

There are other concrete accomplishments, but more important is what Alcatraz did to promote pride and unity among the Indians. They have a new desire to know their own history and culture, and a new experience at working together to bring about change.

If for no other reason, this made the symbolic occupation of Alcatraz, in spite of its painful moments and ignominious end, well worth the comparatively small cost.

GOVERNOR MILLIKEN ARGUES FOR REVENUE SHARING

HON. ROBERT P. GRIFFIN

OF MICHIGAN

IN THE SENATE OF THE UNITED STATES

Wednesday, July 14, 1971

Mr. GRIFFIN. Mr. President, recently, Michigan's Gov. William G. Milliken appeared before the Ways and Means Committee of the U.S. House of Representatives. He testified as Governor of Michigan and as a member of the National Governors' Conference panel on general revenue sharing.

As a Senate sponsor of the administration's proposal for general revenue sharing, I share Governor Milliken's strong view that this legislation is urgently needed.

In Michigan, State and urban resources have been strained almost to the breaking point. Between 1959 and 1969, State and local per capita general expenditures increased 114 percent.

Michigan has a 4-percent State sales tax and recently the Michigan Senate voted to increase the State income tax to 3.6 percent. Some Michigan cities levy local income taxes in addition to the State taxes.

As everyone knows, such flat rate taxes strike hardest at the poor and middle income groups. By distributing a share of the revenues raised by the Federal Government through its progressive income tax, needed relief could be provided to our distressed States and cities before it is too late.

I ask unanimous consent that the text of Governor Milliken's statement before the Committee be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT BY GOV. WILLIAM G. MILLIKEN

Mr. Chairman, members of the committee, I appreciate the opportunity to be part of the National Governors' Conference panel presenting testimony on general revenue sharing.

I come here not to plead for a financial hand-out for Michigan, nor to evade my responsibilities as Governor of Michigan, but to petition for a strengthening of the federal system and, in so doing, discharge a part of my responsibility as Governor of this major industrial state.

By preempting the graduated income tax, and therefore by far the major source of revenue in the nation, the federal government has left to state and local governments a combined base of sales, property and income taxes, the burdens of which fall disproportionately heavily on low and moderate income families.

In addition to the automatic growth superiority of the personal income tax, the National Government enjoys another revenue raising advantage—its freedom from the real fears of inter-local and inter-state tax competition. The more limited a government's jurisdictional tax reach, the more apprehensive a government becomes about its tax climate. Two forces will increase this sensitivity to intergovernmental tax competition—the growing desires of state and local officials to promote economic development and the increasing interdependency of their economy.

There are those who say that the federal government has nothing to share except its own huge debt. I disagree. What the federal government has to share is the major tax base, namely, the graduated income tax, which in the case of Michigan takes nearly $13.5 billion a year from our taxpayers and returns only about half that amount in federal aid. If the federal government would be willing to share the base, rather than the revenue that base produces, I would be completely willing, as Governor of this state, to propose additional state taxes to fill the vacuum created by the federal government in reducing the federal income tax. This, in fact, might ultimately be a much sounder procedure. But it would not solve the immediate crisis in that such combined federal and state action might consume two or three years. States and cities must have additional money now.

There are those who say that it is impossible, because of other commitments, for the federal government to return more of its revenue to the states. I would remind those persons that in cases of war and other extreme national emergencies, lack of money has never stood in the way of our accomplishing what must be done. I submit to you that this nation faces a crisis of monumental proportions in fighting for the survival of its states and cities. To meet this crisis also will require a total commitment. Revenue sharing could be as significant for this country as the Marshall Plan was for Europe.

You have had ample evidence from Detroit Mayor Roman Gribbs and other mayors as to the despair of our cities. It is not merely a question of revitalizing or improving the cities. It is a question of saving them, of saving them from the decay and despair that are making them death mounds of our civilization instead of the monuments they should be.

There are those who say the states are not doing enough to meet their responsibilities and therefore do not deserve federal help. That is not true in Michigan.

From fiscal 1959 to 1969, Michigan state and local per capita general expenditures increased from $288 to $615 in current dollars for an overall increase of 114%.

To balance our next budget and to grant necessary relief from skyrocketing property taxes, we will have to more than double our present state income tax. We already have a 4% sales tax.

In addition, we have instituted nearly three-fourths of a billion dollars in bonding programs to finance pollution control, housing construction, and recreation facilities throughout the state including our big cities.

I challenge anyone to say that Michigan has not been meeting its responsibilities or that we can go much further without some assistance from the federal income tax base.

Just as the President was the first to submit a revenue sharing proposal, this could be the first Congress truly to help meet the financial crises facing state and local governments. This could be the first Congress to help meet these crises through development and adoption of a revenue sharing plan. Details of that plan, obviously, will have to be worked out by the Congress. But I would respectfully suggest that whatever plan finally is adopted should meet these criteria:

To the extent possible, any distribution formula should be based on need, population, and upon relative tax effort as a basic expression of that need.

Relative tax effort has a high degree of validity as a measure of need since it is highly improbable that state or local governments would make a tax effort greater than the average for all such units unless the demand or need for public services was above the norm, and/or their ability to raise revenues was below the norm.

In Michigan, where state-local revenue sharing is a well-established principle, I have expanded this concept through a specific proposal for an innovative approach for sharing state revenue with local units. The basic criterion in my formula is tax effort—not revenue raising capability.

You, Mr. Chairman, this committee, and the Congress as a whole, are being asked to decide whether revenue sharing is in the best national interest. I am convinced that it *is* in the best national interest, and that we need a reordering of our priorities with more emphasis on trying to make our federal system work. I believe the future of our states, of our cities, and of our federal system is at stake.

The United States at long last is removing itself from a war that has been consuming our resources abroad at a rate far greater than would be expended at home by general revenue sharing. What better time to escalate the war against poverty, pollution, crime and other enemies that are within this country. *This* is the war we *must* win.

Personally, I am not interested in which leader or which political party gets the credit for whatever federal revenue sharing plan ultimately is adopted. If the plan is right, there will be enough credit to go around. If it is wrong, or if there is no plan, the burden of that failure will fall deservedly on all of us.

FEDERAL CHILD CONTROL

HON. JOHN G. SCHMITZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 14, 1971

Mr. SCHMITZ. Mr. Speaker, from the time of Plato some have argued that the community rather than parents ought to assume responsibility for children. This idea, resisted strongly in history, assumed frightening dimensions when the state became centralized and more and more powerful. For it has become increasingly possible for a government to root out the basic unit of society—the family—and replace it with state control. A study of totalitarianism in today's world clearly illustrates the effectiveness of such destruction of the basic family unit.

We as a free people must constantly be on guard against such unwarranted excursions by government into this private family province. It is for this reason that we must view with alarm recent developments and trends in the Congress. One such item is contained in the President's "welfare reform" program which recently passed the House and is pending in the Senate Finance Committee. This particular piece of the package carries a $750,000,000 price tag for the first year and gives the Federal Labor and HEW Secretaries power to arrange free day care for children of welfare recipients involved in Government training and rehabilitation projects. This free care includes supervision as well as health, vocational and other supportive social services. $50,000,000 alone is proposed for a nationwide governmental system of child care facilities.

But from this relatively small base, a program of compresensive national child development and advocacy measures is contemplated—these programs would cover not only the poor, but virtually all of the Nation's children. They would provide—in addition to day care—comprehensive health, educational, food, and social services for all preschool and schoolage children at an estimated initial cost of $4 to $5 billion.

Over 100 bills have already been introduced to this end. One, H.R. 6748, was approved by a House Education Subcommittee recently. The purpose of this bill, as stated in the preamble, is to "establish the legislative framework for the future expansion of such programs to provide universally available child development services."

Such development services would include child care centers, comprehensive physical and mental health services, education and nutrition programs and family consultation. HEW's new Office of Child Development would be in charge of coordinating this Federal child activity.

Similar legislation is being pushed in the Senate by a bipartisan group of liberals headed by Senator WALTER MONDALE. The Senate versions contain provisions for a National Center for Child Development which would have authority to encourage and implement experimental programs with the children themselves as the subjects of the experimentation.

The Senate is also considering a National Child Advocacy System proposed by Senator ABRAHAM RIBICOFF. This system, which would explore the feasibility of demonstration projects is similar to provisions in the House legislation designed to create officially authorized and funded pressure groups at all levels of government to lobby for and secure expanded child care programs and legal rights for children.

Oppressive government is not instantly empowered but results from accumulative programs which have sounded like boons to mankind. In the political chess game today, it is often difficult to oppose individual legislative moves unless each is seen in relation to a common end—totalitarian checkmate.

FLAG DAY, 1971

HON. J. CALEB BOGGS

OF DELAWARE

IN THE SENATE OF THE UNITED STATES

Wednesday, July 14, 1971

Mr. BOGGS. Mr. President, recently there came across my desk a copy of a remarkable address by Mr. John J. Petras of Wilmington, Delaware. The address was delivered on Flag Day at ceremonies held by Wilmington Lodge No. 307, Benevolent and Protective Order of Elks.

Mr. Petras, in his remarks, recalls words spoken by former Secretary of the Interior Franklin Knight Lane on a Flag Day 57 years ago.

Mr. President, in the interest of brevity, I ask unanamous consent that portions of Mr. Petras' address be printed at this point in the RECORD.

There being no objection, the excerpts

were ordered to be printed in the Record as follows:

Today we celebrate Flag Day, 1971. Please bear with me and imagine that the Flag is speaking:

"I am not the flag; not at all. I am but its shadow. I am whatever you make me, nothing more. I am your belief in yourself, your dream of what a People may become. I live a changing life, a life of moods and passions, of heartbreaks and tired muscles.

"Sometimes I am strong with pride, when men do an honest work. Sometimes I droop, for then purpose has gone from me. Sometimes I am loud, garish, and full of that ego that blasts judgment. But always, I am all that you hope to be, and have the courage to try for.

"I am song and fear, struggle and panic, and ennobling hope. I am the day's work of the weakest man, and the largest dream of the most daring. I am the clutch of an idea, and the reasoned purpose of resolution. I am no more than what you believe me to be and I am all that you believe I can be. I am what you make me, nothing more.

"I swing before your eyes as a bright gleam of color, a symbol of yourself, the pictured suggestion of that big thing which makes this nation. My stars and my stripes are your dreams and your labors. They are bright with cheer, brilliant with courage, firm with faith, because you have made them so out of your hearts. For you are the makers of the flag and it is well that you glory in the making."

These words, regarding the flag speaking, are not mine, but the words of that great patriot Franklin Knight Lane, Secretary of the Interior, in a Flag Day address given in 1914. They are applicable today, as they were then.

The Flag is a multitude of faces, backgrounds, races and religions. It is the President in the White House, the kid in the slums.

Patriotism demands a great deal from Americans. It is in essence practicing the principles which have set our Nation on a firm course. Without a renewed commitment, our society cannot hope to withstand the assaults by those who have set out to destroy our way of life. That is why every American must be willing to do his share. I am. Are you?

HUD APPROPRIATIONS FOR FISCAL YEAR 1972

HON. LOUISE DAY HICKS

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 14, 1971

Mrs. HICKS of Massachusetts. Mr. Speaker, I would like to share with my colleagues some views concerning the Housing and Urban Development appropriations for fiscal year 1972, which was recently passed by the House:

Housing and Urban Development Appropriations for Fiscal Year 1972

A praiseworthy balance of national concerns is reflected in the fiscal year 1972 appropriations for H.U.D. programs contained in H.R. 9382 as it was passed by the House of Representatives. The provisions of that bill lend substantial support for programs to meet the housing and urban needs of the country. At the same time, the careful pruning of some Administration program requests and supplementation of others by the Appropriations Committee produced a bill which avoids an excessive and inflationary increase in total expenditures. A great deal of credit is due to Mr. Boland, the Chairman, and the members of the Subcommittee having jurisdiction over HUD appropriations and to Mr. Mahon and all the members of the Appropriation Committee for the excellent execution of their responsibilities. The House as a whole is to be congratulated on its passage of the bill.

The total appropriations of over $3.2 billion contained in the bill plus $775 million that had been held in reserve by the Office of Management and Budget in fiscal year 1971 should make available a total of over $3,981,000,000 for housing and urban development activities in fiscal year 1972. That amount is some $940 million more than was appropriated for comparable activities in fiscal 1971.

Extensive and well considered appropriation measures were adopted to support the provision of sorely needed housing. Limitations on authorizations for contractual annual payments for three basic assisted housing programs—rent supplements, Section 235 and Section 236—were increased in an aggregate amount of $385 million. The amounts of increased contract authorization in H.R. 9382 are modestly below the amounts requested in the President's budget, but equal to the 1971 increase for rent supplement housing and more than 20 percent above the 1971 level for the Section 235 and Section 236 housing programs.

For college housing debt service grants, new contractual authority of $9.3 million was provided the same as in 1971.

Increases in annual contract authority for public housing are provided in basic legislation. However, funds for the annual contributions payments for low income tenants under contract authorities previously provided by the Congress, had to be appropriated, along with funds for the Section 235 and 236 housing interest subsidy and rent supplement payments due under previously authorized contracts. The total amount of such housing assistance payments approved by the House of Representatives in H.R. 9382 for fiscal year 1972 was $1,373,000,000. Comparable amounts will be larger in future years, providing tangible evidence of the Nation's determination to meet its national housing needs.

The bill also, for the first time provided funding of $3 million for counseling services for families of low- and moderate-income who would become homeowners or who live in public housing. Such counseling is needed to help those families become self-sufficient and to help assure the soundness of the housing programs.

Technical assistance and seed money loans for non-profit organization sponsors of low- and moderate-income housing would also be supported through a $3 million appropriation for that purpose. This is a very worthwhile investment to aid many sincere and hard working organizations in achieving successful completion of their housing projects.

A significant step toward greater preservation of the existing housing inventory was also taken through an appropriation of $90 million to the rehabilitation loan program authorized under Section 312 of the urban renewal statute. This appropriation was $50 million more than had been requested. It will enable thousands of property owners in urban renewal and code enforcement areas to obtain loans at favorable terms to finance rehabilitation of their structures. These loans will represent well-warranted investments of public funds.

The largest single HUD program appropriation in H.R. 9382 is for urban renewal. An appropriation of $1.2 billion, plus the use of $200 million from 1971 that was proposed in the budget, would make available a total of $1.4 billion for commitments for urban renewal programs in fiscal year 1972. The need for renewal of our cities is one of the highest national priorities and substantial Federal support is justified.

Additional aid to local governments in combating blight and decay was provided through an appropriation for the Model Cities program. There had been no budget request for this program, since none of the $575 million of the 1971 appropriation was to be used until fiscal 1972, and it was contemplated that Model Cities activities would be funded under proposed special revenue sharing. Pending the enactment of special revenue sharing for community development, however, the full $575 million from fiscal year 1971, plus $150 million appropriated in H.R. 9382, should make available $725 million for continued support of model cities activities in fiscal year 1972. Cities entered into the Model Cities program with the understanding that it would be a planned five year undertaking. Funds to continue the local Model Cities program are essential to fulfill the promise of the basic legislation to the cities and the promise to the residents of the model cities neighborhoods which has been raised by the initiation of the programs.

Another auxiliary program to help make cities more livable was funded in the full amount requested through a $40 million appropriation for grants to local public bodies to assist in financing multipurpose neighborhood service facilities.

A small but important appropriation to help improve the administration of our urban programs was made to continue funding the community development training and urban fellowship program.

Better utilization of our valuable land resources will also be enhanced by adequate appropriations for comprehensive planning grants and for open space land acquisition grants.

A more far reaching program of better land utilization, that was expanded in 1969, was given support through an appropriation for new community assistance supplementary grants. The bill contains $5 million for six new community assistance grants. New community development needs and deserves all the support and encouragement that we can give it, in order to provide suitable living environments for our growing population.

Two other very significant activities will be funded through appropriations contained in H.R. 9382. One is the research and technology program of HUD which supports Operation Breakthrough, Secretary Romney's program to develop lower cost housing, as well as various other research and demonstration activities. The other is for administration of fair housing and related equal opportunity activities that are the statutory responsibility of the Secretary.

This brief review can only summarize the potential benefits to be derived from the HUD program appropriations contained in H.R. 9382. It can serve to establish for the record, however, that the House of Representatives has provided support for a well balanced and comprehensive program of housing and urban development activity in fiscal year 1972.

VOICE OF AMERICA SHOULD BROADCAST PROGRAMS IN YIDDISH TO THE JEWS OF THE SOVIET UNION

HON. RICHARD S. SCHWEIKER

OF PENNSYLVANIA

IN THE SENATE OF THE UNITED STATES

Wednesday, July 14, 1971

Mr. SCHWEIKER. Mr. President, recently I was pleased to join with my two able colleagues, the Senator from New Jersey (Mr. Case) and the Senator from California (Mr. Tunney), in cosponsoring Senate Resolution 145. The resolution urges the Voice of America to begin broadcasting programs in the Yiddish language to the Soviet Union, in order to recognize the cultural heritage of the more than 3 million Soviet Jews and to display our Nation's support for the Soviet Jewish struggle for freedom.

Mr. President, for several years, first as a member of the House and more recently as a Senator, I have been calling upon the Soviet authorities to afford full religious and cultural rights to the Soviet Jewish community. I have urged that the Soviet Union not only assure these rights to Jews within the Soviet Union but also permit those Jews who wish to emigrate to do so.

I am pleased, therefore, to join in this resolution, which points to something quite practical and wholly within the control of our own Government—the instituting of Yiddish programing on the Voice of America as a morale booster for the courageous Soviet Jews who, at this moment, are struggling for their freedom. Many are awaiting trial or have already been convicted for acts related to their status as Jews in the Soviet Union. Others are waiting literally for several years for permission to emigrate to Israel and other nations where they could live a fuller Jewish life. I feel that our Voice of America should begin reaching these people in Yiddish as the very least that our Nation could do for these brave, unfortunate people at this period in their history.

Moreover, I understand that there is precedent for what we are asking the Voice of America to do, since the Voice of America already broadcasts in the native tongues of other communities within the Soviet Union. These include the Latvians—1.9 million persons, the Estonians—1.3 million, the Lithuanians—2.7 million, the Georgians—2.8 million, and the Armenians—2.9 million. The Jewish community in the Soviet Union, numbering over 3 million, should certainly then be entitled to similar recognition, especially when, as in the past, the Soviet authorities are singling out the Jewish community for persecution.

Mr. President, last month I visited Israel and because of my long interest in the Soviet Jewish issue, I made a point of meeting with some newly arrived immigrants from the Soviet Union. My meeting with these three courageous persons has only bolstered by willingness to try to help the Soviet Jews in their cause. Visiting them at their quarters at a Jerusalem center for new immigrants, I listened to their stories, and now I would like to share them with Senators.

Alexander Rabinovich, 33, formerly a dentist in Riga, Latvia, had just come to Israel with his parents, his wife and his two small children, in search of a life, he told me, where Jews could perpetuate their own culture. His children, he told me, had frequently been taunted by the schoolmates with the derogatory Russian term for Jew, "zhid."

Clara Nachimofsky, also of Riga, is the mother of two sons, one 25, and the other 15. She and her husband waited 9 years for permission to leave the Soviet Union. When the permission finally came through, they were allowed to take out their younger son, but their older one was kept behind and is still there.

Rachel Rabinovich, 25, from Vilna—no relation to Alexander—is one of the young Jewish activists who staged a sit-in last March at the Supreme Soviet. She told me she was sure this was what caused the authorities to let her come to Israel, although the next group of demonstrators to try that approach were all placed under arrest.

Looking back on that meeting with these three, I particularly recall what Rachel told me about the indomitable spirit of Jewish youth in the Soviet Union:

> The Jewish youth in Russia now want to get out. The activities are not going to stop. They are not going to stop until they all come here, to Israel.

Mr. President, I strongly support our Nation's taking a firm stand on behalf of the Soviet Jewish struggle for freedom, and Yiddish programing by the Voice of America would be a significant step toward that objective.

INFORMATION AND NATIONAL SECURITY

HON. JOHN G. SCHMITZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 14, 1971

Mr. SCHMITZ. Mr. Speaker, George Washington, declining the request of the House of Representatives for papers leading up to the negotiation of the Jay Treaty, said:

> The nature of foreign negotiations requires caution, and their success most often depends on secrecy; and even when brought to a conclusion a full disclosure of all the measures, demands, or eventual concessions which may have been proposed or contemplated would be extremely impolitic; for this might have a pernicious influence on future negotiations, or produce immediate inconveniences, perhaps danger and mischief, in relation to other powers.

There is an old saying to the effect that knowledge is power. In truth knowledge forms the base of power. Power is simply the ability to effect change, and bringing about a desired change is usually based on correct knowledge of that which one desires to alter.

For thousands of years the secrets of nature were hidden to man and he lived in a world of technological poverty. Control of the external material world came into being when man began to acquire accurate knowledge of factors theretofore hidden, of secrets kept by nature. Man learned how to effectively interfere in the course of material events when science revealed to him the actual relationship existing between things.

Knowledge of actual relationships, as opposed to ignorance of these relationships, gives man the power to influence the course of events. This applies no less to the world of men and nations than it does to the strictly non-human world of things.

It is necessary to understand this when examining the question of governmental classification of certain information. Outside the Government of the United States lies more than just the citizenry of our Nation. There lie foreign powers led by men whose hostile intent, disregard for basic morality, and proclivity for violent action is well known. To increase their ability to interfere in our affairs is not in the best interest of our citizens. Therefore the Government limits the distribution of certain types of information through various classification procedures when it is determined that the possession of this information would enhance the ability of hostile nations to adversely influence our national interest.

Although the power to classify has been abused—and what power has not—the basic rationale behind limiting access to certain types of information is unassailable. Thus, it is disturbing to see that efforts are being made to utilize the furor engendered by the New York Times' publication of highly classified stolen documents to strike further blows at our system of safeguarding information—information of inestimable value to nations whose object is the destruction of the United States and other free world nations.

For example, there was legislation recently introduced in the House of Representatives which called upon the Central Intelligence Agency, the Department of Defense and the Department of State to furnish "full and complete information" not only on the exact future plans for the deployment of U.S. Armed Forces in South Vietnam but also for a full analysis of South Vietnam's military capability. Information of this sort is, of course, the primary objective of enemy intelligence operations.

While the need to safeguard defense-related information is obvious—and accepted by most people, it is also necessary, as George Washington pointed out, to limit access to some of the information concerning our relations with foreign nations. If confidential communications between ourselves and our allies begin to appear regularly in our Nation's dailies we will not long have frank exchanges of information with our allies, nor, for that matter, will we for long have any allies.

The importance of maintaining working alliance systems at this point in time was brought home to me at a recent breakfast meeting with Secretary of Defense Laird. I asked the Secretary whether he would agree with the thrust of the late Congressman L. Mendel Rivers' great speech concerning the Soviet threat which he gave shortly before his untimely death—see Newsletter 70-14. Congressman Rivers, then chairman of the House Armed Services Committee, had stressed the fact that the U.S. was now second to the Soviet Union in overall military strength. Secretary Laird replied that this was probably true if we were to consider the United States by itself; but, when we also consider the strength of our allies, the free world is still in first place.

Regardless of the dubious merits of basing our own force posture relative to the Soviet Union on the totality of free world strength, it is apparent that our allies add substantially to the total military might ranged against the Soviet Union and enhance the strength of the United States both directly and indirectly. If, through the revelation of diplomatic information considered sensitive by allied governments, we were to lose, say, our Polaris-Poseidon bases in Spain and Scotland, it is obvious that our military position would be severely weakened.

Limiting access to some types of information in the interests of national security is absolutely necessary. What our enemies do know can definitely hurt us.

SOUTH DAKOTA STATE CAPITOL

HON. JAMES ABOUREZK

OF SOUTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 14, 1971

Mr. ABOUREZK. Mr. Speaker, there are many tourist attractions that would recommend my State of South Dakota to the person who is planning a vacation. Most of these are well known. Mount Rushmore, the Black Hills, the Great Lakes of South Dakota, the Badlands, the Corn Palace, all have been seen and enjoyed by millions of visitors over the years. Less well known to the tourist, but of vital importance to the citizens of South Dakota, is the State Capitol in Pierre. It was a great pleasure to me, both as an attorney and a citizen of South Dakota, that the July issue of the American Bar Association Journal featured as its cover story an article on the South Dakota State Capitol. Since this article not only relates the interesting history of that structure but also vividly describes the visual pleasures of the building, I would call it to your attention:

[From American Bar Association Journal, July 1971]

A Prairie State Capitol

(By Roy E. Willy)

South Dakota was admitted to the Union as a state by an enabling act adopted on February 22, 1889. In this act, at least 82,000 acres of public lands, consisting of one tract of 50,000 acres and a second of 50 full sections, were set apart for the construction, equipment and maintenance of public buildings at the state capital. The wealth of public lands then available for settlement is evidenced by the fact that in Section 17 of the enabling act, a total of 500,000 acres was given to the state for educational institutions and public buildings. This was in addition to the two sections from each Congressional township that were set aside for public school purposes. As these lands were sold by the state, the proceeds were to go into trust funds for the specific purposes as named in the act.

In the state constitution, which became effective in 1889, provision was made that an election should be held for the selection of a temporary state capital. At this election Pierre was selected as the temporary capital and confirmed as a permanent capital in 1890. In 1904 a legislative act was passed and submitted to the vote of the people to change the state capital from Pierre to Mitchell. After a very spirited election fight, in which the two main railroad lines in the state, one serving Pierre and the other Mitchell, took a most active part, Pierre received a substantial majority of the vote and was continued as the capital city.

As a means of ensuring that the selection of Pierre as a permanent site would remain undisturbed, it was decided that the state should also have a permanent capital, and to achieve this result a capitol commission was created with power to select an architect and construct a building. The magnitude of this undertaking is evidenced by the fact that the total population of the state in 1910 was 585,888, the population of Pierre was only 3,656, and the population of the county in which Pierre is situated was only 6,271.

The effort to build the capitol was marked by a series of legal battles, including an effort by local contractors to force the use of native granite in its construction. Even after the contract was let, an injunction was secured against it because it did not provide for the use of Sioux Falls granite. Ultimately, however, these legal difficulties were overcome.

The original legislative act for the building of the capitol provided for an expenditure of not to exceed $1,000,000. A second act reduced the amount to $600,000. The actual contract was awarded in 1907. A capitol commission was created by the legislature, whose members received compensation of $5 a day. While in that period $5 in South Dakota was regarded as a substantial daily compensation, it wasn't considered large enough to influence the members of the commission to delay the execution of their task unduly. The commission traveled to Montana with a Minneapolis architect who had prepared the plans for the Montana state capitol, which had been constructed a few years previously. The commission was impressed by the facts that the structure had been built for a relatively modest fund and that by using the Montana plans it could probably save about $10,000 in architect fees. These plans were ultimately selected, although revised to provide for a building some forty-one feet longer with a larger and more impressive dome.

The capitol was constructed on an eminence, ensuring that it would remain as a prominent landmark. It is 300 feet long and 100 feet wide in its center portion, with a dome 160 feet in height. The first floor construction is brown sandstone, and above that is Bedford limestone. The main contract for the completed structure was $540,525, an amount which would probably be insufficient today to pay for the land on which the capitol buildings and grounds are now located. The building was dedicated by the grand master of Masons for South Dakota, who laid the cornerstone in June 1968, and the completed structure was delivered to the state in June 1910, without a bond issue and with no unpaid debt.

The rotunda is a picture in itself. The general color effect is blue, ivory, tan and gold, harmonizing with the maple wainscot and the columns. Filling the circular panels on the dome are figures of a heroic type on a solid, Roman-gold background, the color blending with the general decorative scheme. Throughout the building are various murals depicting the early history and settlement of South Dakota. The murals represent the family, mining, agriculture and stock raising. The lunette at the head of the massive, marble main stairway is intended to represent the beginning of commerce in the Northwest. A mural in the governor's reception room, painted by Edward H. Lashfield, a South Dakota product, deals with conflict among the trappers, the settlers and the Indians. The Louisiana Purchase is the subject of a mural painted by Charles Holloway and found in the Senate room. The conflict with the Indians is the subject of another painting by Holloway in the House chamber.

The grounds of the building contain a lake, which over the years has become a favorite haven for migratory waterfowl. In addition to swans, there is a permanent population of Canadian geese and mallard ducks which nest and make it their home the year around. The capitol grounds include the governor's mansion and spacious lawns.

The building, which is now some sixty years old, is well preserved and has been kept in excellent condition. Much of its original beauty has been preserved by the fact that as the state has grown in population and wealth, the office buildings necessary to house the expanding bureaus and commissions have been erected on separate but adjacent grounds to the south and do not in any way interfere or form a part of the main capitol grounds.

The building is very much of a tourist attraction and draws thousands of visitors who annually pass through Pierre on their way to the Black Hills and the national parks. It serves as a monument to the activities of a group of public-spirited citizens who, at the time South Dakota was in a pioneer stage, used excellent vision and foresight with limited funds.

KENNEDY WILL NEED A BETTER ANSWER

HON. ROBERT H. MICHEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 14, 1971

Mr. MICHEL. Mr. Speaker, I note that two more Democratic Members of Congress, one from the House and one from the Senate, are apparently giving serious consideration to announcing their candidacy for the Presidency next year and if they do, we are going to have to assign numbers to all of them and issue a program so that we cannot keep them straight in our minds.

There has been an abundance of stories and reports about those who have long been considered as candidates for the Democratic nomination and in that regard, I noticed an editorial in today's Chicago Tribune which should be of interest to the voters around the country if the gentleman in question does finally win the nomination. He is apparently having some difficulty in deciding what his position should be with respect to what should and should not be made available to the public and, as the editorial points out, he will have to come up with a better response than he has furnished to date.

I ask that the article be placed in the Record at this point:

[From the Chicago Tribune, July 14, 1971]

Kennedy Will Need A Better Answer

The latest Harris poll shows Sen. Edward M. Kennedy [D., Mass.] closing the gap on President Nixon in a prospective 1972 race for the Presidency. The poll comes on the heels of another Harris survey indicating Mr. Kennedy moving into first place among Democrats as the preferred choice for the party's 1972 Presidential nomination.

That eager noncandidate for the Presidency, Sen. Edward M. Kennedy of Massachusetts, continues to display a curious posture on what secret documents should be made public. When disclosures of the Pentagon Papers began to leak out, he was in the forefront in championing the cause of the public's right to know. He suggested that those aspects of the Viet Nam war dealing with the conduct of his late brothers, John and Robert, be published, even if unfavorable to them.

When Sen. Kennedy endorsed publication of the study in a Senate office building meeting, a questioner had the audacity to ask why he shouldn't permit the Massachusetts grand jury report on the Chappaquiddick incident to be made public. A stunned Kennedy stalked out of the room without offering a reply.

If Mr. Kennedy indeed does become a Presidential contender, he will have to come up with a better response than that.

THE PEACH KING OF THE UNITED STATES PASSES

HON. TOM S. GETTYS

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 14, 1971

Mr. GETTYS. Mr. Speaker, it saddens me to report to my colleagues, particularly in the South Carolina and New Jersey delegations, the death of a dear friend and a great American, Mr. Vincent G. Caggiano, Sr.

Mr. Caggiano migrated from his native Italy in 1896. He located near Bridgeton, N.J., where he found employment with fruit and vegetable producers. His energies and ambitions to become a successful fruit farmer were soon to start him on the road to becoming the "Peach King" of his adopted country.

In 1928 Mr. Caggiano and his eldest son, the late Anthony Caggiano, founded the Sunny Slope Farms of New Jersey. The Caggianos were so successful in their New Jersey operation that they expanded their operations to Gaffney, S.C., where Sunny Slope Farms of South Carolina is headquartered.

Vincent Caggiano during his 90-plus years was an outstanding individual in all human respects and was devoted to our great country, as well as being considered a genius in his chosen profession of farming and his bent for producing better fruits and vegetables for the American market basket. He was a keen observer of horticulture research and worked closely with the experimental stations in South Carolina and New Jersey. When Ezra Taft Benson was Secretary of Agriculture, he acclaimed Mr. Caggiano as the "Peach King of the United States," a trademark which has stuck with Mr. Caggiano to this day.

Not unlike other farmers who suffer from the elements, late frosts, lack of rainfall or too much rainfall, hail and pests, Mr. Caggiona and his sons built an organization which will forever stand as a symbol of our great American farmers and their good business judgment.

Vincent and his sons put into effect, a profit-sharing plan for his year-round employees. Many of these employees have been with the Sunny Slope Farms for over 25 years. Because living conditions for migrant workers were always a concern to the senior Caggiano, he built and maintained good living quarters for them. Recently a swimming pool for their convenience and enjoyment was installed.

Vincent Caggiano was admired and looked up to by horticulturists as a man who was anxious to learn, always a good listener as well as a master planner in his chosen field. From a meager start in New Jersey in 1928, the Sunny Slope operation in New Jersey now operated by Alfred Caggiano has over 1,000 acres, while Louis Caggiano heads the operation at Gaffney, S.C., which encompasses some 3,000 acres. The annual approximate production of the combined operations now produces about one-half million bushels of marketable fruit as against an estimate of 5,000 bushels in the 1940's. Over 500 people are employed in the seasonable operation.

Mr. Caggiano was the recipient of numerous awards in horticulture and financially supported many experiments in the belief that they might help produce a better way of life for all through good food.

At the age of 91, Mr. Caggiano passed away Wednesday, June 30 in Bridgeton, N.J. He was a member of the Knights of St. Gregory of Sacred Heart Church of Gaffney, S.C. He was the founder and builder of the church. He is survived by a daughter, Mrs. George Ruggero of Hammonton, N.J.; four sons, Dominic, Louis, and Vincent, Jr., of Gaffney, S.C., and Alfred of Bridgeton, N.J.; 21 grandchildren and 11 great-grandchildren.

NETWORK OF VOCATIONAL SCHOOLS

HON. ROMAN C. PUCINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 14, 1971

Mr. PUCINSKI. Mr. Speaker, one of my major concerns as chairman of the General Subcommittee on Education is to expand and improve America's system of vocational education.

With more than 80 percent of today's jobs requiring some vocational skills and only one student in eight receiving any sort of vocational training while in school, we must prepare young people for some skills with which to confront the world of work beyond the classroom.

In this regard, I was pleased to note the work of an exceptional man, Mr. James R. Clemens, president of the Williamson Free School of Mechanical Trades in Philadelphia. Mr. Clemens believes wholeheartedly that training young people to do necessary and important jobs adds immeasurably to their own sense of their place in our society.

The Christian Science Monitor recently described a little of Mr. Clemens' successes in vocational educational and I include the article here today with the hope that my colleagues will find it of interest:

NATIONWIDE NET OF RESIDENTIAL VOCATIONAL SCHOOLS PROPOSED

(By Kenneth G. Gehret)

MEDIA, PA.—It cost $6,000 a year to keep a boy in reform school: we maintain and educate youths here for less than half of that."

James R. Clemens, president of the Williamson Free School of Mechanical Trades here in suburban Philadelphia, is saying in effect: Wouldn't it be better to put public money into skills training and save on reformatory and other social costs?

Himself a graduate of Williamson, Mr. Clemens in convinced that the downgrading of vocational education is detrimental to youths and to society.

"As long as our nation does not meet the basic needs of 50 percent of our young people [those not entering college,] we only postpone real solutions and increase the staggering costs of government."

Mr. Clemens points to the incongruity of the public schools providing vocational training for only 1 student in 8 at a time when nearly 80 percent of all jobs in the United States require some technical skills.

To meet the problem head on, he advocates a nationwide system of live-in vocational schools, modeled after Williamson. He sees this arrangement as educationally desirable and as an antidote for a variety of social ills.

Mr. Clemens claims that 100 such residential complexes, two in each state, could be built and endowed for $20 million each in government funds, then be self-supporting in their operation.

The Williamson school is not itself entirely self-supporting, though close to it. The state of Pennsylvania contributed about 10 percent of the institution's $490,000 budget last year. The figure has now dropped to 5 percent.

Too, the school has donors, though income from this source is not large. And some return is realized from founder Isaiah V. Williamson's trust.

But the school stays solvent largely on the self-help principle which is inherent in its philosophy and to which Mr. Clemens wholeheartedly subscribes. The school, he says, proves what can be done in this direction, not only to cut expenses but also to educate and help develop "the whole man."

To make his ponit, he ticks off the making of steam, generating electricity, and erecting buildings as examples of local do-it-yourself projects. At present, two faculty houses are under construction, dormitories are being renovated, and a laundry is being converted into a systems lab.

Students are involved in much of this, as part of their class activity. They also work on the grounds and in the kitchen. In fact, with student help, five paid workers can handle the culinary department, which serves 200 youths plus staff.

Similarly, the school manages with only one regular maintenance man and one groundsman on its 240 acres, 40 percent of which is campus. Eight dorms, four shops, a science building, the administration and classroom building, faculty residences, and incidental structures comprise the facilities.

Faculty number 14 full time and 4 part time.

Aiming at a well rounded education, Williamson divides the day's schedule between trade classes and academic subjects (20 periods a week on each of these groupings) during the first two years of study. In the third and final year, the entire curriculum becomes vocation oriented, consisting largely of technical theory and shop for about half of the students or of a particular technology (construction, electric power, electronics, etc.) for the other more advanced half.

The school has no difficulty filling available places, Mr. Clemens reports. "We can admit only about one-fourth of those who apply. All have an equal opportunity, except we do give preference to the needy."

It also helps to have a good high-school average and to be known as a "solid citizen, one who is not in trouble," the president acknowledges.

Although high-school graduation is desirable, it is not absolutely essential for admission. Completion of 11th grade is required. The age restriction is 16 to 18.

Applicants must pass tests in math, verbal reasoning, and mechanical aptitudes.

Students live on campus for 10 months of the year, without any charges whatsoever during the three-year training period.

The school offers excellent placement service through its strong contacts with employers in the area.

There's a decided point of view behind the Williamson program. You might call it a philosophy of education.

"We're teaching more than knowledge and skills," explains Mr. Clemens. "We're teaching self-discipline and responsibility. 'Fair but firm' is our approach.

"We don't have much difficulty with students. But when a situation arises, I tell the student: 'Tell the truth, or I'll throw the book at you.'

"Discipline cases go before a three-faculty tribunal. Punishment for guilty parties is menial chores on Saturday afternoons or restriction to the grounds.

"The goal of our program is discipline, integrity, and an education to make a living," Mr. Clemens summarizes. "The public schools have gotten away from these basic principles. The time has come for them to reach pupils on this basis."

The school is rooted in this tradition. Founder Williamson is quoted as saying of its purpose: "to help men use their own energy and intelligence, and aid them in developing self-reliance and self-respect."

Mr. Williamson, a Philadelphia businessman-philanthropist of the late 19th century, decided to establish a free trade school when he saw a group of unemployed and untrained youths loitering on a street corner. The result was a $5-million deed of trust, signed in 1888.

Mr. Williamson's friend and fellow Quaker John Wanamaker thought so well of the idea that he, too, wanted to set up a school of this type. That did not happen, however. But the trustees of his estate have erected on the edge of the Williamson school property five instructional buildings for the full and exclusive use of students there.

CBS CONTEMPT CITATION

HON. WILLIAM S. BROOMFIELD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 14, 1971

Mr. BROOMFIELD. Mr. Speaker, I believe that yesterday's vote on the CBS Contempt Citation was a major test of our ability to preserve, in the context of a modern technological society, those key freedoms guaranteed by the U.S. Constitution. I might say at the onset that I am encouraged by the outcome of that test.

The technology which created the broadcast media has done, I am sure, great service to the American public, but it has, in the process, presented us with certain difficult and critical questions of judgment. By its very nature, after all, the broadcast media, unlike the newspaper industry, is accessible to only a limited number of operators. Who shall be privileged to use the media and what criteria shall determine the extension of that privilege are matters of the utmost sensitivity. Under their surface, in fact, they ask a terrifying question: Who will be given the right to free speech over the airwaves?

The fact of limited access to radio and TV frequencies leaves open the possibility that some will be denied their right to free speech: that the several operators granted the privilege of broadcast shall so monopolize the media as to all but eliminate viewpoints opposed to their own. It is to this possibility that many members of Congress have reacted, and I must say that I sympathize and understand their feelings. If competition is strictly limited, a broadcaster may have an absolute freedom to argue his position—argue it falsely, if he wants—fearless of critical opposition. With all its undertones of Big Brother that is, to be sure, a frightening proposition.

It was, in fact, the proposition addressed by the Congress when it declared the airwaves to be within the public domain. To the question "Who shall have free speech over the air?" we answered long ago, "The public." It was and still is a wise solution to the problem.

Unfortunately, however, it was a solution which demanded Government regulation of the broadcast media: licensing operators and establishing criteria for the extension of the license privilege. And the existence of Government regulation will continue until the technology which created the need for it has eliminated that need; when for example, cable TV, with its capability of unlimited access, is able to offer the major networks critical and extensive competition. At that time, the selection offered to the consumer still be large enough to all but eliminate any danger of monopoly viewpoints; Government regulation will and must give way to the private, consumer regulation of the free market. In the meantime we must make do with what we have.

The fact of public ownership of the airwaves and Government licensing of broadcasters has been used by the Interstate and Foreign Commerce Committee to justify the issuance of a subpena to CBS demanding the station produce the outtakes of its show "The Selling of the Pentagon." The committee has argued that it has the right to determine whether the frequency granted CBS is being used to present distorted and deceitful programing; whether CBS is not, in fact, violating the requirement of its license that it serve the public interest. It is an inexcusable, if understandable, position.

The prime criteria for licensing is not that a station be honest but that it offer programing that serves and is representative of the public interest. The fairness doctrine, for example is an element of that requirement: Broadcasters must offer equal time to those expressing opposing viewpoints to their own. This is, it seems to me, a reasonable and valuable requirement, for adherence to it can be measured objectively by the Government. An opposing viewpoint is, after all, an opposing viewpoint; there is very little room or need here for subjective judgment.

What the committee, however, has asked is to, in effect, extend Government regulation to the determination of truth or falsehood in a broadcast. Their position, at the extreme, would argue that, even if an opposing viewpoint is allowed to be expressed, the existence of distortion in the first instance is a matter for Government regulation. While it may seem a logical demand, it carries with it the most alarming implications, for it sets up a Government standard of truth against which all other expressions must be measured; it gives the Government the power to judge the truth from its own peculiar, even insulated position.

This is the critical awareness we must draw from the CBS contempt citation. I am not a lawyer, and I may even say that I was disappointed by certain of the practices used by CBS to slant "The Selling of the Pentagon," but I understand this contempt citation as an attempt to compromise the first amendment freedom of the press, and I will not see that freedom abridged. The whole point of freedom of speech and freedom of the press is that there is no objective truth; truth resides in no one man's mind, let alone the Government's. To allow the Interstate and Foreign Commerce Committee to attempt a determination of the truth or falsity of "The Selling of the Pentagon" is to set it up as the sole arbiter of what is true; no committee, be it composed of the most intelligent men the world has ever known, can assume that role.

It is a difficult and complex problem technology has created for us. For centuries men have grappled with the prospect of an irresponsible press, but always with the assurance that the public would be its final judge. The existence today of a medium with only limited access for competitive viewpoints casts some doubt upon that assurance; enough, in fact, to require Government regulation of the medium.

We are fortunate, indeed, Mr. Speaker, that the measure of Government regulation we have so far applied is not so great as to compromise the citizen's historic right to determine the truth as he sees it. Had this citation been approved, we should have been taken perilously close to that final abridgment of an American's freedom.

NATIONAL FARM SAFETY WEEK

HON. PAUL FINDLEY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 14, 1971

Mr. FINDLEY. Mr. Speaker, with farming the third most accident-prone industry in the Nation, this year's National Farm Safety Week proclamation by President Nixon takes on added importance. The President has declared the week of July 25–31 as National Farm Safety Week. Theme of the week is, "Protect Yourself—Work Safely."

In his proclamation, President Nixon said,

> There is sharp irony in the fact that this great industry, so accomplished in the scientific nurture of plant and animal life, remains among the industries in which human life is most precarious and accident rates are highest. The farm and ranch environment abounds in potential hazards—powerful machinery, exposed working conditions, physically demanding jobs—experience shows that caution, common sense, and protective equipment can do much to counter them and keep accidents and injuries to a minimum.

The efforts put forth in the past to reduce accidental farm deaths shows that progress is being made. The number of accidental farm deaths dropped from 6,900 in 1969 to 6,700 during the past year according to the National Safety Council. While this is a step in the right direction, a good deal more effort needs to be brought to bear on these accidents, costly both in economic terms as well as human misery.

Secretary of Agriculture Hardin deserves our appreciation for establishing a task force on safety in agriculture within the USDA. In establishing the task force, Secretary Hardin said,

> Our goal must be a substantial reduction in the number of people killed, injured or incapacitated by accidents or hazardous conditions on farms, in other agricultural industries, and in other places in rural areas.

The American Society of Agricultural Engineers has also adopted a commendable objective—a 50 percent reduction in farm accidents by 1980. Two of the major farm machine manufacturers in my home state of Illinois—John Deere and International Harvester—also deserve commendation for their efforts in developing protective equipment to reduce injuries and deaths caused by the overturn of farm tractors.

Of the estimated 1,000 accidental deaths connected with tractors in 1970, 600 of those deaths resulted from tractor overturn. The National Safety Council estimates that 90 percent of the lives lost in tractor overturns could have been saved by protective cabs or frames and safety belts such as developed by the two manufacturing firms mentioned.

The biggest success story in recent year efforts at farm safety has been the Slow-Moving Vehicle emblem developed just 8 years ago. Today some 30 States have legislation requiring or encouraging the use of the Slow-Moving Vehicle emblem on farm equipment which travels on highways and roads.

All these are productive steps being taken toward reducing the number of farm deaths and accidents. But it is obvious with more than 6,700 accidental farm deaths and 580,000 disabling injuries resulting from farm accidents during the past year we need to encourage all farm residents to think of safety and to protect themselves with the equipment that is available and the recommendations of organizations devoted to reducing farm accidents. National Farm safety Week is commemorated for that reason.

THE IMPORT BLUES

HON. JAMES R. MANN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 14, 1971

Mr. MANN. Mr. Speaker, throughout our history, country folk have had a way of expressing their joys and woes in lyrical terms, usually accompanied by the soft strains of a guitar or other musical instrument.

Recently, one of my more poetic constituents, James Marion Waldrop of Greenville, S.C., translated the woes of a typical textile worker into a ballad which he calls, quite appropriately, "The Import Blues." The lyrics were requested by a country music entertainer who intends to use it in his regular repertoire.

I do not think there is any question but that "The Import Blues" will have a great deal of appeal among thousands of textile workers and their families throughout the country, as well as other victims of the import deluge. But more importantly, Mr. Waldrop hopes it will find a sympathetic audience among my distinguished colleagues here in the Congress and the powers that be in the White House, who have thus far turned a deaf ear to less lyrical but no less compelling pleas for relief.

I commend "The Import Blues" to your attention at this point in the RECORD:

THE IMPORT BLUES

(By James Marion Waldrop)

I got the import blues . . . and I got 'em bad.
I'm a cotton mill man . . . and my heart is sad.
I used to work six days a week, sometimes more . . .
Now it's three days a week, and I sure am sore.

I'm good at my business, a weaving hot-shot
And still I ain't got . . . a heckuva lot.
I've made big money at the weaving trade
But now, the people of Jay-Pan have it made.

They make cheap-john goods in a sleazy style
And ship these goods the whole world wide.
And my little wife . . . well . . . she runs to the store
Gobbles 'em up, and says when you gonna get more?

She bought me a shirt that was import made
And I got mad . . . because it hurt my trade.
She bought a Jap-made Mini, way 'bove the knee
And when she washed the thing it was a sight to see.

I got a high priced house and a high powered car
But my inflation money . . . sure don't go far.
And I'm a singin' the blues of remembered days
When a chicken in the pot was the only craze.

Buying Jap-made goods so sleazy to see
Is a darn fool thing for you and me;
And I'm fightin' back because I won't run
From the slant-eyed people of the Risin' Sun.

Chorus:
I got the import blues . . . and I got 'em bad.
I'm a cotton mill man . . . and I'm fightin' mad.
Used to work six days a week, sometimes more.
Now . . . it's lay-off time, and I sure am sore.

POLLUTION, NO QUICK BUCK

HON. ROBERT N. GIAIMO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 14, 1971

Mr. GIAIMO. Mr. Speaker, if the rhetoric about pollution control could be translated into consistent and predictable support for industries which do attempt to regulate their waste products, the "pollution-control industry" would be a bonanza for the engineers, scientists, businessmen, and investors in this field.

The experience of Resource Control, Inc., of West Haven, Conn., shows that this support does not come easily, however, and that the development of a thriving industry devoted to pollution control requires innovative thinkers, determined promoters and managers, and adequate financing.

A recent article in the financial section of the New York Times details the problems Resource Control, Inc., encountered in applying a unique technology in the alleviation of industrial pollution. This article, inserted below, notes that two recent developments have given executives of the company hope that their birth and growing pains will lessen. One of these developments is particularly worthy of comment, showing as it does how the Federal Government can cooperate with private industry to abate pollution, and how this cooperation can take place without involving either a total Government handout or the bankruptcy of the industry involved.

In a unique Federal pollution control development, Resource Control, Inc., will provide the equipment and technical services necessary to help the New England Plating Co. of Worcester, Mass., control cyanide and chromate liquid wastes resulting from that latter company's metal finishing processes.

The plating company is investing $273,000 in controlling its own pollution, an amount supplemented by a $119,424 grant from the Environmental Protection Agency. This Federal grant serves the dual purpose of rewarding Resource Control for the results of its private investment and development, and helping an otherwise financially pressed company to control its pollution and thereby continue to provide jobs and economic stimulation for Worcester.

My congratulations to all involved in this innovative venture.

The article follows:

POLLUTION, NO QUICK BUCK

(By Gerd Wilcke)

Having the technology to alleviate industrial pollution is one thing, selling it is quite another.

That has been the harsh lesson learned over the last several years by Resource Control, Inc., a tiny New England company that nearly went under in the process.

It is a safe assumption that many American companies, striving to turn the environmental issue into profit, have shared or are still sharing the experience of Resource Control.

Even large corporations with sizable research and development budgets have found there is no "quick buck" in pollution control. The Dow Chemical Company, for example, over the last 10 years has conducted a massive program to develop processes to clean up the air and water. This year, for the first time, the company expects this part of its business to end up in the black.

Resource Control does not expect such good fortunes, although the company is confident that its books for the current quarter will show the first positive cash flow in quite a while. The fiscal year ends Sept. 30.

Resource Control, which has its headquarters in West Haven, Conn., thought it was a natural for the pollution-control business because of its expertise in the metal-plating industry, which it had been supplying with chemical process equipment.

There are an estimated 3,000 independent metal-plating shops in the country, plus an additional 10,000 that are captive. Their common problem is that they discharge wastes that are overloaded with cyanide and dissolved metals.

Although technology has been available to treat the waste water, it has been costly.

Resource Control, under its founder and former president Avery B. Smith, developed an electrolytic system that the company said made the removal of cyanide 80 per cent to 90 per cent cheaper than by the chlorination technique.

The process uses electricity instead of chemicals to oxidize or reduce undesirable ions in the water.

Although the company thought it had something unique, its seven salesmen in the field did not make a single sale in 1969.

"Nobody would buy," recalled Allen Duffy, the chairman, the other day.

Interviewed jointly with Joe H. Shockcor, the executive vice president, and Barry Goldin, vice president for finance, Mr. Duffy said that to compound the problem, the company also ran out of money by late 1969.

Still, believing it had unusual technology, Resource Control signed up with the Stauffer Chemical Company in early 1970 to have the much more experienced company market the pollution-control equipment.

"Stauffer had the same experience. It wasn't a matter of selling," Mr. Duffy said, "We couldn't even get our units into plants for demonstration purposes at no cost."

By the middle of 1970 Resource Control was in serious financial difficulties. For the eight months ended Sept. 30, the company showed a loss of $249,982, on sales of $213,413.

"We had three major problems," Mr. Goldin said. "We owed a substantial amount of money to two major banks on demand, we had 225 creditors, and we had two long-term leases on 65,000 square feet of space."

Concentrating during the balance of 1970 on getting out of the problems, Resource Control arranged for the banks to turn the demand obligations to long-term debt, defer interest, give a line of credit and reduce interest rates. With the creditors it was arranged to pay 100 cents on the dollar over a long-term. The company also secured releases from the long-term lease arrangement, reduced the leased space by 94 per cent to a little under 4,000 square feet.

"Everything was scaled down," Mr. Goldin said, "because we were determined to hold on to our technology." Scaling down also meant a cut in salary for the few executives and a reduction in the work force from 40 to 11.

"Management had geared up for big business, we got zero," Mr. Duffy said. Mr. Shockcor added: "We were reading what the rest of the public was reading," he said, reflecting about the public outcry over pollution.

The three executives said that the management strategy was to shift from ecological to economic sales.

While the company is waiting for the outcome of evaluations of its water-pollution-control device by Degussa, a leading West German concern, and Nissho-Iwai, Ltd., a Japanese trading company, Resource Control also has begun marketing an air-pollution-control device that it feels improves the performance of precipitators.

Most encouraging are two developments that happened last month, the executives feel.

One is that the company was picked to supply its water-pollution-control equipment for a Federally sponsored demonstration project to be conducted by the New England Plating Company. Under the $392,000 project, the plating company will provide $270,000 of the capital, the Federal Government the rest.

The second development is a chance that the company will have to demonstrate its technology in acid main drainage problems in a project conducted by the State of Pennsylvania.

SUMMER FEEDING PROGRAMS

HON. HERMAN BADILLO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 14, 1971

Mr. BADILLO. Mr. Speaker, just a few days ago our Nation's cities were faced with the grim prospect of hundreds of thousands of youngsters going without the hot meals they were anticipating due to an arbitrary limitation placed by the Department of Agriculture on funds available for the summer feeding programs. This crisis arose because, despite speedy action on the part of Congress to make the necessary funds available, the Department decided to fund the programs only partially. As a consequence, States and localities that have, with the encouragement of the Federal Government, planned extensive programs found themselves unable to meet the demand.

Something had to be done and I turned to my colleagues for help. I asked them to cosign letters going to Secretary of Agriculture Clifford N. Hardin and Director of the Office of Management and Budget George Shultz, urging those gentleman to heed the intent of Congress and release the necessary monies.

The response was heartening. Despite the holiday weekend and the consequent unfortunate timing of the appeal, a great many Members responded, showing sincere concern and a desire to help. As it turned out, it was not necessary to send out the letters. Two hours after I was assured on Thursday, July 8, that no change in the funding of the programs was contemplated, Senator CLIFFORD P. CASE of New Jersey received a hand-carried letter from the Office of Management and Budget, assuring him that the funds would be made available.

Due to the great interest shown by Members in the plight of the youngsters I want to insert in the RECORD for their information the text of the letters going to Secretary Hardin and Director of the Budget Shultz. Also included is a list, by States, of Members of Congress who have agreed to cosign the letters and actively supported the summer feeding project effort.

I again thank my colleagues for the help and cooperation they have given me on this matter. I was impressed by their concern and courtesy.

The text of the letters and the list of names follows:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D.C., July 9, 1971.

Hon. CLIFFORD M. HARDIN,
Secretary, Department of Agriculture,
Washington, D.C.

DEAR MR. SECRETARY: We are writing to urge your immediate reconsideration of the limits placed by your Department on the funds being allocated to this year's summer child feeding programs. These programs provide needed nutritious meals for thousands of needy children in our urban areas.

On June 28th your Department announced that it would make 18.1 million dollars available for the programs, noting at the same time that this figure represented a threefold increase over the amount allocated for these programs last summer. Unfortunately, the figure also represents 15 million dollars less than what is needed to insure full funding for the programs. While the Department of Agriculture set the figure needed and applied for at 26.6 million dollars, a survey conducted recently by the National League of Cities—U.S. Conference of Mayors indicated that requests for funding of the summer feeding programs amounted to 33 million dollars. Considering the quickly growing number of children in need of these programs, we believe the latter to be a more accurate assessment of actual need. Consequently, millions of children across the nation will go hungry unless you use your authority as Congress requested and spend Section 32 funds to meet the need of the children of our nation.

Our cities and states moved to satisfy the increased need for free and reduced price meals in the belief that support and funding would be forthcoming from the Department of Agriculture. Your Department has urged our nation's cities to expand their efforts to include more youngsters in school lunch and summer feeding programs and, consequently, programs were planned in full faith that the Department of Agriculture would stand behind its promise to fund. Congress did its part to cooperate fully by acting swiftly to provide the spending authority and funds when questions arose about possible difficulties to fund these programs. The House Committee on Education and Labor stated when reporting out H.R. 5257:

"Most States and local school districts have expeditiously moved to provide these free and reduced price meals. The number of children receiving free and reduced price lunches has increased from 2.8 million in 1969 to 7.2 million in March of this year. The greatest increase occurred within 1 year—from 4.7 million in February of 1970 to 6.8 million in February of 1971."

The Committee took cognizance of the plight of States and localities that found themselves without funds to carry out the programs they had planned in reliance upon the Federal Government's actions to furnish the necessary finances: ". . . Many States and cities have contacted the committee pleading for additional funds. California claims that unless it receives an additional $5 million it will have to discontinue all its programs this month. Florida needs an additional $1.4 million to pay local schools for costs which they have already incurred. Massachusetts needs $1,441,000, and Georgia, $416,575. . . ."

It was in response to the pressing needs of the states and cities that Congress authorized you to spend 35 million dollars from Section 32 funds for fiscal 1971 summer programs and 100 million dollars for fiscal 1972 programs, in addition to whatever funds were already included in the Department of Agriculture's appropriations bill. We are deeply disturbed that you intend to disregard this Congressional mandate and plan to spend only 18.1 million dollars this summer.

The question of funding the summer feeding programs is of the greatest urgency. In our cities the children are out of school. By far the larger percentage of those among them, and there are very many, who have looked forward to participating in summer programs will have to be denied food unless you act immediately. We respectfully urge you to carry out the intent of Congress.

Sincerely yours,

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D.C., July 9, 1971.

Hon. GEORGE SHULTZ,
Director, Office of Management and Budget,
Executive Office of the President,
Washington, D.C.

DEAR MR. SHULTZ: We are writing to urge your immediate reconsideration of the limits placed on the funds being allocated to this year's summer child feeding programs. These programs provide needed nutritious meals for thousands of needy children in our urban areas.

On June 28th the Department of Agriculture announced that it would make 18.1 million dollars available for the programs, noting at the same time that this figure represented a three-fold increase over the amount allocated for these programs last summer. Unfortunately, the figure also represents 15 million dollars less than what is needed to insure full funding for the programs. While the Department of Agriculture set the figure needed and applied for at 26.6 million dollars, a survey conducted recently by the National League of Cities—U.S. Conference of Mayors indicated that requests for funding of the summer feeding programs amounted to 33 million dollars. Considering the quickly growing number of children in need of these programs, we believe the latter to be a more accurate assessment of actual need. Consequently, millions of children across the nation will go hungry unless, in accordance with the intent of Congress, additional funds are allocated to meet the need of our children.

Our cities and states moved to satisfy the increased need for free and reduced price meals in the belief that support and funding would be forthcoming from the Department of Agriculture. That Department has urged our nation's cities to expand their efforts to include more youngsters in school lunch and summer feeding programs and, consequently, programs were planned in full faith that the Department of Agriculture would stand behind its promise to fund. Congress did its part to cooperate fully by acting swiftly to provide the spending authority and funds when questions arose about possible difficulties to finance these programs. The House Committee on Education and Labor stated when reporting out H.R. 5257:

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It was in response to the pressing needs of the states and cities that Congress authorized the Secretary of Agriculture to spend $35 million from Section 32 funds for fiscal 1971 summer programs and 100 million dollars for fiscal 1971 programs, *in addition* to whatever funds were already included in the Department of Agriculture's appropriations bill. We are deeply disturbed that the Secretary intends to disregard this Congressional mandate and plans to spend only 18.1 million dollars this summer.

The question of funding the summer feeding programs is of the greatest urgency. In our cities the children are out of school. By far the larger percentage of those among them, and there are very many, who have looked forward to participating in summer programs will have to be denied food unless additional funds are immediately allocated. We respectfully request that full funding of the summer feeding programs be reconsidered in light of Congressional action.

Sincerely yours,

LIST OF COSIGNERS

ALASKA

Nick Begich.

CALIFORNIA

Alphonzo Bell, Phillip Burton, John C. Corman, Ronald V. Dellums, John Edwards, Augustus F. Hawkins, John E. Moss, Thomas M. Rees, Edward R. Roybal, Jerome R. Waldie.

CONNECTICUT

William R. Cotter, Ella T. Grasso.

DISTRICT OF COLUMBIA

Walter F. Fauntroy.

HAWAII

Patsy T. Mink.

ILLINOIS

Frank Annunzio, Kenneth J. Gray, Ralph H. Metcalfe, Abner J. Mikva, Dan Rostenkowski.

INDIANA

John Brademas.

KENTUCKY

Tim Lee Carter, Romano L. Mazzoli, Carl D. Perkins.

MARYLAND

Parren J. Mitchell, Paul S. Sarbanes.

MASSACHUSETTS

F. Bradford Morse, Edward P. Boland, Harold D. Donohue, Robert F. Drinan, Michael Harrington, Louise D. Hicks, Thomas P. O'Neill.

MICHIGAN

John Conyers, Jr., Charles C. Diggs, Jr., William D. Ford.

MINNESOTA

John A. Blatnik, Bob Bergland, Don Fraser, Joseph E. Karth.

MISSOURI

William L. Clay, William L. Hungate.

NEW JERSEY

Cornelius E. Gallagher, Henry Helstoski, Peter W. Rodino, Robert A. Roe, Frank Thompson, Jr.

NEW YORK

Bella Abzug, Joseph P. Addabbo, Herman Badillo, Mario Biaggi, Jonathan Bingham, Hugh L. Carey, Emanuel Celler, Shirley Chisholm, James J. Delaney, John Dow, Seymour Halpern, James M. Hanley, Edward I. Koch, Ogden R. Reid, Benjamin S. Rosenthal, William F. Ryan, James Scheuer.

OHIO

Charles J. Carney, John F. Seiberling, Louis Stokes.

PENNSYLVANIA

William A. Barrett, John Dent, William S. Moorhead, Robert N. C. Nix.

RHODE ISLAND

Fernand J. St Germain.

SOUTH DAKOTA

James Abourezk.

TENNESSEE

William R. Anderson, Richard H. Fulton.

TEXAS

Bob Casey.

WASHINGTON

Brock Adams, Thomas S. Foley, Mike McCormack, Lloyd Meeds.

WISCONSIN

Les Aspin.

THE THRIVING NAACP

HON. DON EDWARDS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 14, 1971

Mr. EDWARDS of California. Mr. Speaker, in Minneapolis last week the National Association for the Advancement of Colored People held its 62d annual convention. This grand old organization for civil rights, which has been in the forefront of the struggle for racial justice and equality in this Nation from the very beginnings of that struggle, is continuing this leadership role today and girding itself for the future struggle for a truly democratic and just society. Under the wise and determined leadership of its executive director, Roy Wilkins, the NAACP has emerged from the turbulent 1960's as a strong and resourceful organization able to forcefully define, articulate, and work toward the achievement of the goal of equality of opportunity for all in every area of our national life.

I commend to the attention of the Congress the excellent article written by New York Times Reporter Thomas A. Johnson which appears in today's New York Times. Mr. Johnson's perceptive analysis of the sources of strength of the National Association for the Advancement of Colored People goes a long way towards explaining why this organization maintains its leadership role in the civil rights movement.

[The New York Times, Wednesday,
July 14, 1971]

THE THRIVING NAACP

ITS SURVIVAL AND PROSPERITY ARE TIED TO A SENSE OF FAMILY AND CRUSADING SPIRIT

(By Thomas A. Johnson)

Why has the National Association for the Advancement of Colored People survived and prospered as a haven for Negroes who believe, and for those who want to believe, in America? To someone who observed the 62d annual convention of the association, which ended in Minneapolis on Friday, it appears that the mass-membership organization has somehow managed to combine elements of family, church, social and political groups with the feeling of participation in a great moral crusade.

In addition, the N.A.A.C.P.'s longevity, growth adn general health are greatly sustained by the fact that many volunteer leaders in its 1,700 chapters in 50 states are also local leaders in other fields. The association itself has been a primary training ground for many blacks who have succeeded outside the organization.

But it is the sense of family exhibited by the association members at their annual gatherings that invariably impresses the outside observer.

For while they planned last week for the association's future, they also relived past conventions at mass meetings, caucuses, business breakfasts and dances. They put in long work hours and still found time to enjoy themselves.

ACTUAL FAMILIES

The association boasts of several actual families, like the Mitchells of Maryland and the Alexanders of North Carolina, who are mainstays for the organization in their regions.

Henry Lee Moon, the organization's 70-year-old public relations director, grew up in the N.A.A.C.P. chapter founded in Cleveland by his father. Dr. Eugene T. Reed of Amityville, L.I., a leader of the Young Turk faction of the association, grew up in a branch—the first branch on Long Island—set up by his mother. Dr. Reed's children are also active in the association.

Most of the 480 youth delegates, who made the work sessions seem like a showplace for up-to-date fashions, were seasoned conventioners, having been, as it is commonly stated, "raised in the N.A.A.C.P."

Roy Wilkins, the executive director, in giving his reasons why the N.A.A.C.P. has prospered, suggested that "since 1909, the association has hit upon the main channels of black aspirations and ambitions."

Three black delegates agreeing with the general concept last week were 93-year-old Christopher Columbus Jones of Carbondale, Ill., a retired schoolteacher who has been an N.A.A.C.P. member 40 years; Lucious Woods, a 41-year-old window washer from Chattanooga, and Thomas M. Kelly Jr., 41, a peppery lawyer from Davenport, Iowa.

The association, with some 400,000 dues-paying members, is probably the best-organized repository of black Americans who consistently demonstrate their faith in the ability of the United States to solve its racial problems, and in their own capacities to contribute to this.

Because of this faith, the association's leadership and members have reacted strongly—both in support and in condemnation—to national administrations.

President Johnson's Great Society legislation and his appointment of Thurgood Marshall—former head of the N.A.A.C.P. Legal Defense and Educational Fund, Inc.—to the Supreme Court, were seen by many N.A.A.C.P. members as a vindication of their faith in the country.

Several acts by President Nixon have convinced some members of the organization that he has betrayed their trust. Their complaints center on what they consider his failure to come out strongly enough against segregation in housing and in the schools, and on his attempts to appoint two men to the Supreme Court who blacks felt would work against their aspirations.

LOVE AND PRAISE

One factor contributing to the N.A.A.C.P.'s successes as an organization is that so many of its members express great love for it and talk about it in superlatives.

There were rousing cheers when the organization's top official, Bishop Stephen Gill Spottswood, called the association "the oldest, largest, most experienced, most successful, most consulted, most feared of all civil rights organizations."

Actually, no other organization competes with the wide-ranging N.A.A.C.P. operation. Its activities range from a Washington lobby to a system of volunteer and nearly autonomous chapters in 50 states that, among other things, build houses, picket adversaries and conduct nurseries.

Its $6-million annual budget outstrips all other black groups engaged in the general field of civil rights except the National Urban League. The league is not a mass-membership organization but, rather, is made up of professional staff people working out of some 98 offices around the country. It spends some $36-million annually.

CBS

HON. STEWART B. McKINNEY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 14, 1971

Mr. McKINNEY. Mr. Speaker, today we face a situation in which a spade is not a spade. Is CBS guilty of contempt? I think so. Should we approve the contempt citation? I think not.

Consider, if you will, two individual but equal cases: two men are brought to court, both accused of stealing a loaf of bread. Both admit to being guilty and are legally found so. In testimony, however, it is revealed that the first stole to feed his family; the second, stole for kicks. Would you, as a judge, mete out equal penalties? I think not.

And so it is today. We have before us a clear case of contempt but as the distinguished chairman of the Judiciary Committee has said:

> The First Amendment towers over these proceedings like a Colossus.

As judges, we face—as in the case of the "equal thieves"—extenuating circumstances. We cannot judge this case on a simple yes or no contempt question. We must, if we are to do justice to our Constitution, consider its ramifications—its extenuating circumstances, if you will.

As I consider this, I would like to associate myself with the remarks of my colleague from Alabama (Mr. EDWARDS). As you know he said, in part:

> It would be ever so easy to vote yes today. CBS has maligned the South, colored the news, handled the coverage of the war in a biased manner, played up the bad and played down the good—all of this and more. But I would not exchange all this, as bad as it may be, for the evil that would infect this Nation from a controlled press. Oh, there are times when I get so exasperated with them I would like to ban all TV, but that exasperation is nothing compared to what it would be if we had a press that had to answer for its editorial judgment, however, bad, to a committee of the Congress.

I would agree with the contention that CBS has done wrong and here is an important point—they have for all intents and purposes admitted it; it was their only alternative in the face of the material the committee already had.

I would also agree that CBS has done wrong in the past and unfortunately, we have no guarantee that it will not do wrong again. In point of fact, it is likely.

But we must not tear apart the first amendment because of this transgression, mainly because the great bulk of the reporting is done in fairness. Overall, I have great faith in the integrity of reporters, the overwhelming majority of whom view the first amendment not only as a right but as a responsibility.

No matter the outcome of this case, I am certain its very airing has renewed their determination and that the numbers of that overwhelming majority will increase because of it.

Today, therefore, I will cast a vote—not to condone the actions of CBS but to affirm the meaning of the first amendment.

WOMEN IN JOURNALISM

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 14, 1971

Mr. FRASER. Mr. Speaker, the following article by Marion Buhagiar in Dateline '71, the magazine of the Overseas Press Club, is an excellent account of the outlook for women in the field of journalism. Marion Buhagiar is an associate editor of Fortune magazine. The article follows:

FOR WOMEN IN JOURNALISM—OUTLOOK HOPEFUL

(By Marion Buhagiar)

The past has little or nothing to teach us about the future of women in journalism. For too long this near-profession was for women what the fight ring was for the kid from the ghetto—an all-or-nothing way out for the very few. Not out of poverty—for the background of most women journalists is and has been middle-class. For the women, rather, it was a way out of the powerlessness, the tedium, the anonymity, and the oppression of the genteel life.

A surprising number of the women who "made it" in journalism in the past had theatrical ambitions—which some of them carried out in flamboyant careers in print. No wonder then that most of the women cooperated with their publishers' merchandising of their picturesqueness, their crankiness, their cheeky audacity, their incongruour presumption, and their cuteness. For women who lusted for travel and who relished the mantle of power that the publication made available and the tough equality the interview situation made tangible, the slights and sarcasms of the city room and editorial office were endurable.

The changes that are now taking place are not the symptoms of some fulminating disorder—triggered by heightened consciousness among women and the legal arm of the Civil Rights Act. The business is changing and those changes are probably going to affect women in the business more than men.

For years, the men who hired and fired the staffs of newspapers and magazines had a richness of resources. First, the ambitious, driven, and gifted sons of the lower middle class—anxious to move out of factory and clerking jobs into a semi-profession where wit and talent were the license. The Depression leavened this stock with the graceful sons of the upper classes who wound up college educated and unemployed.

That mixture remained quite stable until the 1960s, when the alternatives for the application of wit, talent, and drive began paying a lot more than journalism. The choices—education, foundations, nonprofits, government—became a lot more attractive and honorable; they were also far less challengeable than the old "sell-out" to Hollywood or public relations. A widely shared, unprovable, impression is that the talent and energy level of men coming into journalism is less than it once was—while that of the women is higher.

The case can be made most dramatically, perhaps, by trends in business and economic reporting. One of the most successful new magazines in the field, Institutional Investor, began using a high proportion of women writers—notably Heide Fiske—right from the start. The Wall Street Journal finally let down the barriers to women a few years ago. Perhaps the most distinguished writer on the business of Wall Street is Carol Junge Loomis on the staff of Fortune. And when Mrs. Loomis left the magazine's "Personal Investing" column to write middle-of-the-book stories some years ago, Fortune tried out and flunked a series of four or five male writers before settling on the most logical in-house candidate: Miss Wyndham Robertson.

The plain fact is that most men who take pains to learn enough about the intricacies of sophisticated finance and the apparatus of business and corporate operations think they can make more money in that system than outside writing about it. Women have been excluded from corporate executive life with far more rigor than they have been excluded from reporting about it. And they are doing a very rigorous analysis of business personalities and operations with a lot less cynicism and more gracefulness than the situation might justify. This may well be an area of journalism that will be dominated by women over the next couple of decades.

And there lies a clue to how the future will differ so radically from the past. In the 1960s, the era of lady reporter as adventurer and footloose traveler came to a well-deserved end. It had a long life: Nellie Bly, after all, set sail from New York for her breathless round-the-world trip more than 80 years ago. The *image* is not quite dead, however. Shirley MacLaine was quoted recently as wishing she had been a journalist because she likes "to keep moving"—a curious throwback reason for a woman whose book, at any rate, suggests an unaweable independence and intensity of concern for the events of our time that might be more useful qualifications. For too long the spiritual descendants of Nellie Bly have been obliged to make the news in order to write the news: look! a woman on the battlefield; look! a woman badgering the President at a press conference.

Nowadays the abundance of women writers and journalists in the ranks of the women's liberation struggle have made it very hard to distinguish—if one must, that is—where the movement ends and personal careers begin. That movement and its progenitor, the black liberation struggle, as well as the antiwar movement, the social crises in our cities, and the youth culture are not fast-breaking "events" in the traditional journalists' sense where the victory goes to the swiftest, the luckiest or the most audacious. The story itself is often hidden within the events. The fact that women are, by and large, still excluded from the "big" reporting assignments—e.g., the White House, with all its seductions of inside briefings from informed sources—may prove to be their best training for the real opportunities of the new journalism.

Women in this business have had to find the news even when they were being kept from it. Lorena Hickok, the first woman given a top straight political reporting job at AP, had won her first by-line years before by writing a bitter, witty story about *not* getting an interview with singer Geraldine Farrar. Midy Morgan was scornfully offered the job of livestock reporter when she asked The New York Times for a job almost a century ago. She took it. By ferocious devotion, such as sleeping in a barren room in a New Jersey railway station so that she could count cattle cars as they lay in the Hoboken rail yards, she became such an expert on cattle and horse flesh that General Ulysses S. Grant and King Victor Emmanuel of Italy sought out her advice.

A hundred years after Midy, another New York Times woman, Charlotte Curtis, also made a virtue out of being in a department instead of in the city room. The grit of city life has often been better and earlier reflected on the "women's" page of the Times than in the Lindsay-oriented metropolitan news or the reproachful scoldings of the editorial page. One woman who recently left the department after more than a dozen years, just to have a change in beat, says nostalgically: "It's a great place to write. Where else can you get two columns to say what you want to say? You'd be lucky to get one paragraph—and that would be cut out of the second edition."

Taking an enriched prospective of what's important news, and applying again that indicator of recently launched successful journalistic ventures, you come up with a high probability that women certainly have the opportunity—and may seize it—of being the chief contributors to the new journalism of the coming years. New York magazine reached editorial and commercial success with astonishing speed by identifying a need for information—whether silly, fashionable, or serious—on what it called "urban strategy." It started with and still has a high proportion of women on its staff and among its contributors. The Village Voice, which pioneered reporting on the "alternate culture," has also consistently used a number of women reporters. It also has as city editor Mary Perot Nichols, whose reporting on the city politic was long unmatched by the city's daily newspapers.

It would be an absurd tactic for women to concentrate their efforts and talents and measure their success by breaching the citadels of journalistic distinction defined by their male bosses—the Washington bureau, say. A few women will get such assignments, certainly. But those few additions will not make any significant difference to the quality of that reporting, considering the bloat of talent already installed. What is already happening in business reporting is bound to happen in other reporting fields that require an expertise and perspective that goes beyond the day's events. And many of those areas will increasingly fall to highly qualified women where once they fell to men on the staff who were on their way up to somewhere else where the "real" reporting was, or to men who were marked never to make it there.

Think of all the wastelands of journalism—wastelands far more fertile and full of potential than Midy Morgan had any reason to expect from likestock reporting. Real estate is, by and large, handled as a series of transaction notices and new tract-housing announcements. But the whole issue of deteriorating central-city housing, windfall profits on government subsidization programs, failure of innovations in construction techniques, and changing sources of financing go remarkably uncovered in any consistent and systematic way. (A reminder here, incidentally, that innovating journalists Jane Jacobs and Ada Louise Huxtable are women.) Education is reported as a series of crises—boycotts, budgets, strikes, etc. But how rare is the detailed, day-by-day reporting on the quality of the process. Transportation, so powerful and often so calamitous in its effects on the well-being of a city's people and its business, certainly deserves reporting that goes beyond an account of the day's worst traffic jams, the late trains, and the latest wage settlements. City and local financing is also treated as a series of headline stories around the annual budget or bond issue—together with that inevitable pie-chart on "where your tax dollar went." But hardly any publisher or broadcaster spares the effort to thread through the intricacies of public accounting to assess what the *real* priorities of the administration are. Consumerism and the environment issue are the stuff of which great journalism can be made—but they were issues raised initially by insistent cranks who would not settle for an official statement as an answer.

Admittedly, this is a very optimistic projection of the future of women in journalism. It presupposes that a rational deal will be struck between the glaring needs of the profession and the availability of talent to do that work. But the presumption also is that publishers and broadcasters are businessmen—and that they understand that lost opportunity is a terrible business cost.

"ECONOMY VERSUS ECOLOGY"

HON. DON H. CLAUSEN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 14, 1971

Mr. DON H. CLAUSEN. Mr. Speaker, much has been said and done in recent times in the name of ecology. Unfortunately, and all too often, I might add, the real effect of what is done is not felt for many months or even years.

Seldom is serious thought given to the potential effects of these actions on those who reside in a given area and, indeed, seldom are the desires and thoughts of these people given much consideration when these actions are contemplated.

Recently, Kathryn Jackson spoke to the McKinleyville, Calif., Chamber of Commerce on the subject of "Economy vs. Ecology." In my judgment, she has graphically demonstrated the fact that there must be a balance between the wise use and the pure enjoyment of our natural resources.

Her speech follows:

ECONOMY VERSUS ECOLOGY

As all of you know, the economic situation in this area is steadily becoming worse with the unemployment rate increasing, and more and more people becoming dependent upon welfare aid. You are familiar with the widespread belief that the Redwoods are almost completely destroyed, and those remaining must be saved at all costs. A Eureka friend of mine, while attending a meeting in New York recently, was asked if she lived anywhere near the last few remaining Redwoods. The person was astonished to learn my friend had three of the big trees growing in her backyard.

People who have never lived in forested areas such as ours, have the idea that all trees are fast becoming extinct, and that all land is eroding away. They have no idea of modern forest practices, reseeding and replanting procedures, and climatic conditions conducive to rapid growth in this particular part of the country. A friend, born and raised in Los Angeles, visited us and was amazed to see such a variety of vegetation growing along the road banks and wouldn't believe none of it had been planted by man!

There are campaigns going on now to discourage buying Christmas trees, convincing people that our forests are being destroyed ruthlessly. The latest move seems to be to create a primitive area out of the entire North Coast region of California. People need to be educated about facts: that there are such things as Christmas tree farms and selective cutting in some forests each year for a good reason; that with certain types of timber there are advantages for clear cutting in blocks; that Redwoods regenerate themselves profusely and many groves are now being cut for the second time; that with few exceptions forests should be harvested, and with good planning and management everyone will derive benefits.

A harvested forest abounds with wild life, while a mature forest may be practically sterile and lifeless. Starting a cycle in cut over lands, grasses, berry vines and other plants spring up very soon. Many varieties of insects, birds and small animals move in to feed on roots, berries and seeds. Rotting stumps and other wood pieces attract ants and boring insects which are delectable food for various birds and animals, such as woodpeckers and bears. Quick growing shrubs and trees provide food for the browsers and helps to protect them from predators. Animals, such as rabbits and deer, feed on leaves and twigs all summer and on the twigs and bark in winter. Because in nature every thing is food for something else, the predators move in to prey on the browsers.

With full sunlight on harvested areas, thick undergrowth develops, making ideal feeding grounds for wild animals. It also provides shelter for the slower growing conifers. Rotting leaves each winter fertilize the new tree crops, making for vigorous, healthy growth. As the new conifer trees reach for the sun and tower above their protective hardwood thickets, sunlight becomes filtered on the forest floor and much of the plant life gradually dies out, forcing animal life to move to better pastures.

Left to nature a mature forest gradually dies and rots away, making room for a new cycle to begin. Also left to nature, lightning fires would accomplish the same ultimate goals, but not in a controlled manner as man does by sensibly harvesting a ripe timber crop and burning slash.

If it weren't for medical science, most of us would not even be here. Left to nature, only the strongest would have survived. It is surprising that the radical ecologists and environmentalists haven't advocated elimination of medical science and urged survival of the fittest! Maybe that will come next.

Timber crops depend a great deal on climatic conditions. An annual temperature change of five degrees in some parts of the country has caused one specie to die out and another emerge. Growth of timber in one area does not necessarily follow the same pattern as that in other areas. Along the Pacific Coast Range, there is evidence that at one time there were large bodies of Sugar Pine. Two, three hundred years ago, possibly due to climatic changes, Sugar Pine did not reseed itself. The White Fir and Douglas Fir began to take over, explaining the fact that so much of the timber is of one age and now over ripe. How many people know about destruction of Redwood groves caused by flooding and earth disturbances throughout the ages? Road building, well drilling and other recent excavations have uncovered Redwood trees buried long ago under tons of dirt. Nature caused that!

People make conclusions without first obtaining facts. As an example, some out of the area tourists complained bitterly to me about how the taxpayers' money was being wasted because of all the flagmen stationed within a short area of road construction between Willow Creek and Hoopa. However, when I informed them that almost every man they saw in that area was a prisoner from the Honor Camp, they changed their whole attitude and began to talk about how there should be many more such projects.

A conservation newsletter showed a picture of dead fish along Redwood Creek and headlined an article about pollution of the stream causing the fish to die. I wonder if the author ever heard about salmon spawning, becoming soretails, and then dying, their life cycle ended?

The same jumping to conclusions exists concerning timber industries, flood control projects, Indians, or anything else which vitally concerns all of us here. A one-time, short-term vacationer visiting our area goes home as an expert on what should or should not be done.

Forested areas I saw being logged 30 or 40 years ago, now have beautiful stands of timber to replace the mature timber which was cut before it died and rotted away. Placer mines that cut away mountain sides are now almost obliterated where vegetation took over through nature. Fish were plentiful in spite of muddy waters from mining and extensive netting by Indians. Now there are constant attempts to stop all types of mining and to keep Indians from netting fish. Does anyone complain about the tons of salmon being caught today off the coast and at the mouth of rivers by commercial fishermen and sportsmen?

The North Coast Forest Industries has excellent bits of information on local TV stations concerning our forests, but just how much more widespread is this information being publicized? Lumber mills have series of pictures taken over the years showing rapid changes taking place on cut over and reforested lands. Various conservation projects and recreational programs by timber industries, U.S. Forest Service, and others have been highlighted now and then. Some companies have placed informative articles in major magazines containing colored pictures about timber harvesting and wild life in the forests.

These things are all great, but they are just bits and pieces. True information should actually be put out by individuals or organizations not directly connected with forest industries. Companies are being called liars, among other names, by persons believing that timber barons are putting out false information to cover up selfish motives, and that reforestation is not taking place as shown in the "Demonstration Forest" areas. They believe this is just a cover up gimmick.

Most people never think of timber as a crop to be harvested. Reaping, without replanting to assist nature, was a mistake of the past, but because of that, we can't let the pendulum swing so far now as to stop the wood products industries altogether. Common sense has to prevail. What hurts our economy here has an adverse effect on the whole nation. What's going to happen when unemployment insurance runs out, and the taxpayers' money no longer stretches to cover the increasing burden of welfare grants? Jobs here create jobs elsewhere. If we can't work here, where can we go? A sagging national economy will even cut down tourism. If this region all becomes a wilderness area, who will benefit? Do you suppose the tourists who do come might bring peanuts to feed us the same as caged monkeys in a zoo?

As members and guests of the Chamber of Commerce, I'm sure all of you are concerned about the economic future of our north coast area. I strongly believe that unless something is done to turn the tide, one of these days we will wake up and find our forests preserved in a gigantic playground for a privileged few. Only those physically strong enough and with the time and money will be able to enjoy wilderness areas, whereas through multiple use, almost everyone will benefit in one way or another. One-sided, often inaccurate publicity that continually plays upon people's emotions can be very detrimental for everyone.

It is up to all of us to gather factual information and make others aware of the truth. We can't sit back and let a few outspoken persons sway the masses through emotionalism fed by half-truths and deliberate lies. We are products of nature too, and were given the abilities to utilize the resources around us. There is room for all, so let's strive for a balance.

CONGRESSMAN WILLIAM S. MOORHEAD SCOLDS MITCHELL FOR NO RESPONSE ON KENT STATE QUERY

HON. WILLIAM S. MOORHEAD

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 14, 1971

Mr. MOORHEAD. Mr. Speaker, the promptness with which the Justice Department moved to squelch the New York Times and the Washington Post from publishing the Pentagon papers has been well documented.

I guess—the final decision aside—this proves that, properly motivated, the Justice Department can, indeed, do some of the things historically it has been known to do, such as bring suits, carry out investigations, and convene Federal grand juries.

Contrast Justice Department's haste in the newspaper case with its total refusal to act on convening a Federal grand jury to investigate the killings of four students at Kent State University more than a year ago, and one wonders what proper motivation is needed to get some action out of Attorney General Mitchell and company.

The answer alone cannot be just cause. Since the Kent State matter is riddled with so much doubt and speculation that even an FBI investigation has cast strong doubt on the excuses offered by the Ohio State National Guard in defense of their killing four students.

On May 24 of this year, the gentleman from Ohio (Mr. VANIK), myself and 18 of our colleagues, sent a letter to Mr. Mitchell asking that he convene a Federal grand jury in the Kent State case to determine if any Federal laws had been violated in the killings or in the disturbances which led to the killings.

To date we have yet to receive an answer to our letter. For one, I am sick and tired of the attitude of Mr. Mitchell. He is next to unapproachable as far as testifying before House committees and in this instance he has refused to send even the most perfunctory reply to 20 Members of this body who made a request of him in writing.

I would like to enclose a copy of a letter which I sent to Mr. Mitchell today and also I would like to enclose a letter to the editor of the Washington Post from Mr. Arthur Krause, whose daughter was one of the four young people killed at Kent State.

If Mr. Mitchell's personal priorities are reflected in carrying out his responsibilities in the Times-Post case and the Kent State issue, I for one will be most happy to see his exit from Government.

The material referred to follows:

CONGRESS OF THE UNITED STATES
HOUSE OF REPRESENTATIVES,
Washington, D.C., July 13, 1971.

Hon. JOHN NEWTON MITCHELL,
Attorney General, Department of Justice, Washington, D.C.

DEAR MR. ATTORNEY GENERAL: I must assume, since I have received no response to my May 24 letter requesting a federal grand jury investigation of the Kent State killings, that you and the Justice Department believe that none of the many unanswered questions involving the deaths of four students merits the convening of a federal grand jury.

I must conclude that the FBI study which raises the question of a "fabrication", regarding the Ohio National Guard's claim that its members' lives were in danger prior to the shooting, has no meaning for you.

I must conclude that President Nixon's statement of March 11, 1971 ("Justice delayed is not only justice denied, it is justice circumvented, justice mocked, and the system of justice undermined."), is just so much rhetoric and has no influence on the actions of the Justice Department.

I must conclude that the Justice Department believes that four deaths, at the hands of the Ohio National Guard, were justified.

And finally I must conclude that you hold the request of 20 United States Congressmen in such contempt that you feel it is not necessary to furnish us with and answer to our demand that a federal grand jury be convened to uncover what really occurred at Kent State.

In closing I ask one question Mr. Attorney General, what do you believe occurred at Kent State? Does your silence support the killing of four students? I must assume it does because you have taken no actions to belie that.

Sincerely,

LETTER TO THE EDITOR

Gentlemen, I am one of those Americans who find it extremely difficult to understand why the deliberate killing of my child and the three who died with her evokes no "comparable priority." And in despair I ask you how it is that so many hints that the shooting was a "conscious deliberate act" can be so cynically and callously ignored?

I will conclude by saying that this letter was prompted by the following item in this week's issue of Time Magazine concerning your legal conflict with the Justice Department:

"The White House insisted, with much justification, that it must take action when it feels that a law has been violated. 'How would you explain to people that you elected not to enforce the law?' asked one presidential aide."

ARTHUR S. KRAUSE.

PITTSBURGH.

COMPREHENSIVE HEALTH MANPOWER TRAINING ACT OF 1971

HON. LOUISE DAY HICKS

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 14, 1971

Mrs. HICKS of Massachusetts. Mr. Speaker, I would like to share with my colleagues some views concerning the recently passed Comprehensive Health Manpower Training Act of 1971, and its companion, the the Nurse Training Act of 1971.

COMPREHENSIVE HEALTH MANPOWER TRAINING ACT OF 1971

Mr. Speaker, during the last decade in American history, it became abundantly clear that the people of this Nation were prepared to invest enormous sums toward improving the health and well-being of all segments of our population. In fiscal year 1960, for example, national health expenditures amounted to approximately $26.4 billion, or about 5.3 percent of the gross national product. In 10 years, however, national health outlays rose to a staggering $67.2 billion, or 7 percent of the value of all goods and services produced in a nearly trillion dollar economy. This national investment for health purposes is continuing to grow and may soon represent the Nation's No. 1 social priority.

To meet these rising social expectations, steps must be taken now to assure that an adequate supply of health resources will exist in future years to meet growing public demands for more and better health care. We have, in the proposed Comprehensive Health Manpower Training Act of 1971, a unique opportunity to provide these assurances. This legislation provides for a short-term investment of some $2.8 billion over 3 fiscal years to support a number of essential health professions manpower training programs.

For example, under the bill (H.R. 8629), the authority contained in existing law to assist in the construction of teaching facilities in the various professions will be continued, but at a much higher level. New authority in the bill will also provide alternative sources for the construction of educational facilities. This is through a new program of guaranteed Federal loans and through interest subsidies on loans used to finance construction projects.

A new capitation grants program will replace the outmoded program of formula grants used to provide operational assistance to health education facilities. Under the capitation grants program, the level of financial support to these institutions is substantially increased. Special funds will also be available to aid those schools which have run into severe financial problems in recent years.

Major improvements in the student assistance programs are also contained in the new legislation. Students in the health professions will now be able to obtain loans annually in amounts up to $3,500, instead of the present limit of $2,500. Loan cancellation provisions in existing law are extended to students in each of the health professions. A new provision will permit the Government to cancel up to $15,000 or 75 percent of any professional education loan, if the graduate agrees to practice in an area where his skills are in short supply.

By no means, of course, can this piece of legislation—as important as it is—resolve the so-called health care crisis which plagues us at the present time. But unless we are prepared now to vigorously support an expansion of our health professions educational system, prospects for other health legislation in future years will founder for lack of trained personnel to implement National goals in the health care field. H.R. 8629 is a timely and wisely conceived legislative measure and one which deserves our complete support.

NURSE TRAINING ACT OF 1971

Mr. Speaker, like its companion measure—the Comprehensive Health Manpower Training Act of 1971—the proposed Nurse Training Act of 1971 (H.R. 8630) deserves our complete support. It is generally recognized that there are acute shortages of various skilled health personnel in the country, but it is doubtful whether any of these shortages are as critical as the shortage of nurses.

Estimates of nursing personnel needed by 1980 indicate that there must be 1,100,000 trained registered nurses, 675,000 licensed practical nurses and 550,000 nursing aides, if the demands for nursing services are to be met. To recruit, train and actually retain this number of personnel is an enormous challenge to us all.

Fortunately, the proposed Nurse Training Act of 1971 can do much to help in the recruiting and training of the necessary personnel we do need. In this regard, the student assistance programs contained in the bill are especially crucial. Under revisions in the scholarship program, for example, scholarship amounts to a student in any 1 year will be increased from $1,500 to $2,000. The bill also provides a new formula designed to make more money available for scholarship purposes to nursing schools to start with. Hopefully, prospective nursing students will be encouraged by this new source of financial assistance.

The student loan program for nurses is also revised under the new bill. Like scholarships, the maximum amount of a loan in any 1 year will be raised from the present $1,500 to $2,000, while the maximum amount that could be borrowed during training is increased from $6,000 to $10,000. The loan cancellation feature is also revised. If a graduate agrees to practice in a shortage area for 3 years, the Government will pay the principal and interest of any educational loan up to $10,000 or 75 percent of the loan, whichever is less.

The members of the committee which recommended this legislation to the House noted alarmingly:

> The Nation's need for health manpower is critical—a need which is both quantitative and qualitative. It is reaching crisis proportions. If we are to move closer to the goal of adequate health care for every American we must have the skilled personnel to provide essential services.

The proposed Nurse Training Act of 1971 is a vital part of any strategy to overcome this potential crisis. I, for one, support its provisions completely.

OPPOSITION TO CONTEMPT OF CONGRESS CITATION AGAINST CBS AND PRESIDENT FRANK STANTON

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 14, 1971

Mr. FRASER. Mr. Speaker, had the House not voted to return the resolution citing CBS for contempt of Congress to committee for further study, I would have voted in opposition to the resolution.

I was opposed to the resolution for several reasons. First, because I feel that the editing involved in the program, "The Selling of the Pentagon," was not "deceitful" and did not exceed editing procedures normally considered acceptable by the written media; second, that all material necessary to evaluate the accuracy of this documentary TV program, is either already in possession of the committee or could easily be obtained by interviewing the individuals who appeared in the documentary; and third, that the electronic media are entitled to the same first amendment protections as the written press. To use the power of a contempt citation to force the electronic media to submit materials it used in creating a news story would only result in having a "chilling" effect on investigative journalism by the electronic media. This, I believe, would ultimately be very damaging to freedom of information for the American public.

The action of the House yesterday in refusing to go along with the committee's request for a contempt citation, returning the request to committee for further study, is a vindication of the 13 committee members who prepared a detailed report of minority views opposing the request for citation.

ENERGY CONSUMPTION AND GROSS NATIONAL PRODUCT

HON. JAMES A. McCLURE

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 14, 1971

Mr. McCLURE. Mr. Speaker, the House Republican task force on energy and resources, of which I am chairman, has met with Dr. Bruce C. Netschert, vice president of National Economic Research Associates, Inc. concerning the relationship between energy consumption in the United States and gross national product. It is of more than academic interest to note that this relationship has changed in recent years, resulting in an even greater need for energy than that which was expected due to population increases and an increased consumption of energy per capita. Dr. Netschert presented to the House Republican task force on energy and resources a special report prepared by National Economic Research Associates, Inc., which I will now place in the RECORD for the appraisal of my colleagues:

ENERGY CONSUMPTION AND GROSS NATIONAL PRODUCT IN THE UNITED STATES: AN EXAMINATION OF A RECENT CHANGE IN THE RELATIONSHIP

ABSTRACT

The ratio of aggregate energy consumption to Gross National Product (the energy/GNP ratio) underwent a long-term secular decline during the period 1947–1966, following a trend that began in the 1920s. Since 1966, however, the trend has reversed, and the ratio has shown an uninterrupted increase. If the trend prior to 1966 had persisted, energy consumption in 1970 would have been lower by an amount greater than the total electric utility consumption of coal in that year. An analysis of the possible reasons for this trend reversal indicates that it cannot be ascribed to any single cause but that a major part of it is apparently the result of: (a) the increasing relative importance of nonenergy uses of the fuels, (b) a tapering off in the year-to-year improvement in thermal efficiency at central power stations, and (c) the increasing relative importance of air conditioning and electric heating. The net result of these factors is a tendency toward a sustained high growth rate in aggregate energy consumption and a consequent increase in the energy/GNP ratio except in years of high GNP growth rate (i.e., when GNP growth is sufficienty high to exceed the growth in energy consumption).

A SPECIAL REPORT

At a time when environmental preservation has become a dominant national concern and when the inherent conflict between measures to that end and the continuing growth in energy consumption is creating a growing policy dilemma, it is of interest to examine a recent phenomenon that has occurred in the statistical series measuring energy consumption per dollar of (constant dollar) GNP. As shown in Table I, the ratio followed a secular decline (at an annual compounded rate of 0.7 per cent) between the end of World War II and 1966; since then the year-to-year change has been consistently upward (at an annual compounded rate of 3.0 per cent). On the basis of preliminary 1970 figures, the ratio has risen to the level of the early 1950s. The trend reversal is all the more interesting because of the full length of the period of decline, which was previously shown to date from the early 1920s.[1]

This phenomenon has profound implications for the energy-environment policy dilemma. The demand for energy *in toto* can be viewed as being separate and distinct from the demand for the individual forms of energy because of the wide range of substitutability among the different energy commodities. A given level of population and GNP will generate a certain demand for energy which will be satisfied by a mix of energy commodities, the nature of which will be determined by relative price levels, convenience and taste. As long as the energy/GNP ratio declines, economic growth results in a less than proportionate increase in energy consumption; but with an increasing ratio, economic growth acts as a multiplier. Even with the declining trend in the ratio there has never been any dispute that the economy will require very large increases in energy supplies during the coming decades. A reversal in the trend of the ratio, however, implies even greater increases in the future and consequently greater difficulties in reconciling energy consumption (and the economic growth responsible for it) with environmental preservation.

One can obtain a measure of the significance of the trend reversal by assuming that it did not occur and calculating what aggregate energy consumption would have been on that basis in 1970. The actual level of the ratio in 1970 was 95,400 Btu per dollar of GNP. Projecting the 1947–1966 trend in the ratio to that year, the ratio would have been 84,000 Btu per dollar of GNP, or 12 per cent less. When this ratio is applied to the 1970 GNP figure, we find that aggregate energy consumption in that year would have been 8,258 trillion Btu, or 12 per cent, less than actual consumption. This difference is a quantity of energy equivalent to more than the total coal consumption by electric utilities in 1970. *Indeed, it seems fair to conclude that in the absence of the trend reversal in the energy/GNP ratio, the energy supply crisis of 1970 would have been far less severe or would not have occurred at all.*

There is, then, more than academic interest in questioning what the statistical phenomenon really signifies. Is the trend reversal real or is it only a statistical illusion? Has the economy crossed a watershed in the energy/GNP relationship in the past five years, and if so, what is the explanation? Is the reversal, if it is real, something that can be expected to persist indefinitely or is it only temporary?

The following discussion represents the results of ongoing work by NERA in the area of energy consumption and economic growth. We believe that the work done thus far has enabled us to identify the factors accounting for at least one-half of the "excess" energy consumption in 1970 due to the trend reversal.

By definition, an increase in the energy/GNP ratio will occur whenever the annual growth in energy consumption exceeds that in GNP. In the 19-year period from the end of World War II to 1966 this occurred six times, with one instance of two consecutive years (see Table I): 1951 (0.2 per cent increase); 1955 (2.1 per cent increase); 1956 (3.3 per cent increase); 1958 (0.2 per cent increase); 1960 (1.0 per cent increase); and 1963 (0.2 per cent increase). The four years of consecutive increases from 1967 through 1970 averaged 2.5 per cent. In all but two years (1958 and 1970) the increases were accompanied by an increase in GNP, but the fact that increases occurred in years of both increasing and declining GNP would appear to rule out any business cycle influence.

In one respect there is a clear distinction between the last four years, in which the ratio has risen, and the preceding nineteen years: the average annual increase in energy use has been higher and that in GNP has been lower. In the period 1947–1966, the energy increase averaged 2.98 per cent, versus 4.98 per cent in the 1967–1970 period; for GNP the averages were 4.09 per cent and 2.42 per cent, respectively. On the other hand, there were several years in the earlier period when energy growth was higher and GNP growth lower than the recent averages.

Obviously, if GNP had continued at its average annual growth rate of the 1962–1966 period—5.78 per cent—the long-term decline in the energy/GNP ratio would have continued, since that rate exceeds the growth rate in energy consumption during all but one of the succeeding years. Yet prior to 1967 there were five years (in the period since World War II) in which energy consumption grew at 5 per cent or more, and in four of those years GNP grew at a rate of 6.5 per cent or more. In 1956, the one year of exception, a 5.1 per cent growth in energy accompanied a 1.8 per cent growth in GNP. The anomaly of the post-1966 period is that sustained high growth rates in energy accompanied moderate, low or negative growth in GNP. In what follows we examine a series of possible explanations for the trend reversal.

GNP sector composition

We must look first to the energy consumption and GNP series themselves for an explanation. Each is an aggregate, and it is possible that changes in the relative importance of components in either or both have caused subtle changes in the relation between the level of GNP and energy consumption. The Resources For the Future examination of the earlier history of the relationship back to 1850[2] sought to explain an opposite reversal, when the secular decline subsequent to 1920 supplanted a secular increase that had persisted before that time. The conclusions, emphasized as "hypotheses which appear to fit the facts which have been examined," were as follows:

"Changing economic structure in the direction of greater industrialization and mechanization in terms of rated horsepower equipment compared to output, which should lead to greater energy consumption per unit of national product, was apparently a dominant factor at work in the period until about World War I. Following 1920, changing economic structure still worked in the same direction, but with greatly reduced force. The other factors examined—changing composition of the energy aggregate, faster increases in thermal efficiency of energy utilization, the impact of electrification, and the acceleration in the rise of over-all economic productivity—all of which worked on balance in the direction of less energy input per unit of national output, were dominant.[3]"

One of the explanations suggested by the Resources For the Future study for the trend reversal it was attempting to explain was the increasing importance of the services sector of the economy, which is not energy intensive. As shown in Table II, however, changes in this proportion, or in that of any other sector, do not appear to have contributed to the recent trend reversal. There are no significant shifts in the relative importance of goods output versus services, or in the rela-

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Footnotes at end of article.

tive importance of any sector in the 1966–1969 period compared with earlier years.

Conversion factors used in deriving aggregate consumption figures

Since energy is consumed in the form of the several fuels and electricity, it is necessary to use a common denominator for aggregation. The conventional unit is the British thermal unit (Btu), which is a measure of the amount of energy required to raise the temperature of one pound of water one degree Fahrenheit. The Bureau of Mines publishes two series of aggregate energy consumption in Btu terms, one of which appears in the annual *Minerals Yearbook;* the other is contained in an annual summary of petroleum statistics published separately from the *Minerals Yearbook.* Annual figures in the two series are identical for only occasional years, but the differences between them when they are not identical are not large. We have used the *Yearbook* series because the conversions are more detailed (viz., the use of separate conversion factors for each petroleum product), hence the aggregate Btu figures tend to be more accurate. (See also the discussion of coal, below.)

One possible source of change in the energy/GNP ratio would be the manner in which physical quantities of energy commodities are converted into the Btu common denominator. For this purpose it is necessary to use conversion factors, and either changes in the conversion factors over time or the use of a constant factor that did not accurately reflect changes in actual energy equivalence could contribute to a change in the ratio. In fact, both instances have occurred. One concerns the conversion into Btus of kilowatthours of electricity produced from falling water and nuclear energy, where one has the option of converting on a pure equivalence basis (1 kwh=3,412 Btu) or on the basis of the fossil-fuel Btus that would have been required to obtain the same number of kilowatthours (known as the "heat rate" in fossil-fuel power generation).[4] The Bureau of Mines chose the latter.[5] Now, the heat rate is not constant from year to year, so that the conversion factor for nuclear and hydropower is not constant. The significance of this is discussed below in the productivity section.

The instance of constant conversion factor in the face of changing actual circumstances is coal. Coal of different kinds and grades exhibits a wide range in Btu content, and the Bureau of Mines has for many years used a nominal factor of 26,200,000 Btu per short ton for bituminous coal.[6] The reported Btu content of the coal burned by electric utilities is, however, significantly less, and has been declining over time. In 1952 (the first year for which industry statistics on Btus of coal consumed by utilities are published) it averaged 24,200,000 Btu/ton, versus 23,400,000 in 1968–9. In its energy aggregation procedure the Bureau of Mines uses 24,000,000 Btu/ton in converting utility consumption of bituminous coal to Btus and applies an arbitrary higher factor to nonutility bituminous coal so as to obtain an overall coal conversion factor of 26,200,000 Btu/ton for total bituminous coal consumption. Utility use has accounted for an increasing share of total bituminous coal consumption, however (rising from 15.8 per cent in 1947 to 60.8 per cent in 1969), so that the Bureau's procedure introduces a clear upward bias into the coal figure.[7]

Here, then, is a factor affecting the trend reversal in the energy/GNP ratio, but when tested it does not prove to be a large enough factor to account for the trend reversal by itself. Recomputation of the aggregate energy figure using the Btu content of coal as reported annually by the utilities and 26.2 MMBtu/ton as the conversion factor for all other coal consumption still yields a rise in the energy/GNP ratio from 1966 on.

Energy consumption by consuming sector

If one assumes that the cause of the reversed trend in the energy/GNP ratio lies in some particular energy use or group of uses it should be possible to detect this effect in the rates of growth in energy consumption by the sector or sectors in which they occur. Table III shows the annual growth rates in the several consuming sectors for the years 1962–1970. (The series extends back only to 1961.) Columns 1, 3 and 5 give the growth rates for the direct fuel use of energy in the sectors, as reported by the Bureau of Mines. The Bureau gives electricity use also by sector, but converts it into Btus at the theoretical equivalent of 1 kwh=3,412 Btu. To get a combined total for the input of all energy into each sector, including electricity, we have converted the kilowatthour figures to Btus at the prevailing heat rate in central stations for each year. The growth rates for the overall energy consumption in each sector are shown in columns 2, 4 and 6. It will be seen that the growth rates in the transportation sector are little affected by this procedure because of the small electricity consumption in that sector.

The adjusted series, including electricity consumption, in Table III show no pattern or anomaly that suggests any one of the sectors as the perennial determinant of a high growth rate in aggregate energy consumption. Each of the sectors has grown faster than the aggregate in some years, more slowly in others. Looking at the period of the reversal in the energy/GNP trend, in 1967 the household-commercial and transportation sectors had high growth rates, which were more than offset by a low rate in the industrial sector, resulting in a modest rate in the aggregate. In 1968 the industrial and transportation sectors had a high growth rate and the household-commercial sector a relatively low one, resulting in a high rate for the aggregate. In 1969 the household-commercial sector alone had a high growth rate; but the rates in the other sectors were moderate and the aggregate rate was less than in the preceding year. And in 1970 the household-commercial sector was again the highest, but the growth in the other sectors was still lower and the aggregate rate again fell.

One could postulate that the increasing possession of energy-intensive equipment and appliances by residential and commercial consumers (i.e., electric heating, air conditioning and color television) would make the level of energy consumption in this sector resistant to slow or negative growth in GNP, but the absence of any pattern consistent with this assumption removes it as a possible explanation. How does one explain the low growth rate in this sector in 1968, when GNP growth was comparatively high?

In sum, the data on energy consumption by sector offer no evidence that would explain the trend reversal.

Productivity and heat rate

As noted above, the Resources For the Future investigation of the energy/GNP ratio suggested that increased economic productivity and efficiency of energy use were significant determinants of the prior reversal in the trend in the ratio from increasing to declining. During the period 1966–1969 total private output per man-hour increased, but at lower rates than in the years from 1947 to 1966—the averages were 2.42 per cent and 3.46 per cent, respectively. (See Table IV.) On the other hand, in four years of the earlier period (1952, 1954, 1956 and 1960) the productivity gain was at or below the average level of the later period, yet in only two of those years (1956 and 1960) was the increase in GNP less than the increase in energy consumption (i.e., the circumstances necessary for a rise in the energy/GNP ratio). What we see, in other words, is the relation between productivity gain and GNP growth, but not an explanation for the trend reversal in the ratio.

The counterpart of productivity on the GNP side is the heat rate on the energy side; that is, just as increased output per man-hour contributes to increased GNP, increased efficiency in energy use means less energy consumption per unit of output, hence contributes to a decrease in the energy/GNP ratio. If the heat rate were to have anything to do with the trend reversal, we should therefore expect it to experience a similar reversal. As Table IV shows, in two of the four years of the reversal the heat rate declined, and it rose in 1966, the year before the reversal. It is, nevertheless, significant that there is a clear slowing down in heat rate improvement over the period since World War II as a whole, with an apparent trend reversal dating from 1966. (Since the 1970 figure is from a different source, the size of the increase in that year may be exaggerated.) For the years 1947–1959 the annual decline in the heat rate averaged 2.94 per cent. From 1960 to 1966 the decline was only 0.64 per cent; and for the four years 1967–1970 the heat rate increased, on the average, by 0.88 per cent per year.

This slowdown in the decline in the heat rate is to be expected, since the minimum feasible level with current technology is in the neighborhood of 8,500 Btu/kwh. As this level is approached, additional gains in efficiency become both more difficult and more expensive. The overall heat rate can be lowered, moreover, only through the addition of new plants with lower than average heat rates; thus the rate of decline must slow down as the difference between the average of existing plants and the level of new plants decreases. Finally, the extra cost of the improved heat rate is viewed in a less favorable light by the utilities in periods of high interest rates. It is therefore likely that in some years there may be an increase in the average heat rate, as new plants coming on line in that year operate at a higher rate than the new plants of the previous year.

We have tested the effect of the declining improvement in the heat rate by assuming that it continued to decline at the annual compounded rate of decrease in the period 1947–1961 (there was an abrupt drop in the annual rate of improvement in the subsequent years). We have assumed that 8,530 Btu/kwh (40 per cent efficiency) is the physically feasible limit and have held it constant at that level after it was attained. This is, of course, wholly theoretical, since the 8,530-Btu level implicitly assumes that *all* plants are at that level. Nevertheless, it does provide an indication of whether the heat rate experience is an explanation of the energy/GNP trend reversal. As shown in Table V, however, even under this assumption the ratio increases after 1966.

It should be borne in mind that the effect of the heat rate on aggregate energy consumption is considerably diluted in the statistics because it is totally masked in utility use by the constant conversion factor for coal. It appears in the aggregate only through hydropower and nuclear power. The proof that the change in the heat rate is not itself a complete explanation of the reversal in the energy/GNP ratio is the use of the 1966 heat rate as the conversion factor for non-fossil-fuel power in each of the succeeding years. The trend still reverses.

Footnotes at end of article.

The substitution of electricity for direct fuel use

Morrison and Readling[8] have previously discussed the relation of energy consumption to GNP and have pointed out that the ratio of the percentage change in energy consumption to a one per cent change in GNP—which they termed the "energy coefficient"—had shown an increasing trend from 1947 through 1965. They attributed this to the much more rapid rate of growth in the electric utility sector relative to the other sectors (i.e., household, commercial, industrial and transportation) and the increasing displacement of direct fuels in these sectors by purchased electricity. Because of the one-third thermal efficiency in power generation, to the extent this substitution occurs, the net increase in energy inputs is doubled (allowing for the Btus that would be consumed in direct fuel use).

Unfortunately, there is no way of measuring, in the consumption statistics, the degree to which electricity has substituted for direct fuel use in recent years. In one sense, all electricity use is a substitute for fuel use, but conversion from mechanical power to electricity is almost wholly a matter of past history. The significant substitution in recent years has been in heating in the residential, commercial and industrial sectors. Data are available for the years through 1968 on the number of electrically heated homes and average annual kilowatthour usage per home. When aggregate energy usage is adjusted to take this use into account by computing the net increase in Btu input due to indirect fuel usage, the difference in the aggregate is too small by itself to offset completely the trend reversal in the energy/GNP ratio.

The largest effect, however, is in the commercial and industrial sectors, since one all-electric office building may be the equivalent of hundreds of homes, and an industrial electric furnace can be the equivalent of a whole town of electrically heated homes. Unfortunately, there are no data from which to compute a reliable measure of this effect. It is clear, in any event, that electric heating *in toto* is a significant factor in the reversal in the trend of the energy/GNP ratio, especially in view of the rapid growth of electrically heated buildings in the past few years.

Air conditioning

The increased use of air conditioning is one of the most notable phenomena of the period since World War II in the field of energy consumption. It is primarily a use of electricity[9] and is also an addition to energy use—it does not replace or supplant any previous use. As an element in the growth of electricity use, air conditioning could *possibly* be an explanation of the trend reversal in the energy/GNP ratio.

To test this possibility we first computed the ratios of monthly residential and commercial electric energy sales in July, August and September to the twelve-month centered moving averages for the period 1960–1969. The results indicated a rise in the seasonal index for those months during that period (see Table VI). This is what one would expect; with the spread of air conditioning, consumption during the summer constituted an increasing proportion of total annual consumption.

In the absence of direct statistics on actual air-conditioning electricity use in the household sector we derived estimates. From room air conditioners we used annual estimates of the number of homes with this appliance[10] and kilowatthour consumption per appliance.[11] Extrapolating from 1960 Census data (1970 data are not yet available), we assumed that homes with room air conditioners had 1.6, on the average, in 1966, increasing to 2.1 per home in 1970. For central air-conditioning we used estimates of the number of dwelling units so equipped supplied by the Air Conditioning and Refrigeration Institute and assumed an average annual usage of 4,900 kwh per residential unit.[12]

For the commercial sector we used the statistics on kwh sales in the "commercial and industrial class (small light and power)," as reported by the Edison Electric Institute. We assumed that the difference between average kwh consumption during the months from June to October (the "cooling" season) and the average monthly use for the preceding seven months represented air-conditioning consumption of electricity in this sector. We converted the resulting kwh figure to its Btu equivalent using the prevailing heat rate in central stations and added it to our figure for residential air-conditioning consumption, converted to Btus on the same basis.

The results are shown in Table VII. The statistical basis of this adjustment is admittedly weak, since we have compounded assumptions and estimates, but we believe that on balance the results tend, if anything, to understate the magnitude of this energy use. Nevertheless, subtraction of the total calculated air-conditioning Btus from aggregate energy consumption fails to eliminate the reversal in the energy/GNP trend, and fails by a sufficient margin to indicate that whatever understatement of air-conditioning energy use may be present does not make the difference: air-conditioning use by itself does not completely explain the reversal, although it is a factor contributing to it.

Energy intensive industries

A possible cause of the rise in the ratio could be an increase in energy consumption in the industrial sector, which would follow from an increase in the relative place, among all industry energy consumption, of those industries accounting for a substantial part of the total, either because they are themselves energy intensive or because they are moderately energy intensive but large in the scale of total energy use. Just such an increase is suggested by the data in Table VIII, which show that the ratio between energy consumption by the industrial sector and the Federal Reserve Board (FRB) index of mining and manufacturing production declined from 1961 through 1966 and reversed from 1967 through 1970, exactly paralleling the energy/GNP ratio.

The role of the energy intensive industries in this reversal can be assessed by examining the six two-digit SIC categories which account for two-thirds of all industry energy use: food; paper; chemicals; petroleum and coal products; stone, clay and glass products; and primary metals. (See Table IX.) Taking the energy bill for these six categories as reported by the Census for 1966 and 1967, and deflating by the Wholesale Price Index for fuels and power, the increase between the two years was 0.2 per cent. The FRB index of mining and manufacturing for those two years increased by 0.8 per cent, however, while the deflated energy bill for all industry increased by 3.0 per cent. Thus the energy intensive industries did not account for the increase in the energy/FRB ratio in 1967. (In fact, the energy consumption of the other industries increased by 10.3 per cent.)

There are no Census data on energy consumption available subsequent to 1967, but one can get a measure of the significance of the energy intensive industries in the behavior of the energy/FRB ratio in the following years by assuming that there has been no significant change in the energy/production ratio in those industries and examining the percentage increases in their (FRB) production indexes during the period 1967–1969. Between 1967 and 1968 all six categories increased their production, but output in three of them (metals, petroleum and food) rose at a rate equal to or less than that of the overall index. Between 1968 and 1969 two categories (petroleum and food) rose less than the overall index. One can thus conclude that the increase in energy consumption by industry was pervasive and was not concentrated in those industries that account for most of overall industrial consumption of energy. The hypothesis that energy consumption in the energy intensive industries was a factor in the trend reversal is not supported by our analysis of the data.

Nonenergy uses of the fuels

In the strict sense the Bureau of Mines figure for aggregate energy consumption overstates the true energy consumption of the economy since it includes such nonenergy uses of the fuels as carbon black, petrochemicals and coal chemicals. Thus an increase in these uses could increase the energy/GNP ratio without there having been a true change in the amount of energy consumed relative to economic activity. Between 1966 and 1970 the total Btus attributable to raw material usage did indeed rise by more than one-third, but as a percentage of the aggregate Btu figure the increase was from 5.0 per cent to 5.6 per cent. Obviously, the nonenergy uses by themselves do not provide a complete explanation for the reversal, but just as obviously they were an important contributing factor.

The combined effects of statistical bias and growth elements in energy consumption

We have seen that none of the factors examined above is by itself an explanation in itself of the reversal in the trend of the energy/GNP ratio, but it is possible that their combined effect could be sufficient to provide an explanation. This possibility is presented in Table X, in which all of the adjustments to the aggregate consumption figures for the years 1966–1970 are made together. When this is done, the upward trend in the energy/GNP ratio remains. Nevertheless, it has been considerably reduced. The increase in the ratio in Table I between 1966 and 1970 is 10.3 per cent. In Table X it is 5.3 per cent.

Table X also shows that adjusted total energy consumption increases by 8,102 trillion Btu from 1966 to 1970. Actual energy consumption rose by 12,151 trillion Btu, however. Thus, our six explanatory factors account for 4,049 trillion Btu of the total increase in energy consumption between 1966 and 1970. Had these factors not been operative, the increase in energy consumption in the period would have been 4,049 trillion Btu less, and consumption in 1970 would, of course, have been 4,049 trillion Btu less. Since the "excess" energy consumption in 1970 was some 8,000 trillon Btu, we conclude that our six factors account for at least one-half of the excess.

The relative contributions to the trend reversal of the causes we have identified are summarized in Table XI: nonenergy use of fuels is the most important cause, followed by the decline in (or possible cessation of) improvement in the heat rate in fossil-fuel power generation. Together these two causes account for three-quarters of the identified basis of the trend reversal. Another way of looking at the mix of causes is to distinguish between the real and apparent increases in aggregate energy consumption. The real increases are in nonfuel use,[13] the slowdown in heat rate improvement, air conditioning and electric heating. The apparent increases are those due to statistical conversion methods

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Footnotes at end of article.

and factors which fail to reflect correctly changes in real Btu inputs. The real increases account for 85 per cent of the total.

If the foregoing findings are correct, they carry interesting implications for the future course of the energy/GNP ratio. The reversal in the trend which occurred in the latter half of the 1960s was the result of several trends in energy use (including nonenergy use of fossil fuels) which have been building up during the period since World War II. By the time of the trend reversal in the ratio, the growth in these general energy use trends had raised the absolute levels to the point where their trends began to increase the rate of growth in aggregate energy use. This meant that any faltering in GNP growth, such as has occurred since 1966, was likely to result in an increase in the ratio. For the future it means that anything less than high GNP growth (even the 4.3 per cent assumed by the Bureau of Labor Statistics in its GNP forecasts) is likely to be less than the energy growth rate, and the energy/GNP ratio will therefore increase. The annual increases in our calculated air-conditioning use (12.2 per cent, 19.3 per cent, 22.5 per cent and 19.9 per cent) are so high as to be suspect, but there is every reason to believe that whatever the true level, it is higher than the growth rate in aggregate energy consumption and will thus tend to raise that rate. Similarly, although our calculated energy consumption in electric heating is still very small compared with aggregate energy consumption, its growth rate is also much higher than that of the aggregate, and as it continues to increase in absolute terms its influence on the aggregate will increase. Finally, nonenergy uses, with growth rates of 10.1 per cent, 7.8 per cent, 13.8 per cent, and 1.4 per cent, respectively, in the period 1967–1970 (the low 1970 figure nicely reflects the lack of GNP growth in that year), can also be expected to continue to increase the aggregate growth rate in the future. In sum, although there may be years of high GNP growth rate sufficient to exceed the aggregate energy rate, these will be the exceptions, and it is likely that the trend reversal in the energy/GNP ratio will continue for the indefinite future. Whether it will rise steeply or gradually depends on the success of the government in maintaining high economic growth. There is certainly nothing on the horizon short of government intervention to suggest any slackening in the energy growth rate.

FOOTNOTES

[1] S. H. Schurr, B.C. Netschert *et al.*, *Energy in the American Economy: 1850–1975* (Baltimore: Johns Hopkins Press, 1960), pp. 157–190.

[2] *Idem.*

[3] *Ibid.*, p. 190.

[4] In the strict sense the correct figure would be the actual Btu output of the nuclear reactor. The nuclear plants built to date have a lower thermal efficiency than fossil-fueled plants because of the lower temperature of their operation. The use of the prevailing heat rate in fossil-fueled plants thus *understates* the actual energy input. On the other hand (see text below), the Bureau of Mines does not express the heat rate in Btu terms but in pounds of coal per kwh, which is converted into Btu terms at a rate of 24 million Btu per ton of coal. Since the reported Btu content of the coal burned by utilities in recent years is less than this, the Bureau of Mines procedure tends to *overstate* the actual energy input.

[5] There is considerable disagreement among energy statisticians over which conversion method is appropriate. The United Nations, for example, uses the pure equivalence factor of 3,412 Btu/kwh, which is the same as assuming that the electricity, if generated from fossil-fuel combustion, had been obtained at 100 per cent thermal efficiency. The actual efficiency approaches 40 per cent in some new plants and averages around 30 per cent for all plants. Clearly the choice of one or the other conversion method does not concern this discussion except that the Bureau of Mines' choice of the experienced heat rate introduces a fluctuating conversion factor.

[6] Anthracite has accounted for a very minor amount of total utility coal consumption. It is ignored in this discussion, although it is included in the statistics.

[7] This is still preferable to the procedure used in the other series, in which a factor of 26.2 MMBtu/ton is applied to all bituminous coal consumption.

[8] W. E. Morrison and C. L. Readling, *An Energy Model for the United States, Featuring Energy Balances for the Years 1947 to 1965 and Projections and Forecasts to the Years 1980 and 2000*, Bureau of Mines Information Circular 8384 (Washington: United States Department of the Interior, 1968).

[9] Air conditioning based on other principles and not involving the familiar motor-driven compressor is also used in the commercial sector, but this can be disregarded in the present instance.

[10] Using the midyear average of January 1 estimates published in *Merchandising Week, Statistical and Marketing Report*, 1966–1971.

[11] Edison Electric Institute, "Approximate Wattage Rating, and Estimated Annual Kilowatt-hour Consumption, Electrical Appliances,—Assuming Normal Use," mimeo reports of January 1965, January 1967, and April 1969.

[12] This figure was derived from data in Federal Power Commission, *All Electric Homes*, 1969.

[13] There is a small semantic difficulty here. It could be argued that since the nonenergy fuel uses do not involve an energy input into the economy, they should not be included in the aggregate at all. On the other hand, if one thinks of the energy resources as a class of inputs and the Btu common denominator as just that—not a measure of energy—the aggregate figure is a correct measure of the total energy resource input. The fact that some of the energy resources are used as raw materials rather than energy sources is beside the point. Also, the effect of the heat rate on conversion of the hydro figure is in a sense real. We have chosen to consider this effect statistical because it involves a statistical conversion.

TABLE I.—ENERGY CONSUMPTION, GROSS NATIONAL PRODUCT, AND THE ENERGY/GNP RATIO, 1947–70

Year	Aggregate energy consumption		GNP (1958 dollars)		Energy/GNP ratio	
	Amount (trillion B.t.u.s.) (1)	Percent change from preceding year (2)	Amount (Billions) (3)	Percent change from preceding year (4)	Amount (thousands B.t.u.'s per dollar) (5)	Percent change from preceding year (6)
1947	32,870		$309.9		106.1	
1948	33,994	+2.5	323.7	+4.5	105.0	−1.0
1949	31,604	−7.0	324.1	+.1	97.5	−7.1
1950	34,153	+8.1	355.3	+9.6	96.1	−1.4
1951	36,913	+8.1	383.4	+7.9	96.3	+.2
1952	36,576	−.9	395.1	+3.1	92.6	−3.8
1953	37,697	+3.1	412.8	+4.5	91.3	−1.4
1954	36,360	−3.5	407.0	−1.4	89.3	−2.2
1955	39,956	+9.9	438.0	+7.6	91.2	+2.1
1956	42,007	+5.1	446.1	+1.8	94.2	+3.3
1957	41,920	−.2	452.5	+1.4	92.6	−1.7
1958	41,493	−1.0	447.3	−1.1	92.8	+.2
1959	43,411	+4.6	475.9	+6.4	91.2	−1.7
1960	44,960	+3.6	487.7	+2.5	92.2	+1.0
1961	45,573	+1.4	497.2	+1.9	91.7	−.5
1962	47,620	+4.5	529.8	+6.6	89.9	−2.0
1963	49,649	+4.3	551.0	+4.0	90.1	+.2
1964	51,515	+3.8	581.1	+5.5	88.7	−1.6
1965	53,785	+4.4	617.8	+6.3	87.1	−1.8
1966	56,948	+5.9	658.1	+6.5	86.5	−.7
1967	58,868	+3.4	675.2	+2.6	87.2	+.8
1968	62,448	+6.1	707.2	+4.7	88.3	+1.3
1969	65,832	+5.4	727.1	+2.8	90.5	+2.5
1970[1]	[2]69,099	+5.0	724.3	−.4	95.4	+5.4

[1] Preliminary.

[2] Corrected from Bureau of Mines published values on the basis of Federal Power Commission data.

Source: Col. (1)—1947–67: U.S. Department of the Interior, Minerals Yearbook, vol. II, 1962–68; 1968: U.S. Department of the Interior news release of Apr. 7, 1970, revised; 1969–70: U.S. Department of the Interior news release of Mar. 9, 1971. Col. (3)—1947–65: U.S. Department of Commerce, Business Statistics, 1969, 17th biennial edition (Washington: U.S. Government Printing Office, 1969); 1966–70: U.S. Department of Commerce, Survey of Current Business, July 1970, and unpublished data.

TABLE II.—SELECTED COMPONENTS OF GNP 1947–69

AMOUNTS IN BILLIONS (1958 DOLLARS)

Year	Total GNP (1)	Total goods output (2)	Durable goods (3)	Nondurable goods (4)	Services (5)	Structures (6)	Government purchases of goods and services (7)	General government (8)
1947	$309.9	$172.2	$60.1	$112.2	$106.5	$31.2	$39.9	$28.6
1948	323.7	178.4	61.3	117.1	109.3	36.1	46.3	28.7
1949	324.1	174.2	58.0	116.2	112.4	37.5	53.3	30.1
1950	355.3	192.6	73.4	119.1	117.5	45.2	52.8	31.1
1951	383.4	208.4	84.1	124.3	130.5	44.4	75.4	38.8
1952	395.1	214.0	84.6	129.4	136.3	44.7	92.1	41.8
1953	412.8	225.4	91.0	134.4	140.3	47.0	99.8	41.7
1954	451.0	215.1	81.9	133.2	141.8	50.2	88.9	40.9
1955	438.0	236.1	96.5	139.7	147.5	54.3	85.2	40.7
1956	446.1	239.0	96.5	142.5	153.0	54.0	85.3	41.3
1957	452.5	239.8	96.2	143.6	160.1	52.6	89.3	41.9
1958	447.3	230.8	83.6	147.2	163.4	53.1	94.2	41.2
1959	475.9	247.7	94.0	153.7	171.2	57.0	94.7	42.5
1960	487.7	256.0	97.8	158.2	176.6	55.0	94.9	43.7
1961	497.2	257.3	94.9	162.3	184.0	55.8	100.5	44.8
1962	529.8	277.3	107.0	170.3	193.7	58.8	107.5	46.9
1963	557.0	289.7	114.2	175.6	200.9	60.4	109.6	47.8
1964	581.1	308.7	124.6	184.1	210.8	61.6	111.2	49.1
1965	617.8	330.7	136.5	194.2	221.9	65.2	114.7	50.8
1966	658.1	356.8	151.8	205.1	236.3	65.0	126.5	54.6
1967	675.2	363.1	152.2	210.9	249.1	63.0	140.2	57.6
1968	707.2	380.7	162.1	218.6	260.0	66.6	148.3	59.7
1969	727.1	392.2	170.1	222.1	268.2	66.6	147.8	60.7

TABLE II.—SELECTED COMPONENTS OF GNP 1947–69
AMOUNTS IN BILLIONS (1958 DOLLARS)

Year	Total GNP (1)	Total goods output (2)	Durable goods (3)	Non-durable goods (4)	Services (5)	Structures (6)	Government purchases of goods and services (7)	General government (8)
				PERCENT OF TOTAL GNP				
1947	100.0	55.6	19.4	36.2	34.4	10.1	12.9	9.2
1948	100.0	55.1	18.9	36.2	33.8	11.2	14.3	8.9
1949	100.0	53.7	17.9	35.9	34.7	11.6	16.4	9.3
1950	100.0	54.2	20.7	33.5	33.1	12.7	14.9	8.8
1951	100.0	54.4	21.9	32.4	34.0	11.6	19.7	10.1
1952	100.0	54.2	21.4	32.8	34.5	11.3	23.3	10.6
1953	100.0	54.6	22.0	32.6	34.0	11.4	24.2	10.1
1954	100.0	52.9	20.1	32.7	34.8	12.3	21.8	10.0
1955	100.0	53.9	22.0	31.9	33.7	12.4	19.5	9.3
1956	100.0	53.6	21.6	31.9	34.3	12.1	19.1	9.3
1957	100.0	53.0	21.3	31.7	35.4	11.6	19.7	9.3
1958	100.0	51.6	18.7	32.9	36.5	11.9	21.1	9.4
1959	100.0	52.0	19.8	32.3	36.0	12.0	19.9	8.9
1960	100.0	52.5	20.1	32.4	36.2	11.3	19.5	9.0
1961	100.0	51.7	19.1	32.6	37.0	11.2	20.2	9.0
1962	100.0	52.3	20.2	32.1	36.6	11.1	20.3	8.9
1963	100.0	52.6	20.7	31.9	36.5	11.0	19.9	8.7
1964	100.0	53.1	21.4	31.7	36.3	10.6	19.1	8.4
1965	100.0	53.5	22.1	31.4	35.9	10.6	18.6	8.2
1966	100.0	54.2	23.1	31.2	35.9	9.9	19.2	8.3
1967	100.0	53.8	22.5	31.2	36.9	9.3	20.8	8.5
1968	100.0	53.8	22.9	30.9	36.8	9.4	21.0	8.4
1969	100.0	53.9	23.4	30.5	36.9	9.2	20.3	8.3

Source: U.S. Department of Commerce, Survey of Current Business, July 1970 and July 1968. For earlier years, U.S. Department of Commerce, "The National Income and Product Accounts of the United States, 1929–1965" (Washington: U.S. Government Printing Office, 1966).

TABLE III.—COMPARISON OF ANNUAL GROWTH RATES IN ENERGY CONSUMPTION BY SECTOR, FOR DIRECT FUEL USE AND INCLUDING ELECTRICITY CONSUMPTION, IN AGGREGATE ENERGY CONSUMPTION AND IN GNP, PERCENT—1962–70

[In percent]

Year	Household and commercial		Industrial		Transportation		Annual growth in aggregate energy consumption (7)	Annual growth in GNP (8)
	Direct fuel Use (1)	Includes electricity consumption (2)	Direct fuel use (3)	Includes electricity consumption (4)	Direct fuel use (5)	Includes electricity consumption (6)		
1962	5.6	6.0	3.7	4.3	3.9	3.8	4.5	6.6
1963	.6	3.3	5.1	4.8	4.8	4.8	4.3	4.0
1964	1.8	4.0	5.1	5.1	2.5	2.4	3.8	5.5
1965	5.4	6.4	2.9	3.5	3.7	3.7	4.4	6.3
1966	4.7	5.8	5.1	6.1	5.0	4.9	5.9	6.5
1967	5.0	5.8	.5	1.4	6.0	6.0	3.4	2.6
1968	.7	3.6	6.3	7.0	8.1	8.1	6.1	4.7
1969	3.8	6.9	4.0	4.5	4.1	4.0	5.4	2.8
1970	3.3	5.4	3.1	4.4	3.2	3.2	5.0	−0.4

SOURCE

Cols. (1)–(6): Calculated from data contained in U.S. Department of the Interior, "Minerals Yearbook," vol. II, 1964–1968. For 1968, U.S. Department of the Interior, news release of April 7, 1970, revised, and for 1969–1970, U.S. Department of the Interior, news release of March 9, 1971.

Cols. (7) & (8): Table I.

TABLE IV.—OUTPUT PER MAN-HOUR AND HEAT RATE 1947–70

Year	Output per man-hour (1957–59=100)			Percent change from previous year in output per man-hour			Heat rate	
	Total private[1] (1)	Total private nonfarm (2)	Manufacturing (3)	Total private (4)	Total private nonfarm (5)	Manufacturing (6)	B.t.u. per kw.-hr. (7)	Percent change from previous year (8)
1947	69.0	74.1	72.3				15,600	
1948	72.0	76.5	76.4	+4.3	+3.2	+5.7	15,738	+0.88
1949	74.2	79.5	79.3	+3.1	+3.9	+3.8	15,033	−4.48
1950	80.3	84.4	85.0	+8.2	+6.2	+7.2	14,030	−6.67
1951	82.7	86.3	86.9	+3.0	+2.3	+2.2	13,641	−2.77
1952	84.3	87.0	87.3	+1.9	+0.8	+0.5	13,361	−2.05
1953	87.8	89.6	90.2	+4.2	+3.0	+3.3	12,889	−3.53
1954	89.9	91.6	91.8	+2.4	+2.2	+1.8	12,180	−5.50
1955	93.9	95.7	97.2	+4.4	+4.5	+5.9	11,699	−3.95
1956	94.1	95.2	96.2	+0.2	−0.5	−1.0	11,456	−2.08
1957	96.9	97.2	98.2	+3.0	+2.1	+2.1	11,365	−0.79
1958	99.8	99.7	98.1	+3.0	+2.6	−0.1	11,090	−2.42
1959	103.4	103.1	103.7	+3.6	+3.4	+5.7	10,879	−1.90
1960	105.0	104.4	105.5	+1.5	+1.3	+1.7	10,701	−1.64
1961	108.6	107.4	107.9	+3.4	+2.9	+2.3	10,552	−1.39
1962	113.8	112.3	114.3	+4.8	+4.6	+5.9	10,493	−0.56
1963	117.9	115.7	118.9	+3.6	+3.0	+4.0	10,438	−0.52
1964	122.5	120.0	124.7	+3.9	+3.7	+4.9	10,407	−0.30
1965	126.6	123.6	129.8	+3.3	+3.0	+4.1	10,384	−0.22
1966	131.7	127.9	131.8	+4.0	+3.5	+1.5	10,399	+0.14
1967	134.4	130.0	132.0	+2.1	+1.6	+0.2	10,396	−0.03
1968	138.3	133.7	138.2	+2.9	+2.8	+4.7	10,371	−0.24
1969	139.3	134.2	141.1	+0.7	+0.4	+2.1	10,457	+0.83
1970	(2)	(2)	(2)	(2)	(2)	(2)	[3] 10,769	+2.98

[1] Includes farm.

[2] Not available.

[3] Based on Bureau of Mines data.

Source: Cols. (1), (2) and (3): U.S. Department of Labor, Bureau of Labor Statistics, Handbook of Labor Statistics, 1970, for 1947–66. Revised data for 1967–69 from Division of Productivity Research of Bureau of Labor Statistics.

Col. (7): Edison Electric Institute, Statistical Year Book, 1969 and Edison Electric Institute, Historical Statistics of the Electric Utility Industry.

TABLE V.—HEAT RATE EFFECT—GENERATION OF ELECTRICITY FROM FOSSIL FUELS, ADJUSTED AGGREGATE ENERGY CONSUMPTION, AND THE ADJUSTED ENERGY/GNP RATIO 1966–70

Year	Steam generated electricity (billions kw.-hrs.) (1)	Trended (1947–61) heat rate (B.t.u./kw.-hrs.) (2)	Required B.t.u.'s (trillions) (1) x (2) (3)	Reported generation from fossil fuels (trillion B.t.u.'s) (4)	Adjusted aggregate energy consumption (trillion B.t.u.'s) (5)	Adjusted energy/GNP ratio (thousand B.t.u.'s) (6)
1966	944	8,707	8,219	9,994	55,173	83.8
1967	988	8,530	8,428	10,425	56,871	84.2
1968	1,102	8,530	9,400	11,556	60,292	85.3
1969	1,187	8,530	10,125	12,676	63,281	87.0
1970	[1] 1,222	8,530	10,424	14,112	65,411	90.3

[1] Unpublished data from the Federal Power Commission.

SOURCES

Col. (1): U.S. Department of Commerce, "Statistical Abstract," 1967–70.

Col. (2): 1966: Projected value from calculated trend of annual reported heat rates, 1947–61 (Edison Electric Institute, see table IV). 1967–70: Assumed minimum feasible heat rate.

Col. (4): 1966–67: U.S. Department of the Interior, "Minerals Yearbook," 1968. 1968: U.S. Department of the Interior, News Release of Apr. 7, 1970, revised. 1969–70: U.S. Department of the Interior, news release of Mar. 9, 1971.

Col. (5): Bureau of Mines aggregate energy consumption (see table I) less col. (4) plus col. (3).

Col. (6): Adjusted aggregate energy consumption, Col. (5), divided by GNP, 1958 constant dollars, table I.

TABLE VI.—RATIO OF ACTUAL MONTHLY RESIDENTIAL AND COMMERCIAL ELECTRIC ENERGY SALES TO 12-MONTH MOVING AVERAGE, SELECTED MONTHS, 1960–69

Year	July	August	September
1960	99.6	103.0	103.3
1961	99.2	104.2	104.3
1962	101.5	103.6	102.1
1963	103.4	107.4	104.2
1964	105.3	109.0	104.9
1965	103.4	107.1	105.8
1966	106.6	110.6	105.6
1967	104.8	107.6	102.7
1968	104.3	110.5	107.5
1969	107.4	111.8	109.3

Source: Based on the monthly electric energy sales to customers in the "residential" and "commercial and industrial (small light and power)" classes reported by Edison Electric Institute in its Statistical Year Book, annual issues. Monthly data for 1959 required to obtain the July, August, and September 1960 ratios. The 1960 ratios were adjusted to include Alaska and Hawaii.

TABLE VII.—BTU'S ATTRIBUTABLE TO AIR CONDITIONING, RESIDENTIAL AND COMMERICAL 1966–70

Line No.		1966	1967	1968	1969	1970
	Residential (trillion Btu's):					
1	Attributable to window air conditioning	316	400	491	632	770
2	Attributable to central air conditioning	186	216	246	282	327
3	Total	502	616	737	914	1,097
	Commercial (million kwh):					
4	Sum of sales from June through October	102,909	108,773	119,371	129,889	142,910
5	Total for preceding 7 months	118,974	131,261	142,283	153,165	166,842
6	Average monthly sales of preceding 7 months	16,996	18,752	20,326	21,881	23,835
7	Sum of differences between June-October sales and average monthly sales of preceding 7 months (line 4 minus 5 by line 6)	17,929	15,013	17,741	20,484	23,735
8	Heat rate (Btu/kwh)	10,399	10,396	10,371	10,457	[1] 10,769
9	Attributable to commercial air conditioning (line 7 by line 8) (trillion Btu's)	186	156	184	214	256
10	Total, residential and commercial	688	772	921	1,128	1,353

[1] Based on Bureau of Mines data.

Source: Line (1) and line (2): Estimated from use of data from: Edison Electric Institute, Approximate Wattage Rating, and Estimated Annual Kilowatt-hour Consumption, Electrical Appliances—Assuming Normal Uses," mimeo reports of January 1965, January 1967, and April 1969; Federal Power Commission, All Electric Homes, annual issues; Merchandising Week, Statistical and Marketing Report, 1966–1971; and unpublished data supplied by the Air Conditioning and Refrigeration Institute; line (4) and line (5): Edison Electric Institute, Statistical Year Book, 1969 and 1968. For 1970, in press release supplied by Edison Electric Institute; line (8): See Table IV.

TABLE VIII.—INDUSTRIAL ENERGY CONSUMPTION VERSUS THE INDEX OF INDUSTRIAL PRODUCTION (MINING AND MANUFACTURING), 1961–70

	Energy consumption by the industrial sector (trillion B.t.u.'s) (1)	Index of industrial production (mining and manufacturing), (1961=100) (2)	Ratio (trillion B.t.u.'s), (1)÷(2) (3)
1961	18,930	100.0	189.3
1962	19,749	107.8	183.2
1963	20,703	113.2	182.9
1964	21,767	120.4	180.8
1965	22,523	130.6	172.5
1966	23,899	142.5	167.7
1967	24,232	143.7	168.6
1968	25,924	149.9	172.9
1969	27,099	156.1	173.6
1970	28,310	150.8	187.7

Source: Col. (1)—U.S. Department of the Interior, Minerals Yearbook, vol. II, 1964–68. For 1968, U.S. Department of the Interior news release of Apr. 6, 1970, revised, and for 1969–70, U.S. Department of the Interior news release of Mar. 9, 1971. Includes electricity consumption. Col. (2)—Calculated from the Federal Reserve Board separate indexes of mining and manufacturing production.

TABLE IX.—THE COST OF FUELS AND ELECTRICITY USED BY INDUSTRY GROUPS, PERCENT OF TOTAL, AND PERCENT OF VALUE ADDED AND VALUE OF SHIPMENTS, 1967

SIC No.		Total cost of purchased fuels and electricity as percent of total	Cost of purchased fuels and electricity, as percent of—	
			Value added	Value of shipments
20	Food and kindred products	8.5	2.5	0.8
21	Tobacco manufacturers	.2	.7	.3
22	Textile mill products	3.7	3.5	1.4
23	Apparel and other textile	1.2	.9	.4
24	Lumber and wood products	2.7	4.2	1.9
25	Furniture and fixtures	.8	1.4	.8
26	Paper and allied products	7.4	5.9	2.8
27	Printing and publishing	1.6	.9	.6
28	Chemicals and allied products	15.4	5.0	2.8
29	Petroleum and coal products	5.8	8.3	2.1
30	Rubber and plastic products, nec	2.2	2.6	1.4
31	Leather and leather products	.5	1.3	.7
32	Stone, clay and glass products	8.3	7.6	4.4
33	Primary metals	21.5	8.3	3.6
34	Fabricated metal products	4.5	2.0	1.0
35	Machinery, except electrical	4.8	1.3	.8
36	Electrical equipment and supplies	3.7	1.2	.7
37	Transportation equipmen	4.9	1.4	.6
38	Instruments and related	.7	.9	.6
39, 19	Miscellaneous manufacturing, ordinance and accessories	1.5	1.2	.7
	Total manufacturing	100.0	3.0	1.4

Source: Calculated from U.S. Department of Commerce, "Fuels and Electric Energy Used in Manufacturing," Preliminary Report, 1967 Census of Manufacturers, Series MC67(P)-7, July 1969, and U.S. Department of Commerce, "General Statistics for Industry Groups and Industries," Annual Survey of Manufactures—1968, M68(AS)-1, June 1970.

TABLE X.—SUMMARY OF THE ADJUSTMENTS TO AGGREGATE ENERGY CONSUMPTION AND THE RESULTING ENERGY/GNP RATIO, 1966–70

[Trillion B.t.u.'s]

Year	Reported aggregate energy consumption	Heat rate effect on electricity generation from hydropower		Heat rate effect on electricity generation from fossil fuels		Nonutility coal use		B.t.u.s' attributable to air conditioning	Substitution effect of electric heating	Nonenergy use of the fuels	Adjusted aggregate energy consumption	Adjusted energy/GNP ratio (thousand B.t.u.'s)
		Calculated	Reported	Calculated	Reported	Calculated	Reported					
	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)
1966	56,948	1,698	2,073	8,219	9,994	6,059	6,633	688	78	2,849	50,609	76.9
1967	58,868	1,894	2,341	8,428	10,425	5,692	6,283	772	96	3,136	51,829	76.8
1968	62,448	1,894	2,355	9,400	11,556	5,556	6,199	921	115	3,381	54,771	77.4
1969	65,832	2,132	2,706	10,125	12,676	5,390	6,065	1,128	139	3,846	56,919	78.3
1970	[1]69,099	2,175	2,746	10,424	14,112	5,264	5,968	1,353	172	3,900	58,711	81.0

[1] Corrected from Bureau of Mines published values on the basis of Federal Power Commission data.

Source: Cols. (1), (3), (5), (7) and (10)—U.S. Department of the Interior, Minerals Yearbook, vol. II, 1966–68. For 1968, U.S. Department of the Interior news release of Apr. 7, 1970, revised, and for 1969–70, U.S. Department of the Interior news release of Mar. 9, 1971; col. (2)—Calculated by using hydro generation as reported in the U.S. Department of Commerce Statistical Abstract, various years, converted to B.t.u.'s using the 1947–61 trended heat rate (see table V); col. (4)—Table V; col. (6)—Calculated from tonnage of coal used for nonutility fuel from Bureau of Mines data, converted to B.t.u.'s, using the conversion factor of 26,200,000 B.t.u./ton., col. (8)—Table VII; col. (9)—Calculated by taking ¾ of the total B.t.u.'s attributable to heating in all electric homes, based on data in the Federal Power Commission, "All Electric Homes," 1966, 1967, and 1968, and converted to B.t.u's, using EEI's prevailing heat rate (table IV); col (11)—Cols (1) plus (2) minus (3) plus (4) minus (5) plus (6) minus (7) minus (8) minus (9) and minus (10); col (12)—Calculated based on GNP, 1958 dollars, table I.

TABLE XI.—INDIVIDUAL ADJUSTMENTS AS A PERCENT OF TOTAL ADJUSTMENTS TO AGGREGATE ENERGY CONSUMPTION, 1966–70

Year	Total adjustment to aggregate energy consumption (trillion B.t.u.'s)	Heat rate effect on hydro input		Heat rate effect on fossil fuels		Nonutility coal use, statistical adjustment		B.t.u.s attributable to air conditioning		Substitution effect of electric heating		Nonenergy uses	
		Adjustment (trillion B.t.u.'s)	Percent of total	Adjustment (trillion B.t.u.'s)	Percent of total	Adjustment (trillion B.t.u.'s)	Percent of total	Adjustment (trillion B.t.u.'s)	Percent of total	Adjustment (trillion B.t.u.'s)	Percent of total	Adjustment (trillion B.t.u.'s)	Percent of total
	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)	(13)
1966	6,339	375	5.9	1,775	28.0	574	9.1	688	10.9	78	1.2	2,849	44.9
1967	7,039	447	6.4	1,997	28.4	591	8.4	772	11.0	96	1.4	3,136	44.6
1968	7,677	461	6.0	2,156	28.1	643	8.4	921	12.0	115	1.5	3,381	44.0
1969	8,913	574	6.4	2,551	28.6	675	7.6	1,128	12.7	139	1.6	3,846	43.2
1970	10,388	571	5.5	3,688	35.5	704	6.8	1,353	13.0	172	1.7	3,900	37.5

Source: Calculated from data on table X.

NORWOOD DEDICATION

HON. JAMES A. BURKE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 14, 1971

Mr. BURKE of Massachusetts. Mr. Speaker, I would like at this time to pay tribute to a man who dedicated a major portion of his life to making the town he loved, Norwood, Mass., a better place to live and work and grow.

The town of Norwood has honored the memory of John Abdallah by dedicating one of the major entrances to the town as the John A. Abdallah Bridge. It is fitting that the town to which he gave so selflessly now has a lasting memorial to his devotion.

John Abdallah served his town tirelessly in an official capacity as a member of the board of selectman and in an unofficial capacity as a man who gave freely of his time and energy.

A marker which will serve as a reminder of his many contributions was unveiled a short time ago in the presence of his family, friends, and State and local dignitaries. Yet as General Manager Walter Blasenak stated,

> The reflections of his efforts appear everywhere. That is the inheritance John Abdallah left to you and me.

ASSUMPTION OF UNWARRANTED POWERS BY FEDERAL JUDICIARY

HON. HARRY F. BYRD, JR.

OF VIRGINIA

IN THE SENATE OF THE UNITED STATES

Wednesday, July 14, 1971

Mr. BYRD of Virginia. Mr. President, the Richmond Times-Dispatch of July 11 contains an excellent column by Ross Valentine concerning the assumption of unwarranted powers by the Federal judiciary.

Mr. Valentine makes the point that Thomas Jefferson warned against the evil effects of too much concentration of power in the hands of Federal judges.

Mr. Valentine makes reference to a Constitutional amendment which I have proposed—Senate Joint Resolution 106—which would require reconfirmation of Federal judges every 8 years by the Senate. In my view, this measure would go far toward restoring proper balance in the Government.

I ask unanimous consent that the text of this column, entitled "Usurpation of Powers," be printed in the Extensions of Remarks.

There being no objection, the column was ordered to be printed in the RECORD, as follows:

[From the Richmond Times-Dispatch, July 11, 1971]

(By Ross Valentine)

USURPATION OF POWERS

Usurpation of legislative and executive powers by the Supreme Court and its network of federal subsidiaries has violated the language and principle of the U.S. Constitution, a "constitution of limitations" as set forth in Article X of the Bill of Rights.

Article X makes it clear that sovereignty is reposed in "the people", as represented in Congress and the legislatures of the several states.

The right and power to amend the Constitution when deemed necessary, was wisely left in the hands of the people.

The statesmen who drafted the Constitution made one bad mistake.

They assumed that men honored with lifetime appointments to the highest court and its subsidiaries could always be trusted to be guided by the Constitution, and would refrain abusing the vast power invested in them.

One Virginian foresaw the danger inherent in this false premise. Thomas Jefferson, in a letter of October 27, 1823 to Associate Justice William Johnson (appointed by Jefferson in 1804) warned that such "general power"—

"May justify forcing the meaning of words hunting after possible constructions and hanging inference on inference, from heaven to earth like a Jacob's ladder."

"Such licentiousness of construction and inference would authorize claim to all power, general particular . . . (via) metaphysical subtleties—which may make anything mean everything of nothing—at pleasure."

That Jeffersonian prophecy has now come true.

He concluded:

"But the Chief Justice (Marshall) says there must be an ultimate arbiter somewhere. True, there must. But (under the Constitution) the ultimate arbiter is the people of the Union, assembled by their deputies in convention . . . and it has been the peculiar wisdom and felicity of our Constitution to have provided this peaceable appeal." (Article X.)

For 17 years this column has pointed out that Article X prescribes the only legal means by which changes in "the law of the land," can be brought about.

Now Virginia's Sen. Harry F. Byrd Jr. has done something about it.

He has introduced a joint resolution (S.J. Res. 106) proposing an amendment to the U.S. Constitution providing for reaffirmation of all federal judges after a term of eight years to be approved or rejected by the U.S. Senate.

In his Senate speech introducing this joint resolution, Byrd said among other things that

"For the better part of this republic's existence, the unwritten canon of judicial restraint was one of our most hallowed legal principles, as expressed by such great justices as Holmes, Brandeis, Stone, Hughes, Cardozo and Frankfurter. . .

"Now acting under the premise that 'the Constitution is whatever the judges say it is"—

"Prayer has been swept from our schools; the historic right of a state legislature to redistrict itself has been abolished; the Fourth Amendment search-and-seizure provisions have been rewritten; sociology treatises have replaced the common law; the Commerce Clause has been tortured into meaninglessness; the traditional equity powers have been enlarged to allow rule by judicial fiat.

As Section I, Article 3, of the Constitution now reads, political appointments of federal judges, for life, have destroyed that fundamental doctrine of individual immunity against all centralized power.

It must be amended.

PUERTO RICAN DAY CELEBRATION

HON. PETER W. RODINO, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 14, 1971

Mr. RODINO. Mr. Speaker, on July 25, 1971, the Governor of Puerto Rico, with the commendation of the Federal Government, will proclaim the annual celebration of the establishment of the Commonwealth of Puerto Rico.

It is for this occasion that I invite our colleagues to join all Puerto Ricans, in Puerto Rico and in the mainland, in celebrating July 25 as a date redolent with significance in the history of Puerto Rico.

In celebrating this holiday, we should keep in mind the skill and indomitable will demonstrated by the Puerto Rican people in their fight to develop their island, along with their struggle for the freedom of their people. They have exhibited courage and tenacity.

I pay tribute to the Commonwealth and her people and in this end I particularly want to pay homage to the Puerto Rican community in Newark—the largest Puerto Rican population of any city in New Jersey—for it has been an integrative force for cooperation and understanding.

I am aware that life in our cities and urban America has been difficult and is becoming increasingly complex. While we have made progress toward the eradication of poverty and disease, I know that we still have a long road ahead. I share in the anxiety, frustration, and most important in the commitment to find viable solutions to the completion of these tasks.

I want to commend Mr. Pedro Diaz, president of the Puerto Rican State Wide Parade Committee of New Jersey, Luz Miriam Hernandez, executive secretary, Jose Rosario, Anthony Perez, Marie Gonzalez, and Deputy Mayor Ramon Aneses for their dedication and outstanding service to this event as well as to the community.

I know that all America joins me in saluting the Puerto Ricans on their native holiday. I am certain that by a joint effort we can continue to improve the way of life for all citizens by making it better, safer, and more satisfying.

A TRIBUTE TO EUGENE R. ANTONUCCI, AN OUTSTANDING AMERICAN

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 14, 1971

Mr. BIAGGI. Mr. Speaker, it is a special privilege for me to pay tribute before my colleagues in the U.S. House of Representatives to a man whose life pattern could well be considered a model for others to emulate. My good friend Mr. Eugene R. Antonucci, a dedicated public servant who, for more than 25 years, was a respected and productive member of the State of New York's Department of Labor, also saw fit to devote a lifetime of community involvement to better the lot of his fellow citizens.

Mr. Antonucci's achievements are many and each stands as a monument to his concern for his country, his neighbors, and, indeed, for the course of life in the world around him.

A native-born American, Mr. Antonucci was educated by the Jesuits in Italy, his parents' country of origin. In 1930, when he was 21 years of age, he returned to the United States and immediately assumed the role of a dedicated American. He continued his higher education and was awarded a bachelor's degree by the City University of New York in 1938, and later went on to earn his master's degree from Fordham University.

Mr. Antonucci served as a teacher for 4 years and during the war years of 1942 to 1945 he became part of the enormous industrial productive force of this country which so ably rallied the manpower and resources of America to hasten the defeat of tyranny across the globe.

In 1945 he became a member of the New York State Department of Labor and this month, after more than 25 years of exemplary service in the industrial safety division, Mr. Antonucci has decided to make the great State of Florida his retirement home.

Mr. Speaker, the limitless energy and drive of this outstanding American caused him to engage in the affairs of his community in addition to serving his State government. Mr. Antonucci has involved himself as a civic leader in New York for more than 40 years and his dynamic personality and his serious concern for the problems facing his neighbors has enabled him to touch and affect the lives of so many of his fellow New Yorkers.

I, therefore, join the thousands of people from the North Bronx in expressing our gratitude for Eugene R. Antonucci's many contributions to our community welfare and I pay personal tribute to his boundless energy and tremendous civic pride that has made our county of the Bronx a more pleasant place to live in.

GRASSROOTS CONFERENCES IN MINNESOTA'S SIXTH CONGRESSIONAL DISTRICT

HON. JOHN M. ZWACH

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 14, 1971

Mr. ZWACH. Mr. Speaker, one of the axioms of journalism is that the people have the right to know.

In all my years of public service, I have tried to follow that philosophy.

It is a privilege and an honor for me to be the Representative in Congress from the Minnesota Sixth Congressional District.

So that I can keep my people informed of my actions in Congress, I send news releases each week to all of our 87 weekly and nine daily newspapers, as well as 40 radio and television stations.

During each session of Congress, I send out reports listing the bills I have introduced and supported and other pertinent information about the session.

I also make a radio tape each week which is sent to the 21 radio stations in the Sixth District.

In order that I may know what our people think of the issues of the day, I send out a congressional questionnaire early in each session of Congress.

During the August recess, I schedule a series of grassroots conferences so that the people may meet their Congressman face to face to discuss their problems with him.

I maintain a district office at St. Cloud, staffed by a very competent secretary. Because all of the people cannot get to this district office, I have recently added a district assistant, who travels throughout the area, helping the people with any problems they may have in dealing with the Federal government.

Mr. Speaker, the motto of the great State of Minnesota is "L'Etoile du Nord," Star of the North. But Minnesota is the star, not only of the north, but of the entire firmament of our 50 States.

Picture an area of 84,068 square miles, in which, like shimmering jewels, are nestled 15,291 lakes of 10 acres or more, the largest being Red Lake, 451 square miles and with 123 miles of shoreline.

This land of the North is the birthplace of our Father of the Waters. It nourishes three great drainage systems, the Mississippi, rising in Lake Itasca and draining into the Gulf of Mexico; the Red River of the North, which drains into Hudson Bay; and the St. Louis River system which works its way to the Atlantic.

Most of our Minnesota waters are still unpolluted, clear, cool, and sparkling. They attract 5 million vacationers annually. A dozen varieties of fish abound in these waters and myriads of waterfowl are found on its surfaces and shorelines.

Our stately forests provide a steady income from the harvesting of timber and pulpwood and provide employment in lumber and paper mills. Wildlife abounds in their shadowed depths.

But with all of our lakes and forests, our Minnesota Sixth Congressional District is one of the most thoroughly agricultural in all the Nation.

We have 32,500 farms on which live 130,000 people. Each farmworker provides food and fiber for himself and 44 others. Agricultural production in our district provides eventual employment for over 600,000 people.

Our farms have 25 percent of Minnesota's dairy cows and 28 percent of our State's hogs. We are a leading producer of corn, soybeans, and flax.

We are proud of our public school system that ranks among the best. And we are a leader in vocational education for those who are not college bound. We are proud, too, of the seven colleges in our district whose graduates take their places among the leaders of our great Nation.

Mr. Speaker, I am deeply grateful for the opportunity to be of service to the people of this most generously endowed area. My constant aim is to serve my constituents in the best way possible.

This year, during our official August recess, I am again taking time to hold these grassroots conferences throughout our district at convenient public buildings.

I deeply appreciate the fine cooperation of the many public officials who have made these meetings possible by making meeting places available so that I can render this public service.

I have arranged the following schedule. All of the meetings will be held in the county courthouse except that which will be held at my district office in the Federal building in St. Cloud:

SCHEDULE

Monday, August 9: 1 to 3 p.m., Stearns County in St. Cloud, Sixth District Office, 216 Federal Building.

Tuesday, August 10: 9 to 10:30 a.m., Sherburne County Courthouse in Elk River; 1:30 to 3 p.m., Mille Lacs County Courthouse in Milaca; 7 to 8:30 p.m., Benton County Courthouse in Foley.

Wednesday, August 11: 9 to 10:30 a.m., Wright County Courthouse in Buffalo; 1:30 to 3 p.m., Meeker County Courthouse in Litchfield.

Thursday, August 12: 9 to 10:30 a.m., Kandiyohi County Courthouse in Willmar.

Friday, August 13: 9 to 10:30 a.m., Morrison County Courthouse in Little Falls; 1 to 2:30 p.m., Crow Wing County Courthouse in Brainerd.

Monday, August 16: 9 to 10:30 a.m., Redwood County Courthouse in Redwood Falls; 1:30 to 3 p.m., Yellow Medicine County Courthouse in Granite Falls.

Tuesday, August 17: 9 to 10:30 a.m., Renville County Courthouse in Olivia; 1:30 to 3 p.m., Chippewa County Courthouse in Montevideo.

Wednesday, August 18: 9 to 10:30 a.m., Swift County Courthouse in Benson; 1:30 to 3 p.m., Stevens County Courthouse in Morris.

Thursday, August 19: 9 to 10:30 a.m., Big Stone County Courthouse in Ortonville; 1 to 2:30 p.m., Lac Qui Parle County Courthouse in Madison.

Friday, August 20: 9 to 10:30 a.m., Lyon County Courthouse in Marshall; 1 to 2:30 p.m., Lincoln County Courthouse in Ivanhoe.

50TH ANNIVERSARY OF THE AIR FORCE LOGISTICS COMMAND

HON. JACK BRINKLEY

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 14, 1971

Mr. BRINKLEY. Mr. Speaker, as the Member who is privileged to represent the district in which the Warner Robins Air Materiel Area is located it is, indeed, an honor to call to the attention of my colleagues that today marks the 50th anniversary of the Air Force Logistics Command. For half a century the AFLC has supplied outstanding logistics support to Air Force weapon systems located throughout the world.

As a command, AFLC is represented in Georgia by the Warner Robins Air Materiel Area—WRAMA—one of the five primary logistics centers and two specialized activities. WRAMA is responsible for Robins AFB, which constitutes the largest single payroll in Georgia. As the heart of Robins AFB, WRAMA is engaged in management, computers, heavy maintenance, engineering, shipping, storing and receiving, and hosts of related fields.

In terms of management, WRAMA is responsible for total logistics support to certain aircraft, missiles, helicopters, vehicles, guns, accessory equipment, ground-based computers, and other material used throughout the world. In terms of territory, WRAMA is responsible for logistics support to Air Force bases located from the eastern tier of States in this country, to the dividing line between East Pakistan and India.

There are some 18,000 WRAMA personnel, men and women, military and civilian, who live in 23 middle Georgia counties. Their mission is to preserve peace through strength and readiness. Gen. Jack Merrell is the AFLC commander and Lt. Gen. Francis C. Gidion is vice-commander at Wright-Patterson AFB, Ohio. Maj. Gen. A. J. Beck is the WRAMA commander, and Brig. Gen. Ralph T. Holland is the vice-commander. As AFLC celebrates its golden anniversary, WRAMA this month observes the 30th anniversary of the selection of the site of Robins AFB.

Through AFLC and WRAMA the State

of Georgia is identified with logistics now and into the future. Aerospace power for peace is the profession of the dedicated people in this command.

EIGHTY MEMBERS COSPONSOR DRUG RESOLUTION TO SUPPORT PRESIDENT'S EFFORTS TO STOP INTERNATIONAL DRUG TRAFFIC

HON. LOUIS FREY, JR.

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 14, 1971

Mr. FREY. Mr. Speaker, I am today reintroducing House Concurrent Resolution 352 which the Republican Task Force on Drug Abuse, of which I am chairman, introduced on June 30. The resolution expresses the support of the Congress for the President's diplomatic offensive to stop the production and trafficking in illegal drugs and states further that if action is not taken within a reasonable time by other nations, the Congress will take "appropriate unilateral action." The concern which the Congress has over the flow of drugs to this country is made apparent by the fact that 80 Members from both sides of the aisle have cosponsored this resolution. This is a nonpartisan issue. Through the passage of this resolution we can show to the world that the American people through their representatives strongly support the efforts of the administration to encourage other nations to voluntarily undertake efforts to stop the production and trafficking in illegal drugs. Following is a statement I made when the resolution was first introduced on June 30:

RESOLUTION IN SUPPORT OF PRESIDENT'S DIPLOMATIC OFFENSIVE AGAINST ILLEGAL DRUG TRAFFIC

Mr. FREY. Mr. Speaker, as we are all aware the illicit traffic in narcotics and dangerous drugs spans the globe. Since most of the countries involved in the production and illegal traffic of opium and its derivatives do not themselves have a serious drug problem, they have no sense of urgency about the problem and are hesitant to take action to stop the flow of illegal drugs to the United States.

The President has initiated a diplomatic offensive to persuade the nations involved in this traffic to take action to stop the production or traffic in illegal drugs. The 16-member Republican task force, which I am chairman of, is today introducing a resolution expressing the support of the Congress for the President's diplomatic offensive and stating further that if action is not taken within a reasonable time by other nations to stop the production and illegal traffic, the Congress will take "appropriate unilateral action."

On this issue, Mr. Speaker, we in the Congress need to show to the world that we solidly support the effort to seek international cooperation.

Of course, a negotiated agreement to agree to voluntarily limit production and stop the illegal traffic is preferable. We must let the diplomatic process operate. However, if the nations involved in this illegal traffic are still reluctant to act, then we in the Congress should take appropriate unilateral action. Most of these countries are dependent upon the United States for security and economic assistance. If they fail to see their moral and treaty obligations to stop illegal drug traffic, then the American people through the Congress should reappraise our responsibilities to them.

The text of the resolution follows.

H. CON. RES. 352

Resolved by the House of Representatives (the Senate concurring), that—

(a) the Congress declares and finds—

(1) there are 250,000 heroin addicts in the United States and an additional 30,000–40,000 addicts among U.S. troops in Southeast Asia;

(2) that drug abuse, particularly the use of heroin, is causing major social upheaval in the United States and, if not checked, may result in the loss of an entire generation;

(3) that most of the countries involved in the production or illegal traffic of opium or its derivatives are dependent on American military or economic aid;

(4) that there is no sense of urgency on the part of the governments of those countries involved in the production or illegal traffic of opium or its derivatives to undertake immediate action to stop the production or illegal traffic; and

(5) that the President is conducting a broad-based diplomatic offensive to gain the full cooperation of foreign governments in eliminating the production and illegal traffic in opium and its derivatives, including a $2 million contribution to the United Nations Special Fund for Drug Abuse Control.

(b) The Congress, therefore, gives its full support to the President's diplomatic offensive and—

(1) requests the President (A) to exercise all economic and diplomatic pressures he can to encourage other nations to honor their international treaty obligations and take action to stop the production and illegal traffic in opium and its derivatives, (B) to exercise all diplomatic pressures to encourage other nations to contribute to the U.N. Special Fund for Drug Abuse Control and to encourage the U.N. to take more effective action to prevent the production and illegal traffic in opium and its derivatives, and (C) to request an early meeting of the International Narcotic Control Board to consider and adopt proposed U.S. amendments to provide the NCB with the authority to control the production and illegal traffic in narcotic drugs; and

(2) unless action is taken within a reasonable time to stop the production and illegal traffic of opium and its derivatives by the other nations of the world, the Congress will take appropriate unilateral action.

RESUME STATEMENT

As a result of illegal exportation of drugs to the United States and South Vietnam, there are 250,000 heroin addicts in the United States and an additional 30,000 to 40,000 addicts among U.S. troops in Southeast Asia.

There are two main currents of illicit traffic in opium and the opiates. One begins in the Middle East and ends in North America. The other pattern is from Southeast Asia directed to Hong Kong, Japan, China—Taiwan—and the west coast of America. Secondary flows include routes from Mexico into the United States.

The North American Continent is the principal target of illicit herion traffic. The bulk of this drug is produced from opium poppies grown in Turkey. The raw opium is converted into morphine base in clandestine laboratories close to the growing areas and then shipped through Istanbul and Beirut and smuggled into France to be processed into heroin. At this point, the heroin may be smuggled directly into the United States or transported through Italy, Canada, or Mexico. It is, nevertheless, destined for the U.S. market. Underground heroin trade from France generally involves large quantities of heroin smuggled by well-organized international traffickers who have contrived all types of devious methods and devices to conceal the contraband.

In the Far East, opium is cultivated in vast quantities in the Yunnan Province of China and the Shan and Kachin States in Burma. Although much is consumed by opium smokers in the region, considerable amounts of the drug find their way to the United States. In Burma and Thailand, large quantities of opium are converted to morphine base and smuggled to Hong Kong and Macao for local use or diverted to the United States. In recent years, an increasing demand for heroin by addicts in the Far East has somewhat decreased the supply available to U.S. addicts.

Opium is produced illegally in remote areas of Mexico by farmers who elude the Government's poppy eradication program. It is converted into heroin in clandestine laboratories and smuggled across the Mexican border into the United States concealed in automobiles, baggage, on travelers, or in any of a thousand possible ways limited only by the smuggler's imagination.

The cocaine traffic in the United States begins in the Andes Mountain regions of Bolivia, Chile, Peru, Colombia, and Ecuador where the coca leaf is grown. These leaves are processed into cocaine in clandestine laboratories and then smuggled into the United States through Miami and New York, often in airplane baggage or ship cargo. One important pattern in this trade originates in Peru through Ecuador and Panama, then to Mexico and the United States. Another route starts in Chile, extends through Latin America to Pacific coast ports and into the United States. A third route can be traced from Bolivia through Brazil to the West Indies and North America.

Methods of distribution of narcotic and dangerous drugs are similar. Both are transferred from the major trafficker to the distributor, then to the street peddler and finally to the user.

Once the drugs reach the user, the cost has escalated. For example, the same 10 kilograms of raw opium grown in Turkey and sold to an underworld broker for $350 will produce nearly 45,000 packets of 5 percent pure heroin worth $5 each, or a total of $225,000.

The Bureau of Narcotics and Dangerous Drugs has identified over 200 international "distribution systems" of illegal drugs. Of these, nine major systems cover the entire spectrum of narcotics and dangerous drugs and involve well over a thousand identified individuals.

Three of the nine systems are comprised of organized criminal groups in this country operating with related groups in Canada and Italy. Close ties also exist between the Italian ethnic groups and criminal groups in France providing a capability of delivering multikilogram quantities of heroin into the United States.

One of the most important systems involves an international heroin organization which is "global" in nature and according to current intelligence, is responsible for more heroin being introduced into the United States than any other single organization. Another of the major systems relates to a distribution network controlling large amounts of drugs entering the United States via Mexico. It is estimated that these nine major systems account for approximately 80 percent of the heroin, almost 100 percent of the cocaine, tons of marihuana, and millions of dosage units of dangerous drugs being used in the United States today.

President Nixon has made the curtailment of traffic in illegal drugs one of the major goals of his administration. As a result of U.S. prodding, the United Nations Commission on Narcotic Drugs created a special fund for antinarcotics programs, and the United States led the way in pledging $2 million to this fund. The resolution we introduce today requests the President to encourage other nations to contribute to the U.N. special fund and to encourage the U.N. to take more effective action.

Last February, under the leadership of the United States, an international treaty was signed in Vienna by 20 nations to control the traffic of dangerous drugs.

Also, some progress has been made in working directly with individual countries. The largest source of narcotics, Turkey, has promised to license the farmers as they are required to do under the Single Convention on Narcotic Drugs, buy the entire annual crop, and help the farmers to convert to other types of crops. The United States has loaned $3 million to Turkey for law enforcement and other purposes, and Turkey is applying considerable financial resources of its own.

A cooperative program has also been developed with the French. At our urging, the French have expanded their antinarcotics force in Marseilles and Paris from 18 to 100. They are training all of the 60,000 National Police in Narcotics enforcement and BNDD agents are helping instruct them. Also, an agreement enabling the enforcement agencies of the two countries to work together was signed—the first such agreement between two countries.

Operation Cooperation, a joint program with Mexico, has for the last 1½ years attempted to destroy poppy and marihuana production in Mexico and intercept smugglers. The United States has provided helicopters and other equipment to search out and destroy poppy and marihuana production.

The President in his new drug program just announced further efforts to do the following:

First, to begin a diplomatic offensive to obtain better cooperation from those countries involved in production or traffic of drugs;

Second, to request the World Health Organization to seek synthetics to replace opiates;

Third, to request $1 million for BNDD to train foreign narcotics officers;

Fourth, to request the Congress to permit assistance to presently proscribed nations in their effort to end drug trafficking; and

Fifth, to obtain support for United States amendments to the Single Convention on Narcotics for greater control by the International Narcotics Control Board to control the production and illegal traffic in narcotic drugs.

Mr. Speaker, the President means business. The passage of this resolution together with the President's announced diplomatic intent should be persuasive evidence of the serious concern which this country has that action be undertaken immediately to stop illegal drug traffic.

Most of these nations belong either to NATO or SEATO, and the United States has been the primary benefactor of both. Over $100 million has been furnished to Turkey alone to enable Turkey to fulfill its NATO commitment. Moreover, we have proffered large amounts of economic assistance and trade concessions to these same countries.

It is only right that in exchange for the nuclear umbrella we have placed over these countries, that reciprocal action be taken to assist the United States in stopping the flow of drugs to this country. They must appreciate the fact that they have by their acquiescence encouraged the spread of a national disease—narcotic addiction.

If the President's efforts fall short of his objectives, we in the Congress should be on record that appropriate, if unstated, action will be taken by the Congress. As President Nixon stated in his remarks last week:

> We want good relations with other countries, but we cannot buy good relations at the expense of temporizing on this problem.

AEC AUTHORIZATION BILL

HON. CRAIG HOSMER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 14, 1971

Mr. HOSMER. Mr. Speaker, Representatives MELVIN PRICE, CHET HOLIFIELD, and I have distributed to our colleagues the following communication recommending that several anticipated efforts to amend the AEC authorization bill, H.R. 9388, be rejected:

AEC AUTHORIZATION BILL

Some amendments expected to be offered Thursday to the AEC authorization bill (H.R. 9388) together with our recommendations are the following:

Move to delete authorization for *East Breeder Reactor* development. *Vote no.* This authority is needed to progress with the demonstration of safe, economic and environmentally compatible new electric energy sources to meet growing demands.

Move to delete authorization of money for *Cannikan* underground nuclear test scheduled for Amchitka in October. *Vote no.* Arms control agreements being considered for both sides at SALT call for ABM to protect national command centers of both US and USSR. One of two US warheads essential for this purpose cannot be developed without Cannikan data. Dropping Cannikan could roadblock SALT progress. Other US and Soviet high yield underground tests have established environmental compatibility and discredited allegations of nuclear, seismic or tsunami hazards.

Move to delete authorization of funds to acquire *Yyons, Kansas salt mine* for possible use as underground radioactive waste storage site. *Vote no.* Site will not be used for storage unless further R&D certifies to safety, but ownership authority now is almost essential for the purpose of conducting R&D vital to safe storage of existing and future atomic wastes.

Moves to increase authorized funds for *sundry research* purposes such as "safety" or "fusion" research, etc. *Vote no.* The pace of research funding has been geared carefully to *what* needs to be done and *who* is available to do it *how* fast. The committee amounts are realistic.

VIETNAM DRUG ADDICTION

HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 14, 1971

Mr. WALDIE. Mr. Speaker, I have recently received a letter from Mr. Charles Deutschman, senior project participant of Reach project in Antioch, Calif., which he expressed better than any official document or statistics; the urgent need for attention and help for those men who became addicts while serving in Southeast Asia. Mr. Deutschman understands the problem well as he was one of these men.

I include in the RECORD the contents of his letter:

REACH PROJECT,
Antioch, Calif., June 4, 1971.

Hon. JEROME R. WALDIE,
U.S. Congressman, Cannon House Building, Washington, D.C.

DEAR CONGRESSMAN WALDIE: I am writing you as an ex-G.I. who served in a combat zone, had his first taste of opium overseas, became strung out on heroin upon reentering society, and who eventually kicked the habit.

When I was strung out, I asked the Veterans Hospital for help and they had nothing to offer. Under pressure I went to the federal program in Ft. Worth, Texas and discovered that it was nothing more than a jail. Fortunately, I was able to get into a California state hospital treatment program even though I was an Arizona resident.

A year ago I wrote another letter to my Arizona representative requesting help for Arizona (which now has a good program) and for individuals in the Armed Services.

Contrary to modern thought, heroin addiction is not like treating malaria or influenza. I am perhaps one of the 2% that has managed to stop using heroin. The stigma of heroin addiction will long plague American society, for it is merely a symptom of deeper problems in a shallow society.

I beg you to be deep in your understanding and initiate some programs to help G.I.'s who are returning to a hostile society. The programs available now certainly do not take advantage of the newer methods developed such as "The Family" program at Napa State Hospital in Imola, California. This particular program utilizes ex-addicts (as para-professionals) and professionals to create a program run by the people in the program itself.

There is no panacea for addiction and no antidote other than self-awareness. Chemical addiction is society's problem, and primarily the Armed Services problem in this instance.

Seize the time before this crisis turns into an epidemic of self-destruction.

Sincerely,

CHARLES DEUTSCHMAN,
Senior Project Participant Reach Project.

THEY ONCE VIEWED "LEAKS" DIFFERENTLY

HON. JOHN E. HUNT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 14, 1971

Mr. HUNT. Mr. Speaker, the self-righteousness of the New York Times and the Washington Post during the recent "Pentagon papers" episode has been revealed as something less than a matter of principle. In other words, perhaps more indicative of their political leanings, the sanctimonious rantings of these newspapers, insisting upon the publication of these top secret documents on the grounds of freedom of the press and the right of the people to know of Government secrets respecting U.S. involvement in Vietnam, are 180 degrees out of phase with the avowals of these same newspapers during the Army-McCarthy hearings in the 1950's. At that time, both papers soundly condemned Senator Joseph McCarthy for suggesting that he felt it the duty of every Federal employee to give his—Senator McCarthy's—committee any information they might have about 'graft, corruption, Communists and treason.' "

Indeed, asked the Times:

> What kind of advice can the President expect to get under such circumstances? How can there be any real freedom of discussion or dissent; how can anyone be expected to advance positions that may be politically unpopular or unprofitable?

As for the Post, Senator McCarthy's urgings of such underground disclosures were tantamount to "an open defiance of the laws."

Mr. Speaker, the questions so piously raised by the Times and the Post then are even more pertinent today, and the stakes are ever so much greater. I daresay, however, that neither will come forward any time soon to offer the answers.

I include at this point in my remarks the complete text of the Philadelphia Inquirer's Background and Opinion Column of July 2:

Virtually overlooked and uncommented on by the press in the whole New York Times-Washington Post-Vietnam Papers Caper is the 180-degree policy change exhibited by both papers in their publication of the classified documents. As far as the Times and Post are concerned it appears that there are good security leaks and bad security leaks. It all depends on who is leaking what to whom.

For example:

In the 1950's, during the so-called Army-McCarthy hearings, Sen. Joseph McCarthy was editorially lashed by both the Times and the Post for suggesting that he felt it the duty of every federal employee to give his committee any information they might have about "graft, corruption, Communists and treason." McCarthy said there was no loyalty to a superior officer which could tower above and beyond their loyalty to their country.

The Times, in an editorial titled "Invitation to Anarchy" blasted McCarthy for "undermining the structure of our federal system" and encouraging every "malcontent, every disgruntled office holder or office seeker . . . every political sycophant" to disregard the whole fabric of "law and order" that holds this or any government together.

The Post was equally indignant and in an editorial titled "Above the Law" took McCarthy to task for what the paper called "an open defiance of the laws."

In an editorial titled "Breach of Security" in December of 1962, the Times roasted authors Stewart Alsop and Charles Bartlett for a story in the Saturday Evening Post about what went on in a National Security Council meeting during the Cuban missile crisis. Although the Alsop-Bartlett article contained no word from any NSC report or any other secret document, unlike the Vietnam report published by the Times and Post, the Times asserted that the "secrecy of one of the highest organs of the United States Government has been seriously breached."

The Times asked rhetorically: "How can advisers to the President be expected to give advice freely and easily and at all times honestly and with complete integrity if they have to worry about what their arguments will look like in print in a few weeks later?

"What kind of advice can the President expect to get under such circumstances? How can there be any real freedom of discussion or dissent; how can anyone be expected to advance positions that may be politically unpopular or unprofitable?"

In 1963, when State Department security officer Otto Otepka furnished a Senate subcommittee with two classified documents to prove that certain of his superiors had lied under oath regarding him and department security procedures, both the Times and the Post lambasted Otepka.

In an editorial titled "The Congressional Underground" the Times declared: "Orderly procedures are essential if the vital division of power between legislative and executive branches is not to be undermined. The use of 'underground' methods to obtain classified documents from lower-level officials is a dangerous departure from such orderly procedures."

As columnist Stewart Alsop wrote last week in Newsweek magazine: "Indeed, the Times series, by the Times' own standards, is the most serious 'breach of security' in modern history. Yet those who wait for the Times to denounce this particular breach will have a long wait."

VIETNAM VETERANS AGAINST THE WAR

HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 14, 1971

Mr. WALDIE. Mr. Speaker, in April of this year, the Vietnam Veterans against the War aroused the feelings and sensitivity of the Congress. They illustrated the sentiments of thousands of veterans who had experienced the futility of the war and now chose to opt for peace.

One of the most moving periods of their demonstration involved the discarding of medals awarded for heroism in battle. A constituent of mine, Mr. Richard Linebarger, brought to my attention the July issue of Ramparts wherein this event was described. Art Goldberg relates this experience in a manner that should be made known to all Members of Congress. It is for this reason, I now enter the following excerpt:

VIETNAM VETS: THE ANTIWAR ARMY BY ART GOLDBERG

On Friday morning, April 23, the Vietnam Veterans against the War gathered at the west steps of the Capitol for their final symbolic act of separation from the government they considered less legitimate with each passing day. One by one, about 800 men walked up to a wire fence erected the day before to keep the April 24 antiwar march off the steps. There they threw their medals toward the statue of the first Chief Justice of the U.S. Supreme Court, John Marshall. It took two hours for all the men to throw down all the Bronze Stars, Silver Stars, Purple Hearts and campaign ribbons they had been awarded in Vietnam. First in line was a 27 year old former Marine sergeant from West Hartford, Connecticut, Jack Smith, who said:

"We now strip ourselves of the medals of courage and heroism . . . those citations for gallantry and exemplary service. . . . We cast away as symbols of shame, dishonor, and inhumanity. Our tale is one of a Vietnamese people whose hearts were broken, not won. Our commanders were not concerned with lives, but with body counts. Our testimony gives definition to words like genocide, racism and atrocity."

MILITARY INVESTIGATION OF PRIVATE CITIZENS

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 14, 1971

Mr. BIAGGI. Mr. Speaker, military involvement in civilian affairs is the topic of discussion in several of our committees as well as in committees of the other body. In the interests of furthering this discussion with imputs from various groups of Americans, I am including at this point in the record a resolution passed unanimously on March 16, 1971, at the muster of the Neumann-Goldman Post No. 69 of the Jewish War Veterans, Bronx, N.Y. I know the resolution will be of interest to my colleagues:

RESOLUTION ON MILITARY INVESTIGATION OF PRIVATE CITIZENS

Hitler's coming to power dealt a severe blow to all minority groups in Germany. He achieved his aims through setting up a network of informers, spies and investigators in and out of government, instilling fear, setting up dossiers on individuals, setting one against the other and, in general, building a climate of fear, hate and repression.

In this country, we got a small taste of it during the McCarthy era. Today, we have become more sophisticated in our approach and we have developed finesse in our methods. Hence this resolution.

Whereas the F.B.I. by law is the recognized agency with the power to protect our country from internal subversion, through investigation, interrogation and exposure, with the right to arrest and prosecute, and,

Whereas the military has the sole responsibility to protect our country and its people from any attack from within or from enemies outside our country. To protect our interests no matter where as long as it is the will of the people (through Congressional Action or Executive Order) and,

Whereas their G–2 has ostensibly been set up to gather information about the "enemy" at all times, and not members of government, leaders of movements, civilians pursuing their daily life.

Therefore be it resolved that the members of the Neumann Goldman Post #69, J.W.V., go on record condemning the military, for their actions of investigating private citzens, maintaining records of their movements, speeches and thoughts. That we demand that these records either be destroyed or turned over to a proper civilian agency for study and determination and to cease and desist from any such further activities and,

That the said resolution be sent to all echelons of our organization.

A FOURTH BRANCH OF GOVERNMENT

HON. MANUEL LUJAN, JR.

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 14, 1971

Mr. LUJAN. Mr. Speaker, one of the best arguments I have heard for adoption of the revenue-sharing plan was advanced last week by the Dallas Morning News in an editorial that did not once mention revenue sharing.

The editorial, entitled "The Fourth Branch," concerns the busing of schoolchildren to achieve racial balance in schools. But the News very perceptively points out that our Government is operated by "the professional bureaucrats who are not accountable to the voters or, obviously, to anyone else."

The News said:

> The fact is that we now have a fourth branch of government, one that is not only more entrenched than any administration and more powerful than the Congress, but one that is beyond the influence of the voters themselves. This branch of government governs in ways that are not only undemocratic but antidemocratic.

Mr. Speaker, I would remind my colleagues that it is this very fact, so painfully recognized by us all and highlighted so ably by the Morning News, that makes the revenue-sharing legislation so overwhelmingly important to the Nation at this time.

I do not believe there is a single Member of this body who is unaware of the vast gulf between the passing of legislation by the Congress and the implementation of that legislation by the bureaucracy. We enact programs to meet current problems and appropriate money to fund those programs, but by the time the programs are filtered through the bureaucratic establishment there is precious little of our intent and even less of the money that is ever applied to the problem.

The revenue-sharing concept will bypass those to whom the News refers as "officials no constituency could hold accountable at the polls." Revenue-sharing will permit us to make an end run around the professional bureaucracy and take our programs and money directly to the people in the cities, counties and states for whom they were intended.

This excellent editorial is also a stunning exposition on the need to pass the Government Reorganization Act. The machinery of government is clogged with the layers of entrenched and outmoded thinking. We have hundreds of thousands of decision-makers in the bureaucracy whose thinking is controlled by concepts they formed 10, 20 or 25 years ago, and they are in business to defend and justify those concepts rather than to move on to new thinking to meet new conditions.

This machinery will not respond to a tuneup or to patchwork repairs. It needs a major overhaul, and that is what the Government reorganization plan will do.

In submitting the editorial from the Dallas Morning News, I commend that newspaper for so capably turning the spotlight on one of the most urgent problems facing our nation today. The editorial follows:

THE FOURTH BRANCH

Sen. Lloyd Bentsen declared Thursday that "obviously excessive and objectionable" busing plans will hurt the Nixon administration politically in 1972.

He is probably right, for when something angers the electorate the administration minding the store at the time is likely to get the blame. That's traditional and understandable, but it is not strictly fair, for reasons that shine through the senator's other remarks.

He said that the Department of Health, Education and Welfare has gone far beyond the federal courts' requirements. Furthermore, he said, "the President says one thing and HEW goes completely contrary to it."

This is true. And the senator might also have added that during the Johnson administration, the Democrat-controlled Congress said one thing in laws that it passed and HEW went "completely contrary to it".

In fact, the policy HEW is implementing is not administration policy, not congressional policy, not Democratic policy, not Republican policy, but bureaucratic policy—the policy favored by the professional bureaucrats who are not accountable to the voters or, obviously, to anyone else.

The voters have influence over the making of policy by the chief executive, over the making of laws by the Congress.

Their wishes must be taken into account in the political positions of both the Democratic and Republican parties, for the voters can hold the elected officials responsible for their actions and for the failure of their policies. Even the judiciary can be influenced indirectly and over the long term by the electorate. But not the bureaucracy.

It is amusing, in a painful sort of way, to read current comments by liberals about the Vietnam policies of the 1960s. There are complaints about the insoluble problems of trying to pin down responsibility in the bureaucracy, to determine who did what, who was accountable for which action. There are cries of outrage that pivotal, irreversible decisions were made by people no voter elected, by officials no constituency could hold accountable at the polls.

This, of course, is precisely the state of affairs on the domestic side that conservatives have been denouncing for decades, during all that long span when liberals were proclaiming that the welfare state bureaucracy was the panacea, the modern answer to the problems of getting around the creaky deliberations of democratic government.

The fact is that we now have a fourth branch of government, one that is not only more entrenched than any administration and more powerful than the Congress, but one that is beyond the influence of the voters themselves. This branch of government governs in ways that are not only undemocratic but antidemocratic.

So the Congress passes a law forbidding the closing of schools or busing to achieve racial balance, so what? So the president gives an order that such a policy will prevail, so what?

It then filters down several layers and disappears. So nearly every winning candidate promises the voters he'll oppose busing, so what? Politicians come and go, citizens rant and rage, but the bureaucrat goes on forever.

So long as the bureaucrat acted only in his assigned role of carrying out policies and laws made by the elected officials, this worked well for us—his expertise and experience provided stability in times of transition from administration to administration, during swings of opinion in Congress.

But when the bureaucracy began to take over the role of making policy, the people of this country began to lose the self-rule for which this Republic was established.

THE BREZHNEV DOCTRINE—RESTATEMENT OF THE MARXIST-LENINIST POLICY

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 14, 1971

Mr. RARICK. Mr. Speaker, virtually all educated men realize that an easy bridge to understanding the ruling philosophy of men is through a close examination of their written work.

If we accept this as a guiding principle in our study of the thought and objectives of Soviet Russia—the avowed enemy of free people, dedicated to world domination—the true import of the present Communist regime is made clear. It is simply a modern version of the old Marxist-Leninist view of the world—a world engulfed in an irreconcilable confrontation between the two socioeconomic systems—capitalism free, and socialism, slave.

I cannot emphasize this too much—the struggle between Soviet Russia and the United States is the struggle between two antagonistic socioeconomic systems, capitalism and socialism, a struggle that is irreconcilable, one that must go on until one or the other is eliminated. This is peace to the Communists—Socialists.

I repeat, these two systems cannot exist together; there can be no peaceful coexistence that can endure.

That this is true, and that this is the ruling principle of the present regime in Soviet Russia, has never been made more clear than in the excellent article by Charles T. Baroch, entitled "The Brezhnev Doctrine," appearing in the July 1971 issue of the American Bar Association Journal. Mr. Baroch bases his argument on an incisive reading of Brezhnev's own works, including both his speeches and papers.

In the light of the recent actions of this House and this Congress authorizing appropriations to programs designed to push this country further down the path to socialism—especially, the recent passage of H.R. 1 guaranteeing a minimum annual income—I feel that this article is of immeasurable importance.

I especially call this excellent study by Mr. Baroch to the attention of my colleagues and insert it in the RECORD at this point.

[From The American Bar Association Journal, July 1971]

THE BREZHNEV DOCTRINE

(By Charles T. Baroch)

More than two years ago the non-Communist world was shocked by the ruthless intervention of Warsaw Pact armed forces in the Czechoslovak Socialist Republic. The alleged purpose of the intervention was "to defend the socialist character" of a member of the world socialist system and its "socialist achievements".

The Warsaw Pact countries, especially the U.S.S.R., were accused, even by some Communists, of having violated Czechoslovak sovereignty and right of self-determination. Non-Communist reaction was well summed up by the indignant editorial in *The New York Times* of September 28, 1968, in which the name "Brezhnev Doctrine" may have been coined:

"The latest Kremlin attempt to justify the invasion of Czechoslovakia is further indication of Stalinism ascendant in Moscow.

"The earlier attempt to claim a status of semi-legality on the basis of a supposed invitation to the invaders from high Czechoslovak Government and Communist party leaders has apparently been discarded. Instead, Pravda now enunciates what must be called the *Brezhnev doctrine,* though the same thinking was manifest in the brutal repression of Hungarian freedom in 1956. The core of this doctrine is the assertion that Communist-ruled states enjoy neither genuine sovereignty nor genuine rights of territorial integrity, that the Soviet Union may at any time it deems proper send troops into any such states in order to pressure Communist rule.

"What permits the Soviet Union to issue and even to implement such doctrine is, of course, Soviet military power. This reliance on force and contempt for law must raise fears among others that some day Moscow will decide that the sovereignty and territorial integrity of non-Communist nations is also being interpreted too abstractly and without due attention to class principles."

Questions arise as to the origin and scope of this allegedly new doctrine. It seems that the editorialist who coined the term, which has become an international household word, had in mind an analogy with certain American policy pronouncements now, with the acquiescence of other states, part of customary international law. Analogy with the most famous of these, the Monroe Doctrine, is very tempting, but, as I hope to demonstrate, despite superficial similarity, the so-called Brezhnev Doctrine is precisely its opposite in every respect.

There are three fundamental problems regarding the Brezhnev Doctrine: (1) Can it be attributed to Brezhnev? (2) What is its relation to international law? and (3) What are its real content and implications?

PERSONAL DECISION MAKING BY COMMUNIST LEADERS IS MINIMAL

Certain aspects revealing a conventional, narrow understanding of the Communist world outlook are usually stressed by authors considering the Brezhnev Doctrine. It is assumed that the *Secretary General* of the Communist Party of the Soviet Union (C.P.S.U.), with the approval of the Politburo, formulated a *new* doctrine of the *limited* sovereignty of a member of the socialist system of states. Yet, there is in Communist-controlled states very little personal decision making by individual leaders, however exalted their positions. The "fraternal assistance" to Czechoslovakia was a vital policy decision of the C.P.S.U. Politburo based on evaluation of the global situation and recommendations by several departments of the C.P.S.U. Central Committee apparatus, of which the present Secretary General is a product. He therefore hardly deserves to be honored as the doctrine's originator.

There is the widespread conviction, also, that this doctrine represents a new foreign policy formula or, at least, a revival of policy discarded after Stalin's death. It is enough, however, to consult earlier Communist documents to see the fallacy of this view.

1957 DECLARATION REAFFIRMS BASIC MARXIST-LENINIST TENET

In 1957, for instance, following the suppression of Polish and East German unrest and the Hungarian uprising of the year before, the ruling Communist Parties of the twelve socialist countries met in Moscow to define the Communist co-ordinated policy for the later 1950s and 1960s. They sought to outline basic rules of a conduct to avoid the pitfalls of mechanical copying of C.P.S.U. methods (the so-called dogmatism) and, what was considered even more dangerous, of revisionism of Marxist-Leninist tenets or right-wing opportunism. Their declaration stated: [1]

"In our epoch, world development is determined by the course and results of the confrontation [*sorevnovaniye*] [2] between two diametrically opposed social systems [socialism versus capitalism]. [In that confrontation] the strengthening of the unity and fraternal cooperation of the socialist [communist-controlled] states and of the Communist and Workers' Parties of all countries and closing the ranks of the international working class, national-liberation and democratic movements take on special importance." [3]

While asserting that "the socialist countries base their relations on the principles of complete equality, respect for territorial integrity, state independence and sovereignty as well as non-interference", the declaration emphasizes that, however important, these principles *"do not exhaust* the essence of relations". (Emphasis added.) Fraternal, mutual assistance is an integral part of these relations and "finds its expression in the principle of socialist internationalism",[4] which has thus been elevated to a fundamental doctrine, superimposed on international law in socialist interstate relations.

In order to offset the dangers of revisionism, the twelve participating parties forcefully reaffirmed the correctness of the basic Marxist-Leninist tenet that "the processes of the socialist revolution and socialist construction are governed by a number of basic 'laws,' applicable in all countries embarking on the socialist path." [5] Their declaration then lists these generally valid principles and rules of conduct binding on all Communist Parties, ruling or nonruling alike:

1. Leadership of the toiling masses by the working class, whose vanguard is the Marxist-Leninist Party, in bringing about a proletarian revolution in one form or another [either by peaceful or violent (civil war) means] and in establishing some form of the dictatorship of the proletariat;
2. Alliance of the working class with the bulk of the peasantry and other strata of the toilers;
3. Abolition of capitalist ownership and establishment of public ownership of the basic means of production;
4. Gradual socialist reorganization [collectivization] of agriculture;
5. Planned development of the economy with the aim of building socialism and communism;
6. Completion of a socialist revolution in the sphere of idealogy and culture and formation of numerous intelligentsia devoted to the working class, the toilers and the cause of socialism;
7. Elimination of national oppression and the establishment of equality and fraternal friendship among people;
8. *Defense of the achievements of socialism* [6] [emphasis added] against encroachments of external and internal enemies; solidarity of the working class of a given country with the working class of other countries—proletarian internationalism.[7]

Two observations should be made with regard to the 1957 declaration. The Soviet delegation to the 1957 conference was headed by the then First Secretary of the C.P.S.U. Nikita S. Khrushchev, who, for all his reputation as promoter of peaceful coexistence, in 1956, as will be remembered, had given fraternal military assistance to orthodox Hungarian Communists led by Janos Kadar in their effort to preserve socialist achievements in that country.

Also, the same basic rules for Communist conduct defined in the 1957 declaration are quoted, as we shall see, in Brezhnev's arguments to justify the 1968 Warsaw Pact occupation of Czechoslovakia. A constantly deteriorating situation (from a Communist viewpoint) had developed there, with the local Communist Party in disarray and losing its total control (dictatorship) over the state,[8] resembling the 1956 Hungarian crisis.

In the view of the Warsaw Pact governments this situation fully justified armed intervention, aimed at restoring the Communist Party power monopoly. The non-Communist world, however, branded it as "contrary to every elementary rule of international law, to say nothing of the UN Charter".[9]

It is of major interest, therefore, to look next into the Communist attitude toward these elementary rules of international law, which are essential for normal intercourse among states. Since legal norms are basically rules and guidelines of conduct, whether of individuals or states, the importance of understanding the Soviet legal system and its underlying philosophy cannot be overemphasized in our search for communist policy motivation. Secretary of State William P. Rogers summed it up very well when as Attorney General he wrote in this *Journal:*

"When we talk about competing with International Communism in the realm of ideas, we are talking in large measure about the ideas which are the basis of our legal system.[10] "

The so-called Brezhnev Doctrine has often been qualified in the non-Communist world as a doctrine of limited sovereignty, applicable only to a socialist state. What, briefly, is the Communist concept of state sov-

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ereignty within the international law context?

STATE CONCEPT DIFFERS FROM TRADITIONAL NOTIONS

The state concept—and sovereignty is an important attribute of the state—as defined in the Marxist-Leninist theory of state and law differs substantially from traditional notions. The theory of the origin, nature and aims of the state was formulated by Lenin, a lawyer by education, who relied heavily on Frederick Engels's work, *The Origin of the Family, Private Property and the State.* As is well known, Engels tied the state's origin to the appearance on the historical scene of private ownership of the means of production and the resulting split of society into antagonistic classes. The state emerged, and continued to exist, as an organ of class rule (slave-owners over slaves, feudal lords over serfs).

At present, Marxist-Leninist theory distinguishes between two basic forms of class society: in one the classes are *hostile* and *antagonistic* towards each other and are engaged in bitter class conflict (bourgeoisie vs. the working class in a capitalist state); the other, after doing away with private ownership of the means of production, is identified by co-operation of *friendly* classes (the working class and *kolkhoz* [collective farm] peasantry in a proletarian-socialist state) in a joint task and aim: building socialism and, ultimately, communism.

"Marxism-Leninism disclosed the *class* nature of the state, and, in a society with antagonistic classes, it considers the state as a machine of suppression. "The state"—noted V. I. Lenin—"is a machine used to support the domination of one class over another." The figurative word "machine" immediately indicates the gist of the class nature of the state; it helps to explain that a state like any machine is a tool in the hands of people, a tool which multiplies their strength as representatives of the ruling class. Consequently, the state in its essence is an instrument of a dictatorship—of class domination." [11]

The state in a capitalist society, according to Marxism-Leninism, serves as an instrument for the oppression of the majority (the toiling masses) by the minority (the *bourgeoisie*). The state of the dictatorship of the proletariat, on the other hand, serves as an instrument of suppression of a minority (the remainder of the vanquished exploiting classes) by an overwhelming majority (the working class and the peasants). Only after the complete victory of socialism does the state cease to be an organ of class domination; under socialism it continues to serve as an instrument of political power of the friendly classes of toilers.

POPULAR SOVEREIGNTY IS A FICTION

In theory, the working class rules the proletarian-socialist state and is thus the bearer of its sovereignty. In fact, however, popular sovereignty is a fiction in such a state because of the unique position of the Communist Party, a position equivalent, ultimately, to one of exclusive and total control over the state. The ruling Communist Parties not only formulate policy for all aspects (economic, political and cultural) of society's life, but they also select cadres for the state apparatus who carry out and supervise their policy.[12] This is justified by the party's claim to be the vanguard of the working class in its revolutionary mission to transform the world.

The class character of the Communist-controlled party-state and, consequently, of its sovereignty introduces a new international or, better to say, supranational concept into interstate relations between socialist states themselves as well as between "capitalist" and "socialist" states.

In their interstate or, rather, interparty relations, Communist-controlled states claim to be primarily guided by the principles of socialist internationalism and not by general international law,[13] although, Soviet jurists assert

"The socialist states consistently uphold the observance in international intercourse of the generally recognized democratic principles of international legality and law . . . they are inserting a new content into old legal forms, a new quality arising from the *socialist* character of those states." [14] [Emphasis added.]

This process is being described as the formation of a separate socialist international law, which will gradually replace general international law "when the world socialist system will occupy a dominant position in all areas of international relations".[15]

Meanwhile, intercourse between socialist and capitalist states is allegedly regulated by norms of general international law, often called by Communist jurists "the Law of Peaceful Coexistence" between states of the two antagonistic social systems. It is not a law of peaceful intercourse in the traditional, non-Communist meaning, but a set of norms operating in a historical situation characterized by the absence of major (nuclear) conflict between the two systems, whose "coexistence" is described as

"A specific form of class struggle between socialism and capitalism in the international arena. . . . Peaceful coexistence between the two systems does not exclude revolutions in the form of armed uprisings and just national liberation wars against imperialist oppression, which occur within the capitalist system." [16]

In this context the international law principles of the sovereignty of a capitalist state and noninterference in its internal affairs, despite formal acceptance by the Communists, are logically also subordinated to the overriding aims of class struggle (for example, international civil war) and are devoid of traditional significance.

It appears that the negative influence of the Brezhnev Doctrine on international law's validity is self-evident.

BREZHNEV'S ROLE HELPS TO EXPLAIN HIS DOCTRINE

For an understanding of the real content and implications of the Brezhnev Doctrine, we must return to Brezhnev's role, even though the doctrine may not be so new and he is not its author. It would be a great mistake to minimize the influence of this most important representative of the C.P.S.U. Central Committee apparatus, which wields enormous power emanating from the party's totalitarian control over the Soviet state and, indirectly, even over the world socialist system. In his public pronouncements the Secretary General interprets and communicates to the world the genuine "Brezhnev Doctrine", a complex set of concepts and motivations which make the C.P.S.U. and other Communist Parties "tick", despite their "rifts". We speak here, of course, of the Communist world view, the Marxist-Leninist doctrine, which is the global, ideological framework of the Communist Parties.

In a recent collection of speeches and articles the Secretary General summarizes "the Party's experience in directing communist construction and the foreign policy of the USSR".[17] It is C.P.S.U. directed foreign policy interpreted by Brezhnev, then, that will offer us an insight into the problem of "sovereign" relations among communist-controlled states, and, ultimately, also, between those states and their noncommunist counterparts.

INVASION OF CZECHOSLOVAKIA HAS BEEN AN IMPORTANT TOPIC

The invasion of Czechoslovakia in August, 1968, a critical foreign policy decision within the socialist system, has been an important topic in Brezhnev's speeches. On November 12, 1968, his address to the Congress of the Polish United Workers (*i.e.*, Communist) Party showed not only concern with a local (Czechoslovak) problem but reflected the communist global view:

"We are living, comrades, in a complicated, stormy and interesting time. The revolutionary process, which centers around the *confrontation of the two principal social systems* of our epoch—socialism and capitalism—is progressing irresistibly.[18] " [Emphasis added.]

He admonishes the Communists of the socialist countries that the recent activization in Czechoslovakia of forces hostile to socialism should be understood in terms of this confrontation and that

"It is vitally important . . . to carry high the banner of socialist internationalism and constantly strengthen the solidarity and cohesion of the socialist countries.[19]"

Despite remarks in support of the observance of traditional sovereignty of all states, Brezhnev emphasizes the special importance for the Communists of defending the sovereignty of states which have chosen the road of building socialism. He equates the sovereignty of a socialist country with building "a society free of every oppression and exploitation". True consolidation of sovereignty and independence requires that—

"Each socialist country determine the concrete forms of its development along the path toward socialism, while taking into account the specific character of its national conditions." [20]

But, Brezhnev warns, in order to uphold "socialist" sovereignty:

"There exist also *generally binding principles* of socialist construction, whose neglect could lead to a retreat from socialism. . . . And when internal and external forces hostile to socialism make an attempt to reverse the development of a socialist country *in the direction of the restoration of the capitalist system* . . . then this threat represents not only a problem for the people of that country, but a common problem and task of all socialist countries." [21] [Emphasis added.]

Mutual fraternal assistance, based on principles of socialist internationalism, includes, according to Brezhnev, direct military intervention, even though only as "an extraordinary measure, in order to nip in the bud the threat to the socialist order".

Brezhnev did not elaborate on these generally binding principles and rules, knowing quite well that his host, Gomulka, was one of the signers of the 1957 declaration of the twelve Communist and Workers' Parties that spelled them out in detail.

Two years later, in a monumental discourse, "The Work of Lenin Lives and Triumphs", on April 21, 1970, Brezhnev again reminded his listeners, Communists and sympathizers from practically every country in the world, of the "collapse" of the antisocialist plot in Czechoslovakia, proving "the great importance of the international solidarity of the socialist countries". He remarked, "Neither our friends nor our enemies doubt its force and effectiveness—and that is very good."

When we compare this speech with the 1957 Moscow Declaration, the remarkable continuity of Marxist-Leninist thinking should not surprise us. Prepared by the same apparatus, it repeats the declaration's main points almost word for word: The path of different countries to socialism, and the socialist system itself, are characterized—"as has been emphasized by the fraternal

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Footnotes at end of article.

Parties"—by "common landmarks", the socialist revolution in some form which crushes the state machinery of the exploiters and replaces it by the state (dictatorship) of the proletariat; the proletarian (socialist) state, which, in turn, liquidates the exploiter classes, socializes the means of production and inaugurates a cultural revolution in Lenin's meaning.

As for the socialist system once constructed, its fundamental obligatory characteristics are: the rule of the toilers, implemented through the control of the Marxist-Leninist party over society's development; social ownership of the means of production and a planned economy; education of the entire people in the spirit of the ideology of scientific communism; and, last but not least, a foreign policy based on the principles of proletarian-socialist internationalism.

Bearing in mind the doctrinal continuity displayed by the C.P.S.U. apparatus, it is only natural that Brezhnev should publicly deny not only authorship but also the very existence of a "Brezhnev" doctrine. Speaking in Moscow on June 9, 1969, before an international conference of seventy-five Communist and Workers' Parties held to consider the tasks of the struggle against imperialism, he accused "the imperialist propagandists" of having:

"Fabricated and circulated the notorious doctrine of limited sovereignty [and of] slandering the principle of proletarian internationalism by contrasting it *artificially* with the principles of independence, sovereignty and equality of national detachments of the workers' and communist movement [Communist Parties]." [22] [Emphasis added.]

In support of his argument he quoted as "by no means obsolete" Lenin's definition: "to be an internationalist means to do the utmost possible in one country *for* the promotion, support and stirring up of revolution *in all countries.*" [23]

The genuine "Brezhnev Doctrine" is, then, a restatement of the Marxist-Leninist world view: a world engulfed in an irreconcilable confrontation between the two antagonistic socioeconomic systems—capitalism and socialism—which is bound to end with a revolutionary transformation of capitalist society according to Marxist-Leninist tenets. To this supranational revolutionary end *everything* is subordinated, including interests of whole nations (their sovereignty, equality, independence, etc.) as well as the interests of individuals, irrespective of whether they are part of the capitalist or socialist system.

The present Secretary General may, of course, at some future date be replaced by another *apparatchik* (prominent member of the C.P.S.U. Central Committee apparatus), who will continue promoting the Marxist-Leninist doctrine, the true driving force behind the Communist effort.

FOOTNOTES

[1] Pravada, November 22, 1957, page 1. Represented were the Communist Parties of Albania, Bulgaria, Hungary, Vietnam, East Germany, China, North Korea, Mongolia, Poland, Rumania, the U.S.S.R., Czechoslovakia and Yugoslavia. All but Yugoslavia signed the document.

[2] The widely used English equivalent, "competition", is a misleading translation in the author's opinion, since it does not reflect this struggle's irreconcilable character.

[3] Pravda, November 22, 1957, page 1.

[4] *Ibid.*

[5] *Ibid.*

[6] *"Zavoyevaniya sotsializma"* (achievements of socialism), in the author's opinion, is better translated literally "conquests of socialism", since it reflects the Communist large-scale application of crude force and legalized terror in transforming society.

[7] Pravda, November 22, 1957, page 1.

[8] Read a more detailed analysis of the situation in the author's brochure, The Soviet Doctrine of Sovereignty, the So-Called Brezhnev Doctrine, published by the American Bar Association Standing Committee on Education About Communism and Its Contrast With Liberty Under Law. (1970).

[9] The New York Times, September 28, 1968, page 32.

[10] Rogers, *Our Great Goal: Peace Under Law,* 45 A.B.A.J. 1181 (1959).

[11] Fundamentals of the Theory of State and Law [in Russian], legal textbook of the Sverdlovsk Law Institute (1969).

[12] *Id.* at 197–198.

[13] Tunkin, Theory of International Law [in Russian] 504 (1970).

[14] Korovin, *Proletarian Internationalism and International Law,* Soviet Yearbook of International Law—1958 [in Russian] 55 (1959).

[15] Usenko, *International Law in the Intercourse of Socialist Countries,* Soviet Yearbook of International Law—1966–1967 [in Russian] 44 (1968).

[16] 4 *Philosophical Encyclopedia* [in Russian] at 452–454.

[17] 1 Brezhnev, The Leninst Policy Course: Speeches and Articles 1964–1970 [in Russian] 3.

[18] *Id.,* Volume 2, at 325.

[19] *Id.* at 328.

[20] *Id.* at 329.

[21] *Ibid.*

[22] *Id.* at 397.

[23] *Ibid.*

LEAD POISONING: ZOO ANIMALS MAY BE THE FIRST VICTIMS

HON. DAVID R. OBEY

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 14, 1971

Mr. OBEY. Mr. Speaker, researchers at the New York Medical College have discovered that a large proportion of the animals at Staten Island Zoo suffer from lead poisoning. "And while some of the lead in the animals' bodies may have come from paint in their cages," notes an article in the July 9 issue of Science, "the major source appears to be atmospheric contamination."

Analysis of 16 paints used in some of their cages—all marketed as lead-free interior paints—showed that 11 of them contained lead in concentrations ranging from 0.01 to 3 percent. "Significantly," the article continues, "the animals kept in outdoor cages, including those in cages without paint, showed the highest levels of lead in their bodies."

In the words of the pathologist who directed the study, "The findings have ominous implications for the people who live in that area of the city." Indeed, they are ominous for all of us who care about what we are doing to our air.

I include the article, headed "Lead Poisoning: Zoo Animals May Be the First Victims":

LEAD POISONING: ZOO ANIMALS MAY BE THE FIRST VICTIMS

(By Robert J. Bazell)

New York.—Death and illness as a result of simply breathing polluted urban air is a specter of the future that only the more alarmist environmentalists conjure up from time to time. Nevertheless, researchers at New York Medical College (NYMC) have discovered that a large proportion of the animals at Staten Island Zoo suffer from lead poisoning. And while some of the lead in the animals' bodies may have come from paint in their cages, the major source appears to be atmospheric contamination. In the words of Ralph Strebel, the pathologist who directed the study, "The findings have ominous implications for the people who live in that area of the city."

The first indication of trouble at the zoo came last November, when an 11-month-old leopard became weak, started losing its hair, and refused to eat. The cat was taken to New York Medical College, where sick animals from the city's five zoos are treated under the comparative pathology program. Although Strebel and his colleagues could find no evidence of disease, the leopard died 24 hours later.

Three weeks later, zoo keepers found the leopard's fraternal twin, a black leopard (formerly known as a black panther) named Mr. Leo Pard, lying paralyzed in his cage; he too was taken uptown to the medical school. Again there was no evidence of any known disease. But in response to symptomatic treatment, Mr. Leo Pard survived and regained his muscular coordination. At this point, Dennis Craston, a toxicologist from the city's Medical Examiner's Office and an instructor at the medical college, tested Mr. Leo Pard for heavy metal poisoning and found extremely high levels of both lead and zinc in the animal's hair, blood, and feces. A check of the first leopard's preserved organs also revealed high concentrations of the same two metals.

After 6 weeks of intensive treatment at the hospital's animal facility, Mr. Leo Pard was well enough to return home to the Staten Island Zoo. But once there, the level of lead in his body again began to rise. After he went into convulsions, he was taken back to the hospital, where he is still recuperating.

On the basis of their experience with the two leopards, the NYMC researchers decided to check other animals in the zoo for lead poisoning. They found not only that other animals had high concentrations of lead in their bodies, but that the victims ranged from reptiles to primates.

For some time, snakes at the zoo had been dying after having lost sufficient muscular coordination to slither properly. Sure enough, chemical analysis of the preserved carcasses revealed high concentrations of lead. Hair chippings, along with blood and fecal samples, from a variety of cats and primates showed many of the animals to be contaminated with lead—often in amounts far exceeding the level considered toxic in man. Even a great horned owl, brought to NYMC because it had lost its feathers, was found to be a victim of lead poisoning.

Searching for the source of the contamination, the NYMC investigators first tested the zoo's water, food, and bedding and found them all to be free of heavy metals. An analysis of the paints used in some of the cages, however, revealed that 11 out of 16 paints contained lead in concentrations ranging from 0.01 to 3 percent. This finding is significant in itself, according to Craston, because all of the paints are marketed as lead-free interior paints.

But perhaps even more significant were the levels of lead found outside the cages. Grass, leaves, and soil collected on the zoo grounds contained lead in quantities as high as 3900 micrograms per milligram dry weight—an amount equal to or exceeding that found along the sides of major highways, where automobiles continually spew out lead-containing exhausts. "We can only conclude," said Strebel, "that most of the lead taken in by the animals resulted from atmospheric fallout."

Significantly, the animals kept in outdoor cages, including those in cages without paint, showed the highest levels of lead in their bodies. Even the carcasses of dead mice found inside and outside the zoo buildings were loaded with lead.

Lead poisoning of animals apparently is not confined to the Staten Island Zoo. The same doctors made a preliminary investigation of animals in the Bronx Zoo and turned up the same problem, although fewer animals seem to be affected.

Originally an occupational hazard, lead poisoning in recent years has been identified in slum children who eat chips of paint in old, dilapidated buildings (*Science*, 5 September 1969). Several studies have found an increasing concentration of lead in the air over many cities. And, although the question has been raised, little is known about the effect of this lead on the cities' inhabitants.

It is known, however, that increasing exposure to lead in the air can increase the amount of lead in a person's blood. And a recent position paper drawn up by the Air Pollution Control Office of the Environmental Protection Agency concluded that atmospheric lead pollution does indeed pose a health hazard, particularly for children exposed to lead from other sources.

Since there is little data on the levels of lead in the bodies of adult residents of New York, the findings from the zoo animals cannot be compared with those from the human population. But the wide range of species that were affected in the zoo seems to indicate that man might well be in danger. One of the difficulties in detecting widespread lead poisoning is the lack of specific symptoms. For many years, the headaches and listlessness experienced by slum children who were suffering from subclinical cases of lead poisoning were overlooked by doctors—simply because they were unaware of the problem. And so it could be with some of the city's residents who simply breathe the city air.

Over the past few years, however, New York City has compiled a good deal of data on levels of lead in the blood of children. and according to Vincent Guinee, director of the New York lead poisoning prevention program, there is no apparent correlation between levels of lead in children's blood and those areas of the city in which airborne lead pollution is highest. "I would therefore doubt," said Guinee, "that the animals in the zoo developed clinical symptoms just from breathing the air. But," he added, "I'm prepared for surprises."

The NYMC researchers intend to continue their investigation, in order to correlate their findings in the zoo animals with the surrounding human population. "The zoo animals," said Strebel, "could potentially serve as barometers of the medical effects of the variety of pollutants in the city's air."

WILL THE REAL RED CHINA STAND UP?

HON. JOHN E. HUNT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 14, 1971

Mr. HUNT. Mr. Speaker, the staged sudden thaw of Red China relations with the Western world that began with the invitation of the American ping-pong team to that country should be realistically assessed as a propaganda move and not the extension of a hand of friendship by the Chinese Communist regime.

In the Philadelphia Inquirer of May 30, Mark Gayn candidly observed the many gestures of friendship as one of the first two correspondents admitted to Red China after the ping-pong episode, but he goes on to assert:

> China's hostility towards the U.S. Government and its policies has not changed. Nor has there been any sign that Peking intends to reduce its aid and comfort to North Vietnam, the Vietcong, the Pathet Lao, the friendly forces in Cambodia, or the guerrillas on the Thai-Malaysian border. What has changed radically in this season is the tactics of the struggle.
>
> The people-to-people campaign is clearly meant to reach the man in the street in the United States, to do what Hanoi has done with such success. The Chinese believe that the American people are disowning President Nixon. The 'Ping-Pong episode' is obviously meant to speed up the process . . .
>
> Peking has its eye on the American public—and on the American policymaker now trying to decide what to do about the China issue in the United Nations.

As for the kind of future we can expect based on the education of Red China's young people, an article in another paper—accompanied by a photograph—notes:

> Military training has been stepped up. Youngsters shout "Down with U.S. imperialism, down with Soviet revisionism!" and then do a fierce bayonet drill with wooden rifles. They pitch imitation grenades and go on long marches with packs on their backs.

Mr. Speaker, I look upon these manifestations of the real Red China regime with a great deal more credibility than upon the friendly gestures calculated for public consumption that have been, can be, and will be again, turned on and off whenever the suitable occasion arises.

CANCER RESEARCH NEEDED, NOT MORE BUREAUCRACY

HON. PAUL G. ROGERS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 14, 1971

Mr. ROGERS. Mr. Speaker, since the concept of an independent Cancer Authority was first proposed I have been concerned over the impact that this might have on the actual fight to cure cancer.

At this time we have seen many developments which are encouraging and should pursue these with all our available resources. The appropriation of an additional $100 million for cancer research is an important step in realizing the goal of one day finding a cure for cancer.

I am concerned still, however, that the bill passed in the Senate last week will detract from our goal of finding a cure. I do not feel that we should divert so much as one dollar to building additional bureauracy when that money could be spent in research.

I think the New York Times editorial of this week sets out very clearly many of my concerns and the concerns of many men of medicine who have worked all their lives in the fight against cancer. I would like to insert the editorial in the RECORD at this time for the information of my colleagues.

The editorial follows:

> [From the New York Times, July 11, 1971]
>
> CANCER CONQUEST OR SETBACK
>
> The weakness of Congress in handling a technical issue has rarely been more glaringly demonstrated than in the 79 to 1 vote by which the Senate approved the so-called Conquest of Cancer Agency. Only Senator Gaylord Nelson had the political and moral courage to oppose a move which has drawn critical fire from a large percentage of the nation's biomedical researchers.
>
> Presumably most Senators who voted affirmatively—and who are far from expert in this field—feared that their dissent might be exploited by future demogogic political opponents who would seek to represent them as friends of cancer. Yet there is real question and serious debate as to whether the "Conquest of Cancer Agency" will speed up or retard the search for means to cure this dread family of afflictions.
>
> Perhaps the most disturbing element of the Senate debate was the argument that scientists are "close to a breakthrough in cancer," so close that "one final push" will attain victory, as Senator Javits suggested. In the biomedical research community, there are many respected clinicians and researchers who are highly dubious that success is around the corner. Meanwhile Senator Javits and others have unfortunately aroused great hopes among millions who could be cruelly disappointed.
>
> There has been much research progress in the cancer field recently. Basic researchers have thrown new light on the role of viruses and on the immunological aspects of the problem, while important therapeutic strides have been made by biochemists, surgeons and radiologists. There is certainly ground for further intensive investigation financed by generous appropriations. But many students of cancer still question whether scientists are even yet near the heart of the matter. Moreover, it is far from certain that all the manifestations of cancer—from melanoma and leukemia to Hodgkins Disease and all the different sarcomas and carcinomas—have the same cause and are all amenable to the same cure.
>
> These considerations raise a warning signal that research too narrowly focused on cancer as such may prove unavailing because it may miss the broader—and perhaps still unsuspected—biological phenomena that may lie at the root of the degenerative processes described as cancerous. Researchers directed by bureaucrats who believe they are "close" to a "final breakthrough" run serious risks of slighting the basic investigations which many informed scholars believe are still essential before cancer can be understood and cured. Inevitably, once a crash cancer program with separate budget and autonomous institutional power comes into being, spokesmen for other sufferers will demand the same privileges. Are heart disease, schizophrenia and nephritis patients less worthy than cancer victims?
>
> The National Institutes of Health as they now exist and are organized have proved to be very effective means of attacking the en-

tire spectrum of ills under which men sicken and die. The possibly illusory "cancer conquest" program threatens to begin a process of fractionation which could destroy the N.I.H. and reduce the productivity of the nation's research dollar.

Only a legislature that failed to understand the true complexity of the issues involved could have given a 79 to 1 vote in favor of this controversial program in the face of the many doubts knowledgeable critics have been expressing in recent months.

CONGRESSMAN ROBERT H. STEELE DISCUSSES "OUR MOST DANGEROUS EPIDEMIC"

HON. CHARLES W. WHALEN, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 14, 1971

Mr. WHALEN. Mr. Speaker, all of us in this House and the entire Nation are deeply indebted to our colleague from the Second District of Connecticut, Bob Steele, for the effort he has made to make us aware of the depth of the drug abuse problem among our Vietnam servicemen.

The report which Bob and Congressman John Murphy prepared, following their firsthand study of the drug situation in Vietnam, and the legislation which they have introduced in this area are contributions of significance seldom equaled by freshmen members of this body. Further, the quality of their investigation is as worthy of commendation as the service they rendered in uncovering this difficulty.

In the July 1971, issue of Nation's Business, Bob discusses the drug abuse problem not only with respect to Vietnam but also with respect to its effect on the Nation's welfare. I am pleased to take this opportunity to insert at this point in the Record his comments, which I am sure will be of great interest to the Members of the House:

Our Most Dangerous Epidemic

(By Representative Robert H. Steele)

The most serious, most tragic and most baffling problem in our nation today is drug abuse.

No child, no school, no home is immune from the epidemic dangers of narcotics.

No business, big or small, is safe from the thefts, absenteeism, turnover, decreased productivity or shattered morale caused by the burgeoning drug problem.

Like snowflakes, a white plague of heroin has blanketed the U.S. military command in Indo-China. The bleak prognosis is that, in an Asian version of an ancient Greek tragedy, thousands upon thousands of American boys will be discharged into society hooked on the heinous "white poison."

Just look at these chilling statistics:

There are 250,000 "known" heroin addicts in the United States, according to the National Institute of Mental Health.

The cost of stolen goods to pay for the heroin these addicts need is an estimated $10 billion a year.

Better than 50 percent of all urban crime in the United States is drug-related.

At a minimum, between 30,000 and 40,000 of our troops now in Viet Nam are addicted to heroin.

In five major U.S. cities last year, according to the Bureau of Narcotics and Dangerous Drugs, drug-related deaths totaled 1,273. The breakdown: Miami—38; District of Columbia—63; Chicago—46; Philadelphia—71; and New York—1,055. Addiction is the single largest cause of death for those between the ages of 15 and 25 in New York City.

A GROWTH INDUSTRY

Unquestionably, the fastest-growing industry in this nation today is the illicit traffic in drugs. Moreover, it is one of the most profitable industries on earth.

For example, 2.2 pounds of raw opium, the base for heroin, costs roughly $30 at the source. Processed and packaged, it can bring in approximately $300,000 at retail level—with profits ranging from 15 per cent to 1,000 per cent for every one along the line.

Spawned in the ghetto, drug addiction has hedgehopped to middle-class suburbs, colleges and high schools, to the armed services and, now, to corporations across the country. To support their habit, on-the-job users often become pushers and ensnare co-workers into narcotics addiction.

It is estimated that one out of every 40 workers in the U.S. uses drugs illegally and that three out of every four plants with 50 or more employees have a drug problem.

The coffee break has become the "drop" (swallow a pill) or "fix" (injection) break. Liquor in the locker room has been replaced as the scourge of industry by the secreted barbiturate or amphetamine capsule, the sneakily-dragged marijuana in the stairwell or the hastily dumped syringe in the washroom.

Dilated eyes, shaky coordination, impaired depth perception and drowsiness—the addict's symptoms—result in accidents, lost productivity and thievery.

"Strung out" workers reportedly account for much of the $2.5 billion worth of tools, office machinery and other goods stolen from corporations and stores each year. For example, in New York City, which conservatively counts 100,000 heroin addicts, 80 percent of the shoplifting is attributed to drug users, particularly those employed in the stockrooms of major department stores.

As little as two years ago, drug abuse in industry was considered a rarity. Today it is an exploding problem because new workers, fresh out of school, are imbued with the drug culture.

There is a sad parallel between corporate officials who once denied their firms had a drug problem—and are trying now to cope with it—and the armed services, which once unsuccessfully tried to to kick the menace under the rug.

WHEN JOHNNY STAGGERS HOME

It took, frankly, a Congressional trip to bring home the horrendous statistics and focus attention on the fact that this nation has a tremendous problem on its hands as "Junkie Johnny" comes marchin' home from Viet Nam.

I recently returned from a 22-day, nine-nation narcotics probe—which Congressman Morgan F. Murphy of Illinois and I conducted for the House Foreign Affairs Committee—with the sickening news that 10 to 15 per cent of American troops in Viet Nam are using heroin.

Top government officials have not only verified there is an epidemic troop addiction rate, but report our statistics, fearfully, may be on the '"conservative" side.

This is the Greek tragedy alluded to earlier. In return for the sacrifice of 50,000 American lives and billions of dollars, the U.S. is getting a homeward-bound military force riddled with drug addicts.

At least 60 GI's now die each month from overdoses of the super-grade heroin supplied by our "allies" and marketed with the blessing of corrupt Southeast Asian officials. Both Army Secretary Stanley R. Resor and John E. Ingersoll, director of the U.S. Bureau of Narcotics and Dangerous Drugs, have been in Saigon recently giving President Nguyen Van Thieu a belatedly blunt list of demands to curb the heroin traffic directed at American servicemen.

It could be a case of too little and too late.

At least 1,000 tons of raw opium are illicitly produced yearly in the Shan States of Burma, the border area of China's Yunnan Province, northern Thailand and northwestern Laos—the so-called "Fertile Triangle." In laboratories in the Burmese-Laotian border area, in Vientiane Laos, and in Bangkok, Thailand, the bulk of the opium is eventually refined into 94 to 97 per cent pure heroin produced exclusively for the U.S. market and for U.S. troops in South Viet Nam.

The stuff can be bought anywhere, from combat zone to Saigon cabaret, and by American standards of income—even military income—it is dirt cheap. A 97 per cent-pure quarter-gram sells for as little as $2.20. In New York City, a fourth as much sells for an estimated $8, and it's nowhere near as pure. In this country, the strength of heroin is usually only 4 to 6 percent.

A HANDY "HIGH"

Although marijuana has always been a problem, there was very little heroin use among U.S. troops in Viet Nam until December, 1969.

Then, GI's discovered that this almost pure heroin could be smoked or snuffed, producing the same "high" they would get from injecting American heroin directly into the bloodstream. Also, there is no odor from smoking heroin, as there is with marijuana. It is less bulky, easier to hide.

And suddenly, the Army found itself in a new crisis. Fifty-nine overdose deaths in Viet Nam were confirmed by autopsy last year and more than 30 others were suspected. At first, commanders refused to believe they had a troop addiction problem. Now, they are scurrying to find a solution.

But the sorry fact remains that a once-magnificent fighting machine has suffered heavy losses in discipline, morale and effectiveness—not because of the enemy, but because of an insidious white powder. The number one domestic crisis facing this nation in days to come will be in dealing with GI users and addicts when they return to the States. After sniffing or smoking the pure stuff in Viet Nam, many will be forced to use the needle in this country to achieve the "high" they are now accustomed to.

And this means higher crime rates to pay for the higher priced, less-pure heroin available Stateside.

Once, the services simply kicked out drug users with dishonorable or bad conduct discharges. But after the scope of the problem hit home, the Department of Defense in October offered a rehabilitation program featuring an olive leaf of amnesty held out to those turning themselves in.

Few servicemen, however, have availed themselves of the program.

The big reasons is that there are no "cookbook" solutions to the drug habit and the ready availability of narcotics. The Veterans Administration started a rehabilitation program only a year ago. At present there are five facilities, with eight more planned by 1972. Adequate funds, oddly enough, are not a problem. But finding trained personnel and workable techniques are.

There are, of course, a few bright spots. Administration officials quietly are making control of the international traffic in narcotics a top priority of U.S. foreign policy. The Bureau of Narcotics and Dangerous Drugs, the Customs Bureau and other law enforcement agencies have intensified crackdowns on the flood of high-grade heroin and other hard narcotics coming into the country—a lot of it in military mail parcels.

In Viet Nam, the II Field Force has opened a "Pioneer House" which realistically provides drug information, counselors and medication—and complete amnesty. At home, similar projects have been started at various bases. And the Pentagon has formed an all-service drug abuse committee.

All in all, there is now a great awareness in industry—as in the services—of the drug abuse crisis. But for corporations, as for the services, the newness of the problem makes it difficult to deal with.

Today, our nation of 200 million has an estimated six million alcoholics; tomorrow, that tally may be surpassed by the growing number of heroin addicts.

Corporations should expect that as they recruit from among students and Viet Nam veterans, they risk hiring drug users.

But until all of labor and all of business face the facts, the cost in lower output and lost careers will be exorbitant.

Now that drug abuse has spread to all age groups and social levels, the nation can no longer excuse it by hiding behind cries of "generation gap" or "communications gap."

OMNIBUS LEGISLATION

Implementing recommendations in a report we made on the heroin menace, Rep. Murphy and I have introduced omnibus legislation to provide for detection, detoxification and rehabilitation of GI addicts, using both military and civilan services.

The legislation, which has attracted more than 75 cosponsors, would require that the Defense Department start an extensive urinalysis program to identify military heroin addicts; and that if rehabilitation efforts prove unsuccessful, a military addict may be civilly committed—prior to his discharge—to the Veterans Administration for up to three years of treatment.

Rep. Murphy and I also have conferred with many Executive branch officials. On June 17, after several months of preparation, the President unveiled a far-reaching drug abuse program which closely parallels many of the recommendations in our report.

We hope our input played a role in the formulation of these policies.

The war on drug addiction must be our top national priority. We cannot begin to solve our social problems until we win it.

Let me put it another way. When our country's security is threatened, the threat is met by total mobilization. If we had an epidemic of malaria or polio moving as fast as heroin addiction is, we would declare a national emergency.

We have such a national emergency on our hands. We must fight it with total mobilization of all forces—government, industry and labor.

EQUAL RIGHTS AMENDMENT

HON. MARTHA W. GRIFFITHS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 14, 1971

Mrs. GRIFFITHS. Mr. Speaker, at this time, I would like to insert into the RECORD a copy of a letter sent to me by Dr. Clara Raven of Detroit and directed to Chairman EMANUEL CELLER of the House Judiciary Committee. The letter refers to recent action taken by the committee, amending the Equal Rights Amendment, House Joint Resolution 208. The letter follows:

JUNE 26, 1971.

The Hon. Pep. EMANUEL CELLER,
Chairman, House Judiciary Committee, Congress of the United States, Washington, D.C.

DEAR CONGRESSMAN CELLER: I am one of the many women in the U.S. who are distressed to hear that the Equal Rights Amendment met its Waterloo in your committee. You disappoint me since the famous Dr. Emily Barringer has always credited you with success in passing legislation to commission women physicians for the first time in history of the U.S. Army.

I was one of the first six women to be commissioned and served in France and Germany in WWII and in Japan and Korea during the Korean War. Please believe we have justified ourselves, and so have women in other services. It will be a discredit to your wonderful record to have history record that you helped defeat or nullify Rep. Martha Griffiths' Equal Rights Amendment!

Please forgive if I relate the following: "During the month of Sivan when the Jewish people celebrate the giving of the Torah at Mt. Sinai, I learned that the Jewish woman had a primary part in this event. Our Sages relate that when G-d was about to give the Torah to the Jewish people, he told Moshe Rabbeinu (Moses, our teacher) to approach the women *first* and persuade them to accept the Torah, and *only then* approach the men." Have we forgotten the part and responsibility of women?

Sincerely, respectfully,

CLARA RAVEN.

HOUSE RESOLUTION 319

HON. ANDREW JACOBS, JR.

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 14, 1971

Mr. JACOBS. Mr. Speaker, the following is the language of House Resolution 319, which I introduced on March 17, 1971. I was hoping it might catch the attention of the administration:

HOUSE RESOLUTION 319

Whereas the President of the United States on March 4, 1971, stated that his policy is that: "as long as there are American POW's in North Vietnam we will have to maintain a residual force in South Vietnam. That is the least we can negotiate for."

Whereas Madam Nguyen Thi Binh, chief delegate of the Provisional Revolutionary Government of the Republic of South Vietnam stated on September 17, 1970, that the policy of her government is "In case the United States Government declares it will withdraw from South Vietnam all its troops and those of the other foreign countries in the United States camp, and the parties will engage at once in discussion on·

"the question of ensuring safety for the total withdrawal from South Vietnam of United States troops and those of the other foreign countries in the United States camp.

"the question of releasing captured military men."

Resolved, That the United States shall forthwith propose at the Paris peace talks that in return for the return of all American prisoners held in Indochina, the United States shall withdraw all its Armed Forces from Vietnam within sixty days following the signing of the agreement: Provided, That the agreement shall contain guarantee by the Democratic Republic of Vietnam and the National Liberation Front of safe conduct out of Vietnam for all American prisoners and all American Armed Forces simultaneously.

AIR FORCE ACADEMY CADET HAS REMARKABLE RECORD

HON. WILLIAM R. ANDERSON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 14, 1971

Mr. ANDERSON of Tennessee. Mr. Speaker, when any American student sets such a high standard of academic excellence that it means perfection, I consider such an achievement deserves recording, both for its historical significance and for the example it provides to all students in the pursuit of knowledge and excellence.

From Springfield, Tenn., we have a young man who has reached near perfection at the U.S. Air Force Academy. His name is Cadet David C. Henderson whose name has already been entered in the record books at the U.S. Air Force Academy. Because his record is so outstanding, I have requested that a recent statement about Cadet Henderson from the Academy be entered in the RECORD:

STATEMENT

Cadet David C. Henderson of Springfield, Tennessee, a member of the Class of 1972 at the United States Air Force Academy, ranked first in his class in the General Order of Merit during the past year.

Cadet Henderson was nominated to the Academy by Congressman William Anderson.

The General Order of Merit standing includes a cumulative average of academic and leadership grades for the past three years.

During his Second Class (junior) year, Cadet Henderson achieved a perfect 4.00 grade point average in the fall semester and a 3.93 average in the spring semester.

He is the son of Mrs. Edmund C. Henderson of 314 Lynwood Circle in Springfield.

The Academy recognized Cadet Henderson for outstanding performance by placing his name on the Honor Lists of the Superintendent, the Commandant, and the Dean. Additional privileges are granted to cadets on the honor rosters.

Cadet Henderson's photograph appears on the cover of the new 1971–1972 Air Force Academy Catalog. His photo is shown in silhouette form featuring an art concept to depict the typical cadet and the Academy mission.

Copies of the catalog were mailed to high schools and public libraries throughout the country in May of this year.

Cadet Henderson was the Wing Sergeant Major on the Air Force Cadet Wing Staff during the past year.

He participated in several extracurricular activities including the Math Club, History Club, Ski Club, and Saddle Club.

Cadet Henderson entered his First Class (senior) year at the Air Force Academy in June 1971.

INADEQUATE AIR TRANSPORTATION SERVICE

HON. WILLIAM L. DICKINSON

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 14, 1971

Mr. DICKINSON. Mr. Speaker, since I have been a Member of Congress, I have made regular trips home on the average of twice a month. These trips for the most part are made on regularly scheduled commercial airlines. One would probably assume that service has greatly improved during the past 6½ years. Unfortunately, that is not the case. In the last few years, direct flights to cities in Alabama have become few and far between. These flights have virtually become nonexistent and now everyone is most familiar with Atlanta's skyline.

It has been my experience that the major cities of Alabama—Birmingham, Huntsville, Montgomery, and Mobile—are inaccessible to and from major cities without the State—unless, of course, the traveling public is willing to endure the inconvenience and time consuming routing through Atlanta, Ga.

The Atlanta Airport is suffering from overcrowded conditions and congestion of the airways. Routing through Atlanta is commonplace and one normally is faced with the annoyance of missed connections and/or inordinate layovers.

If I were the only person who has spent more hours in the Atlanta Airport than in the air on my way to my destination, I would not complain. However, the problem is universal to those people who fly within 150 miles of Atlanta. I guess the reasoning is: "if they are that close, let's route them through Atlanta." Perhaps I am being a bit facetious, but the problem has become intolerable.

The Alabama Legislature has recognized the situation—inadequate air transportation service in and out of the major cities of Alabama. Senator Doug Cook of Birmingham introduced a joint resolution to petition for an investigation of air travel in Alabama. The resolution was adopted by the legislature of Alabama on June 16, 1971. I join with Senator Cook, the members of the Alabama Legislature, and concerned citizens who are subjected to inadequate and poor service when attempting to travel by air in this effort to secure for Alabama the adequate air service to which we are entitled.

I am calling on the Civil Aeronautics Board today asking that a full investigation be conducted in regard to the adequacy of scheduled air service in and out of the cities of Alabama and to include in their investigation the several points set down in Joint Senate Resolution No. 28 as passed by both Houses of the Alabama Legislature.

The resolution follows:

RESOLUTION TO PETITION FOR AN INVESTIGATION OF AIR TRAVEL IN ALABAMA

Whereas there exists in the judgment of the Alabama Legislature on behalf of the air traveling citizens of this State, an inadequate air transportation service in and out of the major cities of Alabama, and;

Whereas, most existing schedules to major cities without the State require the traveling public to endure inconvenient and time consuming routing through Atlanta, Georgia, and;

Whereas, the nature of air service is so regulated to provide service where the need exists and not determined altogether by the economic justification of each flight, and;

Whereas, the people of Alabama are entitled to adequate service in and out of the State under the supervision and control of the Civil Aeronautics Board, and;

Whereas, the scheduled air service should be thoroughly examined by Federal officials to determine the adequacy of service in and out of the major cities of Alabama as presently served by the regularly scheduled airlines.

Now, therefore, be it resolved, that the Legislature of Alabama, both Houses thereof concurring, does hereby petition the Civil Aeronautics Board to conduct a full investigation of the adequacy of scheduled air service in and out of the cities of Alabama to include:

(1) frequency of direct and indirect flights by existing air lines,

(2) the possible need for additional service via non-existent routes of present carriers,

(3) the possible need for additional carriers to establish connections in Birmingham, Huntsville, Montgomery and Mobile,

(4) the possible need for additional service through any method deemed appropriate by the Civil Aeronautics Board; and

Be it further resolved, that the Alabama Attorney General join in this petition to the Civil Aeronautics Board for an investigation into the apparent discrimination of Alabama citizens by the regulated air carriers presently serving the State; and

Be it further resolved, that the Alabama Congressional and Senatorial Delegations are also hereby asked to join in this petition on behalf of Alabama citizens, and;

Be it further resolved, that the Governor of Alabama be asked to join in this petition by virtue of his signature to this Resolution and any other means he so chooses, and;

Be it further resolved, that if the Civil Aeronautics Board, in its best judgment, does initiate an investigation into the number of schedules, frequency of schedules, the number of carriers, and the present origin and destination of all flights, that such investigation should include oral hearings for the benefit of those in the State desiring to be heard before making any final determination, and;

Be it further resolved, that the Secretary of the Senate mail a certified copy of this Resolution to the Civil Aeronautics Board, the Alabama Congressional and Senatorial Delegation, the Governor of the State of Alabama and the Attorney General of the State.

I hereby certify that the above is a true, correct and accurate copy of Senate Joint Resolution No. 28 by Mr. Cook, adopted by the Legislature of Alabama on June 16, 1971.

MODEL CITIES

HON. FLETCHER THOMPSON

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 14, 1971

Mr. THOMPSON of Georgia. Mr. Speaker, I insert in the RECORD the second of a series of articles concerning model cities that recently appeared in the Atlanta Constitution:

PROMISES, RESULTS ARE FAR APART

(By Duane Riner)

There's little disagreement that the gap between promises and achievements in providing new housing for Model Cities residents is enormous.

An Emory University sociology professor, Alvin Boskoff, set out to determine why.

He minced no words in assessing the blame:

"Our interviews cover a wide range of information and judgments, but collectively they suggest considerable confusion, lack of decisiveness, the dominance of modest levels of motivation and/or middling competence and, most significantly, ill-conceived and largely inadequate administration."

A team of auditors from the U.S. Department of Housing and Urban Development (HUD), the federal agency that provides the $7.2 million a year with which Model Cities is supposed to do its job in Atlanta, was astounded at what happened to four displaced Model Cities families.

The audit, which both HUD and Model Cities officials declined to make available, was obtained through City Hall channels.

Auditors said they reviewed special relocation assistance records of the Atlanta Housing Authority, the operating agency under contract with Model Cities, and noted that "four families, reimbursed for moving expenses, had moved into substandard housing."

In other words, the families used federal grants issued by the Housing authority to move from squalor to squalor.

"These families," said the audit, "were displaced because of city code action and in reality moved from one substandard house to another.

"A Housing authority official told us that the four relocation cases were self-moves: however, no documentation was immediately available by which we could determine what efforts were made to relocate the families in standard housing."

The auditors then reviewed the aims of the Model Neighborhood Program as set forth in the 1966 Model Cities act and pointedly noted: "The objectives of this act can only be achieved through a concerted effort of the (Model Cities agency) to provide adequate housing for its model neighborhood residents. We do not believe this objective has been realized in the first action year."

The Model Cities timetable for new housing starts, rife with slippage and unkept deadlines, never seems to link up with reality. An illustration is found in Atlanta Model Cities' last quarterly report to HUD.

The report, covering the period from last Jan. 1 through March 31, says:

"In the area of housing, the CDA (Model Cities Agency) has continued to make progress toward the start of construction and development."

Later in the report, housing production is described as "approximately 30 days off schedule" and projections were made indicating February construction starts for 35 units in Peoplestown, 190 units in Summerhill and 180 units in Mechanicsville. Another 125 units in the Pittsburgh community were projected for an April start.

February and April went by the boards and nothing happened. May has come and gone and nothing has happened.

"ANY DAY NOW"

Desperate but ever the optimist—at least for publication—Model Cities director Johnny C. Johnson blames the Federal Housing Administration (FHA) for his troubles and says the 35 Peoplestown units will get under way "any day now."

In fact, Johnson appears to be staking his career on a promise to have ground at least broken for 530 housing units by November.

As recently as April 12, Johnson felt constrained to pack up a sheaf of correspondence between himself and FHA and send it to Earl H. Metzger Jr., assistant HUD regional administrator for Model Cities.

Entitled "chronology of events," it amounts to an elaborate rationalization.

NO RESULTS

Here's an example of what Johnson told Metzger about efforts in March to shake loose FHA commitments:

"Almost daily contact and various conferences with various Federal Housing Administration officials including (state FHA director) Cary Hooks produced no results in removing the bottleneck in securing Federal Housing Administration approval on all four redevelopment sites . . ." The Model Cities staff said each contact "only produced a promise by Federal Housing Administration to respond by Friday."

Hooks says FHA issued a feasibility letter for Azalea Gardens, the Peoplestown apartments to be sponsored by Mount Nebo Baptist Church, on April 15, meaning that final plans can be drawn. The next step will be a firm FHA commitment for mortgage insurance, he said.

SIMILAR LETTER

A similar feasibility letter for the 180 Mechanicsville units, Mount Calvary Terrace, was issued April 22.

The other two aren't so far along. In fact, according to Hooks, they're "way down the road from being started."

Hooks turns aside Johnson's complaints that FHA is stalling with the comment, "Any time Model Cities comes to us, we're ready."

Asked whether he had received any directive form HUD to expedite Model Cities projects, Hooks replied:

"I am HUD."

THE LATE SENATOR THOMAS E. MARTIN

HON. THOMAS M. PELLY

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 6, 1971

Mr. PELLY. Mr. Speaker, I was sorry, indeed, to read of the death of the late Senator Tom Martin. It was my privilege to have served in the House of Representatives with this highly respected Member of Congress, who served eight terms in this body and was elected to the Senate in 1954. Upon his voluntary retirement, Tom Martin moved to Seattle to be near his children, and thereby became a constituent of mine in the First Congressional District.

It was a rewarding experience to have known Tom Martin for he was not only a warm person who made friends easily but also a person of the highest integrity. His mark was left in America by his long service to the U.S. Congress.

Mr. Speaker, it is a deep honor to have served with him and to have had the privilege of his friendship. His death brings sorrow to all of us who knew him.

WALTER NAGLE EULOGY

HON. DON H. CLAUSEN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 14, 1971

Mr. DON H. CLAUSEN. Mr. Speaker, it is difficult to capture the true picture of a man who meant so many things to so many people. A man who was truly bigger than life itself.

Such a man was Walter Nagle of Santa Rosa, Calif. Gregory Jones, Jr., also of Santa Rosa has, in my judgment, captured this picture in a eulogy delivered following Walter's passing.

Therefore, I am including a copy of Mr. Jones' eulogy to Walter Nagle at this point in the RECORD:

EULOGY FOR WALTER NAGLE

Ladies and Gentlemen: I really never expected to be called upon to deliver a eulogy for Walt Nagle, nor did I expect to be part of a ritual team for the Elks Club commemorating the passing of such a man. I have been a part now of a good deal of reverence to Walt and I expect Walt at times was a very reverent man. I have known times when he was not quite so reverent, and now looking both ways is to pass judgment upon Walter as being an extremely human man, which I think is an accolade we might all enjoy for ourselves. Leota, Walter's lovely wife, hoped possibly, that I might touch today on the thing that was probably the largest and most fun thing in Walter's life which was his baseball career and possibly this job might better have fallen to lawyer George Murphy who is so expert in such things.

I only grew to know Walter at the time of his 70th birthday, and so far as I know Walter has been with us forever. My father used to chase baseballs at Chutes Park in Los Angeles when he was 11 years old and Walter was then playing Pacific Coast League baseball. My father is now 77. He thought of Walt as Mr. Nagle. I was fortunate enough to think of him as Walt, and my 19-year-old son had the pleasure and privilege of knowing him again as Mr. Nagle.

The Elks Club has just said that Walter's ship will sail no more. I disagree in part. I will always think of Walt as being a part of my life and so with me his ship sails on. He used to be down on Orchard Street and he will always be down the street on Orchard Street for me.

How do you mourn a man like Walter Nagle? He certainly, at the age of 91, wouldn't really expect people to mourn for him. I think we mourn for his family; we mourn for the lovely Leota who has been part of his life for the last 60 plus years; I think we mourn for ourselves. Walt's life was rich. Those of us here in this room that knew him can honestly say that our lives are, by far, richer for having known him. He was alive so recently that it just seems, as I look at him here, that I refuse to believe he is not with us as always.

Alive has a very special meaning when describing some people and Walt Nagle was truly alive. The word "alive" denotes to me more than just not being not alive. You are alive to something or you are alive to things and Walt was alive to everything. Walt was alive to us; Walt was alive to the simple joys of life, and some of the complicated joys of life as well. He was alive to his wife; he was alive to politics; he was alive to jobs in government; he was alive to baseball, and being alive to all of these things, all of the time, made him so special, and made him seem, somehow in our eyes, to be somewhat bigger than all of the rest. He not only was physically taller than most of us, but he just seemed to be something a little special—something with a little extra ingredient added along the way. What more can you say about him? Maury Nelligan seated in the front row here was as much a part of Walt's life as any man I know, and I know if Maury was standing here in my place I think that my description of Walt being alive to things rather than just being alive, would probably be concurred in.

Most of my time has been taken already and I don't want to usurp the time of the clergyman sitting here with us. I think I would like, however, to speak to you in closing as Walt said it himself. I will take the liberty, if you will allow me, of reading what he wrote in his book, thinking at his then age of 84 that this might be said at almost any moment. Six or seven years have gone by before I have been given the privilege of reading to you his words from his book—*A Wish and a Farewell*. "Because of interruptions, this manuscript was started when I was 82 and finished when I was 84 . . . The sands of time are running low for me. I can accept this intellectually but my outdoor living has kept me in such wonderful health that I still can grasp the spark of my emotions. The soft blossom-scented zephyrs of spring are as sweet; the extravagantly beautiful colors of autumn as brilliant as when I was 15."

He was 15 in 1895.

"My head turns as quickly as ever at the sight of a pretty girl."

I know this was so true what with stopping at the old Double Play down next to old Seals stadium or when watching Walt squirm watching an inept pitcher, he always had time to watch a pretty girl go by. I hope to have that power at 90.

"I hope that when these, and the other joys of life leave me, they do so quickly with life itself."

He couldn't have had his wish granted any more perfectly. He died quite suddenly the day after watching the Giants beat the Dodgers and build a ten game lead in their division.

"It would be my greatest blessing if I had time to see this little manuscript in print in having some influence however slight in restoring baseball to its rightful position as the national pasttime. But whether or not this wish becomes a delightful reality, I can at least bid a fond farewell to hundreds of wonderful friends whom I may not see again."

And I do this now.

FREDERICK HOUSING PROJECT FOR ELDERLY WINS HUD OUTSTANDING RATING

HON. GOODLOE E. BYRON

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 14, 1971

Mr. BYRON. Mr. Speaker, recently the housing authority project on Motter Avenue in Frederick, Md., known as Catoctin View was awarded a rare outstanding rating from the Department of Housing and Urban Development. The rating came from the HUD Region III headquarters in Philadelphia following an initial maintenance and engineering survey.

HUD officials suggested a few minor changes and corrections but termed the entire building outstanding. It has been recommended to the national HUD office as a good example of a turnkey project.

I would like to congratulate the Frederick Housing Authority on this excellent HUD rating. The Catoctin View project has been an outstanding success and certainly deserves the praise it received from the HUD inspectors.

PANAMA TREATY NEGOTIATIONS JEOPARDIZE AMERICAN RIGHTS

HON. LEONOR K. SULLIVAN

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 14, 1971

Mrs. SULLIVAN. Mr. Speaker, as former chairman for 14 years of the Panama Canal Subcommittee of the House Merchant Marine and Fisheries Committee, I have been deeply involved in the affairs of the Panama Canal and the Canal Zone.

In recent weeks, the Nixon administration initiated efforts with the Government of the Republic of Panama to reopen treaty negotiations concerning the present Canal and certain other aspects of our relationship with Panama. Because of my deep concern and intimate knowledge of the subjects of these negotiations which I believe would have very serious and adverse effects upon our Government and the situation in the Canal Zone if they are to continue under reported present negotiations, I feel that I must alert the Members of Congress and the public.

Therefore, I am making available certain correspondence and other pertinent material relating to this alarming development and I urge it be given careful and immediate consideration.

On May 20, 1971, I addressed a letter to the President of the United States setting forth my concern about the treaty negotiations, which is as follows:

MAY 20, 1971.

The PRESIDENT,
The White House,
Washington, D.C.

MY DEAR MR. PRESIDENT: As you may know, I have been associated with matters in the Republic of Panama, the Panama Canal and more especially the Canal Zone, since the mid-1930's. For the past fourteen years I have been deeply involved in these affairs as Chairman of the Subcommittee on the Panama Canal of the House Merchant Marine and Fisheries Committee. Unfortunately, I was forced to relinquish this important subcommittee Chairmanship this year because under the new reorganization of the 92d Congress, with certain exceptions, no Member may hold more than one subcommittee chairmanship.

As a result of all my years of work and associations with Panama, the Canal, and the Canal Zone, I have become increasingly convinced that the United States should not surrender its sovereignty and jurisdiction over the Canal Zone to the Republic of Panama. Because of the unsettled and volatile conditions around the world, I feel that it would be dangerous for the United States to begin such negotiations at the present time.

If these negotiations begin and the Panamanian negotiators over-extend their promises to the people of Panama far beyond their ability to deliver, they may reach the point where it would be impossible for them to back down without real trouble.

Newspaper reports from Panama state that these negotiations are to begin immediately in the United States. I am not certain whether this is fact or propaganda from Panama. As I said before, I firmly believe that it is in the best interest of the United States not to cede our jurisdiction or our sovereignty over the Canal Zone to Panama, especially since we have so many recent examples of the confiscations of property by dictatorial governments such as we have seen in Cuba, Chile, Peru and elsewhere. Once we lose our sovereignty over the Canal Zone, nothing could stop them but armed intervention to protect the canal.

Attached is a copy of an insertion of mine in the April 1, 1971, *Congressional Record*.

I believe, Mr. President, that you wil find the majority of Members of Congress in both Houses in agreement with the expressions contained herein. May I have your thinking on this matter?

Respectfully submitted,
LEONOR K. (Mrs. John B.) SULLIVAN,
Former Chairman,
Panama Canal Subcommittee.

A NEW PANAMA CANAL TREATY AT WHAT PRICE?

Mrs. SULLIVAN. Mr. Speaker, it has recently come to my attention that the administration is initiating efforts with certain officials of the Government of the Republic of Panama to reopen treaty negotiations concerning the present canal, a new sea-level canal, and certain other aspects of our relationship with Panama. I regard this activity on the part of the administration at this time to be extremely dangerous and ill advised.

Because of my strong feelings on this matter, Mr. Speaker, I am inserting in the RECORD a statement of mine on this subject as I believe it should be brought to the attention of the Members of the Congress.

NEW PANAMA CANAL TREATIES—POTENTIAL DISASTER FOR THE UNITED STATES

I am gravely concerned over reports we have received to the effect that the Administration is taking active steps which may result in the reopening of treaty negotiations with the Republic of Panama.

I have been associated with affairs in the Republic of Panama, and more particularly in the Canal Zone, since the mid-1930's and officially since 1953. As past Chairman of the Subcommittee on Panama Canal, I have worked closely with the Panama Canal Company, the people of Panama, and the people of the Canal Zone. In light of this long association with the affairs of Panama and the Canal Zone, I was amazed and dismayed to learn that the Administration has sent Ambassador Robert B. Anderson to discuss the reopening of negotiations for new treaties with the Provisional Government of General Torrijos. Ambassador Anderson, of course, was the Special Representative who headed the team which negotiated the three treaties with the Republic of Panama between 1964 and 1967.

It is a fact, Mr. Speaker, that the abortive 1967 treaties never came to fruition and ended on a very negative note. For example, copies of these draft treaties were never made available to the Congress of the United States but apparently were being circulated on the streets of Panama back in 1967. In addition, these proposed treaties evoked loud protest from the people of the United States and, more particularly, from the Congress. Indeed, the House of Representatives in the Ninety-first Congress expressed itself as to the 1967 treaties blunder through the introduction of some 105 resolutions declaring it to be the policy of the House of Representatives and the desire of the people that the United States should maintain its sovereignty and jurisdiction over the Panama Canal Zone. In fact, since 1967, the Provisional Government of Panama itself has made known its objections to the 1967 draft treaties in unmistakable terms.

From the standpoint of the U.S., there were a number of disabilities inherent in those treaties. They would have, for example, resulted in the United States relinquishing its powers of sovereignty over the Canal and would have operated in such a way that the United States would not be able to control effectively the Panama Canal or provide for its defense in a satisfactory manner. In addition, those treaties contemplated an unrealistic and unreasonable increase in tolls, rates and revenues and did not take into account the constitutional authority of Congress over the disposal of United States property. Also, those treaties would have removed the Canal from the authority of the United States Congress. In this connection, it should be noted that under the 1967 draft treaty relating to the present locks canal, control of the Canal would have passed from the Congress to the nine-man governing authority and the five American members would be appointed by the President subject to confirmation by the Senate and responsible to the Executive, not to the Congress. This arrangement alone would tend to cast the treaties in an unfavorable light with respect to the Congress. May I also call to the attention of the House, the report of the Subcommittee on Panama Canal dated December 1, 1970 which goes into some detail on the 1967 treaty proposals and other subjects concerning the operation of the Panama Canal.

Aside from the disabilities inherent in these treaties, they are based on a number of erroneous premises. For example, at the time the 1967 treaties were drafted and negotiated, it was thought that a sea-level canal was economically feasible and could be built by nuclear excavation. It is clear from the Atlantic-Pacific Interoceanic Canal Study Commission Report that nuclear excavation has been eliminated for the foreseeable future. Absent nuclear excavation, it would cost approximately $2.5 to $3 billion (at 1970 estimate cost figures) to construct a new sea-level canal on Route 10, as recommended by the Interoceanic Canal Study Commission. Testimony before our Committee has shown that based on traffic forecasts and the Canal Improvement program, the existing Canal should be able to handle the traffic to the end of the century. At the present time, it seems clear that the Republic of Panama, or anyone else for that matter, cannot premise treaty negotiations on the assumption that Congress will authorize the construction of a new sea-level canal or enact legislation to transfer the existing Canal to any other country.

If the 1967 proposals were unacceptable to the American people and to the Congress, how much more unacceptable will new treaties be which go even further than the last round of treaties in ceding American jurisdiction and sovereignty in the Canal Zone? For the Government of Panama expressed its dissatisfaction with the 1967 treaties in an August 5, 1970 letter to our Secretary of State and simultaneously released a 32-page document explaining the reasons for rejecting the 1967 draft treaties. In general, this document took an extreme position which, in effect, rejected U.S. control of the Canal, the right of the U.S. to maintain military forces on the isthmus, and rejected the management of the Canal for the benefit of shipping rather than the enrichment of Panama.

It seems to me that it is entirely improper and incorrect when so many priority problems are facing the country at this time, that we should be pressured into opening up negotiations on new treaties that will once again engender enormous controversy and opposition. Undoubtedly, reopening negotiations on the type of treaties anticipated will result in protest by the American people when they learn the facts.

The possibility of new treaty negotiations raises several basic questions in my mind:

1. Why must we enter into treaty negotiations which give every indication of being contrary to the best interests of the United States?

2. Must we enter into treaty negotiations at this time which can only cause further unrest in both the United States and Panama?

3. Where has the United States failed in living up to its duties, obligations and commitments as set out in the basic 1903 treaty and its revisions of 1936 and 1955?

I would be at least a little less apprehensive if someone in the Administration could answer these questions for me.

On May 25, 1971, the following acknowledgment was made of my letter to the President:

THE WHITE HOUSE,
Washington, D.C., May 25, 1971.

Hon. LEONOR K. SULLIVAN,
House of Representatives,
Washington, D.C.

DEAR MRS. SULLIVAN: I would like to thank you for your May 20 letter to the President giving him the benefit of your views regarding jurisdiction of the Canal Zone.

I will be pleased to call these views to the President's attention at the earliest opportunity.

With cordial regards,
Sincerely,

WILLIAM E. TIMMONS,
Assistant to the President.

Following a telephone call I made to the White House, Mr. Richard K. Cook, Special Assistant to the President, addressed a letter to me under the date of June 16, 1971, as follows:

THE WHITE HOUSE,
Washington, D.C., June 16, 1971.

Hon. LEONOR K. SULLIVAN,
House of Representatives,
Washington, D.C.

DEAR MRS. SULLIVAN: President Nixon has requested that I reply further to your letter of May 20, 1971, expressing your views on United States jurisdiction over the Panama Canal and the Canal Zone. We are aware of and appreciate your long-standing interest in this important matter.

We share your concern that the United States safeguard its vital interests in the Panama Canal. The question of our interests in the Canal, and how we might best maintain them in light of Panama's interests in discussing our treaty relations, is now under broad review within the Executive Branch. Please be assured your views will be taken into account during this process.

Sincerely,

RICHARD K. COOK,
Special Assistant to the President.

An April 24–25, 1971, the St. Louis Globe-Democrat, under the by-line of Edward O'Brien, carried the following story:

THE PANAMA CANAL; ST. LOUIS CONGRESSWOMAN LEONOR K. SULLIVAN IS READY TO TAKE ON THE NIXON ADMINISTRATION, AS SHE DID THE JOHNSON ADMINISTRATION, IF ANOTHER ATTEMPT IS MADE TO GIVE AWAY WATERWAY

(By Edward O'Brien)

WASHINGTON.—A battle is building up between the Nixon Administration and a determined lady from St. Louis over the future of the Panama Canal.

Democratic Representative Leonor K. Sullivan took on the Johnson administration in 1967 on the same issue and won. Now she has served notice she will fight just as hard again to block what she regards as a renewed effort to give away one of this country's prize resources—the canal and the strip of land beside it from the Atlantic to the Pacific.

A few days ago she warned the House she had learned of a step toward quiet reopening of negotiations between the State Department here and officials of the Republic of Panama.

"I regard this activity on the part of the administration at this time to be extremely dangerous and ill advised," she said.

"Undoubtedly, reopening negotiations will result in protest by the American people when they learn the facts."

As seen by Mrs. Sullivan, who was chairman of the House Panama Canal Subcommittee for 14 years, the basic facts about the canal are clear and persuasive:

Under the original treaty of 1903, the United States built the canal, pays rent, and has operated not only for the benefit of the western hemisphere but as a trustee for the entire world.

The United States has lived up to all its treaty obligations and in fact has voluntarily liberalized its side of the bargain on several occasions.

The canal has been managed with showcase efficiency, bringing untold benefits to world commerce and the people of Panama.

It has been of immense strategic importance, economically and militarily, to the United States, and has served to unify the nations of the Americas.

After making this case, Mrs. Sullivan wonders why the United States seems eager to surrender its lawful rights, which amount to American sovereignty over the canal, and transform a solid and priceless asset into a shakey and unreliable pawn of Panamian politics.

Neither in 1967 nor at present has a satisfactory answer ever been given to her question.

When representatives of the two countries agreed tentatively on a revised canal treaty in 1967, after four years of talks, a principal justification for surrendering of United States control was that Washington probably would want to build a second canal in the Republic of Panama and would have to make serious concessions to obtain the needed land and permission.

But now, according to Mrs. Sullivan, the second-canal project is just about dead. The waterway could not be built by the hoped-for nuclear excavation because of technical problems and the international ban on open-air nuclear blasts.

Without nuclear excavation, the new canal would cost $2.5 to $3 billion. Since it would be sea-level ditch and would join the waters of the Atlantic and Pacific, serious ecological questions also were raised.

The solution as urged by Mrs. Sullivan and others, is to continue to improve the ship-carrying capacity of the present canal. If this is done she says, the canal will be adequate until at least the year 2000.

The 1967 treaty proposal was never signed by either country. Alerted by Mrs. Sullivan, Democratic Representative Daniel J. Flood, of Pennsylvania, and others in both parties, Congress went on record as overwhelmingly opposed to what was widely regarded as a State Department blunder of the first magnitude.

No less than 105 resolutions were introduced in the House of Representatives demanded that the United States maintain its jurisdiction and control over the canal, and drop the proposed new treaty.

In the Republic of Panama, anti-American elements also fought the treaty.

Radicals denounced the government for making "concessions" to the United States, and the negotiators tried to defend the agreement by saying, with undeniable candor and accuracy, that it would "reduce to a minimum the presence of the United States in Panama."

Today, several governments later, Panama's military dictatorship is pressing in several ways to obtain control of the canal and increase its financial take through higher tolls.

A year-end report by Mrs. Sullivan's subcommittee stated that Panama "has embarked on a calculated program of protest and harassment of the United States."

While making false charges of improper conduct against the United States, the report said, Panama has violated its own commitments by taking "illegal and discriminatory" actions against Americans in the canal zone and has kept up "a constant drumfire of anti-American propaganda."

The Sullivan report, with some charity, characterized Panamanian behavior as intended to "force new negotiations and treaties" even more damaging to the United States.

One of her allies in the canal fight, Sen. Strom Thurmond (Rep.), South Carolina, used stronger language.

"It is clear that the Panamanians are seeking to seize upon their geographic position as a means of extorting enormous revenues, not only from the United States, but from every user of the canal," he said recently.

"If Panama were allowed to take over the operation of the canal, the canal's long history of impartial access for ships of every nation would be destroyed.

"Panama would be in the gleeful position of a pirate strategically positioned in a narrow strait.

"The whole motivation of the Panama takeover and the real goal behind their crocodile tears about the alleged insult to their sovereignty and dignity can be seen as a remarkedly ingenious greed for seizing control of a waterway which must be used by the world."

Mrs. Sullivan is sympathetic to the plight of Panama's poor. She has criticized the country's ruling elite for selfishly exploiting the country's wealth for their own enrichment instead of raising the lot of the masses.

In her recent subcommittee report, she suggested increased U.S. foreign aid to Panama as well as a system of assistance underwritten by the major maritime nations and principal users of the canal.

But the canal itself, she insists, should never be tossed into the aid pot.

Mrs. Sullivan is no longer chairman of the House Panama Canal Subcommittee. Under a new housekeeping rule in the House, she may not serve as chairman of more than one subcommittee.

But her expertise is still recognized as it was in 1967. On the other side, Washington has sent to Panama the same chief negotiator, Robert B. Anderson, who was Treasury Secretary in the Eisenhower administration.

On June 17, 1971, the Wall Street Journal carried an article by James C. Tanner, titled "Puzzle in Panama—Torrijos Brings Calm, Prosperity to Nation at Expense of Freedom," as follows:

PUZZLE IN PANAMA—TORRIJOS BRINGS CALM, PROSPERITY TO NATION AT EXPENSE OF FREEDOM

(By James C. Tanner)

PANAMA CITY.—Over lunch of chicken and rice in the sprawling white headquarters of the National Guard, Brig. Gen. Omar Torrijos, the nation's dictator, tells this story: While visiting peasants recently, he tried to explain his agrarian-reform plan. But they talked and talked and wouldn't let him get a word in. Finally, he exploded. "For Pete's sake, who's the dictator here?"

Actually there's no doubt who the dictator of Panama is. The only doubt is the direction in which this country may be headed under the 42-year-old strong man. The U.S. is concerned, of course, because of key U.S. military bases here and the strategic Panama Canal.

That U.S. stake in Panama will come under scrutiny this month, when the U.S. and Panama begin negotiations in Washington covering controversial treaties in effect since 1903. The talks will concern replacing these pacts with new ones governing the operation of the bases and the canal.

Aided by a heavy flow of U.S. financing, Gen. Torrijos has brought a goodly measure of prosperity and what he calls "social peace" to this volatile S-shaped isthmus since the National Guard took over in a bloodless coup in late 1968.

The general, supported by the powerful paramilitary guard he commands, controls Panama's provisional president and a puppet cabinet. For the moment, at least, he has silenced all opposition by jailing or driving into exile major foes and by abolishing the national assembly, banning political parties and muzzling the press.

But now Gen. Torrijos is setting out on a bold new course to build popular support and possibly to put new pressure on the U.S. as the treaty negotiations approach. He openly admires the leftist military regimes of Peru and Bolivia, and he is beginning to steer his government to the left also.

Observers see in the trends ominous hints of an anti-U.S. campaign designed to ring new concessions from Washington regarding the 50-mile-long canal, which splits Panama geographically and psychologically. For the coming talks, Gen. Torrijos handpicked the three negotiators, whom he describes as "the new intellectual aristocrats" of Panama. Some Americans here fear that major demonstrations against the U.S. will follow, perhaps leading to mob violence and riots similar to those that began in 1964.

A PROBLEM OF JURISDICTION

Gen. Torrijos agrees that there may be violence. But he says this will occur only if the U.S. again balks on the hot issues of jurisdiction over the 10-mile-wide canal zone and of Panama's share of the waterway's growing revenues. The U.S. has repeatedly refused Panamanian demands to give up its control of the zone and to increase the flat royalty of $1,930,000 that Washington pays annually to Panama.

Gen. Torrijos insists, however, that he has been making sweeping changes among top governmental officials not because he wants to pressure the U.S. but because he is looking to the poor of Panama for the power base he lacks. With some success he is wooing peasants, workers and students. At the same time he has decreed stiff new taxes and other measures equally distasteful to the oligarchy—the wealthy families who traditionally have owned most of Panama's resources and, until the National Guard assumed power, its politics.

In the process, some known Marxists are finding work in key government agencies, and critics of the government contend they are being encouraged to do so by the leftists Gen. Torrijos named to top government posts. Indeed, the Moscow-leaning Communist Party in Panama is operating openly although all political parties and politicking are outlawed by the Torrijos government. (But a Peking-oriented Communist group has been smashed by the National Guard.)

MAJOR CAUSE FOR CONCERN

It was a recent cabinet shakeup by Gen. Torrijos, however, that is causing the most concern among businessmen, who worry that the backgrounds of some of the new ministers are a clear indication of the government's leftish push.

Most of the new ministers term themselves pragmatic nationalists. "I believe in a social reordering that will bring justice," says Jose Guillermo Aizpu, the new finance minister. "If it's necessary to call that socialistic, then I may be a little bit to the left."

Even some of the dictator's most avid supporters have been saddened by his appointments of Juan Materno Vasquez to the prime post of minister of government and justice and of Romulo Escobar Bethancourt as rector of the University of Panama. Vasquez is a brilliant but controversial jurist known to have been a Marxist, and Escobar is an extreme leftist who numbered among his friends Cuba's late Che Guevara.

Both are former classmates of Gen. Torrijos, who praises their political expertise and staunchly defends them. "As an adolescent one gets to be an anarchist by virtue of social injustice," the dictator says. "But if after reaching 30 he still follows that line, he is a fool."

Gen. Torrijos firmly declares: "Those who oppose us brand us Communists. But the humble classes of people who make up nine-tenths of our population are more concerned with the intentions of the government than its origin." Then he adds, "The first rule of government is not to fall."

Following this rule, the dictator stumps the interior by helicopter to increase his popularity among peasants and workingmen. To keep the oligarchy in hand, he exercises an old tactic of dictators—fear.

Even if criticism of the government weren't a crime—and it is—there wouldn't be any place to voice it. The six daily newspapers are run by publishers appointed by the government. All political meetings are banned. Former politicians are afraid even to be seen talking with a foreign newsman. Through an intermediary a meeting is arranged with a former president. But on the way to the site the reporter is taken on a twisting path through back streets so that anyone following will be thrown off the trail.

Many Panamanians insist that their phones are tapped and complain of harassment by the government. It is well-known that the government has built a network of informants. The investigative arm of the National Guard openly appeals for additional informers. In a series of newspaper ads, it urged that "suspicious persons" and "important information" regarding "security of the country" be reported to the Guard.

Government spokesmen insist that no political prisoners are being held. Other sources, maintain that at least 200 are in Panama's jails. Just after the 1968 coup, there were an estimated 1,600.

"WELL-TRAINED, LEAN AND MEAN"

But plotting against the government continues despite arrests and other harsh restrictions imposed by the Guardsmen, whom one U.S. military analyst describes as "well-trained, lean and mean." One recent plan to topple Gen. Torrijos was postponed at the last moment. But many Panamanians opposed to the dictator say any change in government depends largely on the U.S.

Some are bitter because the U.S. hasn't at least choked off funds that help the general stay in power. And a former holder of a high Panamanian political post says the U.S. is "morally obligated to intervene."

Except for a handful of Congressmen who charge that the Soviet shadow is beginning to reach across the Panama Canal, U.S. officials generally disagree with the theory that Washington should intervene. These officials note that President Nixon's approach is to deal with governments as they are.

Because of the restraints against politicking and criticism, there apparently isn't anyone closer than Miami who has a chance of overthrowing Gen. Torrijos. The most likely prospect is Arnulfo Arias, the legally elected president of Panama.

BATTING AVERAGE: THREE FOR THREE

Mr. Arias is perhaps the most popular and controversial political figure ever to emerge in Panama. A former wealthy plantation owner and Harvard-trained surgeon, he has always drawn strong support among the nation's poor. But some in the oligarchy scorn him, and the National Guard has always fought him. He has been elected president three times, only to be ousted by the Guard on each occasion. The last time he served as president for only 11 days. Now nearing 70, Mr. Arias lives in exile in Miami.

Mr. Torrijos, a major in a province garrison at the time, surfaced as one of the instigators of the October 1968 Guard revolt against President Arias. Subsequently, Mr. Torrijos emerged as the leader. In December 1969 while the general was on a trip to Mexico, a group of colonels in the Guard staged a countercoup—brief and unsuccessful. Gen. Torrijos hustled back to Panama, marching triumphantly into the capital just in time to intercept telegrams intended for his would-be successors.

Moving to strengthen his political base, Gen. Torrijos appointed as provisional president Demetrio B. Lakas, a Panama contractor and trusted friend. Speaking in a Texas accent after seven years spent in that state, President Lakas bridles at talk that the general now is turning to the left. "I will never follow a Communist," the president declares, "but I will follow a man with social sensibility."

A suggestion of this "social sensibility" came a year ago. In a letter to Sen. Edward Kennedy, Gen. Torrijos predicted the emergence of "a new type of military" in Latin America "convinced of the value of peaceful changes that promote the replacement of old structures."

EXCEDRIN HEADACHE—LATIN STYLE

Today Gen. Torrijos doesn't give any indication he plans to restore constitutional government any time soon. "One thing proved in the America's," he says, "is that the parliamentary systems and political parties are obsolete museum figures." He contends that "every country has to look for its own brand of aspirin to cure its own headaches."

Indications that the general was setting out on a deliberate course to cross the U.S. began appearing months ago. First, he refused to renew an agreement on U.S. use of the Rio Hato air base, from which Americans now have withdrawn. Then he told the Peace Corps to go home. And he recently announced that Japan was interested in bidding on construction of a new sea-level canal across Panama, a waterway that many authorities believe will soon be needed to handle increasingly larger ships.

Whatever his differences with the U.S., Gen. Torrijos is getting some plus marks at home. His government attracts bright young men with advanced degrees from U.S. universities who are pleased at the social challenges and the lack of bureaucratic red tape. To get laws passed, all they have to do is persuade the general to issue a decree. "Technicians and intellectuals disappear from the political arena when a government is dangerous. Here there is a remigration of brains," says Hernan F. Porras, the minister of commerce and industries.

The streets of the capital are free of garbage—long a political issue—and the gross national product of Panama has reached $1 billion and grows in real terms at a rate of 4% to 5% a year. Per-capita annual income approaches $625, ranking third or fourth in Latin America.

THE ROLE OF THE CANAL

The canal is a big contributor. In payrolls and purchases, it adds about $160 million a year to the Panamanian economy. The U.S. has lent Panama $100 million in the past 10 years, much of it since Gen. Torrijos has taken power.

How much of the prosperity is due to government pump-priming isn't known. It has borrowed heavily from abroad, and some observers suggest that Panama may be nearing a credit crunch. "What happens when the money runs out?" one observer asks.

The government, however, is beginning a push for tourists and is trying to attract more foreign investments. A wave of such investments is coming in from South America, Europe and Japan, and U.S. companies have already invested $1 billion here.

"For peace and prosperity we are giving up certain intangibles, like freedom of speech and the other political rights," a Panamanian businessman says. "How soon we get to the point where the sacrifice of intangibles no longer is equal to the tangibles we have gained is the big question."

Gen. Omar Torrijos, the real power behind the Government of Panama, and his Minister of Foreign Affairs Juan Tack, have been holding many meetings and speaking of their demands for the terms of a new treaty.

The Miami Herald, in its issues of July 7, 1971, carried an article under the headline of "Panama's New Dictatorship Often Arbitrary, Repressive" which is as follows:

PANAMA'S NEW DICTATORSHIP OFTEN ARBITRARY, REPRESSIVE

(By Don Bohning)

PANAMA.—Among the slogans of Panama's military-controlled government is one that proclaims: "Revolution Without Dictatorship, Liberty With Order."

It might be more accurately read: "Revolution With Dictatorship, Order Without Liberty."

And there is even some question as to the authenticity of the "revolution" to which Gen. Omar Torrijos, Panama's unchallenged ruler, and his military colleagues pay repeated lip service.

Panama today is a military dictatorship; one that can be, and often is, as arbritrary and repressive as any in the hemisphere.

In fairness, there have been positive actions since the 6,500 man National Guard, Panama's only military force, seized power Oct. 11, 1968.

Hitherto unknown political stability has been imposed. The country is prospering economically. The government has professed an awareness of, and an interest in, the problem of the underprivileged both in the cities and the countryside. And, what seems to have made the greatest impression on some, the streets are cleaner and the garbage is being picked up regularly.

Before the guard seized power, Panama had what ranked among the most venal and corrupt political systems in the hemisphere.

By contrast, government by the guard initially looked almost puritanical. That image is fading, as rumors of corruption, nepotism and immorality grow and are too widespread to be dismissed.

Where freedom of the press was previously abused, it now is nonexistent. Although there is no formal censorship, newspapers publish only what the government sees fit to print.

Political activity is banned. And, although Torrijos made vague noises about the beginning of a return to constitutional government late in 1970, there has been no recent indication that he now has any plans to do so.

Perhaps the most distasteful of all is the atmosphere of fear in which much of the politically aware population finds itself living.

Recent newspaper advertisements, inviting abuse, called upon the citizenry to protect the "national security" by reporting suspicious activity or persons and "important information."

It is presumed that telephones are tapped by the government, and conversations are cautious. Once politically active Panamanians are tearful of being seen with foreign newsmen.

Of the 19 hemisphere countries Gov. Nelson Rockefeller's fact-finding mission for President Nixon visited in the summer of 1969, Panama was the only one where the Secret Service found the mission conference room bugged.

An extensive system of informants also is said to be active, reporting to the National Guard G2 or intelligence section, headed by Lt. Col. Manuel Noriega, an ambitious officer with a reputation for ruthlessness.

In some instances it is known that physical pressures have been exerted on prisoners at various "houses of interrogation" operated by the guard in Panama City and Tocumen International Airport.

Even American citizens have not been immune from arbitrary arrests by the guard, including Robert Frizell, a Chiriqui province land-owner, who the government apparently thought was implicated in some kind of anti-government activity although he repeatedly denied it.

Frizell was held incommunicado for several days last October. He was released Nov. 3 for lack of evidence.

So that is the National Guard control that Panamanians are cynically disbelieving when the government professes no knowledge of such things as the recent disappearance of Father Hector Gallego, a young Colombian activist priest kidnaped in remote Santa Fe parish in the Panamanian interior.

Neither has the United States escaped the arbitrary action of the military government, including the expulsion of the Peace Corps contingent from the country early this year.

The commonly accepted, although unofficial version, is that the Peace Corps departure was ordered by Panama in retaliation for the arrest in the Canal Zone by U.S. authorities of a Panamanian citizen on drug trafficking charges. He was then sent to the United States to stand trial.

For those Panamanians who hope for a change, the prospect is dim.

Torrijos and the guard are firmly in control. They have neutralized all possible sources of opposition, including the university.

Anti-government elements at the university have been purged, and pro-government groups have been created to replace them.

Political parties are banned, and the commercial class is cowed.

The only remaining independent institution that could effectively challenge the government is the Roman Catholic Church. It is for that reason that the case of Father Gallego is being followed with more than passing interest.

Mr. Speaker, I believe it is the inherent right of the people of the United States to be informed of what is happening in what could become a volatile situation; that should these negotiations be allowed to continue without the refutation of any of the statements that are being made by Gen. Omar Torrijos and Foreign Minister Tack in the name of the Republic of Panama, we are in danger of being placed in a position of having to defend our right to operate the Panama Canal under the Treaty of 1903.

I urge the Members of Congress and the public to express their opinions to the President and the Senate on the giving away of our rights now being exercised under a legitimate treaty to operate the Panama Canal in the territory known as the Canal Zone.

What will happen to the approximately 5,525 housing units now occupied by American citizens and non-American citizens who are employees of the Panama Canal Company? What will happen to the schools and other buildings located in the Canal Zone? Should the area known as the "Canal Zone" be wiped out under a new treaty, all of this property, including the Panama Canal, would be located in the Republic of Panama, subject wholly to its laws. What would stop the expropriation of the Panama Canal by the present Government of the Republic of Panama should the authority of the United States in the Canal Zone be abdicated? Only armed force by the United States could stop it. The negotiators representing the United States must be made to understand that such agreements as are now being suggested will not be tolerated by the people of the United States.

THE NEGRO AND THE LABOR MOVEMENT

HON. JAMES G. O'HARA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 14, 1971

Mr. O'HARA. Mr. Speaker, the opening of avenues of access for minority workers into the mainstream of labor has long been of concern to many of us in the Congress.

In the difficult and challenging process of recruiting and training unskilled men and women from minority groups and upgrading those who are employed, labor unions, large and small, play a vital role.

Early this year, the League for Industrial Democracy and the New School for Social Research in New York City sponsored a Labor Relations Luncheon lecture series which featured a debate on the subject "The Negro and the Labor Movement: Two Views."

Participants in that debate were Mr. Don Slaiman, director of the AFL–CIO's Department of Civil Rights, and Mr. Herbert Hill, national labor director for the National Association for the Advancement of Colored People.

Recently I had the opportunity of reading the transcript of this debate and believe that it would be of interest to my colleagues. I include the transcript in the RECORD at this point:

REMARKS BY DON SLAIMAN

The relationship between the Negro and the labor movement is of tremendous importance not only for black workers and not only for the labor movement but for the whole of American society.

As Bayard Rustin said:

"Everything important that has happened since the time of Franklin D. Roosevelt, happened when the minority groups, the trade union movement and the liberals stood together, and every time we had a failure is when that coalition has been broken."

What is today's discussion about?

It is not a debate between the NAACP and the AFL–CIO, for both would agree with what Rustin said. It is not a debate over whether discrimination still exists in unions: it does. Nor are we debating whether such discrimination should be covered by anti-discrimination laws. Title VII aimed at discriminatory practices of both unions and corporations, was included in the 1964 Civil Rights Act largely through the special efforts of President George Meany with the unanimous consent of AFL–CIO affiliates.

The issue is: What is the best way to expand economic opportunity and trade union participation for minority workers *and,* at the same time, strengthen the national coalition between minority groups and the labor movement, which is the key to social progress.

Now, it has become fashionable in some quarters, far removed from the front lines, to pooh-pooh this coalition as obsolete or nonexistent. These sideliners would do well to listen to Clarence Mitchell, the director of the Washington Bureau of the NAACP and the number one civil rights lobbyist, I quote:

". . . I believe that it would be a fatal mistake in this country if civil rights and labor groups did not continue to work together . . . we must never forget that *we* are the foundation on which the House of Freedom is built. *If we crumble and fall apart the whole structure may very well collapse.*"

The coalition is not an abstraction; it is a nuts-and-bolts operation with a proven record of substantial achievement—thanks to which the lives of millions of Americans, black and white, have been changed. The AFL–CIO was no johnny-come-lately in this effort.

Roy Wilkins recalled how, in 1956 at the Democratic Party Platform Committee Hearings, President Meany departed from his presentation and

". . . off the cuff made as fine a presentation and argument in behalf of Civil Rights as any person who is active in the Civil Rights field alone could have made. I have never forgotten that because it came straight from his convictions and from the history of the labor movement, and outlined in very graphic fashion *the identity of our interests despite the seeming conflicts.*"

If we agree with Roy Wilkins that there is an identity of interests between labor and the Negro; if we agree with Clarence Mitchell that these natural allies are—not potentially, not ideally, not some day, but now, actually and concretely—the foundation on which the House of Freedom is built—if we accept these premises, then we have a context, a sense of perspective and proportion, in which to approach today's discussion.

These premises, let me make clear, do not justify a whitewash of racial discrimination by unions, but they do demand that we approach our differences with a contempt for the kind of demagoguery that would obscure the fundamental alliance between the labor and civil rights movements, that would depreciate the great progress they have jointly acheived, that would divide workers along racial lines, and that would, in the process, aid and abet our common enemies.

Of course, there are people who do not agree with Roy Wilkins, Clarence Mitchell and Bayard Rustin. They do not agree with the NAACP and the AFL–CIO on the Coalition's struggle for integration.

There are the nationalists and the separatists, including CORE. Here we have an organization which led the Freedom Rides, now offering us the monstrous spectacle of its leader, Roy Innis, sitting down with Governor Lester ax-handle Maddox to discuss how to keep school segregation. It is no coincidence that CORE has also supported so-called "Right-to-Work" laws.

Then we have a wide assortment of New Leftists, and elite liberals, predominantly white and well-off, who view the labor movement—and, indeed, the working class itself—as reactionary obstacles to social progress. They place their hopes in a variety of new coalitions that exclude the labor movement and the traditional civil rights movement.

Now, for some of these people, the simple-minded way to ensure that there is no discrimination by labor unions is to weaken unions.

But in recent years, the peddlers of the open shop and "Right-to-Work" laws have been repeatedly rejected, by the mass of Negroes and other minority groups.

Their support for labor's fight against the open shop is no mere "quid pro quo" for labor's support of civil rights legislation. Not only Negro leaders but masses of Negro voters have understood what some intellectuals have not: that the minority worker is most exploited in the non-union sectors of our economy and in those parts of the country where unions are weakest.

They understand, too, that there is a deep unity of purpose between the labor and civil rights movements. As the Reverend Martin Luther King told the 1961 AFL–CIO Convention:

"This unity of purpose is not a historic coincidence. Negroes are almost entirely a working people. There are pitifully few Negro millionaires and few Negro employers. Our needs are identical with labor's needs: decent wages, fair working conditions, livable housing, old age security, health and welfare measures, conditions in which families can grow, educate their children, and have respect in the community."

To fulfill these needs requires the thorough elimination of all forms of racial discrimination from employment, education, housing and all aspects of American society. But ending discrimination is not enough. After all, discrimination cannot explain why there are millions of white American families whose basic needs are also not being fulfilled.

Nor can it explain why, in the decade between the 1954 Supreme Court Decision and the 1964 Civil Rights Act, when racial discrimination was being reduced, the income gap between Negroes and whites began to widen. The gap widened, not because of increased discrimination, but because of the economic stagnation policy of the Republican Administration, the recession of 1957, and the impact of technological displacement. These factors held Negroes back more than the elimination of discriminatory barriers allowed them to move forward.

Then, during the years of the Johnson Administration, the income gap narrowed. As Andrew Brimmer, the first Negro member of the Federal Reserve Board, has pointed out:

". . . in 1965 the median family income of Negroes stood at 54 percent of that for white families. By 1967 . . . the ratio had risen to 59 percent."

He went on to note that:

". . . not only do median incomes of both white and Negro families in the South lag behind the incomes of both groups, respectively, in the rest of the nation, but the greatest disparity between Negro and white family income among regions is also found in the South."

I need hardly remind this audience that the South is where trade unions are weakest.

Why did the income gap narrow during the Johnson years? Mr. Brimmer attributes this progress to four factors. One, to be sure, is the reduction of discrimination; another is increased levels of education and skills in the Negro community; third is the overall reduction of unemployment in those years; and, finally, the manpower, anti-poverty and other social programs.

All of these factors, not just one, are necessary to expand economic opportunity for minority workers and to close the income gap. All of these factors resulted from social and economic policies for which the unions have struggled, both at the bargaining table and in the legislative halls. And if we are to reverse the disastrous economic policies of the Nixon Administration, which threaten to undo our earlier progress, it will be because we have strengthened the labor civil rights coalition, because we did not heed those who would divide us, because we did not "crumble and fall apart."

I come now to the question of what the labor movement has been doing to eliminate discrimination in its own house.

In a labor manual issued by the NAACP in 1968, Mr. Hill listed four basic categories of racial discrimination practiced by unions affiliated to the AFL–CIO. I quote:

"Exclusion of Negroes from membership; segregated locals; separate seniority lines in collective bargaining agreements and refusal to admit qualified Negroes into apprenticeship training programs."

As far back as 1959 and 1961, AFL–CIO Convention resolutions called for action by affiliated unions specifically to eliminate discrimination in each of these four areas. Our Civil Rights Department has been working to implement these resolutions.

Now, what is the record?

On exclusion: First, you should know that 95 percent of all union members are automatically enrolled when hired by the employer. The remaining five percent are concentrated in the building and other trades, where unions control job referrals. Nonexclusion is now the policy of every building trades union, as it is of all our international unions. There have been some violations of this policy at the local level, but the small number of cases that have been filed indicate the extent of the problem, and that problem is being solved by our Outreach Programs.

I might add that today there are over two million Negroes in the labor movement, and it has recently been estimated that one out of every three new union members is a minority group worker.

On segregated locals: In October 1965, the Equal Employment Opportunity Commission stated that any labor organization which operates on a racially segregated basis is in violation of Title VII of the Civil Rights Act.

That very day, President Meany issued the following statement:

"The interpretation issued today by the EEOC is entirely consistent with the policies of the AFL–CIO as determined and reiterated by its conventions. It is precisely the policy which we urged the Congress to adopt when it was debating the Civil Rights Act of 1964."

In fact, the AFL–CIO had called upon its affiliates to merge segregated locals with all possible speed in 1959. The merger process was accelerated by the passage of the Civil Rights Act five years later. What are the results?

The Railway Carmen had 64 all-Black locals, whose members were limited mainly to helpers jobs. Now all but two of these locals have been merged, and many of their Negro members have been upgraded to the Carmen classification.

The Musicians Union had at least 55 separate all-black locals. Last week I was told that there is only one left.

The Oil Workers, the Molders, the Tobacco Workers, the Papermakers and a number of other affiliates that had segregated locals have none today.

I hasten to say that this problem has not been completely solved, but we are resolutely determined that it will be. Meanwhile, remember the somewhat snide crack about the southern Negro worker whose children go to integrated schools while he goes to segregated union meetings? How ironic that some of these snide liberals are today advocating separate all-black unions. Predictably they have few followers among Black workers.

On separate seniority lines: Racial segregation in collective bargaining units and the maintenance of lines of promotion or seniority on the basis of race is a violation of Title VII. This is the position of the Equal Employment Opportunity Commission, and it is the position of the AFL–CIO.

Segregation in collective bargaining units resulted not from union action but from the discriminatory policies of management, which had exclusive control of hiring in industry: By hiring Negroes only for certain categories of low-paying jobs, employers had created segregated departments whose workers had less access to promotion and advancement, and sometimes none. Even when the lines of promotion and seniority seem reasonable in themselves, they may have the effect of codifying the disadvantage in which Negro workers have been placed by the previous discriminatory policies of management.

Now I am sure you will hear from Mr. Hill about the resistance of some of our industrial unions to changes in seniority agreements. The fact is, however, that many changes have been made by unions in their collective bargaining agreements. A good number of these changes have been initiated by unions themselves, while others required complaints by minority workers or civil rights organizations. The point is that in most of the cases that went to court, the adversary position of the unions rested not on a defense of the discriminatory status quo but on a disagreement as to what the new setup should be.

Finally, on apprenticeship: Technological change has been wiping out may semiskilled jobs. It is not surprising, therefore, that so much attention should be focused on apprenticeship training programs.

In 1959 the NAACP issued a pamphlet entitled "The Negro Wage-Earner and Apprenticeship Training Programs," which said, and I quote:

"The minimization of Negro participation in apprenticeship programs, traditionally and currently, results in both the misdirection and mal-preparation of Negroes for skilled-craft occupations. Negroes, as a rule, must seek skilled training opportunities outside of formal apprenticeship programs. These in turn, do not usually provide the recipient with the qualitative preparation requisites for truly skilled standing in today's economy. This holds true when the training was just 'picked up' or whether it involved more formal but equally inferior instruction in *de facto* segregated school systems. In either event, some of the emerging Negro craftsmen are not adequately trained, nor do they usually perform as well in their chosen vocations. As a result, they remain marginal employees. . . ."

This is an important statement. Its main points are: that the skilled crafts *do* require training and qualifications; and that the best training *is* provided by formal apprenticeship programs. It follows that the participation of minority youth and workers in these programs must be vastly expanded.

Now, what progress has been made?

By 1960, the number of Negroes in registered apprenticeship programs had risen from one to less than 2½ percent—which prompted Roy Wilkins to observe that "at the present rates of advance, it will take Negroes 138 years or until the year 2094, to secure equal participation in skilled-craft training . . ."

But it hasn't turned out that way. In 1969, according to the U.S. Department of Labor, the number of nonwhites in apprenticeship programs totaled 20,000 out of 255,000, approximately 8 percent.

But that's not all. Of the 73,000 new enrollees in the first half of 1969, 11 percent came from minority groups, and the numbers continue to increase.

As of September 30, 1970, the number of apprentices placed by Outreach Programs alone, in over 80 cities, passed the 8,000 mark. Of these, over 7,500 were in the building trades.

Of these 7,500, almost 4,400 were in the electricians, carpenters, ironworkers, sheet metal workers, plumbers and pipe fitters. These are not the trowel or "mud" trades. These are certainly not "low-paying" jobs.

In 1960 the NAACP reported on the basis of the 1960 Census that there were 90 minority plumber apprentices out of 11,000. Today Outreach alone has placed 755. The NAACP reported that there were only 90 minority electrician apprentices in the country. Today Outreach alone has placed 855. The NAACP found only 60 carpenters apprentices. Outreach alone has placed 1,726.

Now, I have been giving you facts—not fantasies. Very significant changes have occurred in minority participation in apprenticeship, especially in the building trades. These changes are the product of sound programs initiated by civil rights groups—such as the Urban League, the Workers Defense League and the A. Philip Randolph Educational Fund—financed by the Department of Labor, and having the cooperation, not only of national, but of local building trades unions and their councils. And all of this aided by the systematic efforts of the Civil Rights Department of the AFL–CIO.

And the surest sign of our success is Mr. Hill's reaction to it. For he has shifted his position from advocating that minority youngsters press for inclusion in apprenticeships to attacking apprenticeship as such. What better proof that the exclusion of minority youth from apprenticeship programs is coming to an end?

In a speech at the 1970 NAACP Convention, Mr. Hill endorsed the following statement by Assistant Secretary of Labor Arthur Fletcher, I quote:

"The apprenticeship program is one of the worst training programs in the country in terms of completions. Seventy per cent of the people who go into apprenticeship drop out; only thirty per cent finish. That is the highest dropout rate of any training program of any kind anywhere in the United States. We can prove statistically and in many other ways that it is an invalid training program."

To which Mr. Hill added, with relish: "I agree with Secretary Fletcher. He is, of course, absolutely correct."

Well, Mr. Fletcher is not absolutely correct. He is not even relatively correct. He is absolutely wrong. The apprenticeship dropout rate is not 70 percent. It is approximately 50 percent; and, in fact, among the apprentices placed by Outreach Programs, the rate is less than 20 percent. Apprenticeship does not have the highest dropout rate of any training program of any kind in the country. The apprenticeship dropout rate is roughly equal to the college student dropout rate in this country, and is less than most manpower programs.

Is there not something bizarre, even cruel, in Mr. Hill's new line? After all these years of striving to get minority youngsters into the best skilled training programs that exist; after years of these youngsters being told they didn't have what it takes; now when we have finally broken down the barriers, now when these youngsters have proven they can make it, and enter jobs paying $6.00, $7.00 and more an hour—now comes along Mr. Hill to demand that this ladder to dignity be torn down and that the Government stop funding these programs to train minority youth to be skilled electricians, plumbers and sheetmetal workers. Thank you, Mr. Hill!

I know that this is not the policy of the NAACP, but Mr. Hill's freewheeling demagogic spirit is irrepressible. He attacks the Workers Defense League, the A. Philip Randolph Educational Fund, the Urban League, the Trade Union Leadership Council, the Philadelphia Negro American Trade Union Council and other organizations working in the Outreach Programs. He told the NAACP Convention, and I quote:

"Given the fact that Government officials are aware that the system of apprenticeship training, especially in the construction trades, is senseless, it is all the more scandalous that millions of dollars of public funds are spent annually to subsidize these programs."

Mr. Hill is not only out to destroy apprenticeship. He is after something much more fundamental.

When Mr. Hill and I were children, and maybe earlier, a great man of militant integrity was waging a hard and often lonely fight against discrimination within the labor movement. But A. Philip Randolph also fought, at the same time, to organize Negro workers into unions against exploitation by their employers. He always advised Negro workers to struggle within the House of Labor *and* to build and strengthen the labor movement. There was a lot more discrimination in the labor movement during the twenties, thirties and forties than there is today. But A. Philip Randolph could never dream of advocating the open shop.

Mr. Hill is of a different breed.

He became so enamored of the Nixon Administration's phony Philadelphia Plan that even when its unworkability had become evident to most, his response was, and I quote:

"Continued control of job opportunities by the racist building trades is the heart of the matter. If the 'home-town' plans became operative, it would not in any way alter the fact that a non-governmental, non-elected private group, namely the building trades unions, will continue to exercise absolute control over the livelihoods of American citizens in the construction industry."

I am not quoting the Chamber of Commerce. I am not quoting the National Association of Manufacturers. I am quoting Mr. Hill.

Understand, Mr. Hill is not calling for the opening of all construction unions to minority workers. He is not calling for recruiting and training programs to accelerate their entry and to make these unions more integrated and responsive to the needs of all workers, black and white. Mr. Hill is demanding an end to union control of jobs because these are innately "racist institutions."

Reading Mr. Hill's words, I recalled a passage from Perlman and Taft's *History of Labor in the United States*, in which they described how the open shop movement sought its objectives by,

"placing organized labor on a moral defensive. Instead of labor being viewed as a victim of oppression, the propaganda of the employers sought to convince the public that labor was both the aggressor and the oppressor . . . This idealistic propaganda, appealing as it did to the traditional American individual, was very influential in shifting public support from the worker to the employer."

Now, it would seem from Mr. Hill's statement that control of jobs should shift from unions to government, not to employers. After all, employers are also "non-governmental, non-elected private groups." But in April, 1967, Mr. Hill told a Cleveland meeting: "We are going to insist that there be open hiring and that *the employer, not the union, should determine who will work.*"

Never mind that union leaders are elected by workers' and that unions, however imperfect, are workers' instruments. It is the employer, elected by nobody, who should determine who will be a worker and who will not.

In December, 1967, Mr. Hill wrote in the publication *Contractor News* that

"Contractors have abdicated their responsibilities by turning over the hiring process to the discriminatory building craft unions . . . The hiring function is solely reserved for the contractor . . . a union has no right to establish union membership—or any other qualification—as a condition for employment. Only the employers can determine qualifications for employment."

These statements make it crystal clear that Mr. Hill does not really object to job control by "non-governmental, non-elected private groups"—so long as they aren't free and independent trade unions.

What Mr. Hill really wants is the open shop. He wants to weaken trade unions, or at least he lends himself to such efforts. And not just in the construction industry.

Listen, for example, to this account, from the San Francisco Examiner (January 3, 1968), of Mr. Hill's plans to "smash the lily-white, illegal closed shop" in the Bay Area.

"Hill indicated that the Bay Area campaign would start with the construction industry and move gradually into other industries where the illegal closed shop prevails.

Some Negro leaders already have expressed a belief that Bay Area Negroes would be better off under the open shop and have indicated they would support an initiative to outlaw the union shop in California.

Other Negro leaders have argued that Negroes in open shop states are far worse off than they are in California and it would be a serious mistake for Negroes to support the national *Right to Work movement which, incidentally, recently opened Bay Area offices*."

What did Mr. Hill have to say to these Negro leaders who were debating whether to support the Right-to-Work movement: Did he say what Roy Wilkins, A. Philip Randolph, Clarence Mitchell, Martin Luther King, Dorothy Height, Bayard Rustin and Cesar Chavez said—that Right-to-Work laws "constitute an obstacle to the progress of Americans belonging to racial, religious, and national minorities"?

Or does he tell them that *unions* are what constitute the obstacle to the progress of America's minorities!

What does Mr. Hill say to Negro youngsters who now have an opportunity to enter apprenticeship training programs leading to jobs as well-paid skilled craftsmen? Does he tell them that these programs are "senseless" and scandalously unworthy of support, and that these youngsters should reject the good pay of craftsmen because it is the fruit of excessive union power, including job control?

Or does he tell them that they have an opportunity, not only for economic advancement and dignity, but to be part of a generation that is involved in a historic transformation of both the work place and the union hall, and that this opportunity must be seized.

And finally, what does Mr. Hill have to say to black workers who want, as all working people everywhere have always wanted, to organize to protect themselves against exploitation by their employers and to determine for themselves the conditions under which they will sell their labor?

Does he tell them what A. Philip Randolph has said over and over again—that Negro workers must be an integral part of the labor movement, opposing separatism and dual unionism, while fighting discrimination within the House of Labor?

Does he tell them what Martin Luther King said—that between the Negro and the labor movement there is a "unity of purpose" and that the Negro's needs "are identical with labor's needs"?

Or does Mr. Hill tell black workers that they should not join unions because unions are racists?

Does he tell them that unions are too powerful and that black workers should look to their employers for their well being?

Does he tell them that the American labor movement is a reactionary obstacle to social change?

I do not know the answers to all these questions. But I do know that between Mr. Hill and me there is more than a difference over tactics. There are, fundamentally, two opposing views of the Negro and the labor movement.

One view was expressed by Mr. Hill more than eight years ago, and it has guided his actions ever since. He wrote:

". . . the militant Negro worker is confronted not with a trade union movement that is a force for social change but on the contrary, with a national labor organization that has become a very conservative and highly bureaucratized institution, closely allied in many cities and states to reactionary political forces and defending that status quo which is now directly attacked by the Negro in virtually every area of American life."

The other view was expressed by Clarence Mitchell two years ago, and it has guided his actions. He said:

"Without the help and day-to-day work of the legislative representatives of labor, headed by Andrew Biemiller, no civil rights legislation would have passed in any session of Congress. Without the help of labor, the great marches for civil rights that brought thousands of Americans to Washington would not have been a success. Labor contributed its brain power, its manpower and its finances to make these historic events possible . . . I believe that it would be a fatal mistake in this country if civil rights and labor groups did not continue to work together . . . We must never forget that *we* are the foundation on which the House of Freedom is built. If we crumble and fall apart the whole structure may very well collapse."

As between these two views, I know Clarence Mitchell's to be correct. It guides the actions of the AFL–CIO, and it is the standard by which we judge others.

Remarks by Herbert Hill

It is clear from Mr. Slaiman's remarks that he thinks that he has an argument with me. Mr. Slaiman's argument is not with me. Mr. Slaiman's argument is now with the judicial record of the past 35 years.

Even though Mr. Slaiman has adroitly and selectively distorted many of the quotes that he presented—in one case saying that I wrote some things and actually it was a quotation, and it was an inaccurate quotation and he further compounded the inaccuracy by quoting the inaccurate quotation inaccurately—and by very selectively juxtaposing parts of statements together, he presented a strawman so that he could then of course score debaters' points.

But there is no argument really; Mr. Slaiman's argument is not with me. Mr. Slaiman's argument is with 30 years now of the judicial record on the question of trade union discrimination. It is an incontrovertible record. For the past few years the argument is not between Slaiman and Hill. Slaiman enjoys that kind of an argument, that's fine. I think people should be permitted to indulge themselves somewhat, but that is not the question.

I propose in the very, in the all too limited time this afternoon, to examine what has occurred. It seems to me this is the only basis for making a judgment about the *great progress* that Mr. Slaiman told us about, to make a comparison between the kind of complaints that came before the first FEPC.

Mr. Slaiman is right about one thing: that the old provisional Fair Employment Practices Commission established under President Roosevelt's Executive Order 8802 in 1941 was the direct result of the guiding genius and brilliant organizational strategy of A. Philip Randolph of the Brotherhood of Sleeping Car Porters and his colleague, Milton Webster—and I entirely agree and as long as I live, I am to pay great tribute to Mr. Randolph who is the Father of this movement; and I am so delighted that he is here today.

But the question is what has happened, and it seems to me this provides us a basis for making an analysis—what has happened between the issuance of the first Federal Executive Order, establishing a Fair Employment Practices Commission in 1941, and the passage of Title VII of the Civil Rights Act of 1964. And in the limited time available to me today I am going to have to be selective. This, it seems to me, provides a realistic basis to judge the repeated claims made by Slaiman and others about *great progress* in eliminating racist practices within organized labor.

I propose to do this within the perspective of 30 years. Let's see, let's see what kind of *great progress* has occurred in 30 years. In the past 30 years, beginning with 8802, there has been an imposing array of Federal statutes, together with state and municipal laws; and seven Executive Orders have been issued by five Presidents prohibiting employment discrimination by government contractors and today, one of every three jobs in the national economy exists directly as the result of a Federal Government contract.

An evaluation of the racial practices of organized labor during the past 30 years—that is in the period between the creation of the first FEPC in 1941 and the establishment of the Equal Employment Opportunity Commission as the result of the passage of the Civil Rights Act of 1964—provides a realistic, sound basis to judge the nature of the claims, the validity of the claims about great progress.

Prior to the passage of Title VII, labor unions used their extensive powers to eliminate or to limit black workers as a group from competition in the labor market by a variety of methods. Among these, but not exclusively so, were: Exclusion from membership by racial provisions in union constitutions or ritual bylaws or exclusion of Negroes by tacit agreement or the absence of written declarations, segregated locals, separate racial seniority and promotional provisions in union contracts that limited black workers to menial unskilled jobs, refusal to admit Negroes into union-controlled apprenticeship programs and denial of access to union hiring halls and other job-referral operations, especially where such systems of job control are the exclusive source of employment.

Mr. Slaiman is absolutely, historically wrong about one point on the question. He is wrong about many points, but about one point right now which I address myself to in the perspective of the past. The record will clearly show that in many many situations where there was an informal system of seniority and discrimination in job assignment, the introduction of the union contract codified, made more rigid, made more systematic and in some industries, as a matter-of-fact, introduced the seniority system. The black workers would have limited seniority and that they would only be promotable in all-black labor classifications and the historical record is clear on this: Union agreements made more rigid throughout the South, and some places in the North in some cases, unions introduced the system of separate racial seniority lines.

These, and other discriminatory practices by major labor unions, in conjunction with the racial practices of employers, have had a cumulative effect in forming the occupational characteristics of the black labor force in the United States. Now although some isolated progress has occurred, *isolated* progress, problems of discriminatory employment practices have not been eliminated on a broad basis by either employers *and* labor unions, this new body of Federal civil rights laws not withstanding. The patterns, and I am talking about *patterns* of racial discrimination, remain intact. But two new phenomena have emerged: Where once they were openly racist and acknowleged to be so, these practices have now become covert and subtle. New testing devices and non-job relative qualifications, although non-discriminatory on their face, exclude black workers just as effectively as did the "white only" clauses in the past.

But, Mr. Slaiman tells us that much progress has been made in eliminating separate racial seniority lines in union agreements. He's simply not telling the truth. The fact of the matter is that what has changed is the *language*. Once upon a time the union agreements said, and I collected these, I have hundreds in my office, on one side of the page it would say the "colored seniority line", usually they use that phrase, "the colored seniority line"; on the other side of the page it would say the "white seniority line". The nomenclature has been removed but for operational purposes it remains the same and there has been some concessions but the pattern of job assignments on the basis of race has been kept intact and today many major unions affiliated with the AFL-CIO are in court defending those practices.

I am delighted that Mr. Slaiman informs us that Mr. Meany said that it was the official policy of the Federation to oppose separate racial seniority lines in union agreements. Fine! Then why are attorneys for many, many labor unions affiliated to the AFL in court defending these discriminatory practices? Even though the Federal Courts have spoken again and again and declared them to be invalid, why are unions spending literally hundreds of thousands of dollars of their workers' money, of the dues payers' money, to defend the discriminatory provisions? The judicial record is clear on this and I will go into some detail as we go along on these questions. Separate racial seniority provisions in union contracts, which once were clearly designated as white and colored lines of promotion, now continue to operate through a series of euphemisms which mean the same thing. I am concerned with the substance of a reality. Mr. Slaiman is concerned with the form. The nomenclature has changed, but the consequences for black workers remain the same. The racial situation has changed little or not at all in many industries.

The second new development is to be found in the way many labor unions have responded to the requirements of the new body of law prohibiting discriminatory racial practices and the use of what has become known as "tokenism," i.e. as a means of preserving old patterns and as a tactic to evade genuine compliance with the law. Thus at best there has been a minimal strategic accommodation by labor organizations to the entire body of Federal and state anti-discrimination laws and executive orders.

Now down to some specific cases: The Equal Employment Opportunity Commission, with its power to receive complaints, to initiate investigations, to hold hearings and to refer findings of discriminatory employment practices to the Department of Justice, has now been in operation for more than five years. It is now possible with a high degree of accuracy, case by case, community by community, international by international, to assess the degree to which organized labor has altered its racial practices to conform to this new body of law and to determine if significant changes have occurred, between the issuance of Executive Order 8802 in 1941, and the beginning of operations by the Equal Employment Opportunity Commission in 1965.

I have spent more than two years now, (I do one or two other things as you may gather) but I have spent some two years going through 50,000 items in the files of the old FEPC that reside in the National Archives in Washington, D.C. and they are very rich. And I have compared many of those cases, the cases that have now come before the Federal Courts, and have come before the Equal Employment Opportunity Commission, and there is a fantastic continuity. Here we see the nature of change. A detailed examination of the records of the FEPC in the 1940's involving labor unions with the union cases that have come before the EEOC in the 1960's, reveals that many major labor unions are substantially continuing the same discriminatory practices.

In some instances, such as the cases involving the Machinists—the I.A.M., the Railway Clerks, many building trades craft unions, the operating railroad unions, the longshoremen and other labor organizations, the practices, ladies and gentlemen, are virtually identical to those of 30 years ago. In many instances the Equal Employment Opportunity Commission has investigated and found reasonable cause involving the *exact same* discriminatory practices of the *exact same* labor unions cited by the FEPC *30 years* ago. This is true of the fundamental question of separate racial seniority lines and many of the other issues that I have mentioned.

Let me give you some case histories and I wish time permitted me to give you all, but I can't, there just isn't time. I just want to cite a few so I may perhaps evoke something of a historical continuity that I am describing. I want to suggest that it is only within this perspective of time that one can make a meaningful judgment regarding the nature of progress.

In the early 1940's the FEPC received complaints against the International Longshoremen's Association, an affiliate of the American Federation of Labor, charging a pattern of segregated locals and discriminatory job assignments in many cities along the Atlantic Coast and in the Gulf District. Twenty-six years later, the Equal Employment Opportunity Commission received complaints against the ILA involving the exact same locals and the exact same practices.

In Philadelphia, not Savannah or New Orleans, but Philadelphia, the Commission found reasonable cause after a two years investigation, to believe that ILA locals systematically denied black workers opportunities to enter into the desirable higher-paying job classifications, such as checkers and clerks.

The Equal Employment Opportunity Commission found reasonable cause in charges brought by members of the all-black segregated ILA locals in Philadelphia that the all-white local, Local 1242, which operates the hiring hall for checkers and clerks, refuses to refer black workers to the desirable high-paying jobs. And similar findings were found involving the ILA in Baltimore, Galveston, in Port Arthur, and there is now pending over, over 36 locals in ten Texas cities, in Baltimore, and in Pennsylvania, there are court cases pending against ILA locals. Some of them are private party suits under Section 706 and others are actions by the U.S. Attorney General under Section 707A of the Act, but the interesting thing is that these are the *exact same* locals charged with the *exact same* practices 30 years ago!

Now I can show the same line of continuity in cases involving the Brotherhood of Railway and Steamship Clerks. I have it all down here but time will not permit an extensive examination in cases involving the International Association of Machinists, in cases involving the International Brotherhood of Electrical Workers, in cases involving the railway brotherhoods, and many many other major affiliates of the AF of L, over a 30-year period. The only thing that has changed is the name of the black worker on the complaint! And in one or two cases I have been fascinated; it's even the same name. But let me give you one, one typical example:

In 1945, the old FEPC received complaints against the old oil workers international union, now the Oil, Chemical and Atomic Workers Union, charging discriminatory practices throughout the South West. In 1966, the EEOC received charges filed by black workers against the same union on very much the same issue, in the same area. For instance, the Monsanto Chemical Company in El Dorado, Arkansas, has collective bargaining agreements with a lily-white local of the IAM—this is where the skilled white workers belong, Local 224—and the Oil Workers Union which has the production workers. This ostensibly integrated local of the Oil Workers Union, however, is divided into two departments: the labor department which is all black and the operating department which is all white. And after conciliation by the EEOC, provisions in the union contract were debated, requiring that a worker loses all seniority when transferring from one department to another, the black worker was frozen in the all-black labor classification. The EEOC found that the highest-paid black man earns *less* per hour than the highest-paid white employee.

The black workers were denied access to the training programs and recently imposed new qualifications, that is, that new standards were established. The company and union said we no longer discriminate. But they established new standards, new qualifications requiring that all new members of the operating department, the lily-white operating department, that they must have a high school education and they must pass a new test which was not previously required of whites.

Evidently, this is all right with Mr. Slaiman. This is the kind of conciliation he thinks is fine but objectively for the black worker it means that the old pattern is maintained. White boys never had to take a rest. In the past white boys never had to have a high school education, but now in compliance with the law, the union and the company agree to a new system that on the fact of it, it is entirely non-discriminatory of course, but objectively results in *freezing* black workers where they always were. And I can give you many, many other such cases. Some of these are in court today.

Before Title VII went into effect, black workers in the all-black labor classifications in this industry and throughout the steel industry, the paper industry, were absolutely prohibited from transferring into the all-white operating departments by clauses in union contracts. Now the black worker has the theoretical right to transfer into higher paying jobs in the all-white operating departments but only after passing a qualifying test which did not exist before 1965 and also he will lose all accumulative seniority. Progress here consists entirely of a theoretical abstraction which only serves to maintain the traditional racist practice. This is Mr. Slaiman's progress. This is not my progress and this is not the progress that is acceptable to the NAACP and to the black workers for whom we speak.

In many industries employing tens of thousands of black workers, powerful labor unions today insist upon maintaining the old racist practices even though they have been declared again and again by the Federal Courts to be illegal. For instance, some day day law scholars will be writing Ph. D theses and tomes on this subject.

More than 20 years ago, black steelworkers began a campaign, within the United Steelworkers of America, to eliminate the discriminatory job provisions contained in that union's collective bargaining agreements with many major steel corporations, including U.S. Steel. After more than 20 years of protest by black steelworkers against separate racial seniority lines, together with the filing of complaints with the National Labor Relations Board, and the futile confrontations with the union leadership, the Steelworkers Union still persists in maintaining the discriminatory seniority provisions in its collective bargaining agreement. Today, this union is vigorously defending their practices in a series of lawsuits pend-
law scholars will be writing Ph. D. theses
ing in Federal district courts in Ohio, Alabama and Virginia.

Just a few weeks ago, after three years of fruitless conciliation attempts by the Government, the Justice Department initiated a series of lawsuits against the U.S. Steel Corporation and the United Steelworkers Union and the American Federation of Labor and the international union—and I should tell you that I was directly involved. I filed the initial complaints with the Equal Employment Opportunity Commission. This is really pathetic. I am happy to know, Mr. Slaiman tells us, that Mr. Meany says that we are opposed to this. Then *why* is the Steelworkers' Union so adamantly defending these practices?

There is a history that goes back to the early forties—the famous Whitfield decision. And then the Whitfield decision has been challenged by black workers who are now back in the Federal Courts and it's a Taylor case. And the Steelworkers Union probably has spent over a hundred thousand dollars in legal fees by now, and instead of saying, and the same thing is true of many other unions—the Papermakers and the Paperworkers, the Pulp and Sulphite Workers Union and many other unions—Boys, you may not like it, but this is now the law and we really have to change this in substance; instead, these unions—and the Steelworkers Union is a progressive union, it's not as Neanderthal as the building trades. This is a progressive, liberal union. I believe the League for Industrial Democracy some time ago honored its President at one of those evenings where everybody gives everybody else an award. You know the Plaque Makers Association has a conspiracy, I sometimes think, and it is possible to devote a separate series of seminars on the history of how that one union has over a period of more than 30 years been in the Federal Courts for hundreds of thousands of dollars to defend and protect their system. That means that in practice, race is a factor in job assignments.

Now, the courts are speaking on this and Mr. Slaiman, your argument is not with me, your argument is now with the American judicial system. Federal court decisions involving the Tobacco Workers Union, the Papermakers and Paperworkers Union, the Asbestos Workers, the Brotherhood of Pulp Sulphite and Papermill Workers among many others have declared in clear, unambiguous terms that separate racial seniority agreements leading to job assignments on the basis of race are violations of the law. And even though the Federal Courts are now providing clear legal definitions for the first time of what constitutes racial discrimination in employment, administrative remedies *still outblock* as many labor unions continue their defiance of the law and attempt to defend their traditional racist practices in complex court challenges.

Oh how I wish time permitted me to tell you how labor lawyers are with *brilliant ingenuity* introducing a complex tangled web, keeping cases bottled up in court for 3 or 4 years on procedural questions to prevent the realization of what other court decisions now say belong to black workers. The legal departments of many labor unions are now busily engaged in raising procedural legal questions in an attempt to prevent change by conducting a rear-guard holding action of the courts that I would compare—I do this with full implication of what I am saying—that I would compare with the action of southern school boards in conducting a similar rear-guard delaying action in the Federal Courts after the Supreme Court Decision in the school segregation cases in 1954. And it seems to me that this is the *real measure* of the Federation's policy and practices, not George Meany's after-dinner speeches. This is more significant than the ritualistic pledges of non-discrimination by Mr. Slaiman, and by all the other spokesmen for the Federation; the real test if this has come to an end Don—then why are union lawyers in many courtrooms all over the country spending hundreds of thousands of dollars of the dues-paying members defending the old racist system?

Examination of the files of the old Fair Employment Practices Commission in the 1940's, deposited in the National Archives (whenever you are in Washington, instead of going to the National Theatre or the National Gallery, go to the National Archives!). Any citizen is free to examine them, it's all there. I repeat, by comparing that material with the material we have before the EEOC today, we are forced to conclude that there are many instances of continuity in racist practices that have not changed in more than a quarter of a century.

I want to deal with one case: It deals directly with Mr. Slaiman's argument that the pattern of discrimination in the building trades has substantially changed. Mr. Slaiman, in a variety of ways says that there are isolated pockets here and there but the pattern has changed. But here and there are a few bad spots. I want to directly challenge this and once again the record of the court—there are many many cases and more in almost half of the States in the Union now, where either there is litigation pending or where decisions have already been rendered. And let me deal with one case which I think is symbolic.

Among the very first hearings held by the old FEPC in 1942 were those that involved the building trades unions, including the series of complaints against the International Brotherhood of Electrical Workers in Cincinnati, Ohio. Now one cannot but be fascinated by the current findings of the courts and the Commission and the recent decisions of the Federal Court involving unions across the country. And in light of the historical record on the same question, if one reads the complaints of the 1940's and the complaints of the 1970's, one is forced to conclude in the perspective of time that the only thing that has changed, as I said, is the name of the plaintiffs.

The case I want to discuss is a case that is a landmark decision in labor law. It is known in the Constitutional law books as Dobbins (there are actually two cases). Dobbins vs. Local 212, International Brotherhood of Electrical Workers and U.S. vs. Local 212, International Brotherhood of Electrical Workers.

On September 13, 1968, in the U.S. District Court of Cincinnati, Ohio, Judge Timothy S. Hogan ruled that Anderson L. Dobbins, a black electrician, must be admitted to Local 212, a lily-white local of the International Brotherhood of Electrical Workers.

This local has jurisdiction in Cincinnati and 13 surrounding counties in Ohio. Kentucky and Indiana and *yes* Mr. Slaiman they have an illegal closed shop. The Federal courts have ruled that they have an illegal closed shop and it is an illegal closed shop for the simple reason that black workers solely by virtue of their race and color don't get referred to jobs out of that local hiring for the 13 counties and so the U.S. District Court found in the Dobbins case. I want to tell you something about Mr. Dobbins.

Mr. Dobbins is a veteran of the United States Army, he holds a *B.S.* degree from Hampton Institute. He is a fully certified journeyman electrician and since 1956 attempted to secure admission into Local 212 of the IBEW. Now before the Civil Rights Act of 1964 was passed, when he came to the local union headquarters and sought admission he was told openly that this was a white man's union and we don't take your people. After the Civil Rights Act was passed, they said you aren't qualified. And Mr. Dobbins went before the Equal Employment Opportunity Commission and eventually, after some grand attempts to conciliate the matter, Local 212 refused to admit Mr. Dobbins.

And the case went to the Federal Court and spokesmen for organized labor have repeatedly held that there is no discrimination, it's just that black workers are not qualified. And the attorneys for the union argued that Mr. Dobbins was not qualified, even though he was a college graduate, had a Bachelor of Science degree, and the union said he wasn't qualified.

Judge Hogan found that Dobbins had a wide range of experience, that the union was guilty of discriminatory practices and, in a 90-page opinion, ordered the union to admit him. And the union said alright, we will put him on the waiting list. And the judge said no, you will not put him on the waiting list, you will give him immediate union membership. The union said alright, we will give him the union qualifying test. And the court said no, no, no, 'cause you've discriminated against him for so many years you will not give him the qualifying test, you will give him immediate union membership.

Now the interesting thing here is, that even though the court found that the union had committed eleven separate acts of racial discrimination, it was a clear violation of the Act that Local 212 had limited its membership to white persons only. And I quote from Judge Hogan's Decision: "It effectively controls who will work for union contractors within its jurisdiction and the court disbanded the hiring hall and suspended the union referral system."

Local 212 took in Mr. Dobbins and one other black man and refuses to admit any other black workers similarly qualified. In order to prevent them from becoming potential litigants, they give them temporary working permits. And in February of last year the union asked release from the onerous restrictions placed by the court upon its practices. In other words, they want to go back to their old practices.

Now, the interesting thing is that on March 5 thru 15 in 1945 the FEPC, the old FEPC, held hearings in Cincinnati and among the unions found to be violating Executive Order 8802 was the very same union, the International Brotherhood of Electrical Workers in Cincinnati. So that here, we have *thirty years, thirty years* we are back in court, we are back in court and we have gotten in two black workers! Mr. Slaiman, is that progress? It would seem to me that this symbolizes the nature of progress.

I can cite hundreds of other similar cases, the Lock Case and many, many other cases. We have the situation of the Quarles Case involving the Tobacco Workers Union. The courts have spoken very clearly on the question of job assignment on the basis of race by unions.

Now, the historic decision in the Crown-Zellerbach case where the Papermakers Union threatened to walk off the job if the union gave up and Mr. Slaiman is wrong here when he says that it is the company who imposed this. The company did not want to lose this government contract which is a very lucrative government contract, and when the company said that they would give up the separate racial seniority lines, the Papermakers Union threatened to go out on strike. And it was only an injunction secured by the United States Attorney General that prevented the union from going out on strike. And similar events have taken place in Seattle, in St. Louis and many other cities around the country, where the unions are the decisive factor in insisting upon the retention of the old discriminatory system. There are literally many, many more of these cases, and obviously I hope I just suggested some of the meaning of this. And I want to provide an interpretation; let me just take a few more minutes time on this point because Mr. Slaiman has used, you know, some pretty harsh language.

I am not going to have a debate with Mr. Slaiman here today, I am not going to have an argument with him as I said his argument is with the Federal Judiciary and the record of these and hundreds of other cases. I want to explain why I think organized labor is resisting these changes. They have a reason for it. It's not that they are bad guys; that they are vicious; or a bunch of prejudiced ________. That is not it at all.

By the turn of the century, by 1900, the labor movement had settled into a policy of racial exclusion expressed in the refusal to organize black workers in many occupations or to establish segregated locals or to include blacks in certain job classifications.

The purpose of these early union practices beginning in the 1880's and 1890's, in the post-Reconstruction period, was to drive the black worker out of competition with white unionized labor and use the greater exploitation of the black worker as a means of subsidizing the wages of the white worker. This policy had the effect of lowering total labor costs because the employer could trade off higher wages for white workers at the expense of low-paid, more highly exploited blacks. From the employer's point of view this policy also diminished the power of organized labor—a point which the AF of L leadership never understood and still is unable to understand.

And this pattern continues today. It is the legacy of the tradition established in the early years of the AFofL. For example, in many steel plants the millwright is white and the millwright's helper is black. They do substantially the same work. In fact, the black helper usually teaches the white millwright who receives higher pay in a higher job classification. Many examples of this pattern can be cited in other industries, such as in the paper industry and tobacco manufacturing and petrochemicals among many others.

Apart from this consequence to organized labor, employers have derived substantial benefits from this labor policy as it results in total lower-average labor costs. A major example of this is to be found in the trucking industry. Inter-city, or as they are known, "over-the-road truck drivers" who are white and organized by the teamsters union, get paid an average hourly rate plus a substantial mileage bonus. Thus their annual earnings are much greater than black drivers limited to intra-city trucking, where no mileage rate is paid.

This greatly benefits the trucking industry. The employer, of course, can afford to pay the higher wages of the white over-the-road driver, subsidized by the low-wage exploitation of the black worker, and this is implicit in the whole strategic operation of the American Federation of Labor for the past 70 years.

The clearest example of this policy is provided by the highly unionized railroad industry. It has existed for generations—a racial pattern of white brakemen vs. the black train porters. This discriminatory pattern has been demonstrated in a very important legal case now pending in the Federal Courts, known as the Norman Case. The black and white workers do identical work but black porters receive less pay and segregated status, and who knows this better than Phil Randolph!

Employers and white workers benefit. The white employer and the white worker both benefit from the deprivation of blacks, which subsidizes higher wages and working conditions for whites as a class. Segregated unions and segregated job lines have directly contributed to this process. In reality, job discrimination against the black worker has been a form of subsidization to the white worker, and the union has been the specific instrumentality of achieving this. Organized labor and employers have for generations jointly created a highly exploited class of cheap black labor rigidly blocked from advancing in the all-white occupations.

Now I just want to summarize. I know the time is running out. I was going to deal with the building trades in greater detail than I can now, but just let me make one comment that deals directly with Mr. Slaiman's remarks. Mr. Slaiman says that the NAACP changed its position between 1959. And he did, I was delighted, he did quote me accurately in an apprenticeship training study I did in 1959 for the NAACP. I want to thank you, Don, for quoting me accurately at that time. He quoted me absolutely accurately, word for word, which proves several things: That he's capable of doing so, I suppose, and in other cases chooses not to. And then he says that now that the outreach program has become so effective, we have changed our policy. Uh, uh, we haven't changed our policy one damn bit. It's the building trades unions that are now using this as a device to perpetuate the racial status quo. Let me show you how this is done.

In the case of Vogler—and I am deliberately limiting myself to cases that are either decided by the Federal courts or where the Equal Employment Opportunity Commission has already found, so that this is not simply Herbert Hill's opinion, but this is now a matter of judicial finding.

There is a case that has been going on for four years in New Orleans, the case of Vogler vs. Asbestos Workers Union Local 53. And the judge in that case has gone to the 5th Circuit Court of Appeals. The union appealed the original decision. And the 5th Circuit finally held that the union had discriminated against Mexican-Americans and Negroes as a class and ordered the union to admit all blacks and Mexican-Americans as workers in this industry for a stated period of time.

The union's response to the judge was: All right, we will now establish an apprenticeship training program and we will have an outreach program. And the attorneys for the NAACP said *no,* because for something like 50 years before, this union never had an apprenticeship training program, and they never had an outreach program. White workers became journeymen like that! If you are not too bright, you can become an asbestos worker in about two days. If you are a backward white man in New Orleans, you become an asbestos worker in four days.

This union never had an apprenticeship training program. And attorneys for the NAACP told this to the judge, and we argued that it would now constitute discrimination to set up an outreach program and then an apprenticeship program that would dure for four or five years, and this constitutes a discriminatory practice, one more device to perpetuate the traditional exclusion of black workers.

And the judge listened to us and he did something that had never been done before: a circuit court judge suspended a local union's constitution, suspended the membership standards of that local union. And by the way, let me say that attorneys for organized labor are leading their clients down a very, very dangerous road, because on questions of race you are opening up the doors to some very dangerous matters by your bitter intransigence to change and by forcing us to go into the courts and challenge these traditional practices, you *are* opening up the doors to dangerous things, and you are doing it yourselves, *we* are not doing it.

But in that case, and in many other cases, unions are now establishing outreach and apprenticeship training programs that they never had before. And I will conclude by dealing with the outreach thing in about two minutes and then we are finished.

I want to use the figures that both Mr. Slaiman and George Meany use. At the time that the Philadelphia Plan was debated, Mr. Slaiman pointed out that great progress had been made and I want to now examine those figures very, very carefully.

We have been told that between 1960 and 1970 the increase has been from 2 percent to 7.2 percent. That was the figure that George Meany used last March when the Philadelphia Plan was being debated and he boasted of the fact that Outreach has become "our way of overcoming the segregated patterns."

Let's take a look at New York City: in 1950 black workers constituted 1.5 percent of the apprentices and 13 percent of the population of New York City. In 1960, blacks constituted 2 percent of the apprentices and 22 percent of the population of New York City. It is estimated that by 1970, that the current Census will show that nonwhites constitute at least 34 percent of the population of New York City and the same pattern is being repeated throughout the country. The rapidly changing population characteristics of the black community provide the only meaningful context in which to measure the rate of progress of black workers in organized labor and all other institutions. And if one examines this, if one examines the changes that Mr. Slaiman is now so proud of, then you will see that we are in fact maintaining the traditional ratio of the past 50 years, that nothing is being changed.

As a matter of fact we are in a far worst position today. Black workers continue to lose ground today from where they were 50 years ago when W. E. DuBois did his study of the Philadelphia Negro, the first great sociological study of an American black community, published in 1902. He had statistics provided by government sources indicating the number of blacks in skilled craft occupations in the construction industry in 1900, proportionate to their total numbers in the population. Ladies and gentlemen, in Philadelphia, New York, Baltimore and virtually every Eastern Seaboard city, there are *fewer black craftsmen* in the construction industry *today,* than there were in the 1900's.

Because from that period the unions engaged in what I call the process of occupational eviction, where they redesignated this work from "nigger work" to "white men's jobs" and they drove out hundreds of thousands of black men from this industry. So we have not yet even regained, black workers have not yet regained, black men were the basic construction industry labor force in this country, and black men have not even *regained* the numerical proportion of black participation in the skilled trades at the turn of the century.

I repeat, given their numbers, their total numbers in the population in New York, Philadelphia, Boston or Buffalo, there are fewer blacks *now,* in skilled jobs in the construction industry than there were at the turn of the century. And I suggest that Outreach and related programs are simply another device to perpetuate the *appallingly low* participation of blacks. The black youth who do come out of these programs, who are still not given journeymen status. The issue is *journeyman status,* not admission into a 4–5 year apprenticeship program. Last week in Buffalo, New York, the State Commission for Civil Rights found four unions guilty of refusing to admit black youths who had gone through an outreach program into unions, and there are similar complaints in Cleveland, in Newark and elsewhere. This is the real test, this is the nature of the tinsel of progress over a 30-year period. Thank you.

Applause.

Thank you, Mr. Hill. Mr. Hill went over his time and by prior agreement, the over-extension will be deducted from the rebuttal time.

Before calling on the audience for questions, and questions only, let me introduce a minor corrective fact: That the League for Industrial Democracy did not give an annual award to I. W. Abel, President of the Steelworkers—although we are grateful for the suggestion! What did happen however was that Mr. Abel presented the League's 1967 Annual Award to A. Philip Randolph, by whose presence here today we are all honored.

Applause.

According to the rules we will take only questions, brief questions, no speeches, no comments and I will ask the speakers to respond to the question briefly as well. Mr. Rustin?

QUESTION AND ANSWER PERIOD

Mr. RUSTIN. Mr. Hill, will you give us some insight as to how you take the position you do, when Mr. Wilkins, Mr. Mitchell take such diametrically opposing positions?

Mr. Hill. Well, Mr. Wilkins has answered this question again and again and again. He is asked this question all the time and the answer is very simple. This shouldn't be any great mystery. Anybody as sophisticated and intelligent as Mr. Rustin can certainly understand this, and I suspect he has asked a rhetorical question. There's no contradiction at all between the NAACP's participation in what you have termed coalition politics and the fact that the NAACP has a Labor Department whose job is to eliminate employment discrimination within organized labor, with any other aspect of American institutions that contribute to employment discrimination.

See, it's the nature of the power relationships that you're really talking about within that coalition, and somehow everybody seems to think that because we are in your coalition, and I think we belong in a coalition—that's been no argument with that coalition, and when you are dealing with legislation. But if you think that our participation in joining with you on legislative matters in Washington, means that we are not going to fight against discrimination, against practices by any other component of that coalition, then you are making a sad mistake. We have a black constituency. We have thousands of black workers who come to us with their complaints every year. And there is absolutely no contradiction between the fact that on the electoral front we participate with a wide range of organizations for legislation, and the fact that the Association fulfills its other obligation, to eliminate discrimination in American life.

That's the important, that's the unique characteristic of the NAACP, that we *do not subordinate* the interests of the black worker to any other a priori interest that may exist for other groups in American life.

Further questions—Let me see, back there?

Mr. Hill, are Don Slaiman's figures on apprenticeship in 1959, 1960 and 1970, accurate, fairly accurate, or not at all?

Mr. Hill. No. They are all wrong. I have researched very carefully the Manpower Administration in Washington, D.C. I get the same figures that Slaiman gets. First of all, Art Fletcher is absolutely right about the dropout rate. As a matter of fact, thanks, Mr. Novik is giving me an opportunity to talk on this point.

The dropout rate is reported by the unions themselves. The dropout rate is reported by the sponsors. Now the dropout rate as reported by the sponsors is bad enough, and Mr. Slaiman has not even included the dropout rate as reported.

But in some cases, and I am proud to say at my instigation—since you all know I am an instigator—I have gotton investigators from the Department of Labor to go and check those figures. And let me tell you that recently in Tulsa, Oklahoma, the unions reported, oh, I don't know, something like two or three dropouts, a minimal figure. And an investigator from the Department of Labor went down and there is only small numbers in that program to begin with down there, and they found that 43 had in fact dropped out, when only 2 or 3 had actually been reported. This was a few months ago. Not only this fully—well the figures are not accurate—I am answering the question.

The real test is not how many people are in these programs, the real test is how many are there at the end of the 4 and 5 year-program, and how many will become journeymen members of the union.

When Mr. Slaiman can tell me that a specific number in the seven critical crafts, and let me spell those out: sheetmetal, structural steel, the structural iron workers, the elevator constructors, the IBEW, pipe fitters and steamfitters, the seven or eight critical crafts, the real test is not how many are in the apprenticeship training programs, but how many become journeymen members of the union. And the last data from the Equal Employment Opportunity Commission, based upon the 1969 report of that commission, was that on a national basis minority workers, black workers, are about 2 percent in the 7 skilled crafts.

What Mr. Slaiman does, he fudges the figures by putting together the common laborers, and those in the mud trades, in the traditional black occupations with those in the highly skilled jobs, and he says—you see, how many blacks there are in the construction industry!

I have a friend who is a professional statistician who is fond of saying that statistics are very much like a beautiful woman in a bikini. They suggest *that* which is interesting, but obscure *that* which is essential. Mr. Slaiman has done that for us.

Moderator. Mr. Slaiman, do you have any comments?

Mr. Slaiman. Well, I want to do a little with statistics. Really the shoe is on the other foot. Mr. Hill is playing with figures. Now, when he says Mr. Fletcher is correct, that the dropout rate in apprenticeship is 70%, he is absolutely wrong. Mr. Fletcher is not only absolutely wrong, I will tell you where the 70% came from. He got a little mixed up. That's the figure that Mr. Hill always uses.

Mr. Hill. I use 50%.

Mr. Slaiman. 70% of present journeymen didn't go to apprenticeship and poor Art got mixed up so when he said the dropout rate is 70%, Mr. Hill tells me he uses 50%, I don't know why Herbie says yes he's absolutely correct. Now, let me tell you something about the 50%. 50% is the overall dropout rate in apprenticeship. That includes Carpenters, Bricklayers, Electricians and Plumbers. But, the dropout rate in the mechanical trades which we are interested in, is less than 10%. So you take an overall figure and you play tricks with it. But, let's take the Outreach Programs which the Ernie Greens and these fellows are playing games maintaining the racist status quo. The dropout rate there is less than 20% overall, including Carpenters.

Mr. Hill. How many have become journeymen?

Mr. Slaiman. Now, we'll get to that. Now, Mr. Hill knows because he is a great scholar that the case that he was so interested in New York was Sheetmetal and it went through the courts. We thought the local was wrong to resist so long but they got a court decision and they got a court decision which set up a civil service system and until we got an Outreach Program that still didn't bring in anybody.

But, the Outreach Programs have brought the percentage of minorities in Sheetmetal up to higher than the ratio in the population of the city and they are graduating and becoming journeymen. Of the first 12 who went in, placed by the Workers Defense League, eight got their journeymen cards six months ago. One of the others went in the Army and two others took other jobs. The retention rate that reached the journeymen job that pays $9.00 an hour was over 85%.

Tomorrow night or Friday night there will be graduation of the IBEW's program in New York. There will be seven journeymens cards going to youngsters recruited by the brother sitting over there.

Now, let me tell you something about Outreach in the Vogler Case. Herbie's right. The Asbestos Workers don't have an Outreach Program, they don't have an apprentice program. He took the *extreme isolated* local union that didn't even listen to their International to settle that case, that didn't even listen to their own lawyer, and says this is typical of what is happening in the trades.

Did the Electricians and the Steamfitters and the Sheet Metal Workers create apprenticeship last week to be court cases? The fact is that the Electricians, Plumbers, Steamfitters and Iron Workers and Sheet Metal Workers have apprenticeships for white workers and it wasn't created yesterday to keep out black workers.

And Herbie was right in 1959 to say we had to open these programs. And suddenly when they are open, and we are not talking about two people in Tulsa, we're talking about 8,000 apprentices that are in the program now, that are going through with a retention rate higher than *any* manpower program of the Federal Government. And they are black and Puerto Rican and they are becoming Journeymen on their own two feet and is it a time to say this is a means of maintaining the racist status quo? All it means is that what we've always wanted, that the unions should become integrated, that they will be better unions. Now Mr. Hills says that's the trouble, they'll be better unions and those unions will be able to maintain high wages and good working conditions and union security on an integrated basis. This is no good!

I know Mr. Hill would like to respond to that, but I'm going to avoid this back and forth exchange, something should be saved for the rebuttal.

Moderator. Mr. Slaiman mentioned in his remarks, he referred to the *phony* Philadelphia plan and I wonder if he could explain why he used that term?

Mr. Slaiman. Yes, we predicted, George Meany and I predicted, that the Philadelphia Plan wouldn't produce any jobs for black workers. We did it because we said it was based on a wrong assumption with wrong figures. And we got the results. The record is clear.

The Labor Department came back to Philadelphia one year after the Philadelphia Plan was put in. And it found working on 25 Federal jobs, of over one half million dollars apiece, 41 black workers in the mechanical trades and it said, this is a great victory. This is 22% of the mechanical workers on the job, whereas the trades only had 2% when we started.

Herbie's right. People can really do things with figures. Now, I went back to Mr. Fletcher's memo and the reason he put in the Philadelphia Plan, he found there were only 96 workers in the mechanical trades in that city. There were 35% black workers in the trades in that city, not only in the Laborers, but in the mud trades and the Carpenters and others, but in the mechanical trades there were only 2%.

But, on the basis of 41 on Government contracts, and some of these were apprentices brought in by the Outreach Program, and the others were mostly guys who were members before, they find 22% on Government contracts. Don't mean a thing!

To get into the building trades in any city, you have to become a member of the total work pool—not a worker on an individual job that lasts two weeks, or two months or even a year because there are no permanent jobs like in industry. So what you have to do is bring workers into the union and you bring them in either as apprentices or as journeymen or some other method in which they get into the union on an upgrading proposal. It doesn't matter what figures or what quotas you send on an individual job.

We predicted that what would happen in the Philadelphia Plan is the contractors would play musical chairs. They take black workers off private jobs and put them on Federal jobs to meet their quota. And we pointed out that all the Philadelphia Plan did was say to a contractor, you have to agree to a range (which is a quota) of 5, 6, 7% and you have to make a good faith effort to get blacks on that job so if you need 12 electricians, 3 have to be black or two have to be black. And the contractor could do one of three things: He could go to the union and say I need 12 electricians, I wish you would make sure two or three of them are black and if the union did it by playing around, he was in compliance.

And if the union didn't do it or it didn't have any then he went to the community and the Government and would say, find them for me. And if they sent them to him, even if it violated the union agreement, he put them on and he was in compliance. And if they didn't have any journeymen, he was still in compliance. That's why we said it was phony.

And the last reason it was phony is the Government, in order to justify this, found that there were hundreds and literally a few thousand Negro journeyman in the city in these various crafts. But, when the unions asked the Government to produce these people and offered to take them into the union, the Government said we can't give you their names, we don't know where they are. The fact is they weren't there.

And that is why today the Philadelphia Plan is not working; it is producing nothing; it was a phony political gimmick to begin with by the Nixon Administration as it retreated along the line on civil rights enforcement in schools, in voting, in hospitals, you name it, in housing that they made a gambit with doing something for Negro workers against the trades and there were too many people that fell for it. And the record is there. One year after the Philadelphia Plan they produced 41, they don't say any of them were new. The Outreach Program alone placed in the mechanical trades in that period over 60 new minority apprentices.

Mr. Hill. I would like very much to comment. The Philadelphia Plan was not born during the days of the Nixon Administration. The Philadelphia Plan was born in a court suit known as Ethridge vs. Rhoades and decided by Judge Joseph E. Canary in the United States District Court in Columbus, Ohio in May of 1968. In this case, a 14th Amendment Case, the judge found the IBEW guilty of discriminatory practices and other unions involved in the State construction project. The defendant was Governor Rhoades, then the Governor of Ohio.

The court came up with a remedy that was urged on them by the NAACP and that remedy was not simply to bring relief to the individual plaintiff, Ethridge, but rather to establish the principle of the manning tables as the only way to secure compliance with the Federal Executive Order 11246.

The manning table concept is a very simple one. It says that: a contractor, before he is eligible to bid on a public construction contract, must agree in writing, in the contractual agreement, that there will be a specified minimum number of black workers or minority workers in each craft at every stage of construction. It was now necessary to go beyond pledges of passive nondiscrimination by unions and contractors and that the burden fell upon the State under the 14th Amendment when public funds were used to abuse the manning tables.

And where the manning tables *were* used as in Columbus, Ohio, in Cleveland, they *worked* until the AFL killed the manning table plan and there never was a Philadelphia Plan. It never went into effect. The unions engaged in a self-fulfilling prophesy because they never permitted it to work in Philadelphia.

Now, there is a great deal wrong with the Philadelphia Plan, the minimums are too low, the enforcement procedures are terrible, there are all kinds of loopholes and escape clauses that I have criticized again and again. But it has *one* thing and this is why the unions were opposed to it, why the unions killed it and why there never was a test in Philadelphia or any place else. The Philadelphia Plan never got off the ground because the unions would not permit it to get off the ground.

Even after a U.S. District Court Judge in Philadelphia, Judge Harold Wiener in a very eloquent decision, sustained the Philadelphia Plan. He said it was entirely consonant with Constitutional principles. The contractors aided and abetted. I just read the brief submitted by the AF of L building trades unions in support of the contractors' position. They are now appealing and they are in the 3rd Circuit Court in Philadelphia appealing this.

The fact of the matter is that we cannot say the Philadelphia Plan did not work because it was never applied in Philadelphia. The unions engaged in this self-fulfilling prophesy. They prevented it from ever taking off the ground and in the two places where the principle of the manning tables *were* applied, in Columbus, Ohio and Cleveland, until the building trades unions and the real leader of the building trades union, George Meany, used his not inconsiderable political powers to have the United States Department of Labor, the Office of Federal Contract Compliance, reverse itself by applying the so-called revised Federal Guidelines which required the manning tables. If the manning tables were permitted to work, if the unions supported them, this could be the most potent, the most effective breakthrough of discrimination in the building trades.

Moderator. I think we're only going to have time for one more question.

Eddie Johnson. Mr. Hill, did you say that there were instances where minority youngsters finished an apprenticeship program and then did not get their journeymen's cards?

Mr. Hill. In Buffalo, in Newark, in New Jersey, in Cleveland and several other cities, there are youth who have gone through programs that were concluded by now. Just last week, and I have read the findings of the New York State Commission against Discrimination in Buffalo, where four unions were found guilty and will now go to court, the black youth have signed depositions, sworn statements of their complaints to the Commission that they have gone through the same kind of apprenticeship training that whites went through. The whites were admitted into union membership as journeymen, the blacks were not. There are court cases pending in several other cities on precisely, this was a Build Program, this was a Justice or a Build Program in Buffalo and we have similar cases around the country.

Now, the real test, the real test is that there are black men who are working and who are certified by the State as master mechanics. In Buffalo, in a related case that is now in the District Court there, there are seven black mechanics in various different jurisdictions who are certified by the State of New York as journeymen. They carry journeymen certificates in their pockets and they do bootleg work in the public school system at night and the unions sort of look the other way when there is a job shortage. They are fully qualified journeymen. The State of New York has certified them as journeymen and the unions still refuse to admit them. These are men in their 50's and 60's who put in twenty or thirty years of work. This is not Alabama, this is not Mississippi, this is Buffalo, New York where there are fully qualified journeymen, who are certified by the State of New York as journeymen and the unions still refuse to admit them. This I submit, is the crucial test.

If things have changed, then why do unions all over the country defend their restrictive practices in court rooms where men who are certified by State licensed agencies and have worked for 30, 40 or 50 years as licensed plumbers or electricians, why do the unions still refuse to admit them? This is the real test, this is the key.

Moderator. Mr. Slaiman is asked to comment and then we'll move into rebuttal.

Mr. Slaiman. I am only going to comment on one little piece of this in regard to Mr. Johnson's question. Herbie again is playing games. He says that there are court cases on youngsters going through an outreach program that didn't get their journeymen card. Mr. Johnson asked him if there were fellows recruited by Outreach that finished an apprenticeship program that didn't get their journeymen cards. He is talking about a 29-week program, not an apprenticeship, which didn't have whites in it, which was a special program to get guys who were partially trained guys to become journeymen and there were four locals that didn't go along with it. Mr. Hill uses this as an example to make the charge that there are youngsters finishing apprenticeship programs in four and five years and then being refused journeymen cards. There is *no such case,* it never happened, but he spreads this stuff to the newspapers to print over and over and over again. The only effect of which can be that when we have a program, run by blacks in most cases, recruiting youngsters that are getting into programs and getting their cards it can only have the effect of *discouraging* them from using the opportunities.

Moderator. We move now into rebuttal, of reverse order of presentation. Mr. Hill will have seven minutes and Mr. Slaiman will have twelve. Our first speaker is Mr. Hill.

Mr. Hill. If we accept everything that Mr. Slaiman says is true, obviously I am doing this for purposes of the debate, if we accept everything he says as being absolutely true, which I do not because I believe he is seriously engaged in full distortions, half distortions and general fudging them. Let us accept that everything and then some and then more is true.

Given the context of the thirty years of radical, dramatic, revolutionary struggles in this country in terms of the struggles for back rights, the period that for purposes of demarcation, we will call the period between the issuance of the first Federal Executive Order 8802 in 1941 and five years of Title VII of the Equal Employment Section of the Civil Rights Act of 1964—Is anybody really prepared to say that there has been great progress in eliminating the pattern?

That organized labor has substantially complied with the requirements of this new body of laws, I want to suggest that the record is clear. Sure, there has been progress. But it has been a minimal strategic accommodation with the requirements of the law. In some cases and in *other* cases, there has been bitter intransigent resistance to what the law now requires. The record is clear—thirty years of litigation, thirty years of finding by State and Federal administrative agencies and within that context, within that context, it is simply the most dubious kind of sophistry or self-delusion or simply public dishonesty to argue that there has been large scale significant progress within that 30-year time span of dramatic revolutionary change in American race relations.

The record of organized labor and these questions within the past thirty years is not a proud one on this issue. Mr. Slaiman has educated me on one thing today, and that is what has changed (only one thing has changed) is the public relations facility to apostate the truth not to comply with the new body of civil rights laws.

Moderator. Thank you Mr. Hill. May I request that the people that have to leave now, to please leave quietly and that you give the speaker your attention. The final speaker is Mr. Slaiman.

Mr. Slaiman. I said at the beginning that the debate wasn't over whether there is discrimination in the labor movement. I think Mr. Hill's summation, as well as some of his other things, indicate the problem we have to deal with. Thirty years (the AFL–CIO was merged in 1955, thirty years ago was 1940).

Mr. Hill. All the union . . .

Mr. Slaiman. I didn't interrupt you, Herbie, purposely. Now, the question isn't whether there is still discrimination. Mr. Meany has said over and over and over again we have made progress, there is more to be done and we are not satisfied with the rate.

This is why the AFL–CIO supported Title VII because we are not trying to fool anybody that our efforts would move fast enough.

We have sixty thousand local unions affiliated to one hundred and thirty international unions all over the country. We are not a government. We are not a monolithic structure.

I don't think the labor movement has anything to apologize for. If anything, in the last years since we helped get a law, since the merger took place when the AFL came in together with the CIO, the rate of activity of union effort to move in this field has increased tremendously as has the crescendo of Mr. Hill's opposition to the Labor Movement increased tremendously.

As we accelerate our success, he gets to be more anti-labor. Now let me tell you something about his landmark case. I was so happy that he mentioned Cincinnati. It was a pure case. Dobbins was discriminated against. The local did not listen about taking him in. And the judge did find the pattern of discrimination, but he didn't agree with the Justice Department's demand that they eliminate the referral hall, that they throw out the baby with the bath, that they make the open shop.

He said a period of time when the referral hall would be controlled where any Negro applicants would be treated as if they had come in before. They took no test, they were referred as if they were a journeyman, even if they did not have five or four years in the trade. And do you know how many people were referred in the thirteen months of the landmark case taken by the NAACP headlines in the paper? Do you know how many Negroes came out and went to the hall and asked to be referred in thirteen months? *NINE*.

Mr. HILL. That is not true because the union has given twelve work permits already.

Mr. SLAIMAN. Nine individuals were referred, there were twelve referral applications.

Mr. HILL. There were twelve Negroes working as of this morning with temporary working permits from the unions. How can you say that—you are lying now. Now you are lying. There is no other word for it in the English language.

Mr. SLAIMAN. I have the figures here.

Mr. HILL. As of this morning twelve men in Cincinnati are working with temporary working permits from Local 212.

Mr. SLAIMAN. I have the figures here and I will mail them to Mr. Hill. From December, 1968 to November, 1969 there were twelve applications of nine or ten men. In the year after that there has been a few more.

There are not two members as he said but eight members who have journeymen's cards in Cincinnati. There are another six guys who are still on permit and haven't become members.

The point is there are not any more guys who come forward in Cincinnati because Herbie's statement that there are thousands of qualified journeymen being kept out by referral halls is bumcum.

The IBEW International President sent a letter to every construction local two years ago telling them to take in as members every Negro who is qualified who applies and given a way that they should be processed. The Outreach Programs have been recruiting journeymen.

I got the figures from the Joint Apprenticeship Program. In their fifteen cities they have placed, getting journeymen's cards in the last year and a half, 270 black workers. In New York, in Cleveland, in Buffalo, in Boston the fact is the reason there is not more progress of journeymen coming in is because unless people get the training for skilled jobs and there is no question that many more would have had it if there was less discrimination in the past, no matter what games the government plays or the courts lay down there will not be larger numbers.

This is why we said the Outreach Program is so important. It does not maintain racism, it gives the opportunity for people whether they are youth or older workers to get into the trades on the exact same basis as the guys who were in there before. And Mr. Hill opposes it.

Next point. There were many people who thought that Mr. Hill was only after the building trades. That it wasn't the labor movement. It was just the building trades because they were such racist institutions. You heard him today. His attacks on the Steelworkers, the Paperworkers, any other union you name that they have *institutionalized* in collusion with management a system of exclusion in which they have only given token compliance because there is a law, because they live off the backs of the black workers is what's the real issue here.

Herbie has an obsession. He says he's for coalition but how in the devil can you talk of a progressive coalition when you believe that you are in South Africa. That there is white employers and workers who in collussion and the colonial black mass of workers that are just being kept out. Now that is not the situation in the United States. Absolutely not the situation.

There are two million black members of trade unions. In 99 and 9 tenths percent of the cases, they get equal benefits, equal pay in the same jobs. Now let me come to his devastating point that unions like the Steelworkers and others are in courts because although they know they had to make a slight adjustment they are still in collusion with the companies to give the business to black workers. That is very slanderous.

You can have disagreements over what a union should do if it makes changes. You can have disagreements between even black and white workers in the plant but this kind of characterization is what's the problem. The Steelworkers have lawyers who are active in civil rights, who have consciences. They have a serious problem when they come to change seniority lines and the Government has people involved in this who don't know anything much about labor relations and about seniority and some of them could care less and you have a very difficult situation.

He referred to the Whitfield decision. Now long ago there was a decision that seniority lines in the Steel industry had to be open. That Negroes couldn't be kept just in the labor department. And the judge ruled that Negroes had to be moved up into these other jobs but that they start with new seniority at the bottom of these job lines, by the way, a practice many white workers go through in many plants. I am not saying it is good or bad but it's a fact of conditions.

Now when you not only open the lines but you make decisions about changing from departmental to plant wide seniority there are real problems. This isn't merely a question of being vicious or racist. There are legitimate problems to look at and the fact that the government demands that you change the seniority system one way without knowing what they are talking about doesn't mean that the unions are spending hundreds of thousands of dollars to give the business to their Negro members in order to keep them in a subordinate position to a white colonial aristocracy.

This kind of conception is what is between Mr. Hill and I. Now he says there are no changes. That there are two here and four there. The fact is that the patterns of hiring and promotion in industry after industry, building trades and otherwise have changed significantly, sometimes from union initiative and sometimes they have had to be pushed, including by the AFL–CIO.

George Meany didn't make after dinner speeches. I am not playing games with this stuff. We do serious work in this area and the results are there. They are there in Negroes upgrading; they are there in unions getting manpower bills to get money to help them upgrade; they are there in working with Outreach Programs; and they are there in looking to recruit journeymen who aren't even applying.

These are serious efforts and we don't have to apologize for them and most of the people in the civil rights movement understand that, and this is why Clarence Mitchell and Roy Wilkins speak as they do. They are not playing power games and covering up things.

The point is that Herbie has an obsession that the main obstacle to Negro workers are white workers, and the main institution in their way is the trade union movement. And this is very sad business. And it's a very dangerous business.

I have no argument with Herbie over what discrimination existed. I have no argument that the law should be used. I have no argument that progress isn't as fast as it should be. But I am not playing games with figures. I will back up everyone I gave everywhere, documented, in fact I am going to take that tape and take every statement made and put down the answers documented.

The problem is a very serious one. We are not living in a little world of just bad unions and good unions and bad workers and good workers. We live in a country in which the predominant economic interest is capital, is employers and the government is led by people who represent them more than they do working people and more than they do Negroes.

And the question is when people have to change things are they in a better position if they think they are enemies of the labor movement or the white workers standing over there or they see an objective or clear picture even if its a little complex. That's what the problem is, and all the court cases that Herbie indicates.

I come back to Cincinnati—the landmark case that took away all union control from preventing Negro workers from getting in who are not only qualified journeymen but even had any experience produced in two years. You take his figures rather than my figures, twelve, eighteen, twenty people.

The Outreach Program which he pooh poohs have brought in dozens times that many of qualified youngsters. And I gave you the figures. Although they haven't been recruiting journeymen as long, the Workers Defense League alone got journeymen's cards for 270 Negro workers in New York, Cleveland, Boston, and maybe one or two other cities.—270. That's far more than the Dobbins case produced in Cincinnati or the Manning tables produced in Cleveland or the Philadelphia Plan produced in Philadelphia.

Lastly, the Manning tables under the Wirtz Administration claimed they were doing a lot in Cleveland. So we had that checked. They claimed that 129 black workers went to work on government contracts and we found out that most of these were apprentices recruited by the outreach programs and guys who were already in the unions.

It is a phony but more than that what appeals in it is that it is an open shop approach which could only be justified if there were no other possible approach. This is the problem to take that kind of approach when the union policy that's being implemented offers a way of bringing Negroes in, in a way that white workers are not against, in which they can get a stronger union on mutual terms in an industry which has a higher unemployment rate today nationally than the average unemployment rate of Negroes.

To make this the fighting grounds to pit Negro against white. Taking head-on the existing unions security system with the connivance or cooperation or ignorance or what have you of the most "liberal part" of the Nixon Administration. John Mitchell's Justice Department, and to give this as militant, liberal, progressive, scholarly, intelligent, hard hitting answer to the backwardness of the labor movement is a sorry thing. I think the only thing we really can say is that Mr.

Hill is the anti-labor secretary of the NAACP. APPLAUSE.

MODERATOR. I know that you will join me in thanking both of our speakers for their presentation and we will see you next month. Thank you for coming.

FAMILY ASSISTANCE PLAN

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 15, 1971

Mr. DERWINSKI. Mr. Speaker, it is my deep conviction that with the recent passage of the welfare reform provisions contained in H.R. 1, the House started this country down an irreversible avenue on the long route to socialism.

There is still time for the Senate to correct the situation but, unless they do so, the wisdom of repeated warnings issued over the years will be too late confirmed and the rhetoric will become reality.

I was very disappointed in the House action, though there was some measure of consolation in the extent of the opposition to the ill-conceived family assistance plan. My keenest disappointment, however, has been the continued strong support of this measure by the Republican administration and the Congressional leadership of my party, in the face of so highly preferrable an alternative as the Curtis-Duncan bill offers.

Though I have been extremely skeptical of the family assistance plan from the begining, I could understand the administration's enthusiasm for it when it seemed the only alternative to the present chaotic program. It is doubtful that anything we might do could be worse than the mess we have now and FAP offered, at least theoretically, hope for improvement.

When President Nixon outlined his goals for welfare reform to the Governor's Conference at Williamsburg in the spring, the Curtis-Duncan alternative was not an actuality. Yet, it struck me even than that H.R. 1 was in several respects inconsistent with the goals the President stated.

With the advent of the Curtis-Duncan bill, which not only seems to me a vastly superior concept of welfare reform but offers an opportunity for the administration to achieve its high priority revenue sharing concept in the bargain, continued insistence upon the adoption of H.R. 1 became totally inexplicable, except perhaps in terms of political expediency. There was, no doubt, a natural "pride of authorship" since FAP was initially an administration proposal to the 91st Congress. But the bill which passed the House this year with full administration and leadership support had been extensively reworked by the Ways and Means Committee. There was no longer any need for the administration to claim it and, thus, its continued support cannot even be accurately described as politically expedient.

All this has had me, I confess, quite puzzled. It is, therefore, with considerable interest that I have noted the recent speeches of several of my colleagues intimating that there are around the President, advisers whose political philosophy commits them to a solution of the sort contained in H.R. 1 and that, in their enthusiasm for the bill, they have been less than candid—or to be more charitable, less than thorough—in advising the President of its content.

This led me to review the President's speech at Williamsburg and I find myself compelled to reach the same conclusion.

Let me set out, if I may, some specific examples. At one point in his speech, the President said this:

> What I advocate is a fundamental change of direction. I do not advocate putting more people on welfare rolls, as some have contended our program would do. What I advocate is getting more people off of welfare rolls.

Yet, it is an indisputable and undenied fact that H.R. 1, by providing welfare assistance to an entirely new category of families where there is an employable or employed adult member, will nearly double the number of people eligibe for welfare in the first year of operation.

Theoretically, the bill will operate to move off the welfare rolls these families and others now receiving welfare, over the long run. Even if that proved true, I question whether it is necessary to nearly double the welfare caseload for the short run in order to accomplish the goal the President seeks.

Realistically, however, a reduction in the caseload, even over the long run, is not likely to occur if H.R. 1 is enacted. First of all, by incorporating the "guaranteed annual income" concept as it does, it creates a built-in escalating factor which is likely to more than cancel any caseload reduction resulting from the application of its "work incentives" provisions.

During House debate on the bill my colleague from Oregon (Mr. ULLMAN), very ably and accurately described the predictable consequences of adopting the guaranteed annual income concept.

> Once you make the decision to accept that guaranteed annual income . . . you have reached the point of no return. Once you have adopted that principle, then the only question is: Are you guaranteeing enough? And, of course, all of us know . . . that you can mount a tremendous argument that it is not enough. . . . So the pressure on you to increase this income are going to build and build and build.

The pressures for economic justice through regular increases in the level of the guaranteed income will be just as strong—or stronger—than they have been for similar increases in social security benefits. And every time the level is increased new families become eligible and families who might otherwise have worked their way off the rolls remain eligible.

Surely the President must understand that if the provisions of H.R. 1 have been accurately represented to him.

The President went on to state in his Williamsburg speech:

> I do not favor a guaranteed annual income.

Both administration spokesmen and congressional advocates have gone to great lengths to disguise the "guaranteed annual income" provisions of the family assistance plan as income maintenance or income supplement or some other more salable commodity—a tastier and more easily swallowed purgative. But this is a classic case of "a rose by any other name" smelling the same.

I simply cannot believe that President Nixon could be taken in by so thinly disguised a ruse unless the provisions of H.R. 1 have not been accurately represented to him.

However, on still another point the President's clearly articulated goals for welfare reform have been seriously diluted if not overtly repudiated in H.R. 1.

For he said at Williamsburg:

> I advocate a system that will encourage people to take work, and that means whatever work is available.

And, again:

> On the contrary, I think those who refuse to register for work, and accept work or training should be ineligible for welfare payments.

Yet H.R. 1 begins by limiting to those jobs paying at least three quarters of the Federal minimum wage the categories of work an able-bodied welfare recipient must take or lose a part of his benefits. This hardly qualifies as "whatever work is available."

Then note that if he refuses even a job paying the required level of wages, he loses only a part of his welfare benefits—in the case of a family of four, $800 of the guaranteed $2,400—this hardly meets the President's expressed "ineligible for welfare payments" criteria for judging the obligation to those who refuse work or work training.

Finally, as pointed out in the House debate, there is a loophole a mile wide in the work requirement of H.R. 1, for section 211 contains language enabling an otherwise employable individual to escape the work requirement if the Secretary of Health, Education, and Welfare determines that he is "unable to engage in work or training because of illness or incapacity." Note that this determination does not require certification by a physician. It will be made under delegated authority by a local social worker. What kind of guarantee have we, then, that able-bodied adults will take work—"whatever work is available"—or be "ineligible for welfare payments."

Surely the President knows the extent to which present abuses of the welfare system are traceable to the ingrained opposition on the part of both HEW officials and local social workers to the concept of work incentives and moving people off the relief rolls into the working force. If he does not, he need ony read the reports of numerous State studies—the Oregon House of Representatives Task Force on Welfare, Governor Ogilvie's recommendations to the Illinois Legislature, Governor Reagan's findings in California.

If he realizes this, as I believe he must, then I can only conclude that he has been misinformed—or not informed—as to the content of H.R. 1.

Such inconsistencies are glaring

enough when there is no alternative. When a viable alternative is offered, and consideration of it is refused, those inconsistencies become indefensible.

I sincerely hope, therefore, the Curtis-Duncan proposal will receive not only thorough and favorable consideration of the Senate Finance Committee, but that the administration, too, will review its position and consider the possibility that this alternative is closer to its own expressed goals on welfare reform as well as more nearly in the best interests of the truly needy, the American taxpayer, and traditional American values in general.

Again I stress that there is a better way to welfare reform and it is achievable. I hope the citizens of this country will demand the best legislation possible—and get it.

Mr. Speaker, I ask unanimous consent to include at the conclusion of my remarks and excellent column by Willard Edwards in the June 12, 1971, Chicago Tribune which describes the importance of the Curtis-Duncan bill.

[From the Chicago Tribune, June 12, 1971]

CAPITAL VIEWS—CURTIS HAS SIMPLE WELFARE SOLUTION

(By Willard Edwards)

WASHINGTON, June 11.—It's going to be tough for President Nixon to find fault with the simple solution for welfare reform put before the Senate yesterday by Sen. Carl Curtis (R., Neb.).

It is based on Nixon's own vigorous statements of his goals.

Studying the President's remarks of April 19 at the Republican Governors' Conference in Williamsburg, Va., Curtis was impressed by Nixon's eloquent plea for revenue sharing and his description of the present welfare system as "disastrous."

Both revenue sharing (allocation of $16 billion in Federal revenues to the states) and welfare reform (a family assistance plan with a $1,000 guaranteed annual income for a family of four) have been listed by Nixon among his "six great goals."

Why not, Curtis asked himself, adopt the Nixon concept of revenue sharing as the basic principle of welfare reform? Why not solve two problems at once and aim for two goals by dealing with welfare reform thru the mechanism of revenue sharing?

There was no time to waste, because a welfare reform bill had been completed by the House Ways and Means Committee under Chairman Wilbur Mills (D., Ark.) and scheduled for early House consideration.

Curtis drafted his proposal and presented it as "reasonable alternative" more in keeping with the administration's aims than the Mills bill.

Since the President and Elliot Richardson, secretary of health, education, and welfare, have praised Mills and his committee for their work, they presumably are opposed to the Curtis substitute. They may find it embarrassing to explain this negative reaction.

The measure will have appeal, for example, to those conservatives and moderates disturbed by the guaranteed annual income concept (raised to $2,400 in the Mills version). The Curtis plan eliminates this concept.

Instead of enlarging the HEW bureaucracy by federalizing all welfare programs, as the Mills bill does, the Curtis proposal would dismantle that apparatus, returning to the states the responsibility for determining the nature of their welfare programs and regulations for administering them.

"The President," Curtis noted, "has pointed up the need to reverse the flow of power—to get more of the power of government back into the hands of states and localities.

"But the federalization of welfare goes exactly counter to the President's thinking on revenue sharing. I am told that the family assistance plan is designed to reduce welfare rolls and put able-bodied recipients back to work. But I look at the projected cost, and reason rebels. You don't cure a problem by doubling its size and its costs."

Curtis, No. 2 ranking Republican on the Senate Finance Committee, which will write its own version of welfare reform after the House acts, believes he will get some committee support for his substitute plan which leaves untouched those sections increasing Social Security benefits.

He may get an even quicker test of congressional sentiment on his proposal when the Mills version of welfare reform reaches the House floor in a week or two.

A group of 10 House Republicans, headed by Representatives Philip Crane (Ill.) and Edward J. Derwinski (Ill.), began soliciting votes for the Curtis substitute. They predicted cosponsorship by a minimum of 72 members, thus insuring a spirited floor battle and record vote unless the Democratic leadership succeeds in a current attempt to impose a gag rule on amendments.

HISTORIANS COULD ANNOINT NIXON

HON. J. HERBERT BURKE

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 14, 1971

Mr. BURKE of Florida. Mr. Speaker, I call the attention of my colleagues to a recent column by Pete Laine in the Miami Herald which opens with the question: "Is Richard Nixon heading for a spot in history as one of the greatest Presidents?"

After reviewing the record the writer concludes that "chances are building that history will like the Nixon record."

The article follows in full:

[From the Miami Herald, May 25, 1971]

HISTORIANS COULD ANOINT NIXON

ONE OF THE GREATS?

(By Peter Laine)

WASHINGTON.—It's a thought that takes some getting used to, but is Richard Nixon heading for a spot in history as one of the greatest Presidents?

Tricky Dick of the used-car gag? The retreaded reject? The packaged image? Has there been some mistake?

The question may answer itself in the negative since a nuclear age may have no historians.

But, assuming there are some, they will possibly agree that the last pre-Nixon year, 1968, was when the United States came closest to insanity.

Even now it sears the memory. The assassinations. The burning cities. The machine-gun outside the White House. The debate about actually sending more troops to Vietnam. Chicago. LBJ, the President who couldn't travel freely in his own land.

Thirty months have passed since the election. Which of the happenings of this period will stand out, say, 30 years from now?

One will surely be the U.S. withdrawal from the war, easing global tension. For those who like their history in date form, 1969 may turn out to be the year the nation shed its delusions of divine majesty in world affairs.

Will the rate of withdrawal from the war seem as important in years to come as it does now? Probably not.

It may be observed in retrospect that Cambodia and Laos did not, after all, provoke retaliation from Red China. It will certainly be noted that the United States and Red China had friendly contacts for the first time in a generation.

Historians will hardly fail to remark that the cities of America stopped burning, the desegregation of schools was stamped final, the college presidents reoccupied their offices, the fight to save the environment cranked up, and the Pentagon spending curve turned down.

One event of recent days, the SALT accord, may deserve to be remembered as a turning-point in human affairs.

It would be absurd for one man, even a President, to claim all the credit for all good works. Events often lead, compelling men to follow. Luck plays a part, like throwing in a first moon landing planned by someone else.

Yet how is a President judged if not by the milestones the nation passes while he's in the driver's seat?

Richard Nixon may still be cashing in mostly on the windfall of not being Lyndon Johnson, which could have happened to anyone.

Whatever its cause, chances are building that history will like the Nixon record—especially since historians will see it unencumbered by the heavy hands and loud voices within his own establishment.

REPORT ON SEX IN THE PUBLIC SCHOOLS

HON. BELLA S. ABZUG

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 14, 1971

Mrs. ABZUG. Mr. Speaker, the public schools in this country continue to perpetuate the powerlessness of women in society. This report on sex bias, prepared by the National Organization of Women, discusses the many different forms of discrimination against women in the educational system.

Overtly, women are assigned to sex-segregated classes, teachers who favor their male students, and guidance counselors who discourage them from many careers that have limited numbers of women in higher levels of administration. A more subtle, but nonetheless extremely damaging practice common in the public schools is the stereotyping of sex roles. Teachers, administrators, and the curriculum all dictate that a woman must accept subordinate roles in society—that they must have a cetain career aspirations rather than others—not because they are not capable of doing all kinds of jobs, but simply because they are women.

I support NOW's efforts to expose this sex bias in the public schools in order to bring it to an end. We must offer the young women in our society the same opportunities we offer the young men—by opening all educational opportunities to both male and female students—as well as by putting an end to the damaging stereotyping of sex roles that prevails.

Social expectations strongly expect women to be passive, dependent, and submissive. Until the schools stop judging students' abilities on the basis of their sex, society will be denying itself the realization of the full potential of over one-half its members.

The report follows:

REPORT ON SEX BIAS IN THE PUBLIC SCHOOLS

I asked Miss Jonas if my daughter could take metal working or mechanics, and she said there is no freedom of choice. That is what she said.

The COURT. That is it?

The WITNESS. I also asked her whose decision this was, that there was no freedom of choice. And she told me it was the decision of the Board of Education.

I didn't ask her anything else because she clearly showed me that it was against the school policy for girls to be in the class. She said it was a Board of Education decision.

Q. Did she use that phrase, "no freedom of choice"?

A. Exactly that phrase; no freedom of choice.

That is what made me so angry that I wanted to start this whole thing.

Q. Now, after this lawsuit was filed, they then permitted you to take the course; is that correct?

A. No, we had to fight about it for quite a while.

Q. But eventually, they did let you in the second semester?

A. They only let me in there.

Q. You are the only girl?

A. Yes.

Q. How did you do in the course?

A. I got the medal for it from all the boys there.

Q. Will you show the court?

A. Yes (indicating).

Q. And what does the medal say?

A. Metal 1970 Van Wyck.

Q. And why did they give you that medal?

A. Because I was the best out of all the boys.

The COURT. I do not want any giggling or noises in the courtroom. Just do the best you can to control yourself or else I will have to ask you to leave the courtroom.

This is no picnic, you know. These are serious lawsuits.

DEAR BOARD OF EDUCATION: You and we have a lot in common:

People blame all their problems on us.
We sometimes feel defensive.
We sometimes make mistakes.
We both work to educate.
We both confront a bureaucratic maze.
We both believe our work can improve the future.

EDUCATION COMMITTEE,
NATIONAL ORGANIZATION FOR WOMEN,
NEW YORK CITY CHAPTER.

WHAT WE HAVE FOUND (RESEARCH COMPILED BY CLAIRE PAISNER DOUBROVSKY)

ELEMENTARY SCHOOLS

The Education Committee of the New York City Chapter of the National Organization For Women has received numerous complaints from parents of elementary school pupils. These complaints have had to do with the following problems:

A. GENERAL SEGREGATION

Administrators and teachers frequently group, line up, or seat students according to sex. Activities are frequently assigned according to sex. (One teacher who considers herself "liberated" because she disliked housework, had her pupils making paper hats—baseball caps for the boys and nurses caps for the girls!)

B. GYM

Even where boys and girls are given physical education at the same time, they are often sexually segregated. Boys may have more exacting exercises to perform (chin-ups, push-ups) while girls are doing such things as jumping rope. In many cases, boys are given the opportunity to play basketball and softball more frequently than girls. When the girls play softball, it is among themselves, with lenient rules (they are given several chances). Girls often play on smaller, unmarked fields, while boys use the baseball diamond with marked bases on the playground. Sometimes boys play against girls, instead of forming teams with boys and girls on each team. Teachers frequently make the mistake of pitting one sex against the other with such phrases as "Boys shouldn't hit girls."

C. MUSIC

In some cases boys are encouraged to learn certain instruments and girls are encouraged to learn others.

D. TEACHER'S HELPERS

Administrators and teachers frequently favor boys over girls for helping with such chores as carrying books, holding doors, working with audiovisual equipment, etc. Those who are chosen to help are often considered "elite" by other students, as well as by themselves.

E. PLAYS

The way parts are assigned in various plays and skits in the classroom and the auditorium often reflects traditional stereotypes. For example, the part of the doctor, principal, or business executive would be played by a boy and the part of the nurse, teacher, or secretary by a girl.

F. LESSON MATERIAL

In addition to readers (See Appendix, pp. 13–19), teachers assignments frequently show stereotyped attitudes toward males and females. In math problems, women work with recipes while men handle high finance. Exercises in grammar of English and other languages ask students to diagram, memorize or phrase a reply for sentences which invariably show males and females in stereotyped roles (mother washes dishes while father reads the newspaper).

JUNIOR HIGH SCHOOLS

Our committee has received many complaints from junior high school students and parents regarding discriminatory requirements and/or restrictions in home economics, shops, physical education, and extra-curricular activities. Since witnesses in the Sanchez case testified to similar discriminatory practices in the schools, I will not describe those grievances here, but merely call attention to the court records reproduced in the Appendix, pp. 21–28.

ACADEMIC HIGH SCHOOLS

The Public High Schools, New York City, 1970–71 lists three academic high schools for boys: Haaren, DeWitt Clinton and Boys High School; it lists five for female students: Hunter, Washington Irving, Walton, Bay Ridge and Prospect Heights.

Until recently, women were excluded from Stuyvesant and Brooklyn Technical, two of the four "specialized" high quality academic high schools, which require special entry exams. (The other two, Bronx High School of Science and Fiorello LaGuardia High School of Music and Art have been co-ed.) Stuyvesant and Brooklyn Tech prepare for higher education leading to careers in science, math and technology. Stuyvesant was sexually desegregated in 1969–70 as a result of the celebrated court suit of Alice De Rivera, who won her right to attend the school through a conciliation settlement on May 5, 1969. Probably also as a result of that decision, the Board of Education decided to open up Brooklyn Tech to women students the following year, 1970–71.

The National Organization For Women is concerned about the slow pace at which these two schools are opening to women. Last year Stuyvesant had about a dozen women, this year about 220. There are 2,250 students in the school. Brooklyn Tech, as of September, 1970, had 2 women students out of a total of 5,200 students (See Appendix, p. 29). There is reasonable cause for the low enrollment of women in these two schools since the *Official Directory of the Board of Education, 1970–71* still lists Stuyvesant and Brooklyn Tech as "boys" schools, and the mimeographed sheet of corrections for the Directory makes no mention of the change in Board policy regarding admissions to these schools.

VOCATIONAL HIGH SCHOOLS

The favoritism for male over female students stands out in a particularly blatant way in the system of vocational education. A Board of Education catalog, *The Public High Schools, New York City, 1970–71* lists 17 segregated high schools for either "Boys only" or "Girls only." Of these 17, 12 are for male students and only 5 are for females. The National Organization For Women is particularly disturbed that certain highly specialized vocational high schools are reserved only for male students, such as, Automotive, Aviation, Food and Maritime Trades, Thomas Edison, George Westinghouse, and others. These schools prepare students for careers in mechanics, catering and the electrical industries.

It is particularly ironic that women who are required to take cooking in Junior High School, are not allowed to enter Food and Maritime Trades High School, the only school in the city where they may study to be chefs.

Not only are many vocational schools segregated, but many courses in the co-educational vocational schools are closed to girls. A flyer put out by the High School of Fashion Industries lists, out of nine areas of specialization, three areas for "boys only" (Production Techniques, Upholstery Manufacturing, and Men's Clothing Design and Manufacturing) and one field for "girls only" (Women's Apparel Construction). This means ⅓ of the program offered by the co-educational school, is closed to female students, and 1/9 of the program (that specifically devoted to women's clothes) is closed to male students. Such segregation does not even make a pretense of being "separate but equal."

If we consider the course offerings in all of the vocational schools, *The Public High Schools* lists 77 major technical courses open to males, while a mere 36 are listed for females. Most of the courses on the female students' list, such as typing, stenography, floristry, and cosmetology, are also on the list for male students, but most of the subjects on the male list are not on the female list, such as architectural drafting, radio and TV mechanics, jewelry making and, as I mentioned earlier, commercial cooking and catering.

Although the catalog of high schools, for the first time this year, does not list the New York School of Printing as "for boys only", the same catalog does not list any printing trades courses open to female students. And there are in fact no women enrolled in the New York School of Printing. Furthermore, administrators of that school seem unaware of any move to end the sex segregation in the school (with the exception of the post graduate evening school).

We question the exclusion of men from courses in Practical Nursing and Pre-Registered Nursing. And we find the distinction between the male course in dentistry (Dental Laboratory Processing) and the female course (Dental Office Assisting) remarkably blatant in its discrimination against women.

The Vocation High Schools for males only, as listed in *The Public High Schools, 1970–71* are Chelsea, Alexander Hamilton, Automotive, Alfred E. Smith, Samuel Gompers, Food and Maritime, Manhattan, East New York, George Westinghouse, William E. Grady, Aviation and Thomas A. Edison. In addition, the *Official Directory of the Board of Education, 1970–71* lists the New York School of Printing as for male students. In other words, two directories for the current year have conflicting information. Vocational high schools for girls as listed in *The Public High Schools, 1970–71* are Mabel Dean Bacon, Jane Addams, Clara Barton, William H. Maxwell, and Jamaica. Again the *Official Directory of the Board of Education*, 1970–71 lists one more as for "girls": Sarah Hale. Moreover, the sheet of corrections given out with the *Official Directory* does not indicate that either the New York School of Printing or Sarah Hale now welcome both sexes. Thus, there is confusion as to what the policy of the Board of Education is.

SEX EDUCATION

The institution of Sex Education courses was originally supported by feminist groups. However, the courses as they are currently taught have generally failed in our original hopes. They do not provide any information on contraception; they in no way emphasize the ecological crisis we face due to overpopulation. Instead they purport to teach "ideal" sex role behavior.

As of September, 1969, Sex Education was taught to some of the students in 295 out of the 900 public schools in New York City, including 45 of the 100 high schools. These classes are still given separately to male and female students.

In the teachers manual prepared especially for these classes, the words "contraception" and "birth control" are not used a single time. "Family Planning" is referred to only briefly in passing.

According to the coordinator of the courses at the Board of Education, Herbert Karp, who was interviewed in the Spring of 1970, not only does the Board wish to avoid offending anyone's religious principles, but it is afraid the teaching of birth control in too great depth might be legally interpreted as "undermining the morals of a minor," thus exposing the instructors to the dangers of legal suit.

The biology of human and/or animal reproduction is covered at every grade level, but it comprises only 15% of the total curriculum, the rest of the course being devoted to problems of "family living."

Aside from the illogicality of sex education classes which avoid the subject of contraception, we note some other surprising elements in the curriculum as set forth in the teacher's manual called "Family Living Including Sex Education." Notions of female passivity and the "woman's place" have been instilled as early as grade one, where the manual tells us that girls "usually play with dolls and engage in housekeeping activities and sewing," while boys "are generally very active, almost in constant motion" (1967–68 edition, p. 16). The manual goes on to show six-year-olds the "kinds of work men usually do" and "the kinds of work women usually do" (p. 17). In grade ten when students are subjected to such topics as "finding life's purpose in raising children" (p. 55), we witness the school reinforcing all of the social pressures which propel young women toward early motherhood. A revised edition, published in 1970 still instructs teachers in grades one and two to "talk about the kinds of work men and women usually do."

GUIDANCE

Apart from specific cases of official prerogative based on sex, high school women have complained of more subtle ways in which guidance counselors, teachers, and the curriculum tend to channel young women into the so-called "female" occupations which provide low salaries and little chance for advancement.

If 98% of domestic workers, 97% of secretaries, and 3 out of 4 clerical workers in this country are women, it is partly because the schools have failed to motivate them and prepare them for more remunerative roles. In saying this, we fully recognize that the education system did not itself create sexual and racial discrimination in the business world. But the education system is none the less responsible to help young women as well as young men develop to their greatest potential.

PERSONNEL AND ADMINISTRATION

Finally, we leave the students' side of the question and come to the position of women on the staff of city schools.

In the 1967–68 term, women students at the senior colleges of the City University received 61% of the advanced certificates in education, and 62% of the Masters Degrees. Of these Masters Degrees received by women, 75% were in education.

In the fall of 1969, women held 59% of the city's teaching positions, but only 36% of the supervisory positions.

Furthermore, of all principals in the city schools, women accounted for only 23% of elementary school principals, 12% of junior high school principals, and 14% of senior high school principals.

We believe these figures indicate a pattern of discrimination against women, and we feel it is the responsibility of the Board of Education to investigate and attempt to correct these inequities.

In conclusion, this evidence of sex discrimination which we have enumerated raises vital questions of concern to all parents and citizens of all ethnic and economic backgrounds. For we are talking about the basic right to prepare one's self to earn a living, to harness one's skills, and to contribute in the fullest measure to the productive forces of our society.

WHAT WE RECOMMEND

(By Anne Grant West)

Our discontent comes from the fact that we, as women, have been doing what we have been raised to do. We have prepared thousands of meals for our families, but we have been unable to wield power in industries that are poisoning the food we cook. We have spent our best years raising our children, only to find that we have no power over the job market that condemns our daughters to economic dependency, and we have no power over the political and military system that sends our sons around the world to kill and be killed.

We are here tonight in the hope that our generation of women will be the last to be made so powerless in such desperate times.

Our specific recommendations to you, the Board of Education of the City of New York, are as follows:

At the elementary school level, we demand an end to all sex segregation on playgrounds and in classes. Principals and teachers should be instructed that there shall be no grouping, lining up, or seating of students in sex-segregated groups in classrooms, corridors, lunchrooms, or auditoriums, and that different activities will in no way be specified for different sexes.

The same rules shall apply to intermediate and junior high schools. New York State requires two years of shop and/or home economics courses. We feel the appropriate adaption of this is to require one year of shop and one year of home economics in coeducational classes.

We further urge that courses in sex education be coeducational, and that the curriculum contain factual information on contraception and on the ecological crisis we face due to overpopulation. Such courses should no longer put forth an "ideal" or "norm" of "masculine" and "feminine" behavior.

We are convinced that most physical education courses could be taught beneficially in coeducational classes. We urge that the normative standards set for athletic performance be set by the entire school population, both male and female. This would allow females the dignity of competing against the same standards as males, and it would protect non-athletic males from the emotional tension and physical stress of having to perform to the level of an unnecessarily high "male norm." The new norm will in no way prevent the high athletic achievers from setting new records.

We especially urge that coeducational courses in self-defense be provided for all students in the hope that they will be better able to protect themselves against sexual and non-sexual attacks.

We urge that all discriminatory guidance practice, such as the tracking of females into secretarial courses, be ended immediately, and that all guidance counsellors and students be made aware of the full range of courses open to all students, regardless of sex.

We expect that the various school directories issued by the Board of Education will be updated to indicate that formerly sex segregated schools are now coeducational. And we expect that meanwhile, a mimeographed sheet announcing these changes will be distributed to all guidance counsellors and to all students now applying to high schools.

We expect that neither academic nor vocational high schools, nor evening trade schools will remain sexually exclusive. This means that no high school will place a de facto quota on females admitted. It further means an end to all public school sponsorship of training programs in cooperation with unions which continue to bar women from apprenticeship programs, from union membership, and from equal opportunities with men in job placement.

We expect that no courses, either in vocational or academic high schools will be barred to either sex, and that all classes will be coeducational.

We expect that experimental programs which provide work-study opportunities to help students complete their high school work shall no longer bar girls from participation, and that such programs shall provide the same work experiences and opportunities for both males and females.

We urge that no school be permitted to sponsor any sex segregated extra-curricular or service squads. We demand that males and females be allowed an equal opportunity to serve as office and library aides, and on hall patrols, audio-visual equipment squads, stage squads, and all other clubs. We expect that all principals and supervising teachers shall be informed of this policy.

Females who are competent athletes should not be barred from any teams, including official school teams which compete against other schools and which receive trophies and publicity.

Just as college cheerleaders are frequently male, high school men should be encouraged to be on cheerleading squads.

We urge that a bibliography and resource manual of women's studies be distributed to all school librarians, and that current textbooks in social studies be supplemented with materials on women's studies. We urge the Board of Education to notify publishers that the image of girls and women presented in texts for all courses will be taken into consideration on all future purchases of textbooks. We suggest that this Report on Sex Bias in the Public Schools accompany the Board's notice to publishers.

We demand that all schools be required to submit to their District School Boards and the Board of Education a report, to be made public, of the number of men and the number of women holding positions as regular teachers, teachers with special job assignments, department chairpeople, supervisors, principals, and so forth. We expect that schools showing evidence of sexual discrimination shall be required to comply to fair standards of employment and assignment for all teachers, regardless of sex.

We recommend that the Board of Education issue publicity to stress the right of women to apply for higher positions in the school system in order to impress upon college advisors, as well as upon men and women in education, that women are as much entitled as men to support themselves and their families by filling high-ranking positions in the school system.

We urge you to seriously investigate the possibility of conducting classes on the business day schedule so that children will not be excused from school three hours before their parents return home from work. The present school hours are not only unnecessary, since we now have electric lights to read by, and since our children no longer have farm chores to perform, but they also place an unreasonable burden on the modern urban family. The school schedule requires at least one parent to limit work opportunities to unrealistic hours, or to find other arrangements for childcare in the intervening hours. The situation is especially intolerable for families with only a single parent.

We urge the institution of accredited in-service courses to help educators become conscious of their own sexual assumptions while they deal with the problem of sex discrimination in the schools. Mrs. Grady will present this proposal more fully.

Finally, we ask if a Board member here will move the establishment of a Committee on Sex Bias in the Schools. The responsibilities of such a Committee would be to study the recommendations we have set forth, and to suggest methods of implementing these recommendations in the schools. We would hope that at least three of our members would be permitted to sit on such a Committee. The Committee would be limited to advisory power, but it would have authorization to gather information on the schools, and it would be officially introduced to the District School Boards as an advisory Committee of the Board of Education.

In conclusion, we hope to effectively cooperate with you to bring women into full and equal partnership with men in the schools, and soon, throughout all of our society.

A PROPOSAL FOR CONSCIOUSNESS-RAISING IN THE PUBLIC SCHOOLS

(By Kathleen Grady)

RATIONALE

As members of the Education Committee of N.O.W. we have spoken to many people in the school system: psychologists, principals, and teachers. Our original goal was to point out specific discriminatory practices against the students. Again and again we found we were dealing with their own sex prejudice. For example, Junior High School principals in the Executive Training Program were given a questionnaire to fill out and 63%, men as well as women, agreed with the statement: "I can recognize in myself a certain amount of bias against women."

This bias took many forms. It was perhaps most evident in the questions relating to hiring. In a general question dealing with hiring a better qualified woman or a man with a family, only 44% would hire the woman. In a more specific question on hiring a secretary, 31% said they would hire a less qualified woman over a more qualified man, presumably because of sex-stereotyping: secretarial work is thought to be woman's work. Presumptions about sex-related traits and a fairly narrow definition of social roles was also evident throughout the questionnaires. Many of the responses indicated simple misinformation or ignorance of relevant research and data about the differences between men and women.

All the school personnel we spoke with were well-meaning, intelligent people who have simply not examined their presuppositions and assumptions in this context. Many showed suprise at some of the facts we presented and interest in the ideas. It is clear that we have all been subject to the pervasive sex prejudice of the society at large. Teachers, along with the rest of us, see themselves in roles limited by their sex and condition their students to the same views, often unknowingly, through differing evaluations and expectations of the sexes.

PURPOSE

We would like to propose an in-service training course on sex prejudice and social roles for teachers, guidance counsellors, and any and all other interested school personnel. Our main objective is to interrupt the inheritance of prejudice through an educative process that will bring such attitudes to the conscious level, allowing them to be retained or discarded in a rational fashion. Our specific objectives are as follows:

(1) to understand society's sexual bias and expectations of the individual,

(2) to allow school personnel to understand their own sexual bias and expectations of themselves, of their associates, and of their students,

(3) to permit the people enrolled in this program to become familiar with the traditional means of establishing sexual roles,

(4) to enable school personnel to examine their own and their students' sex-defined roles,

(5) to establish an atmosphere that will allow the participants of this program to explore widening choices of sexual roles.

METHODS

Consciousness-raising is a technique developed by persons desiring to increase their sensitivity to such problems as racism and sexism. Its core is the small discussion group, but it differs from other such groups in several significant ways. Consciousness-raising falls between lecturing and encounter group interactions. It has the immediacy and some of the emotional content of the latter, but the idea orientation and choice of beliefs of the former. The major feature that distinguishes it from lecturing or topical seminars is the personal aspect. Participants relate ideas to particular experiences. Everything theoretical is firmly grounded in practical instances and examples.

To facilitate consciousness-raising in the limited period of time that the course will run, certain assertive techniques will also be included. The advantage to introducing some of these techniques of encounter group interactions is to help participants recreate experiences for demonstration, re-experience them in a different role, and in other ways consider themselves and commonly accepted attitudes in novel ways. The purpose is to interest the participants, help them to enjoy the experience, and to provide a bridge from theory to practice.

An important aspect of this course will be that all activities within it will be voluntary. No one will be required to participate in psycho-drama or even discussion, and intervention by the leader should keep group pressure for conformity in check.

NOTES ON CURRICULUM

I. The individual examining the role conditioning in her/his own life:

(a) Choice of profession.

(b) Acceptance of responsibility on the job.

(c) Ambition for advancement.

(d) Single or married: does the individual consider her/himself fulfilled?

(e) Dress for job: what does the individual consider appropriate?

(f) Dealings with the other sex on equal, higher, or lower levels.

(g) How seriously does the individual take the importance of the job to her/himself, her/his family?

(h) Language and facial expressions used in dealing with other personnel and the students.

(i) How the individual reacts to the sex bias of her/his students.

(j) How do men and women feel toward women administrators?

II. Differing expectations by teachers of the students in regard to—

(a) Temperament—do teachers expect and tolerate more independence, aggressiveness, loudness, restlessness from boys? more dependence whining, giggling from girls?

(b) Intellectual abilities—do teachers believe that girls are more verbal, boys more mathematical? that aggressive curiosity is more to be expected from boys?

(c) Socialization—do teachers expect girls to be more "mannered" in the conventional sense and encourage them to be "feminine" (passive, dependent)? Do they encourage boys to be "gallant" (move the girls' chairs, etc.)? Do they expect the girls to be more religious and moral, boys to be more loyal and ethical?

(d) Language use—do teachers expect and tolerate more slang, rough language from the boys?

(e) Dress—do teachers expect girls to be neater, follow fashion styles and seasonal changes more closely? do they pity girls who are unable or unwilling to play the fashion game? do they reinforce those who do? do they react unfavorably to boys who have long hair, wear earrings, or girls who wear slacks? do they stress modesty for girls?

(f) Health—do teachers expect boys to be more robust, less complaining and reinforce girls for being "sick" monthly? do they encourage a healthy respect and confidence in their bodies in boys and a morbid anxiety and fear on the part of girls?

(g) Athletics—why are boys and girls segregated if they are in their athletic activities? do teachers expect competence from boys and failure from girls? are the terms "sissy" or "tomboy" ever applied?

(h) Interests—do teachers expect girls to be more interested in childcare, home, and family? do they expect boys to be interested in cars, sports, building and creating with permanent materials (rather than food and cloth)?

(i) Career goals—do teachers expect boys to be doctors, girls nurses? do they encourage the continual sorting out of career options by boys and overlook the need in girls?

(j) Sexual attitudes—do they think boys have stronger sexual urges and interest and therefore expect and tolerate more from them in the way of questions, jokes, masturbation?

(k) Monitorial duties—do teachers expect girls to do light housework and secretarial chores in the classroom, boys to do the heavy work and executive duties?

In addition to these personal and school-related themes, general presentation of the relevant biological and cultural research on sex differences will be included as well as the evolution of the social roles of men and women. It is important to remember that every difference between boys and girls increases with age. Until and unless the school system treats them absolutely equally, there is no reason to assume that it isn't the school system itself that is creating these differences.

SEX ROLE STEREOTYPING IN ELEMENTARY SCHOOL READERS

According to the statement of purpose adopted at the organizing conference of the National Organization for Women in Washington, D.C., October 29, 1966:

"We believe that it is as essential for every girl to be educated to her full potential of human ability as it is for every boy, with the knowledge that such education is the key to effective participation in today's economy and that, for a girl as for a boy, education can only be serious where there is expectation that it will be used in society. We believe that American educators are capable of devising means of imparting such expectations to girl students."

Are American educators taking the potential of girl students and their expectations seriously? A study of elementary school textbooks carried out by the Central New Jersey Chapter of N.O.W. indicates that they are not. It further indicates that girls are being actively demotivated as participants in the life and work of the nation by the concepts conveyed in the books they read in school.

An introductory essay entitled "A Message to the Teachers from the Authors" in Lippincotts' Basic Reading Program refers to the rewards of learning to read:

First, there is the great satisfaction of mastering a skill in an orderly fashion. The reward of emulating the grown-ups for whom reading is obviously very important, is the long-range goal, but the skill itself is reward and delight to the beginner. On top of this delight in learning for itself we seek to reward the young learner with amusing or exciting stories as fast as we have words for them.

In a total of 144 readers examined (from fifteen reading series and ranging from primer to sixth grade level) there are 881 "amusing and exciting" stories centering around boys to 344 stories centering around girls. This represents 72% boy-oriented stories to cater to 49% of small boys in the elementary school population.

Similarly, there are 282 stories centering around adult males to 127 stories centering around adult females. There are 131 biographies of famous men to 23 biographies of famous women.

In the early grade readers the oldest child in a family is always a boy. Boys are associated with making, earning, playing active games, learning, romping with dogs and helping their fathers.

Girls are associated with helping their mothers or brothers, playing with kittens, getting in to minor forms of trouble and being helped out by their brothers. Patterns of dependence, passivity and domesticity are apparent. Story lines from Scott Foresman's first three primers go as follows:

"Boy sets up carnival act. Boy teaches dog to jump for food. Boy solves problem of keeping mother's floors clean. Boy solves problem of runaway dog. Boy plays ball. Boy uses magnet to solve problem for girl. Boy builds car, girls interfere."

Story lines for girls go:

"Girl is frightened by older brother. Girl is helped by older brother. Girls play with Toddy and kitten. Girl is helped by older boy. Girls solve their own problem (this is very unusual). Girl mistakes cat on television for her own kitten. Girl goes shopping with mother. Girl helps mother choose books. Girl paints picture of cat."

In Book One of the same series boy story lines begin to offer specific achievements for boys as well as contacts with adults outside the home:

"Boy finds policeman's button and returns it. Father mends boy's sled and they go off together to ride it (leaving mother at home). Boy wins race with renovated sled. Boy helps to deliver groceries. Boy waits for postman, longs for letter, learns of new boy on block and makes friends. Boy on farm befriends pony."

Girls in the same book have no outside contacts or achievements other than shopping expeditions. They begin to show tendencies to minor stupidities and mishaps.

"Girls boast of new dresses, find they are identical. Girl goes shopping for mother and forgets where her pocket is. Girls goes shopping, drops apples, forgets eggs. Girl loses bunny, boy finds it for her. Girl longs for her own telephone call, finally gets one from mother, calling the children home. Girls make corn patties, chickens eat them."

In Harper and Row's Basic Reading Program "Around the Corner, Primer Level", a girl wanting to "do something different" is taken on a shopping expedition to buy her brother some new T shirts. A little lamb asks her mother what she can be, and mother replies: "Some day you will be a sheep. A mother sheep, just like me! That is what you can be."

Derogatory comments directed at girls in general are common in all series. Thus, in the Ginn basic readers Book Six, a girl gets lost in London, with the comment: "Girls are always late." In the Harper and Row Basic Reading Program, Primer Level, page 45, we find: "Look at her, Mother, just look at her. She is just like a girl. She gives up."

In the same series: "Get lost," said Ann, "I am just a girl, but I know enough not to do that." Also: "you cannot write and spell well enough to write a book You are just two little girls." Finally: "Let a girl do the starting? Not a chance!" and "That's right, Fatty, let a girl do the work!"

It is accepted in the reader universe that to denigrate girls is a satisfactory sign of masculinity in small boys. The effects of this attitude on girls themselves is not considered.

Mothers in all the series read are occupied with domestic cares and services. In illustrations they wore skirts, smiles, short, neat hairdos and aprons, and they often carry trays of cookies. Sometimes they drive cars. In one Bank Street Reader a working mother is found (but only in a school food line), and a Harper and Row Book Five story describes a fat, unhappy bully whose problem, by implication, is that his mother works and is not at home to welcome him after school. (page 107) "Martin had never minded, or anyway, not very much, and it wouldn't have mattered if he had minded, because the Hastings family needed the extra money she made." This child conflicts in the story with a "good" boy whose mother is at home every day to give him cookies and milk. The implicit social judgment is unmistakable.

Mothers are never shown doing independent work of their own or coming back to the family after some personal expedition. They are described as emotional and unreasonable. Thus in S.R.A.'s "The Purple Turtle," page 95: "My Mom says 'Don't, you'll mess your shirt'." On page 152: "Roger's mother wept, afraid that her son would be eaten. But Roger was a brave boy." Also: "Mama's face was sad, and her voice was soft. 'Do not worry, Mama!' "

In "A King on a Swing" in the same series, page 28: "Mom will be mad. She'll yell at me, she'll spank me." (this boy is speaking to his father) Also: "You know, if you are bad Mom will spank you." Mothers are shown as disciplinary and repressive, fathers as the bringers of fun and stimulation. Fathers never display emotion, even anger is not represented. Father is a beloved being who never loses his cool.

In Harper and Row's Book G, under the chapter heading, "Boys' Adventures" an extreme of anti-mother feeling is reached. The story of Roald Amondson as a small boy whose father dies is told. "Roald was left with his mother. She was a determined woman. But he was determined too." She wants him to become a doctor, but he wishes to be an explorer. In the end she dies, and this event releases him to do as he wishes. Teachers' notes to this story include the question to the class: "Is twelve years old too young to plan for your future?"

Girls are never found planning for their futures, but at the fourth, fifth and sixth grade levels boys in all series begin to look forward to manhood. Earning and achievement become increasingly important. Quotes of specific incentives to manhood include the following:

"Camping out, eh?" said the tall man, "Get more like your father every day. He would have been here fast, but he couldn't have come faster than you did." (Lippincott's Basic Reading Program, Book G, page 247) Also: "In a family when a boy does his work well, perhaps he can earn his wish." (Girls are never paid for domestic chores.)

Boys begin to control their emotions and quotes like the following begin to appear: "He would go over the falls on his feet, standing like a man. He would not cry out like a little boy for help." (Laidlaw Brothers 4th grade reader)

Geographical range becomes important for boys while girls remain domestic or neighborhood in their settings. Thus in the Ginn basic readers, story lines go as follows:

Boy visits Moon base with father. Puerto Rican boy starts business with his grandfather. Farm boy does "a man's job" harvesting corn after his father is injured. Arab boy rescues a lamb. Lapp boy does "a man's work" in a wolf hunt. Canadian boy learns a skill. . . . a boy is really getting to be a man when he learns to handle a kayak."

In the Ginn Basic Readers Book Five we find a boy who shoots a grizzly: "Pa had left him to be the man of the house. Here was the dead grizzly to prove that he had been worthy of the trust." On the other hand, when a mother settler shoots a wolf in Lippincott's Series Book G (her husband is away from home), she says modestly, "It wasn't hard, the wolf was a good target against the snow."

In Ginn's Book Five again a boy has a flood adventure during a picnic: "You did a dangerous thing, bringing that boat across the flood, and a brave thing. You acted like a man."

Biographies of men often show the progression from boyhood ambition to manly achievement. Thus in Lippincott's Basic Reading Program Book E we find Buffalo Bill: "Even when he was a little boy of five he had learned to ride a horse. By the time he was eight he was an expert rider." Kit Carson in the same book escapes some bears in a hunt. "When Kit was a small boy he wanted to be a hunter and trapper. His father had taught him how to shoot straight." Parallel incentives for girls are totally lacking.

Sometimes little girls take it upon themselves to play little mother and encourage their brothers to achieve. Thus in Lippincott's Basic Reading Program Book D, page 30, a girl convinces a boy that he needs to learn to read: "You need reading and writing and numbers for almost everything. A salesman must be able to read his orders. He must add up his bills." She mentions mechanics and painters with similar needs. Her own future needs are not considered.

In Harper and Row's Basic Reading Program Book Five an attempt is made to handle the problem of female adulthood. A girl comes across an old house in which she finds traces of a woman who once lived there. She examines a girlhood portrait and a fan and an adult portrait. These are her thoughts: "She'd had cheeks like speckled eggs and a merry look despite her serious lips. How had she become a woman who'd used the fan? How had a girl who looked so honest and everyday fit in with a fan that looked like moonlight, music and romance? This tomboy Netta had managed to grow up and still stay her own self. . . . Katie wasn't sure what she herself meant by womanhood. Well, she'd find out in time . . . the important thing was that a tomboy girl had handled growing up. 'If she could do it, I can do it too,' Katie nearly shouted."

The message is that growing up for a girl involves a mysterious metamorphosis from a merry tomboy to a romantic woman, with a veiled hint at loss of identity in the process. The next book in the series, a sixth grade reader, has no girl-centered stories at all.

A story in the Ginn Basic Readers describes a girl who impersonates a boy and rides the pony express, having always longed to be a boy. A bandit captures her but lets her off discovering her sex. He says, "It is always wisest for girls to be happy that they are girls." Do educators take it for granted that boys are unilikely to be satisfied with their status as boys? It is clear that being a girl in our present social climate requires a certain resignation.

In Houghton Mifflin's "Looking Ahead," Book Four, we find: "Agnes was 10 years old, but she still thought that playing Jack-in-the-box would be fun. Since, however, she was the only girl in the family, she knew she should help her mother." Boys by contrast feel no sense of obligation to help their fathers. They desperately long to do so, since this means added status and brings them closer to the desirable state of manhood.

In biographies of famous women the facts of achievement are often qualified in some way, such as this in Harper and Row's Book TE: Annie Oakley says of Frank Butler, "He's the finest looking man I ever say. I wish I didn't have to beat him.

In the Ginn Basic Readers female achievement is shown as freakish and exceptional, thus in Book Five: "From the very beginning Amelia Earhart was different from other little girls." Also: "Except for one thing Maria Mitchell seemed like any other young girl on Nantucket Island." The point is made in the story that Maria Mitchell had to put the kitchen in order first before she could study the stars. Another quote illustrates the derogatory attitude to female achievement which is widespread in these readers: "You did alright for a girl, ridin' the Pony Express."

The numbers and variety of adult males in different occupations shown in all readers contrasts strongly with the numbers of female adults in different occupations. In D.C. Heath's primer series Book Two adult males include: Father, pet store owner, postman, fireman, policeman, zoo keeper, ice cream man, a clown, railway conductor, sheep farmer. Women in this book include Mothers, ladies next door, and grandmother. Where adult females appear, throughout the series read, they tend to be in a supervisory or service relationship to a child, or the wives of varying male figures.

In Scott Foresman's Book Five ("Vista") an extreme in female exclusion is reached. Male minor characters include explorers, scientists, naval commanders, submarine commanders, forest ranger, a king, a gaucho, a pilot, a school principal, a railroad inspector and various fathers. No female minor characters appear, although there is one story involving two silly girls who hold a progressive lunch and two female biographies, one of a brave doctor (frontier) and the other an eight section biography of Helen Keller. Female exclusion becomes more acute as the grade levels rise. In Harper and Row's sixth grade reader there are no girl-centered stories at all.

Fairy tales offer examples of pretty heroines rewarded for their looks and sweet dispositions by marriage to princes, but as far as achievement goes, Hansel says to Gretel: "Don't worry, sister, I will take care of you." (Lippincott's Book G) The message is that females are good so long as they are pretty, and that age and ugliness are synonymous with evil. Snow White, Cinderella, Beauty and the Beast and many others illustrate traditional attitudes of male possessiveness towards the lovely young female coupled with fear and mistrust of the older woman. Such stories are part of our cultural picture and cannot be eliminated from school curricula, but they do require interpretation and understanding. Myths such as Pandora's Box which express man's fear of "female evil" must be discussed in depth and explained.

In spite of many good intentions American educators are in fact directing female children into those subordinate occupations and attitudes which most closely serve the short-term convenience of an adult male hierarchy. It is no wonder that rates of academic and other forms of achievement show a sad falling off among women. The female population of this country has internalized Charles Kingsley's sentiment:

"Be good, sweet maid, and let who will be clever!"

A complete report of the findings of this committee will be available in May, 1971 from: Women on Words and Images, R. D. 4, 25 Cleveland Lane, Princeton, N. J. 08540:

The New Jersey women believe that their sons as well as their daughters are harmed by the notion of sex-stereotyped roles and by the assumption that boys must be strong and girls agreeable, that males must direct and males obey.

They want their sons to be gentle as well as strong and their daughters to be adventurous as well as sensitive. They want the books their children read to emphasize the variety of choices open to them regardless of their sex. And they want readers—the most important books of the early school years—to present to their children a positive image of women as well as men, one that is based in reality and founded on equality and respect. —from "Harmful Lessons Little Girls Learn in School", Betty Miles, *Redbook*, March 1971, copyright 1971 McCall Publishing Co.

Analysis of Math Textbooks Found in New York School Libraries

Seeing Through Arithmetic Five (Scott Foresman).

Mathematical problems in this text present math concepts in social contexts which strongly reinforce stereotyped sex roles. Following are some examples, with page numbers:

Page 22—Brownies are cooking and sewing to raise money.

Page 26—Boy is building with his father, thus stressing active work as related to males.

Page 45—Out of ten problems, five dealt with girls cooking and sewing.

Page 65—Problems dealing with club activities: girls are shown making sandwiches, while boys build dividers.

Page 84—Shows girls' 4H Club activities. Fourteen problems deal with sewing and cooking.

Page 110—Out of 14 problems, 3 deal with mother cooking and girls helping.

Page 133—Girls and women are shown cooking and cutting cakes.

Page 154—Father takes boys on camping trip. Mother stays home and bakes.

Page 183—Boy goes out planting with father while mother stays home and bakes.

Page 214—Women and girls are shopping for food and sewing supplies.

Page 220—Problems deal with women cooking and sewing, men driving cars and hiking.

Page 264—Women and girls are shopping and cooking. Problems dealing with men have them building, repairing, and earning money.

Math Book 5 (Heath).

This book contains fewer problems than the preceding book, but where there are problems, role teaching is just as evident. Some examples follow:

Page 155—Out of ten problems, five deal with boys working at physical activities, and two problems have girls babysitting and sewing.

Page 166—Out of five problems, one has girls sewing, and two problems have boys playing marbles while girls are jumping rope.

Page 173—There are 12 problems altogether, eleven dealing with boys earning money, building things and going places, while one deals with a girl buying a ribbon for a sewing project.

Page 197—Out of five problems, three deal with boys and men doing varied activities while one problem deals with one girl shopping and one girl sick.

Sally Nussbaum distributed the following message to students leaving JHS 82 on April 7, 1971:

1491 Montgomery Ave., Bronx, New York 10453.

Dear Parents and Citizens: Girls at JHS 82 are discriminated against in curriculum and sports. They are barred from taking industrial arts courses of woodwork, metalwork, electric shop, and sometimes printing and mechanical drawing. They are programmed into domestic courses such as crocheting sewing, home, etc., and child care, instead.

My daughter, Daniela Romero, was refused entrance to metalwork class.

Girls at JHS 82 do not have supervised afterschool handball and tumbling. A girls basketball team was formed but no games were ever arranged for it with other schools. Games were arranged for the boys' basketball team. Girls seldom participate in chess and pingpong, and not in citywide or districtwide tournaments, but to my knowledge no special effort is made to find out why they do not take part, nor to encourage them to do so.

Recently I sent a petition to Dr. Milton Stier, Principal, JHS 82, signed by some parents, asking that the industrial arts courses be opened to girls on the same basis as boys. If you agree let the school authorities know.

A bill, no. 4811, has been introduced by State Assemblyman Al Blumenthal (D., Man.) to end discrimination by sex in admissions to courses of instruction or teams. I urge you to write your State legislators to support this bill.

American Civil Liberties Union is attempting to establish the basis of a class action suit against the Board of Education for sex discrimination in the junior high and high schools. This is being done on behalf of the High School Women's Coalition, a student organization. ACLU claims it violates the 14th Amendment to the Constitution—equal protection of the laws. For information, call ACLU, 924-7800.

Let the following know that you want your daughters to get the same education as your sons, so that all children will have the chance to develop their talents to the fullest:

Dr. Milton Stier, Principal, JHS 82, Macombs Rd. & 176 St., Bx. Andrew Donaldson, District Superintendent, 1377 Jerome Ave., Bx. Gerald Morton, Pres., Comm. Sch. Bd., 1377 Jerome Ave., Bx. Una Roskind, Pres., Parents Assn., JHS 82, Macombs Rd. & 176 St., Bx. Isaiah Robinson, V. Pres., Bd. of Ed., 110 Livingston St., Brooklyn.

The following excerpts are public testimony in the case of Bonnie Sanchez and Laura Edelhart against Harold Baron, Principal of Junior High School 217, and Hugh McDougall, District Superintendent of District 28, New York City Board of Education (69 C 1615) given in United States Courthouse, Brooklyn, New York, on January 29, 1971, and March 19, 1971. For further information on this case, contact New York Civil Liberties Union, 84 Fifth Avenue, New York, N.Y.

Excerpts of testimony of Laura Edelhart (continued from front cover):

After I got home, I started calling the Board of Education. But I never got through to anyone. I must have made a dozen calls at least.

Q. Did anyone at the Board of Education ever tell you anything to do about this matter?

Well, eventually I was told that because the school was decentralizing that I should go back to the school for this problem; that it wouldn't be a matter of the Central Board any more.

Q. And did you do that?

Yes, I did. I called the school. I spoke to Mr. Baron . . . , and he said that we have too many boys in the school to be able to allow the girls to take metal work and mechanics.

Q. Mrs. Edelhart, when you were in high school, did you attempt to take a metal working course?

Mr. Maurer. Objection.

The Court. How long ago was it?

The WITNESS. About twenty years ago.

The COURT. Objection sustained. Unrelated.

Mr. ENNIS. Your Honor, I wish to show that it is related, in this sense: I wish to show that the only named plaintiff in this case was the named plaintiff because she had the support of her mother. She had the support of her mother because her mother was also denied permission to take a metalwork class when she was in high school, and it is because of that continuing problem—

The COURT. I am not persuaded. The objection is sustained.

Q. Mrs. Edelhart, do you think that having taken the course it was valuable for your daughter?

Mr. MAUER. Objection.

Yes, I do.

The COURT. What is the relevancy of that?

Mr. ENNIS. Well, Your Honor, I wish to establish that, having taken that course, Bonnie Sanchez was a more self-reliant and capable individual than she was before.

The COURT. Let us assume that is so. What has that got to do with the policy?

Mr. ENNIS. It has to do with whether or not that policy is damaging the lives of female students in high school. We intend to show that it is; that the Board of Education policy is depriving female students of the opportunity to become self-reliant people—

The COURT. Do you expect to offer any statistics on it, or do you expect to rely on the testimony?

Mr. ENNIS. We will offer statistics, Your Honor.

Excerpts of testimony of Gigi Gordon, JHS 217 (Van Wyck), Ninth Grade:

Q. Can you tell me what shops are available at your school?

They have sewing and cooking available to the ninth grades. That is only for girls. And for the boys, they have metal and printing, and I thing they also have ceramics.

Q. What shop are you taking now?

We just changed shops and I was assigned to sewing.

Q. Which shop did you want to take?

I wanted to take printing.

Q. Did you make any attempt to take printing?

Yes, I did. I went to several people, one of them was Mr. Wydlock, and he hold me he would check into the matter and he would try to get me into the boys' shop. Then I saw him again and he said he thought they were all filled up. And then I saw him a third time and he said there was no room in the boys' shop for any more girls.

Q. Do you know whether there are any more girls in there now?

No, there aren't any girls.

Q. Did he say it was a boys' shop specifiically?

Yes.

Q. How many shops are there for boys?

Two or three; it depends upon what periods. There are two in one period and three in another.

Q. How many for girls?

Two.

Q. Do you know what the percentage of boys and what the percentage of girls was?

I don't know the percentages, but it is about evenly distributed.

Q. Are there any other classes or subjects for credit that only have boys?

Yes. There is an AVI Squad, which is a squad with audio-visual aids, and it is for boys. And the boys are supposed to set up equipment to show films, and projectors and things like that. I tried to get into that and the teacher said it would be okay to get into it. We had to fight for that, but we got into it. And the teacher said that he would show us how to work the things. And he showed us how to work them. And then we never got called to be on the squad. We never got called to set up any such equipment.

Q. Did you ask to—

Yes. We went to the teacher. We asked him why we weren't called.

He said, "Well, there are plenty of other boys who can do the job and they have been on the squad longer than you."

Q. You mentioned Mr. Wydlock before. Can you tell me who he is?

He is the Dean of Boys. He is also in charge of the shops for girls and boys, but mostly the boys.

Q. And what did he tell you yesterday?

He said that the shops were all filled up with boys and that he didn't think I could get in because of the boys, because there was no room for any more girls in the shop.

Q. Now you are scheduled to take sewing; right?

Yes.

Q. When is that course given?

Mondays and Wednesdays, the third and fourth periods.

Q. And when is the printing course given?

The same time.

Q. Do you know of any other girls who tried to get into the print course?

Yes. Helen Kartis.

Q. Did you speak to the principal about your discussions with Mr. Wydlock?

No, because the principal is not available to discuss matters with students.

Q. Did you try?

I have tried before on different issues than this and the principal doesn't speak to the students unless it is a matter of extreme urgency; and even then he is usually at suspension hearings.

Q. Did you try this time?

No. But I did speak to the assistant principal, Mr. Niler.

Q. What did he say?

He said that I should ask the shop teachers if they wanted girls in their classes.

Excerpts of testimony of Julie Nives, JHS 217 (Van Wyck), Ninth Grade.

Q. Could you tell me how the gym classes are set up in your school?

Yes, there is a boys' gym and a girls' gym. We have it once a week for two periods.

Q. What do you learn in the girls' gym?

At the beginning, the first marking period, we did volley ball, and after that, after the marking period was over, we continued doing that. So me and some friends complained because we were supposed to have a new curriculum each marking period. And they said, "O.K., we will try to do something," and they did. Finally they got us records which had exercises on them, but the exercises were not working out very well because they were only to slim your waistline and help you walk down the street, well, things like that. So after a while it wasn't really working out well. So then we complained again, you know, we should have something a little more, you know, better, because nobody was getting prepared—you have to wear gym suits—and so they had not done anything about it and we refused to get dressed. That day we went down, we were looking around for some guy—our assistant principal—to complain to, and he wasn't there. And the Dean sent us back into gym, and since then we have not been doing anything.

Q. Can you tell me what the boys do in gym?

The boys do exercises. They play basketball. They can go out when it is warm, which the girls are not allowed to do. They play handball. Baseball. They have certain teams after school for just baseball, basketball, track teams, which the girls do not have.

Q. Have you asked to do any of the sports which the boys do?

We asked for basketball. They said there wasn't enough equipment. The boys prefer to have it first. Then we will have what it left over. We haven't really gotten anywhere.

Q. Gigi mentioned the AVI program before. Did you also try to get into that?

Yes, I was with her. And my teacher, who is also our science teacher, he tried—We complained to him a few times that he has not been calling us down to use the projectors. And he said that he would try to but there were too many boys that were taken care of first. And one day he did call me down and then he said, "Oh, forget it. I have somebody else to do the job."

Excerpts of testimony of Catherine Reinheimer, JHS 104, Eighth Grade

Q. Why did you decide to testify?

Because last year and this year my friends and I have tried to get into ceramics. We are not allowed to take it. The only thing girls can take is sewing and cooking.

Q. What are the boys' shops?

Wood, metal, printing and ceramics.

Q. How do you students get into these shops? Can they choose them or are they assigned to those classes?

No, they are assigned.

Q. Are any girls assigned to either printing, metal, wood, or ceramics?

No, just cooking and sewing.

Q. Are any boys assigned to sewing and cooking?

No.

Q. Have you tried to get into any of the boys' shops?

Yes, ceramics.

Q. How did you try to get into those?

I asked our assistant principal, Miss Picareiello. We asked her if we could change from sewing or cooking to ceramics, and she said, "No. Those are boys' shops; you can't get into them."

Q. Did you ask anybody else?

Yes. After she said we couldn't, when we had group guidance, where we can tell the things we have problems with to our group guidance teacher guidance we can't get into ceramics. She said to bring it up at the student body conference. So our representative of our grade brought it up at the conference and she didn't have any luck with it.

Q. So right now you can't take any of those classes, wood, metal, printing or ceramics?

Q. When Miss Piccarelli told you that you couldn't come in to the shop class, the ceramics class, did you try to speak with the principal of the school?

No, because Miss Piccarelli was closer to the children than Mr. Frank was—like, he did very, very important things—well, Miss Piccarelli told us today she is in charge of the Department of Shops—

Q. Would you recognize that the principal is in charge of the school?

Yes.

The COURT. Do you deny that a counsellor has authority to advise the children as to what the policy is concerning the exclusion of a particular course? . . . don't impose the obligation on the child to go to a higher authority before she understands she is excluded.

Excerpts of testimony of Marcy Silverman, Jamaica High, Eleventh Grade.

Q. Are there any classes or activities or programs within the classes that are open to male students and not to female students?

Well, within my physics class last year, our teacher asked if there was anybody interested in being a lab assistant, in the physics lab, and when I raised my hand, he told all the girls to put their hands down because he was only interested in working with boys.

Q. Did you make any further attempts to become a lab assistant?

Yes. I spoke to Mr. Chailiff. He is the head of the student organization, and I told him what my physics teacher had said and he said he would see, you know, what might be done; but I never heard about it again.

Q. Are there any other activities in the school that women are not members of, and have you attempted to be in any other activities?

Yes. There is an Honor Guard, which are students who, instead of participating in gym for the term, are monitors in the hall, and I asked my gym teacher if I could be on the Honor Guard Squad. She said it was only open to boys. I then went to the head of the Honor Guard, a Mr. Baron, who said that he thought girls were much to nasty to be Honor Guards. He thought they would be too mean in working on the job, and I left it at that.

Q. Is the Honor Guard a credit activity?

Yes. If you're a member of the Honor Guard, you get credit for the term's work of physical education.

The COURT. How do you get appointed to it? How does a boy get appointed to it?

They just come into the boys' gym and say "Who wants to be on it?" And those who want to be on it are on it, but they never came in and said that to our girls in gym class.

Q. Are there other classes that you take that the boys and the girls are separated or the boys and the girls have different curricula?

Yes. The hygiene classes are—there's boys' hygiene and girls' hygiene and I know in some of the boys' hygiene classes they—I'm not quite sure if it's specifically in the curriculum but there has been discussion of birth control in the boys' hygiene classes, and when we attempted to, you know, discuss it in our girls' classes, they told us that we couldn't do it, we coudn't talk about things like that, and girls have tried to bring in booklets to distribute in the class, so as—you know, if we couldn't have a discussion, maybe we could distribute some material, and they told us to get it out of the school.

Q. To your knowledge, are there any other programs that are open to the boys and not to the girls?

Well, along with—in the hygiene program last week there was a—at a student council meeting, at which I was home room representative, a teacher spoke as a narcotics advisor in the school. There is a new program in the school, and he said he would be distributing material to the boys' hygiene classes on drug abuse and they would be starting a new program together. But he mentioned nothing about the girls' classes.

Q. You are taking gym now, is that correct?

Yes, I am.

Q. Do you have the same activities in your gym classes that the boys do?

No, we don't. Right now we're doing folk dancing and we asked—there were about twenty girls in the class that I knew who would like—who would have liked to go out and run track as the boys do. They play ball out in the recreational fields, and I asked one of the gym teachers if we could get a group of girls who would like to go out and run track or play ball in the fields. Since there are about six or seven gym teachers and since they divide the boys' classes up with teachers taking certain groups out, if we could do this in our class. First she said I should get the names of fifty girls who would want to do it. I proceeded to ask around and I had about thirty girls in the first day who wanted to do it, and then the next day in gym she said to forget about it because she had spoken to Mrs. Klein, the head of the girls' Health Education Department. She said that just couldn't be done.

Q. Are the girls able to go out at all or is it just a question of running track?

The girls are only allowed to go out in the very, very early part of the term, at the beginning of September, and then again in June, which comes to a total of about three weeks. When the boys go out—they go out all the time, except, you know, when the weather just doesn't permit.

Q. Do the boys and girls have the same equipment in their gym classes?

The only equipment in my years of gym in Jamaica High School, the only equipment I've ever seen is basketball and a volley ball. And the boys have ropes. They have pegboards that they use for climbing. I don't know. I've never been in the boys' gym. I've only heard from friends, but I know the equipment that we use and it's not the same. . . . All I've ever seen is a basketball and a volley ball and a record player.

Q. What other programs in gym do you have? You play baseball?

We don't. We spend a lot of time—I think there are a few weeks that we are supposed to be playing baseball, but every time we keep learning over and over again, which leaves about two or three days left to actual game playing.

Q. You play volley ball?

Yes, we play volley ball also.

Q. And when you go outside, what sort of classes do you have?

We play this game. I don't know. It's called Ogre Take, where you just throw the ball and you run around.

Q. And you're running around a lot?

There is no equipment, though, and when I asked if we could play soccer, since I saw other—the boys' gym classes playing it and since I've played soccer on my own time, I was told that the boys use the fields and, you know, because of that we're not allowed to use them. Because they get priority. The teacher told me that.

Excerpts of testimony of Leslie Lubin, Jamaica High, Eleventh Grade

In the fall of my junior year I tried to get on the Honor Guard Squad.

Q. What happened at that time?

I had talked to a few of the boy gym teachers because they were the head of the Honor Guard and they told me that I could not be an Honor Guard because I was a girl.

The COURT. What teachers did you talk to?

I had spoken to Mr. Malin and Mr. Baron about it.

Q. Is the Honor Guard the same Honor Guard that Marcy Silverman testified to earlier this morning?

Yes, it is.

Q. Is that an alternate to gym, a credit course alternate to gym?

Yes.

Q. Did you ever try again to be on the Honor Guard?

I had continued speaking to Mr. Malin about it and I managed to sway him to believe that he needed a girl on his squad.

Q. Why was that?

Because I had told him that it was not right to have boys guarding the girls' bathrooms. You needed a girl to go in there because otherwise a boy would have to interrupt a teacher's classroom to have a female teacher go into the bathroom to, you know, control what was going on in there.

Q. So at that point did he agree to let you be on the Honor Guard?

Yes.

Q. And how long did you serve on the Honor Guard?

For about four months.

Q. What happened at the end of that four-month period?

I was walking around the halls with my Honor Guard button on and it seems that Mr. Sugar, who is the principal, and Mr. Baron, who is the head of the boys' gym department, had seen me with the button on and they told Mr. Malin, who at the time was head of my squad, that he would have to fire me.

Q. Did Mr. Malin tell you that?

Yes.

Q. Did he fire you for that reason?

Yes.

Q. So that you're not now on the Honor Guard any longer?

No.

Excerpt of testimony of Pamela Charney, Bronx High School of Science, Twelfth Grade.

Q. Approximatly how many girls are there in your school?

There are 3,600 students, and it's—well, they say there is—no one ever tells you anything about admissions being different, but if you look at the old yearbooks, it's approximately two-thirds male and one-third female.

Excerpt of testimony of Susan Horowitz, Bronx High School of Science, Eleventh Grade.

Q. Have you ever attempted to participate in the Stage Squad program at Bronx Science?

Yes. I originally wished to join the Stage Squad in the beginning of my sophomore year, and I went—there was an ad in the Daily Bulletin, which is posted every day in the home room, which advertises extracurricular openings, and there was an ad for interested boys to join the Stage Squad.

Q. Is that what the ad said, interested boys?

Yes, interested boys to join the Stage Squad, please come to such-and-such room. And I wanted to be on the squad so I went, and the advisor of the Stage Squad, Mr. Schlessel . . . He said that the work only involved moving around heavy chairs and things like that and that I couldn't do that.

Q. Do you receive any sort of credit if you serve on the Stage Squad?

Yes. You get service credit, which is credited towards your credit total, which is used if you want to join Arista.

Q. What is Arista?

It's an honor society. It looks good on your record. It helps you get into college and things like that.

Q. After you were not permitted to join the Stage Squad in your sophomore year, what did you do then?

I sort of forgot about about it. I just assumed that I couldn't join, and then after that I was attending the Women's Lib Club, and we were discussing things, like Stage Club and the Prince—

Q. Excuse me. The Women's Lib Club, is this a club in the school?

Yes. It's a school-sanctioned club. And we discussed things that were in the school that were not open to women, such as the Stage Squad and the Prince Squad and the Audio Visual Squad. . . .

In April 1970, the Board of Education decided not to list Brooklyn Technical High School as a "boys" school in the catalogue, THE PUBLIC HIGH SCHOOLS. This seems to have been a weak decision to admit women to the school even though the change was not adequately announced and the Board's OFFICIAL DIRECTORY continues to call Brooklyn Technical a "boys" school. Out of 5,200 students in September 1970, this "coeducational" school boasted 2 women students. As late as October 1970, the following letter was sent:

William H. Car Junior High School, Hyman Birnbaum, Principal:

OCTOBER 1970.

To Parents of 8th Grade and 8SP Boys:

DEAR PARENTS: New York City offers to qualified boys of the eighth grade the privilege of applying for admission to *Brooklyn* Technical High School. This school offers a special program of work geared towards the student who desires to concentrate in the field of engineering, architecture, or applied science, in the future.

Applicants to the school must successfully pass the entrance examination. This exam. is given in January and the closing date for the receipt of applications will be Dec. 4, 1970. No child will be permitted to take the exam. unless he meets the minimum requirements set by the school.

In order to answer any questions that may arise concerning this school, Junior High School 194 will hold a discussion group with the parents and guardians of pupils who are eligible to apply and who are interested in having their sons attend.

I shall meet with these parents on Monday, Oct. 19, 1970, in the auditorium of J.H.S. 194 (17th. Ave. and 157th. St.) at one-thirty P.M.

Please keep the following points in mind:

(a) The Board of Education feels that it is unwise for a student to attend a high school that requires more than two hours of travel time per day. (One hour to and one hour from school)

(b) Students who are in the first year of the two-year SP program are not eligible for the above school at this time. They may apply when they are in the second year of this program.

Very truly yours,

BERNARD M. SILVER.

HIS: VOCATIONAL AND TECHNICAL COURSES FOR BOYS

Architectural Drafting & Building Construction* (Technical).
Automatic Heating Mechanics*.
Automation Instrumentation* (Technical).
Automotive Mechanics*:
Auto Body & Fender Repair.
Automotive Machine Work.
Gas Station Operation.
Aviation Mechanics*.
Business Education:
Accounting (Bookkeeping & Business Practice).
Computer Data Processing.
Distributive Education (Merchandising & Sales).
Office Machine Operating.
Recordkeeping & Clerical Practice.
Stenography & Typewriting.
Clock & Watch Mechanics.
Commercial Art*:
Advertising Art.
Architectural & Building Design.
Cartooning.
Ceramics.
Costume Design & Illustration.
Fashion Illustration (Technical).
Illustration.
Industrial Design.
Modeling (Sculpture).
Photography.
Sculpture & Stone Carving.
Window Display.
Commercial Photography.
Commercial & Domestic Refrigeration.
Cosmetology* (Beauty Culture).
Dental Laboratory Processing.
Electrical Installation & Practice*.
Electricity* (Technical).
Electronics* (Technical).
Equipment Repair Technology*.
Fashion Industries*:
Fashion Merchandising.
Fur Garment Manufacturing.
Garment Machine Operation.
Men's Clothing Manufacturing.
Patternmaking Design.
Floristry.
Food Trades*:
Baking.
Cooking and Catering.
Meat Merchandising.
Foundry Work.
Hairdressing.
Industrial Chemistry* (Technical).
Instrument Technology* (Technical).
Jewelry Making.
Machine Shop Practice*.
Maritime Trades.
Mechanical Design & Construction* (Technical).
Optical Mechanics.
Plumbing.
Printing Trades*:
Book & Job Makeup.
Bookbinding.
Graphic Arts.
Hand Typesetting.
Ludlow Typesetting.
Machine Typesetting.
Offset Presswork.
Presswork.
Printing & Presswork.
Stonework (Printing).
Radio & TV Mechanics*.
Sheetmetal work.
Theatre Arts.
Upholstery.
Woodworking Trades:
Residential Carpentry.
Cabinetmaking.
Woodturning & Patternmaking.

("Vocational and Technical Courses for Boys" as printed above, and "Vocational and Technical Courses for Girls" on the following page are the complete listings given in the Public High Schools, New York City, 1970–1971, A Guide for Pupils and Parents, released by the Board of Education of the City of New York, pp. 18–26.)

HERS: VOCATIONAL AND TECHNICAL COURSES FOR GIRLS

Business Education:
Accounting (Bookkeeping & Business Practice).
Computer Data Processing.
Distributive Education (Merchandising & Sales).
Electric Data Processing.
Office Machine Operating.
Recordkeeping & Clerical Practice.
Stenography & Typewriting.
Commercial Art*:
Advertising Art.
Architectural & Industrial Design.
Cartooning.
Ceramics.
Costume Design & Illustration.
Fashion Illustration.
Illustration.
Industrial Design.
Modeling (Sculpture).
Photography.
Sculpture & Stone Carving.
Window Display.
Commercial photograph.
Cosmetology* (Beauty Culture).
Dental Office Assisting*.
Fashion industries:
Garment Machine Operating.
Special Garment Machine Operating.
Trade Dressmaking.
Trade Millinery.
Women's & Children's Garment Operating.
Floristry.
Interior Design.
Health Careers (Medical Office Assisting).
Practical Nursing.
Pre-Registered Nursing.
Theatre Arts.

"A woman needs what will make her a queen of the household and of society, while man needs what will fit him for the harder, sterner duties of life, to which ladies should never be driven except in cases of exigency.

"She cannot afford to risk her health in acquiring a knowledge of the advanced sciences, mathematics, or philosophy for which she has no use. . . . Too many women have already made themselves permanent invalids by an overstrain of study at schools and colleges."—editors of a student newspaper, Agricultural College of Pennsylvania, 1889.

[From the New York Times, Mar. 14, 1971]

BROOKLYN HIGH SCHOOL BLENDS CLASS WORK AND JOBS

(By Eleanor Blau)

Running into a truant officer on the street one day hardly seemed like good luck to Alexander Jennings. But the officer asked him a strange question:

Would he like to go to high school every other week instead of every day?

Young Jennings was being invited to participate in an experimental program at Thomas Jefferson High School in Brooklyn's East New York section, in which boys alternate between attending classes and working in junior high school cafeterias.

The qualifications are serious truancy and almost total scholastic failure. The program represents a final attempt to keep the boys in school until they graduate.

"This is the first time these kids feel there's someone interested in them," explained Mrs. Dorothy Laufer, coordinator of the two-and-a-half-year-old program.

Many of the students in the program have arrest records. Some have been thrown out of their homes and are living in youth shelters. When they suddenly are offered a job as well as an opportunity to graduate, it is as if someone told them, for the first time, "I have faith in you," Mrs. Laufer reported.

On boy in the program remarked recently: "I felt like something great. I had money in my pocket that I didn't steal. I even gave my mother some."

Alexander Jennings, who is now 17 years old, joined the program nearly two years ago. He started going to night school as well, and he expects to be graduated next January.

Recalling his life before meeting the truant officer—"I used to mess around, stay home all the time, sleep"—he said; "I don't know where I would have been now."

Young Jennings and most of the 67 other students in the program work six hours a day and *earn $2.31 an hour. They clean tables, wash dishes, sweep floors and sometimes help cook.*

For satisfactory work performance, they receive school credit equivalent to a major subject. After a year, they may receive a Civil Service job.

During the weeks in which they go to class, the boys attend double periods of English, history and science or mathematics, in a school day that lasts from 7:25 A.M. to noon.

They are not required to take minor subjects, such as art or music, although these will be required before graduation.

A few of the youths are not yet employed because there are not enough cafeteria jobs available, so they have been attending the special classes every week. *Girls do not participate in the program because the cafeteria work is not considered suitable for them,* Mrs. Laufer said.

The general work and study concept is not new. Under the Cooperative Education Program, which was begun in 1915, some 7,000 high school juniors and seniors in the city are gaining experience in jobs related to their school studies.

But the Thomas Jefferson program does not require related employment, Mrs. Laufer said. The value of the job experience is psychological, not practical.

Mrs. Laufer said the success of the program had amazed even its sponsors. Most of the students, who formerly rarely went to class at all, have nearly perfect attendance records. Students who formerly failed every subject now are passing three, four or even five. And few are dropping out.

Last year, 47 of 58 who registered remained in the program. During the term just ended, 61 of 65 remained.

Mrs. Rene Sherline, director of the Bureau of Cooperative Education, who helped set up the program, attributes the success in part to the warm personality of Mrs. Laufer.

As a youth parole worker remarked in a letter to Mrs. Sherline, the boys feel that in Mrs. Laufer they have "someone concerned about, rather than outraged at, their behavior and progress."

Another reason for the program's success, Mrs. Sherline said, is that some students

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*Entrance examination required for admission.

"learn better outside the environment of the school." Somehow, the work experience makes classes more important to them.

It is hoped, Mrs. Sherline said that the boys will start thinking about what subjects they ought to study to get a better job after they are graduated.

Fred Grant, who is 17, wants to go to college and then get a job that involves traveling.

Alfonso Williams, also 17, has not made up his mind yet as to what kind of work he would like to do. But, he added: "I know, for one thing, I don't want to be a bum. I want to have some clothes and stuff."

Does he find school more interesting in the experimental program?

"I wouldn't say that," Alfonso replied. "But the teachers, they help you out more. And it's better than going to school every day."

WOMEN IN U.S. HISTORY HIGH SCHOOL TEXTBOOKS

(By Janice Law Trecker)

"Should the Ku Klux Klan receive reams of documentary material [in textbooks] and woman suffrage none? . . . Is Henry Demarest Lloyd more important than Carrie Chapman Catt? Are the lengths of skirts significant enough to dwarf other information about women?" These and other questions are asked—and answered—by Janice Law Trecker, who has taught English at L. P. Wilson Junior High School in Windsor, Connecticut, and reviewed films for the West Hartford News. Her analysis is a sharp protest against treating women as "supplementary material."

Early in our history, enterprising groups of English gentlemen attempted to found all-male colonies. The attempts were failures, but the idea of a society without women appears to have held extraordinary appeal for the descendants of those early colonists. Throughout our history, groups of intrepid males have struck off into the wilderness to live in bachelor colonies free from civilization and domesticity.

The closing of the frontier and the presence, even from the earliest days, of equally intrepid females ended these dreams of masculine tranquillity. Yet, the hopeful colonists may have had their revenge. If women have had their share in every stage of our history exactly what they did and who they were remains obscure. Ask most high school students who Jane Addams, Ida Tarbell, or Susan B. Anthony were, and you may get an answer. Ask about Margaret Sanger, Abigail Duniway, or Margaret Brent, and you will probably get puzzled looks. Sojourner Truth, Frances Wright, Anna Howard Shaw, Emma Willard, Mary Bickerdyke, Maria Mitchell, Prudence Crandall, and scores of others sound like answers from some historian's version of Trivia.

Interest in the fate of obscure Americans may seem an esoteric pursuit, but this is not the case. History, despite its enviable reputation for presenting the important facts about our past, is influenced by considerations other than the simple love of truth. It is an instrument of the greatest social utility, and the story of our past is a potent means of transmitting cultural images and stereotypes. One can scarcely doubt the impact of history upon the young in the face of recent minority groups' agitation for more of "their history."

Minority groups are perhaps not the only ones with a complaint against the historians and the schools, nor are they the only ones to show the effects of stereotypes. Consider the most recent reports of the President's Commission on the Status of Women. According to the 1968 report of the Commission, American Women, in the fall of 1968 only 40% of entering college freshmen were women. The lag in female participation in higher education is even more noticeable at the graduate level. Statistics from the Commission's 1968 report indicated that women earned only 1 in 3 of the B.A. degrees and M.A. degrees granted and only 1 in 10 of the doctorates. It is seldom noted that this represents a percentage decline from the 1930's when women received 2 in 5 B.A. degrees and M.A. degrees, and 1 in 7 Ph.D. degrees. The loss of potential talent this represents is clear from the Commission's information that among the top 10% of our high school seniors, there are twice as many girls as boys with no college plans.

Able girls are not entering science and mathematics in any great number, and, according to the Conant Report, they fail to take courses and programs commensurate with their abilities. There seems to be a clear need for an examination of the factors which permit the loss of considerable amounts of female talent.

The Education Committee of the President's Commission on the Status of Women was concerned about this loss, noting that: Low aspirations of girls are the result of complex and subtle forces. They are expressed in many ways—even high achievement—but accompanied by docility, passivity, or apathy. The high motivation found in the early school years often fades into a loss of commitment and interest, other than in the prospect of early marriage.

The Committee found some of the reasons for this loss of motivation are the stereotypes of women in our culture and in the lingering ideas of female inferiority.

Educators should be aware that the school is one of the means by which the stereotypes of women and their capacities are transmitted. As one of the main cultural forces in the society, the school shares a responsibility for the diminished aspirations of its female students. Looking at the position of women in our society, one would have to be very sanguine to say that the education of American girls needs no improvement. Something is wrong when women are concentrated in a relatively few, lower-paid positions; when there are few women represented in the upper levels of government and industry; and when the symptoms of discontent and frustration are all too clearly manifesting themselves among militant young women.

Something is indeed wrong, and educators should begin a rigorous investigation of their programs and practices in order to discover if they are reinforcing the cultural pressures which discourage talented girls.

ANALYSIS OF HIGH SCHOOL TEXTBOOKS

A reasonable place to start, considering the admitted obscurity of most women in American history, is the United States history text. Are the stereotypes which limit girls' aspirations present in high school history texts?

The answer is *yes*. Despite some promising attempts to supplement the scant amount of information devoted to women in American history texts, most works are marred by sins of omission and commission. Texts omit many women of importance, while simultaneously minimizing the legal, social, and cultural disabilities which they faced. The authors tend to depict women in a passive role and to stress that their lives are determined by economic and political trends. Women are rarely shown fighting for anything; their rights have been "given" to them.

Women are omitted both from topics discussed and by the topics chosen for discussion. For example, while only a few women could possibly be included in discussions of diplomacy or military tactics, the omission of dance, film, and theater in discussions of intellectual and cultural life assures the omission of many of America's most creative individuals.

Women's true position in society is shown in more subtle ways as well. While every text examined incldued some mention of the "high position" enjoyed by American women, this is little more than a disclaimer. Wherever possible, authors select male leaders, and quote from male spokesmen. Even in discussions of reform movements, abolition, labor—areas in which there were articulate and able women leaders—only men are ever quoted. Even such topics as the life of frontier women is told through the reminiscenses of men. When they are included, profiles and capsule biographies of women are often introduced in separate sections, apart from the body of the text. While this may simply be a consequence of attempts to update the text without resetting the book, it tends to reinforce the idea that women of note are, after all, optional and supplementary. Interestingly enough, the increase in the amount of space devoted to Black history has not made room for the black woman. In these texts Black history follows the white pattern, and minimizes or omits the achievements of the black woman. Like the white woman, she is either omitted outright, or is minimized by the topics selected.

These assertions are based upon the examination of over a dozen of the most popular United States history textbooks. Most were first copyrighted in the sixties, although several hold copyrights as far back as the early fifties, and one text is copyrighted back to 1937. Included are the following:

Baldwin, Leland D. and Warring, Mary. History of Our Republic. Princeton, D. Van Nostrand Co., Inc., 1965.

Bragdon, Henry W. and McCutchen, Samuel P. History of a Free People. New York, The Macmillan Company, 1965.

Brown, Richard C.; Lang, William C.; and Wheeler, Mary A. The American Achievement. New Jersey, Silver Burdett Company, 1966.

Canfield, Leon H. and Wilder, Howard B. The Making of Modern America. Boston, Houghton Mifflin Company, 1964.

Frost, James A.; Brown, Ralph Adams; Ellis, David M.; and Fink, William B. A History of the United States. Chicago, Follett Educational Corporation, 1968.

Graff, Henry E. and Krout, John A. The Adventure of the American People, Chicago, Rand McNally, 1959.

Hofstadter, Richard; Miller, William; and Aaron, Daniel. The United States—The History of a Republic. Englewood Cliffs. Prentice Hall, Inc., 1957.

Kownslar, Allan O. and Frizzle, Donald B. Discovering American History. 2 Vols., New York, Holt, Rinchart & Winston, 1964.

Noyes, H. M. and Harlow, Ralph Volney. Story of America. New York, Holdt, Rinehart & Winston, 1964.

Todd, Lewis Paul and Curti, Merle. Rise of the American Nation. (1 Vol. & 2 Vol. editions) New York, Harcourt, Brace & World, 1966. 2 Vol. edition includes selected readings.

Williams, T. Harry and Wolf, Hazel C. Our American Nation. Ohio, Charles E. Merrill Books, Inc., 1966.

COLLECTIONS OF DOCUMENTS

Hofstader, Richard. Great Issues in American History, 2 Vols., New York, Vintage, 1958.

Meyers, Marvin: Kern, Alexander; and Carvelti, John G. Sources of the American Republic. 2 Vols., Chicago, Scott, Foresman & Company, 1961.

All entries indexed under "Women" were examined and various other sections and topics where information about women might reasonably be expected were examined. Particular attention was paid to women in colonial and revolutionary times, education, the women's right movement and suffrage, reform movements, abolition, the Civil War, labor, frontier life, the World Wars, family patterns, the present position of women, and all sections on intellectual and cultural trends. The resulting picture is a depressing one.

Based on the information in these commonly-used high school texts, one might summarize the history and contributions of the American woman as follows: Women arrived in 1619 (a curious choice if meant to be their first acquaintance with the new world). They held the Seneca Falls Convention on Women's Rights in 1848. During the rest of the nineteenth century, they participated in reform movements, chiefly temperance, and were exploited in factories. In 1923 they were given the vote. They joined the armed forces for the first time during the second World War and thereafter have enjoyed the good life in America. Add the names of the women who are invariably mentioned: Harriet Beecher Stowe, Jane Addams, Dorothea Dix, and Frances Perkins, with perhaps Susan B. Anthony, Elizabeth Cady Stanton and, almost as frequently, Carry Nation, and you have the basic "text." There are variations, of course, and most texts have adequate sections of information on one topic, perhaps two, but close examination of the information presented reveals a curious pattern of inclusions and neglects, a pattern which presents the stereotyped picture of the American woman—passive, incapable of sustained organization or work, satisfied with her role in society, and well supplied with material blessings.

1. Revolutionary and early Federal periods

There is little information available in most texts concerning the colonial woman, or on her daughters and granddaughters in the revolutionary and early federal periods. The amount of information ranges from one textbook's two paragraphs on women's legal and social position to another textbook's total absence of anything even remotely pertaining to women during the early years of American history. Most texts fall in between. Some attention is commonly paid to the legal disabilities inherited from English law, although one textbook limits itself to "tobacco brides" and a note about William Penn's wife. Usually, little is said about the consequences of the social, political, and legal disabilities of the colonial woman, although the sharp limitations of the nineteenth century and the exploitation of the working-class women in the early industrial age were a direct result of woman's lack of political influence and her gradual exclusion from "professional" and skilled jobs. The texts are especially sensitive to the problem of religious and clerical prejudices against women. The long opposition of most American religious groups to women's rights is almost never suggested.

The perfunctory notice taken of women's education in the early period is discussed below. It should be noted, however, that few texts take any note of sectional differences in women's education or in other aspects of the position of women.

Although a number of texts mention the high regard in which the colonial woman was held, few are named and only one gives much information about the amount of work done outside the home by colonial women. Women mentioned are Pocahontas and Anne Hutchinson. Sections on Pocahontas tend to favor discussion of such questions as "Did Pocahontas really save John Smith?", rather than on any information about her life or the lives of other Indian women. Anne Hutchinson is almost always subordinated to Roger Williams. In one book, for example, she is described as another exile from Massachusetts. In more generous texts, she may receive as much as a short paragraph.

In general, the treatment of the early periods in American history stresses the fact that the America of the colonies, and early republic, was a "man's world." The authors wax eloquent over the "new breed of men." Any doubt that this might be merely linguistic convention is soon removed. The colonial farmer is credited with producing his own food, flax, and wool, in addition to preparing lumber for his buildings and leather goods for himself and his family. What the colonial farmer's wife (or the female colonial farmer) was doing all this time is not revealed, although plenty of information exists. Such passages also convey the unmistakable impression that all the early planters, farmers, and proprietors were male.

Education is important in consideration of the position of women because, as Julia Cherry Spruill points out in *Women's Life and Work in the Southern Colonies*, lack of opportunities for education finally ended women's employment in a variety of areas as technology and science made true "professions" of such occupations as medicine. In the early days, women, despite stringent legal restrictions, participated in almost all activities save government, the ministry of most religions, and law (although the number who sued and brought court cases is notable.)

Usually, if any notice at all is taken of the education of girls and women, it is limited to a bland note that ". . . girls were not admitted to college" or "Most Americans thought it unnecessary or even dangerous to educate women." These statements are presented without explanation. A mention of the existence of the dame schools completes the information on women and education.

After the colonial-revolutionary period, it is rare for more than one paragraph to be devoted to the entire development of education for women. Often, none of the early educators are mentioned by name. The facts that women literally fought their way into colleges and universities, that their admission followed agitation by determined would-be students, and that they were treated as subservient to male students even as such pioneering institutions as Oberlin, are always absent. The simple statement that they were admitted suffices.

2. Sections on rights and reforms

The most information about women appears in two sections, those on women's rights and suffrage and general sections on reform. Yet a full page on suffrage and women's rights is a rarity and most texts give the whole movement approximately three paragraphs. The better texts include something on the legal disabilities which persisted into the nineteenth century. These sections are sometimes good, but always brief. Most of them end their consideration of the legal position of women with the granting of suffrage, and there is no discussion of the implications of the recent Civil Rights legislation which removed some of the inequities in employment, nor is there more than a hint that inequities remained even after the nineteenth amendment was passed.

Leaders most commonly noted are Susan B. Anthony, Elizabeth Cady Stanton, and Lucretia Bott. Aside from passage of the nineteenth amendment, the only event noted is the Seneca Falls Convention of 1848. Even less space is devoted to the later suffrage movement. Anna Howard Shaw is seldom mentioned and even Carrie Chapman Catt is not assured of a place. The western leaders like Abigail Duniway are usually absent as are the more radical and militant suffragettes, the members of the Women's Party. Alice Paul, leader of the militants, is apparently anathema.

This is perhaps not too surprising, as the tendency in most texts is to concentrate on the handicaps women faced and to minimize their efforts in their own behalf. One textbook, which dutifully lists Seneca Falls, Stanton, Mott, Wright, Anthony, Stone, and Bloomer, tells very little about what they did, noting "the demand for the right to vote made little headway, but the states gradually began to grant them more legal rights." The text mentions that by 1900 most discriminatory legislation was off the books and describes the post-Civil War work of the movement in these terms: "the women's rights movement continued under the leadership of the same group as before the war and met with considerable success." Later two lines on suffrage and a picture of a group of suffragettes complete the story. Lest this be considered the most glaring example of neglect, another textbook devotes two lines, one in each volume, to suffrage, mentioning in volume one that women were denied the right to vote and returning to the topic in volume two with one line on the nineteenth amendment in the middle of a synopsis of the twenties. This book actually includes more information on the lengths of women's skirts than on all the agitation for civil and political rights for women.

Other texts show a similar lack of enthusiasm for the hundred years of work that went into the nineteenth amendment. One places woman suffrage fifth in a section on the effects of the progressive movement. Catt, Anthony, and Stanton are mentioned in a line or two, while whole columns of text are devoted to Henry Demarest Lloyd and Henry George.

At times there appears to be a very curious sense of priorities at work even in textbooks which give commendable amounts of information. One book uses up a whole column on the Gibson Girl, describing her as:

"Completely feminine, and it was clear that she could not, or would not, defeat her male companion at golf or tennis. In the event of a motoring emergency, she would quickly call upon his superior knowledge. . . ."

The passage goes on to point out that this "transitional figure" was politically uninformed and devoted to her traditional role. One would almost prefer to learn a little more about the lives of those other "transitional figures," the feminists, yet there is almost no mention of their lives, their work, or their writings.

Only one text quotes any of the women's rights workers. It includes a short paragraph from the declaration of the Seneca Falls Convention. The absence in other texts of quotes and of documentary material is all the more striking, since a number of the leaders were known as fine orators and propagandists. Books of source materials, and inquiry method texts, are no exception; none of those examined considers woman suffrage worthy of a single document. One book is exceptional in including one selection, by Margaret Fuller, on the topic of women's rights.

The reformers and abolitionists are slightly more fortunate than the feminists. Three women are almost certain of appearing in history texts, Harriet Beecher Stowe, Jane Addams, and Dorothea Dix. Addams and Stowe are among the few women quoted in either source books or regular texts and, along with the muckraking journalist Ida Tarbell, they are the only women whose writings are regularly excerpted. Addams and Dix are usually given at least one complete paragraph, perhaps more. These are sometimes admirably informative as in certain sections on Dix. Other reformers, including the women abolitionists, both white and black, are less fortunate. The pioneering Grimké sisters may rate a line or two, but just as often their only recognition comes because Angelina eventually became Mrs. Theodore Weld. None of the female abolitionists, despite their contemporary reputations as speakers, is ever quoted. Interest in Black history has not made room for more than the briefest mention of Harriet Tubman, whose Civil War services are deleted. Sojourner Truth and the other black lecturers, educators, and abolitionists are completely absent. The texts make little comment about the nineteenth century's intense disapproval of women who spoke in public, or of the churches' opposition (excepting always the Quakers, from whose faith many of the early abolitionists came).

Women journalists are given even less notice than the early lecturers. The women who ran or contributed to newspapers, periodicals, or specialized journals and papers for abolition, women's rights, or general reform are rarely included.

The reform sections of these high school texts frequently show the same kind of capriciousness that in sections on the twenties assigns more space to the flapper than to the suffragette. In discussions on reform movements, they give more prominence to Carry Nation than to other more serious, not to say more stable, reformers. The treatment of temperance is further marred by a failure to put women's espousal of temperance in perspective. Little stress is placed on the consequences for the family of an alcoholic in the days when divorce was rare, when custody of children went to their father, and when working women were despised. Nor is there much mention of the seriousness of the problem of alcoholism, particularly in the post-Civil war period.

3. Neglected areas

The most glaring omission, considering its impact on women and on society, is the absence of a single word on the development of birth control and the story of the fight for its acceptance by Margaret Sanger and a group of courageous physicians. The authors' almost Victorian delicacy in the face of the matter probably stems from the fact that birth control is still controversial. Yet fear of controversy does not seem a satisfactory excuse. The population explosion, poverty, illegitimacy—all are major problems today. Birth control is inextricably tied up with them as well as with disease, abortion, child abuse, and family problems of every kind. Considering the revolution in the lives of women which safe methods of contraception have caused, and the social, cultural, and political implications of that revolution, it appears that one important fact of the reform movement is being neglected.

A second, largely neglected area is the whole question of woman's work and her part in the early labor movement. Although the American woman and her children were the mainstays of many of the early industries, for a variety of social and political reasons she received low wages and status and was virtually cut off from any hopes of advancement. The educational limitations that gradually forced her out of a number of occupations which she had held in preindustrial days combined with prejudice to keep her in the lowest paid work. Whether single, married, or widowed, whether she worked for "pin money" or to support six children, she received about half as much as a man doing the same or comparable work.

Obviously under these conditions, women had exceptional difficulties in organizing. Among them were the dual burden of household responsibilities and work, their lack of funds, and in some cases their lack of control over their own earnings, and the opposition of male workers and of most of the unions.

Despite these special circumstances, very little attention is paid to the plight of the woman worker or of her admittedly unstable labor organizations. Information on the early labor leaders is especially scanty; one textbook is unique with its biographical information on Rose Schneiderman. On the whole, the labor story is limited to the introduction of women workers into the textile mills in the 1840's. As a caption in one book so concisely puts it, "Women and children, more manageable, replaced men at the machines." Others note the extremely low pay of women and children, one text calling women "among the most exploited workers in America." Anything like a complete discussion of the factors which led to these conditions, or even a clear picture of what it meant to be "among the most exploited," is not found in the texts.

Several things about women and labor are included. Lowell mills receive a short, usually complimentary, description. The fact that the Knights of Labor admitted women is presented. There then follows a hiatus until minimum wage and maximum hour standards for women workers are discussed. The modern implications of this "protective legislation" is an area seldom explored.

Despite the fact that abundant source material exists, the sections on labor follow the familiar pattern: little space is devoted to women workers, few women are mentioned by name, and fewer still are quoted. Most texts content themselves with no more than three entries of a few lines each.

The absence of information on the lives of women on the frontier farms and settlements is less surprising. In the treatments of pioneer settlements from the colonial era on, most texts declare the frontier "a man's world." This is emphasized by the importance the authors place on descriptions and histories of such masculine tools as the Pennsylvania rifle and the ax, the six-shooter, and the prairie-breaker plow. One textbook is perhaps the most enthralled with these instruments, devoting five pages to the story of the six-shooter. Scarcely five lines is spent on the life of the frontier woman in this text, and most other works are also reticent about the pioneer woman.

Only "man's work" on the frontier is really considered worthy of description. This is particularly puzzling, since there was little distinction in employment, and marriage was a partnership with lots of hard work done by each of the partners. On pioneer farms, typical "woman's work" included, in addition to all the housework, the care of poultry; the dairy—including milking, feeding, tending to the cows, and making butter and cheese; the care of any other barnyard animals; the "kitchen" or vegetable garden; and such chores as sewing, mending, making candles and soap, feeding the hired hands, and working in the fields if necessary.

Considering these chores, it is hard to see why discussions of pioneer farming content themselves with descriptions of the farmer's struggles to plow, plant, and harvest. The treatments of the frontier period also omit mention of the women who homesteaded and claimed property without the help of a male partner. According to Robert W. Smuts in *Women and Work in America*, there were thousands of such women. Information about the women on the frontier tends either to short descriptions of the miseries of life on the great plains frequently quoted from Hamlin Garland or to unspecific encomiums on the virtues of the pioneer woman. One text states:

> [The women] turned the wilderness into homesteads, planted flowers and put curtains in the windows. It was usually the mothers and school teachers who transmitted to the next generation the heritage of the past.

The relationship between women's exertions on the frontier and their enlarged civil and political liberties in the Western states and territories is often noticed. Their agitation for these increased privileges is generally unmentioned.

With little said about women's life in general, it is not surprising that few are mentioned by name. Sacajawea, the Indian guide and interpreter of the Lewis and Clark expedition, shares with Dix, Stowe, and Addams, one of the few solid positions in United States history texts. Occasionally the early missionaries to Oregon territory, like Nerissa Whitman and Eliza Spaulding, are included, and one book even adds a "profile" of Nerissa Whitman. Most, however, only mention the male missionaries, or include the fact that they arrived with their wives.

4. Civil War period

Like the frontier experience, the Civil War forced women from all social strata into new tasks and occupations. In *Bonnet Brigades*, a volume in the *Impact of the Civil War Series*, Mary Elizabeth Massey quotes Clara Barton's remark that the war advanced the position of women by some fifty years. Great numbers of women dislocated by the war were forced into paid employment. The war saw the entry of women into government service, into nursing, and into the multitude of organizations designed to raise money and supplies for the armies, to make clothing, blankets, and bandages. The result of this activity was not only to force individual women outside of their accustomed roles, but to provide the experience in organization which was to prove valuable for later suffrage and reform movements. The war helped a number of women escape from the ideas of gentility which were robbing women in the East of much of their traditional social freedom, and brought women of all classes into the "man's world." In addition to the few women who served as soldiers, women appeared in the camps as nurses, cooks, laundresses, adventurers; they served in the field as spies, scouts, saboteurs, and guides; they worked in the capitals as the "government girls"—the first female clerks, bookkeepers, and secretaries. Women opened hospitals, set up canteens, and developed the first primitive forms of what we know as USO clubs and services. After the war, they served as pension claims agents, worked to rehabilitate soldiers, taught in the freedman's schools, entered refugee work, or tried to find missing soldiers and soldiers' graves.

Of all these activities, women's entry into nursing is the only one regularly noticed in the texts. The impact of the war upon women, and upon the family structure, is barely mentioned, although a few texts include a paragraph or two on the hardships which women faced during the conflict. The only women mentioned by name are Clara Barton and Dorothea Dix, who held the position of superintendent of women nurses. Other women, like Mary Bickerdyke, who was known both for her efforts during the war and for her work for needy veterans afterwards, are omitted. No other women, black or white, are named, nor is there any information on the variety of jobs they held. The special problems of black women in the post-war period rarely get more than a line, and the efforts by black women to set up schools and self-help agencies are omitted.

5. The two World Wars

While women in the Civil War era receive little attention, even less is given to them during the two World Wars. In both cases, their wartime service is glowingly praised, but few details are presented. At least half of the texts examined make no note at all of women's wartime activities during the first World War; in a number of others, the story of women's entry into what were formerly labeled "men's jobs" is dealt with in a captioned picture.

As far as social changes between the wars, a number of texts devote several paragraphs to the "liberation of women" and to their changing status. In one textbook there are four paragraphs devoted to these liberated ladies—the only two mentioned being Irene Castle and Alice Roosevelt. Like other texts, this one devotes a considerable amount of space to fashions and flappers and to the social alarm which they occasioned.

There is little about the later stages of the rights' movement, although two textbooks note the relationship between women's wartime service and the increasing willingness of the nation to grant rights and privileges to women. One limits itself to three sentences, noting women's work "in factories and fields" and their efforts behind the lines overseas. "Women's reward for war service was the Nineteenth Amendment which granted them the franchise on the eve of the 1920 election." Readers might wish for greater elaboration.

The period from the depression to the present day receives the same laconic treatment in the texts. The one woman sure of notice in this period is Frances Perkins, Roosevelt's Secretary of Labor. She receives at least a line in most texts and some devote special sections to her. Frances Perkins appears to be "showcase" woman, for no other American woman is regularly mentioned—this includes Eleanor Roosevelt, who is omitted from a surprising number of texts and who is mentioned only as Roosevelt's wife in quite a few more.

The World War II era marked the beginning of the Women's Military Corps. This fact is invariably mentioned, usually with a captioned picture as an accompaniment. As in World War I, women entered factories, munitions plants, and "men's jobs" in great numbers. This development rarely gets more than a paragraph and the differences between the experience in World War I and the longer exposure to new jobs in World War II are seldom elucidated. The impact of the war on women and specific information about the variety of jobs they held is sketchy or nonexistent.

Information on women in the post-war era and in the present day is hardly more abundant. The history texts definitely give the impression that the passage of the nineteenth amendment solved all the problems created by the traditional social, legal, and political position of women. Contemporary information on discrimination is conspicuously absent. The texts are silent on current legal challenges to such practices as discriminatory hiring and promotion and companies' failures to comply with equal pay legislation. They do not take account of agitation to change laws and customs which weigh more heavily on women than on men. There is nothing about recent changes in jury selection, hitherto biased against women jurors, or reform of discriminatory practices in criminal sentences; there is no information on the complex problems of equitable divorce and guardianship, nor on the tangled problem of separate domicile for married women.

A number of texts do, however, provide good information on changes in the structure of the family, or provide helpful information on general social and political changes. The impression, insofar as these sections deal directly with American women, is a rosy picture of the affluence and opportunities enjoyed by women. Many books note the increasing numbers of women employed in the learned professions, but never the percentage decline in their numbers. While women undoubtedly enjoy more rights, opportunities, and freedoms than in many previous eras, the texts give an excessively complacent picture of a complex and rapidly changing set of social conditions.

6. Intellectual and cultural achievements

A final glimpse of the position of the American woman may be gained from sections dealing with intellectual and cultural trends and achievements. Since most texts extol the role of women in preserving culture and in supporting the arts, one might expect women to be well-represented in discussions of the arts in America. A number of factors, however, operate against the inclusion of creative women. The first, and one which deprives many creative men of notice as well, is the extreme superficiality of most of these discussions. Intellectual and cultural life in America is limited to the mention of a few novelists and poets, with an occasional musician or playwright. Only a few individuals in each category are ever mentioned, and the preference for male examples and spokesmen, noticeable in all other topics, is evident here as well. In individual texts, this leads to such glaring omissions as Emily Dickinson and Margaret Fuller. To be fair, the text guilty of ignoring Miss Dickinson appears to feel that John Greenleaf Whittier was one of our greatest poets, yet ignorance of American poetry is hardly an acceptable excuse.

Dickinson and Fuller, however, are among the small, fortunate circle including Harriet Beecher Stowe, Willa Gather, and Margaret Mitchell who are usually named. The principles governing their selection and decreeing the omission of other writers like Edith Wharton, Ellen Glasgow, Eudora Welty, and Pearl Buck are never explained. Apparently their presence or absence is determined by the same caprice which decrees Edna St. Vincent Millay the only modern female poet.

Only a handful of texts discuss painters and sculptors, but of those that do make some effort to include the visual arts, only one reproduces a painting by Mary Cassatt. Georgia O'Keeffe is also represented in this text. Other texts, even when including Cassatt's fellow expatriates, Sargent and Whistler, omit her—an exclusion inexplicable on grounds of quality, popularity, or representation in American collections. Contemporary art is totally ignored and everything after the Ashcan School is left in limbo. This omits many painters of quality and influence, including the many women who have entered the arts in the twentieth century.

More serious than the sketchy treatment given to the arts covered by the texts is the omission of arts in which women were dominant or in which they played a major part. Dance is never given as much as a line. This leaves out the American ballerinas, and, even more important, it neglects the development of modern dance—a development due to the talents of a handful of American women like Isadora Duncan, Martha Graham, and Ruth St. Denis.

There is a similar neglect of both stage and screen acting. If film or drama are to be mentioned at all, directors and writers will be noted. It hardly seems necessary to point out that acting is an area in which women have excelled.

Music sees a similar division with similar results. Composers and instrumentalists, chiefly men, are mentioned. Singers, men and women, are omitted. This particularly affects black women. Only one textbook mentions Marian Anderson and Leontyne Price. White classical singers are ignored as are the black women jazz singers.

If intellectual and cultural developments are limited to areas in which men were the dominant creative figures, it is obvious that American women will not receive credit for their contributions. It also seems clear that such superficial accounts of the arts are of questionable value.

SUMMING UP

Although it is tempting to imagine some historical autocrat sternly decreeing who's in and who's out—giving space to Harriet Beecher Stowe but not to Marianne Moore; to Dorothea Dix but not Mary Bickerdyke; to Pocahontas but not Margaret Brent; to Susan B. Anthony but not Abigail Duniway—the omission of many significant women is probably not a sign of intentional bias. The treatment of women simply reflects the attitudes and prejudices of society. Male activities in our society are considered the more important; therefore male activities are given primacy in the texts. There is a definite image of women in our society, and women in history who conform to this image are more apt to be included. History reflects societal attitudes in all topics, hence the omission of potentially controversial persons like Margaret Sanger or that militant pioneer in civil disobedience, Alice Paul. Sensitivity to social pressure probably accounts for the very gentle notes about religious disapproval of women's full participation in community life and for omission of contemporary controversies, especially on sexual matters, which would offend religious sensibilities.

Another factor which affects the picture of women presented in these texts is the linguistic habit of using the male pronouns to refer both to men and to men and women. While this may seem a trivial matter it frequently leads to misunderstanding. Discussing the early colonists, for example, solely in terms of "he" and "his" leads to the implication that all early proprietors, settlers, planters, and farmers were men. Given the cultural orientation of our society, students will assume activities were only carried on by men unless there is specific mention of women.

To these observations, authors of high school texts might reasonably respond that their space is limited, that they seek out only the most significant material and the most influential events and individuals; that if dance is omitted, it is because more people read novels, and if such topics as the role of female missionaries or colonial politicians are neglected, it is for lack of space. One is less inclined to accept this view when one notices some of the old things which authors do manage to include. One feels like asking, "How important was Shays's Rebellion?" Should the Ku Klux Klan receive reams of documentary material and woman suffrage none? Do we want to read five pages on the six-shooter? Is two columns too much to give to Empress Carlotta of Mexico, who lived most of her life in insanity and obscurity? Is the aerialist who walked a tightrope across Niagara Falls a figure of even minor importance in American History? Is Henry Demarest Lloyd more important than Carrie Chapman Catt? Are the lengths of skirts significant enough to dwarf other information about women?

There are other questions as well: How accurate is the history text's view of women and what images of women does it present? The texts examined do very little more than reinforce the familiar stereotypes.

It should be clear, however, that changes in the construction of high-school-level history texts must go beyond the insertion of the names of prominent women and even beyond the "profiles" and "special sections" employed by the more liberal texts. Commendable and informative as these may be, they are only the beginning. Real change in the way history is presented will only come after those responsible for writing it, and for interpreting the finished product to students, develop an awareness of the bias against women in our culture, a bias so smooth, seamless, and pervasive, that it is hard to even begin to take hold of it and bring it into clear view. Until this awareness is developed, until the unquestioned dominance of male activities and the importance of male spokesmen and examples is realized, texts will continue to treat men's activities and goals as history, women's as "supplementary material."

One sees this quite clearly in the existence of sections dealing with women's rights, women's problems, and women's position, as if women's rights, problems, and position were not simply one half of the rights, problems, and position of humanity as a whole, and as if changes in women's position and work and attitudes were not complemented by changes in the position, work, and attitudes of men. A sense of the way the lives and duties and achievements of people of both sexes is intermeshed is needed in expositions of life in all periods of American history.

To do this it is clear that material hitherto omitted or minimized must be given more consideration. For example, information about mortality rates, family size, and economic conditions must be included, along with more information on the impact of technological change, on the mass media, and on moral and religious ideas. More information about how ordinary people lived and what they actually did must be included as well as information drawn from the ideas and theories of the educated classes.

This is not to deny that certain developments have had far more effect on women than on men, or that women's experience might be different from men's: for example, the early struggles to form unions. Nor is it to deny that more information on women leaders is needed and more space for their particular problems and achievements. More information on all aspects of women's life, work, and position—legal, social, religious, and political—is needed, but more information alone, no matter how necessary, will not really change histories. What is needed, besides more information, is a new attitude: one which breaks away from the bias of traditional views of women and their "place" and attempts to treat both women and men as partners in their society; one which does not automatically value activities by the sex performing them; and one which does not relate history from the viewpoint of only half of the human family.

(NOTE.—To this fine article we would only add that history books have ignored the long and yet unsuccessful struggle to pass the Equal Rights Amendment—Education Committee, NOW.)

COLLECTED BIOGRAPHIES

A Bibliography of Girls and Women, which follows, was compiled by Eileen T. Nebel, librarian of Junior High School 7, in order to call the attention of the school's students and faculty to books about girls and women, other than romantic fiction and fashion magazines, and in hopes of encouraging girls to set meaningful goals for themselves beyond marriage and motherhood. The list excludes fiction and all works about women whose only historical significance is marriage to famous men. For example, a copy of *Wives of the Presidents* is not included. The list is selective in no other way. Works of high quality are included with those of decidedly lesser value.

The Board of Education occasionally issues bibliographies and resource manuals on specific subjects, such as Black Studies or Puerto Rican Studies. Librarians are encouraged to order heavily from these lists, and to give prominent display to the new materials. A year ago, Ms. Nebel requested a similar Bibliography on Women's Studies, but she has received no reply, and the Board of Education has still not issued such a bibliography or resource manual. We repeat her request. We also urge librarians to begin on their own to compile lists like Ms. Nebel's, to set up displays of materials about notable girls and women, to try not to order either books which present a negative or stereotyped view of females, or career books which imply that certain careers are only suitable for one sex or the other, and finally, to be sure that both boys and girls have equal opportunity to become library monitors.

[Author and title]

Bolton, Lives of Girls Who Became Famous.
Borer, Women Who Made History.
Boynick, Pioneers in Petticoats.
Buckmaster, Women Who Shaped History.
Curtin, Gallery of Great Americans.
Daugherty, Ten Brave Women.
Dolin, Great American Heroines.
Fleming, Doctors in Petticoats.
Foley, Famous American Spies.
Gersh, Women Who Made America Great.
McNeer and Ward, Armed With Courage.
Miller, Westering Women
Nathan, Women of Courage.
Ross, Heroines of the Early West.
Sickels, In Calico and Crinoline.
Sterling, Four Took Freedom.
Trease, The Seven Queens of England.
Waite, Valiant Companions.
Waltrip, Indian Women.
Yost, American Women of Science.

BIOGRAPHIES

Person the book is about, title, and author

Jane Addams, Twenty Years at Hull-House, Addams.
Jane Addams, Jane Addams World Neighbor, Gilbert.
Jane Addams, City Neighbor, Judson.
Jane Addams, Jane Addams Little Lame Girl, Wagoner.
Louisa May Alcott, Louisa May Alcott, Papashvily.
Louisa May Alcott, Invincible Louisa, Meigs.
Marian Anderson, My Lord What a Morning, Anderson.
Marian Anderson, Marian Anderson: Lady from Philadelphia, Newman.
Jane Austen, Young Jane Austen, Sisson.
Gladys Aylward, Small Woman, Burgess.
Emily Barringer, First Woman Ambulance Surgeon, Noble.
Dr. Isabel Barrows, So Much in a Lifetime, Stern.
Clara Barton, Clara Barton, Pace.
Sarah Bernhardt, Great Lady of the Theatre, Noble.
Mary McLeod Bethune, She Wanted to Read, Carruth.
Mary McLeod Bethune, Mary McLeod Bethune, Peare.
Elizabeth Blackwell, First Woman Doctor, Baker.
Brontes (sisters), The Young Brontes, Bentley.
Brontes (sisters), The Young Brontes, Jarden.
Elizabeth Barrett Browning, How Do I Love Thee? Waite.
Pearl S. Buck, My Several Worlds, Buck.
Catherine the Great, Catherine the Great, Scherman.
Cleopatra, Cleopatra of Egypt, Hornblow.
Dixie Cline, Animal Doctor, McDonnell.
Prudence Crandall, Prudence Crandall Woman of Courage, Yates.
Babe Didrikson, Babe Didrikson Girl Athlete, De Grummond.
Amelia Earhart, Amelia Earhart Heroine of the Skies, Garst.
Queen Elizabeth I, The Young Elizabeth, Plaidy.
Queen Elizabeth I, Queen Elizabeth and the Spanish Armada, Winwar.
Princess Elizabeth & Princess Margaret Rose, The Little Princesses, Crawford.
Alice Fitzgerald, Nurse Around the World, Noble.
Anne Frank, The Diary of a Young Girl, Frank.
Anne Frank, The Works of Anne Frank, Frank.
Elizabeth Garrett, Elizabeth Garrett, M.D., Manton.
Althea Gibson, I Always Wanted To Be Somebody, Gibson.
Lady Jane Grey, Lady Jane Grey Reluctant Queen, Vance.
Cornelia Hancock, Cornelia The Story of a Civil War Nurse.
Carol Heiss, Olympic Queen, Parker.
Joan Of Arc, Story of Joan of Arc, Nolan.
Joan of Arc, Joan of Arc, Ross.
Helen Keller, Three Lives of Helen Keller, Harrity.
Helen Keller, Story of My Life, Keller.
Sister Elizabeth Kenny, Sister Elizabeth Kenny, Thomas.
Mary Kingsley, African Traveler, Syme.
Jenny Lind, Enchanting Jenny Lind, Benet.
Juliette Low, Juliette Low Girl Scout, Higgins.
Juliette Low, Juliette Low, Pace.
Juliette Low, Juliette Low Girl Scout Founder, Radford.
Anne Sullivan Macy, Teacher, Keller.
Edna St. Vincent Millay, America's Best-Loved Poet, Shafter.
Maria Mitchell, America's First Women Astronomer, Baker.
Lucretia Mott, Lucretia Mott, Serling.
Najmeh Najafi, Persia Is My Heart, Najafi.
Florence Nightingale, Florence Nightingale, Nolan.
Anne Oakley, Annie Oakley, Garst.
Anne Oakley, Annie Oakley, Graves.
Alice Palmer, Alice Freeman Palmer, Fleming.
Vijaya Lakshmi Pandit, Madame Ambassador, Guthrie.
Molly Pitcher, Molly Pitcher Girl Patriot, Stevenson.
Beatrix Potter, Nothing Is Impossible, Aldis.
Eleanor Roosevelt, The Eleanor Roosevelt We Remember, Douglas.
Eleanor Roosevelt, Shy Girl, Gilbert.
Eleanor Roosevelt, Story of Eleanor Roosevelt, Hickok.
Sacajawea, Sacajawea, Voight.
Sansan, Eighth Moon, Sansan.
Mary Slessor, Nigerian Pioneer, Syme.
Monica Sone, Nisei Daughter, Sone.
Harriet Beecher Stowe, Harriet Beecher Stowe, Widdemer.
Harriet Beecher Stowe, Harriet Beecher Stowe, Wise.
Harriet Tubman, Freedom Train, Sterling.
Queen Victoria, Queen Victoria, Boeth.
Lillian Wald, Lillian Wald Angel of Henry Street, Williams.
Phillis Wheatley, Story of Phillis Wheatley, Graham.

PAPERBACKS

Author and title

Goode, Women in Divorce.

OTHER NON-FICTION

Author and title

Coolidge, Women's Rights.
Flexner, Century of Struggle.
Foster, Votes for Women.
Yolen, Pirates in Petticoats.

THE EFFECTS OF TEACHER BIAS

(By Kathleen E. Grady)

I would like to talk about how the schools affect the female students, particularly in terms of the nonconscious assumptions that are made by teachers, administrators, and eventually the students themselves. It is through pervasive, unexamined attitudes about the nature of women that girls are tracked into the most menial, lowest paid jobs. It is because of an unwarranted emphasis on their biological potential that girls develop an overriding concern with their most superficial aspects, their physical attractiveness. It is not the schools' fault alone, but it does seem that the schools do very little to help girls to overcome a basically negative self-image that includes what is generally defined as the essentials of femininity: submissiveness, dependence, docility, masochism, narcissism, and above all, passivity.[1]

By the time girls reach Junior High School age, the negative effects of attempting to conform to a rigid feminine role begin to appear.

There is evidence that girls who are underachievers in high school usually begin to be so about the onset of puberty, while for boys underachievement in high school usually has an earlier onset. This contrast is a further indication that the achievement drop-off among girls as they reach maturity is linked to the adult female sex role.[2]

Career aspirations also diminish. One study by Hartley[3] showed that girls' intention to work after marriage declined with age, the eleven-year-olds showing that they have come to terms with reality. Another study by

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[1] Laws, Judish Long. "Toward a Model of Female Sexual Identity," *Midway*, (University of Chicago), Summer 1970.

[2] Shaw, M. C. and J. T. McCuen. The onset of academic underachievement in bright children. *J. Educ. Psychol.*, 51, 103–8, 1960.

[3] Hartley, Ruth E. Children's concepts of male and female roles. *Merrill-Palmer Quart.*, 6:84–91, 1960.

Davis[4] involving high school girls, found that 60% felt most women would like to work. Only 25% said they actually expected to attain their chosen occupations. Why are teenage girls so pessimistic about their ability to succeed? Of obstacles they perceived, 41% gave marriage as the reason.

Girls are constantly told that they must choose between marriage and a career—and the correct choice is always quite explicit. The option to choose a career only exists in a very technical sense. All the pressures—from parents, peers, the media, and even the schools—are in the direction of a limited social role for women defined by their biological potential. Certainly boys are never told that they are going to grow up to be husbands and fathers first and something else second. A man's success in work is never tempered by such phrases as "despite being married and the father of three children." In discussing occupational aspirations, he is not constantly reminded of his future role as parent and spouse. These constraints are ever present for the female child. Can we honestly say that this prolonged and exclusive socialization procedure is justified any longer (if it ever was) in terms of the now limited demands of motherhood?

But perhaps more importantly, what do such constant reminders do to young girls? For one thing numerous studies have shown that girls do not reach out into the future—particularly toward the occupational world but also toward higher education—the way boys do. Thirty-three percent of National Merit finalists in high school who aspire to attend medical school are girls but only 8% of medical school applicants are girls. This is true across all professions and the loss of talent is enormous.

Because of the stress on motherhood as the primary career, girls are encouraged to limit themselves to occupations that can be attained with a minimum of training and can be stopped and resumed according to the demands of parenting. Such jobs often have common characteristics. They are usually supportive and ancillary to a "man's job," such as a secretary to a boss or a nurse to a doctor. Although the pragmatic parenthood reason can be given for these occupations, it is also clear that they reinforce the image of woman as helper, supporter, cheerleader—basically the inferior of man. Another common characteristic is that these jobs are poorly paid. This insures women's dependence on men and virtually rules out any options to the traditional family picture of man as the sole provider. In most cases, it simply isn't economically feasible for women to work outside the home.

But there are even more insidious consequences to such an emphasis on biological potential. Girls start to think of themselves first in terms of their attractiveness, their ability to get and hold a man. They quickly become aware of the negative social consequences (i.e., rejection by men) that will accompany successful surviving, and they learn that, if they're smart, they'll play dumb. Worse, they start to believe in their own inferiority. Horner[5] documented that there is a strong motive to avoid success in women, which has been called "the will to fail." The Bernreuter Personality Inventory's norms for women show that they are more neurotic, less self-sufficient, more introverted, less dominant, less self-confident, and more socially dependent than men. These sex differences *do not appear* younger than high school age. Does this mean that females become more neurotic or males less so as they grow up? An explanation which is at least plausible is that as males and females learn more about the places in life they are expected to fill, personality adjustments are made accordingly.

Another researcher, McClelland,[6] found as long ago as 1953 that in achievement tests, if social rather than intellectual acceptability were manipulated, women's motivations rose. Girls learn early and well that it is more important to be accepted—even defined—socially than to achieve according to their full potential. The essence of this dependence on acceptance by others is passivity. The girl learns that her role is to *be* attractive—basically, she prepares herself, waits, and hopes. Ambition and aggressiveness of any kind are incompatible with these attitudes.

But what do educators have to do with these self-denying attitudes that girl students admittedly accept for themselves? Rosenthal[7] has recently shown that teacher expectation is one of the most important, if not the most important, determinant of student achievement. He gave teachers false evidence of students' I.Q.'s, and found through standardized tests given at the beginning and end of the year that those students the teachers (incorrectly) believed to be the most intellectually capable improved more than those who were actually intellectually superior. There is no longer any doubt that the social expectations that surround the pupils strongly influence the outcomes. As long as parents, peers, the media, and especially educators expect girls to be submissive, dependent, docile, masochistic, narcissistic, and passive, such expectations will operate as a self-fulfilling prophecy, and society will continue to be denied the realization of the full potential of one half of its members.

The Psychology and Sociology of Women

Following are topics and an abbreviated bibliography for The Psychology and Sociology of Women, a course given by Linda Fidell and Jane Prather at San Fernando Valley State College. Much of this material would be useful in the in-service Consciousness Raising Course on Sexual Attitudes which N.O.W. urges for administrators and personnel in public schools.

Physiological Differences Between the Sexes: The Basis for Biological Determinism: Maccoby *The Development of Sex Differences*, Ch. 13; Beach *Hormones and Behavior;* Brecher and Brecher *An Analysis of Human Sexual Response;* Ford and Beach *Patterns of Sexual Behavior;* Masters and Johnson *Human Sexual Response;* Money *Sex Research; New Developments.*

Psychological Differences Between the Sexes: Maccoby *The Development of Sex Differences*, Chs. 2 and 3; Weisstein *Kinder, Kuche and Kirche as Scientific Law;* Erikson in Lifton *Women in America;* Kagan and Moss *Birth to Maturity;* Klein *The Feminine Character;* Terman and Miles *Sex and Personality.*

Socialization and a Cross-Cultural Comparison of Sex Roles: Bird and Briller *Born Female: The High Cost of Keeping Women Down;* Hacker *Women as a Minority Group Bobs-Merrill reprint S108;* Rossi in Lifton *Women in America.*

Her Story: Degler in Lifton *Women in America;* Conway in Lifton *Women in America;* Erikson in Lifton *Women in America;* Flexner *Century of Struggle.*

Women in the Law: Murray and Eastwood *Jane Crow and the Law: Sex Discrimination and Title VII.*

Birth Control and Sex: Brecher and Brecher *An Analysis of Human Sexual Response;* Ford and Beach *Patterns of Sexual Behavior:* Masters and Johnson *Human Sexual Response.*

Motherhood and Marriage: Engles *The Origin of the Family;* DeBeauvior *The Second Sex, Chs. 11 and 16;* Mainardi *Politics of House Work;* Prather *Momism by Default;* Rostow in Lifton *Women in America;* Selly and Cresi *Crestwood Heights;* Schur *The Family and the Sexual Revolution.*

Women in the Work Force and the Professions: Benston *The Political Economy of Women's Liberation;* Jordan *The Place of American Women;* Rossi in Mattfeld and VanAken *Women in the Scientific Profession;* Bailyn in Lifton *Women in America;* Bernard *Academic Women;* Epstein *Women's Place;* Peterson in Lifton *Women in America.*

The Cop-Out: The Achievement Motive in Women; Horner in *Psychology Today;* McClelland in Lifton *Women in America*; Atkinson *Motivation.*

The Image of Women in Literature, the Mass Media and Fashions: Manis in Farber and Wilson *The Potential of Woman;* Trilling in Lifton *Women in America;* Cleaver *Soul on Ice;* Lessing *The Golden Notebook, etc.;* Ibsen *The Doll's House.*

Women's Liberation Movements: Dixon *Why Women's Liberation?;* Jones and Bower *Toward a Female Liberation Movement.*

The Following Allegations, Made by a City High School Teacher, Are Under Legal Investigation

Perhaps the most egregious example [of sexual discrimination] was a February meeting of department chairmen at which [the principal] instructed chairmen to hire male teachers when humanly possible.

There is a hall patrol consisting of three male teachers per period. Each teacher is relieved of a class for this chore. No females are accepted even when they volunteer.

In the main building there are 92 male, and 75 female, teachers. Males are systematically selected for the choice jobs, often before the job positions are advertised. In the main building 65 male teachers hold special jobs instead of the full five-period teaching program. In addition to these 65, other male teachers have been relieved of official classes, and one has been relieved of all classes and assigned the job of controlling drugs in the school. Only 27 female teachers have been given special jobs, and many of these jobs border on the ridiculous.

There are two major results of giving male teachers the preponderance of assignments:

Women are largely selected to teach in the annex (similar to Siberian exile, and about as healthy!) since this selection is made only from those teachers who do not have special assignments and/or special courses.

Teachers with special courses carefully cream off the better students to place in their own few classes, leaving the rest of us with truly homogeneous classes of low achievers.

In summary, our school operates under a blatantly discriminatory power structure in which men decide policy and women do the bulk of the teaching.

LIFE ARTICLE ON CHAIRMAN WILBUR D. MILLS

HON. CHARLES A. VANIK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 14, 1971

Mr. VANIK. Mr. Speaker, in the current issue, July 16, 1971, of Life magazine, an article is included by Marshall Frady entitled, "The Wooing of Wilbur

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[4] Davis, Ethlyn. Careers as concerns of blue collar girls. In *Blue Collar World: Studies of the American Worker, ed.* Arthur B. Shostak and William Gomberg, pp. 154–64, New York: Prentice-Hall, 1964.

[5] Horner, Matina. Women's will to fail. *Psychology Today,* 3:36–42, 1969.

[6] McClelland, D. et al. *The Achievement Motive.* New York: Appleton-Century-Crofts, 1953.

[7] Rosenthal, R. *Pygmalion in the Class room: Teacher Expectation and Pupils Intellectual Development,* New York: Holt, Rinehart, & Winston, 1968.

Mills," the distinguished chairman of the House Ways and Means Committee.

This article presents a scholarly insight into the personality and the work of the most skilled and diligent legislator serving in the Congress.

I recommend this article to the attention of the Members of the House:

The Wooing of Wilbur Mills

(By Marshall Frady)

In contrast to the proud and glamorous stags who stalk the aisles of the Senate, the House of Representatives is populated mostly by prosaic and homespun men. Shrewd and diligent but consummate commoners, they still belong—if only because they must renew themselves there every two years—to the simple Main Streets and town squares, the Rotary luncheons and church suppers out in the plain everyday life of the land. One of the most unobtrusive members of their company is Wilbur Daigh Mills, for 32 years representative from a remote piney district in Arkansas, since 1958 chairman of the House Ways and Means Committee. A sedulously sober man of middling height, with zinc-gray hair combed sleekly straight back and frail gilt-frame bifocals printed on a face as homey and honest as a boiled turnip, he tends to strike even fellow congressmen as "some real estate broker or Pontiac dealer up here from Little Rock, paying his respects to his congressional delegation."

But as chairman of Ways and Means, Mills presides over the inception and delivery of legislation in taxes, social security, tariffs and foreign trade, medicare, interest rates, the federal budget—in short, the means of revenue for maintaining the Republic. Accordingly, he is the man, after the President himself, most strategic to the mediation of such urgent national travails as inflation, unemployment, the desperation of the cities. And with the President's State of the Union announcement last January, Mills found himself suddenly in the imposing position of determining the fortunes of something like 70% of Nixon's domestic ambitions for the next two years, especially the President's master designs for revenue-sharing, health insurance and welfare reform. As a result, Mills has become the single most conspicuous and consequential figure in Congress.

It would seem then particularly felicitous, given the politically divided government now operating in Washington, for the administration to achieve a simpatico relationship with so crucial a congressional chieftain. But, while Mills has proven in the past to be obliging in his transactions with other administration of both parties, the Nixon White House has assumed a style toward him described even by GOP House leaders as almost perversely imperious and peremptory. "So much really lies in the personal relationships that exist between the White House and the leadership on the Hill," says one veteran political engineer in Washington, "and that's been the central blind spot with this administration in its difficulties with Congress. It's almost unreal."

At the first murmurings about his possible candidacy on the national Democratic ticket, Mills was moved to venture, "I'll tell you, I have absolutely no interest, but if that fella downtown doesn't straighten up after a while, and it would take me running on the ticket to beat him and there'd be no other way, then I think I'd do it. . . ." However whimsical that notion initially seemed, intimates eventually discovered that Mills had, indeed, become seriously beguiled by such an improbable prospect. Until this spring, he would have been the last man, in all the Hill's hierarchy of power, to occur to anyone as a presidential candidate. In his three decades in Washington, he has left behind him a wake uncannily bereft of flair or anecdotes. Inevitably over the years, awed notice has been taken of Mills—occasional newsmagazine covers, extensive newspaper profiles—but they were like matchflares against a sheet of sandpaper: no reflection, no shimmer was given off. He seems to have a presence that defies celebration, that resounds about as vibrantly as a plank of cork. Despite his staggering clout, he has remained a resolutely unassertive figure, possessed by an implacable shyness. To expect from such an eminently unpresumptuous creature that most towering presumption of all—to run for President of the United States—could not have seemed more unlikely.

Yet, at the least, he is now surrounded by all the acoustics and stage sets for that presumption. He has become in the last few months a kind of national pop political phenomenon. In his daly crossings between his office and the House—at a brisk and oddly pitching walk, his chunky arms swinging cupped palms which are turned backward like mole paws, his bulky nose lifted as if seeking stray scents along his way—he trails along with him a churning and disheveled train of newsmen and photographers. Everywhere he moves, he seems to be at the center of urgent congestions of journalists and television cameras—and, in between, flurries of White House emissaries, governors, delegations of harried mayors notifying him of imminent combustions in their cities if funds for promised programs are not released, if more grants are not bestowed.

He receives this long and involuted litany of anxieties during numberless interviews in his committee's narrow chandeliered hearing room. Here he reclines at the end of a long table and sips from a Madison Little Cigar inserted into a cigarette holder which he twitches and dandles in his pudgy fingers, occasionally lifting it to his mouth at a rakish angle reminiscent of the Penguin in *Batman*. It is his solitary dapper flourish.

"I have never been much on comedy," Mills himself offers in a slow resonant voice, in which lurk the softly whanging Arkie chords of the countryside back home. Indeed, as a raconteur, he seldom essays any humor lustier than narrations of the winsome doings of his grandchildren. "In all the years I've been in Washington," an old friend on his committee reports, "I don't suppose I've seen Wilbur at more than half a dozen evening gatherings around town." Indeed whenever a new administration installs itself in the White House, Mill's office quietly notifies it to strike the chairman's name from the social invitation list. Up until recently, his single junket during all his years in Congress was a brief expedition to Baltimore, Md., some 37 miles from the capital.

"He lives in such a closed world," declares a fellow congressman, "that nobody really ever sees him except those few times he's on the House floor."

Mills suggests that, because he dwells at the eye of such turbulent pressures, he maintains his privacy out of calculated discretion. "Without casting any reflections, now," he remarks, "but why do you think they have cocktail parties in this town? You know the answer to that." Beyond his aversion to the political compressions of Washington's social events, Mills declares, "My only real amusement is work, anyway," and, "My father always impressed on me that you couldn't do a day's work and stay out all night at parties."

He and Polly, his wife of 37 years, live in the same two-bedroom apartment on Connecticut Avenue where they have been residing ever since they arrived in Washington. Polly—a thin, polite, pale lady whom Mills met in grade school back in Kensett, Arkansas—is, if anything, even sparer of word and effusion than he. They pass their evenings sedately. "We read together a lot," allows Mills, "and watch television sometimes. Also we like to listen to Lawrence Welk." They still dine, for the most part, on the folk fare of their past: okra, butterbeans, cornbread. "Only up here," says Mills, "we'll occasionally have Brussels sprouts." After a moment he adds, "But we never eat desserts." At one time Mills regularly took long walks after supper, "but it's just not safe to do that anymore. So now, instead, after we eat I walk around the apartment a lot."

Mills's initial reaction to the rumors about him as a presidential candidate was that they had been instigated by the White House to embarrass him. "That way," Mills snorted, "they can say that whatever I'm doing, I'm doing for political reasons, you see." Probably because of his sheer bewilderment and disbelief, his early disavowals seemed to lack the zest of finality, which only served to amplify the conjectures. But eventually, sitting in his office at the end of the day, even as he signed letters returning the campaign checks that had begun ebbing in, he would note, with not a little delight and fascination, "Hell, look at this. Look at this. The folks down home, they think I'm already off and running. . . ."

Yet in the midst of the fanfare Mills still seemed strangely reluctant to emerge from his careful inconspicuousness. After a week with one journalist spent exclusively on his daily procedures at his office and committee room, Mills seemed to begin to wax somewhat more comfortable and even sporadically expansive, until at the end of one afternoon as they were leaving the Capitol, the newsman happened to mention a few names out of Mills's boyhood. This sudden ambush, this intimation of a personal curiosity beyond the formal exercises of his office, startled him momentarily. He paused transfixed with his hand on the doorknob, his coat on, and merely stared at the newsman for several seconds with a curiously accosted little smile frozen on his face, his eyes softly and furiously batting behind his glasses with a touching vulnerability.

By his own admission Mills has entertained since childhood a single aspiration: to be a member of the House Ways and Means Committee. This rather specialized and solemn ambition for a 7-year-old boy he has ascribed to the periodic visitations in Kensett of his district's congressman, who belonged to Ways and Means. With the ambition Mills contracted from these awesome occasions, he compiled a respectable array of honors at Hendrix College, a small Methodist academy in nearby Conway. He went on to Harvard's law school and then returned in 1934 to work as a cashier in his father's bank while trying to muster a law practice. Soon he married Polly, who was working as the Kensett postmistress. "We didn't really have the blessings of our parents," Mills confesses. "We'd told them about a week earlier that we'd decided to do it, but times were pretty hard then, you know." This appears to constitute the most feverish venture in Mills' existence. After a night at the Albert Pike Hotel in Little Rock, the newlyweds arose at 6:30 and returned to their respective jobs.

Mills ran for his first office in 1934 and won, becoming the youngest county judge in Arkansas' history. Four years later he went to Congress, where he steadily and quietly proceeded to acquire the myriad arcane wisdoms and wiles and decorums of the House's inner cosmos. When he returned to Washington for his second term, he made his move for the Ways and Means Committee. "But I neglected to talk to the leadership about it," he says now, "as a result of which I got beat. Speaker Rayburn came up to me afterward and said he just didn't have any knowledge I'd wanted to be on Ways and Means, I should have told him and he could have got me on it. Next time around, I was put on without opposition.

Through the calm and patient passage of the next 16 years, Mills abided. He served his apprenticeship for the committee's gavel under Jere Cooper of Tennessee. It was a wry symbiosis. Cooper, a bluff and burly spirit not given to fiscal nuances and complexities, simply activated the legislative compositions which Mills carefully fashioned out of the encyclopediac economic lore he had already amassed. Mills functioned as a kind of studious and discreet subaltern to the chairman, Cooper's wizard of strategy. For Mills, it made for an effectual and gratifying anonymity, which he relinguished not altogether comfortably when Cooper died in 1957, and Wilbur assumed his chair.

As chairman of Ways and Means, Mills inherited forbidding equipment for persuasion. In a special consideration granted to no other committee in the House, proposals from Ways and Means are received by the full House under a "closed rule," whereby no amendments are admitted from the floor, a provision to avert unmanageable melees over the delicately wrought convolutions of bills. The choice of the House, then, is whether to accept the handiwork of Mills' committe whole or discard it whole, which exercises a certain intimidating effect on disgruntlements over the particulars of those bills. Beyond that, as chairman of Ways and Means, Mills also happens to be chairman of the Democratic Committee on Committees, which makes the dispensations on committee assignments for his party—and thereby is invested with the potential for nourishing or shriveling the careers of congressmen.

Despite all this parliamentary brawn, the first bill Mills presented to the House floor as chairman collapsed; and on another bill a while later, Wilbur found his own committee scattering out of his reach. According to a number of Mills intimates, those two early disasters left the chairman, a compulsively cautious man anyway, deeply traumatized. Since then Mills has negotiated his way in a manner that seems almost perversely officious and self-effacing and he has lost only one other bill.

"Mills is so cooperative and helpful with fellow congressmen," asserts Dr. John F. Manley in his book, *The Politics of Finance*, "that they impose their own limits on what they ask of him. . . ." Occasionally, if the importunings of a colleague or lobbyist grow somewhat blustery and dogmatic, Mills will slump slightly lower in his chair and studiously run a penknife under his fingernails while a small furious tremor briefly flickers in his right cheek. "Whenever I walk in his office," declares one of his aides, "and see that little jumping in his cheek, I start shuddering." But Mills allows himself no more release of passions than that.

He has become, in fact, perhaps the most conscientiously solicitous soul to be found in Washington. During testimony at committee hearings or appeals from petitioners in his office, Mills narrows his eyes and shakes his head sympathetically, maintaining a slightly squeezed and squinty expression of attentiveness and commiseration. He seems devoutly and amiably all-absorbent, responding to the interminable recitals of woes and exhortations with nods, murmurings, "I understand you, yes. . . . Yes, that's right, sure wouldn't," agreeable hums and grunts.

This inscrutable and indiscriminate placability tends to leave all his visitors with the illusion of a genial compliance with their appeals and propositions—and for those who are inevitably disappointed by what actually emerges in the legislation from his committee, a suspicion of congenital indecisiveness. Some have suggested that Mills, like most shy and deferential people, simply has an aversion to the unsettling dissonances of dispute, contention, exception-taking. "But the truth is," declares one of his colleagues, "Wilbur keeps *himself* guessing, right up to the last minute."

In the view of some in the White House, "the man is almost Oriental." Actually, such a sense of his impulses arises out of the fact that Mills is probably Washington's most exhaustive assembler of consensus-approaches since Lyndon Johnson departed the Senate. With an indefatigable deliberation, Mills gradually constructs the meticulous complexities of his consensus into a new legislative program. "Of course," says one of his committee members, "Wilbur is always very careful about *who* he reaches a consensus of. It tends to be who can influence, who can help the most."

His committee has always been known as "the salt mines of Congress," dealing as it does with the wan and inert materials that are the essence of Ways and Means. Mills sits through these stultifying recitations and browsings with a seemingly omnivorous and unfaltering alertness, an epic patience, which leaves its other members stunned. "He just keeps going," declares one of them, "and going, and going—he outlasts you." Mills has accumulated whole reservoirs of expertise, vast bins and silos of knowledge, hoards, caches, archives of references. The reach of his familiarity with the bleak terrain of federal tax law is beyond the perception of anybody else in Washington; during committee sessions, in fact, he is wont to recite without falter whole sections of the tax code. "Hell, every time I bring up some point," says one of his committee members, "he knows more about it than I do. Doesn't make any difference what it is, he's going to know more about it than me."

Accordingly, an inclination has suffused the rest of the committee to surrender, and not uncheerfully, the real responsibility to Mills. But when he is pressed during interviews for his position on pending legislation, he will mildly insist, " 'Course, it's not *me*, you understand—it's the committee, and I just don't know what the committee's going to do on that yet." And at moments of uncertainty or incipient conflict over legislation Mills has devised and presented to the House, his instinct is to quietly and imperceptibly dissolve his own identity into that of the committee itself: "I am just chairman of the committee. I am bound by what the committee decides."

Though Mills most frequently alludes to himself as a conservative, his legislative orientations have revealed, more than anything else, a prudent inconclusiveness. For instance, after years of hesitation at promptings and appeals for a medicare program, he finally delivered, when he sensed a general weather of eagerness, a proposal almost dizzying in range. And even though Mills signed the Southern Manifesto in 1957 and has aligned himself with his southern colleagues against all civil rights legislation, he simply does not share the saber-whirling mentality of other Dixie legislators on the matter. He does not belong, really, to polemical postures at all. Asked recently about Mills' vote in the House on funding for the SST, an aide replied, "He voted with the committee that reported it out, which he'll do about 85% of the time. That's the way he always puts it: he voted with the committee."

Only once since that early, lonesome bid for the Ways and Means Committee has Mills ever approached an adventure beyond the protocols of the Hill. After the 1968 elections, several Democratic congressmen constructed a coalition of southern conservatives and northern liberals to replace Speaker John McCormack. Arizona's Morris Udall would run for party floor leader and Mills for speaker. At the urging of his old friend, Representative Phil Landrum of Georgia, Mills consented to the explorations—but, due to the delicacy of the maneuver, Landrum was unable to furnish Mills with a list of irrevocable commitments. As a result, Mills finally demurred. "We had it," Landrum now insists. "Hell, all he had to do was just take that little bitty step over the line and say he was going to run—just *one* little step, that's all. But he just wouldn't do it. He told me, 'Now, Phil, just leave it alone. I been thinking about it, and we'll tear up more than we'll accomplish.' "

But Mills does hold fierce personal persuasions on certain principles of fiscal policy. They comprise a synthesis of New Deal social-program financing and the orthodox frugalities of a puritan economic ethic. He answers to those nostalgic integrities of sound money, balanced budgets, actuarial stability of insurance programs like social security, while he is also given to certain populist instincts lingering from his Arkansas origins. If he could have his way, he would overhaul the entire code of tax exemptions, with particular scrutiny applied to those privileges now enjoyed by conglomerates, foundations, the oil empires, and those prospering silk-cravated entrepreneurs who, for the deductions allowed thereby, acquire country estates and then present themselves to their tax accountants each year with an alfalfa straw between their teeth. Mills is placed in an even more profound ill humor by those millionaires who pay no taxes whatsoever. As it happens, on both these counts—frugality and social responsibility—he has elemental differences with aspects of the Nixon administration's economic perspective.

Mills has professed considerable exasperation with the White House's assumption that inflation and unemployment can be remedied simultaneously. "You just can't use the same formula to reduce unemployment and inflation," the chairman asserts. "And between the two, I'd attend to all these people out of jobs first." His most spirited dissent at the moment, for an array of reasons, is over the Nixon proposal to return $5 billion of federal tax income to states and localities through a program of general revenue-sharing. He is queasy about the lack of controls in the proposal, about surrendering the distribution of federal revenues to the vagaries of local governments. He is also concerned about the formula for dispersing this revenue to local governments; under the current proposal, the money will not be allocated on the basis of need.

From the start of the administration's ballyhoo for revenue-sharing, Mills privately assured newsmen and confidants: "I'm going to *bury* it. If you want to know the truth I'm going to bury revenue-sharing and I'm not even going to pronounce a eulogy over it." But publicly, he maintained his customary fastidious circumspection on the matter. When a delegation of lieutenant governors implored him to look on revenue-sharing more congenially, Mills finally notified them, his voice subsiding to a mutter of resignation, "Well, the committee just isn't going to do it, I'm afraid. I can't get more'n six or seven votes who'll go with it. So what's going to happen, I think, I'm going to try to get—I mean, the committee's going to try to get some kind of block-grant legislation instead."

Mills used the term "block grants" as shorthand for some more precise and supervised funding procedure whose priorities would be determined by Congress. He has not yet defined details of his alternative—only his intractable antipathy to the administration's program. But as the White House's revenue-sharing offensive accelerated, Mills found his public demeanor of coyness progressively more difficult to maintain, until finally in an unprecedented personal extension, he began making appearances at state legislatures to answer Agnew's circuit riding for the measure. In June when Treasury Secretary John Connally at last confronted Ways and Means to formally present the bill, Mills quietly intoned after Connally's opening remarks: "I want to congratulate you for making a very fine statement in behalf of a very weak cause." Mills then left it to the committee to interrogate the secretary through a session that proceeded like a polite enactment of wolves bringing down a longhorn.

Nevertheless, one Nixon adviser contends: "For all the flak Mills is putting out now, 90% of the President's legislation before Mills will actually be passed anyway. The other day, you know, Mills said about revenue-sharing that the Congress would pass a program, only it wouldn't be called revenue-sharing. Well, whatever it's called, to the great majority of the people in this country, it'll be the President's program, it won't be Wilbur Mill's program. I'm not talking about that sophisticated ten percent of the people, I'm talking about Mr. and Mrs. America out there."

"Is that what they're saying downtown?" Mills retorts. "Well, they don't recognize the sophistication of the average American—that's why they been missing the boat so much downtown. The average American knows the difference between block grants and revenue-sharing, don't think he doesn't."

Mills has been particularly piqued by what he regards as a circumvention by the White House of proper legislative processes in "dispatching all these delegations of governors and mayors up here to the Hill to lobby us on this thing." One White House adviser admits, "We can well understand his dislike for our hucksterism in having sold this program out in regional theaters instead of working with him exclusively in that committee. He's supreme over in that hearing room, surrounded by all those congenial aides of his."

Such crackles of static have come to characterize the relationship between the White House and Chairman Mills. One administration aide proposes, "With Wilbur, it's going to take time to build a relationship of *respect* for us. To do that, we're going to have to go through a few real tough ones with him." But even several members of the House's Republican leadership complain that it is precisely this approach—some instinctive adversary psychology in the White House—that accounts not only for its difficulties with Mills but with the Hill in general. "Baloney!" blared one White House aide when asked about this. "Mills is treated with great deference and respect. The fact is, Mills has often been invited here to discuss legislation with us and has frequently declined."

"That's right," Mills explains drily, "I'll go down there any time to talk with the President, but I've let every administration know I'm not going to be going down there for these sessions with administrative aides. I've told those fellas they can come up here to see *me*, if they want to."

A recent visistor to Mills' office, a friend from the previous administration, observed, "You know, Mr. Chairman, you've already given the White House some tremendous issues with the legislation you've turned out in the past year or so; they're going to be able to say they accomplished a tax reform act, a social security increase, welfare reform—you've just about elected Nixon to a second term." And Mills sighed, saying, "Hell, I know it, I know it."

To seriously estrange so unassuming a soul as Mills requires no small investment of ingenuity and tenacity, but to all appearances now, the White House has succeeded. There was one episode, more than anything else, that brought Mills to his present conviction that the administration is more occupied with striking political postures than in seriously working with him. Even before Nixon was inaugurated he elicited Mills' assistance in an upcoming effort to extract from the Japanese an agreement to reduce their textile exports to the U.S.—which was a Nixon campaign obligation to the textile interests in the South. Finally, after two years of futile bargaining from its own stiff list of demands, the White House in late 1970 asked Mills to append to his committee's trade bill a unilateral textile import restriction, a ruse to nudge the Japanese closer to concession. Against his own profound misgivings about arbitrary protective trade measures, Mills agreed to collaborate in this gambit. But the Japanese remained obdurate. Subsequently Mills performed an even more elaborate bluff for the White House: Nixon aides crafted for him a baleful speech about the menace of foreign imports, which Mills then flourished before the Japanese with the implication that he would deliver it on the House floor. This at last unnerved the Japanese, and Mills struck out on a course of his own by delicately suggesting that they voluntarily limit exports themselves. The Japanese then worked out with Mills a schedule for curbing their expansion of textile exports by more than one-half over the next three years. When the announcement was issued from Tokyo, Mills gave it his blessing.

But a few days later Nixon curtly repudiated the accord. Mills insists that he kept the White House apprised "in general" of his conversations with the Japanese. However, one White House spokesman avers whenever Mills mentioned his explorations to Nixon, "the fact that the President did not raise any objections, did not signify his approval, rejection or anything."

While Mills, for his part, publicly allowed only that the administration's brusque disavowal of the agreement was "a disappointment to me," privately he was furious. "And now," mutters Mills, "that Agnew's making snide remarks about me at Republican fund-raising dinners—like the other evening when he told them he had been wanting to invite me down to discuss revenue-sharing, but every time he's tried to reach me, they've told him I'm over at the Japanese embassy. There are insults gratuitously involved in that remark. . . ."

The White House has not yet found that traditional operating frequency to which Mills is most comfortably tuned: the quiet, intimate, direct businesslike manner that would pertain say, to a meeting in the board room of a city's most important bank. The administration seems simply to alternate between either offending Mills with bluff and graceless affronts, or providing him with amusement through unabashed, florid blandishments.

Not long ago, on a rare evening out, Mills appeared at an Arkansas Bankers' Association dinner at the Madison Hotel in Washington. Surprisingly, a few minutes later Treasury Secretary John Connally strode in, along with Nixon's economic adviser George Shultz. Mills, when he discovered their presence, stood with a kind of rapt smile on his face and murmured, "Look at that, will you?"

Back in March when Mrs. Mills took 4-year-old Stacy and their three other grandchildren on a tour through the White House, Nixon had them all conducted into the Oval Office. "The President called me a day or two later," Mills reports, "to tell me Stacy had jumped up in his arms and said, 'I love you,' and he said, 'I love you too.' *The man actually spent about 10 minutes on the phone, telling me what precious grandchildren I got.*"

Mills may look at these cultivations from the White House with amusement. But there is no doubt that he finds rather heady and delicious the gustings of recent attention from astrologists of presidential prospects. He reports with unmistakable exuberance that "members of the House have been coming up to me and begging me, 'Don't close the door on this thing, now, don't close the door.' Members of the New York delegation—older members I'm talking about—they've said they're ready to start work for me right now if I just give them the word."

It has been suggested that the interest in Mills has been a conjuration of the party's liberals to distract the Southerners who would constitute a prime resource for a more imposing conservative candidate. "It might surprise you," Mills says, "but it's actually the more liberal members in the House who've been after me the most. Don't take my word for it. You ask them yourself what they think of my running, see what they tell you. Talk to some of the Massachusetts people. Some of the New Jersey people—Illinois, Pennsylvania, California, Oregon, I'm talking about. . . ." Pausing, Mills adds, "I know people over there on that Democratic National Committee, they'd quit right now and set up a campaign headquarters here in Washington if I asked them to."

One admirer of Mills asserts, "It would be poignant—and in some way tragic—if Mills should really give himself up to this fancy." But against all plausibility, against Mill's entire career in Washington of scrupulous and unrelenting fidelity to the sensible and realistic, there are increasingly signs he has begun surrendering himself to this most extravagant tantalization of his existence. For the first time ever, he has allowed himself, with encouragement of Democratic National Chairman Lawrence O'Brien, to make extensions into the larger theater of his party's national fortunes, both in plotting strategy and setting out on fund-raising expeditions. The 1970 election in the South of a covey of temperate Democratic governors has considerably enhanced Democratic prospects in that hitherto joyless region, and thereby has magnified Mill's own national heft in the party.

Mills himself still stoutly maintains, "I don't want it. I simply don't want it." Then he adds, "Anyway, a man my age, I'd be 63 years old when I was sworn in." When a visitor remarked in April that the calendar year was probably the most inaccurate approximation of true age, Mills responded, "Well, yes, I know that, because the doctor told me that all my vital bodily organs are actually those of a much younger man. I feel in fine health myself, just a little sinus trouble now and then, you know."

He chuckled, "But Polly—hellfire, last night she was just pleading with me, crying, begging me to promise her that if I was nominated at the convention, I wouldn't accept it. I just laughed and said, 'Polly, you know that's not going to happen. Not a chance in the world.' I mean, I'm pretty sure there are 23 states that could be mine almost for the asking. We'd get 23, but that'd be it. And it's going to take more than that. Polly begging me—I just had to laugh." He gave once more a few deep chugging chuckles. His visitor inquired if he had, then, promised Polly to refuse the nomination. "Aw—" he croaked, withdrawing the cigarette holder from his mouth and absorbed for an instant in tapping it over an ashtray, "well, uh—no, I just told her it was so impossible—I mean, wasn't even any point in me making such a promise. . . ."

However, only three weeks later, as endorsements continued to roll in and newsmen pressed him harder, Mills publicly proclaimed: "Should I be nominated, I'd be as active a candidate as the Democratic party ever had."

Recently, Mills was asked if, living as near the zoo as he does, he could still hear, as he once told a newsman, the lions coughing and roaring at night. "Oh, yeah," Mills chortled. "There's one fella seems to have a regular tantrum every night. It used to bother me some, those big lions roaring out there in the dark. But they don't bother me anymore."

UNMARKED COIN REPLICAS—DECEPTIVE IN APPEARANCE

HON. JAMES A. McCLURE

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 14, 1971

Mr. McCLURE. Mr. Speaker, recently the Colonial Newsletter published by J. C. Spilman, devoted nearly an entire issue to my bill, H.R. 5360, which prohibits the manufacture or importation of replicas of coins unless clearly marked as reproductions.

On countless occasions coin collectors have brought to my attention instances where they were victims of coin fraud. To illustrate the need for this legislation I would like to insert in the Record at this point a portion of this Newsletter of May 1971. It is an especially important question in view of the fact that a number of medals, and possibly coins, will be issued in conjunction with the American Bicentennial. That will be a unique opportunity for those who prey upon coin collectors and I think some sort of legislative action should be taken to guard against it in advance. The temptation to use the Bicentennial to foist on an unwary public replicas of coins that were typical at the period of the founding of this Nation may be too great to resist. The public must not be mislead in the worst possible way as we seek to commemorate the founding of the Republic.

The Newsletter follows:

Editor's Notebook

Our frontispiece illustrates the masthead from H.R. 5360 introduced by Congressman James A. McClure (R-Idaho) on March 2, 1971. This proposed legislation replaces his H.R. 9448 which died in committee during the last session. The entire text of this Bill is presented on pages 316 and 317.

It is important and essential that this Bill receive the active support of each of our Patrons. The problem of unmarked replicas of Colonial American and other coinages reached serious proportions during 1967 when several firms started distribution of large quantities of unmarked replicas through various outlets as promotional material. The listing on page 318 is an example of the problem. This tabulation of replicas of Colonial American issues are those that had become available from one New York State firm by mid-1969—all unmarked replicas extremely deceptive in appearance. Almost eighty different specimens are tabulated on this page which is but one page of some ten pages of replicas of other issues.

When this problem first reached serious proportions during 1967 ye editor wrote to the, then, Director of the Mint, Miss Eva Adams suggesting that one of the replicas being distributed, the Fugio Cent, should be considered a counterfeit of an officially authorized United States coin, and should be seized by the Treasury Department. Miss Adams' reply is presented on page 319 and makes it quite evident that the only possible solution is new legislation.

This current breed of replica is certainly not designed for purposes of fraud. They are—at best—mistaken for very high quality electros by those of us familiar with electros, but to the inexperienced they are pure poison as many of them now rest in the stock of uninformed dealers as genuine specimens. Last year one of our Patrons who is a dealer in California was offered a "recently discovered hoard of rare and valuable Colonial American coins" which turned out to consist almost entirely of these replicas. A considerable number are being traded as genuine.

No matter how much we dislike these things and resent and decry their manufacture, the Mint's statement makes it clear that there is no way to attack the problem except through legislation. It is perfectly legal for anyone to manufacture such replicas, whether marked or unmarked. We sincerely believe that the numismatic artifacts of our emerging Nation should be protected by law. Your support is needed!

So—what can you do? First, write to at least one Senator and one Representative from your State and tell him that you want his support for H.R. 5360. Then write to Congressman James A. McClure, 1034 Longworth Bldg., Washington, D.C. and express to him your support and your suggestions or recommendations on this problem. Unless this legislation is pushed by all of us it may die, once again, in committee. Your support—and suggestions—are needed!!! Today!!!

OBTAINING EISENHOWER SILVER DOLLARS

HON. LEONOR K. SULLIVAN

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 14, 1971

Mrs. SULLIVAN. Mr. Speaker, many of the Members have been asking me, as chairman of the Subcommittee on Banking and Currency which has jurisdiction over the Mint, what the situation is on the new Eisenhower silver dollars authorized by Congress last year in title II of the One Bank Holding Company Act. These coins are being offered for sale by the Treasury at $10 each for the highly polished, double-struck proof coins, and at $3 each for the uncirculated silver dollar coins. About 53 million order forms containing full instructions for ordering up to five of each of the two varieties of the special coins were made available on June 18 in all post offices, in banks, and other locations throughout the country, and each Member of Congress, I believe, also received a quantity of order blanks at that time.

No orders were to be accepted before July 1, 1971, so every person who has been interested in ordering any of the coins had several weeks lead time in which to obtain the order blanks and send in an order by the opening day for the acceptance of orders. Computers are being used to weed out duplicate orders, in conformance with my insistence and the insistence of Chairman Patman of the Banking and Currency Committee that every American should have an opportunity to obtain one or a limited number of the new coins rather than have them diverted in large quantities to coin dealers.

Under the enabling legislation, there can be 20 million of the proof coins produced altogether, and 130 million of the uncirculated coins. So there should be an adequate supply for all who desire to have one or a few of each type. In addition, the mint will be turning out millions of cupro-nickel dollar coins of the same design for general circulation; coins similar in composition to the new cupro-nickel half-dollar coins now in circulation, and to the quarter and dime.

CUPRO-NICKEL DOLLAR COINS TO BE MADE FOR GENERAL CIRCULATION

The regular circulating dollar coins, without silver content, should be available through the banking system later this fall, and those, of course, will be sold at their face value of $1 each. There was no controversy over the authorization of the cupro-nickel Eisenhower $1 coin, with a design on the reverse side emblematic of the eagle of Apollo II landing on the moon, which passed the House in October of 1969, only to be held up in a long dispute with the Senate over the Senate's insistence that the proposed dollar coins be made of 40 percent silver. The eventual compromise, worked out as part of the negotiations on the extremely controversial One Bank Holding Company bill, authorized both the circulating cupro-nickel $1 coins proposed by the House and up to 150 million special $1 coins of 40 percent silver, to be sold by the Treasury at a premium. Most of the silver for these special coins is coming from the defense stockpile, because the Treasury's once-vast supply of silver had virtually all been used up or sold at weekly public auctions by the time the new coinage legislation was enacted.

In any event, Mr. Speaker, there is at present no reason why any American who wishes to spend $3 each for uncirculated 40 percent silver $1 Eisenhower coins, or $10 each for the proof variety, cannot order up to five of each type with every prospect that his order will be filled in due time.

The Treasury should be able to begin to fill by mid-August or by September many of the orders received by then for the uncirculated silver dollars and may even be able to stay current with orders after that, although there is no assurance of that because no one knows how many orders eventually will come in.

As for the proof coins at $10 each, the delay in filling orders undoubtedly will be longer because each proof coin is a painstakingly crafted, hand-made item in contrast to the uncirculated ones which are produced on high-speed automated equipment.

POLONIA

HON. DAN ROSTENKOWSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 14, 1971

Mr. ROSTENKOWSKI. Mr. Speaker, recently, in the City of Chicago, the first edition of a new weekly newspaper came off the presses. This, the first issue of Polonia, an "Independent Weekly of Americans of Polish Origin," was typical of the quality that we have in Chicago have come to expect from Joe Bialasiewicz, the editor of this fine publication. I have known Joe for many years and have always admired his work in the field of journalism.

I would at this time, Mr. Speaker, like to congratulate him for the creation of Polonia, his latest achievement, and insert a copy of his lead editorial in that inaugural edition in the Record:

Why?

(This is an English translation of the statement.)

Independence Day, this national holiday of the United States, so rich in tradition and idealism, marks the beginning of our publishing venture. A small group of people will make an effort to fill, at least partially, the gap left by the demise of several of Polonia's publications in Chicago.

We want this publication to be a worthy, wise and unyielding champion of the ideals, aspirations, needs, interests and enterprises of Polonia during an exceptionally trying time while this nation faces a magnitude of problems.

We see almost too clearly the tragic collapse of traditional spiritual and moral values in a United States, trying to cope with an unpopular war in Asia, internal conflicts, economic difficulties and a social unrest fed by the eruptions of racial passion and a lack of understanding between generations.

We observe with anxiety that these problems cast grim shadows on the cummunal life of a Polonia beset by its own difficulties and worries growing out of social change and an unsettled atmosphere in its own leadership circles.

We are dismayed by the loss of perspective as to what the true ambitions and needs of our community are since in spite of many valiant declarations and a seeming unity of aims, we see our great civic potential dissolve into a myriad of petty individual interests.

The history of Polish life indicates conclusively that in times of crisis there was usually confusion which led to a loss of direction, a distortion of concepts, and an improper identification of the hierarchy of objectives. However, it was in such times that a thought courageously stated in print led not only to a readjustment of the organizational life of the community but to united action as well.

Such an ambitious undertaking as this publication in our judgment is not a daydream. It is a result of an extensive deliberation rooted in a realistic evaluation of the existing dispiriting situation. It is necessary to state that the demands arising from such an undertaking are so exacting and require such serious thought, organizational effort, unity of action, concern for honesty of purpose, and finally a capital of good will and a passion for social inter-action that it is fitting that it is on this Day of Independence, bright with the ideals of true Americanism, that we have decided to bring forth a new publication to serve our community the American Polonia.

THE UNITED STATES

As citizens of a great Republic, we have an obligation to evaluate and take critical positions on the activities of any government in Washington.

We will take special interest in the course of Washington's reactions to the excesses of Communism, as well as to its attitudes toward the interests of the Polish Nation.

We cannot uncritically and automatically support every political whimsy flowing from Washington since we know through experience that the vacillation and incompetence during and after World War II has created America's present difficulties on the international scene and in particular, permitted the entrenchment of Soviet influence in Central Europe as far as the River Elbe.

We know that it was the cynical extension of this ferry-built policy which placed nations with a thousand years of their own history under the Soviets; an action which as in Poland led to the rape of divine and human laws destroying its rights to a free and independent existence and development.

We know that the vital interest of small nations have become the subject of bargainings and counter-bargainings by the ego-directed policies of the great powers.

We regard the study and evaluations of the socio-economic affairs of the United States during this critical transitory era as our civic and editorial duty. Consequently, we reaffirm that this publication will be a steadfastly indepenednt organ of political thought and discussion not beholden to programmatic schemes or political bosses but strictly adhering to the historic ideals of the United States as a free country for a free people.

POLONIA

The pluralistic nature of American society made up of ethnic groups drawn from a multitude of nations splendid in their ancient historical achievements is today a recognized fact in our lives. Its principal manifestation takes the form of a host of individual efforts to satisfy the needs and aspirations of these ethnic groups within the framework of American society as a whole.

The time has come for Americans of Polish descent to recognize and accept their identity as an ethnic group and on this basis draw some realistic conclusions as to what its posture and coarse of action should be.

We want to be the editorial spokesmen for Polonia in its combined aspirations and activities which arise during the normal course of its contemporary experience. We want to attest publicly to our rights as citizens as well as to our special interests as an ethnic group within the ramifications of American life. We want to fight for our common good as it arises from our common heritage.

With pride we call attention to our Polish heritage as we vouch with all our strength that we will allow no one to question its spiritual values or to belittle its contributions to our America whether during the earliest colonial period or through the many trials and tribulations it has encountered in its history to the present moment.

We recognize that in recent years as a result of a growing participation in American life and a general acceptance of its value there has been a rebirth of Polish pride. However, for full achievement there will have to be a wider unification of support around our political, social and economic centers of action. We want to help in producing a joint effort in all phases of Polonia's activity which alone will serve as convincing proof of the legitimacy of our aspirations and deeds.

THE POLISH NATION

Noble and heroic Poland from whose native soil we all trace our beginnings is a subject of our greatest interest. Its deeds during a millenium of history and its fortunes during the last several decades which although marked by honor, heroism, and the grandeur of its national life are also afflicted by the bitterness of periods of disaster and defeat serve us not only as explicit manifestations of our kinship but also as a means of understanding of and an empathy for the course of human events.

Collusion among the great powers directed by their own interests and not the free will of the Polish Nation has decided its present situation and fate. A foreign ideology has been forced upon it and betrayal by its allies has sealed it through international agreements.

It would be a denial of appreciation for political sobriety to usurp the right of a people to determine its own course of action within its own country by pretending to act as its representatives as so often happens among disintegrated and agitated Polish emigre groups.

The Polish Nation, a phenomenon formed by the spiritual chain of generations of people who were, are and will be, is a vital organism stubbornly defending its heritage and battling to preserve those ideals which have come as inherited treasures from the pre-partition Republic, the twenty year period of independence and the struggle for survival during World War II. It is a vital organism trying to resolve its problems under foisted conditions foreign to its very nature.

This is a Nation which has faith in God and for centuries has recognized the moral authority of the Church. Its foundations are not set in the shifting sands and it is neither a creation without an idea of its own nor a mindless mass completely devoid of freedom of will. It is a nation capable of stirring action to retain its values and to improve its prospects.

Let no one ignore the basic fact that deep feelings of patriotism remain in the Polish Nation without being deformed by the soulless doctrines of Communism. Let no one under estimate the deep pride yearning for freedom from all foreign influence which is constantly present, the stigmata inherited by generation after generation, no matter what the form of government or the ideological propaganda ordered by its rulers.

It is impertinence, as was correctly observed by one of Polish contemporary historical thinkers, to claim to speak for a whole nation which even under the oppression of Communism dared to show that it is not an amorphous mass but a vital and vigorous organism capable of rising in its own defense. This was an action in accordance with its own historic traditions.

In addition, and this is of particular note. Poland is dependent on its own resources. It would be frivolous on the basis of its experience during the last war to count on others. It would be frivolous to wait for the benevolence of the world's great. It would be insanity to jabber that some new military conflict would produce a sensible resolution of Poland's problems.

We submit to the Polish Nation our faith in the strength of its spirit and its indestructibility through all the generations to come.

We express our admiration and wonder to a Polish Nation which after the terrible havoc of World War II under incredibly difficult circumstances, complicated by economic and political chaos, was able to rise with energy and sacrifice to its own reconstruction.

In our final assessment we distinguish between the hopes and aspirations of the people and the mechanisms of governments. In the long run the eternal people will bring forth its imperishable strengths to assure Poland its complete independence and the worthy fulfillment of its future.

These are some of the thoughts which will serve as guideposts for our totally independent publication. It will be our solemn duty as writers and publishers to serve the causes of the United States, the American Polonia, and the Polish Nation.

THE CLEVELAND ORCHESTRA—UNSURPASSED

HON. CHARLES A. VANIK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 14, 1971

Mr. VANIK. Mr. Speaker, last night and again this evening, the Cleveland Orchestra, under the baton of Pierre Boulez, presented an extraordinary concert at the new Wolf Trap Farm in Fairfax County.

This orchestra is, indeed, one of the current wonders of the musical world. As Washington Post critic Paul Hume stated:

> The Cleveland Orchestra is unsurpassed in every technical realm which means that their response to the high discipline of the Boulez baton is instant and absolute.

In the Washington area, the praise of music and drama critics is as hard to come by as a low humidity, pleasant day in August along the Potomac.

At a time and in a place where pronouncements of disappointment and failure are more often the rule, it is, indeed, noteworthy to have a report on musical excellence. Washington knows the worth of this orchestra.

The talents and the reputation of the Cleveland Orchestra are among the constructive things that provide status to Clevelanders away from home.

Following is a report on last evening's performance, by Paul Hume of the Washington Post of today entitled "Cleveland and Boulez":

Cleveland and Boulez

(By Paul Hume)

Pierre Boulez brought one of the current wonders of the musical world, the Cleveland Orchestra, to Wolf Trap last night for the first of two programs.

For his opening evening he chose four works, some wholly, some only slightly touched with that tricky label, "impressionist." All four were written within the two decades that began with Debussy's "Afternoon of A Faun." In 1894, Boulez surrounded Debussy, adding "La Mer" to the "Faun," with Stravinsky's sole excursion in impressionism, the suite drawn from the opera, "The Nightingale," and one of Bartok's last open tributes to Debussy in the suite from his ballet, "The Miraculous Mandarin."

The outer works were the more exotic studies, and they gave to the Debussy masterpieces an aura of something like classic stature. Stravinsky was probably right to choose his suite from the more glittering episodes of his opera, taking most of it from the second and third acts that are dominated by the mechanical bird rather than the live nightingale. These are filled with superbly chiseled facets of color that flash from every section of the orchestra.

But nothing in the score was more touching, as it is always in the opera, than the song of the fisherman, exquisitely shaped last night by the distant solo trumpet.

Among the many aspects of Boulez' conducting gifts is his stunning mastery of intricacies of rhythm that occur within the larger orchestra contexts. In the Stravinsky at the evening's beginning as in the Bartok at its conclusion, this was an element that constantly riveted the attention. The Cleveland Orchestra is unsurpassed in every technical realm which means that their response to the high discipline of the Boulez baton is instant and absolute.

But he and they are also keenly alive to the vast areas of instrumental timbres that are continually in the forefront of all of last night's music. In the subtlest regions of balance and nuance, orchestra and conductor were operating on a rarefied level. By no means all of this was audible at all places in the Wolf Trap shed. But for those sitting where the sound from the stage came across in that balance and dynamic level at which it was projected, it was a magical evening.

Nowhere was the revelatory effect of minute concern for dynamics more apparent and more rewarding than in "La Mer." Boulez takes Debussy's markings as the gospel they are meant to be. A crescendo from triple pianissimo to double pianissimo and a corresponding diminuendo remained completely within that extremely specific range, a feat that is rarely achieved, but which is open to any conductor and orchestra who believe what Debussy set down. It was a tactical error on Boulez' part to reduce his double basses in the Stravinsky and again in the "Faun."

In the latter, however much he may have wished for a more intimate sonority, the silencing of three of nine basses meant, in that shed, the loss of essential weight and tone.

But the overwhelming impression of his "Faun" was of all the desired languor, every shade of Mallarme's sensuous poem. And the Sea Triptych, which he has led many times with this same great collection of musicians, was a total triumph.

Tonight Boulez and the Clevelanders will play an all-Berlioz evening with "Romeo and Juliet" excerpts and the Fantastic Symphony.

CHRISTIAN HACIENDA HOME IN MEXICO

HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 14, 1971

Mr. WALDIE. Mr. Speaker, I have received some news items from a young man with whom I had lunch. He and some 70 other young people from Orinda, Calif., are engaged in a wonderful project involving an orphanage in Tijuana, Mexico. I think my colleagues here in Congress should be aware of this work and so I am including these explanatory clippings in the RECORD. It is an idealistic act by young Americans that will do more to improve relations with Mexico than any governmental act I can conceive.

Christian Hacienda Project To Be in Congressional Record

When 71 teens take off tomorrow from the Orinda Community Church for the fifth annual work week at an orphanage in Tijuana, Mexico, their activities will become a part of the national record.

Christian Hacienda Project '71 has developed a special emissary to Congress through Peter Thor, a former Orindan now living in Washington, D.C.

Lunching last week with Congressman Jerome Waldie (D–14th District), Thor stimulated the lawmaker's interest in this year's fifth annual pilgrimage sponsored by Orinda Community Church and local civic groups. Waldie plans to read current information on the Hacienda project into the Congressional Record.

Peter, who attended Campolindo High School, will leave tomorrow night on his second trip with the 71 local teenagers to work next week at the Tijuana children's home. He is a son of Dr. and Mrs. Eric Thor who moved to Washington last year when Dr. Thor was appointed chief administrator of the federal Farmers' Cooperative Service, an agency of the Department of Agriculture. While living in Orinda, he was associated with the University of California.

Both Peter and his sister, Ann, will be participating in the Hacienda project for the second time. Accompanying the teenage workers as an advisor will be the oldest Thor son, Eric, a doctoral student at the University of California at Berkeley.

Movie production will be a feature of his month's trip, according to Dave Lester and Bill Thomas, Miramonte High School graduates, due to a donation of 16 millimeter sound film from KTVU (Channel 2) and a camera loan from a firm in San Francisco. The two photographers expect to record the entire week's work and play at Christian Hacienda.

Participants in this summer's three trips to Tijuana plan an emphasis on education for the orphaned and abandoned Mexican children with Jeanie Elkinton, chairman of the education and interraction committee leaning heavily on members able to converse in Spanish. Language facility will also be helpful to Shirley Gorman's and Bob Ullrich's crafts committee for their instruction of the youngsters. Advisors to these groups are Mrs. John Brooke and Danielle Stegner of Walnut Creek.

Programs for the Tijuana children, according to chairmen Dana Powell and Larry Collins, will include Spanish dialogue stories in films and on tape. The program group has been assisted with Spanish songs by Matthew McGhee, Miramonte foreign language teacher.

A large contribution of construction materials from the Rohr Company will enable Dick Antoine's work projects committee to proceed on the building of a tools-instruction center for the older boys at the home. Carl Shanahorn acts as advisor to work projects.

Aided by the advertising work of Mark Joiner's promotion committee, this year's fund-raising group, headed by Bob Doten and Kay Clark, sponsored "An Evening with Betsy Chapman," a folksinger, and a Ghirardelli chocolate bar sale this month, and maintained a booth at Fiest de Moraga. Adult members of these committees are Roger Samuelsen and Mrs. Alanson Powell.

Another committee in action previous to tomorrow's departure has been the job corps with Ann Carter as chairman finding work for participants to earn their travel expenses.

During the week's stay at the Tijuana home, Jim Dana's discussion and worship committee will gather the entire company each evening. It will also plan the 10 a.m. "return-Sunday" service for June 27 at the Community Church. This event has annually followed within an hour the arrival of the project's buses at the church from the Mexican trip.

Plans for feeding the 71 plus their ten advisors have been handled by Miriam Fadavi's and Wayne Moore's committee with Mrs. William Beckner and Karen Sanford assisting. Dave Ruddell and Mrs. Carl Shanahorn are in charge of health care of the troupe.

Officers in addition to the co-chairmen, Lindi Ramsden and Alanson Powell, are Dana Seifert, vice-chairman; Karen Seavey, secretary; Kirk Littlejohn, treasurer, and the Rev. John Brooke, coordinator.

Betsy Chapman Sings Hacienda Fundraiser

She was:

The wind whispering through a tall pine.
Morning mist rising from a still lake.
The clean perfume that follows a spring rain.
An eagle soaring across the plain.

What can you say about a religious experience? This is what aptly describes Marin County folksinger Betsy Chapman, the wisp of a miss who captivated, caressed and enchanted her audience recently in the Orinda Community Church. With a gamut of music ranging from rock to religion, she wove an evening that was as baroque as her own tapestry dress. "I made it myself," she cooed, it weighs, let me see, about eight pounds?"

Betsy was as beautiful as her message. Ruffled in a filmy white blouse, her floor-length tapestry apron dress; hair swept up in ringlets, she fulfilled your every illusion of Maid Marian.

Her message was love, and all of her love goes to the abandoned children of Tijuana's "Christian Hacienda" home. The program was the major fund-raising event of the year for the home. In addition to the usual 70 high school students, mainly from Orinda, Lafayette, and Moraga who travel south in June for a week of work at the home, there are two trips of small groups planned for later in the summer.

Betsy was accompanied by two musicians with their own special genius; Ken Melville and Rita Abrams, a celebrity in her own right. Rita, as you might know, is that lovely third grade school teacher who recently put "Mill Valley, California" on the map with her best-selling record with that title. You can come close to my celestial experience listening to Betsy's new album, "The Gift of Love."—KAREN TUCKER.

ORINDA YOUTHS WORK IN TIJUANA ORPHANAGE

A group of 71 youthful members of the Orinda Community Church spent last week working at the Christian Hacienda home for orphans in Tijuana. The following letter was received from Mrs. Alanson Powell, one of 10 advisors with the group, participating in one of three trips planned by the Orinda church. This is the fifth annual work-week program.

To the portion of this year's Christian Hacienda participants who have spent a work-week at the Tijuana children's home on previous years' trips, there have been distinct improvements here.

A major change has been additional staff headed by a young former San Francisco Mission worker, Kristina Darling. There are 10 Mexican adults as well.

Fortunately, recent donations have made it possible to care for nearly 25 children added to the roster during the intervening year since the group's last visit. This brings the total of children living here to 72.

Work on bunk-building for the additional children as well as foundation-laying for a new workshop are occupying most of the Or-La-Mo teenagers' time for the first days.

Hiking and a possible educational trip with the Mexican children are on the project's schedule for later in the week. The traditional trip to a nearby ocean beach will culminate activities on Friday with Saturday morning saved for goodbyes with the little Mexican friends.

CBS SUBPENA CONTROVERSY

HON. HOWARD W. ROBISON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 14, 1971

Mr. ROBISON of New York. Mr. Speaker, one of the most thoughtful discussions about the recent CBS subpena controversy appeared this morning on the editorial page of the Christian Science Monitor. In a balanced manner, the editors make it clear that the First Amendment is alive and well—as it should be—but that CBS, like everybody else, is capable of making errors in judgment. I think my colleagues might find the editorials of interest, and they follow in their entirety.

The editorial follows:

NO, MR. STAGGERS . . .

We hope the case of Congressman Harley Staggers of West Virginia versus the CBS broadcasting network will somehow lead to a Supreme Court test.

At the present moment no one really knows whether the First Amendment to the Constitution of the United States applies to broadcasting. Some think it does. The CBS network has tended since the days of Edward R. Murrow to behave as though it does. The two other major networks have been more cautious about asserting their presumed rights under the First Amendment. Many an individual station hasn't even tried.

Whether the First Amendment should apply to broadcasting is a very big question.

On the one hand is the now familiar argument popularized by Vice President Spiro Agnew that there is already far too much power to influence public opinion in too few hands—and mouths. If Walter Cronkite, Eric Sevareid, Howard K. Smith, Harry Reasoner, David Brinkley, and John Chancellor all agree on some given evening on some one controversial proposition they could influence the thinking of a lot of Americans.

That the result would be in a single direction is another matter. Such a "common front" of the top names in television journalism could be negative. But it is an undeniable and important fact that these six men do have special and unusual power to shape and mold public thinking. Most Americans today take most of their information and many of their views from these six men and their programs.

The question is whether they should be as free to have opinions and to express them as do the publishers and editors of the newspapers and of the news and opinion magazines.

The right of the newspapers and magazines to print free of precensorship (the meaning of the First Amendment) has just been reaffirmed by a six-to-three vote in the Supreme Court. The editors of printed words may therefore freely continue to print first and face the consequences, whatever they may be, afterwards.

There are a lot of special interests involved here. This newspaper, like others, would benefit competitively from a Supreme Court ruling denying the First Amendment to the broadcasters. If the court were so to rule the probable effect on the networks would be to put news broadcasting back into the town crier era.

The big evening half-hour television network news programs would probably disappear, also the probing documentary. Instead, there would be "newscasters" reading bulletins between film clips of local fires and robberies. For documentaries, we would go back to travelogues. The public would have to again go to newspapers and magazines to get background information and useful opinion. It would certainly be good for newspaper circulation and advertising. But that of course is no proper basis for judging what would be good for the country.

Here we come to the argument on the other side. It starts with the proposition that the better informed the electorate the better will it share in the process of good government. News broadcasting is just another channel by which news and ideas are conveyed to people. The more channels in use the better informed will the electorate be.

Hence, we must believe in the desirability of allowing the broadcasting networks and stations the same freedom in talking which we have in printing.

They are not a monopoly on the conveying of news and ideas. They are in competition with us, with the magazines and with books.

It can be argued that broadcasters have a greater capability than do the rest of us to do damage by mistakes, whether mischievous or honest. But that surely falls down on the ground that the Founding Fathers took a chance on freedom of the press when the press did have a monopoly. If an unrestrained press was a lesser evil in the eyes of the Founding Fathers it must follow that extending the same freedom to broadcasters continues to be a lesser evil. Government control and censorship would be the greater evil.

Thus we hope that the court will soon clarify the present uncertainty, and extend to broadcasters the same freedom we newspapers enjoy to make our mistakes.

. . . BUT LIKE US ALL CBS MAKES MISTAKES

One of our readers finds it "incredible" that we print from the Pentagon papers, but have not insisted on this page on the public's "right to know what was on the remainder of the CBS films."

This refers to the outcuts from the CBS documentary on "The Selling of the Pentagon." This is the material which Congressman Harley Staggers of West Virginia wanted CBS to hand over to Congress, and which Frank Stanton, president of CBS, declined to hand over.

We think that our reader has, although quite understandably, got hold of the wrong issues.

The issue in the Pentagon papers was not just the public's right to know, but the right of the press, under the First Amendment to the Constitution, to print first, and take the consequences.

The issue in the CBS versus Staggers case is entirely different. Here, there is no mystery about what happened. CBS made a documentary in which, as in all documentaries, a lot of material was condensed into a short space of time. There was a long interview with Daniel Z. Henkin, Assistant Secretary of Defense for Public Affairs, by CBS's Roger Mudd. The Henkin answers were edited, condensed, and fitted together in other than the original sequence.

A full text of the original interview is in the public record. Anyone interested will find the transcript in the Congressional Record of March 8, pages E-1538–E-1543. So no one is denying knowledge of the edited material to the public.

What CBS has denied is the right of the government to step in and oversee its editing process.

If CBS had handed over to Mr. Staggers and his committee all of its out-takes from that particular program a precedent would be established. The government could then demand to see the out-takes of any documentary. A logical next step would be for the government to come into any editorial office and watch over the editing of any feature story, news story, or editorial. At that point, there would no longer be a free press.

The present system does, of course, expose the public to faulty and undoubtedly in many cases to "slanted" editing.

We ourselves are not at all sure that CBS should get a passing mark on the editing it did in that particular documentary. Other sins of omission and commission have been charged against CBS.

But whether CBS committed unfair editing in that or any other documentary is a matter all by itself. Television journalism is imperfect. So is newspaper reporting and editing. Put 20 reporters on a story and how many versions do you get? Let four different television programs do a documentary on a single subject and how much alike would they be? Or take four great painters and give them the same subject and how much alike would be the result?

The answer is the same to all questions. A television documentary is an art form. No two producers would handle a subject exactly the same way. But the result is subject to criticism by critics, and by the public. "The Selling of the Pentagon" has been severely criticized by a lot of critics, including both Mr. Agnew and the Washington Post!

But the remedy for editorial faults, of which there are many, does not lie in government moving into editorial offices. It lies where it always has; in competition and in plenty of vigorous criticism from those who disapprove or disagree or think they have been injured. And in the last resort there are the courts of law.

We disapprove of inaccurate reporting and unfair editing whenever and wherever it occurs. But we must oppose any inclination of government to move into an editorial office of any kind no matter what mistakes may have been committed. We are talking not about perfection, but about the lesser evil.

It is far, far safer to let CBS make mistakes than to have the government telling CBS how to do a documentary.

"WHAT ABOUT TOMORROW?"

HON. WILLIAM (BILL) CLAY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 14, 1971

Mr. CLAY. Mr. Speaker, at the NAACP convention last week in Minneapolis, Mr. Malvin R. Goode, ABC–TV United Nations correspondent, addressed a mass meeting of the youth. His theme—"What About Tomorrow"—makes a plea to our young, the future of this country, to get involved and fight for equality and justice which have so long been denied to blacks. Mr. Goode stated,

> The racial problems which afflict this Nation are so intertwined that this Nation has no choice except to decide now to change her ways, her attitudes toward the most loyal segment of its population—the American Negro . . . This Nation is diseased and afflicted with a climate—an atmosphere of divisiveness and hate which is leading us slowly toward disintegration and destruction.

He has charged the youth with the task of bringing about these changes.

I commend to my colleagues attention Mr. Goode's enlightening remarks. His address follows:

WHAT ABOUT YOUR TOMORROW?

(By Mr. Mal Goode)

Needless to say I count it an honor to address my remarks tonight to the young members of the NAACP . . . that segment of our membership which holds the key to not only the future of Black people, but the future of this nation.

The racial problems which afflict this nation are so interwined that this nation has no choice except to decide NOW to change her ways, her attitudes toward the most loyal segment of its population . . . The American Negro . . . otherwise she will have to relinquish any semblance of leadership in the community of nations . . . a leadership which has already been tarnished by an ungodly, unconscionable, unjustified brutal, uncalled for war against innocent people 8,000 miles away on the pretense of forestalling the spread of some ideology called Communism. This nation is diseased and afflicted with a climate . . . an atmosphere of divisiveness and hate which is leading us slowly toward disintegration and destruction.

Our society is polarized with black against white, young against the old, rich against the poor, and a spirit of repression which has led many to say we are at the end of the American era. In the Congress and in our State Assembly Halls, and in places of business and industry, those representing the far Right, the so-called Suburbanites . . . call for clearing the relief rolls, for further repression of minorities, and the very next day, they are ofttimes embroiled in some shady, political deal to confiscate the taxpayers money, or the business man is involved in some trickery in the shifting of stock certificates but they don't call that dishonesty . . . those political hacks are called "dedicated public servants" and the business man is looked upon as a distinguished member of the community.

The hardhats with flags glued to their working gear who paced Wall Street in 1970, mauling and brutally attacking students who were protesting our involvement in a cruel, ruthless war, represent another group that would deny you and me any sembance of participation in this nation's bounties.

Still another element with the signs on their automobiles—"Love It or Leave It" instead of "Love It and Correct It." Most of 1970, one of the nation's leaders rode like the White Knight spuing hate and divisiveness with broad side attacks against those in our nation who would have Justice and Equality become important facets of our society, rather than Hatred, Repression and Division.

Because there has been tremendous progress in some areas of American life for the Black man—better jobs opportunities, equal travel accommodations, the opening of better educational facilities for Black people at all levels, Elementary, Secondary, and College—this does not mean the forces of Hate have given up their fight. Rather they have regrouped their forces. As long as Negroes were not pressing too hard—a few doors opened, some token opportunities arose, and in the past decade we have witnessed some trends in public accommodations which I frankly did not expect to see come about in my time. This is not to say any Black man is, or should be satisfied. Rather, these developments only serve to prove that this nation first, knows it has been wrong in her treatment of the Negro and even more important, she knows what is right and just and fair, and therefore ought to proceed to do what is right without forcing riotous confrontations to bring about changes which should come normally!

I come then to Minneapolis to plead with the young people of this nation, black and white, that you do not allow yourselves to be deterred in your efforts to turn this nation around, not only in race relations, but in the eradication of pollution, the termination of this ungodly war, the dishonesty and connivance in our Halls of government, and that you force businessmen, guised in a cloak of respectability in our communities, to stop cheating, bleeding, poisoning and fleecing their fellow citizens then quickly calling it Good Business. What we need from young people like yourselves are more Ralph Naders, more young men like Adlai Stevenson, Jr., young Tunney of California, Willie Stargell and Curt Blefary, and Congressmen Ron Dellums, Bill Clay, Charles Diggs, John Conyers, Shirley Chisholm, Aaron Henry, Dr. Wright of Jackson, Tennssee, Dr. Grant of Gary, Indiana, Rev. Jesse Jackson, Rev. Leon Sullivan, Julian Bond, Dr. Otis Smith of Atlanta and hundreds of other young men and women, black and white, Jew and Gentile, Catholic and Protestant, Democrat, Socialist, Republican—those who have in the words of the late Whitney Young, determined to see to it that this nation lives up to her commitment signed 195 years ago—"That under our laws ALL men shall be treated equal."

Because of your youth, and because you have not lived too long, I want to urge each of you to DO YOUR HOMEWORK, not only on the history of the NAACP, but on the history of the Civil Rights movement in this nation. Today you are a part of the one organization which has done more to move this country toward Equality for black people than all the other organizations put together. Moreover, millions of blacks in this nation—most of them with short memories and ungrateful, are like myself, shining examples of beneficiaries of a movement which started out sixty two years ago with the avowed purpose of aiding in the advancement of Colored People, which meant the total elimination of every vestage of discrimination, disfranchisement, inequality, denial, and ignominy based on the color of a man's skin.

I want you to read Langston Hughes' book—"The Fight for Freedom." I want you to read Walter Whites' book—"Rope and Faggot"; and Dr. Bob Brisbane's book—"The Civil Rights Movement from 1900 to 1960." Your reading will not be complete until you have read thoroughly Dr. Lewis Fenderson's book—"Thurgood Marshall—Fighter for Justice." These books will give you the facts, not the fancy, of history and will stop some of you from using terms like "The NAACP is not relevant!" or "The NAACP is middle class!" or questions like "What has the NAACP ever done," or "What does the NAACP do with all that money?" or "The NAACP is run by white people" . . . all of these cliches which have become rather popular in recent months clearly indicate those who use them are rolling in ignorance, and they ought to get busy and do their homework.

I'm not going to burden you with history but you ought to know the NAACP fought for forty years to get an anti-lynching bill passed while thousands of black people were burned at the stake or hung from trees, and men like the late Theodore Bilbo, Cotton Ed Smith, Senator Byrd ranted and raved in Congress justifying lynching as a means of "Controlling the Nigras."

Another forty years was spent trying to get a Voting Rights Bill passed. For a generation like yours that knows nothing about Jim Crow travel, or denial of eating and sleeping accommodations, it is ironic for it to talk about the negligence of the NAACP. If they believe the NAACP is run by white people they ought to check the records and determine how many thousands of Negroes lost their jobs as teachers, porters, clerks, domestics—because they were active, contributing members of the NAACP; and then check the death records and read the inscriptions on the tombstones of Medgar Evers, Vernon Dahmer, Harry and Harriet Moore of Mims, Florida, Wharlest Jackson of Natchez, Samuel Young of Tuskegee, David Colston of Camden, Alabama, Jimmy Lee Jackson, Oneil Moore of Bogalusa, Willie Brewster of Anniston, Alabama, Jonathan Daniels of Janesville, Louis Allen of Liberty, Mississippi, shot in the driveway of his home for activity in Voter Registration. These martyrs of history were not white.

Then we must not overlook the failure of Haynesworth and Carswell to attain one of the highest offices in our land—Supreme Court Justice. The NAACP and Clarence Mitchell prevented those appointments. Neither can we forget that 12 black men and one black woman now sit in Congress today and form the Black Caucus that has stirred the very heartbeat of national politics. Two weeks ago this group sponsored a $100 per plate dinner and 2800 people from every corner of the land were in attendance to show support for this new thrust in Black politics in this nation.

The latest report shows 1860 Negroes have been elected to public office local, state, county and national levels and almost fifty per cent of those offices are below the Mason-Dixon line in states where black people would not dare enter a polling booth just a decade ago. When someone wants to know how this all came about, he needs only to check the record and find out how much money the NAACP spent these past forty years to get the Voting Rights Bill passed in 1965.

I dwell on these accomplishments not only because they demonstrate the NAACP IS relevant, the NAACP has no reference to class, the NAACP is NOT run by white people, the NAACP has done a marvelous job against tremendous odds, but also because these accomplishments show the stupidity and shallowness of those civil rights racketeers who talk about some kind of separatism, or who spend great segments of their time nursing some "Hate Whitey" theory. I do not want you young people to get caught up in this kind of rhetoric—so useless, so meaningless—when you might well spend that time and effort in Voter Registration, raising more money for the NAACP, and fighting to improve the school curriculum in your community that your children might not be crippled by sub-standard, ineffective schools that graduate thousands of black and poor white children every year who in the words of one critic—"Cannot Read a Funny Book" and have no qualifications which will enable them to compete in a normal day-to-day business world.

Let me take a moment or two to remind you of the change of climate which has come about because of just the Voting Rights Bill alone. Last year in Norfolk, Virginia, I interviewed Governor Len Holton who said after just three months in office, "One of my greatest opportunities has been to help reconcile the races and move forward on a basis that all citizens can exercise their full power." Last January when Governor Jimmy Carter was inaugurated in Atlanta, Georgia he said, "The time for racial discrimination is over . . . no poor, rural, weak or black person will ever have to bear the additional burden of being deprived of an opportunity of an education, a job, or simple justice. Our state pays a terrible and continuing human and financial price for these failures." Governor John West of South Carolina echoed Carter's plea vowing to, "Eliminate any vestige of discrimination from state government" and offered minority groups "full-fledged responsibility in a government that is totally color blind." Governor Dale Bumpers of Arkansas made one of his first speeches after inauguration last January, to the pro-integration Arkansas Council for Human Relations in which the same kind of pledge was made for his stewardship.

Need I remind those of you from South Carolina, Georgia, Mississippi, Alabama, Texas, of changes in the climate of education and even in business. Last April, young Walker was elected President of the South Carolina University student body with 64 per cent of the vote although there are only 400 black students on the campus out of 10,000. Lu McAshan was the quarterback on Georgia Tech's football team last Fall. In May, I covered the convention of the Mississippi Freedom Democratic Party on the campus of Jackson State with 2500 delegates, over 500 of them white, when they nominated Charles Evers to run for Governor. Last Sunday, on a flight from Staunton, Virginia, to Washington on Piedmont Airlines, one of the two hostesses was a black girl. On a Delta flight four weeks ago from Jacksonville, Florida to Atlanta, one of the three was a young black girl. At the Holiday Inn in Hattiesburg, Mississippi, in May, I was checked in by a young black man about 22 years of age. Token, yes, but certainly breakthroughs in government, politics and business which is a clear cut challenge to each of us not to hesitate, nor take time out for name-calling until this job is completed.

Young American blacks must understand yours is a noble heritage and spreading the knowledge of that heritage will not be accomplished by internal name-calling, nor with some freak handshake, nor with the empty rhetoric of "Right On." I want to "Right-On" too, but I also want to share in all the good things this nation has to offer because my father's father's father contributed to this development. We have allowed ourselves to get caught up in shameful name-calling . . . . "Uncle Tom," "Middle Class," "Orio Cookie" and with rhetoric evidently needed to psyche ourselves . . . "I'm black and proud and say it out loud."

This is why I underscored earlier the need to "DO YOUR HOMEWORK". If you check the records you will automatically be Proud. The story of the Cotton Gin, the Heart operation, Blood Plasma, the Gas Mask, the American Flag at the North Pole and Mathew Perry, the Traffic Light, the automatic shoe repair machinery, the 500 products from the Peanut and Sweet Potato, the marvelous buildings in Los Angeles architectured by Mr. Williams, the designing of Washington, D. C. more than 140 years ago by Benjamin Banneker, the development of the Black Press since 1827 with great publications like Ebony, Jet, the Defender, the Kansas City Call, Pittsburgh Courier, Afro-American, Atlanta World, Philadelphia Tribune . . . all these accomplishments against tremendous odds, are shining examples of the Art, the Culture, the dogged determination of Black people to make a contribution, to earn a living, and to share despite the ignominious heritage of slavery. Just tell me what other group has done any better with the psychological fetters of slavery still dangling from our limbs, and the barking of the hound dogs of bigotry and denial still as loud as ever in our ears?

There is not time tonight to delve into the Culture discussion. Suffice it to say that cultures grow and change in two main ways. 1. by invention, and 2. by borrowing. These are the processes by which cultures are improved and America is the prime example of this.

The American Negro, the Indian, every ethnic group has made a contribution by invention. As for Borrowing, World Books says we borrowed corn, beans, squash, potatoes, and tobacco from the American Indian. We learned from the Arabs how to use soap and the compass. Our knowledge of paper-making comes from the Chinese. Our seven-day week originated with the Babylonians, and our alphabet with the Phoenicians of western Asia. As complicated as all this may sound, it leads us to one conclusion that for centuries we have been interdependent; our cultures have been joined and interwoven, and no one group holds a monopoly on this thing called Americanism.

I cite this for those who stupidly tell me . . . "Go Back to Africa." and for Blacks who talk about Going Back to Africa but none seems to be in a hurry. I spent nine weeks in that great and noble continent and taught young Africans who in almost every instance, offered encouragement to Black Americans to continue their fight for Equality believing that if we made our gains, it would only help to sound the death knell for the Apartheid of Mozambique, South Africa, and Rhodesia. STAY THERE AND FIGHT was their urge to American Negroes.

In conclusion, as you young people leave Minneapolis this weekend, I urge you to resolve to GET INVOLVED in those programs which will hasten the accomplishment of that goal of Equality which the Spingarns, the James Weldon Johnsons, Dr. W. E. B. DuBois had in mind sixty two years ago. Voter Registration, Improvement of the Local School system which are hopelessly crippling our children academically, Open and Improved Housing, Unfettered, unhampered, totally equal Job opportunities so that the signs "Equal Opportunity Employer" are meaningful and not just some escape hatch for hiring one or two "show" Black people; strengthening of our church institutions to make them more than just Temples of Worship for some one or two individuals, but community institutions with Nursery Schools, Community centers, Centers for Vocational Training, for supplemental education to the public schools; and finally, determine to have a strong YOUTH NAACP Chapter to work with your elders in bringing about the Peace, the Quality, the Hope your community deserves to have.

I believe the words of Sidney Wilhelm . . . "The Negro is not challenging American basic values. He wants to join the system, not upset it, he wants to come into the house, not bomb it; and he feels an inherent right to come into that house because he helped to build it." Dr. Martin Luther King Jr. said from his Birmingham jail in 1963 . . . "The Negro is forever fighting a feeling of NOBODINESS." I might add the Mexican, Puerto Rican, the Indian, and Poor Whites as well continuously fight against this kind of despair. The eruptions here in Minneapolis, in Cleveland, in Columbus, Ohio and Georgia, Pittsburgh, Los Angeles and four hundred other communities in recent years, have served to demonstrate this despair. America has an element with counsel and admonition to "work hard and make good like my people did" philosophy. "Their people" had one distinct advantage . . . a White skin and their forebears in the worlds of Hawaii's Senator Inouye . . . were not brought to these shores in chains."

The prattling of "All Men are Created Equal" so often unpracticed, accounts for much of our torture. America has only parroted it like a child recites . . . "Now I lay me Down to Sleep!" . . . with no intention of implementing it in every day life. This, *you* young people must determine to make meaningful. I believe you will.

Believe me when I say we adults do understand your reactions . . . call them rebellious, revolting, revolutionary . . . but we know why you won't buy our standards of morality, our ways of treating each other and I admire you for that kind of revolt. I like your qualitative difference, in the words of Sydney Harris and yourself, actualizing to make your life have point and purpose. If you are asking that an affluent society provide more than a plentitude of material goods . . . that it opens new vistas of realizing individual potential, not in the economic realm, but in the realm of moral values, sensory experiences, creative expression and personal fulfillment, believe me, young people, we are for you 100 percent.

It is too much to ask that we join forces . . . combine the best of the past with what you consider the best for the future, and build together a real TOMORROW? I've mentioned some of the bright signs. May I remind you, however, that the signs of progress are token. Blacks still fill the ghettoes, clog the relief and unemployment roles, occupy most of the jail, workhouse and penitentiary cells, and hold the lowest paying jobs. The fight is not over. There's another sign . . . the slow-but-sure realization by some Americans that what Booker T. Washington said in 1897 is still true . . . "you cannot hold a man in the ditch unless you stay there with him." There is also a recognition that the nation's greatest resources is its people . . . Black people . . . White people . . . Brown People . . . Yellow people . . . and when any percentage of its people are deprived . . . the entire nation suffers, and self-perpetuating handicaps ensue to the detriment of the entire society.

In September 1963 two months before his tragic death, I heard a bright young man, speaking to a packed General Assembly at the United Nations say . . . "We have the power to make this the greatest generation of all time, or to make it the last." His name . . . John F. Kennedy, and two months later he was gone. My good friend, Malcolm X, who despised White people before his trip to Africa, but said publicly on his return . . . "We must do this job together!" Less than a month later, he was gone. Whitney Young once said . . . "If you would not have angry men in the streets of America . . . let us make those streets avenues of hope, and not despair." Now he is gone. Martin Luther King said . . . "Either we are going to learn to live together like brothers, or die together like fools.'" He too, is gone. Bobby Kennedy said . . . "Some men ask . . . Why do you dream dreams of a better world, but I say . . . Why not?" Now he is gone. But though they are gone . . . these young men who could have turned this nation around . . . had they lived . . . let us not betray them. To us they throw the torch of leadership and cry from the distance. . . "Be yours to hold it high."

More than 300 years ago John Donne said . . . "No man is an island entirely of itself . . . any man's death diminishes me because I am involved in mankind." I plead with you, the vigorous, enterprising young upcoming Leadership of this great organization . . . the NAACP . . . as you leave Minneapolis, that each of you become INVOLVED for mankind.

The Chinese philosophers said many years ago . . . "The Five Great Blessings for Man are Happiness, Health, Virtue, Peace and Long Life . . . and surely all of these are possible for each of us and our fellow men, if we but meet our individual and collective responsibilities. I charge you tonight at this 1971, 62nd Annual Convention of the National Association for the Advancement of Colored People with your share of the task to make these blessings possible for you and for mankind. If you bear your share, Your TOMORROW will be greater than you could have ever hoped for in this life.

Thank you and God bless each of you in your pursuits.

USE OF LIVE ANIMALS IN SCHOOL EXPERIMENTS

HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 14, 1971

Mr. WALDIE. Mr. Speaker, the American Humane Association has long been concerned with the matter of experiments by high school students on live animals and has developed a new policy in this area which they entitled "Guidelines . . . For the Use of Animals in School Science Projects."

I have also been concerned with this matter and, after reviewing the policy or guidelines found them of such excellence and value that I include them in the RECORD:

GUIDELINES—FOR THE USE OF ANIMALS IN SCHOOL SCIENCE PROJECTS

With today's emphasis on the advancement of science, more and more intermediate and secondary students are participating in classroom science projects which involve experiments with live animals. Live animals should be used in classroom situations for their educational value in achieving instructional objectives, and not as research contributing new knowledge to human health and welfare as would be expected from a medical research facility.

1. In the selection of science projects, students should be strongly urged to select invertebrate animals or plants as subjects for evaluation. Invertebrates are specially suitable because of their wide variety as well as their availability in large numbers. (Several commercial firms sponsoring science talent contests now prohibit the use of vertebrate animals as qualified entries.) [1]

2. Although it is not recommended, should vertebrate animals be used for experimental purposes, such experiments must be preplanned and conducted in such a manner that respect for basic animal life and all humane considerations are fully understood and carried out by the student.

3. Each student submitting a science project using animals must have a qualified adult supervisor. Such supervisor shall be a person who has had specific training in the proper care of small and laboratory type animals. The supervisor must assume the primary responsibility for all conditions of the experiment where living vertebrates are involved. An affidavit which includes the following requirements must be signed by the supervisor.

(a) The student has researched and studied the appropriate literature concerning previous work done in the student's chosen area.[2]

(b) A written preliminary outline of the student's plan of action and anticipated outcome for the science project has been submitted and is available for evaluation. Such outline would include the specific purpose of the research.[2]

(c) The student is prepared to orally defend his or her experiment from the standpoint of why the methodology used was the best way to arrive at the conclusions obtained.[2]

A sample affidavit is included with these "Guidelines" and is intended to assist the student, teacher and/or adult supervisor to insure adequate preplanning of the project. Local veterinarians in nearly every community can serve as a qualified supervisor.

4. State humane laws provide for specific care and handling of all animals. Students, teachers and supervisors must be cognizant of such laws. Copies of appropriate state humane laws are available by contacting the local humane organization, state humane federation, the Secretary of State's office or The American Humane Association. Each state also has specific animal health regulations which must be considered. Copies of animal health regulations are obtainable from the state veterinarian or state public health office.

5. No student shall undertake an experiment which includes the use of anesthetic drugs, organisms which are capable of causing disease to humans or other animals, ionizing radiation, any substance capable of causing cancerous growth, or surgical procedures unless such procedures are performed under the direct supervision of a biomedical scientist experienced in the field of the student's investigation.

6. Students using animals under investigation MUST insure for the proper housing, food, water, exercise, cleanliness and gentle handling of such animals at all times. Special arrangements MUST be made for care during week-end, holiday and vacation periods. The comfort of each animal, by meeting its basic daily needs, shall be of prime concern.

7. Prior exhibition of all animals shall be adhered to by the student in cooperation with the teacher and supervisor. During the research period, the project shall be so located and cared for to protect the animals from extremes of heat, cold, direct sunlight or prolonged darkness. Caution must be taken to avoid the animals being teased or harmed by other students.

8. When the research project has been completed and the student does not wish to maintain the animal(s) as a pet, arrangements shall be made for proper disposition. Should the animal(s) need to be destroyed, arrangements must be made with a veterinarian for euthanasia. *Under no circumstances should the student be allowed to provide "experimental" euthanasia.*

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[1] The International Science and Engineering Fair does not permit the use of live animals in exhibits.

[2] These requirements, which may seem stringent, are a basic part of any scientific investigation, and hence, any young scientist should begin to employ these procedures for any project using scientific methodology.

MR. MAURICE A. CATTANI

HON. BARRY M. GOLDWATER, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 14, 1971

Mr. GOLDWATER. Mr. Speaker, I would like to salute Mr. Maurice A. Cattani, a resident of Sherman Oaks, Calif., for his many years of devoted service to his community.

Mr. Cattani holds memberships in such distinguished organizations as Civitan International, Pasadena Consistory, Masonic Lodge, Al Malaikah Temple, San Fernando Valley Shrine Club and the Sherman Oaks Methodist Church.

He is also active in support of such civic, youth, and philanthropic endeavors as the March of Dimes, Centinella Valley and Wilshire YMCA branches, the City of Hope, American Cancer Society, and Little League.

He has also shown himself to be an outstanding leader of business and industry. Mr. Cattani's entrepreneurship has resulted in his founding of Shannon Manufacturing Co., which is the Nation's largest designer and manufacturer of maternity foundations and lingerie, and which is currently celebrating its 25th anniversary.

From its small one-man beginning in a Los Angeles apartment, the firm has grown into a company of 180 employees, with annual sales of nearly $4 million.

I am very proud to have Mr. Cattani as a resident of my Congressional District. He is a fine example of what can be achieved under our free enterprise system when talented, ambitious, and committed men are willing to take the opportunity to serve others.

REPRESSION IN TAIWAN

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 14, 1971

Mr. FRASER. Mr. Speaker, I was interested to see in the July 17 New Republic an article by Fulbright scholar Phil Ginsburg who recently left Formosa after studying there a year. He wrote about the Nationalist Chinese Government's continuing suppression of political dissent.

I also include with these remarks newspaper reports about cases Mr. Ginsburg mentions in his New Republic article. The New York Times article by Frank Ching indicates that Chinese author Li Ao removed a listening device placed in his home by Formosan political police and mailed it to the Human Rights Commission of the United Nations. The Japan Times reported that when he was arrested on a new charge, Li Ao had already been charged with tampering with government property, presumably for his "de-bugging" action.

If these reports are accurate, the Nationalist Chinese have achieved a milestone in totalitarian surveillance. They bugged the home of a citizen and then prosecuted him for removing this bug.

And many Americans continue to refer to Taiwan as "Free China."

Mr. Ginsburg's article and the newspaper clippings follow:

[From the New Republic, July 17, 1971]

REPRESSION IN TAIWAN

(By Phil Ginsburg)

TAIPEI.—The Nationalist Chinese government, made up for the most part of the two million Mainlanders who moved here in 1948 and 1949, rides uneasily on the backs of the 12 million native Taiwanese, whose ancestors emigrated from the Mainland in the seventeenth and eighteenth centuries. The reassertion of the Nationalists' political authority after 50 years of Japanese occupation that ended with World War II was sealed with the execution in March 1947, of some 10,000 Taiwanese business and intellectual leaders by newly arrived mainland troops. Though discussion of it is forcibly repressed, the schism remains.

The Taiwanese uprising of February 28, 1947, which inspired the brutal repression, was in protest against the heavy-handedness of the occupying Nationalist forces and the appropriation of jobs and property by the newly arrived Mainlanders. Little has changed in 22 years. Only death has any significant effect on this gerontocracy. Taiwanese are almost completely shut out of jobs in the National government; all police chiefs and most officers in the armed forces are Mainlanders or their descendants born here; 40 percent of positions in the provincial and local governments are held by Mainlanders, and their children are 29 percent of the college and university students, though they make up only 13 percent of the civilian population. Economic growth has reduced this imbalance (Taiwan now enjoys a standard of living second only to Japan's in Asia), but it is a rare Taiwanese who has anything good to say about the government in private.

Should the almost unbroken economic improvement of the last 15 years begin to falter, only their monopoly of armed power would stand between the Mainlanders and the Taiwanese majority. Always acutely conscious of this fact, the government has built a large and extensive network of political police and informers. Anything remotely connected with political dissent that goes beyond nit-picking is suppressed, including scenes of a political demonstration in the Jack Lemmon comedy. "The Out-of-Towners," and the entry for "Mao Tse-tung" in the English-language dictionaries pirated here in great abundance. (The government has never signed the international copyright convention.) Reasoning that the "temporary retreat" to Taiwan constitutes an emergency, the government retains martial law. "Spreading rumors" is punishable by a term of from seven years to life. The controlled newspapers used to publish news of arrests for "anti-government" activities, but this practice has ceased; informal channels have had to take over. It was estimated late last year that there are some 4,000 political prisoners in Taiwan's jails. The vast majority of these are Taiwanese.

Writers, teachers, and intellectuals are among the most prominent recent victims of the security forces. Po Yang, a leading novelist and essayist, was sentenced in a secret military trial in the fall of 1969 to 12 years in prison; his crime: attending a Communist spy school in Manchuria for two days 20 years earlier and trying (unsuccessfully) to persuade a friend to remain behind on the Mainland rather than flee to Taiwan. Last fall several writers on the *Central Daily News*, the newspaper of the ruling Nationalist Party were rounded up, along with a vice president of the leading broadcasting company. In April, another of the island's leading writers, Li Ao, was arrested in a sweep that also gathered in Meng Hsiang-ko, a translator of Hesse's works into Chinese; Ts'ai Mao-t'ang, a scholar and teacher at the American-run Stanford Language Center; and perhaps a dozen others. One reliable estimate is that 65 such suspects were picked up in February and March alone.

The political prisoner here is held incommunicado for months. Nothing appears in the newspapers about arrests, charges, or sentences. Chinese officials contend that the torture and beatings used in the past have been abandoned, but in the rare case that is tried publicly witnesses are likely to hear the defendant repudiate his "confession" on the grounds that it was extracted only after long uninterrupted questioning. The right to cross-examine is denied. Like their brothers on the Mainland, the government provides a kind of thought-reform for its most tractable dissidents; officials consider a three-year sentence to one of the minimum-security thought-reform prisons a merciful outcome for the defendant, even where the offense is negligible. Given the ugly reputation of other prisons here, they may be right.

An American missionary and his wife were expelled in March for alleged involvement with the Taiwanese Independence Movement, which is active in Japan and the United States but rarely surfaces here. Within the last few months the American Armed Forces have quietly shipped out several military men at the behest of the Chinese authorities, for the same reason. Taiwanese and Mainlander alike believe that the escape from house arerst here of the Taiwanese professor P'eng Ming-min, who is now in Michigan, was engineered by the CIA.

The government has argued that it is in the interest of the US to help suppress the Taiwanese, on the theory that an independent Taiwan would be sympathetic to the Mainland. This assertion has found a less sympathetic hearing on the US side in recent months, especially since the mild flirtation between the US and the People's Republic of China. It is conceivable that a Taiwanese-run government with status as a province or semi-autonomous region of the People's Republic might serve the US and the Mainland as a face-saving solution to the two-China problem.

Recent incidents—bombings of a USIS branch library in Tainan and the Bank of America office in Taipei, petty harassment of military men—suggest the possibility of a cautionary campaign by the government against any change in US policy; there is ample precedent for such an effort in the 1957 storming of the US Embassy here, which was incited and led by Nationalist Party functionaries. Along with the suppression of domestic dissent, this kind of sniping is likely to increase with the approach of the crucial UN vote on seating the People's Republic of China.

[From the New York Times, June 1, 1971]

U.S. TRANSFERS FIVE IN TAIWAN UNREST—MEN SAID TO BE ACCUSED OF AIDING DISSIDENTS

TAIPEI, TAIWAN, May 31.—The United States has transferred four or more military men and a junior officer of the Central Intelligence Agency from Taiwan in the last month, reportedly after Chinese Nationalist officials accused them of assisting native Taiwanese in plotting anti-Government activities.

The Nationalists, according to reliable sources, charged that the men had given technical advice to dissidents on the use of explosives and on ways to generate international publicity favorable to their cause. The Americans were also said to have used their military postal privileges to help the Taiwanese communicate with colleagues abroad.

In its protest to United States diplomatic and military authorities just over a month ago, the Ministry of Defense reportedly included detailed evidence accumulated by Chinese security agents by close surveillance of the men over a long period.

The transferred Americans include a physician at the Navy Hospital here, an enlisted man in a psychological warfare detachment, an officer in the Military Assistance Advisory Group and a civilian official in the Army Technical Group, the cover name for the sizable Central Intelligence Agency detachment here.

AGENT DEFENDS ACTION

American sources said the intelligence agent had asserted that he was simply trying, without orders, to broaden his contacts among the Taiwanese.

The Chinese security agencies are understood to be investigating several other United States military men who left Taiwan some time ago under routine reassignment.

Both the United States and the Chinese Governments are said to regard the case as a source of embarrassment that they had hoped would not become a matter of public discussion.

For that reason, it was said, the American authorities arranged for the quiet transfer of the men, who were ordered not to discuss the affair with anyone. The United States Embassy has refused to comment on the case.

The embarrassment for the Nationalist Government stems largely from its reluctance to admit that there are any active supporters of the concept of "Taiwanese independence" on the island.

The dissidents said to be involved in the case are believed to be proponents of independents from any government of China, either Communist or Nationalist, on the ground that the 12 million Taiwanese have their own interests and historical identity. Organizations advocating independence operate abroad among Taiwanese students and exiles but are outlawed in Taiwan.

American officials here, who have been trying to assure the Nationalists that United States support for their Government will not diminish as a result of Washington's efforts to ease the tensions with Peking, appear to be even more upset than the Chinese over the case.

C.I.A. ACTIVITY DENIED

They have already had a difficult time convincing some Nationalists that rumors of financial backing by the C.I.A. for the Taiwan independence movement were unfounded. Reports that the American intelligence agency arranged the escape from Taiwan of Prof. Peng Ming Min, an independence leader, have also gained wide credence here.

In an effort to prevent further such incidents, Vice Adm. Walter H. Baumberger, head of the United States' Taiwan Defense Command, reportedly has ordered commanders of American units here to warn their men to steer clear of domestic political activity.

A large number of suspected anti-Government activists—as many as 65, according to some reports—have been arrested in the last three months in what may be a reaction by the Government to recent setbacks affecting Taiwan's international position. In recent months the Government has also expelled an American missionary couple and arrested several Japanese tourists for allegedly having aided Taiwanese dissidents.

[From the New York Times, May 13, 1971]

DIARY SENT BY SEIZED TAIWAN WRITER

(By Frank Ching)

The diary of a popular young writer arrested last month by the political police in Taiwan has reached friends in the United States.

Apparently suspecting that he might one day be arrested, the writer, Li Ao, sent some manuscripts abroad last year, including parts of his diary. The 37-year-old writer is well known for his satirical essays, in which he pokes fun at individuals, institutions and society in general.

The diary, written in a humorous vein, describes the activities of the political police, who kept him under 24-hour surveillance for a year before his arrest, the intelligence agencies involved, and the questioning and arrest of his friends. It is now circulating privately and is being translated and edited for possible publication.

Friends of the writer are reluctant to make known details of the diary for fear that the publicity will be harmful to Mr. Li. However, they say that they will publish it if Mr. Li is not released soon.

The Government has not made known any charges against Mr. Li.

WATCHED CONSTANTLY

The political police, besides following him wherever he went, are said to have planted a number of listening devices in his house. In a conversation last December with a visiting American, Mr. Li said he had removed one of the "bugs" and mailed it to the Human Rights Commission of the United Nations.

The American, who met the writer for lunch, recalled that Mr. Li was followed by two men, who remained outside the restaurant.

Other friends of Mr. Li say he was watched constantly because of the Government's fear that he might escape from the country. They point out that the surveillance of Mr. Li was tightened immediately after a close friend, Prof. Peng Mingmin, escaped from Taiwan.

ANTI-GOVERNMENT PAMPHLET

Professor Peng, now a research fellow at the University of Michigan, was convicted by a military court in 1964, along with two of his former students, Wei Ting-chao and Hsieh Tsungmin, of having prepared an anti-Government pamphlet judged to be seditious. The three men, all Taiwanese, were released several years ago by the Government of President Chiang Kai-shek, which is dominated by mainland Chinese.

Last February, Mr. Wei and Mr. Hsieh, also close friends of Mr. Li were again arrested, and there is speculation that the arrest of Mr. Li and another mainland-born writer, Meng Hsiang-ko, may be related to that of the two Taiwanese.

However, a Chinese graduate student in California, though conceding that many of the writer's close friends may be involved in the Taiwan independence movement, said it was impossible for Mr. Li himself to be involved. "There is no way for mainlanders to get into the organization," he said. "It would be like a white man joining the Black Panthers."

There is a widespread belief among scholars and Chinese students that Mr. Li and other intellectuals are victims of a repressive political atmosphere generated by the nervousness of the Nationalist Government, which sees itself facing an uncertain future with the relaxation of tensions between the United States and Communist China.

SENSITIVE TO CRITICISM

With support for the Nationalist position declining in the United Nations, the Government, which claims it is the legal government of all China, is very sensitive to any criticism that can be interpreted as undermining its legitimacy.

The satirical essays that established Mr. Li's reputation are reminiscent of the style and wit of the great Lu Hsun, who died in 1936 but whose writings are still immensely popular. Although Mr. Li's writings are admired, especially by the young, they also have offended many people, both in and out of the Government.

In 1965, a magazine that Mr. Li edited, Wen Hsing, or Literary Star, was closed down by the Government.

Since the closing of Wen Hsing, Mr. Li has been forbidden to publish any new books. He has made a living by dealing in second-hand electrical appliances.

[From the Japan Times, April 18, 1971]

TAIWAN WRITER HELD BY SECURITY AGENCY

TAIPEI.—Li Ao, a well known historian and writer, has been arrested and is being held by military security authorities, well informed sources said Saturday.

Sources said Li was arrested March 19 by the Taiwan Garrison Command, an Army agency responsible for island security.

Officials would not comment on the case, but it was believed Li would remain under detention for some time, and that his arrest was linked to the arrests of several, anti-Government dissidents at the end of February.

Li is a mainlander whose subtle historical criticisms of the Nationalist Chinese Government earned him official enmity long ago.

He was followed constantly, and had been under virtual house arrest since late February.

When arrested he was involved in two legal cases, one a long-pending libel suit that effectively prevented him from writing, and the other a charge of tampering with Government property arising from his discovery of an electronic listening device in his home.

"RURAL SCENE: PICTURE OF NEGLECT"

HON. JOHN M. ZWACH

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 14, 1971

Mr. ZWACH. Mr. Speaker, our House Committee on Agriculture is holding hearings on Rural Development.

Continued low prices for the products of the farm have resulted in unfair returns for all the countryside, since agriculture is the base on which all other countryside business depends.

Msgr. William T. Magee, in the St. Cloud Sunday Visitor, in our Sixth Congressional District of Minnesota, treated this problem of rural development in a recent editorial.

Mr. Speaker, I would like to share Monsignor Magee's editorial with all of the people who read the CONGRESSIONAL RECORD by herewith inserting it:

RURAL SCENE: PICTURE OF NEGLECT

(By Msgr. William T. Magee)

In line with a yet unfulfilled promise of the Administration to do something about rural America, a Congressional subcommittee toured the countryside some time ago. The journey did not get much publicity at the time and little has come of the trip.

While aboard in Iowa or South Dakota, we can't remember which state, Senator Hubert Humphrey gave a little speech which, among other things, pointed out that the government in the past had given inducements to leave the cities and settle on the land. He cited such things as Land Grant colleges, subsidizing railroads to penetrate the west, homestead enabling programs and other things.

Progress has made these former measures obsolete, of course, and challenges of free, open territory to exploit are gone. Political conquest and financial profit produced the motives for settling the land in by-gone days. Now the situation calls for assistance in overcoming economic and social problems which depopulate the country and threaten to turn it into a blighted area.

Outside of some fine rhetoric tossed out in the general direction for obtaining votes, the government has all but forgotten the open spaces of the land as it is pressured to pour money into crowded cities. Most people would prefer to cry about the symptoms of popularity density, using drastic, unneeded surgery on where it hurts rather than look for underlying causes. Depopulating migration continues, those left behind suffer social and economic loss, and the reformers call for lopping off of heads through population control.

If one takes a ride through the country, even a few miles from a city, he is met with the sight of abandoned farms, empty houses and run-down small towns. These are as much an eyesore as beer cans, pop bottles and the other garbage the "top" ecologists are fretting about. All kinds of cute little projects are carried out to clean up the debris on the land but no one seems to see the human and social devastation. About the only thing we can see that motivates these school-boy efforts to "beautify and reclaim the land" is the effete and self-serving motive of allowing our city dwellers to have a nice, smell-free picnic or a vacation trip to LOOK AT nature. They're SO worried that they won't be able to LOOK AT an animal, bird or flower, but live there(!). God forbid. Or, maybe, they want to be able to build a nice sylvan suburban home.

The likes of Arthur Godfrey can make nasal noises about the birds and the bees and refuse to hustle detergents while he oozes commercial concern for cat and dog food to feed the useless city pets.

The ecologists take great pains to explain the balance of nature, the proper proportion between animals and environment for the preservation of both, but we find little effort to ascertain the correct balance of people for their good. Or maybe men are prone to live the lives of beehive crowding.

The social reformists are gung-ho for alleviating the conditions of slums, overcrowding and the deteriorating inner city but nary a glance at conditions of Poverty in the South or of down-grading towns and schools of other parts of rural America.

If the government once was able to induce a movement to settle and populate the country, why can't programs be projected today, plans for rural and farmer improvement? Family farms could stand help to prevent their disappearance, towns and villages could be made attractive places to live in, and small industry giving work to the people. Instead of bringing railroads to the country, inducements could be given to decentralizing of industry, instead of homestead privileges, farm improvement programs.

CONTEMPT CITATION AGAINST CBS

HON. JAMES A. McCLURE

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 14, 1971

Mr. McCLURE. Mr. Speaker, in Tuesday's debate regarding the contempt citation against the president of the Columbia Broadcasting System, many thought-provoking arguments were advanced on both sides of the issue. However, it seemed to me that when all was said and done, the crux of the debate boiled down to one basic question.

It was not freedom of the press as many alleged. How could it have been when we had no legislation before us? It was simply Congress' right to know. The American people expect us, as their elected representatives, to investigate any matter of concern. Is Congress itself now to be denied the right of free speech?

Ever since the Vice President first raised the questions about the integrity of the news media, I have received quite a number of letters on the subject. I would like to share one of the more recent ones with my colleagues at this time. Our friends in the broadcasting industry should be particularly concerned about it since the author cannot be classified as an extremist.

I include the letter:

I and numerous other citizens with whom I have spoken often sit out here and watch the news on the television receiver, and we have become very much aware of a large trend in news broadcasting; that is, the public news media really seems to be anti-American and especially anti-Administration. It does not take one with a college degree to see that the news is continually and daily slanted against the Government of the United States of America. If you gentlemen are not really aware of this, I suggest you view one such program as Walter Cronkite's CBS Evening News. It seems that no American official, general, representative, senator, Vice-President of the United States, or President of the United States can say or do anything that they are able to make a positive statement about. It seems that the news media, with Walter Cronkite's CBS in the van, have only derogatory things to say about them. I grow positively weary upon viewing and reading about how incompetent our elected Government officials are.

These "worthies" are not satisfied to merely report the news, that such-and-such has happened in the world today. They must make a comment with every news report, and obviously this comment is their own opinion. They seem to take it for granted that we are a bunch of idiots out here in America. As soon as a senator, representative, or even the President of the United States, makes a speech, these "reporters" immediately appear on the air analyzing and criticizing as if they themselves have been in Government and high places the same number of years as the person they are criticizing.

The great bugaboo about freedom of the press has been stretched to cover any and all sins of the public news media. If any of our elected representatives makes so much as a remark about the unfairness of the press, there is immediately a great hue and cry about how they are attacking the freedom of the press. We know that the freedom of the press, which includes all electronic means of communication, exists solely as a profit-making organization. If no advertising was sold, there would be no news reports.

Walter Cronkite made a little blurb stating that he thought there was a great move afoot in the Government to discredit the news media. The reverse is exactly true. I think the news media, for whatever their motives, are directly and assiduously attempting to undermine the elected Government of the United States. Their protestations about the freedom of the press are only a smoke screen so they can say what they will. I am sure that the framers of our Constitution never intended that the freedom of the press should mean disrespect for the President of the United States and all the other elective representatives of the people; nevertheless, the news media in totem seems to be trying to brainwash the entire American public that our representatives in Washington, D.C., can never do anything good.

The balance of time allotted to the good news and the positive things that are happening in our country is far outweighed by obvious and long-dwelling commentaries on negativism, so-called ineptness of the Congress, and the downright incompetence of our President. I really think the National Legislature should cause the news media to be labeled as it is; e.g., Walter Cronkite should be made to announce his news program as: "Good evening, Ladies and Gentlemen, this is the five o'clock bad news and anti-Administration comments.

You only have to get into a group of intelligent people, whether they be politically oriented or not, and you will find that everyone is noticing the negative and detrimental slant of the news media.

I and others feel that our Government and our country, which, of course, includes our National Legislature and our President, have done something good and positive at least once a day. Someone, whose name I cannot recall, has written a book the title of which is, "The Left-Leaning Antenna." What did he mean? In spite of their hypocritical cries of censorship and freedom of the press, I think the Congress of the United States should really take the news media apart and make them start telling the truth and stop giving so much of their own ill-informed, unresearched, biased analysis.

The news media is not the Executive, Legislative, and Judicial branches of the United States Government. However, they try to influence public opinion that they are. This may seem like an extended tirade or diatribe, but I am quite fed up with the anti-American slant of most of the news. Many of the things that they talk about, especially Vietnam, are obvious distortions and their own opinions. I spent a full combat tour in Vietnam. I know something about what is going on, especially in the area in which I was fighting. A reporter may spend one week in one area, or perhaps a month in the whole country, and he comes back home an instant expert and critic of all our military effort and United States foreign policy. Can't the United States Senate and House of Representatives do something about this extremely dangerous practice of the news media?

JUDGE JAMES E. HANNON

HON. SILVIO O. CONTE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 14, 1971

Mr. CONTE. Mr. Speaker, I rise today to inform this body of the death of a man from my First District in Massachusetts whose life was truly a saga of one human being's triumph over adversity.

Judge James E. Hannon, who died late last month, was born blind in one eye and lost the sight in his other eye when he was eight. Nevertheless, he went on to a distinguished educational career, graduating with honors from Boston University in 1933 and 2 years later with a law degree, magna cum laude. It was the first time that any BU law student had graduated with such high rank in 4 years.

From law school, he came to Lee, Mass., and embarked on a career as a practicing lawyer which led to election to the State legislature and, eventually, appointment as associate justice of the Lee district court.

I had the honor of serving in the legislature as a State senator when Judge Hannon was a State representative. Together we worked on several important issues of benefit to the people of Berkshire County.

His passing is a tragic loss to his family and many friends. It is also a loss to people everywhere who admire courage and determination in their fellow men.

At this time, Mr. Speaker, I submit for the RECORD the following article from the June 21 edition of the Berkshire Eagle which details the life of this fine man.

[From the Berkshire (Mass.) Eagle, June 21, 1971]

JUDGE JAMES HANNON OF LEE IS DEAD AT 61

LEE.—James E. Hannon, 61, associate justice of the Lee District Court, town attorney and former legislator from the old 6th Berkshire District, died last night at Hillcrest Hospital, Pittsfield, following complications that had resulted from recent minor surgery.

Born in Brockton Dec. 23, 1909, Judge Hannon was blind in one eye at birth and lost the sight in his other eye when he was 8 years old. Despite his handicap, he graduated with honors from Boston University in 1933 with a bachelor's degree and two years later with a law degree, magna cum laude. It was the first time in four years that a law student had graduated from BU with such high rank. There were 125 other students in his class.

PART IN MOVIE

Despite a life devoted to the small-town practice of law and service in the legislature, Judge Hannon was best known outside this area for his part in a movie, "Alice's Restaurant."

As the judge who was sitting in the District Court the day that Arlo Guthrie, a student at Stockbridge School, was brought in for littering, he became part of the incident that Guthrie made famous in a song, and which later became the basis for the movie, loosely based on the actual circumstances.

Judge Hannon came to Lee in 1935 and opened a law office in the same building with his late brother, Dr. John F. Hannon, who was a dentist.

The lawyer was elected to the legislature in 1944 and served until 1952, when he was defeated by the late Franklin L. Sturgis, father of the present clerk of the District Court.

Judge Hannon first served from the 4th Berkshire District and then the 6th District. The towns he represented were Becket, Dalton, Hinsdale, Lee, Lenox, Otis, Peru, Tyringham, Washington and Windsor.

As a legislator, Judge Hannon often acted in the House of Representatives in concert with now U.S. Congressman Silvio O. Conte, then a member of the Massachusetts Senate, on legislation affecting the Berkshires. For instance, both sought aid for farmers whose herds had been wiped out by disease and both sought investigation of the state Alcoholic Beverages Control Commission.

Judge Hannon also fought for minimum prices for whisky sold in package stores in the state, and against legislation designed to stop the dumping of sewage into inland and tidal waters.

He said in 1945 that he looked forward to the day when only those "with no social conscience will put sewage in lakes and rivers, but the (small) communities aren't ready yet." The proposal was to declare as a criminal offense the dumping of sewage into lakes and streams.

He was named a special justice of the District Court by Gov. Foster Furcolo June 9, 1960, to succeed the late Cornelius J. Broderick. As special justice, he sat as substitute in several other courts besides Lee.

John J. Dwyer, presiding justice of the District Court, today issued a statement that, "In the passing of Judge James E. Hannon, the citizens of Lee and Berkshire County have lost a good friend and a valuable and devoted public servant. He brought to the bench a keen mind, a distinguished educational background, a sense of fairness to all parties and a compassionate concern for the problems of the less fortunate.

"He will be greatly missed by all who had the honor of serving with him. The members and the staff of the District Court of Lee extend our deepest sympathy to his family."

SURVIVORS

Judge Hannon leaves his wife, the former Charlotte Morrill, and a brother, William J. Hannon of Hyannis.

The funeral will be from the Kelly Funeral Home here Wednesday at 9:15 with a Liturgy of Christian Burial at St. Mary's Church at 10. Burial will be in St. Mary's Cemetery. Calling hours tomorrow at the funeral home will be from 2 to 4 and 7 to 9.

BENITO JUAREZ CIRCLE IN WASHINGTON

HON. RICHARD C. WHITE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 14, 1971

Mr. WHITE. Mr. Speaker, I have today introduced legislation to designate the traffic circle at Virginia and New Hampshire Avenues in Washington as "Benito Juarez Circle." The circle, and the statue that dominates it, commemorate the great Mexican liberator, Benito Juarez, a contemporary of Abraham Lincoln, who united his country and gave it free government at a time when it was threatened with conquest from without and corruption and tyranny from within.

Presidents Juarez and Lincoln greatly admired one another and, although our own country was torn by civil war, President Lincoln was able to exercise his influence to prevail upon the French to halt their adventure in Mexico and permit that country to establish its own free and independent government.

Lincoln and Juarez had much in common. Juarez was a Zapotec Indian who rose from the depths of poverty to become leader in the fight for independence, the Governor of his state, and the President of his country. Lincoln, too, was of humblest origins, largely self educated, and became a successful lawyer, a U.S. Representative, and then President of the Union he did so much to save.

If you were to ask the average resident of Mexico what American of the past he most admires, the answer would probably be Abraham Lincoln. A few years ago, shortly before I came to Congress, Mexico developed in Cuidad Juarez, the city named for Benito Juarez, just across the Rio Grande from my home city of El Paso, an impressive area popularly known as "PRONAF." This stands for "Programa Nacional Fronterizo," or "National Border Program," an attempt by Mexico to establish, along its frontier with the United States, attractive ports of entry that would emphasize Mexico's cultural heritage, its superb craftsmanship, and its educational and industrial progress. At a prominent spot in the heart of the Pronaf area in Ciudad Juarez, Mexico erected a statue of Abraham Lincoln. It is a striking and unusual statue, showing Lincoln in a standing position, as if delivering a speech.

It was inevitable that a similar gesture should be made to honor Lincoln's great contemporary, Benito Juarez, with a statue in the United States. During the last meeting between Presidents Lyndon Johnson and Gustavo Diaz Ordaz, it was agreed that a statue of the great Mexican liberator would be erected in Washington. The statue was presented, by the people of Mexico to the people of the United States, and was erected and dedicated in January 1969.

Since then, a busy traffic circle has been developed around the impressive statue, where Virginia, New Hampshire, the Twenty-fifth Streets come together. Around this circle will move traffic for the Watergate area, and for the new Kennedy Center for the Performing Arts, to be opened in September. It is fitting that this important site should bear the name of that great good neighbor of the United States whose statue so fittingly reminds us of the bond of friendship between our two Nations. I, therefore, ask the support of this Congress for designating the traffic circles described in my bill as "Benito Juarez Circle."

CITIES TO COLLECT FREEWAY TOLLS OR USER FEES

HON. LES ASPIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 15, 1971

Mr. ASPIN. Mr. Speaker, today I am introducing my fifth piece of environmental legislation. The bill would allow cities with a population over 200,000, to collect tolls or user fees on the freeways within their jurisdictional boundaries. The purpose of this bill is to significantly reduce automobile pollution, which now accounts for more than 50 percent of all air pollution in our cities. This legislation would also provide an added source of income to cities and would require that commuters help pay their fair share for the services in the city which they use.

Any attempt at reducing air pollution must address itself to the private automobile. Attempts to solve it with antipollution control devices alone are not sufficient. Our interstate highway program has been the basic cause of many of our big city woes. In addition to the tremendous air pollution problem the interstate highway program has been, and continues to be, a major factor in causing the fiscal plight the large cities presently find themselves in. Most of the people who have moved to the suburbs did so, because the freeways were built, not the other way around as the highway planners would lead us to believe. Building a new freeway out to the undeveloped suburbs makes it easier to move there and commute into the city to work. The city's loss becomes the suburb's gain. The process is a never-ending cycle. It causes a perverse sort of revenue sharing, in effect subsidizing the distribution of the city's wealth to the bedroom suburbs. The assumption that the need for new freeways should be based on rush hour congestion borders on being ridiculous. In addition, the gross underpricing of private commuter travel causes the scarce freeway space to be used unwisely.

The average occupancy rate on urban freeways is only 1.3 people per auto. If we could simply get people to double up we could eliminate half the air pollution caused by the private automobile—up to 45 percent of the total air pollution in some of our cities.

The magnitude of the commuting problem can easily be pointed out with a few figures. Three hundred and forty thousand cars enter San Francisco daily, 480,000 enter Chicago, and over 600,000 enter Manhattan. Once they arrive it becomes necessary to find a place to park them until they return to the suburbs again at nightfall. The city of Los Angeles with its 290 miles of freeways and 3½ million cars, devotes two-thirds of the total downtown area to moving, storing, and servicing cars. Parking lots yield very little property tax revenue. When you replace buildings with parking lots you must shift the tax burden to someone else within the city limits. Every time a new freeway is built more land comes off the property tax rolls.

This lost revenue is never taken into account in the cost estimates of new freeways. If it were, very few new freeways would be built. Interchanges alone take anywhere from 40 to 80 acres. One interchange in downtown Milwaukee takes approximately 60 acres of prime land. This interchange alone replaced buildings and land that yielded $700,000 dollars per year in property taxes. To determine the total lump sum loss to the city—the added cost of the interchange—all we have to do is capitalize the annual loss of $700,000. When capitalized at 4 percent we find that the city should have added $17.5 million to the actual construction costs of this one interchange to get a true picture of the total cost. No such estimates are made and we build many more freeways than we would if someone would do so.

The acquisition and construction costs alone average $4.9 million per mile for urban freeways, a full five times more than rural sections of the interstate system. The funds for construction come from gasoline taxes which generate about 1 cent per mile. If a commuter drives 25 miles to work he will pay 50 cents per round trip in gas taxes for highway construction. Prof. William Vickrey, the noted transportation economist of Columbia University, estimates that the costs of acquisition, construction, and lost property revenue from land under the freeways, totals over 10 cents a mile per automobile.

The private commuter is heavily subsidized, approximately 10 cents per mile. The individual who drives 25 miles into work each day, in effect, receives a public subsidy of approximately $5 per day. If we subsidized mass transit like we do the private commuter we would have to pay each rider a sizable sum, in addition to giving him a free ticket.

The cost of expanding new freeways in Washington, D.C., to handle more commuters at rush hour is about $23,000 per additional car. Thus if a person moves to Arlington and decides to drive his car into Washington to work every day, he, in effect, is asking the public to subsidize him to the tune of $23,000. What this really means is that cities are paying an enormous amount to increase their own air pollution and subsidize commuters who do not have to pay their fair share for freeway construction. If we continue to subsidize the private commuter to the extent we do now, it will not be long before all private mass transit companies go under for lack of riders. Mass transit economizes on the use of scarce space. One rail track can carry 70,000 people per hour, an exclusive bus lane can carry 40,000 people per hour. One lane of expressway can haul only up to 3,000 people per hour with each car having an average occupancy rate of 1.5 people per car, a somewhat larger occupancy rate than we find on most of our freeways.

The only way to rectify the problem is to remove the subsidy to the rush hour commuter.

My bill would allow large cities to place tolls on freeways. All moneys collected would have to be used for mass transit, either to construct new systems, or to provide monetary help to existing systems. It is hoped that the cities would take advantage of this. But the bill would not force them to. The tolls would be most effective if the cities would use peak hour pricing, the absence of which has caused much of our commuting problems.

Since the freeways were built primarily for rush hour traffic it is only proper to place higher tolls on rush hour use. We do this in virtually all other areas of our economy where high peak loads exist at certain times. Telephone calls are cheaper at night and on weekends, movie theaters charge more in the evening than for matinees, plays are more expensive to see on Saturday nights, hotels have higher rates in season, et cetera. Higher rush hour tolls would cause people to double up and form car pools, relieve congestion, reduce air pollution, eliminate the need for more parking lots, make mass transit more appealing, and eliminate most of the need for new freeways. There would be no need for off-peak hour tolls. This would encourage people to come downtown to shop. Once downtown, they would be able to find parking places, now almost totally reserved for daily commuters.

I urge my colleagues to give careful study to this idea, and this legislation. The passage of this bill could do much for our troubled cities.

THE POLICYMAKERS WHO INVOLVED THE UNITED STATES IN THE VIETNAM WAR

HON. STROM THURMOND

OF SOUTH CAROLINA

IN THE SENATE OF THE UNITED STATES

Thursday, July 15, 1971

Mr. THURMOND. Mr. President, on June 1, 1971, Thomas A. Lane wrote a very thought-provoking article entitled "No Hope in U.S. Foreign Policy."

General Lane includes statements written by Chester L. Cooper who worked with the U.S. delegations to the 1954 Geneva Conference and the 1961–62 Geneva Conference which neutralized Laos. He also worked on the White House national security staff under McGeorge Bundy and Walt Rostow.

This column points out the ineptness of the policymakers of the two previous administrations who involved the United States in the Vietnam war.

Mr. President, in my view, the war could have been ended by military action years ago. However, now, President Nixon's Vietnamization plan is progressing successfully. It is my hope that South Vietnam will be able to withstand further aggression after the Vietnamese Government assumes full control over its defense.

This article points out the mistake of attempting to direct the U.S. foreign policy and military operations by means of legislative proposals.

Mr. President, a conflict in which the United States is involved should be directed and controlled by military personnel who have the knowledge and first-hand information to make the best analysis. It is impractical to assume that civilian policymakers, who have to depend upon the news media for their information, can make efficient and effective decisions involving combat operations in a country thousands of miles away.

Mr. President, I ask unanimous consent that the column "No Hope in U.S. Foreign Policy" by Thomas A. Lane, June 1, 1971, be printed in the Extensions of Remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

NO HOPE IN U.S. FOREIGN POLICY

WASHINGTON.—Writing memoirs is a popular recourse of men who have worked in policy-making positions in our government. Public concern about the issues and curiosity about the inner mysteries assure publishers of a substantial public response to such offerings.

The memoirist may use the opportunity to display his own wisdom, to glorify or deflate his erstwhile superiors, to praise the decisions he approved and to display the error of those who rejected his advice. He may even try conscientiously to tell a story which will be useful to posterity.

In the Lost Crusade (Dodd, Mead & Co., 1970), Chester L. Cooper draws upon his own experience in the White House basement to offer his story of the origins and progress of the Vietnam war. Cooper is a career civil servant who worked with the U.S. delegations to the 1954 Geneva Conference which divided Vietnam and to the 1961–62 Geneva Conference which neutralized Laos. He served also on the White House National Security staff under McGeorge Bundy and Walt Rostow. We have reason to expect of him a perceptive analysis of U.S. policy.

The substance of the Cooper report is that the policy makers didn't know any more than we read in the newspapers. And when press reports were so biased as to mislead the public, they misled the policy makers too. For example, Cooper writes of the May, 1963 riots in Hue, "when Diem's troops fired indiscriminately into a crowd of Buddhists who were displaying a religious banner in defiance of a government edict". There was no government edict against displaying religious banners but only a requirement that priority of place be given to the national flag. The police did not fire indiscriminately into the crowd. Cooper's knowledge of what happened in Vietnam seems to come from David Halberstam who colored events to serve New York Times policy.

On such critical matters as President Kennedy's decision to overthrow President Diem, revealed by Kenneth O'Donnell in Life magazine, Cooper seems incredibly uninformed. He gives us the administration propaganda line that Diem was a dictator overthrown by his own people.

What were the wellsprings of the Kennedy-Johnson policies? According to Cooper, the policy makers thought all through the conflict that they were on the verge of winning. If they just put in a little more force, the enemy would quit. This self-delusion paralysed policy and foreclosed critical analysis. The leaders never realized that they had created conditions which assured an interminable war of attrition.

Mr. Cooper still doesn't know what happened. In criticizing the Nixon move into Cambodia, he wrote: "President Nixon did one of the things that the Johnson Administration regarded as unthinkable—he 'widened the war' beyond the boundaries of Vietnam." Of course this "unthinkable" option was precisely the action required to defeat the aggression we had undertaken to repel.

Who persuaded our policy makers that so simple and so legitimate a course as striking back at the aggressor was unthinkable? When and how was American strategic thought reduced to such absurdity? Cooper should know but he doesn't tell. Perhaps he never saw the issue clearly.

If Mr. Cooper will analyse his own experience, he will find that this line of thought came from his British associates. Britain long ago learned the knack of giving away the substance of its allies while conserving its own resources. Britain has profited substantially from our war in Vietnam. It has exercised a subtle dominion over U.S. policy.

In conclusion, Mr. Cooper gives us guidance for the future. We must learn to cope with subnuclear threats to the peace. "In the last analysis," he wrote, "National security can be attained only in a peaceful and ordered world." This will require "close consultations with the Soviet Union and developing effective, non-polemic channels with Communist China so that we can avoid, insofar as possible, misunderstandings and miscalculations about objectives and intentions. It will mean an expansion of American aid programs and a liberalization of our trade policies lest we find ourselves phychologically and politically besieged by Latin America, Africa and Asia."

This was the Kennedy policy which led us into war in Vietnam. Diplomats are incapable of learning from history.

CBS CONTEMPT CITATION

HON. JOSHUA EILBERG

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 15, 1971

Mr. EILBERG. Mr. Speaker, I was opposed to House Resolution 534, which proposed that the Columbia Broadcasting System and its president, Dr. Frank Stanton, be cited for contempt of Congress for refusing to make certain film material available to the House Committee on Interstate and Foreign Commerce. I favored recommital of the resolution to the Commerce Committee.

The first amendment of our Constitution clearly prohibits inquiry into the news judgments of broadcasters. The course recommended by the majority of the Interstate and Foreign Commerce Committee in this instance would violate this constitutional prohibition. A long line of Supreme Court and Federal appellate decisions have shown the judiciary to be extremely reluctant to infringe first amendment guarantees. This reluctance is especially strong where sought-after information is available from other sources, as in this case.

The committee claims that it seeks to develop legislation which will safeguard the public from distortion in the news media and that the sought-after information is necessary to this end. The facts indicate that the information needed to legislate has already been provided by the Columbia Broadcasting System or is available from other sources including the Pentagon and the individuals interviewed for the program in question. The way to temper distortion in the news media is not through an extension of congressional controls to the method by which news is obtained and reported, thus doing injury to the first amendment; rather such distortion is guarded against by the free exchange of ideas in a free press, as intended by the framers of the Constitution. Thus, the committee subpena is both unnecessary and an overextension of congressional powers.

While the Congress has the duty to regulate the broadcast industry, it does not have the right to do so by violating basic first amendment guarantees.

BLACK NEWLYWEDS MARK PROGRESS IN CHICAGO

HON. ROBERT McCLORY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 15, 1971

Mr. McCLORY. Mr. Speaker, the Chicago Tribune yesterday reported the results of a survey conducted by the Real Estate Research Corp. which reflects that the standard of living for black newlyweds has greatly increased over the past 17 years.

For example, the survey reports that in June of 1954, 14 percent of Chicago's black newlyweds started their married life in a single, rented room. In June of 1971, the number of black newlyweds in Chicago who were forced to start married life in this manner had dropped to only 1.3 percent.

Other improvements in living conditions were also noted. The survey disclosed that 61.2 percent of young black couples own an automobile today, while only 42 percent had a car in 1954. And, surprisingly, a higher percentage of today's white brides than black responded that they planned to work after they were married. In 1954, 73 percent of the new black wives planned to hold a regular job after marriage—today, the number of employed black brides has reportedly dropped to 68.8 percent. While there is still a gap between black and white economic advantages as consumers there are also indications that that difference has likewise narrowed appreciably over the past 17 years.

Mr. Speaker, subtle forms of discrimination still exist to deprive black Americans of their right to full equality. I am greatly encouraged by the progress which has been made over the past several years; however, I must confess that, in my opinion, we are still moving too slowly toward the day when it will not be possible to discern any socioeconomic or political advantages of one race over another. Furthermore, I am convinced that progress comes faster and is most lasting when it is achieved in an atmosphere of mutual respect.

Mr. Speaker, I commend the progress of the past several years to the consideration of my colleagues, and I salute black Americans everywhere for their remarkably dignified march toward full equality under the law.

OUTSIDE EARNINGS AND THE WORKLOAD OF THE SUPREME COURT

HON. LOUIS C. WYMAN

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 14, 1971

Mr. WYMAN. Mr. Speaker, just yesterday the House passed a bill to give the Chief Justice of the Supreme Court an administrative assistant. I supported this bill. There is no question that the workload of the High Court is enormous and the burden on its members staggering. I believe the Congress recognized this in voting in favor of this bill by a 2-to-1 margin.

Despite this workload, a financial statement for the first 6 months of 1971 filed by Associate Justice William O. Douglas, shows outside earnings in excess of his salary. It reports some $37,000 on the side, chiefly from speaking and writing, contrasted with $30,000 in salary for the same period.

In a TV interview a week ago Monday, Chief Justice Burger noted that the Court's caseload has increased from 1,100 in 1950 to more than 4,000 this year. In this situation it is more than a little perplexing that a Justice has sufficient time to earn in excess of his salary from outside activity.

Undoubtedly this practice is legal. It is not the practice of law and there is no rule or regulation prohibiting it that I know of. Equally certain is the fact that as a matter of policy it is probably not a subject that lends itself to legislative restriction.

However, it does seem to me, as well as to several with whom I have discussed the matter, that some restraints on such outside earnings might be in order as a matter of self-discipline or self-restraint or what have you. The same principle should apply to Members of Congress. If there is sufficient time to write and speak at an extrajudicial function to the tune of $6,000 a month, perhaps the Court is not all that overburdened. Or, more significantly, perhaps those engaging in all this outside activity are throwing a disproportionate part of the load on others who stick to their heavy judicial responsibilities?

WILL A BULLDOZER COOL THINGS OFF?

HON. FLETCHER THOMPSON

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 15, 1971

Mr. THOMPSON of Georgia. Mr. Speaker, I insert in the RECORD the third of a series of articles concerning model cities that recently appeared in the Atlanta Constitution:

WILL A BULLDOZER COOL THINGS OFF?

(By Duane Riner)

Cary Hooks, state director of the Federal Housing Administration, says he's confident that the frustrations of Model Cities residents will "cool off" once they see construction begin on a couple of apartment complexes.

"Let the people see something being built. If you do a little something," said Hooks, "people will say, 'It's a start.'

"Once they see a bulldozer down there, they'll be all right."

Model Cities residents have been waiting two years for a start. Too much land has been cleared with no results.

Emory University sociology professor Alvin Boskoff, who analyzed all aspects of the Model Cities housing program, said the housing components—clearance, relocation, rehabilitation and new housing—had produced "minor achievements and major frustrations."

He singled out the "highly detailed procedures" of the Atlanta Housing Authority (AHA) as impeding achievement and said some "informants" indicated that the authority "has not given high priority or extraordinary emphasis to the Model Cities program despite the location of a field office in the Model Cities complex."

Boskoff said implementation of clearance policy was evaluated by all those he interviewed as "difficult, disappointing and almost disastrous."

The most widespread explanation, Boskoff found, was "the general character and organization of the AHA," operating as it does "largely but not completely in response to federal regulations."

The negotiation process for land to be

cleared also came in for criticism in the Emory report.

"In the judgment of most informants," the report said, "the Housing authority and Model Cities staff had been unable to develop an adequate public relations program for Model Cities residents. As a result, there was considerable misunderstanding of clearance objectives, much misinformation and rumor, and understandable fears about having no place to live."

Boskoff said the clearance situation "reflects a confused and inefficient set of decisions—some made in haste and others representing poor judgment."

An example of the hopeless wheel-spinning that has marred the Model Cities housing effort was a parcel of land on which 14 houses stood.

The land was purchased, cleared and attempts were launched to arrange for new apartments. Disputes flared between a resident housing committee and the Atlanta Housing Authority. A suitable sponsor could not be found.

During all the furor, the contour of the land—a steep slope—was never considered. When the soil was finally tested late last summer it was found that most of the land was unsuitable for building and the project was ineligible for FHA loans.

Here's what the Emory sociologist concluded:

"Responsibility for selection of clearance sites in the Model Cities area is shared by the Model Cities staff, the AHA and the City Planning department. But the fact that their collective decisions were questionable—or ill-advised—is perhaps less significant than the fact that there was no procedure for reviewing decisions that were made under severe time pressures. In the judgment of the writer, this failure to institute responsible review and evaluation is a major symptom of the Model Cities effort."

One of the greatest public relations fiascos, according to Boskoff, involved relocation of Model Cities residents.

"Residents were confused by notices and information sheets that, in the opinion of several officials interviewed, were unclear, unattuned to the educational level of most residents and even included inaccurate information."

The "highly inadequate" public relations, he said, "stimulated fear, desperation and resistances that directly conflicted with the avowed objectives of the Model Cities program in general and its housing aims in particular."

Then Boskoff found that relocation assistance for Model Cities residents was accorded low—"or maybe no priority"—by the Atlanta Housing Authority.

He found while examining files that few applicants came to the office for assistance and that housing counselors in the office "were not noticeably engaged in work over long segments of the morning or the afternoon."

In short, he concluded, the atmosphere in the office "was one of low pressure, unruffled laxity and modest involvement."

Temporary housing for displaced Model Cities residents has been the most highly publicized failing. Remember the 200 mobile homes costing about $2 million that were found sitting idle on a lot adjacent to the Atlanta Federal Penitentiary last September? Approximately 100 were still sitting there late in April. About 30 remain late in May.

Several of Boskoff's informants gleaned the impression that City Hall and the Housing authority were "lukewarm" to temporary housing and simply did not press for quick and efficient action.

How does Boskoff sum up the Model Cities approach to housing?

"It was developed in great haste and with much vagueness as to implementation and administration. Consequently, goals were set neither in response to well documented needs of resident families, nor in line with the known capacities of operating agencies."

He also notes the lack of a "demonstration" flavor and a "virtual absence of innovation."

"The prosaic and lusterless quality of these programs was also reflected in the decision to depend on existing agencies for implementing housing goals. In other words, the same agencies that had been unable to promote a needed housing supply in the past were asked to try again under a new label."

The major burden for housing in Model Cities, he observed, remained on the "groaning shoulders" of the Atlanta Housing Authority, which was simultaneously responsible for redevelopment in other parts of Atlanta.

Boskoff says a key deficiency in the Model Cities program was the failure—until recently—of City Hall to demonstrate "either an official or unofficial interest in, or responsibility for, the Model Cities program."

He also blames the U.S. Department of Housing and Urban Development (HUD) for providing little guidance or support for Model Cities in its housing problem.

AYER'S 100TH ANNIVERSARY

HON. ROBERT F. DRINAN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 15, 1971

Mr. DRINAN. Mr. Speaker, it gives me great pleasure to inform the house of Representatives of the 100th anniversary of Ayer, a community of great importance to the economy of north central Massachusetts.

Ayer was incorporated by charter on February 15, 1871. By its provisions, that portion of the town of Shirley lying east of the Nashua River, and that part of Groton lying south of a straight line running easterly from the point of junction of James' Brook with the Nashua River, to the point where the southern side of the county road leading from Groton by Ridge Hill Tavern to Littleton Old Common intersects a line between Groton and Littleton near Spectacle Pond, were incorporated in the new town. The physical shape of the town is in the form of a parallelogram, averaging about 4 miles long from east to west and about 2 miles wide from north to south. Bordered by Shirley on the west, Groton on the north, Littleton on the east, and Harvard on the south, Ayer is located 36 miles northwest of Boston.

The earliest name by which this southern portion of Groton was known was the name given to it by the Indians, Nonacoicus, still preserved in the name of a brook flowing through the town. Later the town was called South Groton, then Groton Junction, and finally Ayer.

On August 5, 1869, an article appeared in the Groton Junction Public Spirit newspaper advocating secession of Groton Junction from the parent town, on the grounds that the citizens had to go 4 miles to town meetings, and that while a numerical majority of the voters of the town resided at the Junction, they did not receive their fair proportion of offices in the government of the town. At a town meeting on January 3, 1871, it was unanimously voted that there would be no opposition to separation.

On January 20, 1871, a correspondent suggested in the Public Spirit the name of Ayer as—

> Easy to spell and speak; not likely to be confused with that of any other town in the state, and associated in the mind of every one with the sweet strains of Robert Burns.

The name of Ayer, however, was not given to the town from the Scottish River—Ayr—"associated in the mind of every one with the sweet strains of Robert Burns, but in honor of Dr. James C. Ayer of Lowell, who said that he appreciated the high honor the town bestowed upon him, and hoped that the future would present no occasion to regret the choice they had made. Later he furnished the town with the funds necessary to construct a town hall.

Although the town was primarily an agricultural community, early industries included an oil and batting mill, grist mills, saw mills, a brewery, lumber mills, a gravestone manufacturing plant, the Martin & Co. works for the manufacture of plows and other agricultural implements, a factory for the manufacture of Ross' transparent soap, paper mills, a steam tannery, an iron furnace, fulling and coloring mills, wood-working and shingles factories and a horseshoe nail factory.

Presently Ayer is the center for the central Massachusetts apple industry. Industrial sewing machines, concrete products, industrial cutlery, silver sheen products, chemicals for can making, and packing machinery are manufactured. The town's major industry, the Hartnett Tanning Co., was destroyed by fire in 1961. During the past 50 years, Ayer has been known to hundreds of thousands of veterans who have spent some time at Fort Devens.

Many of my fellow members of the House of Representatives probably remember well the scenic beauty of Ayer and Fort Devens. I salute and congratulate Ayer on her 100th birthday, and express my best wishes for her continued future growth and development.

The entire Nation owes an incalculable debt to the people of the town of Ayer where during the frantic years of the Second World War, division after division of American men came and went through the facilities of Fort Devens.

I am certain that it is the desire of the people of the town of Ayer and of the entire Montachusett region that this unique New England town which has touched the lives of innumerable American men should continue to serve the national security of the United States by its dedication to the growth and improvement of all of the many services offered to the country by Fort Devens.

SENATE—*Friday, July 16, 1971*

The Senate met at 10 a.m. and was called to order by Hon. Bob Packwood, a Senator from the State of Oregon.

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

O God our Father, not in our merit but in our need we come to Thee. Free our minds of all lower thoughts that we may now contemplate only that which is beautiful and good and true. May these days of crisis and intense work be times of enrichment of life and of strengthening character, when the spiritual nature is nourished and we grow in the ways of Thy kingdom. Help us to think and act on those things which make for a better nation and a more righteous people. May the peace we seek for the nations begin in us and abide in the hearts of all who serve Thee in this Chamber.

We pray in the Redeemer's name. Amen.

DESIGNATION OF THE ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. Ellender).

The assistant legislative clerk read the following letter:

U.S. Senate,
President pro tempore,
Washington, D.C., July 16, 1971.

To the Senate:

Being temporarily absent from the Senate on official duties, I appoint Hon. Bob Packwood, a Senator from the State of Oregon, to perform the duties of the Chair during my absence.

Allen J. Ellender,
President pro tempore.

Mr. PACKWOOD thereupon took the chair as Acting President pro tempore.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Thursday, July 15, 1971, be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that all committees be authorized to meet during the session of the Senate today.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

THE CALENDAR

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of the legislative calendar beginning with Calendar No. 248 and ending with Calendar No. 255.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

HIGHEST STATE APPELLATE COURT LIBRARIES AS DEPOSITORY LIBRARIES

The bill (S. 2227) to amend title 44, United States Code, to authorize the Public Printer to designate the library of the highest appellate court in each State as a depository library, was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 2227

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) chapter 19 of title 44, United States Code, is amended by adding at the end thereof the following new section:

"§ 1915. Highest State appellate court libraries as depository libraries

"Upon the request of the highest appellate court of a State, the Public Printer is authorized to designate the library of that court as a depository library. The provisions of section 1911 of this title shall not apply to any library so designated."

(b) The chapter analysis of such chapter is amended by adding at the end thereof the following new item:

"1915. Highest State appellate court libraries as depository libraries."

THE HUMAN COST OF SOVIET COMMUNISM

The resolution (S. Res. 142) authorizing the printing of the study entitled "The Human Cost of Soviet Communism" as a Senate document was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. Res. 142

Resolved, That there be printed as a Senate document the study entitled "The Human Cost of Soviet Communism", prepared by Robert Conquest at the request of the late Senator Thomas J. Dodd for the Internal Security Subcommittee of the Senate Committee on the Judiciary, and that there be printed ten thousand additional copies of such document for the use of that committee.

THE 72D ANNUAL REPORT OF THE DAR

The resolution (S. Res. 150) authorizing the printing of the 72d annual report of the National Society of the Daughters of the American Revolution as a Senate document was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. Res. 150

Resolved, That the seventy-second annual report of the National Society of the Daughters of the American Revolution for the year ended March 1, 1969, be printed, with an illustration, as a Senate document.

PRINTING THE PRAYERS OF THE CHAPLAIN OF THE SENATE AS A SENATE DOCUMENT

The concurrent resolution (S. Con. Res. 34) authorizing the printing of the prayers of the Chaplain of the Senate during the 91st Congress as a Senate document, was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. Con. Res. 34

Resolved by the Senate (the House of Representatives concurring), That there be printed with an illustration as a Senate document, the prayers by the Reverend Edward L. R. Elson, S.T.D., the Chaplain of the Senate, at the opening of the daily sessions of the Senate during the Ninety-first Congress, together with any other prayers offered by him during that period in his official capacity as Chaplain of the Senate; and that there be printed two thousand additional copies of such document, of which one thousand thirty would be for the use of the Senate and nine hundred seventy would be for the use of the Joint Committee on Printing.

Sec. 2. The copy for the document authorized in section 1 shall be prepared under the direction of the Joint Committee on Printing.

MURALS IN THE HOUSE WING OF THE CAPITOL

The joint resolution (H.J. Res. 169) authorizing the acceptance, by the Joint Committee on the Library on behalf of the Congress, from the U.S. Capitol Historical Society, of preliminary design sketches and funds for murals in the east corridor, first floor, in the House wing of the Capitol, and for other purposes, was considered, ordered to a third reading, read the third time, and passed.

FEDERAL AND STATE STUDENT AID PROGRAMS, 1971

The Senate proceeded to consider the concurrent resolution (S. Con. Res. 31) authorizing the printing of the compilation entitled "Federal and State Student Aid Programs, 1971" as a Senate document, which had been reported from the Committee on Rules and Administration with an amendment on page 1, line 6, after the word "printed", strike out "sixty-two" and insert "sixty-eight"; so as to make the concurrent resolution read:

Resolved by the Senate (the House of Representatives concurring), That the compilation entitled "Federal and State Student Aid Programs, 1971", prepared by the Library of Congress for the Senate Committee on Labor and Public Welfare be printed as a Senate document; and that there be printed sixty-eight thousand two hundred additional copies of such document, of which forty-three thousand nine hundred copies shall be for the use of the House of Representatives, ten thousand three hundred copies shall be for the use of the Senate, ten thousand copies shall be for the use of the Senate Committee on Labor and Public Welfare, and four thousand copies shall be for the use of the House Committee on Education and Labor.

SEC. 2. Copies of such document shall be prorated to Members of the Senate and the House of Representatives for a period of sixty days, after which the unused balances shall revert to the respective Senate and House document rooms.

The amendment was agreed to.

The concurrent resolution, as amended, was agreed to.

AUTHORIZATION FOR CERTAIN PRINTING FOR THE COMMITTEE ON VETERANS' AFFAIRS

The Senate proceeded to consider the concurrent resolution (H. Con. Res. 242) authorizing certain printing for the Committee on Veterans' Affairs, which had been reported from the Committee on Rules and Administration with an amendment, on page 1, after line 9, strike out:

That after the conclusion of the second session of the Ninety-second Congress there shall be printed for the use of the Committee on Veterans' Affairs of the House of Representatives fifty-six thousand one hundred copies of a publication entitled "Summary of Veterans Legislation Reported, Ninety-second Congress," with an additional forty four thousand copies for the use of Members of the House of Representatives.

The amendment was agreed to.

The concurrent resolution, as amended, was agreed to.

HISTORY OF THE SENATE COMMITTEE ON GOVERNMENT OPERATIONS

The Senate proceeded to consider the resolution (S. Res. 69) authorizing the printing as a Senate document of the history of the Senate Committee on Government Operations, which had been reported from the Committee on Rules and Administration with amendments, in line 6, after the word "printed", strike out "five" and insert "two"; and, after line 7, strike out:

SEC. 3. One hundred copies shall be bound with a buckram cover and gold lettering for the use of the Committee on Government Operations.

So as to make the resolution read:

Resolved, That there be printed, with illustrations, as a Senate document a compilation of materials relating to the history of the Senate Committee on Government Operations in connection with its fiftieth anniversary (1921–1971).

SEC. 2. In addition to the usual number, there shall be printed two thousand copies of such document for the use of the Committee on Government Operations.

The amendments were agreed to.

The resolution, as amended, was agreed to.

PRESIDENT NIXON'S FORTHCOMING TRIP TO THE PEOPLE'S REPUBLIC OF CHINA

Mr. SCOTT. Mr. President, the surprise which the country felt in the announcement of the President last night was surely coupled with a considerable amount of relief that we are going to be able, again, to open a dialog with 750 million people.

My own position with regard to the Nationalist Government of China on Taiwan has not changed. I support that government. The President has made it clear that his decision is not in any sense directed against or in any sense hostile to any other nation. That, too, is good.

The President's announcement has worldwide implications. Many things may come from it. First of all, a general lowering of tensions, a movement toward more peaceful relations among the nations, a betterment of our understanding, and the opportunity to exchange relationships with mainland China on a political, journalistic, cultural, and on other bases.

Mr. President, I hazard the modest suggestion that in the past, when Presidents have engaged in foreign policy visits abroad, they have, on occasion, elected to take with them representatives of the Senate of the United States which shares certain foreign policy obligations with the President.

I have no idea what the President's views are in this regard, but it is, I think, well known that the majority leader and I on other occasions have indicated our entire willingness to do whatever the President had in mind. I, myself, am volunteering again, should the occasion arise; but, in any event, I am sure the President will keep Congress—particularly the Senate—fully advised.

Mr. President, I believe that some representation by the legislative branch at the time the trip of the President to the People's Republic of China is made, in my opinion, would be most desirable. It is better for me to say that now, before I know whether it is included in the plan, rather than afterwards.

Furthermore, I think that the impact of the President's announcement will be considerable on Hanoi. It is the old ploy which the Romans knew as "vis a tergo," that is, to push from the rear—the sudden movement from behind. Therefore, Hanoi is bound to be looking over its shoulder and speculating. I imagine that every room in every chancellory in Hanoi is abuzz today because they have no way of knowing whether the opening of this new form of relationship with mainland China may not, indeed, dilute to some degree the heretofore absolute reliance on their big brother.

Thus, I imagine that some good may flow from this and that something may happen in Paris. But, in any event, a giant leap forward has been taken by the President and I congratulate him on it. The country is the better for it.

Mr. MANSFIELD. Mr. President, I, too, wish to commend the President of the United States for the initiative he has shown in his constant attempts, since he has assumed office, to bring about a degree of normalization between the United States of America and the People's Republic of China.

I know of the President's intense, personal, and life-long interest in China and the Far East. I am aware of the moves which he has made, beginning in February of 1969. I want the record to show that I think he is heading in the right direction, at the right pace, and with the right amount of circumspection.

It is to be hoped that this visit which the President announced that he will undertake on the invitation of Chou En-lai within the next 9 months will bear some fruit in bringing about a stabilization of the situation in East Asia and the western Pacific, and in bringing about also a quicker end to the war in Vietnam.

The President has for several months been carrying on probes through third persons, third parties and third governments, and I am assuming that one of these probes has been with Peking. I assume also that, on the basis of what has taken place, Peking as well as Moscow might well have been consulted by Le Doc Tho, a key member of the North Vietnamese politburo, before he arrived at Paris and before the seven-point proposal of Madam Binh.

So the President has undertaken another step. One of the earlier steps was to do away with certain trade restrictions between this country and China that had been imposed since 1951 in the nature of a primary and secondary boycott—a useless policy.

The President has also broadened the number of types of professions and people who would be given valid passports by this Government to go to China. He still has on the books the promise that this Government would be willing to send newsmen into China and in return Peking could send an equal number of newsmen here.

The President has moved in the direction of allowing certain nonstrategic type of materials to be traded to mainland China. And now his latest move—which I must admit in all frankness and candor came as a total surprise to me—is a continuation of what he has done previously and is a continuation of the plan he announced at the beginning of his term.

I express my appreciation for what has been done and my appreciation of the fact that Dr. Kissinger did not have tummy trouble. Out of this has come the results which the President has now relayed to the American people. I might observe that the President got the most important impact out of the shortest speech of his career.

Mr. SCOTT. Mr. President, if the Senator would yield for a moment, I would like to observe in the words of Confucius that perhaps it may be said, "Man who have stomach trouble in Karachi take pot to China." [Laughter.]

THE UNITED STATES AND NATO: TROOP REDUCTIONS—VIII

Mr. MANSFIELD. Mr. President, in a recent issue of the New York Post, there appears a commentary by Mr. Max Lerner on the European troop reduction amendment which was defeated in the Senate several weeks ago.

Mr. Lerner is most perceptive, it seems to me, in noting that there is more involved in this issue than the question of numbers of U.S. forces in Europe and their cost. What is involved, as he points out, is a whole system of relationships—economic, political, social and, one might add, psychological—between the United States and Europe which have revolved around the military alliance.

While NATO has been the core of that system, it is still but one factor. Moreover, the number of U.S. forces assigned to NATO is a fraction of that factor. It is true that a change in the core of the complex is bound to affect the entire relationship. But that is precisely the point of the troop reduction amendment. The amendment would not only cut costs and redeploy U.S. forces, it would also act to move the entire system of U.S.-European relationships away from past concepts which, in my judgment, are acting as a drag on the rational evolution of this system. Within these antiquated concepts Europe is seen, as it was two decades ago, as dependent in a many-sided fashion on the United States. This overlong clinging to what is long since past is most glaring, I believe, in the atrophying of the U.S. role in NATO and the sacrosanctity with which the size of the troop deployment has been surrounded.

In any event, I am most happy to share Mr. Lerner's astute observations with the Senate. May I add that with many of them I am in complete accord, such as his reference to the possibility of a European commander of NATO. I ask unanimous consent that the article referred to, a series of three articles by Nick Thimmesch and other material be inserted at this point in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

TRANSATLANTIC PARTNERS

(By Max Lerner)

Despite my disagreement with Sen. Mansfield's determined drive to get half the American troops out of Europe, and whatever its final outcome, I am glad he has stirred the slumbering issue to life.

Unexamined assumptions are dangerous, in public policy as in private life. Mansfield has made me, for one, dust off my own encounters with the NATO problem, my travels and conversations in Europe, to rethink the Europe-America partnership.

That's what it is. Make no mistake about it. The Senators and commentators who treat troop cuts just as a matter of saving some money, and getting soldiers back to Kansas and away from the sin-places of Europe, are ripping a single thread out of a whole coat.

The coat is nothing less than an alliance system, stretching far beyond the military, between Europe and America. It is probably the most crucial alliance system in the world, since it links two creative continents, Europe and America—two culture clusters very much in ferment, two power structures which are unequaled by any other combination in the world. Don't give it up or let it be broken too cavalierly.

The heart of the alliance—NATO, the defense system—came into being 25 years ago. It isn't anywhere near the whole Europe-America story, which includes the business investments, the currency exchange system, the trade union relations, the scientific and technological exchange, the intellectual interplay.

But the common defense of Europe, and through it the defense of America, is part of it. We have all but forgotten that millions of young Americans died in two monster wars because European stability broke, and its breaking engulfed America.

In his pre-Nixon phase, in 1965, Henry Kissinger wrote a sharp analysis of what he called "The Troubled Partnership" (Anchor Paperback). I should myself call it the Tired Partnership. A 25-year mariage is a long marriage between continents as between a man and a woman, but in neither case do you opt out just for the hell of it. As in a marriage also, there have been neurotic interactions between these transatlantic partners.

The Europeans went into NATO to resist Russian invasion; they have stayed in it to get the umbrella of American nuclear protection. They make their contribution to the NATO conventional forces grudgingly—just enough to keep American forces there, but not so much as will make the nuclear umbrella unnecessary.

America in turn wants the ground and air resistance to be more than a token, so that a Soviet attack will meet "multiple options" and a "flexible response," instead of triggering a nuclear response automatically.

To freshen the alliance I am all for putting more pressure on the European partners to carry their weight and do more to achieve adequate force levels. I am also for helping them move forward an independent European nuclear deterrent, if possible, to get them free of dependence on America. And obviously I am for talks with Russia and the Warsaw Pact group about mutual troop reductions on both sides, which is the only thing that makes sense.

But we must change the psychology of the partnership. It's time for the U.S. to drop its old habit of having the commander of the NATO forces always an American, and time also to cut the top European group into consultations on nuclear policy. Finally it is time to recognize that while NATO itself can't become a bargaining unit for a European detente—a thaw in relations with the Russians—its members can do it bilaterally.

* * * * *

That is just what Chancellor Brandt has been trying to do in his Ostpolitik, and he needs more encouragement from the State ning again and the sap is flowing again in Europe depends not only on a military power balance, which NATO has supplied, but also on a sense that the congealed waters are running again and the sap is flowing again in the trees.

Brandt made it clear, in a sharp statement on the Mansfield sortie, that the Germans must be sure of America's presence in Europe if they are to bargain effectively for detente with the Russians.

Nixon brought out an array of bigwigs to back up his anti-Mansfield drive. For me what counts is not so much their authority as the witness they bear to the long partnership, which has kept the peace too well to be unraveled in a fit of alliance fatigue.

[From FORBES, JULY 15, 1971]

FACT AND COMMENT

A CHOICE THAT REALLY IS NO CHOICE

The bipartisan unanimity of Washington's ex and present statesmen on not reducing our armed forces in Europe by half was impressive only because most of these fellows in private—and sometimes public—conversations usually speak of one another with the utmost disdain.

I found the point of view in which they were in agreement about as sense-making as the inflexible Indochina policy pursued by Dean Rusk for eight years.

In the turbulent decade or two that followed World War II's end, NATO and our huge manpower-money commitment to it made sense. NATO had a real military capability, and served to shield Western Europe from aggression.

In the totally unlikely event that the Russians should suddenly march against Free Europe, NATO as an effective military force simply no longer is—Ask *any* battalion or regimental commander about the instant-ready status of his force, and no informed source in any world capital would be surprised at the answer.

The fact is our 300,000 men in Europe and their nearly-that-many dependents are there as hostages—merely as numerical proof to friend and foe alike that this country will inevitably be "in" any major conflict.

For some years FORBES has pointed out the prohibitive expense of maintaining such an unnecessarily huge number of troops in Europe.

Less than half the number of military personnel would serve the hostage purpose.

Meantime, the cost of supporting them is contributing enormously every day to the dollar flood which so endangers Europe—and us—economically and politically.

And NATO's incomprehensively dilatory, almost negative response to the Russian offer mutually to reduce troop forces indicates NATO doesn't even seem aware of what it's there for.

The Mansfield proposal was licked, but it is far from dead.

Given a choice of restoring some integrity to the dollar and thus preserving the economic and political stability of Free Europe, or maintaining a hostage force of Americans at present "strength," there really is no choice.

It just seems that it will take a little more time for this to become apparent to the chess players.

THERE IS A DIFFERENCE

The chances for this country to have adequate military forces without a draft are nil, and political cant to the contrary can't change that unfortunate fact.

Instead of trying to proceed down that impossible path, we should set about promptly to make for those individuals who make a career of military service a life that is decently paid, including attractive, meaningful fringe benefits.

Realistically, it's unaffordable to have every one of a couple of million or more in the armed services paid on a scale commensurate with civilian jobs of the same sort. But can you name me one *really* good reason why the man who is making a career of the services shouldn't be paid considerably more than the draftee who is serving because he has to and is counting the days and hours until until he's out? Half of his hitch is spent trying to make him slightly useful for the last half. Pay at most any scale won't make too many draftees want to stay on.

Our defense, though, depends near-totally on the career man in the field and sky and at sea. By any rational measure he should be paid more, considerably more, vis-a-vis draftees who are reluctantly in the ranks today and out at the first possible tomorrow.

The President and the majority of Congress should axe unaffordable billions of dollars called for by across-the-board military pay raises. Across-the-board shouldn't have a thing to do with it. Long-term enlistees—that is, career men—should get a substantial raise and every feasible additional "perq."

And, by the way, if we ever were to have nearly enough volunteers to man the forces and with only a modicum of draftees, this is about the only way it could happen.

[From the Los Angeles Times, July 7, 1971]

NATO Grapples With Shifting Priorities in U.S., Other Nations

(By Nick Thimmesch)

BRUSSELS.—The men who serve as NATO representatives here as well as the International Secretariat staff tend to be academic types best suited for contemplating the European power balance and Soviet intentions. International political questions of the 15 member nations are less to their liking. These days, however, the NATO men are forced to give the internal questions almost the same priority as the omnipresent Soviets.

NATO isn't coming apart, but it is suffering strains, as all aging alliances eventually do. In the recent debate in the U.S. Senate over cutting U.S. troop levels by half in Europe, it was a lady, Sen. Margaret Chase Smith (R-Me.), who spoke the frankest: "We have carried the brunt of military liberation and protection of Western Europe for nearly 30 years now," she said. "We have done it through the sacrifice of our military personnel and their families and through the billions of our taxpayers' dollars.

"We lifted Western European countries off their backs and provided their economic recovery through the generous Marshall Plan and other forms of economic aid.

"And what have we gotten in return? Continued slaps in the face. Continued biting of our hands that fed them. Continued failure of the nations of Western Europe to carry their fair share of the cost and personnel for the NATO that keeps them free nations."

NATO and other European leaders are startled to think of a greatly diminished U.S. presence in Europe. Maybe this is why they agreed last December to increase their contribution to the NATO defense system by $950 million in the next five years.

Without strong participation by the United States, it is possible that first the small West European nations would take the Swedish neutralist approach, with the larger nations (France, Germany and Italy) following suit.

Ironically, it is once again Germany, West that is, which is pivotal to the situation. The West Germans are on an economic binge. True, Chancellor Willy Brandt has eased relations with East Germany, at the same time reaffirming his nation's dependence on NATO. But what will West Germany do 5 or 10 years from now when its economy cools off—as it must—and it gropes about for stability, through nationalism perhaps?

The Soviets have vivid memories, and so do other Europeans, of German armies. Faced with a Germany searching for stability, the Russians might agree to an accommodation with West Germany. And if that happens it is very likely that the rest of Europe would follow, and reluctantly accept German-Russian power.

There is even the notion that the Soviets for the present, would prefer having an American presence in West Germany rather than a new West Germany army there. The Soviets know that if a clamor for national identity develops, Germany's young generation will be a part of it, and as one NATO official put it, "The Soviets would be very uncomfortable with 70 million German perfectionists on their flank."

With all the dreadful possibilities spinning through their heads, the NATO gentlemen see the need to press their governments for greater contributions of men and money to the NATO defense effort. The idea that the United States would force its European partners to do more, says Jorge Kastl, assistant secretary general for political affairs, is as wrong as the European idea that U.S. involvement is automatic.

Indeed, some theorists believe that Sen. Mike Mansfield (D-Mont.) was only trying to get the United States to appreciate the need for NATO. If NATO fell apart, through American neglect, the United States would risk a war and also losing U.S. enterprises in Europe valued at an estimated $100 billion.

For the present, then the U.S. government tries to mark time while Europe regains its pre-De Gaulle momentum, appreciates the United States a little more and kicks in more money and men to NATO.

The British, for instance, showed their good intentions by recommissioning the aircraft carrier, Ark Royal, an 18-year-old splendor, for NATO service. Meanwhile, a new Italian navy sits in port because Italy won't pay for it to steam anywhere.

There are many facts which amount to a negative for NATO these days. There is hope that when the present situation straightens out, there will be new, positive facts about NATO solidarity.

After all, as outgoing U.S. ambassador to NATO, Robert Ellsworth, told me: "When you deal with the Russians, it's important to deal in facts, not words. The Russians only respond to facts."

[From the Los Angeles Times, July 8, 1971]

U.S. Army, Europe, Facing Racial Pressure

(By Nick Thimmesch)

HEIDELBERG, WEST GERMANY.—Out of necessity, perhaps, the Army, of late, tries to be a "nice guy" to its troops, giving them the impression that military life isn't that much different from the "outside." Well, the more that the Army and the outside get together, the more the Army suffers what outside society suffers, including race trouble, of which the Army now has plenty.

Outside society has Black Panthers; clinched fist, Black Power salute; strife between young blacks and whites including arguments over whether to play "soul" or country and western music; a high incidence of crime among blacks and a goodly portion of white racism.

The Army has all this too, but it tends to be intensified when men are trained to fight only to find themselves in a boring, caretaker mission like serving in the defense of Europe. Soldiers have always brawled. Black militancy adds a new dimension.

"I don't want to talk about it," said a white private first class in Frankfurt. But in a moment, he did. "Many blacks come into the Army to make the worst of it. They have chips on their shoulders, and some of the whites do too. We had a white captain who was relieved of his command because he singled out two black guy's quarters to be searched. They found hash (drugs) and the black guys were busted, only they protested they were discriminated against. I guess the captain should have searched everybody's stuff."

Another white GI said: "Officers should discipline blacks the same as whites and not transfer troublemakers just to get rid of them."

There is much muttering among white officers that blacks get off too lightly, both in military and West German courts. Yet an estimated 45% of prisoners in Army stockades are blacks, and the American Civil Liberties Union keeps a close watch here.

Black militants are not a shy bunch. If inclined, they will terrorize, even assault, superior officers, white or black. What used to be called "mutiny" in the old Army, now pops up in strike threats. One group of blacks at the Air Force base at Wiesbaden struck in a dispute over the observance of Martin Luther King's birthday. The Black Panthers are present. One, a former GI was jailed twice by German authorities on charges of distributing printed matter hostile to the U.S. government and NATO.

Whites who like to play racist strike back. One white GI from Ninety-Six, Greenwood, South Carolina, was charged with wearing a K.K.K.-hood and then stabbing a black soldier. A black GI who went AWOL to Denmark, before being apprehended, claimed he fled because he was afraid of being attacked by vengeful whites.

Blacks also feel a fair amount of hostility from Germans. Some are Neo-Nazis. Others picked up bigoted attitudes of American whites, and think it's best to emulate them. Still others are afraid of increasing violent crimes by blacks. This tension causes polarization, with blacks sticking together in mess halls, in recreation areas and off duty. There is one bar in Frankfurt which actually prohibits whites.

The race situation got bad enough here last year that the Army started special programs to cope with it. An interracial "flying squad" of officers suddenly visited units to check records on legal charges, promotions and issuance of passes. A Housing-Referral Office was established to help black soldiers find off-post housing. GIs were forbidden from renting from German landlords who refused to sign nondiscriminatory agreements.

Black studies and sensitivity training were instituted for noncommissioned officers (the guys who give most of the orders) and officers alike. An Equal Opportunity and Human Relations Conference for U.S. Army, Europe, was held. Black officers held "rap" sessions, gritted their teeth when cursed and called Uncle Tom by black troops, but managed to persuade some that every Army order wasn't white racism.

At best the Army hopes to prevent widespread race trouble in its ranks and to maintain its capability to defend Western Europe's threshold to the East. Despite the special programs, race upheavals haven't diminished. Before he left here reecntly for a new command, Brig. Gen. George Patton, in the verbal style of his celebrated father, told an officer's meeting:

"You show me a commander or leader who says he doesn't have race trouble, and I'll show you a dumb ———."

[From the Los Angeles Times, July 11, 1971]

U.S. Army, Europe, Facing Racial Pressure

(By Nick Thimmesch)

FRANKFURT, WEST GERMANY.—This isn't the greatest Army the United States has fielded in Germany. In years past it was more purposeful for the Army to be conqueror or part of the rebuilding. Now as West Germany bristles with work and prosperity, life for most of the U.S. military is garrison routine. That means restlessness and boredom even in the midst of Europe's wonders.

Sure, 220,000 soldiers and airmen do enough to keep the charts and reports current. The tanks roll as they have for a generation. On a current training mission near Heidelberg an M-60 went off a bridge, killing the three crewmen.

The no man's land on the East German border with its mines and barbed wire installed by the Communists is patrolled by American planes and troops. Infantry and airborne training units hold regular exercises against a foe which might never come.

Alas, the frauleins who slept with GIs of the occupational army for chocolate bars and cigarettes are grandmothers now. American soldiers rode in new buses through the smashed towns 26 years ago while Germans walked in broken shoes. Now the GIs ride in rattletrap buses while hearty German tourists glide by in luxurious Mercedes-Benz coaches equipped with beautifully upholstered seats and cafe bars.

Outside of German officialdom, the Americans are at least an accepted bother and at most an unwanted menace. "It can take six months to straighten out a bad community situation," an Army colonel told me.

Release from boredom in extreme form can mean muggings, robbings, rape and murder. In Ansbach recently many inhabitants stayed at home because of the fear engendered by the knife-slaying of a Gasthaus operator. Two U.S. soldiers confessed they were involved. City leaders and Army commanders conferred, and the Army promised to increase Military Police patrol.

In Bad Kissingen, German-American Friendship Week was canceled when the Germans charged that MPs failed to respond to the reported rape of a German girl by GIs. If the MPs were indeed delinquent, it might be because it is increasingly difficult to get good MPs, their duties are that rough.

Some Army officers like to say there's a different kind of discipline now, but the noncommissioned officers, called lifers by the short-termers, complain there is very little at all. The GIs are aware of their legal rights, and if they get into a jam there are the likes of Melvin Belli, the civil-righteous lawyer, around to protect them. Small wonder that some officers have to look the other way at thefts and threatened strikes.

Housing seems to be a major problem. To protect all GIs against exorbitant rents by German landlords and black GIs against racial discrimination, the Army established a housing referral office. About 90% of 3,000 landlords contacted agreed to the Army's terms, and there is hope that this new system will greatly improve relations between the 25,000 GIs and their families who live off-post.

Furnished two-bedroom apartments range from $65 to $150 per month, but Germans ask for long-term leases and large down payments.

The majority of GIs live on-post (if single) or in the American ghettos, as one officer calls Army housing for married soldiers. Last winter, Overseas Weekly, a lively independent paper whose sensational contents GIs devour, did an expose of a Slums of the Week series on bad Army housing.

Bats in the billets, flooded basements, clogged plumbing and flaking walls were reported and contrasted with the clean, pleasant barracks German troops enjoy in their caserns. The Army tries to rehabilitate barracks, not build new ones, for who knows how long or how big the U.S. presence will be in West Germany?

Many GIs seek their own level in West Germany, and that means the gut sections of B-girl bars, whorehouses and lively discotheques where they mingle with willing Germans and Turkish, Spanish and Italian workers also on a duty of sorts in Germany as laborers.

The GIs are looking for an elevation in social status soon when Southern Europeans are hired to relieve them of all KP duty.

It's hard to fault the Army for the way matters are with its troops here. Most GIs don't want to be here, don't feel they are needed and view the Soviet threat as an abstraction. The Germans give them the impression that they share this estimate.

But there is one great exception to the general attitude of bare sufferance of GIs in Germany:

"They love us in Berlin," a sergeant told me. "The people there greet us and make us feel big."

Berlin, of course, has an ugly wall, many incidents of attempted crossings from East Germany and a deeply symbolic feeling about the whole trouble between East and West.

[From the Wall Street Journal, July 12, 1971]

GERMANY IS SEEN READY TO PAY $1.9 BILLION TO U.S. TO OFFSET COST OF TROOPS THERE

BONN—West Germany is ready to agree to loans and payments equivalent to about $1.9 billion over two years to the U.S. to offset American foreign exchange costs of keeping some 200,000 troops here, German government sources said.

The package's value is computed on the basis of the mark's previous parity of 3.66 to the dollar, or 27,3224 cents.

Such payments would approach Washington's demand that Germany should offset 80% of the annual $1.2 billion American foreign exchange outlay involved. A final decision is up to the German cabinet. But there are signs that the talks on the offset payments, which were deadlocked last week, will reconvene at the end of the month or shortly thereafter.

The previous American-German offset agreement expired June 30, but new arrangements couldn't be concluded because of a wide gap between America's demand and West Germany's offer.

Germany has rejected the American proposal that Bonn should grant Washington an interest-free loan. But since the deadlock apparently cannot be overcome by other measures, Willy Brandt's socialist-liberal coalition government seems ready to subsidize credit, so that America would enjoy low-interest loans.

In effort to avoid repeating the previous procedures of buying medium-term American Treasury bonds, Bonn is considering granting America a credit out of Bundesbank funds to the value of $273 million. Part of the interest would be borne by the Bundesbank.

West Germany would also make direct cash payments to the American government out of its regular budget. Under Bonn's present concept, these would total about $218 million over the coming two years.

Another $98 million would be earmarked as German payment for renovation of American barracks and airfields in West Germany.

West German military purchases in the U.S. also to be included in the offset agreement will total some $874 million over the coming two years. But the West German proposal that about $273 million of the funds earmarked for the purchase of 175 American single-seater Phantom aircraft should be taken into account under the offset agreement is still highly controversial in the eyes of the American government.

[From the Los Angeles Times, July 16, 1971]

ARMING TO DISARM

There is an unreal quality to the Washington maneuvering on strategic offensive and defensive arms. The Pentagon talks about arming to disarm. A precision and utility are attributed to antiballistic missiles that they do not deserve. Congress is asked to add more than $1 billion to the ABM program when $6 billion is far from exhausted.

But these postures and pretenses are essential ingredients to a momentous opportunity to test the real intentions of the Soviet Union. Which is an overwhelming reason why the partisan tendencies of the Congress must somehow be controlled for a few more months.

President Nixon has persuasive evidence that his strategy is working. That evidence is the joint Soviet-American declaration of May 20 that they are going to reach an agreement to limit defensive missiles and some offensive strategic weapons.

In the face of that evidence, it would be a risky business to do to the strategic arms limitation talks (SALT) what Sen. Mike Mansfield tried but failed to do to the European troop reduction proposals.

Mansfield raised legitimate and serious doubts about the level of American troops assigned to NATO. But his unilateral troop cuts would have buried hopes for an important world security step, the mutual and balanced reduction of forces in Europe by both East and West.

Sens. Edmund S. Muskie and Hubert H. Humphrey have presented constructive proposals for limiting expansion of offensive and defensive missile installations, freezing Soviet and American actions pending the outcome of SALT, and putting in escrow funds for multiple warhead missile work. But these proposals at this time can only confuse the Soviet Union. And they are valid only if accepted by both sides, which requires a mutual agreement negotiated in SALT.

The Defense Department believes that a successful outcome of SALT will be jeopardized if Congress refuses to support additions to the Safeguard ABM system and continued development of offensive missile warheads. Deputy Secretary of Defense David Packard put it this way: "Our existing and planned strategic systems represent bargaining chips, as, in our judgment, do Soviet strategic systems."

It is an unusual game of poker. There are only two players. Each is adding to his stack of chips. But the aim of the game is for both to finish with as few chips as possible, and the same number.

No one outside the Kremlin can be sure why the Russians are willing to negotiate now. Humphrey may be correct in arguing that when the Americans "talk of a tough negotiating position they are going to get a tough response." No one really expects a soft response from Moscow. But the record so far supports Mr. Nixon's contention that firmness is leading towards results.

Strategic questions are not answered without dangers. Not the least of the present dangers is that the military of Moscow and Washington will use the encouragement of bigger and better arms to overwhelm the disarmament negotiators, accepting the risks of escalation rather than the risks of reduction.

Fortunately, there is the promise of a prompt reaction in the forum of SALT. The White House expects to know in the next three months whether the Soviet Union is ready for a first modest step in reducing strategic arms. It will not be too late then to have second thoughts about the Safeguard ABM expansion or new warhead development.

The PRESIDING OFFICER. In accordance with the preceding order, the Senator from Colorado is recognized for not to exceed 15 minutes.

THE ADMISSION OF COMMUNIST CHINA TO THE UNITED NATIONS

Mr. DOMINICK. Mr. President, I am glad I had the opportunity to listen to my distinguished minority leader and the distinguished majority leader. It is on the same subject that I wish to talk this morning. I had made preparations to make this talk prior to the President's dramatic announcement last night. And after considering at length whether I should do so, I decided that I should, because I think that some observations on the apparent euphoria sweeping over the news media and the country should be made at this time.

It seems obvious to me that after the very dramatic announcement—and I gather from listening to everybody that nobody, in this body at least, had any advance notice of it—that much guessing is going to be involved in determining what the effects of this are going to be on our worldwide situation as time goes on.

There is already speculation here on the floor this morning and there was speculation in the papers and in the broadcast media this morning and last night. I do not pretend to know any more than anyone else does about this particular subject.

Obviously, if it means another step in the President's determined effort to achieve a breakthrough for a negotiated peace in Indochina, and it may, I can say that we will all welcome the move.

If, however, it does not forecast that or simply points to a significant change in the U.S. position with regard to the admission of Red China into the United Nations or a step toward recognition by the United States, then in my opinion it will have a very adverse effect on our relationships throughout the world.

Mr. President, I think we should keep in mind that other Presidents in the past have attempted what might be termed personal diplomacy.

President Roosevelt did it and we wound up in Yalta.

President Truman did it and we wound up in Potsdam.

President Kennedy did it and we wound up in the rose garden in Vienna. Subsequently we had the Berlin Wall and the Cuban crisis.

It is my sincere and deep hope that we will not fall into similar quagmires following this very dramatic and unexpected announcement by the President.

I have spoken out here on the floor and in committee meetings and before various groups in opposition to the admission of Communist China to the United Nations until such time as Peking demonstrates compliance or at least a willingness to comply with international law and the terms of the United Nations Charter. I have not changed that position.

I have also praised President Nixon's initiative in lifting trade and travel restrictions. But I have urged caution in moving further until the Communist Chinese give some indication of reciprocal gestures in improving relations between our two countries.

I hope, as I have said before, that this gesture may be one of these reciprocal gestures.

Mr. President, today I would like to direct my remarks to an area that has received less coverage than the announcement of our President last night or the visits of our ping-pong team or the importation of Chinese pig bristles, but one which I believe deserves serious consideration by those of our officials who participate in our decisions regarding Mainland China.

The areas of which I speak involve the undercover activities operated by the Peking government in areas where they have missions or embassies, their support of the Palestinian guerrilla war in the Middle East, and the opinions of the American people themselves on the question of admission of Communist China to the U.N.

To permit Communist China to sit in the United Nations is to open the doors to a new headquarters for espionage and subversion—a Red Chinese mission in New York. We have heard in congressional testimony that Peking has used the Tanzanian mission at the U.N. to support activist groups in this country. If we have any doubt about the nature of their own mission—should they ever gain membership in the world organization—we need only observe what has happened in Ottawa since the establishment of the Communist Chinese Embassy there. Peking has dispatched Huang Hua as its Ambassador to Canada. Huang is known to be a key Chinese operative in the field of subversion and espionage, whose activities span 35 years and much of the globe engaged in helping to spread the word and the revolutionary concepts of Mao. One wonders which of their dual-purpose diplomats might get the nod to occupy a U.N. mission. At present, the Communist Chinese espionage activity in the United States is handicapped by lack of a "legal" base from which to operate intelligence gathering activities.

Of course, Mr. President, we all know that Peking would not be the first nation to spy on us from its diplomatic residence here, and one might say, at first glance, that this is not sufficient justification to deny admission to the United Nations. I would be inclined to agree, except that the government of which I speak has declared in every possible way its support for those who would destroy this Nation from within, and it has contributed men and material to wars of liberation throughout the world.

One area in which the activities of Peking are not generally known or reported is the Middle East. As we all recognize, the Middle East is a flash point in a tense and uneasy world, and the simmering conflict between Arab nations and the Israelis needs only a match to ignite a new conflagration which could involve the whole world. The Palestinian guerrillas are the match Peking would use to fire the conflict. From the inception of their movement, the guerrillas have taken arms, training, and guidance from Communist China. On May 3 of this year, Palestinian Liberation Week was held in Peking—10,000 attended a mass rally there. On the same day, People's Daily published an editorial calling on the guerrillas to "firmly grasp the gun and recover their lost homeland through armed struggle—this is the only road chosen by the Palestinian guerrillas and people."

There is no doubt that Peking's hand was clearly involved last fall when fraticidal fighting broke out between the guerrillas and Jordanian troops, and that is going on today. When the London Sunday Telegraph implied the presence of Chinese advisers with the guerrillas in Jordan in a story on August 30, 1970, a spokesman for the Popular Democratic Front for the Liberation of Palestine quickly issued a statement denying the presence of advisers in Jordan but added:

> There are some Chinese experts with the guerrillas, but outside Jordan.

No less a figure in the Palestinian liberation cause than Yasser Arafat, leader of Al Fatah, at a Peking banquet in March 1970, declared:

> It is no secret that "Al Fatah," the initiator of the Palestine Revolution, received aid first from Peking.

One need only turn to reports in our own newspapers, including the New York Times, to read accounts of Communist Chinese support, in the form of arms and advisers, being provided to the Palestine guerrilla organizations. A Times report from Beirut on February 10, 1970 quoted Arafat as saying in an interview with an Egyptian paper:

> I am using Saudi (Arabian) money to buy weapons from China.

So, Mr. President, we must once again ask ourselves if this is a government we want seated in a world organization dedicated to peace, when it openly and enthusiastically fans the flames of revolution around the world.

The latest confirmation of Peking's position appeared in the New York Times last Sunday, July 11, when Chester Ronning, a Canadian diplomat born in China, recently returned from an extensive trip there, reported:

> The Government of the United States will have to drastically change its present China policy before good relations with China are possible. The United States will have to (a) withdraw the military encirclement of China, (b) end the war in Indochina and (c) leave the problem of Taiwan to the Chinese themselves to settle without foreign interference.

Mr. President, even the Lodge Commission report, which goes as far as possible toward objectively examining the possibilities under which the People's Republic of China might sit in the United Nations, has stated:

> Under no circumstances should the U.S. agree to the expulsion of the Republic of China on Taiwan from the U.N. but . . . seek agreement as early as practicable whereby the People's Republic of China might accept the principles of the U.N. Charter and be represented in the organization.

Over this past weekend, the Evening Star published a UPI dispatch from San Clemente which described President Nixon as having praised the Lodge Commission report. The President was quoted as saying:

> I am giving this useful report close study, and I commend it to the attention of every concerned citizen.

The UPI story concluded from the President's remarks that he would accept the report's recommendation that Communist China be admitted into the U.N., but not at the expense of the Republic of China's seat. To reiterate a point I stressed in hearings before the Foreign Relations Committee, the Lodge report places the responsibility for admission exactly where it belongs—with Communist China. As long as Peking insists upon the prior expulsion of Taiwan and refuses to accept the principles of the U.N. Charter, it is a mistake for us to even consider the question of Peking's admission.

In the wage of the fanfare over the possibilities of new understanding and diplomatic rapport with the People's Republic of China, little attention has been paid to the opinions of the people across this country and how those opinions have shifted or remained unchanged as a result of the China "thaw."

During the period of June 14 to June 20, barely 1 month ago, Opinion Research Corp., Princeton, N.J., conducted almost 2,000 telephone interviews in six States: California, Florida, Illinois, New Jersey, Ohio, and Texas. The survey was commissioned by the Committee of One Million and covered a total population in the six States of over 55 million people.

In these six States, 42 percent opposed the admission of Communist China to the United Nations, 40 percent favored Peking's admission, and 18 percent had no opinion. But when those who favored the admission of Communist China were then asked if they would favor admission even if it meant the elimination of the Republic of China as a U.N. member, the percentages shifted dramatically—66 percent opposed admission of Peking while only 10 percent favored her entry. 24 percent had no opinion.

In other words, by a margin of nearly 7 to 1, the American people in six States rejected the formula which Peking insists must be accepted before it will consider membership in the U.N.

Once more, I would point out that we must differentiate between representation for the people of mainland China and the seating of a government which in no way reflects the will of the 800 million people it rules through oppression and fear. The people of the United States are not willing to sacrifice the goals of the United Nations as expressed in its charter to admit the Peking regime—a regime which refuses to accept those principles.

Mr. President, I wish to enlarge a little on what I said in the preface of my speech. It is hoped by me and I hope by everyone else that the President's announcement last night is a forerunner of a breakthrough for a negotiated peace in Indochina. We do not know, and everyone is speculating in a void at the moment. Until such time as we have more information I am willing to accept this as a very good possibility.

If, however, it proves wrong and we find ourselves indulging in what I would call "personal diplomacy" which would have the effect of disrupting our relationships with our allies in the Far East, with our efforts to try to maintain at least an uneasy peace in the Middle East, and our efforts to hopefully contain the force which Communist China has used in support of the so-called "People's Wars of Liberation" throughout the world, then I think we have taken a very dramatic and drastic step in connection with the free world and our efforts to maintain the rights of individuals to accept their responsibilities in the free world and to have the opportunity to live as a free people.

Mr. President, I ask unanimous consent that the opinion research poll, remarks by Ambassador James C. H. Shen, of the Republic of China, to the National Press Club on June 24, 1971, and my testimony before the Senate Foreign Relations Committee on June 28, 1971 be included in the Record at the conclusion of my remarks. I further ask that a selection of columns and editorials on the China question from newspapers around the country be included at that point in the Record. I think the newspaper material clearly indicates that we are not alone in our concern about the results of admission of Communist China to the United Nations at this time.

There being no objection, the material was ordered to be printed in the Record, as follows:

The Public in Six States Appraises U.S. Relations With Communist China

ABOUT THE SURVEY

Results in this report are based on 1980 telephone interviews distributed as follows:

California	329
Florida	328
Illinois	329
New Jersey	331
Ohio	332
Texas	331

Interviewing took place during the period of June 14 to June 20, 1971 among separate representative samples in each state, age 18 and over.

The objective of the survey was to obtain public opinion on our relations with Communist China since the recent (April, 1971) visit of the U.S. table tennis team to China.

Details of the sampling and interviewing plan, sample reliability, and the distribution of the sample within each of the six states is provided in the section titled Technical Survey Data.

Percent signs in the tables are placed in the left-most column and percentages are to be read across in this report. Where percentages do not add to 100 or the total shown, this is due to computer rounding. An asterisk (*) in a table indicates a figure of less than ½%.

As required by the Code of Ethics of the American Association for Public Opinion Research, we will maintain the anonymity of our respondents. No information can be released that in any way will reveal the identity of a respondent. Also, our authorization is required for any publication of the research findings or their implications.

In the six States surveyed, a third of the public feel the table tennis team visit has produced more favorable Communist Chinese policy toward the U.S.

As shown opposite, almost four in ten see no change.

Note the large "no opinion" on this question.

California, Florida and Illinois tend to be most optimistic about the results of the tennis team visit, with Texas and New Jersey the least optimistic.

Actually, throughout the survey opinion in the six states is characterized more by similarity than any marked differences.

INFLUENCE OF U.S. TABLE TENNIS TEAM VISIT TO COMMUNIST CHINA

"Two months have passed since the visit of the American table tennis team to Communist China. Do you think the visit has or has not resulted in any favorable change in Chinese Community policy toward the United States?"

[In percent]

	Has changed	Has not	No opinion
6 State total	33	37	30
California	38	34	28
Florida	36	33	31
Illinois	39	36	25
New Jersey	28	47	25
Ohio	32	37	31
Texas	26	37	37

Very few people believe that Communist China has reciprocated the Nixon administration's relaxation of restrictions against the Chinese.

This figure ranges from a low of 9% in Texas to a high of 17% in Illinois.

More than four in ten say Communist China has not relaxed restrictions against the U.S.

Again, many say they "don't know."

HAS COMMUNIST CHINA RECIPROCATED U.S. REMOVAL OF RESTRICTIONS?

"President Nixon has removed some restrictions on travel, trade and cultural exchange with Communist China. As far as you know, has Communist China also removed some similar restrictions regarding the United States, or haven't they done anything like this?"

[In percent]

	Has removed restrictions	Have not	Don't know
6 State total	13	46	41
California	13	42	45
Florida	14	42	44
Illinois	17	44	39
New Jersey	11	55	34
Ohio	12	43	45
Texas	9	49	42

Opposition to admitting Communist China to the United Nations rises markedly when the possible elimination of the Republic of China as a member is introduced.

This issue was covered in two steps to provide a more definitive reading of public opinion about Communist China.

When asked without the Republic of China condition, from a third to a half vote in favor of admitting Communist China to the United Nations.

When possible elimination of the Republic of China is introduced in the question, opposition moves to the six in ten level or above.

The lower table combines the results of both questions and is projectable to the total universe studied within the limits discussed in the Technical Survey Data at the back of this report.

Opposition is uniformly high in all six states.

ADMISSION OF COMMUNIST CHINA TO UNITED NATIONS

"Do you favor or oppose the admission of Communist China to the United Nations?"

[In percent]

	Favor	Oppose	No opinion
6 State total	40	42	18
California	44	37	19
Florida	38	43	19
Illinois	40	43	17
New Jersey	50	41	9
Ohio	37	41	22
Texas	30	48	22

"Would you favor admission of Communist China to the United Nations even if it meant the elimination of the Republic of China as a member of the U.N.?" (Asked only of those who say they favor the admission of Communist China to the United Nations.)

[In percent]

	Favor	Oppose	No opinion
6 State total	10	66	24
California	10	63	27
Florida	8	67	25
Illinois	10	67	23
New Jersey	15	67	18
Ohio	10	63	17
Texas	5	68	27

NOTE.—The lower question above combines "oppose" for both questions.

Similarly, setting up diplomatic relations with Communist China loses its appeal when the possible breaking off of U.S. relations with the Republic of China is introduced.

Again, this issue was tested with a two step reading.

Before possible break off of U.S. relations with the Republic of China is introduced, majorities in each state except Texas vote in favor of diplomatic relations with China.

When the condition of breaking off relations with the Republic of China is included in the questioning, support goes down to the one in ten level.

Large majorities express opposition in all six states when the issue is posed in terms of having diplomatic relations with only Communist China.

HAVE DIPLOMATIC RELATIONS WITH COMMUNIST CHINA?

"Do you favor or oppose the U.S. setting up diplomatic relations with Communist China?"

[In percent]

	Favor	Oppose	No opinion
6 State total	56	30	14
California	60	31	9
Florida	53	31	16
Illinois	56	28	16
New Jersey	61	28	11
Ohio	54	31	15
Texas	49	32	19

"Would you favor the U.S. setting up diplomatic relations with Communist China even if it meant cutting off diplomatic relations with the Republic of China?" (Asked only of those who say they favor the U.S. setting up diplomatic relations with Communist China.)

[In percent]

	Favor	Oppose	No opinion
6 State total	10	66	24
California	10	69	21
Florida	9	65	26
Illinois	12	63	25
New Jersey	12	68	20
Ohio	8	64	28
Texas	7	65	28

NOTE.—The lower question above combines "oppose" for both questions.

By a wide margin, the public says they would be less likely to vote for a political candidate who favored admitting Communist China to the United Nations if this meant the loss of the Republic of China as a member.

The average for the six states is 59% saying they would be less likely to vote for such a candidate (only 10% say more likely).

The lowest "less likely" vote is in California (55%), the highest is Texas (68%).

SUPPORT FOR A POLITICAL CANDIDATE PARTIAL TO COMMUNIST CHINA

"If a candidate for political office favored the admission of Communist China to the U.N., even if it meant the elimination of the Republic of China as a member, would you be more likely or less likely to vote for that candidate?"

[In percent]

	More likely	Less likely	Makes no difference	Don't know
6 State total	10	59	8	23
California	11	55	9	25
Florida	9	56	5	30
Illinois	12	61	9	18
New Jersey	13	58	7	22
Ohio	11	57	7	25
Texas	7	68	7	18

DISTRIBUTION OF SAMPLE

[Percentage distribution in each subgroup of each State]

	California		Florida		Illinois		New Jersey		Ohio		Texas	
	Survey sample	Estimate from U.S. census	Survey sample	Estimate from U.S. census	Survey sample	Estimate from U.S. census	Survey sample	Estimate from U.S. census	Survey sample	Estimate from U.S. census	Survey sample	Estimate from U.S. census
Men	48	48	48	47	46	47	47	47	47	47	47	48
Women	52	52	52	53	54	53	53	53	53	53	53	52
Under 30 years of age	27	29	23	22	26	27	24	25	27	28	30	30
30 to 49 years	34	36	30	31	35	35	37	37	35	35	35	35
50 years and over	39	35	47	47	39	38	39	38	38	37	35	35
High school incomplete	37	35	41	40	41	42	42	42	42	41	43	43
High school graduate	37	38	36	36	38	36	36	36	38	39	33	32
Attended college	26	27	23	24	21	22	22	22	20	20	24	25

SAMPLE DESIGN

The universe for this sample consisted of all residents age 18 and over, living in telephone households, in the following states: California, Florida, Illinois, New Jersey, Ohio, and Texas.

The procedures used in designation of telephone households to be interviewed precluded the interviewers from making these choices. The sample areas in which interviewing was conducted were selected as follows:

Selection of sample areas

Within each state the SMSA's were ranked according to size.

The counties not in SMSA's were ranked according to the percentage Republican vote in the 1968 Presidential Election. These counties were then grouped into thirds or fourths and again ranked by geographic location.

Fifty-five areas were then allocated to each state with probability proportionate to population.

Six interviews were assigned to each of the fifty-five locations, and telephone directories covering each were used to supply the telephone numbers.

Systematic procedures were used to select page numbers in the directories and specific residential listings on those pages to be called. Interviewers were provided with these pre-listed numbers.

Selection of respondent

Interviews were conducted with approximately equal numbers of men and women 18 years of age and over.

If the designated respondent was busy, or not at home, the interviewers were instructed to make an appointment to call at a more convenient time. If no answer was received on the first call, the interviewer made two callbacks at different times of the day to attempt to complete the interview. (A busy signal was not considered to be a call.) Nonworking telephone numbers and those which turned out to be business telephones were dropped from the sample.

Weighting

Weighting procedures were introduced to compensate for slight difference in completion rates among men and women of different age levels, and among respondents of varying educational attainment. The figures for 18 and over for each state were estimated from census data.

SAMPLE RELIABILITY

Since the findings presented in this report are based on a sample, they are subject to some error. The table below shows approximate sampling tolerances for various percentage results at the 95% confidence level. For example, if we consider a result of 50% based on a total sample of 300 interviews, we can be 95% sure that the true result is contained in the range 7 percentage points above or below the sample result (that is, within the range of 43%–57%). When percentage results for subgroups of the total sample are being considered, the possible error due to sampling is somewhat greater.

Size of sample on which survey result is based	Approximate sampling tolerances for a survey percentage at or near these levels (95 in 100 confidence level) [percent] 10 or 90	20 or 80	30 or 70	40 or 60	50
1,800	2	2	3	3	3
300	4	6	6	7	7
250	5	6	7	8	8
200	5	7	8	8	9
150	6	8	9	10	10
100	7	10	11	12	12
50	10	14	16	17	17

QUESTION 1—2 MONTHS HAVE PASSED SINCE THE VISIT OF THE AMERICAN TABLE TENNIS TEAM TO COMMUNIST CHINA. DO YOU THINK THE VISIT HAS OR HAS NOT RESULTED IN ANY FAVORABLE CHANGE IN CHINESE COMMUNIST POLICY TOWARD THE UNITED STATES?

[In percent]

	Percentage base		Has changed	Has not	No opinion	Total
	Unwanted	Wanted				
6-State total	1,980	3,039	33	37	30	100
California total	329	491	38	34	28	100
Men	165	234	43	40	17	100
Women	164	257	33	30	37	100
Registered voters	266	355	33	42	25	100
Not registered	63	136	50	15	35	100
Democrat	119	207	42	28	30	100
Republican	95	116	33	51	16	100
Independent	80	100	40	25	35	100
Under 30 years of age	88	135	56	24	20	100
30 to 49 years	127	168	32	42	26	100
50 years and over	111	184	31	35	34	100
High school incomplete	43	177	39	32	29	100
High school graduate	98	187	35	36	29	100
Attended college	182	129	43	36	21	100
Florida total	328	504	36	33	31	100
Men	165	240	39	34	27	100
Women	163	264	33	32	35	100
Registered voters	257	400	35	33	32	100
Not registered	70	103	38	33	29	100
Democrat	162	269	33	30	37	100
Republican	69	92	31	40	29	100
Independent	71	99	39	34	27	100
Under 30 years of age	87	114	54	26	20	100
30 to 49 years	106	149	28	39	33	100
50 years and over	134	239	32	32	36	100
High school incomplete	72	203	33	23	44	100
High school graduate	126	177	36	37	27	100
Attended college	122	112	43	43	14	100
Illinois total	329	498	39	36	25	100
Men	163	231	41	31	28	100
Women	166	267	36	41	23	100
Registered voters	266	401	36	38	26	100
Not registered	61	94	48	29	23	100
Democrat	89	170	35	35	30	100
Republican	59	92	44	40	16	100
Independent	136	156	43	43	14	100
Under 30 years of age	117	130	48	32	20	100
30 to 49 years	101	173	32	44	24	100
50 years and over	108	189	38	32	30	100
High school incomplete	70	204	42	27	31	100
High school graduate	91	182	32	45	23	100
Attended college	164	107	46	39	15	100
New Jersey total	331	502	28	47	25	100
Men	164	236	24	58	18	100
Women	167	266	31	37	32	100
Registered voters	262	379	25	52	23	100
Not registered	63	115	38	29	33	100
Democrat	80	150	42	39	19	100
Republican	68	105	24	55	21	100
Independent	136	170	23	56	21	100
Under 30 years of age	91	120	40	37	23	100
30 to 49 years	121	185	24	48	28	100
50 years and over	113	189	24	54	22	100
High school incomplete	60	204	25	49	26	100
High school graduate	118	176	27	45	28	100
Attended college	143	109	37	48	15	100
Ohio total	332	536	32	37	31	100
Men	165	255	36	42	22	100
Women	167	282	30	32	38	100
Registered voters	259	406	34	36	30	100
Not registered	71	128	27	41	32	100
Democrat	110	204	34	33	33	100
Republican	74	98	38	39	23	100
Independent	114	179	27	40	33	100
Under 30 years of age	86	147	35	47	18	100
30 to 49 years	127	185	25	39	36	100
50 years and over	117	202	38	28	34	100
High school incomplete	60	222	33	28	39	100
High school graduate	176	203	34	37	29	100
Attended college	92	105	29	52	19	100
Texas total	331	508	26	37	37	100
Men	163	232	36	36	28	100
Women	162	267	18	37	45	100
Registered voters	270	394	28	39	33	100
Not registered	60	113	20	32	48	100
Democrat	135	237	29	32	39	100
Republican	44	57	41	52	7	100
Independent	104	138	26	40	34	100
Under 30 years of age	114	150	34	36	30	100
30 to 49 years	125	177	26	36	38	100
50 years and over	88	177	20	39	41	100
High school incomplete	68	217	19	26	55	100
High school graduate	106	166	29	44	27	100
Attended college	154	121	33	47	20	100

QUESTION 2.—PRESIDENT NIXON HAS REMOVED SOME RESTRICTIONS ON TRAVEL, TRADE AND CULTURAL EXCHANGE WITH COMMUNIST CHINA. AS FAR AS YOU KNOW, HAS COMMUNIST CHINA ALSO REMOVED SOME SIMILAR RESTRICTIONS REGARDING THE UNITED STATES, OR HAVEN'T THEY DONE ANYTHING LIKE THIS?

[In percent]

	Percentage base		Has removed restrictions	Have not	No opinion	Total
	Unwanted	Wanted				
Six-State total	1,980	3,039	13	46	41	100
California total	329	491	13	42	45	100
Men	165	234	15	50	35	100
Women	164	257	12	35	53	100
Registered voters	266	355	15	45	40	100
Not registered	63	136	9	34	57	100
Democrat	119	207	8	37	55	100

QUESTION 2.—PRESIDENT NIXON HAS REMOVED SOME RESTRICTIONS ON TRAVEL, TRADE AND CULTURAL EXCHANGE WITH COMMUNIST CHINA. AS FAR AS YOU KNOW, HAS COMMUNIST CHINA ALSO REMOVED SOME SIMILAR RESTRICTIONS REGARDING THE UNITED STATES, OR HAVEN'T THEY DONE ANYTHING LIKE THIS?—Continued

[In percent]

	Percentage base		Has removed restrictions	Have not	No opinion	Total
	Unwanted	Wanted				
Republican	95	116	17	60	23	100
Independent	80	100	17	42	41	100
Under 30 years of age	88	135	17	39	44	100
30–49 years	127	168	12	52	36	100
50 years and over	111	184	12	34	54	100
High school incomplete	43	177	6	37	57	100
High school graduate	98	176	14	44	42	100
Attended college	182	129	23	44	33	100
Florida total	328	504	14	42	44	100
Men	165	240	19	43	38	100
Women	163	264	8	42	50	100
Registered voters	257	400	14	43	43	100
Not registered	70	103	11	40	49	100
Democrat	162	269	11	41	48	100
Republican	69	92	14	40	46	100
Independent	71	99	16	43	41	100
Under 30 years of age	87	114	17	46	37	100
30 to 49 years	106	149	17	45	38	100
50 years and over	134	239	10	39	51	100
High school incomplete	72	203	13	35	52	100
High school graduate	126	177	11	49	40	100
Attended college	122	112	20	48	32	100
Illinois, total	329	498	17	44	39	100
Men	163	231	19	46	35	100
Women	166	267	15	43	42	100
Registered voters	266	401	19	45	36	100
Not registered	61	94	9	40	51	100
Democrat	89	170	11	48	41	100
Republican	59	92	25	46	29	100
Independent	136	156	24	34	42	100
Under 30 years of age	117	130	17	42	41	100
30 to 49 years	101	173	15	42	43	100
50 years and over	108	189	18	48	34	100
High school incomplete	70	204	16	47	37	100
High school graduate	91	182	12	42	46	100
Attended college	164	107	27	43	30	100
New Jersey total	331	502	11	55	34	100
Men	164	236	14	54	32	100
Women	167	266	9	56	35	100
Registered voters	262	379	12	56	32	100
Not registered	63	115	10	51	39	100
Democrat	80	150	11	56	33	100
Republican	68	105	12	57	31	100
Independent	136	170	13	57	30	100
Under 30 years of age	91	120	18	49	33	100
30 to 49 years	121	185	10	55	35	100
50 years and over	113	189	10	61	29	100
High school incomplete	60	204	6	59	35	100
High school graduate	118	176	13	56	31	100
Attended college	143	109	19	50	31	100
Ohio total	332	536	12	43	45	100
Men	165	255	13	47	40	100
Women	167	282	11	39	50	100
Registered voters	259	406	13	46	41	100
Not registered	71	128	10	34	56	100
Democrat	110	204	12	43	45	100
Republican	74	98	16	45	39	100
Independent	114	179	12	45	43	100
Under 30 years of age	86	147	11	34	55	100
30 to 49 years	127	185	13	43	44	100
50 years and over	117	202	13	50	37	100
High school incomplete	60	222	9	40	51	100
High school graduate	176	203	12	39	49	100
Attended college	92	105	16	57	27	100
Texas total	331	508	9	49	42	100
Men	163	232	13	53	34	100
Women	162	267	5	45	50	100
Registered voters	270	394	10	48	42	100
Not registered	60	113	7	51	42	100
Democrat	135	237	8	49	43	100
Republican	44	57	22	44	34	100
Independent	104	138	9	48	43	100
Under 30 years of age	114	150	14	44	42	100
30 to 49 years	125	177	8	60	32	100
50 years and over	88	177	7	40	53	100
High school incomplete	68	217	7	42	51	100
High school graduate	106	166	10	54	36	100
Attended college	154	121	13	52	35	100

QUESTION 3.—DO YOU FAVOR OR OPPOSE THE ADMISSION OF COMMUNIST CHINA TO THE UNITED NATIONS?

[In percent]

	Percentage base		Favor	Oppose	No opinion	Total
	Unwanted	Wanted				
State total	1,980	3,039	40	42	18	100
California total	329	491	44	37	19	100
Men	165	234	49	38	13	100
Women	164	257	38	37	25	100
Registered voters	266	355	45	39	16	100
Not registered	63	136	41	32	27	100
Democrat	119	207	41	38	21	100
Republican	95	116	41	42	17	100
Independent	80	100	45	36	19	100
Under 30 years of age	88	135	67	25	8	100
30 to 49 years	127	168	33	47	20	100
50 years and over	111	184	37	36	27	100
High school incomplete	43	177	32	41	27	100
High school graduate	98	176	43	41	16	100
Attended college	182	129	62	25	13	100
Florida total	328	504	38	43	19	100
Men	165	240	50	34	16	100
Women	163	264	27	50	23	100
Registered voters	257	400	38	43	19	100
Not registered	70	103	39	41	20	100
Democrat	162	269	32	47	21	100
Republican	69	92	36	44	20	100
Independent	71	99	51	31	18	100
Under 30 years of age	87	114	47	42	11	100
30 to 49 years	106	149	31	48	21	100
50 years and over	134	239	38	40	22	100
High school incomplete	72	203	35	39	26	100
High school graduate	126	177	36	50	14	100
Attended college	122	112	50	38	12	100
Illinois total	329	498	40	43	17	100
Men	163	231	47	38	15	100
Women	166	267	35	46	19	100
Registered voters	266	401	41	42	17	100
Not registered	61	94	41	45	14	100
Democrat	89	170	32	55	13	100
Republican	59	92	47	40	13	100
Independent	136	156	52	33	15	100
Under 30 years of age	117	130	54	36	10	100
30 to 49 years	101	173	41	41	18	100
50 years and over	108	189	31	50	19	100
High school incomplete	70	204	31	51	18	100
High school graduate	91	182	41	44	15	100
Attended college	164	107	59	27	14	100
New Jersey total	331	502	50	41	9	100
Men	164	236	47	45	8	100
Women	167	266	53	37	10	100
Registered voters	262	379	50	41	9	100
Not registered	63	115	52	39	9	100
Democrat	80	150	54	36	10	100
Republican	68	105	43	50	7	100
Independent	136	170	58	35	7	100
Under 30 years of age	91	120	64	27	9	100
30 to 49 years	121	185	42	46	12	100
50 years and over	113	189	51	43	6	100
High school incomplete	60	204	50	43	7	100
High school graduate	118	176	43	47	10	100
Attended college	143	109	65	27	8	100

	Percentage base					
	Unwanted	Wanted	Favor	Oppose	No opinion	Total
Ohio total	332	536	37	41	22	100
Men	165	255	46	35	19	100
Women	167	282	30	46	24	100
Registered voters	259	406	38	40	22	100
Not registered	71	128	35	42	23	100
Democrat	110	204	36	43	21	100
Republican	74	98	49	41	10	100
Independent	114	179	36	38	26	100
Under 30 years of age	86	147	47	41	12	100
30-49 years	127	185	32	49	19	100
50 years and over	117	202	36	34	30	100
High school incomplete	60	222	26	40	34	100
High school graduate	176	203	40	46	14	100
Attended college	92	105	58	30	12	100

	Percentage base					
	Unwanted	Wanted	Favor	Oppose	No opinion	Total
Texas total	331	508	30	48	22	100
Men	163	232	40	42	18	100
Women	162	267	21	54	25	100
Registered voters	270	394	31	46	23	100
Not registered	60	113	25	52	23	100
Democrat	135	237	29	50	21	100
Republican	44	57	44	40	16	100
Independent	104	138	31	47	22	100
Under 30 years of age	114	150	45	46	9	100
30 to 49 years	125	177	25	52	23	100
50 years and over	88	177	22	44	34	100
High school incomplete	68	217	21	49	30	100
High school graduate	106	166	34	52	14	100
Attended college	154	121	43	38	19	100

QUESTION 4. WOULD YOU FAVOR ADMISSION OF COMMUNIST CHINA TO THE UNITED NATIONS EVEN IF IT MEANT THE ELIMINATION OF THE REPUBLIC OF CHINA AS A MEMBER OF THE U.N. (ASKED ONLY OF THOSE WHO FAVOR ADMISSION OF COMMUNIST CHINA TO THE U.N.)

[In percent]

	Percentage base		Percent asked this question				
	Unwanted	Wanted		Yes	No	No opinion	Total
6-State total	1,980	3,039	40	10	24	6	80
California total	329	491	43	10	26	8	87
Men	165	234	49	13	31	6	99
Women	164	257	38	8	21	10	77
Registered voters	266	355	45	11	25	9	90
Not registered	63	136	41	8	27	5	81
Democrat	119	207	41	8	25	8	82
Republican	95	116	41	9	25	6	81
Independent	80	100	45	11	24	10	90
Under 30 years of age	88	135	67	14	44	10	135
30 to 49 years	127	168	33	12	17	4	66
50 years and over	111	184	37	6	21	10	74
High school incomplete	43	177	32	5	21	6	64
High school graduate	98	176	43	8	28	7	86
Attended college	182	129	62	20	31	11	124
Florida total	328	504	38	8	24	6	76
Men	165	240	50	12	32	5	99
Women	163	264	27	4	17	7	55
Registered voters	257	400	38	8	24	6	76
Not registered	70	103	39	8	24	7	78
Democrat	162	269	32	6	20	6	64
Republican	69	92	36	11	18	7	72
Independent	71	99	51	6	40	5	102
Under 30 years of age	87	114	47	11	31	5	94
30 to 49 years	106	149	31	7	23	1	62
50 years and over	134	239	38	7	22	10	77
High school incomplete	72	203	35	4	24	7	70
High school graduate	126	177	36	9	20	7	72
Attended college	122	112	50	14	32	4	100
Illinois total	329	498	40	10	24	7	81
Men	163	231	47	13	27	7	94
Women	166	267	35	7	22	6	70
Registered voters	266	401	41	10	24	7	82
Not registered	61	94	41	8	28	5	82
Democrat	89	170	32	4	23	5	64
Republican	59	92	48	8	31	9	96
Independent	136	156	52	19	29	5	105
Under 30 years of age	117	130	54	13	36	5	108
30 to 49 years	101	173	41	10	25	6	82
50 years and over	108	189	31	7	16	8	62
High school incomplete	70	204	31	5	20	6	62
High school graduate	91	182	41	11	23	7	82
Attended college	164	107	59	16	36	7	118

	Percentage base		Percent asked this question				
	Unwanted	Wanted		Yes	No	No opinion	Total
New Jersey total	331	502	50	15	26	9	100
Men	164	236	47	18	24	5	94
Women	167	266	53	13	28	12	106
Registered voters	262	379	50	13	28	9	100
Not registered	63	115	52	25	20	7	104
Democrat	80	150	54	23	20	11	108
Republican	68	105	43	8	29	7	87
Independent	136	170	58	17	33	8	116
Under 30 years of age	91	120	64	21	35	8	128
30 to 49 years	121	185	42	14	23	4	83
50 years and over	113	189	51	14	24	14	103
High school incomplete	60	204	50	17	21	12	100
High school graduate	118	176	44	12	25	7	88
Attended college	143	109	65	19	39	7	130
Ohio total	332	536	38	10	23	5	76
Men	165	255	46	11	28	6	91
Women	167	282	30	9	18	4	61
Registered voters	259	406	38	10	22	6	76
Not registered	71	128	35	8	24	3	70
Democrat	110	204	36	8	23	4	71
Republican	74	98	49	6	37	5	97
Independent	114	179	36	14	16	6	72
Under 30 years of age	86	147	47	12	32	3	94
30 to 49 years	127	185	32	7	19	6	64
50 years and over	117	202	36	10	20	6	72
High school incomplete	60	222	26	6	17	3	52
High school graduate	176	203	40	10	22	8	80
Attended college	92	105	58	17	37	4	116
Texas total	331	508	30	5	20	5	60
Men	163	232	40	6	27	7	80
Women	162	267	21	4	14	3	42
Registered voters	270	394	31	6	20	5	62
Not registered	60	113	25	2	20	4	51
Democrat	135	237	29	6	20	3	58
Republican	44	57	44	3	28	13	88
Independent	104	138	31	5	21	5	62
Under 30 years of age	114	150	45	5	36	3	89
30 to 49 years	125	177	25	5	17	3	50
50 years and over	88	177	22	5	10	8	45
High school incomplete	68	217	21	2	13	5	41
High school graduate	106	166	34	7	20	6	67
Attended college	154	121	43	6	34	3	86

	Percentage base					
	Unwanted	Wanted	Yes	No	No opinion	Total
6-State total	887	1,209	24	60	16	100
California total	167	213	23	59	18	100
Men	90	116	26	63	11	100
Women	77	98	20	54	26	100
Registered voters	137	158	24	56	20	100
Not registered	30	55	20	68	12	100
Democrat	57	85	20	61	19	100
Republican	44	47	22	62	16	100
Independent	46	45	25	53	22	100
Under 30 years of age	62	91	21	65	14	100
30-49 years	54	55	35	53	12	100
50 years and over	51	68	17	56	27	100
High school incomplete	15	56	16	65	19	100
High school graduate	41	76	20	64	16	100
Attended college	110	80	32	50	18	100

	Percentage base					
	Unwanted	Wanted	Yes	No	No opinion	Total
Florida total	134	191	20	64	16	100
Men	87	119	24	65	11	100
Women	47	72	14	61	25	100
Registered voters	104	150	20	65	15	100
Not registered	29	40	20	61	19	100
Democrat	59	85	17	63	20	100
Republican	28	33	31	50	19	100
Independent	35	51	11	79	10	100
Under 30 years of age	42	54	24	66	10	100
30 to 49 years	35	47	22	74	4	100
50 years and over	57	90	17	57	26	100
High school incomplete	26	70	12	69	19	100
High school graduate	46	63	24	57	19	100
Attended college	61	56	28	64	8	100

QUESTION 4. WOULD YOU FAVOR ADMISSION OF COMMUNIST CHINA TO THE UNITED NATIONS EVEN IF IT MEANT THE ELIMINATION OF THE REPUBLIC OF CHINA AS A MEMBER OF THE U.N. (ASKED ONLY OF THOSE WHO FAVOR ADMISSION OF COMMUNIST CHINA TO THE U.N.)—Continued

[In percent]

	Percentage base					
	Unwanted	Wanted	Yes	No	No opinion	Total
Illinois total	155	201	24	60	16	100
Men	88	109	27	58	15	100
Women	67	92	20	63	17	100
Registered voters	127	163	25	58	17	100
Not registered	28	38	19	68	13	100
Democrat	29	54	12	71	17	100
Republican	33	44	17	65	18	100
Independent	81	82	36	55	9	100
Under 30 years of age	68	70	24	67	9	100
30 to 49 years	48	72	24	61	15	100
50 years and over	39	59	24	50	26	100
High school incomplete	21	64	17	63	20	100
High school graduate	37	75	26	57	17	100
Attended college	97	63	28	61	11	100
New Jersey total	174	250	31	52	17	100
Men	84	110	38	52	10	100
Women	90	140	25	52	23	100
Registered voters	141	191	25	56	19	100
Not registered	33	59	48	39	13	100
Democrat	45	80	43	36	21	100
Republican	28	45	18	67	15	100
Independent	87	99	29	57	14	100
Under 30 years of age	61	77	33	55	12	100
30 to 49 years	54	77	34	56	10	100
50 years and over	59	96	27	46	27	100
High school incomplete	30	102	34	43	23	100
High school graduate	51	77	28	56	16	100
Attended college	92	71	29	60	11	100
Ohio total	141	201	26	60	14	100
Men	81	117	24	62	14	100
Women	60	85	28	58	14	100
Registered voters	110	155	27	58	15	100
Not registered	30	45	23	69	8	100
Democrat	47	73	23	66	11	100
Republican	36	47	13	76	11	100
Independent	46	65	38	45	17	100
Under 30 years of age	42	69	26	68	6	100
30 to 49 years	49	59	22	59	19	100
50 years and over	50	73	29	55	16	100
High school incomplete	16	58	23	65	12	100
High school graduate	71	81	24	56	20	100
Attended college	53	61	29	64	7	100
Texas total	116	152	16	67	17	100
Men	73	93	15	67	18	100
Women	41	57	18	68	14	100
Registered voters	96	123	19	64	17	100
Not registered	19	28	6	79	15	100
Democrat	43	68	19	69	12	100
Republican	20	25	6	64	30	100
Independent	42	43	16	68	16	100
Under 30 years of age	53	67	11	82	7	100
30 to 49 years	39	44	20	68	12	100
50 years and over	22	39	21	43	36	100
High school incomplete	14	45	11	64	25	100
High school graduate	36	56	22	59	19	100
Attended college	66	52	15	79	6	100

QUESTION 5.—DO YOU FAVOR OR OPPOSE THE U.S. SETTING UP DIPLOMATIC RELATIONS WITH COMMUNIST CHINA?

[In percent]

	Percentage base					
	Unwanted	Wanted	Favor	Oppose	No opinion	Total
6-State total	1,980	3,039	56	30	14	100
California total	329	491	60	31	9	100
Men	165	234	66	29	5	100
Women	164	257	55	32	13	100
Registered voters	266	355	56	34	10	100
Not registered	63	136	71	22	7	100
Democrat	119	207	58	34	8	100
Republican	95	116	65	27	8	100
Independent	80	100	61	26	13	100
Under 30 years of age	88	135	79	19	2	100
30 to 49 years	127	168	61	28	11	100
50 years and over	116	184	46	41	13	100
High school incomplete	43	177	56	40	4	100
High school graduate	98	176	51	33	16	100
Attended college	182	129	81	12	7	100
Florida total	328	504	53	31	16	100
Men	165	240	63	27	10	100
Women	163	264	44	34	22	100
Registered voters	257	400	54	30	16	100
Not registered	70	103	51	33	16	100
Democrat	162	269	48	36	16	100
Republican	69	92	46	34	20	100
Independent	71	99	75	14	11	100
Under 30 years of age	87	114	58	35	7	100
30 to 49 years	106	149	66	25	9	100
50 years and over	134	239	43	32	25	100
High school incomplete	72	203	45	32	23	100
High school graduate	126	177	57	29	14	100
Attended college	122	112	65	31	4	100
Illinois total	329	498	56	28	16	100
Men	163	231	64	26	10	100
Women	166	267	50	29	21	100
Registered voters	266	401	56	26	18	100
Not registered	61	94	58	33	9	100
Democrat	89	170	49	35	16	100
Republican	59	92	47	34	19	100
Independent	136	156	78	12	10	100
Under 30 years of age	117	130	72	21	7	100
30 to 49 years	101	173	56	31	13	100
50 years and over	108	189	47	29	24	100
High school incomplete	70	204	43	34	23	100
High school graduate	91	182	62	24	14	100
Attended college	164	107	74	21	5	100
New Jersey total	331	502	61	28	11	100
Men	164	236	63	31	6	100
Women	167	266	60	25	15	100
Registered voters	262	379	63	26	11	100
Not registered	63	115	60	30	10	100
Democrat	80	150	57	32	11	100
Republican	68	105	69	20	11	100
Independent	136	170	70	24	6	100
Under 30 years of age	91	120	73	22	5	100
30 to 49 years	121	185	64	26	10	100
50 years and over	113	189	54	32	14	100
High school incomplete	60	204	56	32	12	100
High school graduate	118	176	57	31	12	100
Attended college	143	109	84	13	3	100
Ohio total	332	536	54	31	15	100
Men	165	255	54	29	17	100
Women	167	282	54	33	13	100
Registered voters	259	406	54	33	13	100
Not registered	71	128	50	26	24	100
Democrat	110	204	48	36	16	100
Republican	74	98	48	30	22	100
Independent	114	179	66	22	12	100
Under 30 years of age	86	147	68	23	9	100
30 to 49 years	127	185	50	38	12	100
50 years and over	117	202	47	31	22	100
High school incomplete	60	222	36	42	22	100
High school graduate	176	203	61	29	10	100
Attended college	92	105	74	14	12	100
Texas total	331	508	49	32	19	100
Men	163	232	59	31	10	100
Women	162	267	42	33	25	100
Registered voters	270	394	46	33	21	100
Not registered	60	113	59	29	12	100
Democrat	135	237	44	30	26	100
Republican	44	57	60	40	0	100
Independent	104	138	55	34	11	100
Under 30 years of age	114	150	61	34	5	100
30 to 49 years	125	177	53	28	19	100
50 years and over	88	177	36	33	31	100
High school incomplete	68	217	36	32	32	100
High school graduate	106	166	53	40	7	100
Attended college	154	121	68	20	12	100

QUESTION 6. WOULD YOU FAVOR THE UNITED STATES SETTING UP DIPLOMATIC RELATIONS WITH COMMUNIST CHINA EVEN IF IT MEANT CUTTING OFF DIPLOMATIC RELATIONS WITH THE REPUBLIC OF CHINA (ASKED ONLY OF THOSE WHO FAVOR DIPLOMATIC RELATIONS WITH CHINA)?

[In percent]

	Percentage base		Percent asked this question	Yes	No	No opinion	Total
	Unwanted	Wanted					
6-State total	1,980	3,039	56	10	36	10	112
California total	329	491	60	10	38	12	120
Men	165	234	66	10	46	10	132
Women	164	257	55	10	32	14	111
Registered voters	266	355	56	10	36	10	112
Not registered	63	136	71	10	45	16	142
Democrat	119	207	58	12	35	11	116
Republican	95	116	65	7	48	10	130
Independent	80	100	61	14	33	15	123
Under 30 years of age	88	135	79	15	59	16	159
30 to 49 years	127	168	61	9	41	11	122
50 years and over	111	184	47	8	21	18	94
High school incomplete	43	177	56	4	36	17	113
High school graduate	98	176	51	9	36	7	103
Attended college	182	129	81	21	48	12	162
Florida total	328	504	53	9	34	10	106
Men	165	240	63	14	36	13	126
Women	163	264	44	3	33	8	88
Registered voters	257	400	54	8	35	11	108
Not registered	70	103	51	11	31	9	102
Democrat	162	269	48	5	32	11	96
Republican	69	92	46	6	34	6	92
Independent	71	99	75	8	55	11	149
Under 30 years of age	87	114	58	15	37	6	116
30 to 49 years	106	149	66	8	44	14	132
50 years and over	134	239	43	5	28	10	86
High school incomplete	72	203	45	8	23	14	90
High school graduate	126	177	57	6	43	8	114
Attended college	122	112	65	14	45	6	130
Illinois total	329	498	56	12	35	9	112
Men	163	231	64	16	39	10	129
Women	166	267	50	9	32	8	99
Registered voters	266	401	56	12	34	10	112
Not registered	61	94	57	14	41	3	115
Democrat	89	170	49	11	31	7	98
Republican	59	92	47	9	36	3	95
Independent	136	156	78	16	51	11	156
Under 30 years of age	117	130	72	17	51	4	144
30 to 49 years	101	173	56	16	34	6	112
50 years and over	108	189	47	6	27	14	94
High school incomplete	70	204	43	10	23	10	86
High school graduate	91	182	62	13	43	7	125
Attended college	164	107	74	16	48	9	147
New Jersey total	331	502	61	12	40	9	122
Men	164	236	63	16	41	6	126
Women	167	266	60	8	40	12	120
Registered voters	262	379	63	11	43	10	127
Not registered	63	115	60	18	35	8	121
Democrat	80	150	57	13	34	10	114
Republican	68	105	69	9	51	9	138
Independent	136	170	70	16	45	9	140
Under 30 years of age	91	120	73	17	47	9	146
30 to 49 years	121	185	64	10	43	10	127
50 years and over	113	189	54	11	35	8	108
High school incomplete	60	204	55	13	35	7	110
High school graduate	118	176	57	10	37	11	115
Attended college	143	109	84	16	59	9	168
Ohio total	332	536	54	8	33	12	107
Men	165	255	54	10	34	10	108
Women	167	282	54	6	33	14	107
Registered voters	259	406	54	8	34	12	108
Not registered	71	128	50	7	31	12	100
Democrat	110	204	48	3	34	11	96
Republican	74	98	49	6	31	11	97
Independent	114	179	66	15	38	14	133
Under 30 years of age	86	147	68	8	45	14	135
30 to 49 years	127	185	50	7	35	8	100
50 years and over	117	202	47	9	24	14	94
High school incomplete	60	222	36	5	20	11	72
High school graduate	176	203	62	9	39	14	124
Attended college	92	150	74	13	49	12	148
Texas total	331	508	49	7	33	9	98
Men	163	232	59	8	39	12	118
Women	162	267	42	7	29	6	84
Registered voters	270	394	46	8	31	7	92
Not registered	60	113	59	6	39	13	117
Democrat	135	237	44	10	27	7	88
Republican	44	57	60	3	41	17	121
Independent	104	138	56	7	43	6	112
Under 30 years of age	114	150	61	6	49	6	122
30 to 49 years	125	177	53	10	35	8	106
50 years and over	88	177	36	6	19	11	72
High school incomplete	68	217	36	8	18	10	72
High school graduate	106	166	53	7	37	8	105
Attended college	154	121	68	7	56	6	137

	Percentage base		Yes	No	No opinion	Total
	Unwanted	Wanted				
6 State total	1,228	1,690	18	64	18	100
California total	220	296	17	63	20	100
Men	116	154	15	70	15	100
Women	104	142	19	57	24	100
Registered voters	180	200	18	64	18	100
Not registered	40	96	14	63	23	100
Democrat	77	120	20	60	20	100
Republican	64	76	10	74	16	100
Independent	57	61	22	54	24	100
Under 30 years of age	73	107	19	74	7	100
30 to 49 years	83	103	16	67	17	100
50 years and over	63	86	16	45	39	100
High school incomplete	24	99	6	64	30	100
High school graduate	50	90	17	70	13	100
Attended college	145	105	26	59	15	100
Florida total	187	267	16	65	19	100
Men	107	152	23	57	20	100
Women	80	116	7	75	18	100
Registered voters	149	214	15	65	20	100
Not registered	37	52	22	61	17	100
Democrat	86	128	10	66	24	100
Republican	36	42	14	73	13	100
Independent	51	74	11	74	15	100
Under 30 years of age	51	66	26	63	11	100
30 to 49 years	71	98	13	66	21	100
50 years and over	65	103	12	65	23	100
High school incomplete	34	91	18	51	31	100
High school graduate	72	101	11	75	14	100
Attended college	79	73	21	70	9	100
Illinois total	210	281	21	63	16	100
Men	117	148	25	60	15	100
Women	93	133	18	65	17	100
Registered voters	168	226	21	61	18	100
Not registered	41	54	24	71	5	100
Democrat	46	84	22	64	14	100
Republican	37	44	18	75	7	100
Independent	108	122	21	65	14	100
Under 30 years of age	90	94	23	71	6	100
30 to 49 years	64	96	28	61	11	100
50 years and over	55	89	13	56	31	100
High school incomplete	32	88	23	53	24	100
High school graduate	56	113	20	69	11	100
Attended college	121	79	22	65	13	100
New Jersey	222	308	20	65	15	100
Men	112	148	26	65	9	100
Women	110	160	14	66	20	100
Registered voters	180	239	17	68	15	100
Not registered	42	69	29	58	13	100
Democrat	49	85	23	59	18	100
Republican	47	72	13	74	13	100
Independent	104	119	23	64	13	100
Under 30 years of age	72	88	23	64	13	100
30 to 49 years	82	117	16	68	16	100
50 years and over	68	103	21	64	15	100
High school incomplete	34	113	24	63	13	100
High school graduate	67	100	17	64	19	100
Attended college	119	92	18	71	11	100
Ohio total	202	287	15	62	23	100
Men	104	136	18	63	19	100
Women	98	151	12	62	26	100
Registered voters	162	221	15	62	23	100
Not registered	38	64	15	62	23	100
Democrat	62	98	7	71	22	100
Republican	43	47	13	64	23	100
Independent	80	118	22	57	21	100
Under 30 years of age	59	100	12	67	21	100
30 to 49 years	73	92	14	70	16	100

QUESTION 6. WOULD YOU FAVOR THE UNITED STATES SETTING UP DIPLOMATIC RELATIONS WITH COMMUNIST CHINA EVEN IF IT MEANT CUTTING OFF DIPLOMATIC RELATIONS WITH THE REPUBLIC OF CHINA (ASKED ONLY OF THOSE WHO FAVOR DIPLOMATIC RELATIONS WITH CHINA)?—Continued

[In percent]

	Percentage base					
	Unwanted	Wanted	Yes	No	No opinion	Total
50 years and over	69	94	19	51	30	100
High school incomplete	22	79	13	57	30	100
High school graduate	110	125	14	64	22	100
Attended college	67	78	18	66	16	100
Texas total	187	250	15	67	18	100
Men	102	137	14	66	20	100
Women	83	111	16	70	14	100
Registered voters	147	182	17	67	16	100
Not registered	39	66	11	67	22	100
Democrat	66	103	22	61	17	100
Republican	31	35	5	67	28	100
Independent	64	77	12	77	11	100
Under 30 years of age	73	91	9	80	11	100
30 to 49 years	79	94	19	66	15	100
50 years and over	34	64	17	51	32	100
High school incomplete	25	78	23	50	27	100
High school graduate	56	88	14	70	16	100
Attended college	105	83	9	82	9	100

QUESTION 7.—IF A CANDIDATE FOR POLITICAL OFFICE FAVORED THE ADMISSION OF COMMUNIST CHINA TO THE UNITED NATIONS, EVEN IF IT MEANT THE ELIMINATION OF THE REPUBLIC OF CHINA AS A MEMBER, WOULD YOU BE MORE LIKELY OR LESS LIKELY TO VOTE FOR THAT CANDIDATE?

[In percent]

	Percentage base						
	Unwanted	Wanted	More likely	Less likely	Makes no difference	Don't know	Total
6-State total	1,980	3,039	10	59	8	23	100
California total	329	491	11	55	9	25	100
Men	165	234	16	63	5	16	100
Women	164	257	8	48	12	32	100
Registered voters	266	355	11	59	8	22	100
Not registered	63	136	13	44	10	33	100
Democrat	119	207	10	54	6	30	100
Republican	95	116	5	64	10	21	100
Independent	80	100	13	58	13	16	100
Under 30 years of age	88	135	17	63	11	9	100
30 to 49 years	127	168	12	59	11	18	100
50 years and over	111	184	7	47	4	42	100
High school incomplete	43	177	11	48	4	37	100
High school graduate	98	176	8	62	10	20	100
Attended college	182	129	17	57	14	12	100
Florida total	328	504	9	56	5	30	100
Men	165	240	15	58	6	21	100
Women	163	264	4	54	3	39	100
Registered voters	257	400	9	57	5	29	100
Not registered	70	103	8	52	3	37	100
Democrat	162	269	9	52	4	35	100
Republican	69	92	7	57	6	30	100
Independent	71	99	9	65	5	21	100
Under 30 years of age	87	114	16	69	4	11	100
30 to 49 years	106	149	6	58	10	26	100
50 years and over	134	239	7	49	2	42	100
High school incomplete	72	203	10	47	1	42	100
High school graduate	126	177	7	65	4	24	100
Attended college	122	112	11	63	13	13	100
Illinois total	329	498	12	61	9	18	100
Men	163	231	12	61	8	19	100
Women	166	267	12	61	10	17	100
Registered voters	266	401	11	59	10	20	100
Not registered	61	94	16	71	5	8	100
Democrat	89	170	15	67	3	15	100
Republican	59	92	4	73	11	12	100
Independent	136	156	16	60	12	12	100
Under 30 years of age	117	130	17	67	7	9	100
30 to 49 years	101	173	7	61	12	20	100
50 years and over	108	189	12	59	9	20	100
High school incomplete	70	204	9	66	6	19	100
High school graduate	91	182	10	57	14	19	100
Attended college	164	107	19	61	7	13	100
New Jersey total	331	502	13	58	7	22	100
Men	164	236	14	62	6	18	100
Women	167	266	12	53	9	26	100
Registered voters	262	379	12	60	7	21	100
Not registered	63	115	18	51	7	24	100
Democrat	80	150	19	57	5	19	100
Republican	68	105	11	59	5	25	100
Independent	136	170	11	61	11	17	100
Under 30 years of age	91	120	18	56	5	21	100
30 to 49 years	121	185	13	62	8	17	100
50 years and over	113	189	10	55	8	27	100
High school incomplete	60	204	10	55	9	26	100
High school graduate	118	176	13	61	5	21	100
Attended college	143	109	20	59	6	15	100
Ohio total	332	536	11	57	7	25	100
Men	165	255	14	50	10	26	100
Women	167	282	7	64	4	25	100
Registered voters	259	406	11	59	6	24	100
Not registered	71	128	10	54	10	26	100
Democrat	110	204	13	53	6	28	100
Republican	74	98	12	66	3	19	100
Independent	114	179	9	56	10	25	100
Under 30 years of age	86	147	13	69	8	10	100
30 to 49 years	127	185	8	60	8	24	100
50 years and over	117	202	11	47	5	37	100
High school incomplete	60	222	10	51	3	36	100
High school graduate	176	203	10	63	10	17	100
Attended college	92	105	13	61	11	15	100
Texas total	331	508	7	68	7	18	100
Men	163	232	8	68	10	14	100
Women	162	267	5	70	5	20	100
Registered voters	270	394	6	69	8	17	100
Not registered	60	113	10	66	4	20	100
Democrat	135	237	6	68	6	20	100
Republican	44	57	3	71	7	19	100
Independent	104	138	6	77	8	9	100
Under 30 years of age	114	150	13	78	5	4	100
30 to 49 years	125	177	5	66	9	20	100
50 years and over	88	177	4	62	7	27	100
High school incomplete	68	217	3	61	7	29	100
High school graduate	106	166	11	78	5	6	100
Attended college	154	121	10	67	11	12	100

SIX STATE SURVEY

Time Interview Began.

I'm ________, and I'm working on a survey about Communist China being made for Opinion Research Corporation of Princeton, New Jersey. I'd like very much to have your opinion.

1. Two months have passed since the visit of the American table tennis team to Communist China. Do you think the visit has or has not resulted in any favorable change in Communist policy toward the United States?

1. Has changed.
2. Has not.
3. No opinion.

2. President Nixon has removed some restrictions on travel, trade and cultural exchange with Commnuist China. As far as you know, has Communist China also removed some similar restrictions regarding the United States, or haven't they done anything like this?

1. Has removed restrictions.
2. Have not.
3. No opinion.

3. Do you favor or oppose the admission of Communist China to the United Nations?

1. Favor.
2. Oppose.
3. No opinion.

If "favor" on question 3, ask:

4. Would you favor admission of Communist China to the United Nations even if it meant the elimination of the Republic of China as a member of the U.N.?

1. Yes.
2. No.
3. No opinion.

5. Do you favor or oppose the U.S. setting up diplomatic relations with Communist China?

1. Favor.
2. Oppose.
3. No opinion.

If "favor" on question 5, ask:

6. Would you favor the U.S. setting up diplomatic relations with Communist China

even if it meant cutting off diplomatic relations with the Republic of China?

1. Yes.
2. No.
3. No opinion.

7. If a candidate for political office favored the admission of Communist China to the U.N., even if it meant the elimination of the Republic of China as a member, would you be more likely or less likely to vote for that candidate?

1. More likely.
2. Less likely.
3. Makes no difference.
4. Don't know.

8. Are you now registered to vote?

1. Yes.
2. No.
3. Don't know.

9. In politics as of today, do you consider yourself a Democrat, Republican, Independent or something else?

1. Democrat.
2. Republican.
3. Independent.
4. Something else.
5. Don't know/undecided.

10. In which of these age groups are you? (Read choices to respondent.)

1. 18 to 20.
2. 21–29.
3. 30–49.
4. 50 or over.
5. Not determined.

11. What was the last grade in school you completed?

1. 8th grade or less.
2. High school incomplete (grades 9, 10, 11).
3. High school complete (grade 12).
4. Some college or completed.

12. 1. Man 2. Woman.

Location Number and Region.

Interviewer Name.

Date.

Time Interview Ended.

Sino-American Relations in Perspective

(A speech by Mr. James C. H. Shen, Ambassador of the Republic of China to the United States, at the National Press Club, Washington, D.C. at 12:30 P.M. June 24, 1971.)

A new Ambassador if he is to be truly useful to his country, must learn to stand with his feet in two worlds—the world from which he comes, and the world to which he is accredited.

However, in the case of an Ambassador from the Republic of China to the United States, this task is not so onerous. The similarities between our two countries greatly outweigh the differences. We have shared a long tradition of mutual goodwill. There is the long habit of working together in international affairs. Each of us is moved by the same basic objective—the preservation of a free world in which our children and our children's children will have a chance to grow up in peace and security. Although differences do sometimes arise between our two countries, the important thing is that we move in the same direction. In the dichotomy of the world which has been created by the Communist upsurge, the Republic of China and the United States stand on the same side.

One helpful bridge to understanding is the fact that I, like most of my predecessors in the office of Ambassador, have had the advantage of study in the United States in my formative years. We have lived amongst you, and learned to admire your culture and institutions. We have a common link of youthful memories. To return as Ambassador to a nation which is so intertwined with one's student years is one of the pleasures of the diplomatic life.

I realize, poignantly, that I come here at a moment of changes. The United States, in its sincere desire to reduce tensions and achieve a peaceful world, has taken some initial steps toward accommodation with the Communist regime which has imposed itself upon our fellow-countrymen on the mainland. Some Americans want to go much further. There are many in your country who are convinced that the Free World can live on friendly terms with an aggressive Communist dictatorship, such as that which is headed by Mao Tse-tung. Although we respect the sincerity of your effort, we in Taiwan do not share your optimism.

If we, of the Republic of China, seem to have little faith in the often voiced hope of building bridges to the Communist-occupied Chinese mainland, it is because we have had long and bitter experience with Mao Tse-tung and his cohorts. We have learned, at a great cost, the worthlessness of his promises. We have experienced the fanatical ruthlessness with which he pursues his goals. We know that, even behind Chou En-lai's much publicized "smiles", lurks the unaltering intent to trap the Free World, and especially the United States, into letting down its guard. We know, from their own boasts, that their aim is the subjugation of the world. With such an opponent, truces are meaningless.

Nor has the Chinese Communist regime changed.

Some of you, I am sure, have read about the current Peiping newspaper campaign against the United States. On the Chinese mainland where the newspapers are owned and controlled by the regime, their editorial statements are the voice of Mao Tse-tung himself.

On May 20, scarcely a month after the Ping Pong overtures, the Peiping press, spearheaded by the Jen Min Jih Pao, published an editorial which touched an almost all-time low in savage hatred and contempt for the United States. Declaring that the Nixon Administration had "landed itself in a blind alley and is at the end of its tether," it proceeded to hail the "violent revolutionary storms in the United States". I confess that I have not seen any such "storms'" since my arrival.

Drawing upon its imagination, the Peiping press pictured the American people as turning in vast numbers against their government. It climaxed itself with the following outburst:

"The people of the United States are dealing heavier and heavier blows from within, at U.S. imperialism, the world's ferocious enemy, and they have become an important vigorous force in the world people's struggle against American imperialism."

All this, mind you, within a month after this country had made the friendliest gesture to Peiping since the Korean War! The American press has been full of talk about a "thaw" in Washington-Peiping relations. If this is a "thaw", I wonder what a real breakthrough would be like.

Perhaps the American people should have been prepared for this cold blast from Peiping when, last month, the People's Daily, the Red Flag and the Liberation Army Daily, all official organs of the Chinese Communist regime, went out of its way to ridicule President Nixon over the Ping Pong amity by an editorial warning, with the caption, "Nixon, Don't Let Your Head Get Too Dizzy."

To return to the Jen Min Jih Pao editorial, its most important punch line was the reproduction of the year-old statement of Mao Tse-tung himself, (first published on May 20, 1970) calling for war upon the United States. In this oft-quoted statement, Mao called upon the people of the world to "unite and defeat the United States aggressors and all their running dogs." That the Jen Min Jin Pao should resurrect this statement of Mao's in the context of the present post-Ping Pong developments, is a clear signal to the United States that the Peiping regime has not changed one iota in its anti-Americanism. If the Mao government had even a vestige of desire to improve relations with Washington, it would have made an especial effort at this time to bury such past anti-American declarations. Instead, its controlled press flaunts these insolent words in Washington's face. Certainly, the Mao regime could not have made it any plainer that it does not intend to recede one inch from its past policies, no matter what concessions or gestures the United States is willing to make.

In all the utterances of Mao Tse-tung and Chou En-lai, one thing is always noteworthy. In their official pronouncements, they make no attempt to speak to the United States Government. If you read their statements closely, you will note that they are always speaking over the head of the U.S. Government to what they describe as the rebellious masses of the American people. Their words are not words of amity. They are the words of an unchanging enemy government which is thinking constantly about the incitement of revolution in this country. Their terminology has not changed in the slightest despite repeated gestures of friendship from your government.

Thus, the so-called "thaw" is all on the part of the United States.

The whole gesture which is now being made to the scowling men in Peiping is, of course, motivated by one of the noblest sentiments of mankind—the desire for universal peace. Nobody is more eager to hasten the arrival of that ideal condition than the Republic of China. But we must be on guard against those who use the peace slogan as a mask to conceal the fact that their real objectives are militaristic and evil.

We live in a world in which cynical political forces have used the popular longing for peace as a propaganda weapon. As political realists, we must recognize that all those who cry "Peace, Peace", may not really mean it. Every would-be world conqueror has always justified his crimes against humanity by the plea that he was seeking peace. Adolf Hitler rationalized his inhumanities by intoning the "peace" slogan. Today, the most brazen exploiters of the notion of "peace" are the Communists. They have rewritten history by picturing the United States and the Free World nations as the "imperialist aggressors". They have depicted themselves as the unselfish defenders of the peace-loving people of the world against such aggression. The unthinking and the uninformed have, only too often, been moved by this "Great Lie." What the Communists do not disclose is that the only peace in which they are interested is a peace of world submission to Communist totalitarianism.

We of the Republic of China believe that peace upon such terms is not worth having.

The Free World should be vigilant, at all times, against those who are trying to make the genuine peace movement an unwitting tool for Communist purposes.

There is another mental trap in the current discussion of China, which I want to point out. Many editorialists and TV commentators have the habit of referring to the Peiping regime as if it were the genuine voice of the Chinese people. In their articles and discourses, they talk about "what China wants," as if there were indeed some present procedure by which the wishes of the vast Chinese public, imprisoned on the mainland, is being determined. Actually, such publicists, knowingly or unknowingly, are only repeating the handouts of the comparatively small Communist officialdom which has imposed its merciless rule upon the people on the Chinese mainland.

Even this officialdom is divided in its real convictions. The recent so-called "Cultural Revolution," in which thousands of youth were slaughtered or imprisoned for differing with Mao Tse-tung, shows that there is not even a consensus among this ruling minority. Whenever Red China is quoted, only one man is speaking—Mao Tse-tung.

Overlooked in the present debate about building bridges to Red China is the remorseless fact that, in 21 years of rule, the Communist regime has not once made any attempt to ascertain or poll the wishes or opinions of the mainland Chinese masses. Authors who write so glibly about "what China wants," do not have even the remotest touch with the real Chinese public.

Who are the Chinese people? Not only are they the submerged masses of mainland China, they are the 14 million Chinese of the Republic of China on Taiwan, who are struggling desperately to keep alive the cherished traditions of historic China which Mao Tse-tung scornfully seeks to stamp out. They are the 18 million overseas Chinese, who play such an important part in the economy of the nations of Southeast Asia. They are the terrorized youths of mainland China, thousands of whom are risking life every month to escape to Hong Kong and other places of refuge, rather than endure the prison camp life of Mao's China.

Should not the wishes of these unconsulted Chinese be considered before action is taken which will tighten Mao Tse-tung's grip over the majority of the Chinese race?

The Republic of China asks her friends not to take hope away from these freedom-loving Chinese people.

But there are those who say that we must come to terms with Mao Tse-tung because it is "inevitable." In every discussion of China's destiny, someone always raises the point that we cannot disregard Mao's rule because such action is compelled by inevitabiltiy.

Of course, no contention could be more unsound. You and I know that nothing is inevitable until faint-hearted men, weary of struggle, decide to give up. All through history, the plea of "inevitability" has always been the alibi for appeasement. The brave can find many alternatives, in China's present situation, to the proposed course of placation.

The hollowness of this inevitability plea is shown by the present attitude of the Peiping regime. In all its official statements, the stress is always placed upon the changes which the United States should make in its policies. Not one word is said about the changes which Peiping is ready to make in its policies. Their unchanging posture is that the whole world is wrong and they are right, and that the world must remake itself to secure their friendship. This is not "inevitability": this is a brazen demand for surrender.

This brings us to the question of the United Nations.

The alleged "thaw" with the Peiping regime is renewing the demand, by many who should know better, that the Chinese Communists be admitted to the United Nations, in place of the Republic of China. No greater travesty of the peace role of the United Nations could be projected.

Peiping, condemned as an aggressor because of its armed intervention in the Korean War in 1951 by the vote of the General Assembly, would enter the U.N., unchanged and unrepentant. Its presence in the U.N. would doom the organization to a snarling Communist-Free World deadlock. Such a deadlock would nullify all the peace hopes of the people of the world. Surely the good sense of the Free Nations should save us from such a moral collapse.

I need not stress the fact that the United Nations itself has come under serious and damaging criticism in recent years. Its credibility as a force for world morality and world peace has suffered bruising blows from its ill-wishers. The question should be seriously asked and pondered whether the U.N. can afford the loss of prestige which capitulation before an unchastened Chinese Communist regime would bring. The United Nations has its own troubles. To add to them the discredit which would follow the admittance of the bellicose Chinese Communists would impose too great a strain upon the whole apparatus.

Nothing is so dangerous in world affairs as a shortsighted, improvised decision for a long-term major problem. Once the decision is made, the world must suffer the consequences. Can the peace-seeking nations live safely in association with a Chinese Communist regime, blatantly boasting that it will destroy what it calls "imperalist United States"? The question is self-answering.

But some will argue that there are still saving advantages for the Free World in an entente with the Mao regime because it would stimulate trade. For countries having balance of payments problems, it seems like a godsend. Indeed, much of today's pressure for a "thaw" with Peiping comes from hopeful business interests seeking profitable mainland markets.

This argument, it seems to me, is shot full of holes. The Chinese mainland is a closed economy. The open economies of the Free Nations cannot sell goods in a closed market except upon the humiliating terms of Mao Tse-tung's go-between. There can be no hope of reasonable profits when the regime is able to rig every economic operation to its own narrow advantage and gain. Do the entrepreneurs of Europe and North America believe that they can gainfully enter a Mao Tse-tung market which for years has baffled master salesmen of other countries, Japan for instance?

Actually, Japanese businessmen have sent trade delegations for several successive years to the Canton fairs. How have they been greeted? The proof of the complete politicalization of all Chinese Communist trade maneuvers is the fact that these Japanese, with their order books open, have been instructed to make a public statement condemning the policies of their own government before the Communist will do business with them. Is there any hope of mutually profitable trade with a regime which requires such abject surrender?

The delusion of rich trade prospects on the Chinese mainland for the Free World is plainly demonstrated by current trade statistics. Last year, the total two-way foreign trade of the Chinese mainland was only $4.2 billion. This figure was reached only by including the extensive barter trade which the Chinese Communist regime carries on with the other Iron Curtain nations. Peiping's world trade figure has sunk as low as $2.7 billion within the last decade. Measured in terms of the population, the per capita foreign trade of people on the Chinese mainland in 1970 was only $5.5. This, for an area which claims a population of 700 millions! It is not that the Chinese mainland does not offer profitable trade. The fault is that an anti-foreign Communist regime of Mao Tse-tung is psychologically incapable of the mutual give and take which must be the foundation of any durable trade relationship.

That rich trade, on civilized terms, is possible in China, is clearly shown by the experience of the Republic of China in Taiwan. This province of only 14.7 million people, last year rolled up a total two-way foreign trade of $3.088 billion. The per capita foreign trade was $192.5. The explanation for this difference is a very simple one. There is free enterprise in the Republic of China's province of Taiwan, whereas an autarchy is in control on the Chinese mainland.

So slight are the possibilities of important trade with Mao Tse-tung that an organization which has clamored for closer relations between Peiping and Washington—the National Committee on United States-China Relations—recently reported that, under the most favorable conditions, it would be a decade before U.S. trade with the Chinese mainland would reach a figure as high as $650 millions. This report followed a study which the Committee authorized, conducted by Dr. Robert F. Dornberger of the University of Michigan.

American businessmen who expect early profits from the "thaw"' with Mao Tse-tung should also heed the words of Mr. C. W. Robinson, president of the Marcona Corporation, who has had long experience in Far East ventures. Mr. Robinson said, "In new trade with the Peiping regime, we may have to learn to crawl, before we can walk—and we may have to do a lot of crawling."

Now, with your permission, I would like to conclude by telling you a bit about what we have done on Taiwan in a matter of twenty years. Taiwan, as you know, is the smallest province in my country. It is an island of only 14,000 square miles and has few natural resources. Today it is the most prosperous province in China's history. The per capita income is nearly U.S. $300. Our foreign trade this year will be close to four billion dollars. Basic education has been extended to nine years, and a quarter of our population is in school. We have the highest daily count calories in Asia. Taiwan is also about the healthiest place in our part of the world. We have had no cases of malaria, cholera and smallpox for many years. We have raised the life span of women to 72 and that of men to 68. Since 1965, the year your country terminated its economic aid to us, we have been on our own. Meanwhile, as an ally of the United States, we continue to receive some military aid, but this has been steadily decreasing in amount over the years. But we are determined to support largely by our own resources a strong military posture. Our 600,000 men under arms and more than a million others in trained reserve are making a positive contribution toward the maintenance of collective security in the Western Pacific. Our very existence as a viable society has kept alive in the hearts of our brethren on the mainland their hope for eventual liberation. The Chinese Communists are world revolutionaries and they must be denied the opportunity of forging China's vast population into an instrument for either the enslavement or destruction of the world.

Before I left Taiwan a few weeks ago, a friend came to see me. He said he feared the United States was deserting the Republic of China and asked what could we do. I told him that, first of all, I refused to believe the United States was abandoning one of the best friends it ever had. And I told him, second, that the Americans were too intelligent and too knowledgeable not to realize that their self-interest lies with the Republic of China and not with the Chinese Communists who oppose everything for which America stands.

These are some of the considerations that I, as a freshman Ambassador, believe to be important. *We* must not let ourselves be deceived by our groundless hopes. Knowing the American people as I do, I cannot believe that the United States will allow itself to be deceived by the false image which Mao Tse-tung is now expediently holding up to the world. The future of Asia and of the whole Free World depends upon your decision. I know you will not fail us.

STATEMENT BY SENATOR PETER H. DOMINICK, CHINA HEARING: BEFORE THE FOREIGN RELATIONS COMMITTEE, JUNE 28, 1971

MR. CHAIRMAN: Due to my long interest in the China question, particularly the problem of representation of China in the United Nations, I welcome this opportunity to testify before the Foreign Relations Committee. With me today is Dr. David Rowe, an expert in the field of Sino-American relations who was born in Nanking and has spent considerable time in China, both on the mainland and in Taiwan. He is currently Professor of Political Science at Yale University, with a distinguished career in far eastern affairs.

In the wake of ping-pong diplomacy, there has been an onslaught of optimism and much anxiety directed toward the question of Communist China's admission to the United Nations. I welcome the President's efforts to explore new channels of diplomatic rapport with the People's Republic of China—we certainly need such initiatives, and they can only prove beneficial. Yet we're in danger of approaching the China question with tunnel vision constrained by emotional and ideological considerations to the exclusion of some very basic and vital areas of concern.

One of the points which has been totally ignored during recent China discussions is the matter of the United Nations as an organization. Just what purpose do we wish the United Nations to serve? Is it enough to pronounce the U.N ineffective in solving conflicts among nations and thereupon become satisfied with an organization providing nothing but a forum, where nations large and small can voice their problems and complaints? Or do we mean to do all that is humanly possible toward bolstering the original purpose of this peacekeeping body? I would hope that all those who support a closer understanding among nations in their search for peace would opt for the latter—for strengthening the tentative beginnings in the movement toward a community of nations.

The goals of the United Nations are stated simply and laconically in the U.N. Charter and read in part: "To reaffirm faith in fundamental human rights, in the dignity and worth of the human person, in the equal rights of men and women and of nations large and small, and to establish conditions under which justice and respect for the obligations arising from treaties and other sources of international law can be maintained . . ."

None of the members of the United Nations, including the United States, has a perfect record in attempting to reach these goals. But all member nations have committed themselves to these objectives, and the strength of the organization itself is deeply dependent on the depth of these commitments. Are we prepared to offer U.N. membership to a government, despite the proportion of world population it represents, which has continually refused to accept the principles of the U.N. Charter and rejects participation in any system of international law? I cannot see how progress toward lasting world peace would be enhanced by downgrading the standards of the U.N. Charter by admission of a government which has publicly denied the charter's tenets.

Last April, the President's Commission for the Observance of the Twenty-fifth Anniversary of the United Nations, headed by Henry Cabot Lodge, submitted its report and recommendations. I have found this report to be of extreme interest to the China question. Although recent headlines report that the Commission recommended admission of the People's Republic of China and would support a "two China policy," I believe the report needs to be more closely examined. Upon close scrutiny, they indeed take a position on admission which I have advocated for many years. To quote from the Commission's report: "The United Nations can do its best job of war prevention and settlement of disputes if its membership includes all the governments of the world, *provided they subscribe to the principles of the U.N. Charter.*"

The report makes it perfectly clear throughout that any nation desiring membership must accept the U.N. Charter. The report further states, "The Commission recommends: that the United States adopt the position that all firmly established governments should be in the United Nations system, inasmuch as the benefits to the United States of having such governments within the U.N. and subject to the international obligations laid down by the Charter far outweigh the problems raised by ideological differences between various states." I would subscribe to the view that it would be indeed beneficial to be privy to the certain amount of disclosure and communication which would result from Communist China's admission to the United Nations—certainly far better than relying on sporadic news reports and occasional ping-pong trips for our understanding of mainland China. However, I cannot go so far as to let this view override the adverse effects which would result from admission of a nation which did not accept the principles forming the very foundation of the U.N.

Mr. Chairman, you and other members of this committee, Senators Sparkman, Aiken and Cooper, had the unique opportunity to be among the fifty members sitting on the Lodge Commission and, as signatories, supported the conclusion that ". . . the United Nations, while afflicted with many troubles (some of which can be eased, if not solved), is not only a useful device for the future, but is actually indispensable." This, to me, necessarily requires acceptance of the principles and purposes of the U.N. Charter, particularly with regard to membership. It is important to keep in mind that this organization is not now, nor was it set up to be, a *universal* organization. In fact, Article 6 of the United Nations Charter provides for *expulsion* from membership, a provision which would seem to reject the concept of universality. Nations such as West Germany have not been admitted—thanks to the opposition of the Soviet Union—so obviously universality is not the rule. Spain and Switzerland are not members, and yet we have no difficulty communicating with them.

There is another recommendation in the Lodge Commission report which addresses itself quite specifically to the question at hand. I quote, "The Commission recommends that under no circumstances should the U.S. agree to the expulsion of the Republic of China on Tiawan from the U.N. but that the U.S. seek agreement as early as practicable whereby the People's Republic of China might accept the principles of the U.N. charter and be represented in the organization."

Time and time again, Peking has belittled the United Nations as a "tool" of U.S. imperialism and ridiculed the U.N.'s stated goals of bringing peace to a war-weary world.

Many have said that the admission of Communist China to the U.N. is inevitable. These predictions are not new and as yet have been consistently wrong when all the facts were laid before the member countries. Following the Panmunjon agreement of 1953, it was "inevitable" that Peking would enter the U.N. a year later. But following the refusal by Communist China and North Korea to release American prisoners of war, U.N. members voted 43–11 with 1 abstentions to oppose admission of Peking.

It was "inevitable" in 1958 that Communist China would be admitted to the U.N., but the vote in 1959, following the collapse of Mao's Great Leap Forward and invasion of Tibet, was 44–28 against with 9 abstentions.

In 1965, it was "inevitable" once again, but 1966 brought the horrifying excesses of the Great Proletarian Cultural Revolution, and the vote that fall was 57–46 against admission, with 17 abstentions.

Once we resign ourselves to the proposition of universality and accept the inevitability of Communist China's membership in the United Nations, we weaken the organization as a whole and downgrade its principles.

Another consideration which has been pushed aside in the enthusiasm of a China "thaw" is the fine record of the Republic of China in honoring her obligations to the United Nations at every turn and her position as an original charter member. In light of this, and in light of the Lodge Commission's recommendation that, and I quote, "The continued membership of the Republic of China on Taiwan in the U.N. is imperative," I cannot see how the United States can resolve the conflict between the Republic of China and the People's Republic of China, both of whom claim to represent the Chinese people. I suggest, Mr. Chairman, that this certainly cannot be resolved with resolutions such as this committee is considering. It would be totally unfair to expel the Republic of China from her present seats in the General Assembly and Security Council simply because Communist China, after many years of disinterest, might indicate a desire to join in the mainstream of international communication.

In considering the various resolutions before this committee, it is interesting to note that not one of them is capable of resolving the basic schism between Taiwan and Peking. Regardless of United States positions on admission of Communist China, a "two China" policy remains distasteful to both China governments. Premier Chou En-lai spelled out Peking's position on the U.N. seat now held by the Republic of China in an interview with Filipino journalists. As reported in the *Washington Star* on May 16, Chou said: "It is impossible to sit in the U.N. unless the question of Taiwan is settled. We oppose the seating of two Chinas . . . We are even more opposed to one China and one Taiwan." This certainly leaves the United States little room for diplomatic maneuvering. In a recent New York Times story printed in the *Washington Star* on June 23, Chou further clarified Peking's position by further stating: "There can only be one China . . . If the United States government withdraws all forces from Taiwan and the Taiwan Straits and no longer considers Chiang Kai-shek as representative of China, then the logical result would be that Chiang Kai-shek and Taiwan would be matters internal to China. This would be recognition that the People's Republic of China is the only lawful government. There can be no possibility of two Chinas or one China and one Taiwan."

The question of United Nations admission for Communist China is actually a question of representation—who is to represent the Chinese people. Because of the positions of both Taiwan and Peking that neither will accept two representatives, it seems to me totally erroneous for us to proceed with resolutions which attempt to recognize one government rather than another and equally ridiculous to try to settle a dispute which must be resolved between the Chinese governments.

In essence, the United States Senate is trying to settle a matter in which the United States can have little or no influence given the present feelings of both Chinese governments. All we can do by passing such resolutions is to unnecessarily alienate an old ally and perhaps weaken her position in international relations.

At this point, Mr. Chairman, I want to turn my attention to some of the specific language of the resolutions before this Committee. In Senate Resolution 37, my distinguished colleague from New York, Senator Javits, encourages more trade and travel between the United States and the People's Republic of China. These are the very areas where President Nixon has already taken some positive steps, and I support the President in this. But as I have stated on numerous occasions, there is a time to move forward and a time to exercise caution and restraint. I suggest that the initiatives by the President to date should now be followed by a period of watching and waiting. I also suggest that the next move in this attempt to establish more meaningful communications with Peking is up to the Communist government there.

Senators Kennedy, McGovern, Gravel and Javits all offer some form of plan to admit

Communist China to the U.N. Their resolutions differ somewhat, and I would like to comment briefly on the various proposals.

Senator Kennedy, in his Senate Resolution 139, ignores the recommendations of the Lodge Commission and declares that we should make no effort to enforce dual representation of the two China governments. His resolution declares that Communist China should be given her "legitimate" seat as the sole government of China. Mr. Chairman, there is little legitimacy in a government which rules by force and represents only the approximately 6% of the population which belongs to the Communist Party. We must not forget that in Mao's dictatorship, a citizen has no freedom to elect anyone unless he is a member of the party. And what has changed in the last quarter century to make the Communist Chinese government the rightful occupant of the seat in the United Nations? Time and again during this period we have witnessed countless demonstrations of contempt by Peking for the United Nations in particular and international law in general.

Senator McGovern's resolution would have us acknowledge that Communist China is the sole representative of China in all U.N. organizations. This is also contrary to the recommendations of the Lodge Commission, and totally ignores the fact that the people of mainland China and the *government* of Communist China are *not* one and the same. If we were to proceed under the McGovern approach, we would be permitting the Communist Chinese government to obtain an international platform for its attacks on free people everywhere, but we would be doing nothing to help the 800 million people on the Chinese mainland who are subject to the same brand of communist terror. Senator McGovern would resolve the Taiwan question by simply leaving its future status to a peaceful resolution by the people on both sides of the Taiwan Straits. A most honorable objective, but based on the strong position taken on both sides of those Taiwan Straits, totally unrealistic.

In a similar vein, Senator Church's resolution would repeal a 1955 Joint Resolution authorizing the President to employ military forces in the area of Taiwan. It seems to me this would give the Communist Chinese just the opportunity they are seeking by removing a potent deterrent which now discourages them from adventures across the Taiwan Straits. The absence of our military forces would be most helpful to the Communist Chinese in carrying out their reunification plans. This was illustrated recently in a statement by Premier Chou En-lai in a New York Times interview. The Premier stated that the well being of the Taiwanese people would improve under reunification and that they could "go back to their home provinces and not be discriminated against. If Taiwan returns to the motherland then its people would be making a contribution for which we should give them a reward. So, far from exacting revenge on them, we will reward them."

Are we to have faith in such statements when the record of Peking's so-called rewards has so far included the horrors of the Cultural Revolution when citizens were tortured and their bodies cast in the rivers to float into the South China Sea? Peking itself admits that 10 million Chinese have died in the "communization" of China. This, Mr. Chairman, has been labeled as "genocide" by the International Commission of Jurists in Geneva. Are we to believe there would be no similar "communization" of Taiwan if the Republic of China were reunified with the mainland? If Communist China truly represents her 800 million people, why have so many Chinese perished opposing the Communist regime?

All of this leads me to the conclusion that the effort being mounted to bring mainland China into the U.N. is being undertaken with a failure or refusal to recognize the regime for what it is, a regime that practices tyranny at home and encourages revolution and warfare around the world. I cannot support any of the resolutions currently under consideration by this committee, and I am giving serious thought to introducing a resolution of my own which would express the sense of the Senate that the President is to be commended for his efforts to open lines of communication with mainland China, but that in our own self-interest we should adhere to the policy of non-admission of the Communist Chinese to the U.N. until such time as there is evidence to indicate that they subscribe to the principles of the charter of that organization and to the principles of international law.

To my mind, it would be unthinkable to abandon a loyal friend on Taiwan in favor of a country which constantly castigates the office of the President of the United States—no matter who occupies the White House—with labels such as "murderer," "archcriminal," and "running dog."

I suggest to you, Mr. Chairman, that the United States has acted in good faith and with admirable statesmanship in its initiatives toward Peking. But I must conclude with the hope that we will now stand firm in our determination that those who would join the United Nations would first demonstrate their acceptance of the principles for which it stands.

Mr. Chairman, I delivered a speech on this subject on the Senate Floor on June 10 of this year. I ask that that speech be included in the record of hearings at this point.

[From the Scranton (Pa.) Times, June 13, 1971]

On The Line

(By Bob Considine)

NEW YORK—Dr. Walter H. Judd, old China hand and old Republican head, doesn't think the admission of the People's Republic of China to the United Nations or its diplomatic recognition of the U.S. is "inevitable."

The People's Republic of China, formerly known as Red China or Communist China, has been enjoying a honeymoon in the American news media. Chou En-lai laughs with hippie Ping-Ponger. Chou En-lai asks advice of visiting American scientists. China hungry for American planes. Peking was never lovelier. Chinese people happy.

On May Day, two weeks after the Ping-Pong matches, the Peking government (John Chancellor of NBC noted) urged the People's of the world to:

1. Unite to crush American aggressors and their running dogs.

2. Support the Indochinese people against American aggression.

3. Support the heroic Korean people against the American aggression.

4. Support Cuba against American aggression.

Resolutely oppose American imperalistic support for Israeli aggression against the Arab countries.

6. Support the American people against the American government's aggression policy.

Dr. Judd has been a leading figure in the organization named The Committee of One Million—Against the admission of Communist China to the United Nations. In a recent news letter released by the largely conservative group, he gives us a box score on previous eras when it appeared that a UN invitation to Red China to join the club was inevitable:

In 1953, after the Panmunjom agreement, it was declared "inevitable" that Peking would be admitted into the UN the following year. But when North Korea and Red China refused to release American POWs taken in the Korean War, the UN members voted 43–11 against admission with 11 abstentions.

"In 1958, the 'inevitability' argument was again advanced and appeared to be having some effect on the UN. But Mao's behavior in the udicrous Great Leap Forward, and the invasion of Tibet was too much, and the vote in 1959 was 44–28 against admission, with nine absentions.

"Then, for two years, a well-planned propaganda campaign on behalf of admission was built up to a climax in 1965, resulting in a 47–47 tie, with 20 abstentions. Just as now, there was a chorus of agitation that admission in 1966 was 'inevitable.'

But Mao started the 'great proletarian cultural revolution' and its excesses demonstrated all too vividly why Peking is not qualified for membership. In the fall of 1966, the General Assembly once again voted against the admission of Peking, 57–46 with 17 absentions."

Dr. Judd's position, which is endorsed by considerably more than 1,000,000, is opposed by other millions of Americans. He has been asked questions about the wisdom of trying to bar the world's most populous nation from the family of nations—the UN.

"The UN was never intended to be a 'universal' organization," he answers. "It was intended to be a union of peace-loving nations to pool their resources against international lawlessness from whatever source. Article 4 of its Charter provides for expulsion from membership. Why would there be a provision for expulsion if all nations were to be members, no matter what their conduct? The 'universality' argument disintegrates completely when you consider that for two decades, the Soviet Union has blocked admission of West Germany. Why isn't there a nationwide campaign to seat West Germany? It qualifies."

How about the fact that Communism has a hold on China for a full generation, and obviously it's there to stay—as in Russia?

Dr. Judd: "Mao is nearly 80. In November, 1970, alone, more Chinese attempted to escape to Hong Kong than East Germans have ever tried to go over or under the Berlin Wall since it was erected in 1961."

How can we deal with Red China if it is not in the UN?

"The same way we deal with West Germany, Switzerland, etc., who are not members."

But without China's participation, world disarmament talks are meaningless; international agreement on the control of nuclear arms must include Peking and its growing arsenal of nuclear weapons, right?

"Peking has repeatedly declared that it will not take part in any nuclear disarmament talks, inside or outside the UN. It denounced the partial test ban treaty in 1963 and vowed to continue its nuclear tests in the atmosphere under all circumstances. In 1968, it not only spurned an invitation from the UN to endorse the Nuclear Non-Proliferation Treaty, but denounced the pact after it has been signed by the U.S. and the Soviet Union. This spring, it refused to be a party to the nuclear sea-bed treaty."

As the King of Siam, Yul Brynner, used to say, "It is a puzzlement."

[From the Phoenix (Ariz.) Republic, June 15, 1971]

Which Is Real Red China?

(By Ralph de Toledano)

Perhaps President Nixon, who is encouraging a change in American attitudes toward Red China, knows something we don't know.

But until he confides in the voters, cautious Americans can only review the record and keep their powder dry.

For as Sen. Peter Dominick (R-Colo.) asked on the Senate floor last Thursday, "Which is the real Communist China?"

Which is the real Red China: "The smiling welcome of Chou En-lai to an American table tennis team visiting mainland China in mid-April? Or anti-America slogans shouted in the streets of dozens of Chinese cities on May Day, only two weeks later?

"A hint by Mao Tse-tung to journalist Edgar Snow last December that he would favor a visit by President Nixon to mainland China? Or an editorial in the Peking Review of April 16, 1971, vilifying President Nixon as an 'arch-criminal,' 'arch-murderer,' and 'chief-butcher'?

"Suggestions from Peking that it wants to negotiate its differences with the United States? Or its insistence in every Chinese Communist propaganda organ that 'U.S. imperlialism is the common enemy.' "

In all the happy-happy that we have been getting from the so-called China experts—the men who 25 years ago told us that the Chinese Reds weren't Communists but "agrarian reformers"—how much attention has been paid to the facts?

Senator Dominick spells it out even further: "Keep in mind the record of Mao's China which (1) has brutally subjugated the Chinese people for 22 years, (2) has been and still is branded by the U.N. as the 'aggressor' in the Korean war, (3) has been accused of 'genocide' in Tibet by the International Commission of Jurists in Geneva, (4) contines to supply most of the small arms and ammunition to North Vietnam, and (5) has fostered and encouraged insurrection, subversion, and 'wars of national liberation' in Asia, Africa, Europe, and even the United States."

Red China must be admitted, with American help, because that admission is "inevitable." But we have been hearing that admission is inevitable since 1953. Red China will be admitted only when the United States decides to let up on its opposition. Until that day—and Mr. Nixon leads us to believe that it is at hand—Red China doesn't stand a chance.

[From the Los Angeles (Calif.) Herald-Examiner, June 9, 1971]

PROGRESS IN TAIWAN

Taiwan's amazing progress was emphasized during World Trade Week here when the World Chinese Traders Association, with 600 Chinese from 47 nations, held its convention at the same time.

The Gross Domestic Product in Taiwan grew an average of 8.6 percent from 1953 to 1967. In addition to achieving rapid growth, Free China has maintained a surprising price stability. In the past 10 years, the average annual increase in the consumer price index was only 2.7 percent. Taiwan's 1970 increase of 3.6 percent in consumer prices was low compared with the 5.9 in the United States, 7.1 percent of Japan, and 19.2 percent of South Korean. Comparatively speaking, Taiwan enjoys stable commodity prices.

Taiwan's agriculture and manufacturing also have enjoyed remarkable growth rates. Rapid industrialization of Taiwan is attributed to the government's continuous efforts to improve the investment climate, an adequate labor supply, social stability and the fast growth of exports.

California exports $46 million in goods to Taiwan each year and imports an average of $31,574,333.

Taiwan, with only 16 million people, is small compared with Communist China, with 800 million. But the industry of the Chinese on Formosa and its stable government, make it not only one of the most outstanding countries in Asia but also a leader in world commerce.

[From the Boston (Mass.) Herald Traveler, June 17, 1971]

IMPOSSIBLE DREAM FOR U.N.

(By John Chamberlain)

If there is any way of putting Red China in the United Nations without forcing the Nationalist (Taiwan) Chinese out, it is not apparent to anyone who has the slightest acquaintance with Chinese psychology. Generalissimo Chiang Kai-shek, who still guides the destinies of the Free Chinese, is a man who has always insisted on maintaining "face." It is inconceivable that, if the vote went against him in the U.N. next autumn, he would stick around to suffer the degradation of being ousted from the Security Council.

Chiang may or may not have been responsible for all the strategic blunders attributed to him by the late Gen. "Vinegar Joe" Stilwell in World War II. However, Chiang's very persistence in wrong courses as well as in right ones was due to a pride that never once cracked during 45 years of unswerving opposition to Communism, and 15 years of war with Japan. He isn't going to change his character in the late evening of his life.

So a "two-China" policy is an impossible dream; if Red China comes to the Glass House on Manhattan's East River, the Free Chinese will surely depart.

And if they depart, what then? The shock would register all around the East Asian periphery—in Japan, which would take the change order of events as proof that the United States no longer counts for beans as a protector; in South Korea, squeezed at the end of a peninsula; in Taiwan itself, which would have to become a garrison island; in the Philippines, where there are 500,000 Chinese who could cause trouble no matter which way they chose to move; in Indonesia, which might have to worry about a revived Communist party; in Saigon, which would be faced with intolerable pressure from the North; in Thailand, which would have to wriggle and placate in hopes that Peking would leave it alone; and in India, a subcontinent that would have to resign itself to watching the two great Communist powers of Soviet Russia and Red China contend for sovereignty in the Indian Ocean.

Sen. Peter Dominick (R., Colo.), both in interviews and in speeches, seems to be the only important U.S. statesman who has considered the impact of Red Chinese U.N. membership on the perimeter Asian nations. To these nations the mainland Chinese have been an aggressive force, not a peaceful country that could be counted on to live up to the U.N. Charter.

As Sen. Dominick says, the mainland Chinese "were the ones who started the militant revolution in Indonesia . . . They've been in a war with Japan on several occasions as we all know . . . Each one of these countries is going to have to take another look if we suddenly decide that we're not going to maintain the principles of the United Nations Charter which is that we shall not have an aggressive policy for enforcement of the international law, I think we would be making a very bad mistake not to make this a really important question."

As for the lure of trade with Red China, it shapes up as good for Boeing of Seattle, which might sell some jets to Peking; and for U.S. wheat farmers in competition with the Canadians. But the long-term advantage of relaxed trading rules does not impress Sen. Dominick as being very significant.

"What most people don't recognize," he says, "is that when you trade through a Communist country, you trade through a Communist-controlled corporation. You are not allowed to trade business to business or person to person. The result of that is that to the extent that we should import more than we export to them, which seems doubtful, but let's suppose we did, we would then be increasing their economic situation to control the seven or eight hundred million Chinese that are on the mainland . . . The more economic power we give the government to hold the Chinese people down, the poorer situation the people of China find themselves in."

In worrying about Peking's chains on the Chinese people, Sen. Dominick is more humane than our State Department, which doesn't believe in making trouble for our enemies if such action might disturb the status quo. But when the Senator asks what the Red Chinese have to sell us in exchange for "technological stuff," it is a pertinent question which any realist should be able to see.

The Red Chinese have silk to hurt our textile industry . . . and pig bristles which we can put in hair brushes." And, oh, yes, they have opium. If we plan to give jet planes and wheat away for silk, pig bristles, and opium, we ought to have our heads examined. Sen. Dominick doesn't quite put it that way, but it is a logical deduction from what he has said.

ORDER OF BUSINESS

The PRESIDING OFFICER. Under the previous order the Chair recognizes the Senator from Virginia for not to exceed 15 minutes.

THE PRESIDENT'S ANNOUNCEMENT ON HIS PROPOSED VISIT TO COMMUNIST CHINA

Mr. BYRD of Virginia. Mr. President, I wish to make a brief comment on the President's announcement of last evening.

For the leaders of two great nations to meet face to face seems to me to be a worthwhile step. It could lead to an easing of world tensions. At the very least it gives the opportunity to each leader to form a firsthand opinion of his counterpart in another country.

Mainland China is the largest nation in the world, with a population of 750 million. We cannot pretend it does not exist.

So I think the President's announcement last evening is one which could give us hope for the future. I assume, however, that President Nixon will proceed with caution in dealing with the Chinese Communists and will not make any commitments detrimental to our ally and friend, Nationalist China.

DEPENDENCE OF UNITED STATES UPON SOVIET UNION FOR CHROME ORE

Mr. BYRD of Virginia. Mr. President, on March 29 I introduced S. 1404, a bill designed to end the dependence of the United States upon the Soviet Union for chrome ore—a material vital to the defense of this country.

I ask unanimous consent that the following Senators be added as cosponsors of this measure: The distinguished Senator from North Carolina (Mr. ERVIN), the distinguished Senator from Arizona (Mr. GOLDWATER), and the distinguished Senator from Florida (Mr. GURNEY).

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD of Virginia. Mr. President; the United States today faces an imminent and serious shortage of chrome. This material is essential in the manufacture of such critical defense items as jet aircraft, missiles, and nuclear submarines.

Moreover, chrome is vital to many products used in the communication and transportation networks which must back up any defense effort.

My legislation is simple in structure. It would amend the United Nations Participation Act of 1945 to provide that the President could not prohibit imports of a strategic material from a free world country as long as the importation of the same material is permitted from a Communist-dominated country.

Late in 1966 the United Nations Security Council imposed selective sanctions on Rhodesia. The embargo later was made complete.

After the action by the Security Council, President Johnson ordered an embargo on trade between the United States and Rhodesia. This was done by unilateral Executive action, without consulting the Congress.

That is an important point. This action by President Johnson was taken by unilateral Executive action, without consulting Congress.

Prior to the sanctions, Rhodesia was the largest single source of metallurgical chrome ore imported into the United States.

There is no domestic production of this commodity, so our country now has become dependent on the next largest supplier, the Soviet Union, for about 60 percent of its chrome ore.

I believe that this is a dangerous situation. I believe it is vital that the Senate have the opportunity to vote on this important issue.

My legislation, S. 1404, was referred to the Senate Committee on Foreign Relations. Last week—on July 7 and July 8—hearings were held on my bill by the African Affairs Subcommittee of the Foreign Relations Committee.

Witnesses appearing at the hearings included former Secretary of State Dean Acheson, representatives of the metallurgical industry and myself, in support of the bill; and Representative CHARLES C. DIGGS, JR., of Michigan and officials of the State Department, in opposition to the bill.

Immediately following the hearing, the chairman of the African Affairs Subcommittee, the senior Senator from Wyoming (Mr. MCGEE), told reporters that he would recommend that the full Foreign Relations Committee take no action on S. 1404.

In view of the expressed opinion of the Senator from Wyoming, the chairman of the subcommittee, I feel it is my duty to try to see that the Senate is given the opportunity to vote on S. 1404.

Senator CANNON, chairman of the Subcommittee on National Stockpile and Naval Petroleum Reserves of the Committee on Armed Services, told the Senate on April 29 that the chrome ore problem is one "'we cannot continue to ignore."

At this point I want to note that Senator CANNON pointed out in his statement that the United States now relies upon Russia for 60 percent of its chrome ore. He held lengthy hearings on the subject of strategic materials.

In the same statement, Senator CANNON pointed out that since becoming the prime source of chrome ore for the United States, the Soviet Union has increased the price per ton of this ore from $25 to $72. This is an increase of about 188 percent.

The increase in price is a disadvantage to the United States, but what concerns me most—and what prompted me to introduce S. 1404—is that the United States has placed itself in a position of dependence upon Russia for a strategic commodity. To me, this is illogical and dangerous.

Senator CANNON stated the matter very well in his remarks on the floor on April 29:

> Mr. President, I strongly urge that the Committee on Foreign Relations, to which was referred the bill—S. 1404—introduced by the senior Senator from Virginia, take prompt action on the measure, mindful that it raises a serious problem for this Nation, which, unfortunately, we cannot continue to ignore.

I think it is important to review briefly the background of the present policy of the United Nations and the United States toward Rhodesia.

In my view, the imposition of sanctions on Rhodesia by the United Nations Security Council was not justified. The principal reasons given for the sanctions policy were three in number: First, Rhodesia unilaterally declared her independence from Great Britain—How else would a country do it if it did not do it unilaterally? How did the new country of the United States of America do it 195 years ago?—second, the Rhodesian government failed to provide for "an orderly transition to majority rule"; and third, Rhodesia represents "a threat to international peace and security."

As to the first point, the declaration of independence, that is rightly a matter to be settled between Great Britain and Rhodesia. It is not properly the business of the United Nations or of the United States.

The second charge is positively ludicrous. If the United Nations Security Council were to impose economic sanctions on every country ruled by a minority, it would have to begin with one of the most prominent members of the Council itself—the Soviet Union, where 240,000,000 people are ruled by a tiny handful of Communist Party leaders.

The third charge made by the United Nations Security Council—namely, that Rhodesia threatens world peace—is obviously absurd. No one actually believes that Rhodesia threatens the peace.

The policy of the United Nations Security Council toward Rhodesia is rooted in falsehood and injustice. Yet, the United States has actively supported this policy.

It should be noted that the sanctions policy is not only unjust, but is also ineffective. The Secretary General of the United Nations has written to all member states requesting information on actions taken by the several governments to assure compliance with the sanctions against Rhodesia.

As of the latest available Security Council reports, replies had been received from 104 of the 127 members of the United Nations. This means that 23 members have not even answered the inquiry of the Secretary General.

Of the nations which have replied, at least six—Zambia, Botswana, Portugal, Malawi, South Africa, and Switzerland—have indicated that they are unwilling or unable to comply with the United Nations policy. And of the 95 countries that have definitely indicated compliance, many never had any trade with Rhodesia in the first place. This fact was specifically noted in replies from 13 member countries.

Furthermore, enforcement of the boycott has not been successful. Last year a special United Nations committee on enforcement of the sanctions reported that 60 reports of violations were received during 1969. Since then, additional complaints have been received. I understand the total is now over 100.

I am now and have been from the outset opposed to the policy of sanctions against Rhodesia as being unjust and contrary to the interests of the United States.

However, my legislation would not require that the United States abandon all sanctions against Rhodesia—much as I wish that this be done.

The only commodity affected by S. 1404 would be chrome ore.

The reason for singling out this commodity is clear and simple: It is the one item which could and should be imported from Rhodesia that is vital to the national security of the United States.

At the present time, there is pending in the Senate Armed Services Committee legislation supported by the administration which would authorize withdrawal from the national stockpile of approximately 30 percent of this Nation's strategic reserve of chrome ore. Release of this amount—approximately 1.3 million tons—would provide a short-range solution for the problems faced by American industry because of the present chrome shortage.

However, withdrawal from the stockpile clearly leaves the long-range problem unsolved. If the present rate of consumption of chrome ore continues, the amount to be disposed of would supply our requirements for less than 2 years. Obviously, we cannot go on reducing the stockpile indefinitely without jeopardizing national security.

Furthermore, withdrawals from the stockpile do nothing toward eliminating our dependence upon the Soviet Union for a large portion of the chrome needed for industry and defense.

I do not believe that it is logical for the United States to continue to be dependent on Communist Russia for a material vital to our national defense.

We are spending billions of dollars for weaponry as a protection against possible Russian aggression.

Russia is the No. 1 reason—and indeed almost the sole reason—for our huge defense expenditures.

In summary, my legislation does one thing and one thing only: It simply provides that the President could not prohibit imports of a strategic material from a free world country if importation of the same material is permitted from a Communist-dominated country.

I believe it is vital that this question come to a vote in the full Senate. I shall try to insure that the Senate is given the chance to register its will on this vital question.

I ask unanimous consent that the text of S. 1404 be printed in the RECORD at this point.

There being no objection, the bill (S. 1404) was ordered to be printed in the RECORD, as follows:

S. 1404

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 5(a) of the United States Participation Act of 1945 (22 U.S.C. 287c(a)) is amended by adding at the end thereof the following new sentence: "On or after the effective date of this sentence, the President may not prohibit or regulate the importation into the United States pursuant to this section of any material determined to be strategic and critical pursuant to section 3 of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98a), which is the product of any foreign country or area not listed as a Communist-dominated country or area in general headnote 3(d) of the Tariff Schedules of the United States (19 U.S.C. 1202), for so long as the importation into the United States of material of that kind which is the product of such Communist-dominated countries or areas is not prohibited by any provision of law."

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Hackney, one of its reading clerks, announced that the House had passed H.R. 9388, an act to authorize appropriations to the Atomic Energy Commission in accordance with section 261 of the Atomic Energy Act of 1954, as amended, and for other purposes, in which the concurrence of the Senate is requested.

BILLS PLACED ON CALENDAR

The bill (H.R. 9388) to authorize appropriations to the Atomic Energy Commission in accordance with section 261 of the Atomic Energy Act of 1954, as amended, and for other purposes, was read twice by its title and ordered placed on the calendar.

The PRESIDING OFFICER (Mr. DOMINICK). Under the previous order, the Senator from Alaska (Mr. GRAVEL) is now recognized for not to exceed 15 minutes.

HOME BY CHRISTMAS

Mr. GRAVEL. Mr. President, I rise today to compliment and praise the President of the United States. I must admit I do not do this frequently.

However the President's statement last evening that he will go to the People's Republic of China on a goodwill visit is one I must applaud.

I congratulate the Government of the People's Republic of China on inviting him and I congratulate him on accepting that invitation.

Certainly such a visit will enhance the chances of peace.

Nevertheless I hope the projected travel plans of one American to Asia will not deflect the public's attention from the travel plans of many Americans from Asia.

Mr. President, I hope that this trip to China will not be used in a public relations manner to overshadow the chance that we could have our prisoners of war home with their families by Christmas if the President of the United States would similarly go on television and announce his decision to make this happen.

On July 1 Madame Binh presented a seven point program to the negotiators at the Paris Peace Conference.

She stated the North Vietnamese requirements for peace, which are:

First, the United States must stop the Vietnamization program, withdraw our troops and dismantle our bases by the end of 1971 in return for the release of all American prisoners of war held by North Vietnam. Such a withdrawal would include a limited cease-fire.

Second, the United States must cease backing the bellicose Thieu regime so that a provisional government can be set up. This will form a national concord, stop terrorist actions, stabilize living conditions, and supervise free elections.

Third, the Armed Forces question must be settled in South Vietnam.

Fourth, the North and the South will jointly form a government. It will refrain from joining military alliances or supporting military activities of other nations.

Fifth, the new government will base its foreign policy on peace and neutrality with all countries.

Sixth, the United States must bear full responsibility for all losses and destructions it has caused the Vietnamese people.

Seventh, the parties will negotiate the guarantee of these accords.

I ask unanimous consent that the full text of that peace plan be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. GRAVEL. Mrs. Binh expanded her proposal on July 7 in an interview. She stated the plan is not an "inflexible take-it-or-leave-it package" which must be totally accepted or rejected by the other parties involved.

Le Duc Tho, member of the North Vietnamese Politburo and the chief Communist negotiator made the same point the day before. In a New York Times interview, Tho made it clear that the points of the plan are not interdependent and are open to negotiation.

At first the U.S. chief negotiator, Ambassador David K. E. Bruce, reserved comment on the plan. Then he said the proposal would receive "careful consideration."

And that is all he said.

The Nixon administration responded in Washington on July 2. Presidential Press Secretary Ron Ziegler said that the administration saw "positive as well as clearly unacceptable elements" in the latest Communist peace plan.

Eventually Ambassador Bruce gave the official response, and asked for an unusual secret session of the Paris peace talks to consider those proposals.

He requested that future talks be held in so-called "restricted sessions—free from the glare of publicity and without the need to make public statements except to the degree we mutually agree upon."

The U.S. reaction was waffled and left a great deal of to be desired, while many other nations responded openly and favorably to the plan. The Soviet Union, France, the People's Republic of China, and even the Vice President of South Vietnam stated they viewed the proposal as a substantial basis upon which to build a settlement.

Where does this leave the United States?

To answer this we must trace what the Nixon administration has defined as our policy in the Southeast Asian war.

First a look at the prisoner of war issue.

The administration had suggested last October 7 that a troop withdrawal be tied to a release of POW's.

The Vietnamese have now taken up our offer.

The agony of the wives and families involved is heartbreaking.

Many have realized they were foils for the President's rhetoric and are now castigating the Nixon administration.

The United States could accept part of Madame Binh's proposal and negotiate the rest of it and have our POW's home by Christmas.

Why hasn't the Nixon administration not chosen to do this?

What has stopped such a course of action?

The response to this must be as follows:

The administration's response is based solely on a desire to maintain the present Government of South Vietnam in power. The POW issue is simply a strawman issue, used by the present administration for political rhetoric and expediency.

Our men could be home by Christmas. But they will not be.

We must ask "Why?"

The answer to this is hidden in the rhetoric of our supposed policy goals.

The first stated goal of the administration is to give the current South Vietnamese Government a reasonable chance for political survival.

The South Vietnamese Government could survive politically under the north's peace plan. Included in that peace plan is a provision to set up a neutral government with open elections.

The Thieu regime has not even guaranteed that.

A new election law passed over the Memorial Day weekend requires presidential candidates to get the sponsorship of 100 provincial councilors or 40 national assemblymen.

This law makes a mockery of the democratic election process.

Vice President Ky and General Big Minh may not even be able to meet the election requirement, essentially doing away with any legitimate opposition candidate to President Thieu.

The last presidential candidate to oppose Thieu is in prison.

Another would-be popular candidate, Truong Nat Thao, is also in prison.

Others are being harassed by the government.

Our Embassy has chosen to publicly ignore these antics, certainly proof that we can no longer continue the rhetoric of defending free elections and democracy in South Vietnam.

The second stated goal of the Nixon administration's presence in South Vietnam is to give the goverment a chance to survive—a military chance to survive.

South Vietnamese forces outnumber the North Vietnamese 4 to 1.

They also have superior resources and material to wage an air or a sea war.

We have poured billions of dollars into equipping South Vietnam's army and have spent hundreds of thousands of man hours training their forces.

The Nixon administration has repeatedly extolled the great successes of its Vietnamization policy.

And now we are told we must do even more to insure the military survival of the current government.

Will the likelihood of peace hurt the military survival chance of South Vietnam or will it hurt only the Thieu Government?

Vice President Ky has talked of peace in his campaign for the Presidency.

So has General Big Minh.

Our peace efforts cannot wait until after the October 3 election. And they do not have to unless the Nixon administration is afraid that such efforts will hurt Thieu's reelection chances.

If that is so, we are not working for peace. We are working for Thieu.

Instead of working openly for peace we are calling for secret negotiations where we can present our response to North Vietnam's seven-point peace program.

The desire to negotiate in secret and to delay meaningful negotiations until after the October 3 election is a desire which seeks to guarantee a client state in South Vietnam under the vassalship of Thieu.

We are proceeding by secret means to insure the continued subjugation of the South Vietnamese to the desires of the United States.

We are ignoring the cries of Americans to bring our prisoners home—now.

We are ignoring the expressed desire of the U.S. Senate to set a date for withdrawal of U.S. forces from South Vietnam.

Instead, we are calling for a "fresh start" in secret talks and delaying significant negotiations until after the October 3 elections.

There is only one conclusion we can come to:

While using the rhetoric of working for a negotiated peace, we are actually working for a politically expedient settlement that will insure the survival of Thieu's government.

That is a repetition of prior history.

We are using the rhetoric of peace while missing chances to insure that peace.

President Nixon has stated time and time again that he wishes to negotiate a peace settlement. He has said the only item that is stopping us now is giving the Vietnamese people a chance to survive.

He really means the only item that stops us now is our need to insure Thieu's survival.

Only one conclusion can be drawn.

The present administration's power clearly denotes a lack of candor and a lack of desire to keep the American people informed as to what is actually happening and as to what its actual goals are in Southeast Asia.

That is a charge that has been made against prior administrations as a result of the revelations made in the Pentagon papers.

Certainly the Nixon government's efforts to quash publication of the Pentagon papers is evident testimony that the American people might, through comparative analysis, truly realize—putting Republican rhetoric aside—that the goals pursued in Vietnam by this Government are not peaceful ones.

They are political ones.

Mr. President, as a rapid addition to the foregoing, the minority leader stated he felt that the actions taken with China of late by the President would act as a catalyst to push North Vietnam from behind. I would suggest that we have been undergoing similar activity with the Soviet Union for several years. Of course, it has not acted as a catalyst to push from behind. In fact, the record of the last 10 or 15 years indicates the contrary. I would hope that the administration would take a very straightforward approach and push from the front. Of course, we ourselves are the only ones who can push from the front, in the full light of day, by offering to negotiate sincerely and publicly.

EXHIBIT 1

VIETCONG: UNITED STATES MUST END ITS INTERFERENCE IN SOUTH VIET AFFAIRS

PARIS, July 1.—The following, in unofficial translation, is the text of the seven-point program put forward at the Paris conference on Vietnam today by Mrs. Nguyen Thi Binh, representative of the Vietcong's Provisional Revolutionary Government.

(1) Regarding the deadline for the total withdrawal of U.S. forces: The U.S. government must put an end to its war of aggression in Vietnam, stop the policy of "Vietnamization" of the war, withdraw from South Vietnam all troops, military personnel, weapons, and war materials of the United States and of other foreign countries in the U.S. camp, and dismantle all U.S. bases in South Vietnam, without posing any condition whatsoever.

The government must set a terminal date for the withdrawal from South Vietnam of the totality of U.S. forces and those of the other foreign countries in the U.S. camp.

If the U.S. government sets a terminal date for the withdrawal from South Vietnam in 1971 of the totality of U.S. forces and those of the other foreign countries in the U.S. camp, the parties will at the same time agree on the modalities:

(A) of the withdrawal in safety from South Vietnam of the totality of U.S. forces and those of the other foreign countries in the U.S. camp.

(B) of the release of the totality of military men of all parties and of the civilians captured in the war (including American pilots captured in North Vietnam), so that they may all rapidly return to their homes.

These two operations will begin on the same date and will end on the same date.

A cease-fire will be observed between the South Vietnam People's Liberation Armed Forces and the armed forces of the United States and of the other foreign countries in the U.S. camp as soon as the parties reach agreement on the withdrawal from South Vietnam of the totality of U.S. forces and those of the other foreign countries in the U.S. camp.

(2) Regarding the question of power in South Vietnam: The U.S. government must really respect the South Vietnam people's right to self-determination, put an end to its interference in the internal affairs of South Vietnam, cease backing the bellicose group led by Nguyen Van Thieu at present in office in Saigon, and stop all maneuvers, including tricks on elections, aimed at maintaining the puppet Nguyen Van Thieu in office.

By various means, the political social and religious forces in South Vietnam aspiring to peace and national concord will form in Saigon a new administration declaring itself for peace, independence, neutrality and democracy. The Provisional Revolutionary Government of the Republic of South Vietnam will immediately enter into talks with that administration to settle the following questions:

(A) To form a broad three-segment government of national concord that will assume its functions during the period between the restoration of peace and the holding of general elections and will organize general elections in South Vietnam.

A cease-fire will be observed between the South Vietnam People's Liberation Armed Forces and the armed forces of the Saigon administration as soon as a government of national concord is formed.

(B) To take concrete measures with the required guarantees so as to prohibit all acts of terror, reprisal and discrimination against persons having collaborated with one or the other party, to ensure every democratic liberty to the South Vietnam people, to release all persons jailed for political reasons, to dissolve the concentration camps and to liquidate all forms of constraint and coercion so as to permit the people to return to their native places in complete freedom and to freely engage in their occupations.

(C) To see that the people's conditions of living are stabilized and gradually improved, to create conditions allowing everyone to contribute his talents and efforts to heal the war wound and rebuild the country.

(D) To agree on measures to be taken to enable the holding of genuinely free, democratic, and fair general elections in South Vietnam.

(3) Regarding the question of Vietnamese armed forces in South Vietnam: The Vietnamese parties will together settle the question of Vietnamese armed forces in South Vietnam in a spirit of national concord, equality, and mutual respect, without foreign interference, in accordance with the post-war situation and with a view of alleviating the contributions of the population.

(4) Regarding the peaceful reunification of Vietnam and the relations between the north and south zones:

(A) The re-unification of Vietnam will be achieved step by step, by peaceful means, on the basis of discussions and agreements between the two zones, without constraint or annexation by either party, without foreign interference.

Pending the reunification of the country, the north and the south zones, will reestablish normal relations, guarantee free movement, free correspondence, free choice of residence, and will maintain economic and cultural relations on the principle of reciprocal advantages and mutual assistance.

All questions concerning the two zones will be settled by qualified representatives of the Vietnamese people in the two zones on the basis of negotiations, without foreign interference.

(B) In keeping with the provisions of the 1954 Geneva agreements on Vietnam, in the present temporary partition of the country into two zones, the north and the south zones of Vietnam will refrain from joining any military alliance with foreign countries, from allowing any foreign country to have military bases, troops and military personnel on their soil, and from recognizing the protection of any country of any military alliance or bloc whatever.

(5) Regarding the foreign policy of peace and neutrality of South Vietnam will pursue a foreign policy of peace and neutrality, will establish relations with all countries regardless of their political and social regime, in accordance with the five principles of peaceful coexistence, will maintain economic and cultural relations with all countries, will accept the cooperation of foreign countries in the exploitation of the resources of South Vietnam, will accept from any country economic and technical aid without political conditions attached and will participate in regional plans of economic cooperation.

On the basis of these principles, after the end of the war, South Vietnam and the United States will establish relations in the political, economic, and cultural field.

(6) Regarding the damages caused by the United States to the Vietnamese people in the two zones: The U.S. government must bear full responsibility for the losses and the destructions it has caused to the Vietnamese people in the two zones.

(7) Regarding the respect and the international guarantee of the accords that will be concluded: The parties will find agreement on the forms of respect and international guarantee of the accords that will be concluded.

TRANSACTION OF ROUTINE MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will be a period for the transaction of routine morning business, not to exceed 15 minutes, with a limitation of 3 minutes on each Senator to be recognized.

CHANGE IN PROGRAM FOR TODAY

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that, at the close of morning business today, the Senate proceed to the consideration of H.R. 9417, an act making appropriations for the Department of the Interior and related agencies.

The PRESIDING OFFICER (Mr. GRAVEL). Without objection, it is so ordered.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that on the disposition today of H.R. 9147, the Senate then proceeded to the consideration of the motion to take up the motion to reconsider Senate Resolution 100.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD of West Virginia. By way of explanation regarding the changed program today, Mr. President, it was the desire of the leadership to assist the distinguished Senator from Indiana with respect to his schedule by programing the motion to proceed to the motion to reconsider Senate Resolution 100 at the close of morning business today. It now appears that this cannot be done; and because of this circumstance, the change in the program has been necessitated. It is not anticipated that a great deal of time will be required, however, in the consideration of the disposition of the appropriation bill for the Department of the Interior.

The PRESIDING OFFICER. Is it the intention to leave these orders unchanged and merely alter the order of consideration?

Mr. BYRD of West Virginia. Yes. I thank the distinguished Presiding Officer. The Chair is correct.

The PRESIDING OFFICER. The unanimous-consent agreements relative to each will stand, and the order in which they will be taken up is reversed.

Mr. BYRD of West Virginia. Exactly.

ORDER FOR TRANSACTION OF ROUTINE MORNING BUSINESS ON MONDAY, JULY 19, 1971

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that on Monday next, immediately following the recognition of the two leaders under the standing order, there be a period for the transaction of routine morning business, with statements therein limited to 3 minutes, the period not to exceed 30 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

AUTHORIZATION TO CONSIDER H.R. 9272, APPROPRIATIONS FOR DEPARTMENTS OF STATE, JUSTICE, AND COMMERCE, ON MONDAY NEXT

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that on Monday next, at the conclusion of the period for the transaction of routine morning business, the Senate proceed to the consideration of H.R. 9272, an act making appropriations for the Departments of State, Justice, and Commerce.

The PRESIDING OFFICER. Without objection, it is so ordered.

QUORUM CALL

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRESIDENT NIXON'S TRIP TO THE PEOPLES REPUBLIC OF CHINA

Mr. BYRD of West Virginia. Mr. President, I applaud President Nixon for the breakthrough he has achieved in his decision to visit the People's Republic of China. This, I think, may mark an all-important turning point in America's quest for peace among the nations of the world.

The reaction to the announcement last night is overwhelmingly favorable, both in this country and abroad.

I believe that what the President has done should indicate a settlement of the Vietnamese war and will lessen tensions in Asia and in Europe.

In timing his visit to occur before next May—some 10 months from now—President Nixon has hopefully improved the prospects for negotiation of a final and honorable peaceful settlement in Indochina.

As for Taiwan, the President has indicated that while realities must be faced, the United States will continue to honor its obligations to the Government of Nationalist China. This, of course, could preclude for the time being the establishment of formal displomatic relations between the United States and Mainland China.

But if the Peking Government is admitted to the United Nations—as it now appears will be done—opportunities so badly needed could be provided for the representatives of our Government and the government of the most populous country in the world to begin consideration of problems that are mutual concern to both countries.

The President's decision to visit the Peoples Republic of China will strengthen the image of the United States throughout the world—as if that image needed improvement—as a nation which tries to seek peace and which truly desires peace.

I shall support the President fully in the course on which he has now embarked.

QUORUM CALL

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. GAMBRELL). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. AIKEN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE PRESIDENT'S PROPOSED VISIT TO MAINLAND CHINA

Mr. AIKEN. Mr. President, first off, let me commend the President on his statement last night, first because he made a statement that did not leak and, second, because he made a statement of extreme importance not only to the United States but also to the entire world.

It will, of course, take some time to evaluate the full significance of the statement which President Nixon has made relative to his pending visit to the People's Republic of China, an historic incident in itself. But we can be sure that as a result of what he has done, mainland China will most certainly take part in any Asian conference which is held to consider the future of the countries of that great continent.

I feel that the participation of mainland China is essential to the success of any such conference. I also feel that the President's announcement, which was announced simultaneously in Peking, should have considerable influence on the North Vietnamese Government and should convince Hanoi that the sooner a satisfactory settlement can be made for complete withdrawal of the troops of both North Vietnam and the United States from the battle arena, and the release of all prisoners held by both sides, the more highly beneficial it will be, not only to the countries directly involved but to the rest of the world as well.

I believe that the President's statement will be effective in convincing the rest of the world that this world of ours is not divided into just two parts, part Russian and part United States. It may conceivably be helpful in getting beneficial results from the SALT talks, but that remains to be seen.

Perhaps most important of all, it will reassure millions of Americans who had doubts that the President was really concerned with restoring peace to the entire world, and in maintaining it.

It goes without saying that the action by the President will create some new problems. We cannot have progress in almost any field without creating problems, because problems and progress go hand in hand. But so far as the President's announcement is concerned, that he is going to visit mainland China with the undoubtedly better relations that will follow between that part of the world and the rest of the world, including ourselves, I am satisfied that the benefits contained in the President's statement will far outweigh any new problems created, many times over.

Mr. JAVITS. Mr. President, just a word or two concerning the sensational announcement respecting mainland China which was made by President Nixon last night.

I thoroughly agree with the distinguished Senator from Vermont (Mr. AIKEN), who has just spoken, that its advantages will far outweigh its disadvantages.

I believe it to be one of the most portentous, if not the most portentous statement made on foreign policy since World War II. It is certainly one of the most portentous developments since that time.

To me, it signals the fact that foreign policy, from now on, will have to be designed for the remainder of the 20th century. It is completely premised, in my judgment, on the fact that by the time the President visits mainland China, we will be, so far as our troops are concerned, out of Vietnam.

That is all to the good. For practical purposes, it already fixes the date of our withdrawal from Vietnam.

I think also that Americans should be watchful of any euphoria about this matter, because Communist China, or mainland China, is still strongly revolutionary and does not agree with our system of government and will do its utmost to install its system wherever it can. However, that is something we have lived with for many years with the Soviet Union and we can live with it with mainland China. But the bridges to be built, the relations with the rest of the world to be had, and the possibility of a nuclear weaponry agreement between the big three, not just the big two, are so great as to far outweigh the danger which continues to the freedom of mankind.

Thus, Mr. President, I welcome the President's statement very much and think, as I have said, that it is really one of the great initiatives in foreign policy that we have seen since World War II.

INTERNATIONAL LABOR ORGANIZATION

Mr. JAVITS. Mr. President, as I shall be necessarily absent on Monday, I wish to record my great appreciation and satisfaction—I think it is a great boon to the country—that the Appropriations Committee has included in the State, Justice, and Commerce bill, which will be considered on Monday, the full amount required to pay our dues to the International Labor Organization.

I had the honor to be an observer of the Senate at Geneva at its last meeting and made an extensive report to the Senate urging this step.

I believe that we have now accomplished a great deal of the reform we wanted and are in a position to accomplish much greater reforms by paying our dues than by withholding them. Paying our dues is far more compatible with our status. Whatever may have been my views before, I think something was gained in withholding our dues. However, it would now be counter-productive and regressive to withhold them.

I commend this point of view to all Senators. I want very much to see the Appropriations Committee sustained. I hope that the Appropriations Committee will stand fast in the conference.

Mr. President, I ask unanimous consent that my testimony before the Subcommittee of the Appropriations Committee given on this matter on July 8 may be printed in the RECORD.

There being no objection, the testimony was ordered to be printed in the RECORD, as follows:

TESTIMONY BY SENATOR JAVITS, PREPARED FOR DELIVERY AT THE APPROPRIATIONS COMMITTEE HEARING ON THE APPROPRIATION FOR THE INTERNATIONAL LABOR ORGANIZATION

Mr. Chairman, I appreciate this opportunity to testify in support of the Administration's appropriation request for $11.6 million to enable us to meet our current and past dues obligation to the International Labor Organization.

Pursuant to my appointment by the Senate as an observer, I attended the opening of the recently concluded 56th annual conference to meet with the tripartite members of the American delegation, as well as the Director-General of the ILO, Wilfred Jenks. At these meetings I was able to explore in depth the problems which have arisen for us within the ILO in recent years, and the progress which has been made in resolving them.

The American delegation—government, labor, and employer delegates—were unanimous in the view that any further withholding of our funds from the ILO would be extremely counterproductive from our point of view.

They made it clear that as a result of our action in withholding our dues payments for the last half of 1971 we have now reached a critical stage with respect to our relationship with the ILO; and that continued failure to appropriate funds to pay our dues will have the most serious ramifications for the ILO and our ability to function as a member of the organization.

I share that view and on June 21, 1971, I filed with the Senate a full report on the ILO which analyzes the problems that have arisen within the organization for us, the improvements which have been made in response to our complaints, and the reasons why I believe we should pay our dues and not withdraw from the organization. I ask unanimous consent that the text of my report be made a part of the record.

In my report, I point out what I believe to be the compelling reasons why we should now appropriate the funds to enable us to pay our dues obligations to the ILO.

To summarize the reasons for paying our dues:

First, we have a binding international obligation to pay our dues. We have long criticized the failure of communist nations to pay their U.N. assessments, and have gone to the point of pressing the matter before the World Court of Justice. Our cavalier disregard for our financial obligations to the ILO is not only demeaning to us as a great nation, but also undercuts our stand in the U.N. with respect to communist failures to pay assessments. Our sincerity and credibility on this issue has already been substantially impaired in the eyes of the world because of this ILO situation.

Second, during the past year a number of developments have occurred within the ILO which signify great improvement of the ILO from our point of view. These encouraging developments have already been brought to the attention of this Subcommittee in the testimony of Assistant Secretary of State de Palma. They include:

(1) A marked decrease in the anti-American polemics in various ILO conferences;

(2) Better control of the content of ILO publications to screen out communist propaganda;

(3) The willingness of the Conference Committee on Freedom of Association to face squarely the question of violation of the important Freedom of Association convention in Czechoslovakia and the U.S.S.R.;

(4) The resistance to structural changes demanded by the communists to overcome the refusal of worker and employer delegates to recognize as such their communist counterparts, and;

(5) The election of an employer representative as the President of the recently-concluded annual conference over the objections of the communists.

It may well be that these encouraging developments within the ILO are attributable to our withholding of our dues for the last half of fiscal year 1971. Although I opposed this action last year because I considered it to be a violation of our international obligation and a bad precedent, certainly there is no doubt that the withholding of our dues last year had a great "shock" value within the ILO, with the result that our complaints were taken more seriously by the International Labor Office and by the member countries in the ILO. Granting this shock value, however, it does not follow, as was argued in the other body, that we should continue to withhold our dues payment in the hopes of seeking further improvement. For, I believe continuance of this practice will be highly prejudicial to us and to the ILO.

Our dues ($7.9-million) represent about 25 percent of the ILO budget. Our failure to pay the last half of our 1971 dues has necessitated some administrative belt-tightening and the use of reserves, but up to now no permanent cutbacks in staff or in operations have been necessary. However, continued withholding of our dues will necessitate permanent cutbacks in staff and in operations, commencing this fall. The result of such cutbacks would be a legacy of bitterness toward the U.S. within the ILO and, equally important, among the countries of the developing world which depend upon the ILO for technical assistance and manpower projects.

Thus, there would be a further weakening of the field structure on which the future of the whole operational program of the Organization was dependent.

This, together with the drastic cuts in regular budget technical cooperation already in force, and the serious weakness of technical departments that will be caused by the reductions, would seriously reduce the ILO's future technical cooperation work at a time when new United Nations Development Program approaches to programming require a competent mobile ILO presence in the field more than ever; in many areas there would simply not be the people, the expertise, and the travel facilities to develop new projects and to complete successfully those already started.

The World Employment Program will be further affected; the Jobs and Skills Program for Africa, already seriously delayed as a result of measures taken hitherto, could not start; the research program, which was important to ensure the vitality of poliy and relevance of action in this essential field, would be further reduced.

Further postponements of meetings would become necessary.

There would be consequent weakening of personnel and financial management.

It will be necessary to terminate the appointments of a further number of Professional and General Service officials whose skills and experience would, in all likelihood, be permanently lost to the Organization.

As I have explained in my report to the Senate, the work of the ILO is extremely important in helping the developing countries of the world cope with the inevitable strains and tensions of industrialization. The tripartite system on which the ILO is premised, and upon which its projects are based, is fundamentally consistent with Western democratic ideals and irreconcilable with totalitarianism of the left or the right. It is thus to our benefit—not the communists!—to have the ILO continue as a strong, viable organization.

No other organization offers us a format in which we can challenge so directly the myths about freedom within communist countries frequently propagated by the communists. The program of multilateral aid and assistance offered by the ILO is certainly superior to any system of bilateral aid which could be devised as a substitute for it in case we were to withdraw from the ILO.

The standards developed by the ILO in various fields through Conventions and Recommendations on subjects such as social security and occupational health and safety have had considerable effect on legislation enacted by both developed and developing countries throughout the world and could be of benefit in helping to establish principles of fair international competition as the basis for resolving some of the difficult trade problems which have arisen for the U.S. and other countries recently. I am pleased to note, in the latter connection, that the Director-General, in his closing address to the 56th annual conference, pledged to initiate discussions in the field of trade problems with the other international agencies directly concerned such as GATT and UNCTAD.

Under these circumstances, even assuming—which I do not—the propriety of withholding our dues as a tactical move to improve our position in the ILO, it is apparent that any further withholding of our dues would not work to our advantage. In that connection, I note further that it is apparently the position of the House Committee that we should remain in arrears in our dues until the last possible moment before we lose our voting rights under the ILO Constitution and then pay only enough of our debt to preserve our right to vote. Such a tactic is not only morally and legally indefensible, but it also would be counterproductive. I cannot envisage a policy which would be better calculated to turn the International Labor Office and the delegates of other countries so much against us.

We are, thankfully, past the stage where crude international conduct of this kind can be expected to work, nor can we afford the luxury of a "rule or ruin" attitude toward international organizations just because we pay a large proportion of the cost.

Our policy toward the ILO, as toward other international organizations, must be to fight aggressively and effectively within the organization for what we believe to be right; not to act like a spoiled child. We cannot, of course, expect to win all the time; compromises will be necessary and reverses may have to be accepted. But I am confident that with the proper amount of commitment we shall more than hold our own in the ILO and that it will be most worthwhile for us. As I have pointed out in my report, it bears emphasis in this connection that many of our problems with the ILO actually stem from our own failure to devote sufficient time, energy and resources to the ILO, a failure which has been acknowledged by the Administration. This year we did take the ILO seriously, and the resulting improvements, which I have summarized above, speak for activism.

Finally, there is one point which was raised in the debate in the House of Representatives on the ILO appropriation which was not covered in my report. It concerns the construction of a new headquarters building for the ILO, at a cost of approximately $30-million. It was argued in the House that the Congress had not received any previous notice of the decision to construct a new ILO headquarters building at a substantial cost to us.

It may well be that no official notice was transmitted to the Congress, or the House or Senate Appropriations Committees, of the decision to erect the new headquarters building. It should be made clear on the record, however, that American representatives did participate fully in the decisions of the Governing Body and the ILO Annual Conference Sessions authorizing the new building. In that connection, I ask that a memorandum concerning the decision to erect the new ILO building showing U.S. participation in the decision, be printed in the record.

I certainly share the view that Congress ought to be informed of decisions within international organizations entailing long-term commitments in U.S. funds. This should be the responsibility of the State Department as a general matter—it is a problem which involves all international organizations of which we are members, not just the ILO. But the failure of the State Department to notify Congress concerning the new ILO building, in particular, is no reason for us to go back on our obligations to the ILO, which had every right to rely on the good-faith and authority of those American representatives who participated in the decision authorizing the new building.

To summarize: Our delegation to the ILO is unanimously of the view that we ought to pay our dues to the ILO and there is no legal, moral or tactical justification for us to continue to withhold them. We will not succeed in bludgeoning the ILO into submission through withholding of our dues; on the contrary, the more likely result will be to create a permanent legacy of bitterness towards us, jeopardizing our future effectiveness within the organization—and the effectiveness of the Organization.

I hope very much the Committee will recognize the futility of the course chosen by the House from the standpoint of our long-term interest in a strong, viable ILO and will restore the funds to enable us to pay our dues.

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

The ACTING PRESIDENT pro tempore (Mr. Packwood) laid before the Senate the following letters, which were referred as indicated:

Report of Comptroller General

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on Substantial Savings By Obtaining Competition in the Rental of the Government's Punched Card Accounting Machine Equipment, dated July 15, 1971 (with an accompanying report); to the Committee on Government Operations.

Reports of Administrative Conference of the United States

A letter from the Chairman, Administrative Conference of the United States, transmitting, pursuant to law, a report of that Conference, for 1970–71 (with an accompanying report); to the Committee on the Judiciary.

Reports Relating to Third- and Sixth-Preference Classifications for Certain Aliens

A letter from the Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting, pursuant to law, report relating to third- and sixth-preference classifications for certain aliens (with accompanying papers); to the Committee on the Judiciary.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. BYRD of Virginia, from the Committee on Armed Services:

S. 2296. An original bill to amend sections 107 and 709 of title 32, United States Code, relating to appropriations for the National Guard and to National Guard technicians, respectively (Rept. No. 92–267).

By Mr. MAGNUSON, from the Committee on Commerce, with amendments:

S. 986. A bill to provide minimum disclosure standards for written consumer product warranties against defect or malfunction; to define minimum Federal content standards for such warranties; to amend the Federal Trade Commission Act in order to improve its consumer protection activities; and for other purposes (Rept. No. 92–269).

By Mr. LONG, from the Committee on Finance, with amendments:

H.R. 4590. An act relating to the dutiable status of aluminum hydroxide and oxide, calcined bauxite, and bauxite ore (Rept. No. 92–268).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first time and, by unanimous consent, the second time, and referred as indicated:

By Mr. BYRD of Virginia:

S. 2296. An original bill from the Committee on Armed Services to amend sections 107 and 709 of title 32, United States Code, relating to appropriations for the National Guard and to National Guard Technicians, respectively. Ordered to be placed on the calendar.

By Mr. MATHIAS (for himself, Mr. Beall, Mr. Byrd of Virginia, and Mr. Spong):

S. 2297. A bill to amend the National Capital Transportation Act of 1969 (83 Stat. 320) to provide for Federal guarantees of obligations issued by the Washington Metropolitan Area Transit Authority, to authorize an increased contribution by the District of Columbia, and for other purposes. Referred to the Committee on the District of Columbia.

By Mr. METCALF (for himself and Mr. MANSFIELD):

S. 2298. A bill to declare that certain federally owned land is held by the United States in trust for the Fort Belknap Indian Community. Referred to the Committee on Interior and Insular Affairs.

By Mr. PEARSON:

S. 2299. A bill to amend the Federal Aviation Act of 1958 to provide proper penalties in the event of aircraft piracy, and for other purposes. Referred to the Committee on Commerce.

STATEMENT ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. MATHIAS (for himself, Mr. BEALL, Mr. BYRD of Virginia, and Mr. SPONG):

S. 2297. A bill to amend the National Capital Transportation Act of 1969 (83 Stat. 320) to provide for Federal guarantees of obligations issued by the Washington Metropolitan Area Transit Authority, to authorize an increased contribution by the District of Columbia, and for other purposes. Referred to the Committee on the District of Columbia.

FEDERAL GUARANTEES OF WMATA OBLIGATIONS

Mr. MATHIAS. Mr. President, for myself and the junior Senator from Maryland (Mr. BEALL), the senior Senator from Virginia (Mr. BYRD), and the junior Senator from Virginia (Mr. SPONG), I introduced for appropriate reference a bill to amend the National Capital Transportation Act of 1969 to provide for Federal guarantees of obligations issued by the Washington Metropolitan Area Transit Authority, to authorize an increased contribution by the District of Columbia, and for other purposes.

This legislation will assure the marketability of the revenue bonds to support the Washington regional rapid rail transit system, and will help WMATA meet the increased costs which have resulted from severe, prolonged inflation in the construction industry. In short, this bill will provide the financial fuel for the Metro system.

The Congress and Washington area governments have been engaged in planning, shaping, and laying the foundations for a regional mass transit system for almost 20 years. Throughout that time, the Congress has responded to the area's needs by approving a series of vital measures, most recently the landmark National Capital Transportation Act of 1969 which authorized the construction of a 98-mile regional rapid rail transit system. That act not only responded to the Washington area's urgent need for transportation alternatives to private automobiles and buses. It also reflected an unprecedented degree of regional political and financial cooperation, a spirit which has characterized this massive project from the start.

Since that time Metro has become far more than an abstract proposal or a network of lines on a map. Construction is well underway. Metro contractors are visibly and audibly at work near Union Station, at Judiciary Square, along G Street, on Connecticut Avenue, at Dupont Circle, and in Rosslyn. Less visible but especially impressive is the tunnel now inching from Rock Creek toward downtown Washington. If the current schedule is maintained, the first Metro trains should begin to run early in 1974.

When the National Capital Transportation Act of 1969 was enacted, the total cost of the 98-mile regional system was estimated to be $2.535 billion. Of this, $835 million was to be realized through revenue bonds, to be supported by fare box receipts. The balance of the cost, $1.7 billion, was to be shared by the Federal Government and the eight participating jurisdictions on a two-thirds Federal, one-third local matching basis.

Since that time, two factors have developed to impair that financial plan. The first is the unusually high rate of escalation of construction costs, an escalation which became apparent to WMATA as soon as the first bids had been solicited. Restudies of projected construction costs last summer showed that, as a result of inflation and some unexpected delays, the system is likely to cost about $500 million more than the original projections. While revenue projections have also increased somewhat, the net increase in costs has been pegged at about $450 million.

The second development has been the need to expedite the marketing of the necessary revenue bonds by providing investors with improved assurances. This problem results from the combination of higher interest rates than originally anticipated, the new $450-million gap in the Metro financial plan, and an apparent unwillingness of investors to purchase transportation securities in a market offering the current quantities of time-tested kinds of securities.

After a thorough review of these problems and the alternatives available, the legislation being introduced today was developed by the Department of Transportation and the Washington Metropolitan Area Transit Authority, with the full concurrence of all participating local jurisdictions. Essentially this bill is intended to assure the timely sale of revenue bonds and to assure the completion of the Metro system on a schedule best calculated to minimize its overall cost. The bill has seven basic features:

First, it provides for a Federal guarantee of WMATA's revenue bonds;

Second, the guarantee is conditioned on the conversion of the Authority's securities to taxable obligations;

Third, the revenue flowback to the Treasury through the taxes imposed on earnings on these securities will be returned to the Authority as an interest subsidy;

Fourth, the interest subsidy of 25 percent of the rate applicable to the Authority's obligations will be sufficient to cover the debt service of an additional $300 million in revenue bonds, bringing the total to $1.2 billion and thus providing the Federal two-thirds of the additional cost of the system;

Fifth, as a condition of this additional $300 million in Federal assistance, the participating jurisdictions will be required to contribute an additional $150 million, thus preserving the two-thirds/one-third matching formula;

Sixth, provision is made for the payment of the District of Columbia's share of the increased local contributions; and

Seventh, the bill includes compact amendments required to arrange for the issuance of its obligations.

This approach has three basic advantages. It will facilitate the immediate sale of the bonds at the most favorable interest rate, thereby avoiding any disruption of the construction schedule. It will give local governments up to 3 years to complete the necessary legal steps to provide for their additional contributions. At the same time, the Federal interest will be protected, since the sale of the additional $300 million in bonds will be contingent upon the completion of appropriate matching arrangements.

In my judgment, this is a sound and logical approach. Prompt congressional consideration and approval of this legislation will continue the tradition of congressional responsiveness to the transportation needs of the Washington area. In this regard, I am especially pleased that all three of my colleagues representing this region have joined me today in sponsoring this bill, as evidence of our continuing commitment to the Metro system and the cooperative, bipartisan approach which it reflects.

As one Senator, I believe that the Metro system is essential to the future health and growth of the National Capital area and should be completed as rapidly as possible. Metro is simply too important to be held hostage to freeways, inflation, or interest rates. I know that my colleagues from Maryland and Virginia, and the other members of the Senate Committee on the District of Columbia, will continue to exert their best efforts to secure the necessary legislation and funding to make Metro's trains start to run on time.

Mr. SPONG. Mr. President, I am pleased to join the distinguished Senator from Maryland in sponsoring a bill to provide a Federal guarantee of the revenue bonds for the Washington area's Metro system. An improved transportation system is one of the most critical needs facing the National Capital area and the subway is a vital link in that system. This guarantee is essential to keep the project alive and it could result in significant savings through lower interest payments.

As one of the original sponsors of the Metro authorization bill, I have been deeply concerned about the delays in releasing the District's contribution toward building that system. Metro is already experiencing difficulties in the bond market where investors quite properly insist upon some assurance that the system will be built according to the original 98-mile plan. Continued delay in releasing the District of Columbia contribution not only weakens Metro's position in the bond market but is unfair to the local jurisdictions of northern Virginia and Maryland which scrupulously have lived up to their agreement.

I am not unsympathetic to the desire of certain Members of the Congress to see progress in the construction of new highways. These highways will be necessary to help carry the predicted traffic increase of the next decade. But, just as we cannot afford to emphasize subways to the neglect of highways, we cannot insist upon highways at the cost of jeopardizing the subway system. We need balanced transportation and we may need legislation which will assure that that balanced transportation takes place.

In large measure, the bill that is being introduced today has been made necessary by the continuing dispute over the District of Columbia Metro contribution. I think it is essential that the Congress end this long-boiling argument and make the District of Columbia money available in this year's budget. If it becomes necessary, I intend to propose as a rider to the appropriations bill when it comes to the Senate, an amendment to tie highway and subway funds together. Under this amendment, money would be provided for both developments or it would be provided for none.

This is not a course of action which I want to take and I hope it will not be necessary. I do want the Senate to know, however, that I will not stand by while the subway is allowed to wither by the failure of the Federal Government to honor its obligation and costs are allowed to escalate to prohibitive levels.

By Mr. PEARSON:

S. 2299. A bill to amend the Federal Aviation Act of 1958 to provide proper penalties in the event of aircraft piracy, and for other purposes. Referred to the Committee on Commerce.

HIJACKING LEGISLATION

Mr. PEARSON. Mr. President, I reintroduce today a bill to increase our ability to deal with the problem of hijacking.

A year ago a hijacking incident at Dulles International Airport captured the attention of the Nation. In the dramatic sequence of events, a TWA captain and resident of my State was wounded in the stomach. The next day I asked representatives from the airlines, airline pilots, and airport operators to meet with John Shaffer, Administrator of FAA, Secor Browne, Chairman of the Civil Aeronautics Board, and representatives of the Justice and State Departments and me to discuss what could be done about hijacking. The interchange of ideas that occurred during our meeting was most helpful and led to my introduction of this bill in the last Congress.

It is obvious, Mr. President, that the solutions to this problem are numerous and varied, as experts in this area well know. There are international problems, involving our relations with Cuba and other sanctuaries. The Tokyo and Hague Conventions, in which the United States has actively participated, have been steps in the proper direction. President Nixon has appealed to the United Nations for high priority on this problem stating:

> This is an issue which transcends politics; there is no need for it to become the subject of polemics or a focus of political differences. It involves the interests of every nation, the safety of every air passenger, and the integrity of that structure of order on which a world community depends.

I would point out, Mr. President, that during the last year we experienced two hijackings of 747's. Because the introduction of these new jumbo jets, with their increased passenger capacity, represented a new era in air travel, I think we all dreaded the day when one of them would be hijacked. Yet, it has happened twice. And it may happen again.

Mr. President, in 1961 the Congress enacted Public Law 87-197, entitled the Air Piracy Act, which was intended to provide adequate tools for the prosecution and, hopefully, the deterrence of air piracy. The bill I am introducing today would add two additional tools to better implement the intention of that act. First, 49 U.S.C. section 1472, subsection (i) would be amended so as to provide differential penalties. For example, there is a need for legislation to allow a lesser penalty to be imposed on a hijacker who, after taking over an airliner, surrenders his weapons and his control of the aircraft.

Under the present mandatory sentence, an air pirate has nothing to gain by abandoning his adventure once he begins. The proposed amendment would offer an inducement to any hijacker who, through persuasion by the crew or by law-enforcement authorities, decides to abandon his dangerous escapade. Second, 49 U.S.C. section 1472 would be amended so as to provide a penalty of $5,000 or 5 years' imprisonment or both for carrying a concealed weapon aboard or in an attempt to board an aircraft. Presently, the act provides a penalty of only $1,000 fine or 1 year's imprisonment or both, which is in the category of a misdemeanor in some jurisdictions.

Not only would this amendment elevate the penalty so as to make the act a better deterrent, but it would also strengthen the authority of a law officer conducting a protective search.

Mr. President, these are difficult times for the aviation industry. I think we all recognize that. The legislation I urge today is intended to improve the law enforcement and safety programs which are the responsibility of not just the airlines, but of the Federal Government as well. It is my hope and my belief that these and other steps to prevent hijacking might well be among the most helpful things we could do to improve our aviation industry.

Mr. President, I ask unanimous consent that the bill be printed in the RECORD at the conclusion of my remarks.

I also ask unanimous consent to have printed in the RECORD an exhaustive compilation of statistics furnished me by the Federal Aviation Administration, Office of Air Transportation Security. I would invite the attention of the Senate to these statistics because they indicate the number of hijackings, what cities and what airlines have been affected, what weapons or explosives have been used, the conviction or legal status of each hijacker, and other pertinent information. Finally, Mr. President, I ask unanimous consent that a letter from Capt. J. J. O'Donnell of the Air Line Pilots Association be printed in the RECORD. In it he states:

> The provisions of your Bill to amend Section 902 of the Federal Aviation Act would be an aid to flight crews.

There were no objection, the bill, compilation, and letter were ordered to be printed in the RECORD, as follows:

S. 2299

A bill to amend the Federal Aviation Act of 1958 to provide proper penalties in the event of aircraft piracy, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 902 of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1472), is further amended as follows:

(1) Subsection (i) is amended by inserting immediately before "by death" in subparagraph (1)(A), and immediately before "by imprisonment" in subparagraph (1)(B), "except as provided for in paragraph (3)" and by inserting the following new paragraph:

"(3) Notwithstanding the penalties outlined in paragraph (1) of this subsection, in the event any person who commits or is in the process of committing aircraft piracy shall, upon being advised by a crew member of the aircraft of the penalties contained in paragraph (1) surrender himself and whatever weapons he may have to the crew member thus allowing the aircraft to land at either its original destination or a point under control of the United States of America, he shall not be subject to the penalties contained in paragraph (1) but in lieu thereof shall be imprisoned for not more than five years."

(2) Subsection (j) is amended by striking "Whoever" and inserting in lieu thereof, "Except as provided for in paragraph (3) of subsection (i) of this section, whoever"; and

(3) Subsection (h) and (l) are amended by striking "$1,000" and "one year" whenever appropriate and inserting in lieu thereof "$5,000" and "five years".

HIJACKING STATISTICS—U.S. REGISTERED AIRCRAFT (1961 TO PRESENT)

	Air carrier			General aviation			Total		
	Successful	Unsuccessful	Total	Successful	Unsuccessful	Total	Successful	Unsuccessful	Total
1961	3	2	5	0	0	0	3	2	5
1962	0	0	0	1	0	1	1	0	1
1963	0	0	0	0	0	0	0	0	0
1964	0	0	0	1	0	1	1	0	1
1965	1	3	4	0	0	0	1	3	4
1966	0	0	0	0	0	0	0	0	0
1967	0	0	0	1	0	1	1	0	1
1968	13	4	17	5	0	5	18	4	22
1969	33	7	40	0	0	0	33	7	40
1970	18	8	26	1	0	1	19	8	27
1971	8	6	14	1	0	1	9	6	15
Total	76	30	106	10	0	10	86	30	116

Note: There have been 11 successful hijackings of U.S. registered aircraft which have terminated at locations other than Cuba. The locations are: Honolulu, Hawaii, 1965; Damascus, Syria, 1969; Rome, Italy, 1969; Beirut, Lebanon, 1970; Washington, D.C., 1970; Cairo, Egypt (2), 1970, 1970; Zerka, Jordan, 1970; Vancouver, B.C., 1971; Nassau, Bahama, 1971; and Buenos Aires, Argentina, 1971.

Source: Federal Aviation Administration Office of Air Transportation Security. Updated: July 6, 1971.

Type aircraft involved in hijacking incidents

Air carriers:	
Jets	96
Prop-Jets	4
Propeller Driven	6
Total	106
General aviation:	
Jets	0
Prop-Jets	0
Propeller Driven	10
Total	10

Type aircraft:	*No. of incidents*
B–747	2
B–727	33
DC–8	26
B–707	12
DC–9	13
B–720	3
DC–3	3
DC–6	1
Convair 880	4
Convair 440	1
Piper Apache	3
Lockheed 188	2
Fairchild F–27	1
Cessna Twin	2
Cessna 182	1
Cessna 177	1
Cessna 172	2
Convair 600	1
Heron	1
B–737	3
Cessna 402	1
Total	116

WHERE HIJACKER BOARDED AIR CARRIER (BY RANK AND ALPHABETICALLY WITHIN RANK)

Number	Rank	City	Number of hijackings
1	1	New York	11
2	2	Miami	9
3	3	Los Angeles	7
4	3	Chicago	7
5	4	Newark	6
6	5	Atlanta	4
7	5	San Juan	4
8	6	San Francisco	3
9	6	Tampa	3
10	7	Baltimore	2
11	7	Birmingham	2
12	7	Boston	2
13	7	Dallas	2
14	7	Kansas City	2
15	7	Mexico City	3
16	7	Phoenix	2
17	7	Pittsburgh	2
18	8	Albuquerque	1
19	8	Alexandria, La	1
20	8	Amsterdam	1
21	8	Beirut	1
22	8	Caracas	1
23	8	Charleston, S.C	1
24	8	Charleston, W. Va	1
25	8	Charlotte, N.C	1
26	8	Chico, Calif	1
27	8	Cincinnati	1
28	8	Cleveland	1
29	8	Detroit	1
30	8	El Paso	1
31	8	Frankfurt, Germany	1
32	8	Honolulu	1
33	8	Houston	1
34	8	Jacksonville	1
35	8	Key West	1
36	8	Las Vegas	1
37	8	Marathon, Fla	1
38	8	Milwaukee	1
39	8	Mobile	1
40	8	Molokai	1
41	8	Munich	1
42	8	New Orleans	1
43	8	Oakland	1
44	8	Orlando	1
45	8	Paris	1
46	8	Petoskey, Mich	1
47	8	Philadelphia	1
48	8	Raleigh/Durham	1
49	8	Rome	1
50	8	Saigon	1
51	8	San Diego	1
52	8	Winston-Salem	1

WHERE HIJACKER BOARDED AIR CARRIER (CHRONOLOGICALLY BY RANKED CITY)

Rank and where boarded	Date	Carrier	Next scheduled stop	Remarks
1 New York	Nov. 24, 1968	PAA	San Juan	
	Jan. 2, 1969	EAL	Miami	
	Jan. 19, 1969	EAL	do	
	Feb. 3, 1969	NAL	do	Unsuccessful.
	Mar. 5, 1969	NAL	do	
	May 5, 1969	NAL	do	
	Sept. 7, 1969	EAL	San Juan	
	Sept. 10, 1969	EAL	do	Do.
	Dec. 26, 1969	UAL	Chicago	
	Aug. 2, 1970	PAA	San Juan	
	Mar. 31, 1971	EAL	do	
2 Miami	May 1, 1961	NAL	Key West	
	July 24, 1961	EAL	Tampa	
	Oct. 26, 1965	NAL	Key West	Do.
	Nov. 30, 1968	EAL	Dallas	
	Jan. 9, 1969	EAL	Nassau	
	May 26, 1969	NEA	New York	
	Aug. 29, 1969	NAL	New Orleans	
	Oct. 30, 1970	NAL	Tampa	
	May 28, 1971	EAL	New York	To Nassau.
3 Los Angeles	July 17, 1968	NAL	New Orleans	
	Jan. 28, 1969	NAL	Miami	Stop Houston, New Orleans.
	June 25, 1969	UAL	New York	
	Oct. 9, 1969	NAL	Miami	
	Oct. 31, 1969	TWA	San Francisco	To Rome.
	Sept. 15, 1970	TWA	do	Unsuccessful.
	Jan. 3, 1971	NAL	Tampa	
3 Chicago	July 1, 1968	NWA	Miami	
	Nov. 23, 1968	EAL	do	
	May 25, 1970	AAL	New York	
	do	DAL	Miami	
	Aug. 24, 1970	TWA	Philadelphia	
	Feb. 4, 1971	DAL	Nashville	
	June 12, 1971	TWA	New York	Do.
4 Newark	Feb. 3, 1969	EAL	Miami	
	June 22, 1969	EAL	do	
	Feb. 16, 1970	EAL	do	
	Mar. 17, 1970	EAL	Boston	Do.
	Aug. 19, 1970	TRC	San Juan	
	Apr. 22, 1971	EAL	Miami	Do.
5 Atlanta	Jan. 28, 1969	EAL	do	
	Feb. 25, 1969	EAL	do	
	Mar. 17, 1969	DAL	Augusta	
	Aug. 20, 1970	DAL	Savannah	
5 San Juan	Sept. 20, 1968	EAL	Miami	
	Feb. 10, 1969	EAL	do	
	Apr. 13, 1969	PAA	do	
	Dec. 21, 1970	PRINAIR	Ponce, P.R	Do.
6 Mexico City	Aug. 9, 1961	PAA	Guatemala	
	Oct. 21, 1969	PAA	Merida, Mex	
	July 2, 1971	BNF	San Antonio	To Buenos Aires via Lima and Rio de Janeiro.
6 San Francisco	Jan. 31, 1969	NAL	Tampa	
	Dec. 2, 1969	TWA	Philadelphia	
	Feb. 26, 1971	WAL	Seattle	To Vancouver, B.C.
6 Tampa	Feb. 21, 1968	DAL	West Palm Beach.	
	Mar. 12, 1968	NAL	Miami	
	Dec. 3, 1968	NAL	do	
7 Baltimore	July 12, 1968	DAL	Houston	Unsuccessful.
	June 28, 1969	EAL	Miami	
7 Birmingham	Nov. 2, 1968	EAL	Chicago	Averted on ground.
	Mar. 31, 1971	DAL	do	Do.
7 Boston	Aug. 14, 1969	NEA	Miami	
	Sept. 22, 1970	EAL	San Juan	Unsuccessful.
7 Dallas	Mar. 19, 1969	DAL	New Orleans	Do.
	Mar. 25, 1969	DAL	San Diego	
7 Kansas City	July 4, 1968	TWA	Las Vegas	Unsuccessful.
	Dec. 11, 1968	TWA	Miami	Stop St. Louis, Nashville.
7 Phoenix	Aug. 3, 1961	CAL	El Paso	Unsuccessful.
	June 4, 1970	TWA	St. Louis	
7 Pittsburgh	July 31, 1969	TWA	Los Angeles	Stop Indianapolis, St. Louis.
	Sept. 19, 1970	AAA	Philadelphia	
8 Albuquerque	Dec. 19, 1970	CAL	Tulsa	Unsuccessful.
8 Alexandria, La	May 30, 1969	TTA	New Orleans	Do.
8 Amsterdam	Sept. 6, 1970	PAA	New York	To Beirut-Cairo.
8 Caracas	May 29, 1971	PAA	Miami	
8 Beirut	June 22, 1970	PAA	Rome	
8 Charleston, S.C	Sept. 25, 1969	NAL	Jacksonville	Stop Savannah.
8 Charleston, W. Va	June 4, 1971	UAL	Newark	Unsuccessful.
8 Charlotte, N.C	Aug. 5, 1969	EAL	Tampa	Do.
8 Chico, Cal	July 31, 1961	PAC	San Francisco	Averted on ground.
8 Cincinnati	Nov. 10, 1969	DAL	Chicago	Do.
8 Cleveland	Mar. 11, 1970	UAL	Atlanta	
8 Detroit	Jan. 13, 1969	DAL	Miami	Unsuccessful.
8 El Paso	July 27, 1969	CAL	Midland, Tex	
8 Frankfurt	Sept. 6, 1970	TWA	New York	To Jordan.
8 Honolulu	Aug. 31, 1965	HAL	Kauai	To Honolulu.
8 Houston	Nov. 17, 1965	NAL	New Orleans	Unsuccessful.
8 Jacksonville	Jan. 11, 1969	UAL	Miami	
8 Key West	Jan. 24, 1969	NAL	do	
8 Las Vegas	July 1, 1970	NAL	Tampa	Stop New Orleans.
8 Marathon, Fla	June 29, 1968	SEA	Key West	
8 Milwaukee	Jan. 22, 1971	NWA	Detroit	
8 Mobile	Mar. 8, 1971	NAL	New Orleans	Averted on ground.
8 Molokai, Hawaii	Oct. 11, 1965	TSA	Honolulu	Do.
8 Munich	Aug. 2, 1970	PAA	West Berlin	Unsuccessful.
8 New Orleans	Nov. 4, 1968	NAL	Miami	
8 Oakland	June 17, 1969	TWA	New York	
8 Orlando	Jan. 6, 1970	DAL	Jacksonville	Do.
8 Paris	Jan. 8, 1970	TWA	Rome	
8 Pestosdey, Mich	Apr. 22, 1970	NCA	Sault St. Marie	Averted on ground.
8 Philadelphia	Dec. 19, 1968	EAL	Miami	
8 Raleigh/Durham	Nov. 12, 1970	EAL	Atlanta	
8 Rome	Aug. 29, 1969	TWA	Athens	To Damascus.
8 Saigon	Feb. 9, 1968	PAA	Hong Kong	Averted on ground.
8 San Diego	Nov. 1, 1970	UAL	Los Angeles	
8 Winston-Salem	June 18, 1971	PAI	None	Do.

NEXT SCHEDULED STOP OF HIJACKED AIR CARRIER (BY RANK AND ALPHABETICALLY WITHIN RANK)

Number	Rank	City	Number of hijackings
1	1	Miami	30
2	2	New York	8
3	3	San Juan	7
4	4	New Orleans	6
5	4	Tampa	6
6	5	Chicago	4
7	6	San Francisco	3
8	6	Key West	3
9	6	Philadelphia	3
10	7	Atlanta	2
11	7	Jacksonville	2
12	7	Los Angeles	2
13	7	Rome, Italy	2
14	8	Athens, Greece	1
15	8	Augusta	1
16	8	Boston	1
17	8	Dallas	1
18	8	Detroit	1
19	8	El Paso	1
20	8	Guatemala	1
21	8	Hong Kong	1
22	8	Honolulu	1
23	8	Houston	1
24	8	Kauai, Hawaii	1
25	8	Las Vegas	1
26	8	Merida, Mexico	1
27	8	Midland, Tex	1
28	8	Nashville	1
29	8	Nassau	1
30	8	Newark	1
31	8	Ponce, P.R	1
32	8	San Antonio	1
33	8	San Diego	1
34	8	Sault Ste. Marie	1
35	8	Savannah	1
36	8	Seattle	1
37	8	St. Louis	1
38	8	Tulsa	1
39	8	West Berlin	1
40	8	West Palm Beach	1

HIJACKING INCIDENTS PER AIRLINE/OTHER

Airline	Rank	Successful	Unsuccessful	Total
EAL	1	19	6	25
NAL	2	16	4	20
TWA	3	10	3	13
DAL	4	6	6	12
PAA	5	8	2	10
UAL	6	5	1	6
CAL	7	1	2	3
NEA	8	2	0	2
NWA	8	2	0	2
AAA	9	1	0	1
Aloha	9	0	1	1
AAL	9	1	0	1
BNF	9	1	0	1
HAL	9	1	0	1
NCA	9	0	1	1
PAC	9	0	1	1
PAI	9	0	1	1
PRINAIR	9	0	1	1
Southeast	9	1	0	1
TTI	9	0	1	1
TRC	9	1	0	1
WAL	9	1	0	1
Subtotal		76	30	106
General aviation		10	0	10
Total		86	30	116

Kinds of weapons involved in hijacking incidents

Type:	*Number of incidents*
Firearms (alleged and real)	78
BB gun	1
Knives	21
Bombs, explosives (alleged and real)	30
Razor or razor blade	3
Tear gas pen	1
Broken bottle	1
Fire threat	1
Hatchet	1
Acid	1
Total	[1]137

[1] Several hijackers used combinations of two or more weapons.

AVERTED HIJACKING ATTEMPTS AND DATES

June 31, 1961: Subdued by co-pilot and passengers prior to take-off after shooting pilot and passenger agent; also shot at passengers.

August 3, 1961: Border Patrol Officers shot out tires and engines prior to take-off; hijackers were eventually disarmed.

October 11, 1965: Captain used flare pistol to disarm one man: a ramp agent using a shotgun apprehended the second man; aircraft not in flight.

October 26, 1965: Captain knocked gun from hijacker with fire axe (during flight). Captain and Flight Engineer subdue individual.

November 17, 1965: Sixteen year old high school student after firing nine shots was disarmed and subdued by crew; aircraft was in flight.

November 9, 1968: Details not known. Marine Private attempted to hijack Pan Am flight from Saigon to Hong Kong; aircraft did not depart.

June 4, 1968: Convict in custody of U.S. Marshals threatened stewardess and ordered pilot to fly to Mexico; pilot pretended compliance but landed at Las Vegas, Nevada.

June 12, 1968: Flight crew engaged gunman in conversation; persuaded him to give up hijacking attempt; flight landed safely at original destination.

November 2, 1968: Co-pilot diverted gunman's attention; Captain wrested shotgun from would be hijacker; aircraft not in flight.

January 13, 1969: Stewardess ran into the cockpit and locked the door after being confronted by a hijacker with a shotgun. Plane was on final approach and landing was completed. Hijacker was taken into custody while sitting quietly in his seat with the unloaded shotgun at his feet.

February 3, 1969: Crew convinced 21 year old hijacker and his 18 year old female accomplice that refueling was necessary at Miami. Flight originated in New York. Ground crew became suspicious at Miami and alerted police. Pilot persuaded very sensitive and disturbed hijacker to relinquish the knife and aerosol spray type can which he was carrying.

March 19, 1969: Hijacker was convinced of the necessity for refueling in New Orleans. While on the ground, he was persuaded to allow passengers to deplane. An FBI Special Agent (passenger) wrestled the gun from the hijacker and placed him under arrest. One shot was fired from the hijacker's gun, but no injuries resulted.

May 30, 1969: Two prisoners who were being transported by law enforcement officers handed a note to the stewardess indicating that they had a hand grenade, and unless the plane was flown to Cuba, they would explode the grenade. The aircraft was on final approach and the pilot landed without incident. The prisoners were taken off the plane after landing by law enforcement officers. The prisoners did not have a hand grenade or any other type of weapon.

August 5, 1969: Seventy-four-year-old man attempted to hijack aircraft while in flight. He was armed with a five-inch straight razor and a pocketknife. Pilot convinced him refueling was necessary in order to fly to Cuba. Hijacker commented he would be apprehended if a refueling stop was necessary and returned to his seat. He was taken into custody at original destination.

September 10, 1969: Subject grabbed a stewardess and said "I want to go to Cuba." He returned to his seat after failing to unlock the cockpit door with keys provided by the stewardess. He was then subdued by passengers and taken into custody at San Juan.

November 10, 1969: Fourteen-year-old boy boarded aircraft without ticket using an 18-year-old girl as a hostage. He held a butcher knife against the girl's back and demanded to be taken to Sweden. When told the plane was not capable of such a long flight (DC–9) he requested it be flown to Mexico. The youth was persuaded to surrender as the plane taxied about the runways.

January 6, 1970: A male passenger, armed with a knife, attempted to hijack the aircraft while holding a stewardess as a hostage. The incident occurred shortly before a scheduled landing. The hijacker lost his balance, after the landing, when the pilot made a tight turn and reversed the engines. The hijacker was overpowered by passengers and crew members.

March 17, 1970: Armed male entered cockpit and demanded that aircraft be flown out to sea. Stated he wanted to be notified when only 2 minutes of fuel remained. When captain turned aircraft in the direction of U.S. mainland, hijacker began shooting at the Captain and Co-pilot. Co-pilot, although mortally wounded, succeeded in shooting the hijacker twice with hijacker's revolver. Captain who had been shot in both arms landed plane at original destination. Hijacker recovered.

April 23, 1970: An armed male adult hijacked a bus and forced the driver to take him to the airport. He then proceeded to use the driver as a hostage, as he boarded an air carrier aircraft which was boarding passengers. Michigan State Police overpowered the individual after responding to a call for assistance from the crew.

August 3, 1970: Male armed with starter pistol shouted to stewardess to have aircraft diverted from Munich/West Berlin to Budapest. Pilot dissuaded him from hijacking aircraft. Met by police as he deplaned at Berlin.

September 15, 1970: Hijacker armed with pistol handed a note to the chief stewardess stating he wished to go to North Korea. Hijacker remained in his seat. Aircraft landed at San Francisco for refueling at which time 35 women, children, and military were allowed to evacuate. Hijacker was then shot by a Brinks guard who had been a passenger on the aircraft.

September 22, 1970: A Federal prisoner, who was being transported from Boston, Massachusetts to San Juan, P.R., locked himself in lavatory and threatened to burn airplane if plane was not diverted to his destination of choice. He was overpowered and forcibly subdued by two escorting U.S. Marshals.

December 19, 1970: Hijacker handed a note to a stewardess stating that he had a gun and directing flight to Cuba. Hijacker permitted landing at Tulsa to allow passengers to deplane. Crew deplaned with the passengers, stranding the hijacker in the aircraft. Police boarded the aircraft and arrested the unarmed hijacker who was hiding in a washroom.

December 21, 1970: Hijacker stated he had bomb and wanted to go to Mexico. Crew convinced him of necessity to return to San Juan (Point of departure) to refuel. Hijacker was overpowered by the crew after landing at San Juan.

March 8, 1971: Hijacker armed with .38 cal pistol. Initiated hijack attempt while aircraft on ground loading for departure to New Orleans. Other passengers deplaned and flight departed from Montreal, Canada. When in vicinity of Knoxville, Tenn., crew persuaded hijacker to abandon hijack attempt and divert to Miami. FBI agents surrounded the aircraft as it stopped on the ramp and took the hijacker into custody.

March 31, 1971: Fourteen year old hijacker enplaned without ticket at Birmingham airport. Armed with pistol, held hostess as hostage. Demanded to go to Cuba. Allowed passengers and other hostesses to deplane. Hostess convinced him to abandon the hijacking.

April 21, 1971: Hijacker searched prior to boarding. Prior to arrival at Miami, hijacker claimed he had a gun and grenade, would permit aircraft to land Miami, but wanted to go to Italy. Pilot called bluff. Aircraft landed Miami. Hijacker arrested. He carried no weapons.

June 4, 1971: Hijacker armed with pistol commandeered aircraft 10 minutes after take off and demanded to be flown to Israel. When told the aircraft did not have enough fuel for trip, hijacker allowed landing at Dulles and permitted passengers and stewardesses to deplane. After 3 hours on the ground, hijacker went to get a drink of water leaving pistol on seat. Hijacker taken into custody.

June 12, 1971—Twenty-three year old Negro, armed with pistol, forced his way on board aircraft, held stewardess hostage and demanded to be flown to North Vietnam. He killed one passenger who got in the way, then allowed passengers, body and hostesses (except hostage) to deplane. During this pause, a deputy U.S. Marshal sneaked aboard the aircraft. The aircraft then took off for New York, ostensibly to change to an aircraft with longer range. During the flight, several shots were exchanged between the crew, marshal and hijacker. When plane landed at JKF, the crew and marshal escaped. The hijacker was wounded and captured by the FBI.

June 18, 1971: Hijacker boarded aircraft after termination of flight. Claimed to have explosive and acid. Demanded to go to Cuba. Captain informed would-be hijacker that aircraft needed fuel and additional crew. While second pilot was enplaning, he overpowered hijacker.

CHRONOLOGY OF HIJACKINGS OF U.S. REGISTERED AIRCRAFT

Date	Hijacker(s)	Airline/other flight No.	Type aircraft	Incident occurred on flight		Successful (to Cuba unless indicated)	Unsuccessful
				From—(hijacker boarding point)	To—(next scheduled stop)		
May 1, 1961	Ortiz	NAL 337	CV-440	Miami, stop: Marathon, Fla.	Key West	×	
July 24, 1961	Oquendo	EAL 202	L-188	Miami	Tampa	×	
July 31, 1961	Britt	PAC 62	DC-3	Chico, Calif., (ground)	San Francisco		×
Aug. 3, 1961	Bearden, Bearden	CAL 54	B-707	Phoenix	El Paso		×
Aug. 9, 1961	Cadon	PAA 501	DC-8	Mexico City	Guatemala City	×	
Apr. 13, 1962	Healy, Oeth	Charter	Cessna-172	Miami	Local	×	
Feb. 18, 1964	Hernandez, Rodriquez	Charter	Piper PA-23	do	do	×	
Aug. 31, 1965	Fergerstrom	HAL 358	DC-3	Honolulu	Kauai	Honolulu	
Oct. 11, 1965	Heisler, Boyd	TSA 755	F-27	Molokai, Hawaii, (ground)	Honolulu		×
Oct. 26, 1965	Medina-Perez	NAL 209	L-188	Miami	Key West		×
Nov. 17, 1965	Robinson	NAL 30	DC-8	Houston	New Orleans		×
Nov. 20, 1967	Babler	Crescent (charter)	Twin Apache	Hollywood, Fla	Bimini, B.W.I	×	
Feb. 9, 1968	Clark	PAA (R. & R.)	DC-6	Saigon (ground)	Hong Kong		×
Feb. 17, 1968	Boynton	Private	Piper Apache	Marathon, Fla	Miami	×	
Feb. 21, 1968	Rhodes	DAL 843	DC-8	Tampa	West Palm Beach	×	
Mar. 12, 1968	Gonzales, Armentoros, Martin.	NAL 28	DC-8	do	Miami	×	
June 29, 1968	Carter	SEA 101	DC-3	Marathon, Fla	Key West	×	
July 1, 1968	Fonseca	NWA 714	B-727	Chicago	Miami	×	
July 4, 1968	Morris	TWA 329	B-727	Kansas City	Las Vegas		×
July 12, 1968	Bendicks	Island Flying Service (charter).	Cessna-210	Key West	Miami	×	
July 12, 1968	Richards	DAL 977	CV-880	Baltimore	Houston		×
July 17, 1968	Leyva	NAL 1064	DC-8	Los Angeles, stop: Houston	New Orleans-Miami	×	
Aug. 4, 1968	Jessie	Private	Cessna-182	Naples, Fla	Local	×	
Aug. 22, 1968	McBride	do	Cessna	Nassau	Georgetown, Bahamas	×	
Sept. 20, 1968	Garcia	EAL 950	B-720	San Juan	Miami	×	
Oct. 23, 1968	Truitt	Private	Cessna-177	Key West	Dry Tortugas Islands	×	
Nov. 2, 1968	Pastorcich	EAL 224	DC-9	Birmingham (ground)	Chicago		×
Nov. 4, 1968	Johnson	NAL 186	B-727	New Orleans	Miami	×	
Nov. 23, 1968	Garcia, Velasquez, Quintero, Viera, Rodriguez.	EAL 73	B-727	Chicago	do	×	
Nov. 24, 1968	Cruz, Soltren, Castro	PAA 281	B-707	New York	San Juan	×	
Nov. 30, 1968	Sanchez	EAL 532	B-720	Miami	Dallas	×	
Dec. 3, 1968	Cantera	NAL 1439	B-727	Tampa	Miami	×	
Dec. 11, 1968	Patterson, Patterson	TWA 496	B-727	Kansas City, stops: St. Louis, Nashville.	do	×	
Dec. 19, 1968	Washington	EAL 47	DC-8	Philadelphia	do	×	
Jan. 2, 1969	Austin, Austin	EAL 401	DC-8	New York	do	×	
Jan. 9, 1969	Bohle	EAL 831	B-727	Miami	Nassau	×	
Jan. 11, 1969	Helmey	UAL 459	B-727	Jacksonville	Miami	×	
Jan. 13, 1969	McPeek	DAL 297	CV-880	Detroit	do		×
Jan. 19, 1969	Payano	EAL 9	DC-8	New York	do	×	
Jan. 24, 1969	Coulter(?)	NAL 424	B-727	Key West	do	×	
Jan. 28, 1969	Booth, Smith	NAL 64	DC-8	Los Angeles, stops: Houston, New Orleans.	do	×	
Jan. 28, 1969	2 unknowns	EAL 121	DC-8	Atlanta	do	×	
Jan. 31, 1969	Jackson	NAL 44	DC-8	San Francisco	Tampa-Miami	×	
Feb. 3, 1969	Garcia, Estrada	EAL 7	B-727	Newark	Miami	×	
Do	Peparo, Fitzgerald	NAL 11	B-727	New York	do		×
Feb. 10, 1969	DeQuesda	EAL 950	DC-8	San Juan	do	×	
Feb. 25, 1969	Ervin	EAL 955	DC-8	Atlanta	do	×	
Mar. 5, 1969	Bryant	NAL 97	B-727	New York	do	×	
Mar. 17, 1969	Sandlin	DAL 581	DC-9	Atlanta	Augusta	×	
Mar. 19, 1969	Dickey	DAL 918	CV-880	Dallas	New Orleans		×
Mar. 25, 1969	Frese	DAL 821	DC-8	do	San Diego	×	
Apr. 13, 1969	Sanchez, Aguero, Claro, Castaneda.	PAA 460	B-727	San Juan	Miami	×	
May 5, 1969	Charrette, Allard	NAL 91	B-727	New York	do	×	
May 26, 1969	Zamora, Gracial, Bolivar	NEA 6	B-727	Miami	New York	×	
May 30, 1969	Niemeyer	TTA 669	CV-600	Alexandria, La	New Orleans		X
June 17, 1969.	Brent	TWA 154	B-707	Oakland	New York	X	
June 22, 1969.	Esquivel	EAL 7	DC-8	Newark	Miami	X	
June 25, 1969.	Marques	UAL 14	DC-8	Los Angeles	New York	×	
June 28, 1969.	Anthony	EAL 173	B-727	Baltimore	Miami	×	
July 27, 1969	Crawford	CAL 156	DC-9	El Paso	Midland, Lubbock, Amarillo, Tex.	×	
July 31, 1969	Perry	TWA 79	B-727	Pittsburgh, stops: Indianapolis, St. Louis.	Los Angeles	×	
August 5, 1969.	McCreery	EAL 379	DC-9	Charlotte, N.C	Tampa		×
August 14, 1969.	Diaz, Perez	NEA 43	B-727	Boston	Miami	×	
Aug. 29, 1969	Isawi, Khaled	TWA 840	B-707	Rome	Athens-Tel Aviv	Damascus	
Do	Delgado	NAL 183	B-727	Miami	New Orleans-Houston	×	
Sept. 7, 1969	Coplin	EAL 925	DC8-61	New York	San Juan	×	
Sept. 10, 1969	Medina	EAL 929	DC-8	do	do		×
Sept. 25, 1969	Hernandez	NAL 411	B-727	Charleston, stop: Savannah	Jacksonville-Miami	×	
Oct. 9, 1969	Perez	NAL 42	DC-8	Los Angeles	Miami	×	
Oct. 21, 1969	Shorr	PAA 551	B-720	Mexico City	Merida, Mexico-Miami	×	
Oct. 31, 1969	Minichiello	TWA 85	B-707	Los Angeles	San Francisco	Rome	
Nov. 10, 1969	Booth	DAL 670	DC-9	Cincinnati (ground)	Chicago		×

Date	Hijacker(s)	Airline/other flight No.	Type aircraft	Incident occurred on flight: From—(hijacker boarding point)	Incident occurred on flight: To—(next scheduled stop)	Successful (to Cuba unless indicated)	Unsuccessful
Dec. 2, 1969	Hamilton	TWA 54	B-707	San Francisco	Philadelphia	×	
Dec. 26, 1969	Martinez	UAL 929	B-727	New York	Chicago	×	
Jan. 6, 1970	Funjek	DAL 274	DC-9	Orlando, Fla	Jacksonville-Atlanta		
Jan. 8, 1970	Belon	TWA 802	B-707	Paris	Rome, Italy	Beirut	
Feb. 16, 1970	Abad	EAL 1	B-727	Newark	Miami	×	
Mar. 11, 1970	Stubbs	UAL 361	B-727	Cleveland	Atlanta	×	
Mar. 17, 1970	Divivo	EAL 1320	DC-9	Newark	Boston		×
Apr. 6, 1970[1]	Little	TWA 90		San Francisco	Paris		×
Apr. 22, 1970	Meeks, Meeks	Charter	Cessna 172	Gastonia, N.C	Local	×	
Apr. 22, 1970[2]	Wagstaff	NCA 945	DC-9	Petoskey, Mich. (ground)	Sault Saint Marie		×
May 25, 1970	Quesada	DAL 199	CV-880	Chicago, stop: Atlanta	Miami	×	
May 25, 1970	Molina	AAL 206	B-727	Chicago	New York	×	
June 4, 1970	Barkley	TWA 486	B-727	Phoenix	St. Louis	Washington (Dulles)	
June 22, 1970	Xyaferi	PAA 119	B-707	Beirut	Rome	Cairo	
July 1, 1970	Lopez	NAL 28	DC-8	Las Vegas, Stop: New Orleans.	Tampa	×	
Aug. 2, 1970	Rioz	PAA 299	B-747	New York	San Juan	×	
Aug. 3, 1970[2]	Huber	PAA	B-727	Munich	West Berlin		×
Aug. 19, 1970	Martinez, Ramos-Cobas, Llurdan.	TRC 401	DC-8	Newark	San Juan	×	
Aug. 20, 1970	Graves	DAL 435	DC-9	Atlanta	Savannah	×	
Aug. 24, 1970	Labadie	TWA 134	B-727	Chicago	Philadelphia	×	
Sept. 6, 1970	2 Unk	PAA 93	B-747	Amsterdam	New York	Cairo	
Sept. 6, 1970	2 Unk	TWA 741	B-707	Frankfurt	do	Zerka, Jordan	
Sept. 15, 1970	Irwin	TWA 15	B-707	Los Angeles	San Francisco		×
Sept 19, 1970	Witt	AAA 730	B-727	Pittsburgh	Philadelphia	×	
Sept. 22, 1970	Donovan	EAL 945		Boston	San Juan		×
Oct. 30, 1970	Unk	NAL 43	DC-8	Miami	San Francisco	×	
Nov. 1, 1970	Larrazolo	UAL 598	B-727	San Diego	Los Angeles	×	
Nov. 13, 1970	Unk	EAL 257	DC-9	Raleigh/Durham	Atlanta	×	
Dec. 19, 1970	Denis	CAL 144	DC-9	Albuquerque	Tulsa		×
Dec. 21, 1970	Lopez	PRINAIR 157	Heron	San Juan	Ponce		×
Jan. 3, 1971	Wilson, Graves, White, White.	NAL 36	DC-8	Los Angeles	Tampa	×	
Jan. 22, 1971	Grant	NWA 433	B-727	Milwaukee	Detroit-Washington	×	
Feb. 4, 1971	Unk	DAL 379	DC-9	Chicago	Nashville	×	
Feb. 26, 1971	Paterson	WAL 328	B-737	San Francisco	Seattle	Vancouver, Canada	
Mar. 8, 1971	Marston	NAL 745	B-727	Mobile (ground)	New Orleans		×
Mar. 31, 1971	Matthews	DAL 400	DC-9	Birmingham (ground)	Chicago		×
Do	Romirez	EAL 939	DC-8	New York	San Juan	×	
Apr. 5, 1971	Hernandez	Charter	Cessna 402	Key West	Miami	×	
Apr. 22, 1971	Anile	EAL 403	DC-8	Newark	do		×
May 28, 1971	Bennett	EAL 30	B-727	Miami	New York	Nassau	
May 29, 1971	Landaeta	PAA 442	B-707	Caracas	Miami	×	
June 4, 1971	Riggs	UAL 796	B-737	Charleston, W. Va	Newark		×
June 12, 1971	White	TWA	B-727	Chicago	New York		×
June 18, 1971	White	PAI	B-737	Winston-Salem (ground)	None		×
July 2, 1971	Jackson	BNF 14	B-707	Mexico City	San Antonio	Buenos Aires	

[1] Considered as attempt by Department of Justice but not by FAA.

[2] Considered as attempt by FAA but not by Department of Justice.

LEGAL STATUS OF HIJACKERS AS OF JULY 6, 1971

There have been approximately 150 persons involved in 115 hijackings of U.S. registered aircraft and of one foreign aircraft engaged in U.S. air commerce. Of these, two have committed suicide. These data have been coordinated with the Department of Justice and, as best can be determined, the legal status of the 150 individuals is as follows:

Fugitives[1]	92
Convictions	29
U.S.	26
Foreign[2]	3
Acquittals[3]	3
Dismissals	10
Mental	7
Other[4]	3
Pending	16
Mental exam	4
Other[5]	12
Total	150

[1] Includes a number of passive companions indicted along with active hijackers and one who committed suicide.

[2] One in Mexico, one in Lebanon, and one in Italy—convicted, imprisoned, and released. The one released from Lebanese imprisonment was retried in France on unrelated charges and imprisoned.

[3] Includes one incident of non-U.S. registered aircraft engaged in U.S. air commerce.

[4] Includes one suicide.

[5] Includes one in Egyptian custody—status unknown, two in Argentinian custody, and one whose previous sentence (25 years) has been reversed.

HIJACKING CASES INVOLVING U.S. AIRCRAFT SINCE MAY 1, 1961

A summary of convictions, pending cases, cases dropped, and foreign cases giving dispositions, names of subjects, dates of incidents, and penalties or status of cases. Prepared 6 July 1971 from Federal Aviation Administration records, coordinated with Justice Department records.

Total number of individuals—150.

Convictions—29.

Aircraft Piracy—1: Bendicks, Leonard S. (7/12/68)—10 years.

Attempted Aircraft Piracy—1: Funjek, Anton (1/6/70)—25 years.

Aircraft Piracy and Kidnapping—5:

Healey, David Thomas (4/13/62)—20 years + 1 year.

Oeth, Leonard Malcolm (4/13/62)—20 years + 1 year.

Truitt, Alben Wm. Barkley (10/23/68)—20 years + 20 years.

Ervin, Lorenzo Edward, Jr. (2/25/69)—Life.

Crawford, J. C. (7/27/69)—50 years.

Kidnapping—2:

Boynton, Thomas J. (2/17/68)—20 years.

Jessie, Willis (8/4/68)—10 years.

Interference with Flight Crewmember—7.

Washington, Thomas George (12/19/68)—2 years

McPeek, Kenneth Carl (1/13/69)—15 years.

Fergerstrom, Harry F. (8/31/65)—Juvenile, correctional institution.

Peparo, Michael A. (2/3/69)—Custody of Attorney General under Youth Correction Act.

Fitzgerald, Tasmin R. (2/3/69)—Custody of Attorney General under Youth Correction Act.

Anthony, Ray (6/28/69)—15 years.

Paterson, Chappin S. (2/24/71)—10 years.

Assault—1: Robinson, Thomas H. (11/17/65)—Juvenile, correctional institution. Currently on probation.

Conveying False Information Concerning an Attempt to Commit Air Piracy—1: Denis, Carlos (12/19/70)—5 years, subject to mental examination.

Armed Assault and Illegal Possession of Firearms—1: Britt, Bruce McRae (7/31/61)—20 years.

Interruption of Air Commerce on Threat of Violence—2:

Bearden, Leon (8/3/61)—20 years.

Bearden, Cody (8/3/61)—Juvenile, committed to correctional institution, released (date unknown).

Escape—1: Morris, John Hamilton (7/4/68)—5 years.

Court Martial (USN)—2:

Heisler, Laurence D. (10/11/65)—4 years confinement, dishonorable discharge. (Sentencing completed.)

Boyd, Richard K. (10/11/65)—4 years confinement, dishonorable discharge. (Sentence completed.)

Carrying Weapon Aboard Aircraft—2:

Pastorcich, Roger C. (11/2/68)—Juvenile delinquent. Probation.

Matthews, John M., Jr. (3/31/71)—Suspended sentence.

Foreign—3:

Cadon, Albert C. (8/9/61)—Mexico—Robbery and illegal possession of firearms—8 years, 9 months sentence—released on completion of sentence.

Minichiello, Raphael (10/31/69)—Italy—7½ years, reduced to 2½ years—released 5/1/61.

Belon, Christian R. (1/8/70)—Lebanon—9 months—released. Convicted France—illegal possession of firearms—8 months.

Pending cases—16.

Trial Pending—2:

Donovan, David W. (9/22/70)—indicted for aircraft piracy—custody.

Bohle, Ronald T. (1/9/69)—original sentence (25 years) reversed.

Charged—3:

Lopez, Victor (12/21/70)—aircraft piracy and interference with flight crewmember.

Riggs, Glen E. (6/4/71)—aircraft piracy.

White, Gregory L. (6/12/71)—assaulting Federal officer—aircraft piracy.

Custody, Mental Examinations—4:

Irwin, Donald B. (9/15/70)—indicted for aircraft piracy.

Sandlin, Robert (3/17/69)—indicted for aircraft piracy.

Barkley, Arthur (6/4/70)—indicted for aircraft piracy and interference with flight crewmember.

Bennett, James (5/28/71)—indicted for aircraft piracy and kidnaping.

Custody—2.

Wagstaff, Joseph A. (4/23/70) (Not considered as hijacker by Dept. of Justice.).

White, Bobby R. (6/18/71).

Custody, Foreign—3:

Xyaferi, Hexhi H. (6/22/70)—Egypt (Current status unclear. Possibly released).

Jackson, Robert L. (7/2/71)—Argentina.

Sanchez-Archilla, Ligia L. (7/2/71)—Argentina.

Released on Bond—2:

Anile, Francisco (4/21/71)—Charged with aircraft piracy. Released on bond 5/25/71.

Marston, Thomas K. (3/8/71).

Dropped cases—13.

Acquittal—3:

Perez, Luis M. (10/26/65)—aircraft piracy and assault—insanity.

Helmey, Robert M. (1/11/69)—aircraft piracy.

Pinkney, James (2/11/69)—aircraft piracy and interference with flight crewmember.

NOTE: Non-U.S. aircraft engaged in U.S. air commerce.

Dismissed, Committed to Mental Institutions—7:

Labadie, Robert Y. (8/24/70).

Richards, Oran D. (7/12/68)—released 1/10/70.

McCreery, John S. (8/5/69).

Little, Lynn (4/6/70). (Not considered as hijacker by FAA.)

Rhodes, Lawrence M. (2/21/68).

Dickey, Douglas A. (3/19/69).

Niemeyer, Torrence (5/30/69).

Dismissed, Death—1: Divio, John (3/17/70).

Dismissed, Other—2:

Clark, William L. (2/9/68)—aircraft not engaged in U.S. air commerce.

Medina, Jose L. G. (9/10/69)—temporary insanity.

Fugitives—92 (including one suicide).

Recapitulation

Convictions [1]	29
Pending [2]	16
Dropped	13
Fugitives	92
Total	150

[1] Three (3) foreign convictions.

[2] Three (3) foreign custody.

CURRENT LEGAL STATUS OF SUSPECTED OR CONVICTED HIJACKERS AS OF JULY 6, 1971

Defendant(s)	Date of incident	Aircraft	Flight	Indicted	Disposition
1. Ortiz, Antulio Ramirez	May 1, 1961	NAL	Marathon to Key West, Fla	July 28, 1961 in Miami, Fla	Fugitive.
2. Oquendo, Wilfredo Roman	July 24, 1961	EAL	Miami to Tampa	August 23, 1961 in Miami, Fla	Fugitive.
3. Britt, Bruce McRae	July 31, 1961; unsuccessful.	PAC	Chico, Calif., to San Francisco		Convicted (illegal possession of firearms) Sentenced in Orville, Calif.
4. Bearden, Leon	August 3, 1961; unsuccessful.	CAL	Phoenix to El Paso		Convicted—Interruption of commerce on threats of viclence. 20 years.
Bearden, Cody					Juvenile—Indeterminate sentence. Committed to correctional facility. Released—date unknown.
5. Cadon, Albert Charles	August 9, 1961	PAA	Mexico City to Guatamala City.		Convicted in Mexican court on charges of robbery and illegal possession of firearms. Received 8 years 9 months sentence. Released after completion of sentence.
6. Healy, David Thomas	Apr. 13, 1962	General Aviation	Miami local	Apr. 20, 1962 in Miami, Fla	Convicted Nov. 12, 1964, on charges of aircraft piracy and kidnapping. Received sentence of 20 years and 1 year to run concurrently.
Oeth, Leonard Malcolm				Apr. 20, 1962 in Miami, Fla	Convicted Nov. 12, 1964. on charges of aircraft piracy and kidnapping. Received sentence of 20 years and 1 year to run concurrently.
7. Hernandez, Enrique Costella	Feb. 18, 1964	General Aviation	Miami local	Feb. 17, 1969 in Florida	Fugitive.
Rodriquez, Reinaldo Juan Lopez				Feb. 17, 1969 in Florida	Do.
8. Fergerstrom, Harry F	Aug. 31, 1965	Hawaiian Airlines	Honolulu to Kaui		Juvenile—Indeterminate sentence. Committed to juvenile correctional facility.
9. Heisler, Lawrence D	Oct. 11, 1965; unsuccessful.	Aloha	Molokai to Honolulu		U.S. Navy General Court Martial. Sentenced to 4 years confinement. Dishonorably discharged.
Boyd, Richard K					U.S. Navy General Court Martial. Sentenced to 4 years confinement. Dishonorably discharged.
10. Perez, Luis Medina aka: Medina.	Oct. 26, 1965; unsuccessful.	NAL	Miami to Key West		Acquitted June 24, 1966 of charges of aircraft piracy and assault. (Declared incompetent.)
11. Robinson, Thomas Harvey	Nov. 17, 1965; unsuccessful.	NAL	Houston to New Orleans		Juvenile—Indeterminate sentence—Committed to juvenile correctional facility. Paroled June 8, 1967. Continued probation.
12. Babler, Gabor Louis	Nov. 20, 1967	General Aviation	Hollywood, Fla. to Bimini	May 7, 1969 in Miami, Fla	Fugitive.
13. Clark, William	Feb. 9, 1968; unsuccessful.	PAA	Saigon to Hong Kong		Court of Military Appeals dismissed charge of aircraft piracy as flight was not in air commerce.
14. Boynton, Thomas J	Feb. 21, 1968	General Aviation	Marathon to Maimi	June 13, 1969 in Southern District of Florida.	Pled guilty, 18 USC 1201, May 12, 1970. 20 years.
15. Rhodes, Lawrence M	Feb. 17, 1968	Delta	Tampa to West Palm Beach	June 12, 1968 in Southern District of Florida.	Jan. 4, 1971: Charges dismissed. Committed to mental institution.
16. Gonzales, Gilberto Carrazana	Mar. 12, 1968	NAL	Tampa to Miami	Oct. 14, 1969 in Tampa	Fugitive.
Armentoros, Jesus					
Martin, Ramon Donato					
17. Carter, E. H	June 29, 1968	SEA	Marathon to Key West		Fugitive—no positive identification.
18. Fonseca, Mario V	July 1, 1968	NWA	Chicago to Miami	Complaint filed in Miami on July 3, 1968.	Fugitive.
19. Morris, John Hamilton	July 4, 1968; unsuccessful.	TWA	Kansas City to Las Vegas		Pled guilty on June 16, 1969, to escape. Sentenced 5 yrs. to run consecutive with present term.
20. Bendix, Leonard S	July 12, 1968	General Aviation	Key West to Miami	Oct. 9, 1968. Southern District of Florida	Found competent to stand trial. Sentenced to 10 years Mar. 4, 1971, 18 U.S.C. 1201.
21. Richards, Oran Daniel	July 12, 1968: unsuccessful.	Delta	Baltimore to Houston		Charges dismissed on Sept. 3, 1969. Released from state mental institution, Dayton, Ohio, Jan. 10, 1970.
22. Leyva, Rogelio H	July 17, 1968	NAL	Los Angeles to Miami	Aug. 28, 1969, in New Orleans	Fugitive.
23. Jessie, Willis	Aug. 4, 1968	General Aviation	Naples, Fla., local		Pled guilty on June 26, 1969, to charge of kidnapping. Received 10-year sentence.
24. McBride, Bill	Aug. 22, 1968	General Aviation	Nassau to Georgetown, Bahamas.		No positive identification.
25. Garcia, Jose Antonio Suarez	Sept. 20, 1968	EAL	San Juan to Miami	Complaint filed in District of Puerto Rico on June 19, 1969.	Fugitive.
26. Truitt, Alben William Barkley	Oct. 23, 1968	General Aviation	Key West to Dry Tortugas Islands.		Convicted Aug. 13, 1969. Received 20 years for aircraft piracy and 20 years for kidnapping to run consecutively.
27. Pastorcich, Roger C	Nov. 2, 1968; unsuccessful.	EAL	Mobile to Chicago		Charged with carrying a weapon aboard an aircraft. Placed on probation due to his minority; to continue under psychiatric care.
28. Johnson, Jr., Raymond	Nov. 4, 1968	NAL	Houston to Miami	June 13, 1969, in New Orleans	Fugitive.
29. Garcia, Aramis Suarez	Nov. 23, 1968	EAL	Chicago to Miami	Complaint filed Aug. 27, 1969, in Western District of Kentucky.	Do.
Velasques, Miguel Mayor				do	Do.
Quintero, Alberto Arroyo				do	Do.
Viera, Irardo Mendoza				do	Do.
Rodriguez, Moises Rodriguez				do	Do.

Defendant(s)	Date of incident	Aircraft	Flight	Indicted	Disposition
30. Cruz, Jose Rafael Rios	Nov. 24, 1968	PAA	New York to San Juan	Dec. 20, 1968 in Southern District of New York.	Fugitive.
Soltren, Luis Armando Pena					
Castro, Miguel					
31. Sanchez, Miguel Montesino	Nov. 30, 1986	EAL	Miami to Dallas	Apr. 9, 1969 in Miami	Do.
32. Cantera, Eduardo	Dec. 3, 1968	NAL	Tampa to Miami		No positive identification made.
33. Patterson, James Joseph	Dec. 11, 1968	TWA	Nashville to Miami	Oct. 13, 1969 in Northern District of Georgia.	Fugitive.
Patterson, Gwendolin					
34. Washington, Thomas George	Dec. 19, 1968	EAL	Philadelphia to Miami		Charged with aircraft piracy and kidnapping. Pleaded guilty to interferring with flight crew on Mar. 24, 1970. 2 years.
35. Austin, Tyrone Ellington	Jan. 2, 1969	EAL	New York to Miami	Mar. 25, 1969 in eastern district of New York.	Killed in bank robbery, N.Y. ,Apr. 22, 1971.
Austin, Linda				Mar. 25, 1969 in eastern district of New York.	Fugitive.
36. Bohle, Ronald Thomas	Jan. 9, 1969	EAL	Miami to Nassau		Original sentence reversed. New trial pending.
37. Helmey, Robert McRae	Jan. 11, 1969	UAL	Jacksonville to Miami		Acquitted Nov. 20, 1969 in southern district of Georgia.
38. McPeek, Kenneth Carl	Jan. 13, 1969: unsuccessful.	DAL	Jacksonville to Miami		Received 15-year sentence on July 31, 1969 for interference with flight crewmember.
39. Payano, Aristogarez Antonio Navarro.	Jan. 19, 1969	EAL	New York to Miami	Complaint filed Jan. 27, 1969	Fugitive.
40. Ayre	Jan. 24, 1969	NAL	Key West to Miami		No positive identification made.
41. Booth, Byron Vaughn	Jan. 28, 1969	NAL	New Orleans to Miami	Jan 28, 1970 in central district of California.	Fugitive.
Smith, Clinton Robert				Jan 28, 1970 in central district of California.	Fugitive.
42. Unknown subjects (2)	Jan. 28, 1969	EAL	Atlanta to Miami		No positive identification made. Fugitives.
43. Jackson, L	Jan. 31, 1969	NAL	San Francisco to Tampa		No positive identification made. Fugitive.
44. Peparo, Michael Anthony	Feb. 3, 1969; unsuccessful.	NAL	New York to Miami		On May 7, 1969 sentenced to custody of Attorney General under provisions of Youth Correction Act.
Fitzgerald, Tamsin Rebecca					On May 7, 1969 sentenced to custody of Attorney General under provisions of Youth Correction Act.
45. Garcia, Wilfredo Hernandez	Feb. 3, 1969	EAL	Newark to Miami	Complaint filed Feb. 27, 1969 in district of New Jersey.	Fugitive.
Estrada, Joaquin Babin				Complaint filed Feb. 27, 1969 in district of New Jersey.	Fugitive.
46. DeQuesada, Pedro Pablo Alvarey.	Feb. 10, 1969	EAL	San Juan to Miami	Complaint filed June 18, 1969 in San Juan, P.R.	Fugitive.
46a. Pinckney, James	Feb. 11, 1969	BWI[1]	Nassau to Miami		Acquitted Nov. 14, 1969.
47. Ervin, Jr. Lorenzo Edward	Feb. 25, 1969	EAL	Atlanta to Miami	Mar. 5, 1969 in Northern District of Georgia.	Sentenced Jul. 7, 1970 to life imprisonment.
48. Bryant, Anthony Garnet	Mar. 5, 1969	NAL	New York to Miami	Mar. 25, 1969 in Eastern District of New York.	Fugitive.
49. Sandlin, Robert	Mar. 17, 1969	DL	Dallas to Augusta	Jul. 14, 1969 in Southern District of Georgia.	Custody—mental examination.
50. Dickey, Douglas Alton	Mar. 19, 1969; unsuccessful.	DL	Las Vegas to New Orleans	Mar. 25, 1969 in New Orleans	Charges dismissed due to insanity. Transferred to Arizona State Institution where local charges outstanding.
51. Frese, Luis Antonio	Mar. 25, 1969	DL	New York to San Diego	June 2, 1969 in Western District of Texas.	Fugitive.
52. Sanchez, Hiran Courouneaux	Apr. 13, 1969	PAA	San Juan to Miami	Jul. 16, 1969 in San Juan, P.R.	Fugitive.
Auero, Manuel Vargas				Jul. 16. 1969 in San Juan, P.R.	Fugitive.
Claro, Jose Diaz				Jul. 16, 1969 in San Juan, P.R	Fugitive.
Castaneda, Esmeraldo Ramirez.				July 16, 1969 in San Juan, P.R	Fugitive.
53. Charrette, Jean Pierre	May 5, 1969	NAL	New York to Miami	Complaint filed July 3, 1969 in Southern District of Florida.	Do.
Allard, Alain				Complaint filed July 3, 1969 in Southern District of Florida.	Do.
54. Zamora, Crecencio Parra	May 26, 1969	NEA	Miami to New York	Complaint filed May 29, 1969 in Southern District of Florida.	Do.
Gracial, Roberto Romero				Complaint filed May 29, 1969 in Southern District of Florida.	Do.
Bolivar, Samon Marino				do	Do.
55. Neimyer, Terrence	May 30, 1969; unsuccessful.	Texas International	Alexandria, La., to New Orleans.	Complaint filed Eastern District of Louisiana.	Charges dismissed Apr. 15, 1971. Found to be insane. Committed to State institution Louisiana. Two larceny charges outstanding.
56. Brent, William Lee	June 17, 1969	TWA	Oakland to New York	June 24, 1969, in Las Vegas, Nev.	Fugitive.
57. Esquivel, Medrano Augustin	June 22, 1969	EAL	Newark to Miami	Aug. 25, 1969, in eastern district of North Carolina.	Do.
58. Marques, John Gerard	June 25, 1969	UAL	Los Angeles to New York	Jan. 14, 1970, in central district of California.	Do.
59. Anthony, Ray	June 28, 1969	EAL	Baltimore to Miami		Sentenced September 1970 to 15 years.
60. Crawford, J. C	July 27, 1969	CAL	Los Angeles to Miami		Sentenced Sept. 14, 1970, to 50 years for aircraft piracy.
61. Perry, Lester Ellsworth	July 31, 1969	TWA	Philadelphia to Los Angeles	Complaint filed Aug. 1, 1969, in district of Kansas.	Fugitive.
62. McCreery, John Scott	Aug. 5, 1969, unsuccessful.	EAL	Charlotte to Tampa		Charges dismissed Jan. 12, 1970. Committed to mental institution.
63. Diaz, Domingo Torres	Aug. 14, 1969	NEA	Boston to Miami	Dec. 10, 1969 in District of Massachusetts.	Fugitive.
Perez, Julio Lezaro Menea				Dec. 10, 1969 in District of Massachusetts.	Fugitive.
64. Isawi, Salim	Aug. 29, 1969	TWA	Los Angeles to Tel Aviv	Complaint filed Jan. 16, 1970 in District of Columbia.	Fugitive.
Khaled, Leila Ali	Aug. 29, 1969			Complaint filed in District of Columbia Jan. 16, 1970.	Fugitive.
65. Delgado, George Carabelle	Aug. 29, 1969	NAL	Miami to New Orleans	Nov. 6, 1969 in Middle District of Florida.	Fugitive.
66. Coplin, Felix Rolondo P	Sept. 7, 1969	EAL	New York to San Juan		Fugitive.
67. Medina, Jose Lewis Gonzales.	Sept. 10, 1969, unsuccessful.	EAL	New York to San Juan	Sept. 18, 1969 in San Juan, P.R.	Committed to mental institution on Jan. 30, 1970.
68. Hernandez, Alfred A	Sept. 24, 1969	NAL	Newark to Jacksonville	Nov. 19, 1969, in Middle District of Florida.	Fugitive.
69. Perez, Francisco Riveria	Oct. 9, 1969	NAL	Los Angeles to Miami	Complaint filed Oct. 10, 1969, in Western District of Texas.	Do.
70. Shorr, Henry	Oct. 21, 1969	PAA	Mexico City to Merida, Mexico.	Complaint filed Oct. 24, 1969, in Eastern District of Michigan.	Suicide in Cuba.
71. Minichiello, Raphael	Oct. 31, 1969	TWA	Los Angeles to San Francisco	Dec. 3, 1969, in Eastern District of New York.	Sentenced to 7½ years. Reduced to 3½ years, with 2 years committed. Released May 1, 1971.
72. Booth, David Lawrence	Nov. 10, 1969; unsuccessful.	DL	Cincinnati to Chicago		Fugitive.
73. Hamilton, Benny Ray	Dec. 2, 1969	TWA	San Francisco to Philadelphia.	Complaint filed Dec. 8, 1969, in Omaha, Nebr.	Do.

Footnotes at end of table.

CURRENT LEGAL STATUS OF SUSPECTED OR CONVICTED HIJACKERS AS OF JULY 6, 1971

Defendant(s)	Date of incident	Aircraft	Flight	Indicted	Disposition
74. Martinez, M	Dec. 26, 1969	UAL	New York to Chicago	Complaint filed Dec. 29, 1969, in southern district of New York.	Fugitive.
75. Funjek, Anton	Jan. 6, 1970; unsuccessful.	DL	Orlando to Jacksonville		Sentenced July 31, 1970, to 25 years. Attempted air piracy.
76. Belon, Christian Reni	Jan. 8, 1970	TWA	New York to Rome	Complaint filed Jan. 16, 1970, in District of Columbia.	Fugitive. Submitted to 9 months' imprisonment in Lebanon. Released Nov. 18, 1970. Sentenced in France to 8 months' imprisonment on Jan. 22, 1971, for illegal possession of firearms.
77. Abad, Daniel Lopez	Feb. 16, 1970	EAL	Newark to Miami	Complaint filed Feb. 24, 1970, in district of New Jersey.	Fugitive.
78. Stubbs, Clemmie	Mar. 11, 1970	UAL	Cleveland to Atlanta	Complaint filed Mar. 12, 1970, in N.A. District of Ohio.	Do.
79. Divivo, John	Mar. 17, 1970; unsuccessful.	EAL	Newark to Boston		Suicide—charges dismissed.
79(a) Little, Lynn	Apr. 6, 1970; unsuccessful.[2]	TWA	San Francisco to Paris	Complaint filed Apr. 7, 1970, in Western District of Pennsylvania.	Complaint dismissed. Committed to mental institution.
80. Meeks, Ira Meeks, Dianne	Apr. 22, 1970	Charter		Complaint filed Apr. 24, 1970, in Western District of North Carolina.	Fugitive.
81. Wagstaff, Joseph A	Apr. 23, 1970[3]	NCA	Petoskey to Sault-St. Marie		Custody.
82. Molina, Nelson	May 25, 1970	AAL	Chicago to New York	Complaint filed May 27, 1970, in Eastern District of New York.	Fugitive.
83. Quesada, Graciella	do	DAL	Atlanta to Miami	May 29, 1970, Macon, Ga.	Do.
84. Barkley, Arthur	June 4, 1970	TWA	Phoenix to St. Louis	June 5, 1970, Eastern District of Virginia.	In custody for mental examination.
85. Xyaferi, Hexhi H	June 22, 1970	PAA	Bierut to Rome	Sept. 19, 1970, Northern District of California.	In custody—Egypt.
86. Lopez, George E	July 1, 1970	NAL	New Orleans to Tampa	Dec. 18, 1970, Eastern District of Louisiana, 49 U.S.C. 1472(i).	Fugitive.
87. Rioz, Rudolfo	Aug. 2, 1970	PAA	New York to San Juan	Aug. 27, 1970, Eastern District of New York.	Do.
88. Huber, Johan	Aug. 8, 1970	PAA	Munich to West Berlin	None. Aircraft not engaged in U.S. air commerce.	Unknown.
89. Martinez, Jose A Ramos-Cobas, Jesus Llurdan, Brelin T	Aug. 19, 1970	TCB	New York to San Juan	Mar. 25, 1971, FGJ, Newark 49U.S.C.1472(i)(1), 18 U.S.C. 32, 371, 837, 1201(a)(c), 2.	Fugitive.
90. Graves, Gregory A	Aug. 20, 1970	DAL	Chicago to Savannah	Feb. 2, 1971, Macon, Ga. 49U.S.C.1472(i), 18 U.S.C. 1201.	Do.
91. Labadie, Robert J	Aug. 24, 1970	TWA	Las Vegas to Philadelphia	Sept. 10, 1970 in Northern District of Indiana.	Found incompetent Dec. 28, 1970.
92. Unknown subjects	Sept. 6, 1970	TWA	Frankfurt to New York		Fugitives.
93. Unknown subjects	Sept. 6, 1970	PAA	Amsterdam to New York		Do.
94. Irwin, Donald	Sept. 15, 1970; unsuccessful.	TWA	New York to San Francisco	Sept. 16, 1970 Northern District of California.	Custody. Mental examination.
95. Witt, Richard D	Sept. 19, 1970	AAA	Pittsburgh to Boston	Oct. 8, 1970 Eastern District of Pennsylvania.	Fugitive.
96. Donovan, David W	Sept. 22, 1970; unsuccessful.	EAL	Boston to San Juan	Nov. 17, 1970 Puerto Rico. Assaulting Federal Officer.	Custody. To be tried for unrelated murder charge Apr. 22, 1971.
97. Unknown subject	Oct. 30, 1970	NAL	Miami to San Francisco		Fugitive.
98. Larrazolo, Felipe F	Nov. 1, 1970	UAL	San Diego to Los Angeles	Dec. 9, 1970, Los Angeles	Do.
99. Unknown subject	Nov. 13, 1970	EAL	Richmond to Dallas		Do.
100. Denis, Carlos	Dec. 19, 1970; unsuccessful.	CAL	Wichita to Tulsa		Feb. 9, 1971, sentenced to 5 years subject to medical/mental examination for conveying false information reattempt to commit air piracy.
101. Lopez, Victor	Dec. 21, 1970	PRINAIR	San Juan to Ponce		In custody.
102. Wilson, Arthur J Graves, Lolita K White, Carl White, Norma Jean	Jan. 3, 1971	NAL	Los Angeles to Tampa	Complaint filed Jan. 18, 1971, in San Diego, Calif.	Fugitive.
103. Grant, Garland	Jan. 22, 1971	NWA	Milwaukee to Washington, D.C.	FGJ, Milwaukee, Mar. 9, 1971, 49 U.S.C. 1472(i)(j).	Do.
104. Unknown subject	Feb. 4, 1971	DAL	Chicago to Nashville		Do.
105. Paterson, Chappin S	Feb. 25, 1971	NAL	San Francisco to Seattle	Complaint filed Feb. 26, 1971, Seattle, 49 U.S.C. 1472(j).	Custody.
106. Marston, Thomas K	Mar. 8, 1971	NAL	Mobile to New Orleans	49 U.S.C. 1472(1)	Released on bond.
107. Matthews, John M., Jr	Mar. 31, 1971	DAL	Birmingham to Chicago	Complaint filed Mar. 31, 1971, Birmingham, 49 U.S.C. 1472(1)	June 7, 1971, suspended sentence.
108. Ramirez, Diego	Mar. 31, 1971	EAL	New York to San Juan		Fugitive.
109. Hernandez, Carlos	Apr. 5, 1971	Charter	Key West to Miami	Complaint filed Apr. 7, 1971, Miami 49 USC 1472(i).	Do.
110. Anile, Frank F	Apr. 21, 1971	EAL	Newark to Miami	Complaint filed Miami, Apr. 23, 1971.	Released on bond.
111. Bennet, James	May 28, 1971	EAL	Miami to New York	Complaint filed May 29, 1971, New York 49 USC 1472.	Custody.
112. Landaeta, Ivan G. B	May 29, 1971	PAA	Caracas to Miami		Fugitive.
113. Riggs, Glen E	June 4, 1971	UAL	Charleston, W. Va. to Newark	Arraigned June 12, 1971 Alexandria, Va.	Custody.
114. White, Gregory	June 12, 1971	TWA	Chicago to New York	Arraigned June 12, 1971 Brooklyn, N.Y.	Do.
115. White, Bobby R	June 18, 1971	PAI	Winston-Salem (Ground)	Complaint filed June 18, 1971, Greensbor, N.C., 49 USC 1472.	Do.
116. Jackson, Robert L	July 2, 1971	BNF	Mexico City to San Antonio		Custody (Argentina).

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[1] Foreign air carrier engaged in U.S. air commerce.

[2] Considered as an attempt by Justice Department, but not FAA.

[3] Considered as attempt by FAA but not Justice Department.

AIR LINE PILOTS ASSOCIATION,
Washington, D.C., June 25, 1971.

Senator JAMES B. PEARSON,
U.S. Senate,
Washington, D.C.

DEAR SENATOR PEARSON: Regarding Bill #S3972 that you submitted to the Senate on June 16 of last year, we would be extremely interested to know if you have, or are planning to, resubmit this Bill this year.

As you are well aware, air piracy on commercial airlines is still a serious problem. Measures taken to stop these acts have been, in general, too little and too late. The provisions of your Bill to amend Section 902 of the Federal Aviation Act would be an aid to flight crews.

If we can assist in the passage of this Bill in any way, please advise us.

Sincerely,

J. J. O'DONNELL,
President.

ADDITIONAL COSPONSORS OF BILLS AND JOINT RESOLUTIONS

S. 1404

At the request of Mr. BYRD of Virginia, the Senator from North Carolina (Mr. ERVIN), the Senator from Arizona (Mr. GOLDWATER), and the Senator from Florida (Mr. GURNEY) were added as cosponsors of S. 1404, relating to the prohibition of imports of critical materials from free world countries.

S. 1534

At the request of Mr. Humphrey, the Senator from Iowa (Mr. Miller) was added as a cosponsor of S. 1534, a bill to provide maternity benefits for dependents of armed services personnel recently discharged.

SENATE JOINT RESOLUTION 62

At the request of Mr. Griffin, the Senator from Maine (Mrs. Smith) was added as a cosponsor of Senate Joint Resolution 62 to authorize the display of the flags of each of the 50 States at the base of the Washington Monument.

VETERANS DRUG AND ALCOHOL TREATMENT AND REHABILITATION ACT OF 1971—AMENDMENT

AMENDMENT NO. 252

(Ordered to be printed and referred to the Committee on Veterans' Affairs.)

AMENDMENT TO S. 2108 TO INSURE MEDICAL CONFIDENTIALITY AND PROTECT AGAINST SELF-INCRIMINATION WITH RESPECT TO INFORMATION PROVIDED BY VETERAN DRUG ADDICT OR ALCOHOLICS UNDERGOING TREATMENT AND REHABILITATION

Mr. CRANSTON. Mr. President, I send to the desk for printing an amendment I intend to propose to S. 2108, the proposed Veterans Drug and Alcohol Treatment and Rehabilitation Act of 1971, a bill to amend chapters 17 and 31 of title 38, United States Code, to require the availability of comprehensive treatment and rehabilitative services and programs for certain disabled veterans suffering from alcoholism, drug dependence and alcohol or drug abuse disabilities, and for other purposes.

At joint hearings of the Health and Hospitals Subcommittee, which I am privileged to chair, of the Veterans' Affairs Committee and the Alcoholism and Narcotics Subcommittee, chaired by the distinguished Senator from Iowa (Mr. Hughes), of the Committee on Labor and Public Welfare on June 23, serious questions arose as to the position of the Veterans' Administration with respect to information confided to its physicians by drug addicts or alcoholics receiving treatment and rehabilitation. Because of the close connection between drug addiction and criminal activity, there is a very real possibility that a drug addict undergoing treatment and rehabilitation may disclose possibly incriminating information during such treatment and rehabilitation with regard to criminal activity in which he engaged in order to support his habit.

Under such circumstances, there appears to be a very good possibility that the present state of the law would require the Veterans' Administration to disclose information regarding a specific criminal act to the Department of Justice upon that Department's request for such information.

The possibility of such revelation connected with criminal prosecution would, in my judgment, seriously threaten the integrity of the treatment program. It seems clear to me that if such disclosure to another Federal agency is required, it would be incumbent upon the VA doctor to so advise and warn the veteran addict patient at the outset of his treatment. Were such warnings standard procedure, there can be little doubt that the effectiveness of treatment and rehabilitation thereafter would be impaired. Indeed, the Chief Medical Director of the Veterans' Administration conceded this likelihood at our June 23 hearing.

The amendment I am submitting would provide that, notwithstanding any provision of any other law, absolute medical confidentiality shall be preserved during drug and alcoholism treatment and rehabilitation programs unless competent medical authority determines that the veteran is a danger to himself or to others. It also absolutely prohibits the admission into evidence in any judicial proceeding, criminal or civil, of administrative proceeding against any veteran of any such information divulged in medical confidence unless the veteran consents to such admission.

Mr. President, the Health and Hospitals Subcommittee, which I am privileged to chair of the Veterans' Affairs Committee will hold hearings on S. 2108—and this amendment to it—and related veterans' drug legislation on July 20 at 10:30 a.m. in room 6202 New Senate Office Building.

Mr. President, I ask unanimous consent that the text of the amendment I am submitting be set forth in the Record at this point.

There being no objection, the amendment was ordered to be printed in the Record, as follows:

Amendment No. 252

On page 5, line 11, insert the following:

Insert immediately after the words "which the Administrator contracts." the following new sentence: "Notwithstanding any other provision of law, absolute medical confidentiality shall be preserved with respect to any information divulged by a veteran in medical confidence during treatment and rehabilitation provided under this section unless competent medical authority determines that the veteran is a danger to himself or others, and in no event shall such information be admitted into evidence in any judicial proceeding, criminal or civil, or administrative proceeding against him without his consent."

DEPARTMENTS OF STATE, JUSTICE, COMMERCE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS, 1972—AMENDMENT

AMENDMENT NO. 253

(Ordered to be printed and to lie on the table.)

Mr. ERVIN. Mr. President, I am introducing an amendment to H.R. 9272, the appropriation bill for State, Justice, Commerce, the Judiciary, and related agencies, which I ask to have printed and kept at the desk until called up.

This amendment is very simple, but the issues to which it is directed are most grave.

This bill appropriates money for the Subversive Activities Control Board. That Board is very controversial. It has been inactive for years. There is serious question whether we should continue to give money to any agency which does nothing.

What the agency is supposed to do is even more controversial. It is authorized to hold hearings leading to a judgment that a particular group is Communist. The first amendment consequences of such an action are very serious, and the Supreme Court has substantially restricted the ability of the Board to operate because of the first amendment harm it causes.

On top of these existing controversies, we are faced with yet another one, and that is the one to which my amendment is directed. On July 2, a new Executive order was issued by the President purportedly giving the Board the power to designate groups on what has come to be known as the Attorney General's subversive list. That order, which was published only on July 8, and which I saw for the first time myself only Thursday, also makes new definitions of what is subversive.

We are now faced with a difficult situation. There is a question of the President's power to issue such orders by Executive order, and not by legislation. There is also the increased threat and harm to first amendment liberties by the new order.

If we pass this appropriation bill we will—and the Justice Department has made this very clear—we will be putting our stamp of approval on all that it implies. My amendment simply serves to save the Senate from giving approval until we have had time to consider the issues.

It may be that the senior Senator from Wisconsin (Mr. Proxmire) will be successful in his efforts to abolish the Board entirely. In that case my amendment will be unnecessary. But should that effort fail, I intend to offer my amendment. I certainly hope the Senate will adopt it.

The Attorney General's list was created in the late 1940's and given some semblance of regularity and authority by Executive Order 9835 in 1947 and Executive Order 10450 in 1953. It is ostensibly a list of groups the Justice Department thinks are of sufficiently suspicious nature to warrant membership in them as grounds for disqualification from Federal employment. In reality it is an official public list of Government-determined subversive groups. Membership in a group listed by the Attorney General as subversive means uncalculated harm to the individual, his family, and his friends. The immediate impact of the list is on Federal employees and those who would work for their Government. Originally, there was no hearing, no right to testify, no public determination. That was bad enough. But clearly the major defect is the first amendment impact of such listings, and the harm it does to the employee who may some time have been a member. I question very seriously the need and certainty the propriety of such a list of the Attorney General.

The SACB is also controversial. It is authorized by law to make public determinations of Communist organizations. Its official purpose is merely to inform the public of the nature of these groups, although members of designated groups were at one time subject to certain legal disabilities. In effect its actions have the same consequences as if the group were listed by the Attorney General.

Over the past decades the courts have

effectively paralyzed both the Board and the Attorney General's list. The courts said that organizations could not be put on the list without a hearing. As a result, the list has been moribund since 1965.

By the same token, the SACB's powers have been severely circumscribed by the courts. In 20 years, it has issued only 8 final orders. They were never enforced. With one exception, every time the Board's action has been challenged in the courts, it has been ruled unconstitutional, or otherwise frustrated because of legal defects.

Because it too has been moribund, there has been a strong effort to abolish it. The new Executive order transfers the Attorney General's listing functions to the Board. Clearly, it is an effort by the President to save the Board from abolishment.

The impact on Federal employees of this Attorney General's list is exceptionally severe. They too have constitutional rights and the listing clearly affects their constitutional rights of speech and association.

Beyond these distinctions between the Attorney General's list and the SACB are of course the great questions of constitutional principle and public policy.

The dangers of this so-called Attorney General's subversive list that this executive order would transfer to the Subversive Activities Control Board extend far beyond the great harm it will do to the constitutional rights of Americans who would serve their country by working for their government. The list of so-called subversives is in reality a list of those citizens whom the Justice Department—or now the Subversive Activities Control Board—has decided are disloyal and traitorous to the country. It is an official blacklist—a notice to the entire country that these citizens are pariahs, that they should be shunned because the Government has decided they are un-American.

Much more than a Government job is at stake.

Who dares give a job to a person the Government says is a traitor?

Who dares meet on social basis with a person the Government says is a traitor?

Who dares voice his agreement with the views of a person—no matter how reasonable—that the Government says is a traitor?

Not many.

The reason is easy to understand. The black mark that the Government gives a citizen by listing him as a subversive is indelible, and it is contagious. It rubs off on all those who associate with these so-called subversives. Guilt by association is a fact of life when we consider "subversives." A man who knowingly hires a subversive, who knowingly associates with him, who knowingly agrees with his political views—that man also receives the stigma of being an American of doubtful loyalty himself.

And then the process begins again. Those who associate with people who associate with subversives, and so on in an unending contagion of guilt.

It is a great mistake to think that this is a simple matter of distinguishing between "loyal" and "disloyal" Americans. The line is not clear cut at all, as the members of the Constitutional Rights Subcommittee have found out all too vividly in the recent hearings on Army spying. Those hearings also dealt with "subversives"—in this case it was all those Americans who were "involved" in civil disturbance. But to the Army, "involved" did not mean only those who had broken the law. To the Army it included all those who agreed with the views of those who might be breaking the law; all those who had the same general position on issues; all those who gave support or comfort or failed to criticize the views of these Americans.

In real terms, this included all Americans who disagreed with the administration on the great issues of the war in Vietnam, on the draft, on military defense, and all those who were active in any way—and on either side—of the civil rights issue.

It does not take much to realize that this Army view of "civil disturbance subversives" inevitably might include every single citizen in the United States who expressed a view on these great issues of our time so long as that view differed from what the Army thought was the proper "American" position. Indeed, the Army collected literally tens of thousands of names.

The list of excesses that we discovered runs into hundreds of examples. Let me list just a few:

In one city, it meant every person who had a peace symbol on his car.

In another, every black seen walking on the highway in a suspicious manner.

It included those who signed petitions, those who gave speeches, those who listened to speeches, those who filed lawsuits, those who bought or merely read certain newspapers. Only in the rarest case was there some indication—but never proof—that the person had engaged in some violent or otherwise illegal act. In the greatest majority of cases these citizens were only exercising their constitutionally guaranteed right of free speech. Their only sin—but it was sin enough—was to disagree with the administration.

Who were these people. There were not only the names we have come to learn from television and the newspapers. They included church groups, ministers, college professors, students, labor unions, the Quakers, the Unitarians, Methodists, Jews, the NAACP, the Urban League, the John Birch Society, movie stars, poets, philosophers, Senators, Congressmen, mayors, city councilmen, human rights commissions, reporters, housewives, high school students, taxi drivers.

And, of course, it included the ordinary American citizen, whose only crime was to express his views in public, and sometimes even in private, on these great public issues that divide our country.

To get an idea of the way the Army viewed this problem one need only look at the description of civil disturbance issued by the Army Intelligence command in 1968. As the target of their efforts they list "dissident elements." Included in here were, as I said antiwar, antimilitary, and civil rights people. Listed under "subversive conspiratorial aspects" were the "peace movement" and the "civil rights movement." But the Army also had a description of the "good guys," or in their terminology, the "friendly forces." Who were the friendly forces in the United States? The U.S. Army Intelligence Command and the U.S. Army. None other. Presumably everybody else—if there was anybody else—was neutral.

This illustrates the great danger of trying to list loyal and disloyal Americans. Eventually, everybody but those making the lists come under suspicion.

And then they begin looking at each other.

Now I often say that those like myself who hold any "establishment" views have nothing to fear from such listmaking by the Government. But that is not so. What better justification could there be for my being on a "subversive" list than to take a public position opposing an effort by the President to make a simple list of subversives? I think when we consider what is involved in this Executive order, we realize that all of us might make the list.

That is not an exaggeration. I have heard a story, which I cannot document, that the official concern with the Army spying activities only arose when a high-ranking general discovered he was in the Army computers. He was in the computers because someone had entered his name for a subscription to an underground, antiwar newspaper.

Whether this story is true or not, I cannot say. But I do know that an American family, including the children, were listed by the Army because they had mistakenly subscribed to a Japanese leftist periodical. They were visiting Japan and didn't speak the language. To this day they probably do not know that the Army listed them as associated with foreign leftist radical groups. If some day a member of this family fails to get a job or a security clearance, it will be because of the overzealous, uncontrolled effort by the Army to protect the country against what it saw as real or potential subversives.

These are the dangers which vividly were brought to our attention by the disclosures about Army spying. The agency may be different, but the dangers are the same. A list of subversives created under the vague words of this Executive order would really be no different than the lists the Army created when it sought to discover all Americans involved in riots and civil disturbances.

Just a quick look at the Executive order shows how vague the definitions are.

What is "an unlawful act to deny others their rights or benefits guaranteed by the Constitution or laws of the United States"?

Is it an invasion of the fourth amendment by using a wiretap in domestic security cases without statutory authorization?

Is it the imprisonment of a citizen even though he has not been convicted by a trial before a jury of his peers?

Is it forcibly breaking into his home without first getting a search warrant?

Is it attempting to halt the publication of a newspaper despite the first amendment guarantees of freedom of the press?

Is it getting a man's name into a "subversive" computer and thereby discouraging him from voicing his opinions on the policies of his Government—a right guaranteed by freedom of speech?

What is a "Fascist organization" that "fosters racism"?

Is it a group of "willful" Senators who filibuster against a civil rights law or the extension of the draft?

Or is it a group of blacks who set up a group dedicated to helping blacks advance in education, employment, and the like?

We all have our own views of what is racism, what is freedom of speech, what is the protection afforded by the fourth amendment. But what this executive order proposes to do is to allow one group of a few men to define what they think is American, what they think the Constitution and the laws permit and forbid, and then designate those who disagree as subversives.

We get a glimpse of how dangerous this can be from the testimony of the chairman of the Board before the Appropriations Committee. Senator McCLELLAN asked what the value of the Board was and here is the exchange.

> Mr. MAHAN. We think the disclosure to the American people of these dissident groups is healthy for the country, and necessary.
>
> Senator McCLELLAN. You say dissident groups. You certainly have reference to those that advocate violence and overthrow of the Government of the United States and anything like that, not because anybody dissents from the policies of Government?
>
> Mr. MAHAN. No sir. I meant only those who wish to overthrow the Government by force and violence.

Now the Board Chairman misspoke himself, but that slip of the tongue should give us pause for long thought when we look at how the Army saw the problem. They, too, made no distinction between subversion and dissent. Senator McCLELLAN had to remind the Board of the difference. No one was around to remind the Army.

Another remark—again a slip of the tongue or maybe a bad choice of words—should make us pause. The Board was testifying as to why the Board had very little work.

> Mr. MAHAN. That is the first time we have had a front case since back before Robert Kennedy was Attorney General. Before we had individual cases. The Circuit Court of Appeals ruled that *it was against the First Amendment as it is now written*. We have to amend the law to give us the authority to try individual cases again. I hope Congress does.

Now I know the remark was not meant as it sounds, but on first reading, it is chilling—"the first amendment as it is now written."

There is no need for an Attorney General's list or a Subversive Activities Control Board's list. If any person violates the law, let him be prosecuted according to the law. America can well survive without such a subversive list. It did fairly well from 1776 to 1947, when there was no Executive order and an Attorney General's list. And it has managed to get by from 1955 to 1971 when the Attorney General's list was collecting dust somewhere in the Justice Department.

Not only is there no need for such new powers by the Subversive Activities Control Board, but I believe there is a very serious constitutional issue raised merely by the attempt of the President to give these powers to the Board. The Constitution—the same one this Board would be protecting—says that—

> All legislative powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.

That is in article I, section 1. They are the very first words of the Constitution. I look in vain for any grant of legislative powers to the President.

There are none. The President's function is to execute the laws faithfully—not to write the ones himself that he thinks he might have trouble getting through Congress.

In the hearings on this bill, a number of Senators, including the senior Senator from Arkansas (Mr. McCLELLAN) and the senior Senator from Louisiana (Mr. ELLENDER) questioned the constitutional power of the President to issue such an order.

Mr. Robert Mardian, who is the new head of the Internal Security Division of the Justice Department rested his constitutional argument on only one basis—an appeal to the "inherent power" of the President. Here is the dialog:

> Senator McCLELLAN. Does the President have the power to issue this regulation? Is there any question about that?
>
> * * * * *
>
> Mr. MARDIAN. He does have that power. I think that power is unquestioned with respect to the Executive Order.
>
> Senator McCLELLAN. And the Board can operate under that Order, perform the functions that this Order provides?
>
> Mr. MARDIAN. Yes, sir.
>
> Senator McCLELLAN. Without legislation?
>
> Mr. MARDIAN. Yes, sir.

Senator McCLELLAN was understandably skeptical:

> Senator McCLELLAN. The statute may vest the President with certain powers, I do not know, we will have to check that, but unless it does, I do not see how the President by Executive Order can give to a Board created for one purpose by the Congress, with its powers and limitations prescribed, give to it a function which the Congress did not authorize.

Now Mr. Mardian, the head of the Internal Security Division of the Justice Department, also hedged a little. He said that if the President gave the Board the new powers and Congress then appropriated money, this was the equivalent of congressional authorization.

I question that as a general and unqualified rule. But it certainly does not apply in a case such as this when the order was issued a day or two before the hearing and the committee members had never heard of it, had not read about it, and did not know what it contained. That is obvious from the transcript:

> Senator McCLELLAN. What does all of this mean? When was this Executive Order amended?
>
> Mr. MARDIAN. The Executive Order was signed by the President within the past two days. I cannot tell you at this hour when it was signed.
>
> Senator McCLELLAN. It has been signed in the last day or two, this amendment?
>
> Mr. MARDIAN. Yes, sir.

Now whatever the validity of this general rule of authorizing by appropriating, certainly it does not apply when the Congress acts in the blind, when the new executive move comes after House action, and when the Senate committee has no knowledge of what it supposedly is approving. Our country does not run this way.

We have heard a lot about "inherent power" in recent months from this Justice Department. It is cited, it seems, every time the Justice Department wants to do something that affronts the constitutional rights of Americans.

We heard it when the Justice Department said it could tap phones to catch domestic security threats.

We heard it when the Justice Department sought to enjoin newspapers from publishing despite the first amendment and in the absence of any statute giving it power to sue for injunctions against the press.

We hear it when the executive branch refuses to tell Congress what Congress has a right to know.

We hear "inherent power" all the time these days. "Inherent power" is just the modern equivalent of the divine sovereignty of kings.

We fought a revolution to rid ourselves of the tyranny of the inherent powers of George III. We wrote a Constitution sharply limiting the powers of the Government, and especially the President, because we knew that the claim of inherent power is just another name for a claim to eventual total unrestrained power by one man.

The new Executive order talks about "totalitarian" government as "autocratic," when "control is centered in a single individual, group, or political party, allowing no effective representation to opposing individuals, groups, or parties and providing no practical opportunity for dissent."

Well what is "inherent power" if it means that the people elect a Congress which has "all" legislative power, but the "inherent power" doctrine allows the President to pass laws he calls Executive orders despite the fact the Congress might not agree.

I do not mean to suggest that this is the state to which we have come in recent times. But again I want to refer to the testimony before the committee for insight.

Mr. Mardian was just informing the committee of the issuance of the new Executive order and he did it in these words:

> Mr. MARDIAN. Since the decision in Boorda, the activities of the SACB as well as the Internal Security Act of 1950 and Executive Order 10450, issued by the President of the United States, have been under intensive study, and I can inform the committee today that the President has signed an amendment to Executive Order 10450, in accordance with his constitutional statuory powers.

I have never heard of the President's "constitutional statutory powers." It is not in my copy of the Constitution. If it is in Mr. Mardian's copy, I think we ought to take a very close look at it.

Mr. President, the constitutional issues involving the first amendment and separation of powers which this Executive order raises are very serious. I do not believe we should be put in a position of authorizing money for the Subversive Activities Control Board just a few days after an Executive order like this is issued giving it wide and unrestrained powers to do great harm to Americans.

I believe it is necessary at a minimum to make clear that if we do give money to the Board, we are not thereby approving the right of the President to invest the Board with these new duties.

For many years the Subcommittee on Separation of Powers has been considering the question of the so-called legislative powers of the President. The Constitutional Rights Subcommittee has also for many years been studying the threats to the first amendment that lie in lists and data banks such as the Subversive Activities Control Board would now create.

The least that we should do, therefore, is make it absolutely clear that the Senate does not approve of this new Executive order without first giving it the study that it requires. My amendment is designed to do just that. We should wait until these two subcommittees have a chance to report on the issues, and the Senate has a chance to consider their report and debate it thoroughly. If the President feels the great necessity for such an expansion of the Subversive Activities Control Board's powers, let him submit legislation to that effect.

But in the absence of such legislation, we have an obligation not to let pass such great infringements of our constitutional liberties. I hope the Senate will approve my amendment.

ADDITIONAL COSPONSOR OF AN AMENDMENT

AMENDMENT NO. 121

At the request of Mr. GRAVEL, the Senator from Massachusetts (Mr. KENNEDY) was added as a cosponsor of amendment No. 121, intended to be proposed to S. 1531, a bill relating to military construction.

ANNOUNCEMENT OF HEARING: VETERANS' DRUG LEGISLATION

Mr. CRANSTON. Mr. President, I announce, for the information of Senators, that next Tuesday, July 20, at 10:30 a.m. in room 6202, New Senate Office Building, the Health and Hospitals Subcommittee, which I am privileged to chair, of the Veterans' Affairs Committee will hold hearings on veterans' drug legislation pending before that subcommittee. The principal bills under consideration will be S. 2108, which I introduced on June 21, 1971—and an amendment to it I am submitting today—and H.R. 9265, as reported out of the House Veterans' Affairs Committee on June 30 and expected to be considered by the full House of Representatives on Monday July 19.

The Deputy Administrator of Veterans' Affairs, Mr. Fred Rhodes, and the Chief Medical Director of the Veterans' Administration, Dr. Marc J. Musser, will testify at this hearing which will be considered a continuation of the hearings of June 15 and 23, 1971, held jointly by my subcommittee and the Alcoholism and Narcotics Subcommittee, chaired by the distinguished Senator from Iowa (Mr. HUGHES), of the Committee on Labor and Public Welfare.

The second witness will be Dr. Louis Jolyon West, director of the Neuropsychiatric Institute, University of California at Los Angeles.

ADDITIONAL STATEMENTS

THE AMERICAN LEGION SPEAKS OUT AGAIN

Mr. McINTYRE. Mr. President, the American Legion, Department of New Hampshire, has spoken out on two vital issues facing our Nation—the strength of the U.S. Navy and the need to achieve peace in Southeast Asia.

I want to bring these excellent resolutions to the attention of the Senate so that my colleagues will have the views of this dedicated group of Americans in New Hampshire.

Mr. President, I ask unanimous consent to have these resolutions printed in the RECORD.

There being no objection, the resolutions were ordered to be printed in the RECORD, as follows:

Whereas the safety and defense of these United States should be a concern of all its citizens; and

Whereas the U.S. Navy has always been and will continue to be our first line of defense; and

Whereas in the years since World War II the U.S. Navy has seen both its surface vessels and submarine service become largely obsolete; and

Whereas in this same period of time the Navy of the Soviet Union has grown at a rate, both in number of vessels and in modernness of equipment and design, which makes it equal or superior to the Navy of the United States; and

Whereas any shift in Naval superiority would turn the balance of power against the United States and put us in a secondary position in protecting our interests at home and abroad;

Therefore be it resolved by the New Hampshire Department, The American Legion, in Convention assembled this 19th day of June, 1971, in Hampton, New Hampshire, that we petition the Congress of the United States to take immediate steps to return this country to its position as the world's greatest sea power and that adequate monies be appropriated to carry out a program of fleet modernization without delay; and

Be it further resolved that copies of this resolution be sent to the National Organization of The American Legion and to the members of the New Hampshire Congressional delegation in Washington for their approval and support.

Whereas there is much misunderstanding and discontent over this country's stand in Southeast Asia; and

Whereas we find the fundamental principles of our Government under attack by subversive elements;

Therefore be it resolved by the New Hampshire Department, The American Legion, in Convention assembled this 19th day of June, 1971, in Hampton, New Hampshire, that the Department of New Hampshire pledges its wholehearted support to the President of the United States in his efforts to find a just and honorable peace in Southeast Asia; and

Be it further resolved that the President be urged to end the war as quickly as possible with honor and with the returning home of all P.O.W.'s; and

Be it further resolved that copies of this resolution be forwarded to the President of the United States and to our Congressional Delegation in Washington.

U.S. ARMS TO PAKISTAN

Mr. CASE. Mr. President, I have been extremely concerned by the continuing shipment of U.S. arms to Pakistan. It is bad enough that the awful slaughter has gone on in East Pakistan, but that the United States should provide tools for the killing is intolerable. This is why I have introduced a resolution with Senator MONDALE which would call for the suspension of all military sales and assistance to Pakistan until the conflict is resolved and until the distribution of relief supplies is undertaken.

Moreover, I have become convinced that economic assistance, aside from humanitarian relief, should also be cut off, so I have joined as a cosponsor of the Church-Saxbe amendment which would accomplish this end.

A professor at Rutgers Law School, Dr. Albert Blaustein, shares my sentiments, and he has tried another approach: that of going to the courts to prevent shipment of military equipment to Pakistan.

I ask unanimous consent, Mr. President, that a Philadelphia Bulletin story about Dr. Blaustein's activities be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD as follows:

[From the Philadelphia Evening Bulletin, July 3, 1971]

LAW PROFESSOR SUES TO BLOCK ARMS SHIP

A professor at Rutgers University School of Law in Camden, Dr. Albert P. Blaustein filed suit in federal court in New York yesterday to prevent a Pakistani freighter believed to be carrying arms from leaving New York harbor.

A civil war has ravaged East Pakistan since it declared its independence from West Pakistan last March. The more powerful West Pakistan is reported to have used U.S. arms in crushing the independence movement.

When Blaustein first read of the desolation and plight of the refugees caused by the fighting, he formed the Bengla-Desh-American Foundation. Bengla Desh means Bengali nation and is the name given to independent East Pakistan.

READS ABOUT IT

Blaustein first read newspaper articles on June 22 about U.S. arms shipped to West Pakistan. On June 29 he learned that the Pakistani ship Kapai, was in New York and took steps with a New York law firm to file the suit.

"The question is every once in a while you ask yourself what you can do," said the law professor yesterday, "and in this case it was to get a court order to restrain that ship from leaving the harbor."

Blaustein, who lives in Cherry Hill, N.J., has written books on civil rights and teaches a seminar in race relations.

In 1962 he wrote a report on desegregation of the Philadelphia school system. He has also worked with an organization to control the world's population growth.

Thursday morning the 10,000 ton freighter slipped across the port to a pier in Newark, N.J. When Blaustein's attorney learned this, the regional commissioner of customs for the port of New York was named defendant in the suit.

WANT CARGO EXAMINED

The suit seeks to have the vessels cargo examined to insure it does not violate a presidential executive order, issued March 25, banning arms shipments to Pakistan.

An attorney for Blaustein said that if the ship's cargo is arms and its license was granted after March 25, then the cargo is contraband and subject to confiscation.

Commenting on the conditions in East Pakistan, Blaustein said, "It has 75 million people in an area the size of Pennsylvania.

"It's incredible to conceive so many people are suffering so seriously. We have such a mess in the Vietnam war we have forgotten we are a humanitarian nation. "

PLAYBOY INTERVIEW: GEORGE McGOVERN

Mr. MANSFIELD. Mr. President, the news media is beginning to devote a good deal of attention to the candidates, announced and unannounced, for the Democratic nomination for President. With election day some 15 months away, our party is most fortunate to have such a group of able candidates from which to choose.

The current issue of Playboy magazine, just out on the newsstands, contains a fine interview with GEORGE McGOVERN, South Dakota's distinguished junior Senator and one of the most active presidential aspirants. It is a very fine interview and gives new insight into the thinking and activities of our colleague.

I ask unanimous consent to have this interview printed in the RECORD.

There being no objection, the interview was ordered to be printed in the RECORD, as follows:

PLAYBOY INTERVIEW: GEORGE McGOVERN

A blustery Bronx dawn greeted George McGovern one day last March. For the sanitation men he was to meet—Latin, Slavic, black, Mediterranean—the dreary morning began as usual: with the cluster in the cold before their trucks, the ritual daily "shape-up." To the accompaniment of reporters, tape recorders, audio cables and film crews, the Senator approached them cautiously, with a hand advanced and a small smile. His manner was polite, almost timid, with none of the backslapping bonhomie of a Rockefeller, the easy grace of a Kennedy nor the volubility of a Humphrey. He acted as if he felt that even a candidate for the Presidency should observe a certain decorum among people he doesn't know very well. But the men responded sympathetically— answering his questions about municipal sanitation, offering the opinions he solicited on the war and the Nixon Administration. Although the television cameras were nearby, McGovern made no speeches. Instead, he sipped coffee from a paper cup and listened—which is unusual for a political candidate. When he left that Bronx garage, it was unclear whether he had won any votes, but he had certainly found out something about the problems of a great city and about the men who live and work in it.

Learning something of these problems is crucial if McGovern is to become President, for he is a country boy to the core. He knows that American society's crisis point is its cities, but he was raised among horses and chickens in South Dakota, and it's there that he still feels most at home. Even McGovern recognizes that it's fair to ask whether a man of 49 can learn enough about America's metropolitan malaise to lead, as he hopes to do, a Presidential campaign for social regeneration. He thinks the answer is yes—but the learning won't be easy. Hence his crash course in urban affairs through the dingy streets of the Bronx, past rows of abandoned buildings, across intersections crowded with junkies, into slum neighborhoods appalling even to hardened New Yorkers.

"If we had taken him into some of those buildings," said an assistant to Bronx Congressman Herman Badillo, "it would have taken him a lifetime to forget the stench. He's not ready for that yet." At one church, he heard blacks and Puerto Ricans denounce one another as racists. At another, they joined together to excoriate the city administration, the Federal Government, the landlords, the poverty program. All day long McGovern looked and listened—and exposed himself to the staggering variety of inhumanity one finds on the underside of urban life. When the tour was over, he collapsed into the air shuttle back to Washington, his body exhausted and his head swimming, but with the feeling that this had been an indispensable experience.

George McGovern didn't always want to be President. That would have been presumptuous for the son of a dust-bowl preacher growing up in Depression poverty. His father the late Reverend Joseph C. McGovern, played semiprofessional baseball around Des Moines after World War One before setting out on an odyssey that took him from town to town organizing Wesleyan Methodist congregations. Finally, he set up his own pulpit in Avon, a South Dakota prairie town of 600 people. There George Stanley McGovern was born on July 19, 1922. Six years later, the family—which now included two boys and two girls—migrated to Mitchell, a comparative metropolis of 6000. Etched in McGovern's boyhood memories are days in Mitchell when cabbage and potatoes were all the family had to eat. Is it Mitchell that he still considers home.

Educated in the local public schools, McGovern was attending Dakota Wesleyan University when World War Two erupted. He enlisted in the Army Air Corps, won his wings as a bomber pilot and flew 35 missions over Europe from bases in North Africa and Italy. On his 30th mission, when flak struck his plane and mortally wounded his navigator, McGovern nursed the disabled aircraft to a crash landing on the tiny Adriatic island of Viz and was awarded the Distinguished Flying Cross for valor. (He has often said that his military record established the credentials that entitled him to become a Vietnam dove many years later.) After the war, he returned to take his bachelor's degree at Dakota Wesleyan, then went on for a doctorate in history at Northwestern. It was during this period that McGovern, whose family was nominally Republican, became a Democrat—because, he explains, "My study of history convinced me that the Democrats were more on the side of the average American." In 1953, while he was teaching history and political science at Dakota Wesleyan, he decided to enter politics full time.

Just 30, McGovern became the first salaried organizer for the almost nonexistent Democratic Party in South Dakota, which held no major offices and only two of the legislature's 110 seats. After three years of intensive and successful efforts to rebuild the party, he ran for Congress himself. His campaign was conducted on a shoestring, a contribution often consisting of a chicken, which would serve as the candidate's supper. Once he had to peddle campaign buttons at a picnic to earn his transportation to the next day's rally. Yet he won the election and remained in the House for two terms, where he made a name for himself as a man with thoroughly liberal convictions—and enough good sense to make sure the farmers back home were well cared for. In 1960, McGovern ran for the Senate against Karl Mundt, a conservative Republican, and lost. Then the newly elected President, John F. Kennedy, named him director of the Food for Peace program—a perfect platform for a farm-state humanitarian. By getting rid of farm surpluses and feeding the poor, McGovern endeared himself to liberals and conservatives alike. Then, in 1962, he ran for the Senate again and unseated the incumbent Republican, Senator Joe Bottum, by 597 votes.

If there is one issue that has dominated McGovern's entire Senate career, it has been his opposition to the Vietnam war. Since he made his first speech on the subject in September 1963, he has seen the antiwar movement grow from a quixotic lost cause to a majority position, both in Congress and in the nation. It was Vietnam, more than anything else, that attracted him to the Presidential candidacy of Robert Kennedy in 1968, though he had personally been much closer to Hubert Humphrey. After Kennedy was assassinated, McGovern was urged to hold Kennedy's antiwar supporters together by running himself at the Chicago convention; it was a rearguard action, but he received 146½ delegate votes. He also caught a severe case of Presidential flu. Since the election of Richard Nixon, and his own reelection to the Senate, McGovern has intensified his opposition to the war—and worked to solidify his Presidential ambitions for 1972.

Throughout the first years of the Nixon Administration, he made hundreds of appearances on college campuses, trying in his unostentatious way to keep antiwar ardor alive. In the Senate, he cosponsored with Oregon Senator Mark Hatfield a resolution requiring the withdrawal of all American forces from Indochina by the end of 1971. As chairman of the Senate Select Committee on Nutrition and Human Needs, he fixed public attention on hunger in America and refocused on his old objective of feeding the poor. And as chairman of the Democratic National Committee's McGovern Commission, he pressed successfully for adoption of a new set of rules to avoid a repetition of the 1968 fiasco at Chicago by assuring the open, democratic selection of national-convention delegates. Meanwhile, he labored slowly and methodically to build the staff and organization necessary for a Presidential campaign.

On January 18, 1971, McGovern formally declared his candidacy, promising the American people "a way out of the wilderness." It was an unprecedentedly early announcement and the first of the political season. But it was necessary, McGovern explained, if he was to conduct himself with candor and, at the same time, make up lost ground on his better-known rivals. Since that time, he has stepped up his travels throughout the country, quietly seeking support, developing the themes of his campaign, looking and learning in a manner that befits a scholar and former professor. According to the latest polls, McGovern has been gaining in the race for the nomination—but he still has a long way to go.

It wasn't easy for the candidate to fit in the time for this "Playboy Interview" with Milton Viorst, a political columnist syndicated by the Washington Star. But after a few false starts, the schedule was set, the office phones were turned off, the neckties were loosened and the two men settled down to talk. McGovern made only one rule: He refused to criticize his Democratic rivals. With that in mind, Viorst began by asking him to discuss his aspirations.

PLAYBOY. Senator, why do you want to be President?

McGOVERN. Basically, because I have the confidence and the understanding to do something about the most important problems that confront the country today. It may sound old-fashioned to say that I love this country, but I do and I'm deeply distressed over the mistaken directions we're pursuing. We're on the wrong course in the world and the problems we're neglecting here at home have become so acute that 1972 may be the last turnaround chance we'll have. If we continue under the kind of leadership we've had in recent years, it's an open question whether our society can survive.

PLAYBOY. What makes you think you're more qualified for this job than Nixon—or Muskie, Kennedy, Hughes, Bayh, Jackson, Humphrey and all the other Democrats whose names have been mentioned as Presidential prospects?

McGOVERN. In addition to my experience, I think I have a steady, dependable temperament, as well as a sense of history and some degree of imagination. And I don't think I explode under pressure.

PLAYBOY. Are you referring to the reports suggesting that your rival for the nomination, Senator Muskie, is short-fused?

McGOVERN. No, not at all. I'm just talking about an assessment of my own strengths; I think I have the capacity to stand up under enormous pressure. As a matter of fact, that's when I do best. I believe that, should I become President, the confrontation with difficult problems would draw out the best in me rather than the worst. I'm the type of person whose best writing best speaking, best performances have always come at times of greatest challenge; that's a good quality to have in the President of the United States. I also think I have a broader and more sensitive perspective than the other candidates on the really crucial problems—and the alternative possibilities—before the country. I wouldn't be running if I didn't have the conviction that I had something to offer that the other candidates don't have. There's no point in running just to have a contest among equals.

PLAYBOY. What do you think are your most serious personal handicaps—in terms of not only becoming President but of exercising the powers of the Presidency?

McGOVERN. Well, I suppose the fact that I'm not as dynamic, as flamboyant a personality as a Theodore Roosevelt or a Franklin Roosevelt. Though I think there's entirely too much emphasis placed on "charisma" in politics, I must admit that it would be nice if, without being unnatural, I had a few more exciting personal qualities than I do. But I thing those qualities will develop. I found in Chicago in 1968, strangely enough, a new vein of excitement running in myself. I was surprised at the way my brief bid for the Presidency stirred currents within me that I felt were transmitted to other people. There was no one in Chicago who said, "Well, he's a nice guy, but he's dull," when I confronted Humphrey and McCarthy on the only stage where all of us appeared. Many of those who were there, as a matter of fact, told me I came across as the most exciting of the three.

PLAYBOY. It's been said that a man must have an extraordinary sense of righteousness to want to be President, perhaps even a power neurosis. Do you agree?

McGOVERN. I don't think it requires a power neurosis. As a matter of fact, I believe anyone who *backs away* from the opportunity—if he's in a position to make a reasonable bid for the Presidency and has some understanding of what needs to be done—may be neurotic. It does require great self-confidence and maybe some degree of arrogance to run for the Presidency, but to me that stops short of being a neurosis.

PLAYBOY. It's' also been said that a man who wants to run for the Presidency has to have a kind of political killer instinct—and that you don't have it.

McGOVERN. The great Presidents, in my judgment, weren't men with the killer instinct. The three biggest Presidential monuments in the Capitol are dedicated to Washington, Jefferson and Lincoln. These were very tough-minded men, but it wasn't the killer instinct that guided them. I think these were men with a rare degree of prudence, wisdom and compassion—qualities that are much needed now. Some cynics feel that decency in a politician is a handicap. But I think a sense of decency—not prudishness nor sanctimonious self-righteousness but old-fashioned concern and love for others—will be essential in the next President. That's the kind of President I want to be.

PLAYBOY. Don't you find that you have to compromise yourself to some degree in order to raise money, to make alliances, to organize a coalition behind you, to disassociate yourself from supporters who have become liabilities?

McGOVERN. Well, I've probably had to do less of that sort of thing than most candidates setting out for the Presidency, because I've recognized from the beginning that the principal assets I have as a candidate are my reputation and my record of being myself, of not trying to create some kind of manufactured position or image. I've tended over the years to speak out with considerable candor. I haven't backed away from any of the tough issues, even though they required paying a penalty. It may well be that in seeking the nomination, I'll be more circumspect about the kinds of groups I'm associated with, but so far I haven't rejected identification with controversial groups. I was one of the first to speak out against such sacred cows as J. Edgar Hoover, and I'm going to continue such direct talk, even recognizing that it may cost me support in some areas.

PLAYBOY. In this connection, is it possible that the press—or your opponents—will dredge up a scandal in your closet?

McGOVERN. I don't think so. I wouldn't want everything in my personal life spread on a billboard any more than anyone else would, because we've all had our escapades. But I've never in my life knowingly cheated anybody out of a penny nor taken a bribe nor done anything that I feel is basically dishonest. And I don't think there are any scandals that are so serious that, if they were spread around, would be of any particular consequence. They might be embarrassing, but I don't think they'd be fatal.

PLAYBOY. Who's supplying the money for your campaign?

McGOVERN. We've had a few contributions in the $1000 or $2000 range, but 99 percent of the more than $300,000 we've raised so far has come in small amounts—averaging around ten dollars apiece—from direct mail, which may be new in American politics. I don't think any Presidential campaign ever began with a direct-mail fund appeal in advance of an actual announcement. And its been successful. At least at this point, I can legitimately claim to be a grassroots candidate.

PLAYBOY. How much money will you need between now and the convention?

McGOVERN. We'll need $500,000 in 1971, probably another $500,000 for the first couple of primaries—and beyond that, no one can tell. It can run into millions, depending on how many primaries we enter and on how well we do. We must show some strength in the early primaries to raise the kind of money it takes to campaign in such big states as California, New York and Illinois.

PLAYBOY. How do you see your strategy for the nomination shaping up at this stage? Will you stress personal political contacts or primaries or just try to make a big popular wave?

McGOVERN. I think we have to do every thing. Every time I think we've got a neat strategy worked out, I see some missing element that we have to fill. I find it's a very bad operating procedure, for example, to go into a state without advance telephone calls and personal letters to key party leaders, labor leaders, farm leaders—those who regard themselves as the real movers and shapers in their state. All this takes an enormous amount of time, but it's essential when you consider that when it comes right down to it, the candidate will be selected by about 1500 of these people at the next national convention.

You can anticipate that 50 or 60 percent of those who were delegates in '68 are going to be back in '72. Though the delegations have not yet been selected, I know at least a dozen people who will be delegates from South Dakota, because they're going to do whatever is necessary, no matter what the system of delegate selection is, to see that their names are put forward. That tends to be true in every state. If we're intelligent enough, we'll be able to anticipate and work with at least half of these former delegates.

Beyond that is the question of how you influence their votes. One way is to show that you have broad popular appeal and that you can be elected. That requires effective speaking when you're in the state and some demonstration that you know how to put together an organization. But if there's just one central approach that I'm trying to keep in mind, it's to demonstrate to people that they can trust me, that when I tell them something, I mean it. If there's any over-all strategy, it's to resolve every question on the basis of what is honest and then to stay with that position.

PLAYBOY. In view of the reforms of your own McGovern Commission inside the Democratic Party, aren't all convention delegates supposed to represent a popular mandate much more than before, so that as individuals they will, presumbly, assume less importance?

McGOVERN. That's correct. But even within a perfectly open, responsive political system, the person who works the hardest at trying to get selected as a delegate is still going to do pretty well. No matter what system we devise—whether it's a primary or a caucus or a convention system—the most ambitious and the most persistent potential delegates are, in at least 50 percent of the cases, going to be the ones who come out as delegates.

But it's a fact that the 18 guidelines of the so-called McGovern Commission will make the next convention a more grass-roots convention than any political party has had in memory. The guidelines are devised to eliminate boss rule, to make certain that women and minorities are well represented, to prohibit excessive fees and expenses and to assure that delegates aren't chosen before the issues and candidates are known. In short, the guidelines will take delegate selection out of the back rooms of politics and into the open. I think it will make a difference in that the slates will be more representative than they've been in the past. I would think, for instance, that at the next convention we'll see a representation of blacks, young people, women, Puerto Ricans, Mexican-Americans and Indians that's far closer to their proportion in the population, certainly closer than ever before in history.

PLAYBOY. You said the commission's guidelines have been devised to eliminate boss rule at conventions. Does that include Mayor Daley?

McGOVERN. Mayor Daley likes to win elections, and he saw the disastrous impact that boss-type images had on the Democratic Party in 1968. It wasn't an accident that Mayor Daley motioned at the Illinois State Convention to adopt the McGovern Commission guidelines unanimously. It wasn't an accident that he was the lead-off witness at the McGovern Commission public hearings in Chicago in 1969. He's a very able and astute political figure who realizes that it's not smart to be against political reform these days.

PLAYBOY. Are you the kind of man, like Mayor Daley, who surrounds himself with those who agree with you, or do you like to employ people who'll tell you the truth about yourself even when it isn't pleasant?

McGOVERN. I certainly wouldn't characterize Mayor Daley as you do, but speaking for myself, I can take criticism, though sometimes it depresses me if I hear it late at night when I'm tired. Yet I know it's desperately important to have people around you who'll tell you the truth. I think that's the greatest single hazard that a President of the United States faces. One of the best books on politics I've seen in a long time was written by President Johnson's press secretary, George Reedy. It describes with marvelous insight the way in which Presidents are isolated from reality by ambitious assistants, and also the way in which the office corrupts a President. He's flattered and cajoled. It's always helicopters waiting and drivers and Secret Service and secretaries and everything right at his command. He's also under such great pressure that anyone who wants to get his ear tends to develop views that are compatible with the President's.

The great master at that art was Walt Rostow, who could always put into a neat rationalization the horrible things that we were doing in Southeast Asia. Whenever some catastrophe would take place out there, Walt had a way of saying that it was part of Plan A or Plan Z, designed to give great difficulty six months from now to the Chinese Communists. Everything was rationalized into a pattern. You have to avoid the rationalizers, who are always trying to make you look good and who have a way of explaining away catastrophes instead of telling you the truth.

PLAYBOY. Do you think President Nixon has isolated himself as Johnson did from diverse opinion?

McGOVERN. Yes, I think he has. I think the people around Nixon are people who are generally compatible with him and with his views; I don't think he's got anyone on his staff who's really a devil's advocate. I don't think he really invites people who disagree with him in for lengthy discussions. In view of what happened to his predecessor, I really don't understand why Nixon's doesn't have a steady stream of people coming in from various parts of our society—people who are critical students of the American scene: journalists who will really level with him in private, clergymen, professors, poets, people of all kinds who will tell him the truth. I would do that if I were President—if only to keep myself intellectually alive.

PLAYBOY. Is your personality so different from Nixon's?

McGOVERN. I don't know Nixon very well. I really don't know what his personality is like. Of all the men prominent in public life, I know the least about Nixon and feel the most uncertain about what kind of person he is. Yet I would say, instinctively, that over the years I can't think of anyone I would regard as more of an antithesis of me than Richard Nixon.

PLAYBOY. In what ways?

McGOVERN. Well, in terms of the way we reach judgments and the way we deal with people, I have the feeling that Nixon is a very detached man who sees politics as a process in which you manipulate various levers to advance your career, rather than as a process you use to advance certain ideals. Maybe that's unfair to him, but much of his career seems to me to have been built on undercutting the reputation of other people. He's almost the last man I wanted to see become President of the United States. If someone had told me in his great witch-hunting days back in the Forties and Fifties, when he was on the Joe McCarthy line, that he would someday be President, it would have appalled me.

PLAYBOY. Does it appall you now?

McGOVERN. Well, yes, it does. I suppose one of the reasons I'm not more appalled is that I think the Democrats invited it by not addressing themselves to the transcendent issue of the Sixties, which was the Indochina war. We played into Nixon's hands in standing so faithfully by President Johnson's disastrous war policy, allowing Nixon to assure the American people, quite falsely, that he had a secret plan for peace. How any President can then go on to tell the American people that Vietnam is one of the finest hours in our national history—while claiming to be "winding down" the war—is just beyond my comprehension. Either he is so totally out of touch with reality that he should not be President, or he's willing to be just a cheap propagandist in order to put a false face on something the people need to confront for what it is. Nixon had an opportunity when he was elected to say, "I didn't start this war, but I did pledge to end it and I'm going to do it." But when he says it's the finest hour in our history and that he's going to do whatever is necessary to meet any kind of challenge from the other side, I think that's not only a betrayal of the public trust that brought him into the White House, I think it's also deceitful and dishonorable.

PLAYBOY. The President said not long ago that the reason he dismissed Gallup Polls indicating widespread public disenchantment with the war in Vietnam is that he "understands history" better than most Americans. What do you think of that?

McGOVERN. Nixon is a shrewd enough historian to know that where you stand in the polls in 1971 has very little to do with where you're going to be in 1972. I'm sure he figures that if he diminishes the war on the ground and reduces casualties and if the economy bounces back with some strength, he'll be in pretty good shape by Election Day. I think he does have *that* kind of historical perspective. As for the great trends of history, however, I think that the American people's sense that we're on the wrong course is more profound than the President's. He's more inclined to put a rosy interpretation on the situation than the American people are; I think they're closer to reality. In that sense, I believe his knowledge of history has failed him.

PLAYBOY. Does he have an anti-Communist ideologue's view of history?

McGOVERN. It may very well be that he's clinging to his old prejudices and, because of that, has cut himself off from sound historical perspective. But I must say, he seems to show signs of moderation. He's made overtures to the Chinese, he's let the SALT discussions go forward and he's been to central and eastern Europe.

PLAYBOY. Do you feel he's beginning to think in terms of coexistence?

McGOVERN. I hope so. Speaking for myself, I think communism is another economic system that doesn't happen to fit my view of how society ought to be organized, but I'm willing to live in a world of diversity and I think we can get along with the Communists. If people want to be organized under a Communist system, we've got to accept the fact that this is their judgment to make. The Soviets may be in competition with us, but that doesn't mean we can't coexist peacefully with them. And I think the same thing is true of the Chinese. We have had the view too long that because they are Communists, they are our mortal enemies.

I think even Nixon is beginning to see that. I mean, he seemed to enjoy being wined and dined in Romania by the Communist government. And he doesn't seem to be particularly disturbed about communism in Yugoslavia. He even talks of being concerned about Czechoslovakia because of the difficulties with the Soviet Union. So I think even he is beginning to see that you can survive in the same world with Communists, that we don't have to get involved in any more holy crusades to "stem the Red tide."

PLAYBOY. If that's true, why does Nixon remain so hostile to the idea of Communist representation in a postwar Vietnamese coalition government?

McGOVERN. That's where his anti-Communist instinct has survived most disastrously. You can't run a schizophrenic foreign policy. A foreign policy has to stand for—and against—the same things everywhere. I simply don't understand how he can reconcile himself to communism in Romania and yet not stand the prospect of communism in Vietnam. As far as I'm concerned, who controls Vietnam is of approximately the same strategic significance as who controls Albania. If we hadn't become involved there, most of us wouldn't even know where Hanoi is. I think it was Ken Galbraith who said that if we hadn't become involved, Vietnam would be enjoying the oblivion it so richly deserves.

PLAYBOY. We gather that you don't believe in the domino theory.

McGOVERN. If you're talking about the theory that when one country falls to communism, others will somehow follow it, sort of automatically, I don't believe that at all. In fact, I believe quite the reverse. Our meddling in Indochina has *hastened* the fall of of the dominoes. Laos and Cambodia were doing quite well until we came along, and now I'm not sure what's going to happen to them.

PLAYBOY. Do you sympathize with the aspirations of the Viet Cong and their North Vietnamese allies?

McGOVERN. In that they're striving for national independence, yes. Their posture is more legitimate than that of General Thieu, who is really a creature of French and American power. I can scarcely condone the terror the Viet Cong and Hanoi have adopted as a military tactic, but they've been on the side of Vietnamese national self-interest ever since they expelled the Japanese and then the French. Now it's our turn.

However good our intentions may originally have been—saying we were going there to ensure self-determination—our purpose began wearing thin from the very beginning. The moment Eisenhower said Ho Chi Minh was the choice of 80 percent of the Vietnamese, we made ourselves into hypocrites by claiming we were there to advance self-determination. We were there for precisely the opposite reason, which was to prevent the overwhelming sentiment of the country from bringing into power what we felt would be a Communist government and to use all our military might to keep the unpopular *anti*-Communist government in power.

Toward that insane end, we have nearly destroyed their nation with our guns and and our bombs. My Lai is just a tiny pimple on the surface of a raging boil. The whole war is a massacre of innocent people and we all share in the guilt for it. Probably 1,000,000 innocent people have been slaughtered or maimed by American bombs and artillery. Another 4,000,000 or 5,000,000 have been systematically driven out of their homes and herded into miserable refugee centers. What makes Lieutenant Calley's acts so barbaric is that he personally looked down the barrel of a rifle and shot women and infants pleading for their lives. No matter how you explain it, that's more barbaric than a pilot under orders from a commander dropping bombs on a civilian target. But the results are just as devastating when you've killed several hundred people from 20,000 feet as when you've gunned them down in a village.

Calley may have disobeyed orders in doing what he did, but the devastation of Vietnam is a deliberate national policy that has the endorsement of the United States Government, its commanders in the field, its Armed Services Committee in the Congress and the Joint Chiefs of Staff. In that sense, we're involved as a free people in decisions that are murdering innocent individuals. So I think everybody from the President on down is as guilty as Lieutenant Calley. What I'm saying is that the whole Vietnam intervention by the United States is a criminal, immoral, senseless, undeclared, unconstitutional catastrophe, and the answer to the crime of our policy is not to pick out a few scapegoats. The answer is to indicate that we understand we made a mistake and to change our leadership.

Playboy. Do you think the majority of Americans feels as you do?

McGovern. Yes, I think so. The fact that 73 percent of the people in a recent Gallup Poll said they favored the McGovern-Hatfield Amendment to disengage before the end of this year is indicative of the problems that confront Nixon. It's not just the war. It's the fallout from the war, the credibility problem, the economic distress, the inflation, the dislocations that the war has wrought in our own society.

Playboy. If you should become President, and if the fighting is still going on by then—which the Administration claims won't be the case—how would you end it?

McGovern. I would announce on Inauguration Day that we were simply leaving on such and such a date—lock, stock and barrel. Perhaps I'd take a couple of days to notify the interested governments, but no longer. I would think that negotoations for the release of our prisoners and the safe exit of our forces could begin within 30 days after I became President. And once those negotiations were completed, I see no reason why a full withdrawal couldn't be executed in six or eight months' time.

I think the Nixon hang-up is that he won't let go of the Thieu-Ky regime. He somehow feels that we have to continue the bombing even after we withdraw our troops, so that we can ensure the survival of the Thieu-Ky regime—which means, in realistic terms, that American prisoners will be left in Hanoi indefinitely. Obviously, Hanoi isn't going to release our prisoners as long as we continue military operations, even though American ground forces may be gone. It also means that the Americans who remain behind, in however reduced numbers, are in danger of being wiped out.

Suppose Vietnamization works and you get American forces down to 100,000 by the summer of '72; those 100,000 men could be wiped out any time the other side decided to stage another Dien Bien Phu. And, of course, the prisoners would stay in their jails. If that happened, would Nixon unleash the full power of the American Air Force against Hanoi? If so, the prisoners would be destroyed. And if we really jeopardized North Vietnam's survival, I suppose the Chinese would intervene. So I think the alternative to disengagement might well be World War Three.

Playboy. World War Three could also be ignited by continued hostilities in the Middle East. Do you think the U.S. has a more legitimate stake in that conflict than it does in Vietnam?

McGovern. Yes, I do. The Middle East is more important than Vietnam in terms of both our security and our traditions. But I don't agree with the President that it's more dangerous and explosive than Southeast Asia. The Nixon Administration has done reasonably well in trying to get the Israelis and the Arabs together in face-to-face negotiations. But I don't think we can dictate a settlement, whether on the basis of Secretary Rogers' plan or any other. We must recognize the outstanding differences as essentially an Arab-Israeli concern, and no matter how important the outcome is to us, I don't think we can dictate it.

There are legitimate grievances on both sides. Even the Israelis recognize that the Palestinians who lost their homes have a right to a decent life. As Americans, we should do all we can to help them. It would remove a major obstacle to peace in the region. The principal concerns for Israel are to make sure that its borders are defensible and that its right to exist is recognized by the Arab states. I think Israel won't be fully secure until the United States and other countries guarantee its existence. Israel is the one free state we have in the Middle East. It represents democratic ideals, and I don't know of another country in the world that has the confidence and support of its own people to the degree that Israel has. I would be prepared to take whatever steps were necessary to ensure its survival.

Playboy. Is Soviet expansionism in the Middle East creating the risk of a big-power showdown?

McGovern. I don't think the Soviets will press their expansion to the point where it precipitates a confrontation with the United States. And I don't think we will, either. I see the deepening Soviet involvement in the Middle East partly as an outgrowth of our obsession with Southeast Asia; I think the Russians thought they could make a little mischief in the Middle East while we were preoccupied in Southeast Asia. But the situation is dangerous. That's why it's so important for negotiations to proceed. Neither Russia nor the United States has the power to impose a solution on the Middle East. But as long as Russia keeps supplying arms to the Arabs, we have to make sure that the balance is sufficient for Israel to defend itself.

Playboy. While we're at loggerheads with the Soviets in the Middle East, do you think we should cooperate with them on SALT talks for disarmament or on *détente* for central Europe?

McGovern. Yes, I do. I think, for example, we ought to have a standstill on any further ABM or MIRV deployment. We ought to unilaterally halt any further missile development and then press for agreements with the Soviets on the ABM. At least we could sign off on that one. We don't need the ABM anyway.

Playboy. Why is the President unwilling to fulfill his promise to sign an anti-ABM agreement?

McGovern. I don't understand why. It may be a Cold War ploy; I'm sure he knows we don't really need it for our security. Or it may be the pressure of jobs and military contracts here at home.

Playboy. Do you think the President would continue the arms race for the sake of jobs, when jobs can be created for peace time use?

McGovern. Well, I think he probably sees the ABM as a kind of harmless device to both keep people at work and satisfy the pressures on him from the military. I think Nixon lacks the imagination to see that a human-needs program could be pushed through Congress with his leadership. He vetoed the school bill, the hospital-construction bill and the manpower bill. It's ridiculous to build ABMs and MIRVs when you have all these vital things people need in areas where they can be kept employed.

The most outrageous single factor in American politics today, if you leave Vietnam aside, is that we continue to waste billions of dollars on nonessential military gadgets while pinching pennies on providing public-service employment here at home. We desperately need housing, schools, day-care centers, health care, new transit systems, antipollution devices, environmental programs of various kinds. There's enough work in this country for every man and woman who's capable of working, if we set our values straight.

Playboy. Is there any way other than further arms expansion to ensure our national security?

McGovern. Indeed there is. The best way to ensure our national security is to improve relations with the Soviet Union in every area we can. That means expanding international trade and trying to reach an agreement on such outstanding questions as the Middle East, Berlin, Southeast Asia and arms control. But if we're going to get anywhere in any of these areas, we're going to have to abandon our paranoia about Russia's ambition to dominate the world. I think if the Russians had messianic views at one time, they've largely subsided. The Soviets are interested in a security zone to protect them from another invasion from the West, from revived German militarism, and they see American policy in western Europe as reviving German power and building a nuclear cordon around them. I've always felt that's the real reason they wanted a cushion of Communist states on their western border, from Poland to the Mediterranean.

Though they're not particularly interested in Southeast Asia, except in getting us out, they won't permit us to defeat North Vietnam any more than the Chinese would permit us to defeat North Korea. But the Middle East is different. There's an old czarist carry-over involved there, I think, of wanting to have access to the eastern Mediterranean. I suppose they're concerned about the oil in the Middle East, although perhaps not as much as we are. But they're going to be a force in the Mediterranean whether we like it or not; they're going to increase their sea power in that area.

Playboy. Wouldn't it be against our interests to let the Russians expand wherever their ambitions take them?

McGovern. Well, we can't ignore big-power expansionism—our own or anyone else's. We've got to press them for greater restraint and, at the same time, we must restrain ourselves. Perhaps the greatest anxiety of the Soviets today is their relationship with the Chinese. I believe it would be a mistake for us to try to exploit it by unduly increasing their tensions with Peking. Nobody would gain from an all-out war between China and Russia. But I think we've been right in seeking to counteract their mischief-making in the Middle East by selling arms to Israel. And we must leave no doubt that we are committing ourselves to Israel's survival.

Playboy. Do you think Soviet world ambitions have been cooled by our military power?

McGovern. That's possible. But I think we've exceeded our necessary build-up. The enormous American build-up after World War Two almost guaranteed that the Soviets would attempt to offset it. If we had moved with less ambition in trying to encircle them with nuclear power, they might have been less fearful and, therefore, less belligerent than they've become.

Playboy. If we "let down our guard," to use the term heard in some circles, do you think the Russians would attack us?

McGovern. I think the United States ought to maintain its nuclear deterrents—at a reduced level—but we don't need as large a force in western Europe as we have. I don't see any signs that the Soviets want a major war with western Europe or with us, so we could very safely reduce the size of our military without subjecting ourselves to a Soviet danger.

Playboy. How about the danger from China?

McGovern. I think the belligerent stance of mainland China, which so far has been largely rhetoric—and which now, of course, shows signs of softening—would greatly lessen if it became a part of the international community, if the government were recognized as the legitimate government of China and if it were made a part of the United Nations.

PLAYBOY. Then what should be done with Taiwan?

McGOVERN. I would leave that up to the people of China and Taiwan. It's not an American problem. Both Chiang Kaishek and Mao Tse-tung agree that it's a Chinese problem.

PLAYBOY. Would it remain so even if Peking attempted to unify the two Chinas by force?

McGOVERN. I don't think Peking would do that. I think the Chinese would work out some kind of peaceful arrangement, and my guess is that, if we recognized Peking and it was admitted to the United Nations, Chiang Kai-shek would make good on his pledge to withdraw from the U.N. Then it would be up to him whether he headed for Paris or Geneva or sought to work out an arrangement for the future of Taiwan. If I were President, I would be prepared to recognize Peking as the sole and legitimate government of China, leaving the future status of Taiwan to be resolved peacefully by the people on both sides of the Taiwan Strait.

PLAYBOY. Would you recognize any obligation on our part to protect Chinese officials on Taiwan from reprisal?

McGOVERN. I think if they wanted to leave, as with those in the Saigon government who might not wish to remain behind when we leave Vietnam, we could make an offer of asylum; but I can't envision a situation in which the mainland Chinese would move in there and start massacring people on Taiwan. The primary responsibility for the people of Taiwan is in the hands of the Chinese government. You have to express the hope that it would deal with its people peacefully. We cannot determine the outcome ourselves.

PLAYBOY. In reassessing our relations with the Communist world, what do you think we ought to do about Castro?

McGOVERN. My maiden speech in the Senate in March of '63 was entitled "Our Castro Obsession Versus the Alliance for Progress," and the thrust of that speech was that we've blown up Castro out of all proportion to his real significance in the hemisphere. I don't know why we ever broke relations with Cuba. It was a mistake for the Eisenhower Administration to do it and to set up the invasion that John Kennedy later attempted to carry out. That's not the way to deal with a government whose ideology we happen to oppose. It was—and is—a mistake for the United States to be in a counterrevolutionary position in Latin America. I wouldn't recommend that this country support violent movements in Latin America, but I do hope that our policy would not be simply to support anti-Castro movements. It must be identified with the efforts of more enlightened groups to change the social structure. We should condition our aid to benefit the ordinary citizen.

PLAYBOY. However well intentioned, doesn't that proposal imply continued interference in the internal affairs of our neighbors?

McGOVERN. It's a different kind of interference. It's an effort to use the influence of the United States on behalf of the ordinary citizen rather than of the governments which have so seldom represented them. We have always intervened in Latin America but, unfortunately, on the side of dictators and of American corporations, which have been content largely with what resources they could withdraw rather than with raising the living standards of the people. It could be argued that we gave Castro the opportunity to seize power by our indifference to the exploitive role played by our own economic interests. Furthermore, we must be careful about the assumption that we can really influence social and political events in other countries. Our influence is extremely limited, particularly because it is suspect, but what we *can* do with American aid is attach certain conditions to it. We don't have any obligation to give monetary or other aid to an oppressive regime, and we shouldn't. But if there are progressive leaders in Latin-American or other countries who need assistance in carrying out social reforms aimed at better health, better nutrition, better agricultural practices, better population planning, then I think American influence could be both benevolent and constructive.

President Kennedy was very careful to try to give special attention to reform leaders in Latin America. He made a conscious effort to identify with Betancourt in Venezuela, Figueres in Costa Rica and Bosch in the Dominican Republic. He wanted the United States, in a subtle way, to indicate that we weren't going to glorify the Trujillos, the Jiménezes, the Batistas and the other dictators who were exploiting their own people. I think that what Kennedy attempted was to try to say to Latin America that we know the difference between a reformer and a son of a bitch.

PLAYBOY. Do you feel we have no commitment to protect the economic interests of American corporations overseas?

McGOVERN. No, I don't think we do. When American corporations go abroad, they have to take the risks implicit in the local political situation. Dollar diplomacy belongs with gunboat diplomacy in the early 20th Century. It's got to be abandoned.

PLAYBOY. How would you suggest we deal with the new Marxist government of Chile under Allende?

McGOVERN. If that government moves to address itself to fundamental economic and social problems, it will justify American assistance.

PLAYBOY. You don't regard a Marxist Chile as a threat to our national security or to our economic interests?

McGOVERN. Certainly not to our national security; to American economic interests, perhaps so. But I don't think it's our concern that Chile elected—and it appeared to be a legitimate election—a Marxist government. We've always said that we believe in self-determination, and that's just what they're practicing.

PLAYBOY. Why does the drive for social change in most of the underdeveloped world always seem to involve anti-Americanism?

McGOVERN. Part of it is legitimate, but part of it is scapegoating by political and social leaders who find it convenient to make the United States the whipping boy. But whatever the reason, and however justified it may be, throwing a brick through the window is not the answer. There needs to be more compassion and organized social action on the part of the reform leaders in Latin America, Africa and Asia, and that goes beyond berating the United States. As bad as our record is in these countries, the record of many governments in emerging nations, particularly in Latin America, is even worse. And their reformers have done very little to improve the situation.

PLAYBOY. Do you agree with those who place runaway population growth high on the list of unsolved problems in the Third World?

McGOVERN. I certainly do. Unless it's checked, population growth will destroy those countries and any chance they have for peaceful survival or development. We can make a contribution to population control, but only in a limited way, in the form of educational and technical assistance, to alert them—as we must alert our own people—to the terrible dangers of unchecked population. Because there's only so much room on the planet, uninhibited population growth is related to almost all the other problems we face, especially hunger and the protection of the environment. The Government should provide educational and birth-control assistance to all those who want them—both at home and abroad. This isn't a question of trying to limit the nonwhite population, as some may think, because there are even more poor whites than poor nonwhites in this country.

PLAYBOY. You have proposed a Family Allowance Plan that some say would *encourage* population growth. Is that true?

McGOVERN. What I proposed is that we cancel the then $600 income-tax deduction for children and replace it with a $600 cash payment for each child. The present income-tax allowance for children favors middle- and upper-middle-class families and does nothing for poor people, who aren't at a level of income where that means anything to them. My proposal wouldn't be a stimulus to population growth. All the statistics show that there is no correlation at all between child allowances and population growth. The Canadians have had this program for years and their population growth is the same as the U.S. growth, maybe slightly below. Though there are many reasons why families have children, collecting a baby bonus isn't one. But I saw myself spending the next couple of years trying to explain all that to people, so I dropped my plan.

PLAYBOY. Do you think we could devise some kind of program that would discourage having babies?

McGOVERN. The only way it can be done is by education, by making birth-control devices and information readily available—and not only to the poor. The average welfare family in the United States has somewhat fewer than three children—slightly below the level for more affluent families.

PLAYBOY. Since you're no longer pressing your Family Allowance Plan as a way to fight poverty, what do you think of President Nixon's Family Assistance Program?

McGOVERN. I give him credit for the program, which seems to me to be the most enlightened single initiative taken by his Administration. Poverty, after all, is concentrated in families with children. Yet I think Nixon has failed to see the full dimensions of the poverty problem. For example, his vetoes of modest increases by the Congress to provide better health care, better housing, better education, more public-service jobs, more job training, better programs for the cities, his dismantling of the Legal Assistance Program for the poor—all these things make me question whether or not the Family Assistance Program is anything more than a Pat Moynihan initiative that was sold to the President at a time when the welfare program was generally recognized as a mess. I think the greatest single economic and social problem before the United States today continues to be the simple fact that there are too many people who aren't sharing in the affluence that the rest of us enjoy. As long as that's the case, this society is going to be very unhappy.

PLAYBOY. Recently, the President made a number of rather revealing statements about his dedication to the puritan ethic—self-reliance, hard work, refusal of charity, that sort of thing. Do you think this reflects an insensitivity, an indifference on his part to the problems of the poor?

McGOVERN. I think it does. Even when Nixon was a boy, that view was unrealistic. At the time he was formulating those views, there were millions of people who, no matter what they did, were unable to find work. The only thing that saved us in the Thirties was that Roosevelt came along with programs that enabled people to go back to work. Admittedly, the programs were patchwork; they weren't as well developed as they might have been. But what is needed now is the recognition that there are still millions of people in this country who can't find jobs in the private sector. The jobs just aren't there, and it's going to require a wide range of public-service employment to create jobs for them.

I think if I were President of the United States, it would be one of my first orders of business to get all the agencies of the Government, in cooperation with the labor unions and private industry, to devise alternative sources of employment. I think the President could relieve a lot of the tension between blacks and whites if he stopped talking about welfare chiselers and said, "Look, everybody who wants to work is going to have a job. We don't know quite yet what you'll be doing, but you're going to have a good job. And the Government is going to guarantee employment at decent wages." There is enough important work to do in this country. Everybody should have a chance to work, and most people want that chance. I'd like to give it to them. That would be more helpful than delivering sermons on the puritan ethic.

PLAYBOY. Both you and Nixon were raised in a comparable Protestant atmosphere. How do you account for your liberalism and his conservatism?

McGOVERN. It's partly the fact that I was exposed to a much better education than Nixon was. Also, I think I came from a more compassionate family: I was taught that we had to respond to the needs of the poor. I can remember that, during the Depression, there was scarcely a day that we didn't have someone eating at our house. Maybe a young guy on the road looking for work would knock at our door and we would feed him. I just grew up with the concept that we have to help those who can't help themselves.

PLAYBOY. Your formative years were spent in rural America. But the majority of America's domestic problems today most seriously afflict its disintegrating cities. Isn't all that foreign to your personal experience?

McGOVERN. I admit that I don't feel as at home in a central city as I do in smaller towns or out in rural areas. But I feel a great sense of compassion for people who have to live in dilapidated neighborhoods, who are forced to live under demeaning circumstances, where the sanitation is bad, health service is inadequate, schools are poor, jobs are few. I think I see very clearly that what we have to do, if we're going to resolve the tensions among people living in the cities, is to broaden the whole spectrum of social and economic opportunities for everyone. In short, I don't find the transition from rural to urban concerns a difficult one to make.

PLAYBOY. Would Populist properly describe your brand of rural liberalism?

McGOVERN. I think so. The Populists had a great sense of indignation against the special interests that exploited the poor, in both urban and rural America. You still have great corporate wealth concentrated in the hands of a few people who are largely ignorant of or indifferent to what they're doing to the life of the ordinary citizen. As a Populist, I'm determined to fight for a more just tax system with fewer loopholes for the rich and the powerful.

PLAYBOY. Do you have an urban program, or a program for minorities, that you could talk about at this stage of your campaign?

McGOVERN. Yes, I do, though it needs to be more fully developed. But I can tell you this much: On my trips into the cities, I've met with community leaders, black and white, and I find that what they're interested in are programs that give them a fair piece of the action. They want to be a part of the economic development of the community. They want to run their own businesses, their own apartment buildings, their own shops, their own factories. They recognize that over the years they've been denied access to credit and business opportunity and they want some special consideration to help them get off the ground. If I were President, I'd try to help them do just that.

PLAYBOY. How about an Indian program?

McGOVERN. Well, I'm the author of what I think is the best proposal that's yet been made for Indians. It would provide the same kind of assistance for Indians that I've just talked about for the urban poor. The Indian people resent the paternalism of the Bureau of Indian Affairs. They feel, for example, that they're perfectly competent to run their own affairs. They need financial assistance, but they don't want a bureaucrat from Washington running their lives, and they shouldn't have one.

PLAYBOY. Could the President's revenue-sharing program make a difference to the rural and urban poor?

McGOVERN. I think the President raises false hopes by talking about distributing substantial amounts of Federal revenues as unmarked grants, when we're faced with an enormous Federal deficit. The only thing we have to share is the deficit. I also object to the revenue-sharing plan because he's deducting the money from vital ongoing programs where the money is earmarked for specific purposes. Eleven billion dollars of the 16 billion dollars he proposes to give to the cities and states would have to be taken from education, health, welfare and conservation programs that the poor desperately need. I think Congress can earmark money for those purposes more responsibly than the local politicians who would control these funds, men who are under heavy and direct pressure from special local interests. God only knows where all that money would end up.

PLAYBOY. Do you agree with recent criticism of the President by the General Accounting Office for allowing money that was to aid in the desegregation of Southern schools to be spent for such purposes as cars for school boards?

McGOVERN. I certainly do. And the same thing has happened to crime-control funds authorized in the 1968 Omnibus Crime Bill. Instead of the money's being used to raise the professional standards of police, to provide more training, more education and more intelligent police methods, it was used in many cases to buy riot guns, machine guns and even fancy uniforms—all traceable to lax Federal supervision. These trappings hardly go to the heart of the crime problem. Such instances illustrate that what we really need is not indiscriminate handouts of Federal funds but more careful and intelligent Federal guidelines for administration of those funds.

PLAYBOY. Are you satisfied with the benefits to the poor of the anti-hunger campaign you've been leading?

McGOVERN. I think our campaign has been the greatest success story on the social front in the past couple of years. We've doubled the number of people who are receiving food assistance. I would say we're still short of a touchdown, but at least we've moved to the center of the field from the end zone.

PLAYBOY. Do you have the feeling that most of the current social-reform proposals that are being talked about, particularly among Democrats, are a little stale, and that you'd better start devising some fresh approaches?

McGOVERN. I think so. We've got to not only come up with a much better welfare-reform program but also—as I suggested earlier—develop a wide range of public-service employment, with the Government paying the entire cost. We've tended to talk about the Government as the employer of last resort, as though this were a kind of desperation measure. I don't see it that way. In some areas, the Government ought to be the employer of first resort. There are certain things that can be done *best* by public-service employment.

PLAYBOY. Wouldn't this sort of program permit the opposition to accuse you of trying to revive the old New Deal notion of putting the people to work on WPA projects?

McGOVERN. That's exactly what President Nixon said last year when Congress approved Senator Nelson's bill for a public-service job program. He vetoed the bill. But I'm not talking about makework jobs. There are very useful things that can be done by aerospace and defense employees in civilian fields, on jobs that demand the full talent and ability of workingmen and -women.

PLAYBOY. Were you tempted to vote for the SST on the grounds that it would provide 50,000 jobs?

McGOVERN. No, I wasn't tempted at all, because I don't think we need that airplane. We need those workers and those resources for other things. We need a whole new housing industry in this country; we need new transit systems in our cities; we need to rebuild our schools. We need paramedical, paralegal personnel.

PLAYBOY. Isn't the *sine qua non* of any major domestic-reform program a drastic cut in the military budget?

McGOVERN. Yes, there has to be a cut of 30 to 40 billion dollars in the military sector, not only because we need that money but because we need the scientists, the technicians and the research people currently working in defense. We need to phase them out of military tasks and start using their talent to modernize our machine-tool, shipbuilding and transportation industries, and to develop more efficient housing construction.

PLAYBOY. Can you persuade the American people that a defense cut of that magnitude can be made without a threat to our national security?

McGOVERN. I think so. A good case could be made by an intelligent President that the national-defense structure has to rest on more than simply piling up new and more sophisticated weapons. I think you could convince the American people that their own health and education, and the state of the economy, are as important to national defense as another half-dozen aircraft carriers, most of which would be sunk in the first few minutes of any major war, anyway.

PLAYBOY. Thirty to forty billion dollars is almost half of the current defense budget. Apart from aircraft-carrier construction, what would you cut?

McGOVERN. I think the first cuts would come by withdrawing our forces from Indochina and, secondly, by withdrawing all but one division from western Europe. I would discharge those people from service and put them to work on civilian enterprises or send them back to school on the GI Bill of Rights. I would also immediately freeze the ABM and the MIRV, halt the development of a new bomber and new supersonic fighters and cancel construction of a new tank that the military is proposing.

PLAYBOY. Would you expect the Russians to trim their own defense programs in response?

McGOVERN. I think they're desperate to get out from under the same pressures we're under, that they're looking for some opportunity to divert funds away from the military into their own economic-development plans. If they didn't, we might have to reassess these considerations; I wouldn't want to put the country in danger. But we've got an overwhelming deterrent now. The Russians know that if we didn't build another thing for the next five years, we'd have the capacity to completely annihilate them in a nuclear exchange. That ought to be enough.

PLAYBOY. The failure of the Nixon Administration to reallocate national priorities from war to peace is one of the reasons young radicals threaten what some have called "a new American Revolution." Would Nixon's re-election move us closer to that?

McGOVERN. I don't think a revolution of the kind the young militants are talking about would go very far in this country. The forces of counterrevolution are so much stronger that all you would get is a great era of repression. But even without a revolution, the re-election of Nixon would be a real cause for despair—on the part of not only the young but also a great many working people and old people living on fixed incomes. I think even a lot of the business class would despair if Nixon were re-elected. His defeat in '72 is imperative to restoring to the country the confidence to implement a more humane set of values. But it depends on who's going to replace him. We don't want a Democratic Nixon or an old Cold Warrior of the previous Democratic era. It would simply give us more of the same.

Playboy. If you were elected, wouldn't you be one of the most liberal Presidents in American history?

McGovern. That's what's called for today. The problems are so vast—and the opportunities so great—that we really need liberation, in the broadest sense of the word. We need to emancipate the poor, the young, the nonwhite, the unemployed—all the excluded classes—and make full use of their talents.

Playboy. How about the silent majority? What have you to offer them?

McGovern. The hard-hats are concerned about their jobs and their neighborhoods; white-collar people feel squeezed by growing tax pressures, small merchants by business monopolies. They want leadership in the White House that is dedicated to establishing a just tax structure, job security and fair competition, that addresses itself to the construction of more homes and not more weapons, that's interested in building better neighborhoods, schools and health facilities. That's what I would fight to get for them.

Playboy. Another of the items at the top of your Presidential agenda, you said some time ago, would be the dismissal of J. Edgar Hoover from the FBI. Do you feel he's outlived his usefulness?

McGovern. I don't think any man ought to be permitted ever again to hold the top job in the Federal Bureau of Investigation over a long period of time, as Hoover has been. Hasn't he been there 47 years? I would say one Administration is enough for any one man in a job with the capacity to compile dossiers on individual citizens. Hoover should have resigned 25 years ago. He has become paranoid. In that sense, he is not only a menace to personal citizens but a chief obstacle to proper law enforcement. The FBI's own documents, from the files in Media, Pennsylvania, show clearly how widespread is the intrusion of the FBI into the private lives of ordinary Americans.

Playboy. Do you think our whole program of information acquisition-retention-retrieval—which has been the subject of hearings by Senator Sam Ervin—is a threat to liberty?

McGovern. Absolutely. The Army surveillance of civilians, the compilation of data banks on the moves that citizens make—all that material worries me, particularly when it's in the hands of men who are a law unto themselves, as Hoover is. The Congress ought to set up a permanent watchdog to keep that kind of surveillance under control and see that it doesn't reach the point where it jeopardizes personal privacy. I've had colleagues come up and say, almost in terror, "Aren't you afraid Hoover is going to spill your file to some newsman?" It's a terrible thing to be faced with that kind of situation. You shouldn't have to live in fear of J. Edgar Hoover. He ought to be accountable to us, not the other way around.

Playboy. High on the list of law-enforcement problems deplored by Hoover are those associated with drug abuse and the erosion of traditional moral values. What's your own views of drugs and sex in our society?

McGovern. I'm terribly worried about the drug problem. I think it's an enormous danger—the way it's crept down even to the grade school level. I believe that especially to the average thoughtful black in the ghetto today, drugs are a very serious worry. He's terribly afraid that his children may become hooked on heroin and other addictive drugs. As for the change in sex mores, I'm not particularly concerned about it. People today are simply more honest about and at ease with sex. I don't see any fundamental change in sexual morality. But the drug thing is different. It's being deliberately pushed to enrich the underworld, and I think a larger segment of law-enforcement agencies ought to be going after those people. We ought to do much more in the way of education and rehabilitation of drug addicts, and medical people ought to be better trained to deal with the problem.

Playboy. What do you think should be done about the widespread use of marijuana?

McGovern. Well, it worries me, because I know that in some cases it leads young people into emotional difficulties. Practicularly with adolescents, marijuana can tend to make the pressures of life more severe. It leads, in some cases, to a dramatic fall-off of interest in academic excellence and to a lessening of interest in self-improvement. I don't know whether or not it has any physical effects; I guess we don't know enough about what damage it does. It's probably no more harmful than alcohol or tobacco, but I know for a fact that, with some youngsters, it's an emotionally destabilizing influence in their lives.

Playboy. Have your own children brought you any insights into drugs?

McGovern. Yes. Like other kids, they point to the hypocrisy of adults' using alcohol and tobacco excessively, then crying out in anguish about the use of marijuana. That seems to be a recurring theme with young people. We have one daughter, however, who used marijuana to the point where it really had a disruptive impact on her life. She may be a rare case, but she developed serious emotional difficulties. She's well now, though.

Playboy. Have you drawn any conclusions from her experiences, and from what you've observed elsewhere, about the extent of alienation by young people from society?

McGovern. There would be something wrong with them if they weren't alienated from the policies we're pursuing today. I can't imagine idealistic young people *not* being alienated from our policy in Indochina. It would take a rather dull and cold-blooded youth to endorse what we're doing there. And the same thing goes for racism. I don't have any trouble understanding why young people are alienated, given a set of national values that permits some people to go hungry while others hide behind their tax shelters. Those are the things that alienate the young—and me. I hope they stay alienated, not by dropping out but by remaining indignant to the point where they won't accept our society until we correct these deficiencies in our national life. Some of them feel that our society is too corrupt, too far gone to save, but I really have to combat anger on my part when I confront that kind of attitude, because I know it's not true. You *can* make a difference, and you don't have to be a Senator or a Congressman. Ralph Nader has more influence on the attitudes of this country than the most powerful corporation executive in America. Yet he is just one young man. He and many like him perform a great service for all of us.

Playboy. At one point, you said you were going to run for President with the young, the poor and the black as your chief constituency. Do you still feel that way?

McGovern. What I said was that the young, the black and the poor provide the core with which I'd begin. But no one is going to be elected President with that coalition alone. I want to develop programs that have broad appeal for workingmen and -women, organized and unorganized. As we move along, I also want to speak out on the concerns of women. And I intend to focus on the problems of rural America as well as of the cities. I'm not a one- or two-issue candidate.

Playboy. Isn't it hard to speak out with complete candor on many issues without breaking up your coalition?

McGovern. No, don't think so. The programs that will improve the standards of life for the poor and the black will also improve life for the white workingman and the middle class. Those groups are warring with each other because the Government hasn't provided enough opportunities for black, brown, red, yellow *or* white working-class people. There are too few jobs, too few decent neighborhoods. That exacerbates tensions between them.

Playboy. Did your feeling for the young, the poor and the black have much to do with your decision to work for Robert Kennedy rather than Eugene McCarthy for President in 1968?

McGovern. No question about it. I admire very much what Gene McCarthy did in New Hampshire—the way he stood up to Johnson on the war issue; he made a great moral challenge there, for which he deserves much credit. Kennedy was late in seeing the possibilities, but once he came into it, Bob recognized that the problem was broader than the war, that we had enormous social and economic injustice here at home that had to be redressed. Bob Kennedy really bled for the poor, the blacks, the Indians, the down-and-outers, Gene McCarthy, in contrast, somehow addressed himself to the issues that were compatible with the interests of the middle class. He lacked empathy with the guy at the bottom.

Playboy. Why did you make that foredoomed last-minute effort in 1968 to win the nomination at the Democratic Convention?

McGovern. I did it largely under pressure from the Kennedy delegates, many of whom told me they just wouldn't go to the convention otherwise. I didn't believe them at first and I asked why they couldn't stick together on the war and move to the McCarthy camp. But they were adamant and the whole Kennedy apparatus threatened to fall apart.

Playboy. Did they dislike McCarthy so?

McGovern. I suppose it was a personal bitterness and also it was partly because they didn't feel McCarthy spoke with genuine conviction on domestic problems—on racism, poverty, hunger.

Playboy. Have you heard people say they can't forgive you for ruining McCarthy's chance at the nomination, thus blowing the opportunity to nominate an antiwar candidate and saddling the party with Vice-President Humphrey?

McGovern. Of course, but that's a lot of nonsense, because if I had thrown my support to McCarthy, many of the Kennedy delegates simply would have stayed home. Before I announced, 32 of them quit in the California delegation alone. I waited, you know, for a period of time, thinking there might be some movement toward McCarthy, but if I had waited longer than I did, perhaps as many as one third or one half of the Kennedy delegates wouldn't have shown up at the convention at all. Even the combined vote that McCarthy and I got, finally, wasn't enough to nominate Gene. If I hadn't been there to bring the Kennedy votes together it would have been even worse.

Playboy. It's academic, of course, to speculate about history, but do you think there was any chance that Bobby could have swung the convention and won the nomination in '68?

McGovern. It's conceivable. I think the presumption is that he wouldn't have been able to do it, since a third of the delegates were picked before 1968, before Bobby even thought about running, and they were all L.B.J. delegates. They were picked at a time when we all assumed we were going to Chicago simply to ratify Johnson's renomination. Johnson also controlled the favorite-son candidates: Connally of Texas, McNair of South Carolina, McKeithen of Louisiana, Smathers of Florida. Then the big labor bloc—many of whom were Johnson's—switched to Humphrey. I know the Kennedy people think that he would have gone on to sweep the nomination. My own view has always been that, in addition to the delegates that he won in the primaries, he might have been able to pick up 300 to 400 more during the summer—but not enough to bring it off.

PLAYBOY. There was talk at the convention that Mayor Daley was thinking of withdrawing his support from Humphrey and throwing it to Ted Kennedy. Was there any truth to that?

McGOVERN. I may be wrong, but I think that was a ploy to get Teddy out to run as Vice-President with Humphrey. But Daley would never publicly endorse Kennedy. Kennedy asked him and said, "Before I would consider coming out, I would have to have an endorsement from you." Daley wouldn't give it.

PLAYBOY. Do you think McCarthy will be back in the race in 1972?

McGOVERN. I doubt it. Only Gene would know this, but I can't believe he'd have retired from the Senate if he had plans to run for the Presidency again. I know he's been talking about a third-party candidacy, but I think that might happen only if the Democrats nominate somebody Gene felt was simply a Democratic Nixon. I think if he thought there was a real choice, he would see no point in running on a third-party ticket. The only result would be to throw the election to Nixon by splitting the peace-progressive vote two ways.

PLAYBOY. What would you do if Humphrey were nominated again?

McGOVERN. I'd probably support him.

PLAYBOY. How would you justify that?

McGOVERN. I'd justify it on the grounds that, in the past few years, he has endorsed the McGovern-Hatfield Amendment. He has also publicly said he was wrong about the war and has urged the United States to accept the Soviet offer of a freeze on the ABM, which puts him in a different stance from the Administration on arms reduction. He's been much better than he used to be on economic policy here at home and he's taken issue with Nixon's tight-money policy. I think Humphrey is the kind of guy you could persuade to go for a full-employment approach of the kind I described. And he's always been good on civil rights; he never got proper credit for leading the civil right fight in 1948, when it was a very hazardous thing to do. So Humphrey to me stands in sharp contrast to Nixon now, much more so than he did in 1968. But even in 1968, I quickly endorsed him and campaigned for him once he got the nomination. I have no regrets about that decision.

PLAYBOY. Despite the fact that there was no indication in 1968 that Humphrey would have settled the Vietnam war?

McGOVERN. That's right. That's why I challenged him in Chicago. But I thought that on all other issues he was preferable to Nixon. I made the judgment that he would have been the better of the two candidates and that sitting on the sidelines wasn't the answer. I feel even more certain today that he would be a much more progressive and peace-oriented President than Nixon.

PLAYBOY. Do you think there's any chance that Senator Henry Jackson or someone else from the pro-war wing of the party will receive the Democratic nomination?

McGOVERN. That could happen if we got too many people in the Democratic primaries representing similar views. A Lindsay candidacy—as a Democrat—might deliver the nomination to Jackson if you had Lindsay, Hughes, Muskie and myself all competing in the New Hampshire primary, going on to Wisconsin, Oregon and California. You might fracture that segment of the party to a point where a man like Jackson could walk off with the nomination.

PLAYBOY. Does the Jackson wing of the party have any real strength in the Democratic Party?

McGOVERN. It sure does. Though I don't think it's a majority, that wing has a very powerful strength. To whatever extent the military-industrial complex has power. Jackson would have the full backing of those who favor present military priorities, as well as the supersonic transport, ambitious space programs and the development of new weapons systems. Programs of that kind still have a solid and well-financed constituency in this country.

PLAYBOY. Yet you think you would be the strongest Democrat to face Nixon in 1972?

McGOVERN. I think I could defeat him. It's hard to say who would be the strongest candidate, but I'm confident I can defeat him if I get the nomination.

PLAYBOY. As of now, Senator Muskie is regarded as a leading contender. How do you expect to overtake him?

McGOVERN. The Democrats who choose our nominee in 1972 will be looking for a candidate with a broad range of concerns, one who has been looking ahead at ways of solving many kinds of urgent problems. The Democrats will want a man who can think and talk clearly about the challenges facing the country without being burdened by the myths of the past. I think that describes me pretty well. And if I have a better political organization than the others, it will make my prospects even better.

PLAYBOY. Do you think 1972 will be a Democratic year no matter who the nominee is?

McGOVERN. I'm not sure of that at all. I think the Democrats could boot it away. If they don't call for a fundamental change in priorities, I think a lot of people may well decide to go along with Nixon again.

PLAYBOY. Which Democrats do you think might lose to Nixon?

McGOVERN. I'd rather not speculate.

PLAYBOY. When you look at the prospects for a year from now, do you sincerely believe you can and will be the nominee?

McGOVERN. I do. I have a strong feeling that the positions I've taken will gradually become majority positions in this country. As I look back at the positions I've taken in the Senate since I first came here in '63, there isn't one I've had to alter fundamentally. By 1972, I think I'll be recognized as the most broadly based candidate and the one who has the best chance of winning not only the nomination but the election.

PLAYBOY. Aren't you a little intimidated at the prospect of being the President of the United States?

McGOVERN. No; as a matter of fact, I'm thrilled at the prospect. The opportunities that lie ahead for the United States in the seventies are so great, and the dangers so vast, that I can't resist an all-out effort to advance the values I think the nation ought to be pursuing.

PLAYBOY. What will you do if you're not nominated?

McGOVERN. If I don't make it myself, I will in all probability be out campaigning for the Democratic nominee. And in 1974, I suppose I'll be working very hard on my South Dakota constituents to convince them they ought to re-elect me to the Senate. Next to the Presidency, I think a United States Senator has the greatest job in the world. I've come to realize the limitations on a Senator in changing national policy, but I've also come to appreciate the fact that you can wield considerable influence in the job. That's where I would want to spend my service for whatever time I have left.

PLAYBOY. As exhausting physically and emotionally as it certainly is going to be, do you dread or look forward to the next 15 months of campaigning?

McGOVERN. I think it will be a very zestful experience, though the major mistake we've made so far is overscheduling me. We had thought we were going to be able to block off some rest periods, but I find that my campaign staff doesn't properly appreciate the demands on me as a Senator who feels an obligation to remain active in the Senate. They tend to schedule me as though I'm doing nothing but running for the Presidency. But a tough schedule is a minor consideration.

I had a meeting with my staff several weeks ago and I said I thought I had the greatest opportunity that's ever open to any American: to talk thoughtfully, with common sense and passion to the American people about our aspirations and our hopes for the future, as a candidate for the Presidency of the United States. There is no way I can possibly lose, no matter what the vote count is. I will have participated in the most marvelous educational undertaking that's available to a human being. The thought that a man from South Dakota, a small rural state, could now be running for the Presidency of the United States stirs my soul. No matter what else happens, I'll go through this experience with a spirit of joy, anticipation and—I hope—deep satisfaction.

THE NEED FOR PENAL REFORM

Mr. PERCY. Mr. President, I believe the American prison system has failed us. To call it a "correctional" system is to use a misnomer, for criminal behavior is rarely corrected; the vast majority of inmates now in our prisons will return after their release. Our prison system is a system of punishment, and nothing more.

We are expending $1 billion a year on a system that does not serve its purpose of rehabilitating inmates and preparing them for a return to society. Many prisoners are little more than graduate schools in crime, since the prisoners are taught no skills of value to them on the outside. Mistreatment of inmates, violence, and homosexuality are all too common.

Mr. President, the need for reform of our penal system is apparent to anyone who has devoted any attention to it. We desperately need new ideas and an open airing of our problems if we are to bring our prison system into the 20th century. One of the most thoughtful spokesmen for reform of our prisons has consistently been Ronald L. Goldfarb, a Washington attorney. In the current issue of Look magazine, dated July 27, Mr. Goldfarb explores in detail the national disgrace that our prison system represents and suggests ways in which the problems can be remedied. I ask unanimous consent that his article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

WHY DON'T WE TEAR DOWN OUR PRISONS?

The American prison system is a 200-year failure. By any positive standards, it just does not work. Rising street crime and recidivism rates prove that prisons do not deter. In fact, offenders who have been in the criminal justice system are more likely to sin again than those who committed offenses but managed to avoid the system. The odds are high that men in prison will return after their release. Any successes are despite the system, not on account of it.

Every view we have had of what Gresham Sykes has called the "society of captives" shows that prisons are inhuman. Prolonged detention (our sentences are the longest in the world: the average actual stay in prison here is longer than the average abroad) in unnatural conditions, with other offenders, without real work, responsible treatment, can do no one any good. Homosexual rape, riot, violence are the way of prison life.

Taxpayers ought to cringe at the economics of this $1-billion-a-year waste. A business doing this poorly would not have survived the first shareholders' meeting. Nevertheless, we respond to the failure of the prison system with more of the same: less probation and parole.

Punish, the system surely does: grindingly, fatuously, persistently. Even after convicts have served their sentences, they are forced to wear their criminal records like a scarlet letter: They cannot work, vote or conduct normal civil affairs in most states. Because we have maintained a system that punishes only, our prisons have become a social disaster.

Even prison administrators do not believe in the institution they are administering. A few years ago, while attending the annual meeting of the American Correctional Association, I found myself in a hospitality suite in a San Francisco hotel, chatting with a roomful of very relaxed prison administrators. Each man headed a major prison institution; all were veterans in the business; none were "bleeding hearts," "soft" on crime or naive about criminals. I asked the warden sitting next to me what percentage of the people under his supervision needed to be in prison.

"By what standards" he asked.

"In order to protect society from personal injury," I replied.

"About 10 to 15 percent," he said. We canvassed the other wardens in the room; none disagreed. Since then, on visits to numerous prisons around the country and abroad. I have always asked the same question. I have never received a different answer.

If the system fails from the perspectives of correction, public safety, economy and humanity, and if those who know it best do not believe in it, how did we get into this predicament and what direction do we take to get out?

The general practice or imprisonment as punishment for the commission of crime is a relatively recent and essentially homegrown innovation. Prisons originally were built to hold people temporarily (like our jails) until their trials and punishment. Prison was an intermediate step in the penal process. In our Colonial period, capital punishment was decreed for hundreds of crimes. Criminals who were not killed were flogged, mutilated, branded, put in stocks. But those who survived were released after their physical punishment.

At the end of the eighteenth century, the American Quakers, in Pennsylvania particularly, pressed for more enlightened practices. Out of their good intentions, the first penitentiary system evolved. It was theorized that the best way to reform criminals was to lock them in cells, give them Bibles, and keep them alone day and night. In this solitude, prisoners would have no alternative but to consider their acts, repent, and reform. They were supposed to emerge penitent.

But as Thomas Mott Osborne, one of our foremost prison administrators has said, the solitary-confinement prison became "the ante-chamber to the madhouse." Many men went insane, committed suicide or died. In attempting to reform men by forcing them to think right, he said, the Quakers "showed a touching faith in human nature, although precious little knowledge of it."

Modern versions of these human warehouses now stand all over the world. Of more than 400 expensive, old and overcrowded prison institutions in the Unted States, 60 date back to the nineteenth century and 25 began operations before the Civil War. Into them we dump, willy-nilly, young, minor offenders, pathological criminals, alcoholics, addicts, first offenders and inveterate criminals. Over 4,000 jails, and innumerable lock-ups, and work-houses, supposed to be used for pretrial detention, also house some sentenced convicts. For the most part, these detention facilities are neither necessary nor successful.

The first way to improve and replace the prison system is to question the inevitability of using it in the great majority of cases. Most of the men in America's prisons are there because they are poor. The middle and upper classes as a general rule solve their problems and correct their offenders in the community because it works better; for the lower classes, anything short of what may be deemed cruel and unusual will do. With the benevolent contrivance of the law, the rich can tailor-make private solutions for the individual offender: restitution, psychiatric care, special schooling, training and other sensible alternatives to imprisonment. The poor have no alternatives; they are thrown into institutions that cannot treat them as individuals.

Prof. Richard Korn, a criminologist and author who just possibly might be America's prophet of correctional reform, has criticized the hypocrisy of this system. In a report to the Joint Commission on Correctional Manpower and Training, he urged that innovative and sympathetic community treatment of *all* offenders not be viewed as radical or even new. It is no more, he writes, than what is provided by the well-to-do on behalf of their deviant members. Korn does not believe such treatment indicates "dishonest official connivance with wealth or privilege. If anything, [it reflects] an honest recognition that the private, unofficial treatment of offenders is vastly superior to most available public programs. . . . The scandal lies in the fact that such alternatives are denied to the poor, through nothing more deliberate than the incidental fact of their inferior economic position."

This point of view is pragmatic as well as fair. If 90 percent of all convicts return to the community and eventually must "make it" there, that is where the correction system must operate. In California, under a probation subsidy program, the California Youth Authority and the state correction department turned over to the probation department a subsidy for every person who was placed on probation instead of being sent to a state correctional institution.

During the program's first four years, the state, even after paying $28 million to the counties for improved probation services, saved $79 million in institutional operating costs and millions in the costs of capital construction.

In a great number of cases, we would do better to take the money we spend to put men in prison, and do almost anything else. In prison planning, just as in Bauhaus architecture, less is more. The less men in prison, the lower the costs of the correction system, and the more that can be done for those who need treatment.

When the system *has* to be called into play, it could be used more economically and more effectively. A full-blown victim-compensation program is a major alternative to imprisonment. Over 80 percent of crime relates to property, and punishing the offender does little to protect the victim or make him whole. In most cases, it seems to me that the one thing the victim of say, a theft wants and society in general wants for its collective peace of mind is redress for the victim. If someone steals $100 from me, it does me very little good if the thief is sent away to prison for a year. I would rather have my $100 back, possibly a little more to pay for my trouble.

In cases where the criminal is not caught, or if caught and convicted cannot afford to compensate the victim, some pool for compensation could be devised. The criminal without money could serve his sentence on a public-works project to earn money to pay the cost of his crime. The extraordinary offender might be deprived of the right to work outside of prison on probational control, but even he should be required to work in prison to pay his victim.

Once, the victim and his family avenged crime through vendettas, or blood feuds, against the offender and his family. Gradually, payments of reparation to the victim replaced physical revenge. As the larger social group became responsible for the punishment of criminals, the victim's right to receive compensation became transformed to a state's right to punish offenders. Those fines that remained went to the state. The biggest and most obvious loser in the crime picture—the victim—was left out of the criminal justice system.

Victim-compensation programs have been revived lately in Great Britain, Sweden and other countries with strong social-welfare systems. Six states here have also initiated programs.

A Criminal Injuries Compensation Act, recently proposed in Congress, would provide: 1) for a commission to make awards to victims of Federal crimes, and 2) for technical assistance and block grants to states that started similar programs. But the idea never has been exploited properly in this country.

Prisons should be reserved for necessary but unusual cases. Some people—violent offenders, inveterate repeaters—are so dangerous or raise problems so special that they ought to be segregated indefinitely from the rest of society. Until a new wisdom for their treatment is developed, the most that can be done with such offenders is to keep them safe and secure under decent conditions. We could maintain or remodel some of our existing institutions, tear down the most monstrous and convert the rest to other public uses. We could then concentrate our treatment dollars on this small class of offenders, with a reasonable hope of better results.

The surviving institutions could be drastically changed. They should be smaller, more civil, staffed more professionally and, insofar as possible, resemble the free society more than the present penal pens.

Tyranny inevitably occurs in a closed society when some men completely control the lives of others. Since prisoners have few rights, minimal access to ordinary resources of redress and little public sympathy, they are uniquely helpless. When they are bad, the system leans heavily on them, pointing to their misconduct as the rationale; when they are good, the system points to their behavior as proof that it is working. This kind of repression is anti-rehabilitative if not incendiary.

There ought to be an ombudsman-like official or organization to screen prisoners' complaints. He should be free of the correctional establishment, in order to assure the integrity of his judgments and the independence of his operations. He should also be powerful enough to resolve problems without interfering with an inmate's right to go to court or a correctional official's right to exercise necessary, executive discretion.

In the Netherlands, supervisory committees, local and national, visit all institutions and screen complaints. In the four Scandinavian countries private organizations provide civilian scrutiny of prison conditions. But in the U.S., this function has been largely ignored by the public and the bar, as well as by the correction establishment. An outside arbiter, however, would not only prevent riot-causing abuse of prisoners, he would also assure the credibility of prison officials who are falsely criticized.

Some procedure on the order of a five-year statute of limitations should govern every part of the correction system. We ought to follow a rule that would allow no official to hold office, no program to be devised and no facility to be built to last for more than five years. This standard would provide our correction system with intellectual and economic flexibility as well as the opportunity for diversity and innovation.

One of the problems with the correctional establishment is that most of the men at the top have been doing what they are doing for decades. If a man were precluded from remaining in any one position for more than five years, this condition might be altered. Even the reformer who has not "done his thing" in five years might do better to pass on and look for some "thing" else.

This same argument applies especially to prison facilities. Our prison system is housed in buildings from another era that preclude progressive programs and in fact predetermine what can be done. Over 90 percent of the money and personnel earmarked for corrections must go to security. What we need is a non-architecture of prisons, a Kleenex kind of institution that within a short period of years could be changed if not disposed of completely without economic sacrifice. Or we could lease space for short terms in existing facilities instead of building more prisons. Then we would not be binding ourselves 100 years from now to either the good or the bad ideas of today.

Prisons have been class institutions, remote from people who might be inclined to reform them. But an unexpected and as yet unnoted incident of our recent social revolution may lead to change. Many children of upper- and middle-class families have been to prison on draft and drug charges and offenses arising out of civil rights and social protest activities. Furthermore, the black man in prison today is a new breed; often politicized, very articulate, unwilling to be silent, docile and to accept anything done to him in the name of "correction."

We are not going to be allowed to forget or bury the problems of our prison system. It is time for us to consider what to do with offenders after they are caught and convicted of crimes, instead of committing what Dr. Karl Menninger has called our most serious crime of punishment.

THE PRINCETON-PENNSYLVANIA ACCELERATOR: A NEEDED WEAPON IN THE CONQUEST OF CANCER

Mr. WILLIAMS. Mr. President, I am particularly proud of the fact that the Senate on July 7, 1971, passed S. 1828, the act to conquer cancer, a bill which expresses the determination of the Senate to strengthen the national effort to eliminate this dread disease. I am heartened by the realization that very soon, hopefully by the begining of 1972, funding at a level of at least $332 million will be available to begin this attack.

In the context of this very welcome commitment, it has also come to my attention that another extremely worthwhile program containing an excellent potential for improving cancer arrestation and therapy is in danger of being abandoned altogether due to an unfortunate circumstance in timing.

The Princeton-Pennsylvania accelerator, which is jointly used by Princeton University and the University of Pennsylvania is a $41 million facility that had its funds for high energy physics cut off on July 1, 1971. This decision was part of an overall shift in national science priorities, and the officials at the facility have accepted this decision by the Office of Management and Budget, although reluctantly, and have attempted to convert this facility from high energy physics to heavy ion research and cancer therapy. The Fannie E. Rippel Foundation of Newark, N.J., has provided a grant of $230,000 for this purpose, but these funds will run out on August 31. Given the greater effectiveness of heavy ions than X-rays in treating cancer, it would indeed be tragic if this entire facility, which represents an investment of over $40 million and possesses a powerful potential in the treatment of cancer, were to shut its doors altogether at that time, only a few short months before funds begin to become available from the Conquest of Cancer Agency. The Princeton-Pennsylvania accelerator now has a proposal before the National Cancer Institute and is hopeful of renewed funding for cancer research at that time.

I am proposing an amendment at this time to the AEC authorization bill which would provide interim funding, not to exceed $300,000 to continue the work of this facility until the end of the calendar year. We have a moral obligation to pursue all alternatives that show promise of being effective in the treatment of cancer. The heavy ion method of treatment can be aimed more precisely at a tumor than an X-ray, and their densely ionizing power is believed to diminish the so-called oxygen effect, which makes it difficult for X-rays to kill tumor cells without heavy damage to healthy cells.

The $300,000 authorization necessary for keeping the Princeton-Pennsylvania facility operating until the end of 1971 represents less than 1 percent of the money that the Federal Government has already invested in this accelerator up to the present time. It would be a very unfortunate development if this $41 million laboratory, which is now in the process of conversion to the use of heavy nitrogen ions for cancer therapy—a $75,000 process which is now virtually complete—is not fully utilized in the cancer research field because of a lack of interim funding.

At a time when the fight against cancer occupies such a high priority in our scientific endeavors, it would be unthinkable if the heavy ion method of treating cancer victims, a method on which there is nearly unanimous agreement among physicists and biomedical scientists as to its utility, is not developed to the maximum. A further expenditure of this magnitude is not too large an investment in view of the potential savings of life and medical expense which might accrue.

Mr. President, an article in the July 2, 1971, issue of Science magazine describes more completely the situation of the Princeton-Pennsylvania accelerator. I ask unanimous consent that it be included in the RECORD, along with the text of my amendment.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

PRINCETON-PENNSYLVANIA ACCELERATOR: END OF AN ERA IN PARTICLE PHYSICS

While high energy physicists eagerly await the birth of the $250 million National Accelerator Laboratory (NAL) near Batavia, Illinois, an older machine approaches the end of its federal funds. The lifeblood supplied to the Princeton-Pennsylvania Accelerator (PPA) by the Atomic Energy Commission (AEC) was cut off 1 July, perhaps only a few days before its giant successor comes to life with tests of its full energy beam. Thanks to a small transfusion of private funds, the PPA lingers on and hopes for an Indian summer of cancer-therapy research. But it has passed from the great world of high energy physics.

Its passing has stirred much less excitement than the arrival of NAL, but it, too, is a signpost that marks the turning point now reached by research into "the fundamental building blocks of matter." About a dozen smaller accelerators have been shut down in the past, but these closings were much less traumatic than the shutting off of the $40 million machine, which at its peak provided employment to 356 people and which cost $5 million annually to operate.

The PPA is located on highway 1 about 4 miles from the main campus of Princeton University. The University of Pennsylvania shared administration and use of the accelerator with Princeton, although AEC's contract was with the latter institution. The facility was also used by experimenters from other universities, whose share of the operating time rose to about 50 percent by 1970.

Paul W. McDaniel, director of research for the AEC, told a House appropriations subcommittee that the 1970 decision to close the PPA, only 7 years after it began operations, had caused "consternation" in the high energy physics and educational communities. The event brought home to particle physicists a reality that was already making them uncomfortable. The enthusiasm with which the 500 billion election volt (Gev) NAL was awaited was tempered by chagrin at the growing realization that its cost would eat into the money available for smaller machines. In the days of rapidly expanding research budgets, the typical physicist had not dwelt on the sacrifices his local accelerator might have to make to the hungry god of higher energy.

The Princeton experience has already had a major impact on the way high energy physics is being planned, according to one Washington official. He calls it a "trigger" to compel long-range perspective and cost consciousness, adding: "It is used as the classical example of what you don't do."

The PPA was still pursuing an ambitious research program when it was caught in the vise between rising particle research costs and budget pressures on science. But there was general consensus among physicists that, if one of the high energy machines had to be sacrificed, PPA, whose 3-Gev energy level was the lowest among them, should be the first to go. Even Milton G. White, director of Princeton accelerator, feels that the choice was not unreasonable, although he is unhappy with the timing.

Given more advance warning on the shutdown, White says, more research could have been accomplished at lower cost. Asked if the timing was the result of poor planning, White replied: "No one had any idea of the abruptness and depth of the cut-off of funds."

In July 1969 the AEC had asked White what the effect would be if PPA's budget were cut from $5 million to an annual outlay of $3.5 million or $2.5 million. The reply indicated that the smaller cut would make operations difficult, and the larger cut would make them almost impossible. In November 1969 PPA was told that, beginning in January 1970, they would be funded at the $3.5 million rate for the remainder of the fiscal year. The news came as a relief, but when January came, PPA was informed that its operations were to be altogether terminated.[1]

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[1] At the same time, the 6-Gev Cambridge Electron Accelerator, shared by Harvard and the Massachusetts Institute of Technology, was cut from $3.5 million to $2.4 million. Research there is now limited to experimentation with the colliding beam.

"January was very much of a surprise after November," PPA's associate director Walter Wales told *Science*.

Between those dates, AEC's proposed funding for the machine had been rejected by the Bureau of the Budget, which allocated $2 million for fiscal 1971 to complete important experiments under way and close down the facility. The accelerator's fate was proclaimed in President Nixon's fiscal 1971 budget under "Reductions in Outmoded or Uneconomic Programs." Physicists at other accelerators may not have wept to see a competitor for scarce funds face cutbacks, but some of them, at least, were shaken by the death sentence. Their subsequent pleas to keep PPA alive, reportedly pressed even at the highest level, fell on deaf ears.

PHASE-OUT POLICY

Wales regrets that there was not more time to "run the accelerator into the ground." The most economical way to phase out such a machine, he says, is to stop spending on improvements and treat it like an old car, to "live with the squeaks." Not only is the amount of experimentation per dollar spent greater when the cost of improvements is eliminated; waste of the investment in such improvements may be avoided if the shutdown of a facility is planned far enough in advance. For example, the $1.2 million spent in fiscal 1969 and 1970 to develop flat-topping projects (which produce a steadier flow of particles) that were then scarcely used might better have been spent to continue experiments with an unimproved machine or at another accelerator. Instead, the sum was just the annual operating cost of a reduced program which PPA later proposed, without success, to both AEC and the National Science Foundation. Gerald F. Tape, president of Associated Universities Inc., which operates the Brookhaven National Laboratory, told *Science:* "If we knew today that some of these machines were going to be shut down in five years, there are some of these improvements we wouldn't be making now." He observed that a long lead time, including the budget process, is involved in such decisions, and added: "The psychological problem is really being able to admit that before the die has been cast. That's an issue that we haven't really learned to handle."

The execution of PPA was perhaps more of a surprise than it should have been. The question of shutting down high energy facilities had been raised in April 1969 during hearings before the Joint Atomic Energy Committee. In July of that year the AEC wrote to committee chairman Chet Holifield (D-Calif.) that the previous manner of responding to budget cuts—distributing the loss among the accelerators—"may have reached its limit." The AEC still opposed a complete closing of any facility, but singled out PPA for a "significantly reduced mode of operation." A decision not to spread the pain more evenly made sense as it became clear that the scarcity of funds was not a temporary aberration. The return on the dollar invested in accelerator operation increases as it approaches its full capacity, and by 1969 most of the large accelerators were working below capacity.

Wales admits that it was not easy to read the writing on the wall. "You're admitting you don't have a long-term future. And that's something difficult to do. That's something we didn't do voluntarily. We were told we didn't have any future."

The high energy physics community as a whole has not found it much easier to face the change in its financial situation. In June 1969, just before the AEC and PPA to consider deep cuts, the High Energy Physics Advisory Panel (HEPAP) reported that some of the older accelerators would have to be shut down "'eventually." The panel combined a complaint over decreasing funds with a projection of federal high energy spending of $375 million for fiscal 1972. This 1969 projection now appears optimistic to the tune of about $160 million.

Since the preparation of this report, high energy physicists have been learning to live with a less rosy financial outlook. The sums being poured into the Batavia accelerator may still make other scientists burn with envy, but there is little left among the particle princes of the free-spending spirit that prevailed while the Princeton-Pennsylvania Accelerator was being built. Shortly after the decision to construct the machine was made, American scientists visiting Soviet high energy facilities were, in the words of one physicist, "shaken to their socks." Four months later a panel of physicists convened by the National Science Foundation recommended that annual spending for high energy physics be increased from a current level of $40 million to between $60 and $90 million by 1962. In fact, spending in fiscal 1962 reached about $100 million, and by 1966 had climbed to $176 million.

The PPA thrived in this period. Though originally estimated at $5 million, the original design cost of $115 million, and major improvements such as the $8.4 million external beam facility brought total construction expenditures to $40 million. Today the massive complex of buildings and equipment is eking out a slender existence with a grant of $230,000 from the Fannie E. Rippel Foundation. This grant is being used to convert the accelerator to production of heavy nitrogen ions in hopes of attracting money for their use in cancer therapy. But the Rippel funds will run out 31 August, and White expects no response to his plea for cancer research money before January. He is desperately pursuing other sources of interim financing to keep the accelerator alive until then, so that there will at least be a machine to decide about. His message to the government is: "While you're making up your mind, we're dying."

THE SCENE AT PRINCETON

The PPA facilities already have the eerie air of a ghost town. When a visitor enters the glass doors of the administration building there is no receptionist to greet him. Instead, a sign propped on a desk explains how to sign the register and where to find the staff telephone book. In the cafeteria, where employees were accustomed to stand in line and then search for a place to sit, a row of machines and one waitress offer Spartan fare to scattered diners. One of the remaining staff remarked, as he crossed the campus at midday toward the accelerator, that there used to be more people around at 3 a.m.

Those who are still around cling both to hopes for a rebirth and nostalgia for a golden age. They recall with pride the spirit of teamwork of their now departed colleagues. One administrator reports that many left with a plea to be rehired if the accelerator should resume operations, and another notes that almost every day someone returns just for a visit.

Since 1 July 1969, a total of 253 have departed, leaving a staff of only 42. Thirty of those who have left administrative posts, 21 were maintenance staff, and the remaining 202 were operations personnel. Of the latter, 9 were physicists, 32 engineers, and the rest technicians. Except for two who recently underwent major surgery, none of the engineers are now unemployed, although a few experienced considerable delays in finding work. Six of the engineers have gone to other universities, 7 now have permanent positions at Princeton, and 17 have gone into private industry. Seven of the physicists have gone to other universities, and the other two are employed in industry. Three of the technicians, dismissed in March, are still unemployed.

R. J. Woodrow, associate treasurer at Princeton University, observed that it is difficult for a university to cut back on such service operations as grounds maintenance, purchasing, the cafeteria, and so forth, but he said that Princeton was able to absorb most of the administrative and clerical personnel. He stressed that the bigger the operation associated with a university, the more important that it stand apart on its own financial feet. He appeared unperturbed by the impact of the PPA closing on Princeton's finances, but others felt that the loss, at such a time, of a program with $5 million annual operating costs could only hurt the university.

Some of the equipment useful at other facilities has already been shipped away, but the accelerator itself and its building remain behind, now the property of Princeton University. The storage area will be used by the university's plasma physics research group, but it is difficult to imagine what use could be made of the big machine itself if the current fund-raising campaign proves fruitless.

The impact of the closing on the physics department has been much less tangible. White speaks of a "very sharp downturn in graduate student and young faculty morale." But Marvin L. Goldberger, the department chairman, feels that the principal loss to Princeton will be in its ability to recruit young faculty in high energy physics. Even here, he believes that the closing of PPA makes less difference to Princeton than the opening of NAL, whose facilities will naturally draw talent to the Chicago area.

GRADUATE EDUCATION

Goldberger expresses grave concern over the impact of the closing of smaller high energy accelerators on the character of graduate education. The high cost of experiments at the big machines and the intense competition for time to use them, he warned, will reduce chances for graduate students to make real contributions to experiments rather than just serving as "an extra pair of hands."

One of Princeton's younger particle physicists, K. Goulianos, shared Goldberger's concern that pressures at places like NAL could dampen the initiative of the next generation of experimenters. He feels that those who have already been trained on smaller machines will still insist on doing things their own way at NAL, but wonders whether students trained at NAL will have acquired that same spirit of independence when their turn comes to run their own experiments. At places like Princeton, he observed, students have had some freedom to "play around," and to fail once in a while. He feared that with "everyone watching everyone" at the Batavia accelerator, pressure will grow to "run physics like a project."

Goulianos insisted that it is still too early to tell whether the atmosphere of NAL will dampen or stimulate the imagination of graduate students, and other physicists express optimism that young talent will find a way to innovate in new conditions. But even 2 years ago the HEPAP report warned against "creeping conservatism."

With the increase in complexity, cost, and time scale of all experiments, and with limited funds, there can be a tendency toward overcaution. There is great competition for the time available at the accelerators, and a group, particularly with graduate students desirous of thesis material, may be tempted to design an experiment that is sure to yield publishable results rather than risk the effort for a bold and exciting but possibly unproductive one. This problem demands vigilance on the part of all workers in the field.

MILTON G. WHITE

While the character of the next generation of high energy physicists * * * White, who designed Princeton's first cyclotron in 1935, takes understandable pride in the huge accelerator he is struggling to keep alive. Asked about the "natural life" of these machines built at the moving frontier of knowledge, he said "that depends on the aggressiveness and imagination of the people who run them."

White has certainly harnessed his own energy to the search for new uses of his accelerator. He proposed to NASA that the high energy heavy ions a converted PPA could produce be used to investigate the effect of cosmic-ray bombardment of astronauts and sensitive computers in future prolonged space flights. Funds are not now available for such research and White pins his hopes on use of such ions for radiation therapy. These heavy ions are expected to prove more effective than x-rays in treating cancer because they can be aimed more precisely at a tumor and because their densely ironizing power is believed to diminish the so-called oxygen effect, which makes it difficult for x-rays to kill tumor cells without heavy damage to healthy cells.

But White is not alone in his efforts to gain a new lease on life for his machine. At Berkeley, where the 6-Gev Bevatron may be approaching extinction, a plan has been developed to link it with the Heavy Ion Linear Accelerator so that like PPA it can accelerate heavy ions to high energies. Berkeley has an advantage in the presence there of biomedical researchers with experience in radiation therapy and interest in high energy heavy ions.

The conversion to heavy nitrogen ions for cancer therapy at Princeon is on the verge of completion, at a cost of about $75,000.

This conversion represents a basic departure from the primary purpose for which the machine was built. When the accelerator began operation in 1963, White wrote enthusiastically of the pursuit of "that 'primordial stuff' out of which all matter, including human beings, is composed." But in the same essay he already noted that the accelerator or its particles "may one day have applications to medicine, space studies, and other areas of science."

Now that he is trying to make that prophecy come true, White finds obstacles he had not anticipated. To be sure, the trend of public opinion and the Nixon Administration now emphasize the application on science to human problems. But White believes his quest for funds to shift the machine from basic science to cancer research is in a no man's land, between the high energy physicists and the biomedical scientists. The former, according to White, are obsessed with their chase after elementary particles (a passion he shares) and fearful of the diversion of any of their funds to applied research. Biomedical scientists, on the other hand, usually have projects already in mind for which they are trying to secure appropriations. As a result, White believes, the latter are not eager to promote unfamiliar programs at the expense of those to which they are already committed. And yet White has assembled an impressive dossier of testimonials from scientists anxious to see high energy heavy ions from his accelerator used for biomedical research.

THE NATURE OF MATTER, OF MAN

If he can find funds to keep his machine alive a little longer, White may then have a chance to secure a share of the growing sums being appropriated for the politically popular fight against cancer. But whatever the fate of his accelerator, he fears for the faith it has symbolized. He may adapt his machine to survive for a while in the changing climate of American culture, but he is troubled and puzzled by growing hostility toward science among the younger generation. White says that he can repeat the phrases used by critics of science and list the causes which have provoked their new attitudes, but that he cannot really understand them. And yet it is only 7 years since White, celebrating the accelerator's readiness for investigating ultimate mysteries, compared it to a cathedral because it "epitomizes the prevailing social-intellectual forces of the day. . . ." He then concluded that although there may be no end to the pursuit of knowledge of the nature of matter, it was "in the nature of Man to keep trying."

S. 2150

A bill to authorize appropriations to the Atomic Energy Commission in accordance with section 261 of the Atomic Energy Act of 1954, as amended, and for other purposes.

On page 1, strike out lines 7 through 9, and insert in lieu thereof the following:

(a) For "Operating expenses," $2,025,871,000, of which not less than $300,000 shall be available for the Princeton-Pennsylvania Accelerator (PPA) at Princeton University through December 1971, and of which not more than $116,400,000 shall be available for operating costs for other projects in the High Energy Physics program category.

PRESIDENT NIXON'S FORTHCOMING VISIT TO CHINA

Mr. MILLER. Mr. President, President Nixon's statement to the people last night was as encouraging as it was electrifying.

All of us would like to see a normalization of relations with mainland China. As the President said, the course of peace in the world will be better served thereby.

There have been skeptics who have not taken seriously President Nixon's oft-repeated desire and willingness to work for a durable peace. Such an initiative by the President as his announcement of a forthcoming visit to Peking to discuss mutual problems of concern should lay such skepticism to rest.

I am one of the Members of Congress who recommended to the President that food and food grains be included in his recent proclamation partially lifting the ban on trade between the United States and mainland China. I am pleased that the President did so.

Canada, our neighbor, has had a virtual monopoly of this trade, and it would seem far better for the cause of peace for mainland China to use its foreign exchange for food than for purchases which would aggravate the arms race. Moreover, opening the doors of trade could be helpful in the normalization of relations to which I have referred.

It is well that the President made it clear that our efforts to normalize relations with mainland China will not be at the expense of our friends, such as, particularly, the Republic of China on Taiwan, or to the detriment of our relations with the Soviet Union. I am sure that Premier Chou En-lai understands this as a reasonable position, and a genuine desire on the part of him and his country for normalization of relations will include an understanding and appreciation of this point.

This is a first step—a significant first step—toward what could be a long road to friendly relations with mainland China. Having served in China during World War II, I am convinced that the great mass of the Chinese people want to return to friendly relations with the United States. Now it appears that their leadership is beginning to respond to this public mood.

The Bamboo Curtain is beginning to rise, and I believe that our President merits full credit and support for this development.

REFUND OF SST DEPOSITS SHOULD BE MADE TO AIRLINES

Mr. PROXMIRE. Mr. President, today as the Senate considers appropriations for the Department of Transportation, I rise to support the refund of advance deposits made by the airlines on the SST program. I am sure that all of us are aware of the serious economic problems with which the airlines are presently troubled.

With the assurance that the U.S. Government was going ahead with development of the new transport plane, in 1967 a number of the U.S. airlines advanced a total of $58.5 million to show their interest in the project, and to lessen the burden of cost on the Government. They should not now be penalized for their acquiescence in the Government's request.

There is no legal or contractual obligation for the Federal Government to refund the deposits. But as one of the Senate opponents of the SST, I believe there is a strong moral obligation for the Government to return these funds.

Let me remind my colleagues that precedent for returned deposits in this case do exist. Last year, the two largest SST contractors were given their money back: The Boeing Corp. received $58 million, and General Electric received $32 million.

There is no question that termination of the SST program was the right decision. But let us have the decency to return these deposits given us in good faith.

LINCOLN JOURNAL SUPPORTS REORGANIZATION OF THE AGRICULTURE DEPARTMENT

Mr. PERCY. Mr. President, the Lincoln Journal of Lincoln, Nebr., has printed several editorials in support of the President's executive reorganization proposals. The Journal's editorial position is particularly noteworthy because, serving a wide readership in one of our greatest farm States, it has strongly defended the proposed reorganization of the present functions of the Department of Agriculture, and the organization of an Administration for Farms and Agriculture within a new Department of Economic Affairs.

On June 7 the Journal printed an editorial arguing that by recognizing agriculture as an essential part of the total economy and the total national life, rather than a poor relation in the Federal family, farm policy is much more likely to get the objective consideration to which it is entitled.

In sending me a copy of this editorial on June 18, the Journal's associate editor, Jack Hart, said:

> It seems to me that the public response to our position—as expressed throughout the editorial page of the Lincoln Journal and in speaking appearances before agriculture groups, is increasingly favorable. With the proper educational effort, I am confident that farmers, as well as the rest of the

citizenry, will come to appreciate the advantages of the plan.

Mr. President, I suggest that Mr. Hart's comments should be very encouraging and instructive to those who have hesitated to support the reorganization proposals because of the danger of offending farm interests. Mr. Hart indicates that with an understanding of the issues, farmers are willing to consider the reorganization plans more openly and favorably.

I ask unanimous consent that the Lincoln Journal's editorial of June 7 and Mr. Hart's letter to me of June 18 be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

FEDERAL REORGANIZATION

It's too bad the Nixon administration has tied revenue sharing and federal reorganization so closely together, giving the impression that both issues must swim or sink as one.

There are legitimate doubts about the workability of the revenue-sharing plan put forth by the administration and, in any event, Democratic opposition appears powerful enough to do that proposition in.

Mr. Nixon's plan for reorganizing the federal government, however, is something far different. This is a well-conceived approach, desperately needed for the preservation of any degree of managability of the federal labyrinth. There has been no preferable Democratic alternative advanced.

The Nixon reorganization plan, in short, deserves to be passed essentially as it is presented.

The proposal is to preserve the four basic departments of federal government— state, defense, justice and treasury—as they are. But the rest of the executive branch would be reoriented according to functions into four new departments: economic development, natural resources, human resources and community development.

Thus, the bulk of the federal executive which now is organized along lines of specific programs and special interests, would be rearranged according to the broadest goals of the national government.

This change would produce the double benefit of enhancing both the workability and the efficiency of the federal structure. Without some far-reaching change of this sort, the mammoth federal government is likely to fall of its own weight, entangled in a hopeless maze of overlapping and duplicating bureaus and agencies which now require maintaining 850 separate interagency coordinating groups.

Objection to the reorganization comes chiefly from those special interests which would lose their distinction as separate cabinet-level departments, such as farm opposition voiced against eliminating the department of agriculture.

Rather than diminish agriculture's voice in the federal government—which really is not all that great now—there is good reason to believe the true needs of farmers and rural America would be better served by the reorganization.

One complaint of the existing setup is that some non-farm expenditures, such as consumer protection and food stamps, are lumped into the agriculture department budget, giving a distorted idea of the cost of farm programs.

The more serious defect of the present arrangement is that agriculture is treated as something wholly apart from the rest of the economy, the ills of agriculture would be attacked more effectively, it seems, by recognizing the industry as an integral part of the American economy, and acknowledging that its weaknesses spread throughout the economic system. This is precisely what would be possible under the reorganization.

While agriculture now does have its own special spokesman, that fact works against very much profound consideration of farm problems in the broader and more comprehensive administrative councils. As long as the secretary of agriculture is assigned specifically to worry about the farmer, why should others concern themselves?

By recognizing agriculture as an essential part of the total economy and the total national life, rather than a poor relation in the federal family, it is much more likely to get the objective consideration to which it is entitled. It would not be unthinkable that agriculture could be one of the biggest beneficiaries of the reorganization plan.

LINCOLN, NEBR.,
June 18, 1971.

Senator CHARLES PERCY,
New Senate Office Building,
Washington, D.C.

DEAR SENATOR PERCY: We were gratified to receive your recent letter of appreciation for our support of the President's reorganization plan.

For your information, it seems to me that the public response to our position, as expressed throughout the editorial page of The Lincoln Journal and in speaking appearances before agriculture groups, is increasingly favorable. With the proper educational effort, I am confident that farmers, as well as the rest of the citizenry, will come to appreciate the advantages of the plan.

I am enclosing a copy of our most recent editorial on the subject which outlines the general approach we are taking, which seems to be well received.

We greatly appreciate your initiative and leadership on this issue and invite any suggestions from you or your staff as to how we might advance the idea more effectively.

Sincerely yours,

JACK HART,
Associate Editor, the Lincoln Journal.

PRESIDENT NIXON'S STATEMENT ON EQUAL HOUSING OPPORTUNITY

Mr. HUMPHREY. Mr. President, President Nixon's statement of June 11, 1971, on Federal policies relative to equal housing opportunity, although significant and worthy of careful consideration, was also long overdue and seriously misleading. Moreover, both this statement and overall Federal departmental activities indicate the continuation of a basic fault in policy by this administration in the area of civil rights; namely, a failure to move forward and vigorously enforce the laws that are already on the books.

We have seen a continuing opposition by the Nixon administration to giving the Equal Employment Opportunity Commission the enforcement powers that are essential to its work in ending discrimination in job hiring, advancement, and basic rights.

We have seen the Justice Department sway back and forth in hesitating to exercise its clear responsibilities under the 1965 Voting Rights Act to assure that new State election laws do not result in a return of racial discrimination practices.

We have waited for clear-cut efforts by the administration to open the higher Civil Service grades to qualified minority employees.

There remains a great and continuing need for significant Federal assistance to minority businesses.

We have watched in vain for the allocation of a fair share of higher education aid to black colleges.

And we have witnessed the Department of Health, Education, and Welfare only recently coming to grips with local resistance to school desegregation guidelines—a disturbingly late action in light of reports of school resegregation as scores of black principles and teachers have suddenly found themselves out of work under school district consolidation plans.

Some have found the President's statement that "racial discrimination in housing is illegal and will not be tolerated," to be a forthright assertion of Federal policy toward opening the doors of equal access to decent housing. I find it a greatly encouraging statement, but I have been deeply disturbed by the President's distinction between housing segregation based on race and on economics. The distinction was profoundly misleading, even though the President also said:

> We will not countenance any use of economic measures as a subterfuge for racial discrimination.

I am concerned because the net effect of this statement can be the reinforcement of the President's earlier and highly insensitive comment that this administration would not "force" integration of neighborhoods. In fact, the statement can rightly be judged a step backward in policy previously enunciated by the Department of Housing and Urban Development—a policy that may have been quietly set aside. In August 1970, the Department advised the Commission on Civil Rights that its goal in administering the 1968 fair housing law was:

> The creation of open communities which will provide an opportunity for individuals to live within a reasonable distance of their job and daily activities by increasing housing options for low-income and minority families.

It is true that at the time the President made his equal housing opportunity statement, Secretary Romney issued guidelines limiting community development grants to those communities that agreed to plan for low-income and moderate-income housing. But this is only part of the total picture, as indicated by the Commission's report that by April 1971, HUD had changed its basic policy position, stating that it was opposed to the use of Federal leverage to promote economic integration.

As the Civil Rights Commission rightly pointed out in its report this May:

> the harsh facts of housing economics, however, suggest that racial integration cannot be achieved unless economic integration is also achieved.

It is a profound disservice to the intelligence of the American people for the administration to express negative positions on forced integration and Federal leverage. What our people seek are affirmative, positive governmental policies and actions that encourage the integration of good housing for lower and moderate-income families in new developments, and that provide incentives to communities to plan rationally and in a comprehensive manner for multiple forms of decent housing for all income levels through intelligent and productive land-use policies. And the American people insist that the Federal Government enforce the fair housing laws that it already has at hand, recognizing that no man's rights should be diminished or deferred by the color of his skin, and that he should have the right to be fully informed on all residential opportunities to be able to raise his family in a decent community and social environment.

I urge President Nixon to give serious consideration to this and other responses to his June statement on equal housing opportunity. I ask this administration to accept its responsibility to advise Congress on the further legislative authorities which it may deem necessary to carry out without further delay the positive, constructive policies I have outlined.

THE PRESIDENT'S PROPOSED VISIT TO MAINLAND CHINA

Mr. YOUNG. Mr. President, I was pleased and encouraged with the announcement that President Nixon will meet with Premier Chou En-lai, Mainland China's most powerful voice in foreign matters.

China has a population nearly twice that of both the United States and Russia. It is one of the most powerful nations in the world and must be reckoned with—particularly on Far East problems.

Mainland China not only is a big nation, it has intelligent, industrious people and is now one of the world's nuclear powers. It is no longer possible to ignore them as in the past.

Mainland China could and might well play a very important role in bringing a satisfactory conclusion to the unfortunate Vietnam war.

This new venture by President Nixon is a bold one and fraught with some risks, but it does give great promise and encouragement for a new era of peace in the world.

THE PRESIDENT'S INITIATIVE REGARDING CHINA

Mr. ALLOTT. Mr. President, I join with Americans everywhere in applauding the President's bold and dramatic announcement of his forthcoming visit to China.

President Nixon has done what only a President can do. Acting with prudence and discretion, he has used behind-the-scenes approaches to bring about a moment of great hopefulness.

Diplomatic channels that have been blocked for a generation are now beginning to open. A dangerous and hostile nation is showing some small signs of seeking to end its self-imposed isolation from the community of nations.

The United States can never isolate itself from Asia. It would be unworthy of this Nation to turn its back on over half of the world's population, on great nations and historic cultures.

From Guadalcanal to Iwo Jima, from Pusan to Panmunjom, from the Mekong Delta to Danang, the United States has borne the difficult burden of a great power. Now the President could well be opening the door to a new era of Asian relations, an era, hopefully, that will be one of sober diplomacy, and without fighting.

Today the President is acting on two fronts to change the nature of the role we play in this crucial region. On the one hand, his steady leadership has brought us into the final moments of our involvement in the fighting in Vietnam. On the other hand, his subtle, patient diplomacy has opened the way to peaceful contact with the most significant—and most potentially dangerous—power in the area.

The President's quiet diplomacy is paying huge dividends. His forthcoming trip will be one of the most significant events in the history of American foreign relations. And it could be the key to lasting peace in Asia.

President Nixon is the most widely traveled President in the history of this Nation. He has had more experience with direct discussions with world leaders than any man who has served in the White House. All this experience will serve him well as he prepares for, and participates in, meetings with Chinese leaders.

In addition, President Nixon's experience and pragmatism will protect him—and us—from having unrealistic expectations about relations with China in the near future.

China is a huge totalitarian nation. For 20 years China prided itself on being the most revolutionary and anti-American of all Communist nations. We cannot expect such attitudes to evaporate overnight.

President Nixon knows that it will take years of patient—and firm—dealings to create any new era of moderation in this area. And, that these dealings will require great maturity and statesmanship on the part of any President in the coming years.

In these dealings I think we can be sure that the President will make it clear that our willingness to meet with foreign governments never implies approval of all the policies of those governments. The President will emphasize that we are anxious to have useful contacts with all nations. But he will also emphasize that such contacts are not our highest goal.

Our highest goal is and always has been a durable peace. Such a peace cannot be built just on the basis of high-level meetings between national leaders. But peace cannot be built without such meetings.

The President's forthcoming trip is the beginning of a long and uncertain journey. Peace for our children, and for their children, may depend on the success of his journey. We should not invest unrealistic hopes in this first development.

His trip will be primarily devoted to exploration and the easing of tensions and mutual suspicions. It will not be primarily a negotiating trip. But it may open the way to negotiations concerning the grave issues which divide the United States and China.

There is an old Chinese proverb that says every journey, no matter how long, must begin with a single step. We have taken what may be the first step toward a durable peace in a troubled region. For that step we owe heartfelt thanks to President Nixon.

GEOTHERMAL ENERGY

Mr. BIBLE. Mr. President, until fairly recently the geothermal energy resources of our Nation were a mystifying phenomenon to most Americans. During the many years we worked on geothermal steam leasing legislation within the Senate Interior Committee it was necessary to refer to this potentially vast reservoir of clean energy as a "little known resource."

I am pleased to note that the Nation's new consciousness of the urgent need to develop new pollution-free sources of energy and the Geothermal Steam Act of 1970, which I had the honor to sponsor and shepherd through the Senate, have led to an increasing number of articles in a wide variety of publications bringing the resource to the attention of the public.

"Geothermal Energy—A New Source of Power" written by Mr. William M. Holden for the June 1971 issue of the Rosicrucian Digest is a fine contribution to the literature on the subject.

I ask unanimous consent that Mr Holden's article be printed in the RECORD

There being no objection, the article was ordered to be printed in the RECORD, as follows:

GEOTHERMAL ENERGY—A NEW SOURCE OF POWER—TILL THE EARTH GROWS COLD

(By William M. Holden)

Beneath the earth's solid crust, a score or so miles deep, according to scientists, seethes molten magma. Where faults or cracks penetrate the crust, incredible pressures from below force magma upward—sometimes through the surface as a volcano, sometimes merely high enough to heat the overhead rock, which in turn heats water from rain or snow that has percolated into the ground. This heated water may rise as a hot spring, or be forced out intermittently as a geyser, or boil out as a fumarole of steam—all are manifestations of geothermal—earth-heat—energy.

In many places, for many uses, man is tapping this energy. In Klamath Falls, Oregon, for instance, though snowdrifts may be high-piled outside, many a family has no hot-water heater, nor any need for one. They have said good-bye to heating bills forever. When they turn on a hot-water faucet or open a radiator valve, the water flows directly from wells of natural hot water. It is free except for initial costs of well drilling and plumbing, and for occasional maintenance.

"That's the beautiful part—no heating bills," exult the beneficiaries in the "hot-water district" part of town.

Klamath Falls' use of natural hot water is the most successful in the United States, according to a report by one of the nation's leading geothermal experts, James B. Koenig, a geologist with California Division of Mines and Geology. He presented the report last fall during a nine-day geothermal symposium in Pisa, Italy.

In Klamath Falls, about five hundred buildings—schools, businesses, and homes—are warmed by natural hot water piped from wells 100 to 1800 feet deep. The largest user is Oregon Technical Institute, whose three wells serve the entire campus, which has eight major buildings. Other users include six more schools, the municipal swimming pool, a score of businesses, and some 450 homes. From one well, Ponderosa Apartments draws all the heat and hot water needed for its sixty units. In fact, the 185° F. water is too hot as is; it has to be diluted in a big tank with cool city water, to lower the temperature to the 135° F. optimum.

Where Esplanade Avenue dips under a railroad overpass, snow and ice used to create traffic hazards as vehicles spun their wheels trying to negotiate the slick grade. Then the State Highway Department drilled a hot-water well nearby and embedded in the pavement coils of pipe carrying hot water. This keeps the pavement clear.

Elsewhere in the United States, on smaller scales, natural hot water supplies some heating needs in Alaska, Idaho, and Montana.

COLD WATER HEATED

But most Klamath Falls users do not "consume" the hot water as elsewhere. Instead, cool municipal-system water circulates down the wells in U-shaped pipes, where it is heated by the thermal waters, then carried up to taps and radiators. Some users, however, especially where the heating job is a big one, install electric pumps.

Koenig says the advantages of this "probably unique" heat-exchange system—the U-shaped pipes—are: There is no lowering of the water table, as occurs in some hot springs areas where huge quantities are extracted for a long time; and there are fewer problems with pipe corrosion, elsewhere a bothersome problem because most thermal waters are laden with dissolved minerals.

At Klamath Falls, Indians first used the boiling springs, huddling close in snowy winters, cooking fish and game in all seasons. In fact, for thousands of years in many areas of the world, man has used hot springs for cooking, laundering, bathing, recreation, and therapy. Warm water has a therapeutic effect on some physical ailments and some mental tensions.

Even space-heating by hot spring is not a new idea. In some places, hot springs chance to be situated in landscape that is perforated by caves—a fortunate combination that offered steam-heated homes to some of our ancestors thousands of years ago.

ICELAND'S HOT WATER SUPPLY

Hard by the Arctic Circle, Iceland has exploited its wealth of hot water on a massive scale since 1925. It is piped into 4000 homes in Reykjavik, the capital, for kitchen, laundry, bathroom, and space-heating purposes—at only half the cost of imported coal or fuel oil. And some flows into swimming pools, or melts snow on sidewalks, or warms huge greenhouses luxuriating with tomatoes, grapes, cucumbers, even palms laden with bananas.

Iceland's success has spurred other countries to essay similar projects. In Hungary, for instance, natural hot water is piped into 1200 apartments in the city of Szeged and into 400,000 square meters of greenhouses. In France, plans are shaping to tap geothermal waters for all the needs of the 20,000 people in Melun, southeast of Paris.

For centuries, health spas where hot springs are the major attraction have been popular in many parts of the world. Three in the United States are at Warm Springs, Georgia; Hot Springs, Arkansas; and Thermopolis ("Hot City"), Wyoming.

But in Japan in recent years, thermal spas have soared into the realm of big business, catering to 150 million visitors annually. Japanese entrepreneurs also use natural hot water to warm greenhouses, poultry and alligator farms, and a fishery that raises eels—a popular entree on Japanese menus.

Many nations are lavishly endowed with thermal waters. Russian scientists estimate that up to 50 to 60 percent of all Soviet territory harbors underground hot reservoirs, and they envision tremendous heating projects to ameliorate life in the vast, frozen lands ringing the Arctic. The same idea, they suggest, could be applied in northern Canada and Alaska.

In a half dozen nations, natural steam generates electricity. Italy was first when, in 1904, Prince Ginori Conti wired six electric light bulbs to a small turbine-generator driven by natural steam at Larderello—the very site where wealthy Romans bathed in natural hot water 2000 years ago. When the prince threw the switch, the filaments lighted up and geothermal history was made. Today, Larderello's production of 400,000 kilowatts from naural steam provides much of the electricity that runs the Italian railroads.

Similar power plants are humming with geothermal kilowatts in Japan, Mexico, New Zealand, Siberia, and the United States—specifically Sonoma County, California. Pacific Gas and Electric Company operates four geothermal powerhouses at this canyon scene in Sonoma, has two more units scheduled for completion by mid-1971, and others on drawing boards. By 1975, this will be a fifty-million-dollar geothermal complex, churning out 600,000 kilowatts—enough to energize a metropolis as big as Greater San Jose or San Francisco.

ELECTRICITY

The newest "wrinkle" is using hot water to generate electricity. It is done in a heat-exchange device containing Freon, a fluid, the boiling point of which is below the freezing point of water. The hot water heats the Freon, turning it into a gas that can spin turbine-generators just as steam does. This process opens up an immense geothermal frontier, because steam resources are not half as abundant as thermal waters. Small Freon plants have operated in Katanga, New Zealand, and Siberia, and are being tested in Great Britain, Hungary, and Poland.

Geothermal scientists recently announced their discovery of mind-boggling "ocean" of hot brine under the sandy flatlands of the Imperial Valley, southern California, and Mexicali Valley, Mexico. Dr. Robert W. Rex and his associates from the University of California at Riverside spent five years drilling shallow exploratory wells and taking the measure of this 500° F. brine resource with a medley of sophisticated instruments.

"Ocean" is hardly an exaggeration. Dr. Rex estimates ten billion acre-feet of hot brine is locked in the underground. That is enough hot water to cover to a depth of one foot four times the area of the United States!

LIKE A GIANT SPONGE

Whence came this vast resource? As Dr. Rex explains it, it derives mostly from "sea-floor spreading"; convection currents in the earth's hot mantle bring up hot rock into the undersea crust. In the Gulf of California, this spreading or rifting is pushing Baja California away from the rest of Mexico, widening the Gulf two to three inches a year. This rift zone slashes under the Mexicali and Imperial Valleys, which Dr. Rex says were once "a piece of the ocean." Today they are filled in nearly four miles deep with Colorado River's delta sediments. This heated sedimentary accumulation, porous like a giant sponge, is fed by surface and subsurface drainage from the Colorado basin.

Drilling 2000 to 5000 wells to develop the American half of this resource, he says, could produce enough steam to generate up to 30,000 megawatts of electricity, equal to that from fifteen Hoover Dams or forty large nuclear plants.

Also, much of the brine could be desalted, to yield six million acre-feet of cheap fresh water per year, using its own heat to distill it. "The fact that the brine is already hot means fuel would not have to be burned to desalt it," Dr. Rex notes. "There is enough heat in the brine to distill off nearly all the water it contains."

Some of the desalted water could dilute the high-salinity irrigation water now taken out of the Colorado by farmers in California, Arizona, and Mexico, and thus halt increasing soil salinity that is blighting the region with crop failures. And some could be used to stabilize the level and salinity of the Salton Sea, which is prized for recreation and as a wildlife refuge.

Before the damming of the Colorado, Yuma, Arizona was a seaport. Exploiting the brines would make it economical to reopen Yuma by dredging the lower Colorado, Dr. Rex suggests. That would open up markets for mineral by-products in the brine. "The value of such chemicals is low, making it impractical to ship them except by sea," he notes. But calcium chloride, for instance, could be shipped by tanker to northeastern United States coastal cities such as New York, and even as far as Europe, for cheap snow removal.

This immense resource, he predicts, could literally galvanize the southwestern states with geothermal electricity, slake their powerful thirsts perhaps for centuries, and even reduce southern California smog—as existing generating plants fired by air-polluting fossil fuels (coal, gas, oil) are gradually superseded by plants fed by nonpolluting natural steam.

"Large-scale production of geothermal electricity, plus a ship canal," Dr. Rex adds, "might turn northwestern Mexico, southwestern Arizona, and the Imperial Valley into major electrochemical manufacturing centers and one of the most affluent regions in the world."

Dr. Rex is seeking a two-million-dollar Economic Development Act grant to finance drilling two deep demonstration wells and building pilot desalting plants. Meanwhile, Mexico has stolen a march on the United States: at Cerro Prieto, twenty-five miles south of the border, engineers are constructing a 75-megawatt generating plant, first of a series.

What about the possibility of ground collapse from extracting enormous quantities of brine? Dr. Rex proposes averting that by replenishing the supply by underground injection of Gulf of California water. He also notes: "The heat stored in the rocks themselves is about equal to the heat stored in the brine. This rock heat could be recovered by injecting sea water underground in cold areas and letting it flow toward the hot area. All our calculations ignore this enormous secondary reserve of heat, but its presence acts as insurance for the successful development of major quantities of geothermal fluids."

GEOTHERMAL STREAM ACT

The western United States is rich with many other hot spots. Experts predict a boom in geothermal activities in the near future as a result of President Richard M. Nixon's signing of the *Geothermal Steam Act* December 24, 1970. This Act, authored by Senator Alan Bible of Nevada, permits private enterprise to develop geothermal projects on Federal lands—exclusive of national parks, wilderness areas, wildlife refuges, and Indian lands. The significance of this Act is that some 75 percent of our known hot spots are on federal lands.

Geothermal energy, experts say, could help solve America's power crisis. Incredibly, our nation's consumption of electricity doubles every decade. Giancarlo Facca, a United Nations geothermal scientist, says it is "an established fact" that geothermal electricity costs less than that from conventional sources. Also, it is a pollution-free energy, a vastly important asset in these ecology-conscious times.

Geothermal energy could prove a boon to many underdeveloped nations because it needs no boilers or fuel supply as do generating plants fired by oil, gas, or coal; nor huge dams as does hydroelectric power; nor sophisticated technology as does atomic energy. Today, in more than two dozen nations, scientific explorations for hot spots are going forward.

But some day man will be able to tap the earth's boiler anywhere, even in the frozen polar regions, just by drilling deep enough to reach high temperatures so that water poured down-well will turn to steam. In fact, Russian scientists say they are drilling a well six miles deep on Kamchatka Peninsula, eastern Siberia, with that very idea in mind. Even the ocean bottoms offer potential hot spots apparently as prevalent as on dry land, says geothermal scientist Dr. Carl F. Austin, research geologist at United States Naval Weapons Center, China Lake, California. He proposes using them to energize undersea cities and submarine bases, and for desalting sea water, and for electrolysis of water to obtain oxygen for life support.

But the most far-out frontier is, paradoxically, in outer space—paradoxically in the sense that geothermal means earth heat. From time to time for nearly 200 years, astronomers have reported various lunar phenomena suggesting the presence of hot spots.

If they exist, they would prove valuable to lunar explorers and future colonists, Dr. Austin says. If steam is contained in lunar magma as it is in earth's magma (scientists believe our oceans were condensed from the steam that boiled out of volcanoes when the earth was young), drilling a well and hooking up a small turbine-generator could supply electricity for lighting and heating. Exhaust steam could be captured and condensed in plastic bags to yield water for drinking and growing food plants in hydroponic tanks and, by electrolysis, oxygen for breathing and hydrogen to fuel rockets and lunar-surface vehicles.

The only alternative to finding water and energy sources on the moon would be to transport them from earth, at horrendous cost. In other words, lunar man's utility bill would be literally "astronomical."

VIOLENCE AND TELEVISION

Mr. PERCY. Mr. President, on April 29 I described on the floor of the Senate a letter I had received from one of my constituents, Mr. Norman F. McCrimmon of Batavia, Ill., in which he attributed the death by hanging of his only son, aged 13, to violence his son saw on television.

At that time, I wrote the presidents of the three major television networks asking them to comment on the tragedy suffered by the McCrimmon family and requesting their permission to reprint their replies in the RECORD. The network presidents now have responded with detailed statements outlining the policies they have adopted on the question of televised violence. I believe these excellent statements warrant our serious consideration and provide a good basis for future study, and therefore I ask unanimous consent that they be printed in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

AMERICAN BROADCASTING
COMPANIES, INC.,
New York, N.Y., May 12, 1971.
Senator CHARLES H. PERCY,
U.S. Senate,
Washington, D.C.

DEAR SENATOR PERCY: As you know, I have been in Europe on a business trip and did not see your letter of April 30 regarding the tragic death of the son of Mr. and Mrs. Norman F. McCrimmon until I returned to my office this week.

I was deeply touched, as you were, to learn of the anguish suffered by the McCrimmon family. There is nothing that anyone can adequately say to ease their sorrow or ameliorate their great personal loss. Neither can I assure you that any presentation that our television network might carry in the future—either drama or news coverage—would, as you said in your remarks on the Senate floor, "insure that this tragedy is never repeated."

But I believe that I can promise you that the ABC management, for some time now, has made and will continue to make an honest effort to eliminate incidents of unnecessary violence from our programs. The elimination of violence for the sake of violence has been a policy of our company and our Department of Standards and Practices, which is responsible for reviewing all entertainment programs before they are aired, has been carrying out this objective. In addition, all producers of all our programs have personally been informed of this policy.

As a result, where an act of violence is essential to a plot of a dramatic presentation, the actual act is often referred to rather than shown, or presented in a manner that does not play up or feature the occurrence, but, rather places it in the role of a criminal act. Further, the dramatic programs deal more with the prosecution or solution of such acts, with those who commit such violence being brought to justice and punished for their infractions of the laws of our society.

Our policy in this matter is contained in an official statement, first issued three years ago and repeated each year to producers and to our Department of Standards and Practices, which is as follows:

"You are, of course, aware of the company's long standing policy regarding that, in carrying out your duties in reviewing scripts, rough cuts and final prints for air, you should prohibit the use of violence for the sake of violence. In this connection, you should give special attention to encourage the de-emphasis of acts of violence.

"While a story-line or plot of development may call for the use of force—the amount, manner or portrayal and necessity for same should be commensurate with a standard of reasonableness and with due regard for the principle that violence, or the use of force as an appropriate means to an end, is not to be emulated."

At my personal direction, we shall continue to carry out this policy and sincerely trust that it will be successful. But we must acknowledge, however, that violence does exist in our society and will, therefore, be reflected to some degree by script writers in our dramatic presentations concerning the problems of our times. The same will be true in our news programs that report on actual happenings, including unrest and crime here at home and in the fighting zones in Indo-China.

With best wishes and warm regards.

Sincerely,

LEONARD H. GOLDENSON.

COLUMBIA BROADCASTING SYSTEM, INC.,
New York, N.Y., June 30, 1971.
Hon. CHARLES H. PERCY,
U.S. Senate,
Washington, D.C.

DEAR CHUCK: I have given much thought to my response to your letter of April 30 concerning the tragic death of the 13-year-old son of your constituents, Mr. and Mrs. Norman McCrimmon. And I have deliberately refrained from writing sooner in order to allow some time to elapse so that the subject could be discussed more dispassionately.

There is, of course, nothing I can say which could possibly assuage the irreparable loss suffered by the family. I can only offer my most sincere condolences. I will express to you, however, in all candor some of the considerations one must reflect upon in trying to come to reasonable judgments about the use of violence in dramatic art forms. This is no simple matter, it admits to no absolute solution, and it is one on which sociologists, psychologists, authors, playwrights and producers who have yet to find common ground.

As we looked into the details of Mr. McCrimmon's letter, we found only one CBS Television Network program, on February 6, which might have been the mid-February broadcast he described. (He did not identify the program or station.) In this program there were three fleeting shots, *below the knee,* of a hanged man's legs. The total elapsed time of the combined three shots was *six* seconds, the barest possible visual information necessary to the plot. The context made it clear that it was not a suicide, and the reaction in the script from those who discovered the body was one of shock and grief.

I mention this because it illustrates the perplexing and often contradictory implications of communication. There was no dwelling here on the details or technique of violence. There was no glorification. There were, I dare say, any number of viewers from whom this sequence was a warning against evil. The dilemma of the storyteller, as far back as the Book of Genesis, has been to tell the story of right versus wrong without giving lessons in how to succeed in doing wrong.

The experience of mankind has been that fiction cannot withdraw entirely from the recognition that there is cruelty and violence. Witches of fairy tales, three blind mice whose tails were cut off by a carving knife—how many other images like these have been part of the pre-schooling of countless generations?

Neither we in television nor the Surgeon General, whose committee is studying the subject, nor the consensus of practicing psychologists, has yet established a causal relationship between television viewing and specific human behavior.

CBS, in addition to participating in the Surgeon General's study, is financing other important research studies to seek answers which have thus far been unobtainable—and from which, hopefully, for the first time in man's history, he will be able to know how best to depict the presence of evil in its dramatic forms. Dr. Lawrence Zelic Freedman, the psychiatrist, noted a decade ago that "Major technological advances have always significantly altered the manner of living, certain values of life, and even the characterists of the children and their descendants who grow up in its aegis." As mobility, communications and life-challenges change, it is our constant effort to find the right course between what is appropriate and what is inappropriate for the air.

What we are seeking, in the independent research which we have endowed, is a whole series of answers—and we are seeking these answers not only in our own country, but also in the somewhat different environment of England, so as to have a basis of comparison. We are seeking to find out whether the media stimulate socially violent behavior. (Parenthetically, I should note that the most violent social behavior in modern times has come in countries where mass communications were nowhere nearly as highly developed as in our own—as, for example, East Pakistan and Biafra.)

We are seeking also to have research determine the effects of media experience in terms of the numerous other aspects of life—school, family, church, social environment, for example. We are seeking to ascertain cumulative effects, not just the effect of a single program but rather the effects of prolonged exposure. Finally, we must face and solve the essential question of the established social norms and values of our society—and our satellite societies—and how these relate to the media. Do the media reflect the established norms and values, or do they play a role in creating these norms and values, or is this what the distinguished Director of the CBS Office of Social Research, Dr. Joseph T. Klapper, has called "a complicated circular relationship."

It is clear that television must not, and as far as CBS is concerned does not, pander recklessly to the market appeal of violence. It is equally true that a popular medium—which is to say a medium serving the broad general populace—cannot avoid reflecting the fact that there is violence both in the contemporary world and in the history of man. What we are trying to do is to be watchful of the depiction of violence in drama but also to provide constructive, positive values in children's programming and in programming generally.

We cannot, of course, create in television a cordon sanitaire against the realities of life. Should not the aim be rather to introduce the young viewer sensibly to the world in which he is to live? And is there not also the need to recognize that different audiences at different times may view the same subject in different ways?

Mr. McCrimmon's letter is one we take very much to heart—and I am sharing it with the management of the CBS/Broadcast Group so that they can know first-hand the question he asks of television programming. It is not an easy question, and there is no easy answer; but I pledge to you the continued and heartfelt effort of CBS to find the answer and to implement it when it is found.

With all good wishes.

Sincerely,

FRANCIS STANTON.

NATIONAL BROADCASTING CO., INC.,
New York, N.Y., May 24, 1971.

Hon. CHARLES H. PERCY,
U.S. Senate,
Washington, D.C.

DEAR SENATOR PERCY: I am sorry that an unusual press of business has delayed my response to your letter of April 30 and your invitation to comment on your remarks to the Senate about television.

It is clear that you have very strong feelings about the influence of television programs on viewers' behavior, especially the effect of depictions of conflict and violence. I hope you will indulge my perhaps overlong attempt to place the subject in some perspective.

The depiction of conflict on television and the question of whether this contributes to violent behavior have been a matter of concern to us for a long time. There is extensive literature in the social sciences on this subject and about the best one can say on it is that the findings are conflicting. Some authorities claim that violence in television programs induces violence in real life; others hold that violence in literature and the drama, including television drama, has the healthy effect of providing harmless release of the hostilities and aggressions that invade all of us at one time or another.

In our operations, we do not rely on this conclusion or on the conflicting scientific opinion. We have instead recognized the sensitivity of the subject and our unquestionable responsibility to serve the best interests of the public. We are, of course, aware of the criticism that television has drawn, and I believe it is safe to say that we have devoted greater continuing and thoughtful concern to the question than have our critics, because we are engaged with it every day of the year.

It would be unrealistic to prohibit all violent conflict, both because it is a legitimate tool of the dramatist and, more important, it is most often used to make a morally instructive point or to condemn acts of violence. It is not unrealistic, however, for us to establish and enforce standards that must be met when violence is depicted. We do, and basically they require that the depiction of violence be essential to the development of theme, plot or character, that it not be used merely for shock effect or to stimulate audience interest and that it not be carried to excess. Although it is useful as a general guide, the policy must still be implemented by people, making individual judgments. For this we rely on the good sense of the creative people who produce, write and direct the shows and the supervision of experienced personnel in our Program and Broadcast Standards departments.

We have rejected programs that promised to provide popular entertainment, because in considering their concepts we concluded they had an inordinate potential for physical conflict. We have rejected others because, although taken alone they promised to be acceptable, they would have tipped the balance of our diversified total schedule toward action-type shows.

The shows we do schedule are supervised by our Program and Broadcast Standards people through every step of production, and editing and revision is ordered anywhere along the way if it appears an episode or incident does not meet our standards. Our people sometimes make mistakes, because they are frequently exercising wholly subjective judgments, but they are always conscious of the sensitivities of the viewing audience and the effect their decisions might have on individual members of a nationwide audience of millions of children and adults.

When necessary our people engage the help of professional social scientists, and, of course, we cooperate with the Code Authority of the National Association of Broadcasters, which functions for the entire industry. As an example of recent action in this area, the Code Authority retained for a two-year period a forensic psychiatry team from Temple University to study and advise on the effects of televised conflict and violence on the audience. During the period there were frequent consultations as specific questions arose, and the team's report, which has also been published in a professional journal, provides guidance to the Authority and the three networks in their judgments regarding violent action in entertainment shows.

Along with the other networks, NBC has financed and cooperated in studies aimed at determining the effect of television programming on human behavior. Most important, from NBC's point of view, we are currently engaged in an ambitious study of our own which we hope will make a major contribution to understanding the influence of the media on the behavior of young people. A major deterrent to satisfactory research in the past has been the lack of a methodology capable of taking into account the great variety of influences on human behavior, which must be considered in assessing the effects of television. NBC's research experts believe the ideal is a real-life study that can measure television's effect within the total context of all other influences.

With the help of a prominent social scientist, Dr. Paul Lazarsfeld of Columbia University, they have devised what we believe to be a workable methodology, and we are in the second year of a five-year study, which our research experts believe will make a genuine contribution to understanding the behavioral effects of television programs. It is the only study of its type in progress, and we undertook it on our own initiative and entirely at our own expense.

We have also undertaken some significant steps in the development of programming directed to young audiences. The program prospectus George Heinemann sent you recently is an example of our intentions and progress in this field, and we are continuing to look for new ways to make television a more rewarding experience for young viewers. I consider this to be one of our most important tasks.

I realize that none of the foregoing can relieve the grief of a bereaved father, but I hope it offers evidence that we are by no means insensitive to our responsibilities, that we recognize the unique place we hold in American life and that we are eager and determined to do all we can to find answers to the questions that plague our troubled society.

With best wishes.

Sincerely,

JULIAN GOODMAN.

THE PRESIDENT'S CHINA STATEMENT

Mr. GAMBRELL. Mr. President, the announcement by the President that he would visit Peking for a conference with the Communist Chinese is a most hopeful development in my opinion.

Of course, we must not permit this discussion to put us off guard for our national security, but it is important that every opportunity to establish peaceful relations be explored.

I congratulate President Nixon for having the courage and wisdom to take a new approach toward our dealings with the Communist Chinese.

INDIANS, ELECTRIC ENERGY AND ECOLOGY

Mr. FANNIN. Mr. President, two great needs in my home State of Arizona are for electrical power and for economic opportunities for reservation Indians.

During this week temperatures in Phoenix have reached more than 110° several days. This is an area of almost 1 million persons. It takes a lot of electricity to cool the homes, offices, and workshops for this population. Without refrigeration, this thriving sunshine capital of our Nation would wilt each and every summer.

Far to the north, up on the Navajo Indian Reservation, it is much cooler. But there are many Indians who do not have jobs which pay them a decent living wage. Employment opportunities are few and far between.

By placing new power generating plants in the Four Corners region, moves were made to meet the energy needs of Phoenix and the Southwest and at the same time supply tribal income and some very good jobs for Indians.

This also has brought a major controversy.

I would like to make a few points concerning the dispute over the powerplants.

First, conservationists who were so avidly opposed to any more hydroelectric dams must bear a large part of the responsibility for the current situation. They stopped the construction of new dams which would provide not only pollution-free sources of electricity but new recreation opportunities through the creation of new lakes.

The Southwest is growing—whether the current residents like it or not. We could not lock the borders if we wanted to. People are coming to Arizona, and southern California, and New Mexico, and west Texas. And these people must have power and the factories they work in must have power.

Just where in the world did the shortsighted conservationists of the 1960's think this power was going to come from?

Second, I will take just a moment to mention the politics of Indian reservations.

We have a sharp division on the Navajo and Hopi Reservations between the Indians who want to live in their traditional way and those who realize that if the Indians are to share in the 20th century they must adjust to change.

Traditionally, by 20th century white standards, Arizona Indians have lived in poverty.

The progressive elements of the tribes have been moving toward economic development of their reservations. These elements know that economic progress is elementary to improved education, health, and general welfare.

It also is evident to many Indian leaders that the best life for the Indian—the life that allows him the most retention of his traditions and culture—can be maintained on the reservation. Indians who move to the cities often are overwhelmed by the alien atmosphere, and the non-Indian society is befuddled by the very characteristics that are basic to Indian life.

That is why it is so important to bring economic development to Indian reservations. An Indian supervisor, or at least someone acquainted with Indian customs, is better equipped to supervise Indian employees. And since Indians traditionally have very close family ties, they generally would prefer to stay with their families on the reservations.

It is for this reason that it distresses me that so many publications are criticizing perhaps the biggest economic development on an Indian reservation in the Southwest.

Let me emphasize that I believe that we must do everything practical to protect the environment. Arizona is a beautiful State with a wonderful climate. Clean air has long been one of our most precious assets. What we must do is to develop the technology for coexistence of power generating facilities with our environment. I believe that the expenditure of $90 million to install air pollution control devices in the plant now under construction at Page shows that the power companies are trying to protect the environment.

In northern Arizona we have a situation that should help to bind the Indian and non-Indian together—not drive them apart.

The tribes need income and jobs—the powerplants supply this.

The people in the cities need electrical energy—the powerplants supply this.

As the supply of privately owned land in Arizona is exhausted, the future of the State will become closely intertwined with the development of industry on reservations. It already is happening.

Most Arizonans have great respect for the Indians. It is a disservice to all when efforts are made to stir up animosity between the Indians and non-Indians, or between the factions within the tribes.

Mr. President, in connection with this I ask unanimous consent to have printed in the Record two editorials from the July 5, 1971 editions of the Phoenix Gazette.

There being no objection, the editorials were ordered to be printed in the Record, as follows:

WHO HATES INDIANS?

As Life magazine tells it, in a cover story marked by shameful racism and abysmal distortions, Indians in Arizona and the rest of America remain the exploited victims of a tradition of white hatred dating back to the battle of Little Big Horn and beyond. By way of describing the relationships between two Arizona tribes and whites, Life makes this statement:

"In the Southwest there is hatred for the Hopi and Navajo traditionalists who want to stop the stripmining of coal on their reservations, a step that would halt the fuel supply for white men's power plants."

While it is true enough that traditionalists have objected to disturbing what they consider the sacred earth with strip mining operations. Life neglects to observe that the traditionalists constitute a shrinking portion of the reservation population, and that the coal mining agreement was negotiated with tribal governments generally recognized as legitimate by Indians themselves.

Contrary to Life's ugly implication, the Hopis and Navajos are not being ground under the white man's boot. The typical reaction of the Arizona white community to the traditionalists' complaints has not been hatred, but rather sympathy mixed with some understandable bewilderment about cultural and political differences on reservations.

The Life article is riddled with the contradictions typical of the eastern seaboard Liberal's tunnel vision on Indian matters. It says Indians are victims of "cultural penocide," then goes on to lament reservation conditions, unemployment and poor housing among them, that could be changed only by further abandonment of native customs for ways of the white man.

Probably one day, American Indians will live more happily in a culture not yet fully developed, combining the best of two cultures tugging somewhat cruelly at them now. That day will come faster, however, if Liberals would only stop encouraging hate as fuel for all social reforms.

A FALSE ALARM ON POLLUTION

By going into federal court to seek a moratorium on six large power plants in the Four Corners area, environmental extremists propose to disrupt the orderly growth and the prosperity of Arizona and the rest of the Southwest because of a pollution threat that is more imagined than real.

Edward Berlin, a Washington lawyer representing the environmentalists, says his clients want the moratorium invoked while a special task force studies the environmental impact of the coal-fired power plants. The study is expected to take six months, anyway.

A six-month moratorium, however, doesn't mean just a six-month delay in developing power sources the Southwest needs to keep up with increases in essential use. If the complex and delicate timetable for designing and erecting the power plants is interrupted, even for a short period of time, it is unlikely that they will be ready in time to avoid serious power shortages in Phoenix, Tucson and other southwestern cities in the next decade. As the nation discovered in the case of the SST, major technological projects cannot be restarted on whim.

If the danger to the environment were anything close to what the plaintiffs contend, a slowdown on the plants might be in order. As a matter of fact, however, dramatic breakthroughs in pollution control already are reducing objectionable emissions from existing plants. By the time plants under construction are completed some years hence, the technology probably will be available to cut pollution to acceptable limits, if not to zero.

If the outcome of this unnecessary litigation damages Arizona to the extent it could, environmentalism will win no friends here. If the plaintiffs hope to protect nature in the long haul, they'll drop this case and take on more real threats.

REVENUE SHARING

Mr. BENNETT. Mr. President, Will Rogers was reported to have said that "all politics is applesauce." Anyone at all familiar with President Nixon's revenue-sharing proposals who has listened to some of the criticisms of that program would be inclined to agree with Will Rogers that a lot of it is nothing but "applesauce."

A realistic appraisal of the present financial relationship that exists between the Federal, State, and local governments can only produce the obvious conclusion that the present system is simply not getting the job done of meeting the needs of the people of this country at the State and local level. No one can deny that State and local leaders are being confronted by a critical dilemma. The tax base on which they have to draw, dependent primarily on sales and property taxes, cannot provide an adequate level of revenue necessary to finance the services being demanded by their constituencies. The rate of growth in services provided by the local governments is reflected in the twelvefold increase in State and local expenses during the last quarter of a century. In 1946 the expenditures on the State and local level accounted for $11 billion, while in 1970 that figure had grown to an estimated $132 billion. This is three times the rate at which the Federal Government's spending has increased in this period.

Our constitutional system of government simply cannot continue to function successfully when State and local governments are continually operating on the verge of bankruptcy and becoming increasingly dependent on funds from specific limited grant programs that the Federal Government has developed over the years.

Even though the present system of Federal grant-in-aid often spells the difference between fiscal solvency and fiscal ruin for many State and local governments, the problems that are created by the narrow piecemeal approach to broad local problems only serves to compound the unhappy situation. The restrictive nature of the categorical grants often makes it impossible for local government officials to use them wisely to fit local requirements. This lack of flexibility means that officials here in Washington are forcing the mayors of Salt Lake City, Provo, Ogden, Logan, and others in my own State of Utah to spend money on projects that are not always of highest priority while other pressing local needs go unmet.

There is no doubt that State and local governments need Federal help, but what they need is more help with less bureaucratic redtape. It is becoming increasingly difficult to justify to my constituents in Utah how men in Washington can dictate binding policies and guidelines to local Utah governments like Tooele, Heber, Juab, Duchesne, and others when they do not pronounce the names correctly, let alone understand the complexity of local issues and problems. These communities do need more money, but Utah's Governor, its mayors, and county commissioners, and their counterparts all over the country need more than just money. They also need the additional freedom of choice that would come with the President's revenue sharing so that they can spend the money where it can do the most good for their communities.

As I have mentioned, Mr. President, the problems confronting my own State of Utah are not much different than those confronting other states, and Utah's need also serves as an indicator of the benefits that would be shared by all the States with the adoption of President Nixon's revenue-sharing program.

As the need for new funds by State and local governments continues to grow, the fear grows with them that the administration's proposals will produce less, not more, Federal funds. I believe this concern, which has been expressed by many critics of revenue sharing, is groundless, since President Nixon has provided that no State would receive less money under revenue sharing than it does under the present program of multiple categorical grants. It is simply not true that general revenue-sharing funds will be derived from a total phaseout of categorical grants. I believe that this particular point is so imporant and has been attacked so often that it is worth stating again: No State or Federal program will receive fewer funds under revenue sharing than it does under the present categorical grant system of distributing Federal money.

The importance of this statement to Utah and many of the other large Western States is evident when it is viewed in context of future Government spending. Utah has not maintained a sophisticated "grants man" in the Nation's Capitol to seek out all the potential Federal funds, and as a result of the growing maze of Federal programs, we are finding that our State and cities are receiving a gradually decreasing percentage of the total Federal budget. This is graphically shown during the years of the Johnson administration, when there was such an explosive growth in the number of Federal programs. In 1965, Utah was receiving 0.61 percent of the total Federal grants to the States. During the brief period of 4 years from 1965 to 1969 the percentage dropped to 0.50 percent, a drop of about 20 percent. It is clear from these and other supporting statistics that the Utah percentage of the Federal budget is likely to continue to decrease under the present system.

As a further illustration of this trend and a vivid example of what revenue sharing can mean to Utah, I would like to refer to the total Federal expenditures in the 20 major social programs. These 20 major social programs cover such fields as nutrition, community action, education, health welfare, housing, urban development, law enforcement, manpower training, airports, and mass transit. The funds spent in these areas nationwide totaled $14.6 billion in fiscal year 1970. Of these, Utah received only $63.3 million or 0.43 percent.

If Utah had been allocated its general revenue-sharing percentage of these programs, the State would have received over $83.3 million. That is an increase of over $20 million in a single fiscal year. These figures take on even more significance when it is realized that the Federal funds spent for the social welfare of the country are increasing each year, but, because of the fact that Utah has for the most part successfully avoided a majority of the social problems that are confronting other areas of the country, its share of the present categorical social grants would continue to decline. Under the revenue-sharing program, Utah would be able to channel its allotted portion of the Federal revenue into those programs intended to solve those problems that are unique to Utah, rather than having to adapt programs that may have been intended to cope with the problems of New York or San Francisco. It is clear that Utah will benefit from the adoption of revenue sharing.

The general revenue-sharing allocation will be above the State's share of national population, above its share of Federal income tax payments, and above its share of probable addition to categorical grant programs. In addition to the favorable fiscal features of revenue sharing, the returning of the decision-making to the local leaders in Utah will mean that there will not only be an improvement in the form of Federal assistance, but there will also be an improvement in the quality of that assistance.

I, for one, have been happy to see that Utah's local and State government leaders have recognized the value of revenue sharing to our State. I respect the opinions of these men because they are the officials who must daily face the problem of making local government responsive to the needs of their communities. They are the men who know that revenue sharing can and will work for the betterment of all levels of government. Woodrow Wilson said, in viewing the relationship between State and Federal governments in this country, that it was the "cardinal question of our constitutional system." I am pleased to see that we are developing, in revenue sharing, a program that will answer that "cardinal question" with the assurance of making our local government more effective today as well as preserving our federal system for future generations.

MARINE LEAGUE AWARD WON BY MRS. ESTHER CLARK

Mr. FANNIN. Mr. President, one of the outstanding newspaperwomen of this country is Mrs. Esther Clark of the Phoenix Gazette. A list of her achievements in the field of journalism would fill many columns of print. Her reputation for fair and accurate reporting on difficult and complex subjects extends beyond State and National boundaries. She is a first-rate investigative reporter and feature writer. One of Mrs. Clark's major interests, and one in which she particularly excels, is the reporting of military affairs.

Next month Mrs. Clark will join the ranks of other outstanding Americans who have received the Marine Corps League's Dickey Chapelle Award.

I ask unanimous consent to have printed in the Record an article from the July 14 issue of the Phoenix Gazette which gives the details of this award to a very deserving Arizona newspaperwoman.

There being no objection, the article was ordered to be printed in the Record, as follows:

Marine League Award Won by Gazette's Esther Clark

Phoenix Gazette staff writer Esther Clark has been selected for the Marine Corps League's Dickey Chapelle Award, presented annually in memory of newswoman Dickey Chapelle who was killed while on patrol with a company of Marines in Vietnam in 1965.

Mrs. Clark will receive the award in August at the League's national convention in San Antonio, Tex., where actor John Wayne will receive a companion award, the Iron Mike Award.

"Esther was the obvious choice," said Sidney S. McMath of League headquarters, "for the award is conferred on the woman who in the opinion of the league has contributed most to morale, welfare and well-being of our Marines and who has made notable contributions to the Marine Corps and the United States of America."

Past recipients have been actress Martha Raye; Washington, D.C., philanthropist, Mrs. Marjorie Merriweather Post; Mrs. Lucy Caldwell of Princeton, N.J. (USO Vietnam); and Mrs. Verona Devney, Northfield, Minn. (Project HOPE).

Mrs. Clark, who has been a feature writer for The Gazette for 26 years, spent three months as a war correspondent in Vietnam, arriving home on Christmas Day 1966.

Last fall a series of articles written by Mrs. Clark in The Phoenix Gazette led to the setting aside of the conviction and sentence of Green Beret Capt. John J. McCarthy Jr., who had been convicted of murder in the shooting of a Cambodian double agent, court-martialed and imprisoned.

Mrs. Clark's stories, relating previously unpublished information in the case, led to a review by a military tribunal in Washington which handed down the decision to set aside McCarthy's conviction.

Mrs. Clark, whose news and feature coverage of military affairs has been cited in numerous awards and honors, has achieved many "firsts" as a female journalist. They include being the first woman reporter to: ride in a jet fighter plane, break the "sound" barrier, take an underwater trip in a submarine, fly off the deck of an aircraft carrier, hit the beach with an Army team in a Navy practice assault landing and cover an execution at the Arizona State Prison in Florence.

She is married to Frank Clark.

TRADE POLICY REVISION NEEDED

Mr. HANSEN. Mr. President, the United States has now recorded two successive monthly deficits in our foreign trade. Contrary to earlier expectations the trade trend is discouraging, the more so if we keep in mind that these two monthly deficits have been incurred even though our exports included Government giveaway products under foreign aid, food-for-peace, and other similar noncommercial shipments—exclusive of military—to other countries.

I believe that Members of this body are aware that our official trade statistics, as differentiated from balance-of-payments statistics, have for years put a deceptive face on our trade balance. If this had not been done we would have shown a trade deficit over the past 5 years.

Mr. President, the weak competitive position of this country in world markets and in the face of imports can no longer be concealed. The Department of Commerce admits as much today. In the most recent issue of Commerce Today—July 12, 1971—Commerce Secretary Maurice Stans says:

> The United States is losing its competitiveness in world markets.
>
> In manufactured goods we have slipped from 25% of the world market in 1960 to 21% in 1970.
>
> In 1970 the United States lost to Germany its position as the world's largest exporter of manufactured goods.

In recognition of this unenviable condition, we are urged by the freer trade supporters to shift our capital investment from "labor-intensive" to "high-technology" industries.

This sounds like a retreat from lower to higher ground as a flood rises. The steady retreat raises the question of how much high ground there is and whether it can sustain us.

Mr. President, without pursuing this question further, I offer for the Record three papers prepared in recent weeks by O. R. Strackbein, who is known to many of us as a longtime student of the trade problem. As president of the Nationwide Committee on Import-Export Policy, he has made many appearances before the committees of Congress that have to do with trade legislation over the past 20 years.

Mr. Strackbein makes an analysis of the present state of American industry which continues to lead the world, as it faces drastically changed world competitive conditions. He throws much needed light on the validity or lack of validity of the tendency to classify our industries as "labor-intensive," "capital-intensive," or "high-technology." I think I can say that his analysis is an eye opener. He also pays his respects to the constant refrain that our industries become more efficient as a means of becoming or remaining competitive with imports.

He also draws a sharp distinction between the prospects of industrial growth in this country, as we knew it in the first half of this century, on the one hand, and what we face today, on the other. The latter, he sees as a wholly different aggregate.

I offer the three papers in sequence at this point in the Record. While there is considerable overlap, the repetition helps in tracing the evolution of our world trading position no less than the developments of the ever bleaker outlook of employing the ever growing labor force in this country—unless we change our trade policy to meet the changed situation.

The three papers are "Distributing New Dimensions of Imports," "Eclipse of U.S. World Productive and Competitive Leadership" and "Our Labor-Intensive Industries: Let's Preserve Them Against Imports."

There being no objection, the papers were ordered to be printed in the Record, as follows:

Disturbing New Dimensions of Imports

(By O. R. Strackbein)

In recent years imports have put on a new face in our economy. They represent a newly developed challenge in a sense that can only be described as spoilative of certain aspects of the American system of industrial expansion.

In order to grasp the full implications of this pronouncement it is desirable to give attention to the function of wage levels and relative productivity in the course of import competition, and their bearing on domestic employment under general and special circumstances.

Industries that are beset by growing imports will not ordinarily add workers to their employment rolls, unless the economy is very prosperous and upgrade. They will rather do all they can to increase productivity by reducing their employment in order to meet the pressing low-cost import competition. It becomes necessary to reduce costs, and this can be done in any meaningful sense only by cutting down on the work-force. Since wages cannot be reduced, both because of political realities and because doing so would reduce consumer demand, the only way to reduce labor costs is to cut the number of man-hours needed to produce a given volume of goods. When that is done by a number of industries that are faced with import competition, the result will be less employment. This may mean a lower total payroll. In any event that is the objective.

REDUCTION OF PRODUCTION COSTS

It is not generally appreciated what is involved in reducing production costs. It is often said that in some products labor is not more than 15% or 20% of the cost of production, e.g., as in automobiles, in the production of which the payroll in 1967 was only 14.8% of the value of shipments. (See Census of Manufactures for 1967.) This judgment is perniciously false because it ignores the permeation of all production by labor, from minerals, agriculture, lumbering and all other raw material preparations to multiple transportation, financing, insuring, storing, etc. These and other operations precede final assemblage of parts and components. What is called the "automobile industry", with its 1967 complement of 743,000 workers, is merely an assembly operation. The great preponderance of labor is expended before the assembly line is reached. The "industry's" labor outlay is only a third of the iceberg. Instead of 743,000 workers, somewhat over 2 million workers are needed to build our automobiles and parts.

The fact is that close to 80% of total costs incurred by all corporations in production goes into employee compensation carried all the way back. Therefore precious little maneuvering is left as a competitive weapon other than reduction of man-hours through worker-displacement. If overall costs are to be reduced as much as 10% in order to become competitive with imports the total work-force from A to Z must be reduced by something more than 10%, even if profits were reduced proportionately. If a 20% reduction in cost is necessary the work-force would have to be cut some 25%.

Reduction of costs has, of course, been the very matrix of American industrial success. Lower prices generally beget greater consumption. While this is not always true it is true with a product that enjoys an elastic demand, such as automobiles. It does not hold for goods with an inelastic demand, such as sugar and salt and other essentials. With an elastic demand consumption rises when prices are reduced. The classic American process with a new product which was found to enjoy an elastic demand has been to move heaven and earth to bring down the price to consumers. That is the tale of the automobile, radio, TV, etc. It is also the very principle on which our anti-monopoly posture rests.

LOW-COST IMPORTS PRODUCE DIFFERENT EFFECT

As a result, today *imports* are invested willy-nilly by the unwary with the same virtues attributable to the cost-reductions that in our economy were the key to enlarged consumption and resulting expansion of employment. The analogy rests on precarious ground. For example, the demand for a particular product may be inelastic. Lower costs and lower prices, whether offered by imports or domestic producers, will then not enhance consumption sufficiently to help employment. Those who were laid off because of higher domestic productivity or imports then create new unemployment.

Now we come to the very core of the case. If the demand for a product is elastic and if the initial price to the consumer is appreciable a lowering of the price will indeed beget consumer response. The workers who were displaced by the more productive methods that resulted in the lower price will find employment after some time. The workers in the buggy and carriage factories gave way in a roundabout process to the automotive worker. In time more workers were employed in automobile production than had been displaced, although not very likely in the same place.

However, to substitute lower-cost imports for domestic cost-reducing innovations, such as more productive machinery, is not justified. There is a fertile difference.

When the domestic entrepreneur contemplates drastic cost reduction as a means of reaching a broader market he is lured by visions of bonanza-like returns. The great exemplar, of course, was Henry Ford. He collected handsomely on his vision by taking a risk on the elasticity of demand for his product. He was sure, however, that if his theory was true, he would have a vast and almost virgin market before him.

He had recognized the interdependence of mass-production and mass-consumption. He instituted the unheard-of $5-a-day wage as a token of his faith.

EXAMPLE OF THE AUTOMOBILE

To appreciate the difference between the Ford approach and the present-day efforts of manufacturers of products that promise great consumer acceptance if the cost is brought to levels low enough to tap the mass market, we must recognize the difference in the attendant circumstances. Mr. Ford could be sure that he would not soon be undersold by competitors who had access to his technology, access to his engineering developments and who were likely as experienced in marketing as he but who paid their workers only $1 or $2 per day against his $5.

Had such entrepreneurs been on the landscape and ready for him, ready to invade his market and tap layers of consumer income below those he could hope to reach unless he could surprise them with yet more highly productive methods, he might have thought twice before venturing so far afield. The others would have shared his market and might possibly have driven him out of business. Their lower wage disbursements would, however, soon have failed to boost consumer income sufficiently to produce the generally high level of consumer demand necessary to sustain general expansion of the economy. Instead of taking their cue from Henry Ford the remainder of American industry would have seen him as a failure and would not have emulated him.

The industrial miracle of the world, the American industrial system, would not have flowered, unless, indeed, some other entrepreneur equal to Ford had come on the scene.

To pursue the difference further, assume that his competitors, who were in a position to take a competitive advantage of him because of their lower wages combined with high productivity, had been foreign companies producing abroad rather than American. They would then have employed foreign rather than American workers. Mr. Ford could never have built his industrial empire. The automotive industry would hardly have become the great employer of domestic labor that it is today.

Today highly resourceful, competent and

energetic entrepreneurs, supported by great capital resources, much of it American, do exist and operate abroad; and these are hungry for business.

This fact alters the whole outlook for greater employment in this country today compared with what it would be if the conditions faced by Henry Ford still prevailed.

EXAMPLE OF RADIO AND TV SETS

We have an example, even if not a perfect one, in that part of the electronic industry that is devoted to consumer electronic goods today. This potential employer of thousands upon thousands of workers has been hamstrung, so to speak, as an expansive employer of American workers. Its employing potential has been dissipated by the very import process pictured above.

It is not that the demand for household electronic goods (radio and TV receiving sets, tape recorders, etc.) is inelastic. No! It is quite elastic, and the American industry benefited from this fact for years in the radio forerunner of TV. Manufacture of receiving sets, the price of which had been brought down within the reach of the mass market, provided expanding employment. With the advent of TV and the development of mass production abroad the scene began to switch.

The high wages which were the characteristic of the American system, together with their function of assuring an adequate market for mass-produced goods, suddenly became a formidable competitive handicap. This handicap was two-fold. The lower foreign costs permitted inundation of our market by the imported product. At the same time it foreclosed to the American manufacturers the hope of enjoying the mass market that formerly was sure to greet the further progressive reduction of costs. The latter function was pre-empted by the foreign producers who, in order to accomplish this fact, needed no particular inventiveness or originality. They had but to build on what became available to them through the process of licensing from American patent-holders.

Thus was destroyed the dream that its pursuit in the past by American entrepreneurs brought us ever expanding employment opportunities. True, American capital, because of its mobility can still participate in the expansion, but the benefits do not accrue to the American workers.

In the past we looked to new industries, which came to be known as growth industries, to take up the slack of industries that lagged in employment. A recent example was the chemical industry with new products. This was a natural development when the new and growing industries were operating in this country and enjoyed exclusive patent rights and tariff protection. Today it is different. We still have growth industries but our own companies license foreign producers or establish producing plants in other countries.

The lower costs of production abroad produce the same effects that successive production-cost-reductions formerly produced in this country.

When the source of the cheaper product, however, is foreign our domestic industry is left in a relatively stagnating position. Our workers see the growth that previously resulted in burgeoning employment at home, taking place in other countries.

Thus the whole outlook for greater employment is changed. A shift to overseas bases has in recent years been going on all about us. We can no longer reason as we did before. When our capital can move overseas so readily the accustomed door to greater employment in this country to which we looked in the past is largely shut off.

EXPORTS AS AN OFFSET

It is said that employment generated by exports offsets the jobs lost to imports. Exports, however, cannot overcome the growth-killing effects of imports that rob our growth industries of their dynamic employment potentials, as described above: e.g., man-made fibers. This is something that was not on the scene until the past decade; and it has already taken a heavy toll. We have before us the bright example of computer exports.

In 1960 we exported only $48 million of electronic computers, accessories and parts. By 1969 this figure had climbed to $728 million. This heartening record is equaled, however, by our *importation* of telecommunication apparatus (radio, TV, etc.) which moved from $127 million in 1960 to $1,006 million in 1969. Here we have evidence of the rapidity of import invasion if the competitive cost-advantage of the imported product is right. The evidence is very convincing in persuading us that industries that do not yet feel much pressure from imports may find themselves beleagured in a few years' time.

Even so well-established an industry as the automobile makers, who were among the very pioneers of the mass-production system, found that there was still a market to be found in the income brackets that lie below the lowest-cost automobiles our industry was able to manufacture.

If we scan the income distribution by family in this country in a recent year (1968) we may better appreciate what the potential market may be today. 39.7% of family income in 1968 resided in the $10,000 and over brackets. 23.4% feel into the $7,000–$9,999 bracket. Below that level only a low-price automobile new or secondhand, could hope to make headway. Yet, 26.6% of the total income fell into the $3,000–$6,999 bracket. (Statistical Abstract of the United States, 1970, Table 486, p. 322).

Here was an invitation to any automobile manufacturers who could produce a vehicle at a price low enough to tap this market. Those more likely to have that capacity would, however, be foreign producers who enjoyed the competitive benefit of low wage rates and high productivity. The result was the capture in a few years of 10%-15% of the total American automobile market by imports.

American producers were prevented by labor costs and the productivity level from supplying this potential market. They are making a second attempt, but imports continue to grow. Unless rising productivity can reduce sharply the man-hours needed to produce cheaper automobiles, the imported product will continue to supply the greater part of the low-priced car market. As previously noted, a substantial productivity increase translates into heavy worker-displacement. Already some components are being imported in order to assure a low price. This practice, however, does not help domestic employment.

THE AMERICAN DILEMMA

This is essentially the dilemma in which American industry finds itself today *vis-a-vis* imports. The pressure to remain or to become competitive with imports, as if success in this endeavor would restore the magic of old, works at cross-purpose with the national goal of full employment. The sharper the import competition the more hopeless the effort to increase employment through cost reduction. Movement to overseas bases will be stimulated.

IMPORT CEILINGS OR QUOTAS AS A REMEDY

Any proposed remedy must therefore address itself to this dilemma. To retain a reasonable share of our market for domestically-produced goods calls for import controls that are designed to produce precisely that result. The tariff has been reduced to ineffective levels in most instances. Import ceilings or quotas represent the most effective as well as the most reasonable instrument available for prevention of the pre-emption and despoliation of our market by imports running wild. Ceiling or quota limitations can be devised to provide for a reasonable level of imports and sharing of our market in proportion to its expansion from year to year. They would at the same time control the shipment to this country of products manufactured abroad from plants established by American capital.

Our industries would once more be assured of a growing market and higher employment if they were guarded against disruption by imports.

There can be little question that our patent system contributed greatly to the vision of successive cost reductions as the key to the mass production and the mass market which together brought greater employment. When imports are poised ready to jump ahead of our producers because of the cost advantage enjoyed by the former, our producers face a disheartening if not impossible prospect; and our economy will lose the propulsive lure that formerly induced it to work production miracles. Labor will be the evicted bystander.

ECLIPSE OF U.S. WORLD PRODUCTIVE AND COMPETITIVE LEADERSHIP

(By O. R. Strackbein)

This will be an attempt in a very abridged form to trace the recent make-over of the American economy in terms of its competitive capacity in relation to the rest of the world.

In order to find an anchor-point it will be necessary to go back a generation or two. No specific date can be fixed but it is desirable to go back far enough to trace the divergence of our economy from its previous state and particularly from that of other countries, or to about 1900.

The old idea governing wage income was based partially on the iron theory of wages of Ricardo and others. The principal thrust was to get as much labor for as little pay as possible. Wage reductions were imposed as a remedy when business went sour in depressions. In other words, wages were an evil burden on production. Labor could be and was sweated on "sound" economic principle. Legislation and judicial decisions underwrote the practice by keeping unionization under wraps.

NEW CONCEPT TAKES SHAPE IN THE UNITED STATES

After the concept of *mass*-production took hold as a result of mechanical inventiveness in this country, a ray of light of a different wave length broke through. Perhaps the first concrete progeny of this beam of light was the anti-trust laws, in the sense that they reflected the economic meaning of competition versus monopoly power. At the bottom of this distinction lay the interest of the consumer or the people. Competition would bring prices down. Monopoly was bad because it placed pricing in the hands of the monopolists whoever these might be and made of it an instrument of enrichment at the expense of the people.

With this concept the seedbed was ready for another new idea. If mechanical genius was sufficient to speed the wheels of production and swell the stream of goods, the process left to itself was doomed to choke itself on a vast accumulation of products that had nowhere to go.

EXAMPLE OF THE AUTOMOBILE

Folklore had it that Henry Ford was the genius who broke the dilemma. His reasoning seems simple enough; but it was revolutionary if seen as a radical departure from the old wage theory. He saw the need of consumer purchasing power and wages as the life-saver of mass-production. He instituted the $5 per day wage, unheard of at the time. His vision, however, had a yet deeper perception.

Consumer income was not then, as it is not now, all of the same level. How many consumers enjoyed incomes of $25,000 or more?—a tidy sum in Ford's early days. Not very many. If the cost of an automobile was such that only the wealthy could buy it, there was no point in making a great many automobiles. They would only pile up as inventory. The cost per unit would remain high because of low volume of production.

It was obvious, however, that the cost of the automobile could be reduced substantially—how far down no one knew—if overhead were spread over thousands of cars rather than hundreds and as production methods were improved. More yet could be done if hundreds of thousands of cars could be built; but would people buy them?

If the wealthier elements were buying cars because they liked them, would not the next lower layer of income level also buy them if the cost could be brought within their range? Obviously, the question of chicken or egg sequence faced Mr. Ford. He was allergic to bankers but made the plunge on the strength of his faith in his vision. He sensed that the demand for automobiles was elastic. The farther down he could bring the cost the larger the demand he would encounter. The more cars he produced, the lower would be the cost of each. He could now visualize the bonanza that awaited him if he kept the faith. If there were a hundred who could buy a car at a price of $5,000 and a thousand who could pay $4,000, and a hundred thousand who would pay $3,000, there might be a million who could buy a car at $500.

Mr. Ford operated on this principle and met with phenomenal success. His was the epic of the marriage of mass-production and mass-consumption. He, together with others who saw the same vision, gave to the world the uniquely American system of production and distribution.

The system was not fully understood, as it may not yet be fully understood, but it was viable, albeit there was danger that it might be run into the ground. Instead a historic crash did occur in 1929. It was only in the next decade that the birthpangs of the twin equation of mass-production-mass-consumption, with much travail, achieved a parturition or actual delivery.

The old idea of wages as a monstrous if necessary evil was nevertheless not easily fended off. It was ready to strangle the newborn idea; but yet the offspring lived and before long was a lusty challenger of the old concept; and in time won the day—some would say, in spades.

The American productive system as epitomized by the automobile brought industrial leadership of the world to the United States. After World War II the other industrial countries were convinced of the virtues of the system as a producer of goods and they fell in line in full cry.

With the help of the Marshall Plan, the infusion of copious capital, and the exposure of thousands of foreign productivity teams to our plants and factories, followed by billions of dollars of private investments abroad by our industries, the other industrial countries moved apace in modern technology and managerial skills. Their productivity, formerly far below that of our industries, was soon hard on our heels, in a few instances perhaps forging ahead. In some notable instances foreign industries such as steel and textiles in Japan, installed modern machinery and equipment virtually from the ground up, industry-wide, while our industries were saturated with machinery ranging from the obsolete, the obsolescent to the modern. This represented a competitive handicap for us.

OTHER INDUSTRIES

The example of the automobile did not long remain unique if it ever had that distinction. The principle of cost and price reduction as a means of reaching a mass market succeeded handsomely in other industries that made products for which the demand was elastic. An *in*elastic demand such as we encounter in many essentials, such as salt and sugar, where consumption is limited by the number of stomachs to be fed, does not lend itself to the type of growth and proliferation that supports great industrial expansion.

Demand for the *non*essentials, on the other hand, answers to the old concept of the "indefinite expansibility of human wants." It is in this field that American production has found its widest expansion and intensification. Examples: several cars in a family, multiple radio and TV sets, twenty pairs of shoes in milady's closet.

The "expansibility" of human wants depended for its realization on rising income, such as we have witnessed in this country as it made its way to affluency. Potential consumers could become actual consumers, and the proliferation of nonessential goods became characteristic of our economy of abundance, also one of waste and obsolescence. Such an economy becomes distinctly more sensitive than one that caters only to essentials and little more.

The American economy today is still ahead of other nations in consumer goods. Per capita production and consumption had been phenomenal in comparison with the rest of the world, other than Canada, *but the gap is narrowing*. The technological development of other countries and adoption of our mass-production system poses a threat to us that is yet to be fully perceived or appreciated.

CHANGED COMPETITIVE WORLD

The other countries have indeed adopted our mass-production system, but while their wages have risen—in many instances more than ours in percentage terms, though not in dollars and cents—they continue to lag far behind us (Canada excepted). Their consumers are unable to buy all their mass-produced goods. Therefore they need foreign markets, far beyond our needs, to dispose of their surplus. This country offers the most attractive market, and in 1970 we took $40 billion in goods from other countries. An increase in wages abroad would lessen present dependency on exports. Our economic relations with other countries as represented by trade have changed in a basic sense because of the wage discrepancy. There was a time when the wage discrepancy was less crucial. Our higher productivity acted as a considerable offset. Today that offset is shrinking and in some instances has been lost; and there is another challenge, as we shall see.

The transformation of our competitive standing *vis a vis* the industrially advanced nations can best be appreciated if we place Henry Ford and his vision and endeavors in his day in the present world milieu.

This tour of imagination requires that other industrial countries had been abreast of Mr. Ford in point of automotive technology—i.e., they could in a short time have produced as good an automobile as Mr. Ford. We assume further that his competitors had perceived the meaning of cost-reduction as a means of tapping a broader market, as described herein. At the same time their wages were a half or less of those paid by him. The duty on automobiles, let us say, was 5% if they were imported into this country.

Now, as Mr. Ford, struggled to bring his cost down, so that he could offer his automobile to the public at $1,000, thus hoping to open a wider market; his competitors could have offered this product at, say, $750 or $800! They could also have beaten him to the $500 level.

The envisioned bonanza that became his when he had the market to himself would have evaporated. He could perhaps in those days have reduced his wages sufficiently to contest his foreign competitors' conquest of his market but this step would have violated and subverted his very vision of increasing consumer purchasing power.

Had he been confronted fifty-odd years ago with very low-cost imports he might have opened branch plants abroad to reach into the pools of low-wage labor and exported his product to this country and to other markets from abroad. He might also have licensed foreign producers to produce his car; but whatever recourse he might have had *Detroit would not have become the automobile capital of the world*. The vast employment offered by the automobile industry over the years in this country would have been much smaller. The swelling payrolls of the manufacturers of automobiles, of raw materials and parts and components would not have fertilized the economy, as they did, with gold dust. Our economy would have moved ahead at a distinctly more pedestrian pace.

Add to the automobile industry numerous other rich examples of industries that prospered and proliferated under the American productive system, and the results would have been very different. Had these many other industries also sought to make their way, not under the conditions that actually prevailed at that time but under conditions such as they would have been had the present-day competitive situation, including the advanced state of foreign technology and the lower wages accompanying it, been substituted for the actual one, all would have been different. *The American system would not have become so sharply differentiated during the decades of 1910–1950 from its counterparts in other parts of the world.*

International costs of production would have remained on a much more uniform level. In other words, the differences in cost levels throughout the industrial world would have been comparable to the differences *within* the confines of this country or as they are *within* the borders of Europe itself. These differences would have been bridgeable, and free trade would have been a much more feasible undertaking, even as it has recently been found to be within the European Economic Community and in the European Free Trade Association.

UNTENABLE ANALOGIES

However, to seek to equate the discrepancy between American costs and foreign costs with the cost differences *within* this country and thus to minimize the disruption caused by virtually unimpeded imports into this country today, is to overlook the function of comparative dimensions. We have free trade in this country and shifts have taken place in industrial locations (indeed not without some distress, as with the migration South of the textile industry); and Europe is able to come together in areas of free trade, but that is not the same as exposing the high production-cost levels of this country to those of other countries that are armed with our technology, but not with our high wages. Nothing is gained by confusing the two; much is obscured. *Had we started on the same level with other countries, and had the American system been accepted abroad and thrived there, including the concept of high consumer purchasing power as a function of high wages, or had we not adopted our system at all, we would have been close enough together in competitive levels to embark on free trade along with the EEC and EFTA.*

We are, however, further from the condi-

tion today than formerly. With productivity no longer so far apart, and narrowing, but with chasms dividing our wage levels from those of our foreign competitors it is unrealistic to equate our internal competitive diversity with that existing between us and our foreign competitors.

The competitive discrepancy between this country and the rest of the world in a vast array of products has producd precisely the troublous problems that confront us today. We do ourselves no good by minimizing the problem. But for this gaping discrepancy we would not for example, have witnessed the virtual loss of the consumer electronic industry to other countries. We would not now be witnessing the rising threat from synthetic textile imports. We would not see the helplessness of our automobile industry in its efforts to compete against German and Japanese "mini cars", produced at costs we cannot match despite our technology. We would not have witnessed the virtual vanishing of the American-flag merchant marine—down to carrying only 5% of our total imports and exports. As for radio we did indeed for some years enjoy the same fruits of cost-reduction as we did earlier with the automobile. The product was one for which the potential demand was very high, as well as elastic. We needed only to bring the cost and the price down sufficiently to tap the mass market. This was done without benefit of import competition, as it was also done earlier with the automobile. Our technology and business acumen in both instances succeeded in tapping the mass market. We did not need imports as a monitor. Again, much employment was added to the economy by the radio industry.

Then came television, first black and white and then the color version. Before our technology had gone all the way, even with the black and white, foreign sets challenged our progress toward saturation of the market. We were headed off at the pass, so to speak. Sets could be made more cheaply abroad. Our companies then invested abroad and, of course, hired foreign workers rather than American. They licensed foreign manufacturers for a fee, and our economy lost the usual value of patents as generators of jobs in this country. Even the manufacture of radio sets rushed overseas. It was possible to produce sets more cheaply abroad and thus to tap yet lower levels of consumer income in this country and to exploit the market for multiple sets. Once more the increasing employment that formerly would have been ours was lost.

DISTINCTION BETWEEN DOMESTIC AND FOREIGN COMPETITION

There exist in superabundance those who insist that domestic and foreign competition exert the same benign influences that bring down costs to consumers. As already noted, we needed no import competition to bring down the cost of automobiles or radios; nor for that matter, to bring down the cost of telephone use. This is not to say that import competition has no effect on prices. If, however, it enjoys too sharp an advantage, the effect on domestic production and employment can be not only erosive but lethal. We have but to reflect on what has happened, not only to consumer radio and television products, but turn our gaze on the sewing machine, watches, typewriters, binoculars, athletic goods, glassware, pottery, tile, footwear, speciality steel, fish and fishery products, some fruits and vegetables, if we wish to behold cripples and wrecks of what were once flourishing industries in this country and healthy employers of labor. There are others; and yet others are waiting in line.

To equate domestic inventions and innovations as disrupters and displacers of labor with the effects of imports is to be hopelessly hobbled by college-implanted mental rigidities over which reality has little hope of prevailing. Workers displaced by technology within this country have always had the hope that the ensuing lower prices would stimulate consumption (assuming an elastic demand) sufficiently to lead in time to higher employment. Not so when imports produce the displacement. The higher employment occurs in other countries, not here. Indeed, investment in our own industries is discouraged.

Moreover, when promising new industries in this country might be expected, as earlier in this century, to open new fields of plentiful employment, face the present-day situation, including instant licensing of foreign production, they would not prosper, but would make a halting beginning and then wither on the vine. They would see their potential market opened to imports to reap the rich harvest that previously was their own. There is then no hope that "in time" new jobs will proliferate over the American landscape.

NEW DIMENSIONS OF THE IMPORT PROBLEM

The deterioration of our trade balance in the last decade reflects the results of the developments that have been described. From 1958 through 1970 our share of world exports of manufactured goods has shrunk from 27.7% to 21.3%, or by 30%. While we still enjoy an export surplus in a few items (such as machinery and chemicals) this surplus has been narrowing ominously. The high volume of our machinery exports has, however, virtually destroyed our hope of reaping the benefits of new or "sophisticated" product development. The lead we have in computers, and other "high-technology" products, for example, must be regarded as temporary. *In nearly all other product lines we are in a deficit position. Employment in these extensive deficit lines exceeds that of the handful of industries in which we still enjoy a surplus, by over 2 million.* These deficits did not result from a sudden onset of inefficiency in this country. as is so frequently implied, but from the transformation herein described.

There are those who take great but unjustifiable comfort from the sizeable excess of our returns on foreign investments over current annual capital outflows. This should be no cause for elation since it only measures the competitive advantage available to our capital in the lower wage refuges abroad. The dividends received cannot begin to offset the employment and wage outlays that our economy did not enjoy because of the changed conditions. They merely help to conceal the true competitive disaster we face—through no fault, it may be said, of the industries concerned.

If we can no longer, as it is, count on the growth that follows cost-reduction through higher technology because imports can beat us in efforts to tap mass consumer income, we must seek means of restoring the conditions that will assure us the fruits of technological progress.

CONCLUSION

The cost-chasm that separates us from our competitors is deep-seated and structural in nature and will not yield to diplomatic negotiations. The stubborn persistence of the differences is rooted in national economic policies, imposed on industry in the form of controls that are quite inflexible. As a result international competitive forces that might be expected to narrow the cost-gaps are quite thoroughly frustrated, with no end in sight.

The only effective remedy lies in setting ceilings over imports. By holding imports to a reasonable share of our market while permitting their growth as our market grows, nothing is disrupted. New industries and old could then once more look forward to enjoyment of the fruits of their cost-reduction accomplishments. Otherwise our domestic investment climate will not attract, as it did in the past, the infusion of capital needed for growth and higher employment.

We cannot hope under present conditions to achieve full employment except possibly under some unforeseen abnormal conditions. Our market is one of the most open in the world. The few import quotas we have on non-farm products *are noted chiefly for their liberality*. This liberality allows the imports of those few products that are under quota restrictions to loom larger than they would be if the quotas were really restrictive. By being liberal we are made to look illiberal.

The American competitive position in the world has changed basically and radically, but not irreversibly. We must adapt or pay the price in loss of employment and real national income. We must not allow ourselves to become as dependent as was colonial Great Britain, on dividends earned abroad.

Our "Labor-Intensive" Industries: Let's Preserve Them Against Imports

(By O. R. Strackbein)

WHAT THE WORDS MEAN

When American industry and agriculture complain over the inroads of imports in the domestic market they are told to divert their capital from "labor-intensive" industries into "capital-intensive" ones or, alternatively, they are admonished to become more efficient where they are. Neither suggestion gives evidence of penetrating thought.

What, we may ask, is a "labor-intensive industry", and what is a "capital-intensive" industry? Simply put, any industry that depends more on hand operations than on machine operations would be relatively labor-intensive. When cigars were hand-filled and hand-rolled the operation could be called labor-intensive. When automatic machines replaced the handwork, or nearly all of it, the industry became relatively capital-intensive.

Labor-intensive industries are usually regarded as "inefficient" because of their low output per man-hour. "Inefficiency" does not, in this usage necessarily mean poor management, wasteful methods or indolence, nepotism or the like. Indeed, hand operations may be performed with great skill, dexterity and speed and still be regarded as inefficient—in the economic sense. A coal miner using pick and shovel might work with great energy, application and speed but he would still be woefully inefficient compared with a modern coal digging behemoth. The latter might do the work of a dozen or score of men or more, depending on its size, power, etc. It is therefore much more efficient than the man with pick and shovel.

A blinding error is committed, however, when we approach the question of relative competitive standing of labor-intensive and capital-intensive industries.

All industries are labor-intensive. Except under monopolistic or semi-monopolistic conditions, employee compensation represents some 80% of the cost of production. In 1968 corporate business (including mutual financial institutions) received an income of $403 billion. Of this amount $318 billion represented employee compensation, or 79%. (See Statistical Abstract of the U.S., 1970, Table 479, p. 316).

Obviously, not all corporations are capital-intensive. However, the notion that capital-intensive industries enjoy a lower total labor cost *in terms of percentages of the value of the finished product* than do the labor-intensive industries is a delusion. The error arises from calculations commonly made from statistical tables that show industrial classifications, such as "Motor Vehicles and Equipment", "Blast Furnace and Basic Steel Products", etc. which set forth the number of employees, payroll, the value added by manufacturing and the value of shipments. The source of the statistics is the

Bureau of the Census, U.S. Census of Manufactures (See Statistical Abstract of the U.S., 1970, Table 1119, p. 700–704).

THE TERM "INDUSTRY" MAL-DEFINED

Unfortunately for a more accurate account of the relation of employee compensation to value of shipments, these Census industrial classifications nearly always reflect only the last stage of production. The automobile industry i.e., "Motor Vehicles and Equipment", as represented by the 4 manufacturers (General Motors, Ford, Chrysler and American Motors) is only a small part of the productive operations that in the aggregate combine to produce an automobile. The value of shipments of the "industry" in 1967 was $40.3 billion. The number of employees was 743,000; the payroll, $5.9 billion. In other words, the payroll came to only 14.8% of the total value of shipments!

Therefore the automobile industry is called "capital-intensive" or "labor-sparse"—a veritable caricature.

It must be clear that much, very much, labor had already been expended before the assembly operation performed by the automobile companies had even begun. The iron ore was mined, shipped and smelted. The proportionate outlay for employee compensation in the mines, in the warehouses, for transportation, for financing, for insurance, taxes, etc. must be accumulated as cost of the steel that was incorporated into the automobile. The same applies to copper, glass, paint, aluminum, rubber, industrial chemicals and water consumed, and all else that became a part of the finished product.

If this were done, not only in the case of the motor vehicle industry but in all other industrial classifications made by the Bureau of the Census, a wholly different picture of labor and capital intensiveness would result.

Even in the "steel industry" the payroll (1967) of $5.0 billion was expended to produce steel shipments valued at $22 billion, or only 22.7% of the value of the product. Again, the defect in this statistic is that the steel industry is much more than the steel mills. "Value added" by these mills was $10.1 billion. The payroll was 50% of this added value. The payroll, however, still leaves out overhead in great part.

Altogether all that is not profit, taxes or interest, in the cost of the final product has been expended as employee compensation at some stage in the productive process. Even taxes in considerable part go into employee compensation of federal, state or local governmental workers. Insurance and financial costs (interest) also bear their share of employee compensation.

PREPONDERANCE OF EMPLOYEE COMPENSATION IN COSTS

So it may be said that employee compensation is the vastly dominant part of cost of production and also in moving the goods into the hands of consumers through wholesaling, advertising and retailing. *Labor-intensiveness is therefore characteristic of all production and distribution.* To repeat, there is no such operation as a labor sparse one, in terms of share of total costs measured against final price, outside of monopoly conditions.

It was long bruited over the land and especially in the land and especially in the colleges of economics that our "capital-intensive" industries were our heaviest exporters and also least vulnerable to imports; and so they were for a time, for obvious reasons. During the past decade, however, the facts of our new competitive situation in the world have demolished this claim. The automobile industry, the electronics industry, the typewriter, sewing machine, steel and meat-packing industries have learned in recent years that capital-intensiveness has not shielded them against the impact of import competition, for reasons that by now must be obvious: technological diffusion.

SCAPEGOAT ECONOMICS

There was a vastly receptive intellectual market in this country a generation ago for the economic theories that upheld free trade, especially in the universities. With the onset of the Great Depression in *1929* the economically frustrated public became so eager for a scapegoat that it was possible to saddle the *subsequent* passage of the Hawley-Smoot Tariff in *1930* with a causative function in the generation of the Depression, which burst upon us seven months earlier in the stock market crash. The scapegoat lived and thrived for thirty years—a phenomenon of longevity for the quadruped.

Now in the rubble and shambles, recognizable as the fruits of our long-term trade policy launched in mid-'thirties, we should look for the more probable causes of our present unenviable situation in the world of competition—something other than Messrs. Hawley and Smoot.

HISTORICAL ROOTS AND PERSPECTIVE

Before the advent of the Twentieth Century the economy of this country so far as production is concerned was much the same as that found in Europe. The attitude toward wages was also little different. However, in the post Civil War years in this country the base for a considerable divergence was taking shape. "Big business" was coming on the scene. Trusts were being formed.

To their credit professional economists saw the dangers of monopoly power. Their insight paved the way for the Sherman Anti-Trust law of 1890. Implicit in this action was recognition of the value of free competition as a price regulator. Monopolies were regarded as evil because they made possible the maintenance of high prices and the harboring of inefficient methods of production.

As the native inventive genius led to revolutionary discoveries that in turn paved the way to mass production we came to the threshold of the great departure from the European system of production and distribution.

MASS PRODUCTION AND MASS CONSUMPTION

After mass production became possible and in some instances an actuality the way was open to a reassessment of the accepted attitude toward wages. The European attitude toward wages, as exemplified by the British economists, notably Ricardo, began to loom as an obstacle to mass production. Wages had been regarded as an evil, albeit a necessary one. They were kept down while the hours of work were kept long by anti-union legislation and judicial fiat. The theorists served the business needs of the times.

But where was mass-production to go (1) if monopolistic practices would prevent prices from being reduced in order to reach more consumers, and (2) if consumers lacked sufficient means to buy all the vast volumes of goods that could be produced even if prices were reduced by competition? Who, in any event, were the consumers? Were they principally the property owners, business proprietors and professional people? A little reflection would show the fallacy of such thinking. The most numerous consumers were the workers in factories and mines, on farms, in forests and fisheries: but how much purchasing power did they have?

THE FUNCTION OF WAGES IN CONVERTING WORKERS INTO CUSTOMERS

Henry Ford saw the connection and one day he raised the wages of his workers to $5 per day, a virtually unheard of level in his day. There was potential magic in the concept, but the vision grew slowly. Yet it was not discarded. The automobile industry, particularly Ford, also perceived the rich ore that could be mined if the theory of the elasticity of demand were worked for what it was worth. On reflection it could easily be seen that if an automobile could not be sold for less than $1,500 or $2,000 dollars (equivalent to perhaps to $7,500 to $12,000 today) only the top layer of income of the country would be tapped.

If the cost could be reduced to $1,000 while at the same time consumer income were increased, a richer market would become available; and much better if the price could be reduced to $500. This is to say, it became clear that the demand for automobiles was such that if a satisfactory product could be offered at lower prices, sales volume could be increased handsomely. That was "elasticity" of demand. However, which came first, the chicken or the egg? There was only one way to find out and Henry Ford did it. He plunged, without aid of the banks, and, appreciating the economics of big scale operation, he was able to bring down the price by the simple process of building many more cars and, luckily selling them. Soon there was no longer any doubt, that the equation of mass-production backed by mass consumption was equal to a vast fortune in manufacturing.

EFFECT OF THE GREAT DEPRESSION

It was, however, not until the Great Depression struck and efforts were made to reconstitute the purchasing power, that the general attitude toward wages began to change. Legislative approval was given to obligatory collective bargaining; and minimum wages and maximum hours of work were established. The struggle was long and sometimes bitter, but in the end the equation was sustained.

The American productive economy was now different from the European and even more so from the Japanese. Wage reduction was no longer to be regarded as an acceptable means of becoming or remaining competitive.

The vast productive power of the United States proved itself during World War II; and before many years the other noncommunist industrial countries elected to adopt our system of mass production. They did not, however, so readily accept the second half of the formula, and purchasing power lagged behind output of goods, thus producing pressure for exports.

Meantime the American economic system was brought under a multitude of governmental controls, as were also the economies of the other Western countries and Japan. Free enterprise was left little scope for competitive manuevering, since nearly all the factors of production came under rigid control. While wages in this country were not controlled as such, the collective bargaining power of labor in the United States became such that wage reductions became as rare as the bald eagle and nearing extinction. Social welfare programs also came to rest on industry as rising costs, added to the already high costs of national defense.

FORSAKING LAISSEZ FAIRE

Thus while the old *laissez-faire* economy was being fragmented and in fact all but discarded on the domestic front we embarked in the opposite direction with respect to international trade. With a fanfare suitable to the coronation of divine kings and queens the reduction of trade barriers was launched and carried on in a worshipful procession of tariff-cutting from conference to conference for thirty years. We all but dismantled our tariff on the ground that our higher technological attainments could meet the worst that the rest of the world could offer us in competition based on low wages. Cordell Hull, the reputed father of the "Reciprocal" Trade Program was all but sainted. Peace would reign over the world and the goodwill that would attend free trade would surely lead us into the promised land.

We reduced our tariff some 80% in its protective effect, bringing it down from an average of a little over 50% to a level of some 10%. Beyond that from 35–40% of our imports are free of duty.

EFFECT ON IMPORTS

Imports began to climb after European and Japanese recovery was completed, accompanied, as it was, by great technological leaps. Our foreign buying veered from raw materials and unmanufactured foodstuffs toward finished goods and semi-manufacturers. The share of our imports or the mix responded to the advantage of importing more goods that incorporated fully the cheaper foreign wages. Where 1956–60 equals 100 the imports of finished manufactures rose to 474 by 1969 while the imports of crude materials rose to only 133 and the imports of crude foodstuffs to only 111. After all the raw materials incorporated only one stage of production and therefore only one dose of cheap labor while the finished goods incorporated the full succession of stages of manufacturing, thus making a better bargain.

With the exception of a narrow band of products we now import more than we export. The narrow band is composed principally of machinery, including industrial machinery, aircraft, computers, office machinery, automobiles, etc.; and chemicals. In these goods, except automobiles, we still enjoy a large surplus, but the deficit incurred in nearly all other products has overcome the surplus enjoyed by the narrow band. The deficit would be appreciably worse if we should strip our exports of goods shipped under Foreign Aid, Food for Peace, etc., and worse yet if we should value our imports on what they cost us rather than their cost at the foreign point of shipment. Instead of a surplus of several billion dollars annually we would have shown a sizeable deficit. In 1970, instead of a surplus of $2.7 billion ($42.7 billion in exports against $40.0 billion in imports) we would have had a deficit of a similar magnitude.

Unfortunately for our overall *trade balance* (as distinguished from the *balance of payments* which include numerous nonmerchandise items such as tourist expenditures, foreign investments, dividends from abroad, military outlays abroad, etc.) unfortunately to repeat, the surplus in our machinery exports is declining. This surplus was, indeed, stimulated in no small degree in the first place by our heavy investments abroad in plants that we equipped in great part with our machinery. As these plants have come into production they have in some instances reduced our foreign market for the very products they make and sell in the markets where they are located and in third countries.

WHERE WE STAND TODAY

We are now in effect meeting our unique system coming back to us competitively—our system, that is, with one of the two elements of the equation missing, which is, to repeat, the higher wages that would boost the foreign purchasing power sufficiently to reduce excessive dependence on exports. These countries look to us to provide the market they themselves do not create at home.

In this confrontation lie the seeds of our economic undoing. Because of the rigidities created by planned economies throughout the world, including rates of exchange, competition has not succeeded in equalizing unit costs of production across national boundaries. The great trade liberalization program, with all its slashing of tariff rates has been all but irrelevant. Other measures replaced free competitive forces. While the latter would have produced an equilibrium of costs, if left to work their effects, they have been put in a bottle there to smoke in frustration.

The result has been the creation of countries standing on different competitive levels, the United States the most disadvantaged of all, with merely segmental exceptions that may be regarded as temporary.

How different this world today from the accustomed one of the past generation or two!

The automobile was not alone in demonstrating the richness of the mass market for nonessential but useful and pleasureable goods, if only that market could be tapped successfully. The telephone, household appliances (refrigerators, washing machines, dishwasters, vacuum cleaners), radio and television, typewriters, cameras, notions and novelties, phonographs and records,—everything that might enjoy a potential mass demand, was eligible for production on a large scale if the cost could be brought down to the progressively lower levels of income where the millions of prospective consumers resided.

The welter of new products, not really essential but catering to comfort, pride, pleasure and convenience, *produced under our patent system*, had the fullness of time in which improvements could be made and the tempo of manufacture speeded by new devices and ingenious labor-saving installations such as could be thought up and perfected. From relatively high initial costs the price could in a matter of years be brought within reach of the mass market. No import competition was needed to accomplish this objective. In most instances, indeed, import competition was nil. The incentive was the high sales volume assured if the mass market could be tapped. Therefore all the drive was centered on that accomplishment.

In the train of this multifaceted development economic growth went apace. Employment, which would have lagged had it depended on the production of only staples and essential goods, expanded hand-in-hand with the expansion of industries built around the new products.

CHANGED COMPETITIVE WORLD

The world has changed in many fields, as we read daily, but in few more so than in our industrial outlook and expansion of employment.

No longer is it possible today to repeat what was the classic way in this country during the heyday of our technological superiority. Today our industries, holders of patents, soon license foreign producers or build plants in foreign countries to manufacture the kind of new products on which we formerly depended to absorb the oncoming army of new workers who reached the labor market annually.

New products or established products that might be made still cheaper by technological innovations, do not today offer us the hope of hiring tens and hundreds of thousand new workers. We are headed off at the pass by the foreign products made under the same patent or process but saturated with low-wage labor. In any contest to reach the lower layers of consumer income as a yet broader market for even well established products, such as the automobile, the imports can get there first with lower prices and spoil the market before our very eyes.

CALL FOR GREATER EFFICIENCY

Bewildered economists call for greater efficiency. The steel industry is stagnant! The textile industry is "labor-intensive" as if that were a sin. Let the imports in! They will drive us to greater efficiency! Editorialists, saturated with wisdom, and speaking with the force of Revelation, take up the cry. Do not harbor inefficiency! There is magic in free trade, they imply, never bothering to point to an example of it anywhere in the real world. Let foreign bottoms carry all our trade import and export. Even now we carry only 5% of our trade in American-flag ships! We get things cheaper that way! Concentrate our resources in "high-technology" (read capital-intensive) industry. Let imports drive our labor-intensive industries to the wall!

It seems evident that these cries can arise only because the premises have not been examined with proper care. In the first place, there are few manufacturing industries in which the domestic producers are not more efficient than their foreign competitors, if we measure efficiency by output per man-hour. Moreover, we have not historically relied on imports for our efficiency-motivation. It was self-generated as described above. It would continue to be so motivated in the future if, contrary to fact, the same conditions as in the past should prevail.

It goes without further emphasis that the greater productive efficiency so insistently called for, can, in any meaningful sense, be achieved only by reducing the man-hours needed to produce particular goods. If a 20% cost reduction is needed to meet import competition some 25% of the workers must be displaced—not only in the final stage of production, as in automobile *assembly plants*, but all the way back, not only to ore mines and the attendant transportation and other auxiliary services, but to all other raw materials and attendant services.

The coal industry serves as a classical example of the price of enhanced efficiency as a means of avoiding extinction. Its very life was threatened twenty years ago, by diesel oil, residual fuel oil and natural gas. Under the death sentence the industry worked to overcome its handicap of excessive man-hours per ton of coal. From 1950 to 1965 the industry's efforts were crowned with success. Productivity was increased threefold. It became competitive with the rival fuels and in world markets.

The price, however, is one that could not be paid by many industries without producing national economic disaster. Over two-thirds of the mine workers were displaced by machinery. Over 300,000 miners lost their jobs. The problem of rehabilitation of Appalachia is still with us. It has already cost hundreds of millions of dollars, and has left with us a landscape of strip-mining that is giving grave concern to ecologists and environmentalists.

Should the steel industry reduce its costs in a like manner a disaster of a much greater magnitude would be visited upon us and a yet greater one if the textile industry followed suit. Scores of other industries, though smaller, are also pressed, some of them more grievously than textiles and steel.

THE SHIFT FROM LABOR-INTENSIVE TO CAPITAL INTENSIVE INDUSTRIES

Despite the economic misnomer of this manner of classification of industries so far as competitive differentiation is concerned, it may be enlightening to pursue the proposal of a shift away from the "labor-intensive" industries to its logical conclusion.

We have a number of industries that are not highly mechanized. If we relinquish them to imports we face higher unemployment unless we find places for the displaced workers in the high-technology of "capital-intensive" industries, such as computer manufacturing, television and radio, aircraft and automobile plants, synthetic rubber factories, machinery manufacturing, steel mills, man-made fiber plants (which now supply more of our fiber needs than does cotton), glass bottles, office machinery, camera manufacturing plants, etc.

Which one of these, we may ask, is open for expanded employment? Several of them already face severe import troubles of their own. We find few advertisements for greater manpower in the classified advertising sections of newspapers. In any event, the avant garde industries in point of automation and technology are striving with might and main to increase productivity, which is to say, reduce the number on their payroll. They are not eager to accept coal-miners or pottery workers who have themselves been evicted by machines or by imports. The harder these industries are pressed by imports the greater the need to reduce employment as a means of *remaining competitive*. They will not be in the market for more workers.

It must be true then, after all, that imports do indeed create pressure for greater efficiency! Therefore they are an antidote to inflation!

This is a jumped-to conclusion often reached but suffers from the defects of many such conclusions.

Import competition is of a different species from the domestic variety, particularly under the present posture of American industry before the world. We needed no import competition to bring down the cost of radio sets. The demand was elastic, and as we increased the output per man-hour and reduced the price a lively consumer response led to more production, more cost reduction and more employment in this country. Had imports had the drop on us so far as costs go, because of much lower wages, they, and not the domestic industry, would have tapped the mass market, and the increased employment would have taken place abroad rather than in this country. This is now happening not only with respect to radio sets but TV sets and other electronic goods. So, even our front-runners are being gunned down by imports!

Moreover, under the earlier conditions our new industries made cost reductions when they were ready and the time was propitious. Their hands were not forced on the instant, as they are by imports, regardless of their financial readiness or the unreadiness of improved models.

Therefore while import competition may indeed create pressure for greater efficiency, the character of the pressure is disruptive and not conducive to the benefits to which our industries were accustomed in the characteristic race for the mass market. When imports create unemployment no collateral growth is stimulated in this country as it was when, for example, the automobile ousted the buggy, leading to broader employment. If greater unemployment is to be avoided other industries are called on to absorb more than their share of total employment.

From 1960 to 1970 our labor force grew from 72.1 million to 85.9 million, or 19%. (Stat. Abs., 1970, Table 317, p. 214 and Current Survey of Business April 1971). During the same period total *manufacturing employment* rose from 16.79 millions to 19.39 million or 15.4%, or *19% less than the increase in the labor force*.

Between them the manufacture of *Textile Mill Products, Blast Furnace and Basic Steel Products, Footwear, Except Rubber, Stone, Clay and Glass Products, Meat Products*, and *Petroleum Refining*, fell short by 407,000 workers of keeping abreast of the increase in the labor force from 1960–'69 or '70. These industries were all beneficiaries of import restrictions. Yet their displacement of workers was not sufficient to achieve competitiveness. Had they displaced 2½ to 3 million workers they might have recaptured their competitive position. By contrast employment in government, Federal, State and Local, increased 46% from 1960–69, or by 3,874,000 workers! Their wages and salaries fell on industry in the form of additional costs of production.

The notion that we can relinquish our so-called "labor-intensive" industries to imports, among which the textile industry is usually listed, without suffering economic collapse, is false. We need employment-breeders, not displacers. We should preserve these industries as sources of much-needed employment. They are as efficient as any in the world but pay wages that buttress our consumer purchasing power. They should not be forced too rapidly toward automation, lest we breed more Appalachias. Moreover, other countries can automate too, and outspace us once more.

If we neutralize imports by placing a ceiling over them which could be raised annually in proportion to the expansion of the domestic market, we would bring back the classic conditions of economic growth in this country. If we continue an open-market policy without ceilings, *we will reverse the process* that brought this country to world industrial leadership. This will not be good for us nor for the remainder of the world, short-run or long-run.

CONCLUSION

By imposition of ceilings, backstopped, if necessary, by import quotas, the erosion of our production base would be halted, whether or not the imports into this country were generated abroad by American patents. The latter practice will, in any case, soon be outgrown by foreign producers, thanks to their catch-up with our technology. They will have worthy patents of their own.

The final notion that the reduction or removal of foreign nontariff barriers against imports would greatly stimulate our exports must also be dispelled. Until foreign wages in relation to productivity reach our level we will not find many outlets abroad for our goods, except temporarily.

So long as we continue our course of a planned economy in a world of controlled economies and therefore of disparate competitive levels, while maintaining an open market for imports our economy will be outflanked by imports. Any notion of full employment in peacetime under such circumstances may also be dismissed.

THE SINO-SOVIET SPLIT AND CAPTIVE NATIONS

Mr. PROXMIRE. Mr. President, this week marks the commemoration of Captive Nations Week.

It is appropriate, I believe, to reexamine at this time the whole matter of the International Conventions on Human Rights and the relationship to the plight of those nations and the future they face. Mr. President, the rights of these nations, the ones we claim in the Declaration of Independence to be inalienable, have been cruelly violated. There are several courses of action we may take to show our solidarity with the fate of these nations behind the Iron Curtain. As I have stated on many occasions on the Senate floor, one of the most important steps is to ratify their Conventions on Human Rights. In order to point up the need for such ratification, I would like to address myself to the state of the captive nations.

Mr. President, we all must recall how, a scant 3 years ago, we woke up to the news of the Russian invasion of Czechoslovakia. The sense of shock at this event was soon followed by a careful study of the power conflicts within the Soviet bloc which led to this invasion. One such study, the 22d annual report on "World Strength of the Communist Party Organizations," published by the State Department in June 1970, details this conflict. The Director of Intelligence and Research Ray S. Cline, concludes from his data:

> We do not claim that these materials necessarily present a definitive picture of party strengths and capabilities in each case. There is enough, however, to highlight the foremost problem of the communist movement today—the readiness of traditionalists, led by Moscow, to impose their view of Leninism, Stalinism and the supposedly universally applicable "Soviet model" upon all other communist parties. This approach is inevitably exacerbating the existing rift between traditionalists and innovations in the commuinst movement regarding the continued relevance and suitability of these hoary norms.

The most important issue within this clash is, of course, the Sino-Soviet split. The Department of State report stresses that this split cast a shadow over all other relations between Russia and her satellites. Even where Communist parties are officially proscribed, this clash still determines in large part the trends in relations of that party and nation with the major Communist countries. I ask unanimous consent to have printed in the Record at the conclusion of my remarks the Department of State's analysis of foreign Communist Party positions in the Sino-Soviet split.

The PRESIDING OFFICER. Without objection it is so ordered.

(See exhibit 1.)

Mr. PROXMIRE. The fate of these captive nations must therefore be viewed in the context of the Sino-Soviet split. There are today two possible courses of action for these subject nations and peoples if they continue to remain within the Communist bloc: Either they can attempt to remain neutral in the face of the clash of the two giants and face retaliation from both, or they can opt for total commitment to one side or the other and submit to that side for protection at the price of independence. In either case, these unfortunate nations, inhabited by some of the most heroic and persecuted peoples in the history of the world, must face a dismal future in bondage.

It is my belief, Mr. President, that we as a nation of free people, must make a commitment to these captive nations, to do all in our power to assure a brighter future for them. We must make this commitment in the name of the principles upon which our own Nation was founded, the principles of freedom, equality, and peace.

EXHIBIT 1

CHECKLIST

Country or area	Communist Party membership	Legal status	Sino-Soviet dispute	Page number
Afghanistan	400 (E) (see text)		Pro-Soviet	112
Albania	50,000 (E)	In power	Pro-Chinese	57
Algeria	750 (E)	Proscribed 1963	Pro-Soviet	141
Angola (See Portuguese Africa.)	Nil			142
Antilles (Netherlands)	Nil			178
Argentina	55,000	All parties dissolved 1966.	Pro-Soviet	203
Australia	4,700 (E) 2		(See text)	85
Austria	25,000 (E) 2		Open split	8
Bahrain	Negligible			
Barbados	None			182
Belgium	12,500 (E) 2		Open split	11
Berlin, West	6,000		Pro-Soviet	27
Bolivia	5,000 (E) 3 (see text)	Proscribed, 1967	Open split	204
Botswana	Nil			142
Brazil	16,000 (E) 4 (see text.	Proscribed, 1947	Open split	205
Bulgaria	637,300 (C)	In power	Pro-Soviet	59
Burma	(See text)	Proscribed, October 1963.	(See text)	86
Burundi	Nil			142
Cambodia	100 (E) (see text)		Unknown	88
Cameroon	Nil			143
Canada	2,500 (E)		Pro-Soviet	170
Central African Republic.	Nil			143
Ceylon	2,300 (E) 2		Open split	113
Chad	Nil			144
Chile	45,000		Pre-Soviet	208
China, Communist	17,000,000 (C)	In power		77
China, Republic of	Negligible	Proscribed July 1947		89
Colombia	9,000 (E) 2		Open split	210
Comoro Islands	Nil			144
Congo (Brazzaville)	Nil			144
Congo (Kinshasa)	Negligible			145
Costa Rica	600 (E)	Proscribed	Pro-Soviet	183
Cuba	120,000 (C)	In power	Independent	185
Cyprus	13.000 (E)		Pro-Soviet	115
Czechoslovakia	1,650,000	In power	do.	61
Dahomey	Nil			146
Denmark	6,000 (E)		Pro-Soviet	13
Dominican Republic	1,100 (E) 6	Proscribed	(See text)	187
Ecuador	1,650 (E) 2	do.	Open split	213
Egypt (see UAR)				139
El Salvador	200 (E)	Proscribed	Pro-Soviet	190
Ethiopia	Nil	All parties		147
Finland	46,700 (C)		Pro-Soviet	15
France	275,000 (E) 2	Open split		20
French overseas departments listed separately.				
French Territory of the Afars and Issas.	Nil			148
Gabon	Nil			148
The Gambia	Nil			149
Germany, East [1]	1,769,900 (C)	In power	Pro-Soviet	66
Germany, West [1]	8,000 (E) 2 (see text).	(See text)	Open split	24
Ghana	Nil			149
Greece	28,000 (E) 2 (see text).	Proscribed December 1947.	Pro-Soviet	117
Guadeloupe	1,500 (E)		Probably Pro-Soviet.	174
Guatemala	750 (E)	Proscribed	Pro-Soviet	191
Guiana, French	Negligible		Unknown	173
Guinea	Nil			150
Guinea, Equatorial	Nil			147
Guinea, Portuguese (see Portuguese Africa).	Nil			158
Guyana	100 (see text)		Pro-Soviet	214
Haiti	Unknown	Proscribed February 1948.	do.	193
Honduras	300 (E) 2	Proscribed	do.	193
Hong Kong	Part of Chinese Party.	Proscribed 1949		90
Hungary	600,000 (C)	In power	Pro-Soviet	67
Iceland	1,000 (E)		do.	29
India	124,000 (E) 3 (see text).		(See text)	118
Indonesia	(See text)	Proscribed March 1966.	Unknown	91
Iran	500 (E)	Proscribed 1949	Pro-Soviet	122
Iraq	2,000 (E)	Proscribed January 1960.	Internal factions (see text).	124
Ireland	125 (E)		Pro-Soviet	31
Israel	2,000 (E) 2 (see text).		(See text)	125
Italy	1,500,000 (E) 2		Open split	32
Ivory Coast	Nil			150
Jamaica	Negligible			195
Japan	250,000 (E)		Independent	93
Jordan	700 (E)	All parties proscribed 1957.	Pro-Soviet	127
Kenya	Nil			151
Korea, North	1,600,000 (C)	In power	Neutral	80
Korea, South	Nil	Proscribed December 1948.		98
Kuwait	Negligible			128
Laos	Unknown		Neutral	100
Lebanon	1,500 (E) 3 (see text).	Proscribed 1939	Open split	128
Lesotho (see Botswana).	Negligible		Unknown	152
Liberia	Nil			152
Libya	Negligible		Unknown	152
Luxembourg	500 (E)		Pro-Soviet	37
Malagasy Republic	Negligible		do.	153
Malawi	Nil			153
Malaysia	2,000 (E)	Proscribed July 1948.	Pro-Chinese	101
Maldive Islands	Nil			130
Mali	Nil			154
Malta	Nil			39
Martinique	1,300 (E)		Pro-Soviet	176
Mauritania	Nil			154
Mauritius	Negligible		Unknown	155
Mexico	5,000 (E)			196
Mongolia, Outer	48,600 (C)	In power	Pro-Soviet	81
Morocco	400 (E)	Proscribed	Neutral	155
Mozambique (see Portuguese Africa).	Nil			156
Namibia (South West Africa).	Nil			164
Nepal	9,000 (E)	All parties proscribed 1960.	Internal factions	130
The Netherlands	11,000 (E)		Independent	40
Netherlands Realm Members (Western Hemisphere) listed separately.				
New Zealand	400 (E) 2			104
Nicaragua	200 (E)	Proscribed 1945	Pro-Soviet	198
Niger	Nil			156
Nigeria	Less than 1000 (E) (see text).	All parties proscribed 1967.	Pro-Soviet	157
Norway	2,5000 (E)		do.	42
Pakistan	1,450 (E)	Proscribed July 1954	Internal factions	132
Panama	250 (E)	Proscribed December 1953.	Pro-Soviet	200
Paraguay	4,500 (E) 2	Proscribed October 1936.	Open split	216
Peoples Republic of South Yemen.	Negligible		Unknown	133
Persian Gulf States	do.		do.	133
Peru	5,000 (E) 2	Proscribed	Open split	217
Philippines	2,000 (E)	Proscribed June 1957.	Neutral	105
Poland	2,030,000 (C)	In power	Pro-Soviet	68
Portugal	2,000 (E)	Proscribed	Open split	44
Portuguese Africa	Nil			158
Reunion	500 (E)		Independent	159
Romania	1,924 (C)	In power	do.	69
Rwanda	Nil			160
San Marino—Part of Italian Party.				
Saudi Arabia	Negligible		Unknown	134
Senegal	do.	Proscribed (see text)		160
Sierra Leone	Nil			161
Singapore	200 (E)	Proscribed 1948	Pro-Chinese	106
Somali	Nil			162
South Africa	100 (see text)	Proscribed June 1950.	Pro-Soviet	162
Southern Rhodesia	Nil			163
South-West Africa (see Namibia).				164
Spain	5,000 (E) 2	Proscribed February 1939.	Open split	46
Spanish Sahara	Nil			164
Sudan	7,500 (E) (see text)	Proscribed December 1965.	Pro-Soviet	164
Surinam	Nil			180
Swaziland (see Botswana).	Nil			165
Sweden	24,000 (E)		Independent	48
Switzerland	4,500 (E) 2		Open split	50
Syria	3,000 (E) 2	Proscribed 1939	do.	134
Tanzania	Nil			165
Thailand	1,000	Proscribed November 1952.	Pro-Chinese	108
Togo	Nil			166
Trinidad and Tobago	Negligible			201
Tunisia	100 (E)	Proscribed January 1963.	Pro-Soviet	166
Turkey	1,250 (E)	Proscribed 1925	do.	135
Uganda	Nil			167

[1] East Berlin is included with East Germany; West Berlin is given separate treatment from West Germany.

EXHIBIT 1—Continued

CHECKLIST

Country or area	Communist Party membership	Legal status	Sino-Soviet dispute	Page number
Union of Soviet Socialist Republics.	14,000,000(C)	In power		71
United Arab Republic.	Nil (see text)	Proscribed		139
United Kingdom	30,600(E)		Pro-Soviet	53
Upper Volta	Nil			168
Uruguay	20,000 (E) (see text).		Pro-Soviet	219
Venezuela	8,000 (E)	Legalized December 1968.	do	220
Vietnam, North	766,000 (C)	In power	Neutral	82
Vietnam, South	No estimate available (see text).	Proscribed October 1956.	do	109
Yemen	Negligible			140
Yugoslavia	1,146,100	In power	Independent	74
Zambia	Nil			168

WESTERN EUROPE: AUSTRIA—NATIONAL POLITICAL STATUS

[Date of last election: Mar. 6, 1966]

Name of party	Votes cast	Percent of total vote	Number of seats	Percent of total seats
Communist: Communist Party and Left Socialists	18, 638	0. 4		
Non-Communist Left:				
Socialist Party	1, 928, 922	42. 5	74	44. 9
Democratic Progressive Party (dissident Socialist)	148, 521	3. 3		
Center: Austrian People's Party	2, 191, 128	48. 4	85	51. 5
Conservative: Liberal Party of Austria	242, 599	5. 4	6	3. 6
Other	2, 056			
Total	4, 531, 864	100. 0	165	100. 0

Note: Communist Party Membership: 25,000 (estimate). Leading party figures and position: Franz Muhri—party chairman, Erwin Scharf—Veteran party member. Principal publications: Volksstimme—party press organ.

SEPARATE VIEWS ON S. 986

Mr. COOK. Mr. President, today the report of the Committee on Commerce on S. 986, the Consumer Product Warranties and Federal Trade Commission Acts of 1971, was filed. With that report are my separate views on the bill. As ranking minority member of the Consumer Subcommittee, which considered the legislation, I felt obligated to explain the nature of the debate on S. 986, and the various amendments to the original version, which were proposed and adopted by the members of the committee.

Because of the controversy surrounding S. 986, in much of which I have been personally involved, I would like to have these views become a part of the RECORD, so that there will be no doubt as to anyone's position in regard to this legislation.

Therefore, Mr. President, I ask unanimous consent that a copy of my separate views on S. 986 be printed in the RECORD.

There being no objection, the separate views were ordered to be printed in the RECORD, as follows:

SEPARATE VIEWS OF MARLOW W. COOK REGARDING S. 986

After numerous revisions, S. 986, the Consumer Product Warranties and FTC Improvements Act of 1971, was favorably reported by the Commerce Committee. Although the two titles are substantially different in scope, the sponsors of S. 986 desired simultaneous consideration by the Commerce Committee of both Titles.

Similar legislation was considered last year by the Commerce Committee in the form of two bills—S. 3074 and S. 3201.

Title I of S. 986 which corresponds to S. 3074 of last year, deals with consumer product warranties and service contracts, and gives the Federal Trade Commission authority to prescribe disclosure standards for written consumer product warranties against defect or malfunction and service contracts in writing, and to define Federal content standards for a class of so-called "full warranties", which is created under the legislation. I have no reservations concerning Title I in its present form. I was initially concerned that several provisions of Title I, as introduced, would have anti-competitive effects. I felt some of the more strict provisions would force many small manufacturers to forego the warranting of their products, and thereby weaken their competitive ability. Moreover a number of the provisions were so ill-defined as to raise serious doubts in the minds of manufacturers of all sizes as to their ability to comply with those provisions, and therefore to the advisability of exposing themselves to potential liability thereunder.

For example, section 102 (a) (11) of Title I as introduced would have allowed the FTC to require inclusion in a written warranty of, "The time at which the warrantor will perform his obligations." This subsection has been revised to read, "On what days and during what hours the warrantor will perform his obligations."

Similarly under section 102(a)(13) the FTC could have required an enumeration of "the characteristics of properties of the products, or parts thereof, that are not covered by the warranty." Upon my recommendation, this was eliminated on the grounds that it placed an added burden on the manufacturer, while providing no commensurate benefit to the consumer. Indeed, this was my primary objection to several of the provisions of Title I.

As I previously mentioned, I originally felt Title I could have anti-competitive effects, because certain provisions could have forced the smaller manufacturers to cease offering warranties on their products. Thus the larger manufacturers, possessing superior resources and nationwide distributional controls, could have received significant competitive advantage in the marketplace.

One example of such a provision was section 101 (6). In its original form the provision would have given to the purchaser the option of accepting replacement or refund if satisfactory repairs were not practicable. Due to the fact that the purchase price includes various mark-ups for the distributor and/or dealer, the manufacturer could have been forced to remit amounts in excess of the amount he had received. Thus, I felt, this option to refund rather than replace should be the supplier's rather than purchaser's, and a clarification was added. If this were not done, suppliers with no control over the distribution of their products would have been at a severe competitive disadvantage.

Section 101 (2) of Title I as introduced defined an "express warranty" as—

"Any affirmation of fact or promise made by a supplier to the purchaser which relates to a consumer product or service and becomes part of the basis of the bargain creates an express warranty that the consumer product or service shall conform to the affirmation or promise."

It also provided that—

"It is not necessary to the creation of an express warranty that the supplier use formal words such as 'warranty' or 'guaranty' or that he have a specific intention to make a warranty, but an affirmation merely of the value of the consumer product or service or a statement purporting to be merely the supplier's opinion or commendation of the consumer product or service does not create a warranty."

I felt that such a broad definition of a warranty would place an enormous burden on all manufacturers. Oral representations of salesmen on the floor of stores could, under this definition, have placed additional obligations on manufacturers which they had no intention or capability of assuming. Again, only the largest national manufacturers could reasonably be capable of operating under such restrictions.

Upon my recommendation this provision was eliminated, and all further provisions of Title I were restricted to "warranties in writing," except that in section 110(d) a similar definition of an "express warranty" was inserted, and a breach of such an "express warranty" may be the basis of a civil action, but "only the supplier actually making an affirmation of fact or promise, a description, or providing a sample or model shall be deemed to have created an express warranty under this section and any rights arising thereunder may only be enforced against such supplier and no other supplier (section 110(d)(2))." With the inclusion of this limitation, there is an adequate safeguard to insure that manufacturers cannot be made liable for the unauthorized representations of a salesman or agent of a retailer or wholesaler.

These revisions of Title I have substantially improved the legislation, made it fair and equitable, and provided needed consumer protection.

Although I have no reservations concerning the provisions of Title I of S. 986, I am somewhat concerned that the Committee report has been too expansive in seeking to indicate how certain provisions of that Title should be interpreted. While a Committee report can prove a valuable guide to interpretation by the courts and by affected parties, it is my view that it is only appropriate for the report to attempt to do so where the interpretive issue has been considered by the Committee itself. Without specifically taking issue with the interpretations set forth in the Committee report, I would like to note that I do not recall any discussion within the Committee with respect to the following propositions advanced in the section-by-section analysis contained in the Committee report:

1. that "Reasonable and necessary maintenance" as used in paragraph (4) of section 101 should be construed to require taking into account the skills and tools which an average consumer may be expected to possess;

2. that the definition of "repair", found in paragraph (5) of section 101 which by the terms of this bill is limited to so-called "full" warranties, may serve as a guide to the meaning of that word "in other warranty contexts;"

3. that the term "replacement" (see paragraph (6) of section 101) although similarly

limited may serve as a guide to the meaning of that word "in other warranty situations;"

4. that the phrase "new, identical or equivalent consumer product or component", as used in paragraph (6) of section 101, is to be interpreted to mean "a new consumer product or component either identical or equivalent to the consumer product being replaced."

5. that where both a written statement not subject to any specific limitations covered under section 103(b) of the bill and a warranty in writing under section 103(a) is given by the same supplier the written statement or representation not subject to specific limitations should control; and

6. that in interpreting the rule-making requirements contained in section 109 of the bill the Commission or a reviewing court should be guided by the legislative rule-making provisions in Title II of S. 986.

Finally, I, personally, would not have included the hypotheticals with respect to "a statement that a particular washer would 'effectively wash clothes'" and with respect to the operation of the preemption clause of section 113(b) on a State's determination with respect to warranties on "widgets". Both of these, in my opinion, raise more questions than they answer. The first because it selects an example which lies at the periphery of the coverage of this bill, and which may not fall within the scope of the bill at all. The latter because it suggests that the States should undertake to require "full warranties" on consumer products—a course which this Committee has carefully avoided throughout the fashioning of this legislation.

Title II of S. 986 as introduced was similar to S. 3201, reported last year by the Commerce Committee. In that form it included many of the provisions of S. 3201 which I strongly opposed last year, and criticized in my individual views in the report on that bill.

Title II of S. 986, the FTC Improvements Act, has aroused considerable controversy and debate. It would "amend the FTC Act in order to improve its consumer protection activities." Several provisions of Title II were unanimously supported throughout discussion of the legislation. The civil penalty for a violation of an FTC order was increased from $5,000 to $10,000. The FTC was given the authority to bring suit in a district court of the United States to enjoin an act or practice which is unfair or deceptive to a consumer by receiving a temporary restraining order or a preliminary injunction against such act or practice. Finally the Commission's authority would be expanded to encompass those activities "affecting commerce". These are sound and necessary improvements in the FTC's authority.

The major controversy over Title II involved sections 203 and 208 of Title II as introduced. Section 203 would have amended the Federal Trade Commission Act as follows:

Sec. 203. Section 5(b) of the Federal Trade Commission Act (15 U.S.C. 45(b) is amended by inserting after the word "practice" at the end of the fifth unnumbered sentence thereof the following:

"Whenever the Commission orders any person, partnership or corporation found by the Commission to have engaged in acts or practices which are unfair or deceptive to consumers and proscribed by section 5(a) (1) of this Act to cease and desist from such acts or practices, the Commission may in addition to such order to cease and desist enter an ancillary remedial order requiring such further action as it may find to be reasonable and appropriate to remedy the injury to consumers caused by such acts or practices including, but not limited to, rescission or reformation of contracts, the refund of money or return of property, and the public notification of the violation. Any ancillary remedial order issued under this paragraph shall be judicially reviewable and become final in the same manner as the underlying order of the Commission to cease and desist and may be confirmed, modified, or set aside in whole or in part by the Court, except that on review the Court of Appeals shall determine de novo on the basis of the record made before the Commission the question of the reasonableness and appropriateness of any such ancillary remedial order taking into account all of the circumstances of the case."

I had several strong objections to this provision. First, I felt it was inadvisable to give to the Commission the authority to decide what redress of injury was reasonable to remedy a violation of the Act. Such authority was never intended for the Commission and should properly reside in the courts. The fact that these orders would be judically reviewable, and that the courts could confirm, modify, or set aside the orders, made this authority nebulous and confusing. Finally, the Court of Appeals would be granted appellate jurisdiction over these orders on a de novo basis. This is unprecedented and undesirable. I considered section 203 to be ill-conceived and poorly drafted, and recommended its elimination.

Senator Spong introduced an alternative to section 203 which was a great improvement, and was finally adopted in the reported version of Title II. This new section 203 amends the FTC Act as follows:

Sec. 203. Section 5(a) of the Federal Trade Commission Act (15 U.S.C. 45(a) is amended by inserting after paragraph (7) as added by section 202 of this Act the following new paragraph:

"(8) After an order of the Commission to cease and desist from engaging in acts or practices which are unfair or deceptive to consumers and proscribed by section 5(a) (1) of this Act has become final as provided in subsection (g) of this section, the Commission, by any of its attorneys designated by it for such purpose, may institute civil actions in the district courts of the United States to obtain such relief as the court shall find necessary to redress injury to consumers caused by the acts or practices which were the subject of the cease and desist order, including but not limited to, recision or reformation of contracts, the refund of money or return of property, public notification of the violation, and the payment of damages."

Section 203 thus gives the Commission the authority to bring suit in federal courts on behalf of persons damaged by unfair or deceptive practices. This, in effect, provides a trigger for federal class actions, with the FTC as advocate for the plaintiffs.

I have serious reservations as to the advisability of granting such authority to the Commission. As a fundamental issue, I do not feel that federal class actions should be mandated and legalized in this manner.

In my individual views in the Committee Report on S. 3201, I wrote:

"The courts are just now beginning to determine how to define an appropriate class, how to spin off pieces of litigation that cannot be maintained as a class action, how to provide notification for the members of a class, and how to control the conduct of the litigation itself and to assure that a class is adequately represented by the named plaintiffs and their attorney.

"The successful resolution of these difficulties may mean only that private class actions are suitable for some purposes and not for others and will still leave unanswered their desirability as a vehicle for the type of consumer relief contemplated under this bill. There is some urgency now to strengthen the remedies available to protect consumers. There is, however, no urgency to select this particular device with all of its uncertainties, potential abuses, and capability for clogging an already over-burdened court system. The public should be aware of this misplaced enthusiasm for an unrestrained federal class action. It will not be a panacea for consumer wrongs, especially the hard-core ghetto frauds, such as bait and switch tactics. These consumer abuses are engaged in by fly-by-night or judgment proof defendants rather than legitimate business enterprises."

These questions remain unanswered. Until they are resolved, we should not be willing to vest the power to initiate class actions with any advocate, regardless of his competence or motivation.

Section 203, as reported, still offers no additional remedy to the individual consumer who has been damaged by an unfair or deceptive act or practice. A damaged consumer must still meet the "diversity of citizenship" or $10,000 minimum damage requirements in order to gain access to the federal courts. Thus the consumer is not gaining a guaranteed procedure for redress of damages.

In light of the aforementioned reasons I intend to offer a Title III on the floor as an amendment to S. 986, a draft of which is attached hereto, which would authorize a study as to the feasibility of the development of a system of federal small claims courts. This system of courts could provide the most efficient and effective means of protecting the American consumer against fraud or deception. They would make available to consumers an immediate and inexpensive means of obtaining redress of damages resulting from unfair or deceptive acts or practices. This, I believe, would be far more desirable, from the standpoint of the American consumer, than any advocate role for the FTC.

With the adoption of such a proposal and a concurrent elimination of section 203, I would consider S. 986 a major triumph for the American consumer, and a new perspective in the federal government's role in regard to American business.

The other major area of controversy in Title II concerned what is now section 206. This section grants to the Commission the authority to issue legislative rules defining acts or practices which are unfair or deceptive to consumers. These rules would have the force of law, and the performance of any such act or practice would be a per se violation of the rule.

As introduced, this provision was similar to Title I, section 105 of S. 3201. I strongly objected to this provision on two grounds. First, I had, and continue to have, serious doubts as to the constitutionality of granting legislative power to the FTC. It is questionable as to whether the Commission possesses the competence and resources necessary to make rational and equitable judgments in this area.

Congress, in effect, would be delegating to the Commission its own authority to expand the jurisdiction of the federal courts. The issue thus becomes not one of consumer relief, but whether the Congress or an appointed Commission will define in which areas those remedies are to be invoked. The issues include delicate policy decisions which will determine, in fact, business practices throughout the country. This is, and should remain, the prerogative and responsibility of the Congress. Unfortunately, I have been unable to convince my colleagues of my views.

Second, my opposition to the rule-making provision contained in the bill as introduced was aggravated by the informal and ambiguous procedures by which the Commission was to issue and promulgate the legislative rules.

The procedure for rule-making was outlined in section 208 of Title II as introduced as follows:

"Whenever it appears to the Commission to be in the public interest, the Commission shall promulgate rules and regulations defining unfair or deceptive acts or practices in a manner sufficiently specific to reasonably inform affected persons of the acts or practices prohibited. Such rules and regulations shall be promulgated in accordance with Section 553 of title 5, United States Code, after reasonable notice, an opportunity for interested persons to participate in the rule-making through submission of written data, views, or arguments, and, if requested, the Commission shall hold a hearing in which interested persons shall have reasonable opportunity to present the same orally in an appropriate manner. The testimony in any such hearing shall be reduced to writing, shall be filed in the office of the Commission, and together with written submissions, shall constitute the records. Such record shall be open to public inspection. After consideration of all relevant matter presented upon such record, the Commission shall incorporate in any rule adopted a concise general statement of its basis and purpose. When any such trade regulation rule is promulgated and becomes final, a subsequent violation thereof shall constitute an unfair or deceptive act or practice in violation of section 5(a) (1) of this Act. Such rules and regulations shall be reviewable in the Court of Appeals for the District of Columbia in accordance with chapter 7 of title 5, United States Code. In addition the reviewing court shall hold unlawful and set aside agency action, findings and conclusions found to be unsupported by substantial evidence upon the record as herein defined."

It was obvious to me that legislative rules should not be issued on the basis of a procedure which was not predetermined and which would be established at the discretion of the Commission. The basic right of cross-examination was not guaranteed. The procedures did not even grant the same rights available to a defendant in a suit for violation of one of the Commission's rules. I felt that under these conditions we would be faced by an autocratic legislating body.

Accordingly I made several recommendations as to a more formalized procedure for rule-making. In section 206(2) (i) I proposed that agency hearings be held in accordance with sections 556 and 557 of Title 5 of the United States Code. This amendment was adopted, and is incorporated in S. 986 as reported.

Finally, in order that policy considerations in regard to legislative rules would not be left solely to the Commission, Senator Stevens proposed an amendment, section 206 (ii), which provides for Congressional review of all legislative rules promulgated by the Commission. This Congressional review, joined with the judicial review provided for in sections 206 (iii) and (iv), appears to provide adequate safeguards to insure that the legislative rule-making authority will not be abused. However, as a policy determination, I continue to object to the legislative authority granted to the Commission under this Act.

Although I support and embrace the principal objectives of S. 986, and many of its provisions, I respectfully urge the Senate to carefully review this legislation in light of questions I have raised. The American consumer must be protected, collectively and individually, and we cannot allow specious proposals or arguments to cause us to embrace a solution we think to be a panacea, but which may turn out to be a Pandora's box.

TITLE III—CONSUMER REMEDIES STUDY

SEC. 301 (a) The Director of the Office of Consumer Affairs, in consultation with and with the assistance of the Attorney General of the United States, is authorized to contract with the National Institute for Consumer Justice (hereafter referred to as the "Institute"), a nonprofit corporation of the District of Columbia, to conduct a study or studies of means for improving the grievance-solving mechanisms and legal remedies of consumers, including, but not limited to the following:

(1) methods of preventing consumer grievances from arising and of improving seller-buyer and debtor-creditor relationships;

(2) existing and potential voluntary settlement procedures, including arbitration; and

(3) the desirability of establishment of a nationwide system of small claims tribunals.

(b) The Director of the Office of Consumer Affairs shall, within eighteen months of the enactment of this Act, submit a final report on such study or studies to the President and to Congress along with its recommendations, if any, for legislation.

SEC. 302 (a) The Institute and each recipient of a contract from the Institute under this title shall keep such records which fully disclose the amount and disposition by such recipient of the proceeds of such assistance, the total cost of the project or undertaking in connection with which such assistance is given or used, and the amount of that portion of the cost of the project or undertaking in connection with which such assistance is given or used, and the amount of that portion of the cost of the project or undertaking supplied by other sources, and such other records as will facilitate an effective audit.

(b) The Comptroller General of the United States, or any of his duly authorized representative, shall have access for the purpose of audit and examination to any books, documents, papers, and records of the recipients of any funds provided under this title as are pertinent to the disposition and use of such funds.

SEC. 303 There is authorized to be appropriated $500,000 to carry out the provisions of this title.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. The time for the transaction of routine morning business under the previous order has expired.

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS, 1972

The PRESIDING OFFICER. Pursuant to the previous order, the Chair lays before the Senate H.R. 9417, which the clerk will report.

The legislative clerk read as follows:

Calendar No. 256, H.R. 9417, a bill making appropriations for the Department of the Interior and Related Agencies for the fiscal year ending June 30, 1972, and for other purposes.

The Senate proceeded to consider the bill which had been reported from the Committee on Appropriations with amendments.

QUORUM CALL

Mr. BIBLE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The bill is under a time limitation. Whose time will the quorum be charged to ?

Mr. BIBLE. I ask unanimous consent that the time be charged equally.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD of West Virginia. Mr. President, I ask that the well of the Senate be cleared and that the Senate be in order.

The PRESIDING OFFICER. The Senate will be in order.

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BIBLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BIBLE. Mr. President, the pending business is the appropriation bill for the Department of the Interior, H.R. 9417. Is that correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. BIBLE. Mr. President, I understand that under the unanimous consent agreement two hours are allotted equally to the Senator from Illinois (Mr. PERCY) and to me on the bill, with 30 minutes on each amendment thereto, to be divided equally. Is that correct?

The PRESIDING OFFICER. The Senator is correct. The agreement states that there will be two hours on the bill and 30 minutes on any amendment thereto. The yeas and nays have been ordered on final passage.

Mr. BIBLE. The agreement provides there will be 30 minutes on each amendment, to be divided equally between the proponent of the amendment and the manager of the bill. Is that correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. BIBLE. I thank the Presiding Officer.

I allot myself such time as may be required for my opening statement.

The PRESIDING OFFICER. The Senator from Nevada is recognized.

Mr. BIBLE. Mr. President, I ask unanimous consent that the committee amendments be considered and agreed to en bloc; that the bill, as so amended, be considered as original text for the purpose of further amendment; and that no points of order against legislation in an appropriation bill be waived.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments agreed to en bloc are as follows:

On page 2, line 10, strike out "$76,080,000" and insert "$69,930,000".

On page 5, line 19, after the word "shops", strike out "$273,487,000" and insert "$274,662,000".

On page 6, line 3, after the word "law", strike out "$71,866,000" and insert "$71,667,000".

On page 6, line 10, after the word "contract", strike out "$37,206,000" and insert "$43,055,500"; and, in line 25, after the word "Reclamation", insert a colon and "*Provided further*, That not to exceed $2,728,500 shall be for assistance to the East Charles Mix School District 102, Wagner, South Dakota, for construction of school facilities: Provided further, That not to exceed $1,048,000 shall be for construction of additional high school facilities on the Rocky Boy Indian Reservation, Montana."

On page 7, line 10, after "section 203", strike out "$25,000,000" and insert "$25,600,000".

On page 10, line 7, after the word "for", strike out "$3,999,000" and insert "$3,949,000".

On page 10, line 18, after the word "exceed", strike out "$350,000,000" and insert "$366,000,000"; in line 23, after the word "exceed", strike out "$19,652,000" and insert "$32,652,000"; and, in line 24, after the word "exceed", strike out "$1,988,000" and insert "$4,988,000".

On page 11, line 8, after the word "exceed", strike out "$233,000" and insert "$395,000"; and, in line 22, after the word "Samoa", strike out "$21,537,000" and insert "$21,699,000".

On page 14, line 8, after the word "activities", strike out "$130,000,000" and insert "$131,175,000".

On page 15, line 4, after the word "facilities", insert a comma and "including the use of the Government-owned site donated for the Earth Resources Observation Systems Data Center for lease construction".

On page 15, line 20, after the word "substitutes", strike out "$49,000,000" and insert "$47,700,000".

On page 15, line 24, after the word "law", strike out "$73,630,000" and insert "$74,630,000".

On page 17, line 1, after "(74 Stat. 337)", strike out "$21,880,000" and insert "$20,080,000".

On page 17, line 21, after the word "Refuge," strike out "$64,794,000" and insert "$65,180,000".

On page 18, at the beginning of line 2, strike out "$6,225,000" and insert "$7,890,000".

On page 20, line 4, strike out "$71,077,000" and insert "$70,961,000".

On page 20, line 12, after the word "Service", strike out "$56,230,000" and insert "56,507,000"; and, after the amendment just above stated, insert a comma and "including not to exceed $50,000 for reconstruction of certain streets in Harpers Ferry, West Virginia".

On page 20, line 23, after the word "rights", strike out "$37,849,000" and insert "$39,307,000".

On page 21, at the beginning of line 5, strike out "$18,500,000" and insert "$19,204,000".

On page 21, line 18, after the word "values", strike out "$8,325,000" and insert "$8,205,000".

On page 22, line 8, after the word "exceeding", strike out "$50,000" and insert "$100,000".

On page 23, after line 15, insert

OFFICE OF SALINE WATER

SALINE WATER CONVERSION

For expenses necessary to carry out the provisions of the Act of July 3, 1952, as amended (42 U.S.C. 1951 et seq.), authorizing studies for the conversion of saline water for beneficial consumptive uses, including not to exceed $2,540,000 for administration and coordination expenses during the current fiscal year, $27,025,000, to remain available until expended: Provided, That this appropriation shall be available only upon enactment into law of S. 991, Ninety-second Congress, or similar legislation.

On page 23, after line 19, strike out:

SALARIES AND EXPENSES (SPECIAL FOREIGN CURRENCY PROGRAM)

For payments in foreign currencies which the Treasury Department shall determine to be excess to the normal requirements of the United States, for necessary expenses of the Office of the Secretary, as authorized by law, $500,000, to remain available until expended: Provided, That this appropriation shall be available, in addition to other appropriations, to such office for payments in the foregoing currencies (7 U.S.C. 1704).

On page 26, line 21, after the word "lands", strike out "$238,718,000" and insert "$236,178,300".

On page 27, line 7, after the word "law", strike out "$54,208,000" and insert "$51,685,000".

On page 27, line 21, after the word "objectives", strike out "$31,858,000" and insert "$31,721,200".

On page 32, line 1, after the word "Act", strike out "$147,404,000" and insert "$158,293,000".

On page 32, line 11, after "(42 U.S.C. 2004a)", strike out "$20,289,000" and insert "$36,400,000".

On page 34, line 6, after the word "amended", strike out "$54,460,000" and insert "$53,460,000"; and, in the same line, after the word "which", strike out "$21,000,000" and insert "$20,000,000".

On page 36, line 2, strike out "$45,259,000" and insert "$44,681,000".

On page 36, line 19, after the word "change", strike out "$1,300,000" and insert "$1,400,000".

On page 38, line 23, after "5 U.S.C. 3109", strike out "$565,000" and insert "$695,000".

Mr. BIBLE. Mr. President, for the benefit of Senators who are now in the Chamber and Senators who may join us during the deliberations on the bill, a report on the bill is on the desk of each Senator, and under the desk of each Senator there will be found 3 green volumes of hearings that I believe contain about 4,000 pages. These are records that were developed during the course of these hearings.

At this time I particularly commend the distinguished Senator from Illinois (Mr. PERCY), who is in the Chamber, and who is the ranking member on the Republican side on the Interior appropriation bill. He has been a very faithful attender. This has been his first year on the Committee on Appropriations and I consider myself fortunate to have him as a member of the committee. He has made many contributions during the course of the hearings and during the markup, and now as we submit the bill to the Senate for action.

Likewise I wish to particularly salute Paul Eaton, who is here at my left, the majority staff member on the Interior appropriation bill. He has been handling Interior appropriations for many years and he was the strong right arm of Senator Carl Hayden who for many years handled this bill and who was chairman of the Committee on Appropriations. I also wish to salute Ed King who does yeoman work on the other side of the aisle.

We had wonderful support on the bill and we are rather proud of the fact that we completed our hearings before any of the other subcommittees in the handling of appropriation bills.

A great deal of our success in moving forward has been due to the splendid cooperation of the Congresswoman from Washington, Mrs. HANSEN, and her handling of the bill and sending it to us at as an early a date as possible.

I hope that next year we can make a little better and faster disposal of this bill because it would be extremely helpful for all agencies to know by July 1 exactly what they will be able to spend in the next fiscal year. We will be close to that. I anticipate that after the Senate has acted finally on this bill in one form or another, and sent it to the House, that we can be in conference with them in the next week or 10 days and complete our legislative action on the bill and have it ready to send to the President by the end of this month or early in August, and certainly before our August 6 recess. Next year we will try to do even a little better than that.

Mr. President, the committee, as indicated on page 1 of its report, considered budget estimates in the amount of $2,385,231,035, including indefinite appropriations of receipts and amounts necessary to liquidate contract authority, for the agencies and bureaus of the Department of the Interior and for related agencies listed on page 2 of the report. Excluded from this bill are the power agencies of the Department of the Interior, the Bureau of Reclamation, and research on underground electric transmission. All of these items will be included in the public works for water and power development and Atomic Energy Commission appropriations bill.

The subcommittee and the full committee recommend total appropriations of $2,417,839,035, which is $67,694,000 more than the House allowance, and is $32,608,000 more than the budget estimates.

Included in the amount are $30,025,000 in budget estimates not considered by the House. Of the total recommendation, $1,610,525,500 are for the Department of the Interior, a sum $47,241,500 more than the House allowance, and $5,509,500 less than the budget estimates.

The committee's recommendations provide major increases over allowances in the House bill in the following instances:

Bureau of Indian Affairs, $6,825,500, of which $1,175,000 is for education and welfare and $5,849,500 is for the construction of necessary facilities, primarily schools.

Land and water conservation fund, $16,000,000.

Bureau of Sport Fisheries and Wildlife, $2,051,000.

National Park Service construction, $1,458,000.

Office of Saline Water, $27,025,000, the full amount of the authorization. The House did not consider this estimate because authorizing legislation had not been acted on. This authorization has now passed both the Senate and the House. I believe it was approved in conference and was sent to the President yesterday. So, with his final approval, it will not be an uncertain item in the bill.

For the Indian Health Service, $27 million, which provides a total of more than $31 million over the budget requested. Of the increase over the budget, $10,889,000 is for additional staffing, contract medical care, equipment, and supplies and $16,111,000 is for hospital and sanitation facilities.

The committee recommends decreases, more or less minor in total, in the amounts allowed by the House of Representatives for the Bureau of Land Management, the Bureau of Mines, the Office of Coal Research, Geological Survey, the Office of the Secretary, the Forest Service, the National Endowment for the Arts, and the Smithsonian Institution.

The committee believes that the bill as recommended provides well for the various activities, especially for the education and health of the Indian population of the country.

During the course of our deliberations, more than 385 amendments to the House bill were considered. Every effort has been made to provide adequately for the activities included in this bill. I believe that the bill as reported provides for the continued and increased development of the natural and human resources of the United States.

I hope the bill will be approved as it was reported to the committee.

I might say the main thrust of this bill was directed toward helping the deplorable conditions in which we find the Indian population of our country today. A great deal of the money in this bill is designed to upgrade not only educational facilities but sanitation facilities in the home. This is something that has been long neglected. It is considerably over the budget item, some $35 million to $40 million over the budget, in this particular area. I would hope we could sustain the greater part of that amount in conference, because there is a great need, a need that cries out for immediate help, and it cannot longer be delayed.

That is all I have to say at this time. We submitted this bill to careful scrutiny. We had the full attendance of our subcommittee and a majority of the full committee at the time we went over the bill. As can be noted from the hearing record, it embraces some 4,000 pages of testimony from witnesses, private, public, government, all up and down the line. So I think it is a well-balanced bill. I think we can sustain much of it in conference. There will be some give-and-take in conference, as there always is, but I think the bill will continue to move America ahead.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. BIBLE. I yield.

Mr. JAVITS. I think the committee has done a great job, and we are all deeply indebted to the chairman, and to the Senator from Illinois (Mr. Percy), ranking minority member, who, in a sense, took my own place in the Appropriations Committee in considering this bill and doing this very fine work. I know the labor which is involved. When I use the word "gratitude," I understand what it means in terms of the hours and days spent.

My own interest is very real and very great, as I offered the first authorization bill in the House of Representatives in 1949, and worked from then until 1965 to get it enacted.

Mr. President, I call attention to that portion of this appropriations measure which sets aside funds for the National Foundation on the Arts and the Humanities. In so doing, I want to emphasize my great respect for the chairman of the Appropriations Subcommittee on Interior and Related Agencies and for my colleague, the ranking member on the minority side. Both Senator Bible and Senator Percy have given long hours of exacting and sympathetic study to the complex needs of the arts and humanistic studies in our country.

So, I note with regret that the committee has recommended a cut of $1 million from the budget of the National Endowment for the Arts; and of $2 million for the Humanities.

The President asked for—and the House of Representatives approved—a budget of $30 million for the National Endowment for the Arts and the same amount for the National Endowment for the Humanities. These amounts would be just about double the budgets for fiscal 1971. The President, in effect, called for full funding of the two endowments at the level authorized by the Congress last year.

I regret especially the cut in funds for the arts which has been recommended by the committee, for it seems to me that the Arts Endowment gives the Federal Government, the Congress, and the American people far more for each tax dollar than almost any agency in the federal system.

The Arts Endowment, through cautious and consistently sound fiscal planning, has created a record which ought to be the envy of every Government agency, for it has used limited funds to create new and greatly expanded resources in its field. By law, each dollar provided by the Endowment for institutional support is granted on at least a 1-to-1 matching basis. In actual practice, nearly every dollar obligated by the Arts Endowment has generated between $3½ to $4 in additional funds for the arts from private sources, philanthropic foundations, and State and local governments. Even purely as an investment, the Arts Endowment deserves every penny the Congress can provide for it.

I recognize the need for economy. I know the enormous pressures now existing within our economic structure. And I am in complete sympathy with the burdens placed upon the members of the Subcommittee and the Committee on Appropriations to find reasonable ways to minimize the costs of government.

Yet I know, too, that this is one area in which the Congress can ill afford to ignore the rational pleas for assistance which are coming from almost every arts organization, individual American artists and from thousands of citizens in every State and region in our country. The truth is that the $1 million decrease, if it were to be restored in the appropriation as the House of Representatives provided, could create an additional $3 million for the arts in all parts of the United States. And, in so doing, it could have a more profound and beneficial effect on the lives of American citizens than many of the appropriations approved by the Congress at far higher levels.

The needs of the arts organizations in our country are rapidly accelerating—and for excellent reasons. According to the Association of American Museums, the total number of visits to museums during 1970 was 650 million—more than 3½ times the total number of individuals in the Nation.

Throughout the country, our arts institutions and our individual artists are responding readily to increasing demands for their talents and their services. Poets and painters, sculptors and dancers, actors and musicians are becoming actively involved with the public education system and they are producing astonishing results among our children and their teachers.

Today's symphony orchestras have become a vital part of the everyday life in their communities, playing concerts in the parks during the summer, visiting schools for performances and conducting seminars for student musicians throughout the year.

So, too, are our regional professional theaters, our museums, and our dance companies.

Through endowment programs such as assistance to the symphony orchestras, the whole field of music education is being vastly augmented in some communities. It is interesting to note that 47 percent of the grants made by the endowment to orchestras this past year were for programs oriented directly toward young people, either in the schools or in special concerts.

Through endowment-aided touring programs, such as those funded through the Federation of Rocky Mountain States, hundreds of thousands of American citizens will have an opportunity never enjoyed before to see the major, professional arts companies of the United States. This past year, for example, the Denver Symphony played concerts not only in Lander and Rock Springs, Wyo., but was also heard in a special concert by the men in the Wyoming State Penitentiary at Rawlins. Similar touring programs took the St. Paul Chamber Orchestra to Highland Park, Ill., and Marion, Ohio, and enabled the orchestra to conduct in-depth residency visits to Mankato and Winona, Minn., and in Cedar Falls, Iowa.

Without exception, it appears, the managers and members of our symphony orchestras agree that support from the National Endowment for the Arts has made the difference between severe financial difficulty and the kind of tentative stability which has enabled them to continue extremely worthwhile community programs. In Detroit, for instance, the orchestra, with the aid of an endowment grant, was able to perform a series of 30 inner-city school programs. Had additional funds been available, the orchestra could have raised that total to 50 appearances. Similar grants made it possible for the Chicago Symphony to expand its public service program, touring to five additional Illinois communities, for the Cleveland Symphony to inaugurate its outstanding satellite performance and service program in neighboring towns and cities and for the Baltimore Symphony to expand its regional program throughout the State of Maryland.

To fully understand the significance of the budget the Arts Endowment submitted for this fiscal year, it is necessary to look at some of the programs the Endowment hopes to carry out. This year, for instance, increased funds will make it possible for the agency to initiate a significant museum assistance program for special exhibitions, curatorial training, conservation, and the purchase of work by American artists for the first time. On a modest, trial basis during this past year, the Endowment reached 79 museums in 33 States.

Although it has recognized the vitality of community-based arts organizations from its beginning, the Endowment has been unable to establish a program in this area at a meaningful level until this year. These are projects which go to the heart of the demands people are now putting on the arts, projects which directly involve thousands of young children and adults in communities across the Nation.

Additional funding will make it possible for the Endowment, working with the U.S. Office of Education and the arts councils which now exist in each of the 50 States—to expand a highly successful program placing professional creative artists in classrooms throughout the country. Surely, if there is one investment worth making this year, it is in this significant effort to increase creativity in our schools and restore some flexibility to our education systems.

Most of our major arts institutions are in serious financial difficulty. For example, last year the brilliant Alvin Ailey Dance Co. was nearly forced to disband and only through last-minute efforts was this prevented. Later, the company went on a triumphal tour of Morocco, Algeria, Tunisia, the Soviet Union, France, and England where its performers were widely hailed as our finest ambassadors.

Confronted by increasing demands on their services and facilities, sharply rising attendance accompanied by mushrooming costs, many of our major museums are being forced to cut back their staffs, reduce the number of rooms available for public visits and overextend their security systems. As a result, the Detroit Institute of the Arts, one of the Nation's finest museums, has been forced to close a third of its galleries to the public because it lacks funds for proper security. And right here in the District of Columbia, the Corcoran Gallery is unable to insure its valuable collection and facilities because of inadequate security.

No matter where we turn, public demand for the arts is increasing—but so are the costs of providing those services the people want and need.

Despite the fact that the National Endowment for the Arts has discouraged arts organizations from making applications for funds unless there was a real prospect for assistance, the number of applications received by the Endowment in legitimate fields, in which programs were operative, has increased enormously during the past 2 years.

In fiscal 1970, for instance, the Arts Endowment received a total of 1,383 applications totaling $26 million in requests. This past year, in fiscal year 1971, the total number of applications rose to 2,070 and the amount of those requests was $54.5 million.

Of that total, Endowment officials estimate that no less than 90 percent represented legitimate pleas for assistance from organizations and individuals who were simply responding to the increasing demands being placed upon them by the people they were serving.

Quite clearly, the needs of the arts—and the demand of our people for the arts—are demonstrably growing.

For that reason, I am convinced that even the modest reduction of the appropriation for the National Endowment for the Arts is undesirable; in the light of the Endowment's productive use of its funds, and on its record of encouraging far greater distribution of the arts to every American citizen who wants to enjoy them.

Mr. BIBLE. Mr. President, I share the sentiments expressed by the senior Senator from New York. I have been in this body long enough to know of his initiative in this field and his persistence. As he well knows, in the early years obtaining appropriations for either the arts or the humanities was almost impossible. At one time it looked like the task was almost hopeless. But we did salvage a small sum at the beginning, and the sum began to increase. This year it was at its all-time high. As the Senator knows, the program has its detractors. I suppose any program has. But it seems to me, on balance, it has made a great contribution to our American way of life.

I was privileged, as was the Senator from New York, to have worked with the predecessors in office of the present two. Roger Stevens made great contributions in the field of the arts, and Barnaby Keeney, from Brown Univerity in Rhode Island, made great contributions to the humanities. Today we have Mr. Edgerton as head of the humanities, and the dynamic—and I underscore the word—Nancy Hanks in direction of the activities on the arts. I do not know of any more interested person in this field than Nancy Hanks. I hear from her regularly by telephone and by letter. She is enthusiastic about the nationwide aspects of this program.

I suppose it should be noted that with respect to every project covered in these 4,000 pages of hearings we received more mail in support of the arts and humanities than for any other area. I think it means something. Some of it undoubtedly was inspired by those who had received the fruits of the money, but, more particularly, I think it is evidence of the interest in the arts and humanities in the United States. I think it is a good sign, and I think it speaks well for this program.

The reduction made by the committee in this respect was very minimal. There are new programs involved in the categories under the arts heading. I think an adjustment can be made in the new programs. Sometimes I think it is better to let them start a little slower than at the full level.

I do not know where the ultimate level of this appropriation goes. I think it will go higher, because it does have substantial State participation and increasing State participation, but, more particularly, as the Senator so well knows, the private money that goes into the arts and humanities is a tremendous sum, without which we could not do very much.

I appreciate the statement of the Senator from New York. We will do the best we can in the conference.

Mr. JAVITS. I thank my colleague.

Mr. BIBLE. I yield now to the Senator from Illinois, my counterpart on the other side.

Mr. PERCY. Mr. President, while the Senator from New York is still on the floor, I would like to compliment him for his comments about the arts and humanities. As I have said many times in this Chamber, we go through phases in this country. For a period of years, so long as money was for science and technology, that had the highest priority. In fact, many of us who felt there was a true role for the Federal Government to play in the field of education fought in the vineyards to try to get assistance from the main preempter of the sources of the money which came in the form of internal revenues, and to divert some of it to what we thought was the highest priority in the country, namely, assistance to improve education.

We were looked upon as radicals back in those days. I was advised time and again, "Don't ever mention this when you run for office; you will be booed off the stage downstate Illinois for being too radical about wanting Federal assistance for education."

But then along came sputnik, and suddenly if you could wrap up aid to education with fighting communism and having an American sputnik—for which we created the Defense Education Act—then Federal aid to education was all right, as long as somehow we could beat out the Russians.

Those of us who believed in it did not care under what cloak we did it; we were willing to wrap it in anything so long as the principle was established that it was right and proper for a part, at least, of this tremendous Federal budget to go into education and improving the quality of American education.

We went through that phase, where anything needed for physics, chemistry, mathematics, or the teaching of foreign languages was all right for Federal aid to education. Now we are going through a phase where the biological sciences have a high priority, the health needs of the country are paramount, and the magnificent work done by the distinguished Senator from New York in this field, where he has been laboring for years, he is now suddenly finding is a popular issue, and that the need he has been talking about for many years is recognized as very great.

So, too, there are Members of this distinguished body who have been working to try to get the social sciences a higher priority, feeling that man, having used all his resources to try to destroy himself through developments in the physical sciences, ought to begin to try to understand himself better, in the hope that thus we may keep from destroying ourselves.

I believe it is right and proper, at this time, that the humanities and the arts should receive the kind of attention. The distinguished floor manager of the bill is not a newcomer to this field. He has long supported the arts and humanities; he has long supported the concept that there is catalytic role that the Federal Government can and should play. We are not in any way saying we should preempt the voluntarism that has made the arts and humanities in this country great. What we are putting in is seed money, incentive money, and more importantly, we are putting the moral force of the U.S. Congress and the Government behind this effort, in saying we want to raise in priority the humanities and the arts.

And what a magnificent time to do it. The distinguished members of our subcommittee, including the ranking Republican member (Mr. YOUNG), saw the need for restoring Ford's Theater, right here in the Nation's Capital. As we see it, the Capital must itself have broad attention in the area of the arts. Now we are building the Kennedy Center for the Performing Arts, that was started by President Eisenhower, as a national institution devoted to the arts and sciences, where we have had continuing leadership with Roger Stevens, who has seen the great need in the Nation's Capital for such an institution. We are giving increasing attention to the arts and humanities.

So it is perfectly proper, then, that we should increase the budget of the National Foundation on the Arts and Humanities this year. I commend the administration for the leadership taken by President Nixon, not just in asking his daughter to serve as a trustee for the Kennedy Center—we are delighted to have her serve with us there—but also in requesting a substantial increase, at a time when our budget is under a strain, in the amount provided for the arts and humanities. The administration request to virtually double last year's budget for this purpose was not met with dismay by Congress, but was, for the most part, supported in the House of Representatives, and has been enthusiastically supported in the Senate. The increase in appropriations from $26,310,000 last year to a budget request of $56,561,000 this year for the National Foundation on the Arts and Humanities was greeted not with dismay but with pleasure by our committee.

It is true that the House pared out $2 million, and cut it back to $54,460,000, and our own committee cut it back another $1 million. There probably was no area where we spent more time in the subcommittee discussing a budget reduction, because I was disappointed to see any cut made in the budget. I felt we should fully support the overall effort. But in this area, when it was suggested that a $2 million cut be made, I was most appreciative to our distinguished chairman, who then said, "Well, let us just cut a million dollars out, and let us give Nancy Hanks the lead in saying where it should be done. She will, of course, defer to her Council, but let us try to do it in such a way that it will not hurt any programs."

I was particularly pleased that we left the full $4 million in for museums. Here is an illustration of where the arts are being put under tremendous pressure—with all the pressure of inflationary cost increases they are bearing right now, they have a problem of crime, with thefts and defacing of works of art; they must maintain better surveillance over those priceless treasures in museums all over the country; and at the same time they must cope with a vast increase in attendance.

At this time, to have $4 million set aside for museums is not just important from the money standpoint—because it is a very small amount, against the overall budget for museums of hundreds of millions of dollars; I think the total ranges in the area of some $600 million—but it is important from the incentive standpoint and the moral standpoint that the moral force of the Federal Government is going to be put behind this effort, that they are not forgotten, that we recognize they have been the foundations and bastions of the arts in this country. We recognize that the problems they are trying to cope with are great indeed, and we wish to give them every possible encouragement.

So I trust that Congress is going to show its support for the arts and humanities, and that this is not the end but the beginning of our underwriting of the arts and humanities. I believe this is very important indeed.

Mr. President, I should like to make just a few personal comments to the chairman of the committee, if my distinguished colleague from Iowa will permit.

I came on this committee without a great deal of knowledge in this area. Interior appropriations deal largely with our national parks. We do not have a single national park in the State of Illinois; we are one of five States, and certainly the largest State, which does not have. But I felt it was important, in an era when we are devoting ourselves to the preservation of the heritage that has been given to us in these wonderful physical resources available to us all, that someone from the densely populated areas that also benefit from the use of these wonderful facilities should take an interest in them.

I would first like to state how pleased I am with the chairman's understanding of my own lack of understanding of the area, and his willingness to be patient and thoughtful in working with me to see that I improved my knowledge and understanding. Also, I should like to commend Paul Eaton, a member of our staff, for the thought and effort he has put into my own education.

I have been deeply impressed—and I have expressed this privately to many of my colleagues in the Senate—with how well service on an appropriations subcommittee gives us an opportunity to see firsthand the strength of knowledge, the dedication, the interest, and the work that goes on down in the boilerrooms, one almost say, of the U.S. Senate. The television reporters and cameras are not present at these hearings. They drone on day after day, and yet those of our colleagues who have the time and interest to go through the volumes here on our desks can see that, in project after project, Senator BIBLE has demonstrated his profound and deep knowledge and his concern that every single one of these great national treasures that we possess is preserved, enhanced, improved, and made and kept available for future generations.

I was also very much impressed with the interest that our colleagues have in putting in projects affecting their States. They are not reticent, hesitant, nor shy about asking for Federal funds to improve the quality of some of our Federal projects that exist in their States. In fact, 385 amendments were proposed by our colleagues in the U.S. Senate: 55 Senators proposed 258 of those amendments.

I wondered how our chairman would cope with this problem and maintain the wonderful relationships he has with his colleagues in the Senate and still have to say "No" so many times. I have never known a man to say "No" in a more pleasant way and yet with greater firmness. He enabled and asked the Senators to rate their own requests by priority. He gave great cognizance to their own sense of priority, as to what they felt important, but he added to it and matched it with his own knowledge of the value of those national parks, forests, national monuments, whatever they may be, to the general public and the general interest.

I think we have arrived at a balance that, for the most part, Senators are 99 percent assured that what has been done is absolutely right. In fact, it may go a little higher than that.

I also should like to state publicly that it is impossible to understand and to know as much as our chairman knows about the projects without visiting them. I was pleased by his indication of willingness to visit some of the projects that are coming up in the future.

I will comment a little later on the projects in which I was particularly interested, but at this time I simply wish to state that I fully concur with the statement and the proposals that we are making to the Senate. There may be some slight differences of opinion. I understand one pending amendment will need some clarification.

The only other area I should like to mention in some detail is the attention that has been given to Indian Affairs. I was deeply interested in the problems of Indians, not only as they relate to the moral obligation this country has to Indians who live on reservations and the disgraceful conditions to which we, as a nation, have committed them to live, but also with respect to the problems of Indians in the urban areas.

There are approximately 700,000 Indians in the United States, with approximately 250,000 of them—some would guess almost as high as 50 percent—living in urban areas. It is estimated that by 1980, 75 percent of all American Indians may be living in urban areas. Between 16,000 and 20,000 Indians live in the city of Chicago alone, and they live between fashionable Lake Shore Drive on one side and an area populated by Appalachian migrants on the other. Approximately 60,000 Indians live in Los

Angeles, in the confines of that one urban area.

In his July 8, 1970, message on Indian problems, President Nixon said that the Indian is the most deprived and isolated minority in America. On virtually every scale of measurement—employment, income, education, health—the condition of the Indian ranks on the bottom. Unemployment among Indians is 10 times that of the rest of the Nation. The average age of death of the American Indian is 44, one-third lower than that of the country as a whole. The only area I have recently visited where it is lower is India, where it is substantially lower. To think that our own American Indians could live in such conditions of poor health, such poor living conditions, that the age level they are able to achieve is one-third lower than that of the rest of the country. The school dropout rate is twice that of the rest of the country. Three-fourths of our urban Indians live in extreme poverty.

This is one statement of fact that I think is the most shocking of all: At present, one-half of the Indians who migrate to the city, who come to the city to leave the destitute conditions in which they find themselves, hoping to find a better life someplace else, that has opened up many areas of promise for many Americans, return to the reservation, usually sadder, poorer, and much more frustrated than before.

Mr. President, I ask unanimous consent to have printed in the RECORD a list of five special problems that the American Indian faces.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

SPECIAL PROBLEMS

(1) One of the most difficult problems is that of locating and identifying urban Indians.

(2) A frequent complaint at the field hearings is that urban Indians cannot avail themselves of existing Federal, State and local services and programs because of a widespread belief on the part of social welfare workers themselves that these Indians are already taken care of by BIA and thus are ineligible for further help.

(3) The background of these Indians poorly equips them for city life and particularly school life. Language and cultural differences often prove insuperable barriers to a successful adjustment in school unless the school is specially equipped to provide special guidance, tutoring, counselling, etc.;

(4) But school funds are short and Johnson O'Malley money is not available to city schools removed from the reservation area. Some form of P.L. 874 "impacted areas" money should perhaps be available to help those schools with high concentrations of Indians.

(5) The Indians themselves have undertaken some very commendable self-help efforts and have established urban centers in cities like Los Angeles, Oklahoma City and Minneapolis. Unfortunately, these centers often lack money and have not been entirely successful in getting Federal help. They also are hampered by the same fragmentation of Federal programs which makes it difficult for anyone to cut through the red tape.

Mr. PERCY. These are the kinds of challenges and these are the kinds of problems we faced in our hearings, and a great deal of time was devoted to those hearings. We heard expert witnesses. I should like to commend particularly the wife of our distinguished colleague, the Senator from Oklahoma (Mr. HARRIS). Mrs. Harris gave some very moving testimony, backed by firsthand knowledge; and it was this kind of testimony that led us to the conclusion that we should increase substantially the appropriations being made for Indian health and housing and for the care of Indians. We do so feeling that we have just made a major step forward in an area that should have high priority.

I commend the subcommittee, I commend the full committee, and particularly I commend Senator BIBLE for his leadership in this area. We offer excuses to no one for increasing a budget, even in tight fiscal circumstances, when the need is so urgent and great, and when the hearings—which are available for all Senators to read—indicate this great need.

I yield the floor at this time.

Mr. BIBLE. Mr. President, I yield myself 5 minutes.

I certainly appreciate the overly generous remarks of the Senator from Illinois. It has been a great pleasure to have worked with him and to have his vast knowledge and experience in many fields not particularly related to the Indian problem. He has some first-hand knowledge of that problem from his Chicago experiences.

We have tried to be responsive to those needs. The Indians of our country have problems everywhere, whether it is in the rural areas or in the urban areas. We have not faced up to those needs. We have gone partly along the way and have been somewhat helpful, and I hope that, as we continue, we can be much more helpful.

I commend the Senator from Illinois for his great interest in the preservation and conservation and development of our natural resources, particularly in the parks areas.

It is true that there is no national park in the State of Illinois, but the Indiana Dunes National Seashore is used about 95 percent of the time by the people of the Chicago area, because of its closeness to that area. It is a beautiful area on the Indiana Dunes. It is on Lake Michigan, just out of Gary, Ind. I think we have done very well in acquiring that land. I hope we can complete it as a result of the money that is in this bill this year for that purpose. We have started development, and we have the planning money in there, as mentioned to us by both Senators from Illinois.

In addition, I commend the Senator from Illinois for his interest in preserving the boyhood home of Abraham Lincoln in Springfield, Ill. This matter is before the legislative subcommittee, of which I happen to be chairman, and the bill will move forward very quickly, primarily because of the great interest and the urging of the Senator from Illinois. So next year we will have a full-fledged national facility in Illinois, at Springfield. We are going to move that forward sometime before the August 6 recess. That is our deadline.

Mr. President, I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. PERCY. I yield myself 3 minutes to respond to the very encouraging comments of the Senator from Nevada.

With respect to the Indiana Sand Dunes, this area serves approximately 6 million people who are within driving distance of the dunes. They are an invaluable natural resource in a highly populated area. The Federal Government has spent $27,900,000 acquiring the land so far. The present appropriation asked for in this bill is for planning funds, $415,000 for facilities and $157,000 for roads, for a total of $572,000.

We have had tremendous support for this project in the Midwest.

At this time, I would also like to pay tribute to my predecessor in the Senate, the Honorable Paul H. Douglas, who has really been, we might say, the father of the Indiana Sand Dunes. When I was a young boy, I went there many times and I always applauded the former Senator from Illinois, who did everything he could to keep the commercial interests out and to preserve this great heritage for all the American people.

Former Senator Douglas said, in 1965:

> The dunelands, beaches, and inland trails of the lakeshore provide great beauty, recreational utility, and scientific value. Even if this were a mediocre plot of open space, its mere location would make mandatory its rescue for all the park starved people of this region. But it is also an unequaled natural resource, a wonder of the world possessing one of the finest swimming beaches anywhere and natural "laboratories" which the scientific community regard as irreplaceable. The need is so great, and the opportunity so wondrous, that further delay cannot be permitted.

Mr. President, this, therefore, will enable the project to move forward and I express appreciation to the administration for moving this forward from the planned 1975 schedule to 1972.

I hope that the Senate will act favorably on the bill which my colleague from Illinois (Mr. STEVENSON) has introduced and which I cosponsor, to call the Indiana Sand Dunes the "Paul H. Douglas Sand Dunes."

I believe that would be a fitting tribute to a man who has served his Nation, his State, and his city so well for 18 years as a distinguished Member of the United States Senate.

At this time, I am happy to yield to the Senator from Alaska (Mr. STEVENS).

Mr. STEVENS. Mr. President, I call up my amendment at the desk and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

> On page 2, line 10, strike out "$69,930,000" and insert in lieu thereof "$70,930,000" of which $2,045,000 shall be available only for Alaska pipeline inspection work.
>
> On page 17, line 21, strike out "$65,180,000" and insert in lieu thereof "$65,380,000" of which $465,000 shall be available only for Alaska pipeline investigations.

Mr. STEVENS. Mr. President, I yield myself 6 minutes.

The PRESIDING OFFICER (Mr. SPONG). The Senator from Alaska is recognized for 6 minutes.

Mr. STEVENS. Mr. President, first, I should like to express the deep appreciation of all Alaskans for the actions of the Subcommittee on Interior Appropriations of the committee. The amounts that have been added to the House bill, particularly in the area of Indian health, are farsighted and realistic and very much needed. We are all deeply grateful in Alaska for the recognition of the fact that we have probably the greatest demand in the United States for sanitation facilities, not only for new Indian homes planned for our State for this year, but also for the existing homes which have no sanitation facilities and which are in the villages in which the new homes will be placed.

I am deeply grateful to the committee chairman and my colleague from Illinois for their understanding of our problems. In addition, for their understanding of the total medical problems of the Alaskan native people. The increases are substantial in the bill.

Mr. President, the pending amendment would restore $1,465,000 to the bill which has been recommended be deleted by the committee pertaining to the Alaskan pipeline inspection work and the Alaskan pipeline investigations.

When the Secretary of the Interior appeared before the Committee on Interior and Insular Affairs, which was some time ago, the chairman rightfully pressed him for a time for completion of the Alaskan pipeline work that is being done by the Department of the Interior. The Secretary of the Interior linked the issue of the permit for the Alaskan pipeline to the settlement of the Alaskan native land claims and pointed out that we are not much further along on the settlement of those claims.

Unfortunately, the committee has interpreted the present budget request to be money that would be used by the Department of the Interior, assuming the permit would be issued during this fiscal year. The committee specifically makes reference to the fact that they have deleted this money, because determination may not yet be made with respect to the line during the coming fiscal year.

I respectfully invite the attention of the chairman and the ranking minority member of the subcommittee to the fact that the allowance of $1,465,000 will require a reduction in the present working force of 41 people. It will require a 33-percent reduction, that is, 15 people, presently working on the environmental aspects of the Alaskan pipeline. I am informed that with the 41 people using the $1.8 million this year, the Bureau of Land Management and other agencies of the Department of the Interior were to continue to monitor the field activities of the Alaska Pipeline Service Company and would continue research study in fisheries, wildlife, archeology, recreation, revegetation and rehabilitation of the land, hydrology, soil stability aspects, and total geographical aspects of the Alaskan pipeline.

In addition, a general review of the pipeline design as it pertains to the protection of the environment, was to be conducted with this money. I am not sure that the committee knows that only 2 weeks ago the Alaska Pipeline Service Co. filed its project description. That project description weighs about 150 pounds and is to be reviewed between now and September 15. The Secretary of the Interior has set the deadline of September 15 for the report to him by the agencies in the Department of the Interior, as I understand it.

Included in the money, the $1.8 million which Interior wished to have, was the money to prepare an impact statement $200,000, and the review of other agencies' impact statements.

I think it is important to keep in mind, and I would urge the chairman to keep in mind, that this is money needed without regard to whether the permit is issued, because it is money needed by the Department of the Interior to comply with the National Environmental Protection Act. It is money to allow them to look into all aspects of environmental protection, such as archeology and the geological aspects of the pipeline route.

The PRESIDING OFFICER (Mr. SPONG). The time of the Senator from Alaska has expired.

Mr. STEVENS. I yield myself one more minute and then wish to yield to my colleague from Alaska (Mr. GRAVEL).

Mr. President, the point I am trying to make to the chairman and the ranking minority Member is that I feel the assumption under which they have deleted this money for the Alaskan pipeline and the work being done by the Department of the Interior related to it, is erroneous. That assumption is that this money would be used only if the permit were issued this year, that it would be necessary only if the permit were issued this year.

It is my firm understanding, confirmed by the memorandum from the Bureau of Land Management, that the money is absolutely necessary to continue the environmental aspects of research and review concerning the pipeline before the permit is issued, and it is necessary to complete the work so that the permit will be issued.

I urge the chairman to reconsider this matter. We have had some discussion. He is a very fair man. I do not intend to have a vote on this matter because we rely on his good judgment and know that when he goes into the conference committee he will do the right thing with regard to this environmental money which is so absolutely necessary for the Department of the Interior to have to do the job that must be done.

I yield now to my colleague from Alaska (Mr. GRAVEL) the remainder of the time we have available.

Mr. GRAVEL. Mr. President, how much time remains?

The PRESIDING OFFICER. Seven minutes remain.

Mr. GRAVEL. Mr. President, I am sure that if we need more time, the Senator from Arizona will permit us more time in which to state our case.

Mr. President, let me say, along with my colleague from Alaska, that we are in a very unusual situation and, in fact, in somewhat of an embarrassing situation because of the outstanding generosity exhibited already by the actions of the Senator from Nevada in this legislation.

It seems unusual for us to be standing on the floor and asking for more for Alaska because we have received probably, on a per capita basis, more than our measure. It was because he recognized the Indian problem that exists in Alaska, the problem of poverty that is unequaled anywhere else in the country, that the Senator from Nevada stepped forward, not with a moderate increase, but with a sizable increase that addressed itself to this problem.

My colleague from Alaska has been active for some months and years in that specific effort. So we come here to thank the Senator from Nevada for the generosity he has shown and for his leadership, and also to underscore the problem that faces us in the need for more money.

The only justification we have to offer in this case is that it is not money for us. The pipeline just happens to be in Alaska. The oil just happens to be in Alaska. The chief beneficiaries of this oil will be the American people. So the funds we seek to restore at this point are not funds for Alaska. They are funds for the American people.

The pipeline has been stymied because the environmental community of this Nation has demanded a quid pro quo. I think that quid pro quo is proper, because it is permissible under the laws that the Senate has agreed to and passed. However, it seems a mistake for the Government, after giving the ability to segments of our society to demand that the discipline come forward, not to come forward with the necessary economic wherewithal to effect this discipline. That is exactly what happened in this case.

We want a pipeline built and built safely. Otherwise, it should not be built. I think that we in Alaska, and any intelligent person in the United States, have no quarrel with those who insist that the pipeline be built safely. But then to turn around and not provide the money so that the Government can provide the necessary expertise to address itself to myriad problems in an industrial, economic, and scientific sense, is only to deceive our whole society.

I hope the chairman realizes that the permit will be approved this fall and that it could progress favorably. However, this takes money. We are talking about a project involving $1.5 billion or more in expenditures. Some say it will approach $2 billion. That is not one penny of Government money, not one penny of Government money.

So, it would seem incomprehensible to me that the Government, with a few million dollars, could not make some effort to stay abreast of what the private sector is willing to do to satisfy the energy needs and ecological needs of this country.

I think the issue cries out for a solution in a way that is not only related to the Alaskan situation, but also to the energy crisis and the ecological crisis that exist in this country.

We, the Government, can act as the intelligent arbiters if we are willing to put up the money now to press forward on the demands and definitions of the problem, and on achieving the expertise that will be needed in the ongoing inspection. To wait as vassals of the industry in this country is certainly not an intelligent or a judicious governmental view, not to speak of the leadership that should be demanded of the Government in directing itself to this very horrendous problem.

We will not press for a vote, because in the past the distinguished Senator from Nevada has shown outstanding leadership in these areas. I would hope that our words this morning would carry weight in his deliberations, and that he would state to the conference committee that the views we have tried to express are certainly in good faith.

Mr. BIBLE. Mr. President, I yield myself 5 minutes.

Mr. President, first I want to thank the two Senators from Alaska for their presentation of the additional information to the Senator from Illinois and me.

It is not as if we had taken all of the money out of this particular item. We left in $1,045,000 under our final action. It is a deduction of $1 million for Alaskan pipeline inspection.

At no time to the best of my knowlege were we ever furnished with a breakdown as to the various places in which these moneys would be expended—how much would be expended on the environmental impact, how much on a survey and so forth.

At the time of our examination of the Secretary of the Interior, he first indicated that there would be no firm decision on the Alaskan pipeline until next year. Later on that timetable was advanced. If my memory is good, he said that we would have something by the end of this year. Now I am given to understand that he may very well have something by the next few months. But there has been nothing more definite than that.

It was our thinking that this was sufficient to carry on the pipeline inspection problems, the environmental problems, and the environmental studies connected with the pipeline until such time as we have something definite from the Secretary of the Interior as to exactly what he would rule and whatever order he might make, whether or not it was to be subject to court litigation.

I have heard both versions, that there is going to be an injunction and that there is not going to be an injunction. I would hope not.

Mr. STEVENS. Mr. President, will the Senator yield?

Mr. BIBLE. I am glad to yield to the Senator from Alaska.

Mr. STEVENS. Mr. President, at the present time there are two injunctions that prohibit the issuing of it. However, this must be done before the Secretary of the Interior can notify the court that he is ready to have a final hearing on the impact statement of the Environmental Policy Act.

Mr. President, I do not want to press the chairman too far. However, what we are really seeking now is assurance that the work being done now can continue with the amount of money available. If additional money is needed, it can be supported in conference. We will be receptive to a supplemental. This work is absolutely necessary.

Mr. BIBLE. Mr. President, I understand the point the Senator is making. I appreciate the statements of both Senators from Alaska. I think we will get some definition some time within the next 10 days, tentatively the week of July 26. We hope to resolve the matter that week. And we will go into this further and talk with the proper personnel within the Bureau of Land Management so that these studies, preliminary to the time set for the order, would be effective and there would be enough money to carry that forward.

I agree that that could be done. I was of the impression that there was enough in here to carry this forward. That may be in error. If it is in error, we will certainly adjust it in conference.

Mr. STEVENS. Mr. President, will the Senator yield further?

Mr. BIBLE. I yield to the Senator from Alaska.

Mr. STEVENS. Mr. President, I requested the chairman of the committee last evening to have an analysis prepared of what happens from the impact of this reduction. I ask unanimous consent that it be printed in the RECORD and furnish copies to the chairman for reference to the staff.

There being no objection, the analysis was ordered to be printed in the RECORD, as follows:

ALASKA PIPELINE

Request	$2,045,000
Reduction	1,000,000
Allowance	1,045,000

IMPACT OF REDUCTION

Under no permit status we planned to operate with 41 positions and $1.8 million to accomplish the following:

(1) Monitor field activities of Alyeska Pipeline Service Company.

(2) Research and studies:

(a) Fisheries.

(b) Wildlife.

(c) Archeology.

(d) Recreation.

(e) Revegetation and Rehabilitation.

(f) Hydrology.

(g) Soils Stability.

(h) Geological Aspects.

(3) General design review as it pertains to protection of environment.

(4) Lands and Minerals Use Administration.

(5) Impact Statements:

(a) Prepare Impact Statements (20MM).

(b) Review other agencies' Impact Statements (2 MM).

(6) Stipulation Revision.

(7) Training.

(8) Interrogatories.

(9) General Division Administration.

The reduction will require us to lay off 15 of the 41 people with a 33% reduction in prepermit work accomplishments. This could put us in a position of not having all the data necessary to protect the environment once a permit is issued.

Mr. BIBLE. I appreciate that. It will be helpful to the committee and to me, and we will examine it in light of the presentation made by the Senators from Alaska.

Mr. GRAVEL. Mr. President, will the Senator yield?

Mr. BIBLE. Mr. President, I yield 1 minute to the Senator from Alaska.

Mr. GRAVEL. Mr. President, I wish to make one point with respect to court action. The ability of the Federal Government to go into court and make a case with respect to the propriety and technical ability to build a safe pipeline would depend on how much circumspection and effort is applied to the data received, and that depends on how much money the department has to apply to all of the facets of this matter.

If we are parsimonious in this matter in the planning stages, in the determination of the ecological impact, we will have further delays, and that is why we are pushing so hard—so the Government can carry its share of the water in this matter. Not only has industry been derelict in getting to this aspect, but the Government has been derelict in applying itself to the data received.

If we do not do our job, we will see the court turning us down. One reason will be the lack of information, and the other will be that the Government has not done its job, and that is our fault. Industry has put forth a gigantic effort. I hope the Government carries its share of the water and applies itself.

Mr. BIBLE. We are considering the Senator's plea carefully. The U.S. Government has carried more than its share, as far as I am concerned. The bill reflects that. But we have plenty of time to adjust. We have allowed $1 million which will not stop the operation under the no-permit status.

In the next week we will look at it more closely. If more money is needed we will agree with the House conferees.

Mr. STEVENS. Mr. President, will the Senator yield?

Mr. BIBLE. I yield 1 minute to the Senator from Alaska.

Mr. STEVENS. This is a separate issue. We have not presented an amendment relating to the $4.6 million reduction in firefighting. This year there are 10 times the number of acres in Alaska under fire or being burned by natural causes than ever before.

We have not presented this because last evening when we checked it was our understanding that the Bureau of Land Management goes ahead and fights these fires, and will be backed with a supplemental for this item.

I just wanted to raise this issue with this chairman, because I know they are spending a great deal of money there to fight fires.

Mr. BIBLE. Not only there, but all over the United States. No estimate can be made of the damage due to fire in 1 year. We increased this over the amount allowed last year. By the same token it is less than the budget request. This always is handled in the supplementals. It is never denied. They will be made whole that is true throughout the length and breadth of the United States.

Mr. STEVENS. I understand some of the money is repaid by the States.

Mr. BIBLE. They have cooperative agreements with the State. Sometimes it is paid, and sometimes it is delayed in order to check the accuracy, but they are always paid in the long run.

Mr. GRAVEL. Mr. President, will the Senator yield for 1 minute?

Mr. BIBLE. I yield.

Mr. GRAVEL. As I read page 7 of the

report, the appropriation is for $800,000, compared to the prior appropriation of $1,340,000.

Mr. BIBLE. The Senator is correct.

Mr. GRAVEL. This is a sizable difference.

Mr. BIBLE. The Senator is correct. Even though it is not a realistic increase, and we recognize that and we take care of it when the supplemental comes up.

Mr. GRAVEL. Is there a possibility of adding a rural development aspect to firefighting, since we are all trying to protect a resource?

In 1 day of burning on Kenai Peninsula, they lost more natural resources than ever before.

Would it not be reasonable, from an economic development point of view, to protect the resources, to pump in money to have an effective impact on the native community?

Mr. BIBLE. I would respond by saying I do not know of any specific program directed to the problem the Senator suggests. I think our firefighting funds are not constricted that much. I think they are used where fires occur. I do not think we should put it in this bill.

Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 5 minutes remaining.

Mr. BIBLE. I yield 5 minutes to the Senator from Illinois.

Mr. PERCY. Mr. President, I wish to state to both of my distinguished colleagues from Alaska that of the multibillion dollar bill before us, the only items that Secretary Rogers telephoned me about yesterday related to the Alaska pipeline and firefighting. He was deeply concerned and pointed out the great need.

First, I would like to state that the pipeline is a very difficult problem, as the Senators know better than anyone else in the United States. But I have great confidence in Secretary Morton. I have been a great supporter of his for many years. I think he has demonstrated his deep concern about the environment and that he intends to do everything in his power to preserve the environment, but he recognizes the necessity of striking a balance and the necessity of working out problems with a proper balance.

After speaking with him I then discussed the matter with the Senator from Nevada (Mr. BIBLE) and received every assurance that an equitable working out of this matter could be made, that there would be no deficiency in firefighting funds, and that he would see that that was taken care of.

This is a matter of the highest priority in the mind of the Secretary of the Interior, and I pledge my support to my colleagues in what I consider to be a reasonable request in this regard. I support the action of our chairman.

Mr. BIBLE. Mr. President, I yield 1 minute to the Senator from Alaska.

Mr. STEVENS. Mr. President, I ask unanimous consent that we may withdraw the amendment.

The PRESIDING OFFICER. The amendment is withdrawn.

Mr. STEVENS. I thank the chairman and the ranking minority member of the committee for their courtesy.

I know that the Senator understands that we have raised the issue at this time in order to assure that we will have a record on which to go to conference, so as to enable us to get funding.

Mr. BIBLE. I feel certain that we have a good record here.

Mr. President, I now yield 5 minutes to the Senator from Colorado, on the bill.

Mr. ALLOTT. Mr. President, I shall not use 5 minutes. I will yield back the unused time, so that it may be accounted for.

I wish to compliment the chairman of the Subcommittee on Department of the Interior Appropriations, Mr. BIBLE, and also the ranking minority member of the subcommittee, the Senator from Illinois (Mr. PERCY), for the excellent job they have done in regard to the bill.

This is Senator PERCY's first year as the ranking minority member of this subcommittee. He has done an excellent job in what is an extremely complicated and all-encompassing area. I know of the time and effort which went into the hearings comprising almost 4,000 pages of testimony.

I would like to take just a moment to ask the chairman of the subcommittee one question concerning the bill.

I note that the committee bill recommends $158,293,000 for Indian Health Services. This is about $16 million over the budget request and $11 million over what the House approved. I believe that the well-documented need regarding Indian health problems more than justifies this increase.

As the Senator from Nevada knows, Mr. Albert Wing, chairman of the Ute Mountain Ute Tribal Council, testified to the subcommittee concerning the health problems confronting the Ute Mountain Tribe.

In the past, the Mountain Utes have completely paid for their health needs from their own tribal funds. Now with their financial resources declining the tribe can no longer continue this service. This has forced the tribe to seek assistance from the Federal Government.

I want to ask the Senator from Nevada if it was the committee's understanding that the Department of Health, Education, and Welfare would give equal consideration, with other tribes, to the medical needs of the Ute Mountain Ute Tribe in Colorado?

Mr. BIBLE. Mr. President, I do not know of any better spokesman for this group of Indian people in Colorado than the distinguished senior Senator from Colorado (Mr. ALLOTT), who has told me many times of their plight.

I know personally the chairman of the Ute Tribal Council. I was tremendously impressed with the testimony he gave before the subcommittee. It was clear from his statement that the tribe had been paying for their medical needs out of their their own tribal funds. They have a great spirit of independence. But it is true that their funds are declining, are being depleted, and now they are looking to the U.S. Government for help in this very important area.

The House report commented on this, and from it I think it is very clear that, within available funds, the Department should give consideration to equal priority with other tribes to meet the medical needs of the Ute Mountain Tribe of Colorado. We have substantially increased the amount provided for the Indian Service, so I am sure there will be no difficulty in providing medical funds for the Ute Mountain Tribe. If the Senator from Colorado should encounter any problems—and the Department does agree to this—and will notify me or any of the staff members, we will follow through.

Mr. ALLOTT. I thank the Senator. I appreciate his remarks. I see that on page 29 of the House report specific comment was made on this matter. I just wanted to be sure that it was the understanding in this body that, since the change in circumstances, we would call attention to that.

With that assurance, I am happy with the answer and am assured that the health needs of the Mountain Utes will be taken care of. I appreciate the answer.

Mr. BIBLE. Mr. President, I yield 1 minute on the bill to the Senator from Arizona (Mr. FANNIN).

Mr. FANNIN. I thank the Senator.

Mr. President, I join my colleagues in commending the distinguished chairman and the ranking Republican member for the manner in which they have handled this legislation. I am very proud of what they had to say about the needs of the American Indians, our first Americans. Since I am from a State which has more Indians than any other State, I am well aware of what the Senators have commented on. I am sure their work will be greatly appreciated.

Mr. President, I send an amendment to the desk and ask that it be read. It will take just a moment.

The PRESIDING OFFICER. The amendment offered by the Senator from Arizona will be stated.

The assistant legislative clerk read the amendment, as follows:

On page 39, line 10, strike "$275,000" and insert in lieu thereof "$300,000".

Mr. FANNIN. Mr. President, I have just a brief remark to make. Then I will ask the distinguished chairman if he will accept this amendment, which I am sure he will.

The National Council on Indian Opportunity has requested a budget of $300,000, which the House decreased to the sum of $275,000. The same thing happened last year and, on appeal, the House reinstated $12,500, thus making a budget for fiscal 1971 $287,500.

NCIO reviews and evaluates all Indian programs from eight departments and agencies, including BIO. Their purpose is to utilize and develop Indian talents within the community, by coordinating the activities of the departments involved.

It is felt the NCIO will lose important consulting and expertise sources that have been developed within the Indian community itself if this amount is deleted.

The amount utilized in fiscal 1971 was within $100 of the appropriation.

I believe this service can be well utilized to coordinate the efforts of the different agencies.

I will ask the distinguished chairman if he will not accept this amendment.

Mr. BIBLE. Mr. President, the Senator from Arizona has spoken to me about this amendment. We will probably come out of conference with the same figure as for 1971—$287,500.

I yield back the remainder of my time.

Mr. FANNIN. Mr. President, I yield back my time.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Arizona.

The amendment was agreed to.

Mr. GRAVEL. Mr. President, will the Chairman yield some time to permit me to engage in a colloquy with him on two points?

Mr. BIBLE. Certainly. I do not want to run out of time, but I will yield 5 minutes, if that is enough.

Mr. GRAVEL. That will be enough.

Mr. BIBLE. Very well.

Mr. GRAVEL. One item that was left out was the appropriation for land planning for the North Country, in the amount of $55,000.

Of course, in an effort to adequately deal with the impact of the oil discovery on the North Slope, I would hope we would see the wisdom of not reacting, but of doing some advance planning to grapple with the problem.

I was instrumental in prodding the State legislature in introducing and passing a companion measure to the Federal legislation which provided for land planning. This was to provide substantial land planning, and it should be provided both by Federal and State participation.

I know this money was provided on the House side, and I would hope my colleagues in the Senate would approve funds for advance planning, particularly in view of the gargantuan tasks we face with discovery of oil on the North Slope. This would be money well spent. It would permit us to plan and face our detractors.

Our problem is that we face criticism, and we do not have the knowledge or expertise to go to the heart of the problems in discussing it with our detractors. This is a problem that is true not only for Alaska but for the entire country.

Mr. BIBLE. I will say to my colleague from Alaska that we declined to allow the amount on the ground that the State of Alaska had made no type of agreement to participate. We have always found participating agreements much better. There may be good reason for this, of which I am not aware; but this item will be in conference and I will take into that conference the Senator's views as well as those of any other Senator.

Mr. GRAVEL. I can assure the Senator that we in Alaska will be putting up the necessary money to match our portion. I think we can count on that. They are willing to put up the manpower in Alaska. I thought that this type of movement on the part of the Federal Government would result in a great deal of movement on the part of Alaska. I thank my colleague.

In another area, I want to compliment my colleague for the amount provided for geothermal activities, which I know will be of benefit to his own State, and the whole West. I cannot accentuate too greatly that the amount of money provided is minimal, but it is a beginning, and I think we should be satisfied that at least a beginning has been made.

Also, I want to compliment the committee for the money to be appropriated for researching mineral aspects, and all other aspects, of the Outer Continental Shelf by reclassification of the Shelf.

If I may note—and perhaps my colleague might have some comment to make—the importance for the future of truly getting some money into geologic survey activities for Alaska is revealed by the fact that under the present method we will not have any mapping completed for Alaska until the year 2015.

Of course, the North Slope activity is only part testimony to what the great riches are that our State can provide, not only for our people but for the total Nation.

Is there any intention to do this in the future, or could we tie such an effort to some type of revenue program to accelerate drastically such an effort? I know that an increase has been provided, and I compliment him for that, but I can only say that under the present trajectory, it will be the year 2015 before we can really know the riches we can make available to this great Nation.

Mr. BIBLE. Well, this is a troublesome problem not only for Alaska, but for the entire United States of America. We are lagging way behind in our geological and mineral resources surveys and mapping. I do not know how many years it is behind, in total, in the United States.

It is just simply a problem of priorities of funding. We have held the level, I think, very well insofar as Alaska is concerned, for this next year.

I would respectfully suggest to the Senator from Alaska that this is a matter he could very well discuss at length with Dr. Pecora, who is now the Under Secretary of the Interior, and the former Director of the U.S. Geological Survey. I do not know of anyone who has any greater familiarity with the total mapping problem, where it is going, or how we can make more headway.

We have cities and urban areas that want additional mapping, and we just simply do not have the financial resources to meet everyone's needs. We are doing the best we can, as we see it, on a tremendously expensive overall program, though very helpful. Much of my State still is not mapped, and we have been in the Union since 1864. But we are making headway, and sooner or later we will have a complete map.

All I can tell the Senator from Alaska is that we are doing the best we can on it.

Mr. GRAVEL. I thank my colleague. I think his point as to his own State is well made. I think that perhaps if additional funds were expended for more mapping, additional resources could be discovered and made available to our people.

Here again, it might be worth while—and I am not usually an advocate of dedicated funds—if we were to withhold step 4, and dedicate those funds to the geologic mapping of the U.S. I think we might achieve a real step forward in assuring the continued prosperity of our people.

Mr. BIBLE. There might be merit in the suggestion. I would say generally that if you start earmarking funds, you are in trouble. It has to be handled very carefully.

We will take another look at it, if the Senator will call the matter to my attention.

Mr. GRAVEL. I thank the Senator. I have two other points, but I shall discuss them privately with the Senator. I thank him for his courtesy.

Mr. BIBLE. Very well. Mr. President, I yield the floor.

Mr. STEVENS. Mr. President, will the Senator from Illinois yield me 4 minutes?

Mr. PERCY. I yield 4 minutes to the Senator from Alaska.

Mr. STEVENS. Mr. President, in the House committee report there is a statement concerning the policy of the Forest Service with respect to the payment and scaling practices in national forest timber sales.

The committee directs, in the House report, that there be no change in current Forest Service payment guarantees and deferred scaling practices until September 1, 1971; that this moratorium will provide an opportunity for responsible legislative committees in Congress to hold hearings on this subject. In the meantime, the committee urges the Forest Service to conduct meaningful negotiations for those of opposing views to resolve the controversy.

I understand that the distinguished Senator from New Mexico (Mr. MONTOYA) had intended to make a statement, and still may be able to come back in order to make his statement concerning this matter. I should like to indicate my complete agreement with the position of the Senator from New Mexico. Our Alaska National Forest lands are the only forest lands in Alaska that have commercial production on them, and we feel that any change in the policy whereby a small operator can place a bond or negotiable securities instead of paying cash for the logs would be very detrimental to the small businessmen and loggers who are dealing in this area.

Mr. President, the distinguished Senator from New Mexico has clearly stated the case for delay in altering the established and tested practice of payment bonds for Federal timber with the introduction of S. 2046.

In my native State of Alaska, timber industries rank only behind fisheries and petroleum as a source of revenues to the people and employment. All of the timber harvested in Alaska is Federal timber. There is no private timber of any consequence. This means that loggers and other timber purchasers in Alaska will be the most severely affected by any change in Forest Service timber sale practices.

Many of these citizens of Alaska are literally struggling to wrest a living from the forest. They are small operators; they are frequently underfinanced; they are striving to achieve stability and to establish the local economy. A demand for cash on the barrelhead for logs which they may not be able to process for many months means that they will be denied the use of their small capital without reason. Since the present practice requires that negotiable securities or a surety bond be posted as payment guarantee it is obvious that the Government faces no risk. But it is a risk for any small businessman to be deprived of working capital for the sake of protecting the Government against a risk which can never harm it.

I commend the Senator from New Mexico for his proposed legislation, S. 2046, and join him in requesting the Committee on Agriculture and Forestry to hold hearings on this legislation, so that we can comply with the deadline that has been established by the House committee report.

Mr. EASTLAND. Mr. President, will the Senator yield?

Mr. STEVENS. I am glad to yield to the chairman of the Agriculture Committee.

Mr. EASTLAND. The Senator means the subcommittee.

Mr. STEVENS. The subcommittee, the Senator is correct.

Mr. EASTLAND. Mr. President, I fully concur with the views of the distinguished Senator from New Mexico and recognize the significance of payment bond guarantees as elaborated by the Senator from Alaska.

I assure both of them that the Subcommittee on Environment, Soil Conservation and Forestry of the Agriculture Committee will explore the best ways to protect the interests of the Government in selling its timber while, at the same time, not imposing any hardship on the companies and small operators who must buy Federal timber to survive. If hearings are necessary after the summer recess, my subcommittee will schedule them. In the meantime, I would hope that the Forest Service continue its present system until it has either worked out an agreement with its timber purchasers or the subcommittee has had time to consider the legislation sponsored by my good friend from New Mexico.

Mr. MONTOYA. Mr. President, in its report for fiscal 1970 appropriations, the Senate Appropriations Committee concerned itself with the issue of payment bonds for Federal timber. For more than a decade the Forest Service has accepted negotiable securities or surety bonds as guarantees of payment for logs stored prior to their measurement to determine the volume subject to payment. During this entire time there have been no instances of Government loss due to failure to pay for the stored logs. In brief, the system now in force has been successful. And yet, the Forest Service has wanted to change its method to require cash payment for logs within 30 days of harvest. This will impose a severe hardship on loggers throughout the United States since it will substantially alter their cash flow position and will, as a consequence, deny many small firms the opportunity to continue in business.

The Forest Service has justified its change to cash payment on the basis that some timber purchaser, somewhere, some day, might default on his payment. In effect, it wants to impose a financial hardship on all Federal timber purchasers to protect against a single instance of loss which may never occur. The history of deferred payment scaling demonstrates that it is unlikely for any such loss to ever occur.

This issue has been under study for more than 4 years. In its fiscal 1970 report the Senate Appropriations Committee directed the Forest Service to make a final decision after study and negotiation with the affected timber purchasers throughout the country.

Early this year the Forest Service announced that it would terminate its present payment guarantee system as of July 1. The industry has maintained that the Forest Service has failed to comply with the instructions of the Senate Appropriations Committee on two counts:

First. There has been no joint study or attempt to resolve the issue; and

Second. Attempts to discuss the issue with the Forest Service were postponed pending release of a report by the Office of the Inspector General of the Department of Agriculture and further postponed pending Forest Service analysis of that report.

It is true, as well, that the Forest Service has failed to prepare legislation to resolve the issue as directed by the Appropriations Committee report.

In the absence of constructive action by the Forest Service, on June 10, I introduced S. 2046 which is legislation proposed by the industry as a means to safeguard Government interests without undue hardship on timber purchasers.

The House Appropriations Committee in its report on fiscal 1972 appropriations has directed the Forest Service to extend the deadline for cancellation of the present payment guarantee system from July 1 to September 1, 1971. I consider this to be insufficient time for responsible action by either the Forest Service or the Congress.

A proper course would be for the Congress to conduct hearings on the legislation I have introduced which will rectify this situation once and for all. The distinguished Chairman of the Senate Agriculture Subcommittee on Environment, Soil Conservation and Forestry has assured me that hearings will be scheduled but has also advised that it will not be possible to convene them until after the Senate returns in September.

I have learned that the Forest Service and the industry have scheduled discussions on this issue during the last week of this month. Their joint findings will be of substantial significance to the hearings conducted by the Senate Agriculture Committee. I consider it essential that the Forest Service not alter its payment bond system for guarantee of timber value until after the appropriate committees of the Congress have considered my bill.

The PRESIDING OFFICER. The bill is open to further amendment. Who yields time?

Mr. BIBLE. Mr. President, I yield 4 minutes to the Senator from Kentucky.

Mr. COOPER. Mr. President, I may take less time than that. I have no amendment to offer.

During the hearings held by the distinguished Senator from Nevada, I brought to his attention a problem which affects two reservoirs in Kentucky, the Cave Run Reservoir on the Licking River and the Laurel River Reservoir on the Laurel River.

Both of these reservoirs lie in the Daniel Boone National Forest. There are certain facilities which must be constructed before the reservoirs are filled; otherwise, they must be constructed at a much larger cost, or not at all. There is a joint effort by the Corps of Engineers and the Department of Agriculture to provide these recreational facilities, which include both launching ramps and the necessary water and sewer lines. The chairman of the subcommittee was of great help—in fact, he gave all the help—both last year and this year in providing additional funds for the Cave Run Reservoir so that these facilities along the water can be constructed. Through his efforts, and in the House of Representatives, provision has been made for the Cave Run Reservoir.

The Department had requested $260,000 for the construction of similar facilities at the Laurel Reservoir site, but said it would be glad to get any funds whatever in order to begin this necessary work.

The committee has been so helpful I shall not offer an amendment to try to get additional funds, but I would request if the Senate prevails in conference, if it is possible, to examine the needs of both the Cave Run and the Laurel River Reservoirs, to see if an adjustment could be made to meet both of these needs. If not, then I would hope that, when the supplemental appropriation bill is being considered, I would have a chance to address the committee and its distinguished chairman again in regard to the facilities on the Laurel River.

Mr. BIBLE. I am most sympathetic with the presentation of the Senator from Kentucky, which speaks for a richly justified need. I am reminded of the performance we had last year, when he made a wonderful case, and obtained the money to take care of a reservoir before it was built, rather than after it was built. We are doing the same thing on Cave Run, at a cost, I think, of $864,000.

The Laurel Reservoir, frankly, is a very similar situation to the Cave Run Reservoir. The difference, we are advised by the Engineers, is that the Laurel Reservoir does not fill until the year after the Cave Run Reservoir.

I would think that the best way to handle this problem would be to fund the full amount for Cave Run. Then we could make a finding, or I could make a statement here, whichever meets the needs of the Senator from Kentucky the best, to the effect that Laurel is in the same general status, and that, come another year and on a proper showing, a similar amount or the required amount would be allowed. I think that would be the best way to handle it.

Mr. COOPER. I appreciate that.

If it is shown by the corps and the Department of Agriculture that it would be helpful to have some funds this year, would it be possible for this to be considered at the time of the supplemental?

Mr. BIBLE. Indeed it would, in the supplemental, because I am advised by the chairman of the full committee that we will have one more supplemental this year, and we could consider it, if there were a showing.

Mr. COOPER. I thank the Senator. I ask unanimous consent that my prepared statement together with a letter addressed to the distinguished chairman be placed in the RECORD at this point.

There being no objection, the statement and letter were ordered to be printed in the RECORD, as follows:

STATEMENT BY SENATOR JOHN SHERMAN COOPER

Since the Laurel River project lies within a national forest (the Daniel Boone National Forest) there is an agreement between the Secretary of Agriculture and the Secretary of the Army wherein it is agreed that the Corps of Engineers is responsible for constructing the Dam and the Forest Service is responsible for planning, constructing, and operating the recreation resource of the lake.

The Corps of Engineers' construction schedule calls for impounding the water in the Spring of 1974. There are certain facilities of the Forest Service's plan that should be completed by this date. These are facilities that will be underwater when the Dam is closed, such as water and sewer lines, boat-launching ramps.

After the water rises, the work would be more expensive, and some may not be able to be done. $260,000 is needed now to commence the necessary work.

I emphasize that this work is only for underwater facilities, that must be done before the water rises. It would not make the area available for public use and would not provide the full recreation plan of the Forest Service.

JULY 1, 1971.

Hon. ALAN BIBLE,
Chairman,
Subcommittee on Appropriations,
Washington, D.C.

DEAR SENATOR BIBLE: You may recall that Mr. Calvin Schneider, Executive Director of the Gateway Area Development District of Owingsville, Kentucky, and I testified before your Committee on April 20. I am very grateful for the kind reception you accorded us, and I appreciate the close attention you gave to our testimony. You always give full consideration to Kentucky projects, and your support has benefited the people of Kentucky.

I note that the House Appropriations Committee has released its Report and that it has provided for an additional $762,000 for the Forest Service's recreation plan at the Cave Run Reservoir in the Daniel Boone National Forest, Kentucky. I hope the Senate Committee will be able to sustain the House action.

I also note that the House has not included funds for the Forest Service's recreation plan at the Laurel River Reservoir, Daniel Boone National Forest, Kentucky. You will recall that the problem at Laurel is very similar to the problem at Cave Run. To date, no work has been done on the Forest Service's recreation plan, and no money is provided in the fiscal year 1972 budget. The Forest Service states that it is essential that initial recreation-facility construction be started so that underwater type facilities will be in place before the water is impounded. Fiscal year 1972 costs—under the Forest Service's schedule—would be $260,000. I hope the Senate Committee will be able to provide this amount—the figure the Forest Service estimates is necessary.

With kind regards, I am
Yours sincerely,
JOHN SHERMAN COOPER.

At this point the Senator from West Virginia took the chair as Presiding Officer.

Mr. SPONG. Mr. President, I want to discuss briefly with the chairman the fact that the committee has omitted from the bill $100,000 approved by the House for the construction of recreational facilities at the Mount Rogers National Recreation Area in Virginia.

The Forest Service advised me in March of this year that it recognized the importance and need for development work at Mount Rogers. The area is experiencing a steadily increasing demand for more and better facilities and services. Unfortunately, no funds for such work were included in the budget request for fiscal 1972. The program at Mount Rogers is several years behind schedule. The total funds available for new development have decreased from approximately $15 million in 1967 to the present $3.2 million.

Visitors to the area contribute substantially to the economy of southwest Virginia, which is presently undergoing some suffering as a result of plant closings.

I offer an amendment to provide that on line 21, page 27, of the bill, the amount $31,721,200 be amended to read $31,821,200.

Mr. BIBLE. Mr. President, is that stated as an amendment to increase the figure by that amount? Is this considered as an amendment?

The PRESIDING OFFICER. The clerk will state the amendment.

The legislative clerk read as follows:

On page 27, line 21, strike "$31,721,200" and insert "$31,821,200"

Mr. BIBLE. Mr. President, I have gone into this matter since the Senator from Virginia has talked to me about it. I have mentioned it to the Senator from Illinois (Mr. PERCY), and I am willing to accept this amendment.

Mr. SPONG. I thank the Senator from Nevada and the Senator from Illinois.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. HUMPHREY. Mr. President, will the Senator yield?

Mr. BIBLE. I yield.

Mr. HUMPHREY. I was very much interested in the National Foundation on the Arts and Humanities, and I note that the committee recommendation is substantially lower than the budget request.

Mr. BIBLE. I would not agree with the characterization, because the budget request for the arts was $30 million, and we allowed $29 million, and this is double what they had a year ago.

Mr. HUMPHREY. The National Foundation on the Arts and the Humanities, I note in the report, on page 27——

Mr. BIBLE. When they are put together, the total is $3 million. Even with the reduction of $2 million in the humanities and the reduction of $1 million in the arts, this is still almost double what they received last year.

We fought hard for this program. As a matter of fact, it is more than double. We believe that it is adequate to keep them moving in the right direction. I am dedicated to this. Senator PERCY has been a strong fighter for this. We are going to keep it moving, I assure the Senator from Minnesota.

Mr. HUMPHREY. I just wanted to get this in the RECORD, because I know some people will feel we did not go far enough. But the explanation given by the distinguished chairman indicates that both the committee and the administration have pushed this program along appreciably, and I commend both, in a spirit of amity and bipartisanship. I think the work done in this area has been remarkable.

Mr. President, support for full funding or the National Endowment for the Arts request for $30 million should be of one of the highest priorities for Congress this year. During the endowment's brief history, its influence on the quality of this country's cultural and social life has been both effective and dramatic. All 50 States and five territories have followed the Federal Government's lead and established State arts councils. Most of these councils have received support from their State legislatures on an increasing basis to match their support from the endowment. The Federal seed money has reaped a rich reward in matching State funds. This has truly become a Federal-State partnership. The National Endowment for the Arts under the intelligent and perceptive leadership of Miss Nancy Hanks has reached into the lives of thousands of people in significant and meaningful ways. Perhaps it will serve a useful purpose to examine the effects of the endowment program in a single State—my State of Minnesota.

Minnesota could be called a microcosm of the arts with which the endowment deals with throughout the country. We have a regional theater of national reputation, a major symphony orchestra, a contemporary art center and a major art institute, a children's theater, contemporary and traditional opera producing companies, a major chamber orchestra, many community theaters, art centers and symphonies and dozens of fine artists, musicians, and actors.

Assistance from the endowment has enabled many of these institutions to undertake new and innovative programs as well as to continue ongoing ones. Let me mention just a few:

A grant to the Minneapolis Institute of Arts childrens theater helped to develop a performing arts school for junior and senior high school students, tuition free, for which students receive academic credit.

Center opera, a contemporary opera producing company, has been able to commission and produce new operas within the State as well as tour the west coast.

The Guthrie Theater has been assisted

in producing a major production of the House of Atreus which toured New York and California.

The Minnesota orchestra is now developing a regional tour to surrounding States.

A State branch to the Minnesota State's Arts Council has helped support a major sculpture by Minnesotan Charles Biedermann in Red Wing, Minn., an artist in residency in a vocational school in Staples, Minn.; a tour by the Duluth symphony in the northwest section of the State; inner city art work shops in St. Paul, Minn. and Duluth; tours by the art institute's art mobile, a puppet show on drug abuse in elementary schools, and hundreds of other projects.

The Federal-State partnership has touched the lives of thousands of people throughout my State and these programs can be multiplied in every other State in the Union. It may seem that in these days, with so many major problems facing us, that the arts are not too important or of a very high priority. But let us examine some of these problems as the arts may affect them.

Pollution is a very high priority issue. Could a citizenry whose perceptions have been developed by the arts to really see and hear permit such ugliness to continue?

Racial problems. Perhaps no other area is so nearly color blind as the arts where talent and genius are so readily welcomed.

Quality of life. No other commodity is more in demand these days by the young, the old, the disillusioned, the alienated, the black and the white.

It is in the arts that man can truly find answers for now and in the future.

At a time when the gap between the government and the governed is so tremendous, perhaps we can recognize that men are really speaking not only how to solve their problems but why.

The answer may be in the arts which not only reflect our society but at their best prophesy our future.

Mr. BIBLE. Mr. President, I might say that due to the tremendous persuasion of the Senator from Minnesota, we restored the full budget amount to something that is very close to his heart, the Woodrow Wilson Center.

Mr. PERCY. I say to the distinguished Senator from Minnesota that we should point out that the appropriation for the Smithsonian Institution has been increased from $36,895,000 to the committee recommendation of $44,681,000. We have brilliant, able leadership under Dillon Ripley, and we want to support him to the maximum possible extent.

There has been a little shaving here. I hope it does not cut too much into it. But certainly all the way through we have strongly supported the arts and humanities and have had many comments in the subcommittee hearings and the full committee, as well as on the floor this morning.

Mr. BIBLE. Mr. President, I ask for the third reading.

The PRESIDING OFFICER (Mr. Spong). The bill is open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment of the amendments and the third reading of the bill.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time.

Mr. PERCY. Mr. President, the understanding I have with the chairman is that I would make my own comments about Illinois following third reading, just to be sure that no other Senators desire time if I could yield to them.

I would be very derelict in my duties to my State if I devoted all my time to the other 49 States and did not comment on my own obligations, as an individual Senator, to my own State and its 11.25 million people. I will try to make my comments very brief.

Though Illinois does rank 24th among the States in area size and fifth in population, it is tied with only three other States for the last place in the possession of federally owned national parks and holds 47th place for total national park acreage.

Each year, the Illinois Federal tax proportion of the National Park Service expenditure is approximately $7.4 million by 1970 standards.

In other words, in the last 20 years, more than $100 million has come from Illinois, and not a penny really has been spent in the State of Illinois.

Approximately one-third of our metropolitan population is too poor to visit our national parks; and since 75 percent of all recreation is near home and since no national park exists in Illinois, the vast majority of our people do not enjoy the parks their State's Federal tax dollars are supporting.

We are not lacking in ideas.

On March 2, I reintroduced with Senator Stevenson's cosponsorship a bill to establish the first National Park Service recreation area in Illinois. At the site of the old Lincoln Homestead in Coles County, near the soon-to-be constructed Lincoln Reservoir, are 10,500 acres of woodlands and open spaces that can be developed into a recreation area and preservation grounds for wildlife. Within a 250-mile radius there are 26 million people who have easy access to the Lincoln Homestead area. That is in Illinois, of course, in Springfield, but it will serve the whole Nation as the longest term home in which Abraham Lincoln lived. It tears my heart out to see the community surrounding it deteriorating. We must preserve it for posterity.

Illinois is one of only five States that does not have a single national park. I believe that the studies conducted by the Corps of Engineers, a private firm, and the Bureau of Outdoor Recreation clearly show that the Lincoln Homestead meets all the criteria for a national park. It is my sincere hope that the Bureau of Outdoor Recreation will submit a favorable report to the Senate Interior Committee and that the committee will act to bring this proposal to the Senate floor at the earliest possible time.

Mr. President, I ask unanimous consent to have printed in the Record a statement entitled, "What About the Chicago Portage?"

There being no objection, the statement was ordered to be printed in the Record, as follows:

What About the Chicago Portage?—II

Illinois *is* a great state. Amid the nation we rank 5th in population. We are first in the nation for export farming and fourth for cash receipts from farm marketings. We are fourth in the nation for industry and third in the dollar volume of retail sales. In the area of minerals development, we are fourth in the production of coal, even though we only have two percent of the nation's coal mines. With these facts in mind, it would not be an exaggeration to say that Illinois has given substantially to the total economy of our nation and is a leader in the formulation of its gross national product.

But such accomplishments have been costly. The price of economic prosperity has been environmental sacrifice. We have literally destroyed the land. Gone are Illinois' hardwood forests and her virgin prairie. Gone is the game and her abundant wildlife. Her wetlands have been channeled and drained, and her bottomlands flooded or filled. Her streams have been polluted, dammed, and diverted. Gravel, coal, and silica mining have gouged her surface, destroying the scenic, and forever marring the face of the land. The "Illinois Country" so eloquently described by Marquette and Liette no longer exists.

Fortunately, however, all is not yet lost. Some scenery still remains and not all our historical landmarks have yielded to the bulldozer or plowshare. Parks and forest preserves seemingly have saved a few such areas, but underdevelopment and overuse have left much to be desired. As a state Illinois has contributed both money and manpower to making our's a great nation. When she needed, we gave, and gave both willingly and generously. Now we are in need and now we are seeking your help.

Among the fifty states of our union only four do not contain federally owned lands within the national park system. These are Illinois and the nation's three smallest states: Rhode Island, Delaware, and Connecticut. Considering only those states having lands administered by the national park service, Illinois (with 91.2 acres) is third from the bottom, with just Ohio (89.72 acres) and Rhode Island (5.23 acres) having less. The one area within Illinios is the Chicago Portage National Historic Site located in Cook County near the village of Lyons. By mutual agreement between the forest preserve district and the national park service, no federal funds are to be spent on this area (the property is owned by the county) other than that needed to supply a bronze commemorative plaque "when funds become available." Since the dedication of the Portage in 1952, Illinois taxpayers (on a proportional basis) have paid over $90,000,000 into the national park service account and still the plaque is not available.

Assuming Chicago and its suburbs to be a typical metropolitan area, then statistically approximately 34% of its households have a gross income of less than $6000 per year. Since the average American household consists of three people, and whereas a family of three must have a net income of approximately $5700 a year to subsist, without welfare, this means that almost 2,500,000 people in the Chicago area lack financial security. It is this group of people who can least afford a visit to one of our national parks or recreation areas, of which the nearest functioning unit, Herbert Hoover National Historic Site, is some 220 miles away (the Indiana Dunes National Lakeshore, although only 37 miles away, has no federal facilities). Moreover, since there is no relief for the poor from the federal tax burden used to finance these parks, then in effect, the tax money collected from the poor is being used to subsidize recreation for the rich.

A recent survey conducted by the Chicago Portage Project regarding the use of our national historic sites (32 out of 44 inquiries responding) shows that their annual visitation ranges from 1000 to 2,000,000, with from 2% to 100% being by non-local residents, and the average visitation being 186,000 people per year. Travel-industry economist Somerset R. Waters, in an article dealing with the economics of tourism, states that if one touring couple spends one day and night in your area, they will spend at least $35 for a room, meals, gasoline, shopping, and sight-seeing. Should northeastern Illinois ever be the recipient of a federally operated national park service area, then as a result of its metropolitan location it could feasibly attract over 250,000 visitors per year. If as few as 1% of these visitors were tourists who spent the day and night in the area, this could mean thousands of dollars of additional revenue for the local small businessmen.

Since 1952, tens of millions of Illinois tax dollars have been spent to develop national parks in other states, but not one penny has ever been returned for similar parks development within Illinois. We do not feel it unreasonable to expect that some of this funding must find its way back to the people of Illinois. We therefore propose that, in the area of federal recreation, our senators and congressmen begin to act for the people of Illinois by obtaining federal funds for the creation and development of national parks within the State of Illinois. It is difficult to visualize Illinois as having an area of 56,400 square miles and yet not containing one acre of land suitable for national park development.

According to the federal government's own statistics, "75% of all recreation occurs close to home, after work and school, and on short outings. And in urban America, where 75% of our population is concentrated, only 25% of the recreation facilities and only 3% of public recreation lands are reasonably accessible." Illinoisans, and Chicago area residents in particular, have never had a true national recreation area within easy access. The Indiana Dunes National Lakeshore, although authorized in 1966, has so suffered since its inception from industrial lobbying, bureaucratic red tape, and time consuming legalities, that it may never fully develop into a park. As with other natural areas in the Midwest, the dunes environment has come out second best to profiteering.

Equally close to Chicago is the abandoned nineteenth century Illinois and Michigan Canal. Extending from Summit to La Salle the remaining segments of this historic water route are in excellent condition and could easily be preserved, restored, and developed into a major recreation area for northeastern Illinois. We propose, therefore, that our senators and congressmen sponsor legislation creating an Illinois and Michigan Canal National Historical Park, and that prior to its enactment a policy be adopted to prevent any further deterioration, industrialization, or commercialization of its remaining premises and immediate environs.

Approximately 4.8% of our total national park and recreation acreage is non-federally owned land. Nevertheless, federal funds are being spent to develop and service many of these areas. Among the national historic sites totally in private ownership a few fall into this category (John F. Kennedy National Historic Site and the Ansley Wilcox House National Historic Site). Since the national park service has seen fit to make at least two exceptions to the policy of not using federal funds to develop non-federal land, we do not consider it unreasonable to ask that a similar policy be applied to the Chicago Portage.

We propose, therefore, that the Chicago Portage National Historic Site be expanded in size by annexing, within the agreement, the remaining portion of the Ottawa Trail Forest Preserve, not presently included within the historic site, and the entirety of the adjoining Stony Ford Forest Preserve. These additions contain many historic sites and pioneer trails necessary to a full appreciation and interpretation of Chicagoland history. We further propose that the forest preserve district cede to the national park service an area of land within the expanded national historic site sufficiently large and suitable for the erection of a visitor's center-museum, and that both agencies co-operate in the construction and financing of this structure. We do not consider these objectives as seeking special favors for the Chicago Portage, but rather as asking only for fair and equitable treatment. (The Chicago Portage Project, February 1971.)

Mr. PERCY. Mr. President, one item in the budget that should not be overlooked is the item of $1 million for coal research. This project is of such significance for the country that I ask unanimous consent to have printed in the Record a statement entitled, "Outstanding Features of United States Steel's Process for Conversion of Coal to Coke, Chemicals, and Fuel" so that Senators may realize the seed money and the investment involved.

There being no objection, the statement was ordered to be printed in the Record, as follows:

Outstanding Features of U.S. Steel's Process for Conversion of Coal to Coke, Chemicals, and Fuel

As part of a program to more fully utilize the large reserves of low-grade coal not presently useful for metallurgical purposes, U.S. Steel has developed a new processing concept for production of coke pellets, chemicals, and high quality liquid and gaseous fuels. This process also appears consistent with the nation's requirements in the areas of pollution abatement and the energy shortage. Several years of preliminary experimental study at U.S. Steel's Applied Research Laboratory has demonstrated the technical feasibility of the process. A proposal for government support for a $7 million research program for a one ton per day development project was submitted to the Office of Coal Research in December 1970, and testimony was presented before the Senate Subcommittee on the Department of the Interior and Related Agencies on April 20, 1971.

Although this new coal conversion process is of considerable interest to the steel industry with regard to development of a continuous cokemaking technique, there are many features of the project that are of importance with respect to many national needs and objectives in addition to those previously cited. The following outstanding features of the project are cited as being particularly noteworthy.

POLLUTION ABATEMENT ITEMS

1. High-sulfur coal is effectively converted into fuels that are essentially sulfur-free.

2. A new cokemaking process will help solve the problem of air pollution now resulting from operation of slot-type coke batteries.

3. The present air pollution resulting from use of coke-oven gas as fuel will be decreased by desulfurization of all gases in the new process.

4. The process generates a minimum of solid wastes or liquid waste streams since almost all materials are utilized and converted to products.

SUPPLEMENTAL ENERGY SOURCE

1. The project will provide about 7 million gallons of gasoline for each million tons of coal processed. This gasoline would be highly aromatic and could be marketed as a motor fuel without addition of tetraethyl lead.

2. The project will provide about 1.2 million cubic feet of pipeline quality gas for each million tons of coal utilized.

3. The process produces about 500 million pounds of chemical products for each million tons of coal processed, without any demand on the already strained national supply of natural gas. The drain on natural gas, which is widely used to provide fuel and hydrogen for chemical processing, is thereby alleviated by this process.

UTILIZATION OF THE NATION'S MINERAL RESOURCES

1. There are large reserves of low-rank coals widely distributed across the nation. This potentially valuable resource cannot presently be utilized because of its high sulfur content. The U.S. Steel process can effectively utilize a wide variety of coals for feedstock in the process thereby providing for use of these resources.

2. The process has considerable flexibility, and the rates of production of coke, chemicals, and fuels can be widely varied depending on local or national requirements.

3. The process is essentially independent of external requirements for energy, hydrogen, or other items that are presently in short supply.

PROCESS COMPLEMENTS CURRENT OFFICE OF COAL RESEARCH PROJECTS

1. The project has been thoroughly reviewed with Office of Coal Research (OCR) personnel, and they have expressed keen interest in the project.

2. The project provides new technology useful in solving problems presently of great difficulty to OCR contractors. Pittsburgh Consolidation Coal's "Project Gasoline" has had considerable difficulty with the separation of liquid and solid materials, and it appears the U.S. Steel technology could be useful. The COED process under study by FMC Corporation has reportedly had difficulty in desulfurization of the char product in their process. U.S. Steel technology appears suitable to solve this problem.

3. The prospect of producing metallurgical coke from the char and heavy residue produced in all coal conversion processes under contract by OCR considerably enhances the feasibility and enconomics of these processes.

4. There is prospect of using the large pilot plants already constructed under previous OCR contracts. The completion of the $7 million proposed U.S. Steel study will determine the feasibility of utilizing these existing pilot plants for further development of the project. The use of pilot plants such as are located at Cresap, West Virginia (Consol's Project Gasoline) and Princeton, New Jersey (FMC's Project COED) could result in considerable saving in development costs and also hasten commercialization of the project.

ECONOMIC FACTORS

1. The successful development and commercialization of the project will provide significant economic opportunity in areas where large coal deposits are present, such as Illinois, Alabama, Pennsylvania, West Virginia, Kentucky and the states where large reserves of Western coal are located.

2. The prospect of developing an integrated chemical industry based on coal should enhance economic opportunities and growth in depressed areas.

3. The development will assist in stabilizing the price of fuel and help relieve dependence of the nation on petroleum.

NATIONAL INTEREST

1. There is need, from the standpoint of air pollution control, for a new cokemaking method to replace the present slot-type coke oven. These ovens have inherent emission problems that cannot be eliminated completely by existing pollution abatement technology. Although the steel industry would benefit economically from a more adaptable cokemaking process, pollution abatement is the motivating factor behind development of the process.

2. As the nation's reserves of low-sulfur coals become depleted, it is becoming increasingly necessary to make use of the higher-sulfur coals for metallurgical purposes. The prospects for greater utilization of these coal reserves and assurance of continued economic growth in the affected coal-bearing areas of the country will be enhanced by development of a new, pollution-free process for conversion of these coals into usable coke.

3. Foreign competition has caused serious dislocations in a number of domestic industries. It is most imperative at this time to develop new technology across-the-board to enable American industry to meet the challenge and re-establish a competitive position. Development of new technology in cokemaking should contribute significantly to the flexibility of our raw material position with regard to the shortage of coking coals.

ADVANTAGES OF U.S. STEEL PERFORMING THIS RESEARCH

1. We have considerable experience in the area of materials handling, coal mining and beneficiation, and cokemaking.

2. We have completed 2 years of research on the project, at a cost of several million dollars, to develop the technology which is the basis of the process.

3. We have had many years of experience in development of chemical technology related to coal-derived products and process.

4. We have facilities and manpower especially suited to quickly initiate the development work and carry the project through the proposed $7 million phase.

5. The technology resulting from this development would be made available to the general public and industry for use.

Mr. PERCY. Mr. President, here, out of a budget exceeding $2 billion, we have invested only $1 million this year to try to open up the vast coal resources available throughout the country so that in great States like West Virginia, Illinois, and others, that have low-grade, high-sulfur-content coal which is not now usable because of the high pollution standards we as a nation have established—and these standards are right and proper because it is in the national interest that we not continue pollution of the environment—with technology, science and research, it will be possible for us to open up new coal areas by this $1 million grant for which we have set aside the money. The United States Steel facilities and its facilities will be made available so that the entire industry will be able to benefit by this project.

Mr. President, I commend the distinguished Chairman, and our staff members, for their unfailing service to the Nation as a whole in presenting this bill which I feel is a forward-looking bill which although it looks to the interest of the taxpayers is primarily concerned with the interests of all Americans in preserving our heritage.

Mr. President, I yield back the remainder of my time.

Mr. HUMPHREY. Mr. President, will the Senator from Nevada yield me 1 minute?

Mr. BIBLE. I yield 1 minute to the Senator from Minnesota.

The PRESIDING OFFICER. The Senator from Minnesota is recognized for 1 minute.

Mr. HUMPHREY. As I understand it, the bill includes $150,000 for the pilot Indian health problem in Minneapolis; does it not?

Mr. BIBLE. The answer to that is, it does.

Mr. HUMPHREY. I thank the distinguished Senator.

Mr. President, I am delighted with the approval today by the Senate of a $150,000 pilot urban Indian health project for Minneapolis.

It is the first time the Senate has approved funds for an urban Indian project relating to health care.

For years we have talked about the problems of Indians on reservations and in rural areas, while overlooking the health needs of Indians in cities.

There are 12,000 to 15,000 Indians living in Hennepin County, most of them living on the near south side of Minneapolis.

Nearly half of all the Indian households surveyed a year ago by the Minnesota Systems Research showed Indians on welfare.

There is a critical need for better health care services for Indians, particularly children of low-income parents who suffer from nutritional inadequacies.

One out of three Indian households surveyed showed schoolchildren having learning difficulties directly related to health problems.

The Community-University Health Care Center served by the University of Minnesota recently reported that it could serve about 2,500 Indian children if provided with sufficient funds from an urban Indian health project.

Mr. COOPER. Mr. President, the Senate is considering today H.R. 9417, the appropriations bill for fiscal 1972 for the Department of the Interior.

I would like to make a few comments concerning the committee's recommendations with respect to the Bureau of Mines.

The committee has recommended an appropriation of $74,630,000 for the Bureau's health and safety program, which amount is approximately $1 million more than the funds authorized by the House. I should note that the additional $1 million recommended by the Senate committee is earmarked for the construction of a Mine Health and Safety Academy.

The amount recommended by the House and Senate Committees for health and safety programs shows an increase of almost $15 million over last year's appropriations of $58,029,000 and represents the additional funds needed to carry out for the most part the administration and implementation of the recently enacted Federal Coal Mine Health and Safety Act of 1969. I note the breakdown on the Bureau's Health and Safety budget as contained in the Senate is as follows:

Health and safety

Appropriation, 1971	$58,029,000
Budget estimate, 1972	73,643,000
House allowance	73,630,000
Committee recommendation	74,630,000

The committee recommends an appropriation of $74,630,000 for health and safety activities in fiscal year 1972. This is $987,000 over the budget estimate and $1,000,000 over the allowance of the House of Representatives. The following table sets forth this recommendation by activities:

Activity	Budget estimate	House allowance	Committee recommendation
Inspections, investigations, and rescue work	$38,919,000	$38,906,000	$39,906,00
Control of fires in coal deposits	222,000	222,000	222,000
Health and safety research	32,634,000	32,634,000	32,634,000
Increased pay costs	1,868,000	1,868,000	1,868,000
Total	73,643,000	73,630,000	74,630,000

An increase of $1,000,000 over the budget estimate is recommended by the Committee for construction of a Mine Health and Safety Academy; and the Committee recommends concurrence with the House reduction of $13,000 in the amount to be used for public relations and paperwork management.

Mr. COOPER. Mr. President, the House report makes the following comment on this aspect of the health and safety budget at pages 15 through 16.

Mr. President, I ask unanimous consent that these excerpts from the House report be printed in the RECORD.

There being no objection, the excerpts were ordered to be printed in the RECORD, as follows:

Health and safety

Appropriation, 1971	$58,029,000
Estimate, 1972	73,643,000
Recommended, 1972	73,630,000
Comparison:	
Appropriation, 1971	+15,601,000
Estimate, 1972	−13,000

The reduction of $13,000 below the budget estimate relates to additional savings to be achieved by greater economy in public relations and paperwork management activities.

The Committee is seriously concerned with various shortcomings in the health and safety program which have been reported from various sources. By enactment of the Federal Coal Mine Health and Safety Act of 1969 and the Federal Metal and Nonmetallic Mine Safety Act, Congress has indicated the importance it gives to making the nation's mines a safe place for miners to work. It has also provided necessary funds and personnel to accomplish this objective as indicated in the following tabulation:

Fiscal year—	Budget Estimate	Appropriation	Positions
1969	$12,546,000	$12,334,000	825
1970	15,902,000	27,452,000	1,380
1971	58,029,000	58,029,000	2,242
1972	73,643,000	[1] 73,630,000	[1] 2,532

[1] Approved by House.

In fairness to those responsible for administration of the program, it should be remembered that many unavoidable problems were encountered in the rapid acceleration of this activity subsequent to the enactment of the Federal Coal Mine Health and Safety Act of 1969. Not only was the program greatly expanded, but there was also the problem of securing skilled personnel and adequate equipment necessary for the operation of the program on an accelerated basis. These problems were discussed at some length in hearings before the Committee both in connection with the 1971 and 1972 budget estimates.

Notwithstanding, the Committee will expect a greatly improved quality of performance in this program during fiscal year 1972. It would seem that sufficient time has now elapsed to solve many of the problems that have prevailed, and with the concerted attention that should be given to this very important work, there would seem to be no reason why an effective program cannot be achieved within the next fiscal year.

Mr. COOPER. Mr. President, I would like to address myself briefly to recent developments in the Bureau of Mines concerning coal mine health and safety.

On July 1 and 2, the Department of the Interior held public meetings to compile information and recommendations concerning the Department's enforcement of the Federal Coal Mine Health and Safety Act of 1969.

In opening this meeting, Secretary of Interior Morton stated that the purpose of this and later meetings to be held by the Department is to seek "ways and means with which this great Government agency can better serve its constituency. We invite your comments; we solicit your criticisms; we appreciate your ideas."

Mr. President, I ask unanimous consent that Secretary Morton's remarks of July 1, 1971, be printed in the Record.

There being no objection, the letter was ordered to be printed in the Record, as follows:

Remarks of Rogers C. B. Morton, Secretary, the Department of the Interior, at the Opening of the Departmental Survey on Coal Mine Health and Safety

This morning we are opening a series of meetings pursuant to our announcement in the Federal Register of June 25 regarding coal mine health and safety. We hope the input and testimony we will receive will be of real assistance to the Department. This information will be carefully evaluated in the compilation of our report to the Congress concerning Departmental responsibilities and activities as defined in the Coal Mine Health and Safety Act of 1969.

At the outset, may I express my personal thanks for the time and effort contributed by all the participants in this and subsequent meetings. Our common goal is to improve the health and safety for more than 140,000 men working in the coal mines of the United States.

First, let us review the current situation in the industry. Over the years, the coal mining industry has been the most accident prone and the source of more fatalities than any other major industry in America. Between 1954 and 1969, there were 5,553 fatalities and 207,988 injuries resulting from accidents in coal mines. This does not include any measure of the deterioration of individual miners' health due to working conditions on the job.

One of the early legislative proposals of this Administration was the Coal Mine Health and Safety Act, which was signed into law by President Nixon in December of 1969.

A good measure of our current effort to improve health and safety in mines is drawn from the funding level of the current program compared to that of former years. For example, in fiscal year 1968, the Bureau of Mines Budget for health and safety was $10,777,485. The request for fiscal year 1972 by the Bureau is for $71,075,000.

Since the Act became law, the Bureau of Mines has increased its inspector force from 300 to 1,090. These men are now either working actively in mines inspection or are undergoing an extensive training program which will give us a fully trained inspector force by the end of this year.

Since January of this calendar year, the Bureau has conducted 11,011 inspections, has cited 32,201 violations, and has levied 38,000 fines totaling $4,800,000. This compares with 2,408 notices of violations made by the Bureau for the full year of 1968.

The Coal Mine Health and Safety Act of 1969, then, marks a threshold as we enter a new era of action to reduce the hazards which confront the men who work in our mines.

During the six-month period from January through June of 1971, the Bureau recorded 98 fatalities which was the lowest number of fatalities recorded in any comparable period since the Bureau started accumulating these records.

Though this is an improvement, there is still a long way to go, and we do not accept the current accident rate as satisfactory.

Most accidents which occur in coal mines can be placed into two categories: One—accidents which are caused by conditions in the mines which the operator of the mine can control, and two—accidents which are caused by carelessness or failures on the part of the miner himself.

We will strive to attain the highest possible level of health and safety by continuing to improve the standards and practices in both categories. By working with management and supervisory personnel within the mining industry and through constant and vigilant inspection, we can and we must eliminate those conditions which cause accidents of the first category.

Through education and training programs carried out in cooperation with the unions, management, other employee groups, and the individual miner himself, we must to the limit of our resources do all that is feasible to reduce the accidents and fatalities of the second category. In other works, we must help the miner help himself.

These two approaches cannot be separated—nor can one be sacrificed for the other.

Significantly, education for the individual miner has parallel throughout American industry, in many agencies of government, and by such public spirited organizations as the National Safety Council. For example, the Federal Aviation Administration has carried on for years a pilot safety program that has been implemented by associations, by fixed base airport operators, and training schools and by pilots themselves. Major industry throughout the country constantly conducts training seminars and safety education programs for their workers.

The coal mining industry, with its hundreds of operating entities must depend on help from the Bureau of Mines in this effort. There are many small operators who do not have the expertise or the resources to carry out comprehensive education and training programs for the people who must work in the hazardous environment of underground mines. I can report to you that the Bureau of Mines is currently reviewing several methods by which it can best render this service.

If a single miner's life is saved as a result of better safety education and a better understanding of the hazards and risks, the program definitely is a worthwhile investment.

We are equally determined to join with management in a comprehensive effort not only to help them comply with the law, but to enforce compliance as well.

Specifically—despite dramatic improvement in the control of respirable dust—we are still vitally concerned with this area and methane gas levels in the mines as well.

We will also seek to improve existing engineering standards for roof support and for coal extraction. We are encouraging the development of safer and better mining technology. As innovative methodology becomes available, we will do all possible to insure its use in the mining industry.

Dr. Osborn, Director of the Bureau of Mines, will present before this meeting a detailed account of the Bureau's plans for carrying out its mission and its responsibilities to the miners of America.

We appeal to those interested parties to address themselves via this meeting, to ways and means with which this great government agency can better serve its constituency. We invite your comments; we solicit your criticisms; we appreciate your ideas.

We want your complete objectivity—partisan politics has nothing to contribute to the life and health of the miner.

I can say without equivocation that the Administration, the Department of the Interior and the Bureau of Mines are fully committed to the health and safety of the men who work in the coal mines of America. We fully understand the importance of this industry to the Nation's welfare. We are confident that the mining industry in America will make a meaningful contribution to the standard of living of future generations.

Again, I wish to express my sincere and personal appreciation to all of you and to all of those who will participate in these important meetings as they take place.

Mr. COOPER. Mr. President, in my prepared statement for the July 2 meeting, I commended Secretary Morton for his initiative in calling these needed conferences and pointed out that—

> Such meetings will provide an opportunity on a work-shop basis whereby Bureau of Mines' officials and representatives of all segments of the coal mine industry can meet and exchange views on practical as well as technical problems they have encountered as a result of their own experiences.

Mr. President, I ask unanimous consent that my statement of July 2 before the Department of Interior be printed in the Record.

There being no objection, the statement was ordered to be printed in the Record, as follows:

Statement by Senator Cooper

Secretary Morton is to be commended on his initiative in scheduling these conferences to review the first-year's operation and administration of the Federal Coal Mine Health and Safety Act of 1969, and to provide a forum for the exchange of views on the problems encountered by the Bureau of Mines in administering the Act, and to consider the changes required to make it more workable as well as effective in improving the safety of our miners. As outlined in Secretary Morton's statement, those individuals invited to participate in these conferences will include representatives of miners, labor officials, coal mine operators of large mines, coal mine operators of small mines, mining educators, state mining officials and others who by training and experience are in a position to contribute to these discussions.

Such meetings will provide an opportunity on a work-shop basis whereby Bureau of Mines' officials and representatives of all segments of the coal mine industry can meet and exchange views on practical as well as technical problems they have encountered as a result of their own experiences.

The Federal Coal Mine Health and Safety Act of 1969, which went into effect March 31, 1970, represents a complete overhaul of previous legislation in this field and, as a result, many problems have been encountered by the Bureau of Mines in the implementation, administration and enforcement of the Act's provisions. I welcome Secretary Morton's announcement as an excellent first step in providing a continuing forum where all these problems can receive a public airing. By taking such a lead the Secretary is emphasizing to all those participating in these conferences, to the Congress and to the public the concern and importance that the Department attaches to improving the administration and operations of the 1969 Act for the purpose of advancing the health and safety of all the people who work in our underground coal mines.

Mr. COOPER. Mr. President, many problems have been encountered with respect to the implementation, administration and enforcement of the Federal Coal Mine Health and Safety Act of 1969 by the Bureau of Mines. I should note that since the Bureau did not hold public hearings on the regulations promulgated under the act, that there was little or no opportunity for comment on these regulations before they were to be put into effect. During the first year of its administration of the new law, the Bureau of Mines has encountered substantial criticism in its administration and enforcement of the law and the Bureau's own regulations. Because of the complexity of the new law, all of this criticism may not be justified; however, a great part, in my view, is justified. But I think the important thing from the public's point of view is that the Bureau admit the existence of these problems, recognize them, and receive suggestions on how the Bureau better deal with these problems if the present law is to be effective in advancing the health and safety of our miners.

The new law and regulations have created many problems among the small coal mines in eastern Kentucky and a substantial number of small, nongassy mines in Pike, Letcher, Harlan, Lesley, Perry, Floyd, and Bell Counties have shut down.

Where the small underground mines have shut down, there has been a substantial increase in surface mining production along with an increase in environmental problems that is associated with strip and other forms of surface mining. In fact, I am informed that Kentucky surface mine production as a percentage of Kentucky's total coal production has increased from 35 to 49 percent for the year 1970 and is projected to 55 percent for this year, thus surpassing for the first time underground mine production.

While a number of small nongassy underground mines and the number of employees of these mines have decreased, nevertheless the number of injuries and fatalities in underground mines has increased since the effective date of the Federal Coal Mine Health and Safety Act of 1969.

Figures released by the U.S. Bureau of Mines show that there have been 86 men killed in the Nation's coal mines during the first 5 months of 1971. Of these 86 fatalities, 69 took place in underground coal mines making the underground fatality record for the first 5 months worse than last year in which there were five less fatalities as of this same period.

During May of 1971, there were 13 fatalities in six States: Kentucky, four; West Virginia, three; Illinois and Pennsylvania bituminous coal operations, two each; and Kansas and Ohio, one each.

I also note that of the 86 fatalities occurring in coal mines during the first 5 months of this year that, regretfully, Kentucky leads with 27; West Virginia, 21; Pennsylvania, 18—bituminous coal; Virginia, seven; Illinois, six; and Colorado, Iowa, Kansas, Missouri, Ohio, Tennessee, and Utah, one each.

The Federal Coal Mine Health and Safety Act of 1969 went into effect on March 28, and the Department of the Interior issued its initial regulations on April 1. One of the immediate problems experienced by many coal mine operators was that they did not understand the requirements of the new law and regulations and, second, they did not have a reasonable time, opportunity, or equipment available once they comprehended the requirements to bring themselves into compliance.

When the coal mine health and safety bill was considered by the Senate Labor and Public Welfare Committee in 1969, and when it was debated on the floor of the Senate, I offered an amendment both in the committee and on the floor to retain the distinction between gassy and nongassy mines. I stated that the provision in the Senate bill to remove the distinction would not advance coal mine safety. I went on to point out that the new electrical equipment required by the Senate bill for the nongassy mines could not be manufactured and made available to the operators within the prescribed time limits of the proposed law.

I regret that the then Director of the Bureau of Mines, Mr. O'Leary, did not testify before the Senate Labor and Public Welfare Committee on the question of the cost and the availability of the equipment which would be required, when the committee was considering the Senate bill. However, when Mr. O'Leary appeared before the Senate Appropriations Subcommittee hearing on the Bureau of Mines budget in February of 1970, I requested the chairman of the subcommittee, the distinguished Senator from Nevada (Mr. Bible) that I be given an opportunity to question Mr. O'Leary on the subject of the availability of equipment and Bureau of Mines enforcement procedures under the new law. In his answers, Mr. O'Leary readily admitted that much of the new equipment, for example, required to be installed by March of 1971, would not be available, and that the operator acting in good faith would nevertheless be in violation of the act and subject to penalty and fine, although a nominal one.

Mr. President, I ask unanimous consent Mr. O'Leary's answers to Senator Bible's questions and my questions on this and related matters be included in the Record at this point.

There being no objection, the material was ordered to be printed in the Record, as follows:

Training of Mine Inspectors

Senator Bible. You are proposing a $700,000 increase up to $1,324,000 for training mine inspectors, indicating that the funds are for initial training of new personnel to be employed during fiscal year 1971. This appears to be just about a doubling of the prior appropriation; is that correct?

Mr. O'Leary. Yes; it is a massive increase in the work force to comply with this new act.

Senator Bible. What did you do with the funds you had in the past fiscal year? Did you have about $624,000 in the current year?

Mr. O'Leary. It is right in that level. In the current fiscal year we are running two and possibly three major training cycles. We have one now going on at Mount Hope which will be a 4-month cycle with 50 people involved. We have one soon to commence at the University of West Virginia.

I believe we are planning another one in Pittsburgh as soon as the intake of new personnel warrants that, and that is how we will spend the $600,000-odd for this year.

Senator Bible. What about your training in 1971?

Mr. O'Leary. During the remainder of 1970 and during 1971 we will be bringing in several hundred new inspectors, and we will have to provide for their training. We will simply add training units to the facility which is now located at Mount Hope, and we will augment the work at the University of West Virginia.

At the present time, we are continuing the old training programs but, at the same time, we are involved in that contract with the University of West Virginia that Senator Byrd and I discussed in which the new training program is being outlined. At the moment, we are having to make do with what we have. We hope to improve that in the relatively near future.

ASSISTANCE REQUESTED BY COAL MINING INDUSTRY

Senator Bible. It is indicated that the coal mine industry is seeking health and safety assistance. Just what type of assistance generally does the coal industry seek?

Mr. O'Leary. Well, for example, either this week or next we will have a staff of experts going to a mine in Oklahoma which had 16 emissions in the past year. Although they are pushing a lot of air into the working areas of the mine, they are running into quite hazardous conditions. We are taking some ventilation people out there. I might say in passing, Mr. Chairman, we probably have about half a dozen people fully qualified in ventilation and they represent 50 percent of the trained people in ventilation in the country. We are taking our own people out to see if we can provide some assistance in ventilation so we can eliminate this one problem.

Senator Bible. Do the mining companies contribute anything to that work?

Mr. O'Leary. No, sir. We feel it is fully justified on the basis of the overall significance of the result. One of the questions I had when I first heard about this was: Are we competing in the professional field on this? The competence of the Bureau of Mines is so unique that there is no competition.

Similarly, about 3 months ago there was a coal outburst in a mine under very heavy overburden in the Rocky Mountain area. In this case, the people who work for Tom Howard, who was up before you this morning, were requested to come up with recommendations for an improved method. The physical situation of this mine is unlike that which we find in other areas. They are operating under about 2,300 feet of overburden in very unstable ground and the pressures are tremendous. We are looking at that in the hope that we can come up with some means for the operation to continue economically and safely. This is the sort of assistance that is contemplated.

HEALTH AND SAFELY GRANTS

Senator Bible. You are asking for $400,000 for grants. How much are they and what is the purpose for which a grant is made in health and safety?

Mr. O'Leary. Title V of the new act instructs the Secretary of Interior to work with the Secretary of HEW and the Secretary of Labor in developing criteria for these grants. Mr. Wheeler has been working with his counterparts in the two other agencies looking toward the publication of some form of criteria about April 1, but at the moment we have no really defined ideas as to how this can be administered.

Senator Bible. To whom would a grant go?

Senator O'Leary. Directly to the State.

Senator Bible. Is it matched by the State?

Mr. O'Leary. No, sir. The law has a specific formula on the limit of such grants but there is no in-kind requirement on the State. No State has availed itself of the authority despite the fact that we have had it for a number of years. The new requirement puts no matching restriction on the funds.

Senator BIBLE. There are coal mining problems in Kentucky. If that State wanted a grant of, say, $100,000, what would have to be the purpose of the grant? Just give me an example.

Mr. O'LEARY. To revert back to training, they might want to provide for an intensive course in ventilation in mine air control.

Senator BIBLE. The Bureau of Mines within the State of Kentucky would come to you and say, "We would like to have $100,000 to further air ventilation in the mines of Kentucky," and if it met your criteria, you could make such a grant to the State of Kentucky to continue research and education in that field?

Mr. O'LEARY. That is correct. In one State which heretofore has not been too prominent in this area there is a tentative plan to do some reorganizing of the State inspectors. The pay for consultants working on the plan will be on the order of $2,200 to $2,500. The State has no funds for this amount and I have asked Mr. Weaver to look at it. We have these funds available which can be so long as they further the objectives of the act.

HEALTH AND SAFETY RESEARCH

Senator BIBLE. I have two more questions on health and safety research. You are proposing a budget of some $20,620,000, an increase of about $10,800,000 over the amount appropriated in fiscal year 1970. Please describe to the committee what will be done with these funds, indicating particularly the health fields which will be examined.

Mr. O'LEARY. This is essentially directed to the area of dust control which I covered a few moments ago.

SAFETY RESEARCH

Senator BIBLE. An additional $7.6 million is proposed for safety research in coal mine work. Please discuss this research.

Mr. O'LEARY. This is one of the most helpful aspects of this legislation. I think it is fair to say that there is essentially a virgin field here for improvements in the coal mining technology. The coal companies have been unable to afford the research until very recently. I do not know but I have heard from such people as the dean of engineering of the University of Pennsylvania that all of the advanced technology in the last 20 years was more or less by accident. This money will be used by Tom Howard's people to take a look at how to design improved systems, to get, first of all, the product, because that, Mr. Chairman, pays the freight and, secondly, to achieve the safety, I think, we should have in mining in this country, and, additionally, accomplish the environmental control which was discussed earlier. The market is now ripe for this and this is the best way to get it.

Senator BIBLE. Senator Cooper would you like to ask your questions now?

Senator COOPER. I am glad to see you again. The Mine Health Safety Act becomes effective March 30th, does it not?

Mr. O'LEARY. That is right.

AVAILABILITY OF PERMISSIBLE HAND-HELD EQUIPMENT

Senator COOPER. I think it is provided in the first year that small voltage equipment must be installed in all mines, certain types of equipment?

Mr. O'LEARY. Yes, the permissible handheld equipment.

Senator COOPER. Is that equipment available?

Mr. O'LEARY. It is to a degree. It is not available along the way and, of course, you can't require people to have what is not available.

Senator COOPER. It is not available now to install in mines.

As I recall the mine safety bill, there are about 450 mines which were formerly termed gaseous and about 3,000 that were normally termed nongaseous. Now, those 3,000 and also others that did not use this type of equipment, first, this small voltage permissible equipment must be installed and within a year?

Mr. O'LEARY. Sir, it must be installed within a year; otherwise the operator of that mine is technically not in compliance with the statute that the Congress enacted. If he is technically not in compliance with the act, we will not have any choice in that matter, but the penalty can be essentially nominal. As the equipment becomes available, and then the operator has not availed himself of the equipment and continues to be out of compliance, then under the statute that the Congress enacted, the penalty will rise accordingly.

Senator COOPER. Your testimony is it is not immediately available?

Mr. O'LEARY. There are some machines that have not been manufactured for years.

Senator COOPER. Do you anticipate equipment of this first type will be available in March of 1971?

Mr. O'LEARY. The equipment would probably not be available to cover all circumstances.

Senator COOPER. In the event this equipment is not available to all mine operators, will the mine operators who do not have this equipment available to them be penalized?

Mr. O'LEARY. As I pointed out, he will be technically not in compliance with the standard that you enacted, and under the act the Secretary of the Interior has no alternative when someone is out of compliance but to assess a penalty. However, the size of the penalty can be nominal; it would not be a crippling penalty.

Senator COOPER. 600 of the mines in my State make every effort to obtain this equipment or attempt to build it themselves. Will the Bureau of Mines close them down if they cannot be in compliance?

Mr. O'LEARY. The Bureau of Mines will not close down anyone unless there is imminent danger under essentially the same rules we use now or unless there is unwarranted failure to comply.

Senator COOPER. Where a good faith effort is made, they will not be closed down except where there is imminent danger?

Mr. O'LEARY. Or unless there is unwarranted failure. If the man is making an effort to get into compliance with the act, we would not close him down, unless there is imminent danger.

Senator COOPER. This is a problem we had in the development of this bill, as you will recall, Senator Bible.

PENALTY FOR NONCOMPLIANCE

Senator BIBLE. If I understand Mr. O'Leary correctly in this period March 30, 1970, to March 31, 1971, if mining company "X" does everything it can do to comply with this permissible equipment and if it tries to get the equipment and cannot do so, then I understand him to say the Secretary of the Interior, while it is mandatory that he told the owner of company "X" in noncompliance, nevertheless, his mine will not be closed down, but I think you said a nominal penalty could be imposed. What does that mean? If a man is doing the best he can to conform and he cannot get the equipment because it is not available, it looks like he is acting in good faith. Therefore, what kind of penalty would the Secretary of the Interior impose?

Mr. O'LEARY. Where the man was acting in absolutely good faith and there was no imminent danger present. I would expect that the fine would be an amount that simply would not bother the man.

Senator BIBLE. Is that $5, $10, $30, $50?

Mr. O'LEARY. It would be my recommendation that it be even lower than that—perhaps $1.

Senator BIBLE. If the little mining operator is doing his best to conform and it is not a dangerous mine and he cannot get the equipment to comply, it seems a little unfair to fine him very much.

Mr. O'LEARY. Senator Bible, this might seem like an unreasonable box we placed ourselves in, but I would like you to know I was the one who recommended that there be no option. I recognized from the outset, where there was every evidence of an attempt to perform, that you could not put an actual penalty on the operation. The fellow is technically in noncompliance and technically we must fine him under the law, but we will not expect the fine, in the circumstances we have described here, to represent any real hardship. In the circumstances where he makes no effort to procure the equipment or if imminent danger is present, then he is not in compliance and we must act accordingly.

Senator BIBLE. I understand your second illustration.

Mr. O'LEARY. Mr. Chairman, I think this calls for one further rejoinder. In my view, if we cause wholesale closures of coal mines, as a result of the first few months' implementation of this act, the Bureau of Mines will have failed. We are not simply policemen. We have other responsibilities. The Bureau of Mines has some responsibility for the Nation's supply of fuels but by no means is this our total responsibility. If by unwise or imprudent administration of this act we damage the mining industry, we will have failed in our total responsibility to the public of this country. I have heard these charges that everybody is going to be closed down by April 15, and so on, and I will tell you that to the degree that I have anything to do with it, it simply will not occur. We will do what the Congress requires us to do but we will do it with prudence with the spirit of the overall congressional intent.

Senator BIBLE. Thank you, Mr. O'Leary.

Senator COOPER. I am glad to hear what you said about the nominal penalty and where a mine will not be closed down where a good faith effort is made and the equipment cannot be secured. I cannot yet see why a penalty could be imposed if a person cannot meet the test. I think it is wrong, absolutely wrong.

PERMISSIBLE HEAVY EQUIPMENT REQUIREMENTS

Before the 5 years have elapsed, the operator must provide additional heavy face equipment. Would the same rule apply there, in the event the equipment was not available and the operators made a good faith effort to find the equipment, purchase equipment, rebuild equipment so they could be installed and yet they could not meet the deadline. What would be the attitude of the Bureau of Mines in that instance?

Mr. O'LEARY. Senator, my understanding is he will have available to him a mechanism built into the law. The law provides an interim compliance panel, and he will be able to take his case to that body. If he makes his case before it, he will get relief from the provisions for the time necessary for that relief.

Senator COOPER. I remember one day we were together before the Senate Committee on Labor and Public Welfare, and I believe you stated at that time a minimum of 5 years would be required to produce the manufacture in your judgment of the permissible equipment that would be required.

Mr. O'LEARY. You will recall there was a movement at that time to require that permissible equipment go into all of the mines within the country within 12 months from the effective date of the act. It was my position, and continues to be my position, that that is an impossibility. But there are some grandfathered items of equipment that should take priority, and it will take a matter of some years. My estimate is about 5 years for the equipment manufacturers to gear up in an orderly fashion to manufacture permissible equipment to cover all of the circumstances. The Congress finally adopted that view in the final version and recognized also that there are contingencies even with the built-in time where a person through no fault of his own would be in technical noncompliance. The interim compliance panel provides a mechanism for extricating him from there.

COAL MINE INSPECTORS

Senator Cooper. How many inspectors for underground coal mines does the Bureau of Mines now employ?

Mr. O'Leary. We have approximately 300 now.

Senator Cooper. How many will you recruit for the job you think you must do now?

Mr. O'Leary. We will have before the end of 1970, if we are successful, very close to 1,000.

Senator Cooper. Where do you expect to get the men?

Mr. O'Leary. We are getting them from the middle layer of management of the coal industry itself. There is a pool of approximately 10,000 people who are at the lower and middle management level within the industry. These are the section foremen and mine superintendents, and we would be drawing our new people in this fiscal year and next from this layer.

We recognize that taking some 3 percent of that pool this year and approximately 3 percent next year is going to cause some hardship. Therefore, we are trying to develop programs now with the industry that augment that pool.

I want to point out to you, Mr. Chairman, and to you, Senator Cooper, if we want to have skilled inspectors, there is no other area from which we can hire. We cannot have inexperienced people wandering around in these mines doing damage to themselves and to others. We must have skilled people and, indeed, the 1952 act recognized that. You will recall it required inspectors to have a minimum of 5 years practical experience. In practice we are going to trade some practical experience for education, but essentially we need and must have people with experience not simply in mining but in supervision in the mining environment to show the understanding that is required of an inspector under today's conditions.

ROLE OF STATES IN MINE SAFETY

Senator Cooper. What do you consider the role of the State Bureau of Mines in the field of mine safety?

Mr. O'Leary. I think where the States have been aggressive and have developed inspectors over a long period of time—one example is Pennsylvania—they can make a massive contribution to the health and safety of coal miners.

Senator Cooper. I came here this afternoon to ask these questions because of complaints I have been receiving. I have not come here to belabor you but, nevertheless, I have come here to present the facts that have been given me. This Coal Mine Safety Act does place financial burdens upon the mines in my State. They were formerly mines termed nongaseous mines. There are about 1,000 of them. They must now equip themselves with permissible machinery. There is a good deal of argument as to how much they will have to go into debt, but the view of those in my State who are practical mine operators say it would put about half the mines out of business down there. I do not know whether it will or not, but I believe it will. I do not believe it would be economical for them to operate in the areas with coal in mind.

Now, they tell me the Bureau of Mines is placing an additional burden upon them. They are recruiting and taking away from them their foremen and their superintendents.

These people are absolutely necessary for the operation of a mine. Now, if I am correct, Mr. O'Leary, they will have to reequip and train other men how to operate mines and perform the services required by the Bureau of Mines. You are raiding these mines. We are contributing a lot in losses to the Bureau of Mines in my State.

Senator Bible. What would be the alternative?

Senator Cooper. That is why I suggested something to him about the State bureaus. We have one in Kentucky, a very good one which inspects our mines much more than the Bureau of Mines does. They have a good safety record. Why is it not possible to work out some arrangement with these State bureaus? I would say they have a better safety record than the Bureau of Mines all over the United States, and I know the one in my State has. Why can't you use some of their people and send your own along with them rather than taking the best employees of the coal mine?

Mr. O'Leary. I would suspect even if we took advantage of the services of all of the State inspectors in all of the States in the Union, we would still fall far short of enough. We anticipate that the State inspectors will continue to do what they do. If they stop doing it and turn to what we are doing, they are not going to advance this process. We have searched just as hard as we know how to find alternatives to the course I have described to you. We knew at the very beginning, when we had to augment our work force, that the only place we could look for adequate talent was this middle range of the mining industry itself. It is not that we are going to take numerically a very large part of that management group. As I said, there are 10,000 people in that pool and we are going to draw on 300 of them in this fiscal year, and we are probably going to take 300 of them in the next fiscal year. We feel that pool should and can be replenished.

Now, this limits us in two ways: it limits our ability to meet coal requirements; and, two, our effectiveness is limited. I do not think there are many more than 100 qualified inspectors throughout the entire country, and we need 600 or 700 inspectors. We intend to cooperate with the States. The act states the Bureau of Mines will make four inspections a year. It states that it will make one spot inspection every 5 working days in certain classes of mines, and we have no way out of that.

As far as the other elements of the law are concerned, such as on the dust side, competence simply does not exist at the State level.

RECOMMENDATIONS FOR "GASSY" MINES

Senator Cooper. What do you intend to do in the mines which have been termed gaseous mines for so long?

Mr. O'Leary. On this question, sir, I must hedge because my recommendation must be made to the Secretary and he will disclose that recommendation.

Senator Cooper. You expect to watch them very closely?

Mr. O'Leary. Yes, sir; with 20 inspections a year.

ASSISTANCE TO OPERATORS FROM SMALL BUSINESS ADMINISTRATION

Senator Cooper. Under that provision of the act which provides for assistance from the Small Business Administration, has anything been done about that?

Mr. O'Leary. As you may know, Senator, we had a 2-day briefing in the Department of the Interior Auditorium last week to which we invited representatives from the Small Business Administration. They attended and described how operators should apply for this assistance, giving them where to apply and giving them quite a bit of detail. So, the Small Business Administration is set up to do the job and will take applications at its field offices.

Senator Cooper. I thank you very much.

Senator Bible. I appreciate your coming today, Senator Cooper. I know you have great concern and I understand. Thank you very much.

Mr. COOPER. Mr. President, the Courier-Journal has recently commented on these problems in two informative news articles and I ask unanimous consent that an article entitled "Little Things in Mine Law Vex the Small Operators" and an article entitled "Mining Official See Small Mine Collapse" both appearing in the Louisville Courier-Journal of June 27, 1971, be printed in the Record.

There being no objection, the material was ordered to be printed in the Record, as follows:

Dilemma Over Safety Rules in Kentucky Coalfields: Little Things in Mine Law Vex the Small Operators

(By Kyle Vance)

Mouthcard, Ky.—The little things in the Federal Mine Health and Safety Law are the ones that vex Cecil Chaney and bother him with thoughts of closing his coal operation after 24 years.

Chaney works 89 men in eight small truck mines in the vicinity of Mouthcard, a Pike County community about a half mile from the Virginia line. Last year, his payroll totaled $564,948.

"If they (federal inspectors) don't give me some relief in 60 days, I'll have to do what nearly everybody else is doing—quit," he said. Now 60, he said he has been in mining work since he was 15.

Chaney said the relief he seeks has to do with provisions of the law which "aggravate the devil" out of operators and "come down to nothing but nuisance."

He said an example is "them portable toilets."

"They tell us we have to put portable toilets in the mines, which is all right, I guess, if they'd work," he said. "The toilets they say we have to use are 18 inches high. My mines, some of them, are 30 inches high. So you can see. . . .

Chaney said he has spent $720 on toilets "that can't be used."

"Bed pans would do the job better," said Bruce Huffman, another small operator listening to Chaney.

Chaney and Huffman share a dilemma with hundreds of small operators throughout the coalfields. They are struggling to survive the expenses of making their mines comply with the federal safety requirements.

Their fears of being forced out of business are supported by statistics that show hundreds of small mines, unable to afford the changes, have closed in Kentucky and elsewhere.

In Pike County, where Chaney and Huffman operate, the number of state-licensed mines has dropped from 750 two years ago to 292 at present. Coal employment in the county is down from 6,000 last year to 4,000, notwithstanding boom conditions in the coal industry.

Officials of the U.S. Bureau of Mines district office in Norton, Va., declined to comment on the individual complaints of Chaney and others concerning too much enforcement of smaller violations.

"All I will say," George Mears, sub-district manager, said, "is that our inspectors are guided only by Public Law 91–173 (the health and safety law)."

Chaney said his experiences with inspectors have convinced him that "the little man" has no chance of economic survival under the law.

"If the inspectors would stick to safety matters instead of piddling little things, things that don't have anything to do with safety, and if they'd just agree with each other, it might be easier," he said.

"One will come in and say change your wiring for circuit breakers to the intake air line. Another will come along and say just run your main circuit line through your last circuit break. And you've got to do what each one tells you.

"If they'd make up their mind it wouldn't cost half as much. It costs $200 or $300 every time you change your wiring."

A bigger expense—$500 a month for each mine—comes from satisfying inspectors with the way line curtains are hung to route air from the outside to the coal face inside, Chaney said.

The law requires a minimum of 3,000 cubic feet of air per minute at the production point, making it necessary to close off some corridors with curtains to create a direct route for the air intake.

"You get into something else with the curtains," Chaney said. "The haul cars have to bust right through them, and it gets dangerous when they don't know what's on the other side. Somebody's got to look before they go through. Men are getting killed by cars that bust through blind.

"All of this slows down production. You take men off of production to look after the line curtains, and you are slowed down going through them. My production is down 50 per cent since we started having to do all of this.

"My average was 1,200 to 1,300 tons a day before the safety law. It's 600 tons a day now with the same number of men."

INSPECTORS FREQUENT VISITORS

Chaney agreed with other operators who have said the faster flow of air actually makes the nongassy Kentucky mines more dangerous. The cold winter air dries out the coal dust, making it more explosive, he said, while the warmer summer air causes mine roofs to sweat and drop loose rock where men are working.

The operator said inspectors visit his mines on the average of once a week, and that during one recent week a total of six came in pairs.

"You just listen while they write the violations, something like getting a speeding ticket," he said. "It don't do you no good to argue."

Soon after the enforcement of the law began, Chaney said, an inspector wrote him "an imminent danger and withdrawal notice," only because an apron protecting the mine opening "didn't satisfy him."

An apron is a timber shelter used to keep loose rock on the mountainside from falling on miners entering and leaving the mine.

"This inspector said my apron was built out of 4-by-8 timber and it would have to be made with 8-by-8s," Chaney said. "Nearly everybody uses 4-by-8s, but he gave me an imminent danger and made me pull the men out of the mine right then and there.

"Nobody could go back in the mine till we put in the 8-by-8 apron. I paid three men $35 a day each for three days to build the new apron, and of course I lost three days of production, and then I got fined $3,800 to boot."

BACK TO LITTLE THINGS

Chaney said he has four other violation citations pending and that cash fines are automatic when they are cleared through the U.S. Bureau of Mines.

"That gets us back to the little things," he said. "They got me for not having drinking water in the mines when the men bring their own water from home.

"They got me for not having a permissible hand-held drill, which is something you can't buy (because it isn't in production).

"They got me for not having belt badges showing the men's names and social security numbers when I had them on order and ready for delivery the next morning.

"They got me for not having a little piece of wood with an arrow on it pointing to the outside, and you could see the outside from where they wanted it put."

Chaney said he considered as "most burdensome" a requirement that orders be placed two years in advance for permissible mine machinery not now in production.

"You've got to pay for the machinery, every bit of it, in advance," he said. "You don't see your money or the machinery either for two years. Lots of fellows just can't turn loose the kind of money those things cost for that long.

SAFETY LAW CALLED SILLY

"This thing (safety law) gets real silly sometimes. They make us send sealed sanitary drinking cups for water into the mine, and then the miner will eat his lunch with coal-black hands. Maybe I shouldn't say that. It might give somebody an idea to make us put wash basins in the mines."

Huffman, the other operator, was concerned over a $2,000 fine assessed against him for letting "road coal" accumulate. Road coal is the coal spilled from cars along the haulway.

"They cut the fine to $500 on appeal," Huffman said, "and I appealed again. I got a notice that I can go before a hearing examiner in Washington in July.

"I guess you know what it costs to take attorneys and maybe witnesses to Washington. Also, I've been notified that the hearing examiner can raise the $500 fine to $10,000 and I take my chances. With me, though, it's the principle. I expect to go."

Huffman, at 35, is new in the coal business. His small mine at Island Creek, also in Pike County, employs seven men inside the mine and one on the outside. He said he is "ready to quit now if I could."

"If I had my financial obligations taken care of, I'd quit," he said, "because I just don't feel like there's any way a small man can make it.

"I'd like to have a cutting machine in my mine, but I would be scared to death to spend the money. Men like me just work the small boundaries (seams) that the big companies won't touch. Our coal hasn't been core-drilled. We have no idea what we have when we go in. We just go up the seam as long as it's workable."

STATE INSPECTORS CALLED HELPFUL

Huffman said he strongly subscribes to some of the safety requirements, such as roof control, but that he believes the state safety law is adequate.

"The state inspectors are helping us get in compliance with the law, but they don't push," he said. "I don't know what we'd do without them. They'll cite violations but they'll let you correct them without fines."

Huffman said he has not expected large profits from his mine.

"But it's my own business, and it (coal) is the only business that brings money in here besides the government," Huffman said. "I've got my life savings in it and some money I haven't seen."

Mining Official Sees Small-Mine "Collapse"

(By Kyle Vance)

PIKEVILLE, KY.—An approaching collapse of the small-mine segment of the coal industry, a major part of Eastern Kentucky's economy, is seen by a veteran state mining official.

Everett C. Brown, district supervisor for the Department of Mines and Minerals, said the new Federal Mine Health and Safety Law, has given operators "a deal they just can't live with."

He said the number of state-licensed mines in Pike County has dropped from a high of 750 about two years ago to 292. The latter figure includes 15 mines posted as "idle."

Pike is the largest coal producing county in Eastern Kentucky, but Brown said the same trend prevails in other counties and in other coal states.

"I've been here 30 years and mine conditions are the worst I've ever seen, in good times or bad," Brown said. "The small-mine industry is gradually coming to a close. A few are trying to hang on, but they are dropping off like flies, and this is just the beginning."

In one recent week, he said, abandonment notices were filed by 14 mines with more than 20 underground employes.

Coal employment in the county has dropped about 2,000 in one year, he added—from 6,000 last year to 4,000 this year.

"BREAKING THEIR BACKS"

Brown said that in almost every instance, the operators blame federal inspections which turn up violations—"some of them not serious at all"—for their closing.

"For the least little thing, they get a fine, and sometimes a very stiff fine," he said. "It's just breaking their backs."

He gave as an example the Mars Mining Co. at Elkhorn City, the county's oldest mining operation with 50 years of production and 100 years of reserves. It employed 60 persons, including 45 miners.

"Our state inspectors said the mine was in the best shape ever," Brown said. "Mars had just spent $20,000 to get in compliance, but the federals (inspectors) came back last Monday with an imminent danger and withdrawal order."

Mines deemed to be dangerous in any respect are classified as being in "imminent danger." Immediate withdrawal of men from the mine is then required.

"Mars just told its men to go out and sign up for unemployment," Brown said.

He said he recently surveyed some of the county's larger small mines to get a picture of how the safety law has affected production. He explained that compliance work takes men away from production, or slows down production in other ways.

PIDDLING THINGS BLAMED

One company (he withheld their name) lost 60,396 tons of production in three months even though 71 employes were added and 20 more shifts were worked.

Another, he said, lost 56,940 tons, even though 583 men worked 20 more shifts than a comparable three months before the safety law.

A third one was down 74,984 tons even though it, too, had added to its work force, Brown said.

"Each one of them said the safety law was directly to blame," Brown said. "Too many men have to spend too much time with piddling things in order to comply."

Robert Holcomb, president of the newly formed Coal Operators and Associates, an organization seeking relief from the law for small miners, said some mine inspections are "plain laughable."

"They (inspectors) don't just nit-pick," he said, "but a lot of times they just don't know what the dickens they are doing."

"They are turning in inspection reports on abandoned mines and non-existent mines, with names that nobody ever heard about. They closed one mine that hadn't been in production for weeks, without going inside and without citing a violation."

Brown charged that the law which is closing the mines "in the name of safety" actually is making some of them more dangerous.

"At the rate we are going, the new law will kill more people than got killed before," he said.

He cited figures from the May bulletin of the State Department of Mines and Minerals, to show a statewide fatality picture that "looks like a trend."

"In the first five months of 1969, the year prior to enforcement of the act, 15 men were killed in Kentucky mining accidents," Brown said. "In the first five months of 1970, the first year of enforcement, 19 were killed. In the first five months of this year, 24 were killed.

"Most of these deaths are resulting from roof falls and haulage accidents. New ventilation requirements cause some of the roof falls. The haulage accidents are coming mostly from the line curtains, motors having to crash through them blind."

Line curtains are used to close off mine corridors to create ventilation tunnels that bring air directly from the outside to the point where coal is being mined. Some curtains necessarily are hung across haulage routes.

"We've lost 10 years of safety work in Kentucky," Brown said. "What they're doing, it looks like, is taking people's time away from safety. The foreman is busy all the time with compliance. He can't spend his time with the men where accidents happen.

"In the last 11 years Kentucky's fatality rate has dropped from one man for each 67 million tons of coal to one man for each 125 million tons. I believe this shows that the state has been doing a good job," he said.

Mr. COOPER. Mr. President, returning to the Department of the Interior's conference of July 1 and 2, I should note from reading the schedule of witnesses that several constituents from Kentucky gave their views based upon their experiences concerning various phases of coal mine health and safety. I have had an opportunity to read the statement of Mr. Cloyd McDowell of Harlan, Ky., president of the National Independent Coal Operator's Association and a member of Secretary Morton's Advisory Committee on Coal Mine Safety, in which he proposes that the Department hold future public conferences open to all segments of the mining industry concerning specific technical problems relating to the administration of the 1969 act. I believe these proposals have merit and I hope that the Department will give them its careful consideration.

Mr. President, I ask unanimous consent that Mr. McDowell's statement be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

STATEMENT BY CLOYD D. MCDOWELL, JULY 2, 1971

Mr. Chairman, my name is Cloyd D. McDowell. I am President of the National Independent Coal Operators' Association, a voluntary trade organization of over four hundred small mine operators located throughout the states of Virginia, Kentucky, West Virginia, Tennessee and Iowa. I am also President of the Harlan County Coal Operators' Association a local chapter of N.I.C.O.A. and I am a Member of the Secretary's Advisory Committee on Coal Mine Safety Research.

We have other members of our organization here today who will present testimony with respect to their particular problems in the areas covered by various local chapters of N.I.C.O.A.

We are here in response to a notice received by most members on June 28th, advising us of this meeting to be held in Washington, July 1 and 2, and giving us until June 29th, to make an appointment to be heard for ten minutes. While we are grateful for the opportunity to present testimony concerning the many problems we are facing in trying to comply with the Federal Coal Mine Health and Safety Act of 1969, we believe that a more productive meeting would have resulted had we been notified well in advance of the meeting and been provided with an agenda to follow in our discussions. Therefore, I urgently suggest that this meeting of July 1 and 2, be considered a planning session for a series of future meetings to be held in Washington. I further recommend that each participant be given an opportunity to contribute suggestions of topics and problems to be discussed in future meetings.

I presume that the basis for calling a meeting of this nature is provided in Section 101 (c) of the Act. I regret that the Secretary has not allowed public hearings in connection with proposed regulations as they appear in the Federal Register from time to time. I believe that such hearings would have resulted in regulations that were workable and better understood by the operator, the mine worker and the Bureau inspector.

We feel that legislation contained in the Act is not achieving the goals of health and safety that we all are seeking. In fact, the record to date has shown no improvement over that achieved before the Act became effective. At the same time hundreds of small mine operators have closed their mines, either through fear of bankruptcy or fear of continued harassment by inspectors and the mounting penalties charged against them by officials of the Bureau.

More and more coal is being produced by surface mining as the small operator closes his mines. While surface mining has a legitimate place in the industry the loss of coal that would have been mined by the small underground mines is gone forever once the mine is abandoned. Surface mining will keep the production of coal going at a record rate but can we afford the luxury of losing millions of tons of underground coal because of the inflexibility of regulations that were meant to prevent accidents in the larger gassy mines?

There are hundreds of problems facing the small coal mine operators and I wish to include in my remarks an outline of an agenda that may be used in future meetings if we are given time and opportunity to offer suggestions in making the Federal Coal Mine Health and Safety Act a workable instrument for improving the health and safety of those employed in the coal industry of this nation. I recommend the following agenda which can be improved on:

DEPARTMENT OF INTERIOR HEARING ON COAL MINE HEALTH AND SAFETY—AGENDA: SAFETY

I. Operations and regulations

1. Ventilation problems.

a. Too much air in low coal.

b. Haulage way or intake air.

2. Haulage problems.

a. Belt haulage.

b. Track haulage.

c. Shuttle car—line curtain.

3. Reporting procedure too time consuming.

4. Roof control problems.

5. Use of methane monitor in nongassy mines.

II. Enforcement and penalties

1. Interpretation of regulations.

2. Unequal treatment of assessing small mines.

3. Lack of uniformity in assessing penalties.

4. Appeal procedure too costly.

5. Legality of assessment procedure questionable.

6. Not enough responsibility on individual miner for his safety.

III. Equipment

1. Availability.

2. Increased cost.

3. Bureau should advise manufacturers of requirements.

4. Designed to meet regulations.

5. Need list available and not available.

IV. Research

1. Research the effect of regulations on health and safety before adoption.

2. Advisory Committee's recommendations requested by the Secretary.

3. Priority of projects and grants for research adopted and followed.

V. Education and training

1. Guidelines for all training programs made available to industry.

2. Assistance from Bureau of Mines for instructors required.

3. Training manual and supplies needed.

4. Growth of local safety institutes encouraged.

5. Vocational schools encouraged to train mine workers.

VI. Financial assistance

1. Availability of Small Business Administration loans to small coal operators.

2. Grants and assistance made available to vocational schools for training.

VII. Lack of manpower

1. Recruiting of supervisors by Bureau should be stopped.

2. Training programs needed.

3. Bureau of Mines should be required to hire physically handicapped and over age inspectors.

HEALTH

I. Operations and regulations

1. Dust standard too low and impractical.

2. Accuracy of instruments questionable.

3. No allowances for use of respirators in dusty environment.

II. Enforcement and penalties

1. Chest X-ray proposed regulation (50% requirement).

2. Rules on job transfers impractical.

III. Equipment

1. Availability list.

2. Increased cost.

3. Manufacturers to build in dust and noise suppression devices on equipment.

IV. Medical

1. Research needed for determining "black lung".

2. Study should be made of effects of cigarette smoking on "black lung" condition.

3. Research required on harmful effect of too much ventilation and water.

[The Courier-Journal, July 1, 1971]

MINE LAW ISN'T WORKING AS PLANNED

For some reason or other, the new mine-safety law doesn't appear to be working very well. It was supposed to save lives, yet more miners are dying in the mines this year than died before the law was passed. It wasn't supposed to put mines out of operation and miners out of work, but that's what it is doing.

Small mines are shutting down at an alarming rate, as staff writer Kyle Vance noted in Sunday's *Courier-Journal & Times*. In one Eastern Kentucky county alone the number of employed miners has dropped one-third in the past year. This is not only hurting the economy. It is having the unfortunate side-effect of driving small operators from deep mining into the more destructive practice of stripping-mining. Strip mines are not bothered by the numerous regulations that are applied to make underground mines safe.

Where the fault lies in a matter of wide disagreement. Safety advocates insist that small mines forced to close because of trouble with the safety law shouldn't have been in operation, and that mines that can't meet the law's standards aren't fit places for men to work. They may have a point, although the safety record of the small mines prior to the law's passage was in some respects better than that of the large mines that are continuing to operate.

But small-mine operators also appear to have a case in their objections both to some of the new regulations and to the way they are being enforced. A group of them has filed a suit in federal court challenging the constitutionality of the entire act. This, of course, is a matter for the courts to decide. But there seems to be serious questions about the consistency with which the law is being enforced, and the common sense of some of its provisions when applied to small mines.

ERRATIC, UNEVEN ENFORCEMENT

It certainly doesn't make any sense to require an operator to install 18-inch toilet seats in a mine that is just 30 inches high. (One Pike County operator tells of buying $720 worth of such toilets, though he knew they could not be used by the miners.) It does not make sense to require operators to install air-directing curtains across passageways so that motor operators must drive through them blind, and possibly collide with something on the other side.

It does not make sense to require an operator to install ventilating equipment that pulls so much air through the mine that it stirs up dust and dries out the mine, making it more dangerous, not safer for the men working in it. And it does not make much sense to require costly methane-detecting devices, and time-consuming methane tests, in non-gassy located above the water table where methane gas almost never is found.

But perhaps the worst feature of the new law is the way that it is being enforced. The criticisms from both operators and miners on this score are becoming too numerous to discount entirely. When two different sets of mine inspectors give an operator two conflicting sets of instructions on two consecutive inspection visits, the operator is caught in the middle. Yet one operator after another can tell of instances in which he has ben penalized, shut down or fined by one inspector for doing what another inspector told him to do, or of losing valuable time changing an installation ordered by one inspector in order to meet the demands of a second inspector.

Some operators charge that "the heat is on from Washington" because of the small-mine disaster at Hyden last December in which 38 men were killed, and that inspectors are nitpicking in order to show they are doing their jobs. Others claim that the law was written to order for big mines, and is not flexible enough to be applied to small operations. Still others say that the flexibility of the law, designed to make it apply to any type of mine, leaves too much to the discretion of the individual inspector.

It is impossible for the layman to know where the truth rests. But there is evidence that there is too much variance in the application of the law by the inspectors. The Bureau of Mines owes it to both its own overworked inspectors and the harried operators to see that the inspectors are thoroughly familiar with the law, and know how to enforce it uniformly. If the inspectors can't agree among themselves on what constitutes safe equipment, installation and operation, the operator is put in an impossible position.

Furthermore, the operator—as well as his miners—has a right to know that the inspector judging his mine is qualified and competent. But how can he have any confidence in a Bureau whose procedures made it possible to hire as an inspector a man such as Ernest "Red" Hoskins?

Mr. Hoskins is undoubtedly an experienced miner, with 21 years underground. He thus met the Bureau's apparently-overriding requirement for employment as an inspector. But he was also a foreman in the Finley mine where the improper use of illegal explosives has been blamed for the death of those 38 miners last winter. And as House committee chairman Carl Perkins said during recent hearings into the mine disaster, Mr. Hoskins either knew that illegal explosives were being used and did nothing to prevent their use, or should have known and was negligent in not making sure safe practices were followed.

By resigning voluntarily from his inspector's post, Mr. Hoskins has shown a more sensitive regard for public opinion than did the men who hired him. But the fact that he was hired in the first place, and considered capable of enforcing safety laws efficiently and fairly, gives the public cause to wonder at the general quality of both federal inspectors and inspections.

Mr. BIBLE. Mr. President, before I yield back the remainder of my time, on the last item to which the ranking member of the Republican side of the Appropriations Committee has directed himself, the distinguished Senator from Illinois (Mr. Percy), the $1 million for coal research, he built a compelling and powerful case. It was an add-on on the Senate side. The Senator from Illinois will be a conferee on the bill and I certainly hope that we hold that item in conference.

APPROPRIATIONS FOR THE DEPARTMENTS OF STATE, JUSTICE, AND COMMERCE, THE JUDICIARY AND RELATED AGENCIES FOR THE FISCAL YEAR ENDING JUNE 30, 1972

Mr. BYRD of West Virginia. Mr. President, will the Senator from Nevada yield me 1 minute?

Mr. BIBLE. I yield 1 minute to the Senator from West Virginia.

Mr. BYRD of West Virginia. Mr. President, the bill making appropriations for the Departments of State, Justice, Commerce, and judiciary has been scheduled for Monday next. It is already in order to order the yeas and nays thereon. So that Senators may know that there will be a rollcall vote on final passage of this bill, I ask for the yeas and nays on H.R. 9272.

The yeas and nays were ordered.

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS, 1972

The Senate continued with the consideration of the bill (H.R. 9417) making appropriations for the Department of the Interior and related agencies for the fiscal year ending June 30, 1972, and for other purposes.

Mr. MILLER. Mr. President, I would be remiss if this bill were to pass without making some comments on the item listed on page 29 of the report under the Smithsonian Institution section for construction of the Joseph H. Hirshhorn Museum and sculpture garden in the amount of $3,697,000 for the liquidation of contract charges.

Senate Joint Resolution 45, introduced by the junior Senator from Alabama (Mr. Allen) would declare the entire agreement on this project null and void with a view to continuing the project under a newly negotiated agreement which would not contain certain objectionable provisions in the present agreement.

One of the objectionable features is that Mr. Hirshhorn would be able to control which art objects will be represented in the museum—a control which could lay a foundation for manipulation of the market value of much contemporary art. This, in turn, could affect the amount of tax writeoffs arising from gifts by Mr. Hirshhorn to the museum.

Absent such a newly negotiated agreement, I believe we should make it clear that the Congress expects the Smithsonian Institution to manage the museum in such a manner as to avoid abuse of the control features reserved in the agreement; and, further, that the Internal Revenue Service will most scrupulously examine into the valuation figures used as a basis of tax deductions for gifts to the museum.

I would hope that the congressional committees having cognizance of these matters, including the Senate Finance Committee on which I have the privilege of serving, will maintain careful cognizance over these points so that the public interest will be well served.

Mr. McINTYRE. Mr. President, I am pleased to be able to rise in full support of the appropriations bill for the Interior Department and related agencies which is before us now.

Naturally, as with most appropriations measures we consider I might wish that there was a little more here and possibly a little less in some other item. When you are dealing with a matter as large and complex as the areas covered in this legislation it would be impossible to satisfy each and every Member and their constituency.

I am particularly gratified that this legislation includes funds for the construction of the Forest Service laboratory at the University of New Hampshire at Durham, N.H. These funds will be used to construct a new laboratory building at the university to house 12 forest research labs, nine laboratory facilitating rooms and staff offices. It will be located on the university's campus on land leased free to the Forest Service by the university.

Such a laboratory will greatly facilitate the on-going research in five crucially important areas. First, watershed yield improvement and flood runoff reduction; second, genetic improvement of white pine and other associated species; third, production of high-valued hardwoods; fourth, control of diseases that degrade northern hardwoods; and fifth, improved management of private forest recreation enterprises.

This laboratory has been a dream and a vital need of forestry in New Hampshire and New England for years. As much as 90 percent of the land of some of the New England States are forests and when we consider how important forests and their proper management are—not only for recreation but for water, wood, wildlife and natural beauty then we realize how vital the research to be done by this laboratory is to the future of America's Northeast.

I want to pay a special word of tribute to the distinguished chairman of the Interior Appropriations Subcommittee the Senator from Nevada (Mr. BIBLE) who has been such a help in bringing this laboratory to fruition.

I would also like to say a word about H. A. Keener, dean of the college of life sciences and agriculture at the University of New Hampshire who has worked diligently over the past several years in behalf of this research facility. He has made many visits to Washington in support of the laboratory as has Otis Hall, director of the institute of natural and environmental resources at the university. George Gilman, commissioner of the department of resources and economic development for the State of New Hampshire, John W. McConnell, the former president of the university, Paul O. Bofinger, the forester for the Society for the Protection of New Hampshire Forest, Tudor Richards, the executive director of the Audubon Society of New Hampshire and so many others have been helpful.

All of us have been working for years on this and I have been pleased to join with them in this effort. We have now reached our goal in this matter and I am sure it harbors well for the future of forestry in New England.

There is much still to be done in the development and use of our forests. I am particularly concerned about the recreational facilities in our forests and this is in area that I am most hopeful we can see further accomplishments in future legislation.

Mr. FULBRIGHT. Mr. President, I wish to commend the Appropriations Committee for the inclusion of two items which are of particular interest to my State. The first is $50,000 for planning the Greers Ferry National Water Garden Park. Having both sponsored and supported efforts in behalf of this project since its inception, I especially appreciate the committee's favorable consideration.

I also refer to the committee's approval of $882,000 for additional construction of work in connection with Blanchard Springs Caverns. These natural caverns in north central Arkansas have been described as the most beautiful in the United States and this added money will go far to insure that they may be fully enjoyed by the many people who visit them annually.

The committee has done a fine job and I express my appreciation on behalf of the many Arkansans who are following these projects with interest.

Mr. BENTSEN. Mr. President, I support H.R. 9417, the appropriations measure for the Interior Department and related agencies.

I want to take this opportunity to comment on one section of the bill, the $60,400,000 appropriation for the National Endowment on the Arts and the Humanities.

Mr. President, when President Johnson signed the bill creating the Arts and Humanities Endowments into law on September 29, 1965, he said:

> We in America have not always been kind to the artists and the scholars who are the creators and the keepers of our vision.

He went on to say that the sciences "always seem to get the penthouse while the arts and humanities get the basement."

Lyndon Johnson recognized that this country will ultimately be judged, not solely for its technological achievements, but by its attention to those elements which uplift man's spirit, which enable him to endure and to prevail.

That, in brief, is the mission of the arts and the humanities.

Last year, in testimony before a joint House-Senate committee, Barnaby Keeney, the chairman of the National Endowment on the Humanities, said:

> Many of the most important problems cannot be solved by science . . . because scientists alone cannot decide what to do with the knowledge that is produced . . . What this country, and indeed the whole world lacks, is an understanding of the past, where we have been; the present, where we are; and the future, where we are going.

The Humanities Endowment has established programs to aid us to understand more fully the civilization we have created. Through its public programs, it has sent teams of scholars to small towns to meet with members of civic and church groups to bring the humanities to areas which do not have ready access to universities, major libraries, museums and other cultural centers. Through its education program, it has concentrated on improving the teaching of the humanities at the elementary, secondary, and college levels. Fellowship and research programs have allowed humanistic scholars to take time off from their teaching duties and to gain new insights into their fields.

Both Dr. Kinney and Wallace Edgerton, the present Chairman, have been effective in distributing humanities funds to all sections of the country and in bringing new life to our pursuit of knowledge in language, linguistics, literature, history, jurisprudence, and a variety of other fields which are central in our quest for an understanding of the goals of our society—past, present, and future.

The Arts Endowment, which is the other arm of the National Foundation of the Arts and the Humanities, began with some skepticism on the part of legislators and artists alike concerning the ability of Government to support the arts without violating artistic freedom or fostering a governmentally imposed mediocrity.

But these earlier fears have been dispelled, and the Arts Endowment has now won the support of many of those who were its severest critics in earlier days.

The endowment, under the chairmanship of the able and distinguished Nancy Hanks, has fostered creativity in the arts without Government interference and has breathed new life into our struggling orchestras, museums, dance companies, and other arts organizations which are going through the most severe financial crisis in their histories.

The approach of the Arts Endowment has been twofold—a national program to support the organizations and artists whose activities were not restricted to the confines of a single State, and a State arts council program to encourage artistic activities, through State and local organizations, among the citizens of the individual States.

The national program has supported such vital American cultural enterprises as the American Ballet Theatre, the Western Opera Theater, and various symphony orchestras throughout the country, many of which would have had difficulty surviving at all without some form of Government aid.

In my own State of Texas, the Arts Endowment has supported the Amon Carter Museum of Western Art, the Dallas Theatre Center, the Alley Theatre in Houston, the Symphony Society of San Antonio, and the El Paso Symphony Orchestra Association, and a variety of other artists and organizations.

One particularly interesting project in Texas supported by the endowment is a bilingual theater organized by Texas Tech University, which plans to tour the areas of South Texas in which Spanish is the predominant language.

The State arts council program under section 5(g) of the act has also had a profound effect in my State. Using the funds provided by the National Endowment, which have been more than matched by funds appropriated by the Texas legislature, the Texas Fine Arts Commission has established a number of innovative projects.

The San Angelo Symphony, for example, has initiated a program allowing orchestra members to visit rest homes and mental institutions to bring the therapy of music to people who are largely isolated from the outside world. The Dallas Civic Opera Guild has established a highly successful program of opera for schoolchildren. And various large city symphony and ballet companies have been given the resources to tour the rural areas of my State to bring these art forms to the inhabitants of areas formerly neglected by the performing arts.

I am particularly pleased by the success of both the Arts and Humanities Endowments in stimulating outside sources of support. As many Presidents, including President Nixon, have noted, it is not the function of the endowments to provide the complete financial support for the arts and the humanities. Their function, rather, is to act as a catalyst to encourage State and local governments, as well as private sources, to contribute their share. This is creative federalism in the truest sense of the word.

In Texas, for example, a Federal contribution of $30,909 to the Texas Fine Arts Commission in 1970 was more than matched by $106,000 in State funds. Moreover, contributions from State, local, and private sources across the country have exceeded Federal contributions for the arts by a better than three to one margin. In the humanities, a similar trend has developed.

Mr. President, I commend President Nixon for his strong support for the arts and the humanities, and I want to record my own approval of the $60,400,000 request made by the Appropriations Committee.

Mr. TUNNEY. Mr. President, I would like to compliment Senator BIBLE and the other members of the Subcommittee on the Interior Appropriations for their fine work on the Department of the Interior appropriations bill.

As you know, one of our Nation's major problems is the pollution of our waterways. Californians are becoming increasingly concerned over the future of the Salton Sea, an inland salt water lake in southeastern California. This sea is experiencing threats of increasing salinity which destroys fish life; increasing quantities of nutrients which produce numerous algae, offensive odors and water discoloration, and unstable water levels which could affect drainage and deter shoreline development.

Two years ago while serving in the House of Representatives, I secured funds in the amount of $103,000 for a reconnaissance study of the Salton Sea. This report made a series of observations and recommendations on how the Salton Sea could be saved from destruction.

The Senate Subcommittee on Interior Appropriations has recommended that Congress appropriate $150,000 for a feasibility study of the Salton Sea. It is my hope that the House and Senate will accept this committee recommendation. It is most important that alternatives be developed and evaluated by the Federal Government in cooperation with State and local officials and interested citizens' groups to insure the future of this body of water.

The Salton Sea is an important fish, wildlife, and recreational asset to the State of California serving over 1.5 million people in the Southwest.

To watch this valuable 36-mile long lake and 100-mile coastline, which brings pleasure and enjoyment to so many become another Dead Sea is one sight that I do not want to witness.

I would like also to address myself to another item in the Interior appropriations bill—funds for California Indian housing. On March 4, 1971, a letter was sent by myself and Senator Cranston to the subcommittee outlining the desperate need for additional funds for Indian housing in California. The House appropriated $894,000 for California and I am very pleased that the Senate Appropriations Committee has decided to recommend an additional $1 million for California. I urge the Senate and the House to accept this recommendation which more than quadruples the normal Bureau of Indian Affairs budget allocation for California rural Indian housing needs.

However, I would like to add my disappointment as well that my original request for $5 million was not approved. It has been estimated that $30 million would be needed to correct fully the substandard housing of California's rural Indian population.

Out of a rural Indian population of over 40,000, probably 90 percent are ill-housed. Alternative housing programs are not well suited to meet the needs of California Indians. Housing programs under HUD do not operate well where housing needs are widely dispersed. In addition, annual Indian family incomes are very low—averaging $2,000 annually. To these Indian families, usual housing programs requiring mortgages and monthly payments are not workable.

The Bureau of Indian Affairs housing improvement program provides the flexibility needed to construct new homes and repair old ones at the point of need anywhere in California.

It is my hope that either in the next supplemental or regular appropriations bill, a more significant amount of housing funds can be made available.

To demonstrate further the need for Indian housing in California, I would like to place in the Record at this time a report by the California Indian Legal Services.

There being no objection, the report was ordered to be printed in the Record, as follows:

Decent Homes: A Report on the Need for an Emergency Housing Grant for Rural California Indians

INTRODUCTION

Tarpaper shacks with leaking roofs. Cramped, decaying trailers. Four children, of both sexes and varying ages, in an eight by ten room. Frayed and exposed electric wiring (or none at all). No privacy. No place for the young to study. No place for the sick to rest.

Such is the degrading squalor of most Indian housing in the Golden State today. Why do such conditions exist in the wealthiest State in the richest nation in 1971? What can be done to alleviate them? This report briefly explores the history leading to this situation, documents present needs, and offers a realistic first step in bringing a measure of dignity and shelter to the original Californians, whose land underlies the prosperity of California today.

OUT OF SIGHT, OUT OF MIND

Most Californians know little about California Indians. There are many Indians in the State—over 100,000, including tens of thousands brought here from other states over the past two decades by the Bureau of Indian Affairs under its job training and placement programs. California is now the first or second most populous Indian state in the country. But in a State so large and dazzling, the Indian population, particularly the 40,000 or so native Californians who live in rural areas, tend to be all but forgotten. Rural California Indians are tucked away in remote areas, often on tiny, impoverished reservations and rancherias far from the cities, suburbs, and freeways of the Golden State. Rural California Indians suffer many ills; by all measures of social well-being they are at the lowest rung of society.

The history of California Indians is one of terror and tragedy. Hunted down like animals, they were literally decimated in the nineteenth century, decreasing from 150,000–200,000 to 15,000,000[1] in 50 years, through encounters with white settlers, loss of food supplies and white-imported diseases. Later experiences with the United States Government were only slightly less traumatic.

Over the years the Federal Government has provided far less assistance to California Indians than to Indians in other states. Ironically, even in California most BIA funds are spent for the benefit of Indians from other states brought here by the Bureau for employment. And until a year or two ago, Sherman Institute, the only BIA school in California, was closed to California Indians. Even now the majority of students there are from out-of-state. Yet the cost of maintaining Sherman—several million dollars—was deducted from the 1944 California Indian Claim Award.

United States Treaties with California Indians are a history of treachery and duplicity; none have ever been ratified by the United States, although the Indians gave up their land in reliance on the treaties. To this day, little land has been set aside for California Indian groups; most of the land that has been set aside is either very remote and poor or came too late as a half-hearted afterthought; and some has been lost because of the ill-conceived Federal termination policy of the 1950's and '60's in California. A great many California Indians have never received any land at all.

The ambivalence and inconsistency of Federal Indian policy during the last 100 years in California—now assimiliationist at any price, now ineffectually paternalistic—has left the Indians confused, embittered and in harsh poverty.

ESTIMATED NEEDS

For most rural California Indians, safe and adequate housing does not exist. Out of a rural Indian population of about 40,000, *at least seventy per cent*, and probably closer to ninety per cent, are ill housed. At present, there is no hope for improvement. During the last three years, the Bureau of Indian Affairs in California has had an annual housing budget of about $300,000 per year. Basically this money, which is funneled through the BIA's Housing Improvement Program (HIP), serves as an emergency fund to extricate a handful of families whose housing is so deteriorated as to be uninhabitable or whose homes have been destroyed by fire. (Fire is very common among rural Indians, mainly because many of the houses are improperly wired and unsafely heated. If building codes were enforced against them, most would be homeless.)

The Bureau's annual $300,000 housing budget represents about one per cent of the money needed to substantially improve the overall housing picture for California Indians. It is far from enough to even maintain existing conditions, as depressing as they are, let alone make any advances. The present money is little more than a token fund. It is estimated by Bureau officials that to substantially correct the situation, about *thirty million dollars* would be needed in California.

For the purpose of estimating rural California Indian housing needs, it is useful to divide the state into three areas: northern, central and southern. In those areas the estimated needs for Indian housing are as follows:

In northern California, an area which for this purpose includes the five counties of Humboldt, Del Norte, Siskiyou, Shasta, and Trinity, it is estimated that there are about 11,200 Indians either on or near the reservation (the "on or near" classification includes all Indians except terminated groups). A fairly accurate survey conducted, in part, by the Hoopa Area Office of the Bureau of Indian Affairs indicates that in this area about 250 new housing units are needed. The new units include those houses which are beyond repair and additional housing for those Indian families now living doubled up with other families. About 500 existing units are in need of major repair. It is estimated that to meet the northern area housing need would cost approximately $4,250,000.

The central portion of the state, which for the purposes of this report includes significant Indian populations in the counties of Mendocino, Lake, Glenn, Sonoma, Tuolumne, Mariposa, Fresno, Tulare, Alpine, Mono and Inyo, has an Indian population of approximately 20,500. In this area it is estimated that at least 500 new units are needed and 1,000 houses need major repair. The total cost is estimated at about $8,500,000.

In the southern part of the state, including significant Indian populations in the counties of Santa Barbara, San Bernardino,

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[1] Since the turn of the century, they have increased to something over 40,000, owing to the highest birth rate in the state, longer life span and lower infant mortality (despite a present life expectancy of 44 years and the highest infant mortality rate of any group in the State).

Riverside, San Diego and Imperial, there are approximately 10,095 Indians living on or near Indian reservations. In this area it is estimated that about three hundred new houses are needed and about 470 houses require repair. The total projected budget for this work comes to approximately $4,975,000.

Adding the three areas together there is a total state need for "on or near" a reservation housing of $17,725,000. However, that figure does not include terminated Indians. There are probably at least 5,000 terminated Indians in California, most of them in the northern and central parts of the state. The Bureau of Indian Affairs estimates it would cost approximately $12,275,000 to meet their housing needs, making a statewide total of $30,000,000. These estimates are based on simple, decent housing, without frills.

WHO SHALL BE SHELTERED?

As indicated above, many California Indians surrendered their land in reliance on the unratified treaties but were never given the reservations promised in the treaties. Therefore, they have never lived on Federal trust land. In addition, thousands of the Indians who were belatedly given small parcels (known as "rancherias") in the northern and central parts of the State, in the late 19th and early 20th centuries, to salve the troubled white conscience, were stunned to find those lands being terminated (that is, losing their Federal trust status and the attendant services, such as they were) in the 1950's and 60's. Because of termination, some of those Indians have lost even those token lands. Others remain in total oblivion so far as the BIA is concerned while Indians in other states have been provided greatly increased Bureau assistance in recent years. However, termination should no longer be an excuse for such neglect. As President Nixon stated in his Message of July 8, 1970 to Congress on Indian policy:

"This policy of forced termination is wrong, in my judgment, for a number of reasons. First, the premises on which it rests are wrong. Termination implies that the Federal government has taken on a trusteeship responsibility for Indian communities as an act of generosity toward a disadvantaged people and that it can therefore discontinue this responsibility on a unilateral basis whenever it sees fit. But the unique status of Indian tribes does not rest on any premise such as this. The special relationship between Indians and the Federal government is the result instead of solemn obligations which have been entered into by the United States Government. Down through the years, through written treaties and through formal and informal agreements, our government has made specific commitments to the Indian people. For their part the Indians have often surrendered claims to vast tracts of land and have accepted life on government reservations. In exchange, the government has agreed to provide community services such as health, education and public safety, services which would presumably allow Indian communities to enjoy a standard of living comparable to that of other Americans.

"This goal, of course, has never been achieved. But the special relationship which arises from these agreements continues to carry immense moral and legal force. To terminate this relationship would be no more appropriate than to terminate the citizenship rights of any other American.

"The second reason for rejecting forced termination is that the practical results have been clearly harmful in the few instances[2] in which termination actually has been tried. The removal of Federal trusteeship responsibility has produced considerable disorientation among the affected Indians and has left them unable to relate to a myriad of Federal, State and local assistance efforts. Their economic and social condition often has been worse after termination than it was before."

Thus as a matter of meeting the real needs of the people and not making false distinctions based on historical inequities, it is essential that housing be provided to rural California Indians on a non-discriminatory basis, that is, without regard to whether they live on Federal, State or private land, whether on reservations, rancherias, allotments, or individually owned property, whether they are terminated or unterminated.

HOW SHALL HOMES BE PROVIDED?

With the multiplicity of existing housing programs, it is disappointing to find none that is tailored to meet the unique situation confronting California Indians. Yet generally speaking that is the case. Many California Indians are dispersed in small, remote groups, often with weak governing bodies and a membership consisting largely of disabled and elderly people, or a disproportionately high number of children. Unterminated people reside on trust land which cannot (and should not) be mortgaged. Annual total family incomes of less than $2,000 are typical. In light of all of these factors, the usual housing programs, which often require mortgages and monthly payments, simply are generally unworkable. For the small, poorly organized groups which predominate in northern and central California, the same is true of housing authorities. In the southern part of the State, however, there is a Mission Indian Housing Authority covering about half a dozen reservations which have sufficient area, population and functioning governing bodies to justify such a pilot project. Several other large reservations, elsewhere in the state, may also lend themselves to such efforts and the Mission project will be an important test for them. It should be given full Federal support.

CONCLUSION AND RECOMMENDATION

Housing is, of course, a vital necessity in itself. However, it is also the key to many other problems confronting rural California Indians. The lack of decent shelter creates health and safety hazards. It does not provide room for study, with resulting educational problems. Psychological studies have documented the adverse effects of sustained overcrowding. Dignified housing is also essential for Indian self-respect and the respect of neighboring non-Indian communities. An Indian slum on the edge of town breeds contempt and erects barriers of bias against Indians seeking employment, social contact, education and all of the services, private and public, they require. It is a constant, visible reminder of the failure of the Federal Government. New or improved housing can restore a sense of hope to the Indian people.

In light of the above factors, if housing is to be made available to rural California Indians in the near future, the only practicable program for most of them is the Bureau of Indian Affairs' Housing Improvement Program (HIP). This program has been functioning, although at a token level, for some time. It is flexible in that it permits construction of new homes or repair of repairable old ones and it need not be limited to Indian trust land. It also makes housing available to those most badly in need of it, those who simply cannot make monthly housing payments. Many of them can barely find enough money for food. HIP is a grant program and does not require any payments.

Although it may not be possible for Congress to appropriate at one time the $30 million needed to make rural California Indian housing adequate, a minimum emergency appropriation of 5 million dollars should be made immediately. Congress should expressly provide that these funds shall be used to meet the needs of Indians regardless of the type of land upon which they live or whether they are terminated or unterminated. Indians should be involved as much as possible in planning their new homes or repairs to existing ones.

The present condition of rural California Indian housing is comparable to that which would exist if all of the Indians lived in an area devastated by some great natural calamity. The fact that the shacks are remote and out of sight should not obscure the fact that the great majority of California Indians live in such conditions. An emergency housing grant is just as essential for them as if they were in a Federally-declared "disaster area"—perhaps more so as they have lived in these squalid conditions for so long and the Federal Government has a special obligation to them.

Mr. BIBLE. Mr. President, if there are no further requests for time I yield back the remainder of my time.

Have the yeas and nays been ordered?

The PRESIDING OFFICER (Mr. SPONG). The yeas and nays have been ordered.

Mr. BIBLE. I thank the Chair. I think that we can now proceed to final passage, Mr. President.

The PRESIDING OFFICER. All time on the bill has now been yielded back.

The question is on the engrossment of the amendments and third reading of the bill.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass?

On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. BYRD of West Virginia. I announce that the Senator from Nevada (Mr. CANNON), the Senator from Montana (Mr. EAGLETON), the Senator from Oklahoma (Mr. HARRIS), the Senator South Carolina (Mr. HOLLINGS), the Senator from Washington (Mr. JACKSON), the Senator from North Carolina (Mr. JORDAN), the Senator from Masschusetts (Mr. KENNEDY), the Senator from South Dakota (Mr. MCGOVERN), the Senator from Maine (Mr. MUSKIE), the Senator from Rhode Island (Mr. PELL), the Senator from Connecticut (Mr. RIBICOFF), the Senator from Alabama (Mr. SPARKMAN), and the Senator from Illinois (Mr. STEVENSON) are necessarily absent.

I further announce that the Senator from Idaho (Mr. CHURCH), and the Senator from Georgia (Mr. TALMADGE) are absent on official business.

I further announce that, if present and voting, the Senator from South Dakota (Mr. MCGOVERN), the Senator from Connecticut (Mr. RIBICOFF), the Senator from Washington (Mr. JACKSON), and the Senator from Illinois (Mr. STEVENSON), would each vote "yea".

Mr. SCOTT. I announce that the Senators from Tennessee (Mr. BAKER and Mr. BROCK), the Senator from New York (Mr. BUCKLEY), the Senator from Michigan (Mr. GRIFFIN) and the Senators from Ohio (Mr. TAFT and Mr. SAXBE), are necessarily absent.

The Senator from Oregon (Mr. HATFIELD) and the Senator from Idaho (Mr. JORDAN) are absent on official business.

The Senator from Massachusetts (Mr.

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[2] Thirty-six rancherias have been terminated in California and a number of others are in the process of termination.

BROOKE) and the Senator from South Dakota (Mr. MUNDT) are absent because of illness.

Also, the Senator from New Hampshire (Mr. COTTON), the Senator from Arizona (Mr. GOLDWATER), the Senator from Texas (Mr. TOWER) and the Senator from Connecticut (Mr. WEICKER) are necessarily absent.

If present and voting, the Senator from Oregon (Mr. HATFIELD), the Senator from Idaho (Mr. JORDAN) the Senator from Ohio (Mr. TAFT) and the Senator from Texas (Mr. TOWER) would each vote "yea."

The result was announced—yeas 71, nays 0, as follows:

[No. 147 Leg.]

YEAS—71

Aiken
Allen
Allott
Anderson
Bayh
Beall
Bellmon
Bennett
Bentsen
Bible
Boggs
Burdick
Byrd, Va.
Byrd, W. Va.
Case
Chiles
Cook
Cooper
Cranston
Curtis
Dole
Dominick
Eastland
Ellender
Ervin
Fannin
Fong
Fulbright
Gambrell
Gravel
Gurney
Hansen
Hart
Hartke
Hruska
Hughes
Humphrey
Inouye
Javits
Long
Magnuson
Mansfield
Mathias
McClellan
McGee
McIntyre
Metcalf
Miller
Mondale
Montoya
Moss
Nelson
Packwood
Pastore
Pearson
Percy
Prouty
Proxmire
Randolph
Roth
Schweiker
Scott
Smith
Spong
Stennis
Stevens
Symington
Thurmond
Tunney
Williams
Young

NAYS—0

NOT VOTING—29

Baker
Brock
Brooke
Buckley
Cannon
Church
Cotton
Eagleton
Goldwater
Griffin
Harris
Hatfield
Hollings
Jackson
Jordan, N.C.
Jordan, Idaho
Kennedy
McGovern
Mundt
Muskie
Pell
Ribicoff
Saxbe
Sparkman
Stevenson
Taft
Talmadge
Tower
Weicker

So the bill (H.R. 9417) was passed.

Mr. BIBLE. Mr. President, I move that the Senate insist on its amendments and request a conference with the House of Representatives thereon, and that the Chair be authorized to appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer (Mr. TUNNEY) appointed Mr. BIBLE, Mr. MCCLELLAN, Mr. BYRD of West Virginia, Mr. MCGEE, Mr. MONTOYA, Mr. ELLENDER, Mr. PERCY, Mr. YOUNG, and Mr. BOGGS conferees on the part of the Senate.

Mr. MANSFIELD. Mr. President, with the final passage of the appropriation bill for the Department of the Interior the Senate owes the distinguished senior Senator from Nevada (Mr. BIBLE) a note of thanks. As the volume of amendments increases each year his able hand and expert knowledge becomes more invaluable. The skillful and courteous approach exemplified by the senior Senator from Nevada (Mr. BIBLE) brings every measure he supports a positive response from this chamber.

Aiding Senator BIBLE with this important final vote on appropriations in a truly fine bipartisan way was the able senior Senator from Illinois (Mr. PERCY). Our appreciation and thanks are extended to him for his dedicated and knowledgeable help on this important matter.

Contributing in the floor debate is an important means by which the Senate keeps informed on legislation. The articulate contributions by both Senators from Alaska (Mr. GRAVEL and Mr. STEVENS) were very informative. The north land is reputed to make hard workers, and these two fine gentlemen certainly uphold that reputation.

And adding their always thoughtful views to the discussion today were the Senator from Arizona (Mr. FANNIN) and the Senator from Minnesota (Mr. HUMPHREY). Their views are always welcome.

Again, to Senator BIBLE, to the members of his subcommittee and to the Senate as a whole, recognition and commendation is due for the expeditious and judicious adoption of this needed funding measure.

THE GENEVA PROTOCOL OF 1925

Mr. FULBRIGHT. Mr. President, on June 8 I reported to the Senate on the status of the Geneva Protocol of 1925. At that time I also released the text of a letter which I had written to the President on behalf of the Committee on Foreign Relations suggesting that the administration reconsider its position that the protocol does not prohibit the use of tear gas and herbicides in warfare. I noted in my report that my letter to the President, then 2 months old, had not received a substantive reply. Another month has now passed and there still has been no response from the President.

Despite this protracted lapse in communication with the White House there have been other indications that the military use of chemical herbicides in Vietnam continues to be an active issue within the executive branch. In an article which appeared in the Washington Post of July 3, 1971, Mr. Bernard D. Nossiter reported that the Pentagon is presently seeking a reversal of the President's earlier decision to discontinue the use of chemical herbicides in Vietnam, and that the Defense Department is now speaking of "phasing down" the use of herbicides rather than phasing them out.

If this report is accurate, and I have reason to believe that it is, it would come as no surprise. There have been many indications, including the ten month delay in the President's submission of the Geneva protocol to the Senate, that the military services, primarily the Army, have consistently opposed the constructive but limited steps which the President has taken with regard to restricting the military use of tear gas and herbicides in Vietnam.

In the absence of a response from the President to the committee's communication regarding the larger issues involved in the ratification of the protocol, I would be pleased, at a mininum, to have some assurance from the administration that the President's announced decision to discontinue the use of herbicides in Vietnam is not being reconsidered. While many of us are not at all in agreement with the administration's interpretation that the Geneva protocol does not prohibit the use of herbicides in warfare, we were nevertheless encouraged during the hearings on the protocol by the administration's assurances that their use in Vietnam was being "phased out." In their testimony on the protocol both the Secretary of State and Assistant Secretary of Defense Nutter placed great emphasis on this decision, stating repeatedly that the use of herbicides in Vietnam was being terminated—"phased out" was the term which they used, not "phased down." If this decision is now reversed I, for one, would consider such action as constituting a major departure from the policy on which the administration based its request for Senate advice and consent to the Geneva protocol.

I ask unanimous consent that the article by Mr. Nossiter to which I referred earlier be placed in the RECORD at the conclusion of my remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Post, July 3, 1971]

PENTAGON FIGHTS HERBICIDE BAN

(By Bernard D. Nossiter)

The Pentagon has asked the White House to relax its ban on herbicides in Vietnam, it was learned yesterday.

The issue is now being discussed at the uppermost levels of the National Security Council, and it is regarded as "highly sensitive."

The Defense Department is said to be contending that the outright ban pledged by President Nixon would deprive remaining troops of a needed safeguard. Those favoring existing policy fear that continued use of the plant-killing chemicals will further snarl Senate ratification of the Geneva Protocol outlawing chemical and biological weapons.

At issue is Mr. Nixon's announcement of last Dec. 26. He said then that the United States is "initiating a program for an orderly, yet rapid phase-out of the herbicide operations."

The Pentagon wants the policy changed to a "phase-down" instead of a "phase-out." This would sanction limited but continued use.

In a report to congressmen last April on herbicides in Vietnam, Dennis J. Doolin, deputy assistant secretary of defense for international security affairs, used the word "phase-down."

The Pentagon request is described as a limited, narrowly defined change, closely tied to the safety of troops. Presumably, military men are arguing that continued herbicides use is needed to clear foliage around fire bases, giving clearer fields of fire and making infiltration more difficult.

Opponents of the proposed policy change acknowledge that herbicides used under these conditions would have little effect on South Vietnam's ecology. But they fear the political consequences if the Defense Department gets its way.

Permission for indefinite use, they argue, would amount to a sanction for herbicides and keep alive Pentagon research in this emotionally charged area.

More importantly, it is said, a change to "phase-down" would make more difficult the already troubled passage of the Geneva Protocol. The United States is the only major nation that has not ratified the agreement, which Mr. Nixon has asked the Senate to approve.

However, the administration has said that it wants ratification with the understanding that the Protocol does not prohibit herbicides or tear gas.

This understanding is held by few nations and is opposed by an important bloc of Senators who favor ratification. As a result, the

Protocol has not been reported out by the Senate Foreign Relations Committee.

If the United States is still using herbicides when the Protocol finally reaches the floor, it will be very difficult for many senators to approve it. It would put them in the position of ratifying an international agreement condemning a practice employed by the United States.

Some officials who favor ratification of the Protocol argue that the Senate is already so divided over whether to include the reservation on herbicides and tear gas that the change sought by the Pentagon makes no difference. In any case, these officals say, it is very hard to argue with the military when they contend that what they want affects the safety of American troops.

It was still unclear last night whether the National Security Council and Mr. Nixon would approve the switch to "phase-down." An announcement is expected soon.

SENATE RESOLUTION 100—ADDITIONAL EMPLOYEES FOR VETERANS' COMMITTEE

The PRESIDING OFFICER. The Chair lays before the Senate the motion to proceed to the consideration of the motion to reconsider the vote by which the Senate passed Senate Resolution 100.

Who yields time?

Mr. ELLENDER. Is that motion now the pending business?

The PRESIDING OFFICER. It is the pending question. The Senate must proceed to its consideration at this time.

Mr. ELLENDER. And we would have a voice vote on it?

The PRESIDING OFFICER. Do Senators yield back their time?

Mr. HARTKE. I yield back the balance of my time.

Mr. ELLENDER. I want the Senate to have the opportunity to reconsider the vote.

The PRESIDING OFFICER. The question before the Senate is, Shall the Senate proceed to its consideration?

Mr. LONG. Mr. President, will a Senator yield me some time?

Mr. HARTKE. Mr. President, let me make a parliamentary inquiry.

The PRESIDING OFFICER. The Senator has yielded back his time.

Mr. HARTKE. Mr. President, I ask unanimous consent that I may withdraw that.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HARTKE. Mr. President, a parliamentary inquiry. The motion before the Senate at this time is very simply whether to take up the motion to reconsider. Is that correct?

The PRESIDING OFFICER. That is correct.

Mr. HARTKE. If it is adopted, the motion to reconsider becomes the pending business. Is that correct?

The PRESIDING OFFICER. Then the question is whether the Senate shall or shall not reconsider the vote by which the resolution was agreed to.

Mr. HARTKE. Then there is debate on the motion to reconsider the vote?

The PRESIDING OFFICER. That is correct.

Do Senators yield back their time?

Mr. ELLENDER. Mr. President, in order to place the original resolution, Senate Resolution 100, before the Senate, yes.

The PRESIDING OFFICER. The question is on the motion to proceed to the consideration of the motion to reconsider the vote by which the Senate agreed to Senate Resolution 100.

The time has been yielded back.

All in favor say "aye," opposed "nay."

Mr. LONG. A division, Mr. President.

The PRESIDING OFFICER. A division has been requested. All in favor will stand up and be counted.

Mr. HARTKE. Mr. President, I suggest the absence of a quorum.

The PRESIDENT. Senators opposed will stand up and be counted.

The absence of a quorum has been suggested. The clerk will call the roll.

Mr. BYRD of West Virginia. Mr. President, will the Senator withdraw his request?

Mr. HARTKE. Mr. President, I ask unanimous consent to withdraw my request for a quorum call.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD of West Virginia. Will the Senator yield me 1 minute?

Mr. HARTKE. I yield.

Mr. BYRD of West Virginia. Mr. President, I would like to call to the attention of Senators the fact that unless this matter is disposed of, one way or another, it will stay on the calendar. I think we ought to adopt the motion to proceed to take up the motion, and then we can dispose of it without any problem. I would hope Senators would vote "aye."

The PRESIDING OFFICER. The question is on agreeing to the motion.

The motion to proceed to consider the motion to reconsider was agreed to.

The PRESIDING OFFICER. The question now before the Senate is whether to reconsider the vote by which the Senate adopted Senate Resolution 100.

There is a limitation of 15 minutes to a side.

Who yields time?

Mr. ELLENDER. Mr. President, what is before the Senate at this time?

The PRESIDING OFFICER. The reconsideration of the vote by which the Senate adopted Senate Resolution 100.

Mr. ELLENDER. Mr. President, I understood that the reconsideration would be agreed to and that the resolution would be placed before us so that I can offer an amendment which could then be voted up or down.

I ask unanimous consent that my proposed amendment be printed in the Record at this point.

There being no objection, the proposed amendment was ordered to be printed in the Record, as follows:

Strike out all after *"Resolved,"* and in lieu thereof insert the following:

"That the Committee on Veterans' Affairs is authorized, until otherwise provided by law, to employ three additional clerical assistants at rates of compensation to be fixed by the chairman in accordance with the provisions of section 105 of the Legislative Branch Appropriation Act, 1968, as amended. Such additional clerical assistants shall be paid from funds available to pay the compensation of the positions referred to in section 2.

"Sec. 2. The number of additional clerical assistants authorized, until otherwise provided by law, to be employed by the Committee on Labor and Public Welfare by Senate Resolution 74, agreed to February 20, 1967, is reduced from nine to seven. The number of additional clerical assistants authorized, until otherwise provided by law, to be employed by the Committee on Finance by Senate Resolution 66, agreed to February 17, 1969, is reduced from six to five."

Mr. LONG. Mr. President, will the Senator yield me 2 minutes?

Mr. HARTKE. I yield to the Senator from Louisiana.

Mr. LONG. Mr. President, this Senator had no knowledge of the fact that there was to be a proposal to amend this resolution which would force us to fire one of our best employees on the Senate Finance Committee, a hard-working man, one of the most brilliant young men I know, who works diligently, long hours. When he was working on veterans' legislation on the Finance Committee, he devoted about 10 percent of his time to such legislation. Now that we are not working on veterans' matters in the Finance Committee, he is able to devote the time to social security matters, social insurance, medicare and medicaid matters. In short that man is enormously useful to us.

It is our judgment that that man will save this Government literally hundreds of millions of dollars, by pointing out where money can be saved on social security, medicare, and medicaid, welfare and various and sundry other matters.

Frankly, if we are going to say that in order to provide three men for the Veterans' Committee, we are going to have to fire a hard-working, devoted employee of the Finance Committee, who is overworked and underpaid, then I would have to proceed to start offering amendments to tell every other committee what it can have. I do not think anyone knows better than we do how many people we need on the Finance Committee.

I see the distinguished ranking member on the other side of the committee in the Chamber. I think he would agree that we need this employee very definitely.

Mr. BENNETT. Mr. President, will the Senator yield 2 minutes to me?

Mr. HARTKE. I yield 2 minutes to the Senator from Utah.

Mr. BENNETT. Mr. President, the Senate Finance Committee, which handles all the tax problems, social security problems, and is now going to work on the problems of completely overhauling the welfare system and the question of revenue sharing, has a staff of 14 permanent members and one temporary member—15.

When we had jurisdiction over veteran affairs problems, we handled every question that came to us part of the time with one staffman. The chairman has said it took 10 percent of his time. If we add the time of the secretary, we would have the equivalent of one quarter of the time of one staffman. The Veterans' Committee has 12 staff people. It asked for 17. The Committee on Rules and Administration gave it 15. Now we are being asked by this resolution, in order to validate those 15, to give up one of the 14.

I will leave to the Senate to determine

whose load is heaviest, that of the Veterans' Committee or that of the Finance Committee. This proposal would leave us with one staff person less than the Veterans' Committee has.

As the chairman of the Finance Committee has stated, if it is interpreted to mean that is necessary in order to save money to pay for the salary of the person who goes on the Veterans' Committee staff, then, he is right, we have to fire some we cannot afford to lose.

So I hope this matter of reconsideration is rejected.

Mr. FANNIN. Mr. President, will the Senator yield me 2 minutes?

Mr. ELLENDER. I yield to the Senator.

Mr. FANNIN. I want to concur in what has been said by the distinguished chairman of the Finance Committee and the distinguished ranking Republican member of the committee. We are taking on an additional workload, and then we are asked to do that workload without additional personnel, whereas I feel we should have additional work personnel rather than a cutback.

We now have an ad hoc committee delving into the problem of the tremendous imports into this country and our inability to export into other countries. This matter is vitally important to our economy. I do not know of anything that is more important today than the effort to solve our foreign trade problems and try to get a more favorable balance of trade with the other nations of the world. In trying to do this we need additional help.

We have a very excellent staff, and I feel that they are doing a tremendous service to the country—not only to the Senate, but to the Nation—in delving into and helping to solve the problem. I think it would be a great mistake if we cut that staff.

Mr. ELLENDER. Mr. President, I yield myself 5 minutes.

This little motion to reconsider has caused more interest to Senators than the Interior appropriation bill we just passed. I do not know why.

The Senator from Utah (Mr. BENNETT) has stated, as I understood him, that the Finance Committee had 14 employees. Is that correct?

Mr. BENNETT. We have 14 regular and one temporary employees, a total of 15.

Mr. ELLENDER. The record shows the committee has 24 positions authorized, including 10 clerical assistants. All I am asking is that one of these positions which the committee apparently is not using—a clerical—be transferred to the committee that is headed now by my friend from Indiana. I am asking the same thing with respect to the Committee on Labor and Public Welfare.

Mr. LONG. Mr. President, will the Senator yield?

Mr. ELLENDER. I yield.

Mr. LONG. The Committee on Finance has authority for 24 employees, but we are not hiring 24; we have 15. We really need professionals; that is where we are shorthanded, but at present we have no space for any more.

Mr. ELLENDER. How many professionals does the committee now have? Twelve?

Mr. LONG. Six.

Mr. ELLENDER. As I understand, the committee has authorization for 12 professionals and 12 clericals but is not using them all.

Mr. BENNETT. That is correct.

Mr. ELLENDER. Evidently the committee has authorization for too many.

Mr. BENNETT. Oh, no.

Mr. ELLENDER. It is my belief that at least one of the clericals could be taken from the Committee on Finance and placed on the new committee. The reason is that the Committee on Finance handled a part of what the Committee on Veterans' Affairs now handles. The same is true of the Committee on Labor and Public Welfare. That seems a very reasonable course of action.

Mr. LONG. There is a misunderstanding. We are using every clerical employee for which we have authorization. They are all used. That is what the Senator would take from us.

Mr. ELLENDER. The Senator from Utah has stated otherwise.

Mr. BENNETT. I got my information from the chief of our staff. We have five secretaries and three other clerks and a chief clerk. That is a total of nine clericals. We also have six professionals, making a total of 15 staff members.

Mr. LONG. The point is that we are not going to hire anyone unless additional help is desperately needed. I have just signed a paper to fill our last vacancy for a clerical, to give us some extra help with the big welfare bill.

We are going to need professionals when we begin our work on the welfare bill. The administration claimed that only 1 percent of welfare is fraud. There are some who claim that 15 or 20 percent is fraud. How can we find out who is right if we do not have someone to investigate the question? If 1 percent is reported by the administration to be fraud, and others claim that it is 15 percent, we need to know who is right. We will use the additional employees only if it is necessary.

I cannot for the life of me understand why the Committee on Appropriations went up to 40. All the Committee on Finance is asking is that you not take our staff away from us.

Mr. ELLENDER. Mr. President, how much time have I remaining?

The PRESIDING OFFICER. The senior Senator from Louisiana has 8 minutes remaining.

Mr. ELLENDER. I do not care to take up the time of the Senate unnecessarily. It was my understanding that agreement had been reached, and that the resolution would be placed before the Senate for reconsideration. I prepared an amendment on that basis, and prepared myself to debate the issue on its merits. The committees affected were notified of my intentions.

Senators know that I have been trying to keep down the expenses of the Senate. My colleague from Louisiana (Mr. LONG) has referred to the Committee on Appropriations. When I came to that committee as its chairman, we had 41 employees on board. In recent weeks, the number has been reduced by four. I do not want any more than we need.

For the past 25 years, I have been trying to reduce the expenses of the Senate, particularly with respect to subcommittees and the supposedly "temporary" expansion of committee staffs. Some time ago we had a policy meeting on this general question. There is now talk of having to construct another Senate office building or add to the present New Senate Office Building.

Much of the work that is going to be done by the newly created Committee on Veterans Affairs was done previously by the Committee on Labor and Public Welfare, and partly by the Committee on Finance. I thought we could take from those two committees three clerical positions—that is all; two from labor and public welfare and one from finance. That would suffice, from what I can understand, for the needs of the new committee.

I understand that the Committee on Veterans' Affairs originally asked for five clericals, on a permanent basis, but the Committee on Rules and Administration agreed to only three supposedly on a temporary basis. I am trying to prevent this increase in total Senate employment. It seems to me that the two committees that used to handle veterans' affairs could supply the small number of clericals needed in order to enable the new committee to do its work.

I ask unanimous consent that three tables showing the transfer of jurisdiction and workload to the Veterans' Committee be printed in the RECORD at this point.

There being no objection, the tables were ordered to be printed in the RECORD, as follows:

COMMITTEE ON VETERANS' AFFAIRS

Staff ---------------------------- $331,608

(Legislative Reorganization Act of 1946, as amended)

6 Professional Staff Members, 2 Not to Exceed $35,670 each.

1 Chief Clerk, 4 Not to Exceed $34,194 each.

1 Assistant Chief Clerk, 2 Not to Exceed $32,718 each.

4 Clerical Assistants, Not to Exceed $14,514 each.

92nd Congress Expense Fund------ $10,000
Fiscal Year Stationery Allowance---- $300
92nd Congress Expense Fund ------ $10,000

NO INVESTIGATIONS RESOLUTION

Jurisdiction

1. Veterans' measures generally. From Finance.
2. Pensions of all wars of the United States, general and special. From Finance.
3. Life insurance issued by the Government on account of service in the armed forces. From Finance.
4. Compensation of veterans. From Finance.
5. Vocational rehabilitation and education of veterans. From Labor and Public Welfare.
6. Veterans' hospitals, medical care and treatment of veterans. From Labor and Public Welfare.
7. Soldiers' and sailors' civil relief. From Labor and Public Welfare.
8. Readjustment of servicemen to civil life. From Labor and Public Welfare.
9. National cemeteries. From Interior and Insular Affairs.

COMMITTEE ON FINANCE

Staff $331,608

(Legislative Reorganization Act of 1946, as amended)

6 Professional Staff Members, 2 Not to Exceed $35,670 each.

1 Chief Clerk, 4 Not to Exceed $34,194 each.

1 Assistant Chief Clerk, 2 Not to Exceed $32,718 each.

4 Clerical Assistants, Not to Exceed $14,514 each.

Additional Staff Authorized by Resolution $283,392

6 Professional Staff Members, Not to Exceed $32,718 each.

6 Clerical Assistants, Not to Exceed $14,514 each.

92nd Congress Expense Fund....... $10,000
Fiscal Year Stationery Allowance... $300

NO INVESTIGATIONS RESOLUTION

Jurisdiction

1. Revenue measures generally.
2. The bonded debt of the United States.
3. The deposit of public moneys.
4. Customs, collection districts, and ports of entry and delivery.
5. Reciprocal trade agreements.
6. Transportation of dutiable goods.
7. Revenue measures relating to the insular possessions.
8. Tariffs and import quotas, and matters related thereto.
9. National social security.

The following jurisdictional areas were transferred to the Veterans Affairs Committee by the Legislative Reorganization Act of 1970:

Veterans' measures generally.

Pensions of all wars of the United States, general and special.

Life insurance issued by the Government on account of service in the armed forces.

Compensation of veterans.

COMMITTEE ON LABOR AND PUBLIC WELFARE

Staff $331,608

(Legislative Reorganization Act of 1946, as amended)

6 Professional Staff Members, 2 Not to Exceed $35,670 each.

1 Chief Clerk, 4 Not to Exceed $34,194 each.

1 Assistant Chief Clerk, 2 Not to Exceed $32,718 each.

4 Clerical Assistants, not to Exceed $14,514 each.

Additional Staff Authorized by Resolution.................. $425,088

8 Professional Staff Members, not to Exceed $32,718 each.

1 Assistant Chief Clerk, not to Exceed $32,718.

9 Clerical Assistants, not to Exceed $14,514 each.

92nd Congress Expense Fund... $10,000
Fiscal Year Stationery Allocation.. $300

Investigations Resolution Authorizations

S. Res. 35, authorizing an additional 58 positions; agreed to March 1, 1971................ $1,540,000
Section 3........................ $1,065,000
For "a study of all matters within its jurisdiction." Section 4.... $475,000

For "an examination, investigation, and complete study of all matters pertaining to the United Mine Workers of America Election of 1969 and a general study of pension and welfare funds, with special emphasis on the need for protection of employees covered by these funds".

Jurisdiction

1. Measures relating to education, labor, or public welfare generally.
2. Mediation and arbitration of labor disputes.
3. Wages and hours of labor.
4. Convict labor and the entry of goods made by convicts into interstate commerce.
5. Regulation or prevention of importation of foreign laborers under contract.
6. Child labor.
7. Labor statistics.
8. Labor standards.
9. School-lunch program.
10. Vocational rehabilitation.
11. Railroad labor and railroad retirement and unemployment, except revenue measures relating thereto.
12. United States Employees' Compensation Commission.
13. Columbia Institution for the Deaf, Dumb, and Blind; Howard University; Freedmen's Hospital; and St. Elizabeths Hospital.
14. Public health and quarantine.
15. Welfare of miners.

The following jurisdictional areas were transferred to the Veterans Affairs Committee by the Legislative Reorganization Act of 1970:

Vocational rehabilitation and education of veterans.

Veterans' hospitals, medical care and treatment of veterans.

Soldiers' and sailors' civil relief.

Readjustment of servicemen to civil life.

Mr. ELLENDER. The new Committee on Veterans' Affairs has six professionals and six clericals authorized, which I think, under the circumstances, is ample. I understand that one of the difficulties is that they have too many professionals and would like to have more clericals. That is what my amendment provides. I cannot for the life of me see how, at this time, six professionals and nine clericals can be used by the Committee on Veterans' Affairs, but if the committee does need that many, I suggest that they be taken from the two committees that handled veterans' affairs for many years. That is all my amendment proposes.

I do not think anyone will suffer by it, and it might make it possible to have more effective work accomplished.

The Committee on Labor and Public Welfare has a total of 88 employees authorized. I think it is fair for them to release two clericals in order to assist the Veterans' Affairs Committee to do work that was formerly a minor part of the work of the Labor and Public Welfare Committee. That is all I am asking.

Mr. THURMOND. Mr. President, the passage of Senate Resolution 100 is of deep concern to me and indirectly to all veterans of the United States. With the large influx of veterans from the Vietnam war, the veterans population of the United States has risen to nearly 28 million. If the Veterans' Affairs Committee cannot carry on its important activities because of inadequate staffing, many vital programs for veterans will be delayed.

There are presently 45 bills pending before this committee, and the volume of veterans bills is increasing. The Veterans' Affairs Committee has been addressing itself to a great number of veterans' problems. Hearings have been held on the hospital crisis within the Veterans' Administration system. There have also been a series of hearings on the drug problem within the Army and the ability of the VA to handle this problem through its proposed rehabilitation program.

Hearings have been held on several bills concerning mortgage protection and life insurance. Bills dealing with direct loans within the VA system have also been investigated in hearings. Several bills related to the drug problem will be taken up next week; and hearings on bills pertaining to mortgage insurance for severely disabled veterans, direct loans and limitation of discounts payable on direct loans are also scheduled.

Mr. President, the size of our veteran population is just part of the reason for increasing our committee staff. Additionally there is the number and variety of veterans' benefits programs. The U.S. system of veterans' benefits is made up of a variety of programs designed to serve the widely varying needs of veterans. It is up to the Veterans' Affairs Committee to keep this system balanced by meeting changing needs and improving the level and effectiveness of these benefits. The Veterans' Affairs Committee can provide the needed perspective to coordinate their activities.

Veterans' benefits must be constantly reviewed to keep them up to date. One area where this surveillance is necessary is compensation and pension payments. The high degree of unemployment among veterans concerns all of us and is one of the most serious problems that the Veterans' Affairs Committee faces. The Veterans' Affairs Committee is vitally interested in getting our retiring veterans back into civilian society in a way which satisfies and benefits both them and our Nation. Education assistance and hospital care programs also must be updated to meet rising costs.

The area of concern of the Veterans' Affairs Committee includes veterans' measures generally, pensions, life insurance, compensation, vocational rehabilitation, education assistance, hospitals, soldiers and sailors civil relief, readjustment, and national cemeteries. These areas create large amounts of correspondence from veterans and persons affected by pending and proposed legislation.

Mr. President, it would hardly seem equitable for a new Senate committee to be formed and then find itself unable to function because of lack of adequate staffing. Because of this shortage of personnel, we have found it necessary to borrow stenographic and clerical help from the Senators on the committee.

I am confident that the Senate understands the problems of those men and women who have served our Nation in its armed services and will respond to this critical situation by providing this committee with sufficient help to do the job.

Mr. ELLENDER. I yield back the remainder of my time.

Mr. HARTKE. I yield back the remainder of my time.

The PRESIDING OFFICER. All remaining time having been yielded back, the question is on agreeing to the motion to reconsider the vote by which Senate Resolution 100 was agreed to.

The motion was rejected.

Mr. ELLENDER. Mr. President, I might say that I am not surprised nor disappointed.

LIMITATION ON STATEMENTS DURING THE FURTHER TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that there now be a resumption of the period for the transaction of routine morning business, with statements therein limited to 3 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

NATIONAL SCIENCE FOUNDATION AUTHORIZATION ACT OF 1972

Mr. WILLIAMS. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on H.R. 7960.

The PRESIDING OFFICER (Mr. TUNNEY) laid before the Senate a message from the House of Representatives announcing its disagreement to the amendment of the Senate to the bill (H.R. 7960) to authorize appropriations for activities of the National Science Foundation, and for other purposes, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. WILLIAMS. I move that the Senate insist upon its amendment and agree to the request of the House for a conference on the disagreeing votes of the two Houses thereon, and that the Chair be authorized to appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. KENNEDY, Mr. PELL, Mr. EAGLETON, Mr. CRANSTON, Mr. PROUTY, Mr. DOMINICK, and Mr. PACKWOOD conferees on the part of the Senate.

ORDER OF BUSINESS

Mr. BYRD of West Virginia. Mr. President, for the information of the Senate, there will be no further rollcall votes today. There will be at least two rollcall votes on Monday, however, and there may be more.

EXECUTIVE SESSION

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Senate go into executive session, to consider the nominations on the Executive Calendar, beginning with "New Reports."

There being no objection, the Senate proceeded to the consideration of executive business.

The PRESIDING OFFICER. The nominations on the Executive Calendar will be stated, as requested by the Senator from West Virginia.

DEPARTMENT OF DEFENSE

The legislative clerk proceeded to read sundry nominations in the Department of Defense.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the nominations be considered en bloc.

The PRESIDING OFFICER. Without objection, the nominations are considered and confirmed en bloc.

U.S. AIR FORCE

The legislative clerk proceeded to read sundry nominations in the U.S. Air Force.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the nominations be considered en bloc.

The PRESIDING OFFICER. Without objection, the nominations are considered and confirmed en bloc.

U.S. ARMY

The legislative clerk proceeded to read sundry nominations in the U.S. Army.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the nominations be considered en bloc.

The PRESIDING OFFICER. Without objection, the nominations are considered and confirmed en bloc.

U.S. NAVY

The legislative clerk read the nomination of Vice Adm. Lloyd M. Mustin, U.S. Navy, for appointment to the grade of vice admiral when retired.

The PRESIDING OFFICER. Without objection, the nomination is considered and confirmed.

NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION

The legislative clerk read the nomination of Douglas W. Toms, of Washington, to be Administrator of the National Highway Traffic Safety Administration.

The PRESIDING OFFICER. Without objection, the nomination is considered and confirmed.

NOMINATIONS PLACED ON THE SECRETARY'S DESK—ARMY

The legislative clerk proceeded to read sundry nominations in the Army, which had been placed on the Secretary's desk.

The PRESIDING OFFICER. Without objection, the nominations are considered and confirmed en bloc.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the President be immediately notified of the confirmation of the nominations.

The PRESIDING OFFICER. Without objection, it is so ordered.

LEGISLATIVE SESSION

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Senate resume the consideration of legislative business.

The PRESIDING OFFICER. Without objection, it is so ordered.

QUORUM CALL

The PRESIDING OFFICER. Is there further morning business?

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD of West Virginia. Mr. President, for the information of the cloakrooms, I suggest the absence of a quorum. This will be the last quorum call of the day, so far as I can determine.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRESIDENT NIXON'S FORTHCOMING TRIP TO THE PEOPLE'S REPUBLIC OF CHINA

Mr. COOPER. Mr. President, the announcement last night by President Nixon that he would go to Peking and meet with the Government of the People's Republic of China is a step of great significance and a step that may help to bring stability and peace to Southeast Asia.

It has been my view for several years that an international settlement of the Vietnam war is a fundamental requirement to end all hostilities in that troubled part of the world. President Nixon's announcement and recent reports brought back by several Western visitors suggest that it is possible the government in Peking may be willing to participate in an international settlement of the Indochina conflict.

Since 1966, I have supported efforts to bring an end to American participation in the hostilities in Indochina. The amendments I have introduced with Senators CHURCH, MANSFIELD, and AIKEN, and other important amendments, notably by Senator MANSFIELD, now being considered in the House-Senate conference on the bill extending the draft, have helped, I believe, to bring the day closer that involvement by U.S. forces—land, sea, and air—will cease. I think it should be the central purpose of American foreign policy to bring an end to all hostilities in Indochina.

It is my belief that President Nixon's initiatives to improve relations with the People's Republic of China have been made, in part, in the recognition that an international settlement for Indochina must include China. It is my hope and expectation that in the near future an international conference including all the parties involved in the Indochina conflict will be convened. It is also my belief that the prospects for an international solution will be enhanced by a firm declaration on the part of the United States that it will remove all its forces from Indochina in order to bring about a political settlement and an end to all hostilities there.

President Nixon deserves full credit for the many initiatives he has undertaken in Europe, Asia, and the Middle East.

I ask unanimous consent to have printed in the RECORD the text of President Nixon's statement last evening.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

TEXT OF NIXON STATEMENT ON PLANS TO VISIT CHINA

(Here is the text of President Nixon's address last night announcing his plans to visit Red China:)

I have requested this television time tonight to announce a major development in our efforts to build a lasting peace in the world.

As I have pointed out on a number of occasions over the past three years, there can be no stable and enduring peace without the participation of the Peoples Republic of China and its 750 million people. That is why I have undertaken initiatives in several areas to open the door for more normal relations between our two countries.

In pursuance of that goal, I sent Dr. Kissinger, my assistant for national security affairs, to Peking during his recent world tour for the purpose of having talks with Premier Chou En-lai. The announcement that I shall now read is being issued simultaneously in Peking and in the United States.

"Premier Chou En-lai and Dr. Henry Kissinger, President Nixon's assistant for national security affairs, held talks in Peking from July 9 to 11, 1971. Knowing of President Nixon's expressed desire to visit the People's Republic of China, Premier Chou En-lai, on behalf of the government of the People's Republic of China, has extended an invitation to President Nixon to visit China at an appropriate date before May 1972.

"President Nixon has accepted the invitation with pleasure.

"The meeting between the leaders of China and the United States is to seek the normalization of relations between the two countries and also to exchange views on questions of concern to the two sides."

In anticipation of the inevitable speculation which will follow this announcement, I want to put our policy in the clearest possible context. Our action in seeking a new relationship with the People's Republic of China will not be at the expense of our old friends. It is not directed against any other nation. We seek friendly relations with all nations.

Any nation can be our friend without being any other nation's enemy. I have taken this action because of my profound conviction that all nations will gain from a reduction of tensions and a better relationship between the United States and the People's Republic of China.

It is in this spirit that I will undertake what I deeply hope will become a journey for peace—peace not just for our generation but for future generations on this earth we share together.

DEATH OF JOHN V. LAWRENCE, ORGANIZER AND FIRST MANAGING DIRECTOR OF THE AMERICAN TRUCKING ASSOCIATIONS

Mr. MAGNUSON. Mr. President, an old friend of the Senate Commerce Committee, and of Members of the Senate, died on July 13. John V. Lawrence was one of the organizers of the American Trucking Associations and was its first managing director.

The distinguished Senator from New Hampshire (Mr. COTTON) and I have had a long association with John Lawrence over the years in dealings with the Commerce Committee concerning one of the most important modes of transportation in the United States; namely, that of trucking.

We mourn his death and the loss of his friendship.

Mr. President, I ask unanimous consent to have printed in the RECORD a biography of John V. Lawrence.

There being no objection, the biography was ordered to be printed in the RECORD, as follows:

BIOGRAPHY OF JOHN V. LAWRENCE

John V. Lawrence, 71, one of the organizers of American Trucking Associations and its first Managing Director died today after a long illness.

Mr. Lawrence played a major role in the development of motor carriers through the industry's national federation for 37 years. He was especially instrumental in the trucking industry's effort during World War II.

He began his career with ATA in 1933 as Assistant General Manager. Two years later—at the age of 36—he was named General Manager. He held that post until 1943 when he became Managing Director under a staff reorganization which created the new position.

As Managing Director from 1943 until his retirement in 1964 Mr. Lawrence devoted most of his time to industry policy matters and to representing the motor carrier field before Congress and the federal regulatory agencies. After his retirement he had continued to serve ATA until recently as a special consultant.

Born in Babylon, N.Y., on August 3, 1899, Mr. Lawrence served with the U.S. Navy during World War I on patrol, convoy, and minesweeping duty in the Atlantic, Mediterranean, and the North Sea.

Only 19 years old when the war ended, Mr. Lawrence returned to school and received his Bachelor of Commercial Science degree from New York University.

From 1920 to 1925, Mr. Lawrence was with the commercial engineering and installation division of the Western Electric Company, manufacturing subsidiary of Bell Telephone.

In 1925, he joined the Automobile Manufacturers Association—then the National Automobile Chamber of Commerce—and served first in the export department, and later as the association's South and Central American representative.

He became European Manager of AMA in 1928 and remained in that post until 1932. Working out of Paris, he covered all of Europe, North Africa, and the Near East to the Indian border.

Mr. Lawrence participated in the formation of American Trucking Associations at a time when the National Industrial Recovery Act, and the creation of a trucking industry "Blue Eagle" code of fair competition, left most trucking operators bewildered about their own industry. Because most trucking operations were at that time local or intrastate and under local or no regulation, the new national codes threatened to turn the still-infant industry upside down. Mr. Lawrence's efforts helped avoid a calamity.

During World War II, Mr. Lawrence marshalled the industry's contribution to the war effort. He helped in the organization of Transportation Corps units for the Army; dealt with materials allocation agencies; helped overcome the manpower shortage, and fought for tires and fuel to "keep 'em rolling."

One of ATA's most notable feats under Mr. Lawrence's direction during World War II was recruiting two Quartermaster Regiments in five days. The War Department requested ATA to provide the personnel for this supply corps and the ATA staff began to telephone the 350 members of the industry serving on the Trucking Service War Council. The result was that in less than a week there were 5,700 vounteers for enlistment and 258 officer candidates.

This evolved into one of the largest trucking operations in history—providing a lifeline to Russia from an American-built port on the Persian Gulf.

Temperatures ranged from 40 degrees below zero to 160 in the shade. The route crossed rugged mountains and more than 100 miles of desert. American trucks working under almost unbelievable conditions carried hundreds of thousands of tons of munitions and supplies to Russia.

After World War II, Mr. Lawrence took an active part in the affairs of many committees and organizations whose work directly affects the welfare of the trucking industry and overall highway community—including the National Highway Users Conference, the Advisory Council of the President's Committee for Traffic Safety, and the American Trade Association Executives.

In addition, Mr. Lawrence was a Director of Security Bank of Washington, and a member of the National Press Club and Kenwood Golf and Country Club.

He also was the author of numerous magazine articles on the trucking industry.

Survivors include his widow, the former Mary Eleanor Healy, whom he married in 1928, and two daughters, Mrs. Ursula V. McCrane and Mrs. Mary Elliott Loker. Long-time residents of Washington's Maryland suburbs, Mr. and Mrs. Lawrence made their home in Rockville at 10401 Grosvenor Place. They earlier resided in Bethesda.

APPROPRIATIONS FOR THE DEPARTMENTS OF STATE, JUSTICE, AND COMMERCE, AND THE JUDICIARY AND RELATED AGENCIES, 1972

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of H.R. 9272, and that it be made the pending business.

The PRESIDING OFFICER (Mr. ROTH). The bill will be stated by title.

The assistant legislative clerk read as follows:

H.R. 9272, an act making appropriations for the Departments of State, Justice, and Commerce, the Judiciary and related agencies for the fiscal year ending June 30, 1972, and for other purposes.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the time on this bill not begin running until Monday next, July 19, 1971.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. BYRD of West Virginia. Mr. President, the program for Monday next, July 19, 1971, is as follows:

The Senate will convene at 11 o'clock a.m. Immediately following the recognition of the two leaders under the standing order, there will be a brief period for the transaction of routine morning business, with statements therein limited to 3 minutes. The period will not exceed 30 minutes.

At the conclusion of the morning business, the Senate will proceed to the consideration of H.R. 9272, an act making appropriations for the Departments of State, Justice, and Commerce, the Judiciary, and related agencies. There is a time limitation of 2 hours on the bill, with one-half hour on any amendment thereto, with the exception of Senator PROXMIRE's amendment, the Subversive Activities Control Board amendment, on which there is a 1-hour limitation.

At least two rollcall votes are expected on the bill. There may be more. A rollcall vote has already been ordered on final passage.

With respect to Tuesday, July 20, 1971, the Senate will convene at 10 o'clock a.m., following a recess—and that convening hour, of course, is subject to change. As to a morning hour, I foresee no morning business, in view of the the fact that the Senate will have convened following a recess. Immediately following the recognition of the majority and minority leaders under the standing order, the Senate will proceed to the consideration of H.R. 9382, the HUD appropriation bill with a limitation of 1 hour on the bill, and one-half hour on any amendment thereto. At least one rollcall is expected. There may be more.

Upon disposition of the HUD appropriation bill, the Senate will proceed to the consideration of the AEC authorization bill. There is a time limitation of 1 hour on that bill, with one-half hour on any amendment thereto, with the exception of the Gravel amendments. It is my understanding that Senator GRAVEL has four amendments. There is a time limitation of 1 hour on each of the Gravel amendments. Rollcall votes are expected.

With respect to Wednesday, July 21, 1971, so far as the leadership can determine at this point, the Senate will take up the bill making appropriations for the Department of Transportation.

As chairman of the Appropriations Subcommittee on the Department of Transportation, it is my intention to conduct the subcommittee markup on Monday morning and the full committee markup on Monday afternoon, having discussed with Senator ELLENDER and the distinguished ranking minority member, the Senator from New Jersey (Mr. CASE) and other Senators.

If the full committee reports that bill on Monday next, it is the intention of the leadership to call up the bill on Wednesday next and dispose of it.

Mr. President, as to Thursday and Friday—and possibly Saturday of next week—the program has not yet been definitely determined but the majority leader indicates that the Senate is expected to take up either the measure providing emergency loan guarantees for major business enterprises—Lockheed, for example—or S. 382, the Federal election campaign bill. Rollcall votes are expected.

We have a very busy next week coming up. I want to emphasize, at the request of the distinguished majority leader, that beginning next week, in view of the fact that the August recess will begin at the close of business August 6, 1971, and will extend until 12 o'clock noon on September 8, 1971, it is the intention of the leadership on both sides of the aisle to expedite, as much as possible, the "must" bills and resolutions, so that most of the program for this session, hopefully, can at least have been transacted prior to the August 6 recess.

In view of the close proximity of that recess, the leadership, I repeat, is alerting all Senators to the possibility of Saturday sessions beginning next week and continuing up until the week ending August 6, 1971.

ADJOURNMENT TO 11 A.M.

Mr. BYRD of West Virginia. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in adjournment until 11 o'clock a.m., on Monday next.

The motion was agreed to; and (at 2 o'clock and 8 minutes p.m.) the Senate adjourned until Monday, July 19, 1971, at 11 a.m.

CONFIRMATIONS

Executive nominations confirmed by the Senate July 16, 1971:

DEPARTMENT OF DEFENSE

Richard S. Wilbur, of Illinois, to be an Assistant Secretary of Defense.

Charles L. Ill, of Maryland, to be an Assistant Secretary of the Navy.

NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION

Douglas W. Toms, of Washington, to be Administrator of the National Highway Traffic Safety Administration.

IN THE AIR FORCE

The following officers for appointment in the Air Force Reserve, to the grade indicated, under the provisions of chapters 35 and 837, title 10, United States Code:

To be major general

Brig. Gen. Earl O. Anderson, [redacted]FV, Air Force Reserve.

Brig. Gen. Russell F. Gustke, [redacted]FV, Air Force Reserve.

Brig. Gen. Maurice I. Marks, [redacted]FV, Air Force Reserve.

Brig. Gen. Evelle J. Younger, [redacted]FV, Air Force Reserve.

To be brigadier general

Col. Richard Bodycombe, [redacted]FV, Air Force Reserve.

Col. Byron K. Boettcher, [redacted]FV, Air Force Reserve.

Col. Arthur W. Clark, [redacted]FV, Air Force Reserve.

Col. William J. Crandall [redacted]FV, Air Force Reserve.

Col. Mortimer I. Gordon, [redacted]FV, Air Force Reserve.

Col. John H. Grimm [redacted]FV, Air Force Reserve.

Col. William G. Hathaway, [redacted]FV, Air Force Reserve.

Col. William Lyon, [redacted]FV, Air Force Reserve.

Col. Oscar D. Olson, [redacted]FV, Air Force Reserve.

Col. John S. Warner [redacted]FV, Air Force Reserve.

The following officers for appointment as Reserve commissioned officers in the U.S. Air Force, to the grade indicated, under the provisions of chapters 35, 831 and 837, title 10, United States Code:

To be major general

Brig. Gen. Clarence E. Atkinson, [redacted]FG, Delaware Air National Guard.

To be brigadier general

Col. George N. Masterson, [redacted]FG, Oklahoma Air National Guard.

Col. Raymond C. Meyer, [redacted]FG, New York Air National Guard.

Col. Stanley L. Vihtelic, [redacted]FG, Michigan Air National Guard.

Col. Roland R. Wright [redacted]FG, Utah Air National Guard.

IN THE ARMY

The following-named officer for appointment as Chief, National Guard Bureau, under the provisions of title 10, United States Code, section 3015:

Maj. Gen. Francis Stevens Greenlief, [redacted]Army of the United States (major general, Army National Guard of the United States).

The U.S. Army Reserve officers named herein for promotion as Reserve commissioned officers of the Army, under provisions of title 10, United States Code, sections 593(a) and 3384:

To be brigadier general

Col. Willie E. Dixon, Jr., SSAN [redacted], Infantry.

Col. Carlos K. Hayden, SSAN [redacted], Field Artillery.

Col. Marvin H. Knoll, SSAN [redacted], Field Artillery.

Col. William B. Pendlebury, SSAN [redacted] Field Artillery.

Col. Aureliano Rivas-Flores, Jr., SSAN [redacted] Medical Corps.

Col. Lawrence B. Rohde, SSAN [redacted], Civil Affairs.

Col. Frederick A. Welsh, SSAN [redacted] Infantry.

The Army National Guard of the United States officers named herein for appointment as Reserve commissioned officers of the Army, under provisions of title 10, United States Code, sections 593(a) and 3385:

To be major general

Brig. Gen. Vahan Vartanian, SSAN [redacted].

To be brigadier general

Col. Paul P. Foran, SSAN [redacted] Infantry.

Col. James T. Keltner, SSAN [redacted], Air Defense Artillery.

Col. Thomas J. Kennedy, SSAN [redacted] 1390, Infantry.

The Army National Guard of the United States officers named herein for appointment as Reserve commissioned officers of the Army, under provisions of title 10, United States Code, sections 593(a) and 3392:

To be brigadier general

Col. Cunningham C. Bryant, SSAN [redacted] Military Police Corps.

Col. Lauris D. Graves, SSAN [redacted], Medical Corps.

Col. Leigh R. Wilson, SSAN [redacted], Field Artillery.

IN THE NAVY

Vice Adm. Lloyd M. Mustin, U.S. Navy, for appointment to the grade of vice admiral, when retired, pursuant to the provisions of title 10, United States Code, section 5233.

IN THE ARMY

The nominations beginning Robert A. Bratt, to be first lieutenant, and ending John W. Zurcher, to be second lieutenant, which nominations were received by the Senate and appeared in the Congressional Record on June 24, 1971.

EXTENSIONS OF REMARKS

TALK HONORING THE HONORABLE OTIS LIVINGSTON

HON. STROM THURMOND

OF SOUTH CAROLINA

IN THE SENATE OF THE UNITED STATES

Thursday, July 15, 1971

Mr. THURMOND. Mr. President, on Tuesday, June 22, 1971, Mr. James M. Windham gave a talk at an appreciation dinner in Columbia, S.C., to honor the Honorable Otis Livingston.

The outstanding career of this fine South Carolinian is worthy of attention. Mr. Livingston established himself in the vital field of securing the necessary revenue to run our government.

Mr. President, the ability of this man is especially noticeable in view of his reappointment as chairman of the tax commission through change after change of State Governors. The earlier custom had been to rotate the chairmanship among the different members of the tax commission.

In 1922, Mr. Livingston began his career with the South Carolina State Tax Commission. On July 1, 1947, he became the director of the income tax division as its second director. On October 3, 1949, I appointed him as a member of the South Carolina State Tax Commission when I was Governor of South Carolina. He served from February 1952 until June 23, 1967, as chairman of the South Carolina Tax Commission.

Mr. Otis Livingston is known throughout the Nation as a knowledgeable tax expert. He was granted the honor of being a member of the National Association of Tax Administrators. Mr. Livingston was elected president of this national association, which shows the high esteem in which he is held by other men in this field throughout the Nation. The career of Mr. Otis Livingston deserves the consideration of the Congress.

Mr. President, I ask unanimous consent that the talk given by Mr. James M. Windham on Tuesday, June 22, 1971, honoring the Honorable Otis Livingston be printed in the Extensions of Remarks.

There being no objection, the talk was ordered to be printed in the RECORD, as follows:

APPRECIATION DINNER TO HONOR THE HONORABLE OTIS LIVINGSTON IN COLUMBIA, S.C.

Mister Toastmaster, distinguished guests, and friends and admirers of the one we are here to honor: I will not further classify those in attendance, because each of you is distinguished else you would not be here, and I am sure all are friends of our honoree.

When I was asked to make a talk paying honor to Otis Livingston, I suggested someone else more apt with words than I, realizing that my background is not that of a speaker, but rather that of an attorney whose talks are those before our courts. Any practitioner knows the odds there. However, when it was insisted that I should do the honors and I had agreed to do them, I came to realize *several things*: The *first* is that I feel to be chosen to say a few words in honor of Otis, I, myself, am *necessarily honored* thereby. *Second*, and far more important, I realized that with regard to the gentleman we honor tonight, truth can be said and need only be said. When said, it can only come out most complimentary of him. Therefore, I cherish the opportunity not because I intend to make a spell-binding speech, but rather because of what I can freely say with complete honesty and sincerity about this most remarkable man in governmental circles.

However, bearing in mind these words by Nancy W. Olson, I set out to discuss the career of Otis:

"The human brain's the greatest thing
That ever man could seek,
It functions from the time he's born
Till he gets up to speak."

In considering the career of Otis, we should not overlook the difficulty of establishing an enviable career in taxation. It certainly is not one designed to win friends and influence people, but to the contrary. In fact, it has been aptly said that there are two classes of people who dislike taxes, namely, men and women.

In honoring Otis, I draw a parallel between him and J. Edgar Hoover. To me, Otis is to the government of South Carolina in his particular field of public service what J. Edgar Hoover is to the government of the United States in his particular field of public service. Both have directed their respective government departments with such ability and skill until each has become a veritable institution. Each is a legend in his time.

There is valid reason for this. Each has served in extremely important roles where *knowledge* and *expertise* have been applied so advantageously in the operation of government—Mr. Hoover in law enforcement and Otis in the vital field of securing the revenues to run the government.

As a general rule, the tenure of appointees to direct and head commissions and departments end with the inauguration of a new head of State. It is not so in the case of either Mr. Hoover or Otis. Each has served through change after change in heads of State. Mr. Hoover has served continuously through the tenures of many Presidents, and Otis served without interruption through the tenures of many Governors. In the case of Otis, tradition was broken in another way in that when initially appointed as *Chairman* of the Tax Commission, he continued in that role through re-appointment by successive Governors. Custom and tradition theretofore had been that the *Chairmanship* rotate among the *membership* of the *Tax Commission*.

Let me trace for you some of the things that all of us know and appreciate in the career of the one we honor tonight. And I shall take the liberty since I have the floor, I say to those of you from the legislative halls, to insert certain remarks that I originate since I have personal knowledge thereof.

Otis had long been a recognized authority in the field of taxes when I commenced a tenure of over a decade with the South Carolina Tax Commission in 1953 as its General Counsel. I had known of his unusual administrative ability well in advance of that time, and, believe me, it was not easy to come to work for one so knowledgeable as that without some trembling on my part. I trembled indeed when I thought of my role of advising him about taxes. However, as it turned out, he made my job easier by reason of his vast knowledge. When I resigned to enter private practice, I can say candidly that it took a great deal of talking to myself to take me away from the pleasure of working with Otis. As a matter of fact, when I wrestled with the matter of leaving, I almost decided against it primarily because of my great respect and admiration of Otis.

Otis is a native of Columbia. He attended Columbia Schools and Presbyterian College. After World War I, in which he served in the Infantry, he worked for a C.P.A., gaining experience in an essential to being a tax expert, namely, accounting.

In 1922, he began a career with the South Carolina Tax Commission right after (11 days, in fact) the passage of South Carolina's Income Tax Law. On July 1, 1947, he became the Director of the Income Tax Division, its second Director, where he continued until October 3, 1949.

On October 3, 1949, Governor Thurmond appointed him a member of the South Carolina Tax Commission.

From February 1952 until June 23, 1967 through the administration of numbers of Governors, he served as Chairman of the South Carolina Tax Commission.

On June 23, 1967, Otis became Chairman of the South Carolina Alcoholic Beverage Control Commission, that Commission being carved out, as it were, of the South Carolina Tax Commission. He served as Chairman of the said Alcoholic Beverage Commission for two years, and since then until now he has been a member of that three-member Commission.

It is with regard to the service with the Tax Commission that I know the value of Otis to his State. In a word, he was "Mr. Taxation" in South Carolina. When a tax expert from a large corporation had a tax problem in South Carolina, he knew full well that in Otis was a man at the top level who could understand the problem, follow and participate in the technical discussion, and present his side of the picture first hand. Additionally, I can say without any doubt that many corporations were influenced to establish plants in this State because of Otis' ability to give them solid and straightforward answers to the tax implications of doing business here.

Otis was respected as a knowledgeable tax expert not only throughout South Carolina, but also throughout the United States. His advice and counsel were sought by tax people over the United States.

There are two major tax associations in the United States. One is the National Association of Tax Administrators, whose membership is made up of people in government tax work. Otis was honored in being elected to serve as President of that National organization for the years 1957–58.

The second National tax organization is the National Tax Association, whose membership is made up of the academic sector, that is, economists, college professors teaching taxation; the private sector, that is, the representatives of taxpaying businesses and corporations; and finally, the government sector, that is, people in government who are directly involved in the administering of tax laws. Otis was chosen President of this organization, and served as its head in 1962. He is also honored by being listed in "Who's Who in America."

Recognizing the great contribution Otis had made to South Carolina and the nation in his role as Chairman of the South Carolina Tax Commission, Clemson University, a school he dearly loves, conferred upon him the Degree of Doctor of Laws in 1965.

How did he come to achieve the success that he has enjoyed? Of course, if we knew the precise answer to that question, others could rise to those heights. However, I know some of the characteristics, traits and habits of this man. I touch upon them, and in so doing, like to believe that perhaps each had an important role in the place Otis has carved for himself in the pages of history.

First, there is Alma, his dear wife. Of course, we also know what a truly vibrant personality she is and how she can bring her vivaciousness to rub off on others. She has been Otis No. 1 helper, and should share this honor with him. I suggest that she does so. It has been said many times that "behind every successful man is a wonderful woman." Tonight I want to rephrase that and say by Otis' side has stood a wonderful woman.

Second, there is *application* and devotion to duty. In that regard, Otis established the reputation of being the first person on the job each morning and the last to leave each evening. Beyond that, when Saturdays became "a day off," Otis was there on the job.

Third, there is *integrity.* Otis possesses integrity to the extent that he refused to sacrifice principles. He earnestly searched for an answer to a problem, and when he arrived at what he believed to be right, he stuck to his position irrespective of any pressures.

Finally, and by no means do these four cover all of them, there is his determination to *respect all* with whom he deals so that he is always ready to listen to any individual, to respect his views and to suffer him to make known his views up to a point where it becomes obvious that such person is not to be believed. Only then would Otis fail to listen.

Otis' love is in his fine family. His wife, Alma, and his two sons, John F. Livingston, who lives in Graniteville where he is Assistant General Superintendent of the Graniteville Company, and Otis, Jr., who is a Lieutenant Colonel of Infantry, U.S. Army, and naturally, his grandchildren.

We salute you, Otis, upon your retirement, and we call you a "gentleman."

"A gentleman is a man who is clean *inside*
and *out,*
Who neither *looks up to the rich* nor *down*
to the poor,
Who can lose without squealing,
And who can win without bragging,
Who is considerate of women, children and
old people,
Who is too brave to lie, too gentle to cheat,
And who takes his share of the world,
And lets other people have theirs."

H.R. 9092, PREVAILING RATE PAY SYSTEM FOR GOVERNMENT EMPLOYEES

HON. J. J. PICKLE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 15, 1971

Mr. PICKLE. Mr. Speaker, I feel that it is time that we bestow some of the increases that have been going to other civil service workers to our wage board employees. Many of the jobs that make the daily wheels of government grind are done by wage board employees and this group should be justly rewarded. This bill is substantially the same legislation which passed Congress late in 1970 only to be vetoed by the President on January 1, 1971. To my way of thinking this was no way for the President to start off the new year.

H.R. 9092 accomplishes 2 major purposes:

First, it enacts into law the long established principles and policies for setting the pay of prevailing rate employees.

Second, it makes the following changes in the current operating changes and procedures:

a. It establishes a Federal Prevailing Rate Advisory Committee to guide the wage board system.

b. It provides for a five step wage schedule instead of the present three prevailing steps. The fifth step would be 112 percent of the prevailing wage.

c. It provides automatic step advancements after 26 weeks work in step 1; 78 weeks in step 2, and 104 weeks in each of steps 3 and 4.

d. It provides a 7½ percent pay differential nationwide for scheduled non-overtime work during the second shift—3 p.m. until midnight—and 10 percent for the third shift—11 p.m. until 8 a.m.

e. It provides "saved pay" for two years for prevailing rate employees who are reduced in grade. General Schedule employees now have this protection.

f. It brings the employees of non-appropriated fund activities of the Armed Forces and employees of the Veteran's Canteen Service under the provisions of the prevailing rate pay system.

Mr. Speaker, I think these provisions of H.R. 9092 are long overdue and I urge that this bill be strongly supported by the House.

MASS LAYOFFS OF STEELWORKERS

HON. JOSEPH M. GAYDOS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 15, 1971

Mr. GAYDOS. Mr. Speaker, I would like to call the attention of my colleagues to a recent news article published in the Daily News of McKeesport, Pa., which explains a most unusual situation now occurring in the domestic steel industry.

The article concerns the sudden and unprecedented mass layoffs of thousands of steelworkers in my 20th Congressional District and elsewhere. United States Steel Corp., for example, is the principal employer in the Mon-Yough Valley of Pennsylvania, which I represent. In recent weeks it has furloughed more than 5,000 steelworkers with the promise of more to come. Other steel firms in the nearby areas have layed off another 5,000 and there, too, the situation is expected to worsen.

What is so unusual about this? What is the reason for these unprecedented layoffs? It is not, as some of my colleagues might feel, because of troubled conditions within the industry today. It is not because of the threat of a work stoppage when the current contract expires at the end of this month.

Mr. Speaker, the villain behind these layoffs is the same one which has been openly, arrogantly, and ruthless strangling the American steel industry and its workers. It is foreign steel imports, unrestricted foreign steel imports, which is choking and killing the American steelmaking industry.

For the benefit of my colleagues who may not be familiar with steelmaking and the procedures of the steel industry during contract negotiations, I would like to explain why the contract talks of 1971 are so vastly different from those of past years.

They must understand that in previous negotiations, where there has been the possibility of a work stoppage, the industry and the steelworker continued to make steel until the last possible minute. They attempted to fill as many orders as possible before banking their furnaces and shutting down their rolling mills. It meant money for the company; it meant money for the worker who might be off for long periods of time without a pay check.

Steelmakers again this year were anticipating a boom in production. Additional facilities were cranked up in anticipation of buyers stocking their inventories in event of a work stoppage. But the boom never materialized. It fizzled. Orders for steel which normally would have kept the plant and the workers busy until the last minute were, instead, filled weeks in advance. There was no need for the plant to operate. There was no demand for the worker.

Why? Because foreign manufacturers, nursed back to robust health after the ravages of World War II by American taxdollars and American technology, now found themselves in a position to fatten their pocketbooks at the expense of the American steel industry, the American steelworker, and the American taxpayer.

The reason domestic steel plants are shutting down and laying off workers weeks ahead of the usual time is not because there was not a demand for orders. No. There was a demand, but much of that demand was filled by foreign steel producers. There was no need then to employ Americans or maintain American production facilities.

In the first 5 months of this year the United States has been subjected to a mammoth onslaught of foreign steel. Overseas producers are shipping their products here at a record rate. In just 5 months nearly 7 million tons of steel has come into the country. That is nearly 60 percent greater than what was shipped in the same period last year.

It was hoped the voluntary restraint arrangement, negotiated by our State Department in 1968, would curb and control the influx of foreign steel. It has not. Not one iota. Parties to the arrangement have not hesitated to violate its provisions and their promises, when and if it was to their advantage. They struck where the iron was hottest. Last year the specialty steel segment of the domestic industry took it in the gut. This year, with the expiration of the voluntary arrangement looming on the horizon and the threat of a work stoppage in the domestic steel industry as a whole, the foreign producers expanded their attack. They not only maintained the concentration of specialty steels, which bring a much higher dollar value per ton, but increased the tonnage of basic steel, thereby reaping an even greater financial harvest on the higher volume.

We also know overseas manufacturers are tempting American steel buyers with a lucrative carrot. They are constantly cajoling our producers to have their products made abroad, taking advantage of low labor costs, and then returned to the United States and sold under the well-known American brand name. In the process, of course, the American buyer is committed to long-term contracts which would prevent him from buying American-made products while labor conditions are stabilized.

Mr. Speaker, I am including the news article mentioned early in the Record for the benefit of my colleagues. I also would like to inform them I am planning to ask for special orders in the near future to further discuss the threat of foreign imports, not just in steel but in any industry threatened by producers abroad who enjoy low labor costs and governmental subsidies which allow them to undersell American manufacturers and make them noncompetitive.

The article follows:

Steel Firms Forced Into New Layoffs; Producers Blaming Shrinking Demand for Worker Cuts

Pittsburgh.—A shrinking demand has forced layoffs and production cutbacks in the domestic steel industry and producers say the situation is getting worse.

All but two major producers report either layoffs, "personnel adjustments" or declining production.

Hardest hit are the country's two largest steelmakers, U.S. Steel and Bethlehem.

U.S. Steel, the nation's top producer, has idled more than 5,000 workers in recent weeks, including 2,700 at its Youngstown, Ohio, works. Bethlehem laid off about 2,500.

The cutbacks and layoffs—without pay—began last month when an anticipated production boom fizzled.

Steelmakers had expected buyers to stock up in anticipation of a possible strike when contracts with the United Steelworkers union expire Aug. 1.

MARKET FLOODED

But foreign producers flooded the American market with record-level imports, much of it lower-priced products. Imports totaled about 1.8 million tons in May and 5.15 million tons the first quarter of the year.

"Our people had no choice then, than to tear down, starting with the additional facilities that had been put into production to meet the boom that never really came," one industry spokesman said.

"Let's face it," said a spokesman for one company, "we couldn't just keep people on the payroll at plants that were not producing."

Both company and union spokesmen scoff at a report that the layoffs an attempt by the companies to scare the United Steelworkers into reducing their contract demands during the negotiations under way in Washington.

A spokesman at union headquarters called the report "ridiculous," citing the extensive costs involved in shutting down and reopening plants.

In addition to its Youngstown plant, U.S. Steel has announced layoffs of 2,000 at Braddock near Pittsburgh; 500 in Gary, Ind.; 400 at its National-Duquesne works in Duquesne, Pa., and 250 at its South Works in Chicago.

This week's cutbacks, plans for which were announced 10 days ago by U.S. Steel, affected the submerged arc pipe mill at National Plant. Earlier, the electric furnace shop at Duquesne Plant was taken out of service.

Initial company estimates put the number of workers to be affected at some 250.

Today, a U.S. Steel spokesman discounted reports that the late-week furloughs amounted to 700 here, and cited the earlier estimate.

Bethlehem has laid off 1,000 at its Lackawanna, N.Y., plant; 725 at Sparrows Point, Md.; 400 at Johnstown, Pa.; and 300 at Bethlehem, Pa.

Also, according to a Bethlehem spokesman, hundreds of men at various other plants have not been scheduled to work. He said they technically are not laid off, but just weren't working this week.

These include 900 men at Lackawanna and another 200 at Burns Harbor, Ind., the spokesman said.

Republic Steel gave between 3,000 and 4,000 workers at plants at Canton, Ohio; and Buffalo, N.Y., what it called "an extended July 4th holiday" because of a lack of orders. But a spokesman said Friday those men may be recalled early next week.

Tenth-ranked Wheeling-Pittsburgh Steel Corp. announced cutbacks last month at its plants at Monessen and Allenport in southwestern Pennsylvania, a move that affected about 250 workers.

Two major producers who say they have not had to lay off workers are Armco and National Steel.

A spokesman for National, the fourth largest steelmaker in the nation, said however:

"I suppose we'll come to the point of slowing down our finishing mills soon and an alternative probably would be a shorter work week. At this time, we do not anticipate any layoffs."

AID TO ISRAEL

HON. WILLIAM S. BROOMFIELD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 15, 1971

Mr. BROOMFIELD. Mr. Speaker, it is a common error within Government circles to speak of U.S. aid to Israel without noting the crucial difference between aid in the form of loans and aid in the form of grants. In fact, economic aid to Israel has only rarely taken the form of outright grants, and of the loans we have distributed to her, more than half have already been repaid. Military assistance, moreover, has never been granted outright to Israel; while we have extended her credits over the years, we have never just given away U.S. arms.

A thorough study of these distinctions as they apply to Israel has been brought to my attention by Mr. Louis Panush, a resident of my district. I include the study, an article from the June 30 Middle East Report in the Record at this point:

The Malicious Attack on Aid to Israel

Over the years, critics of U.S. aid to Israel have exaggerated the amount in order to bolster their claim that we have favored Israel over the Arab states.

We refer to recent speeches by Senators Mark O. Hatfield (R-Oreg.) and J. W. Fulbright (D-Ark.) and to an article by David G. Nes, ex-U.S. diplomat, which has been published in *The New York Times* and Arab propaganda sheets.

Hatfield addressed the Senate Foreign Relations Committee on June 14, opening a campaign to knock out the Jackson amendment which authorizes arms credits for Israel.

"Our policy towards the Middle East over the last 23 years has been unbalanced in terms of economic and military aid," he said. "Between 1948 and 1968, U.S. economic aid to Israel equalled $1.1 billion."

Here Hatfield used the word *aid* to include loans as well as grants.

But the accompanying table shows that U.S. economic grants to Israel totaled only $369.3 million, a tiny fraction—1/262nd—of our world total of $96.8 billion.

GRANTS ENDED A DECADE AGO

Grants to Israel ended about ten years ago.

That money helped to resettle more than 1¼ million refugees and immigrants—the survivors of Hitler's death camps, the escapees from behind the Iron Curtain, the Jews who fled discrimination in Arab and other Moslem countries.

The same table shows that U.S. economic loans to Israel totaled $907 million.

But more than half—$459 million—has already been repaid. Example: These loans included $333 million from the Export-Import Bank; this had been reduced to $72.3 million by the end of 1970.

Israel has met her debts; her repayments exceed repayments by all the Arab states put together, as the table shows.

Egypt, for her part, was in default before the six-day war and has made no repayments since; her delinquency to the United States now totals $140 million.

American aid to Israel never leaves this country; Israel buys far more from the United States than she sells to us.

The United States had a favorable trade surplus with Israel of $2.6 billion between 1949 and 1970—exclusive of Israel's military procurement.

In 1964 Israel spent $191 million in the United States. By 1970, Israel purchases had soared to $594 million. During the same period, Arab purchases declined from $796 million to $758 million.

NO MILITARY GRANTS

The table also reveals that Israel never received grant military aid, while nine Arab countries were granted $230 million in this period.

Figures on arms sales and credits are classified.

Israel has received loans for arms purchases totaling about $250 million through 1969, of which $65 million was paid back by June 30 of that year. Subsequent credits have not been disclosed. These include $500 million voted by Congress last fall under the open-ended Jackson amendment which Hatfield now seeks to eliminate.

Five Arab countries—Jordan, Morocco, Saudi Arabia, Sudan and Tunisia—have received undisclosed military credits in this period.

[In millions of dollars]

	U.S. aid to Israel and Arab States [1] 1946, 1970					U.S. trade with Israel and Arab States [2]					
	Economic aid					U.S. exports			U.S. imports		
Arab States	Grants	Loans	Repayments and interest	Total loans outstanding	Military grants	1964	1970	Total 1964, 1970	1964	1970	Total 1964, 1970
Algeria	168.8	11.6	4.3	7.3	0	54	62	354	5	10	36
Iraq	28.3	26.9	11.5	15.4	46.7	60	22	236	8	3	56
Jordan	569.9	31.3	4.5	26.8	53.2	34	63	295	(4)	(4)	(4)
Kuwait	0	50.0	20.5	29.5	0	56	62	568	52	25	244
Lebanon	73.0	18.1	7.9	10.2	9.0	58	64	508	8	13	64
Libya	205.6	7.0	8.4	−1.4	17.4	61	104	624	29	39	392
Morocco	296.8	424.4	96.7	327.7	37.2	41	89	423	6	10	65
Saudi Arabia	27.5	31.1	23.9	7.2	35.1	95	141	1,035	86	20	465
Sudan	67.5	35.0	13.0	22.0	.7	16	7	81	.6	12	54.6
Syria	36.4	24.0	4.0	20.0	.1	13	11	86	5	2	24
Tunisia	374.7	288.1	32.4	255.7	30.3	33	49	322	1	3	19
United Arab Republic	293.0	619.1	152.3	466.8	0	270	81	879	16	23	158
Yemen	42.9	0	0	0	(5)	5	3	27	.4	.1	5.3
Total:											
Arab states	2,184.4	1,566.6	379.4	1,187.2	230	796	758	5,438	217	160.1	1,519.9
Israel	369.3	907.0	458.7	448.3	0	191	594	2,150	56	150	678

[1] Source: U.S. Overseas Loans and Grants, a special report prepared for the House Foreign Affairs Committee, printed May 14, 1971.

[2] Source: U.S. Department of Commerce, Overseas Business Reports: United States Foreign Annual 1964–70, printed February 1971.

[3] Loans not available.

[4] Less than $500,000.

[5] Less than $50,000.

MIXING GRANTS AND LOANS

Hatfield has combined our aid figures with non-government loans, like Israel bonds, and private philanthropy. Here, too, he neglects to mention that by the end of 1970 Israel had redeemed more than half of the $1.6 billion in bond sales.

It is obviously unfair to include private financing in U.S. aid figures. Many Americans invest abroad. Many American dollars have gone to develop Arab oil. Many countries float bonds in the United States. Thus, Canadians would be shocked and resentful if anyone described their widespread sale of provincial bonds here—a net increase of about $3.5 billion in the last six years—as "U.S. aid."

What about the perennial complaint that UJA funds contributed to Israel are deductible from income tax? The fact is that all charitable and missionary funds to all other parts of the world are tax-deductible. Israel is not the only country to benefit by our tax laws.

Moreover, those who complain about tax-deductible UJA contributions might do some research on how the Arab countries have prospered as a result of our laws favoring oil investments abroad.

The depletion allowance and laws permitting the giant oil corporations to treat royalties and taxes paid to Arab governments as tax offsets have not only benefited American oil companies but have enhanced the profitability of their ventures for the Arab countries. American taxpayers have helped Arab sheikhs get rich.

Furthermore, Arab oil revenues are subsidizing the Egyptian and Jordanian economies.

In 1967, three oil-rich Arab states—Saudi Arabia, Kuwait and Libya—promised an annual subsidy of $378 million—$266 million for Egypt and $112 million for Jordan. Saudi Arabia gave $140 million; Kuwait, $134 million; Libya, $84 million.

During Jordan's war with the Arab terrorists late in 1970, Kuwait and Libya halted contributions to Jordan. As a result, the United States proposes to increase aid to Jordan this year.

The amounts going to Israel from bonds and UJA are always vastly exaggerated.

Thus, Fulbright said last Apr. 4:

"Since 1948, private American citizens have provided another $3 billion in tax-deductible contributions, and regularly purchase between $300 million and $400 million a year in Israel bonds."

The facts: UJA collections between 1948 and 1970 came to $2.047 billion. Part of this money was spent outside Israel by the American Jewish Joint Distribution Committee and other UJA beneficiaries, although this sum is probably offset by contributions to other institutions, such as universities and hospitals.

Fulbright's figures on Israel Bond sales are also inflated. World-wide sales have totaled $1.6 billion and have averaged about $80 million a year between 1951 and 1970—85% in the United States.

Hatfield said that in 1971 dollar transfers to Israel would approximate $1.6 billion.

That estimate is actually double the dollar transfers for 1970. This inflated figure seems to have been pulled out of the air.

FALSE COMPARISONS

Hatfield and Nes complain that U.S. aid to Israel on a per capita basis greatly exceeds "the $35 per capita to the people of the 13 countries neighboring Israel."

Which 13 countries?

Perhaps Hatfield means the 13 Arab countries. But we do not think per capita comparisons are realistic or equitable because U.S. aid has never been distributed or measured with that kind of simplistic yardstick. Our aid program recognizes the need of the recipient country and its ability to absorb and make effective use of our aid.

In this area, Israel has always been regarded as a showcase of U.S. aid. Israel, it should be emphasized, resettled the host of refugees who came to her land. The Arab states, despite their huge resources, have always refused to resettle the Arab refugees. The United States has contributed $478 million to UNRWA to keep Arab refugees alive. In the April 4, 1964, issue of *Foreign Affairs*. Professor J. Kenneth Galbraith wrote that Israel had shown "great capacity to make effective use of aid" and had made rapid progress because of four elements in Israel: "high literacy and a highly educated elite, the sense and reality of social justice, an effective government and a strong sense of purpose."

Parenthetically, we should note that our per capita grant aid to Jordan—$271—exceeds our per capita grant aid to Israel—$127.

But there is no proper justification for comparing our aid to Israel with that given to her enemies. There is no rule which holds that aid to Israel should be curtailed because of the enmity or the inertia of her neighbors.

Some Arab countries, like Saudi Arabia, Kuwait and Libya, are rich in oil and do not need our aid. Some, like Syria, rejected it. Some have accepted it and repaid us by burning down U.S. buildings and nationalizing U.S. companies. And some, like Egypt, Syria, Iraq, Yemen and Algeria, receive huge assistance from the Soviet Union.

[There are no precise data for Soviet military and economic grants and loans to the Arab states. It has been estimated that the Soviet Union has provided them with more than $6 billion in armaments—more than half of it since 1967. This is exclusive of Soviet economic grants and loans, which are estimated at $2.6 billion up to 1967.]

Since we do not know to which 13 countries Hatfield and Nes refer, we might compare our aid to Israel with our aid to Israel's 13 neighbors which share with her the coastline of the Mediterranean Sea.

Our grant aid to these 13 nations totals $25.299 billion—about 68 times the amount of our grant aid to Israel.

If Hatfield insists on per capita calculations, he will find that there is no truth in his claim that our per capital assistance to Israel "exceeds our assistance to any ally." Our per capita grant aid to France was $146, to Greece $399, to Israel $127.

COMPARING ISRAEL AND VIET NAM

The most invidious Hatfield utterance compares transfers to Israel with our aid to Viet Nam. He told the committee:

"Israel received $1,400 per capita, which exceeds our assistance to any ally, including Viet Nam, which received $556 per capita between its founding and 1966."

Hatfield's calculations would multiply U.S. aid to Israel to the astounding figure of $4.06 billion which apparently includes grants, loans, credits, transfers—plus an additional unaccounted for one billion thrown in, perhaps, for tips.

On the other hand, Hatfield's arithmetic would fix our Viet Nam aid at only $10 billion.

We do know how Hatfield arrives at that figure. He stops his calculations with 1966, because the aid program to Viet Nam was then transferred to the U.S. defense budget. We do not know whether he includes the billions which went to Viet Nam via the French in the early post-war years.

$10 BILLION OR $100 BILLION

He knows better.

As a foe of the Viet Nam war, Hatfield denounced its high cost and used different figures in his Senate speech on June 10. He called it a war "that kills only 30 Americans every week, that wounds only about 300 other Americans every week, that costs only $10–12 billion a year, that requires only 100,000 or 50,000 or 40,000 American troops . . . and never stops."

We cannot understand how Hatfield can juxtapose an exaggerated figure for money "transfers" to Israel with a partial figure for Viet Nam which does not include the huge costs of Viet Nam in terms of American lives and military equipment.

How can Hatfield possibly speak of our aid to Israel and our aid to Viet Nam in the same breath? He distorts the figures to fabricate an analogy between Viet Nam and Israel which is designed to prejudice Israel's cause in the eyes of the American people.

HEW AND ITS MISAPPROPRIATIONS OF TAXPAYERS' DOLLARS

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 15, 1971

Mr. RARICK. Mr. Speaker, the announcement that the Washington, D.C., school system has been charged by Federal investigators with misspending much of the $5.2 million in Federal funds earmarked last year for the citizens' poorest children does not come as a surprise to anyone.

Every HEW activity which has resulted from grants of taxpayers' money should be rigidly and thoroughly investigated, and those found guilty of exploiting the poor, the needy, and the youth of our country should be promptly removed and those involved should be prosecuted.

Certainly graft, extortion, and misappropriation must not be allowed to become the law of our land by common practice. The most despicable public servants are those administrators and department heads who not only go out of their way to cover up the stealing of taxpayers' money, but also try to justify their criminal complicity by the use of threats to their employees and so-called appeals to humanity.

If there is anything worse than thieves, it is wealthy or intelligent people who use the poor for their own self-gain.

I insert a newsclipping at this point:

U.S. Charges City's Schools Misspent Much of $5.2 Million in Aid to Poor

(By Lawrence Feinberg)

Federal investigators have charged the Washington school system with misspending much of the $5.2 million in federal aid earmarked last year for the city's poorest children.

In a highly critical report, investigators for the U.S. Office of Education said some of the money was spent on low-priority extras, including a course in aviation at one high school where most students have severe difficulties in reading.

The investigators added that the school system also used the money to buy expensive equipment, including television sets and record players, with "no evidence" that it was needed to overcome problems in reading and math.

At one elementary school, which has only 12 teachers, the investigators said they found 10 television sets, 10 filmstrip projectors, 10 record players, four calculators and three overhead projectors. All were bought with money from Title One of the Elementary and Secondary Education Act of 1965, but the investigators said they found no indication of what they were needed for or even if they were being used.

The report added that the 29 public schools and five Catholic schools in which the money is spent were not selected carefully to make sure that they serve the city's highest concentration of poor children.

Within these schools, it said, the extra programs paid for by Title One, including counseling, trips, and tutoring, often were provided for all children enrolled instead of only to those with the most severe educational problems.

The federal regulations require that Title One money be concentrated in schools with the most children from low-income families, and that within these schools it be spent on students with the most serious problems, and not on general "enrichment."

The report, which did not charge any criminal wrongdoing, was sent last week to D.C. School Supt. Hugh J. Scott, who passed it on to school board members. Yesterday afternoon Scott was out of town, and could not be reached for comment.

Anita F. Allen, the school board president, said the Title One program had been "out of control of the board" under several school superintendents for the past four years.

She said she and other board members have pressed for a clear definition of the program's goals and for limiting it to children with the greatest need in order to make an impact.

"I have complained about Title One," Mrs. Allen said, "since the day I got on the board (in July, 1967) . . . I knew that somewhere down the road we had to get clobbered about what we were doing."

Since 1966, the federal government has spent over $31 million in Title One aid in Washington schools.

According to annual evaluations prepared separately from the federal investigation, there is no evidence of significant academic improvement among students in the schools receiving money from the program.

The Title One funds originally went to 77 schools in all parts of the city, and in the program's second year, 18 more schools were added. After the federal government complained that the money was spread too thin to have any effect on student achievement the school board reduced the number of aided schools to 36.

On the advice of a report prepared by former Supt. William Manning in 1968, all of the 36 schools were in the Cardozo area or near Dunbar High School, about 10 blocks away, just above the city's old downtown area.

The federal report said these schools were designated to receive the extra aid without ranking all schools in the city according to their concentration of low-income students. It suggested that schools elsewhere may actually have a greater need, a complaint often made by residents of far Northeast Washington and of Anacostia.

The report ordered Scott to cancel the Learning Through Aviation program at Cardozo High School and another program at the school in data processing. The two programs cost over $60,000 last year.

It added that the school system must follow federal regulations in selecting aided schools and projects, and "recommended" that it seek "technical assistance" in drawing up a plan to manage the program.

RESULTS OF QUESTIONNAIRE—THIRD CONGRESSIONAL DISTRICT OF FLORIDA

HON. CHARLES E. BENNETT

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 15, 1971

Mr. BENNETT. Mr. Speaker, I recently conducted a questionnaire in the Third Congressional District of Florida, which comprises Jacksonville, Fla. Over 16,000 residents of Jacksonville responded to the poll, the results of which are included below:

1. Which of the following would you favor for the U.S. position in Southeast Asia:

	Percent
a. withdraw all U.S. forces by December 31, 1971	41.3
b. continue as at present	25.3
c. increase U.S. military effort to win, then withdraw	34.1

Do you favor:

[In percent]

	Yes	*No*
2. Federal revenue-sharing with the states if it requires increased federal deficit spending?	24.6	66.3
3. Raising the minimum wage to $2.00 per hour?	55.1	43.6
4. A national health insurance program financed by higher social security and other federal taxes	33.6	62.2
5. Restricting Presidents to one six-year term?	29.7	66.4
6. Admitting Red China into the United Nations?	48.4	46.1
7. Additional Manned Space Shots?	56.7	45.2

FARM SUBSIDIES—AND THE RICH GET RICHER

HON. WILLIAM F. RYAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 15, 1971

Mr. RYAN. Mr. Speaker, it should not be necessary to remind my colleagues of the desperate need that exists for the funding of social problems and the difficulty in finding available money. States and cities are hard pressed for funds to meet their needs. The average citizen is heavily taxed, and the burden is on those who can least bear it. Yet, the rich get richer.

The farm subsidy program is one way by which the Government is abetting this process of aiding the "fat cats." Last year's ceiling of $55,000 had been reputed to be saving the Government $69 million, yet now that the year has run its course none of that money can be found. The fat cat farmers have found a way to continue receiving subsidy payments by reorganizing their businesses. The large corporate farmers have suffered little while the smaller farmer has, if he is ever able to collect subsidy payment, been adversely affected.

The House has passed an amendment to lower subsidy payments of $20,000 for the third time. The projected savings for this policy are $200 million which could be used in areas such as housing, education, and health. Of course, this will not be a panacea for these ills, but it will be a start in the right direction.

Tom Wicker's column in the New York Times of July 15 and the Washington Post editorial of July 15 give a good commentary on the farm subsidy program. I commend these articles to the attention of my colleagues:

DOWN ON THE FARM

(By Tom Wicker)

WASHINGTON.—The new welfare reform bill, if passed, will provide the munificent total of $2,400 a year for a family of four, providing the family meets the park rules and survives the other red tape in which the program will be wrapped.

On Capitol Hill, any number of social programs are in trouble because of inadequate funding. In huge cities like New York, tax payers are on the verge of revolt, but the budgets they are supporting are still woefully inadequate to minimum public needs.

Universities and school systems everywhere are in trouble for lack of funds; hospital fees have gone out of sight; and this lugubrious listing of financial deficiencies could go on for the length of this article. That wouldn't be so bad if the country were really hard up for money and everyone suffered alike.

But that isn't the case. This is a country where the rich get richer, and not just because they are smarter or have more capital; the system tends to be rigged in their favor. The oil depletion allowance is a well-known example; so is the fact that persons wealthy enough to buy blocs of municipal bonds can live virtually tax-free. Some incredibly wealthy men can find the means to escape taxes altogether.

Gov. Ronald Reagan of California recently conceded that, due to "business reverses," he had paid no state income tax last year. The worst thing about that is that undoubtedly he was truthful in protesting that he had done nothing illegal; the painful fact is that it is perfectly possible for a man being paid $40,000 a year in America, if he has outside business interests, to pay no state income tax, although that would be virtually impossible for someone earning $8,000 or $9,000 a year with no other income.

The latest Government gimmick for those who are already rich turns out to be last year's decision to put a $55,000 limit per crop on the amount any farmer could be paid in agricultural subsidies. As cynics expected all along, the big farming interests and the Department of Agriculture administrators collaborated to turn this limitation into a farce.

Senator James O. Eastland of Mississippi and his family, for one example, received about $160,000 in cotton subsidies in 1970. This year—according to an authoritative report by Nick Kotz in The Washington Post—the Eastlands met the $55,000 limitation by creating eight new business entities to farm their 5,200-acre farm. The result is an estimated Federal subsidy of $159,925 for this year. No doubt the Eastland legal costs for these arrangements were substantial, but that is still pretty good footwork and a pretty fat take.

It need scarcely be pointed out that Mr. Eastland and his Mississippi constituency are among the leaders in decrying the supposed sloth and lack of moral fiber of poor people receiving welfare assistance from the Government. In fact, not a few of those needing welfare were displaced by machines from just such farms as the Senator's; and they have no way to divide themselves into eight parts in order to octuple their "handout."

There is a case to be made for agricultural subsidies, of course, and it should not be thought that farmers generally are profiting as blatantly as Senator Eastland and other big growers. In fact, only 1,353 farmers received more than $55,000 per crop in 1970, taking down about $142 million in Government subsidies.

But millions of smaller farmers were paid the rest of a total of about $3-billion in Federal farm subsidies, and Senator Birch Bayh of Indiana says that about 40 per cent of the total, or more than $1.5 billion, went to only five per cent of the nation's farmers.

No wonder the House of Representatives already has voted to reduce the $55,000 ceiling to $20,000 in future years, and Mr. Bayh has announced that he and three other Senators will propose the same reduction in the Senate.

This reduction would affect only 2 per cent of farmers—those who now receive more than $20,000 per crop—but Mr. Bayh says it would save $200-million for the Government and the taxpayers. That is not a lot of money, the way they hand it out around here, but there are surely better ways to spend it than to line the pockets of fat-cat corporate farmers.

THE NONLIMITS ON FARM SUBSIDIES

Loopholes are tricky. You can block up passage through one but a practiced craftsman can find another. What's more, where one person of dim vision sees no hole at all, another sees space enough to march a small army through.

The latter is exactly what appears to be happening in the federal farm subsidy program. In the last session of Congress, a $55,000 limit per crop was set on the payments the Department of Agriculture could make to farmers in return for their pledge to divert some land from production, and thus support farm prices. Those who backed the payment ceiling thought and hoped the new law would save the government money, in this case at least $60 million a year. A report by Washington Post writer Nick Kotz last week details how far short these expectations fall. The total of $3 billion paid out last year for not growing cotton, wheat and feed grains will not be lowered as a result of payment limitations, although the figure may be less this year because of other changes in the farm program. Quietly, effectively, and legally, hundreds of the country's richest farmers have reshuffled their businesses in ways that avoid the on-paper toughness of the 1970 law. The well-known gentleman farmer and senator, James Eastland of Mississippi, for example, made a business reorganization of his Sunflower County plantation and will receive from the government $160,000, only a small reduction from last year.

Such legal deftness does not escape the attention of Rep. Paul Findley (R–Ill.) who last year fought for a $20,000 limit and doubted the Department of Agriculture would strictly interpret the new law. "I believe," said Rep. Findley, "that most members of Congress thought they were getting a payment limit in which less money would be spent on the (farm subsidy) program. I'm disappointed in the whole thing, but I expected to be because the law and regulations were written by people who don't believe in any payment limitation." That so many farmers are able to avoid the effect of the law, said Rep. Findley, is "a subterfuge and clear evasion of the intent of Congress."

With evidence that they have been outfoxed, the Congress should go back and seal off the loopholes used so cleverly by these farmers of wealth. The latter cannot be faulted for taking advantage of technicalities, nor is much to be gained by questioning motives; if farmers choose to "reorganize" their businesses so soon after the new regulation took hold, an observer may have questions about the odd coincidence in timing, but he cannot question the legality. He should, however, wonder about the competence—or the sincerity—of those who passed the law in the first place, and insist that it be rewritten—tightly. What would be the reaction of Congress if it passed a law to save $60 million on a poverty program and discovered a year later a group of poor people using clever legalities to pocket the $60 million anyway?

PHOENIX IN FLIGHT: ALL SYSTEMS GO

HON. WM. JENNINGS BRYAN DORN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 15, 1971

Mr. DORN. Mr. Speaker, on June 22, 1971, Dr. Hiram Curry of the Medical University of South Carolina gave a splendid speech to the section on general practice at the American Medical Association meeting in Atlantic City, N.J. Dr. Curry, a charter member of the American Board of Family Practice, set up the Department of Family Practice at the Medical University of South Carolina. This outstanding program has been a model for similar departments throughout the country.

In his splendid speech Dr. Curry addresses himself to some of the most pressing problems which we as a nation face in our attempts to provide the best possible medical care for every citizen. He not only clearly delineates the problems, but he offers cogent and dynamic suggestions for appropriate solutions. This speech shows the potential for the field of family practice which can lead to important and beneficial changes in the health field. I commend Dr. Curry's excellent speech to the attention of my colleagues in the House of Representatives and to the people of this country:

PHOENIX IN FLIGHT: ALL SYSTEMS GO!

The occasion of this lectureship offers a yearly opportunity to review a major issue facing our profession. In the 1970s the unavoidable issue is the problem of change. The challenge is not just to describe changes as they occur, but to search for ways of controlling change—of building on what has gone before, rather than permitting older institutions to be torn down; of achieving orderly evolution, rather than submitting to revolution.

In the insignia of the American Board of Family Practice we find a symbol of change. It is the phoenix, the mythical bird of ancient Egypt, said to be as large as an eagle, with plumage of brilliant scarlet and gold. As you may recall, this legendary bird, as it grew old, would fashion a nest of aromatic boughs and spices. Then, by flapping its wings, the phoenix would set itself ablaze. to be consumed in its own flames. But invariably a new phoenix would rise from the ashes. There is no suggestion that the phoenix resisted its fate. Perhaps its faith in the future was based on knowledge of the past. There had always been a phoenix.

In the legend of the phoenix we find a pertinent theme of change, of renewal and of continuity. The history of human society is a record of vast changes, but each society has had a medicine man or healer living in its midst—the shaman of primitive tribes, the scholar physician of ancient Egypt and Greece, the granny woman of the American frontier. In 20th Century western society the general medical practitioner has been the healer from whom our people have sought relief from their illness or distress. Through the centuries one form of healer has evolved into another, each new form finding the role most appropriate for its time. The history books do not record the turbulence that undoubtedly accompanied some of these changes.

The era of general practice has a proud history that is well known. Those of us who are or have been general practitioners are all too familiar with the trends and difficulties of practice that in recent years have reduced our ranks. In 1970, only one of every six physicians in this country was a generalist, and of these one half were over 55 years old. When we view this deficit in frontline manpower in the context of rapidly expanding medical knowledge, of increasing public expectation, of long hours that leave little time for continuing education or modernization of practice—then we can see the dilemma of general practice in its full and overwhelming dimensions.

The dilemma is equally overwhelming from the viewpoint of the individual or the family. Saint Thomas Aquinas once said, "The tragedy of man in his search for happiness is not that he cannot find happiness but that he looks for it in the wrong place". Similarly, an individual in need of medical care may often seek it in the wrong place—a crowded emergency room or the office of a highly-trained specialist.

The impact of this dilemma and the need for corrective changes have been the subject of widespread discussion and study. The successes of medical science and technology have created an imbalance which first became apparent in medical schools and residency training programs; then, inevitably in patterns of medical practice. Medical students have emulated the physician whose milieu is the research laboratory or the metabolic ward, rather than the community physician whose task is to meet the lifelong needs of families and individuals.

Academic medicine in the past has given short shrift to those skills that enable an experienced physician to appraise the needs of a patient whose complaints are vague and undifferentiated, needs which are often emotional. even in patients who have overt chronic or acute illnesses. In the case of an ulcer patient, for example, a specialist may show more concern about the remote possibility of an underlying pancreatic adenoma than about the patient's obvious occupational frustrations or family stress. (In 1971, the sixtieth anniversary of the Flexnor report, a compensatory response, a negative feedback or a homeostatic reaction is long overdue.) Dr. Edmund Pellegrino has epitomized the problem as follows: "While specialization is an unquestioned benefit in every phase of clinical medicine, it greatly sharpens the need for a parallel development of the synthesizing and integrative functions required to understand and treat humans and their diseases. Concentration on an organ system or technique too often produces an insensitivity to distress signals elsewhere in the body or in the person."[1] There is great need for a physician who can look at the whole patient as a person, identify his problems, address himself to those problems he can and should correct or manage, and seek consultation for other problems.

We postulate, then, that the specialized, technologic emphasis of medical school curricula and medical practice fails to meet major needs of individuals and families, who seek accessability of care, maintenance of health and preventive care, and above all, care based on a trusting doctor-patient relationship.

The public media regularly broadcast the miracles of modern medicine, but a father seeking reasonably continuous and personal care for his family may search in vain. Many people realize that their tax money has directly supported the education of physicians and advances in medical research. The level of public frustration is understandably high. It finds expression in congressional debate and in such extreme presentations as the recent television series entitled "Don't Get Sick in America". Is there a suggestion here of the paradox that foreshadowed the French Revolution—"If they can't have bread, let them eat cake"?

Imbalance and frustration have set the stage for change. A new phoenix has hatched in the ashes of the old phoenix. My thesis at this point is brief: I believe that Family Practice as a specialty offers our best vehicle for change, our best opportunity to resolve current imbalance in medical care, to meet the needs of families and individuals, to preserve the great tradition of our profession, which in every society has had its foundation in a trusting personal relationship between patient and physician.

To support this thesis, we must examine the nature of the new specialty, this new phoenix emerging from the hot ashes of our dilemma.

The founders of the American Board of Family Practice many of them leaders in the American Academy of General Practice, had before them a clear task: to bring together a philosophy, a manner of practice, and a body of knowledge that would best meet the needs of families and individuals in our changing times. Their initial model was near at hand, the best general practitioners. These physicians have met the needs of their patients with dedication, ingenuity, and courage, often in spite of major obstacles. Their service has been very rarely heralded in the public media. (The weekly ABC television show Marcus Welby now dramatizes what the family doctor has been doing quietly for a long, long time.)

Family doctors have been physicians of first contact, available when needed. Their level of technical knowledge is high. They can provide definitive care for a high percentage of patients who come to them. The demands upon them are diverse, ranging from advice on the rearing of children to guidance in occupational rehabilitation after severe illness. They are alert to medical problems that require consultation with specialists or to life-adjustment problems that can be referred profitably to community agencies. They are willing to accept the responsibility for continuity of care and for prevention of disease. The skills, the knowledge, the personal and professional philosophy that we find in these general practitioners of medicine are the foundation of the new specialty of Family Practice.

An affluent society is not an easy one to satisfy. The more it has, the more it wants. People want what they want when they want it—immediately. They insist that their wishes be carried out, failing to differentiate these from their true needs. The population must accept some responsibility to separate wish from need, the trivial from the important, if medical manpower is to be utilized where it is needed. To have minor symptoms for a brief period and demand that a highly specialized physician analyze the problem is costly and unreasonable. If this type of medical care is desired for the entire nation then the cost will be astronomical. At a time when medical manpower is limited it is doubly unwise for individuals to monopolize the physician's time with trivia while others with significant problems must wait or not be seen. If medical care is to be a right of every citizen then each must take some responsibility to monitor his own health needs and use the physician's time wisely. With a right there goes the responsibility for using the right wisely.

Inefficiency is perhaps our greatest immediate impediment to providing excellent health care in this country and a leading cause of inefficiency is the imbalance in the ratio of primary to secondary and tertiary physicians.

At the end of 1970 there were 334,028 physicians in the United States. There were 57,948 engaged in general practice, 77,214 in medical specialties, 86,042 in surgical specialties, and 89,641 in other specialties. Even when we consider that some of the 41,872 internists and some of the 17,941 pediatricians provide primary care, we see the tremendous imbalance in primary and secondary medical care. These figures reveal why care for rare ailments is easier to arrange than for common ones.[2]

Society is challenging the medical profession to organize its services so as to render comprehensive care to persons, to coordinate generalist and specialist, and to utilize efficiently bed and ambulatory, acute and chronic, diagnostic, curative, preventive, and rehabilitative facilities.

Several factors have contributed to this unworkable ratio of primary physician to consultant. Graduates have gone into the specialties and into research where the drama of the biomedical knowledge explosion has been occurring. The discovery of the antibiotics, the steroids, and advances in immunology, to mention only a few, have attracted them. General practice has not been a part of the advances in medical technology and the changes in society, making it less attractive to young doctors planning their future. Members of our affluent society bypass local primary opinion to seek expert opinion because they want the best and they can afford it. They do this because they believe the family doctor can not provide best care. To have medical care by a distant expert has become a status symbol for some.

The military services have furnished an excellent model for screening complaints to utilize efficiently the physician's time. Many common complaints can be evaluated and treated in a prescribed manner by an assistant working directly under the physician's supervision. It is understandable that a layman may overinterpret the significance of a complaint. Such a screen is very useful in such cases and especially in managing psychosomatic symptoms.

If any health care system is to work efficiently there must be a workable balance between the problem and the solution. The complexity of the problem must be matched with the training of the medical personnel attending the patient. To have a highly educated and skillful physician evaluate a patient with a sore throat is wasteful. It is like having a Ph.D. mechanical engineer change the tires on your car. No society can wisely afford such a care system. Some will argue that a sore throat can be serious. They are correct but checks can be built into a protocol that will safeguard the patient, the physician assistant, and the physician and still ensure excellent care. By having the assistant manage many minor problems the physician can give his time to more serious complaints, adding another dimension of efficiency.

Similarly a physician having years of training and experience in internal medicine is not required to diagnose and treat pneumonia. The family physician can manage the problem expertly, and frequently as an ambulatory patient, I might add. Should the pneumonia not respond promptly to therapy, then the internist should be consulted.

When a lung abscess develops the internist or the chest physician should manage the disease. There is still a place for the family physician to care for the patient as the chest physician treats the disease. Should a brain abscess develop the neurologist or neurosurgeon assumes responsibility for managing that complication. The family practitioner should continue to care for the many other needs of his patient.

In such a system there is efficiency. When the specialist is patient-selected errors occur and precious time is wasted without benefit to anyone. To pay for the time of a highly trained specialist of the wrong variety causes patient unhappiness, but it is of his own making. If the patient demands the right to choose direct access to specialists, insists on by-passing the primary physician, then he must be willing to pay for the privilege of his errors. But for society

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Footnotes at end of article.

the loss is greater. The physician's time and effort could have met another patient's real need.

Efficiency demands that every doctor do what he has been trained to do. Here is how we get both quantity and quality. False pride often leads a doctor to dabble in areas where he is uninformed. This is done in the name of accommodating the patient but more often he is fulfilling his own needs. It is time we shed our false pride for the sake of good medical care.

Efficiency also demands that doctors be selective. All of us should observe two limitations: problems too simple and problems too complex. There is more work to do than can be done. Let us divide it in the way that it is done best and most economically.

The last serious problem I shall mention is continuing education. With the doubling of medical information occurring every seven years one can keep abreast in only a tiny area or read summary articles. It is difficult to imagine the quantity of published scientific research—the equivalent of 190 Encyclopedia Britannica volumes per day! A good medical library will subscribe to more than 5000 periodicals. The National Library of Medicine receives more than 19,000 different journals. The Index Medicus records over 180,000 entries per year.[3]

The physician has a heavy responsibility to translate new knowledge into service for patients. This is especially difficult for the family practitioner since he covers the entire field of medicine. He must share this responsibility with the consultants to whom he refers his difficult problems.

Advances in scientific medicine have not diminished the importance of the physician as a person or the value of the doctor-patient relationship as a diagnostic and therapeutic tool. Scientific advances do permit us to devote more time and attention to problems of living rather than to the relief of pain and the preservation of life.

As scientific treatment of disease has progressed there has been less attention to the humanistic aspects of medicine. George Engel points out that most curricula in medical schools emphasize only the study of disease and technical competence.[4] They are inadequate in preparing students to understand their patients and what illness means to them. We must have science and humanity too. Science is not all.

Pellegrino states that professional competency comes first but there is no reason it cannot be accompanied by compassion. "We must consciously reinfuse kindness into medical care. This is largely a matter of the emotional maturity of the physician, the behavior of his teachers and the patient care models he is exposed to in medical school. It is far less a function of courses in the social science or humanities."[5]

There is something wrong with our value system in medicine and in society if the consultant who solves a complex problem in ninety minutes is regarded higher than the family physician who may have seen six of his patients for less complicated complaints in the same period. There should be no greater reward for any service in medicine than for care of the sick, direct or indirect, immediate or delayed, of general or a highly specialized nature. The status of scientist has its glories; but medicine's ultimate responsibility is people.

Our government policy is that health care is now a right of every citizen. The government has a responsibility to make laws and create programs which can make this right, good health care, available to every person. The government has transformed medical needs into public demands by instituting new medical services and financing programs for which there is inadequate medical manpower and organization. Today the medical profession cannot meet the demands of the government or the public. Yet we must meet this challenge, and very soon, if we are to avert serious political decisions which will result in poorer medical care for our patients and penalties for the medical profession. Clearly it is the people's wish that good health care shall be available to all. We must make those changes which will permit us to meet this challenge.

As government attempts to meet its responsibilities by passing laws and creating programs it becomes a larger and larger financial investor in health care. It quite properly develops concerns for how the system operates, the efficiency, the quality, and the distribution of health services. Government is involved and will continue to be involved, probably even more so. We must discover ways to continue to render good quality and comprehensive care within the system that society demands. There are displeasing aspects to be sure. Our failure to meet adequately our responsibilities in the past is at least a part of the reason for governmental intervention. We stumbled! But let us fall forward! Let us prove we are a great profession by reorganizing our services so we can meet the public needs and their demands.

Common ailments are common; rare diseases are rare. Primary physicians practice in a manner to evaluate common complaints quickly, efficiently and at a low cost. Consultants are trained differently and practice in a different style. Since their patients presumably have been screened, they emphasize thoroughness to diagnose the rare disease, to uncover the unusual feature which has prompted the referral. Such an evaluation takes more time and study and therefore warrants a higher fee. Such thoroughness on a first visit for a common complaint is unreasonable and wasteful. We must reintroduce good judgment in medicine regarding such matters. There is more to life than just enjoying good health and having an up-to-date medical record with complete laboratory studies. I realize the value of good health and good health care, but there is a happy middle ground where possibilities are balanced with probabilities. If the symptom persists, or if other symptoms develop, or if there is no improvement with treatment, then additional studies are warranted. When consultants see a patient they are trained to be thorough and consider the exotic diagnostic possibilities from the beginning. Since the family doctor provides continuing care, it is proper for him to proceed in steps. In this way the patient gets the greatest benefit for his investment and the best medical care as well.

Medical schools recognize that all is not well. They are reviewing their educational programs, their research activities, and their community service obligations, scrutinizing them quantitatively and qualitatively to determine the ratio of attention each receives. Many medical schools have adopted new curricula which include new courses in behavioral sciences to teach students more about what makes people people. In a few medical schools courses in the humanities provide a vicarious experience through literature, history and the arts, to develop maturity of judgment, dedication of purpose and increased sensitivity. In general there is a definite trend for medical schools to be more sensitive and more responsive to society's needs.

A medical school needs to have better input about medical needs in the community it serves to enable it to adjust its program and curriculum to that need and to urge its graduates to fill that need in the community. The faculty members by their interest and activities influence the future and career choice of many students. The absence of family physicians in medical colleges not only has failed to provide a pattern for students to copy but has said forcefully that medical schools do not approve of this medical vocation. At a time when there is great need for primary physicians it is regrettable medical schools did not anticipate this need and respond earlier.

By being sensitive to the needs of its community the medical school has the opportunity to become the example for the student to copy. If societal needs are not presented to him he may not consider them as he makes his career choice. His wishes may be tempered and changed if he knows the needs of society.

A survey carried out at the Medical University of South Carolina confirmed that many students want the curriculum of the medical school to change so that they will be trained to appraise the total health needs of patients and families and learn to be effective in planning for health and managing the diseases of patients. They want to be involved with their patients and their communities.

A huge educational system cannot change overnight. The existing system is programmed for research and the production of specialists and subspecialists. If medical schools are to produce the doctors which society needs they must shift their emphasis and urge students and young doctors to become broad-based primary physicians and provide excellent opportunities for such training. The administration and faculty of medical schools will offer resistance to such a change. The old shoe is so comfortable to the foot—even though there is a hole in it and it has gone out of style.

Those who would remove effective researchers from their laboratories to do patient-care work are myopic. Research is delayed service to the sick. Research is needed. Our present crisis would be a catastrophe were it not for the research miracles of the last three decades.

The purpose of the medical profession is to serve the sick and keep the healthy well. The attainment of a degree in medicine is not a worthy goal in itself. It must be translated into service. The giving of a learned lecture is praiseworthy only when it is later translated into service at the bedside. Effort at the research bench often appears to be self-serving but this is usually not true. Isolated and seemingly unrelated bits of research information are put together to solve complex clinical problems. To teach, to do research and to care for the sick are all responsibilities of the medical profession to this nation. They are the legs of a stool. But these legs must be of equal length if the stool is not to wobble. They must be strong enough to support the health needs of this nation. As society changes the imperfections of our health care system become more apparent all the while. Fortunate for society and for our profession we become uncomfortable enough to make us want to change, want to improve.

Great leadership and profound wisdom will be required to persuade educational and research institutions to balance their efforts in teaching, research and patient care according to the needs of society.

There must be some mechanism established whereby a correct ratio of primary, secondary, and tertiary physicians are produced. Excellent health care is expensive even when organized for maximal efficiency. I doubt our society can afford to pay about 90% of the cost of medical education and continue to permit absolute freedom of choice in medical careers. Needs must be met if health care is a right of every citizen. Urging that societal needs be met may be sufficient. Careful selection of people-oriented students to fill anticipated future needs may be worthwhile. It may become necessary to establish a limited number of postgraduate training positions supported by public funds and to regulate these carefully to reflect future needs.

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Hopefully the needs of our society will weigh heavy as students choose their careers. They say they want personal involvement with people's problems. They want their lives to be relevant. They have the opportunity to decrease emphasis on personal choice and personal stature and dedicate their professional lives to serve others—how, when and where needed.

To summmarize our problems: there is a need to balance education, research and service; to balance the teaching of esoterica and practicalia; to balance the number of primary, secondary and tertiary physicians; to train a workable ratio of clinicians, teachers and researchers; and lastly, to discover a method to sensitize each student and young doctor to temper his personal wishes with societal needs.

South Carolina is 47th in the nation in physician/population ratio. The Medical University of South Carolina has looked at the medical needs of our state and the wishes of our medical students and has reviewed its responsibility to both. Out of this study came a commitment to match the yearnings of our students with South Carolina's need for primary physicians. The commitment was to establish a Department of Family Practice of equal status and with equal responsibilities to other major clinical departments. Several of the finest family doctors in the state have joined our faculty, to teach what they have learned by themselves through long years of experience as family doctors. The emphasis on ability to see the big picture, to see the patient as a member of his family, to see the medical problem in relationship to his other problems, to select important information from trivia, to make reasonable value judgements, provides a new dimension to medical education.

Students who want a very close personal relationship with patients and see themselves as future family physicians can relate to this new physician on campus. In contrast to the implied disapproval suggested by their absence in the past, the presence of these new faculty members expresses the Medical University's endorsement of Family Practice.

Large numbers of medical students participate in the program of the Department of Family Practice by enrolling their families in it for care, by electing to follow families and participate in their care and by attending Family Practice conferences. Students see there is need for the different personalities and intellectual approaches in medicine. They see that primary physicians and specialists in narrow fields are essential for an efficient, workable and economical health care system. They see that a workable ratio of these physicians is essential.

Graduates see the plight of our nation. They see the need. They see the high standards set for the new specialist in Family Practice, a discipline with defined goals. They see a place in this new specialty they wish to fill, a place that they know is important, a place that will be respected. They know they will be proud to be a specialist in Family Practice. The growing number of residencies and the large number of applicants affirm that new graduates see the relevance of Family Practice to the health care problem of our nation.

At our Medical University of South Carolina there is already a lively interest at every level and our program is less than one year old. Nine of our 76 graduates of the class of '71 are beginning residency training with us next month, increasing our total to 17 residents. An additional eight of our graduates are training elsewhere to become family physicians.

Family Practice programs in medical schools and medical centers are doing much to correct the imbalances I have discussed. The creation of the American Board of Family Practice with its high standard and stated goals has brought about new respectability and with it an invitation to join in the teaching of medical students. Family physicians as faculty members are explaining the satisfactions to be gained from the practice of family medicine. Medical students and residents are adjusting upward their estimation of the care he can provide. They respect his efficiency in caring for large numbers of patients and his expertise for separating out the more serious illnesses as he provides continuing care. They are seeing that a clever family physician teaches his families to separate wish from need, at least to a degree.

Students and residents are seeing that patients are better satisfied when their symptoms and problems are explained to them by one they know and trust. They see him continue to care for a patient even while another physician directs his efforts more directly at an organ or at a disease. They are learning it is a pleasure to be a consultant working with a well trained family physician, a pleasure to work with him as a team-mate. Students and residents respect his judgment as he demonstrates his ability to balance possibility with probability and care for a patient through an illness or solve a problem at a reasonable cost.

The American Board of Family Practice was recognized and approved as a specialty in February 1969, only 27 months ago. In this brief period almost 4000 physicians have taken a rigorous examination in order to be identified with this new specialty. The number of Family Practice Residency Programs has increased from 21 to 64 in the same period. On July 1st more than 514 young doctors will be training in these programs.[6] There are now 16 departments and 21 divisions of Family Practice in the medical schools of this country. An additional 38 departments and divisions are being planned. Thus concepts of Family Practice are being taught in many medical schools and medical centers throughout the country.

Our phoenix is healthy and vigorous. As he stands in the ashes of the pyre and surveys the terrain he sees more widespread concern for everyone having his needs met than any previous phoenix has seen. And especially there is a demand that the health needs of this society be met.

Teachers in grammar and high school are teaching basic health rules and the value of good health. Economists are searching for the best mode of financing adequate health care which is fair to all.

The government is seeking to implement policies and health programs which the majority of our citizens want. Lawyers and legal experts are interpreting the laws to ascertain the rights of citizens.

The humanists challenge us to rise above intellectualism and serve the noble purpose of medicine.

The Church is involved. It is reviewing the great commission—to preach, teach and heal the sick. The Church is reviewing its responsibility to health and pondering how it can best use its resources.

President Nixon has said "America has long been the wealthiest nation in the world. Now is the time that we become the healthiest nation in the world". We should be the activists in this endeavor. It is the doctors which can make this come true.

There is a common chord beating in cadence in all these areas of our society to make life fuller, and especially to make it healthier. To reach this great goal we must rise above intellectualism. We must share the concern of a worried friend or patient, we must become more involved with his problems, we must become our brother's keeper. Another enlightenment awaits us. Life can be fuller and healthier than we have yet dreamed.

The stage is set for a happening and I predict it will occur soon. All we need is a catalyst. The new specialty of Family Practice may get the reaction going. It is destined to be a part, and I believe a large part, of the solution to our health care problems.

In closing let me remind you that the first act of the phoenix was to gather up the ashes of his father and place them in a ball of myrrh. He then flew with the ball to Heliopolis to deposit it on the altar of the sun god. Let us be as respectful for the father of Family Practice. It was in General Practice that the concepts of Family Practice were first conceived and tested. Time moves on. Family Practice as a formal specialty has arrived on the scene at a crucial time. The new phoenix is healthy and strong. It flies into the future with confidence and with all systems go.

FOOTNOTES

[1] Pellegrino, Edmund D.: The Generalist Function in Medicine, JAMA 198:541–545, 1966.

[2] Source: Center for Health Services Research and Development.

[3] Saunders, J. B. DeC.M.: Medicine Is For Man, Keynote Address at Kern Postgraduate Conference, October 1969.

[4] Engel, George: Care and Feeding of the Medical Student, JAMA 215:1135–1141, 1971.

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[6] Carmichael, Lynn: Personal Communication.

CHILDHOOD LEAD POISONING: HALF STEP FORWARD

HON. WILLIAM F. RYAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 15, 1971

Mr. RYAN. Mr. Speaker, we are faced with a national plague—childhood lead poisoning.

This disease—more disasterous to children than polio before the advent of the Salk vaccine—is completely preventable. Yet it continues. It continues because adequate funds to combat this crippler and killer of young children have not been forthcoming. Despite the fact that Congress authorized $30 million to fight lead poisoning, the Nixon administration has only now requested a belated and insufficient $2 million to fund the Lead-Based Paint Poisoning Prevention Act, Public Law 91–695.

The results of this failure can only be measured in terms of children's lives. Lead poisoning afflicts some 250,000 to 400,000 young children each year. It is estimated that 16,000 of these children require treatment, 3,200 incur moderate to severe brain damage, and 800 are so severely brain damaged that they require care for the remainder of their lives. And another 200 children will have no future for they will die.

If this is regarded only in terms of dollars and cents—and I do not hold that we can regard children's lives in such callous terms—the conclusion remains inescapable: funding for the Lead-Based Paint Poisoning Prevention Act must be forthcoming.

Each moderate case of brain damage requires approximately 10 years of special instruction and care, averaging $1,750 per child annually. So, each year, the 3,200 children who suffer moderate to severe damage produce costs for care alone of $5.6 million. The 800 youngsters who annually experience severe brain damage require lifetime institutionalization at a cost of $4,000 per year each, or $3.2 million annually. Thus, the current annual cost for the damage to these small children totals $8.8 million. Add to that the medical and other expenses for the 200 who die annually. Add to that the incalculable millions for loss of productive lives. Add to that the incalculable amounts for grief and suffering.

The figures are devastatingly damning. So long as we fail to spend the money to end the blight of childhood lead poisoning, we will continue to expend far more money patching up the sins which have been committed against our children by allowing them to fall victim to this man-made, yet preventable, disease.

At this point I include in the RECORD a most compelling article by Daniel T. Magidson entitled "Half Step Forward" which appeared in the June 1971 edition of Environment magazine. I commend it to the attention of my colleagues:

Half Step Forward

(By Daniel T. Magidson)

Kelly Jones is one of the children in St. Louis who has lead poisoning; she is nineteen months old and was recently taken to St. Louis Children's Hospital. She had previously been treated by a pediatrician for influenza, but, because her condition had grown steadily worse, her mother took her to the hospital rather than back to the pediatrician. On admission to the hospital the baby was unresponsive and almost unconscious. A spinal tap revealed a high spinal fluid pressure and elevated protein content. X-rays showed characteristic signs of lead in the long bones, and specks in the gastro-intestinal tract that appeared to be undigested lead paint. The level of lead in her blood was greater than 100 micrograms per 100 milliliters (the high "normal" level is below 40 micrograms per 100 milliliters). She was immediately given intravenous calcium disodium versinate which was alternated with Bal (British Anti-Lewisite) over a five-day period, the customary treatment for acute lead poisoning. By the second day she was more alert and responsive. Her life had been saved, but it is still too early to determine whether damage was done to her brain.

How did Kelly get poisoned? Her apartment house, seen from the outside, was obviously once a stately edifice and is still presentable. Looking at the inside of the Jones apartment, however, one has little doubt where Kelly got the paint she ate. Plaster is chipped off the walls and ceilings, and wallpaper is peeling. Every windowsill in the Jones apartment is a tracery of cracked and flaking white, lead-based paint.

Kelly seems to be a typical toddler, and toddlers often put things into their mouths, no matter how much they are watched or told not to.

Unfortunately, many young children eat old paint, plaster, and putty that contain lead. About 3,600 children in St. Louis have lead poisoning, according to a St. Louis Division of Health official.

James Schoonover, director of the St. Louis Development Program of the St. Louis City Planning Commission, says that about 75 percent of the houses in the city were built before 1930. Presently there are 238,500 housing units in St. Louis. Of these, according to Schoonover, 23,800 are considered by the city to be in "poor or dilapidated condition." It is safe to assume that at least this 10 percent of the houses, freely acknowledged to be substandard, contain deteriorated, easily accessible, lead-based compounds in their interiors.

Ivory Perry, consultant to the St. Louis Metropolitan Tenants Organization (MTO), is among those concerned about the situation. As a civil-rights activist and housing developer for the Human Development Corporation in St. Louis, Perry became intimately involved in attempts to ameliorate poor housing conditions in the city; in time this brought him to consider lead poisoning in children and its major cause.

"I got interested in chipping plaster and paint in 1968. I was worried that children from one to six years would eat it. Most houses built before 1950 had lead paint in them. Most poor people don't have air conditioning, and they raise the windows in the summertime, and most of the little kids put their mouths on the windowsills." They soon discover that the paint chips they lick have a sweet-sour taste like lemon drops (Perry has tasted paint chips himself to confirm this), and soon they are busily chipping and eating the paint.

According to Perry, the use of lead paint in housing interiors was outlawed in the state of Missouri in 1950. In 1970 he started testing houses for lead, using a sodium sulfide solution which causes paint containing lead to turn black on contact. He said, "I tested about 50 houses and found out it was a waste of time because they all had lead paint."

As a member of a Danforth Foundation-sponsored task force on housing code enforcement in St. Louis, Perry attended an aldermanic meeting on the subject in 1969. He spoke in favor of new legislation to enforce the housing code and pointed out that "chipping plaster and peeling paint are a hazard and a danger to the kids, because most little children will pick up anything and put it into their mouths—anything."

The Metropolitan Tenants Organization, with several other community groups, has been conducting free blood-screening tests which account for 50 percent of the St. Louis screening program, the rest of the screening being done by four well-baby clinics operated by the Health Division and its central municipal laboratory (to which all samples are sent for free evaluation); the Community Medicine Department of the St. Louis University School of Medicine is involved, and individual medical students from St. Louis and Washington University Medical schools and a number of hospital technicians have volunteered their services.

Mounting public concern over lead poisoning is now making itself felt in city government. In April 1970, the St. Louis Board of Aldermen passed an ordinance "to detect, treat and prevent lead poisoning resulting from the ingestion of lead-bearing substances, which ingestion is hereby declared to constitute a serious public hazard." Instrumental in framing the ordinance were the MTO, the St. Louis Division of Health, and the Legal Aid Society. The ordinance made lead poisoning a reportable disease and gave the city health and building commissioners new inspection and enforcement authority; unfortunately, there have been only limited inspection and enforcement because the city has not been able to appropriate enough money. Inspectors have confirmed the presence of lead in at least 100 housing units, including the Jones apartment, and fines have been assessed in a few cases.

In 1970 the city's Health Division gained permission to use unexpended funds from other programs to begin a full-scale attack on lead poisoning. Community pressure was a significant factor influencing the Board of Aldermen to release the funds for the Health Division's program. St. Louis, like other major cities, is in poor financial condition. Dr. Valgard Jonsson, deputy health commissioner, had been asking for years for increased funds to detect and treat lead poisoning. It took the city three years to buy the modern testing equipment requested by Jonsson, and then it could not be put into use for a time because the city could not spare $200 to send a technician to Chicago to learn to operate it. To the city's rescue came the MTO, which raised the necessary money. Now the Division of Health has eight people working in the Lead Poisoning Control Service under Acting Administrative Chief Sharon Love.

According to Mrs. Love, between June 28, 1970 and April 4, 1971, 2,784 St. Louis children were given blood tests for lead. Of this number, 1,168 had levels greater than 40 micrograms per 100 milliliters; 248 of these were given a diagnosis of lead poisoning by physicians, and 118 have been hospitalized to date. Even for those children who are successfully treated, however, the long-term effects of the poisoning are not known, nor does the city have funds for follow-up studies of the children. In many cases, they are returned to the same environment in which they were poisoned.

The future of even this modest lead poisoning control program now appears doubtful. The special funds will be running out soon, and if the St. Louis Board of Aldermen does not appropriate specific funds for its continuation, it will stop. When asked what he would do if the aldermen do not appropriate the funds, Commissioner of Health William C. Banton, who has said "We have robbed Peter to pay Paul to get the program going," refused to speculate; he said that he could not imagine that the city would not find some way to continue the Health Division's program to halt lead poisoning in children.

Ivory Perry and many other interested citizens will not be surprised if the appropriation is not made, however. He has said, "One reason the city is not trying to prevent the disease is because it is not catching." He also has charged that the city government is not very interested in the victims "because 60 percent are black, 40 percent are white, and all are poor." Ten deaths were officially attributed to lead poisoning in St. Louis from 1960 to 1969; all were in children from one to four years of age; six were nonwhite, and four were white. Dr. Banton states that lead poisoning is not solely a "black" problem; he estimates that almost as many poor white children become poisoned as black.

It is likely that far more than the reported ten children have died of lead poisoning in St. Louis from 1960 to 1969. There is probably no way to make a meaningful estimate, however, Larry Evert, deputy assistant health commissioner, told *Environment*, "The exact incidence and prevalence of lead poisoning in the city of St. Louis is unknown." Physicians, as in the case of Kelly Jones, often fail to recognize the symptoms of lead poisoning. Dr. Banton, who graduated from medical school in 1946, commented that, at least in his school, not a great deal of time was spent in making medical students aware that it could be a serious public health problem. Other physicians have had similar experiences. Dr. Banton said also that lead poisoning could be compared to other diseases that have been, or are in the process of becoming, more widely detected; one must be aware of something before he can suspect it. And although the constellation of signs and symptoms that indicate classical lead poisoning are almost unmistakable when all are seen in one particular child, it is extremely rare for them all to be present at once. Also, they resemble the manifestations of other conditions and diseases, such as malnutrition and influenza, to name only two of many.

In short, people in general, and doctors and parents in particular, must become more aware of the lead poisoning problem, especially if they work or live in the areas where lead poisoning must have been endemic, though largely unrecognized, for many years. When the index of suspicion becomes higher, and when all susceptible children have their blood tested for lead, the real incidence of the disease may become known.

Obviously, better detection and treatment are vital measures, but prevention is the only avenue to eradicate the disease. It is here where there is the greatest controversy and consequently the least action. St. Louis Public Health sources give the cost of removing or covering lead paint in interior surfaces of houses at $50 per room, while real estate people feel it could be $250 per room. It has been estimated that it would cost $100,000,000 to eliminate lead poisoning as a public health menace in St. Louis. The new city ordinance orders the owner or owners of record to remove or cover all lead-bearing surfaces in a house within 14 days of notification by the health or building commissioner. If this is not done the owner is held in violation of the ordinance and the dwelling may be condemned for human habitation until the lead is removed or adequately covered.

Even if no kind of affirmative action is taken, eventually the incidence of lead poisoning in children will go down, if only because of gradual abandonment and razing of older houses. As of May 4, 1971, of the 23,800 houses in very poor or dilapidated condition in St. Louis, 15,000 are vacant and vandalized, just waiting for the headache ball. But this is a painfully slow process.

At a public meeting on May 2, 1971 at the Watch Church of God in Christ in St. Louis, Arthur Jackson, vice-chairman of the Metropolitan Tenants Organization, said, "Improvement in housing is the answer, but children who may be subjected to lead poisoning don't have time for long-term projects." Long-term projects must still be initiated; but in the meantime massive nationwide screening and treatment programs must be initiated and continued to prevent the grave and irreversible damage that lead poisoning can cause innocent children.

MAYNARD CENTENNIAL

HON. ROBERT F. DRINAN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 15, 1971

Mr. DRINAN. Mr. Speaker, it gives me great pleasure to inform the House of Representatives of the 100th anniversary of Maynard, a town lying within the Assabet River Valley in central Massachusetts. Bounded on the north by Acton, on the west and southwest by Stow, on the northeast by Concord, and on the east and southeast by Sudbury, this historical, industrial town is located 27 miles northwest of Boston.

The town was incorporated April 19, 1871, and named in honor of Amory Maynard, Esquire, a carpet maker from Marlborough, through whose untiring energy and sagacity the industries of the town were developed.

One early industry in the town was a textile mill to make yarn. The mill was later used in the manufacture of carpeting. It was bought by the American Woolen Mills Co. around the turn of the century and expanded into the Assabet Mills of the American Woolen Co. Other early industries included papermills, built by William May about 1820 and later used in the manufacture of wallpaper, saw and grist mills, cider and vinegar factories, mills for the manufacture of spindles and other factory machinery, and mills for the making of blankets and flannels. The Assabet River proved immensely important for early industrial development, as the woolen mills were dependent upon water for their operation.

In 1907, a group of mill workers organized the United Cooperative Society, one of the most successful consumer enterprises in the United States.

Following World War II, Maynard was dealt a disastrous economic blow when the American Woolen Mill ceased operations. Two thousand jobs were directly affected in the period between 1951 and 1953. Hundreds of secondary service jobs also disappeared.

Today, however, Maynard boasts of many manufacturers including electronic components and accessories, radio and television receiving sets, converted paper and paperboard products, digital computers and integrated circuits, stereo components, consoles, industrial sound instruments, and gift wrapping.

Because Maynard has such a small land area and a limited industrial base, the townspeople must be constantly vigilant and mindful of the importance of sound development practices.

In short, Maynard has learned what most other American communities are just beginning to realize—that land is not a limitless commodity and a resource to be squandered.

Maynard is an outstanding example of grassroots democracy at its best. Through good times and bad the people have stayed together—working at their own problems.

The people of Maynard, who now number almost 10,000, have always been proud of the heritage and the spirit which has brought them together and kept them together despite many adversities over the past 100 years.

For more than a century the town of Maynard has been characterized by all of the New England virtues of industry, frugality, hospitality, and good government.

One of the excellent features of the 100th birthday program conducted by Maynard on Independence Day, April 19, 1971, and on July 4, 1971, was a splendid presentation by the Maynard Community Band—an organization which has existed for well over 50 years and which performs regularly for the people of Maynard and surrounding towns.

It is an extraordinary privilege to have been able to participate in the ceremonies of a community which rightfully has pride in its ancestry and great hope for its future. One of the most remarkable features of the centennial celebration was the production of a truly fascinating book of 234 pages which details all of the remarkable history of the migration of peoples to this lovely town in Massachusetts where the ingenuity and resourcefulness of so many people over so many decades have created a community which has a very unique sense of purpose and determination. With these qualities Maynard can look optimistically to the next 100 years.

WE NEED A MANHATTAN PROJECT FOR DRUG CONTROL

HON. BENJAMIN S. ROSENTHAL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 15, 1971

Mr. ROSENTHAL. Mr. Speaker, the United States is suffering from a scourge which is corrupting our children, turning our streets, homes, and parks into battlegrounds, and clogging our jails—narcotics addiction.

For much too long now, we have largely concentrated our energies on the punitive aspects of the problem, jailing the unfortunate victims of this disease like hardened criminals. Little has been done to take the steam out of drug traffic at its source—by eliminating its profitability.

Recent U.S. initiatives in prompting Turkey to end its opium industry, and proposals by the President and in the Congress to create an executive antidrug office are steps in the right direction, but we must do much more to begin a true national crusade to conquer drug abuse. Surely a country which can set and meet a date to land men on the moon should try to save its young people from the drug blight.

I include in the Record two excellent recent editorials dealing with the drug problem:

[From the New York Law Journal, July 6, 1971]

Needed: Another "Manhattan" Project To Solve Nation's Drug Problem

(By Jerry Finkelstein)

Attention: President Nixon, All Leaders of Government and the Bar.

During World War II a secret project whose code name was "Manhattan" tackled every conceivable angle so that the United States could produce the atom bomb. After the war, Congress established the Atomic Energy Commission whose sole function is to study and develop new uses for the atom—and these studies have been conducted on an all-encompassing basis by all academic disciplines.

Similarly, when the United States embarked upon its space program, the National Aeronautics and Space Administration was set up to oversee the program. It was charged with every aspect of the nation's program, using not only engineers, but astronomers and historians, manufacturers and others who could contribute to every minute area of study.

Drug abuse has long since become a scourge that threatens the national character and fabric. No segment of our society is immune from the impact of this deadly plague. Our children at all levels of school have been infected. It is the major cause of soaring crime rates that undermine security in our homes and streets and parks. It has corroded the morale and discipline of our armed forces in Vietnam. It takes a huge toll out of the business activity in terms of absenteeism and poor employee performance. It clogs our court calendars.

It is tragic that a crisis of such magnitude has not stimulated a national response on the level of the "Manhattan Project" or NASA. If we had recognized the need for this approach three years ago, or five years ago, or ten years ago, perhaps there might not be a drug problem today. If the best brains of the nation were used to study the drug abuse problem—not only chemists, but educators, physicians, psychologists and psychiatrists, sociologists, clergy, attorneys and judges, legal enforcement agents and any other conceivable group that could shed light on the subject, perhaps today we might know whether marijuana is safe to use or not, or if it leads to the "hard stuff." If the nation had undertaken the massive response to the drug problem as it did to the atom and space, perhaps today there would not be a debate as to whether or not marijuana should be legalized. Nothing less, in our judgment, but this massive undertaking will put an end to drug addiction.

This same observation can be applied to methadone and other aspects of the drug abuse problem. Programs for treatment and rehabilitation of addicts and education programs to prevent addiction are inadequately financed and uncoordinated. But more important, we are full of half-truths and ignorance in our nimble approaches to solving the problem.

What is urgently needed is a strongly financed, well-coordinated mobilization of the nation's resources to develop a comprehensive program to put an end to this national disaster and disgrace. Such a program should accelerate our research, to telescope the work which has not been done in the past five or ten years, so we may save our people and our nation.

The United States has attacked so many difficult problems—from polio to the atom—and found solutions through massive injections of money and talent. Drug abuse is more of a problem and should be approached in the same manner—not through some piecemeal program with miniscule funding. It requires a broad scope—from legislation to treaties with other nations—so no stone is left unturned.

The drug problem is a challenge which must be faced by the members of the American Bar Association. Drug and drug-related cases jam the courts and impede the legal profession's work. As civic and community leaders, members of the Bar can play a decisive role in prodding into action the White House, Congress, Governors and Legislatures to provide the initiative and financing needed to put an end to this major threat to our nation.

It is true that the White House has recognized the problem, and called the nation's attention to the dimensions of the national tragedy, but it has not attacked drug abuse in depth.

It is equally surprising that no "Mr. Anti-Narcotics" has emerged like a Nader in the consumer protection field.

The time is long since past for us to talk about drugs, and hope it will blow away. It won't! It could eventually lead to the destruction of the civilization we have built and come to know.

Leadership taken by the Bar in mobilizing our national resources in this effort would be in the noblest traditions of the profession.

[From the Wall Street Journal]

NEW PRIORITIES ON DRUGS

One of the self-defeating features of U.S. efforts at control of drug abuse has been an emphasis on police methods aimed at controlling the supply and use of dangerous drugs.

There need hardly be any greater evidence submitted to show the failure of this approach than merely to cite the dimensions of the drug problem that has developed in this country. Drugs have become the leading cause of death for people between the ages of 15 and 35 in New York City, for example.

Our doubts about the effectiveness of attempts to control supply makes us skeptical of the importance of the just-announced U.S. agreement with Turkey, in which Turkey has agreed to ban production of the poppies which provide the raw material for illegal heroin. We find it hard to believe that the crooks who make heroin won't find some other source of their raw material.

We are, however, encouraged by signs that government thinking on this subject has been changing since the negotiations with Turkey began. President Nixon's recent message to Congress asking an expansion of federal spending on the drug abuse problem suggests that the U.S. may be swinging towards a sounder approach, very belatedly. It may be swinging towards treating the use of dangerous "hard" drugs, principally heroin, as a medical rather than a police problem.

The President said he will give a new priority to the rehabilitation of drug addicts through such programs as methadone maintenance. He said the government must "act to destroy the market for drugs, and this means the prevention of new addicts and the rehabilitation of those who are addicted."

Federal recognition of the market aspect of the drug problem is welcome. Studies of the epidemiology of drug abuse long ago discovered the syndrome that has led to much of our present trouble, but U.S. officials have not responded to it.

The syndrome is simply this: Addicts place their need for heroin above all else and many have progressively larger needs, so drug demand has a solid underpinning. As government succeeds through enforcement efforts in limiting the supply, the effect is to push the price of the illicit drugs steadily upward. As the price rises, the traffic in the drug becomes more attractive to criminals and criminal organizations willing to take high risks and well organized to avoid detection.

The rising price also forces the addict into a life of crime, including the recruiting of new drug users, who soon become addicts themselves. Thus there is an epidemic of rapidly spreading hard-drug use, rampant crime, and corruption of enforcement officers.

The British government long ago foresaw the futility of an approach to the problem that depends so heavily on "prohibition." It has traditionally permitted heroin addicts to register with the authorities and obtain enough drugs to maintain their habits from doctors or hospitals at a very low cost.

There have been some problems with doctors abusing their responsibilities under this system, but they have been relatively minor. Hard drugs and the associated crime problem are relatively small worries in Britain. The only conclusion can be that Britain has never allowed itself to become a highly profitable market for hard drugs, unlike the U.S.

It will no doubt take some time to change the thinking of agencies that have attempted to deal with the drug problem, and failed so miserably. Experiments by private clinics with substitution of legal methadone for illegal heroin in New York and Washington—thereby enabling some addicts to withdraw from the crime syndrome—have sometimes gotten cavalier treatment, or worse, from officialdom.

The President's proposals to take the profitability out of the drug traffic can hardly have an immediate effect. But at least the country now seems to be moving in the right direction. The sad thing is that the whole problem most likely would not have gotten out of hand if more intelligence and the lessons of the past colossal failure of alcohol prohibition had been applied long ago to hard drugs.

BILDERBERG CASE; REPLY FROM U.S. ATTORNEY GENERAL'S OFFICE

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 15, 1971

Mr. RARICK. Mr. Speaker, in my speech of May 24, 1971, page 16698, entitled "Secret Bilderberg Meeting and the Logan Act," I raised the question of the applicability of the Logan Act being violated by a secret meeting between citizens of the United States and citizens as well as officials of foreign governments carrying on discussions which very likely were designed to influence measures or conduct of one or more foreign governments or officers or agents thereof in relation to disputes or controversies with the United States or an intent to defeat measures of the Government of the United States.

I, subsequently, on June 1, inquired of the Department of Justice as to their opinion of the Bilderberg meeting and whether it constituted a possible violation of the Logan Act. I specifically asked what action was contemplated by the U.S. Attorney General.

The reply, which I received 6 weeks later, confirmed my charges of the Logan Act being violated, but denied any contemplated criminal action for the protection of our country or its people because—

> Details of discussions, conclusions, and recommendations reached have been suppressed from the public, and one can only speculate as to what transpired. The Department had no coverage of this meeting and we have no information which would justify requesting the Federal Bureau of Investigation to conduct a criminal investigation of the activities of presumably innocent citizens

Many Americans who have grown apathetic by thinking that their country is protecting them and itself through the expenditures of mass amounts of money and employment of trained intelligence people may rightfully be shocked to learn that if they expect any action to be taken by the Justice Department it is incumbent upon the citizens to infiltrate the secret meetings and supply the data providing specific allegations or specific information indicating a violation of the Logan Act.

Mr. Speaker, I insert at this point a copy of my letter to the Attorney General of the United States and the reply from his office followed by my original remarks of May 24:

HOUSE OF REPRESENTATIVES,
Washington, D.C., June 1, 1971.

Hon. JOHN N. MITCHELL,
The Attorney General,
Department of Justice,
Washington, D.C.

DEAR MR. ATTORNEY GENERAL: In remarks to the House of Representatives on May 24, 1971, I pointed out what appeared to me as a possible violation of the Logan Act.

I am referring to the recent secret Bilderberger meeting held at Woodstock, Vermont, April 23–24.

I enclose a copy of the text of my remarks entitled, "Secret Bilderberger Meeting and the Logan Act", as well as the texts of other statements of mine about the Bilderbergers.

It seems to me that a scrutiny of the entire proceedings of the three day meeting would be necessary in order to detemine if there was "an intent to influence the measures or conduct of any foreign government or any officer or agent thereof in relation to any disputes or controversies with the United States," or if there was "an intent to defeat the measures of the government of the United States."

I would appreciate hearing your opinion of my analysis of this matter and of any action you may contemplate taking.

Sincerely,

JOHN R. RARICK,
Member of Congress.

DEPARTMENT OF JUSTICE,
Washington, D.C., July 13, 1971.

Hon. JOHN R. RARICK,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN RARICK: I have your letter to the Attorney General dated June 1, 1971, concerning the possible applicability of the Logan Act to the activities of American citizens who participated in the Bilderberg meeting at Woodstock, Vermont in April, 1971.

In your remarks in the Congressional Record of May 24, 1971, you correctly noted the elements of a violation of the Logan Act. You further noted that there were citizens of the United States as well as officials of foreign governments in attendance. You concluded that it is logical to assume that one or more of those citizens in attendance did carry on correspondence or intercourse with one or more officers of foreign governments and that it was very likely that there was an intend to influence measures or conduct of one or more foreign governments or officers or agents thereof in relation to disputes or controversies with the United States or an intent to defeat measures of the Government of the United States.

However, you also pointed out that all the details of the discussions, conclusions, and recommendations reached have been suppressed from the public, and one can only speculate as to what transpired. The Department had no coverage of this meeting and we have no information which would justify requesting the Federal Bureau of Investigation to conduct a criminal investigation of the activities of presumably innocent citizens.

Of course, we would consider requesting an appropriate investigation in any case in which we might receive a specific allegation or specific information indicating a violation of the Logan Act.

Sincerely,

ROBERT C. MARDIAN,
Assistant Attorney General,
Internal Security Division.

SECRET BILDERBERG MEETING AND THE LOGAN ACT

Mr. RARICK. Mr. Speaker, in recent remarks—see CONGRESSIONAL RECORD 13688–13691 of May 5, 1971, entitled "Bilderberg's Woodstock Meeting"; and 14189–14195 of May 10, 1971, entitled "U.S. Dollar Crisis—A Dividend of Internationalism"—I raised several questions about the secrecy of the Bilderberg meetings and the possible consequences of such secrecy.

Since all the details of the discussions, conclusions, and recommendations reached have been suppressed from the public, one can only speculate as to what transpired. Following their meeting, the Bilderbergers returned to their respective countries with the ordinary citizens uninformed as to their goals and plans.

Secret discussions are not in keeping with Western political tradition of "open covenants openly arrived at." Ordinary citizens are alarmed when influential men meet privately to solve world problems, especially when the membership lists are overwhelmingly composed of international Socialists, businessmen, and financiers.

The cause and effect method can be used to arrive at the latest intentions of the Bilderbergers. Following the first Bilderberg meeting held in the United States in 1967 came the announcement that French gold and silver reserves had dropped more than 50 percent in the previous year and of the partial withdrawal of French gold balances in the United States. Within a few days following the recent Bilderberg meeting of April 23–25 in Woodstock, Vt., came the recent U.S. dollar crisis in Europe. The Bilderbergers' decisions are highly suspect of manipulating gold and international currencies.

Could the secrecy of the Bilderberg meetings be because of the Logan Act which prohibits unauthorized contacts between a citizen of the United States and an officer or agent of a foreign government?

As amended and enacted into positive law on June 25, 1948, as 18 U.S.C. 953, the Logan Act provides:

"§ 953. *Private correspondence with foreign governments*

"Any citizen of the United States, wherever he may be, who, without authority of the United States, directly or indirectly commences or carries on any correspondence or intercourse with any foreign government or any officer or agent thereof, with intent to influence the measures or conduct of any foreign government or of any officer or agent thereof, in relation to any disputes or controversies with the United States, or to defeat the measures of the United States, shall be fined not more than $5,000 or imprisoned not more than three years or both.

"This section shall not abridge the right of a citizen to apply, himself or his agent, to any foreign government or the agents thereof for redress of any injury which he may have sustained from such government or any of its agents or subjects. June 25, 1948, c. 645, 62 Stat. 744."

The elements of a crime under the Logan Act appear to be as follows:

"(1) The actions forbidden to U.S. citizens are:

"(a) Without the permission or authority of the Government;

"(b) Directly or indirectly;

"(c) To commence or carry on any verbal or written correspondence or intercourse with any foreign Government or any officer or agent thereof.

"Or—

"(d) To counsel, advise or assist in any 'such correspondence,' i.e., in any verbal or written correspondence by a U.S. citizen with any foreign Government or officer or agent thereof;

"(e) With an intent to influence the measures or conduct of any foreign Government or any officer or agent thereof in relation to any disputes or controversies with the United States.

"Or—

"(f) With an intent to defeat the measures of the Government of the United States."

As can be seen from the membership list of the recently held Bilderberg meeting there were citizens of the United States as well as officials of foreign governments in attendance. Since no official announcement was made of this meeting by the U.S. Government, we can only assume that the meeting was not authorized by the U.S. Government. Since the meeting at the Laurance Rockefeller Woodstock Inn lasted 3 days, it is logical to assume that one or more of those citizens of the United States in attendance did carry on "correspondence or intercourse" with one or more officers of foreign governments present. Since the two points discussed as announced by Prince Bernhard of the Netherlands were, first, "the contribution of business in dealing with current problems of social instability," and, second, "the possibility of a change of the American role in the world and its consequence," it is very likely that there was an intent to influence measures or conduct of one or more foreign governments or officers or agents thereof in relation to disputes or controversies with the United States or an intent to defeat measures of the Government of the United States—especially when shortly following the close of the Bilderberg meeting there occurred a rejection of U.S. dollars by four of the governments whose officers were in attendance at the Bilderberg meeting. Additionally the Socialist Prime Minister of Canada whose defense minister was present, now is in Moscow carrying on defense agreements with the Soviets against the United States.

So, it seems plausible that one or more of the U.S. citizens present at the recent secret Bilderberg meeting could very well have committed a criminal offense under the Logan Act. Could this be the reason for the veiled secrecy?

BIG BUS BILL

HON. FRED SCHWENGEL

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 15, 1971

Mr. SCHWENGEL. Mr. Speaker, as I have indicated earlier, the big bus bill, H.R. 4354, has now been officially reported to the House. Upon reading the report, I was surprised at the extreme efforts made by the majority in the report to disassociate the big bus bill from the big truck bill. The majority states:

> It (the bus bill) in no way is related to the question of length or weight nor is it in any way related to the question of trucks.

At one other point in the report, they state:

> Last year, the big bus bill was heard concurrently with legislation involving the size (length and width) and weights of trucks. The two should not be confused or related in consideration of H.R. 4354 as reported.

I would be the first to concede that the big bus bill "simply" permits buses 6 inches wider to travel on our interstate system. My colleagues in the majority must be somewhat naive if they see no relationship between bigger buses, and bigger and heavier trucks.

If a bus 6 inches wider is sufficiently safe to be operated on our highways, how can you say that trucks 6 inches wider are any less safe? And, what is the point in making trucks 6 inches wider unless you permit them to carry a heavier load? It seems quite clear to me that a big truck bill is following behind this bill as certainly as night follows day.

With respect to the effect of those bigger and heavier trucks on our highways, the following clipping from the Chicago

Sun-Times for July 12, 1971, gives some idea of the scope of the problem:

EXPRESSWAY REPAIRS GOT YOU DOWN? BLAME TRUCKS

(By Fletcher Wilson)

If reconstruction work on the Kennedy and Dan Ryan expressways is giving you headaches, blame the 30,000 trucks that use these highways daily, the state's chief highway engineer said Sunday.

Richard H. Golterman said the righthand local lanes which the trucks are required to use wore out on the Ryan while the express lanes remained in good shape. The Ryan reconstruction is on the local lanes.

"Trucks appeared in greater volume and with heavier weights on the Ryan than was anticipated by the designers," Golterman said. "This was instrumental in breaking up the local lanes in advance of their time."

State highway engineers believe trucks also were largely responsible for damaging the Kennedy pavement to the extent that it needs resurfacing. But they base their case against trucks on the more conspicuous evidence in the Ryan local lanes.

The Kennedy was fully opened in November, 1960. The Ryan was completed in December, 1962.

When plans for the Ryan were put on paper in 1957, designers predicted that less than 150,000 vehicles would be using the highway daily in 1971 and less than 200,000 daily in 1975.

The volume passed 180,000 in 1963 and has gone to 220,000 now.

Golterman said trucks appeared in greater volume than designers foresaw. Designs were based on the expectation that 75 per cent of the traffic would be passenger vehicles and 25 per cent trucks. The 1971 ratio has been 55 per cent passenger vehicles to 45 per cent trucks.

Still more significant, Golterman said, is that planners estimated that 55 per cent of the trucks would be light single-axle vehicles and 45 per cent would be multiple-axle pavement crushers.

The actual ratio is 45 per cent single-axles to 55 per cent multiple.

"These continuous heavy truck loadings," Golterman said, "made necessary the replacement of the old concrete pavement with stronger and thicker concrete."

HOT WEATHER VICTIM

The old pavement being broken up is eight inches thick. It will be replaced with 10 inches.

Golterman conceded another engineering goof. The continuous pavement laid in the Ryan was supposed to resist hot weather blowups. It did not.

Another type of construction used on the Eisenhower Expressway was free of summer troubles. That type will be used in the Ryan construction. It places expansion devices the engineers call dams at frequent intervals.

The $15,743,472 job of rebuilding the Ryan and resurfacing the Kennedy with three inches of asphalt is the largest single expressway rehabilitation project the state has had so far.

20–25 year lifespan?

The Ryan work is being done by the Brighton-Krug Construction Corp. on a bid of $5,473,744 and the Kennedy by the Arcole-Midwest Corp. on a bid of $9,482,003. In addition J. L. Manta Inc. was given a $787,724 painting contract.

Highway experience over the nation has led to a rule of thumb that properly laid pavement can be expected to last 10 to 15 years when subjected to the conditions for which it was designed.

Golterman said the new pavement on the Ryan should last 20 to 25 years. He said this estimate should be sound if present truck weight limitations are retained. He said traffic volume cannot go higher because no more vehicles can be squeezed on the highway.

Some surface disintegration will come, he conceded, from the winter freeze-thaw cycle and from salting.

Golterman said the decision was made to tie up both the Kennedy and the Ryan at the same time because this would minimize the length of time motorists are discomfitted. Splitting the jobs, he explained, would bring two summers of tieups instead of one.

This way it is all supposed to be over by Oct. 22. Contractors will be given bonuses for finishing early but must pay penalties for going beyond the deadline unless the delay can be attributed to an act of God, such as bad weather.

THE WALTER COLLINS CASE

HON. BELLA S. ABZUG

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 15, 1971

Mrs. ABZUG. Mr. Speaker, I rise to bring to the attention of this body a case which clearly illustrates the dual evils of military conscription and pervasive racism in this country. The Walter Collins case shows us how these evils interact to bring compounded injustice to our citizens.

Walter Collins is a young black man now serving a sentence in prison for refusing induction into the Armed Forces. While he is ardently and conscientiously opposed to the war and the draft generally, he protested his own induction specifically because he was classified and ordered for induction by an all-white local board which did not represent his community.

As I have said here many times, the draft is by its nature unfair but it is especially unfair to blacks who are sometimes unsophisticated in the ways of draft resistance, who lack the funds for long court battles, and who are excluded from jobs and education which would give them deferments.

Even if a black man can surmount these obstacles, he may then be subject to the whims of a local board made up exclusively of his bigoted white neighbors.

I urge my colleagues to examine this case and to join me in protesting in Walter Collins' behalf:

PROTEST THE JAILING OF WALTER COLLINS AND THE SITUATION OF BLACK DRAFT RESISTERS

Walter Collins, 26-year-old activist in the black liberation movement, was arrested November 27, 1970, to start serving a five-year sentence for refusing to be drafted.

The arrest came just 11 days after the U.S. Supreme Court had refused to hear an appeal of his sentence—even though his lawyers were preparing a petition for reconsideration by the high court, which they had 25 days to file. Federal marshals came to Collins's home in New Orleans, handcuffed him, and refused to allow him even time to get a coat or a toothbrush. His mother, Mrs. Virginia Collins, a nationally prominent leader in peace and liberation movements, correctly called it "gestapo tactics." The normal procedure of arrest when an appeal is denied, especially in the case of white defendants, is to allow the person time to take care of personal affairs and surrender.

The issue in Collins's case is whether all-white draft boards, made up of people who live outside the areas where black people live, have a right to draft black men to die on foreign battlefields for a system that has continually oppressed them at home.

Collins's situation is similar to that of thousands of young black men across the country—for draft boards like his are operating everywhere. The only unusual thing about his case is that Collins had been organizing throughout the South and the country against racism, war, and the draft. At the time he was arrested, he was scheduled to speak in the following two weeks at colleges and high schools throughout Louisiana and to lead a national conference of black draft counsellors in Chicago in early December. The government wanted him shut up quickly.

We ask you to join us in protesting Collins's imprisonment—and through this protest the oppression of all black men under the draft laws. The Supreme Court must face this issue—and so must all of white America.

A petition for reconsideration of the Collins case was filed in the Supreme Court on December 10. On January 11, 1971, the Court gave its final refusal to consider the appeal. Collins is now in federal prison in Texarkana, Tex. Details on this case and the issue—and what you can do about it—are outlined below.

WHO COLLINS IS

Collins has been active in civil-rights movements since he was in high school and took part in the sit-ins of the early 1960's. He worked on voter-registration drives in the Deep South, and in 1966 he started organizing opposition to the Vietnam War in the New Orleans black community.

For the last two years, he has worked on the staff of SCEF, a Southwide organization that is building coalitions between black people and poor and working-class white Southerners. Along with young white organizers, he has been working to build such coalitions in Laurel, Miss., and elsewhere in the Deep South.

He is also Southern regional director for the National Association of Black Students (NABS) and has been setting up a Southern regional office for the Central Committee for Conscientious Objectors and organizing a network of black draft counselors throughout the South.

THE COLLINS DRAFT CASE

Collins lost his student deferment in 1966, soon after he began organizing against the Vietnam War. He was classified 1–A by an all-white draft board—although two-thirds of the people in the area it served were black. Only one of the board members lived in that area. The chairman of the board lived in a different county. All this was in direct violation of the draft law.

He was given the wrong information when he tried to apply for conscientious-objector status. Twice, when he reported for induction and passed out anti-war literature, he was sent home. Collins was finally indicted on six counts of refusing induction—and convicted of five. He was sentenced to five years on each charge, to be served concurrently—and fined $2,000.

Collins's appeal is based on the illegal make-up of his draft board. His lawyers contend that if he was not represented on the board, he should not have to obey its orders. The government says it doesn't matter if the board failed to comply with the draft law—it is a "de facto" board. Now, government spokesmen are also claiming that "a quorum" of the board members were legally eligible to serve on the board, and therefore it was not a lawless board.

"There should be only one law for the governors and the governed," says Robert Sedler.

one of Collins's lawyers. "A draft board not constituted in accordance with the statute and regulations is a 'lawless board' without the power to classify at all, or to issue valid orders to report for induction."

Sedler also noted that the federal courts in New Orleans were inconsistent in their rulings. Last April 24, the U.S. District Court in that city freed Oscar E. Clinton, a white man, on a draft charge because only two members of his draft board were residents of the area it served. Three days later, the U.S. Circuit Court of Appeals in New Orleans upheld Collins's five-year sentence—although only one member of his board lived in the area it served.

Sedler also asked the high court why black people should be expected to serve in the armed forces when they are not allowed to serve on draft boards—why they are expected to "accept decisions affecting their very lives that are made by whites," but whites are not expected to accept decisions affecting their lives made by blacks.

The attorney suggests that this may explain why 22 per cent of the Americans killed and wounded in Indochina are black, although black people are only 10 per cent of the U.S. population. "These questions," Sedler said in a brief to the Supreme Court, "relate to the very legitimacy of a system by which young Negro men are asked to give up their lives for their country. . . . They call into issue the prejudice and racism that are part of American society today."

THE SPECIAL OPPRESSION OF BLACK RESISTERS

Collins is only one of thousands of young black men who have been victimized by unfair and illegal administration of the draft law. He is only one of many who have been refused a hearing in the higher courts. Nowhere is the double standard of justice in this country—one standard for whites and one for blacks—more evident than in the application of the draft law.

In the last few years, the rights of draft resisters under the law have been widening—because of pressure from the peace movement. A number of important cases have been won and prison sentences set aside. But these were almost entirely in the cases of white men. Since 1965, the U.S. Supreme Court has decided 28 cases involving the rights of draft resisters. Twenty-four of these were won and four were lost by the young men involved. But only three of those whose cases were accepted for review were black. Two of these were among the four cases that were lost.

Meantime, other black draft resisters have had their appeals rejected or have been unable to appeal to the higher courts. They are now in prison or on the way, or in exile in other parts of the world, convinced that they can get no justice in the U.S.A.

Among those refused a Supreme Court review are Fred Brooks, a leader of the black student movement in Nashville, and Mike Simmons, SNCC leader who not only refused induction but took part in one of the first induction-center demonstrations—in Atlanta in 1966; and thus far the Court has avoided hearing the central issues in the case of Cleve Sellers, a founder and leader of SNCC.

Especially singled out for long sentences under the draft law are young black men who are active in protest movements—in other words, those who are actively trying to change the system that oppresses them. Meantime, thousands of other black men who might have refused the draft have been convinced from the beginning that it is useless or they lack the resources to make a major fight. So they have simply gone into the army—or disappeared.

As we protest the imprisonment of Walter Collins, we are fighting for the rights of all these men. As we call the attention of government officials and the public to the way the draft system operated in Collins' case, it becomes clear what this system is doing to all black men. If we can win Collins' case, it can crack open the entire draft system as it relates to blacks. And as it cracks open for blacks, it will crack open for more whites, too—for the same kind of discrimination also operates against poor white men, who are also usually drafted by boards whose members live outside their areas.

The draft system, like everything else in this country, is blatantly racist. Ultimately racism always means murder—and nowhere is this more evident than in the draft, where the results are that young men are sent to their deaths. White America must tear the blinders off its eyes and look at this situation—and do what is necessary to change it.

THE PROTEST MOUNTS

On December 10, representatives of black liberation, human rights, and peace organizations met in Washington to present the issue of the Collins case to government officials. Included were leaders of the National Committee of Black Churchmen, the National Association of Black Students, Southern Christian Leadership Conference, SCEF, Republic of New Africa, Women's International League for Peace and Freedom, and several other groups.

They visited the Justice Department, Selective Service headquarters, and the White House, where they presented amnesty petitions signed by 12,000 people across the country. Three white draft resisters who recently won their cases in landmark decisions of the Supreme Court submitted an amicus brief to that court, urging that the Collins case be reviewed. The three—David Gutknecht, Joseph Mulloy, and Elliott Welsh—told the Court: "Our victories in the face of black defeats contradict everything we are trying to make our lives stand for."

On the same day, in Collins's home town of New Orleans, a delegation presented the U.S. district attorney with amnesty petitions signed by 5,200 persons in that city. Other concerned citizens visited their local U.S. district attorneys in other parts of the country; some called on their congressmen for an investigation of the racist nature of the draft system. Amnesty International, based in England, began circulating petitions for amnesty for Collins all over the world.

In the wake of these protests, the Supreme Court announced that it would hear the draft appeal of heavyweight champion Muhammed Ali—after previously rejecting it. In a letter from prison, Collins remarked: "I'm sure that quite a few people will see the court's action as a concession to black draft resisters. Far from that, it is an attempt to evade the charge of racism and the onus of genocide in the court's abetting of the discriminatory and illegal drafting of black men by racist, incompetent draft boards."

CROWDED JAILS IMPERIL JUSTICE

HON. ABNER J. MIKVA

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 15, 1971

Mr. MIKVA. Mr. Speaker, the Chief Judge of the District of Columbia Superior Court has recently reminded us that our attempts at strengthening the criminal justice system are a long way from showing results we can be proud of.

As Judge Greene warned in testimony before a Senate subcommittee, we have increased rather than decreased the pressure on the system by reforming only half of it. Our efforts have been so lopsided in favor of the police and the prosecutor that the courts and the jails are unable to keep up with the number of arrests and convictions being obtained.

It is admirable to catch and convict criminals, but not if the result is self-defeating. At present our jails and prisons are so overcrowded and underfinanced that they cannot hope to rehabilitate the people who are sent there. Since more than 90 percent of the people who are sent to jail are at some later point released back into society, it is suicidal for us not to do something while they are in custody to try to insure that they will not commit further crime after being released. Yet at present, we spend 85 percent of each corrections dollar on mere custody, and only 15 percent on correcting criminals.

Conditions have become so desperately degrading at some institutions that judges are refusing to send convicted criminals to them. In two recent cases, conditions in State prisons have been held to constitute cruel and unusual punishment in contravention of the eighth amendment to the Constitution.

Yet still we neglect our correctional institutions at every budgetary turn. The District of Columbia crime bill passed last session provided generous assistance to the courts and the police and the prosecutors, but precious little for the institutions which must deal with the people who are caught and convicted. More recently, the House voted to shortchange the jails and prisons once again when it cut funds from the Justice Department appropriation earmarked for this purpose, and rejected an amendment which proposed to reinstate the requested funds.

We are creating an explosive situation by our uneven treatment of the criminal justice system. We would do well to heed Judge Greene's warning, as reporting in the following article in the Washington Evening Star:

[From the Washington Evening Star, June 17, 1971]

CROWDED JAILS IMPERIL JUSTICE, GREENE WARNS

(By Martha Angle)

Chief Judge Harold Greene of the D.C. Superior Court warned today that the District's entire criminal justice system may face "a crisis of the greatest magnitude" due to inadequate correctional facilities.

The warning came at a Senate District Committee hearing focusing upon the impact that last year's landmark D.C. Court Reform and Criminal Procedures Act has had on the correctional systems here.

Moments earlier, Asst. U.S. Atty. Luke Moore told the senators that felony indictments in the District will be double last year's figure as a result of the new law, and that conviction rates are up to about 92 percent.

SEES "GRAVE CRISIS"

Greene said that if facilities are not available to receive all those being convicted as a result of court reform and stiffer criminal laws, "we are going to have a grave crisis."

Sen. Adlai E. Stevenson III, D-Ill., conducting the two-day hearings, was clearly disturbed by the testimony.

"If one thing has been made evident by these hearings," he said, "it is that there simply are not enough facilities within the Department of Corrections for the incarceration of all those who are being convicted."

ALTERNATIVES SOUGHT

Stevenson said that "we must find alternatives to incarceration" if the system is not to break down. He suggested that judges could place more convicted offenders on probation with proper supervision.

But Greene replied that more use of probation was "not the purpose" of last year's tough anti-crime legislation, "which lays heavy emphasis on incarceration."

Blair Ewing, director of the mayor's office of criminal justice plans and analysis, told the committee the Corrections Department was neglected in last year's crime bill.

FOCUS OF ATTENTION

"The police, the prosecutors, the public defenders and the courts all received the attention they so urgently needed.

"Corrections did not," Ewing testified.

The new law went into effect on Feb. 1. Moore said that by Feb. 1, 1972, the U.S. Attorney's office expects to have obtained a total of 4,000 felony indictments, "a 100 percent increase in one year."

"SIGNIFCANT IMPACT"

"This will obviously have a significant impact on other components of the criminal justice system, particularly corrections," Moore said.

Defendants are being given speedier trials and longer sentences as a result of the new law, he said.

In addition, Moore said the conviction rate in felony cases—including guilty pleas—of about 92 percent, compares with 85 percent when all such cases were prosecuted in U.S. District Court. The Superior Court now handles about half the felony indictments in the District, he said.

REASONS UNCLEAR

Moore said he is "not sure at this time" why the conviction rate is higher in the wake of the Court Reform Act.

"We don't know whether it's the increase in the quality of staff (in the U.S. Attorney's office) or the views of the jury," he said.

D.C. Corrections Department officials yesterday testified that the Lorton Reformatory complex and the D.C. Jail are already seriously overcrowded.

THE TIME HAS COME

HON. FRED SCHWENGEL

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 15, 1971

Mr. SCHWENGEL. Mr. Speaker, on Monday, July 5, the Davenport Times-Democrat editorialized on the war in Vietnam.

Reflecting on the mail I am receiving from constituents and the results of my questionnaire this spring, it is apparent to me that this editorial represents the feeling of a large number, if not an overwhelming majority of the people I serve.

The editorial is well-reasoned. It deserves the attention of the House.

I include the article as follows:

THE TIME HAS COME

The Viet Cong offer to free American prisoners of war simultaneously with the withdrawal of all U.S. forces before the end of the year puts President Nixon, Secretary of State William Rogers and Ambassador David Bruce, negotiator at the Paris peace conference, squarely on a red-hot griddle they have sought desperately to avoid.

Nixon must now decide whether the U.S. has any "war aims" left except the recovery of the POWs.

This could well be the temper of the country. June 22 the Senate gave 57 votes to pass the Mansfield Amendment to provide withdrawal of all troops from Vietnam within 90 days if the POWs are freed.

Actually, the Mansfield Amendment has no force or effect. The Senate has only an advisory role in foreign policy but it put the fat in the fire.

Hanoi, judging that the senators were reflecting the mood of the American public, saw the green light. Two days after the passage of the amendment Le Duc Tho, Hanoi's senior negotiator, showed up in Paris for the first time since April 1970.

Earlier in June, the New York Times, followed by other major newspapers, had begun publishing secret Pentagon papers on how the U.S. got involved in Vietnam in the first place. The stories raised considerable doubt among the people on what our aims really were—and are.

These developments, step by step, have put heavy strain on the President's announced plans of trying to withdraw from Vietnam "in a way" that will leave a stable government able to cope with the North Vietnamese troops which, of course, will stay in South Vietnam.

Nor does the President have any assurance that all POWs will be returned. The administration believes that POWs and men missing in action number as high as 1,600 men. North Vietnam acknowledges holding only 339 prisoners. There is a strong possibility that some POWs would be left behind as slaves or hostages.

Dr. Dang Tan, a physician and former official in the North Vietnamese Communist party who recently defected to the south, recently reported that all prisoners of the French Indochina war have not been released "even to the present day."

Also to be considered is the effect of any kind of withdrawal date on the preparations for South Vietnamese elections scheduled late in August and early October.

A date will embolden the Viet Cong. Even in pacified hamlets, VC sympathizers would surface with threats of violence to be meted out after the withdrawal date.

Nevertheless, President Nixon is now in a spot where more support for his present Vietnam policies will have to be forthcoming if he is to continue them.

The revelations of the secret papers have convinced us that there is no reason ever to suspect Saigon will have a government we view as "stable," that we erred in trying to bring this about through military force, and that we wish the South Vietnamese well but that we're through with the mess if our men are freed.

In effect, that does leave the return of the POWs as our last "war aim" and if we can make sure we'll get them all back, let's start serious negotiations and accept the inevitable.

PRESIDENT NIXON IS KEEPING HIS WORD

HON. ROBERT McCLORY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 15, 1971

Mr. McCLORY. Mr. Speaker, last week the President of the United States withdrew an additional 3,100 soldiers from Vietnam.

On January 20, 1969, there were 532,500 Americans enduring the perils of an Asian war. Today, there are 236,400 Americans in Vietnam who are planning to come home.

Mr. Speaker, President Nixon is keeping his word.

THE THREE HOMES OF THE PILGRIMS

HON. TIM LEE CARTER

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 15, 1971

Mr. CARTER. Mr. Speaker, last year, the 350th anniversary of the landing of the Pilgrims at Plymouth Rock, Mass., in December 1620, was duly celebrated, and the dramatic story of its successful establishment and maintenance of the Plymouth Colony on Cape Cod Bay dramatized anew by pageant and portrayal.

The devoted and dedicated Pilgrims in establishing and maintaining a new home in America, with the establishment firmly based on the principles of civil and religious liberty, was an event of world significance. Occasionally, through the years, reference to these events have appeared in the CONGRESSIONAL RECORD, under the authorship of Maurice H. Thatcher, himself a descendant of the patriarch of the Pilgrims, Elder William Brewster, and a five-term Congressman from Kentucky.

In 1970, under the leadership of Col. Frederick I. Ordway, Jr., of this city, then Governor of the Society of Mayflower Descendants in the District of Columbia, there was prepared and published an ambitious volume entitled, "Register of the Society of Mayflower Descendants in the District of Columbia, 1970."

In addition to a certain number of carefully prepared historical articles, the book carries a roster of the several hundred members of the District of Columbia society, setting forth the respective genealogical record of each member.

The prepared articles are splendidly informative and possess important historical matter. One of these articles was prepared by Mr. Thatcher under the title of "The Three Homes of the Pilgrims," and sets forth in concise detail a most interesting and dramatic story of "The Three Homes," Scrooby, England, Holland, and Plymouth, Mass. This article is distinctive and I believe it to be of sufficient merit to appear in the RECORD. Therefore, under leave accorded, I include it as part of these remarks:

THE THREE HOMES OF THE PILGRIMS

It is believed necessary to mention something of the conditions prevailing in some parts of England—especially in the Scrooby region—prior to 1607–8, when the dissenters or separatists left their native land for Holland.

The Established Church (English) had become so narrow and despotic in prescribing and enforcing restraints for all who did not completely conform, that persecution and the most intolerable punishments were imposed by the church hierarchy. For infractions thus prescribed, the most extreme and unreasonable punishments were enforced, and it became plain to those thus affected that they could not have the slightest independence in their religious thinking if they remained in their native land.

Therefore, those thus minded cast about for another country, as a home where they might fully enjoy the blessings of civil and religious liberty. They became ready to abandon all that was near and dear in England and migrate to a more favored country.

A considerable number of these dissenters were in the Scrooby section where William Brewster had organized a dissenting church in the old Manor House, in Scrooby, occupied by himself and family. He had suffered imprisonment for petty violations of Established Church rules; and others of his community had likewise suffered.

Thus these dissenters, including affected families, chose and sought and found in progressive and tolerant Holland a haven of comfort and refuge; and under the most tragic conditions, they finally landed in that adjacent country.

New Light on the Pilgrim Story (Mason & Nightengale) is the authority for the quotation now given of the punishment and persecutions of those found guilty of disobeying the penal laws in regards to dissidents like Brewster and others. I quote:

The principal London prisons were County Poultry, Counter Wood Street, Bridewell, Newgate, Clink, Fleet, Gatehouse, and Tower. The site of the old Fleet is now occupied by the Memorial Hall, the headquarters in England today of the spiritual successors of the men who died for religious liberty long ago. How trivial some of their offences were! George Cotton, for hearing a portion of Scripture read by Greenwood in a friend's house, was thrown into prison, without trial, for twenty-seven months. Quentyn Smith was put in irons in a dungeon at Newgate for a similar offence. Nor was the lot of those who escaped imprisonment much more enviable. For reasons dealt with at length by Dr. Dale, it seems not too much to say that England was in danger of becoming one great civil prison. The Separatists at the time did not see all that was involved in what they claimed; but it was upon them that the whole brunt of the situation fell and right manfully did they endure it.

What transpired in London area was typical of what took place in other parts of England where dissidents flourished; and particularly in the Scrooby region where Brewster and others were thrust into prison at Boston, and other places, for dissenting practices. For years Brewster was an especially object of persecution with a price on his head and this continued in England and Holland until he made his way to the New World on the *Mayflower* in 1620, accompanied by his wife and children. His case was one of the most outstanding, and was typical of what was taking place in London and the eastern portion of England, including Scrooby district. All of these persecutions were instigated by the hierarchy of the Established Church (English), and illustrates the absolute pettiness and despotism involved. It may add something of interest to this story to refer to William Bradford, the protege of Brewster, and the historian and Governor of Plymouth Plantation, whose home was at Austerfield.

In some way certain published records gave his home as Ansterfield, instead of Austerfield; and for a century English scholars, in vain, tried to find Ansterfield in England, when finally some more enterprising researcher discovered the fact that the letter "n" had been misused to replace the letter "u" in Austerfield. It seems strange that it took so long to discover a mistake so patent: but thus it was.

HOME IN ENGLAND

It seems appropriate that at this point an account of the visit by the writer and his wife, July 1927, while they were closing their European trip touring England, Scotland and Ireland, included a visit to the Scrooby area. The following is verbatim copy of the notes made at the time of the visit.

From Travel Book of Maurice H. Thatcher
Friday—July 8, 1927

Left London at 10 o'clock this morning by London-North Eastern Railroad for Edinburgh via Scrooby. Arrived at Scrooby at 2 PM after changing cars at Grantham.

At Scrooby saw the Manor House where William Brewster lived from 1588 to 1608, and his father before him, both Keepers of the King's Post.

The old house is in very good condition except as to some of the floors. We had pointed out to us (Mrs. Thatcher and myself)—the particular room said to have been Elder Brewster's bedroom. The house is brick with tile roof and is two stories in height. It stands on the shore of an idyllic little stream known as the River Righton.

The Manor House is now owned by the Ecclesiastical Commission, whatever that may be, and is under 20 years lease to Major Peake of Bawtry Hall. The actual occupant of the Manor is C. H. Durdy. We found at home Mrs. Durdy and her sister Laura Hough.

I secured several snapshots of the Manor and other features of interest in the gracious little village of Scrooby.

Tablets have been placed at the side of the entrance door of the Manor as follows:

On the three hundredth anniversary of the sailing of the Mayflower with the Pilgrim fathers to New England, this tablet was unveiled by the representatives of the Anglo-American Society, in commemoration of the heroic virtues of the little band of lovers of truth and freedom which first met in this place.

September 1920:

This tablet is erected by the Pilgrim Society of Plymouth, Massachusetts, United States of America, to mark the site of the ancient manor house, where lived William Brewster, from 1588 to 1608, and where he organized the Pilgrim Church of which he became ruling elder and with which, in 1608, he removed to Amsterdam, in 1609 to Leyden, and in 1620 to Plymouth where he died.

APRIL 16, 1644

At Scrooby we saw a picturesque and pleasing countryside surrounding the town with several churches in the landscape. We met the pastor of the local Methodist Church and had with him an interesting conversation. He lived very much in the past and gave evidence of the fact in what he had to say. All in all, the Scrooby area seemed to be a typical English scene now generally under cultivation and pasturage, although in ancient times much of this general section of England was in swamps and morasses.

Scrooby was indeed the home of the principal founders of dissent who escaped to Holland in 1607–8, and Brewster was the strong leader of the movement. He lived at the Manor House, and had charge of the post. He organized the dissenting church at Scrooby—made up of high class, middle class Englishmen. And the Manor House was utilized as a place for regular meetings of the church group. Brewster, who was not an ordained minister, became the Ruling Elder of this movement, and thus continued in Holland and the Plymouth Colony until his death there in April 1644. In this connection I would quote from *The Pilgrims in Their Three Homes,* (Wm. Elliot Griffis):

The leaders of the movement in Gainsborough and Scrooby were 4 men, Brewster, Robinson, Clifton, and Smyth, each of whom had been trained in Cambridge University. The 1st and greatest of them was Brewster, and next was Robinson. . . . The man who emerges as the beginner of the Pilgrim movement was William Brewster, whose father had charge of the relay station or post at Scrooby, and who was born before 1567. He grew up in the village, seeing whatever came into the place from the great world outside. When the king's messengers changed horses, drank their ale, or took their supper and breakfast at his father's inn, he was apt to hear news. Occasionally some gay or even royal lady would pass that way. Margaret, Queen of Scotland, daughter of King Henry VII, slept at Scrooby on the 12th of June 1503, on her way northward. . . . After he had been to school somewhere in the neighborhood, probably at Bawtry, he went to Cambridge. It is not at all improbable that he walked the whole way thither. Brewster entered Peterhouse, the oldest college of all, founded in 1284, and made his first record December 3rd, 1580. An English college in those days was much like some of our smaller universities—little more than a grammar school. Though it is quite probable that Brewster did not graduate or take a degree, yet he was long enough at Cambridge to become decidedly earnest in his Christian character. . . . Brewster was called away from his studies to help William Davison, who had long been Elizabeth's envoy at Antwerp.

Conditions became so intolerable to the dissenters in Scrooby community that they undertook to go clandestinely to Holland as a place of refuge for residence, until ultimately they might go to the New World where they could form themselves into a new colony. In brief, after great trial and tribulation, the Scrooby group of dissenters made their escape to Holland, which for the period of 1607–8 to 1620 became their second home.

HOME IN HOLLAND

During the period involved, Holland constituted the most advanced country, not only in Europe, but in the entire world. It had progressed far along the road of tolerance and free institutions, and was outstanding in its education, commerce, and shipping. The temporary dominance of Spain came to an end in a few years, and the country found its complete freedom. Its great progress and civilization, tolerance of all religions, and its educational facilities, made of it a shining example to neighboring countries, and especially to Eastern England. Indeed, the English nation, following the influence by Holland, was transformed from an agricultural country into one of complete industrialization with factories everywhere abounding. No more fortunate decision could have been made by the Pilgrims than that of Holland as a second home. In this connection, let us again quote from the volume last cited relative to what Brewster found in his earlier visits to the Low Countries during diplomatic missions with Davison:

It must have been a wonderful experience for this bright young Englishman to travel in a state so highly civilized as Holland, which then was in many respects, especially in social refinement and the comforts of life, far superior to Brewster's native country. He saw gayly dressed and well-fed people in many walled cities, excellent farms, well-made and well-kept roads, noble church edifices, superb city halls, dwellings built of bricks, and striking cleanliness everywhere, while carillons of bells in the spires doubtless pleased his ear. . . . We may be sure that so observing and keen-minded a man as Brewster afterwards showed himself to be could not fail to notice especially those things which were very different from what one could find in the England of his time, such as the federal union of seven states, self-government of cities, judges independent of the executive, the democratic spirit of the churches, public schools and free instruction for poor children, the freedom of the press, and the liberty of printing and publishing. He could not but note the toleration granted to Roman Catholics, Jews, Anabaptists, and other people without the state church. These 'dissenters' though not allowed public processions or parades, or crosses or symbols on the outside of their places of worship, were perfectly free indoors and suffered no molestation. The great number of people able to read and write, of cheap books and pictures of schools, hospitals, orphan asylums, and benevolent institutions, must have impressed Brewster; while the number and variety of manufacturers, the gayety of the markets, the vast fisheries and tremendous commerce—opened his eyes to the wonderful world beyond his native land. Above all, this idea of liberty of conscience, the devoutness and earnestness of the Dutch Puritans, and the determination of all, Protestants and Catholics alike, to fight Spain until their freedom was acknowledged, must have kindled new thoughts in the mind of William Brewster.

Also, the following quote is from *The Pilgrims in Their Three Homes:*

The episode of William Brewster's presence in Holland at a critical period in Dutch history, and during the movement of the Calvinistic democratic and unionist elements in the federal republic, which Davison could not but favor, is of great significance to the philosophic student of Pilgrim history. Brewster must have, then and there, seen clearly the difference between the forces making for the uplifting of the common people and the consideration of a strong and united nation, and those which nourished aristocracy, privilege, and wealth, and even secession. Evidently he went back to his old home mightily reinforced in heart and intellect. His whole afterlife shows what principles he followed—even those which have made the better life of England, Holland and the United States of America.

Undoubtedly, Brewster's earlier experiences in Holland impressed him tremendously. He thus saw in a country other than his native England, a land where progress and tolerance had advanced in such marked degree. It was but natural that later, after he returned to live in Scrooby, and had taken over the post there, his advice of choosing Holland as a haven of refuge, though temporary in character, would have powerful influence with his fellow dissenters in Scrooby and northeast England. Such was the case. And the first contingent of Pilgrims in 1607, followed by larger groups of the dissenters, chose Amsterdam as their first place of Holland residence. Conditions in this city were not favorable to the Pilgrims in matters of employment and shortly afterwards, upon due study, they made the happy choice of Leyden as their residence.

Leyden was certainly adapted to the wants and needs of the Pilgrims, and their residence there, until the migration of most of them to the New World, wholly justified the selection. In that fine metropolis of commerce, manufacturing, shipping and other industrial pursuits they found a desired haven. Leyden was then the most advanced and cultured city in Holland. It was near the mouth of the River Rhine, and by that stream encircled. It had beautiful churches, a splendid university (in which university Elder Brewster taught English, besides publishing tracts and books on religious subjects), and many factories engaged in the weaving and dyeing of woolen and other fabrics. In factories the bulk of the Pilgrims found employment. They also educated their children in public schools, and the renowned university provided facilities for advanced studies. Spanish dominance—more or less nominal—was coming to an end, and the country was soon to become wholly free. The Pilgrims were welcomed there with open arms by the Dutch, and on the whole the Pilgrims found what they desired. Their contacts with all the advantages involved in Leyden, and its policies of education and religious tolerance, and public and private cleanliness, equally impressed them; and the lessons thus learned greatly influenced their lives thenceforth. There persisted the deep desire on the part of these sojourners that, as Englishmen, they should find a new and permanent home in the New World, under the English flag, where they could enjoy civil and religious liberty. Finally, in 1620 the decision was made for a large portion of the Pilgrims and their church population in Leyden to leave Holland for the New World, and the beckoning New World awaited them. The remaining portion, with Pastor Robinson in charge, was expected to follow and join the first group in North America. Some did follow afterwards, but Pastor Robinson remained in Holland and died there. The story of the *Mayflower* voyage that ended November 1620 at Provincetown in Cape Cod Bay need not here be retold.

HOME IN AMERICA

The third and final home of the Pilgrims who came to the New World on the *Mayflower* in 1620 was at "Plimouth Plantation," on the present site of Plymouth Massachusetts. The Pilgrim group had hoped to end their voyage at the mouth of the Hudson River, where there was a Dutch settlement; but because of a stormy passage the *Mayflower* ended its voyage at Provincetown, and later settled on December 21, 1620, at the present day Plymouth site. This was north of the Virginia territory, mentioned in their charter, and made it necessary for them to act independently in the establishment of the Colony at Plymouth. This resulted in the adoption of the Mayflower Compact on November 21, 1620.

At last, in the dead of winter, they began building their homes on the bleak shores of Cape Cod Bay, and the severe weather conditions prevailing caused the deaths during the winter of more than half the Pilgrim group. Houses had to be built and this required time and effort; but so much sickness and death occurred that during this particular period it came to pass that Elder Brewster and Myles Standish, both retaining health, notwithstanding the arduous labor involved, were about the only persons left with strength to administer to the remaining sick and dying colonists. Yet, later in April 1621 when the *Mayflower* was ready to return to England, the invitation of Captain Christopher Jones of the *Mayflower* to take back to England any or all of the remaining colonists was not availed of by a single one. For these remaining Pilgrims the Rubicon had been crossed and, live or die, the choice of their third home was fixed and irrevocable. Their faith in Divine Providence was supreme, and their hope for a final home where they could be wholly free in civil and religious matters, prevailed. In the course of time, under conditions of great peril and hardship, they succeeded in their endeavor, and became the oldest English colony of the New World in North America that continued without change of location.

In the Plymouth area the colonists engaged in farming, fishing and shipping, and in timely fashion paid all their obligations. In general they lived at peace with the Indians.

These Pilgrims brought to their new home their consciences, and fully profited from the experiences of their English persecutions and their contact with the broad tolerance and beneficent qualities of the Dutch people and government. They were thus peculiarly fitted to found a new colony in North America and unlike other English colonies, elected their own governors and other officials. They were thus governed for about seventy years, after which their colony became a part of the Massachusetts Bay Colony. They discarded the practice of English primogeniture, but followed the English system in regard to wills, deeds and estates. They also instituted public schools, never tolerated the idea of witchcraft doctrines, and granted religious freedom to all. They continued their independent church which may be said to have been the first congregational group in the western world. Other religions, in the course of time, were established in their midst.

On the whole, it may be truly said that their faith and their way of life constituted an example of unprecedented benefit to other colonies that soon dotted our eastern seaboard. The Pilgrim Colony was indeed one of conscience and character, and a hostile English King, under whom the colony was founded, permitted these colonists to exist without interference or abridgment of their civil and religious policies. The Mayflower Compact contained the essential features of free and representative government which were, in large measure, written into our federal constitution.

These are some of the contributions made by the Pilgrims who brought to the New World the Christian home upon which our nation was founded. Never in all history has a small number of dedicated persons done so much for the cause of free institutions as that achieved by this Pilgrim group. Their work will endure so long as men may cherish the principles and practices of liberty.

PLYMOUTH ROCK

Over the seas the valiant Pilgrims came,
Nought thinking of honor, glory, or name;
They worthily wrought for Liberty's cause,
And earned for themselves a wide and deathless fame.

THE CASE OF CAPTAIN CULVER

HON. BELLA S. ABZUG

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 15, 1971

Mrs. ABZUG. Mr. Speaker, we have seen today in the Thomas Culver case yet another in a long series of blatant attempts by the U.S. military establishment to stifle our citizens' expressions of their opinions on this Government's intolerable war policy in Indochina.

Capt. Thomas Culver is an American citizen who happens to be serving his country in the U.S. Air Force in England. When he entered the service he swore to defend and uphold the Constitution, and he apparently took this oath quite seriously. On May 31, 1971, he and 200 other servicemen, out of uniform and on their own free time, exercised their constitutional right to petition this Congress to protest an unconstitutional war.

Mr. Speaker, in Captain Culver, we have a highly courageous and conscientious American who should be held up as a fine example and an inspiration to every freedom-loving citizen and every American serviceman. But instead, what has happened to Captain Culver? He was summarily arrested, confined without charges for a week, and then subjected to and convicted by a court-martial, on the grounds that he violated a military regulation which itself is patently repressive of the very freedoms which Culver swore to defend. I, for one, find this to be an outrageous paradox, which perfectly illustrates the famous words of the philosopher Camus:

> When crime dons the apparel of innocence in a curious transposition peculiar to our times, it is innocence that is called upon to justify itself.

We know that activities of U.S. servicemen are protected by the Bill of Rights, exception being made only in cases where such activities present a threat to the national security. Yet the petitioning of Culver and his cohorts was thoroughly peaceful and scrupulously consistent with both U.S. law applying to civilians and with the laws of England, the host country. To say, as the Government did at the Culver court-martial, that Culver's activities threatened our security or endangered our harmonious relations with England is to make a very bad joke.

Mr. Speaker, the President, as Commander in Chief, has it in his power to dismiss the charges and vindicate this fine man. Clearly, it is now time to hold Mr. Nixon to account for his statement at the Air Force Academy in 1969:

> Everyone in uniform is a citizen first and a serviceman second, and we must resist any attempt to isolate or separate the defender from the defendant.

The military's continuing abuse of authority by applying a separate standard of rights to dissident servicemen flies in the face of that pledge by the President.

I here insert into the Record, and commend to your attention the report of the Culver case from a recent edition of the Washington Post.

[From the Washington Post, July 14, 1971]

A.F. Captain Convicted for Protest in London

(By Dan Yergin)

Lakenheath, England. July 13.—Capt. Thomas L. Culver, a 32-year-old legal officer, was found guilty today of violating an Air Force regulation forbidding demonstrations by airmen outside the United States.

The court-martial was the first test of the right of U.S. airmen abroad to petition and demonstrate.

Culver was charged with participating in an antiwar demonstration in London on May 31 and also with soliciting others to participate, both in violation of an Air Force regulation which bars such activity. The regulation does not apply within the United States.

The jury of eight officers returned to the small courtroom here this afternoon after almost four hours of deliberation. More than two-thirds voted for conviction. Sentencing will be Wednesday.

Outside the courtroom shortly after the verdict, Culver, visibly shaken but still calm of voice, said, "I'm upset, but not surprised. The judge gave such a broad definition of demonstrations that the jury had to find me guilty. This will be a big hunk out of my life, but I hope that the appellant court will decide on the constitutionality and rule that I am not guilty and that servicemen do have rights. Somebody had to stick their neck out. This is the way you make law."

Culver can move his case through the military appeal court system up to the Court of Military Appeals which sits in Washington. That board is made up of three civilians. The case could also be taken by the U.S. Supreme Court if it agrees with the defense contention that a constitutional issue is involved.

Similarly higher commands up the line, up to and including the President, the commander in chief, will be reviewing the case with the option of lessening the charge or the sentence.

Early in the trial the defense challenged the constitutionality of the regulation barring participation in demonstrations outside the United States. The trial judge, Carl R. Abrams, ruled against it.

Both sides generally agreed to the facts of the May 31 incident—that 200 off-duty airmen assembled in civilian dress at Speakers Corner in Hyde Park, that they walked in groups of six to the embassy to deliver their antiwar petition addressed to the President and Congress, and that they then attended a concert in Victoria Park.

The five-day trial focused on the question of whether this was a demonstration.

Abrams, stating that he had consulted five dictionaries, defined a demonstration as "a public showing or display by a large group of assembled persons, of feelings such as sympathy or antagonism, especially towards a person, a cause, or action of public interest—for a large crowd to intentionally assemble to protest against or dictate favor for some official action or attitude against—a public exhibition of welcome, approval or condemnation, a public manifestation of feeling."

Edward F. Sherman, civilian defense counsel and professor of law at Indiana University, described the definition as "wholly inadequate."

Prosecutor Franklin A. Luna argued that "there was planning and organization armbands, attempts to get attention, statements read out, and political satire. What happened down there was a demonstration."

The defense concentrated on trying to prove that no demonstration had occurred, that it was only the presentation of a petition—a right guaranteed by the first amendment to the Constitution, as well as by section 4 of Air Force regulation 35–15, which guarantees airmen the right to petition Congress.

Replying to prosecution's suggestions that the incidents had threatened "harmonious relations" with Britain, the defense called several British citizens. Commander Harold Hodgson of Scotland Yard said the airmen were "anxious not to break any law and to stay within U.S. military regulations."

Summing up for the defense, Capt. Frank Wessen stated, "These young men—and we have to remember that the servicemen today are a lot different from those of 25 years ago, they are better educated and more aware of the world around them—came in a relaxed and peaceful manner, guided by a rather vague regulation, attempting to stay within the law, to present a petition to the members of Congress and to the President.

Wessen concluded by quoting President Nixon who declared in 1969 that "everyone in uniform is a citizen first and a serviceman second, and we must resist any attempt to isolate or separate the defender from the defendant."

ANGELA DAVIS

HON. STROM THURMOND

OF SOUTH CAROLINA

IN THE SENATE OF THE UNITED STATES

Thursday, July 15, 1971

Mr. THURMOND. Mr. President, it is well known that the cause of Angela Davis has become a major propaganda program organized by the Communist Party of the United States. Angela Davis is an admitted Communist and has been accused of having furnished some or all of the guns used in the court shootout and kidnaping which resulted in the death of four persons in California.

Since that time the Davis case has become the center for radical agitation and organization for the advancement of causes which have nothing to do with the justice involved in the case. If we look back over the past few decades whenever a Communist or a Communist sympathizer has been arrested for some crime, an immediate cry goes up that the accused is ipso facto innocent. No matter how cowardly or how terrible the crime, it appears that no Communist will ever be suffered to have justice done according to the merits of his or her case. Instead the cases are made a rallying point for Communists, for sympathizers, and dupes who hope to attack the "system."

It is particularly disturbing that many church leaders have allowed themselves to become involved in these nefarious operations. These church leaders have a completely muddled concept of Christian charity. They seem to feel that a person such as Angela Davis is particularly deserving of sympathy and support. They place no trust in the efficacy of our judicial system and they join in with a Communist cause even though Communists remain militant opponents of Christianity.

These confused ministers of Christian gospel have mixed up the concern which any human being ought to have for the rights of another human being with sympathy for a personality and the cause which that personality espouses. In other words, as Christians their concern should be to see that Miss Davis receives the proper and ordinary course of our judicial system. The State of California has taken every precaution to see that justice will be done. It is highly mistaken to believe that we must go beyond this basic concern and espouse the cause which the accused represents.

In this case the accused represents a particularly heinous cause, a cause which is opposed to our Nation and to our rights as a Christian people. Any informed Christian minister who supports the work that Angela Davis is doing is supporting the subversion of our Nation. They are guilty by participation in the attack upon our national survival.

Mr. President, Mr. Anthony Harrigan, executive vice president of the Southern States Industrial Council, a noted writer and analyst who lives in Charleston, S.C., has recently written a column in which he calls the involvement of many national church leaders in these radical causes "one of the truly tragic developments in our time." Mr. Harrigan is a keen student of both military and psychological warfare and his analysis of church support for the Angela Davis case again demonstrates his firm grasp of the situation.

Mr. President, I ask unanimous consent that the column "Sensing the News" by Anthony Harrigan, entitled "Church Aid for Angela Davis" be printed in the Extensions of Remarks.

There being no objection, the article was ordered to be printed in the Record, as follows:

Sensing the News: Church Aid for Angela Davis

(By Anthony Harrigan)

One of the truly tragic developments of our time is the involvement of many national church leaders in radical causes destructive of peace, order and progress. These church leaders often manage to channel church funds to extremists despite the objections of the man in the pew.

Especially shocking is the disclosure that the Council on Church and Race of the Presbyterian Church in the U.S.A. has contributed $10,000 to the defense of Angela Davis, an admitted communist.

Angela Davis is accused of having furnished some or all of the guns used in a court shoot-out and kidnapping which resulted in the death of four persons in California. She fled the state to avoid prosecution and was apprehended in New York City. She is charged with murder, kidnapping and conspiracy.

According to the *Philadelphia Inquirer*, the $10,000 was obtained from a $100,000 fund used to pay for bail or legal fees for people from minority groups. The newspaper said that allocation of the $10,000 to the Angela Davis defense fund, which is being promoted by the Communist Party, "angered many Presbyterians during its recent General Assembly meeting in Rochester, N.Y."

Despite these protests, Dr. William Thompson, stated clerk of the Presbyterian Church in the USA, defended the contribution. In a recent "sermon," he said that "We should have concern for the woman because of the Christian gospel." That's hardly justification for giving $10,000 to aid an admitted communist charged with murder and kidnapping. Churchmen have concern for the souls of the members of the Mafia, but that doesn't mean denominational groups should give $10,000 to every accused killer and drug pusher. Moreover, the $10,000 devoted to Angela Davis could be spent on good works—help to the orphaned or in establishment of church missions. Church handouts to avowed enemies of the United States are something new and sick.

Support for the contribution to the Angela Davis legal fund isn't Mr. Thompson's only interest of this kind, however. On June 13, the Associated Press quoted Mr. Thompson in connection with a plan to convene an "ecumenical assembly" to oppose U.S. involvement in the Vietnam War. The announcement of the assembly came at a meeting of the general board of the National Council of Churches, an organization that plays a major role in promoting and funding radical, anti-American groups and movements. Mr. Thompson was quoted as saying: "A tide of public opinion is running against this war. If this tide swells into a wave, the administration may hear it."

Many concerned churchmen hold, however, that denominational groups and leaders have no warrant to use church facilities and funds to stage protests designed to produce a specific political reaction. These concerned churchmen believe that as the churches involve themselves in politics, they depart from their authentic mission.

Church support for Angela Davis is particularly offensive in view of her well-known dedication to Communist Party doctrines. Months ago, Episcopalians in Pennsylvania protested strongly when a rally to mobilize financial support for Angela Davis was held at the Episcopal Church of the Advocate in Philadelphia. The protests didn't deter diocesan officials, however. The public relations director of the diocese said "the Committee in Defense of Angela Davis seems a very legitimate enterprise to many black people, particularly the young; and Dr. Paul Washington (rector of the Advocate) believes he would be irresponsible if he did not permit the Advocate facilities to be used by this committee. He has indicated his intention to continue to permit this committee to use Advocate facilities. The bishop concurs in this judgment."

This type of thinking is producing a marked reaction on the part of individual churchmen who resent use of their contributions and of church property to aid revolutionary groups and movements.

Actually, the issue extends beyond the denominations to the general public. Inasmuch as churches enjoy tax exemptions, the public has the right to be concerned if these tax exemptions are used to assist subversive organizations or individuals engaged in urban terrorism. Viewed from any angle, church support for Angela Davis is an extremely disturbing development.

FEDERAL DRUG ABUSE EFFORTS SERIOUSLY FRAGMENTED

HON. JAMES H. SCHEUER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 15, 1971

Mr. SCHEUER. Mr. Speaker, on March 24, over 60 colleagues and I introduced a bill to create an Office of Drug Abuse Control in the White House. This bill was the result of an investigation of Federal drug abuse programs which convinced us of the need for a comprehensive multidisciplinary, multi-faceted plan of attack which would coordinate the now seriously fragmented Federal approach to the problem.

In order to document our belief that current programs are uncoordinated and disjointed in origin, largely unevaluated and of doubtful efficacy, poorly designed and just as poorly led, I have attempted to compile a comprehensive list of all Federal agencies which operate such programs. At the same time, administration officials have attempted to compile their own list.

Neither list is thus far entirely comprehensive. The administration list at this time, for example, does not include programs operated by the Veteran's Administration, HUD or the Department of State. My list also contains omissions.

The very fact that each list describes programs that the other omits dramatically illustrates how difficult it is to even determine the scope of the Federal effort in this area. Therefore, I wish to include both lists in my remarks at this point:

LIST OF FEDERAL DRUG ABUSE CONTROL PROGRAMS COMPILED BY REP. JAMES H. SCHEUER

LAW ENFORCEMENT

Department of Justice, Bureau of Narcotics and Dangerous Drugs

Program: Law Enforcement Assistance—State Legislation

Objective: To assist States in drafting enforcement and regulatory legislation relating to controlled substances, and to effect uniform drug laws among the States and the Federal Government.

Program: Law Enforcement Assistance—Training

Objective: To acquaint appropriate professional and enforcement personnel with: 1) techniques in the conduct of drug abuse investigations; 2) aspects of physical security in legitimate drug distribution; 3) techniques in the analysis of drugs for evidential purposes; 4) pharmacology, socio-psychological aspects of drug abuse education, and investigatory techniques.

Law Enforcement Assistance Administration

Program: Criminal Justice Improvement Program—Block Action Grants to States

Objective: A program of grants to States for the purpose of improving and strengthening law enforcement. Components of a State plan, which must be approved by LEAA may include programs for the treatment, education, and rehabilitation of narcotic addicts.

Program: Criminal Justice Improvement Program—Discretionary Grants to State and Local Governments

Objective: To make discretionary grants designed to assist States and local governments in implementing "special emphasis" law enforcement activities. Each city may select its programs from seven categories of projects, one of which is drug abuse education.

Program: Narcotic Detection

Objective: Detect the presence of narcotics by remote means. Based on the findings of these projects, the National Institute of Law Enforcement and Criminal Justice will develop additional narcotics detection systems and procedures.

Department of State, Agency for International Development

Program: Public Safety Program

Objective: Extensive assistance to local and narcotic police to discover illicit usage and traffic of narcotics in East Asia. In coordination with the Bureau of Customs, AID provides advisors to custom officials. Vietnam receives the most extensive assistance. Programs are presently being expanded in Laos and Thailand.

Program: Agricultural Development and Control

Objective: Loan of three million dollars to provide equipment for law enforcement agencies and administrations of agriculture in Turkey for its crop substitution program.

Department of the Treasury, Bureau of Customs

Program: Narcotic Identification Program

Objective: Training of special customs agents in advanced and basic schools for the purpose of identifying narcotics.

Department of Agriculture

Program: Marijuana Control Program

Objective: Help farmers identify and eradicate marijuana.

Department of Defense

Program: Prevention of Drug Traffic, Navy

Objective: Elimination of drug abuse by individuals aboard naval ships and installations. Intensification of enforcement measures directed at individual navy men trafficking in drugs. Primary attention is focused upon the pusher.

Program: Detection of Marijuana

Objective: Both the Army and Navy are involved in pilot programs using trained dogs to detect marijuana.

RESEARCH AND OTHER SUPPORT

Department of Health, Education, and Welfare, National Institute of Mental Health

Program: Addiction Research Center

Objective: Plans and conducts direct research on the causes, diagnosis, prevention, and treatment of drug addiction, on the nature of the addictive process and on the addiction liability of new drugs.

Department of Justice, Law Enforcement Assistance Administration

Program: Effects of Methadone Treatment on Criminality

Objective: The program is assessing the value of methadone treatment in reducing the incidence of crime in area with a heavy concentration of heroin addiction and evaluating the change in individual behavior resulting from protracted administration of methadone to addicted persons.

Program: Chronic Effects of Marijuana

Objective: Two mariquana studies are currently underway. The first is assessing the effects of its chronic use on brain and on behavior. The second study is examining the social and cultural basis of youthful drug use.

Program: Heroin Detection

Objective: The objective of this project is to find a means to detect minute traces of heroin in the air. A device to detect the presence of traces of heroin in the atmosphere to indicate the location of hidden quantities of heroin could be a major breakthrough in the apprehension of traffickers.

Program: Termination of Drug Abuse

Objective: An analysis of the careers of drug addicts in order to identify those factors which distinguish continuing users from those persons who terminate their drug abuse.

Department of State, Agency for International Development

Program: Income Substitution

Objective: Aid to study the possibility of income substitution for the production of opium in East Asia.

Department of Justice, Bureau of Narcotics and Dangerous Drugs

Program: Laboratory Analysis

Objective: To provide drug evidence analysis, expert testimony in court, and technical assistance to law enforcement agencies concerning narcotics, other abused drugs, and their analysis.

Department of Defense

Program: Selectivity in Recruitment—Screening Program, Navy

Objective: Research and improve screening at recruiting level for drug addicts and drug abusers.

EDUCATION AND TRAINING

Office of Education

Program: Teacher Training

Objective: Under the authority of the Education Professions Development Act to grant funds for the specific purpose of training school personnel in the fundamentals of drug abuse education. The program is aimed at educators working with the 5-17 year old age group. Although States may use their grants as they see fit, they are encouraged to use the Government training centers operating in key locations around the country. These centers are responsible for training teams of teachers, counselors, school administrators, students and community leaders from the local school districts.

Department of Housing and Urban Development

Program: Drug Abuse Projects, Model Cities Administration

Objective: Make funds available for drug abuse projects in prevention, education, treatment, rehabilitation, and evaluation related to or incorporated in model cities programs.

Department of Health, Education, and Welfare, National Institute of Mental Health

Program: National Clearinghouse for Drug Abuse Information

Objective: Give the public one central office to contact for help. The Clearinghouse collects and disseminates material and data from Federal and appropriate private State and local projects. It also maintains a computer data bank on a wide variety of drug abuse control programs to enable the Government to give detailed answers to queries.

Program: Center for Studies of Narcotic and Drug Abuse

Objective: Development of new treatment techniques for addicts—improved methods of measuring the social readjustment of addicts under treatment, the increase of knowledge concerning the abuse of drugs of various types, and the training of workers in the special problems of drug abuse. Various types of grants and contracts, as well as consultation services, are made available to investigators and State and local agencies.

Department of Justice, Bureau of Narcotics and Dangerous Drugs

Program: Public Education on Drug Abuse: Technical Assistance

Objective: To provide advisory services to groups desiring to establish an educational program of drug abuse.

Program: Law Enforcement Assistance—Technical Laboratory Publications

Objective: To disseminate scientific information on the detection and analysis of narcotics and dangerous drugs.

Program: Training of Foreign Narcotic Officers

Objective: Two week training program to teach foreign narcotic officers American techniques of law enforcement.

Department of Agriculture

Program: 4-H Educational Programs

Objective: The Department of Agriculture has been involved in drug abuse education efforts through its 4-H educational programs. These programs are underway in at least twelve states.

Department of Labor

Program: Regional Workshops—Drug Seminars

Objective: Education of personnel and enrollees in Job Corps Centers and other manpower training programs.

Program: Drug Survey of Adolescents

Objective: To collect a random sample of Job Corps employees to discover their knowledge of drugs and utilization patterns.

Department of Defense

Program: Drug Abuse Awareness, Navy

Objective: Promote drug abuse awareness at flag officer and commander level. Use of written and visual media to provide information about the effects of drugs and treatment available.

Program: Drug Abuse Education Specialists

Objective: Provide specialists at each major command to advise all servicemen about drug abuse. These specialists will educate and counsel active duty naval personnel, navy reserve personnel, and dependents of naval personnel.

Program: "Dope Stop Teen" Program, Navy

Objective: Utilizes volunteer high school teen counsellors to provide effective drug abuse information to children of all naval personnel in the elementary and junior high school grades.

Program: Drug Abuse Education, Air Force

Objective: The Military Airlift Command has contracted with a local drug rehabilitation agency to obtain the services of several ex-addicts in conducting seminars at each of its installations. A pilot traveling drug abuse indoctrination team project incorporating the use of an ex-addict as a team member has also been completed in the Air Force and the results are presently being evaluated.

TREATMENT AND REHABILITATION

Office of Economic Opportunity

Program: Community Action Programs: Economic Opportunity Act of 1964

Objective: Funding of community action programs for the prevention of narcotic addiction and the rehabilitation of narcotic addicts. Funds may also be granted to projects concerned with treatment and rehabilitation of abusers of depressant and stimulant drugs, as well as of narcotics. They encourage the use of neighborhood facilities and the services of recovered drug addicts and drug abusers as counselors.

Program: Drug Rehabilitation

Objective: Provide grants for community—based programs to 1) discover the causes of drug abuse and addiction and 2) treat the drug abuser and drug addict, emphasizing their re-entry into society rather than institutionalization. Utilize the services of recovered drug abusers and addicts as counselors.

Department of Health, Education, and Welfare, National Institute of Mental Health

Program: Narcotic Addict Treatment (Narcotic Addiction Rehabilitation Act)

Objective: To provide for civil commitment of narcotic addicts for examination and treatment, and for rehabilitation and aftercare services for addicts.

Program: Community Mental Health Centers (General Mental Health Centers)

Objective: Provide for grants to States and communities for the construction and staffing of public and other nonprofit mental health centers. The General Mental Health Centers may be used (but not exclusively) for the treatment and care of narcotic drug addicts.

Program: Community Mental Health Centers (Specialized Facilities for Narcotic Addicts)

Objective: Grants to States for the construction and staffing of facilities specifically concerned with the treatment of narcotic addicts. Funding of training and development activities and of surveys to evaluate the addiction treatment and prevention programs receiving assistance.

Program: Clinical Research Centers.

Objective: To serve currently as hospital facilities for the inpatient phase of treatment of persons participating in the Federal program for the treatment and rehabilitation of narcotic addicts. Under NARA the Centers are designated to examine, evaluate, and treat addicts who voluntarily commit themselves (Title III) and those given a choice by the Federal court to accept commitment rather than trial for certain charges (Title I).

Department of Health, Education, and Welfare, Social and Rehabilitation Service

Program: Juvenile Delinquency Prevention and Control

Objective: Grants to assist communities in furnishing diagnosis, treatment, rehabilitative and preventive services to youths who are delinquents or in danger of becoming delinquent.

It encourages States to utilize resources under programs in the areas of general and vocational education, job training, prevention and detection of crime, and health and welfare.

Program: New Career Opportunities for the Handicapped

Objective: To enable state vocational rehabilitation agencies and other public and private non-profit agencies to develop new programs to recruit and train handicapped individuals for new career opportunities in the fields of rehabilitation, health, welfare, public safety, law enforcement, and other appropriate public service employment. The Social and Rehabilitation Service Administration conducts a program which includes activities specifically aimed at the drug abuser group. These activities include grants to States for research and demonstration projects, grants to State agencies, innovation grants, and training grants.

Department of Justice, Bureau of Prisons

Program: Treatment Program for Drug Abuse

Objective: Dvelopment of treatment programs for offenders under Title II of the Narcotic Addict Rehabilitation Act. It is a self-help program within a Federal prison similar to the therapeutic community programs of Synanon and Daytop.

Veterans' Administration

Program: Drug Dependence Treatment for Veterans

Objective: To provide two to eight weeks of hospitalization followed by long periods of out-patient care. The five centers are located at VA hospitals which will provide methadone maintenance, psychiatric care, and counselling.

Department of Labor

Program: Screening Program

Objective: Individuals who are addicts are screened out from enrolling in manpower training programs. These individuals are provided with assistance and counselling.

Department of Housing and Urban Development

Program: Drug Abuse Projects, Model Cities Administration

Objective: Make funds available for drug abuse projects in prevention, education, treatment, rehabilitation, and evaluation related to or incorporated in model cities programs.

Department of Defense

Program: Treatment and Rehabilitation Programs, Navy

Objective: Provide every naval man with the assistance—counselling, treatment, and rehabilitation—to overcome drug problems. Rehabilitation of the hard drug user is the priority.

Program: Drug Abuse Exemption Program, Navy

Objective: Provide counselling and assistance to any individual with drug abuse problems. The heroin addict, by applying to a representative at his command will receive exemption from punishment and undesirable discharge.

Program: Voluntary Treatment Program, Army

Objective: This is the first voluntary treatment program to be initiated in the military services. Any individual may now seek treatment without fear of punitive measures.

Program: Urinalysis Test

Objective: The purpose of this test is to identify military members who are dependent on drugs prior to their return home. Military members who are identified as drug addicts are insured further treatment.

DEPARTMENT OF AGRICULTURE

Prevention

The Department of Agriculture has been involved in drug abuse prevention efforts through its 4-H educational programs. These programs are underway in at least a dozen States. For a brief description of several of these programs, see attached letters. Other informational efforts are directed toward farmers and aimed at the identification and eradication of marihuana.

Treatment

No programs.

Research

No programs reported which are directly related to non-enforcement aspects of the drug abuse problem.

Training

No information available beyond what is contained in the attached prevention program descriptions.

DEPARTMENT OF DEFENSE

Prevention

Information and preventive campaign involving American Forces Radio and Television Service and wide dissemination of information including posters, handbooks for commanders, programs currently in operation for military dependents in Pacific, Atlantic, and European areas. More than nine dependents' high schools have established pilot programs involving the use of high school age students to communicate about drugs to younger students. These programs are modeled after DOPE STOP in Phoenix, Arizona. Implementation of drug abuse prevention education in Overseas Dependents Schools cost $85,472 in school year 1970–71. The Domestic Action Program of DOD can also be seen as being preventive in nature providing alternatives to youth involvement with drugs (see attached article).

Treatment

DOD reports that information to reply to this section is not available at this time. New reporting procedures will furnish this information for future reports.

Research

See DOD report for description of types of research being conducted and suveys to determine (1) percentage of hard drug users in the separated population, and (2) prevalence of drug abuse and demographic factors related to the problem.

Training

The Army, Air Force, and Marine Corps have all had personnel attend DHEW-sponsored drug abuse training programs. (Only figure reported indicating the numbers of personnel involved was 94—that many spaces were provided to the Air Force at one of the DHEW Training Centers.)

The Navy has been operating a Drug Abuse Education Specialist School since early this year. The school has a current capacity of graduating 20 students a month. Plans are underway to increase this capacity to 30 per month. An East Coast school is also contemplated. Current training capacity would then be 240 students per year. As plans are implemented, training capacity could increase to 360 or double that amount if an East Coast school with identical capacity is opened.

Fifty dependents' school teachers will receive training in drug abuse educational procedures during the period June 21–July 17, 1971 in Wiesbaden, Germany. Hq. U.S. Army (Europe) has received funds from the Educational Professional Development Act for this purpose.

OFFICE OF ECONOMIC OPPORTUNITY

Prevention

The Office of Economic Opportunity is authorized to conduct a "Drug Rehabilitation Program" under Section 222(a)(9) of the 1969 Amendments to the Economic Opportunity Act of 1964. The authority relates to discovering the causes of and providing treatment and rehabilitation for drug dependency and narcotic addiction. The major emphasis is on treatment and rehabiltation services, developing community support, and uitlizing neighborhood resources and ex-addicts as staff. Community education and prevention activities take place in the context of comprehensive treatment and rehabilitation programs rather than separately, and our programs are by and large funded in such a way that they relate closely to existing OEO-funded Neighborhood Service Center and Neighborhood Health Center delivery systems. Rsearch activities are service program oriented. Funding levels are as follows.

Fiscal year 1970	$4,500,000
Fiscal year 1971	12,800,000
Fiscal year 1972	18,000,000

(Requested budget, about $15,000,000 would be available for new programs.)

Treatment

See Table 1, Treatment Programs for Heroin Addiction and Other Drug Dependencies.

Also, in the area of treatment and rehabilitation there are two contracts for operational Integrated Addict Rehabilitation-Manpower Training Programs: one in Baltimore, Maryland, and one in New Orleans, Louisiana. Each contract will run for a 24-month period, will cost about $1,000,000, and will serve 650 addicts. (That is, the total for the two contracts will be $2,000,000 with 1,300 clients served.) The projects will utilize methadone maintenance, counseling, residential services, and supportive modalities. In addition, Department of Labor funding (about $1,500,000 for each project) will be obtained to provide job-training and employment services. This will be a major effort to develop a coordinated system of services and to open up the private employment sector to ex-addicts. Followup, evaluation, and cost effectiveness systems will be a major part of the effort. The RFP is out and proposals will be due about July 15, 1971.

Research

A national evaluation contract which will provide a base for comparative drug treatment program evaluation is scheduled for completion June 30, 1971. This project is to evaluate OEO-aided Drug Rehabilitation Program, providing comprehensive analysis of relative program effectiveness including descriptions of various program components, their relationships to each other, and patterns of client-flow through various services.

Training

A grant is being made for the period 6/1/71–6/31/72 in the amount of $430,000 to the Center for Human Services to operate a National Training Institute in Washington, D.C. This will provide an intensive 6-month training program for ex-addict staff from various local projects with followup back at the local program. It will also provide shorter courses for professional staff and program administrators, especially focused on the peculiarities of an OEO-funded program in terms of its orientation toward the community and its goals of assisting clients out of poverty in addition to providing drug treatment services. There will also be a technical assistance capability to help local programs utilize ex-addict staff more effectively and to develop career ladders and certification procedures. The training project is based on a previously funded research grant which looked at present patterns of utilization of ex-addict staff, effectiveness of ex-addict staff, and current training practices. No capacity for this training endeavor was given.

TABLE 1.—TREATMENT PROGRAMS FOR HEROIN ADDICTION AND OTHER DRUG DEPENDENCIES

Locale	Period	Modality	Approximate number serviced	Total expenditures
Detroit, Mich	July 1, 1970 to July 31, 1972	Outpatient methadone maintenance (Therapeutic community serving 50 clients to be developed).	1,200	$1,200,000 [2] (1,000,000)
L.A., Calif.[3]	July 1, 1970 to Aug. 31, 1971	Drug-free outpatient with hospital detoxification, counseling, crisis intervention, job placement.	800	690,000 [2] (340,000)
Washington, D.C	July 1, 1970 to July 31, 1972	Youth program (under age 17) utilizing drug-free residential treatment, outpatient counseling and family service.	300	480,000 [2] (110,000)
Chicago, Ill	Aug. 1, 1970 to Dec. 31, 1971	Hospital detoxification, residential (halfway house), outpatient counseling and vocational services. Drug-free.	300	330,000 [2] (120,000)
Boston, Mass	July 1, 1970 to Sept. 30, 1972	Outpatient and residential services for youth (under age 16) experimenting with drugs	500	550,000 [2] (150,000)
New Jersey (Hudson, Essex, and Monmouth Counties) [3].	Aug. 1, 1970 to Aug. 31, 1971	Drug-free therapeutic community. Outpatient counseling and supportive services. Small methadone maintenance (about 50 clients) being developed.	[4] 200 [5] 500	1,000,000 [2] (500,000)

Locale	Period	Modality	Approximate number serviced	Total expenditures
New York City	July 1, 1971, to Sept. 30, 1972	Part of comprehensive system involving primarily drug-free inpatient and outpatient modalities.	[6] 1,500 [7] 4,000	$4,000,000 [2] (2,500,000)
Philadelphia, Pa	July 1, 1970, to Dec. 31, 1971	Methadone maintenance (outpatient) with supportive services	200	250,000 [2] (110,000)
Atlanta, Ga	July 1, 1971, to June 30, 1973	Methadone withdrawal, methadone maintenance (about 100 clients), drug-free outpatient and inpatient services, group therapy, counseling, crisis intervention and supportive services.	500	900,000 [2] (250,000)
El Paso, Tex	July 1, 1971 to June 30, 1973	Community outreach, followup and counseling services. Development of contacts with existing methadone maintenance and drug-free modalities for low-income Mexican-American heroin addicts.	400	580,000 [2] (250,000)
Tucson, Ariz	do	Similar to El Paso project	300	500,000 [2] (150,000)
Southern Alameda County, Calif	do	Outpatient and residential drug-free modalities for low-income youthful drug abusers	300	550,000 [2] (150,000)
Vermont (Statewide)	July 1, 1970 to Dec. 31, 1972	Drug-free inpatient and outpatient services primarily to drug abusers (non-opiate). Therapeutic community being developed.	400	550,000 [2] (150,000)
Richmond, Va	July 1, 1970 to July 31, 1972	Therapeutic community and outpatient counseling, supportive and rehabilitative services. Drug-free modalities for heroin addicts. Also provides supportive services for methadone maintenance program.	500	730,000 [2] (220,000)
Los Angeles, Calif	July 1, 1971 to June 30, 1973	Drug-free residential, supportive and job-placement services for incarcerate and heroin addicts.	300	590,000 [2] (300,000)
South Carolina (Statewide)	do	Counseling and group therapy services for addicts and drug-dependent persons in correctional facilities coupled with supportive services in community prerelease centers.	500	830,000 [2] (250,000)
Chattanooga, Tenn	do	Methadone maintenance and therapeutic community (drug-free) services for heroin addicts.	200	350,000 [2] (100,000)
Cincinnati, Ohio	do	Residential, outpatient, group therapy, counseling, and supportive services. Part of ex-offender halfway house system.	200	350,000 [2] (120,000)

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[1] All figures given represent annual estimates.
[2] Non-Federal funds.
[3] Funding to be assumed by NIMH.
[4] Inpatients.
[5] Outpatients.
[6] Adults.
[7] Youth.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education

Prevention

OE has funded a wide variety of preventive efforts in FY 71. $6 million was appropriated for programs to be conducted in FY 72.

$2 million will go in grants to 55 State Education agencies to support continuing programs to train educational personnel.

Twenty-six comprehensive community projects will be supported for a total of $2,100,000. These projects are intended to involve a variety of community agencies and groups in a cooperative effort to deal with local drug abuse problems.

Twenty college-based projects have been funded for a total of $700,000. These are intended to serve as pilot projects. They are initiated, designed, and directed by students.

Eleven drug education projects have been initiated by local school districts using $1.3 million in ESEA Title III funds. These programs call for heavy community involvement.

Seventeen programs are being supported by the Office of Nutrition and Health Services of OE. The programs for the most part are being funded under Title I of the Higher Education Act. ESEA Title III funds are also being used as well as funds under Title IV Regional Research Program. These programs are primarily educational and informational in character, intended to involve and educate a variety of target groups including students, teachers, law enforcement personnel, hospital and nursing home staffs, and the general public regarding drug use.

For a list of 13 projects supported by the Bureau of Higher Education under Title I, HEA, see attached chart. According to the information given, these projects with two exceptions are due to be completed on or before June 1971. An estimated 11,460 persons have been or will be involved as participants in these programs which are primarily, but not exclusively, educational in character. (For other projects specifically concerned with training, see section on Training below.)

Treatment

While no OE funds have supported treatment programs per se, $197,847 from the Bureau of Adult Vocational Technical Training has been awarded to the Blackman's Development Center in Washington, D.C. for a multi-occupational training program designed to offer occupational alternatives to drug users and addicts. (According to Department of Labor figures approximately 200 drug addicts are serviced by the Blackman's Development Center.)

Research

The National Center for Education Research and Development of OE is supporting a project which is designed to study and evaluate current trends in drug abuse education. This project is being conducted by the Far West Laboratory for Educational Research and Development in Berkeley, California and is scheduled for completion late this year. It has received $44,712 in Federal funds.

Training

A total of $2 million will be expended to provide formula grants to State Departments of Education. In 1970 over one million educators and students were trained through the National Drug Education Program.

The Awareness House project will be expanded to serve as a training center for community personnel who will be trained to develop community drug abuse prevention projects. It will be funded at a level of approximately $200,000. No information on the capacity of this project is given in the OE report.

A project to train 50 teachers in schools for Department of Defense dependents in drug abuse educational procedures has been funded at a cost of approximately $100,000.

Of particular interest is a program being funded in FY 72 by the Division of College Support, under EPDA, Part E, entitled "Institute of Drug Education for Personnel of Eight Black Colleges," Alabama A & M, Huntsville, Alabama ($68,000). No estimates as to the number of participants is given.

Several of the projects being funded by the Bureau of Higher Education involve training programs. An estimated 100 persons participated in a training program entitled "The Development of Resource Personnel for Community Drug Abuse Programs" (University of Georgia). Another BHE project for FY 71 was entitled "Seminars for School Personnel on Personal Problems of Teenagers with Special Emphasis on Drug Abuse." An estimated 2,000 school personnel and youth counselors participated (Medical College of Virginia—Virginia Commonwealth University).

BHE has also funded a project entitled "Students in Community Service" involving some 500 students as participants. These students have worked under faculty direction with a community of young people at Odyssey House in Newark, New Jersey. The purpose of this project is to provide social support for the patients at Odyssey House.

Food and Drug Administration

Prevention

FDA efforts in this area are minimal.

Treatment

No programs.

Research

The Bureau of Drugs of FDA reports that its efforts in research related to narcotics and dangerous drugs are concerned with drug testing methodology and with the screening of new analgesics—defining their propensity for causing habit formation and physical dependence.

Training

No programs.

National Institute of Mental Health

Prevention

NIMH prevention activities take the form of promoting the development and dissemination of education materials. These materials and their distribution are described in the attached Fiscal Year 1971 Summary and "A Guide to Drug Abuse Education and Information Materials."

Treatment

The National Institute of Mental Health funds treatment and rehabilitation programs for narcotic addicts and drug abusers under both grant and contract mechanisms. The grant program includes staffing grants to comprehensive drug treatment centers under Part D of the Community Mental Health Centers Act and special project grants for single or separate services under P.L. 91-513, the Comprehensive Drug Abuse Prevention and Control Act of 1970. The contract program is limited to the Narcotic Addict Rehabilitation Act of 1966 (NARA).

The grant program. Currently there are twenty-three community-based grant funded programs for the treatment of narcotic addicts and drug abusers. Eighteen of these funded programs are now operational and the additional five are in the process of commencing operations (New Orleans, D.C., Pittsburgh, Miami, Philadelphia). The number of individuals treatment approaches and location for these grants are shown in the accompanying Table T_1. At the present time, it is not possible to separate funds used for treating narcotic addicts from those used for other drug abusers. The Institute is currently reviewing grant applications pursuant to section 256 of P.L. 91-513 (detoxification, institutional, aftercare services). It is anticipated that up to fifteen new programs will be funded in Fiscal Year 1971 with the $5 million appropriated under this authority.

The contract program. The contract program under NARA includes examination and evaluation services, inpatient treatment services, and aftercare services carried out in facilities other than Fort Worth and Lexington Hospitals. The majority of examination and evaluation and inpatient treatment services, however, is carried out at these two hospitals. On March 31, 1971 there were 2,074 individuals in the NARA program distributed as in Table T_2.

2. Los Angeles Center for Group Psychotherapy Grant #T15 MH12319-01 $81,443.

To train 90 school counselors, probation officers and mental health professionals in group techniques appropriate for treating adolescent and young adult drug abusers.

3. Roosevelt Hospital (New York) Grant #T15 MH12320-01 $3,222.

To train physicians in the scope of the drug abuse problem and prevention and treatment techniques.

4. University of California (Berkeley) Grant #T01 MH12564-01 $150,378.

To establish a specialized drug abuse training unit in the Post-Master's Community Mental Health Program of the Department of Social Welfare.

Social and Rehabilitation Service

Prevention

SRS has supported a number of projects in the prevention area.

Examples include the Community Services Administration's support of family life education efforts in various locales and other educational programs which include a focus on drug abuse prevention among children and youth.

The Youth Development and Delinquency Prevention Administration of SRS has supported or is supporting a variety of projects in the area of drug abuse prevention. These include the recently funded project of Boston Model Cities Administration. This project focuses on an informational approach to prevention as well as providing counseling and referral services. Other projects in this area supported by YDDPA include the "Drug Use, Misuse and Abuse Education Program" conducted by the State Planning Bureau in Atlanta, Georgia; the Youth Drug Abuse Prevention Project conducted by Flight, Inc., in Rochester, N.Y.; and the "Store-Front Drug Program" conducted by the Berkshire Farm Institute for Training and Research, Inc., Canaan, N.Y.

Treatment

See Table 1, Treatment Programs for Heroin Addiction and Other Drug Dependencies.

Also in the area of treatment and rehabilitation, the Rehabilitation Services Administration is planning to stimulate and implement 15 to 20 Expansion Grant projects aimed at increasing substantially the number of drug abusers rehabilitated into gainful employment.

Research

The major emphasis of the demonstration project of the Oregon State Mental Health Division is to evaluate the effectiveness of two methods of treatment on the vocational rehabilitation of young adult drug abusers. Pre- and post-data on performance variables and psychological and social functioning will be collected and compared. This project is being supported by Division of Research and Demonstration Grants, SRS, monies.

The Division of Disability Services, Rehabilitation Services Administration, SRS, is planning to develop and initiate four to five Research and Demonstration projects designed to find new and improved methods for rehabilitating the drug abuser.

The Community Services Administration of SRS is soliciting information on whether adult public assistance recipients are known by the public welfare agency to be suffering from drug addiction.

Training

The Rehabilitation Services Administration of SRS plans to support five bi-regional training conferences for State rehabilitation agency staff in rehabilitation of the drug abuser.

The Rehabilitation Services Administration also supports a training grant program authorized under the Vocational Rehabilitation Act. This program is aimed at increasing the supply of personnel in the rehabilitation fields by helping training programs to expand and by offering aid to students. The objectives of this grant program also include working with professional groups to improve the quality of preparation; facilitating communication and working relationships among the professional rehabilitation fields; and to give workers in the rehabilitation field opportunities to improve their skills. No figures were given as to the capacity of these training efforts.

The Community Services Administration of SRS has supported a variety of training programs sponsored by State public welfare departments. The purpose of these training programs included the development of the skills and capacities of a variety of social service staff. Community Services Administration does not maintain data on the capacity of these training programs for prevention, community organization, and treatment personnel in specific problem areas such as drug abuse.

TABLE 1.—TREATMENT PROGRAMS FOR HEROIN ADDICTION AND OTHER DRUG DEPENDENCIES

Locale	Period	Modality	Approximate number serviced	Total expenditures
Washington, D.C.	Fiscal year 1971	VR services to methadone maintained	240	$112,000
Minneapolis, Minn.	do	VR services to hospital inpatient narcotic addicts	75	27,778
Nassau County, N.Y.	do	Evaluation and VR services to disadvantaged addicts	250	25,810
Hartford-Waterbury, Conn.	do	VR services and counseling	75	38,330
Tulsa, Okla.	do	Counseling and psychiatric	25	12,500
Portland, Oreg.[1]	do	Individual or group psychotherapy, detoxification and medical, vocational, social, occupational, recreational, and educational services in addition to family casework services and religion.	100 clients annually	[2] 194,095
Brooklyn, N.Y.[3]	July 1, 1970–June 30, 1971	Detoxification as often as necessary under medical supervision, group treatment (Guided Group interaction model).	25 girls, ages 12 to 16	168,866
Anchorage, Alaska [3]	Not given (recently funded)	Halfway house to aid drug users in kicking their habit and reentering society	150 to 250 youths, 16 to 22.	55,414

[1] This program is in the Psycho-Social Study Section, Drug Abuse Research and Demonstration Project, SRS.

[2] 2d year, $209,000; 3d year, $207,000.

[3] These programs are funded by the Youth Development and Delinquency Prevention Administration, SRS.

Note: The first five programs are in the Division of Disability Services of SRS.

There is no data available on drug dependence or addiction treatment per se from the Office of Service Delivery, SRS.

DEPARTMENT OF HOUSING AND HUMAN DEVELOPMENT

HUD was unable to comply with the deadline set for receipt of information because this information is available only through its regional offices. The regional offices of the Department have been contacted and should be responding to the request for program information within a week or two. HUD will then send this information to NIMH to be collated and forwarded to the White House at the earliest possible date.

DEPARTMENT OF JUSTICE

Law Enforcement Assistance Administration

Prevention

The Prevention/Public Education program has been attended to largely in Large City/County Special Grants Program. Likewise, the Narcotics and Dangerous Drug Control Program (K-1 and K-2) have also provided a vehicle by which this area can be addressed. The major focus of prevention has been directed at the nation's youth through the development and implementation of preventive education programs in all grades of the public school system; e.g., grammar, junior high, and senior high. State and local medical, educational, and law enforcement personnel have worked jointly in the preparation and presentation of these programs. The National Institute of Mental Health and BNDD have likewise assisted in the development of informational materials for this purpose.

Public Education response to the narcotics/dangerous drug abuse problem is seen in programs developed for presentation to parents, civic groups, church organizations, and other interested citizen bodies. The intent here is perhaps three-fold: (1) to inform the adult community of the nature and extent of the problem; (2) to inform adults of what is being done; and (3) to prepare them for a possible personal confrontation with drugs as it may affect their own children.

Treatment

See Table 1, Drug Abuse Programs (Discretionary Grants Only—Action Grants Not Available) FY/71 Available Data.

Research

Information regarding only two discretionary grants involving research/data collection is available for FY 70-71. These are the Police/Community Information Program in Anchorage, Alaska funded for $40,000 and the Commission on Drug Abuse-Treatment Program and Facility, Memphis, Tennessee, funded for $75,000. The Anchorage, Alaska project involves establishing a data and information bank. The Memphis, Tennessee project involves studying and researching the causes of alcoholism and drug abuse related problems.

Training

Intensive training for the members of these special enforcement units have been emphasized throughout LEAA programs, the establishment of close liaison between local and state agencies and BNDD have been insisted upon regarding development of training programs, utilization of existing programs, and further continuous unit training. No figures representing the number of persons trained or to be trained were given.

TABLE 1.—DRUG ABUSE PROGRAMS (DISCRETIONARY GRANTS ONLY—ACTION GRANTS NOT AVAILABLE) FISCAL YEAR 1971 AVAILABLE DATA

Locale	Period	Modality	Approximate number serviced	Total expenditures
Broward County, Fla.	Aug. 1, 1970–July 31, 1971	Detoxification, physical and psychiatric evaluation, rehabilitation through psychiatric treatment and counseling, guided group interaction therapy.	500 (30 to 40 in residential care program).	$200,000
Chicago, Ill. (drug abuse rehabilitation program—addict offenders).	Aug. 24, 1970–Aug. 23, 1971	Group and individual counseling	200 to 300 addict offenders.	200,000
Boston, Mass. (Norfolk County comprehensive interconventional drug addict treatment program).	Apr. 15, 1971–Apr. 14, 1972	Includes methadone maintenance and a self-help-type halfway house, therapy, and counseling.	No estimate given	154,318
Whitmore Lake, Mich. (serving adolescents from Detroit, Flint, Grand Rapids, and Highland Park) adolescent drug use limitation and treatment.	Aug. 15, 1970–Aug. 14, 1971	do.	360 adolescents	92,475
Royal Oak, Mich. (alcohol and drug abuse treatment center).	Fiscal year 1971	No information given	No information given	101,046
St. Louis, Mo. (community-based treatment and supervision of selected offenders—narcotics).	December 1, 1970–December 30, 1971	Prewithdrawal counseling, withdrawal under medical supervision, short-term residential accommodations, crisis intervention, varied counseling and guidance.	Estimated 200 can be handled on a post-release basis.	79,285
Trenton, N.J. (drug addiction treatment, rehabilitation; and prevention).	July 1, 1970–June 30, 1971	Includes residential treatment center (modeled after Dayton Village, N.Y. City with total utilization of ex-addicts as staff).	Residential center designed to serve 70.	139,600
Columbus, Ohio (preventive program for metro narcotics and drug abuse enforcement).	September 7, 1970–September 6, 1971.	Includes medically supervised withdrawal program	No information given	75,000
Memphis, Tenn. (commission on drug abuse-treatment program and facility).	August 15, 1970–August 14, 1971.	Psychological and sociological counseling included in voluntary treatment program.	22-bed facility	75,000
Travis, Texas (comprehensive treatment program for young drug users).	September 7, 1970–September 6, 1971.	Inpatient and outpatient therapy, including voluntary "walk-in" referral and crisis services.	No information given	52,470

DEPARTMENT OF JUSTICE

Bureau of Narcotics and Dangerous Drugs

Prevention

BNDD's efforts in the area of prevention include a public inquiry program which responds to requests for information on the problem of drug abuse, drugs being used, and various aspects of the drug problem as related to preventive enforcement and the problem of illegal drug use in the community. In addition, a community organizational program involving 13 pilot projects is being conducted. The emphasis of this is to promote a total community effort to prevent drug abuse, which includes law enforcement and other elements in the criminal justice system.

BNDD's preventive efforts also include a dissemination of information on drug laws and regulations to the registrants under the Comprehensive Drug Abuse Prevention and Control Act of 1970.

Other preventive efforts include stimulating program activities among the pharmaceutical manufacturers and associations. Other developmental activities in which the Bureau has been involved have recently included a conference for artists to explore means of utilizing the artistic community at the local level in providing alternatives to drug abuse. Other activities have involved the clergy, educators, law enforcement, and media people.

Treatment

BNDD has no treatment programs.

Research

See BNDD report (attachment 1).

Training

No estimate of numbers of persons who can be or have been trained through BNDD was contained in its report.

Major training efforts are conducted for professionals in the enforcement field and related areas to orient them to the need and the advantages of preventing drug abuse as opposed to concentrating only upon the enforcement aspects of the drug problem.

DEPARTMENT OF JUSTICE

Bureau of Prisons

Prevention

No programs reported on.

Treatment

Two categories of treatment programs: one functioning under the Narcotic Addict Rehabilitation Act (NARA); the other—Drug Abuse Program—treating offenders currently in the Federal prison population who have drugs as a contributing cause to their criminal behavior and who do not qualify under NARA. See Table 1, Treatment Programs for Heroin Addiction and Other Drug Dependencies.

Research

No research findings as yet to report. Collection of data in progress to help determine significant variables affecting treatment outcomes.

Training

Since NARA provides for an aftercare phase, a series of conference workshops with community agencies and probation agents have been held. (No figure is given as to the numbers of persons who have participated in these programs.)

Of some interest is the fact that several of the releasees from the NARA programs have been hired by community organizations who are concerned with the "drug problem." The releasees are functioning as counselors and lecturers to various groups in the community. The Bureau of Prisons has contracted with some of these releasees to help in the continuing development of an effective treatment program.

TABLE 1.—TREATMENT PROGRAMS FOR HEROIN ADDICTION AND OTHER DRUG DEPENDENCIES

A. NARA (NARCOTIC ADDICT REHABILITATION ACT)

Locale	Period	Modality	Approximate number serviced (capacity)	Total expenditures
Danbury, Conn.	Fiscal year 1971	Primarily therapeutic community approach	200	See below.
Milan, Mich.	do.	do.	50	Do.
Alderson, W. Va.	do.	do.	100 women	Do.
La Tuna, Tex.	do.	do.	100—50 women	Do.
Terminal Island, Calif.	do.	do.	100 men, 50 women	Do.
Five programs funded for				[1] $560,400

[1] Salaries, $436,200; operating costs, $124,200. Also, $525,000 in aftercare contracts have been let with community agencies, fiscal year 1971.

B. DRUG ABUSE PROGRAM (FOR THOSE NOT QUALIFIED TO RECEIVE TREATMENT UNDER NARA)

Facilities at Lewisburg, Pa.; Petersburg, Va.; Terre Haute, Ind.; El Reno, Okla.; and Lompoc, Calif.; will be providing treatment in fiscal year 1972 for drug abusers who do not qualify under NARA. To date, $80,000 has been allocated for fiscal year 1971 to cover the costs of construction.

The major emphasis of the information program on drug smuggling and abuse by the United States Bureau of Customs is to stress law enforcement activities. This serves several purposes: one, it reinforces that there is a drug abuse crisis and tells the public what is being done to combat the problem; two, it asks the public to cooperate with local, state and federal authorities so that more can be done to solve the problem; and, three, it acts to deter amateur smuggling of illegal drugs into the United States.

This information program by Customs is implemented: from the speaker's platform; through news releases that generate editorials, news and feature articles; and, by use of posters, flyers, and radio and television public service announcements to inform the public of certain inconveniences they may experience because of the search for illegal drugs.

The Bureau cooperates with the travel industry and other government agencies in programs to slow drug smuggling and abuse in the United States. It has also participated in presentations by the White House for the television and radio industries on ways to curb drug abuse in America.

Additional information may be obtained from the Bureau of Customs, Office of Information and Publications, Treasury Department, Washington, D.C. 20226. Telephone 202–964–2475.

DEPARTMENT OF LABOR

Prevention

A special film and other educational materials are being developed specifically for lower class and inner city populations because of the paucity of suitable material for Job Corps training programs. Guidelines for conducting drug education and counseling have been prepared for use in Job Corps training programs.

Treatment

See Table 1, Treatment Programs for Heroin Addiction and Other Drug Dependencies.

Other efforts supported by DOL in the treatment and rehabilitation area include the VERA Institute of Justice of New York City which takes people arrested for less serious crimes and, prior to trial, gives these people (many of whom are drug addicts) an opportunity for rehabilitation and training.

Another similar program—not specifically geared to drug abusers but involving many—is Project Crossroads in Washington, D.C. This project is sponsored by the National Committee for Children and Youth and funded by the Department of Labor. It is a pretrial diversion program for youthful offenders. The program stresses career development, using employment, training, and other supportive services. Project Crossroads, like the VERA Institute of Justice program, relies heavily upon non-professional staff.

Research

DOL has contracted with the New York State Narcotic Addiction Control Commission to make some special tabulations from an ongoing survey of drug use among the general population of New York State in August 1970 which would show the extent of drug use among different occupational groups in the labor force. See the attached report for further specifics regarding the survey findings.

Training

A most extensive training effort has been undertaken by the Job Corps in DOL. The Job Corps organized a series of nine technical assistance seminars which could aid in the recognition of symptoms and in dealing with drug users. The first seminar was held in mid-January 1971 in Washington, D.C. Other seminars are scheduled for June 21–23 in Philadelphia. The six remaining seminars will be conducted July through September 1971. No specific information is given as to the number of persons who can participate or who have participated in each technical assistance seminar. The DOL report states that approximately 70 people in each Manpower Administration region were found to need background information and training in the drug area. This would bring the intended number of participants to no less than 630 persons.

TABLE 1.—TREATMENT PROGRAMS FOR HEROIN ADDICTION AND OTHER DRUG DEPENDENCIES

Locale	Period	Modality	Approximate number serviced	Total expenditures
Washington, D.C.,[1] Residential Manpower Center	Mar. 15, 1971	Methadone treatment (program for detoxified addicts who are physically and psychologically capable of undertaking job training).	No information given	No information given.
Baltimore, Md., Westinghouse Learning Corp	Fiscal year 1971	Job training and placement of ex-addicts	3 treatment programs but no information re numbers services.	Do.[2]
New Orleans, La., New Orleans Association of General Contractors.	do	Job training and placement of ex-addicts	No information given	Do.[3]
Washington, D.C., Blackman's Development Center.	February 26, 1971	Institutional training program for rehabilitated drug addicts (training courses 26 weeks in length).	200	$325,000 (plus $198,000 from HEW).

[1] Two other similar demonstration projects are scheduled to begin prior to the end of fiscal year 1971 at 2 other Job Corps yet to be announced.

[2] [3] On both of these projects DOL is working in conjunction with OEO. OEO plans to award operating contracts for 8 more cities in fiscal year 1972.

PITTSBURGH DISTRICT OF THE U.S. ARMY CORPS OF ENGINEERS

HON. JOSEPH M. GAYDOS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 15, 1971

Mr. GAYDOS. Mr. Speaker, this past weekend the Pittsburgh district of the U.S. Army Corps of Engineers, which has accomplished many notable objectives in my 20th Congressional District of Pennsylvania, celebrated its 107th anniversary.

The occasion was highlighted with a dinner where Col. E. C. West, the district engineer, cited certain employees for meritorious service which spanned 30 and 40 years. Guest speaker at this anniversary observance was Maj. Gen. W. L. Starnes, division engineer.

The Pittsburgh district of the corps has functioned as a civil works arm of the corps since 1864 and it has been active in water resource development, navigational improvement, and flood control measures in the area in and around the city of Pittsburgh. Just a few weeks ago I had the pleasure of meeting with Colonel West and members of his staff to explore the possibilities for greater utilization of waterways in the Mon-Yough Valley.

We discussed flood control measures along the length of the Monongahela River. Periodically, that river leaves its banks and inundates industrial plants, causing extensive damages and lost production time. Colonel West and I also held a preliminary hearing on the opening of industrial-recreational facilities along the Youghiogheny River, which will give a considerable boost to the economy of the Mon-Yough River Valley.

Mr. Speaker, I was most impressed with Colonel West and found him to be most cooperative, interested, and courteous. It is a pleasure, therefore, to add my personal commendations for the illustrious record achieved by the Pittsburgh district of the corps and to extend my best wishes for continued success in the years to come.

GOLD MEDALLION GIVEN TO GOVERNOR THATCHER FOR PUBLIC SERVICE

HON. STROM THURMOND

OF SOUTH CAROLINA

IN THE SENATE OF THE UNITED STATES

Thursday, July 15, 1971

Mr. THURMOND. Mr. President, on September 9, 1970, I placed in the CONGRESSIONAL RECORD, volume 116, part 23, page 30960, the story of a splendid program at the Cosmos Club on August 15, 1970, honoring Gov. Maurice H. Thatcher in celebration of his centenary date. The program, truly outstanding in every respect, was carried out by the Panama Canal Society in Washington, D.C., with its then president, Prof. Edwin J. Lewis presiding. What I now say should be read in connection with what I said on September 9 last.

The gold medallion awarded by the Canal Zone authorities and the Panama Canal Co.—which award was made on July 31, 1970—to Governor Thatcher for exceptional public service was not minted at the time the indicated celebration occurred. It took considerable time to prepare the design and inscriptions of the medallion; then further time was needed for minting the medallion in the United States, before the actual delivery could follow. Finally, all of the required work was done and the medallion delivered to the awardee.

The medallion, like other works of art and skill is a "thing of beauty" which should last forever. The front face of the medallion depicts in relief two Panama Canal builders with shovels in hand and a steam shovel, with suspended bucket, behind the workers. Above the depiction appear the words, "Panama Canal," and on the lower rim appear the words "Honorary Public Service Award." On the other face, appear the words, "For Exceptional Public Service, Presented to Maurice H. Thatcher, July 31, 1970." As generally known, Governor Thatcher is the only surviving member of the Isthmian Canal Commission which supervised the construction of the Panama Canal.

The medallion is 3 inches in diameter, and the whole constitutes the finest example of art and textualization, and Governor Thatcher, very naturally, is deeply grateful and appreciative of this tangible token of honor.

It may be appropriate, in this connection, to speak of another honor accorded to Governor Thatcher: That in the form of a resolution adopted October 17, 1970, by the Board of Assistants of the General Society of Mayflower Descendants at Plymouth, Mass., at the board's annual meeting.

Governor Thatcher is of Pilgrim stock, being a lineal descendant of Elder William Brewster, who, throughout the Pilgrim era is considered as the Patriarch of the Pilgrims, and an outstanding leader of the Pilgrim effort in behalf of the establishment of civil and religious liberty in the new world. In this effort, it was wholly successful and its action was inspirational to the other colonies. Indeed the other American colonies, including South Carolina, were as one in establishing the great principles thus involved.

The Pilgrim Colony, unlike the other colonies, never had a Crown Governor, but elected its own Governor each year, and for the ensuing 72 years of its life was governed under the famous Mayflower Compact.

In a recent issue of the Mayflower Quarterly, the official organ of the General Society of Mayflower Descendants, there was published the next of resolutions adopted by the society's General Board of Assistants, highly commendatory of Governor Thatcher's services in keeping vital the story of the Pilgrims.

Mr. President, I ask unanimous consent that the resolution be printed in the Extensions of Remarks.

There being no objection, the resolution was ordered to be printed in the Record, as follows:

RESOLUTION

Adopted by the Board of Assistants of the General Society of Mayflower Descendants at its Annual Meeting held at Plymouth, Massachusetts on 17 October 1970.

Whereas, the Board of Assistants of the General Society of Mayflower Descendants records with a great deal of pleasure the one hundredth anniversary of the birth of The Honorable Maurice Hudson Thatcher, who was born in Chicago, Illinois on August 15, 1870; and

Whereas, Mr. Thatcher became a member of the District of Columbia Society of Mayflower Descendants in 1924 by reason of his descent from Elder William Brewster and served as Governor of our District of Columbia Society from 1939 to 1946, and, in September 1948 at the 18th General Congress of our Society, was elected Assistant General from our District of Columbia Society and was reelected to this office in 1951 at the 19th General Congress when he was also appointed Chairman of the Committee to consider amending our Constitution regarding subversives and Chairman of the Resolutions Committee, and, in September 1952, was elected Deputy Governor General from our District of Columbia Society, and, at the 20th General Congress, in September 1954, was elected Counsellor General, serving as such until 1957, during which time he was also Chairman of a special committee on our Constitution and By-Laws, and, at the 21st, 22nd and 23rd General Congresses, and at all the intervening Annual Meetings of the General Board of Assistants, he served as Parliamentarian, and, at the 21st General Congress, in September 1957, was elected Honorary Counsellor General for life; and

Whereas, in addition to his service to our Society, Mr. Thatcher has a distinguished record of public service, becoming, in 1901, Assistant United States Attorney for Kentucky's Western District and, in 1910, was appointed by President Taft a member of the Isthmian Canal Commission which supervised the construction of the Panama Canal and served as Civil Governor of the Canal Zone for more than three years presently being the last surviving member of the Canal Commission, and, in 1961, the United States Congress having unanimously named the new twenty million dollar bridge across the Canal at the Pacific entrance, "The Thatcher Ferry Bridge", and

Whereas, Mr. Thatcher served in Congress from the Louisville, Kentucky District from 1923 to 1933 and was a member of a number of important Congressional committees and sponsored many beneficial Acts, and was largely responsible for the creation of the United States air mail service; and

Whereas, since leaving Congress, he has been an effective sponsor of beneficial legislation for the civilian builders and operators of the Panama Canal, and has been active in many civic and conservationist committees and organizations; and

Whereas, among his other accomplishments, Mr. Thatcher is a well-known and published poet, whose quatrains have often been reproduced in our "Mayflower Quarterlies"; now therefore

Be It Resolved, that the Board of Assistants of the General Society of Mayflower Descendants at this, its first Annual Meeting since Mr. Thatcher's one hundredth birthday, wish him many happy returns of the day, and express its deep appreciation to The Honorable Maurice Hudson Thatcher for all he has done for the Society of Mayflower Descendants and for the people of the United States and acclaim him as an outstanding statesman, conservationist and benefactor; and

Be It Further Resolved, that a copy of this Resolution be placed on file with the permanent records of the General Society of Mayflower Descendants, and that a copy of this Resolution be sent to Mr. Thatcher.

CBS CONTEMPT CITATION

HON. MORGAN F. MURPHY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 13, 1971

Mr. MURPHY of Illinois. Mr. Speaker, one of the situations we, as Members of the U.S. Congress, are called upon daily to face is that of reporting our activities to those whom we represent. We must tell our constituents why we vote the way we do on certain measures and explain to them the reasons for our actions.

Recently this august body was faced with the task of judging whether the Columbia Broadcasting System and its president should be held in contempt of Congress for not producing filmed outtakes and certain documents which concerned the CBS documentary film "The Selling of the Pentagon."

I do not think it is necessary at this time to go into the details of the matter since we are all familiar with them, but I would like to take this opportunity to explain, for the record, my position and the reason I voted not to recommit the contempt measure back to the Commerce Committee.

The situation is quite perplexing, in my judgment, for where does freedom of the press end with regard to the right of the masses to be accurately informed? And yet, by what authority does the Congress take upon itself the role of watchdog, to judge what is fair and honest reporting and to demand that members of the news media present evidence that what they have reported is accurate and note intentionally misleading or deceiving?

We have all had occasion to disagree with stories and the way they have been reported so it should not be surprising that the Defense Department took exception to the way the "Selling of the Pentagon" was presented. The program was aimed at telling the American people exactly where their tax dollar is going in terms of national defense. It has already been agreed that some of the program was inaccurate and the evidence of this was presented by CBS in documents it supplied to the Commerce Committee, as well as texts already inserted into the Congressional Record.

But it has been recently revealed that the Pentagon itself gave false information to CBS insofar as the amount spent to conduct special tours for businessmen. They told CBS the amount was in the neighborhood of $14,000 while the actual amount was more like $80,000.

I feel that this case, similar in nature to the case of the New York Times and the Pentagon papers, should be referred to the courts if the Defense Department feels it has a justifiable complaint against the facts as reported by CBS. Thus far this has not been done.

There are times, gentlemen, when we face decisions which we would rather not face. It has happened to all of us at some time or another and it will always be that way. The decision to cite CBS for contempt was one which I faced with much reluctance.

We all heard the arguments from both CBS and the chairman of the Commerce Committee. Yet I, for one, must admit I was swallowed up in the pros and cons of the situation to the point where the facts became unclear and the distortions in statements exaggerated.

CBS contends that any attempt to review the requested materials would be an infringement on the Constitutional authority of freedom of the press. The esteemed chairman of the Commerce Committee said he was afraid if CBS got away with certain distortion in the film shown to the American public, that sooner or later, television would take over and rule through its power of bringing information to the public.

The Commerce Committee did an admirable job examining certain allegations that distortions were present in the documentary. The distortions were revealed and printed in the Congressional Record.

But if the issues were to be pursued, I would the proper place for adjudication is in the courts. They are the ones who can decide what, if anything, was illegal.

The Congress, by failing to vote on the issue, by burying the matter in the Commerce Committee, has ignored its responsibility to stand up and be counted.

The late President John F. Kennedy in his book "Profiles in Courage" gives numerous examples of men who were willing to take a stand on issues. I think the Congress should have dealt with this matter the only way reasonable—by voting to cite CBS in contempt and let the courts settle the matter in the American method of justice. After all, this country was founded in the interest of justice to all, and the minute we skirt that responsibility, we have lost something that makes this country great.

FEDERAL DISCRIMINATION

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 15, 1971

Mr. RARICK. Mr. Speaker, problems will always arise in any group when the leaders attempt to put themselves above their own laws—when the people in power try to stop the members of the group from doing something while they themselves continue to act in this supposedly prohibited manner.

We are told by psychologists, psychiatrists, and even by well-informed parents that one of the primary causes of dissension and revolt among the youth of this country is that the older generation is hypocritical, that it is trying to tell the youth that they cannot do something, while all the while doing it themselves. You cannot convince a kid that smoking is bad with a cigarette in your mouth.

Even the laborers of this country will testify to this fact. Any foreman will tell you that he dare not try to tell his crew to do something that he cannot or will not do or has not done. In fact, any leader of any caliber will tell you that you have to be in the forefront—you have to be willing to set an example.

This simple lesson in leadership has somehow failed to be impressed on this Congress or on our Nation's leaders. The problems that presently confront this country can be traced to the fact that we have no leadership that will lead—we have no one willing to pay the price and set an example for our people to follow.

On February 18, 1971, I introduced a bill, House Concurrent Resolution 172, to make it "the sense of Congress that each officer or employee of the Federal Government who is residing and working in the District of Columbia and who has a child qualified to attend an elementary or secondary school should send such child to an elementary or secondary school in the public school system of the District of Columbia." My objective was simple—to ask the people in positions of leadership, who make the laws to come forward and set an example for the Nation by sending their children to the public schools in the District. Opposition was encountered when I testified before the District Committee—our leaders, they call themselves that, are not willing to pay the price.

Just like the permissive parent who refuses to punish his child, our leaders refuse to move up front and set the example for our people. Either it is too much trouble for them, or, and I prefer to believe this, they realize that the laws are themselves bad.

The fact that this Government is in the hands of people who feel that they are themselves above the law has been made evident again in an article that appeared in the Washington Evening Star of July 13, 1971. In this article, Secretary Richardson of HEW admits, in colorful language that, though there are Federal laws prohibiting certain State actions that are discriminatory in nature, especially in certain States, the Federal Government can, in fact, discriminate itself against the States and there is no law that would prohibit them.

The analogy is evident. We cannot expect this country to return to anything resembling a normal state until the Federal Government starts practicing what it preaches—until it stops discriminating against one section of the country and using it as a whipping boy for all so-called evils in this Nation.

I include the news article from the Washington Evening Star of July 13, 1971, and my resolution on education in the District at this point:

RICHARDSON CITES BIAS LAW LIMITS

(By John Mathews)

Health, Education and Welfare Secretary Elliot L. Richardson said today existing laws and court decisions severely limit the power of the government to force desegregation of schools in the North.

He added that the administration is doing everything it can under current standards to produce more desegregation in the North, including the assignment of about 80 of its civil rights personnel to Northern cases, compared with 52 to concentrate on the South.

The secretary also criticized Northern liberals for failing to acknowledge the "real change in human attitudes and relationship" that has taken place in the South.

ANGERED AT REPORTER

Richardson said he has seen a degree of candor in black-white exchanges on biracial advisory desegregation committees that does not exist in the North. He also cited recent HEW figures showing that 39 percent of black school children in the South attend integrated schools, while 28 percent in the North do so.

Secretary Richardson bristled when a reporter suggested the administration was taking the position that little can be done to desegregate Northern schools.

"Damn it," he said, "I have to answer this at every single press conference." He added, "I don't see any constitutional theory where we could, if we wanted to, require desegregation in the North without the presence of official state action."

LIMITS TO BUSING

Richardson explained that in the North, the government must prove that deliberate discriminatory actions by state and local authorities results in a segregation pattern, such as zoning or locating schools to insure that they are segregated. Current laws and court decisions do not allow the government to move against de facto segregation resulting from neighborhood housing patterns. In the South, the secretary said, court decisions have found since 1954 that laws providing for segregated schools are unconstitutional and de jure segregated patterns must be reversed.

The secretary said proving a long-range pattern of government action in the North resulting in racial discrimination in the schools is a laborious process. It takes some 2,500 man hours on a Northern discrimination case for every one hour required to prove a Southern case.

Speaking with reporters at a breakfast meeting today, Richardson said that even if the Supreme Court were to rule eventually that the North must desegregate its schools on the same basis as the South, the "problem of fashioning effective remedies would still remain."

Cities in the North as well as the South are much more complicated to desegregate than smaller communities, he said. There are limits to how far a child can be bused, for example, Richardson said.

The secretary offered no new approaches to desegregation in the North, other than to say that courts could more narrowly define what constitutes "official state action," which would make it easier for HEW to move against Northern school districts. In the South, he added, the job of desegregation is "largely finished," although some problems remain of segregatory practices within schools and classrooms.

H. CON. RES. 172

Resolved by the House of Representatives (the Senate concurring), That it is the sense of Congress that each officer or employee of the Federal Government who is residing and working in the District of Columbia and who has a child qualified to attend an elementary or secondary school should send such child to an elementary or secondary school in the public school system of the District of Columbia.

DOING BUSINESS WITH YAHYA

HON. ROBERT F. DRINAN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 15, 1971

Mr. DRINAN. Mr. Speaker, I insert in the RECORD at this point an article from the New York Times of July 12, 1971, entitled "Doing Business With Yahya":

DOING BUSINESS WITH YAHYA

(By Anthony Lewis)

LONDON, July 11.—After Hitler, there were many—and not only Germans by any means—who said they had had no idea of the extent of the horror. They knew terrible things were happening, but six million Jews in the gas chambers. . . .

Similarly with Stalin's terror in the Soviet Union, it took years for people even in the West to appreciate the level of brutality and murder that obtained. And in Vietnam: most of us failed for too long to understand the inevitable consequences of American tactics in terms of human misery, death and destruction.

Right now another immense human disaster is taking place for political reasons. This time there can be no excuse for any informed person failing to understand what is happening; contemporary accounts leave little of the horror to the imagination. And yet, somehow, some responsible men do not see.

The disaster is in East Pakistan. Since West Pakistani troops moved in last spring to suppress the Eastern political movement, six million people have fled to India. Tens, probably hundreds of thousands have been killed. And the feeble Pakistani propaganda claim to be dealing only with "miscreants" does not conceal the fact that the army is killing and terrorizing on grounds of race and politics.

A first-hand account of the savagery appeared on June 13 in The Sunday Times of London. It was by Anthony Mascarenhas, a West Pakistani journalist who went to the East with a group at the army's invitation but was so sickened by what he saw that he came to Britain to tell the truth.

Mascarenhas saw the troops kill men because they were not circumcised—and were therefore presumptively Hindus. He saw Bengali Moslem villages burnt. West Pakistan officers told him they were ready to prevent the East's secession, if necessary, by killing two million people and running the country as a colony for thirty years. He concluded that they meant it, that they were determined to push through their "final solution" of the East Bengal problem.

Within the last few days that picture of life under the army in East Pakistan has had authoritative and independent confirmation from two weighty sources. Both make clear, moreover, that the terror did not stop soon after the army takeover but has continued.

One of these sources is the report by a joint team of the World Bank and the International Monetary Fund, just distributed to the Bank's directors. It found a continuing reign of military terror in East Pakistan. Much of the urban population has been killed or has fled, the report said; guerrilla activity is growing.

The other persuasive confirmation comes from four members of the British Parliament who have just toured the area. Two were Conservative and two Labor M.P.'s; they went at the invitation of the Pakistan Government and were hardly prejudiced against it. But they came back saying they were sickened by what one called the army's "continuing repression, using the most brutual methods."

Now General Yahya Khan is not Hitler, and it is doubtless true that his Government did not set out deliberately to commit mass murder and destruction in its Eastern territory. But those are the results.

That is why the silence in some quarters is so puzzling. President Nixon has said nothing. That great moralist, U Thant, who regularly criticizes American action in Vietnam, has not had much to say about racial killing by Pakistani soldiers. And there are many others.

The answer must be that they are all practical men. Yahya is in charge, and so it is necessary to do business with him. That is the import of recent testimony by a State Department official who said that a cut-off of American aid would "undermine the productive political relations with the Government of Pakistan."

Even in practical terms that is a doubtful argument. The World Bank mission reported that chaos in East Pakistan precluded effective use of aid now. The British Government among others has said there must first be a political settlement—necessarily meaning some form of autonomy for the East.

Reginald Prentice, who was Minister for Overseas Development in the Labor Government, wrote after visiting Pakistan that outside economic pressure on the Pakistani generals was the "only hope." His experience in the aid field, he said, made him think it was "wrong in 99 cases out of 100 to attach political conditions—but this is the 100th."

There are now reports in London that the Communist Chinese Government is reassessing its commitment to Yahya Khan; it may have come to feel that a split between East and West Pakistan is inevitable. Hopefully, Henry Kissinger will bring back from his visit to Pakistan a realistic appraisal of the political future.

But the American interest goes beyond realism. We can no longer have any illusions about our ability to make unpleasant governments around the world behave well, but there does come a point at which self-respect requires us to stop helping them. That is why an American official, one who is certainly a realist, said the other day:

"There is not much we can do about East Pakistan, but I dislike—pardon the phrase—our moral posture."

CIVIL DEFENSE PLANNING

HON. BOB WILSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 15, 1971

Mr. BOB WILSON. Mr. Speaker, it took a Berlin crisis to stir our Nation into thinking about civil defense on a grand scale. But in recent years, civil defense has begun to drift into the shadows of public view and even congressional review. I submit that what civil defense needs today is a good old-fashioned revival.

One of the best articles I have seen on civil defense planning appeared July 4 in the San Diego Union and was written by the very distinguished and able Frank Macomber who spent 15 years covering the Washington scene, including the Pentagon. In his analysis, the reporter mentions that Chairman HÉBERT of the House Armed Services Committee has promised that our Civil Defense Subcommittee, of which I am ranking minority member, intends to make a complete review of our civil defense program which may be fighting for its own survival. So that our colleagues can have the benefit of Mr. Macomber's report, I insert it in the RECORD following these remarks:

CIVIL DEFENSE PLANNING IS STILL ACTIVE IN SPITE OF NEGLECTED BOMB SHELTERS

(By Frank Macomber)

Ten years ago the citizens of this country spent about half a billion dollars of their own money to dig bomb or fallout shelters. They did so on the advice of the late President John F. Kennedy, at a time when the United States was having one of its periodic confrontations with East Berlin and the Communists.

Today many of those shelters and the ones built before them either have been abandoned or serve as storage space for the castoff family furniture, old photograph albums or shelves of home-canned fruit and vegetables.

Yet the Office of Civil Defense does not consider itself an anachronism and is fighting for its life. One of the agency's chief arguments is that a competent civil defense program across the nation will save lives during and after natural disasters even if the United States never comes under enemy attack.

Supporters of a revived and vigorous civil defense program are encouraged by indications that Congress this year will approve a $77.7 million CD budget for the next fiscal year beginning July 1, $5.7 million or 7.9 per cent above the present one.

But some complain this scarcely is enough to keep a nationwide program alive. Others note that President Nixon has yet to act on recommendations in a civil defense study he ordered more than two years ago.

Some responsible Americans, however, claim the program diminishes chances to solve international problems by creating an atmosphere of distrust, while others are convinced Americans could not survive a nuclear holocaust with or without civil defense.

The Office of Civil Defense disagrees and comes up with some arithmetic to back its arguments in favor of a revitalized protection of the nation's citizens from The Bomb. It goes like this:

A nuclear assault on the United States today would wipe out nearly half the nation's 200 million inhabitants. And another 33 million also would die needlessly. There is a way to save them, but so far it hasn't been used.

A full-scale shelter program could save 48 million American lives. But present shelter programs at the federal, state and local levels could save only 15 million of these.

Hence, the CD's grim mathematics: 33 million needless deaths if the United States should become an H-bomb target.

John E. Davis, the national boss of civil defense, says the American public has little protection today from atomic attack or major natural disasters. In some areas, local civil defense is virtually a state of the past, he concedes.

His grim assessment is borne out by recent surveys which show that public shelters are stocked to protect only about 61 million Americans. The rest of the 200 million would be virtually defenseless against an atomic assault or the violence of nature.

The studies also reflect that what shelters do exist are located mostly in cities which would be leveled first by a cataclysmic bomb blast. In rural areas, where fallout but not blast could be expected, little has been done to protect population from nuclear radiation and the illnesses which follow.

Most people, a survey claims, are so uninformed about civil defense that they wouldn't know where to find a shelter if an attack came. (Do you know where to go if there should be one?)

This especially is true of the younger generation which wasn't even born when Allied A-bombs leveled Hiroshima and Nagasaki in August, 1945.

Some state and local civil defense officials blame the federal CD chiefs for the stumbling program and predict there would be pandemonium, looting and panic on a wide scale if the United States should come under attack.

But federal CD officials claim much more could be done under the present budget—about 35 cents a year per person—if state and local civil defense leaders would organize properly. They point to a shortage of trained shelter managers and radiological monitors, leaving those in shelters to survive on their own. They say water barrels aren't even kept filled in many shelters and that most shelters fall short of federal standards in one or more ways.

But Davis and his aides believe there is a path leading out of this obvious civil defense dead end. These are some possible roads to a revitalized CD program:

Boost civil defense spending to 70 cents per person annually. (Switzerland spends $5.69 per person on civil defense and Sweden about $3.40.)

Spend proportionately in the big cities and less in areas less likely to be A-bomb targets.

Give state and local CD directors more powers to act and less time to use their posts for political purposes.

Show again the old movies portraying the death and destruction wrought by nuclear weapons, to revive in the minds of older Americans the terror of the bomb and possibly even reach the younger generation.

Inaugurate full-scale, community-wide civil defense tests sending people to shelters so they will be ready if an atomic assault or major natural disaster should occur. (In Russia, civil defense training is compulsory, directed by a Red army marshal with military men in commanding positions.)

Chairman F. Edward Hebert of the House Armed Services Committee has called the U.S. civil defense program "our great unheeded sentry." He has promised his committee this year will review the program, its shortcomings and its possibilities for revival and survival. Hebert also has pledged his opposition to moves toward merging the Office of Civil Defense with some other government agency.

Hebert's committee, with all its authority, is powerless by itself to move the civil defense program off dead center. But its review could give Americans an insight into what has happened to civil defense over the years.

If enough people listen, America once again might look to its presently unheeded sentry.

THE SPECK DECISION

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 15, 1971

Mr. DERWINSKI. Mr. Speaker, the legal chaos inherent in the Supreme Court decision which stayed death sentences throughout the country was thoughtfully discussed in a WGN—Chicago—Radio-Television editorial from July 10 through July 13. The editorial properly points out that the citizens of Illinois, in a statewide referendum, sustained capital punishment as a sentence. This directly applies to the infamous Speck murder rampage in which an Illinois jury recommended the sentence.

The editorial follows:

THE SPECK DECISION

The Supreme Court, in over-turning the death sentence of Richard Speck, has reopened only a part of the case. It must be made clear that the decision raised no questions as to Speck's guilt in the slaying, five years ago, of eight young women. What the court questioned, and found contrary to the constitutional protections afforded to everyone in this country, was the method in which the jury was selected for the Speck trial.

Announcement of the Supreme Court's decision brought emotional reaction. All of us were horrified at the crime. The instinct for revenge, an eye for an eye, strong five years ago, resurfaced. The court's opinion was not clear and direct. There is much doubt about the future of Richard Speck. Under Illinois law, which will handle the case from here on, judges are free under certain circumstances to reduce a jury's recommended sentence. In capital cases, a death sentence cannot be imposed unless recommended by the jury.

There are differences of opinion in the local legal community as to whether Judge Herbert Paschen, who presided over the Speck trial could once more sentence Speck to death. This will have to be decided by the State Supreme Court.

Illinois citizens had an opportunity to declare their feelings on capital punishment recently. When they approved the new state constitution, they had the option of abolishing capital punishment in this state. They voted to retain the death penalty as part of our legal system. If Judge Paschen can legally sentence Speck to death, we feel he should follow the guidelines of that referendum.

CAPTIVE NATIONS WEEK

HON. JAMES C. CLEVELAND

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 15, 1971

Mr. CLEVELAND. Mr. Speaker, this week, commencing on July 11, is the anniversary of Captive Nations Week. President Nixon, in proclamation 4065 has again renewed the commitment that President Eisenhower made in 1959—namely that the people of the United States would not forget the millions who are enslaved behind the Iron and Bamboo Curtains.

I wish to commend all those who are taking this opportunity to observe Captive Nations Week. This week we should all rededicate ourselves to our American commitment to the ultimate liberation and self-determination of the hundreds of millions of people who are still living as victims of Communist imperialism.

We must never simply accept the fate of these lands and people, for their only hope for liberty now lies with those of us who still enjoy the blessings of freedom. To forget these fellow humans would be to condemn them to a life of perpetual oppression and to further expose ourselves to the source of this oppression.

To fulfill this important commitment we must assemble and utilize all the truths and facts pertaining to the enslaved conditions of these peoples. I have always supported our commitment to these nations, and since I first came to Congress in 1963 I have advocated the establishment of a Special Committee on the Captive Nations in the House of Representatives. Such a committee would provide the American people with a continuing source of information concerning Communist rule.

In the past year the Soviets have tried to lull the opponents of Communist tyranny into a sense of security by displaying a degree of moderation in international affairs. However, since World War II we have learned that Communists relax in their overt aggressions only when it suits their basic policy of world conquest.

The importance of these observations have recently been underscored by the action of the Soviet Union in brutally crushing Czechoslovakian dreams of limited freedom within a Communist regime.

If we fail the people of these captive nations, we fail ourselves, for freedom is safe only as long as those who enjoy it continue to fight for it. We should take this occasion of Captive Nations Week to rededicate ourselves to the cause of liberty and individual freedom for all. I promise to continue to work to fulfill our commitment to the victims of Communist tyranny.

MISLEADING REPORTING BY SEGMENTS OF THE NEWS MEDIA

HON. STROM THURMOND

OF SOUTH CAROLINA

IN THE SENATE OF THE UNITED STATES

Thursday, July 15, 1971

Mr. THURMOND. Mr. President, on May 21, 1971, station WRAL–TV in Raleigh, N.C., broadcast an editorial on recent attacks aimed at Gov. Ronald Reagan by the ultra-liberal portion of the news media. This editorial was re-broadcast by several stations, one of which was station WTYC in Rock Hill, S.C.

Mr. Jesse Helms, the executive vice president of WRAL–TV, points out underhanded methods used by part of the media in an effort to create a story. Because of these methods, much of the American public has lost trust in our news media.

The author points out the absurdity of the media criticizing Governor Reagan not paying State tax where he did not owe any. In creating this issue the press completely ignored previous State and Federal taxes paid by Governor Reagan. These comments deserve the consideration of the Congress.

Mr. President, I ask unanimous consent that the editorial by Mr. Jesse Helms from station WRAL–TV in Raleigh, N.C., be printed in the Extensions of Remarks.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

MISLEADING REPORTING BY SEGMENTS OF THE NEWS MEDIA

Inasmuch as spokesmen for the major ultra-liberal news media are pleading for public respect, it may be instructive to examine the case history of an episode illustrating why millions of Americans no longer trust the major news media.

A couple of weeks back, there was a news story out of California which was given prominent display on every network newscast and in every newspaper. In retrospect, it is obvious that the story was published and broadcast in a contrived manner carefully calculated to mislead the public.

Governor Ronald Reagan of California, whom the leftwing news media despise, paid no California state income taxes last year—for the simple reason that he was not due to pay any. He did pay federal income taxes.

Prior to being elected Governor of California, Mr. Reagan was a successful movie actor. He was paid well for his work, and he saved his money. He invested it in various businesses. His investments, in general, have been productive ones—but 1970 was not a good year for a great many businesses around the country, and some of those in which Ronald Reagan had invested suffered along with all the rest. Simply said, Mr. Reagan's net income dropped sharply in 1970, and no citizen—be he a Governor or anybody else—should be expected to pay income taxes when he had no taxable income.

So Governor Reagan filed his income tax returns, and he filed them honestly, lawfully and accurately. There is no dispute about that. Moreover, his tax returns—and those of all other citizens—are supposed to be confidential. But the leftwingers, who make so much noise about snooping, delightedly gained unlawful access to the confidential information contained in Mr. Reagan's tax returns, and broadcast it throughout the nation, carefully *implying* that he had evaded payment of taxes.

He had done no such thing. Because of business losses in 1970, he had no taxable income—even including his salary as Governor—so under California law he was not subject to payment of state income taxes. However—and this is something that the leftwing news media carefully ignored—Ronald Reagan paid a total of $91,128.22 in *state* income taxes during the first four years that he was Governor of California. On top of that, he paid huge federal income taxes.

Ronald Reagan didn't owe any state income taxes in 1970, so he paid none. He abided by the tax laws, just as every other citizen is entitled and obliged to do. But in one of the nastier little vendettas to be waged by the leftwingers, they are suggesting that he ought to have paid state income taxes whether he owed them or not.

The point is that Ronald Reagan is a conservative political figure. He is an effective one, a man whose integrity and courage are admired by millions of citizens across the country. He is a handsome man with an attractive personality, and leftwingers privately acknowledge that he would be a formidable candidate for President of the United States. In short, they fear him.

So they have set out to destroy him by false innuendo and contrived implications. And they do this in the full knowledge that what they are doing is dishonest and unfair. They cannot defeat Ronald Reagan with truth, so they grasp for falsehoods. Surely the American public will reject this sort of tactics.

Yet this is the sort of thing that the leftwing news media pounce upon. They will participate with enthusiasm in the destruction, if they can manage it, of an honest man—simply because they disagree with him.

Ronald Reagan will survive it, because he is a bigger man than the political pygmies who hurl their poisoned darts at him. But can the leftwing news media survive their own degrading conduct?

That is the question. Public confidence in the news media has been falling rapidly. A few more episodes like this one, and the media will hit rock bottom. Which, unless they change, is precisely where they belong.

PRESIDENT PARK FORESEES GOLDEN ERA FOR SOUTH KOREA IN THIRD INAUGURAL ADDRESS

HON. SPARK M. MATSUNAGA

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 15, 1971

Mr. MATSUNAGA. Mr. Speaker, highlighting the start of his third term of office with a strong peace-and-prosperity theme, President Chung Hee Park of the Republic of Korea offered much in his inaugural address to hearten the people of the United States and the rest of the world, as well as his own countrymen.

The inaugural ceremonies were held in Seoul, Korea, on July 1, 1971. In attendance were many distinguished guests from abroad, including Vice President SPIRO T. AGNEW of the United States and Prime Minister Eisaku Sato of Japan.

Sounding a note of reassurance, President Park said:

> We stand today on the threshold of a new era that seems to promise peace and prosperity—the goals of all mankind.
>
> I believe this ought to be a new era for all mankind to live and prosper together, and to build together a new, peaceful world order based on respect for the moral imperative of mutual dialogue and cooperation.

Getting down to specifics, President Park noted:

> A great change is taking place around us, as indicated by the rise of a so-called mood of thaw between East and West, and the initiation of efforts for rapprochment between the United States and Communist China.
>
> Hopefully, these changes may dispel the dark clouds of aggression that hang over Asia.

Tracing the rapid rise of his country in the 1960's, the Chief of State of South Korea said that:

> There is now a solid foundation upon which to erect a new Korea, revitalized and self-sustaining.

Calling the decade just past "a period of inner growth and maturing" for South Korea, President Park exhorted his countrymen "actively to participate in the channeling of the new international currents of the will to peace. He said that it is within such currents that the people of South Korea must seek ways to achieve their national goals, including "a new era of national unity for the Korean Nation," and the end of what he termed "the tragedy of national territorial division."

Mr. Speaker, I believe that Members of Congress and other readers of the CONGRESSIONAL RECORD would find President Park's inaugural address of considerable interest, and I therefore submit the full text for inclusion in the RECORD at this point.

PRESIDENT PARK'S INAUGURAL SPEECH

My fellow countrymen here and abroad, Distinguished visitors and guests:

A quarter of a century has passed since the guns of the Second World War fell silent.

We stand today on the threshold of a new era that seems to promise peace and prosperity—the goals of all mankind.

I believe this ought to be a new era for all mankind to live and prosper together, and to build together a new, peaceful world order based on respect for the moral imperative of mutual dialogue and cooperation:

A new era of mutual exchange and cooperation for the peoples of Asia, so that they may achieve regional harmony founded upon the diversity of Asia's unique traditions: and

A new era of national unity for the Korean Nation, to consolidate the work of modernizing our Fatherland, and to put an end to the tragedy of national territorial division.

Conscious of the grave and heavy responsibilities incumbent upon me to serve my country and the community of men as this historic new era unfolds, I pledge before history and the Nation that I shall do my utmost to vindicate the trust which the people have placed in me, always putting courage before vacillation, duty before comfort.

My beloved fellow countrymen!

For the world, the 1960's were a decade of development and of struggle for growth. For us, the Revolution of May 16, 1961 provided the initial thrust to strike off the shackles of past dependence upon others, arousing the country from stagnation. We have now built a solid foundation upon which to erect a new Korea, revitalized and self-sustaining.

Through the experience of this decade, we have proved to ourselves, and to others, that democracy can flourish only upon an economically fertile soil.

And we have recorded a victory for the liberal ideology by demonstrating that a democratic system is far more effective than, and superior to, a Communist one in the arena of development and growth.

We can take pride in the fact that the decade just past was a period of inner growth and maturing for our country.

With this foundation, the time has come for us actively to participate in the channeling of the new international currents of the will to peace. It is within these currents that we must seek ways to achieve our national goals.

A great change is taking place around us, as indicated by the rise of a so-called mood of thaw between East and West, and the initiation of efforts for rapprochement between the United States and Communist China.

Hopefully, these changes may dispel the dark clouds of aggression that hang over Asia. And let us take this opportunity to reiterate to the entire world our firm determination to reunify our divided Fatherland through peaceful means at the earliest possible time.

But my fellow countrymen!

A cold fact which we cannot evade is that tension still exists in the Korean peninsula: and that, so far, as our prayers for peace and our magnanimity of attitude have not been reciprocated.

The Communists in the northern zone of Korea are not only ignoring our peace proposals, but have gone so far as to take it upon themselves to export the so-called "People's War" to countries in other regions of the world. They have not abandoned their anachronistic and fanatic revolutionary dogmatism.

It is because of this that we are forced to withhold our decisions and actions that could be based upon greater optimism and more positive hope for peace.

We must therefore remain firm in our untiring pursuit of international peace, while strengthening the ideals and practices of freedom and democracy at home. Our endeavors for security and national unification must be courageous but prudent, positive but flexible. We will advance ever forward step by step.

My fellow countrymen!

Times of great historic change are almost always times of great challenge. It was because our country at the turn of the century had not cultivated sufficient national capabilities to face up to the challenges of that time that we lost our nationhood.

We face such challenges today. We must learn anew from history the stern lesson that fundamentally our own destiny depends on our own capability.

Should we of this generation fail once more to cultivate our national potential, I can predict with certainty that not only this generation but also our posterity will be doomed forever to stray from the ranks of progressive nations of the world.

We must surmount our national trials. In our progress toward the freedom and prosperity of our Fatherland, there can be no delay: we cannot afford to stop even for a moment.

I am convinced that the unification and re-birth of our Nation can be achieved in our time, and I emphasize that the key to success lies in the cultivation of our national capabilities, that is to say, with our own hands.

I believe that by the mid-1970's we should have become strong enough to achieve unification, and no effort will be spared to increase our capabilities in all fields to achieve this goal.

The success of the Third Five-Year Economic Development Plan is vital to the development of our democracy, and the creation of a democratic society is in turn vital to the eventual achievement of unification.

In the years ahead, I shall usher in the age of heavy and chemical industries in Korea, re-enact the "Miracle of the River Han" on our four other great rivers, send waves of Korean exports across the five oceans, and place Korea in the upper ranks of the intermediate advanced countries by modernizing the Nation's agricultural and fishing communities.

Through balanced growth of urban and rural areas, the relative income gap between them will be reduced gradually but steadily. I shall see to it that our farmers, fishermen and industrial workers are adequately compensated for their strenuous toil in construction and production.

And, confident as I am of the further growth of the potential of our national human resources, and always keeping in mind the heritage of civilization which we have received from our forefathers, I shall encourage the development of our national culture, the arts and the sciences. I shall give special attention and support to the cultural aspects of the great work of revitalizing Korea.

Thus, with the passage of time, our national life will certainly become richer and more dignified. In this more fertile national soil, democracy will take firmer root, and the positive traits of self-discipline and cooperation will emerge even more strongly as manifest virtues of an open society. We shall have then built a society that guarantees happiness and welfare of all the people.

In the meantime, I here clearly state my intention to correct the unsoundness still existing in parts of our society. These unhealthy phenomena have been observed before in societies in the earlier stages of democratic and industrial development, and I shall deal with these social ills not with stop-gap measures, or merely to achieve a demonstration effect. Nor will this problem be handled for the sake of expediency. The dominant objective of my measures will be to prevent and cure these social ills through a succession of broad and systematic improvements in rules and practices.

Before we point an accusing finger at others, we should rectify our own faults. We should attack waste and excess luxury just as vigorously as we accuse falsehood and injustice.

The virtues of diligence, frugality, honesty and sincerity must be made to permeate our society, and in order to bring about this social reform, those in the leading positions must initiate a quiet spiritual revolution, setting examples by deeds, not by words.

These ideals in the life of a modern citizen must become the guiding principle in our homes, in our places of work, and in our society. I give my pledge to stand at the forefront of this campaign against social ills, and I appeal to all of my countrymen for their support and participation.

My fellow countrymen!

Now is the time for us to formulate new ideas for the next stage of national development. We are called upon to forge a national consensus to set the direction of our future.

Let us not be idle bystanders. Let us actively share in the life and growth of our nation. Let us think together and share our responsibilities and duties as a sovereign people.

It is because of your overwhelming support that I have been able to devote myself wholeheartedly to the difficult task of managing the affairs of this state. I cannot reflect upon those past years without renewing my fervent hopes for my beloved country.

Born into a poor farming family and living through the tragic days of the fratricidal war, I have constantly yearned to see poverty driven out of my country, and to see the sundered families of north and south share the joy of reunion.

My most fervent hope is for our Nation to be united in this land of ours in freedom, prosperity and peace. This goal is far more than merely my personal wish. No matter where they live—north or south, or far away in foreign lands—it should be the burning desire of all Koreans who love their people and their Fatherland.

Let us unite and march on!

When this desire, this aspiration is transformed into the toil and sweat of our confident endeavors, I believe with all my heart that there will come a day of national celebration, when the torch of a great Korea will be raised on high to shed light throughout the world.

Thank you.

SOVIET MILITARY POWER

HON. STROM THURMOND

OF SOUTH CAROLINA

IN THE SENATE OF THE UNITED STATES

Thursday, July 15, 1971

Mr. THURMOND. Mr. President, in my judgment, much of the public remains uninformed and apathetic about the rapid shift of the balance of strategic military power to the Soviets against the United States. Since the American press is very anxious to live up to its obligation and responsibility to the American people to the extent of publishing classified information which may endanger our national security, then I call upon this tremendous media, including television, to present a continuous flow of facts about the Soviet Union's ever-increasing strategic military power.

A few years ago, a great deal of this strategic information would have been classified. In an effort to inform the American people of the Soviet threat, the present administration has declassified much of this strategic information. I believe the American press can do a better job in presenting this information to the people.

Mr. President, the blue ribbon defense panel, appointed by the President and Secretary of Defense in July 1969, submitted its report on July 1, 1970. Members of the panel reserved the right to submit supplemental statements on areas not addressed by the panel's report. Consequently, seven expert members of the panel submitted a supplemental report to the President and the Secretary of Defense on September 30, 1970, entitled "The Shifting Balance of Military Power".

This report, which consists of 35 pages, clearly presents the ominous danger of being a second-rate power in the nuclear age. It presents facts and figures on the Soviets' growing superiority across the board in strategic power.

Mr. President, a concise summary of this supplemental statement was published by the American Security Council in its "Washington Report," dated June 28, 1971. It is stamped "top secret," but it is not classified. Highlighting the report is an introductory comment which states:

> The best kept secret in the United States seems to be the news that the period of U.S. superiority of military power has ended and that "in the 70's neither the vital interests of the U.S. nor the lives and freedom of its citizens will be secure."

I urge the American press to use its resources to keep the American people better informed of the real threat to their security.

Mr. President, I ask unanimous consent that the June 28, 1971, issue of the "Washington Report," entitled, "Analysis of Developments Affecting the Nation's Security" be printed in the Extensions of Remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Report, June 28, 1971]

"ANALYSIS OF DEVELOPMENTS AFFECTING THE NATION'S SECURITY"

The best kept secret in the United States seems to be the news that the period of U.S. superiority of military power has ended and that "in the 70's neither the vital interests of the U.S. nor the lives and freedom of its citizens will be secure . . ."

THE BLUE RIBBON DEFENSE PANEL

Shortly after his inauguration in 1969, President Nixon appointed a select group of distinguished citizens, to examine the organization setup and contracting procedures of the U.S. Department of Defense, and to make recommendations for improvements therein. On July 1, 1970, the Panel submitted to the President and the Secretary of Defense its report on those specific matters, including a number of recommended changes which the Defense Secretary has since announced have been or are in process of being introduced in that Department.

Subsequently, seven members of the Panel submitted a supplemental statement on related matters which they deemed to be of vital concern to the Nation at large, as well as to themselves as American citizens. It should be read by every American.

The principal points made may be clearly appreciated from the opening paragraphs and key phrases of the Summary of the Supplemental Statement:

"The Converging Trends. The convergence of a number of trends indicates a significant shifting of the strategic military balance against the United States and in favor of the Soviet Union. These trends include: (i) the growing Soviet superiority in ICBM's; (ii) the Soviet commitment of greater resources than the U.S. to strategic offensive and defensive weapons, with the continued deployment thereof; (iii) the possibility that present U.S. technological superiority will be lost to the Soviet Union; (iv) the convincing evidence that the Soviet Union seeks a preemptive first-strike capability; (v) the rapidly expanding Soviet naval capability; and (vi) the mounting hostility of segments of the public towards the military, the defense establishment and "the military-industrial complex," without due recognition that sustained irresponsible criticism could undermine and weaken the only forces which provide security for the U.S."

"Since World War II a degree of world order has been maintained by the dominance of U.S. strategic military strength. This American-preserved world order is now disintegrating, as doubts arise as to our will and strength to preserve it.

"U.S. strategic superiority has ended. The Soviet Union has moved significantly ahead of the United States in ICBM's, the principal weapons system of the nuclear age.

"The End of U.S. Superiority. . . . The Soviet SS-9 ICBM force alone is capable of delivering a megatonnage of nuclear warheads several times greater than that of the entire U.S. force of ICBM's and SLBM's. . . .

"The situation which our country faces is without precedent. . . .

"It is not too much to say that in the 70's neither the vital interests of the U.S. nor the lives and freedom of its citizens will be secure. . . .

"Yet, many of our most influential citizens respond to this unprecedented national peril, not by a renewed determination to assure an adequate national defense, but rather by demands for further curtailment of defense measures which can only increase the peril.

"In short, the mood of the people and much of the Congress is almost one of precipitous retreat from the challenge. This paradox in response to possible national peril is without precedent in the history of this country."

A WELL KEPT SECRET

This solemn statement, throwing into question, for the first time, the survival of American life and liberty, had been in the hands of our governmental leaders since September 30, 1970. When it was released by the Pentagon on March 12, 1971, neither Government nor the media (with the single exception of *U.S. News & World Report* for April 5, 1971) deemed it a matter to be explicitly made known to the American people.

Whereas previous warnings of a dangerous shift in the balance of military power were often discounted on the grounds that those raising the alarm were "military-oriented", this cannot be said of the authors of the special "Blue Ribbon" report. Although several of them had wartime service in one or another of our Armed Services, they are all primarily noted for distinguished accomplishments in civilian pursuits. The seven signers of the Supplemental Statement are:

William Blackie—Peoria, Illinois; Chairman of the Board, Caterpillar Tractor Company.

George Champion—New York, New York;

President, Economic Development Board of New York.

William P. Clements, Jr.—Dallas, Texas; President, Southeastern Drilling, Inc.

John M. Fluke—Seattle, Washington; President, John Fluke Manufacturing Company, Inc.

Hobart D. Lewis—Pleasantville, New York; President, Reader's Digest Association, Inc.

Wilfred J. McNeil—New York, New York; Director and Advisor, Fairchild-Hiller Corp.

Lewis F. Powell, Jr.—Richmond, Virginia; Lawyer, Past President, American Bar Association (1964–65).

1971 POSTURE STATEMENT

The *Statement of Secretary of Defense* Melvin R. Laird before the House Armed Services Committee on the FY 1972–1976 Defense Program and the 1972 Defense Budget, dated March 9, 1971, comprising 191 pages, devotes 39 pages in Section II *Toward Better Management of Human, Material and Economic Resources in the Department of Defense*, growing, in part, out of the work of the Blue Ribbon Defense Panel.

It gets down to such subjects as "drug abuse in the armed forces" and to such details as following the Blue Ribbon Panel's recommendations in telecommunications. But, curiously, no mention is made of the Blue Ribbon Panel's Supplemental Statement on the Nation's peril and the chilling portent to the Free World, of our now overshadowed defense posture which no longer provides a realistic deterrence. Yet the term "Strategy of Realistic Deterrence" is used repeatedly as a statement of national policy, as if realistic deterrence could be achieved by mere use of the words!

How is it that recommendations of the Blue Ribbon Panel can be adopted as to "major changes in the organization of the Department [of Defense]" and other recommendation affecting the survival of our national life be swept under the carpet?

Further, the Laird Report states: "The threats to U.S. and Free World security obviously were a central factor in planning forces and programs to implement the new strategy." If this is true, how is the balance of strategic power being restored? The American people have a right and a "need" to know.

On page 12 of the Laird Report as a part of the Secretary's Summary it is said: "In the past two decades we achieved first place in nuclear capability, became pre-eminent in space, and substantially strengthened our conventional capabilities." In direct contrast, the Blue Ribbon statement said "Within a span of less than two decades we have moved from complete security to perilous insecurity."

On page 14—*The Changing Environment—Prelude to the 1970's,* one of the existing military realities listed as: "different from the situation just five years ago is: . . . A growing Soviet military capability and technological momentum." No mention is made of the existence of a massively overwhelming preponderance factor [about 8 times] of Soviet nuclear ICBM capability, expressed in megatonnage. The report continues: "Confronted with this changing environment, we conclude after careful analysis in the National Security Council that we must, whatever else, assume the following criteria in national security planning for the decades of the 1970's: 1. Preservation by the United States of a sufficient strategic nuclear capability as the cornerstone of the Free World's nuclear deterrent . . ."

One has a right—and indeed a duty—to ask what that means. How can we preserve what we do not have? Who decides what the subjective but key word "sufficient" means? And finally how decipher the meaning of the words "the cornerstone of the Free World's nuclear deterrent," when it is clear that our foreign policy as well as the "security of the lives and freedom of U.S. citizens" requires simply that *we* move to match if not exceed the present awesome balance of nuclear power now arrayed against the United States.

U.S. NEEDS "SUPERIOR STRATEGIC CAPABILITY"

The first duty of our responsible officials to "safeguard the security of the Republic," cannot be mixed up with other nations of the Free World's nuclear deterrent. The U.S. alone must look to its own security—as does the U.S.S.R.

The Blue Ribbon Panel's conclusion regarding the shifting balance was that " . . . the only viable national strategy is to regain and retain a clearly superior strategic capability."

As the Panel pointed out, "The road to peace has never been through appeasement, unilateral disarmament or negotiation from weakness. The entire recorded history of mankind is precisely to the contrary. Among the great nations, only the strong survive. Weakness of the U.S.—of its military capability and its will—could be the gravest threat to the peace of the world."

Thus this is no time for circumlocution or the obscuration of life and death boxscores with statements of purpose which admit of any and all interpretations under the sun. Our clear course, as expressed by the special Blue Ribbon statement is to move at once to offset "The Soviet Union's advantage in numbers and megatonnage of missiles . . . that could result in a force more than double that of the U.S. by the Mid-70's . . . (when) . . . the Soviet Union would have the capability of effectively destroying both U.S. ICBM and bomber forces as well as our cities." Otherwise we must accept the consequences of becoming a second-rate power, ". . . incapable of assuring the future security and freedom of its people."

WHY NOT LET THE AMERICAN PEOPLE KNOW?

The Special Blue Ribbon report states: "Neither the facts concerning these trends nor the ultimate danger is generally understood by the public, which for the most part remains uninformed and hence apathetic." Why?

In this day of electronic and communications pollution, every form of trivia can be and is elevated to the level of national interest. The media leave no electronic gap in the air and no tree standing that can be pressed in to the service of engaging every ear and eye. Even the President of the United States must strain to fill two hours of chat over a nationwide network. Then how come the vital message of the Blue Ribbon Panel Statement, sufficient to alarm a group of distinguished citizens which had spent a year studying the Pentagon, was not deemed important enough to be expressly made known to the American people.

How come the President's 180 page *Foreign Policy Report for the 1970's* dated February 25, 1971 (five months after he received the Blue Ribbon Supplemental Statement) is silent on the consequences to our foreign policy while mentioning that we are outgunned as to numbers of ICBM's by some 40%. No megatonnage figures are given, but interestingly enough the meaning of the words "strategic sufficiency." as contrasted with "strategic superiority," is defined without clarifying very much the life and death aspects of the present shifting balance of power. However, the President's Foreign Policy Report does state: "The United States and the Soviet Union have now reached a point where small numerical advantages in strategic forces have little military relevance. The attempt to obtain large advantages would spark an arms race which would, in the end, prove pointless. For, both sides would almost surely commit the necessary resources to maintain a balance."

If the 35 pages of the Blue Ribbon Panel's Supplemental Statement say anything, it is that the maintenance of that balance has long since gone by the boards. If that statement—in an official document—is untrue, it should be refuted—officially. If it is not untrue, then the President's Foreign Policy Report dated five months later needs re-evaluation.

THE PRIMARY STATEGIC THREAT

Secretary Laird's Report, dated March 9, 1971, under Section III entitled, *The Threats to U.S. and Free World Security* states: "The threats to U.S. and Free World security obviously were a central factor in planning forces and programs to implement the new strategy. Before discussing specific force planning under the strategy, let me review briefly the current and projected security threats. Admiral Moorer, the Chairman of the Joint Chiefs of Staff will provide *a more detailed analysis of the threat* [emphasis added] in his statement to the Committee." (We shall turn to Admiral Moorer's report later.)

The Laird report states: "The primary strategic threat to the U.S.—the capability of the Soviet Union to deliver long range, nuclear weapons against targets in the United States—has been a matter of grave concern to us. Shown on Table 9 are our estimates of Soviet strategic offensive and defensive weapon systems in the near term. U.S. strategic forces are shown for comparison on Table 3."

In the report, Table 9 applies to U.S. forces while Table 3 applies to the forces of the Soviet Union—a small matter, but a slip to which Freud would have attached great significance!

The "specific force planning" of the Laird report still leaves the relative ICBM balance, U.S. versus U.S.S.R., unchanged: "at the end of FY 1972 (it) will consist of 1,000 Minuteman missiles, 54 Titan missiles" [ed. note: old and obsolescent] as against about 1,200 SS–11 and SS–13 missiles of around 1 megaton each and corresponding roughly to the U.S. Minuteman, and about 300 SS–9 missiles [ed. note: new] of 25 megatons each.

If all this is bewildering as a policy of "strategic sufficiency" for an announced "Strategy of Realistic Deterrence" the point has been made.

ADMIRAL MOORER'S REPORT

And now let us turn to the report entitled: *United States Military Posture for FY 1972* by Chairman of the Joint Chiefs of Staff, Admiral Thomas H. Moorer, USN, before the House Armed Services Committee, dated March 9, 1971. Here, surely, one seeking assurance against the spectre raised by the Blue Ribbon Suppelemental Statement, must find it. Our problem, after all, is purely military and as promised in Secretary Laird's Report one may expect "a more detailed analysis of the threat". Perhaps this is where we should have looked in the first place to see the danger to the U.S. broadly delineated, and the few steps needed to parry this threat clearly stated.

Admiral Moorer starts out with a nicely balanced plea for objectivity, and that we neither underestimate nor overestimate the strength of an opponent. Neither, he says, should our enemies, our free world partners nor we ourselves, underestimate the military strength of the United States. But . . . "We dare not underestimate the military capability of those who seek to expand their influence and hegemony over peoples whose interests now concide with ours." That about covers the subject.

Admiral Moorer reported that as of the end of 1970, the U.S. had "fallen distinctly behind the Soviets in total numbers of operational ICBM launchers" (1054 to 1440) and that "the Soviets are already far superior to us in total strategic offensive megatons." While the Soviet SS–9 ICBM is discussed at some length, no mention is made that the megatonnage of the 300 SS–9's alone, which the Soviets are expected to have by the end of 1971, ". . . each capable of delivering 25 megatons" (Blue Ribbon Panel assessment) exceeds by many times that of our total ICBM launchers and moreover are "designed as counter-force weapons capable of destroying U.S. hardened missile silos" (Blue Ribbon Panel Statement).

Admiral Moorer also said: "While I do not believe the United States today is in a position of inferior military strength vis-a-vis the Soviet Union, the balance is tenuous in certain areas and, therefore, we cannot help but be concerned. The United States no longer has clear superiority in strategic nuclear weapons."

THE PROBLEM IS NOW!

But then the Admiral went on to make what must be the most incomprehensible statement in modern military history by saying: "Due to long lead time in acquisition of modern weapons systems, the problem we see is in the future"

A "long lead time", far from putting the problem in the future stresses the present imperative.

But in line with the concept of the problem being in the future, Admiral Moorer recommends the adoption of the Administration's proposed military budget for Fiscal Year 1972. This budget does not in any way call for a reversal of the shift in strategic military power balance. In fact, since the Nixon Administration took office deep cuts have been made in the defense budget. Most of the dollar cuts have been made by the Administration, itself; though some have been made by the Senate. An even larger reduction in the *effective* level of spending for defense has been caused by inflation and pay raises for military personnel without additional appropriations to cover the cost of those pay raises.

The combination of these several factors has reduced our *effective* defense spending by about 25% under the Nixon Administration—a sharper rate of decline than that under the preceding two administrations.

In all fairness, one must hasten to point out that the Laird and Moorer reports cited were prepared by dedicated, patriotic Americans striving to advance the interests of the U.S., to the best of their abilities, within the framework of Administration policy.

HOW TO REVERSE THE TREND

Also, reversing a trend such as this is a problem of great complexity; a multiplicity of facts and factors must be taken into consideration. To forewarn without frightening is a necessary prerequisite to action in a democracy. Yet *The Wall Street Journal* for April 28, 1971, says, in part: "Defense Secretary Melvin Laird's increasingly grim assessment of Soviet strength may be a prelude to another escalation of the arms race and a possible request for a boost in the Pentagon budget.

". . . Mr. Laird's new threat assessment is likely to produce some skepticism and anger on Capitol Hill. There, lawmakers critical of defense spending are likely to view the Secretary's remarks as part of the 'annual rites of spring'—when military men come forward with evidence of new and menacing Soviet developments to justify their budget submissions."

Other newspapers have made similar statements.

Small wonder that loyal Americans of good will, seeking to discharge their Constitutional responsibility "to provide for the common defense" may wonder in a political context how far to go in alerting a nation to its peril. On the other hand, because we are a democracy, the shifting balance of power which imperils our Nation, our freedom, and the rest of the Free World, cannot be offset by our taking appropriate action, unless and until the people—all of the people—are informed by our governmental leaders who have the duty to assign the highest priority and sense of urgency to preparing Americans for a recital of some unpleasant realities and proposing a program for changing these facts.

The American people—we believe are capable of taking the harsh truth of our present danger—and capable of marshalling the spiritual, human, and material resources needed to assure the survival of our way of life.

It is this which must be done.

PUBLIC EDUCATION A VICTIM OF LIBERAL REVOLUTION

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 15, 1971

Mr. RARICK. Mr. Speaker, it becomes increasingly more obvious from the many letters I receive from concerned parents not only among my constituents but from various parts of the country as well as from the mushrooming number of news reports that the public schools are being exploited as a vehicle for degenerating the morals of our youth, destroying the family unit, accelerating the establishment of a totally planned society, and for establishing control over the masses once the planners have achieved their goal.

According to one news report, the following courses were offered in nearby Bethesda-Chevy Chase High School: Draft counseling, drug offenders' rights, Black Panther seminar, revolution: why and how people revolt, student dissent, and gay liberation and the rights of homosexuals.

We read in another news report that students—boys and girls, white and black—in Wakefield High School in Arlington, Virginia fondled each other, looking searchingly for understanding and communication into the eyes of each other and exploring other parts of the anatomy of one another. This was supposed to allow them to communicate honestly with each other and overcome any prejudice which their parents may have instilled in them.

An account of happenings at Gaithersburg, Md. High School reveals that last year students cheered a defendant of the Chicago Seven national conspiracy trial with cheers of "right on" when he exhorted them to overturn the system.

We are alarmed to learn that in Omaha, Nebr., and Little Rock, Ark., that drugs were administered to normal as well as abnormal children apparently without parental consent.

A letter, typical of many I receive, arrived today from a concerned parent in Oxnard, Calif., and points out the absolute absurdity of HEW edicts and U.S. Supreme Court decisions on busing simply to satisfy some bureaucrat's idea of achieving racial balance. I insert the letter at this point:

PARKER-WEIGEL, INC.,
Oxnard, Calif., July 12, 1971.

DEAR CONGRESSMAN RARICK: As you can see by the enclosed, we have become one of the average American towns where busing is about to be forced on us. Also that the decision was made in a very one-sided manner. Segregation has never been enforced in Oxnard, a child can attend any school in his neighborhood.

The school our children attend is one-half block from our home. This school, by the way, was one called "border line", as it was less than 1% from the national average. Our school board paired schools to satisfy the racial mixture, which resulted in six schools being bussed. The remainder of the schools, including ours, were paired with a school within the 2 mile limit required to bus a child. Therefore our children (one in kindergarten, another in 4th grade) will have to walk past the school near our home and go 1.5 miles to another. It means crossing a major street that is heavily traveled, past a high school and through some other risky neighborhoods. Can we in good faith send these children on this walk twice a day?

Over 2800 parents have signed a protest but they refuse to listen to us. We are told if our children aren't in school (either by bus or walking) we will be jailed and our children made wards of the court.

Our legal council (for the school board) says there is nothing that can be done. That the "Law of the Land" the judge's decision must be executed. We question his decision. What can we do? Can you help us with advice? Will you alert our California Congressmen, as all we seem to be able to get is a nice letter saying that they don't like busing either.

We love our children and want to stop this busing order before it even starts in the Fall.

Yours truly,

MRS. E. M. WIEGEL.

The result of forced racial balance and busing children away from their neighborhood school can only be to cause chaos and disruptions needed as an excuse for the imposition of more centralized controls necessary for a fully planned society. Education as a purpose for schools has now become secondary.

From throughout the Nation we hear reports of teachers beaten, schools vandalized, police required to keep order in schools, and even cases of teachers being raped in the classroom.

Systems of locally controlled schools assisted by private and parochial schools locally operated have played a significant role in making America a strong and free nation. The schools were an agent for teaching the American heritage of individual freedom and for preserving that heritage.

Only since the centralized planners in the Federal executive department assisted by their cohorts in the Federal judicial department were allowed to usurp unconstitutional control of the public schools have the schools degenerated to the low ebb at which they are today.

The prime purpose of any educational system should be to preserve the culture of the people so that the oncoming generation has the benefit of past achievements and the civilization perpetuates itself.

The woes of public education today must be laid at the feet of Federal intervention in forbidden territory. We in the United States must be the first civilization ever to finance the training of an oncoming generation to destroy its heritage and its birthright.

If America is to survive as the "Land of the Free and the Home of the Brave," we must restore order and discipline to public education so that it can again be the vehicle for preserving a free society instead of serving as the "change agent" it has become for achieving Big Brother's 1984 Society.

I insert at this point the text of a new filmstrip entitled "New Education—Order or Chaos" by Granger Graphics, Post Office Box 71, Yorba Linda, Calif., and related newsclippings.

NEW EDUCATION: ORDER OR CHAOS

Education: Two schools of thought—order and chaos.

There are no sights equal to that first day of school with the little tykes dressed up, their names neatly printed and pinned on their shirts, mothers standing by with a smile, reassuring them, "Don't be afraid, everything will be all right."

But will it be? The doctrine and practice of virtually total permissiveness has brought about an almost complete collapse of discipline, which obviously can result in physical danger even on the school grounds. But what about the mental and emotional dangers that have increased with the introduction of new doctrines into the schools?

To test yourself, what do these terms mean to you?: change agent, bussing, Ritalin, schools without failure, psycho-drama, sensitivity training, third force, free dress, child advocacy. These are terms used in modern education for bringing about change. They represent sharp departures from traditional educational, social, economic and political philosophies.

The concern of modern education is apparently not to impart knowledge, but to change "attitudes" or "concepts," so that children can willingly accept a controlled society. One of the methods to accomplish this is a system called "taxonomy," which uses periodic psychological testing of children. The results of these tests are then fed into a computer for evaluation, so that at any given time, social planners can punch a button and find out how your child will think, feel and react on any subject. Now, if the child's concepts are contrary to what is desired, he is recycled through the same unit of instruction until his computer readout shows that he has accepted, without reservation, the desired change. We are told that this will create a utopia where a handful of elite social planners will be able to control our lives for our ultimate happiness.

There is nothing new about this utopian dream of a controlled society. The only difference between today and 3,000 years ago is the computer. Throughout the ages, there have been men who have tried to control society, only to fail and throw society into chaos. So, for a clearer understanding of what is happening today, we must review parts of history.

THE HISTORY OF MODERN EDUCATION

For an understanding of our modern education, interestingly, we must go back 2400 years to the teachings of Socrates, who said that education should teach the young the constant, unchanging fundamentals developed by intellectual discipline.

PLATO FIRST SCIENTIFIC SOCIALIST [1]

On the other hand Plato, a student of Socrates, believed men needed to be ruled . . . that he was not capable of self government. So he created his Republic as a state ruled by philosophers, protected by warriors, and supported by a class of poorly educated laborers and artisans. His chief interest was in teaching a ruling class—a small but dominant group. They were to be philosopher kings whose supreme virtue was wisdom and whose purpose was to attain truth and good for all.

Aristotle—shown here—was a student of Plato. He knew that no one would willingly submit to a dictatorship that will destroy families, nor become willing slaves for philosopher kings. He warned the only way this could be brought about was by fraud and force. He warned against the danger of his teacher Plato's writings. At the same time, he realized how attractive that thinking could be to a self-appointed elite. Thus he wrote, "Those that are eminent in virtue do not usually stir up insurrections." And he taught that revolutions are brought about by fraud and by force.

Aristotle went on to warn: Insurrections are brought about by the fraud of demagogues, and they will continue until the only way to maintain order is through intervention by the State. He said this is so obvious and dangerous that if children are not educated in the Constitution and its laws, they are certain to fall under a Police State ruled by tyrants.

So we see the roots of our problems in education today extending back to that conflict between two opposing philosophies of old—in the battle for men's minds.

"Order," as represented in the blue area, is the concept of a free society based on the individual. "Chaos" is represented in the red area. It is a concept of totalitarian order, based on the centralization of power in a collectivist society.

THE TEACHINGS OF CHRIST

The next person we find on our chart on the side of Order is Jesus Christ. Historians are quite unanimous in considering Jesus Christ the greatest of all teachers. After nineteen centuries, He is still the central figure of the human race. Jean Jacques Rousseau, French philosopher whose ideas helped bring about the French Revolution, resorted to fraud to bring about change.

Rousseau knew adults would not be susceptible to change, so he concentrated all his efforts on changing children. His book, *Emile,* revolutionized education in that day. It was a fictional story of a boy raised without discipline. He was to follow his own judgment or impulses—our "learn by doing" concept in its original form. The boy Emile was denied books. Rousseau said, "Reading is the scourge of childhood. I teach the art of being ignorant." [2] No books, no verbal lessons. Rousseau's Emile was to grow up like a little savage, or as the original "Lord of the Flies."

Permissive education today has changed the attitudes of many of our youth. *Life* magazine shows how they are giving up our traditional American way of life and returning to nature, adopting communal living and group marriage, rejecting private property. Rosseau's teaching brought about the same changes over 200 years ago. These were the same ideals held by Plato over 2000 years ago. The emphasis on change today is far from new. But it has never quite brought about the disastrous results its perpetrators sought . . . until now.

DESTROYING HISTORY

Men like Rousseau who use fraud to destroy the minds of children must destroy history, because if children know history they will never fall for the propaganda of the elite philosopher kings. History is destroyed in two ways. First, they minimize history; second, they distort history for their own purposes. So Rousseau joined with Voltaire, Diderot, and d'Alembert to re-write the history of the world. They called themselves "The Encyclopedists." [3]

THE ILLUMINATI AND EDUCATION

To add another link to the chain: at this time in Germany, another educator working for change was Adam Weishaupt.

Adam Weishaupt merged Rousseau's "encyclopedists" with men of finance, to form an organization called the Illuminati. So powerful was the influence of this secret movement that today, in all Communist countries throughout the world, the most important holiday is May Day—which commemorates the founding of the Illuminati on May 1, 1776.

There have been secret conspiracies all through the ages. The writings of Voltaire throw some light on the mentality of one such organization, the Illuminati. To quote Voltaire: "The mass is destined to remain stupid and barbaric. Therefore, unlike the intelligentia, they need a God or king to keep them under control." [4]

ROUSSEAU AND THE FRENCH REVOLUTION

Rousseau manipulated the French masses in just this fashion with his book *Social Contract.* He propagandized the socialistic term "General Will." In other words, "for the common good" we must share the wealth. He capitalized on class hatred by pitting the ignorant mass against the land owners, and his slogan "Liberty, Fraternity and Equality" became the rallying cry of the French Revolution.

We all remember the French Revolution. It turned into a blood bath, and the guillotine was the immediate answer to any opposition, throwing France into terror and chaos.

EDUCATORS' ROLE IN CREATING REVOLUTION

Some extremely important facts can be learned from this revolution. The conspiracy that brought it about was predicated on three factors: the men who financed it, the educators who changed the masses through permissive education, and the political philosophy of share-the-wealth (or socialism).

You notice we have finance on top of the triangle because the continuing chaos brought on by the French Revolution created family banking dynasties which, after every European war, suddenly became richer and more powerful. Today these same families represent the greatest concentration of wealth in the world.

The French Revolution proved that the combination for changing the thinking of the masses to accept a dictatorship is: permissive education, and the political propaganda of socialism. This combination has been used over and over again by educators and philosophers in Europe, the most significant of whom are Hegel, Fichte, Pestalozzi, Darwin, Bakunin and Nietzsche. We'll look at *them* next. From their teachings came not only the philosophy of Hitler's National Socialism and Marxist Communism, but our progressive education.

GEORGE HEGEL

First—it should be known that the arch enemy of all socialist propaganda is God—God and the simple truths of religious teachings. That's why George Hegel is famous for his statement, "The *State* is God." [5] He emphasized the value of war for maintaining a strong centralized government. He pointed to his teacher Rousseau's statement, "It is by public education that minds are given a national form."

The dialectics of Hegel laid the groundwork for Hitler's Nazism . . . Marx's socialism . . . and Kilkergard's existentialism.

JOHANN FICHTE

Next on our list of educators-for-chaos is Johann Fichte who believed, like Rousseau, that reading should be postponed, and who like Plato considered educators as the real parents. Also, like Plato, he would put the guidance of the state in the hands of teachers. He taught this proposed elite ruling class of teachers to select their successors from their students.[6] This thinking also revered him to socialists like Bertrand Russell, who said in his book *The Impact of Science on Society,* "Fichte laid it down that education should aim at destroying free will so that after pupils are thus schooled they will be incapable throughout the rest of their lives of thinking or acting otherwise than

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Footnotes at end of article.

as their school masters would have wished."

The chaos required for mass movements like the French Revolution, World Wars I and II, Nazism and Communism, would not have been possible without the insistence for change by Fichte, Hegel, and Kant who were university professors influenced by Rousseau. (Hopefully you appreciate their effect on you today. The East German communists do, because they just honored Fichte on a coin commemorating his 150th anniversary!)

CHARLES DARWIN

On our list for chaos is Charles Darwin whose writings were welcomed by the elite Humanists for emphasizing the animalistic nature of man.

Darwin's theory is just that—a theory. If it were true, species could be crossed to create entirely new species. Some species have been crossed but the creatures thus produced are incapable of further reproduction. The donkey is the classic example. Darwin's theory has always been plagued by the "missing link," supposedly between man and monkey. There is also a missing link between amoeba and fish, dogs, cats, etc. There is of course no fossil evidence of any of these important missing links. However, I defy you to pick up one book on science in this country today that doesn't teach that evolution is the most logical answer for man's origin.

PESTALOZZI SCHOOLS IN EUROPE

Next on our list of past educators affecting us today is Johann Pestalozzi, who was a failure as a minister, lawyer, and farmer, but an overwhelming success as a permissive educator. He was so impressed by Rousseau's *Emile* that he raised his son following Rousseau's return-to-nature concept. He recorded his progress in a book called *Father's Journal*, and the success of his writings brought about the Pestalozzi schools in Europe.

Like Rousseau, Pestalozzi taught that reading and writing were unimportant. He emphasized the return-to-nature concept of Weishaupt. He stressed learning-by-doing. He did away with grammar. He collaborated with Fichte,[7] who helped create the environment necessary for Adolph Hitler and Karl Marx. But most important to us is his influence on Horace Mann, the father of our public school system.

HORACE MANN FATHER OF AMERICAN PUBLIC SCHOOLS

John Dewey was not the originator of permissive education, Horace Mann was the originator. He introduced the 2-year normal schools for teachers in the United States, predicated on the Pestalozzi school system in Europe.[8]

There is probably no better example of how modern history has been distorted than the way the career of Horace Mann has been recorded—and distorted. Our current encyclopedias and your children's history books tell us of the problems Mann had in promoting public education in this country. They lead you to believe the debate was centered around religion. This was a factor, but not the main issue.

The main issue is to be found in this book of the 1800's called *Poison Drops*. It reveals what the controversy was really about. The chart you see shows that Mann's public schools in Massachusetts had produced one criminal to every 649 persons, compared to Virginia's private school system with one criminal to every 6,566 people—almost 10 to 1. These statistics included native-born only, not even immigrants.

The book compares other social ills created by public education, such as suicide: one out of every 13,828 in state-controlled schools, as compared to one to every 56,584 in private schools. The book provides an excellent and authentic example of the conflict among the citizens over the introduction of public education. Unfortunately this book is available only at your local patriotic book store. It should be mandatory reading for every American high school student (or should at least replace *Catcher in the Rye*).

Horace Mann, the humanist who promoted our public education system, wanted universal education free of sectarian religious influences. Public education has never since deviated from this goal.

ANARCHY ON COLLEGE CAMPUSES

Today anarchy on our college campuses has caused a great deal of concern among American taxpayers. To trace the originals of its concept, again we must go to Europe. There, Mikhail Bakunin spent a year studying the writings of Fichte[9]; he was overwhelmed by the teachings of Hegel; he carried Rousseau's hedonistic return-to-nature to the ultimate. In the end, he introduced the philosophy of terroristic anarchism.

You can find the anarchistic teachings of Bakunin only by visiting your local college bookstore, where his writings are extremely popular. He is the father of Nihilism; current Nihilists of course, are called Weathermen. They are doing exactly what their counterparts did in France during the French Revolution, and in Russia during the Bolshevik Revolution—attempting to create anarchy by bombing, kidnap, murder, and insurrection, in order to bring about the ultimate police state, a police state ruled of course by philisopher kings like the Utopia of Plato.

Perhaps you're still thinking this is old history, with no significance today. Have you ever read the Black Panther's *Catechism of the Revolutionary?* It's written by Mikhail Bakunin. Perhaps you see why history is so important, when you read the number of policemen assassinated, a major specialty of Bakunin.

FABIAN SOCIALISTS AND OUR MODERN EDUCATION

None of these men—Nietzsche, Bakunin, Pestalozzi, Darwin, Fichte, Hegel, Weishaupt, or Rousseau—would be of as great importance to us today if it were not for the group in England called Fabian Socialists.

The Fabian Society of England was a collection of racists, super rich, degenerate homosexuals whose depraved minds conjured up a plan of change to create a world government predicated on gradualistic socialism.[10]

Bertrand Russell's book *The Impact of Science on Society*, available only in England, should be of interest to all American parents who are concerned about the changes in today's education. Let me quote just a few paragraphs from the book.

Russell, (who by the way modernized and made popular the Peace Symbol) said, "I think the subject of most importance politically is mass psychology. Its importance has been increased enormously by the growth of modern methods of propaganda. It may be hoped that in time anybody will be able to persuade anybody of anything."

"Various results will soon be arrived at," said Russell, "First, that influences of the home are obstructive. Second, that not much can be done unless indoctrination begins before the age of ten.

WE CAN TEACH CHILDREN SNOW IS BLACK

"Third," said Russell, and we quote "verses set to music and repeatedly intoned are very effective. Fourth, it is for a future scientist to make these maxims precise and discover exactly how much it costs pér head to make children believe that snow is black."

Russell goes on, "When the technique has been perfected, every government that has been in charge of education for more than one generation will be able to control its subjects securely without the need of armies or policemen." As yet, said Russell, "there is only one country which has succeeded in creating this politician's paradise." It is interesting to note that shortly before his death, Russell was chosen by the United Nations to re-write the history of the world.

FABIANS IN THE UNITED STATES

The Fabian Socialists opened their branch office in the United States in September 1905. Some of their prominent members were Jack London, Clarence Darrow, Walter Lippmann, Walter Reuther, Eugene Debbs, Francis Perkins, W. E. DuBois, Norman Thomas. There are many more, but I have only named the people you may be familiar with. The member most significant to us in this film is the father of our progressive education, John Dewey.[11]

PROGRESSIVE EDUCATION AND WHO FINANCED IT

So we find that same triangle which existed in Europe before the French Revolution was formed in the early 1900's in this country. The triangle: educators, socialists, and (thanks to President Wilson) men of finance protected by tax-free foundations.

These tax-exempt foundations are responsible for financing Dewey's progressive education, and our humanist education of today. These facts are completely documented in Congressional committee reports of 1958. If you are interested in this, there is an excellent book called *Foundations: Their Power and Influence*, written by the General Counsel of the Reece Committee, Rene A. Wormser.

But really—why would these foundations which have all this money, finance socialist educators? Perhaps only they can provide the real answer. Some of their writings provide clues. Take Andrew Carnegie, shown here. His foundation has provided millions to progressive education.

He gives us insight to his thinking in his book *Triumphant Democracy*, where he revealed his dream to unite our republic with Great Britain to create a one-world government.

John D. Rockefeller has given millions of his tax-exempt dollars to the General Education Board whose goals for change were outlined by its chairman Frederick T. Gates.[12]

As I read these goals, let's look at the products of this philosophy of education. Quoting Gates, "In our dream we have limitless resources, and the people yield themselves with perfect docility to our molding hand."

Gates goes on. "The present educational conventions fade from our minds, and unhampered by tradition, we work our own good will upon a grateful and responsible rural folk. We shall not try to make these people or any of their children into philosophers or men of learning or of science.

"We are not to raise up from among them authors, orators, poets, or men of letters. We shall not search for the embryo of great artists, painters or musicians.

"Nor will we cherish even humbler ambition to raise up from among them lawyers, doctors, preachers, politicians, statesmen, of whom we now have an ample supply." End of quotes from Rockefeller's General Education Board. I'm sure these humble citizens will buy Rockefeller gas, but they will never be competitors—will they, Rocky?

Dewey and his financial supporters realized that it wouldn't take long for the American public to realize what was going on in progressive education, as evidenced by this article appearing in the 40's. So educators simply announced that Dewey and progressive education were dead. Ask any modern day educator and he'll tell you, "We threw out Dewey and progressive education years ago."

HUMANISTS AND AMERICAN EDUCATION

But they didn't throw out Dewey's Humanism which is in complete control of our educational system today. This book, *The Philosophy of Humanism*, was written by Humanist Corliss Lamont (who was publicly identified as a Communist by former editor of the Daily Worker Louis Budenz).

Footnotes at end of article.

The fifteen parts of the Humanist Manifesto make it perfectly plain that humanism is the denial of the Judeo-Christian ethic. Their demand for redistribution of the wealth is pure socialism. One of the signers of the manifesto was, of course, John Dewey.

WHAT DOES THIS MEAN TO US TODAY?

You may be saying, "This is very interesting, but what does it mean to me, with my child in school today?" It means the humanist educators have taken it upon themselves, without your consent, to change the attitudes of your children in regard to God, Family and Country. For example, most all social studies textbooks published today state in the preface and in the teacher's manual that it is necessary for the child to unlearn his old values; he comes to school "damaged by the concepts he has received during the first five years of life, and requires mental healing." Educators are now saying that if they have the child for two years before he reaches kindergarten, they can so affect his value system that the child will not depart from it when he grows up. If they cannot have him before kindergarten, the next best thing is to undo, at as early an age as possible, the damage done to him in his home environment. Seventh grade is considered much too late to begin this process of retraining. For this reason, the social scientists have moved into the elementary level to write textbooks. The new series of books for kindergarten through fourth grade by Paul Brandwein, adopted by the State of California recently, has the express purpose of unfreezing the child's home-taught values. These books will be in state-wide use shortly.

EDUCATORS BEING TRAINED AS CHANGE AGENTS

You are looking at a series of lectures from the PACE Center of Los Angeles,[13] for school administrators or principals, on methods to bring about the change of our children's attitudes.

On the inside of the printed text, they define their goals. "What we are after is a kind of dynamic equilibrium, wherein the system changes, solidifies, changes, etc. In order to create this dynamic state of change, we need to consider all dimensions of the system. Further, we can think in terms of adding forces for change, or in terms of removing forces against change." In the next paragraph they tell us "The hope for educational change resides in the single school as a unit, with middle management, principals and coordinators receiving sanctions to be free as change agents." Teachers have adopted a new name—"change agent." Again we ask the question "Change to what?"

SCHOOLS WITHOUT FAILURE

A new book sweeping the country is based on the premise of the need for change. *Schools Without Failure* by psychiatrist William Glasser, whose book presents theories any parent with a "real" honest-to-goodness 8th grade education could see through. However, as a salesman, Glasser knows his business. Not only is he making a fortune selling his system to country-bumpkin school boards, but his technique is derived from any sales manual: "Let the customer think he has made the decision." Note how this works, using an article in *Look* magazine as our example. The Glasser method has your children sit in a circle and discuss topics that are "relative" today, such as the war in Viet Nam, over-population, ecology, starving children. The headline even uses musical lyrics of the Beatles, "I Read the News Today Oh Boy." Now the teacher, who is to offer no opinion, merely shows *Look* magazine's answer to these problems, in full color

A vision of a human revolution shows a beautiful nude model desecrating the American flag in the name of ecology. Now what 6-year-old is going to be able to fight off this blatant humanist propaganda in a loaded presentation like this? Especially under pressure of peers and the guidance of the "change agent" teacher! Remember, this is for children from kindergarten to 12th grade and they are a captive audience. With this method it is relatively cheap to convince children snow is black. They think they have made this decision on their own.

Dr. Glasser believes that education's emphasis on imparting knowledge to the student has been very destructive. He eliminates textbooks, grades or marks, and subjects. The teacher stresses that there are no right answers, no constant truths, and no constant moral principles. Pestalozzi said this over 100 years ago. Rousseau said it over 200 years ago and Plato said this over 2000 years ago, yet this is being promoted as modern education and if you dare object you are criticized as being against change, and negative.

Psychiatrist Glasser makes another familiar pitch that Fabian socialists have used for 40 years. They bring this old idea out every so often and pass it off as modern, and that is *do away with grades*. Dr. Bella Dodd, shown here, an ex-Communist and organizer for the New York Teachers Union, testified that for years, part of the main thrust of the Communist Party in this country was the elimination of report cards and grades.[14] Do you really believe that schools where a student experiences no success or failures can produce engineers, doctors, scientists or lawyers?

THIRD FORCE PSYCHOLOGY

In reality, Glasser's schools-without-failure concept is the tip of an iceberg. Underneath is the school of humanist psychology called the Third Force,[15] fathered by Abraham Maslow.

Maslow, former president of the American Psychological Association, spells out what the third force is all about in *Pace* Magazine.[16] The very-much-over-30 Maslow "speaks" for young people because only he knows they are looking for the certainties that religion and traditions used to give them: "Now religions have cracked up. It is not only God is Dead, but Marx is Dead and Freud is Dead and Darwin is Dead. Everybody is Dead. They have no sources of values to go by. So they have to work everything out for themselves. This new humanistic revolution has an alternative source of values."

THE EUPSYCHIAN NETWORK

In this same article Psychologist Maslow states he has set up what he calls a "Eupsychian Network" for people of like thinking, to create change so your children will accept the one-world, one-species—humanist religion. In this network, there are many organizations he lists. I'll only mention the three that pertain directly to your children. Esalen Institute, NTL, and International Corporation Council—or ICC. You are looking at the ICC newspaper featuring psychologist Glasser who also appears on their letterhead as an advisor.

Here on the inside cover of their convention program, you see what they say their goals are: "The development of a kind of education and educating process that will point toward the coming world civilization."

The second name in the Eupsychian Network is Esalen Institute. Here you see the Ford Foundation's Esalen project in sensitivity training for training teachers to become change agents. You will find it interesting to note that practically without exception this humanist third force psychology has been funded by tax-exempt foundations. Dr. Glasser himself has been a recipient.

This is how teachers are transformed into change agents. They not only get to see each other, they get to feel one another! They are gaining personal insight by bumping rears. This would be amusing if it weren't for the fact that these change agents, once they are through with their free feels, are going out to change your child's beliefs in God, family, and country.

Our third listing in the Eupsychian Network is NTL, standing for National Training Laboratories. They are even more specific in their definition of sensitivity training and what it is supposed to accomplish on your children, and I quote from their booklet. "It includes coercive persuasion in the form of thought reform or brain washing as well as a multitude of less coercive, informal patterns."[17] NTL receives money not only from tax exempt foundations, but also from the federal government.

PSYCHO-DRAMA AND YOUR CHILD

There are other ways of changing your child's values. We believe one of the most insidious is "psycho-drama," supposedly the brain-child of Dr. J. L. Moreno who said some interesting things about it in the California Investigating Committee Report on Education, 1958.

Psycho-drama is a very simple and entertaining method of changing children's concepts on any given subject by merely projecting their thinking to that of the person whose role they are playing. As Moreno stated so beautifully, "The only way to get rid of the God syndrome is to act it out." This technique is widely used in schools throughout the United States today, especially in grammar schools.

There's really nothing new about psychodrama, like all the other tools being used on our young people today. Fabian socialist Harold Rugg,[18] who loved to boast how he was financed by Rockefeller, features his version of psycho-drama in his book *The Chid Centered School* printed in the 1930's. In the text, he tells how this was started with Jean' Jacques Rousseau. Small world!

As a matter of fact, sensitivity training has been used in communist countries since the revolution of 1917. Group confession, the essence of sensitivity training, is helpful to all philosopher kings in weeding out any peasant who has a value contrary to the general will.

The humanists (that is also what the Communists call themselves)[19] relieve this poor soul of his values in the most humane way possible.

We Americans are the heirs to the greatest society in the history of mankind; yet Maslow and his fellow Third Force Eupsychians tell us we're in a revolution. We're living in 'misery' with color TV, air conditioning, and automobiles . . . so our only hope is One World and one species. Is this One-World One-Species totalitarian state what we want for our children?

BERKELEY AND THE HUMANIST REVOLUTION

The great One World spokesman, of course, is UNESCO (United Nations' Educational, Scientific, and Cultural Organization). Its publication, UNESCO Notes, tells how the humanist revolution started in Berkeley 6 years ago.

There in Berkeley, the Humanist Revolution which UNESCO is referring to, was a communist-led revolution headed by Communist Bettina Aptheker and her W.E.B. DuBois Club. (DuBois, of course, was one of the early members of American Fabian socialism, who in the last years of life became a Communist). This anarchistic tumult gave prominence to our New Left and spawned the drug culture, which is ruining America. (Is this Humanist Revolution what you want for your children? Of course, it isn't.) That's why they're going to *force* your child to change, whether you like it or not. John Fichte wrote in his book, *Address to the German Nation*, "it is imperative that the state remove the child from the parent." Hitler used Fichte writings to the point that he had children informing on their parents.

TAKING THE CHILD FROM THE PARENT

Now our government is up to the same tricks. James Allen, Nixon's appointment to U.S. Commissioner of Education, says the

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Footnotes at end of article.

new legislation called "child advocacy" will start teaching children at the age of 2½. He plans that each school district will establish a central school diagnostic center, from which agents will go to the homes of children aged 30 months. Data secured by interviews and tests will be computerized and interpreted by teams of trained professionals, who will then "prescribe" for each child, therapy, drugs, training, or whatever the state may deem advisable and will make sure each "prescription" is filled.[20]

BEHAVIOR CONTROL DRUGS

The National Educational Association's Journal, January 1969, tells us how behavior control drugs will be used in the '70's, supposedly to improve learning and behavior.

Already we have 30% of the children in the San Francisco Bay Area on amphetamines like Ritalin, to control what is referred to as an "epidemic in hyperactivity." [21]

The amphetamine, Ritalin, is known on the streets as speed, uppers, or diet pills. Socialist Bertrand Russell revealed years ago how this was going to be done, and I quote from this book, *Impact of Science on Society:* "Diet, injections and injunctions will combine from a very early age, to produce the sort of character, the sort of beliefs that authorities consider desirable. Any serious criticisms of the powers that be will become psychologically impossible. Even if all are miserable, all will believe themselves happy, because the government will tell them that they are so."

SOCIALISTS SAY THEY MUST GET CHILD EARLY

Bertrand Russell told us not much can be done with children unless you get them before the age of 10. So the big push now is in grammar school, and next, even down to the age of 2½, to teach them that snow is black. To see how they're doing this, let's look at some current publications.

This modern-day U.S. "Health, Education, & Welfare" publication reports how unimportant writing and English are. It tells teachers the main thing is not to command the adult language, but to communicate. HEW tells the teachers, don't correct spelling, punctuation, and grammar, on student papers. Instead, discuss content.[22] Isn't that funny?—that's just what Rousseau and Pestalozzi said.

The benevolent Rockefeller has given millions of tax-exempt dollars to make us into "rural folk" as he calls us. The benevolent Maslow gave us his third-force psychology to help us become one world and one species. What are the results of these humanist endeavors?

Berkeley, California, one of the first communities to launch wholeheartedly into integration, now has so many disciplinary problems that teachers are demanding protection.

But the worst damage is to Negroes themselves, who point to the fact that they are 35% below norm on the national reading test. They claim integration only worsens their reading problems. This can't be publicized—it might upset the one-world, one-species humanist Utopia.

The Ford Foundation quietly came into Berkeley with $250,000 to help set up an all-black high school in an all-black community, run by Buddy Jackson, avowed revolutionary. Jackson has been responsible, along with Black Panther Eldridge Cleaver and Huey Newton, for the criminal insurrection at the University of California.[23]

Obviously, integration isn't working in Berkeley, but this is kept secret from the public while the Federal Government enforces laws for mandatory integration. This brings up the same old question—why? The answer is "change." And what are we changing to? Take a look at the new generation that is unhappy and lonely, alienated from family, religion and American values, the new generation which seeks immediate gratification through indulgence in drugs. That question again! Why would anyone try to bring this about?

Author of *Brave New World* and Fabian Socialist Aldous Huxley told us why, years ago, and exactly what they will do with these masses, once they have been created. We quote Huxley: "Assemble a mob of men and women conditioned by daily reading of newspapers. Treat them to amplified band music, bright lights and the oratory of the demagogue, who, as demagogues always are, is simultaneously the exploiter and the victim of herd intoxication, and in next to no time you can reduce them to a state of almost mindless subhumanity." [24]

Many youngsters who have been taken in by all this think a revolution here will bring Utopia. Do they know that in the Humanist Utopia of Cuba right now, you can get up to 2 years in jail, just for absenteeism from school or work? [25]

One thing is sure. This kind of revolution will never happen in Communist countries. There they know all about hedonistic return-to-nature theories, hippies, nihilists, communes, and revolutions. They wrote the books!

You won't find "progressive education" in Russia either. They used it themselves to come into power—to destroy religion and family. When it was accomplished, they *returned* to school grading . . . to strict dress codes, as shown in this Norman Rockwell painting . . . to a set curriculum, the 3 R's . . . and everything the Humanists are trying to eliminate now in this country.[26]

The traditional education which we knew in the past and Russia's current system of education—both stress intellectual discipline. Their purposes have been entirely different, however. Our past educational system prepared a student to take full advantage of his individual freedom in the free-enterprise system. Russian training is to prepare robot-like men to best serve the ruling elite "philosopher kings."

So here we are, almost 2 hundred years after Adam Weishaupt founded his illumminati. Even though we put a man on the moon, we have regressed to Weishaupt's permissive education. His political philosophy of totalitarian socialism has all but taken over. The financial backers on the 3rd leg of the familiar triangle have grown constantly richer and more powerful . . . and now see total world conquest within their grasp.

You doubt this? Surely you agree that only the United States stands in the way of a totalitarian takeover of the world.

Here are 300,000 of our own young people . . . just as Huxley envisioned in the Socialist plan . . . gathered together to hear amplified band music—with the only flags flying . . . the Viet Cong enemy flags.

History has shown that every generation has to rise up against the threat of a tyrant. Will yours? Will YOU rise to it?

Whatever you do, don't look to government—it is the problem! For example, the Nixon Administration's answer to the crisis in education is to spend $2 billion-per-year more than was being spent when it took office. Has this helped?

Since Nixon took office, crime has risen 23% [27] . . . the suicide rate jumped 66% in 1970 alone. One of the highest suicide rates occurred in the 15 to 24 years-of-age group. By the way, government statistics show that the psychiatrists and psychologists (the people who want to treat your children's so-called "damaged minds") top the list as the occupation with the greatest number of suicides! [28]

So what is the answer?

We have seen there are three ingredients necessary to revolution: Education . . . Socialism . . . and Finance. The financial powers in this country are protected by tax-exempt foundations. So the first thing we must do is break this stranglehold over all of us. If we cut the purse-strings of the tax-free foundations, we could break the triangle tomorrow. You would see education change within the week!

Not only that—you would get a raise. 85% of income tax comes from $5000 to $15,000 income bracket. If Rockefeller and Ford and all the rest had to start paying taxes on their billions, it would lessen your share by a huge amount. So! You have nothing to lose, and everything to gain. Your children back, plus money, too! And a free nation with a future.

Second: dare to ask why?

You will drive your teacher, principal, or school board to distraction if you ask them why they are promoting programs like this. Their first reaction will be, "Who are you to question education?" When you again ask why, they will give you what is called "educational swahili"—which means, "we're smarter than you because you don't know what we're saying if you persist in asking why. Most educators will finally break down and admit they don't know what's going on either!

Third: The law requires that your children go to school—or you go to jail! But you can hold the Humanist educators largely responsible for any damage they do your child simply by filling out this form. It's available from the Patriotic Letter Writers, Box 2003D, Pasadena, California. It tells the Humanist "child changers" that your child is not to attend any class in sex education or sensitivity training. Further, it states that for any damage your child suffers by being removed from the group—emotional, physical, mental, or otherwise—they will be held responsible.

Fourth: Take your child out of public school as soon as you can. This is the best investment you can make. Why save money to send your children to college if they can't read when they get there!

Finally—ask for a printed copy of this script with complete documentation on all important points we have covered. Be ready with answers. Keep in mind that anyone today who criticizes education is accused of being against "change, or negative." Teachers as "change agents" are being instructed to convey this message.

Don't accept only the facts presented in this brief film, find out for yourself.

The best place to start is in your local library, with current publications on education. For example; this teachers' edition of "*American Observer*" tells how a department of the National Education Association (NEA), called Association for Supervision in Curriculum Development (ASCD) is bringing about change," "Curriculum must change to fit a new culture." "*Educators have a responsibility to decide what aspects of society cannot be tolerated and to do something about them.*" The article goes on, *Educators are society's "cultural cops," and the crisis in schools today is not caused by an inferior "educational establishment," but by the "largely worthless" culture of an industrial society.*

After reading these publications, you will understand why modular high schools, such as Troy High School in Fullerton, California, offer short courses in "How to Hate Your Parents Gracefully," "Encounter Group," "Brainwashing," "The Draft," "Revolution," "Student Rights," "War Crimes," "Women's Lib," "Yo-Yo" and "Atlantis and Reincarnation." This is termed "relevant" curriculum.

This new education is now costing the American taxpayer $839 per year, per student, and if current legislation is passed, this figure could double.

There is nothing new about attempts to control another person's behavior. Physical forces and psychological warfare have been used since man first appeared on earth.

But remember, the ultimate goal of warfare is for the victor to control the behavior of the vanquished.

Footnotes at end of article.

That age-old war for the mind and the emotions has been successfully rekindled and now rages in our school system.

The question is, "Will our generation be the one that finally succumbs?"

FOOTNOTES

[1] The Lincoln Library of Essential Information.

[2] Jean Jacques Rousseau and Education from Nature, by Gabriel Compayre, p. 28.

[3] Occult Theocrasy, by Lady Queenborough. See also, Political Philosophy, by Bakunin.

[4] The authorized biography of Volties by Redman, pg. 41–42.

[5] The History of Educational Ideas in the West, by William K. Medlin, pp. 89–90, 100–101, also Messianic Character of American Education, by Rushdoony.

[6] The Educational Theory of J. G. Ficthe, by G. H. Turnbull, University Press of Liverpool. See also History of the Pestalozzian Movement in the United States, by Monroe, published by Bardeen, 1907.

[7] Web of Government by MacIver.

[8] Horace Mann, 7th Annual Report, 1843.

[9] Doctrine of Anarchism of Bakunin, by Eugene Pyziur, p. 23.

[10] Keynes at Harvard, by Zygmund Dobbs, published by Probe Research, Inc., revised, 1969.

[11] The Turning of the Tides, by P. W. Shater and J. H. Snow, published by Long House, Inc. 1962, pp. 1–2.

[12] Ibid., p. 162.

[13] See glossary.

[14] Bending the Twig, by Augustin G. Rudd, published by New York Chapter Sons of the American Revolution, 1957, p. 117.

[15] The Third Force, by Frank Goble, published by Grossman Publisher, New York, 1970.

[16] Pace Magazine, December, 1969, Vol. #12, p. 56.

[17] The Child Seducers, by J. Steinbacher, Educator Publications, Inc., p. 158.

[18] Bending the Twig, by Augustin G. Rudd, p. 262.

[19] The Psychology of Humanism, by Corliss Lamont, Frederick Ungar Publishing Co., New York, p. 26.

[20] Paul Scott's column, March 13, 1970, Anaheim Bulletin.

[21] Los Angeles Times, April 25, 1971.

[22] American Education, U.S. Dept. of Health, Education and Welfare, Office of Education, June 1970.

[23] Berkeley Union School District Bulletin, Jan. 20, 1971 and Feb. 1, 1971. Also, Berkeley Citizens United Bulletin, Jan. 1971.

[24] The Devils of Loudun, by Aldous Huxley.

[25] Bending the Twig, by Augustin G. Rudd. pp. 34–37.

[26] Los Angeles Times, March 18, 1971.

[27] F.B.I. Crime Index, 1969—increased 12%, 1970—increased 11%.

[28] Center for Studies of Suicide Prevention, Nat'l Institutes of Health.

[29] See glossary under Systems Analysis.

[30] Los Angeles Times, May 11, 1971.

GLOSSARY OF TERMS USED IN NEW EDUCATION

Analytic—Dividing into elemental parts or basic principles.

Behavioral objective—contains four characteristics; (1) identifies who is to exhibit the behavior. (2) identifies the behavior to be exhibited. (3) identifies the standard of performance (criteria). (4) identifies the givens and/or restrictions.

Critical—Characterized by careful and exact evaluation and judgement.

Decentralization—a theory of organization, a technique, a tool. Main purposes of decentralization; (1) Increase potential productivity. (2) Allow more creativity. (3) Organization can respond to change faster. (4) More people are accountable.

Differentiated staffing—Under differentiated staffing, staff members receive differentiated compensation commensurate with differentiated assignments.

Educational park—the "PACE" project in Berkeley Unified School District was based on a plan to end segregation. Black children to white schools, and white to black. Reorganized elementary grades from K–6 into K–3 and 4–6. Long-range planning included re-structuring primary grades to age three and middle schools for grades 4–8.

Evaluation procedure—the measurement indicated by behavioral outcomes, is a continuous procedure by the involved personnel.

Exemplary programs—worthy of being imitated; (2) serving as a model or archetype.

Flexible scheduling—The goal of flexible scheduling, also known as modular scheduling, is to individualize instruction so students can learn at their own pace. Traditional "periods" are replaced by "mods" of usually 15 or 30 minutes. The number of mods varies from class to class and from day to day. Large and small group instruction and in lab sessions. Free time for independent study, and most modular schools have some form of "learning package"—a course usually written by the faculty.

Gifted Students—(Mentally gifted Minors-MGM) above average students. "California Project Talent" is the official title by the State Dept. of Education-Calif. Also called "Enrichment."

I/D/E/A—A national Demonstration School Project to increase research and provide worthy dissemination material in the areas on non-gradedness, multi-age groups, variation in group size. Continuous progress, team teaching, flexible scheduling, and the promotion of individualized instruction.

Individually prescribed instruction (IPI)—The basic concept is that each child is taught at his own pace. The application of a scientific system of managing instruction that brings the teacher and pupil into a one-to-one relationship and, through continuing evaluation of the pupils work, permits the teacher to prescribe assignments specifically for him according to his need enabling the youngster to advance at his own pace (requires numerous parents to help in classroom, correcting papers).

Innovation—That which is newly introduced; a charge.

Inservice-training—is the "planned" education, after service begins, which continues to promote professional growth. Professional growth, in turn, encompasses activities that extend one's liberal education, increase his competence in a subject area, enlarge his professional knowledge, and refine his professional skills.

Learning activity packages (laps)—Instead of textbooks, teachers have broken down the curriculum into smaller "bite-sized" packages.

Learning through "Inquiry"—the most important result of learning through inquiry is a change in attitudes toward knowledge. As they engage in the dialogue of inquiry, they begin to view knowledge as tentative rather than absolute.

Merit pay—Under merit pay, staff members have the same responsibilities but get different compensation.

National Assessment of Educational Progress (NAEP)—a national census-like survey of the knowledges, skills, understandings, and attitudes of certain groups of young Americans. The procedure utilizes behavioral objectives to collect information.

National Training Laboratories—(NTL) Division of Adult Education of the National Education Association (NEA). The field of human relations and leadership training has gone far beyond inspirational courses on how to influence people of institutes on techniques of conducting meetings. The National Training Laboratories, and the regional laboratories and university centers growing out of its activities, attempt to bridge between the emerging social science research findings about human and social behavior and the growing complexity of human and social problems. (Sensitivity training).

Ombudsman—"The function of an ombudsman as conceived in Sweden more than 100 years ago is to receive, investigate and recommend appropriate action on citizen complaints against government administration. "Currently being used on school campuses.

Operation PEP—the project to 'Prepare Educational Planners.' PEP trained administrators in systematic planning procedures, systems analysis techniques, program evaluation review techniques, "planning, programming, budgeting system" and cost-benefit analysis.

PACE—(Projects to Advance Creativity in Education): supplementary education centers, to encourage school districts to develop imaginative solutions to educational problems, to utilize more effectively research findings. (Title III programs that foster educational change).

Pass-fail—A new system of grading students, devised by psychiatrist, Dr. Wm. Glasser. Utilizing three types of classroom meetings; (1) social problem-solving, concerned with the student's social behavior in school; (2) open-ended meeting, concerned with intellectually important subjects; (3) educational-diagnostic meeting, concerned with how well the students understand the concepts of the curriculum. No D's or F's are given in this controversial grading system. Dr. Glasser proposes to rid schools of "failure" with this new technique. Ref. "Schools Without Failure" written by Dr. Glasser.

Planning, programming, budgeting system (PPBS)—is a tool which can be used to plan and manage the activities and resources of a school district in its efforts to develop relevant and constantly improving educational programs. Also known under the title of "accountability." Also listed in the California State Manual on PPBS (1970) under "educational evaluation," are B. Bloom's three classifications of Taxonomy. (1) COGNITIVE—deals with recall or recognition of knowledge and development of intellectual abilities and skills. (2) AFFECTIVE—deals with interest, attitude, values, and applications. (3) The PSYCHOMOTOR—is concerned with manipulative skills.

Problem solving—students should be able to recognize problems, analyze problems by inductive/deductive methods, select a solution, apply the solution to the problem, and recapitulate the entire problem.

Sequential curriculum—a "cone" shape pointed down. As children grow older, they are introduced to more difficult materials. Different children of the same chronological age will be at different places.

Systems analysis—There are at least 60 different code names and acronyms for approaches or management controls such as systems analysis, operations research, operations analysis, PERT, PPBS, program budgeting, cost-effectiveness, input-output analysis, cost-benefit analysis, modular scheduling, computer-assisted instruction, and so forth. Systems analysis is more than computer-based techniques. It is an outlook, or more, of thinking, by which a particular organization may be defined, examined, evaluated and improved.

Systems approach—a composite of a number of planning, procedural, and allocative strategies, spreading from industry and the federal government to local school districts. It includes four major areas of educational application. We may view schools as an open system; identify the properties of various subsystems; analyze processes such as instruction, budgeting, and negotiations; and evaluate performance of the school system with the help of specific concepts such as the PPBS.

Taxonomy of educational objectives—(Handbook I—by Benjamin S. Bloom, Editor): the classification of the *intended behavior* students—the ways in which individuals are to act, think, feel as the result of participating in some unit of instruction. Taxonomy should be an educational-logical-psychological classification system and should be consistent with relevant and accepted psychological principles and theories. Taxonomy has three domains; (1) Cognitive—how you think. (2) Affective—how you feel. (3) Psychomotor—how you act.

By directing his attitudes, therefore we direct his behavior and, conversely, any attempt to control behavior by other means, unless accompanied by the development of appropriate attitudes is doomed to failure.

Teaching through "inquiry"—Teaching through inquiry is the process of formulating and testing idea and implies an open classroom climate that encourages wide student participation and the expression of divergent points of view. A truly inquiry-centered class is a small society whose members utilize the concepts and skills of the arts and the sciences, drawn upon their own personal experiences, and attempt to deal judiciously with important natural and social problems. Values are examined.

Teach teaching—This is the device by which two or more regular teachers work together and plan large-and-small group instruction for classes ranging from fifty to two hundred students.

[From the American News Analyst, Mar. 29, 1971]

EDUCATION?

The Bethesda-Chevy Chase High School is located in Maryland just across the boundary of the District of Columbia. According to the Silver Spring, Maryland, Advertiser it offers its students 225 subjects among which are these:

"Draft Counseling;" "Drug Offenders' Rights;" "Black Panther Seminar;" "Revolution: Why and How People Revolt;" "Student Dissent," and "Gay Liberation and the Rights of Homosexuals."

"And you, dear taxpayer," said the Advertiser, "are footing the bill."

[From the Washington Evening Star, Mar. 7, 1971]

PUPILS SEEK RACIAL HARMONY

(By Diane Brockett)

The slender black girl stood shoulder to shoulder with other blacks in the inner circle. Her partner facing her from the outside circle was also black.

She put her palms on her partner's, looking directly into his eyes, smiling but saying nothing. The outside circle moved to the left as the inside moved to the right, and the girl had two more black partners in succession, then a white girl, then another black.

Each time, the girl put her palms on her partner's, her eyes gazing earnestly into the other's, saying nothing.

Then a white youth looked over her head, behind her ear, at their hands, and over her head—everywhere but into her eyes. She looked at his face uncertainly, finally dropped her hands and her smile and moved on.

The young girl, a Wakefield High School junior, wasn't playing a child's game. She has been among students participating in an experiment aimed at improving race relations at the 2,000-student Arlington school.

Called Project Wakefield, the program has involved 190 students over the past two months in sessions like this with a psychiatrist from the University of Virginia.

Through exercises such as the one described above, and other sensitivity training activities, the students have been forced to communicate with one another—black with white and white with black.

"You are going through a series of experiences that will permit you to communicate honestly with each other, permit you to look at your problems without turning each other off," Dr. John Messinger explained.

Late last week, these 190 students began conducting similar sessions in their home rooms.

The result, students and staff members hope, will be a better understanding of the two races' similiarities and a respect for and acceptance of their differences.

The experiment is the result of meetings that began last summer between a group of students and staff members. They were looking for some way to make integration work at Wakefield.

Wakefield was integrated in the fall of 1964 when the Hoffman-Boston High School for Negroes was closed. But the two student bodies did not in fact become one.

The day after Martin Luther King was slain, the school's 450 black students held an all-day service in the gym instead of attending classes. The report that recommended Project Wakefield called this the black student's "first obvious protest" of their new school situation.

In 1969, the black students walked out of an assembly and presented demands for ending what they considered various forms of tokenism to Principal Thomas J. Cabelus, Jr.

White students, on the other hand, told of fearing shakedowns by black students and other incidents. Some also resented the King service and various protests the blacks held without punishment.

TENSIONS MOUNT

Tensions increased until November 1969 when a white youth committed suicide after wounding a black student with a knife.

School officials knew they had to do something and Project Wakefield eventually evolved.

During his five sessions with them, Messinger told the 190 students repeatedly that "You are going to have to open the lines of communication and keep them open."

"You're not going to be a friend of everyone, but at least find that out after you get to know him."

All of the recent sessions began with warm-up exercises, such as the one described above. These exercises were designed to make the students communicate with strangers in ways they normally reserve for their most intimate friends.

The first session dealt with "how do I feel when I am forced to deal with a stranger" and "can I commit myself to him." Each student selected the person he felt most unlike, and discussed the reason.

Then one member of each pair was blindfolded and led through the building by his partner. The lesson was trust.

INTERVIEWS HELD

On the second day members of each pair interviewed each other to evaluate what data they use to "know" someone. They reported what they heard each other say and their analysis of that person. Then each wrote "the person I really am."

Masks were given for the following session, white masks to black students and black masks to white students. The students were assigned at random to racially mixed groups to talk about racial problems.

Each was to attempt to take the view of his mask.

Few had the masks on long, and most quickly gave up any attempt to talk for the other race.

But students in one group and then others began leaning in toward the center of their circles and the noise level in the room rose. A couple of groups didn't make it that day, but those that did contained some of the students, both black and white, who had hung back the most during the first two sessions.

One black youth sat for the first hour, his back almost to his circle, looking unhappy and bored. Gradually he turned around and by the end of the next hour was leading his group's discussion.

SHOCK TO WHITES

Messinger commented that "this lesson in empathy is usually more of a shock to whites who for the first time must think black. Blacks are used to working within the white power structure."

Students were segregated into two white and two black groups and put in four separate rooms for the fourth meeting. The blacks were assigned to either make a list of what blacks think about blacks or what blacks believe whites think about blacks. Corresponding assignments were given to the whites.

"You have one somewhat productive biracial experience," he explained, "and you tend to overestimate your agreement with the other person."

The separation also made both blacks and whites feel freer to say what was on their minds, he continued.

During the last day the students were reunited and divided into integrated groups to discuss goals for the school.

Conversations on black and white awareness began immediately and with volume. One black girl was standing and shouting at the whites in her circle.

LIKELY TO HIT YOU

"If you call a black a boy, he is likely to hit you," one youth explained to the whites around him.

"In New York I had more white friends than black so all whites aren't bad," a black girl was saying in another corner."

"You're yelling at me. I'm not used to this so it scares me," a white senior was trying to explain to the black girls around her. A frequent topic had been the noisiness of blacks in the school.

All of a sudden the blacks in one group were yelling at each other about helping and not helping "your own people" and how "whitey won't let you." Everyone gathered around and confusion grew.

Then a white youth jumped on a chair. "If you black people want to improve yourselves, we're behind you," he screamed emotionally. "But you start talking about making us slaves—we're gonna kick some . . ."

Messinger cut in. "You have proved everything you've been saying about each other. You've totally closed your minds to everything anyone else is saying. Now I hope maybe you can begin to learn."

MIXED EXPECTATIONS

The students who have participated so far, called home room facilitators by school officials, are mixed in their expectations. Most feel the school had to start somewhere, and it's a start.

"I don't think it's a smashing success," commented one senior who helped with the initial planning, "but we have to try. And if we can reach a few, it's been a good job."

James H. Fox, assistant principal who has worked closely with the project, said the degree of success will be as varied as the number of students.

"But we're trying to build a society in school which is better than the society in which the school exists. That's a pretty tough job."

[From the Washington Post, Apr. 15, 1971]

"AWARENESS" REPLACES PUPILS' 'INVOLVEMENT'

(By Lawrence Feinberg)

"Black Witchcraft Has Been Cancelled," the sign read yesterday at Gaithersburg High School. "Occult Awareness, Offered Instead."

The signs and the seminars then referred to were part of the annual conference on "American civilization," sponsored for each of the last eight years by the Montgomery County Association of Student Councils.

In 1970 the main speaker was John Froines, defendant in the Chicago Seven riot conspiracy trial, who drew shouts and cheers of "right on," when he exhorted the students to overturn "the system."

Two years before that there was loud applause for Rufus (Catfish) Mayfield, the Washington "street dude" turned antipoverty consultant, who set forth what he called "the black man's three Rs—resistance, rebellion, and revolution."

Yesterday the main speaker at the conference was Edgar D. Mitchell, the Apollo 14 astronaut, who walked on the moon last February. The bearded Mitchell showed movies of the moon and spoke of the need for scientific exploration. He won warm applause and apparently admiration.

As usual, the majority of the 800 students at the conference came from schools in Montgomery County, the others from the rest of Maryland and several nearby states. Much of what they said and heard at the two-day meeting was different from what such conferences have been in recent years.

Workshops on political issues were still held, but the sessions with the largest attendance were about astrology, religion, and music—electronic and Renaissance.

There was only one session on the Vietnam war, conducted by Donald Duncan, an antiwar ex-Green Beret. He drew only about 40 students.

Unlike other years, when they attracted the largest groups, there were no workshops on poverty or race relations or the problems of Black Americans.

"Race relations and the war in Vietnam are sort of worn out now," said Barbara Most, a senior at Churchill High School in Potomac.

"They've both been going on so long. What can we do? There's a feeling of frustration."

There also apparently is a feeling of withdrawal, of looking inward, one teacher at the conference said, and students being more interested in themselves and their own ethnic groups than in others.

Although the topic was not on the conference program, Jewish students at several workshops brought up the problems of Soviet Jews. One said he felt "a greater tie to them than I do to the blacks."

By contrast, three years ago when Mayfield criticized the way Jewish merchants operated in the black community, he encountered few objections, even from Jewish students, who later joined others in the applause.

There were about 60 black students at the conference—probably a few more than in most recent years—and some seemed upset there was nothing about blacks on the program.

"Last year everybody was gung ho on race relations," said Wendy Taylor, a junior at Springbrook High School in Silver Spring. "This year it's the occult, next year who knows?"

She had the same explanation as many whites about why it happened. "Everybody's been faced with so many heavy things during the past 10 years," she said, "the riots, the assassinations. People just want to get away and coat them over."

The best of the workshops held today, Miss Taylor said, was on the "Philosophy of the East," discussed by a middle-aged Buddhist monk from Ceylon who was dressed in a bright orange robe.

Another speaker who was well received was the Rev. Joe Gipson, of Washington's Nash Memorial Methodist Church. He spoke about comparative religions—Christianity, Judaism and others, and although often identified as a black militant, said almost nothing about race relations.

The only other black speaker at the conference, William Denham, led a workshop on prison reform.

The male with the longest hair at today's conference was probably Joel Meltz, 33, an astrologer from Washington, who predicted that the world might undergo convulsions next year.

Meltz's talks on astrology drew a large group, and although many students listened respectfully, others drifted out. A few argued back, and Meltz responded to them with obscenities. He punctuated each talk with a low-pitched "Bah." The students were supposed to respond to that with "humbug."

One youth said he enjoyed hearing "bah" much more from the lambs that had been brought to the school courtyard for a session called "Animal Farm." Students crowded in to see farmers shear them. And in the warm April sun they seemed to enjoy lambs and farmers more than some of the discussion inside.

[From the Cincinnati Enquirer, Sept. 30, 1970]

HOUSE UNIT TOLD: DRUGS SOUND THERAPY FOR "PROBLEM CHILD"

WASHINGTON.—Behavior-modifying drugs are a medically sound method of treating certain learning disabilities that may affect as many as four million U.S. school children under age 12, government specialists told Congress Tuesday.

But a House privacy subcommittee also heard testimony from laymen who questioned the safety of such drugs, hinted they may be administered in some cases to normal but fidgety children, and said some school officials in Omaha, Neb., and Little Rock, Ark., had harassed parents who objected to the use of drugs on their children.

Subcommittee Chairman Cornelius E. Gallagher, D–N.J., said he remained skeptical of the merits of such drug use and intends to recall the government witnesses for further testimony later.

Dr. Thomas Points, a deputy assistant secretary of the Department of Health, Education and Welfare, said drugs such as CIBA Pharmaceutical Co.'s Ritalin and certain amphetamines are, under proper medical supervision, a "safe and effective drug treatment" for a children's nervous disorder known variously as hyperactivity, minimal brain dysfunction or hyperkinesis—the so-called problem child syndrome.

He said there is no evidence such drugs are habit-forming or addicting when properly administered, but conceded further research is needed.

Points said 38 studies over the years had all shown such drugs to be helpful in relieving symptoms of the disorder—inability to concentrate, restlessness, destructiveness, excessive energy and the like.

Dr. Ronald Lipman, a clinical psychologist with the National Institute of Mental Health, estimated 150,000 to 200,000 children are being treated with the drugs by their doctors.

He said current estimates are that 1.5 million to 4 million children could be affected by the disorder and might be helped.

Points noted a doctor's prescription and parental consent are required for any child to receive the drugs.

[From the Washington Post, Mar. 21, 1971]

TWO NEW YORK TEACHERS RAPED IN CLASSROOMS

NEW YORK.—The top officials of the nation's largest school system called meetings with parents, teachers and police officials to devise additional safety measures following the rapes of two teachers in their classrooms Friday.

The rapes, latest in a series of violent incidents involving intruders into the public schools, occurred eight hours apart in grade schools in The Bronx and in the Chinatown section of Manhattan. The second was disclosed only yesterday.

Both were carried out at knifepoint, police said.

"Our staff must be protected at all times in the exercise of their duties and so must the students be protected while they attend school," the officials said.

"Toward this end we will meet as early as possible during this next week with representatives of parents, teachers, supervisors and the police department to consider what additional measures for protection from such attacks can be taken by us and the police department and all other city wide agencies which have a responsibility for safety in the city," they said.

In the first attack Friday, a 28-year-old teacher found a youth of about 15 waiting for her when she entered her third grade classroom at P.S. 63 in The Bronx about 20 minutes before classes began. Police said the youth forced her into a closet where he raped her.

A 23-year-old teacher at P.S. 23 in Chinatown was raped in a classroom at 4 p.m. by a teenager. The Board of Education said it was not notified until yesterday of this attack.

The first victim was treated at Bronx-Lebanon hospital but the other woman did not require medical care, police said.

Mayor John V. Lindsay said after the first reported rape it was "an outrageous act of violence" and that Police Commissioner Patrick V. Murphy had assured him he was giving the case his "personal attention."

[From the Washington Evening Star, Mar. 22, 1971]

POLICE IN SCHOOLS

BOSTON.—Mayor Kevin H. White has ordered plain clothes police to patrol the corridors of some high schools today, to stop what he called "the disruption of education, the destruction of property and in some cases assaults on teachers."

Boston schools have been plagued by a series of student strikes, disruptions, false fire alarms and other disturbances.

[From the Washington Evening Star, Mar 1, 1971]

RACIAL STRIFE DISRUPTS SCHOOLS IN CHARLOTTE

(By John Mathews)

CHARLOTTE, N.C.—The Queen City; a white-collar sales and distribution center for the Southeast, aspiring to become the Atlanta of the Carolinas; a community now agonizingly caught in the crunch of history.

For Charlotte, the historic moment arrived last September. Reluctantly responding to a local federal judge's orders, the school board instituted a massive crosstown busing and school rezoning plan, perhaps the most elaborate of any plan, North or South aimed at achieving total desegregation of a school system.

For the first 5½ months, efforts toward total desegregation of the combined Charlotte-Mecklenburg County school system appeared to be successful, with few racial incidents.

But in the last two weeks a pattern of racially motivated fights between black and white students in junior and senior high schools has led to temporary closings of several schools.

The racial lines, which many hoped were in the process of being blurred in the schools, are sharply drawn again.

Black students and teachers say racial tensions and the frustrations of black students have been seething for months. Whites tend to blame outsiders for provoking the trouble.

Under the desegregation plan adopted here, some 30,000 children from a school population of 82,500 were assigned to different schools in September. About 20,000 of these were bused for the first time to schools away from their neighborhoods.

Because of the desegregation plan, the school district is using 540 buses daily to carry some 43,000 pupils, almost twice as many as last year, when some 23,000 children were bused.

The additional buses carry black children to schools in affluent suburban areas and white children to formerly black schools in the inner-city or in Northwest Charlotte. About 71 percent of the pupils in the district's 103 schools are white.

In addition to children reassigned and bused, another 10,000 walk to "new" schools created by the revision of attendance areas.

BEGAN 6 YEARS AGO

This upheaval in the educational and social patterns of the school district results from a protracted school desegregation suit that began more than six years ago. It culminated with the decisions and orders of U.S. District Court Judge James B. McMillan.

The judge, a native North Carolinian, interpreted the Constitution and U.S. Supreme Court decisions to mean that desegregating the school system required eliminating any schools with a majority of black students and guaranteeing that each school reflect as nearly as possible the racial composition of the entire district.

The judge's order meant that each school should approach the 71 percent white and 29 percent black ratio of the school system as a whole. In practice, the ratio has varied from about 10 percent black in several schools to more than half black at three schools with unanticipated enrollment changes. Most schools, however, are within 5 or 10 percentage points of the 71–29 ratio.

Judge McMillan's decision is under review by the U.S. Supreme Court. Before the end of its current session, the court will pass on the judge's decision and two related cases. The high court's eventual decision, expected to deal with the unanswered question of what constitutes a desegregated school system, may rank in importance with the 1954 desegregation opinion.

PARTIAL REVERSAL

Although the Charlotte-Mecklenburg school board received a partial reversal of Judge McMillan's decision last May from the 4th U.S. Circuit Court of Appeals in Richmond, McMillan's original orders still went into effect.

U.S. Chief Justice Warren Burger refused to delay implementation of the orders after the black plaintiffs appealed the 4th Circuit decision. The school board then chose to implement the most sweeping desegregation plan presented before Judge McMillan, although some observers feel McMillan would have accepted a modified plan.

After a spring and summer of legal maneuverings, the school board on Aug. 27 declared the complete desegregation of schools would have to take place. School Supt. William C. Self and his staff managed to open schools on Sept. 9, but it took a month to get them on full schedules because of difficulties in getting additional buses and drivers.

At first, community response was mixed. The Concerned Parents Association, which espouses "freedom of choice" and no "forced busing," called for a school boycott. It fizzled, although more than 2,000 white children were removed from public schools by their parents and placed in new or expanded private schools.

Over the next few months, isolated "black-white" fights erupted, along with some "black-black" and "white-white" fights, as school officials characterize such encounters, but the level and frequency of violence was negligible.

But during the last two weeks the picture has changed.

No student has been seriously injured, but "black-white" fights have become almost daily occurrences in junior and senior high schools. There have been threats and intimidations, property damage, walkouts by students and panicky visits by parents to take their children home.

Several schools have had to close early as police in riot gear guarded their campuses. The day after confrontations erupted at two high schools, only seniors were allowed to return, for lengthy talk sessions.

Looking down a high school hall last week, as extra school personnel, plainclothes police and volunteer parents wearing yellow armbands patroled it one teacher said, "You can cut the tension here with a ruler."

Some scenes:

A white parent at a public meeting called by the Myers Park High School PTA to ease tensions demanded that the principal take action against the "savages" who hit his son with a plastic plate. Several black students among the handful of blacks at the meeting of some 1,000 parents, angrily walked out.

At a parents' meeting at West Charlotte High School, all black last year and now more than 50 percent white, several youths among a group of black students who were refused the chance to address the meeting say, "It's not going to be safe for a white to walk around here."

At the Education Center, school headquarters, a group of white students picket daily with signs saying, "Segregation" and "Who Founded This Country?"

Recriminations are traded on all sides.

REFERS TO YOUTHS

William E. Poe, the school board chairman, suggests that "outsiders" helped foment trouble in the schools. The term is later redefined to mean students or youths from outside a troubled school, rather than adults or out-of-town agitators.

Julius Chambers, the black lawyer who has represented the plaintiffs, says in an interview: "The problems we have now could have been anticipated if the proper leadership had been given. The leadership has promoted polarization. Things couldn't help but explode."

Chambers, whose law firm's office burned down earlier this month, cites the Concerned Parents Association campaign for the school board during the spring as a particularly divisive factor. He also criticizes the school board for turning down a chance to apply for some $50,000 in federal impacted-area aid funds as a factor in creating a continuing crisis about where to find additional funds needed to finance busing.

Poe, Chambers adds, has not helped the climate by stating publicly his belief the Supreme Court would rule by midyear and would likely overturn Judge McMillan's busing requirements for elementary schools.

In a separate interview, Poe acknowledged that his prediction of Supreme Court action was wrong and says it was not aimed at promoting resistance. He emphasizes that at the beginning of the school year he resisted pressure to keep the schools closed.

NORMAL OPERATIONS

While most attention has focused on the troubled junior and senior high schools in recent weeks, the school system's 72 elementary schools have operated normally. And at the senior high level there were some signs that tensions were easing.

School officials who had taken the hard line that order must be restored first and grievances—if any—would be discussed later were beginning to handle the grievances.

Black students were calling for black assistant principals and counselors and in some cases getting them.

CONCERN OF ADULTS

While maintenance of discipline in the junior and senior high schools was the focus of adult concern last week, the main concern since the beginning of the school year has been busing, particularly cross-busing between city and suburbs.

Harry Golden, the author, a 27-year resident of Charlotte whose letters to local newspapers still produce angry reactions, says of busing, "It's now become the substitute for 'Would you want your daughter to marry a Negro?' "

At the elementary level, the most severely criticized transporation arrangement is cross-busing between 24 schools in white areas and a dozen schools in black sections of the city. Some 10,000 white and black children are involved, with blacks bearing more of the burden since grades one through four are in the formerly white schools and grades five and six in the formerly black schools.

At two paired schools, Beverly Woods, located in an area where homes cost from $30,000 to $100,000 or more, and 1st Ward, an inner-city school serving a public housing project, the disparities between student achievement levels are striking.

Teachers at Beverly Woods operate on a non-graded team approach, but they group children for part of the day according to reading achievement scores. As a result, the lowest reading groups are invariably largely black and the higher groups are predominantly white, Mrs. Deane Crowell, the principal, and her teachers say there is no other way to deal with educational deficiencies.

In a first-grade group, the teacher says none of the black children has had any nursery school or kindergarten experience, but the white children have all gone to either private nurseries or kindergartens and start off with a big advantage.

At 1st Ward, the formerly black elementary school, Principal Preston R. Allison, who is black, operates without special grouping by achievement. "I put my foot down to prevent any segregation within the classroom," he said. Low-achieving students, however, do come out of the classroom for special tutoring sessions.

Both schools have parent volunteer programs. Some of the parents spend time in the schools acting as policemen, but others are doing such things as tutoring.

One suburban housewife says her fifth-grade daughter is receiving "as good an education as children in any private school." She hopes her tutoring efforts are helping the black children and several whites needing special help.

But like many of the minority who reluctantly accept integration, the woman worries about the high school disturbances. When her son came home after a series of fights at his high school, the boy burst out in a fit of anger, shouting, "I'm not going to be intimidated by those niggers." She said, "I was shocked to hear him use that word, which we never had at home, but at the same time I have mixed emotions about what is going on at his school."

[From the Washington Evening Star, Mar. 31, 1971]

ALEXANDRIA WHITES HIT DISORDER AT HIGH SCHOOL

(By Ellen Perlmutter)

About 200 irate Alexandria residents last night charged that recent racial incidents at George Washington High School have caused a deplorable situation for white students and their parents.

"We're becoming total wrecks. We want to know how much longer protection for our children is going to be necessary," one mother said at the all-white meeting of the Rosemont Citizens Association in the Maury School basement auditorium.

Many members have children in the integrated high school which last week was the scene of a series of small fires after some black students pressed demands for changes in the school. Principal Richard B. Hills, who was present last night, was struck in the face by a student yesterday.

One parent with a son at George Washington said, "we cost the city money by sending our children to school. And all my son comes home with at night is turmoil."

Jack Clark, who has a daughter at the school, blamed the situation on "the attitude of the administration. We've talked to John Albohm (school superintendent) till we're blue in the face.

"My daughter was in school for four days last week until I took her out," he continued. "One of those days they showed films of Martin Luther King being put in jail. We've just got to get a change in the administration's attitude and from the school board."

The Rev. Carl Beyer of the Good Shepherd Lutheran Church in Alexandria tried to set a more conciliatory tone by telling the group "we have to concern ourselves with the long-range goals. We have to draw on members of the whole community—the black community."

"There is the long haul, even if everything went back to normal tomorrow. The long-range goals include reaching out to the black community," he said.

But remarks flew back and forth as parents demanded to know "why—how did this situation get this way in the first place?"

George Washington High Principal Hills, who authorities said was hit by a black student yesterday after the principal demanded that students return to class or face suspension, described the series of confrontations.

The incident in which Hills was struck came as 40 to 50 students tried to leave the school yesterday for a protest meeting at Market Square.

Hills met them at the door, a school spokesman said, and told them they would be suspended if they left. About 15 returned to class and action was being taken today to suspend the rest if they could be identified, the spokesman said.

About seven girls showed up at Market Square and went home when the rest did not arrive.

Today, a municipal court judge dismissed a trespassing charge against one of two non-students who attended a "rap session" which the students held in the school March 22.

The charge against Ray Jivens was dismissed when Hills testified he had not instructed Jivens to get a visitors pass as he had told the other youth, Robert Moses, whose case was taken under advisement.

At last night's meeting, Hills assured the parents that faculty members are guarding the halls, and are demanding to see passes from everyone in the halls.

"Where were they when my boy was shot with Mace?" retorted Charles Hicks, who said his freshman son was hit in the eyes Monday. "Where were they when that happened?"

Vice major Wiley Mitchell told the father the assailant will be punished if he is found.

Mitchell said he thought "Mr. Hills painted an unnecessarily dark picture with respect to what happened at George Washington. I'm perfectly aware of the problems. I believe firmly that confidence from you and members of the George Washington High School is the key to our survival."

One mother observed that her daughter has had a "wonderful exposure to the sociological problems, even though she's been denied a certain amount of academic activity."

Some members equated the school problem to a discussion earlier in the evening about the noisy truck traffic through Alexandria's main thoroughfares, and the rising real estate tax assessments.

With rising costs, some said, and no protection, they wondered to whom they could turn for help.

Mayor Charles Beatley told them, "We might as well face it. We have risks in life we haven't planned on. We're doing our damnedest and . . . looking at many cumulative things—well, just bear with us. We're just going to have to attack everything from a rational standpoint."

[From the Washington Evening Star, Mar. 25, 1971]

ALEXANDRIA COMPLAINTS AIRED: HIGH SCHOOL FIRES END DAY OF "RAP SESSIONS"

(By Thomas Oliver)

Several small fires erupted within minutes of each other at George Washington High School in Alexandria yesterday at the end of a session at which a group of black students aired their grievances with the principal.

At least one of the fires appeared to have been deliberately set, fire officials said. The biggest blaze damaged a room off the school gymnasium where wrestling mats were stored, but the others caused only minor damage. No one was injured. The school appeared calm today.

The blazes came after a day of "rap sessions" held between about 250 black students and Principal Richard Hills. After the fires, about 10 students also took their complaints to School Supt. John C. Albohm. At that meeting, the school's Black Student Union denied responsibility for the fires.

The first fire started as the students were filing out of the gymnasium after a boisterous meeting with Hills. Heavy black smoke began billowing from bleachers at the far end of the gym and the remaining students were evacuated.

That fire destroyed a number of wrestling mats in the room behind the bleachers and damaged the ceiling. There also was water damage to the gym floor, Fire Chief Milton T. Penn, Jr., said.

Cause of the fire was not immediately known. Penn said it could have been a defective light fixture. A reporter also saw students smoking clandestinely at that end of the gym.

A few minutes after the first fire started, another began in the school auditorium when "apparently some attempt was made to ignite" the ends of curtain ropes, Penn said. Firemen extinguished that blaze quickly.

Meanwhile, "at least two" fires were found in trash cans in classrooms, Penn said, and were put out by school supervisors.

As the firemen fought the gymnasium blaze, a small group of black students stood by singing "burn, baby, burn" in unison. Some white students, who attended classes while the blacks were having their meetings, were visibly upset by the day's events. All students were evacuated from the school and sent home early.

GW has a black enrollment of 47 percent, largest of the city's three high schools. It has had the greatest number of racial-type complaints from parents.

Black students there first met with Hills on Monday to present complaints. One black student, a junior, went from classroom to classroom urging students to go to the "rap session," both students and officials said, and he was suspended.

The suspension appeared to be the main focus of the students' complaints yesterday, although the quality of the lunches was also mentioned prominently.

Curtis Carmichael, head of the Black Student Union, told Albohm that a questionnaire distributed mostly among black students also had brought requests for a student lounge in the rear of the cafeteria, the restoration of a juke box taken out last year, a student committee to advise the administration and more frequent "rap sessions" to air complaints.

The black students also demanded a relaxation of the school's disciplinary policies on suspensions, tardiness and absences.

They also complained that the school was not evacuated after bomb threats. Albohm responded that the fire and police departments had agreed that searches for the reported bombs, without evacuation, was the best policy. Otherwise, he said, "we'd be out of here twice a day."

REMARKS OF MRS. BESSIE PARTEE IVY BEFORE THE ILLINOIS STATE SENATE

HON. RALPH METCALFE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 15, 1971

Mr. METCALFE. Mr. Speaker, on June 2, 1971, Mrs. Bessie Partee Ivy, the mother of my good friend, the distinguished President pro tempore and majority leader of the Illinois State Senate, the Honorable Cecil A. Partee, was called upon to deliver a speech in tribute to her most deserving son.

It was such a beautiful and heartwarming presentation, I thought my fellow colleagues here in the Congress of the United States would like to share the inspiration of her words, that now may become as immortal as those of Nancy Hanks. And so, Mr. Speaker, I would like to include Mrs. Ivy's speech before the Illinois State Senate in today's CONGRESSIONAL RECORD:

REMARKS OF MRS. BESSIE PARTEE IVY BEFORE THE ILLINOIS STATE SENATE, JUNE 2, 1971

You do me a great honor today, and I am indeed very, very grateful to you.

During the years of 1854 to 1856 there existed in America a political party known as the Know-Nothing party that got its name because its members answered all questions about the party by saying, "I don't know."

Right now, standing here with wobbly knees, half frightened, I think I could qualify for a membership in a Know-Nothing party as I keep asking myself the questions, "Why am I here? What could I be expected to say to this distinguished group of lawmakers who are my peers? and my answers are, 'I don't know, I don't know' ".

Since I was presented as the mother of one of you, I would like to pay a tribute to the mother of the greatest of all Illinois statesmen, by reading a poem written by Rosemary Benet entitled *Nancy Hanks*.

If Nancy Hanks came back as a ghost,
Seeking news about what she loved most.

She'd ask first, "Where's my son?
What's happened to Abe?
What's he done?"

Poor little Abe. Left all alone. Except for Tom
Who's rolling stone;
He was only nine. The year I died,
I remember still. How hard he cried.

"Scraping along in a little shack
With hardly a shirt to cover his back,
"And a prairie wind to blow him down,
Or pinching times. If he went to town.
"You wouldn't know. About my son?
Did he grow tall? Did he have fun?
Did he learn to read? Did he get to town?
Do you know his name? Did he get on?"

The Answer:

Yes, Nancy Hanks, we know your son. We know him not only as Abraham Lincoln but as *Honest Abe, The Rail-Splitter*, The Great Emancipator and the *Savior of the Union*.

He served the great commonwealth of Illinois as legislator for many years and then became the sixteenth president of the great United States of America, but he always said, "All that I am, and all that I hope to be; I owe it to my angel mother."

Unlike Nancy Hanks, I am privileged to know that you know my son—that *you* know what he's done—and that *you* know his name, Cecil Armillo Partee.

Thanks be to God for this privilege.

SUPPORT FOR THE U.S. COAST GUARD RESERVE

HON. JAMES D. (MIKE) McKEVITT

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 15, 1971

Mr. McKEVITT. Mr. Speaker, I am concerned over the plan to phase out the Coast Guard Selected Reserve.

My concern is based on several factors, not the least of which is that the phaseout seems to be false economy. I say this because after the Coast Guard Reserve training program is phased out by June 30, 1972, any Coast Guard Reserve requirements will be funded as an element of the Navy Reserve. The amount of that funding is uncertain. It will depend on what extent the Navy picks up the duties that are currently performed by the Coast Guard Reserve.

A substantial part of the Coast Guard Reserve program involves port security. As near as can be determined, the Navy has not made plans as yet to take up this important function. I would say that the port security function by itself is a rather critical one. It seems apparent that this important function must continue and it seems apparent that we can expect additional expense as the Navy devises its own program. We will also lose the services of those trained and qualified coastguardsmen who have been working in the area of port security as reservists.

It has also been estimated that about one-fourth of the members of the Coast Guard Selected Reserve are volunteers with prior service. The Secretary of Defense has stated that in future emergencies there will be a greater reliance on the Reserve.

This phaseout means the loss of a valuable personnel resource. There is also the question of what will happen to those presently in the Coast Guard Reserve. If we wish to give them the option of transferring to the Navy Reserve, additional legislation will be required.

Mr. Speaker, I believe there is a valid requirement for a Selected Reserve and that if we permit it to go down the drain we will be making a potentially serious mistake.

RESTRUCTURING THE EXECUTIVE BRANCH

HON. VERNON W. THOMSON

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 15, 1971

Mr. THOMSON of Wisconsin. Mr. Speaker, President Nixon has presented the Congress with an exciting blueprint for restructuring the executive branch. While the details of this reorganization plan should be carefully examined by the Congress, there can be little doubt that institutional malaise has robbed our burgeoning bureaucracy of the vigor and efficiency which our taxpayers should expect.

On July 1, the Blade-Atlas, published by Dennis G. Novinski in Blanchardville, Wis., carried a lead editorial that declared, "Let's Have Action." I suggest that the Congress would do well to follow editor Novinski's advice. A full text of the editorial follows. It clearly explains the taxpayers' position in support of streamlined Federal administration:

Let's Have Action

The Administration's plan to reduce seven of the cabinet departments to four would be a major advance toward improving the federal structure.

The four new ones would be the Department of Community Development, Human Resources, Natural Resources, and Economic Affairs. This would require restructuring the present Departments of Interior, Agriculture, Commerce, Labor, Health-Education-Welfare, Housing and Urban Development, and Transportation.

The Departments of State, Treasury, Defense, and Justice would be untouched.

An estimated $5 billion a year savings could be realized. However, both elected officials and federal workers are expected to resist change.

Public support for Congressional consideration of this plan is essential to keep it from becoming lost in the shuffle of partisan politics and apathy. A $5 billion incentive should be enough!

VICTIMLESS CRIMES: THE MORALITY OF THE MOMENT

HON. ABNER J. MIKVA

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 15, 1971

Mr. MIKVA. Mr. Speaker, I recently saw a story in the Chicago Sun-Times which once again brought to mind the confusion and irrationality in our criminal justice practices.

According to the newspaper a young man from St. Louis, recently graduated from Harvard University, just began serving a 5-year sentence in a Federal prison for tearing his draft card in half during a 1968 protest against the Vietnam war.

In the popular rock-opera "Jesus Christ, Superstar" Christ at one point questions his coming fate, and asks God to explain why he must die. "You are awfully big on when and where but not so big on why," he complains. The same is true of our criminal justice system. We have forgotten why we do most of the things we do. Many of our practices are not only failing to do anything productive, but are actually counterproductive.

Nowhere is this more clearly seen than in the case of "victimless" crimes. The function of the criminal law should be to protect us from one another, not to protect us from ourselves. That is a problem for the churches and the schools and the psychiatrists.

It is both inefficient and ineffective to use the criminal law to impose our notions of morality on people's private conduct. We expend more of our limited criminal justice resources on prosecuting and incarcerating drunks, prostitutes and homosexuals than we do burglars, murderers, and rapists.

Even the Attorney General, in a recent speech before the National Conference of the Judiciary, agreed that the first obvious step we should take to help streamline the criminal law is to "clear the courts of the endless stream of what are termed 'victimless crimes' that get in the way of serious consideration of serious crimes."

For once I am happy to agree with the Attorney General—especially in the area of political crimes, like tearing up one's draft card.

In whose interest was the taxpayers' money spent trying and incarcerating this Harvard boy from St. Louis? Will he somehow come out a better and more moral man after 5 years in a Federal prison amidst embittered, hardened criminals? Will society somehow be better off by punishing this young man who committed the crime of expressing his revulsion for a war which it is now agreed was an immoral and unjustifiable mistake? It is safe to predict that today, most of the jurors and officials who helped send this young man to prison agree with his judgment on the war. The difference is that he had the courage and the moral sense to understand this 3 years ago when such feelings were not yet in vogue, and he had the strength of conviction to express his feelings in the most dramatic way.

Without the constant pressure and unrelenting honesty of men like him, it would not be fashionable today to be against the war. Nevertheless, we have sent him to prison for his crime against the morality of the moment.

In such an Alice-in-Wonderland world, it is hard to know who the real criminals are. I only hope that we have not completely destroyed the idealism and moral courage this young man evidenced in 1968.

PRESIDENT SIGNS THE PUBLIC SERVICE EMPLOYMENT ACT

HON. JAMES ABOUREZK

OF SOUTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 15, 1971

Mr. ABOUREZK. Mr. Speaker, one of the most grievous problems that has been facing our Nation is the problem of unemployment. Congress has taken cognizance of this problem with the passage of the Public Service Employment Act. However, in a system of government that is dependent on the concept of separation of powers, it is important that the actions on the part of one branch of the government be matched by action on the part of the others.

For that reason, I note with a great deal of pleasure the fact that President Nixon signed the Public Service Employment Act earlier this week. This action on the part of the President was a realistic response to the increasingly serious unemployment problem. I have frequently criticized the President for economic policies that have brought us simultaneous unemployment and inflation. But today I am pleased to be able to support him in his effort to deal with the unemployment problem and provide jobs for returning veterans.

Public service employment makes good common sense. All it does is to bring together those who want jobs with the thousands of jobs that need to be done. It is about time that we recognized the stupidity of letting thousands of men remain idle in a country which needs better hospital facilities, more irrigation, better recreation centers, and a cleaner environment. There is plenty of work around and this act will put 150,000 people to work doing it.

By signing this bill the President has recognized that there is no reason for a man to be out of work while there is so much work to be done. I think that he deserves credit for that recognition.

Of course, this act will not work miracles, nor will it make up for the basic economic failures of the present administration. But only those who refuse to praise the President no matter what he does will refuse to give him credit for signing this bill. I have always supported Mr. Nixon when I felt he was acting in the interest of the people of South Dakota. I believe that this Public Service Employment Act will help our state, and that is why I am offering the President my congratulations here today.

THE JAYCEES, BLACKS AND THE FUTURE

HON. LES ASPIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 15, 1971

Mr. ASPIN. Mr. Speaker, the Johnson Foundation which is located in my congressional district sponsored a seminar on affirmative action and equal employment opportunity in cooperation with the educational programs division of the Equal Employment Opportunity Commission and the National Center for Voluntary Action. This seminar was held at the Johnson Foundation Conference Center May 13–15, 1971. The seminar was attended by representatives of U.S. Jaycee chapters from 50 cities throughout the country. The keynote address was given by the Reverend Leon Sullivan who is the founder and developer of the Opportunities Industrialization Centers which have now trained more than 75,000 persons for employment.

This speech, I think, is particularly good in suggesting how business and minority communities can join together in finding solutions to one of our nation's most pressing domestic problems, the unemployment and underemployment of minority group persons.

I commend it to the attention of all my colleagues. The speech follows:

THE JAYCEES, BLACKS, AND THE FUTURE

I got my first introduction to community organization work through the U.S. Jaycees. When I arrived in Philadelphia in 1950, one of the first things I did was to become a part of what was then the Junior Chamber of Commerce. As a matter of fact, it was during that time when there weren't Afro's in the Junior Chamber of Commerce much anywhere. There were a few, and I wanted to go in the Junior Chamber because first I wanted, as a black man, to be a part of breaking through something that I thought was meaningful at the time, and second because I saw in the Junior Chamber of Commerce an opportunity to learn how the whole enterprise system worked, to make acquaintances, and to meet and know people.

Some of the best friends I met were men who came to the Junior Chamber of Commerce, and these men are now emerging into the presidencies of our banks and chairmen of boards, members of the boards of trustees of foundations and enterprises. Those of you who are in the Jaycees are part of one of the most important organizations for opportunity that a young man can belong to in this country, and I say that as one who has been in it. It is very simple now, as a result of that experience 20 years ago.

When I want to talk to a banker, I know a banker, because we were together in Junior Chamber. We went to the parties together, and we had our projects together. It makes it easy to get things done. So those of you who are from the Jaycees represent something very significant.

I was a TOYM (ten outstanding young men) recipient of your organization many years ago, and I prized it. One reason I came to this meeting was because it was your meeting, and I understood that you would have men here from various Jaycees groups around the country. That's really the only reason perhaps for my being here other than that I got an honorarium. But the reason I came primarily was because of you; otherwise I certainly would not be here at all—there are too many other things that I should do. But I thought it was important to be here, because you are opinion-makers; you are young men who are climbing the ladder; you are young men who one day are going to actually make determinations for your communities, for your States, and for your country.

This group has an organizational base with a philosophy I believe. I believe earth's great treasure lies in human personality. I believe service to mankind is the greatest service. I believe that things can best be served through free enterprise. I believe that is part of your creed, and it is a part of my creed, and at some point those of us who have the same kind of philosophical beliefs are going to have to utilize our contacts and our constituencies to pull this country together and to get us going in the direction that most of us, I hope, want to go.

It is an illusion to assume that the President can do it. I know the President, and I knew the last President and the one before that. And as great or as weak as a President might be, the President does not have in his capacity the ability to really lift the Nation, to make it go forward in the direction we want it to go.

It still resides in the will of the people. Not until we Americans are able to pool our resources and get our dedications and ourselves together will we ever realize anything like a "great society," or will we ever realize anything like a "great America for our times." And you are the men who represent those who will be able to do it.

There are cataclysmic problems facing us. In the first place there are 300,000 veterans without jobs. There are going to be 100,000 more who will be out of work added to that number within the next 12 months—almost a half million. You will see the impact of it and the significance of it when you go into the inner city, what I call the "concentrated communities" of this country, where at this moment while the sun is shining you'll find a host of young men on street corners. Nothing to do. No place to go. And it spells trouble for the Nation.

These young men, particularly those who are Afro and those who are Chicano and those who are Puerto Rican, Indian and other minorities, represent one of the great challenges of America and also represent one of the great terrors of America. It's a volcanic situation. You may not see the fire, but there are flames. As I said on "Meet the Press" about a month or so ago, "these are no babies on those street corners. These men are the best trained killers in the world." Those of you who went to Vietnam were trained to be the best fighters in the world.

There is no fighting man in the world superior to a well-trained American soldier. The one thing that many of these men have learned to do is to kill and to use fire arms. I'm not here to try to excite the country. I'm here because I'm in the community every day, and I know there is an unprecedented discontent among young men who are coming back to America these days. Either we are going to find a way to help these men to help themselves or else this country is going to have trouble in the next five years that you never dreamed of.

As a matter of fact, a presidential election period may well be the most disturbing period in American history by summer of next year—when they're all back home for the most part and when jobs have not been opened and when training centers are not available and when there is no getting through invisible walls of segregation and prejudice that have shut out blacks, chicanos, Puerto Ricans, and Indian Americans.

We have two years. If we don't do something decisive and conclusive in those two years, this country is going to be in a great deal of trouble. There are forces that will stir it up. It won't be forces like you sitting here; you represent the American ideal. They'll be forces who are organized to take advantage of the situation; they'll come into our cities and our communities. They will divide our leadership. They will categorize us, those who are trying to help, and they will call us all kinds of names. They will organize against us, and if we are not careful, they will throw the inner cities of America into virtual turmoil.

I'll be able to handle my city to some extent. Maybe there will be those of us who will be striving to go down to the wall, continue down the road of America, democracy, and opportunity, but I wouldn't take any chances on it, which means that the main priority, the chief priority of America as I see it, is dealing with the problems of the concentrated community.

It's not just an employment problem. There are other problems that enmesh the total perspective of the situation. Housing problems. In the name of urban renewal we have seen black removal all over America. There are 50,000 plots of land that are surrounded with little white fences all over this country where blacks and browns once lived, nothing was put up in these places. People are crowded into houses that existed for one family or two; now you find four and five or seven families in them.

Absentee landlords are getting rich off the plight of those who have no place else to go. The houses that are being built and all the regular money that is going into what we call urban renewal is going into downtown malls, university and college development, and into building bridges around the black community. The real concern for the emergence of these programs was to help the poor, the black, the brown, the red man to have a place to live. It has never been fulfilled. It has been one of the gross failures of the decade, the whole concept of what we call urban renewal. In the name of community development and the development of America, tax dollars and tax insurances have been put into suburban areas, restricted to whites.

Even where there were no laws, the minorities were restricted because of the lack of cooperation of banks, lending institutions, loans and savings institutions, and sales organizations. It is no joke any more. Several years ago a young couple in my church went to look at new houses. There were no salesmen there, though it was a new development. They went all through the house. There were no salesmen. They got ready to leave and opened the closet door. The salesman was in the closet. This was in Philadelphia.

You can look at the very state of the country, and you see the problem that exists. This is all compounded by the problems in our schools. All these things go to create economic problems within the city. The inner cities are cracking up. They don't have the tax base to pay the police and firemen a salary commensurate to their needs. The tax base has eroded. There's nothing inside.

Because there is no money to sustain public services you have another problem.

Talking about pollution, we haven't seen anything yet like what we are headed for unless we do something about the tax bases of our cities, of our large cities.

Now I can go on and mention other things, but on top of it all is the fact America gets deeper and deeper into a hole. If the expectations of the Department of Labor are accurate, by the year 2000, about 29 years from now, there will be 300,000,000 Americans; of this number 60,000,000 will be Afro, Chicano, Puerto Rican, and American Indian.

Minorities and Orientals are coming in large numbers to some of these large cities. One half of all the jobs that exist in America now won't even exist in 29 years. New jobs will have taken their places.

They now build no elevators run by people instead they build elevators run by machine. The idea of a service worker is going more and more out of existence—the cook, the house cleaner. Now they build kitchens so small they put them into the middle of the living room. They are planning new methods of food delivery. There'll be infrared containers at your door; they'll put the week's supply of food there, bring your dessert special on special visits, take it back, put it in again.

The old idea of having someone cook for you is just going to be out of date in a few years. I saw some of the biscuits they are experimenting with; they boil up and jump out and cook themselves. You can go to work and come back and set your dinner. Then they have a hole, and you just take your dishes and put them all into the hole. And they squeeze them like a little box, and you throw them out.

This is the shape of the future. Most of the jobs will require some information and some ability. And yet, one out of every three blacks in America cannot read back what he reads in a page of an encyclopedia. Some people call it functional illiteracy. In addition to that, there are 30,000,000 whites who are functional illiterates.

They talk about 24,000,000, but there are 30,000,000 whites who are functional illiterates right now. Seven out of ten Americans never finished high school: white, black, brown, seven out of ten! Now, if we don't train men and women for the jobs that are coming into existence in our American society you are going to have more and more people depending on the Government for their existence.

If you think welfare is a problem now, you haven't seen anything. By the year 2000 we have calculated that one out of every three black and brown Americans will be on direct relief. One out of three. The relief by the year 2000 just for the blacks, browns, and the reds will be $120,000,000,000 a year. For the whites it will be $240,000,000,000. For America it will be $360,000,000,000 for relief. In just 29 years!

That's more than the whole budget of America now, with the war and everything else. The country now is bankrupt. If we hadn't paid our taxes (those of us who did a few months ago), we would have to go to jail. The country right now is bankrupt; the American debt is now $350,700,871,252 as of 1969. Every citizen owes $1,781, from a little baby to you, on the American debt right now.

This is not a question as to what you are going to do for people; the question is how you make a man independent, self-dependent so he can earn his way, so the man can earn a living, so he can buy a home where he wants to live, so a man can educate his children, so a man can be self-dependent.

Now, my concern goes deeper even than that, and I might as well be very honest with you gentlemen because those who know me know that I'm an honest man, the best I know how. If I thought that just getting these benefits would be all, I wouldn't mind it that much, but I have another problem. It's a problem of my survival. Some people ask me why do I keep going.

I pastor a church with 5,000 members, 6,000. Many men here are members of my church, all over the country. I have the largest church outside of New York, I guess in the country. They pay me well, at least they did last week. I don't have to be a big man; I'm already a big man, six feet five inches. I don't have to run for office. Mr. Johnson asked me to be a member of U.S. delegation to the United Nations; I turned that down. Mr. Nixon asked me to take jobs. I do it for my survival.

About eight years ago I was invited by the West German Government to come to Germany to make an evaluation of the progress of the democratization of the West German Republic. I went there and made a study for the West German Government. The most significant visit I made was to a little town called Dachau. I went in that little place and stood on the ground where the bodies of 25,000 people had been burned underneath my feet. I stood where 10,000 people were shot down like dogs.

I went into the gas chambers; the jets were still there, calculated to destroy a race of people. I realize what can happen when a centralized government has control over vast number of people from a central point of control.

I realize that if this could have happened in Germany in an enlightened age to one of the most vital minorities in the world, it could come to America where one out of every three black men has to depend on the Government for where he lives, where he works, the money he gets. One third of a population! A government that gives me that kind of support is a government that can take my life away.

I further looked at the country, and I saw that 70% of the blacks and the browns of America live in 70 communities in this country. Whites are moving out; blacks and browns are moving it. I know that unless I can make blacks and browns self-dependent taxpayers, independent, I'm headed for trouble, because a depression will hit this country—not a recession, a depression—by the weight of its own welfare.

And scapegoats will be sought for and will be found, and the scapegoat of America will be the black man. My children will hardly survive it. You say on a day like this, sitting in a nice city like this, it couldn't happen. They said it couldn't happen before Hitler, but it happened. You'll be surprised what people can do, what they will do.

So for my survival and for the survival of America, I decided that I will do everything within my power to help the free enterprise system work for everybody, to make everybody I can reach and help, self-dependent, independent, a proud man. I started with boycotts; I boycotted everything in my town that didn't employ black people, until they all employed them.

Then when I found that jobs had become available I decided to develop a training program to train people for jobs, because the government jobs programs were not reaching my people. They screened us out. They didn't care much about us.

I created a program first with my own money. My church loaned me $40,000, and I got a loan on my house, organized a thousand women, and raised $100,000. An anonymous doner gave me $50,000.

With that money I took an old jail house and started the first OIC, Opportunities Industrializations Center, to train people to help themselves, saying to people that man is like a balloon; it is not his color that makes him rise, but what he has inside him. I took many women who never finished high school, who had given up hope, and men with bricks in their hands to break out windows, to teach them that America need not be torn down. We can build it up for everybody.

Just to make a vocational training program wasn't enough. I wasn't interested in making a school or building schools, but in building a training program that would reach the needs of the common man. So I started what I call a feeder program to get a man's attitude straightened out and help him have a great dose of selfbelief. In the feeder program we taught the basics—reading, writing and arithmetic, only I didn't call it reading, writing, and arithmetic.

I knew the people didn't want to read, write, or do arithmetic, so I called it communication skills and computational art. We taught consumer education—how to make your dollar stretch for you, how to tell a good loaf of bread from a stale loaf by the marking on the wrapper, how to tell a good chicken from a stale chicken by the way it smells, how to tell the weaving of a piece of cloth by its feel and texture.

We told a man where he came from, told a black man to be proud of being black and a black woman to be proud of being black, the greatness of a black man named Aesop; a black man by the name of Hannibal, a black man by the name of Pushkin, and of black men straight through the history of the world, so the people could identify with some of the greater men who were black. At the same time I taught about other people—Ireland and how the Irish came, Italy and how the Italians came, Germany and how the Germans came. We found out what America is—the combination of many minorities from all over the world, the greatest experiment in the world.

Every man has his problems; every man must have respect for himself. I found out that when a man respects himself, he doesn't have to hate anymore. I taught self-respect; "Put your head up, your shoulders back; you can." I taught about the free enterprise system. We are the only program in America that talked about the free enterprise system, a black program serving blacks and browns, because to me the future of the world is still going to be determined by the extent that the free enterprise system works, as long as it works for everybody. If it works for a few and for whites only, it will never survive, because people like me won't let it survive; I'll break it up.

We are moving into a skill training center where men learn the skills—how to be a lathe operator, a grinder, a miller, a typist, an IBM keypunch operator, a computor programmer, a plumber, a carpenter, an electrician. Then we move people through that training program, at the same time teaching attitude, motivation, and self-confidence, until they come out near the spout an OIC trainee, and when they are on the job they become the best workers in town. Many of them had police records, had been in jail or prison; girls had been prostitutes. They came to OIC and got a new name, a new skill, new hope. People before had not wanted them, didn't let OIC's in. Now in Philadelphia 11,000 trainees are working on jobs, earning $60,000,000 a year, saving the commonwealth of Pennsylvania $12,000,000 which would have gone to relief checks for 10,000 people on a waiting role. Companies that never employed blacks before now have girls, men, women in all their offices, because OIC proved what could be done with a man. It was a miracle. It was like a man being born again in another way. I didn't do it. I initiated it. I founded it, but men and women in Philadelphia, black and white who believed in what we were doing, gave their time, helped interpret what we were doing to their plants and their businesses, sold the OIC concept until the concept pervaded the whole city. OIC became a success.

Now in 100 cities there are OIC's for blacks, browns, Mexican-Americans. The greatest OIC to see is in the West. In Oklahoma the OIC are Indians, the OIC in Roanoke, Virginia, are Appalachian whites. There are some hills where they have OIC centers, and they don't put my picture up, because Sullivan is supposed to be white. They don't want people to know that I'm a black man. I'm going to visit them; I'm going to take a tour of all the white places.

The goal in the next decade is to train a million men and women for jobs, black, brown, red and white. If we do, we can add $24,000,000,000 to the American economy and save this country $70,000,000,000 in relief money in ten years. It isn't being done by the government, isn't being done by Mr. Nixon nor anyone else like that. If the government runs it, they will ruin it. Pardon me, any of you government guys in here. All I want is your money. Give me your money, and I'll run it. Let me run it. But I need the support of government for the expertise they have, the support they can give. Most of all we need the help of America, of all Americans.

The decade of the 50's was a decade of protest. It was the decade of redress. It was in the decade of the 50's that we got laws on the books. The decade of the 60's was a decade of protest. The decade of the 70's must be the decade of progress for all of us. And if we all work together, we can realize those ends.

We have been able to get support of big business. The OIC program has an advisory committee comprised of the greatest industrial leaders of this country—the head of AT&T, head of Chase Manhattan Bank, head of The Bank of America, head of Kaiser, head of most of those firms you work for. But you know they can't help me that much. OIC's will succeed to the extent that the man in the community is willing to give of himself—his time, his effort, his health to make that program succeed.

I met a young man here from Omaha; I know where he is. I was out in Omaha a few weeks ago, and they told me that some of the Jaycee people were there, and they heard about the work of OIC in Omaha. They got on fine with the OIC idea. Now they are out there helping that program, and that program is going to become one of the greatest programs in Omaha, and it is going to help save Omaha. It couldn't be done by the blacks themselves. It had to be done by the blacks and the whites working together.

The greatest network of man power in America outside of AT&T, where you have Bell telephone companies everywhere, is in the U.S. Jaycees. After a while you become exhausted roosters; then you move on. You become middle class, but before you become an exhausted rooster you are full of energy and vim and vibration, dedication; some of you even get militant about things every once in a while. You must harness the Jaycees organization behind programs, not just OIC, but programs developed by the Urban League and other programs developed by other groups in those communities, by the Chicano community, by the Puerto Rican community.

You must identify some priority efforts and put your eggs in that basket, in addition to what we do on Christmas with our Christmas toy program, in addition to our club scout programs, in addition to our projects that we carry around in our project portfolio. We really must get down with it where the needs of America are. Concentrate on specific work, to bring out of you the best that you have to build the best that can come out of America; then the Jaycees will have its greatest day. Most of all it will help to save America. Because if we don't save it, I tell you, neither the President nor anyone else will.

And not only must we train people for jobs. We have got to get people in the main stream of owning businesses and enterprises. There are 6,000,000 businesses of any consequence in America today. Very few are owned by blacks, because blacks never had the opportunity to move in that direction. More and more they are going to be moving in that direction. Those of you who have skills, who have been to the business schools, the law schools, the universities, are going to have to help those programs, those businesses to succeed. Big business has to become more sensitive to the needs of the humanity of the nation.

Before I became a member of the General Motors board, I was asked to be a member of the boards of large national corporations for three years. I turned them down. One day last December I got a call from Detroit. The man said he was chairman of the board of the General Motors Corporation. He wanted to know if I could come out to see him. I said, "No, I cannot come out to see you, but you can come out to see me." A couple of days later he called back, and I gave him the time that I could see him. He came to Philadelphia to discuss whether or not I wanted to be on the board of General Motors. I went home and talked to my wife and children about it. We had a vote on it, the three children, my wife, and myself, five of us. We voted, and the vote was four 'yes' and one 'no'. I said, "No." I went on the General Motors board. I have been fighting ever since. But I went on because I felt that if there's one place in the world that represents the establishment and big business, it is General Motors. Some people ask me why I think they wanted me on the board; I say they wanted me so they could use me. So I decided I could use them. We are using each other.

Since I've been on it, that is what we have been doing, and throughout this country in the months ahead you are going to see some vast changes. Extraordinary things will be happening to the corporate structure of General Motors. You are going to see black men in board rooms of every major corporation in this country. You are going to see black women, black men; you are going to see white women—you guys have been keeping these women down. If you are going to have changes like that in the corporate structure, you are either going to use it to help people or one day the people are going to take it away. You either use it or you are going to lose it. The day will come when those who own stock in big business are going to have to recognize that a portion of those dividends is going to have to go to social uplift. If you don't do it, you are going to lose what you have got. Big business is going to have to realize that it has got to become as humanitarian as it is profit-centered. Or else we are going to lose what we have. We must make free enterprise sensitive to the needs of the American people. That's why I'm on the General Motors board.

Sometimes you have to do things that people don't like. Two months ago, for the first time in history, a member of the board of directors voted against the board of General

Motors. I voted against them. They didn't even know how to put it down. It never happened before. Why did I do it? Well, it was because of an issue that I disagreed with; the issue affected what was happening to my people in Africa, in South Africa and the people for all these years had let it go by. No one had said anything. No one had spoken. Well, I had to speak, and I spoke. It might not mean much immediately, but in time that will mean something, too. Those people are waking up and seeing how billions of people are treated like dogs in other parts of the world. I think we are on our way, and I think we can go as far as we will together.

I'm not just hung up on black power; I am black power. I say, "I'm Mr. Black Power", but I know that you need black and white power together to build American power. This is the road we have to walk now because we all are going up together or we all are going down together.

So I came to this meeting because I wanted to say as one black man to you who aren't black, "I ask you to take my hand." I remember in Springfield, Illinois, when I received the Toym Award and I said, "Take my hand."

I ask America to take my hand again, so they can do something about the problems of the returning veterans and the poor and the impoverished who aren't veterans in the large cities of America, where one of every three blacks is still underneath the poverty line, where Chicanos still live in the most miserable conditions in some parts of this country, where Indians still live much as they lived before the white man ever arrived here.

If you don't believe it, go into those corners in Oklahoma and see how your Indian brothers live. I ask now, once again, to take a hand, to make the U.S. Jaycees relative and meaningful for our day. The old junior chamber of commerce can't exist and survive in the world now.

It's got to take a new road of service and uplift, help men to help themselves. You are the greatest organization in America. I challenge you to use that strength and power, that resource, to help save this country. If you do, together, it will change the cries in our streets from "Burn baby, burn" to "Build brother, build".

GOVERNMENT AND THE ARTS

HON. WILLIAM L. HUNGATE

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 15, 1971

Mr. HUNGATE. Mr. Speaker, I would call to the attention of the House the following editorial which I think outlines our responsibilities to the arts. While President Nixon and Congress have taken greater strides to support the arts and humanities in the past few years, the article indicates there is still much that is worthwhile to be done:

GOVERNMENT AND THE ARTS

Historically in the United States, support for the arts has been a matter of patronage by art lovers and their checkbooks. But this era of the patron of the arts seems to be coming to an end. Spiralling prices, increased taxes, coupled with a slowdown in the economy, have brought many symphonies, art museums, theatres and other cultural enterprise to the brink of insolvency. In our own area, the Loretto-Hilton professional theatre company had to close down. This year, the Mississippi River Festival has managed to hang on by its teeth, largely through welcome support by the Illinois State Arts Council. And the St. Louis Symphony is struggling to keep its head above water.

Many people don't know that Illinois and Missouri have State Art Councils. These Councils have been set up for the purpose of helping to support artistic and cultural enterprise in the two states. In both states, the amount of assistance requested by the respective governors is relatively modest—$750,000 in Illinois, $306,000 in Missouri. Nationally, the Congress has authorized $60 million for the National Foundation on the Arts and Humanities.

Many people do not believe it is a proper function of government to help nurture the arts. But in terms of what six other progressive Western nations provide, governmental aid to the arts in the United States is infinitesimal.

We are seventh—it's computed our per person tax tab for the arts is seven-and-a-half cents. Number six is Great Britain, where the cost to the average citizen is $1.23. Sweden and Austria both provide $2.00 per capita for the arts, and up to a whopping $2.42 in West Germany.

Now, Americans are taking a long hard look at this country's priorities. The most glaring inequities are those which exist for the poor, the elderly, and the deprived. We are demanding that our government balance these inequities. But KMOX Television suggests concern for the arts is also deserving of a higher slot on the priority list.

Man needs his music, his literature, his art, his crafts. We ask our viewers to think about it. And then think about man without his arts.

VIETNAMESE ELECTION

HON. LESTER L. WOLFF

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 15, 1971

Mr. WOLFF. Mr. Speaker, since introducing a resolution providing for the appointment of an American study team to observe the Vietnamese presidential election, I have repeatedly sought the administration's views on my proposal. The administration has for months promised to comment on my legislation, which was introduced with 48 cosponsors on March 3.

The promises have been constant for the past 3 months, but the administration has failed to deliver in this area, as in many others. I can only anticipate that, when a response does come, it will be too little, too late, and we will have reached the point where we can have no assurances as to whether the Vietnamese elections are in fact free. This would be a grave disservice to the American people, who have sacrificed tens of thousands of their young men in an effort to preserve freedom of choice in Vietnam.

Recent articles from three newspapers—the Washington Post, the Washington Star, and the New York Times—indicate that events which will have great influence on the October election are already occurring in Vietnam. If we are to know what is happening in the political campaign, we should have had observers there already—but the House of Representatives will not act on my resolution, or similar legislation, until the administration makes known its attitude. I, therefore, urge an early response to my inquiries to the State Department, and prompt subsequent action by the House.

The articles referred to follow:

[From the Washington Post, June 24, 1971]

THIEU SIGNS CONTROVERSIAL ELECTION BILL WITHOUT CHANGE

(By Peter Osnos)

SAIGON.—President Thieu today signed into law the comprehensive election bill setting out the procedures to be followed in the upcoming presidential campaign and balloting.

Thieu delayed signing the measure until almost the last possible moment, prompting speculation that he might amend controversial provision requiring candidates to get the endorsement of 40 national assemblymen or 100 provincial councilors.

But Thieu signed the bill intact. The move was announced on the government radio's 10 p.m. news broadcast. The measure would have gone into effect automatically at midnight.

The requirement for legislative endorsements has been critized here and abroad both for the heavy-handed way Thieu maneuvered for its passage and the fact that it is clearly designed to limit Thieu's opposition next October.

U.S. VIEW

American diplomats, despite their avowed policy of noninvolvement in the election, have stressed privately to Thieu the great importance attached by U.S. public opinion to a legitimate campaign.

Fearful that Thieu could end up in a one-man race, American officials right up to Ambassador Ellsworth C. Bunker have met in recent weeks with Vice President Nguyen Cao Ky and Gen. Duong Van (Big) Minh to encourage them to run, informed sources said.

Thieu is a very heavy favorite to be re-elected. However, with Ky in the race, Minh's chances are thought to be better than they would be if he faced the president by himself.

The principal concern of the Americans has been that Ky would be kept off the ballot by the endorsement provision and Minh would then drop out also charging that Thieu is rigging the election.

Immediately after the election bill was passed by the National Assembly June 3, Ky's chances of getting the necessary signatures were thought to be small. But the vice president may have outflanked Thieu by creating an alliance with Minh to assure that neither would be squeezed out of the race.

MINH'S BACKERS

Under the agreement, sources said, Minh will get his backers from the National Assembly and will help Ky concentrate on the councilors. The vice president's campaign manager, Le Van Thai said today that Ky already has pledges from 100 provincial legislators.

Informed Vietnamese observers regarded Thai's assertion with scepticism and noted that in any event, the pledges must still be turned into "legalized" signatures.

Whether Ky will eventually get the backers he needs is still not clear, although his chances now are thought to be better than they were three weeks ago. Minh is confident of finding sufficient support in the National Assembly and, sources said, he assured Bunker that he will make the race.

As for Thieu, there are reliable reports circulating in Vietnamese political circles that the president, acting through his province chiefs, is exerting strong pressure on local councilors to line up solidly behind him.

One progovernment source said Thieu has so far signed up 400 of the country's 550 provincial legislators.

In Giadinh province, just outside Saigon, where the pressure has been so blatant that even seasoned Americans were startled, 20 of 27 councilors have already declared for Thieu, sources there said.

The president's influence over the councilors is substantially enhanced—and that of Ky diminished—by the fact that Thieu's province chiefs can recommend dismissal of any of the provincial legislators.

PROVINCE CHIEFS

By bearing down on his province chiefs and at the same time deciding not to make the election measure less restrictive, Thieu is believed demonstrating anew his determination to run the election his own way, regardless of what it might cost him in international prestige.

A number of American diplomats who several months ago spoke optimistically of Thieu's intention to carry off the election with a minimum of political hanky-panky, are now taking a markedly gloomier line.

"I'm not convinced anymore that it's going to be honest," said one official, "but there aren't enough signs yet to say that it's going to be dishonest either."

Some of the other provisions of the election law are these:

Applications for candidacy must be submitted before Aug. 3 and the candidate must deposit $7,500 with the national treasury for campaign expenditures.

Anyone deemed Communist or a "pro-Communist neutralist" by the Supreme Court is prohibited from running.

The election will be held Oct. 3 and any Vietnamese citizen 18 or over can vote, provided he places his name on the voting list and has a voters card.

[From the Washington Star, July 13, 1971]

VIETCONG CARRYING FIGHT TO THE VOTING BOOTH

(By Crosby S. Noyes)

A development of potentially large importance is taking place in Vietnam, completely unreported in the American press. For the first time, the Communist National Liberation Front is calling on its supporters to take an active part in South Vietnam's political process.

The Communists, as is their wont, still are denouncing the forthcoming elections as a fraud. But at the same time, they are urging their followers to take an active part in the August vote for the South Vietnamese National Assembly and the presidential elections that will follow in October.

The purpose of the change in tactics is not clear. In earlier elections, the NLF has always called on its people to boycott the vote and try to disrupt the electoral process. Today they are being told by the NLF radio that they cannot continue to "stay outside of the struggle" and must join in a political effort to unseat the regime of President Nguyen Van Thieu.

The Communists do not seem confident that this can be done and, like other elements of Thieu's opposition, are calling foul well before the elections are held. At the peace talks in Paris, Mrs. Nguyen Thi Binh, the representative of the Provisional Revolutionary Government of the NLF, has denounced the coming vote as a farce.

As long as American troops remain in South Vietnam, the party line claims, free and democratic elections will be impossible.

Yet evidently the leadership of the NLF sees interesting possibilities in the coming contest, if only as an effort to undermine Thieu's hold on the electorate and the assembly. American officials have predicted for years that the time would come when the Communists would take "the political road" as a means of attaining their objectives. And now for the first time, this may be happening.

In calling for defeat of the present regime and the establishment of a "real political force" in the South, the NLF appears to be concentrating its hopes on opposition candidates for the National Assembly and on Gen. Duong Van (Big) Minh, Thieu's principal rival in the presidential election.

At various times, the NLF has made it clear that Minh is a political figure they believe they can work with, as opposed to the rigid anticommunism of the Thieu regime.

Minh, though no Communist, has allied himself with vaguely identified "peace factions" in South Vietnam. With a studied lack of precision that can be interpreted in different ways, he is calling for a "strong and honest government representing a just cause" in South Vietnam.

The Communists also may have reason to believe that Minh is a less determined and effective political leader than Thieu. After leading the military coup against President Ngo Dinh Diem in 1963, Minh served briefly and without distinction as prime minister of a provisional military government.

Though popular with the electorate, he is generally regarded as indecisive and easy-going.

The impact that the NLF could have on the election, if its plea for political action by its supporters is followed, is hard to predict. The Front itself cannot play any open part as a political organization under the present constitution.

Still, it is quite certain that the Communists are the most effective and disciplined political bloc in the country, given the fragmentation that exists among other groups. And if they succeed in throwing their support behind Minh, even in a covert way, the outcome could be placed in doubt.

This, in turn, might force Thieu to take more repressive action against his opponents. Anything that he may do in the way of rigging the election laws, suppressing newspapers and harassing opposition candidates is grist for the Communist mill.

The preliminary charge of fraud—standard procedure in virtually all Asian elections—is carefully calculated to increase public unrest in the country and damage the image of the regime.

One point, however, is clear. The Communists, in taking the political road, are not in the process of abandoning their efforts to seize power by military action. On the contrary, all the signs point to stepped-up military pressure between now and the elections, concentrated near the Demilitarized Zone in the north and in the central highlands, with renewed acts of sporadic terrorism throughout the rest of the country.

By a combined military and political offensive, the Communists hope to bring about a gradual disintegration of the political structure that has been built up in South Vietnam over the last five years. And their appeal for participation in the elections is only a first step toward this objective.

[From the New York Times, July 15, 1971]

KY SAYS THIEU TRIES TO RIG VOTE

(By Alvin Shuster)

SAIGON, VIETNAM.—Vice President Nguyen Cao Ky accuses President Nguyen Van Thieu today of using "dictatorial practices" to silence the opposition, muzzle the press and insure his re-election.

Mr. Ky's sharp personal attack, in the form of a letter to the President, asserted that Mr. Thieu had failed to achieve his objectives in four years in office, that democratic institutions had been abused and corrupted, that society had been weakened and that "the basic rights of the citizens are under serious threat of annihilation."

Mr. Thieu has "an excessive attachment to power," Mr. Ky said.

Mr. Ky, who reiterated that he would challenge the President at the polls on Oct. 3, is trying to meet the requirements to make the race. Under a law backed by Mr. Thieu, a presidential hopeful needs the endorsement either of 40 of the 195 members of the National Assembly or of 100 of some 550 city and provincial councilors.

DEADLINE IS AUGUST 3

According to Mr. Ky's aides, he has received pledges of support from about a hundred councilors but province chiefs, who are appointed by the President, are hesitant about validating the endorsements. The deadline is Aug. 3.

Apart from the political implications of the Vice President's allegations, the letter underscores the rift between the two men, who joined up in 1967 at American insistence. There is substantial bitterness and they are no longer on speaking terms.

"You promised to resolve the war," Mr. Ky wrote Mr. Thieu, "yet more than ever we are locked in a situation of war with no end in sight. You promised social reforms, but our society is fraught with unprecedented injustice and corruption while the soldiers, the civil servants and the unprivileged citizens are condemned to a life of destitution unknown to this date."

Now, Mr. Ky continues, President Thieu has embarked on what was termed a blatant attempt to fix the elections through a series of acts showing "undeniable indications of dishonesty." He charged that the President was exerting pressure on legislators and local councilors "to prevent them from sponsoring the candidates whom you fear."

The Vice President, like the President a former career military man, coupled a plea for the end of the alleged practices with a warning of the repercussions from fixed elections. He said the winner would meet with indifference and contempt from the people and would have neither the authority nor the prestige for leadership.

The other potential challenger, Gen. Duong Van Minh, has also accused Mr. Thieu of attempting to rig the vote.

Although General Minh, the hero of the 1963 coup d'état against the Government of Ngo Dinh Diem, seems assured of the required endorsements, the question of Mr. Ky's ability to get them remains. General Minh has suggested that he will not run unless Mr. Ky does.

American officials are still concerned that both men may drop out of the race, leaving President Thieu unopposed and tarnishing the democratic processes the United States has tried to foster.

Mr. Ky concurred in General Minh's view that the election law requiring endorsements was unconstitutional because it "flagrantly violates the principle of direct suffrage." The Supreme Court ruled early today, however, that the controversial law was constitutional.

FREDERICK PRICE ROONEY

HON. JOHN W. WYDLER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 15, 1971

Mr. WYDLER. Mr. Speaker, recently, at the graduation ceremony of the Garden City High School, Frederick Price Rooney, president of the graduating class, formally addressed the audience.

The school is in my hometown village, and the young man is not only known to me personally but is a nephew of my colleague in Congress, the gentleman from Pennsylvania, the Honorable FRED B. ROONEY.

The speech was direct and to the point. Rather than a speech of despair blaming the whole world for a specific individual's unhappiness, it was one which asked patience from parents in seeing that their children achieve the high goals and idealisms they have set for themselves.

Frederick Rooney is remarkable because of his many achievements, both in his school and in his community. I had the pleasure of awarding him my Congressional Medal of Merit, which was given for many reasons but is best summed up in one phrase, "Because he loves his country."

I believe my colleagues would like to read the speech of one young man who speaks for his own generation, for our generation, and for generations yet to come.

The speech follows:

SPEECH OF FREDERICK PRICE ROONEY

Parents and friends of the Class of 1971: First of all I would sincerely like to thank the Class for giving me the opportunity to speak on their behalf.

I am extremely proud to be able to speak for a class such as ours, a class which has excelled in the 4 basic goals that Garden City High School sets out to instill in its students, those goals being scholarship, sportsmanship, service to the school and community citizenship.

In the field of sportsmanship our teams can be gratified by the many awards brought to our school for athletic achievement. The students in this class having participated in organized sports have benefited greatly not only in the physical sense, but they have benefited from the values and teachings instilled in them by their coaches and fellow sportsmen.

We are also very proud of the fine scholars who have brought credit not only to our class but also to our school and community.

The class has a large number of students participating in community activities ranging from candy striping, nurses aides, junior male volunteers, human resource workers, etc.

But most of all in the field of citizenship we are the proudest. For the first time in the history of Garden City High the class gift has been given to an outside organization. We have awarded the United Cerebral Association $550 to be used for obtaining an exercise staircase which will train young cripples how to walk. This proves the deep concern we feel for our fellow human beings, especially those less fortunate than we.

When people say we are very different from our parents they are only partially correct because we are very similar in this same respect, for we are striving for basically the same goals that you strove for only in different ways. The times have a lot to do with the way we do things. For example when you were young the depression and the war left little time for a young person to think about being an individual. Young people had to work and earn money to help support the family. Today we have much time for ourselves, time to think and hope. Hoping that we may do the things that we want to do in our own special way thereby setting us apart from others working for the same goal. And hoping that the skills, knowledge, values and ideals that we have learned during our years in school will serve us well in our contributions to society.

We sincerely hope that our training both at school and at home will prepare us to stand up for our ideals in a world where being an individual takes a lot of strength. We ask that you stand by us in the years to come and not be discouraged by our failures, but have courage and faith in us. We thank you for standing by us during our long years in school and we greatly appreciate all that you have done for us. We only hope that the pride you feel for us now never fades, "for yesterday is already a dream and tomorrow is only a vision, but today well lived makes every yesterday a dream of happiness, and every tomorrow a vision of hope".—sanskrit.

THE INVISIBLE JEWISH POOR

HON. BELLA S. ABZUG

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 15, 1971

Mrs. ABZUG. Mr. Speaker, among the many myths about America's poor is the widely held but totally inaccurate belief that poverty is confined to the black and Puerto Rican population and certain sections of Appalachia.

In fact, poverty among more than 30 million Americans extends into all parts of the United States. One group that has been virtually ignored consists of almost 1 million Jews with incomes of under $3,000 a year.

This problem is discussed in fascinating detail in a recent article in the Manhattan Tribune by Mrs. Anna G. Wolfe, program consultant in the intergroup relations and social action department of the American Jewish Committee.

She points out that more than 15 percent of the 6 million Jews in our Nation live below the poverty level, and that approximately 60 to 65 percent of poor Jews are elderly. As I have observed in the 19th Congressional District, the major problem facing the elderly poor is housing.

Mrs. Wolfe reveals:

> Their living conditions are often inadequate, in various stages of dilapidation or repair. Frequently, they need help in improving their current housing, or assistance in relocation.

Studies in New York City have revealed that about 10 percent of the Jewish population there is sustaining itself on $3,000 a year, or less. Thus, about one quarter of a million Jews subsist in our city below a level of $3,500 a year, and another 150,000 live at near poverty on incomes below $4,500. There are Jewish families receiving aid to dependent children, a fact that is usually greeted with disbelief. The third largest poverty group in New York can be found among the 80,000 Chassidic Jews in the city.

The discusion of "the invisible Jewish poor," as Mrs. Wolfe refers to them, indicates the need for our government to confront the problems of poverty among many diverse groups in our population. We need more research and data, but most of all we need government action to end poverty, including the creation of more job opportunities, public works programs, job training programs, a higher minimum wage and a guaranteed annual income that will allow all Americans to enjoy their basic rights of adequate food, shelter, and clothing.

At this point, I insert into the RECORD the full text of the Manhattan Tribune article:

THE INVISIBLE JEWISH POOR

(By Ann G. Wolfe)

Some 7 years ago America was startled to learn that there were, among us, 30 million poor people living below a level that was considered the poverty line by government standards. For a reason that is not altogether clear, the Jewish community did not recognize the relevance of this phenomenon to its own people. To be sure, from time to time, we would read about a group of Jews living in extreme poverty, but these groups seemed to be few and far between, and with an occasional exception, did not arouse either passion or anxiety. It is difficut to explain why it took so long for us to come to the realization that we too, have our poor—our "others"—a situation which now presents us with a new and urgent challenge.

A recent issue of Jewish Week, an Anglo-Jewish publication—the April 22, 1971 issue—has as its lead editorial, an item with the caption, "Belated Recognition of a Problem." In it the editorial states:

"Better late than never is the utmost of enthusiasm earned by the announcement of the Central Conference of American Rabbis (Reform), that its incoming President, Rabbi David Polish of Evanston, Illinois, is proposing a far-reaching program of service to the Jewish poor in America.

"It is not merely neglect that the American Jewish poor have suffered. They have been the victims of prejudice and discrimination as well, and they have suffered from these attitudes at the hands of fellow Jews. Lest the Reform rabbis be allotted a disproportionate share of the blame for past error because of their present decision to take action, let it be recorded that the whole of the affluent Jewish community, including even much of the Orthodox establishments, is to blame.

"Because the myth that the American Jew has conquered poverty has been generally accepted by the affluent Jewish majority, we do not even have reliable statistics on the extent of Jewish poverty."

The publication carries a news item that quotes from Rabbi Polish, to the effect that thousands of Jewish poor families do not have a place in the Jewish community and he went on "We have swept the Jewish poor out of sight and acted as though they didn't exist."

The years of the past decade have moved along with increasing technological advances, leaving behind institutions and people who have become both out of fashion and ill-equipped to deal with challenging needs. Some of us believe that many of our most serious national problems stem from the failure of our institutions to adapt to change. In the Jewish community, we see a larger aging population unable to adapt to a new and different society, and if we are candid, the same failure of national institutions to take cognizance of these changes, holds true for some of our Jewish institutions. Part of the blame lies with the institutions, but the greater blame lies with us. For more than a decade after World War II, until the 1960's began to shake us out of our complacency, many of us were content to sit back and take comfort in the fact that we never had it so good. It was during this period that we became aware, and the country as a whole was convinced of the affluence of the Jewish community; it often created problems for us. All the statistical figures on income showed the Jewish community enjoying higher average incomes, and a higher median income than that of the general population.

The researcher encounters the greatest difficulty in collecting information on income. Not until 1940 did the federal census include such a question. Among the large numbers of Jewish communities surveyed, very few collected information on income, and some of the information which was collected is often questionable. However, a small number of national surveys did include such questions. These clearly documented the fact that the income level of Jews is above that of the general population. A study conducted at the University of Michigan in 1956, indicated that 42 per cent of Jewish families had incomes of $7,500 and over, compared to only 19 per cent of the general population. The National Opinion Research Survey conducted in 1955, had similar data. The median income for heads of Jewish households was just under $6,000 compared to just over $4,000 for the total population. Somehow, these facts hid some others, less pretty.

It is in these studies that we find significant indications of the extent of poverty in the Jewish community. The National Opinion Research Survey on income related to religion, reported that 15.3 per cent of Jewish households had incomes under $3,000 a year; and 22.7 per cent of Protestants had incomes under $3,000 a year; 15.6 per cent of Catholics had incomes under $3,000 a year. If we were to add the figures for the near-poor—those earning under $4,500 a year, the figure for the Jewish community would be much greater. 15 per cent of six million people is a large number.

Who are the Jewish poor? Who are those in the Jewish community who have not made it, who are not making it, and who live their lives in quiet desperation, out of the mainstream of the Jewish community?

We had blind spots in our vision of ourselves and it is time to look at the facts. An interesting example of a blind spot related to wealthy Miami Beach. In a study done in that community called South Beach, it was learned that 40,000 people were clustered in an area of some 30 square blocks. Of these, 80 per cent are over 65, and 85 per cent are Jews. The average annual income is $2,460; thousands are living on less than $28.00 a week for rent and food.

Elderly Jews, the remnants of the vast immigration of the beginning of the 20th century, constitutes the largest group of Jews living in poverty. In spite of all the figures I have given, we do not know, accurately, what proportion of the poor in our community are elderly. The 8 or 9 community studies which we have reviewed reveal that something like 60 to 65 percent of Jews living in poverty are over 60 or 65 years of age. An impressionistic look at the needs of the elderly poor—discloses that the major problem facing the elderly poor is housing. Their living conditions are often inadequate, in various stages of dilapidation of disrepair. Frequently, they need help in improving their current housing, or assistance in relocating. They often find themselves the last hold-outs in areas that have ceased being Jewish. Loneliness and isolation are perhaps the most poignant characteristics of old age, and these are reinforced for the Jewish elderly who are locked in to neighborhoods that no longer offer them the support and security they need. More than emotional insecurity is the sense of physical fright that the deteriorating neighborhood induces.

The aged often live alone, (one report says 2 out of 3), as widows or widowers, in housing arrangements that do not allow for much meaningful social contact with others.

We owe a great debt to the present population of the elderly in our community. They were the ones who helped build our community, The vast numbers managed on their own—some had some help, but for the most part they were a vigorous, powerful, independent force. It should be possible for them to live out their years involved and cared for, and we should make it clear by what we do that we value their lives, their experience, the work of their hands, their humor, and their constant hope.

In a recently published book about the elderly Jews in a old age home—Home Life, by Dorothy Rabinowitz and Yedida Nielsen—this hope is etched sharply by one resident of the home who said:

"I don't want to talk about the past . . . I don't want to think I am getting older. I want to think about living. Now the world is altogether different. I like to know about the future. I want to look through a window to see how it will be after I am gone. I want to know about this world."

The aged who make up about two-thirds of our poor are perhaps easier to see, and evoke sentiments that all of us feel. But there are significant numbers of poor who are not old folk, and I think it is important to explode the myth that the Jewish poor are all the Jewish old.

There is less sympathy for this other group—30–35 per cent of our poverty group—which is made up of single, unrelated people or families, many with young children, some headed by one parent. There are Jewish families receiving Aid to Dependent Children—a fact that is usually greeted with disbelief. In New York City alone it is estimated—although here, too, we wonder why it has not been possible to get more accurate statistics about the Jewish poor—that one quarter of a million Jews subsist below a level of $3,500 a year, and another 150,000 live at near-poverty on incomes below $4,500. A study undertaken in 1963 and '64 by the Columbia University School of Public Health and Administrative Medicine, shows that 10 per cent of the Jewish population is sustaining itself on $3,000 a year or less. For the foreign born Jews in New York City, this figure rises to 15.7 per cent. A figure fairly similar to the Puerto Rican community where 16.3 per cent are living under $3,000 a year. 75 per cent of the foreign born Jews in New York are 50 years of age and older, but in addition to this aging population, there are Orthodox and Chassidic poor, many of them with young families. There are 80,000 Chassidic Jews in New York City, and this group is the third largest poverty group in New York.

A study conducted by the Jewish Employment and Vocational Service reveals what some of us have long suspected—that we are like anybody else. Unemployed Jews who came to this agency reflect the same problems that the poor of any group have. The study covered a sample of Jewish men and women representing an active caseload of more than 700 persons. The age range was from 17 to over 65 years, and about half of them were in their prime work period, in the ages between 21 and 50. One-third of the persons coming to the Vocational Service were older than 50, and 17 per cent were under 20. About two-thirds of the persons coming for help with employment had incomes in the previous year below $2,600, and one in six had an annual income of $4,000 or more.

Up until the very recent past we have had a long period of full employment in America. During such periods, jobless persons are usually people with severe problems of a personal nature, or were those against whom society discriminated. In the Philadelphia study, it appeared that six out of ten of the Jews coming for help with employment had disabilities classified as primarily emotional, but this group overlapped another group of four out of ten who had problems relating to aging or physical health. Limited education was found to be an important factor among poor Jews, half of the job seekers having less than 11 years of schooling, and one in five with less than an eighth grade education. Here, too, our blind spots operate. Because of the high proportion of young Jews in college today, and our tradition as the "People of the Book," we tend to overlook the earlier generation that has had a less impressive education.

One might consider too, current situations of economic recession and rising unemployment and its effect on that part of the Jewish community which lives marginally.

In summarizing the problem of the Jewish poor—estimated at 700,000 to 800,000 in the United States—we must make the point that their problems are common to all poor, but that there are problems peculiar to Jews, problems in inter-group relations, problems related to a Jewish identity which exist in a society whose image of the Jew is not altogether accurate, an image which the Jewish community persists in perpetuating. The problems include poor housing, inadequate medical care, neighborhoods that are undesirable in terms of emotional and physical security and outside the Jewish cultural mainstream.

There are special needs in the Orthodox community to which we must pay attention. There are demands which Jewish ritual makes—the need to buy Kosher food, for example. The Chassidic community has a built-in resistance to secular education, particularly at the high school and college levels. Few Chassidim have a college degree—an impediment to benefitting from the economic advantages which higher education normally bring. Jewish education for this group drains the resources of the Chassidic family. On religious grounds, the Orthodox and Chassidic communities are opposed to birth control and tend to have large families. In Williamsburgh, in New York City, the median family size is 6.3 children, as opposed to the average Jewish family size of 2 children.

My thesis is a plea to "raise our consciousness"—a phrase borrowed from women's Liberation—about what we have been unconscious about. What, then, is to be done and who is to do it?

Future historians may likely assess the pattern of Jewish community organization as the unique characteristic of 20th century Jewry. It has bcome a model for the structure of voluntary organizations of other religious and ethnic groups. Students from all corners of the globe come to study the complex of Jewish health, welfare, and other agencies. We have the structure and the processes for rational planning. What may need some doing, in my opinion, is the use of our structures in a way more responsive to needs which we now perceive. And in moving towards this responsiveness, I suggest that some basic questions need to be asked:

Who decides what service gets how much money?

What process is used in making the decision?

Do all elements in the Jewish community share in this decision-making process?

How are priorities set?

Where is the power?

Does the Jewish community need to reorder its domestic priorities?

Are we paying enough attention to our domestic Jewish needs?

A word about the American Jewish Committee and its role in this field. Our organization is constantly changing. For those of us who work for AJC, it is revealing to look back on our jobs and realize that what we do today is vastly different from what took up our days five, ten or twenty years ago. It is a characteristic that makes working for AJC so exciting, and it is the quality that makes our membership so knowledgeable and so challenging in the Jewish community. From a "defense agency" in the early days, we grew in knowledge and understanding of the fact that Jewish security could not be achieved in a society which did not protect the rights of all groups. In the 1940's we moved into areas of scientific research, to understand the nature and dynamics of prejudice. In 1947 we took our place in the civil rights movement, placing our resources and knowledge at the disposal of all America in its great struggle for equality. We became what we now call a community relations agency.

We have been refining our understanding of equality, and in the early 1960's we recognized for example, that we could not continue to call for fair employment without also calling for full employment. We perceived a truth which is becoming even more apparent today, that economics has a great deal to do with equality.

In 1969, our Executive Board took a step which may in its long-range implications be as important as the step we took in 1947 when we moved into the field of race. In 1969, after 3 summers of turmoil in our cities, we recognized that the domestic tranquillity which we believe to be an ultimate goal, cannot be achieved in a society in which a large number of people subsist on incomes inadequate to maintain health and decency. We moved to help in public welfare reform, and in a rather curious by-path, discovered a truth which had been buried for too long. In our activity around welfare reform in behalf of the poor, we "discovered" our own poor. We also discovered that many of our poor had little or no contact with the existing institutions we take such pride in. In cities across the country—Dallas, Philadelphia, Boston, St. Louis, Los Angeles, Miami, Chicago—our Chapters began to view their own communities with a diagnostic eye and the questions that I have suggested are questions being asked by our own membership. As a result of this growing interest we are beginning to define our role. Today, the AJC is moving to become more of a Jewish "civic" agency, expressing the views of our members on the major issues that touch the Jewish experience today, and which affect the quality of Jewish life.

We have just received a grant from the Baron DeHirsch fund—a fund with an illustrious history in helping the immigrant Jew become a productive and self-supporting citizen—to convene a consultation on the nature of Jewish poverty which will be held in New York in the fall of this year. The consultation will, we hope, bear the hallmark of AJC—with scholarly papers and analysis by experts that will help clarify the situation of Jewish poverty today, and project for us the needs of the next decade. We hope to enrich the whole Jewish community's knowledge by publications that will result from this consultation. Under consideration are some pilot and demonstration programs that will attempt to get at an understanding of the blocks that stand in the way of communication between the Jewish poor and those of us who are in the mainstream of Jewish communal life. This will involve work in transitional neighborhoods, which may yet be saved for those Jews who wish to remain in a familiar and congenial environment and where supportive services may help in this process.

In all of our work, we do not intend to become a competing agency with those in the Jewish community that are responsible for on-going and direct services to people. We do not intend to set up agencies. We see ourselves as supporters and stimulators, and we hope to develop the closest and most cordial relationships with Jewish organizations in those fields in which we have mutual concerns. If in this process, we all heighten our awareness, and refine our skills to do what needs to be done we will consider our undertaking to be successful.

(Mrs. Ann G. Wolfe, Program Consultant in the Intergroup Relations and Social Action Department of the American Jewish Committee, is a specialist in youth work and social welfare for the American Jewish Committee.

She carries major responsibility for AJC's activities in the social welfare field, helping to organize programs in local AJC chapters and working with a variety of national coalitions in the specific areas of hunger, welfare reform and health.)

HOUSE RESOLUTION 319

HON. ANDREW JACOBS, JR.

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 15, 1971

Mr. JACOBS. Mr. Speaker, the following is the language of House Resolution 319, which I introduced on March 17, 1971. I was hoping it might catch the attention of the administration:

H. RES. 319

Whereas the President of the United States on March 4, 1971, stated that his policy is that: "as long as there are American POW's in North Vietnam we will have to maintain a residual force in South Vietnam. That is the least we can negotiate for."

Whereas Madam Nguyen Thi Binh, chief delegate of the Provisional Revolutionary Government of the Republic of South Vietnam stated on September 17, 1970, that the policy of her government is "In case the United States Government declares it will withdraw from South Vietnam all its troops and those of the other foreign countries in the United States camp, and the parties will engage at once in discussion on:

"—the question of ensuring safety for the total withdrawal from South Vietnam of United States troops and those of the other foreign countries in the United States camp.

"—the question of releasing captured military men."

Resolved, That the United States shall forthwith propose at the Paris peace talks that in return for the return of all American prisoners held in Indochina, the United States shall withdraw all its Armed Forces from Vietnam within sixty days following the signing of the agreement: Provided, That the agreement shall contain a guarantee by the Democratic Republic of Vietnam and the National Liberation Front of safe conduct out of Vietnam for all American prisoners and all American Armed Forces simultaneously.

ALL-WEATHER HELICOPTER STATION NEEDED

HON. NICK BEGICH

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 14, 1971

Mr. BEGICH. Mr. Speaker, the city of Cordova, Alaska, is an important fishing resort for many Alaskans. Because of the beautiful outdoors and the magnificent wildlife in the area, many people from all over the world visit Cordova to fish and hunt.

It is truly one of the great hunting and fishing areas of the world. Many citizens and visitors to the greater Cordova area suffer loss of life and equipment every year due to fishing and hunting accidents. Many of these accidents would not be as costly, however, if an all weather helicopter station were located within minutes from the disaster area.

It is obvious that victims to fishing, hunting or boating accidents would have a greater chance of survival and a greater chance of less serious injury if there were some dependable, practical means of lifting victims of accidents to hospitals and other stations where they may receive the necessary aid.

The city council of the city of Cordova has requested that the U.S. Coast Guard establish a lifesaving station with an all weather helicopter unit within the greater Cordova area. As a visitor to this area, I know it would be of immeasurable service to the citizens of Cordova. I am including in the RECORD a copy of the resolution from the city council and I believe it deserves your careful consideration.

The resolution follows:

RESOLUTION NO. 71–6

(A resolution urging the U.S. Coast Guard to establish a lifesaving station with an all weather helicopter unit within the greater Cordova area)

Whereas the community of Cordova supports a fishing fleet of several hundred vessels and individuals, and

Whereas many hunters and sportsmen come into the area from more populous areas of Alaska and the other 49 States, and

Whereas citizens and visitors of the Greater Cordova Area suffer loss of life and equipment every year due to fishing and hunting accidents, and

Whereas a locally based all weather helicopter could reach these victims within minutes, and

Whereas in many instances, a matter of minutes may mean the saving or loss of a life, now therefore be it

Resolved by the City Council of the City of Cordova, Alaska, that the U.S. Coast Guard be urged to establish a Life Saving Station, with an all weather helicopter unit, within the Greater Cordova Area.

Be it further resolved that copies of this Resolution be forwarded to the Commander 17th District U.S. Coast Guard, Governor William A. Egan, Senator Ted Stevens, Senator Mike Gravel, Representative Nick Begich and Lt. Commander William Hudson.

Passed and approved this 21st day of June, 1971.

ENERGY CRISIS HURTS CONSUMERS

HON. J. J. PICKLE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 15, 1971

Mr. PICKLE. Mr. Speaker, our Nation is facing an energy supply crisis of the utmost seriousness.

The unpleasant truth is that, on the basis of present known reserves, the United States must expect shortages in all of our present energy sources: Oil, natural gas, water power, and nuclear power. Even coal, although in plentiful supply, is not always economically available and, furthermore, its expanded use would be costly in terms of environmental pollution.

The energy supply shortage is understandable. Of all the energy consumed by man in the last 2,000 years, half has been consumed in the last 100 years. That is not the end of the story. It is reliably estimated that by the year 1990, less than 20 years from now, the United States will require almost double the amount of energy we used in 1970. And the experts say there is a strong possibility that our total energy needs may triple by the end of this century.

During the decade between 1960 and 1970, our national population increased by about 12 percent. In that same period, our national energy requirements increased by more than 41 percent.

Significantly, natural gas consumption increased by more than 50 percent.

In 1968, for the first time in the industry's history, more gas was consumed in the United States than was discovered, reducing the known reserves by 5.6 trillion cubic feet. In 1969, the deficit was 12.3 trillion cubic feet. And in 1970, the shortfall for the contiguous 48 States was 10.6 trillion cubic feet.

No comfort is to be derived from the fact that total gas reserves increased last year because of reserves associated with the discovery of oil in Alaska. No pipeline facilities at present exist to get either the oil or the gas out of Alaska, and no one knows how long it will be before they are in operation. But we do know that these reserves will not become available for use in the near future.

And the need is now.

Two factors are responsible for the gas supply crisis. One is greatly increased demand for this cleanest, most economical, and most convenient of all fuels. The other is an extremely serious faltering in the search for new gas reserves.

What is the reason for this critical slowdown?

It can be traced back to a ruling of the Supreme Court in 1954 that the Federal Power Commission must control wellhead prices charged for gas by producers selling to interstate pipelines.

During the ensuing 17 years, the price of gas at the wellhead has been kept so low that there has been a grave erosion of the incentive for people to go out and look for new sources of supply. On a B.t.u. basis the average price of gas at the source is less than one-third the price of oil and approximately two-thirds the price of coal.

Not only has the Federal Power Commission set producer prices for gas so low that it sells below other less desirable competing fuels, it also has removed validity from sales contracts between producers and interstate pipelines.

Under present regulations, the contracts cover volume of gas to be delivered, prices, and delivery terms, all of which must be approved by the Federal Power Commission. But the contracts have little meaning.

After the producer begins deliveries, every provision of his contract with the pipeline company is subject to subsequent change and revision by order of the Commission. It can change the prices stated in the contract, or extend the terms of the contract, or change the actual volume of gas to be delivered. Once it has set a price the Commission can change that price and frequently has. The uncertainty caused by these possibilities naturally makes producers less eager to go out exploring for new fields.

But unless such exploration does go on, American consumers will be plagued by a critical shortage of this clean burning fuel; and our supplies are already being strained. As an example, Chicago consumers are now faced with a critical shortage of natural gas—the result of a strict air pollution ordinance. The Oil and Gas Journal reports that within 1 year after the passage of this ordinance, the Chicago backlog for natural gas service mounted to 16,550 applicants. In the state of Michigan, the Consumer Power Company, which serves 840,000 customers in 37 counties, is now connecting new residential customers on a strict priority basis, and is refusing to accept any new industrial or commercial customers. Furthermore, they estimate that they will be forced to cut off all new customers by the end of 1971. A similar situation exists in Ohio. The East Ohio Gas Co. has been unable to accept any new industrial gas customers since May 1, 1970, even though the requested supplies would have significantly reduced air pollution.

Presently over 140 million Americans rely on natural gas to heat their homes, cook their food, fire the burners of industry, and generate their electricity. Moreover, the number is increasing at an alarming rate. At such a time when the demand for clean-burning natural gas is rising sharply, we cannot short-change consumers by continuing to discourage the search for and the development of natural gas reserves.

Last April, I introduced in the House a bill—H.R. 7144—designed to make at least a start toward avoiding that catastrophe. Similar measures have been introduced by other Members.

The proposed legislation would validate contracts between gas producers and interstate pipelines once they were approved by the Federal Power Commission. This is not a decontrol measure. All new contracts would still have to be submitted to the F.P.C. They would become binding only after approval by the Commission or approval with stipulated conditions agreed to by all parties. Or the Commission could disapprove any contract, thereby voiding it.

Mr. Speaker, I submit that this is the minimum legislation required at this time to alleviate the present urgent situation. It is not advanced as a complete solution to the gas supply shortage. But its enactment by Congress would show the gas producers that we are aware of the problem they face—and in which all gas consumers share—and that we are ready to make a start toward a solution.

A recent Wall Street Journal editorial on this subject was captioned "Out of Gas". We are not yet out of gas, but it would be the part of wisdom to heed the Journal's statement that:

> Regulation has tended to keep the price of natural gas cheaper in many markets than coal or oil with the result that demand for natural gas and expansion of the pipeline network to supply the demand has outpaced the development of gas reserves.

The full text of the Wall Street Journal editorial follows:

[The Wall Street Journal, June 30, 1971]

OUT OF GAS

Given the sad state of the nation's railroads and airlines, federal regulation doesn't have a very shiny image these days and the shine isn't improved much as we hear more of the plight of another regulated industry, natural gas.

It became evident last summer that gas pipeline companies had expanded facilities close to the point of offering customers more gas than was in fact available. The industry scraped through last winter but there are other winters, and new possibilities of shortages in some markets, on the way. The Federal Power Commission regulates the industry under the Natural Gas Act of 1938; regulation deserves some of the blame for the present state of affairs.

Regulation has tended to keep the price of natural gas cheaper in many markets than coal or oil, even though these are in many ways less desirable fuels. The result has been that demand for natural gas and expansion of the pipeline network to supply the demand has outpaced the development of gas reserves.

Most of the trouble goes back into the controversial history of natural-gas regulation. The 1938 act was initially interpreted as allowing the FPC to regulate only gas transmission and resale. But in the late 1940s the FPC, with backing from Harry Truman, broadened its interpretation of the act to include setting "wellhead" prices paid to producers. The Supreme Court upheld this expansion of the FPC power in the landmark Phillips decision of 1953.

However, the FPC of that era had not reckoned sufficiently with the complexities that would be involved in setting fair producer prices. Natural-gas price regulation has been a battleground since. The commission usually has leaned towards holding prices down in the face of pressures from consumers and consuming-state politicians.

Now, however, with a shortage impending, the FPC is faced with the task of trying to crank some belated price increases into the cumbersome regulatory system, with the hope of stimulating a higher rate of exploration and development of natural gas and damping some of the demand. The adjustment will take time and it won't be popular with consumers suddenly faced with some surprisingly large price increases.

In reviewing the whole affair the other day in a speech to an industry group, FPC Commissioner Lawrence J. O'Connor Jr. said the FPC doesn't deserve all the blame. That is no doubt true. He faulted pipeline companies for not being more careful in seeing to it that their customer commitments were adequately backed with gas reserves. He blamed the Department of Interior for being too restrictive in granting offshore exploration leases. He blamed the federal General Services Administration and state power commissions for constantly intervening in rate cases to demand lower prices.

Mr. O'Connor said the FPC should establish a new "pricing mechanism" to restore market stability. There is an alternative, though. The nation could reexamine the whole concept of federal regulation, which is in trouble on so many fronts. It might find that market forces could do a better job in most areas and that the idea of regulation ran out of gas even before the gas industry itself did.

WOMEN'S PAGES: AN IRREVERENT VIEW

HON. BENJAMIN S. ROSENTHAL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 15, 1971

Mr. ROSENTHAL. Mr. Speaker, one of the greatest problems in advancing the cause of consumer protection has been the reluctance of many newspapers to treat the issue as the vital concern it is. Consumer articles are frequently consigned to the women's section of most papers, along with others on health, safety, food, clothing, and the like. These stories are too often treated as a kind of filler and given no priority in terms of demanding hard-hitting investigative reporting. Accordingly, consumers are being shortchanged in an area of major interest to them. Papers are often reluctant to display prominently, articles condemning products which may be advertised in the pages of that same paper.

Nicholas von Hoffman has written a perceptive analysis on such low quality "attic journalism" and has made some recommendations on changing our newspapers' priorities in the consumer field. Of course, there are some papers which handle consumer protection stories in an appropriate manner. The article, from the Columbia Journalism Review of July, 1971, follows:

WOMEN'S PAGES: AN IRREVERENT VIEW

American newspapers do their worst job on the topics that are most important to people: food, clothing, shelter, health—the areas that the women's page most often has responsibility for. The fault doesn't lie with those who put these sections together, but with the top editors, publishers, and owners who run their operations so that it is next to impossible to print something that isn't a combination of shlock and hokum.

Some newspapers do make a major effort with all or parts of their women's sections. The Chicago *Tribune* is one. Then there are some women's page editors who, by pure force of character and ability to improvise and politic, are able to defeat their management's determination to put out a mediocre to inferior product. But, for most papers, I think my observation is a fair one.

I write a column that appears in the Washington *Post* women's pages three days a week, and one of the most frequent questions I get is, "Don't you resent being put on the women's page?" I don't, because I have learned that people read the women's pages far more than the editorial page, where our big hitters hold forth. A few months ago Art Buchwald came to the same conclusion and asked to be moved out of the editorial section and back with us.

The women's page is a place that ambitious, younger reporters want to leave, it's where you don't see the raises passed out, it's low priority, the afterthought of the managing editor who is always saying, "Oh, on that Nixon visit story, let's get a woman's angle. How 'bout a sidebar on Pat?" In the back of the bus where we ride, that passes for creativity.

The rules for journalism are upside down on the women's page. Again, I want to emphasize, this isn't a reflection on the staff but on the management. Take the printing of press releases. A man on city side who gets a press release and retypes it and moves it without checking, without trying to make it some kind of filled-out, fair, and full story, will get fired on any good paper. Yet that same paper will encourage the people in the women's section to do exactly that.

In place after place, the women's section is where they let old newspaper people out to pasture: the sick, the tired, the neurotic, the incompetent, and the paralytically cynical. Then, after they do it, the managing editor will say to you, "Hell no! I don't ever go back there. You make one little remark and all those girls start bawling and weeping. I always stay out of the women's section."

We like to say we're not in a business but in a profession, so we can tout our ethics and our standards. Notice that whenever some fellow like Agnew attacks us that's what we always come back with—all that yuck about the highest standards of responsible journalism. Newspapers do have it, but not in the women's section.

In many newspaper offices a publicity man dare not appear in the main newsroom; he would get thrown out. In the women's section it's another matter. He may have more power than the editor; he often has more gall. Before our section was reorganized, I could have come in after lunch and seen flacks sitting at my desk using my phone and typing up their stories that I was supposed to use.

The flack has a certain color of legitimacy. He is supposed to be some sort of information officer. But more pernicious and more widespread is the direct intervention of the newspaper's own advertising department in the operation of the women's pages. It permeates everything from fashion to travel.

On the simplest level you get some papers where it is a matter of straight policy: never bum rap an advertiser in the restaurant column, even when he's serving ground glass and rat poison in the Caesar salad and kiting the Diner's Club checks. Or there is the practice in some newspapers of tying the department's budget directly to how much advertising it brings in. In the area of fashions we have people like Eleanor Lambert paying reporters' airplane and hotel bills. The same thing happens with food editors, with almost anything you care to mention.

On most papers—but thankfully no more on the one I work for—we are beggars in the women's page, living on payola and freebies, and what's really so sad is that the staff people do it not because they want to but because they either take the handout or they don't get to cover the story. Go out and cover anything you want—the Paris openings, the Cannes Film Festival, the inauguration of the Antarctica Hilton—just so long as somebody other than the paper gets the tab.

The result has been that the papers have missed the biggest muck-raking stories of the last decade. Ralph Nader and the whole consumer movement have shaped themselves the way they have because the specialized sections of American newspapers didn't break the story; often they have either refused to cover it or done so with shocking tardiness. It could have been the newspapers that got into all of this first—unsafe cars, automobile insurance, outdated food, shoddy workmanship, false advertising, dresses made of flammable materials, glass storm doors that shatter and decapitate children when they open them, and on and on. But that's not the way the public typically gets any of this enormously important information.

The pattern is for some private group to do the investigating, using its own often-thin resources, and, after it has assembled the facts, to go to a friendly senator. He holds a hearing, which is televised or written up in the front of the paper. Much, much later, if ever, does it get to the women's section, where you would think it would do the most good and where it certainly belongs.

We can only speculate at the consequences of all these years of nonservice They may have been sad but limited, as in the case of women who continued to take the birth control pill because they kept reading in the local paper that it was safe. Or our low-quality reportage, our self-satisfied peeping that all is as advertised, may have had a kind of diffuse, maddening effect. For we have encouraged people to look at all the things around them that won't work, that blow up in their hands, that are at repeated variance with their subsequent experience.

Maybe it doesn't matter that for years your newspaper led you to believe canned tomatoes have an indefinite shelf life and then you found out they don't. Maybe it doesn't matter that the paper solemnly talks about government-established minimum daily vitamin requirements as if these were known, demonstrable facts; then later you find out they weren't facts, they were just hypotheses that a group of scientists took a vote on.

From aspirin to radiation, from child psychology to interior decorating, we have gone along, gullible to every commercial interest, every authority figure, every flash-in-the-pan guru. It has been pleasant, or at least without conflict and intraoffice strain, but in the end we have done our bit to foster the conviction going about that it's all a shuck, that the media, the politicians, and the advertisers are in collusion to keep everybody ignorant. If a man can't find out the truth about trading stamps in his morning paper, is he going to believe anything else we print? If we have trained him to be satisfied with the information we supply him about his food and clothing, will he demand better on other topics?

Let's not dilate on the superiority of network TV news to the front page, except to remind ourselves that everybody but newspaper editors knows it, and that's why surveys show that people believe the tube, not our headlines. Those editors are not going to change; they will continue to print the front of the paper just as though the news is fresh and everybody hadn't seen it on TV the night before.

The part of the paper that isn't tied into inherited ideas of what an event is and when you have to write about it is the women's section. There are almost no must-cover events in a women's section. There are announcements, but no mandatory events unless the publisher uses the society page to puff his friends and orders coverage of hare-and-hounds hunt breakfasts.

You can write about anything anytime. You are not hamstrung by the notion that there must be a newspeg before you can deal with a topic. The women's page is also freed from the conventional forms of presentation, the three or four W's pyramid construction, all the things that allow us to kid ourselves into thinking formula writing is good writing, or even good journalism. About the only restraint put on many women's pages is that the material be connected with the lives of the readers, that they be shown why it might matter to them.

The point is that what we call the women's pages aren't so heavily weighed down with unchangeable definitions of what they must contain and how they must present it. They are in the best position to show the rest of the paper what you do when most people get their first news, and the news they believe most, from radio or TV. Women's sections have always performed as a backup, auxiliary service to the hard news operation, but now, with TV, that has increasingly become the whole newspaper's function.

To carry forward and enlarge on this function, however, women's pages are going to have to change some of the ways their staffs look at the world. They are going to have to move away from the idea that women do one set of things in this world and men do another, that the baseline for judging every topic is the values and practices of the idealized American family as it mythically existed in a smallish-sized city, *circa* 1927.

This is not to say that all this talk about the sexual revolution, the style revolution, the revolution in consciousness, the revolution revolution—that all of that isn't often dreadfully exaggerated. It frequently is, but even admitting that, there have been some very important changes.

People are living differently. You can see it at the supermarket. Look at the rows of what are called convenience foods; what they betoken is a new kind of family life where the wife/mother has ceased to prepare all the meals. People get up, go in the kitchen, and do for themselves. That doesn't mean that unisex is on us, but it does suggest that people are far less bound by sexual roles or other kinds of roles that were once ascribed to them. This hits harder, I believe, at newspapers and other general-circulation mass media than at specialized men's and women's publications.

You can put out a youth-market publication and sell it—although that is tricky, because in this time of shifting self-definitions you may aim for youth and hit the bubblegum crowd, while the real young adult market elects to buy *Psychology Today*. But a newspaper can't play those games very well. Our tries at it, be they old-fashioned ladies' pages or teen corners, bomb out. Increasingly our success comes from assuming that our readers are like ourselves, people who want solid information and understanding on a broad range of topics, and no jazzbo stuff dressing it up to make it male or female or mod or with-it.

This, at any rate, has been my experience on the women's page of the Washington *Post*. By every indicator we are attracting large numbers of people who aren't supposed to read such a section. But perhaps more important, we have been learning that the women who read the page are a remarkable and rewarding audience. Not only do they read, but they read carefully, and they think about it. The quality as much as the quantity of the mail is impressive. These are thoughtful, carefully written letters by informed people. The kook mail is way under 1 per cent, even though the readers often get highly controversial material in tough, undiluted language.

However, if the right readers are there and are readily receptive, if the women's section is the place to do much of the kind of journalism the front of the paper can't or won't do, none of it means much if management doesn't change. In a few places you can talk to management, but that is precious few. In most places the women's page is low prestige and low political clout in the organization. More than friendly persuasion is needed. If you doubt that, look at the rest of the newpaper, look at the sections management is interested in. Look at the contents of *Editor & Publisher*, its magazine, the publication that reflects its interests and its concerns about newspapering. It may be a profession for us, but it's a business for them.

Yet the people who run newspapers are moveable. They respond to the embarrassment of exposure. In this middle-class era, nothing shocks our increasingly lettered public more than the violation of professional standards—any professional standards—and while much of this is a con put over on the public it can serve some good uses.

Some kind of association of women's page editors putting out a publication assessing various newspapers' performances could do a great deal. Dealing with management alone will only get us slaughtered off. The advertising director of the city's largest department store has more power on a paper than its women's page editor has—except on that 10 per cent of papers which do operate on somewhat more elevated principles. But this situation has confronted people who have wanted to do a good job in many occupations—teaching research, social work—and they have learned that the national professional association can give them the muscle to insist on the quality work they can't get when they argue as individuals.

I think women's page editors can do the same, and if they do, they will be able to make what we call the women's section, or whatever one wants to call the back of the book in daily journalism, the most exciting, the most useful, and even the most important part of the emerging modern American newspaper.

THE GENERATION GAP

HON. WILLIAM L. HUNGATE

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 15, 1971

Mr. HUNGATE. Mr. Speaker, the learned and distinguished dean of the House has remarked on the three ages of man. He avers there are teenagers, middle-aged, and "oh, my, but you're looking better." Nevertheless, as the following article indicates, "the generation gap" which sometimes divides us, also ultimately and inevitably joins us together:

The Generation Gap

It is a widely held mistake that it was modern youth who invented (1) rudeness; (2) beard; (3) sex; (4) a detestation of the older generation.

Sex, in fact, was already known during the Thirty Years War—certainly in the second half of it. Indeed, if some interpretations of Ovid can be taken seriously, it was not completely unknown even to the ancient Romans.

Beards already grew as early as the 14th century. And long hair was generally worn and extremely fashionable by women *and* men before the invention of scissors.

Rudeness and ill manners started earlier still. It is generally known that Adam and Eve had two sons. As soon as the two boys grew up, one of them killed the other, thus establishing the future pattern of family love, warmth and understanding. How humanity survived after this, is not quite clear. One school maintains that—as Adam and Eve had no other children (at least no other births were reported in Genesis or the local, contemporary press)—incestuous, homosexual love was not only legal in those early, somewhat unenlightened days but it could also produce issue; the other school—and I am a believer in this second theory—states that as sex was as yet unknown and undiscovered, humanity must have multiplied by some other means.

The last but one generation who thought that they discovered all the miracles and panacea of life, who thought they would produce a brave new world and who invented new dances of shakes and jerks, was the post-World War I generation. They also thought that by showing women's knees they installed a new, free and enlightened era for humanity. These young ones are around 70 years of age today and know that neither the Charleston nor the exposition of the female knee has saved humanity. They live on their private fortunes or their private old-age pensions and, as a generation, are not even despised any more; they are just forgotten.

Post World War II generation started it all over again. They invented even jerkier dances and showed larger slices of the naked body as a revolutionary innovation, forgetting that there was about a million years in our history when our female ancestors walked about topless and even without miniskirts. There were two fashionable explanations for the revolt of this latest generation:

(1) The nuclear bomb has changed all our lives and the threat of war and total destruction produced an irresponsible, could-not-care-less attitude;

(2) Every previous generation had to fight a war but the nuclear bomb has made it absolutely impossible for this one. This total lack of threat of war and absence of fear of destruction produces an irresponsible and could-not-care-less attitude.

People are confused and there is only one great living scientist (it happens to be myself) who sees this problem in its proper perspective.

(1) The present young generation is the 149th to believe that it is about to change the world at a stroke; it is the 149th which thinks that it is absolutely unique. It is the 149th because there were altogether 148 previous generations in recorded history.

(2) Young people have always looked down upon their elders. Much less publicity has been given to the fact that the older generations, too, have always looked down upon the younger. The old were always hypocrites and spoke about their love, admiration and adoration of youth. But the detestation has always been mutual.

For a long time I could not make up my mind in this dispute. I knew an equal number of young fools and old fools; I knew an equal number of intelligent and wise young men and some old ones who, whatever their age, refused to grow up. If "youth" finds me boring, I find them (or at least many of them) much more boring; I find their conversation exasperatingly dull, their conceit ridiculous, their self-confidence pathetic. I have been slowly driven to the conclusion that it is the middle-aged who are the salt of the earth, the cream of humanity.

What are, after all, the great achievements of this age?

(1) The glorious advance of pornography—quite a few people would say. But this is a trade and a passion of the middle-aged. *They* are the purveyors of pornography, of filthy magazines, nude pictures and sex-films. Oh yes, but they produce it for the young. Nonsense. They produce it for one another. It is the middle-aged who go to strip-tease shows, gloat over bosoms in glossy magazines and buy up the gadgets in sex-shops. The young do not need them; they regard sex as something almost natural.

(2) It is the middle-aged who keep all the silly vogues and outrageous fashions alive. The young get soon bored and, after a while, they are quite prepared to wash their necks and mend the holes in their sweaters. How often did I see gatherings—here or in Cannes

or in Scandinavia—consisting of two groups: soberly dressed, clean shaven young men with ties and middle-aged children, men over fifty determined to look 18, wearing blue jeans, long dirty beards and using three four-letter words in the shortest of sentences.

(3) Youth is, to a large extent, the invention of the middle-aged. Admittedly, some of the young people are so proud of the flattery of their middle-aged brethren that they grow arrogant and believe in the superiority of youth.

This modern battle of generations is an unjust and unequal one. In a battle between nationalities an Arab never becomes an Israeli; in religious strifes a rich Ulster Protestant never becomes an I.R.A. man; in racial struggles a white man never becomes black. But in this fight between generations, the young becomes middle-aged in no time. What can he do? He pretends to have remained young and continues the struggle as if nothing had happened.

Let us proper, reasonably intelligent middle-aged people bow to facts and accept our own superiority. We know that we shall never revolutionize the world; we have tried and failed. We know that there are some good sorts even among the young who deserve to become middle-aged. We know—or suspect—that sex is not the main problem in life and if some of us cannot behave as decently as the young let us behave at least as decently as the old. We know that while most of the young become old, the majority of humanity—young, middle-aged and old (including ourselves)—will never really grow up, so what's the difference, in any case?

One problem, not so easy to decide is: when does middle-age begin? A similar problem exists for the young, too. The seventeens regard the twenty-ones as aged; the sixteens regard the eighteens with suspicion; the fourteens maintain that one cannot really trust anyone over sixteen. Similarly, middle-age never begins; but once it has begun it never ends.

My ideal is an American lady of Hungarian origin, a famous name, a television star. She used to be amazingly young for many, many years. Now she has been not quite so young but still witty and beautiful for some decades. It has been said about her: "Miss Soandso has invented the secret of eternal middle-age." And *that* is the greatest invention of our era.

EVINS BACKS FULTON BILL TO CREATE RFC-STYLE FEDERAL FINANCE CORPORATION

HON. JOE L. EVINS

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 15, 1971

Mr. EVINS of Tennessee. Mr. Speaker, as chairman of the House Small Business Committee, I have consistently advocated programs to aid, assist, and promote the small business sector of our economy.

Small business is the seedbed of our American economic system, the foundation of our competitive economy, and our free enterprise system.

I recognize also that big business in our country is also essential, vital, and important to the Nation and to our economy.

I have said many times that while our committee is certainly pro-small business—we are not opposed to big business—that both are essential—and that both small business and big business complement each other—and both serve the economy and the Nation.

A substantial percentage of small business derives its livelihood directly or indirectly from larger firms through contracts and subcontracts, services, specialized production, and other means.

Big business and small business should complement each other. Both have their roles in our economy.

In this connection I want to say that I favor in principle a bill recently introduced by my colleague, the gentleman from Tennessee (Mr. Fulton)—H.R. 9523—which is patterned after the act which established the former Reconstruction Finance Corporation.

The RFC assisted in "bailing out" the railroads, banks, and many big business enterprises that were either bankrupt or in deep financial stress during the Hoover depression.

The bill proposed by my colleague from Tennessee would provide for direct and guaranteed loans to large corporations in this Nation. Under the bill these loans initially would be for 5 years and could be extended under specific circumstances for an additional 5-year period.

This bill proposes to do for big business on a large scale what the Small Business Administration does for small business on a more limited scale. It is needed at this time.

Both big business and small business deserve assistance as a matter of self-preservation to assure employment for our people.

I urge that my colleagues study this bill and that the Committee on Banking and Currency act favorably and promptly in reporting and passing legislation to create an RFC mechanism to guarantee loans and help American big business now in financial stress and need of assistance.

NATIONAL INDUSTRIAL POLLUTION CONTROL COUNCIL

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 15, 1971

Mr. DINGELL. Mr. Speaker, when the State, Justice, Commerce, Judiciary appropriation bill, H.R. 9272, was before the House on June 24, 1971, I questioned the validity of funding the activities of the National Industrial Pollution Control Council. Unfortunately, my amendment to eliminate funds for the Council was not adopted by the House.

The July 2, 1971, issue of the National Wildlife Federation's conservation report carried an item on hearings before Senator Metcalf's Subcommittee on Intergovernmental Relations which brought out some of the perils involved in the operations of the National Industrial Pollution Control Council. I insert the text of the conservation report's news item at the conclusion of these remarks.

I also have been concerned about the fact that the corporations represented on the Council might be polluters. Therefore, I wrote Administrator Ruckelshaus of the Environmental Protection Agency on June 9, 1971, to ask if any other corporations represented on the Council have pollution abatement proceedings pending against them.

In a response under date of June 29, 1971, the Environmental Protection Agency advised me that there are in fact pollution abatement proceedings pending against various of the companies represented on the Council.

For the information of my colleagues, I include the text of my June 9 letter and EPA's June 29 response at this point in the Congressional Record:

Cross Defends Closed-door Sessions of Industrial Pollution Control Council

Chairman Bert S. Cross defended the closed-door policy for meetings of President Nixon's blue-ribbon National Industrial Pollution Control Council in recent testimony before the Subcommittee on Intergovernmental Relations, Senate Committee on Government Operations. The hearing was conducted to receive testimony on S. 1657 and S. 1964, relating to Federal advisory committees.

Accompanying Mr. Cross as he testified were Walter A. Hamilton, Deputy Assistant Secretary of Commerce for Industry Economics, and Michael F. Butler, Acting Deputy General Counsel for the Department of Commerce.

The National Industrial Pollution Control Council was created by the President by Executive Order 11523 on April 9, 1970. It is organized in 30 groupings of major industries. The members are chief executives from two companies in each of the 30 groups plus three members-at-large, or 63 in all. In addition, the Council has 30 sub-councils covering each of the industrial groups.

"I do not believe the Council could function effectively if it were required to have representatives of other viewpoints and interests among its members," Mr. Cross declared. "I recognize that there are other points of view and other assignment of priorities, and these other points of view should be heard and considered. But the purpose of NIPCC is to get an expression of independent industries' point of view. The present setup, in my opinion, encourages Council members to participate with candor. . . . Recognizing that other segments of our society wish to be heard and have a right to be heard, I can only suggest that they should continue to do so through other channels."

Chairman Cross said the Council should not be the crucible for resolving or reconciling all interests and conflicts. "Our advice to the President and views on these issues are spelled out in plain and readable English and made publicly available for all serious-minded persons to read and study," he declared. "Contrary to the notion expressed by some, our advice is not hidden or secret. The reports, which are the essence of our advice and ideas, speak for themselves."

"I do not believe that the frankness of exchange of views or the effectiveness of Council discussions could be sustained if our meetings had to be open to the public," Chairman Cross testified. "In fact, the ability of the President to obtain the advice of top businessmen on matters as vital to our Nation as those with which this Council deals would, in my judgment, be seriously impaired if not destroyed if all such advice had to be proffered in public meetings." He later said that the same problems exist with verbatim transcripts.

Sen. Lee Metcalf (Mont.) then asked if Messrs. Cross, Hamilton or Butler were bothered at the open public hearing at the presence of a reporter and received an answer that it was "no problem". Sen. Metcalf followed with this comment: "What I am trying to find out is why you are saying that some of the outstanding industrialists of America do not want to sit in an open and free discussion in front of a reporter." Mr. Cross observed: "There is no question in anybody's mind that they have got to be very cautious and very careful of what they say for the purpose of the record," saying that the Council has to have discussions "that are open enough to get this result that we are trying to get."

"I am getting to think perhaps we should have a lawyer from the Antitrust Section at the meetings if they are closed," Sen. Metcalf observed. He said he felt that perhaps the American people should know "that a group of industrialists get together at a country club or over cocktails or an advisory committee with a closed session and decide the merits and the future of pollution in America." Mr. Butler said a lawyer from his staff is present at all meetings of the Council and the Subcouncil to guard against any possible violations of antitrust laws.

"Now, this is a closed group, Mr. Cross," Sen. Metcalf said. "Their recommendations are bound, from a closed group, to be biased and suspect. At the very least there should be a certain percentage of observers there to allay the public's suspicion that this closed group is sitting there to continue the kind of pollution that they have contributed over the years. Isn't that true?"

"No, I do not think so," Mr. Cross responded.

Secretary Hamilton said that minutes of Council meetings are kept by a full-time salaried officer employed by the Federal Government.

Sen. Metcalf then switched his questioning to a specific recommendation of the Council. He said that, in October, 1970, the Detergent Subcouncil issued a report prepared by the industry and printed by the Government which spoke glowingly of a new material, NTA, as a replacement for phosphates in laundry detergents. Sen. Metcalf quoted from the report a passage saying NTA is safe for people and the environment. However, he also pointed out that, in May, 1970, Dr. Samuel Epstein, Chief of the Environmental Toxicology Carcinogenic Children's Cancer Research Center told a Senate Subcommittee that the proposed use of NTA must be disallowed until a wide range of problems were resolved. Subsequently, Sen. Metcalf pointed out, in December, 1970, one month after the Subcouncil report had been issued, the Surgeon General and the Environmental Protection Agency recommended the discontinuance of NTA. Finally, in March, 1971, the Detergent Subcommittee came in with another report, saying the earlier version was obsolete and, if uncorrected, would be misleading.

"I have here an example of the industry promoting a questionable product, NTA, in what appears to be a Government-sponsored document," Sen. Metcalf declared, saying it was on sale by the Government Printing Office. Secretary Hamilton said the report was the view of the men who signed it, not the Government, and that the printed copy has a disclaimer to that effect. He also said that the Commerce Department has made no move to take the discredited publication off the sale list at the Government Printing Office.

Sen. Metcalf then called attention to frequent references in the Oct. 14, 1970, meeting of the Council to "get going on a communications-PR program". He read a document calling for information on pollution cleanups, then observed: "Now, that is a very revealing document that the purpose of the National Industrial Pollution Control Council is largely a public relations activity." Secretary read from the minutes of the meeting and said the purpose of the discussion was to both let Government and the public know what industry is doing as well as to serve as a spur for others with similar problems.

Also appearing before the Subcommittee was Jacob Clayman and Sheldon Samual, representing AFL–CIO. Mr. Clayman spoke to the points brought out in Mr. Cross' testimony. "There are two precepts that I think are overriding," he declared. "One, the public's right to know, and it is preeminent in our society. And, number two, any institution, any organization, any committee that operates outside of the span of the general public will never get credibility. This is one of our problems in our society today, as all of us know the fearful loss of credibility on the part of government. This is one of the easy ways to achieve that unfortunate resolve—so close the door to the public, leaving the balance to their imaginations, which can run wild, too."

Prof. Henry J. Stack, State University of New York, College at Cortland, declared: "An advisory committee should, it appears, be effective yet it should be open and public. It should be competent and expert; yet it should be wisely representative. It should be able to generate independent thinking and detached, tough criticism; yet it should be accountable and subject to the needs of its 'mother' agency. It should be critical and independent: yet it should not be in a position to obstruct the work of a public agency. It should represent legitimate social interest: yet it should not be in a position to define the public interest in private terms or convert public authority into private power."

Environmental Protection Agency,
Washington, D.C., June 29, 1971.

Hon. John D. Dingell,
Chairman, Subcommittee on Fisheries and Wildlife Conservation, Washington, D.C.

Dear Mr. Dingell: In response to your June 9 request, we have searched our files to determine whether pollution abatement proceedings are pending against any of the companies which have officials serving as members of the National Industrial Pollution Control Council.

Using the Council's most current membership list, undated to June 8, 1971, we find that the companies listed below fit into the category you established.

1. United States Steel Corporation.
2. Republic Steel Company.
3. Interlake Steel Corporation.
4. National Steel Corporation.
5. Armco Steel Corporation.
6. Weyerhaeuser Company.
7. Allied Chemical Corporation.

Additionally, a consent judgment was filed in the case of General Motors Corporation in January 1971; the Company agreed to eliminate all discharges of toxic metals and caustics from its plant at Tarrytown, New York. This case is considered pending until compliance terms and dates are satisfied.

Please note that this listing does not include cases in which the Department of Justice may have brought action on its own initiative, as it has done under the Refuse Act. We are, therefore, taking the liberty of forwarding your letter and a copy of this reply to the Justice Department.

Should you require additional assistance, please let us know.

Sincerely yours,
Graham McGowan,
Director,
Office of Congressional Affairs.

June 9, 1971.

Hon. William D. Ruckelhaus, *Administrator, Environmental Protection Agency, Washington, D.C.*

Dear Mr. Ruckelshaus: The National Industrial Pollution Control Council is an advisory commission made up of approximately sixty-five industrial executives from across the country. I would very much like to know if any of the companies who employ these gentlemen have pollution abatement proceedings pending against them.

I would appreciate it if you would give this matter your immediate attention.

Sincerely,
John D. Dingell,
Chairman,
Subcommittee on Fisheries and Wildlife Conservation.

WILLIAM G. GISEL—AN INNOVATOR

HON. JACK F. KEMP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 15, 1971

Mr. KEMP. Mr. Speaker, my good friend Bill Gisel has been president of Bell Aerospace for 11 years and is leading the search for new dimensions in writing tomorrow's aerospace history. Bill is thinking about research and development for needs in the next decade.

Mr. Speaker, I look for spectacular news this fall or even earlier concerning Bell Aerospace research and development on the application of aerodynamics to large, oceangoing vessels.

A recent aerospace article in the June issue of Business in New York State emphasizes the abilities of Bill Gisel. I am delighted to call this to the attention of my colleagues.

The article is included at this point:

The Innovators

Bell aerospace has been pioneering in new concepts for aircraft ever since Lawrence D. Bell founded his Bell Aircraft Corporation in 1935. Today, its new name points up changed directions and its president, William G. Gisel, is leading the search for new dimensions in writing tomorrow's aerospace history.

Mr. Gisel, who has been president of the company since 1960, joined Bell 20 years earlier as a cashier and rose through the financial side of the business. "So," he says, "I've spent a greater portion of my time in the last ten years in engineering and marketing fields—I could concentrate on those because I was familiar with finances."

Engineering knowledge is vital to Bell, which invents, develops and builds systems and products in rocket propulsion, aerospace components and electromechanical and electromagnetic electronics fields. Currently it has 138 separate, individual programs within those three areas.

APOLLO PROGRAM

Bell has been deeply involved in the National Aeronautics and Space Administration's manned spacecraft program and the U.S. Air Force satellite programs since 1959, when its Agena upper stage rocket engine performed perfectly in the first launching of a Polar orbiting satellite. Since then, the Agena engine has placed a variety of U.S. Air Force and NASA payloads into orbit—more than 300 for the Air Force alone.

Mr. Gisel was an observer at the launchings of Apollo moon missions, watching the performance of his company's equipment assignments which extended from lift-off to splashdown.

Astronauts trained in the Bell developed Lunar Landing Training Vehicle and the Lunar Module Rendezvous Simulator. The Command, Service and Lunar Modules have 31 Bell designed and produced zero-gravity propellant and water tanks. Most critical of all, however, is the Bell designed and developed LM ascent engine, which had to function properly the first time, because, unlike many of LM's other subsystems, there is no back-up ascent propulsion system. It did!

COMPUTER TECHNOLOGY

Under a NASA contract for computer structural analyses to trace and define the thermal and mechanical stresses at some 5,000 key points throughout the intricate framework of the Apollo spacecraft and its modules, Bell applied its expertise in computer applications.

According to Mr. Gisel, "one of the things that most people want to see is a spillover from our space program to solve earthbound problems. And we've done just that as a result of our computer knowhow. In cooperation with the U.S. Department of Health, Education, and Welfare we have automated all medical, environmental and sociological files for 8,500 American Indians of the San Xavier and Papago Indian Reservations in Arizona as a pilot program. The system provides physicians, public health nurses and environmental specialists with a single data base that is current, complete and immediately accessible regardless of the location at which the patient is being treated.

"I believe this is an important breakthrough which will ultimately bring better health to everyone in the nation, and it is typical of the innovative thinking we have here at Bell."

Many of Bell's engineering staff of about 1,000 have M.S. or PhDs, usually in aeronautical engineering. "We look for specialists, with growth potential, to handle the inter-disciplinary types of innovative projects we are constantly developing here," Mr. Gisel notes. "Our fine New York State universities—Columbia. NYU, RPI, Cornell and the State University of New York at Buffalo, which is becoming a fine scientific institution and we are working very closely with them—provide much of our engineering talent.

"We usually make our judgments on projects as a team decison. I get complete briefings in all engineering areas and query advanced research so I can evaluate it for merit."

Currently, Bell is engaged in research and development in the fields of its expertise for needs a decade hence. For example, it is participating in an experiment designed to determine the technical and operational feasibility of developing an air traffic control system employing a satellite relay. The experiment is being aimed at achieving the improved air-to-ground and ground-to-air communications that will be required simultaneously to monitor and control the 250 aircraft that are expected to be crossing the North Atlantic at peak load periods in the 1980s.

In materials research, the company has designed a test apparatus for evaluating the damaging erosive effects of impinging rain, sand and ice particles upon materials at speeds up to Mach 3. Such information is vital to the development of today's high-speed military and commercial aircraft and tomorrow's supersonic jets.

AIR CUSHION VEHICLES

But one of the projects nearest and dearest to Bill Gisel's heart is Bell's air cushion and surface effect vehicle developments.

"There is no limit to the applications of the air cushion concept," he says enthusiastically. "We can have air cushion landing gear on planes, and make airports, as we know them today, obsolete. Since they are amphibious, the plane could land anywhere there's a relatively flat surface.

"It is one of the most promising developments in surface transportation. ACVs have been demonstrated in San Francisco, where in one year nearly 14,000 people were whisked in direct routes across San Francisco Bay between Oakland and San Francisco Airports and downtown San Francisco. And, of course, the British are using a 177-ton ACV to ferry cars and passengers across the English Channel.

"This development is a classic example of the adaptation of a military development to solve civilian problems," he adds, pointing out that "Bell's ACV Voyageur, being built in Canada, meets the demand for effective, economical transportation—particularly in the Arctic and other not easily accessible areas of the world."

The 25-ton payload of Voyageur is equal to that of most transport airplanes now in regular supply operations in the Arctic—but lacking the dependency on weather that limits flight. Because they ride on a cushion of air above the surface, ACVs take ice, snow, water and the tundra in their stride. "Furthermore," Mr. Gisel notes, "the environmentalists will be happy to know that tests show that the low cushion pressure will not affect the ecology of the tundra country."

Bell is currently building for the U.S. Navy, Maritime Administration and Department of Commerce a 100-ton Surface Effect Ship (not amphibious) which will be capable of speeds of 80 knots or more. A prototype of possible ocean going vessels, the craft rides on a drag-reducing cushion of air contained by two side hulls and flexible bow and stern seals.

OTHER ACTIVITIES

The old adage of "let a busy man do it and it will get done" certainly applies to Bill Gisel. In addition to the far flung responsibilities of his leadership of Bell Aerospace, he finds time for an amazing variety of civic assignments.

He is vice chairman, appointed by Governor Rockefeller, of the Niagara Frontier Transportation Authority, which is actively planning for transportation growth in Erie and Niagara counties. After the problems involved in assuring the moon walkers a safe return to their mother ship, the charting of new bus terminals, airports, roads and public transportation must seem relatively easy to implement.

Mr. Gisel is also a member of the New York State Advisory Council for the Advancement of Industrial Research and Development, a group of leaders in science-oriented industries and universities, who meet to survey needs of industry, the capacity of the academic world to fill them, and to make recommendations for new or enlarged programs. "This work is extremely important," he says, "to assure the continued excellence and responsiveness of scientific education in our State."

Other science-oriented affiliations include membership in the Air Force Association, Navy League of the U.S., National Space Club, the National Aviation Hall of Fame, National Defense Transportation Assn., and on the Niagara University Council. He is also a director of the Western New York Nuclear Research Center.

But the outside activity that he enjoys most is his work as director of the Marine Midland Bank-Western and trustee of the Western New York Savings Bank. "Perhaps it's because of my financial background, but these responsibilities give me great satisfaction. Through them I become more involved with affairs in my own local community with the concomitant possibility of influencing events for the better."

THE FUTURE

Mr. Gisel is guardedly optimistic about the near future but completely so for the long haul.

"As I see it, for the next two or three years there will be a plateau in the aerospace business—and in the general economy as a whole—until we make the adjustment to a peacetime economy. Actual growth of the country will continue, but at a very limited rate. After all, no period in the history of man has been as exciting as the technologically dynamic last 35 years.

"After this short hiatus, I believe that we will move forward at an even greater pace, spurred on by the expanding technology resulting from the space program and other research and development funded by the Department of Defense, NASA and other government agencies. My guess is that the effects of this redirection by the government to science and technology in the aerospace industry, and in the fields of environment and oceanography, will prove as rewarding and beneficial to mankind in the next decade as was Neil Armstrong's 'one giant step' in ours."

PUBLIC ASSISTANCE TO STRIKERS

HON. ROBERT H. MICHEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 15, 1971

Mr. MICHEL. Mr. Speaker, increasingly our programs of public assistance in this country are being used by striking workers to ease the economic pinch in which they often find themselves during a labor dispute.

Liberalization of welfare eligibility rules and expansion of the food stamp program have made these programs both more attractive and more available to employees looking for ways to make it easier to endure a strike.

Labor contends that they have a right to such benefits as taxpayers and that they are necessary to offset other bargaining advantages enjoyed by management.

Management, on the other hand, counters that the benefits provide a distinct advantage to labor, reducing the incentives to negotiate, and encouraging longer strikes and higher settlements.

There can be little doubt that the availability of public assistance to strikers does have a significant impact on the labor-management bargaining process during a strike, and this plus the growing cost of this practice to the taxpayer is bringing into focus some very basic policy questions with which Congress, sooner or later, is going to have to deal.

Last month when we considered the agricultural-environmental appropriation bill I offered an amendment to prohibit strikers from receiving food stamps. Although my proposal was not adopted at that time, we are still going to have to meet head on this whole larger issue of public assistance to strikers somewhere farther down the road.

The front page of yesterday's Wall Street Journal carries an article entitled "Strikers on Welfare" which provides a concise analysis of the present situation. I commend it to the attention of my colleagues in the House:

STRIKERS ON WELFARE: PUBLIC AID DURING WALKOUTS EVOKES CRITICISM

(By JAMES P. GANNON)

PITTSBURGH.—One man who is really worried about the threat of a steel walkout Aug. 1 is Edward H. Kalberer. "I just hate to think of it," he says. "It makes me pray for a miracle of no strike."

Mr. Kalberer isn't a steelworker, a steel executive or a mill customer. He is the man in charge of public-welfare programs in Allegheny County, which encompasses this steel-making center. And he is worried that his understaffed, tightly budgeted county welfare agency may be overwhelmed by strikers applying for food stamps, public assistance and other benefits if the United Steelworkers of America calls a steel-industry walkout next month.

To prepare for the possible deluge, the agency is considering setting up temporary welfare offices near the mills or setting up shop in the steelworkers' union halls. It estimates that at least 250 extra staffers would be needed to process aid claims from many of the approximately 59,000 steelworkers in the county. But, because of a budget bind, the agency has little hope of adding so much manpower. It has been sending representatives to USW local union meetings to explain eligibility rules and benefits of public-aid programs, hoping that the union officials may do some screening of members to ease the threatened paperwork jam.

The problems of the Allegheny County welfare agency are only one symptom of a major development that has important implications both for welfare programs and for labor bargaining generally.

WELFARE: AN AID TO UNION BARGAINERS

Without attracting much attention until recently, American labor unions have developed an increasingly successful technique of using the nation's growing public-aid programs to reduce the economic pinch on striking members. Only now are big employers fully realizing, with alarm, that as a result they face a stronger foe at the bargaining table. Financially, strapped state governments are finding more of a different type of welfare client at their public-aid offices: the factory hand who is generally stereotyped as antiwelfare but who may be changing his attitudes as welfare eases the woes of the walkout.

A considerable controversy is brewing over this trend. Big employers hit hard by recent strikes, such as General Electric and General Motors, are stepping up public attacks on welfare for strikers. Congress and the courts have been considering its merits. The debate, both sides agree, is likely to persist a long time. "This may be the new industrial-relations issue of the 1970's," one GE management man believes.

Although the big controversy is new, the actual practice isn't. For years striking workers have resorted to public-aid programs during long walkouts. But both management and labor officials agree that the liberalization of welfare-eligibility rules, the development of new programs such as food stamps, and especially the unions' growing sophistication in taking advantage of such aid have made welfare for strikers much more significant in labor-management struggles.

A few samples illustrate this increasingly important role.

THE GE AND GM STRIKES

In the 101-day national walkout by a coalition of unions against GE in 1969–1970, strikers collected an estimated $30 million of publicly financed aid, ranging from food stamps to welfare checks to unemployment compensation, according to one AFL–CIO official. In Massachusetts, more than 5,000 of the 20,000 GE strikers went on welfare, collecting more than $2.3 million.

James Compton, assistant to the president of the International Union of Electrical Workers, says there is "no question" that public aid "played a very major role" in the strike against GE. He credits the AFL–CIO's community-services department with a "tremendous effort" to tap all available public benefits. The public benefits, in fact, dwarfed the unions' strike funds; the $30 million in public aid was 10 times larger than the special fund the AFL–CIO collected for the union coalition.

In last year's 10-week walkout at GM by the United Auto Workers Union, strikers collected $12 million to $14 million of federally financed food stamps in October and November, the U.S. Agriculture Department estimates. In Michigan, according to state statistics, 75,000 of the 200,000 GM strikers there were certified eligible for food stamps; 25,600 received welfare under either the program for aid to dependent children or general-assistance plans. The dependent-children payments totaled $4.3 million in the last three months of 1970.

THE WESTINGHOUSE STRIKE

In a five-month strike by the United Electrical Workers Union against Westinghouse Electric Corp.'s big plant at Lester, Pa., the welfare caseload in surrounding Delaware County ballooned. When the walkout by 5,700 workers started last August, the county had 367 persons in one category of dependent-children relief for families headed by males; that more than doubled, to 779 persons, by January, when the strike was in its last month. The relief rolls dropped back sharply after the strike ended Jan. 25.

These and similar cases are the subject of the first comprehensive research study of the subject, currently being conducted by Herbert R. Northrup, director of the industrial-research unit at the Wharton School of Finance and Commerce of the University of Pennsylvania. Mr. Northrup, an authority on labor matters, believes that the use of public aid in strikes is "a major problem."

"We feel this is becoming a significant welfare cost and is having an impact on collective bargaining by making strikes longer and settlements higher," Mr. Northrup says. "From a public-policy point of view, we haven't really thought through the question of whether we can live with a system where strikes don't hurt one party seriously. I don't want anybody to starve, but I know collective bargaining can't work unless a strike hurts both sides."

Major employers are becoming more vocal in opposing aid to strikers, particularly since some of the biggest companies have been hit by long, costly walkouts.

Such aid "tends to encourage and prolong strikes," charges George B. Morris Jr., director of labor relations for GM. In a recent speech in New York, Mr. Morris said: "Permitting the trend toward public assistance to strikers to continue is one of the surest ways I know to destroy collective bargaining. Strikes serve the function in collective bargaining of bringing pressure to bear on management and the union to reach a settlement. In order to do this, strikes must pinch both sides."

Virgil B. Day, a GE vice president, charges that public aid in walkouts means "that the government is subsidizing strikes." He adds, "This doesn't help the anti-inflation game plan, and it can't be offset by (governmental) exhortations to negotiate lower settlements."

THE UNION VIEWPOINT

Labor leaders don't deny that welfare benefits make surviving a strike easier. But they contend that as taxpayers, union members on strike are as entitled to public aid as other needy people and that life isn't easy for strikers, just because food stamps or welfare checks are available.

Criticism of aid to strikers is "part and parcel of a general attack on the welfare system and on labor unions generally," contends Leo Perlis, director of the AFL-CIO's department of community services. Mr. Perlis has masterminded labor's efforts to tap public programs. Of late, he has been cranking up his defenses. Late last year, during the GM strike, he sent a letter to affiliated unions giving labor leaders suggested ammunition to "answer these attacks."

Some samples: "Taxpayers' dollars are used to feed hungry people in other countries. . . . Tax dollars feed criminals in prison. . . . Tax dollars provide food, clothing, shelter and medical care for enemy prisoners of war. Are fellow Americans engaged in industrial warfare entitled to less?"

Mr. Perlis argues that the only criterion for aid should be need, whether caused by "an act of God, an act of nature, an act of management or an act of labor." Strikers shouldn't receive public-aid benefits if they don't meet the eligibility requirements, he says, but if they qualify, they shouldn't be discriminated against because they are on strike.

Even with public help, "everybody suffers in strikes," asserts James J. Matles, secretary-treasurer of the United Electrical Workers. "It's ridiculous to say they are on easy street" if strikers are receiving food stamps or welfare checks, he says. The idled worker "just piles up a tremendous debt that he has to pay back when he returns to work," he adds.

COMMUNITY SERVICE REPRESENTATIVES

Partially to aid strikers, the AFL–CIO has developed a nationwide network of 180 full-time "community service representatives" in 140 areas. These union men are designated by the AFL–CIO but are on the payrolls of the local United Fund or Community Chest—organizations in which labor has considerable clout because of its large contributions. These 180 specialists perform a coordinating role in any strike by an AFL–CIO union, helping the local involved to inform strikers about public-aid programs. They also perform many other jobs that aren't related to strikes, such as helping recruit union members for United Fund drives.

The AFL–CIO has geared up its strike-assistance mechanism to swing into action in case there is a walkout today by the Communications Workers of America against American Telephone & Telegraph.

Individual unions also have their own strike-assistance setups. To prepare for the possible steel strike, for instance, the Steelworkers Union has been holding a series of conferences around the country for local union officers. These officers are told of public-aid programs, eligibility rules and application procedures.

CONGRESS, COURTS STUDY ISSUE

The debate over public aid to strikers is being echoed in Congress and the courts as legislators and jurists consider the issue.

States vary considerably in the availability of public-aid benefits in walkouts. Only two states, New York and Rhode Island, permit strikers to collect unemployment compensation, and both have a waiting period of seven weeks before a striker can start collecting.

Most states permit strikers to go on welfare if they meet the normal eligibility criteria. GE says it found in its long strike that of the 33 states in which it operates, only Texas, Virginia and Wisconsin "showed any disposition to bar strikers from collecting state welfare aid."

Under federal guidelines, food stamps, which permit needy families to greatly expand their grocery-buying power, can't be denied strikers who meet normal income guidelines, for instance, a striker's family of four with no more than $1,500 in savings and less than $30 in current monthly income could obtain free a monthly allotment of $108 of food stamps; if the family had $100 monthly income coming from, say, a working wife, then the $108 in stamps would cost $25.

Congressional opponents of giving food stamps to strikers have made several close but unsuccessful attempts to ban the practice. Such an amendment was defeated in the House last December, and only last month an attempt to tack a no-stamps-for-strikers clause onto the Agriculture Department's appropriations bill for the current fiscal year was defeated, 225–172.

KEY COURT CASE

In a key legal case, the Supreme Court recently declined to review a lower court's ruling permitting strikers to receive welfare benefits. International Telephone & Telegraph Corp. had challenged the right of Massachusetts to pay welfare benefits to ITT strikers. But the battle isn't over, ITT is asking the Supreme Court for a rehearing. Significantly, a number of states are joining ITT in asking the court to reconsider. Iowa has filed a friend-of-the-court brief supporting ITT and has been followed by at least 10 other states—Alabama, Arizona, Arkansas, Florida, Maine, Mississippi, North Carolina, Utah, Virginia and Wyoming, according to Lorna L. Williams, special assistant attorney general of Iowa.

Michigan is among the states that can attest to the high welfare costs of a big, concentrated strike. Gerald Miller, a budget aide to the governor, says the UAW strike against GM cost the state about $25 million in added public-aid expenses, including unemployment compensation, besides costing another $100 million in collection of income, sales and corporate taxes. The $25 million covers benefits not only to strikers but also to those laid off because of the strike's impact on other employers.

Are Workers Antiwelfare? Not When They're on It

Workers' attitudes toward welfare may be changing as unions increasingly tap public aid in strikes, many observers believe.

"Once the worker crosses the threshold into the welfare office," his feelings tend to change, says Herbert R. Northrup, who is conducting a major study of the subject. "Once on welfare, you lose your aversion to it," he says. "This means that many people who previously felt that welfare was demeaning now feel that it is their right."

Others agree that the stereotyped antiwelfare views attributed to workers may be incorrect. Leo Perlis, an AFL–CIO official, says that years ago "one of the toughest jobs was to convince our people that it was not a shameful thing" to accept welfare when on strike. "Now there is less reluctance. There is no longer the shame," Mr. Perlis observes.

Welfare officials say that striking workers increasingly adopt the attitude that they are entitled to their "share" of public-aid programs because their taxes support the welfare system.

THE ADMINISTRATION AND AN INCREASE IN TAXES OR TELL 'EM IT'S REFORM AND SOCK IT TO 'EM

HON. RICHARD H. FULTON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 15, 1971

Mr. FULTON of Tennessee. Mr. Speaker, I see in the July 14 edition of the Christian Science Monitor that the administration, under the audacious guise of "tax reform," may be preparing to sock it to the American taxpayer again.

I say again because the administration's anti-recession and anti-inflation policies have been such a disaster that the taxpayer has experienced little relief. In fact, about the only thing the administration policies have achieved is a ruinous unemployment rate and continuation of a usurious erosion of taxpayer purchasing power.

The article to which I refer is entitled "Campaign Issue? Nixon Starts Wheels on Tax Reform" by Mr. Philip W. McKinsey. I include it in the RECORD at this point.

Nixon Starts Wheels on Tax Reform

(By Philip W. McKinsey)

WASHINGTON.—The Nixon administration is pointing toward another attempt at broad reform of the U.S. tax structure—possibly as one of the major administration legislative thrusts in campaign year 1972.

No decisions have been made yet, and in fact the effort is only in the earliest stages. But tax revision was one of the assignments that President Nixon quietly gave to his Democratic Treasury Secretary, former Texas Gov. John B. Connally.

Even though Mr. Connally is deeply involved in a number of other assignments for the White House—ranging from trying to lobby the Lockheed loan guarantee through Congress to selling overall administration economic policies to the American people—he already has begun gearing up Treasury to devise an extensive tax-reform package.

As a starter, Mr. Connally is trying to reshape the structure of the Treasury's tax division. He wants to create an additional assistant secretaryship, and he plans to give the job to Deputy Assistant Secretary John S. Nolan, who had been in contention for the post of commissioner of the Internal Revenue Service.

FULL-TIME PLAN

Under Mr. Connally's blueprint, Mr. Nolan would take over day-to-day administrative command of Treasury's tax division. Then the current assistant secretary for tax policy, Edwin S. Cohen, would be able to function as a high-level special assistant to the secretary, devoting all his time to the problems of tax reform. Mr. Connally is high on Mr. Cohen: he considers him as imaginative a man in the field of tax policy as it is possible to find in the country.

Nothing is being ruled out for now, but some proposals clearly seem more equal than others. For example, the idea of a "value added" tax—a tax paid on a product at each stage of the production process, according to the value added at that stage—will be pushed strongly.

Such a tax would enable the United States to give U.S. exporters the same kind of tax breaks that European Common Market exporters have now; and it would enable the U.S. to levy on imports the same kind of "border taxes" that U.S. goods face in Europe.

Labor has opposed a value-added tax as a national sales tax, and there has been opposition to it even within the Treasury. But Mr. Cohen has been among its strongest adherents.

Other ideas that will get serious attention are proposals for tax credits or other incentives to ease exporters' tax loads and to spur commercial research and development. The administration is looking hard for ways to strengthen the U.S. position in world trade and to increase the productivity of U.S. industry.

No proposal for increased taxes on the oil and gas or other mineral extractive industries is likely to emerge from Mr. Connally's Treasury, however. Mr. Connally has stated flatly that he believes the oil industry was hit hard enough by the Tax Reform Act of 1969.

Chances for enactment of a startling tax overhaul would be slim in a presidential campaign year, of course, even if the House Ways and Means Committee could clear its crowded docket and get to it early in the 1972 session. But Mr. Nixon came into office determined to propose a major tax reform, and officials made clear that they did not consider that the 1969 act filled that bill. He would like at least to get a proposal on his record before he faces the voters.

COLLECTION-AGENCY BILL

Mr. Connally has said that the President "would desperately like to simplify the tax structure of this nation."

One tax simplification—at least affecting state and local taxes—may fall into his lap. Rep. Al Ullman (D) of Oregon plans to lay before the House Ways and Means Committee this week a bill to set Washington up as tax collector for state and local governments and give taxpayers a credit of up to 5 percent of their federal income tax.

Mr. Ullman's bill, which the committee will take up in its discussion of Mr. Nixon's general revenue-sharing proposal, would permit states and cities to impose their own income taxes, and would add a line to federal tax returns to accommodate them. This would eliminate states' needs for their own collection and enforcement agencies, would ease taxpayers' paper work, and in the bargain would base state taxes on the more progressive federal income-tax scale. And the tax-credit feature would make state imposition of income taxes relatively painless politically.

Mr. Speaker, it seems the administration is about to engage in another game of Nixonomics with the now traditional Madison Avenue-White House packaging which, when all the frosting is off the cake, leaves us not a tasty pastry, but a mouthful of mud.

To most Americans and to the party not currently occupying the White House, tax reform means closing the loopholes which favor the privileged and giving the long-suffering, wage-earning, payroll-taxed consumer a break.

But when this administration speaks of tax reform, it will do so, apparently, in its own brand of "newspeak; This is what we say. You figure out what we really mean."

The so-called value-added tax is just another way of soaking the middle and lower income people to take somebody else off the hook. If Federal funds are needed to help our exporters, and we all agree they need help, then why not just ask for a direct appropriation and an increase in tax rate? Be done with it. At least this way the taxpayer will know exactly what it is going to cost him and for what the money will be used.

There is a far better way to increase Federal revenues and give just about everybody a break. That is by an across-the-board reduction in taxes and reinstatement of the investment tax credit. This approach has proved it can stimulate the economy and increase Federal revenues. It need not be inflationary as it was not in the 1960's when we mistakenly accepted the proposition that we could have both guns and butter.

The administration may think it can fool the Congress and the people with its Nixonomics doubletalk. So be it. Let them propose their tax-raising "tax reform." It will make a delightful matter for public discussion during the latter part of 1972.

APPROVING THE GOVERNMENT'S NEW YORK TIMES POLICY

HON. WILLIAM L. HUNGATE

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 15, 1971

Mr. HUNGATE. Mr. Speaker, with so much governmental criticism abroad, the following article from the British Press approving the Government's New York Times' policy should be welcomed:

O! Listen to the Banned!

Our heartiest congratulations to the US Government on its swift withdrawal of the *New York Times* from Vietnam, thus achieving what Richard M. Nixon sees as his greatest victory of the war so far. He told a press conference of his wife and in-laws: "I decided that it was dangerous and wicked for the *New York Times* to involve itself in the internal affairs of foreign states, poking its nose in where it was not wanted, causing irreparable damage on an unprecedented scale, threatening the lives of innocent politicians and their families, and committing actual crimes, yes, crimes in the name of freedom." Asked by his wife's cousin whether he was considering pulling further newspapers out of S.E. Asia, the President replied that he hoped to have *Time* and *Newsweek* out within the next few months, and the remainder of editorial comment home by Christmas. "I know I have the whole nation behind me in this," he said. "It's what they want in their heart of hearts. If they weren't a silent majority, they'd tell me so themselves."

TEXAS SENATE HONORS LOUISE MASSEY

HON. RICHARD C. WHITE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 15, 1971

Mr. WHITE. Mr. Speaker, recently one of my constituents, Mrs. Joe Massey, of Monahans, Tex., was honored by the Texas Federation of Women's Clubs as the Outstanding Clubwoman of Texas. This is but one of many honors that have come to Louise Massey because of her outstanding service to her community, the State of Texas, and the Nation.

Her work has been particularly outstanding because of two convictions that are a part of her being. One is a belief that the senior citizens of our Nation constitute an asset in wisdom and ability to serve that should be cherished and cultivated. The other is the conviction that residents of the smaller communities of America can work together to make each of them better places to live, and thereby curb the march to the cities, which is constituting one of our major problems.

Mr. Speaker, the Texas State Senate has recognized Louise Massey's great contributions with a resolution adopted on May 27, 1971. I enter this resolution in the Record as an example of one woman's outstanding dedication to principles that have made our Nation great:

Senate Resolution No. 1393

Whereas, The State of Texas has produced many outstanding women in its long and eventful history; a name which must be added to this illustrious roster is that of Mrs. Louise Massey of Monahans, Texas; and

Whereas, Mrs. Massey was recently named "Texas' Outstanding Clubwoman" of the year by the Texas Federation of Women's Clubs; she was previously selected as the District's "Federated Clubwoman of the Year" and as Monahans' "Woman of the Year"; and

Whereas, This outgoing and gracious lady has devoted many years to the goal of making her community, her City and her State a better place to live; through her leadership and dedication, the City of Monahans has reaped numerous benefits; and

Whereas, She has been recognized for her work with Senior Citizens in Ward County; she has served as a Member of the Governor's Committee on Aging; she served as President of the Ward County Democratic Club; she has been elected to serve as a delegate to the State Democratic Conventions and she has served as precinct chairman; she has been instrumental in bringing many local, state and national leaders to Monahans; and

Whereas, While serving as president of the Nu Gamma Study Club, she organized a class for instructing aliens preparatory to becoming United States citizens; she is now Home Life Affairs Chairman on the Western District Board of the Nu Gamma Study Club; and

Whereas, She has worked on the membership drive for the Monahans Community Concerts Association; she is a member of the Friends of the Library, the Ward Memorial Hospital Auxiliary and the Monahans Boys Clubs; she has worked with the Exchange Student Program, the Ward County Council for Retarded Children and numerous other worthwhile organizations; and

Whereas, Aside from her work in promoting art appreciation in the Monahans area, she is extremely talented as an artist in her own right; she has exhibited her work for the Texas Fine Arts Association; the Sands Art Association; and the Western District of TFWC; she has also assisted with the Junior Art Show; now, therefore, be it

Resolved, That the Senate of the 62nd Legislature commend Mrs. Louise Massey for her determination and efforts to make her City a better place to live; and for the recognition she has received; and, be it further

Resolved, That a copy of this Resolution be prepared for her as an expression of our respect and appreciation for this great lady.

CONGRESSMAN J. J. PICKLE ADDRESSES THE JOINT CONFERENCE OF THE TRANSPORTATION ASSOCIATION OF AMERICA AND THE DEPARTMENT OF TRANSPORTATION

HON. EARLE CABELL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 15, 1971

Mr. CABELL. Mr. Speaker, my good friend and able colleague, the Honorable Jake Pickle of Texas, recently addressed the joint conference of the Transportation Association of America and the Department of Transportation on July 6, 1971, in Washington, D.C. Jake is not often known to mince words nor to fail to speak his mind. In his committee work he has become acquainted with the problems of our transportation industry, and any solutions that he has to offer are certainly worthy of thought and study. With this in mind, Mr. Speaker, I would like to include his remarks in the Record:

Remarks of J. J. Pickle

I am deeply grateful to the men who made my appearance here today mandatory.

I recognize the research and marketing skills of the tops in their profession.

I acknowledge the real "pros" who called us together—gentlemen, I refer to organized crime.

A wise speaker opens up with generous and gracious remarks about his dynamic audience . . . however, the people I can really acknowledge today are the boss leaders of organized crime.

I'd like to congratulate the various governmental agencies . . . but they are so fragmented. They have such over-lapping jurisdictions. They have so many empires within bureaucracies. They have no over-all approach and I cannot in good faith say the government is doing its best.

Perhaps there is a beginning. I am encouraged by the initial study put together recently by DOT in which they recommend guidelines for theft prevention in the transportation system.

I'd like to congratulate business . . . but they are reluctant to come forth with strong policing. They are hesitant to report losses. They are afraid of insurance companies. And they are not ready for honest dialogue with unions. Perhaps this conference is a beginning.

I'd like to congratulate unions . . . but they resist screening questionable characters from union rolls. They are more concerned with make-work in opening containers than in protecting the cargo. They are frightened of reporting thefts of organized crime. They are too ready to look the other way while 40-foot containers are heisted from loading docks. Perhaps the discussions tomorrow will be a beginning.

I would like to congratulate the insurance companies . . . but they are too highly motivated by profits from low-risk policies and too willing to abandon the high-risk cargoes. They are too quick to cancel policies . . . too fast with an increase in premuims.

So you see, gentlemen, the only group that really knows its job and really does it well is organized crime.

I salute them for bringing us together.

Obviously, I am mixing silly with serious. I have outlined the extremes in every case. But it makes a point in a hurry—each of us is too ready to point the finger at someone else in the chain of responsibility. Meanwhile, the consumers are being gang raped at the loading ramp.

A truly coordinated approach is nonexistent. It exists only as an idea at this stage. Senator Bible's Commission is a step into the sunshine. Although the Commission will have no teeth, hopefully it will have a voice. The Commission will be doing the homework necessary for the Secretary of DOT to change rhetoric into muscle. Secretary Volpe would have statutory authority to establish minimum security standards for all cargo carriers. I know John Volpe. I know he will do this. John Volpe isn't waiting for the legislation. He's already put a man in charge and has prepared a preliminary draft.

Plus, I know we will see much spin-off legislation recommended by the Commission.

Now that sounds pretty good. It's a strong positive step aimed at curbing billions and billions of dollars of loss.

Yet, I detect a hesitancy among this very room in discussing this Commission. I detect a "wait and see" attitude. I suspect many are putting their hands on their breast and pledging allegiance, while secretly they are afraid of government regulation.

I hope this is not so. I hope the TAA will get behind the Commission in deed as well as words.

You men represent the cream of the crop in the transportation industry. I do commend you for calling this conference. In the many days of meetings you have heard from everybody who should be heard.

By now, you are sweltering in statistics. I won't add to the numbers game. I figure you have all the statistics and all the data you could possibly need at this point.

What I will attempt to do is to put a broad brush to the over-all problems. In capsule form, I'll try to sum up. In doing so, I may bruise some people but nobody here is as black and blue as the paying public.

In headline form, let's take a quick review of some possible federal action:

Mandatory uniform reporting—You've got to identify the problem and its scope before you can attack it. Presently there exist no workable mechanism by which this necessary type of information can be accumulated. The problem is further complicated by the failure of carriers to report many thefts for fear that their insurance rates will increase.

A simple reporting form—hopefully, no more complicated than the IRS Form 1040—would identify high risk cargoes and crime concentration. Some carriers might not like making their performance records public, but I think the public would like to know who takes best care of their packages. Therefore, as a beginning point of recommendations today, I think there must be some kind of mandatory reporting system—to get information and to indicate the performance records of individual carriers.

Uniform carrier liability—we need to get rid of our leftovers from the Wells Fargo days. Airlines are perfect examples. Reimbursements of 50 cents per pound not to exceed $50 per package is a hold-over from our early transportation days. Perhaps the liability rates should apply equally throughout the entire transportation industry. Further, the liability rate should be published on the bill of lading so shippers will know exactly how they stand. Liability and its limits should be open for full disclosure and the shippers should be alerted. Establishing uniform carrier liability is a stern challenge but carriers must admit to this deficiency.

Enforcement—The federal government is lax. The government should set forth exact guidelines. By its very nature, interstate commerce falls within the jurisdiction of federal, state, local, and private enforcement agencies. A first step that could be taken in this direction would be the development of *guidelines* to clarify the jurisdictions of enforcement agencies in the handling of various kinds and styles of cargo thefts. We should coordinate with and supplement state and local police. If need be, let's create a special transportation security umbrella to encompass the ICC, the FMC, the CAB, Customs, the Coast Guard and Treasury.

We need more FBI agents on the job—but to do so we need more FBI agents. Then perhaps we could get real interstate police action. I urge that we do away with the $500 floor—a crime is a crime is a crime, regardless of amount. In a coordinated manner, let's bring in the federal agents, almost from the beginning.

Thus, the federal government could expand its sphere of responsibility over interstate commerce law enforcement—in full cooperation with local officials—it should begin to provide new and additional assistance to other enforcement agencies. The coordinated use of facilities, particularly information systems, should be stressed. Special training programs and refresher courses should be opened to local and even private enforcement personnel. Every effort should be made to weld the knowledge, facilities, and manpower of individual agencies into an effective crime prevention network.

Minimum physical security requirements—I realize the small shipper and carrier can stand just so much overhead, but I think the DOT is on target with their recommendations for security guidelines. I would rather see natural change coming about instead of forcing carriers to act, but the fact remains, security is too lax. As it is, carriers are not sufficiently motivated to increase security as long as they can write off losses as business expenses. Rather than make capital improvements such as better security measures . . . these improvements cannot justify rate hikes, but they would be profitable in the long run because better security reduces losses.

Carriers and shippers must do at least the minimum before they can expect help from the government. I realize the problem is getting the initial capital to make these improvements. Many carriers are strapped for funds. Money is tight. But it must be done. If your home was being robbed every night, would you leave a friendly dog in the front yard and the door slightly open?

Insurance—When insurance companies refuse to write policies for certain cargoes this restricts free trade. This, in effect, constitutes a very real obstacle to the free flow of interstate commerce, and, therefore, cannot be rightfully permitted to continue by Congress. Obviously, the insurance companies are not entirely at fault—their refusals to insure such commodities are often precipitated by inadequate shipper and carrier security precautions. But it's a chicken and egg deal: would insurance companies write more policies if security were better? Government action is being discussed very much in this field. Insurance must be available in all instances. Right now, if you lose one dollar's worth of goods, it costs you two to five dollars in red tape to report it.

Uniform packaging—Another field open for increased federal activity is in containerization. I think management should encourage it and I think unions should not resist it.

Pardon the plug, but I have introduced legislation which will facilitate equipment interchange between and among the several modes of transportation. Let's get rid of horse and buggy thinking . . . it's inexcusable that we can ship people by train, by bus, by ship, and by air through a friendly travel agent, but we cannot put a bunch of goods in a big box or sack and do the same thing. The day of containerization is here—and the DOT ought not to just encourage it, but emphasize it—and not hide because a technical argument between *voluntary* and *mandatory* rates. DOT and Congress are derelict in these instances now.

Research grants—Such a program should not be limited to containerization, but should encompass the entire sphere of transported cargo security. Transportation security lies obscured in technological dark ages. Modern crime fighting techniques are just coming into the transportation field.

Licensng of employees—This is perhaps the most controversial area of possible federal participation . . . the licensing or clearance of employees to work in high security areas. Lots of ethics, lots of morals, lots of individual and union rights are at question here. But something must be done to stop theft.

I submit, therefore, that relief could come if any or all of these eight proposals were put into effect. No one of the proposals is the answer; and all of these would have to be carefully coordinated. None need go to the extreme. But I respectfully contend that what we need is action—not equivocation or alibis or an attitude of suffering understanding.

Cargo theft may be as big as the rum running days of prohibition. The bloodsuckers of mass thievery are siphoning off the muscle and the profits or our transportation industry. The shame is that we permit it by timidity, economics, and even protection in gangland fashion.

In all this crime against God and the industry, perhaps it is prophetic that one possible salvation might come from the Bible bill. It is time that the Bible and the law be put to work.

However, I don't think we need to set up a two year study to determine what needs to be done. The proposed Commission could make its recommendations within six months—by the time of the next session of Congress—and while research and study continue, we could move forward with meaningful legislation. The only reason hardhitting legislation has not been introduced already—and it may still be—is that we do need to collect valuable information and statistics. We know what is happening, but because of acquiescence or fear of profit losses, we really do not know who is doing what to whom—or for how much, except the losses go into the billions. Like a family disgrace, we have swept this stealing into our transportation closet, knowing that the items in the closet are being stolen even before the door is closed.

It is time we stopped it.

ART MILLER AND "THE WONDERFUL WORLD OF WATER"

HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 15, 1971

Mr. WALDIE. Mr. Speaker, once upon a time, Sacramento Reporter Arthur Miller took his readers through the "wonderful world" of California water to discover why man is such a logical animal. In this "wonderful world," there existed glistening, concrete dams and shiny peripheral canals that man saw as the solution to all his problems. That was a logical conclusion, because, after all, why allow free, unhampered water to remain in its natural state? It must be restrained. But no—there were those other logical men who desired these rivers to remain wild. But who is right? Brushing those rational men aside who wanted wild rivers, the other side concluded that mother nature must be confined in man's dam reasoning. After all that is logical enough because more dams will mean that California's scenic natural resources will be covered with efficient, easy-to-care-for cement. And a peripheral canal will guarantee more housing, more development, more smog, less air, and mother nature will live happily ever after. Or will she? Read on:

[From the Antioch (Calif.) Ledger July 3, 1971]

LOOK AT IT THIS WAY

(By Arthur Miller)

SACRAMENTO.—Let's wander into the wonderful world of water for a study of why man is a logical animal.

First of all, we start with Southern California.

Now man, realizing that there is not very much water in the southland, proceeds to settle there in great numbers, depleting not only the water but the air as well.

So he looks to Northern California, where he finds wild and raging rivers that have plenty of water—in fact, too much water for nearby inhabitants during winter and spring floods.

So man hits upon a logical solution. Why not build a huge canal to carry the water where the people are? And the dams you use to capture the water will prevent floods at the same time.

We congratulate ourselves on the birth of the multi-purpose project, a very logical development indeed.

Then man discovers that he has a need for recreation. No one in Los Angeles, you see, likes to be there. So man develops recreation spots along the dams and canals bringing water to the area where everyone and no one wants to live.

Now in between Northern and Southern California is a stretch of desert called Kern County which hasn't much shelter from the sun but has plenty of other kinds of shelters for such oil farmers as Standard Oil and J. Paul Getty.

So man decides he can't let all that fresh water just flow by. We must help our farmer friends. We already treat them as farmers by placing their land in low-tax agricultural preserves and subsidizing them for not growing various crops, so why not give them water too?

Thus, another logical use is found in the development of our state plumbing system.

The next step for man is to stumble upon the environment.

If you take water away from a place, man reasons, that place will no longer be the same as it once was.

That and $25 will get you into the Sierra Club.

Simple, says man—we just use some of that water we've created in those dams. Let it flow down the rivers in sufficient quantities to give the fish a place to swim and sustain all those little tiny things which are part of the food chain.

Not so simple, says the logical man—the fish don't pay taxes. They don't even vote. And what's more, we haven't enough water to go around.

So we decide to all chip in out our own pockets and pay for some water for the fish. That's logical.

And when man looks northward for it, lo and behold, there are some wild and raging rivers on the north coast running unchecked to the sea.

But hold on. Some logical men have decided to preserve those rivers in their natural state.

After all, do we want our future generations to think all rivers and lakes are bodies of water surrounded on several sides by concrete?

And even if we can't take our grandchildren up to see a real river, at least we'll sleep better knowing it's there.

At this point we leave man struggling to extricate himself from the devouring corollaries of his own logic.

Through our carefully calculated engineering we have not only subdued Mother Nature, but we have her down and are beating her severely about the head and shoulders with a blunt slide rule.

And that logic, you see, is what separates man from the lower animals.

MAKING DEMOCRACY WORK IN PUBLIC TRANSPORTATION

HON. JONATHAN B. BINGHAM

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 15, 1971

Mr. BINGHAM. Mr. Speaker, some weeks ago I had the honor of participating in a national Conference on Public Transportation for Leaders of National Civic Organizations. The conference was organized and sponsored by a coalition of groups with a common interest in improving mass public transportation facilities and services in this country—a goal I most enthusiastically share.

The day I attended the conference, a most interesting and comprehensive statement of the purposes and goals of the meeting was presented by Hazel Henderson, a director of the Council on Economic Priorities of New York City. Miss Henderson, I might mention, is also a resident of the Bronx, part of which I have the honor to represent.

I trust that many Members of the House and other readers of the RECORD will find her statement as interesting and relevant as I do, and I, therefore, submit it for the RECORD:

MAKING DEMOCRACY WORK IN PUBLIC TRANSPORTATION

(By Hazel Henderson)

During this conference we have explored most of the reasons why democracy has failed to work in allocating a proper share of our nation's resources to public transportation. They add up to an object lesson concerning the snowballing effect that a group of powerful special interests can have in influencing governmental decisions, economic conditions, the shape and size of our communities, the quality of our environment and our entire culture. We have also come to see how all institutions have an inbuilt predisposition to grow and empire-build until they overstep or lose sight of their original goals, and begin operating as autonomous feifdoms.

We see this here in Washington with some of our government agencies, but we also see it in every other large organization, whether religious, military or economic. As J. Kenneth Galbraith points out in his book "The New Industrial State" this phenomenon can now be observed in our large corporations. He believes that their power is now so great that the consumer, whom they originally set out to serve, is no longer king, but these great producing companies which can now manipulate government decisions as well as the consumer through massive advertising.

Nowhere is this state of affairs more clear than in the field of transportation, where the combined corporate power of the auto manufacturers, oil, construction and rubber companies have so dominated the market that they have almost driven out all other competing modes of transportation; and in many cases, making it all but impossible to get around without being forced to buy a car. Henry Ford's proverbial statement that the American consumer could have any color car he wanted as long as it was black, has become more prophetic than he dreamed!

This predisposition of big powerful companies to dictate what kind of products they will produce, and then use hard-sell, saturation advertising to market them is in large part responsible for the backlash of "consumerism" and rising demands for more participation in decisions that shapes our lives. We have found that our dollar is no longer enough to signal to companies what we would like to buy, because the choices have become narrower. We cannot choose to buy a pollution-free car and Henry Ford II has just pronounced on-Federal clean air goals for 1975 "impossible." We cannot even choose to walk or cycle in safety in many areas!

Economists would call such a state of affairs a "market failure" and it is just this kind of market failure that has occurred over the years in transportation. If the transportation market were operating freely according to the economic textbooks, and the consumer along were dictating the production decisions (rather than a very few huge corporations, combined with all manner of subsidies favoring automobiles) we might have a very different, pluralistic system, offering a wide range of options to the consumer. They might include safe and adequate provisions for walkers and cyclists for the short trips; quiet, non-polluting individual vehicles, more and better urban subways, buses and jitneys of various sizes for in-city transit; fast suburban-urban trains and express buses on open highway lanes for commuters; intermediate and long-range inter-city trains, as well as the conventional highways and airlines.

So we have gathered here and explored this particular "market failure" and seen how other forms of transportation gradually declined as the power of the auto and highway related industries grew. Gradually they were able to wring favorable subsidies, bond issues and taxes to support their further growth, while "externalizing" from their own balance sheets the increasing, but hidden, environmental and social costs, which have only recently become evident in pollution, suburban sprawl and the slow destruction of our cities. To paraphrase the elder Ford, we now find that we can have almost any kind of transportation we want, as long as it is a car!

We have all come together because in one way or another, these social and environmental costs have begun to affect the groups of citizens we represent. We know just how this automobile-dominated transportation system affects or disenfranchises the young, the old, the handicapped, the residents of inner cities, suburbs and rural areas, as well as all of the groups we represent. Other people have not found institutional voices to articulate their problems, perhaps because they merely share my fear of driving in heavy traffic, or on our super highways in between menacingly large trailers and trucks at terrifying speeds.

So how do we go about re-asserting consumer sovereignty in designing a new multi-option transportation system? Many efforts have already been mounted. Some hardy souls take the individual approach by defying city traffic and attempting to bicycle, in spite of the physical danger and overwhelming exhaust fumes. Or according to a recent *Wall Street Journal* article, many business executives have just given up on the commuting snarl and run their affairs by telephone and mail from their homes or country clubs. I'm sure many of us have wondered how many human transactions really need a face-to-face meeting, and whether we could manage as well by using the telephone and other forms of communication which might substitute on occasions for all this frenzied rushing back and forth. Unfortunately, most of us are not as lucky as those corporate executives; we have to show up on the job in spite of the travelling problems!

Some communities and cities like New York have taken the approach of trying to win back territory from the automobile by closing streets and creating pedestrian malls with varying success. Many groups have skirmished with highway engineers and insensitive city planners and managed to block construction of ill-designed freeways in such cities as San Francisco and New Orleans, and many others. Conservationists have waged a long standing war against badly-planned highways and anti-pollution groups have taken on the noise and exhaust fumes of the internal combustion engine. I think most of us feel a debt of gratitude to Ralph Nader for his tireless, intelligent efforts to improve so many aspects of the consumer's lot, particularly in auto safety.

Others have joined the fight for no-fault insurance to lower rates and relieve our congested courts of millions of time-wasting, traffic-related cases, which prevent others from receiving speedy trials. Consumer groups have also worked hard for better built, longer lasting cars, without meaningless style changes and other frills.

Still other groups have pressed for special consideration of the needs of the old and young, the poor and the handicapped, in both public and private transportation. Planners have produced blueprints for dream transit systems, and whole new towns, such as Reston, Virginia and Columbia, Maryland, have tried through total design to tame the automobile. Aerospace companies such as LTV, Grumman, Rohr Aircraft and North American Rockwell are announcing in new advertising campaigns that they are eager to serve the market for public transportation, and many of them have won contracts for demonstration projects. Other companies, such as General Electric have already helped build new systems, like the Lindenwold line which links Philadelphia with its New Jersey suburbs, and the Turbotrain and Metroliner systems between Boston, New York and Washington.

So, with all this activity, why has there been so little progress? Could it be that up until very recently none of us was sufficiently aware of each others efforts, because we were all working in such very different ways to bring some improvement to the overall transportation system? Could it be that we never realized how many of us there were: enough of us in fact, so that if we got ourselves together we could forge a coalition with enough steam and political muscle to get public transportation up and running? Certainly the multiplicity of concerns that produced our many-faceted activities made it very difficult for us to see them as parts of an effort to solve one big problem: the overall, national transportation mess.

For example, conservationists opposing a freeway which would divide a park area in Minnesota might not instantly recognize their kinship with inner-city organizations in a city like Washington, who were opposing a freeway which would divide their community just as disastrously. Or public health groups in respiratory or heart disease prevention, who were busy fighting automobile pollution, may not have appreciated their commonality of interest with similar organizations representing the interests of victims of handicapping diseases, or blindness, in their efforts for better-designed transportation.

And meanwhile, the planners dreamed of funds to implement their blueprints, and companies waited on the sidelines to see if anyone really meant business. I believe that it is largely due to this fragmentation of efforts and lack of communication between groups, that we have never fully come together and explored the commonality of our transportation needs and defined precisely that area where all of our constituencies' vital interests overlap.

In fact we have often been somewhat suspicious of each other's interests and motives, fearing that they were irreconcilable with our own. Sometimes we have almost come to blows. A hearing in Milwaukee last year on whether to complete construction of a freeway was a perfect example. The highway construction companies and the unions demanded that the highway be completed while the homeowners in its path and the conservation groups bitterly opposed the project. Such situations are indeed complicated by the fact that vital interests of the parties are too immediate to permit assessment of the project by larger, more objective standards.

If there were time to develop feasible alternatives, perhaps another more pressing public construction project or a commuter rail line down the center of an existing highway, such as the one in Chicago; there might have been a way to avoid the clash without human disruption or unemployment. But unfortunately, there is rarely time to work out equitable solutions and often the artificial carrot of Federal funds, pre-programmed for highway spending makes reallocation of priorities all but impossible.

Certainly many group's current interests tend to be vested in an existing system as pervasive as our highway-automobile complex. They include jobs, investments, academic or professional careers, such as highway engineering, as well as all the economic dependents of this vast industrial system; dealers, spare parts and repair shops, gas station franchisees and dozens of other small businesses. But in spite of this, many of us are beginning to realize that all technologies have their own peculiar life-cycles, progressing through growth to saturation and obsolescence and that the auto is no exception. It too is reaching the limits of its growth potential. This can be seen clearly not only in proliferating highways, traffic jams and rising pollution, but documented in respected business publications, such as the *Wall Street Journal* of April 23rd, 1971 and *Fortune* in several articles over the past year, the latest in April 1971, as well as in *Business Week* March 14 1970.

So we should now stop focusing on what past conditions prevented us from working out ancient, deeply mired conflicts and instead, begin to concentrate on watching the shape of future national priorities and how we can help shape them. If we do this we can begin sharing in the development of new projects in which we can cooperate out of new mutual self-interests. We are now beginning to watch where the new transportation growth will occur as the exponential curve of automobile growth shows the first signs of collapsing. The new growth must surely come in filling the need for fast, clean, efficient public transit systems, and in remaking our cities for more human forms of travel, including walking and cycling. Here is where the new capital must surely flow and where the new jobs will eventually be created.

But if this is to happen, we and many others like us, representing the interests of consumers, must come together and define what kind of systems we want and are willing to pay for. But the economics of this new market we are trying to create will have to be a little different from a normal market, which has failed in this area. It will be a special kind of market which economists sometimes call a "public-sector market", which occurs when normal market mechanisms have been thwarted, as they have in transportation. So we create a public-sector market when we group together in sufficient numbers, decide what we want and then buy it as a collective, or "cooperative buying group". We have hundreds of such "cooperative buying groups" today of all sizes, and their numbers are growing because most of our unmet needs are now group needs, rather than individual needs, such as clean air and water or airports and parks.

In many cases we use our municipal and state governments as our purchasing agents. They act for us in buying sewage treatment plants, schools or airports. If the item we want to buy is very large, such as a national system for old-age or disability insurance, we empower the Federal Government to act as our purchasing agent, or even set up the system itself, as in the case of Social Security or the new Environmental Protection Administration which is charged with protecting our communal drinking water and air. It's interesting to note that in the case of water, some of us are beginning to exercise our individual consumer demand too, by buying bottled water, and the ordinary market mechanism is now responding by producing an ever larger selection of bottled water from which to choose.

So our challenge now is to begin drawing together a new "consumer cooperative" to service our group consumer demand for a more varied choice of transportation, including the expensive new public systems that only our group buying power can bring into being. Now we know that our group buying power at the Federal level of taxation is enormous: big enough to have permitted our Federal purchasing agents to spend some $70 billion a year of it on military programs and further billions on space and building more highways.

But we should not be surprised at this because we know how large institutions, such as government bureaucracies, tend to forget that they are supposed to be our purchasing agents, and in fact, under pressure from powerful lobbies, they have begun spending our money in ways we didn't intend, anticipate or consent to!

So if we want to regain control over the spending of some of our money, we are going to have to form a coalition strong enough to convince our elected and appointed officials that they must forget some of their own pet projects, and start voting the funds necessary to start public transportation rolling. We can also make sure that they realize that as the Indo-China War is being wound down by the Administration, they must resist budget-padding by the Department of Defense, and divert some funds into public transit and other badly needed domestic programs. Furthermore, unemployment rates are high enough now, but we must impress on these officials that they should also imagine the situation when thousands of G.I.s join the unemployment lines in the months ahead.

We need to create new programs to provide jobs for all our workers, but not based on the saturated needs of the past, but the real unmet needs in our public-sector markets of the future; not only public transportation, but health care, housing, new towns and pollution control, grass-roots cable television system to help recreate electronically, the "town-meeting" style of local government, and of course, education and self-enrichment for adults as well as children.

These areas of *real* consumer demand will provide opportunities for the growth industries of the next decade; but only we consumers, out of our own self-interest, will have the incentive needed to organize that demand into a coherent and powerful force that can create these public-sector markets. We know we can do it, because we see that it has already happened in the pollution control and recycling field, where ordinary citizens and consumers created such a demand for environmental cleanups that an industry emerged to serve it, which is one of the fastest-growing areas of our economy and is already providing thousands of new jobs. In fact, the U.S. Dept. of Labor Statistics estimates that as of 1970, there were 655,900 new jobs created in environmental control, and that this figure would increase to 1,181,800 jobs by 1980!

We cannot expect most of our older, bigger companies to play much of a role in developing these new industries, because they have too much invested in the current and past technologies. But some of our more innovative companies as well as a host of smaller, newer firms are eagerly waiting to serve our transportation needs.

But there is also another important reason why we must take the leadership role in pressing for these new transportation systems, and that is because we represent its future consumers, and if these consumers are to remain sovereign in this new marketplace, we must help them participate in the designs, in setting standards, and only then empower our government purchasing agents to award the contracts. If we do not move soon to define these consumer needs and push for their incorporation into the designs, demonstration projects, appropriations and the contracts; then we will have ceded yet another area to the company lobbyists who are already busy trying to sell their own idea of public transit projects to government agencies at all levels.

A perfect example of a project designed by product in this to pay survey way is the SST. There was no great outcry from ordinary citizens demanding an SST, most people can't afford to fly very much in a regular plane. But the aerospace industry and a small handful of aviation enthusiasts wanted it and almost managed to impose it on us after spending millions of our taxes to pump up the aircraft industry. But the very citizens who joined together to fight the SST proved their concern for the unfortunate workers caught in the middle, by also pushing for new public works and transportation projects to cushion the blow in Seattle and other hard-hit areas.

We can avoid repetitions of such human dislocation by getting together on projects we will all benefit from, and mass-transportation is a good area in which to begin. We can start small, hammering away at the simplest projects, such as reserving open lanes on our freeways for express buses, so that they will be able to compete with the automobile in faster commuting time, if nothing else. We can see that environmental pollution standards recently set by the Environmental Protection Administration are enforced, which will finally force municipalities to reduce automobile access to central cities, simply to meet maximum permissible carbon monoxide standards.

In the transportation vacuums this move may create, we can push for refurbishing subway and bus services to attract the new riders. During the recent taxi strike in New York, the City's bus and subways added millions in fares. If the strike had gone on for long enough, the City Transit Authority might have actually started making profits! Or consider the possibilities for minority group entrepreneurship in setting up, perhaps with Small Business Administration or MESBIC-type loans, small locally-owned and operated bus and jitney companies to take the often trapped or carless inner-city workers to the suburban industrial parks, where so many of the jobs are moving. In New York City alone, 72,000 jobs evaporated in the past year, and such bus lines could help alleviate the inner-city unemployment problems that the corporate moveouts to the suburbs are creating.

Some communities are discovering that their schools bus fleets are under-utilized. They are putting them to work during school hours for shopping runs and after school for trips to theaters, movies and evening sporting events. The revenues help fatten up the school's coffers, or help with maintenance and repairs. All the while we are testing these modest programs, we must form local coalitions to push for funding for the more ambitious projects.

If we can go forward from here, forgetting some of our past or current differences, and concentrate on working towards the positive and exciting goals put forward at this conference, we will not only help create a more human transportation system and more livable surroundings, but also a whole new industry and thousands of new jobs at all levels. We will also help prove that America can re-order her priorities with a minimum of disruption and hardship, away from the military-industrial-complex toward a more humanly-oriented "life-industrial-complex".

DR. JAMES LIVERMAN OF AEC'S OAK RIDGE NATIONAL LABORATORY CITES HUMANE OBJECTIVES OF SCIENCE

HON. JOE L. EVINS

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 15, 1971

Mr. EVINS of Tennessee. Mr. Speaker, Dr. James L. Liverman, Associate Director of Biomedical and Environmental Sciences of Oak Ridge National Laboratory, recently pointed out in a scientific address:

> Massive support of science can only be justified in terms of its overall and timely contribution to the goals of society.

Dr. Liverman in the paper submitted to the Fourth International Conference on Science and Society at Herceg-Novi, Yugoslavia, explains the work at Oak Ridge to improve the environment and solve problems of pollution.

Because of the interest of my colleagues and the American people in this most important subject, I place Dr. Liverman's paper in the RECORD herewith.

The address follows:

MAKING SCIENCE SERVE MAN

(Address by James L. Liverman)

(NOTE.—Tables and figures mentioned in text do not appear in RECORD.)

INTRODUCTION

The two questions which ultimately arise when the topic of Science and Society is considered at its most fundamental level are (a) what should and can Society expect from Science, and (b) what can and should Science expect from Society? While these questions are political, moral and philosophic rather than scientific, they are very real and very important because the ultimate fate of Society and of Science depends on how each views the other. Documented history reveals these views to be ever changing, but on balance Society has been the greatest benefactor of Science when science has served man.

The support of science in the United States during the decade of the late fifties and early sixties was so lucrative that many of my colleagues came to the erroneous view that Society owed Science, which they read "Scientists", the resources to pursue the goals of Science without concern for the goals of Society. Society's response to this myopic view was summed up succinctly by a highly respected, powerful, but also moderate Congressman as "Science should be a work horse for Man, not a scientist's own hobby-horse". In his view, the massive support of science could only be justified in terms of its overall and timely contribution to the goals of society.

The Oak Ridge National Laboratory (ORNL) was specifically created to help achieve the goal of a truly *safe* atomic energy and as a result we have developed a "problem focused" research program containing a large amount of unstructured research. The methodologies and the scientific expertise developed to study problems of atomic energy have quite coincidentally equipped us in a unique way to aid in another of our Society's crisis problems—the search for environmental quality. In the remaining time, I want to introduce for later discussion three topics:

(a) the need to "institutionalize" the problems of environmental quality,

(b) environmental programs of ORNL, January 1970,

(c) our new attempts to make science serve man.

I hope that this presentation and subsequent discussions suggest ways to help you solve problems of environmental quality in your own country and provide an impetus for an aggressive program to improve environmental quality on all of Spaceship Earth while there is still time.

INSTITUTIONALIZATION OF THE PROBLEM

The degradation of environmental quality is generally viewed as being due to the failure of Man to consider fully how his actions might affect those things which the people of the Earth hold in common—the air, the water, the soil, and the natural resources. In the beginning when man depended on Nature, he could simply move from polluted areas to those with a clean environment. Now, however, with a much larger population, with many, varied, and highly developed industries, with fast and massive transportation capabilities, and with a multitude of chemical biocides, we have begun to saturate the capacity and to thwart the ability of nature to recycle wastes at a rate adequate to maintain environmental quality. Since the particular aspect of environmental quality degraded first is very dependent upon local conditions, man created institutions to attack those aspects of the problem first. As a result of the "partial problem" policy, we now find many institutions providing "partial solutions" to the environmental quality problem, but none considering all of the interconnected, mutually dependent aspects simultaneously. Only by "institutionalizing" the problem in a way that matches the scale of the effort to the size of the problem can we hope to achieve a sufficient understanding to prevent—or at least be prepared in advance to solve problems that may arise from man's past and future actions.

Our experience leads me to believe that an organization that can effectively "institutionalize" a problem must possess at least the following five attributes: It must have a group concerned with programmatic perception and planning to provide the integrative function. It must have a group to gather, process, and distribute information so the organization has a complete knowledge of the problems. It must have a systems analysis capability to aid in problem assessment and in the evaluation of alternative solutions. It must have a broad research and development capability to develop new knowledge and to experimentally evaluate alternative solutions. Finally, it must be able to have effective two way communication with various sectors of Society. Although no one has yet created such an institution, I suspect that its staff would be at least 1500 people of whom at least 300 would be professionals with competencies spanning the social and natural sciences, engineering, economics, and the professions such as law, medicine, business, and others. Such a breadth is necessary for viewing the environmental quality problem in its full context.

ORNL ENVIRONMENTAL PROGRAM, JANUARY 1970

As of January 1970, ORNL had a fairly broad based, but not completely coordinated environmental program aimed at (a) understanding the environment, (b) the influence of the environment on man, (c) controlling the environment, and (d) environmental information. Our programs aimed at understanding the environment were to trace radionuclides through the food chain leading to man and to develop analytical techniques for biological molecules and non-radioactive pollutants such as drugs, pesticides, and toxic chemicals. The large programs on the influence of the environment on man were centered on studies of the genetic and somatic effects of radiation and of the effects of a wide variety of other physical and chemical insults to living organisms. Our early efforts in these areas were mainly on effects at the acute dose level, but they are now almost totally on effects at levels approaching those found in the environment. The efforts in abatement of pollution and in demonstration systems grew out of our very large programs on desalting, on processing and separating radioactive materials and in waste disposal technology. Our information activities were just beginning at this time and were not centrally organized.

When we compared the nature of this effort with that required to "institutionalize" the study of environmental quality (table 2), we noted a lack of effort in three important areas: (a) programmatic perception and planning; (b) systems analysis; and (c) communication. At about this same time the National Science Foundation was expanding its International Biological Program and was beginning a new program on Interdisciplinary Research Relevant to Problems of Society. Funds granted us under both of these programs permitted us to expand two areas and to enter the other three in a meaningful way. The size of our total effort at this time is still only about one third that we believe necessary to permit us to truly "institutionalize" the study of environmental quality, but progress to date has been such as to strongly encourage us to proceed. The remainder of my time will be spent on some of the activities these new funds have made possible.

NEW DIRECTIONS

A number of almost insuperable problems face each governmental unit charged with making decisions about resource allocation and environmental quality. Among their most urgent needs is that of having enough detailed and accurate information about a region to be able to weigh the advantages and disadvantages of proposed decisions on the future of the region. One of our first tasks under the new program was to begin the development jointly with the Tennessee Valley Authority of a computer based model of The Tennessee River Valley to include the cultural, social, economic, physical and biological aspects of the region. Such a model would be useful not only to TVA in its planning for development of an electric power grid and to ARNL in connection with a regional waste reprocessing plant, but it would be of value to the various county and regional governments in connection with their planning for economic, social and cultural development of the region. During the first year, we have accumulated extensive data on geology, soils, vegetation, hydrology, transportation, public facilities, land use, land ownership, census, business, and economic data about the region. We have established links with the U. S. Geological Survey to obtain digitized topographic data and with NASA for remote sensing data on the region. Our land use submodel of the region will be finished by mid-September. Our socio-economic submodel is about one half completed and work on the ecological-biological submodel and on the culture-community submodel is progressing. We are already working closely with the Council of Governments for this sixteen county region to help them learn to apply the model to their regional problems as soon as we are able to demonstrate its validity. We recognize the need for caution in trying to develop and apply such a complex model, but the need is so clearly evident that we must proceed with trying to make Science serve Society.

In another area we began an exploration of the environmental impact of the use of renewable and non-renewable resources which has led us in three directions. We have started to develop a materials criticality index for numerous materials which will take into account such factors as scarcity, environmental damage, and substitutability as a basis for recycling.

To assess the environmental damage function as an incentive for recycle, we have followed the flow of mercury and paper through Society. Figure 1 shows the flow of mercury and indicates the potential for recycle. Figure 2 shows the flow of paper and where the waste occurs. Exploration of the above areas led us naturally to consider the question of establishing a regional wasteplex for recycling solid wastes arising from the region along the Tennessee River between Knoxville and Chattanooga. We have taken the leadership in coordinating the efforts of two local, two regional, two state, and three federal agencies in the preparation of a proposal to do a year long study of the economic feasibility and desirability of establishing such a regional wasteplex. In all three of these cases, we have found Society eager to embrace science and use it in the service of man.

In closing, I want to mention a unique communication link which we have forged that may well serve as a model for the rest of the United States. I believe also that it is adaptable for use by any society. This link has been with a non-profit organization staffed with elementary and secondary school teachers. Its responsibility in our program was (a) to develop and maintain a relevant communications link between the scientist and a cross section of society and (b) the provision of environmental education and training services to those involved in a broad spectrum of pre-college education.

The organization maintains a telephone-linked information system on environmental matters to every school system in Tennessee. It publishes a monthly newsletter on environmental matters which is mailed to every teacher in the State. It provides information to teachers on availability of environmental training materials, films, and organizations, and during the year has organized 28 special seminars, a series of environmental awareness conferences, and a series of environmental workshops both in Oak Ridge and in the school systems. Its biggest task was the organizing of a Volunteer Air Monitoring Project involving some 25,000 pupils and teachers. In this project, 25,000 foils were distributed all over the State where they were exposed for one month to airborne particulates. These foils were then returned to Oak Ridge for analysis. A map showing air purity throughout the State during that one month period is now being drawn and will be provided to each participating student. This group has provided a means for fast dissemination of new scientific findings as well as a feed-back loop to our program on the effectiveness of the training materials we have provided. This is a true link directly into the homes of most students in the state providing a unique interface of science with Society.

While we still have not answered the two questions with which this discussion began on the relationship between Science and Society, I have indicated ways in which one major Laboratory is trying to make science serve Man, but our true effectiveness in this regard must await the test of time.

"OKLAHOMA: TOMORROW COUNTRY"

HON. ED EDMONDSON

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 15, 1971

Mr. EDMONDSON. Mr. Speaker, the August issue of the National Geographic Magazine contains an excellent article by Mr. Robert Paul Jordan concerning the State of Oklahoma.

Mr. Jordan spent several months traveling throughout all parts of Oklahoma in preparing his story, and I believe his prediction of the great future in store for our State will be shared by all who read his very fine report.

From the Tulsa Port of Catoosa—the State's direct link to world commerce—to the lush and fertile croplands in the State's western counties, Mr. Jordan sees Oklahoma standing today at the threshold of growth and prosperity. I want to commend Mr. Jordan for his excellent analysis of the great future all Oklahomans can look forward to, and include his article at this point in the RECORD:

OKLAHOMA, THE ADVENTUROUS ONE

(By Robert Paul Jordan)

In Oklahoma City recently, I asked a man of special vision to describe the view we shared from the thirty-first floor of a downtown skyscraper. With quiet, measured words, George H. Shirk, president of the Oklahoma Historical Society and former mayor, resurrected a shimmering ghost.

"This was just a dusty depot on the sun-scorched prairie," he said, his eyes lost in a time before his own. "A stop for Santa Fe trains. No trees. The entire water supply came from a single well, about where Broadway and Main Street meet today."

Then his reverie took speed, suddenly embroiled in one of history's great mob scenes.

"On a spring day only 82 years ago, Uncle Sam held the first land opening. All about us, between noon and nightfall, erupted a tent city of 5,000 thirsty, aggressive humans. Soldiers guarded the well, rifles ready."

Now I enjoy meeting most ghosts, but Mr. Shirk's eluded me. I could see only a moiling metropolis straggling to the sky's rim. Beneath me, where the city had been born, I stared at something else. Destruction. Devastation. Steel headache balls smashing the ribs of the dismal, worn-out business district.

I could see, too, another dramatic birth, in emerging downtown section as modern and sparkling as man can devise. Hundreds of acres of wide streets, plazas, malls, fountains, convention center, astonishingly unconventional theater buildings, immense medical enclave, new homes and apartments, and the soaring thousand-eyed spires of our day.

That, I thought, is Oklahoma City for you, past and present. "The City of Tomorrow," her boosters modestly proclaim.

All Oklahoma, I now submit, is like that: Tomorrow Country. I say it after months of roving this young and exuberant state (map, pages 154–5), watching today's frontiersmen striking out for new horizons.

Not long ago the world and I sailed up to Tulsa's back door. It began for me in no certain place on a still, star-crackling night. Muskogee, newly and proudly the state's first seaport, lay hours behind us.

From the towboat wheelhouse we squinted at the narrow, forbidding stream, welcoming each Coast Guard buoy as it bobbed up in our searchlights. How incongruous it seemed, bringing the oceans deep into landlocked Oklahoma by pushing a barge up the winding Verdigris River.

Intent at his lonely work, Capt. Bill Kurts, Jr., flicked steering levers and throttled back our twin engines. Gingerly we eased over a rock shelf hundreds of yards long. Two miles an hour . . . one . . . only inches from scraping bottom. "Slow boat to Tulsa," a deckhand grumbled wryly.

Then we got across and glided into normal nine-foot depths. I relaxed and the skipper grinned, coffee in hand. "First time you steer a strange river," he drawled, "you sort of feel your way along."

Strange river for him. And another bizarre beginning for this absolutely one-of-a-kind Oklahoma. Next day, cutting a bracing winter breeze, we pushed the first commercial cargo into the Tulsa Port of Catoosa, opening the last port of the 1.2-billion-dollar Arkansas-Verdigris River Valleys project (pages 156–7). Now other tows would put into Tulsa, eight-barge flotillas bearing steel, say, from Chicago, or slipping up the Mississippi from New Orleans with containerized goods from Europe, Asia, and Latin America.

Sam Frevert, the port's enthusiastic executive director, could see the bounty of that far horizon. "In ten years," he boomed, "we'll be handling more freight than St. Louis, Memphis, or Pittsburgh does today." On June 5 of this year, President Richard M. Nixon formally dedicated the McClellan-Kerr Arkansas River Navigation System.

BUGLE SIGNALED A STATE'S BEGINNING

Yet in retrospect, a seagoing Oklahoma seems a mild triumph compared to the fantastic way the state got started in the first place. The United States of America arrived on April 22, 1889, with a much bigger bang than the world and I made aboard our towboat. Here and there you can still find an oldtimer to relive that day for you.

"We milled about, waiting," recalled a peppery graybeard in his nineties, memory yesterday-bright. "People from all over the country, even women with babies. At noon a soldier standing on high ground dropped a signal flag and blew a bugle, and we tore across the line to stake our claims."

Run they did, then and many times more (page 154), hundreds of thousands of settlers whooping into the wilderness for free 160-acre homesteads and town lots, charging on blooded horses and spavined nags, buckboards and careening prairie schooners. A few rode bicycles, and some hung to the cowcatchers of snorting locomotives.

Oh, a number of wily opportunists couldn't wait, and sneaked into this new Canaan sooner than they should have. So to this day people call it the Sooner State.

Besides Oklahoma City, instant towns sprang up at Guthrie, with its railroad and federal land office, and at Kingfisher, another land office, earlier a stage stop on the Chisholm Trail when cowpokes pushed herds north from Texas to railheads in Kansas.

For the next 18 years, manifesting a Nation's destiny, homesteaders took land that had belonged to the Indians. In the runs, by allotment, and by lottery, Indian Territory and Oklahoma Territory were carved up, barbed-wired, and domesticated.

What was it like? In Guthrie, the sprightly former Cravens sisters, all widows, can tell you. Listen to Mrs. Lovenna Barnes, Mrs. Blanche Staggs, and Mrs. May Poteet:

"The family slept in the covered wagon that summer, until father built the sod house; carried water from the spring, until the well was drilled. We kept ourselves in the storm cellar every now and then—we could see the twisters following the Cimarron River. Mother planted corn and beans and pumpkins and cucumbers. She could just pick up her gun and go out across the plains and come in with rabbits, quails, or whatever it might be, because she was a dead shot.

"When we caught cold, she rubbed our chests with skunk grease and poured hot onion tea down us. Anybody who came along and wanted to preach, preached, and we all went to hear him. The first Methodist church they had down here, they had in a tent. They got lumber from the lumberyard and beer kegs from the saloon and made the seats. . . ."

UNUSUAL HAZARD STARTLES A GOLFER

So it went, and in 1907 statehood arrived. Oklahoma—from the Choctaw words *okla*, "people," and *homma*, "red"—was on her way. She's been moving ahead ever since, wearing cowboy hat and boots, sleeves rolled up, motivated by the pioneering spirit.

In 64 years the land of red people has grown into an agricultural and industrial empire. Between countless "Howdies" and "You come backs," I watched this dynamic evolution continuing.

Farmers and cattlemen produce a billion dollars a year in crops and livestock; some ranchers ride the range in airplanes. The forty-sixth state ranks fourth in the U.S. in petroleum output, third in natural gas.

Thousands of Sooners work in aviation and aerospace. Computer networks—for airline reservations, rental cars, gasoline credit cards—increasingly center in Tulsa and Oklahoma City. Loggers farm thick forests in the southeast, replanting after they harvest.

When these vigorous people put work aside, they swim, boat, water-ski, and fish in a new marine wonderland—along with a growing army of tourists. Like me, they vacation at attractive state-operated lodges such as Fountainhead, many to play golf. Few, however, will execute the slice as nobly as I did—but then, seldom does a deer dart across the fairway just as one swings.

I joined Oklahomans at rodeos and powwows, attended church, symphony, opera, and theater with them, admired swank rooftop clubs, dined in the hinterlands on buffalo steak (chewy) and squaw bread (crisp). Tulsa's Thomas Gilcrease Institute of American History and Art and the National Cowboy Hall of Fame in Oklahoma City thrilled me with their unparalleled displays of how the West was won. Sooners, it struck me, function about like the rest of us. So I asked an expert to explain what sets them apart.

I called on newly elected Governor David Hall one pleasant afternoon last January at the State Capitol in Oklahoma City (opposite). It was his first day in office. A tall, handsome man of 40, silver-haired and graced with a warm, gleaming smile, he seated me at a coffee table and came right to the point.

"We are blessed with pure air, four seasons, and plenty of space," said the governor. "We like to work. We live by three things. First, our independence. Oklahomans do not feel fettered. Second, a belief that the basic things in life are most important. Family life plays a greater role here than in many states I have visited. Third, a larger involvement in church-oriented activities."

I asked what he considered the state's biggest problem.

"Education," Governor Hall replied, leaning forward, hands on knees. "That's our first priority. We rank 45th among the states in per-pupil expenditures. We've got to spend more money on our schools. I am convinced that education is the greatest problem-solver of the 20th century."

TRAGIC MARCHES BROUGHT MANY TRIBES

But I wonder if education can solve the problem of the Indian. Often, sadly, the first American is last here, as elsewhere.

Red men roamed the future Oklahoma long before written history. The Louisiana Purchase in 1803 signaled the beginning of Uncle Sam's resettlement policy. In the 1830's Indians began to arrive in force—victims of white expansion in the East.

Among the first to be removed to Oklahoma were the Five Civilized Tribes—Cherokee, Chickasaw, Choctaw, Creek, and Seminole. Soldiers herded them to the rolling, wooded eastern part of the territory in dreadful marches that killed thousands.

Soon the cultured Cherokees were printing a bilingual newspaper. Well-to-do tribesmen built porticoed brick academies for their children. Many married whites. Some hacked plantations from the forest and grew corn and cotton with slave labor.

Later the Army rounded up the Plains Indians, nomadic hunters of buffalo, scalptakers: Comanches, Kiowas, Cheyennes, Arapahos, and others. They raised their tepees and lodges on the territory's western reaches.

SOME RED MEN WALK BETWEEN WORLDS

Today nearly 100,000 Indians, of at least 65 tribes, dwell in Oklahoma. I doubt that any place blends the blood and civilization of redskin and paleface as does Oklahoma. You meet Indians in every walk of life: professional men, businessmen, scholars, politicians' wives, painters, sculptors, ballerinas. Rich one, bankbooks fat with mineral royalties; many more poor ones, some curst with alcoholism. Christians, some praying and singing in their native tongues.

And red men so close to the hallowed land and mystic fires of their forefathers that they cannot hear the white man's drum, nor do they wish to. They drift between two worlds.

In a small, personal way I glimpsed this dilemma on a night of half-moon and scudding clouds, in a fallow field rimmed with woods in Seminole County—two hours' drive and a century distant from Oklahoma City.

"You have traveled far to see one of our customs," said my Creek-Seminole host Johnson Scott. "Before the stomp dance can begin, the sacred fire must be lit. Will you let us honor you? Will you start it?"

Facing east in homage to the sleeping sun, giver of life, I set a match to a pile of leaves and twigs, and, when it took, added branches. It must not die out. It did not, and just so did these proud people adopt me into their tribe.

Round and round the fire they danced for hours—men, women, and children, rattles on their legs, happiness on their faces, hand in hand, singing, chanting, bowing to the blazing altar, livelier and livelier. After a time, Johnson Scott kindly led me aside, a weary paleface with smoke in my eyes.

"The fire symbolizes life," said the slim, erect Indian, a boyish 34, artist by profession, wearing eagle feathers in his hat. "The fire keeps you like a wild horse, frisky and free. This is our spirit. This is our beauty. This is our home."

The sound of oil pumps suddenly intruded. I recalled that we stood on the Greater Seminole field, once the Nation's biggest.

"Where is the Indian today?" I asked him.

"Nowhere," he slowly replied, face in shadow. "But we've got something others don't have. Others have worries. We are free. We care only for our families, our kinfolk, and our land. We try to be a friend to all. . . ."

My friend Johnson Scott gave me a gift, as a token. It hangs in my study, his brooding painting of a solitary eagle feather. On it, these words are written: "I was borned alone—I buddy up with nobody."

CHEROKEE CHIEF LEADS A GIANT COMPANY

Not long after I became an adopted Indian, I pointed my car into the gentle green hills of the northeast, into Bartlesville, skyscraper city with one of the state's highest per-family incomes—$10,234 in 1970.

Soundlessly an elevator whisked me to the 18th-floor executive suite of one of the foremost U.S. oil companies, Phillips Petroleum: a quiet place, opulent, impersonal. There I met W. W. Keeler, chairman of the board, and also principal chief of the Cherokee Nation (right).

"As an Indian," said this man of Cherokee extraction, "I realize that the more we are pushed, the less we are willing to go." He smiled. "I think the Irish are similar."

My wife, I replied, would agree.

The plain-suited, plain-spoken executive glanced out the wide windows of his office to the Osage Hills on the west. He said, "The Indian often has little sense of time. Youngsters are chronically late for school, and many drop out, most in the eighth, ninth, or tenth grade. The Indian isn't competitive by nature, or acquisitive. He is creative, artistic, and intuitive. He is the original conservationist. He has a lot to give, and he wants to express himself. We've got to stop saying 'they' and start saying 'we.' "

All kinds of approaches are under way to improve opportunities for Indians, one learns. The challenge, after a century and a half of exploitation, remains formidable.

Challenge, I thought as I left, really amounts to a synonym for Oklahoma. Strolling about Bartlesville, I remembered that the challenge of black gold arose here when the state's first commercial oil well, the Nellie Johnstone, came in on an April day in 1897. Tulsa's Glenn Pool arrived in 1905.

Field after field followed: Cushing, Healdton, the Burbank field in the Osage Nation in 1920—and Osage Indians became the richest people in the country, per capita, for a time. Still the strikes came—the spectacular Seminole field in 1926, the mighty Oklahoma City pool in 1928.

Oil built Oklahoma. Today, 80,000 oil wells and 8,000 natural-gas wells flow in 72 of the 77 counties. A dozen refineries hum around the clock: pipelines carry their products throughout the Midwest. I looked long at a well drilled in 1941 on a slant beneath the State Capitol (page 158). Sooners love it—and 17 others on the capitol grounds, about half of them still producing.

Unfortunately, oil and gas wells eventually play out, depleted. New reserves must be found. In Tulsa, I talked with Marion Cra-

craft, the gracious, respected oil and finance editor of that city's *Tribune*.

"A few years ago," he told me, "some 150 rigs were drilling in Oklahoma. There are 80-odd now. The plain fact is that the financial return on oil and gas as it comes out of the earth isn't attractive enough. Oilmen aren't going to put money down a hole if—should they hit—they can't make a profit."

TRY FOR THE DEEPEST HOLE YET DRILLED

In the face of all this, I found a young oilman who must rank among the most optimistic of all time.

On the western plains near Elk City, I arched my neck at drilling rigs that soared as high as seventeen stories overhead. They looked like launch pads.

"That's exactly right," calmly asserted Robert A. Hefner III, 36, managing partner of the Glover Hefner Kennedy Oil Company. "Only these launches go downward—some of them toward record depths. We expect to discover gas between 24,000 and 28,000 feet. We're shooting for man's deepest penetration of the earth."

A 25,600-foot Louisiana well holds the depth record; it proved dry. Bob Hefner's firm participates in five ultradeep wells, two already producing, in the Elk City area. One, being drilled by Lone Star Producing Company, aims for 28,000 feet.

The average Oklahoma gas well comes in at 8,000 feet and costs $125,000. "How much money are you sinking down these shafts?" I asked Bob, glad not to be answering.

He winced slightly. "To go more than five miles deep requires drilling night and day, seven days a week, for as long as 500 days," he replied. "Each well costs three to five million dollars."

Where does the money go? More than 2,000 tons of steel pipe, worth a million dollars at least, must be threaded together. To seal the casing, roughnecks—as drill-rig workmen are called—pump a minimum of 20,000 sacks of cement down the hole. Equipment at the well-head can cost $125,000. An analog computer records the drilling operations.

FUTURE MAY HINGE ON THE PRICE OF GAS

One has to wonder what makes a wildcatter risk everything he has on each turn of a drill bit, and I did, aloud.

Bob swung an arm around, sweeping the flat land. "This is a frontier, like the North Slope of Alaska," he said. "And it's just as unexplored. At least two billion dollars ought to be spent here in the next ten to twenty years to develop these reserves.

"Our country has to provide itself with more energy. That energy waits beneath our feet. But the price of natural gas must be raised to stimulate exploration. If a well is going to cost five million bucks, you have to produce a lot of gas to earn enough to drill another hole."

He smiled, another Oklahoman with a vision. "We're betting on the future," he said softly. "You start out with a dream, and you just keep on until it comes true or it doesn't. It's like goin' to the moon. There's a lot of reliability, but anything can happen."

Elk City, population 7,300, senses what may happen as surely as it certifies each dusty red sunset and savors the sweet song of the rising wind. Oklahoma's biggest gas strike in decades may lie captive deep in the earth. The key turns, a diamond bit on its tip. People talk of 6,000 new jobs in the area.

All over Oklahoma I listened to talk about gas and oil, crops, work, the day's events. One subject always overrode the rest: weather.

In the state capital last September I waited a day and a night for the rain to stop, and woke to stare from my hotel room at a metropolis in flood. Nearly eight inches had fallen.

Early in October, in east-central Oklahoma, a tornado twisted through Shawnee and other communities (left, lower). It took the lives of four persons and injured scores. Three days later, a freak storm buried much of the Panhandle under seven inches of snow. And on December 2, the thermometer climbed to 75° in Oklahoma City.

These represent extreme extremes, of course. But why such awesome variety? Oklahoma happens to be the place where—particularly in fall and spring—warm, moist air from the Gulf of Mexico collides with cold, dry arctic air.

A STATE'S VISION: WATER FLOWING UPHILL

Sooners can't do much about that. On the other hand, what they are doing about their water is monumental. With dams on most of her rivers, Oklahoma has become a land of lakes; 48 reservoirs have been authorized, and 24 completed. One of the first, Lake O' The Cherokees, built by the state thirty years ago, extends 66 channel miles and has 1,300 miles of shoreline. Federal agencies constructed virtually all the other dams and impoundments. The largest, Eufaula, covers more than twice the area of Lake O' The Cherokees.

Now, planning engineers forecast a four-billion-dollar outlay in the next two or three decades to bring east Oklahoma's surplus water to the west. Federal and local engineers propose to build 69 additional multipurpose reservoirs—to provide water for cities and industries, hydroelectric power, flood control, irrigation, and recreation.

Oklahoma tilts upward from 287 feet above sea level in the southeast to 4,973 feet in the Panhandle. Annual rainfall ranges from 54 or more inches in the east to a scant 16 inches in the northwest. Water thus must be conveyed uphill for hundreds of miles across the state by a series of pumping stations and canals.

"Within 15 years," declares Forrest Nelson, executive director of the Oklahoma Water Resources Board, "Oklahoma City must have more water. Parts of the west need more right now. We are studying plans for an open-ditch canal system, concrete lined, to carry water from the southeast to Oklahoma City, and out to the southwest. Most of the system will probably be 9 feet deep and 26 feet wide. We'll bridge it over rivers and tunnel it under highways."

This positive, "can do" attitude also manifests itself in education and research. At Oklahoma State University in Stillwater, I glimpsed it on a worldwide basis. President Robert B. Kamm spoke with quite pride of OSU's efforts to assist emerging countries.

"College of Agriculture faculty members worked for 16 years in Ethiopia," he said. "We've served in Brazil. OSU experts in many fields are presently in Colombia, Guatemala, Thailand, Pakistan, and other lands."

I came upon some different international implications at the University of Oklahoma School of Medicine in Oklahoma City. Dr. Allan J. Stanley and Dr. Laurence G. Gumbreck held up rats and stroked them as if they were kittens. Dr. Stanley said, "We believe animals like these eventually can control the world's rat population."

Physiologists Stanley and Gumbreck have crossbred two strains of rats to create a large colony of sterile but highly aggressive male offspring, identifiable by their white markings. Ultimately, the scientists told me, an unlimited number can be raised. Introduced to wild females, they will displace the wild males; eradication will follow in time.

"This is a breakthrough that could yield undreamed-of results," said Dr. Stanley. "It represents a new approach to our environment—genetic control of adverse species."

I never thought the day would come when I could give a rat an appreciative pat.

TULSA WASHES DOWN BY NIGHT

Oklahoma's boosters like to boast of her accomplishments in gaudy phrases—"from tepees to towers," and "from arrows to atoms." Her cities mirror the manner of her men.

Fair Tulsa, cosmopolis on the sandy Arkansas River, by day builds gleaming skyscrapers and high-speed expressways, and lives from aviation and aerospace as well as oil (pages 162–3). American Airlines, the city's largest employer, keeps some 5,000 persons busy at its maintenance and engineering center. By night, progressive Tulsa washes down her sidewalks—to help back her claim as "America's Most Beautiful City."

Oklahoma City, amiable giant, sometimes unkindly called the world's biggest cow town, ambles over 636 square miles. Oil wells stalk across the city. At Tinker Air Force Base, more than 25,000 persons work in a vast aircraft-maintenance and supply setup. A few miles to the west, the Federal Aviation Administration's Aeronautical Center keeps tab on every aspect of civil aviation (pages 172–3). There I saw Charles A. Lindbergh's application of April 26, 1927, for an airplane license; his *Spirit of St. Louis*, it stated, was to be used in a "Transatlantic Flight." And there dedicated aeromedical researchers seek to help today's pilots—men of exactly the same model as Orville and Wilbur Wright or Lindbergh—adapt to aircraft that fly faster and higher all the time.

Oklahoma's capital is the largest U.S. city ever to elect a woman mayor—Mrs. Patience Latting. It also can claim a more mundane achievement. Back in 1935 the first parking meter was installed here; a nickel bought an hour's time. At Will Rogers World Airport, I paid grudging tribute to progress—a quarter to let my car rest for 30 minutes.

"DON'T LIKE METERS OR TAXES"

The parking meter's victory is not yet complete. To my surprise, I saw that Oklahoma's third largest city, Lawton, eschews them on its streets—a kindness to recall as one woos sleep amid night-firing Army artillery practice at neighboring Fort Sill.

And at tidy, hard-working Prague, population 1,800, about 50 miles east of Oklahoma City, I learned that parking meters and city taxes alike are as welcome as the measles. I dropped in on Mayor L. B. Drury, owner of Drury's Variety Store, and asked why.

"Don't like meters," he said, sitting back in a swivel chair. "Or taxes. We don't need them. This is a real thrifty town. Our treasury's got a surplus of about $334,000. We pay off a bond issue by adding $1.50 each month to everybody's water bill."

Prague was settled by a few Czechs in the Run of 1891. Others followed. Today farmers bring peanuts, alfalfa, and wheat to market here; cattle, dairying, and oil wells bolster the economy. Prague's two banks each boast assets of more than $10,000,000—largest in Oklahoma on a per capita basis. And the community owns its water and power lines.

I strolled Main Street's two business blocks, munching delectable kolaches—fruit-filled sweet rolls—from the Prague Bakery. In the pool hall, old men played dominoes and cards. I drove along quiet back streets, past trim white frame dwellings with neat yards shaded by elms, junipers, oaks, and maples. New one-story houses dotted "Mortgage Hill." In a large park on the west side of town, people gathered pecans.

"Life is good here," said Frank Sefcik, a friendly, soft-spoken native son, vice president of the Prague National Bank. "We're very conservative. Everybody goes to church. A few of us still speak Czech, but a lot of old ways are gone. We have a very active Lions Club and Chamber of Commerce.

GLORY DIMS AS WELLS GO DRY

It was time to move on. I cruised north along State Highway 99, and turned off to Shamrock, a town with no future, a desiccated present, and a tumultuous past.

During Shamrock's heyday, in World War I, with black gold flowing from hundreds of wells, 10,000 people lived in the area. Tipperary Road, three-quarters of a mile long, was appropriately lined with green-fronted businesses. The town had two banks, two newspaper plants, three movie houses, five lumberyards, and enough saloons to slake the thirst of a roistering oil camp. Three doctors and two dentists helped ease her pains.

Perhaps 200 people live in Shamrock today, and some remember. One of them told me, "Why, the pipeline from this field ran all the way to Houston. They shipped the oil to Europe to fight the Kaiser. You should have been here when the war ended. Everybody was shootin' it up."

Only a few months before he died, I walked along Tipperary Road with tall Eric E. Ferren, Shamrock's mayor for 32 years and a Creek County deputy sheriff. Most houses had rotted away; foundations were overgrown with brush. The old fire bell, a rusty sentinel, hung over the firehouse entrance; the rest of the firehouse had vanished.

Strong sunlight washed a few pallid, sagging buildings, their paint long since flaked away. We stopped before a concrete blockhouse with a man-size hole hacked in one wall.

"The First State Bank stood here," Deputy Ferren said, unconsciously easing his holster. "That's the vault. It's the only thing left. Why the hole? Bank robbers made it."

By 1920 Shamrock's oil boom had burst, and the roughnecks headed for a strike at Whizbang, over in Osage County. Whizbang soon fizzled out.

A gentle melancholy tugs at one in ghost towns, like haunting peace of ancient battlefields. Let Oklahoma's motto—*Labor Omnia Vincit*—serve as their benediction: "Labor Conquers All Things."

I drove away, glad to be transient, wanting to watch today's Sooners at today's work. In Sapulpa, at Frankoma Pottery, I discovered more than a hundred craftsmen handily turning out nearly 30,000 pieces a week.

White-haired, jovial John Frank escorted me through his pottery, as proud of it as a man should be whose business succeeds on the fifth try. "Any piece of pottery is merely the right mud in the right shape," Mr. Frank declared. "Its value lies in what it's worth to live with, for this is the true value of art."

Last year 120,000 passersby turned off Interstate 44 to tour the plant. John Frank sometimes puzzles over the influx.

"I guess they just want to come," he muses. "My daughter Joniece and I design every piece; my wife Grace Lee runs the showroom. We *are* Frankoma. People come because they like what we create. It's our greatest compliment."

ARDMORE CATERS TO WESTERN CRAZE

All over Oklahoma I saw this story repeated. In the south, at Ardmore, I caught up with the Western-clothing boom.

"It's the only kind of apparel that is America's own," said shift-sleeved John C. Simpler, general manager of Corral Sportswear. "My father and mother formed this business in 1953, and it's been growing ever since. People are identifying with the West, with the old, solid, traditional values. Demand for leatherwear is fantastic. We've been operating nine hours a day, six days a week, for months."

A family man in his mid-thirties whose hobby is flying, John Simpler often visits New York City on business. He said, "Some youngsters there have never seen open country." A frown. "They've never seen a cow or ridden a horse. I'm always glad to get home." His face brightened. "You can't beat Oklahoma."

As we walked to my car, a small boy galloping a large pony suddenly bore down on us, and we leaped from the sidewalk. "See what I mean?" demanded my host happily.

You can bump into enterprising businessmen and horses elsewhere, too. On a cool cloudy morning I drove through the undulating green country of the east, a hunter's and fisherman's paradise, and onto the northeast's Ozark Plateau. In Commerce, where baseball's Mickey Mantle grew up, I found George Newman busily building the fine boats that bear his name, and I knew better why Oklahoma highways are thronged with cars towing sleek inboards and outboards.

"We're making about 1,500 runabouts a year now," Mr. Newman said, "and I can't see anything but growth ahead. Boating's great for families, especially fathers. No traffic lanes. No traffic lights. No traffic jams. They can unwind and relax."

A short drive away I pulled up at the Bar 20 Ranch. "Be glad to show you what a trained cow pony can do," said Max Blue. Spurs jingling, he took me to the corral.

There I sat with his charming Quapaw Indian wife, Jean Ann, and her sister, Geneva Ramsey, and watched a cowboy cut a cow from a milling herd. Then the rider gave his mount free rein. No matter which way the cow turned to rejoin the herd, the pony anticipated her. Stop. Start. Hesitate. Run this way. That way. Try here. There. A duel to the finish. At last the cow quit, motionless, head down. Without guidance, the pony had won.

Max and Jean Ann breed and train registered quarter horses and run about 500 cows. They hope for an annual calf drop of about 90 percent; most calves, said Max ruefully, seem to be delivered in freezing weather at midnight, with snow on the ground. After the calves are weaned and have grown to some 450 pounds, they are sold. Eventually they arrive at a feedlot, fatten, and go to market.

The Blues raise quarter horses for love and calves for profit. I asked if they had any trouble with rustlers. Max jumped as if he'd heard a rattlesnake.

"There's rustlin' goin' on, you bet! We're short four head right now in that pasture across the road. One feller, he even used his private plane to spot bunches of cows. If no people were in sight, he'd radio his waiting trucks. They finally caught him."

"SHED NOT FOR HER THE BITTER TEAR"

Oklahoma tallies a long and bloody account with badmen. Back in territorial times, dozens of U.S. deputy marshals were gunned down here by desperadoes.

I have seen their lairs. Just a six-gun shot from the Tulsa Port of Catoosa, outlaws skulked in a pecan grove called Rascal Flat. Atop a rocky robbers' roost in the Panhandle, bandits kept vigil over the Santa Fe Trail's Cimarron Cutoff, and galloped out to prey on passing wagon trains. Yes, and the vengeful Daltons rode through the land of the red man, and the train- and bank-robbing Doolin gang, the vicious Buck gang, the Starrs.

I know where pistol-packing Belle Starr rests in eerie loneliness, though her epitaph adjures one not to weep. She died with her boots on, this formidable horse thief and consort of renegades, friend of the James brothers; someone shot her in the back. They buried her on her own land, not far from Porum in eastern Oklahoma.

The grave lies past a plum thicket, beyond an alfalfa patch, through a grassy field fringed with sycamores, to a forgotten and scrub-tangled knoll above the Canadian River. I could find no trace of the old log cabin, though it had stood within feet of her tomb. Ah, Belle, I thought, lying amid weeds and wild flowers, do you know? Do you know the words they buried you with?

Shed not for her the bitter tear.
Nor give the heart to vain regret.
Tis but the casket that lies here,
The gem that filled it sparkles yet.

I returned to the dirt road where my car waited, and plunged with a will back into the real world. I spent the night in Oklahoma City, and the next day pressed west.

Back in the 1930's, when dust hid the sun and drought strangled the Great Plains, a people in flight moved along Route 66, California-bound. The western half of the state remembers Dust Bowl days vividly. To some Sooners, even the tag "Okie" causes pain.

These days, Interstate 40 bisects Oklahoma, unfurling over some of old 66's roadbed, and, by and large, better times have come. I say this, and qualify it immediately. Farmers and ranchers still scan the heavens for rain. In 1970 a prolonged dry spell in the south led to the state's smallest cotton crop of this century. This year severe drought ruined southwest Oklahoma's wheat crop and shriveled pastures, bringing cattle to near starvation. When I drove past Lake Altus, this large irrigation source had shrunk to a fourth its normal size.

Yet soil-conservation practices and irrigation have paid off handsomely. The fertile red-earth fields that flow upward from the state capital to the western High Plains yield mountains of wheat and grain sorghums. Cattle cluster thickly on the ranges. In northern Oklahoma, Enid's towering grain elevators seemed to me from afar like a castellated alabaster kingdom.

To the northwest, near the town of Freedom, I did walk deep into such a realm: Alabaster Caverns State Park, its high-domed tunnels and rooms agleam with white gypsum, sparkling selenite crystals, and many shades of softly glowing alabaster.

Bats make their home here by the untold thousands, I saw. So could a finite number of people. Far down in the cavern a small sign caught my eye: "Fallout Shelter, Capacity 3,080." What inexorable formula produced that precise figure, I wondered.

SOD HOUSE STARTS A CATTLE EMPIRE

People become scarcer the farther one climbs northwest. In the three-county Panhandle, 34 miles wide and 167 miles long, dwell fewer than 27,000 Oklahomans, nearly half of them in the county seats of Beaver, Guymon, and Boise City (map, page 154).

No Sooners are more sturdily independent than these. In the Panhandle, one's word usually suffices; a handshake often supplants written contracts. Before 1890, when it became part of Oklahoma Territory, this was "No Man's Land" to its scattered settlers, and "Public Land Strip" on maps. The six-shooter governed. An attempt to launch the Cimarron Territory failed.

Many homesteaders gave up. Those who hung on left us a little "how to" poem:

Picking up bones to keep from starving,
Picking up chips to keep from freezing,
Picking up courage to keep from leaving,
Way out West, in No Man's Land.

They hauled buffalo and cattle bones to the railroad at Liberal, Kansas, and got $5 a load. They burned buffalo and cow chips for warmth—the price of life when blue northers swooped down out of Canada. For courage, they took after a blue-eyed, black-haired Tennessean named James K. Hitch.

Jim Hitch built a sod house 12 miles southeast of the future Guymon in 1884—one man against an infinitude of yucca and soapweed and buffalo grass. He dug the first well, put up the first drift fence, housed the first preacher, erected the first windmill, planted the first alfalfa, and helped establish Guymon. His son, Henry C. Hitch, added to his holdings by buying up small ranches until, before he died in 1967 at 83, he could stand on the site of his father's soddy and see his own land to the limits of his vision. He could see, as well, great changes.

A fourth-generation Hitch piloted me over that 30,000-acre empire—tall, slim, 28-year-old Paul. His father, H. C. "Ladd" Hitch, Jr., and he operate huge feedlots in one of America's most productive beef-raising centers. They grow much of their own feed on 9,000 irrigated acres. All this marks a development of less than twenty years.

"A fifth of the beef this country eats comes from within a 200-mile radius of us," the flying cattleman yelled. He dipped the Cessna's wing at a sprawling lot where 20,000 head of cattle were confined—each gaining about three pounds a day. Beside this richly brown patch of earth nestled watered fields and native-grass pastures, a pastiche of dark and light greens.

CATTLE FATTEN FROM BUNYAN-SIZE BIN

Paul Hitch leveled off, and soon we landed on a grass strip beside ranch headquarters. "Out here," he said, "the word is 'water.' No water, no feed. No feed, no feedlot."

In a good year, 16 inches of rain will fall, enough to sustain one cow every 20 acres. Last year, less than 13 inches wet parts of the Panhandle. But deep irrigation wells, tapping the extensive aquifer beneath this region, produce astonishing results. Winter wheat thrives and corn grows as high, if one may be pardoned, as an elephant's eye.

To turn crops into sirloin, the Hitches and other feedlot operators serve cattle regulated diets of chopped ensilage and ground grain, plus protein supplements. Paul showed me a year's supply of grain. It filled a bin half as wide as a football field and half again as long, to a height of 12½ feet. Larger bins exist.

"What we do," my host summed up, "is simple, though not easy. We buy little cattle and sell big cattle. Without irrigation we'd still be alive, but not very prosperous."

For farmers and bankers, irrigation can be a chancy proposition. "When you see an irrigation well here," Fred Huffine, Texas County extension agent, told me, "you're seeing a $30,000 investment. We have 877 wells now in this county, against a capacity of perhaps 2,000. To finance his well, a farmer needs a sizable net return immediately. The banker has to look very closely."

CHANGE ARRIVES IN LITTLE DIXIE

From the parched mesa and canyon country of the Panhandle's northwest tip to the bayous of the sultry southeast, a crow flies 530 miles. I sped across Oklahoma easily in two days, and reached a dramatically different world called Little Dixie. McAlester serves as its unofficial capital. Carl Albert, Speaker of the U.S. House of Representatives, went to school in a nearby hamlet called Bug Tussle, whose name is now Flowery Mound.

Valuable reserves of coal wait in this region. But mostly Little Dixie belongs to nature. I parked high on the Talimena Skyline Drive and drank in the brooding beauty of the Ouachita Mountains, with their dark valleys and clear swift streams. On the Red River lowlands, looking into Texas and Arkansas, I saw cypress knees poking from swamps, sycamores garlanded with mistletoe, and hawks sailing high overhead.

Everywhere I found trees. Forests cover a fourth of Oklahoma. They dominate here: shortleaf and loblolly pine, post oak, red oak, white oak, hickory, sweet gum, black gum, cedar, holly. Off one-lane dirt roads I caught the pungent perfume of woodsmoke; peckerwood mills were burning scraps. In Wright City a sawmill belched steam; nearby a huge container-board plant was going up.

I wandered back into the hills, where isolated families scratch a living from little plots, run a few cattle, and poach an occasional deer. Along the creeks, dilapidated houses perched on concrete blocks. Towns were sunning amidst the clatter of pickup trucks, and people nodded to me on the sidewalks. I dined on fried chicken, gravy, and hot biscuits, and dropped off some dry cleaning at a place that advertised "To know us is to love us."

TIMBER CUTTERS LOOK TO THE FUTURE

Some of all this—how much, no one knows—soon must change. In Broken Bow, headquarters for the Weyerhaeuser Company's Oklahoma timberlands, I learned why.

A giant among the Nation's timber firms, Weyerhaeuser had recently purchased 1.8 million acres of forest in southeast Oklahoma and adjacent Arkansas for more than $300,000,000. New mills and equipment were costing $200,000,000 more. Some 1,200 new jobs would be created, and several hundred more would result indirectly. Prosperity was coming to the depressed southeast.

"Within 30 years," said Joseph C. Brown, Jr., Weyerhaeuser vice president for the area, "the demand for wood products is going to double. We have to help meet that need. We figure on being here forever, which means that we're planting as we harvest. Timber, like corn, is a crop. It is renewable."

Weyerhaeuser means to be a good neighbor, Mr. Brown told me. People can roam the forests and streams for hunting, fishing, and camping. There are no fences. They can browse cattle in some areas and cut marked trees for firewood, at no cost.

Woods Manager Dale C. Campbell took me to a pine-seed orchard and jabbed a finger at row after row of two-year-old pines standing two feet high.

"Ever see 19,000 trees like that before?" he asked. "They are pine-root stock. From them we'll take seeds, which we'll plant in a nursery for a year. As we log each 300-acre setting, we plant the seedlings 700 to the acre, spaced six or seven feet apart with nine feet between rows.

"I look at it this way. I'm nearly 50 years old. I'll be too old to harvest the trees I set in the ground today. But someone will 30 years from now. What I do affects the next generation very directly."

I thought about that early next morning, riding a logging train's jouncing caboose miles into the forest. Strong sunlight filtered through the endless woods; serene brooks sparkled and disappeared. Here indeed stood a slice of the country's future—lumber, window sashes, plywood, utility poles, fence posts, fiberboard, container board.

I headed back to town in a car driven by 37-year-old Bob Hyndman, Weyerhaeuser's Oklahoma raw-materials manager and a devoted amateur archeologist. While he one-handedly rolled a cigarette at 50 miles an hour, I made nervous conversation.

"Long before the Choctaws came here over their 'Trail of Tears,'" he replied, "Indians lived in these woods. See that clearing? I *know* they camped there. Give me a few minutes, and I bet I can find an arrowhead."

"Take your time," I replied grandly, a skeptic from suburbia.

Bob walked briskly about, bending down, tossing stones aside. "There!" he declared. I studied the ground and saw nothing.

"Got to know what you're looking for," he said, handing me a stone object the same color as the earth, a perfect point.

He walked on, and soon knelt again.

"Here's a pretty good spearpoint," he said, "but it's broken in half."

When he reads this, Bob will learn that he was right about the arrowpoint. Indians chipped it out of chert about 1,000 years ago, according to archeologists at the Smithsonian Institution in Washington, D.C. But he may be surprised about the broken spearhead. I regret having only its top half, but I prize it immensely all the same. The Smithsonian judges that it could be 4,000 years old.

NEW WORD FOR THE OK STATE

I returned to Broken Bow, checked out of my motel, and drove west through rolling, wooded country to Antlers. There I picked up the Indian Nation Turnpike and headed north, aiming for Oklahoma City and an airplane ride home to the crowded East.

After an hour or so I pulled into a rest area, wanting to stretch. I walked along the right-of-way. A covey of quail rose from the brush at my approach, wings whirring. Back at my car, I glanced idly at the license plate. OKLAHOMA IS OK, it assured me. All of the license plates say it. OKLAHOMA IS OK.

No, I said, it is not. Not at all. Oklahoma is tremendous. Put *that* on your license plates.

ANOTHER VIEW

HON. JAMES HARVEY

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 15, 1971

Mr. HARVEY. Mr. Speaker, I would like to take this opportunity to bring to the attention of the membership a most interesting and very scholarly paper relative to constitutional powers entrusted to both the Chief Executive and the legislative branch. The author of the article entitled "The President as Commander in Chief: Another View," is Charles B. Blackmar. We were former classmates at the University of Michigan Law School and graduated together. Mr. Blackmar, in addition to being a professor of law at St. Louis University, St. Louis, Mo., also is a special assistant attorney general of Missouri and a member of the Missouri Bar. Mr. Blackmar's article, which appeared in the April, 1971, edition of the American Bar Association Journal, is one not arguing the merits of our involvement in Southeast Asia, as he states, or its possible extensions, but rather to discuss the constitutional problems presented by such proposals as Cooper-Church, McGovern-Hatfield, and other proposals as congressional intent and involvement now become a greater issue.

Mr. Blackmar's excellent presentation follows:

THE PRESIDENT AS COMMANDER IN CHIEF: ANOTHER VIEW

(By Charles B. Blackmar)

For more than a decade the United States has been involved in armed combat in Indochina. Several Presidents have dispatched hundreds of thousands of men, many of them involuntary inductees. There have been aerial bombing and naval operations, and these have been directed in several countries in support of strategic or tactical objectives.

Our forces first entered the Republic of Vietnam (South Vietnam) at the request of its government to aid in the suppression of an insurrection. It was evident that the insurrection was heavily supported by troops and materiel supplied by the Democratic Republic of Vietnam (North Vietnam) and, through that conduit, by other Communist nations. President Johnson ordered strategic bombing operations deep inside North Vietnam. These were suspended in the hope of facilitating the pending peace negotiations in Paris, but with reservation of the possibility of renewal if the negotiations did not proceed in a satisfactory manner. The Nixon Administration has asserted the authority to engage in aerial operations wherever these are considered necessary for the protection of American forces, and the President has directed bombing missions in North Vietnam, Laos and Cambodia.

North Vietnamese forces had made free use of the territory of Cambodia, which had a "neutral" government lacking either the force or the will to inhibit the operations. Then there was a change in the government of Cambodia, and the United States embarked on ground operations in "sanctuaries" along the border between Cambodia and South Vietnam. The new government apparently felt that it could not express approval of the operations, but it certainly did not protest. President Nixon stated that his purpose was to protect American forces in Vietnam, so that they could continue in the Vietnamization program and be withdrawn sooner. He promised a strict limitation on the venture, with obvious deference to American public opinion, but made it clear that the limitation was a voluntary one and that he might resume operations or probe more deeply if he thought it necessary.

The entire venture in Indochina has proceeded without any express declaration of war. The Presidents have taken the initiative. There have been consultations with Congressional leaders and committees, but the Presidents usually have been in the position of telling Congress what they are going to do rather than of seeking advice. Congress has shown virtually complete acquiescence, especially in the earlier stages of the operation. It has appropriated money and enacted draft laws and other supporting legislation, and at times it has prescribed severe penalties for unlawful manifestations of dissent.[1] The 88th Congress adopted the now repealed Tonkin Gulf Resolution, giving the President very broad authority for the use of ground and air forces in Southeast Asia.[2] Until late in 1967 the overwhelming weight of public opinion seemed to be behind the Indochina operations.

Then there was a dramatic change. The expected military successes did not materialize. Opposition to the war grew, both inside and outside Congress. Dissent became respectable. The war situation was surely the predominant factor in President Johnson's decision in 1968 not to seek another term. President Nixon promised the total withdrawal of American forces, while declining to specify a detailed timetable because of his fear of interfering with the Paris peace negotiations. Vocal opposition to the war became less intense, until the tranquillity was shattered, at least temporarily, by the entry of American ground troops into Cambodia in May of 1970.

Cambodia gave rise to a series of Congressional proposals designed to limit the scope and duration of operations in Indochina. For almost the first time in history there was substantial Congressional support for the enactment of restrictions that would affect the President in his direction of military operations. Defenders of Presidential authority not only challenged the merits of the restrictive proposals but asserted that they would amount to an unconstitutional interference with the authority conferred upon the President by Article II, Section 2, of the Constitution:

> "The President shall be commander in chief of the army and navy of the United States, and of the militia of the several states when called into the actual service of the United States. . . ."

My purpose is not to argue the merits of our involvement in Southeast Asia, or its possible extensions, but rather to discuss the constitutional problems presented by such proposals as Cooper-Church,[3] McGovern-Hatfield [4] and other proposals that surely will be presented so long as American involvement in Indochina continues. The specific occasion for my writing is Eberhard P. Deutsch's scholarly article, "The President as Commander in Chief", in the January, 1971, issue of this *Journal* (page 27), in which he expresses the following conclusion:

> "Whenever a state of war exists—*whether declared or undeclared*—the President of the United States has, under the Constitution, as commander in chief, full and plenary power to conduct military operations in prosecution of the war, unhampered by anything in the nature of strategic restrictions." (Emphasis supplied.)

Mr. Deutsch suggests that attempted limitations by legislative action and similar proposals that may be made in the future are in derogation of the President's constitutional authority. His analysis necessarily gives rise to corollaries, as follows: (1) The President may order the Armed Forces into action in any part of the world, in support of his conception of the national interest; (2) He may extend the scope of operations by means of aerial bombing, naval bombardment, firing of missiles or other means; (3) Congress is without power to restrict the President in the exercise of his powers respecting the deployment and operations of the Armed Forces, except by disestablishing the forces or failing to furnish necessary material and supplies.

These broad propositions are contrary to the concept of popular government. The legislature has a proper concern with any sustained military operation. Congress would be acting within the scope of its authority in proscribing operations in a particular nation or area. It would have the power to specify a date for the cessation of a particular military involvement. It could properly limit the dispersal of the Armed Forces and, especially, could restrict the areas in which drafted soldiers could be compelled to serve. The power to appropriate connotes the power to place restrictions on the appropriations in a manner designed to give effect to Congressional policies. Future debate over measures on the order of Cooper-Church or McGovern-Hatfield should deal with the merits of continuing, extending or restricting operations and not with fine points of constitutional authority or doctrine.

THE "INTENT OF THE FRAMERS" BALANCES PRESIDENT AND CONGRESS

Discussion of problems of constitutional interpretation logically begins with the language of the document and the available evidence about the intent of the members of the Constitutional Convention.

It perhaps proves too much to suggest that the framers would be horrified at the suggestion that the document they proffered would give the President the power to conduct a sustained military operation in a distant land, using what is essentially a conscript army, and without any authority in Congress to limit the scope or duration of the operation short of disestablishment of the Armed Forces, the framers had no conception of a situation in which there could be a military position bearing resemblance to Vietnam.

We must always remember, however, that the framers sought to design "a constitution, intended to endure for ages to come, and consequently to be adapted to the various crises of human affairs".[5]

The constitutional language is quite emphatic in stating that there is a distribution of power between the executive and the legislature with regard to military matters. The "executive power" (Article II, Section 1) and "commander in chief" (Article II, Section 2) provisions are balanced by the language of Article I, Section 8, which give Congress basic and substantial authority over military matters. Of prime importance, of course, is the express power to declare war. The power "to raise and support armies" is qualified by the injunction that "no appropriation of money to that use shall be for a longer term than two years". No other power of Congress is restricted in this manner. The restriction, interestingly, does not apply to the provision giving Congress power "to provide and maintain a navy". The two-year restriction necessarily means that Congress was expected to exercise surveillance over the Army in operation and, inevitably, over the President's stewardship in his capacity of commander in chief. Congress would not be able, at the commencement of a President's term, to appropriate funds for Army purposes for the duration of that term. Nor could one Congress bind a future Congress to a program of appropriation for maintenance and support of armies.

The essential purpose of specifying that the President is to be commander in chief of the Army and Navy is to maintain civilian control over the military. The clause also prevents Congress from investing a rival to the President by designating some person other than the President as commander of the military forces. Nothing in this particular clause, however, may be construed as a limitation on Congress in the exercise of its express powers, nor does the language of the clause give the President the authority to determine the scope and extent of military operations free from Congressional limitation or control. The Constitution says, in effect, that Congress may determine the ends of military operation and that the President has control of the means. Available contemporary authority seems to support this conclusion.[6]

"COMMANDER IN CHIEF" IN HISTORY AND OPINION

The interpreters of a viable constitution must give account to history as well as to language. The expectations of the framers have not always worked out in practice. The élite electoral college, for example, became a puppet body, and any elector who departed from his voting pledge would surely be subject to severe criticism. President Washington made one futile attempt to secure the "advice" of the Senate in the negotiation of a treaty, and since that time he and his successors have done the negotiating themselves, through their chosen agents, and have then submitted the completed document for ratification.[7] Prescription plays an important role in constitutional history and constitutional interpretation.

History shows many instances in which Presidents have directed the Armed Forces to engage in hostile operations, without prior Congressional authorization. Such uses of force have generally been approved by Congress, by public opinion and by historians. There are cases in which advance approval is impracticable and is not a condition precedent. (Whether the use of force is justified, of course, is a question of judgment.) The historical incidents do not support the claim that the Presidential authority must necessarily be free from Congressional limitation. It will facilitate analysis to classify the several incidents.

1. Limited Operations. Presidents have often directed the use of armed force for specific and limited purposes. In the early days of our history there were incidents arising from the Napoleonic Wars, with attendant threats to American neutrality, and also the operations against the Barbary pirates.[8] During the first three decades of the twentieth century our forces were dispatched to Latin American countries with some regularity.[9] More recently, in 1962, President Kennedy proclaimed the missile blockade of shipments to Cuba, and President Johnson directed troops into the Dominican Republic in 1965 to maintain the status quo during a revolutionary uprising. The incidents in this category did not result in prolonged military operations, and there were no substantial attempts at restriction through Congressional action.[10]

2. Resistance to Invasion. It is evident that the President may use forces under his control to repel an invader. The Pearl Harbor raid is the prime example of hostile attack against American territory, but it furnishes little in the way of precedent since a declaration of war by Congress followed almost immediately and came before effective resistance could be offered to the invader. President Polk asserted hostile invasion as the occasion for commencing hostilities against Mexico.[11] The power to repel invasion undoubtedly includes the power to pursue the invader or to attack his homeland, especially under modern conditions. The President is not limited to beating the enemy forces back from our shores. But this

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Footnotes at end of article.

is not the same thing as extending and maintaining foreign operations, when our country has not been invaded.

3. *The Civil War*. The Civil War, from the federal point of view, was an insurrection, which developed into a war. The courts have had difficulty with the resulting legal problems, and their answers have not been wholly consistent.[12] An insurrection is a treasonable act, but if it becomes widespread, then the rebels are normally accorded some of the rights of belligerents.[13] President Lincoln felt that his oath of office imposed the duty to preserve the Union and to use the Armed Forces in the discharge of this duty.[14] Although there was substantial contemporaneous opposition to his theory and practice, there are few today who would disagree with his conception of the Presidential duty. It is not helpful, however, to try to translate domestic precedents into authority for foreign operations.

4. *Recent Undeclared Wars*. President Truman ordered American troops into Korea in 1950 without prior Congressional authorization, and Congress never entered into a subsequent declaration of war. President Johnson likewise directed massive ground forces to South Vietnam and instituted the bombing of military and industrial targets deep inside North Vietnam, without declaration of war.[15] Both the Korean and Indochina conflicts have all the external indicia of war. In both instances operations have been limited by barriers that may seem to be artificial from the military standpoint, but these have been imposed by Presidential decision rather than because of legislative restriction. Congress has generally acquiesced in whatever the Presidents in charge have thought necessary in these operations and certainly has not objected to the state of *de facto* war. Even though there was no advance approval, there has certainly been ratification of the situation which developed. There may be a state of war in fact without formal declaration, and Congress may effectively recognize the existence of a state of war by legislating in aid of the operation, although it makes no formal declaration. Under these circumstances, the President may direct operations as commander in chief, on the basis of implied Congressional approval.

CONGRESSIONAL APPROVAL IS EXPRESSED OR IMPLIED

Incidents of the types described above have been the subject of litigation at various times. There have also been theoretical debates in Congress over the nature and extent of Presidential power. The general tendency of the judicial opinions and legislative discussions has been to support executive action. In almost all instances, however, there has been express or implied Congressional approval. There have been criticisms over details, but seldom has Congress sought to place restrictions on the President with respect to operations in progress. In recent years, particularly, the President has taken the initiative and Congress has usually acquiesced.[16] There is a dearth of authority about what Congress may lawfully do to restrict the President in the maintenance and extension of military operations. The problems that could arise, moreover, might not lend themselves to adjudicatory settlement.

It is clear that the President does not acquire power simply because he believes that a particular course of action is necessary or desirable in the efficient conduct of current hostile military operations. The Steel Seizure Cases arose in the setting of the Korean War. Steel production was interrupted by a labor dispute, and the President directed the Secretary of Commerce to take possession of the steel mills involved so that production would not be interrupted while Congress was considering possible legislative solutions to the problem. The majority of the Supreme Court (six to three) held that the President had acted in excess of his authority, since there was no legislative authorization for the seizure.[17] The several opinions spoke in eloquent terms about the division of governmental power as set out in the Constitution and about the binding effect of the separation of powers under all conditions. Even Chief Justice Vinson's dissenting opinion emphasized the authority of Congress and sought to justify the seizure on the basis of other expressions of Congressional intent. None of the Justices would have sustained the seizure in the face of an express Congressional prohibition.

There is neither legal nor historical support for the proposition that Congress would be trespassing on the Presidential prerogative if it should assume to forbid sustained military operations in particular areas or to direct that a specific military venture be brought to an end.

PRESIDENTIAL AUTHORITY SUBJECT TO LEGISLATIVE RESTRICTION

Questions of Congressional power to delimit or to terminate a war, declared or *de facto*, are not foreclosed by prior authority. They are open for consideration and should be considered in the light of the principles underlying the Constitution. It is fundamental that our government is a popular government, with power distributed among the several branches and with the legislature as repository of the public will.

The Nixon Administration opposed the Cooper-Church amendment on the claim that it interfered with the Presidential prerogative. It has sought, however, to comply with the literal terms of the inhibition against use of ground forces and advisers in Cambodia.[18] If this resolution were in violation of the Constitution, there would be no need to observe it. The attempts at compliance indicate the legitimacy of the exercise of Congressional authority.

The Nixon Administration sought to justify the initial entry into Cambodia on the ground that it protected American troops in South Vietnam, and it indicates that it might take similar action in the future for this same purpose, if necessary. If a military operation were in progress with the express or implied consent of Congress and if American troops were threatened by hostile forces in a neutral nation, then the President undoubtedly would have the authority to direct operations against these forces, in the absence of legislative restriction. He, of course, would have to weigh the dangers of violating neutrality, but this is irrelevant in a discussion of the extent of Presidential power.

In Cambodia, however, the President could have eliminated any threat to the American troops by withdrawing them. The danger was not directly to the troops but to the "presence" which the administration considered it desirable to maintain. If the presence were lawful, then the President would have the right to protect that presence. It by no means follows that he would have the authority to maintain the presence in the face of a contrary Congressional direction.

Why should Congress not be able to say to the President: "We do not want any ground operations by American forces in Cambodia. If our troops in Vietnam are threatened by hostile forces in Cambodian sanctuaries, then you should withdraw them to safe positions, but should not go into Cambodia"? If Congress does not have authority to give this direction, then the President may sustain hostile operations in a remote theater in derogation of the popular will.

Congress, furthermore, should be able to direct the President to bring hostilities in a particular theater to an end, either immediately or within the confines of a specified schedule. Why should the power to declare or to recognize war not connote the power to call for the end of a conflict? The President has no inherent power to direct that a conflict be continued until it is "won"—in the sense that American objectives are fulfilled.

Nor would the presence of a treaty obligation inhibit Congress in the exercise of its authority. Treaties along with statutes are the "law of the land", but a treaty may be abrogated by legislative enactment.[19] The President may have the power to use military force to effectuate the obligation of an existing treaty, but his authority is clearly subject to legislative restriction.[20]

COMMANDER'S AUTHORITY IS NOT ALWAYS EXCLUSIVE

No war, declared or otherwise, may be maintained without Congressional support. There must be provision for men and materiel. Congress may necessarily use its appropriation power in the control of military involvements and commitments. It may say that certain funds are to be used for urban renewal rather than for armament, and the President must comply with the instruction. It may forbid the use of an appropriation for a particular item of materiel, and the President could not violate the instruction even though he thought it unwise. It follows that Congress may say in so many words that its appropriations are not to be used for operations in specified nations or for operations in a particular theater beyond a designated date.

The decision to make and to sustain declared or undeclared wars is one properly referable to the popular will and to the legislature as the agent of the popular will. The President may direct operations as commander in chief, and Congress may not ordain or establish a rival. The commander's authority, however, does not connote exclusive power to determine the extent and duration of operations.

A conclusion that this authority is lodged in the President free from legislative control is inconsistent with the nature of popular government, and a power so maintained in the face of Congressional inhibition could be challenged as illegitimate.

FOOTNOTES

[1] See, *e.g.*, 50 App. U.S.C. § 462(b), prescribing a sentence of up to five years for burning or mutilating draft cards.

[2] This resolution, adopted August 7, 1964, because of information about attacks against attacks on American warships in the Gulf of Tonkin, gave the President the authority "to take all necessary measures to repel any armed attack against the forces of the United States and to prevent further aggression".

[3] The ultimate form of this proposal is embodied in the Special Foreign Assistance Act of 1971 and reads as follows: "[Federal funds are not to be used] to finance the introduction of United States ground combat troops into Cambodia, or to provide United States advisors to or for Cambodian military forces in Cambodia."

[4] The purpose of this proposal, which assumed several forms in the 91st Congress, was to set a date for the termination of the involvement of American forces in Vietnam.

[5] *McCulloch* v. *Maryland*, 4 Wheat. 316 (1819).

[6] The Federalist No. 69 (Hamilton) states that the Presidential power is less substantial that the power of the British Crown because it does include the power to "declare war" or to "raise armies". The Federalist No. 74 (Hamilton) emphasizes the need for unitary command of operations, as justification for the power.

[7] See Corwin, The President: Office and Powers 209–211 (4th ed. 1957).

[8] See 1 Morrison and Commager, The Growth of the American Republic, 373–374, 388–389 (3d ed., New York, Oxford, 1942).

[9] Herring, A History of Latin America, 429–432 (1961), 429–432 (Haiti), 464–466 (Nicaragua), 473–478 (Panama).

[10] See *The Constitution of the United States of America, Revised and Annotated,* 540–542 (G.P.O., 1963).

[11] Corwin, *op. cit.* note 7, at 200–201. Congress declared that "by the act of the Republic of Mexico, a state of war exists between that Government and the United States". Morrison and Commager, *op. cit.* Note 8, at 592.

[12] In the *Prize Cases,* 2 Black 635 (1863), the Court recognized a right of "prize and capture" appropriate under the laws of war, saying: "As a civil war is never publicly proclaimed, *eo nomine,* against insurgents, its actual existence is a fact in our domestic history which the court is bound to notice and to know. . . ." In *Texas* v. *White,* 7 Wall. 700 (1869), the Court held that Texas had never truly left the Union, and that the acts of its legislature in attempting secession were "absolutely null".

[13] See 2 Warren, The Supreme Court in United States History 485–487 (1929). Case of Jefferson Davis, 7 Fed. Cas. 63 (No. 3621d.). Davis was never brought to trial on the charges against him.

[14] Corwin, *op cit.* note 7, at 228–234.

[15] There is merit in Mr. Deutsch's suggestion that a declaration of war may be omitted because Congress does not want to indicate total commitment. As to North Korea and North Vietnam, moreover, there are theoretical problems because the United States does not recognize the existence of either as a separate nation.

[16] Corwin, *op. cit.,* note 7, at 171, 184–193. 201–204.

[17] *Youngstown Sheet & Tube Company* v. *Sawyer,* 343 U.S. 579 (1952). The Court gave substantial attention to the failure of Congress to include seizure authority in the Taft-Hartley Act of 1947, in spite of suggestions, and to the President's failure to make use of the methods provided in the act for avoiding strikes.

[18] It has been suggested that the administration has made use of legalism and subterfuge in trying to assist the Cambodian government, while maintaining apparent compliance with the restrictions on American ground forces and advisers See Dudman, *U.S. Deception in Cambodia,* St. Louis Post Dispatch, January 28, 1971, at 1–C. As to the use of American troops in Laos, see Time, February 22, 1971, page 24.

[19] *The Constitution of the United States of America, Revised and Annotated* (G.P.O., 1963), at 470–473; *Whitney* v. *Robertson,* 124 U.S. 190 (1888).

[20] It is going too far to assert that the President is necessarily bound to use military force in support of another nation pursuant to a treaty obligation. Surely he has the authority to consider the situation as it is presented at the time decision is necessary. Might he not conclude that available forces are inadequate in view of other commitments, or that conditions had changed since the adoption of the treaty so that intervention would not be in the national interest, or that the use of force should be considered by Congress?

THOSE WHO CANNOT LEARN FROM HISTORY ARE DOOMED TO RELIVE IT

HON. WILLIAM L. HUNGATE

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 15, 1971

Mr. HUNGATE. Mr. Speaker, someone has written that those who cannot learn from history are doomed to relive it. In this spirit I offer a copy of a resolution passed by the House and Senate on December 9, 1861. I plan to introduce a similar resolution relating to the war in Southeast Asia and urge my colleagues to join me in cosponsoring it. The resolution to which I refer passed December 9, 1861, and is as follows:

Resolved, By the Senate, (*the House of Representatives concurring*), that a joint committee of three members of the Senate and four members of the House of Representatives be appointed to inquire into the conduct of the present war, that they have power to send for persons and papers, and to sit during the sessions of either House of Congress.

PING-PONG DIPLOMACY

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 15, 1971

Mr. DERWINSKI. Mr. Speaker, in my opinion, there has been too much dreaming and not enough hardheaded analysis of Red China's ping-pong diplomacy. Therefore, I am pleased to note an article in the Joliet, Ill., Herald-News of July 1, 1971, by Dumitru Danielopol, the distinguished international correspondent for the Copley Press, which I insert into the Record:

It Doesn't Sound Like "Ping-Pong"

(By Dumitru Danielopol)

London.—Ping-Pong is about as typical of the Red Chinese as badminton would be in the Soviet Union—whether you are talking about Communist ideology or foreign policy.

Butchers who count victims in the tens of millions should hardly be judged by rec room or garden games.

A recent intelligence report published here shows that in the 20 years between 1949 and 1969 the Red Chinese killed at least 39,040,000 people under one pretext or another.

The figure doesn't include those killed during the "Great Proletarian Cultural Revolution" initiated and personally conducted by Chairman Mao Tse-Tung in late 1966.

Most China watchers say the London figures are "conservative."

What does China look like after the cultural revolution?

Ian Brodie reports from Peking to the London Daily Express a pretty grim picture of Mao's "cultural" slaughter.

Fearing a number of Red Chinese were getting wise to Communist ineptitudes and reverting back to a more workable system, Mao decided to stop the rot.

"He called on the masses to rise up and drive out all who were guilty of bourgeois thinking," Brodie says.

Bands of hoodlums, the "Red Guards," were unleased on each and all who were treated as "class enemies."

". . . nearly everyone in China, a quarter of mankind, was called upon to examine his soul."

Brodie writes that Mao has done his best to destroy every vestige of the old culture. Education has been turned upside down. It is now almost impossible to go from high school to university. Students chosen by fellow students are sent to learn skills. Others are sent to work in the fields.

"Art faculties remain closed," he writes. "There are no new books, no new paintings other than those of Mao and the only feature films are of five approved operas and two ballets."

Doctors have been sent to work as hand laborers "to understand the problems of the workers."

Enormous emphasis is placed on Mao's leadership and wisdom.

"There must be other opinions," remarks Brodie, "but in China today you never hear them."

Mao's little red book is the mainstay of political thought, a kind of bible and testament.

Here are just two simple thoughts:

The United States is the most dangerous "imperialist" country and must be destroyed.

"U.S. imperialism has not yet been overthrown . . . I believe it will be overthrown . . . It is a paper tiger."

Of course, some will say Mao wrote this before the "Ping-Pong" encounter a few months ago.

To them, I suggest this excerpt from Radio Peking on June 14:

"The people of various countries have learned from their experience in struggle that to achieve peaceful coexistence, they must frustrate the partnership advertised by Nixon and his ilk, and thoroughly frustrate U.S. imperialism's policy of aggression and war and overthrow the U.S. aggressors and all their running dogs."

It doesn't sound like Ping-Pong to me.

KIPLING WAS WRONG—REV. GEORGE PHILLIPS AND THE ALDERSGATE "PILGRIMAGE"

HON. ROMANO L. MAZZOLI

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 15, 1971

Mr. MAZZOLI. Mr. Speaker, Rudyard Kipling once wrote a poem entitled "The Ballad of East and West," in which he said that the two were irreconcilable. A recent case in my own commonwealth of Kentucky has proved the poet wrong.

A few days back, 25 young city folk from Aldersgate United Methodist Church in Louisville, located in the westerly part of the State, made a pilgrimage to the east—to east Kentucky. They went to talk to the mountain folk. From all I read, east and west, city folk and mountain folk, managed to get together.

Rev. George Phillips, who is pastor of Aldersgate church, originated the idea of sending some young people from his church to mountain communities in east Kentucky to talk to the young people there about the Bible and teach handicrafts.

Team leaders like Mrs. Betty Bowles and Stuart Royster, both of Louisville, led the Aldersgate crew in their efforts to talk with the mountain people about Christ. By the time they left, some of the supposed communications barriers between people of different backgrounds had fallen. If they had only had longer, Reverend Phillips said, "we could've taken the mountains for Christ."

Mr. Speaker, I think the work of the young people from Aldersgate United Methodist Church offers not only a heartening example of selfless service to church and community, but also proof positive that if they just try, people can reach out to each other. I would like to insert in the Record at this point the text of an article by Becky Homan in a recent edition of the Louisville Times:

Two Worlds Meet in East Kentucky—City Youngsters Move Mountains

(By Becky Homan)

City folk and mountain folk got together last week in the Kentucky communities of Thousandsticks and Grassy Fork, Stoney Fork and Elk Creek.

According to the city folk, about 25 young members of the Aldersgate United Methodist Church in southern Louisville, the result was "a blessing."

"The mountain people had the idea that city people couldn't relate to them," said Stuart Royster, a young leader of one traveling team. "But before it was all over, the city people and the mountain people opened up to each other."

It was the first pilgrimage into Southeastern Kentucky mountains for the Aldersgate people.

Their plans were coordinated with the Methodist Red Bird Mission of Beverly, Ky., and included a Bible school for mountain children and visits and services with the older mountain folk.

The idea was that of the Rev. George Phillips, pastor at Aldersgate. He submitted it to the young people of his church about a year ago. They were "turned on to Christ," he said, and accepted it eagerly.

"We realized the mountain people were different," said Royster, whose group went into Elk Creek, a stretch of houses along one main paved road in Clay County.

The people there were either coal miners, truckers or welfare recipients, Royster said.

They all had a deep sense of pride.

"They didn't want to talk at first. They were reserved. They didn't trust us too much."

On Monday, the first day of Bible school, the young Aldersgate teachers realized a structured lesson plan wouldn't reach the mountain children.

Instead, they talked with the children about the Bible and organized sessions for handicrafts.

The children made drawings and a mural. They glued beans and colored glass onto paper. Some of them made piggy banks out of bleach bottles. Others collected flowers for another craft.

The most popular project was making "the wordless book," a collection of sheets of colored paper, each representing a different Biblical concept: gold for heaven, black for sin, white for salvation, red for the blood of Jesus, green for growth.

"We are refreshed by just being there," said Royster. "In the afternoons we'd visit. It was great to go up to a door, knock and hear a lady from the back of the house yell 'Come on in.'"

Royster and other Aldersgate youths played basketball with the teens of Elk Creek and swam in their swimming hole.

"It was important for us to tell them how much we enjoyed being there," he said. "It gave them a sense of contribution.

"We received far more than we gave."

At Stoney Fork in Leslie County, the teens were more of a problem. They stood outside the schoolhouse during a Bible lesson, throwing small rocks into the building. But that didn't deter the Aldersgate people.

"When you've found the Lord, the main thing is to tell other people," said Mrs. Betty Bowles, a team leader.

By the end of the week, her Bible school class had grown from five to 15.

"They saw that we were genuinely taking an interest in them," she said.

One boy brought his brother to the schoolhouse on Friday, sat him down and gave him instructions on the wordless book.

Others consented to spoken prayer.

"At first it was hard for them to thank the Lord out loud," said Mrs. Bowles. "They have a lot of pride. But towards the end, they would do it, gritting their teeth a little."

The experience of living and working together was a "beautiful" part of being at Elk Creek, said Royster. The young Aldersgate people slept on the floor of the schoolhouse, did all their own cooking and took "baths" in the swimming hole.

"We developed real community spirit," he said. "To leave was very hard. All the kids want to go back next year."

One elderly mountain woman was so delighted with the young city people that on the last day she gave them a hard-to-come-by dollar bill.

"The old people were so happy with us," said Royster, "because, for a change, there were some young mountain people in their evening church services."

By the end of the pilgrimage, the visitors felt they were just beginning to break down communications barriers.

Said Mr. Phillips, confident in the evangelism of his young flock, "If we'd had a summer, we could've taken the mountains for Christ."

TREATMENT OF SOVIET JEWS

HON. JOHN V. TUNNEY

OF CALIFORNIA

IN THE SENATE OF THE UNITED STATES

Friday, July 16, 1971

Mr. TUNNEY. Mr. President, I feel that a dialog is always helpful. I ask unanimous consent to have printed in the RECORD a letter to the editor of the San Francisco Chronicle, a letter by Mr. Frank Kurtz in response to a recent article by Nickolas von Hoffman. I share Mr. Kurtz' hope that a breakthrough will occur soon in the treatment of Soviet Jews and I believe that continued pressure by the United States and its citizens is important in this regard.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

Moral Imperatives

EDITOR: In his column "A Humble Idealism" April 11, Nicholas Von Hoffman addressed himself to those striving for the liberation of the Jews of the USSR. He counsels that greater humility and understanding of the interests of the United States will avoid such undesirable consequences as prompting a flood of other national minorities out of the USSR and endangering the detent between the superpowers.

It is distressing to read the fundamental lack of Von Hoffman's understanding of the moral imperatives which impel us to respond to the cries for help from Soviet Jews. Unlike the Estonians, Tatars, and Ukrainians, each living in their own homelands, educated in their own histories and cultures in their own native languages, the Soviet Jews appear to us as a people apart—severely oppressed for the same expressions of national identity vouchsafed to all others in the Soviet Union. Those who wish to leave the USSR for Israel are only demanding rights endorsed by the USSR through the United Nations Declaration of Human Rights. We respond to their demands as one people with the knowledge that history compels us to work unceasingly and to do more than plead for sympathy. We respond as individuals or as groups, and not only through the Jewish Defense League, as Von Hoffman implies. Locally, the Bay Area Council on Soviet Jewry constitutes the most effective action organization on this issue.

What might also be news to Von Hoffman is that very few of us are under the illusion that our actions will influence the foreign policy of the United States. It has been our mobilization of Jewish anger and unity on this issue that has made Von Hoffman uncomfortable and has made the Kremlin embarrassed. That our work is having results is evident day by day; let Von Hoffman show one instance in which the humility of Jews has been more effective.

FRANK KURTZ.

SAN FRANCISCO.

REPUBLICAN HOUSE LEADER ADDRESSES AMERICAN LEGION

HON. JAMES G. FULTON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 15, 1971

Mr. FULTON of Pennsylvania. Mr. Speaker, on Friday, July 16, 1971, in Pittsburgh, Pa., the U.S. House of Representatives Republican leader GERALD R. FORD delivered an address before the annual convention of the American Legion Department of Pennsylvania.

It is a pleasure to place in the CONGRESSIONAL RECORD excerpts from my distinguished Republican colleague's speech The excerpts follow:

Excerpts From an Address by Representative Gerald R. Ford

There must never be another Vietnam. It was George Santayana who said, "those who cannot remember the past are condemned to repeat it." I am sure none of us will ever forget Vietnam. We are all determined never to repeat it.

The best way to avoid another Vietnam is to develop mechanisms that will bring the people into Executive Branch decision-making—and the best way to do that is through the people's chosen representatives, the Congress of the United States.

The Constitution clearly grants to Congress the power to declare war. But we are now living in a world where wars are fought but not declared. We are living in an age of limited and undeclared wars. This circumstance has stripped Congress of its war-making power and delegated it solely to the Executive. It is this which makes a tragedy like Vietnam not only possible but likely.

This is a situation which should be corrected at the earliest possible moment. I therefore urge that Congress approve legislation which would create a new and meaningful role for Congress in limited war or undeclared war situations.

Under terms of this legislation, a military action by the President would have to be approved by the Congress within 30 days or U.S. troops dispatched to a foreign station would have to be withdrawn.

This legislation also would create a new Joint Congressional Committee on National Security which would consult with the President and his national security advisors on military decisions.

This joint committee would include the majority and minority leaders of both houses of Congress and the chairmen and ranking minority members of the House and Senate committees directly concerned with foreign and military policy.

Prior to military action or no later than 24 hours subsequent to it, this Joint Committee on National Security would consult with the President or his advisors and obtain information on the circumstances surrounding the military action.

The Joint Committee would then transmit reports to the appropriate committees of both houses of Congress, and those committees would draft and send to the House and Senate legislation to ratify or alter the President's action.

This legislation would not tie the President's hands. He still would have the freedom to act promptly in an emergency situation. But his action would be subject to immediate review by the Congress—and this is as it should be. This would bring the Congress into the decision-making process in all military actions involving the dispatch of U.S. troops into any foreign theater of operations.

This would be a responsible way for Congress to exercise its power over the deployment of U.S. troops abroad and could help guarantee that the United States will not again be drawn into an undeclared war without the support of the American people.

The legislative branch of the Federal Government must play a larger role in decisions of war and peace—the role clearly delegated to the Congress by the Constitution of the United States.

I would also emphasize this. In situations where the Congress endorses a military action taken by the President, the Congress should set forth the United States commitment in precise terms—not hand the Executive a blank check of the Tonkin Gulf variety.

Currently there is another policy resolution pending before the Congress—the so-called Mansfield resolution adopted as an amendment to a draft extension bill in the Senate. This resolution or amendment would declare it the policy of the United States to withdraw all of its troops from Vietnam within nine months, contingent on release of American prisoners of war.

I endorse the goal of total withdrawal of U.S. troops from Vietnam. The President has set that goal for the Nation. But I do not think it serves a useful purpose at this time to set a date definite for the withdrawal of all U.S. troops. This is a matter for negotiation, not a matter for Congress unilaterally to make a judgment on.

We want to withdraw all of our troops from Vietnam. And the goal is to withdraw them by the earliest practicable date. We should give the President that kind of flexibility. He needs it to negotiate the best possible agreement with the other side.

I am heartened by the latest North Vietnamese offer at Paris. It provides a basis for negotiation if the other side will follow it up with private talks. It indicates some movement by the other side. However, in my view, some items are non-negotiable at Paris. I am opposed to leaving South Vietnam to shift completely for itself, without arms or logistical aid. This would be to abandon South Vietnam to Communist conquest. Even with the withdrawal of all U.S. troops from Vietnam, other forms of aid to South Vietnam must continue. We must leave behind a South Vietnam which has a chance to survive as an independent, non-Communist nation.

MAN'S INHUMANITY TO MAN—HOW LONG?

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 16, 1971

Mr. SCHERLE. Mr. Speaker, a child asks: "Where is daddy?" A mother asks: "How is my son?" A wife asks: "Is my husband alive or dead?"

Communist North Vietnam is sadistically practicing spiritual and mental genocide on over 1,600 American prisoners of war and their families.

How long?

UNITED STATES, THE SOVIETS, AND SALT

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 15, 1971

Mr. FRASER. Mr. Speaker, July 13, I placed in the Record—page 24772—the conclusion of the Adelphi paper, "Soviet Attitudes to SALT," by Lawrence T. Caldwell. The Adelphi papers are published by the Institute for Strategic Studies in London.

Coincidentally, on July 14, Prof. Marshall D. Shulman, director of the Russian Institute at Columbia University, testified before Senator Muskie's Foreign Relations Subcommittee on Arms Control, International Law, and Organization.

Professor Shulman's statement before the committee is a fine complement to the Caldwell essay. It analyzes Soviet internal decisionmaking concerning SALT. It is an excellent and concise summary of the Soviet approach to SALT, an aspect of the SALT negotiations too frequently ignored in Congress. His conclusions are especially sound:

CONCLUSIONS

1. It is worth noting that in the internal debates on SALT within the Soviet Union, such U.S. efforts to force the pace of the strategic competition as the deployment of Safeguard and MIRV have had the effect of weakening the case of those in the Soviet Union who have argued that arrangements with the United States for the stabilization of the strategic arms competition are possible. It has forced them into elaborate explanations and defenses of their proposed dealings with the "imperialists."

2. It is also clear that the effect of the "bargaining chip" rationale for further armament measures by the United States has been the opposite of what was intended. Although it is true that these measures have put before the Soviet leadership the prospect of a further expensive round in the arms competition as the alternative to a SALT agreement, what is more significant is that the Soviet leadership feels itself obliged to match each step with comparable measures, for it cannot allow itself, for both domestic and international reasons, to be pressured into an agreement on unfavorable terms. Perhaps the "bargaining chip" theory may be sound diplomacy under some circumstances, but it is clear that in the strategic weapons field it provides dynamism for the arms race. Moreover, when a measure such as Safeguard or MIRV is defended in this country on the grounds that it is necessary to increase our bargaining pressure, rather than on the intrinsic merits of the measure proposed, the argument is known and discounted on the Soviet side as a transparent device.

3. Over the long run, it would seem more effective for the United States to base its negotiating tactics and its military procurements on the principle that security in the realm of strategic weapons is best served by a stable equilibrium at as moderate a level as can be managed through explicit or tacit agreement with our adversaries. To achieve this will require us to break the cycle of interaction between the two countries by the exercise of political leadership, deciding policies in terms of this conception of security rather than leaving them to be decided by the pressures of the military services, the upward tug of technology, the overreaction of military planners, or the misguided rationalizations of self-deceptive bargaining techniques.

This is important testimony. It deserves to be read and acted upon.

The complete statement follows and in addition I include Shulman's July 1971 Foreign Affairs article "What Does Security Mean Today?":

STATEMENT BY MARSHALL D. SHULMAN

Mr. Chairman: I appreciate your invitation to testify before this Subcommittee in the course of its hearings on the relationship between the deployment of weapons systems and arms control.

In the effort to increase our security by stabilizing the strategic arms competition, technical aspects of weapons systems have been in the forefront of the discussion. But SALT is more than a purely technical matter; like deterrence itself, it requires political insight and political judgments. I do not believe that we have sufficiently appreciated how deeply SALT involves internal political processes in both the Soviet Union and the United States, nor how sensitively these processes interact with each other.

What I propose to do in this brief statement is to bring to bear, from the study of the Soviet Union, some insights into the Soviet approach to SALT which I believe relevant to the present hearings. I will sketch the evolution of the Soviet position since SALT began, and will describe how that position appears to have been affected by tugs and hauls within the Soviet Union. In particular, I will try to deal with the effects upon the Soviet Union of the "bargaining chip" theory and the deployment of Safeguard and MIRV.

BACKGROUND OF SOVIET POSITION

In the four and a half years that have passed since the idea of SALT was first proposed, there has been a considerable evolution in the Soviet approach to the subject. For the first year and a half, there was no Soviet reply to the proposal, and during this period, there were some indications of sharp internal debates which involved fundamental questions of resource allocation and relations with the United States. Among the special difficulties involved was the extreme compartmentalization of Soviet life, as a result of which few persons outside the professional military services were in a position to discuss military technology; there was not a widespread familiarity with arms control matters, nor a preparation of the political leadership for the complexity of the task of thinking about how the strategic arms competition might be stabilized. From the outside, it appeared that the main lines of the debate were drawn between those who were concerned with the economic costs of the strategic competition and, on the other side, the various military services powerfully supported by the orthodox wing of the Communist Party bureaucracy, deeply committed to an expectation of unremitting conflict with the United States.

By the Spring of 1968, it appeared that a compromise had been reached which would permit at least exploratory participation in SALT, but in the meantime the intervention in Czechoslovakia and then the change of Administration in the United States delayed the opening of talks until November, 1969.

As a result of the first rounds of SALT at Helsinki and Vienna, there was manifested a widening competence and sophistication in Soviet discussion of arms control matters. There also appeared to develop an intensification of the internal debates as concrete substantive issues came under consideration. In the course of 1970, the Soviet leadership began to make it clear that it was prepared to try for "practical steps in the direction of disarmament." Speaking in Kharkov in May, 1970, Brezhnev signalled this intention, indicating that it was not inconsistent with the "conditions of an acute political and ideological struggle between socialism and capitalism in the international arena." He went on to declare that the Soviet Union had achieved an adequate deterrent, but would continue to build its military forces if the United States did so. "The Soviet Union would welcome a reasonable agreement in this field. We have created strategic forces that are a reliable means of deterring any aggressor. We will respond to any attempts by anyone to gain military superiority over the USSR with the requisite increase in military might, thereby guaranteeing our defense. We cannot act otherwise. However, if the United States government really desires an accord on checking the strategic arms race, if the American public succeeds in overcoming the resistance of the arms manufacturers and of the military, then the prospect for the talks could be asserted as positive. In any case, the Soviet Union will do everything in its power so that these talks will prove useful."

At the Party Congress in March and April of this year, which was heavily preoccupied with the improvement of the Soviet economy, Brezhnev made the point that "the favorable outcome of these talks [i.e., SALT] would make it possible to avoid another round in the missile arms race and to free substantial resources for constructive purposes." He went on to add the following condition, which has become a standard formulation in recent Soviet press commentaries: "However, we should like to emphasize that disarmament talks in general, and especially the discussion of highly delicate military and technical aspects, can be productive only if the interests of the parties' security are given equal consideration and no one seeks unilateral advantages."

An improvement of relations with the United States was possible, Brezhnev said, "but we have to consider whether we are dealing with a real desire to settle questions at the negotiating table or with an attempt to pursue a 'positions of strength' policy." "Let no one try to talk to us in the language of ultimatums and force."

In June of this year, in an election speech in Moscow, Brezhnev asked himself the rhetorical question whether it was unrealistic to consider the limitation of the arms race while capitalism still existed. His answer—and presumably it was addressed to those who did not consider the question rhetorical—was that it was not unrealistic, because of the "changed balance of power in the world—both sociopolitical and military power." He went on to say that the Soviet Union could afford both a reliable defense and the development of its economy, although, he added, "of course without large defense expenditures we and our economy would move ahead far more quickly."

These quotations illustrate two important factors underlying the decision of the Soviet leadership to accept the possibility of some limitation of the arms competition through SALT. One is the growing concern of the Soviet leadership with the economic constraints under which it is operating, particularly in the realm of advanced technology. The Russians clearly wish to avoid giving the impression of unilateral weakness on this score; Brezhnev in his election speech also dwelt on the economic effects of the arms race to the United States. There is no indication that the Soviet leaders would not or could not continue to maintain a high level of military expenditure if necessary, but they clearly have reached a decision that their country would be better off if expenditures for strategic weapons by both countries could be scaled down, particularly because the alternative is now seen as another upward bound in the arms competition.

The second factor in their decision is the recent build-up of Soviet strategic weapons to a level of approximate parity with the United States. The Soviet leadership is no longer inhibited by a concern that an agreement would perpetuate Soviet inferiority, as might have been the case when SALT was first proposed in 1967. Perhaps one reason for the delay in the Soviet response was the desire to wait until deployments then planned had made their appearance, so that negotiations could be conducted on the basis of equality.

MAIN ELEMENTS OF PRESENT SOVIET POSITION

It may be useful to highlight the following elements in the present Soviet approach to the SALT negotiations:

1. *Insistence upon "equal security."* The Russians have made it clear that they will not accept any agreement that gives the United States any "unilateral advantage." They want SALT to codify parity. They have lectured their own military on the futility of superiority, but they are obliged to demonstrate that SALT will not mean a return of the Soviet Union to the position of inferiority under which they smarted for so long.

2. *"Playing it cool."* The Soviet leaders learned the lesson, during the early months of the Nixon Administration, when they were pressing the United States to begin SALT negotiations, that this display of eagerness led many in the United States to argue that the Soviet Union needed an agreement more than the United States did, and should therefore pay a price for it. Since that time, Soviet representatives have been at pains not to show undue public concern about the arms race or about such weapons systems as MIRV, lest they confer a bargaining advantage upon the United States. The result has been to make signalling between the two powers more difficult.

3. *Begin with ABM.* Partly because ABM systems appeared to be a relatively finite and manageable segment of the arms competition, compared with the enormous complexities of offensive systems, Soviet protagonists of SALT have favored beginning with an ABM agreement. Moreover, as an authoritative article in Pravda argued one week ago, ABMs stimulate the deployment of offensive missiles: "Action is met by counter-action. If one side strengthens its defense, then the other feverishly looks for new, more powerful means to pierce the defensive shield of the opponent."

4. *SALT does not imply a political truce with the United States.* The Soviet leadership has made it clear that it does not regard a SALT agreement as a signal for a political reconciliation with the United States, an end to "ideological struggle," or to the campaign against "American imperialism." When he spoke of the "normalization" of relations with the United States at the XXIV Party Congress, Brezhnev indicated that he had in mind possible progress in SALT, some trade, correct relations at moderate levels of tension, possibly talks to settle disputes, but not an embrace of friendship. Echoes of the internal debates may be heard in an article in *Pravda* May 4 by Georgi Arbatov, director of the Institute on the USA, in which he defends responding to "realistic tendencies" in the United States as representing "forced concessions," which "objectively can have consequences that correspond to the peoples' interests." He reminds his readers that peaceful coexistence and political detente do not "abolish the struggle between the two systems itself but moves it into channels in which this struggle does not lead to military conflict." Distinguishing a proper "class approach" from that of revisionists and reformers, he writes that it does not mean the "accommodation of the workers' movement to present-day imperialism and a reconciliation with it." The message is a reminder of the still powerful force in Soviet politics of Party orthodoxy, which takes a dark view of U.S. intentions, is skeptical whether the U.S. will negotiate seriously in SALT, and which continues to interpret the United States in terms of imperialism and conflict.

Although the various groups in the Soviet leadership see the United States in varying shades of darkness, they appear to share at best an uncertainty whether the U.S. is prepared to accept a SALT agreement on the basis of parity. The protagonists of SALT have sought to explain to Soviet hardliners why the United States, after initially proposing an ABM limitation, then seemed reluctant to accept such an agreement; why the U.S. pushed through Safeguard as SALT was opening in 1969, and Phase II during the talks in 1970; why the U.S. pushed rapidly ahead with the deployment of MIRV in 1970; why successive "gaps" appear during each appropriations cycle, to justify new bombers, new re-entry systems, new underwater launch systems.

The explanation adduced by Soviet analysts is that there are two tendencies in American political life: that of the militarists and their supporters, and that of the anti-military "realists." The result, as they see it, is a "zig-zag" policy, reflecting the requirements of domestic politics. It should be added that "realism," in the Soviet usage, means not only an acceptance of a stabilization of the strategic arms race, but more: an acceptance of the Soviet position of equality in the world, of the Soviet position in Eastern Europe, and other Soviet political objectives. This view is based upon an assessment that there has been a "change in the alignment of forces," and it implies a graceful acceptance by the United States of Soviet efforts to increase its political influence around the globe at the expense of the United States. This is the operative significance of Arbatov's argument to the hardliners in the Soviet Union that a positive response to "realism in capitalist policies" is justified because these "forced concessions" are objectively in Soviet interests.

It should be added that most Soviet analyses of American policy these days end on an interrogatory note: which tendency will prevail in the U.S.? It is interesting to observe a kind of reverse containment policy now emerging in the Soviet Union: it declares itself ready to reach business-like arrangements with the U.S. if it is realistic, but to resist manifestations of U.S. imperialism ("a principled line of rebuff to aggression and to the intrigues of the imperialistic forces.")

SOME CONCLUSIONS

1. It is worth noting that in the internal debates on SALT within the Soviet Union, such U.S. efforts to force the pace of the strategic competition as the deployment of Safeguard and MIRV have had the effect of weakening the case of those in the Soviet Union who have argued that arrangements with the United States for the stabilization of the strategic arms competition are possible. It has forced them into elaborate explanations and defenses of their proposed dealings with the "imperialists."

2. It is also clear that the effect of the "bargaining chip" rationale for further armament measures by the United States has been the opposite of what was intended. Although it is true that these measures have put before the Soviet leadership the prospect of a further expensive round in the arms competition as the alternative to a SALT agreement, what is more significant is that the Soviet leadership feels itself obliged to match each step with comparable measures, for it cannot allow itself, for both domestic and international reasons, to be pressured into an agreement on unfavorable terms. Perhaps the "bargaining chip" theory may be sound diplomacy under some circumstances, but it is clear that in the strategic weapons field it provides dynamism for the arms race. Moreover, when a measure such as Safeguard or MIRV is defended in this coun-

try on the grounds that it is necessary to increase our bargaining pressure, rather than on the intrinsic merits of the measure proposed, the argument is known and discounted on the Soviet side as a transparent device.

3. Over the long run, it would seem more effective for the United States to base its negotiating tactics and its military procurements on the principle that security in the realm of strategic weapons is best served by a stable equilibrium at as moderate a level as can be managed through explicit or tacit agreement with our adversaries. To achieve this will require us to break the cycle of interaction between the two countries by the exercise of political leadership, deciding military policies in terms of this conception of security rather than leaving them to be decided by the pressures of the military services, the upward tug of technology, the overreaction of military planners, or the misguided rationalizations of self-deceptive bargaining techniques.

WHAT DOES SECURITY MEAN TODAY?

(By Marshall D. Shulman)

We have been accustomed, during most of the past 25 years, to think of our security in terms of the containment of Soviet expansionism, relying largely upon a comfortable superiority in military power. A number of developments now call into question the adequacy of this conception and of our understanding of the nature of effective power in the modern world.

Among these developments have been changes in the military balance. Our strategic superiority over the Soviet Union was first constrained by the emergence of a condition of mutual deterrence, and more recently by the growth of Soviet strategic forces to a level of approximate parity. Coincidentally, there has been a substantial increase in Soviet conventional military capabilities with a global reach.

What effects this change in the military balance may be expected to have upon political developments is made more difficult to calculate by the evidence paradox of our unprecedentedly large military power and our declining political influence in the world, a paradox which points up the limitations of arms as a source of effective power.

Since the end of World War II, events have pushed us toward a less Soviet-centric view of our security problems. Against a background of rapid and uncharted political changes in the world, the Soviet problem is perceived less in terms of expansion through the territorial control of contiguous areas than as a competition for political influence on a global basis. One effect of qualitative changes in weapons technology has been to make the strategic competition into a closed game, somewhat apart from the competition for political influence. Concurrently, the accelerated pace of technological change has altered the geography of politics, bringing distant areas within reach; it has given greater significance to forms of power based on new industrial technology; and it has resulted in profound upheavals in the domestic social orders of nations.

The persistent strength of nationalism as the most potent single force in international politics has fragmented the two-color maps of the world of a quarter-century ago; new nations and new political forces have with stubborn autonomy resisted the illusions of omnipotence of the two giant powers. Clearly, power in terms of capacity to exert one's will over other people is more variegated and limited than it appeared to be immediately following World War II.

The pace of change in the world has made it difficult to define the nature of the international system in which we find ourselves, and still more difficult to describe the kind of international order toward which we would like to move, in which we could improve our security and protect the values we hold important. Without such an effort, however, our actions lack direction.

The present climate of opinion, veering toward a withdrawal from international involvement and not yet prepared to sort out the lessons of the Vietnam experience, is not an auspicious one in which to reflect upon changes in the nature of power and the meaning of security. But if we are not to surrender to the drift of events, we must resist the vice of wide amplitudes of mood changes around stereotyped images to which democratic societies are prone. We need to rethink fundamental aspects of our foreign policy, bringing to bear more differentiated analyses of present problems and a sense of future direction.

II

In retrospect, it is now clear that the Soviet Union entered upon a new phase in its foreign policy in the mid-1960s. During the preceding decade, Khrushchev had moved out from the Soviet periphery to a first pass at Africa and southern Asia. Accepting the concepts of nuclear deterrence and "peaceful coexistence," he began the modernization of strategic capabilities while greatly reducing Soviet conventional forces. In the competition with America, he put his reliance upon the anticipated economic superiority of the Soviet Union and the myth of a "shift in the balance of power" based upon the symbolic impact of the first Sputnik.

But the shortcomings of the Soviet economy made hollow his boasts of outstripping the United States, and the net effect of his efforts to gain political advantage from Sputnik was to stimulate higher American defense budgets, with the result that the Soviet strategic inferiority was in fact further deepened. The Congo crisis of 1960, in which the Soviet Union was unable to reach and support its chosen allies; the Cuban missile crisis, and the American naval blockade which capped it; and the powerful arsenal of U.S. conventional weapons brought to bear upon Vietnam after 1964—these were among the painful lessons experienced by the Russians during this period.

The result was a determination by the Soviet leadership which followed Khrushchev to acquire more rapidly the sinews of actual rather than symbolic military power, at whatever cost to the economy. Within a few years, there began to appear the various attributes of a diversified military capability. Rates of deployment of nuclear missiles rose steeply, and for all practical purposes the strategic inferiority under which the Soviet Union had labored was overcome, although qualitative improvements on the American side meanwhile made parity a dynamic condition rather than a plateau. Soviet conventional forces were now restored and modernized to play a wider and more flexible role. During this period, accelerated support for the navy achieved the historical transformation of the Soviet Union from a continental to a maritime power, capable of deploying its fleet in all the world's oceans. Concurrent improvements in mobile forces, including the Soviet "naval infantry," in firepower and in air and sea logistic capabilities, have given the Soviet Union the means of reaching distant local conflicts—whether to check anticipated American interventions or to bring military pressure to bear upon politically unstable trouble spots remains to be seen.

Economic and military aid programs, highly focused on a limited number of countries (about 70 percent of the economic assistance goes to Afghanistan, India and the U.A.R., and the latter two are the main recipients of military assistance), continue to be of significant scale. In Eastern Europe there has been a reorganization of the Warsaw Pact forces to improve mobility and firepower, together with a continued effort to integrate the economies of the East European states, manifesting a primary Soviet concern with consolidating its control over that area.

That the central concept of this acquisition of power is to increase Soviet political influence on a global basis relative to that of the United States is underlined by the directions of an intensified and more sharply focused diplomatic effort since the mid-1960's. The most striking diplomatic moves have been the enlargement and greater flexibility of bilateral dealings with Western Europe and with the Federal Republic of Germany in particular. The purpose is multiple—to encourage neutralist trends in Europe (which is to say to reduce American influence in Europe); to gain juridical recognition for the German Democratic Republic and the Soviet position in Eastern Europe ("the acceptance of the realities of World War II settlements"); to inhibit West European integration and the dominance of the Federal Republic in that grouping; and to increase trade and technological borrowing from the Western industrialized states. The proposal for a European Security Conference has been a feature of this diplomatic campaign, directed alternately at containing the Federal Republic and at isolating the United States from Western Europe as circumstances have required.

The most specific objective of near-term Soviet diplomacy has been to achieve a decisive influence in the Arab Middle East, both for its oil and other resources and as a gateway to the Indian Ocean and Africa. As an adjunct to this, the Soviet naval presence in the Mediterranean serves to neutralize the U.S. presence there and to symbolize Soviet power and interest.

The level of diplomatic effort in Africa and Latin America suggests longer-term aspirations, depending upon local opportunities. In Asia the Soviets have a dual objective: to contain the expansion of Chinese influence and to replace the British and American presence which they anticipate will be withdrawn from the area. Pragmatically, the Soviet Union, has eschewed revolutionary movements (except in Vietnam) and cultivated its relations with established governments in order to influence their orientation in world politics. While courting Japanese businessmen, for both economic and political reasons, the U.S.S.R. has hammered away at Japanese security agreements with America and the growth of Japanese defense capabilities. On the subcontinent, Russia has become the principal external influence. It is a major arms supplier to India, and has begun to develop military sales to Pakistan and Ceylon. It has been negotiating shipping and air access to Singapore and has become the largest buyer of Malaysian rubber. It is becoming a naval presence in the Indian Ocean, growing by unobtrusive steps.

Paralleling the European Security Conference proposal, the Soviet Union has put forward a plan for a new collective security system in Asia, with itself as guarantor. So far, the proposal has not been enthusiastically received, although a few countries, notably Malaysia, have indicated interest in the plan as a hedge against the day when U.K. and U.S. withdrawal from the area might leave the way open to greater Chinese pressures.

It may be noted that these efforts are not inconsistent with long-term evolutionary trends toward traditional power policies and a diminished emphasis upon revolutionary transformations, at least in the near term. What have been added are a stronger military base and a global presence, orchestrated into a total effort to gain access and influence around the world. While the United States tends to think of its military, economic and diplomatic instrumentalities separately and to permit them a certain life of their own, the more fundamentally political outlook of the Soviet Union serves to harness them to specific political objectives. These different approaches may also to some extent reflect differences in governmental structure, with the more fully coordinated and centrally controlled Soviet apparatus better adapted to focus military, economic and diplomatic means toward political ends.

In the past, there has been a tendency to attribute a high degree of planning to Soviet policy, but more sophisticated and realistic recent studies suggest that Russian behavior in the world may be better understood as the resultant of three factors: a rather general long-term design, an interplay of bureaucratic pressures and interests, and a response to external opportunities. Although the design continues to be expressed in categorical ideological language, it reflects a general aspiration rather than a detailed prescription—perhaps with about the force of Avis' expressed determination to become "No. 1." The role of competing interests and bureaucracies in determining Soviet foreign policy is difficult to document, but there can be little doubt that it is an important factor, varying according to the particular issues involved, and that it has to be taken into account in understanding the mechanism by which Soviet behavior interacts with roughly similar mechanisms on the American side.

Finally, it is abundantly clear that a major factor in the emergence of a new phase of Soviet policy in the mid-1960s was a response to the perceived decline in U.S. prestige and influence around the world as a result of Vietnam. The first effects of the involvement of the United States in Vietnam in early 1965 were to raise apprehensions about U.S. bellicosity and its buildup of conventional capabilities. The second wave of effects stemmed from the indirect consequences of our involvement: the domestic disturbances, the tide of anti-militarism and anti-involvement in world affairs, the decline of confidence among our allies in the judgment of the American leadership. From Moscow, it became plausible to anticipate a reduction in the political influence of its major rival on every continent, and this anticipation encouraged a more active effort to increase Soviet political influence wherever opportunity presented itself.

For the most part, the effort to build the sinews of power was carried forward at moderate levels of tension, applying a lesson learned from the postwar period, i.e. that higher tensions simply mobilized and united the Western alliance. The détente policy has been on a country-by-country basis. It has proved most difficult to apply in the case of the United States, where the appeal for "normalization" of relations is undermined by the "anti-imperialist" campaign directed against the American presence around the world, and also by the insistence of the Soviet leaders on continuing the "ideological struggle" in harsh and uncompromising terms. Also, having smarted for so long under what they felt as the "arrogance" of American strategic superiority, the Soviet leadership is in a chesty mood, prepared to enjoy the advantages of a rising power position.

What are the prospects for the success of the Soviets in increasing their political influence in the world? One problem in answering is that the mixture of strengths and weaknesses in the Soviet position makes it difficult to characterize the fundamental power relationship between East and West. On the strategic military dimension, the condition called "parity" in fact reflects an asymmetrical balance, with some advantages on each side. The political effect of such a balance may depend largely upon subjective factors: the will and confidence of the respective leaderships, the mythology of power among the people. On conventional military capabilities outside Europe, the balance requires a region-by-region breakdown: compared to American, Soviet power is weaker but growing in the Mediterranean, stronger in the Indian Ocean and on the subcontinent, but relatively weaker in the Pacific and in Southeast Asia. The most serious Soviet deficiencies appear in the economic realm: institutional limitations, particularly in advanced technology. There are also serious economic limitations on the Western side: inflation, unemployment and growing competitive conflicts, but the strength of Western technological growth is increasingly recognized as a factor of effective power.

In political power, the comparison is between relative weaknesses—what someone has characterized as "competitive decadence." The internal strains in Western societies are painfully evident. Over the long run, creative processes may be at work, but at present the West European nations, struggling with domestic upheavals, do not find in the American experience any inspiration or source of confidence. For its part, the Soviet Union faces the prospect of continuing turbulence in Eastern Europe, a running conflict with China and its fragmenting consequences in the international communist movement, systemic rigidities at home, and not much luster in the Soviet model to attract emulation from abroad. This brief balance sheet illustrates the difficulty of weighing the effectiveness of various forms of power, in terms of political influence.

A further difficulty arises in assessing the prospects of the Soviet drive from the demonstrated resistance of smaller states to the subjugation of their will to the great powers. The transformation of military or even economic power into political advantages and influence has proved more difficult than the Soviet leadership had hoped when it first began to reach toward the underdeveloped nations in 1955.

"All trees do not grow to the sky." It would be an error to assume that the Soviet Union will automatically translate power into ever-spreading access and influence; recent Soviet gains have owed more to Western ineptitude than to Soviet effectiveness.

III

To the extent that the Soviet Union does succeed in expanding its role in the world, how much should this be a source of concern to us? In the past, we have been prone to assume that every gain for the Soviet Union, or for "world communism," was a loss for us, if not a threat. But have we not reached a point where we need to redefine our conception of the nature of the international system, and of our vital interests within that system?

It is evident that Russia is entering upon a phase of national growth like that which many other great nations experienced in the nineteenth and early twentieth centuries, and is now pressing outward for a role commensurate with its status as one of the two superpowers in the world. But there are two levels of Soviet conduct: one represents an effort to bring about a change in power relations within the present international system in fairly traditional power-politics style; the other—if one takes seriously the residual ideological commitment of the Soviet Union—is to work toward a change in the nature of the international system itself, the rules and practices that govern international relations and the internal structure of societies. The former is an anachronism in a day when imperialism—in the sense of a dominion over other people—is increasingly difficult to maintain. The latter is of diminishing relevance in a world in which revolutionary change is everywhere in process, but for which the storehouse of Soviet Marxism has little to offer as a guide to the future.

In the international system as it is, and as it is becoming, change itself must be the fundamental starting point for any effort to codify relations among nations. No longer is it possible for nations to define their interests or seek their security in terms of hegemonial control over territory. The alternative to international anarchy requires the acceptance of two principles which grow out of the new physical and political conditions of international life: one is the right of free access, and the other is non-interference by force in processes of internal change.

The principle of free access reflects the fact that political control over territory is not necessary for economic access; it is not in fact a condition of successful and productive economic relations. This has been amply demonstrated by the decay of imperialism of the kind described by Lenin, and is being demonstrated today by the experience of the Soviet Union in Eastern Europe. The principle of free access permits nations to compete, not for the control of territory but for the establishment of mutually beneficial and non-exploitative relations, and thereby for political influence.

The notion of free access need not be in conflict with the vital security interests of the Soviet Union and the United States in territories where the establishment of hostile forces would be regarded as threatening, but it requires the acceptance of a distinction between security and hegemony. For the United States to define its vital interest in the Western Hemisphere, in Western Europe and in Japan means that it would feel a direct threat to its national security if these territories should come under the control of military forces hostile to the United States. It would hope for more—that relations with these countries would be amicable and productive, but it would seek that result by its diplomacy against competing influences, not by the exclusion of Soviet economic and political access to these areas.

Similarly, the Soviet Union would regard its vital interests as jeopardized by the establisment of hostile forces in Eastern Europe, but this legitimate security concern does not justify, and does not require, hegemonial control over the area. The establishment of productive relations between East and West Europe, far from being in conflict with Soviet interests, can make for a more stable and secure relationship, if Russia construes its interests in broader and less rigid terms than it now does.

Of course, it is understood that at the present time the Soviet leadership is far from prepared to accept such a distinction; any increase in external influences in Eastern Europe would now be regarded as an historical and ideological retrogression. The present Soviet outlook is in the other direction: toward obtaining from the West recognition of a Soviet sphere of influence in Eastern Europe. Perhaps time will be required to make it clear that spheres of influence, even if granted, cannot under modern conditions provide the basis for stable and productive relations.

Within these two vital zones, certain tacit rules of engagement have developed. The United States has made it clear, through a series of crisis situations, that it would not intervene by force in territory regarded by the Soviet Union as vital to its security interests. For its part, the Soviet Union has, since the days of the Berlin blockade, recognized certain less well-defined rules of engagement in Western Europe and the Western Hemisphere, with the partial and ambiguous exception of Cuba. Contrary to some popular misunderstanding, this mutual acceptance of tacit rules of conduct in security matters does not constitute a spheres-of-influence agreement, since it does not exclude the effort to extend political influence in each other's security sphere.

Outside these two vital zones, however, there is a need to work toward rules of engagement that shall apply in contested areas, if the competition for political influence is to be kept within reasonable and safe bounds. It is not a matter for conferences and treaties. Rather, these rules will evolve through the tacit codification of experience, a practical recognition of the restraints that each side comes to expect of the other; and their sanction will derive from the self-interest both nations have in avoiding direct involvement with the other in local conflict situations.

The Soviet Union is not, and the United States should not be, committed to the defense of the status quo. It would in any case be a vain quest. Our interests are best served if the processes of change can take place in an orderly way, with a minimum of violence, responsive to the wishes of the people involved, free of external compulsion. Perhaps the most that one can realistically hope for now is some increase in sober restraint where, as in the Middle East and in Vietnam, the forces of the two giant powers are partially engaged. Over a period of time, as a result of living through a number of such conflict situations, a codification of the common law of experience will define recognized limits of engagement for the conduct of our competition for political influence. As a concomitant development, the United States and the Soviet Union may resolve their dispute over the use of U.N. peacekeeping mechanisms, and develop a range of ad hoc techniques for containing and pacifying local conflict situations.

In a period of shifting relations and the emergence of some form of balance among the five major powers—China, Japan and West Germany (or Europe), in addition to the Soviet Union and the United States—what is required is an acceptance of a process of accommodation to relative degrees of political influence, in a post-imperial order committed to the fundamental independence of its constituent parts.

Progress in these directions is not likely, however, if we neglect the present relationship between force and politics. Much current discussion on this point appears to be polarized between preserving the faith in military superiority as the guarantor of our security, and a strong tide of indiscriminate antimilitarism. What is needed—although admittedly difficult in the present acerbic climate—is a more measured judgment of our military needs, both nuclear and conventional, in the light of a broader conception of our true security interests.

For more than a year and a half, the Soviet Union and the United States have been engaged in Strategic Arms Limitation Talks—but meanwhile, the nuclear arms competition has continued to spiral upward, into new and more unstable weapons systems. The fault lies in the absence of an effective political leadership in either Russia or America capable of presiding with common sense over the pressures of military services and new war technologies. In the absence of a political judgment to cry enough, military procurement in both countries tends to be determined by interservice competition, compounded by misplaced prudence and bargaining zeal on the part of civilian planners. A continuation of the nuclear competition means less security for both nations, since many of the weapons now coming into sight are less stable, more costly and more tension-producing.

One barrier to a leveling off and reduction in the strategic competition is the argument—perhaps rationalization would be more accurate—that further strengthening of our military position improves our bargaining position, increasing the incentive for the adversary to negotiate an agreement. The effect, on the contrary, has been to provide dynamism for the military competition.

It has been psychologically difficult for the United States to accept the loss of its accustomed nuclear superiority, and its West European allies wonder aloud whether the American guarantee will be effective under conditions of parity. The mythology of nuclear weapons has not yet absorbed the realization that superiority has no practical meaning in any real context. The argument that parity would increase the Soviet propensity to take additional risks, or diminish the American resolution in responding, ignores the fundamental inhibitions of mutual deterrence, which are not substantially changed by disparities in the respective arsenals. The technical advantages of one system against another can be argued, but to allow these technical arguments to dominate policy-making in this field is to lose a sense of proportion about the limited usefulness of nuclear arsenals, however sophisticated.

In any rational perspective, security in the realm of strategic weapons would be best served by a stable equilibrium at as moderate a level as can be managed through explicit or tacit agreement with our adversaries. On this point, the interests of the two countries are not opposed, but on neither side is this fact yet fully appreciated.

Because conventional weapons are more closely related to political effects, the competition in this field is even more difficult to regulate. The hard question posed by the growth and global deployment of Soviet conventional forces, particularly at a time when the British military presence in Asia and in the Indian Ocean is being contracted, is whether an imbalance may develop in the next few years which will tempt the Soviet Union to use its forces in unstable and conflicted parts of the world to influence the outcome of political processes, whether by indirect pressure, military assistance or direct involvement.

If there is to be any possibility of moving toward moderating rules of engagement in the intermediate zones, rather than toward international anarchy and unbridled competition, as suggested earlier, it is evident that sanctions must be present in the form of military equilibrium in the regions involved. Only if the forces in the area are reasonably in balance, preferably at the lowest levels possible, are they likely to perform the function of negating each other—an extension to the conventional field of the balance of mutual deterrence.

What this implies is a more differentiated approach to the problem of conventional military capabilities than is now represented in the domestic debates. Military means cannot be our main reliance in seeking to maintain the non-hostile world environment necessary to our own security; other forms of power—diplomatic, cultural, political, economic, the successful resolution of our domestic problems—are more effective means of creating a favorable world environment. But in the present international system, military equilibrium, both general and local, is a necessary condition for the free and non-violent unfolding of processes of change. If we wish to move toward a world in which force does not dominate politics, a world of free access and nonintervention, we cannot escape the painful conclusion that a balance of conventional forces is needed.

The question that the United States faces is not whether to be a presence in the world but what kind of a presence. The values we wish to realize in our society will not maintain their vitality if we allow ourselves to become isolated in a hostile world. This can result as much from the neglect as from the abuse of power. What is required is restraint and wisdom in the use of power, toward ends consistent with the international order toward which we would like to see the world evolve.

THE FINANCIAL CONDITION OF THE FEDERAL GOVERNMENT

HON. HARRY F. BYRD, JR.

OF VIRGINIA

IN THE SENATE OF THE UNITED STATES

Friday, July 16, 1971

Mr. BYRD of Virginia. Mr. President, the June 28 edition of the Bangor, Maine, News included a fine editorial concerning the financial condition of the Federal Government.

The editorial makes the point that fiscal responsibility is missing in Washington, and has been missing for many years.

Economy in Government, the editorial notes, is not a glamorous issue. That is too bad, because, until the Government sets its financial house in order, the people of this country are going to continue to feel the squeeze of inflation.

I ask unanimous consent that the text of the editorial, "Fiscal Brinkmanship," be included in the Extensions of Remarks. The editor of the Bangor News is Richard K. Warren.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

Fiscal Brinkmanship

The federal government ends its current fiscal year Wednesday with a deficit that will amount to about $23 billion. Observers insist a deficit of about the same figure is inevitable for the next fiscal year.

All this red ink makes the Nixon administration red-faced, the President and the Republican party having campaigned on a platform calling for balanced budgets. Yet Nixon cannot be blamed much, if at all. Events beyond his control have distorted the fiscal picture in Washington.

Inflation continues and so goods and services are costing the government more, just as they cost the individual citizen more. Pay raises are given federal employes to compensate for rising living costs—adding to government spending.

The effects of the recession are on the other side of the coin. The federal tax take is running billions of dollars behind estimates. On the other hand, the government is under pressure to pump additional billions into the sagging economy and create jobs for the millions of jobless workers.

Then there is the towering national debt, now at about the $400-billion mark. The government must pay out $21 billion just to meet the annual interest charges. It must be maddening to the administration to know that without this unavoidable expenditure, the budget would come very close to being in balance. Instead, more deficit spending and another layer added to the debt and, barring a miracle, to be matched again a year hence.

What is missing in Washington, and has been for many years, is a sense of fiscal responsibility. It is pleasant to spend; painful to tighten the belt. Pressure groups whose members pack a powerful wallop at the polls, keep asking for more money, and scream at even a hint of a cut-back. The ponderous bureaus of the government put in their pitches at budget-making time and resist efforts to economize.

"It is depressing," Senator Harry F. Byrd, Jr., of Virginia, one of the few watchdogs for the taxpayers in Congress, recently said, "That there is so little interest in Washington in putting the government's financial house in order."

Yet it must be put in order, lest it topple. The value of the American dollar must be protected from continuing depreciation as a result of the government's spendthrift ways.

As a political issue, economy in government lacks glamor, yet it should rate top priority. One of these days—we hope not too late—the issue must be faced, for not far ahead lies the brink of fiscal disaster.

COMBATING DELINQUENCY AT THE ROOTS: THE RUSSELL AREA YOUTH SERVICE BUREAU

HON. ROMANO L. MAZZOLI

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 15, 1971

Mr. MAZZOLI. Mr. Speaker, we are all concerned with the problems of crime and law enforcement. But often by the time the police are called, the damage has already been done. It is too late. Especially in the area of juvenile delinquency, it is important to reach a potential offender before he goes wrong—both for his sake and the sake of the community.

That is the purpose of the Youth Service Bureau of the Russell Area Council, which aims at preventing juvenile delinquency by helping young people before they get in serious trouble. According to Mrs. Carole Mayo, the social worker at the youth service bureau, the important thing is relating to the young people, aged 10–17: "We just get to know them."

A key part of relating to the youths are the two field workers, Aaron Smith, and Irvin Williams. Mr. Smith and Mr. Williams try to establish an informal and sympathetic rapport with the young people of the Russell community. They hang out where the kids are—on the basketball courts and gathering places. This way, they establish the vital element in any counseling effort, trust.

Mr. Speaker, Mrs. Mayo, Mr. Smith, and Mr. Williams are taking a constructive effort to reach the root of the problems of crime and delinquency among the young and they deserve the thanks and recognititon of the people of our community.

For the information of my colleagues, I insert in the Record at this point the text of an article in a recent edition of the Courier-Journal by Charitey Whitfield:

Helping Youths Before Trouble Is Goal of Delinquency Project

(By Charitey Whitfield)

There was nothing extraordinary about the gathering. It was like a backyard club meeting with a group of young people sitting in the evening shade of a pleasant summer day.

They exchanged jokes with each other, took amused interest in a nearby group of three little girls playing pat-a-cake and discussed "club" business.

However, when phrases like "diagnostic social worker" and "cultural enrichment program" began to creep into the youths' conversation one sensed that this wasn't just an ordinary club meeting.

It's one of two group meetings held weekly at the Russell Area Council, 2521 W. Chestnut, as a part of the council's federally-financed pilot project to prevent juvenile delinquency. The project is known as the Youth Service Bureau.

More is involved in the bureau than just bringing a group of young people—those who have had at least minor brushes with authority—together once or twice a week.

Since the bureau concentrates on helping youths before they get into serious trouble, a diagnostic social worker and two detached or field workers with the bureau try to positively motivate the young people.

"We just try to get to know them . . . the family's strengths and weaknesses," said Mrs. Carole Mayo, the social worker.

Approximately 40 young people, ages 10 to 17, have been referred to the bureau since it began operation in March. While most of the youths are referred from the Louisville public schools, Louisville Police Department's Youth Bureau and the Russell community, a few have come to the bureau on their own.

Some of the referrals have been involved in serious offenses like armed robbery and car theft. But the Metropolitan Social Services Department eventually will assign someone in court service to work with these offenders, Mrs. Mayo said.

"I'd say that the more serious offenders are in the minority. A lot of children in the community are picked up for truancy or loitering," she said.

Little motivation for education is one cause of truancy. Mrs. Mayo said another factor in truancy is inadequate clothing which may cause embarrassment over not having the latest dress styles to wear to school.

Finding out what will motivate the young people is a task which includes job hunting, discussions with the youths and their parents and group meetings where the youths, along with the detached workers, plan activities that range from speak-out sessions to a skating party and camping trip.

With the tight employment market, job hunting is one of the bureau's hardest, and probably most important, tasks.

"That's one of the things parents are most interested in, especially for the guys. I think they think that if they (the boys) can find a job, they'd stay out of trouble," Mrs. Mayo said.

She finds that the delinquent is more difficult to motivate than the other referrals.

"They think, 'You can't do nothing. You can't fight the man.' When they find out that you are in a position to help them, they trust you more," Mrs. Mayo said.

Counseling and group therapy are not enough by themselves. "This is not purely a therapeutic group or a social group. . . . They've had that before. If you can help them get out of a scrape, that builds their confidence in you," she said.

Aaron Smith and Irvin Williams, the workers, agree. Smith said that the youths have vetoed having professionals work with them by saying they're " 'not ready for that yet.' "

'We're not trying to identify ourselves with the system," said Smith, a former probation officer. "What we're doing is not semi-formal nor formal," but it is meaningful.

Smith, 29, and Williams, 22, were chosen for their positions because of their ability to relate to youths, knowledge of the Russell community and a sincere interest in the work.

These abilities are important as Smith and Williams frequent basketball courts, teen-age hangouts and other places where young people often can be found. In this way they contact youths other than those who already have been referred to the bureau.

Smith tries to set up a pattern by which youths can find him when they need to.

"They recognize me from being seen with a lot of young people. They'll approach me asking for a job, ride . . . (and they'll) begin to talk. One time a kid said, 'I want to join the group. Do I have to be in trouble to join?' " The answer is no.

From such informal talks the detached workers get an insight into the youth's background and problems he may be having.

However, all the youths are not as verbal nor can all problems be so easily discussed. During the group meetings, Smith said he has had occasionally to make some of the youths angry before they would open up to him.

Should Smith or Williams, a sociology major at Jefferson Community College, encounter a case that neither can handle Mrs. Mayo, who makes the initial home visit on all referrals, meets with the individual for counseling.

If more expertise is required, the bureau receives consultation and other services from specialized agencies such as the Family and Children's Agency and the Kent School of Social Work.

The project is scheduled to run for three years pending evaluations that will be made at the end of each year. As to the project's effectiveness, Mrs. Mayo said, "We can't really tell yet since we're only getting involved with the ones who've been in trouble."

One addition to the bureau that she would like to have is more Negro male volunteers to work with the referrals. Only five of the 40 Negro youths served by the bureau are females.

For the Russell Junior High counselor and the few parents who have noticed improved or changed attitudes in the youths whom the bureau assists, the project is evidently effective.

"The only tedious part is the paperwork. Working with the kids is great," said Mrs. Mayo.

THE 25TH ANNIVERSARY OF THE NAVY'S BLUE ANGELS

HON. JOHN V. TUNNEY

OF CALIFORNIA

IN THE SENATE OF THE UNITED STATES

Friday, July 16, 1971

Mr. TUNNEY. Mr. President, I ask unanimous consent to have printed in the Record a poem by a fine newspaperwoman, Mrs. Nettie Brown of El Centro, Calif. The poem was written to commemorate the 25th anniversary of the U.S. Navy's flight demonstration team known as the Blue Angels, who make their winter training home in El Centro. During these 25 years, 105 million people have thrilled to the precision flying of the Blue Angels. I salute them on their 25th anniversary.

There being no objection, the poem was ordered to be printed in the Record, as follows:

To the Blue Angels on Their 25th Anniversary

(By Nettie Brown)

Angel pilots in Navy blue
Flying their planes so true.
Highest standards in the air;
Finest examples anywhere
Of America's power on high
As they flash across the sky.
In close formations, daring, true
Demonstrations of what pilots can do.

Blue Angels, perfection in truth
Who demonstrate to America's youth
That life is still adventure thrilling
To those who prove they are willing
To study and practice and learn
Until they too their wings earn.
Then believe, and dare, and work to
Emulate the Navy's Angels Blue.

Valleyites watch in pride and wonder
As overhead the Blues' jets thunder
Above Imperial Valley desert land
Known as the Hollow of God's Hand—
"La Palma de la Mano de Dios"—

We are glad that you are with us.
Blue Angels you're proud to be called.
Your shows leave the people enthralled.

Your mission is demonstration
Of precision Navy aviation
As you practice in our clear air
Blue Angels, we breathe a prayer
That you are safe, and happy, too.
That Imperial Valley's skies so blue
You call home; and here you'll return,
Because we love you, every one.

D. A. "ANDY" ANDERSON

HON. OLIN E. TEAGUE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 15, 1971

Mr. TEAGUE of Texas. Mr. Speaker, under leave to extend by remarks, I wish to include an article which appeared in the Bryan Pictorial Press having to do with a distinguished public servant, Mr. A. D. Anderson who has served as mayor of my hometown, College Station, Tex. for the past 5 years. Mr. Anderson had previously served with distinction on the City Council, and I am proud to say that he was a good friend of mine.

A GREAT MAN STEPS DOWN

College Station Mayor D. A. (Andy) Anderson has ended more than a decade of service in city government.

In a surprise move Monday night, Anderson resigned during a city council meeting. He said his resignation came on the advice of his lawyer.

Anderson, Joe McGraw, Dan Davis, C. H. Ransdell, Cecil B. Ryan and Jim Dozier were defendents in a suit questioning their right to hold elective office and receive state pay as employes at Texas A&M University. A special election was held only last week to fill the positions left vacant by the resignations of Ransdell and Ryan.

Dozier who is also acting as the city attorney in the suit is the only defendant still in office. He could not be reached for comment on whether he will continue to contest the suit.

Anderson said he made his decision late Monday afternoon after his legal counsel advised him that completing his term of office "may be to my detriment. Therefore, I have no recourse but to resign at this time."

"The resignation has not been an easy choice for me to make, especially with the love I have for my city," he said. "In making this announcement I feel as though I am letting the city council and people who elected me down. My wish is that you, and they, will understand my position and reasons for my action. To say the least, the suit has been a most trying period to me and my family.

"I am not unmindful that my decision will necessitate the calling of another special election," he continued. "This I regret very much. For this I am sincerely sorry. I had definitely planned to at least complete my term of office through April 1972 and then consider other alternatives.

"My deepest regret is to admit defeat to A. P. Boyett Sr. and others," he said. "Yet, I carry no hatred in my heart of them. They are, rather to be pitied. He who is greater than I will be their judge.

"It has been a privilege working with each of you, and I wish you well in the decisions you make for our city in the future," he said. "Above all, it has been an honor and privilege to have served our citizens as a public servant. I tried, honestly and faithfully, to uphold the trust they placed in me in working toward making our city a better place in which to live."

Elected mayor in 1966, Anderson was a city councilman from 1957 to 1963. He then served on the Planning and Zoning Commission for three years, before his election as mayor.

During his five years as mayor, Anderson guided College Station through an unparalleled period of growth and has stood for the development of the city in an orderly manner.

His concern for the future was demonstrated on Monday when the city's 1970 annual report was issued. He predicted the 1971 council will pass a new zoning ordinance enabling the city to control its growth pattern and said the council would update the Brazos Area Plan if federal funds were available. He also announced another first for the city—a National Emergency Phone Number 911. He said equipment was to be installed by September.

Under his guidance the new city hall and police-fire complex were constructed and the street improvement program was initiated. Looking to the future, Anderson has pushed the expansion of electrical, water and sewage systems to meet the city's future needs. Anderson also insisted on a sound fiscal policy while carrying out these plans.

The Mayor's Special Committee—an innovation under Anderson—has greatly improved city council-minority group relations. In 1970 the committee conducted the most comprehensive study by any community in Texas of the city's Black areas. The information is now being used for the "Workable Program" and other federal programs.

A source close to Anderson noted that he has "devoted every waking moment to the affairs and concerns of the city."

His philosophy of government might be summed up by the concluding words of his introduction to the annual report:

"The best, we should seek to make better; the worst, we should strive to improve. All in all, the city is yours and mine, and it is entitled to the best that is in all of us. It is you, the citizen, however, who will have the final say as to the type of community you want.

THE 1971 4-H CITIZENSHIP COURSE

HON. WILLIAM R. ANDERSON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 15, 1971

Mr. ANDERSON of Tennessee. Mr. Speaker, in the early 1900's a group of organizations emerged in this country whose purpose was to make the best better, to learn by doing. These individual groups soon became known as the 4-H Clubs of America, 4-H meaning head, heart, hand, and health, each used in the best possible way to help the community.

During the early years, 4-H membership included only a few thousand. Today there are 4 million 4-H members.

In the early days, highly motivated schoolteachers remained after school to teach boys the advantages of crop rotation, fertilization, and other types of improved farming methods. Local county agents offered them assistance to add to the professionalism of courses. Girls were taught improved methods of cooking and preserving food, sewing, and homemaking.

As 4-H Clubs matured and expanded, their central theme became increasingly clear—building good citizenship. The objective was not necessarily to win each blue ribbon at the fair, but it was what one learned in the process of getting there.

Today's 4-H membership is about equally divided among farm and urban communities.

Recently, a number of 4-H delegates, leaders, and agents, were individually honored with a trip to Washington, D.C., for a short course on citizenship. Seminars on such subjects as changing life styles, the dangers of drug abuse and the need for increased knowledge on nutrition were held. Those representing District II from the State of Tennessee deserve congratulations as highly motivated young citizens. I place the names in the RECORD along with my personal commendation for the excellent work which they are doing.

Delegates to the 1971 4-H citizenship short course:

DELEGATES TO THE 1971 4-H CITIZENSHIP SHORT COURSE, WASHINGTON, D.C., JUNE 12-20, 1971

Name, Address, and County

David Shearin, Rt. 3, Shelbyville, Tenn. 37160, Bedford.

Jim Troupe, Rt. 1, Normandy, Tenn. 37360, Bedford.

Andrea Troupe, Rt. 3, Wartrace, Tenn. 37813, Bedford.

Melody Mallard, Rt. 3, Shelbyville, Tenn. 37160, Bedford.

Melody Womack, Rt. 4, Shelbyville, Tenn. 37160, Bedford.

Wanda Barber, 222 Dellrose Dr., Nashville, Tenn. 37214, Davidson.

Becky Sullivan, Rt. 2, Gower Rd., Nashville, Tenn. 37221, Davidson.

Beverly Hill, Box 406, Pettus Road, Nashville, Tenn. 37013, Davidson.

Wanda Dodge, Rt. 1, Pulaski, Tenn. 38478, Giles.

Beverly Pratt, Rt. 1, Pulaski, Tenn. 38478, Giles.

Steve Robinson, Rt. 1, Cornersville, Tenn. 37047, Giles.

Lynne Tune, Rt. 3, Centerville, Tenn. 37033 Hickman.

Teresa Rochelle, Rt. 1, Nunnelly, Tenn 37137, Hickman.

Russell Brown, Rt. 1, Only, Tenn. 37140 Hickman.

David Spears, Rt. 2, Centerville, Tenn 37033, Hickman.

Deborah Largent, Erin, Tenn. 37061, Houston.

Rita Smithey, Erin, Tenn. 37061, Houston.

Tracy McCaulay, Stewart, Tenn. 37175, Houston.

Bill Warden, Jr., Tennessee Ridge, Tenn., 37178, Houston.

Steve May, Hurricane Mills, Tenn. 37078, Humphreys.

Vickie Ross, Box 223, New Johnsonville, Tenn. 37134, Humphreys.

Melissa May, Hurricane Mills, Tenn. 37078, Humphreys.

Glenda Hooper, Route 2, McEwen, Tenn. 37101, Humphreys.

Deena James, Box 43, Summertown, Tenn. 38483, Lawrence.

Barbara Rosson, c/o H. E. Rosson, Rt. 1, Leoma, Tenn. 38468, Lawrence.

Jean Kerstiens, 1217 Poplar Dr., Lawrenceburg, Tenn. 38464, Lawrence.

David Henson, c/o Ross Henson, Rt. 2, Ethridge, Tenn. 38456, Lawrence.

Dusty Jordan, c/o Jim Jordan, Rt. 1, Leoma, Tenn. 38468, Lawrence.

Vernon Sides, c/o Harlie Sides, Rt. 3, Leoma, Tenn. 38468, Lawrence.

Marsha Smith, Swan Ave., Hohenwald, Tenn. 38462, Lewis.

Roger Pennington, Rt. 2, Hohenwald, Tenn. 28462, Lewis.

Connie Taylor, Rt. 2, Chapel Hill, Tenn. 37034, Marshall.

Sandra Jordan, Rt. 4, Lewisburg, Tenn. 37091, Marshall.

Martha Gilliam, Rt. 4, Lewisburg, Tenn. 37091, Marshall.

Ray Wakefield, Rt. 2, Lewisburg, Tenn. 37091, Marshall.

Gordon Corder, Rt. 5, Columbia, Tenn. 38401, Maury.

Janet Sewell, Rt. 2, Santa Fe, Tenn. 38482, Maury.

Edward Harlan, Rt. 4, Columbia, Tenn. 38401, Maury.

Susan Sparkman, Rt. 8, Columbia, Tenn. 38401, Maury.

Frank Jones, Rt. 1, Box 280, Columbia, Tenn. 38401 Maury.

David Rankin, Rt. 3, Columbia, Tenn. 38401, Maury.

Ronnie Southall, Rt. 4, Linden, Tenn. 37096, Perry.

Greg Garcia, Flatwoods, Tenn. 38458, Perry.

Nathan Lee, Linden, Tenn. 37096, Perry.

Bill Bates, Lobelville, Tenn. 37097, Perry.

Ben Mitchell, Linden, Tenn. 37096, Perry.

Nancy Turner, Rt. 3, Linden, Tenn. 37096, Perry.

Brenda Roach, Box K, Linden, Tenn. 37096, Perry.

Jean Lyon, Linden, Tenn. 37096, Perry.

Janice Long, Rt. 4, Linden, Tenn. 37096, Perry.

Terrie Dabbs, Rt. 1, Lobelville, Tenn. 37097, Perry.

Nancy Walling, Rt. 4, Springfield, Tenn. 37172, Robertson.

Mary Alice Yates, Cross Plains, Tenn. 37049, Robertson.

Mark Lowe, Cedar Hill, Tenn. 37032, Robertson.

Barbara Gourley, Rt. 2, Smyrna, Tenn. 37167, Rutherford.

Karen Franklin, P.O. Box 160, Dover, Tenn. 37058, Stewart.

Darlene Hall, 112 Earl St., Gallatin, Tenn. 37066, Sumner.

Deborah McDearman, Hwy. 109 S., Portland, Tenn. 37148, Sumner.

Jerri Driver, 801 Peninsula Dr., Gallatin, Tenn. 37066, Sumner.

Donna Cron, 924 Spencer St., Gallatin, Tenn. 37066, Sumner.

Jim Donoho, Box 33, Portland, Tenn. 37148, Sumner.

James Palmer, Rt. 1, Mitchellville, Tenn. 37119, Sumner.

Ralph Herbert, Box 500, Franklin, Tenn. 37064, Williamson.

Philip Carter, Rt. 1, Franklin, Tenn. 37064, Williamson.

Gail Dickens, Rt. 7, Lebanon, Tenn. 37087, Wilson.

Douglas Eskew, 602 Castle Hts. Ave., Lebanon, Tenn. 37087, Wilson.

LEADERS

Claude DePriest, Rt. 2, Linden, Tenn. 37096, Perry.

Mrs. Joe McKenzie, P.O. Box 314, Waverly, Tenn. 37185, Humphreys.

Mrs. Joe Oliver, Rt. 3, Lewisburg, Tenn. 37091, Marshall.

Mrs. Fred Long, Jr., Rt. 4, Linden, Tenn. 37096, Perry.

AGENTS

Joe McKenzie (Group Coordinator), P.O. Box 314, Waverly, Tenn., Humphreys.

Fred Long, Jr., Rt. 4, Linden, Tenn. 37096, Perry.

Mrs. Bettye Griffin, Huddleston St., Centerville, Tenn. 37033, Hickman.

Mrs. Barbara Carrick, P.O. Box 100, Lawrenceburg, Tenn. 38464, Lawrence.

REPORTING BOTH SIDES

HON. MICHAEL J. HARRINGTON

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Friday, July 16, 1971

Mr. HARRINGTON. Mr. Speaker, last March, Daniel Moynihan criticized the press for bringing people bad news. Unfortunately, Mr. Moynihan picked the wrong culprit. Instead of condemning the transmitter, he should have aimed his accusations at the ones who create the mistakes. The newsmen are not at fault; the newsmakers are. Max Frankel of the New York Times answered Mr. Moynihan's piece in Commentary. Frankel, a veteran of Washington reporting, asserts that the press is legitimately skeptical. From the days of the U–2 incident, when a President told the Nation the plane was just monitoring weather patterns, I think it is safe to say that the press has good reason to be skeptical. The Pentagon papers is just the most recent and most dramatic demonstration of Government duplicity. Mr. Moynihan protests the habit of bureaucratic leaks which he says are purely motivated to embarrass the President. What would Mr. Moynihan call the same process the administration pursues when it leaks information to discredit some opponent?

At this point, I am inserting Mr. Moynihan's article and Mr. Frankel's letter so I will not risk Mr. Moynihan's charge of being less than objective in reporting:

[From the Commentary magazine, March 1971]

THE PRESIDENCY AND THE PRESS

(By Daniel P. Moynihan)

As his years in Washington came to an end, Harry S. Truman wrote a friend:

"I really look with commiseration over the great body of my fellow citizens, who, reading newspapers, live and die in the belief that they have known something of what has been passing in the world in their time."

A familiar Presidential plaint, sounded often in the early years of the Republic and rarely unheard thereafter. Of late, however, a change has developed in the perception of what is at issue. In the past what was thought to be involved was the reputation of a particular President. In the present what is seen to be at stake, and by the Presidents themselves, is the reputation of government—especially, of course, Presidential government. These are different matters, and summon a different order of concern.

There are two points anyone would wish to make at the outset of an effort to explore this problem. First, it is to be acknowledged that in most essential encounters between the Presidency and the press, the advantage is with the former. The President has a near limitless capacity to "make" news which must be reported, if only by reason of competition between one journal, or one medium, and another. (If anything, radio and television news is more readily subject to such dominance. Their format permits of many fewer "stories." The President-in-action almost always takes precedence.) The President also has considerable capacity to reward friends and punish enemies in the press corps, whether they be individual journalists or the papers, television networks, news weeklies, or whatever these individuals work for. And for quite a long while, finally, a President who wishes can carry off formidable deceptions. (One need only recall the barefaced lying that went with the formal opinion of Roosevelt's Attorney General that the destroyer-naval-base deal of 1940 was legal.)

With more than sufficient reason, then, publishers and reporters alike have sustained over the generations a lively sense of their vulnerability to governmental coercion or control. For the most part, their worries have been exaggerated. But, like certain virtues, there are some worries that are best carried to excess.

The second point is that American journalism is almost certainly the best in the world. This judgment will be disputed by some. There are good newspapers in other countries. The *best* European journalists are more intellectual than their American counterparts, and some will think this a decisive consideration. But there is no enterprise anywhere the like of the New York *Times*. Few capitals are covered with the insight and access of the Washington *Post* or the Washington *Evening Star*. As with so many American institutions, American newspapers tend to be older and more stable than their counterparts abroad. The Hartford *Courant* was born in 1764, twenty-one years before the *Times* of London. The New York *Post* began publication in 1801, twenty years before the *Guardian* of Manchester. What in most other countries is known as the "provincial" press—that is to say journals published elsewhere than in the capital—in America is made up of a wealth of comprehensive and dependable daily newspapers of unusually high quality.

The journalists are in some ways more important than their journals—at least to anyone who has lived much in government. A relationship grows up with the reporters covering one's particular sector that has no counterpart in other professions or activities. The relationship is one of simultaneous trust and distrust, friendship and enmity, dependence and independence. But it is the men of government, especially in Washington, who are the more dependent. The journalists are their benefactors, their conscience, at times almost their reason for being. For the journalists are above all others their audience, again especially in Washington, which has neither an intellectual community nor an electorate, and where there is no force outside government able to judge events, much less to help shape them, save the press.

That there is something wondrous and terrible in the intensities of this relationship between the press and the government is perhaps best seen at the annual theatricals put on by such groups of journalists as the Legislative Correspondents Association in Albany or the Gridiron in Washington. To my knowledge nothing comparable takes place anywhere else in the world. These gatherings are a kind of ritual truth telling, of which the closest psychological approximation would be the Calabrian insult ritual described by Roger Vailland in his novel *The Law*, or possibly the group-therapy practices of more recent origin. The politicians come as guests of the journalists. The occasion is first of all a feast: the best of everything. Then as dinner progresses the songs begin. The quality varies, of course, but at moments startling levels of deadly accurate commentary of great cruelty are achieved. The politicians sit and smile and applaud. Then some of them speak. Each one wins or loses to the degree that he can respond in kind; stay funny and be brutal. (At the Gridiron John F. Kennedy was a master of style, but the piano duet performed by Nixon and Agnew in 1970 was thought by many to have surpassed anything yet done.) A few lyrics appear in the next day's papers, but what the newspapermen really said to the politicians remains privileged—as does so much of what the politicians say to them. The relationship is special.

How is it then that this relationship has lately grown so troubled? The immediate answer is, of course, the war in Vietnam. An undeclared war, unwanted, misunderstood, or not understood at all, it entailed a massive deception of the American people by their government. Surely a large area of the experience of the 1960's is best evoked in the story of the man who says: "They told me that if I voted for Goldwater there would be 500,000 troops in Vietnam within a year. I voted for him, and, by God, they were right." The story has many versions. If he voted for Goldwater we would be defoliating the countryside of Vietnam; the army would be sending spies to the 1968 party convention; Dr. Spock would be indicted on conspiracy charges; and so on. By 1968 Richard Rovere described the capital as "awash" with lies.

The essential fact was that of deceit. How else to carry out a full-scale war that became steadily more unpopular with none of the legally-sanctioned constraints on the free flow of information which even the most democratic societies find necessary in such circumstances? This situation did not spring full-blown from the involvement in Southeast Asia. It was endemic to the cold war. At the close of World War II official press censorship was removed, but the kinds of circumstance in which any responsible government might feel that events have to be concealed from the public did not go away. The result was a contradiction impossible to resolve. The public interest was at once served and dis-served by secrecy; at once disserved and served by openness. Whatever the case, distrust of government grew. At the outset of the U-2 affair in 1960, the United States government asserted that a weather plane on a routine mission had been shot down. The New York *Times* (May 6, 1960) reported just that. *Not* that the U.S. government *claimed* it was a weather plane, but simply that it was. Well, it wasn't. Things have not been the same since.

But there are problems between the Presidency and the press which have little to do with the cold war or with Vietnam and which—if this analysis is correct—will persist or even intensify should those conditions recede, or even dissolve, as a prime source of public concern. The problems flow from five basic circumstances which together have been working to reverse the old balance of power between the Presidency and the press. It is the thesis here that if this balance should tip too far in the direction of the press, our capacity for effective democratic government will be seriously and dangerously weakened.

I

The first of these circumstances has to do with the tradition of "mucking"—the exposure of corruption in government or the collusion of government with private interests—which the American press has seen as a primary mission since the period 1880–1914. It is, in Irving Kristol's words, "a journalistic phenomenon that is indigenous to democracy, with its instinctive suspicion and distrust of all authority in general, and of concentrated political and economic power especially." Few would want to be without the tradition, and it is a young journalistic of poor spirit who does not set out to uncover the machinations of some malefactor of great wealth and his political collaborators.

Yet there is a cost, as Roger Starr suggests in his wistful wish that Lincoln Steffen's *The Shame of the Cities* might be placed on the restricted shelves of the schools of journalism. Steffens has indeed, as Starr declares, continued "to haunt the city rooms of the country's major newspapers." The question to be asked is whether, in the aftermath of Steffens, the cities were better, or merely more ashamed of themselves. Looking back, one is impressed by the energy and capacity for governance of some of the old city machines. Whatever else, it was popular government, of and by men of the people.

One wonders: did the middle- and upper-class reformers destroy the capacity of working-class urban government without replacing it with anything better so that half-a-century later each and all bewail the cities as ungovernable? One next wonders whether something not dissimilar will occur now that the focus of press attention has shifted from City Hall to the White House. (And yet a miracle of American national government is the almost complete absence of monetary corruption at all levels, and most especially at the top.)

The muckraking tradition is well established. Newer, and likely to have far more serious consequences, is the advent of what Lionel Trilling has called the "adversary culture" as a conspicuous element in journalistic practice. The appearance in large numbers of journalists shaped by the attitudes of this culture is the result of a process whereby the profession thought to improve itself by recruiting more and more persons from middle- and upper-class backgrounds and trained at the universities associated with such groups. This is a change but little noted as yet. The stereotype of American newspapers is that of publishers ranging from conservative to reactionary in their political views balanced by reporters ranging from liberal to radical in theirs. One is not certain how accurate the stereotype ever was. One's impression is that twenty years and more ago the preponderance of the "working press" (as it liked to call itself) was surprisingly close in origins and attitudes to working people generally. They were not Ivy Leaguers. They now are or soon will be. Journalism has become, if not an elite profession, a profession attractive to elites. This is noticeably so in Washington where the upper reaches of journalism constitute one of the most important and enduring *social* elites of the city, with all the accoutrements one associates with a leisured class. (The Washington press corps is not leisured at all, but the style is that of men and women who *choose* to work.)

The political consequence of the rising social status of journalism is that the press grows more and more influenced by attitudes genuinely hostile to American society and American government. This trend seems bound to continue into the future. On the record of what they have been writing while in college, the young people now leaving the Harvard *Crimson* and the Columbia *Spectator* for journalistic jobs in Washington will resort to the Steffens style at ever-escalating levels of moral implication. They bring with them the moral absolutism of George Wald's vastly popular address, "A Generation in Search of a Future," that describes the Vietnam war as "the most shameful episode in the whole of American history." Not tragic, not heartbreaking, not vastly misconceived, but *shameful*. From the shame of the cities to the shame of the nation. But nobody ever called Boss Croker any name equivalent in condemnatory weight to the epithet "war criminal."

II

An ironical accompaniment of the muckraking style directed toward the Presidency has been the rise of a notion of the near-ominipotency of the office itself. This notion Thomas E. Cronin describes as the "textbook President." Cronin persuasively argues that in the aftermath of Franklin Roosevelt a view of the Presidency, specifically incorporated in the textbooks of recent decades, was developed which presented seriously "inflated and unrealistic interpretations of Presidential competence and beneficence," and which grievously "overemphasized the policy change and policy accomplishment capabilities" of the office. Cronin cites Anthony Howard, a watchful British commentator:

"For what the nation has been beguiled into believing ever since 1960 is surely the politics of evangelism: the faith that individual men are cast to be messiahs, the conviction that Presidential incantations can be substituted for concrete programs, the belief that what matters is not so much the state of the nation as the inspiration-quotient of its people."

In his own researches among advisers of Kennedy and Johnson, Cronin finds the majority to hold "tempered assessments of Presidential determination of 'public policy.'" Indeed, only 10 per cent would describe the President as having "very great impact" over such matters.

Working in the White House is a chastening experience. But it is the experience of very few persons. Watching the White House, on the other hand, is a mass occupation, concentrated especially among the better-educated, better-off groups. For many the experience is one of infatuation followed much too promptly by disillusion. First, the honeymoon—in Cronin's terms, the "predictable ritual of euphoric inflation." But then "the Camelot of the first few hundred days of all Presidencies fades away. . . . Predictably, by the second year, reports are spread that the President has become isolated from criticism." If this is so, he has only himself to blame when things go wrong. And things do go wrong.

If the muckraking tradition implies a distrust of government, it is nontheless curiously validated by the overly trusting tradition of the "textbook Presidency" which recurrently sets up situations in which the Presidency will be judged as having somehow broken faith. This is not just the experience of a Johnson or a Nixon. Anyone who was in the Kennedy administration in the summer and fall of 1963 would, or ought to, report a pervasive sense that our initiative had been lost, that we would have to get reelected to get going again.

Here, too, there is a curious link between the Presidency and the press. The two most important *Presidential* newspapers are the New York *Times* and the Washington *Post* (though the *Star* would be judged by many to have the best reporting). Both papers reflect a tradition of liberalism that has latterly been shaped and reinforced by the very special type of person who *buys* the paper. (It is well to keep in mind that newspapers are capitalist enterprises which survive by persuading people to buy them.) Theirs is a "disproportionately" well-educated and economically prosperous audience. The geographical areas in which the two papers circulate almost certainly have higher per-capita incomes and higher levels of education than any of comparable size in the nation or the world. More of the buyers of these two papers are likely to come from "liberal" Protestant or Jewish backgrounds than would be turned up by a random sample of the population; they comprise, in fact, what James Q. Wilson calls "the Liberal Audience."[1] Both the working-class Democrats and the conservative Republicans, with exceptions, obviously, have been pretty much driven from office among the constituencies where the *Times* and the *Post* flourish. It would be wrong to ascribe this to the influence of the papers. Causality almost certainly moves both ways. Max Frankel of the *Times*, who may have peers, but certainly no better as a working journalist, argues that a newspaper is surely as much influenced by those who read it as vice versa.

The readers of the New York *Times* and the Washington *Post*, then, are a special type of citizen: not only more affluent and more liberal than the rest of the nation, but inclined also to impose heavy expectations on the Presidency, and not to be amused when those expectations fail to be met. Attached by their own internal traditions to the "textbook Presidency," papers like the *Times* and the *Post* are reinforced in this attachment by the temperamental predilections of the readership whose character they inevitably reflect. Thus they help to set a tone of pervasive dissatisfaction with the performance of the national government. whoever the Presidential incumbent may be and whatever the substance of his policies.

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[1] See his article, "Crime and the Liberal Audience" in COMMENTARY, January 1971.

III

A third circumstance working to upset the old balance of power between the Presidency and the press is the fact that Washington reporters depend heavily on more or less clandestine information from federal bureaucracies which are frequently, and in some cases routinely, antagonistic to Presidential interests.

There is a view of the career civil service as a more or less passive executor of policies made on high. This is quite mistaken. A very great portion of policy ideas "bubble up" from the bureaucracy, and just as importantly, a very considerable portion of the "policy decisions" that go down never come to anything, either because the bureaucrats cannot or will not follow through. (The instances of simple inability are probably much greater than those of outright hostility.) Few modern Presidents have made any impact on the federal bureaucracies save by creating new ones. The bureaucracies are unfamiliar and inaccessible. They are quasi-independent, maintaining, among other things, fairly open relationships with the Congressional committees that enact their statutes and provide their funds. They are usually willing to work with the President, but rarely to the point where their perceived interests are threatened. Typically, these are rather simple territorial interests: not to lose any jurisdiction, and if possible to gain some. But recurrently, issues of genuine political substance are also involved.

At the point where they perceive a threat to those interests, the bureaucracies just as recurrently go to the press. They know the press; the press knows them. Both stay in town as Presidential governments come and go. Both cooperate in bringing to bear the most powerful weapons the bureaucracies yield in their own defense, that of revealing. Presidential plans in advance of their execution. Presidents and their plans are helpless against this technique. I have seen a senior aide to a President, sitting over an early morning cup of coffee, rise and literally punch the front page of the New York *Times*. A major initiative was being carefully mounted. Success depended, to a considerable degree, on surprise. Someone in one of the agencies whose policies were to be reversed got hold of the relevant document and passed it on to the *Times*. Now everyone would know. The mission was aborted. There was *nothing* for the Presidential government to do. No possibility of finding, much less of disciplining, the bureaucrat responsible. For a time, or rather from time to time, President Johnson tried the technique of *not* going ahead with any policy or appointment that was leaked in advance to the press. Soon, however, his aides began to suspect that this was giving the bureaucracy the most powerful weapon of all, namely the power to veto a Presidential decision by learning of it early enough and rushing to the *Times* or the *Post*. (Or, if the issue could be described in thirty seconds, any of the major television networks.)

What we have here is disloyalty to the Presidency. Much of the time what is involved is no more than the self-regard of lower-echelon bureaucrats who are simply flattered into letting the reporter know how much *they* know, or who are just trying to look after their agency. But just as often, to repeat, serious issues of principle are involved. Senator Joseph McCarthy made contact with what he termed "the loyal American underground"—State Department officials, and other such, who reputedly passed on information to him about Communist infiltration of the nation's foreign-policy and security systems. President Johnson made it clear that he did not trust the Department of State to maintain "security" in foreign policy. Under President Nixon the phenomenon has been most evident in domestic areas as OEO warriors struggle among themselves to be the first to disclose the imminent demise of VISTA, or HEW functionaries reluctantly interpret a move to close some fewer hospitals built to accommodate an 18th-century seaport as the first step in a master plan to dismantle public medicine and decimate the ranks of the elderly and disadvantaged.

It is difficult to say whether the absolute level of such disloyalty to the Presidency is rising. One has the impression that it is. No one knows much about the process of "leaking" except in those instances where he himself has been involved. (*Everyone* is sooner or later involved. That should be understood.) The process has not been studied and little is known of it. But few would argue that the amount of clandestine disclosure is decreasing. Such disclosure is now part of the way we run our affairs. It means, among other things, that the press is fairly continuously involved in an activity that is something less than honorable. Repeatedly it benefits from the self-serving acts of government officials who are essentially hostile to the Presidency. This does the Presidency no good, and if an outsider may comment, it does the press no good either. Too much do they traffic in stolen goods, and they know it.

This point must be emphasized. The leaks which appear in the *Post* and the *Times*—other papers get them, but if one wants to influence decisions in Washington these are clearly thought to be the most effective channels—are ostensibly published in the interest of adding to public knowledge of what is going on. This budget is to be cut; that man is to be fired; this bill is to be proposed. However, in the nature of the transaction the press can only publish half the story—that is to say the information that the "leaker" wants to become "public knowledge." What the press *never* does is say who the leaker is and why he wants the story leaked. Yet, more often than not, this is the more important story: that is to say, what policy wins if the one being disclosed loses, what individual, what bureau, and so on.

There really are ethical questions involved here that have not been examined. There are also serious practical questions. It would be my impression that the distress occasioned by leaks has used up too much Presidential energy, at least from the time of Roosevelt. (Old-time braintrusters would assure the Johnson staff that nothing could compare with FDR's distractions on the subject.) The primary fault lies within government itself, and one is at a loss to think of anything that might be done about it. But it is a problem for journalism as well, and an unattended one.

IV

The fourth of the five conditions making for an altered relation between the Presidency and the press is the concept of objectivity with respect to the reporting of events and especially the statements of public figures. Almost the first canon of the great newspapers, and by extension of the television news networks which by and large have taken as their standards those of the best newspapers, is that "the news" will be reported whether or not the reporter or the editor or the publisher likes the news. There is nothing finer in the American newspaper tradition. There is, however, a rub and it comes when a decision has to be made as to whether an event really is news, or simply a happening, a non-event staged for the purpose of getting into the papers or onto the screen.

The record of our best papers is not reassuring here, as a glance at the experience of the Korean and the Vietnam wars will suggest. Beginning a bit before the Korean hostilities broke out, but in the general political period we associate with that war, there was a rise of right-wing extremism, a conspiracy-oriented politics symbolized by the name of Senator Joseph McCarthy, and directed primarily at the institution of the Presidency. There was, to be sure, a populist streak to this movement: Yale and Harvard and the "striped-pants boys" in the State Department were targets too. But to the question, "Who promoted Peress?" there was only one constitutional or—for all practical purposes—political answer, namely that the President did. McCarthy went on asking such questions, or rather making such charges, and the national press, which detested and disbelieved him throughout, went on printing them. The American style of objective journalism made McCarthy. He would not, I think, have gotten anywhere in Great Britain where, because it would have been judged he was lying, the stories would simply not have been printed.

Something not dissimilar has occurred in the course of the Vietnam war, only this time the extremist, conspiracy-oriented politics of protest has been putatively left-wing. Actually both movements are utterly confusing if one depends on European analogues. McCarthy was nominally searching out Communists, but his preferred targets were Eastern patricians, while his supporters were, to an alarming degree, members of the Catholic working class. The Students for a Democratic Society, if that organization may be used as an exemplar, was (at least in its later stages) nominally revolutionist, dedicated to the overthrow of the capitalist-imperialist-fascist regime of the United States. Yet, as Seymour Martin Lipset, Nathan Glazer, and others have shown, its leadership, and perhaps also its constituency, were disproportionately made up of upper-class Jewish and Protestant youth. By report of Steven Kelman, who lived as a contemporary among them at Harvard, the SDS radicals were "undemocratic, manipulative, and self-righteous to the point of snobbery and elitism." Peter Berger, a sociologist active in the peace movement, has demonstrated quite persuasively—what others, particularly persons of European origin like himself have frequently seemed to sense—that despite the leftist ring of the slogans of SDS and kindred groups, their ethos and tactics are classically fascist: the cult of youth, the mystique of the street, the contempt for liberal democracy, and the "totalization of friend and foe [with] the concomitant dehumanization of the latter," as the Nazi use of *"Saujuden"* ("Jewish pigs").

In any case, the accusations which have filled the American air during the period of Vietnam have been no more credible or responsible than those of McCarthy during the Korean period, and the tactics of provocation and physical intimidation have if anything been more disconcerting. Yet the national press, and especially television, have assumed a neutral posture, even at times a sympathetic one, enabling the neo-fascists of the Left to occupy center stage throughout the latter half of the 60's with consequences to American politics that have by no means yet worked themselves out. (It took Sam Brown to point out that one consequence was to make the work of the anti-war movement, of which he has been a principal leader, vastly more difficult.)

Would anyone have it otherwise? Well, yes.

Irving Kristol raised this question in an article that appeared before the New Left had made its presence strongly felt on the national scene, but his views are doubtless even more emphatic by now. He wrote of the "peculiar mindlessness which pervades the practice of journalism in the United States," asserting that the ideal of objectivity too readily becomes an excuse for avoiding judgment. If McCarthy was lying, why print what he said? Or why print it on the front page? If the SDS stages a confrontation over a trumped-up issue, why oblige it by taking the whole episode at face value? Here, let it be said, the editorials of the *Times* and the *Post* have consistently served as a thoughtful corrective to the impressions inescapably conveyed by the news columns. But the blunt fact is that just as the news columns were open to astonishingly false assertions about the nature of the American national government during the McCarthy period, they have been open to equally false assertions—mirror images of McCarthyism indeed—during the period of Vietnam. And although it is impossible to prove, one gets the feeling that the slanderous irresponsibilities now being reported so dutifully are treated with far more respect than the old.

The matter of a policy of "genocide" pursued by the national government against the Black Panthers is a good example. By late 1969, preparing a preface to a second edition of *Beyond the Melting Pot*, Nathan Glazer and I could insist that the charge that twenty-eight Panthers had been murdered by the police was on the face of it simply untrue. Yet in that mindless way of which Kristol writes, the *Times* kept reprinting it. Edward Jay Epstein has brilliantly explained the matter in a recent article in the *New Yorker*. What he finds is an immense fraud. No such policy existed. There was no conspiracy between the Department of Justice, the FBI, and various local police forces to wipe out the Panthers. Yet that fraudulent charge has so profoundly affected the thinking of the academic and liberal communities that they will probably not even now be able to see the extent to which they were deceived. The hurt that has been done to blacks is probably in its way even greater. None of it could have happened without the particular mind-set of the national press.

If the press is to deserve our good opinion, it must do better in such matters. And it should keep in mind that the motivation of editors and reporters is not always simply and purely shaped by a devotion to objectivity. In the course of the McCarthy era James Reston recalled the ancient adage which translated from the Erse proposes that "If you want an audience, start a fight." This is true of anyone who would find an audience for his views, or simply for himself. It is true also of anyone who would find customers for the late city edition. T. S. Matthews, sometime editor of *Time*, retired to England to ponder the meaning of it all. In the end, all he could conclude was that the function of journalism was entertainment. If it is to be more—and that surely is what the Rosenthals and Bradlees and Grunwalds and Elliotts want—it will have to be willing on occasion to forgo the entertainment value of a fascinating but untruthful charge. It will, in short, have to help limit the rewards which attend this posture in American politics.

V

The final, and by far the most important, circumstance of American journalism relevant to this discussion is the absence of a professional tradition of self-correction. The mark of any developed profession is the practice of correcting mistakes, by whomsoever they are made. This practice is of course the great invention of Western science. Ideally, it requires an epistemology which is shared by all respected members of the profession, so that when a mistake is discovered it can be established as a mistake to the satisfaction of the entire professional community. Ideally, also, no discredit is involved: to the contrary, honest mistakes are integral to the process of advancing the field. Journalism will never attain to any such condition. Nevertheless, there is a range of subject matter about which reasonable men can and will agree, and within this range American journalism, even of the higher order, is often seriously wide of the mark. Again Irving Kristol:

"It is a staple of conversation among those who have ever been involved in a public activity that when they read the *Times* the next morning, they will discover that it has almost never got the story quite right and has only too frequently got it quite wrong."

Similar testimony has come from an editor of the New York *Times* itself. In an article published some years ago in the Sunday *Times Magazine*, A. H. Raskin had this to say:

"No week passes without someone prominent in politics, industry, labor or civic affairs complaining to me, always in virtually identical terms: 'Whenever I read a story about something in which I really know what's going on, I'm astonished at how little of what is important gets into the papers—and how often even that little is wrong.' The most upsetting thing about these complaints is the frequency with which they come from scientists, economists and other academicians temporarily involved in government policy but without any proprietary concern about who runs the White House or City Hall." [2]

This is so, and in part it is unavoidable. Too much happens too quickly: that the *Times* or the *Post* or the *Star* should appear once a day is a miracle. (Actually they appear three or four times a day in different editions.) But surely when mistakes are made they ought to be corrected. Sometimes they are, but not nearly enough. It is in this respect that Kristol is right in calling journalism "the underdeveloped profession."

Assertions that the press has a flawed sense of objectivity, or that it enjoys too cozy a relationship with the civil service, are not easily proved or disproved. But to say that mistakes are repeatedly made and not corrected is to say something which ought to be backed up with specific instances. Let me, then, offer two, taken from stories which appeared in the New York *Times* during the second half of 1970. (I was serving in the White House at the time, though I was not directly involved in any of the matters to be described.)

The first of my two examples is a long article which appeared in the *Times* on Sunday, November 15, 1970 under the headline, "Blacks Seek Tougher Equality Standards for Federal Hiring and Promotion." This story was not hostile to the administration; rather the contrary. It noted that the President had earlier signed an executive order requiring each department and agency to maintain an "affirmative" equal-opportunity program, and that the number of blacks in the top grades of the civil service had gone up almost by half under the "low-key approach of the Nixon Administration." The number of black lawyers in the Justice Department had declined somewhat. There were said to have been 61 (out of a total of 1,900 to 2,000) under the Democrats. This figure had dropped under the Republicans to 45, but it also appeared that the difference was to be made up by new recruits. In the meantime the Department of Transportation was promulgating new rules, the Bureau of Prisons had eliminated the written test for correction officers, and similar activity aimed at increasing the number of blacks in the higher levels of the federal government was to be encountered elsewhere. All this, however, was going on in the context of a federal employment system whose patterns of practice were lamentably at odds with its profession of being an "equal-opportunity employer," to use the federal phrase. In the words of the *Times* story:

"The most recent figures show 137,919 blacks among the 1,289,114 Government employees covered by Civil Service regulations. That is about 10.7 per cent, less than the black proportion of the population, estimated in the 1970 census as 12.9 per cent."

The story went on to note that a number of black activists doubted that the federal government ever had been an equal-opportunity employer. One was particularly skeptical of executive orders: "This friendly persuasion thing has never worked in the history of our Government." Next came the question of quotas:

"Although little support for a formal quota system is evident, there is a widely held belief that Presidential statements of policy should be supplemented by more detailed instructions as to how the policies should be implemented."

There is little to take exception to in the foregoing. The official census figures for 1970 show blacks to be 12.4 per cent of the population, not 12.9 per cent, but newspapers routinely make such mistakes. It should also have been pointed out that blacks constitute only 10.9 per cent of the civilian noninstitutional population of sixteen years of age or older, which is to say the population available for employment. In that sense, even accepting the figures used by the *Times*, blacks might be seen as having almost exactly "their" proportion of government employment, although an inadequate number of top positions.

The difficulty in this instance lies not with what was in the story, but what was not. What was not in the story was the fact that the category of federal worker—"General Schedule"—of which Negroes do indeed comprise 10.7 per cent is only one of three categories. In the other two categories of federal employee, the Postal Service and Wage System employees, Negroes made up 19.5 per cent and 19.7 per cent respectively. In rough terms, federal jobs are about equally divided among the three categories.[3] Small wonder, then, that the *Times* reported an absence of much discussion about establishing racial quotas for federal employment. Altogether, blacks have more than 15 per cent of federal jobs. If quotas were established according to the black proportion of the adult population, almost a third of black federal employees would have to be fired!

What all this comes to is that the very considerable achievement of blacks in qualifying for federal jobs, and getting them far in excess of their proportion in the work force is in effect concealed and a legitimate source of black pride thereby denied. So too we are denied a legitimate sense of national progress in combating discrimination. And thus we are fed the tendentious allegations of those who wish to discredit the American "system" as inherently and irrevocably racist.

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[2] It should not, of course, be supposed that people inside government "know" what happens. The *Rashomon* effect is universal. It is, moreover, not uncommon for men in government to be doing something quite different from what they think or intend. In such cases, the more accurate the press reporting, the more baffled or enraged the officials will be. Still, the judgment Raskin reports is near universal.

[3] These are, by the way, good jobs. In 1970, mean annual earnings of year-round full-time workers in the economy as a whole were $8,496. The average earnings of General Schedule federal employees in that year were $11,058; of Postal employees, $8,770; and of Wage System employees, $8,159. Washington, D.C. has a much higher per capita income than any state in the union for the reason that it has so many federal employees.

With respect to the role of the *Times* reporter, it must be said that it is simply not possible for him to have gotten the data on Classified Service employment from the Civil Service Commission releases on the subject without knowing that this is but one of three categories of employment, and that in the other categories blacks do exceptionally well. The truth would have made things look better than the reporter wished them to look. One fears it is as simple as that.

The second instance is rather more complicated. On September 14, 1970 a front-page story was published in the *Times* under the headline, "Negro College Heads Say Nixon Ignores Their Plight." The lead paragraph declared: "The presidents of nine financially troubled Negro colleges accused the Nixon Administration today of intensifying racial tensions by failing to support black education." The presidents felt that massive grants were needed and one was reported as saying that "It's five minutes before doomsday in this country." Dr. Vivian Henderson, president of Clark College in Atlanta, was reported as notably disturbed, asserting that "the Nixon Administration's utter lack of sensitivity on this point, purposeful or otherwise, is feeding the flames that already roar in the hearts of many black students."

All this seemed routine enough. From the onset of mass urban rioting in the mid-1960's all manner of requests for federal funds have been backed up by not especially subtle threats of violence. Nor was it unfamiliar to learn a few weeks later that the tactic had worked. On October 2, the front page of the *Times* carried a story from the Associated Press which began: "The Nixon Administration responded to complaints that it is insensitive to Negro education by announcing today a 30 per cent increase in Federal aid for predominantly black colleges." The next paragraph explained: "The Secretary of Health, Education and Welfare, Elliot L. Richardson, said in a statement the $30 million increase was ordered by President Nixon after he heard appeals from Negro educators."

The story bumped around in the press for the next few months, culminating in a way on January 3, 1971 when another *Times* story reported that the Negro colleges were not finding it possible to draw on all of the additional $30 million. Some college presidents were reportedly angry to have learned that the law provides for a 30-per-cent matching requirement for construction aid, which made up $20 million of the additional $30 million. But the basic theme of the *Times's* coverage of this episode remained the same. The January 3 story began: "For two years Negro colleges called on the Nixon Administration for substantial financial help. Last September, the Administration responded, releasing $30 million for use by the schools." There are problems of detail here. The Nixon administration had not been in office for two years in September 1969; the first *Times* report of an appeal appeared (as best I can determine) that very month, and the response came a month later, in October. Be that as it may, the January 3 story declared: "Black educators have severely criticized President Nixon for allegedly ignoring the plight of their schools. The educators charged that black schools have not shared in the money and grants that go out to American educational institutions."

To repeat, a familiar theme. The way to get something out of the federal government is to blast it out. Left to itself government would never have given these financially weak institutions a break. If you want action—especially if you are black—raise hell. Right? Wrong.

At least wrong in this instance. The true sequence of events which made up this story was turned literally upside down by the *Times*. The initiative to aid black colleges had been voluntarily taken by the administration a year before the *Times* got on to the issue. The increased support was announced months before the *Times* reported it. Far from having denounced the administration, the black college presidents had been praising it. And, for good measure, far from getting less than their share of federal aid, the black colleges had all along been getting rather more.

There are 124 "predominantly black colleges" in America, most of them small, and most in the South. They enroll somewhat more than 2 per cent of the college population, but this includes more than half of all black undergraduates.[4] They live with many difficulties, of which the most important—as is true of almost all colleges, large and small—is money. In 1969, they organized themselves as the National Association for Equal Opportunity in Higher Education and set out, as well they might, to get more federal funds. On October 23, 1969 a meeting on this subject was held in the Executive Office Building presided over by Robert J. Brown, a Special Assistant to the President, who as a Southern Negro was much interested in the problems of the predominantly black colleges.

As a result of this meeting the Federal Interagency Committee on Education (FICE) was directed to find out what was already being done for these colleges by the considerable array of federal agencies involved in supporting education and what plans existed for the future. A preliminary report was sent to the White House in February 1970, and in June a 45-page document entitled "Federal Agencies and Black Colleges" was printed. It was a good report, full of information concerning what was being done and of recommendations for doing more. (One does not commission such reports with the expectation of being advised to do less.)

In the meantime, on May 25, 1970, the President had met with a group of black college presidents, apparently the first such meeting ever to be held. In the aftermath of the Cambodian invasion Dr. James Cheek, president of Howard University, which is basically a federal institution, served temporarily in the White House as an associate of Chancellor Alexander Heard. During that time he made recommendations directly to the President on the subject of the black colleges. Much attention, then, was being given to this matter in the White House.

On July 23, 1970, a White House press conference was held by Brown and Robert Finch, formerly Secretary of HEW, now Counsellor to the President. The main purpose of the occasion was to release a statement by Heard on the completion of his advisory work on campus unrest. Obviously seeking to strike a positive note about the Heard-Cheek effort, the two White House men also brought up the subject of black colleges. The FICE report was given to the press, and Finch announced that on departing Dr. Cheek had filed a "separate document" on this "very unique" problem. He continued: "That just came in today. The President read it today. The President asked him to write such a report, and I am authorized to say, after discussing it with the President, that in HEW . . . we are going to increase [aid] . . . from $80 million to $100 million." Finch's numbers were somewhat garbled. HEW aid to black colleges at the time was $96 million for the fiscal year. The additional sum now being reallocated was between $29 million and $30 million. In any event, the *Times* report of the press conference did not mention this subject.

On July 31, Dr. Herman R. Branson, president of Central State University in Wilberforce, Ohio, and the new head of the National Association for Equal Opportunity in Higher Education, wrote the President expressing appreciation for his move. On August 10 the President replied:

"The present financial plight of many of our small and the overwhelming majority of our black colleges clearly demonstrates to me that the Federal Government must strengthen its role in support of these institutions.

"I have committed this Administration to the vigorous support of equal educational opportunity. At the same time, we are encouraging excellence in all of our institutions of higher education."[5]

In a release dated August 11, 1970, the National Association for Equal Opportunity in Higher Education formally responded to the administration's move. In the accepted and understood manner of interest groups, the Association expressed gratitude for what it had got, but assured the government that it was not, of course, enough. On the other hand, it was confident that more would be forthcoming:

"We do not view this excellent first step as adequate to all our needs but rather as a model of what all agencies can do. . . . With the forthright statement of the President in his letter to Dr. Branson, we are very much encouraged and heartened about the future."

The *Times* reported nothing of this statement, as it had reported nothing of the original announcement from the White House that an extra $30 million or so was being made available to black colleges. White House announcements, Presidential letters, Washington press conferences—all were ignored. The subject was not dealt with at all until the following month when, as noted earlier, a story depicted the black college presidents as denouncing the administration's "utter lack of sensitivity" on this matter. *This* story made the front page.

The day after it appeared Dr. Vivian Henderson, of Clark College in Atlanta, to whom the remark about "utter lack of sensitivity" had been attributed, sent the following unequivocal denial to the *Times*:

"I am deeply disturbed by the inaccurate reporting of the conference of Presidents of Negro Colleges that appeared in the September 14 issue of the New York *Times*. The following statement is attributed to me: "Instead the Nixon Administration's utter lack of sensitivity on this point, purposeful or otherwise, is feeding the flames that already roar in the hearts of many black students." This is a gross error and misrepresentation of what actually went on at the meeting. To be sure, we were concerned with the limited response of President Nixon to our problems. The fact is, however, that President Nixon has responded. He has not been silent with regard to concerns expressed by the Presidents in the meeting with him last May. Since the meeting with Mr. Nixon, about $27 million additional funds have been made available to black colleges. It would be unfair on our part not to recognize this response, limited though it is.

"I did not make the statement your reporter attributes to me. I do not recall such a statement being made during the course of the conference. . . ."

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[4] In 1969 there were 171,339 students in black colleges, or 2.14 per cent of the national junior- and senior-college gross enrollment. Problems of definition complicate the statistics.

[5] The President was referring to his message to Congress on Higher Education of March 1970, which proposed a system of student aid by which the federal government would concentrate assistance on low-income students. A proposal to establish a National Foundation for Higher Education specifically referred to the problems of black colleges.

The *Times* did not print this letter. Instead it went on to repeat the theme of the original story and gradually to establish it elsewhere as truth. In the end a small bit of history had been rewritten: even the wire services followed the *Times's* version. *No one intended this.* That should be clear. It is simply that the journalistic system preferred a confrontation-capitulation model of events and there was no internal corrective procedure to alert the editors to the mistakes being made.

There are true social costs in all this. For one thing, a paper like the *Times* is a prime medium for internal communication within the government itself. Any Washington official following this story in the *Times* would have had to assume that the administration's attitude toward black colleges was just about opposite to what in fact it was. Such a reversal of signals can have serious consequences. Similarly there are consequences to the principals involved, in this case the college presidents who had been acting with skill and discipline and reasonable success (most notably in having gained access: within hours of the appearance of the first *Times* story a black college president was in the White House seeking reassurance that the $27-30 million had not been jeopardized) but who found themselves represented as stereotypical confrontationists. Everyone in a sense lost because the *Times* got the story wrong.

VI

In the wake of so lengthy an analysis, what is there to prescribe? Little. Indeed, to prescribe much would be to miss the intent of the analysis. I have been hoping to make two points—the first explicitly, the second largely by implication. The first is that a convergence of journalistic tradition with evolving cultural patterns has placed the national government at a kind of operating disadvantage. It is hard for government to succeed: this theme echoes from every capital of the democratic world. In the United States it is hard for government to succeed and just as hard for government to appear to have succeeded when indeed it has done so. This situation can be said to have begun in the muckraking era with respect to urban government; it is now very much the case with respect to national government, as reflected in the "national press" which primarily includes the New York *Times*, the Washington *Post, Time, Newsweek,* and a number of other journals.

There is nothing the matter with investigative reporting; there ought to be more. The press can be maddeningly complacent about real social problems for which actual counter-measures, even solutions, exist. (I spent a decade, 1955-65, trying to obtain some press coverage of the problem of motor vehicle design, utterly without avail. The press, from the most prestigious journals on down, would print nothing but the pap handed out by the automobile companies and wholly-owned subsidaries such as the National Safety Council.) The issue is not of serious inquiry, but of an almost reckless hostility to power.

The second point is that this may not be good for us. American government will only rarely and intermittently be run by persons drawn from the circles of those who own and edit and write for the national press; no government will ever have this circle as its political base. Hence the conditions are present for a protracted conflict in which the national government keeps losing. This might once have been a matter of little consequence or interest. It is, I believe, no longer such, for it now takes place within the context of what Nathan Glazer has so recently described in these pages[6] as an "assault on the reputation of America . . . which has already succeeded in reducing this country, in the eyes of many American intellectuals, to outlaw status. . . ." In other words, it is no longer a matter of this or that administration; it is becoming a matter of national morale, of a "loss of confidence and nerve," some of whose possible consequences, as Glazer indicates, are not pleasant to contemplate.

Some will argue that in the absence of a parliamentary question-time only the press can keep the Presidency honest. Here we get much talk about Presidential press conferences and such. This is a serious point, but I would argue that the analogy does not hold. Questions are put in Parliament primarily by members of an opposition party hoping to replace the one in office. Incompetent questions damage those chances; irresponsible questions damage the office. Indeed, British politicians have been known to compare the press lords to ladies of the street, seeking "power without responsibility." It would, of course' be better all around if Congress were more alert. Thus the *Times* has reported that the GNP estimate in the 1971 Budget Message was not that of the Council of Economic Advisors, but rather a higher figure dictated by the White House for political purposes. This is a profoundly serious charge. Someone has a lot to explain. It could be the administration; it could be the *Times.* Congress should find out.

Obviously the press of a free country is never going to be and never should be celebratory. Obviously government at all levels needs and will continue to get criticism and some of it will inevitably be harsh or destructive, often enough justifiably so. Obviously we will get more bad news than good. Indeed the content of the newspapers is far and away the best quick test of the political structure of a society. Take a morning plane from Delhi to Karachi. One leaves with a sheaf of poorly-printed Indian papers filled with bad news; one arrives to find a small number of nicely-printed Pakistani papers filled with good news. One has left a democracy and has entered a country that is something less than a democracy.

Nonetheless there remains the question of balance. Does not an imbalance arise when the press becomes a too-willing outlet for mindless paranoia of the Joseph McCarthy or New Left variety? Does it not arise when the press becomes too self-satisfied to report its own mistakes with as much enterprise as it reports the mistakes of others?

Norman E. Isaacs, a working journalist, has written thoughtfully about the possibility of establishing a "national press council." This, in effect, was proposed by Robert M. Hutchins's Commission on Freedom of the Press in 1947: "A new and independent agency to appraise and report annually upon the performance of the press." There are press councils in other democratic countries which hear complaints, hand down verdicts, and even, as in Sweden, impose symbolic fines. There is a case to be made here, but I would argue that to set up such a council in this country at this time would be just the wrong thing to do. There is a statist quality about many of the press councils abroad: often as not they appear to have been set up to ward off direct government regulation. Freedom of the press is a constitutional guarantee in the United States: how that freedom is exercised should remain a matter for the professional standards of those who exercise it. Here, however, there really is room for improvement. First in the simple matter of competence. The very responsibility of the national press in seeking to deal with complex issues produces a kind of irresponsibility. The reporters aren't up to it. They get it wrong. It would be astonishing were it otherwise.

Further, there needs to be much more awareness of the quite narrow social and intellectual perspective within which the national press so often moves. There are no absolutes here; hardly any facts. But there *is* a condition that grows more not less pronounced. The national press is hardly a "value-free" institution. It very much reflects the judgment of owners and editors and reporters as to what is good and bad about the country and what can be done to make things better. It might be hoped that such persons would give more thought to just how such elitist criticism is good for a democracy. Is this a shocking idea? I think not. I would imagine that anyone who has read Peter Gay or Walter Laqueur on the history of the Weimar Republic would agree that there are dangers to democracy in an excess of elitist attack. A variant of the Jacksonian principle of democratic government is involved here.

Whether or not ordinary men are capable of carrying out any governmental task whatsoever, ordinary men are going to be given such tasks. That is what it means to be a democracy. We had best not get our expectations too far out of line with what is likely to happen, and we had best not fall into the habit of measuring all performance by the often quite special tastes, preferences, and interests of a particular intellectual and social elite. (Perhaps most importantly, we must be supersensitive to the idea that if things are not working out well it is because this particular elite is not in charge. Consider the course of events that led to the war in Indochina.)

As to the press itself, one thing seems clear. It should become much more open about acknowledging mistakes. The *Times* should have printed Dr. Henderson's letter. Doubtless the bane of any editor is the howling of politicians and other public figures claiming to have been misquoted. But often they *are* misquoted. At the very least, should not more space be allotted to rebuttals and exchanges in which the issue at hand is how the press performed?

Another possibility is for each newspaper to keep a critical eye on itself. In the article previously cited which he did for the Sunday *Times Magazine,* A. H. Raskin called for "a Department of Internal Criticism" in every paper "to put all its standards under reexamination and to serve as a public protection in its day-to-day operations." The *Times* itself has yet to establish such a department but the Washington *Post* has recently set a welcome example here by inaugurating a regular editorial-page feature by Richard Harwood entitled "The News Business." Harwood's business is to check up on what his paper runs, and he is finding a good deal to check up on. (To all editors: *Please* understand there is nothing wrong with this. It is a routine experience of even the most advanced sciences. Perhaps especially of such.) Harwood has made a useful distinction between mistakes of detail—the ordinary garbles and slips of a fast-moving enterprise—and mistakes of judgment about the nature of events:

"The mistakes that are more difficult to fix are those that arise out of our selection and definition of the news. Often we are unaware of error until much time has passed and much damage has been done.

"In retrospect, it seems obvious that the destructive phenomenon called "McCarthyism"—the search in the 1950's for witches, scapegoats, traitors—was a product of this kind of error. Joseph McCarthy, an obscure and mediocre senator from Wisconsin, was transformed into the Grand Inquisitor by publicity. And there was no way later for the newspapers of America to repair that damage, to say on the morning after: 'We regret the error.' "

Which will turn out "in retrospect" to seem the obvious errors of the 1960's? There were many, but they are past. The question now is what might be the errors of the 1970's, and whether some can be avoided. One Richard Harwood does not a professional upheaval make, but he marks a profoundly important beginning. All major journals should have such a man in a senior post, and very likely he should have a staff of reporters to help him cover "the news business."

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[6] "The Role of the Intellectuals," February 1971.

As for government itself, there is not much to be done, but there is something. It is perfectly clear that the press will not be intimidated. Specific efforts like President Kennedy's to get David Halberstam removed as a *Times* correspondent in Vietnam almost always fail, as they deserve to do.[7] Nonspecific charges such as those leveled by Vice President Agnew get nowhere either. They come down to an avowal of dislike, which is returned in more than ample measure, with the added charge that in criticizing the press the government may be trying to intimidate it, which is unconstitutional.

What government can do and should do is respond in specific terms to what it believes to be misstatements or mistaken emphases; it should address these responses to specific stories in specific papers and it should expect that these will be printed (with whatever retort the journal concerned wishes to make). Misrepresentations of government performance must never be allowed to go unchallenged. The notion of a "one-day story," and the consoling idea that yesterday's papers are used to wrap fish, are pernicious and wrong. Misinformation gets into the bloodstream and has consequences.

The *Times* ought by now to have had a letter from the Chairman of the Civil Service Commission pointing out the mistakes in the November 15 story on minority employment, and the even more important omissions. If the first letter was ignored, he should have sent another. Similarly the *Times* ought long since have had a letter from an HEW official exposing the errors of its coverage of federal aid to black colleges. Failing that, someone should have called in the education writers of the *Times* and asked why they let other men misreport their beat. Etc. Hamilton's formulation has not been bettered: the measure of effective government is energy in the executive.

In the end, however, the issue is not one of politics but of cloture. The culture of disparagement that has been so much in evidence of late, that has attained such an astonishing grip on the children of the rich and the mighty, and that has exerted an increasing influence on the tone of the national press in its dealings with the national government, is bad news for democracy. Some while ago the late Richard Hofstadter foresaw what has been happening:

"Perhaps we are really confronted with two cultures (not Snow's), whose spheres are increasingly independent and more likely to be conflicting than to be benignly convergent: a massive adversary culture on the one side, and the realm of socially responsible criticism on the other."

But given what has been happening to the press in recent years and what is likely to go on being the case if current trends should continue on their present path, where is such "socially responsible criticism" to come from? Or rather, where is it to appear in a manner that will inform and influence the course of public decision-making?

[From Commentary Magazine, July 1971]

LETTERS FROM READERS: THE PRESS AND THE PRESIDENT

TO THE EDITOR OF COMMENTARY:

Daniel P. Moynihan was most kind and generous in his reference to me in "The Presidency & the Press" [March]. But the more I studied the article, the more troubled I became by his rather sweeping and unpleasant generalizations. And the more I studied his particular complaints against the New York *Times*, the more I found him to be confusing a most serious and difficult problem with trivial, inadequate, and basically unfair criticism. My first impulse was to ignore him—benignly.

But others found the specific charges against the *Times*'s performance to be so serious that they required either public confession or rebuttal. This led to a most wasteful examination of the more frivolous aspects of the indictment. If, in what follows, the more substantial parts of Mr. Moynihan's essay are not treated as fully as I would like, we at least share the blame.

First, about the two horror stories from the *Times*.

The story on November 15, 1970, about blacks seeking tougher equality standards in the Civil Service, was by no fair standard a crusade for the blacks, an attack on the Nixon administration, a campaign for racial quotas or for anything else. As Mr. Moynihan himself noted, the story was in fact friendly to the administration. It recorded the blacks' complaints about jobs and promotion to senior jobs "under either party." It said that few critics of hiring and promotion practices would have the government establish formal racial quotas and found most of them acknowledging that movement, although slow, is occurring under the present system. If that was the work of a reporter who wished to make things look worse than they are, as the article suggested, then I am naive and Mr. Moynihan is clairvoyant.

The only concrete complaint here was that our reporter did not choose to write about something she was not writing about—the Postal Service and non-Civil Service categories of federal employment. Adding those statistics, it is argued, would have shown blacks occupying a relatively larger share of all government jobs. I believe they also should have shown blacks getting a still smaller share of senior and supervisory positions. To pick that fault in one sentence of a long and commendably judicious article suggests to me that Mr. Moynihan wants not only reasonably sophisticated renderings of a situation but positive help in defeating all complaints from blacks, militant or otherwise. If we erred at all, it was in accepting the employment figures of several departments that we now have reason to believe exaggerated the status of blacks. (The further petty complaint that our reporter had the black population "estimated in the 1970 census as 12.9 per cent"—whereas Mr. Moynihan knew the "official census figures" to have shown 12.4 per cent—deserves a petty answer: both numbers are wrong, but at least our reporter properly labeled hers as an estimate. The "official" figure, when finally produced, was 11.2 per cent. In Mr. Moynihan's language, this would justify the scoffing remark that nagging academicians "routinely make such mistakes.")

In any case, I fail to understand what place this story and critique has in what attempts to be a serious and broadly philosophical discussion of journalism. It proves nothing about our business, good or bad, not even that our reporters are more vulnerable to one type of propaganda and statistical juggling than another. Ideally, of course, every such story is not a matching of claims and complaints, charges and responses, but a scientific and independent analysis of a question. It could be argued that we should never report either what critics say or what defenders retort, but only what we ourselves have established to our own satisfaction as irrefutably true, not only in fact but in spirit. We would have a very thin newspaper; perhaps none at all.

The second complaint about the *Times* is more complicated and points to some interesting sins of commission and omission both at the *Times* and in the administration. Overall, I will let others decide which are the more serious.

The criticisms, in chronological order:

(1) That we did not report the "somewhat garbled" numbers Robert Finch disclosed on July 23, 1970 at the briefing on the Heard report, about some additional aid for black colleges.

(2) That we did not carry the press release dated August 11, 1970, in which the National Association for Equal Opportunity in Higher Education welcomed this "excellent first step," termed it not adequate, but looked hopefully for more in the future.

(3) That on September 14, 1970 we *did* carry and feature on page one a story about the presidents of nine Negro colleges charging the administration with neglect and insensitivity.

(4) That we did not print a letter from one of the above presidents complaining that he had been misquoted in the "lack of sensitivity" remark, commending the President for responding with $27 million in additional funds, and describing that response as "limited."

(5) That we carried another front-page story from the Associated Press on October 2, 1970, reporting that HEW Secretary Elliott Richardson disclosed a $30-million increase in aid as Nixon's response to appeals from Negro educators.

(6) That we again referred to the blacks' complaints and criticism of the President in a story on January 3, 1971, reporting their inability to draw on much of the new aid because they could not meet the matching requirement.

In order:

(1) Bob Semple's superb story on the Heard report did not include the sneaky and "garbled" announcement of some new aid for black colleges, even though it dealt with the report's discussion of black colleges by Alexander Heard and James Cheek. Why not? Semple does not know. He suspects that when the 40-page Heard report was dumped on reporters at 4:30 that afternoon, he felt compelled to delve into it so quickly that he either ran off to the office or sat through the briefing without really listening to the addenda.

Let us be very straight here about the order and magnitude of sins. The Heard report was not to the liking of the administration and it was shoveled out late one afternoon to complicate the life of any reporter who might wish to deal with it in a big or careful way. As Mr. Moynihan remarks, the news about some new money for black colleges was thrown in "to strike a positive note about the Heard-Cheek effort"; or, as I would have put it, thrown in to undermine even further the attention that might be given to Heard's major conclusions. It was thrown in hastily and sloppily, *not* for the purpose of informing the public in a careful way but to serve the propaganda purposes of the White House. And the figures given out were not "somewhat garbled." They were wrong.

I can regret Semple's oversight without in the slightest faulting him.

Had Mr. Moynihan chosen to list his complaints against us in a straightforward chronological order, *the entire episode*, and all the stories that troubled him would have been seen to follow from this very cheap stunt. (In truth, I did not expect, in looking into his complaints, to find such a good example of the reasons for our mistrust of government, and of the White House in particular.)

But let us also tally up our mutual sins of omission.

I can find no evidence that Ziegler, or Finch, or anyone else at that meeting set out the next morning to call our attention to the fact that we had missed what the White House regarded as an important story. Indeed, *I find no evidence that anyone apolo-*

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[7] See Halberstam's account of the incident in "Getting, the Story in Vietnam," COMMENTARY, January 1965.

gized for issuing the wrong figures or tried to set the record straight. (The wrong Finch figures remain wrong in the weekly compilation of Presidential documents.) What a lovely opportunity to summon the reporters and apologize for misleading them, cheering the good fortune that they had overlooked the garbled announcement, and inviting them to treat it fully and accurately on the second bounce! Should I conclude that hardly anyone gave a damn now that there was no longer any need to deflate Heard?

If the White House felt it important to get the story into print, it surely did not lack the means or know-how.

Later that year, in ignoring Heard's very explicit advice and setting out to make political capital of campus disturbances, the President and his aides showed themselves to be very skillful indeed in getting their message across. And when two stones were thrown in the direction of the President's car in Vermont—out of sight of most of the reporters in his party—Ziegler and Company showed extraordinary zeal and imagination in making certain that the news reached the nation, over and over again. My point is—and it relates to the essay's larger question about the balance of forces between press and government—that a President demonstrably has no difficulty publicizing any news or attitudes about which he feels strongly.

(2) I do not know anything about the press release of August 11, 1970, except Mr. Moynihan's brief quotation from it. In a sense, I am glad we did not encounter it, for the chances are fifty-fifty that a story about the reaction of the black educators would have combined their expression of gratitude with their complaints of inadequacy, and only deepened Mr. Moynihan's anger.

He may feel free to run down the group's motives by suggesting that their verdict of insufficiency was delivered not from the facts but from "the accepted and understood manner of interest groups." But we usually feel compelled to stop short of such a public judgment. (Should we have reported the famous Moynihan farewell address as a statement "in the manner of departing White House officials who want to retain some influence with the boss"? I thought it more than that, but others clearly did not.)

Anyhow, two days before the distribution of that press release, on August 9, 1970, the *Times* devoted one-and-a-half columns, which were featured with a picture on page one, to an interview with Robert Brown, the only black aide on the White House staff. The story, by Paul Delaney, covered Brown's review of the full range of Mr. Nixon's relations with blacks. Brown said things were getting better, both because the President had become "much more sensitive" to the problems of blacks and because he had decided to do something about it. Brown said Mr. Nixon was especially stung by some of the harshest charges of Negro leaders. (He was, as portrayed by his aide, *responding!*)

And lo, the last third of the story dwelt on the President's "immediate concern" for getting more federal money for black colleges. And at the very end of the story—appropriately for the kind of story it was, though not the kind of headline announcement the White House could have fashioned—was the news that the Department of Health, Education and Welfare had increased the allocation for black schools. The figures were there, though still not clearly enough, because it was a little hard to tell whether the administration was redirecting $120 million in *new* aid or merely redirecting some money to raise the total from $87.2 million to $120 million. But the ambiguity was in the administration's favor, and as far as I can tell we still did not receive a clarifying call from the White House.

Nor have we had any complaints about our willingness to feature Mr. Brown's representation of Presidential attitudes about blacks. His account was not "balanced" in every other paragraph with demands for courtroom evidence, nor with recollections of the Carswell episode and other relevant clues to policy. It was not a definitive study of Nixon-Negro relations. The only detours from Brown's comments, after he talked of "more and more" meetings with blacks, were to cite the case of the rebuffed black Congressmen and to record the President's two visits to black communities. All in all, a very one-sided account that neither brought nor merited any complaint.

It *might* have had a small mention, however, in Mr. Moynihan's review of our coverage last summer, though I suspect it would have virtually exploded his whole argument with us. Here we were doing for his side of the case exactly what he deplored our having done for the other side.

(3) The story about the charges by nine presidents of Negro colleges, by James Wooten from Chicago, was by all accounts a fair and accurate rendering of the mood and substance of their meeting. I gather Mr. Moynihan does not dispute this. They were complaining about the federal government, about the churches, about American society, about the inadequacy of financial help, and about the inappropriateness of the help that was available. They used strong language. If they had mentioned the increased aid offered them by the administration, they would clearly have denounced it as inadequate and in no way erased the effect of the story. I do not know how much of their rhetoric came from a feeling of genuine despair and how much was meant merely to earn credentials among more militant constituents. I would guess that both motives were involved.

The fact that they chose to speak in that fashion, justifiably or not, is legitimate news. At least as legitimate as the Brown interview. News, as treated in our society, is not the same as *truth*, though it should always be *true*. The truth is cumulative and rarely discernible on any given day; it embraces motivation and consequence. Newspapers should cumulatively test the news for truth, but they cannot reasonably do so every day and with every story. We are, alas, a forum, not an almanac.

We could argue whether the Wooten story deserved to be on page one. Perhaps not, although this raises a still further question of distortions due to the *relative* value of any day's developments. These are all profound and difficult questions that our craft must face, and in some cases is facing most seriously.

But when all is said and done we must make value judgments. Mr. Moynihan's logic propels him to the claim that a black man yelling "help" in America today should be treated journalistically as we all now wish we had treated a demagogic Senator yelling "traitor." He is saying that his every assertion should be drained of its emotional purpose and forced to meet the standards of courtroom evidence, or else be played down or even ignored.

Philosophically and politically, he is wrong. A pressure group for neglected citizens, even when it demands exaggerated attention and reparation, is not the same as an organized and officially protected goon-squad attacking individual liberties. The balance of power between the heads of black colleges and the Nixon administration is not the balance that prevailed between Joe McCarthy and his victims. (There is, alas, more similarity between the latter and what many blacks did to my friend Pat Moynihan a few years ago. He was a victim of McCarthyism. But not Nixon. I would hope that despite Mr. Moynihan's wounds he could still recognize the difference.)

It all really does come down to his enormous pity for our poor and enfeebled Presidency! How glad I am that he will now have a chance to observe it from the outside and to amend his thoughts of who is strong and who is weak in our society.

(4) We did not print Vivian Henderson's letter complaining about misquotation because of our certainty that he had not been misquoted and the further judgment that he was trying to attribute error to us so as to ameliorate the morning-after consequences of his remark. (The story, in any case, and even by Henderson's testimony, would not have been altered by the omission of his remark.) He did not press us to print the letter and has told Wooten he didn't care whether we printed it or not.

Here again there lies a larger question for the press that touches on the wider meaning of the essay. We do need to provide more space where readers and persons in the news can extend, explain, and correct views and facts attributed to them in the news columns. Slowly, our profession is moving in that direction. But I fear the judgments made in this case will still have to be made in that new space. And once again we would face the question of relative power—whether the President's claim on such space, considering his opportunities to make known his views *and* propaganda, should be equal to the claims of weaker groups and citizens. I don't think so.

(5) The AP story about Richardson's "disclosure" of $30-million more in aid for black colleges did, finally, get that fact out on page one. I cannot locate the material on which the story was based, but I doubt that Richardson clearly explained that the new money had actually been made available and announced *ten weeks earlier*. The administration was not responding to the Chicago complaints but it *was* responding, as the story said, to the appeals of blacks.

(6) The final story, by Paul Delaney of the *Times'* Washington bureau, reported that the new money did not, after all, do much to meet the needs of the colleges. It does not accuse anyone of perfidy or trickery. It cites a sad misunderstanding about what the new money could achieve. And it reports the black educators still dissatisfied with the amount of help they have been given.

Mr. Moynihan may have a quarrel with their view. He doesn't have much of a quarrel with that story, nor should he have.

What, then, are we really dealing with here? By his own account, a group organized (early?) in 1969 and received at the White House in October 1969, asked for urgent help. A study was commissioned and a preliminary report was delivered to the White House in February 1970. A fuller report was "printed"—though not publicized?—in June, by which time, Cambodia being Cambodia, and Kent and Jackson State being what they were, there had been another meeting between the President and black college presidents and James Cheek, working with Heard, on temporary White House assignment. And it was when *their* reports, so disappointing to the President and others, had to be published in July that there was rushed out an announcement about some more money for the black colleges, which we were late to report but which in the end, or at least so far, hasn't helped them very much. And the *Times*—no, the whole system of journalism—is roasted by Mr. Moynihan for not dealing intelligently with the issue!

Now to the central point, which I take to be Mr. Moynihan's anguish about a reversal in the "old balance of power" between President and press. He thinks the press is well on the way to upsetting that "balance" to the detriment of effective government.

I found it odd, and negligent, that he never even attempted to define either the *old* balance of power or *any* balance that he deems desirable. This makes it a rather difficult thesis to rebut, especially after he gets through conceding the President's "near limitless capacity" to make news, to dominate events of public concern, to reward friends and punish enemies (and not only in the press corps), and to carry off "formidable deceptions." He can, of course, do much more. He can exhort, rally, and inspire. He can ruin and degrade. He can breathe life into American attitudes and, often, institutions. Or he can distort and discard them. And surely at the apex of anyone's list of Presidential powers is the power to make war, nuclear war, ten-year war, undeclared war, unchecked war, unpopular war, holy war, or pointless war. (If some of our histories are correct in suggesting that the Hearst and Pulitzer press were once able to goad or frighten the country and its President into war, then it would seem that there has been, indeed, a most remarkable shift in the balance of power, though hardly in the direction Mr. Moynihan suggests.)

But if I read the story correctly, he is not even talking about the collective, though incoherent, power of the press and the television. He is talking largely about the dangerous power of the New York *Times* and the Washington *Post*. This is flattering, but hardly persuasive. The great majority of black citizens, whose thoughts he wishes to protect from their own leaders and agitators, do not read either of those newspapers. The papers that they read, across the country, would probably score quite well on his special loyalty test. As for television, I will let him decide, after some months in civilian life, whether it favors the champions of the space program or its critics, whether it is dominated by the ethics of our President or those of his critics, whether on balance it proclaims the old American and governmental virtues, or the virtues of what he calls, in Lionel Trilling's phrase, the "adversary culture."

But all right. It is the *Eastern* press that is threatening us. How?

Point one is that our muckraking tradition has fallen into the hands of a new breed of reporter of middle- and upper-class background, Ivy League, elitist. In Washington, this group constitutes a *social* elite, "with all the accoutrements one associates with a leisured class." We are not leisured, he quickly notes, but our "style is that of men and women who *choose* to work." And the political consequence of this social status is that "the press grows more and more influenced by attitudes genuinely hostile to American society and American government." And the evidence for this is that we have been brainwashed by the "moral absolutism" of George Wald!

Others have taken this absurd standard of pedigree and tallied the preponderance of non-Ivy degrees in the upper reaches of the Washington press corps. Still others, indeed, have noted with a little more relevance that the upper reaches are, in fact, dominated by the "silent generation" that was allegedly cowed into docility in the era of Eisenhower and Joe McCarthy. As for the "charges" of social elitism and our "style of leisure"—these really would have been better expressed if he had simply repeated, "effete snobs."

But how very odd that, in a paragraph devoted to the debunking of moral absolutism—in which Mr. Moynihan complains that people call the Vietnam war shameful instead of tragic, heartbreaking, or misconceived—he would dare to characterize the attitudes of reporters in the press not as wrong, or tragic, or misconceived, but as "hostile to American society and American government." Wow! Let's make it effete and *un-American* snobs.

We are, of course, guilty of having switched, over the last generation, to a more educated corps of reporters, if only to keep up with the credentials and footwork of the holders of public office (and our new critics). The fact is that we are not nearly smart enough yet to cope with the scientific, technological, pseudo-sociological expertise that is peddled to the public by both the government and its critics. And it is a further fact, and perhaps one of the most enduring attractions of our business, that any bright lad of proletarian or other origin can rid himself of the social and hierarchical pressures of our society to participate, as a journalist, in the political process of our country.

(I found it quaint, by the way, that the witnesses summoned against our new elitists were of such clearly non-Eastern and proletarian pedigree as Roger Starr, Lionel Trilling, Thomas E. Cronin, James Q. Wilson, Seymour Martin Lipset, Nathan Glazer, Irving Kristol. Shouldn't we all start printing our colleges beside our names, to facilitate such analysis?)

It is also true, and more relevant to the essay's point, that there are among some of the newest recruits to our business young men and women who are impatient with the "objective" or, more accurately, "neutral" standards of journalism to which their elders aspired. Some of them share Mr. Moynihan's sense of that standard's inadequacy and wish to adjust it. A few of them are impatient with any standard that would prevent them from placing their own views before the public. It is an important subject and an interesting debate that news writers have conducted periodically over the decades. More of this in sequence.

Point two suggests that along with hostility toward the Presidency we purvey an absurdly inflated picture of the President's importance and ability to influence events, thus setting a tone of pervasive dissatisfaction with the performance of government, under any President. The *Times* and the *Post* are particularly guilty here, it is argued, because Mr. Moynihan agrees with my contention that a newspaper is as much influenced by those who read it as vice versa.

This is apples and oranges.

We Americans do have an exaggerated expectation of our Presidents and only a handful of them ever fulfill their own promise and boast, even in hindsight. Such is the power and aura of this office that a politician, no matter how poorly regarded over the years, how often suspected and vilified and run down, can assume the office and earn at once not just what you call a "honeymoon" period of grace but a new reputation for nobility and intelligence. And when he begins in lofty manner, promising to heal some of the nation's wounds and to lower his voice, he is made to feel welcome and given the chance to appear as he wishes to appear before his countrymen. The press reflects these expectations of the public and records the efforts of our Presidents and Presidential candidates to nurture them. This faith is either an element of Presidential power, to be cherished and applied with skill by those who can, or it is a terrible burden, as Mr. Moynihan would have it.

If it is a burden, then only a President who insists from the start that he does *not* know everything, cannot change too much, and will aspire only to a modest program of action can correct the nation's view. How about a President who will work for a *year* of peace at a time, instead of a *generation?* Or one who begins by saying that a new Attorney General will *not* solve much of our crime problem? Or one who tells us how many loafers there really are on welfare and how much more sophisticated he has become once in office, about the "welfare mess"?

We do try to match promise against performance and cumulatively we manage, I think, to draw a pretty good portrait of the strengths and weaknesses of the Presidency and any particular occupant thereof. But those who find the underlying truths obscured, must begin by noting not the power for occasional deception in the White House but the *habit* of *regular* deception in our politics and administration.

By and large, it is the President and the federal government who establish the agenda of public discussion and they must choose whether their purpose shall be uplifting and educational or merely manipulative. It is the damnable tendency toward manipulation that forces us so often into the posture of apparent adversaries.

We have indeed progressively lost our naiveté about the truthfulness of Presidents and government, starting with the U-2 affair a decade ago. A. J. Liebling found the awakening after U-2 to be the "beginning of wisdom" in the country and in the press. We lost the habit of reporting as fact what was only a contention or claim of our highest officials. And there is nothing in the record of the current administration, ten years later, to break us of the new habit of treating virtually every official utterance as a carefully contrived rendering that needs to be examined for the missing word or phrase, the sly use of statistics, the slippery syntax or semantics. Planes fly to "interdict supplies" but not in support of combat infantry, until such support becomes an "ancillary" benefit and until, finally, it becomes exposed as the *real* purpose of the flights. Troops do not engage in "ground combat" as long as they hover *two feet above the ground* in helicopters. Estimates of the gross national product turn out, within weeks, to be only targets.

If this shift from simple credulity to informed skepticism is the change of balance Mr. Moynihan deplores, then I plead guilty.

He will have to take it on faith that we practice this skepticism not in the spirit of persecution or prosecution, but from a sense of wishing to serve our readers with reports of what is really going on. I will not deny that, once discovered, governmental trickery in and of itself often becomes more "newsworthy" than the report itself. But a President or government dedicated to truth-telling and eager to inform the public could very rapidly turn the wolves of the press into lambs.

My contention that readers shape a newspaper as much as it shapes them bears on this, but only indirectly.

Our skepticism *does* reflect that of our readers and it is mutually reinforcing. As George Reedy so wisely reflected in thinking back on his tour as President Johnson's press secretary, "The reality is that a President has no press problems (except for a few minor administrative technicalities), but he does have political problems, all of which are reflected in their most acute form by the press."

A few more excerpts from Reedy's *The Twilight of the Presidency:*

"There is a deep-seated human tendency to confuse unhappy news with unhappy events and to assume that if the news can be altered, so can the events.

"In reality, the problem of a President in dealing with the press is precisely the same as his problem in dealing with the public at large. But no President can find it within his ego to concede that he has failed in any degree with the public. It is far more satisfying to blame his failures on the press because his problems then can be attributed to a conspiracy. He can blame the "Eastern press," the "Republican press," or the "liberal press." He then does not stand indicted within his own consciousness (the most terrible court of all) as having failed."

We reflect, or refract, but we do not simply create skepticism or dissatisfaction.

But I was speaking in a still larger sense. What is it, I asked, that makes newspapers accept some value judgments and not others? Why do we write in a different spirit about one kind of crime, say simple murder, than we do about another, say civil disobedience? Why do Northern and Western newspapers write, unquestionably, from the point of view of those who regard official segregation as not only illegal but also wrong, while some Southern newspapers give the racist equal standing in the court of opinion?

This is how I came to my answer that we are mutually influenced by the attitudes and values of our communities. The newspaper that is candidly written from the viewpoint of the home folks finds nothing wrong in sports coverage that is candidly partisan for the home team. But when the teams in contention are from the same community, the coverage suddenly turns "neutral." Why? Because the community is divided. We covered World War II from the partisan viewpoint of the Allies. Not so, by and large, the war in Vietnam. We did not, on a large scale, question or ignite debate on the crossing of the 38th Parallel in Korea in 1950, but we did examine and feed controversy on the bombing across the 17th Parallel in Vietnam. Not because we alone decided that one war was more clearly just than another, or one frontier more inviolate than another, but because the communities to which we reported were divided on the issue of Vietnam in sufficient degree to alter our perspective.

If I am right, then the interconnection is quite different from the one Mr. Moynihan suggests. A President does not enhance his power to govern by converting a few reporters or selling them on his point of view. He will more likely gain the trust—if not always the active support—of the press by gaining the trust and confidence of the community.

Point three is that we are "fairly continuously" involved in the receipt of information passed to us by disloyal bureaucrats. Mr. Moynihan terms this as something "less than honorable" on our part, though he implies that receiving special information from bureaucrats who are "loyal" is okay. He says no one knows much about the process of "leaking" and that it has not been "studied."

Well, I know a great deal about it. The first thing that needs to be said is that the *deliberate* disclosure of information for the purpose of injuring the President is relatively rare. But what is rarer still is that such information finds its way into print without "the other side," whatever that may be in our judgment, being questioned about the matter and given a chance to discuss the deeper issues and even the motives of those who may have done the leaking. The great majority of deliberate "leaks" are not secret documents and papers, but guarded suggestions that a reporter look into a matter that he might otherwise neglect. More often than not, he is not even told what he will find.

And the absolute majority of unwanted "leaks" are not deliberate at all. They result from a diligent study of public papers and diligent inquiry among dozens of officials, with reporters carefully playing one set of clues against another, until they find a part of what they seek. Most of these officials make themselves available not because they wish to abet the effort but because over time they have found their accessibility to be desirable for loyal purposes. It is true that in this process, when reporters have some interesting facts, but by no means all the facts, and find themselves shut out by government, they will then publish what they know for the purpose of lighting a fire that will smoke out a good deal more. For even when a first, unwanted story is incomplete or superficial, if it touches on an important subject, it will almost always arouse the attention and curiosity of other reporters who will, together, move it much closer to the essence of the tale.

Yet even if deliberate "leaking" were as harmful as Mr. Moynihan suggests, is it his contention that the press should ignore such information and pretend it was never received? That would be an interesting discussion indeed.

Point four deals with the "rub" that he finds adhering to our concept of objectivity. It comes, he observes, "when a decision has to be made as to whether an event really is news, or simply a happening, a non-event staged for the purpose of getting into the papers or onto the screen." (I note that television has been allowed back into the defendant's box.)

It is not the experience with Joe McCarthy that should be used to instruct us on this point. We were deficient in treating him—in part because we reflected and responded to the deficiency and gullibility of our communities—but as long as men who remember that experience are alive, we will probably apply the lessons learned.

The difficulty comes in the way in which Mr. Moynihan states the problem: "*simply* a happening, a non-event staged for the purpose of getting into the papers." A quarter of a million persons marching on the White House? A series of "teach-ins"? An agitator yelling "burn"? A Vice President attacking the papers (and the screen)? Lee Harvey Oswald? The quest for recognition, to be heard, to be noticed, to be heeded—it often takes the form of a happening staged for the purpose of getting into the papers, but it is rarely "*simply*" that in either motivation or consequence.

The problem for thoughtful journalism is that we can never be sure about motivation and we certainly cannot know consequence. And in some small measure, at least, we know that we contribute to consequence. These are horrendous problems and we lose sleep over them, but they are not solved by the automatic assumption in our editorial suites of the absolute power to decide that Moynihan deserves to be heard, and another man does not. And has he thought about the agitator who *may* be encouraged in his extremism because he finds it to be "newsworthy"? What would he do to project his cause and gain attention for himself if he were shut out of the news? Burn, perhaps, instead of only shouting "burn"?

Point five raises the "absence of a professional tradition of self-correction." In one sense, of course, we correct ourselves every morning, a requirement and an opportunity that most other institutions, including the Presidency, lack.

Mr. Moynihan's evidence does not make this point very well, but there is need, in another sense, for more correction or expansion and amendment of what we report. Persons who figure in our news coverage do occasionally need more space to explain their points of view or involvement in affairs than is provided in existing columns for guest-writers and Letters to the Editor. And clearly the need is greater in some papers than others. But as I suggested earlier, such opportunity for correction is rarely denied to the White House men of power—or presumed power—are able to make their views known, almost by definition. It is ordinary citizens, sometimes, of late, including the editors of the Eastern press, who require an outlet.

If our Presidents are seriously concerned about "protracted conflict" with a large enough segment of our population and genuinely believe, with Mr. Moynihan, that they are steadily losing that conflict, they had better look well beyond the bearers of the bad news and certainly well beyond the morning paper. They might even look in a mirror.

Max Frankel,
The New York Times.

Washington, D.C.

MR. PETE BARKER—THE ICEMAN STILL COMETH

HON. ROMANO L. MAZZOLI

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Friday, July 16, 1971

Mr. MAZZOLI. Mr. Speaker, not all of the changes that come under the heading of "progress" are necessarily improvements. Sometimes we miss some of the institutions of the old days that disappear with passing time—like the iceman.

Mr. Speaker, I am proud to say that in my home city of Louisville, there is still an iceman. Mr. Jess D. Barker, whose friends call him Pete, still makes his rounds in his truck as an independent iceman, as he has since 1939. "Long as people want to buy ice," he says, "I'm ready to give it to 'em."

Eugene O'Neill wrote a play a few years back entitled "The Iceman Cometh." In Louisville, at least between Oak and Main and Jackson and Seventh Streets, the iceman still cometh.

Mr. Speaker, I would like to insert in the Record at this point an article by Bill Holstein of the Louisville Times, entitled, appropriately, "Still Chipping Away."

The article follows:

[From the Louisville Times, July 7, 1971]

Ranks of the Iceman Are Melting, but Here's One—"Still Chipping Away"

(By Bill Holstein)

The iceman, who used to deliver ice to nearly every home and business before the advent of refrigeration, is a passing phenomenon. There are only a handful of independent icemen left in Louisville.

Jess D. (Pete) Barker, a wiry 55-year-old bachelor, is one of them.

He has been delivering ice most of his life and has been an independent iceman since 1939 except for a six-year stint in military service.

Barker, an emphatic, talkative man, covers his territory between Oak and Main streets and between Jackson and Seventh streets with hustle and amiability.

"Hey buddy, how are ya?" he often greets customers.

"I'm hot," one replies.

"Yeah," Barker says, "but it makes good business."

The pre-World War II days were the heyday of the independent delivery iceman, he says. Since then, the ice companies have emphasized delivering prepackaged bags of cubed or crushed ice with refrigerated trucks to vending machines—not homes or businesses.

Barker delivers ice in quantities ranging from 25 pounds to more than 300 pounds to his customers—corner grocery stores, restaurants, bar and grills, the haymarket, factories, construction jobs, florists and even a few homes.

STARTS AT 7:30 A.M.

His day starts about 7:30 a.m. at the Grocer's Ice & Cold Storage Co. at 609 E. Main, where he loads his open pickup truck with five 300-pound blocks of ice. The ice begins to melt soon after he puts it on the truck with the water trickling off. Later in the day, he comes back to pick up a bigger load of both cubed and block ice.

When he makes a stop, Barker jumps into the back of the truck with an ice pick and ice hooks. With the sharp point of his ice hook, he marks off a 50-pound section of the block and with deft jabs of his ice pick separates the two pieces.

Barker, 5-foot-8 and 125 pounds, drapes a canvas over his shoulder and lugs it through the side or back entrances of the businesses he serves. He hustles past signs that read, "Employes only—all others please keep out."

"I do damn near what I please in these places, don't I?," he quipped.

Barker stops at factories where the heat inside makes them 15 or 20 degrees warmer than the 90-degree weather outside. He packs 25 or 30 pounds of ice around the coils of the water coolers, insisting that the ice-cooled water stays colder longer than the water in the electrically-cooled fountains.

SEES HIS ICE USED

He sees the behind-the-scene activity of the businesses he serves. He sees the waitresses put his cubed ice in the water glasses for customers. He sees the florist use the ice to keep rosebuds from blooming too soon.

"But it's like anything else. You do anything every day and it's just routine. That's all," he said.

The area that Barker serves has changed. Where mostly apartment buildings, homes and small factories once stood, high-rise buildings and expressways have changed the landscape considerably.

"Now, of course, they all have refrigerators—the houses that are still standing, that is," he said.

But ice is still being bought in quantity. Barker sold about 3,400 pounds of ice one day last week even though business was slightly off for this time of year considering the 90-degree weather.

Even though the haymarket is one business area that's declined in recent years, that's the stop where Barker says he does the most business.

Barker chipped ice with his pick and spread it over corn that was stacked in burlap bags waiting to be sold, to keep the kernels soft and fresh. The rest of the ice was put in coolers to chill watermelons—and a bottle of raisin jack wine.

LOOKS AT THE FUTURE

He talked about the future of the ice business.

"Let's put it this way, buddy. As long as I can make a decent living out of it and don't have no doggone boss or anything, I'm satisfied," he says.

And, too, he's not about to quit.

"Long as people want to buy ice, I'm ready to give it to 'em," he says.

But his customers back him up. They can call him at the ice factory in the afternoon if they need ice. Even the customers who have ice machines say they need the quick, dependable service that Barker provides.

"Whenever my ice machine breaks down, I always call him because I know I can get service just like that," I. H. Moore, food service director at Medicenter, said, snapping his fingers.

Moore's ice machine had overheated in the warm weather and had broken down. He called Barker.

"Aren't many places in town you can get service like that."

FEDERAL FINANCES AND PROPOSALS FOR REVENUE SHARING

HON. HARRY F. BYRD, JR.

OF VIRGINIA

IN THE SENATE OF THE UNITED STATES

Friday, July 16, 1971

Mr. BYRD of Virginia. Mr. President, the June 29 edition of the Tulsa, Okla., World included an excellent editorial on the subject of Federal finances and the proposals for revenue sharing.

The editorial cites my recent comment that there is a major unanswered question in connection with revenue sharing; namely, where is the revenue to come from?

For the 2 fiscal years 1971 and 1972, the total deficit in Federal funds will be—by the administration's own admission—in excess of $55 billion. Both the Federal funds deficit for 1972 and the total deficit for the 2-year period are at an all-time high since World War II.

In this situation, I do not see where the revenue for sharing with the States and localities is going to come from.

I ask unanimous consent that the text of the editorial, "What 'Revenue' Sharing?" be printed in the Extensions of Remarks. The editor of the Tulsa World is Jenkin Lloyd Jones.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

WHAT "REVENUE" SHARING?

Is the volume of pro-and-con rhetoric over the revenue-sharing proposals before Congress so much wasted effort?

As a matter of fact, will there be any revenue to share?

This last question has been raised by Sen. HARRY BYRD, D-Va., a supporter of the programs. He says: "Amid all the talks of revenue sharing, I would like to have someone answer the very pertinent and crucial question of where the revenue is to come from. The plain and grim fact is the Federal government does not have any revenue to share. It is greatly in debt. It is in the hole by $25 billion in this fiscal year, and headed for an estimated $25 billion deficit in the coming fiscal year.

"And, on top of that, the government has a national debt approaching $400 billion. On that debt alone, the American taxpayers are paying interest at the rate of $21 billion a year. It is also very relevant to point out that from May 1970 to May 1971, a one-year period, the national debt increased by $25 billion."

The $21 billion in annual interest on the national debt is approximately one-tenth of the budget. Actually, this item is a giant debt within an astronomic debt.

REPRESENTATIVE CHARLOTTE REID IS A GOOD CHOICE FOR THE FCC

HON. HAROLD R. COLLIER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 15, 1971

Mr. COLLIER. Mr. Speaker, 2 weeks ago, President Nixon named our colleague, Representative CHARLOTTE REID for a 7-year term with the FCC.

Although my fellow colleagues of the Illinois delegation and I are sad to lose our most glamorous Member, we are sure that her appointment will be a valuable addition to the Federal Communications Commission.

Since first coming to Congress in 1962, the gentlewoman from Illinois has proven herself to be a first-rate legislator and a untiring Representative for the residents of Illinois' 15th District. I am confident that she will carry enthusiasm and know-how to her difficult new assignment.

With permission, I would like to enter the following radio editorial into the RECORD, WBBM Newsradio—Broadcast July 10, 1971:

WBBM NEWSRADIO BROADCAST

President Nixon's choice of Congresswoman Charlotte Reid of Illinois to serve on the Federal Communications Commission seems to us to be a good selection. Mrs. Reid has served in Congress since 1963, representing the 15th District. She is now in her 5th term and has done a good job.

We think Mrs. Reid is a good choice because in 1965 she helped to lead a fight to open all government records to the public except those which deal with national security. And Mrs. Reid suggested that the security label be limited rather sharply.

Mrs. Reid has said for the record that she holds no preconceived stand on the broadcast media. Her mind is open. That is a good sign, because all too often people are appointed to the Federal Communications Commission with their minds already made up on controversial issues. In particular, Mrs. Reid is ready to hear both sides of the dispute between CBS and Congress.

The fact that Mrs. Reid hasn't made up her mind one way or the other on controversial broadcast issues is to be welcomed. It means she is ready to try and determine the truth in those matters.

WBBM supports the nomination of Mrs. Reid to the Federal Communications Commission. We believe her appointment would be a good thing. We hope that the Senate will act soon to confirm her appointment.

THE AMERICAN'S CREED

HON. JOHN BUCHANAN

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 15, 1971

Mr. BUCHANAN. Mr. Speaker, since we have recently celebrated America's July 4 Independence Day with appropriate patriotic observances throughout the Nation, I think it fitting at this time to discuss what I consider to be one of the most significant contributions to America's patriotic heritage—"The American's Creed."

"The American's Creed" was written in 1917 by William Tyler Page as a contest entry. It was the winning entry of a widely advertised countrywide contest designed to promote the writing of a national creed which would briefly summarize American political faith and also embrace the fundamental things most distinctive in American history and tradition.

"The American's Creed" condenses into 100 words the concepts which have made America great and for which America stands. It is a concise and meaningful summary of the basic principle of American political faith as set forth in its most important historical documents, its worthiest traditions, and by its most respected national leaders. To me and to countless others who have received joy and inspiration through the mere reading of "The American's Creed," it truly condenses the substance of what being an American citizen really is.

Because, in my judgment, "The American's Creed" can never be repeated too often, I would like to share it with my colleagues in the House at this point and before proceeding further:

> I believe in the United States of America as a Government of the people, by the people, for the people; whose just powers are derived from the consent of the governed; a democracy in a republic; a sovereign Nation of many sovereign States; a perfect union, one and inseparable; established upon those principles of freedom, equality, justice, and humanity for which American patriots sacrificed their lives and fortunes.
>
> I therefore believe it is my duty to my country to love it; to support its Constitution; to obey its laws; to respect its flag, and to defend it against all enemies.

Those of us in the U.S. House of Representatives can take particular pride in the fact that "The American's Creed" was written by a man who devoted 61 years of distinguished public service to the House of Representatives. William Tyler Page began his career with the House of Representatives in 1881 as a congressional page. After serving 5½ years as a page he became assistant file clerk in 1887. From that position he advanced to the positions of bill clerk in 1892, clerk of accounts in 1899, and pair clerk in 1913. In 1919 he began 13 years of service as the Clerk of the House.

During his 61-year career in the House of Representatives, William Tyler Page worked under 11 Presidents and 15 Speakers of the House. He earned the sincere respect of those he served and in the words of one of his biographers, Myrtle Cheney Murdock, "he became almost a legend of ability, courtesy, loyalty, and intellect among the Members of Congress."

Since 1917 William Tyler Page's Creed has instilled an historic perspective and love for country in countless American citizens. This has been accomplished largely through the commendable efforts of a number of patriotic organizations which have officially adopted "The American's Creed," recited it as part of their exercises, and worked toward its wide dissemination. Among these organizations, the Daughters of the American Revolution has officially designated the 3d day of April in each year to be known and observed as "American's Creed Day" among its chapters throughout the country.

One group which deserves particular recognition for its efforts in championing and furthering "The American's Creed" is the Veterans of World War I of the United States of America. The members of this fine organization, who bravely fought for their country so many years ago, give continuing evidence of their patriotism.

Through the World War I Veterans' American Creed program, copies of "The American's Creed" and its history have been made available to countless educational, civic, and other organizations throughout the country. As a Representative in the Congress from Alabama I would like to call particular attention to the fine efforts in this program of another Alabamian, Col. Henry C. Wood. Colonel Wood, of Birmingham, Ala., is chairman of the World War I Veterans' Americanism and Defense Committee and has devoted particular time and attention to the organization's American Creed program.

Colonel Wood was also involved in a further effort to focus the attention of more citizens on "The American's Creed." This particular effort involved the introduction in the State of Alabama House of Representatives of a resolution formally requesting "the President and the Congress of the United States of America to declare an American Creed Week, during which all citizens may be encouraged to examine, study, and abide by the tenets of the American Creed."

The above resolution was sponsored in the Alabama House by Representatives Raymond Weeks, Quinton R. Bowers, and Richard S. Manley. Through the commendable efforts of these three legislators, the resolution was adopted by the Alabama Legislature on April 27, 1971.

The Alabama resolution was brought to my attention by Colonel Wood in May of this year. Sharing his conviction, and that of the Alabama Legislature, regarding the meaningfulness and desirability of an American Creed Week, I was happy to follow through on May 26 with the introduction of appropriate legislation (H.J. Res. 667) in the U.S. House of Representatives.

This resolution authorizes the President to designate the first week in July of each year as "American Creed Week," and to urge all Americans to observe this week with appropriate ceremonies and activities.

I commend House Joint Resolution 667 to the attention of my colleagues in the House of Representatives and strongly urge its adoption.